

**SUBSTITUTE FOR
HOUSE BILL NO. 4265**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11506 and 11568 (MCL 324.11506 and 324.11568),
section 11506 as amended by 2022 PA 244 and section 11568 as added
by 2022 PA 249.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11506. (1) "Solid waste" means food waste, rubbish,
2 ashes, incinerator ash, incinerator residue, street cleanings,
3 municipal and industrial sludges, solid commercial waste, solid
4 industrial waste, and animal waste. However, solid waste does not
5 include any of the following:

6 (a) Human body waste.

7 (b) Medical waste.

1 (c) Manure or animal bedding generated in the production of
2 livestock and poultry, if managed in compliance with the
3 appropriate GAAMPS.

4 (d) Liquid waste.

5 (e) Scrap metal, as defined in section 3 of the scrap metal
6 regulatory act, 2008 PA 429, MCL 445.423, directed to a scrap
7 processor as defined in that section or to a reuser of scrap metal.

8 (f) Slag or slag products directed to a slag processor or to a
9 reuser of slag or slag products.

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

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

17 (i) Food processing residuals and food waste.

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

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

21 (iv) Lime from kraft pulping processes generated before
22 bleaching.

23 (v) Aquatic plants.

24 (i) Materials approved for emergency disposal by the
25 department.

26 (j) Source separated materials.

27 (k) Coal ash, when used under any of the following
28 circumstances:

29 (i) As a component of concrete, grout, mortar, or casting

1 molds, if the coal ash does not have more than 6% unburned carbon.

2 (ii) As a raw material in asphalt for road construction, if the
3 coal ash does not have more than 12% unburned carbon and passes
4 Michigan test method for water asphalt preferential test, MTM 101,
5 as set forth in the state transportation department's manual for
6 the Michigan test methods (MTM).

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

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

15 (l) Inert material.

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

20 (n) Soil that is relocated under section 20120c.

21 (o) Diverted waste that is managed through a waste diversion
22 center.

23 (p) Beneficial use by-products.

24 (q) Coal bottom ash, if substantially free of fly ash or
25 economizer ash, when used as cold weather road abrasive.

26 (r) Stamp sands when used as cold weather road abrasive in the
27 Upper Peninsula by any of the following:

28 (i) A public road agency.

29 (ii) Any other person pursuant to a plan approved by a public

1 road agency.

2 (s) Any material that is reclaimed or reused in the process
3 that generated it.

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

6 (u) Post-use polymers.

7 **(v) Digestate from an anaerobic digester that is registered or**
8 **for which notification has been submitted under section 11568.**

9 **(w)** ~~(v)~~ Other wastes regulated by statute.

10 (2) "Solid waste management fund" means the solid waste
11 management fund created in section 11550.

12 (3) "Solid waste processing and transfer facility" means a
13 tract of land, a building or unit and any appurtenances of a
14 building or unit, a container, or any combination of these that is
15 used or intended for use in the handling, storage, transfer, or
16 processing of solid waste, and is not located at the site of
17 generation or the site of disposal of the solid waste.

18 (4) "Solvolysis" means a manufacturing process in which post-
19 use polymers are purified with the aid of solvents, while heated at
20 low temperatures or pressurized, or both, to make useful products
21 while allowing additives and contaminants to be removed. The
22 products of solvolysis include, but are not limited to, monomers,
23 intermediates, and valuable chemicals and raw materials. Solvolysis
24 includes, but is not limited to, the following:

25 (a) Hydrolysis.

26 (b) Aminolysis.

27 (c) Ammonolysis.

28 (d) Methanolysis.

29 (e) Glycolysis.

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

3 (6) "Source separated material" means any of the following
4 materials if separated at the source of generation or at a
5 materials management facility that complies with part 115 and if
6 not speculatively accumulated:

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

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

22 (c) Chipped or whole tires used to fuel an industrial boiler,
23 kiln, power plant, or furnace, subject to part 55, or for other
24 uses approved by the department. This subdivision does not prohibit
25 material from being classified as a renewable energy resource as
26 defined in section 11 of the clean and renewable energy and energy
27 waste reduction act, 2008 PA 295, MCL 460.1011.

28 (d) Recovered paint solids if used to fuel an industrial
29 boiler, kiln, power plant, gasification plant, or furnace, subject

1 to part 55; if bonded with cement or asphalt; or if used for other
2 uses approved by the department.

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

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

8 (g) Asphalt shingles that meet both of the following
9 requirements:

10 (i) Do not contain asbestos, rolled roofing, wood, nails, or
11 tar paper.

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

13 (A) As a component in hot mix asphalt, warm mix asphalt, or
14 cold patch asphalt.

15 (B) To fuel an industrial boiler, kiln, power plant, or
16 furnace, subject to part 55.

17 (C) Mixed with recycled asphalt pavement at a maximum of 1 to
18 1 ratio by volume to produce a base that is covered by concrete or
19 asphalt paving.

20 (D) Other uses approved by the department.

21 (h) Municipal solid waste incinerator ash that meets criteria
22 specified by the department and that is used as daily cover at a
23 disposal facility licensed pursuant to part 115.

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

26 (j) Railroad ties reused in landscaping, embankments, or
27 similar uses approved by the department in writing.

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

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

4 (m) Any material determined by the department in writing
5 before September 16, 2014 to be a source separated material.

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

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

12 (p) Recyclable materials.

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

17 (8) "Treated wood" means wood or wood product that has been
18 treated with 1 or more of the following:

19 (a) Chromated copper arsenate (CCA).

20 (b) Ammoniacal copper quat (ACQ).

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

22 (d) Any other chemical designated in rules promulgated by the
23 department.

24 (9) "Trust fund" means a fund held by a trustee who has the
25 authority to act as a trustee and whose trust operations are
26 regulated and examined by a federal or state agency.

27 (10) "Type I public water supply", "type IIa public water
28 supply", "type IIb public water supply", and "type III public water
29 supply" mean those terms, respectively, as described in R 325.10502

1 of the MAC.

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

6 (a) Construction and demolition waste.

7 (b) Sewage sludge.

8 (c) Commercial waste.

9 (d) Nonhazardous sludge.

10 (e) Hazardous waste from conditionally exempt small quantity
11 generators.

12 (f) Industrial waste.

13 (12) "Type III landfill" means a landfill that is not a type
14 II landfill or hazardous waste landfill. Type III landfill includes
15 all of the following:

16 (a) A construction and demolition waste landfill.

17 (b) An industrial waste landfill.

18 (c) A low hazard industrial waste landfill.

19 (d) A surface impoundment authorized as an industrial waste
20 landfill.

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

24 (f) A coal ash landfill.

25 (g) Any coal ash impoundment, including, but not limited to,
26 the following:

27 (i) An existing coal ash impoundment that is closed as a
28 landfill pursuant to R 299.4309 of the MAC.

29 (ii) An existing coal ash impoundment where coal ash will

1 remain after closure and that will be closed as a landfill pursuant
2 to R 299.4309 of the MAC.

3 (13) "Vermiculture" means the controlled and managed process
4 by which live worms degrade organic materials into worm castings or
5 worm humus.

6 (14) "Waste diversion center" means property or a building, or
7 a portion of property or a building, designated for the purpose of
8 receiving or collecting diverted wastes and not used for
9 residential purposes.

10 (15) "Wood" means trees, branches and associated leaves, bark,
11 lumber, pallets, wood chips, sawdust, or other wood or wood product
12 but does not include scrap wood, treated wood, painted wood or
13 painted wood product, or any wood or wood product that has been
14 contaminated during manufacture or use.

15 (16) "Wood ash" means any type of ash or slag resulting from
16 the burning of wood.

17 (17) "Yard waste" means leaves, grass clippings, vegetable or
18 other garden debris, shrubbery, or brush or tree trimmings, less
19 than 4 feet in length and 2 inches in diameter, that can be
20 converted to compost. Yard waste does not include stumps,
21 agricultural wastes, animal waste, roots, sewage sludge, Christmas
22 trees or wreaths, food waste, or screened finished compost made
23 from yard waste.

24 Sec. 11568. (1) The **owner or** operator of a materials
25 utilization facility shall comply with all of the following:

26 (a) The **owner or** operator shall operate the facility in a
27 manner that does not create a nuisance or a hazard to the
28 environment, natural resources, or the public health, safety, or
29 welfare and shall keep the facility clean and free of litter.

1 (b) ~~The~~ **Except as otherwise provided in this section, the**
2 **owner or** operator shall comply with this act, including parts 31
3 and 55, and not create a facility as defined in section 20101.
4 **However, the owner or operator is not required to take any**
5 **affirmative action to demonstrate that it has not created a**
6 **facility under part 201.**

7 (c) Unless exempted, the **owner or** operator shall record the
8 types and quantities in tons, or cubic yards for composting
9 facilities, of material collected, the period of storage **before**
10 **utilization or processing**, the planning area of origin of the
11 material, ~~and where the material is transferred, processed, or~~
12 ~~recycled, or~~ **and where any residuals are disposed of, including**
13 **where digestate is applied to land.** The **owner or** operator shall
14 report to the department this information for each ~~state fiscal~~
15 ~~year within 45 days after the end of the state fiscal year.~~ **calendar**
16 **year by the following January 31. The owner or operator shall**
17 **retain the records for 5 years after the information is reported to**
18 **the department.**

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

23 ~~(d)~~ ~~(e)~~ The facility shall be operated by personnel who are
24 knowledgeable about the safe management of the types of material
25 that are accepted and utilized **at the facility.**

26 ~~(e)~~ ~~(f)~~ The **owner or** operator shall limit access to the
27 facility to a time when a responsible individual is on duty.

28 ~~(f)~~ ~~(g)~~ The **owner or** operator shall not store material
29 overnight at the facility except in a secure location and with

adequate containment to prevent any release of material.

(g) ~~(h)~~ Within 1 year after material is collected by the facility, the material shall be transported from the facility for use in production of ultimate end use products or disposal. This subdivision does not apply to a composting facility **or to digestate managed at a registered anaerobic digester.**

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

(i) ~~(j)~~ Operations shall not attract or harbor rodents or other vectors.

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

(k) ~~(l)~~ Handling and processing equipment that is of adequate size, quantity, and operating condition shall be available as needed to ensure proper management of the facility. If the handling or processing equipment is inoperable for more than 72 hours, an alternative method that is approved by the department shall be used to manage the material.

(l) ~~(m)~~ Solid waste shall not be burned at the facility.

(2) The **owner or** operator of a materials recovery facility, including an electronic waste processor not required to report under part 173, shall comply with ~~both~~ **all** of the following, **as applicable:**

(a) ~~Beginning 1 year after the effective date of the amendatory act that added this section, a~~ **A** person shall not operate a materials recovery facility that sorts, bales, or

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

7 ~~(b) Beginning 2 years after the effective date of the~~
8 ~~amendatory act that added this section, a~~ **A** person shall not
9 operate a materials recovery facility that has more than 100 tons
10 of managed material on-site at any time unless the owner or
11 operator has obtained approval of the materials recovery facility
12 under a general permit, subject to subsections ~~(6) to (9).~~ **(11) and**
13 **(14) .**

14 **(c) On an annual basis, the weight of solid waste residuals**
15 **shall be less than 15% of the total weight of material received by**
16 **the materials recovery facility unless the requirements of**
17 **subdivision (b) of the definition of materials recovery facility in**
18 **section 11504 are met.**

19 (3) The **owner or** operator of a composting facility shall
20 comply with ~~all of the~~ following, **as applicable:**

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

29 ~~(b) Beginning 1 year after the effective date of the~~

1 ~~amendatory act that added this section, a~~ **A** person shall not
2 operate a medium class 1 composting facility unless the owner or
3 operator has registered with the department. The application for
4 registration shall be accompanied by a fee of \$750.00. The term of
5 the registration is 5 years.

6 (c) ~~Beginning 2 years after the effective date of the~~
7 ~~amendatory act that added this section, a~~ **A** person shall not
8 operate a class 2 composting facility or a large class 1 composting
9 facility unless approved by the department under a general permit,
10 subject to subsections ~~(6) to (9)~~. **(11) and (14).**

11 (4) The **owner or** operator of an anaerobic digester shall
12 comply with all of the following, **as applicable:**

13 (a) **The owner or operator shall ensure that digestate is**
14 **tested on a quarterly basis in compliance with the American Biomass**
15 **Council certification program in effect on the effective date of**
16 **the amendatory act that added this subdivision, with part 31, or**
17 **with another testing method consistent with the purposes of this**
18 **part and approved by the department. The digestate shall meet**
19 **applicable safety thresholds for pathogens, nutrient levels,**
20 **metals, and physical contaminants. In addition to enforcement**
21 **authority under section 11519, the department may issue a written**
22 **notice of noncompliance for a violation of this subdivision. The**
23 **notice shall include required corrective actions and a deadline for**
24 **achieving compliance. The owner or operator shall implement the**
25 **corrective actions in conjunction with the digester contingency**
26 **plan. If the owner or operator fails to complete the corrective**
27 **actions by the deadline, the department may issue an order to cease**
28 **operations of the anaerobic digester, including land application or**
29 **off-site transport of digestate, until the owner or operator**

1 demonstrates compliance with the testing requirements of this
2 subdivision.

3 (b) ~~(a) Beginning 1 year after the effective date of the~~
4 ~~amendatory act that added this section, a~~ If the owner or operator
5 of an anaerobic digester land applies digestate, the application
6 shall not result in a violation of this act and shall be in a
7 manner consistent with GAAMPS. Whether or not the digestate is land
8 applied, the owner or operator of an anaerobic digester shall use
9 only 1 or more of the following, from 1 or more sources, as
10 feedstock:

11 (i) Livestock manure.

12 (ii) Animal bedding.

13 (iii) Waste animal feed.

14 (iv) Yard waste or grass clippings.

15 (v) Aquatic plants.

16 (vi) Organic food processing residuals.

17 (vii) Spent grain from breweries.

18 (viii) Waste cooking grease or trap grease.

19 (ix) Food waste.

20 (x) Crop residuals and other crop wastes, including, but not
21 limited to, those related to ethanol, biodiesel, and algal
22 production.

23 (xi) Curbside source separated organic food waste.

24 (xii) Source separated material consisting of organics from
25 commercial institutions, cafeterias, and supermarkets.

26 (xiii) Wastewater from food treatment facilities.

27 (xiv) Wastewater solids or dissolved air flotation materials
28 from food treatment.

1 (xv) Out-of-date food or spoiled food products, without
2 intentionally included packaging that is nonbiodegradable.

3 (xvi) Blood and blood water from animal slaughter operations.

4 (xvii) Pet food and pet food byproducts.

5 (xviii) Food ingredients.

6 (xix) Beverages.

7 (xx) Leachate from composting operations.

8 (xxi) Other digester feedstocks as approved by the director.

9 (xxii) A mixture of any of these materials.

10 (c) A person shall not operate an anaerobic digester if the
11 anaerobic digester manages source separated material generated on-
12 site and if not more than 20% of the material managed is generated
13 off-site unless the owner or operator has notified the department.
14 Notification shall be given upon initial operation. ~~and,~~
15 ~~subsequently,~~ **Notification shall also be given** within 45 days after
16 the end of ~~each a~~ state fiscal year ~~. The subsequent notices shall~~
17 ~~report the amount of material managed at the anaerobic digester~~
18 ~~during the state fiscal year.~~ **if either or both of the following**
19 **apply:**

20 (i) The volume of digester feedstock accepted or anaerobic
21 digester digestate transferred, sold, or land applied during that
22 state fiscal year increased by more than 10% over that volume for
23 the first state fiscal year in which the digester operated.

24 (ii) The method of transport of digester feedstock or digestate
25 changed during that fiscal year.

26 (d) ~~(b) Beginning 1 year after the effective date of the~~
27 ~~amendatory act that added this section,~~ **90 days after the effective**
28 **date of the amendatory act that added subdivision (e),** a person
29 shall not operate an anaerobic digester if the anaerobic digester

1 manages source separated material generated on-site and if more
2 than 20% of the material managed is generated off-site unless the
3 owner or operator has registered the anaerobic digester with the
4 department **or is exempt from registration under subsection (5).** ~~The~~
5 ~~application for registration shall be accompanied by a fee of~~
6 ~~\$750.00.~~ The term of the registration is 5 years. **The application**
7 **for registration shall be accompanied by both of the following:**

8 (i) A fee of \$750.00.

9 (ii) A contingency plan that includes all of the following
10 information:

11 (A) How the anaerobic digester contents will be managed in the
12 event of a biological failure or if operation is interrupted or
13 terminated.

14 (B) How to restart the anaerobic digester, and procedures that
15 will be followed if the anaerobic digester cannot be restarted.

16 (C) The location of and emergency and nonemergency telephone
17 numbers for the local police, the local fire department, and medical
18 responders.

19 (D) The name, address, and telephone number of the person or
20 persons responsible for operation of the anaerobic digester.

21 (E) An action plan for emergencies resulting from fire, wind,
22 flood, or mechanical failures.

23 (F) Procedures for proper disposal of digestate and feedstock.

24 (G) Other relevant information required by the department.

25 (e) Beginning 90 days after the effective date of the
26 amendatory act that added this subdivision, the owner or operator
27 of an anaerobic digester that manages only feedstocks generated
28 off-site shall register the anaerobic digester with the department,
29 but is not required to obtain a permit under part 31 for the land

1 application of digestate. The term of the registration is 5 years.
2 The application for registration shall be accompanied by both of
3 the following:

4 (i) A fee of \$750.00.

5 (ii) A contingency plan that includes the information described
6 in subdivision (d) (ii) (A) to (F).

7 (f) The owner or operator of a registered anaerobic digester
8 shall comply with all of the following:

9 (i) The owner or operator shall keep records, commencing with
10 the date of registration, of the results of testing of pathogens,
11 total nitrogen, phosphorus, and potassium content, organic ammonia
12 and nitrate forms, secondary and micronutrients, pH, total solids
13 and moisture content, volatile solids, metals, physical
14 contamination, soluble salts, and volatile fatty acid
15 concentration, for the purpose of determining compliance with
16 subsection (1) (a). The testing shall be conducted each quarter of
17 the calendar year based on the guidelines of the American Biogas
18 Council Digestate Certification Program or a sampling and
19 evaluation process approved by the department.

20 (ii) The owner or operator shall annually submit the records
21 kept under subparagraph (i) with the records required under
22 subsection (1) (c) and shall retain copies of the records for 5
23 years.

24 (iii) The anaerobic digester shall be constructed and operated
25 in compliance with "Conservation Practice Standard, Anaerobic
26 Digester, Code 366" (October 2017) of the United States Department
27 of Agriculture, Natural Resources Conservation Service or a
28 standard approved by the department. Siting and storage of
29 feedstocks shall comply with "Conservation Practice Standard, Waste

1 Storage Facility, Code 313" (May 2016) of the United States
2 Department of Agriculture, Natural Resources Conservation Service
3 or a standard approved by the department. If the anaerobic digester
4 is using a farm storage structure for storage of feedstocks or
5 digestate, and the farm has a different owner and operator than the
6 anaerobic digester, the anaerobic digester shall submit to the
7 department documentation of the storage structure's compliance with
8 "Conservation Practice Standard, Waste Storage Facility, Code 313"
9 (May 2016).

10 (iv) Within 1 year after registration or assumption of
11 operation of a registered anaerobic digester or undertaking
12 operation of an anaerobic digester, whichever is later, the
13 operator shall complete an operator training program from the
14 Michigan State University Extension, the Michigan department of
15 agriculture and rural development, or the American Biogas Council
16 or an equivalent training program approved by the department.

17 (v) The owner or operator shall submit to the department a
18 custody transfer form identifying each feedstock source and
19 digestate recipient. The owner or operator shall submit an updated
20 form to the department within 45 days after a change in feedstock
21 sources or digestate recipients.

22 (5) The owner or operator of an anaerobic digester is not
23 required to register under subsection (4) (d) or to obtain a permit
24 under part 31 or rules promulgated under part 31 if any of the
25 following apply:

26 (a) The anaerobic digester meets or when constructed will meet
27 all of the following requirements:

28 (i) Receives manure from a farm that does not have a permit for
29 a concentrated animal feeding operation, as defined in R 323.2101

1 of the MAC.

2 (ii) Does not accept more than 20% of its feedstock from off-
3 site.

4 (iii) Manages digestate in a manner consistent with GAAMPS or by
5 disposal at any of the following:

6 (A) A sewerage facility permitted under part 41.

7 (B) A materials management facility permitted under part 115.

8 (C) A composting facility the owner or operator of which has
9 complied with subsection (3).

10 (b) The anaerobic digester is incorporated or when constructed
11 will be incorporated into a sewerage disposal or waterworks system
12 permitted under part 41.

13 (6) If a provision of a standard described in subsection (4)
14 or a standard approved by the department conflicts with a provision
15 of this act, the provision of this act applies.

16 (7) If the department fails to approve or deny an application
17 for a permit for an anaerobic digester under part 31 within 180
18 days after the application is submitted, the application is
19 considered to be approved.

20 (8) A site at which anaerobic digester feedstock or digestate
21 is managed in compliance with this section is not a disposal area.

22 (9) An anaerobic digester registered and operating in
23 compliance with this section is not required to obtain a permit, or
24 co-permit with a farm, under part 115, part 31, or rules
25 promulgated under part 31.

26 ~~(c) Beginning 2 years after the effective date of the~~
27 ~~amendatory act that added this section, a person shall not operate~~
28 ~~an anaerobic digester that manages only source separated material,~~
29 ~~manures, bedding, or crop residuals that are generated off-site~~

1 ~~unless approved by the department under a general permit, subject~~
 2 ~~to subsections (6) to (9).~~

3 ~~(d) Liquid digestate that is generated by the anaerobic~~
 4 ~~digester shall be managed by 1 or more of the following:~~

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

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

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

13 ~~(iv) Covered storage, as approved by the department, on-site~~
 14 ~~for not less than 180 days followed by land application under R~~
 15 ~~299.4111 of the MAC.~~

16 **(10)** ~~(5) Beginning 2 years after the effective date of the~~
 17 ~~amendatory act that added this section, **March 29, 2025**, a person~~
 18 ~~shall not operate an innovative technology facility unless approved~~
 19 ~~by the department under a general permit, subject to subsections~~
 20 ~~(6) to (9). **(11) and (14).**~~

21 **(11)** ~~(6) If the owner or operator of a materials utilization~~
 22 ~~facility in operation on the effective date of the amendatory act~~
 23 ~~that added this section **March 29, 2023** is required to obtain~~
 24 ~~approval under a general permit **under this act** and submits a~~
 25 ~~complete application for approval by the deadline for obtaining~~
 26 ~~approval, the owner or operator is considered to be in compliance~~
 27 ~~with the approval requirement pending the department's approval or~~
 28 ~~denial of the application.~~

29 **(12)** ~~(7) An application for approval under a general permit~~

1 under this section shall be accompanied by a fee of \$1,000.00. The
 2 department shall approve or deny the application within 90 days
 3 after receiving a ~~complete-permit~~ application, **the department shall**
 4 **approve the application or shall deny the application and identify**
 5 **with specificity the reason for the denial.** If the application is
 6 denied, within 6 months after the denial, the applicant may
 7 resubmit the application together with additional information or
 8 corrections necessary to address the reason for denial, without
 9 paying an additional application fee.

10 **(13)** ~~(8)~~—The term of approval under a general permit under
 11 this section is 5 years, except that the term of approval under an
 12 innovative technology general permit is 2 years.

13 **(14)** ~~(9)~~—An approval under a general permit under this section
 14 may be renewed upon the submittal of a timely and sufficient
 15 application. To be considered timely and sufficient for purposes of
 16 section 91 of the administrative procedures act of 1969, 1969 PA
 17 306, MCL 24.291, an application for renewal of a general permit
 18 approval shall meet both of the following requirements:

19 (a) Contain the information as required by the applicable
 20 general permit application.

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

23 **(15)** ~~(10)~~—Fees collected under this subpart shall be deposited
 24 in the perpetual care account established under section 11550.

25 Enacting section 1. This amendatory act does not take effect
 26 unless House Bill No. 4257 of the 103rd Legislature is enacted into
 27 law.