

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.11562 Petition for classification; pilot composting project; testing parameters.

Sec. 11562.

(1) A person may petition the department to do any of the following:

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

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

(2) A petition under subsection (1) shall meet the requirements of R 299.4118a of the MAC. If authorized by the department in writing, a person may conduct a pilot composting project to support a petition under subsection (1).

(3) In granting a petition under subsection (1), the department shall specify which parameters listed in section 11565 shall be tested under subsection (4). The department's decision shall be based on both of the following:

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

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

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

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

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

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

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

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

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

(ii) Stockpile the finished compost on-site until the generator re-petitions the department and the department reclassifies the compost as provided in this section.

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

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

(a) Retest the finished compost annually, or biennially if the department has determined that the test results demonstrate insignificant variability over a 2-year period, using the procedures specified in R 299.4118a of the MAC. The owner or operator shall submit the test results to the department. The department shall specify a more frequent schedule for testing if the characteristics of the material vary significantly.

(b) If the owner or operator of the composting facility receives information that test results show a significant increase in any parameter or a significant decrease in pH from previous test results, notify the department within 10 business days and do any of the following with the finished compost:

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

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

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

History: Add. 2022, Act 249, Eff. Mar. 29, 2023

Compiler's Notes: In subsection (6), the reference to "composing facility" evidently should read "composting facility."

Popular Name: Act 451

Popular Name: NREPA

Popular Name: Solid Waste Act