

HOUSE BILL No. 5363

February 7, 2012, Introduced by Reps. Brunner, Daley, Smiley, Kurtz, Rendon, Outman, McBroom, LaFontaine, Johnson, Denby, Ananich, Talabi, Segal, Hovey-Wright, Dillon, Cotter, Haugh, Lane, Geiss, Roy Schmidt, Franz, Hammel, Goike, Muxlow, Kowall, Damrow, Horn, Rogers, Jenkins, Opsommer, Lyons, O'Brien, Price and Oakes and referred to the Committee on Agriculture.

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) Sludges and ashes managed as recycled or nondetrimental
7 materials appropriate for agricultural or silvicultural use
8 pursuant to a plan approved by the department. Food processing
9 residuals, precipitated calcium carbonate from sugar beet
10 processing, wood ashes resulting solely from a source that burns
11 only wood that is untreated and inert, lime from kraft pulping
12 processes generated prior to bleaching, or aquatic plants may be
13 applied on, or composted and applied on, farmland or forestland for
14 an agricultural or silvicultural purpose, or used as animal feed,
15 as appropriate, and such an application or use does not require a
16 plan described in this subdivision or a permit or license under
17 this part. In addition, source separated materials approved by the
18 department for land application for agricultural and silvicultural
19 purposes and compost produced from those materials may be applied
20 to the land for agricultural and silvicultural purposes and such an
21 application does not require a plan described in this subdivision
22 or permit or license under this part. Land application authorized
23 under this subdivision for an agricultural or silvicultural
24 purpose, or use as animal feed as provided for in this subdivision
25 shall be performed in a manner that prevents losses from runoff and
26 leaching. Land application under this subdivision shall be at an
27 agronomic rate consistent with generally accepted agricultural and

1 management practices under the Michigan right to farm act, 1981 PA
2 93, MCL 286.471 to 286.474.

3 (h) Materials approved for emergency disposal by the
4 department.

5 (i) Source separated materials.

6 (j) Site separated material.

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

9 ~~instances.~~ **CIRCUMSTANCES:**

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

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

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

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

26 (v) As the sole material in a depository designed to reclaim,
27 develop, or otherwise enhance land, subject to the approval of the

1 department. In evaluating the site, the department shall consider
2 the physical and chemical properties of the ash, including, but not
3 limited to, leachability, and the engineering of the depository,
4 including, but not limited to, the compaction, control of surface
5 water and groundwater that may threaten to infiltrate the site, and
6 evidence that the depository is designed to prevent water
7 percolation through the material.

8 (I) **SOIL WASHED OR OTHERWISE REMOVED FROM SUGAR BEETS.**

9 (M) Other wastes regulated by statute.

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

12 (3) "Solid waste processing plant" means a tract of land,
13 building, unit, or appurtenance of a building or unit or a
14 combination of land, buildings, and units that is used or intended
15 for use for the processing of solid waste or the separation of
16 material for salvage or disposal, or both, but does not include a
17 plant engaged primarily in the acquisition, processing, and
18 shipment of ferrous or nonferrous metal scrap, or a plant engaged
19 primarily in the acquisition, processing, and shipment of slag or
20 slag products.

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

24 (5) "Solid waste transfer facility" means a tract of land, a
25 building and any appurtenances, or a container, or any combination
26 of land, buildings, or containers that is used or intended for use
27 in the rehandling or storage of solid waste incidental to the

1 transportation of the solid waste, but is not located at the site
2 of generation or the site of disposal of the solid waste.

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

8 (7) "Type I public water supply", "type IIa public water
9 supply", "type IIb public water supply", and "type III public water
10 supply" mean those terms, respectively, as described in R 325.10502
11 of the Michigan administrative code.

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