

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4454**

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11502 and 11503 (MCL 324.11502 and 324.11503),  
section 11502 as amended by 2018 PA 640 and section 11503 as  
amended by 2020 PA 85, and by designating sections 11501 to 11508  
as subpart 1 of part 115.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

- 1                   PART 115 SOLID WASTE MANAGEMENT
- 2                   **SUBPART 1 GENERAL AND DEFINITIONS**
- 3           Sec. 11502. **(1) "Agreement" means a written contract.**
- 4           **(2) ~~(1)~~"Agronomic rate"** means a rate that meets both of the
- 5 following requirements:
- 6           (a) Is generally recognized by the agricultural community or



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

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

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

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

16 (5) ~~(2)~~—"Ashes" means the residue from the burning of wood,  
17 scrap wood, tires, biomass, wastewater sludge, fossil fuels  
18 including coal or coke, or other combustible materials.

19 (6) "Benchmark recycling standards" means all of the following  
20 requirements:

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

27 (i) One or more recyclable materials, as determined by the  
28 county's material management plan, that are typically collected  
29 through curbside recycling programs, are collected at least twice



1 per month.

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

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

9 (iv) The curbside recycling is provided by the municipality or  
10 the resident has access to curbside recycling by the resident's  
11 chosen hauler.

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

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

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

21 (7) ~~(3)~~—"Beneficial use 1" means use as aggregate, road  
22 material, or building material that in ultimate use is or will be  
23 bonded or encapsulated by cement, limes, or asphalt.

24 (8) ~~(4)~~—"Beneficial use 2" means use as any of the following:

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

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

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



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

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

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

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

20           (9) ~~(5)~~—"Beneficial use 3" means applied to land as a  
21 fertilizer or soil conditioner under part 85 or a liming material  
22 under 1955 PA 162, MCL 290.531 to 290.538, if all of the following  
23 requirements are met:

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

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

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



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

4 (iii) Cause a violation of a part 31 surface water quality  
 5 standard.

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

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

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

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

21 (d) As construction material at a landfill licensed under this  
 22 part.

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

26 **(11)** ~~(7)~~—"Beneficial use 5" means blended with inert materials  
 27 or with compost and used to manufacture soil.

28 **(12)** ~~(8)~~—"Beneficial use by-product" means the following  
 29 materials if the materials are stored for beneficial use or are



1 used beneficially as specified and the requirements of section  
2 11551(1) are met:

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

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

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

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

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

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

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

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

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

20 (ii) Scrap paper.

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

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

26 (k) Lime softening residuals from the treatment and  
27 conditioning of water for domestic use or from a community water  
28 supply used for beneficial use 3 or 4.

29 (l) Soil washed or otherwise removed from sugar beets that is



1 used for beneficial use 3.

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

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

8 **(13)** ~~(9)~~—"Beverage container" means an airtight metal, glass,  
9 paper, or plastic container, or a container composed of a  
10 combination of these materials, which, at the time of sale,  
11 contains 1 gallon or less of any of the following:

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

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

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

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

22 **(15)** ~~(10)~~—"Bond" means a financial instrument ~~executed on a~~  
23 ~~form approved by the department,~~ **guaranteeing performance,**  
24 including a surety bond from a surety company authorized to  
25 transact business in this state, a certificate of deposit, a cash  
26 bond, an irrevocable letter of credit, **an insurance policy,** a trust  
27 fund, an escrow account, or a combination of any of these  
28 instruments in favor of the department. ~~The owner or operator of a~~  
29 ~~disposal area who is required to establish a bond under another~~



1 ~~state statute or a federal statute may petition the department to~~  
 2 ~~allow such a bond to meet the requirements of this part. The~~  
 3 ~~department shall approve a bond established under another state~~  
 4 ~~statute or a federal statute if the bond provides equivalent funds~~  
 5 ~~and access by the department as other financial instruments allowed~~  
 6 ~~by this subsection.~~

7       **(16)** ~~(11)~~ "Captive facility" means a landfill or coal ash  
 8 impoundment that accepts for disposal, and accepted for disposal  
 9 during the previous calendar year, only nonhazardous industrial  
 10 waste generated only by the owner of the landfill or coal ash  
 11 impoundment.

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

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

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

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

21       **(19)** ~~(13)~~ "Certificate of deposit" means a ~~negotiable~~  
 22 certificate of deposit **that meets all of the following**  
 23 **requirements:**

24       **(a)** Is negotiable.

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

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





1 (d) Is in the sole name of the department. with

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

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

7 (20) ~~(14)~~ "Certified health department" means a city, county,  
8 or district department of health that is specifically delegated  
9 authority by the department to perform designated activities as  
10 prescribed by this part. **certified under section 11507a.**

11 (21) "Chemical recycling" means a manufacturing process for  
12 the conversion of source separated post-use polymers into basic raw  
13 materials, feedstocks, chemicals, and other products through  
14 processes that include pyrolysis (catalytic and noncatalytic),  
15 gasification, depolymerization, hydrogenation, solvolysis, and  
16 other similar chemical technologies. The recycled products produced  
17 include, but are not limited to, monomers, oligomers, plastics,  
18 plastic and chemical feedstocks, basic and unfinished chemicals,  
19 waxes, lubricants, coatings, and adhesives. For the purposes of  
20 part 115, chemical recycling does not include incineration of  
21 plastics, waste-to-energy processes, or activities performed at a  
22 facility excluded from the definition of materials management  
23 facility by section 11504(25). Products sold as fuel are not  
24 recycled products. For purposes of part 115, chemical recycling is  
25 not solid waste management, solid waste processing, waste  
26 diversion, resource recovery, municipal solid waste incineration or  
27 combustion, the conversion of waste to energy, or identification,  
28 separation, or sorting of recyclable materials through mechanical  
29 processes.



1 (22) "Chemical recycling facility" means a manufacturing  
2 facility that receives, stores, and, using chemical recycling,  
3 converts post-use polymers. A chemical recycling facility is a  
4 manufacturing facility subject to applicable requirements of this  
5 act and rules promulgated under this act concerning air, water,  
6 waste, and land use or any other applicable regulation. A chemical  
7 recycling facility is not a solid waste processing plant, solid  
8 waste transfer facility, waste diversion center, resource recovery  
9 facility, or municipal solid waste incinerator.

10 (23) "Class 1 compostable material" means any of the  
11 following:

- 12 (a) Yard waste.
- 13 (b) Wood.
- 14 (c) Food waste.
- 15 (d) Paper products.
- 16 (e) Manure or animal bedding.
- 17 (f) Anaerobic digester digestate that does not contain free  
18 liquids.
- 19 (g) Compostable products.
- 20 (h) Dead animals unless infectious or managed under 1982 PA  
21 239, MCL 287.651 to 287.683.
- 22 (i) Spent grain from breweries.
- 23 (j) Paunch.
- 24 (k) Food processing residuals.
- 25 (l) Aquatic plants.
- 26 (m) Any other material, including, but not limited to, fat,  
27 oil, or grease, that the department classifies as class 1  
28 compostable material under section 11562 or that is approved as  
29 part of a large composting facility operations plan.



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

2 (24) "Class 1 composting facility" means a composting facility  
3 where only class 1 compostable material is composted.

4 (25) "Class 2 compostable material" means mixed municipal  
5 solid waste, biosolids, state or federal controlled substances, and  
6 all other compostable material that is not listed or approved as a  
7 class 1 compostable material.

8 (26) "Class 2 composting facility" means a composting facility  
9 where class 2 compostable material or a combination of class 2  
10 compostable material and class 1 compostable material is composted.

11 (27) ~~(15)~~"Coal ash", subject to subsection ~~(16)~~, **(28)**, means  
12 any of the following:

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

18 (b) Residuals removed from coal ash impoundments.

19 **(28)** ~~(16)~~For beneficial use 2, coal ash does not include coal  
20 fly ash except for the following if used at nonresidential  
21 property:

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

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

28 (c) A combination of class C fly ash and class F fly ash under  
29 ASTM ~~standard C618-12A~~ if that combination forms a pozzolanic-



1 stabilized mixture by being blended with lime, Portland cement, or  
 2 cement kiln dust and is used as a road base, soil stabilizer, or  
 3 road shoulder material under ~~subsection (4)(b) or (c)~~. **beneficial**  
 4 **use 2.**

5 (29) ~~(17)~~—"Coal ash impoundment" means a natural topographic  
 6 depression, man-made excavation, or diked area ~~that is not a~~  
 7 ~~landfill and~~ that is designed to hold and, after October 14, 2015,  
 8 accepted an accumulation of coal ash and liquids or other materials  
 9 approved by the department for treatment, storage, or disposal and  
 10 did not receive department approval of its closure. A coal ash  
 11 impoundment in existence before October 14, 2015 that receives  
 12 waste after ~~the effective date of the amendatory act that added~~  
 13 ~~this subsection,~~ **December 28, 2018**, and that does not have a permit  
 14 pursuant to part 31, is considered an open dump beginning ~~2 years~~  
 15 ~~after the effective date of the amendatory act that added this~~  
 16 ~~subsection~~ **December 28, 2020** unless the owner or operator has  
 17 completed closure of the coal ash impoundment under section 11519b  
 18 or obtained an operating license for the coal ash impoundment. **Coal**  
 19 **ash impoundment includes an existing coal ash impoundment.**

20 (30) ~~(18)~~—"Coal ash landfill" means a landfill that is used  
 21 for the disposal of coal ash and may also be used for the disposal  
 22 of inert materials and construction material used for purposes of  
 23 meeting the definition of beneficial use 4, or other materials  
 24 approved by the department.

25 (31) ~~(19)~~—"Coal bottom ash" means ash particles from the  
 26 combustion of coal that are too large to be carried in flue gases  
 27 and that collect on furnace walls or at the bottom of the furnace.

28 (32) ~~(20)~~—"Collection center" means a tract of land, building,  
 29 unit, or appurtenance or combination thereof that is used to



1 collect junk motor vehicles and farm implements under section  
2 11530.

3 (33) "Commercial waste", subject to subsection (34), means  
4 solid waste generated by nonmanufacturing activities, including,  
5 but not limited to, solid waste from any of the following:

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

20 (34) Commercial waste does not include household waste,  
21 hazardous waste, or industrial waste.

22 (35) "Compost additive" means any of the following materials  
23 if added to finished compost to improve the quality of the finished  
24 compost:

- 25 (a) Products designed to enhance finished compost.
- 26 (b) Sugar beet limes.
- 27 (c) Wood ash.
- 28 (d) Drywall.
- 29 (e) Synthetic gypsum.



1 (f) Other materials approved by the department.

2 (36) "Compostable material" means organic material that can be  
3 converted to finished compost. Compostable material comprises class  
4 1 compostable material and class 2 compostable material.

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

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

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

18 (38) "Composting" means a process of biological decomposition  
19 of class 1 compostable material or class 2 compostable material  
20 that meets the following requirements:

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

22 (i) In a system using vermiculture.

23 (ii) Under controlled aerobic conditions using mechanical  
24 handling techniques such as physical turning, windrowing, or  
25 aeration or using other management techniques approved by the  
26 department. For the purposes of this subparagraph, aerobic  
27 conditions may include the presence of insignificant anaerobic  
28 zones within the composting material.

29 (b) Stabilizes the organic fraction into a material that can



1 **be stored, handled, and used easily, safely, and in an**  
 2 **environmentally acceptable manner.**

3 (39) ~~(21)~~ "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.~~ **occurs. However, composting facility does**  
 8 **not include a site where only composting described in section**  
 9 **11555(1) (a), (b), or (e) occurs.**

10 (40) ~~(22)~~ "Consistency review" means evaluation of the  
 11 administrative and technical components of an application for a  
 12 permit or license or evaluation of operating conditions in the  
 13 course of inspection, for the purpose of determining consistency  
 14 with the requirements of ~~this part, rules promulgated under this~~  
 15 ~~part~~ **, 115** and approved plans and specifications.

16 (41) ~~(23)~~ "Corrective action" means the investigation,  
 17 assessment, cleanup, removal, containment, isolation, treatment, or  
 18 monitoring of constituents, as defined in a **materials management**  
 19 facility's approved hydrogeological monitoring plan, released into  
 20 the environment from a ~~disposal area,~~ **materials management**  
 21 **facility,** or the taking of other actions related to the release as  
 22 may be necessary to prevent, minimize, or mitigate injury to the  
 23 public health, safety, or welfare, the environment, or natural  
 24 resources that is consistent with **subtitle D of the solid waste**  
 25 **disposal act,** 42 USC 6941 to 6949a, and regulations promulgated  
 26 thereunder.

27 (42) "County approval agency" or "CAA" means the county board  
 28 of commissioners, the municipalities in the county, or the regional  
 29 planning agency, whichever submits a notice of intent to prepare a



1 materials management plan under section 11571.

2 (43) "County board of commissioners" means the county board of  
3 commissioners or the elected county executive, as appropriate.

4 (44) "Custodial care" includes all of the following:

5 (a) Preventing deep-rooted vegetation from establishing on the  
6 final cover.

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

8 (c) Maintaining stormwater controls.

9 (d) Maintaining limited access to the site.

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

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

17 (3) "Depolymerization" means a manufacturing process in which  
18 post-use polymers are broken into smaller molecules such as  
19 monomers and oligomers or raw, intermediate, or final products,  
20 plastic and chemical feedstocks, basic and unfinished chemicals,  
21 waxes, lubricants, or coatings.

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

26 (5) ~~(3)~~"Director" means the director of the department.

27 (6) ~~(4)~~"Discharge" includes, but is not limited to, ~~any~~  
28 spilling, leaking, pumping, pouring, emitting, emptying,  
29 discharging, injecting, escaping, leaching, dumping, or disposing





1 of a substance into the environment that is or may become injurious  
 2 to **the environment, natural resources, or** the public health,  
 3 safety, or welfare. ~~, or to the environment.~~

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

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

10 (b) ~~An~~ **A municipal solid waste** incinerator.

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

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

13 ~~(d)~~ ~~(e)~~—A coal ash impoundment.

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

18 (8) ~~(6)~~—"Diverted waste" means waste that meets all of the  
 19 following requirements:

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

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

24 (c) Is separated from other waste.

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

26 (i) Hazardous material.

27 (ii) Liquid waste.

28 (iii) Pharmaceuticals.

29 (iv) Electronics.



1 (v) Batteries.

2 (vi) Light bulbs.

3 (vii) Pesticides.

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

6 (ix) Sharps.

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

10 (9) ~~(7)~~-"Enforceable mechanism" means a legal method ~~whereby~~  
11 **that authorizes** this state, a county, a municipality, or another  
12 person ~~is authorized~~ to take action to guarantee compliance with ~~an~~  
13 ~~approved county solid waste~~ **a materials** management plan.  
14 Enforceable mechanisms include ~~contracts, intergovernmental~~  
15 agreements, laws, ordinances, rules, and regulations.

16 (10) **"EPA" means the United States Environmental Protection**  
17 **Agency.**

18 (11) ~~(8)~~-"Escrow account" means an account that is managed by  
19 a bank or other financial institution whose account operations are  
20 regulated and examined by a federal or state agency and that  
21 complies with section 11523b.

22 (12) ~~(9)~~-"Existing coal ash impoundment" means a coal ash  
23 impoundment that received coal ash before December 28, 2018, and  
24 that, as of that date, had not initiated elements of closure that  
25 include dewatering, stabilizing residuals, or placement of an  
26 engineered cover or otherwise closed pursuant to its part 31 permit  
27 or pursuant to R 299.4309 of the ~~part 115 rules~~ **MAC** and, therefore,  
28 is capable of receiving coal ash in the future. A coal ash  
29 impoundment that has initiated closure is considered an open dump



1 unless the owner or operator has completed closure of the coal ash  
 2 impoundment under section 11519b or obtained an operating license  
 3 for the coal ash impoundment by December 28, 2020.

4 **(13)** ~~(10)~~—"Existing coal ash landfill" means a coal ash  
 5 landfill to which either of the following applies:

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

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

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

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

17 **(14)** ~~(11)~~—"Existing disposal area" means any of the following:

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

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

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

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

26 (e) An existing coal ash impoundment.

27 **(15)** ~~(12)~~—"Existing landfill unit" or "existing unit" means  
 28 any landfill unit that received solid waste on or before October 9,  
 29 1993.



1           (16) ~~(13)~~-"Farm" means that term as defined in section 2 of  
2 the Michigan right to farm act, 1981 PA 93, MCL 286.472.

3           (17) ~~(14)~~-"Farm operation" means that term as defined in  
4 section 2 of the Michigan right to farm act, 1981 PA 93, MCL  
5 286.472.

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

8           (a) Contain multiple carbon chain triglyceride molecules.

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

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

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

14           (19) ~~(15)~~-"Financial assurance" means the mechanisms used to  
15 demonstrate that the funds necessary to meet the cost of closure,  
16 postclosure maintenance and monitoring, and corrective action will  
17 be available to the department whenever they are needed for those  
18 purposes.

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



1 any other environmental obligations assured by a financial test  
2 under state or federal law.

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

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

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

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

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

21 (23) ~~(18)~~—"Food processing residuals" means any of the  
22 following:

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

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

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



1 human or animal consumption.

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

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

13 (26) ~~(19)~~ "Foundry sand" means silica sand used in the metal  
14 casting process, including binding material or carbonaceous  
15 additives, from ferrous or nonferrous foundries.

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

20 (28) ~~(20)~~ "GAAMPS" means ~~the~~ generally accepted agricultural  
21 and management practices under the Michigan right to farm act, 1981  
22 PA 93, MCL 286.471 to 286.474.

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

28 (29) "Gasification" means a manufacturing process in which  
29 post-use polymers are heated in an oxygen-controlled atmosphere and



1 converted to syngas (carbon monoxide (CO) and hydrogen (H2)) and the  
 2 syngas is converted into valuable raw materials or intermediate or  
 3 final products, including, but not limited to, plastic monomers,  
 4 chemicals, waxes, lubricants, coatings, and plastic and chemical  
 5 feedstocks.

6 (30) "General permit" means a permit that does both of the  
 7 following:

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

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

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

16 (a) Class 1 compostable material.

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

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

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

25 (a) House Bill No. 4455.

26 (b) House Bill No. 4456.

27 (c) House Bill No. 4457.

28 (d) House Bill No. 4458.

29 (e) House Bill No. 4459.



- 1 (f) House Bill No. 4460.
- 2 (g) House Bill No. 4461.

