

Environmental protection; solid waste; management of waste materials; establish, provide regulatory oversight of composting, and establish funding for programs.
Environmental protection: solid waste

SENATE BILL NO. _____

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11502, 11503, 11504, 11505, 11506, 11507, 11507a, 11508, 11509, 11510, 11511, 11511b, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11519, 11521b, 11523, 11523a, 11523b, 11525, 11525a, 11525b, 11526, 11526a, 11527, 11528, 11531, 11532, 11533, 11539, 11540, 11541, 11546, 11549, 11550, and 11553 (MCL 324.11502, 324.11503, 324.11504, 324.11505, 324.11506, 324.11507, 324.11507a, 324.11508, 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, 324.11523, 324.11523a, 324.11523b, 324.11525, 324.11525a, 324.11525b, 324.11526, 324.11526a, 324.11527, 324.11528, 324.11531, 324.11532, 324.11533,



324.11539, 324.11540, 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, and 11541 as amended by 1996 PA 358, section 11521b as added by 2014 PA 24, 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 11502 to 11508 as subpart 1, sections 11509 to 11519 as subpart 2, section 11521b as subpart 3, sections 11523 to 11525c as subpart 4, sections 11526 to 11533 as subpart 5, sections 11539 to 11541 as subpart 6, sections 11546 to 11549 as subpart 7, section 11550 as subpart 8, section 11553 as subpart 9, sections 11555 to 11569 as subpart 10, sections 11570 to 11587 as subpart 11, and by adding sections 11525c, 11525e, 11555, 11556, 11557, 11558, 11559, 11560, 11561, 11562, 11563, 11564, 11565, 11567, 11568, 11569, 11571, 11572, 11573, 11574, 11575, 11576, 11577, 11578, 11579, 11580, 11581, 11582, 11583, 11584, 11585, 11586, and 11587; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 **SUBPART 1 GENERAL AND DEFINITIONS**

2 Sec. 11502. **(1) "AGREEMENT" MEANS A WRITTEN CONTRACT.**

3 **(2) ~~(1)~~**—"Agronomic rate" means a rate that meets both of the
4 following requirements:

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

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

15 **(3) "ANAEROBIC DIGESTER" MEANS A FACILITY THAT USES**
16 **MICROORGANISMS TO BREAK DOWN BIODEGRADABLE MATERIAL IN THE ABSENCE**
17 **OF OXYGEN, PRODUCING METHANE AND AN ORGANIC PRODUCT.**

18 **(4) "ANIMAL BEDDING" MEANS A MIXTURE OF MANURE AND WOOD CHIPS,**
19 **SAWDUST, SHREDDED PAPER OR CARDBOARD, HAY, STRAW, OR OTHER SIMILAR**
20 **FIBROUS MATERIALS NORMALLY USED FOR BEDDING ANIMALS.**

21 **(5) ~~(2)~~**—"Ashes" means the residue from the burning of wood,
22 scrap wood, tires, biomass, wastewater sludge, fossil fuels
23 including coal or coke, or other combustible materials.

24 **(6) "BENCHMARK RECYCLING STANDARDS" MEANS THE FOLLOWING**
25 **REQUIREMENTS:**

26 **(A) BY JANUARY 1, 2022, AT LEAST 90% OF SINGLE-FAMILY**
27 **DWELLINGS IN URBANIZED AREAS AS IDENTIFIED BY THE MOST RECENT**

1 FEDERAL DECENNIAL CENSUS AND, BY JANUARY 1, 2025, AT LEAST 90% OF
2 SINGLE-FAMILY DWELLINGS IN MUNICIPALITIES WITH MORE THAN 5,000
3 RESIDENTS HAVE ACCESS TO CURBSIDE RECYCLING THAT MEETS THE
4 FOLLOWING CRITERIA:

5 (i) RECYCLABLE MATERIALS ARE COLLECTED AT LEAST ONCE EVERY
6 OTHER WEEK.

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

11 (iii) RECYCLABLE MATERIALS COLLECTED ARE DELIVERED TO A
12 MATERIALS RECOVERY FACILITY THAT COMPLIES WITH PART 115, OR ARE
13 MANAGED APPROPRIATELY AT AN OUT-OF-STATE RECYCLING FACILITY.

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

15 (i) IN COUNTIES WITH A POPULATION OF LESS THAN 100,000, THERE
16 IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 10,000 RESIDENTS WITHOUT
17 ACCESS TO CURBSIDE RECYCLING AT THEIR DWELLING, AND THE DROP-OFF
18 LOCATION IS AVAILABLE AT LEAST 24 HOURS PER MONTH.

19 (ii) IN COUNTIES WITH A POPULATION OF 100,000 OR MORE, THERE
20 IS AT LEAST 1 DROP-OFF LOCATION FOR EACH 50,000 RESIDENTS WITHOUT
21 ACCESS TO CURBSIDE RECYCLING AT THEIR DWELLING, AND THE DROP-OFF
22 LOCATION IS AVAILABLE AT LEAST 24 HOURS PER MONTH.

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

26 (8) ~~(4)~~—"Beneficial use 2" means use as any of the following:

27 (a) Construction fill at nonresidential property that meets

1 ~~all of the~~ following requirements:

2 (i) Is placed at least 4 feet above the seasonal groundwater
3 table.

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

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

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

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

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

24 (9) ~~(5)~~—"Beneficial use 3" means applied to land as a
25 fertilizer or soil conditioner under part 85 or a liming material
26 under 1955 PA 162, MCL 290.531 to 290.538, if ~~all of the~~ following
27 requirements are met:



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

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

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

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

9 (iii) Cause a violation of a part 31 surface water quality
10 standard.

11 **(10)** ~~(6)~~ "Beneficial use 4" means any of the following uses:

12 (a) To stabilize, neutralize, solidify, or otherwise treat
13 waste for ultimate disposal at a facility licensed under ~~this part~~
14 **115** or part 111.

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

19 (c) To stabilize, neutralize, solidify, cap, or otherwise
20 remediate hazardous substances or contaminants as part of a
21 response activity in compliance with part 201, part 213, or the
22 comprehensive environmental response, compensation and liability
23 act of 1980, 42 USC 9601 to ~~9657,~~ **9675**, or a corrective action in
24 compliance with part 111 or the solid waste disposal act, 42 USC
25 6901 to 6992k.

26 (d) As construction material at a landfill licensed under this
27 part.

1 **(11)** ~~(7)~~—"Beneficial use 5" means blended with inert materials
2 or with compost and used to manufacture soil.

3 **(12)** ~~(8)~~—"Beneficial use by-product" means the following
4 materials if the materials are stored for beneficial use or are
5 used beneficially as specified and the requirements of section
6 11551(1) are met:

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

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

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

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

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

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

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

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

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

24 (ii) Scrap paper.

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

27 (j) Dewatered concrete grinding slurry from public

1 transportation agency road projects used for beneficial use 1, 2,
2 3, or 4.

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

6 (l) Soil washed or otherwise removed from sugar beets that is
7 used for beneficial use 3.

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

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

14 **(13)** ~~(9)~~ "Beverage container" means an airtight metal, glass,
15 paper, or plastic container, or a container composed of a
16 combination of these materials, ~~which,~~ **THAT**, at the time of sale,
17 contains 1 gallon or less of any of the following:

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

20 (b) A beer, ale, or other malt drink of ~~whatever~~ **ANY** alcoholic
21 content.

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

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

1 OR SOLIDS.

2 (15) ~~(10)~~ "Bond" means a financial instrument **GUARANTEEING**
 3 **PERFORMANCE** executed on a form approved by the department,
 4 including a surety bond from a surety company authorized to
 5 transact business in this state, a certificate of deposit, a cash
 6 bond, an irrevocable letter of credit, **AN** insurance **POLICY**, a trust
 7 fund, an escrow account, or a combination of any of these
 8 instruments in favor of the department. ~~The owner or operator of a~~
 9 ~~disposal area who is required to establish a bond under another~~
 10 ~~state statute or a federal statute may petition the department to~~
 11 ~~allow such a bond to meet the requirements of this part. The~~
 12 ~~department shall approve a bond established under another state~~
 13 ~~statute or a federal statute if the bond provides equivalent funds~~
 14 ~~and access by the department as other financial instruments allowed~~
 15 ~~by this subsection.~~

16 (16) "CAPTIVE TYPE III LANDFILL" MEANS A TYPE III LANDFILL
 17 THAT MEETS EITHER OF THE FOLLOWING REQUIREMENTS:

18 (A) ACCEPTS FOR DISPOSAL ONLY NONHAZARDOUS INDUSTRIAL WASTE
 19 GENERATED ONLY BY THE OWNER OF THE LANDFILL.

20 (B) IS A NONHAZARDOUS INDUSTRIAL WASTE LANDFILL DESCRIBED IN
 21 SECTION 11525(4).

22 (17) "CBC" MEANS THE COUNTY BOARD OF COMMISSIONERS, THE
 23 MUNICIPALITIES, OR THE REGIONAL PLANNING AGENCY, WHICHEVER SUBMITS
 24 A NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT PLAN UNDER
 25 SECTION 11571.

26 (18) ~~(11)~~ "Cement kiln dust" means particulate matter
 27 collected in air emission control devices serving Portland cement

1 kilns.

2 (19) ~~(12)~~ "Certificate of deposit" means a negotiable
3 certificate of deposit **THAT MEETS ALL OF THE FOLLOWING**

4 **REQUIREMENTS:**

5 (A) IS NEGOTIABLE.

6 (B) IS held by a bank or other financial institution regulated
7 and examined by a state or federal agency. ~~, the value of which is~~

8 (C) IS fully insured by an agency of the United States
9 government. ~~A certificate of deposit used to fulfill the~~

10 ~~requirements of this part shall be~~

11 (D) IS in the sole name of the department. ~~with~~

12 (E) HAS a maturity date of not less than 1 year. ~~and shall be~~

13 (F) IS NOT renewed ~~not less~~ **LATER** than 60 days before the
14 maturity date. ~~An applicant who uses a certificate of deposit as a~~
15 ~~bond shall receive any accrued interest on that certificate of~~
16 ~~deposit upon release of the bond by the department.~~

17 (20) ~~(13)~~ "Certified health department" means a city, county,
18 or district department of health ~~that is specifically delegated~~
19 ~~authority by the department to perform designated activities as~~
20 ~~prescribed by this part.~~ **CERTIFIED UNDER SECTION 11507A.**

21 (21) "CLASS 1 COMPOSTABLE MATERIAL" MEANS ANY OF THE
22 **FOLLOWING:**

23 (A) YARD WASTE.

24 (B) WOOD.

25 (C) FOOD WASTE.

26 (D) PAPER PRODUCTS.

27 (E) MANURE OR ANIMAL BEDDING.



1 (F) COMPOSTABLE PRODUCTS.

2 (G) DEAD ANIMALS UNLESS INFECTIOUS OR MANAGED UNDER 1982 PA
3 239, MCL 287.651 TO 287.683.

4 (H) SPENT GRAIN FROM BREWERIES.

5 (I) PAUNCH.

6 (J) FOOD PROCESSING RESIDUALS.

7 (K) AQUATIC PLANTS.

8 (l) OTHER MATERIALS APPROVED BY THE DEPARTMENT UNDER SECTION
9 11562.

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

11 (22) "CLASS 1 COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
12 WHERE ONLY CLASS 1 COMPOSTABLE MATERIAL IS COMPOSTED.

13 (23) "CLASS 2 COMPOSTABLE MATERIAL" MEANS MIXED MUNICIPAL
14 SOLID WASTE, BIOSOLIDS, STATE OR FEDERAL CONTROLLED SUBSTANCES, AND
15 ALL OTHER COMPOSTABLE MATERIAL THAT IS NOT LISTED OR APPROVED AS A
16 CLASS 1 COMPOSTABLE MATERIAL.

17 (24) "CLASS 2 COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
18 WHERE CLASS 2 COMPOSTABLE MATERIAL OR A COMBINATION OF CLASS 2
19 COMPOSTABLE MATERIAL AND CLASS 1 COMPOSTABLE MATERIAL IS COMPOSTED.

20 (25) ~~(14)~~ "Coal ash" means the material recovered from systems
21 for the control of air pollution from, or the noncombusted residue
22 remaining after, the combustion of coal, including, but not limited
23 to, bottom ash, fly ash, boiler slag, or fluidized-bed combustion
24 ash. For beneficial use 2, coal ash does not include coal fly ash
25 except for the following if used at nonresidential property:

26 (a) Class C fly ash under ASTM ~~standard C618-12A~~ **C618**,
27 "STANDARD SPECIFICATION FOR COAL FLY ASH AND RAW OR CALCINED

1 **NATURAL POZZOLAN FOR USE IN CONCRETE", BY ASTM INTERNATIONAL.**

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

5 (c) A combination of class C fly ash and class F fly ash under
6 ASTM ~~standard C618-12A~~ **C618**, if that combination forms a
7 pozzolanic-stabilized mixture by being blended with lime, Portland
8 cement, or cement kiln dust and is used as a road base, soil
9 stabilizer, or road shoulder material under ~~subsection (4)(b) or~~
10 ~~(e)~~. **BENEFICIAL USE 2.**

11 **(26)** ~~(15)~~—"Coal bottom ash" means ash particles from the
12 combustion of coal that are too large to be carried in flue gases
13 and that collect on furnace walls or at the bottom of the furnace.

14 **(27)** ~~(16)~~—"Collection center" means a tract of land, building,
15 unit, or appurtenance or combination thereof that is used to
16 collect junk motor vehicles and farm implements under section
17 11530.

18 **(28) "COMMERCIAL WASTE", SUBJECT TO SUBSECTION (29), MEANS**
19 **SOLID WASTE GENERATED BY NONMANUFACTURING ACTIVITIES, INCLUDING,**
20 **BUT NOT LIMITED TO, SOLID WASTE FROM ANY OF THE FOLLOWING:**

- 21 **(A) STORES.**
22 **(B) OFFICES.**
23 **(C) RESTAURANTS.**
24 **(D) WAREHOUSES.**
25 **(E) MULTIFAMILY DWELLINGS.**
26 **(F) HOTELS AND MOTELS.**
27 **(G) BUNKHOUSES.**

1 (H) RANGER STATIONS.

2 (I) CREW QUARTERS.

3 (J) CAMPGROUNDS.

4 (K) PICNIC GROUNDS.

5 (l) DAY USE RECREATION AREAS.

6 (M) HOSPITALS.

7 (N) SCHOOLS.

8 (29) COMMERCIAL WASTE DOES NOT INCLUDE HOUSEHOLD WASTE FROM

9 SINGLE-FAMILY DWELLINGS, HAZARDOUS WASTE, OR INDUSTRIAL WASTE.

10 (30) "COMPOST ADDITIVE" MEANS ANY OF THE FOLLOWING MATERIALS
11 IF ADDED TO FINISHED COMPOST TO IMPROVE THE QUALITY OF THE FINISHED
12 COMPOST:

13 (A) PRODUCTS DESIGNED TO ENHANCE FINISHED COMPOST.

14 (B) SUGAR BEET LIMES.

15 (C) WOOD ASH.

16 (D) DRYWALL.

17 (E) SYNTHETIC GYPSUM.

18 (F) OTHER MATERIALS APPROVED BY THE DEPARTMENT.

19 (31) "COMPOST WASTEWATER" MEANS LIQUIDS THAT HAVE BEEN IN
20 CONTACT WITH FINISHED COMPOST OR COMPOSTABLE MATERIAL.

21 (32) "COMPOSTABLE MATERIAL" MEANS ORGANIC MATERIAL THAT CAN BE
22 CONVERTED TO FINISHED COMPOST. COMPOSTABLE MATERIAL COMPRISES CLASS
23 1 COMPOSTABLE MATERIAL AND CLASS 2 COMPOSTABLE MATERIAL.

24 (33) "COMPOSTABLE PRODUCTS" MEANS BIODEGRADABLE CONTAINERS,
25 FABRIC, UTENSILS, AND OTHER PRODUCTS THAT ARE BIODEGRADABLE AND
26 SATISFY ANY OF THE FOLLOWING REQUIREMENTS:

27 (A) ARE CERTIFIED BY THE BIODEGRADABLE PRODUCTS INSTITUTE.

1 (B) MEET ASTM D6400-04, "STANDARD SPECIFICATION FOR
2 COMPOSTABLE PLASTICS", BY ASTM INTERNATIONAL.

3 (C) MEET ASTM D6868, "STANDARD SPECIFICATION FOR BIODEGRADABLE
4 PLASTICS USED AS COATINGS ON PAPER AND OTHER COMPOSTABLE
5 SUBSTRATES", BY ASTM INTERNATIONAL.

6 (34) "COMPOSTING" MEANS A PROCESS OF BIOLOGICAL DECOMPOSITION
7 OF CLASS 1 COMPOSTABLE MATERIAL OR CLASS 2 COMPOSTABLE MATERIAL
8 THAT MEETS THE FOLLOWING REQUIREMENTS:

9 (A) IS CARRIED OUT AS PROVIDED IN EITHER OF THE FOLLOWING:

10 (i) IN A SYSTEM USING VERMICULTURE.

11 (ii) UNDER CONTROLLED AEROBIC CONDITIONS USING MECHANICAL
12 HANDLING TECHNIQUES SUCH AS PHYSICAL TURNING, WINDROWING, OR
13 AERATION OR USING OTHER MANAGEMENT TECHNIQUES APPROVED BY THE
14 DEPARTMENT. FOR THE PURPOSES OF THIS SUBPARAGRAPH, AEROBIC
15 CONDITIONS MAY INCLUDE THE PRESENCE OF INSIGNIFICANT ANAEROBIC
16 ZONES WITHIN THE COMPOSTING MATERIAL.

17 (B) STABILIZES THE ORGANIC FRACTION INTO A MATERIAL THAT CAN
18 BE STORED, HANDLED, AND USED EASILY, SAFELY, AND IN AN
19 ENVIRONMENTALLY ACCEPTABLE MANNER.

20 (35) ~~(17)~~ "Composting facility" means a facility where
21 ~~composting of yard clippings or other organic materials occurs~~
22 ~~using mechanical handling techniques such as physical turning,~~
23 ~~windrowing, or aeration or using other management techniques~~
24 ~~approved by the director.~~ OCCURS. HOWEVER, COMPOSTING FACILITY DOES
25 NOT INCLUDE A SITE WHERE ONLY COMPOSTING DESCRIBED IN SECTION
26 11555(1) (A), (B), OR (E) OCCURS.

27 (36) ~~(18)~~ "Consistency review" means evaluation of the

1 administrative and technical components of an application for a
 2 permit or license or evaluation of operating conditions in the
 3 course of inspection, for the purpose of determining consistency
 4 with the requirements of ~~this part, rules promulgated under this~~
 5 part ~~, 115~~ and approved plans and specifications.

6 (37) ~~(19)~~—"Corrective action" means the investigation,
 7 assessment, cleanup, removal, containment, isolation, treatment, or
 8 monitoring of constituents, as defined in a **MATERIALS MANAGEMENT**
 9 facility's approved hydrogeological monitoring plan, released into
 10 the environment from a ~~disposal area, MATERIALS MANAGEMENT~~
 11 **FACILITY**, or the taking of other actions related to the release as
 12 may be necessary to prevent, minimize, or mitigate injury to the
 13 public health, safety, or welfare, the environment, or natural
 14 resources that is consistent with **SUBTITLE D OF THE SOLID WASTE**
 15 **DISPOSAL ACT**, 42 USC 6941 to 6949a, and regulations promulgated
 16 thereunder.

17 (38) "CUSTODIAL CARE" INCLUDES:

18 (A) PREVENTING DEEP-ROOTED VEGETATION FROM ESTABLISHING ON THE
 19 FINAL COVER.

20 (B) REPAIRING EROSION DAMAGE ON THE FINAL COVER.

21 (C) MAINTAINING STORMWATER CONTROLS.

22 (D) MAINTAINING LIMITED ACCESS TO THE SITE.

23 Sec. 11503. (1) "De minimis" refers to a small amount of
 24 material or number of items, as applicable, incidentally commingled
 25 with inert material for beneficial use by-products ~~, OR WITH SOURCE~~
 26 **SEPARATED MATERIAL** or incidentally disposed of with other solid
 27 waste.

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

3 (3) **"DESIGNATED PLANNING AGENCY" OR "DPA" MEANS THE PLANNING**
4 **AGENCY DESIGNATED UNDER SECTION 11571(10). DESIGNATED PLANNING**
5 **AGENCY DOES NOT MEAN A REGIONAL PLANNING AGENCY UNLESS THE CBC**
6 **IDENTIFIES THE REGIONAL PLANNING AGENCY IDENTIFIED AS THE DPA.**

7 (4) ~~(3)~~—"Director" means the director of the department.

8 (5) ~~(4)~~—"Discharge" includes, but is not limited to, any
9 spilling, leaking, pumping, pouring, emitting, emptying,
10 discharging, injecting, escaping, leaching, dumping, or disposing
11 of a substance into the environment that is or may become injurious
12 to the public health, safety, or welfare, or to the environment.

13 (6) ~~(5)~~—"Disposal area" means 1 or more of the following **THAT**
14 **ACCEPTS SOLID WASTE** at a location as defined by the boundary
15 identified in its construction permit, ~~or~~ **IN** engineering plans
16 approved by the department, **OR IN A NOTIFICATION OR REGISTRATION:**

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

18 (b) An incinerator.

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

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

23 ~~—— (e) Any other solid waste handling or disposal facility~~
24 ~~utilized in the disposal of solid waste. However, a waste diversion~~
25 ~~center is not a disposal area.~~

26 (7) ~~(6)~~—"Diverted waste" means waste that meets all of the
27 following requirements:

1 (a) Is generated by households, businesses, or governmental
2 entities.

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

5 (c) Is separated from other waste.

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

7 (i) Hazardous material.

8 (ii) Liquid waste.

9 (iii) Pharmaceuticals.

10 (iv) Electronics.

11 (v) Batteries.

12 (vi) Light bulbs.

13 (vii) Pesticides.

14 (viii) Thermostats, switches, thermometers, or other devices
15 that contain elemental mercury.

16 (ix) Sharps.

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

20 (8) ~~(7)~~ "Enforceable mechanism" means a legal method ~~whereby~~
21 **THAT AUTHORIZES** this state, a county, a municipality, or another
22 person ~~is authorized to take action to guarantee compliance with an~~
23 ~~approved county solid waste~~ **A MATERIALS** management plan.
24 Enforceable mechanisms include ~~contracts, intergovernmental~~
25 agreements, laws, ordinances, rules, and regulations.

26 (9) ~~(8)~~ "Escrow account" means an account that is managed by a
27 bank or other financial institution whose account operations are

1 regulated and examined by a federal or state agency. ~~and that~~
 2 ~~complies with section 11523b.~~

3 (10) "EXISTING", WITH RESPECT TO A DISPOSAL AREA, COMBINATION
 4 OF DISPOSAL AREAS, OR LANDFILL UNIT, MEANS ANY OF THE FOLLOWING:

5 (A) THE FACILITY HAS A VALID CONSTRUCTION PERMIT UNDER PART
 6 115.

7 (B) THE FACILITY HAD ENGINEERING PLANS APPROVED BY THE
 8 DIRECTOR BEFORE JANUARY 11, 1979.

9 (C) FOR AN INDUSTRIAL WASTE LANDFILL, THE FACILITY WAS
 10 AUTHORIZED TO OPERATE BY THE DIRECTOR OR BY COURT ORDER BEFORE
 11 OCTOBER 9, 1993.

12 (D) FOR AN INDUSTRIAL WASTE PILE, THE FACILITY WAS LOCATED AT
 13 THE SITE OF GENERATION ON OCTOBER 9, 1993.

14 (11) ~~(9)~~ "Farm" means that term as defined in section 2 of the
 15 Michigan right to farm act, 1981 PA 93, MCL 286.472.

16 (12) ~~(10)~~ "Farm operation" means that term as defined in
 17 section 2 of the Michigan right to farm act, 1981 PA 93, MCL
 18 286.472.

19 (13) ~~(11)~~ "Financial assurance" means the mechanisms used to
 20 demonstrate that the funds necessary to meet the cost of closure,
 21 postclosure maintenance and monitoring, and corrective action will
 22 be available **TO THE DEPARTMENT** whenever they are needed **FOR THOSE**
 23 **PURPOSES**.

24 (14) ~~(12)~~ "Financial test" means a corporate or local
 25 government financial test or guarantee approved ~~for type II~~
 26 ~~landfills~~ under **SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT**, 42 USC
 27 6941 to 6949a, and regulations promulgated thereunder. An owner or

1 operator may use a single financial test for more than 1 facility.
2 Information submitted to the department to document compliance with
3 the **FINANCIAL** test shall include a list showing the name and
4 address of each facility and the amount of funds assured by the
5 **FINANCIAL** test for each facility. For purposes of the financial
6 test, the owner or operator shall aggregate the sum of the closure,
7 postclosure, and corrective action costs it seeks to assure with
8 any other environmental obligations assured by a financial test
9 under state or federal law.

10 (15) "FINISHED COMPOST" MEANS ORGANIC MATTER THAT MEETS THE
11 FOLLOWING REQUIREMENTS:

12 (A) HAS UNDERGONE BIOLOGICAL DECOMPOSITION AND HAS BEEN
13 STABILIZED TO A DEGREE THAT IS BENEFICIAL TO PLANT GROWTH WITHOUT
14 CREATING A NUISANCE, AS DEFINED IN THE MARKETING PLAN IF THE
15 COMPOSTING FACILITY IS APPROVED UNDER A GENERAL PERMIT.

16 (B) IS USED OR SOLD FOR USE AS A SOIL AMENDMENT, FERTILIZER,
17 TOPSOIL BLEND, OR GROWING MEDIUM AMENDMENT OR FOR OTHER SIMILAR
18 USES.

19 (C) WITH ANY COMPOST ADDITIVES, DOES NOT CONTAIN MORE THAN 1%,
20 BY WEIGHT, OF FOREIGN MATTER THAT WILL REMAIN ON A 4-MILLIMETER
21 SCREEN OR MORE THAN A MINIMAL AMOUNT OF VIABLE WEED SEEDS.

22 (16) ~~(13)~~—"Flue gas desulfurization material" means the
23 material recovered from air pollution control systems that capture
24 sulfur dioxide from the combustion of wood, coal, or fossil fuels,
25 or other combustible materials, if the other combustible materials
26 constitute less than 50% by weight of the total material combusted
27 and the department determines in writing that the other combustible

1 materials do not materially affect the character of the residue.
2 Flue gas desulfurization material includes synthetic gypsum.

3 (17) ~~(14)~~—"Food processing residuals" means any of the
4 following:

5 (a) Residuals of fruits, vegetables, aquatic plants, or field
6 crops, **INCLUDING THOSE GENERATED BY A BREWERY OR DISTILLERY.**

7 (b) Otherwise unusable parts of fruits, vegetables, aquatic
8 plants, or field crops from the processing thereof, **INCLUDING THOSE**
9 **GENERATED BY A BREWERY OR DISTILLERY.**

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

13 (18) **"FOOD WASTE" MEANS AN ACCUMULATION OF ANIMAL OR VEGETABLE**
14 **MATTER THAT WAS USED OR INTENDED FOR HUMAN OR ANIMAL FOOD OR THAT**
15 **RESULTS FROM THE PREPARATION, USE, COOKING, DEALING IN, OR STORING**
16 **OF ANIMAL OR VEGETABLE MATTER IF THE ACCUMULATION IS OR IS INTENDED**
17 **TO BE DISCARDED. FOOD WASTE DOES NOT INCLUDE FATS, OILS, OR GREASE.**

18 (19) **"FOREIGN MATTER" MEANS ORGANIC AND INORGANIC**
19 **CONSTITUENTS, OTHER THAN STICKS AND STONES, THAT WILL NOT READILY**
20 **DECOMPOSE DURING COMPOSTING AND DO NOT AID IN PRODUCING COMPOST,**
21 **INCLUDING GLASS, TEXTILES, RUBBER, METAL, CERAMICS, NONCOMPOSTABLE**
22 **PLASTIC, AND PAINTED, LAMINATED, OR TREATED WOOD.**

23 (20) ~~(15)~~—"Foundry sand" means silica sand used in the metal
24 casting process, including binding material or carbonaceous
25 additives, from ferrous or nonferrous foundries.

26 (21) **"FUNCTIONAL STABILITY" MEANS THE STAGE AT WHICH A**
27 **LANDFILL DOES NOT POSE A SIGNIFICANT RISK TO HUMAN HEALTH AND THE**

1 ENVIRONMENT AT A POINT OF EXPOSURE, IN THE ABSENCE OF ACTIVE
2 CONTROL SYSTEMS.

3 (22) ~~(16)~~ "GAAMPS" means the generally accepted agricultural
4 and management practices under the Michigan right to farm act, 1981
5 PA 93, MCL 286.471 to 286.474.

6 ~~(17) "Garbage" means rejected food wastes including waste
7 accumulation of animal, fruit, or vegetable matter used or intended
8 for food or that results from the preparation, use, cooking,
9 dealing in, or storing of meat, fish, fowl, fruit, or vegetable
10 matter.~~

11 (23) "GASIFICATION" MEANS A PROCESS THROUGH WHICH MATERIALS
12 ARE HEATED, WITHOUT COMBUSTION, IN AN OXYGEN-DEFICIENT ATMOSPHERE
13 AND CONVERTED TO SYNTHESIS GAS, WHICH CAN BE FURTHER CONVERTED INTO
14 CHEMICALS, CHEMICAL FEEDSTOCKS, OR FUELS, SUCH AS ETHANOL.

15 (24) "GENERAL PERMIT" MEANS A PERMIT THAT DOES THE FOLLOWING:

16 (A) COVERS A CATEGORY OF ACTIVITIES THAT THE DEPARTMENT
17 DETERMINES WILL NOT NEGATIVELY IMPACT HUMAN HEALTH AND WILL NOT
18 HAVE MORE THAN MINIMAL SHORT-TERM ADVERSE IMPACTS ON THE NATURAL
19 RESOURCES AND ENVIRONMENT.

20 (B) INCLUDES REQUIREMENTS FOR A SITE PLAN, AN OPERATIONS PLAN,
21 A FACILITY FINAL CLOSURE PLAN, AND FINANCIAL ASSURANCE.

22 (25) "GENERAL USE COMPOST" MEANS FINISHED COMPOST THAT IS
23 PRODUCED FROM 1 OF THE FOLLOWING:

24 (A) CLASS 1 COMPOSTABLE MATERIAL.

25 (B) CLASS 2 COMPOSTABLE MATERIAL, INCLUDING ANY COMBINATION OF
26 CLASS 1 COMPOSTABLE MATERIAL AND CLASS 2 COMPOSTABLE MATERIAL, THAT
27 MEETS THE CRITERIA LISTED IN SECTION 11553(5) (A) TO (D).

1 Sec. 11504. (1) ~~"Health officer" means a full-time~~
2 ~~administrative officer of a certified health department.~~ "HOST
3 COMMUNITY APPROVAL" MEANS AN AGREEMENT, RESOLUTION, LETTER, OR
4 OTHER DOCUMENT INDICATING THAT THE GOVERNING BODY OF THE
5 MUNICIPALITY WHERE THE MATERIALS MANAGEMENT FACILITY IS PROPOSED TO
6 BE LOCATED HAS REVIEWED AND APPROVED THE DEVELOPMENT OF THAT
7 SPECIFIC FACILITY.

8 (2) "HOUSEHOLD WASTE" MEANS SOLID WASTE THAT IS GENERATED BY
9 SINGLE-FAMILY HOUSEHOLDS. HOUSEHOLD WASTE DOES NOT INCLUDE
10 COMMERCIAL WASTE, INDUSTRIAL WASTE, HAZARDOUS WASTE, AND
11 CONSTRUCTION AND DEMOLITION WASTE.

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

15 (4) ~~(2)~~—"Inert material" means any of the following:

16 (a) Rock.

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

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

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

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

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

26 (c) Uncontaminated excavated soil or dredged sediment.

27 Excavated soil or dredged sediment is considered uncontaminated if

1 it does not contain more than de minimis amounts of solid waste and
2 ~~1-ANY~~ of the following ~~applies~~: **APPLY:**

3 (i) The soil or sediment is not contaminated by a hazardous
4 substance as a result of human activity. Soil or sediment that
5 naturally contains elevated levels of hazardous substances above
6 unrestricted residential or any other part 201 generic soil cleanup
7 criteria is not considered contaminated for purposes of this
8 subdivision. A soil or sediment analysis is not required under this
9 subparagraph if, based on past land use, there is no reason to
10 believe that the soil or sediment is contaminated.

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

15 (iii) For any hazardous substance that could reasonably be
16 expected to be present as a result of past land use and human
17 activity, the soil or sediment falls below part 201 generic
18 residential soil direct contact cleanup criteria and hazardous
19 substances in leachate from the soil or sediment, using, at the
20 option of the generator, EPA method 1311, 1312, or any other
21 leaching protocol approved by the department, fall below part 201
22 generic residential health based groundwater drinking water values
23 or criteria, and the soil or sediment would not cause a violation
24 of any surface water quality standard established under part 31 at
25 the area of placement, disposal, or use.

26 (d) Excavated soil from a site of environmental contamination,
27 corrective action, or response activity if the soil is not a listed

1 hazardous waste under part 111 and if hazardous substances in the
2 soil do not exceed generic soil cleanup criteria for unrestricted
3 residential use as defined in ~~part 201~~ **SECTION 20101** or background
4 concentration as defined in ~~part 201~~, **SECTION 20101**, as applicable.

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

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

10 (ii) The material is not materially contaminated. Typical
11 surface oil staining on pavement and concrete from driveways,
12 roadways, and parking lots is not material contamination. Material
13 covered in whole or in part with lead-based paint is materially
14 contaminated.

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

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

19 (g) Asphalt pavement or concrete pavement that meets all of
20 the following requirements:

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

22 (ii) Has been stockpiled or crushed for reuse as aggregate
23 material.

24 (iii) Does not include exposed reinforcement bars.

25 (h) Cuttings, drilling materials, and fluids used to drill or
26 complete a well installed pursuant to part 127 of the public health
27 code, 1978 PA 368, MCL 333.12701 to 333.12771, if the location of

1 the well is not a facility under part 201.

2 (i) Any material determined by the department under section
3 11553(5) or (6) to be an inert material, either for general use or
4 for a particular use.

5 (5) **"INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY" MEANS A**
6 **MATERIALS MANAGEMENT FACILITY THAT CONVERTS SOLID WASTE INTO ENERGY**
7 **OR A USABLE PRODUCT AND THAT IS NOT A MATERIALS RECOVERY FACILITY,**
8 **A COMPOSTING FACILITY, OR AN ANAEROBIC DIGESTER.**

9 (6) ~~(3)~~—"Insurance" means insurance that conforms to the
10 requirements of 40 CFR 258.74(d) **AND IS** provided by an insurer ~~who~~
11 ~~has~~**WITH** a certificate of authority from the director of insurance
12 and financial services to sell this line of coverage. An applicant
13 for an operating license **OR GENERAL PERMIT** shall submit evidence of
14 the required coverage by submitting both of the following to the
15 department:

16 (a) A certificate of insurance that uses wording approved by
17 the department.

18 (b) A certified true and complete copy of the insurance
19 policy.

20 (7) ~~(4)~~—"Landfill" means a disposal area that is a sanitary
21 landfill.

22 (8) **"LANDFILL CARE FUND" MEANS A TRUST OR ESCROW ACCOUNT OR**
23 **LANDFILL CARE FUND BOND REQUIRED BY SECTION 11525C.**

24 (9) **"LANDFILL CARE FUND BOND" MEANS A SURETY BOND, AN**
25 **IRREVOCABLE LETTER OF CREDIT, OR A COMBINATION OF THESE INSTRUMENTS**
26 **IN FAVOR OF THE DEPARTMENT BY WHICH A LANDFILL CARE FUND IS**
27 **ESTABLISHED.**

1 (10) "LARGE COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
2 THAT AT ANY TIME CONTAINS MORE THAN 10,000 CUBIC YARDS OF
3 COMPOSTABLE MATERIAL.

4 (11) ~~(5)~~"Letter of credit" means an irrevocable letter of
5 credit that complies with 40 CFR 258.74(c).

6 (12) "LICENSE" MEANS AN OPERATING LICENSE.

7 (13) ~~(6)~~"Lime kiln dust" means particulate matter collected
8 in air emission control devices serving lime kilns.

9 (14) "LOCAL HEALTH OFFICER" MEANS A LOCAL HEALTH OFFICER AS
10 DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL
11 333.1105, TO WHICH THE DEPARTMENT DELEGATES CERTAIN DUTIES UNDER
12 PART 115.

13 (15) ~~(7)~~"Low-hazard industrial waste" means industrial
14 material that has a low potential for groundwater contamination
15 when managed in ~~accordance~~**COMPLIANCE** with ~~this~~part 115. The
16 following materials are low-hazard industrial wastes:

17 (a) Coal ash or wood ash.

18 (b) Cement kiln dust.

19 (c) Pulp and paper mill material.

20 (d) Scrap wood.

21 (e) Sludge from the treatment and conditioning of water for
22 domestic use.

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

25 (g) Sludge from the treatment and conditioning of water from a
26 community water supply.

27 (h) Foundry sand.

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

2 (j) Street cleanings.

3 (k) Asphalt shingles.

4 (l) New construction or production scrap drywall.

5 (m) Chipped or shredded tires.

6 (n) Copper slag.

7 (o) Copper stamp sands.

8 (p) Dredge material from nonremedial activities.

9 (q) Flue gas desulfurization material.

10 (r) Dewatered grinding slurry generated from public
11 transportation agency road projects.

12 (s) Any material determined by the department under section
13 11553(7) to be a low-hazard industrial waste.

14 (16) "MANAGED MATERIAL" MEANS SOLID WASTE, DIVERTED WASTE, OR
15 RECYCLABLE MATERIAL. MANAGED MATERIAL DOES NOT INCLUDE A MATERIAL
16 OR PRODUCT THAT CONTAINS IRON, STEEL, OR NONFERROUS METALS AND THAT
17 IS DIRECTED TO OR RECEIVED BY A PERSON SUBJECT TO THE SCRAP METAL
18 REGULATORY ACT, 2008 PA 429, MCL 445.421 TO 445.443, OR BY A REUSER
19 OF THESE METALS.

20 (17) "MATERIALS MANAGEMENT FACILITY" OR, UNLESS THE CONTEXT
21 IMPLIES A DIFFERENT MEANING, "FACILITY" MEANS ANY OF THE FOLLOWING,
22 SUBJECT TO SUBSECTION (18):

23 (A) A DISPOSAL AREA.

24 (B) A MATERIALS UTILIZATION FACILITY.

25 (C) A WASTE DIVERSION CENTER.

26 (18) MATERIALS MANAGEMENT FACILITY OR FACILITY DOES NOT
27 INCLUDE A PERSON, UTILIZING MACHINERY AND EQUIPMENT AND OPERATING

1 FROM A FIXED LOCATION, WHOSE PRINCIPAL BUSINESS IS THE PROCESSING
2 AND MANUFACTURING OF IRON, STEEL, OR NONFERROUS METALS INTO
3 PREPARED GRADES OF PRODUCTS SUITABLE FOR CONSUMPTION, REUSE, OR
4 ADDITIONAL PROCESSING.

5 (19) "MATERIALS MANAGEMENT PLAN" OR "MMP" MEANS A PLAN
6 REQUIRED UNDER SECTION 11571.

7 (20) "MATERIALS RECOVERY FACILITY", SUBJECT TO SUBSECTION
8 (21), MEANS A FACILITY THAT MEETS BOTH OF THE FOLLOWING
9 REQUIREMENTS:

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

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

18 (21) MATERIALS RECOVERY FACILITY DOES NOT INCLUDE:

19 (A) A RETAIL, COMMERCIAL, OR INDUSTRIAL ESTABLISHMENT THAT
20 BALES FOR OFF-SITE SHIPMENT MANAGED MATERIAL THAT IT GENERATES.

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

23 (C) A BEVERAGE DISTRIBUTOR, OR ITS AGENT, THAT MANAGES
24 RETURNABLE BEVERAGE CONTAINERS UNDER 1976 IL 1, MCL 445.571 TO
25 445.576.

26 (D) AN END USER OR SECONDARY PROCESSOR OF RECYCLED MATERIALS
27 THAT WERE PRIMARILY GENERATED BY AN INDUSTRIAL FACILITY OR WERE

1 PREVIOUSLY SORTED OR PROCESSED.

2 (22) "MATERIALS UTILIZATION" MEANS RECYCLING, COMPOSTING, OR
3 CONVERTING MATERIAL INTO ENERGY RATHER THAN DISPOSING THE MATERIAL.

4 (23) "MATERIALS UTILIZATION FACILITY" MEANS A FACILITY THAT IS
5 ANY OF THE FOLLOWING:

6 (A) A MATERIALS RECOVERY FACILITY.

7 (B) A COMPOSTING FACILITY.

8 (C) AN ANAEROBIC DIGESTER, EXCEPT AT A MANUFACTURING FACILITY
9 THAT GENERATES ITS OWN FEEDSTOCK.

10 (D) AN INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY.

11 (24) "MATERIALS UTILIZATION GOALS" MEANS GOALS IDENTIFIED IN
12 THE MMP PURSUANT TO SECTION 11578 (A) .

13 (25) ~~(8)~~—"Medical waste" means that term as it is defined in
14 section 13805 of the public health code, 1978 PA 368, MCL
15 333.13805.

16 (26) "MEDIUM COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
17 TO WHICH ALL OF THE FOLLOWING APPLY:

18 (A) THE SITE AT ANY TIME CONTAINS 1,000 OR MORE CUBIC YARDS OF
19 COMPOSTABLE MATERIAL, BUT DOES NOT AT ANY TIME CONTAIN MORE THAN
20 10,000 CUBIC YARDS OF COMPOSTABLE MATERIAL.

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

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

27 (27) ~~(9)~~—"Mixed wood ash" means the material recovered from

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

6 **(28) "MUNICIPAL SOLID WASTE" MEANS HOUSEHOLD WASTE, COMMERCIAL**
 7 **WASTE, WASTE GENERATED BY OTHER NONINDUSTRIAL LOCATIONS, WASTE THAT**
 8 **HAS CHARACTERISTICS SIMILAR TO THAT GENERATED AT A HOUSEHOLD OR**
 9 **COMMERCIAL BUSINESS, OR ANY COMBINATION THEREOF. MUNICIPAL SOLID**
 10 **WASTE DOES NOT INCLUDE MUNICIPAL WASTEWATER TREATMENT SLUDGES,**
 11 **INDUSTRIAL PROCESS WASTES, AUTOMOBILE BODIES, COMBUSTION ASH, OR**
 12 **CONSTRUCTION AND DEMOLITION DEBRIS.**

13 **(29)** ~~(10)~~ "Municipal solid waste incinerator" means an
 14 incinerator, ~~that is~~ owned or operated by any person, ~~and~~ **THAT**
 15 meets ~~all of the~~ following requirements:

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

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

27 (c) The incinerator meets the requirements of ~~this part~~ **115.**

1 ~~and the rules promulgated under this part.~~

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

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

7 **(30)** ~~(11)~~—"Municipal solid waste incinerator ash" means the
8 substances remaining after combustion in a municipal solid waste
9 incinerator.

10 **(31)** "MUNICIPAL SOLID WASTE RECYCLING RATE" MEANS THE AMOUNT
11 OF MUNICIPAL SOLID WASTE RECYCLED OR COMPOSTED DIVIDED BY THE
12 AMOUNT OF MUNICIPAL SOLID WASTE RECYCLED, COMPOSTED, LANDFILLED, OR
13 INCINERATED.

14 **(32)** ~~(12)~~—"Nonresidential property" means property not used or
15 intended to be used for any of the following:

16 (a) A child day care center.

17 (b) An elementary school.

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

19 (d) A nursing home.

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

24 **(33)** "OPERATE" INCLUDES, BUT IS NOT LIMITED TO, CONDUCTING,
25 MANAGING, AND MAINTAINING.

26 **(34)** "PART 115" MEANS THIS PART AND RULES PROMULGATED UNDER
27 THIS PART.



1 **(35)** ~~(13)~~—"Perpetual care fund" means a trust or escrow
2 account or perpetual care fund bond provided for in section 11525.

3 **(36)** ~~(14)~~—"Perpetual care fund bond" means a surety bond, an
4 irrevocable letter of credit, or a combination of these instruments
5 in favor of and on a form approved by the department by which a
6 perpetual care fund is established.

7 **(37)** **"PLANNING AREA" MEANS THE GEOGRAPHIC AREA TO WHICH A**
8 **MATERIALS MANAGEMENT PLAN APPLIES.**

9 **(38)** **"PLANNING COMMITTEE" MEANS A COMMITTEE APPOINTED UNDER**
10 **SECTION 11572.**

11 **(39)** **"PREEXISTING UNIT" MEANS A LANDFILL UNIT THAT IS OR WAS**
12 **LICENSED UNDER PART 115 BUT HAS NOT RECEIVED WASTE AFTER OCTOBER 9,**
13 **1993.**

14 **(40)** ~~(15)~~—"Pulp and paper mill ash" means the material
15 recovered from air pollution control systems for, or the
16 noncombusted residue remaining after, the combustion of any
17 combination of coal, wood, pulp and paper mill material, wood or
18 biomass fuel pellets, scrap wood, railroad ties, or tires, from a
19 boiler, power plant, or furnace at a pulp and paper mill, if
20 railroad ties composed less than 35% by weight of the total
21 combusted material and tires composed less than 10% by weight of
22 the total combusted material.

23 **(41)** ~~(16)~~—"Pulp and paper mill material" means ~~all of the~~
24 following materials if generated at a facility that produces pulp
25 or paper:

26 (a) Wastewater treatment sludge, including wood fibers,
27 minerals, and microbial biomass.

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

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

3 (d) Scrap paper.

4 (e) Causticizing residues, including lime mud and grit and
5 green liquor dregs.

6 (f) Any material that the department determines has
7 characteristics ~~that are~~ similar to any of the materials listed in
8 subdivisions (a) to (e).

9 **(42) "PYROLYSIS" MEANS A PROCESS THAT DOES NOT INVOLVE**
10 **COMBUSTION AND THROUGH WHICH MATERIALS ARE HEATED IN THE ABSENCE OF**
11 **OXYGEN UNTIL MELTED AND THERMALLY DECOMPOSED, AND THEN ARE COOLED,**
12 **CONDENSED, AND CONVERTED INTO OTHER INTERMEDIATE OR FINAL PRODUCTS.**

13 Sec. 11505. (1) **"RDDP" MEANS A RESEARCH, DEVELOPMENT, AND**
14 **DEMONSTRATION PROJECT FOR A NEW OR EXISTING TYPE II LANDFILL UNIT**
15 **OR FOR A LATERAL EXPANSION OF A TYPE II LANDFILL UNIT.**

16 (2) ~~(1)~~ "Recyclable materials" means ~~source separated~~
17 ~~materials, site separated materials, high grade paper, glass,~~
18 ~~metal, plastic, aluminum, newspaper, corrugated~~ **PLASTICS**, paper
19 **PRODUCTS, WOOD, RUBBER, TEXTILES, FOOD WASTE, yard clippings,**
20 **WASTE,** and other materials that may be recycled. ~~or composted.~~

21 (3) **"RECYCLING" MEANS AN ACTION OR PROCESS, SUCH AS**
22 **SEPARATION, SORTING, BALING, OR SHIPPING, APPLIED TO MATERIALS THAT**
23 **ARE NO LONGER BEING USED AND THAT WOULD HAVE OTHERWISE BEEN**
24 **DISPOSED AS WASTE, FOR THE PURPOSE OF CONVERSION INTO RAW MATERIALS**
25 **OR NEW PRODUCTS.**

26 (4) ~~(2)~~ "Regional ~~solid waste management~~ planning agency"
27 means the regional solid waste planning agency designated by the

1 governor pursuant to 42 USC 6946.

2 (5) ~~(3)~~—"Resource recovery facility" means machinery,
3 equipment, structures, or any parts or accessories of machinery,
4 equipment, or structures, installed or acquired for the primary
5 purpose of recovering materials or energy from the waste stream.

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

12 (7) **"RESTRICTED USE COMPOST" MEANS COMPOST THAT IS PRODUCED**
13 **FROM CLASS 2 COMPOSTABLE MATERIAL, INCLUDING ANY COMBINATION OF**
14 **CLASS 1 COMPOSTABLE MATERIAL AND CLASS 2 COMPOSTABLE MATERIAL, THAT**
15 **IS NOT APPROVED AS INERT UNDER SECTION 11553(3).**

16 (8) **"REUSE" MEANS TO REMANUFACTURE, USE AGAIN, USE IN A**
17 **DIFFERENT MANNER, OR USE AFTER RECLAMATION.**

18 (9) ~~(5)~~—"Rubbish" means nonputrescible solid waste, excluding
19 ashes, consisting of both combustible and noncombustible waste,
20 including paper, cardboard, metal containers, yard ~~clippings,~~
21 **WASTE**, wood, glass, bedding, crockery, demolished building
22 materials, or litter of any kind that may be a detriment to the
23 public health and safety.

24 (10) ~~(6)~~—"Salvaging" means the lawful and controlled removal
25 of reusable materials from solid waste.

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

1 (11) ~~(8)~~—"Scrap wood" means wood or wood product that is 1 or
2 more of the following:

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

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

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

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

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

17 (13) ~~(10)~~—"Slag" means the nonmetallic product resulting from
18 melting or smelting operations for iron or steel.

19 (14) "SMALL COMPOSTING FACILITY" MEANS A COMPOSTING FACILITY
20 TO WHICH BOTH OF THE FOLLOWING APPLY:

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

24 (B) THE SITE DOES NOT AT ANY TIME CONTAIN MORE THAN 5% BY
25 VOLUME OF CLASS 1 COMPOSTABLE MATERIAL OTHER THAN YARD WASTE.

26 Sec. 11506. (1) "Solid waste" means ~~garbage,~~ **FOOD WASTE,**
27 rubbish, ashes, incinerator ash, incinerator residue, street

1 cleanings, municipal and industrial sludges, solid commercial
2 waste, solid industrial waste, and animal waste. However, solid
3 waste does not include the following:

4 (a) Human body waste.

5 (b) Medical waste.

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

9 (d) Liquid waste.

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

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

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

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

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

22 (ii) Precipitated calcium carbonate from sugar beet
23 processing.

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

26 (iv) Lime from kraft pulping processes generated ~~prior to~~
27 **BEFORE** bleaching.

1 (v) Aquatic plants.

2 (i) Materials approved for emergency disposal by the
3 department.

4 (j) Source separated materials.

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

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

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

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

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

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

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

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

1 (N) ~~(e)~~—Soil that is relocated under section 20120c.

2 (O) ~~(p)~~—Diverted waste that is managed through a waste
3 diversion center.

4 (P) ~~(q)~~—Beneficial use by-products.

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

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

9 (i) A public road agency.

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

12 (S) ~~(t)~~—Any material that is reclaimed or reused in the
13 process that generated it.

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

17 (U) ~~(v)~~—Other wastes regulated by statute.

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

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

22 (4) ~~(3)~~—"Solid waste processing plant" **AND TRANSFER FACILITY"**
23 means a tract of land, **A** building ~~, OR~~ unit, ~~or appurtenance~~ **AND**
24 **ANY APPURTENANCES** of a building or unit, **OR A CONTAINER**, or ~~a~~ **ANY**
25 combination of ~~land, buildings, and units~~ **THESE** that is used or
26 intended for use ~~for~~ **IN** the **HANDLING, STORAGE, TRANSFER, OR**
27 processing of solid waste, ~~or the separation of material for~~

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

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

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

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

20 (7) ~~(6)~~—"Source separated material" means any of the following
 21 materials if separated at the source of generation **OR AT A**
 22 **MATERIALS MANAGEMENT FACILITY THAT COMPLIES WITH PART 115** and **IF**
 23 not speculatively accumulated:

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

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

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

12 (c) Chipped or whole tires used to fuel an industrial boiler,
13 kiln, power plant, or furnace, subject to part 55, or for other
14 uses approved by the department. This subdivision does not ~~prevent~~
15 **PROHIBIT** material from being classified as a renewable energy
16 resource as defined in section 11 of the clean ~~and~~**-AND** renewable ~~energy~~
17 **ENERGY** and ~~efficient~~**-energy WASTE REDUCTION** act, 2008 PA 295, MCL
18 460.1011.

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

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

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

1 (g) Asphalt shingles that ~~do~~ **MEET BOTH OF THE FOLLOWING**
2 **REQUIREMENTS:**

3 (i) **DO** not contain asbestos, rolled roofing, or tar paper.

4 (ii) **ARE** used as a component in asphalt, ~~or used to fuel an~~
5 industrial boiler, kiln, power plant, or furnace, subject to part
6 55, or for other uses approved by the department.

7 (h) Municipal solid waste incinerator ash that meets criteria
8 specified by the department and that is used as daily cover at a
9 disposal facility licensed pursuant to ~~this~~ part **115**.

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

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

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

16 (l) **LEAVES THAT ARE GROUND OR MIXED WITH GROUND WOOD AND SOLD**
17 **AS MULCH FOR LANDSCAPING PURPOSES IF THE VOLUMES SO MANAGED ARE**
18 **REPORTED TO THE DEPARTMENT IN THE MANNER PROVIDED IN SECTION 11560.**

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

23 (n) **YARD WASTE THAT IS LAND APPLIED ON A FARM AT AGRONOMIC**
24 **RATES CONSISTENT WITH GAAMPS.**

25 (o) **YARD WASTE, CLASS 1 COMPOSTABLE MATERIAL, AND CLASS 2**
26 **COMPOSTABLE MATERIAL THAT ARE DELIVERED TO AN ANAEROBIC DIGESTER**
27 **AUTHORIZED UNDER PART 115 BY THE DEPARTMENT TO RECEIVE THE**

1 **MATERIAL.**

2 **(P) RECYCLABLE MATERIALS.**

3 **(8)** ~~(7)~~—"Stamp sands" means finely grained crushed rock
4 resulting from mining, milling, or smelting of copper ore and
5 includes native substances contained within the crushed rock and
6 any ancillary material associated with the crushed rock.

7 **(9)** ~~(8)~~—"Treated wood" means wood or wood product that has
8 been treated with 1 or more of the following:

9 (a) Chromated copper arsenate (CCA).

10 (b) Ammoniacal copper quat (ACQ).

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

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

14 **(10)** ~~(9)~~—"Trust fund" means a fund held by a trustee who has
15 the authority to act as a trustee and whose trust operations are
16 regulated and examined by a federal or state agency.

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

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

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

26 **(B) SEWAGE SLUDGE.**

27 **(C) COMMERCIAL WASTE.**

1 (D) NONHAZARDOUS SLUDGE.

2 (E) HAZARDOUS WASTE FROM CONDITIONALLY EXEMPT SMALL QUANTITY
3 GENERATORS.

4 (F) INDUSTRIAL WASTE.

5 (13) "TYPE III LANDFILL" MEANS A LANDFILL THAT IS NOT A TYPE
6 II LANDFILL OR HAZARDOUS WASTE LANDFILL AND INCLUDES ALL OF THE
7 FOLLOWING:

8 (A) A CONSTRUCTION AND DEMOLITION WASTE LANDFILL.

9 (B) AN INDUSTRIAL WASTE LANDFILL.

10 (C) A LOW HAZARD INDUSTRIAL WASTE LANDFILL.

11 (D) A SURFACE IMPOUNDMENT AUTHORIZED AS AN INDUSTRIAL WASTE
12 LANDFILL.

13 (E) A LANDFILL THAT ACCEPTS ONLY WASTE OTHER THAN HOUSEHOLD
14 WASTE, MUNICIPAL SOLID WASTE INCINERATOR ASH, OR HAZARDOUS WASTE
15 FROM CONDITIONALLY EXEMPT SMALL QUANTITY GENERATORS.

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

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

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

1 (17) ~~(13)~~ "Wood ash" means any type of ash or slag resulting
2 from the burning of wood.

3 (18) ~~(14)~~ "Yard ~~clippings~~ **WASTE**" means leaves, grass
4 clippings, vegetable or other garden debris, shrubbery, or brush or
5 tree trimmings, less than 4 feet in length and 2 inches in
6 diameter, that can be converted to compost. ~~humus.~~ ~~Yard clippings~~
7 ~~do~~ **WASTE DOES** not include stumps, agricultural wastes, animal
8 waste, roots, sewage sludge, ~~or garbage.~~ **CHRISTMAS TREES OR OTHER**
9 **HOLIDAY DECORATIONS MADE OF VEGETATION, FOOD WASTE, OR FINISHED**
10 **COMPOST MADE FROM YARD WASTE.**

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

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

1 **RECYCLING STANDARDS.**

2 (3) ~~(1)~~—The department and a **LOCAL** health officer shall assist
3 in developing and encouraging methods for the disposal of solid
4 waste that are environmentally sound, that maximize the utilization
5 of valuable resources, and that encourage resource conservation
6 including source reduction and source separation.

7 (4) ~~(2)~~ ~~This part~~ **PART 115** shall be construed and administered
8 to encourage and facilitate ~~the effort of~~ all persons to engage in
9 source separation and ~~site separation of~~ material from solid waste,
10 and other environmentally sound measures to prevent materials from
11 entering the waste stream or ~~which encourage the removal of~~ **TO**
12 **REMOVE** materials from the waste stream.

13 (5) **A PERSON SHALL NOT DISPOSE, STORE, OR TRANSPORT SOLID**
14 **WASTE IN THIS STATE UNLESS THE PERSON COMPLIES WITH THE**
15 **REQUIREMENTS OF PART 115.**

16 (6) ~~(3)~~ ~~The department may exempt from regulation under this~~
17 ~~part solid waste that is determined by the department to be inert~~
18 ~~material for uses and in a manner approved by the department.~~ **PART**
19 **115 IS INTENDED TO ENCOURAGE THE CONTINUATION OF THE PRIVATE SECTOR**
20 **IN MATERIALS MANAGEMENT, DISPOSAL, AND TRANSPORTATION IN COMPLIANCE**
21 **WITH PART 115. PART 115 IS NOT INTENDED TO PROHIBIT SALVAGING.**

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 of solid waste received by the landfill~~
26 ~~during the year itemized, to the extent possible, by county, state,~~
27 ~~or country of origin and the amount of remaining disposal capacity~~

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

8 ~~—— (2) By January 31 of each year, the department shall submit to~~
 9 ~~the legislature a report summarizing the information obtained under~~
 10 ~~subsection (1).~~ **UNDER RULES PROMULGATED BY THE DEPARTMENT, THE**
 11 **DEPARTMENT MAY CERTIFY A CITY, COUNTY, OR DISTRICT HEALTH**
 12 **DEPARTMENT TO PERFORM A SOLID WASTE MANAGEMENT PROGRAM OR**
 13 **DESIGNATED ACTIVITIES AS PRESCRIBED IN PART 115. THE DEPARTMENT MAY**
 14 **RESCIND CERTIFICATION UNDER EITHER OF THE FOLLOWING CIRCUMSTANCES:**

15 (A) UPON REQUEST OF THE CERTIFIED HEALTH DEPARTMENT.

16 (B) AFTER REASONABLE NOTICE AND AN OPPORTUNITY FOR A HEARING
 17 IF THE DEPARTMENT FINDS THAT THE CERTIFIED HEALTH DEPARTMENT IS NOT
 18 PERFORMING THE PROGRAM OR DESIGNATED ACTIVITIES AS REQUIRED.

19 Sec. 11508. (1) ~~A city, county, or district health department~~
 20 ~~may be certified by the department to perform a solid waste~~
 21 ~~management program. Certification procedures shall be established~~
 22 ~~by the department by rule. The department may rescind certification~~
 23 ~~upon request of the certified health department or after reasonable~~
 24 ~~notice and hearing if the department finds that a certified health~~
 25 ~~department is not performing the program as required.~~ **A PERSON SHALL**
 26 **NOT OPERATE A MATERIALS MANAGEMENT FACILITY UNLESS THE FOLLOWING**
 27 **REQUIREMENTS ARE MET:**



1 (A) THE OWNER OR OPERATOR HAS COMPLIED WITH ANY APPLICABLE
2 REQUIREMENT OF PART 115 TO NOTIFY THE DEPARTMENT, REGISTER WITH THE
3 DEPARTMENT, OBTAIN AN APPROVAL FROM THE DEPARTMENT UNDER A GENERAL
4 PERMIT, OR OBTAIN A CONSTRUCTION PERMIT AND OPERATING LICENSE FROM
5 THE DEPARTMENT.

6 (B) THE OPERATION IS IN COMPLIANCE WITH THE TERMS OF ANY
7 REGISTRATION, GENERAL PERMIT, CONSTRUCTION PERMIT, OR OPERATING
8 LICENSE ISSUED FOR THE MATERIALS MANAGEMENT FACILITY ISSUED UNDER
9 PART 115.

10 (C) IF THE MATERIALS MANAGEMENT FACILITY IS A DISPOSAL AREA OR
11 MATERIALS UTILIZATION FACILITY THAT IS REQUIRED TO BE PERMITTED,
12 LICENSED, APPROVED UNDER A GENERAL PERMIT, OR REGISTERED UNDER PART
13 115 OR FOR WHICH A NOTIFICATION IS REQUIRED TO BE SUBMITTED TO THE
14 DEPARTMENT FOR OPERATION UNDER PART 115, THE FACILITY IS CONSISTENT
15 WITH THE MMP. THIS SUBDIVISION DOES NOT APPLY TO A DISPOSAL AREA
16 DESCRIBED IN SECTION 11509(1) (A) OR (B).

17 (2) THE DEPARTMENT SHALL DENY AN APPLICATION FOR A
18 REGISTRATION, FOR APPROVAL UNDER A GENERAL PERMIT, OR FOR A
19 CONSTRUCTION PERMIT OR OPERATING LICENSE FOR A MATERIALS MANAGEMENT
20 FACILITY UNLESS THE DEPARTMENT HAS, UNDER SECTION 11575, APPROVED
21 AN MMP FOR THE PLANNING AREA WHERE THE FACILITY IS LOCATED OR
22 PROPOSED TO BE LOCATED AND THE FACILITY IS CONSISTENT WITH THE MMP,
23 AS DETERMINED UNDER SECTION 11585. HOWEVER, BOTH OF THE FOLLOWING
24 APPLY:

25 (A) BEFORE AN MMP IS INITIALLY APPROVED BY THE DEPARTMENT
26 UNDER SECTION 11575, THE DEPARTMENT MAY ISSUE A CONSTRUCTION PERMIT
27 FOR A SOLID WASTE PROCESSING AND TRANSFER FACILITY OR AN APPROVAL

1 UNDER A GENERAL PERMIT FOR A MATERIALS UTILIZATION FACILITY IF THE
 2 CBC AND THE LEGISLATIVE BODY OF THE MUNICIPALITY IN WHICH THE
 3 FACILITY IS OR IS PROPOSED TO BE LOCATED HAVE EACH NOTIFIED THE
 4 DEPARTMENT IN WRITING THAT THEY APPROVE THE ISSUANCE.

5 (B) PROPOSED LANDFILL EXPANSIONS SHALL FOLLOW THE SITING
 6 PROCESS OF THE EXISTING SOLID WASTE MANAGEMENT PLAN UNTIL AN MMP
 7 FOR THE PLANNING AREA IS APPROVED BY THE DEPARTMENT.

8 (3) A NOTIFICATION OR APPLICATION UNDER PART 115 FOR A
 9 CONSTRUCTION PERMIT, OPERATING LICENSE, APPROVAL UNDER A GENERAL
 10 PERMIT, OR REGISTRATION REQUIRED TO OPERATE A MATERIALS MANAGEMENT
 11 FACILITY; A NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT
 12 PLAN; A LANDFILL CARE FUND BOND; A RISK POOLING FINANCIAL
 13 MECHANISM; A REQUEST FOR THE REDUCTION OF THE AMOUNT OF A FINANCIAL
 14 ASSURANCE MECHANISM; AN AGREEMENT GOVERNING THE OPERATION OF A
 15 PERPETUAL CARE FUND TRUST OR ESCROW ACCOUNT; AN APPLICATION FOR A
 16 GRANT OR LOAN; OR A REPORT OR OTHER INFORMATION REQUIRED TO BE
 17 SUBMITTED TO THE DEPARTMENT UNDER PART 115 SHALL MEET ALL OF THE
 18 FOLLOWING REQUIREMENTS:

19 (A) BE SUBMITTED ON A FORM AND IN A FORMAT PROVIDED OR
 20 APPROVED BY THE DEPARTMENT.

21 (B) CONTAIN RELEVANT INFORMATION REQUIRED BY THE DEPARTMENT.

22 (C) IF AN APPLICATION, BE ACCOMPANIED BY ANY APPLICABLE
 23 APPLICATION FEE PROVIDED FOR BY THIS PART.

24 SUBPART 2 DISPOSAL AREAS

25 Sec. 11509. (1) ~~Except as otherwise provided in section 11529,~~
 26 ~~a-~~ THIS SECTION AND SECTIONS 11510 TO 11512 APPLY TO DISPOSAL AREAS
 27 OTHER THAN THE FOLLOWING:



1 (A) A SOLID WASTE PROCESSING AND TRANSFER FACILITY DESCRIBED
2 IN SECTION 11513(2) OR (3).

3 (B) AN INCINERATOR THAT DOES NOT COMPLY WITH THE CONSTRUCTION
4 PERMIT AND OPERATING LICENSE REQUIREMENTS OF THIS SUBPART, AS
5 ALLOWED UNDER SECTION 11540.

6 (2) A person shall not establish a disposal area except as
7 authorized by a construction permit issued by the department
8 pursuant to part 13. ~~In addition, a person shall not establish a~~
9 ~~disposal area contrary to an approved solid waste management plan,~~
10 ~~or contrary to a permit, license, or final order issued pursuant to~~
11 ~~this part.~~ A person proposing the establishment of a disposal area
12 shall ~~apply~~ **SUBMIT THE APPLICATION** for a construction permit to the
13 ~~department through the~~ **APPROPRIATE LOCAL** health officer. ~~If~~
14 **HOWEVER, IF** the disposal area is located in a county or city that
15 does not have a certified health department, the application shall
16 be ~~made~~ **SUBMITTED** directly to the department. **AN APPLICATION FOR A**
17 **CONSTRUCTION PERMIT SHALL BE ACCOMPANIED BY AN ENGINEERING PLAN.**

18 (3) ~~(2)~~ ~~The application for a construction permit shall~~
19 ~~contain the name and residence of the applicant, the location of~~
20 ~~the proposed disposal area, the design capacity of the disposal~~
21 ~~area, and other information specified by rule. A person may apply~~
22 ~~to construct more than 1 type of disposal area at the same facility~~
23 ~~under a single permit. The~~ **AN application FOR A CONSTRUCTION PERMIT**
24 **FOR A LANDFILL** shall be accompanied by ~~an engineering plan and a~~
25 ~~construction permit~~ **AN** application fee **AS FOLLOWS:** . A construction
26 ~~permit application for a landfill shall be accompanied by a fee in~~
27 ~~an amount that is the sum of all of the following fees, as~~

1 ~~applicable:~~

2 (a) For a new ~~sanitary~~ landfill, **THE FOLLOWING:** ~~a fee equal to~~
3 ~~the following amount:~~

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

5 (ii) ~~For~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii), FOR** an
6 industrial waste landfill, \$1,000.00.

7 (iii) For a type III landfill limited to low hazard industrial
8 waste, \$750.00.

9 (b) For a lateral expansion of a ~~sanitary~~ **AN EXISTING**
10 landfill, ~~a fee equal to the following amount:~~ **THE FOLLOWING:**

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

12 (ii) ~~For~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii), FOR** an
13 industrial waste landfill, \$750.00.

14 (iii) For a type III landfill limited to low hazard industrial
15 waste, construction and demolition waste, or other nonindustrial
16 waste, \$500.00.

17 (c) For a vertical expansion of an existing ~~sanitary~~ landfill,
18 ~~a fee equal to the following amount:~~ **THE FOLLOWING:**

19 (i) For a ~~municipal solid waste~~ **TYPE II** landfill, \$750.00.

20 (ii) ~~For~~ **EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii) FOR** an
21 industrial waste landfill, \$500.00.

22 (iii) For an industrial waste landfill limited to low hazard
23 industrial waste, construction and demolition waste, or other
24 nonindustrial waste, \$250.00.

25 **(4)** ~~(3) The~~ **AN** application for a construction permit for a
26 ~~solid waste transfer facility, a solid waste processing plant,~~
27 ~~other disposal area, or a combination of these,~~ **THAT IS NOT A**

1 **LANDFILL** shall be accompanied by a ~~an~~ **APPLICATION** fee in the
2 following amount:

3 (a) For a new ~~facility~~ **DISPOSAL AREA** for municipal solid waste
4 ~~or~~ a combination of municipal solid waste and waste listed in
5 subdivision (b), \$1,000.00.

6 (b) For a new ~~facility~~ **DISPOSAL AREA** for industrial waste, or
7 construction and demolition waste, \$500.00.

8 (c) For the expansion of an existing ~~facility~~ **DISPOSAL AREA**
9 for any type of waste, \$250.00.

10 (5) ~~(4)~~ If an application is returned to the applicant as
11 administratively incomplete, ~~the department shall refund the entire~~
12 ~~fee.~~ **THE APPLICANT MAY, WITHIN 1 YEAR AFTER THE APPLICATION IS**
13 **RETURNED, RESUBMIT THE APPLICATION, TOGETHER WITH THE ADDITIONAL**
14 **INFORMATION AS NEEDED TO ADDRESS THE REASONS FOR BEING INCOMPLETE,**
15 **WITHOUT PAYING AN ADDITIONAL APPLICATION FEE.** If a permit is denied
16 or an application is withdrawn, ~~the department shall refund 1/2 the~~
17 ~~amount specified in subsection (3) to the applicant.~~ An **AN**
18 applicant for a construction permit, within ~~12 months~~ **1 YEAR** after
19 a permit denial or **APPLICATION** withdrawal, may resubmit the
20 application, ~~and the refunded portion of the fee, together with the~~
21 additional information as needed to address the reasons for denial,
22 without ~~being required to pay~~ **PAYING** an additional application fee.

23 (6) ~~(5)~~ An **SUBJECT TO SECTION 11510(2)(D), AN** application for
24 a modification to a construction permit or for renewal of a
25 construction permit ~~which~~ **THAT** has expired shall be accompanied by
26 a fee of \$250.00. ~~Increases in final elevations that do not result~~
27 ~~in an increase in design capacity or a change in the solid waste~~

1 ~~boundary shall be considered a modification and not a vertical~~
 2 ~~expansion.~~

3 (7) ~~(6)~~ **A PERSON MAY APPLY FOR A SINGLE PERMIT TO CONSTRUCT**
 4 **MORE THAN 1 TYPE OF DISPOSAL AREA AT THE SAME FACILITY.** A person
 5 who applies to permit more than 1 type of disposal area at the same
 6 facility shall pay a fee equal to the sum of the applicable fees
 7 listed in this section **FOR EACH TYPE OF DISPOSAL AREA.**

8 (8) ~~(7)~~ The department shall deposit permit application fees
 9 collected under this section in the solid waste staff account of
 10 the solid waste management fund. ~~established in section 11550.~~

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

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

23 (A) ON THE SAME PROPERTY. THE PROPERTY MAY BE DIVIDED BY
 24 EITHER OF THE FOLLOWING:

25 (i) THE BOUNDARY OF A LOCAL UNIT OF GOVERNMENT.

26 (ii) A PUBLIC OR PRIVATE RIGHT-OF-WAY IF ACCESS TO AND FROM
 27 THE RIGHT-OF-WAY FOR EACH PIECE OF THE PROPERTY IS OPPOSITE THE

1 ACCESS FOR THE OTHER PIECE OF THE PROPERTY SO THAT MOVEMENT BETWEEN
2 THE 2 PIECES OF THE PROPERTY IS BY CROSSING THE RIGHT-OF-WAY.

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

6 Sec. 11510. (1) Before the submission of a construction permit
7 application **UNDER SECTION 11509** for a new disposal area, the
8 applicant shall request a **LOCAL** health officer or the department to
9 provide an advisory analysis of the proposed disposal area.
10 ~~However, the~~ **THE** applicant, not less than 15 days after the
11 request, and notwithstanding an analysis result, may file an
12 application for a construction permit.

13 (2) Upon receipt of a construction permit application, the
14 department shall do ~~all of the~~ following:

15 (a) Immediately notify the clerk of the municipality in which
16 the disposal area is located or proposed to be located, the local
17 soil erosion and sedimentation control agency **UNDER PART 93**, each
18 division within the department and the department of natural
19 resources that has responsibilities in land, air, or water
20 management, ~~and the designated regional solid waste management~~ **THE**
21 **REGIONAL** planning agency, **AND THE DESIGNATED PLANNING AGENCY FOR**
22 **THE PLANNING AREA.**

23 (b) Publish a notice in a newspaper **OR BY ELECTRONIC MEDIA**
24 having major circulation **OR VIEWERSHIP** in the vicinity of the
25 proposed disposal area. The ~~required published~~ notice shall contain
26 ~~a~~ **ALL OF THE FOLLOWING:**

27 (i) **A** map indicating the location of the proposed disposal

1 area. ~~and shall contain a~~

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

3 (iii) **THE** location where the complete application package may
4 be reviewed and where copies may be obtained.

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

19 (d) Conduct a consistency review of the plans of the proposed
20 disposal area, **INCLUDING THE SITE, PLANS, AND APPLICATION** to
21 determine if ~~it complies~~ **THEY COMPLY** with ~~this part 115.~~ ~~and the~~
22 ~~rules promulgated under this part.~~ The review shall be made
23 **CONDUCTED** by persons qualified in hydrogeology and, ~~sanitary~~ **IF THE**
24 **DISPOSAL AREA IS A LANDFILL**, landfill engineering. ~~A~~ **THE DEPARTMENT**
25 **SHALL NOT ISSUE A CONSTRUCTION PERMIT UNLESS THE PERSONS CONDUCTING**
26 **THE REVIEW SUBMIT TO THE DEPARTMENT A** written acknowledgment that
27 the application package is in compliance with the requirements of

1 ~~this part 115. and rules promulgated under this part by the persons~~
2 ~~qualified in hydrogeology and sanitary landfill engineering shall~~
3 ~~be received before a construction permit is issued. If the~~
4 ~~consistency review of the site and the plans and the application~~
5 ~~meet the requirements of this part and the rules promulgated under~~
6 ~~this part, the department shall issue a construction permit that~~
7 **THE CONSTRUCTION PERMIT** may contain a stipulation specifically
8 applicable to the site and operation. Except as otherwise provided
9 in section 11542, an expansion of the area of a disposal area, an
10 enlargement in capacity of a disposal area, **A CHANGE IN THE SOLID**
11 **WASTE BOUNDARY**, or an alteration of a disposal area to a different
12 type of disposal area than had been specified in the previous
13 construction permit application constitutes a new proposal for
14 which a new construction permit is required **RATHER THAN A**
15 **MODIFICATION OF A CONSTRUCTION PERMIT UNDER SECTION 11509(6)**. The
16 upgrading of a disposal area type required by the department to
17 comply with ~~this part or the rules promulgated under this part 115~~
18 or to comply with a consent order does not require a new
19 construction permit.

20 (e) Notify the Michigan aeronautics commission if the disposal
21 area is a ~~sanitary~~ landfill that is a new site or a lateral
22 extension or vertical expansion of an existing unit proposed to be
23 located within 5 miles of a runway or a proposed runway extension
24 contained in a plan approved by the Michigan aeronautics commission
25 of an airport licensed and regulated by the Michigan aeronautics
26 commission. The department shall make a copy of the application
27 available to the Michigan aeronautics commission. If, ~~after a~~

1 ~~period of time for review and comment not to exceed~~ **NOT MORE THAN**
2 60 days **AFTER RECEIVING NOTIFICATION FROM THE DEPARTMENT**, the
3 Michigan aeronautics commission informs the department ~~that it~~
4 ~~finds~~ that operation of the proposed disposal area would present a
5 potential hazard to air navigation and presents the basis for its
6 findings, the department may either recommend appropriate changes
7 in the location, construction, or operation of the proposed
8 disposal area or deny the application for a construction permit.
9 The department shall give an applicant an opportunity to rebut a
10 finding of the Michigan aeronautics commission that the operation
11 of a proposed disposal area would present a potential hazard to air
12 navigation. The Michigan aeronautics commission shall notify the
13 department and the owner or operator of a landfill if the Michigan
14 aeronautics commission is considering approving a plan that would
15 provide for a runway or the extension of a runway within 5 miles of
16 ~~a~~ **THE** landfill.

17 Sec. 11511. (1) The department shall notify the clerk of the
18 municipality in which the disposal area is proposed to be located
19 and the applicant of its approval or denial of an application for a
20 construction permit **UNDER SECTION 11509** within 10 days after the
21 final decision is made.

22 (2) A construction permit ~~shall expire~~ **EXPIRES** 1 year after
23 the date of issuance, unless development under the construction
24 permit is initiated within that year. A construction permit that
25 has expired may be renewed upon payment of a permit renewal fee **OF**
26 **\$250.00** and submission of any additional relevant information the
27 department may require.



1 ~~— (3) Except as otherwise provided in this subsection, the~~
2 ~~department shall not issue a construction permit for a disposal~~
3 ~~area within a planning area unless a solid waste management plan~~
4 ~~for that planning area has been approved pursuant to sections 11536~~
5 ~~and 11537 and unless the disposal area complies with and is~~
6 ~~consistent with the approved solid waste management plan. The~~
7 ~~department may issue a construction permit for a disposal area~~
8 ~~designed to receive ashes produced in connection with the~~
9 ~~combustion of fossil fuels for electrical power generation in the~~
10 ~~absence of an approved county solid waste management plan, upon~~
11 ~~receipt of a letter of approval from whichever county or counties,~~
12 ~~group of municipalities, or regional planning agency has prepared~~
13 ~~or is preparing the county solid waste management plan for that~~
14 ~~planning area under section 11533 and from the municipality in~~
15 ~~which the disposal area is to be located.~~

16 Sec. 11511b. (1) A person may submit to the department a
17 project abstract for an RDDP. If, based on the project abstract,
18 the ~~director~~ **DEPARTMENT** determines that the RDDP will provide
19 beneficial data on alternative landfill design, construction, or
20 operating methods, the person may apply for a construction permit
21 under section 11509, including the renewal or modification of a
22 construction permit, authorizing the person to establish the RDDP.

23 (2) An RDDP is subject to the same requirements, including,
24 but not limited to, permitting, construction, licensing, operation,
25 closure, postclosure, financial assurance, fees, and sanctions as
26 apply to other type II landfills or landfill units under ~~this part~~
27 ~~and the rules promulgated under this part~~ **115**, except as provided

1 in this section.

2 (3) An extension of the processing period for an RDDP
3 construction permit is not subject to the limitations under section
4 1307.

5 (4) An application for an RDDP construction permit shall
6 include, in addition to the applicable information required in
7 other type II landfill construction permit applications, all of the
8 following:

9 (a) A description of the RDDP goals.

10 (b) Details of the design, construction, and operation of the
11 RDDP as necessary to ensure protection of human health and the
12 environment. The design shall be at least as protective of human
13 health and the environment as other designs that are required under
14 ~~this part 115. and rules promulgated under this part.~~

15 (c) A list and discussion of the types of waste that will be
16 disposed of, excluded, or added, including the types and amount of
17 liquids that will be added under subsection (5) and how the
18 addition will benefit the RDDP.

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

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

24 (5) The department may authorize the addition of liquids,
25 including, but not limited to, septage waste or other liquid waste,
26 to solid waste in an RDDP if the applicant has demonstrated that
27 the addition is necessary to accelerate or enhance the

1 biostabilization of the solid waste and is not merely a means of
2 disposal of the liquid. ~~The department may require that the septage~~
3 ~~waste, or any other liquid waste, added to an RDDP originate within~~
4 ~~the county where the RDDP is located or any county contiguous to~~
5 ~~the county where the RDDP is located.~~ If an RDDP is intended to
6 accelerate or enhance biostabilization of solid waste, the
7 construction permit application shall include, in addition to the
8 ~~requirements~~ **INFORMATION REQUIRED UNDER** of subsection (4), all of
9 the following:

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

- 12 (i) Increased presence of liquids.
13 (ii) Accelerated degradation of the waste.
14 (iii) Increased gas pressure buildup.
15 (iv) Other relevant factors.

16 (b) An operations management plan that incorporates all of the
17 following:

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

21 (ii) A description of any solid or liquid waste that may be
22 detrimental to the biostabilization of the solid waste intended to
23 be disposed of or to the RDDP goals.

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

27 (c) Parameters, such as moisture content, stability, gas

1 production, and settlement, that will be used by the department to
2 determine the beginning of the postclosure period for the RDDP
3 under subsection (10).

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

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

7 (a) ~~Ensure that added~~ **ADDED** liquids are ~~SHALL BE~~ evenly
8 distributed and ~~that~~ side slope breakout of liquids ~~is~~ prevented.

9 (b) ~~Ensure that daily~~ **DAILY** cover practices or disposal of low
10 permeability solid wastes ~~does~~ **SHALL** not adversely affect the free
11 movement of liquids and gases within the waste mass.

12 (c) Include ~~all of the~~ following:

13 (i) A means to monitor the moisture content and temperature of
14 the waste.

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

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

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

25 (7) The owner or operator of an RDDP for which a construction
26 permit has been issued shall submit a report to the ~~director~~
27 **DEPARTMENT** at least once every 12 months on the progress of the

1 RDDP in achieving its goals. The report shall include a summary of
2 all monitoring and testing results, as well as any other operating
3 information specified by ~~the director in the~~ permit or in a
4 subsequent permit modification or operating condition.

5 (8) A permit for an RDDP shall specify the term of the permit,
6 which shall not exceed 3 years. However, the owner or operator of
7 an RDDP may apply for and the department may grant an extension of
8 the term of the permit, subject to ~~all of the~~ following
9 requirements:

10 (a) The application to extend the term of the permit must be
11 received by the department at least 90 days before the expiration
12 of the permit.

13 (b) The application shall include a detailed assessment of the
14 RDDP showing the progress of the RDDP in achieving its goals, a
15 list of problems with the RDDP and progress toward resolving those
16 problems, and other information that the ~~director~~ **DEPARTMENT**
17 determines is necessary to accomplish the purposes of ~~this part~~
18 **115.**

19 (c) If the department fails to make a final decision within 90
20 days ~~of~~ **AFTER** receipt of an administratively complete application
21 for an extension of the term of a permit, the term of the permit is
22 extended for 3 years.

23 (d) An individual extension shall not exceed 3 years, and the
24 total term of the permit with all extensions shall not exceed 21
25 years.

26 (9) If the ~~director~~ **DEPARTMENT** determines that the overall
27 goals of an RDDP, including, but not limited to, protection of

1 human health or the environment, are not being achieved, the
 2 ~~director~~**DEPARTMENT** may order immediate termination of all or part
 3 of the operations of the RDDP or may order other corrective
 4 measures.

5 (10) The postclosure period for a facility authorized as an
 6 RDDP begins when the department determines that the unit or portion
 7 of the unit where the RDDP was authorized has reached a condition
 8 similar to the condition that non-RDDP landfills would reach prior
 9 to postclosure. The parameters, such as moisture content,
 10 stability, gas production, and settlement, to attain this condition
 11 shall be specified in the permit. The ~~perpetual~~**LANDFILL** care fund
 12 ~~required under section 11525~~ shall be maintained for the period
 13 after final closure of the landfill as specified under section
 14 ~~11525~~**11525C**.

15 (11) The ~~director~~**DEPARTMENT** may authorize the conversion of
 16 an RDDP to a full-scale operation if the owner or operator of the
 17 RDDP demonstrates to the satisfaction of the ~~director~~**DEPARTMENT**
 18 that the goals of the RDDP have been met and the authorization does
 19 not constitute a less stringent permitting requirement than is
 20 required under subtitle D of the solid waste disposal act, 42 USC
 21 6941 to 6949a, **AND REGULATIONS PROMULGATED THEREUNDER**.

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

26 Sec. 11512. (1) **THIS SECTION APPLIES TO DISPOSAL AREAS**
 27 **DESCRIBED IN SECTION 11509(1) .**

1 (2) A person shall **NOT** dispose of solid waste at a disposal
 2 area ~~licensed under this part unless a person is permitted~~ **UNLESS**
 3 **THE DISPOSAL AREA IS LICENSED UNDER THIS SECTION. HOWEVER, A PERSON**
 4 **AUTHORIZED** by state law or rules promulgated by the department to
 5 **DO SO MAY** dispose of the solid waste at the site of generation.

6 (3) ~~(2)~~ Except as otherwise provided in this section, ~~or in~~
 7 ~~section 11529,~~ a person shall not ~~conduct, manage, maintain, or~~
 8 operate a disposal area ~~within this state~~ except as authorized by
 9 an operating license issued by the department pursuant to part 13.
 10 ~~In addition, a person shall not conduct, manage, maintain, or~~
 11 ~~operate a disposal area contrary to an approved solid waste~~
 12 ~~management plan, or contrary to a permit, license, or final order~~
 13 ~~issued under this part. A person who intends to conduct, manage,~~
 14 ~~maintain, or operate a~~ **THE OWNER OR OPERATOR OF THE** disposal area
 15 shall submit a license application to the department through a
 16 certified health department. If the disposal area is located in a
 17 county or city that does not have a certified health department,
 18 the application shall be made directly to the department. A person
 19 authorized by ~~this part~~ **115** to operate more than 1 type of disposal
 20 area at the same facility may apply for a single license.

21 (4) ~~(3)~~ The ~~application for a license shall contain the name~~
 22 ~~and residence of the applicant, the location of the proposed or~~
 23 ~~existing disposal area, the type or types of disposal area~~
 24 ~~proposed, evidence of bonding, and other information required by~~
 25 ~~rule. In addition, an~~ **AN** applicant **FOR A LICENSE** for a type II **OR**
 26 **TYPE III** landfill shall submit evidence of financial assurance
 27 ~~adequate to meet~~ **THAT MEETS** the requirements of section 11523a, the

1 maximum waste slope in the active portion, an estimate of remaining
2 permitted capacity, and documentation on the amount of waste
3 received at the disposal area during the previous license period or
4 expected to be received, whichever is greater. ~~The application~~
5 ~~shall be accompanied by a fee as specified in subsections (7), (9),~~
6 ~~and (10).~~

7 (5) ~~(4) At the time of AN~~ application for a license for a
8 disposal area ~~, the applicant shall submit to a health officer or~~
9 ~~the department~~ **SHALL INCLUDE** a certification under the seal of a
10 licensed professional engineer verifying that the construction of
11 the disposal area has proceeded according to the approved plans. If
12 construction of the disposal area or a portion of the disposal area
13 is not complete, the ~~department shall require~~ **OWNER OR OPERATOR**
14 **SHALL SUBMIT** additional construction certification of that portion
15 of the disposal area **UNDER SECTION 11516(4)**. ~~during intermediate~~
16 ~~progression of the operation, as specified in section 11516(5).~~

17 (6) ~~(5)~~ An applicant for an operating license, within 6 months
18 after a license denial, may resubmit the application, together with
19 additional information or corrections as are necessary to address
20 the reason for denial, without being required to pay an additional
21 application fee.

22 (7) ~~(6) In order to~~ **TO** conduct tests and assess operational
23 capabilities, the owner or operator of a municipal solid waste
24 incinerator that is designed to burn at a temperature in excess of
25 2500 degrees Fahrenheit may operate the incinerator without an
26 operating license, upon notice to the department, for a period not
27 to exceed 60 days.

1 **(8)** ~~(7)~~—The application for a type II landfill operating
 2 license shall be accompanied by the following fee for the 5-year
 3 term of the operating license, ~~calculated in accordance with~~

4 **SUBJECT TO** subsection ~~(8)~~ **(9)** :

5 (a) Landfills receiving less than 100 tons per day, \$250.00.

6 (b) Landfills receiving 100 tons per day or more, but less
 7 than 250 tons per day, \$1,000.00.

8 (c) Landfills receiving 250 tons per day or more, but less
 9 than 500 tons per day, \$2,500.00.

10 (d) Landfills receiving 500 tons per day or more, but less
 11 than 1,000 tons per day, \$5,000.00.

12 (e) Landfills receiving 1,000 tons per day or more, but less
 13 than 1,500 tons per day, \$10,000.00.

14 (f) Landfills receiving 1,500 tons per day or more, but less
 15 than 3,000 tons per day, \$20,000.00.

16 (g) Landfills receiving ~~greater~~ **MORE** than 3,000 tons per day,
 17 \$30,000.00.

18 **(9)** ~~(8)~~—Type II landfill application fees shall be based on
 19 the average amount of waste **IN TONS** projected to be received daily
 20 during the license period. Application fees for license renewals
 21 shall be based on the average amount of waste received **DAILY** in the
 22 previous calendar year **BASED ON A 365-DAY CALENDAR YEAR.**

23 Application fees shall be adjusted in the following circumstances:

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

27 (b) If a landfill accepts less waste than projected, the

1 department shall credit the applicant an amount equal to the
2 difference with the next license application.

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

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

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

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

15 (10) ~~(9)~~ The operating license application for a type III
16 landfill shall be accompanied by a fee equal to ~~OF~~ \$2,500.00.

17 (11) ~~(10)~~ The operating license application for a solid waste
18 processing plant, ~~solid waste~~ **AND** transfer facility **THAT MANAGES**
19 **MORE THAN 200 CUBIC YARDS AT ANY TIME, OR** other disposal area, ~~or~~
20 ~~combination of these entities~~ **THAT IS NOT A LANDFILL OR SURFACE**
21 **IMPOUNDMENT** shall be accompanied by a fee equal to ~~OF~~ \$500.00.

22 (12) ~~(11)~~ The department shall deposit operating license
23 application fees collected under this section in the perpetual care
24 account of the solid waste management fund. ~~established in section~~
25 ~~11550.~~

26 (13) ~~(12)~~ A person who applies for an operating license for
27 more than 1 type of disposal area at the same facility shall pay a

1 fee equal to the sum of the applicable application fees listed in
2 this section.

3 (14) THE DEPARTMENT SHALL NOT LICENSE A LANDFILL UNLESS THE
4 LANDFILL HAS AN APPROVED HYDROGEOLOGIC MONITORING PROGRAM AND THE
5 OWNER OR OPERATOR HAS PROVIDED THE DEPARTMENT WITH THE MONITORING
6 RESULTS. THE DEPARTMENT SHALL USE THIS INFORMATION IN CONJUNCTION
7 WITH OTHER INFORMATION REQUIRED BY PART 115 TO DETERMINE A COURSE
8 OF ACTION REGARDING LICENSING OF THE FACILITY CONSISTENT WITH
9 SECTION 4005 OF SUBTITLE D OF THE SOLID WASTE DISPOSAL ACT, 42 USC
10 6945, AND WITH PART 115. IN DECIDING A COURSE OF ACTION, THE
11 DEPARTMENT SHALL CONSIDER, AT A MINIMUM, THE HEALTH HAZARDS,
12 ENVIRONMENTAL DEGRADATION, AND OTHER PUBLIC OR PRIVATE
13 ALTERNATIVES. IF A LANDFILL VIOLATES PART 115, THE DEPARTMENT MAY
14 REVOKE THE LANDFILL'S LICENSE OR ISSUE A TIMETABLE OR SCHEDULE OF
15 REMEDIAL MEASURES, INCLUDING A SEQUENCE OF ACTIONS OR OPERATIONS,
16 THAT LEADS TO COMPLIANCE WITH PART 115 WITHIN A REASONABLE TIME
17 PERIOD.

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

24 (16) AN EXISTING INDUSTRIAL WASTE LANDFILL MAY ACCEPT THE
25 FOLLOWING:

26 (A) INDUSTRIAL WASTE.

27 (B) SOLID WASTE THAT ORIGINATES FROM AN INDUSTRIAL SITE AND IS

1 NOT A HAZARDOUS WASTE REGULATED UNDER PART 111.

2 (17) THE OWNER OR OPERATOR OF A LANDFILL SHALL ANNUALLY SUBMIT
 3 A REPORT TO THE DEPARTMENT AND THE COUNTY AND MUNICIPALITY IN WHICH
 4 THE LANDFILL IS LOCATED THAT SPECIFIES THE TONNAGE AND TYPE OF
 5 SOLID WASTE RECEIVED BY THE LANDFILL DURING THE YEAR ITEMIZED, TO
 6 THE EXTENT POSSIBLE, BY COUNTY, STATE, OR COUNTRY OF ORIGIN AND THE
 7 AMOUNT OF REMAINING DISPOSAL CAPACITY AT THE LANDFILL. REMAINING
 8 DISPOSAL CAPACITY SHALL BE CALCULATED AS THE PERMITTED CAPACITY
 9 LESS WASTE IN PLACE FOR ANY AREA THAT HAS BEEN CONSTRUCTED AND IS
 10 NOT YET CLOSED PLUS THE PERMITTED CAPACITY FOR EACH AREA THAT HAS A
 11 PERMIT FOR CONSTRUCTION UNDER PART 115 BUT HAS NOT YET BEEN
 12 CONSTRUCTED. THE REPORT SHALL BE SUBMITTED WITHIN 45 DAYS AFTER THE
 13 END OF EACH STATE FISCAL YEAR. BY JANUARY 31 OF EACH YEAR, THE
 14 DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE A REPORT SUMMARIZING THE
 15 INFORMATION OBTAINED UNDER THIS SUBSECTION.

16 Sec. 11513. (1) ~~A person shall not accept for disposal solid~~
 17 ~~waste or municipal solid waste incinerator ash that is not~~
 18 ~~generated in the county in which the disposal area is located~~
 19 ~~unless the acceptance of solid waste or municipal solid waste~~
 20 ~~incinerator ash that is not generated in the county is explicitly~~
 21 ~~authorized in the approved county solid waste management plan. The~~
 22 ~~department shall take action to enforce this section within 30 days~~
 23 ~~of obtaining knowledge of a violation of this section.~~ **A PERSON**
 24 **SHALL NOT DISPOSE OF SOLID WASTE AT A SOLID WASTE PROCESSING AND**
 25 **TRANSFER FACILITY DESCRIBED IN SUBSECTION (2) OR (3) UNLESS THE**
 26 **FACILITY HAS COMPLIED WITH THE APPLICABLE NOTIFICATION OR**
 27 **REGISTRATION REQUIREMENT OF SUBSECTION (2) OR (3), RESPECTIVELY.**



1 (2) SUBJECT TO SUBSECTION (5), UNLESS THE PERSON HAS NOTIFIED
2 THE DEPARTMENT, A PERSON SHALL NOT OPERATE A SOLID WASTE PROCESSING
3 AND TRANSFER FACILITY THAT DOES NOT AT ANY TIME HAVE ON-SITE MORE
4 THAN 50 CUBIC YARDS OF SOLID WASTE AND THAT IS NOT DESIGNED TO
5 ACCEPT WASTE FROM VEHICLES WITH MECHANICAL COMPACTION DEVICES.
6 NOTIFICATION SHALL BE GIVEN UPON INITIAL OPERATION AND,
7 SUBSEQUENTLY, WITHIN 45 DAYS AFTER THE END OF EACH STATE FISCAL
8 YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT OF SOLID WASTE
9 MANAGED AT THE FACILITY DURING THE PRECEDING STATE FISCAL YEAR.

10 (3) SUBJECT TO SUBSECTION (5), BEGINNING 1 YEAR AFTER THE
11 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION,
12 UNLESS THE PERSON HAS REGISTERED THE FACILITY WITH THE DEPARTMENT,
13 A PERSON SHALL NOT OPERATE A SOLID WASTE PROCESSING AND TRANSFER
14 FACILITY THAT AT ANY TIME HAS ON-SITE MORE THAN 50 CUBIC YARDS AND
15 DOES NOT AT ANY TIME HAVE ON-SITE MORE THAN 200 CUBIC YARDS OF
16 SOLID WASTE AND THAT IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES
17 WITH MECHANICAL COMPACTION DEVICES. THE PERSON SHALL SUBMIT AN
18 APPLICATION FOR REGISTRATION WITHIN 45 DAYS AFTER THE END OF THE
19 STATE FISCAL YEAR. THE APPLICATION SHALL CONTAIN THE NAME AND
20 MAILING ADDRESS OF THE APPLICANT, THE LOCATION OF THE PROPOSED OR
21 EXISTING SOLID WASTE PROCESSING AND TRANSFER FACILITY, AND OTHER
22 INFORMATION REQUIRED BY PART 115. THE TERM OF A REGISTRATION IS 5
23 YEARS. IN ADDITION, WITHIN 45 DAYS AFTER THE END OF EACH STATE
24 FISCAL YEAR, THE PERSON SHALL SUBMIT TO THE DEPARTMENT A REPORT ON
25 THE AMOUNT OF SOLID WASTE HANDLED AT THE FACILITY DURING THAT STATE
26 FISCAL YEAR.

27 (4) AN APPLICATION FOR REGISTRATION SUBMITTED UNDER SUBSECTION

1 (3) SHALL BE ACCOMPANIED BY AN OPERATIONS PLAN AND SITE MAP. THE
2 DEPARTMENT SHALL REVIEW OPERATIONS AND THE OPERATIONS PLAN FOR
3 EXISTING SOLID WASTE DISPOSAL AREAS TO ENSURE COMPLIANCE WITH
4 OPERATING REQUIREMENTS. IF THE DEPARTMENT DETERMINES THAT AN
5 EXISTING SOLID WASTE DISPOSAL AREA IS NONCOMPLIANT, THE DEPARTMENT
6 MAY ISSUE A SCHEDULE OF REMEDIAL MEASURES THAT WILL LEAD TO
7 COMPLIANCE WITHIN A REASONABLE AMOUNT OF TIME AND NOT TO EXCEED 1
8 YEAR FROM THE DETERMINATION OF DEFICIENCY.

9 (5) FOR A DISPOSAL AREA IN OPERATION BEFORE THE EFFECTIVE DATE
10 OF THE 2018 AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE
11 FOLLOWING APPLY:

12 (A) EXCEPT AS PROVIDED IN SUBDIVISION (B), THE DISPOSAL AREAS
13 SHALL FOLLOW THEIR EXISTING LICENSING RENEWAL SCHEDULE.

14 (B) FOR A DISPOSAL AREA IS DESCRIBED IN SUBSECTION (3) OR (4),
15 THE OPERATOR OF THE DISPOSAL AREA SHALL SUBMIT TO THE DEPARTMENT
16 THE NOTIFICATION OR APPLICATION FOR REGISTRATION REQUIRED UNDER
17 THOSE SUBSECTIONS WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE
18 2018 AMENDATORY ACT THAT ADDED THIS SUBSECTION.

19 Sec. 11514. ~~(1) Optimizing recycling opportunities, including~~
20 ~~electronics recycling opportunities, and the reuse of materials~~
21 ~~shall be a principal objective of the state's solid waste~~
22 ~~management plan. Recycling and reuse of materials, including the~~
23 ~~reuse of materials from electronic devices, are in the best~~
24 ~~interest of promoting the public health and welfare. The state~~
25 ~~shall develop policies and practices that promote recycling and~~
26 ~~reuse of materials and, to the extent practical, minimize the use~~
27 ~~of landfilling as a method for disposal of its waste. Policies and~~

1 ~~practices that promote recycling and reuse of materials, including~~
 2 ~~materials from electronic devices, will conserve raw materials,~~
 3 ~~conserve landfill space, and avoid the contamination of soil and~~
 4 ~~groundwater from heavy metals and other pollutants.~~

5 (1) ~~(2)~~—A person shall not knowingly deliver to a landfill for
 6 disposal, or, if the person is an owner or operator of a landfill,
 7 knowingly ~~permit~~ **ALLOW** disposal in the landfill of, any of the
 8 following:

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

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

15 (c) More than a de minimis number of whole motor vehicle
 16 tires.

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

21 (2) ~~(3)~~—A person shall not deliver to a landfill for disposal,
 22 or, if the person is an owner or operator of a landfill, ~~permit~~
 23 **ALLOW** disposal in the landfill of, any of the following:

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

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

26 (c) Low-level radioactive waste as defined in section 2 of the
 27 low-level radioactive waste authority act, 1987 PA 204, MCL

1 333.26202.

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

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

6 (i) Household waste other than septage waste.

7 (ii) Leachate or gas condensate that is approved for
8 recirculation.

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

11 (f) Sewage.

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

13 (h) Asbestos waste, unless the landfill complies with 40 CFR
14 61.154.

15 **(3)** ~~(4)~~—A person shall not knowingly deliver to a municipal
16 solid waste incinerator for disposal, or, if the person is an owner
17 or operator of a municipal solid waste incinerator, knowingly
18 ~~permit~~ **ALLOW** disposal in the incinerator of, more than a de minimis
19 amount of yard clippings, **WASTE**, unless they are diseased,
20 infested, or composed of invasive species as authorized by section
21 ~~11521(1)(i).~~ **IT MEETS THE REQUIREMENTS OF SECTION 11555(1)(J).**

22 **(4)** The department shall post, and a solid waste hauler that
23 disposes of solid waste in a municipal solid waste incinerator
24 shall provide its customers with, notice of the prohibitions of
25 ~~this subsection~~ **(3)** in the same manner as provided in section
26 11527a.

27 (5) If the department determines that a safe, sanitary, and

1 feasible alternative does not exist for the disposal in a landfill
2 or municipal solid waste incinerator of any items described in
3 subsection ~~(2)~~ **(1)** or ~~(4)~~, **(3)**, respectively, the department shall
4 submit a report setting forth that determination and the basis for
5 the determination to the standing committees of the senate and
6 house of representatives with primary responsibility for solid
7 waste issues.

8 Sec. 11515. (1) ~~Upon receipt of a license application, the~~
9 ~~department or a health officer or an authorized representative of a~~
10 ~~health officer shall inspect the site and determine if the proposed~~
11 ~~operation complies with this part and the rules promulgated under~~
12 ~~this part.~~

13 ~~(2) The department shall not license a landfill facility~~
14 ~~operating without an approved hydrogeologic monitoring program~~
15 ~~until the department receives a hydrogeologic monitoring program~~
16 ~~and the results of the program. The department shall use this~~
17 ~~information in conjunction with other information required by this~~
18 ~~part or the rules promulgated under this part to determine a course~~
19 ~~of action regarding licensing of the facility consistent with~~
20 ~~section 4005 of subtitle D of the solid waste disposal act, title~~
21 ~~II of Public Law 89-272, 42 U.S.C. 6945, and with this part and the~~
22 ~~rules promulgated pursuant to this part. In deciding a course of~~
23 ~~action, the department shall consider, at a minimum, the health~~
24 ~~hazards, environmental degradation, and other public or private~~
25 ~~alternatives. The department may revoke a license or issue a~~
26 ~~timetable or schedule to provide for compliance for the facility or~~
27 ~~operation, specifying a schedule of remedial measures, including a~~

1 ~~sequence of actions or operations, which leads to compliance with~~
2 ~~this part within a reasonable time period but not later than~~
3 ~~December 2, 1987.~~ THE DEPARTMENT OR AN AUTHORIZED REPRESENTATIVE OF
4 THE DEPARTMENT MAY INSPECT AND INVESTIGATE CONDITIONS RELATING TO
5 THE GENERATION, STORAGE, PROCESSING, TRANSPORTATION, MANAGEMENT, OR
6 DISPOSAL OF SOLID WASTE OR ANY MATERIAL REGULATED UNDER PART 115.
7 IN CONDUCTING AN INSPECTION OR INVESTIGATION, THE DEPARTMENT OR ITS
8 AUTHORIZED REPRESENTATIVE MAY, AT REASONABLE TIMES AND AFTER
9 PRESENTING CREDENTIALS AND STATING ITS AUTHORITY AND PURPOSE, DO
10 ANY OF THE FOLLOWING:

11 (A) ENTER ANY PROPERTY.

12 (B) HAVE ACCESS TO AND COPY, AT REASONABLE TIMES, ANY
13 INFORMATION OR RECORDS THAT ARE REQUIRED TO BE MAINTAINED PURSUANT
14 TO PART 115 OR AN ORDER ISSUED UNDER PART 115.

15 (C) INSPECT, AT REASONABLE TIMES, ANY FACILITY, EQUIPMENT,
16 INCLUDING MONITORING AND POLLUTION CONTROL EQUIPMENT, PRACTICES, OR
17 OPERATIONS REGULATED OR REQUIRED UNDER PART 115 OR AN ORDER ISSUED
18 UNDER PART 115.

19 (D) SAMPLE, TEST, OR MONITOR, AT REASONABLE TIMES, SUBSTANCES
20 OR PARAMETERS FOR THE PURPOSE OF DETERMINING COMPLIANCE WITH PART
21 115 OR AN ORDER ISSUED UNDER PART 115.

22 (2) UPON RECEIPT OF AN APPLICATION FOR A PERMIT, LICENSE, OR
23 REGISTRATION UNDER PART 115, THE DEPARTMENT OR AN AUTHORIZED
24 REPRESENTATIVE OF THE DEPARTMENT SHALL INSPECT THE MATERIALS
25 MANAGEMENT FACILITY, PROPERTY, SITE, OR PROPOSED OPERATION TO
26 DETERMINE ELIGIBILITY FOR THE PERMIT, LICENSE, OR REGISTRATION. AN
27 INSPECTION REPORT SHALL BE FILED IN WRITING BY THE DEPARTMENT

1 BEFORE ISSUING A PERMIT, LICENSE, OR REGISTRATION.

2 (3) IF THE DEPARTMENT OR AN AUTHORIZED REPRESENTATIVE OF THE
3 DEPARTMENT IS REFUSED ENTRY OR ACCESS UNDER SUBSECTION (1) OR (2),
4 THE ATTORNEY GENERAL, ON BEHALF OF THE STATE, MAY DO EITHER OF THE
5 FOLLOWING:

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

9 (B) COMMENCE A CIVIL ACTION TO COMPEL COMPLIANCE WITH A
10 REQUEST FOR ENTRY OR ACCESS TO PROPERTY, INFORMATION OR RECORDS, OR
11 TO SAMPLE, TEST, OR MONITOR PURSUANT TO THIS SECTION.

12 (4) THE DEPARTMENT OR AN AUTHORIZED REPRESENTATIVE MAY RECEIVE
13 AND INITIATE COMPLAINTS OF AN ALLEGED VIOLATION OF PART 115 AND
14 TAKE ACTION WITH RESPECT TO THE COMPLAINT AS PROVIDED IN PART 115.

15 (5) AS USED IN THIS SECTION, "AUTHORIZED REPRESENTATIVE" MEANS
16 ANY OF THE FOLLOWING:

17 (A) A FULL- OR PART-TIME EMPLOYEE OF ANOTHER STATE DEPARTMENT
18 OR AGENCY ACTING PURSUANT TO LAW OR TO WHICH THE DEPARTMENT
19 DELEGATES CERTAIN DUTIES UNDER PART 115.

20 (B) A LOCAL HEALTH OFFICER.

21 (C) FOR THE PURPOSE OF SAMPLING, TESTING, OR MONITORING UNDER
22 SUBSECTION (1) (D), A CONTRACTOR RETAINED BY THE STATE OR A LOCAL
23 HEALTH OFFICER.

24 Sec. 11516. (1) The department shall conduct a consistency
25 review before making a final decision on a license application. The
26 department shall notify the clerk of the municipality in which the
27 disposal area is located and the applicant of its approval or

1 denial of a license application within 10 days after the final
2 decision is made.

3 (2) An operating license shall ~~expire~~ **EXPIRES** 5 years after
4 the date of issuance. An operating license may be renewed before
5 expiration upon payment of a renewal application fee specified in
6 section ~~11512(8)~~ **11512** if the licensee is in compliance with this
7 part **115**. and the rules promulgated under this part.

8 ~~—— (3) The issuance of the operating license under this part~~
9 ~~empowers the department or a health officer or an authorized~~
10 ~~representative of a health officer to enter at any reasonable time,~~
11 ~~pursuant to law, in or upon private or public property licensed~~
12 ~~under this part for the purpose of inspecting or investigating~~
13 ~~conditions relating to the storage, processing, or disposal of any~~
14 ~~material.~~

15 ~~—— (4) Except as otherwise provided in this subsection, the~~
16 ~~department shall not issue an operating license for a new disposal~~
17 ~~area within a planning area unless a solid waste management plan~~
18 ~~for that planning area has been approved pursuant to sections 11536~~
19 ~~and 11537 and unless the disposal area complies with and is~~
20 ~~consistent with the approved solid waste management plan. The~~
21 ~~department may issue an operating license for a disposal area~~
22 ~~designed to receive ashes produced in connection with the~~
23 ~~combustion of fossil fuels for electrical power generation in the~~
24 ~~absence of an approved county solid waste management plan, upon~~
25 ~~receipt of a letter of approval from whichever county or counties,~~
26 ~~group of municipalities, or regional planning agency has prepared~~
27 ~~or is preparing the county solid waste management plan for that~~

1 ~~planning area under section 11533 and from the municipality in~~
 2 ~~which the disposal area is to be located.~~

3 **(3) BEFORE A MATERIALS MANAGEMENT PLAN IS APPROVED FOR A**
 4 **COUNTY PURSUANT TO SECTION 11575, A SOLID WASTE MANAGEMENT PLAN MAY**
 5 **BE AMENDED PURSUANT TO THE PROCEDURES THAT APPLIED UNDER SECTION**
 6 **11533 AND FORMER SECTIONS 11534 TO 11537A IMMEDIATELY BEFORE THE**
 7 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SUBSECTION.**

8 **(4)** ~~(5)~~—Issuance of an operating license by the department
 9 authorizes the licensee to accept waste for disposal in certified
 10 portions of the disposal area for which a bond was established
 11 under section 11523 and, for type II landfills, for which financial
 12 assurance was demonstrated under section 11523a. If the
 13 construction of a portion of a landfill licensed under this section
 14 is not complete at the time of license application, the owner or
 15 operator of the landfill shall submit a certification under the
 16 seal of a licensed professional engineer verifying that the
 17 construction of that portion of the landfill has proceeded
 18 according to the approved plans at least 60 days ~~prior to~~ **BEFORE**
 19 the anticipated date of waste disposal in that portion of the
 20 landfill. If the department does not deny the certification within
 21 60 days of receipt, the owner or operator may accept waste for
 22 disposal in the certified portion. In the case of a denial, the
 23 department shall issue a written statement ~~stating~~ **OF** the reasons
 24 why the construction or certification is not consistent with ~~this~~
 25 ~~part or rules promulgated under this part~~ **115** or the approved
 26 plans.

27 Sec. 11517. (1) ~~Within 9 months after the completion of~~

1 ~~construction of a municipal solid waste incinerator, the owner or~~
2 ~~operator of a municipal solid waste incinerator shall submit a plan~~
3 ~~to the department for a program that, to the extent practicable,~~
4 ~~reduces 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 solid waste 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 of this fact, and shall~~
14 ~~provide modifications that, if included, would result in the plan's~~
15 ~~approval. If the department disapproves a plan, the owner or~~
16 ~~operator of a municipal solid waste incinerator shall within 30~~
17 ~~days after receipt of the department's disapproval submit a revised~~
18 ~~plan that addresses all of the modifications provided by the~~
19 ~~department. The department shall approve or disapprove the revised~~
20 ~~plan within 30 days after receiving it, and approval of the revised~~
21 ~~plan shall not be unreasonably withheld.~~

22 ~~—— (2) Not later than 6 months after the approval of the plan by~~
23 ~~the department under subsection (1), the owner or operator shall~~
24 ~~implement the plan in accordance with the implementation schedule~~
25 ~~set forth in the plan. The operation of a municipal solid waste~~
26 ~~incinerator without an approved plan under this section shall~~
27 ~~subject the owner or operator, or both, to all of the sanctions~~

1 ~~provided by this part.~~ AFTER THE DEPARTMENT APPROVES THE CLOSURE
2 CERTIFICATION FOR A LANDFILL UNIT UNDER SECTION 11523A, THE OWNER
3 OR OPERATOR SHALL CONDUCT POSTCLOSURE CARE OF THAT UNIT IN
4 COMPLIANCE WITH A POSTCLOSURE PLAN APPROVED BY THE DEPARTMENT AND
5 SHALL MAINTAIN FINANCIAL ASSURANCE IN COMPLIANCE WITH PART 115
6 INCLUDING ANY ADDITIONAL FINANCIAL ASSURANCE REQUIRED BASED ON AN
7 EXTENSION OF THE POSTCLOSURE CARE PERIOD UNDER SUBSECTION (3). THE
8 POSTCLOSURE PLAN MAY INCLUDE MONITORING AND MAINTENANCE PROVISIONS
9 NOT OTHERWISE REQUIRED BY PART 115, IF DESIGNED TO ACHIEVE AND
10 DEMONSTRATE FUNCTIONAL STABILITY, SUCH AS MONITORING SETTLEMENT AND
11 SUBSIDENCE. POSTCLOSURE CARE SHALL BE CONDUCTED FOR 30 YEARS,
12 EXCEPT AS PROVIDED UNDER SUBSECTION (2) OR (3), AND CONSIST OF AT
13 LEAST THE FOLLOWING CONDUCTED AS REQUIRED BY PART 115:

14 (A) MAINTAINING THE INTEGRITY AND EFFECTIVENESS OF ANY FINAL
15 COVER, INCLUDING MAKING REPAIRS TO THE COVER AS NECESSARY TO
16 CORRECT THE EFFECTS OF SETTLEMENT, SUBSIDENCE, EROSION, OR OTHER
17 EVENTS, AND PREVENTING RUN-ON AND RUN-OFF FROM ERODING OR OTHERWISE
18 DAMAGING THE FINAL COVER.

19 (B) MAINTAINING AND OPERATING THE LEACHATE COLLECTION SYSTEM,
20 IF ANY. THE DEPARTMENT MAY WAIVE THE REQUIREMENTS OF THIS
21 SUBDIVISION IF THE OWNER OR OPERATOR DEMONSTRATES THAT LEACHATE NO
22 LONGER POSES A THREAT TO HUMAN HEALTH AND THE ENVIRONMENT.

23 (C) MONITORING THE GROUNDWATER AND MAINTAINING THE GROUNDWATER
24 MONITORING SYSTEM, IF ANY.

25 (D) MAINTAINING AND OPERATING THE GAS MONITORING AND
26 COLLECTION SYSTEM, IF ANY.

27 (2) THE DEPARTMENT SHALL SHORTEN THE POSTCLOSURE CARE PERIOD

1 SPECIFIED UNDER SUBSECTION (1) FOR A LANDFILL UNIT IF THE LANDFILL
2 OWNER OR OPERATOR SUBMITS TO THE DEPARTMENT A PETITION CERTIFIED BY
3 A LICENSED PROFESSIONAL ENGINEER AND A QUALIFIED GROUNDWATER
4 SCIENTIST THAT DEMONSTRATES THE FOLLOWING:

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

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

9 (C) THE LANDFILL HAS ACHIEVED FUNCTIONAL STABILITY, INCLUDING,
10 BUT NOT LIMITED TO, MEETING THE FOLLOWING:

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

13 (ii) THERE IS EITHER NO EVIDENCE OF CONTINUED SUBSIDENCE OR
14 SIGNIFICANT PAST SUBSIDENCE OF WASTE IN THE UNIT.

15 (iii) THE LANDFILL DOES NOT PRODUCE SIGNIFICANT AMOUNTS OF
16 COMBUSTIBLE GASES.

17 (iv) COMBUSTIBLE GASES FROM THE LANDFILL HAVE NOT BEEN
18 DETECTED AT OR BEYOND THE LANDFILL'S PROPERTY BOUNDARY OR IN
19 FACILITY STRUCTURES.

20 (v) THE LANDFILL DOES NOT PRODUCE NUISANCE ODORS REQUIRING
21 CONTROL.

22 (vi) LEACHATE AND GAS COLLECTION AND CONTROL SYSTEM CONDENSATE
23 GENERATION HAS CEASED, LEACHATE AND CONDENSATE QUALITY MEETS
24 CRITERIA FOR ACCEPTABLE SURFACE WATER OR GROUNDWATER DISCHARGE, OR
25 VOLUMES OF LEACHATE AND CONDENSATE ARE NEGLIGIBLE AND CAN BE
26 DISCHARGED THROUGH EXISTING LEACHATE AND CONDENSATE HANDLING
27 FACILITIES, SUCH AS SEWERS CONNECTED TO A PUBLICLY OWNED TREATMENT

1 WORKS.

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

4 (3) THE DEPARTMENT SHALL EXTEND THE POSTCLOSURE CARE PERIOD
5 SPECIFIED IN SUBSECTION (1) FOR A LANDFILL UNIT IF ANY OF THE
6 FOLLOWING APPLY:

7 (A) THE OWNER OR OPERATOR DID NOT CLOSE THE LANDFILL UNIT AS
8 REQUIRED BY PART 115.

9 (B) THE FINAL COVER OF THE LANDFILL UNIT HAS NOT BEEN
10 MAINTAINED, AND HAS SIGNIFICANT PONDING, EROSION, OR DETRIMENTAL
11 VEGETATION PRESENT.

12 (C) GROUNDWATER MONITORING HAS NOT BEEN CONDUCTED IN
13 COMPLIANCE WITH THE APPROVED MONITORING PLAN OR GROUNDWATER IN THE
14 VICINITY OF THE LANDFILL UNIT EXCEEDS CRITERIA ESTABLISHED UNDER
15 PART 201.

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

18 (E) GAS MONITORING HAS DETECTED COMBUSTIBLE LANDFILL GASES AT
19 OR BEYOND THE LANDFILL BOUNDARY OR IN A FACILITY STRUCTURE ABOVE
20 APPLICABLE CRITERIA OR GAS FROM THE UNIT CONTINUES TO BE GENERATED
21 AT A RATE THAT PRODUCES NUISANCE ODORS.

22 (F) LEACHATE OR GAS COLLECTION AND CONTROL SYSTEM CONDENSATE
23 CONTINUES TO BE GENERATED BY THE LANDFILL UNIT IN QUANTITIES THAT
24 MAY THREATEN GROUNDWATER OR SURFACE WATER.

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

1 (A) EXERCISE CUSTODIAL CARE BY UNDERTAKING ANY ACTIVITY
 2 NECESSARY TO MAINTAIN THE EFFECTIVENESS OF THE FINAL COVER, PREVENT
 3 THE DISCHARGE OF LEACHATE, PREVENT IMPACTS TO THE SURFACE OR
 4 GROUNDWATER, MITIGATE THE FIRE AND EXPLOSION HAZARDS DUE TO
 5 COMBUSTIBLE GASES, AND MANAGE THE LANDFILL UNIT IN A MANNER THAT
 6 PROTECTS THE PUBLIC HEALTH AND SAFETY.

7 (B) COMPLY WITH ANY LAND USE OR RESOURCE USE RESTRICTIONS
 8 ESTABLISHED FOR THE LANDFILL UNIT.

9 Sec. 11518. (1) ~~At the time a disposal area that is a sanitary~~
 10 **WHEN A** landfill is licensed, an instrument that imposes a
 11 restrictive covenant upon the land involved shall be executed by
 12 all of the owners of the ~~tract of land~~ upon which the landfill is
 13 to be located and the department. If the land involved is ~~state~~
 14 ~~owned~~, **STATE-OWNED**, the state administrative board shall execute
 15 the covenant on behalf of ~~the~~ **THIS** state. The **DEPARTMENT OR A LOCAL**
 16 **HEALTH OFFICER SHALL FILE THE** instrument imposing the restrictive
 17 covenant shall be filed for record ~~by the department or a health~~
 18 ~~officer~~ in the office of the register of deeds of the county, or
 19 counties, in which the ~~facility~~ **LANDFILL** is located. The covenant
 20 shall state that the land described in the covenant has been or
 21 will be used as a landfill and that neither the property owners,
 22 their servants, agents, or employees, nor any of their heirs,
 23 successors, lessees, or assigns shall, **WITHOUT AUTHORIZATION FROM**
 24 **THE DEPARTMENT**, engage in filling, grading, excavating, drilling,
 25 or mining on the property during the first 50 years following
 26 ~~completion of the landfill without authorization of the department.~~
 27 **APPROVAL BY THE DEPARTMENT OF THE LANDFILL'S CLOSURE CERTIFICATION**

1 **UNDER SECTION 11523A.** In giving authorization, the department shall
 2 consider the original design, type of operation, material
 3 deposited, and the stage of decomposition of the fill. ~~Special~~**THE**
 4 **DEPARTMENT MAY GRANT AN** exemption from this section ~~may be granted~~
 5 ~~by the department if the lands~~**LAND** ~~involved are federal lands or~~
 6 ~~if contracts~~**IS FEDERALLY OWNED OR IF AGREEMENTS** existing between
 7 the landowner and the licensee on January 11, 1979 are not
 8 renegotiable.

9 (2) ~~This part~~**PART 115** does not prohibit the department from
 10 conveying, leasing, or permitting the use of state land for a solid
 11 waste disposal area or a resource recovery facility as provided by
 12 applicable state law.

13 Sec. 11519. (1) The department shall specify, in writing, the
 14 reasons for denial of **AN APPLICATION FOR** a ~~construction permit, or~~
 15 an operating license, ~~further specifying those particular~~**AN**
 16 **APPROVAL UNDER A GENERAL PERMIT, OR A REGISTRATION, INCLUDING THE**
 17 sections of ~~this part or rules promulgated under this part~~ **115** that
 18 may be violated by granting the application and the manner in which
 19 the violation may occur.

20 (2) ~~The~~**IF A MATERIALS MANAGEMENT FACILITY IS ESTABLISHED,**
 21 **CONSTRUCTED, OR OPERATED IN VIOLATION OF THE CONDITIONS OF A**
 22 **PERMIT, LICENSE, APPROVAL UNDER A GENERAL PERMIT, OR REGISTRATION,**
 23 **IN VIOLATION OF PART 115 OR AN ORDER ISSUED UNDER PART 115, OR IN A**
 24 **MANNER NOT CONSISTENT WITH AN MMP, THE FOLLOWING APPLY:**

25 (A) **A LOCAL** health officer or **THE** department may issue a cease
 26 and desist order specifying a schedule of closure or remedial
 27 action in accordance ~~with this part and rules~~**COMPLIANCE**

1 ~~promulgated under this part 115~~ or may establish ~~ENTER~~ a consent
 2 agreement specifying a schedule of closure or remedial action ~~in~~
 3 ~~accordance with this part and rules promulgated under this~~ ~~UNDER~~
 4 ~~part 115.~~ ~~to a person who establishes, constructs, conducts,~~
 5 ~~manages, maintains, or operates a disposal area without a permit or~~
 6 ~~license or to a person who holds a permit or license but~~
 7 ~~establishes, constructs, conducts, manages, maintains, or operates~~
 8 ~~a disposal area contrary to an approved solid waste management plan~~
 9 ~~or contrary to the permit or license issued under this part.~~

10 (B) ~~(3)~~ The department may issue a final order revoking,
 11 suspending, or restricting a ~~THE~~ permit, ~~or~~ license, **APPROVAL UNDER**
 12 **A GENERAL PERMIT, OR REGISTRATION OR A NOTIFICATION** after a
 13 contested case hearing as provided in the administrative procedures
 14 act of 1969, Act No. 306 of the Public Acts of 1969, being sections
 15 **1969 PA 306, MCL 24.201 to 24.328.** ~~of the Michigan Compiled Laws,~~
 16 ~~if the department finds that the disposal area is not being~~
 17 ~~constructed or operated in accordance with the approved plans, the~~
 18 ~~conditions of a permit or license, this part, or the rules~~
 19 ~~promulgated under this part. A final order issued pursuant to this~~
 20 ~~section is subject to judicial review as provided in Act No. 306 of~~
 21 ~~the Public Acts of 1969. The department or a health officer shall~~
 22 ~~inspect and file a written report not less than 4 times per year~~
 23 ~~for each licensed disposal area. The department or the health~~
 24 ~~officer shall provide the municipality in which the licensed~~
 25 ~~disposal area is located with a copy of each written inspection~~
 26 ~~report if the municipality arranges with the department or the~~
 27 ~~health officer to bear the expense of duplicating and mailing the~~

1 reports.

2 (C) ~~(4)~~—The department may issue an order summarily suspending
 3 ~~a~~—**THE** permit, ~~or~~ license, **APPROVAL UNDER A GENERAL PERMIT, OR**
 4 **REGISTRATION OR A NOTIFICATION**, if the department determines that a
 5 ~~violation of this part or rules promulgated under this part has~~
 6 ~~occurred which, in the department's opinion,~~ **THE VIOLATION OR**
 7 **INCONSISTENCY** constitutes an emergency or poses an imminent risk of
 8 injury to the public health or the environment. ~~A determination~~
 9 ~~that a violation poses an imminent risk of injury to the public~~
 10 ~~health shall be made by the department.~~ Summary suspension may be
 11 ordered effective on the date specified in the order or upon
 12 service of a certified copy of the order on the licensee, ~~OWNER OR~~
 13 **OPERATOR**, whichever is later, and ~~shall remain~~ **REMAINS** effective
 14 during the proceedings. The proceedings shall be commenced within 7
 15 days ~~of~~ **AFTER** the issuance of the order and shall be promptly
 16 determined.

17 (3) **A FINAL ORDER ISSUED PURSUANT TO THIS SECTION IS SUBJECT**
 18 **TO JUDICIAL REVIEW AS PROVIDED IN THE ADMINISTRATIVE PROCEDURES ACT**
 19 **OF 1969, 1969 PA 306, MCL 24.201 TO 24.328. THE DEPARTMENT OR A**
 20 **HEALTH OFFICER SHALL INSPECT AND FILE A WRITTEN REPORT NOT LESS**
 21 **THAN 4 TIMES PER YEAR FOR EACH LICENSED DISPOSAL AREA. THE**
 22 **DEPARTMENT OR THE HEALTH OFFICER SHALL PROVIDE THE MUNICIPALITY IN**
 23 **WHICH THE LICENSED DISPOSAL AREA OR MATERIALS MANAGEMENT FACILITY**
 24 **IS LOCATED WITH A COPY OF EACH WRITTEN INSPECTION REPORT IF THE**
 25 **MUNICIPALITY ARRANGES WITH THE DEPARTMENT OR THE HEALTH OFFICER TO**
 26 **PAY THE COST OF DUPLICATING AND MAILING THE REPORTS.**

27

SUBPART 3 WASTE DIVERSION CENTERS



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

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

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

9 (c) The operator shall manage the diverted waste in a manner
10 that prevents the release of any diverted waste or component of
11 diverted waste to the environment.

12 (d) The operator shall not store diverted waste overnight at
13 the waste diversion center except in a secure location and with
14 adequate containment to prevent any release of diverted
15 ~~wastes~~. **WASTE**.

16 (e) Within 1 year after diverted waste is collected by the
17 waste diversion center, that diverted waste shall be transported
18 from the waste diversion center to ~~a~~ **ANOTHER** waste diversion
19 center, **A** recycling facility, or **A** disposal facility that ~~is in~~
20 ~~compliance with this act~~, **MEETS THE REQUIREMENT OF SECTION**
21 **11508 (1) (A)**, for processing, recycling, or disposal.

22 (f) The operator shall not process diverted waste except to
23 the extent necessary for the safe and efficient transportation of
24 the diverted waste.

25 (g) The operator shall record the types and quantities of
26 diverted ~~wastes~~ **WASTE** collected, the period of storage, and where
27 the diverted ~~wastes were~~ **WASTE WAS** transferred, processed,

1 recycled, or disposed of. The operator shall maintain the records
2 for at least 3 years and shall make the records available to the
3 department upon request.

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

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

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

12 **(K) IF THE PRIMARY FUNCTION OF AN ENTITY IS TO SERVE AS A**
13 **WASTE DIVERSION CENTER, THE OPERATOR SHALL NOTIFY THE DEPARTMENT OF**
14 **THE WASTE DIVERSION CENTER. NOTIFICATION SHALL BE GIVEN UPON**
15 **INITIAL OPERATION AND SUBSEQUENTLY WITHIN 45 DAYS AFTER THE END OF**
16 **EACH STATE FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE**
17 **AMOUNT OF SOLID WASTE DIVERTED AT THE FACILITY DURING THE PRECEDING**
18 **STATE FISCAL YEAR. THE NOTIFICATION REQUIREMENT APPLIES TO THE**
19 **FOLLOWING:**

20 (i) FOR THE INITIAL NOTIFICATION, ENTITIES THAT ANTICIPATE
21 COLLECTING MORE THAN 50 TONS OF DIVERTED OR RECYCLABLE MATERIALS IN
22 THE STATE FISCAL YEAR IN WHICH THE NOTIFICATION IS GIVEN.

23 (ii) FOR SUBSEQUENT NOTIFICATIONS, ENTITIES THAT COLLECTED
24 MORE THAN 50 TONS OF DIVERTED OR RECYCLABLE MATERIALS IN THE
25 PRECEDING STATE FISCAL YEAR.

26 ~~Management of diverted wastes as required by this section~~
27 ~~is not considered disposal for the purposes of section 11538(6).~~

1 APRIL 9, 1997.

2 (iii) A TYPE III LANDFILL THAT STOPPED RECEIVING WASTE BEFORE
3 THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT THAT ADDED THIS
4 SUBPARAGRAPH.

5 (iv) A TYPE III LANDFILL THAT RECEIVED WASTE ON OR AFTER
6 THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT THAT ADDED THIS
7 SUBPARAGRAPH. HOWEVER, SUCH A LANDFILL IS NOT SUBJECT TO THIS
8 SUBDIVISION BUT IS SUBJECT TO SUBDIVISION (B) UPON THE ISSUANCE OF
9 A NEW LICENSE FOR THE LANDFILL ON OR AFTER THE DATE 2 YEARS AFTER
10 THE EFFECTIVE DATE OF THE 2018 AMENDATORY ACT THAT ADDED THIS
11 SUBPARAGRAPH.

12 (b) Financial assurance for a type II OR TYPE III landfill
13 that is an existing unit NOT SUBJECT TO SUBDIVISION (A) or a new
14 unit OR FOR A LANDFILL, OTHERWISE SUBJECT TO SUBDIVISION (A), WHOSE
15 OWNER OR OPERATOR ELECTS TO BE SUBJECT TO THIS SUBDIVISION shall be
16 in an amount equal to the cost, in current dollars, of hiring a
17 third party, to conduct closure, postclosure maintenance and
18 monitoring, and, if necessary, corrective action. ~~An A LICENSE~~
19 application for a type II landfill that is ~~an existing unit or new~~
20 ~~unit~~ SUBJECT TO THIS SUBDIVISION shall demonstrate financial
21 assurance in ~~accordance~~ COMPLIANCE with section 11523a. A LICENSE
22 APPLICATION FOR A TYPE III LANDFILL SHALL DEMONSTRATE FINANCIAL
23 ASSURANCE IN COMPLIANCE WITH SECTION 11523A IF THE APPLICATION IS
24 FILED 2 OR MORE YEARS AFTER THE EFFECTIVE DATE OF THE 2018
25 AMENDATORY ACT THAT ADDED SUBSECTION (2).

26 (c) Financial assurance established for a LICENSED solid waste
27 PROCESSING AND transfer facility ~~OR~~ incinerator, ~~processing~~

1 ~~plant, other solid waste handling or disposal facility, or a~~
2 ~~combination of these utilized in the disposal of solid waste shall~~
3 ~~be in the form of a bond in an amount equal to 1/4 of 1% of the~~
4 ~~construction cost of the facility, but shall not be less than~~
5 ~~\$4,000.00, and~~ **SHALL BE A BOND IN THE AMOUNT OF \$20,000.00. THE**
6 **FINANCIAL ASSURANCE** shall be continued in effect for a period of 2
7 years after the disposal area is closed.

8 (2) **THE DEPARTMENT SHALL NOT ISSUE AN APPROVAL UNDER A GENERAL**
9 **PERMIT FOR A MATERIALS UTILIZATION FACILITY UNLESS THE APPLICANT**
10 **HAS FILED, AS A PART OF THE APPLICATION FOR THE APPROVAL, EVIDENCE**
11 **OF ADEQUATE FINANCIAL ASSURANCE, SUBJECT TO THE FOLLOWING:**

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

18 (B) **THE AMOUNT OF FINANCIAL ASSURANCE ESTABLISHED FOR A**
19 **COMPOSTING FACILITY WITH A GENERAL PERMIT SHALL BE \$20,000.00. THE**
20 **FINANCIAL ASSURANCE SHALL BE MAINTAINED IN EFFECT UNTIL AFTER THE**
21 **FACILITY HAS CEASED ACCEPTING COMPOSTABLE MATERIALS, HAS REMOVED**
22 **ANY FINISHED OR PARTIALLY FINISHED COMPOST FROM THE FACILITY, AND**
23 **HAS HAD ITS CLOSURE CERTIFICATION APPROVED BY THE DEPARTMENT AS**
24 **DESCRIBED IN SECTION 11525B(3) (A) .**

25 (C) **AN INNOVATIVE TECHNOLOGY OR PRACTICE FACILITY SHALL SUBMIT**
26 **TO THE DEPARTMENT A DETAILED WRITTEN ESTIMATE, IN CURRENT DOLLARS,**
27 **OF THE COST FOR THE OWNER OR OPERATOR TO HIRE A THIRD PARTY TO**

1 CLOSE THE FACILITY, INCLUDING THE COST TO DISPOSE OF ANY REMAINING
 2 WASTE MATERIAL, OR OTHERWISE CONTAIN AND CONTROL ANY REMAINING
 3 WASTE RESIDUES. THE DEPARTMENT SHALL APPROVE, APPROVE WITH
 4 MODIFICATIONS, OR DISAPPROVE THE CLOSURE COST ESTIMATE IN WRITING.
 5 THE FINANCIAL ASSURANCE SHALL BE CONTINUED IN EFFECT UNTIL THE
 6 FACILITY HAS CEASED ACCEPTING MATERIAL, REMOVED ALL MANAGED
 7 MATERIAL FROM THE SITE, AND HAD ITS CLOSURE CERTIFICATION APPROVED
 8 BY THE DEPARTMENT AS DESCRIBED IN SECTION 11525B(3) (A) .

9 (3) ~~(2) The owner or operator of a landfill may post a cash~~
 10 ~~bond with the department instead of other bonding mechanisms to~~
 11 ~~fulfill the remaining financial assurance requirements of this~~
 12 ~~section. An owner or operator of a disposal area~~ **MATERIALS**
 13 **MANAGEMENT FACILITY** who elects to post cash as a bond shall accrue
 14 interest on that bond at the annual rate of 6%, to be accrued
 15 quarterly, except that the interest rate payable to an owner or
 16 operator shall not exceed the rate of interest accrued on the state
 17 common cash fund for the quarter in which an accrual is determined.
 18 Interest shall be paid to the owner or operator upon release of the
 19 bond by the department. Any interest ~~greater than~~ **OVER** 6% shall be
 20 deposited in the state treasury to the credit of the general fund.
 21 ~~and shall be appropriated to the department to be used by the~~
 22 ~~department for administration of this part.~~ **AN OWNER OR OPERATOR WHO**
 23 **USES A CERTIFICATE OF DEPOSIT AS A BOND SHALL RECEIVE ANY ACCRUED**
 24 **INTEREST ON THAT CERTIFICATE OF DEPOSIT UPON RELEASE OF THE BOND BY**
 25 **THE DEPARTMENT.**

26 (4) ~~(3) An owner or operator of a disposal area that is not a~~
 27 ~~landfill who has accomplished closure in a manner approved by the~~

1 ~~department and in accordance with this part and the rules~~
 2 ~~promulgated under this part, may request a 50% reduction in the~~
 3 ~~bond during the 2-year period after closure. At the end of the 2-~~
 4 ~~year period, the owner or operator may, **NOT LESS THAN 2 YEARS AFTER**~~
 5 **CLOSURE OF THE DISPOSAL AREA**, request that the department terminate
 6 the bond **REQUIRED UNDER THIS SECTION**. ~~The department shall approve~~
 7 ~~termination of the bond within **WITHIN** 60 days after the request is~~
 8 ~~made, **THE DEPARTMENT SHALL APPROVE OR DENY THE REQUEST IN WRITING.**~~
 9 **THE DEPARTMENT SHALL APPROVE THE REQUEST** if all waste and waste
 10 residues have been removed from the disposal area and closure ~~is~~
 11 **HAS BEEN** certified **BY A LICENSED PROFESSIONAL ENGINEER AND APPROVED**
 12 **BY THE DEPARTMENT**.

13 (5) ~~(4)~~ The department may utilize a bond required under this
 14 section for the closure and postclosure monitoring and maintenance
 15 of a disposal area if the owner or operator ~~fails to comply with~~
 16 **VIOLATES** the closure and postclosure monitoring and maintenance
 17 requirements of ~~this part and the rules promulgated under this part~~
 18 **115**, to the extent necessary to correct such violations. At least 7
 19 days before utilizing the bond, the department shall issue a notice
 20 of violation or other order that alleges violation of ~~this part or~~
 21 ~~rules promulgated under this part~~ **115** and **SHALL** provide an
 22 opportunity for a hearing. This subsection does not apply to a
 23 perpetual care fund bond.

24 (6) ~~(5)~~ Under the ~~THE~~ terms of a surety bond, **IRREVOCABLE**
 25 letter of credit, insurance policy, or perpetual care fund bond ~~7~~
 26 **SHALL REQUIRE** the issuing institution ~~shall~~ **TO** notify both the
 27 department and the owner or operator at least 120 days before the

1 expiration date or ~~any~~ cancellation of the bond. If the owner or
 2 operator does not extend the effective date of the bond, or
 3 establish alternate financial assurance within 90 days after
 4 receipt of an expiration or cancellation notice from the issuing
 5 institution, all of the following apply:

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

7 (b) In the case of a perpetual care fund bond, the issuing
 8 institution shall deposit the proceeds into the standby trust or
 9 escrow account unless the department agrees to the expiration or
 10 cancellation of the perpetual care fund bond.

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

16 ~~—— (7) A person required under this section to provide financial~~
 17 ~~assurance in the form of a bond for a landfill may request a~~
 18 ~~reduction in the bond based upon the amount of the perpetual care~~
 19 ~~fund established under section 11525. A person requesting a bond~~
 20 ~~reduction shall do so on a form consistent with this part and~~
 21 ~~provided by the department. The department shall grant this request~~
 22 ~~unless there are sufficient grounds for denial and those reasons~~
 23 ~~are provided in writing. The department shall grant or deny a~~
 24 ~~request for a reduction of the bond within 60 days after the~~
 25 ~~request is made. If the department grants a request for a reduced~~
 26 ~~bond, the department shall require a bond in an amount such that~~
 27 ~~for type III landfills, and type II landfills that are preexisting~~

1 units, the amount of the perpetual care fund plus the amount of the
 2 reduced bond equals the maximum amount required in a perpetual care
 3 fund in section 11525(2).

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

7 **(8) AN OWNER OR OPERATOR OF A LANDFILL THAT UTILIZES A**
 8 **FINANCIAL TEST AS FINANCIAL ASSURANCE FOR THE LANDFILL MAY UTILIZE**
 9 **A FINANCIAL TEST FOR OTHER TYPES OF MATERIALS MANAGEMENT FACILITIES**
 10 **THAT ARE LOCATED ON THE PERMITTED LANDFILL SITE.**

11 **(9) THE DEPARTMENT MAY UTILIZE A BOND REQUIRED UNDER THIS**
 12 **SECTION FOR A FACILITY SUBJECT TO APPROVAL UNDER A GENERAL PERMIT**
 13 **FOR BRINGING THE FACILITY INTO COMPLIANCE WITH PART 115, INCLUDING,**
 14 **BUT NOT LIMITED TO, REMOVING MANAGED MATERIAL FROM THE FACILITY,**
 15 **CLEANUP AT THE FACILITY, AND FIRE SUPPRESSION OR OTHER EMERGENCY**
 16 **RESPONSE AT THE FACILITY, INCLUDING REIMBURSEMENT TO ANY LOCAL UNIT**
 17 **OF GOVERNMENT THAT INCURRED EMERGENCY RESPONSE COSTS. NOT LESS THAN**
 18 **7 DAYS BEFORE UTILIZING THE BOND, THE DEPARTMENT SHALL ISSUE A**
 19 **NOTICE OF VIOLATION OR ORDER THAT ALLEGES VIOLATION OF PART 115 AND**
 20 **SHALL PROVIDE THE OWNER OR OPERATOR AN OPPORTUNITY FOR A HEARING.**

21 **(10) ~~(9) Prior to~~ BEFORE** closure of a landfill, if money is
 22 disbursed from the perpetual care fund, ~~then~~ the department may
 23 require a corresponding increase in the amount of bonding ~~required~~
 24 ~~to be~~ provided if necessary to meet the requirements of this
 25 section.

26 **(11) ~~(10)~~** If an owner or operator of a disposal area fulfills
 27 the financial assurance requirements of ~~this part~~ **115** by obtaining

1 a bond, including, but not limited to, a perpetual care fund bond,
2 and the surety company, insurer, trustee, bank, or financial or
3 other institution that issued or holds the bond becomes the subject
4 of a bankruptcy action **COMMENCED UNDER TITLE 11 OF THE UNITED**
5 **STATES CODE, 11 USC 101 TO 1532, OR ANY SUCCESSOR STATUTE** or has
6 its authority to issue or hold the bond ~~or to act as an escrow~~
7 ~~agent or trustee~~ suspended or revoked, the owner or operator shall,
8 within 60 days after receiving notice of that event, establish
9 alternate financial assurance under this part.

10 (12) **TWO OR MORE OWNERS OR OPERATORS MAY DEMONSTRATE ALL OR A**
11 **PORTION OF REQUIRED FINANCIAL ASSURANCE FOR MATERIALS MANAGEMENT**
12 **FACILITIES THAT ARE NOT LANDFILLS WITH A RISK POOLING FINANCIAL**
13 **MECHANISM APPROVED BY THE DEPARTMENT THAT MEETS ALL OF THE**
14 **FOLLOWING REQUIREMENTS:**

15 (A) **THE MECHANISM IS ADMINISTERED BY A SURETY COMPANY,**
16 **INSURER, SURETY, BANK, OR OTHER FINANCIAL INSTITUTION THAT HAS**
17 **AUTHORITY TO ISSUE SUCH A MECHANISM AND IS REGULATED AND EXAMINED**
18 **BY A STATE OR FEDERAL AGENCY.**

19 (B) **THE MECHANISM IS IRREVOCABLE AND RENEWS AUTOMATICALLY**
20 **UNLESS, NOT LESS THAN 120 DAYS BEFORE THE AUTOMATIC RENEWAL DATE,**
21 **THE INSURER, SURETY, BANK, OR OTHER FINANCIAL INSTITUTION NOTIFIES**
22 **THE DEPARTMENT AND THE OWNERS OR OPERATORS OF THE COVERED**
23 **FACILITIES THAT THE MECHANISM WILL NOT BE RENEWED, AND THE**
24 **DEPARTMENT AGREES IN WRITING TO TERMINATION OF THE MECHANISM.**

25 (C) **THE AMOUNT OF FINANCIAL ASSURANCE AVAILABLE FOR ANY SINGLE**
26 **COVERED FACILITY IS NOT LESS THAN WOULD BE AVAILABLE FOR THAT**
27 **FACILITY IF IT WAS COVERED ALONE UNDER A BOND.**

1 (D) THE ADDITION OR DELETION OF FACILITIES COVERED UNDER THE
2 MECHANISM REQUIRES WRITTEN AGREEMENT OF THE DIRECTOR.

3 (13) THE DEPARTMENT SHALL ACCESS AND USE FUNDS UNDER A
4 MECHANISM APPROVED UNDER SUBSECTION (12) SUBJECT TO THE PROVISIONS
5 FOR BONDS UNDER SUBSECTION (9).

6 Sec. 11523a. (1) ~~Effective April 9, 1997, the~~ **THE** department
7 shall not issue a license to operate a ~~type II~~ landfill **THAT IS**
8 **SUBJECT TO SECTION 11523(1) (B)** unless the applicant demonstrates
9 that ~~for any new unit or existing unit at the facility, the~~
10 combination of the ~~perpetual~~ **LANDFILL** care fund established under
11 section ~~11525, bonds,~~ **11525C** and the financial capability of the
12 applicant as evidenced by a financial test ~~, provides~~ financial
13 assurance in an amount not less than that required by this section.
14 An applicant may utilize a financial test for an amount ~~up to, but~~
15 ~~not exceeding~~ **MORE THAN** 70% of the closure, postclosure, and
16 corrective action cost estimate. **FOR APPLICATIONS FOR A LICENSE TO**
17 **OPERATE SUBMITTED AFTER 2 YEARS AFTER THE EFFECTIVE DATE OF THE**
18 **2018 ACT THAT AMENDED THIS SECTION, AN APPLICANT MAY UTILIZE A**
19 **FINANCIAL TEST FOR AN AMOUNT MORE THAN 70% BUT NOT MORE THAN 95% OF**
20 **THE CLOSURE, POSTCLOSURE, AND CORRECTIVE ACTION COST ESTIMATE IF**
21 **THE OWNER OR OPERATOR DEMONSTRATES THAT THE OWNER OR OPERATOR**
22 **PASSES A FINANCIAL TEST UNDER AND OTHERWISE MEETS THE REQUIREMENTS**
23 **OF R 299.9709 OF THE MICHIGAN ADMINISTRATIVE CODE.**

24 (2) An applicant may demonstrate compliance with this section
25 by submitting evidence, with a form consistent with ~~this part~~ **115**
26 and provided by the department, that the applicant has financial
27 assurance for any existing unit or new unit in an amount equal to

1 or ~~greater~~ **MORE** than the sum of the following standardized costs:

2 (a) A standard closure cost estimate. The standard closure
3 cost estimate shall be based upon the sum of the following costs in
4 ~~1996~~ **2018** dollars, adjusted for inflation and partial closures, if
5 any, as specified in subsections (4) and (5):

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

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

11 (iii) A supplemental cost of ~~\$5,000.00~~ **\$10,000.00** per acre, if
12 low permeability soil must be transported from off-site to
13 construct the final cover or if a bentonite geocomposite liner is
14 used instead of low permeability soil in a composite cover.

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

21 (b) A standard postclosure cost estimate. The standard
22 postclosure cost estimate shall be based upon the sum of the
23 following costs, adjusted for inflation as specified in section
24 ~~11525(2)~~ **11525(3)** :

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

27 (ii) A leachate disposal cost of ~~\$100.00~~ **\$400.00** per acre per

1 year.

2 (iii) A leachate transportation cost of ~~\$1,000.00~~ **\$4,000.00**
 3 per acre per year, if leachate is required to be transported off-
 4 site for treatment.

5 (iv) **AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF**
 6 **\$900.00 PER ACRE PER YEAR FOR GAS COLLECTION SYSTEMS SUBJECT TO THE**
 7 **REQUIREMENTS OF STANDARDS OF PERFORMANCE FOR NEW STATIONARY**
 8 **SOURCES, 40 CFR PART 60.**

9 (v) **AN ACTIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF**
 10 **\$500.00 PER ACRE PER YEAR FOR LANDFILLS NOT SUBJECT TO THE**
 11 **REQUIREMENTS OF STANDARDS OF PERFORMANCE FOR NEW STATIONARY**
 12 **SOURCES, 40 CFR PART 60.**

13 (vi) **A PASSIVE GAS COLLECTION SYSTEM MAINTENANCE COST OF**
 14 **\$35.00 PER ACRE PER YEAR.**

15 (vii) ~~(iv)~~ A groundwater monitoring cost of ~~\$1,000.00~~
 16 **\$2,000.00** per monitoring well per year.

17 (viii) ~~(v)~~ A gas monitoring cost of ~~\$100.00~~ **\$200.00** per
 18 monitoring point per year, for monitoring points used to detect
 19 landfill gas at or beyond the facility property boundary.

20 (c) ~~The~~ **A** corrective action cost estimate, if any. The
 21 corrective action cost estimate shall be a detailed written
 22 estimate, in current dollars, of the cost of hiring a third party
 23 to perform corrective action in accordance ~~with this~~ **COMPLIANCE** with ~~this~~
 24 part **115**.

25 (3) Instead of using some or all of the standardized costs
 26 specified in subsection (2), an applicant may estimate the site
 27 specific costs of closure or postclosure maintenance and

1 monitoring. A site specific cost estimate shall be a written
2 estimate, in current dollars, of the cost of hiring a third party
3 to perform the activity. For the purposes of this subsection, a
4 parent corporation or a subsidiary of the owner or operator is not
5 a third party. Site specific cost estimates shall ~~be based on~~
6 **COMPLY WITH** the following:

7 (a) For closure, **BE BASED ON** the cost to close the largest
8 area of the landfill ~~ever~~ requiring a final cover at any time
9 during the active life, when the extent and manner of its operation
10 would make closure the most expensive, in ~~accordance~~ **COMPLIANCE**
11 with the approved closure plan. The closure cost estimate ~~may~~ **SHALL**
12 not incorporate any salvage value ~~that may be realized by~~ **FROM** the
13 sale of structures, land, equipment, or other assets associated
14 with the facility at the time of final closure.

15 (b) For postclosure, **BE BASED ON** the cost to conduct
16 postclosure maintenance and monitoring in ~~accordance~~ **COMPLIANCE**
17 with the approved postclosure plan for the entire postclosure
18 period, **BUT NEED NOT BE PROVIDED IN AN AMOUNT SUFFICIENT FOR A**
19 **PERIOD OF NOT MORE THAN 30 YEARS AT ANY GIVEN TIME.**

20 (c) **FOR COSTS FOR OPERATION AND MAINTENANCE OF AN ON-SITE**
21 **WASTEWATER TREATMENT FACILITY MANAGING LEACHATE AT A LANDFILL THAT**
22 **ARE SUBSTITUTED FOR THE STANDARDIZED LEACHATE DISPOSAL AND**
23 **TRANSPORTATION COSTS OF THIS SECTION, BE BASED ON AN ENGINEERING**
24 **EVALUATION OF TOTAL WASTEWATER FLOW AND INCLUDE UTILITIES,**
25 **STAFFING, AND INCIDENTAL COSTS TO MAINTAIN AND ENSURE COMPLIANCE**
26 **WITH ALL APPLICABLE PERMITS.**

27 (4) The owner or operator of a landfill subject to this

1 section shall, during the active life of the landfill and during
 2 the postclosure care period, annually adjust the financial
 3 assurance cost estimates and corresponding amount of financial
 4 assurance for inflation. ~~Cost estimates~~ **THE STANDARD CLOSURE COST**
 5 **ESTIMATE AND CORRECTIVE ACTION COST ESTIMATE** shall be adjusted for
 6 inflation by multiplying the cost estimate by an inflation factor
 7 derived from the most recent United States ~~department of the~~
 8 ~~interior, bureau of reclamation composite index~~ **DEPARTMENT OF THE**
 9 **INTERIOR, BUREAU OF RECLAMATION COMPOSITE INDEX** published by the
 10 United States ~~department of commerce~~ **DEPARTMENT OF COMMERCE** or
 11 another index that is more representative of the costs of closure
 12 and postclosure monitoring and maintenance as determined
 13 appropriate by the department. The owner or operator shall document
 14 the adjustment on a form consistent with ~~this part~~ **115** as prepared
 15 by the department and shall place the documentation in the
 16 operating record of the facility.

17 (5) The owner or operator of a landfill subject to this
 18 section may request that the department authorize a reduction in
 19 the approved cost estimates and corresponding financial assurance
 20 for the landfill. ~~by submitting a form consistent with this part~~
 21 ~~and provided by the department certifying~~ **WITHIN 60 DAYS AFTER**
 22 **RECEIVING THE FINANCIAL ASSURANCE REDUCTION REQUEST UNDER THIS**
 23 **SUBDIVISION, THE DEPARTMENT SHALL APPROVE OR DENY THE REQUEST IN**
 24 **WRITING. A DENIAL SHALL STATE THE REASONS FOR THE DENIAL. A**
 25 **FINANCIAL ASSURANCE REDUCTION REQUEST SHALL CERTIFY** completion of
 26 any of the following activities:

27 (a) Partial closure of the landfill. The current closure cost

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

11 (i) That a portion of the licensed landfill unit has reached
 12 final grades and has had a final cover installed in compliance with
 13 the approved closure plan and ~~rules promulgated under this part~~
 14 **115.**

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

17 (b) Final closure of the landfill. An owner or operator
 18 requesting a cost estimate reduction for final closure shall submit
 19 **WITH THE REQUEST** a certification under the seal of a licensed
 20 professional engineer that closure of that landfill unit has been
 21 fully completed in ~~accordance~~ **COMPLIANCE** with the approved closure
 22 plan for the landfill. Within 60 days of receiving a certification
 23 under this ~~subsection,~~ **SUBDIVISION**, the department shall perform a
 24 consistency review of the submitted certification and do 1 of the
 25 following:

26 (i) Approve the certification and notify the owner or operator
 27 that ~~he or she may reduce~~ the closure cost estimate **MAY BE REDUCED**

1 to zero.

2 (ii) Disapprove the certification and provide the owner or
3 operator with a detailed written statement of the reasons ~~why~~ the
4 department has determined that closure certification has not been
5 conducted in ~~accordance~~ **COMPLIANCE** with ~~this part, the rules~~
6 ~~promulgated under this part~~ **7-115** or an approved closure plan.

7 (c) Postclosure maintenance and monitoring. The owner or
8 operator of a landfill unit who has completed final closure of the
9 unit may request a reduction in the postclosure cost estimate and
10 corresponding financial assurance for 1 year or more of postclosure
11 maintenance and monitoring if the landfill has been monitored and
12 maintained in ~~accordance~~ **COMPLIANCE** with the approved postclosure
13 plan. ~~The department shall, within~~ **WITHIN** 60 days ~~of~~ **AFTER**
14 receiving a cost estimate reduction request, **THE DEPARTMENT SHALL**
15 grant written approval or issue a written denial stating the reason
16 for denial. ~~The~~ **IF THE** department ~~shall grant~~ **GRANTS** the request,
17 ~~and~~ the owner or operator may reduce the postclosure cost estimate
18 to reflect the number of years remaining in the postclosure period.
19 ~~unless the~~ **THE** department ~~denies~~ **SHALL DENY** the request ~~and the~~
20 ~~written denial states that~~ **IF** the owner or operator has not
21 performed the specific tasks consistent with ~~this part, rules~~
22 ~~promulgated under this part~~ **7-115** and an approved **POSTCLOSURE** plan.
23 **THE DEPARTMENT SHALL NOT GRANT A REQUEST UNDER THIS SUBDIVISION TO**
24 **REDUCE THE POSTCLOSURE COST ESTIMATE AND THE CORRESPONDING**
25 **FINANCIAL ASSURANCE TO BELOW THE MAXIMUM REQUIRED PERPETUAL CARE**
26 **FUND AMOUNT SPECIFIED IN SECTION 11525(3) UNLESS THE OWNER OR**
27 **OPERATOR HAS DEMONSTRATED WITHIN THE PAST 5-YEAR PERIOD THAT THE**

1 **LANDFILL IS ON TARGET TO ACHIEVE FUNCTIONAL STABILITY AS DESCRIBED**
 2 **IN SECTION 11517 WITHIN THE TIME REMAINING IN THE POSTCLOSURE**
 3 **PERIOD.**

4 (6) The owner or operator of a landfill subject to this
 5 section may request a reduction in the amount of ~~one~~¹ or more of
 6 the financial assurance mechanisms in place. If the combined value
 7 of the remaining financial assurance mechanisms equals the amount
 8 required under this section, the department shall approve the
 9 request.

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

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

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

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

8 (2) ~~(4)~~ All earnings and interest from a trust fund or escrow
 9 account shall be credited to the fund or account. However, the
 10 custodian may be compensated for reasonable fees and costs for ~~his~~
 11 ~~or her~~ **THE CUSTODIAN'S** responsibilities as custodian. The custodian
 12 shall ensure the filing of all required tax returns for which the
 13 trust fund or escrow account is liable and shall disburse funds
 14 from earnings to pay ~~lawfully due~~ taxes owed by the trust fund or
 15 escrow account, without permission of the department.

16 (3) ~~(5)~~ The custodian shall annually, 30 days preceding the
 17 anniversary date of establishment of the fund, furnish to the owner
 18 or operator and to the department a statement confirming the value
 19 of the fund or account as of the end of that month.

20 (4) ~~(6)~~ The owner or operator may request that the department
 21 authorize the release of funds from a trust fund or escrow account.
 22 The department shall grant the request if the owner or operator
 23 demonstrates that the value of the fund or account exceeds the
 24 owner's or operator's financial assurance obligation. A payment or
 25 disbursement from the fund or account shall not be made without the
 26 prior written approval of the department.

27 (5) ~~(7)~~ The owner or operator shall receive all interest or

1 earnings from a trust fund or escrow account upon its termination.

2 (6) IF AN OWNER OR OPERATOR OF A DISPOSAL AREA FULFILLS THE
3 FINANCIAL ASSURANCE REQUIREMENTS OF PART 115 BY ESTABLISHING A
4 TRUST FUND OR ESCROW ACCOUNT AND THE CUSTODIAN HAS ITS AUTHORITY TO
5 ACT AS A CUSTODIAN SUSPENDED OR REVOKED, THE OWNER OR OPERATOR
6 SHALL, WITHIN 60 DAYS AFTER RECEIVING NOTICE OF THE SUSPENSION OR
7 REVOCATION, ESTABLISH ALTERNATIVE FINANCIAL ASSURANCE UNDER PART
8 115.

9 (7) ~~(8)~~—For purposes of this section, ~~the term~~ "custodian"
10 means the trustee of a trust fund or escrow agent of an escrow
11 account.

12 Sec. 11525. (1) **THIS SECTION APPLIES ONLY TO LANDFILLS SUBJECT**
13 **TO SECTION 11523(1) (A) .**

14 (2) The owner or operator of a landfill shall establish and
15 maintain a perpetual care fund for a period of 30 years after final
16 closure of the landfill as specified in this section. A perpetual
17 care fund may be established as a trust, an escrow account, or a
18 perpetual care fund bond and may be used to demonstrate financial
19 assurance for ~~type II landfills under section 11523 and section~~
20 ~~11523a.~~ **A LANDFILL.**

21 (3) ~~(2)~~—Except as otherwise provided in this section, the
22 owner or operator of a landfill shall increase the amount of ~~his or~~
23 ~~her~~ **THE** perpetual care fund 75 cents for each ton or portion of a
24 ton ~~or 25 cents for each cubic yard or portion of a cubic yard of~~
25 solid waste that is disposed of in the landfill ~~after June 17, 1990~~
26 until the fund reaches the maximum required fund amount. As of July
27 1, ~~1996,~~ **2018**, the maximum required fund amount is ~~\$1,156,000.00.~~

1 ~~\$2,257,000.00. This amount shall be annually adjusted for inflation~~
 2 ~~and rounded to the nearest thousand.~~ The department shall **ANNUALLY**
 3 ~~adjust the maximum required fund~~ **THIS** amount for inflation annually
 4 by multiplying the amount by an inflation factor derived from the
 5 most recent ~~bureau of reclamation~~ **BUREAU OF RECLAMATION** composite
 6 index published by the United States ~~department of commerce~~
 7 **DEPARTMENT OF COMMERCE** or another index more representative of the
 8 costs of closure and postclosure monitoring and maintenance as
 9 determined appropriate by the department. **THE DEPARTMENT SHALL**
 10 **ROUND THE RESULTING AMOUNT TO THE NEAREST THOUSAND DOLLARS.**

11 Increases to the amount of a perpetual care fund required under
 12 this subsection shall be calculated based on solid waste disposed
 13 of in the landfill as of the end of the state fiscal year and shall
 14 be made within 30 days after the end of each state fiscal year.

15 (4) ~~(3)~~ The owner or operator of a landfill ~~that is used for~~
 16 ~~the disposal of the following materials~~ shall increase the amount
 17 of 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, **OR A COMBINATION**
 21 **THEREOF**, that is disposed of in a ~~THE~~ landfill ~~that~~ **IF THE LANDFILL**
 22 is used only for the disposal of ~~coal ash, wood ash, or cement kiln~~
 23 ~~dust, or a combination of these materials, or that is~~ **THESE**
 24 **MATERIALS OR THESE MATERIALS ARE** permanently segregated in a ~~THE~~
 25 landfill.

26 (b) Wastewater treatment sludge or sediments from wood pulp or
 27 paper producing industries that is disposed of in a ~~THE~~ landfill

1 ~~that~~ **IF THE LANDFILL** is used only for the disposal of wastewater
 2 ~~treatment sludge and sediments from wood pulp or paper producing~~
 3 ~~industries, or that is~~ **THESE MATERIALS OR THESE MATERIALS ARE**
 4 permanently segregated in a ~~THE~~ landfill.

5 (c) Foundry sand or other material that is approved by the
 6 department for use as daily cover at **THE LANDFILL IF** an operating
 7 landfill; ~~FOUNDRY SAND~~ that is disposed of in a ~~THE~~ landfill ~~that~~
 8 **IF THE LANDFILL** is used only for the disposal of foundry sand; ~~or~~
 9 **FOUNDRY SAND** that is permanently segregated in a ~~THE~~ landfill.

10 (5) ~~(4)~~ The owner or operator of a landfill that is used only
 11 for the disposal of a mixture of 2 or more of the materials
 12 described in subsection ~~(3)(a)~~ **(4) (A)** to (c) or in which a mixture
 13 of 2 or more of these materials are permanently segregated shall
 14 increase the amount of the perpetual care fund 7.5 cents for each
 15 ton ~~or cubic yard~~ or portion of a ton ~~or cubic yard~~ of these
 16 materials that are disposed of in the landfill. ~~after July 1, 1996.~~

17 (6) ~~(5)~~ The amount of a perpetual care fund is not required to
 18 be increased for materials that are regulated under part 631.

19 (7) ~~(6)~~ The owner or operator of a landfill may increase the
 20 amount of the perpetual care fund above the amount otherwise
 21 required by this section at his or her discretion.

22 (8) ~~(7)~~ The custodian of a perpetual care fund trust or escrow
 23 account shall be a bank or other financial institution that has the
 24 authority to act as a custodian and whose account operations are
 25 regulated and examined by a federal or state agency. Until the
 26 perpetual care fund trust or escrow account reaches the maximum
 27 required fund amount, the custodian of a ~~THE~~ perpetual care fund

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

15 **(9)** ~~(8)~~—The custodian of a perpetual care fund shall not
16 disburse any funds to the owner or operator of a landfill for the
17 purposes of the perpetual care fund except upon the prior written
18 approval of the department. However, the custodian shall ensure the
19 filing of all required tax returns for which the perpetual care
20 fund is liable and shall disburse funds to pay ~~lawfully due~~ taxes
21 owed by the perpetual care fund without permission of the
22 department. The owner or operator of the landfill shall provide
23 notice of requests for disbursement and **THE DEPARTMENT'S** denials
24 and approvals to the custodian of the perpetual care fund. Requests
25 for disbursement from a perpetual care fund shall be submitted not
26 more frequently than semiannually. The owner or operator of a
27 landfill may request disbursement of funds from a perpetual care

1 fund ~~whenever~~ **IF** the amount of money in the fund exceeds the
 2 maximum required fund amount **UNDER SUBSECTION (3), UNLESS A**
 3 **DISBURSEMENT FOR THAT REASON HAS BEEN APPROVED BY THE DEPARTMENT**
 4 **WITHIN THE PRECEDING 180 DAYS.** The department shall approve the
 5 disbursement if the total amount of financial assurance maintained
 6 meets the requirements of ~~sections 11523 and 11523a.~~ As used in
 7 this subsection, "~~maximum required fund amount~~" means: **SECTION**
 8 **11523(1)(A).**

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

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

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

27 **(11)** ~~(10)~~ Upon approval by the department of a request to

1 terminate financial assurance for a landfill under section 11525b,
 2 any money in the perpetual care fund for that landfill shall be
 3 disbursed by the custodian to the owner of the landfill unless a
 4 ~~contract~~ **AN AGREEMENT** between the owner and the operator of the
 5 landfill provides otherwise.

6 (12) ~~(11)~~—The owner of a landfill shall provide notice to the
 7 custodian of the perpetual care fund for that landfill if there is
 8 a change of ownership of the landfill. The custodian shall maintain
 9 records of ownership of a landfill during the period of existence
 10 of the perpetual care fund.

11 (13) ~~(12)~~—This section does not relieve an owner or operator
 12 of a landfill of any liability ~~that he or she~~ **THE OWNER OR OPERATOR**
 13 may have under this part or as otherwise provided by law.

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

20 ~~—(14) As used in this section, "custodian" means the trustee or~~
 21 ~~escrow agent of any of the following:~~

22 ~~—(a) A perpetual care fund that is established as a trust or~~
 23 ~~escrow account.~~

24 ~~—(b) A standby trust or escrow account for a perpetual care~~
 25 ~~fund bond.~~

26 (15) A perpetual care fund that is established as a trust or
 27 escrow account may be replaced with a perpetual care fund that is

1 established as a perpetual care fund bond that complies with this
 2 section. Upon such replacement, the ~~director~~**DEPARTMENT** shall
 3 authorize the custodian of the trust or escrow account to disburse
 4 the money in the trust or escrow account to the owner of the
 5 landfill unless a ~~contract~~**AN AGREEMENT** between the owner and
 6 operator of the landfill specifies otherwise.

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

18 (a) Payments into the standby trust or escrow account as
 19 specified in subsection ~~(2)~~**(3)**.

20 (b) Annual ~~accounting valuations~~**ACCOUNTINGS** as required in
 21 subsection ~~(7)~~**(8)**.

22 (17) AS USED IN THIS SECTION, "CUSTODIAN" MEANS THE TRUSTEE OR
 23 ESCROW AGENT OF ANY OF THE FOLLOWING:

24 (A) A PERPETUAL CARE FUND THAT IS ESTABLISHED AS A TRUST OR
 25 ESCROW ACCOUNT.

26 (B) A STANDBY TRUST OR ESCROW ACCOUNT FOR A PERPETUAL CARE
 27 FUND BOND.

1 Sec. 11525a. (1) The owner or operator of a landfill shall pay
2 **TO THE DEPARTMENT** a surcharge as follows:

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

7 (b) For type III landfills that are captive facilities, the
8 following ~~annual~~ amounts **FOR EACH STATE FISCAL YEAR, BASED ON THE**
9 **AMOUNT OF WASTE RECEIVED DURING THAT FISCAL YEAR:**

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

12 (ii) For a captive facility that receives 75,000 or more but
13 less than 100,000 cubic yards of waste, \$2,500.00.

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

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

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

20 (2) ~~The~~ **WITHIN 30 DAYS AFTER THE END OF EACH QUARTER OF A**
21 **STATE FISCAL YEAR, THE** owner or operator of a landfill shall pay
22 the surcharge under subsection (1) (a) ~~within 30 days after the end~~
23 ~~of each~~ **FOR WASTE RECEIVED DURING THAT** quarter of the state fiscal
24 year. ~~The~~ **WITHIN 30 DAYS AFTER THE END OF A STATE FISCAL YEAR, THE**
25 owner or operator of a type III landfill that is a captive facility
26 shall pay the surcharge under subsection (1) (b) ~~by January 31 of~~
27 ~~each~~ **FOR WASTE RECEIVED DURING THAT STATE FISCAL** year.

1 (3) The owner or operator of a landfill who is required to pay
 2 the surcharge under subsection (1) shall pass through and collect
 3 the surcharge from any person who generated the solid waste or who
 4 arranged for its delivery to the solid waste hauler or **SOLID WASTE**
 5 **PROCESSING AND** transfer facility notwithstanding the provisions of
 6 any ~~contract or agreement~~ to the contrary or the absence of any
 7 ~~contract or agreement~~.

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

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

15 Sec. 11525b. (1) The owner or operator of **A MATERIALS**
 16 **UTILIZATION FACILITY FOR WHICH FINANCIAL ASSURANCE IS REQUIRED**
 17 **UNDER SECTION 11523 OR OF** a disposal area shall provide continuous
 18 financial assurance coverage until released from these requirements
 19 by the department under the provisions of ~~this part~~ **115**.

20 (2) **UPON TRANSFER OF A MATERIALS UTILIZATION FACILITY FOR**
 21 **WHICH FINANCIAL ASSURANCE IS REQUIRED UNDER SECTION 11523 OR OF A**
 22 **DISPOSAL AREA, THE FORMER OWNER OR OPERATOR SHALL CONTINUE TO**
 23 **MAINTAIN FINANCIAL ASSURANCE UNTIL THE FINANCIAL ASSURANCE IS**
 24 **REPLACED BY THE NEW OWNER OR OPERATOR OR UNTIL THE MATERIALS**
 25 **UTILIZATION FACILITY OR DISPOSAL AREA IS RELEASED FROM THE**
 26 **FINANCIAL ASSURANCE OBLIGATION AT THE END OF THE POSTCLOSURE**
 27 **PERIOD.**

1 (3) ~~(2) The~~ **IF THE** owner or operator of a landfill ~~who~~ **THAT**
2 has completed postclosure maintenance and monitoring of the
3 landfill in accordance ~~COMPLIANCE~~ with ~~this part, rules promulgated~~
4 ~~under this part~~ **,115** and **THE** approved postclosure plan, **THE OWNER**
5 **OR OPERATOR** may request that financial assurance required by
6 sections 11523 and 11523a be terminated. A person requesting
7 termination of ~~bonding and~~ financial assurance **FOR A LANDFILL** shall
8 submit to the department a statement that the landfill has been
9 monitored and maintained in accordance ~~COMPLIANCE~~ with ~~this part,~~
10 ~~rules promulgated under this part~~ **,115** and the approved
11 postclosure plan for the postclosure period specified in section
12 11523 and shall certify that the landfill is not subject to
13 corrective action under section ~~11515,11512~~ **(14)**. **FOR OTHER**
14 **MATERIALS MANAGEMENT FACILITIES WITH FINANCIAL ASSURANCE, THE OWNER**
15 **OR OPERATOR OF THE FACILITY SHALL SUBMIT TO THE DEPARTMENT A**
16 **STATEMENT THAT THE FACILITY HAS BEEN MAINTAINED IN COMPLIANCE WITH**
17 **PART 115 AND HAS REMOVED ALL MANAGED MATERIAL FROM THE FACILITY.**
18 Within 60 days ~~of~~ **AFTER** receiving a statement under this
19 subsection, the department shall perform a consistency review of
20 the submitted statement and do 1 of the following:
21 (a) Approve the statement, notify the owner or operator that
22 he or she is no longer required to maintain financial assurance,
23 return or release all financial assurance mechanisms, and, if the
24 perpetual care fund is established as a trust or escrow account,
25 notify the custodian of the perpetual care fund that money from the
26 fund shall be disbursed as provided in section ~~11525(10)~~ **11525(11)**.
27 (b) Disapprove the statement and provide the owner or operator

1 with a detailed written statement of the reasons why the department
 2 has determined that postclosure maintenance and monitoring and
 3 corrective action, if any, have not been conducted in accordance
 4 **COMPLIANCE** with ~~this part, the rules promulgated under this part~~ ~~7~~
 5 115 or ~~an~~**THE** approved postclosure plan.

6 **SEC. 11525C. (1) THIS SECTION APPLIES ONLY TO LANDFILLS**
 7 **SUBJECT TO SECTION 11523(1) (B) .**

8 (2) **THE OWNER OR OPERATOR OF A LANDFILL SHALL ESTABLISH AND**
 9 **MAINTAIN A LANDFILL CARE FUND AS SPECIFIED IN THIS SECTION. A**
 10 **LANDFILL CARE FUND MAY BE ESTABLISHED AS A TRUST, AN ESCROW**
 11 **ACCOUNT, OR A LANDFILL CARE FUND BOND AND MAY BE USED TO**
 12 **DEMONSTRATE FINANCIAL ASSURANCE FOR LANDFILLS UNDER SECTION 11523A.**

13 (3) **THE OWNER OR OPERATOR OF A LANDFILL MAY INCREASE THE**
 14 **AMOUNT OF THE LANDFILL CARE FUND ABOVE THE AMOUNT OTHERWISE**
 15 **REQUIRED BY THIS SECTION AT HIS OR HER DISCRETION.**

16 (4) **THE CUSTODIAN OF A LANDFILL CARE FUND TRUST OR ESCROW**
 17 **ACCOUNT SHALL BE A BANK OR OTHER FINANCIAL INSTITUTION THAT HAS THE**
 18 **AUTHORITY TO ACT AS A CUSTODIAN AND WHOSE ACCOUNT OPERATIONS ARE**
 19 **REGULATED AND EXAMINED BY A FEDERAL OR STATE AGENCY. ANY INTEREST**
 20 **AND EARNINGS SHALL BE DISTRIBUTED AS DIRECTED BY THE OWNER OR**
 21 **OPERATOR OF THE LANDFILL. THE CUSTODIAN MAY BE COMPENSATED FROM THE**
 22 **FUND FOR REASONABLE FEES AND COSTS INCURRED FOR THE CUSTODIAN'S**
 23 **RESPONSIBILITIES AS CUSTODIAN. THE CUSTODIAN OF A LANDFILL CARE**
 24 **FUND TRUST OR ESCROW ACCOUNT SHALL MAKE AN ACCOUNTING TO THE**
 25 **DEPARTMENT WITHIN 30 DAYS FOLLOWING THE CLOSE OF EACH STATE FISCAL**
 26 **YEAR.**

27 (5) **THE CUSTODIAN OF A LANDFILL CARE FUND TRUST OR ESCROW**

1 ACCOUNT SHALL NOT DISBURSE ANY FUNDS TO THE OWNER OR OPERATOR OF A
2 LANDFILL FOR THE PURPOSES OF THE LANDFILL CARE FUND AND THE ISSUER
3 OR HOLDER OF A LANDFILL CARE FUND BOND SHALL NOT REDUCE THE AMOUNT
4 OF THE BOND EXCEPT UPON THE PRIOR WRITTEN APPROVAL OF THE
5 DEPARTMENT. HOWEVER, THE CUSTODIAN SHALL ENSURE THE FILING OF ALL
6 REQUIRED TAX RETURNS FOR WHICH THE LANDFILL CARE FUND IS LIABLE AND
7 SHALL DISBURSE FUNDS TO PAY TAXES OWED BY THE LANDFILL CARE FUND,
8 WITHOUT PERMISSION OF THE DEPARTMENT. THE OWNER OR OPERATOR OF THE
9 LANDFILL SHALL PROVIDE NOTICE OF REQUESTS FOR DISBURSEMENT FROM A
10 LANDFILL CARE FUND TRUST OR ESCROW ACCOUNT OR REDUCTION OF A
11 LANDFILL CARE FUND BOND AND THE DEPARTMENT'S DENIALS AND APPROVALS
12 TO THE CUSTODIAN OF THE LANDFILL CARE FUND OR THE ISSUER OR HOLDER
13 OF THE LANDFILL CARE FUND BOND. REQUESTS FOR DISBURSEMENT FROM A
14 LANDFILL CARE FUND TRUST OR ESCROW ACCOUNT OR A REDUCTION OF A
15 LANDFILL CARE FUND BOND SHALL BE SUBMITTED NOT MORE FREQUENTLY THAN
16 SEMIANNUALLY. THE OWNER OR OPERATOR OF A LANDFILL MAY REQUEST
17 DISBURSEMENT OF FUNDS FROM A LANDFILL CARE FUND TRUST OR ESCROW
18 ACCOUNT OR A REDUCTION OF A LANDFILL CARE FUND BOND. THE DEPARTMENT
19 SHALL APPROVE THE REQUEST IF THE TOTAL AMOUNT OF FINANCIAL
20 ASSURANCE MAINTAINED MEETS THE REQUIREMENTS OF SECTION 11523A.

21 (6) IF THE OWNER OR OPERATOR OF A LANDFILL FAILS TO CONDUCT
22 CLOSURE, POSTCLOSURE MONITORING AND MAINTENANCE, OR CORRECTIVE
23 ACTION AS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, OR
24 WELFARE, OR THE ENVIRONMENT, OR FAILS TO REQUEST THE DISBURSEMENT
25 OF MONEY FROM A LANDFILL CARE FUND WHEN NECESSARY TO PROTECT THE
26 PUBLIC HEALTH, SAFETY, OR WELFARE, OR THE ENVIRONMENT, OR FAILS TO
27 PAY THE SOLID WASTE MANAGEMENT PROGRAM ADMINISTRATION FEE OR THE

1 SURCHARGE REQUIRED UNDER SECTION 11525A, THEN THE DEPARTMENT MAY
2 ALSO DRAW ON THE LANDFILL CARE FUND AND MAY EXPEND THE MONEY FOR
3 CLOSURE, POSTCLOSURE MONITORING AND MAINTENANCE, AND CORRECTIVE
4 ACTION, AS NECESSARY. THE DEPARTMENT MAY DRAW ON A LANDFILL CARE
5 FUND FOR ADMINISTRATIVE COSTS ASSOCIATED WITH ACTIONS TAKEN UNDER
6 THIS SUBSECTION.

7 (7) UPON APPROVAL BY THE DEPARTMENT OF A REQUEST TO TERMINATE
8 FINANCIAL ASSURANCE FOR A LANDFILL UNDER SECTION 11525B, ANY MONEY
9 IN THE LANDFILL CARE FUND FOR THAT LANDFILL SHALL BE DISBURSED BY
10 THE CUSTODIAN TO THE OWNER OF THE LANDFILL UNLESS AN AGREEMENT
11 BETWEEN THE OWNER AND THE OPERATOR OF THE LANDFILL PROVIDES
12 OTHERWISE.

13 (8) THE OWNER OF A LANDFILL SHALL PROVIDE NOTICE TO THE
14 CUSTODIAN OF THE LANDFILL CARE FUND FOR THAT LANDFILL IF THERE IS A
15 CHANGE OF OWNERSHIP OF THE LANDFILL. THE CUSTODIAN SHALL MAINTAIN
16 RECORDS OF OWNERSHIP OF A LANDFILL DURING THE PERIOD OF EXISTENCE
17 OF THE LANDFILL CARE FUND.

18 (9) THIS SECTION DOES NOT RELIEVE AN OWNER OR OPERATOR OF A
19 LANDFILL OF ANY LIABILITY THE OWNER OR OPERATOR MAY HAVE UNDER PART
20 115 OR AS OTHERWISE PROVIDED BY LAW.

21 (10) THIS SECTION DOES NOT CREATE A CAUSE OF ACTION AT LAW OR
22 IN EQUITY AGAINST A CUSTODIAN OF A LANDFILL CARE FUND OTHER THAN
23 FOR ERRORS OR OMISSIONS RELATED TO INVESTMENTS, ACCOUNTINGS,
24 DISBURSEMENTS, FILINGS OF REQUIRED TAX RETURNS, AND MAINTENANCE OF
25 RECORDS REQUIRED BY THIS SECTION OR THE APPLICABLE LANDFILL CARE
26 FUND.

27 (11) A PERPETUAL CARE FUND AND ANY OTHER BOND THAT IS UTILIZED

1 BY A LANDFILL TO DEMONSTRATE FINANCIAL ASSURANCE UNDER PART 115 AND
2 THAT IS IN EXISTENCE ON THE EFFECTIVE DATE OF THE 2018 ACT THAT
3 ADDED THIS SECTION IS CONSIDERED A LANDFILL CARE FUND UNDER THIS
4 SECTION FOR PURPOSES OF DEMONSTRATING COMPLIANCE WITH SECTION
5 11523A UNTIL THE ISSUANCE OF A NEW LICENSE FOR THE LANDFILL ON OR
6 AFTER THE DATE 2 YEARS AFTER THE EFFECTIVE DATE OF THE 2018 ACT
7 THAT ADDED THIS SECTION. A LANDFILL OWNER OR OPERATOR MAY REPLACE A
8 PERPETUAL CARE FUND OR A BOND WITH A LANDFILL CARE FUND THAT
9 COMPLIES WITH THIS SECTION AT ANY TIME WITHOUT A LICENSE
10 MODIFICATION AND WITHOUT THE ISSUANCE OF A NEW LICENSE. UPON SUCH
11 REPLACEMENT, THE DEPARTMENT SHALL AUTHORIZE THE CUSTODIAN OF A
12 PERPETUAL CARE FUND TRUST OR ESCROW ACCOUNT TO DISBURSE THE MONEY
13 IN THE TRUST OR ESCROW ACCOUNT TO THE OWNER OF THE LANDFILL UNLESS
14 AN AGREEMENT BETWEEN THE OWNER AND OPERATOR OF THE LANDFILL
15 SPECIFIES OTHERWISE.

16 (12) AN OWNER OR OPERATOR OF A LANDFILL THAT USES A LANDFILL
17 CARE FUND BOND TO SATISFY THE REQUIREMENTS OF THIS SECTION SHALL
18 ALSO ESTABLISH A STANDBY TRUST OR ESCROW ACCOUNT. ALL PAYMENTS MADE
19 UNDER THE TERMS OF THE LANDFILL CARE FUND BOND SHALL BE DEPOSITED
20 BY THE CUSTODIAN DIRECTLY INTO THE STANDBY TRUST OR ESCROW ACCOUNT
21 IN COMPLIANCE WITH INSTRUCTIONS FROM THE DEPARTMENT. THE STANDBY
22 TRUST OR ESCROW ACCOUNT MUST MEET THE REQUIREMENTS FOR A TRUST OR
23 ESCROW ACCOUNT ESTABLISHED AS A LANDFILL CARE FUND UNDER SUBSECTION
24 (2), EXCEPT THAT UNTIL THE STANDBY TRUST OR ESCROW ACCOUNT IS
25 FUNDED PURSUANT TO THE REQUIREMENTS OF THIS SUBSECTION, ANNUAL
26 ACCOUNTINGS OF THE STANDBY TRUST OR ESCROW ACCOUNT ARE NOT
27 REQUIRED.

1 (13) AS USED IN THIS SECTION, "CUSTODIAN" MEANS THE TRUSTEE OR
 2 ESCROW AGENT OF ANY OF THE FOLLOWING:

3 (A) A LANDFILL CARE FUND THAT IS ESTABLISHED AS A TRUST OR
 4 ESCROW ACCOUNT.

5 (B) A STANDBY TRUST OR ESCROW ACCOUNT FOR A LANDFILL CARE FUND
 6 BOND.

7 SEC. 11525E. IF THE OWNER OR OPERATOR OF A MATERIALS
 8 MANAGEMENT FACILITY IS REQUIRED TO ESTABLISH A BOND UNDER ANOTHER
 9 STATE STATUTE OR A FEDERAL STATUTE, THE OWNER OR OPERATOR MAY
 10 REQUEST THE DEPARTMENT TO ALLOW THE BOND TO MEET THE REQUIREMENTS
 11 OF PART 115. THE DEPARTMENT SHALL APPROVE A BOND ESTABLISHED UNDER
 12 ANOTHER STATE STATUTE OR A FEDERAL STATUTE IF THE BOND PROVIDES
 13 EQUIVALENT FUNDS AND ACCESS BY THE DEPARTMENT AS OTHER FINANCIAL
 14 INSTRUMENTS UNDER PART 115.

15 **SUBPART 5 MISCELLANEOUS**

16 Sec. 11526. (1) The department, a **LOCAL** health officer, or a
 17 law enforcement officer of competent jurisdiction may inspect a
 18 solid waste transporting unit that is being used to transport solid
 19 waste along a public road to determine if the solid waste
 20 transporting unit is designed, maintained, and operated in a manner
 21 to prevent littering or to determine if the owner or operator of
 22 the solid waste transporting unit is performing in compliance with
 23 ~~this part and the rules promulgated under this part~~ **115**.

24 (2) ~~In order to~~ **TO** protect the public health, safety, ~~and~~ **OR**
 25 welfare, ~~and~~ **OR** the environment of this state, from items and
 26 substances being illegally disposed of in landfills in this state,
 27 the department, in conjunction with the department of state police,

1 shall ~~administer this part so as to do all of~~ **DO** the following:

2 (a) Ensure that all ~~disposal areas are~~ **EACH MATERIALS**
 3 **MANAGEMENT FACILITY IS** in full compliance with ~~this part and the~~
 4 ~~rules promulgated under this part.~~**115.**

5 (b) Provide for the inspection of each **LICENSED** solid waste
 6 disposal area for compliance with ~~this part and the rules~~
 7 ~~promulgated under this part~~ **115** at least 4 times per year.

8 (C) **PROVIDE FOR THE ANNUAL INSPECTION OF EACH MATERIALS**
 9 **MANAGEMENT FACILITY THAT IS NOT A DISPOSAL AREA AND IS APPROVED**
 10 **UNDER A GENERAL PERMIT OR REGISTERED UNDER PART 115, FOR COMPLIANCE**
 11 **WITH PART 115.**

12 (D) ~~(e)~~ Ensure that all persons disposing of solid waste are
 13 doing so in compliance with ~~this part and the rules promulgated~~
 14 ~~under this part.~~**115.**

15 (3) The department and the department of state police may
 16 conduct ~~regular,~~ random inspections of waste being transported ~~for~~
 17 ~~disposal at disposal areas~~ **TO MATERIALS MANAGEMENT FACILITIES** in
 18 this state. Inspections under this subsection may be conducted
 19 **DURING TRANSPORTATION OR** at ~~disposal areas at the end original~~
 20 ~~destination.~~**THE MATERIALS MANAGEMENT FACILITY.**

21 (4) **AN INSPECTION DESCRIBED IN THIS SECTION MAY ALSO BE**
 22 **CONDUCTED UPON RECEIPT OF A COMPLAINT OR AS THE DEPARTMENT**
 23 **DETERMINES TO BE NECESSARY TO ENSURE COMPLIANCE WITH PART 115.**

24 Sec. 11526a. (1) ~~Beginning October 1, 2004, in order to~~
 25 ~~protect the public health, safety, and welfare and the environment~~
 26 ~~of this state from the improper disposal of waste that is~~
 27 ~~prohibited from disposal in a landfill, and in recognition that the~~

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

8 (a) The solid waste is composed of a uniform type of item,
 9 material, or substance, other than municipal solid waste
 10 incinerator ash, that meets the requirements for disposal in a
 11 landfill under ~~this part and the rules promulgated under this~~
 12 ~~part.~~ **115.**

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

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

22 (2) Notwithstanding ~~section 11538 or any other provision of~~
 23 ~~this part 115,~~ if there is sufficient disposal capacity for a
 24 ~~county's~~ **PLANNING AREA'S** disposal needs in or within 150 miles of
 25 the county, ~~all of the following apply:~~

26 ~~—— (a) The county is not required to identify a site for a new~~
 27 ~~landfill in its solid waste management plan.~~

1 ~~— (b) An interim siting mechanism shall not become operative in~~
 2 ~~the county unless the county board of commissioners determines~~
 3 ~~otherwise.~~

4 ~~— (c) The **PLANNING AREA, THE** department is not required to issue~~
 5 ~~a construction permit for a new landfill **OR MUNICIPAL SOLID WASTE**~~
 6 ~~**INCINERATOR** in the county. **PLANNING AREA.**~~

7 Sec. 11527. (1) A solid waste hauler transporting solid waste
 8 over a public road in this state shall ~~deliver~~ **DO BOTH OF THE**
 9 **FOLLOWING:**

10 **(A) DELIVER** all waste to a disposal area **LICENSED UNDER PART**
 11 **115** or **A** solid waste **PROCESSING AND** transfer facility licensed **OR**
 12 **REGISTERED OR FOR WHICH A NOTIFICATION HAS BEEN SUBMITTED** under
 13 ~~this part and shall use 115.~~

14 **(B) USE** only a vehicle or container that does not contribute
 15 to littering and that conforms to ~~the rules promulgated by the~~
 16 ~~department.~~ **PART 115.**

17 (2) A solid waste hauler ~~who violates this part or a rule~~
 18 ~~promulgated under this part, or who~~ **THAT** is responsible for a
 19 vehicle that has ~~in part~~ contributed to a violation of ~~this part or~~
 20 ~~a rule promulgated under this part, is subject to a penalty as~~
 21 ~~provided in section 11549.~~ **PART 115 IS CONSIDERED TO HAVE COMMITTED**
 22 **THE VIOLATION.**

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



1 Sec. 11528. (1) A solid waste transporting unit used for
 2 ~~garbage,~~ **FOOD WASTE**, industrial or domestic sludges, or other
 3 moisture laden materials not specifically covered by part 121 shall
 4 be watertight and constructed, maintained, and operated to prevent
 5 littering. Solid waste transporting units used for hauling other
 6 solid waste shall be designed and operated to prevent littering or
 7 any other nuisance.

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

11 (2) ~~(3)~~—The department, a **LOCAL** health officer, or a law
 12 enforcement officer may order a solid waste transporting unit out
 13 of service if the unit does not satisfy the requirements of ~~this~~
 14 ~~part or the rules promulgated under this part~~ **115**. Continued use of
 15 a solid waste transporting unit ordered out of service is a
 16 violation of this part.

17 Sec. 11531. (1) A municipality or county shall ~~assure~~ **ENSURE**
 18 that all solid waste is removed from the site of generation
 19 frequently enough to protect the public health, and is delivered to
 20 ~~licensed disposal areas,~~ **A MATERIALS MANAGEMENT FACILITY THAT MEETS**
 21 **THE REQUIREMENTS OF SECTION 11508 (1) (A)**, except waste that is
 22 permitted by state law or rules promulgated by the department to be
 23 disposed of at the site of generation.

24 (2) An ordinance ~~enacted~~ **ADOPTED** before February 8, 1988 by a
 25 county or municipality incidental to the financing of a publicly
 26 owned disposal area or areas under construction that directs that
 27 all or part of the solid waste generated in that county or

1 municipality be directed to the disposal area or areas is an
 2 acceptable means of compliance with subsection (1), notwithstanding
 3 that the ordinance, in the case of a county, has not been approved
 4 by the governor. This subsection ~~applies only to ordinances adopted~~
 5 ~~by the governing body of a county or municipality before February~~
 6 ~~8, 1988,~~ and does not validate or invalidate an ordinance adopted
 7 **ON OR** after February 8, 1988 as an acceptable means of compliance
 8 with subsection (1).

9 Sec. 11532. (1) Except as provided in subsection ~~(3),~~ **(2)**, a
 10 municipality may impose an impact fee of not more than ~~10~~ **30** cents
 11 per ~~cubic yard~~ **TON** on solid waste, **INCLUDING MUNICIPAL SOLID WASTE**
 12 **INCINERATOR ASH**, that is disposed of in a landfill located within
 13 the municipality that is utilized by the public and utilized to
 14 dispose of solid waste collected from 2 or more persons. However,
 15 if the landfill is located within a village, the impact fee
 16 ~~provided for in this subsection~~ shall be imposed **ONLY** by the
 17 township ~~in~~ **PURSUANT TO AN** agreement with the village. ~~The~~ **AN**
 18 impact fee shall be assessed uniformly on all wastes accepted for
 19 disposal.

20 ~~—— (2) Except as provided in subsection (3), a municipality may~~
 21 ~~impose an impact fee of not more than 10 cents per cubic yard on~~
 22 ~~municipal solid waste incinerator ash that is disposed of in a~~
 23 ~~landfill located within the municipality that is utilized to~~
 24 ~~dispose of municipal solid waste incinerator ash. However, if the~~
 25 ~~landfill is located within a village, the impact fee provided for~~
 26 ~~in this subsection shall be imposed by the township in agreement~~
 27 ~~with the village.~~

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

4 (3) ~~(4)~~—The impact fees imposed under this section shall be
 5 collected by the owner or operator of a landfill and shall be paid
 6 to the municipality quarterly by the thirtieth day after the end of
 7 each calendar quarter. However, the impact fees allowed to be
 8 assessed to each landfill under this section shall be reduced by
 9 any amount of revenue paid to or available to the municipality from
 10 the landfill under the terms of any preexisting agreements,
 11 ~~including, but not limited to, contracts, special use permit~~
 12 ~~conditions, court settlement agreement conditions, and trusts.~~

13 (4) ~~(5)~~—Unless a trust fund is established by a municipality
 14 pursuant to subsection ~~(6)~~, ~~(5)~~, the revenue collected by a
 15 municipality ~~under subsections (1) and (2)~~ **PURSUANT TO SUBSECTION**
 16 **(1)** shall be deposited in its general fund. ~~to be~~ **SUBJECT TO**
 17 **SUBSECTION (8), THE REVENUE SHALL BE** used for any purpose that
 18 promotes the public health, safety, or welfare of the citizens of
 19 the municipality. ~~However, revenue collected pursuant to this~~
 20 ~~section shall not be used to bring or support a lawsuit or other~~
 21 ~~legal action against an owner or operator of a landfill who is~~
 22 ~~collecting an impact fee pursuant to subsection (4) unless the~~
 23 ~~owner or operator of the landfill has instituted a lawsuit or other~~
 24 ~~legal action against the municipality.~~

25 (5) ~~(6)~~—~~The~~ **A** municipality may establish a trust fund to
 26 receive revenue collected pursuant to this section. The trust fund
 27 shall be administered by a board of trustees. The board of trustees

1 shall consist of the following members:

2 (a) The chief elected official of the municipality. ~~creating~~
3 ~~the trust fund.~~

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

6 (c) An individual approved by the owners or operators of the
7 landfills within the municipality and appointed by the governing
8 ~~board~~ **BODY** of the municipality.

9 **(6)** ~~(7)~~—Individuals appointed to serve on the board of
10 trustees under subsection ~~(6)(b)~~ **(5) (B)** and (c) shall serve for
11 terms of 2 years.

12 **(7)** ~~(8)~~ ~~Money~~ **SUBJECT TO SUBSECTION (8), MONEY** in the ~~A~~ trust
13 fund **UNDER SUBSECTION (5)** may be expended, pursuant to a majority
14 vote of the board of trustees, for any purpose that promotes the
15 public health, safety, or welfare of the citizens of the
16 municipality. ~~However, revenue~~

17 **(8) REVENUE** collected pursuant to this section shall not be
18 used to bring or support a lawsuit or other legal action against ~~an~~
19 **A LANDFILL** owner or operator ~~of a landfill who~~ **THAT** is collecting
20 an impact fee ~~pursuant to~~ **UNDER** subsection ~~(4)~~ **(3)** unless the owner
21 or operator of the landfill has instituted a lawsuit or other legal
22 action against the municipality.

23 Sec. 11533. ~~(1) Each solid waste management plan shall include~~
24 ~~an enforceable program and process to assure that the nonhazardous~~
25 ~~solid waste generated or to be generated in the planning area for a~~
26 ~~period of 10 years or more is collected and recovered, processed,~~
27 ~~or disposed of at disposal areas that comply with state law and~~

1 ~~rules promulgated by the department governing location, design, and~~
2 ~~operation of the disposal areas. Each solid waste management plan~~
3 ~~may include an enforceable program and process to assure that only~~
4 ~~items authorized for disposal in a disposal area under this part~~
5 ~~and the rules promulgated under this part are disposed of in the~~
6 ~~disposal area.~~

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

24 ~~—— (3) Not later than July 1, 1981, each county shall file with~~
25 ~~the department and with each municipality within the county on a~~
26 ~~form provided by the department, a notice of intent, indicating the~~
27 ~~county's intent to prepare a solid waste management plan or to~~

1 ~~upgrade an existing solid waste management plan. The notice shall~~
2 ~~identify the designated agency which shall be responsible for~~
3 ~~preparing the solid waste management plan.~~

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

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

24 ~~—— (6) If the regional solid waste management planning agency~~
25 ~~declines to prepare a solid waste management plan, the department~~
26 ~~shall prepare a solid waste management plan for the county and that~~
27 ~~plan shall be final.~~

1 ~~—— (7) A solid waste management planning agency, upon request of~~
 2 ~~the department, shall submit a progress report in preparing its~~
 3 ~~solid waste management plan.~~ **THE DEPARTMENT MAY PROMULGATE RULES**
 4 **THAT CONTAIN DESIGN AND OPERATIONAL STANDARDS FOR SOLID WASTE**
 5 **TRANSPORTING UNITS AND MATERIALS MANAGEMENT FACILITIES OR OTHERWISE**
 6 **IMPLEMENT THIS PART. THE RULES MAY INCLUDE STANDARDS FOR ANY OF THE**
 7 **FOLLOWING:**

8 (A) HYDROGEOLOGIC INVESTIGATIONS.

9 (B) MONITORING.

10 (C) LINER MATERIALS.

11 (D) LEACHATE COLLECTION AND TREATMENT, IF APPLICABLE.

12 (E) GROUNDWATER SEPARATION DISTANCES.

13 (F) ENVIRONMENTAL ASSESSMENTS.

14 (G) METHANE GAS CONTROL.

15 (H) SOIL EROSION.

16 (I) SEDIMENTATION CONTROL.

17 (J) GROUNDWATER AND SURFACE WATER QUALITY.

18 (K) NOISE AND AIR POLLUTION.

19 (l) THE USE OF FLOODPLAINS AND WETLANDS.

20 **SUBPART 6 INCINERATORS AND OPEN BURNING**

21 Sec. 11539. (1) ~~The director shall not approve a plan update~~
 22 ~~unless:~~

23 ~~—— (a) The plan contains an analysis or evaluation of the best~~
 24 ~~available information applicable to the plan area in regard to~~
 25 ~~recyclable materials and all of the following:~~

26 ~~—— (i) The kind and volume of material in the plan area's waste~~
 27 ~~stream that may be recycled or composted.~~

1 ~~—— (ii) How various factors do or may affect a recycling and~~
2 ~~composting program in the plan area. Factors shall include an~~
3 ~~evaluation of the existing solid waste collection system; materials~~
4 ~~market; transportation networks; local composting and recycling~~
5 ~~support groups, or both; institutional arrangements; the population~~
6 ~~in the plan area; and other pertinent factors.~~

7 ~~—— (iii) An identification of impediments to implementing a~~
8 ~~recycling and composting program and recommended strategies for~~
9 ~~removing or minimizing impediments.~~

10 ~~—— (iv) How recycling and composting and other processing or~~
11 ~~disposal methods could complement each other and an examination of~~
12 ~~the feasibility of excluding site separated material and source~~
13 ~~separated material from other processing or disposal methods.~~

14 ~~—— (v) Identification and quantification of environmental,~~
15 ~~economic, and other benefits that could result from the~~
16 ~~implementation of a recycling and composting program.~~

17 ~~—— (vi) The feasibility of source separation of materials that~~
18 ~~contain potentially hazardous components at disposal areas. This~~
19 ~~subparagraph applies only to plan updates that are due after~~
20 ~~January 31, 1989.~~

21 ~~—— (b) The plan either provides for recycling and composting~~
22 ~~recyclable materials from the plan area's waste stream or~~
23 ~~establishes that recycling and composting are not necessary or~~
24 ~~feasible or is only necessary or feasible to a limited extent.~~

25 ~~—— (c) A plan that proposes a recycling or composting program, or~~
26 ~~both, details the major features of that program, including all of~~
27 ~~the following:~~

1 ~~—— (i) The kinds and volumes of recyclable materials that will be~~
 2 ~~recycled or composted.~~

3 ~~—— (ii) Collection methods.~~

4 ~~—— (iii) Measures that will ensure collection such as ordinances~~
 5 ~~or cooperative arrangements, or both.~~

6 ~~—— (iv) Ordinances or regulations affecting the program.~~

7 ~~—— (v) The role of counties and municipalities in implementing~~
 8 ~~the plan.~~

9 ~~—— (vi) The involvement of existing recycling interests, solid~~
 10 ~~waste haulers, and the community.~~

11 ~~—— (vii) Anticipated costs.~~

12 ~~—— (viii) On-going program financing.~~

13 ~~—— (ix) Equipment selection.~~

14 ~~—— (x) Public and private sector involvement.~~

15 ~~—— (xi) Site availability and selection.~~

16 ~~—— (xii) Operating parameters such as pH and heat range.~~

17 ~~—— (d) The plan includes an evaluation of how the planning entity~~
 18 ~~is meeting the state's waste reduction and recycling goals as~~
 19 ~~established pursuant to section 11541(4).~~

20 ~~—— (2) The director may promulgate rules as may be necessary to~~
 21 ~~implement this section.~~ **THE OPEN BURNING OF YARD WASTE OR LEAVES IS**

22 **PROHIBITED IN ANY MUNICIPALITY HAVING A POPULATION OF 7,500 OR**

23 **MORE, UNLESS SPECIFICALLY AUTHORIZED BY LOCAL ORDINANCE. WITHIN 30**

24 **DAYS AFTER ADOPTION OF SUCH AN ORDINANCE, THE CLERK OF THE**

25 **MUNICIPALITY SHALL NOTIFY THE DEPARTMENT OF ITS ADOPTION.**

26 **(2) SUBSECTION (1) DOES NOT PERMIT A COUNTY OR MUNICIPALITY TO**

27 **AUTHORIZE OPEN BURNING OF YARD WASTE OR LEAVES BY AN ORDINANCE THAT**

1 IS PROHIBITED UNDER PART 55 OR RULES PROMULGATED UNDER THAT PART.

2 (3) A PERSON SHALL NOT CONDUCT OPEN BURNING OF HOUSEHOLD WASTE
3 THAT CONTAINS PLASTIC, RUBBER, FOAM, CHEMICALLY TREATED WOOD,
4 TEXTILES, ELECTRONICS, CHEMICALS, OR HAZARDOUS MATERIALS.

5 (4) SUBPART 7 DOES NOT APPLY TO AN INDIVIDUAL WHO VIOLATES
6 SUBSECTION (3) BY OPEN BURNING OF WASTE FROM THAT INDIVIDUAL'S
7 HOUSEHOLD. THE INDIVIDUAL IS RESPONSIBLE FOR A STATE CIVIL
8 INFRACTION AND IS SUBJECT TO THE FOLLOWING:

9 (A) FOR A FIRST OFFENSE WITHIN A 3-YEAR PERIOD, A WARNING BY
10 THE JUDGE OR MAGISTRATE.

11 (B) FOR A SECOND OFFENSE WITHIN A 3-YEAR PERIOD, A CIVIL FINE
12 OF NOT MORE THAN \$75.00.

13 (C) FOR A THIRD OFFENSE WITHIN A 3-YEAR PERIOD, A CIVIL FINE
14 OF NOT MORE THAN \$150.00.

15 (D) FOR A FOURTH OR SUBSEQUENT OFFENSE WITHIN A 3-YEAR PERIOD,
16 A CIVIL FINE OF NOT MORE THAN \$300.00.

17 (5) NOTWITHSTANDING SECTION 5512, THE DEPARTMENT SHALL NOT
18 PROMULGATE OR ENFORCE A RULE THAT EXTENDS THE PROHIBITION UNDER
19 SUBSECTION (3) TO MATERIALS NOT LISTED IN SUBSECTION (3).

20 (6) PART 115, PART 55, OR RULES PROMULGATED UNDER PART 55 DO
21 NOT PROHIBIT A PERSON FROM CONDUCTING OPEN BURNING OF WOODEN FRUIT
22 OR VEGETABLE STORAGE BINS CONSTRUCTED FROM UNTREATED LUMBER IF THE
23 FOLLOWING REQUIREMENTS ARE MET:

24 (A) THE BURNING IS CONDUCTED FOR DISEASE OR PEST CONTROL.

25 (B) THE BURNING IS NOT CONDUCTED AT ANY OF THE FOLLOWING
26 LOCATIONS:

27 (i) WITHIN A PRIORITY I AREA AS LISTED IN TABLE 33 OR A



1 PRIORITY II AREA AS LISTED IN TABLE 34 OF R 336.1331 OF THE
2 MICHIGAN ADMINISTRATIVE CODE.

3 (ii) IN A CITY OR VILLAGE.

4 (iii) WITHIN 1,400 FEET OUTSIDE THE BOUNDARY OF A CITY OR
5 VILLAGE.

6 (7) SUBSECTIONS (5) AND (6) DO NOT AUTHORIZE OPEN BURNING THAT
7 IS PROHIBITED BY A LOCAL ORDINANCE.

8 (8) A CONGRESSIONALLY CHARTERED PATRIOTIC ORGANIZATION THAT
9 DISPOSES OF AN UNSERVICEABLE FLAG OF THE UNITED STATES BY BURNING
10 THAT FLAG IS NOT SUBJECT TO REGULATION OR SANTIION FOR VIOLATING
11 STATE LAW OR LOCAL ORDINANCE PERTAINING TO OPEN BURNING.

12 Sec. 11540. (1) ~~Not later than September 11, 1979, the~~
13 ~~department shall submit to the legislature rules that contain~~
14 ~~sanitary design and operational standards for solid waste~~
15 ~~transporting units and disposal areas and otherwise implement this~~
16 ~~part. The rules shall include standards for hydrogeologic~~
17 ~~investigations; monitoring; liner materials; leachate collection~~
18 ~~and treatment, if applicable; groundwater separation distances;~~
19 ~~environmental assessments; methane gas control; soil erosion;~~
20 ~~sedimentation control; groundwater and surface water quality; noise~~
21 ~~and air pollution; and the use of floodplains and wetlands.~~**THE**
22 **OWNER OR OPERATOR OF AN INCINERATOR MAY, BUT IS NOT REQUIRED TO,**
23 **COMPLY WITH THE DISPOSAL AREA CONSTRUCTION PERMIT AND OPERATING**
24 **LICENSE REQUIREMENTS OF SUBPART 2 IF BOTH OF THE FOLLOWING**
25 **CONDITIONS ARE MET:**

26 (A) SOLID WASTE TO BE INCINERATED IS MANAGED IN A PROPERLY
27 ENCLOSED AREA IN A MANNER THAT PREVENTS FUGITIVE DUST, LITTER,

1 LEACHATE GENERATION, PRECIPITATION RUNOFF, OR ANY RELEASE OF SOLID
2 WASTE TO THE AIR, SOIL, SURFACE WATER, OR GROUNDWATER.

3 (B) THE INCINERATOR HAS A PERMIT ISSUED UNDER PART 55.

4 (2) AN INCINERATOR THAT DOES NOT COMPLY WITH THE CONSTRUCTION
5 PERMIT AND OPERATING LICENSE REQUIREMENTS OF SUBPART 2 AS
6 AUTHORIZED BY SUBSECTION (1) IS SUBJECT TO THE PLANNING PROVISIONS
7 OF PART 115 AND MUST BE INCLUDED IN THE COUNTY MATERIALS MANAGEMENT
8 PLAN FOR THE COUNTY IN WHICH THE INCINERATOR IS LOCATED.

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

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

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

17 ~~— (4) The department shall promote policies that encourage~~
18 ~~resource recovery and establishment of waste-to-energy~~

19 ~~facilities.~~ **WITHIN 9 MONTHS AFTER THE COMPLETION OF CONSTRUCTION OF**
20 **A MUNICIPAL SOLID WASTE INCINERATOR, THE OWNER OR OPERATOR SHALL**
21 **SUBMIT A PLAN TO THE DEPARTMENT FOR A PROGRAM THAT, TO THE EXTENT**
22 **PRACTICABLE, REDUCES THE INCINERATION OF NONCOMBUSTIBLE MATERIALS**
23 **AND DANGEROUS COMBUSTIBLE MATERIALS AND THEIR HAZARDOUS BY-PRODUCTS**
24 **AT THE INCINERATOR. WITHIN 30 DAYS AFTER RECEIVING THE PLAN, THE**
25 **DEPARTMENT SHALL APPROVE OR DISAPPROVE THE PLAN AND NOTIFY THE**
26 **OWNER OR OPERATOR IN WRITING. IN REVIEWING THE PLAN, THE DEPARTMENT**
27 **SHALL CONSIDER THE CURRENT MATERIALS MANAGEMENT PLAN FOR THE**

1 PLANNING AREA WHERE THE INCINERATOR IS LOCATED AND AVAILABLE
2 MARKETS, DISPOSAL ALTERNATIVES, AND COLLECTION PRACTICES FOR THE
3 MANAGED MATERIALS. IF THE DEPARTMENT DISAPPROVES A PLAN, THE NOTICE
4 SHALL SPECIFY THE REASONS FOR DISAPPROVAL. IF THE DEPARTMENT
5 DISAPPROVES THE PLAN, THE OWNER OR OPERATOR SHALL WITHIN 30 DAYS
6 AFTER RECEIPT OF THE DEPARTMENT'S DISAPPROVAL SUBMIT A REVISED PLAN
7 THAT ADDRESSES ALL OF THE REASONS FOR DISAPPROVAL SPECIFIED BY THE
8 DEPARTMENT. THE DEPARTMENT SHALL APPROVE OR DISAPPROVE THE REVISED
9 PLAN WITHIN 30 DAYS AFTER RECEIVING THE REVISED PLAN AND NOTIFY THE
10 OWNER OR OPERATOR IN WRITING. IF THE DEPARTMENT DISAPPROVES THE
11 REVISED PLAN, THE NOTICE SHALL SPECIFY THE REASONS FOR DISAPPROVAL.
12 IF THE DEPARTMENT DISAPPROVES THE REVISED PLAN, THE DEPARTMENT MAY
13 CONTINUE WITH THE APPROVAL PROCESS UNDER THIS SUBSECTION OR TAKE
14 APPROPRIATE ENFORCEMENT ACTION.

15 (2) NOT LATER THAN 6 MONTHS AFTER THE APPROVAL OF THE PLAN BY
16 THE DEPARTMENT UNDER SUBSECTION (1), THE OWNER OR OPERATOR SHALL
17 IMPLEMENT THE PLAN IN COMPLIANCE WITH THE IMPLEMENTATION SCHEDULE
18 SET FORTH IN THE PLAN. THE OPERATION OF A MUNICIPAL SOLID WASTE
19 INCINERATOR WITHOUT AN APPROVED PLAN UNDER THIS SECTION SUBJECTS
20 THE OWNER OR OPERATOR, OR BOTH, TO THE SANCTIONS PROVIDED BY THIS
21 PART.

22 SUBPART 7 ENFORCEMENT

23 Sec. 11546. (1) The department or a **LOCAL** health officer may
24 request that the attorney general bring an action in the name of
25 the people of ~~the~~**THIS** state, or a municipality or county may bring
26 an action based on facts arising within its boundaries, for any
27 appropriate relief, including injunctive relief, for a violation of

1 ~~this part or rules promulgated under this part~~ **115**.

2 (2) In addition to any other relief provided by this section,
3 the court may impose on any person who violates ~~any provision of~~
4 ~~this part or rules promulgated under this part or who fails to~~
5 ~~comply with any permit, license, or final order issued pursuant to~~
6 ~~this part~~ **115** a civil fine as follows:

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

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

11 (3) In addition to any other relief provided by this section,
12 the court may order a person who violates ~~this part or the rules~~
13 ~~promulgated under this part~~ **115** to restore, or to pay to ~~the~~ **THIS**
14 state an amount equal to the cost of restoring, the natural
15 resources of this state affected by the violation to their original
16 condition before the violation, and to pay to ~~the~~ **THIS** state the
17 costs of surveillance and enforcement incurred by ~~the~~ **THIS** state as
18 a result of the violation.

19 (4) In addition to any other relief provided by this section,
20 the court shall order a person who violates section 11526e to
21 return, or to pay to ~~the~~ **THIS** state an amount equal to the cost of
22 returning, the solid waste that is the subject of the violation to
23 the country in which that waste was generated.

24 (5) ~~This part~~ **PART 115** does not preclude any person from
25 commencing a civil action based on facts that may ~~also~~ constitute a
26 violation of ~~this part or the rules promulgated under this~~
27 ~~part~~ **PART 115**.



1 (a) Preparing generally applicable guidance regarding the
 2 ~~solid waste permit and license~~ **MATERIALS MANAGEMENT FACILITY**
 3 program or its implementation or enforcement.

4 (b) Reviewing and acting on any **NOTIFICATION, REGISTRATION,**
 5 **APPLICATION FOR APPROVAL UNDER A GENERAL PERMIT**, application for a
 6 permit or license, permit or license revision, or permit or license
 7 renewal, including the cost of public notice and public hearings.

8 (c) ~~Performing~~ **PROVIDING** an advisory analysis under section
 9 11510(1).

10 (d) General administrative costs of running the permit and
 11 license, **REGISTRATION, AND NOTIFICATION** program, including permit
 12 and license, **REGISTRATION, AND NOTIFICATION** tracking and data
 13 entry.

14 (e) Inspection of ~~licensed disposal areas~~ **MATERIALS MANAGEMENT**
 15 **FACILITIES** and open dumps.

16 (f) Implementing and enforcing the conditions of any permit,
 17 ~~or~~ license, **APPROVAL UNDER A GENERAL PERMIT, REGISTRATION, OR**
 18 **ORDER.**

19 (g) Groundwater monitoring audits at disposal areas ~~which~~ **THAT**
 20 are or have been licensed under ~~this~~ part **115 OR AT ANY OTHER**
 21 **MATERIALS MANAGEMENT FACILITY THAT REQUIRES GROUNDWATER MONITORING**
 22 **BECAUSE OF A RELEASE OR SUSPECTED RELEASE.**

23 (h) Reviewing and acting upon corrective action plans for
 24 ~~disposal areas which are or have been licensed~~ **MATERIALS MANAGEMENT**
 25 **FACILITIES** under ~~this~~ part **115.**

26 (i) Review of certifications of closure.

27 (j) Postclosure maintenance and monitoring inspections and

1 review.

2 (k) Review of bonds and financial assurance documentation at
 3 ~~disposal areas which are or have been licensed~~ **MATERIALS MANAGEMENT**
 4 **FACILITIES, IF REQUIRED** under ~~this~~ part 115.

5 (l) **MATERIALS MANAGEMENT PLANNING.**

6 (M) **MATERIALS UTILIZATION EDUCATION AND OUTREACH.**

7 (N) **DEVELOPMENT OF A MATERIALS UTILIZATION AND RECYCLED**
 8 **MATERIALS MARKET DIRECTORY.**

9 (O) **ADMINISTRATION OF GRANTS AND LOANS UNDER PART 115 FOR**
 10 **PLANNING, MARKET DEVELOPMENT AND RECYCLING INFRASTRUCTURE,**
 11 **OUTREACH, AND EDUCATION.**

12 (P) **UP TO 1 FULL-TIME EQUIVALENT EMPLOYEE FOR THE MICHIGAN**
 13 **ECONOMIC DEVELOPMENT CORPORATION TO ADDRESS RECYCLED MATERIALS**
 14 **MARKET DEVELOPMENT.**

15 (5) Money shall be expended from the perpetual care account,
 16 **UPON APPROPRIATION,** only for ~~the purpose of conducting the~~
 17 following activities at ~~disposal areas which are or have been~~
 18 ~~licensed under this part~~ **MATERIALS MANAGEMENT FACILITIES FOR WHICH**
 19 **THE REQUIREMENTS OF SECTION 11508(1) (A) ARE OR WERE MET AND FOR**
 20 **WHICH FEES HAVE BEEN COLLECTED AND DEPOSITED INTO THE PERPETUAL**
 21 **CARE ACCOUNT:**

22 (a) ~~Postclosure~~ **TO CONDUCT POSTCLOSURE** maintenance and
 23 monitoring at a ~~disposal area where~~ **MATERIALS MANAGEMENT FACILITY**
 24 **IF** the owner or operator is no longer required to do so.

25 (b) To conduct closure, or postclosure maintenance and
 26 monitoring and corrective action if necessary, at a ~~disposal area~~
 27 ~~where~~ **MATERIALS MANAGEMENT FACILITY IF** the owner or operator has

1 failed to do so. Money shall be expended from the account only
2 after funds from any ~~perpetual care fund or other~~ financial
3 assurance mechanisms held by the owner or operator have been
4 expended and the department has ~~used~~ **MADE** reasonable efforts to
5 obtain funding from other sources.

6 **(6) MONEY SHALL BE EXPENDED FROM THE GRANT ACCOUNT, UPON**
7 **APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:**

8 **(A) THE RECYCLING MARKETS PROGRAM ESTABLISHED UNDER SUBSECTION**
9 **(7) .**

10 **(B) THE LOCAL RECYCLING INNOVATION PROGRAM ESTABLISHED UNDER**
11 **SUBSECTION (8) .**

12 **(C) THE RECYCLING ACCESS AND VOLUNTARY PARTICIPATION PROGRAM**
13 **ESTABLISHED UNDER SUBSECTION (9) .**

14 **(D) COSTS INCURRED BY THE DEPARTMENT IN ADMINISTERING THE**
15 **PROGRAMS LISTED IN SUBDIVISIONS (A) TO (C) .**

16 **(7) THE DEPARTMENT SHALL ESTABLISH A RECYCLING MARKETS**
17 **PROGRAM. THE PROGRAM SHALL PROVIDE GRANTS OR LOANS FOR PURCHASING**
18 **EQUIPMENT, RESEARCH AND DEVELOPMENT, OR ASSOCIATED ACTIVITIES TO**
19 **PROVIDE FOR NEW OR INCREASED USE OF RECYCLED MATERIALS OR TO**
20 **SUPPORT THE DEVELOPMENT OF RECYCLING MARKETS. LOCAL UNITS OF**
21 **GOVERNMENT AND NONPROFIT AND FOR-PROFIT ENTITIES ARE ELIGIBLE FOR**
22 **FUNDING UNDER THE PROGRAM. THE FUNDING IS NOT LIMITED TO ENTITIES**
23 **IN COUNTIES WITH APPROVED MATERIALS MANAGEMENT PLANS. IN ADDITION**
24 **TO ANY OTHER REPORTING REQUIREMENTS ESTABLISHED BY THE DEPARTMENT,**
25 **GRANT RECIPIENTS UNDER THE PROGRAM SHALL PROVIDE INFORMATION ON THE**
26 **MATERIALS MANAGED.**

27 **(8) THE DEPARTMENT SHALL ESTABLISH A LOCAL RECYCLING**

1 INNOVATION PROGRAM. THE PROGRAM SHALL PROVIDE GRANTS OR LOANS FOR
2 DEVELOPING LOCAL RECYCLING INFRASTRUCTURE, FOR RECYCLING EDUCATION
3 CAMPAIGNS FOR RESIDENTS AND BUSINESSES, FOR OTHER ACTIVITIES THAT
4 RESULT IN INCREASING RECYCLING ACCESS AND PARTICIPATION, FOR
5 REDUCING WASTE, AND FOR SUSTAINABLE MATERIALS MANAGEMENT. LOCAL
6 UNITS OF GOVERNMENT AND NONPROFIT AND FOR-PROFIT ENTITIES ARE
7 ELIGIBLE FOR FUNDING UNDER THE PROGRAM. THE FUNDING IS NOT LIMITED
8 TO ENTITIES IN COUNTIES WITH APPROVED MATERIALS MANAGEMENT PLANS.
9 IN ADDITION TO ANY OTHER REPORTING REQUIREMENTS ESTABLISHED BY THE
10 DEPARTMENT, GRANT RECIPIENTS UNDER THE PROGRAM SHALL PROVIDE THE
11 DEPARTMENT INFORMATION ON THE MATERIALS MANAGED.

12 (9) THE DEPARTMENT SHALL ESTABLISH A RECYCLING ACCESS AND
13 VOLUNTARY PARTICIPATION PROGRAM. THE PROGRAM SHALL PROVIDE GRANTS
14 OR LOANS TO ASSIST LOCAL UNITS OF GOVERNMENT IN IMPLEMENTING BEST
15 MATERIALS UTILIZATION PRACTICES AND IDENTIFYING WAYS TO INNOVATE
16 AND TO COLLABORATE WITH OTHER LOCAL UNITS AND THE PRIVATE SECTOR.
17 TO BE ELIGIBLE FOR A GRANT, A LOCAL UNIT OF GOVERNMENT MUST BE A
18 COUNTY THAT MEETS, OR A MUNICIPALITY LOCATED WITHIN A COUNTY THAT
19 MEETS, BOTH OF THE FOLLOWING REQUIREMENTS:

20 (A) HAS A MATERIALS MANAGEMENT PLAN.

21 (B) HAS DOCUMENTED PROGRESS TOWARD MEETING OR HAS MET ITS
22 MATERIALS UTILIZATION GOALS AND BENCHMARK RECYCLING STANDARDS.

23 (10) THE DEPARTMENT SHALL PUBLISH AND MAKE AVAILABLE TO GRANT
24 AND LOAN APPLICANTS CRITERIA UPON WHICH THE GRANTS AND LOANS WILL
25 BE MADE.

26 (11) ~~(6)~~—By March 1 annually, the department shall prepare and
27 submit to the governor, the legislature, the chairs of the standing



1 committees of the senate and house of representatives with primary
2 responsibility for issues related to natural resources and the
3 environment, and the chairs of the subcommittees of the senate and
4 house appropriations committees with primary responsibility for
5 appropriations to the department a report that details the
6 activities of the previous fiscal year funded by the staff account
7 of the solid waste management fund. ~~established in this section.~~
8 This report shall include, at a minimum, ~~all of the~~ following as it
9 relates to the department:

10 (a) The number of full-time equated positions performing solid
11 waste management ~~permitting,~~ **AUTHORIZATIONS**, compliance, and
12 enforcement activities.

13 (b) ~~All of the~~ **THE** following information related to the
14 construction permit applications received under section 11509:

15 (i) The number of applications received by the department,
16 reported as the number of applications determined to be
17 administratively incomplete and the number determined to be
18 administratively complete.

19 (ii) The number of applications determined to be
20 administratively complete for which a final action was taken by the
21 department. The number of final actions shall be reported as the
22 number of applications approved, the number of applications denied,
23 and the number of applications withdrawn by the applicant.

24 (iii) The percentage and number of applications determined to
25 be administratively complete for which a final decision was made
26 within ~~120 days of receipt as~~ **THE PERIOD** required by ~~section~~
27 ~~11511.~~ **PART 13.**



1 (c) ~~All of the~~ **THE** following information related to the
2 operating license applications received under section 11512:

3 (i) The number of applications received by the department,
4 reported as the number of applications determined to be
5 administratively incomplete and the number determined to be
6 administratively complete.

7 (ii) The number of applications determined to be
8 administratively complete for which a final action was taken by the
9 department. The number of final actions shall be reported as the
10 number of applications approved, the number of applications denied,
11 and the number of applications withdrawn by the applicant.

12 (iii) The percentage and number of applications determined to
13 be administratively complete for which a final decision was made
14 within ~~90 days of receipt as~~ **THE PERIOD** required by ~~section~~
15 ~~11516.~~ **PART 13.**

16 (d) The number of inspections conducted at licensed disposal
17 areas as required by section 11519.

18 (e) The number of letters of warning sent to licensed disposal
19 areas.

20 (f) The number of contested case hearings and civil actions
21 initiated and completed, the number of voluntary consent orders and
22 administrative orders entered or issued, and the amount of fines
23 and penalties collected through such actions or orders.

24 (g) For each enforcement action that includes a penalty, a
25 description of ~~what~~ **THE** corrective actions **THAT** were required by
26 the enforcement action.

27 (h) The number of solid waste complaints received,

1 investigated, resolved, and not resolved by the department.

2 (i) The amount of revenue in the staff account of the solid
3 waste management fund at the end of the fiscal year.

4 **SUBPART 9 BENEFICIAL USE BY-PRODUCTS**

5 Sec. 11553. (1) Consistent with the requirements of ~~this part~~
6 **115**, the department shall apply this section so as to promote and
7 foster the use of wastes and by-products for recycling or
8 beneficial purposes.

9 (2) Any person may request the department, consistent with the
10 definitions and other terms of ~~this part~~ **115**, to approve a
11 material, a use, or a material and use as a source separated
12 material; a beneficial use by-product for beneficial use 1, 2, 4,
13 or 5; an inert material; a low-hazard industrial waste;
14 **NONDETRIMENTAL MATERIAL MANAGED FOR AGRICULTURAL OR SILVICULTURAL**
15 **USE**; or another material, use, or material and use that can be
16 approved under this part. Among other things, a person may request
17 the department to approve a use that does not ~~qualify as~~ **MEET THE**
18 **DEFINITION OF** beneficial use 2 under section ~~11502(4)(a)~~
19 **11502(8)(A)** because the property is not nonresidential property or
20 under section ~~11502(4)(a)~~, **11502(8)(A)**, (b), or (c) because the
21 material exceeds 4 feet in thickness. A request under this
22 subsection shall **BE IN WRITING AND** contain a description of the
23 material including the process generating it; results of analyses
24 of representative samples of the material for any hazardous
25 substances that the person has knowledge or reason to believe could
26 be present in the material, based on its source, its composition,
27 or the process that generated it; and, if applicable, a description

1 of the proposed use. The analysis and sampling of the material
2 under this subsection shall be consistent with the methods
3 contained in the EPA document entitled "~~test methods for the~~
4 ~~evaluation of solid waste, physical/chemical methods,~~" "**TEST**
5 **METHODS FOR THE EVALUATION OF SOLID WASTE, PHYSICAL/CHEMICAL**
6 **METHODS,**" SW 846 ~~3rd edition;~~ **REVISION 8, JULY 2014, UPDATE V;** 1 or
7 more peer-reviewed standards developed by a national or
8 international organization, such as ASTM ~~international;~~
9 **INTERNATIONAL;** or 1 or more standards or methods approved by the
10 department or the EPA. The department shall approve or deny the
11 request **IN WRITING** within 150 days after the request is received,
12 unless the parties agree to an extension. If the department
13 determines that the request does not include sufficient
14 information, the department shall, not more than 60 days after
15 receipt of the request, notify the requester. The notice shall
16 specify the additional information that is required. The 150-day
17 period is tolled until the requestor submits the information
18 specified in the notice. If the department approves a request under
19 this subsection, the approval shall include the following
20 statement: "This approval does not require any use of any
21 beneficial use by-product by a governmental entity or any other
22 person." The department may impose conditions and other
23 requirements consistent with the purposes of ~~this part~~ **115** on a
24 material, a use, or a material and use approved under this section
25 that are reasonably necessary for the use. If a request is approved
26 with conditions or other requirements, the approval shall
27 specifically state the conditions or other requirements. If the

1 request is denied, the department's denial shall, to the extent
2 practical, state with specificity all of the reasons for denial. If
3 the department fails to approve or deny the request within the 150-
4 day period, the request is considered approved. A person requesting
5 approval under this subsection may seek review of any final
6 department decision pursuant to section 631 of the revised
7 judicature act of 1961, 1961 PA 236, MCL 600.631.

8 (3) The department shall approve a material for a specified
9 use as a beneficial use by-product if ~~all of the~~ following
10 requirements are met:

11 (a) The material is an industrial or commercial material that
12 is or has the potential to be generated in high volumes.

13 (b) The proposed use serves a legitimate beneficial purpose
14 other than providing a means to discard the material.

15 (c) A market exists for the material or there is a reasonable
16 potential for the creation of a new market for the material if it
17 is approved as a beneficial use by-product.

18 (d) The material and use meet all federal and state consumer
19 protection and product safety laws and regulations.

20 (e) The material meets ~~all of the~~ following requirements:

21 (i) Hazardous substances in the material do not pose a direct
22 contact health hazard to humans.

23 (ii) The material does not leach, decompose, or dissolve in a
24 way that forms an unacceptably contaminated leachate. An
25 unacceptably contaminated leachate is ~~one~~ **LEACHATE** that exceeds
26 either part 201 generic residential groundwater drinking water
27 criteria or surface water quality standards established under part

1 31.

2 (iii) The material does not produce emissions that violate
3 part 55 or that create a nuisance.

4 (4) The department may approve a material for a specified use
5 as a beneficial use by-product **OR AS RESTRICTED USE COMPOST** if the
6 material meets the requirements of subsection (3)(a), (b), (c), and
7 (d) but fails to meet the requirements of subsection (3)(e) and if
8 the department determines that the material and use are protective
9 of the public health and environment. In making the determination,
10 the department shall consider the potential for exposure and risk
11 to human health and the environment given the nature of the
12 material, its proposed use, and the environmental fate and
13 transport of any hazardous substances in the material in soil,
14 groundwater, or other relevant media.

15 (5) The department shall approve a material as inert **OR AS**
16 **GENERAL USE COMPOST** if ~~all of the~~ following requirements are met:

17 (a) The material is proposed to be used for a legitimate
18 purpose other than a means to dispose of the material.

19 (b) Hazardous substances in the material do not pose a direct
20 contact health hazard to humans.

21 (c) The material does not leach, decompose, or dissolve in a
22 way that forms an unacceptably contaminated leachate upon contact
23 with water or other liquids likely to be found at the area of
24 placement, disposal, or use. An unacceptably contaminated leachate
25 is leachate that exceeds part 201 generic residential groundwater
26 drinking water criteria or surface water quality standards
27 established under part 31.

1 (d) The material does not produce emissions that violate part
2 55 or that create a nuisance.

3 (6) The department may approve a material as inert if the
4 material meets the requirements of subsection (5)(a) but fails to
5 meet the requirements of subsection (5)(b), (c), or (d) and if the
6 department determines that the material is protective of the public
7 health and environment. In making the determination, the department
8 shall consider the potential for exposure and risk to human health
9 and the environment given the nature of the material, its proposed
10 use, and the environmental fate and transport of any hazardous
11 substances in the material in soil, groundwater, or other relevant
12 media.

13 (7) The department shall approve a material as a low-hazard
14 industrial waste if hazardous substances in representative samples
15 of the material do not leach, using, at the option of the
16 generator, EPA method 1311, 1312, or any other method approved by
17 the department that more accurately simulates mobility, above the
18 higher of the following:

19 (a) One-tenth the hazardous waste toxicity characteristic
20 threshold as set forth in rules promulgated under part 111.

21 (b) Ten times the generic residential groundwater drinking
22 water cleanup criteria as set forth in rules promulgated under part
23 201.

24 (8) The department shall approve a material as a source
25 separated material if the person who seeks the designation
26 demonstrates that the material can be recycled or converted into
27 raw materials or new products by being returned to the original

1 process from which it was generated, by use or reuse as an
 2 ingredient in an industrial process to make a product, or by use or
 3 reuse as an effective substitute for a commercial product. To
 4 qualify as a source separated material, the material, product, or
 5 reuse must meet all federal and state consumer protection and
 6 product safety laws and regulations and must not create a nuisance.
 7 If a material will be applied to or placed on ~~the~~ land, or will be
 8 used to produce products that are applied to or placed on ~~the~~ land,
 9 the material must qualify as an inert material or beneficial use
 10 by-product.

11 (9) Any written determination by the department made ~~prior to~~
 12 ~~the effective date of the amendatory act that added this section~~
 13 **BEFORE SEPTEMBER 16, 2014**, designating a material as an inert
 14 material, an inert material appropriate for general reuse, an inert
 15 material appropriate for reuse at a specific location, an inert
 16 material appropriate for specific reuse instead of virgin material,
 17 a source separated material, ~~a site separated material,~~ a low-
 18 hazard industrial waste, or a non-solid-waste material remains in
 19 effect according to its terms or until forfeited in writing by the
 20 person who received the determination. Upon termination,
 21 expiration, or forfeiture of the written determination, the current
 22 requirements of ~~this part~~ **115** control. The amendments made to this
 23 part by ~~the amendatory act that added this section~~ **2014 PA 178** do
 24 not rescind, invalidate, limit, or modify any such prior
 25 determination in any way.

26 **SUBPART 10 MATERIALS UTILIZATION FACILITIES**

27 **SEC. 11555. (1) COMPOSTABLE MATERIAL SHALL BE MANAGED BY 1 OF**



1 THE FOLLOWING MEANS:

2 (A) COMPOSTED ON THE PROPERTY WHERE THE COMPOSTABLE MATERIAL
3 IS GENERATED.

4 (B) IF YARD WASTE, TEMPORARILY ACCUMULATED UNDER SUBSECTION
5 (2).

6 (C) COMPOSTED AT A COMPOSTING FACILITY WHERE THE QUANTITY OF
7 COMPOSTABLE MATERIAL, BULKING AGENTS, AND COMPOST DOES NOT EXCEED
8 500 CUBIC YARDS AND DOES NOT CREATE A NUISANCE.

9 (D) COMPOSTED AT A SMALL COMPOSTING FACILITY FOR WHICH
10 NOTIFICATION HAS BEEN GIVEN UNDER SECTION 11568(3), WHEN
11 APPLICABLE.

12 (E) COMPOSTED ON A FARM AS DESCRIBED BY SUBSECTION (3).

13 (F) COMPOSTED AT A MEDIUM COMPOSTING FACILITY REGISTERED UNDER
14 SECTION 11568(3), WHEN APPLICABLE.

15 (G) COMPOSTED AT ANY OF THE FOLLOWING THAT HAS RECEIVED
16 APPROVAL UNDER A GENERAL PERMIT UNDER SECTION 11568(3), WHEN
17 APPLICABLE:

18 (i) A LARGE COMPOSTING FACILITY.

19 (ii) A CLASS 1 COMPOSTING FACILITY.

20 (iii) A CLASS 2 COMPOSTING FACILITY.

21 (H) DECOMPOSED IN A CONTROLLED MANNER USING A CLOSED CONTAINER
22 TO CREATE AND MAINTAIN ANAEROBIC CONDITIONS IF IN COMPLIANCE WITH
23 PART 55 AND OTHERWISE APPROVED BY THE DEPARTMENT UNDER PART 115.

24 (I) COMPOSTED AND USED AS PART OF NORMAL OPERATIONS BY A TYPE
25 II LANDFILL IF THE LANDFILL REPORTS ANNUALLY THE CUBIC YARDS OF
26 COMPOST MANAGED AND THE COMPOSTING AND USE MEET THE FOLLOWING
27 REQUIREMENTS:

1 (i) TAKE PLACE ON PROPERTY DESCRIBED IN THE LANDFILL
2 CONSTRUCTION PERMIT.

3 (ii) ARE DESCRIBED IN AND CONSISTENT WITH THE LANDFILL
4 OPERATIONS PLANS.

5 (iii) ARE OTHERWISE IN COMPLIANCE WITH THIS ACT.

6 (J) DISPOSED OF IN A LANDFILL OR AN INCINERATOR. THIS
7 SUBDIVISION APPLIES TO YARD WASTE ONLY IF THE FOLLOWING
8 REQUIREMENTS ARE MET:

9 (i) THE YARD WASTE IS DISEASED OR INFESTED, IS COMPOSED OF
10 INVASIVE PLANTS, SUCH AS GARLIC MUSTARD, PURPLE LOOSESTRIFE, OR
11 SPOTTED KNAPWEED, THAT WERE COLLECTED THROUGH AN ERADICATION OR
12 CONTROL PROGRAM, OR IS A STATE OR FEDERAL CONTROLLED SUBSTANCE.

13 (ii) THE YARD WASTE INCLUDES NO MORE THAN A DE MINIMIS AMOUNT
14 OF YARD WASTE OTHER THAN THAT DESCRIBED IN SUBPARAGRAPH (i).

15 (iii) IF THE YARD WASTE IS COMPOSTED, USE OF THE COMPOST MAY
16 CONTRIBUTE TO THE SPREAD OF THE DISEASE OR INFESTATION OR OF VIABLE
17 INVASIVE PLANT OR CONTROLLED SUBSTANCE SEEDS OR OTHER PROPAGULES.

18 (2) A PERSON MAY TEMPORARILY ACCUMULATE YARD WASTE UNDER
19 SUBSECTION (1) (A) AT A SITE NOT DESIGNED FOR COMPOSTING IF THE
20 FOLLOWING REQUIREMENTS ARE MET:

21 (A) THE ACCUMULATION DOES NOT CREATE A NUISANCE OR RESULT IN A
22 VIOLATION OF THIS ACT.

23 (B) THE YARD WASTE IS NOT MIXED WITH OTHER COMPOSTABLE
24 MATERIALS.

25 (C) NO MORE THAN 1,000 CUBIC YARDS ARE PLACED ON-SITE UNLESS A
26 GREATER VOLUME IS APPROVED BY THE DEPARTMENT.

27 (D) YARD WASTE PLACED ON-SITE ON OR AFTER APRIL 1 BUT BEFORE

1 DECEMBER 1 IS MOVED TO ANOTHER LOCATION AND MANAGED AS PROVIDED IN
2 SUBSECTION (1) WITHIN 30 DAYS AFTER BEING PLACED ON-SITE. THE
3 DEPARTMENT MAY APPROVE A LONGER TIME PERIOD BASED ON A
4 DEMONSTRATION THAT ADDITIONAL TIME IS NECESSARY.

5 (E) YARD WASTE PLACED ON-SITE ON OR AFTER DECEMBER 1 BUT
6 BEFORE THE NEXT APRIL 1 IS MOVED TO ANOTHER LOCATION AND MANAGED AS
7 PROVIDED IN SUBSECTION (1) BY THE NEXT APRIL 1 AFTER THE YARD WASTE
8 IS PLACED ON-SITE.

9 (F) THE OWNER OR OPERATOR OF THE SITE MAINTAINS AND MAKES
10 AVAILABLE TO THE DEPARTMENT RECORDS NECESSARY TO DEMONSTRATE THAT
11 THE REQUIREMENTS OF THIS SUBSECTION ARE MET.

12 (G) THE OWNER OR OPERATOR OF THE SITE ANNUALLY NOTIFIES THE
13 DEPARTMENT THAT IT IS A TEMPORARY YARD WASTE ACCUMULATION SITE.

14 (3) A PERSON MAY COMPOST CLASS 1 COMPOSTABLE MATERIAL ON A
15 FARM UNDER SUBSECTION (1) (A) IF THE FOLLOWING REQUIREMENTS ARE MET:

16 (A) THE COMPOST IS USED ON THE FARM.

17 (B) THE COMPOSTING DOES NOT RESULT IN A VIOLATION OF THIS ACT
18 AND IS DONE IN COMPLIANCE WITH GAAMPS UNDER THE MICHIGAN RIGHT TO
19 FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474.

20 (C) ANY OF THE FOLLOWING APPLY:

21 (i) ONLY CLASS 1 COMPOSTABLE MATERIAL THAT IS GENERATED ON THE
22 FARM AND DOES NOT CONTAIN PAPER PRODUCTS, DEAD ANIMALS, OR
23 COMPOSTABLE PRODUCTS IS COMPOSTED.

24 (ii) THERE IS NOT MORE THAN 5,000 CUBIC YARDS OF CLASS 1
25 COMPOSTABLE MATERIAL ON THE FARM AT ANY TIME.

26 (iii) IF THERE IS MORE THAN 5,000 CUBIC YARDS OF CLASS 1
27 COMPOSTABLE MATERIAL ON THE FARM AT ANY TIME, ALL OF THE FOLLOWING

1 REQUIREMENTS ARE MET:

2 (A) THE FARM OPERATION ACCEPTS CLASS 1 COMPOSTABLE MATERIAL
3 ONLY TO ASSIST IN MANAGEMENT OF WASTE MATERIAL GENERATED BY THE
4 FARM OPERATION OR TO SUPPLY THE NUTRIENT NEEDS OF THE FARM AS
5 DETERMINED BY A CERTIFIED CROP ADVISOR, MICHIGAN AGRICULTURE
6 ENVIRONMENTAL ASSURANCE PROGRAM TECHNICIAN, COMPREHENSIVE NUTRIENT
7 MANAGEMENT PLAN WRITER, LICENSED PROFESSIONAL ENGINEER, OR STAFF OF
8 THE DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT WHO ADMINISTER
9 THE MICHIGAN RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474.

10 (B) THE FARM OPERATION DOES NOT ACCEPT COMPOSTABLE MATERIAL
11 GENERATED AT A LOCATION OTHER THAN THE FARM FOR MONETARY OR OTHER
12 VALUABLE CONSIDERATION.

13 (C) THE OWNER OR OPERATOR OF THE FARM REGISTERS WITH THE
14 DEPARTMENT OF AGRICULTURE AND RURAL DEVELOPMENT ON A FORM AND IN A
15 FORMAT PROVIDED BY THE DEPARTMENT OF AGRICULTURE AND RURAL
16 DEVELOPMENT AND CERTIFIES THAT THE FARM OPERATION MEETS AND WILL
17 CONTINUE TO MEET THE REQUIREMENTS OF SUB-SUBPARAGRAPHS (A) AND (B).

18 (4) THE OWNER OR OPERATOR OF A COMPOSTING FACILITY THAT IS
19 SUBJECT TO A REQUIREMENT FOR NOTIFICATION, REGISTRATION, OR
20 APPROVAL UNDER A GENERAL PERMIT UNDER SECTION 11568(3) SHALL MEET
21 THE FOLLOWING REQUIREMENTS, AS APPLICABLE:

22 (A) IF THE SITE IS A SMALL COMPOSTING FACILITY, THE SITE IS
23 OPERATED IN COMPLIANCE WITH THE FOLLOWING LOCATION CONDITIONS:

24 (i) IF THE SITE IS IN OPERATION ON DECEMBER 1, 2007, THE
25 MANAGEMENT OR STORAGE OF COMPOST, COMPOSTABLE MATERIAL, AND
26 RESIDUALS DOES NOT EXPAND FROM ITS LOCATION ON THAT DATE TO AN AREA
27 THAT IS WITHIN THE FOLLOWING DISTANCES FROM ANY OF THE FOLLOWING

1 FEATURES:

2 (A) 50 FEET FROM A PROPERTY LINE.

3 (B) 200 FEET FROM A RESIDENCE.

4 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
5 STREAM, OR WETLAND.

6 (ii) IF THE SITE BEGINS OPERATION AFTER DECEMBER 1, 2007, THE
7 MANAGEMENT OR STORAGE OF COMPOST, COMPOSTABLE MATERIAL, AND
8 RESIDUALS OCCURS IN AN AREA THAT IS NOT IN THE 100-YEAR FLOODPLAIN
9 AND IS AT LEAST THE FOLLOWING DISTANCES FROM EACH OF THE FOLLOWING
10 FEATURES:

11 (A) 50 FEET FROM A PROPERTY LINE.

12 (B) 200 FEET FROM A RESIDENCE.

13 (C) 100 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
14 STREAM, OR WETLAND.

15 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

16 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

17 (F) 500 FEET FROM A CHURCH OR OTHER HOUSE OF WORSHIP,
18 HOSPITAL, NURSING HOME, LICENSED DAY CARE CENTER, OR SCHOOL, OTHER
19 THAN A HOME SCHOOL.

20 (G) 4 FEET ABOVE GROUNDWATER.

21 A LOCAL UNIT OF GOVERNMENT MAY IMPOSE LOCATION RESTRICTIONS THAT
22 ARE MORE RESTRICTIVE THAN THOSE IN SUBPARAGRAPHS (i) AND (ii) BUT
23 NOT SO RESTRICTIVE THAT A FACILITY THAT MEETS THE REQUIREMENTS OF
24 THE SITING PROCESS IN THE MATERIALS MANAGEMENT PLAN CANNOT BE
25 ESTABLISHED.

26 (B) COMPOSTING AND MANAGEMENT OF THE SITE OCCURS IN A MANNER
27 THAT MEETS THE FOLLOWING REQUIREMENTS:

1 (i) DOES NOT RESULT IN AN ACCUMULATION OF COMPOSTABLE MATERIAL
2 FOR A PERIOD OF OVER 3 YEARS UNLESS THE SITE HAS THE CAPACITY TO
3 COMPOST THE COMPOSTABLE MATERIAL AND THE OWNER OR OPERATOR OF THE
4 SITE CAN DEMONSTRATE, BEGINNING IN THE THIRD YEAR OF OPERATION AND
5 EACH YEAR THEREAFTER, UNLESS A LONGER TIME IS APPROVED BY THE
6 DEPARTMENT, THAT THE AMOUNT OF COMPOSTABLE MATERIAL AND COMPOST
7 THAT IS TRANSFERRED OFF-SITE IN A CALENDAR YEAR IS NOT LESS THAN
8 75% BY WEIGHT OR VOLUME, ACCOUNTING FOR NATURAL VOLUME REDUCTION,
9 OF THE AMOUNT OF COMPOSTABLE MATERIAL AND COMPOST THAT WAS ON-SITE
10 AT THE BEGINNING OF THE CALENDAR YEAR.

11 (ii) RESULTS IN FINISHED COMPOST WITH NOT MORE THAN 1%, BY
12 WEIGHT, OF FOREIGN MATTER THAT WILL REMAIN ON A 4-MILLIMETER
13 SCREEN.

14 (iii) IF YARD WASTE IS COLLECTED IN BAGS OTHER THAN PAPER BAGS
15 OR COMPOSTABLE BAGS MEETING ASTM D6400 "STANDARD SPECIFICATION FOR
16 COMPOSTABLE PLASTICS", BY ASTM INTERNATIONAL, DEBAGS THE YARD WASTE
17 BY THE END OF EACH BUSINESS DAY.

18 (iv) PREVENTS THE POOLING OF WATER BY MAINTAINING PROPER
19 SLOPES AND GRADES.

20 (v) PROPERLY MANAGES COMPOST WASTEWATER AND STORMWATER RUNOFF
21 IN COMPLIANCE WITH PART 31.

22 (vi) DOES NOT ATTRACT OR HARBOR RODENTS OR OTHER VECTORS.

23 (c) THE OWNER OR OPERATOR MAINTAINS, AND MAKES AVAILABLE TO
24 THE DEPARTMENT, THE FOLLOWING RECORDS:

25 (i) RECORDS IDENTIFYING THE VOLUME OF OTHER COMPOSTABLE
26 MATERIAL ACCEPTED BY THE FACILITY EACH MONTH, THE VOLUME OF
27 COMPOSTABLE MATERIAL AND OF COMPOST TRANSFERRED OFF-SITE EACH

1 MONTH, AND THE VOLUME OF COMPOSTABLE MATERIAL ON-SITE ON OCTOBER 1
2 EACH YEAR.

3 (ii) RECORDS DEMONSTRATING THAT THE COMPOSTING IS BEING
4 PERFORMED IN A MANNER THAT PREVENTS NUISANCES AND MINIMIZES
5 ANAEROBIC CONDITIONS. UNLESS OTHERWISE PROVIDED BY THE DEPARTMENT,
6 THESE RECORDS SHALL INCLUDE CARBON-TO-NITROGEN RATIOS, THE AMOUNT
7 OF LEAVES AND THE AMOUNT OF GRASS IN TONS OR CUBIC YARDS,
8 TEMPERATURE READINGS, MOISTURE CONTENT READINGS, AND LAB ANALYSIS
9 OF FINISHED COMPOST PRODUCTS.

10 (5) A SITE AT WHICH COMPOSTABLE MATERIAL IS MANAGED IN
11 COMPLIANCE WITH THIS SECTION, OTHER THAN A SITE DESCRIBED IN
12 SUBSECTION (1) (I) OR (J), IS NOT A DISPOSAL AREA, NOTWITHSTANDING
13 THE DEFINITION OF THAT TERM IN SECTION 11503.

14 (6) THE DEPARTMENT SHALL MAINTAIN AND POST ON ITS WEBSITE A
15 LIST OF COMPOSTING FACILITIES IN COMPLIANCE WITH THIS SECTION.
16 EXCEPT AS PROVIDED IN SECTION 11514, A HAULER SHALL NOT DELIVER
17 YARD WASTE TO A SITE THAT IS NOT ON THE LIST.

18 SEC. 11556. (1) A PERSON WHO COMPOSTS CLASS 1 COMPOSTABLE
19 MATERIAL SHALL DO SO AT 1 OF THE FOLLOWING:

20 (A) A CLASS 1 COMPOSTING FACILITY.

21 (B) A SMALL OR MEDIUM COMPOSTING FACILITY THAT MEETS THE
22 CONDITIONS OF SECTION 11555(4) IF THE TOTAL VOLUME OF CLASS 1
23 COMPOSTABLE MATERIAL OTHER THAN YARD WASTE IS EQUALLY DISTRIBUTED
24 AND DOES NOT EXCEED 5% FOR A SMALL COMPOSTING FACILITY, OR 10% FOR
25 A MEDIUM COMPOSTING FACILITY, OF THE TOTAL VOLUME OF COMPOSTABLE
26 MATERIAL ON-SITE OR A GREATER PERCENTAGE IF APPROVED BY THE
27 DEPARTMENT.

1 (C) AT A SITE DESCRIBED IN SECTION 11555(1) (C) .

2 (2) CLASS 1 COMPOSTABLE MATERIAL IS CONSIDERED TO BE SOURCE
3 SEPARATED FOR CONVERSION INTO COMPOST IF THE CLASS 1 COMPOSTABLE
4 MATERIAL IS COMPOSTED AT A SITE THAT IS DESCRIBED IN AND MEETS THE
5 REQUIREMENTS OF SECTION 11555(4) OR SECTION 11557(2) .

6 (3) COMPOSTING OF CLASS 2 COMPOSTABLE MATERIAL SHALL BE DONE
7 AT A CLASS 2 COMPOSTING FACILITY. CLASS 2 COMPOSTABLE MATERIAL IS
8 CONSIDERED TO BE SOURCE SEPARATED FOR CONVERSION INTO COMPOST IF
9 THE CLASS 2 COMPOSTABLE MATERIAL IS COMPOSTED AT A CLASS 2
10 COMPOSTING FACILITY.

11 (4) COMPOSTING OF DEAD ANIMALS USING BULKING AGENTS AS DEFINED
12 IN SECTION 3 OF THE BODIES OF DEAD ANIMALS ACT, 1982 PA 239, MCL
13 287.653, AT A FARM OR SLAUGHTERING FACILITY IS SUBJECT TO PART 115
14 IF ANY OF THE FOLLOWING APPLY:

15 (A) THE FARM MAINTAINS MORE THAN 5,000 CUBIC YARDS OF BULKING
16 AGENTS FROM A SOURCE OTHER THAN THE FARM.

17 (B) THE SLAUGHTERING FACILITY, FOR COMPOSTING PURPOSES,
18 MAINTAINS ON-SITE MORE THAN 5,000 CUBIC YARDS OF BULKING AGENTS AS
19 DEFINED IN SECTION 3 OF THE BODIES OF DEAD ANIMALS ACT, 1982 PA
20 239, MCL 287.653.

21 (C) THE FACILITY MANAGES DEAD ANIMALS FROM MORE THAN 1 FARM OR
22 SLAUGHTERING FACILITY.

23 SEC. 11557. (1) THE LOCATION AT A MEDIUM OR LARGE COMPOSTING
24 FACILITY, OR A CLASS 1 OR CLASS 2 COMPOSTING FACILITY, WHERE CLASS
25 1 AND CLASS 2 COMPOSTABLE MATERIAL, FINISHED COMPOST, AND RESIDUALS
26 WERE MANAGED AND STORED ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
27 THAT ADDED THIS SECTION SHALL NOT BE EXPANDED TO AN AREA THAT IS

1 WITHIN THE FOLLOWING DISTANCES FROM ANY OF THE FOLLOWING FEATURES:

2 (A) 100 FEET FROM A PROPERTY LINE.

3 (B) 300 FEET FROM A RESIDENCE.

4 (C) 200 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
5 STREAM, OR WETLAND.

6 (2) IF A MEDIUM OR LARGE COMPOSTING FACILITY OR A CLASS 1 OR 2
7 COMPOSTING FACILITY BEGINS OPERATION AFTER THE EFFECTIVE DATE OF
8 THE AMENDATORY ACT THAT ADDED THIS SECTION, THE MANAGEMENT AND
9 STORAGE OF CLASS 1 AND CLASS 2 COMPOSTABLE MATERIAL, COMPOST, AND
10 RESIDUALS SHALL NOT OCCUR IN A WETLAND OR FLOODPLAIN, OR IN AN AREA
11 THAT IS WITHIN THE FOLLOWING DISTANCES FROM ANY OF THE FOLLOWING
12 FEATURES:

13 (A) 100 FEET FROM A PROPERTY LINE.

14 (B) 300 FEET FROM A RESIDENCE.

15 (C) 200 FEET FROM A BODY OF SURFACE WATER, INCLUDING A LAKE,
16 STREAM, OR WETLAND.

17 (D) 2,000 FEET FROM A TYPE I OR TYPE IIA WATER SUPPLY WELL.

18 (E) 800 FEET FROM A TYPE IIB OR TYPE III WATER SUPPLY WELL.

19 (F) 4 FEET ABOVE GROUNDWATER.

20 (3) NOT LATER THAN 90 DAYS AFTER THE ESTABLISHMENT OF A NEW
21 CLASS 1 OR CLASS 2 COMPOSTING FACILITY OR THE EXPANSION OF THE
22 LOCATION AT A CLASS 1 COMPOSTING FACILITY WHERE CLASS 1 COMPOSTABLE
23 MATERIAL, FINISHED COMPOST, AND RESIDUALS WERE MANAGED AND STORED
24 ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
25 SECTION, THE OWNER OR OPERATOR OF THE COMPOSTING FACILITY SHALL, IF
26 THE COMPOSTING FACILITY IS LOCATED WITHIN 5 MILES OF THE END OF AN
27 AIRPORT RUNWAY THAT IS USED BY TURBOJET OR PISTON TYPE AIRCRAFT,

1 NOTIFY IN WRITING THE AFFECTED AIRPORT AND THE FEDERAL AVIATION
2 ADMINISTRATION.

3 SEC. 11558. (1) THE OWNER OR OPERATOR OF A LARGE COMPOSTING
4 FACILITY THAT COMPOSTS ONLY YARD WASTE OR OF A CLASS 1 OR CLASS 2
5 COMPOSTING FACILITY SHALL DEVELOP AND SUBMIT TO THE DEPARTMENT THE
6 FOLLOWING ITEMS:

7 (A) A SITE MAP.

8 (B) AN OPERATIONS PLAN.

9 (C) AN ODOR MANAGEMENT PLAN.

10 (D) A MARKETING PLAN.

11 (E) A TRAINING PLAN.

12 (F) A FIRE PREVENTION PLAN.

13 (G) A FACILITY CLOSURE PLAN.

14 (2) THE OWNER OR OPERATOR OF A COMPOSTING FACILITY DESCRIBED
15 IN SUBSECTION (1) SHALL, BASED ON THE VOLUME OF MATERIAL MANAGED,
16 DO 1 OF THE FOLLOWING:

17 (A) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY
18 ACT THAT ADDED THIS SECTION, SUBMIT TO THE DEPARTMENT A COMPLETE
19 APPLICATION FOR REGISTRATION. THE TERM OF THE REGISTRATION IS 5
20 YEARS.

21 (B) WITHIN 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY
22 ACT THAT ADDED THIS SECTION, SUBMIT TO THE DEPARTMENT A COMPLETE
23 APPLICATION FOR APPROVAL UNDER A GENERAL PERMIT. THE TERM OF
24 APPROVAL UNDER THE GENERAL PERMIT IS 5 YEARS.

25 (3) THE OWNER OR OPERATOR OF A LARGE COMPOSTING FACILITY SHALL
26 ENSURE THAT THE FOLLOWING REQUIREMENTS ARE MET:

27 (A) FINISHED COMPOST IS TESTED IN COMPLIANCE WITH SECTION

1 11564.

2 (B) THE COMPOSTABLE MATERIAL IS NOT STORED IN A MANNER
3 CONSTITUTING SPECULATIVE ACCUMULATION. THE OWNER OR OPERATOR OF THE
4 LARGE COMPOSTING FACILITY SHALL MAINTAIN AND MAKE AVAILABLE TO THE
5 DEPARTMENT RECORDS TO DEMONSTRATE COMPLIANCE WITH THIS REQUIREMENT.

6 (C) COMPOSTING DOES NOT RESULT IN STANDING WATER OR ATTRACT OR
7 HARBOR RODENTS OR OTHER VECTORS.

8 (D) UNLESS APPROVED BY THE DEPARTMENT, THE COMPOSTING
9 OPERATIONS DO NOT RESULT IN MORE THAN THE FOLLOWING VOLUME ON ANY
10 ACRE:

11 (i) 5,000 CUBIC YARDS OF COMPOSTABLE MATERIAL, FINISHED
12 COMPOST, COMPOST ADDITIVES, OR SCREENING REJECTS OR ANY COMBINATION
13 THEREOF.

14 (ii) 10,000 CUBIC YARDS OF COMPOSTABLE MATERIAL IF THE SITE IS
15 USING FORCED AIR STATIC PILE COMPOSTING.

16 (E) THE COMPOSTING FACILITY COMPLIES WITH WELLHEAD PROTECTION
17 PROGRAMS.

18 SEC. 11559. (1) A PERSON SHALL NOT ESTABLISH OR OPERATE A
19 CLASS 2 COMPOSTING FACILITY WITHOUT APPROVAL UNDER A GENERAL
20 PERMIT.

21 (2) THE APPLICATION FOR APPROVAL UNDER SUBSECTION (1) SHALL
22 INCLUDE THE LOCATION OF THE COMPOSTING OPERATION AND THE TYPE AND
23 THE AMOUNT OF MATERIALS TO BE COMPOSTED.

24 (3) WHEN EVALUATING AN APPLICATION FOR APPROVAL TO COMPOST
25 CLASS 2 COMPOSTABLE MATERIAL AT A CLASS 2 COMPOSTING FACILITY, THE
26 DEPARTMENT SHALL CONSIDER THE FOLLOWING:

27 (A) THE APPLICABLE LOCATION RESTRICTIONS IN SECTION 11557.

1 (B) THE APPLICABLE COMPOSTING FACILITY REQUIREMENTS IN SECTION
2 11558.

3 (C) THE CLASSIFICATION OF THE COMPOSTABLE MATERIAL AND
4 FINISHED COMPOST AS ESTABLISHED UNDER SECTIONS 11562 AND 11563.

5 (4) THE DEPARTMENT SHALL MAKE A FINAL DECISION ON AN
6 APPLICATION FOR A CLASS 2 COMPOSTING FACILITY WITHIN 90 DAYS AFTER
7 RECEIVING A COMPLETE APPLICATION. THE TERM OF THE GENERAL PERMIT
8 APPROVAL TO COMPOST CLASS 2 COMPOSTABLE MATERIAL AT A CLASS 2
9 COMPOSTING FACILITY IS 5 YEARS. THE APPROVAL MAY BE RENEWED UPON
10 THE SUBMITTAL OF A TIMELY AND SUFFICIENT APPLICATION. TO BE
11 CONSIDERED TIMELY AND SUFFICIENT FOR PURPOSES OF SECTION 91 OF THE
12 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.291, AN
13 APPLICATION FOR RENEWAL OF AN APPROVAL UNDER A GENERAL PERMIT SHALL
14 MEET THE FOLLOWING REQUIREMENTS:

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 APPROVAL.

18 (5) CLASS 2 COMPOSTABLE MATERIAL SHALL BE SEPARATED OUT FROM
19 OTHER SOLID WASTE AND MAINTAINED SEPARATELY UNTIL USED TO PRODUCE
20 COMPOST UNLESS OTHERWISE AUTHORIZED BY THE DEPARTMENT.

21 SEC. 11560. THE OWNER OR OPERATOR OF A COMPOSTING FACILITY
22 THAT IS REQUIRED TO NOTIFY OR REGISTER UNDER PART 115 OR THAT IS
23 APPROVED UNDER A GENERAL PERMIT SHALL, WITHIN 45 DAYS AFTER THE END
24 OF EACH STATE FISCAL YEAR, REPORT TO THE DEPARTMENT THE FOLLOWING
25 INFORMATION FOR THAT FISCAL YEAR:

26 (A) THE AMOUNT OF COMPOSTABLE MATERIAL BROUGHT TO THE SITE BY
27 PLANNING AREA OF ORIGIN.

1 (B) THE AMOUNT OF FINISHED COMPOST REMOVED FROM THE SITE.

2 (C) THE VOLUME OF RESIDUALS REMOVED FROM THE SITE.

3 (D) THE TOTAL AMOUNT OF COMPOSTABLE MATERIAL, COMPOST, AND
4 RESIDUALS ON-SITE AT THE END OF THE FISCAL YEAR.

5 SEC. 11561. (1) A PERSON SHALL NOT USE COMPOST PRODUCED FROM
6 CLASS 2 COMPOSTABLE MATERIAL UNLESS THE DEPARTMENT APPROVES THE
7 CLASS 2 COMPOSTABLE MATERIAL AS APPROPRIATE FOR THE USE UNDER PART
8 115.

9 (2) A PERSON SHALL NOT SEPARATE A WASTE FOR USE AS COMPOSTABLE
10 MATERIAL UNLESS THE PERSON HAS FILED A PETITION UNDER R 299.4118A
11 OF THE MICHIGAN ADMINISTRATIVE CODE AND OBTAINED APPROVAL FROM THE
12 DEPARTMENT. TO CHARACTERIZE THE FINISHED COMPOST, THE PETITIONER
13 SHALL INCLUDE THE FOLLOWING INFORMATION IN THE PETITION, IN
14 ADDITION TO THE INFORMATION REQUIRED IN R 299.4118A:

15 (A) THE TYPE OF WASTE AND ITS POTENTIAL FOR CREATING A
16 NUISANCE OR ENVIRONMENTAL CONTAMINATION.

17 (B) THE TIME REQUIRED FOR COMPOST TO REACH MATURITY, AS
18 DETERMINED BY A REDUCTION OF ORGANIC MATTER CONTENT DURING
19 COMPOSTING. ORGANIC MATTER CONTENT SHALL BE DETERMINED BY MEASURING
20 THE VOLATILE RESIDUES CONTENT USING A METHOD THAT IS APPROVED BY
21 THE DEPARTMENT OR EPA METHOD 160.4, CONTAINED IN THE PUBLICATION
22 ENTITLED "METHODS FOR CHEMICAL ANALYSIS OF WATER AND WASTE," EPA-
23 600, REVISION 8, JULY 2014, UPDATE V.

24 (C) THE FOREIGN MATTER CONTENT OF FINISHED COMPOST. THE
25 FOREIGN MATTER CONTENT SHALL BE DETERMINED AS FOLLOWS:

26 (i) A WEIGHED SAMPLE OF THE FINISHED COMPOST IS SIFTED THROUGH
27 A 4.0-MILLIMETER SCREEN.

1 (ii) THE FOREIGN MATTER REMAINING ON THE SCREEN IS SEPARATED
2 AND WEIGHED.

3 (iii) THE WEIGHT OF THE SEPARATED FOREIGN MATTER IS DIVIDED BY
4 THE WEIGHT OF THE FINISHED COMPOST.

5 (iv) THE QUOTIENT UNDER SUBPARAGRAPH (iii) IS MULTIPLIED BY
6 100.

7 (D) PARTICLE SIZE, AS DETERMINED BY SIEVE ANALYSIS.

8 (3) THE DEPARTMENT SHALL APPROVE A MATERIAL FOR USE AS
9 COMPOSTABLE MATERIAL IF THE PERSON WHO PROPOSES THE USE
10 DEMONSTRATES THE FOLLOWING:

11 (A) THE MATERIAL HAS OR WILL BE CONVERTED TO COMPOST UNDER
12 CONTROLLED CONDITIONS AT A CLASS 2 COMPOSTING FACILITY.

13 (B) THE MATERIAL WILL NOT BE A SOURCE OF ENVIRONMENTAL
14 CONTAMINATION OR CAUSE A NUISANCE.

15 (C) THE END USER WILL BE GIVEN WRITTEN INSTRUCTIONS ON THE
16 PROPER USE OF THE FINISHED COMPOST.

17 SEC. 11562. (1) A PERSON MAY PETITION THE DEPARTMENT TO DO ANY
18 OF THE FOLLOWING:

19 (A) CLASSIFY A SOLID WASTE, A CLASS 2 COMPOSTABLE MATERIAL, OR
20 A COMBINATION OF CLASS 1 COMPOSTABLE MATERIAL AND CLASS 2
21 COMPOSTABLE MATERIAL, AS A CLASS 1 COMPOSTABLE MATERIAL.

22 (B) CLASSIFY COMPOST PRODUCED FROM SOLID WASTE, CLASS 2
23 COMPOSTABLE MATERIAL, OR A COMBINATION OF CLASS 1 COMPOSTABLE
24 MATERIAL AND CLASS 2 COMPOSTABLE MATERIAL, AS GENERAL USE COMPOST.

25 (2) A PETITION UNDER SUBSECTION (1) SHALL MEET THE
26 REQUIREMENTS OF R 299.4118A OF THE MICHIGAN ADMINISTRATIVE CODE. IF
27 AUTHORIZED BY THE DEPARTMENT IN WRITING, A PERSON MAY CONDUCT A

1 PILOT COMPOSTING PROJECT TO SUPPORT A PETITION UNDER SUBSECTION
2 (1) .

3 (3) IN GRANTING A PETITION UNDER SUBSECTION (1) , THE
4 DEPARTMENT SHALL SPECIFY WHICH PARAMETERS LISTED IN SECTION 11565
5 SHALL BE TESTED UNDER SUBSECTION (4) . THE DEPARTMENT'S DECISION
6 SHALL BE BASED ON BOTH OF THE FOLLOWING:

7 (A) THE DIFFERENCE BETWEEN THE CONCENTRATION OF A GIVEN
8 PARAMETER IN THE COMPOST AND THE CRITERIA FOR THAT PARAMETER IN
9 SECTION 11553(5) .

10 (B) THE VARIABILITY OF THE RESULTS AMONG THE SAMPLES .

11 (4) IF A MATERIAL IS CLASSIFIED AS A CLASS 1 COMPOSTABLE
12 MATERIAL BY THE DEPARTMENT BASED ON THE PETITION UNDER SUBSECTION
13 (1) , THE OPERATOR SHALL TEST COMPOST PRODUCED FROM THE CLASS 1
14 COMPOSTABLE MATERIAL WHEN THE FOLLOWING APPLY:

15 (A) THERE IS A SIGNIFICANT CHANGE IN THE PROCESS THAT
16 GENERATED THE COMPOST .

17 (B) THE CHANGE HAS THE POTENTIAL TO ALTER THE CLASSIFICATION
18 OF THE FINISHED COMPOST AS GENERAL USE COMPOST UNDER SECTION
19 11553(5) .

20 (5) IF ANY FINISHED COMPOST PRODUCED FROM THE CLASS 2
21 COMPOSTABLE MATERIAL THAT HAS BEEN CLASSIFIED AS A GENERAL USE
22 COMPOST FAILS TO MEET THE REQUIREMENTS FOR A GENERAL USE COMPOST
23 UNDER SECTION 11553(5) , THE FOLLOWING APPLY:

24 (A) THE FINISHED COMPOST IS RECLASSIFIED AS A RESTRICTED USE
25 COMPOST .

26 (B) THE OWNER OR OPERATOR OF THE COMPOSTING FACILITY SHALL
27 NOTIFY THE DEPARTMENT WITHIN 10 BUSINESS DAYS AFTER RECEIPT OF

1 INFORMATION THAT THE FINISHED COMPOST NO LONGER MEETS THE CRITERIA
2 TO BE CLASSIFIED AS GENERAL USE COMPOST, AND SHALL DO 1 OF THE
3 FOLLOWING WITH THE FINISHED COMPOST:

4 (i) DISPOSE OF THE REMAINING FINISHED COMPOST AT A PROPERLY
5 LICENSED LANDFILL.

6 (ii) STOCKPILE THE FINISHED COMPOST ON-SITE UNTIL THE
7 GENERATOR RE-PETITIONS THE DEPARTMENT AND THE DEPARTMENT
8 RECLASSIFIES THE COMPOST AS PROVIDED IN THIS SECTION.

9 (iii) USE THE FINISHED COMPOST FOR A SPECIFIED USE IF APPROVED
10 FOR THAT SPECIFIED USE UNDER SECTION 11553(4).

11 (6) IF FINISHED COMPOST PRODUCED BY A COMPOSTING FACILITY IS
12 RESTRICTED USE COMPOST, THE OWNER OR OPERATOR OF THE COMPOSTING
13 FACILITY SHALL COMPLY WITH THE FOLLOWING:

14 (A) RETEST THE FINISHED COMPOST IN COMPLIANCE WITH THIS
15 SECTION NOT LESS THAN ANNUALLY, OR BIENNIALLY IF 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) IF THE OWNER OR OPERATOR OF THE COMPOSTING FACILITY
23 RECEIVES INFORMATION THAT TEST RESULTS VARY GREATLY FROM PREVIOUS
24 TEST RESULTS, THE OWNER OR OPERATOR SHALL NOTIFY THE DEPARTMENT
25 WITHIN 10 BUSINESS DAYS AND DO 1 OF THE FOLLOWING WITH THE FINISHED
26 COMPOST:

27 (i) DISPOSE OF THE FINISHED COMPOST AT A PROPERLY LICENSED

1 LANDFILL.

2 (ii) STOCKPILE THE FINISHED COMPOST ON-SITE UNTIL THE
3 GENERATOR RE-PETITIONS THE DEPARTMENT AND THE DEPARTMENT
4 RECLASSIFIES THE COMPOST UNDER THIS SECTION.

5 (iii) USE THE FINISHED COMPOST FOR A USE SPECIFIED BY THE
6 DEPARTMENT UNDER SECTION 11553(3).

7 SEC. 11563. (1) GENERAL USE COMPOST OFFERED FOR SALE SHALL BE
8 ACCOMPANIED BY A LABEL, IN THE CASE OF BAGGED COMPOST, OR AN
9 INFORMATION SHEET IN THE CASE OF BULK SALES. THE LABEL OR
10 INFORMATION SHEET SHALL CONTAIN THE FOLLOWING INFORMATION:

11 (A) THE NAME AND GENERATOR OF THE COMPOST.

12 (B) THE FEEDSTOCK AND BULKING AGENTS USED TO PRODUCE THE
13 COMPOST.

14 (C) USE INSTRUCTIONS, INCLUDING APPLICATION RATES AND ANY
15 RESTRICTIONS ON USE.

16 (D) IF THE COMPOST IS MARKETED AS A FERTILIZER, MICRONUTRIENT,
17 OR SOIL CONDITIONER, THE LABEL SHALL LIST THE APPLICABLE PARAMETERS
18 UNDER SECTION 11565 AND SHALL INCLUDE A STATEMENT INDICATING THAT
19 THE PERSON OFFERING THE COMPOST FOR SALE IS IN COMPLIANCE WITH THE
20 APPLICABLE REQUIREMENTS OF PART 85. THE PERSON OFFERING THE COMPOST
21 FOR SALE SHALL INDICATE ON THE LABEL THE PERSON'S LICENSE NUMBER
22 UNDER PART 85, IF APPLICABLE.

23 (E) IF THE COMPOST IS MARKETED AS A LIMING MATERIAL, THE LABEL
24 SHALL LIST THE APPLICABLE PARAMETERS UNDER SECTION 11565 AND SHALL
25 INCLUDE A STATEMENT INDICATING THAT THE GENERATOR OF THE COMPOST IS
26 IN COMPLIANCE WITH THE APPLICABLE REQUIREMENTS OF 1955 PA 162, MCL
27 290.531 TO 290.538. THE GENERATOR SHALL INDICATE ON THE LABEL THE



1 LIMING LICENSE NUMBER.

2 (F) A STATEMENT INDICATING HOW THE USER OF THE COMPOST CAN
3 OBTAIN THE RESULTS OF ALL TESTING, INCLUDING TEST PARAMETERS AND
4 CONCENTRATION LEVELS.

5 (2) RESTRICTED USE COMPOST SHALL BE MANAGED AS PROVIDED IN ANY
6 OF THE FOLLOWING:

7 (A) DISPOSED OF AT A PROPERLY LICENSED LANDFILL.

8 (B) STOCKPILED ON-SITE UNTIL THE GENERATOR PETITIONS THE
9 DEPARTMENT UNDER SECTION 11562 AND THE DEPARTMENT RECLASSIFIES THE
10 COMPOST AS PROVIDED IN THAT SECTION.

11 (C) USED FOR A USE SPECIFIED BY THE DEPARTMENT UNDER SECTION
12 11553(3).

13 (D) IF OFFERED FOR SALE, ACCOMPANIED BY A LABEL, IN THE CASE
14 OF BAGGED COMPOST, OR AN INFORMATION SHEET IN THE CASE OF BULK
15 SALES. THE LABEL OR INFORMATION SHEET SHALL CONTAIN BOTH OF THE
16 FOLLOWING:

17 (i) THE INFORMATION REQUIRED BY SUBSECTION (1).

18 (ii) A STATEMENT THAT THE COMPOST HAS BEEN APPROVED FOR USE BY
19 THIS STATE AND FURTHER INDICATING HOW THE USER OF THE COMPOST MAY
20 OBTAIN THE RESULTS OF ALL TESTING INCLUDING TEST PARAMETERS,
21 CONCENTRATION LEVELS, AND THE APPLICABLE STANDARDS.

22 (3) THE DEPARTMENT MAY IMPOSE CONDITIONS FOR USE OF RESTRICTED
23 USE COMPOST TO ENSURE THE PROTECTION OF THE PUBLIC HEALTH, SAFETY,
24 OR WELFARE, OR THE ENVIRONMENT.

25 SEC. 11564. (1) THE FOLLOWING SITES SHALL TEST THEIR FINISHED
26 COMPOST IN COMPLIANCE WITH THE US COMPOSTING COUNCIL'S SEAL OF
27 TESTING ASSURANCE, UNLESS THE DEPARTMENT HAS APPROVED AN ALTERNATE

1 PROCEDURE:

2 (A) CLASS 1 COMPOSTING FACILITIES THAT ONLY MANAGE YARD WASTE
3 AND THAT PRODUCE OVER 10,000 CUBIC YARDS OF FINISHED COMPOST PER
4 YEAR. THE FINISHED COMPOST SHALL BE ANALYZED FOR THE GENERAL USE
5 PARAMETERS IDENTIFIED IN SECTION 11565.

6 (B) CLASS 1 COMPOSTING FACILITIES THAT PRODUCE OVER 2,000
7 CUBIC YARDS OF FINISHED COMPOST PER YEAR. THE FINISHED COMPOST
8 SHALL BE ANALYZED FOR THE PARAMETERS LISTED IN SECTION 11565.

9 (C) ALL CLASS 2 COMPOSTING FACILITIES. THE FINISHED COMPOST
10 SHALL BE ANALYZED FOR THE PARAMETERS LISTED IN SECTION 11565 AND,
11 IF THE COMPOST IS PRODUCED FROM CLASS 2 COMPOSTABLE MATERIAL, OTHER
12 PARAMETERS IDENTIFIED IN THE FACILITY'S GENERAL PERMIT.

13 (2) ALL SITES NOT LISTED IN SUBSECTION (1) SHALL TEST AT LEAST
14 1 SAMPLE OF FINISHED COMPOST PER 4,000 CUBIC YARDS OR 2,000 TONS
15 PER YEAR FOR THE PARAMETERS LISTED IN SECTION 11565, UNLESS THE
16 DEPARTMENT HAS APPROVED AN ALTERNATE PROCEDURE.

17 SEC. 11565. THE FOLLOWING ARE GENERAL USE PARAMETERS FOR
18 COMPOST:

19 (A) PH.

20 (B) CARBON-TO-NITROGEN RATIO.

21 (C) SOLUBLE SALTS.

22 (D) TOTAL AVAILABLE NITROGEN.

23 (E) PHOSPHORUS REPORTED AS P_2O_5 .

24 (F) POTASSIUM REPORTED AS K_2O .

25 (G) CALCIUM.

26 (H) MAGNESIUM.

27 (I) CHLORIDE.

- 1 (J) SULFATE.
2 (K) ARSENIC.
3 (L) CADMIUM.
4 (M) COPPER.
5 (N) LEAD.
6 (O) MERCURY.
7 (P) MOLYBDENUM.
8 (Q) NICKEL.
9 (R) SELENIUM.
10 (S) ZINC.
11 (T) PERCENT FOREIGN MATTER CONTENT.
12 (U) PATHOGENS.
13 (V) FECAL COLIFORMS.
14 (W) SALMONELLA.
15 (X) OTHER PATHOGENS AS DETERMINED BY THE DEPARTMENT.
16 (Y) PERCENT ORGANIC MATTER.
- 17 SEC. 11567. (1) A PERSON MAY BLEND LOW HAZARD INDUSTRIAL WASTE
18 OR COMPOST ADDITIVES WITH GENERAL USE COMPOST OR COMPOST PRODUCED
19 FROM YARD WASTE TO CREATE A SOIL-LIKE PRODUCT UNDER THE FOLLOWING
20 CONDITIONS:
- 21 (A) THE BLENDING OCCURS AT A CLASS 1 OR CLASS 2 COMPOSTING
22 FACILITY.
- 23 (B) THE MIXTURE MEETS THE CRITERIA IN SECTION 11553(5) OR
24 OTHER CRITERIA APPROVED BY THE DEPARTMENT.
- 25 (C) THE LOW HAZARD INDUSTRIAL WASTE IS BLENDED WITH THE
26 GENERAL USE COMPOST WITHIN 30 DAYS AFTER THE LOW-HAZARD INDUSTRIAL
27 WASTE IS COLLECTED AT THE CLASS 1 OR CLASS 2 COMPOSTING FACILITY.

1 (2) GYPSUM DRYWALL MAY BE ADDED TO FINISHED COMPOST IF IT
2 MAKES UP LESS THAN 50% OF THE COMPOST WEIGHT AND IS LESS THAN 1/4
3 INCH IN DIAMETER.

4 SEC. 11568. (1) THE OPERATOR OF A MATERIALS UTILIZATION
5 FACILITY SHALL COMPLY WITH THE FOLLOWING:

6 (A) THE OPERATOR SHALL OPERATE THE FACILITY IN A MANNER THAT
7 DOES NOT CREATE A NUISANCE OR PUBLIC HEALTH OR ENVIRONMENTAL HAZARD
8 AND BE KEPT CLEAN AND FREE OF LITTER.

9 (B) THE OPERATOR SHALL COMPLY, AS APPLICABLE, WITH GENERALLY
10 ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES AND WITH THIS ACT,
11 INCLUDING PARTS 31 AND 55, AND NOT CREATE A FACILITY AS DEFINED IN
12 SECTION 20101.

13 (C) UNLESS EXEMPTED, THE OPERATOR SHALL RECORD, THE TYPES AND
14 QUANTITIES IN TONS, OR CUBIC YARDS FOR COMPOSTING FACILITIES, OF
15 MATERIAL COLLECTED, THE PERIOD OF STORAGE, THE PLANNING AREA OF
16 ORIGIN OF THE MATERIAL, AND WHERE THE MATERIAL IS TRANSFERRED,
17 PROCESSED, RECYCLED, OR DISPOSED. THE OPERATOR SHALL REPORT TO THE
18 DEPARTMENT THIS INFORMATION FOR EACH STATE FISCAL YEAR WITHIN 45
19 DAYS AFTER THE END OF THE STATE FISCAL YEAR.

20 (D) ON AN ANNUAL BASIS, THE VOLUME OF SOLID WASTE RESIDUALS
21 SHALL BE LESS THAN 15% OF THE TOTAL VOLUME OF MATERIAL RECEIVED
22 UNLESS THE REQUIREMENTS OF SUBDIVISION (B) OF THE DEFINITION OF
23 MATERIALS RECOVERY FACILITY IN SECTION 11504 ARE MET.

24 (E) THE FACILITY SHALL BE OPERATED BY PERSONNEL WHO ARE
25 KNOWLEDGEABLE ABOUT THE SAFE MANAGEMENT OF THE TYPES OF MATERIAL
26 THAT ARE ACCEPTED AND UTILIZED.

27 (F) THE OPERATOR SHALL LIMIT ACCESS TO THE FACILITY TO A TIME

1 WHEN A RESPONSIBLE INDIVIDUAL IS ON DUTY.

2 (G) THE OPERATOR SHALL NOT STORE MATERIAL OVERNIGHT AT THE
3 FACILITY EXCEPT IN A SECURE LOCATION AND WITH ADEQUATE CONTAINMENT
4 TO PREVENT ANY RELEASE OF MATERIAL.

5 (H) WITHIN 1 YEAR AFTER MATERIAL IS COLLECTED BY THE FACILITY,
6 THE MATERIAL SHALL BE TRANSPORTED FROM THE FACILITY FOR ULTIMATE
7 END USE PRODUCTS OR DISPOSAL.

8 (I) THE MATERIAL SHALL BE PROTECTED, AS APPROPRIATE FOR THE
9 TYPE OF MATERIAL, FROM WEATHER, FIRE, PHYSICAL DAMAGE, AND
10 VANDALISM.

11 (J) OPERATIONS SHALL NOT ATTRACT OR HARBOR RODENTS OR OTHER
12 VECTORS.

13 (K) IF SALVAGING IS PERMITTED, SALVAGED MATERIAL SHALL BE
14 REMOVED FROM THE SITE AT THE END OF EACH BUSINESS DAY OR IS
15 CONFINED TO A STORAGE AREA THAT IS APPROVED BY THE DEPARTMENT.

16 (l) HANDLING AND PROCESSING EQUIPMENT THAT IS OF ADEQUATE
17 SIZE, QUANTITY, AND OPERATING CONDITION SHALL BE AVAILABLE AS
18 NEEDED TO ENSURE PROPER MANAGEMENT OF THE FACILITY. IF THE HANDLING
19 OR PROCESSING EQUIPMENT IS INOPERABLE FOR MORE THAN 24 HOURS, AN
20 ALTERNATIVE METHOD THAT IS APPROVED BY THE DEPARTMENT SHALL BE USED
21 TO MANAGE THE MATERIAL.

22 (M) BURNING OF SOLID WASTE SHALL NOT OCCUR AT THE FACILITY.

23 (2) THE OPERATOR OF A MATERIALS RECOVERY FACILITY, INCLUDING
24 AN ELECTRONIC WASTE PROCESSOR NOT REQUIRED TO REPORT UNDER PART
25 173, SHALL COMPLY WITH THE FOLLOWING:

26 (A) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
27 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE

1 A MATERIALS RECOVERY FACILITY THAT SORTS, BALES, OR PROCESSES MORE
2 THAN 100 TONS OF MATERIAL PER YEAR AND DOES NOT HAVE MORE THAN 100
3 TONS OF MANAGED MATERIAL ON-SITE AT ANY TIME UNLESS THE OWNER OR
4 OPERATOR HAS REGISTERED THE MATERIALS RECOVERY FACILITY WITH THE
5 DEPARTMENT. THE TERM OF THE REGISTRATION IS 5 YEARS.

6 (B) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE
7 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
8 PERSON SHALL NOT OPERATE A MATERIALS RECOVERY FACILITY THAT HAS
9 MORE THAN 100 TONS OF MANAGED MATERIAL ON-SITE AT ANY TIME UNLESS
10 THE OWNER OR OPERATOR HAS OBTAINED APPROVAL OF THE MATERIALS
11 RECOVERY FACILITY UNDER A GENERAL PERMIT. THE TERM OF APPROVAL
12 UNDER THE GENERAL PERMIT IS 5 YEARS.

13 (3) THE OPERATOR OF A COMPOSTING FACILITY SHALL COMPLY WITH
14 THE FOLLOWING:

15 (A) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
16 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
17 A SMALL COMPOSTING FACILITY UNLESS THE OWNER OR OPERATOR HAS
18 NOTIFIED THE DEPARTMENT. NOTIFICATION SHALL BE GIVEN UPON INITIAL
19 OPERATION AND, SUBSEQUENTLY, WITHIN 45 DAYS AFTER THE END OF EACH
20 STATE FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT
21 OF COMPOSTABLE MATERIAL MANAGED AT THE FACILITY DURING THE
22 PRECEDING STATE FISCAL YEAR.

23 (B) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
24 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
25 A MEDIUM COMPOSTING FACILITY UNLESS THE OWNER OR OPERATOR HAS
26 REGISTERED WITH THE DEPARTMENT. THE TERM OF THE REGISTRATION IS 5
27 YEARS.

1 (C) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
3 PERSON SHALL NOT OPERATE A LARGE COMPOSTING FACILITY UNLESS
4 APPROVED BY THE DEPARTMENT UNDER A GENERAL PERMIT. THE TERM OF
5 APPROVAL UNDER THE GENERAL PERMIT IS 5 YEARS.

6 (4) THE OPERATOR OF AN ANAEROBIC DIGESTER SHALL COMPLY WITH
7 THE FOLLOWING:

8 (A) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
9 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
10 AN ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED MATERIAL AND
11 NOT MORE THAN 20% MATERIAL GENERATED OFF-SITE UNLESS THE OWNER OR
12 OPERATOR HAS NOTIFIED THE DEPARTMENT. NOTIFICATION SHALL BE GIVEN
13 UPON INITIAL OPERATION AND, SUBSEQUENTLY, WITHIN 45 DAYS AFTER THE
14 END OF EACH STATE FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT
15 THE AMOUNT OF MATERIAL MANAGED AT THE ANAEROBIC DIGESTER DURING THE
16 PRECEDING STATE FISCAL YEAR.

17 (B) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE
18 AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE
19 AN ANAEROBIC DIGESTER THAT MANAGES ORGANIC WASTE FOR ON-SITE ENERGY
20 PRODUCTION UNLESS THE OWNER OR OPERATOR HAS REGISTERED THE
21 ANAEROBIC DIGESTER WITH THE DEPARTMENT. THE TERM OF THE
22 REGISTRATION IS 5 YEARS.

23 (C) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE
24 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
25 PERSON SHALL NOT OPERATE AN ANAEROBIC DIGESTER THAT MANAGES SOURCE
26 SEPARATED MATERIAL GENERATED OFF-SITE, THAT MANAGES SOURCE
27 SEPARATED MATERIAL OR MANURES, BEDDING, OR CROP RESIDUALS GENERATED

1 ON-SITE AND UP TO 20% OTHER MATERIAL NOT GENERATED ON-SITE, OR THAT
2 IS A COMMERCIAL OPERATION UNLESS APPROVED BY THE DEPARTMENT UNDER A
3 GENERAL PERMIT. THE TERM OF APPROVAL UNDER THE GENERAL PERMIT IS 5
4 YEARS.

5 (5) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE
6 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
7 PERSON SHALL NOT OPERATE AN INNOVATIVE TECHNOLOGY OR PRACTICE
8 FACILITY UNLESS APPROVED BY THE DEPARTMENT UNDER A GENERAL PERMIT.
9 THE APPLICATION FOR APPROVAL SHALL BE ACCOMPANIED BY A FEE OF
10 \$1,000.00. THE TERM OF APPROVAL UNDER THE GENERAL PERMIT IS 2
11 YEARS.

12 (6) IF THE OWNER OR OPERATOR OF A MATERIALS UTILIZATION
13 FACILITY THAT IS IN OPERATION ON THE EFFECTIVE DATE OF THE
14 AMENDATORY ACT THAT ADDED THIS SECTION IS REQUIRED TO OBTAIN
15 APPROVAL UNDER A GENERAL PERMIT UNDER THIS SECTION, THAT PERSON
16 SHALL SUBMIT A COMPLETE APPLICATION FOR THE APPROVAL WITHIN 2 YEARS
17 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
18 SECTION.

19 (7) AN APPLICANT FOR APPROVAL UNDER A GENERAL PERMIT, WITHIN 6
20 MONTHS AFTER A GENERAL PERMIT DENIAL, MAY RESUBMIT THE APPLICATION
21 TOGETHER WITH ADDITIONAL INFORMATION OR CORRECTIONS NECESSARY TO
22 ADDRESS THE REASON FOR DENIAL.

23 SEC. 11569. (1) THE OWNER OR OPERATOR OF A MATERIALS
24 UTILIZATION FACILITY SHALL SUBMIT A SITE MAP AND OPERATIONS PLAN
25 FOR THE MATERIALS UTILIZATION FACILITY WITH A REGISTRATION OR AN
26 APPLICATION FOR APPROVAL UNDER A GENERAL PERMIT. THE OWNER OR
27 OPERATOR SHALL ALSO SUBMIT A FINAL CLOSURE PLAN WITH AN APPLICATION

1 FOR APPROVAL UNDER A GENERAL PERMIT. PENDING REGISTRATION OR
2 AUTHORIZATION UNDER A GENERAL PERMIT OF A MATERIALS UTILIZATION
3 FACILITY IN OPERATION ON THE EFFECTIVE DATE OF THE AMENDATORY ACT
4 THAT ADDED THIS SECTION, THE DEPARTMENT SHALL REVIEW THE OPERATING
5 REQUIREMENTS FOR THE FACILITY. IF THE DEPARTMENT DETERMINES UPON
6 REVIEW THAT THE OPERATING REQUIREMENTS DO NOT COMPLY WITH PART 115,
7 THE DEPARTMENT SHALL ISSUE A SCHEDULE OF REMEDIAL MEASURES THAT
8 WILL LEAD TO COMPLIANCE WITHIN A REASONABLE AMOUNT OF TIME AND NOT
9 TO EXCEED 1 YEAR FROM THE DETERMINATION OF NONCOMPLIANCE.

10 (2) IF AN INCREASE IN THE VOLUME OR CHANGE IN THE TYPE OF
11 MATERIAL MANAGED BY A MATERIALS UTILIZATION FACILITY TRIGGERS A
12 REQUIREMENT FOR NOTIFICATION, REGISTRATION, OR APPROVAL UNDER A
13 GENERAL PERMIT, THE OWNER OR OPERATOR OF THE FACILITY SHALL SUBMIT
14 THE NOTIFICATION, COMPLETE APPLICATION FOR REGISTRATION, OR
15 COMPLETE APPLICATION FOR APPROVAL UNDER A GENERAL PERMIT WITHIN 90
16 DAYS.

17 (3) AN APPROVAL UNDER A GENERAL PERMIT UNDER PART 115 MAY BE
18 RENEWED UPON THE SUBMITTAL OF A TIMELY AND SUFFICIENT APPLICATION.
19 TO BE CONSIDERED TIMELY AND SUFFICIENT FOR PURPOSES OF SECTION 91
20 OF THE ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL
21 24.291, AN APPLICATION FOR RENEWAL OF A GENERAL PERMIT APPROVAL
22 SHALL MEET BOTH OF THE FOLLOWING REQUIREMENTS:

23 (A) CONTAIN THE INFORMATION AS REQUIRED BY THE APPLICABLE
24 GENERAL PERMIT APPLICATION.

25 (B) BE RECEIVED BY THE DEPARTMENT NOT LATER THAN 90 DAYS
26 BEFORE THE EXPIRATION OF THE PRECEDING AUTHORIZATION.

27 SUBPART 11 MATERIALS MANAGEMENT PLANS

1 SEC. 11571. (1) THE DEPARTMENT SHALL ENSURE THAT EACH COUNTY
2 HAS AN APPROVED MATERIALS MANAGEMENT PLAN.

3 (2) THE PLANNING AREA OF A SINGLE MMP MAY INCLUDE 2 OR MORE
4 COUNTIES IF THE CBCS FOR THOSE COUNTIES AGREE TO THE JOINT EXERCISE
5 OF THEIR POWERS AND PERFORMANCE OF THEIR DUTIES UNDER THIS SUBPART.
6 IN ADDITION, IF THE DEPARTMENT IS RESPONSIBLE FOR PREPARING THE MMP
7 FOR 2 OR MORE COUNTIES UNDER SECTION 11575, THE DEPARTMENT MAY
8 INCLUDE THOSE COUNTIES IN THE PLANNING AREA OF A SINGLE MMP AND MAY
9 EXERCISE ITS POWERS AND PERFORM ITS DUTIES UNDER THIS SUBPART FOR
10 THOSE COUNTIES JOINTLY.

11 (3) MULTICOUNTY MMPS ARE SUBJECT TO THE SAME PROCEDURE FOR
12 APPROVAL AS SINGLE-COUNTY MMPS, AND EACH CBC SHALL TAKE FORMAL
13 ACTION ON A MULTICOUNTY MMP AS APPROPRIATE. A MULTICOUNTY MMP SHALL
14 INCLUDE A PROCESS TO ENSURE THAT THE REQUIREMENTS OF SECTION
15 11508(1)(B) ARE MET.

16 (4) ALL OF THE MUNICIPALITIES OF A COUNTY SHALL BE INCLUDED IN
17 THE PLANNING AREA OF A SINGLE MMP. HOWEVER, A MUNICIPALITY LOCATED
18 IN 2 COUNTIES THAT ARE NOT IN THE SAME PLANNING AREA MAY REQUEST
19 THAT THE ENTIRE MUNICIPALITY BE INCLUDED IN THE PLANNING AREA FOR 1
20 OF THOSE COUNTIES AND EXCLUDED FROM THE PLANNING AREA OF THE OTHER
21 COUNTY. A MUNICIPALITY THAT IS ADJACENT TO A COUNTY BOUNDARY MAY
22 REQUEST THAT IT BE INCLUDED IN THE PLANNING AREA OF THE MMP FOR THE
23 ADJACENT COUNTY. A REQUEST UNDER THIS SUBSECTION SHALL BE SUBMITTED
24 TO AND IS SUBJECT TO THE APPROVAL OF THE COUNTY BOARD OF
25 COMMISSIONERS OF EACH OF THE AFFECTED COUNTIES. IF A COUNTY BOARD
26 OF COMMISSIONERS FAILS TO APPROVE A REQUEST UNDER THIS SUBSECTION
27 WITHIN 90 DAYS AFTER THE REQUEST IS SUBMITTED TO THE COUNTY BOARD,

1 THE MUNICIPALITY MAKING THE REQUEST MAY APPEAL TO THE DEPARTMENT.
2 THE DEPARTMENT SHALL ISSUE A DECISION ON THE APPEAL WITHIN 45 DAYS
3 AFTER THE APPEAL IS FILED WITH THE DEPARTMENT. THE DECISION OF THE
4 DEPARTMENT IS FINAL.

5 (5) WITHIN 180 DAYS AFTER APPROPRIATED FUNDS ARE AVAILABLE FOR
6 THE MATERIALS MANAGEMENT GRANT PROGRAM UNDER SECTION 11587, THE
7 DEPARTMENT SHALL, IN WRITING, REQUEST THE COUNTY BOARD OF
8 COMMISSIONERS OF EACH COUNTY TO SUBMIT TO THE DEPARTMENT, WITHIN
9 180 DAYS AFTER THE REQUEST IS DELIVERED, A NOTICE OF INTENT TO
10 PREPARE AN MMP. IF THE COUNTY BOARD OF COMMISSIONERS DECLINES TO
11 PREPARE THE MMP, ALL OF THE FOLLOWING APPLY:

12 (A) THE COUNTY BOARD OF COMMISSIONERS SHALL ADVISE THE
13 MUNICIPALITIES IN THE COUNTY AND THE REGIONAL PLANNING AGENCY FOR
14 THE COUNTY OF ITS DECISION.

15 (B) THE DEPARTMENT SHALL PROVIDE A SPECIFIC DEADLINE BY WHICH
16 ALL THE MUNICIPALITIES IN THE COUNTY OR THE REGIONAL PLANNING
17 AGENCY FOR THE COUNTY MAY SUBMIT TO THE DEPARTMENT A NOTICE OF
18 INTENT TO PREPARE AN MMP.

19 (C) UPON REQUEST OF THE MUNICIPALITIES OR REGIONAL PLANNING
20 AGENCY, THE DEPARTMENT MAY EXTEND THE DEADLINE TO ALLOW THE PARTIES
21 AN OPPORTUNITY TO DETERMINE WHO WILL FILE THE NOTICE OF INTENT.

22 (6) IF THE COUNTY BOARD OF COMMISSIONERS, MUNICIPALITIES, AND
23 THE REGIONAL PLANNING AGENCY DO NOT FILE A NOTICE OF INTENT BY THE
24 APPLICABLE DEADLINE UNDER SUBSECTION (5), THE DEPARTMENT MAY
25 PREPARE AN MMP FOR THE COUNTY UNDER SECTION 11575(11).

26 (7) A NOTICE OF INTENT SHALL MEET THE FOLLOWING REQUIREMENTS:

27 (A) BE ON A FORM AND IN A FORMAT PROVIDED BY THE DEPARTMENT.

1 (B) STATE THAT THE CBC WILL PREPARE AN MMP.

2 (C) BE ACCOMPANIED BY DOCUMENTATION EVIDENCING THAT THE COUNTY
3 CONSULTED WITH ADJACENT COUNTIES REGARDING THE FEASIBILITY OF
4 PREPARING A MULTICOUNTY MMP PURSUANT TO THE URBAN COOPERATION ACT
5 OF 1967, 1967 (EX SESS) PA 7, MCL 124.501 TO 124.512, AND
6 DOCUMENTATION OF THE OUTCOME OF THE CONSULTATIONS, INCLUDING A COPY
7 OF ANY INTERLOCAL AGREEMENT.

8 (8) THE SUBMITTAL OF A NOTICE OF INTENT COMMENCES THE RUNNING
9 OF A 3-YEAR DEADLINE FOR MUNICIPAL APPROVAL OF THE MMP AND
10 SUBMISSION OF THE MMP TO THE DEPARTMENT UNDER SECTION 11575.

11 (9) NOT MORE THAN 30 DAYS AFTER THE CBC SUBMITS A NOTICE OF
12 INTENT TO THE DEPARTMENT, THE CBC SHALL DO BOTH OF THE FOLLOWING:

13 (A) SUBMIT A COPY OF THE NOTICE OF INTENT TO THE LEGISLATIVE
14 BODY OF EACH MUNICIPALITY LOCATED WITHIN THE PLANNING AREA.

15 (B) PUBLISH THE NOTICE OF INTENT IN A NEWSPAPER OF GENERAL
16 CIRCULATION IN THE PLANNING AREA.

17 (10) IF THE CBC SUBMITS A NOTICE OF INTENT TO THE DEPARTMENT
18 UNDER SUBSECTION (5), THE CBC SHALL DO ALL OF THE FOLLOWING:

19 (A) WITHIN 120 DAYS AFTER SUBMITTING THE NOTICE OF INTENT,
20 DESIGNATE A PLANNING AGENCY AND AN INDIVIDUAL WITHIN THE DPA WHO
21 SHALL SERVE AS THE DPA'S CONTACT PERSON FOR THE PURPOSES OF THIS
22 SUBPART.

23 (B) APPOINT A PLANNING COMMITTEE AS PROVIDED IN SECTION 11572.

24 (C) OVERSEE THE CREATION AND IMPLEMENTATION OF THE DPA'S WORK
25 PROGRAM UNDER SECTION 11587(4)(B).

26 (D) UPON REQUEST OF THE DEPARTMENT, SUBMIT A REPORT ON
27 PROGRESS IN THE PREPARATION OF THE MMP.

1 (11) ALL SUBMITTALS AND NOTICES UNDER THIS SECTION AND
2 SECTIONS 11572 TO 11576 SHALL BE IN WRITING. A WRITTEN NOTICE MAY
3 BE GIVEN BY ELECTRONIC MAIL IF THE RECIPIENT HAS INDICATED BY
4 ELECTRONIC MAIL THAT THE RECIPIENT WILL RECEIVE NOTICE BY
5 ELECTRONIC MAIL AT THE ELECTRONIC MAIL ADDRESS TO WHICH THE NOTICE
6 IS SENT.

7 SEC. 11572. (1) WITHIN 120 DAYS AFTER THE CBC SUBMITS A NOTICE
8 OF INTENT TO THE DEPARTMENT UNDER SECTION 11571, THE CBC SHALL
9 APPOINT A PLANNING COMMITTEE. THE PLANNING COMMITTEE IS A PERMANENT
10 BODY. INITIAL PLANNING COMMITTEE MEMBERS SHALL BE APPOINTED FOR 5-
11 YEAR TERMS. THEIR IMMEDIATE SUCCESSORS SHALL BE APPOINTED FOR 2-,
12 3-, 4-, OR 5-YEAR TERMS SUCH THAT, AS NEARLY AS POSSIBLE, THE SAME
13 NUMBER ARE APPOINTED FOR EACH TERM LENGTH. SUBSEQUENTLY, MEMBERS
14 SHALL BE APPOINTED FOR TERMS OF 5 YEARS. A MEMBER MAY BE
15 REAPPOINTED.

16 (2) IF A VACANCY OCCURS ON THE PLANNING COMMITTEE, THE CBC
17 SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER
18 AS THE ORIGINAL APPOINTMENT. THE CBC MAY REMOVE A MEMBER OF THE
19 PLANNING COMMITTEE FOR INCOMPETENCE, DERELICTION OF DUTY, OR
20 MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE.

21 (3) THE FIRST MEETING OF THE PLANNING COMMITTEE SHALL BE
22 CALLED BY THE DESIGNATED PLANNING AGENCY. AT THE FIRST MEETING, THE
23 PLANNING COMMITTEE SHALL ELECT FROM AMONG ITS MEMBERS A CHAIRPERSON
24 AND OTHER OFFICERS AS IT CONSIDERS NECESSARY OR APPROPRIATE. A
25 MAJORITY OF THE MEMBERS OF THE PLANNING COMMITTEE CONSTITUTE A
26 QUORUM FOR THE TRANSACTION OF BUSINESS AT A MEETING OF THE PLANNING
27 COMMITTEE. THE AFFIRMATIVE VOTE OF A MAJORITY OF THE MEMBERS

1 APPOINTED IS REQUIRED FOR OFFICIAL ACTION OF THE PLANNING
2 COMMITTEE. HOWEVER, PLANNING COMMITTEE APPROVAL OF AN MMP REQUIRES
3 THE AFFIRMATIVE VOTE OF A MAJORITY OF THE FULL PLANNING COMMITTEE,
4 WITHOUT REGARD TO VACANCIES. A PLANNING COMMITTEE SHALL ADOPT
5 PROCEDURES FOR THE CONDUCT OF ITS BUSINESS.

6 (4) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A PLANNING
7 COMMITTEE SHALL CONSIST OF THE FOLLOWING 11 MEMBERS:

8 (A) A SOLID WASTE DISPOSAL FACILITY OPERATOR THAT PROVIDES
9 SERVICES IN THE PLANNING AREA.

10 (B) A REPRESENTATIVE OF A HAULER OF MANAGED MATERIAL THAT
11 PROVIDES SERVICES IN THE PLANNING AREA.

12 (C) A MATERIALS RECOVERY FACILITY OPERATOR THAT PROVIDES
13 SERVICES IN THE PLANNING AREA.

14 (D) A COMPOST OR OTHER ORGANICS FACILITY OPERATOR THAT
15 PROVIDES SERVICES IN THE PLANNING AREA.

16 (E) A WASTE DIVERSION, REUSE, OR REDUCTION FACILITY OPERATOR
17 THAT PROVIDES SERVICES IN THE PLANNING AREA.

18 (F) A REPRESENTATIVE OF AN ENVIRONMENTAL INTEREST GROUP THAT
19 HAS MEMBERS RESIDING IN THE PLANNING AREA.

20 (G) AN ELECTED OFFICIAL OF THE COUNTY.

21 (H) AN ELECTED OFFICIAL OF A TOWNSHIP IN THE PLANNING AREA.

22 (I) AN ELECTED OFFICIAL OF A CITY OR VILLAGE IN THE PLANNING
23 AREA.

24 (J) AN INDIVIDUAL WHO GENERATES A MANAGED MATERIAL IN THE
25 PLANNING AREA.

26 (K) A REPRESENTATIVE OF THE REGIONAL PLANNING AGENCY WHOSE
27 TERRITORY INCLUDES THE PLANNING AREA.

1 (5) THE CBC MAY APPOINT TO THE PLANNING COMMITTEE 1 ADDITIONAL
2 REPRESENTATIVE THAT DOES BUSINESS IN OR RESIDES IN AN ADJACENT
3 COMMUNITY OUTSIDE THE PLANNING AREA.

4 (6) CBCS PREPARING A MULTICOUNTY MMP UNDER SECTION 11571 SHALL
5 APPOINT A SINGLE PLANNING COMMITTEE. FOR EACH COUNTY, THE FOLLOWING
6 ADDITIONAL MEMBERS MAY BE APPOINTED TO THE PLANNING COMMITTEE:

7 (A) AN ELECTED OFFICIAL OF THE COUNTY OR A MUNICIPALITY IN THE
8 PLANNING AREA.

9 (B) A REPRESENTATIVE FROM A BUSINESS THAT GENERATES MANAGED
10 MATERIALS WITHIN THE PLANNING AREA.

11 (7) IF, DURING THE MMP DEVELOPMENT OR AMENDMENT PROCESS, A
12 SOLID WASTE LANDFILL IS PROPOSED TO BE DEVELOPED IN THE PLANNING
13 AREA WITHIN 2 MILES OF A MUNICIPALITY IN THIS STATE THAT IS LOCATED
14 ADJACENT TO THE PLANNING AREA, OR IF A SOLID WASTE PROCESSING AND
15 TRANSFER FACILITY OR MATERIALS UTILIZATION FACILITY IS PROPOSED TO
16 BE DEVELOPED IN THE PLANNING AREA WITHIN 1 MILE OF SUCH A
17 MUNICIPALITY, THE CBC SHALL NOTIFY THE ADJACENT MUNICIPALITY IN
18 WRITING. IF REQUESTED BY THE ADJACENT MUNICIPALITY, THE CBC MAY
19 APPOINT TO THE PLANNING COMMITTEE AN ADDITIONAL MEMBER
20 REPRESENTATIVE OF THE ADJACENT MUNICIPALITY TO SERVE AS A REGULAR
21 PLANNING COMMITTEE MEMBER OR AS AN ADVISORY MEMBER WITHOUT VOTING
22 RIGHTS, AS INDICATED IN WRITING BY THE CBC AT THE TIME OF
23 APPOINTMENT.

24 (8) IF THE CBC HAS DIFFICULTY FINDING QUALIFIED INDIVIDUALS TO
25 SERVE ON THE PLANNING COMMITTEE, THE DEPARTMENT MAY APPROVE A
26 REDUCTION IN THE NUMBER OF MEMBERS OF THE PLANNING COMMITTEE.
27 HOWEVER, AT A MINIMUM, THE PLANNING COMMITTEE SHALL INCLUDE THE

1 FOLLOWING 7 MEMBERS:

2 (A) TWO REPRESENTATIVES OF THE MATERIALS MANAGEMENT INDUSTRY
3 PROVIDING SERVICES IN THE PLANNING AREA.

4 (B) TWO REPRESENTATIVES OF ENVIRONMENTAL INTEREST GROUPS THAT
5 HAVE MEMBERS RESIDING IN THE PLANNING AREA OR THE REGIONAL PLANNING
6 AGENCY.

7 (C) AN ELECTED OFFICIAL OF THE COUNTY.

8 (D) AN ELECTED OFFICIAL OF A TOWNSHIP IN THE PLANNING AREA.

9 (E) AN ELECTED OFFICIAL OF A CITY OR VILLAGE IN THE PLANNING
10 AREA.

11 SEC. 11573. IN ADDITION TO ITS OTHER RESPONSIBILITIES UNDER
12 PART 115, THE PLANNING COMMITTEE SHALL DO ALL OF THE FOLLOWING:

13 (A) DIRECT THE DPA IN THE PREPARATION OF THE MMP.

14 (B) REVIEW AND APPROVE THE DPA'S WORK PROGRAM UNDER SECTION
15 11587(4) (B) .

16 (C) IDENTIFY RELEVANT LOCAL MATERIALS MANAGEMENT POLICIES AND
17 PRIORITIES.

18 (D) ENSURE COORDINATION IN THE PREPARATION OF THE MMP.

19 (E) ADVISE COUNTIES AND MUNICIPALITIES WITH RESPECT TO THE
20 MMP.

21 (F) ENSURE THAT THE DPA IS FULFILLING ALL OF THE REQUIREMENTS
22 OF PART 115 AS TO BOTH THE CONTENT OF THE MMP AND PUBLIC
23 PARTICIPATION. THE PLANNING COMMITTEE SHALL NOTIFY THE DPA OF ANY
24 DEFICIENCIES. IF THE DEFICIENCIES ARE NOT ADDRESSED BY THE DPA TO
25 THE PLANNING COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL
26 NOTIFY THE CBC. IF THE DEFICIENCIES ARE NOT ADDRESSED BY THE CBC TO
27 THE PLANNING COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL



1 NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL ADDRESS THE
2 DEFICIENCIES AND MAY PREPARE THE MMP UNDER SECTION 11575(11).

3 SEC. 11574. (1) IN ADDITION TO ITS OTHER RESPONSIBILITIES
4 UNDER PART 115, A DPA SHALL DO THE FOLLOWING:

5 (A) SERVE AS THE PRIMARY GOVERNMENT RESOURCE IN THE PLANNING
6 AREA FOR INFORMATION ABOUT THE MMP AND THE MMP DEVELOPMENT PROCESS.

7 (B) UNDER THE DIRECTION OF THE PLANNING COMMITTEE, PREPARE AN
8 MMP.

9 (C) DURING THE PREPARATION OF AN MMP, SOLICIT THE ADVICE OF
10 AND CONSULT WITH THE FOLLOWING:

11 (i) PERIODICALLY, THE MUNICIPALITIES, APPROPRIATE
12 ORGANIZATIONS, AND THE PRIVATE SECTOR IN THE PLANNING AREA.

13 (ii) THE APPROPRIATE COUNTY OR REGIONAL PLANNING AGENCY.

14 (iii) COUNTIES AND MUNICIPALITIES, IN ADJACENT COUNTIES, THAT
15 MAY BE SIGNIFICANTLY AFFECTED BY THE MMP.

16 (D) NOT LESS THAN 10 DAYS BEFORE EACH PUBLIC MEETING AT WHICH
17 THE DPA WILL DISCUSS THE MMP, GIVE NOTICE OF THE MEETING TO THE
18 CHIEF ELECTED OFFICIAL OF EACH MUNICIPALITY WITHIN THE PLANNING
19 AREA AND ANY OTHER PERSON WITHIN THE PLANNING AREA THAT REQUESTS
20 NOTICE. THE NOTICE SHALL INDICATE AS PRECISELY AS POSSIBLE THE
21 SUBJECT MATTER BEING DISCUSSED.

22 (E) OBTAIN WRITTEN APPROVAL OF THE MMP FROM THE PLANNING
23 COMMITTEE.

24 (F) SUBMIT A COPY OF THE MMP AS APPROVED BY THE PLANNING
25 COMMITTEE TO THE FOLLOWING WITH A NOTICE SPECIFYING THE END OF THE
26 PUBLIC COMMENT PERIOD UNDER SUBDIVISION (H):

27 (i) THE DEPARTMENT.

1 (ii) EACH MUNICIPALITY WITHIN THE PLANNING AREA.

2 (iii) COUNTIES AND MUNICIPALITIES ADJACENT TO THE PLANNING
3 AREA THAT MAY BE SIGNIFICANTLY AFFECTED BY THE MMP OR THAT HAVE
4 REQUESTED THE OPPORTUNITY TO REVIEW THE MMP.

5 (iv) THE REGIONAL PLANNING AGENCY FOR EACH COUNTY INCLUDED IN
6 THE PLANNING AREA.

7 (G) PUBLISH A NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN
8 THE PLANNING AREA. THE NOTICE SHALL INDICATE A LOCATION WHERE
9 COPIES OF THE PROPOSED MMP ARE AVAILABLE FOR PUBLIC INSPECTION OR
10 COPYING AT COST, SPECIFY THE END OF THE PUBLIC COMMENT PERIOD UNDER
11 SUBDIVISION (H), AND SOLICIT PUBLIC COMMENT.

12 (H) RECEIVE PUBLIC COMMENTS ON THE MMP FOR NOT LESS THAN 60
13 DAYS AFTER THE PUBLICATION OF THE NOTICE UNDER SUBDIVISION (G).

14 (I) DURING THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (H),
15 CONDUCT A PUBLIC HEARING ON THE MMP. THE PLANNING COMMITTEE SHALL
16 PUBLISH A NOTICE FOR NOT LESS THAN 30 DAYS BEFORE THE HEARING IN A
17 NEWSPAPER OF GENERAL CIRCULATION WITHIN THE PLANNING AREA. THE
18 NOTICE SHALL INDICATE A LOCATION WHERE COPIES OF THE PROPOSED MMP
19 ARE AVAILABLE FOR PUBLIC INSPECTION OR COPYING AT COST AND SHALL
20 INDICATE THE TIME AND PLACE OF THE PUBLIC HEARING. THE SAME NOTICE
21 MAY BE USED TO SATISFY THE REQUIREMENTS OF THIS SUBDIVISION AND
22 SUBDIVISION (G). THE PLANNING COMMITTEE SHALL SUBMIT TO THE
23 DEPARTMENT PROOF OF NOTICE PUBLICATION UNDER THIS SUBDIVISION AND
24 SUBDIVISION (G).

25 (J) SUBMIT TO THE PLANNING COMMITTEE A SUMMARY OF THE COMMENTS
26 RECEIVED DURING THE PUBLIC COMMENT PERIOD.

27 (2) THE DPA, OR THE DEPARTMENT IF THE DEPARTMENT PREPARES AN

1 MMP, SHALL USE A STANDARD FORMAT IN PREPARING THE MMP. THE
2 DEPARTMENT SHALL PREPARE THE STANDARD FORMAT AND PROVIDE A COPY OF
3 THE STANDARD FORMAT TO EACH DPA THAT THE DEPARTMENT KNOWS WILL
4 PREPARE AN MMP. THE DEPARTMENT SHALL PROVIDE THE STANDARD FORMAT TO
5 ANY OTHER PERSON UPON REQUEST.

6 (3) THE PLANNING COMMITTEE SHALL CONSIDER THE COMMENT SUMMARY
7 RECEIVED FROM THE DPA UNDER SUBSECTION (1) (J) AND MAY DIRECT THE
8 DPA TO REVISE THE MMP. THE DPA SHALL REVISE THE MMP AS DIRECTED BY
9 THE PLANNING COMMITTEE. NOT MORE THAN 30 DAYS AFTER THE END OF THE
10 PUBLIC COMMENT PERIOD, THE DPA SHALL SUBMIT THE PROPOSED MMP, AS
11 REVISED, IF APPLICABLE, TO THE PLANNING COMMITTEE.

12 (4) NOT MORE THAN 30 DAYS AFTER THE MMP IS SUBMITTED TO THE
13 PLANNING COMMITTEE UNDER SUBSECTION (3), THE PLANNING COMMITTEE
14 SHALL TAKE FORMAL ACTION ON THE MMP AND, IF THE PLANNING COMMITTEE
15 APPROVES THE MMP IN COMPLIANCE WITH SECTION 11572(3), THE DPA SHALL
16 SUBMIT THE MMP TO THE CBC.

17 SEC. 11575. (1) NOT MORE THAN 60 DAYS AFTER THE MMP IS
18 SUBMITTED TO THE CBC UNDER SECTION 11574(4), THE CBC SHALL APPROVE
19 OR REJECT THE MMP AND NOTIFY THE PLANNING COMMITTEE. A NOTICE THAT
20 THE CBC REJECTS THE MMP SHALL INCLUDE THE SPECIFIC REASONS IN
21 WRITING FOR THE REJECTION.

22 (2) NOT MORE THAN 30 DAYS AFTER NOTICE OF THE REJECTION OF THE
23 MMP IS SENT UNDER SUBSECTION (1), THE PLANNING COMMITTEE MAY REVISE
24 THE MMP AND SUBMIT THE REVISED MMP TO THE CBC. AFTER A REVISED MMP
25 IS TIMELY SUBMITTED TO THE CBC UNDER THIS SUBSECTION OR THE 30-DAY
26 PERIOD EXPIRES AND A REVISED MMP IS NOT SUBMITTED, THE CBC SHALL
27 APPROVE OR REJECT THE REVISED MMP OR ORIGINAL MMP, RESPECTIVELY,



1 AND NOTIFY THE PLANNING COMMITTEE.

2 (3) IF THE CBC REJECTS THE MMP UNDER SUBSECTION (2), THE CBC
3 SHALL PREPARE AND APPROVE AN MMP, SUBJECT TO THE CONTINUED RUNNING
4 OF THE 3-YEAR PERIOD UNDER SECTION 11571(8).

5 (4) NOT MORE THAN 10 DAYS AFTER THE CBC APPROVES AN MMP UNDER
6 SUBSECTION (1), (2), OR (3), THE DPA SHALL SUBMIT A COPY OF THE MMP
7 TO THE LEGISLATIVE BODY OF EACH MUNICIPALITY LOCATED WITHIN THE
8 PLANNING AREA.

9 (5) NOT MORE THAN 120 DAYS AFTER THE MMP IS SUBMITTED TO THE
10 LEGISLATIVE BODY OF A MUNICIPALITY, THE LEGISLATIVE BODY MAY
11 APPROVE OR REJECT THE MMP, IN WHICH CASE THE LEGISLATIVE BODY SHALL
12 NOTIFY THE DPA OF THE APPROVAL OR REJECTION.

13 (6) WITHIN 30 DAYS AFTER THE DEADLINE FOR MUNICIPAL
14 NOTIFICATION TO THE DPA UNDER SUBSECTION (5), THE DPA SHALL NOTIFY
15 THE DEPARTMENT WHICH MUNICIPALITIES TIMELY APPROVED THE MMP, WHICH
16 TIMELY REJECTED THE MMP, AND WHICH DID NOT TIMELY NOTIFY THE DPA OF
17 APPROVAL OR REJECTION. THE NOTICE SHALL BE ACCOMPANIED BY A COPY OF
18 THE MMP. IF THE MMP IS NOT APPROVED BY AT LEAST 2/3 OF THE
19 MUNICIPALITIES THAT TIMELY NOTIFY THE DPA OF THEIR APPROVAL OR
20 REJECTION UNDER SUBSECTION (5), THEN THE DEPARTMENT SHALL PROCEED
21 UNDER SUBSECTION (7) OR (9). IF THE MMP IS APPROVED BY AT LEAST 2/3
22 OF THE MUNICIPALITIES THAT TIMELY NOTIFY THE DPA OF THEIR APPROVAL
23 OR REJECTION UNDER SUBSECTION (5), THEN SUBSECTION (9) APPLIES.

24 (7) THE DEPARTMENT MAY APPROVE AN EXTENSION OF A DEADLINE
25 UNDER SUBSECTIONS (2) TO (6) IF THE EXTENSION IS REQUESTED BY THE
26 ENTITY SUBJECT TO THE DEADLINE WITHIN A REASONABLE TIME AFTER THE
27 ISSUES GIVING RISE TO THE NEED FOR AN EXTENSION ARISE.

1 (8) IF THE MMP IS NEITHER APPROVED NOR REJECTED BY A DEADLINE
2 ESTABLISHED IN THIS SUBPART, SUBJECT TO ANY EXTENSION UNDER
3 SUBSECTION (7), THE MMP IS CONSIDERED AUTOMATICALLY APPROVED AT
4 THAT STEP IN THE APPROVAL PROCESS, AND THE APPROVAL PROCESS SHALL
5 CONTINUE AT THE NEXT STEP. THIS SUBSECTION DOES NOT APPLY TO
6 FAILURE OF AN INDIVIDUAL MUNICIPALITY TO APPROVE OR DISAPPROVE THE
7 MMP UNDER SUBSECTION (5).

8 (9) WITHIN 180 DAYS AFTER THE MMP IS SUBMITTED TO THE
9 DEPARTMENT UNDER SUBSECTION (6), THE DEPARTMENT SHALL APPROVE OR
10 REJECT THE MMP. THE DEPARTMENT SHALL APPROVE THE MMP IF THE MMP
11 COMPLIES WITH PART 115. IF THE DEPARTMENT APPROVES THE MMP, THE MMP
12 IS FINAL. IF THE DEPARTMENT REJECTS THE MMP, SUBSECTION (11)
13 APPLIES.

14 (10) BEFORE APPROVING OR REJECTING AN MMP UNDER SUBSECTION
15 (9), THE DEPARTMENT MAY RETURN THE MMP TO THE CBC WITH A WRITTEN
16 REQUEST FOR MODIFICATIONS NECESSARY FOR APPROVAL UNDER SUBSECTION
17 (9) OR TO CLARIFY THE MMP. IF THE DEPARTMENT RETURNS THE MMP FOR
18 MODIFICATIONS, THE RUNNING OF THE 180-DAY PERIOD IS TOLLED FOR 90
19 DAYS OR UNTIL THE CBC RESPONDS TO THE DEPARTMENT'S REQUEST,
20 WHICHEVER OCCURS FIRST. IF THE CBC DOES NOT APPROVE THE
21 MODIFICATIONS REQUESTED BY THE DEPARTMENT, SUBSECTION (11) APPLIES.

22 (11) SUBJECT TO SUBSECTION (9), IF A CBC DOES NOT PREPARE AN
23 MMP OR THE MMP DOES NOT TIMELY OBTAIN AN APPROVAL REQUIRED BY PART
24 115, THE DEPARTMENT MAY PREPARE AND APPROVE AN MMP FOR THE COUNTY.
25 AN MMP PREPARED AND APPROVED BY THE DEPARTMENT IS FINAL. ONCE THE
26 MMP IS FINAL, THE COUNTY SHALL IMPLEMENT THE MMP.

27 SEC. 11576. (1) AMENDMENTS TO AN MMP SHALL BE MADE ONLY AS

1 PROVIDED IN SUBSECTION (2), (3), OR (4).

2 (2) THE DEPARTMENT SHALL INITIATE THE ADOPTION OF 1 OR MORE
3 AMENDMENTS TO AN MMP IF THE DEPARTMENT DETERMINES THAT THE GUIDANCE
4 PROVIDED BY LEGISLATION, BY THIS STATE'S SOLID WASTE POLICY, AND BY
5 REPORTS AND INITIATIVES OF THE DEPARTMENT HAS SIGNIFICANTLY CHANGED
6 THE REQUIRED CONTENTS OF AN MMP OR IF AS A RESULT OF CHANGES IN
7 CONDITIONS IN THE PLANNING AREA THE MMP NO LONGER COMPLIES WITH THE
8 REQUIREMENTS OF PART 115. THE PROCEDURE FOR ADOPTING AMENDMENTS TO
9 THE MMP UNDER THIS SUBSECTION IS THE SAME AS THE PROCEDURE FOR
10 ADOPTION OF AN INITIAL MMP.

11 (3) THE CBC MAY INITIATE 1 OR MORE AMENDMENTS BY FILING A
12 NOTICE OF INTENT WITH THE DEPARTMENT. EXCEPT AS PROVIDED IN
13 SUBSECTION (4), THE PROCEDURE FOR ADOPTING AN AMENDMENT IS THE SAME
14 AS THE PROCEDURE FOR ADOPTION OF AN INITIAL MMP EXCEPT AS FOLLOWS:

15 (A) THE COUNTY SUBMITS A NOTICE OF INTENT ON ITS OWN
16 INITIATIVE RATHER THAN IN RESPONSE TO A REQUEST FROM THE DEPARTMENT
17 UNDER SECTION 11571.

18 (B) IF THE CBC REJECTS A REVISED AMENDMENT UNDER SECTION
19 11575(2), THE AMENDMENT PROCESS TERMINATES.

20 (C) SECTION 11575(11) DOES NOT APPLY. INSTEAD, IF ANY REQUIRED
21 APPROVAL IS NOT TIMELY GRANTED, THE AMENDMENT PROCESS TERMINATES
22 AND THE AMENDMENTS ARE NOT ADOPTED.

23 (4) IF, AFTER A NOTICE OF INTENT IS FILED UNDER SUBSECTION
24 (3), THE DEPARTMENT DETERMINES THAT THE AMENDMENT WILL INCREASE
25 MATERIALS UTILIZATION OR THE RECOVERY OF MANAGED MATERIAL AND
26 COMPLIES WITH PART 115, THE DEPARTMENT MAY AUTHORIZE THE CBC TO
27 AMEND THE MMP BY SIMPLY SUBMITTING THE AMENDMENT TO THE DEPARTMENT

1 IN WRITING. THE DEPARTMENT SHALL PROVIDE THE CBC WITH WRITTEN
2 APPROVAL OF THE SUBMITTED AMENDMENT.

3 (5) A COUNTY SHALL KEEP ITS MMP CURRENT. THE FOLLOWING CHANGES
4 DO NOT REQUIRE AN AMENDMENT IF MADE IN A SUPPLEMENT TO THE MMP
5 PROVIDED FOR BY THE DEPARTMENT UNDER SECTION 11574(2) FOR THE
6 PURPOSE OF CHANGES NOT REQUIRING AN AMENDMENT:

7 (A) TRANSPORTATION INFRASTRUCTURE.

8 (B) POPULATION DENSITY.

9 (C) MATERIALS MANAGEMENT FACILITY INVENTORY.

10 (D) LOCAL ORDINANCES THAT DO NOT CONTROL THE DEVELOPMENT OF A
11 MATERIALS MANAGEMENT FACILITY AND THAT MINIMALLY CONTROL THE
12 OPERATION OF THE MATERIALS MANAGEMENT FACILITY, SUCH AS ORDINANCES
13 ADDRESSING LANDSCAPING, SCREENING, AND OTHER ANCILLARY CONSTRUCTION
14 DETAILS; HOURS OF OPERATION; OPERATING RECORDS AND REPORTING
15 REQUIREMENTS; NOISE, LITTER, ODOR, DUST, AND OTHER SITE NUISANCES;
16 AND FACILITY SECURITY AND SAFETY.

17 (6) CHANGES MADE WITHOUT AMENDMENT UNDER SUBSECTION (5) SHALL
18 BE INCORPORATED IN THE NEXT AMENDMENT MADE UNDER SUBSECTION (2) OR
19 (3).

20 (7) EVERY 5 YEARS AFTER THE INITIAL MMP IS APPROVED, THE CBC
21 SHALL COMPLETE AN MMP REVIEW. THE PURPOSE OF THE REVIEW IS TO
22 ENSURE THAT THE MMP COMPLIES WITH PART 115 AND TO EVALUATE THE
23 PROGRESS THAT HAS BEEN MADE IN MEETING THE MMP'S MATERIALS
24 UTILIZATION GOALS, INCLUDING THE BENCHMARK RECYCLING STANDARD. ONCE
25 THE REVIEW IS COMPLETE, THE CBC SHALL SUBMIT TO THE DEPARTMENT 1 OF
26 THE FOLLOWING, AS APPROPRIATE:

27 (A) AN MMP AMENDMENT.

1 (B) A STATEMENT INDICATING THAT AN AMENDMENT IS NOT NEEDED TO
2 ADVANCE THE MATERIALS UTILIZATION GOALS.

3 (8) THE DEPARTMENT MAY REVIEW AN MMP PERIODICALLY AND
4 DETERMINE IF ANY AMENDMENTS ARE NECESSARY TO COMPLY WITH PART 115.
5 IF THE DEPARTMENT DETERMINES THAT AN AMENDMENT IS NECESSARY, THE
6 FOLLOWING APPLY:

7 (A) THE DEPARTMENT, AFTER NOTICE AND OPPORTUNITY FOR A PUBLIC
8 HEARING HELD PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969,
9 1969 PA 306, MCL 24.201 TO 24.328, MAY WITHDRAW APPROVAL OF THE MMP
10 OR THE NONCOMPLIANT PORTION OF THE MMP.

11 (B) THE DEPARTMENT SHALL ESTABLISH A SCHEDULE FOR COMPLIANCE
12 WITH PART 115.

13 (C) IF THE PLANNING AREA DOES NOT AMEND ITS MMP WITHIN THE
14 SCHEDULE UNDER SUBDIVISION (B), THE DEPARTMENT SHALL AMEND THE MMP
15 TO ADDRESS THE DEFICIENCIES.

16 SEC. 11577. (1) THE GOALS OF AN MMP ARE AS FOLLOWS:

17 (A) TO PREVENT ADVERSE EFFECTS ON THE PUBLIC HEALTH OR THE
18 ENVIRONMENT RESULTING FROM IMPROPER MATERIALS MANAGEMENT
19 COLLECTION, PROCESSING, RECOVERY, OR DISPOSAL, INCLUDING PROTECTION
20 OF SURFACE WATER AND GROUNDWATER, AIR, AND LAND.

21 (B) TO SUSTAINABLY MANAGE MATERIALS IN A WAY THAT BENEFITS THE
22 ECONOMY, COMMUNITIES, AND THE ENVIRONMENT.

23 (C) TO ENSURE THAT ALL MANAGED MATERIAL GENERATED IN THE
24 PLANNING AREA IS COLLECTED AND RECOVERED, PROCESSED, OR DISPOSED AT
25 MATERIALS MANAGEMENT FACILITIES THAT COMPLY WITH STATE STATUTES AND
26 RULES OR MANAGED APPROPRIATELY AT OUT-OF-STATE FACILITIES.

27 SEC. 11578. AN MMP SHALL MEET THE FOLLOWING REQUIREMENTS:

1 (A) INCLUDE MEASURABLE, OBJECTIVE, AND SPECIFIC GOALS FOR THE
2 PLANNING AREA FOR SOLID WASTE DIVERSION FROM DISPOSAL AREAS,
3 INCLUDING, BUT NOT LIMITED TO, THE BENCHMARK RECYCLING STANDARD.

4 (B) INCLUDE AN IMPLEMENTATION STRATEGY FOR THE COUNTY TO MEET
5 THE MATERIALS UTILIZATION GOALS BY THE TIME OF THE 5-YEAR MMP
6 REVIEW UNDER SECTION 11576(7). THE IMPLEMENTATION STRATEGY SHALL
7 INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

8 (i) HOW PROGRESS WILL BE MADE TO REDUCE THE AMOUNT OF ORGANIC
9 MATERIAL BEING DISPOSED OF, THROUGH FOOD WASTE REDUCTION,
10 COMPOSTING, AND ANAEROBIC DIGESTION.

11 (ii) HOW PROGRESS WILL BE MADE TO REDUCE THE AMOUNT OF
12 RECYCLABLE MATERIALS BEING DISPOSED OF, THROUGH INCREASED
13 RECYCLING, INCLUDING EXPANDING CONVENIENT ACCESS AND RECYCLING AT
14 SINGLE AND MULTIFAMILY DWELLINGS, BUSINESSES, AND INSTITUTIONS.

15 (iii) A PROCESS WHEREBY EACH OF A PLANNING AREA'S MATERIALS
16 UTILIZATION FACILITIES ARE EVALUATED BASED ON THE TYPE, ORIGIN, AND
17 QUANTITIES OF SOURCE SEPARATED OR RECYCLABLE MATERIALS IN TONS ON
18 AN ANNUAL BASIS AS REPORTED TO THE DEPARTMENT.

19 (iv) A DESCRIPTION OF THE RESOURCES NEEDED FOR MEETING THE
20 MATERIALS UTILIZATION GOALS AND HOW THE DEVELOPMENT OF NECESSARY
21 MATERIALS UTILIZATION FACILITIES AND ACTIVITIES BE PROMOTED.

22 (v) A DESCRIPTION OF HOW THE BENCHMARK RECYCLING STANDARDS
23 WILL BE MET.

24 (C) IDENTIFY BY TYPE AND TONNAGE ALL MANAGED MATERIAL
25 GENERATED IN THE PLANNING AREA AND ALL MANAGED MATERIAL THAT IS
26 INCLUDED IN THE PLANNING AREA'S MATERIALS UTILIZATION GOALS.
27 AMOUNTS OF MATERIAL MAY BE ESTIMATED USING A FORMULA PROVIDED BY

1 THE DEPARTMENT.

2 (D) REQUIRE THAT A PROPOSED MATERIALS MANAGEMENT FACILITY MEET
3 THE REQUIREMENTS OF PART 115 AND BE CONSISTENT WITH THE MATERIALS
4 UTILIZATION GOALS.

5 (E) TO THE EXTENT PRACTICABLE, IDENTIFY AND EVALUATE AVAILABLE
6 MATERIALS MANAGEMENT INFRASTRUCTURE AND SYSTEMS THAT CONTRIBUTE TO
7 MEETING THE GOAL UNDER SECTION 11577(C) AND OTHER OPTIONS TO MEET
8 THAT GOAL.

9 (F) INCLUDE AN INVENTORY OF THE NAMES AND ADDRESSES OF ALL OF
10 THE FOLLOWING, SUBJECT TO SUBDIVISION (G):

11 (i) EXISTING DISPOSAL AREAS.

12 (ii) MATERIALS UTILIZATION FACILITIES THAT MEET BOTH OF THE
13 FOLLOWING REQUIREMENTS:

14 (A) ARE IN OPERATION ON THE EFFECTIVE DATE OF THE AMENDATORY
15 ACT THAT ADDED THIS SECTION.

16 (B) ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
17 THIS SECTION, COMPLY WITH PART 115 OR, WITHIN 1 YEAR AFTER THAT
18 DATE, ARE IN THE PROCESS OF BECOMING COMPLIANT.

19 (iii) WASTE DIVERSION CENTERS FOR WHICH NOTIFICATION HAS BEEN
20 GIVEN TO THE DEPARTMENT UNDER SECTION 11521B.

21 (G) INCLUDE A MATERIALS MANAGEMENT FACILITY IN THE INVENTORY
22 UNDER SUBDIVISION (F) ONLY IF THE OWNER OR OPERATOR OF THE FACILITY
23 HAS SUBMITTED TO THE COUNTY A WRITTEN ACKNOWLEDGMENT INDICATING
24 THAT THE OWNER OR OPERATOR IS AWARE OF THE PROPOSED INCLUSION OF
25 THE FACILITY IN THE MMP RELATIVE TO THE MATERIALS CAPACITY NEEDS
26 IDENTIFIED IN SUBDIVISION (C) AND THAT THE FACILITY HAS THE
27 INDICATED CAPACITY TO MANAGE THE MATERIALS IDENTIFIED. THE MMP

1 SHALL INCLUDE A STATEMENT THAT THE OWNER OR OPERATOR OF EACH
2 FACILITY LISTED IN THE MMP HAS SUBMITTED SUCH AN ACKNOWLEDGMENT TO
3 THE COUNTY. IF THE SUBMITTED ACKNOWLEDGMENTS DO NOT DOCUMENT
4 SUFFICIENT CAPACITY FOR DISPOSAL OR MATERIALS UTILIZATION TO REACH
5 THE MMP'S MATERIALS MANAGEMENT CAPACITY REQUIREMENTS, INCLUDING THE
6 MATERIALS UTILIZATION GOALS, THE MMP SHALL IDENTIFY SPECIFIC
7 STRATEGIES, INCLUDING A SCHEDULE AND APPROACH TO DEVELOP AND FUND
8 CAPACITY.

9 (H) DESCRIBE THE FACILITIES INVENTORIED PURSUANT TO
10 SUBDIVISION (F), INCLUDING A SUMMARY OF THE DEFICIENCIES, IF ANY,
11 OF THE FACILITIES IN MEETING CURRENT MATERIALS MANAGEMENT NEEDS.
12 THE DESCRIPTION SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING
13 INFORMATION:

14 (i) THE FACILITY LATITUDE AND LONGITUDE.

15 (ii) THE ESTIMATED FACILITY ACREAGE.

16 (iii) A DESCRIPTION OF THE MATERIALS MANAGED.

17 (iv) THE PROCESSES FOR HANDLING MATERIALS AT THE FACILITY.

18 (v) THE TOTAL AUTHORIZED CAPACITY OF THE FACILITY.

19 (I) ENSURE THAT THE PLANNING AREA HAS, AND WILL HAVE DURING
20 THE PLANNING PERIOD, SUFFICIENT AVAILABLE AND SUITABLE LAND AND
21 ACCESSIBLE TRANSPORTATION, TO ACCOMMODATE THE DEVELOPMENT AND
22 OPERATION OF MATERIALS UTILIZATION FACILITIES AND SOLID WASTE
23 PROCESSING AND TRANSFER FACILITIES IDENTIFIED IN THE INVENTORY
24 UNDER SUBDIVISION (E).

25 (J) ENSURE THAT THE MATERIALS MANAGEMENT FACILITIES IDENTIFIED
26 IN THE INVENTORY UNDER SUBDIVISION (E) ARE CAPABLE OF BEING
27 DEVELOPED IN COMPLIANCE WITH STATE LAW PERTAINING TO PROTECTION OF

1 THE PUBLIC HEALTH AND THE ENVIRONMENT, CONSIDERING THE AVAILABLE
2 LAND IN THE PLANNING AREA AND THE TECHNICAL FEASIBILITY OF, AND
3 ECONOMIC COSTS ASSOCIATED WITH, THE FACILITIES.

4 (K) INCLUDE AN ENFORCEABLE MECHANISM TO MEET THE GOAL OF
5 SECTION 11577(C) AND OTHERWISE IMPLEMENT THE MMP, AND IDENTIFY THE
6 PARTY RESPONSIBLE TO ENSURE COMPLIANCE WITH PART 115. THE MMP MAY
7 CONTAIN A MECHANISM FOR THE COUNTY AND MUNICIPALITIES IN THE
8 PLANNING AREA TO ASSIST THE DEPARTMENT AND THE DEPARTMENT OF STATE
9 POLICE IN CONDUCTING THE INSPECTION PROGRAM ESTABLISHED IN SECTION
10 11526(2) AND (3). THIS SUBDIVISION DOES NOT PRECLUDE THE PRIVATE
11 SECTOR'S PARTICIPATION IN PROVIDING MATERIALS MANAGEMENT SERVICES
12 CONSISTENT WITH THE MMP FOR THE PLANNING AREA.

13 (L) CALCULATE THE MUNICIPAL SOLID WASTE RECYCLING RATE FOR THE
14 PLANNING AREA.

15 (M) DESCRIBE RELEVANT TRANSPORTATION INFRASTRUCTURE.

16 (N) INCLUDE CURRENT AND PROJECTED POPULATION DENSITIES AND
17 IDENTIFY OF POPULATION CENTERS AND CENTERS OF MANAGED MATERIALS
18 GENERATION IN THE PLANNING AREA USING A FORMULA PROVIDED BY THE
19 DEPARTMENT, TO DEMONSTRATE THAT THE CAPACITY REQUIRED FOR MANAGED
20 MATERIAL IS MET.

21 (O) DESCRIBE THE MECHANISMS BY WHICH MUNICIPALITIES IN THE
22 PLANNING AREA WILL ENSURE CONVENIENT RECYCLING ACCESS, SUCH AS
23 ASSIGNMENT OF THE RESPONSIBILITY TO THE COUNTY OR AN AUTHORITY,
24 FRANCHISE AGREEMENTS, INTERGOVERNMENTAL AGREEMENTS, MUNICIPAL
25 SERVICES, HAULER LICENSING UNDER AN ORDINANCE, OR PUBLIC-PRIVATE
26 PARTNERSHIP.

27 (P) ALLOW A COUNTY OR A MUNICIPALITY WITHIN THE PLANNING AREA,

1 AT ITS DISCRETION, TO REQUIRE HAULERS OPERATING IN ITS JURISDICTION
2 TO PROVIDE A MINIMUM LEVEL OF RECYCLING SERVICE.

3 (Q) IDENTIFY THE DPA AND THE ENTITY OR ENTITIES RESPONSIBLE
4 FOR THE FOLLOWING AND DOCUMENT THE APPROPRIATENESS OF THE DPA AND
5 OTHER IDENTIFIED ENTITIES TO CARRY OUT THEIR RESPECTIVE
6 RESPONSIBILITIES:

7 (i) IMPLEMENTING THE BENCHMARK RECYCLING STANDARDS ACCESS
8 REQUIREMENTS.

9 (ii) IDENTIFYING THE MATERIALS UTILIZATION FRAMEWORK AND THE
10 ACHIEVEMENT OF THE MATERIALS UTILIZATION GOALS.

11 (iii) OTHERWISE MONITORING, IMPLEMENTING, AND ENFORCING THE
12 MMP AND PROVIDING ANY REQUIRED REPORTS TO THE DEPARTMENT.

13 (iv) ADMINISTERING THE FUNDING MECHANISMS IDENTIFIED IN
14 SECTION 11581 THAT WILL BE USED TO IMPLEMENT THE MMP.

15 (v) ENSURING COMPLIANCE WITH PART 115.

16 THIS STATE MAY SERVE AS A RESPONSIBLE PARTY UNDER THIS SUBDIVISION
17 ON BEHALF OF A MUNICIPALITY IF THE MUNICIPALITY IS UNDER A
18 FINANCIAL CONSENT ORDER OR IN RECEIVERSHIP.

19 (R) WITH RESPECT TO EDUCATION AND OUTREACH FOR RESIDENTS AND
20 BUSINESSES IN THE PLANNING AREA, THE FOLLOWING:

21 (i) IDENTIFY THE PERSONS RESPONSIBLE FOR EDUCATION AND
22 OUTREACH.

23 (ii) SPECIFY THE BUDGET AND MEANS OF FUNDING EDUCATION AND
24 OUTREACH.

25 (iii) IF THE RESPONSIBILITY FOR ACTIVITIES TO MEET THE
26 REQUIREMENTS OF SUBPARAGRAPHS (i) AND (ii) IS PRIMARILY PLACED ON
27 THE PRIVATE SECTOR SERVICE PROVIDERS, INCLUDE A COPY OF AN

1 AGREEMENT WITH THE SERVICE PROVIDER OR AN ORDINANCE OR OTHER
2 ENFORCEABLE MECHANISM THAT ENSURES COMPLIANCE WITH PART 115.

3 (iv) DESCRIBE THE COUNTY OR REGIONAL ROLE IN PROVIDING
4 RECYCLING EDUCATION, INCLUDING A WEBSITE, TELEPHONE NUMBER, AND
5 SAMPLE RECYCLING GUIDE THAT WILL BE PROVIDED TO RESIDENTS AND
6 BUSINESSES.

7 (S) INCLUDE A SITING PROCESS UNDER SECTION 11579 AND A COPY OF
8 ANY ORDINANCE, LAW, RULE, OR REGULATION OF A MUNICIPALITY, COUNTY,
9 OR GOVERNMENTAL AUTHORITY WITHIN THE PLANNING AREA THAT APPLIES TO
10 THE SITING PROCESS.

11 (T) TAKE INTO CONSIDERATION THE MMPS OF COUNTIES ADJACENT TO
12 THE PLANNING AREA AS THEY RELATE TO THE PLANNING AREA'S NEEDS.

13 (U) PROVIDE FOR THE FOLLOWING WITH RESPECT TO ANY MUNICIPALITY
14 THAT INCLUDES OR IS LOCATED WITHIN 2 MILES OF A PROPOSED SOLID
15 WASTE LANDFILL DEVELOPMENT OR EXPANSION THAT WOULD REQUIRE A NEW
16 CONSTRUCTION PERMIT OR INCLUDES OR IS LOCATED WITHIN 1 MILE OF A
17 SOLID WASTE PROCESSING AND TRANSFER FACILITY OR MATERIALS
18 UTILIZATION FACILITY:

19 (i) NOTIFICATION OF THE MUNICIPALITY.

20 (ii) AN OPPORTUNITY FOR THE MUNICIPALITY TO COMMENT ON THE
21 LANDFILL DEVELOPMENT OR EXPANSION OR THE SOLID WASTE PROCESSING AND
22 TRANSFER FACILITY, OR MATERIALS UTILIZATION FACILITY.

23 (iii) A REQUIREMENT THAT THE MATERIALS MANAGEMENT FACILITY
24 DEVELOPER AND THE PLANNING COMMITTEE ADDRESS, TO THE EXTENT
25 PRACTICABLE, EACH CONCERN IDENTIFIED BY THE MUNICIPALITY. THE
26 COUNTY SHALL DOCUMENT COMPLIANCE WITH THIS SUBDIVISION, IF
27 APPLICABLE.

1 (V) INCLUDE A SCHEDULE FOR IMPLEMENTING THE MMP.

2 (W) DOCUMENT ALL OPPORTUNITIES FOR PARTICIPATION AND
3 INVOLVEMENT OF THE PUBLIC, ALL AFFECTED AGENCIES AND PARTIES, AND
4 THE PRIVATE SECTOR IN THE PREPARATION OF THE MMP.

5 SEC. 11579. (1) AN MMP SHALL INCLUDE A SITING PROCESS WITH A
6 SET OF MINIMUM CRITERIA FOR THE PURPOSES OF SECTION 11585(4).

7 (2) A MATERIALS UTILIZATION FACILITY NEED NOT BE SITED IF THE
8 CBC DEMONSTRATES TO THE DEPARTMENT THAT THE PLANNING AREA HAS
9 AVAILABLE CAPACITY SUFFICIENT TO ADDRESS THE MANAGED MATERIALS
10 IDENTIFIED BY THE MMP AS BEING GENERATED IN THE PLANNING AREA.

11 (3) THE SITING PROCESS SHALL NOT INCLUDE SITING CRITERIA MORE
12 RESTRICTIVE THAN STATE LAW IF A MATERIALS UTILIZATION FACILITY
13 COULD NOT BE DEVELOPED ANYWHERE IN THE PLANNING AREA UNDER THOSE
14 CRITERIA.

15 SEC. 11580. (1) IN ADDITION TO THE OTHER REQUIREMENTS OF PART
16 115, IF THE COUNTY BOARD OF COMMISSIONERS, MUNICIPALITIES, AND
17 REGIONAL PLANNING AGENCY DO NOT TIMELY SUBMIT A NOTICE OF INTENT TO
18 PREPARE AN MMP AND THE DEPARTMENT PREPARES AN MMP UNDER SECTION
19 11571, THE MMP PREPARED BY THE DEPARTMENT SHALL COMPLY WITH THE
20 FOLLOWING:

21 (A) AUTOMATICALLY FIND ALL MATERIALS UTILIZATION FACILITIES OR
22 SOLID WASTE PROCESSING AND TRANSFER FACILITIES THAT ARE EXEMPT FROM
23 PERMIT AND LICENSE REQUIREMENTS, THAT COMPLY WITH LOCAL ZONING
24 REQUIREMENTS, AND THAT HAVE BEEN INCLUDED IN THE MMP TO BE
25 CONSISTENT WITH THE MMP.

26 (B) NOT ALLOW APPROVAL OF ADDITIONAL SOLID WASTE LANDFILL
27 DISPOSAL CAPACITY.

1 (C) REQUIRE ALL HAULERS SERVING THE PLANNING AREA TO PROVIDE
2 RECYCLING ACCESS CONSISTENT WITH THE BENCHMARK RECYCLING STANDARDS.

3 (2) IF THE DEPARTMENT PREPARES AN MMP, THE MMP NEED NOT
4 CONTAIN A REQUIREMENT FOR A PROPOSED MATERIALS MANAGEMENT FACILITY
5 TO MEET ADDITIONAL SITING CRITERIA OR OBTAIN HOST COMMUNITY
6 APPROVAL UNDER SECTION 11585(4) (C) .

7 SEC. 11581. (1) IN ADDITION TO THE MATERIALS MANAGEMENT
8 PLANNING GRANTS UNDER SECTION 11587, A MUNICIPALITY OR COUNTY MAY
9 UTILIZE ANY OF THE FOLLOWING MECHANISMS, AS APPLICABLE, TO FUND
10 IMPLEMENTATION OF AN MMP:

11 (A) A MILLAGE UNDER 1917 PA 298, MCL 123.261.

12 (B) A MUNICIPAL UTILITY SERVICE FEE.

13 (C) SPECIAL ASSESSMENTS UNDER 1957 PA 185, MCL 123.731 TO
14 123.786; 1954 PA 188, MCL 41.721 TO 41.738; OR 1923 PA 116, MCL
15 41.411 TO 41.419.

16 (D) A SERVICE PROVIDER FRANCHISE AGREEMENT.

17 (E) HAULER LICENSING FEES.

18 (F) A VOTER-APPROVED MILLAGE.

19 (G) A GENERAL FUND APPROPRIATION.

20 (H) SUPPLEMENTAL FEES FOR SERVICE.

21 (I) A SURCHARGE UNDER SECTION 8A OF THE URBAN COOPERATION ACT
22 OF 1967, 1967 (EX SESS) PA 7, MCL 124.508A.

23 (J) A LANDFILL SURCHARGE.

24 (K) ANY OTHER LAWFUL MECHANISM.

25 (2) APPROPRIATE USES FOR FUNDING DESCRIBED IN SUBSECTION (1)
26 MAY INCLUDE, BUT ARE NOT LIMITED, TO THE FOLLOWING:

27 (A) RECYCLING PROGRAMS.

1 (B) ORGANIC MATERIALS MANAGEMENT.

2 (C) EDUCATION AND OUTREACH REGARDING RECYCLING AND MATERIALS
3 UTILIZATION.

4 (D) RELEVANT MARKET DEVELOPMENT.

5 (E) MATERIALS REDUCTION AND REUSE INITIATIVES.

6 SEC. 11582. (1) THE CBC SHALL CERTIFY TO THE DEPARTMENT THE
7 CBC'S PROGRESS TOWARD MEETING ITS MATERIALS UTILIZATION GOALS. THE
8 FIRST CERTIFICATION SHALL BE SUBMITTED BY THE FIRST JUNE 30 THAT IS
9 MORE THAN 2 YEARS AFTER THE DEPARTMENT'S APPROVAL OF THE INITIAL
10 MMP OR MMP AMENDMENT. SUBSEQUENT CERTIFICATIONS SHALL BE SUBMITTED
11 BY JUNE 30 EVERY 2 YEARS AFTER THE FIRST CERTIFICATION.

12 (2) IF A COUNTY DOES NOT MAKE PROGRESS TOWARD MEETING ITS
13 MATERIALS UTILIZATION GOALS, THE COUNTY IS INELIGIBLE FOR
14 ASSISTANCE FROM THE GROWING RECYCLING ACCESS AND VOLUNTARY
15 PARTICIPATION PROGRAM UNDER SECTION 11550(9) UNTIL BOTH OF THE
16 FOLLOWING REQUIREMENTS ARE MET:

17 (A) THE COUNTY ADOPTS AN ORDINANCE OR OTHER ENFORCEABLE
18 MECHANISM TO ENSURE THAT ANY SOLID WASTE HAULER PROVIDING CURBSIDE
19 SOLID WASTE HAULING SERVICE ALSO OFFERS CURBSIDE RECYCLING SERVICE
20 TO DWELLINGS OF 4 OR FEWER UNITS IN THE PLANNING AREA.

21 (B) ANY REMAINING DEFICIENCIES IN A COUNTY'S PROGRESS TOWARD
22 MEETING ITS MATERIALS UTILIZATION GOALS ARE ADDRESSED.

23 SEC. 11583. AN ORDINANCE, LAW, RULE, REGULATION, POLICY, OR
24 PRACTICE OF A MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY
25 CREATED BY STATUTE THAT CONFLICTS WITH PART 115 IS NOT ENFORCEABLE
26 IF ANY OF THE FOLLOWING APPLY:

27 (A) IT PROHIBITS DEVELOPMENT OF A MATERIALS MANAGEMENT

1 FACILITY AND IS NOT INCORPORATED BY REFERENCE IN THE MMP FOR THE
2 COUNTY.

3 (B) IT VIOLATES SECTION 207 OF THE MICHIGAN ZONING ENABLING
4 ACT, 2006 PA 110, MCL 125.3207, WITH RESPECT TO A MATERIALS
5 MANAGEMENT FACILITY.

6 SEC. 11584. (1) A COUNTY, MUNICIPALITY, AUTHORITY, OR REGIONAL
7 PLANNING AGENCY THAT OWNS A SOLID WASTE DISPOSAL FACILITY MAY ADOPT
8 REQUIREMENTS CONTROLLING THE FLOW OF SOLID WASTE TO THAT SOLID
9 WASTE DISPOSAL FACILITY.

10 (2) THE CBC MAY ESTABLISH MATERIALS MANAGEMENT AUTHORIZATIONS
11 OR FEES OR ANY OTHER REGULATORY ORDINANCES OR AGREEMENTS NEEDED TO
12 ACHIEVE THE MATERIALS UTILIZATION GOALS.

13 (3) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

14 (A) MAINTAIN A DATABASE FOR MATERIALS MANAGEMENT FACILITIES TO
15 REPORT TO THE DEPARTMENT CERTAIN INFORMATION REQUIRED UNDER PART
16 115, AS DETERMINED BY THE DEPARTMENT.

17 (B) PROVIDE MATERIALS MANAGEMENT FACILITIES WITH INSTRUCTIONS
18 NECESSARY TO ADD INFORMATION TO THE DATABASE.

19 (C) PROVIDE CBCS ACCESS TO INFORMATION IN THE DATABASE.

20 SEC. 11585. (1) IF A DISPOSAL AREA THAT DOES NOT REQUIRE A
21 LICENSE OR PERMIT UNDER PART 115 OR A MATERIALS UTILIZATION
22 FACILITY IS PROPOSED TO BE LOCATED IN A LOCAL UNIT OF GOVERNMENT
23 THAT HAS A ZONING ORDINANCE, THE DISPOSAL AREA OR MATERIALS
24 UTILIZATION FACILITY IS CONSISTENT WITH THE MMP IF IT COMPLIES WITH
25 THE ZONING ORDINANCE AND THE OWNER OR OPERATOR OF THE PROPOSED
26 DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY PRESENTS
27 DOCUMENTATION TO THE DEPARTMENT AND THE CBC FROM THE LOCAL UNIT OF

1 GOVERNMENT EXERCISING ZONING AUTHORITY DEMONSTRATING THAT THE
2 DISPOSAL AREA COMPLIES WITH LOCAL ZONING.

3 (2) A DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY IS
4 AUTOMATICALLY CONSISTENT WITH THE MMP IF THE SPECIFIC FACILITY OR
5 TYPE OF FACILITY IS IDENTIFIED IN THE MMP AS BEING AUTOMATICALLY
6 CONSISTENT.

7 (3) A MATERIALS MANAGEMENT FACILITY THAT IS NOT AUTOMATICALLY
8 CONSISTENT WITH THE MMP IS CONSIDERED CONSISTENT IF, AS DETERMINED
9 BY THE CBC OR OTHER ENTITY SPECIFIED BY THE MMP AND BY THE
10 DEPARTMENT, THE FOLLOWING REQUIREMENTS ARE MET:

11 (A) THE MMP AUTHORIZES THAT TYPE OF MATERIALS MANAGEMENT
12 FACILITY TO BE SITED BY FOLLOWING THE SITING PROCEDURE AND MEETING
13 THE MINIMUM SITING CRITERIA INCLUDED IN THE MMP UNDER SECTION 11579
14 OR THE FACILITY IS A CAPTIVE TYPE III LANDFILL AND BOTH OF THE
15 FOLLOWING APPLY:

16 (i) THE LANDFILL DOES NOT ACCEPT OFF-SITE WASTE.

17 (ii) THE LANDFILL MET LOCAL LAND USE REQUIREMENTS WHEN
18 INITIALLY SITED.

19 (B) THE MATERIALS MANAGEMENT FACILITY FOLLOWS THE SITING
20 PROCEDURE AND MEETS MINIMUM SITING CRITERIA IN THE MMP.

21 (C) THE MATERIALS MANAGEMENT FACILITY MEETS EITHER OF THE
22 FOLLOWING REQUIREMENTS:

23 (i) HAS HOST COMMUNITY APPROVAL.

24 (ii) MEETS ANY SUPPLEMENTAL SITING CRITERIA IN THE MMP FOR
25 MATERIALS MANAGEMENT FACILITIES THAT DO NOT HAVE HOST COMMUNITY
26 APPROVAL.

27 (4) THE CBC OR OTHER ENTITY SPECIFIED BY THE MMP SHALL

1 PROMPTLY NOTIFY THE OWNER OR OPERATOR OF THE MATERIALS MANAGEMENT
2 FACILITY IN WRITING OF ITS DETERMINATION UNDER SUBSECTION (3)
3 WHETHER THE MATERIALS MANAGEMENT FACILITY IS CONSISTENT WITH THE
4 MMP.

5 (5) THE DEPARTMENT SHALL DETERMINE WHETHER A MATERIALS
6 MANAGEMENT FACILITY IS CONSISTENT WITH THE MMP THROUGH AN
7 INDEPENDENT EVALUATION AS PART OF THE REVIEW PROCESS FOR AN
8 APPLICATION FOR A REGISTRATION, FOR APPROVAL UNDER A GENERAL
9 PERMIT, OR FOR A CONSTRUCTION PERMIT OR OPERATING LICENSE. THE
10 APPLICANT FOR A PERMIT FOR A MATERIALS MANAGEMENT FACILITY SHALL
11 INCLUDE IN THE APPLICATION DOCUMENTATION OF THE FACILITY'S
12 CONSISTENCY WITH THE MMP.

13 (6) A LANDFILL, OTHER THAN A CAPTIVE TYPE III LANDFILL, OR A
14 MUNICIPAL SOLID WASTE INCINERATOR NEED NOT BE SITED IF THE CBC
15 DEMONSTRATES TO THE DEPARTMENT THROUGH ITS MATERIALS MANAGEMENT
16 PLAN THAT THE PLANNING AREA HAS AT LEAST 66 MONTHS OF AVAILABLE
17 SOLID WASTE DISPOSAL CAPACITY.

18 SEC. 11586. (1) THE STATE SOLID WASTE MANAGEMENT PLAN CONSISTS
19 OF THE STATE SOLID WASTE PLAN AND ALL MMPS APPROVED BY THE
20 DEPARTMENT.

21 (2) THE DEPARTMENT SHALL CONSULT AND ASSIST IN THE PREPARATION
22 AND IMPLEMENTATION OF MMPS.

23 (3) THE DEPARTMENT MAY UNDERTAKE OR CONTRACT FOR STUDIES OR
24 REPORTS NECESSARY OR USEFUL IN THE PREPARATION OF THE STATE SOLID
25 WASTE MANAGEMENT PLAN.

26 (4) THE DEPARTMENT SHALL PROMOTE POLICIES THAT ENCOURAGE
27 RESOURCE RECOVERY AND ESTABLISHMENT OF MATERIALS UTILIZATION

1 FACILITIES.

2 SEC. 11587. (1) SUBJECT TO APPROPRIATIONS, A MATERIALS
3 MANAGEMENT PLANNING GRANT PROGRAM IS ESTABLISHED TO PROVIDE GRANTS,
4 TO BE KNOWN AS MATERIALS MANAGEMENT PLANNING GRANTS, TO CBCS. THE
5 DEPARTMENT MAY PROMULGATE RULES FOR THE IMPLEMENTATION OF THE GRANT
6 PROGRAM. GRANT FUNDS SHALL BE AWARDED PURSUANT TO A GRANT
7 AGREEMENT. IF THE DEPARTMENT PREPARES THE MMP, GRANT FUNDS
8 APPROPRIATED FOR LOCAL PLANNING MAY BE USED BY THE DEPARTMENT FOR
9 MMP PREPARATION.

10 (2) GRANTS SHALL BE USED FOR ADMINISTRATIVE COSTS FOR
11 PREPARING, IMPLEMENTING, AND MAINTAINING AN MMP, INCLUDING, BUT NOT
12 LIMITED TO, THE FOLLOWING:

13 (A) DEVELOPMENT OF A WORK PROGRAM AS DESCRIBED IN SUBSECTION
14 (4) (B) AND R 299.4704 AND R 299.4705 OF THE MICHIGAN ADMINISTRATIVE
15 CODE, INCLUDING A PRIOR WORK PROGRAM.

16 (B) INITIAL MMP DEVELOPMENT AND MMP AMENDMENTS.

17 (C) ENSURING PUBLIC PARTICIPATION.

18 (D) DETERMINATIONS WHETHER NEW MATERIALS MANAGEMENT FACILITIES
19 ARE CONSISTENT WITH THE MMP.

20 (E) COSTS TO COLLECT AND SUBMIT DATA FOR THE DATABASE UTILIZED
21 BY THE DEPARTMENT FOR MATERIALS MANAGEMENT FACILITY REPORTING
22 PURPOSES AND COSTS TO EVALUATE DATA HOUSED IN THE DATABASE FOR THE
23 PLANNING AREA.

24 (F) RECYCLING EDUCATION AND OUTREACH.

25 (G) RECYCLING AND MATERIALS UTILIZATION PROGRAMS.

26 (H) PREPARATION OF REQUIRED REPORTS TO THE DEPARTMENT.

27 (I) MMP IMPLEMENTATION.



1 (3) MATERIALS MANAGEMENT PLANNING GRANTS SHALL COVER 100% OF
2 ELIGIBLE COSTS UP TO THE AUTHORIZED MAXIMUM AMOUNT AS SPECIFIED BY
3 RULE.

4 (4) IN THE FIRST YEAR OF THE GRANT PROGRAM, THE INITIAL ROUND
5 OF GRANTS SHALL BE AWARDED FOR A 3-YEAR PERIOD AND PAID IN
6 INSTALLMENTS AS SPECIFIED IN THE GRANT AGREEMENT. TO BE ELIGIBLE
7 FOR A GRANT IN THE FIRST YEAR, THE CBC MUST DO BOTH OF THE
8 FOLLOWING:

9 (A) SUBMIT A NOTICE OF INTENT TO PREPARE AN MMP UNDER SECTION
10 11571.

11 (B) WITHIN 120 DAYS AFTER SUBMITTING THE NOTICE OF INTENT TO
12 PREPARE AN MMP, SUBMIT TO AND OBTAIN DEPARTMENT APPROVAL OF A WORK
13 PROGRAM FOR PREPARING THE MMP. THE WORK PROGRAM SHALL BE PREPARED
14 BY THE DPA AND REVIEWED AND APPROVED BY THE PLANNING COMMITTEE. THE
15 WORK PROGRAM SHALL DESCRIBE THE ACTIVITIES FOR DEVELOPING AND
16 IMPLEMENTING THE MMP AND ASSOCIATED COSTS TO BE COVERED BY THE
17 COUNTY AND THE GRANT.

18 (5) THE AMOUNT OF A GRANT IN THE INITIAL ROUND SHALL EQUAL THE
19 SUM OF THE FOLLOWING:

20 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA.

21 (B) \$0.50 FOR EACH RESIDENT OF THE PLANNING AREA, UP TO
22 600,000 RESIDENTS.

23 (C) AN ADDITIONAL \$10,000.00 FOR EACH COUNTY IN THE PLANNING
24 AREA IF THE PLANNING AREA INCLUDES MORE THAN 1 COUNTY.

25 (6) ANNUAL GRANTS SHALL BE AWARDED FOR EACH YEAR AFTER
26 EXPIRATION OF THE 3-YEAR GRANTS UNDER SUBSECTION (4). TO BE
27 ELIGIBLE FOR AN ANNUAL GRANT, THE COUNTY MUST HAVE AN APPROVED WORK



1 PROGRAM UNDER SUBSECTION (4) OR AN MMP. THE AMOUNT OF AN ANNUAL
2 GRANT TO THE CBC SHALL EQUAL THE SUM OF THE FOLLOWING, AS
3 APPLICABLE:

4 (A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA.

5 (B) AN ADDITIONAL \$10,000.00 FOR EACH COUNTY IN THE PLANNING
6 AREA IF THE PLANNING AREA INCLUDES MORE THAN 1 COUNTY AND THE CBCS
7 WERE RESPONSIBLE FOR PREPARING THE MMP.

8 (7) A GRANTEE UNDER THIS SECTION SHALL KEEP RECORDS, SUBJECT
9 TO AUDIT, DOCUMENTING USE OF THE GRANT FOR MMP DEVELOPMENT AND
10 IMPLEMENTATION.

11 (8) FOR THE PURPOSE OF DETERMINING THE NUMBER OF COUNTIES IN A
12 PLANNING AREA UNDER THIS SECTION, THE INCLUSION OR EXCLUSION OF A
13 MUNICIPALITY UNDER SECTION 11571(4) SHALL NOT BE CONSIDERED.

14 Enacting section 1. Sections 11521, 11522, 11529, 11534 to
15 11538, 11539a, 11547, and 11548 of the natural resources and
16 environmental protection act, 1994 PA 451, MCL 324.11521,
17 324.11522, 324.11529, 324.11534 to 324.11538, 324.11539, 324.11547,
18 and 324.11548, are repealed.

19 Enacting section 2. This amendatory act takes effect 90 days
20 after the date it is enacted into law.