

# HOUSE BILL No. 4371

February 19, 2009, Introduced by Reps. Warren, Scripps, Byrnes, Roberts, Robert Jones, Dean and Switalski and referred to the Committee on Great Lakes and Environment.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11503, 11506, 11507a, 11521, 11539, 11541, and  
11547 (MCL 324.11503, 324.11506, 324.11507a, 324.11521, 324.11539,  
324.11541, and 324.11547), sections 11503 and 11506 as amended and  
section 11521 as added by 2007 PA 212, section 11507a as amended by  
2004 PA 39, section 11541 as amended by 1996 PA 358, and section  
11547 as amended by 1998 PA 466.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1       Sec. 11503. (1) "De minimis" refers to a small amount of  
2 material or number of items, as applicable, commingled and  
3 incidentally disposed of with other solid waste.  
4       (2) "Department" means the department of environmental  
5 quality.

1           (3) "DESIGNATED PLANNING AGENCY" MEANS AN AGENCY, OTHER THAN  
2 THE DEPARTMENT, RESPONSIBLE FOR PREPARING A SOLID WASTE MANAGEMENT  
3 PLAN UNDER SECTION 11533.

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

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

11           (6) ~~(5)~~"Disposal area" means 1 or more of the following at a  
12 location as defined by the boundary identified in its construction  
13 permit or engineering plans approved by the department:

14           (a) A solid waste transfer facility.

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

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

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

18           (e) ~~Other~~**ANOTHER** solid waste handling or disposal facility  
19 utilized in the disposal of solid waste.

20           (7) ~~(6)~~"Enforceable mechanism" means a legal method whereby  
21 the state, a county, a municipality, or another person is  
22 authorized to take action to guarantee compliance with an approved  
23 county solid waste management plan. Enforceable mechanisms include  
24 contracts, intergovernmental agreements, laws, ordinances, rules,  
25 and regulations.

26           (8) ~~(7)~~"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 ~~which~~ **THAT**  
2 complies with section 11523b.

3 (9) ~~(8)~~—"Farm" means that term as defined in section 2 of the  
4 Michigan right to farm act, 1981 PA 93, MCL 286.472.

5 (10) ~~(9)~~—"Farm operation" means that term as defined in  
6 section 2 of the Michigan right to farm act, 1981 PA 93, MCL  
7 286.472.

8 (11) ~~(10)~~—"Financial assurance" means the mechanisms used to  
9 demonstrate that the funds necessary to meet the cost of closure,  
10 postclosure maintenance and monitoring, and corrective action will  
11 be available whenever they are needed.

12 (12) ~~(11)~~—"Financial test" means a corporate or local  
13 government financial test or guarantee approved for type II  
14 landfills under 42 USC 6941 to 6949a. An owner or operator may use  
15 a single financial test for more than 1 facility. Information  
16 submitted to the department to document compliance with the test  
17 shall include a list showing the name and address of each facility  
18 and the amount of funds assured by the test for each facility. For  
19 purposes of the financial test, the owner or operator shall  
20 aggregate the sum of the closure, postclosure, and corrective  
21 action costs it seeks to assure with any other environmental  
22 obligations assured by a financial test under state or federal law.

23 (13) ~~(12)~~—"Food processing residuals" means any of the  
24 following:

25 (a) Residuals of fruits, vegetables, aquatic plants, or field  
26 crops.

27 (b) Otherwise unusable parts of fruits, vegetables, aquatic

1 plants, or field crops from the processing thereof.

2 (c) Otherwise unusable food products ~~which~~**THAT** do not meet  
3 size, quality, or other product specifications and ~~which~~**THAT** were  
4 intended for human or animal consumption.

5 (14) ~~(13)~~—"Garbage" means rejected food wastes including waste  
6 accumulation of animal, fruit, or vegetable matter used or intended  
7 for food or that results from the preparation, use, cooking,  
8 dealing in, or storing of meat, fish, fowl, fruit, or vegetable  
9 matter.

10 (15) ~~(14)~~—"Scrap wood" means wood or wood product that is 1 or  
11 more of the following:

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

14 (b) Wood or wood product treated with creosote or  
15 pentachlorophenol.

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

18 (16) ~~(15)~~—"Treated wood" means wood or wood product that has  
19 been treated with 1 or more of the following:

20 (a) Chromated copper arsenate (CCA).

21 (b) Ammoniacal copper quat (ACQ).

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

23 (d) Any other chemical designated in rules promulgated by the  
24 department.

25 (17) ~~(16)~~—"Wood" means trees, branches, bark, lumber, pallets,  
26 wood chips, sawdust, or other wood or wood product but does not  
27 include scrap wood, treated wood, painted wood or painted wood

1 product, or any wood or wood product that has been contaminated  
2 during manufacture or use.

3 Sec. 11506. (1) "Solid waste" means garbage, rubbish, ashes,  
4 incinerator ash, incinerator residue, street cleanings, municipal  
5 and industrial sludges, solid commercial and solid industrial  
6 waste, and animal waste other than organic waste generated in the  
7 production of livestock and poultry. However, solid waste does not  
8 include the following:

9 (a) Human body waste.

10 (b) Medical waste. ~~as it is defined in part 138 of the public~~  
11 ~~health code, 1978 PA 368, MCL 333.13801 to 333.13831, and regulated~~  
12 ~~under that part and part 55.~~

13 (c) Organic waste generated in the production of livestock and  
14 poultry.

15 (d) Liquid waste.

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

18 (f) Slag or slag products directed to a slag processor or to a  
19 reuser of slag or slag products.

20 (g) Sludges and ashes managed as recycled or nondetrimental  
21 materials appropriate for agricultural or silvicultural use  
22 pursuant to a plan approved by the department. Food processing  
23 residuals, ~~+~~wood ashes resulting solely from a source that burns  
24 only wood that is untreated and inert, ~~+~~lime from kraft pulping  
25 processes generated prior to bleaching, ~~+~~or aquatic plants may be  
26 applied on, or composted and applied on, farmland or forestland for  
27 an agricultural or silvicultural purpose, or used as animal feed,

1 as appropriate, and such an application or use does not require a  
2 plan described in this subdivision or a permit or license under  
3 this part. In addition, source separated materials approved by the  
4 department for land application for agricultural and silvicultural  
5 purposes and compost produced from those materials may be applied  
6 to the land for agricultural and silvicultural purposes and such an  
7 application does not require a plan described in this subdivision  
8 or permit or license under this part. Land application authorized  
9 under this subdivision for an agricultural or silvicultural  
10 purpose, or use as animal feed ~~—~~as provided for in this  
11 subdivision, shall be performed in a manner that prevents losses  
12 from runoff and leaching. Land application under this subdivision  
13 shall be at an agronomic rate consistent with generally accepted  
14 agricultural and management practices under the Michigan right to  
15 farm act, 1981 PA 93, MCL 286.471 to 286.474.

16 (h) Materials approved for emergency disposal by the  
17 department.

18 (i) Source separated materials.

19 (j) Site separated material.

20 (k) Fly ash or any other ash produced from the combustion of  
21 coal, when used in the following instances:

22 (i) With a maximum of 6% of unburned carbon, **IF USED** as a  
23 component of concrete, grout, mortar, or casting molds.

24 (ii) With a maximum of 12% unburned carbon passing M.D.O.T.  
25 test method MTM 101, ~~when~~**IF** used as a raw material in asphalt for  
26 road construction.

27 (iii) As aggregate, road, or building material that in ultimate

1 use will be stabilized or bonded by cement, limes, or asphalt.

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

6 (v) As the sole material in a depository designed to reclaim,  
7 develop, or otherwise enhance land, subject to the approval of the  
8 department. In evaluating the site, the department shall consider  
9 the physical and chemical properties of the ash, including, **BUT NOT**  
10 **LIMITED TO**, leachability, and the engineering of the depository,  
11 including, but not limited to, ~~the~~ compaction, control of surface  
12 water and groundwater that may threaten to infiltrate the site, and  
13 evidence that the depository is designed to prevent water  
14 percolation through the material.

15 (l) Other wastes regulated by statute.

16 (2) **"SOLID WASTE DIVERSION" MEANS ANY OF THE FOLLOWING:**

17 (A) **THE RECOVERY OF RESOURCES FROM SOLID WASTE THROUGH REUSE,**  
18 **RECYCLING, OR COMPOSTING.**

19 (B) **RESOURCE CONSERVATION MEASURES THAT REDUCE THE AMOUNT OF**  
20 **SOLID WASTE GENERATED.**

21 (3) ~~(2)~~—"Solid waste hauler" means a person who owns or  
22 operates a solid waste transporting unit.

23 (4) **"SOLID WASTE MANAGEMENT PLAN" OR "PLAN" MEANS A PLAN**  
24 **PREPARED, APPROVED, AND UPDATED AS PROVIDED IN SECTIONS 11533 TO**  
25 **11539A, INCLUDING ANY AMENDMENTS TO THAT PLAN.**

26 (5) ~~(3)~~—"Solid waste processing plant" means a tract of land,  
27 building, unit, or appurtenance of a building or unit or a

1 combination of land, buildings, and units that is used or intended  
2 for use for the processing of solid waste or the separation of  
3 material for salvage or disposal, or both, but does not include a  
4 plant engaged primarily in the acquisition, processing, and  
5 shipment of ferrous or nonferrous metal scrap, or a plant engaged  
6 primarily in the acquisition, processing, and shipment of slag or  
7 slag products.

8 (6) ~~(4)~~—"Solid waste transporting unit" means a container,  
9 ~~that~~ **WHICH** may be an integral part of a truck or other piece of  
10 equipment, used for the transportation of solid waste.

11 (7) ~~(5)~~—"Solid waste transfer facility" means a tract of land,  
12 a building and any appurtenances, or a container, or any  
13 combination of land, buildings, or containers that is used or  
14 intended for use in the rehandling or storage of solid waste  
15 incidental to the transportation of the solid waste, but is not  
16 located at the site of generation or the site of disposal of the  
17 solid waste.

18 (8) ~~(6)~~—"Source separated material" means glass, metal, wood,  
19 paper products, plastics, rubber, textiles, garbage, or any other  
20 material approved by the department that is separated at the source  
21 of generation for the purpose of conversion into raw materials or  
22 new products including, but not limited to, compost.

23 (9) ~~(7)~~—"Type I public water supply", "type IIa public water  
24 supply", "type IIb public water supply", and "type III public water  
25 supply" mean those terms, respectively, as described in R 325.10502  
26 of the Michigan administrative code.

27 (10) ~~(8)~~—"Yard clippings" means leaves, grass clippings,

1 vegetable or other garden debris, shrubbery, or brush or tree  
2 trimmings, less than 4 feet in length and 2 inches in diameter,  
3 that can be converted to compost humus. Yard clippings do not  
4 include stumps, agricultural wastes, animal waste, roots, sewage  
5 sludge, or garbage.

6 Sec. 11507a. (1) The owner or operator of a landfill shall  
7 annually submit a report to the state and **TO** the county and  
8 municipality in which the landfill is located. ~~that contains~~ **THE**  
9 **REPORT SHALL CONTAIN** information on the amount of solid waste  
10 received by the landfill during the year itemized, to the extent  
11 possible, by county, state, or country of origin and the amount of  
12 remaining disposal capacity at the landfill. Remaining disposal  
13 capacity shall be calculated as the permitted capacity less waste  
14 in place for any area that has been constructed and is not yet  
15 closed plus the permitted capacity for each area that has a permit  
16 for construction under this part but has not yet been constructed.  
17 The report shall be submitted on a form provided by the department  
18 within ~~45~~ **30** days following the end of each state fiscal year.

19 (2) By January 31 of each year, the department shall submit to  
20 the legislature a report summarizing the information obtained under  
21 subsection (1).

22 (3) **BY OCTOBER 31 OF EACH YEAR, A PERSON WHO DIRECTLY ACQUIRES**  
23 **RECYCLABLE MATERIALS FROM A PERSON WHO HAS COLLECTED THOSE**  
24 **MATERIALS THROUGH A CURBSIDE RECYCLING PROGRAM OR A COMMUNITY OR**  
25 **AREAWIDE DROP-OFF RECYCLING PROGRAM, FROM A PROCESSING FACILITY**  
26 **THAT HAS SEPARATED THOSE MATERIALS FROM SOLID WASTE, OR FROM A**  
27 **COMMERCIAL OR INDUSTRIAL SOURCE SHALL SUBMIT A REPORT TO THE COUNTY**

1 IN WHICH THE PERSON DIRECTLY ACQUIRED THOSE RECYCLABLE MATERIALS.  
2 IF THE PERSON OTHERWISE REQUIRED TO FILE THE REPORT IS LOCATED  
3 OUTSIDE OF THIS STATE, THE PERSON FROM WHOM THE RECYCLABLE  
4 MATERIALS WERE DIRECTLY ACQUIRED SHALL SUBMIT THE REPORT. THE  
5 REPORT SHALL SET FORTH THE AMOUNT, IF KNOWN, OR AN ESTIMATE OF THE  
6 AMOUNT OF EACH TYPE OF RECYCLABLE MATERIAL DIRECTLY ACQUIRED DURING  
7 THE PREVIOUS STATE FISCAL YEAR, BY COUNTY, STATE, OR COUNTRY OF  
8 ORIGIN, ALONG WITH THE NAME AND LOCATION OF THE FACILITY OR  
9 FACILITIES TO WHICH THESE MATERIALS ARE BEING SENT. A REPORT UNDER  
10 THIS SUBSECTION SHALL BE SUBMITTED ON A FORM TO BE PROVIDED BY THE  
11 DEPARTMENT.

12 (4) BY FEBRUARY 28 OF EACH YEAR, EACH COUNTY SHALL SUBMIT TO  
13 THE DEPARTMENT, ON A FORM AND IN A MANNER PROVIDED BY THE  
14 DEPARTMENT, A REPORT SETTING FORTH A SUMMARY OF THE RECYCLING  
15 INFORMATION SUBMITTED TO THE COUNTY UNDER SUBSECTION (3). EACH  
16 COUNTY SHALL EVALUATE THE RECYCLING DATA IT RECEIVES TO ENSURE THAT  
17 MATERIALS ARE NOT COUNTED MORE THAN ONCE. A COUNTY THAT FAILS TO  
18 SUBMIT A COMPLETE REPORT TO THE DEPARTMENT AS PROVIDED IN THIS  
19 SUBSECTION DOES NOT QUALIFY FOR A DISTRIBUTION UNDER SECTION  
20 11532D(1)(A)(i) OR (G) OR SECTION 11532E(3)(A) UNTIL A COMPLETE  
21 REPORT IS SUBMITTED.

22 Sec. 11521. (1) Yard clippings shall be managed by 1 of the  
23 following means:

24 (a) ~~Composted~~ **COMPOSTING** on the property where the yard  
25 clippings are generated.

26 (b) ~~Temporarily accumulated~~ **TEMPORARY ACCUMULATION** under  
27 subsection (2).

1           (c) ~~Composted~~ **COMPOSTING** at a composting facility containing  
2 not more than 200 cubic yards of yard clippings if decomposition  
3 occurs without creating a nuisance.

4           (d) ~~Composted~~ **COMPOSTING** on a farm as described by subsection  
5 (3).

6           (e) ~~Composted~~ **COMPOSTING** at site that qualifies as a  
7 registered composting facility under subsection (4).

8           (f) ~~Decomposed~~ **DECOMPOSITION** in a controlled manner using a  
9 closed container to create and maintain anaerobic conditions if in  
10 compliance with part 55 and otherwise approved by the director  
11 under this part.

12           (g) ~~Composted and used~~ **COMPOSTING AND USE** as part of normal  
13 operations by a municipal solid waste landfill if the composting  
14 and use meet all of the following requirements:

15           (i) Take place on property described in the landfill  
16 construction permit.

17           (ii) Are described in and consistent with the landfill  
18 operation plans.

19           (iii) Are otherwise in compliance with this act.

20           (h) ~~Processed~~ **PROCESSING** at a processing plant in accordance  
21 with this part and the rules promulgated under this part.

22           (i) ~~Disposed of~~ **DISPOSAL** in a landfill or an incinerator, but  
23 only if the yard clippings are diseased or infested or are composed  
24 of invasive plants, such as garlic mustard, purple loosestrife, or  
25 spotted knapweed, that were collected through an eradication or  
26 control program, include no more than a de minimis amount of other  
27 yard clippings, and are inappropriate to compost.

1           (2) A person may temporarily accumulate yard clippings at a  
2 site not designed for composting if all of the following  
3 requirements are met:

4           (a) The accumulation does not create a nuisance or otherwise  
5 result in a violation of this act.

6           (b) The yard clippings are not mixed with other compostable  
7 materials.

8           (c) No more than 1,000 cubic yards are placed on site unless a  
9 greater volume is approved by the department.

10          (d) Yard clippings placed on site on or after April 1 but  
11 before December 1 are moved to another location and managed as  
12 provided in subsection (1) within 30 days after being placed on  
13 site. The director may approve a longer time period based on a  
14 demonstration that additional time is necessary.

15          (e) Yard clippings placed on site on or after December 1 but  
16 before the next April 1 are moved to another location and managed  
17 as provided in subsection (1) by the next April 10 after the yard  
18 clippings are placed on site.

19          (f) The owner or operator of the site maintains and makes  
20 available to the department records necessary to demonstrate that  
21 the requirements of this subsection are met.

22          (3) A person may compost yard clippings on a farm if  
23 composting does not otherwise result in a violation of this act and  
24 is done in accordance with generally accepted agricultural and  
25 management practices under the Michigan right to farm act, 1981 PA  
26 93, MCL 286.471 to 286.474, and if 1 or more of the following  
27 apply:

1 (a) Only yard clippings generated on the farm are composted.

2 (b) There are not more than 5,000 cubic yards of yard  
3 clippings on the farm.

4 (c) If there are more than 5,000 cubic yards of yard clippings  
5 on the farm at any time, all of the following requirements are met:

6 (i) The farm operation accepts yard clippings generated at a  
7 location other than the farm only to assist in management of waste  
8 material generated by the farm operation.

9 (ii) The farm operation does not accept yard clippings  
10 generated at a location other than the farm for monetary or other  
11 valuable consideration.

12 (iii) The owner or operator of the farm registers with the  
13 department of agriculture on a form provided by the department of  
14 agriculture and certifies that the farm operation meets and will  
15 continue to meet the requirements of subparagraphs (i) and (ii).

16 (4) A site qualifies as a registered composting facility if  
17 all of the following requirements are met:

18 (a) The owner or operator of the site registers as a  
19 composting facility with the department and reports to the  
20 department within 30 days after the end of each state fiscal year  
21 the amount of yard clippings and other compostable material  
22 composted in the previous state fiscal year. The registration and  
23 reporting shall be done on forms provided by the department. The  
24 registration shall be accompanied by a fee of \$600.00. The  
25 registration is for a term of 3 years. Registration fees collected  
26 under this subdivision shall be forwarded to the state treasurer  
27 for deposit in the solid waste staff account of the solid waste

1 management fund established in section 11550.

2 (b) The site is operated in compliance with the following  
3 location restrictions:

4 (i) If the site is in operation on December 1, 2007, the  
5 management or storage of yard clippings, compost, and residuals  
6 does not expand from its location on that date to an area that is  
7 within the following distances from any of the following features:

8 (A) 50 feet from a property line.

9 (B) 200 feet from a residence.

10 (C) 100 feet from a body of surface water, including a lake,  
11 stream, or wetland.

12 (ii) If the site begins operation after December 1, 2007, the  
13 management or storage of yard clippings, compost, and residuals  
14 occurs in an area that is not in the 100-year floodplain and is at  
15 least the following distances from each of the following features:

16 (A) 50 feet from a property line.

17 (B) 200 feet from a residence.

18 (C) 100 feet from a body of surface water, including a lake,  
19 stream, or wetland.

20 (D) 2,000 feet from a type I or type IIA water supply well.

21 (E) 800 feet from a type IIB or type III water supply well.

22 (F) 500 feet from a church or other house of worship,  
23 hospital, nursing home, licensed day care center, or school, other  
24 than a home school.

25 (G) 4 feet above groundwater.

26 (c) Composting and management of the site occurs in a manner  
27 that meets all of the following requirements:

1           (i) Does not violate this act or create a facility as defined  
2 in section 20101.

3           (ii) Unless approved by the department, does not result in more  
4 than 5,000 cubic yards of yard clippings and other compostable  
5 material, compost, and residuals present on any acre of property at  
6 the site.

7           (iii) Does not result in an accumulation of yard clippings for a  
8 period of over 3 years unless the site has the capacity to compost  
9 the yard clippings and the owner or operator of the site can  
10 demonstrate, beginning in the third year of operation and each year  
11 thereafter, unless a longer time is approved by the director, that  
12 the amount of yard clippings and compost that is transferred off-  
13 site in a calendar year is not less than 75% by weight or volume,  
14 accounting for natural volume reduction, of the amount of yard  
15 clippings and compost that was on-site at the beginning of the  
16 calendar year.

17           (iv) Results in finished compost with not more than 1%, by  
18 weight, of foreign matter that will remain on a 4 millimeter  
19 screen.

20           (v) If yard clippings are collected in bags other than paper  
21 bags, debags the yard clippings by the end of each business day.

22           (vi) Prevents the pooling of water by maintaining proper slopes  
23 and grades.

24           (vii) Properly manages storm water runoff.

25           (viii) Does not attract or harbor rodents or other vectors.

26           (d) The owner or operator maintains, and makes available to  
27 the department, all of the following records:

1 (i) Records identifying the volume of yard clippings and other  
2 compostable material accepted by the facility and the volume of  
3 yard clippings and other compostable material and of compost  
4 transferred off-site each month.

5 (ii) Records demonstrating that the composting operation is  
6 being performed in a manner that prevents nuisances and minimizes  
7 anaerobic conditions. Unless other records are approved by the  
8 department, these records shall include records of carbon-to-  
9 nitrogen ratios, the amount of leaves and the amount of grass in  
10 tons or cubic yards, temperature readings, moisture content  
11 readings, and lab analysis of finished products.

12 (5) A site at which yard clippings are managed in accordance  
13 with this section, other than a site described in subsection  
14 (1)(g), (h) or (i), is not a disposal area, notwithstanding section  
15 ~~11503(5)~~ **11503(6)**.

16 (6) Except with respect to subsection (1)(h) and (i),  
17 management of yard clippings in accordance with this section is not  
18 considered disposal for purposes of section 11538(6).

19 Sec. 11539. (1) The director shall not approve a plan ~~update~~  
20 unless:

21 (a) The plan contains an analysis or evaluation of the best  
22 available information applicable to the plan area, **DERIVED FROM**  
23 **REPORTS UNDER SECTION 11507A AND ANY OTHER SOURCES CONSISTENT WITH**  
24 **THOSE REPORTS**, in regard to recyclable materials and all of the  
25 following, **WITH AMOUNTS OF MATERIALS REPORTED IN TONS AND A**  
26 **CONVERSION FACTOR PROVIDED FOR MATERIALS WHOSE QUANTITY WAS**  
27 **INITIALLY MEASURED IN CUBIC YARDS:**

1           (i) ~~The kind and volume~~ **AMOUNT OF EACH TYPE** of material in the  
2 plan area's waste stream that may be recycled or composted.

3           (ii) **THE AMOUNT OF WASTE GENERATED ANNUALLY PER CAPITA AND A**  
4 **PROJECTION OF FUTURE WASTE GENERATION.**

5           (iii) **THE AMOUNT OF EACH TYPE OF MATERIAL THAT WAS RECYCLED AND**  
6 **COMPOSTED WITHIN THE COUNTY EACH YEAR SINCE THE LAST PLAN UPDATE.**

7           (iv) **THE AMOUNT OF MUNICIPAL SOLID WASTE GENERATED IN THE**  
8 **COUNTY EACH YEAR SINCE THE LAST PLAN UPDATE THAT WAS DISPOSED OF IN**  
9 **A LANDFILL OR INCINERATOR LOCATED IN THE COUNTY.**

10          (v) **THE AMOUNT OF MUNICIPAL SOLID WASTE GENERATED IN THE**  
11 **COUNTY EACH YEAR SINCE THE LAST PLAN UPDATE THAT WAS DISPOSED OF IN**  
12 **A SOLID WASTE LANDFILL OR INCINERATOR IN ANOTHER COUNTY.**

13          (vi) ~~(ii) How~~ **AN EVALUATION OF HOW** various factors do or may  
14 affect a recycling and composting program in the plan area. Factors  
15 shall include ~~an evaluation of the~~ existing solid waste collection  
16 system; materials market; transportation networks; local composting  
17 and recycling support groups, or both; institutional arrangements;  
18 the population in the plan area; and other pertinent factors.

19          (vii) ~~(iii) An~~ identification of impediments to implementing a  
20 recycling and composting program and recommended strategies for  
21 removing or minimizing impediments.

22          (viii) ~~(iv) How~~ recycling and composting and other processing or  
23 disposal methods could complement each other and an examination of  
24 the feasibility of excluding site separated material and source  
25 separated material from other processing or disposal methods.

26          (ix) ~~(v) Identification~~ and quantification of environmental,  
27 economic, and other benefits that could result from the

1 implementation of a recycling and composting program.

2       (x) ~~(vi)~~ The feasibility of source separation of materials that  
3 contain potentially hazardous components at disposal areas. ~~This~~  
4 ~~subparagraph applies only to plan updates that are due after~~  
5 ~~January 31, 1989.~~

6       (xi) **THE AMOUNT OF MATERIAL ANNUALLY PROCESSED IN THE COUNTY,**  
7 **INCLUDING ORGANIC MATERIAL AND CURBSIDE AND DROP-OFF COLLECTED**  
8 **MATERIAL.**

9       (xii) **IDENTIFICATION OF FACILITIES WITHIN AND OUTSIDE OF THIS**  
10 **STATE THAT ARE PROCESSING RESIDENTIAL RECYCLABLE MATERIALS**  
11 **COLLECTED IN THE COUNTY AND THE VOLUMES ANNUALLY PROCESSED AT EACH**  
12 **OF THOSE FACILITIES.**

13       (b) The plan ~~either provides~~ **DESCRIBES THE METHODS USED** for  
14 recycling and composting recyclable materials from the plan area's  
15 waste stream. ~~or establishes that recycling and composting are not~~  
16 ~~necessary or feasible or is only necessary or feasible to a limited~~  
17 ~~extent.~~

18       (c) ~~A plan that proposes~~ **IF THE PLAN CREATES OR RELIES UPON** a  
19 recycling or composting program, or both, **THE PLAN** details the  
20 major features of that program, including all of the following:

21       (i) ~~The kinds and volumes~~ **VOLUME OF EACH TYPE** of recyclable  
22 ~~materials~~ **MATERIAL** that will be recycled or composted.

23       (ii) Collection methods.

24       (iii) Measures that will ensure collection, such as ordinances  
25 or cooperative arrangements, or both.

26       (iv) Ordinances or regulations affecting the program.

27       (v) The role of counties and municipalities in implementing

1 the plan.

2 (vi) The involvement of existing recycling interests, solid  
3 waste haulers, and the community.

4 (vii) Anticipated costs.

5 (viii) On-going program financing.

6 (ix) Equipment selection.

7 (x) Public and private sector involvement.

8 (xi) Site availability and selection.

9 (xii) ~~Operating~~ **COMPOSTING OPERATING** parameters such as pH and  
10 heat range.

11 (d) The plan ~~includes an evaluation of how the planning entity~~  
12 ~~is meeting the state's waste reduction and recycling goals as~~  
13 ~~established pursuant to section 11541(4)~~ **EXPLAINS HOW THE**  
14 **DESIGNATED PLANNING AGENCY IS UTILIZING A COMPREHENSIVE PLANNING**  
15 **SYSTEM THAT REFLECTS THE STATE'S SOLID WASTE POLICY UNDER SECTION**  
16 **11541(1) AND, IF SUCH A SYSTEM IS NOT YET BEING UTILIZED, DESCRIBES**  
17 **HOW THE DESIGNATED PLANNING AGENCY WILL MAKE PROGRESS IN**  
18 **IMPLEMENTING SUCH A SYSTEM.**

19 (E) THE PLAN DESCRIBES HOW, AND BY HOW MUCH, THE COUNTY WILL  
20 INCREASE SOLID WASTE DIVERSION OVER THE 5-YEAR PLAN PERIOD.

21 (F) THE PLAN INCLUDES COPIES OF ENFORCEABLE MECHANISMS THAT  
22 DEMONSTRATE THAT DISPOSAL CAPACITY IS AVAILABLE TO THE COUNTY.

23 (G) THE PLAN INCLUDES COPIES OF ALL HOST COMMUNITY AGREEMENTS  
24 BETWEEN THE COUNTY OR MUNICIPALITIES WITHIN THE COUNTY AND DISPOSAL  
25 FACILITIES.

26 (2) The director may promulgate rules as ~~may be necessary~~ to  
27 implement this section.

1       Sec. 11541. (1) The state solid waste management plan shall  
2 consist of the state solid waste ~~plan~~ **POLICY** and all county plans  
3 approved or prepared by the department.

4       (2) The department shall consult and assist in the preparation  
5 and implementation of the county solid waste management plans.

6       (3) The department may undertake or contract for studies or  
7 reports necessary or useful in the preparation of the state solid  
8 waste management plan.

9       (4) The department shall promote policies that encourage  
10 resource recovery. ~~and establishment of waste to energy facilities.~~

11       Sec. 11547. ~~(1) In order for a county to effectively implement~~  
12 ~~the planning responsibilities designated under this part, a~~ **A** grant  
13 program is established to provide financial assistance to ~~county or~~  
14 ~~regional solid waste management~~ **DESIGNATED** planning agencies **IN**  
15 **PERFORMING THEIR DUTIES UNDER THIS PART.** Municipalities joined  
16 together with interlocal agreements relating to solid waste  
17 management plans, within a county having a city ~~of~~ **WITH** a  
18 population of more than 750,000, are eligible for a separate  
19 planning grant in addition to those granted to ~~counties~~ **DESIGNATED**  
20 **PLANNING AGENCIES.** This separate grant allocation provision does  
21 not alter the planning and approval process requirements for county  
22 plans as specified in this part. Eighty percent of the money for  
23 the program not provided for by federal funds shall be appropriated  
24 annually by the legislature from the general fund of the state and  
25 20% shall be appropriated by the applicant. Grant funds  
26 appropriated for local planning may be used by the department if  
27 the department finds it necessary to invoke the department's

1 authority to develop a local plan under section 11533(6). The  
2 department shall promulgate rules for the distribution of the  
3 appropriated funds.

4 ~~—— (2) In order for a certified health department to effectively~~  
5 ~~implement the responsibilities designated under this part, an~~  
6 ~~annual grant shall be appropriated by the legislature from the~~  
7 ~~general fund of the state to provide financial assistance to a~~  
8 ~~certified health department. A certified health department is~~  
9 ~~eligible to receive 100% of reasonable personnel costs as~~  
10 ~~determined by the department based on criteria established by rule.~~  
11 ~~The department shall promulgate rules for the distribution of the~~  
12 ~~appropriated funds.~~