

HOUSE BILL No. 4156

February 2, 2005, Introduced by Reps. Kolb, Condino, Miller, Bieda, Kathleen Law, Tobocman, Whitmer, Meisner and Lemmons, III and referred to the Committee on Natural Resources, Great Lakes, Land Use, and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 11514 (MCL 324.11514), as amended by 2004 PA
34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11514. (1) The legislature declares that optimizing
2 recycling opportunities and the reuse of materials shall be a
3 principal objective of the state's solid waste management plan and
4 further that recycling and reuse of materials are in the best
5 interest of promoting the public health and welfare. The state
6 shall develop policies and practices that promote recycling and
7 reuse of materials and, to the extent practical, minimize the use

1 of landfilling as a method for disposal of its waste.

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

5 (a) Medical waste, unless that medical waste has been
6 decontaminated or is not required to be decontaminated but is
7 packaged in the manner required under part 138 of the public health
8 code, 1978 PA 368, MCL 333.13801 to 333.13831.

9 (b) Subject to subsection (4), more than a de minimis amount
10 of open, empty, or otherwise used beverage containers.

11 (c) More than a de minimis number of whole motor vehicle
12 tires.

13 (d) More than a de minimis amount of yard clippings, unless
14 they are diseased or infested.

15 **(E) BEGINNING JUNE 1, 2006, A CATHODE RAY TUBE, INCLUDING A**
16 **TELEVISION OR COMPUTER MONITOR CONTAINING A CATHODE RAY TUBE.**

17 (3) A person shall not deliver to a landfill for disposal, or,
18 if the person is an owner or operator of a landfill, permit
19 disposal in the landfill of, any of the following:

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

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

22 (c) Low-level radioactive waste as defined in section 2 of the
23 low-level radioactive waste authority act, 1987 PA 204, MCL
24 333.26202.

25 (d) Regulated hazardous waste as defined in R 299.4104 of the
26 Michigan administrative code.

27 (e) Liquid waste as prohibited by ~~R 299.4432(2)(e)~~ R

1 **299.4430(2)(C) AND (D)** of the Michigan administrative code.

2 (f) Sewage.

3 (g) PCBs as defined in 40 CFR ~~section~~ 761.3.

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

6 (4) Subsection (2)(b) does not apply to green glass beverage
7 containers before June 1, 2007. The department shall convene a task
8 force to make recommendations to the legislature on the special
9 recycling problems posed by green glass beverage containers,
10 including, but not limited to, whether the June 1, 2007 date for
11 applicability of subsection (2)(b) to green glass beverage
12 containers should be changed. The task force shall include, but
13 need not be limited to, all of the following:

14 (a) A representative of the landfill industry.

15 (b) A representative of a company that manufactures or uses
16 green glass beverage containers.

17 (c) A representative of a recycling company.

18 (d) A representative of an environmental organization.

19 (5) The task force under subsection (4) shall issue its
20 recommendations by December 31, 2004.

21 **(6) NOT LATER THAN JULY 1, 2005, THE DEPARTMENT SHALL CONVENE**
22 **A TASK FORCE TO MAKE RECOMMENDATIONS TO THE LEGISLATURE ON THE**
23 **ADEQUACY OF REGULATORY PROGRAMS RELATED TO THE DISPOSAL OF**
24 **ELECTRONIC WASTE AND IN PARTICULAR ELECTRONIC WASTE CONTAINING**
25 **CATHODE RAY TUBES. THE TASK FORCE SHALL INCLUDE, BUT NEED NOT BE**
26 **LIMITED TO, ALL OF THE FOLLOWING:**

27 **(A) A REPRESENTATIVE OF MANUFACTURERS OF ELECTRONIC EQUIPMENT.**

1 (B) A REPRESENTATIVE OF AN ENVIRONMENTAL ORGANIZATION.

2 (C) A REPRESENTATIVE OF A RETAIL BUSINESS THAT HANDLES
3 ELECTRONIC EQUIPMENT.

4 (D) A MEMBER OF THE GENERAL PUBLIC.

5 (7) THE TASK FORCE UNDER SUBSECTION (6) SHALL ISSUE THE
6 RECOMMENDATIONS BY DECEMBER 1, 2005.

7 (8) BY APRIL 1, 2006, THE DEPARTMENT SHALL DEVELOP A POLICY
8 FOR ENFORCEMENT OF THE PROHIBITION ON THE DISPOSAL OF CATHODE RAY
9 TUBES IN SUBSECTION (2)(E). THE POLICY SHALL, AT A MINIMUM,
10 CONSIDER THE EFFORTS OF THE OWNER AND OPERATOR OF A SOLID WASTE
11 DISPOSAL FACILITY TO PREVENT DISPOSAL OF CATHODE RAY TUBES AT THE
12 FACILITY. SUCH EFFORTS MAY INCLUDE THE FOLLOWING:

13 (A) POSTING OF CLEARLY VISIBLE AND EASILY READ SIGNS AT THE
14 FACILITY, PROVIDING NOTICE OF THE PROHIBITION ON THE DISPOSAL OF
15 CATHODE RAY TUBES.

16 (B) WRITTEN NOTIFICATION TO OR CONTRACTUAL AGREEMENTS WITH THE
17 FACILITY'S CUSTOMERS PROVIDING NOTICE OF THE PROHIBITION ON THE
18 DISPOSAL OF CATHODE RAY TUBES.

19 (C) UPON REQUEST, PROVIDING CUSTOMERS INFORMATION ABOUT
20 COLLECTION PROGRAMS AND FACILITIES THAT ARE PERMITTED TO ACCEPT
21 CATHODE RAY TUBES FOR RECYCLING.

22 (9) ~~(6)~~ If the department determines that a safe, sanitary,
23 and feasible alternative does not exist for the disposal of any
24 items described in subsection (2), the department shall submit a
25 report setting forth that determination and the basis for the
26 determination to the standing committees of the senate and house of
27 representatives with primary responsibility for solid waste issues.

1 (10) ~~(7)~~ As used in this section, "de minimis" means
2 incidental disposal of small amounts of these materials that are
3 commingled with other solid waste.