



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

March 13, 2008

Owner/Operator of Landfill(s) in Michigan

Dear Owners/Operators:

SUBJECT: 2007 PA 212 New Requirements for Managing Yard Clippings in Michigan

As you may know, legislation enacted in December 2007 will go into effect on Wednesday, March 26, 2008, that determines options for managing yard clippings. The purpose of this letter is to provide information to municipal solid waste (MSW) landfills so you can determine if your facility will be affected by the new legislation. Depending on your circumstances, you may need to submit revised operation plans for the landfill, or you may need to register your site with the Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD), and comply with new reporting, location, and operating requirements.

Please find enclosed PA 212 of 2007 that amends Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Under these new provisions, yard clippings must be managed by one of the following options:

- Composted on the property where the yard clippings are generated.
- Temporarily accumulated under specific conditions.
- Composted at a composting facility containing not more than 200 cubic yards of yard clippings if decomposition occurs without nuisance.
- Composted on a farm registered with the Michigan Department of Agriculture under certain circumstances.
- Decomposed in a controlled manner using a closed container to create and maintain anaerobic conditions.
- Composted and used as part of normal operations by a MSW landfill under certain conditions.
- Processed at a processing plant.
- Disposed of in a landfill or an incinerator but only if the yard clippings are diseased, infested, or are composed of invasive plants that were collected through an eradication or control program, include no more than a *de minimis* amount of other yard clippings, and are inappropriate to compost.

- Composted at a site that qualifies as a (DEQ) registered composting facility.

The enclosed flow chart was developed to assist you in determining the regulatory requirements for each yard clippings management option.

Under Section 11521(1)(g) of Part 115, yard clippings may be composted and used as part of normal operations by a MSW landfill if the composting and use meet all of the following requirements:

- Take place on property described in the landfill's construction permit;
- Are described in and are consistent with the landfill's operation plans; and
- Are otherwise in compliance with Act 451.

MSW landfills that meet the above requirements do not need to qualify as a registered composting facility with the DEQ. MSW landfills marketing and/or utilizing the yard clippings compost off-site must register with the DEQ and comply with all requirements of Section 11521(4) of Part 115. The registration form and information are available on the Internet at www.michigan.gov/deq by navigating to Waste and then Solid Waste and then Composting.

MSW landfills accepting yard clippings under the provisions of Section 11521(1)(g) of Part 115 must ensure that the composting and use is described in the landfill's operation plans. At a minimum, the operation plans must include the following information:

1. Procedures to ensure that nuisance odors are minimized by addressing anaerobic degradation.
2. Procedures to prevent the pooling of water by maintaining proper slopes and grades.
3. Procedures to properly manage storm water runoff.
4. Procedures to ensure that the compost will not attract or harbor rodents or other vectors.
5. Compost pile management techniques and the equipment that will be used.
6. The testing procedures, frequencies and lab analysis of finished products to ensure that the compost is finished (e.g., Dewar self-heating method).
7. Description of the use of the finished compost and any screening rejects.

The DEQ, WHMD's Operational Memo 115-10, "Sanitary Landfill Alternate Daily Cover Approval Requirements and Procedures," and Operational Memo GEN 13, "Use of Yard Clippings Compost as Landfill Cover," provides additional information on acceptable use of yard clippings at landfills. This information is available on the DEQ, WHMD, Internet site at <http://www.michigan.gov/deq> (click on "Waste," "Solid Waste," and under "Information," click on "Solid Waste Operational Memos.")

If you compost and use yard clippings at your landfill and your operation plans do not include the information described in this letter, please submit revised operation plans that have the necessary information to the appropriate WHMD District Office by March 26, 2008. The DEQ will review the revised operation plans and either approve them or work with you to gain compliance with these new provisions.

If you have any questions regarding composting, please contact Mr. Matt Flechter, Solid Waste Management Unit, Storage Tank and Solid Waste Section, WHMD, at 517-373-8422. If you have any questions regarding your landfill operation plans, please contact your WHMD District Office, or you may contact me.

Sincerely,



Steven R. Sliver, Chief
Storage Tank and Solid Waste Section
Waste and Hazardous Materials Division
517-373-1976

Enclosures

cc: Mr. Lonnie Lee, DEQ
WHMD District Supervisors, DEQ
Ms. Rhonda Oyer Zimmerman, DEQ
Mr. Steve Blayer, DEQ
Mr. Matt Flechter, DEQ