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House Bill 5005 (Substitute H-3 as passed by the House)
Sponsor: Representative Andrea LaFontaine
House Committee: Natural Resources
Senate Committee: Natural Resources, Environment and Great Lakes

Date Completed: 1-22-14

CONTENT

The bill would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act to designate certain types of waste as "diverted waste" that would not be subject to regulation as solid waste; and prescribe requirements applicable to the operator of a facility that received or collected diverted waste.

Diverted Waste

Part 115 contains a number of regulations pertaining to the disposal of solid waste in a disposal area. "Solid waste" means garbage, rubbish, ashes, incinerator ash and residue, street cleanings, municipal solid and industrial sludge, solid commercial and solid industrial waste, and animal waste. The definition, however, specifically excludes various types of waste, such as human body and medical waste. The bill also would exclude diverted waste that is managed through a waste diversion center. "Diverted waste" would mean waste that meets all of the following requirements:

- Is generated by households, businesses, or governmental entities.
- Can lawfully be disposed of at a licensed sanitary landfill or municipal solid waste incinerator.
- Is separated from other waste.
- Is hazardous material; liquid waste; pharmaceuticals; electronics; batteries; light bulbs; pesticides; thermostats, switches, thermometers, or other devices that contain elemental mercury; sharps; or other waste approved by the Department of Environmental Quality (DEQ) that can be readily separated from solid waste for diversion to preferred methods of management and disposal.

"Disposal area" means one or more of the following at a location as defined by the boundary identified in its construction permit or engineering plans approved by the DEQ:

- A solid waste transfer facility.
- An incinerator.
- A sanitary landfill.
- A processing plant.
- Another solid waste handling or disposal facility used in the disposal of solid waste.

The bill provides that a waste diversion center would not be a disposal area. "Waste diversion center" would mean property or a building, or a portion of property or a building,

designated for the purpose of receiving or collecting diverted waste and not used for residential purposes.

Operator Responsibilities

The operator of a waste diversion center would have to comply with all of the requirements described below.

At least 90%, by volume, of the material collected at the center would have to consist of diverted waste to be managed at that center. The center would have to be operated by personnel who were knowledgeable about the safe management of the types of diverted waste that were accepted at the center. The operator would have to manage the waste in a manner that prevented release of the waste or a component of it to the environment, and could not store the waste overnight at the center except in a secure location and with adequate containment to prevent any release.

Within one year after the center collected the diverted waste, the waste would have to be transported to a waste diversion center, recycling facility, or disposal facility that was in compliance with the Act for processing, recycling, or disposal. The operator could not process diverted waste except to the extent necessary for its safe and efficient transportation.

The operator would have to record the types and quantities of diverted waste collected, the period of storage, and the location where the waste was transferred, processed, recycled, or disposed of. The operator would have to maintain the records for at least three years and make them available to the DEQ upon request.

Access to the waste diversion center would have to be limited to a time when a responsible individual was on duty. The area where the waste was accumulated would have to be protected, as appropriate for the type of waste, from weather, fire, physical damage, and vandals. The center would have to be kept clean and free of litter.

Management of diverted waste as required by the bill would not be considered disposal for the purposes of Section 11538(6). (Under that section, in order for a disposal area to serve the disposal needs of another county, state, or country, the service must be authorized explicitly in the approved solid waste management plan of the receiving county and, in the case of intercounty service in Michigan, the exporting county.)

The operator of a waste diversion center could reject any diverted waste.

Other Provisions

The definition of "solid waste" in Part 115 excludes organic waste generated in the production of livestock and poultry. The bill would refer to manure or bedding rather than organic waste.

"Source separated material" means glass, metal, wood, paper products, plastics, rubber, textiles, garbage, or any other material approved by the DEQ that is separated at the source of generation for the purpose of conversion into raw materials or new products, including compost. Under the bill, the definition also would include biogas from anaerobic digestion or synthetic gas from gasification or pyrolysis.

MCL 324.11503 et al.

Legislative Analyst: Julie Cassidy

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Josh Sefton

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.