

SENATE BILL No. 314

April 16, 2013, Introduced by Senators JONES, EMMONS, JANSEN, PAVLOV and CASPERSON and referred to the Committee on Energy and Technology.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11507a and 11514 (MCL 324.11507a and 324.11514), section 11507a as amended by 2004 PA 39 and section 11514 as amended by 2008 PA 394, and by adding section 11512b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11507a. (1) The owner or operator of a landfill shall
 2 annually submit a report to ~~the~~**THIS** state and the county and
 3 municipality in which the landfill is located that contains
 4 ~~information on the~~**ALL OF THE FOLLOWING INFORMATION:**

5 **(A) THE** amount of solid waste received by the landfill during
 6 the year itemized, to the extent possible, by county, state, or
 7 country of origin. ~~and the~~

8 **(B) THE** amount of remaining disposal capacity at the landfill.

1 Remaining disposal capacity shall be calculated as the permitted
2 capacity less waste in place for any area that has been constructed
3 and is not yet closed plus the permitted capacity for each area
4 that has a permit for construction under this part but has not yet
5 been constructed.

6 (C) IF THE LANDFILL ACCEPTS YARD CLIPPINGS UNDER SECTION
7 11512B, ALL OF THE FOLLOWING:

8 (i) THE AMOUNT OF LANDFILL GAS RECOVERED AT THE LANDFILL DURING
9 THE YEAR, AS DETERMINED BY METERING OR ANOTHER APPROVED METHOD.

10 (ii) HOW THE LANDFILL GAS WAS UTILIZED.

11 (iii) THE TIME PERIODS DURING WHICH ANY FLARING TOOK PLACE AND
12 THE REASONS FOR THE FLARING.

13 (2) The report UNDER SUBSECTION (1) shall be submitted on a
14 form provided by the department within 45 days following the end of
15 each state fiscal year.

16 (3) ~~(2)~~ By January 31 of each year, the department shall
17 submit to the legislature a report summarizing the information
18 obtained under subsection (1).

19 SEC. 11512B. YARD CLIPPINGS MAINTAINED SEGREGATED FROM OTHER
20 SOLID WASTE AT THE SOURCE OF GENERATION MAY BE DISPOSED OF IN
21 LANDFILL CELLS SERVED BY A LANDFILL GAS COLLECTION SYSTEM IF ALL OF
22 THE FOLLOWING REQUIREMENTS ARE MET:

23 (A) INSTALLATION OF THE LANDFILL GAS COLLECTION SYSTEM IS
24 DOCUMENTED IN THE LANDFILL'S OPERATING RECORD.

25 (B) THE LANDFILL RECOVERS AND UTILIZES GAS PRODUCED FROM THE
26 LANDFILL CELLS SERVED BY THE LANDFILL GAS COLLECTION SYSTEM AS A
27 SOURCE OF ENERGY FOR GENERATING ELECTRICITY, FOR A DIRECT FUEL USE,

1 OR FOR ANY OTHER USE AS A SUBSTITUTE FOR CONVENTIONAL FUELS. THE
2 LANDFILL MAY FLARE GAS UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

3 (i) FOR TESTING OR MAINTENANCE.

4 (ii) IF NECESSARY BECAUSE OF MALFUNCTION OR PLANNED OR
5 UNPLANNED INTERRUPTION OF THE LANDFILL GAS COLLECTION SYSTEM OR OF
6 AN ON-SITE OR OFF-SITE ENERGY USE.

7 (iii) FOR PLANNING, CONSTRUCTION, OR PROVING CAPACITY FOR AN
8 INTENDED ON-SITE OR OFF-SITE ENERGY USE.

9 (iv) FOR OTHER REASONS OF A LIMITED, TEMPORARY, OR INTERMITTENT
10 NATURE.

11 (C) IF THE LANDFILL IS OWNED OR OPERATED BY A MUNICIPALITY,
12 COUNTY, OR GOVERNMENTAL AUTHORITY CREATED PURSUANT TO STATUTE, THE
13 GOVERNING BODY OF THE MUNICIPALITY, COUNTY, OR GOVERNMENTAL
14 AUTHORITY HAS HELD A PUBLIC HEARING ON THE ISSUE OF DISPOSING OF
15 YARD CLIPPINGS AT THE LANDFILL.

16 (D) IF THE YARD CLIPPINGS ARE TRANSPORTED TO THE LANDFILL BY A
17 MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY CREATED PURSUANT TO
18 STATUTE, EITHER DIRECTLY OR INDIRECTLY BY CONTRACT, THE GOVERNING
19 BODY OF THE MUNICIPALITY, COUNTY, OR GOVERNMENTAL AUTHORITY HAS
20 HELD A PUBLIC HEARING ON THE ISSUE OF DISPOSING OF YARD CLIPPINGS
21 AT THE LANDFILL.

22 Sec. 11514. (1) Optimizing recycling opportunities, including
23 electronics recycling opportunities, and ~~the reuse of~~ **REUSING**
24 materials ~~shall be a~~ **ARE** principal objective ~~OBJECTIVES~~ of the
25 state's solid waste management plan. Recycling and ~~reuse of~~ **REUSING**
26 materials, including ~~the reuse of~~ **REUSING** materials from electronic
27 devices, are in the best interest of ~~promoting~~ the public health

1 and welfare. ~~The~~ **THIS** state shall develop policies and practices
 2 that promote recycling and ~~reuse of~~ **REUSING** materials and, to the
 3 extent practical, minimize the use of landfilling as a method for
 4 disposal of its waste. Policies and practices that promote
 5 recycling and ~~reuse of~~ **REUSING** materials, including materials from
 6 electronic devices, will conserve raw materials ~~, conserve~~ **AND**
 7 landfill space, **PROVIDE ALTERNATIVE ENERGY SOURCES**, and avoid the
 8 contamination of soil and groundwater from heavy metals and other
 9 pollutants.

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

13 (a) Medical waste, unless that medical waste has been
 14 decontaminated or is not required to be decontaminated but is
 15 packaged in the manner required under part 138 of the public health
 16 code, 1978 PA 368, MCL 333.13801 to ~~333.13831~~ **333.13832**.

17 (b) More than a de minimis amount of open, empty, or otherwise
 18 used beverage containers.

19 (c) More than a de minimis number of whole motor vehicle
 20 tires.

21 (d) More than a de minimis amount of yard clippings, unless
 22 ~~they~~ **1 OR MORE OF THE FOLLOWING REQUIREMENTS ARE MET:**

23 (i) **THE YARD CLIPPINGS** are diseased, infested, or composed of
 24 invasive species as authorized by section 11521(1)(i).

25 (ii) **THE LANDFILL UTILIZES LANDFILL GAS AS A SOURCE OF ENERGY**
 26 **AS PROVIDED IN SECTION 11512B.**

27 (3) A person shall not deliver to a landfill for disposal, or,

1 if the person is an owner or operator of a landfill, permit
2 disposal in the landfill of, any of the following:

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

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

5 (c) Low-level radioactive waste as defined in section 2 of the
6 low-level radioactive waste authority act, 1987 PA 204, MCL
7 333.26202.

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

10 (e) Bulk or noncontainerized liquid waste or waste that
11 contains free liquids, unless the waste is 1 of the following:

12 (i) Household waste other than septage waste.

13 (ii) Leachate or gas condensate that is approved for
14 recirculation.

15 (iii) Septage waste or other liquids approved for beneficial
16 addition under section 11511b.

17 (f) Sewage.

18 (g) PCBs as defined in 40 CFR 761.3.

19 (h) Asbestos waste, unless the landfill complies with 40 CFR
20 61.154.

21 (4) A person shall not knowingly deliver to a municipal solid
22 waste incinerator for disposal, or, if the person is an owner or
23 operator of a municipal solid waste incinerator, knowingly permit
24 disposal in the incinerator of, more than a de minimis amount of
25 yard clippings, unless they are diseased, infested, or composed of
26 invasive species as authorized by section 11521(1)(i). The
27 department shall post, and a solid waste hauler that disposes of

1 solid waste in a municipal solid waste incinerator shall provide
2 its customers with, notice of the prohibitions of this subsection
3 in the same manner as provided in section 11527a.

4 (5) If the department determines that a safe, sanitary, and
5 feasible alternative does not exist for the disposal in a landfill
6 or municipal solid waste incinerator of any items described in
7 subsection (2) or (4), respectively, the department shall submit a
8 report setting forth that determination and the basis for the
9 determination to the standing committees of the senate and house of
10 representatives with primary responsibility for solid waste issues.