

HOUSE BILL No. 4834

May 16, 1989, Introduced by Reps. Hart, DeBeaussiaert, Niederstadt, Kosteva, Clack, Weeks, Scott, Gire, Dolan, DeMars and Dutko and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 7 of Act No. 641 of the Public Acts of 1978, entitled "Solid waste management act," as amended by Act No. 6 of the Public Acts of 1988, being section 299.407 of the Michigan Compiled Laws; and to add section 18b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 7 of Act No. 641 of the Public Acts of
2 1978, as amended by Act No. 6 of the Public Acts of 1988, being
3 section 299.407 of the Michigan Compiled Laws, is amended and
4 section 18b is added to read as follows:

5 Sec. 7. (1) "Solid waste" means garbage, rubbish, ashes,
6 incinerator ash, incinerator residue, street cleanings, municipal
7 and industrial sludges, solid commercial and solid industrial
8 waste, and animal waste. Solid waste does not include the
9 following:

- 1 (a) Human body waste.
- 2 (b) Liquid waste.
- 3 (c) Ferrous or nonferrous scrap directed to a scrap metal
4 processor or to a reuser of ferrous or nonferrous products.
- 5 (d) Slag or slag products directed to a slag processor or to
6 a reuser of slag or slag products.
- 7 (e) Sludges and ashes managed as recycled or nondetrimental
8 materials appropriate for agricultural or silvicultural use pur-
9 suant to a plan approved by the director.
- 10 (f) Materials approved for emergency disposal by the
11 director.
- 12 (g) Source separated materials.
- 13 (h) Site separated material.
- 14 (i) Fly ash or any other ash produced from the combustion of
15 coal, when used in the following instances:
 - 16 (i) With a maximum of 6% of unburned carbon as a component
17 of concrete, grout, mortar, or casting molds.
 - 18 (ii) With a maximum of 12% unburned carbon passing
19 M.D.O.T. test method MTM 101 when used as a raw material in
20 asphalt for road construction.
 - 21 (iii) As aggregate, road, or building material which in
22 ultimate use will be stabilized or bonded by cement, limes, or
23 asphalt.
 - 24 (iv) As a road base or construction fill which is covered
25 with asphalt, concrete, or other material approved by the direc-
26 tor and which is placed at least 4 feet above the seasonal
27 groundwater table.

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

10 (j) Other wastes regulated by statute.

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

13 (3) "Solid waste processing plant" means a tract of land,
14 building, unit, or appurtenance of a building or unit or a combi-
15 nation of land, buildings, and units that is used or intended for
16 use for the processing of solid waste or the separation of mate-
17 rial for salvage or disposal, or both, but does not include a
18 plant engaged primarily in the acquisition, processing, and ship-
19 ment of ferrous or nonferrous metal scrap, or a plant engaged
20 primarily in the acquisition, processing, and shipment of slag or
21 slag products.

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

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

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

5 (6) "Source separated material" means glass, metal, wood,
6 paper products, plastics, rubber, textiles, garbage, yard clip-
7 pings, or any other material approved by the director that is
8 separated at the source of generation for the purpose of conver-
9 sion into raw materials or new products.

10 (7) "Yard clippings" means ~~fallen leaves, cut grass, or~~
11 ~~other organic debris that can be converted to humus~~ LEAVES,
12 GRASS CLIPPINGS, VEGETABLE OR OTHER GARDEN DEBRIS, SHRUBBERY, OR
13 BRUSH OR TREE TRIMMINGS THAT CAN BE CONVERTED TO COMPOST HUMUS.
14 THIS TERM DOES NOT INCLUDE STUMPS, AGRICULTURAL WASTES, ANIMAL
15 WASTE, ROOTS, SEWAGE SLUDGE, OR GARBAGE.

16 SEC. 18B. (1) AFTER JANUARY 1, 1991, THE OPEN BURNING OF
17 ANY YARD WASTE THAT IS GENERATED ON LAND THAT IS OWNED BY A
18 COUNTY, MUNICIPALITY, OR A STATE FACILITY IS PROHIBITED.

19 (2) AFTER JANUARY 1, 1993, THE OPEN BURNING OF ANY YARD
20 CLIPPINGS FROM ANY SOURCE IS PROHIBITED UNLESS SPECIFICALLY
21 AUTHORIZED BY LOCAL ORDINANCE. THIS SUBSECTION SHALL NOT BE CON-
22 STRUED TO ALLOW A COUNTY OR MUNICIPALITY TO PERMIT OPEN BURNING
23 BY ORDINANCE THAT WOULD OTHERWISE BE PROHIBITED UNDER THE AIR
24 POLLUTION ACT, ACT NO. 348 OF THE PUBLIC ACTS OF 1965, BEING SEC-
25 TIONS 336.11 TO 336.36 OF THE MICHIGAN COMPILED LAWS.