

HOUSE BILL NO. 5812

May 28, 2020, Introduced by Reps. Howell, Tate, Sowerby, O'Malley, VanSingel and Rabhi and referred to the Committee on Natural Resources and Outdoor Recreation.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11502, 11503, 11504, 11505, 11506, 11507, 11507a, and 11508 (MCL 324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, and 324.11508), and by designating sections 11502 to 11508 as subpart 1.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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SUBPART 1 GENERAL AND DEFINITIONS

Sec. 11502. (1) "Agreement" means a written contract.

(2) ~~(1)~~—"Agronomic rate" means a rate that meets both of the



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1 following requirements:

2 (a) Is generally recognized by the agricultural community or
3 is calculated for a particular area of land to improve the physical
4 nature of soil, such as structure, tilth, water retention, pH, or
5 porosity, or to provide macronutrients or micronutrients in an
6 amount not materially in excess of that needed by the crop, forest,
7 or vegetation grown on the land.

8 (b) Takes into account and minimizes runoff of beneficial use
9 by-products to surface water or neighboring properties, the
10 percolation of excess nutrients beyond the root zone, and the
11 liberation of metals from the soil into groundwater.

12 (3) "Anaerobic digester" means a facility that uses
13 microorganisms to break down biodegradable material in the absence
14 of oxygen, producing methane and an organic product.

15 (4) "Animal bedding" means a mixture of manure and wood chips,
16 sawdust, shredded paper or cardboard, hay, straw, or other similar
17 fibrous materials normally used for bedding animals.

18 (5) ~~(2)~~"Ashes" means the residue from the burning of wood,
19 scrap wood, tires, biomass, wastewater sludge, fossil fuels
20 including coal or coke, or other combustible materials.

21 (6) "Benchmark recycling standards" means all of the following
22 requirements:

23 (a) By January 1, 2022, at least 90% of single-family
24 dwellings in urban areas as identified by the most recent federal
25 decennial census and, by January 1, 2025, at least 90% of single-
26 family dwellings in municipalities with more than 5,000 residents
27 have access to curbside recycling that meets all of the following
28 criteria:

29 (i) One or more recyclable materials, as determined by the



1 county's material management plan, that are typically collected
 2 through curbside recycling programs, are collected at least twice
 3 per month.

4 (ii) If recyclable materials are not collected separately, the
 5 mixed load is delivered to a solid waste processing and transfer
 6 facility and the recyclable materials are separated from material
 7 to be sent to a solid waste disposal area.

8 (iii) Recyclable materials collected are delivered to a
 9 materials recovery facility that complies with part 115 or are
 10 managed appropriately at an out-of-state recycling facility.

11 (iv) The curbside recycling is provided by the municipality or
 12 the resident has access to curbside recycling by the resident's
 13 chosen hauler.

14 (b) By January 1, 2028, the following additional criteria:

15 (i) In counties with a population of less than 100,000, there
 16 is at least 1 drop-off location for each 10,000 residents without
 17 access to curbside recycling at their dwelling, and the drop-off
 18 location is available at least 24 hours per month.

19 (ii) In counties with a population of 100,000 or more, there is
 20 at least 1 drop-off location for each 50,000 residents without
 21 access to curbside recycling at their dwelling, and the drop-off
 22 location is available at least 24 hours per month.

23 (7) ~~(3)~~—"Beneficial use 1" means use as aggregate, road
 24 material, or building material that in ultimate use is or will be
 25 bonded or encapsulated by cement, limes, or asphalt.

26 (8) ~~(4)~~—"Beneficial use 2" means use as any of the following:

27 (a) Construction fill at nonresidential property that meets
 28 all of the following requirements:

29 (i) Is placed at least 4 feet above the seasonal groundwater



1 table.

2 (ii) Does not come into contact with a surface water body.

3 (iii) Is covered by concrete, asphalt pavement, or other
4 material approved by the department.

5 (iv) Does not exceed 4 feet in thickness, except for areas
6 where exceedances are incidental to variations in the existing
7 topography. This subparagraph does not apply to construction fill
8 placed underneath a building or other structure.

9 (b) Road base or soil stabilizer that does not exceed 4 feet
10 in thickness except for areas where exceedances are incidental to
11 variations in existing topography, is placed at least 4 feet above
12 the seasonal groundwater table, does not come into contact with a
13 surface water body, and is covered by concrete, asphalt pavement,
14 or other material approved by the department.

15 (c) Road shoulder material that does not exceed 4 feet in
16 thickness except for areas where exceedances are incidental to
17 variations in existing topography, is placed at least 4 feet above
18 the seasonal groundwater table, does not come into contact with a
19 surface water body, is sloped, and is covered by asphalt pavement,
20 concrete, 6 inches of gravel, or other material approved by the
21 department.

22 (9) ~~(5)~~—"Beneficial use 3" means applied to land as a
23 fertilizer or soil conditioner under part 85 or a liming material
24 under 1955 PA 162, MCL 290.531 to 290.538, if all of the following
25 requirements are met:

26 (a) The material is applied at an agronomic rate consistent
27 with generally accepted agricultural and management practices.

28 (b) The use, placement, or storage at the location of use does
29 not do any of the following:



1 (i) Violate part 55 or create a nuisance.

2 (ii) Cause groundwater to no longer be fit for 1 or more
3 protected uses as defined in R 323.2202 of the Michigan
4 ~~administrative code.~~ **Administrative Code.**

5 (iii) Cause a violation of a part 31 surface water quality
6 standard.

7 **(10)** ~~(6)~~—"Beneficial use 4" means any of the following uses:

8 (a) To stabilize, neutralize, solidify, or otherwise treat
9 waste for ultimate disposal at a facility licensed under this part
10 or part 111.

11 (b) To treat wastewater, wastewater treatment sludge, or
12 wastewater sludge in compliance with part 31 or the federal water
13 pollution control act, 33 USC 1251 to 1388, at a private or
14 publicly owned wastewater treatment plant.

15 (c) To stabilize, neutralize, solidify, cap, or otherwise
16 remediate hazardous substances or contaminants as part of a
17 response activity in compliance with part 201, part 213, or the
18 comprehensive environmental response, compensation and liability
19 act of 1980, 42 USC 9601 to 9657, or a corrective action in
20 compliance with part 111 or the solid waste disposal act, 42 USC
21 6901 to 6992k.

22 (d) As construction material at a landfill licensed under this
23 part.

24 **(e) As alternate daily cover at a licensed landfill in**
25 **compliance with an operational plan approved pursuant to R 299.4429**
26 **of the Michigan Administrative Code.**

27 **(11)** ~~(7)~~—"Beneficial use 5" means blended with inert materials
28 or with compost and used to manufacture soil.

29 **(12)** ~~(8)~~—"Beneficial use by-product" means the following



1 materials if the materials are stored for beneficial use or are
2 used beneficially as specified and the requirements of section
3 11551(1) are met:

4 (a) Coal bottom ash or wood ash used for beneficial use 3 or
5 wood ash or coal ash, except for segregated flue gas
6 desulfurization material, used for beneficial use 1, 2, or 4.

7 (b) Pulp and paper mill ash used for beneficial use 1, 2, 3,
8 or 4.

9 (c) Mixed wood ash used for beneficial use 1, 2, 3, or 4.

10 (d) Cement kiln dust used as a flue gas scrubbing reagent or
11 for beneficial use 1, 2, 3, or 4.

12 (e) Lime kiln dust used as a flue gas scrubbing reagent or for
13 beneficial use 1, 2, 3, or 4.

14 (f) Stamp sands used for beneficial use 1 or 2.

15 (g) Foundry sand from ferrous or aluminum foundries used for
16 beneficial use 1, 2, 3, 4, or 5.

17 (h) Pulp and paper mill material, other than the following,
18 used for beneficial use 3:

19 (i) Rejects, from screens, cleaners, and mills dispersion
20 equipment, containing more than de minimis amounts of plastic.

21 (ii) Scrap paper.

22 (i) Spent media from sandblasting, with uncontaminated sand,
23 newly manufactured, unpainted steel used for beneficial use 1 or 2.

24 (j) Dewatered concrete grinding slurry from public
25 transportation agency road projects used for beneficial use 1, 2,
26 3, or 4.

27 (k) Lime softening residuals from the treatment and
28 conditioning of water for domestic use or from a community water
29 supply used for beneficial use 3 or 4.



1 (l) Soil washed or otherwise removed from sugar beets that is
2 used for beneficial use 3.

3 (m) Segregated flue gas desulfurization material used for
4 beneficial use 1 or 3.

5 (n) Materials and uses approved by the department under
6 section 11553(3) or (4). Approval of materials and uses by the
7 department under section 11553(3) or (4) does not require the use
8 of those materials by any governmental entity or any other person.

9 (13) ~~(9)~~ "Beverage container" means an airtight metal, glass,
10 paper, or plastic container, or a container composed of a
11 combination of these materials, which, at the time of sale,
12 contains 1 gallon or less of any of the following:

13 (a) A soft drink, soda water, carbonated natural or mineral
14 water, or other nonalcoholic carbonated drink.

15 (b) A beer, ale, or other malt drink of whatever alcoholic
16 content.

17 (c) A mixed wine drink or a mixed spirit drink.

18 (14) "Biosolids" means a solid, semisolid, or liquid that has
19 been treated to meet the requirements of R 323.2414 of the Michigan
20 Administrative Code. Biosolids includes, but is not limited to,
21 scum or solids removed in a primary, secondary, or advanced
22 wastewater treatment process and a derivative of the removed scum
23 or solids.

24 (15) ~~(10)~~ "Bond" means a financial instrument **guaranteeing**
25 **performance**, ~~executed on a form approved by the department,~~
26 including a surety bond from a surety company authorized to
27 transact business in this state, a certificate of deposit, a cash
28 bond, an irrevocable letter of credit, **an insurance policy**, a trust
29 fund, an escrow account, or a combination of any of these



1 instruments in favor of the department. ~~The owner or operator of a~~
 2 ~~disposal area who is required to establish a bond under another~~
 3 ~~state statute or a federal statute may petition the department to~~
 4 ~~allow such a bond to meet the requirements of this part. The~~
 5 ~~department shall approve a bond established under another state~~
 6 ~~statute or a federal statute if the bond provides equivalent funds~~
 7 ~~and access by the department as other financial instruments allowed~~
 8 ~~by this subsection.~~

9 **(16)** ~~(11)~~ "Captive facility" means a landfill or coal ash
 10 impoundment that accepts for disposal, and accepted for disposal
 11 during the previous calendar year, only nonhazardous industrial
 12 waste generated only by the owner of the landfill or coal ash
 13 impoundment.

14 **(17)** "Captive type III landfill" means a type III landfill
 15 that meets either of the following requirements:

16 **(a)** Accepts for disposal only nonhazardous industrial waste
 17 generated only by the owner of the landfill.

18 **(b)** Is a nonhazardous industrial waste landfill described in
 19 section 11525(4) (a), (b), or (c).

20 **(18)** ~~(12)~~ "Cement kiln dust" means particulate matter
 21 collected in air emission control devices serving Portland cement
 22 kilns.

23 **(19)** ~~(13)~~ "Certificate of deposit" means a negotiable
 24 certificate of deposit that meets all of the following
 25 requirements:

26 **(a)** Is negotiable.

27 **(b)** Is held by a bank or other financial institution regulated
 28 and examined by a state or federal agency. ~~the value of which is~~

29 **(c)** Is fully insured by an agency of the United States



1 government. ~~A certificate of deposit used to fulfill the~~
 2 ~~requirements of this part shall be~~

3 (d) **Is** in the sole name of the department. ~~with~~

4 (e) **Has** a maturity date of not less than 1 year. ~~and shall be~~

5 (f) **Is** renewed not ~~less~~ **later** than 60 days before the maturity
 6 date. ~~An applicant who uses a certificate of deposit as a bond~~
 7 ~~shall receive any accrued interest on that certificate of deposit~~
 8 ~~upon release of the bond by the department.~~

9 (20) ~~(14)~~ "Certified health department" means a city, county,
 10 or district department of health ~~that is specifically delegated~~
 11 ~~authority by the department to perform designated activities as~~
 12 ~~prescribed by this part.~~ **certified under section 11507a.**

13 (21) "Class 1 compostable material" means any of the
 14 following:

15 (a) Yard waste.

16 (b) Wood.

17 (c) Food waste.

18 (d) Paper products.

19 (e) Manure or animal bedding.

20 (f) Anaerobic digester digestate that does not contain free
 21 liquids.

22 (g) Compostable products.

23 (h) Dead animals unless infectious or managed under 1982 PA
 24 239, MCL 287.651 to 287.683.

25 (i) Spent grain from breweries.

26 (j) Paunch.

27 (k) Food processing residuals.

28 (l) Aquatic plants.

29 (m) Any other material, including, but not limited to, fat,



1 oil, or grease, that the department classifies as class 1
2 compostable material under section 11562.

3 (n) A mixture of any of these materials.

4 (22) "Class 1 composting facility" means a composting facility
5 where only class 1 compostable material is composted.

6 (23) "Class 2 compostable material" means mixed municipal
7 solid waste, biosolids, state or federal controlled substances, and
8 all other compostable material that is not listed or approved as a
9 class 1 compostable material.

10 (24) "Class 2 composting facility" means a composting facility
11 where class 2 compostable material or a combination of class 2
12 compostable material and class 1 compostable material is composted.

13 (25) ~~(15)~~"Coal ash", subject to subsection ~~(16)~~, **(27)**, means
14 any of the following:

15 (a) Material recovered from systems for the control of air
16 pollution from, or the noncombusted residue remaining after, the
17 combustion of coal or coal coke, including, but not limited to,
18 coal bottom ash, fly ash, boiler slag, flue gas desulfurization
19 materials, or fluidized-bed combustion ash.

20 (b) Residuals removed from coal ash impoundments.

21 **(26)** ~~(16)~~For beneficial use 2, coal ash does not include coal
22 fly ash except for the following if used at nonresidential
23 property:

24 (a) Class C fly ash under ASTM ~~standard C618-12A~~.**C618**,
25 "Standard Specification for Coal Fly Ash and Raw or Calcined
26 Natural Pozzolan for Use in Concrete", by ASTM International.

27 (b) Class F fly ash under ASTM ~~standard C618-12A~~, "Standard
28 Specification for Coal Fly Ash and Raw or Calcined Natural Pozzolan
29 for Use in Concrete", by ASTM International if that fly ash forms a



1 pozzolanic-stabilized mixture by being blended with lime, Portland
2 cement, or cement kiln dust.

3 (c) A combination of class C fly ash and class F fly ash under
4 ASTM ~~standard~~ C618-12A if that combination forms a pozzolanic-
5 stabilized mixture by being blended with lime, Portland cement, or
6 cement kiln dust and is used as a road base, soil stabilizer, or
7 road shoulder material under ~~subsection (4)(b) or (c)~~. **beneficial**
8 **use 2.**

9 (27) ~~(17)~~ "Coal ash impoundment" means a natural topographic
10 depression, man-made excavation, or diked area that is not a
11 landfill and that is designed to hold and, after October 14, 2015,
12 accepted an accumulation of coal ash and liquids or other materials
13 approved by the department for treatment, storage, or disposal and
14 did not receive department approval of its closure. A coal ash
15 impoundment in existence before October 14, 2015 that receives
16 waste after ~~the effective date of the amendatory act that added~~
17 ~~this subsection,~~ **December 28, 2018**, and that does not have a permit
18 pursuant to part 31, is considered an open dump beginning ~~2 years~~
19 ~~after the effective date of the amendatory act that added this~~
20 ~~subsection~~ **December 28, 2020** unless the owner or operator has
21 completed closure of the coal ash impoundment under section 11519b
22 or obtained an operating license for the coal ash impoundment.

23 (28) ~~(18)~~ "Coal ash landfill" means a landfill that is used
24 for the disposal of coal ash and may also be used for the disposal
25 of inert materials and construction material used for purposes of
26 meeting the definition of beneficial use 4, or other materials
27 approved by the department.

28 (29) ~~(19)~~ "Coal bottom ash" means ash particles from the
29 combustion of coal that are too large to be carried in flue gases



1 and that collect on furnace walls or at the bottom of the furnace.

2 (30) ~~(20)~~—"Collection center" means a tract of land, building,
3 unit, or appurtenance or combination thereof that is used to
4 collect junk motor vehicles and farm implements under section
5 11530.

6 (31) "Commercial waste", subject to subsection (32), means
7 solid waste generated by nonmanufacturing activities, including,
8 but not limited to, solid waste from any of the following:

- 9 (a) Stores.
- 10 (b) Offices.
- 11 (c) Restaurants.
- 12 (d) Warehouses.
- 13 (e) Multifamily dwellings.
- 14 (f) Hotels and motels.
- 15 (g) Bunkhouses.
- 16 (h) Ranger stations.
- 17 (i) Crew quarters.
- 18 (j) Campgrounds.
- 19 (k) Picnic grounds.
- 20 (l) Day use recreation areas.
- 21 (m) Hospitals.
- 22 (n) Schools.

23 (32) Commercial waste does not include household waste from
24 single-family dwellings, hazardous waste, or industrial waste.

25 (33) "Compost additive" means any of the following materials
26 if added to finished compost to improve the quality of the finished
27 compost:

- 28 (a) Products designed to enhance finished compost.
- 29 (b) Sugar beet limes.

1 (c) Wood ash.

2 (d) Drywall.

3 (e) Synthetic gypsum.

4 (f) Other materials approved by the department.

5 (34) "Compostable material" means organic material that can be
6 converted to finished compost. Compostable material comprises class
7 1 compostable material and class 2 compostable material.

8 (35) "Compostable products" means utensils, food service
9 containers, and other packaging and products that are biodegradable
10 and satisfy any of the following requirements:

11 (a) Are certified by the Biodegradable Products Institute.

12 (b) Meet ASTM D6400-19, "Standard Specification for Labeling
13 of Plastics Designed to Be Aerobically Composted in Municipal or
14 Industrial Facilities", by ASTM International.

15 (c) Meet ASTM D6868-19, "Standard Specification for Labeling
16 of End Items that Incorporate Plastics and Polymers as Coatings or
17 Additives with Paper and Other Substrates Designed to Be
18 Aerobically Composted in Municipal or Industrial Facilities", by
19 ASTM International.

20 (d) Are made from wood, fabric, or paper and without coatings
21 or polymeric additives unless compliant with ASTM D6868-19 or
22 approved by the department.

23 (36) "Composting" means a process of biological decomposition
24 of class 1 compostable material or class 2 compostable material
25 that meets the following requirements:

26 (a) Is carried out as provided in either of the following:

27 (i) In a system using vermiculture.

28 (ii) Under controlled aerobic conditions using mechanical
29 handling techniques such as physical turning, windrowing, or



1 aeration or using other management techniques approved by the
2 department. For the purposes of this subparagraph, aerobic
3 conditions may include the presence of insignificant anaerobic
4 zones within the composting material.

5 (b) Stabilizes the organic fraction into a material that can
6 be stored, handled, and used easily, safely, and in an
7 environmentally acceptable manner.

8 (37) ~~(21)~~ "Composting facility" means a facility where
9 composting ~~of yard clippings or other organic materials occurs~~
10 ~~using mechanical handling techniques such as physical turning,~~
11 ~~windrowing, or aeration or using other management techniques~~
12 ~~approved by the director occurs. However, composting facility does~~
13 ~~not include a site where only composting described in section~~
14 ~~11555(1) (a), (b), or (e) occurs.~~

15 (38) ~~(22)~~ "Consistency review" means evaluation of the
16 administrative and technical components of an application for a
17 permit or license or evaluation of operating conditions in the
18 course of inspection, for the purpose of determining consistency
19 with the requirements of ~~this part, rules promulgated under this~~
20 ~~part~~ ~~—115~~ and approved plans and specifications.

21 (39) "Contaminant of emerging concern" means a chemical that
22 has not previously been detected in the environment or has
23 previously been detected only at very low concentrations, that is
24 determined to pose a risk to human health or the environment, and
25 the impacts of which are not yet fully understood. If the EPA, the
26 department, or the department of agriculture and rural development
27 identify a contaminant of emerging concern, the department may add
28 that contaminant to the list of constituents required to be
29 monitored at facilities regulated under this part.



1 (40) ~~(23)~~—"Corrective action" means the investigation,
 2 assessment, cleanup, removal, containment, isolation, treatment, or
 3 monitoring of constituents, as defined in a **materials management**
 4 facility's approved hydrogeological monitoring plan, released into
 5 the environment from a ~~disposal area,~~ **materials management**
 6 **facility**, or the taking of other actions related to the release as
 7 may be necessary to prevent, minimize, or mitigate injury to the
 8 public health, safety, or welfare, the environment, or natural
 9 resources that is consistent with **subtitle D of the solid waste**
 10 **disposal act**, 42 USC 6941 to 6949a and regulations promulgated
 11 thereunder.

12 (41) "County approval agency" or "CAA" means the county board
 13 of commissioners, the municipalities in the county, or the regional
 14 planning agency, whichever submits a notice of intent to prepare a
 15 materials management plan under section 11571.

16 (42) "County board of commissioners" means the county board of
 17 commissioners or the elected county executive, as appropriate.

18 (43) "Custodial care" includes all of the following:

19 (a) Preventing deep-rooted vegetation from establishing on the
 20 final cover.

21 (b) Repairing erosion damage on the final cover.

22 (c) Maintaining stormwater controls.

23 (d) Maintaining limited access to the site.

24 Sec. 11503. (1) "De minimis" refers to a small amount of
 25 material or number of items, as applicable, incidentally commingled
 26 with inert material for beneficial use by-products ~~,~~ **or with source**
 27 **separated material** or incidentally disposed of with other solid
 28 waste.

29 (2) "Department", subject to section 11554, means the



1 department of ~~environmental quality~~**environment, Great Lakes, and**
2 **energy.**

3 (3) "Designated planning agency" or "DPA" means the planning
4 agency designated under section 11571(10). Designated planning
5 agency does not mean a regional planning agency unless the county
6 approval agency identifies the regional planning agency as the DPA.

7 (4) ~~(3)~~"Director" means the director of the department.

8 (5) ~~(4)~~"Discharge" includes, but is not limited to, any
9 spilling, leaking, pumping, pouring, emitting, emptying,
10 discharging, injecting, escaping, leaching, dumping, or disposing
11 of a substance into the environment that is or may become injurious
12 to the public health, safety, or welfare, or to the environment.

13 (6) ~~(5)~~"Disposal area", **subject to section 11555(5)**, means 1
14 or more of the following **that accepts solid waste** at a location as
15 defined by the boundary identified in its construction permit, ~~or~~
16 **in** engineering plans approved by the department, **or in a**
17 **notification or registration:**

18 (a) A solid waste **processing and** transfer facility.

19 (b) An incinerator.

20 (c) A ~~sanitary~~ landfill.

21 ~~(d) A processing plant.~~

22 (d) ~~(e)~~A coal ash impoundment.

23 (e) ~~(f)~~Any other solid waste handling or disposal facility
24 utilized in the disposal of solid waste, **as determined by the**
25 **department.** ~~However, a waste diversion center is not a disposal~~
26 ~~area.~~

27 (7) ~~(6)~~"Diverted waste" means waste that meets all of the
28 following requirements:

29 (a) Is generated by households, businesses, or governmental



1 entities.

2 (b) Can lawfully be disposed of at a licensed ~~sanitary~~
3 landfill or municipal solid waste incinerator.

4 (c) Is separated from other waste.

5 (d) Is 1 or more of the following:

6 (i) Hazardous material.

7 (ii) Liquid waste.

8 (iii) Pharmaceuticals.

9 (iv) Electronics.

10 (v) Batteries.

11 (vi) Light bulbs.

12 (vii) Pesticides.

13 (viii) Thermostats, switches, thermometers, or other devices
14 that contain elemental mercury.

15 (ix) Sharps.

16 (x) Other ~~wastes~~**material** approved by the department that can
17 be readily separated from solid waste for diversion to preferred
18 methods of management and disposal.

19 (8) ~~(7)~~—"Enforceable mechanism" means a legal method ~~whereby~~
20 **that authorizes** this state, a county, a municipality, or another
21 person ~~is authorized~~ to take action to guarantee compliance with an
22 ~~approved county solid waste~~**a materials** management plan.
23 Enforceable mechanisms include ~~contracts, intergovernmental~~
24 agreements, laws, ordinances, rules, and regulations.

25 (9) "EPA" means the United States Environmental Protection
26 Agency.

27 (10) ~~(8)~~—"Escrow account" means an account that is managed by
28 a bank or other financial institution whose account operations are



1 regulated and examined by a federal or state agency and that
2 complies with section 11523b.

3 **(11)** ~~(9)~~ "Existing coal ash impoundment" means a coal ash
4 impoundment that received coal ash before ~~the effective date of the~~
5 ~~amendatory act that added this subsection,~~ **December 28, 2018,** and
6 that, as of that date, ~~has had~~ not initiated elements of closure
7 that include dewatering, stabilizing residuals, or placement of an
8 engineered cover or otherwise closed pursuant to its part 31 permit
9 or pursuant to R 299.4309 of the part 115 rules and, therefore, is
10 capable of receiving coal ash in the future. A coal ash impoundment
11 that has initiated closure is considered an open dump unless the
12 owner or operator has completed closure of the coal ash impoundment
13 under section 11519b or obtained an operating license for the coal
14 ash impoundment ~~within 2 years after the effective date of the~~
15 ~~amendatory act that added this subsection.~~ **by December 28, 2020.**

16 **(12)** "Existing coal ash landfill" means a coal ash landfill to
17 which either of the following applies:

18 **(a)** The landfill received coal ash both before and after
19 October 19, 2015.

20 **(b)** Construction of the landfill commenced before October 19,
21 2015, and the landfill received coal ash on or after October 19,
22 2015. For the purposes of this subdivision, construction of a
23 landfill commenced before October 19, 2015 if both of the following
24 requirements were met before that date:

25 **(i)** The owner or operator obtained the federal, state, and
26 local approvals or permits necessary to begin physical
27 construction.

28 **(ii)** A continuous, on-site physical construction program began.

29 **(13)** ~~(10)~~ "Existing disposal area" means any of the following:



1 (a) A disposal area that has in effect a construction permit
2 under this part.

3 (b) A disposal area that had engineering plans approved by the
4 director before January 11, 1979.

5 (c) An industrial waste landfill that was authorized to
6 operate by the director or by court order before October 9, 1993.

7 (d) An industrial waste pile that was located at the site of
8 generation on October 9, 1993.

9 (e) An existing coal ash impoundment.

10 **(14)** ~~(11)~~ "Existing landfill unit" or "existing unit" means
11 any landfill unit that received solid waste on or before October 9,
12 1993.

13 **(15)** ~~(12)~~ "Farm" means that term as defined in section 2 of
14 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

15 **(16)** ~~(13)~~ "Farm operation" means that term as defined in
16 section 2 of the Michigan right to farm act, 1981 PA 93, MCL
17 286.472.

18 **(17) "Fats, oils, or greases" means organic polar compounds**
19 **that meet all of the following requirements:**

20 **(a) Contain multiple carbon chain triglyceride molecules.**

21 **(b) Are derived from animal or plant sources.**

22 **(c) Are generated at food manufacturing and food service**
23 **establishments.**

24 **(d) Are generated by-products from food preparation**
25 **activities.**

26 **(18)** ~~(14)~~ "Financial assurance" means the mechanisms used to
27 demonstrate that the funds necessary to meet the cost of closure,
28 postclosure maintenance and monitoring, and corrective action will
29 be available **to the department** whenever they are needed **for those**



1 **purposes.**

2 (19) ~~(15)~~ "Financial test" means a corporate or local
 3 government financial test or guarantee approved ~~for type II~~
 4 ~~landfills~~ under **subtitle D of the solid waste disposal act**, 42 USC
 5 6941 to 6949a, and regulations promulgated thereunder. An owner or
 6 operator may use a single financial test for more than 1 facility.
 7 Information submitted to the department to document compliance with
 8 the **financial** test shall include a list showing the name and
 9 address of each facility and the amount of funds assured by the
 10 **financial** test for each facility. For purposes of the financial
 11 test, the owner or operator shall aggregate the sum of the closure,
 12 postclosure, and corrective action costs it seeks to assure with
 13 any other environmental obligations assured by a financial test
 14 under state or federal law.

15 (20) "Finished compost" means organic matter that meets all of
 16 the following requirements:

17 (a) Has undergone biological decomposition and has been
 18 stabilized to a degree that is beneficial to plant growth without
 19 creating a nuisance.

20 (b) Is used or sold for use as a soil amendment, fertilizer,
 21 topsoil blend, or growing medium amendment or for other similar
 22 uses.

23 (c) With any compost additives, does not contain more than 1%,
 24 by weight, of foreign matter that will remain on a 4-millimeter
 25 screen or more than a de minimis amount of viable weed seeds.

26 (21) ~~(16)~~ "Flue gas desulfurization material" means the
 27 material recovered from air pollution control systems that capture
 28 sulfur dioxide from the combustion of wood, coal, or fossil fuels,
 29 or other combustible materials, if the other combustible materials



1 constitute less than 50% by weight of the total material combusted
 2 and the department determines in writing that the other combustible
 3 materials do not materially affect the character of the residue.

4 Flue gas desulfurization material includes synthetic gypsum.

5 (22) ~~(17)~~—"Food processing residuals" means any of the
 6 following:

7 (a) Residuals of fruits, vegetables, aquatic plants, or field
 8 crops, **including those generated by a brewery or distillery.**

9 (b) Otherwise unusable parts of fruits, vegetables, aquatic
 10 plants, or field crops from the processing thereof, **including those**
 11 **generated by a brewery or distillery.**

12 (c) Otherwise unusable food products that do not meet size,
 13 quality, or other product specifications and that were intended for
 14 human or animal consumption.

15 (23) "Food waste" means an accumulation of animal or vegetable
 16 matter that was used or intended for human or animal food or that
 17 results from the preparation, use, cooking, dealing in, or storing
 18 of animal or vegetable matter if the accumulation is or is intended
 19 to be discarded. Food waste does not include fats, oils, or
 20 greases.

21 (24) "Foreign matter" means organic and inorganic
 22 constituents, other than sticks and stones, that will not readily
 23 decompose during composting and do not aid in producing compost,
 24 including glass, textiles, rubber, metal, ceramics, noncompostable
 25 plastic, and painted, laminated, or treated wood.

26 (25) ~~(18)~~—"Foundry sand" means silica sand used in the metal
 27 casting process, including binding material or carbonaceous
 28 additives, from ferrous or nonferrous foundries.

29 (26) "Functional stability" means the stage at which a



1 landfill does not pose a significant risk to human health and the
2 environment at a point of exposure, in the absence of active
3 control systems.

4 (27) ~~(19)~~ "GAAMPS" means the generally accepted agricultural
5 and management practices under the Michigan right to farm act, 1981
6 PA 93, MCL 286.471 to 286.474.

7 ~~(20) "Garbage" means rejected food wastes including waste
8 accumulation of animal, fruit, or vegetable matter used or intended
9 for food or that results from the preparation, use, cooking,
10 dealing in, or storing of meat, fish, fowl, fruit, or vegetable
11 matter.~~

12 (28) "Gasification" means a process through which materials
13 are heated, without combustion, in an oxygen-deficient atmosphere
14 and converted to synthesis gas, which can be further converted into
15 chemicals, chemical feedstocks, or fuels, such as ethanol. If
16 source separated material is the feedstock, gasification is not
17 considered to be incineration, disposal, or processing of solid
18 waste.

19 (29) "General permit" means a permit that does both of the
20 following:

21 (a) Covers a category of activities that the department
22 determines will not negatively impact human health and will not
23 have more than minimal short-term adverse impacts on the natural
24 resources and environment.

25 (b) Includes requirements for a site plan, an operations plan,
26 a facility final closure plan, and financial assurance.

27 (30) "General use compost" means finished compost that is
28 produced from 1 of the following:

29 (a) Class 1 compostable material.



1 (b) **Class 2 compostable material, including any combination of**
 2 **class 1 compostable material and class 2 compostable material, that**
 3 **meets the requirements listed in section 11553(5).**

4 Sec. 11504. (1) ~~"Health officer" means a full-time~~
 5 ~~administrative officer of a certified health department.~~ **"Host**
 6 **community approval" means an agreement, resolution, letter, or**
 7 **other document indicating that the governing body of the**
 8 **municipality where the materials management facility is proposed to**
 9 **be located has reviewed and approved the development of that**
 10 **specific facility.**

11 (2) **"Household waste" means solid waste that is generated by**
 12 **single-family households. Household waste does not include**
 13 **commercial waste, industrial waste, hazardous waste, or**
 14 **construction and demolition waste.**

15 (3) ~~(2)~~ **"Industrial waste" means solid waste that is generated**
 16 **by manufacturing or industrial processes at an industrial site and**
 17 **that is not a hazardous waste regulated under part 111.**

18 (4) ~~(3)~~ **"Industrial waste landfill" means a landfill that is**
 19 **used for the disposal of any of the following, as applicable:**

20 (a) **Industrial waste that has been characterized for hazard**
 21 **and that has been determined to be nonhazardous under part 111.**

22 (b) **If the landfill is an existing disposal area, nonhazardous**
 23 **solid waste that originates from an industrial site.**

24 (5) ~~(4)~~ **"Inert material" means any of the following:**

25 (a) **Rock.**

26 (b) **Trees, stumps, and other similar land-clearing debris, if**
 27 **all of the following conditions are met:**

28 (i) **The debris is buried on the site of origin or another site,**
 29 **with the approval of the owner of the site.**



1 (ii) The debris is not buried in a wetland or floodplain.

2 (iii) The debris is placed at least 3 feet above the groundwater
3 table as observed at the time of placement.

4 (iv) The placement of the debris does not violate federal,
5 state, or local law or create a nuisance.

6 (c) Uncontaminated excavated soil or dredged sediment.

7 Excavated soil or dredged sediment is considered uncontaminated if
8 it does not contain more than de minimis amounts of solid waste and
9 ~~1~~**any** of the following ~~applies~~**apply**:

10 (i) The soil or sediment is not contaminated by a hazardous
11 substance as a result of human activity. Soil or sediment that
12 naturally contains elevated levels of hazardous substances above
13 unrestricted residential or any other part 201 generic soil cleanup
14 criteria is not considered contaminated for purposes of this
15 subdivision. A soil or sediment analysis is not required under this
16 subparagraph if, based on past land use, there is no reason to
17 believe that the soil or sediment is contaminated.

18 (ii) For any hazardous substance that could reasonably be
19 expected to be present as a result of past land use and human
20 activity, the soil or sediment does not exceed the background
21 concentration, as that term is defined in ~~part 201~~**section 20101**.

22 (iii) For any hazardous substance that could reasonably be
23 expected to be present as a result of past land use and human
24 activity, the soil or sediment falls below part 201 generic
25 residential soil direct contact cleanup criteria and hazardous
26 substances in leachate from the soil or sediment, using, at the
27 option of the generator, EPA method 1311, 1312, or any other
28 leaching protocol approved by the department, fall below part 201
29 generic residential health based groundwater drinking water values



1 or criteria, and the soil or sediment would not cause a violation
 2 of any surface water quality standard established under part 31 at
 3 the area of placement, disposal, or use.

4 (d) Excavated soil from a site of environmental contamination,
 5 corrective action, or response activity if the soil is not a listed
 6 hazardous waste under part 111 and if hazardous substances in the
 7 soil do not exceed generic soil cleanup criteria for unrestricted
 8 residential use as defined in ~~part 201~~ **section 20101** or background
 9 concentration as defined in ~~part 201~~, **section 20101**, as applicable.

10 (e) Construction brick, masonry, pavement, or broken concrete
 11 that is reused for fill, rip rap, slope stabilization, or other
 12 construction, if all of the following conditions are met:

13 (i) The use of the material does not violate section 3108, part
 14 301, or part 303.

15 (ii) The material is not materially contaminated. Typical
 16 surface oil staining on pavement ~~and or~~ concrete from driveways,
 17 roadways, ~~and or~~ parking lots is not material contamination.
 18 Material covered in whole or in part with ~~lead-based paint~~ **that**
 19 **contains more than 0.5% lead** is materially contaminated.

20 (iii) The material does not include exposed reinforcing bars.

21 (f) Portland cement clinker produced by a cement kiln using
 22 wood, fossil fuels, or solid waste as a fuel or feedstock, but not
 23 including cement kiln dust generated in the process.

24 (g) Asphalt pavement or concrete pavement that meets all of
 25 the following requirements:

26 (i) Has been removed from a public right-of-way.

27 (ii) Has been stockpiled or crushed for reuse as aggregate
 28 material.

29 (iii) Does not include exposed reinforcement bars.



1 (h) Cuttings, drilling materials, and fluids used to drill or
 2 complete a well installed pursuant to part 127 of the public health
 3 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of
 4 the well is not a facility under part 201.

5 (i) Any material determined by the department under section
 6 11553(5) or (6) to be an inert material, either for general use or
 7 for a particular use.

8 **(6) "Innovative technology facility" means a materials**
 9 **management facility that converts solid waste into energy or a**
 10 **usable product and that is not a materials recovery facility, a**
 11 **composting facility, or an anaerobic digester.**

12 **(7) ~~(5)~~"Insurance" means insurance that conforms to the**
 13 **requirements of 40 CFR 258.74(d) and is provided by an insurer who**
 14 **that has a certificate of authority from the director of insurance**
 15 **and financial services to sell this line of coverage. An applicant**
 16 **for an operating license or general permit shall submit evidence of**
 17 **the required coverage by submitting both of the following to the**
 18 **department:**

19 (a) A certificate of insurance that uses wording approved by
 20 the department.

21 (b) A certified true and complete copy of the insurance
 22 policy.

23 **(8) ~~(6)~~"Landfill" means a disposal area that is a sanitary**
 24 **landfill.type of disposal area consisting of 1 or more landfill**
 25 **units and the active work areas associated with those units.**
 26 **Landfills are classified as 1 of the following:**

27 (a) A type II landfill, which is a municipal solid waste
 28 landfill and includes a municipal solid waste incinerator ash
 29 landfill.



1 (b) A type III landfill, which is any landfill that is not a
2 municipal solid waste landfill or hazardous waste landfill and
3 includes all of the following:

4 (i) A construction and demolition waste landfill.

5 (ii) An industrial waste landfill.

6 (iii) A landfill that accepts waste other than household waste,
7 municipal solid waste incinerator ash, or hazardous waste from
8 conditionally exempt small quantity generators.

9 (iv) A coal ash landfill.

10 (v) An existing coal ash impoundment that is closed or is
11 actively being closed as a landfill pursuant to R 299.4309 of the
12 part 115 rules.

13 (9) "Landfill care fund" means a trust or escrow account or
14 landfill care fund bond required by section 11525d.

15 (10) "Landfill care fund bond" means a surety bond, an
16 irrevocable letter of credit, or a combination of these instruments
17 in favor of the department by which a landfill care fund is
18 established.

19 (11) "Large", in reference to a composting facility, means a
20 composting facility to which both of the following apply:

21 (a) The site at any time contains more than 500 cubic yards of
22 compostable material.

23 (b) The site does not qualify as a small or medium composting
24 facility.

25 (12) ~~(7)~~ "Lateral expansion" means a horizontal expansion of
26 the solid waste boundary of any of the following:

27 (a) A landfill, other than a coal ash landfill, if the
28 expansion is beyond the limit established in a construction permit
29 or engineering plans approved by the solid waste control agency



1 before January 11, 1979.

2 (b) A coal ash landfill, if ~~the expansion is beyond either of~~
3 **the following applies:**

4 (i) **The expansion is beyond** the limit established in a
5 construction permit issued after ~~the effective date of the~~
6 ~~amendatory act that added this subsection or the horizontal limits~~
7 ~~of coal ash in place on or before October 14, 2015.~~ **December 28,**
8 **2018.**

9 (ii) **The expansion is made after October 19, 2015, and is a**
10 **horizontal expansion of the outermost boundary, as defined by a**
11 **construction certification or operating license, of an existing**
12 **coal ash landfill.**

13 (c) A coal ash impoundment, if the expansion is beyond the
14 limit established in a construction permit or the horizontal limits
15 of coal ash in place on or before October 14, 2015.

16 (13) ~~(8)~~ "Letter of credit" means an irrevocable letter of
17 credit that complies with 40 CFR 258.74(c).

18 (14) "License" means an operating license.

19 (15) ~~(9)~~ "Lime kiln dust" means particulate matter collected
20 in air emission control devices serving lime kilns.

21 (16) "Local health officer" means a local health officer as
22 defined in section 1105 of the public health code, 1978 PA 368, MCL
23 333.1105, to which the department delegates certain duties under
24 part 115.

25 (17) ~~(10)~~ "Low-hazard industrial waste" means industrial
26 material that has a low potential for groundwater contamination
27 when managed in ~~accordance~~ **compliance** with ~~this part 115.~~ ~~The~~ **All**
28 **of the** following materials are low-hazard industrial wastes:

29 (a) Coal ash ~~or~~ **and** wood ash.



- 1 (b) Cement kiln dust.
- 2 (c) Pulp and paper mill material.
- 3 (d) Scrap wood.
- 4 (e) Sludge from the treatment and conditioning of water for
5 domestic use.
- 6 (f) Residue from the thermal treatment of petroleum
7 contaminated soil, media, or debris.
- 8 (g) Sludge from the treatment and conditioning of water from a
9 community water supply.
- 10 (h) Foundry sand.
- 11 (i) Mixed wood ash, scrap wood ash, **and** pulp and paper mill
12 ash.
- 13 (j) Street cleanings.
- 14 (k) Asphalt shingles.
- 15 (l) New construction or production scrap drywall.
- 16 (m) Chipped or shredded tires.
- 17 (n) Copper slag.
- 18 (o) Copper stamp sands.
- 19 (p) Dredge material from nonremedial activities.
- 20 (q) Flue gas desulfurization material.
- 21 (r) Dewatered grinding slurry generated from public
22 transportation agency road projects.
- 23 (s) Any material determined by the department under section
24 11553(7) to be a low-hazard industrial waste.
- 25 **(18)** ~~(11)~~—"Low-hazard-potential coal ash impoundment" means a
26 coal ash impoundment that is a diked surface impoundment, the
27 failure or misoperation of which is expected to result in no loss
28 of human life and low economic or environmental losses principally
29 limited to the impoundment owner's property.

1 (19) "Managed material" means solid waste, diverted waste, or
2 recyclable material. Managed material does not include a material
3 or product that contains iron, steel, or nonferrous metals and that
4 is directed to or received by a person subject to the scrap metal
5 regulatory act, 2008 PA 429, MCL 445.421 to 445.443, or by a reuser
6 of these metals.

7 (20) "Materials management facility" or, unless the context
8 implies a different meaning, "facility" means any of the following,
9 subject to subsection (21):

10 (a) A disposal area.

11 (b) A materials utilization facility.

12 (c) A waste diversion center.

13 (21) Materials management facility or facility does not
14 include a person, utilizing machinery and equipment and operating
15 from a fixed location, whose principal business is the processing
16 and manufacturing of iron, steel, or nonferrous metals into
17 prepared grades of products suitable for consumption, reuse, or
18 additional processing.

19 (22) "Materials management plan" or "MMP" means a plan
20 required under section 11571.

21 (23) "Materials recovery facility", subject to subsection
22 (24), means a facility that meets both of the following
23 requirements:

24 (a) Receives primarily source separated material and sorts,
25 bales, or processes the source separated material for reuse,
26 recycling, or utilization as a raw material or new product.

27 (b) On an annual basis, does not receive an amount of solid
28 waste equal to or more than 15% of the total weight of material
29 received by the facility unless the materials recovery facility is



1 making reasonable effort and has an education program to reduce the
2 amount of solid waste. Material disposed as a result of recycling
3 market fluctuations is not included in the 15% calculation.

4 (24) Materials recovery facility does not include any of the
5 following:

6 (a) A retail, commercial, or industrial establishment that
7 bales for off-site shipment managed material that it generates.

8 (b) A retail establishment that collects returnable beverage
9 containers under 1976 IL 1, MCL 445.571 to 445.576.

10 (c) A beverage distributor, or its agent, that manages
11 returnable beverage containers under 1976 IL 1, MCL 445.571 to
12 445.576.

13 (d) A facility or area used for reuse, recycling, or storage
14 of recyclable materials solely generated by an industrial facility.

15 (e) A facility that is an end user or secondary processor and
16 that uses, processes, stores, or uses as fuel material generated by
17 industrial facilities.

18 (f) A facility that manages material that was previously
19 sorted or processed.

20 (25) "Materials utilization" means recycling, composting, or
21 converting material into energy rather than disposing the material.

22 (26) "Materials utilization facility" means a facility that is
23 any of the following:

24 (a) A materials recovery facility.

25 (b) A composting facility.

26 (c) An anaerobic digester, except at a manufacturing facility
27 that generates its own feedstock.

28 (d) An innovative technology facility.

29 (27) "Materials management goals" means goals identified in



1 the MMP pursuant to section 11578(a).

2 (28) ~~(12)~~ "Medical waste" means that term as it is defined in
3 section 13805 of the public health code, 1978 PA 368, MCL
4 333.13805.

5 (29) "Medium", in reference to a composting facility, means a
6 composting facility to which all of the following apply:

7 (a) The site at any time contains more than 500 cubic yards of
8 compostable material.

9 (b) The site does not qualify as a small composting facility.

10 (c) The site does not at any time contain more than 10,000
11 cubic yards of compostable material.

12 (d) The site does not at any time contain more than 10% by
13 volume of class 1 compostable material other than yard waste.

14 (e) Unless approved by the department, the site does not at
15 any time on any acre contain more than 5,000 cubic yards of
16 compostable material, finished product, compost additives, or
17 screening rejects.

18 (30) ~~(13)~~ "Mixed wood ash" means the material recovered from
19 air pollution control systems for, or the noncombusted residue
20 remaining after, the combustion of any combination of wood, scrap
21 wood, railroad ties, or tires, if railroad ties composed less than
22 35% by weight of the total combusted material and tires composed
23 less than 10% by weight of the total combusted material.

24 (31) "Municipal solid waste" means household waste, commercial
25 waste, waste generated by other nonindustrial locations, waste that
26 has characteristics similar to that generated at a household or
27 commercial business, or any combination thereof. Municipal solid
28 waste does not include municipal wastewater treatment sludges,
29 industrial process wastes, automobile bodies, combustion ash, or



1 **construction and demolition debris.**

2 (32) ~~(14)~~—"Municipal solid waste incinerator" means an
3 incinerator that is owned or operated by any person, and **that** meets
4 all of the following requirements:

5 (a) The incinerator receives solid waste from off site and
6 burns only household waste from single **family** and ~~multiple~~
7 **multifamily** dwellings, hotels, motels, and other residential
8 sources, or ~~this—such~~ household waste together with solid waste
9 from commercial, institutional, municipal, county, or industrial
10 sources that, if disposed of, would not be required to be placed in
11 a disposal facility licensed under part 111.

12 (b) The incinerator has established contractual requirements
13 or other notification or inspection procedures sufficient to ensure
14 that the incinerator receives and burns only waste referred to in
15 subdivision (a).

16 (c) The incinerator meets the requirements of ~~this part and~~
17 ~~the rules promulgated under this part~~ **115**.

18 (d) The incinerator is not an industrial furnace as defined in
19 40 CFR 260.10.

20 (e) The incinerator is not an incinerator that receives and
21 burns only medical waste or only waste produced at 1 or more
22 hospitals.

23 (33) ~~(15)~~—"Municipal solid waste incinerator ash" means the
24 substances remaining after combustion in a municipal solid waste
25 incinerator.

26 (34) **"Municipal solid waste recycling rate" means the amount**
27 **of municipal solid waste recycled or composted, divided by the**
28 **amount of municipal solid waste recycled, composted, landfilled, or**
29 **incinerated.**



1 **(35)** ~~(16)~~—"New coal ash impoundment" means a coal ash
2 impoundment that first receives coal ash after ~~the effective date~~
3 ~~of the amendatory act that added this subsection.~~**December 28, 2018.**

4 **(36)** ~~(17)~~—"New disposal area" means a disposal area that
5 requires a construction permit under this part and includes all of
6 the following:

7 (a) A disposal area, other than an existing disposal area,
8 that is proposed for construction.

9 (b) For a landfill, a lateral expansion, vertical expansion,
10 or other expansion that results in an increase in the landfill's
11 design capacity.

12 (c) A new coal ash impoundment, or a lateral expansion of a
13 coal ash impoundment beyond the placement of waste as of October
14 14, 2015.

15 (d) For a disposal area other than landfills or coal ash
16 impoundments, an enlargement in capacity beyond that indicated in
17 the construction permit or in engineering plans approved before
18 January 11, 1979.

19 (e) For any existing disposal area, an alteration of the
20 disposal area to a different disposal area type than had been
21 specified in the previous construction permit application or in
22 engineering plans that were approved by the director or his or her
23 designee before January 11, 1979.

24 **(37)** ~~(18)~~—"Nonresidential property" means property not used or
25 intended to be used for any of the following:

26 (a) A child day care center.

27 (b) An elementary school.

28 (c) An elder care and assisted living center.

29 (d) A nursing home.



1 (e) A single-family or multifamily dwelling unless the
 2 dwelling is part of a mixed use development and all dwelling units
 3 and associated outdoor residential use areas are located above the
 4 ground floor.

5 (38) "Operate" includes, but is not limited to, conducting,
 6 managing, and maintaining.

7 (39) "Part 115" means this part and rules promulgated under
 8 this part.

9 (40) ~~(19)~~"Part 115 rules" means R 299.4101 to R 299.4922 of
 10 the Michigan Administrative Code including any amendments to or
 11 replacements of those rules.

12 (41) ~~(20)~~"Perpetual care fund" means a trust or escrow
 13 account or perpetual care fund bond provided for in section 11525.

14 (42) ~~(21)~~"Perpetual care fund bond" means a surety bond, an
 15 irrevocable letter of credit, or a combination of these instruments
 16 in favor of ~~and on a form approved by the~~ department by which a
 17 perpetual care fund is established.

18 (43) "Planning area" means the geographic area to which a
 19 materials management plan applies.

20 (44) "Planning committee" means a committee appointed under
 21 section 11572.

22 (45) "Preexisting unit" means a landfill unit that is or was
 23 licensed under part 115 but has not received waste after October 9,
 24 1993.

25 (46) ~~(22)~~"Pulp and paper mill ash" means the material
 26 recovered from air pollution control systems for, or the
 27 noncombusted residue remaining after, the combustion of any
 28 combination of coal, wood, pulp and paper mill material, wood or
 29 biomass fuel pellets, scrap wood, railroad ties, or tires, ~~from in~~



1 a boiler, power plant, or furnace at a pulp and paper mill, if
 2 railroad ties composed less than 35% by weight of the total
 3 combusted material and tires composed less than 10% by weight of
 4 the total combusted material.

5 **(47)** ~~(23)~~—"Pulp and paper mill material" means all of the
 6 following materials if generated at a facility that produces pulp
 7 or paper:

8 (a) Wastewater treatment sludge, including wood fibers,
 9 minerals, and microbial biomass.

10 (b) Rejects from screens, cleaners, and mills.

11 (c) Bark, wood fiber, and chips.

12 (d) Scrap paper.

13 (e) Causticizing residues, including lime mud and grit and
 14 green liquor dregs.

15 (f) Any material that the department determines has
 16 characteristics that are similar to any of the materials listed in
 17 subdivisions (a) to (e).

18 **(48) "Pyrolysis" means a process that does not involve**
 19 **combustion and through which materials are heated in the absence of**
 20 **oxygen until melted and thermally decomposed, and then are cooled,**
 21 **condensed, and converted into other intermediate or final products.**
 22 **If source separated materials are used as the feedstock, pyrolysis**
 23 **is not considered to be incineration, disposal, or processing of**
 24 **solid waste.**

25 Sec. 11505. (1) "RDDP" means a research, development, and
 26 demonstration project for a new or existing type II landfill unit
 27 or for a lateral expansion of a type II landfill unit.

28 (2) ~~(1)~~—"Recyclable materials" means ~~source-separated~~
 29 ~~materials, site-separated materials, high-grade paper, glass,~~



1 metal, ~~plastic, aluminum, newspaper, corrugated~~ **plastics**, paper
 2 **products, wood, rubber, textiles, food waste**, yard clippings, and
 3 other materials that may be recycled or composted.

4 (3) **"Recycling" means any process applied to materials that**
 5 **are no longer being used and that would have otherwise been**
 6 **disposed as waste, for the purpose of converting the materials into**
 7 **raw materials or intermediate or new products.**

8 (4) ~~(2)~~—"Regional solid waste management planning agency"
 9 means the regional solid waste planning agency designated by the
 10 governor pursuant to 42 USC 6946.

11 (5) ~~(3)~~—"Resource recovery facility" means machinery,
 12 equipment, structures, or any parts or accessories of machinery,
 13 equipment, or structures, installed or acquired for the primary
 14 purpose of recovering materials or energy from the waste stream.

15 (6) ~~(4)~~—"Response activity" means an activity that is
 16 necessary to protect the public health, safety, welfare, or the
 17 environment, and includes, but is not limited to, evaluation,
 18 cleanup, removal, containment, isolation, treatment, monitoring,
 19 maintenance, replacement of water supplies, and temporary
 20 relocation of people.

21 (7) **"Restricted use compost" means compost that is produced**
 22 **from class 2 compostable material, including any combination of**
 23 **class 1 compostable material and class 2 compostable material, that**
 24 **is not approved as inert under section 11553(5).**

25 (8) **"Reuse" means to remanufacture, use again, use in a**
 26 **different manner, or use after reclamation.**

27 (9) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding
 28 ashes, consisting of both combustible and noncombustible waste,
 29 including paper, cardboard, metal containers, yard ~~clippings,~~



1 **waste**, wood, glass, bedding, crockery, demolished building
 2 materials, or litter of any kind that may be a detriment to the
 3 public health and safety.

4 (10) ~~(6)~~—"Salvaging" means the lawful and controlled removal
 5 of reusable materials from solid waste.

6 ~~(7) "Sanitary landfill" means a type of disposal area~~
 7 ~~consisting of 1 or more landfill units and the active work areas~~
 8 ~~associated with those units. Sanitary landfills are classified as 1~~
 9 ~~of the following types of landfills:~~

10 ~~(a) A type II landfill, which is a municipal solid waste~~
 11 ~~landfill and includes a municipal solid waste incinerator ash~~
 12 ~~landfill.~~

13 ~~(b) A type III landfill, which is any landfill that is not a~~
 14 ~~municipal solid waste landfill or hazardous waste landfill and~~
 15 ~~includes all of the following:~~

16 ~~(i) A construction and demolition waste landfill.~~

17 ~~(ii) An industrial waste landfill.~~

18 ~~(iii) A landfill that accepts waste other than household waste,~~
 19 ~~municipal solid waste incinerator ash, or hazardous waste from~~
 20 ~~conditionally exempt small quantity generators.~~

21 ~~(iv) A coal ash landfill.~~

22 ~~(v) An existing coal ash impoundment that is closed or is~~
 23 ~~actively being closed as a landfill pursuant to R 299.4309 of the~~
 24 ~~part 115 rules.~~

25 (11) ~~(8)~~—"Scrap wood" means wood or wood product that is 1 or
 26 more of the following:

27 (a) Plywood, particle board, pressed board, oriented strand
 28 board, fiberboard, resonated wood, or any other wood or wood
 29 product mixed with glue, resins, or filler.



1 (b) Wood or wood product treated with creosote or
2 pentachlorophenol.

3 (c) Any wood or wood product designated as scrap wood in rules
4 promulgated by the department.

5 **(12)** ~~(9)~~ "Sharps" means that term as defined in section 13807
6 of the public health code, 1978 PA 368, MCL 333.13807.

7 ~~(10) "Site separated material" means glass, metal, wood, paper~~
8 ~~products, plastics, rubber, textiles, garbage, or any other~~
9 ~~material approved by the department that is separated from solid~~
10 ~~waste for the purpose of recycling or conversion into raw materials~~
11 ~~or new products.~~

12 **(13)** ~~(11)~~ "Slag" means the nonmetallic product resulting from
13 melting or smelting operations for iron or steel.

14 **(14) "Small", in reference to a composting facility, means a**
15 **composting facility to which both of the following apply:**

16 **(a) The site at any time contains more than 500 cubic yards of**
17 **compostable material but does not at any time contain 1,000 or more**
18 **cubic yards of compostable material.**

19 **(b) The site does not at any time contain 5% or more by volume**
20 **of class 1 compostable material other than yard waste.**

21 Sec. 11506. (1) "Solid waste" means ~~garbage,~~ **food waste,**
22 rubbish, ashes, incinerator ash, incinerator residue, street
23 cleanings, municipal and industrial sludges, solid commercial
24 waste, solid industrial waste, and animal waste. However, solid
25 waste does not include **any of** the following:

26 (a) Human body waste.

27 (b) Medical waste.

28 (c) ~~Organic waste~~ **Manure or animal bedding** generated in the
29 production of livestock and poultry, **if managed in compliance with**



1 **the appropriate GAAMPS.**

2 (d) Liquid waste.

3 (e) Ferrous or nonferrous scrap directed to a scrap metal
4 processor or to a reuser of ferrous or nonferrous products.

5 (f) Slag or slag products directed to a slag processor or to a
6 reuser of slag or slag products.

7 (g) Sludges and ashes managed as recycled or nondetrimental
8 materials appropriate for agricultural or silvicultural use
9 pursuant to a plan approved by the department.

10 (h) The following materials that are used as animal feed, or
11 are applied on, or are composted and applied on, farmland or
12 forestland for an agricultural or silvicultural purpose at an
13 agronomic rate consistent with GAAMPS:

14 (i) Food processing residuals and ~~garbage~~-**food waste.**

15 (ii) Precipitated calcium carbonate from sugar beet processing.

16 (iii) Wood ashes resulting solely from a source that burns only
17 wood that is untreated and inert.

18 (iv) Lime from kraft pulping processes generated ~~prior to~~
19 **before** bleaching.

20 (v) Aquatic plants.

21 (i) Materials approved for emergency disposal by the
22 department.

23 (j) Source separated materials.

24 ~~(k) Site separated material.~~

25 **(k)** ~~(l)~~ Coal ash, when used under any of the following
26 circumstances:

27 (i) As a component of concrete, grout, mortar, or casting
28 molds, if the coal ash does not have more than 6% unburned carbon.

29 (ii) As a raw material in asphalt for road construction, if the



1 coal ash does not have more than 12% unburned carbon and passes
 2 Michigan test method for water asphalt preferential test, MTM 101,
 3 as set forth in the state transportation department's manual for
 4 the Michigan test methods (MTM).

5 (iii) As aggregate, road material, or building material that in
 6 ultimate use is or will be stabilized or bonded by cement, limes,
 7 or asphalt, or itself act as a bonding agent. To be considered to
 8 act as a bonding agent, the coal ash must have at least 10%
 9 available lime.

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

13 (l) ~~(m)~~—Inert material.

14 (m) ~~(n)~~—Soil that is washed or otherwise removed from sugar
 15 beets, has not more than 55% moisture content, and is registered as
 16 a soil conditioner under part 85. Any testing required to become
 17 registered under part 85 is the responsibility of the generator.

18 (n) ~~(o)~~—Soil that is relocated under section 20120c.

19 (o) ~~(p)~~—Diverted waste that is managed through a waste
 20 diversion center.

21 (p) ~~(q)~~—Beneficial use by-products.

22 (q) ~~(r)~~—Coal bottom ash, if substantially free of fly ash or
 23 economizer ash, when used as cold weather road abrasive.

24 (r) ~~(s)~~—Stamp sands when used as cold weather road abrasive in
 25 the Upper Peninsula by any of the following:

26 (i) A public road agency.

27 (ii) Any other person pursuant to a plan approved by a public
 28 road agency.

29 (s) ~~(t)~~—Any material that is reclaimed or reused in the



1 process that generated it.

2 (t) ~~(u)~~ Any secondary material that, as specified in or
3 determined pursuant to 40 CFR part 241, is not a solid waste when
4 combusted.

5 (u) ~~(v)~~ Other wastes regulated by statute.

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

8 (3) **"Solid waste management fund" means the solid waste
9 management fund created in section 11550.**

10 (4) ~~(3)~~ **"Solid waste processing plant" and transfer facility"**
11 means a tract of land, **a building, or unit, or appurtenance and**
12 **any appurtenances** of a building or unit, **a container, or a any**
13 combination of ~~land, buildings, and units~~ **these** that is used or
14 intended for use ~~for~~ **in the handling, storage, transfer, or**
15 processing of solid waste, ~~or the separation of material for~~
16 ~~salvage or disposal, or both, but does not include a plant engaged~~
17 ~~primarily in the acquisition, processing, and shipment of ferrous~~
18 ~~or nonferrous metal scrap, or a plant engaged primarily in the~~
19 ~~acquisition, processing, and shipment of slag or slag products.~~ **and**
20 **is not located at the site of generation or the site of disposal of**
21 **the solid waste. Solid waste processing and transfer facility**
22 **includes a pyrolysis facility or gasification plant that uses solid**
23 **waste as a feedstock.**

24 (5) ~~(4)~~ "Solid waste transporting unit" means a container,
25 which may be an integral part of a truck or other piece of
26 equipment used for the transportation of solid waste.

27 ~~(5) "Solid waste transfer facility" means a tract of land, a~~
28 ~~building and any appurtenances, or a container, or any combination~~
29 ~~of land, buildings, or containers that is used or intended for use~~



1 ~~in the rehandling or storage of solid waste incidental to the~~
 2 ~~transportation of the solid waste, but is not located at the site~~
 3 ~~of generation or the site of disposal of the solid waste.~~

4 **(6) "Source reduction" means any practice that reduces or**
 5 **eliminates the generation of waste at the source.**

6 **(7) ~~(6)~~"Source separated material" means any of the following**
 7 **materials if separated at the source of generation or at a**
 8 **materials management facility that complies with part 115 and if**
 9 **not speculatively accumulated:**

10 (a) Glass, metal, wood, paper products, plastics, rubber,
 11 textiles, ~~garbage,~~ **food waste, electronics, latex paint, yard**
 12 **waste,** or any other material approved by the department that is
 13 used for conversion into raw materials or **intermediate or** new
 14 products. For the purposes of this subdivision, raw materials or
 15 **intermediate or** new products include, but are not limited to,
 16 compost, biogas from anaerobic digestion, synthesis gas from
 17 gasification or pyrolysis, or other fuel. This subdivision does not
 18 prohibit material from being classified as a renewable energy
 19 resource as defined in section 11 of the clean and renewable energy
 20 and energy waste reduction act, 2008 PA 295, MCL 460.1011.

21 (b) Scrap wood and railroad ties used to fuel an industrial
 22 boiler, kiln, power plant, or furnace, subject to part 55, for
 23 production of new wood products, or for other uses approved by the
 24 department.

25 (c) Chipped or whole tires used to fuel an industrial boiler,
 26 kiln, power plant, or furnace, subject to part 55, or for other
 27 uses approved by the department. This subdivision does not prohibit
 28 material from being classified as a renewable energy resource as
 29 defined in section 11 of the clean and renewable energy and energy



1 waste reduction act, 2008 PA 295, MCL 460.1011.

2 (d) Recovered paint solids if used to fuel an industrial
3 boiler, kiln, power plant, **gasification facility**, or furnace,
4 subject to part 55; ~~if bonded with cement or asphalt~~; or if used
5 for other uses approved by the department.

6 (e) Gypsum drywall generated from the production of wallboard
7 used for stock returned to the production process or for other uses
8 approved by the department.

9 (f) Flue gas desulfurization gypsum used for production of
10 cement or wallboard or other uses approved by the department.

11 (g) Asphalt shingles that ~~do meet both of the following~~
12 **requirements:**

13 (i) **Do** not contain asbestos, rolled roofing, **wood, nails**, or
14 tar paper.

15 (ii) **Are** used as **described in any of the following:**

16 (A) **As** a component in **hot mix asphalt, warm mix asphalt**, or
17 ~~used to cold patch asphalt~~.

18 (B) **To** fuel an industrial boiler, kiln, power plant, or
19 furnace, subject to part 55. ~~or for other~~

20 (C) **Mixed with recycled asphalt pavement at a maximum of 1 to**
21 **1 ratio by volume to produce a base that is covered by concrete or**
22 **asphalt paving.**

23 (D) **Other** uses approved by the department.

24 (h) Municipal solid waste incinerator ash that meets criteria
25 specified by the department and that is used as daily cover at a
26 disposal facility licensed pursuant to ~~this~~ part **115**.

27 (i) Utility poles or pole segments reused as poles, posts, or
28 similar uses approved by the department in writing.

29 (j) Railroad ties reused in landscaping, embankments, or



1 similar uses approved by the department in writing.

2 (k) Any materials and uses approved by the department under
3 section 11553(8).

4 (l) Leaves that are ground or mixed with ground wood and sold
5 as mulch for landscaping purposes if the volumes so managed are
6 reported to the department in the manner provided in section 11560.

7 (m) ~~(l)~~ Any material determined by the department in writing
8 before September 16, 2014 to be a source separated material.

9 (n) Yard waste that is land applied on a farm in a manner
10 consistent with GAAMPS.

11 (o) Yard waste, class 1 compostable material, and class 2
12 compostable material that are delivered to an anaerobic digester
13 authorized under part 115 by the department to receive the
14 material.

15 (p) Recyclable materials.

16 (8) ~~(7)~~ "Stamp sands" means finely grained crushed rock
17 resulting from mining, milling, or smelting of copper ore and
18 includes native substances contained within the crushed rock and
19 any ancillary material associated with the crushed rock.

20 (9) ~~(8)~~ "Treated wood" means wood or wood product that has
21 been treated with 1 or more of the following:

22 (a) Chromated copper arsenate (CCA).

23 (b) Ammoniacal copper quat (ACQ).

24 (c) Ammoniacal copper zinc arsenate (ACZA).

25 (d) Any other chemical designated in rules promulgated by the
26 department.

27 (10) ~~(9)~~ "Trust fund" means a fund held by a trustee who has
28 the authority to act as a trustee and whose trust operations are
29 regulated and examined by a federal or state agency.



1 (11) ~~(10)~~—"Type I public water supply", "type IIa public water
2 supply", "type IIb public water supply", and "type III public water
3 supply" mean those terms, respectively, as described in R 325.10502
4 of the Michigan Administrative Code.

5 (12) "Type II landfill" means a landfill that receives
6 household waste or municipal solid waste incinerator ash, or both,
7 and that may also receive other types of solid waste, such as any
8 of the following:

9 (a) Construction and demolition waste.

10 (b) Sewage sludge.

11 (c) Commercial waste.

12 (d) Nonhazardous sludge.

13 (e) Hazardous waste from conditionally exempt small quantity
14 generators.

15 (f) Industrial waste.

16 (13) "Type III landfill" means a landfill that is not a type
17 II landfill or hazardous waste landfill and includes all of the
18 following:

19 (a) A construction and demolition waste landfill.

20 (b) An industrial waste landfill.

21 (c) A low hazard industrial waste landfill.

22 (d) A surface impoundment authorized as an industrial waste
23 landfill.

24 (e) A landfill that accepts only waste other than household
25 waste, municipal solid waste incinerator ash, or hazardous waste
26 from conditionally exempt small quantity generators.

27 (14) "Vermiculture" means the controlled and managed process
28 by which live worms degrade organic materials into worm castings or
29 worm humus.



1 (15) ~~(11)~~—"Waste diversion center" means property or a
 2 building, or a portion of property or a building, designated for
 3 the purpose of receiving or collecting diverted wastes and not used
 4 for residential purposes.

5 (16) ~~(12)~~—"Wood" means trees, branches and associated leaves,
 6 bark, lumber, pallets, wood chips, sawdust, or other wood or wood
 7 product but does not include scrap wood, treated wood, painted wood
 8 or painted wood product, or any wood or wood product that has been
 9 contaminated during manufacture or use.

10 (17) ~~(13)~~—"Wood ash" means any type of ash or slag resulting
 11 from the burning of wood.

12 (18) ~~(14)~~—"Yard ~~clippings~~**waste**" means leaves, grass
 13 clippings, vegetable or other garden debris, shrubbery, or brush or
 14 tree trimmings, less than 4 feet in length and 2 inches in
 15 diameter, that can be converted to compost. ~~Yard clippings do waste~~
 16 **does** not include stumps, agricultural wastes, animal waste, roots,
 17 sewage sludge, ~~or garbage~~. **Christmas trees or wreaths, food waste,**
 18 **or screened finished compost made from yard waste.**

19 Sec. 11507. (1) **Optimizing recycling opportunities, including**
 20 **electronics recycling opportunities, and the reuse of materials are**
 21 **a principal objective of this state's solid waste management plan.**
 22 **Recycling and reuse of materials, including the reuse of materials**
 23 **from electronic devices, are in the best interest of the public**
 24 **health and welfare. This state should develop policies, practices,**
 25 **and goals that promote recycling and reuse of materials, waste**
 26 **reduction, and pollution prevention and that, to the extent**
 27 **practical, minimize the use of landfilling and municipal solid**
 28 **waste incineration as methods for disposal of waste. Policies and**
 29 **practices that promote recycling and reuse of materials, including**



1 materials from electronic devices, result in conservation of raw
 2 materials and landfill space and avoid the contamination of soil
 3 and groundwater from heavy metals and other pollutants.

4 (2) It is the goal of this state to achieve a 45% municipal
 5 solid waste recycling rate, and, as an interim step, a 30%
 6 municipal solid waste recycling rate by 2025, through the benchmark
 7 recycling standards.

8 (3) ~~(1)~~—The department and a local health officer shall assist
 9 in developing and encouraging methods for the disposal of solid
 10 waste that are environmentally sound, that maximize the utilization
 11 of valuable resources, and that encourage resource conservation
 12 including source reduction and source separation.

13 (4) ~~(2)~~ ~~This part~~ **Part 115** shall be construed and administered
 14 to encourage and facilitate ~~the effort of~~ all persons to engage in
 15 source separation ~~and site separation~~ of material from solid waste,
 16 and other environmentally sound measures to prevent materials from
 17 entering the waste stream or ~~which encourage the removal of~~ **to**
 18 **remove** materials from the waste stream.

19 (5) **A person shall not dispose, store, or transport solid**
 20 **waste in this state unless the person complies with part 115.**

21 (6) ~~(3)~~ ~~The department may exempt from regulation under this~~
 22 ~~part solid waste that is determined by the department to be inert~~
 23 ~~material for uses and in a manner approved by the department.~~ **Part**
 24 **115 is intended to encourage the continuation of the private sector**
 25 **in materials management, disposal, and transportation in compliance**
 26 **with part 115. Part 115 is not intended to prohibit salvaging.**

27 Sec. 11507a. ~~(1)~~ ~~The owner or operator of a landfill shall~~
 28 ~~annually submit a report to the state and the county and~~
 29 ~~municipality in which the landfill is located that contains~~



1 ~~information on the amount of solid waste received by the landfill~~
 2 ~~during the year itemized, to the extent possible, by county, state,~~
 3 ~~or country of origin and the amount of remaining disposal capacity~~
 4 ~~at the landfill. Remaining disposal capacity shall be calculated as~~
 5 ~~the permitted capacity less waste in place for any area that has~~
 6 ~~been constructed and is not yet closed plus the permitted capacity~~
 7 ~~for each area that has a permit for construction under this part~~
 8 ~~but has not yet been constructed. The report shall be submitted on~~
 9 ~~a form provided by the department within 45 days following the end~~
 10 ~~of each state fiscal year.~~

11 ~~(2) By January 31 of each year, the department shall submit to~~
 12 ~~the legislature a report summarizing the information obtained under~~
 13 ~~subsection (1).~~ **Under rules promulgated by the department, the**
 14 **department may certify a city, county, or district health**
 15 **department to perform a solid waste management program or**
 16 **designated activities as prescribed in part 115. The department may**
 17 **rescind certification under either of the following circumstances:**

18 **(a) Upon request of the certified health department.**

19 **(b) After reasonable notice and an opportunity for a hearing**
 20 **if the department finds that the certified health department is not**
 21 **performing the program or designated activities as required.**

22 ~~Sec. 11508. (1) A city, county, or district health department~~
 23 ~~may be certified by the department to perform a solid waste~~
 24 ~~management program. Certification procedures shall be established~~
 25 ~~by the department by rule. The department may rescind certification~~
 26 ~~upon request of the certified health department or after reasonable~~
 27 ~~notice and hearing if the department finds that a certified health~~
 28 ~~department is not performing the program as required.~~ **A person shall**
 29 **not operate a materials management facility unless all of the**



1 following requirements are met:

2 (a) The owner or operator has complied with any applicable
3 requirement of part 115 to notify the department, register with the
4 department, obtain an approval from the department under a general
5 permit, or obtain a construction permit and operating license from
6 the department.

7 (b) The operation is in compliance with the terms of any
8 registration, general permit, construction permit, or operating
9 license issued for the materials management facility under part
10 115.

11 (c) The facility is consistent with the MMP. This subdivision
12 does not apply to a disposal area described in section 11509(1)(b)
13 or 11513(2).

14 (2) The department shall deny an application for a
15 registration, for approval under a general permit, or for a
16 construction permit or operating license for a materials management
17 facility unless the department has, under section 11575(9),
18 approved an MMP for the planning area where the facility is located
19 or proposed to be located and the facility is consistent with the
20 MMP, as determined under section 11585. However, all of the
21 following apply:

22 (a) Before an MMP is initially approved by the department
23 under section 11575(9), the department may issue a construction
24 permit for a solid waste processing and transfer facility or an
25 approval under a general permit or a registration for a materials
26 utilization facility if the county approval agency and the
27 legislative body of the municipality in which the facility is or is
28 proposed to be located have each notified the department in writing
29 that they approve the issuance.



1 (b) Proposed landfill expansions shall follow the siting
2 process of the existing solid waste management plan until an MMP
3 for the planning area is approved by the department.

4 (c) Before an MMP for the planning area has been approved by
5 the department, materials utilization facilities that are required
6 to provide a notification or registration to the department under
7 part 115 may be sited under local zoning ordinances.

8 (3) A notification or application under part 115 for a
9 construction permit, operating license, approval under a general
10 permit, or registration required to operate a materials management
11 facility; a notice of intent to prepare a materials management
12 plan; a bond; a risk pooling financial mechanism; evidence of
13 financial assurance; a request for the reduction of the amount of a
14 financial assurance mechanism; an agreement governing the operation
15 of a perpetual care fund trust or escrow account; an application
16 for a grant or loan; or a report or other information required to
17 be submitted to the department under part 115 shall meet all of the
18 following requirements:

19 (a) Be on a form and in a medium provided or approved by the
20 department.

21 (b) Contain relevant information required by the department.

22 (c) If an application, be accompanied by any applicable
23 application fee provided for by this part.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.

26 Enacting section 2. This amendatory act does not take effect
27 unless all of the following bills of the 100th Legislature are
28 enacted into law:

29 (a) Senate Bill No. ____ or House Bill No.5813 (request no.



1 06085'20 *).

2 (b) Senate Bill No. _____ or House Bill No.5814 (request no.

3 06086'20 *).

4 (c) Senate Bill No. _____ or House Bill No.5815 (request no.

5 06087'20 *).

6 (d) Senate Bill No. _____ or House Bill No.5616 (request no.

7 06088'20 *).

8 (e) Senate Bill No. _____ or House Bill No.5817 (request no.

9 06127'20 *).

