

HOUSE BILL No. 4849

June 17, 2003, Introduced by Reps. Bisbee, Vander Veen, Caswell, Gillard, Middaugh, Palmer and Brandenburg and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11504 (MCL 324.11504), as amended by 1996 PA
359.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11504. (1) "Health officer" means a full-time
2 administrative officer of a certified city, county, or district
3 department of health.

4 (2) "Inert material" means a substance that will not
5 decompose, dissolve, or in any other way form a contaminated
6 leachate upon contact with water, or other liquids determined by
7 the department as likely to be found at the disposal area,
8 percolating through the substance. **Inert material includes, but**
9 **is not limited to, Portland cement clinker produced by a cement**
10 **kiln, including cement kiln dust that is generated as a**

1 **by-product in the process.**

2 (3) "Insurance" means insurance that conforms to the
3 requirements of 40 C.F.R. 258.74(d) provided by an insurer who
4 has a certificate of authority from the Michigan commissioner of
5 insurance to sell this line of coverage. An applicant for an
6 operating license shall submit evidence of the required coverage
7 by submitting both of the following to the department:

8 (a) A certificate of insurance that uses wording approved by
9 the department.

10 (b) A certified true and complete copy of the insurance
11 policy.

12 (4) "Landfill" means a disposal area that is a sanitary
13 landfill.

14 (5) "Letter of credit" means an irrevocable letter of credit
15 that complies with 40 C.F.R. 258.74(c).

16 (6) "Medical waste" means that term as it is defined in
17 part 138 of the public health code, ~~Act No. 378 of the Public~~
18 ~~Acts of 1978, being sections 333.13801 to 333.13831 of the~~
19 ~~Michigan Compiled Laws~~ **1978 PA 368, MCL 333.13801 to 333.13831.**

20 (7) "Municipal solid waste incinerator" means an incinerator
21 that is owned or operated by any person, and meets all of the
22 following requirements:

23 (a) The incinerator receives solid waste from off site and
24 burns only household waste from single and multiple dwellings,
25 hotels, motels, and other residential sources, or this household
26 waste together with solid waste from commercial, institutional,
27 municipal, county, or industrial sources that, if disposed of,

1 would not be required to be placed in a disposal facility
2 licensed under part 111.

3 (b) The incinerator has established contractual requirements
4 or other notification or inspection procedures sufficient to
5 assure that the incinerator receives and burns only waste
6 referred to in subdivision (a).

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

9 (d) The incinerator is not an industrial furnace as defined
10 in 40 C.F.R. 260.10.

11 (e) The incinerator is not an incinerator that receives and
12 burns only medical waste or only waste produced at 1 or more
13 hospitals.

14 (8) "Municipal solid waste incinerator ash" means the
15 substances remaining after combustion in a municipal solid waste
16 incinerator.

17 (9) "Perpetual care fund" means a perpetual care fund
18 provided for in section 11525.

19 (10) "Trust fund" means a trust fund held by a trustee which
20 has the authority to act as a trustee and whose trust operations
21 are regulated and examined by a federal or state agency. A trust
22 fund shall comply with section 11523b.