

SENATE BILL No. 158

February 3, 2005, Introduced by Senators BRATER, BASHAM, JACOBS, PATTERSON, CHERRY and SCHAUER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503, 11514, and 11545 (MCL 324.11503, 324.11514, and 324.11545), section 11503 as amended by 1998 PA 466 and section 11514 as amended by 2004 PA 34.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11503. (1) "Department" means the department of
2 environmental quality.

3 (2) "Director" means the director of the department.

4 (3) "Discharge" includes, but is not limited to, any spilling,
5 leaking, pumping, pouring, emitting, emptying, discharging,

1 injecting, escaping, leaching, dumping, or disposing of a substance
2 into the environment which is or may become injurious to the public
3 health, safety, or welfare, or to the environment.

4 (4) "Disposal area" means 1 or more of the following at a
5 location as defined by the boundary identified in its construction
6 permit or engineering plans approved by the department:

7 (a) A solid waste transfer facility.

8 (b) ~~Incinerator~~ **AN INCINERATOR**.

9 (c) ~~Sanitary~~ **A SANITARY** landfill.

10 (d) ~~Processing~~ **A PROCESSING** plant.

11 (e) ~~Other~~ **ANY OTHER** solid waste handling or disposal facility
12 utilized in the disposal of solid waste.

13 (5) "Enforceable mechanism" means a legal method whereby the
14 state, a county, a municipality, or a person is authorized to take
15 action to guarantee compliance with an approved county solid waste
16 management plan. Enforceable mechanisms include contracts,
17 intergovernmental agreements, laws, ordinances, rules, and
18 regulations.

19 (6) "Escrow account" means an account managed by a bank or
20 other financial institution whose account operations are regulated
21 and examined by a federal or state agency and which complies with
22 section 11523b.

23 (7) "Financial assurance" means the mechanisms used to
24 demonstrate that the funds necessary to meet the cost of closure,
25 postclosure maintenance and monitoring, and corrective action will
26 be available whenever they are needed.

27 (8) "Financial test" means a corporate or local government

1 financial test or guarantee approved for type II landfills under
2 subtitle D of the solid waste disposal act, ~~title II of Public Law~~
3 ~~89-272,~~ 42 ~~U.S.C.~~ **USC** 6941 and ~~6942~~ to 6949a. An owner or
4 operator may use a single financial test for more than 1 facility.
5 Information submitted to the department to document compliance with
6 the test shall include a list showing the name and address of each
7 facility and the amount of funds assured by the test for each
8 facility. For purposes of the financial test, the owner or operator
9 shall aggregate the sum of the closure, postclosure, and corrective
10 action costs it seeks to assure with any other environmental
11 obligations assured by a financial test under state or federal law.

12 (9) "Food processing residuals" means any of the following:

13 (a) Residuals of fruits, vegetables, aquatic plants, or field
14 crops.

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

17 (c) Otherwise unusable food products which do not meet size,
18 quality, or other product specifications and which were intended
19 for human or animal consumption.

20 (10) "Garbage" means rejected food wastes including waste
21 accumulation of animal, fruit, or vegetable matter used or intended
22 for food or that attends the preparation, use, cooking, dealing in,
23 or storing of meat, fish, fowl, fruit, or vegetable matter.

24 **(11) "MERCURY-ADDED PRODUCT" MEANS ANY OF THE FOLLOWING IF IT**
25 **CONTAINS INTENTIONALLY INTRODUCED MERCURY OR MERCURY COMPOUNDS:**

26 **(A) A THERMOSTAT OR THERMOMETER.**

27 **(B) AN ELECTRICAL OR OTHER SWITCH.**

1 (C) A MEDICAL OR SCIENTIFIC INSTRUMENT.

2 (D) AN ELECTRIC RELAY OR OTHER ELECTRICAL DEVICE.

3 (E) A LAMP.

4 (F) A BATTERY, EXCEPT A BUTTON BATTERY OR A BATTERY THAT IS
5 NOT SOLD TO THE PUBLIC.

6 (G) A NOVELTY.

7 (H) ANY OTHER TANGIBLE GOODS.

8 (12) "NOVELTY" MEANS A MERCURY-ADDED PRODUCT INTENDED FOR USE
9 AS A FIGURINE, ADORNMENT, TOY, GAME, CARD, ORNAMENT, YARD STATUE OR
10 FIGURE, CANDLE, ITEM OF JEWELRY, HOLIDAY DECORATION, OR ITEM OF
11 APPAREL OR ANY OTHER SIMILAR MERCURY-ADDED PRODUCT INTENDED MAINLY
12 FOR PERSONAL OR HOUSEHOLD ENJOYMENT OR ADORNMENT.

13 (13) ~~—(11)—~~ "Scrap wood" means wood or wood product that is 1
14 or more of the following:

15 (a) Plywood, pressed board, oriented strand board, or any
16 other wood or wood product mixed with glue or filler.

17 (b) Wood or wood product treated with creosote or
18 pentachlorophenol.

19 (c) Any other wood or wood product designated as scrap wood in
20 rules promulgated by the department.

21 (14) ~~—(12)—~~ "Treated wood" means wood or wood product that
22 has been treated with 1 or more of the following:

23 (a) Chromated copper arsenate (CCA).

24 (b) Ammoniacal copper quat (ACQ).

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

26 (d) Any other chemical designated in rules promulgated by the
27 department.

1 (15) ~~—(13)—~~ "Wood" means trees, branches, bark, lumber,
2 pallets, wood chips, sawdust, or other wood or wood product but
3 does not include scrap wood, treated wood, painted wood or painted
4 wood product, or any wood or wood product that has been
5 contaminated during manufacture or use.

6 Sec. 11514. (1) The legislature declares that optimizing
7 recycling opportunities and the reuse of materials shall be a
8 principal objective of the state's solid waste management plan and
9 further that recycling and reuse of materials are in the best
10 interest of promoting the public health and welfare. The state
11 shall develop policies and practices that promote recycling and
12 reuse of materials and, to the extent practical, minimize the use
13 of landfilling as a method for disposal of its waste.

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

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

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

23 (c) More than a de minimis number of whole motor vehicle
24 tires.

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

1 (E) A MERCURY-ADDED PRODUCT.

2 (F) A FLUORESCENT LIGHTBULB.

3 (G) A CATHODE RAY TUBE.

4 (H) ANY OF THE FOLLOWING BATTERIES:

5 (i) AN ALKALINE MANGANESE BATTERY, LEAD ACID BATTERY, MERCURIC
6 OXIDE BATTERY, NICKEL CADMIUM BATTERY, OR ZINC CARBON BATTERY, AS
7 DEFINED IN SECTION 17101.

8 (ii) A LITHIUM BATTERY.

9 (iii) A SILVER OXIDE CELL BATTERY.

10 (iv) A ZINC-AIR BATTERY.

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

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

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

16 (c) Low-level radioactive waste as defined in section 2 of the
17 low-level radioactive waste authority act, 1987 PA 204, MCL
18 333.26202.

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

21 (e) Liquid waste as prohibited by ~~R 299.4432(2)(e)~~ R
22 **299.4430(2)(C) AND (D)** of the Michigan administrative code.

23 (f) Sewage.

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

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

27 (4) Subsection (2)(b) does not apply to green glass beverage

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

8 (a) A representative of the landfill industry.

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

11 (c) A representative of a recycling company.

12 (d) A representative of an environmental organization.

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

15 (6) If the department determines that a safe, sanitary, and
16 feasible alternative does not exist for the disposal of any items
17 described in subsection (2), the department shall submit a report
18 setting forth that determination and the basis for the
19 determination to the standing committees of the senate and house of
20 representatives with primary responsibility for solid waste issues.

21 (7) As used in this section: ~~—, "de minimis"~~

22 (A) **"DE MINIMIS"** means incidental disposal of small amounts of
23 these materials that are commingled with other solid waste.

24 (B) **"LITHIUM BATTERY" MEANS A SOLID-STATE BATTERY WITH A**
25 **LITHIUM ANODE, AN IODINE-POLYVINYL PYRIDINE CATHODE, AND AN**
26 **ELECTROLYTE CONSISTING OF A LAYER OF LITHIUM IODIDE.**

27 (C) **"SILVER OXIDE CELL BATTERY" MEANS A BATTERY WITH A PRIMARY**

1 CELL IN WHICH DEPOLARIZATION IS ACCOMPLISHED BY AN OXIDE OF SILVER.

2 (D) "ZINC-AIR BATTERY" MEANS A BATTERY CONTAINING A CARBON-
3 BASED GAS DIFFUSION ELECTRODE AS THE CATHODE, A ZINC ANODE, AND AN
4 ALKALINE ELECTROLYTE.

5 Sec. 11545. ~~Beginning June 21, 1993,~~ THE OWNER OR OPERATOR
6 OF a municipal solid waste incinerator shall not KNOWINGLY
7 incinerate ~~used oil. As used in this section, "used oil" has the~~
8 ~~meaning ascribed to this term in part 167.~~ ANY OF THE FOLLOWING IN
9 A MUNICIPAL SOLID WASTE INCINERATOR:

10 (A) A MERCURY-ADDED PRODUCT.

11 (B) A FLUORESCENT LIGHTBULB.

12 (C) A CATHODE RAY TUBE.

13 (D) ANY OF THE FOLLOWING BATTERIES:

14 (i) AN ALKALINE MANGANESE BATTERY, LEAD ACID BATTERY, MERCURIC
15 OXIDE BATTERY, NICKEL CADMIUM BATTERY, OR ZINC CARBON BATTERY, AS
16 DEFINED IN SECTION 17101.

17 (ii) A LITHIUM BATTERY, SILVER OXIDE CELL BATTERY, OR ZINC-AIR
18 BATTERY, AS DEFINED IN SECTION 11514.

19 (E) USED OIL, AS DEFINED IN SECTION 16701.