

HOUSE BILL No. 5438

February 28, 2012, Introduced by Reps. Huuki, Franz, McBroom, Foster, Bumstead, Johnson, MacMaster, Lyons, McMillin, Glardon, Rendon and Haugh and referred to the Committee on Natural Resources, Tourism, and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11506 (MCL 324.11506), as amended by 2010 PA
345.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,
2 incinerator ash, incinerator residue, street cleanings, municipal
3 and industrial sludges, solid commercial and solid industrial
4 waste, and animal waste other than organic waste generated in the
5 production of livestock and poultry. However, solid waste does not
6 include the following:

7 (a) Human body waste.

8 (b) Medical waste.

9 (c) Organic waste generated in the production of livestock and
10 poultry.

1 (d) Liquid waste.

2 (e) Ferrous or nonferrous scrap directed to a scrap metal
3 processor or to a reuser of ferrous or nonferrous products.

4 (f) Slag or slag products directed to a slag processor or to a
5 reuser of slag or slag products.

6 (G) PAPER MILL WASTE TREATMENT SLUDGE THAT IS STORED AND
7 APPLIED TO LAND IN A MANNER THAT DOES NOT VIOLATE PART 31 OR 55 OR
8 CREATE A NUISANCE, IF THE LAND APPLICATION IS FOR AN AGRICULTURAL
9 OR SILVICULTURAL PURPOSE AND AT AN AGRONOMIC RATE OR AT A RATE THAT
10 IS BENEFICIAL TO CROP OR FOREST PRODUCTION OR THAT IMPROVES SOIL
11 QUALITY. THE PAPER MILL RELYING ON THIS EXCLUSION SHALL PREPARE AND
12 MAINTAIN FOR 5 YEARS RECORDS IDENTIFYING THE SITE OR SITES OF
13 STORAGE AND APPLICATION, THE OWNER OF THE EACH SITE, AND THE VOLUME
14 APPLIED AT THE SITE OF APPLICATION AND SHALL MAKE THE RECORDS
15 AVAILABLE TO THE DEPARTMENT UPON REQUEST.

16 (H) ~~(g)~~ Sludges and ashes managed as recycled or
17 nondetrimental materials appropriate for agricultural or
18 silvicultural use pursuant to a plan approved by the department.
19 Food processing residuals, precipitated calcium carbonate from
20 sugar beet processing, wood ashes resulting solely from a source
21 that burns only wood that is untreated and inert, lime from kraft
22 pulping processes generated prior to bleaching, or aquatic plants
23 may be applied on, or composted and applied on, farmland or
24 forestland for an agricultural or silvicultural purpose, or used as
25 animal feed, as appropriate, and such an application or use does
26 not require a plan described in this subdivision or a permit or
27 license under this part. In addition, source separated materials

approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subdivision or permit or license under this part. Land application authorized under this subdivision for an agricultural or silvicultural purpose, or use as animal feed as provided for in this subdivision shall be performed in a manner that prevents losses from runoff and leaching. Land application under this subdivision shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(I) ~~(h)~~ Materials approved for emergency disposal by the department.

(J) ~~(i)~~ Source separated materials.

(K) ~~(j)~~ Site separated material.

(L) ~~(k)~~ Fly ash or any other ash produced from the combustion of coal, when used in **UNDER ANY OF** the following instances: **CIRCUMSTANCES:**

(i) ~~With a maximum of 6% of unburned carbon, if used as AS~~ a component of concrete, grout, mortar, or casting molds, **IF THE FLY ASH HAS NOT MORE THAN 6% UNBURNED CARBON.**

(ii) ~~With a maximum of 12% unburned carbon passing M.D.O.T. test method MTM 101, if used as AS~~ a raw material in asphalt for road construction, **IF THE FLY ASH HAS NOT MORE THAN 12% UNBURNED CARBON AND PASSES MICHIGAN TEST METHOD FOR WATER ASPHALT PREFERENTIAL TEST, MTM 101, AS SET FORTH IN THE STATE**

1 **TRANSPORTATION DEPARTMENT'S MANUAL FOR THE MICHIGAN TEST METHODS**
2 **(MTM'S) .**

3 (iii) As aggregate, road, or building material that in ultimate
4 use will be stabilized or bonded by cement, limes, or asphalt.

5 (iv) As a road base or construction fill that is covered with
6 asphalt, concrete, or other material approved by the department and
7 that is placed at least 4 feet above the seasonal groundwater
8 table.

9 (v) As the sole material in a depository designed to reclaim,
10 develop, or otherwise enhance land, subject to the approval of the
11 department. In evaluating the site, the department shall consider
12 the physical and chemical properties of the ash, including, but not
13 limited to, leachability, and the engineering of the depository,
14 including, but not limited to, the compaction, control of surface
15 water and groundwater that may threaten to infiltrate the site, and
16 evidence that the depository is designed to prevent water
17 percolation through the material.

18 **(M)** ~~(H)~~ Other wastes regulated by statute.

19 (2) "Solid waste hauler" means a person who owns or operates a
20 solid waste transporting unit.

21 (3) "Solid waste processing plant" means a tract of land,
22 building, unit, or appurtenance of a building or unit or a
23 combination of land, buildings, and units that is used or intended
24 for use for the processing of solid waste or the separation of
25 material for salvage or disposal, or both, but does not include a
26 plant engaged primarily in the acquisition, processing, and
27 shipment of ferrous or nonferrous metal scrap, or a plant engaged

1 primarily in the acquisition, processing, and shipment of slag or
2 slag products.

3 (4) "Solid waste transporting unit" means a container, which
4 may be an integral part of a truck or other piece of equipment,
5 used for the transportation of solid waste.

6 (5) "Solid waste transfer facility" means a tract of land, a
7 building and any appurtenances, or a container, or any combination
8 of land, buildings, or containers that is used or intended for use
9 in the rehandling or storage of solid waste incidental to the
10 transportation of the solid waste, but is not located at the site
11 of generation or the site of disposal of the solid waste.

12 (6) "Source separated material" means glass, metal, wood,
13 paper products, plastics, rubber, textiles, garbage, or any other
14 material approved by the department that is separated at the source
15 of generation for the purpose of conversion into raw materials or
16 new products including, but not limited to, compost.

17 (7) "Type I public water supply", "type IIa public water
18 supply", "type IIb public water supply", and "type III public water
19 supply" mean those terms, respectively, as described in R 325.10502
20 of the Michigan administrative code.

21 (8) "Yard clippings" means leaves, grass clippings, vegetable
22 or other garden debris, shrubbery, or brush or tree trimmings, less
23 than 4 feet in length and 2 inches in diameter, that can be
24 converted to compost humus. Yard clippings ~~do~~**DOES** not include
25 stumps, agricultural wastes, animal waste, roots, sewage sludge, or
26 garbage.