

Legislative Analysis



SOLID WASTE MANAGEMENT AMENDMENTS

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5812 as introduced
Sponsor: Rep. Gary Howell

Analysis available at
<http://www.legislature.mi.gov>

House Bill 5813 as introduced
Sponsor: Rep. William J. Sowerby

House Bill 5814 as introduced
Sponsor: Rep. Yousef Rabhi

House Bill 5816 as introduced
Sponsor: Rep. Scott VanSingel

House Bill 5815 as introduced
Sponsor: Rep. Jack O'Malley

House Bill 5817 as introduced
Sponsor: Rep. Joseph Tate

Committee: Natural Resources and Outdoor Recreation
Complete to 6-2-20

SUMMARY:

Taken together, the bills would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to revise, rewrite, and reorganize the laws regulating solid waste, including coal ash and recyclables, in Michigan. The bills would create topically organized subparts, described below, within Part 115.

House Bill 5812 would designate sections 11502 to 11508 of the act as *Subpart 1 (General and Definitions)*. The bill would amend these sections to modify and add definitions for terms employed in the other bills of the package or elsewhere in Part 115. Notably, the bill would amend the section describing the purpose of Part 115 to include the promotion of recycling, with an ultimate goal of achieving a 45% municipal solid waste recycling rate, with a 30% rate by 2025, through benchmark recycling standards that provide goals and time frames for recycling in certain geographic areas of the state. The bill would also add provisions requiring a materials management plan (MMP), which would replace current requirements for solid waste management plans.

MCL 324.11502 et seq.

House Bill 5813 would amend the regulations for solid waste disposal areas and waste diversion centers by separating the different kinds of facilities and reorganizing current provisions. Regulations governing solid waste disposal areas would be designated as *Subpart 2 (Disposal Areas)*, while regulations surrounding waste diversion centers would be designated as *Subpart 3 (Waste Diversion Centers)*.

Subpart 2 would govern disposal areas other than a solid waste processing and transfer facility or an incinerator that does not comply with the construction permit and operating

license requirements within the subpart. Among other things, it would also do the following:

- Increase several of the application fees for a construction permit of a disposal area, a type II and type III landfill operating license, and certain solid waste processing and transfer facility operating licenses by doubling the current amounts.
- Allow an existing industrial waste landfill to accept industrial waste or solid waste that originates from an industrial site and is not hazardous waste regulated under Part 111 (Hazardous Waste Management) of NREPA.
- Allow the Department of Environment, Great Lakes, and Energy (EGLE) or an authorized representative to inspect and investigate, at reasonable times, conditions relating to the generation, storage, processing, transportation, management, or disposal of solid waste or any material regulated under Part 115.
- Regulate closure and postclosure undertakings.

Subpart 3 would regulate waste diversion centers, including the following:

- Requiring that waste diversion centers not receive an amount of solid waste 15% or more, by weight, of the diverted waste received by the facility.
- If the primary function of the entity is to serve as a waste diversion center, notifying EGLE of the waste diversion center upon initial operation and within 45 days after the end of each fiscal year.

MCL 324.11509 et seq.

House Bill 5814 would revise the financial assurance provisions within Part 115 and designate them as *Subpart 4 (Financial Assurance)*. In part, the bill would do the following:

- Increase the available total financial assurance bond amount to \$2.0 million as well as make clear the types of landfills that are subject to the bond.
- Remove the current financial assurance bond rate calculations for a licensed solid waste processing and transfer facility or incinerator and mandate that the bond would be \$20,000.
- Increase the listed standard closure and postclosure cost estimates.
- Increase the maximum required fund amount for a landfill or coal ash impoundment.
- Adjust and add surcharge amounts for landfills and coal ash impoundments and change the calculations from cubic yards to tons of waste.
- Create regulations for a landfill care fund, applicable to existing type II or III landfills.

MCL 324.11523 et seq.

House Bill 5815 would further revise and reorganize various sections of Part 115 and designate them as the following:

- *Subpart 5 (Miscellaneous)*, which would generally regulate solid waste haulers and solid waste transporting units, including the inspections of such entities, and require certain solid waste haulers to provide recycling services for single-family residences. This subpart also would allow EGLE to promulgate rules to implement Part 115.
- *Subpart 6 (Incinerators and Open Burning)*, which would comprise incinerator and open burning regulations, such as prohibiting the open burning of yard waste in any

- municipality with a population of 7,500 or more (unless the municipality allows it through a local ordinance) and providing penalties for violations.
- *Subpart 7 (Enforcement)*, which would provide for the enforcement of Part 115, including fines for general violations.
 - *Subpart 8 (Fund and Grants)*, which would regulate the Solid Waste Management Fund. Among other things, the provisions would expand the list of purposes money from the fund could be used for (such as education and outreach and a full-time equivalent employee for the Michigan Economic Development Corporation to address recycled materials market development), as well as requiring EGLE to provide grants for new programs (such as the recycling market program, recycling innovation program, and recycling access and voluntary participation program).
 - *Subpart 9 (Beneficial Use By-Products)*, which would promote and foster the use of wastes and by-products for recycling or beneficial use.

MCL 324.11526 et seq.

House Bill 5816 would add *Subpart 10 (Materials Utilization Facilities)* to regulate compostable materials, including household, commercial, and farming composting activities, as well as anaerobic digesters and innovative technology facilities.

Proposed MCL 324.11555 et seq.

House Bill 5817 would add *Subpart 11 (Materials Management Plans)* to further regulate MMPs in place of current solid waste management plans. The subpart would require EGLE to ensure that each county in Michigan has an approved MMP, which could include two or more counties under the same MMP, as well as outline the procedures for county-approved agencies (CAA) to create, submit, review, monitor, enforce, and fund an MMP. Additionally, EGLE would have to create a Materials Management Planning Grant Program to provide grants to county boards of commissioners or CAAs or, in the absence of either, EGLE, for MMP preparations, implementations, and maintenance.

Proposed MCL 324.11571 et seq.

The bills are all tie-barred to one another, which means that none of them could take effect unless all of them were enacted.

FISCAL IMPACT:

A fiscal analysis is in progress.

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