

HOUSE BILL NO. 5816

May 28, 2020, Introduced by Reps. VanSingel, Howell, Tate, Sowerby, O'Malley 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,"
(MCL 324.101 to 324.90106) by adding subpart 10.

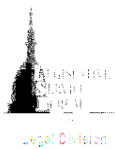
THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SUBPART 10 MATERIALS UTILIZATION FACILITIES

2 Sec. 11555. (1) Compostable material shall be managed by 1 of
3 the following means:

4 (a) Composted on the property where the compostable material
5 is generated.

6 (b) If yard waste, temporarily accumulated subject to



1 subsection (2).

2 (c) Composted at a class 1 composting facility where the
3 quantity of compostable material does not at any time exceed 500
4 cubic yards and does not create a nuisance.

5 (d) Composted at a small composting facility for which
6 notification has been given under section 11568(3), if applicable.

7 (e) Composted on a farm as described by subsection (3).

8 (f) Composted at a medium composting facility registered under
9 section 11568(3), if applicable.

10 (g) Composted at any of the following that has received
11 approval under a general permit under section 11568(3), if
12 applicable:

13 (i) A large composting facility.

14 (ii) A small or medium class 1 composting facility that meets
15 the requirements of subsection (4) and where the total volume of
16 class 1 compostable material other than yard waste exceeds 10% of
17 the total volume of compostable material on-site, unless otherwise
18 approved by the department.

19 (iii) A class 2 composting facility.

20 (h) Decomposed in a controlled manner using a closed container
21 to create and maintain anaerobic conditions if in compliance with
22 part 55 and otherwise approved by the department under part 115.

23 (i) Composted and used as part of normal operations by a type
24 II landfill if the landfill reports annually the cubic yards of
25 compost managed and the composting and use meet the following
26 requirements:

27 (i) Take place on property described in the landfill
28 construction permit.

29 (ii) Are described in and consistent with the landfill



1 operations plans.

2 (iii) Are otherwise in compliance with this act.

3 (j) Disposed of in a landfill or an incinerator. This
4 subdivision applies to yard waste only if all of the following
5 requirements are met:

6 (i) The yard waste is any of the following:

7 (A) Diseased or infested.

8 (B) Plants that are prohibited species or restricted species,
9 as defined in part 413, and that were collected through an
10 eradication or control program.

11 (C) A state or federal controlled substance.

12 (ii) The yard waste includes no more than a de minimis amount
13 of yard waste other than that described in subparagraph (i).

14 (iii) If the yard waste is composted, use of the compost may
15 contribute to the spread of the disease or infestation or of viable
16 invasive plant or controlled substance seeds or other propagules.

17 (2) A person may temporarily accumulate yard waste under
18 subsection (1) (b) at a site not designed for composting if all of
19 the following requirements are met:

20 (a) The accumulation does not create a nuisance or result in a
21 violation of this act.

22 (b) The yard waste is not mixed with other compostable
23 materials.

24 (c) No more than 1,000 cubic yards are placed on-site unless a
25 greater volume is approved by the department.

26 (d) Yard waste placed on-site on or after April 1 but before
27 December 1 is moved to another location and managed as provided in
28 subsection (1) within 30 days after being placed on-site. The
29 department may approve a longer time period based on a



1 demonstration that additional time is necessary.

2 (e) Yard waste placed on-site on or after December 1 but
3 before the next April 1 is moved to another location and managed as
4 provided in subsection (1) by the next April 1 after the yard waste
5 is placed on-site.

6 (f) The owner or operator of the site maintains and makes
7 available to the department records necessary to demonstrate that
8 the requirements of this subsection are met.

9 (g) The owner or operator of the site annually notifies the
10 department that it is a temporary yard waste accumulation site.

11 (3) A person may compost class 1 compostable material on a
12 farm under subsection (1) (e) if all of the following requirements
13 are met:

14 (a) The compost is used on the farm.

15 (b) The composting does not result in a violation of this act
16 and is done in compliance with GAAMPS under the Michigan right to
17 farm act, 1981 PA 93, MCL 286.471 to 286.474.

18 (c) Any of the following apply:

19 (i) Only class 1 compostable material that is generated on the
20 farm and does not contain paper products, dead animals, or
21 compostable products is composted.

22 (ii) There is not more than 5,000 cubic yards of class 1
23 compostable material on the farm at any time.

24 (iii) If there is more than 5,000 cubic yards of class 1
25 compostable material on the farm at any time, all of the following
26 requirements are met:

27 (A) The farm operation accepts class 1 compostable material
28 only to assist in management of waste material generated by the
29 farm operation or to supply the nutrient needs of the farm as



1 determined by a certified crop advisor, Michigan agriculture
 2 environmental assurance program technician, comprehensive nutrient
 3 management plan writer, licensed professional engineer, or staff of
 4 the department of agriculture and rural development who administer
 5 the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

6 (B) The farm operation does not accept compostable material
 7 generated at a location other than the farm for monetary or other
 8 valuable consideration.

9 (C) The owner or operator of the farm registers with the
 10 department of agriculture and rural development and certifies that
 11 the farm operation meets and will continue to meet the requirements
 12 of sub-subparagraphs (A) and (B).

13 (4) The owner or operator of a composting facility that is
 14 subject to a requirement for notification, registration, or
 15 approval under a general permit under section 11568(3) shall meet
 16 the following requirements, as applicable:

17 (a) Composting and management of the site occurs in a manner
 18 that meets all of the following requirements:

19 (i) Does not result in an accumulation of compostable material
 20 for a period of over 3 years unless the site has the capacity to
 21 compost the compostable material and the owner or operator of the
 22 site can demonstrate, beginning in the third year of operation and
 23 each year thereafter, unless a longer time is approved by the
 24 department, that the amount of compostable material and compost
 25 that is transferred off-site in a calendar year is not less than
 26 75% by weight or volume, accounting for natural volume reduction,
 27 of the amount of compostable material and compost that was on-site
 28 at the beginning of the calendar year.

29 (ii) Results in finished compost with not more than 1%, by



1 weight, of foreign matter that will remain on a 4-millimeter
2 screen.

3 (iii) If yard waste is collected in bags other than paper bags
4 or compostable bags meeting ASTM D6400 "Standard Specification for
5 Compostable Plastics", by ASTM International, debags the yard waste
6 by the end of each business day.

7 (iv) Prevents the pooling of water by maintaining proper slopes
8 and grades.

9 (v) Operates in compliance with parts 31 and 55.

10 (vi) Does not attract or harbor rodents or other vectors.

11 (b) The owner or operator maintains, and makes available to
12 the department, all of the following records:

13 (i) Records identifying the volume of other compostable
14 material accepted by the facility each month, the volume of
15 compostable material and of compost transferred off-site each
16 month, and the volume of compostable material on-site on October 1
17 each year.

18 (ii) Records demonstrating that the composting is being
19 performed in a manner that prevents nuisances and minimizes
20 anaerobic conditions. Unless otherwise provided by the department,
21 these records shall include carbon-to-nitrogen ratios, the amount
22 of leaves and the amount of grass in tons or cubic yards,
23 temperature readings, moisture content readings, and lab analysis
24 of finished compost products.

25 (c) If the site is a small composting facility, the site is
26 operated in compliance with the following location conditions:

27 (i) If the site was in operation on December 1, 2007, the
28 management or storage of compost, compostable material, and
29 residuals does not expand from its location on that date to an area



1 that is within the following distances from any of the following
2 features:

3 (A) 50 feet from a property line.

4 (B) 200 feet from a residence.

5 (C) 100 feet from a body of surface water, including a lake,
6 stream, or wetland.

7 (ii) If the site begins operation after December 1, 2007, the
8 management and storage of compost, compostable material, and
9 residuals occur at least the following distances from any of the
10 following features:

11 (A) 50 feet from a property line.

12 (B) 200 feet from a residence.

13 (C) 100 feet from a body of surface water, including a lake,
14 stream, or wetland.

15 (D) 2,000 feet from a type I or type IIa water supply well.

16 (E) 800 feet from a type IIb or type III water supply well.

17 (F) 500 feet from a church or other house of worship,
18 hospital, nursing home, licensed day care center, or school, other
19 than a home school.

20 (G) 4 feet above groundwater.

21 (5) A local unit of government may impose location
22 requirements that are more restrictive than those in subsection
23 (4) (c) (i) and (ii). However, the local requirements shall not be so
24 restrictive that a facility that meets the requirements of the
25 siting process in the materials management plan cannot be
26 established.

27 (6) A site at which compostable material is managed in
28 compliance with this section, other than a site described in
29 subsection (1) (i) or (j), is not a disposal area.



1 (7) The department shall maintain and post on its website a
2 list of composting facilities in compliance with this section.
3 Except as provided in section 11514, a hauler shall not deliver
4 yard waste to a site that is not on the list.

5 Sec. 11556. (1) A person who composts class 1 compostable
6 material shall do so at 1 of the following:

7 (a) A composting facility as described in section 11555(1)(c).

8 (b) A small or medium class 1 composting facility that meets
9 the conditions of section 11555(4) and where the total volume of
10 class 1 compostable material other than yard waste is equally
11 distributed and does not exceed 5% for a small composting facility,
12 or 10% for a medium composting facility, of the total volume of
13 compostable material on-site or a greater percentage if approved by
14 the department.

15 (c) A composting facility described in section 11555(1)(g).

16 (2) Class 1 compostable material is considered to be source
17 separated for conversion into compost if the class 1 compostable
18 material is composted at a site that is described in and meets the
19 requirements of section 11555(4) or section 11557(2).

20 (3) Composting of class 2 compostable material shall be done
21 at a class 2 composting facility. Class 2 compostable material is
22 considered to be source separated for conversion into compost if
23 the class 2 compostable material is composted at a class 2
24 composting facility.

25 (4) Composting of dead animals using bulking agents as defined
26 in section 3 of 1982 PA 239, MCL 287.653, is subject to part 115 if
27 the composting occurs at any of the following:

28 (a) A farm that maintains more than 5,000 cubic yards of
29 bulking agents from a source other than the farm.



1 (b) A slaughtering facility that, for composting purposes,
2 maintains on-site more than 5,000 cubic yards of bulking agents as
3 defined in section 3 of the bodies of dead animals act, 1982 PA
4 239, MCL 287.653.

5 (c) A facility that manages dead animals from more than 1 farm
6 or slaughtering facility.

7 Sec. 11557. (1) The location at a medium or large composting
8 facility, or a class 1 or class 2 composting facility, where class
9 1 and class 2 compostable material, finished compost, and residuals
10 were managed and stored on the effective date of the amendatory act
11 that added this section shall not be expanded to an area that is
12 within the following distances from any of the following features:

13 (a) 100 feet from a property line.

14 (b) 300 feet from a residence.

15 (c) 200 feet from a body of surface water, including a lake,
16 stream, or wetland.

17 (2) If a medium or large composting facility or a class 1 or 2
18 composting facility begins operation after the effective date of
19 the amendatory act that added this section, the management and
20 storage of class 1 and class 2 compostable material, compost, and
21 residuals shall not occur in a wetland or floodplain, or in an area
22 that is within the following distances from any of the following
23 features:

24 (a) 100 feet from a property line.

25 (b) 300 feet from a residence.

26 (c) 200 feet from a body of surface water, including a lake,
27 stream, or wetland.

28 (d) 2,000 feet from a type I or type IIa water supply well.

29 (e) 800 feet from a type IIb or type III water supply well.



1 (f) 4 feet above groundwater.

2 (g) 500 feet from a church or other house of worship, a
3 hospital, a nursing home, a licensed day care center, or a school,
4 other than a home school.

5 (3) Not later than 90 days after the establishment of a new
6 class 1 or class 2 composting facility or the expansion of the
7 location at a class 1 or class 2 composting facility where
8 compostable material, finished compost, and residuals were managed
9 and stored on the effective date of the amendatory act that added
10 this section, the owner or operator of the composting facility
11 shall, if the composting facility is located within 5 miles of the
12 end of an airport runway that is used by turbojet or piston type
13 aircraft, notify in writing the affected airport and the Federal
14 Aviation Administration.

15 Sec. 11558. (1) The owner or operator of a large class 1
16 composting facility shall develop and submit to the department the
17 following items:

18 (a) A site map.

19 (b) An operations plan.

20 (c) An odor management plan.

21 (d) A training plan.

22 (e) A fire prevention plan.

23 (f) A facility closure plan.

24 (2) The owner or operator of a composting facility described
25 in subsection (1) shall, within 2 years after the effective date of
26 the amendatory act that added this section, submit to the
27 department a complete application for approval under a general
28 permit. The term of approval under the general permit is 5 years.

29 (3) The owner or operator of a large class 1 composting



1 facility shall ensure that all of the following requirements are
2 met:

3 (a) Finished compost is tested in compliance with section
4 11564.

5 (b) The compostable material is not stored in a manner
6 constituting speculative accumulation. The owner or operator of the
7 large composting facility shall maintain and make available to the
8 department records to demonstrate compliance with this requirement.

9 (c) Composting does not result in standing water or attract or
10 harbor rodents or other vectors.

11 (d) Unless approved by the department, the composting
12 operations do not result in more than the following volume on any
13 acre:

14 (i) 5,000 cubic yards of compostable material, finished
15 compost, compost additives, or screening rejects or any combination
16 thereof.

17 (ii) 10,000 cubic yards of compostable material if the site is
18 using forced air static pile composting.

19 (e) The composting facility complies with wellhead protection
20 programs.

21 Sec. 11559. (1) A person shall not establish or operate a
22 class 2 composting facility without approval under a general
23 permit.

24 (2) The application for approval under subsection (1) shall
25 include the location of the composting operation and the type and
26 the amount of materials to be composted.

27 (3) When evaluating an application for approval to compost
28 class 2 compostable material at a class 2 composting facility, the
29 department shall consider all of the following:



1 (a) The applicable location restrictions in section 11557.

2 (b) The applicable composting facility requirements in section
3 11558.

4 (c) The classification of the compostable material and
5 finished compost as established under sections 11562 and 11563.

6 (4) The department shall make a final decision on an
7 application for a class 2 composting facility within 90 days after
8 receiving a complete application. The term of the general permit
9 approval to compost class 2 compostable material at a class 2
10 composting facility is 5 years. The approval may be renewed upon
11 the submittal of a timely and sufficient application. To be
12 considered timely and sufficient for purposes of section 91 of the
13 administrative procedures act of 1969, 1969 PA 306, MCL 24.291, an
14 application for renewal of an approval under a general permit shall
15 meet all of the following requirements:

16 (a) Contain the information described in subsection (2).

17 (b) Be received by the department not later than 90 days
18 before the expiration of the preceding approval.

19 (5) Class 2 compostable material shall be separated out from
20 other solid waste and maintained separately until used to produce
21 compost unless otherwise authorized by the department.

22 Sec. 11560. The owner or operator of a composting facility
23 that is required to notify or register under part 115 or that is
24 approved under a general permit shall, within 45 days after the end
25 of each state fiscal year, report to the department all of the
26 following information for that fiscal year:

27 (a) The amount of compostable material brought to the site, by
28 county of origin.

29 (b) The amount of finished compost removed from the site.



1 (c) The amount of unfinished compostable material removed from
2 the site.

3 (d) The volume of residuals removed from the site.

4 (e) The total amount of compostable material, compost, and
5 residuals on-site at the end of the fiscal year.

6 Sec. 11561. (1) A person shall not use compost produced from
7 class 2 compostable material unless the department approves the
8 class 2 compostable material as appropriate for the use under part
9 115.

10 (2) A person shall not separate waste for use as compostable
11 material unless the person has filed a petition under R 299.4118a
12 of the Michigan Administrative Code and obtained approval from the
13 department. To characterize the finished compost, the petitioner
14 shall include all of the following information in the petition, in
15 addition to the information required in R 299.4118a:

16 (a) The type of waste and its potential for creating a
17 nuisance or environmental contamination.

18 (b) The time required for compost to reach maturity, as
19 determined by a reduction of organic matter content during
20 composting. Organic matter content shall be determined by measuring
21 the volatile residues content using a method that is approved by
22 the department or EPA method 160.4, contained in the publication
23 entitled "Methods for Chemical Analysis of Water and Waste", EPA-
24 600, Revision 8, July 2014, Update V.

25 (c) The foreign matter content of finished compost. The
26 foreign matter content shall be determined as follows:

27 (i) A weighed sample of the finished compost is sifted through
28 a 4.0-millimeter screen.

29 (ii) The foreign matter remaining on the screen is separated



1 and weighed.

2 (iii) The weight of the separated foreign matter is divided by
3 the weight of the finished compost.

4 (iv) The quotient under subparagraph (iii) is multiplied by 100.

5 (d) Particle size, as determined by sieve analysis.

6 (3) The department shall approve a material for use as
7 compostable material if the person who proposes the use
8 demonstrates all of the following:

9 (a) The material has or will be converted to compost under
10 controlled conditions at a class 2 composting facility.

11 (b) The material will not be a source of environmental
12 contamination or cause a nuisance.

13 (c) The end user will be given written instructions on the
14 proper use of the finished compost.

15 Sec. 11562. (1) A person may petition the department to do any
16 of the following:

17 (a) Classify a solid waste, a class 2 compostable material, or
18 a combination of class 1 compostable material and class 2
19 compostable material, as a class 1 compostable material.

20 (b) Classify compost produced from solid waste, class 2
21 compostable material, or a combination of class 1 compostable
22 material and class 2 compostable material, as general use compost.

23 (2) A petition under subsection (1) shall meet the
24 requirements of R 299.4118a of the Michigan Administrative Code. If
25 authorized by the department in writing, a person may conduct a
26 pilot composting project to support a petition under subsection
27 (1).

28 (3) In granting a petition under subsection (1), the
29 department shall specify which parameters listed in section 11565



1 shall be tested under subsection (4). The department's decision
2 shall be based on both of the following:

3 (a) The difference between the concentration of a given
4 parameter in the compost and the criteria for that parameter in
5 section 11553(5).

6 (b) The variability of the results among the samples.

7 (4) If a material is classified as a class 1 compostable
8 material by the department based on the petition under subsection
9 (1), the operator shall test compost produced from the class 1
10 compostable material when both of the following apply:

11 (a) There is a significant change in the process that
12 generated the compost.

13 (b) The change has the potential to alter the classification
14 of the finished compost as general use compost under section
15 11553(5).

16 (5) If any finished compost produced from class 2 compostable
17 material that has been classified as a general use compost fails to
18 meet the requirements for a general use compost under section
19 11553(5), both of the following apply:

20 (a) The finished compost is reclassified as a restricted use
21 compost.

22 (b) The owner or operator of the composting facility shall
23 notify the department within 10 business days after receipt of
24 information that the finished compost no longer meets the criteria
25 to be classified as general use compost, and shall do 1 of the
26 following with the finished compost:

27 (i) Dispose of the remaining finished compost at a properly
28 licensed landfill.

29 (ii) Stockpile the finished compost on-site until the generator



1 re-petitions the department and the department reclassifies the
2 compost as provided in this section.

3 (iii) Use the finished compost for a specified use if approved
4 for that specified use under section 11553(4).

5 (6) If finished compost produced by a composting facility is
6 restricted use compost, the owner or operator of the composting
7 facility shall do the following, as applicable:

8 (a) Retest the finished compost not less than annually, or
9 biennially if the department has determined that the test results
10 demonstrate insignificant variability over a 2-year period, using
11 the procedures specified in R 299.4118a of the Michigan
12 Administrative Code. The owner or operator shall submit the test
13 results to the department. The department shall specify a more
14 frequent schedule for testing if the characteristics of the
15 material vary significantly.

16 (b) If the owner or operator of the composting facility
17 receives information that test results vary greatly from previous
18 test results, notify the department within 10 business days and do
19 any of the following with the finished compost:

20 (i) Dispose of the finished compost at a properly licensed
21 landfill.

22 (ii) Stockpile the finished compost on-site until the generator
23 re-petitions the department and the department reclassifies the
24 compost under this section.

25 (iii) Use the finished compost for a use specified by the
26 department under section 11553(3).

27 Sec. 11563. (1) General use compost offered for sale shall be
28 accompanied by a label, in the case of bagged compost, or an
29 information sheet in the case of bulk sales. The label or



1 information sheet shall contain all of the following information:

2 (a) The name and generator of the compost.

3 (b) The feedstock and bulking agents used to produce the
4 compost.

5 (c) Use instructions, including application rates and any
6 restrictions on use.

7 (d) If the compost is marketed as a fertilizer, micronutrient,
8 or soil conditioner, the label shall list the applicable parameters
9 under section 11565 and comply with the requirements of part 85, if
10 applicable.

11 (e) If the compost is marketed as a liming material, the label
12 shall list the applicable parameters under section 11565 and shall
13 include a statement indicating that the generator of the compost is
14 in compliance with the applicable requirements of 1955 PA 162, MCL
15 290.531 to 290.538. The generator shall indicate on the label the
16 liming license number.

17 (f) A statement indicating how the user of the compost can
18 obtain the results of all testing, including test parameters and
19 concentration levels.

20 (2) Restricted use compost shall be managed as provided in any
21 of the following:

22 (a) Disposed of at a properly licensed landfill.

23 (b) Stockpiled on-site until the generator petitions the
24 department under section 11562 and the department reclassifies the
25 compost as provided in that section.

26 (c) Used for a use specified by the department under section
27 11553(3).

28 (d) If offered for sale, accompanied by a label, in the case
29 of bagged compost, or an information sheet in the case of bulk



1 sales. The label or information sheet shall contain both of the
2 following:

3 (i) The information required by subsection (1).

4 (ii) A statement that the compost has been approved for use by
5 this state and further indicating how the user of the compost may
6 obtain the results of all testing including test parameters,
7 concentration levels, and the applicable standards.

8 (3) The department may impose conditions for use of restricted
9 use compost to ensure the protection of the public health, safety,
10 or welfare, or the environment.

11 Sec. 11564. (1) The following sites shall test their finished
12 compost in compliance with the US Composting Council's Seal of
13 Testing Assurance, unless the department has approved an alternate
14 procedure:

15 (a) Class 1 composting facilities that produce over 2,000
16 cubic yards of finished compost per year. The finished compost
17 shall be analyzed for the parameters listed in section 11565.

18 (b) Class 2 composting facilities. The finished compost shall
19 be analyzed for the parameters listed in section 11565 and, if the
20 compost is produced from class 2 compostable material, other
21 parameters identified in the facility's general permit.

22 (2) All sites not listed in subsection (1) shall test at least
23 1 sample of finished compost per 4,000 cubic yards or 2,000 tons
24 per year for the parameters listed in section 11565, unless the
25 department has approved an alternate procedure.

26 Sec. 11565. All of the following are general use parameters
27 for compost:

28 (a) pH.

29 (b) Carbon-to-nitrogen ratio.



- 1 (c) Soluble salts.
 2 (d) Total available nitrogen.
 3 (e) Phosphorus reported as P2O5.
 4 (f) Potassium reported as K2O.
 5 (g) Calcium.
 6 (h) Magnesium.
 7 (i) Chloride.
 8 (j) Sulfate.
 9 (k) Arsenic.
 10 (l) Cadmium.
 11 (m) Copper.
 12 (n) Lead.
 13 (o) Mercury.
 14 (p) Molybdenum.
 15 (q) Nickel.
 16 (r) Selenium.
 17 (s) Zinc.
 18 (t) Percent foreign matter content.
 19 (u) Pathogens.
 20 (v) Fecal coliforms.
 21 (w) Salmonella.
 22 (x) Other constituents as determined by the department.
 23 (y) Percent organic matter.
- 24 Sec. 11567. (1) A person may blend low hazard industrial waste
 25 or compost additives with general use compost or compost produced
 26 from yard waste to create a soil-like product if all of the
 27 following conditions are met:
- 28 (a) The blending occurs at a class 1 or class 2 composting
 29 facility.



1 (b) The mixture meets the criteria in section 11553(5) or
2 other criteria approved by the department.

3 (c) The low hazard industrial waste is blended with the
4 general use compost within 30 days after the low-hazard industrial
5 waste is collected at the class 1 or class 2 composting facility.

6 (2) Gypsum drywall may be added to finished compost if it
7 constitutes less than 50% of the compost by weight and is less than
8 1/4 inch in diameter.

9 Sec. 11568. (1) The operator of a materials utilization
10 facility shall comply with all of the following:

11 (a) The operator shall operate the facility in a manner that
12 does not create a nuisance or public health or environmental hazard
13 and keep the facility clean and free of litter.

14 (b) The operator shall comply with this act, including parts
15 31 and 55, and not create a facility as defined in section 20101.

16 (c) Unless exempted, the operator shall record the types and
17 quantities in tons, or cubic yards for composting facilities, of
18 material collected, the period of storage, the planning area of
19 origin of the material, and where the material is transferred,
20 processed, recycled, or disposed. The operator shall report to the
21 department this information for each state fiscal year within 45
22 days after the end of the state fiscal year.

23 (d) On an annual basis, the weight of solid waste residuals
24 shall be less than 15% of the total weight of material received
25 unless the requirements of subdivision (b) of the definition of
26 materials recovery facility in section 11504 are met.

27 (e) The facility shall be operated by personnel who are
28 knowledgeable about the safe management of the types of material
29 that are accepted and utilized.



1 (f) The operator shall limit access to the facility to a time
2 when a responsible individual is on duty.

3 (g) The operator shall not store material overnight at the
4 facility except in a secure location and with adequate containment
5 to prevent any release of material.

6 (h) Within 1 year after material is collected by the facility,
7 the material shall be transported from the facility for ultimate
8 end use products or disposal.

9 (i) The material shall be protected, as appropriate for the
10 type of material, from weather, fire, physical damage, and
11 vandalism.

12 (j) Operations shall not attract or harbor rodents or other
13 vectors.

14 (k) If salvaging is permitted, salvaged material shall be
15 removed from the site at the end of each business day or salvaging
16 shall be confined to a storage area that is approved by the
17 department.

18 (l) Handling and processing equipment that is of adequate size,
19 quantity, and operating condition shall be available as needed to
20 ensure proper management of the facility. If the handling or
21 processing equipment is inoperable for more than 24 hours, an
22 alternative method that is approved by the department shall be used
23 to manage the material.

24 (m) Burning of solid waste shall not occur at the facility.

25 (2) The operator of a materials recovery facility, including
26 an electronic waste processor not required to report under part
27 173, shall comply with both of the following:

28 (a) Beginning 1 year after the effective date of the
29 amendatory act that added this section, a person shall not operate



1 a materials recovery facility that sorts, bales, or processes more
2 than 100 tons of material per year and does not have more than 100
3 tons of managed material on-site at any time unless the owner or
4 operator has registered the materials recovery facility with the
5 department. The application for registration shall be accompanied
6 by a fee of \$750.00. The term of the registration is 5 years.

7 (b) Subject to subsection (6), beginning 2 years after the
8 effective date of the amendatory act that added this section, a
9 person shall not operate a materials recovery facility that has
10 more than 100 tons of managed material on-site at any time unless
11 the owner or operator has obtained approval of the materials
12 recovery facility under a general permit. The application for
13 approval under a general permit shall be accompanied by a fee of
14 \$1,000.00. The term of approval under the general permit is 5
15 years.

16 (3) The operator of a composting facility shall comply with
17 all of the following:

18 (a) Beginning 1 year after the effective date of the
19 amendatory act that added this section, a person shall not operate
20 a small class 1 composting facility unless the owner or operator
21 has notified the department. Notification shall be given upon
22 initial operation and, subsequently, within 45 days after the end
23 of each state fiscal year. The subsequent notices shall report the
24 amount of compostable material managed at the facility during the
25 preceding state fiscal year.

26 (b) Beginning 1 year after the effective date of the
27 amendatory act that added this section, a person shall not operate
28 a medium class 1 composting facility unless the owner or operator
29 has registered with the department. The application for



1 registration shall be accompanied by a fee of \$750.00. The term of
2 the registration is 5 years.

3 (c) Subject to subsection (6), beginning 2 years after the
4 effective date of the amendatory act that added this section, a
5 person shall not operate a class 2 composting facility or a large
6 class 1 composting facility unless approved by the department under
7 a general permit. The application for approval under a general
8 permit shall be accompanied by a fee of \$1,000.00. The term of
9 approval under the general permit is 5 years.

10 (4) The operator of an anaerobic digester shall comply with
11 all of the following:

12 (a) Beginning 1 year after the effective date of the
13 amendatory act that added this section, a person shall not operate
14 an anaerobic digester that manages source separated material
15 generated on-site and not more than 20% material generated off-site
16 unless the owner or operator has notified the department.
17 Notification shall be given upon initial operation and,
18 subsequently, within 45 days after the end of each state fiscal
19 year. The subsequent notices shall report the amount of material
20 managed at the anaerobic digester during the preceding state fiscal
21 year.

22 (b) Beginning 1 year after the effective date of the
23 amendatory act that added this section, a person shall not operate
24 an anaerobic digester that manages organic waste generated on-site
25 and more than 20% and less than 100% of material generated off-site
26 unless the owner or operator has registered the anaerobic digester
27 with the department. The application for registration shall be
28 accompanied by a fee of \$750.00. The term of the registration is 5
29 years.



1 (c) Subject to subsection (6), beginning 2 years after the
2 effective date of the amendatory act that added this section, a
3 person shall not operate an anaerobic digester that manages only
4 source separated material, manures, bedding, or crop residuals that
5 are generated off-site unless approved by the department under a
6 general permit. The application for approval under a general permit
7 shall be accompanied by a fee of \$1,000.00. The term of approval
8 under the general permit is 5 years.

9 (d) Liquid digestate that is generated by the anaerobic
10 digester shall be managed by 1 of the following:

11 (i) On-site treatment and discharge by a facility that is
12 permitted under part 31 or is otherwise approved by the department.

13 (ii) Discharge, by sewer or pipeline, to an off-site publicly
14 owned treatment works or other facility that is permitted under
15 part 31 or is otherwise approved by the department.

16 (iii) Discharge, by pumping and hauling, to an off-site publicly
17 owned treatment works or other facility that is permitted under
18 part 31 or is otherwise approved by the department.

19 (5) Subject to subsection (6), beginning 2 years after the
20 effective date of the amendatory act that added this section, a
21 person shall not operate an innovative technology facility unless
22 approved by the department under a general permit. The application
23 for approval shall be accompanied by a fee of \$1,000.00. The term
24 of approval under the innovative technology general permit is 2
25 years.

26 (6) If the owner or operator of a materials utilization
27 facility that is in operation on the effective date of the
28 amendatory act that added this section is required to obtain
29 approval under a general permit under this section, that person



1 shall submit a complete application for the approval within 2 years
2 after the effective date of the amendatory act that added this
3 section.

4 (7) If an application for approval under a general permit is
5 denied, within 6 months after the denial, the applicant may
6 resubmit the application together with additional information or
7 corrections necessary to address the reason for denial, without
8 paying an additional application fee.

9 (8) Fees collected under this subpart shall be deposited in
10 the perpetual care account established under section 11550.

11 Sec. 11569. (1) With a registration or an application for
12 approval under a general permit required under section 11568, the
13 owner or operator of a materials utilization facility shall submit
14 a site map and operations plan for the materials utilization
15 facility. The owner or operator shall also submit a final closure
16 plan with an application for approval under a general permit.
17 Pending registration or authorization under a general permit of a
18 materials utilization facility in operation on the effective date
19 of the amendatory act that added this section, the department shall
20 review the operating requirements for the facility. If the
21 department determines upon review that the operating requirements
22 do not comply with part 115, the department shall issue a schedule
23 of remedial measures that will lead to compliance within a
24 reasonable period of time not to exceed 1 year from the
25 determination of noncompliance.

26 (2) If an increase in the volume or change in the type of
27 material managed by a materials utilization facility triggers a
28 requirement for notification, registration, or approval under a
29 general permit, the owner or operator of the facility shall submit



1 the notification, complete application for registration, or
2 complete application for approval under a general permit within 90
3 days.

4 (3) An approval under a general permit under part 115 may be
5 renewed upon the submittal of a timely and sufficient application.
6 To be considered timely and sufficient for purposes of section 91
7 of the administrative procedures act of 1969, 1969 PA 306, MCL
8 24.291, an application for renewal of a general permit approval
9 shall meet both of the following requirements:

10 (a) Contain the information as required by the applicable
11 general permit application.

12 (b) Be received by the department not later than 90 days
13 before the expiration of the preceding authorization.

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

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

19 (a) Senate Bill No. ____ or House Bill No.5812 (request no.
20 06084'20 *).

21 (b) Senate Bill No. ____ or House Bill No.5813 (request no.
22 06085'20 *).

23 (c) Senate Bill No. ____ or House Bill No.5814 (request no.
24 06086'20 *).

25 (d) Senate Bill No. ____ or House Bill No.5815 (request no.
26 06087'20 *).

27 (e) Senate Bill No. ____ or House Bill No.5817 (request no.
28 06127'20 *).

