

**SUBSTITUTE FOR  
HOUSE BILL NO. 5813**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11509, 11510, 11511, 11511a, 11511b, 11512,  
11513, 11514, 11514b, 11515, 11516, 11517, 11518, 11519, 11519b,  
and 11521b (MCL 324.11509, 324.11510, 324.11511, 324.11511a,  
324.11511b, 324.11512, 324.11513, 324.11514, 324.11514b, 324.11515,  
324.11516, 324.11517, 324.11518, 324.11519, 324.11519b, and  
324.11521b), sections 11509, 11510, 11512, 11513, 11515, 11516, and  
11518 as amended by 2018 PA 640, section 11511 as amended by 2011  
PA 215, sections 11511a and 11519b as added by 2018 PA 640, section  
11511b as amended by 2016 PA 437, section 11514 as amended by 2008  
PA 394, section 11514b as added by 2018 PA 688, sections 11517 and  
11519 as amended by 1996 PA 358, and section 11521b as added by



2014 PA 24, by designating sections 11509 to 11519b as subpart 2 and section 11521b as subpart 3 of part 115, and by adding sections 11512b, 11512d, 11512f, and 11512h; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1 SUBPART 2 DISPOSAL AREAS**

**2** Sec. 11509. (1) ~~Except as otherwise provided in section 11529,~~  
**3** ~~a~~**This section and sections 11510 to 11512 apply to disposal areas**  
**4** **other than the following:**

**5** (a) **A solid waste processing and transfer facility described**  
**6** **in section 11513(2) or (3).**

**7** (b) **An incinerator that does not comply with the construction**  
**8** **permit and operating license requirements of this subpart, as**  
**9** **allowed under section 11540.**

**10** (2) **A person shall not establish a disposal area except as**  
**11** **authorized by a construction permit issued by the department**  
**12** **pursuant to part 13. ~~In addition, a person shall not establish a~~**  
**13** **~~disposal area contrary to an approved solid waste management plan,~~**  
**14** **~~or contrary to a permit, license, or final order issued pursuant to~~**  
**15** **~~this part.~~ A person proposing the establishment of a disposal area**  
**16** **shall ~~apply~~ submit the application for a construction permit to the**  
**17** **department through the appropriate local health officer. If**  
**18** **However, if** the disposal area is located in a county or city that  
**19** does not have a certified health department, the application shall  
**20** be ~~made~~ **submitted** directly to the department. **An application for a**  
**21** **construction permit shall be accompanied by engineering plans.**

**22** (3) ~~(2)~~ ~~The application for a construction permit shall~~  
**23** ~~contain the name and residence of the applicant, the location of~~  
**24** ~~the proposed disposal area, the design capacity of the disposal~~



1 ~~area, and other information specified by rule. A person may apply~~  
 2 ~~to construct more than 1 type of disposal area at the same facility~~  
 3 ~~under a single permit. The~~ **An application for a construction permit**  
 4 **for a landfill** shall be accompanied by an engineering plan and a  
 5 ~~construction permit application fee . A construction permit~~  
 6 ~~application for a landfill shall be accompanied by a fee in an~~  
 7 ~~amount that is the sum of all of the following fees, as~~  
 8 ~~applicable:~~ **in the following amount:**

9 (a) For a new ~~sanitary landfill, a fee equal to the following~~  
 10 ~~amount:~~ **the following:**

11 (i) For a ~~municipal solid waste~~ **type II** landfill,  
 12 ~~\$1,500.00.~~ **\$3,000.00.**

13 (ii) ~~For~~ **Except as provided in subparagraph (iii),** for an  
 14 industrial waste landfill, ~~\$1,000.00.~~ **\$2,000.00.**

15 (iii) For a type III landfill limited to low hazard industrial  
 16 waste, ~~\$750.00.~~ **\$1,500.00.**

17 (b) For a lateral expansion of a ~~sanitary landfill, a fee~~  
 18 ~~equal to the following amount:~~ **the following:**

19 (i) For a ~~municipal solid waste~~ **type II** landfill,  
 20 ~~\$1,000.00.~~ **\$2,000.00.**

21 (ii) ~~For~~ **Except as provided in subparagraph (iii),** for an  
 22 industrial waste landfill, ~~\$750.00.~~ **\$1,500.00.**

23 (iii) For a type III landfill limited to low hazard industrial  
 24 waste, construction and demolition waste, or other nonindustrial  
 25 waste, ~~\$500.00.~~ **\$1,000.00.**

26 (c) For a vertical expansion of an existing ~~sanitary landfill,~~  
 27 ~~a fee equal to the following amount:~~ **the following:**

28 (i) For a ~~municipal solid waste~~ **type II** landfill,  
 29 ~~\$750.00.~~ **\$1,500.00.**



1           (ii) ~~For~~ **Except as provided in subparagraph (iii), for** an  
2 industrial waste landfill, ~~\$500.00.~~ **\$1,000.00.**

3           (iii) For an industrial waste landfill limited to low hazard  
4 industrial waste, construction and demolition waste, or other  
5 nonindustrial waste, ~~\$250.00.~~ **\$500.00.**

6           (d) For a new coal ash impoundment, ~~a fee of~~ **\$1,000.00.**

7           (e) For a lateral or vertical expansion of a coal ash  
8 impoundment, ~~a fee of~~ **\$750.00.**

9           **(4) ~~(3) The~~ An** application for a construction permit for a  
10 ~~solid waste transfer facility, a solid waste processing plant,~~  
11 ~~other disposal area, or a combination of these,~~ **that is not a**  
12 **landfill** shall be accompanied by ~~a~~ **an application** fee in the  
13 following amount:

14           (a) For a new ~~facility~~ **disposal area** for municipal solid  
15 waste, or a combination of municipal solid waste and waste listed  
16 in subdivision (b), ~~\$1,000.00.~~ **\$2,000.00.**

17           (b) For a new ~~facility~~ **disposal area** for industrial waste, or  
18 construction and demolition waste, ~~\$500.00.~~ **\$1,000.00.**

19           (c) For the expansion of an existing ~~facility~~ **disposal area**  
20 for any type of waste, ~~\$250.00.~~ **\$500.00.**

21           **(5) ~~(4)~~** If an application is returned to the applicant as  
22 administratively incomplete, ~~the department shall refund the entire~~  
23 ~~fee.~~ **the applicant may, within 1 year after the application is**  
24 **returned, resubmit the application, together with the additional**  
25 **information as needed to address the reasons for being incomplete,**  
26 **without paying an additional application fee.** If a permit is denied  
27 or an application is withdrawn, ~~the department shall refund 1/2 the~~  
28 ~~amount specified in subsection (3) to the applicant.~~ ~~An~~ **an**  
29 applicant for a construction permit, within ~~12 months~~ **1 year** after



1 ~~a~~ ~~the~~ permit denial or **application** withdrawal, may resubmit the  
2 application, and ~~the refunded portion of the fee,~~ together with the  
3 additional information as needed to address the reasons for denial  
4 **or withdrawal**, without ~~being required to pay~~ **paying** an additional  
5 application fee.

6 (6) ~~(5) An~~ **Subject to section 11510(2)(d)**, an application for  
7 a modification to a construction permit or for renewal of a  
8 construction permit ~~which~~ **that** has expired shall be accompanied by  
9 a fee of \$250.00. ~~Increases in final elevations that do not result~~  
10 ~~in an increase in design capacity or a change in the solid waste~~  
11 ~~boundary shall be considered a modification and not a vertical~~  
12 ~~expansion.~~ **\$500.00.**

13 (7) ~~(6) A~~ **person may apply for a single permit to construct**  
14 **more than 1 type of disposal area at the same facility.** A person  
15 who applies to permit more than 1 type of disposal area at the same  
16 facility shall pay a fee equal to the sum of the applicable fees  
17 listed in this section **for each type of disposal area.**

18 (8) ~~(7) The~~ department shall deposit permit application fees  
19 collected under this section in the solid waste staff account of  
20 the solid waste management fund. ~~established in section 11550.~~

21 (9) **The department shall not approve an application for a**  
22 **construction permit for a new type II landfill that is not**  
23 **contiguous to an already permitted type II landfill or for a new**  
24 **municipal solid waste incinerator unless the approval is requested**  
25 **by the county board of commissioners and the department determines**  
26 **that the landfill or incinerator is needed for the planning area.**  
27 **The county board of commissioners' request shall include a**  
28 **demonstration that materials utilization options have been**  
29 **exhausted. The department's determination of need shall be based on**



1 human health, solid waste disposal capacity, and economic issues  
2 that would arise without the new site.

3 (10) As used in this section, "contiguous" means either of the  
4 following:

5 (a) On the same property. The property may be divided by  
6 either of the following:

7 (i) The boundary of a local unit of government.

8 (ii) A public or private right-of-way if access to and from the  
9 right-of-way for each piece of the property is opposite the access  
10 for the other piece of the property so that movement between the 2  
11 pieces of the property is by crossing the right-of-way.

12 (b) On 2 or more properties owned by the same person if the  
13 properties are connected by a right-of-way that the owner controls  
14 and to which the public does not have access.

15 Sec. 11510. (1) Before the submission of a construction permit  
16 application **under section 11509** for a new disposal area, the  
17 applicant shall request a **local** health officer or the department to  
18 provide an advisory analysis of the proposed disposal area.  
19 ~~However, the~~ **The** applicant, not less than 15 days after the  
20 request, and notwithstanding an analysis result, may file an  
21 application for a construction permit.

22 (2) Upon receipt of a construction permit application, the  
23 department shall do all of the following:

24 (a) Immediately notify the clerk of the municipality in which  
25 the disposal area is located or proposed to be located, the local  
26 soil erosion and sedimentation control agency **under part 93**, each  
27 division within the department and the department of natural  
28 resources that has responsibilities in land, air, or water  
29 management, **the regional planning agency**, and the designated



1 ~~regional solid waste management planning agency~~ **for the planning**  
 2 **area.**

3 (b) Publish a notice in a newspaper **or by electronic media**  
 4 having major circulation **or viewership** in the vicinity of the  
 5 proposed disposal area. The ~~required published~~ notice shall contain  
 6 ~~a~~ **all of the following:**

7 (i) **A** map indicating the location of the proposed disposal  
 8 area. ~~and shall contain a~~

9 (ii) **A** description of the proposed disposal area. ~~and the~~

10 (iii) **The** location where the complete application package may be  
 11 reviewed and where copies may be obtained.

12 (c) Indicate in the ~~public, departmental, and municipality~~  
 13 ~~notice~~ **notices under subdivisions (a) and (b)** that the department  
 14 ~~shall~~ **will** hold a public hearing in the area of the proposed  
 15 disposal area if a written request is submitted by the applicant,  
 16 ~~or a municipality,~~ **or a designated planning agency** within 30 days  
 17 after the date of publication of the notice, or by a petition  
 18 submitted to the department containing a number of signatures equal  
 19 to not less than 10% of the number of registered voters of the  
 20 municipality where the proposed disposal area is to be located who  
 21 voted in the last gubernatorial election. The petition shall be  
 22 validated by the clerk of the municipality. The public hearing  
 23 shall be held after the department makes a preliminary review of  
 24 the application and all pertinent data and before a construction  
 25 permit is issued or denied.

26 (d) Conduct a consistency review of the plans of the proposed  
 27 disposal area, **including the site, plans, and application,** to  
 28 determine if ~~it complies~~ **they comply** with ~~this part 115.~~ ~~and the~~  
 29 ~~rules promulgated under this part.~~ The review shall be made



1 **conducted** by persons qualified in hydrogeology and, ~~sanitary~~ **if the**  
 2 **disposal area is a landfill**, landfill engineering. ~~A~~ **The department**  
 3 **shall not issue a construction permit unless the persons conducting**  
 4 **the review submit to the department a** written acknowledgment that  
 5 the application package is in compliance with the requirements of  
 6 ~~this part 115. and rules promulgated under this part by the persons~~  
 7 ~~qualified in hydrogeology and sanitary landfill engineering shall~~  
 8 ~~be received before a construction permit is issued. If the~~  
 9 ~~consistency review of the site and the plans and the application~~  
 10 ~~meet the requirements of this part and the rules promulgated under~~  
 11 ~~this part, the department shall issue a~~ **The** construction permit  
 12 ~~that may contain a stipulation specifically applicable to the site~~  
 13 ~~and operation. Except as otherwise provided in section 11542, an~~ **An**  
 14 ~~expansion of the area of a disposal area, an enlargement in~~  
 15 ~~capacity of a disposal area, a change in the solid waste boundary,~~  
 16 ~~or an alteration of a disposal area to a different type of disposal~~  
 17 ~~area than had been specified in the previous construction permit~~  
 18 ~~application constitutes a new proposal for which a new construction~~  
 19 ~~permit, rather than a modification of a construction permit, is~~  
 20 ~~required. The upgrading of a disposal area type required by the~~  
 21 ~~department to comply with this part or the rules promulgated under~~  
 22 ~~this part 115 or to comply with a consent order does not require a~~  
 23 ~~new construction permit.~~

24 (e) Notify the Michigan aeronautics commission if the disposal  
 25 area is a ~~sanitary~~ landfill that is a new site or a lateral  
 26 expansion or vertical expansion of an existing unit proposed to be  
 27 located within 5 miles of a runway or a proposed runway extension  
 28 contained in a plan approved by the Michigan aeronautics commission  
 29 of an airport licensed and regulated by the Michigan aeronautics





1 commission. The department shall make a copy of the application  
 2 available to the Michigan aeronautics commission. If, ~~after a~~  
 3 ~~period of time for review and comment not to exceed~~ **not more than**  
 4 60 days **after receiving notification from the department**, the  
 5 Michigan aeronautics commission informs the department ~~that it~~  
 6 ~~finds~~ that operation of the proposed disposal area would present a  
 7 potential hazard to air navigation and presents the basis for its  
 8 findings, the department may either recommend appropriate changes  
 9 in the location, construction, or operation of the proposed  
 10 disposal area or deny the application for a construction permit.  
 11 The department shall give an applicant an opportunity to rebut a  
 12 finding of the Michigan aeronautics commission that the operation  
 13 of a proposed disposal area would present a potential hazard to air  
 14 navigation. The Michigan aeronautics commission shall notify the  
 15 department and the owner or operator of a landfill if the Michigan  
 16 aeronautics commission is considering approving a plan that would  
 17 provide for a runway or the extension of a runway within 5 miles of  
 18 ~~a~~ **the** landfill.

19       Sec. 11511. (1) The department shall notify the clerk of the  
 20 municipality in which the disposal area is proposed to be located  
 21 and the applicant of its approval or denial of an application for a  
 22 construction permit **under section 11509** within 10 days after the  
 23 final decision is made.

24       (2) A construction permit ~~shall expire~~ **expires** 1 year after  
 25 the date of issuance, unless development under the construction  
 26 permit is initiated within that year. A construction permit that  
 27 has expired may be renewed upon payment of a permit renewal fee **of**  
 28 **\$500.00** and submission of any additional relevant information the  
 29 department may require.



~~1 (3) Except as otherwise provided in this subsection, the  
 2 department shall not issue a construction permit for a disposal  
 3 area within a planning area unless a solid waste management plan  
 4 for that planning area has been approved pursuant to sections 11536  
 5 and 11537 and unless the disposal area complies with and is  
 6 consistent with the approved solid waste management plan. The  
 7 department may issue a construction permit for a disposal area  
 8 designed to receive ashes produced in connection with the  
 9 combustion of fossil fuels for electrical power generation in the  
 10 absence of an approved county solid waste management plan, upon  
 11 receipt of a letter of approval from whichever county or counties,  
 12 group of municipalities, or regional planning agency has prepared  
 13 or is preparing the county solid waste management plan for that  
 14 planning area under section 11533 and from the municipality in  
 15 which the disposal area is to be located.~~

16 Sec. 11511a. (1) A new coal ash landfill, a new coal ash  
 17 impoundment, or a new lateral expansion of a coal ash landfill or  
 18 impoundment shall comply with the requirements of R 299.4304, R  
 19 299.4305, and R 299.4307 to R 299.4317 of the part 115 rules,  
 20 except that the minimum design standard for a new coal ash  
 21 landfill, a new coal ash impoundment, or a new lateral expansion of  
 22 a coal ash landfill or impoundment pursuant to R 299.4307(4) of the  
 23 part 115 rules shall be solely R 299.4307(4) (b) of the part 115  
 24 rules and not R 299.4307(4) (a), (c), or (d) of the part 115 rules.

25 (2) A new coal ash landfill or coal ash impoundment or a new  
 26 lateral expansion of a coal ash landfill or coal ash impoundment  
 27 shall comply with the location requirements of R 299.4411 to R  
 28 299.4413 and R 299.4415 to **R** 299.4418 of the part 115 rules, except  
 29 that a new coal ash landfill or coal ash impoundment or a new



1 lateral expansion of a coal ash landfill or coal ash impoundment  
2 shall maintain a permanent minimum clearance from the bottom of the  
3 primary liner of not less than 5 feet to the natural groundwater  
4 level.

5 (3) **R 299.4440(3) and R 299.4440(6) of the part 115 rules do**  
6 **not apply to coal ash impoundments or coal ash landfills.** The  
7 department shall not issue a construction permit for a new coal ash  
8 landfill or new coal ash impoundment or a new lateral expansion of  
9 a coal ash landfill or coal ash impoundment unless all of the  
10 following apply:

11 (a) The landfill, impoundment, or expansion, respectively,  
12 complies with subsections (1) and (2), as applicable.

13 (b) The landfill, impoundment, or expansion, respectively,  
14 complies with R 299.4306 of the part 115 rules.

15 (c) The owner or operator has provided to the department a  
16 detection monitoring program in a hydrogeological monitoring plan  
17 that complies with R 299.4440 to R 299.4445 and R 299.4905 to R  
18 299.4908 of the part 115 rules, as applicable. The waiver described  
19 in R 299.4440(2) of the part 115 rules is not available to coal ash  
20 impoundments or coal ash landfills. The constituents monitored in  
21 the detection monitoring program shall include all of the  
22 following:

23 (i) Boron.

24 (ii) Calcium.

25 (iii) Chloride.

26 (iv) Fluoride.

27 (v) Iron.

28 (vi) pH.

29 (vii) Sulfate.



1 (viii) Total dissolved solids.

2 ~~(d) R 299.4440(3) and 299.4440(6) of the part 115 rules do not~~  
3 ~~apply to coal ash impoundments or coal ash landfills.~~

4 (d) ~~(e)~~ Groundwater sampling related to coal ash impoundments  
5 or coal ash landfills shall not be field filtered.

6 (e) ~~(f)~~ The landfill, impoundment, or expansion, respectively,  
7 complies with 1 of the following:

8 (i) Section 11519b(2) and (4), if applicable.

9 (ii) A schedule, approved by the department, of remedial  
10 measures, including a sequence of actions or operations, that leads  
11 to compliance with this part within a reasonable time period but  
12 not more than 2 years after the effective date of the amendatory  
13 act that added this section. **later than December 28, 2020.**

14 (4) The constituents listed in this section shall be analyzed  
15 by methods ~~specified~~ **identified** in "Standard Methods for the  
16 Examination of Water and Wastewater, ~~19th~~ **20th** Edition," published  
17 by the ~~United States Environmental Protection Agency,~~ **(jointly**  
18 **published by the American Public Health Association, the American**  
19 **Water Works Association, and the Water Environment Federation) or**  
20 **"Test Methods for Evaluating Solid Waste, Physical/Chemical**  
21 **Methods," EPA publication SW-846, Third Edition, Final Updates I**  
22 **(1993), II (1995), IIA (1994), IIB (1995), III (1997), IIIA (1999),**  
23 **IIIB (2005), IV (2008), and V (2015) or by other methods approved**  
24 by the director or his or her designee.

25 Sec. 11511b. (1) A person may submit to the department a  
26 project abstract for an RDDP. If, based on the project abstract,  
27 the ~~director~~ **department** determines that the RDDP will provide  
28 beneficial data on alternative landfill design, construction, or  
29 operating methods, the person may apply for a construction permit



1 under section 11509, including the renewal or modification of a  
2 construction permit, authorizing the person to establish the RDDP.

3 (2) An RDDP is subject to the same requirements, including,  
4 but not limited to, permitting, construction, licensing, operation,  
5 closure, postclosure, financial assurance, fees, and sanctions as  
6 apply to other type II landfills or landfill units under ~~this part~~  
7 ~~and the rules promulgated under this part 115~~, except as provided  
8 in this section.

9 (3) An extension of the processing period for an RDDP  
10 construction permit is not subject to the limitations under section  
11 1307.

12 (4) An application for an RDDP construction permit shall  
13 include, in addition to the applicable information required in  
14 other type II landfill construction permit applications, all of the  
15 following:

16 (a) A description of the RDDP goals.

17 (b) Details of the design, construction, and operation of the  
18 RDDP as necessary to ensure protection of human health and the  
19 environment. The design shall be at least as protective of human  
20 health and the environment as other designs that are required under  
21 ~~this part 115. and rules promulgated under this part.~~

22 (c) A list and discussion of the types of waste that will be  
23 disposed of, excluded, or added, including the types and amount of  
24 liquids that will be added under subsection (5) and how the  
25 addition will benefit the RDDP.

26 (d) A list and discussion of the types of compliance  
27 monitoring and operational monitoring that will be performed.

28 (e) Specific means to address potential nuisance conditions,  
29 including, but not limited to, odors and health concerns as a



1 result of human contact.

2 (5) The department may authorize the addition of liquids,  
 3 including, but not limited to, septage waste or other liquid waste,  
 4 to solid waste in an RDDP if the applicant has demonstrated that  
 5 the addition is necessary to accelerate or enhance the  
 6 biostabilization of the solid waste and is not merely a means of  
 7 disposal of the liquid. ~~The department may require that the septage~~  
 8 ~~waste, or any other liquid waste, added to an RDDP originate within~~  
 9 ~~the county where the RDDP is located or any county contiguous to~~  
 10 ~~the county where the RDDP is located.~~ **liquids.** If an RDDP is  
 11 intended to accelerate or enhance biostabilization of solid waste,  
 12 the construction permit application shall include, in addition to  
 13 the ~~requirements of~~ **information required under** subsection (4), all  
 14 of the following:

15 (a) An evaluation of the potential for a decreased slope  
 16 stability of the waste caused by any of the following:

- 17 (i) Increased presence of liquids.
- 18 (ii) Accelerated degradation of the waste.
- 19 (iii) Increased gas pressure buildup.
- 20 (iv) Other relevant factors.

21 (b) An operations management plan that incorporates all of the  
 22 following:

23 (i) A description of and the proportion and expected quantity  
 24 of all components that are needed to accelerate or enhance  
 25 biostabilization of the solid waste.

26 (ii) A description of any solid or liquid waste that may be  
 27 detrimental to the biostabilization of the solid waste intended to  
 28 be disposed of or to the RDDP goals.

29 (iii) An explanation of how the detrimental waste described in



1 subparagraph (ii) will be prevented from being disposed of in cells  
2 approved for the RDDP.

3 (c) Parameters, such as moisture content, stability, gas  
4 production, and settlement, that will be used by the department to  
5 determine the beginning of the postclosure period for the RDDP  
6 under subsection (10).

7 (d) Information to ensure that the requirements of subsection  
8 (6) will be met.

9 (6) An RDDP shall meet all of the following requirements:

10 (a) ~~Ensure that added~~ **Added** liquids ~~are~~ **shall be** evenly  
11 distributed and ~~that~~ side slope breakout of liquids ~~is~~ prevented.

12 (b) ~~Ensure that daily~~ **Daily** cover practices or disposal of low  
13 permeability solid wastes ~~does~~ **shall** not adversely affect the free  
14 movement of liquids and gases within the waste mass.

15 (c) Include all of the following:

16 (i) A means to monitor the moisture content and temperature of  
17 the waste.

18 (ii) A leachate collection system of adequate size for the  
19 anticipated increased liquid production rates. The design's factor  
20 of safety shall take into account the anticipated increased  
21 operational temperatures and other factors as appropriate.

22 (iii) A means to monitor the depth of leachate on the liner.

23 (iv) An ~~integrated~~ active gas collection **and control** system.  
24 The system shall be of adequate size for the anticipated methane  
25 production rates and to control odors. The system ~~shall~~ **must** be  
26 operational before the addition of any material to accelerate or  
27 enhance biostabilization of the solid waste.

28 (7) The owner or operator of an RDDP for which a construction  
29 permit has been issued shall submit a report to the ~~director~~



1 **department** at least once every 12 months on the progress of the  
 2 RDDP in achieving its goals. The report shall include a summary of  
 3 all monitoring and testing results, as well as any other operating  
 4 information specified by ~~the director in the permit~~ or in a  
 5 subsequent permit modification or operating condition.

6 (8) A permit for an RDDP shall specify the term of the permit,  
 7 which shall not exceed 3 years. However, the owner or operator of  
 8 an RDDP may apply for and the department may grant an extension of  
 9 the term of the permit, subject to all of the following  
 10 requirements:

11 (a) The application to extend the term of the permit must be  
 12 received by the department at least 90 days before the expiration  
 13 of the permit.

14 (b) The application shall include a detailed assessment of the  
 15 RDDP showing the progress of the RDDP in achieving its goals, a  
 16 list of problems with the RDDP and progress toward resolving those  
 17 problems, and other information that the ~~director~~**department**  
 18 determines is necessary to accomplish the purposes of ~~this part~~  
 19 **115**.

20 (c) If the department fails to make a final decision within 90  
 21 days ~~of~~**after** receipt of an administratively complete application  
 22 for an extension of the term of a permit, the term of the permit is  
 23 extended for 3 years.

24 (d) An individual extension shall not exceed 3 years, and the  
 25 total term of the permit with all extensions shall not exceed 21  
 26 years.

27 (9) If the ~~director~~**department** determines that the overall  
 28 goals of an RDDP, including, but not limited to, protection of  
 29 human health or the environment, are not being achieved, the





1 ~~director~~**department** may order immediate termination of all or part  
 2 of the operations of the RDDP or may order other corrective  
 3 measures.

4 (10) The postclosure period for a facility authorized as an  
 5 RDDP begins when the department determines that the unit or portion  
 6 of the unit where the RDDP was authorized has reached a condition  
 7 similar to the condition that non-RDDP landfills would reach prior  
 8 to postclosure. The parameters, such as moisture content,  
 9 stability, gas production, and settlement, to attain this condition  
 10 shall be specified in the permit. The ~~perpetual-landfill~~ care fund  
 11 ~~required under section 11525~~ shall be maintained for the period  
 12 after final closure of the landfill as specified under section  
 13 ~~11525.~~**11523(1) (a) .**

14 (11) The ~~director~~**department** may authorize the conversion of  
 15 an RDDP to a full-scale operation if the owner or operator of the  
 16 RDDP demonstrates to the satisfaction of the ~~director~~**department**  
 17 that the goals of the RDDP have been met and the authorization does  
 18 not constitute a less stringent permitting requirement than is  
 19 required under subtitle D of the solid waste disposal act, 42 USC  
 20 6941 to 6949a, **and regulations promulgated thereunder.**

21 ~~(12) As used in this section, "RDDP" means a research,~~  
 22 ~~development, and demonstration project for a new or existing type~~  
 23 ~~II landfill unit or for a lateral expansion of a type II landfill~~  
 24 ~~unit.~~

25 Sec. 11512. (1) **This section applies to disposal areas as**  
 26 **provided in section 11509(1) .**

27 (2) A person shall **not** dispose of solid waste at a disposal  
 28 area ~~licensed under this part unless a person is permitted~~ **unless**  
 29 **the disposal area is licensed under this section. However, a person**



1 **authorized** by state law or rules promulgated by the department to  
 2 **do so may** dispose of the solid waste at the site of generation.  
 3 Waste placement in existing landfill units shall be consistent with  
 4 past operating practices or modified practices to ensure good  
 5 management.

6 (3) ~~(2)~~ Except as otherwise provided in this section, ~~or in~~  
 7 ~~section 11529,~~ a person shall not conduct, manage, maintain, or  
 8 operate a disposal area ~~within this state~~ except as authorized by  
 9 an operating license issued by the department pursuant to part 13.  
 10 ~~In addition, a person shall not conduct, manage, maintain, or~~  
 11 ~~operate a disposal area contrary to an approved solid waste~~  
 12 ~~management plan, or contrary to a permit, license, or final order~~  
 13 ~~issued under this part. A person who intends to conduct, manage,~~  
 14 ~~maintain, or operate a~~ **The owner or operator of the** disposal area  
 15 shall submit a license application to the department through a  
 16 certified health department. Existing coal ash impoundments are  
 17 exempt from the licensing requirements of this part through ~~the~~  
 18 ~~date that is 2 years after the effective date of the amendatory act~~  
 19 ~~that added section 11511a.~~ **December 28, 2020.** If the disposal area  
 20 is located in a county or city that does not have a certified  
 21 health department, the application shall be made directly to the  
 22 department. A person authorized by ~~this part~~ **115** to operate more  
 23 than 1 type of disposal area at the same facility may apply for a  
 24 single license.

25 (4) ~~(3)~~ ~~The application for a license shall contain the name~~  
 26 ~~and residence of the applicant, the location of the proposed or~~  
 27 ~~existing disposal area, the type or types of disposal area~~  
 28 ~~proposed, evidence of bonding, and other information required by~~  
 29 ~~rule. In addition, an~~ **An applicant for a license** for a type II **or**



1 **type III** landfill shall submit evidence of financial assurance  
 2 ~~adequate to meet that meets~~ the requirements of section 11523a, the  
 3 maximum waste slope in the active portion, an estimate of remaining  
 4 permitted capacity, and documentation on the amount of waste  
 5 received at the disposal area during the previous license period or  
 6 expected to be received, whichever is greater. ~~The application~~  
 7 ~~shall be accompanied by a fee as specified in subsections (7), (9),~~  
 8 ~~and (10).~~

9 (5) ~~(4) At the time of An~~ application for a license for a  
 10 disposal area, ~~the applicant shall submit to a health officer or~~  
 11 ~~the department shall include~~ a certification under the seal of a  
 12 licensed professional engineer verifying that the construction of  
 13 the disposal area has proceeded according to the approved plans.  
 14 ~~Any An~~ applicant for a license for an existing coal ash impoundment  
 15 is exempt from the preceding requirement of this subsection but,  
 16 when applying for a license, shall submit documentation in the  
 17 applicant's possession or control regarding the construction of the  
 18 impoundment. If construction of the disposal area or a portion of  
 19 the disposal area is not complete, ~~the department shall require~~  
 20 **owner or operator shall submit** additional construction  
 21 certification of that portion of the disposal area ~~during~~  
 22 ~~intermediate progression of the operation, as specified in section~~  
 23 ~~11516(5).~~ **under section 11516(4).**

24 (6) ~~(5)~~ An applicant for an operating license, within 6 months  
 25 after a license denial, may resubmit the application, together with  
 26 additional information or corrections as are necessary to address  
 27 the reason for denial, without being required to pay an additional  
 28 application fee.

29 (7) ~~(6) In order to To~~ conduct tests and assess operational



1 capabilities, the owner or operator of a municipal solid waste  
 2 incinerator that is designed to burn at a temperature in excess of  
 3 2500 degrees Fahrenheit may operate the incinerator without an  
 4 operating license, upon notice to the department, for a period not  
 5 to exceed 60 days.

6 (8) ~~(7)~~—The application for a type II landfill operating  
 7 license shall be accompanied by the following fee for the 5-year  
 8 term of the operating license, ~~calculated in accordance with~~  
 9 **subject to** subsection ~~(8)~~ **(9)** :

10 (a) Landfills receiving less than 100 tons per day,  
 11 ~~\$250.00.~~ **\$500.00.**

12 (b) Landfills receiving 100 tons per day or more, but less  
 13 than 250 tons per day, ~~\$1,000.00.~~ **\$2,000.00.**

14 (c) Landfills receiving 250 tons per day or more, but less  
 15 than 500 tons per day, ~~\$2,500.00.~~ **\$5,000.00.**

16 (d) Landfills receiving 500 tons per day or more, but less  
 17 than 1,000 tons per day, ~~\$5,000.00.~~ **\$10,000.00.**

18 (e) Landfills receiving 1,000 tons per day or more, but less  
 19 than 1,500 tons per day, ~~\$10,000.00.~~ **\$20,000.00.**

20 (f) Landfills receiving 1,500 tons per day or more, but less  
 21 than 3,000 tons per day, ~~\$20,000.00.~~ **\$40,000.00.**

22 (g) Landfills receiving ~~greater~~ **more** than 3,000 tons per day,  
 23 ~~\$30,000.00.~~ **\$60,000.00.**

24 (9) ~~(8)~~—Type II landfill application fees shall be based on  
 25 the average amount of waste **in tons** projected to be received daily  
 26 during the license period. Application fees for license renewals  
 27 shall be based on the average amount of waste received **daily** in the  
 28 previous calendar year **based on a 365-day calendar year.**

29 Application fees shall be adjusted in the following circumstances:



1 (a) If a landfill accepts more waste than projected, a  
 2 supplemental fee equal to the difference shall be submitted with  
 3 the next license application.

4 (b) If a landfill accepts less waste than projected, the  
 5 department shall credit the applicant an amount equal to the  
 6 difference with the next license application.

7 ~~(c) A type II landfill that measures waste by volume rather  
 8 than weight shall pay a fee based on 3 cubic yards per ton.~~

9 (c) ~~(d)~~ A landfill used exclusively for municipal solid waste  
 10 incinerator ash that measures waste by volume rather than weight  
 11 shall pay a fee based on 1 cubic yard per ton.

12 (d) ~~(e)~~ If an application is submitted to renew a license **is**  
 13 **submitted** more than **3 years before expiration of the current**  
 14 **license, 1 year prior to license expiration,** the department shall  
 15 credit the applicant an amount equal to 1/2 the application fee.

16 ~~(f) If an application is submitted to renew a license more  
 17 than 6 months but less than 1 year prior to license expiration, the  
 18 department shall credit the applicant an amount equal to 1/4 the  
 19 application fee.~~

20 (10) ~~(9)~~ The operating license application for a type III  
 21 landfill shall be accompanied by a fee of ~~\$2,500.00.~~ **\$5,000.00.**

22 (11) ~~(10)~~ An application for an operating license by a coal  
 23 ash landfill shall be accompanied by a fee of \$13,000.00. On the  
 24 anniversary of the issuance of the operating license, while the  
 25 operating license remains in effect, the coal ash landfill owner or  
 26 operator shall pay the department a fee of \$13,000.00. If the  
 27 anniversary of the issuance of the operating license falls on a  
 28 legal holiday, the annual fee shall be paid on the next business  
 29 day.



1           **(12)** ~~(11)~~—An application for an operating license by a coal  
 2 ash impoundment shall be accompanied by a fee of \$13,000.00. On the  
 3 anniversary of the issuance of the operating license, while the  
 4 operating license remains in effect, the coal ash impoundment owner  
 5 or operator shall pay the department a fee of \$13,000.00. If the  
 6 anniversary of the issuance of the operating license falls on a  
 7 legal holiday, the annual fee shall be paid on the next business  
 8 day.

9           **(13)** ~~(12)~~—The department shall deposit the fees collected  
 10 under subsections ~~(10)~~ and ~~(11)~~ **and (12)** in the coal ash care fund  
 11 established in section 11550.

12           **(14)** ~~(13)~~—Upon receipt of a license application for either a  
 13 coal ash impoundment or a coal ash landfill, the department shall  
 14 do all of the following:

15           (a) Immediately send notice to the clerk of the municipality  
 16 where the disposal area is located and the designated regional  
 17 solid waste management planning agency.

18           (b) Publish a notice in a newspaper having major circulation  
 19 in the vicinity of the disposal area.

20           **(15)** ~~(14)~~—The notices under subsection ~~(13)~~ **(14)** shall meet  
 21 all of the following requirements:

22           (a) Include a map indicating the location of the disposal area  
 23 and a description of the disposal area.

24           (b) Specify the location where the complete application  
 25 package may be reviewed and where copies may be obtained.

26           (c) Indicate that the department will accept comments for 45  
 27 days after the date of publication of the notice.

28           (d) Indicate that the department shall hold a public meeting  
 29 in the area of the disposal area if, within 15 days after the date



1 of publication of the notice, any of the following occur:

2 (i) A written request for a public meeting is submitted to the  
3 department by the applicant or a municipality.

4 (ii) The department determines that there is a significant  
5 public interest in or known public controversy over the application  
6 or that for any other reason a public meeting is appropriate.

7 (16) ~~(15)~~—A public meeting referred to in subsection ~~(14)~~ ~~(d)~~  
8 (15) (d) shall be held after the department makes a preliminary  
9 review of the application and all pertinent data and before an  
10 operating license is issued or denied. During its review, the  
11 department shall consider input provided at the public meeting.

12 (17) ~~(16)~~—If an application is returned to the applicant as  
13 administratively incomplete, the department shall refund the entire  
14 fee. An applicant for a license, within 12 months after a license  
15 denial or withdrawal of a license application, may resubmit the  
16 application with the additional information as needed to address  
17 the reasons for denial, without being required to pay an additional  
18 application fee.

19 (18) ~~(17)~~—The operating license application for a solid waste  
20 processing plant, ~~solid waste~~ **and** transfer facility **that manages**  
21 **more than 200 cubic yards at any time, or** other disposal area, ~~or~~  
22 ~~combination of these entities~~ **that is not a landfill or surface**  
23 **impoundment** shall be accompanied by a fee ~~equal to \$500.00.~~ **of**  
24 **\$1,000.00.**

25 (19) ~~(18)~~—Except as provided in subsection ~~(12)~~, ~~(13)~~, the  
26 department shall deposit operating license application fees  
27 collected under this section in the perpetual care account of the  
28 solid waste management fund established in section 11550.

29 (20) ~~(19)~~—A person who applies for an operating license for



1 more than 1 type of disposal area at the same facility shall pay a  
2 fee equal to the sum of the applicable application fees listed in  
3 this section.

4 (21) The department shall not license a landfill or coal ash  
5 impoundment unless the landfill or coal ash impoundment has an  
6 approved hydrogeologic monitoring program and the owner or operator  
7 has provided the department with the monitoring results. The  
8 department shall use this information in conjunction with other  
9 information required by part 115 to determine a course of action  
10 regarding licensing of the facility consistent with section 4005 of  
11 subtitle D of the solid waste disposal act, 42 USC 6945, and with  
12 part 115. In deciding a course of action, the department shall  
13 consider, at a minimum, the health hazards, environmental  
14 degradation, and other public or private alternatives. If a  
15 landfill or coal ash impoundment violates part 115, the department  
16 may do any of the following:

17 (a) Revoke the landfill's or coal ash impoundment's license.

18 (b) If the disposal area is a coal ash impoundment that has  
19 not been previously licensed under this part, deny a license.

20 (c) Issue a timetable or schedule of remedial measures,  
21 including a sequence of actions or operations, that leads to  
22 compliance with part 115 within a reasonable time period but not  
23 more than 1 year.

24 (22) A type II landfill does not require a separate solid  
25 waste processing and transfer facility permit or license to  
26 solidify industrial waste sludges on-site in containers or tanks as  
27 specified in part 121 if that activity complies with part 55 and is  
28 approved by the department as part of the facility's operations  
29 plan.





1 (23) An existing industrial waste landfill may accept any of  
2 the following:

3 (a) Industrial waste.

4 (b) Solid waste that originates from an industrial site and is  
5 not a hazardous waste regulated under part 111.

6 (24) The owner or operator of a landfill shall annually submit  
7 a report to the department and the county and municipality in which  
8 the landfill is located that specifies the tonnage and type of  
9 solid waste received by the landfill during the year itemized, to  
10 the extent possible, by county, state, or country of origin and the  
11 amount of remaining disposal capacity at the landfill. Remaining  
12 disposal capacity shall be calculated as the permitted capacity  
13 less waste in place for any area that has been constructed and is  
14 not yet closed plus the permitted capacity for each area that has a  
15 permit for construction under part 115 but has not yet been  
16 constructed. The report shall be submitted within 45 days after the  
17 end of each state fiscal year. By January 31 of each year, the  
18 department shall submit to the legislature a report summarizing the  
19 information obtained under this subsection.

20 (25) The owner or operator of a licensed processing and  
21 transfer facility, within 45 days after the end of each state  
22 fiscal year, shall submit to the department on a form and in a  
23 medium provided by the department, a report on the amount of  
24 materials managed at the facility during that state fiscal year.

25 Sec. 11512b. (1) A landfill that accepts waste with the  
26 potential to generate gas must be designed to prevent the migration  
27 of explosive gases generated by the waste.

28 (2) A landfill that accepts municipal solid waste must be  
29 designed with an active gas collection and control system. Except



1 as otherwise provided for in this section or approved by the  
2 department, the active gas collection and control system shall  
3 include all of the following features:

4 (a) Vertical gas extraction wells that meet all of the  
5 following requirements:

6 (i) Are installed throughout the landfill with a maximum radius  
7 of influence of 150 feet per well and lesser radii for wells  
8 located near the perimeter of the landfill. The radii of influence  
9 of adjacent wells shall overlap. Alternate well spacings may be  
10 used for portions of a site or the entire site if approved by the  
11 department after a site-specific demonstration.

12 (ii) Have target depths of at least 75% of the waste depth at  
13 the well location. However, the wells should not extend closer than  
14 10 feet above the leachate collection system.

15 (iii) Are constructed of pipe that meets all of the following  
16 requirements:

17 (A) Is at least 6 inches in diameter.

18 (B) Is manufactured from polyvinylchloride, high-density  
19 polyethylene, chlorinated polyvinyl chloride, or an alternate  
20 material approved by the department.

21 (C) Is designed to convey projected amounts of gas; withstand  
22 installation, static, and settlement forces; and withstand planned  
23 overburden and traffic loads.

24 (D) When constructed, is slotted or otherwise perforated and  
25 is screened in the lower 2/3 to 3/4 of its length in the borehole.  
26 The department may approve alternative perforated screened length  
27 requirements based on waste thickness or other factors.

28 (iv) Has boreholes that meet all of the following requirements:

29 (A) Are 36 inches in diameter. The department may approve



1 alternate diameter boreholes as part of a design prepared by a  
2 licensed professional engineer and approved by the department.

3 (B) Are backfilled around the perforated pipe with 3/4- to 3-  
4 inch washed stone or an alternate material if approved by the  
5 department after a site-specific demonstration.

6 (C) The top 10 feet are sealed in a manner approved by the  
7 department.

8 (b) Horizontal gas extraction wells that are properly sloped  
9 to drain accumulated liquids and designed to withstand expected  
10 overburden pressures.

11 (c) A flow control valve and sampling access port on each gas  
12 extraction well.

13 (d) A gas header system that meets all of the following  
14 requirements:

15 (i) The entire gas header system is designed with a loop to  
16 allow alternative flow paths for the gas as soon as practicable  
17 during both the interim and final development phases of  
18 construction.

19 (ii) The slope on the header pipe over the waste mass is at  
20 least 2% wherever possible. The slope outside of the waste mass  
21 shall allow efficient removal of condensate and prevents sags.

22 (iii) The header and lateral pipes meet both of the following  
23 requirements:

24 (A) Are manufactured from polyethylene or another material  
25 approved by the department.

26 (B) Are designed to convey projected amounts of gas and  
27 liquids; withstand installation, static, and settlement forces; and  
28 withstand planned overburden and traffic loads.

29 (e) A blower, header, and laterals designed so that a vacuum



1 of at least 10 inches of water column is available at the well  
2 located furthest from the blower. An available header vacuum of  
3 less than 10 inches of water column at the well located furthest  
4 from the blower complies with this subdivision if the owner or  
5 operator of the landfill demonstrates to the department that the  
6 available vacuum is adequate to meet performance criteria.

7 (f) A drip leg or equivalent installed immediately before the  
8 blower to separate condensate from gas while preserving the suction  
9 at the wells when under maximum operating vacuum.

10 (g) An approved secondary containment method for condensate  
11 and liquid transfer piping if the piping is located outside of the  
12 limits of the waste and installed after the effective date of the  
13 amendatory act that added this section.

14 (h) The ability to collect and manage all condensate, measure  
15 volumes of liquid removed from the gas extraction wells, and  
16 collect samples of landfill gas.

17 (i) A control device to which collected landfill gas is routed  
18 that meets all of the following requirements:

19 (i) Operates at all times gas is routed to it.

20 (ii) Is designed and operated to meet the requirements of part  
21 55 or the new source performance standards under 40 CFR part 60.

22 (iii) Operates backup blower or control equipment required under  
23 subdivision (j).

24 (j) Available backup equipment to effectively control landfill  
25 gas emissions during an equipment breakdown.

26 (k) The active gas collection and control system shall not be  
27 inoperable or unable to maintain a vacuum required by subdivision  
28 (e) for more than 5 consecutive days.

29 (3) A landfill that has a potential to generate gas shall have



1 and comply with a gas migration monitoring plan. The plan shall  
2 include at least 1 gas monitoring probe on each side of the  
3 landfill. The plan shall be based on all of the following factors:

- 4 (a) Soil conditions.
- 5 (b) Hydrogeologic conditions surrounding the landfill.
- 6 (c) Hydraulic conditions surrounding the landfill.
- 7 (d) The location of landfill structures and property  
8 boundaries.

9 (4) A landfill that accepts industrial waste or other  
10 nonmunicipal solid waste with the potential to generate gas and  
11 that does not utilize an active gas collection and control system  
12 shall be designed with a system that allows gas venting from the  
13 entire landfill surface. The owner or operator of the landfill  
14 shall perform an analysis to determine the spacing needed between  
15 gas venting trenches for an effective system. The system shall be  
16 designed with a continuous layer, which may be utilized as part of  
17 the infiltration layer that protects the final cover liner from the  
18 waste and minimizes the effect of settlement. The continuous layer  
19 shall meet all of the following requirements:

- 20 (a) Be located below the capping layer.
- 21 (b) Allow surficial venting from the waste final surface.
- 22 (c) Consist of at least 1 foot of granular soil with hydraulic  
23 conductivity of at least  $1.0 \times 10^{-3}$  cm/sec and a series of flexible,  
24 perforated pipes connected to a series of outlets or an alternative  
25 design approved by the department as providing equivalent  
26 performance.

27 Sec. 11512d. (1) The owner or operator of a landfill with an  
28 active gas collection and control system or a venting system shall  
29 install monitoring ports and conduct monitoring as specified by the



1 department to determine the effectiveness of the system.

2 (2) The owner or operator of a landfill with an active gas  
3 collection and control system shall sample each gas extraction well  
4 for nitrogen or oxygen and for methane, pressure, temperature,  
5 liquid level, and, if existing wellheads allow flow measurement,  
6 flow. The owner or operator shall monitor gas flow to the control  
7 device, methane content at the control device, and other parameters  
8 as specified in an approved monitoring plan.

9 (3) The owner or operator of a landfill shall sample each gas  
10 extraction well monthly for the parameters, other than liquid  
11 level, listed in subsection (2). Except as provided in this  
12 subsection, the liquid level in each well shall be monitored at  
13 least semi-annually. If for 2 consecutive monitoring events the  
14 liquid level in a well exceeds 50% but does not exceed 75% of the  
15 screened interval length, the owner or operator shall submit to the  
16 department for review a liquids removal evaluation and corrective  
17 action report for the well, unless the well has a functional,  
18 operated liquid pump. If the liquid level in a well exceeds 75% of  
19 the screened interval length during a monitoring event, then the  
20 liquid level monitoring frequency for that well shall be increased  
21 to quarterly. If the liquid level in a well exceeds 75% of the  
22 screened interval length for 2 consecutive monitoring events, the  
23 owner or operator of the landfill shall install a liquids pump,  
24 unless the department approves an alternative corrective action  
25 plan. If the liquid level in a well did not exceed 50% for the  
26 immediately preceding 2 consecutive monitoring events, the owner or  
27 operator may petition the department for a decreased monitoring  
28 frequency. However, decreased monitoring shall be conducted at  
29 least annually. For the purposes of the petition, the 2 consecutive



1 monitoring events may include monitoring conducted before the  
2 effective date of the amendatory act that added this section.

3 (4) The owner or operator of a landfill required to have an  
4 active landfill gas collection and control system shall operate the  
5 system so that the methane concentration is 500 parts per million  
6 or less above background at the surface of the landfill.

7 (5) Not later than 180 days after initial waste receipt in a  
8 portion of a landfill, the owner or operator of the landfill shall  
9 commence surface monitoring for methane at all of the following  
10 locations:

11 (a) Where visual observations, such as of distressed  
12 vegetation or cracks or seeps in the cover, indicate elevated  
13 concentrations of landfill gas.

14 (b) At each penetration of daily, interim, or final landfill  
15 cover.

16 (c) Around the perimeter of the active gas collection and  
17 control system.

18 (d) Along a pattern that traverses the landfill at no more  
19 than 30-meter intervals, unless the owner or operator establishes  
20 an alternative traversing pattern that is approved by the  
21 department after a site-specific demonstration.

22 (6) The owner or operator of a landfill shall conduct  
23 monitoring under subsection (5) in compliance with a surface  
24 monitoring design plan approved by the department that includes a  
25 topographical map showing the monitoring route and the rationale  
26 for any site-specific deviations from the 30-meter intervals under  
27 subsection (5) (d). The department may approve a surface monitoring  
28 design plan that excludes steep slopes or other dangerous areas  
29 from the surface monitoring.



1 (7) The owner or operator of a landfill shall do all of the  
2 following:

3 (a) Submit gas monitoring results to the department upon  
4 request.

5 (b) Prepare field records of all monitoring activities under  
6 this section in sufficient detail to document whether the sampling  
7 plan has been complied with.

8 (c) Retain the field records required under subdivision (b) in  
9 an operating record at the landfill or in an alternative location  
10 approved by the department until the end of the long-term care  
11 period for the landfill.

12 (d) Make the field records in a format specified by the  
13 department available for department inspection on request.

14 Sec. 11512f. (1) The owner or operator of a type II landfill  
15 shall submit to the department revised engineering plans and  
16 reports required by this section in compliance with the following  
17 schedule:

18 (a) If, on the effective date of the amendatory act that added  
19 this section, the landfill has an active gas collection and control  
20 system and is subject to monthly wellhead monitoring pursuant to  
21 the new source performance standards under 40 CFR part 60, the  
22 owner or operator shall submit revised engineering plans that  
23 incorporate the approved new source performance standard plans  
24 within 90 days after the effective date of the amendatory act that  
25 added this section. The revised plans need not require upgrading of  
26 the initial active gas collection and control system in previously  
27 constructed areas unless it is necessary to correct surface  
28 emissions of methane at concentrations exceeding 500 parts per  
29 million above background that cannot be corrected within 1





1 quarterly monitoring period by following the procedures of 40 CFR  
2 60.755(c) (4) (i) to (iv), to correct a nuisance odor violation, or  
3 to maintain vacuum requirements at the wellhead located farthest  
4 from the blower. The design requirements of section 11512b(2) apply  
5 to lateral extensions, lateral expansions, and all new units at the  
6 facility.

7 (b) If, on the effective date of the amendatory act that added  
8 this section, the landfill has an active gas collection and control  
9 system and is not subject to monthly wellhead monitoring pursuant  
10 to the new source performance standards under 40 CFR part 60, the  
11 owner or operator shall submit revised plans within 1 year after  
12 the effective date of the amendatory act that added this section.  
13 The revised plans need not require upgrading of the initial system  
14 in previously constructed areas unless it is necessary to correct  
15 surface emissions exceeding 500 parts per million of methane above  
16 background that cannot be corrected within 1 quarterly monitoring  
17 period by following the procedures of 40 CFR 60.755(c) (4) (i) to  
18 (iv), to correct a nuisance odor violation, or to maintain vacuum  
19 requirements at the well located furthest from the blower. The  
20 design requirements of section 11512b(2) apply to lateral  
21 extensions and all new units at the landfill.

22 (c) If, on the effective date of the amendatory act that added  
23 this section, the landfill does not have an active gas collection  
24 and control system, the owner or operator shall submit revised  
25 plans for an active gas collection and control system within 1 year  
26 after detecting surface methane emissions at concentrations  
27 exceeding 500 parts per million above background that cannot be  
28 corrected within 1 quarterly monitoring period by following the  
29 procedures of 40 CFR 60.755(c) (4) (i) to (iv) or within 1 year after



1 the department documents a nuisance odor violation, unless an  
2 extension of the deadline is approved by the department.  
3 Construction of the system shall be completed within 180 days after  
4 the department approves the revised engineering plans, unless an  
5 extension is approved by the department.

6 (d) If the landfill is a new unit or lateral expansion, the  
7 owner or operator must submit engineering plans and reports for an  
8 active gas collection and control system before the department  
9 issues a solid waste disposal area construction permit.

10 (2) The design plans and engineering reports for a type II  
11 landfill required by this part shall be sufficient to demonstrate  
12 compliance with 40 CFR 60.759. The engineering reports shall  
13 include a monitoring plan that is sufficient to demonstrate  
14 compliance with section 11512d. The department shall incorporate  
15 the design plans and engineering reports into the landfill's solid  
16 waste disposal area construction permit and solid waste disposal  
17 area operating license.

18 (3) Within 45 days after the end of each state fiscal year,  
19 the owner or operator of a type II landfill shall update  
20 engineering plans to show the as-built location of all active gas  
21 collection and control system components, unless no changes have  
22 been made. The update shall include plan views and details for any  
23 changes proposed but not previously approved. The plan views shall  
24 include proposed wells and collection headers to collect landfill  
25 gas from the landfill in future final stages as well as as-built  
26 locations for all components above grade and currently functioning  
27 below grade.

28 (4) The owner or operator of a type II landfill shall submit  
29 plans to the department before beginning an active gas collection



1 and control system expansion project. Repairs, changes, or  
2 installations are not considered to be an expansion project if they  
3 are minor and necessary for proper maintenance of the existing  
4 active gas collection and control system. The plans shall identify  
5 gas extraction well locations, include a schedule of extraction  
6 well depths, and identify gas well pump locations, compressed air  
7 and pump force main locations, header and lateral vacuum pipe  
8 locations, condensate drip leg and sump locations, and any other  
9 relevant infrastructure, as well as construction details for these  
10 items. If, during construction, conditions require that any of the  
11 approved or proposed extraction well locations deviate more than 50  
12 feet from the proposed location or more than 25% from the proposed  
13 depth, the owner or operator shall submit to the department 1 of  
14 the following:

15 (a) A statement from a licensed professional engineer that the  
16 gas wells installed will provide adequate control of landfill gas  
17 emissions and meet the intent of the design.

18 (b) A schedule for installing additional gas collectors to  
19 meet the design requirements included with the approved engineering  
20 plans.

21 (5) Within 180 days after completion of construction of  
22 portions of the active gas collection and control system, the owner  
23 or operator shall submit to the department a certification by a  
24 construction quality assurance officer or other department-approved  
25 designee of the landfill owner or operator that the construction  
26 complies with part 115 and the engineering plans approved by the  
27 department. All of the following information shall accompany the  
28 certification:

29 (a) A daily activity log, containing all of the information



1 required by R 299.4921(3) of the Michigan Administrative Code.

2 (b) Landfill gas well logs that include all of the following:

3 (i) Observations of the depth, composition, degree of decay,  
4 temperature, and moisture content of the waste.

5 (ii) Details of the construction of the well including borehole  
6 size and depth, pipe size and type, perforated length, aggregates  
7 utilized, soils utilized, and the location and types of seals  
8 utilized.

9 (c) An as-built engineering plan view of the active gas  
10 collection and control system with the location of existing wells  
11 and headers and the location of newly installed wells, headers, and  
12 other active gas collection and control system infrastructure.

13 Sec. 11512h. (1) The owner or operator of a type II landfill  
14 shall begin operating and monitoring an active gas collection and  
15 control system in compliance with the following schedule:

16 (a) If the landfill is described in section 11512f(1) (a),  
17 within 90 days after the date of approval of the revised  
18 engineering plans.

19 (b) If the landfill is described in section 11512f(1) (b),  
20 within 1 year after the effective date of the amendatory act that  
21 added this section.

22 (2) The owner or operator of a type II landfill without an  
23 active gas collection and control system shall begin surface  
24 emission scans within 1 year after the effective date of the  
25 amendatory act that added this section.

26 (3) The owner or operator of a type II landfill shall install  
27 an active gas collection and control system in compliance with the  
28 following schedule:

29 (a) If the landfill is a new unit, a lateral expansion, or a



1 lateral extension and if the approved design plan includes an  
2 active gas collection and control system, the initial active gas  
3 collection and control system must be installed before waste is  
4 accepted. An initial active gas collection and control system may  
5 include horizontal collectors installed directly above the leachate  
6 collection system or vacuum applied to the leachate collection  
7 risers, or both. The initial active gas collection and control  
8 system shall be operated upon detection of landfill gas pressure in  
9 a landfill cell, as determined by any of the following:

10 (i) Surface emission scans detecting methane at concentrations  
11 exceeding 500 parts per million above background that cannot be  
12 corrected within 1 quarterly period by following the procedures of  
13 40 CFR 60.755(c) (4) (i) to (iv).

14 (ii) Positive pressure in leachate collection riser pipes.

15 (iii) Nuisance odors.

16 (iv) Visual evidence of gas emissions, such as stressed  
17 vegetation or gas bubbling through the cover.

18 (b) If, on the effective date of the amendatory act that added  
19 this section, the landfill has an active gas collection and control  
20 system and is not subject to monthly wellhead monitoring, gas  
21 extraction wells at locations as shown in the approved engineering  
22 plans shall be installed as soon as practicable, but not later than  
23 180 days after engineering plan approval, unless an extension is  
24 approved by the department.

25 (c) If the landfill does not have an active gas collection and  
26 control system, gas extraction wells at locations as shown in the  
27 approved engineering plans shall be installed as soon as  
28 practicable, but not later than 180 days after engineering plan  
29 approval, unless an extension is approved by the department.



1           (4) After waste placement and operation of the initial  
 2 collection devices, if a location is identified to have methane  
 3 emissions at concentrations exceeding 500 parts per million above  
 4 background, the owner or operator of the landfill shall comply with  
 5 40 CFR 60.755(c) (4) (i) to (iv). If a location is identified to have  
 6 methane emissions at concentrations exceeding 500 parts per million  
 7 above background 3 times within a quarterly monitoring period, the  
 8 owner or operator shall, within 120 days, install additional  
 9 extraction devices in compliance with the approved engineering  
 10 plans. The department may approve an alternative remedy or  
 11 deadline.

12           Sec. 11513. (1) ~~A person shall not accept for disposal solid~~  
 13 ~~waste or municipal solid waste incinerator ash that is not~~  
 14 ~~generated in the county in which the disposal area is located~~  
 15 ~~unless the acceptance of solid waste or municipal solid waste~~  
 16 ~~incinerator ash that is not generated in the county is explicitly~~  
 17 ~~authorized in the approved county solid waste management plan.~~

18           ~~(2) Subsection (1) does not apply to coal ash that is accepted~~  
 19 ~~for disposal at a captive facility that, after the effective date~~  
 20 ~~of the amendatory act that added this subsection, accepts only~~  
 21 ~~nonhazardous industrial waste generated only by the owner of the~~  
 22 ~~landfill or coal ash impoundment or its corporate affiliates.~~

23           ~~(3) The department shall take action to enforce this section~~  
 24 ~~within 30 days of obtaining knowledge of a violation of this~~  
 25 ~~section.~~ **A person shall not manage solid waste at a solid waste**  
 26 **processing and transfer facility described in subsection (2) or (3)**  
 27 **unless the facility has complied with the applicable notification**  
 28 **or registration requirement of subsection (2) or (3), respectively.**

29           (2) Subject to subsection (5), unless the person has notified



1 the department, a person shall not operate a solid waste processing  
2 and transfer facility that does not at any time have on-site more  
3 than 50 cubic yards of solid waste and that is not designed to  
4 accept waste from vehicles with mechanical compaction devices.  
5 Notification shall be given upon initial operation and,  
6 subsequently, within 45 days after the end of each state fiscal  
7 year. The subsequent notices shall report the amount of solid waste  
8 managed at the facility during the preceding state fiscal year.

9 (3) Subject to subsection (5), beginning 1 year after the  
10 effective date of the amendatory act that added this subsection,  
11 unless the person has registered the facility with the department,  
12 a person shall not operate a solid waste processing and transfer  
13 facility that at any time has on-site more than 50 cubic yards and  
14 does not at any time have on-site more than 200 cubic yards of  
15 solid waste and that is not designed to accept waste from vehicles  
16 with mechanical compaction devices. The term of a registration is 5  
17 years. The person shall submit an application to renew a  
18 registration at least 90 days before the expiration of the current  
19 registration. An application for registration under this subsection  
20 shall contain the name and mailing address of the applicant, the  
21 location of the proposed or existing solid waste processing and  
22 transfer facility, and other information required by part 115. The  
23 application shall be accompanied by a fee of \$750.00. In addition,  
24 within 45 days after the end of each state fiscal year, the person  
25 shall submit to the department a report on the amount of materials  
26 managed at the facility during that state fiscal year.

27 (4) An application for registration submitted under subsection  
28 (3) shall be accompanied by an operations plan and site map. The  
29 department shall review operations and the operations plan for



1 existing solid waste disposal areas to ensure compliance with  
2 operating requirements. If the department determines that an  
3 existing solid waste disposal area is noncompliant, the department  
4 may issue a schedule of remedial measures that will lead to  
5 compliance within a reasonable period of time not to exceed 1 year  
6 from the determination of deficiency.

7 (5) For a disposal area in operation before the effective date  
8 of the amendatory act that added this subsection, both of the  
9 following apply:

10 (a) Except as provided in subdivision (b), the disposal areas  
11 shall follow their existing licensing renewal schedule.

12 (b) For a disposal area is described in subsection (3) or (4),  
13 the operator of the disposal area shall submit to the department  
14 the notification or application for registration required under  
15 those subsections within 1 year after the effective date of the  
16 amendatory act that added this subsection.

17 ~~Sec. 11514. (1) Optimizing recycling opportunities, including~~  
18 ~~electronics recycling opportunities, and the reuse of materials~~  
19 ~~shall be a principal objective of the state's solid waste~~  
20 ~~management plan. Recycling and reuse of materials, including the~~  
21 ~~reuse of materials from electronic devices, are in the best~~  
22 ~~interest of promoting the public health and welfare. The state~~  
23 ~~shall develop policies and practices that promote recycling and~~  
24 ~~reuse of materials and, to the extent practical, minimize the use~~  
25 ~~of landfilling as a method for disposal of its waste. Policies and~~  
26 ~~practices that promote recycling and reuse of materials, including~~  
27 ~~materials from electronic devices, will conserve raw materials,~~  
28 ~~conserve landfill space, and avoid the contamination of soil and~~  
29 ~~groundwater from heavy metals and other pollutants.~~





1           (1) ~~(2)~~—A person shall not knowingly deliver to a landfill for  
2 disposal, or, if the person is an owner or operator of a landfill,  
3 knowingly ~~permit~~**allow** disposal in the landfill of, any of the  
4 following:

5           (a) Medical waste, unless that medical waste has been  
6 decontaminated or is not required to be decontaminated but is  
7 packaged in the manner required under part 138 of the public health  
8 code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~**.333.13832**.

9           (b) More than a de minimis amount of open, empty, or otherwise  
10 used beverage containers.

11           (c) More than a de minimis number of whole motor vehicle  
12 tires.

13           (d) More than a de minimis amount of yard ~~clippings, waste,~~  
14 unless ~~they are diseased, infested, or composed of invasive species~~  
15 ~~as authorized by section 11521(1)(i)~~**.it meets the requirements of**  
16 **section 11555(1)(j)**.

17           (2) ~~(3)~~—A person shall not deliver to a landfill for disposal,  
18 or, if the person is an owner or operator of a landfill, ~~permit~~  
19 **allow** disposal in the landfill of, any of the following:

20           (a) Used oil as defined in section 16701.

21           (b) A lead acid battery as defined in section 17101.

22           (c) Low-level radioactive waste as defined in section 2 of the  
23 low-level radioactive waste authority act, 1987 PA 204, MCL  
24 333.26202.

25           (d) Regulated hazardous waste as defined in R 299.4104 of the  
26 Michigan ~~administrative code~~**.Administrative Code**.

27           (e) Bulk or noncontainerized liquid waste or waste that  
28 contains free liquids, unless the waste is 1 of the following:

29           (i) Household waste other than septage waste.



1 (ii) Leachate or gas condensate that is approved for  
2 recirculation.

3 (iii) Septage waste or other liquids approved for beneficial  
4 addition under section 11511b.

5 (f) Sewage.

6 (g) PCBs as defined in 40 CFR 761.3.

7 (h) Asbestos waste, unless the landfill complies with 40 CFR  
8 61.154.

9 (3) ~~(4)~~A person shall not knowingly deliver to a municipal  
10 solid waste incinerator for disposal, or, if the person is an owner  
11 or operator of a municipal solid waste incinerator, knowingly  
12 ~~permit~~**allow** disposal in the incinerator of, more than a de minimis  
13 amount of yard clippings, ~~waste~~, unless they are diseased,  
14 infested, or composed of invasive species as authorized by section  
15 11521(1)(i). **they meet the requirements of section 11555(1)(j).**

16 (4) The department shall post, and a solid waste hauler that  
17 disposes of solid waste in a municipal solid waste incinerator  
18 shall provide its customers with, notice of the prohibitions of  
19 ~~this~~ subsection (3) in the same manner as provided in section  
20 11527a.

21 (5) If the department determines that a safe, sanitary, and  
22 feasible alternative does not exist for the disposal in a landfill  
23 or municipal solid waste incinerator of any items described in  
24 subsection ~~(2)~~**(1)** or ~~(4)~~**(3)**, respectively, the department shall  
25 submit a report setting forth that determination and the basis for  
26 the determination to the standing committees of the senate and  
27 house of representatives with primary responsibility for solid  
28 waste issues.

29 Sec. 11514b. (1) A person shall not deliver to a type II



1 landfill in this state for disposal and the owner or operator of a  
2 type II landfill shall not permit disposal in the landfill of  
3 technologically enhanced naturally occurring radioactive material  
4 with any of the following:

5 (a) A concentration of radium-226 more than 50 picocuries per  
6 gram.

7 (b) A concentration of radium-228 more than 50 picocuries per  
8 gram.

9 (c) A concentration of lead-210 more than 260 picocuries per  
10 gram.

11 (2) The owner or operator of a type II landfill shall not  
12 permit a delivery of TENORM for disposal at the landfill unless the  
13 generator has provided the following information in writing to the  
14 owner or operator of the landfill:

15 (a) The concentrations of radium-226, radium-228, lead-210,  
16 and any other radionuclide identified using gamma spectroscopy, or  
17 an equivalent analytical method, in the TENORM based on techniques  
18 for representative sampling and waste characterization approved by  
19 the department.

20 (b) An estimate of the total mass of the TENORM.

21 (c) An estimate of the total radium-226 activity, the total  
22 radium-228 activity, and the total lead-210 activity of the TENORM.

23 (d) The proposed date of delivery.

24 (3) The department may test TENORM proposed to be delivered to  
25 a landfill.

26 (4) ~~The~~ **Within 45 days after the end of each state fiscal**  
27 **year, the** owner or operator of a type II landfill shall submit to  
28 the department an annual report that summarizes the information  
29 obtained under subsection (2) for all TENORM disposed at the



1 landfill during the previous state fiscal year.

2 (5) The owner or operator of a type II landfill that disposes  
3 of TENORM with a concentration of radium-226 more than 25  
4 picocuries per gram, a concentration of radium-228 more than 25  
5 picocuries per gram, or a concentration of lead-210 more than 25  
6 picocuries per gram shall do all of the following:

7 (a) Ensure that all TENORM is deposited at least 10 feet below  
8 the bottom of the future landfill cap.

9 (b) Maintain records of the location and elevation of TENORM  
10 disposed of at the landfill.

11 (c) Conduct a monitoring program that complies with all of the  
12 following:

13 (i) Radiological monitoring of site workers and at the landfill  
14 property boundary are conducted as specified in the license.

15 (ii) Radium-226, radium-228, and lead-210 are included among  
16 the parameters analyzed in leachate and groundwater at the  
17 frequency specified in the license.

18 (iii) Results of all monitoring required under this subsection  
19 are included in the environmental monitoring reports required under  
20 rules promulgated under this part and the facility operating  
21 license.

22 (6) As used in this section, "technologically enhanced  
23 naturally occurring radioactive material" or "TENORM" means  
24 naturally occurring radioactive material whose radionuclide  
25 concentrations have been increased as a result of human practices.  
26 TENORM does not include any of the following:

27 (a) Source material, as defined in section 11 of the atomic  
28 energy act of 1954, 42 USC 2014, and its progeny in equilibrium.

29 (b) Material with concentrations of radium-226, radium-228,



1 and lead-210 each less than 5 picocuries per gram.

2       ~~Sec. 11515. (1) Upon receipt of a license application, the~~  
 3 ~~department or a health officer or an authorized representative of a~~  
 4 ~~health officer shall inspect the site and determine if the proposed~~  
 5 ~~operation complies with this part and the rules promulgated under~~  
 6 ~~this part.~~

7       ~~(2) The department shall not license a landfill facility or~~  
 8 ~~coal ash impoundment operating without an approved hydrogeologic~~  
 9 ~~monitoring program until the department receives a hydrogeologic~~  
 10 ~~monitoring program and the results of the program. The department~~  
 11 ~~shall use this information in conjunction with other information~~  
 12 ~~required by this part or the rules promulgated under this part to~~  
 13 ~~determine a course of action regarding licensing of the facility~~  
 14 ~~consistent with section 4005 of subtitle D of the solid waste~~  
 15 ~~disposal act, title II of Public Law 89-272, 42 USC 6945, and with~~  
 16 ~~this part and the rules promulgated pursuant to this part. In~~  
 17 ~~deciding a course of action, the department shall consider, at a~~  
 18 ~~minimum, the health hazards, environmental degradation, and other~~  
 19 ~~public or private alternatives. The department may do any of the~~  
 20 ~~following:~~

21       ~~(a) Revoke a license.~~

22       ~~(b) Deny a license to a coal ash impoundment that has not been~~  
 23 ~~previously licensed under this part.~~

24       ~~(c) Issue a timetable or schedule to provide for compliance~~  
 25 ~~for the landfill or coal ash impoundment, specifying a schedule of~~  
 26 ~~remedial measures, including a sequence of actions or operations,~~  
 27 ~~which leads to compliance with this part within a reasonable time~~  
 28 ~~period but not more than 1 year.~~ **The department or an authorized**  
 29 **representative of the department may inspect and investigate**



1 conditions relating to the generation, storage, processing,  
2 transportation, management, or disposal of solid waste or any  
3 material regulated under part 115. In conducting an inspection or  
4 investigation, the department or its authorized representative may,  
5 at reasonable times and after presenting credentials and stating  
6 its authority and purpose, do any of the following:

7 (a) Enter any property.

8 (b) Have access to and copy, at reasonable times, any  
9 information or records that are required to be maintained pursuant  
10 to part 115 or an order issued under part 115.

11 (c) Inspect, at reasonable times, any facility, equipment,  
12 including monitoring and pollution control equipment, practices, or  
13 operations regulated or required under part 115 or an order issued  
14 under part 115.

15 (d) Sample, test, or monitor, at reasonable times, substances  
16 or parameters for the purpose of determining compliance with part  
17 115 or an order issued under part 115.

18 (2) Upon receipt of an application for a permit, license,  
19 approval under a general permit, or registration under part 115,  
20 the department or an authorized representative of the department  
21 shall inspect the materials management facility, property, site, or  
22 proposed operation to determine eligibility for the permit,  
23 license, or registration. An inspection report shall be filed in  
24 writing by the department before issuing a permit, license, or  
25 registration.

26 (3) If the department or an authorized representative of the  
27 department is refused entry or access under subsection (1) or (2),  
28 the attorney general, on behalf of the state, may do either of the  
29 following:



1 (a) Petition the court of appropriate jurisdiction for a  
 2 warrant authorizing entry or access to property, information or  
 3 records, or to sample, test, or monitor pursuant to this section.

4 (b) Commence a civil action to compel compliance with a  
 5 request for entry or access to property, information or records, or  
 6 to sample, test, or monitor pursuant to this section.

7 (4) The department or an authorized representative may receive  
 8 and initiate complaints of an alleged violation of part 115 and  
 9 take action with respect to the complaint as provided in part 115.

10 (5) As used in this section, "authorized representative" means  
 11 any of the following:

12 (a) A full- or part-time employee of another state department  
 13 or agency acting pursuant to law or to which the department  
 14 delegates certain duties under part 115.

15 (b) A local health officer.

16 (c) For the purpose of sampling, testing, or monitoring under  
 17 subsection (1) (d), a contractor retained by the state or a local  
 18 health officer.

19 Sec. 11516. (1) ~~The department shall conduct a consistency~~  
 20 ~~review before~~ **Before** making a final decision on a license  
 21 application, **the department shall review the application for**  
 22 **consistency with the requirements of part 115.** The department shall  
 23 notify the clerk of the municipality in which the disposal area is  
 24 located and the applicant of its approval or denial of a license  
 25 application within 10 days after the final decision is made.

26 (2) An operating license ~~shall expire~~ **expires** 5 years after  
 27 the date of issuance. An operating license may be renewed before  
 28 expiration upon payment of a renewal application fee specified in  
 29 section ~~11512(8)~~ **11512** if the licensee is in compliance with ~~this~~



1 ~~part and the rules promulgated under this part 115.~~

2 ~~(3) The issuance of the operating license under this part~~  
 3 ~~empowers the department or a health officer or an authorized~~  
 4 ~~representative of a health officer to enter at any reasonable time,~~  
 5 ~~pursuant to law, in or upon private or public property licensed~~  
 6 ~~under this part for the purpose of inspecting or investigating~~  
 7 ~~conditions relating to the storage, processing, or disposal of any~~  
 8 ~~material.~~

9 ~~(4) Except as otherwise provided in this subsection, the~~  
 10 ~~department shall not issue an operating license for a new disposal~~  
 11 ~~area within a planning area unless a solid waste management plan~~  
 12 ~~for that planning area has been approved pursuant to sections 11536~~  
 13 ~~and 11537 and unless the disposal area complies with and is~~  
 14 ~~consistent with the approved solid waste management plan. This~~  
 15 ~~subsection does not prohibit the issuance of a license for a~~  
 16 ~~captive facility that is a coal ash impoundment or a coal ash~~  
 17 ~~landfill in the absence of an approved county solid waste~~  
 18 ~~management plan, upon receipt of a letter of approval from~~  
 19 ~~whichever county or counties, group of municipalities, or regional~~  
 20 ~~planning agency has prepared or is preparing the county solid waste~~  
 21 ~~management plan for that planning area under section 11533 and from~~  
 22 ~~the municipality in which the disposal area is to be located.~~

23 **(3) Before a materials management plan is approved for a**  
 24 **county pursuant to section 11575, a solid waste management plan may**  
 25 **be amended pursuant to the procedures that applied under section**  
 26 **11533 and former sections 11534 to 11537a immediately before the**  
 27 **effective date of the amendatory act that added this subsection.**

28 ~~(4) (5)~~—Issuance of an operating license by the department  
 29 authorizes the licensee to accept waste for disposal in certified





1 portions of the disposal area for which a bond was established  
2 under section 11523 and, for type II landfills, for which financial  
3 assurance was demonstrated under section 11523a. If the  
4 construction of a portion of a landfill licensed under this section  
5 is not complete at the time of license application, the owner or  
6 operator of the landfill shall submit a certification under the  
7 seal of a licensed professional engineer verifying that the  
8 construction of that portion of the landfill has proceeded  
9 according to the approved plans at least 60 days ~~prior to~~ **before**  
10 the anticipated date of waste disposal in that portion of the  
11 landfill. If the department does not deny the certification within  
12 60 days of receipt, the owner or operator may accept waste for  
13 disposal in the certified portion. In the case of a denial, the  
14 department shall issue a written statement ~~stating of~~ the reasons  
15 why the construction or certification is not consistent with ~~this~~  
16 ~~part or rules promulgated under this part~~ **115** or the approved  
17 plans.

18 **(5) The final exterior landfill slopes approved by the**  
19 **department, including the slope of the top of waste beneath the**  
20 **final cover, shall not be steeper than 25% except where necessary**  
21 **to install berms for erosion control. However, the department may**  
22 **approve a slope of not more than 33% to vertically transition the**  
23 **side slope back to permitted final waste grades upslope from an**  
24 **area that has received final cover and has settled below permitted**  
25 **grades. The department may approve the transition slope if the**  
26 **owner or operator demonstrates, through revised engineering plans**  
27 **and analyses, that the steeper slope will not result in increased**  
28 **erosion or reduced stability in either the interim or final cover**  
29 **conditions. The landfill owner or operator shall provide enhanced**



1 soil erosion protection to the top surface of the transition slope  
 2 to ensure interim and long-term erosion control and stability  
 3 equivalent to a 25% side slope.

4 Sec. 11517. (1) ~~Within 9 months after the completion of~~  
 5 ~~construction of a municipal solid waste incinerator, the owner or~~  
 6 ~~operator of a municipal solid waste incinerator shall submit a plan~~  
 7 ~~to the department for a program that, to the extent practicable,~~  
 8 ~~reduces the incineration of noncombustible materials and dangerous~~  
 9 ~~combustible materials and their hazardous by-products at the~~  
 10 ~~incinerator. The department shall approve or disapprove the plan~~  
 11 ~~submitted under this subsection within 30 days after receiving it.~~  
 12 ~~In reviewing the plan, the department shall consider the current~~  
 13 ~~county solid waste management plan, available markets for separated~~  
 14 ~~materials, disposal alternatives for the separated materials, and~~  
 15 ~~collection practices for handling such separated materials. If the~~  
 16 ~~department disapproves a plan, the department shall notify the~~  
 17 ~~owner or operator submitting the plan of this fact, and shall~~  
 18 ~~provide modifications that, if included, would result in the plan's~~  
 19 ~~approval. If the department disapproves a plan, the owner or~~  
 20 ~~operator of a municipal solid waste incinerator shall within 30~~  
 21 ~~days after receipt of the department's disapproval submit a revised~~  
 22 ~~plan that addresses all of the modifications provided by the~~  
 23 ~~department. The department shall approve or disapprove the revised~~  
 24 ~~plan within 30 days after receiving it, and approval of the revised~~  
 25 ~~plan shall not be unreasonably withheld.~~

26 (2) ~~Not later than 6 months after the approval of the plan by~~  
 27 ~~the department under subsection (1), the owner or operator shall~~  
 28 ~~implement the plan in accordance with the implementation schedule~~  
 29 ~~set forth in the plan. The operation of a municipal solid waste~~



1 ~~incinerator without an approved plan under this section shall~~  
2 ~~subject the owner or operator, or both, to all of the sanctions~~  
3 ~~provided by this part.~~ After the department approves the closure  
4 certification for a landfill unit under section 11523a, the owner  
5 or operator shall conduct postclosure care of that unit in  
6 compliance with a postclosure plan approved by the department and  
7 shall maintain financial assurance in compliance with part 115  
8 including any additional financial assurance required based on an  
9 extension of the postclosure care period under subsection (3). The  
10 postclosure plan may include monitoring and maintenance provisions  
11 not otherwise required by part 115, if designed to achieve and  
12 demonstrate functional stability, such as monitoring settlement.  
13 Postclosure care shall be conducted for 30 years, except as  
14 provided under subsection (2) or (3), and consist of at least all  
15 of the following conducted as required by part 115:

16 (a) Maintaining the integrity and effectiveness of any final  
17 cover, including making repairs to the cover as necessary to  
18 correct the effects of settlement, subsidence, erosion, or other  
19 events, and preventing run-on and run-off from eroding or otherwise  
20 damaging the final cover.

21 (b) Maintaining and operating the leachate collection system,  
22 if any. The department may waive the requirements of this  
23 subdivision if the owner or operator demonstrates that leachate no  
24 longer poses a threat to human health and the environment.

25 (c) Monitoring the groundwater and maintaining the groundwater  
26 monitoring system, if any.

27 (d) Maintaining and operating the gas monitoring and  
28 collection system, if any.

29 (2) The department, by written notification to the landfill



1 owner or operator, shall shorten the postclosure care period  
2 specified under subsection (1) if the landfill owner or operator  
3 submits to the department, and the department approves, a petition  
4 certified by a licensed professional engineer and a qualified  
5 groundwater scientist that demonstrates all of the following:

6 (a) The landfill's closure certification was approved by the  
7 department under section 11523a.

8 (b) The owner or operator has complied with postclosure care  
9 maintenance and monitoring requirements for at least 15 years.

10 (c) The landfill has achieved functional stability, including,  
11 but not limited to, meeting all of the following requirements:

12 (i) There has been no release from the landfill into  
13 groundwater or surface water requiring ongoing corrective action.

14 (ii) There is no ongoing subsidence or significant past  
15 subsidence of waste in the unit that may result in ponding or  
16 erosion that would significantly increase infiltration through or  
17 cause damage to the final cover.

18 (iii) The landfill does not produce more than minimal amounts of  
19 combustible gases.

20 (iv) Combustible gases from the landfill have not been detected  
21 at or beyond the landfill's property boundary or in facility  
22 structures.

23 (v) The landfill does not produce nuisance odors requiring  
24 control.

25 (vi) Leachate and gas collection and control system condensate  
26 generation has ceased, leachate and condensate quality meets  
27 criteria for acceptable surface water or groundwater discharge, or  
28 leachate and condensate can be discharged through existing leachate  
29 and condensate handling facilities, such as sewers connected to a



1 publicly owned treatment works.

2 (vii) The final exterior landfill slopes are as approved by the  
3 department under section 11516(5).

4 (d) Any other conditions necessary, as determined by the  
5 department, to protect human health or the environment are met.

6 (3) The department shall extend the postclosure care period  
7 specified in subsection (1) for a landfill unit if any of the  
8 following apply:

9 (a) The owner or operator did not close the landfill unit as  
10 required by part 115.

11 (b) The final cover of the landfill unit has not been  
12 maintained, and has significant ponding, erosion, or detrimental  
13 vegetation present.

14 (c) Groundwater monitoring has not been conducted in  
15 compliance with the approved monitoring plan or groundwater  
16 affected by the landfill unit exceeds criteria established under  
17 part 201.

18 (d) There is ongoing differential settlement of waste, as  
19 evidenced by significant ponding of water on the landfill cover.

20 (e) Gas monitoring has detected combustible landfill gases at  
21 or beyond the landfill boundary or in a facility structure above  
22 applicable criteria or gas from the unit continues to be generated  
23 at a rate that produces nuisance odors.

24 (f) Leachate or gas collection and control system condensate  
25 continues to be generated by the landfill unit in quantities or  
26 quality that may threaten groundwater or surface water.

27 (4) The owner or operator of a landfill unit that has been  
28 released from postclosure care of the unit shall do all of the  
29 following with respect to the landfill unit:



1           (a) Exercise custodial care by undertaking any activity  
 2 necessary to maintain the effectiveness of the final cover, prevent  
 3 the unauthorized discharge of leachate, prevent impacts to the  
 4 surface or groundwater, mitigate the fire and explosion hazards due  
 5 to combustible gases, and manage the landfill unit in a manner that  
 6 protects the public health and safety.

7           (b) Comply with any land use or resource use restrictions  
 8 established for the landfill unit.

9           Sec. 11518. (1) ~~At the time a disposal area that is a sanitary~~  
 10 **When a** landfill is licensed, an instrument that imposes a  
 11 restrictive covenant upon the land involved shall be executed by  
 12 all of the owners of the ~~tract of~~ land upon which the landfill is  
 13 to be located and the department. If the land involved is ~~state~~  
 14 ~~owned,~~ **owned by this state**, the state administrative board shall  
 15 execute the covenant on behalf of ~~the~~ **this** state. The **department or**  
 16 **a local health officer shall file the** instrument imposing the  
 17 restrictive covenant ~~shall be filed for record by the department or~~  
 18 ~~a health officer~~ in the office of the register of deeds of the  
 19 county, or counties, in which the ~~facility~~ **landfill** is located. The  
 20 covenant shall state that the land described in the covenant has  
 21 been or will be used as a landfill and that neither the property  
 22 owners, their servants, agents, or employees, nor any of their  
 23 heirs, successors, lessees, or assigns shall, **without authorization**  
 24 **from the department**, engage in filling, grading, excavating,  
 25 drilling, or mining on the property during the first 50 years  
 26 following ~~completion of the landfill without authorization of the~~  
 27 ~~department.~~ **approval by the department of the landfill's closure**  
 28 **certification under section 11523a.** In giving authorization, the  
 29 department shall consider the original design, type of operation,



1 material deposited, and the stage of decomposition of the fill.  
 2 ~~Special~~**The department may grant an** exemption from this section ~~may~~  
 3 ~~be granted by the department if the lands involved are federal~~  
 4 ~~lands or if contracts~~**if the land involved is federally owned or if**  
 5 **agreements** existing between the landowner and the licensee on  
 6 January 11, 1979 are not renegotiable.

7 (2) ~~This part~~**Part 115** does not prohibit the department from  
 8 conveying, leasing, or permitting the use of state land for a solid  
 9 waste disposal area or a resource recovery facility as provided by  
 10 applicable state law.

11 (3) When a disposal area that is a coal ash impoundment is  
 12 licensed under this part, an instrument that imposes a restrictive  
 13 covenant upon the land involved shall be executed by all of the  
 14 owners of the tract of land upon which the impoundment is located  
 15 or is to be located and the department. If the land involved is  
 16 owned by this state, the state administrative board shall execute  
 17 the covenant on behalf of this state. The **department or a local**  
 18 **health officer shall file the** instrument imposing the restrictive  
 19 covenant ~~shall be filed for record by the department or a health~~  
 20 ~~officer~~ in the office of the register of deeds of the county, or  
 21 counties, in which the disposal area is located. The covenant shall  
 22 state that the land described in the covenant has been or will be  
 23 used as a coal ash impoundment and that neither the property  
 24 owners, their servants, agents, or employees, nor any of their  
 25 heirs, successors, lessees, or assigns shall, **without authorization**  
 26 **from the department**, engage in filling, grading, excavating,  
 27 drilling, or mining on the property during the first 50 years  
 28 following completion of the impoundment. ~~without authorization of~~  
 29 ~~the department.~~ In giving authorization, the department shall



1 consider the original design, type of operation, material  
 2 deposited, and any removal of the materials as part of the closure  
 3 of the impoundment.

4 (4) An industrial waste landfill may accept industrial waste  
 5 of different types and from different generators, but shall not  
 6 accept hazardous waste generated by conditionally exempt small  
 7 quantity generators.

8 Sec. 11519. (1) The department shall specify, in writing, the  
 9 reasons for denial of **an application for** a ~~construction permit, or~~  
 10 an operating license, ~~further specifying those particular~~ **an**  
 11 **approval under a general permit, or a registration, including the**  
 12 ~~sections of this part or rules promulgated under this part 115 that~~  
 13 may be violated by granting the application and the manner in which  
 14 the violation may occur.

15 (2) ~~The~~ **If a materials management facility is established,**  
 16 **constructed, or operated in violation of the conditions of a**  
 17 **permit, license, approval under a general permit, or registration,**  
 18 **in violation of part 115 or an order issued under part 115, or in a**  
 19 **manner not consistent with an MMP, all of the following apply:**

20 (a) **A local** health officer or **the** department may issue a cease  
 21 and desist order specifying a schedule of closure or remedial  
 22 action in ~~accordance~~ **compliance** with ~~this part and rules~~  
 23 ~~promulgated under this part 115~~ or may establish ~~enter~~ a consent  
 24 agreement specifying a schedule of closure or remedial action ~~in~~  
 25 ~~accordance with this part and rules promulgated under this part to~~  
 26 ~~a person who establishes, constructs, conducts, manages, maintains,~~  
 27 ~~or operates a disposal area without a permit or license or to a~~  
 28 ~~person who holds a permit or license but establishes, constructs,~~  
 29 ~~conducts, manages, maintains, or operates a disposal area contrary~~





1 ~~to an approved solid waste management plan or contrary to the~~  
 2 ~~permit or license issued under this part.~~ **under part 115.**

3       **(b)** ~~(3)~~—The department may issue a final order revoking,  
 4 suspending, or restricting a ~~the~~ permit, ~~or~~ license, **approval under**  
 5 **a general permit, or registration or a notification** after a  
 6 contested case hearing as provided in the administrative procedures  
 7 act of 1969, Act No. 306 of the Public Acts of 1969, being sections  
 8 24.201 to 24.328 of the Michigan Compiled Laws, if the department  
 9 finds that the disposal area is not being constructed or operated  
 10 in accordance with the approved plans, the conditions of a permit  
 11 or license, this part, or the rules promulgated under this part. A  
 12 final order issued pursuant to this section is subject to judicial  
 13 review as provided in Act No. 306 of the Public Acts of 1969. The  
 14 department or a health officer shall inspect and file a written  
 15 report not less than 4 times per year for each licensed disposal  
 16 area. The department or the health officer shall provide the  
 17 municipality in which the licensed disposal area is located with a  
 18 copy of each written inspection report if the municipality arranges  
 19 with the department or the health officer to bear the expense of  
 20 duplicating and mailing the reports. **1969 PA 306, MCL 24.201 to**  
 21 **24.328.**

22       **(c)** ~~(4)~~—The department may issue an order summarily suspending  
 23 a ~~the~~ permit, ~~or~~ license, **approval under a general permit, or**  
 24 **registration or a notification**, if the department determines that a  
 25 violation of this part or rules promulgated under this part has  
 26 occurred which, in the department's opinion, ~~the violation or~~  
 27 **inconsistency** constitutes an emergency or poses an imminent risk of  
 28 injury to the public health or the environment. A determination  
 29 that a violation poses an imminent risk of injury to the public



1 ~~health shall be made by the department.~~ Summary suspension may be  
 2 ordered effective on the date specified in the order or upon  
 3 service of a certified copy of the order on the ~~licensee, owner or~~  
 4 **operator**, whichever is later, and ~~shall remain~~ **remains** effective  
 5 during the proceedings. The proceedings shall be commenced within 7  
 6 days ~~of~~ **after** the issuance of the order and shall be promptly  
 7 determined.

8       **(3) A final order issued pursuant to this section is subject**  
 9 **to judicial review as provided in the administrative procedures act**  
 10 **of 1969, 1969 PA 306, MCL 24.201 to 24.328. The department or a**  
 11 **health officer shall inspect and file a written report not less**  
 12 **than 4 times per year for each licensed disposal area. The**  
 13 **department or the health officer shall provide the municipality in**  
 14 **which the licensed disposal area or materials management facility**  
 15 **is located with a copy of each written inspection report if the**  
 16 **municipality arranges with the department or the health officer to**  
 17 **pay the cost of duplicating and mailing the reports.**

18       Sec. 11519b. (1) Placement of coal ash and associated liquids  
 19 into an existing coal ash impoundment or coal ash impoundment  
 20 licensed under this part is permitted and shall be conducted  
 21 consistent with ~~good management practices as defined in section~~  
 22 11519a and this section.

23       (2) If the detection monitoring required in sections  
 24 11511a(3), 11512a(1), and 11519a(1) (h) confirms a statistically  
 25 significant increase over background for 1 or more of the  
 26 constituents listed in section 11511a(3), the owner and operator of  
 27 a coal ash landfill or coal ash impoundment shall comply with R  
 28 299.4440 and 299.4441 of the part 115 rules, including, as  
 29 applicable, conducting assessment monitoring and preparation of a



1 response action plan in compliance with R 299.4442 of the part 115  
2 rules. The constituents to be monitored in the assessment  
3 monitoring program shall include those listed in section 11511a(3)  
4 and all of the following:

- 5 (a) Antimony.
  - 6 (b) Arsenic.
  - 7 (c) Barium.
  - 8 (d) Beryllium.
  - 9 (e) Cadmium.
  - 10 (f) Chromium.
  - 11 (g) Cobalt.
  - 12 (h) Copper.
  - 13 (i) Lead.
  - 14 (j) Lithium.
  - 15 (k) Nickel.
  - 16 (l) Mercury.
  - 17 (m) Molybdenum.
  - 18 (n) Selenium.
  - 19 (o) Silver.
  - 20 (p) Thallium.
  - 21 (q) Vanadium.
  - 22 (r) Zinc.
  - 23 (s) Radium 226 and 228 combined.
- 24 (3) The constituents listed in this section shall be analyzed  
25 by methods ~~specified~~ **identified** in "Standard Methods for the  
26 Examination of Water and Wastewater, ~~19th~~ **20th** edition", ~~published~~  
27 ~~by the United States Environmental Protection Agency,~~ **(jointly**  
28 **published by the American Public Health Association, the American**  
29 **Water Works Association, and the Water Environment Federation) or**



1 "Test Methods for Evaluating Solid Waste, Physical/Chemical  
 2 Methods," EPA publication SW-846, Third Edition, Final Updates I  
 3 (1993), II (1995), IIA (1994), IIB (1995), III (1997), IIIA (1999),  
 4 IIIB (2005), IV (2008), and V (2015) or by other methods approved  
 5 by the director or his or her designee.

6 (4) If the owner or operator of a coal ash landfill or coal  
 7 ash impoundment is obligated to prepare a response action plan, the  
 8 owner or operator shall comply with R 299.4442 to R 299.4445 of the  
 9 part 115 rules, as applicable.

10 (5) The owner or operator of a coal ash landfill shall place  
 11 landfill cover materials that are described in R 299.4304 of the  
 12 part 115 rules over the entire surface of each portion of the final  
 13 lift not more than 6 months after the final placement of coal ash  
 14 within the landfill or landfill unit.

15 (6) The owner or operator of a coal ash impoundment shall  
 16 begin to implement closure as described in R 299.4309(7) of the  
 17 part 115 rules not more than 6 months after the final placement of  
 18 coal ash within the impoundment and shall diligently pursue the  
 19 closure. The closure shall be completed in compliance with 40 CFR  
 20 257.102(f) (1) and (2).

21 (7) Coal ash impoundments or coal ash landfills may be closed  
 22 as a type III landfill pursuant to the applicable rules or by  
 23 removal of coal ash from the impoundment as described in this part.

24 (8) If a coal ash impoundment is closed by ~~the date that is 2~~  
 25 ~~years after the effective date of the amendatory act that added~~  
 26 ~~this section~~ **December 28, 2020**, and the department accepts the  
 27 certification of the closure, the owner is not required to provide  
 28 financial assurance under section 11523 or pay into a perpetual  
 29 care fund under section 11525.



1 (9) Closure by removal of coal ash under subsection (7) is  
 2 complete when either of the following requirements are met:

3 (a) The owner or operator certifies compliance with the  
 4 requirements of 40 CFR 257.102(c).

5 (b) The owner or operator certifies that testing confirms that  
 6 constituent concentrations remaining in the coal ash impoundment or  
 7 landfill unit and any concentrations of soil or groundwater  
 8 affected by releases therefrom do not exceed the lesser of the  
 9 applicable standards adopted by the department pursuant to section  
 10 20120a or the groundwater protection standards established pursuant  
 11 to 40 CFR 257.95(h) and the department accepts the certification,  
 12 or, if the constituent concentrations do exceed those standards,  
 13 the department has approved a remedy consistent with R 299.4444 and  
 14 R 299.4445 of the part 115 rules.

15 (10) Upon completion of the closure by removal under  
 16 subsection (9), the financial assurance under section 11523 and  
 17 perpetual care fund under section 11525 shall be terminated, the  
 18 owner or operator is not required to provide financial assurance or  
 19 contribute to a perpetual care fund, and any claim to the assurance  
 20 or fund by the department is terminated and released. The  
 21 termination and release do not impair the department's authority to  
 22 require, whether upon completion of closure under subsection (9)(b)  
 23 or subsequently, financial assurance for corrective action as  
 24 provided under this act.

### 25 **SUBPART 3 WASTE DIVERSION CENTERS**

26 Sec. 11521b. (1) The operator of a waste diversion center  
 27 shall comply with all of the following requirements:

28 (a) ~~At least 90%, by volume, of the material collected at the~~  
 29 ~~waste diversion center shall consist of diverted waste to be~~



1 ~~managed at the waste diversion center.~~ **On an annual basis, not**  
 2 **receive an amount of solid waste equal to or greater than 15%, by**  
 3 **weight, of the diverted waste received by the facility.**

4 (b) ~~The~~ **Ensure that personnel operating the** waste diversion  
 5 center ~~shall be operated by personnel who are~~ knowledgeable about  
 6 the safe management of the types of diverted waste that are  
 7 accepted at the waste diversion center.

8 (c) ~~The operator shall manage~~ **Manage** the diverted waste in a  
 9 manner that prevents the release of any diverted waste or component  
 10 of diverted waste to the environment.

11 (d) ~~The operator shall not~~ **Not** store diverted waste overnight  
 12 at the waste diversion center except in a secure location and with  
 13 ~~adequate containment~~ **that is adequate** to prevent any release of  
 14 diverted ~~wastes.~~ **waste.**

15 (e) Within 1 year after diverted waste is collected by the  
 16 waste diversion center, **transfer** that diverted waste ~~shall be~~  
 17 ~~transported from the waste diversion center to a~~ **another** waste  
 18 diversion center, **a** recycling facility, or **a** disposal facility that  
 19 ~~is in compliance with this act,~~ **meets the requirement of section**  
 20 **11508(1)(a)**, for processing, recycling, or disposal.

21 (f) ~~The operator shall not~~ **Not** process diverted waste except  
 22 to the extent necessary for the safe and efficient transportation  
 23 of the diverted waste.

24 (g) ~~The operator shall record~~ **Record** the types and quantities  
 25 of diverted ~~wastes~~ **waste** collected, the period of storage, and  
 26 where the diverted ~~wastes were~~ **waste was** transferred, processed,  
 27 recycled, or disposed of. The operator shall maintain the records  
 28 for at least 3 years and shall make the records available to the  
 29 department upon request.



1           (h) ~~Access~~ **Allow access** to the waste diversion center ~~shall be~~  
2 ~~limited to a time only~~ when a responsible individual is on duty.

3           (i) ~~The~~ **As appropriate for the type of diverted waste, protect**  
4 **the** area where the diverted waste is accumulated ~~shall be~~  
5 ~~protected, as appropriate for the type of waste,~~ from weather,  
6 fire, physical damage, and vandals.

7           (j) ~~The~~ **Keep the** waste diversion center ~~shall be kept clean~~  
8 and free of litter **and operate in a manner that does not create a**  
9 **nuisance or public health or environmental hazard.**

10           (k) **If the primary function of an entity is to serve as a**  
11 **waste diversion center, notify the department of the waste**  
12 **diversion center. Notification shall be given upon initial**  
13 **operation and subsequently within 45 days after the end of each**  
14 **state fiscal year. The subsequent notices shall report the amount**  
15 **of solid waste diverted at the facility during the preceding state**  
16 **fiscal year. The notification requirement applies to both of the**  
17 **following:**

18           (i) **For the initial notification, entities that anticipate**  
19 **collecting more than 50 tons of diverted or recyclable materials in**  
20 **the state fiscal year in which the notification is given.**

21           (ii) **For subsequent notifications, entities that collected more**  
22 **than 50 tons of diverted or recyclable materials in the preceding**  
23 **state fiscal year.**

24           ~~(2) Management of diverted wastes as required by this section~~  
25 ~~is not considered disposal for the purposes of section 11538(6).~~

26           (2) ~~(3)~~ **The operator of a waste diversion center may reject**  
27 **any diverted waste.**

28           Enacting section 1. Sections 11521 and 11522 of the natural  
29 resources and environmental protection act, 1994 PA 451, MCL



1 324.11521 and 324.11522 are repealed.

2 Enacting section 2. This amendatory act takes effect 90 days  
3 after the date it is enacted into law.

4 Enacting section 3. This amendatory act does not take effect  
5 unless all of the following bills of the 100th Legislature are  
6 enacted into law:

- 7 (a) House Bill No. 5812.
- 8 (b) House Bill No. 5814.
- 9 (c) House Bill No. 5815.
- 10 (d) House Bill No. 5816.
- 11 (e) House Bill No. 5817.

