



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

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

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

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

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

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

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

24           (a) **By January 1, 2026, at least 90% of single-family**  
25 **dwelling in urban areas as identified by the most recent federal**  
26 **decennial census and, by January 1, 2028, at least 90% of single-**  
27 **family dwellings in municipalities with more than 5,000 residents**  
28 **have access to curbside recycling that meets all of the following**  
29 **criteria:**

1 (i) One or more recyclable materials, as determined by the  
 2 county's material management plan, that are typically collected  
 3 through curbside recycling programs, are collected at least twice  
 4 per month.

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

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

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

15 (b) By January 1, 2032, the following additional criteria:

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

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

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

27 (8) ~~(4)~~—"Beneficial use 2" means use as any of the following:

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

1 (i) Is placed at least 4 feet above the seasonal groundwater  
2 table.

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

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

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

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

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

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

27 (a) The material is applied at an agronomic rate consistent  
28 with ~~generally accepted agricultural and management~~  
29 ~~practices.~~ **GAAMPS**.

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

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

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

7 (iii) Cause a violation of a part 31 surface water quality  
8 standard.

9 **(10)** ~~(6)~~—"Beneficial use 4" means any of the following uses:

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

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

17 (c) To stabilize, neutralize, solidify, cap, or otherwise  
18 remediate hazardous substances or contaminants as part of a  
19 response activity in compliance with part 201, part 213, or the  
20 comprehensive environmental response, compensation and liability  
21 act of 1980, 42 USC 9601 to 9657, or a corrective action in  
22 compliance with part 111 or the solid waste disposal act, 42 USC  
23 6901 to 6992k.

24 (d) As construction material at a landfill licensed under this  
25 part.

26 **(e) As alternate daily cover at a licensed landfill in**  
27 **compliance with an operational plan approved pursuant to R 299.4429**  
28 **of the MAC.**

29 **(11)** ~~(7)~~—"Beneficial use 5" means blended with inert materials

1 or with compost and used to manufacture soil.

2 (12) ~~(8)~~—"Beneficial use by-product" means the following  
3 materials if the materials are stored for beneficial use or are  
4 used beneficially as specified and the requirements of section  
5 11551(1) are met:

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

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

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

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

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

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

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

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

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

23 (ii) Scrap paper.

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

26 (j) Dewatered concrete grinding slurry from public  
27 transportation agency road projects used for beneficial use 1, 2,  
28 3, or 4.

29 (k) Lime softening residuals from the treatment and

1 conditioning of water for domestic use or from a community water  
2 supply used for beneficial use 3 or 4.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27       **(a)** Is negotiable.

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

1           (c) **Is** fully insured by an agency of the United States  
2 government. ~~A certificate of deposit used to fulfill the~~  
3 ~~requirements of this part shall be~~

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

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

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

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

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

16           (a) **Yard waste.**

17           (b) **Wood.**

18           (c) **Food waste.**

19           (d) **Paper products.**

20           (e) **Manure or animal bedding.**

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

23           (g) **Compostable products.**

24           (h) **Dead animals unless infectious or managed under 1982 PA**  
25 **239, MCL 287.651 to 287.683.**

26           (i) **Spent grain from breweries.**

27           (j) **Paunch.**

28           (k) **Food processing residuals.**

29           (l) **Aquatic plants.**

1 (m) Any other material, including, but not limited to, fat,  
 2 oil, or grease, that the department classifies as class 1  
 3 compostable material under section 11562 or that is approved as  
 4 part of a large composting facility operations plan.

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

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

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

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

15 (25) ~~(15)~~"Coal ash", subject to subsection ~~(16)~~, **(26)**, means  
 16 any of the following:

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

22 (b) Residuals removed from coal ash impoundments.

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

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

29 (b) Class F fly ash under ASTM ~~standard C618-12A~~, if that fly

1 ash forms a pozzolanic-stabilized mixture by being blended with  
2 lime, Portland 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. **Coal**  
23 **ash impoundment includes an existing coal ash impoundment.**

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

29 (29) ~~(19)~~ "Coal bottom ash" means ash particles from the

1 combustion of coal that are too large to be carried in flue gases  
2 and that collect on furnace walls or at the bottom of the furnace.

3       (30) ~~(20)~~—"Collection center" means a tract of land, building,  
4 unit, or appurtenance or combination thereof that is used to  
5 collect junk motor vehicles and farm implements under section  
6 11530.

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

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

24       (32) Commercial waste does not include household waste,  
25 hazardous waste, or industrial waste.

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

- 29       (a) Products designed to enhance finished compost.

1 (b) Sugar beet limes.

2 (c) Wood ash.

3 (d) Drywall.

4 (e) Synthetic gypsum.

5 (f) Other materials approved by the department.

6 (34) "Compostable material" means organic material that can be  
7 converted to finished compost. Compostable material comprises class  
8 1 compostable material and class 2 compostable material.

9 (35) "Compostable products" means utensils, food service  
10 containers, and other packaging and products that are certified by  
11 the Biodegradable Products Institute or an equivalent, recognized,  
12 third-party, independent verification body, as meeting either of  
13 the following requirements:

14 (a) ASTM D6400, "Standard Specification for Labeling of  
15 Plastics Designed to Be Aerobically Composted in Municipal or  
16 Industrial Facilities", by ASTM International.

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

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

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

26 (i) In a system using vermiculture.

27 (ii) Under controlled aerobic conditions using mechanical  
28 handling techniques such as physical turning, windrowing, or  
29 aeration or using other management techniques approved by the

1 department. For the purposes of this subparagraph, aerobic  
2 conditions may include the presence of insignificant anaerobic  
3 zones within the composting material.

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

7 (37) ~~(21)~~ "Composting facility" means a facility where  
8 composting ~~of yard clippings or other organic materials occurs~~  
9 ~~using mechanical handling techniques such as physical turning,~~  
10 ~~windrowing, or aeration or using other management techniques~~  
11 ~~approved by the director. occurs. However, composting facility does~~  
12 ~~not include a site where only composting described in section~~  
13 ~~11555(1) (a), (b), or (e) occurs.~~

14 (38) ~~(22)~~ "Consistency review" means evaluation of the  
15 administrative and technical components of an application for a  
16 permit or license or evaluation of operating conditions in the  
17 course of inspection, for the purpose of determining consistency  
18 with the requirements of ~~this part, rules promulgated under this~~  
19 ~~part, 115~~ and approved plans and specifications.

20 (39) ~~(23)~~ "Corrective action" means the investigation,  
21 assessment, cleanup, removal, containment, isolation, treatment, or  
22 monitoring of constituents, as defined in a **materials management**  
23 facility's approved hydrogeological monitoring plan, released into  
24 the environment from a ~~disposal area,~~ **materials management**  
25 **facility**, or the taking of other actions related to the release as  
26 may be necessary to prevent, minimize, or mitigate injury to the  
27 public health, safety, or welfare, the environment, or natural  
28 resources that is consistent with **subtitle D of the solid waste**  
29 **disposal act**, 42 USC 6941 to 6949a, and regulations promulgated

1 thereunder.

2 (40) "County approval agency" or "CAA" means the county board  
3 of commissioners, the municipalities in the county, or the regional  
4 planning agency, whichever submits a notice of intent to prepare a  
5 materials management plan under section 11571.

6 (41) "County board of commissioners" means the county board of  
7 commissioners or the elected county executive, as appropriate.

8 (42) "Custodial care" includes all of the following:

9 (a) Preventing deep-rooted vegetation from establishing on the  
10 final cover.

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

12 (c) Maintaining stormwater controls.

13 (d) Maintaining limited access to the site.

14 Sec. 11503. (1) "De minimis" refers to a small amount of  
15 material or number of items, as applicable, incidentally commingled  
16 with inert material for beneficial use by-products ~~—~~**or with source**  
17 **separated material** or incidentally disposed of with other solid  
18 waste.

19 (2) "Department", subject to section 11554, means the  
20 department of environment, Great Lakes, and energy.

21 (3) "Designated planning agency" or "DPA" means the planning  
22 agency designated under section 11571(10). Designated planning  
23 agency does not mean a regional planning agency unless the county  
24 approval agency identifies the regional planning agency as the DPA.

25 (4) ~~(3)~~"Director" means the director of the department.

26 (5) ~~(4)~~"Discharge" includes, but is not limited to, any  
27 spilling, leaking, pumping, pouring, emitting, emptying,  
28 discharging, injecting, escaping, leaching, dumping, or disposing  
29 of a substance into the environment that is or may become injurious

1 to **the environment, natural resources, or** the public health,  
 2 safety, or welfare. ~~, or to the environment.~~

3 **(6)** ~~(5)~~—"Disposal area", **subject to section 11555(6)**, means 1  
 4 or more of the following **that accepts solid waste** at a location as  
 5 defined by the boundary identified in its construction permit, ~~or~~  
 6 **in** engineering plans approved by the department, **or in a**  
 7 **notification or registration:**

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

9 (b) An incinerator.

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

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

12 **(d)** ~~(e)~~—A coal ash impoundment.

13 **(e)** ~~(f)~~—Any other solid waste handling or disposal facility  
 14 utilized in the disposal of solid waste, **as determined by the**  
 15 **department.** ~~However, a waste diversion center is not a disposal~~  
 16 ~~area.~~

17 **(7)** ~~(6)~~—"Diverted waste" means waste that meets all of the  
 18 following requirements:

19 (a) Is generated by households, businesses, or governmental  
 20 entities.

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

23 (c) Is separated from other waste.

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

25 (i) Hazardous material.

26 (ii) Liquid waste.

27 (iii) Pharmaceuticals.

28 (iv) Electronics.

29 (v) Batteries.

1 (vi) Light bulbs.

2 (vii) Pesticides.

3 (viii) Thermostats, switches, thermometers, or other devices  
4 that contain elemental mercury.

5 (ix) Sharps.

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

9 **(8)** ~~(7)~~ "Enforceable mechanism" means a legal method ~~whereby~~  
10 **that authorizes** this state, a county, a municipality, or another  
11 person ~~is authorized to take action to guarantee compliance with an~~  
12 ~~approved county solid waste~~**a materials** management plan.

13 Enforceable mechanisms include ~~contracts, intergovernmental~~  
14 agreements, laws, ordinances, rules, and regulations.

15 **(9) "EPA" means the United States Environmental Protection**  
16 **Agency.**

17 **(10)** ~~(8)~~ "Escrow account" means an account that is managed by  
18 a bank or other financial institution whose account operations are  
19 regulated and examined by a federal or state agency and that  
20 complies with section 11523b.

21 **(11)** ~~(9)~~ "Existing coal ash impoundment" means a coal ash  
22 impoundment that received coal ash before December 28, 2018, and  
23 that, as of that date, had not initiated elements of closure that  
24 include dewatering, stabilizing residuals, or placement of an  
25 engineered cover or otherwise closed pursuant to its part 31 permit  
26 or pursuant to R 299.4309 of the ~~part 115 rules~~**MAC** and, therefore,  
27 is capable of receiving coal ash in the future. A coal ash  
28 impoundment that has initiated closure is considered an open dump  
29 unless the owner or operator has completed closure of the coal ash

1 impoundment under section 11519b or obtained an operating license  
2 for the coal ash impoundment by December 28, 2020.

3 **(12)** ~~(10)~~—"Existing coal ash landfill" means a coal ash  
4 landfill to which either of the following applies:

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

7 (b) Construction of the landfill commenced before October 19,  
8 2015, and the landfill received coal ash on or after October 19,  
9 2015. For the purposes of this subdivision, construction of a  
10 landfill commenced before October 19, 2015 if both of the following  
11 requirements were met before that date:

12 (i) The owner or operator obtained the federal, state, and  
13 local approvals or permits necessary to begin physical  
14 construction.

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

16 **(13)** ~~(11)~~—"Existing disposal area" means any of the following:

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

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

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

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

25 (e) An existing coal ash impoundment.

26 **(14)** ~~(12)~~—"Existing landfill unit" or "existing unit" means  
27 any landfill unit that received solid waste on or before October 9,  
28 1993.

29 **(15)** ~~(13)~~—"Farm" means that term as defined in section 2 of

1 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

2 (16) ~~(14)~~ "Farm operation" means that term as defined in  
3 section 2 of the Michigan right to farm act, 1981 PA 93, MCL  
4 286.472.

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

7 (a) Contain multiple carbon chain triglyceride molecules.

8 (b) Are derived from animal or plant sources.

9 (c) Are generated at food manufacturing and food service  
10 establishments.

11 (d) Are generated by-products from food preparation  
12 activities.

13 (18) ~~(15)~~ "Financial assurance" means the mechanisms used to  
14 demonstrate that the funds necessary to meet the cost of closure,  
15 postclosure maintenance and monitoring, and corrective action will  
16 be available to the department whenever they are needed for those  
17 purposes.

18 (19) ~~(16)~~ "Financial test" means a corporate or local  
19 government financial test or guarantee approved ~~for type II~~  
20 ~~landfills~~ under subtitle D of the solid waste disposal act, 42 USC  
21 6941 to 6949a and regulations promulgated thereunder. An owner or  
22 operator may use a single financial test for more than 1 facility.  
23 Information submitted to the department to document compliance with  
24 the financial test shall include a list showing the name and  
25 address of each facility and the amount of funds assured by the  
26 financial test for each facility. For purposes of the financial  
27 test, the owner or operator shall aggregate the sum of the closure,  
28 postclosure, and corrective action costs it seeks to assure with  
29 any other environmental obligations assured by a financial test

1 under state or federal law.

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

4 (a) Has undergone biological decomposition and has been  
5 stabilized to a degree that is beneficial to plant growth without  
6 creating a nuisance.

7 (b) Is used or sold for use as a soil amendment, fertilizer,  
8 topsoil blend, growing medium amendment, or other similar use.

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

12 (21) ~~(17)~~—"Flue gas desulfurization material" means the  
13 material recovered from air pollution control systems that capture  
14 sulfur dioxide from the combustion of wood, coal, or fossil fuels,  
15 or other combustible materials, if the other combustible materials  
16 constitute less than 50% by weight of the total material combusted  
17 and the department determines in writing that the other combustible  
18 materials do not materially affect the character of the residue.  
19 Flue gas desulfurization material includes synthetic gypsum.

20 (22) ~~(18)~~—"Food processing residuals" means any of the  
21 following:

22 (a) Residuals of fruits, vegetables, aquatic plants, or field  
23 crops, **including such residuals generated by a brewery or**  
24 **distillery.**

25 (b) Otherwise unusable parts of fruits, vegetables, aquatic  
26 plants, or field crops from the processing thereof.

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

1           (23) "Food waste" means an accumulation of animal or vegetable  
2 matter that was used or intended for human or animal food or that  
3 results from the preparation, use, cooking, dealing in, or storing  
4 of animal or vegetable matter for human or animal food if the  
5 accumulation is or is intended to be discarded. Food waste does not  
6 include fats, oils, or greases.

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

12           (25) ~~(19)~~"Foundry sand" means silica sand used in the metal  
13 casting process, including binding material or carbonaceous  
14 additives, from ferrous or nonferrous foundries.

15           (26) "Functional stability" means the stage at which a  
16 landfill does not pose a significant risk to the environment,  
17 natural resources, or the public health, safety, or welfare at a  
18 point of exposure, in the absence of active control systems.

19           (27) ~~(20)~~"GAAMPS" means ~~the~~generally accepted agricultural  
20 and management practices under the Michigan right to farm act, 1981  
21 PA 93, MCL 286.471 to 286.474.

22           ~~(21) "Garbage" means rejected food wastes including waste~~  
23 ~~accumulation of animal, fruit, or vegetable matter used or intended~~  
24 ~~for food or that results from the preparation, use, cooking,~~  
25 ~~dealing in, or storing of meat, fish, fowl, fruit, or vegetable~~  
26 ~~matter.~~

27           (28) "Gasification" means a process through which materials  
28 are heated, without combustion, in an oxygen-deficient atmosphere  
29 and converted to synthesis gas, which can be further converted into

1 chemicals, chemical feedstocks, or fuels, such as ethanol. If the  
2 feedstock is source separated material, gasification is not  
3 considered to be incineration, disposal, or processing of solid  
4 waste.

5 (29) "General permit" means a permit that does both of the  
6 following:

7 (a) Covers a category of activities that the department  
8 determines will not negatively impact public health, safety, or  
9 welfare and will not have more than minimal short-term adverse  
10 impacts on the environment or natural resources.

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

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

15 (a) Class 1 compostable material.

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

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

21 Enacting section 2. This amendatory act does not take effect  
22 unless all of the following bills of the 101st Legislature are  
23 enacted into law:

24 (a) Senate Bill No. \_\_\_\_ or House Bill No. 4456 (request no.  
25 01464'21).

26 (b) Senate Bill No. \_\_\_\_ or House Bill No. 4457 (request no.  
27 01465'21).

28 (c) Senate Bill No. \_\_\_\_ or House Bill No. 4458 (request no.  
29 01466'21 \*).

1 (d) Senate Bill No. \_\_\_\_\_ or House Bill No. 4460 (request no.  
2 01467'21).

3 (e) Senate Bill No. \_\_\_\_\_ or House Bill No. 4461 (request no.  
4 01468'21).

5 (f) Senate Bill No. \_\_\_\_\_ or House Bill No. 4455 (request no.  
6 02172'21).

7 (g) Senate Bill No. \_\_\_\_\_ or House Bill No. 4459 (request no.  
8 02173'21).