

DRAFT 6

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11502, 11503, 11504, 11505, 11506, 11507,
11507a, 11509, 11510, 11511, 11511b, 11512, 11513, 11514, 11515,
11516, 11517, 11518, 11519, 11521b, 11522, 11523, 11523a, 11523b,
11525, 11525a, 11525b, 11526, 11526a, 11527, 11528, 11529, 11531,
11532, 11533, 11541, 11546, 11549, 11550, and 11553 (MCL 324.11502,
324.11503, 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a,
324.11509, 324.11510, 324.11511, 324.11511b, 324.11512, 324.11513,
324.11514, 324.11515, 324.11516, 324.11517, 324.11518, 324.11519,
324.11521b, 324.11522, 324.11523, 324.11523a, 324.11523b,
324.11525, 324.11525a, 324.11525b, 324.11526, 324.11526a,
324.11527, 324.11528, 324.11529, 324.11531, 324.11532, 324.11533,
324.11541, 324.11546, 324.11549, 324.11550, and 324.11553),



sections 11502, 11503, 11504, 11505, and 11506 as amended and section 11553 as added by 2014 PA 178, section 11507a as amended by 2004 PA 39, sections 11509, 11512, and 11516 as amended by 2004 PA 325, section 11510 as amended by 1998 PA 397, section 11511 as amended by 2011 PA 215, section 11511b as amended by 2016 PA 437, section 11514 as amended by 2008 PA 394, sections 11517, 11519, 11529, and 11541 as amended by 1996 PA 358, section 11521b as added by 2014 PA 24, section 11522 as amended by 2012 PA 102, sections 11523, 11523a, 11525, and 11525b as amended by 2013 PA 250, section 11523b as added by 1996 PA 359, section 11525a as amended by 2015 PA 82, section 11526 as amended by 2004 PA 43, section 11526a as added by 2004 PA 40, section 11533 as amended by 2004 PA 44, section 11546 as amended by 2006 PA 56, section 11549 as amended by 2006 PA 58, and section 11550 as amended by 2003 PA 153, by designating sections 11501 to 11507 as subpart 1, sections 11507a to 11522 as subpart 2, sections 11523 to 11525b as subpart 3, sections 11526 to 11533 as subpart 4, sections 11541 to 11545 as subpart 5, sections 11546 to 11549 as subpart 6, section 11550 as subpart 7, and sections 11551 to 11554 as subpart 8, and by adding sections 11512a, 11513a, and 11515a and subparts 9 and 10 to part 115; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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SUBPART 1 GENERAL AND DEFINITIONS

Sec. 11502. **(1) "ACT 239" MEANS THE BODIES OF DEAD ANIMALS ACT, 1982 PA 239, MCL 287.651 TO 287.683.**

(2) "AGREEMENT" MEANS A WRITTEN CONTRACT.

(3) ~~(1)~~"Agronomic rate" means a rate that meets both of the



1 following requirements:

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

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

12 **(4) "ANAEROBIC DIGESTER" MEANS A FACILITY THAT USES**
13 **MICROORGANISMS TO BREAK DOWN BIODEGRADABLE MATERIAL IN THE ABSENCE**
14 **OF OXYGEN, PRODUCING METHANE AND AN ORGANIC PRODUCT.**

15 **(5) "ANIMAL BEDDING" MEANS A MIXTURE OF MANURE AND WOOD CHIPS,**
16 **SAWDUST, SHREDDED PAPER OR CARDBOARD, HAY, STRAW, OR OTHER SIMILAR**
17 **FIBROUS MATERIALS NORMALLY USED FOR BEDDING ANIMALS.**

18 **(6) ~~(2)~~"Ashes"** means the residue from the burning of wood,
19 scrap wood, tires, biomass, wastewater sludge, fossil fuels
20 including coal or coke, or other combustible materials.

21 **(7) "BENCHMARK RECYCLING STANDARDS" MEANS THE FOLLOWING**
22 **REQUIREMENTS:**

23 **(A) BY JANUARY 1, 2022, AT LEAST 90% OF SINGLE-FAMILY**
24 **DWELLINGS IN URBANIZED AREAS AS IDENTIFIED BY THE MOST RECENT**
25 **FEDERAL DECENNIAL CENSUS AND, BY JANUARY 1, 2025, AT LEAST 90% OF**
26 **SINGLE-FAMILY DWELLINGS IN MUNICIPALITIES WITH MORE THAN 5,000**
27 **RESIDENTS HAVE ACCESS TO CURBSIDE RECYCLING THAT MEETS THE**



1 FOLLOWING CRITERIA:

2 (i) RECYCLABLE MATERIALS ARE COLLECTED AT LEAST ONCE EVERY
3 OTHER WEEK.

4 (ii) IF RECYCLABLE MATERIALS ARE NOT COLLECTED SEPARATELY, THE
5 MIXED LOAD IS DELIVERED TO A PROCESSING AND TRANSFER FACILITY AND
6 THE RECYCLABLE MATERIALS ARE SEPARATED FROM MATERIAL TO BE SENT TO
7 A SOLID WASTE DISPOSAL AREA.

8 (iii) RECYCLABLE MATERIAL COLLECTED IS DELIVERED TO A
9 COMPLIANT MATERIALS RECOVERY FACILITY OR MANAGED APPROPRIATELY AT
10 AN OUT-OF-STATE RECYCLING FACILITY.

11 (B) BY JANUARY 1, 2028, THE FOLLOWING ADDITIONAL CRITERIA:

12 (i) IN COUNTIES WITH A POPULATION OF LESS THAN 100,000, THERE
13 IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 10,000 RESIDENTS WITHOUT
14 CURBSIDE RECYCLING AT THEIR DWELLING. THE DROP-OFF LOCATION SHALL
15 BE AVAILABLE AT LEAST 24 HOURS PER MONTH.

16 (ii) IN COUNTIES WITH A POPULATION OF 100,000 OR MORE, THERE
17 IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 50,000 RESIDENTS WITHOUT
18 CURBSIDE RECYCLING AT THEIR DWELLING. THE DROP-OFF LOCATION SHALL
19 BE AVAILABLE AT LEAST 24 HOURS PER MONTH.

20 (8) ~~(3)~~—"Beneficial use 1" means use as aggregate, road
21 material, or building material that in ultimate use is or will be
22 bonded or encapsulated by cement, limes, or asphalt.

23 (9) ~~(4)~~—"Beneficial use 2" means use as any of the following:

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

26 (i) Is placed at least 4 feet above the seasonal groundwater
27 table.



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

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

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

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

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

21 (10) ~~(5)~~—"Beneficial use 3" means applied to land as a
22 fertilizer or soil conditioner under part 85 or a liming material
23 under 1955 PA 162, MCL 290.531 to 290.538, if all of the following
24 requirements are met:

25 (a) The material is applied at an agronomic rate consistent
26 with generally accepted agricultural and management practices.

27 (b) The use, placement, or storage at the location of use does

1 not do any of the following:

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

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

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

8 **(11)** ~~(6)~~—"Beneficial use 4" means any of the following uses:

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

12 (b) To treat wastewater, wastewater treatment sludge, or
13 wastewater sludge in compliance with part 31 or the federal water
14 pollution control act, 33 USC 1251 to 1387 at a private or publicly
15 owned wastewater treatment plant.

16 (c) To stabilize, neutralize, solidify, cap, or otherwise
17 remediate hazardous substances or contaminants as part of a
18 response activity in compliance with part 201, part 213, or the
19 comprehensive environmental response, compensation and liability
20 act of 1980, 42 USC 9601 to ~~9657,~~ **9675**, or a corrective action in
21 compliance with part 111 or the solid waste disposal act, 42 USC
22 6901 to 6992k.

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

25 **(12)** ~~(7)~~—"Beneficial use 5" means blended with inert materials
26 or with compost and used to manufacture soil.

27 **(13)** ~~(8)~~—"Beneficial use by-product" means the following



1 materials if the materials are stored for beneficial use or are
2 used beneficially as specified and the requirements of section
3 11551(1) are met:

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

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

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

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

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

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

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

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

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

21 (ii) Scrap paper.

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

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

27 (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 **(14)** ~~(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 **(15) "BIOSOLIDS" MEANS SOLID, SEMISOLID, OR LIQUID RESIDUES**
21 **GENERATED DURING THE TREATMENT OF SANITARY SEWAGE OR DOMESTIC**
22 **SEWAGE IN A TREATMENT WORKS. BIOSOLIDS INCLUDES, BUT IS NOT LIMITED**
23 **TO, SCUM OR SOLIDS REMOVED IN PRIMARY, SECONDARY, OR ADVANCED**
24 **WASTEWATER TREATMENT PROCESSES AND A DERIVATIVE OF THE REMOVED SCUM**
25 **OR SOLIDS.**

26 **(16)** ~~(10)~~—"Bond" means a financial instrument executed on a
27 form approved by the department, including a surety bond from a

1 surety company authorized to transact business in this state, a
 2 certificate of deposit, a cash bond, an irrevocable letter of
 3 credit, insurance, a trust fund, an escrow account, or a
 4 combination of any of these instruments in favor of the department.
 5 The owner or operator of a ~~disposal area~~ **MATERIALS MANAGEMENT**
 6 **FACILITY** who is required to establish a bond under another state
 7 statute or a federal statute may petition the department to allow
 8 such a bond to meet the requirements of this part. The department
 9 shall approve a bond established under another state statute or a
 10 federal statute if the bond provides equivalent funds and access by
 11 the department as other financial instruments allowed by this
 12 subsection.

13 (17) "CAPTIVE TYPE III LANDFILL" MEANS A TYPE III LANDFILL
 14 THAT ACCEPTS FOR DISPOSAL ONLY NONHAZARDOUS INDUSTRIAL WASTE
 15 GENERATED ONLY BY THE OWNER OF THE LANDFILL OR THAT IS A
 16 NONHAZARDOUS INDUSTRIAL WASTE LANDFILL DESCRIBED IN SECTION
 17 11525(3).

18 (18) "CBC" MEANS THE COUNTY BOARD OF COMMISSIONERS,
 19 MUNICIPALITIES, OR REGIONAL PLANNING AGENCY, WHICHEVER SUBMITS A
 20 NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT PLAN UNDER
 21 SECTION 11571.

22 (19) ~~(11)~~ "Cement kiln dust" means particulate matter
 23 collected in air emission control devices serving Portland cement
 24 kilns.

25 (20) ~~(12)~~ "Certificate of deposit" means a negotiable
 26 certificate of deposit held by a bank or other financial
 27 institution regulated and examined by a state or federal agency,

1 the value of which is fully insured by an agency of the United
2 States government. A certificate of deposit used to fulfill the
3 requirements of this part shall be in the sole name of the
4 department with a maturity date of not less than 1 year and shall
5 be renewed not less than 60 days before the maturity date. An
6 applicant who uses a certificate of deposit as a bond shall receive
7 any accrued interest on that certificate of deposit upon release of
8 the bond by the department.

9 **(21)** ~~(13)~~—"Certified health department" means a city, county,
10 or district department of health that is specifically delegated
11 authority by the department to perform designated activities as
12 prescribed by this part.

13 **(22) "CLASS 1 COMPOSTABLE MATERIAL" MEANS ALL OF THE**
14 **FOLLOWING:**

15 **(A) YARD WASTE.**

16 **(B) WOOD.**

17 **(C) FOOD WASTE.**

18 **(D) PAPER PRODUCTS.**

19 **(E) MANURE OR ANIMAL BEDDING.**

20 **(F) COMPOSTABLE PRODUCTS.**

21 **(G) DEAD ANIMALS UNLESS INFECTIOUS OR MANAGED UNDER ACT 239.**

22 **(H) SPENT GRAIN FROM BREWERIES.**

23 **(I) PAUNCH.**

24 **(J) FOOD PROCESSING RESIDUALS.**

25 **(K) AQUATIC PLANTS.**

26 **(l) OTHER MATERIALS APPROVED BY THE DEPARTMENT UNDER SECTION**
27 **11562.**

1 (M) A MIXTURE OF ANY OF THESE MATERIALS.

2 (23) "CLASS 1 COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
3 THAT MEETS THE REQUIREMENTS OF SECTIONS 11557, 11558, AND 11568
4 WHERE CLASS 1 COMPOSTABLE MATERIAL IS COMPOSTED.

5 (24) "CLASS 2 COMPOSTABLE MATERIAL" MEANS MIXED MUNICIPAL
6 SOLID WASTE, BIOSOLIDS, STATE OR FEDERAL CONTROLLED SUBSTANCES, AND
7 ALL OTHER COMPOSTABLE MATERIAL THAT IS NOT LISTED OR APPROVED AS A
8 CLASS 1 COMPOSTABLE MATERIAL.

9 (25) "CLASS 2 COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
10 THAT MEETS THE REQUIREMENTS OF SECTIONS 11557, 11558, 11559, AND
11 11568 WHERE CLASS 2 COMPOSTABLE MATERIAL OR A COMBINATION OF CLASS
12 2 COMPOSTABLE MATERIAL AND CLASS 1 COMPOSTABLE MATERIAL ARE
13 COMPOSTED.

14 (26) ~~(14)~~—"Coal ash" means the material recovered from systems
15 for the control of air pollution from, or the noncombusted residue
16 remaining after, the combustion of coal, including, but not limited
17 to, bottom ash, fly ash, boiler slag, or fluidized-bed combustion
18 ash. For beneficial use 2, coal ash does not include coal fly ash
19 except for the following if used at nonresidential property:

20 (a) Class C fly ash under ASTM standard ~~C618-12A~~.**C618**.

21 (b) Class F fly ash under ASTM standard ~~C618-12A~~.**C618** if that
22 fly ash forms a pozzolanic-stabilized mixture by being blended with
23 lime, Portland cement, or cement kiln dust.

24 (c) A combination of class C fly ash and class F fly ash under
25 ASTM standard C618-12A if that combination forms a pozzolanic-
26 stabilized mixture by being blended with lime, Portland cement, or
27 cement kiln dust and is used as a road base, soil stabilizer, or

1 road shoulder material under ~~subsection (4) (b) or (c)~~. **BENEFICIAL**
2 **USE 2.**

3 (27) ~~(15)~~—"Coal bottom ash" means ash particles from the
4 combustion of coal that are too large to be carried in flue gases
5 and that collect on furnace walls or at the bottom of the furnace.

6 (28) ~~(16)~~—"Collection center" means a tract of land, building,
7 unit, or appurtenance or combination thereof that is used to
8 collect junk motor vehicles and farm implements under section
9 11530.

10 (29) "COMMERCIAL WASTE", SUBJECT TO SUBSECTION (29), MEANS
11 SOLID WASTE GENERATED BY STORES, OFFICES, RESTAURANTS, WAREHOUSES,
12 AND OTHER NONMANUFACTURING ACTIVITIES. COMMERCIAL WASTE INCLUDES
13 SOLID WASTE FROM ANY OF THE FOLLOWING:

14 (A) MULTIFAMILY DWELLINGS.

15 (B) HOTELS AND MOTELS.

16 (C) BUNKHOUSES.

17 (D) RANGER STATIONS.

18 (E) CREW QUARTERS.

19 (F) CAMPGROUNDS.

20 (G) PICNIC GROUNDS.

21 (H) DAY USE RECREATION AREAS.

22 (30) COMMERCIAL WASTE DOES NOT INCLUDE HOUSEHOLD WASTE FROM
23 SINGLE-FAMILY DWELLINGS, HAZARDOUS WASTE, AND INDUSTRIAL WASTE.

24 (31) "COMPOST ADDITIVE" MEANS ANY OF THE FOLLOWING MATERIALS
25 IF ADDED TO FINISHED COMPOST TO IMPROVE THE QUALITY OF THE FINISHED
26 COMPOST:

27 (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 (32) "COMPOST WASTEWATER" MEANS LIQUIDS THAT HAVE BEEN IN
7 CONTACT WITH FINISHED COMPOST OR COMPOSTABLE MATERIAL.

8 (33) "COMPOSTABLE MATERIAL" MEANS AN ORGANIC MATERIAL ABLE TO
9 BE CONVERTED TO FINISHED COMPOST. COMPOSTABLE MATERIAL INCLUDES
10 CLASS 1 COMPOSTABLE MATERIAL, CLASS 2 COMPOSTABLE MATERIAL, AND
11 COMPOSTABLE PRODUCTS.

12 (34) "COMPOSTABLE PRODUCTS" MEANS BIODEGRADABLE CONTAINERS,
13 FABRIC, UTENSILS, AND OTHER PRODUCTS THAT MEET THE ASTM D6400-04
14 "STANDARD SPECIFICATION FOR COMPOSTABLE PLASTICS" OR ASTM D6868
15 "STANDARD SPECIFICATION FOR BIODEGRADABLE PLASTICS USED AS COATINGS
16 ON PAPER AND OTHER COMPOSTABLE SUBSTRATES" STANDARD.

17 (35) "COMPOSTING" MEANS A PROCESS OF BIOLOGICAL DECOMPOSITION
18 OF CLASS 1 COMPOSTABLE MATERIAL, OR CLASS 2 COMPOSTABLE MATERIAL,
19 THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

20 (A) IS CARRIED OUT UNDER CONTROLLED AEROBIC CONDITIONS USING
21 MECHANICAL HANDLING TECHNIQUES SUCH AS PHYSICAL TURNING,
22 WINDROWING, OR AERATION OR USING OTHER MANAGEMENT TECHNIQUES
23 APPROVED BY THE DEPARTMENT OR IS CARRIED OUT IN A SYSTEM USING
24 VERMICULTURE. THE PRESENCE OF INSIGNIFICANT ANAEROBIC ZONES WITHIN
25 THE COMPOSTING MATERIAL DOES NOT CAUSE THE PROCESS TO BE CLASSIFIED
26 AS OTHER THAN COMPOSTING.

27 (B) STABILIZES THE ORGANIC FRACTION INTO A MATERIAL THAT CAN

1 **EASILY AND SAFELY BE STORED, HANDLED, AND USED IN AN**
 2 **ENVIRONMENTALLY ACCEPTABLE MANNER.**

3 (36) ~~(17)~~—"Composting facility" means a facility where
 4 ~~composting of yard clippings or other organic materials occurs.~~
 5 ~~using mechanical handling techniques such as physical turning,~~
 6 ~~windrowing, or aeration or using other management techniques~~
 7 ~~approved by the director.~~

8 (37) ~~(18)~~—"Consistency review" means evaluation of the
 9 administrative and technical components of an application for a
 10 permit or license or evaluation of operating conditions in the
 11 course of inspection, for the purpose of determining consistency
 12 with the requirements of this part, rules promulgated under this
 13 part, and approved plans and specifications.

14 (38) ~~(19)~~—"Corrective action" means the investigation,
 15 assessment, cleanup, removal, containment, isolation, treatment, or
 16 monitoring of constituents, as defined in a facility's approved
 17 hydrogeological monitoring plan, released into the environment from
 18 a ~~disposal area,~~ **MATERIALS MANAGEMENT FACILITY**, or the taking of
 19 other actions related to the release as may be necessary to
 20 prevent, minimize, or mitigate injury to the public health, safety,
 21 or welfare, the environment, or natural resources that is
 22 consistent with 42 USC 6941 to 6949a and regulations promulgated
 23 thereunder.

24 (39) **"CUSTODIAL CARE" INCLUDES:**

25 (A) **PREVENTING DEEP-ROOTED VEGETATION FROM ESTABLISHING ON THE**
 26 **FINAL COVER.**

27 (B) **MAINTAINING STORM WATER CONTROLS.**



1 (C) REPAIRING EROSION DAMAGE ON THE FINAL COVER.

2 (D) MAINTAINING LIMITED ACCESS TO THE SITE.

3 Sec. 11503. (1) "De minimis" refers to a small amount of
4 material or number of items, as applicable, incidentally commingled
5 with inert material for beneficial use by-products, **SOURCE**
6 **SEPARATED MATERIAL**, or incidentally disposed of with other solid
7 waste.

8 (2) "Department", subject to section 11554, means the
9 department of environmental quality.

10 (3) "DESIGNATED PLANNING AGENCY" OR "DPA" MEANS THE PLANNING
11 AGENCY APPOINTED UNDER SECTION 11571(10). DESIGNATED PLANNING
12 AGENCY DOES NOT MEAN A REGIONAL PLANNING AGENCY UNLESS IDENTIFIED
13 AS SUCH BY THE CBC.

14 (4) ~~(3)~~—"Director" means the director of the department.

15 (5) ~~(4)~~—"Discharge" includes, but is not limited to, any
16 spilling, leaking, pumping, pouring, emitting, emptying,
17 discharging, injecting, escaping, leaching, dumping, or disposing
18 of a substance into the environment that is or may become injurious
19 to the public health, safety, or welfare, or to the environment.

20 (6) ~~(5)~~—"Disposal area" means 1 or more of the following, at a
21 location as defined by the boundary identified in its construction
22 permit or engineering plans approved by the department **OR IN AN**
23 **AUTHORIZATION PROVIDED THROUGH A NOTIFICATION, REGISTRATION, OR**
24 **GENERAL PERMIT, THAT ACCEPTS SOLID WASTE:**

25 (a) A solid waste **PROCESSING AND** transfer facility.

26 (b) An incinerator.

27 (c) A sanitary landfill.

1 (d) ~~A processing plant.~~ **ANY OTHER SOLID WASTE HANDLING OR**
2 **DISPOSAL FACILITY UTILIZED IN THE DISPOSAL OF SOLID WASTE, AS**
3 **DETERMINED BY THE DEPARTMENT.**

4 ~~— (c) Any other solid waste handling or disposal facility~~
5 ~~utilized in the disposal of solid waste. However, a waste diversion~~
6 ~~center is not a disposal area.~~

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

9 (a) Is generated by households, businesses, or governmental
10 entities.

11 (b) Can lawfully be disposed of at a licensed sanitary
12 landfill or municipal solid waste incinerator.

13 (c) Is separated from other waste.

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

15 (i) Hazardous material.

16 (ii) Liquid waste.

17 (iii) Pharmaceuticals.

18 (iv) Electronics.

19 (v) Batteries.

20 (vi) Light bulbs.

21 (vii) Pesticides.

22 (viii) Thermostats, switches, thermometers, or other devices
23 that contain elemental mercury.

24 (ix) Sharps.

25 (x) Other wastes approved by the department that can be
26 readily separated from solid waste for diversion to preferred
27 methods of management and disposal.

1 (8) ~~(7)~~—"Enforceable mechanism" means a legal method whereby
2 this state, a county, a municipality, or another person is
3 authorized to take action to guarantee compliance with an approved
4 ~~county solid waste~~ **MATERIALS** management plan. Enforceable
5 mechanisms include contracts, intergovernmental agreements, laws,
6 ordinances, rules, and regulations.

7 (9) ~~(8)~~—"Escrow account" means an account that is managed by a
8 bank or other financial institution whose account operations are
9 regulated and examined by a federal or state agency and that
10 complies with section 11523b.

11 (10) ~~(9)~~—"Farm" means that term as defined in section 2 of the
12 Michigan right to farm act, 1981 PA 93, MCL 286.472.

13 (11) ~~(10)~~—"Farm operation" means that term as defined in
14 section 2 of the Michigan right to farm act, 1981 PA 93, MCL
15 286.472.

16 (12) ~~(11)~~—"Financial assurance" means the mechanisms used to
17 demonstrate that the funds necessary to meet the cost of closure,
18 postclosure maintenance and monitoring, and corrective action will
19 be available **TO THE DEPARTMENT** whenever they are needed.

20 (13) ~~(12)~~—"Financial test" means a corporate or local
21 government financial test or guarantee approved ~~for type II~~
22 ~~landfills~~ under 42 USC 6941 to 6949a and regulations promulgated
23 thereunder. An owner or operator may use a single financial test
24 for more than 1 facility. Information submitted to the department
25 to document compliance with the test shall include a list showing
26 the name and address of each facility and the amount of funds
27 assured by the test for each facility. **THE INFORMATION SHALL BE**

1 SUBMITTED ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT. For
 2 purposes of the financial test, the owner or operator shall
 3 aggregate the sum of the closure, postclosure, and corrective
 4 action costs it seeks to assure with any other environmental
 5 obligations assured by a financial test under state or federal law.

6 (14) "FINISHED COMPOST" MEANS ORGANIC MATTER THAT HAS
 7 UNDERGONE BIOLOGICAL DECOMPOSITION AND HAS BEEN STABILIZED TO A
 8 DEGREE THAT IS BENEFICIAL TO PLANT GROWTH WITHOUT CREATING A
 9 NUISANCE, AS DEFINED IN THE COMPOSTING FACILITY'S MARKETING PLAN,
 10 AND IS USED OR SOLD FOR USE AS A SOIL AMENDMENT, FERTILIZER,
 11 TOPSOIL BLEND, OR GROWING MEDIUM AMENDMENT OR FOR OTHER SIMILAR
 12 USES. FINISHED COMPOST MAY CONTAIN COMPOST ADDITIVES. FINISHED
 13 COMPOST, WITH ANY ADDITIVES, DOES NOT CONTAIN MORE THAN 1%, BY
 14 WEIGHT, OF FOREIGN MATTER THAT WILL REMAIN ON A 4-MILLIMETER SCREEN
 15 OR MORE THAN A MINIMAL AMOUNT OF VIABLE WEED SEEDS.

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

24 (16) ~~(14)~~—"Food processing residuals" means any of the
 25 following:

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



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

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

6 (17) "FOOD WASTE" MEANS AN ACCUMULATION OF ANIMAL, FRUIT, OR
7 VEGETABLE MATTER USED OR INTENDED FOR HUMAN OR ANIMAL FOOD OR THAT
8 RESULTS FROM THE PREPARATION, USE, COOKING, DEALING IN, OR STORING
9 OF MEAT, FISH, FOWL, FRUIT, OR VEGETABLE MATTER. FOOD WASTE DOES
10 NOT INCLUDE FATS, OILS, OR GREASE.

11 (18) "FOREIGN MATTER" MEANS ORGANIC AND INORGANIC
12 CONSTITUENTS, OTHER THAN STICKS AND STONES, THAT WILL NOT READILY
13 DECOMPOSE DURING COMPOSTING, AND DO NOT AID IN PRODUCING A QUALITY
14 COMPOST, INCLUDING GLASS, TEXTILES, RUBBER, METAL, CERAMICS,
15 NONCOMPOSTABLE PLASTIC, AND PAINTED, LAMINATED, OR TREATED WOOD.

16 (19) ~~(15)~~—"Foundry sand" means silica sand used in the metal
17 casting process, including binding material or carbonaceous
18 additives, from ferrous or nonferrous foundries.

19 (20) "FUNCTIONAL STABILITY" MEANS THE POINT AT WHICH A
20 LANDFILL DOES NOT POSE A SIGNIFICANT RISK TO HUMAN HEALTH AND THE
21 ENVIRONMENT AT A POINT OF EXPOSURE, IN THE ABSENCE OF ACTIVE
22 CONTROL SYSTEMS.

23 (21) ~~(16)~~—"GAAMPS" means the generally accepted agricultural
24 and management practices under the Michigan right to farm act, 1981
25 PA 93, MCL 286.471 to 286.474.

26 ~~——(17) "Garbage" means rejected food wastes including waste~~
27 ~~accumulation of animal, fruit, or vegetable matter used or intended~~

1 ~~for food or that results from the preparation, use, cooking,~~
 2 ~~dealing in, or storing of meat, fish, fowl, fruit, or vegetable~~
 3 ~~matter.~~

4 (22) "GASIFICATION" MEANS A PROCESS THROUGH WHICH MATERIALS
 5 ARE HEATED, WITHOUT COMBUSTION, IN AN OXYGEN-DEFICIENT ATMOSPHERE
 6 AND CONVERTED TO SYNTHESIS GAS, WHICH CAN BE FURTHER CONVERTED INTO
 7 CHEMICALS, CHEMICAL FEEDSTOCKS, OR FUELS SUCH AS ETHANOL.

8 (23) "GENERAL PERMIT" MEANS A PERMIT FOR A CATEGORY OF
 9 ACTIVITIES THAT THE DEPARTMENT DETERMINES WILL NOT NEGATIVELY
 10 IMPACT HUMAN HEALTH AND WILL HAVE NO MORE THAN MINIMAL SHORT-TERM
 11 ADVERSE IMPACTS ON THE NATURAL RESOURCES AND ENVIRONMENT.
 12 APPLICATION FEES, A SITE PLAN, AN OPERATIONS PLAN, AND FINANCIAL
 13 ASSURANCE WILL BE REQUIRED UNDER THE GENERAL PERMIT CONDITIONS.

14 (24) "GENERAL USE COMPOST" MEANS FINISHED COMPOST THAT IS
 15 PRODUCED FROM CLASS 1 COMPOSTABLE MATERIALS OR ANY COMBINATION OF
 16 CLASS 1 COMPOSTABLE MATERIALS AND CLASS 2 COMPOSTABLE MATERIALS
 17 THAT MEETS THE REQUIREMENTS OF SECTION 11553(5).

18 Sec. 11504. (1) "Health officer" means a full-time
 19 administrative officer of a certified health department.

20 (2) "HOST COMMUNITY APPROVAL" MEANS AN AGREEMENT, RESOLUTION,
 21 LETTER, OR OTHER DOCUMENT INDICATING THAT THE GOVERNING BODY OF THE
 22 MUNICIPALITY WHERE THE MATERIALS MANAGEMENT FACILITY IS PROPOSED TO
 23 BE LOCATED HAS BEEN GIVEN THE OPPORTUNITY TO REVIEW AND HAS
 24 APPROVED THE DEVELOPMENT OF THAT SPECIFIC FACILITY.

25 (3) "HOUSEHOLD WASTE" MEANS ANY SOLID WASTE THAT IS DERIVED
 26 FROM SINGLE-FAMILY HOUSEHOLDS, AND DOES NOT INCLUDE COMMERCIAL
 27 WASTE, INDUSTRIAL WASTE, HAZARDOUS WASTE, AND CONSTRUCTION AND



1 DEMOLITION WASTE.

2 (4) "INDUSTRIAL WASTE" MEANS SOLID WASTE THAT IS GENERATED BY
3 MANUFACTURING OR INDUSTRIAL PROCESSES AT AN INDUSTRIAL SITE AND
4 THAT IS NOT A HAZARDOUS WASTE REGULATED UNDER PART 111.

5 (5) ~~(2)~~—"Inert material" means any of the following:

6 (a) Rock.

7 (b) Trees, stumps, and other similar land-clearing debris, if
8 all of the following conditions are met:

9 (i) The debris is buried on the site of origin or another
10 site, with the approval of the owner of the site.

11 (ii) The debris is not buried in a wetland or floodplain.

12 (iii) The debris is placed at least 3 feet above the
13 groundwater table as observed at the time of placement.

14 (iv) The placement of the debris does not violate federal,
15 state, or local law or create a nuisance.

16 (c) Uncontaminated excavated soil or dredged sediment.
17 Excavated soil or dredged sediment is considered uncontaminated if
18 it does not contain more than de minimis amounts of solid waste and
19 1 of the following applies:

20 (i) The soil or sediment is not contaminated by a hazardous
21 substance as a result of human activity. Soil or sediment that
22 naturally contains elevated levels of hazardous substances above
23 unrestricted residential or any other part 201 generic soil cleanup
24 criteria is not considered contaminated for purposes of this
25 subdivision. A soil or sediment analysis is not required under this
26 subparagraph if, based on past land use, there is no reason to
27 believe that the soil or sediment is contaminated.

1 (ii) For any hazardous substance that could reasonably be
2 expected to be present as a result of past land use and human
3 activity, the soil or sediment does not exceed the background
4 concentration, as that term is defined in ~~part 201-~~**SECTION 20101**.

5 (iii) For any hazardous substance that could reasonably be
6 expected to be present as a result of past land use and human
7 activity, the soil or sediment falls below part 201 generic
8 residential soil direct contact cleanup criteria and hazardous
9 substances in leachate from the soil or sediment, using, at the
10 option of the generator, EPA method 1311, 1312, or any other
11 leaching protocol approved by the department, fall below part 201
12 generic residential health based groundwater drinking water values
13 or criteria, and the soil or sediment would not cause a violation
14 of any surface water quality standard established under part 31 at
15 the area of placement, disposal, or use.

16 (d) Excavated soil from a site of environmental contamination,
17 corrective action, or response activity if the soil is not a listed
18 hazardous waste under part 111 and if hazardous substances in the
19 soil do not exceed generic soil cleanup criteria for unrestricted
20 residential use as defined in ~~part 201-~~**SECTION 20101** or background
21 concentration as defined in ~~part 201-~~**SECTION 20101**, as applicable.

22 (e) Construction brick, masonry, pavement, or broken concrete
23 that is reused for fill, rip rap, slope stabilization, or other
24 construction, if all of the following conditions are met:

25 (i) The use of the material does not violate section 3108,
26 part 301, or part 303.

27 (ii) The material is not materially contaminated. Typical



1 surface oil staining on pavement and concrete from driveways,
 2 roadways, and parking lots is not material contamination. Material
 3 covered in whole or in part with lead-based paint is materially
 4 contaminated.

5 (iii) The material does not include exposed reinforcing bars.

6 (f) Portland cement clinker produced by a cement kiln using
 7 wood, fossil fuels, or solid waste as a fuel or feedstock, but not
 8 including cement kiln dust generated in the process.

9 (g) Asphalt pavement or concrete pavement that meets all of
 10 the following requirements:

11 (i) Has been removed from a public right-of-way.

12 (ii) Has been stockpiled or crushed for reuse as aggregate
 13 material.

14 (iii) Does not include exposed reinforcement bars.

15 (h) Cuttings, drilling materials, and fluids used to drill or
 16 complete a well installed pursuant to part 127 of the public health
 17 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of
 18 the well is not a facility under part 201.

19 (i) Any material determined by the department under section
 20 11553(5) or (6) to be an inert material, either for general use or
 21 for a particular use.

22 (6) "INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY" MEANS A
 23 MATERIALS MANAGEMENT FACILITY THAT CONVERTS SOLID WASTE INTO ENERGY
 24 OR A USABLE PRODUCT AND THAT IS NOT A MATERIALS RECOVERY FACILITY,
 25 A COMPOSTING FACILITY, OR AN ANAEROBIC DIGESTER.

26 (7) ~~(3)~~—"Insurance" means insurance that conforms to the
 27 requirements of 40 CFR 258.74(d) provided by an insurer who has a

1 certificate of authority from the director of insurance and
2 financial services to sell this line of coverage. An applicant for
3 an operating license **OR GENERAL PERMIT** shall submit evidence of the
4 required coverage by submitting both of the following to the
5 department:

6 (a) A certificate of insurance that uses wording approved by
7 the department.

8 (b) A certified true and complete copy of the insurance
9 policy.

10 (8) ~~(4)~~—"Landfill" means a disposal area that is a sanitary
11 landfill.

12 (9) **"LARGE COMPOSTING FACILITY" MEANS A SITE THAT AT ANY TIME**
13 **CONTAINS MORE THAN 10,000 CUBIC YARDS OF COMPOSTABLE MATERIAL.**

14 (10) ~~(5)~~—"Letter of credit" means an irrevocable letter of
15 credit that complies with 40 CFR 258.74(c).

16 (11) ~~(6)~~—"Lime kiln dust" means particulate matter collected
17 in air emission control devices serving lime kilns.

18 (12) ~~(7)~~—"Low-hazard industrial waste" means industrial
19 material that has a low potential for groundwater contamination
20 when managed in accordance with this part. The following materials
21 are low-hazard industrial wastes:

22 (a) Coal ash or wood ash.

23 (b) Cement kiln dust.

24 (c) Pulp and paper mill material.

25 (d) Scrap wood.

26 (e) Sludge from the treatment and conditioning of water for
27 domestic use.

1 (f) Residue from the thermal treatment of petroleum
2 contaminated soil, media, or debris.

3 (g) Sludge from the treatment and conditioning of water from a
4 community water supply.

5 (h) Foundry sand.

6 (i) Mixed wood ash, scrap wood ash, pulp and paper mill ash.

7 (j) Street cleanings.

8 (k) Asphalt shingles.

9 (l) New construction or production scrap drywall.

10 (m) Chipped or shredded tires.

11 (n) Copper slag.

12 (o) Copper stamp sands.

13 (p) Dredge material from nonremedial activities.

14 (q) Flue gas desulfurization material.

15 (r) Dewatered grinding slurry generated from public
16 transportation agency road projects.

17 (s) Any material determined by the department under section
18 11553(7) to be a low-hazard industrial waste.

19 **(13) "MAEAP" MEANS THE MICHIGAN AGRICULTURE ENVIRONMENTAL**
20 **ASSURANCE PROGRAM AS PROVIDED FOR IN SECTION 8710.**

21 **(14) "MANAGED MATERIAL" MEANS A SOLID WASTE, DIVERTED WASTE OR**
22 **RECYCLABLE MATERIAL, AND OTHER MATERIALS AS DETERMINED BY THE**
23 **DEPARTMENT. MANAGED MATERIAL DOES NOT INCLUDE MATERIALS OR PRODUCTS**
24 **THAT PRIMARILY CONTAIN IRON, STEEL, OR NONFERROUS METALS AND THAT**
25 **ARE DIRECTED TO OR RECEIVED BY A PERSON SUBJECT TO THE SCRAP METAL**
26 **REGULATORY ACT, 2008 PA 429, MCL 445.421 TO 445.443, OR BY A REUSER**
27 **OF THESE METALS.**

1 (15) "MATERIALS MANAGEMENT FACILITY" OR, UNLESS THE CONTEXT
2 IMPLIES A DIFFERENT MEANING, "FACILITY" MEANS ANY OF THE FOLLOWING:

3 (A) A DISPOSAL AREA.

4 (B) A MATERIALS UTILIZATION FACILITY.

5 (C) A WASTE DIVERSION CENTER.

6 (16) "MATERIALS MANAGEMENT PLAN" OR "MMP" MEANS A PLAN
7 REQUIRED UNDER SECTION 11533.

8 (17) "MATERIALS RECOVERY FACILITY", SUBJECT TO SUBSECTION

9 (18), MEANS A FACILITY THAT MEETS BOTH OF THE FOLLOWING
10 REQUIREMENTS:

11 (A) PRIMARILY RECEIVES SOURCE SEPARATED MATERIAL FOR REUSE,
12 RECYCLING, OR UTILIZATION AS A RAW MATERIAL OR NEW PRODUCT.

13 (B) ON AN ANNUAL BASIS, DOES NOT RECEIVE AN AMOUNT OF SOLID
14 WASTE EQUAL TO OR GREATER THAN 15% OF THE TOTAL WEIGHT OF MATERIAL
15 RECEIVED BY THE FACILITY UNLESS THE MATERIALS RECOVERY FACILITY IS
16 MAKING REASONABLE EFFORT AND HAS AN EDUCATION PROGRAM TO REDUCE THE
17 AMOUNT OF SOLID WASTE. MATERIAL DISPOSED AS A RESULT OF RECYCLING
18 MARKET FLUCTUATIONS IS NOT INCLUDED IN THE 15% CALCULATION.

19 (18) MATERIALS RECOVERY FACILITY DOES NOT INCLUDE:

20 (A) A RETAIL OR COMMERCIAL ESTABLISHMENT THAT BALES ITS OWN
21 MANAGED MATERIALS FOR OFF-SITE SHIPMENT.

22 (B) A RETAIL ESTABLISHMENT THAT COLLECTS RETURNABLE BEVERAGE
23 CONTAINERS UNDER 1976 IL 1, MCL 445.571 TO 445.576.

24 (C) AN END USER OR SECONDARY PROCESSOR OF RECYCLED MATERIALS
25 THAT WERE PRIMARILY GENERATED BY AN INDUSTRIAL FACILITY OR WERE
26 PREVIOUSLY SORTED OR PROCESSED.

27 (19) "MATERIALS UTILIZATION" MEANS RECYCLING, COMPOSTING, OR

1 CONVERTING MATERIAL INTO ENERGY RATHER THAN DISPOSING THE MATERIAL.

2 (20) "MATERIALS UTILIZATION FACILITY" MEANS A FACILITY THAT IS
3 ANY OF THE FOLLOWING:

4 (A) A MATERIALS RECOVERY FACILITY.

5 (B) A COMPOSTING FACILITY.

6 (C) AN ANAEROBIC DIGESTER EXCEPT AT A MANUFACTURING FACILITY
7 THAT GENERATES ITS OWN FEEDSTOCK.

8 (D) AN INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY.

9 (21) "MATERIALS UTILIZATION GOAL" IS A MEASURABLE, OBJECTIVE,
10 AND SPECIFIC GOAL FOR THE PLANNING AREA FOR SOLID WASTE DIVERSION
11 FROM DISPOSAL AREAS.

12 (22) ~~(8)~~—"Medical waste" means that term as it is defined in
13 section 13805 of the public health code, 1978 PA 368, MCL
14 333.13805.

15 (23) "MEDIUM COMPOSTING FACILITY" MEANS A SITE TO WHICH ALL OF
16 THE FOLLOWING APPLY:

17 (A) THE SITE AT ANY TIME CONTAINS 1,000 OR MORE CUBIC YARDS OF
18 COMPOSTABLE MATERIAL, BUT DOES NOT AT ANY TIME CONTAIN MORE THAN
19 10,000 CUBIC YARDS OF COMPOSTABLE MATERIAL.

20 (B) THE SITE DOES NOT AT ANY TIME CONTAIN MORE THAN 10% CLASS
21 1 COMPOSTABLE MATERIAL OTHER THAN YARD WASTE.

22 (C) UNLESS APPROVED BY THE DEPARTMENT, THE SITE DOES NOT AT
23 ANY TIME CONTAIN MORE THAN 5,000 CUBIC YARDS PER ACRE OF
24 COMPOSTABLE MATERIAL, FINISHED PRODUCT, COMPOST ADDITIVES, OR
25 SCREENING REJECTS.

26 (24) ~~(9)~~—"Mixed wood ash" means the material recovered from
27 air pollution control systems for, or the noncombusted residue

1 remaining after, the combustion of any combination of wood, scrap
2 wood, railroad ties, or tires, if railroad ties composed less than
3 35% by weight of the total combusted material and tires composed
4 less than 10% by weight of the total combusted material.

5 **(25) "MUNICIPAL SOLID WASTE" OR "MSW" MEANS WASTE GENERATED BY**
6 **HOUSEHOLDS, MULTIFAMILY HOUSEHOLDS, COMMERCIAL BUSINESSES,**
7 **RETAILERS, INSTITUTIONS, HOSPITALS, OFFICES, RESTAURANTS, SCHOOLS,**
8 **AND OTHER NONINDUSTRIAL TYPE LOCATIONS OR WASTE THAT IS OF LIKE**
9 **CHARACTER TO THAT GENERATED AT A HOUSEHOLD OR COMMERCIAL BUSINESS,**
10 **SUCH AS CAFETERIA, PACKAGING, OR OFFICE WASTE. MUNICIPAL SOLID**
11 **WASTE DOES NOT INCLUDE MUNICIPAL WASTEWATER TREATMENT SLUDGES,**
12 **INDUSTRIAL PROCESS WASTES, AUTOMOBILE BODIES, COMBUSTION ASH, OR**
13 **CONSTRUCTION AND DEMOLITION DEBRIS.**

14 **(26) ~~(10)~~**—"Municipal solid waste incinerator" means an
15 incinerator that is owned or operated by any person, and meets all
16 of the following requirements:

17 (a) The incinerator receives solid waste from off site and
18 burns only household waste from single and multiple dwellings,
19 hotels, motels, and other residential sources, or this household
20 waste together with solid waste from commercial, institutional,
21 municipal, county, or industrial sources that, if disposed of,
22 would not be required to be placed in a disposal facility licensed
23 under part 111.

24 (b) The incinerator has established contractual requirements
25 or other notification or inspection procedures sufficient to ensure
26 that the incinerator receives and burns only waste referred to in
27 subdivision (a).



1 (c) The incinerator meets the requirements of this part and
2 the rules promulgated under this part.

3 (d) The incinerator is not an industrial furnace as defined in
4 40 CFR 260.10.

5 (e) The incinerator is not an incinerator that receives and
6 burns only medical waste or only waste produced at 1 or more
7 hospitals.

8 **(27)** ~~(11)~~—"Municipal solid waste incinerator ash" means the
9 substances remaining after combustion in a municipal solid waste
10 incinerator.

11 **(28)** ~~(12)~~—"Nonresidential property" means property not used or
12 intended to be used for any of the following:

13 (a) A child day care center.

14 (b) An elementary school.

15 (c) An elder care and assisted living center.

16 (d) A nursing home.

17 (e) A single-family or multifamily dwelling unless the
18 dwelling is part of a mixed use development and all dwelling units
19 and associated outdoor residential use areas are located above the
20 ground floor.

21 **(29) "PART 115" MEANS THIS PART, RULES PROMULGATED UNDER THIS**
22 **PART, OR ANY PERMIT, LICENSE, REGISTRATION, NOTIFICATION, OR ORDER**
23 **ISSUED OR MADE UNDER THIS PART.**

24 **(30)** ~~(13)~~—"Perpetual care fund" means a trust or escrow
25 account or perpetual care fund bond provided for in section 11525.

26 **(31)** ~~(14)~~—"Perpetual care fund bond" means a surety bond, an
27 irrevocable letter of credit, or a combination of these instruments

1 in favor of and on a form approved by the department by which a
2 perpetual care fund is established.

3 **(32) "PLANNING AREA" IS THE GEOGRAPHIC AREA ADDRESSED BY A**
4 **MATERIALS MANAGEMENT PLAN.**

5 **(33) "PLANNING COMMITTEE" MEANS A PLANNING COMMITTEE APPOINTED**
6 **UNDER SECTION 11534.**

7 **(34)** ~~(15)~~—"Pulp and paper mill ash" means the material
8 recovered from air pollution control systems for, or the
9 noncombusted residue remaining after, the combustion of any
10 combination of coal, wood, pulp and paper mill material, wood or
11 biomass fuel pellets, scrap wood, railroad ties, or tires, from a
12 boiler, power plant, or furnace at a pulp and paper mill, if
13 railroad ties composed less than 35% by weight of the total
14 combusted material and tires composed less than 10% by weight of
15 the total combusted material.

16 **(35)** ~~(16)~~—"Pulp and paper mill material" means all of the
17 following materials if generated at a facility that produces pulp
18 or paper:

19 (a) Wastewater treatment sludge, including wood fibers,
20 minerals, and microbial biomass.

21 (b) Rejects from screens, cleaners, and mills.

22 (c) Bark, wood fiber, and chips.

23 (d) Scrap paper.

24 (e) Causticizing residues, including lime mud and grit and
25 green liquor dregs.

26 (f) Any material that the department determines has
27 characteristics that are similar to any of the materials listed in



1 subdivisions (a) to (e).

2 (36) "PYROLYSIS" MEANS A PROCESS THROUGH WHICH MATERIALS ARE
3 HEATED IN THE ABSENCE OF OXYGEN UNTIL MELTED AND THERMALLY
4 DECOMPOSED, AND ARE THEN COOLED, CONDENSED, AND CONVERTED INTO
5 OTHER INTERMEDIATE OR FINAL PRODUCTS. THE PROCESS OCCURS WITHOUT
6 COMBUSTION.

7 Sec. 11505. (1) "RDDP" MEANS A RESEARCH, DEVELOPMENT, AND
8 DEMONSTRATION PROJECT FOR A NEW OR EXISTING TYPE II LANDFILL UNIT
9 OR FOR A LATERAL EXPANSION OF A TYPE II LANDFILL UNIT.

10 (2) ~~(1)~~ "Recyclable materials" means ~~source separated~~
11 ~~materials, site separated materials, high grade paper, glass,~~
12 ~~metal, plastic, aluminum, newspaper, corrugated~~ **PLASTICS**, paper
13 **PRODUCTS, WOOD, RUBBER, TEXTILES, FOOD WASTE**, yard clippings,
14 **WASTE**, and other materials that may be recycled. ~~or composted.~~

15 (3) "RECYCLING" MEANS AN ACTION OR PROCESS, SUCH AS
16 SEPARATION, SORTING, BALING, OR SHIPPING, APPLIED TO MATERIALS THAT
17 ARE NO LONGER BEING USED AND THAT WOULD HAVE OTHERWISE BEEN
18 DISPOSED AS WASTE, FOR THE PURPOSE OF CONVERSION INTO RAW MATERIALS
19 OR NEW PRODUCTS.

20 (4) "RECYCLING RATE" MEANS THE AMOUNT OF MSW RECYCLED AND
21 COMPOSTED DIVIDED BY THE TOTAL AMOUNT OF MSW RECYCLED, COMPOSTED,
22 LANDFILLED, OR INCINERATED.

23 (5) ~~(2)~~ "Regional ~~solid waste management~~ planning agency"
24 means the regional solid waste planning agency designated by the
25 governor pursuant to 42 USC 6946.

26 (6) ~~(3)~~ "Resource recovery facility" means machinery,
27 equipment, structures, or any parts or accessories of machinery,

1 equipment, or structures, installed or acquired for the primary
2 purpose of recovering materials or energy from the waste stream.

3 (7) ~~(4)~~—"Response activity" means an activity that is
4 necessary to protect the public health, safety, welfare, or the
5 environment, and includes, but is not limited to, evaluation,
6 cleanup, removal, containment, isolation, treatment, monitoring,
7 maintenance, replacement of water supplies, and temporary
8 relocation of people.

9 (8) "RESTRICTED USE COMPOST" MEANS COMPOST THAT IS BOTH OF THE
10 FOLLOWING:

11 (A) PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL THAT DOES NOT
12 MEET THE REQUIREMENTS OF SECTION 11553(5).

13 (B) APPROVED BY THE DEPARTMENT PURSUANT TO SECTION 11563.

14 (9) "REUSE" MEANS TO REMANUFACTURE, USE AGAIN, USE IN A
15 DIFFERENT MANNER, OR USE AFTER RECLAMATION.

16 (10) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding
17 ashes, consisting of both combustible and noncombustible waste,
18 including paper, cardboard, metal containers, yard ~~clippings,~~
19 **WASTE**, wood, glass, bedding, crockery, demolished building
20 materials, or litter of any kind that may be a detriment to the
21 public health and safety.

22 (11) ~~(6)~~—"Salvaging" means the lawful and controlled removal
23 of reusable materials from solid waste.

24 ~~—(7) "Sharps" means that term as defined in section 13807 of~~
25 ~~the public health code, 1978 PA 368, MCL 333.13807.~~

26 (12) ~~(8)~~—"Scrap wood" means wood or wood product that is 1 or
27 more of the following:



1 (a) Plywood, particle board, pressed board, oriented strand
2 board, fiberboard, resonated wood, or any other wood or wood
3 product mixed with glue, resins, or filler.

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

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

8 ~~—— (9) "Site separated material" means glass, metal, wood, paper~~
9 ~~products, plastics, rubber, textiles, garbage, or any other~~
10 ~~material approved by the department that is separated from solid~~
11 ~~waste for the purpose of recycling or conversion into raw materials~~
12 ~~or new products.~~

13 (13) "SHARPS" MEANS THAT TERM AS DEFINED IN SECTION 13807 OF
14 THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.13807.

15 (14) ~~(10)~~ "Slag" means the nonmetallic product resulting from
16 melting or smelting operations for iron or steel.

17 (15) "SMALL COMPOSTING FACILITY" MEANS A SITE TO WHICH BOTH OF
18 THE FOLLOWING APPLY:

19 (A) THE SITE AT ANY TIME CONTAINS MORE THAN 500 CUBIC YARDS OF
20 COMPOSTABLE MATERIAL BUT DOES NOT AT ANY TIME CONTAIN 1,000 OR MORE
21 CUBIC YARDS OF COMPOSTABLE MATERIAL.

22 (B) THE SITE DOES NOT AT ANY TIME CONTAIN MORE THAN 5% CLASS 1
23 COMPOSTABLE MATERIAL OTHER THAN YARD WASTE.

24 Sec. 11506. (1) "Solid waste" means ~~garbage,~~ **FOOD WASTE,**
25 rubbish, ashes, incinerator ash, incinerator residue, street
26 cleanings, municipal and industrial sludges, solid commercial
27 waste, solid industrial waste, and animal waste. However, solid

1 waste does not include the following:

2 (a) Human body waste.

3 (b) Medical waste.

4 (c) ~~Organic waste~~ **MANURE OR ANIMAL BEDDING** generated in the
5 production of livestock and poultry, **IF MANAGED IN COMPLIANCE WITH**
6 **THE APPROPRIATE GAAMPS.**

7 (d) Liquid waste.

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

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

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

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

19 (i) Food processing residuals and ~~garbage~~ **FOOD WASTE.**

20 (ii) Precipitated calcium carbonate from sugar beet
21 processing.

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

24 (iv) Lime from kraft pulping processes generated prior to
25 bleaching.

26 (v) Aquatic plants.

27 (i) Materials approved for emergency disposal by the

1 department.

2 (j) Source separated materials.

3 ~~(k) Site separated material.~~

4 **(K)** ~~(l)~~ Coal ash, when used under any of the following
5 circumstances:

6 (i) As a component of concrete, grout, mortar, or casting
7 molds, if the coal ash does not have more than 6% unburned carbon.

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

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

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

21 **(l)** ~~(m)~~ Inert material.

22 **(M)** ~~(n)~~ Soil that is washed or otherwise removed from sugar
23 beets, has not more than 35% moisture content, and is registered as
24 a soil conditioner under part 85. Any testing required to become
25 registered under part 85 is the responsibility of the generator.

26 **(N)** ~~(o)~~ Soil that is relocated under section 20120c.

27 **(O)** ~~(p)~~ Diverted waste that is managed through a waste

1 diversion center.

2 (P) ~~(g)~~ Beneficial use by-products.

3 (Q) ~~(r)~~ Coal bottom ash, if substantially free of fly ash or
4 economizer ash, when used as cold weather road abrasive.

5 (R) ~~(s)~~ Stamp sands when used as cold weather road abrasive in
6 the Upper Peninsula by any of the following:

7 (i) A public road agency.

8 (ii) Any other person pursuant to a plan approved by a public
9 road agency.

10 (S) ~~(t)~~ Any material that is reclaimed or reused in the
11 process that generated it.

12 (T) ~~(u)~~ Any secondary material that, as specified in or
13 determined pursuant to 40 CFR part 241, is not a solid waste when
14 combusted.

15 (U) ~~(v)~~ Other wastes regulated by statute.

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

18 (3) **"SOLID WASTE MANAGEMENT FUND" MEANS THE SOLID WASTE**
19 **MANAGEMENT FUND CREATED IN SECTION 11550.**

20 (4) ~~(3)~~ **"Solid waste processing plant" AND TRANSFER FACILITY"**
21 means a tract of land, **A** building ~~, OR~~ unit, ~~or appurtenance~~ **AND**
22 **ANY APPURTENANCES** of a building or unit, **OR A CONTAINER** or ~~a~~ **ANY**
23 combination of ~~land, buildings, and units~~ **THESE** that is used or
24 intended for use ~~for~~ **IN** the **HANDLING, STORAGE, TRANSFER, OR**
25 processing of solid waste, ~~or the separation of material for~~
26 ~~salvage or disposal, or both, but does not include a plant engaged~~
27 ~~primarily in the acquisition, processing, and shipment of ferrous~~

1 ~~or nonferrous metal scrap, or a plant engaged primarily in the~~
 2 ~~acquisition, processing, and shipment of slag or slag products.~~ **AND**
 3 **IS NOT LOCATED AT THE SITE OF GENERATION OR THE SITE OF DISPOSAL OF**
 4 **THE SOLID WASTE. SOLID WASTE PROCESSING AND TRANSFER FACILITY**
 5 **INCLUDES A PYROLYSIS FACILITY OR GASIFICATION PLANT THAT USES SOLID**
 6 **WASTE AS A FEEDSTOCK.**

7 (5) ~~(4)~~—"Solid waste transporting unit" means a container,
 8 which may be an integral part of a truck or other piece of
 9 equipment, used for the transportation of solid waste.

10 ~~—— (5) "Solid waste transfer facility" means a tract of land, a~~
 11 ~~building and any appurtenances, or a container, or any combination~~
 12 ~~of land, buildings, or containers that is used or intended for use~~
 13 ~~in the rehandling or storage of solid waste incidental to the~~
 14 ~~transportation of the solid waste, but is not located at the site~~
 15 ~~of generation or the site of disposal of the solid waste.~~

16 (6) **"SOURCE REDUCTION" MEANS ANY PRACTICE THAT REDUCES OR**
 17 **ELIMINATES THE GENERATION OF WASTE AT THE SOURCE.**

18 (7) ~~(6)~~—"Source separated material" means any of the following
 19 materials if separated at the source of generation **OR AT A**
 20 **MATERIALS MANAGEMENT FACILITY THAT COMPLIES WITH THIS PART AND**
 21 **RULES PROMULGATED UNDER THIS PART** and **IF** not speculatively
 22 accumulated:

23 (a) Glass, metal, wood, paper products, plastics, rubber,
 24 textiles, ~~garbage,~~ **FOOD WASTE, ELECTRONICS, LATEX PAINT, YARD**
 25 **WASTE,** or any other material approved by the department that is
 26 used for conversion into raw materials or new products. For the
 27 purposes of this subdivision, raw materials or new products

1 include, but are not limited to, compost, biogas from anaerobic
 2 digestion, ~~synthetic~~**-SYNTHESIS** gas from gasification or pyrolysis,
 3 or other fuel. This subdivision does not ~~prevent~~**-PROHIBIT** material
 4 from being classified as a renewable energy resource as defined in
 5 section 11 of the clean ~~,~~**-AND** renewable ~~,~~**-ENERGY** and ~~efficient~~
 6 energy **WASTE REDUCTION** act, 2008 PA 295, MCL 460.1011.

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

11 (c) Chipped or whole tires used to fuel an industrial boiler,
 12 kiln, power plant, or furnace, subject to part 55, or for other
 13 uses approved by the department. This subdivision does not ~~prevent~~
 14 **PROHIBIT** material from being classified as a renewable energy
 15 resource as defined in section 11 of the clean ~~,~~**-AND** renewable ~~,~~
 16 **ENERGY** and ~~efficient~~-energy **WASTE REDUCTION** act, 2008 PA 295, MCL
 17 460.1011.

18 (d) Recovered paint solids **IF** used to fuel an industrial
 19 boiler, kiln, power plant, **GASIFICATION FACILITY**, or furnace,
 20 subject to part 55; ~~,~~**-IF BONDED WITH CEMENT OR ASPHALT;** or **IF USED**
 21 for other uses approved by the department.

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

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

27 (g) Asphalt shingles that do not contain asbestos, rolled

1 roofing, or tar paper used as a component in asphalt or used to
 2 fuel an industrial boiler, kiln, power plant, or furnace, subject
 3 to part 55, or for other uses approved by the department.

4 (h) Municipal solid waste incinerator ash that meets criteria
 5 specified by the department and that is used as daily cover at a
 6 disposal facility licensed pursuant to this part.

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

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

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

13 **(l) LEAVES THAT ARE GROUND OR MIXED WITH GROUND WOOD AND SOLD**
 14 **AS MULCH IF THE VOLUMES SO MANAGED ARE REPORTED TO THE DEPARTMENT**
 15 **IN COMPLIANCE WITH SECTION 11560.**

16 **(M) ~~(l)~~** Any material determined by the department in writing
 17 ~~prior to the effective date of the 2014 amendatory act that added~~
 18 ~~this subdivision~~ **BEFORE SEPTEMBER 16, 2014** to be a source separated
 19 material.

20 **(N) YARD WASTE THAT IS LAND APPLIED ON A FARM AT AGRONOMIC**
 21 **RATES CONSISTENT WITH GAAMPS.**

22 **(O) YARD WASTE, CLASS 1 COMPOSTABLE MATERIAL, AND CLASS 2**
 23 **COMPOSTABLE MATERIAL THAT ARE DELIVERED TO AN ANAEROBIC DIGESTER**
 24 **AUTHORIZED UNDER THIS PART BY THE DEPARTMENT TO RECEIVE THE**
 25 **MATERIAL.**

26 **(P) RECYCLABLE MATERIALS.**

27 **(8) ~~(7)~~**—"Stamp sands" means finely grained crushed rock

1 resulting from mining, milling, or smelting of copper ore and
2 includes native substances contained within the crushed rock and
3 any ancillary material associated with the crushed rock.

4 (9) ~~(8)~~—"Treated wood" means wood or wood product that has
5 been treated with 1 or more of the following:

6 (a) Chromated copper arsenate (CCA).

7 (b) Ammoniacal copper quat (ACQ).

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

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

11 (10) ~~(9)~~—"Trust fund" means a fund held by a trustee who has
12 the authority to act as a trustee and whose trust operations are
13 regulated and examined by a federal or state agency.

14 (11) ~~(10)~~—"Type I public water supply", "type IIa public water
15 supply", "type IIb public water supply", and "type III public water
16 supply" mean those terms, respectively, as described in R 325.10502
17 of the Michigan ~~administrative code~~. **ADMINISTRATIVE CODE.**

18 (12) **"TYPE II LANDFILL" MEANS A LANDFILL THAT RECEIVES**
19 **HOUSEHOLD WASTE OR MUNICIPAL SOLID WASTE INCINERATOR ASH, OR BOTH,**
20 **AND THAT MAY ALSO RECEIVE OTHER TYPES OF SOLID WASTE, SUCH AS ANY**
21 **OF THE FOLLOWING:**

22 (A) **CONSTRUCTION AND DEMOLITION WASTE.**

23 (B) **SEWAGE SLUDGE.**

24 (C) **COMMERCIAL WASTE.**

25 (D) **NONHAZARDOUS SLUDGE.**

26 (E) **HAZARDOUS WASTE FROM CONDITIONALLY EXEMPT SMALL QUANTITY**
27 **GENERATORS.**



1 (F) INDUSTRIAL WASTE.

2 (13) "TYPE III LANDFILL" MEANS A LANDFILL THAT IS NOT A TYPE
3 II LANDFILL OR HAZARDOUS WASTE LANDFILL AND INCLUDES ALL OF THE
4 FOLLOWING:

5 (A) A CONSTRUCTION AND DEMOLITION WASTE LANDFILL.

6 (B) AN INDUSTRIAL WASTE LANDFILL.

7 (C) A LOW HAZARD INDUSTRIAL WASTE LANDFILL.

8 (D) A SURFACE IMPOUNDMENT AUTHORIZED AS AN INDUSTRIAL WASTE
9 LANDFILL.

10 (E) A LANDFILL THAT ACCEPTS WASTE OTHER THAN HOUSEHOLD WASTE,
11 MUNICIPAL SOLID WASTE INCINERATOR ASH, OR HAZARDOUS WASTE FROM
12 CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS.

13 (14) "VERMICULTURE" MEANS THE CONTROLLED AND MANAGED PROCESS
14 BY WHICH LIVE WORMS DEGRADE ORGANIC MATERIALS INTO WORM CASTINGS OR
15 WORM HUMUS.

16 (15) ~~(11)~~—"Waste diversion center" means property or a
17 building, or a portion of property or a building, designated for
18 the purpose of receiving or collecting diverted wastes and not used
19 for residential purposes.

20 (16) ~~(12)~~—"Wood" means trees, branches and associated leaves,
21 bark, lumber, pallets, wood chips, sawdust, or other wood or wood
22 product but does not include scrap wood, treated wood, painted wood
23 or painted wood product, or any wood or wood product that has been
24 contaminated during manufacture or use.

25 (17) ~~(13)~~—"Wood ash" means any type of ash or slag resulting
26 from the burning of wood.

27 (18) ~~(14)~~—"Yard ~~clippings~~" **WASTE** means leaves, grass

1 clippings, vegetable or other garden debris, shrubbery, or brush or
 2 tree trimmings, less than 4 feet in length and 2 inches in
 3 diameter, that can be converted to compost. ~~humus. Yard clippings~~
 4 ~~do~~ **WASTE DOES** not include stumps, agricultural wastes, animal
 5 waste, roots, sewage sludge, ~~or garbage.~~ **CHRISTMAS TREES OR OTHER**
 6 **HOLIDAY DECORATIONS MADE OF VEGETATION, FOOD WASTE, OR FINISHED**
 7 **COMPOST MADE FROM YARD WASTE.**

8 Sec. 11507. (1) **OPTIMIZING RECYCLING OPPORTUNITIES, INCLUDING**
 9 **ELECTRONICS RECYCLING OPPORTUNITIES, AND THE REUSE OF MATERIALS ARE**
 10 **A PRINCIPAL OBJECTIVE OF THE STATE'S SOLID WASTE MANAGEMENT PLAN.**
 11 **RECYCLING AND REUSE OF MATERIALS, INCLUDING THE REUSE OF MATERIALS**
 12 **FROM ELECTRONIC DEVICES, ARE IN THE BEST INTEREST OF THE PUBLIC**
 13 **HEALTH AND WELFARE. THIS STATE SHOULD DEVELOP POLICIES AND**
 14 **PRACTICES THAT PROMOTE RECYCLING AND REUSE OF MATERIALS, WASTE**
 15 **REDUCTION, AND POLLUTION PREVENTION AND THAT, TO THE EXTENT**
 16 **PRACTICAL, MINIMIZE THE USE OF LANDFILLING AND MUNICIPAL SOLID**
 17 **WASTE INCINERATION AS METHODS FOR DISPOSAL OF ITS WASTE. POLICIES**
 18 **AND PRACTICES THAT PROMOTE RECYCLING AND REUSE OF MATERIALS,**
 19 **INCLUDING MATERIALS FROM ELECTRONIC DEVICES, WILL CONSERVE RAW**
 20 **MATERIALS, CONSERVE LANDFILL SPACE, AND AVOID THE CONTAMINATION OF**
 21 **SOIL AND GROUNDWATER FROM HEAVY METALS AND OTHER POLLUTANTS.**

22 (2) **IT IS THE GOAL OF THIS STATE TO ACHIEVE A 45% MUNICIPAL**
 23 **SOLID WASTE RECYCLING RATE, AND, AS AN INTERIM STEP, A 30%**
 24 **MUNICIPAL SOLID WASTE RECYCLING RATE BY 2025, THROUGH THE BENCHMARK**
 25 **RECYCLING STANDARDS.**

26 (3) ~~(1)~~ The department and a health officer shall assist in
 27 developing and encouraging methods for the disposal of solid waste

1 that are environmentally sound, that maximize the utilization of
 2 valuable resources, and that encourage resource conservation
 3 including source reduction and source separation.

4 (4) ~~(2)~~—This part shall be construed and administered to
 5 encourage and facilitate the effort of all persons to engage in
 6 source separation ~~and site separation~~ of material from solid waste,
 7 and other environmentally sound measures to prevent materials from
 8 entering the waste stream or which encourage the removal of
 9 materials from the waste stream.

10 (5) **A PERSON SHALL NOT DISPOSE, STORE, OR TRANSPORT SOLID**
 11 **WASTE IN THIS STATE UNLESS THE PERSON COMPLIES WITH THE**
 12 **REQUIREMENTS OF THIS PART.**

13 (6) ~~(3)~~—The department may exempt from regulation under this
 14 part solid waste that is determined by the department to be inert
 15 material for uses and in a manner approved by the department.

16 (7) **THIS PART IS INTENDED TO ENCOURAGE THE CONTINUATION OF THE**
 17 **PRIVATE SECTOR IN MATERIALS MANAGEMENT, DISPOSAL, AND**
 18 **TRANSPORTATION IN COMPLIANCE WITH THIS PART. THIS PART IS NOT**
 19 **INTENDED TO PROHIBIT SALVAGING.**

20 SUBPART 2 MATERIALS MANAGEMENT FACILITY

21 AUTHORIZATIONS, FEES, AND ENFORCEMENT

22 Sec. 11507a. (1) The owner or operator of a landfill shall
 23 annually submit a report to the state and the county and
 24 municipality in which the landfill is located that ~~contains~~
 25 ~~information on the amount~~ **SPECIFIES THE TONNAGE AND TYPE** of solid
 26 waste received by the landfill during the year itemized, to the
 27 extent possible, by county, state, or country of origin and the

1 amount of remaining disposal capacity at the landfill. Remaining
2 disposal capacity shall be calculated as the permitted capacity
3 less waste in place for any area that has been constructed and is
4 not yet closed plus the permitted capacity for each area that has a
5 permit for construction under this part but has not yet been
6 constructed. The report shall be submitted on a form provided by
7 the department within 45 days following the end of each state
8 fiscal year.

9 (2) By January 31 of each year, the department shall submit to
10 the legislature a report summarizing the information obtained under
11 subsection (1).

12 Sec. 11509. (1) Except as otherwise provided in section 11529,
13 a person shall not establish a disposal area except as authorized
14 by a construction permit issued by the department pursuant to part
15 13. In addition, a person shall not establish a disposal area
16 contrary to an approved ~~solid waste~~ **MATERIALS** management plan, or
17 contrary to a permit, license, or final order issued pursuant to
18 this part. A person proposing the establishment of a disposal area
19 shall apply for a construction permit to the department through the
20 health officer. If the disposal area is located in a county or city
21 that does not have a certified health department, the application
22 shall be made directly to the department.

23 (2) The application for a construction permit shall contain
24 the name and residence of the applicant, the location of the
25 proposed disposal area, the design capacity of the disposal area,
26 and other information specified by rule. A person may apply to
27 construct more than 1 type of disposal area at the same facility

1 under a single permit. ~~The~~ **AN** application shall be accompanied by
2 an engineering plan and a construction permit application fee. A
3 construction permit application for a landfill shall be accompanied
4 by a fee in an amount that is the sum of all of the following fees,
5 as applicable:

6 (a) For a new sanitary landfill, a fee equal to the following
7 amount:

8 (i) For a ~~municipal solid waste~~ **TYPE II** landfill,
9 ~~\$1,500.00.~~ **\$3,000.00.**

10 (ii) For an industrial waste landfill, ~~\$1,000.00.~~ **\$2,000.00.**

11 (iii) For a type III landfill limited to low hazard industrial
12 waste, ~~\$750.00.~~ **\$1,500.00.**

13 (b) For a lateral expansion of a sanitary landfill, a fee
14 equal to the following amount:

15 (i) For a ~~municipal solid waste~~ **TYPE II** landfill,
16 ~~\$1,000.00.~~ **\$2,000.00.**

17 (ii) For an industrial waste landfill, ~~\$750.00.~~ **\$1,500.00.**

18 (iii) For a type III landfill limited to low hazard industrial
19 waste, construction and demolition waste, or other nonindustrial
20 waste, ~~\$500.00.~~ **\$1,000.00.**

21 (c) For a vertical expansion of an existing sanitary landfill,
22 a fee equal to the following amount:

23 (i) For a ~~municipal solid waste~~ **TYPE II** landfill,
24 ~~\$750.00.~~ **\$1,500.00.**

25 (ii) For an industrial waste landfill, ~~\$500.00.~~ **\$1,000.00.**

26 (iii) For an industrial waste landfill limited to low hazard
27 industrial waste, construction and demolition waste, or other

1 nonindustrial waste, ~~\$250.00.~~**\$500.00.**

2 (3) The application for a construction permit for a solid
3 waste **PROCESSING AND** transfer facility, ~~a solid waste processing~~
4 ~~plant,~~ other disposal area, or a combination of these, shall be
5 accompanied by a fee in the following amount:

6 (a) For a new **SOLID WASTE PROCESSING AND TRANSFER FACILITY**
7 **MANAGING MORE THAN 200 CUBIC YARDS OF MATERIAL AT ANY TIME OR A**
8 facility for municipal solid waste ~~,~~ or a combination of municipal
9 solid waste and waste listed in subdivision (b),
10 ~~\$1,000.00.~~**\$2,000.00.**

11 (b) For a new facility for industrial waste, or construction
12 and demolition waste, ~~\$500.00.~~**\$1,000.00.**

13 (c) For the expansion of an existing facility for any type of
14 waste, ~~\$250.00.~~**\$500.00.**

15 (4) ~~IF~~**WITHIN 1 YEAR AFTER** an application is returned to the
16 applicant as administratively incomplete, ~~the department shall~~
17 ~~refund the entire fee.~~**THE APPLICANT MAY RESUBMIT THE APPLICATION,**
18 **TOGETHER WITH THE ADDITIONAL INFORMATION AS NEEDED TO ADDRESS THE**
19 **REASONS FOR BEING INCOMPLETE, WITHOUT PAYING AN ADDITIONAL FEE.** If
20 a permit is denied or an application is withdrawn, ~~the department~~
21 ~~shall refund 1/2 the amount specified in subsection (3) to the~~
22 ~~applicant.~~ ~~An~~**AN** applicant for a construction permit, within ~~12~~
23 ~~months~~**1 YEAR** after a permit denial or withdrawal, may resubmit the
24 application, and ~~the refunded portion of the fee,~~ together with the
25 additional information as needed to address the reasons for denial,
26 without ~~being required to pay~~**PAYING** an additional application fee.

27 (5) An application for a modification to a construction permit



1 or for renewal of a construction permit which has expired shall be
2 accompanied by a fee of ~~\$250.00.~~ **\$500.00**. Increases in final
3 elevations that do not result in an increase in design capacity or
4 a change in the solid waste boundary shall be considered a
5 modification and not a vertical expansion.

6 (6) A person who applies to permit more than 1 type of
7 disposal area at the same facility shall pay a fee equal to the sum
8 of the applicable fees listed in this section.

9 (7) The department shall deposit permit application fees
10 collected under this section in the solid waste staff account of
11 the solid waste management fund. ~~established in section 11550.~~

12 **(8) THE DEPARTMENT SHALL NOT APPROVE AN APPLICATION FOR A**
13 **CONSTRUCTION PERMIT FOR A NEW TYPE II LANDFILL THAT IS NOT**
14 **CONTIGUOUS TO AN ALREADY PERMITTED TYPE II LANDFILL OR FOR A NEW**
15 **MUNICIPAL SOLID WASTE INCINERATOR UNLESS THE APPROVAL IS REQUESTED**
16 **BY THE CBC AND THE DEPARTMENT DETERMINES THAT THE LANDFILL OR**
17 **INCINERATOR IS NEEDED FOR THE PLANNING AREA. THE CBC'S REQUEST**
18 **SHALL INCLUDE A DEMONSTRATION THAT MATERIALS UTILIZATION OPTIONS**
19 **HAVE BEEN EXHAUSTED. THE DEPARTMENT'S DETERMINATION OF NEED SHALL**
20 **BE BASED UPON HUMAN HEALTH, SOLID WASTE DISPOSAL CAPACITY, AND**
21 **ECONOMIC ISSUES THAT WOULD ARISE WITHOUT THE NEW SITE.**

22 (9) AS USED IN THIS SECTION, "CONTIGUOUS" MEANS EITHER OF THE
23 FOLLOWING:

24 (A) ON THE SAME PROPERTY. THE PROPERTY MAY BE DIVIDED BY A
25 PUBLIC OR PRIVATE RIGHT-OF-WAY IF ACCESS TO AND FROM THE RIGHT-OF-
26 WAY FOR EACH PIECE OF THE PROPERTY IS OPPOSITE THE ACCESS FOR THE
27 OTHER PIECE OF THE PROPERTY SO THAT MOVEMENT BETWEEN THE 2 PIECES



1 OF THE PROPERTY IS BY CROSSING THE RIGHT-OF-WAY.

2 (B) ON 2 PROPERTIES OWNED BY THE SAME PERSON IF THE PROPERTIES
3 ARE CONNECTED BY A RIGHT-OF-WAY THAT THE OWNER CONTROLS AND TO
4 WHICH THE PUBLIC DOES NOT HAVE ACCESS.

5 Sec. 11510. (1) Before the submission of a construction permit
6 application for a new disposal area, the applicant shall request a
7 health officer or the department to provide an advisory analysis of
8 the proposed disposal area. However, the applicant, not less than
9 15 days after the request, and notwithstanding an analysis result,
10 may file an application for a construction permit.

11 (2) Upon receipt of a construction permit application, the
12 department shall do all of the following:

13 (a) Immediately notify the clerk of the municipality in which
14 the disposal area is located or proposed to be located, the local
15 soil erosion and sedimentation control agency, each division within
16 the department and the department of natural resources that has
17 responsibilities in land, air, or water management, ~~and the~~
18 ~~designated regional solid waste management planning agency,~~ **AND THE**
19 **DESIGNATED PLANNING AGENCY FOR THE PLANNING AREA.**

20 (b) Publish a notice in a newspaper **OR VIA ELECTRONIC MEDIA**
21 having major circulation in the vicinity of the proposed disposal
22 area. The ~~required published notice shall contain a~~ **ALL OF THE**
23 **FOLLOWING:**

24 (i) **A** map indicating the location of the proposed disposal
25 area. ~~and shall contain a~~

26 (ii) **A** description of the proposed disposal area. ~~and the~~

27 (iii) **THE** location where the complete application package may



1 be reviewed and where copies may be obtained.

2 (c) Indicate in the ~~public, departmental, and municipality~~
3 ~~notice~~ **NOTICES UNDER SUBDIVISIONS (A) AND (B)** that the department
4 shall hold a public hearing in the area of the proposed disposal
5 area if a written request is submitted by the applicant or a
6 municipality **OR DESIGNATED PLANNING AGENCY** within 30 days after the
7 date of publication of the notice, or by a petition submitted to
8 the department containing a number of signatures equal to not less
9 than 10% of the number of registered voters of the municipality
10 where the proposed disposal area is to be located who voted in the
11 last gubernatorial election. The petition shall be validated by the
12 clerk of the municipality. The public hearing shall be held after
13 the department makes a preliminary review of the application and
14 all pertinent data and before a construction permit is issued or
15 denied.

16 (d) Conduct a consistency review of the plans of the proposed
17 disposal area to determine if it complies with this part and the
18 rules promulgated under this part. The review shall be made by
19 persons qualified in hydrogeology and sanitary landfill
20 engineering. A written acknowledgment that the application package
21 is in compliance with the requirements of this part and rules
22 promulgated under this part by the persons qualified in
23 hydrogeology and sanitary landfill engineering ~~shall~~ **MUST** be
24 received before a construction permit is issued. If the consistency
25 review of the site and the plans and the application meet the
26 requirements of this part and the rules promulgated under this
27 part, the department shall issue a construction permit. ~~that~~ **THE**



1 **CONSTRUCTION PERMIT** may contain a stipulation specifically
2 applicable to the site and operation. Except as otherwise provided
3 in section 11542, an expansion of the area of a disposal area, an
4 enlargement in capacity of a disposal area, or an alteration of a
5 disposal area to a different type of disposal area than had been
6 specified in the previous construction permit application
7 constitutes a new proposal for which a new construction permit is
8 required. The upgrading of a disposal area type required by the
9 department to comply with this part or the rules promulgated under
10 this part or to comply with a consent order does not require a new
11 construction permit.

12 (e) Notify the Michigan aeronautics commission if the disposal
13 area is a sanitary landfill that is a new site or a lateral
14 extension or vertical expansion of an existing unit proposed to be
15 located within 5 miles of a runway or a proposed runway extension
16 contained in a plan approved by the Michigan aeronautics commission
17 of an airport licensed and regulated by the Michigan aeronautics
18 commission. The department shall make a copy of the application
19 available to the Michigan aeronautics commission. If, after a
20 period of time for review and comment not to exceed 60 days, the
21 Michigan aeronautics commission informs the department that it
22 finds that operation of the proposed disposal area would present a
23 potential hazard to air navigation and presents the basis for its
24 findings, the department may either recommend appropriate changes
25 in the location, construction, or operation of the proposed
26 disposal area or deny the application for a construction permit.
27 The department shall give an applicant an opportunity to rebut a

1 finding of the Michigan aeronautics commission that the operation
2 of a proposed disposal area would present a potential hazard to air
3 navigation. The Michigan aeronautics commission shall notify the
4 department and the owner or operator of a landfill if the Michigan
5 aeronautics commission is considering approving a plan that would
6 provide for a runway or the extension of a runway within 5 miles of
7 a ~~THE~~ landfill.

8 Sec. 11511. (1) The department shall notify the clerk of the
9 municipality in which the disposal area is proposed to be located
10 and the applicant of its approval or denial of an application for a
11 construction permit within 10 days after the final decision is
12 made.

13 (2) A construction permit ~~shall expire~~ **EXPIRES** 1 year after
14 the date of issuance, unless development under the construction
15 permit is initiated within that year. A construction permit that
16 has expired may be renewed upon payment of a permit renewal fee **OF**
17 **\$500.00** and submission of any additional relevant information the
18 department may require.

19 ~~—— (3) Except as otherwise provided in this subsection, the~~
20 ~~department shall not issue a construction permit for a disposal~~
21 ~~area within a planning area unless a solid waste management plan~~
22 ~~for that planning area has been approved pursuant to sections 11536~~
23 ~~and 11537 and unless the disposal area complies with and is~~
24 ~~consistent with the approved solid waste management plan. The~~
25 ~~department may issue a construction permit for a disposal area~~
26 ~~designed to receive ashes produced in connection with the~~
27 ~~combustion of fossil fuels for electrical power generation in the~~



1 ~~absence of an approved county solid waste management plan, upon~~
2 ~~receipt of a letter of approval from whichever county or counties,~~
3 ~~group of municipalities, or regional planning agency has prepared~~
4 ~~or is preparing the county solid waste management plan for that~~
5 ~~planning area under section 11533 and from the municipality in~~
6 ~~which the disposal area is to be located.~~

7 Sec. 11511b. (1) A person may submit to the department a
8 project abstract for an RDDP. If, based on the project abstract,
9 the ~~director~~**DEPARTMENT** determines that the RDDP will provide
10 beneficial data on alternative landfill design, construction, or
11 operating methods, the person may apply for a construction permit
12 under section 11509, including the renewal or modification of a
13 construction permit, authorizing the person to establish the RDDP.

14 (2) An RDDP is subject to the same requirements, including,
15 but not limited to, permitting, construction, licensing, operation,
16 closure, postclosure, financial assurance, fees, and sanctions as
17 apply to other type II landfills or landfill units under this part
18 and the rules promulgated under this part, except as provided in
19 this section.

20 (3) An extension of the processing period for an RDDP
21 construction permit is not subject to the limitations under section
22 1307.

23 (4) An application for an RDDP construction permit shall
24 include, in addition to the applicable information required in
25 other type II landfill construction permit applications, all of the
26 following:

27 (a) A description of the RDDP goals.

1 (b) Details of the design, construction, and operation of the
2 RDDP as necessary to ensure protection of human health and the
3 environment. The design shall be at least as protective of human
4 health and the environment as other designs that are required under
5 this part and rules promulgated under this part.

6 (c) A list and discussion of the types of waste that will be
7 disposed of, excluded, or added, including the types and amount of
8 liquids that will be added under subsection (5) and how the
9 addition will benefit the RDDP.

10 (d) A list and discussion of the types of compliance
11 monitoring and operational monitoring that will be performed.

12 (e) Specific means to address potential nuisance conditions,
13 including, but not limited to, odors and health concerns as a
14 result of human contact.

15 (5) The department may authorize the addition of liquids,
16 including, but not limited to, septage waste or other liquid waste,
17 to solid waste in an RDDP if the applicant has demonstrated that
18 the addition is necessary to accelerate or enhance the
19 biostabilization of the solid waste and is not merely a means of
20 disposal of the liquid. ~~The department may require that the septage~~
21 ~~waste, or any other liquid waste, added to an RDDP originate within~~
22 ~~the county where the RDDP is located or any county contiguous to~~
23 ~~the county where the RDDP is located.~~ If an RDDP is intended to
24 accelerate or enhance biostabilization of solid waste, the
25 construction permit application shall include, in addition to the
26 ~~requirements~~ **INFORMATION REQUIRED UNDER** of subsection (4), all of
27 the following:

1 (a) An evaluation of the potential for a decreased slope
2 stability of the waste caused by any of the following:

3 (i) Increased presence of liquids.

4 (ii) Accelerated degradation of the waste.

5 (iii) Increased gas pressure buildup.

6 (iv) Other relevant factors.

7 (b) An operations management plan that incorporates all of the
8 following:

9 (i) A description of and the proportion and expected quantity
10 of all components that are needed to accelerate or enhance
11 biostabilization of the solid waste.

12 (ii) A description of any solid or liquid waste that may be
13 detrimental to the biostabilization of the solid waste intended to
14 be disposed of or to the RDDP goals.

15 (iii) An explanation of how the detrimental waste described in
16 subparagraph (ii) will be prevented from being disposed of in cells
17 approved for the RDDP.

18 (c) Parameters, such as moisture content, stability, gas
19 production, and settlement, that will be used by the department to
20 determine the beginning of the postclosure period for the RDDP
21 under subsection (10).

22 (d) Information to ensure that the requirements of subsection
23 (6) will be met.

24 (6) An RDDP shall meet all of the following requirements:

25 (a) Ensure that added liquids are evenly distributed and that
26 side slope breakout of liquids is prevented.

27 (b) Ensure that daily cover practices or disposal of low

1 permeability solid wastes does not adversely affect the free
2 movement of liquids and gases within the waste mass.

3 (c) Include all of the following:

4 (i) A means to monitor the moisture content and temperature of
5 the waste.

6 (ii) A leachate collection system of adequate size for the
7 anticipated increased liquid production rates. The design's factor
8 of safety shall take into account the anticipated increased
9 operational temperatures and other factors as appropriate.

10 (iii) A means to monitor the depth of leachate on the liner.

11 (iv) An integrated active gas collection system. The system
12 shall be of adequate size for the anticipated methane production
13 rates and to control odors. The system ~~shall~~ **MUST** be operational
14 before the addition of any material to accelerate or enhance
15 biostabilization of the solid waste.

16 (7) The owner or operator of an RDDP for which a construction
17 permit has been issued shall submit a report to the ~~director~~
18 **DEPARTMENT** at least once every 12 months on the progress of the
19 RDDP in achieving its goals. The report shall include a summary of
20 all monitoring and testing results, as well as any other operating
21 information specified by ~~the director in the permit~~ or in a
22 subsequent permit modification or operating condition.

23 (8) A permit for an RDDP shall specify the term of the permit,
24 which shall not exceed 3 years. However, the owner or operator of
25 an RDDP may apply for and the department may grant an extension of
26 the term of the permit, subject to all of the following
27 requirements:



1 (a) The application to extend the term of the permit must be
2 received by the department at least 90 days before the expiration
3 of the permit.

4 (b) The application shall include a detailed assessment of the
5 RDDP showing the progress of the RDDP in achieving its goals, a
6 list of problems with the RDDP and progress toward resolving those
7 problems, and other information that the ~~director~~**DEPARTMENT**
8 determines is necessary to accomplish the purposes of this part.

9 (c) If the department fails to make a final decision within 90
10 days of receipt of an administratively complete application for an
11 extension of the term of a permit, the term of the permit is
12 extended for 3 years.

13 (d) An individual extension shall not exceed 3 years, and the
14 total term of the permit with all extensions shall not exceed 21
15 years.

16 (9) If the ~~director~~**DEPARTMENT** determines that the overall
17 goals of an RDDP, including, but not limited to, protection of
18 human health or the environment, are not being achieved, the
19 ~~director~~**DEPARTMENT** may order immediate termination of all or part
20 of the operations of the RDDP or may order other corrective
21 measures.

22 (10) The postclosure period for a facility authorized as an
23 RDDP begins when the department determines that the unit or portion
24 of the unit where the RDDP was authorized has reached a condition
25 similar to the condition that non-RDDP landfills would reach prior
26 to postclosure. The parameters, such as moisture content,
27 stability, gas production, and settlement, to attain this condition

1 shall be specified in the permit. The perpetual care fund ~~required~~
 2 ~~under section 11525~~ shall be maintained for the period after final
 3 closure of the landfill as specified under section 11525.

4 (11) The ~~director~~ **DEPARTMENT** may authorize the conversion of
 5 an RDDP to a full-scale operation if the owner or operator of the
 6 RDDP demonstrates to the satisfaction of the ~~director~~ **DEPARTMENT**
 7 that the goals of the RDDP have been met and the authorization does
 8 not constitute a less stringent permitting requirement than is
 9 required under subtitle D of the solid waste disposal act, 42 USC
 10 6941 to 6949a.

11 ~~—— (12) As used in this section, "RDDP" means a research,~~
 12 ~~development, and demonstration project for a new or existing type~~
 13 ~~II landfill unit or for a lateral expansion of a type II landfill~~
 14 ~~unit.~~

15 Sec. 11512. (1) A person shall dispose of solid waste at a
 16 disposal area licensed **OR AUTHORIZED** under this part unless a
 17 person is permitted by state law or rules promulgated by the
 18 department to dispose of the solid waste at the site of generation.

19 (2) Except as otherwise provided in this section or in section
 20 **11512A OR** 11529, a person shall not conduct, manage, maintain, or
 21 operate a disposal area within this state except as authorized ~~by~~
 22 ~~an operating license issued by the department pursuant to part 13.~~
 23 In addition, a person shall not conduct, manage, maintain, or
 24 operate a disposal area ~~contrary to an approved solid waste~~
 25 ~~management plan, or contrary to a permit, license, **AN AUTHORIZATION**~~
 26 **BY THE DEPARTMENT**, or final order issued under this part. A person
 27 who intends to conduct, manage, maintain, or operate a disposal



1 area shall submit a license application to the department through a
 2 certified health department. If the disposal area is located in a
 3 county or city that does not have a certified health department,
 4 the application shall be made directly to the department. A person
 5 authorized by this part to operate more than 1 type of disposal
 6 area at the same facility may apply for a single license.

7 (3) The application for a license shall contain the name and
 8 residence of the applicant, the location of the proposed or
 9 existing disposal area, the type or types of disposal area
 10 proposed, evidence of bonding, and other information required by
 11 rule. In addition, an applicant for a type II landfill shall submit
 12 evidence of financial assurance ~~adequate to meet~~ **THAT MEETS** the
 13 requirements of section 11523a, the maximum waste slope in the
 14 active portion, an estimate of remaining permitted capacity, and
 15 documentation on the amount of waste received at the disposal area
 16 during the previous license period or expected to be received,
 17 whichever is greater. The application shall be accompanied by a fee
 18 as specified in subsections (7), (9), and (10).

19 (4) ~~At the time of~~ **AN** application for a license for a disposal
 20 area ~~, the applicant shall submit to a health officer or the~~
 21 ~~department~~ **SHALL INCLUDE** a certification under the seal of a
 22 licensed professional engineer verifying that the construction of
 23 the disposal area has proceeded according to the approved plans. If
 24 construction of the disposal area or a portion of the disposal area
 25 is not complete, the ~~department shall require~~ **OWNER OR OPERATOR**
 26 **SHALL SUBMIT** additional construction certification of that portion
 27 of the disposal area **UNDER SECTION 11516(4)**. ~~during intermediate~~

1 ~~progression of the operation, as specified in section 11516(5).~~

2 (5) An applicant for an operating license, within 6 months
3 after a license denial, may resubmit the application, together with
4 additional information or corrections as are necessary to address
5 the reason for denial, without being required to pay an additional
6 application fee.

7 (6) ~~In order to~~ **TO** conduct tests and assess operational
8 capabilities, the owner or operator of a municipal solid waste
9 incinerator that is designed to burn at a temperature in excess of
10 2500 degrees Fahrenheit may operate the incinerator without an
11 operating license, upon notice to the department, for a period not
12 to exceed 60 days.

13 (7) The application for a type II landfill operating license
14 shall be accompanied by the following fee for the 5-year term of
15 the operating license, ~~calculated in accordance with~~ **SUBJECT TO**
16 subsection (8):

17 (a) Landfills receiving less than 100 tons per day,
18 ~~\$250.00.~~ **\$1,250.00.**

19 (b) Landfills receiving 100 tons per day or more, but less
20 than 250 tons per day, ~~\$1,000.00.~~ **\$5,000.00.**

21 (c) Landfills receiving 250 tons per day or more, but less
22 than 500 tons per day, ~~\$2,500.00.~~ **\$12,500.00.**

23 (d) Landfills receiving 500 tons per day or more, but less
24 than 1,000 tons per day, ~~\$5,000.00.~~ **\$25,000.00.**

25 (e) Landfills receiving 1,000 tons per day or more, but less
26 than 1,500 tons per day, ~~\$10,000.00.~~ **\$50,000.00.**

27 (f) Landfills receiving 1,500 tons per day or more, but less



1 than 3,000 tons per day, ~~\$20,000.00.~~**\$100,000.00.**

2 (g) Landfills receiving greater than 3,000 tons per day,
3 ~~\$30,000.00.~~**\$150,000.00.**

4 (8) Type II landfill application fees shall be based on the
5 average amount of waste **IN TONS** projected to be received daily
6 during the license period. Application fees for license renewals
7 shall be based on the average amount of waste received in the
8 previous calendar year **BASED ON A 365-DAY CALENDAR YEAR.**

9 Application fees shall be adjusted in the following circumstances:

10 (a) If a landfill accepts more waste than projected, a
11 supplemental fee equal to the difference shall be submitted with
12 the next license application.

13 (b) If a landfill accepts less waste than projected, the
14 department shall credit the applicant an amount equal to the
15 difference with the next license application.

16 ~~—— (c) A type II landfill that measures waste by volume rather
17 than weight shall pay a fee based on 3 cubic yards per ton.~~

18 **(C)** ~~(d)~~ A landfill used exclusively for municipal solid waste
19 incinerator ash that measures waste by volume rather than weight
20 shall pay a fee based on 1 cubic yard per ton.

21 ~~—— (e) If an application is submitted to renew a license more
22 than 1 year prior to license expiration, the department shall
23 credit the applicant an amount equal to 1/2 the application fee.~~

24 ~~—— (f) If an application is submitted to renew a license more
25 than 6 months but less than 1 year prior to license expiration, the
26 department shall credit the applicant an amount equal to 1/4 the
27 application fee.~~

1 (9) The operating license application for a type III landfill
2 shall be accompanied by a fee equal to ~~\$2,500.00~~ **\$12,500.00**.

3 (10) The operating license application for a solid waste
4 processing plant, ~~solid waste~~ **AND** transfer facility **THAT MANAGES**
5 **GREATER THAN 200 CUBIC YARDS AT ANY TIME, OR** other disposal area ~~r~~
6 ~~or combination of these entities~~ **THAT IS NOT A LANDFILL OR SURFACE**
7 **IMPOUNDMENT** shall be accompanied by a fee equal to
8 ~~\$500.00~~ **\$2,500.00**.

9 (11) The department shall deposit operating license
10 application fees collected under this section in the perpetual care
11 account of the solid waste management fund. ~~established in section~~
12 ~~11550~~.

13 (12) A person who applies for an operating license for more
14 than 1 type of disposal area at the same facility shall pay a fee
15 equal to the sum of the applicable application fees listed in this
16 section.

17 **(13) A TYPE II LANDFILL DOES NOT REQUIRE A SEPARATE PROCESSING**
18 **AND TRANSFER FACILITY PERMIT OR LICENSE IF THE TYPE II LANDFILL IS**
19 **SOLIDIFYING INDUSTRIAL WASTE SLUDGES ON-SITE IN CONTAINERS OR TANKS**
20 **AS SPECIFIED IN PART 121 AND THAT ACTIVITY IS APPROVED BY THE**
21 **DEPARTMENT AS PART OF THE FACILITY'S OPERATIONS PLAN.**

22 **SEC. 11512A. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION**
23 **OR IN SECTION 11512 OR IN SECTION 11529, A PERSON SHALL NOT**
24 **CONDUCT, MANAGE, MAINTAIN, OR OPERATE A DISPOSAL AREA EXCEPT AS**
25 **AUTHORIZED THROUGH A NOTIFICATION OR REGISTRATION SUBMITTED TO THE**
26 **DEPARTMENT. IN ADDITION, A PERSON SHALL NOT CONDUCT, MANAGE,**
27 **MAINTAIN, OR OPERATE A DISPOSAL AREA CONTRARY TO AN APPROVED**



1 MATERIALS MANAGEMENT PLAN, OR FINAL ORDER ISSUED UNDER THIS PART.

2 (2) IF A DISPOSAL AREA WAS IN OPERATION BEFORE THE EFFECTIVE
3 DATE OF THIS SECTION, THE OPERATOR SHALL NOTIFY THE DEPARTMENT OR
4 REGISTER WITH THE DEPARTMENT, WHICHEVER IS APPROPRIATE FOR THE
5 OPERATION, WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THIS SECTION IF
6 THEIR AUTHORIZATION TYPE HAS CHANGED. IF THE REQUIRED AUTHORIZATION
7 LEVEL HAS NOT CHANGED, THE FACILITY SHALL FOLLOW ITS NORMAL
8 AUTHORIZATION RENEWAL SCHEDULE.

9 (3) SUBJECT TO SUBSECTION (2), A PERSON SHALL NOT CONDUCT,
10 MANAGE, MAINTAIN, OR OPERATE A SOLID WASTE PROCESSING AND TRANSFER
11 FACILITY THAT DOES NOT AT ANY TIME HAVE ON-SITE MORE THAN 50 CUBIC
12 YARDS OF SOLID WASTE AND IS NOT DESIGNED TO ACCEPT WASTE FROM
13 VEHICLES WITH MECHANICAL COMPACTION DEVICES UNLESS THE PERSON HAS
14 NOTIFIED THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED BY THE
15 DEPARTMENT. NOTIFICATION SHALL BE GIVEN UPON INITIAL OPERATION AND,
16 SUBSEQUENTLY, WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL
17 YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT OF SOLID WASTE
18 MANAGED AT THE FACILITY DURING THE PRECEDING STATE FISCAL YEAR.

19 (4) SUBJECT TO SUBSECTION (2), BEGINNING 1 YEAR AFTER THE
20 EFFECTIVE DATE OF THIS SECTION, A PERSON SHALL NOT CONDUCT, MANAGE,
21 MAINTAIN, OR OPERATE A SOLID WASTE PROCESSING AND TRANSFER FACILITY
22 THAT AT ANY TIME HAS ON-SITE MORE THAN 50 CUBIC YARDS AND DOES NOT
23 AT ANY TIME HAVE ON-SITE MORE THAN 200 CUBIC YARDS OF SOLID WASTE
24 AND THAT IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH
25 MECHANICAL COMPACTION DEVICES UNLESS THE PERSON HAS REGISTERED THE
26 FACILITY WITH THE DEPARTMENT. THE PERSON SHALL REGISTER WITHIN 30
27 DAYS AFTER THE END OF THE STATE FISCAL YEAR. THE APPLICATION FOR



1 REGISTRATION SHALL CONTAIN THE NAME AND RESIDENCE OF THE APPLICANT,
2 THE LOCATION OF THE PROPOSED OR EXISTING SOLID WASTE PROCESSING AND
3 TRANSFER FACILITY, AND OTHER INFORMATION REQUIRED BY PART 115. THE
4 APPLICATION SHALL BE ACCOMPANIED BY A FEE OF \$750.00. THE TERM OF A
5 REGISTRATION IS 5 YEARS. IN ADDITION, WITHIN 30 DAYS AFTER THE END
6 OF EACH STATE FISCAL YEAR, THE PERSON SHALL SUBMIT TO THE
7 DEPARTMENT A REPORT ON THE AMOUNT OF SOLID WASTE HANDLED AT THE
8 FACILITY DURING THAT STATE FISCAL YEAR. A REGISTRATION OR REPORT
9 UNDER THIS SUBSECTION SHALL BE ON A FORM AND IN A FORMAT PROVIDED
10 BY THE DEPARTMENT.

11 (5) A REGISTRATION SUBMITTED UNDER SUBSECTION (4) SHALL BE
12 ACCOMPANIED BY AN OPERATIONS PLAN AND SITE MAP. THE DEPARTMENT
13 SHALL REVIEW OPERATIONS AND THE OPERATIONS PLAN FOR EXISTING SOLID
14 WASTE DISPOSAL AREAS TO ENSURE COMPLIANCE WITH OPERATING
15 REQUIREMENTS. IF THE DEPARTMENT DETERMINES THAT AN EXISTING SOLID
16 WASTE DISPOSAL AREA IS NONCOMPLIANT, THE DEPARTMENT MAY ISSUE A
17 TIMETABLE OR SCHEDULE OF REMEDIAL MEASURES THAT WILL LEAD TO
18 COMPLIANCE WITHIN A REASONABLE AMOUNT OF TIME AND NOT TO EXCEED 1
19 YEAR FROM THE DETERMINATION OF DEFICIENCY.

20 (6) EXCEPT AS OTHERWISE PROVIDED IN THIS PART, A PERSON SHALL
21 NOT CONDUCT, MANAGE, MAINTAIN, OR OPERATE A FACILITY DESCRIBED IN
22 SUBSECTION (7) EXCEPT AS AUTHORIZED THROUGH THE REGISTRATION
23 PROCESS WITH THE DEPARTMENT AND THE REGISTRATION REQUIREMENTS OR A
24 FINAL ORDER ISSUED UNDER THIS PART. IN ADDITION, A PERSON SHALL NOT
25 ESTABLISH ANY OF THE FACILITIES CONTRARY TO AN APPROVED MATERIALS
26 MANAGEMENT PLAN.

27 (7) AN APPLICATION FOR REGISTRATION REQUIRED UNDER SUBSECTION



1 (6) SHALL CONTAIN THE NAME AND RESIDENCE OF THE APPLICANT, THE
 2 LOCATION OF THE PROPOSED OR EXISTING MATERIALS UTILIZATION
 3 FACILITY, THE TYPE OR TYPES OF MATERIALS UTILIZATION FACILITY
 4 PROPOSED, AND OTHER INFORMATION REQUIRED BY PART 115. THE
 5 APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING FEE, AS
 6 APPLICABLE:

7 (A) FOR A MEDIUM COMPOSTING FACILITY, \$750.00.

8 (B) FOR MATERIALS RECOVERY FACILITY THAT SORTS, BALES, OR
 9 SHIPS TO END-USE MARKETS MORE THAN 100 TONS OF MATERIAL PER YEAR
 10 AND DOES NOT AT ANY TIME HAVE ON-SITE 100 TONS OR MORE OF MATERIAL,
 11 \$750.00.

12 (C) FOR AN ANAEROBIC DIGESTER THAT MANAGES ORGANIC WASTE FOR
 13 ON-SITE ENERGY PRODUCTION, \$750.00.

14 (8) THE TERM OF A REGISTRATION IS 5 YEARS.

15 (9) THE DEPARTMENT SHALL DEPOSIT REGISTRATION FEES COLLECTED
 16 UNDER THIS SECTION IN THE PERPETUAL CARE ACCOUNT OF THE SOLID WASTE
 17 MANAGEMENT FUND.

18 Sec. 11513. (1) ~~A person shall not accept for disposal solid~~
 19 ~~waste or municipal solid waste incinerator ash that is not~~
 20 ~~generated in the county in which the disposal area is located~~
 21 ~~unless the acceptance of solid waste or municipal solid waste~~
 22 ~~incinerator ash that is not generated in the county is explicitly~~
 23 ~~authorized in the approved county solid waste management plan. The~~
 24 ~~department shall take action to enforce this section within 30 days~~
 25 ~~of obtaining knowledge of a violation of this section.~~**EXCEPT AS**
 26 **OTHERWISE PROVIDED IN THIS PART, A PERSON SHALL NOT CONDUCT,**
 27 **MANAGE, MAINTAIN, OR OPERATE A MATERIALS RECOVERY FACILITY THAT**



1 MANAGES NOT MORE THAN 100 TONS OF MANAGED MATERIAL AT ANY TIME AND
2 MANAGES MORE THAN 100 TONS OF MATERIAL PER YEAR EXCEPT AS
3 AUTHORIZED BY A GENERAL PERMIT ISSUED BY THE DEPARTMENT. IN
4 ADDITION, A PERSON SHALL NOT ESTABLISH A MATERIALS UTILIZATION
5 FACILITY CONTRARY TO AN APPROVED MATERIALS MANAGEMENT PLAN, OR
6 CONTRARY TO A GENERAL PERMIT OR FINAL ORDER ISSUED UNDER THIS PART.

7 (2) THE APPLICATION FOR AUTHORIZATION UNDER A GENERAL PERMIT
8 SHALL CONTAIN THE NAME AND RESIDENCE OF THE APPLICANT, THE LOCATION
9 OF THE PROPOSED OR EXISTING MATERIALS UTILIZATION FACILITY, THE
10 TYPE OR TYPES OF MATERIALS UTILIZATION FACILITY PROPOSED, EVIDENCE
11 OF BONDING, AND OTHER INFORMATION REQUIRED BY PART 115. THE
12 APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING FEE, AS
13 APPLICABLE:

14 (A) FOR A MATERIALS RECOVERY FACILITY, LARGE COMPOSTING
15 FACILITY, OR ANAEROBIC DIGESTER THAT REQUIRES A GENERAL PERMIT,
16 \$2,500.00. THE TERM FOR THESE GENERAL PERMITS IS 5 YEARS.

17 (B) FOR AN INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY THAT
18 REQUIRES A GENERAL PERMIT, \$5,000.00. THE TERM FOR THIS GENERAL
19 PERMIT IS 2 YEARS.

20 (3) AN APPLICANT FOR A GENERAL PERMIT, WITHIN 6 MONTHS AFTER A
21 GENERAL PERMIT DENIAL, MAY RESUBMIT THE APPLICATION TOGETHER WITH
22 ADDITIONAL INFORMATION OR CORRECTIONS AS ARE NECESSARY TO ADDRESS
23 THE REASON FOR DENIAL, WITHOUT BEING REQUIRED TO PAY AN ADDITIONAL
24 APPLICATION FEE.

25 (4) THE DEPARTMENT SHALL DEPOSIT APPLICATION FEES COLLECTED
26 UNDER THIS SECTION IN THE PERPETUAL CARE ACCOUNT OF THE SOLID WASTE
27 MANAGEMENT FUND.



1 SEC. 11513A. A PERSON SHALL NOT CONDUCT, MANAGE, MAINTAIN, OR
2 OPERATE ANY OF THE FOLLOWING FACILITIES EXCEPT AS AUTHORIZED
3 THROUGH THE NOTIFICATION PROCESS:

4 (A) WASTE DIVERSION CENTER.

5 (B) A SOLID WASTE PROCESSING AND TRANSFER FACILITY THAT DOES
6 NOT AT ANY TIME HAVE ON-SITE MORE THAN 50 CUBIC YARDS OF WASTE AND
7 IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH MECHANICAL
8 COMPACTION DEVICES.

9 (C) A SMALL COMPOSTING FACILITY.

10 (D) AN ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED
11 MATERIAL.

12 Sec. 11514. ~~(1) Optimizing recycling opportunities, including~~
13 ~~electronics recycling opportunities, and the reuse of materials~~
14 ~~shall be a principal objective of the state's solid waste~~
15 ~~management plan. Recycling and reuse of materials, including the~~
16 ~~reuse of materials from electronic devices, are in the best~~
17 ~~interest of promoting the public health and welfare. The state~~
18 ~~shall develop policies and practices that promote recycling and~~
19 ~~reuse of materials and, to the extent practical, minimize the use~~
20 ~~of landfilling as a method for disposal of its waste. Policies and~~
21 ~~practices that promote recycling and reuse of materials, including~~
22 ~~materials from electronic devices, will conserve raw materials,~~
23 ~~conserve landfill space, and avoid the contamination of soil and~~
24 ~~groundwater from heavy metals and other pollutants.~~

25 (1) ~~(2)~~A person shall not knowingly deliver to a landfill for
26 disposal, or, if the person is an owner or operator of a landfill,
27 knowingly permit disposal in the landfill of, any of the following:

1 (a) Medical waste, unless that medical waste has been
 2 decontaminated or is not required to be decontaminated but is
 3 packaged in the manner required under part 138 of the public health
 4 code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~.**333.13832**.

5 (b) More than a de minimis amount of open, empty, or otherwise
 6 used beverage containers.

7 (c) More than a de minimis number of whole motor vehicle
 8 tires.

9 (d) More than a de minimis amount of yard ~~clippings, WASTE,~~
 10 ~~unless they are diseased, infested, or composed of invasive species~~
 11 ~~as authorized by section 11521(1)(i).~~ **IT MEETS THE REQUIREMENTS OF**
 12 **SECTION 11555(1)(K) .**

13 **(2)** ~~(3)~~ A person shall not deliver to a landfill for disposal,
 14 or, if the person is an owner or operator of a landfill, permit
 15 disposal in the landfill of, any of the following:

16 (a) Used oil as defined in section 16701.

17 (b) A lead acid battery as defined in section 17101.

18 (c) Low-level radioactive waste as defined in section 2 of the
 19 low-level radioactive waste authority act, 1987 PA 204, MCL
 20 333.26202.

21 (d) Regulated hazardous waste as defined in R 299.4104 of the
 22 Michigan ~~administrative code.~~ **ADMINISTRATIVE CODE.**

23 (e) Bulk or noncontainerized liquid waste or waste that
 24 contains free liquids, unless the waste is 1 of the following:

25 (i) Household waste other than septage waste.

26 (ii) Leachate or gas condensate that is approved for
 27 recirculation.



1 (iii) Septage waste or other liquids approved for beneficial
2 addition under section 11511b.

3 (f) Sewage.

4 (g) PCBs as defined in 40 CFR 761.3.

5 (h) Asbestos waste, unless the landfill complies with 40 CFR
6 61.154.

7 **(3)** ~~(4)~~—A person shall not knowingly deliver to a municipal
8 solid waste incinerator for disposal, or, if the person is an owner
9 or operator of a municipal solid waste incinerator, knowingly
10 permit disposal in the incinerator of, more than a de minimis
11 amount of yard ~~clippings, WASTE,~~ unless ~~they are diseased,~~
12 ~~infested, or composed of invasive species as authorized by section~~
13 ~~11521(1)(i).~~ **IT MEETS THE REQUIREMENTS OF SECTION 11555(1)(K).**

14 **(4)** The department shall post, and a solid waste hauler that
15 disposes of solid waste in a municipal solid waste incinerator
16 shall provide its customers with, notice of the prohibitions of
17 ~~this~~ subsection **(3)** in the same manner as provided in section
18 11527a.

19 (5) If the department determines that a safe, sanitary, and
20 feasible alternative does not exist for the disposal in a landfill
21 or municipal solid waste incinerator of any items described in
22 subsection ~~(2)~~ **(1)** or ~~(4)~~ **(3)**, respectively, the department shall
23 submit a report setting forth that determination and the basis for
24 the determination to the standing committees of the senate and
25 house of representatives with primary responsibility for solid
26 waste issues.

27 Sec. 11515. ~~(1) Upon receipt of a license application, the~~

1 ~~department or a health officer or an authorized representative of a~~
 2 ~~health officer shall inspect the site and determine if the proposed~~
 3 ~~operation complies with this part and the rules promulgated under~~
 4 ~~this part.~~

5 ~~——(2)The~~ department shall not license a landfill facility
 6 operating without an approved hydrogeologic monitoring program
 7 until the department receives a hydrogeologic monitoring program
 8 and the results of the program. The department shall use this
 9 information in conjunction with other information required by this
 10 part or the rules promulgated under this part to determine a course
 11 of action regarding licensing of the facility consistent with
 12 section 4005 of subtitle D of the solid waste disposal act, ~~title~~
 13 ~~II of Public Law 89-272, 42 U.S.C. 42 USC~~ 6945, and with this part
 14 and the rules promulgated pursuant to this part. In deciding a
 15 course of action, the department shall consider, at a minimum, the
 16 health hazards, environmental degradation, and other public or
 17 private alternatives. The department may revoke a license or issue
 18 a timetable or schedule to provide for compliance for the facility
 19 or operation, specifying a schedule of remedial measures, including
 20 a sequence of actions or operations, which leads to compliance with
 21 this part within a reasonable time period. ~~but not later than~~
 22 ~~December 2, 1987.~~

23 **SEC. 11515A. (1) THE DEPARTMENT OR AUTHORIZED REPRESENTATIVE**
 24 **OF THE DEPARTMENT, MAY, UPON THE PRESENTATION OF CREDENTIALS AND**
 25 **UPON STATING THE AUTHORITY AND PURPOSE OF THE INSPECTION OR**
 26 **INVESTIGATION, ENTER AT REASONABLE TIMES ANY PUBLIC OR PRIVATE**
 27 **PROPERTY, SITE, OR MATERIALS MANAGEMENT FACILITY FOR THE PURPOSE OF**



1 INSPECTING AND INVESTIGATING CONDITIONS RELATING TO THE GENERATION,
2 STORAGE, PROCESSING, TRANSPORTATION, MANAGEMENT, OR DISPOSAL OF
3 SOLID WASTE OR ANY MATERIAL REGULATED UNDER THIS PART OR RULES
4 PROMULGATED UNDER THIS PART. IN IMPLEMENTING THIS SUBSECTION, THE
5 DEPARTMENT OR ITS AUTHORIZED REPRESENTATIVE MAY DO ANY OF THE
6 FOLLOWING:

7 (A) HAVE ACCESS TO AND COPY, AT REASONABLE TIMES, ANY
8 INFORMATION OR RECORDS THAT ARE REQUIRED TO BE MAINTAINED PURSUANT
9 TO PART 115.

10 (B) INSPECT, AT REASONABLE TIMES, ANY FACILITY, EQUIPMENT,
11 INCLUDING MONITORING AND POLLUTION CONTROL EQUIPMENT, PRACTICES, OR
12 OPERATIONS REGULATED OR REQUIRED UNDER PART 115.

13 (C) SAMPLE, TEST, OR MONITOR, AT REASONABLE TIMES, SUBSTANCES
14 OR PARAMETERS FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH PART
15 115.

16 (2) THE DEPARTMENT, OR AN AUTHORIZED REPRESENTATIVE OF THE
17 DEPARTMENT, MAY RECEIVE AND INITIATE COMPLAINTS OF AN ALLEGED
18 VIOLATION OF PART 115 AND TAKE ACTION AS THE DEPARTMENT CONSIDERS
19 NECESSARY, PROPER, OR DESIRABLE WITH RESPECT TO THE COMPLAINT AS
20 PROVIDED IN THIS PART.

21 (3) UPON RECEIPT OF AN APPLICATION FOR A PERMIT, LICENSE, OR
22 REGISTRATION UNDER THIS PART, THE DEPARTMENT OR AN AUTHORIZED
23 REPRESENTATIVE OF THE DEPARTMENT SHALL INSPECT THE MATERIALS
24 MANAGEMENT FACILITY, PROPERTY, SITE, OR PROPOSED OPERATION TO
25 DETERMINE ELIGIBILITY FOR THE PERMIT, LICENSE, OR REGISTRATION. AN
26 INSPECTION REPORT SHALL BE FILED IN WRITING BY THE DEPARTMENT
27 BEFORE ISSUING A PERMIT, LICENSE, OR REGISTRATION.



1 (4) THE ISSUANCE OF A PERMIT, LICENSE, REGISTRATION, OR ORDER
2 UNDER THIS PART EMPOWERS THE DEPARTMENT, OR AN AUTHORIZED
3 REPRESENTATIVE, TO ENTER AT ANY REASONABLE TIME, PURSUANT TO LAW,
4 IN OR UPON PRIVATE OR PUBLIC PROPERTY PERMITTED, LICENSED, OR
5 REGISTERED UNDER THIS PART FOR THE PURPOSE OF INSPECTING OR
6 INVESTIGATING CONDITIONS RELATING TO THE STORAGE, PROCESSING,
7 TRANSPORTATION, MANAGEMENT, OR DISPOSAL OF ANY MANAGED MATERIAL.

8 (5) IF THE DEPARTMENT, OR AN AUTHORIZED REPRESENTATIVE OF THE
9 DEPARTMENT, IS REFUSED ENTRY OR ACCESS UNDER SUBSECTIONS (1)
10 THROUGH (4), THE ATTORNEY GENERAL, ON BEHALF OF THE STATE, MAY DO
11 EITHER OF THE FOLLOWING:

12 (A) PETITION THE COURT OF APPROPRIATE JURISDICTION FOR A
13 WARRANT AUTHORIZING ENTRY OR ACCESS TO PROPERTY, INFORMATION OR
14 RECORDS, OR TO SAMPLE, TEST, OR MONITOR PURSUANT TO THIS SECTION.

15 (B) COMMENCE A CIVIL ACTION TO COMPEL COMPLIANCE WITH A
16 REQUEST FOR ENTRY OR INFORMATION PURSUANT TO THIS SECTION, TO
17 AUTHORIZE SAMPLING, TESTING, MONITORING, INFORMATION GATHERING, AND
18 ENTRY PROVIDED FOR IN THIS SECTION.

19 (6) AS USED IN SECTION 2, "AUTHORIZED REPRESENTATIVE" MEANS
20 ANY OF THE FOLLOWING:

21 (A) A FULL- OR PART-TIME EMPLOYEE OF ANOTHER STATE DEPARTMENT
22 OR AGENCY PURSUANT TO LAW OR TO WHICH THE DEPARTMENT DELEGATES
23 CERTAIN DUTIES UNDER THIS PART.

24 (B) A LOCAL HEALTH OFFICER AS DEFINED IN SECTION 1105(3) OF
25 THE MICHIGAN PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1101 TO
26 333.25211, TO WHICH THE DEPARTMENT DELEGATES CERTAIN DUTIES UNDER
27 THIS PART.



1 (C) FOR THE PURPOSE OF SAMPLING OR MONITORING UNDER SUBSECTION
 2 (1) (C), A CONTRACTOR RETAINED BY THE STATE OR A LOCAL HEALTH
 3 OFFICER.

4 Sec. 11516. (1) The department shall conduct a consistency
 5 review before making a final decision on a license application. The
 6 department shall notify the clerk of the municipality in which the
 7 disposal area is located and the applicant of its approval or
 8 denial of a license application within 10 days after the final
 9 decision is made.

10 (2) An operating license shall ~~expire~~ **EXPIRES** 5 years after
 11 the date of issuance. An operating license may be renewed before
 12 expiration upon payment of a renewal application fee specified in
 13 section ~~11512(8)~~ **11512** if the licensee is in compliance with this
 14 part and the rules promulgated under this part.

15 ~~— (3) The issuance of the operating license under this part~~
 16 ~~empowers the department or a health officer or an authorized~~
 17 ~~representative of a health officer to enter at any reasonable time,~~
 18 ~~pursuant to law, in or upon private or public property licensed~~
 19 ~~under this part for the purpose of inspecting or investigating~~
 20 ~~conditions relating to the storage, processing, or disposal of any~~
 21 ~~material.~~

22 (3) ~~(4)~~ Except as otherwise provided in ~~this subsection,~~
 23 **SUBSECTIONS (4) AND (5)**, the department shall not issue an
 24 operating license for a new disposal area within a planning area
 25 unless a ~~solid waste~~ **MATERIALS** management plan for that planning
 26 area has been approved pursuant to ~~sections 11536 and 11537~~ **SECTION**
 27 **11565** and unless the disposal area ~~complies with and is~~ consistent



1 with the approved ~~solid waste~~ **MATERIALS** management plan.

2 **(4)** The department may issue an operating license for a
 3 disposal area designed to receive ashes produced in connection with
 4 the combustion of fossil fuels for electrical power generation in
 5 the absence of an approved county ~~solid waste~~ **MATERIALS** management
 6 plan, upon receipt of a letter of approval from ~~whichever county or~~
 7 ~~counties, group of municipalities, or regional planning agency has~~
 8 ~~prepared or is preparing the county solid waste management plan for~~
 9 ~~that planning area under section 11533~~ **THE CBC** and from the
 10 municipality in which the disposal area is to be located.

11 **(5) BEFORE A MATERIALS MANAGEMENT PLAN IS APPROVED FOR A**
 12 **COUNTY PURSUANT TO SECTION 11565, THE DEPARTMENT MAY ISSUE A PERMIT**
 13 **OR OPERATING LICENSE FOR A NEW DISPOSAL AREA OR AN EXPANSION**
 14 **THEREOF IN THAT COUNTY IF THE DISPOSAL AREA OR EXPANSION IS**
 15 **CONSISTENT WITH THE SOLID WASTE MANAGEMENT PLAN FOR THAT COUNTY**
 16 **APPROVED UNDER SECTION 11537 BEFORE THE EFFECTIVE DATE OF THE**
 17 **AMENDATORY ACT THAT ADDED THIS SUBSECTION. BEFORE A MATERIALS**
 18 **MANAGEMENT PLAN IS APPROVED FOR A COUNTY PURSUANT TO SECTION 11565,**
 19 **A SOLID WASTE MANAGEMENT PLAN MAY BE AMENDED PURSUANT TO THE SAME**
 20 **PROCEDURES AS APPLIED UNDER SECTIONS 11533 TO 11537A BEFORE THE**
 21 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION. IF**
 22 **A DISPOSAL AREA THAT DOES NOT REQUIRE A LICENSE OR PERMIT UNDER**
 23 **THIS PART OR A MATERIALS UTILIZATION FACILITY IS PROPOSED TO BE**
 24 **LOCATED IN A LOCAL UNIT OF GOVERNMENT THAT HAS A ZONING ORDINANCE,**
 25 **THE DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY IS CONSISTENT**
 26 **WITH THE MMP IF IT COMPLIES WITH THE ZONING ORDINANCE AND THE OWNER**
 27 **OR OPERATOR OF THE PROPOSED DISPOSAL AREA OR MATERIALS UTILIZATION**



1 **FACILITY PRESENTS DOCUMENTATION TO THE DEPARTMENT AND THE CBC FROM**
 2 **THE LOCAL UNIT OF GOVERNMENT EXERCISING ZONING AUTHORITY**
 3 **DEMONSTRATING THAT THE DISPOSAL AREA COMPLIES WITH LOCAL ZONING.**

4 (6) ~~(5)~~—Issuance of an operating license by the department
 5 authorizes the licensee to accept waste for disposal in certified
 6 portions of the disposal area for which a bond was established
 7 under section 11523 and, for type II landfills, for which financial
 8 assurance was demonstrated under section 11523a. If the
 9 construction of a portion of a landfill licensed under this section
 10 is not complete at the time of license application, the owner or
 11 operator of the landfill shall submit a certification under the
 12 seal of a licensed professional engineer verifying that the
 13 construction of that portion of the landfill has proceeded
 14 according to the approved plans at least 60 days ~~prior to~~ **BEFORE**
 15 the anticipated date of waste disposal in that portion of the
 16 landfill. If the department does not deny the certification within
 17 60 days of receipt, the owner or operator may accept waste for
 18 disposal in the certified portion. In the case of a denial, the
 19 department shall issue a written statement stating the reasons why
 20 the construction or certification is not consistent with this part
 21 or rules promulgated under this part or the approved plans.

22 Sec. 11517. (1) ~~Within 9 months after the completion of~~
 23 ~~construction of a municipal solid waste incinerator, the owner or~~
 24 ~~operator of a municipal solid waste incinerator shall submit a plan~~
 25 ~~to the department for a program that, to the extent practicable,~~
 26 ~~reduces the incineration of noncombustible materials and dangerous~~
 27 ~~combustible materials and their hazardous by-products at the~~



1 ~~incinerator. The department shall approve or disapprove the plan~~
2 ~~submitted under this subsection within 30 days after receiving it.~~
3 ~~In reviewing the plan, the department shall consider the current~~
4 ~~county solid waste management plan, available markets for separated~~
5 ~~materials, disposal alternatives for the separated materials, and~~
6 ~~collection practices for handling such separated materials. If the~~
7 ~~department disapproves a plan, the department shall notify the~~
8 ~~owner or operator submitting the plan of this fact, and shall~~
9 ~~provide modifications that, if included, would result in the plan's~~
10 ~~approval. If the department disapproves a plan, the owner or~~
11 ~~operator of a municipal solid waste incinerator shall within 30~~
12 ~~days after receipt of the department's disapproval submit a revised~~
13 ~~plan that addresses all of the modifications provided by the~~
14 ~~department. The department shall approve or disapprove the revised~~
15 ~~plan within 30 days after receiving it, and approval of the revised~~
16 ~~plan shall not be unreasonably withheld.~~

17 ~~—— (2) Not later than 6 months after the approval of the plan by~~
18 ~~the department under subsection (1), the owner or operator shall~~
19 ~~implement the plan in accordance with the implementation schedule~~
20 ~~set forth in the plan. The operation of a municipal solid waste~~
21 ~~incinerator without an approved plan under this section shall~~
22 ~~subject the owner or operator, or both, to all of the sanctions~~
23 ~~provided by this part.~~**AFTER THE DEPARTMENT APPROVES THE CLOSURE**
24 **CERTIFICATION FOR A LANDFILL UNIT UNDER SECTION 11523A, THE OWNER**
25 **OR OPERATOR SHALL CONDUCT POSTCLOSURE CARE OF THAT UNIT IN**
26 **COMPLIANCE WITH A POSTCLOSURE PLAN APPROVED BY THE DEPARTMENT AND**
27 **SHALL MAINTAIN FINANCIAL ASSURANCE IN COMPLIANCE WITH THIS PART**



1 INCLUDING ANY ADDITIONAL FINANCIAL ASSURANCE REQUIRED BASED ON AN
2 EXTENSION OF THE POSTCLOSURE CARE PERIOD UNDER SUBSECTION (4). THE
3 POSTCLOSURE PLAN MAY INCLUDE MONITORING AND MAINTENANCE PROVISIONS
4 NOT OTHERWISE REQUIRED BY THIS ACT, IF DESIGNED TO ACHIEVE AND
5 DEMONSTRATE FUNCTIONAL STABILITY, SUCH AS PROVISIONS FOR MONITORING
6 SETTLEMENT AND SUBSIDENCE. POSTCLOSURE CARE SHALL BE CONDUCTED FOR
7 30 YEARS, EXCEPT AS PROVIDED UNDER SUBSECTION (2) OR (3), AND
8 CONSIST OF AT LEAST THE FOLLOWING:

9 (A) MAINTAINING THE INTEGRITY AND EFFECTIVENESS OF ANY FINAL
10 COVER, INCLUDING MAKING REPAIRS TO THE COVER AS NECESSARY TO
11 CORRECT THE EFFECTS OF SETTLEMENT, SUBSIDENCE, EROSION, OR OTHER
12 EVENTS, AND PREVENTING RUN-ON AND RUN-OFF FROM ERODING OR OTHERWISE
13 DAMAGING THE FINAL COVER.

14 (B) MAINTAINING AND OPERATING THE LEACHATE COLLECTION SYSTEM,
15 IF ANY, AS REQUIRED BY THIS PART AND ANY RULES PROMULGATED UNDER
16 THIS PART. THE DEPARTMENT MAY ALLOW THE OWNER OR OPERATOR TO STOP
17 MANAGING LEACHATE IF THE OWNER OR OPERATOR DEMONSTRATES THAT
18 LEACHATE NO LONGER POSES A THREAT TO HUMAN HEALTH AND THE
19 ENVIRONMENT.

20 (C) MONITORING THE GROUNDWATER AS REQUIRED BY THIS PART AND
21 ANY RULES PROMULGATED UNDER THIS PART AND MAINTAINING THE
22 GROUNDWATER MONITORING SYSTEM, IF ANY.

23 (D) MAINTAINING AND OPERATING THE GAS MONITORING AND
24 COLLECTION SYSTEM, IF ANY, AS REQUIRED BY THIS PART AND ANY RULES
25 PROMULGATED UNDER THIS PART.

26 (2) THE DEPARTMENT SHALL SHORTEN THE POSTCLOSURE CARE PERIOD
27 SPECIFIED UNDER SUBSECTION (1) FOR A LANDFILL UNIT IF THE LANDFILL

1 OWNER OR OPERATOR SUBMITS TO THE DEPARTMENT A PETITION CERTIFIED BY
2 A LICENSED PROFESSIONAL ENGINEER AND A QUALIFIED GROUNDWATER
3 SCIENTIST THAT DEMONSTRATES ALL OF THE FOLLOWING:

4 (A) THE LANDFILL'S CLOSURE CERTIFICATION WAS APPROVED BY THE
5 DEPARTMENT UNDER SECTION 11523A.

6 (B) THE OWNER OR OPERATOR HAS COMPLIED WITH POSTCLOSURE CARE
7 MAINTENANCE AND MONITORING REQUIREMENTS FOR AT LEAST 15 YEARS.

8 (C) THE LANDFILL HAS ACHIEVED FUNCTIONAL STABILITY, INCLUDING,
9 BUT NOT LIMITED TO, COMPLYING WITH ALL OF THE FOLLOWING:

10 (i) THERE HAS BEEN NO RELEASE FROM THE FACILITY INTO
11 GROUNDWATER OR SURFACE WATER REQUIRING CORRECTIVE ACTION.

12 (ii) THERE IS EITHER NO EVIDENCE OF CONTINUED OR SIGNIFICANT
13 SUBSIDENCE OF WASTE IN THE UNIT OR SUCH SUBSIDENCE HAS CEASED.

14 (iii) THERE IS NO SIGNIFICANT PRODUCTION OF COMBUSTIBLE GASES
15 OR NUISANCE ODORS REQUIRING CONTROL AND GAS MONITORING AT THE
16 LANDFILL BOUNDARY, AND NO COMBUSTIBLE GASES HAVE BEEN DETECTED
17 ABOVE APPLICABLE CRITERIA IN STRUCTURES.

18 (iv) LEACHATE GENERATION HAS EITHER CEASED OR LEACHATE QUALITY
19 MEETS CRITERIA FOR ACCEPTABLE SURFACE WATER OR GROUNDWATER
20 DISCHARGE, OR NEGLIGIBLE VOLUMES OF LEACHATE OR CONDENSATE CAN BE
21 DISCHARGED THROUGH EXISTING LEACHATE HANDLING FACILITIES, SUCH AS
22 SEWERS CONNECTED TO A PUBLICLY OWNED TREATMENT WORKS.

23 (D) ANY OTHER CONDITIONS NECESSARY, AS DETERMINED BY THE
24 DEPARTMENT, TO PROTECT HUMAN HEALTH OR THE ENVIRONMENT ARE MET.

25 (3) THE DEPARTMENT SHALL INCREASE THE POSTCLOSURE CARE PERIOD
26 SPECIFIED IN SUBSECTION (1) FOR A LANDFILL UNIT IF ANY OF THE
27 FOLLOWING APPLY:



1 (A) THE OWNER OR OPERATOR DID NOT CLOSE THE LANDFILL UNIT AS
2 REQUIRED BY THIS PART AND RULES PROMULGATED UNDER THIS PART.

3 (B) THE FINAL COVER OF THE LANDFILL UNIT HAS NOT BEEN
4 MAINTAINED, AND HAS SIGNIFICANT PONDING, EROSION, OR DETRIMENTAL
5 VEGETATION PRESENT.

6 (C) GROUNDWATER MONITORING HAS NOT BEEN CONDUCTED IN
7 ACCORDANCE WITH THE APPROVED MONITORING PLAN OR GROUNDWATER IN THE
8 VICINITY OF THE LANDFILL UNIT EXCEEDS CRITERIA ESTABLISHED UNDER
9 PART 201.

10 (D) THERE IS AN ONGOING SUBSIDENCE OF WASTE, AS EVIDENCED BY
11 SIGNIFICANT PONDING OF WATER ON THE LANDFILL COVER.

12 (E) GAS MONITORING HAS DETECTED COMBUSTIBLE GASES AT THE
13 LANDFILL BOUNDARY OR IN STRUCTURES ABOVE APPLICABLE CRITERIA OR GAS
14 FROM THE UNIT CONTINUES TO BE GENERATED AT A RATE THAT PRODUCES
15 NUISANCE ODORS.

16 (F) LEACHATE CONTINUES TO BE GENERATED BY THE LANDFILL UNIT IN
17 QUANTITIES THAT MAY THREATEN GROUNDWATER OR SURFACE WATER.

18 (4) THE OWNER OR OPERATOR OF A LANDFILL UNIT THAT HAS BEEN
19 RELEASED FROM POSTCLOSURE CARE OF THE UNIT SHALL DO ALL OF THE
20 FOLLOWING WITH RESPECT TO THE LANDFILL UNIT:

21 (A) EXERCISE CUSTODIAL CARE BY UNDERTAKING ANY ACTIVITY
22 NECESSARY TO MAINTAIN THE EFFECTIVENESS OF THE FINAL COVER, PREVENT
23 THE DISCHARGE OF LEACHATE, PREVENT IMPACTS TO THE SURFACE OR
24 GROUNDWATER, MITIGATE THE FIRE AND EXPLOSION HAZARDS DUE TO
25 COMBUSTIBLE GASES, AND MANAGE THE LANDFILL UNIT IN A MANNER THAT
26 PROTECTS THE PUBLIC HEALTH AND SAFETY.

27 (B) COMPLY WITH ANY LAND USE OR RESOURCE USE RESTRICTIONS



1 **ESTABLISHED FOR THE FACILITY.**

2 Sec. 11518. (1) ~~At the time~~ **WHEN** a disposal area that is a
3 sanitary landfill is licensed, an instrument that imposes a
4 restrictive covenant upon the land involved shall be executed by
5 all of the owners of the tract of land upon which the landfill is
6 to be located and the department. If the land involved is state
7 owned, the state administrative board shall execute the covenant on
8 behalf of the state. The instrument imposing the restrictive
9 covenant shall be filed for record by the department or a health
10 officer in the office of the register of deeds of the county, or
11 counties, in which the facility is located. The covenant shall
12 state that the land described in the covenant has been or will be
13 used as a landfill and that neither the property owners, their
14 servants, agents, or employees, nor any of their heirs, successors,
15 lessees, or assigns shall, **WITHOUT AUTHORIZATION FROM THE**
16 **DEPARTMENT**, engage in filling, grading, excavating, drilling, or
17 mining on the property during the first 50 years following
18 ~~completion of the landfill without authorization of the department.~~

19 **APPROVAL BY THE DEPARTMENT OF THE LANDFILL'S CLOSURE CERTIFICATION**
20 **UNDER SECTION 11523A.** In giving authorization, the department shall
21 consider the original design, type of operation, material
22 deposited, and the stage of decomposition of the fill. Special
23 exemption from this section may be granted by the department if the
24 lands involved are federal lands or if contracts existing between
25 the landowner and the licensee on January 11, 1979 are not
26 renegotiable.

27 (2) This part does not prohibit the department from conveying,

1 leasing, or permitting the use of state land for a solid waste
 2 disposal area or a resource recovery facility as provided by
 3 applicable state law.

4 Sec. 11519. (1) The department shall specify, in writing, the
 5 reasons for denial of a ~~construction permit, or an operating~~
 6 license, **OR A REGISTRATION**, further specifying those particular
 7 sections of this part or rules promulgated under this part that may
 8 be violated by granting the application and the manner in which the
 9 violation may occur.

10 (2) The health officer or department may issue a cease and
 11 desist order specifying a schedule of closure or remedial action ~~in~~
 12 ~~accordance with~~**UNDER** this part and rules promulgated under this
 13 part or may establish a consent agreement specifying a schedule of
 14 closure or remedial action ~~in accordance with~~**UNDER** this part and
 15 rules promulgated under this part to a person who establishes,
 16 constructs, conducts, manages, maintains, or operates a ~~disposal~~
 17 ~~area~~**MATERIALS MANAGEMENT FACILITY** without a permit, ~~or~~ license, or
 18 **REGISTRATION** ~~to a person who holds a permit or license but~~
 19 ~~establishes, constructs, conducts, manages, maintains, or operates~~
 20 ~~a disposal area~~**REQUIRED UNDER THIS PART OR** contrary to an approved
 21 ~~solid waste~~**MATERIALS** management plan or ~~contrary to the~~**A** permit,
 22 ~~or~~ license, **REGISTRATION, OR ORDER** issued under this part **OR TO A**
 23 **PERSON WHO IS EXEMPT FROM THE REQUIREMENT TO OBTAIN A PERMIT,**
 24 **LICENSE, OR REGISTRATION ISSUED UNDER THIS PART, BUT ESTABLISHES,**
 25 **CONSTRUCTS, CONDUCTS, MANAGES, MAINTAINS, OR OPERATES A MATERIALS**
 26 **MANAGEMENT FACILITY CONTRARY TO AN ORDER ISSUED UNDER THIS PART AND**
 27 **RULES PROMULGATED UNDER THIS PART.**



1 (3) The department may issue a final order revoking,
2 suspending, or restricting a permit, ~~or~~ license, **OR REGISTRATION**
3 **FOR A MATERIALS MANAGEMENT FACILITY UNDER THIS PART** after a
4 contested case hearing as provided in the administrative procedures
5 act of 1969, ~~Act No. 306 of the Public Acts of 1969, being sections~~
6 **1969 PA 306, MCL 24.201 to 24.328, of the Michigan Compiled Laws,**
7 if the department finds that the ~~disposal area~~ **MATERIALS MANAGEMENT**
8 **FACILITY** is not being constructed or operated in accordance with
9 the approved plans, the conditions of a permit, ~~or~~ license, **OR**
10 **REGISTRATION**, this part, or the rules promulgated under this part.
11 A final order issued pursuant to this section is subject to
12 judicial review as provided in **THE ADMINISTRATIVE PROCEDURES ACT OF**
13 **1969, Act No. 306 of the Public Acts of 1969 PA 306, MCL 24.201 TO**
14 **24.328.** The department or a health officer shall inspect and file a
15 written report not less than 4 times per year for each licensed
16 disposal area. The department or the health officer shall provide
17 the municipality in which the licensed disposal area **OR MATERIALS**
18 **MANAGEMENT FACILITY** is located with a copy of each written
19 inspection report if the municipality arranges with the department
20 or the health officer to bear the expense of duplicating and
21 mailing the reports.

22 (4) The department may issue an order summarily suspending a
23 permit, ~~or~~ license, **REGISTRATION, OR NOTIFICATION**, if the
24 department determines that ~~a violation of~~ **THE OWNER OR OPERATOR OF**
25 **A MATERIALS MANAGEMENT FACILITY HAS VIOLATED** this part or rules
26 promulgated under this part ~~has occurred which,~~ **AND** in the
27 department's opinion, **THE VIOLATION** constitutes an emergency or



1 poses an imminent risk of injury to the public health or the
2 environment. A determination that a violation poses an imminent
3 risk of injury to the public health shall be made by the
4 department. Summary suspension may be ordered effective on the date
5 specified in the order or upon service of a certified copy of the
6 order on the **PERMITTEE**, licensee, **REGISTRANT**, **OR NOTIFIER**,
7 whichever is later, and shall remain effective during the
8 proceedings. The proceedings shall be commenced within 7 days of
9 the issuance of the order and shall be promptly determined.

10 Sec. 11521b. (1) The operator of a waste diversion center
11 shall comply with all of the following requirements:

12 (a) At least ~~90%~~ **85%**, by volume, of the material collected at
13 the waste diversion center shall consist of diverted waste to be
14 managed at the waste diversion center.

15 (b) The waste diversion center shall be operated by personnel
16 who are knowledgeable about the safe management of the types of
17 diverted waste that are accepted at the waste diversion center.

18 (c) The operator shall manage the diverted waste in a manner
19 that prevents the release of any diverted waste or component of
20 diverted waste to the environment.

21 (d) The operator shall not store diverted waste overnight at
22 the waste diversion center except in a secure location and with
23 adequate containment to prevent any release of diverted wastes.

24 (e) Within 1 year after diverted waste is collected by the
25 waste diversion center, that diverted waste shall be transported
26 from the waste diversion center to a waste diversion center,
27 recycling facility, or disposal facility that is in compliance with

1 this act, for processing, recycling, or disposal.

2 (f) The operator shall not process diverted waste except to
3 the extent necessary for the safe and efficient transportation of
4 the diverted waste.

5 (g) The operator shall record the types and quantities of
6 diverted wastes collected, the period of storage, and where the
7 diverted wastes were transferred, processed, recycled, or disposed
8 of. The operator shall maintain the records for at least 3 years
9 and shall make the records available to the department upon
10 request.

11 (h) Access to the waste diversion center shall be limited to a
12 time when a responsible individual is on duty.

13 (i) The area where the diverted waste is accumulated shall be
14 protected, as appropriate for the type of waste, from weather,
15 fire, physical damage, and vandals.

16 (j) The waste diversion center shall be kept clean and free of
17 litter **AND OPERATED IN A MANNER THAT DOES NOT CREATE A NUISANCE OR**
18 **PUBLIC HEALTH OR ENVIRONMENTAL HAZARD.**

19 **(K) NOTIFY THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED**
20 **BY THE DEPARTMENT. NOTIFICATION SHALL BE GIVEN UPON INITIAL**
21 **OPERATION AND SUBSEQUENTLY WITHIN 30 DAYS AFTER THE END OF EACH**
22 **STATE FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT**
23 **OF SOLID WASTE DIVERTED AT THE FACILITY DURING THE PRECEDING STATE**
24 **FISCAL YEAR. THE NOTIFICATION REQUIREMENT APPLIES TO ANY OF THE**
25 **FOLLOWING:**

26 **(i) THOSE ENTITIES WHOSE PRIMARY FUNCTION IS TO COLLECT**
27 **DIVERTED OR RECYCLABLE MATERIALS.**

1 (ii) FOR THE INITIAL NOTIFICATION, ENTITIES THAT ANTICIPATE
 2 COLLECTING MORE THAN 50 TONS OF DIVERTED OR RECYCLABLE MATERIALS IN
 3 THE STATE FISCAL YEAR IN WHICH THE NOTIFICATION IS GIVEN. FOR
 4 SUBSEQUENT NOTIFICATIONS, ENTITIES THAT COLLECTED MORE THAN 50 TONS
 5 OF DIVERTED OR RECYCLABLE MATERIALS IN THE PRECEDING STATE FISCAL
 6 YEAR.

7 (2) Management of diverted wastes as required by this section
 8 is not considered disposal for the purposes of section 11538(6).

9 (3) The operator of a waste diversion center may reject any
 10 diverted waste.

11 Sec. 11522. (1) The open burning of ~~grass clippings~~ **YARD WASTE**
 12 or leaves is prohibited in any municipality having a population of
 13 7,500 or more, unless specifically authorized by local ordinance. ~~7~~
 14 ~~which ordinance shall be reported to~~ **WITHIN 30 DAYS AFTER ADOPTION**
 15 **OF THE ORDINANCE, THE CLERK OF THE MUNICIPALITY SHALL NOTIFY** the
 16 department of natural resources within 30 days of enactment. **OF ITS**
 17 **ADOPTION.**

18 (2) Subsection (1) does not permit a county or municipality to
 19 authorize open burning of ~~grass clippings~~ **YARD WASTE** or leaves by
 20 an ordinance that would otherwise be prohibited under part 55 or
 21 rules promulgated under that part.

22 (3) ~~Beginning 180 days after the effective date of the~~
 23 ~~amendatory act that added this subsection, a~~ **A** person shall not
 24 conduct open burning of household waste that contains plastic,
 25 rubber, foam, chemically treated wood, textiles, electronics,
 26 chemicals, or hazardous materials.

27 (4) Sections 11546 and 11549 do not apply to an individual who



1 violates subsection (3) by open burning of waste from that
2 individual's household. ~~Such an~~**THE** individual is responsible for a
3 state civil infraction and is subject to the following:

4 (a) For a first offense within a 3-year period, a warning by
5 the judge or magistrate.

6 (b) For a second offense within a 3-year period, a civil fine
7 of not more than \$75.00.

8 (c) For a third offense within a 3-year period, a civil fine
9 of not more than \$150.00.

10 (d) For a fourth or subsequent offense within a 3-year period,
11 a civil fine of not more than \$300.00.

12 (5) Notwithstanding section 5512, the department shall not
13 promulgate or enforce a rule that extends the prohibition under
14 subsection (3) to materials not listed in subsection (3).

15 (6) This part, part 55, or rules promulgated under this part
16 or part 55 do not prohibit a person from conducting open burning of
17 wooden fruit or vegetable storage bins constructed from untreated
18 lumber if all of the following requirements are met:

19 (a) The burning is conducted for disease or pest control.

20 (b) The burning is not conducted at any of the following
21 locations:

22 (i) Within a priority I area as listed in table 33 or a
23 priority II area as listed in table 34 of R 336.1310 of the
24 Michigan ~~administrative code~~**ADMINISTRATIVE CODE**.

25 (ii) In a city or village.

26 (iii) Within 1,400 feet outside the boundary of a city or
27 village.

1 (7) Subsections (5) and (6) do not authorize open burning that
2 is prohibited by a local ordinance.

3 (8) A congressionally chartered patriotic organization that
4 disposes of an unserviceable flag of the United States by burning
5 that flag is not subject to regulation or penalty for violating a
6 state law or local ordinance pertaining to open burning of
7 materials or substances.

8 **SUBPART 3 FINANCIAL ASSURANCE**

9 Sec. 11523. (1) The department shall not issue a license to
10 operate a disposal area unless the applicant has filed, as a part
11 of the application for a license, evidence of the following
12 financial assurance:

13 (a) Financial assurance established for a type III landfill
14 **CLOSED BEFORE** _____ or a preexisting unit at a type II
15 landfill ~~and until~~ **OR A TYPE II LANDFILL CLOSED BEFORE** April 9,
16 1997, ~~existing and new type II landfills shall,~~ **SUBJECT TO SECTION**
17 **11523B**, be in the form of a bond in an amount equal to \$20,000.00
18 per acre of licensed landfill within the solid waste boundary.
19 However, the amount of the bond shall not be less than \$20,000.00
20 or more than \$1,000,000.00. Each bond shall provide assurance for
21 the maintenance of the finished landfill site for a period of 30
22 years after the landfill or any approved portion is completed. In
23 addition to this bond, a perpetual care fund shall be maintained
24 under section 11525.

25 (b) Financial assurance for a type II **OR TYPE III** landfill
26 that is an existing unit or a new unit shall be in an amount equal
27 to the cost, in current dollars, of hiring a third party, to



1 conduct closure, postclosure maintenance and monitoring, and if
 2 necessary, corrective action. An application for a type II landfill
 3 that is an existing unit or new unit shall demonstrate financial
 4 assurance in ~~accordance~~ **COMPLIANCE** with section 11523a. **TYPE III**
 5 **LANDFILLS SHALL PROVIDE FINANCIAL ASSURANCE IN COMPLIANCE WITH**
 6 **SECTION 11523A AS PART OF THE APPLICATION FOR A LICENSE SUBMITTED**
 7 **AFTER _____, AND COMPLY WITH THE REQUIREMENTS OF SECTION**
 8 **11523A NO LATER THAN _____.**

9 (c) Financial assurance established for a **LICENSED** solid waste
 10 **PROCESSING AND** transfer facility ~~OR incinerator, processing~~
 11 ~~plant, other solid waste handling or disposal facility, or a~~
 12 ~~combination of these utilized in the disposal of solid waste shall~~
 13 be in the form of a bond in an amount equal to ~~1/4 of 1% of the~~
 14 ~~construction cost of the facility, but shall not be less than~~
 15 ~~\$4,000.00, and~~ **THE AMOUNT OF \$20,000.00. SUBJECT TO SUBSECTION (4),**
 16 **THE FINANCIAL ASSURANCE** shall be continued in effect for a period
 17 of 2 years after the disposal area is closed.

18 (2) **THE DEPARTMENT SHALL NOT ISSUE A GENERAL PERMIT FOR A**
 19 **MATERIALS UTILIZATION FACILITY UNLESS THE APPLICANT HAS FILED, AS A**
 20 **PART OF THE APPLICATION FOR THE GENERAL PERMIT, EVIDENCE OF**
 21 **ADEQUATE FINANCIAL ASSURANCE, SUBJECT TO THE FOLLOWING:**

22 (A) **FINANCIAL ASSURANCE ESTABLISHED FOR A MATERIALS RECOVERY**
 23 **FACILITY OR ANAEROBIC DIGESTER THAT REQUIRES A GENERAL PERMIT SHALL**
 24 **BE IN THE AMOUNT OF \$20,000.00 AND MAINTAINED IN EFFECT AFTER THE**
 25 **FACILITY HAS CEASED ACCEPTING MATERIAL, REMOVED ALL MANAGED**
 26 **MATERIAL FROM THE SITE, AND HAD ITS CLOSURE CERTIFICATION APPROVED**
 27 **BY THE DEPARTMENT AS DESCRIBED IN SECTION 11525B(3) (A) .**



1 (B) THE AMOUNT OF FINANCIAL ASSURANCE ESTABLISHED FOR A
2 COMPOSTING FACILITY WITH A GENERAL PERMIT SHALL BE \$20,000.00 OR
3 \$5,000.00 PER ACRE, WHICHEVER IS GREATER. FOR PURPOSES OF FINANCIAL
4 ASSURANCE, THE SITE ACREAGE IS THAT WHICH IS IDENTIFIED ON THE
5 FACILITY SITE MAP FOR MANAGEMENT OF ALL COMPOSTABLE MATERIAL AND
6 COMPOST, EXCEPT SCREENED, FINISHED COMPOST. THE FINANCIAL ASSURANCE
7 SHALL BE MAINTAINED IN EFFECT AFTER THE FACILITY HAS CEASED
8 ACCEPTING COMPOSTABLE MATERIALS, HAS REMOVED ANY FINISHED OR
9 PARTIALLY FINISHED COMPOST FROM THE FACILITY, AND HAS HAD ITS
10 CLOSURE CERTIFICATION APPROVED BY THE DEPARTMENT AS DESCRIBED IN
11 SECTION 11525B(3) (A) .

12 (C) AN INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY SHALL SUBMIT
13 TO THE DEPARTMENT A DETAILED WRITTEN ESTIMATE, IN CURRENT DOLLARS,
14 OF THE COST FOR THE OWNER OR OPERATOR TO HIRE A THIRD PARTY TO
15 CLOSE THE FACILITY, INCLUDING THE COST TO DISPOSE OF ANY REMAINING
16 WASTE MATERIAL, OR OTHERWISE CONTAIN AND CONTROL ANY REMAINING
17 WASTE RESIDUES. THE DEPARTMENT SHALL APPROVE, APPROVE WITH
18 MODIFICATIONS, OR DISAPPROVE THE CLOSURE COST ESTIMATE. THE
19 FINANCIAL ASSURANCE SHALL BE CONTINUED IN EFFECT UNTIL THE FACILITY
20 HAS CEASED ACCEPTING MATERIAL, REMOVED ALL MANAGED MATERIAL FROM
21 THE SITE, AND HAD CLOSURE CERTIFIED BY THE DEPARTMENT.

22 (3) ~~(2)~~—The owner or operator of a ~~landfill~~ **MATERIALS**
23 **MANAGEMENT FACILITY** may post a cash bond with the department
24 instead of other bonding mechanisms to fulfill the remaining
25 financial assurance requirements of this section. An owner or
26 operator of a disposal area who elects to post cash as a bond shall
27 accrue interest on that bond at the annual rate of 6%, to be

1 accrued quarterly, except that the interest rate payable to an
2 owner or operator shall not exceed the rate of interest accrued on
3 the state common cash fund for the quarter in which an accrual is
4 determined. Interest shall be paid to the owner or operator upon
5 release of the bond by the department. Any interest greater than 6%
6 shall be deposited in the state treasury to the credit of the
7 general fund and shall be appropriated to the department ~~to be used~~
8 ~~by the department~~ for **THE** administration of this part.

9 **(4)** ~~(3)~~—An owner or operator of a disposal area that is not a
10 landfill ~~who has accomplished closure in a manner approved by the~~
11 ~~department and in accordance with this part and the rules~~
12 ~~promulgated under this part, may request a 50% reduction in the~~
13 ~~bond during the 2-year period after closure. At the end of the 2-~~
14 ~~year period, the owner or operator may, **NOT LESS THAN 2 YEARS AFTER**~~
15 **CLOSURE OF THE DISPOSAL AREA,** request that the department terminate
16 the bond. The department shall approve termination of the bond
17 within 60 days after the request is made if all waste and waste
18 residues have been removed from the disposal area and closure ~~is~~
19 **HAS BEEN certified BY A LICENSED PROFESSIONAL ENGINEER AND APPROVED**
20 **BY THE DEPARTMENT.**

21 **(5)** ~~(4)~~—The department may utilize a bond required under this
22 section for the closure and postclosure monitoring and maintenance
23 of a disposal area if the owner or operator fails to comply with
24 the closure and postclosure monitoring and maintenance requirements
25 of this part and the rules promulgated under this part to the
26 extent necessary to correct such violations. At least 7 days before
27 utilizing the bond, the department shall issue a notice of

1 violation or other order that alleges violation of this part or
2 rules promulgated under this part and **SHALL** provide an opportunity
3 for a hearing. This subsection does not apply to a perpetual care
4 fund bond.

5 **(6)** ~~(5)~~—Under the terms of a surety bond, letter of credit,
6 insurance policy, or perpetual care fund bond, the issuing
7 institution shall notify both the department and the owner or
8 operator at least 120 days before the expiration date or any
9 cancellation of the bond. If the owner or operator does not extend
10 the effective date of the bond, or establish alternate financial
11 assurance within 90 days after receipt of an expiration or
12 cancellation notice from the issuing institution, all of the
13 following apply:

14 (a) The department may draw on the bond.

15 (b) In the case of a perpetual care fund bond, the issuing
16 institution shall deposit the proceeds into the standby trust or
17 escrow account unless the department agrees to the expiration or
18 cancellation of the perpetual care fund bond.

19 **(7)** ~~(6)~~—The department shall not issue a construction permit
20 or a new license to operate a disposal area to an applicant that is
21 the subject of a bankruptcy action commenced under title 11 of the
22 United States Code, 11 USC 101 to 1532, or any ~~other~~ predecessor or
23 successor statute.

24 ~~—— (7) A person required under this section to provide financial~~
25 ~~assurance in the form of a bond for a landfill may request a~~
26 ~~reduction in the bond based upon the amount of the perpetual care~~
27 ~~fund established under section 11525. A person requesting a bond~~

1 ~~reduction shall do so on a form consistent with this part and~~
 2 ~~provided by the department. The department shall grant this request~~
 3 ~~unless there are sufficient grounds for denial and those reasons~~
 4 ~~are provided in writing. The department shall grant or deny a~~
 5 ~~request for a reduction of the bond within 60 days after the~~
 6 ~~request is made. If the department grants a request for a reduced~~
 7 ~~bond, the department shall require a bond in an amount such that~~
 8 ~~for type III landfills, and type II landfills that are preexisting~~
 9 ~~units, the amount of the perpetual care fund plus the amount of the~~
 10 ~~reduced bond equals the maximum amount required in a perpetual care~~
 11 ~~fund in section 11525(2).~~

12 ~~—— (8) The department shall release the bond required by this~~
 13 ~~section if the amount of the perpetual care fund exceeds the amount~~
 14 ~~of the financial assurance required under subsection (1).~~

15 **(8) THE OWNER OR OPERATOR OF A LANDFILL THAT UTILIZES A**
 16 **FINANCIAL TEST AS A BOND FOR THE LANDFILL MAY UTILIZE A FINANCIAL**
 17 **TEST FOR OTHER TYPES OF MATERIALS MANAGEMENT FACILITIES THAT ARE**
 18 **LOCATED ON THE LANDFILL PERMITTED FACILITY.**

19 **(9) THE DEPARTMENT MAY UTILIZE A BOND REQUIRED UNDER THIS**
 20 **SECTION FOR A FACILITY SUBJECT TO A GENERAL PERMIT FOR REMOVING**
 21 **WASTE AND MANAGED MATERIALS FROM THE FACILITY, BRINGING THE**
 22 **FACILITY INTO COMPLIANCE WITH THIS PART, CLEANUP AT THE FACILITY,**
 23 **AND FIRE SUPPRESSION OR OTHER EMERGENCY RESPONSE AT THE FACILITY,**
 24 **INCLUDING REIMBURSEMENT TO ANY LOCAL UNIT OF GOVERNMENT THAT**
 25 **INCURRED SUCH COSTS. NOT LESS THAN 7 DAYS BEFORE UTILIZING THE**
 26 **BOND, THE DEPARTMENT SHALL ISSUE A NOTICE OF VIOLATION OR ORDER**
 27 **THAT ALLEGES VIOLATIONS OF THIS PART OR RULES PROMULGATED UNDER**

1 **THIS PART AND SHALL PROVIDE THE OWNER OR OPERATOR AN OPPORTUNITY**
 2 **FOR A HEARING.**

3 (10) ~~(9) Prior to~~ **BEFORE** closure of a landfill, if money is
 4 disbursed from the perpetual care fund, ~~then~~ the department may
 5 require a corresponding increase in the amount of bonding ~~required~~
 6 ~~to be~~ provided if necessary to meet the requirements of this
 7 section.

8 (11) ~~(10)~~ If an owner or operator of a disposal area fulfills
 9 the financial assurance requirements of this part by obtaining a
 10 bond, including, but not limited to, a perpetual care fund bond,
 11 and the surety company, insurer, trustee, bank, or financial or
 12 other institution that issued or holds the bond becomes the subject
 13 of a bankruptcy action or has its authority to issue or hold the
 14 bond ~~or to act as an escrow agent or trustee~~ suspended or revoked,
 15 the owner or operator shall, within 60 days after receiving notice
 16 of that event, establish alternate financial assurance under this
 17 part.

18 Sec. 11523a. (1) Effective ~~April 9, 1997,~~ **AS OF THE DATE**
 19 **SPECIFIED IN 11523(1)(B)**, the department shall not issue a license
 20 to operate a type II **OR TYPE III** landfill unless the applicant
 21 demonstrates that for any new unit or existing unit at the
 22 facility, the combination of the perpetual care fund established
 23 under section 11525, bonds, and the financial capability of the
 24 applicant as evidenced by a financial test, provides financial
 25 assurance in an amount not less than that required by this section.
 26 An applicant may utilize a financial test for an amount up to, but
 27 not exceeding 70% of the closure, postclosure, and corrective



1 action cost estimate. FOR APPLICATIONS FOR A LICENSE TO OPERATE
 2 SUBMITTED AFTER 2 YEARS AFTER THE EFFECTIVE DATE OF THE 2018 ACT
 3 THAT AMENDED THIS SECTION, AN APPLICANT MAY UTILIZE A FINANCIAL
 4 TEST FOR AN AMOUNT GREATER THAN 70% OF THE CLOSURE, POSTCLOSURE,
 5 AND CORRECTIVE ACTION COST ESTIMATE IF THE OWNER OR OPERATOR
 6 DEMONSTRATES THAT THE OWNER OR OPERATOR PASSES A FINANCIAL TEST
 7 UNDER AND OTHERWISE MEETS THE REQUIREMENTS OF R 299.9709 OF THE
 8 MICHIGAN ADMINISTRATIVE CODE. THE OWNER OR OPERATOR MAY NOT USE A
 9 FINANCIAL TEST TO MEET THE REQUIREMENTS FOR ESTABLISHING A
 10 PERPETUAL CARE FUND UNDER SECTION 11525.

11 (2) An applicant may demonstrate compliance with this section
 12 by submitting evidence, with a form consistent with this part and
 13 provided by the department, that the applicant has financial
 14 assurance for any existing unit or new unit in an amount equal to
 15 or greater than the sum of the following standardized costs:

16 (a) A standard closure cost estimate. The standard closure
 17 cost estimate shall be based upon the sum of the following costs in
 18 ~~1996~~2016 dollars, adjusted for inflation and partial closures, if
 19 any, as specified in subsections (4) and (5):

20 (i) A base cost of ~~\$20,000.00~~ \$40,000.00 per acre to construct
 21 a compacted soil final cover using on-site material.

22 (ii) A supplemental cost of ~~\$20,000.00~~ \$40,000.00 per acre, to
 23 install a synthetic cover liner, if required by rules under this
 24 part.

25 (iii) A supplemental cost of ~~\$5,000.00~~ \$10,000.00 per acre, if
 26 low permeability soil must be transported from off-site to
 27 construct the final cover or if a bentonite geocomposite liner is

1 used instead of low permeability soil in a composite cover.

2 (iv) A supplemental cost of ~~\$5,000.00~~ **\$9,000.00** per acre, to
 3 construct a passive gas collection system in the final cover ~~7~~
 4 ~~unless an active gas collection system has been installed at the~~
 5 ~~facility.~~ **OR A SUPPLEMENTAL COST OF \$15,000.00 PER ACRE FOR AN**
 6 **ACTIVE LANDFILL GAS COLLECTION SYSTEM, FOR THOSE AREAS WITHOUT A**
 7 **GAS COLLECTION AND CONTROL SYSTEM ALREADY INSTALLED.**

8 (b) A standard postclosure cost estimate. The standard
 9 postclosure cost estimate shall be based upon the sum of the
 10 following costs, adjusted for inflation as specified in section
 11 11525(2):

12 (i) A final cover maintenance cost of ~~\$200.00~~ **\$400.00** per acre
 13 per year.

14 ~~(ii) A leachate disposal cost of \$100.00 per acre per year.~~

15 ~~(iii) A leachate transportation cost of \$1,000.00 per acre per~~
 16 ~~year, if leachate is required to be transported off-site for~~
 17 ~~treatment.~~

18 **(ii) AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF**
 19 **\$900.00 PER ACRE PER YEAR FOR GAS COLLECTION SYSTEMS SUBJECT TO THE**
 20 **REQUIREMENTS OF STANDARDS OF PERFORMANCE FOR NEW STATIONARY**
 21 **SOURCES, 40 CFR PART 60.**

22 **(iii) A LEACHATE DISPOSAL AND TRANSPORTATION COST BASED ON**
 23 **SITE-SPECIFIC COSTS. THE FACILITY SHALL UTILIZE THE MOST RECENT 5**
 24 **YEARS OF DATA TO GENERATE A ROLLING AVERAGE OF LEACHATE GENERATION**
 25 **RATES AS A BASIS FOR DETERMINING THE PER ACRE COST. THE COST**
 26 **ESTIMATE FOR TRANSPORTATION AND DISPOSAL SHALL BE BASED ON THE COST**
 27 **IN CURRENT DOLLARS, PER ACRE PER YEAR, FOR HIRING A THIRD PARTY TO**



1 TRANSPORT AND DISPOSE OF LEACHATE GENERATED AT EACH SITE.

2 (iv) AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF
3 \$500.00 PER ACRE PER YEAR FOR LANDFILLS NOT SUBJECT TO THE
4 REQUIREMENTS OF STANDARDS OF PERFORMANCE FOR NEW STATIONARY
5 SOURCES, 40 CFR PART 60.

6 (v) A PASSIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF \$35.00
7 PER ACRE PER YEAR.

8 (vi) ~~(iv)~~ A groundwater monitoring cost of ~~\$1,000.00~~ \$2,000.00
9 per monitoring well per year.

10 (vii) ~~(v)~~ A gas monitoring cost of ~~\$100.00~~ \$200.00 per
11 monitoring point per year, for monitoring points used to detect
12 landfill gas at or beyond the facility property boundary.

13 (c) ~~The~~ A corrective action cost estimate, if any. The
14 corrective action cost estimate shall be a detailed written
15 estimate, in current dollars, of the cost of hiring a third party
16 to perform corrective action in accordance with this part.

17 (3) Instead of using some or all of the standardized costs
18 specified in subsection (2), an applicant may estimate the site
19 specific costs of closure or postclosure maintenance and
20 monitoring. A site specific cost estimate shall be a written
21 estimate, in current dollars, of the cost of hiring a third party
22 to perform the activity. For the purposes of this subsection, a
23 parent corporation or a subsidiary of the owner or operator is not
24 a third party. Site specific cost estimates shall be based on the
25 following:

26 (a) For closure, the cost to close the largest area of the
27 landfill ever requiring a final cover at any time during the active

1 life, when the extent and manner of its operation would make
 2 closure the most expensive, in accordance with the approved closure
 3 plan. The closure cost estimate ~~may~~**SHALL** not incorporate any
 4 salvage value that may be realized by the sale of structures, land,
 5 equipment, or other assets associated with the facility at the time
 6 of final closure.

7 (b) For postclosure, the cost to conduct postclosure
 8 maintenance and monitoring in accordance with the approved
 9 postclosure plan for the entire postclosure period. **FINANCIAL**
 10 **ASSURANCE SHALL BE PROVIDED IN AN AMOUNT SUFFICIENT FOR A PERIOD OF**
 11 **NOT MORE THAN 30 YEARS AT ANY GIVEN TIME.**

12 (4) The owner or operator of a landfill subject to this
 13 section shall, during the active life of the landfill and during
 14 the postclosure care period, annually adjust the financial
 15 assurance cost estimates and corresponding amount of financial
 16 assurance for inflation. ~~Cost estimates~~**THE STANDARD CLOSURE COST**
 17 **ESTIMATE AND CORRECTIVE ACTION COST ESTIMATE** shall be adjusted for
 18 inflation by multiplying the cost estimate by an inflation factor
 19 derived from the most recent United States ~~department of the~~
 20 ~~interior, bureau of reclamation composite index~~**DEPARTMENT OF THE**
 21 **INTERIOR, BUREAU OF RECLAMATION COMPOSITE INDEX** published by the
 22 United States ~~department of commerce~~**DEPARTMENT OF COMMERCE** or
 23 another index that is more representative of the costs of closure
 24 and postclosure monitoring and maintenance as determined
 25 appropriate by the department. The owner or operator shall document
 26 the adjustment on a form consistent with this part as prepared by
 27 the department and shall place the documentation in the operating

1 record of the facility.

2 (5) The owner or operator of a landfill subject to this
3 section may request that the department authorize a reduction in
4 the approved cost estimates and corresponding financial assurance
5 for the landfill by submitting a form consistent with this part and
6 provided by the department certifying completion of any of the
7 following activities:

8 (a) Partial closure of the landfill. The current closure cost
9 estimate for partially closed portions of a landfill unit may be
10 reduced by 80%, if the maximum waste slope on the unclosed portions
11 of the unit does not exceed 25%. The percentage of the cost
12 estimate reduction approved by the department for the partially
13 closed portion shall be reduced 1% for every 1% increase in the
14 slope of waste over 25% in the active portion. An owner or operator
15 requesting a reduction in financial assurance for partial closure
16 shall ~~enclose~~**SUBMIT** with the request a certification under the
17 seal of a licensed professional engineer ~~that certifies~~**OF** both of
18 the following:

19 (i) That a portion of the licensed landfill unit has reached
20 final grades and has had a final cover installed in compliance with
21 the approved closure plan and rules promulgated under this part.

22 (ii) The maximum slope of waste in the active portion of the
23 landfill unit at the time of partial closure.

24 **WITHIN 60 DAYS AFTER RECEIVING THE FINANCIAL ASSURANCE REDUCTION**
25 **REQUEST UNDER THIS SUBDIVISION, THE DEPARTMENT SHALL ISSUE A**
26 **WRITTEN APPROVAL OR DENIAL OF THE REQUEST. A DENIAL SHALL STATE THE**
27 **REASONS FOR THE DENIAL.**



1 (b) Final closure of the landfill. An owner or operator
 2 requesting a cost estimate reduction for final closure shall submit
 3 **WITH THE REQUEST** a certification under the seal of a licensed
 4 professional engineer that closure of that landfill unit has been
 5 fully completed in accordance with the approved closure plan for
 6 the landfill. Within 60 days of receiving a certification under
 7 this ~~subsection,~~ **SUBDIVISION**, the department shall perform a
 8 consistency review of the submitted certification and do 1 of the
 9 following:

10 (i) Approve the certification and notify the owner or operator
 11 that he or she may reduce the closure cost estimate to zero.

12 (ii) Disapprove the certification and provide the owner or
 13 operator with a detailed written statement of the reasons why the
 14 department has determined that closure certification has not been
 15 conducted in ~~accordance~~ **COMPLIANCE** with this part, the rules
 16 promulgated under this part, or an approved closure plan.

17 (c) Postclosure maintenance and monitoring. The owner or
 18 operator of a landfill unit who has completed final closure of the
 19 unit may request a reduction in the postclosure cost estimate and
 20 corresponding financial assurance for 1 year or more of postclosure
 21 maintenance and monitoring if the landfill has been monitored and
 22 maintained in accordance with the approved postclosure plan. ~~The~~
 23 ~~department shall, within~~ **WITHIN** 60 days of receiving a cost
 24 estimate reduction request, **THE DEPARTMENT SHALL** grant written
 25 approval or issue a written denial stating the reason for denial.
 26 The department shall grant the request and the owner or operator
 27 may reduce the postclosure cost estimate to reflect the number of

1 years remaining in the postclosure period unless the department
 2 denies the request and the written denial states that the owner or
 3 operator has not performed the specific tasks consistent with this
 4 part, rules promulgated under this part, and an approved plan.

5 (6) The owner or operator of a landfill subject to this
 6 section may request **ON A FORM PROVIDED BY THE DEPARTMENT** a
 7 reduction in the amount of one or more of the financial assurance
 8 mechanisms in place, **NOT TO INCLUDE THE PERPETUAL CARE FUND**
 9 **ESTABLISHED UNDER SECTION 11525**. If the combined value of the
 10 remaining financial assurance mechanisms equals the amount required
 11 under this section, the department shall approve the request.

12 ~~—— (7) An owner or operator requesting that the department~~
 13 ~~approve a financial assurance reduction under subsection (5) or (6)~~
 14 ~~shall do so on a form consistent with this part and provided by the~~
 15 ~~department. The department shall grant written approval or, within~~
 16 ~~60 days of receiving a financial assurance reduction request, issue~~
 17 ~~a written denial stating the reason for the denial.~~

18 Sec. 11523b. (1) The owner or operator of a landfill may
 19 establish a trust fund or escrow account to fulfill the
 20 requirements of sections 11523 and 11523a. The trust fund or escrow
 21 account shall be executed on a form provided by the department.

22 ~~—— (2) Payments into a trust fund or escrow account shall be made~~
 23 ~~annually over the term of the first operating license issued after~~
 24 ~~the effective date of this section. The first payment into a trust~~
 25 ~~fund or escrow account shall be made prior to licensure and shall~~
 26 ~~be at least equal to the portion of the financial assurance~~
 27 ~~requirement to be covered by the trust fund or escrow account~~

1 ~~divided by the term of the operating license. Subsequent payments~~
2 ~~shall be equal to the remaining financial assurance requirement~~
3 ~~divided by the number of years remaining until the license expires.~~

4 ~~—— (3) If the owner or operator of a landfill establishes a trust~~
5 ~~fund or escrow account after having used one or more alternate~~
6 ~~forms of financial assurance, the initial payment into the trust~~
7 ~~fund or escrow account shall be at least the amount the fund would~~
8 ~~contain if the fund were established initially and annual payments~~
9 ~~made according to subsection (2).~~

10 (2) ~~(4)~~ All earnings and interest from a trust fund or escrow
11 account shall be credited to the fund or account. However, the
12 custodian may be compensated for reasonable fees and costs for his
13 or her responsibilities as custodian. The custodian shall ensure
14 the filing of all required tax returns for which the trust fund or
15 escrow account is liable and shall disburse funds from earnings to
16 pay ~~lawfully due~~ taxes owed by the trust fund or escrow account,
17 without permission of the department.

18 (3) ~~(5)~~ The custodian shall annually, 30 days preceding the
19 anniversary date of establishment of the fund, furnish to the owner
20 or operator and to the department a statement confirming the value
21 of the fund or account as of the end of that month.

22 (4) ~~(6)~~ The owner or operator may request that the department
23 authorize the release of funds from a trust fund or escrow account.
24 The department shall grant the request if the owner or operator
25 demonstrates that the value of the fund or account exceeds the
26 owner's or operator's financial assurance obligation. A payment or
27 disbursement from the fund or account shall not be made without the

1 prior written approval of the department.

2 (5) ~~(7)~~—The owner or operator shall receive all interest or
3 earnings from a trust fund or escrow account upon its termination.

4 (6) ~~(8)~~—For purposes of this section, ~~the term~~ "custodian"
5 means the trustee of a trust fund or escrow agent of an escrow
6 account.

7 (7) **IF AN OWNER OR OPERATOR OF A DISPOSAL AREA FULFILLS THE**
8 **FINANCIAL ASSURANCE REQUIREMENTS OF THIS PART BY ESTABLISHING A**
9 **TRUST FUND OR ESCROW ACCOUNT AND THE CUSTODIAN HAS ITS AUTHORITY TO**
10 **ACT AS A CUSTODIAN SUSPENDED OR REVOKED, THE OWNER OR OPERATOR**
11 **SHALL, WITHIN 60 DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION OR**
12 **REVOCATION, ESTABLISH ALTERNATIVE FINANCIAL ASSURANCE UNDER THIS**
13 **PART.**

14 Sec. 11525. (1) The owner or operator of a landfill shall
15 establish and maintain a perpetual care fund for a ~~period~~ **MINIMUM**
16 of 30 years after final closure of the landfill as specified in
17 this section, **EXCEPT AS PROVIDED FOR IN SECTION 11516A(2)**. A
18 perpetual care fund may be established as a trust, an escrow
19 account, or a perpetual care fund bond and may be used to
20 demonstrate financial assurance for type II **AND TYPE III** landfills
21 under ~~section 11523 and section 11523a.~~

22 (2) Except as otherwise provided in this section, the owner or
23 operator of a landfill shall increase the amount of ~~his or her~~ **THE**
24 perpetual care fund 75 cents for each ton or portion of a ton ~~or 25~~
25 ~~cents for each cubic yard or portion of a cubic yard~~ of solid waste
26 that is disposed of in the landfill ~~after June 17, 1990~~ until the
27 fund reaches the maximum required fund amount. As of July 1, ~~1996,~~



1 2017, the maximum required fund amount is ~~\$1,156,000.00-~~
 2 **\$2,173,000.00**. This amount shall be annually adjusted for inflation
 3 and rounded to the nearest thousand **DOLLARS**. The department shall
 4 adjust the maximum required fund amount for inflation annually by
 5 multiplying the amount by an inflation factor derived from the most
 6 recent ~~bureau of reclamation~~**BUREAU OF RECLAMATION** composite index
 7 published by the United States ~~department of commerce~~**DEPARTMENT OF**
 8 **COMMERCE** or another index more representative of the costs of
 9 closure and postclosure monitoring and maintenance as determined
 10 appropriate by the department. Increases to the amount of a
 11 perpetual care fund required under this subsection shall be
 12 calculated based on solid waste disposed of in the landfill as of
 13 the end of the state fiscal year and shall be made within 30 days
 14 after the end of each state fiscal year.

15 (3) The owner or operator of a landfill that is used for the
 16 disposal of the following materials shall increase the amount of
 17 the perpetual care fund 7.5 cents for each ton ~~or cubic yard~~ or
 18 portion of a ton ~~or cubic yard~~ of the following materials that are
 19 disposed of in the landfill: ~~after June 17, 1990:~~

20 (a) Coal ash, wood ash, or cement kiln dust that is disposed
 21 of in a landfill that is used only for the disposal of coal ash,
 22 wood ash, or cement kiln dust, or a combination of these materials,
 23 or that is permanently segregated in a landfill.

24 (b) Wastewater treatment sludge or sediments from wood pulp or
 25 paper producing industries that is disposed of in a landfill that
 26 is used only for the disposal of wastewater treatment sludge and
 27 sediments from wood pulp or paper producing industries, or that is

1 permanently segregated in a landfill.

2 (c) Foundry sand or other material that is approved by the
3 department for use as daily cover at an operating landfill, **FOUNDRY**
4 **SAND** that is disposed of in a landfill that is used only for the
5 disposal of foundry sand, or **FOUNDRY SAND** that is permanently
6 segregated in a landfill.

7 (4) The owner or operator of a landfill that is used only for
8 the disposal of a mixture of 2 or more of the materials described
9 in subsection (3)(a) to (c) or in which a mixture of 2 or more of
10 these materials are permanently segregated shall increase the
11 amount of the perpetual care fund 7.5 cents for each ton ~~or cubic~~
12 ~~yard~~ or portion of a ton ~~or cubic yard~~ of these materials that are
13 disposed of in the landfill. ~~after July 1, 1996.~~

14 (5) The amount of a perpetual care fund is not required to be
15 increased for materials that are regulated under part 631.

16 (6) The owner or operator of a landfill may increase the
17 amount of the perpetual care fund above the amount otherwise
18 required by this section at his or her discretion.

19 (7) The custodian of a perpetual care fund trust or escrow
20 account shall be a bank or other financial institution that has the
21 authority to act as a custodian and whose account operations are
22 regulated and examined by a federal or state agency. Until the
23 perpetual care fund trust or escrow account reaches the maximum
24 required fund amount, the custodian of a perpetual care fund trust
25 or escrow account shall credit any interest and earnings of the
26 perpetual care fund trust or escrow account to the perpetual care
27 fund trust or escrow account. After the perpetual care fund trust

1 or escrow account reaches the maximum required fund amount, any
2 interest and earnings shall be distributed as directed by the owner
3 or operator. The agreement governing the operation of the perpetual
4 care fund trust or escrow account shall be executed on a form
5 consistent with this part and provided by the department. The
6 custodian may be compensated from the fund for reasonable fees and
7 costs incurred for his or her responsibilities as custodian. The
8 custodian of a perpetual care fund trust or escrow account shall
9 make an accounting to the department within 30 days following the
10 close of each state fiscal year.

11 (8) The custodian of a perpetual care fund shall not disburse
12 any funds to the owner or operator of a landfill for the purposes
13 of the perpetual care fund except upon the prior written approval
14 of the department. However, the custodian shall ensure the filing
15 of all required tax returns for which the perpetual care fund is
16 liable and shall disburse funds to pay ~~lawfully due~~ taxes owed by
17 the perpetual care fund without permission of the department. The
18 owner or operator of the landfill shall provide notice of requests
19 for disbursement and denials and approvals to the custodian of the
20 perpetual care fund. Requests for disbursement from a perpetual
21 care fund shall be submitted not more frequently than semiannually.
22 The owner or operator of a landfill may request disbursement of
23 funds from a perpetual care fund ~~whenever~~ **IF** the amount of money in
24 the fund exceeds the maximum required fund amount **UNDER SUBSECTION**
25 **(2), UNLESS A DISBURSEMENT FOR THAT REASON HAS BEEN APPROVED BY THE**
26 **DEPARTMENT WITHIN THE PRECEDING 180 DAYS.** The department shall
27 approve the disbursement if the total amount of financial assurance

1 maintained meets the requirements of ~~sections 11523 and~~ **SECTION**
2 11523a. ~~As used in this subsection, "maximum required fund amount"~~
3 ~~means:~~

4 ~~—— (a) For those landfills containing only those materials~~
5 ~~specified in subsection (3), an amount equal to 1/2 of the maximum~~
6 ~~required fund amount specified in subsection (2).~~

7 ~~—— (b) For all other landfills, an amount equal to the maximum~~
8 ~~required fund amount specified in subsection (2).~~

9 (9) If the owner or operator of a landfill ~~refuses or fails~~ to
10 conduct closure, postclosure monitoring and maintenance, or
11 corrective action as necessary to protect the public health,
12 safety, or welfare, or the environment or fails to request the
13 disbursement of money from a perpetual care fund when necessary to
14 protect the public health, safety, or welfare, or the environment,
15 or fails to pay the solid waste management program administration
16 fee or the surcharge required under section 11525a, then the
17 department may draw on the perpetual care fund and may expend the
18 money for closure, postclosure monitoring and maintenance, and
19 corrective action, as necessary. The department may draw on a
20 perpetual care fund for administrative costs associated with
21 actions taken under this subsection.

22 (10) Upon approval by the department of a request to terminate
23 financial assurance for a landfill under section 11525b, any money
24 in the perpetual care fund for that landfill shall be disbursed by
25 the custodian to the owner of the landfill unless a contract
26 between the owner and the operator of the landfill provides
27 otherwise.



1 (11) The owner of a landfill shall provide notice to the
2 custodian of the perpetual care fund for that landfill if there is
3 a change of ownership of the landfill. The custodian shall maintain
4 records of ownership of a landfill during the period of existence
5 of the perpetual care fund.

6 (12) This section does not relieve an owner or operator of a
7 landfill of any liability that he or she may have under this part
8 or as otherwise provided by law.

9 (13) This section does not create a cause of action at law or
10 in equity against a custodian of a perpetual care fund other than
11 for errors or omissions related to investments, accountings,
12 disbursements, filings of required tax returns, and maintenance of
13 records required by this section or the applicable perpetual care
14 fund.

15 (14) As used in this section, "custodian" means the trustee or
16 escrow agent of any of the following:

17 (a) A perpetual care fund that is established as a trust or
18 escrow account.

19 (b) A standby trust or escrow account for a perpetual care
20 fund bond.

21 (15) A perpetual care fund that is established as a trust or
22 escrow account may be replaced with a perpetual care fund that is
23 established as a perpetual care fund bond that complies with this
24 section. Upon such replacement, the ~~director~~**DEPARTMENT** shall
25 authorize the custodian of the trust or escrow account to disburse
26 the money in the trust or escrow account to the owner of the
27 landfill unless a contract between the owner and operator of the



1 landfill specifies otherwise.

2 (16) An owner or operator of a landfill who uses a perpetual
3 care fund bond to satisfy the requirements of this section shall
4 also establish a standby trust or escrow account. All payments made
5 under the terms of the perpetual care fund bond shall be deposited
6 by the custodian directly into the standby trust or escrow account
7 in accordance with instructions from the ~~director.~~ **DEPARTMENT**. The
8 standby trust or escrow account must meet the requirements for a
9 trust or escrow account established as a perpetual care fund under
10 subsection (1), except that until the standby trust or escrow
11 account is funded pursuant to the requirements of this subsection,
12 the following are not required:

13 (a) Payments into the standby trust or escrow account as
14 specified in subsection (2).

15 (b) Annual ~~accounting valuations~~ **ACCOUNTINGS** as required in
16 subsection (7).

17 Sec. 11525a. (1) The owner or operator of a landfill shall pay
18 a surcharge as follows:

19 (a) Except as provided in subdivision (b), 12 cents for each
20 cubic yard or portion of a cubic yard of solid waste or municipal
21 solid waste incinerator ash that is disposed of in the landfill
22 before October 1, 2019.

23 (b) For type III landfills that are captive facilities, the
24 following annual amounts:

25 (i) For a captive facility that receives 100,000 or more cubic
26 yards of waste, \$3,000.00.

27 (ii) For a captive facility that receives 75,000 or more but



1 less than 100,000 cubic yards of waste, \$2,500.00.

2 (iii) For a captive facility that receives 50,000 or more but
3 less than 75,000 cubic yards of waste, \$2,000.00.

4 (iv) For a captive facility that receives 25,000 or more but
5 less than 50,000 cubic yards of waste, \$1,000.00.

6 (v) For a captive facility that receives less than 25,000
7 cubic yards of waste, \$500.00.

8 (2) The owner or operator of a landfill shall pay the
9 surcharge under subsection (1) (a) within 30 days after the end of
10 each quarter of the state fiscal year. The owner or operator of a
11 type III landfill that is a captive facility shall pay the
12 surcharge under subsection (1) (b) ~~by January 31 of each~~ **WITHIN 30**
13 **DAYS AFTER THE END OF THE STATE FISCAL** year.

14 (3) The owner or operator of a landfill who is required to pay
15 the surcharge under subsection (1) shall pass through and collect
16 the surcharge from any person who generated the solid waste or who
17 arranged for its delivery to the solid waste hauler or **SOLID WASTE**
18 **PROCESSING AND** transfer facility notwithstanding the provisions of
19 any contract or agreement to the contrary or the absence of any
20 contract or agreement.

21 (4) Surcharges collected under this section shall be forwarded
22 to the state treasurer for deposit in the solid waste staff account
23 of the solid waste management fund established in section 11550.

24 ~~— (5) As used in this section, "captive facility" means a~~
25 ~~landfill that accepts for disposal only nonhazardous industrial~~
26 ~~waste generated only by the owner of the landfill or a nonhazardous~~
27 ~~industrial waste landfill that is described in section 11525(3).~~

1 Sec. 11525b. (1) The owner or operator of **A MATERIALS**
 2 **UTILIZATION FACILITY FOR WHICH FINANCIAL ASSURANCE IS REQUIRED**
 3 **UNDER SECTION 11523 OR OF** a disposal area shall provide continuous
 4 financial assurance coverage until released from these requirements
 5 by the department under the provisions of this part.

6 **(2) UPON TRANSFER OF A MATERIALS UTILIZATION FACILITY FOR**
 7 **WHICH FINANCIAL ASSURANCE IS REQUIRED UNDER SECTION 11523 OR OF A**
 8 **DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY THAT REQUIRES**
 9 **FINANCIAL ASSURANCE, THE FORMER OWNER OR OPERATOR SHALL CONTINUE TO**
 10 **MAINTAIN FINANCIAL ASSURANCE UNTIL THE FINANCIAL ASSURANCE IS**
 11 **REPLACED BY THE NEW OWNER OR OPERATOR OR UNTIL THE FACILITY IS**
 12 **RELEASED FROM THE FINANCIAL ASSURANCE OBLIGATION AT THE END OF THE**
 13 **POSTCLOSURE PERIOD.**

14 **(3) ~~(2)~~**—The owner or operator of a landfill who has completed
 15 postclosure maintenance and monitoring of the landfill in
 16 accordance with this part, rules promulgated under this part, and
 17 approved postclosure plan may request that financial assurance
 18 required by sections 11523 and 11523a be terminated. A person
 19 requesting termination of ~~bonding and~~ financial assurance **FOR A**
 20 **LANDFILL** shall submit to the department a statement that the
 21 landfill has been monitored and maintained in accordance with this
 22 part, rules promulgated under this part, and the approved
 23 postclosure plan for the postclosure period specified in section
 24 11523 and shall certify that the landfill is not subject to
 25 corrective action under section 11515. **FOR OTHER FACILITY TYPES**
 26 **WITH FINANCIAL ASSURANCE, THE OWNER OR OPERATOR OF THE FACILITY**
 27 **SHALL SUBMIT TO THE DEPARTMENT A STATEMENT THAT THE FACILITY HAS**



1 **BEEN MAINTAINED IN ACCORDANCE WITH THIS PART, ANY RULES PROMULGATED**
2 **UNDER THIS PART AND HAS REMOVED ALL WASTE AND MANAGED MATERIALS**
3 **FROM THE FACILITY.** Within 60 days of receiving a statement under
4 this subsection, the department shall perform a consistency review
5 of the submitted statement and do 1 of the following:

6 (a) Approve the statement, notify the owner or operator that
7 he or she is no longer required to maintain financial assurance,
8 return or release all financial assurance mechanisms, and, if the
9 perpetual care fund is established as a trust or escrow account,
10 notify the custodian of the perpetual care fund that money from the
11 fund shall be disbursed as provided in section 11525(10).

12 (b) Disapprove the statement and provide the owner or operator
13 with a detailed written statement of the reasons why the department
14 has determined that postclosure maintenance and monitoring and
15 corrective action, if any, have not been conducted in accordance
16 with this part, the rules promulgated under this part, or an
17 approved postclosure plan.

18 **SUBPART 4 MISCELLANEOUS**

19 Sec. 11526. (1) The department, a health officer, or a law
20 enforcement officer of competent jurisdiction may inspect a solid
21 waste transporting unit that is being used to transport solid waste
22 along a public road to determine if the solid waste transporting
23 unit is designed, maintained, and operated in a manner to prevent
24 littering or to determine if the owner or operator of the solid
25 waste transporting unit is performing in compliance with this part
26 and the rules promulgated under this part.

27 (2) ~~In order to~~ **TO** protect the public health, safety, and

1 welfare and the environment of this state from items and substances
 2 being illegally disposed of in landfills in this state, the
 3 department, in conjunction with the department of state police,
 4 shall ~~administer this part so as to~~ do all of the following:

5 (a) Ensure that all ~~disposal areas~~ **MATERIALS MANAGEMENT**
 6 **FACILITIES** are in full compliance with this part and the rules
 7 promulgated under this part.

8 (b) Provide for the inspection of each **LICENSED** solid waste
 9 disposal area for compliance with this part and the rules
 10 promulgated under this part at least 4 times per year.

11 (C) **PROVIDE FOR THE ANNUAL INSPECTION OF MATERIALS MANAGEMENT**
 12 **FACILITIES THAT ARE NOT SOLID WASTE DISPOSAL AREAS AND ARE**
 13 **AUTHORIZED BY A REGISTRATION OR GENERAL PERMIT, FOR COMPLIANCE WITH**
 14 **THIS PART AND THE RULES PROMULGATED UNDER THIS PART. AN INSPECTION**
 15 **MAY ALSO BE CONDUCTED UPON RECEIPT OF A COMPLAINT OR AS THE**
 16 **DEPARTMENT DETERMINES TO BE NECESSARY TO ENSURE COMPLIANCE WITH**
 17 **THIS PART.**

18 (D) ~~(e)~~ Ensure that all persons disposing of solid waste are
 19 doing so in compliance with this part and the rules promulgated
 20 under this part.

21 (3) The department and the department of state police may
 22 conduct regular, random inspections of waste being transported ~~for~~
 23 ~~disposal at disposal areas~~ **TO MATERIALS MANAGEMENT FACILITIES** in
 24 this state. Inspections under this subsection may be conducted
 25 **DURING TRANSPORTATION OR** ~~at disposal areas at the end original~~
 26 ~~destination.~~ **THE MATERIALS MANAGEMENT FACILITY.**

27 Sec. 11526a. (1) ~~Beginning October 1, 2004, in order to~~



1 ~~protect the public health, safety, and welfare and the environment~~
2 ~~of this state from the improper disposal of waste that is~~
3 ~~prohibited from disposal in a landfill, and in recognition that the~~
4 ~~nature of solid waste collection and transport limits the ability~~
5 ~~of the state to conduct cost effective inspections to ensure~~
6 ~~compliance with state law, the~~ **THE** owner or operator of a landfill
7 shall not accept for disposal in this state solid waste, including,
8 but not limited to, municipal solid waste incinerator ash, that was
9 generated outside of this state unless 1 or more of the following
10 are met:

11 (a) The solid waste is composed of a uniform type of item,
12 material, or substance, other than municipal solid waste
13 incinerator ash, that meets the requirements for disposal in a
14 landfill under this part and the rules promulgated under this part.

15 (b) The solid waste was received through a ~~material recovery~~
16 ~~facility, a transfer station, or other facility~~ that has documented
17 that it has removed from the solid waste being delivered to the
18 landfill those items that are prohibited from disposal in a
19 landfill.

20 (c) The country, state, province, or local jurisdiction in
21 which the solid waste was generated is approved by the department
22 for inclusion on the list compiled by the department under section
23 11526b.

24 (2) Notwithstanding section 11538 or any other provision of
25 this part, if there is sufficient disposal capacity for a county's
26 disposal needs in or within 150 miles of the county, all of the
27 following apply:



1 (a) The county is not required to identify a site for a new
2 landfill in its ~~solid waste~~ **MATERIALS** management plan.

3 (b) ~~An interim~~ **A** siting mechanism ~~mechanism~~ **PROCESS** shall not become
4 operative in the county unless the county board of commissioners
5 determines otherwise.

6 (c) The department is not required to issue a construction
7 permit for a new landfill in the county.

8 Sec. 11527. (1) A solid waste hauler transporting solid waste
9 over a public road in this state shall deliver all waste to a
10 disposal area or solid waste **PROCESSING AND** transfer facility
11 licensed under this part and shall use only a vehicle or container
12 that does not contribute to littering and that conforms to the
13 rules promulgated by the department.

14 (2) A solid waste hauler ~~who violates this part or a rule~~
15 ~~promulgated under this part, or who~~ **THAT** is responsible for a
16 vehicle that has in part contributed to a violation of this part or
17 a rule promulgated under this part, is ~~subject to a penalty as~~
18 ~~provided in section 11549.~~ **CONSIDERED TO HAVE COMMITTED THE**
19 **VIOLATION.**

20 (3) **A SOLID WASTE HAULER OPERATING WITHIN A COUNTY WITH A**
21 **MATERIALS MANAGEMENT PLAN PREPARED BY THE DEPARTMENT SHALL PROVIDE**
22 **CURBSIDE RECYCLING SERVICES THAT MEET THE REQUIREMENTS OF THE**
23 **BENCHMARK RECYCLING STANDARD FOR SINGLE-FAMILY RESIDENCES FOR WHICH**
24 **IT PROVIDES SOLID WASTE HAULING SERVICES.**

25 Sec. 11528. (1) A solid waste transporting unit used for
26 ~~garbage,~~ **FOOD WASTE**, industrial or domestic sludges, or other
27 moisture laden materials not specifically covered by part 121 shall

1 be watertight and constructed, maintained, and operated to prevent
 2 littering. Solid waste transporting units used for hauling other
 3 solid waste shall be designed and operated to prevent littering or
 4 any other nuisance.

5 ~~—— (2) A solid waste hauler who violates this part or the rules~~
 6 ~~promulgated under this part is subject to the penalties provided in~~
 7 ~~this part.~~

8 (2) ~~(3)~~—The department, a health officer, or a law enforcement
 9 officer may order a solid waste transporting unit out of service if
 10 the unit does not satisfy the requirements of this part or the
 11 rules promulgated under this part. Continued use of a solid waste
 12 transporting unit ordered out of service is a violation of this
 13 part.

14 Sec. 11529. (1) A disposal area that is a solid waste
 15 **PROCESSING AND** transfer facility is not subject to the construction
 16 permit and operating license requirements of this part if ~~either~~
 17 **BOTH** of the following ~~circumstances exists:~~**APPLY:**

18 (a) The solid waste **PROCESSING AND** transfer facility is not
 19 designed to accept wastes from vehicles with mechanical compaction
 20 devices.

21 (b) The solid waste **PROCESSING AND** transfer facility ~~accepts~~
 22 ~~less than 200 uncompacted cubic yards per day.~~**HAS ON-SITE NOT MORE**
 23 **THAN 200 CUBIC YARDS OF SOLID WASTE AT ANY TIME.**

24 (2) A solid waste **PROCESSING AND** transfer facility that is
 25 exempt from the construction permit and operating license
 26 requirements of this part under subsection (1) shall comply with
 27 the **NOTIFICATION OR REGISTRATION REQUIREMENTS AND THE** operating



1 requirements of this part and the rules promulgated under this
2 part.

3 (3) Except as provided in subsection (5), a disposal area that
4 is an incinerator may, but is not required to, comply with the
5 construction permit and operating license requirements of this part
6 if both of the following conditions are met:

7 (a) ~~The operation of the incinerator does not result in the~~
8 ~~exposure of any solid waste to the atmosphere and the~~
9 ~~elements.~~

10 **SOLID WASTE TO BE INCINERATED IS MANAGED IN A PROPERLY**
11 **ENCLOSED AREA IN A MANNER THAT PREVENTS FUGITIVE DUST, LITTER,**
12 **LEACHATE GENERATION, PRECIPITATION RUNOFF, OR ANY RELEASE OF SOLID**
13 **WASTE TO THE AIR, SOIL, SURFACE WATER, OR GROUNDWATER.**

14 (b) The incinerator has a permit issued under part 55.

15 (4) A disposal area that is an incinerator that does not
16 comply with the construction permit and operating license
17 requirements of this part as permitted in subsection (3) is subject
18 to the planning provisions of this part and must be included in the
19 county ~~solid waste~~ **MATERIALS** management plan for the county in
20 which the incinerator is located.

21 ~~(5) A disposal area that is a municipal solid waste~~
22 ~~incinerator that is designed to burn at a temperature in excess of~~
23 ~~2500 degrees Fahrenheit is not subject to the construction permit~~
24 ~~requirements of this part.~~

25 Sec. 11531. (1) A municipality or county shall ~~assure~~ **ENSURE**
26 that all solid waste is removed from the site of generation
27 frequently enough to protect the public health, and ~~is~~ **ARE**
delivered to ~~licensed disposal areas,~~ **MATERIALS MANAGEMENT**



1 **FACILITIES THAT ARE IN COMPLIANCE WITH THIS PART AND THE RULES**

2 **PROMULGATED UNDER THIS PART**, except waste that is permitted by

3 state law or rules promulgated by the department to be disposed of

4 at the site of generation.

5 (2) An ordinance ~~enacted~~ **ADOPTED** before February 8, 1988 by a

6 county or municipality incidental to the financing of a publicly

7 owned disposal area or areas under construction that directs that

8 all or part of the solid waste generated in that county or

9 municipality be directed to the disposal area or areas is an

10 acceptable means of compliance with subsection (1), notwithstanding

11 that the ordinance, in the case of a county, has not been approved

12 by the governor. This subsection ~~applies only to ordinances adopted~~

13 ~~by the governing body of a county or municipality before February~~

14 ~~8, 1988, and~~ does not validate or invalidate an ordinance adopted

15 **ON OR** after February 8, 1988 as an acceptable means of compliance

16 with subsection (1).

17 Sec. 11532. (1) Except as provided in subsection (3), a

18 municipality may impose an impact fee of not more than ~~10~~ **30** cents

19 per ~~cubic yard~~ **TON** on solid waste that is disposed of in a landfill

20 located within the municipality that is utilized by the public and

21 utilized to dispose of solid waste collected from 2 or more

22 persons. However, if the landfill is located within a village, the

23 impact fee ~~provided for in this subsection~~ shall be imposed **ONLY** by

24 the township in agreement with the village. The impact fee shall be

25 assessed uniformly on all wastes accepted for disposal.

26 (2) Except as provided in subsection (3), a municipality may

27 impose an impact fee of not more than ~~10~~ **30** cents per ~~cubic yard~~



1 **TON** on municipal solid waste incinerator ash that is disposed of in
2 a landfill located within the municipality. ~~that is utilized to~~
3 ~~dispose of municipal solid waste incinerator ash.~~ However, if the
4 landfill is located within a village, the impact fee provided for
5 in this subsection shall be imposed **ONLY** by the township in
6 agreement with the village.

7 (3) A municipality may enter into an agreement with the owner
8 or operator of a landfill to establish a higher impact fee than
9 those provided for in subsections (1) and (2).

10 (4) The impact fees imposed under this section shall be
11 collected by the owner or operator of a landfill and shall be paid
12 to the municipality quarterly by the thirtieth day after the end of
13 each calendar quarter. However, the impact fees allowed to be
14 assessed to each landfill under this section shall be reduced by
15 any amount of revenue paid to or available to the municipality from
16 the landfill under the terms of any preexisting agreements,
17 including, but not limited to, contracts, special use permit
18 conditions, court settlement agreement conditions, and trusts.

19 (5) Unless a trust fund is established by a municipality
20 pursuant to subsection (6), the revenue collected by a municipality
21 under subsections (1) and (2) shall be deposited in its general
22 fund ~~to be~~ **AND, SUBJECT TO SUBSECTION (9)**, used for any purpose
23 that promotes the public health, safety, or welfare of the citizens
24 of the municipality. ~~However, revenue collected pursuant to this~~
25 ~~section shall not be used to bring or support a lawsuit or other~~
26 ~~legal action against an owner or operator of a landfill who is~~
27 ~~collecting an impact fee pursuant to subsection (4) unless the~~

1 ~~owner or operator of the landfill has instituted a lawsuit or other~~
 2 ~~legal action against the municipality.~~

3 (6) The municipality may establish a trust fund to receive
 4 revenue collected pursuant to this section. The trust fund shall be
 5 administered by a board of trustees. The board of trustees shall
 6 consist of the following members:

7 (a) The chief elected official of the municipality. ~~creating~~
 8 ~~the trust fund.~~

9 (b) An individual from the municipality appointed by the
 10 governing ~~board~~ **BODY** of the municipality.

11 (c) An individual approved by the owners or operators of the
 12 landfills within the municipality and appointed by the governing
 13 ~~board~~ **BODY** of the municipality.

14 (7) Individuals appointed to serve on the board of trustees
 15 under subsection (6) (b) and (c) shall serve for terms of 2 years.

16 (8) Money in the trust fund may be expended, pursuant to a
 17 majority vote of the board of trustees, for any purpose that
 18 promotes the public health, safety, or welfare of the citizens of
 19 the municipality. ~~However, revenue~~

20 **(9) REVENUE** collected pursuant to this section shall not be
 21 used to bring or support a lawsuit or other legal action against ~~an~~
 22 **A LANDFILL** owner or operator ~~of a landfill who~~ **THAT** is collecting
 23 an impact fee ~~pursuant to~~ **UNDER** subsection (4) unless the owner or
 24 operator of the landfill has instituted a lawsuit or other legal
 25 action against the municipality.

26 Sec. 11533. ~~(1) Each solid waste management plan shall include~~
 27 ~~an enforceable program and process to assure that the nonhazardous~~

1 ~~solid waste generated or to be generated in the planning area for a~~
2 ~~period of 10 years or more is collected and recovered, processed,~~
3 ~~or disposed of at disposal areas that comply with state law and~~
4 ~~rules promulgated by the department governing location, design, and~~
5 ~~operation of the disposal areas. Each solid waste management plan~~
6 ~~may include an enforceable program and process to assure that only~~
7 ~~items authorized for disposal in a disposal area under this part~~
8 ~~and the rules promulgated under this part are disposed of in the~~
9 ~~disposal area.~~

10 ~~—— (2) An initial solid waste management plan shall be prepared~~
11 ~~and approved under this section and shall be submitted to the~~
12 ~~director not later than January 5, 1984. Following submittal of the~~
13 ~~initial plan, the solid waste management plan shall be reviewed and~~
14 ~~updated every 5 years. An updated solid waste management plan and~~
15 ~~an amendment to a solid waste management plan shall be prepared and~~
16 ~~approved as provided in this section and sections 11534, 11535,~~
17 ~~11536, 11537, and 11537a. The solid waste management plan shall~~
18 ~~encompass all municipalities within the county. The solid waste~~
19 ~~management plan shall at a minimum comply with the requirements of~~
20 ~~sections 11537a and 11538. The solid waste management plan shall~~
21 ~~take into consideration solid waste management plans in contiguous~~
22 ~~counties and existing local approved solid waste management plans~~
23 ~~as they relate to the county's needs. At a minimum, a county~~
24 ~~preparing a solid waste management plan shall consult with the~~
25 ~~regional planning agency from the beginning to the completion of~~
26 ~~the plan.~~

27 ~~—— (3) Not later than July 1, 1981, each county shall file with~~



~~1 the department and with each municipality within the county on a
2 form provided by the department, a notice of intent, indicating the
3 county's intent to prepare a solid waste management plan or to
4 upgrade an existing solid waste management plan. The notice shall
5 identify the designated agency which shall be responsible for
6 preparing the solid waste management plan.~~

~~7 (4) If the county fails to file a notice of intent with the
8 department within the prescribed time, the department immediately
9 shall notify each municipality within the county and shall request
10 those municipalities to prepare a solid waste management plan for
11 the county and shall convene a meeting to discuss the plan
12 preparation. Within 4 months following notification by the
13 department, the municipalities shall decide by a majority vote of
14 the municipalities in the county whether or not to file a notice of
15 intent to prepare the solid waste management plan. Each
16 municipality in the county shall have 1 vote. If a majority does
17 not agree, then a notice of intent shall not be filed. The notice
18 shall identify the designated agency which is responsible for
19 preparing the solid waste management plan.~~

~~20 (5) If the municipalities fail to file a notice of intent to
21 prepare a solid waste management plan with the department within
22 the prescribed time, the department shall request the appropriate
23 regional solid waste management planning agency to prepare the
24 solid waste management plan. The regional solid waste management
25 planning agency shall respond within 90 days after the date of the
26 request.~~

~~27 (6) If the regional solid waste management planning agency~~



1 ~~declines to prepare a solid waste management plan, the department~~
 2 ~~shall prepare a solid waste management plan for the county and that~~
 3 ~~plan shall be final.~~

4 ~~—— (7) A solid waste management planning agency, upon request of~~
 5 ~~the department, shall submit a progress report in preparing its~~
 6 ~~solid waste management plan.~~ **THE DEPARTMENT MAY PROMULGATE RULES**
 7 **THAT CONTAIN DESIGN AND OPERATIONAL STANDARDS FOR SOLID WASTE**
 8 **TRANSPORTING UNITS AND MATERIALS MANAGEMENT FACILITIES AND**
 9 **OTHERWISE IMPLEMENT THIS PART. THE RULES SHALL INCLUDE STANDARDS**
 10 **FOR HYDROGEOLOGIC INVESTIGATIONS; MONITORING; LINER MATERIALS;**
 11 **LEACHATE COLLECTION AND TREATMENT, IF APPLICABLE; GROUNDWATER**
 12 **SEPARATION DISTANCES; ENVIRONMENTAL ASSESSMENTS; METHANE GAS**
 13 **CONTROL; SOIL EROSION; SEDIMENTATION CONTROL; GROUNDWATER AND**
 14 **SURFACE WATER QUALITY; NOISE AND AIR POLLUTION; AND THE USE OF**
 15 **FLOODPLAINS AND WETLANDS.**

16 **SUBPART 5 INCINERATORS**

17 Sec. 11541. ~~(1) The state solid waste management plan shall~~
 18 ~~consist of the state solid waste plan and all county plans approved~~
 19 ~~or prepared by the department.~~

20 ~~—— (2) The department shall consult and assist in the preparation~~
 21 ~~and implementation of the county solid waste management plans.~~

22 ~~—— (3) The department may undertake or contract for studies or~~
 23 ~~reports necessary or useful in the preparation of the state solid~~
 24 ~~waste management plan.~~

25 **(1) (4) The department shall promote policies that encourage**
 26 **resource recovery and establishment of waste to energy**
 27 **facilities. WITHIN 9 MONTHS AFTER THE COMPLETION OF CONSTRUCTION OF**

1 A MUNICIPAL SOLID WASTE INCINERATOR, THE OWNER OR OPERATOR OF A
2 MUNICIPAL SOLID WASTE INCINERATOR SHALL SUBMIT A PLAN TO THE
3 DEPARTMENT FOR A PROGRAM THAT, TO THE EXTENT PRACTICABLE, REDUCES
4 THE INCINERATION OF NONCOMBUSTIBLE MATERIALS AND DANGEROUS
5 COMBUSTIBLE MATERIALS AND THEIR HAZARDOUS BY-PRODUCTS AT THE
6 INCINERATOR. THE DEPARTMENT SHALL APPROVE OR DISAPPROVE THE PLAN
7 SUBMITTED UNDER THIS SUBSECTION WITHIN 30 DAYS AFTER RECEIVING IT.
8 IN REVIEWING THE PLAN, THE DEPARTMENT SHALL CONSIDER THE CURRENT
9 COUNTY MATERIALS MANAGEMENT PLAN, AVAILABLE MARKETS FOR SEPARATED
10 MATERIALS, DISPOSAL ALTERNATIVES FOR THE SEPARATED MATERIALS, AND
11 COLLECTION PRACTICES FOR HANDLING SUCH SEPARATED MATERIALS. IF THE
12 DEPARTMENT DISAPPROVES A PLAN, THE DEPARTMENT SHALL NOTIFY THE
13 OWNER OR OPERATOR SUBMITTING THE PLAN. THE NOTICE SHALL SPECIFY THE
14 REASONS FOR DISAPPROVAL. IF THE DEPARTMENT DISAPPROVES A PLAN, THE
15 OWNER OR OPERATOR OF A MUNICIPAL SOLID WASTE INCINERATOR SHALL
16 WITHIN 30 DAYS AFTER RECEIPT OF THE DEPARTMENT'S DISAPPROVAL SUBMIT
17 A REVISED PLAN THAT ADDRESSES ALL OF THE REASONS FOR DISAPPROVAL
18 SPECIFIED BY THE DEPARTMENT. THE DEPARTMENT SHALL APPROVE OR
19 DISAPPROVE THE REVISED PLAN WITHIN 30 DAYS AFTER RECEIVING IT, AND
20 APPROVAL OF THE REVISED PLAN SHALL NOT BE UNREASONABLY WITHHELD.

21 (2) NOT LATER THAN 6 MONTHS AFTER THE APPROVAL OF THE PLAN BY
22 THE DEPARTMENT UNDER SUBSECTION (1), THE OWNER OR OPERATOR SHALL
23 IMPLEMENT THE PLAN IN ACCORDANCE WITH THE IMPLEMENTATION SCHEDULE
24 SET FORTH IN THE PLAN. THE OPERATION OF A MUNICIPAL SOLID WASTE
25 INCINERATOR WITHOUT AN APPROVED PLAN UNDER THIS SECTION SHALL
26 SUBJECT THE OWNER OR OPERATOR, OR BOTH, TO ALL OF THE SANCTIONS
27 PROVIDED BY THIS PART.



1 **SUBPART 6 VIOLATIONS AND PENALTIES**

2 Sec. 11546. (1) The department or a health officer may request
 3 that the attorney general bring an action in the name of the people
 4 of ~~the~~**THIS** state, or a municipality or county may bring an action
 5 based on facts arising within its boundaries, for any appropriate
 6 relief, including injunctive relief, for a violation of this part
 7 or rules promulgated under this part.

8 (2) In addition to any other relief provided by this section,
 9 the court may impose on any person who violates any provision of
 10 this part or rules promulgated under this part or who fails to
 11 comply with any permit, license, **REGISTRATION, NOTIFICATION,** or
 12 final order issued pursuant to this part a civil fine as follows:

13 (a) Except as provided in subdivision (b), a civil fine of not
 14 more than \$10,000.00 for each day of violation.

15 (b) For a second or subsequent violation, a civil fine of not
 16 more than \$25,000.00 for each day of violation.

17 (3) In addition to any other relief provided by this section,
 18 the court may order a person who violates this part or the rules
 19 promulgated under this part to restore, or to pay to ~~the~~**THIS** state
 20 an amount equal to the cost of restoring, the natural resources of
 21 this state affected by the violation to their original condition
 22 before the violation, and to pay to ~~the~~**THIS** state the costs of
 23 surveillance and enforcement incurred by ~~the~~**THIS** state as a result
 24 of the violation.

25 (4) In addition to any other relief provided by this section,
 26 the court shall order a person who violates section 11526e to
 27 return, or to pay to ~~the~~**THIS** state an amount equal to the cost of

1 returning, the solid waste that is the subject of the violation to
2 the country in which that waste was generated.

3 (5) This part does not preclude any person from commencing a
4 civil action based on facts that may also constitute a violation of
5 this part or the rules promulgated under this part.

6 Sec. 11549. (1) A person who violates this part, a rule
7 promulgated under this part, or a condition of a permit, license,
8 **REGISTRATION**, or final order issued pursuant to this part is guilty
9 of a misdemeanor punishable by a fine of not more than \$1,000.00
10 for each violation and costs of prosecution and, if in default of
11 payment of fine and costs, imprisonment for not more than 6 months.

12 (2) A person who knowingly violates section 11526e is guilty
13 of a felony punishable by imprisonment for not more than 2 years or
14 a fine of not more than \$5,000.00, or both.

15 (3) Each day upon which a violation described in this section
16 occurs is a separate offense.

17 **SUBPART 7 FUND AND GRANTS**

18 Sec. 11550. (1) The solid waste management fund is created
19 within the state treasury. The state treasurer may receive money
20 from any source for deposit into the fund. The state treasurer
21 shall direct the investment of the fund. The state treasurer shall
22 credit to the fund interest and earnings from fund investments. **THE**
23 **DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND FOR AUDITING**
24 **PURPOSES.**

25 (2) Money in the solid waste management fund at the close of
26 the fiscal year shall remain in the fund and shall not lapse to the
27 general fund.



1 (3) The state treasurer shall establish, within the solid
 2 waste management fund, a solid waste staff account, ~~and a perpetual~~
 3 care account, **AND A GRANT ACCOUNT.**

4 (4) Money shall be expended from the solid waste staff
 5 account, upon appropriation, only for the following purposes:

6 (a) Preparing generally applicable guidance regarding the
 7 ~~solid waste permit and license~~ **MATERIALS MANAGEMENT FACILITY**
 8 **AUTHORIZATION** program or its implementation or enforcement.

9 (b) Reviewing and acting on any **REGISTRATION; NOTIFICATION;**
 10 **APPLICATION FOR AUTHORIZATION UNDER A GENERAL PERMIT,** application
 11 for a permit or license, permit or license revision, or permit or
 12 license renewal, including the cost of public notice and public
 13 hearings.

14 (c) ~~Performing~~ **PROVIDING** an advisory analysis under section
 15 11510(1).

16 (d) General administrative costs of running the permit and
 17 license, **REGISTRATION, AND NOTIFICATION** program, including permit
 18 and license, **REGISTRATION, AND NOTIFICATION** tracking and data
 19 entry.

20 (e) Inspection of ~~licensed disposal areas~~ **MATERIALS MANAGEMENT**
 21 **FACILITIES** and open dumps.

22 (f) Implementing and enforcing the conditions of any permit,
 23 ~~or~~ license, **REGISTRATION, OR ORDER.**

24 (g) Groundwater monitoring audits at disposal areas which are
 25 or have been licensed under this part **OR AT ANY OTHER MATERIALS**
 26 **MANAGEMENT FACILITY THAT REQUIRES GROUNDWATER MONITORING BECAUSE OF**
 27 **A RELEASE OR SUSPECTED RELEASE.**



1 (h) Reviewing and acting upon corrective action plans for
 2 ~~disposal areas which are or have been licensed~~ **MATERIALS MANAGEMENT**
 3 **FACILITIES** under this part.

4 (i) Review of certifications of closure.

5 (j) Postclosure maintenance and monitoring inspections and
 6 review.

7 (k) Review of bonds and financial assurance documentation at
 8 ~~disposal areas which are or have been licensed~~ **MATERIALS MANAGEMENT**
 9 **FACILITIES, IF REQUIRED** under this part.

10 (l) **MATERIALS MANAGEMENT PLANNING.**

11 (m) **MATERIALS UTILIZATION EDUCATION AND OUTREACH.**

12 (n) **DEVELOPMENT OF A MATERIALS UTILIZATION AND RECYCLED**
 13 **MATERIALS MARKET DIRECTORY.**

14 (o) **ADMINISTRATION OF GRANTS AND LOANS UNDER THIS PART FOR**
 15 **PLANNING, MARKET DEVELOPMENT AND RECYCLING INFRASTRUCTURE,**
 16 **OUTREACH, AND EDUCATION.**

17 (p) **UP TO 1 FULL-TIME EQUIVALENT EMPLOYEE FOR THE MICHIGAN**
 18 **ECONOMIC DEVELOPMENT CORPORATION TO ADDRESS RECYCLED MATERIALS**
 19 **MARKET DEVELOPMENT.**

20 (5) Money shall be expended from the perpetual care account,
 21 **UPON APPROPRIATION,** only for ~~the purpose of conducting the~~
 22 following activities at ~~disposal areas which~~ **MATERIALS MANAGEMENT**
 23 **FACILITIES THAT** are or have been ~~licensed~~ **AUTHORIZED** under this
 24 part **AND FOR WHICH FEES HAVE BEEN COLLECTED AND DEPOSITED INTO THE**
 25 **PERPETUAL CARE ACCOUNT:**

26 (a) ~~Postclosure~~ **TO CONDUCT POSTCLOSURE** maintenance and
 27 monitoring at a ~~disposal area where~~ **MATERIALS MANAGEMENT FACILITY**



1 IF the owner or operator is no longer required to do so.

2 (b) To conduct closure, or postclosure maintenance and
 3 monitoring and corrective action if necessary, at a ~~disposal area~~
 4 ~~where~~ **MATERIALS MANAGEMENT FACILITY IF** the owner or operator has
 5 failed to do so. Money shall be expended from the account only
 6 after funds from any ~~perpetual care fund or other financial~~
 7 assurance mechanisms held by the owner or operator have been
 8 expended and the department has used reasonable efforts to obtain
 9 funding from other sources.

10 (6) MONEY SHALL BE EXPENDED FROM THE GRANT ACCOUNT, UPON
 11 APPROPRIATION, ONLY FOR THE FOLLOWING:

12 (A) THE RECYCLING MARKETS PROGRAM. THE PROGRAM SHALL PROVIDE
 13 GRANTS OR LOANS FOR PURCHASING EQUIPMENT, RESEARCH AND DEVELOPMENT,
 14 OR ASSOCIATED ACTIVITIES TO PROVIDE FOR NEW OR INCREASED USE OF
 15 RECYCLED MATERIALS OR TO SUPPORT THE DEVELOPMENT OF RECYCLING
 16 MARKETS. LOCAL UNITS OF GOVERNMENT AND NONPROFIT AND FOR-PROFIT
 17 ENTITIES ARE ELIGIBLE FOR FUNDING UNDER THIS PROGRAM. THIS FUNDING
 18 IS NOT LIMITED TO ENTITIES IN COUNTIES WITH APPROVED MATERIALS
 19 MANAGEMENT PLANS. IN ADDITION TO ANY OTHER REPORTING REQUIREMENTS
 20 ESTABLISHED BY THE DEPARTMENT, GRANT RECIPIENTS UNDER THIS PROGRAM
 21 SHALL PROVIDE INFORMATION ON THE MATERIALS MANAGED ON A FORM AND IN
 22 A FORMAT PROVIDED BY THE DEPARTMENT.

23 (B) THE LOCAL RECYCLING INNOVATION PROGRAM. THE PROGRAM SHALL
 24 PROVIDE GRANTS OR LOANS FOR DEVELOPING LOCAL RECYCLING
 25 INFRASTRUCTURE, FOR RECYCLING EDUCATION CAMPAIGNS FOR RESIDENTS AND
 26 BUSINESSES, FOR OTHER ACTIVITIES THAT RESULT IN INCREASING
 27 RECYCLING ACCESS AND PARTICIPATION, FOR REDUCING WASTE, AND FOR



1 SUSTAINABLE MATERIALS MANAGEMENT. LOCAL UNITS OF GOVERNMENT AND
2 NONPROFIT AND FOR-PROFIT ENTITIES ARE ELIGIBLE FOR FUNDING. THIS
3 FUNDING IS NOT LIMITED TO ENTITIES IN COUNTIES WITH APPROVED
4 MATERIALS MANAGEMENT PLANS. IN ADDITION TO ANY OTHER REPORTING
5 REQUIREMENTS ESTABLISHED BY THE DEPARTMENT, GRANT RECIPIENTS UNDER
6 THIS PROGRAM SHALL PROVIDE INFORMATION ON THE MATERIALS MANAGED ON
7 A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT.

8 (C) THE RECYCLING ACCESS AND VOLUNTARY PARTICIPATION PROGRAM.
9 THE PROGRAM SHALL PROVIDE GRANTS OR LOANS TO ASSIST LOCAL
10 GOVERNMENTS IN IMPLEMENTING BEST MATERIALS UTILIZATION PRACTICES
11 AND IDENTIFYING WAYS TO INNOVATE AND TO COLLABORATE WITH OTHER
12 LOCAL UNITS AND THE PRIVATE SECTOR. TO BE ELIGIBLE FOR A GRANT, A
13 LOCAL UNIT OF GOVERNMENT MUST BE A COUNTY THAT MEETS, OR A
14 MUNICIPALITY LOCATED WITHIN A COUNTY THAT MEETS, BOTH OF THE
15 FOLLOWING REQUIREMENTS:

16 (i) HAS AN APPROVED MATERIALS MANAGEMENT PLAN.

17 (ii) HAS DOCUMENTED PROGRESS TOWARD MEETING OR HAS MET ITS
18 MATERIALS UTILIZATION GOALS UNDER SECTION _____ AND BENCHMARK
19 RECYCLING STANDARDS.

20 (D) COSTS INCURRED BY THE DEPARTMENT IN ADMINISTERING THE
21 PROGRAMS UNDER THIS SUBSECTION.

22 (7) APPLICATIONS FOR GRANTS OR LOANS UNDER PROGRAMS PROVIDED
23 FOR IN SUBSECTION (6) SHALL BE SUBMITTED TO THE DEPARTMENT ON A
24 FORM PROVIDED BY THE DEPARTMENT AND SHALL CONTAIN THE INFORMATION
25 REQUIRED BY THE DEPARTMENT. THE DEPARTMENT SHALL PUBLISH CRITERIA
26 UPON WHICH THE GRANTS AND LOANS WILL BE MADE AND SHALL MAKE THAT
27 INFORMATION AVAILABLE TO GRANT AND LOAN APPLICANTS.



1 **(8)** ~~(6)~~ By March 1 annually, the department shall prepare and
2 submit to the governor, the legislature, the chairs of the standing
3 committees of the senate and house of representatives with primary
4 responsibility for issues related to natural resources and the
5 environment, and the chairs of the subcommittees of the senate and
6 house appropriations committees with primary responsibility for
7 appropriations to the department a report that details the
8 activities of the previous fiscal year funded by the staff account
9 of the solid waste management fund. ~~established in this section.~~
10 This report shall include, at a minimum, all of the following as it
11 relates to the department:

12 (a) The number of full-time equated positions performing solid
13 waste management ~~permitting,~~ **AUTHORIZATIONS**, compliance, and
14 enforcement activities.

15 (b) All of the following information related to the
16 construction permit applications received under section 11509:

17 (i) The number of applications received by the department,
18 reported as the number of applications determined to be
19 administratively incomplete and the number determined to be
20 administratively complete.

21 (ii) The number of applications determined to be
22 administratively complete for which a final action was taken by the
23 department. The number of final actions shall be reported as the
24 number of applications approved, the number of applications denied,
25 and the number of applications withdrawn by the applicant.

26 (iii) The percentage and number of applications determined to
27 be administratively complete for which a final decision was made



1 within ~~120 days of receipt as~~ **THE PERIOD** required by ~~section~~
2 ~~11511.~~ **PART 13.**

3 (c) All of the following information related to the operating
4 license applications received under section 11512:

5 (i) The number of applications received by the department,
6 reported as the number of applications determined to be
7 administratively incomplete and the number determined to be
8 administratively complete.

9 (ii) The number of applications determined to be
10 administratively complete for which a final action was taken by the
11 department. The number of final actions shall be reported as the
12 number of applications approved, the number of applications denied,
13 and the number of applications withdrawn by the applicant.

14 (iii) The percentage and number of applications determined to
15 be administratively complete for which a final decision was made
16 within ~~90 days of receipt as~~ **THE PERIOD** required by ~~section~~
17 ~~11516.~~ **PART 13.**

18 (d) The number of inspections conducted at licensed disposal
19 areas as required by section 11519.

20 (e) The number of letters of warning sent to licensed disposal
21 areas.

22 (f) The number of contested case hearings and civil actions
23 initiated and completed, the number of voluntary consent orders and
24 administrative orders entered or issued, and the amount of fines
25 and penalties collected through such actions or orders.

26 (g) For each enforcement action that includes a penalty, a
27 description of ~~what~~ **THE** corrective actions **THAT** were required by



1 the enforcement action.

2 (h) The number of solid waste complaints received,
3 investigated, resolved, and not resolved by the department.

4 (i) The amount of revenue in the staff account of the solid
5 waste management fund at the end of the fiscal year.

6 **SUBPART 8 BENEFICIAL USE BY-PRODUCTS**

7 Sec. 11553. (1) Consistent with the requirements of this part,
8 the department shall apply this section so as to promote and foster
9 the use of wastes and by-products for recycling or beneficial
10 purposes.

11 (2) Any person may request the department, consistent with the
12 definitions and other terms of this part, to approve a material, a
13 use, or a material and use as a source separated material; a
14 beneficial use by-product for beneficial use 1, 2, 4, or 5; an
15 inert material; a low-hazard industrial waste; **NONDETRIMENTAL**
16 **MATERIAL MANAGED FOR AGRICULTURAL OR SILVICULTURAL USE**; or another
17 material, use, or material and use that can be approved under this
18 part. Among other things, a person may request the department to
19 approve a use that does not qualify as beneficial use 2 under
20 section ~~11502(4)(a)~~ **11502(9)(A)** because the property is not
21 nonresidential property or under section ~~11502(4)(a)~~, **11502(9)(A)**,
22 (b), or (c) because the material exceeds 4 feet in thickness. A
23 request under this subsection shall contain a description of the
24 material including the process generating it; results of analyses
25 of representative samples of the material for any hazardous
26 substances that the person has knowledge or reason to believe could
27 be present in the material, based on its source, its composition,

1 or the process that generated it; and, if applicable, a description
2 of the proposed use. **THE REQUEST SHALL BE ACCOMPANIED BY A FEE OF**
3 **\$500.00. FEES COLLECTED UNDER THIS SUBSECTION SHALL BE FORWARDED TO**
4 **THE STATE TREASURER FOR DEPOSIT IN THE STAFF ACCOUNT OF THE SOLID**
5 **WASTE MANAGEMENT FUND.** The analysis and sampling of the material
6 under this subsection shall be consistent with the methods
7 contained in the EPA document entitled "~~test methods for the~~
8 ~~evaluation of solid waste, physical/chemical methods,~~" "**TEST**
9 **METHODS FOR THE EVALUATION OF SOLID WASTE, PHYSICAL/CHEMICAL**
10 **METHODS,**" SW 846 ~~3rd edition, REVISION 8, JULY 2014, UPDATE V;~~ 1 or
11 more peer-reviewed standards developed by a national or
12 international organization, such as ASTM international; or 1 or
13 more standards or methods approved by the department or the EPA.
14 The department shall approve or deny the request within 150 days
15 after the request is received, unless the parties agree to an
16 extension. If the department determines that the request does not
17 include sufficient information, the department shall, not more than
18 60 days after receipt of the request, notify the requester. The
19 notice shall specify the additional information that is required.
20 The 150-day period is tolled until the requestor submits the
21 information specified in the notice. If the department approves a
22 request under this subsection, the approval shall include the
23 following statement: "This approval does not require any use of any
24 beneficial use by-product by a governmental entity or any other
25 person." The department may impose conditions and other
26 requirements consistent with the purposes of this part on a
27 material, a use, or a material and use approved under this section



1 that are reasonably necessary for the use. If a request is approved
2 with conditions or other requirements, the approval shall
3 specifically state the conditions or other requirements. If the
4 request is denied, the department's denial shall, to the extent
5 practical, state with specificity all of the reasons for denial. If
6 the department fails to approve or deny the request within the 150-
7 day period, the request is considered approved. A person requesting
8 approval under this subsection may seek review of any final
9 department decision pursuant to section 631 of the revised
10 judicature act of 1961, 1961 PA 236, MCL 600.631.

11 (3) The department shall approve a material for a specified
12 use as a beneficial use by-product if all of the following
13 requirements are met:

14 (a) The material is an industrial or commercial material that
15 is or has the potential to be generated in high volumes.

16 (b) The proposed use serves a legitimate beneficial purpose
17 other than providing a means to discard the material.

18 (c) A market exists for the material or there is a reasonable
19 potential for the creation of a new market for the material if it
20 is approved as a beneficial use by-product.

21 (d) The material and use meet all federal and state consumer
22 protection and product safety laws and regulations.

23 (e) The material meets all of the following requirements:

24 (i) Hazardous substances in the material do not pose a direct
25 contact health hazard to humans.

26 (ii) The material does not leach, decompose, or dissolve in a
27 way that forms an unacceptably contaminated leachate. An



1 unacceptably contaminated leachate is one that exceeds either part
2 201 generic residential groundwater drinking water criteria or
3 surface water quality standards established under part 31.

4 (iii) The material does not produce emissions that violate
5 part 55 or that create a nuisance.

6 (4) The department may approve a material for a specified use
7 as a beneficial use by-product if the material meets the
8 requirements of subsection (3)(a), (b), (c), and (d) but fails to
9 meet the requirements of subsection (3)(e) and if the department
10 determines that the material and use are protective of the public
11 health and environment. In making the determination, the department
12 shall consider the potential for exposure and risk to human health
13 and the environment given the nature of the material, its proposed
14 use, and the environmental fate and transport of any hazardous
15 substances in the material in soil, groundwater, or other relevant
16 media.

17 (5) The department shall approve a material as inert if all of
18 the following requirements are met:

19 (a) The material is proposed to be used for a legitimate
20 purpose other than a means to dispose of the material.

21 (b) Hazardous substances in the material do not pose a direct
22 contact health hazard to humans.

23 (c) The material does not leach, decompose, or dissolve in a
24 way that forms an unacceptably contaminated leachate upon contact
25 with water or other liquids likely to be found at the area of
26 placement, disposal, or use. An unacceptably contaminated leachate
27 is leachate that exceeds part 201 generic residential groundwater

1 drinking water criteria or surface water quality standards
2 established under part 31.

3 (d) The material does not produce emissions that violate part
4 55 or that create a nuisance.

5 (6) The department may approve a material as inert if the
6 material meets the requirements of subsection (5)(a) but fails to
7 meet the requirements of subsection (5)(b), (c), or (d) and if the
8 department determines that the material is protective of the public
9 health and environment. In making the determination, the department
10 shall consider the potential for exposure and risk to human health
11 and the environment given the nature of the material, its proposed
12 use, and the environmental fate and transport of any hazardous
13 substances in the material in soil, groundwater, or other relevant
14 media.

15 (7) The department shall approve a material as a low-hazard
16 industrial waste if hazardous substances in representative samples
17 of the material do not leach, using, at the option of the
18 generator, EPA method 1311, 1312, or any other method approved by
19 the department that more accurately simulates mobility, above the
20 higher of the following:

21 (a) One-tenth the hazardous waste toxicity characteristic
22 threshold as set forth in rules promulgated under part 111.

23 (b) Ten times the generic residential groundwater drinking
24 water cleanup criteria as set forth in rules promulgated under part
25 201.

26 (8) The department shall approve a material as a source
27 separated material if the person who seeks the designation

1 demonstrates that the material can be recycled or converted into
2 raw materials or new products by being returned to the original
3 process from which it was generated, by use or reuse as an
4 ingredient in an industrial process to make a product, or by use or
5 reuse as an effective substitute for a commercial product. To
6 qualify as a source separated material, the material, product, or
7 reuse must meet all federal and state consumer protection and
8 product safety laws and regulations and must not create a nuisance.
9 If a material will be applied to or placed on the land, or will be
10 used to produce products that are applied to or placed on the land,
11 the material must qualify as an inert material or beneficial use
12 by-product.

13 (9) Any written determination by the department made ~~prior to~~
14 ~~the effective date of the amendatory act that added this section~~
15 **BEFORE SEPTEMBER 16, 2014** designating a material as an inert
16 material, an inert material appropriate for general reuse, an inert
17 material appropriate for reuse at a specific location, an inert
18 material appropriate for specific reuse instead of virgin material,
19 a source separated material, a site separated material, a low-
20 hazard industrial waste, or a non-solid-waste material remains in
21 effect according to its terms or until forfeited in writing by the
22 person who received the determination. Upon termination,
23 expiration, or forfeiture of the written determination, the current
24 requirements of this part control. The amendments made to this part
25 by ~~the amendatory act that added this section~~ **2014 PA 178** do not
26 rescind, invalidate, limit, or modify any such prior determination
27 in any way.

1 SUBPART 9 COMPOSTING AND OTHER MATERIALS
2 UTILIZATION FACILITIES

3 SEC. 11555. (1) COMPOSTABLE MATERIAL SHALL BE MANAGED BY 1 OF
4 THE FOLLOWING MEANS:

5 (A) COMPOSTED ON THE PROPERTY WHERE THE COMPOSTABLE MATERIAL
6 WASTE IS GENERATED.

7 (B) TEMPORARILY ACCUMULATED UNDER SUBSECTION (2) .

8 (C) COMPOSTED AT AN EXEMPT COMPOSTING FACILITY CONTAINING NOT
9 MORE THAN 500 CUBIC YARDS OF COMPOSTABLE MATERIAL AT ANY TIME IF
10 DECOMPOSITION OCCURS WITHOUT CREATING A NUISANCE OR VIOLATING PART
11 31.

12 (D) COMPOSTED AT A SMALL COMPOSTING FACILITY IF THE FOLLOWING
13 REQUIREMENTS ARE MET:

14 (i) THE DECOMPOSITION OCCURS WITHOUT CREATING A NUISANCE OR
15 VIOLATING PART 31.

16 (ii) THE OWNER OR OPERATOR OF THE SITE ANNUALLY NOTIFIES THE
17 DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT
18 THAT IT IS A SMALL COMPOSTING FACILITY.

19 (iii) THE OWNER OR OPERATOR OF A SITE REPORTS THE AMOUNT OF
20 COMPOSTABLE MATERIAL ON-SITE WITHIN 30 DAYS AFTER THE END OF THE
21 STATE FISCAL YEAR AS PART OF THE NOTIFICATION UNDER SUBPARAGRAPH
22 (ii) .

23 (E) COMPOSTED ON A FARM AS DESCRIBED BY SUBSECTION (3) .

24 (F) COMPOSTED AT A SITE THAT QUALIFIES AS A REGISTERED MEDIUM
25 COMPOSTING FACILITY.

26 (G) COMPOSTED AT A LARGE COMPOSTING FACILITY, CLASS 1 COMPOST
27 FACILITY THAT HAS RECEIVED A GENERAL PERMIT, OR CLASS 2 COMPOST



1 FACILITY THAT HAS RECEIVED A GENERAL PERMIT.

2 (H) DECOMPOSED IN A CONTROLLED MANNER USING A CLOSED CONTAINER
3 TO CREATE AND MAINTAIN ANAEROBIC CONDITIONS IF IN COMPLIANCE WITH
4 PART 55 AND OTHERWISE APPROVED BY THE DEPARTMENT UNDER THIS PART.

5 (I) COMPOSTED AND USED AS PART OF NORMAL OPERATIONS BY A TYPE
6 II LANDFILL IF THE LANDFILL REPORTS ANNUALLY THE CUBIC YARDS OF
7 COMPOST MANAGED ON A FORM AND IN A FORMAT PROVIDED BY THE
8 DEPARTMENT AND THE COMPOSTING AND USE MEET ALL OF THE FOLLOWING
9 REQUIREMENTS:

10 (i) TAKE PLACE ON PROPERTY DESCRIBED IN THE LANDFILL
11 CONSTRUCTION PERMIT.

12 (ii) ARE DESCRIBED IN AND CONSISTENT WITH THE LANDFILL
13 OPERATIONS PLANS.

14 (iii) ARE OTHERWISE IN COMPLIANCE WITH THIS ACT.

15 (J) DISPOSED OF IN A LANDFILL OR AN INCINERATOR, BUT ONLY IF
16 THE YARD WASTE MEETS ALL OF THE FOLLOWING REQUIREMENTS:

17 (i) IS DISEASED OR INFESTED, IS COMPOSED OF INVASIVE PLANTS,
18 SUCH AS GARLIC MUSTARD, PURPLE LOOSESTRIFE, OR SPOTTED KNAPWEED,
19 THAT WERE COLLECTED THROUGH AN ERADICATION OR CONTROL PROGRAM, OR
20 IS A STATE OR FEDERAL CONTROLLED SUBSTANCE.

21 (ii) INCLUDES NO MORE THAN A DE MINIMIS AMOUNT OF OTHER YARD
22 WASTE.

23 (iii) IS INAPPROPRIATE TO COMPOST.

24 (2) A PERSON MAY TEMPORARILY ACCUMULATE YARD WASTE AT A SITE
25 NOT DESIGNED FOR COMPOSTING IF ALL OF THE FOLLOWING REQUIREMENTS
26 ARE MET:

27 (A) THE ACCUMULATION DOES NOT CREATE A NUISANCE OR OTHERWISE

1 RESULT IN A VIOLATION OF THIS ACT.

2 (B) THE YARD WASTE IS NOT MIXED WITH OTHER COMPOSTABLE
3 MATERIALS.

4 (C) NO MORE THAN 1,000 CUBIC YARDS ARE PLACED ON-SITE UNLESS A
5 GREATER VOLUME IS APPROVED BY THE DEPARTMENT.

6 (D) YARD WASTE PLACED ON-SITE ON OR AFTER APRIL 1 BUT BEFORE
7 DECEMBER 1 IS MOVED TO ANOTHER LOCATION AND MANAGED AS PROVIDED IN
8 SUBSECTION (1) WITHIN 30 DAYS AFTER BEING PLACED ON-SITE. THE
9 DEPARTMENT MAY APPROVE A LONGER TIME PERIOD BASED ON A
10 DEMONSTRATION THAT ADDITIONAL TIME IS NECESSARY.

11 (E) YARD WASTE PLACED ON-SITE ON OR AFTER DECEMBER 1 BUT
12 BEFORE THE NEXT APRIL 1 IS MOVED TO ANOTHER LOCATION AND MANAGED AS
13 PROVIDED IN SUBSECTION (1) BY THE NEXT APRIL 1 AFTER THE YARD WASTE
14 IS PLACED ON-SITE.

15 (F) THE OWNER OR OPERATOR OF THE SITE MAINTAINS AND MAKES
16 AVAILABLE TO THE DEPARTMENT RECORDS NECESSARY TO DEMONSTRATE THAT
17 THE REQUIREMENTS OF THIS SUBSECTION ARE MET.

18 (G) THE OWNER OR OPERATOR OF THE SITE ANNUALLY NOTIFIES THE
19 DEPARTMENT, ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT,
20 THAT IT IS A TEMPORARY ACCUMULATION SITE.

21 (3) A PERSON MAY COMPOST CLASS 1 COMPOSTABLE MATERIAL ON A
22 FARM IF COMPOSTING DOES NOT RESULT IN A VIOLATION OF THIS ACT AND
23 IS DONE IN ACCORDANCE WITH GAAMPS UNDER THE MICHIGAN RIGHT TO FARM
24 ACT, 1981 PA 93, MCL 286.471 TO 286.474, AND IF 1 OR MORE OF THE
25 FOLLOWING APPLY:

26 (A) ONLY CLASS 1 COMPOSTABLE MATERIAL THAT IS GENERATED ON THE
27 FARM AND DOES NOT CONTAIN PAPER PRODUCTS, DEAD ANIMALS, OR

1 COMPOSTABLE PRODUCTS IS COMPOSTED.

2 (B) THERE IS NOT MORE THAN 5,000 CUBIC YARDS OF CLASS 1
3 COMPOSTABLE MATERIAL ON THE FARM AT ANY TIME.

4 (C) IF THERE IS MORE THAN 5,000 CUBIC YARDS OF CLASS 1
5 COMPOSTABLE MATERIAL ON THE FARM AT ANY TIME, ALL OF THE FOLLOWING
6 REQUIREMENTS ARE MET:

7 (i) THE FARM OPERATION ACCEPTS CLASS 1 COMPOSTABLE MATERIAL
8 ONLY TO ASSIST IN MANAGEMENT OF WASTE MATERIAL GENERATED BY THE
9 FARM OPERATION OR TO SUPPLY THE NUTRIENT NEEDS OF THE FARM AS
10 DETERMINED BY A CERTIFIED CROP ADVISOR, MICHIGAN AGRICULTURE
11 ENVIRONMENTAL ASSURANCE PROGRAM TECHNICIAN, COMPREHENSIVE NUTRIENT
12 MANAGEMENT PLAN WRITER, LICENSED PROFESSIONAL ENGINEER, OR STAFF OF
13 THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT WHO ADMINISTER
14 THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474.

15 (ii) THE FARM OPERATION DOES NOT ACCEPT COMPOSTABLE MATERIAL
16 GENERATED AT A LOCATION OTHER THAN THE FARM FOR MONETARY OR OTHER
17 VALUABLE CONSIDERATION.

18 (iii) THE OWNER OR OPERATOR OF THE FARM REGISTERS WITH THE
19 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT ON A FORM PROVIDED
20 BY THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT AND
21 CERTIFIES THAT THE FARM OPERATION MEETS AND WILL CONTINUE TO MEET
22 THE REQUIREMENTS OF SUBPARAGRAPHS (i) AND (ii).

23 (4) A SITE QUALIFIES AS AN AUTHORIZED COMPOSTING FACILITY IF
24 ALL OF THE FOLLOWING REQUIREMENTS ARE MET, AS APPLICABLE:

25 (A) IF THE SITE IS A SMALL COMPOSTING FACILITY, THE SITE IS
26 OPERATED IN COMPLIANCE WITH THE FOLLOWING LOCATION RESTRICTIONS:

27 (i) IF THE SITE IS IN OPERATION ON DECEMBER 1, 2007, THE

1 MANAGEMENT OR STORAGE OF COMPOST, COMPOSTABLE MATERIAL, AND
2 RESIDUALS DOES NOT EXPAND FROM ITS LOCATION ON THAT DATE TO AN AREA
3 THAT IS WITHIN THE FOLLOWING DISTANCES FROM ANY OF THE FOLLOWING
4 FEATURES:

5 (A) 50 FEET FROM A PROPERTY LINE.

6 (B) 200 FEET FROM A RESIDENCE.

7 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
8 STREAM, OR WETLAND.

9 (ii) IF THE SITE BEGINS OPERATION AFTER DECEMBER 1, 2007, THE
10 MANAGEMENT OR STORAGE OF COMPOST, COMPOSTABLE MATERIAL, AND
11 RESIDUALS OCCURS IN AN AREA THAT IS NOT IN THE 100-YEAR FLOODPLAIN
12 AND IS AT LEAST THE FOLLOWING DISTANCES FROM EACH OF THE FOLLOWING
13 FEATURES:

14 (A) 50 FEET FROM A PROPERTY LINE.

15 (B) 200 FEET FROM A RESIDENCE.

16 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
17 STREAM, OR WETLAND.

18 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

19 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

20 (F) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP,
21 HOSPITAL, NURSING HOME, LICENSED DAY CARE CENTER, OR SCHOOL, OTHER
22 THAN A HOME SCHOOL.

23 (G) 4 FEET ABOVE GROUNDWATER.

24 (iii) A LOCAL UNIT OF GOVERNMENT MAY IMPOSE LOCATION
25 RESTRICTIONS THAT ARE MORE RESTRICTIVE THAN THOSE IN SUBPARAGRAPHS

26 (i) AND (ii) BUT NOT SO RESTRICTIVE THAT A FACILITY COULD NOT BE
27 DEVELOPED ASSUMING THE SITING IS APPROVED IN THE APPROPRIATE



1 MATERIALS MANAGEMENT PLAN.

2 (B) COMPOSTING AND MANAGEMENT OF THE SITE OCCURS IN A MANNER
3 THAT MEETS ALL OF THE FOLLOWING REQUIREMENTS:

4 (i) DOES NOT VIOLATE THIS ACT OR CREATE A FACILITY AS DEFINED
5 IN SECTION 20101.

6 (ii) DOES NOT RESULT IN AN ACCUMULATION OF COMPOSTABLE
7 MATERIAL FOR A PERIOD OF OVER 3 YEARS UNLESS THE SITE HAS THE
8 CAPACITY TO COMPOST THE COMPOSTABLE MATERIAL AND THE OWNER OR
9 OPERATOR OF THE SITE CAN DEMONSTRATE, BEGINNING IN THE THIRD YEAR
10 OF OPERATION AND EACH YEAR THEREAFTER, UNLESS A LONGER TIME IS
11 APPROVED BY THE DEPARTMENT, THAT THE AMOUNT OF COMPOSTABLE MATERIAL
12 AND COMPOST THAT IS TRANSFERRED OFF-SITE IN A CALENDAR YEAR IS NOT
13 LESS THAN 75% BY WEIGHT OR VOLUME, ACCOUNTING FOR NATURAL VOLUME
14 REDUCTION, OF THE AMOUNT OF COMPOSTABLE MATERIAL AND COMPOST THAT
15 WAS ON-SITE AT THE BEGINNING OF THE CALENDAR YEAR.

16 (iii) RESULTS IN FINISHED COMPOST WITH NOT MORE THAN 1%, BY
17 WEIGHT, OF FOREIGN MATTER THAT WILL REMAIN ON A 4-MILLIMETER
18 SCREEN.

19 (iv) IF YARD WASTE IS COLLECTED IN BAGS OTHER THAN PAPER BAGS
20 OR COMPOSTABLE BAGS MEETING THE ASTM INTERNATIONAL D6400 STANDARD,
21 DEBAGS THE YARD WASTE BY THE END OF EACH BUSINESS DAY.

22 (v) PREVENTS THE POOLING OF WATER BY MAINTAINING PROPER SLOPES
23 AND GRADES.

24 (vi) PROPERLY MANAGES COMPOST WASTE WATER AND STORM WATER
25 RUNOFF IN ACCORDANCE WITH PART 31.

26 (vii) DOES NOT ATTRACT OR HARBOR RODENTS OR OTHER VECTORS.

27 (C) THE OWNER OR OPERATOR MAINTAINS, AND MAKES AVAILABLE TO



1 THE DEPARTMENT, ALL OF THE FOLLOWING RECORDS:

2 (i) RECORDS IDENTIFYING THE VOLUME OF OTHER COMPOSTABLE
3 MATERIAL ACCEPTED BY THE FACILITY EACH MONTH, THE VOLUME OF
4 COMPOSTABLE MATERIAL AND OF COMPOST TRANSFERRED OFF-SITE EACH
5 MONTH, AND THE VOLUME OF COMPOSTABLE MATERIAL ON-SITE ON OCTOBER 1
6 EACH YEAR.

7 (ii) RECORDS DEMONSTRATING THAT THE COMPOSTING OPERATION IS
8 BEING PERFORMED IN A MANNER THAT PREVENTS NUISANCES AND MINIMIZES
9 ANAEROBIC CONDITIONS. UNLESS OTHER RECORDS ARE APPROVED BY THE
10 DEPARTMENT, THESE RECORDS SHALL INCLUDE RECORDS OF CARBON-TO-
11 NITROGEN RATIOS, THE AMOUNT OF LEAVES AND THE AMOUNT OF GRASS IN
12 TONS OR CUBIC YARDS, TEMPERATURE READINGS, MOISTURE CONTENT
13 READINGS, AND LAB ANALYSIS OF FINISHED PRODUCTS.

14 (5) A SITE AT WHICH COMPOSTABLE MATERIAL IS MANAGED IN
15 COMPLIANCE WITH THIS SECTION, OTHER THAN A SITE DESCRIBED IN
16 SUBSECTION (1) (I), (J), OR (K), IS NOT A DISPOSAL AREA,
17 NOTWITHSTANDING SECTION 11503(5).

18 (6) THE DEPARTMENT SHALL MAINTAIN AND POST ON ITS WEBSITE A
19 LIST OF COMPOSTING FACILITIES AUTHORIZED UNDER THIS SECTION. EXCEPT
20 AS PROVIDED IN SECTION 11514, A HAULER SHALL NOT DELIVER YARD WASTE
21 TO A SITE THAT IS NOT ON THE LIST.

22 SEC. 11556. (1) COMPOSTING OF YARD WASTE SHALL BE DONE IN
23 COMPLIANCE WITH SECTION 11555(4).

24 (2) COMPOSTING OF CLASS 1 COMPOSTABLE MATERIAL SHALL BE DONE
25 AT 1 OF THE FOLLOWING:

26 (A) A CLASS 1 COMPOSTING FACILITY.

27 (B) AN AUTHORIZED SMALL OR MEDIUM COMPOSTING FACILITY THAT



1 MEETS THE CONDITIONS OF SECTION 11555(4) IF THE TOTAL VOLUME OF
2 EQUALLY DISTRIBUTED CLASS 1 COMPOSTABLE MATERIAL OTHER THAN YARD
3 WASTE DOES NOT EXCEED 5% FOR A SMALL COMPOSTING FACILITY, OR 10%
4 FOR A MEDIUM COMPOSTING FACILITY, OF THE TOTAL VOLUME OF
5 COMPOSTABLE MATERIAL ON-SITE OR A GREATER PERCENTAGE IF APPROVED BY
6 THE DEPARTMENT.

7 (C) AT A SITE WHERE THE QUANTITY OF COMPOSTABLE MATERIAL,
8 BULKING AGENTS, AND COMPOST DOES NOT EXCEED 500 CUBIC YARDS AND
9 DOES NOT CREATE A NUISANCE.

10 (3) CLASS 1 COMPOSTABLE MATERIAL SHALL BE CONSIDERED TO BE
11 SOURCE SEPARATED FOR CONVERSION INTO COMPOST IF THE CLASS 1
12 COMPOSTABLE MATERIAL IS COMPOSTED AT A SITE LISTED IN SECTION
13 11555(4) OR SECTION 11557(2).

14 (4) COMPOSTING OF CLASS 2 COMPOSTABLE MATERIAL SHALL BE DONE
15 AT A CLASS 2 COMPOSTING FACILITY. CLASS 2 COMPOSTABLE MATERIAL IS
16 CONSIDERED TO BE SOURCE SEPARATED FOR CONVERSION INTO COMPOST IF
17 THE CLASS 2 COMPOSTABLE MATERIAL IS COMPOSTED AT A CLASS 2
18 COMPOSTING FACILITY.

19 (5) COMPOSTING OF DEAD ANIMALS USING BULKING AGENTS AS DEFINED
20 IN SECTION 3 OF 1982 PA 239, MCL 287.653, AT A FARM OR SLAUGHTERING
21 FACILITY IS SUBJECT TO THIS PART IF ANY OF THE FOLLOWING APPLY:

22 (A) THE FARM MAINTAINS MORE THAN 5,000 CUBIC YARDS OF BULKING
23 AGENTS FROM A SOURCE OTHER THAN THE FARM.

24 (B) THE SLAUGHTERING FACILITY, FOR COMPOSTING PURPOSES,
25 MAINTAINS ON-SITE MORE THAN 5,000 CUBIC YARDS OF BULKING AGENTS AS
26 DEFINED IN SECTION 3 OF 1982 PA 239, MCL 287.653.

27 (C) THE FACILITY MANAGES DEAD ANIMALS FROM MORE THAN 1 FARM OR

1 SLAUGHTERING FACILITY.

2 SEC. 11557. (1) THE LOCATION AT A MEDIUM OR LARGE COMPOSTING
3 FACILITY OR A CLASS 1 OR CLASS 2 COMPOSTING FACILITY WHERE CLASS 1
4 AND CLASS 2 COMPOSTABLE MATERIAL, FINISHED COMPOST, AND RESIDUALS
5 WERE MANAGED AND STORED ON THE EFFECTIVE DATE OF THIS SECTION SHALL
6 NOT BE EXPANDED TO AN AREA THAT IS WITHIN THE FOLLOWING DISTANCES
7 FROM ANY OF THE FOLLOWING FEATURES:

8 (A) 100 FEET FROM A PROPERTY LINE.

9 (B) 300 FEET FROM A RESIDENCE.

10 (C) 200 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
11 STREAM OR WETLAND.

12 (2) IF A MEDIUM OR LARGE COMPOSTING FACILITY OR A CLASS 1 OR 2
13 COMPOSTING FACILITY BEGINS OPERATION AFTER THE EFFECTIVE DATE OF
14 THIS SECTION, THE MANAGEMENT AND STORAGE OF CLASS 1 AND CLASS 2
15 COMPOSTABLE MATERIAL, COMPOST, AND RESIDUALS SHALL NOT OCCUR IN A
16 WETLAND OR FLOODPLAIN, OR IN AN AREA THAT IS WITHIN THE FOLLOWING
17 DISTANCES FROM ANY OF THE FOLLOWING FEATURES:

18 (A) 100 FEET FROM A PROPERTY LINE.

19 (B) 300 FEET FROM A RESIDENCE.

20 (C) 200 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
21 STREAM, OR WETLAND.

22 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

23 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

24 (F) 4 FEET ABOVE GROUNDWATER.

25 (3) NOT LATER THAN 90 DAYS AFTER THE ESTABLISHMENT OF A NEW
26 CLASS 1 OR CLASS 2 COMPOSTING FACILITY OR THE EXPANSION OF THE
27 LOCATION AT A CLASS 1 COMPOSTING FACILITY WHERE CLASS 1 COMPOSTABLE

1 MATERIAL, FINISHED COMPOST, AND RESIDUALS WERE MANAGED AND STORED
2 ON THE EFFECTIVE DATE OF THIS SECTION, THE OWNER OR OPERATOR OF THE
3 COMPOSTING FACILITY SHALL, IF THE COMPOSTING FACILITY IS LOCATED
4 WITHIN 5 MILES OF THE END OF AN AIRPORT RUNWAY THAT IS USED BY
5 TURBOJET OR PISTON TYPE AIRCRAFT, NOTIFY IN WRITING THE AFFECTED
6 AIRPORT AND THE FEDERAL AVIATION ADMINISTRATION.

7 SEC. 11558. (1) THE OWNER OR OPERATOR OF A LARGE COMPOSTING
8 FACILITY THAT COMPOSTS ONLY YARD WASTE OR OF A CLASS 1 OR CLASS 2
9 COMPOSTING FACILITY SHALL DEVELOP AND SUBMIT TO THE DEPARTMENT THE
10 FOLLOWING ITEMS:

11 (A) A SITE MAP.

12 (B) AN OPERATIONS PLAN.

13 (C) AN ODOR MANAGEMENT PLAN.

14 (D) A MARKETING PLAN.

15 (E) A TRAINING PLAN.

16 (2) THE OWNER OR OPERATOR OF A COMPOSTING FACILITY DESCRIBED
17 IN SUBSECTION (1) SHALL, WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF
18 THIS SECTION, REGISTER WITH THE DEPARTMENT OR, WITHIN 2 YEARS AFTER
19 THE EFFECTIVE DATE OF THIS SECTION, SUBMIT A COMPLETE APPLICATION
20 FOR AN AUTHORIZATION TO OPERATE UNDER A GENERAL PERMIT BASED ON THE
21 VOLUME OF MATERIAL MANAGED. A GENERAL PERMIT UNDER THIS SECTION IS
22 VALID FOR 5 YEARS. A REGISTRATION IS VALID FOR 5 YEARS.

23 (3) THE OWNER OR OPERATOR OF A COMPOSTING FACILITY SHALL
24 ENSURE THAT ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

25 (A) FINISHED COMPOST IS TESTED IN COMPLIANCE WITH SECTION
26 11564.

27 (B) THE COMPOSTABLE MATERIAL IS NOT STORED IN A MANNER



1 CONSTITUTING SPECULATIVE ACCUMULATION. THE OWNER OR OPERATOR OF THE
2 SOLID WASTE PROCESSING AND TRANSFER FACILITY, STAGING AREA, OR
3 CLASS 1 OR CLASS 2 COMPOSTING FACILITY SHALL MAINTAIN AND MAKE
4 AVAILABLE TO THE DEPARTMENT RECORDS TO DEMONSTRATE COMPLIANCE WITH
5 THIS REQUIREMENT.

6 (C) THE OPERATION OF THE COMPOSTING FACILITY DOES NOT VIOLATE
7 PART 31 OR PART 55 OR CREATE A FACILITY UNDER PART 201.

8 (D) COMPOSTING DOES NOT RESULT IN STANDING WATER OR THE
9 ATTRACTION OR HARBORAGE OF RODENTS OR OTHER VECTORS.

10 (E) UNLESS APPROVED BY THE DEPARTMENT, THE COMPOSTING DOES NOT
11 RESULT IN MORE THAN THE FOLLOWING VOLUME PER ACRE:

12 (i) 5,000 CUBIC YARDS OF COMPOSTABLE MATERIAL, COMPOST,
13 COMPOST ADDITIVES, AND SCREENING REJECTS, UNLESS ANOTHER AMOUNT IS
14 APPROVED BY THE DEPARTMENT.

15 (ii) 10,000 CUBIC YARDS OF COMPOSTABLE MATERIAL IF THE SITE IS
16 USING FORCED AIR STATIC PILE COMPOSTING.

17 (F) THE COMPOSTING FACILITY COMPLIES WITH WELLHEAD PROTECTION
18 PROGRAMS.

19 SEC. 11559. (1) A PERSON SHALL NOT ESTABLISH OR OPERATE A
20 CLASS 2 COMPOSTING FACILITY WITHOUT AUTHORIZATION FROM THE
21 DEPARTMENT UNDER A GENERAL PERMIT.

22 (2) THE APPLICATION FOR AUTHORIZATION UNDER SUBSECTION (1)
23 SHALL INCLUDE THE LOCATION OF THE COMPOSTING OPERATION AND THE TYPE
24 AND THE AMOUNT OF MATERIALS TO BE COMPOSTED.

25 (3) WHEN EVALUATING AN APPLICATION FOR AUTHORIZATION TO
26 COMPOST CLASS 2 COMPOSTABLE MATERIAL AT A CLASS 2 COMPOSTING
27 FACILITY, THE DEPARTMENT SHALL CONSIDER ALL OF THE FOLLOWING:



1 (A) THE LOCATION RESTRICTIONS IN SECTION 11557.

2 (B) THE GENERAL COMPOSTING FACILITY REQUIREMENTS IN SECTION
3 11558.

4 (C) THE CLASSIFICATION OF THE WASTE AND FINISHED COMPOST AS
5 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. AN AUTHORIZATION TO COMPOST CLASS
9 2 COMPOSTABLE MATERIAL AT A CLASS 2 COMPOSTING FACILITY IS VALID
10 FOR A PERIOD OF 1 YEAR AND MAY BE RENEWED UPON THE SUBMITTAL OF A
11 TIMELY AND SUFFICIENT APPLICATION. TO BE CONSIDERED TIMELY AND
12 SUFFICIENT FOR PURPOSES OF SECTION 91 OF THE ADMINISTRATIVE
13 PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.291, AN APPLICATION FOR
14 RENEWAL OF AN AUTHORIZATION SHALL MEET BOTH OF THE FOLLOWING:

15 (A) CONTAIN THE INFORMATION DESCRIBED IN SUBSECTION (2).

16 (B) BE RECEIVED BY THE DEPARTMENT NOT LATER THAN 90 DAYS
17 BEFORE THE EXPIRATION OF THE PRECEDING AUTHORIZATION.

18 (5) CLASS 2 COMPOSTABLE MATERIAL SHALL BE SEPARATED FROM OTHER
19 SOLID WASTE AND MAINTAINED SEPARATELY UNTIL USED TO PRODUCE COMPOST
20 UNLESS OTHERWISE APPROVED BY THE DEPARTMENT.

21 (6) COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL SHALL
22 BE CLASSIFIED AS RESTRICTED USE COMPOST UNLESS THE OWNER OR
23 OPERATOR PETITIONS THE DEPARTMENT TO HAVE IT DECLARED A GENERAL USE
24 COMPOST PURSUANT TO 11563.

25 SEC. 11560. THE OWNER OR OPERATOR OF A COMPOSTING FACILITY
26 THAT IS REQUIRED TO NOTIFY OR REGISTER UNDER THIS PART OR THAT IS
27 OPERATING UNDER A GENERAL PERMIT SHALL REPORT ON A FORM AND FORMAT



1 APPROVED BY THE DEPARTMENT WITHIN 30 DAYS AFTER THE END OF EACH
2 STATE FISCAL YEAR THE FOLLOWING INFORMATION:

3 (A) THE AMOUNT OF COMPOSTABLE MATERIAL BROUGHT TO THE SITE IN
4 THE PREVIOUS YEAR.

5 (B) THE AMOUNT OF FINISHED COMPOST REMOVED FROM THE SITE IN
6 THE PREVIOUS FISCAL YEAR.

7 (C) THE VOLUME OF RESIDUALS REMOVED FROM THE SITE IN THE
8 PREVIOUS FISCAL YEAR.

9 (D) THE TOTAL AMOUNT OF COMPOSTABLE MATERIAL, COMPOST, AND
10 RESIDUALS ON-SITE AT THE END OF THE FISCAL YEAR. FOR A LARGE
11 COMPOSTING FACILITY, THIS AMOUNT SHALL BE DETERMINED BY A CERTIFIED
12 SURVEYOR OR LICENSED PROFESSIONAL ENGINEER.

13 SEC. 11561. (1) A PERSON SHALL NOT USE COMPOST PRODUCED FROM
14 CLASS 2 COMPOSTABLE MATERIAL, UNLESS THE DEPARTMENT APPROVES THE
15 CLASS 2 COMPOSTABLE MATERIAL APPROPRIATE FOR SUCH USE UNDER THIS
16 PART.

17 (2) A PERSON WHO PROPOSES TO SEPARATE A WASTE FOR USE AS
18 COMPOST SHALL FILE A PETITION WITH THE DEPARTMENT UNDER R 299.4118A
19 OF THE MICHIGAN ADMINISTRATIVE CODE. TO CHARACTERIZE THE COMPOST,
20 THE PETITIONER SHALL INCLUDE ALL OF THE FOLLOWING INFORMATION IN
21 THE PETITION, IN ADDITION TO THE INFORMATION REQUIRED IN R
22 299.4118A:

23 (A) THE TYPE OF WASTE AND ITS POTENTIAL FOR CREATING A
24 NUISANCE OR ENVIRONMENTAL CONTAMINATION.

25 (B) THE TIME REQUIRED FOR COMPOST TO REACH MATURITY, AS
26 DETERMINED BY A REDUCTION OF ORGANIC MATTER CONTENT DURING
27 COMPOSTING. ORGANIC MATTER CONTENT SHALL BE DETERMINED BY MEASURING



1 THE VOLATILE RESIDUES CONTENT USING EPA METHOD 160.4 OR ANOTHER
2 METHOD THAT IS APPROVED BY THE DEPARTMENT. EPA METHOD 160.4 IS
3 CONTAINED IN THE PUBLICATION ENTITLED "METHODS FOR CHEMICAL
4 ANALYSIS OF WATER AND WASTE," EPA-600, REVISION 8, JULY 2014,
5 UPDATE V.

6 (C) FOREIGN MATTER CONTENT. TO DETERMINE THE FOREIGN MATTER
7 CONTENT, A WEIGHED SAMPLE OF THE FINISHED COMPOST IS SIFTED THROUGH
8 A 4.0-MILLIMETER SCREEN. THE FOREIGN MATTER REMAINING ON THE SCREEN
9 IS SEPARATED AND WEIGHED. THE WEIGHT OF THE SEPARATED FOREIGN
10 MATTER DIVIDED BY THE WEIGHT OF THE FINISHED COMPOST MULTIPLIED BY
11 100 IS THE FOREIGN MATTER CONTENT.

12 (D) PARTICLE SIZE, AS DETERMINED BY SIEVE ANALYSIS.

13 (3) THE DEPARTMENT SHALL APPROVE A MATERIAL FOR USE AS COMPOST
14 IF THE PERSON WHO PROPOSES THE USE DEMONSTRATES ALL OF THE
15 FOLLOWING:

16 (A) THE MATERIAL HAS OR WILL BE CONVERTED TO COMPOST UNDER
17 CONTROLLED CONDITIONS AT A CLASS 2 COMPOSTING FACILITY.

18 (B) THE MATERIAL WILL NOT BE A SOURCE OF ENVIRONMENTAL
19 CONTAMINATION OR CAUSE A NUISANCE.

20 (C) THE COMPOST MATERIAL WILL BE USED AT AGRONOMIC RATES.

21 SEC. 11562. (1) A PERSON MAY PETITION THE DEPARTMENT TO
22 CLASSIFY A SOLID WASTE AS A CLASS 1 COMPOSTABLE MATERIAL OR TO
23 CLASSIFY COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL AS
24 GENERAL USE COMPOST.

25 (2) A PETITION TO CLASSIFY WASTE AS A CLASS 1 COMPOSTABLE
26 MATERIAL OR TO CLASSIFY COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE
27 MATERIALS AS GENERAL USE COMPOST SHALL MEET THE REQUIREMENTS OF R



1 299.4118A OF THE MICHIGAN ADMINISTRATIVE CODE.

2 (3) IN GRANTING A PETITION UNDER THIS SECTION, THE DEPARTMENT
3 SHALL SPECIFY THOSE PARAMETERS DESCRIBED IN SECTION 11565 THAT MUST
4 BE TESTED UNDER SUBSECTION (4). THE DEPARTMENT'S DECISION SHALL BE
5 BASED ON BOTH OF THE FOLLOWING:

6 (A) THE DIFFERENCE BETWEEN THE CONCENTRATION OF A GIVEN
7 PARAMETER IN THE COMPOST AND THE CRITERIA FOR THAT PARAMETER IN
8 SECTION 11553(5).

9 (B) THE VARIABILITY OF THE RESULTS AMONG THE SAMPLES.

10 (4) IF A MATERIAL IS CLASSIFIED AS A CLASS 1 COMPOSTABLE
11 MATERIAL BY THE DEPARTMENT BASED ON THE PETITION UNDER THIS
12 SECTION, THE OPERATOR SHALL TEST COMPOST PRODUCED FROM THE CLASS 1
13 COMPOSTABLE MATERIAL WHEN THERE IS A SIGNIFICANT CHANGE IN THE
14 PROCESS THAT GENERATED THE COMPOST. A SIGNIFICANT CHANGE IS ONE
15 WITH THE POTENTIAL TO CHANGE THE CLASSIFICATION OF THE FINISHED
16 COMPOST AS SPECIFIED IN R 299.4121J OF THE MICHIGAN ADMINISTRATIVE
17 CODE.

18 (5) IF ANY FINISHED COMPOST PRODUCED FROM THE CLASS 2
19 COMPOSTABLE MATERIAL THAT HAS BEEN CLASSIFIED AS A GENERAL USE
20 COMPOST PURSUANT TO SECTION 11553 FAILS TO MEET THE CRITERIA OF A
21 GENERAL USE COMPOST UNDER SECTION 11553, BOTH OF THE FOLLOWING
22 APPLY:

23 (A) THE FINISHED COMPOST IS RECLASSIFIED AS A RESTRICTED USE
24 COMPOST SUBJECT TO SECTION 11553(5).

25 (B) THE OWNER OR OPERATOR OF THE COMPOSTING FACILITY SHALL
26 NOTIFY THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF
27 INFORMATION THAT THE FINISHED COMPOST NO LONGER MEETS THE CRITERIA



1 TO BE CLASSIFIED AS GENERAL USE COMPOST, AND SHALL DO 1 OF THE
2 FOLLOWING WITH THE FINISHED COMPOST:

3 (i) DISPOSE OF THE REMAINING FINISHED COMPOST AT A PROPERLY
4 LICENSED LANDFILL.

5 (ii) STOCKPILE THE FINISHED COMPOST ON-SITE UNTIL THE
6 GENERATOR RE-PETITIONS THE DEPARTMENT AND THE DEPARTMENT
7 RECLASSIFIES THE COMPOST ACCORDING TO THE CONDITIONS OF THIS
8 SECTION.

9 (iii) USE THE FINISHED COMPOST FOR A SPECIFIED USE IF APPROVED
10 FOR THAT SPECIFIED USE UNDER SECTION 11553(3).

11 (6) IF COMPOST IS PRODUCED FROM CLASS 2 COMPOSTABLE MATERIALS,
12 THE OWNER OR OPERATOR OF THE COMPOSTING FACILITY SHALL COMPLY WITH
13 ALL OF THE FOLLOWING:

14 (A) RETEST THE FINISHED COMPOST IN COMPLIANCE WITH THIS
15 SECTION NOT LESS THAN ANNUALLY, UNLESS THE DEPARTMENT HAS
16 DETERMINED THAT THE TEST RESULTS DEMONSTRATE INSIGNIFICANT
17 VARIABILITY OVER A 2-YEAR PERIOD, USING THE PROCEDURES SPECIFIED IN
18 THIS SECTION. THE OWNER OR OPERATOR SHALL SUBMIT THE TEST RESULTS
19 TO THE DEPARTMENT. THE DEPARTMENT SHALL SPECIFY A MORE FREQUENT
20 SCHEDULE FOR TESTING IF THE CHARACTERISTICS OF THE MATERIAL VARY
21 SIGNIFICANTLY.

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

1 LICENSED LANDFILL.

2 (ii) STOCKPILE THE FINISHED COMPOST ON-SITE UNTIL THE
3 GENERATOR RE-PETITIONS THE DEPARTMENT AND THE DEPARTMENT
4 RECLASSIFIES THE COMPOST ACCORDING TO THE CONDITIONS OF THIS
5 SECTION.

6 (iii) USE THE FINISHED COMPOST ACCORDING TO THE REQUIREMENTS
7 CONTAINED IN R 299.4121J OF THE MICHIGAN ADMINISTRATIVE CODE.

8 SEC. 11563. (1) COMPOST PRODUCED FROM CLASS 1 COMPOSTABLE
9 MATERIAL IS CLASSIFIED AS GENERAL USE COMPOST. COMPOST PRODUCED
10 FROM CLASS 2 COMPOSTABLE MATERIAL IS CLASSIFIED AS GENERAL USE
11 COMPOST IF THE MATERIAL MEETS THE APPLICABLE REQUIREMENTS OF
12 SECTION 11553(3).

13 (2) GENERAL USE COMPOST OFFERED FOR SALE SHALL BE ACCOMPANIED
14 BY A LABEL, IN THE CASE OF BAGGED COMPOST, OR AN INFORMATION SHEET
15 IN THE CASE OF BULK SALES. THE LABEL OR INFORMATION SHEET SHALL
16 CONTAIN ALL OF THE FOLLOWING INFORMATION:

17 (A) THE NAME AND GENERATOR OF THE COMPOST.

18 (B) THE FEEDSTOCK AND BULKING AGENTS USED TO PRODUCE THE
19 COMPOST.

20 (C) USE INSTRUCTIONS, INCLUDING APPLICATION RATES AND ANY
21 RESTRICTIONS ON USE.

22 (D) IF THE COMPOST IS MARKETED AS A FERTILIZER, MICRONUTRIENT,
23 OR SOIL CONDITIONER, THE LABEL SHALL LIST THE APPLICABLE PARAMETERS
24 UNDER SECTION 11565 AND SHALL INCLUDE A STATEMENT INDICATING THAT
25 THE GENERATOR OF THE COMPOST IS IN COMPLIANCE WITH THE APPLICABLE
26 REQUIREMENTS OF PART 85. THE GENERATOR SHALL INDICATE THE LICENSE
27 NUMBER ON THE LABEL, IF APPLICABLE.



1 (E) IF THE COMPOST IS MARKETED AS A LIMING MATERIAL, THE LABEL
2 SHALL LIST THE APPLICABLE PARAMETERS UNDER SECTION 11565 AND SHALL
3 INCLUDE A STATEMENT INDICATING THAT THE GENERATOR OF THE COMPOST IS
4 IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF 1955 PA 162, MCL
5 290.531 TO 290.538. THE GENERATOR SHALL INDICATE THE LIMING LICENSE
6 NUMBER ON THE LABEL.

7 (F) A STATEMENT INDICATING HOW THE USER OF THE COMPOST MAY
8 OBTAIN THE RESULTS OF ALL TESTING, INCLUDING TEST PARAMETERS AND
9 CONCENTRATION LEVELS.

10 (3) COMPOST PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL THAT
11 DOES NOT MEET THE CRITERIA IN SECTION 11553(5) SHALL BE CLASSIFIED
12 AS RESTRICTED USE COMPOST AND USED IN A MANNER APPROVED BY THE
13 DEPARTMENT PURSUANT TO A PETITION SUBMITTED IN COMPLIANCE WITH
14 SECTION 11562. BOTH OF THE FOLLOWING APPLY:

15 (A) THE DEPARTMENT MAY IMPOSE CONDITIONS FOR USE OF THE
16 COMPOST TO ENSURE THE PROTECTION OF HUMAN HEALTH, SAFETY, WELFARE,
17 AND THE ENVIRONMENT.

18 (B) RESTRICTED USE COMPOST OFFERED FOR SALE SHALL BE
19 ACCOMPANIED BY A LABEL, IN THE CASE OF BAGGED COMPOST, OR AN
20 INFORMATION SHEET IN THE CASE OF BULK SALES. THE LABEL OR
21 INFORMATION SHEET SHALL CONTAIN BOTH OF THE FOLLOWING:

22 (i) THE INFORMATION REQUIRED BY SUBSECTION (2).

23 (ii) A STATEMENT THAT THE COMPOST HAS BEEN APPROVED FOR USE BY
24 THIS STATE AND FURTHER INDICATING HOW THE USER OF THE COMPOST MAY
25 OBTAIN THE RESULTS OF ALL TESTING INCLUDING TEST PARAMETERS,
26 CONCENTRATION LEVELS, AND THE APPLICABLE STANDARDS.

27 SEC. 11564. (1) THE FOLLOWING SITES SHALL TEST THEIR FINISHED

1 COMPOST IN ACCORDANCE WITH THE US COMPOSTING COUNCIL'S SEAL OF
2 TESTING ASSURANCE, UNLESS THE DEPARTMENT HAS APPROVED AN ALTERNATE
3 PROCEDURE:

4 (A) CLASS 1 COMPOSTING FACILITIES THAT ONLY MANAGE YARD WASTE
5 AND THAT PRODUCE OVER 10,000 CUBIC YARDS OF FINISHED COMPOST PER
6 YEAR. THE FINISHED COMPOST SHALL BE ANALYZED FOR THE GENERAL USE
7 PARAMETERS IDENTIFIED IN SECTION 11565.

8 (B) CLASS 1 COMPOSTING FACILITIES THAT PRODUCE OVER 2,000
9 CUBIC YARDS OF FINISHED COMPOST PER YEAR. THE FINISHED COMPOST
10 SHALL BE ANALYZED FOR THE GENERAL USE PARAMETERS IDENTIFIED IN
11 SECTION 11565.

12 (C) ALL CLASS 2 COMPOSTING FACILITIES. THE FINISHED COMPOST
13 SHALL BE ANALYZED FOR THE GENERAL USE PARAMETERS IDENTIFIED IN
14 SECTION 11565 AND VOLATILE ORGANIC COMPOUNDS AND SEMI-VOLATILE
15 ORGANIC COMPOUNDS AS IDENTIFIED IN THE FACILITY'S GENERAL PERMIT.

16 (2) ALL SITES NOT LISTED ABOVE SHALL TEST AT LEAST 1 SAMPLE OF
17 FINISHED COMPOST PER 4,000 CUBIC YARDS OF 2,000 TONS PER YEAR FOR
18 THE PARAMETERS LISTED IN SECTION 11565, UNLESS THE DEPARTMENT HAS
19 APPROVED AN ALTERNATE PROCEDURE.

20 SEC. 11565. ALL OF THE FOLLOWING ARE GENERAL USE PARAMETERS
21 FOR COMPOST:

22 (A) PH.

23 (B) CARBON-TO-NITROGEN RATIO.

24 (C) SOLUBLE SALTS.

25 (D) TOTAL AVAILABLE NITROGEN.

26 (E) PHOSPHORUS REPORTED AS P_2O_5 .

27 (F) POTASSIUM REPORTED AS K_2O .



- 1 (G) CALCIUM.
- 2 (H) MAGNESIUM.
- 3 (I) CHLORIDE.
- 4 (J) SULFATE.
- 5 (K) ARSENIC.
- 6 (L) CADMIUM.
- 7 (M) COPPER.
- 8 (N) LEAD.
- 9 (O) MERCURY.
- 10 (P) MOLYBDENUM.
- 11 (Q) NICKEL.
- 12 (R) SELENIUM.
- 13 (S) ZINC.
- 14 (T) PERCENT FOREIGN MATTER CONTENT.
- 15 (U) PATHOGENS.
- 16 (V) FECAL COLIFORMS.
- 17 (W) SALMONELLA.
- 18 (X) OTHER PATHOGENS AS DETERMINED BY THE DEPARTMENT.
- 19 (Y) PERCENT ORGANIC MATTER.

20 SEC. 11566. IF AUTHORIZED BY THE DEPARTMENT, A PERSON MAY
21 CONDUCT A PILOT PROJECT TO COMPOST A CLASS 2 COMPOSTABLE MATERIAL
22 OR WASTE TO SUPPORT A PETITION TO DECLARE THE CLASS 2 COMPOSTABLE
23 MATERIAL OR WASTE A CLASS 1 COMPOSTABLE MATERIAL.

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 UNDER THE FOLLOWING
27 CONDITIONS:

1 (A) THE BLENDING OCCURS AT A CLASS 1 OR CLASS 2 COMPOSTING
2 FACILITY.

3 (B) THE MIXTURE MEETS THE CRITERIA IN SECTION 11553(5) OR
4 OTHER CRITERIA APPROVED BY THE DEPARTMENT.

5 (C) THE LOW HAZARD INDUSTRIAL WASTE IS BLENDED WITH THE
6 GENERAL USE COMPOST WITHIN 30 DAYS AFTER ARRIVAL AT THE CLASS 1 OR
7 CLASS 2 COMPOSTING FACILITY.

8 (D) STORAGE AND BLENDING OF MATERIALS IS DONE IN A MANNER THAT
9 DOES NOT VIOLATE PART 31.

10 (2) GYPSUM DRYWALL MAY BE ADDED TO FINISHED COMPOST IF IT
11 MAKES UP LESS THAN 50% OF THE COMPOST WEIGHT AND IS LESS THAN 1/4
12 INCH IN DIAMETER.

13 SEC. 11568. (1) THE OPERATOR OF A MATERIALS UTILIZATION
14 FACILITY SHALL COMPLY WITH ALL OF THE FOLLOWING:

15 (A) THE FACILITY SHALL BE OPERATED IN A MANNER THAT DOES NOT
16 CREATE A NUISANCE OR PUBLIC HEALTH OR ENVIRONMENTAL HAZARD AND BE
17 KEPT CLEAN AND FREE OF LITTER.

18 (B) THE FACILITY SHALL COMPLY WITH PARTS 31 AND 55, AND WHERE
19 APPLICABLE, COMPLY WITH THE RELEVANT GENERALLY ACCEPTED
20 AGRICULTURAL AND MANAGEMENT PRACTICES.

21 (C) IF THIS PART REQUIRES THE FACILITY OWNER OR OPERATOR TO
22 REGISTER WITH OR RECEIVE A PERMIT FROM THE DEPARTMENT BEFORE
23 OPERATION, THE FACILITY SHALL BE CONSISTENT WITH THE APPROVED
24 MATERIALS MANAGEMENT PLAN.

25 (D) UNLESS EXEMPTED, THE OPERATOR SHALL RECORD THE TYPES AND
26 QUANTITIES IN TONS, OR CUBIC YARDS FOR COMPOSTING FACILITIES AND
27 SOLID WASTE PROCESSING AND TRANSFER FACILITIES, OF MATERIAL



1 COLLECTED, THE PERIOD OF STORAGE, AND WHERE THE MATERIAL IS
2 TRANSFERRED, PROCESSED, RECYCLED, OR DISPOSED. THE OPERATOR SHALL
3 REPORT THIS INFORMATION ON A FORM AND FORMAT PROVIDED BY THE
4 DEPARTMENT. THE REPORT SHALL BE SUBMITTED WITHIN 30 DAYS AFTER THE
5 END OF THE STATE FISCAL YEAR.

6 (E) THE VOLUME OF SOLID WASTE RESIDUALS SHALL BE LESS THAN 15%
7 OF THE TOTAL VOLUME OF MATERIAL RECEIVED.

8 (F) THE FACILITY SHALL BE OPERATED BY PERSONNEL WHO ARE
9 KNOWLEDGEABLE ABOUT THE SAFE MANAGEMENT OF THE TYPES OF MATERIAL
10 THAT ARE ACCEPTED AND PREPARED FOR USE AS A RESOURCE.

11 (G) ACCESS TO THE FACILITY SHALL BE LIMITED TO A TIME WHEN A
12 RESPONSIBLE INDIVIDUAL IS ON DUTY.

13 (H) THE OPERATOR SHALL NOT STORE MATERIAL OVERNIGHT AT THE
14 FACILITY EXCEPT IN A SECURE LOCATION AND WITH ADEQUATE CONTAINMENT
15 TO PREVENT ANY RELEASE OF MATERIAL.

16 (I) WITHIN 1 YEAR AFTER MATERIAL IS COLLECTED BY THE FACILITY,
17 THE MATERIAL SHALL BE TRANSPORTED FROM THE FACILITY FOR ULTIMATE
18 END USE PRODUCTS OR DISPOSAL.

19 (J) THE AREA WHERE THE MATERIAL IS ACCUMULATED SHALL BE
20 PROTECTED, AS APPROPRIATE FOR THE TYPE OF MATERIAL, FROM WEATHER,
21 FIRE, PHYSICAL DAMAGE, AND VANDALS.

22 (K) NECESSARY OPERATIONS OF THE FACILITY SHALL BE PERFORMED IN
23 A MANNER THAT PREVENTS THE HARBORAGE AND PRODUCTION OF INSECTS AND
24 RODENTS. EFFECTIVE VECTOR CONTROL MEASURES SHALL BE PROVIDED BY THE
25 OPERATOR WHEN NECESSARY.

26 (l) IF SALVAGING IS PERMITTED, SALVAGED MATERIAL IS REMOVED
27 FROM THE SITE AT THE END OF EACH BUSINESS DAY OR IS CONFINED TO A



1 STORAGE AREA THAT IS APPROVED BY THE DEPARTMENT.

2 (M) HANDLING AND PROCESSING EQUIPMENT THAT IS ADEQUATE IN SIZE
3 AND QUANTITY AND WHICH IS IN AN OPERATIVE CONDITION SHALL BE
4 AVAILABLE AS NEEDED TO ENSURE PROPER MANAGEMENT OF THE FACILITY. IF
5 FOR ANY REASON THE FACILITY IS INOPERABLE FOR MORE THAN 24 HOURS,
6 AN ALTERNATIVE METHOD THAT IS APPROVED BY THE DEPARTMENT SHALL BE
7 USED TO MANAGE THE MATERIAL.

8 (N) THE OPERATION OF THE FACILITY SHALL BE CARRIED OUT IN A
9 MANNER THAT MINIMIZES NOISE AND VIBRATION NUISANCE TO ADJOINING
10 PROPERTY.

11 (O) BURNING OF ANY TYPE IS NOT ALLOWED AT THE FACILITY.

12 (P) FOR A MATERIALS RECOVERY FACILITY, INCLUDING AN ELECTRONIC
13 WASTE PROCESSOR NOT REQUIRED TO REPORT UNDER PART 173, BOTH OF THE
14 FOLLOWING:

15 (i) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
16 ACT THAT ADDED THIS SECTION, THE OWNER OR OPERATOR OF THE SITE
17 SHALL REGISTER WITH THE DEPARTMENT IF THE FACILITY SORTS, BALES, OR
18 PROCESSES LESS THAN 100 TONS OF POSTCONSUMER MATERIAL ON-SITE AT
19 ANY TIME AND GREATER THAN 100 TONS PER YEAR. THE REGISTRATION SHALL
20 BE ACCOMPANIED BY A FEE OF \$750.00. THE REGISTRATION IS FOR A TERM
21 OF 5 YEARS.

22 (ii) WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
23 ACT THAT ADDED THIS SECTION, BEFORE THE OPERATION OF THE FACILITY
24 THE OWNER OR OPERATOR OF THE SITE SHALL OBTAIN AUTHORIZATION UNDER
25 A GENERAL PERMIT IF THE FACILITY WILL SORT, BALE, OR PROCESS 100
26 TONS OR GREATER OF TOTAL MATERIAL ON-SITE AT ANY TIME. THE OWNER OR
27 OPERATOR SHALL APPLY FOR AUTHORIZATION UNDER GENERAL PERMIT



1 AUTHORIZATION ON A FORM PROVIDED BY THE DEPARTMENT. THE APPLICATION
2 SHALL BE ACCOMPANIED BY A FEE OF \$2,500.00. THE GENERAL PERMIT
3 AUTHORIZATION IS FOR A TERM OF 5 YEARS.

4 (Q) FOR COMPOSTING FACILITIES, ALL OF THE FOLLOWING:

5 (i) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
6 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
7 A SMALL COMPOSTING FACILITY UNLESS THE OWNER OR OPERATOR HAS
8 NOTIFIED THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED BY THE
9 DEPARTMENT. NOTIFICATION SHALL BE GIVEN UPON INITIAL OPERATION AND,
10 SUBSEQUENTLY, WITHIN 30 DAYS AFTER THE END OF EACH STATE FISCAL
11 YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT OF COMPOSTABLE
12 MATERIAL MANAGED AT THE FACILITY DURING THE PRECEDING STATE FISCAL
13 YEAR.

14 (ii) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
15 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
16 A MEDIUM COMPOSTING FACILITY UNLESS THE OWNER OR OPERATOR HAS
17 REGISTERED WITH THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED
18 BY THE DEPARTMENT. THE REGISTRATION SHALL BE ACCOMPANIED BY A FEE
19 OF \$750.00. THE TERM OF THE REGISTRATION IS 5 YEARS.

20 (iii) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
22 A LARGE COMPOST FACILITY UNLESS AUTHORIZED BY THE DEPARTMENT UNDER
23 A GENERAL PERMIT. A PERSON SHALL APPLY FOR AUTHORIZATION UNDER A
24 GENERAL PERMIT ON A FORM AND IN A FORMAT PROVIDED BY THE
25 DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF
26 \$2,500.00. THE TERM OF A GENERAL PERMIT IS 5 YEARS.

27 (R) FOR ANAEROBIC DIGESTERS, ALL OF THE FOLLOWING:



1 (i) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
2 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
3 AN ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED MATERIAL OR
4 MANURES, BEDDING, OR CROP RESIDUALS GENERATED ON-SITE AND UP TO 20%
5 OTHER MATERIAL NOT GENERATED ON-SITE UNLESS THE OWNER OR OPERATOR
6 HAS NOTIFIED THE DEPARTMENT ON A FORM AND IN A FORMAT PROVIDED BY
7 THE DEPARTMENT. NOTIFICATION SHALL BE GIVEN UPON INITIAL OPERATION
8 AND, SUBSEQUENTLY, WITHIN 30 DAYS AFTER THE END OF EACH STATE
9 FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT OF
10 MATERIAL MANAGED AT THE ANAEROBIC DIGESTER DURING THE PRECEDING
11 STATE FISCAL YEAR. THIS SUBPARAGRAPH DOES NOT APPLY TO AN ANAEROBIC
12 DIGESTER THAT ONLY MANAGES MATERIAL GENERATED ON-SITE.

13 (ii) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE
14 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
15 AN ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED MATERIALS
16 GENERATED OFF SITE UNLESS AUTHORIZED BY THE DEPARTMENT UNDER A
17 GENERAL PERMIT. A PERSON SHALL APPLY FOR AUTHORIZATION UNDER A
18 GENERAL PERMIT ON A FORM AND IN A FORMAT PROVIDED BY THE
19 DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF
20 \$2,500.00. THE TERM OF A GENERAL PERMIT IS 5 YEARS.

21 (s) BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE
22 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
23 AN INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY UNLESS AUTHORIZED BY
24 THE DEPARTMENT UNDER A GENERAL PERMIT. A PERSON SHALL APPLY FOR
25 AUTHORIZATION UNDER A GENERAL PERMIT ON A FORM AND IN A FORMAT
26 PROVIDED BY THE DEPARTMENT. THE APPLICATION SHALL BE ACCOMPANIED BY
27 A FEE OF \$5,000.00. THE TERM OF AN INNOVATIVE TECHNOLOGY OR



1 PRACTICE FACILITY GENERAL PERMIT IS 2 YEARS.

2 (2) FEES COLLECTED BY THE DEPARTMENT UNDER THIS SECTION SHALL
3 BE DEPOSITED IN THE PERPETUAL CARE ACCOUNT OF THE SOLID WASTE
4 MANAGEMENT FUND.

5 SEC. 11569. (1) IF THE OWNER OR OPERATOR OF A MATERIALS
6 UTILIZATION FACILITY THAT IS IN OPERATION ON THE EFFECTIVE DATE OF
7 THIS SECTION IS REQUIRED TO REGISTER WITH OR NOTIFY THE DEPARTMENT
8 UNDER SECTION 11568, THAT PERSON SHALL DO SO WITHIN 1 YEAR AFTER
9 THE EFFECTIVE DATE OF THIS SECTION.

10 (2) IF THE OWNER OR OPERATOR OF A MATERIALS UTILIZATION
11 FACILITY THAT IS IN OPERATION ON THE EFFECTIVE DATE OF THIS SECTION
12 IS REQUIRED TO OBTAIN A GENERAL PERMIT UNDER SECTION 11568, THAT
13 PERSON SHALL SUBMIT A COMPLETE APPLICATION FOR A PERMIT WITHIN 2
14 YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.

15 (3) THE OWNER OR OPERATOR OF A MATERIALS UTILIZATION FACILITY
16 SHALL SUBMIT A SITE MAP AND OPERATIONS PLANS FOR THE MATERIALS
17 UTILIZATION FACILITY WITH A REGISTRATION OR GENERAL PERMIT
18 APPLICATION. PENDING REGISTRATION OR AUTHORIZATION UNDER A GENERAL
19 PERMIT OF A MATERIALS UTILIZATION FACILITY IN OPERATION ON THE
20 EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL REVIEW THE
21 OPERATING REQUIREMENTS FOR THE FACILITY. IF THE DEPARTMENT
22 DETERMINES UPON REVIEW THAT THE OPERATING REQUIREMENTS DO NOT
23 COMPLY WITH THIS PART OR RULES PROMULGATED UNDER THIS PART, THE
24 DEPARTMENT SHALL ISSUE A TIMETABLE OR SCHEDULE OF REMEDIAL MEASURES
25 THAT WILL LEAD TO COMPLIANCE WITHIN A REASONABLE AMOUNT OF TIME AND
26 NOT TO EXCEED 1 YEAR FROM THE DETERMINATION OF NONCOMPLIANCE.

27 (4) IF THE OPERATOR OF AN EXISTING FACILITY ANTICIPATES



1 INCREASING VOLUMES OF MATERIAL MANAGED THAT WILL REQUIRE A GENERAL
2 PERMIT INSTEAD OF A NOTIFICATION OR REGISTRATION, THE OPERATOR
3 SHALL SUBMIT A COMPLETE APPLICATION TO THE DEPARTMENT FOR THE
4 APPROPRIATE LEVEL OF AUTHORIZATION NEEDED BASED ON THE INCREASED
5 VOLUME WITHIN 90 DAYS AFTER THE VOLUME INCREASE.

6 (5) A GENERAL PERMIT UNDER PART 115 MAY BE RENEWED UPON THE
7 SUBMITTAL OF A TIMELY AND SUFFICIENT APPLICATION. TO BE CONSIDERED
8 TIMELY AND SUFFICIENT FOR PURPOSES OF SECTION 91 OF THE
9 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.291, AN
10 APPLICATION FOR RENEWAL OF A GENERAL PERMIT AUTHORIZATION SHALL
11 MEET BOTH OF THE FOLLOWING REQUIREMENTS:

12 (A) CONTAIN THE INFORMATION AS REQUIRED BY THE APPLICABLE
13 GENERAL PERMIT APPLICATION.

14 (B) BE RECEIVED BY THE DEPARTMENT NOT LATER THAN 90 DAYS
15 BEFORE THE EXPIRATION OF THE PRECEDING AUTHORIZATION.

16 SUBPART 10 MATERIALS MANAGEMENT PLANS
17 SEC. 11570. AS USED IN THIS SUBPART:

18 (A) "EXISTING DISPOSAL AREA" MEANS ANY OF THE FOLLOWING:

19 (i) A DISPOSAL AREA THAT HAS A VALID CONSTRUCTION PERMIT UNDER
20 THIS PART.

21 (ii) A DISPOSAL AREA THAT HAD ENGINEERING PLANS APPROVED BY
22 THE DIRECTOR BEFORE JANUARY 11, 1979.

23 (iii) AN INDUSTRIAL WASTE LANDFILL THAT WAS AUTHORIZED TO
24 OPERATE BY THE DIRECTOR OR BY COURT ORDER BEFORE OCTOBER 9, 1993.

25 (iv) AN INDUSTRIAL WASTE PILE THAT WAS LOCATED AT THE SITE OF
26 GENERATION ON OCTOBER 9, 1993.

27 (B) "EXISTING MATERIALS UTILIZATION FACILITY" MEANS A



1 MATERIALS UTILIZATION FACILITY THAT MEETS BOTH OF THE FOLLOWING
2 REQUIREMENTS:

3 (i) IS IN OPERATION ON THE EFFECTIVE DATE OF THE AMENDATORY
4 ACT THAT ADDED THIS SECTION.

5 (ii) IS, ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT
6 ADDED THIS SECTION, IN COMPLIANCE WITH THIS PART OR IS, WITHIN 1
7 YEAR AFTER THAT DATE, IN THE PROCESS OF BECOMING COMPLIANT.

8 (C) "PROPOSED", WITH RESPECT TO A DISPOSAL AREA OR MATERIALS
9 UTILIZATION FACILITY, MEANS THAT THE DEVELOPER OF THE FACILITY HAS
10 SUBMITTED TO THE COUNTY A WRITTEN REQUEST TO SITE THE FACILITY
11 SUFFICIENT TO COMMENCE THE SITING PROCESS BUT THE COUNTY HAS NOT
12 YET MADE A DETERMINATION OF CONSISTENCY WITH THE MMP.

13 SEC. 11571. (1) THE DEPARTMENT SHALL ENSURE THAT EACH COUNTY
14 IN THIS STATE HAS A MATERIALS MANAGEMENT PLAN.

15 (2) UPON NOTIFICATION BY THE DEPARTMENT UNDER SUBSECTION (6),
16 AN INITIAL MMP SHALL BE PREPARED AND APPROVED UNDER THIS SECTION
17 AND SECTIONS 11572 TO 11575 AND RULES PROMULGATED THEREUNDER AND
18 SHALL BE SUBMITTED TO THE DEPARTMENT. REQUIREMENTS FOR THE CONTENT
19 OF AN MMP ARE SET FORTH IN SECTIONS 11577 TO 11580.

20 (3) SUBJECT TO SUBSECTION (4), ALL OF THE MUNICIPALITIES OF A
21 COUNTY SHALL BE INCLUDED IN THE PLANNING AREA OF A SINGLE MMP. THE
22 PLANNING AREA OF A SINGLE MMP MAY INCLUDE 2 OR MORE COUNTIES IF THE
23 CBCS FOR THOSE COUNTIES AGREE TO THE JOINT EXERCISE OF THEIR POWERS
24 AND PERFORMANCE OF THEIR DUTIES UNDER THIS SUBPART. IF THE
25 DEPARTMENT IS RESPONSIBLE FOR PREPARING THE MMP FOR 2 OR MORE
26 COUNTIES UNDER SECTION 11575, THE DEPARTMENT MAY DETERMINE THAT
27 THOSE COUNTIES SHALL BE INCLUDED IN THE PLANNING AREA OF A SINGLE

1 MMP AND MAY EXERCISE ITS POWERS AND PERFORM ITS DUTIES FOR THOSE
2 COUNTIES JOINTLY.

3 (4) MULTICOUNTY MMPS ARE SUBJECT TO THE SAME PROCEDURE FOR
4 APPROVAL AS SINGLE-COUNTY MMPS, AND EACH CBC SHALL TAKE FORMAL
5 ACTION ON A MULTICOUNTY MMP AS APPROPRIATE. A MULTICOUNTY MMP SHALL
6 INCLUDE A PROCESS TO ENSURE COMPLIANCE WITH THE REQUIREMENTS OF
7 THIS PART FOR THE DETERMINATION OF THE CONSISTENCY OF A MATERIALS
8 MANAGEMENT FACILITY WITH THE MMP.

9 (5) A MUNICIPALITY LOCATED IN 2 COUNTIES THAT ARE NOT IN THE
10 SAME PLANNING AREA MAY REQUEST THAT THE ENTIRE MUNICIPALITY BE
11 INCLUDED IN THE PLANNING AREA FOR 1 OF THOSE COUNTIES AND EXCLUDED
12 FROM THE PLANNING AREA OF THE OTHER COUNTY. A MUNICIPALITY THAT IS
13 ADJACENT TO A COUNTY MAY REQUEST THAT IT BE INCLUDED IN THE
14 PLANNING AREA OF THE MMP FOR THE ADJACENT COUNTY. A REQUEST UNDER
15 THIS SUBSECTION SHALL BE SUBMITTED TO AND IS SUBJECT TO THE
16 APPROVAL OF THE COUNTY BOARD OF COMMISSIONERS OF EACH OF THE
17 AFFECTED COUNTIES. IF A COUNTY BOARD OF COMMISSIONERS FAILS TO
18 APPROVE A REQUEST UNDER THIS SUBSECTION WITHIN 90 DAYS AFTER THE
19 REQUEST IS SUBMITTED TO THE COUNTY BOARD, THE MUNICIPALITY MAKING
20 THE REQUEST MAY APPEAL TO THE DEPARTMENT. THE DEPARTMENT SHALL
21 ISSUE A DECISION ON THE APPEAL WITHIN 45 DAYS AFTER THE APPEAL IS
22 FILED WITH THE DEPARTMENT. THE DECISION OF THE DEPARTMENT IS FINAL.

23 (6) WITHIN 180 DAYS AFTER APPROPRIATED FUNDS ARE AVAILABLE FOR
24 THE MATERIALS MANAGEMENT GRANT PROGRAM UNDER SECTION 11587, THE
25 DEPARTMENT SHALL, IN WRITING, REQUEST THE COUNTY BOARD OF
26 COMMISSIONERS OF EACH COUNTY TO SUBMIT TO THE DEPARTMENT, WITHIN
27 180 DAYS AFTER THE REQUEST IS DELIVERED, A NOTICE OF INTENT TO



1 PREPARE AN MMP. IF THE COUNTY BOARD OF COMMISSIONERS DECLINES TO
2 PREPARE THE MMP, THE COUNTY BOARD OF COMMISSIONERS SHALL ADVISE THE
3 MUNICIPALITIES AND THE REGIONAL PLANNING AGENCY OF ITS DECISION. IN
4 THAT CASE, THE DEPARTMENT SHALL PROVIDE A SPECIFIC DEADLINE IN
5 WHICH THE MUNICIPALITIES OR THE REGIONAL PLANNING AGENCY MAY SUBMIT
6 TO THE DEPARTMENT A NOTICE OF INTENT TO PREPARE AN MMP. THE
7 DEPARTMENT MAY EXTEND THE DEADLINE IF REQUESTED BY THE
8 MUNICIPALITIES OR REGIONAL PLANNING AGENCY TO ALLOW THE PARTIES AN
9 OPPORTUNITY TO DETERMINE WHO WILL FILE THE NOTICE OF INTENT. IF THE
10 COUNTY BOARD OF COMMISSIONERS, MUNICIPALITIES, AND THE REGIONAL
11 PLANNING AGENCY DO NOT FILE A NOTICE OF INTENT BY THE APPLICABLE
12 DEADLINE, THE DEPARTMENT MAY PREPARE AN MMP FOR THE COUNTY UNDER
13 SECTION 11575(11).

14 (7) A NOTICE OF INTENT SHALL MEET ALL OF THE FOLLOWING
15 REQUIREMENTS:

16 (A) BE ON A FORM PROVIDED BY THE DEPARTMENT.

17 (B) STATE THAT THE CBC WILL PREPARE AN MMP.

18 (C) BE ACCOMPANIED BY DOCUMENTATION EVIDENCING THAT THE COUNTY
19 CONSULTED WITH ADJACENT COUNTIES REGARDING THE FEASIBILITY OF
20 PREPARING A MULTICOUNTY MMP PURSUANT TO THE URBAN COOPERATION ACT
21 OF 1967, 1967 (EX SESS) PA 7, MCL 125.501 TO 126.512, AND
22 DOCUMENTATION OF THE OUTCOME OF THE CONSULTATIONS, INCLUDING A COPY
23 OF ANY INTERLOCAL AGREEMENT.

24 (8) THE SUBMITTAL OF A NOTICE OF INTENT COMMENCES THE RUNNING
25 OF A 3-YEAR DEADLINE FOR MUNICIPAL APPROVAL OF THE MMP AND
26 SUBMISSION OF THE MMP TO THE DEPARTMENT UNDER SECTION 11575.

27 (9) NOT MORE THAN 30 DAYS AFTER THE CBC SUBMITS A NOTICE OF



1 INTENT TO THE DEPARTMENT, THE CBC SHALL DO BOTH OF THE FOLLOWING:

2 (A) SUBMIT A COPY OF THE NOTICE OF INTENT TO THE LEGISLATIVE
3 BODY OF EACH MUNICIPALITY LOCATED WITHIN THE PLANNING AREA.

4 (B) PUBLISH THE NOTICE OF INTENT IN A NEWSPAPER OF GENERAL
5 CIRCULATION IN THE PLANNING AREA.

6 (10) WITHIN 120 DAYS AFTER THE CBC SUBMITS A NOTICE OF INTENT
7 TO THE DEPARTMENT UNDER SUBSECTION (5), THE CBC SHALL DO ALL OF THE
8 FOLLOWING:

9 (A) DESIGNATE THE DESIGNATED PLANNING AGENCY AND AN INDIVIDUAL
10 WITHIN THE DPA WHO SHALL SERVE AS ITS CONTACT PERSON FOR THE
11 PURPOSES OF THIS SUBPART.

12 (B) APPOINT A PLANNING COMMITTEE AS PROVIDED IN SECTION 11572.

13 (C) OVERSEE THE CREATION AND IMPLEMENTATION OF THE DPA'S WORK
14 PROGRAM UNDER SECTION 11587(4) (B).

15 (D) UPON REQUEST OF THE DEPARTMENT, SUBMIT A REPORT ON
16 PROGRESS IN THE PREPARATION OF THE MMP.

17 (11) ALL SUBMITTALS AND NOTICES UNDER THIS SECTION AND
18 SECTIONS 11572 TO 11576 SHALL BE IN WRITING. A WRITTEN NOTICE MAY
19 BE GIVEN BY ELECTRONIC MAIL IF THE RECIPIENT HAS INDICATED BY
20 ELECTRONIC MAIL THAT THE RECIPIENT WILL RECEIVE NOTICE BY
21 ELECTRONIC MAIL AT THE ELECTRONIC MAIL ADDRESS TO WHICH THE NOTICE
22 IS SENT.

23 SEC. 11572. (1) THE CBC SHALL APPOINT A PLANNING COMMITTEE.
24 THE PLANNING COMMITTEE IS A PERMANENT BODY. INITIAL PLANNING
25 COMMITTEE MEMBERS SHALL BE APPOINTED FOR 5-YEAR TERMS. THEIR
26 IMMEDIATE SUCCESSORS SHALL BE APPOINTED FOR 2-, 3-, 4-, OR 5-YEAR
27 TERMS SUCH THAT, AS NEARLY AS POSSIBLE, THE SAME NUMBER ARE



1 APPOINTED FOR EACH TERM LENGTH. SUBSEQUENTLY, MEMBERS SHALL BE
2 APPOINTED FOR TERMS OF 5 YEARS. A MEMBER MAY BE REAPPOINTED.

3 (2) IF A VACANCY OCCURS ON THE PLANNING COMMITTEE, THE CBC
4 SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER
5 AS THE ORIGINAL APPOINTMENT. THE CBC MAY REMOVE A MEMBER OF THE
6 PLANNING COMMITTEE FOR INCOMPETENCE, DERELICTION OF DUTY, OR
7 MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE.

8 (3) THE FIRST MEETING OF THE PLANNING COMMITTEE SHALL BE
9 CALLED BY THE DESIGNATED PLANNING AGENCY. AT THE FIRST MEETING, THE
10 PLANNING COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON
11 AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. A
12 MAJORITY OF THE MEMBERS OF THE PLANNING COMMITTEE CONSTITUTE A
13 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE PLANNING
14 COMMITTEE. THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS
15 APPOINTED IS REQUIRED FOR OFFICIAL ACTION OF THE PLANNING
16 COMMITTEE. PLANNING COMMITTEE APPROVAL OF AN MMP REQUIRES THE
17 AFFIRMATIVE VOTE OF A MAJORITY OF THE REQUIRED PLANNING COMMITTEE
18 MEMBERS. A PLANNING COMMITTEE SHALL ADOPT PROCEDURES FOR THE
19 CONDUCT OF ITS BUSINESS.

20 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PLANNING
21 COMMITTEE SHALL CONSIST OF THE FOLLOWING 11 MEMBERS REPRESENTATIVE
22 OF THE FOLLOWING INTERESTS WITHIN THE PLANNING AREA:

23 (A) A SOLID WASTE DISPOSAL FACILITY OPERATOR THAT PROVIDES
24 SERVICES IN THE PLANNING AREA.

25 (B) A REPRESENTATIVE OF A HAULER OF MANAGED MATERIALS THAT
26 PROVIDES SERVICES IN THE PLANNING AREA.

27 (C) A MATERIALS RECOVERY FACILITY OPERATOR THAT PROVIDES



1 SERVICES IN THE PLANNING AREA.

2 (D) A COMPOST OR OTHER ORGANICS FACILITY OPERATOR THAT
3 PROVIDES SERVICES IN THE PLANNING AREA.

4 (E) A WASTE DIVERSION, REUSE, OR REDUCTION FACILITY OPERATOR
5 THAT PROVIDES SERVICES IN THE PLANNING AREA.

6 (F) AN ENVIRONMENTAL INTEREST GROUP REPRESENTATIVE.

7 (G) AN ELECTED OFFICIAL OF THE COUNTY.

8 (H) AN ELECTED OFFICIAL OF A TOWNSHIP IN THE PLANNING AREA.

9 (I) AN ELECTED OFFICIAL OF A CITY OR VILLAGE IN THE PLANNING
10 AREA.

11 (J) AN INDIVIDUAL WHO GENERATES A MANAGED MATERIAL IN THE
12 PLANNING AREA.

13 (K) A REPRESENTATIVE OF THE REGIONAL PLANNING AGENCY WHOSE
14 TERRITORY INCLUDES THE PLANNING AREA.

15 (5) THE CBC MAY APPOINT TO THE PLANNING COMMITTEE AN
16 ADDITIONAL REPRESENTATIVE THAT DOES BUSINESS IN OR RESIDES IN AN
17 ADJACENT COMMUNITY OUTSIDE THE PLANNING AREA.

18 (6) CBCS PREPARING A MULTICOUNTY MMP UNDER SECTION 11571 SHALL
19 APPOINT A SINGLE PLANNING COMMITTEE. FOR EACH SUCH COUNTY, THE
20 FOLLOWING ADDITIONAL MEMBERS REPRESENTATIVE OF THE FOLLOWING
21 INTERESTS WITHIN THE COUNTY MAY BE APPOINTED:

22 (A) AN ELECTED COUNTY OR MUNICIPAL GOVERNMENT OFFICIAL.

23 (B) A REPRESENTATIVE FROM A BUSINESS THAT GENERATES MANAGED
24 MATERIALS WITHIN THE PLANNING AREA.

25 (7) IF, DURING THE MMP DEVELOPMENT OR AMENDMENT PROCESS, A
26 SOLID WASTE LANDFILL IS PROPOSED TO BE DEVELOPED IN THE PLANNING
27 AREA WITHIN 2 MILES OF A MUNICIPALITY IN THIS STATE THAT IS LOCATED



1 ADJACENT TO THE PLANNING AREA OR A SOLID WASTE PROCESSING AND
 2 TRANSFER FACILITY OR MATERIALS UTILIZATION FACILITY IS PROPOSED TO
 3 BE DEVELOPED IN THE PLANNING AREA WITHIN 1 MILE OF SUCH A
 4 MUNICIPALITY, THE CBC SHALL NOTIFY THE ADJACENT MUNICIPALITY IN
 5 WRITING. IF REQUESTED BY THE ADJACENT MUNICIPALITY, THE CBC MAY
 6 APPOINT TO THE PLANNING COMMITTEE AN ADDITIONAL MEMBER
 7 REPRESENTATIVE OF THE ADJACENT MUNICIPALITY TO SERVE AS A REGULAR
 8 PLANNING COMMITTEE MEMBER OR AS AN ADVISORY MEMBER WITHOUT VOTING
 9 RIGHTS, AS INDICATED IN WRITING BY THE CBC AT THE TIME OF
 10 APPOINTMENT.

11 (8) IF A CBC HAS DIFFICULTY FINDING QUALIFIED INDIVIDUALS TO
 12 SERVE ON THE PLANNING COMMITTEE, THE DEPARTMENT MAY APPROVE A
 13 REDUCTION IN THE NUMBER OF MEMBERS OF THE PLANNING COMMITTEE.
 14 HOWEVER, AT A MINIMUM, THE PLANNING COMMITTEE SHALL INCLUDE THE
 15 FOLLOWING 7 MEMBERS REPRESENTATIVE OF THE FOLLOWING INTERESTS
 16 WITHIN THE PLANNING AREA:

17 (A) TWO REPRESENTATIVES OF THE MATERIALS MANAGEMENT INDUSTRY.

18 (B) TWO REPRESENTATIVES OF ENVIRONMENTAL GROUPS OR THE
 19 REGIONAL PLANNING AGENCY.

20 (C) AN ELECTED COUNTY OFFICIAL.

21 (D) AN ELECTED TOWNSHIP OFFICIAL.

22 (E) AN ELECTED CITY OR VILLAGE OFFICIAL.

23 SEC. 11573. IN ADDITION TO ITS OTHER RESPONSIBILITIES UNDER
 24 THIS PART, THE PLANNING COMMITTEE SHALL DO ALL OF THE FOLLOWING:

25 (A) DIRECT THE DPA IN THE PREPARATION OF THE MMP.

26 (B) REVIEW AND APPROVE THE DPA'S WORK PROGRAM UNDER SECTION
 27 11587(4)(B).



1 (C) IDENTIFY RELEVANT LOCAL MATERIALS MANAGEMENT POLICIES AND
2 PRIORITIES.

3 (D) ENSURE COORDINATION IN THE PREPARATION OF THE MMP.

4 (E) ADVISE COUNTIES AND MUNICIPALITIES WITH RESPECT TO THE
5 MMP.

6 (F) ENSURE THAT THE DPA IS FULFILLING ALL OF THE REQUIREMENTS
7 OF THIS PART AND RULES PROMULGATED UNDER THIS PART AS TO BOTH THE
8 CONTENT OF THE MMP AND THE PUBLIC PARTICIPATION REQUIREMENT. THE
9 PLANNING COMMITTEE SHALL NOTIFY THE DPA OF ANY DEFICIENCIES. IF THE
10 DEFICIENCIES ARE NOT ADDRESSED BY THE DPA TO THE PLANNING
11 COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL NOTIFY THE
12 CBC. IF THE DEFICIENCIES ARE NOT ADDRESSED BY THE CBC TO THE
13 PLANNING COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL
14 NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL ADDRESS THE
15 DEFICIENCIES AND MAY PREPARE THE MMP UNDER SECTION 11575(11).

16 SEC. 11574. (1) IN ADDITION TO ITS OTHER RESPONSIBILITIES
17 UNDER THIS PART, A DPA SHALL DO ALL OF THE FOLLOWING:

18 (A) SERVE AS THE PRIMARY GOVERNMENT RESOURCE IN THE PLANNING
19 AREA FOR INFORMATION ABOUT THE MMP AND THE MMP DEVELOPMENT PROCESS.

20 (B) UNDER THE DIRECTION OF THE PLANNING COMMITTEE, PREPARE A
21 PROPOSED MMP.

22 (C) DURING THE PREPARATION OF AN MMP, SOLICIT THE ADVICE OF
23 AND CONSULT WITH THE FOLLOWING:

24 (i) PERIODICALLY, ALL OF THE MUNICIPALITIES, APPROPRIATE
25 ORGANIZATIONS, AND THE PRIVATE SECTOR IN THE PLANNING AREA.

26 (ii) THE APPROPRIATE COUNTY OR REGIONAL PLANNING AGENCY AND
27 COUNTIES AND MUNICIPALITIES IN ADJACENT COUNTIES THAT MAY BE



1 SIGNIFICANTLY AFFECTED BY THE MMP.

2 (D) NOTIFY THE CHIEF ELECTED OFFICIAL OF EACH MUNICIPALITY
3 WITHIN THE PLANNING AREA AND ANY OTHER PERSON WITHIN THE PLANNING
4 AREA SO REQUESTING, NOT LESS THAN 10 DAYS BEFORE EACH PUBLIC
5 MEETING AT WHICH THE DPA WILL DISCUSS THE MMP. THE NOTICE SHALL
6 INDICATE AS PRECISELY AS POSSIBLE THE SUBJECT MATTER BEING
7 DISCUSSED.

8 (E) OBTAIN WRITTEN APPROVAL OF THE PROPOSED MMP FROM THE
9 PLANNING COMMITTEE.

10 (F) SUBMIT A COPY OF THE PROPOSED MMP AS APPROVED BY THE
11 PLANNING COMMITTEE TO ALL OF THE FOLLOWING WITH A NOTICE SPECIFYING
12 THE END OF THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (H) :

13 (i) THE DEPARTMENT.

14 (ii) EACH MUNICIPALITY WITHIN THE PLANNING AREA.

15 (iii) COUNTIES AND MUNICIPALITIES ADJACENT TO THE PLANNING
16 AREA THAT MAY BE AFFECTED BY THE MMP OR THAT HAVE REQUESTED THE
17 OPPORTUNITY TO REVIEW THE MMP.

18 (iv) THE REGIONAL PLANNING AGENCY FOR EACH COUNTY INCLUDED IN
19 THE PLANNING AREA.

20 (G) PUBLISH A NOTICE OF THE PROPOSED MMP IN A NEWSPAPER OF
21 GENERAL CIRCULATION IN THE PLANNING AREA. THE NOTICE SHALL INDICATE
22 A LOCATION WHERE COPIES OF THE PROPOSED MMP ARE AVAILABLE FOR
23 PUBLIC INSPECTION OR COPYING AT COST, SPECIFY THE END OF THE PUBLIC
24 COMMENT PERIOD UNDER SUBDIVISION (H) , AND SOLICIT PUBLIC COMMENT.

25 (H) RECEIVE PUBLIC COMMENTS ON THE PROPOSED MMP FOR NOT LESS
26 THAN 60 DAYS AFTER THE PUBLICATION OF THE NOTICE UNDER SUBDIVISION
27 (G) .



1 (I) DURING THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (H) ,
2 CONDUCT A PUBLIC HEARING ON THE PROPOSED MMP. THE PLANNING
3 COMMITTEE SHALL PUBLISH A NOTICE FOR NOT LESS THAN 30 DAYS BEFORE
4 THE HEARING IN A NEWSPAPER OF GENERAL CIRCULATION WITHIN THE
5 PLANNING AREA. THE NOTICE SHALL INDICATE A LOCATION WHERE COPIES OF
6 THE MMP ARE AVAILABLE FOR PUBLIC INSPECTION OR COPYING AT COST AND
7 SHALL INDICATE THE TIME AND PLACE OF THE PUBLIC HEARING. THE SAME
8 NOTICE MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SUBDIVISION
9 AND SUBDIVISION (G) . THE PLANNING COMMITTEE SHALL SUBMIT TO THE
10 DEPARTMENT PROOF OF NOTICE PUBLICATION UNDER THIS SUBDIVISION AND
11 SUBDIVISION (G) .

12 (J) SUBMIT TO THE PLANNING COMMITTEE A SUMMARY OF THE COMMENTS
13 RECEIVED DURING THE PUBLIC COMMENT PERIOD.

14 (2) THE DPA, OR THE DEPARTMENT IF THE DEPARTMENT PREPARES AN
15 MMP, SHALL USE A STANDARD FORMAT IN PREPARING THE MMP. THE
16 DEPARTMENT SHALL PREPARE THE STANDARD FORMAT AND PROVIDE A COPY OF
17 THE STANDARD FORMAT TO EACH DPA THAT THE DEPARTMENT KNOWS WILL
18 PREPARE AN MMP. THE DEPARTMENT SHALL PROVIDE THE STANDARD FORMAT TO
19 ANY OTHER PERSON UPON REQUEST.

20 (3) THE PLANNING COMMITTEE SHALL CONSIDER THE COMMENT SUMMARY
21 RECEIVED FROM THE DPA UNDER SUBSECTION (1) (G) AND MAY DIRECT THE
22 DPA TO REVISE THE PROPOSED MMP. THE DPA SHALL REVISE THE MMP AS
23 DIRECTED BY THE PLANNING COMMITTEE. NOT MORE THAN 30 DAYS AFTER THE
24 END OF THE PUBLIC COMMENT PERIOD, THE DPA SHALL SUBMIT THE PROPOSED
25 MMP, AS REVISED, IF APPLICABLE, TO THE PLANNING COMMITTEE.

26 (4) NOT MORE THAN 30 DAYS AFTER THE MMP IS SUBMITTED TO THE
27 PLANNING COMMITTEE UNDER SUBSECTION (3) , THE PLANNING COMMITTEE



1 SHALL TAKE FORMAL ACTION ON THE MMP AND, IF THE PLANNING COMMITTEE
2 APPROVES THE MMP IN COMPLIANCE WITH SECTION 11572(3), THE DPA SHALL
3 SUBMIT THE APPROVED MMP TO THE CBC.

4 SEC. 11575. (1) NOT MORE THAN 60 DAYS AFTER THE PROPOSED MMP
5 IS SUBMITTED TO THE CBC UNDER SECTION 11574(4), THE CBC SHALL
6 APPROVE OR REJECT THE MMP AND NOTIFY THE PLANNING COMMITTEE. A
7 NOTICE THAT THE CBC REJECTS THE MMP SHALL INCLUDE THE SPECIFIC
8 REASONS IN WRITING FOR THE REJECTION.

9 (2) NOT MORE THAN 30 DAYS AFTER NOTICE OF THE REJECTION OF THE
10 PROPOSED MMP IS SENT UNDER SUBSECTION (1), THE PLANNING COMMITTEE
11 MAY REVISE THE PROPOSED MMP AND SUBMIT THE REVISED PROPOSED MMP TO
12 THE CBC. AFTER THE REVISED PROPOSED MMP IS SUBMITTED TO IT UNDER
13 THIS SUBSECTION, THE CBC SHALL APPROVE OR REJECT THE REVISED MMP
14 AND NOTIFY THE PLANNING COMMITTEE.

15 (3) IF THE CBC REJECTS THE REVISED MMP, THE CBC SHALL PREPARE
16 AND APPROVE AN MMP, SUBJECT TO THE CONTINUED RUNNING OF THE 3-YEAR
17 PERIOD UNDER SECTION 11571(8).

18 (4) NOT MORE THAN 10 DAYS AFTER THE CBC APPROVES AN MMP UNDER
19 SUBSECTION (1), (2), OR (3), THE DPA SHALL SUBMIT A COPY OF THE
20 APPROVED MMP TO THE LEGISLATIVE BODY OF EACH MUNICIPALITY LOCATED
21 WITHIN THE PLANNING AREA.

22 (5) NOT MORE THAN 120 DAYS AFTER THE MMP IS SUBMITTED TO THE
23 LEGISLATIVE BODY OF A MUNICIPALITY, THE LEGISLATIVE BODY MAY
24 APPROVE OR REJECT THE MMP AND SHALL NOTIFY THE DPA OF THE APPROVAL
25 OR REJECTION.

26 (6) WITHIN 30 DAYS AFTER THE DEADLINE FOR MUNICIPAL
27 NOTIFICATION TO THE DPA UNDER THIS SUBSECTION, THE DPA SHALL NOTIFY



1 THE DEPARTMENT WHICH MUNICIPALITIES TIMELY APPROVED THE MMP, WHICH
2 TIMELY REJECTED THE MMP, AND WHICH DID NOT TIMELY NOTIFY THE DPA OF
3 APPROVAL OR REJECTION. THE NOTICE SHALL BE ACCOMPANIED BY A COPY OF
4 THE MMP. IF THE MMP IS NOT APPROVED BY AT LEAST 2/3 OF THE
5 MUNICIPALITIES THAT TIMELY NOTIFY THE DPA OF THEIR APPROVAL OR
6 REJECTION UNDER SUBSECTION (5), THEN SUBSECTION (8) OR (9) APPLIES,
7 AS DETERMINED BY THE DEPARTMENT. IF THE MMP IS APPROVED BY AT LEAST
8 2/3 OF THE MUNICIPALITIES THAT TIMELY NOTIFY THE DPA OF THEIR
9 APPROVAL OR REJECTION UNDER SUBSECTION (5), THEN SUBSECTION (9)
10 APPLIES.

11 (7) THE DEPARTMENT MAY APPROVE AN EXTENSION OF A DEADLINE
12 UNDER SUBSECTIONS (2) TO (6) IF THE EXTENSION IS REQUESTED BY THE
13 ENTITY SUBJECT TO THE DEADLINE WITHIN A REASONABLE TIME AFTER THE
14 ISSUES GIVING RISE TO THE NEED FOR AN EXTENSION ARISE.

15 (8) IF THE MMP IS NOT APPROVED OR DISAPPROVED BY A DEADLINE
16 ESTABLISHED IN SUBSECTIONS (2) THROUGH (6), SUBJECT TO ANY
17 EXTENSION UNDER SUBSECTION (7), THE MMP IS CONSIDERED AUTOMATICALLY
18 APPROVED AT THAT STEP IN THE APPROVAL PROCESS, AND THE APPROVAL
19 PROCESS SHALL CONTINUE AT THE NEXT STEP.

20 (9) WITHIN 180 DAYS AFTER THE MMP IS SUBMITTED TO THE
21 DEPARTMENT UNDER SUBSECTION (6), THE DEPARTMENT SHALL, SUBJECT TO
22 SUBSECTION (7), APPROVE OR REJECT THE MMP. IF THE DEPARTMENT
23 APPROVES THE MMP, THE MMP IS FINAL. IF THE DEPARTMENT REJECTS THE
24 MMP, SUBSECTION (11) APPLIES.

25 (10) BEFORE APPROVING OR REJECTING AN MMP UNDER SUBSECTION
26 (9), THE DEPARTMENT MAY RETURN THE MMP TO THE CBC WITH A WRITTEN
27 REQUEST FOR MODIFICATIONS TO BRING THE MMP INTO COMPLIANCE WITH



1 THIS PART AND THE RULES PROMULGATED UNDER THIS PART OR TO CLARIFY
2 THE MMP. IF THE DEPARTMENT RETURNS THE MMP FOR MODIFICATIONS, THE
3 RUNNING OF THE 180-DAY PERIOD IS TOLLED FOR 90 DAYS OR UNTIL THE
4 CBC RESPONDS TO THE DEPARTMENT'S REQUEST, WHICHEVER OCCURS FIRST.
5 IF THE CBC DOES NOT APPROVE THE MODIFICATIONS REQUESTED BY THE
6 DEPARTMENT, SUBSECTION (11) APPLIES.

7 (11) IF A CBC FAILS TO TIMELY PREPARE AN MMP THAT OBTAINS THE
8 APPROVALS REQUIRED BY THIS PART, THE DEPARTMENT MAY PREPARE AND
9 APPROVE AN MMP FOR THE COUNTY. AN MMP PREPARED AND APPROVED BY THE
10 DEPARTMENT IS FINAL. ONCE THE MMP IS FINAL, THE COUNTY SHALL
11 IMPLEMENT THE MMP.

12 SEC. 11576. (1) AMENDMENTS TO AN MMP SHALL BE MADE ONLY AS
13 PROVIDED IN SUBSECTION (2), (3), OR (4).

14 (2) THE DEPARTMENT SHALL INITIATE THE ADOPTION OF 1 OR MORE
15 AMENDMENTS TO AN MMP IF THE DEPARTMENT DETERMINES THAT THE GUIDANCE
16 PROVIDED BY LEGISLATION, BY THIS STATE'S SOLID WASTE POLICY, AND BY
17 REPORTS AND INITIATIVES OF THE DEPARTMENT HAS SIGNIFICANTLY CHANGED
18 THE REQUIRED CONTENTS OF AN MMP OR IF AS A RESULT OF CHANGES IN
19 CONDITIONS IN THE PLANNING AREA THE MMP NO LONGER COMPLIES WITH THE
20 REQUIREMENTS OF THIS PART. THE PROCEDURE FOR ADOPTING AMENDMENTS TO
21 THE MMP UNDER THIS SUBSECTION IS THE SAME AS THE PROCEDURE FOR
22 ADOPTION OF AN INITIAL MMP.

23 (3) THE CBC MAY INITIATE AMENDMENTS BY FILING A NOTICE OF
24 INTENT WITH THE DEPARTMENT. EXCEPT AS PROVIDED IN SUBSECTION (4),
25 THE PROCEDURE FOR ADOPTING THE AMENDMENTS IS THE SAME AS THE
26 PROCEDURE FOR ADOPTION OF AN INITIAL MMP EXCEPT AS FOLLOWS:

27 (A) THE COUNTY SUBMITS A NOTICE OF INTENT ON ITS OWN



1 INITIATIVE RATHER THAN IN RESPONSE TO A REQUEST FROM THE DEPARTMENT
2 UNDER SECTION 11571.

3 (B) IF THE CBC REJECTS A REVISED MMP UNDER SECTION 11575(2),
4 THE AMENDMENT PROCESS TERMINATES.

5 (C) SECTION 11575(11) DOES NOT APPLY. INSTEAD, IF ANY REQUIRED
6 APPROVAL IS NOT TIMELY GRANTED, THE AMENDMENT PROCESS TERMINATES
7 AND THE AMENDMENTS ARE NOT ADOPTED.

8 (4) IF AFTER A NOTICE OF INTENT IS FILED UNDER SUBSECTION (3),
9 THE DEPARTMENT DETERMINES THAT THE AMENDMENT WILL INCREASE
10 MATERIALS UTILIZATION OR THE RECOVERY OF MANAGED MATERIAL, THE
11 DEPARTMENT MAY AUTHORIZE THE CBC TO AMEND THE MMP BY SIMPLY
12 SUBMITTING THE AMENDMENT TO THE DEPARTMENT IN WRITING. THE
13 DEPARTMENT SHALL PROVIDE THE CBC WITH WRITTEN APPROVAL OF THE
14 SUBMITTED AMENDMENT.

15 (5) A COUNTY SHALL KEEP ITS MMP CURRENT. THE FOLLOWING CHANGES
16 DO NOT REQUIRE AN AMENDMENT IF MADE IN A SUPPLEMENT TO THE MMP
17 PROVIDED FOR BY THE DEPARTMENT UNDER SECTION 11574(2) FOR THE
18 PURPOSE OF CHANGES NOT REQUIRING AN AMENDMENT:

19 (A) TRANSPORTATION INFRASTRUCTURE.

20 (B) POPULATION DENSITY.

21 (C) MATERIALS MANAGEMENT FACILITY INVENTORY.

22 (D) LOCAL ORDINANCES THAT DO NOT CONTROL THE DEVELOPMENT OF A
23 MATERIALS MANAGEMENT FACILITY AND THAT MINIMALLY CONTROL THE
24 OPERATION OF THE MATERIALS MANAGEMENT FACILITY, SUCH AS ORDINANCES
25 ADDRESSING LANDSCAPING, SCREENING, AND OTHER ANCILLARY CONSTRUCTION
26 DETAILS; HOURS OF OPERATION; OPERATING RECORDS AND REPORTING
27 REQUIREMENTS; NOISE, LITTER, ODOR, DUST, AND OTHER SITE NUISANCES;



1 AND FACILITY SECURITY AND SAFETY.

2 (6) CHANGES MADE WITHOUT AMENDMENT UNDER SUBSECTION (5) SHALL
3 BE INCORPORATED IN THE NEXT AMENDMENT MADE UNDER SUBSECTION (2) OR
4 (3).

5 (7) EVERY 5 YEARS AFTER THE INITIAL MMP IS APPROVED, THE CBC
6 SHALL COMPLETE AN MMP REVIEW. THE PURPOSE OF THE REVIEW IS TO
7 ENSURE THAT THE MMP COMPLIES WITH THIS PART AND TO EVALUATE THE
8 PROGRESS THAT HAS BEEN MADE IN MEETING THE MMP'S MATERIALS
9 UTILIZATION GOALS, INCLUDING THE BENCHMARK RECYCLING STANDARD. ONCE
10 THE REVIEW IS COMPLETE, THE CBC SHALL SUBMIT TO THE DEPARTMENT 1 OF
11 THE FOLLOWING, AS APPROPRIATE:

12 (A) AN MMP AMENDMENT.

13 (B) A STATEMENT INDICATING THAT AN AMENDMENT IS NOT NEEDED TO
14 ADVANCE THE MATERIALS UTILIZATION GOALS IN THE MMP.

15 (8) THE DEPARTMENT MAY REVIEW AN APPROVED MMP PERIODICALLY AND
16 DETERMINE IF ANY AMENDMENTS ARE NECESSARY TO BRING THE MMP INTO
17 COMPLIANCE WITH THIS PART. IF AN AMENDMENT IS NECESSARY TO BRING
18 THE PLAN INTO COMPLIANCE WITH THIS PART, ALL OF THE FOLLOWING
19 APPLY:

20 (A) THE DEPARTMENT, AFTER NOTICE AND OPPORTUNITY FOR A PUBLIC
21 HEARING HELD PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
22 1969 PA 306, MCL 24.201 TO 24.328, MAY WITHDRAW APPROVAL OF THE MMP
23 OR THE NONCOMPLIANT PORTION OF THE MMP.

24 (B) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE FOR COMPLIANCE
25 WITH THIS PART.

26 (C) IF THE PLANNING AREA DOES NOT AMEND ITS MMP WITHIN THE
27 ESTABLISHED SCHEDULE UNDER SUBDIVISION (B), THE DEPARTMENT SHALL



1 AMEND THE MMP TO ADDRESS THE DEFICIENCIES.

2 SEC. 11577. (1) THE GOALS OF AN MMP ARE AS FOLLOWS:

3 (A) TO PREVENT ADVERSE EFFECTS ON THE PUBLIC HEALTH OR THE
4 ENVIRONMENT RESULTING FROM IMPROPER MATERIALS MANAGEMENT
5 COLLECTION, PROCESSING, RECOVERY, OR DISPOSAL, INCLUDING PROTECTION
6 OF SURFACE WATER AND GROUNDWATER QUALITY, AIR QUALITY, AND THE
7 LAND.

8 (B) TO SUSTAINABLY MANAGE MATERIALS IN A WAY THAT BENEFITS THE
9 ECONOMY, COMMUNITIES, AND THE ENVIRONMENT.

10 (2) AN MMP SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

11 (A) TAKE INTO CONSIDERATION THE MMPS OF COUNTIES ADJACENT TO
12 THE PLANNING AREA AS THEY RELATE TO THE PLANNING AREA'S NEEDS.

13 (B) IDENTIFY ALL MANAGED MATERIALS GENERATED IN THE PLANNING
14 AREA BY TYPE AND TONNAGE AND DOCUMENT AVAILABLE MATERIALS
15 MANAGEMENT INFRASTRUCTURE AND SYSTEMS, TO THE EXTENT PRACTICABLE,
16 THAT CURRENTLY ENSURE THAT ALL MANAGED MATERIALS GENERATED IN THE
17 PLANNING AREA ARE COLLECTED AND RECOVERED, PROCESSED, OR DISPOSED
18 AT FACILITIES THAT COMPLY WITH STATE STATUTES AND RULES OR MANAGED
19 APPROPRIATELY AT OUT-OF-STATE FACILITIES.

20 (C) CALCULATE THE RECYCLING RATE FOR THE PLANNING AREA.

21 (D) IDENTIFY ALL MANAGED MATERIALS THAT ARE INCLUDED AS PART
22 OF THE PLANNING AREA'S MATERIALS UTILIZATION GOALS. AMOUNTS OF
23 MATERIAL GENERATED IN THE COUNTY OR PLANNING AREA MAY BE ESTIMATED
24 USING A FORMULA PROVIDED BY THE DEPARTMENT.

25 (E) EVALUATE CURRENTLY AVAILABLE MANAGEMENT OPTIONS FOR
26 MANAGED MATERIALS IDENTIFIED UNDER SUBDIVISION (B), TO THE EXTENT
27 PRACTICABLE, AND INCLUDE AN ENFORCEABLE PROCESS TO ENSURE THAT ALL



1 SUCH MANAGED MATERIALS ARE COLLECTED AND RECOVERED, PROCESSED, OR
2 DISPOSED AT FACILITIES THAT COMPLY WITH STATE STATUTES AND RULES OR
3 MANAGED APPROPRIATELY AT OUT-OF-STATE FACILITIES.

4 (F) LIST A FACILITY IN THE MMP ONLY IF THE OWNER OR OPERATOR
5 OF THE FACILITY HAS SUBMITTED TO THE COUNTY A WRITTEN
6 ACKNOWLEDGMENT INDICATING THAT THE OWNER OR OPERATOR IS AWARE OF
7 THE PROPOSED INCLUSION OF THE FACILITY IN THE MMP RELATIVE TO THE
8 MATERIALS CAPACITY NEEDS IDENTIFIED IN SECTION 11577(2) (B) AND THAT
9 THE FACILITY HAS THE INDICATED CAPACITY TO MANAGE THE MATERIALS
10 IDENTIFIED. THE MMP SHALL INCLUDE A STATEMENT THAT THE OWNER OR
11 OPERATOR OF EACH FACILITY LISTED IN THE MMP HAS SUBMITTED SUCH A
12 STATEMENT TO THE COUNTY. IF THE SUBMITTED ACKNOWLEDGEMENTS DO NOT
13 DOCUMENT SUFFICIENT CAPACITY FOR DISPOSAL OR MATERIALS UTILIZATION
14 TO REACH THE MMP'S MATERIALS MANAGEMENT CAPACITY REQUIREMENTS,
15 INCLUDING THE MATERIALS UTILIZATION GOALS AND BENCHMARK RECYCLING
16 STANDARDS, THE MMP SHALL IDENTIFY SPECIFIC STRATEGIES, INCLUDING A
17 TIMETABLE AND APPROACH TO DEVELOP AND FUND THE CAPACITY SHORTFALL.

18 (G) INCLUDE DOCUMENTATION OF ALL OPPORTUNITIES FOR
19 PARTICIPATION AND INVOLVEMENT OF THE PUBLIC, ALL AFFECTED AGENCIES
20 AND PARTIES, AND THE PRIVATE SECTOR.

21 (H) CONTAIN AN ENFORCEABLE MECHANISM FOR IMPLEMENTING THE MMP,
22 AND IDENTIFY THE PARTY RESPONSIBLE TO ENSURE COMPLIANCE WITH THIS
23 PART. THE MMP MAY CONTAIN A MECHANISM FOR THE COUNTY AND
24 MUNICIPALITIES IN THE PLANNING AREA TO ASSIST THE DEPARTMENT AND
25 THE STATE POLICE IN IMPLEMENTING AND CONDUCTING THE INSPECTION
26 PROGRAM ESTABLISHED IN SECTION 11526(2) AND (3). THIS SUBDIVISION
27 DOES NOT PRECLUDE THE PRIVATE SECTOR'S PARTICIPATION IN PROVIDING



1 MATERIALS MANAGEMENT SERVICES CONSISTENT WITH THE MMP FOR THE
2 PLANNING AREA.

3 (I) INCLUDE CURRENT AND PROJECTED POPULATION DENSITIES AND
4 IDENTIFICATION OF POPULATION CENTERS AND CENTERS OF MANAGED
5 MATERIALS GENERATION OF EACH PLANNING AREA USING A FORMULA PROVIDED
6 BY THE DEPARTMENT TO DEMONSTRATE THAT THE CAPACITY REQUIRED FOR
7 MANAGED MATERIALS IS MET.

8 (J) ENSURE THAT THE PLANNING AREA HAS, AND WILL HAVE DURING
9 THE PLANNING PERIOD, ACCESS TO A SUFFICIENT AMOUNT OF AVAILABLE AND
10 SUITABLE LAND, ACCESSIBLE TO TRANSPORTATION MEDIA, TO ACCOMMODATE
11 THE DEVELOPMENT AND OPERATION OF MATERIALS UTILIZATION FACILITIES
12 AND PROCESSING AND TRANSFER FACILITIES PROVIDED FOR IN THE MMP.

13 (K) ENSURE THAT THE MATERIALS MANAGEMENT FACILITIES PROVIDED
14 FOR IN THE MMP ARE CAPABLE OF BEING DEVELOPED AND OPERATED IN
15 COMPLIANCE WITH STATE LAW AND RULES OF THE DEPARTMENT PERTAINING TO
16 PROTECTION OF THE PUBLIC HEALTH AND THE ENVIRONMENT, CONSIDERING
17 THE AVAILABLE LAND IN THE PLANNING AREA AND THE TECHNICAL
18 FEASIBILITY OF, AND ECONOMIC COSTS ASSOCIATED WITH, THE FACILITIES.

19 (l) INCLUDE A TIMETABLE OR SCHEDULE FOR IMPLEMENTING THE MMP.

20 (M) INCLUDE A SITING PROCESS UNDER SECTION 11579(3).

21 (N) INCLUDE THE TRANSPORTATION INFRASTRUCTURE.

22 (O) INCLUDE ANY ORDINANCE, LAW, RULE, OR REGULATION OF A
23 MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY WITHIN THE PLANNING
24 AREA THAT APPLIES TO THE SITING PROCESS.

25 SEC. 11578. AN MMP SHALL INCLUDE ALL OF THE FOLLOWING:

26 (A) THE PLANNING AREA'S MATERIALS UTILIZATION GOALS.

27 (B) AN IMPLEMENTATION STRATEGY FOR THE COUNTY TO MEET ITS



1 MATERIALS UTILIZATION GOALS, INCLUDING THE BENCHMARK RECYCLING
2 STANDARDS, BY THE TIME OF THE REQUIRED 5-YEAR MMP REVIEW UNDER
3 SECTION 11576(7). THE IMPLEMENTATION STRATEGY SHALL INCLUDE, BUT IS
4 NOT LIMITED TO, ALL OF THE FOLLOWING:

5 (i) HOW PROGRESS WILL BE MADE TO REDUCE THE AMOUNT OF ORGANIC
6 MATERIAL BEING DISPOSED OF, THROUGH FOOD WASTE REDUCTION,
7 COMPOSTING, AND ANAEROBIC DIGESTION.

8 (ii) HOW PROGRESS WILL BE MADE TO REDUCE THE AMOUNT OF
9 RECYCLABLE MATERIALS BEING DISPOSED OF, THROUGH INCREASED
10 RECYCLING, INCLUDING EXPANDING CONVENIENT ACCESS AND RECYCLING AT
11 SINGLE AND MULTIFAMILY DWELLINGS, BUSINESSES, AND INSTITUTIONS.

12 (iii) A PROCESS WHEREBY EACH OF A PLANNING AREA'S MATERIALS
13 UTILIZATION FACILITIES ARE EVALUATED BASED ON THE TYPE, ORIGIN, AND
14 QUANTITIES OF SOURCE SEPARATED OR RECYCLABLE MATERIALS IN TONS ON
15 AN ANNUAL BASIS AS REPORTED TO THE DEPARTMENT.

16 (iv) A DESCRIPTION OF THE RESOURCES NEEDED FOR IMPLEMENTING
17 THE MATERIALS UTILIZATION GOALS FOR THE PLANNING AREA.

18 (v) A DESCRIPTION OF HOW THE CBC WILL MEET THE BENCHMARK
19 RECYCLING STANDARDS AS PART OF ITS MATERIALS UTILIZATION GOALS.

20 (C) AN INVENTORY AND DESCRIPTION OF ALL MATERIALS MANAGEMENT
21 FACILITIES, INCLUDING A SUMMARY OF THE DEFICIENCIES, IF ANY, OF THE
22 FACILITIES IN MEETING CURRENT MATERIALS MANAGEMENT NEEDS. THE
23 DESCRIPTION SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING INFORMATION:

24 (i) FACILITY NAME.

25 (ii) FACILITY ADDRESS, INCLUDING LATITUDE AND LONGITUDE.

26 (iii) ESTIMATED FACILITY ACREAGE.

27 (iv) MATERIALS MANAGED.



1 (v) MATERIAL HANDLING PROCESSES AT THE FACILITY.

2 (vi) TOTAL AUTHORIZED CAPACITY.

3 (D) A DESCRIPTION OF THE MECHANISMS BY WHICH MUNICIPALITIES IN
4 THE PLANNING AREA WILL ENSURE CONVENIENT RECYCLING ACCESS, SUCH AS
5 ASSIGNMENT OF THE RESPONSIBILITY TO THE COUNTY OR AN AUTHORITY,
6 FRANCHISE OR CONTRACT AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS,
7 MUNICIPAL SERVICES, HAULER LICENSING UNDER AN ORDINANCE, OR PUBLIC-
8 PRIVATE PARTNERSHIP.

9 (E) FOR PURPOSES OF EDUCATION AND OUTREACH, ALL OF THE
10 FOLLOWING CRITERIA:

11 (i) THE RESPONSIBLE PARTY FOR EDUCATING THE RESIDENTS AND
12 BUSINESSES IN THE PLANNING AREA IS IDENTIFIED IN THE MMP.

13 (ii) THE BUDGET AND MEANS OF FUNDING EDUCATION AND OUTREACH
14 EFFORTS ARE SPECIFIED IN THE MMP.

15 (iii) IF THE RESPONSIBILITY FOR ACTIVITIES TO MEET THE
16 REQUIREMENTS OF SUBDIVISIONS (A) AND (B) IS PRIMARILY PLACED ON THE
17 PRIVATE SECTOR SERVICE PROVIDERS, AN AGREEMENT WITH THE SERVICE
18 PROVIDER OR AN ORDINANCE OR OTHER ENFORCEABLE MECHANISM ENSURES
19 COMPLIANCE WITH THIS PART.

20 (iv) THE COUNTY OR REGIONAL ROLE IN PROVIDING RECYCLING
21 EDUCATION, INCLUDING A WEBSITE, TELEPHONE NUMBER, AND SAMPLE
22 RECYCLING GUIDE THAT WILL BE PROVIDED TO RESIDENTS AND BUSINESSES,
23 IS DESCRIBED IN THE MMP.

24 SEC. 11579. (1) AN MMP SHALL IDENTIFY THE DPA AND THE ENTITY
25 OR ENTITIES RESPONSIBLE FOR THE FOLLOWING AND SHALL INCLUDE
26 DOCUMENTATION SUPPORTING THE APPROPRIATENESS OF THE DPA AND OTHER
27 IDENTIFIED ENTITIES TO CARRY OUT THEIR RESPECTIVE RESPONSIBILITIES:



1 (A) IMPLEMENTING THE BENCHMARK RECYCLING STANDARDS ACCESS
2 REQUIREMENTS.

3 (B) IDENTIFYING THE MATERIALS UTILIZATION FRAMEWORK AND THE
4 ACHIEVEMENT OF THE MATERIALS UTILIZATION GOALS IDENTIFIED IN THE
5 MMP.

6 (C) EDUCATION AND OUTREACH EFFORTS FOR THE PLANNING AREA.

7 (D) OTHERWISE MONITORING, IMPLEMENTING, AND ENFORCING THE MMP
8 AND PROVIDING ANY REQUIRED REPORTS TO THE DEPARTMENT.

9 (E) THE FUNDING MECHANISMS IDENTIFIED IN SECTION 11581 THAT
10 WILL BE USED TO IMPLEMENT THE MMP AND PRIVATE SECTOR AND PUBLIC
11 SECTOR ROLES IN COVERING CAPITAL AND OPERATING COSTS.

12 (2) THIS STATE MAY SERVE AS A RESPONSIBLE PARTY UNDER
13 SUBSECTION (1) ON BEHALF OF A MUNICIPALITY IF THE MUNICIPALITY IS
14 UNDER A FINANCIAL CONSENT ORDER OR IN RECEIVERSHIP.

15 (3) AN MMP SHALL CONTAIN A SITING PROCESS WITH A SET OF
16 MINIMUM CRITERIA WHEREBY, SUBJECT TO SUBSECTION (4), DISPOSAL AREAS
17 AND MATERIALS UTILIZATION FACILITIES CAN BE SITED IN THE PLANNING
18 AREA AND ARE CONSISTENT WITH THE MMP IF ANY OF THE FOLLOWING APPLY:

19 (A) THE MMP AUTHORIZES THAT TYPE OF DISPOSAL AREA OR MATERIALS
20 UTILIZATION FACILITY TO FOLLOW THE SITING PROCESS.

21 (B) THE FACILITY IS A CAPTIVE TYPE III LANDFILL AND BOTH OF
22 THE FOLLOWING APPLY:

23 (i) THE LANDFILL DOES NOT ACCEPT OFF-SITE WASTE.

24 (ii) THE LANDFILL MET LOCAL LAND USE REQUIREMENTS WHEN
25 INITIALLY SITED.

26 (4) A LANDFILL, OTHER THAN A CAPTIVE TYPE III LANDFILL, OR A
27 MUNICIPAL SOLID WASTE INCINERATOR NEED NOT BE SITED IF THE CBC



1 DEMONSTRATES TO THE DEPARTMENT THROUGH ITS MATERIALS MANAGEMENT
2 PLAN THAT THE COUNTY HAS AT LEAST 66 MONTHS OF AVAILABLE SOLID
3 WASTE DISPOSAL CAPACITY.

4 (5) THE SITING PROCESS SHALL NOT INCLUDE SITING CRITERIA MORE
5 RESTRICTIVE THAN STATE LAW IF A MATERIALS UTILIZATION FACILITY
6 COULD NOT BE DEVELOPED ANYWHERE IN THE PLANNING AREA UNDER THOSE
7 CRITERIA.

8 (6) AN MMP SHALL MEET ALL OF THE FOLLOWING REQUIREMENTS:

9 (A) PROMOTE THE DEVELOPMENT OF MATERIALS UTILIZATION
10 FACILITIES AND ACTIVITIES AS REQUIRED TO MEET THE MATERIALS
11 UTILIZATION GOALS, INCLUDING IMPLEMENTATION OF THE BENCHMARK
12 RECYCLING STANDARDS, AS APPROPRIATE FOR THE PLANNING AREA'S
13 MATERIALS MANAGEMENT NEED.

14 (B) PROVIDE FOR ALL OF THE FOLLOWING WITH RESPECT TO ANY
15 MUNICIPALITY THAT INCLUDES OR IS LOCATED WITHIN 2 MILES OF A
16 PROPOSED SOLID WASTE LANDFILL DEVELOPMENT OR EXPANSION THAT WOULD
17 REQUIRE A NEW CONSTRUCTION PERMIT OR INCLUDES OR IS LOCATED WITHIN
18 1 MILE OF A SOLID WASTE PROCESSING AND TRANSFER FACILITY OR
19 MATERIALS UTILIZATION FACILITY:

20 (i) NOTIFICATION OF THE MUNICIPALITY.

21 (ii) AN OPPORTUNITY FOR THE MUNICIPALITY TO COMMENT ON THE
22 DEVELOPMENT OR EXPANSION OF THE LANDFILL, PROCESSING AND TRANSFER
23 FACILITY, OR MATERIALS UTILIZATION FACILITY.

24 (iii) A REQUIREMENT THAT THE FACILITY DEVELOPER AND THE
25 PLANNING COMMITTEE ADDRESS, TO THE EXTENT PRACTICABLE, EACH CONCERN
26 IDENTIFIED BY THE MUNICIPALITY. THE COUNTY SHALL DOCUMENT
27 COMPLIANCE WITH THE PROCESS REQUIRED UNDER THIS SUBDIVISION, IF

1 APPLICABLE.

2 (C) PROVIDE DOCUMENTATION OF ALL OF THE OPPORTUNITIES PROVIDED
3 FOR PARTICIPATION OF THE PUBLIC, AFFECTED AGENCIES AND PARTIES, AND
4 THE PRIVATE SECTOR IN THE DEVELOPMENT OF THE MMP.

5 (D) ALLOW THE COUNTY OR A MUNICIPALITY WITHIN THE PLANNING
6 AREA, AT ITS DISCRETION, TO REQUIRE HAULERS OPERATING IN ITS
7 JURISDICTION TO PROVIDE A MINIMUM LEVEL OF RECYCLING SERVICE.

8 (E) REQUIRE THAT A PROPOSED MATERIALS MANAGEMENT FACILITY MEET
9 THE REQUIREMENTS IN THIS PART AND RULES PROMULGATED UNDER THIS PART
10 AND BE CONSISTENT WITH THE MATERIALS UTILIZATION GOALS, INCLUDING
11 THE BENCHMARK RECYCLING STANDARDS.

12 (7) SITING CRITERIA FOR ANY TYPE OF DISPOSAL AREA OR MATERIALS
13 UTILIZATION FACILITY APPLY TO ALL LEVELS OF AUTHORIZATION, EXCEPT
14 FOR THE FOLLOWING:

15 (A) A SOLID WASTE PROCESSING AND TRANSFER FACILITY DESCRIBED
16 IN SECTION 11529.

17 (B) AN INCINERATOR DESCRIBED IN SECTION 11529 IF THE OWNER OR
18 OPERATOR OPTS NOT TO COMPLY WITH THE CONSTRUCTION PERMIT AND
19 OPERATING LICENSE REQUIREMENTS OF THIS PART.

20 SEC. 11580. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF THIS
21 PART, IF THE COUNTY BOARD OF COMMISSIONERS, MUNICIPALITIES, AND
22 REGIONAL PLANNING AGENCY DO NOT TIMELY SUBMIT A NOTICE OF INTENT,
23 AND THE DEPARTMENT PREPARES AN MMP UNDER SECTION 11571, THE MMP
24 PREPARED BY THE DEPARTMENT SHALL COMPLY WITH ALL OF THE FOLLOWING:

25 (A) AUTOMATICALLY FIND ALL MATERIALS UTILIZATION FACILITIES OR
26 PROCESSING AND TRANSFER STATIONS THAT ARE EXEMPT FROM PERMIT AND
27 LICENSE REQUIREMENTS, THAT COMPLY WITH LOCAL ZONING REQUIREMENTS



1 THAT HAVE BEEN INCLUDED IN THE MMP TO BE CONSISTENT WITH THE SITING
2 PROCESS IN THE MMP.

3 (B) NOT ALLOW APPROVAL OF ADDITIONAL SOLID WASTE LANDFILL
4 DISPOSAL CAPACITY.

5 (C) REQUIRE ALL HAULERS SERVING THE PLANNING AREA TO PROVIDE
6 RECYCLING ACCESS CONSISTENT WITH THE BENCHMARK RECYCLING STANDARDS.

7 (2) AN MMP PREPARED BY THE DEPARTMENT NEED NOT CONTAIN A
8 REQUIREMENT TO MEET ADDITIONAL SITING CRITERIA OR OBTAIN HOST
9 COMMUNITY APPROVAL UNDER SECTION 11585(4)(C) TO DEVELOP ANY
10 MATERIALS MANAGEMENT FACILITY.

11 SEC. 11581. (1) IN ADDITION TO THE MATERIALS MANAGEMENT
12 PLANNING GRANTS UNDER SECTION 11587, A MUNICIPALITY OR COUNTY MAY
13 UTILIZE ANY OF THE FOLLOWING MECHANISMS, AS APPLICABLE, TO FUND
14 IMPLEMENTATION OF AN MMP:

15 (A) A MILLAGE UNDER 1917 PA 298, MCL 123.261.

16 (B) A MUNICIPAL UTILITY SERVICE FEE.

17 (C) SPECIAL ASSESSMENTS UNDER 1957 PA 185, MCL 123.731 TO
18 123.786; 1954 PA 188, MCL 41.721 TO 41.728; OR 1923 PA 116, MCL
19 41.411 TO 41.419.

20 (D) A SERVICE PROVIDER FRANCHISE AGREEMENT.

21 (E) HAULER LICENSING FEES.

22 (F) A VOTER-APPROVED MILLAGE.

23 (G) A GENERAL FUND APPROPRIATION.

24 (H) SUPPLEMENTAL FEES FOR SERVICE.

25 (I) A SURCHARGE UNDER SECTION 8A OF THE URBAN COOPERATION ACT,
26 1967 (EX SESS) PA 7, MCL 124.508A.

27 (J) A LANDFILL SURCHARGE.



- 1 (K) ANY OTHER LAWFUL MECHANISM.
- 2 (2) APPROPRIATE USES FOR THIS FUNDING MAY INCLUDE, BUT ARE NOT
- 3 LIMITED, TO THE FOLLOWING:
- 4 (A) RECYCLING PROGRAMS.
- 5 (B) ORGANIC MATERIALS MANAGEMENT.
- 6 (C) EDUCATION AND OUTREACH REGARDING RECYCLING AND MATERIALS
- 7 UTILIZATION.
- 8 (D) RELEVANT MARKET DEVELOPMENT.
- 9 (E) MATERIALS REDUCTION AND REUSE INITIATIVES.

10 SEC. 11582. (1) THE CBC SHALL CERTIFY TO THE DEPARTMENT THE
11 PROGRESS TOWARD MEETING ITS MATERIALS UTILIZATION GOALS, INCLUDING
12 THE BENCHMARK RECYCLING STANDARDS WITHIN THE PLANNING AREA. THE
13 FIRST CERTIFICATION SHALL BE SUBMITTED BY THE FIRST JUNE 30 THAT IS
14 MORE THAN 2 YEARS AFTER THE DEPARTMENT'S APPROVAL OF THE INITIAL
15 MMP OR MMP AMENDMENT. SUBSEQUENT CERTIFICATIONS SHALL BE SUBMITTED
16 BY JUNE 30 EVERY 2 YEARS AFTER THE FIRST CERTIFICATION.

17 (2) IF A COUNTY DOES NOT MAKE PROGRESS UNDER SUBSECTION (1),
18 THE COUNTY IS INELIGIBLE FOR ASSISTANCE FROM THE GROWING RECYCLING
19 ACCESS AND VOLUNTARY PARTICIPATION PROGRAM UNDER SECTION
20 11550(6)(C) UNTIL BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

21 (A) THE COUNTY ADOPTS AN ORDINANCE OR OTHER ENFORCEABLE
22 MECHANISM TO ENSURE THAT ANY SOLID WASTE HAULER PROVIDING CURBSIDE
23 SERVICE ALSO OFFERS CURBSIDE RECYCLING SERVICE TO DWELLINGS OF 4 OR
24 FEWER UNITS IN THE PLANNING AREA.

25 (B) ANY REMAINING DEFICIENCIES IN PROGRESS UNDER SUBSECTION
26 (1) ARE ADDRESSED.

27 SEC. 11583. AN ORDINANCE, LAW, RULE, REGULATION, POLICY, OR



1 PRACTICE OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY
2 CREATED BY STATUTE CONFLICTS WITH THIS PART AND IS NOT ENFORCEABLE
3 IF ANY OF THE FOLLOWING APPLY:

4 (A) IT PROHIBITS OR REGULATES THE LOCATION OR DEVELOPMENT OF A
5 MATERIALS MANAGEMENT FACILITY AND IS NOT INCORPORATED BY REFERENCE
6 IN THE APPROVED MMP FOR THE COUNTY.

7 (B) IT VIOLATES SECTION 207 OF THE MICHIGAN ZONING ENABLING
8 ACT, 2006 PA 110, MCL 125.3207.

9 SEC. 11584. (1) A COUNTY, MUNICIPALITY, AUTHORITY, OR REGIONAL
10 PLANNING AGENCY THAT OWNS A SOLID WASTE DISPOSAL FACILITY MAY ADOPT
11 REQUIREMENTS CONTROLLING THE FLOW OF SOLID WASTE TO THAT SOLID
12 WASTE DISPOSAL FACILITY.

13 (2) A CBC MAY ESTABLISH MATERIALS MANAGEMENT AUTHORIZATIONS OR
14 FEES OR ANY OTHER REGULATORY ORDINANCES, AGREEMENTS, OR CONTRACTS
15 NEEDED TO ACHIEVE THE MATERIALS UTILIZATION GOALS ESTABLISHED IN
16 ITS MMP.

17 (3) THE DEPARTMENT SHALL PROVIDE THE NECESSARY INFORMATION AND
18 GIVE EACH CBC ACCESS TO THE DATABASE SYSTEM USED FOR MATERIALS
19 MANAGEMENT FACILITIES TO REPORT TO THE DEPARTMENT TO ENSURE
20 CONSISTENT DATA EVALUATIONS AT THE STATE AND LOCAL LEVEL. COSTS
21 ASSOCIATED WITH ATTAINING AND MAINTAINING ACCESS TO THE DATABASE
22 ARE ELIGIBLE FOR THE MATERIALS MANAGEMENT PLANNING GRANTS UNDER
23 SECTION 11587.

24 SEC. 11585. (1) BEGINNING _____, THE DEPARTMENT
25 SHALL NOT ISSUE A CONSTRUCTION PERMIT FOR A DISPOSAL AREA OR A
26 GENERAL PERMIT FOR A MATERIALS UTILIZATION FACILITY, AND A NEW
27 DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY THAT DOES NOT



1 REQUIRE A CONSTRUCTION PERMIT OR GENERAL PERMIT SHALL NOT BEGIN TO
2 OPERATE IN A COUNTY UNLESS THE COUNTY HAS AN APPROVED MMP AND THE
3 DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY IS CONSISTENT WITH
4 THE MMP AS DETERMINED UNDER SUBSECTION (2), (3), OR (4). HOWEVER,
5 BOTH OF THE FOLLOWING APPLY:

6 (A) BEFORE AN INITIAL MMP IS APPROVED BY THE DEPARTMENT UNDER
7 SECTION 11575, THE DEPARTMENT MAY ISSUE AN AUTHORIZATION FOR A
8 SOLID WASTE PROCESSING AND TRANSFER FACILITY OR A MATERIALS
9 UTILIZATION FACILITY IF THE CBC AND THE LEGISLATIVE BODY OF THE
10 MUNICIPALITY IN WHICH THE FACILITY IS TO BE LOCATED HAVE EACH
11 NOTIFIED THE DEPARTMENT IN WRITING THAT THEY APPROVE THE ISSUANCE
12 OF THE AUTHORIZATION.

13 (B) PROPOSED LANDFILL EXPANSIONS SHALL FOLLOW THE SITING
14 PROCESS OF THE EXISTING SOLID WASTE MANAGEMENT PLAN UNTIL THE NEW
15 MMP HAS BEEN APPROVED BY THE DEPARTMENT.

16 (2) IF A DISPOSAL AREA THAT DOES NOT REQUIRE A LICENSE OR
17 PERMIT UNDER THIS PART OR A MATERIALS UTILIZATION FACILITY IS
18 PROPOSED TO BE LOCATED IN A LOCAL UNIT OF GOVERNMENT THAT HAS A
19 ZONING ORDINANCE, THE DISPOSAL AREA OR MATERIALS UTILIZATION
20 FACILITY IS CONSISTENT WITH THE MMP IF IT COMPLIES WITH THE ZONING
21 ORDINANCE AND THE OWNER OR OPERATOR OF THE PROPOSED DISPOSAL AREA
22 OR MATERIALS UTILIZATION FACILITY PRESENTS DOCUMENTATION TO THE
23 DEPARTMENT AND THE CBC FROM THE LOCAL UNIT OF GOVERNMENT EXERCISING
24 ZONING AUTHORITY DEMONSTRATING THAT THE DISPOSAL AREA COMPLIES WITH
25 LOCAL ZONING.

26 (3) ANY DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY IS
27 AUTOMATICALLY CONSISTENT WITH THE MMP IF THE SPECIFIC FACILITY OR



1 TYPE OF FACILITY IS IDENTIFIED IN THE MMP AS BEING AUTOMATICALLY
2 CONSISTENT.

3 (4) A MATERIALS MANAGEMENT FACILITY THAT IS NOT AUTOMATICALLY
4 CONSISTENT WITH THE MMP IS CONSIDERED CONSISTENT IF DETERMINED TO
5 BE SO BY THE CBC OR OTHER ENTITY SPECIFIED BY THE MMP AND BY THE
6 DEPARTMENT. IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET, THE CBC
7 OR OTHER SPECIFIED ENTITY AND THE DEPARTMENT SHALL DETERMINE THAT
8 THE MATERIALS MANAGEMENT FACILITY IS CONSISTENT WITH THE MMP:

9 (A) THE MMP AUTHORIZES THAT TYPE OF MATERIALS MANAGEMENT
10 FACILITY TO BE SITED BY FOLLOWING THE SITING PROCEDURE AND MEETING
11 THE MINIMUM SITING CRITERIA IN THE MMP.

12 (B) THE MATERIALS MANAGEMENT FACILITY FOLLOWS THE SITING
13 PROCEDURE AND MEETS THE MINIMUM SITING CRITERIA IN THE MMP UNDER
14 SECTION 11579(3).

15 (C) THE MATERIALS MANAGEMENT FACILITY MEETS EITHER OF THE
16 FOLLOWING REQUIREMENTS:

17 (i) HAS HOST COMMUNITY APPROVAL.

18 (ii) MEETS ANY SUPPLEMENTAL SITING CRITERIA IN THE MMP FOR
19 MATERIALS MANAGEMENT FACILITIES THAT DO NOT HAVE HOST COMMUNITY
20 APPROVAL.

21 (5) THE CBC OR OTHER ENTITY SPECIFIED BY THE MMP SHALL
22 PROMPTLY NOTIFY THE OWNER OR OPERATOR OF THE MATERIALS MANAGEMENT
23 FACILITY IN WRITING OF ITS DETERMINATION UNDER SUBSECTION (4)
24 WHETHER THE MATERIALS MANAGEMENT FACILITY IS CONSISTENT WITH THE
25 MMP.

26 (6) THE DEPARTMENT SHALL DETERMINE WHETHER A MATERIALS
27 MANAGEMENT FACILITY IS CONSISTENT WITH THE MMP THROUGH AN

1 INDEPENDENT EVALUATION AS PART OF THE PERMIT APPLICATION REVIEW
2 PROCESS. THE APPLICANT FOR A PERMIT FOR A MATERIALS MANAGEMENT
3 FACILITY SHALL INCLUDE IN THE APPLICATION DOCUMENTATION OF THE
4 FACILITY'S CONSISTENCY WITH THE MMP.

5 SEC. 11586. (1) THE STATE SOLID WASTE MANAGEMENT PLAN CONSISTS
6 OF THE STATE SOLID WASTE PLAN AND ALL MMPS APPROVED BY THE
7 DEPARTMENT.

8 (2) THE DEPARTMENT SHALL CONSULT AND ASSIST IN THE PREPARATION
9 AND IMPLEMENTATION OF MMPS.

10 (3) THE DEPARTMENT MAY UNDERTAKE OR CONTRACT FOR STUDIES OR
11 REPORTS NECESSARY OR USEFUL IN THE PREPARATION OF THE STATE SOLID
12 WASTE MANAGEMENT PLAN.

13 (4) THE DEPARTMENT SHALL PROMOTE POLICIES THAT ENCOURAGE
14 RESOURCE RECOVERY AND ESTABLISHMENT OF MATERIALS UTILIZATION
15 FACILITIES.

16 SEC. 11587. (1) SUBJECT TO APPROPRIATIONS, A MATERIALS
17 MANAGEMENT PLANNING GRANT PROGRAM IS ESTABLISHED TO PROVIDE GRANTS,
18 TO BE KNOWN AS MATERIALS MANAGEMENT PLANNING GRANTS, TO COUNTY OR
19 REGIONAL MATERIALS MANAGEMENT PLANNING AGENCIES. THE DEPARTMENT MAY
20 PROMULGATE RULES FOR THE IMPLEMENTATION OF THE GRANT PROGRAM. GRANT
21 FUNDS SHALL BE AWARDED PURSUANT TO A GRANT CONTRACT. IF THE
22 DEPARTMENT PREPARES THE MMP, GRANT FUNDS APPROPRIATED FOR LOCAL
23 PLANNING MAY BE USED BY THE DEPARTMENT FOR MMP PREPARATION.

24 (2) GRANTS SHALL BE USED FOR ADMINISTRATIVE COSTS FOR
25 PREPARING, IMPLEMENTING, AND MAINTAINING AN MMP. COSTS INCLUDE, BUT
26 ARE NOT LIMITED TO:

27 (A) DEVELOPMENT OF A WORK PROGRAM AS DESCRIBED IN SUBSECTION



1 (4) (B) AND R 299.4704 AND R 299.4705 OF THE MICHIGAN ADMINISTRATIVE
2 CODE, INCLUDING A PRIOR WORK PROGRAM.

3 (B) INITIAL MMP DEVELOPMENT AND MMP AMENDMENTS.

4 (C) ENSURING PUBLIC PARTICIPATION.

5 (D) CONSISTENCY DETERMINATIONS FOR SITING OF NEW MATERIALS
6 MANAGEMENT FACILITIES.

7 (E) ACCESS TO THE DATABASE SYSTEM UTILIZED BY THE DEPARTMENT
8 FOR MATERIALS MANAGEMENT FACILITY REPORTING PURPOSES AND EVALUATION
9 OF DATA HOUSED IN THE DATABASE FOR THE PLANNING AREA.

10 (F) RECYCLING EDUCATION AND OUTREACH.

11 (G) RECYCLING AND MATERIALS UTILIZATION PROGRAMS.

12 (H) PREPARATION OF REQUIRED REPORTS TO THE DEPARTMENT.

13 (I) MMP IMPLEMENTATION.

14 (3) MATERIALS MANAGEMENT PLANNING GRANTS SHALL COVER 100% OF
15 ELIGIBLE COSTS UP TO THE AUTHORIZED MAXIMUM AMOUNT.

16 (4) IN THE FIRST YEAR OF THE GRANT PROGRAM, THE INITIAL ROUND
17 OF GRANTS SHALL BE AWARDED FOR A 3-YEAR PERIOD, TO BE IN
18 INSTALLMENTS AS SPECIFIED IN THE GRANT CONTRACT. TO BE ELIGIBLE FOR
19 A GRANT IN THE FIRST YEAR, THE CBC MUST DO BOTH OF THE FOLLOWING:

20 (A) SUBMIT A NOTICE OF INTENT TO PREPARE ITS MMP UNDER SECTION
21 11571.

22 (B) WITHIN 120 DAYS AFTER SUBMITTING THE NOTICE OF INTENT,
23 SUBMIT TO AND OBTAIN DEPARTMENT APPROVAL OF A WORK PROGRAM FOR
24 PREPARING THE MMP. THE WORK PROGRAM SHALL BE PREPARED BY THE DPA
25 AND REVIEWED AND APPROVED BY THE PLANNING COMMITTEE. THE WORK
26 PROGRAM SHALL DESCRIBE THE ACTIVITIES FOR DEVELOPING AND
27 IMPLEMENTING THE MMP AND ASSOCIATED COSTS TO BE COVERED BY THE



1 COUNTY AND THE GRANT.

2 (5) THE AMOUNT OF A GRANT IN THE INITIAL ROUND SHALL EQUAL THE
3 SUM OF THE FOLLOWING:

4 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA.

5 (B) \$0.50 FOR EACH RESIDENT OF THE PLANNING AREA, UP TO
6 600,000 RESIDENTS.

7 (C) AN ADDITIONAL \$10,000.00 FOR EACH COUNTY IN THE PLANNING
8 AREA THAT INCLUDES MORE THAN 1 COUNTY, WITHOUT REGARD TO SECTION
9 11571(5).

10 (6) ANNUAL GRANTS SHALL BE AWARDED FOR EACH YEAR AFTER
11 EXPIRATION OF THE 3-YEAR GRANTS UNDER SUBSECTION (4). TO BE
12 ELIGIBLE FOR AN ANNUAL GRANT, THE COUNTY MUST HAVE AN APPROVED WORK
13 PROGRAM UNDER SUBSECTION (4) OR AN APPROVED MMP. THE AMOUNT OF AN
14 ANNUAL GRANT TO THE DPA SHALL EQUAL THE SUM OF THE FOLLOWING, AS
15 APPLICABLE:

16 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA.

17 (B) \$10,000.00 FOR EACH COUNTY IN THE PLANNING AREA THAT
18 INCLUDES MORE THAN 1 COUNTY.

19 (7) A GRANTEE UNDER THIS SECTION SHALL KEEP RECORDS, SUBJECT
20 TO AUDIT, DOCUMENTING USE OF THE GRANT FOR MMP DEVELOPMENT AND
21 IMPLEMENTATION.

22 (8) FOR THE PURPOSE OF DETERMINING THE NUMBER OF COUNTIES IN A
23 PLANNING AREA UNDER THIS SECTION, THE INCLUSION OR EXCLUSION OF A
24 MUNICIPALITY UNDER SECTION 11571(5) SHALL NOT BE CONSIDERED.

25 Enacting section 1. Sections 11521, 11526b, 11534 to 11540,
26 11547, and 11548 of the natural resources and environmental
27 protection act, 1994 PA 451, MCL 324.11521, 324.11526b, 324.11534



1 to 324.11540, 324.11547, and 324.11548 are repealed.

2 Enacting section 2. This amendatory act takes effect 90 days
3 after the date it is enacted into law.