

1998 PUBLIC AND LOCAL ACTS

[No. 466]

(HB 6006)

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 11503, 11506, and 11547 (MCL 324.11503, 324.11506, and 324.11547), section 11503 as amended by 1996 PA 359 and section 11506 as amended by 1996 PA 392.

The People of the State of Michigan enact:

324.11503 Definitions; D to W. [M.S.A. 13A.11503]

Sec. 11503. (1) "Department" means the department of environmental quality.

(2) "Director" means the director of the department.

(3) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a substance into the environment which is or may become injurious to the public health, safety, or welfare, or to the environment.

(4) "Disposal area" means 1 or more of the following at a location as defined by the boundary identified in its construction permit or engineering plans approved by the department:

(a) A solid waste transfer facility.

(b) Incinerator.

(c) Sanitary landfill.

(d) Processing plant.

(e) Other solid waste handling or disposal facility utilized in the disposal of solid waste.

(5) "Enforceable mechanism" means a legal method whereby the state, a county, a municipality, or a person is authorized to take action to guarantee compliance with an approved county solid waste management plan. Enforceable mechanisms include contracts, intergovernmental agreements, laws, ordinances, rules, and regulations.

(6) "Escrow account" means an account managed by a bank or other financial institution whose account operations are regulated and examined by a federal or state agency and which complies with section 11523b.

(7) "Financial assurance" means the mechanisms used to demonstrate that the funds necessary to meet the cost of closure, postclosure maintenance and monitoring, and corrective action will be available whenever they are needed.

(8) "Financial test" means a corporate or local government financial test or guarantee approved for type II landfills under subtitle D of the solid waste disposal act, title II of Public Law 89-272, 42 U.S.C. 6941 and 6942 to 6949a. An owner or operator may use a single financial test for more than 1 facility. Information submitted to the department to document compliance with the test shall include a list showing the name and address of each facility and the amount of funds assured by the test for each facility. For purposes of

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the financial test, the owner or operator shall aggregate the sum of the closure, postclosure, and corrective action costs it seeks to assure with any other environmental obligations assured by a financial test under state or federal law.

(9) "Food processing residuals" means any of the following:

(a) Residuals of fruits, vegetables, aquatic plants, or field crops.

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

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

(10) "Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

(11) "Scrap wood" means wood or wood product that is 1 or more of the following:

(a) Plywood, pressed board, oriented strand board, or any other wood or wood product mixed with glue or filler.

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

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

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

(a) Chromated copper arsenate (CCA).

(b) Ammoniacal copper quat (ACQ).

(c) Ammoniacal copper zinc arsenate (ACZA).

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

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

324.11506 Definitions; S to Y. [M.S.A. 13A.11506]

Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial and solid industrial waste, and animal waste other than organic waste generated in the production of livestock and poultry. Solid waste does not include the following:

(a) Human body waste.

(b) Medical waste as it is defined in part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated under that part and part 55.

(c) Organic waste generated in the production of livestock and poultry.

(d) Liquid waste.

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

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

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

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processing residuals; wood ashes resulting solely from a source that burns only wood that is untreated and inert; lime from kraft pulping processes generated prior to bleaching; or aquatic plants may be applied on, or composted and applied on, farmland or forestland for an agricultural or silvicultural purpose, or used as animal feed, as appropriate, and such an application or use does not require a plan described in this subdivision or a permit or license under this part. In addition, source separated materials approved by the department for land application for agricultural and silvicultural purposes and compost produced from those materials may be applied to the land for agricultural and silvicultural purposes and such an application does not require a plan described in this subdivision or permit or license under this part. Land application authorized under this subdivision for an agricultural or silvicultural purpose, or use as animal feed, as provided for in this subdivision shall occur in a manner that prevents losses from runoff and leaching, and if applied to land, the land application shall be at an agronomic rate consistent with generally accepted agricultural and management practices under the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(h) Materials approved for emergency disposal by the department.

(i) Source separated materials.

(j) Site separated material.

(k) Fly ash or any other ash produced from the combustion of coal, when used in the following instances:

(i) With a maximum of 6% of unburned carbon as a component of concrete, grout, mortar, or casting molds.

(ii) With a maximum of 12% unburned carbon passing M.D.O.T. test method MTM 101 when used as a raw material in asphalt for road construction.

(iii) As aggregate, road, or building material which in ultimate use will be stabilized or bonded by cement, limes, or asphalt.

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

(v) As the sole material in a depository designed to reclaim, develop, or otherwise enhance land, subject to the approval of the department. In evaluating the site, the department shall consider the physical and chemical properties of the ash including leachability, and the engineering of the depository, including, but not limited to, the compaction, control of surface water and groundwater that may threaten to infiltrate the site, and evidence that the depository is designed to prevent water percolation through the material.

(l) Other wastes regulated by statute.

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

(3) "Solid waste processing plant" means a tract of land, building, unit, or appurtenance of a building or unit or a combination of land, buildings, and units that is used or intended for use for the processing of solid waste or the separation of material for salvage or disposal, or both, but does not include a plant engaged primarily in the acquisition, processing, and shipment of ferrous or nonferrous metal scrap, or a plant engaged primarily in the acquisition, processing, and shipment of slag or slag products.

(4) "Solid waste transporting unit" means a container that may be an integral part of a truck or other piece of equipment used for the transportation of solid waste.

(5) "Solid waste transfer facility" means a tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is

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used or intended for use in the rehandling or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste.

(6) "Source separated material" means glass, metal, wood, paper products, plastics, rubber, textiles, garbage, yard clippings, or any other material approved by the department that is separated at the source of generation for the purpose of conversion into raw materials or new products including, but not limited to, compost.

(7) "Yard clippings" means leaves, grass clippings, vegetable or other garden debris, shrubbery, or brush or tree trimmings, less than 4 feet in length and 2 inches in diameter, that can be converted to compost humus. Yard clippings do not include stumps, agricultural wastes, animal waste, roots, sewage sludge, or garbage.

324.11547 Grant program; establishment; purpose; interlocal agreements; separate planning grant; appropriation; use of grant funds by department; rules; financial assistance to certified health department. [M.S.A. 13A.11547]

Sec. 11547. (1) In order for a county to effectively implement the planning responsibilities designated under this part, a grant program is established to provide financial assistance to county or regional solid waste management planning agencies. Municipalities joined together with interlocal agreements relating to solid waste management plans, within a county having a city of a population of more than 750,000, are eligible for a separate planning grant in addition to those granted to counties. This separate grant allocation provision does not alter the planning and approval process requirements for county plans as specified in this part. Eighty percent of the money for the program not provided for by federal funds shall be appropriated annually by the legislature from the general fund of the state and 20% shall be appropriated by the applicant. Grant funds appropriated for local planning may be used by the department if the department finds it necessary to invoke the department's authority to develop a local plan under section 11533(6). The department shall promulgate rules for the distribution of the appropriated funds.

(2) In order for a certified health department to effectively implement the responsibilities designated under this part, an annual grant shall be appropriated by the legislature from the general fund of the state to provide financial assistance to a certified health department. A certified health department is eligible to receive 100% of reasonable personnel costs as determined by the department based on criteria established by rule. The department shall promulgate rules for the distribution of the appropriated funds.

This act is ordered to take immediate effect.

Approved December 31, 1998.

Filed with Secretary of State January 4, 1999.
