

Legislative Analysis



COLLECTION AND STORAGE OF DIVERTED WASTE

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House Bill 5005 (Reported from committee as Substitute H-3)

Sponsor: Rep. Andrea LaFontaine

Committee: Natural Resources

First Analysis (11-7-13)

BRIEF SUMMARY: The bill would establish new guidelines for the collection and storage of diverted waste through waste diversion centers. Currently, collection sites for unused prescription drugs and household hazardous waste are generally operating in violation of solid waste disposal regulations. However, the Department of Environmental Quality (DEQ) has not taken enforcement action against the collections because of the positive service being provided to the community. The bill would exempt these facilities from solid waste regulations and establish new guidelines for diverted waste collection and storage.

Diverted waste is waste generated by households, businesses, or governmental entities that can lawfully be disposed of at a licensed sanitary landfill or municipal solid waste incinerator and be separated from other waste, and includes hazardous or liquid waste; pharmaceuticals; electronics; batteries; light bulbs; pesticides; thermostats, thermometers and other devices containing mercury; and sharps.

FISCAL IMPACT: House Bill 5005 would have no significant fiscal impact on the Department of Environmental Quality.

THE APPARENT PROBLEM:

Currently, Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act regulates sites that collect diverted waste prior to disposal as solid waste transfer facilities. As a result, these sites have to be authorized in county solid waste management plans and may require permits and licenses to operate. Local waste collection events (including those for hazardous waste and unused medications) are likely to be in violation of state law because the sites are not generally recognized as transfer facilities in the county plan and wastes are not disposed of in authorized facilities.

To date, the DEQ has not taken enforcement actions against these sites because of the positive service being provided to the community. However, some companies have opted to use costly out-of-state disposal methods in order to remain in compliance with the law. By establishing new guidelines for diversion centers, the bill would minimize risks associated with collection activities while eliminating the county plan requirements that are generally more appropriate for landfill waste.

THE CONTENT OF THE BILL:

The bill would establish new requirements for waste diversion center operators, including:

- At least 90% (by volume) of the material collected at the center must be diverted waste to be managed at the diversion center.
- The diversion center must be operated by personnel knowledgeable about safe management practices for the types of waste accepted at the diversion center.
- Diverted waste must be managed in a way that prevents a release to the environment.
- The operator cannot store diverted waste at the diversion center overnight except in a secure, contained facility.
- The diversion center must transport the waste to a diversion center, recycling center, or disposal facility that is in compliance with the act for processing, recycling, or disposal within one year of collection.
- Operators could not process diverted waste except as necessary for safe and efficient transportation.
- Operators must record the types and quantities of diverted wastes collected, the period of storage, and where the waste was transferred, processed, recycled, or disposed of. Records must be maintained for three years and must be made available to the DEQ upon request.
- Access to the center would be limited to a time when a responsible person is on duty.
- The area where the diverted waste is accumulated must be protected from weather, fire, physical damage, and vandals.
- The diversion center must be kept clean and free of litter.

Additionally, a waste diversion center operator would be able to reject any diverted waste.

"Diverted waste" would mean waste that is generated by households, businesses, or governmental entities that can lawfully be disposed of at a licensed sanitary landfill or municipal solid waste incinerator, be separated from other waste, and be at least one of the following: hazardous or liquid waste; pharmaceuticals; electronics; batteries; light bulbs; pesticides; thermostats, thermometers, or other devices containing mercury; *sharps*; or other wastes that are approved by the DEQ that can be readily separated from solid waste.

"Waste diversion centers" would be excluded from the definition of disposal areas and would mean property or a building, or a portion of property or a building, designated for the purpose of receiving or collecting diverted wastes and located in an area that is not zoned residential.

"Sharps" would mean needles, syringes, scalpels, and intravenous tubing with needles attached (as defined in the Public Health Code, MCL 333.13807).

MCL 324.11503 and 324.11506

ARGUMENTS:

For:

The bill would provide a legal avenue for collection events that are already taking place, by removing regulatory barriers. It will allow for the use of better methods to manage discarded prescription drugs and household hazardous wastes. As noted above, many of the waste collection events currently happening are doing so in technical violation of the law. The bill would exempt collection sites from county management plans and establish guidelines for newly defined diversion centers. Exempting diversion centers from county plan requirements could save money as some companies are utilizing more costly out-of-state disposal methods in order to remain in compliance with the law.

Additionally, to the extent that the new regulations encourage an increase in collection events and diversion programs, the bill would reduce the amount of those materials being deposited into landfills.

Against:

There was no opposition at the committee level.

POSITIONS:

Michigan Department of Environmental Quality supports the bill. (10-29-13)

Detroit Renewable Energy supports the bill. (10-29-13)

Great Lakes Clean Water Organization supports the bill. (10-29-13)

Michigan Environmental Council supports the bill. (10-29-13)

Michigan Pharmacists Association supports the bill. (10-29-13)

Michigan Recycling Coalition supports the bill. (10-29-13)

Michigan Townships Association supports the bill. (10-29-13)

Michigan Waste Industries Association supports the bill. (10-29-13)

The Environmental Quality Company supports the bill. (10-29-13)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.