

Materials Management Division, Department of Environment, Great Lakes, and Energy

Edits to Part 115, Solid Waste Management Draft

November 15, 2019

Page 4, Line 3. **A SUBSET OF RECYCLABLE MATERIALS THAT ARE TYPICALLY COLLECTED THROUGH CURBSIDE RECYCLING PROGRAMS, AS DETERMINED BY THE COUNTY'S MATERIAL MANAGEMENT PLAN, AND ARE COLLECTED AT LEAST ONCE EVERY OTHER WEEK TWICE PER MONTH.**

Page 4, Line 12. **(IV) EACH HOUSEHOLD SHALL HAVE CURBSIDE RECYCLING THAT IS PROVIDED OR THE HOUSEHOLD HAS THE ABILITY TO REQUEST AND RECEIVE RECYCLING SERVICES FROM THE RESIDENT'S CHOSEN HAULER.**

Page 6, Line 26. **(E) USE OF MANAGED MATERIALS WHEN APPLIED AS APPROVED ALTERNATE DAILY COVER AT A LICENSED LANDFILL UNDER THIS PART IN ACCORDANCE WITH AN OPERATIONAL PLAN APPROVED PURSUANT TO R. 299.4429.**

Page 8, Line 21. (14) "BIOSOLIDS" MEANS SOLID, SEMISOLID, OR LIQUID **THAT HAS BEEN TREATED TO MEET THE REQUIREMENTS IN R 323.2414. RESIDUES GENERATED DURING THE TREATMENT OF SANITARY SEWAGE OR DOMESTIC SEWAGE IN A TREATMENT WORKS.** BIOSOLIDS **ORIGINATION** INCLUDES, BUT IS NOT LIMITED TO, SCUM OR SOLIDS REMOVED IN A PRIMARY, SECONDARY, OR ADVANCED WASTEWATER TREATMENT PROCESS AND A DERIVATIVE OF THE REMOVED SCUM OR SOLIDS.

Page 9, Line 14. **(16) "CAA" MEANS COUNTY APPROVAL AGENCY, WHICH CAN BE THE COUNTY BOARD OF COMMISSIONERS, THE MUNICIPALITIES, OR THE REGIONAL PLANNING AGENCY, WHICHEVER SUBMITS A NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT PLAN UNDER SECTION 11571. NOTE TO LSB – need to renumber the rest of the section with the addition of this definition**

Page 9, Line 25. ~~(18) "CBC" "COUNTY BOARD OF COMMISSIONERS" MEANS THE MUNICIPALITIES, OR THE REGIONAL PLANNING AGENCY, WHICHEVER SUBMITS A NOTICE OF INTENT TO PREPARE A MATERIALS MANAGEMENT PLAN UNDER SECTION 11571~~ **COUNTY BOARD OF COMMISSIONERS OR THE COUNTY EXECUTIVE, WHERE APPROPRIATE. NOTE TO LSB – need to check the numbering in the rest of the section with the move of this definition from CBC to County Board of Commissioners**

Page 10, Line 24. (22) "CLASS 1 COMPOSTABLE MATERIAL" MEANS ANY OF THE FOLLOWING:

- (A) YARD WASTE.
- (B) WOOD.
- (C) FOOD WASTE.
- (D) PAPER PRODUCTS.
- (E) MANURE OR ANIMAL BEDDING.
- (F) ANAEROBIC DIGESTER DIGESTATE THAT DOES NOT CONTAIN FREE LIQUIDS**
- ~~(FG)~~ COMPOSTABLE PRODUCTS.
- ~~(GH)~~ DEAD ANIMALS UNLESS INFECTIOUS OR MANAGED UNDER 1982 PA 6 239, MCL 287.651 TO 287.683.
- ~~(HI)~~ SPENT GRAIN FROM BREWERIES.
- ~~(H)~~ PAUNCH.
- ~~(JK)~~ FOOD PROCESSING RESIDUALS.
- ~~(KL)~~ AQUATIC PLANTS.
- ~~(IM)~~ OTHER MATERIALS APPROVED BY THE DEPARTMENT UNDER SECTION 12 11562.
- ~~(MN)~~ A MIXTURE OF ANY OF THESE MATERIALS.

Page 11, Line 11. (L) OTHER MATERIALS, **INCLUDING BUT NOT LIMITED TO FATS, OILS, AND GREASE,** APPROVED BY THE DEPARTMENT UNDER SECTION 11562.

Page 14, Line 22. (36) "COMPOSTABLE PRODUCTS" MEANS BIODEGRADABLE CONTAINERS, ~~FABRIC~~, UTENSILS, AND OTHER **FOOD SERVICE PACKAGING AND** PRODUCTS THAT ARE BIODEGRADABLE AND SATISFY ANY OF THE FOLLOWING REQUIREMENTS:

Page 14, Line 26. (B) MEET ASTM D6400-~~0419~~, "STANDARD SPECIFICATION FOR ~~COMPOSTABLE PLASTICS LABELING OF PLASTICS DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES~~", BY ASTM INTERNATIONAL.

Page 15, Line 1. MEET ASTM D6868-~~17~~, "STANDARD SPECIFICATION ~~FOR BIODEGRADABLE PLASTICS USED AS COATINGS ON PAPER AND OTHER COMPOSTABLE SUBSTRATES LABELING OF END ITEMS THAT INCORPORATE PLASTICS AND POLYMERS AS COATINGS OR ADDITIVES WITH PAPER AND OTHER SUBSTRATES DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL FACILITIES~~", BY ASTM INTERNATIONAL.

Page 15, Line 4. **(D) ARE MADE FROM WOOD, FABRIC OR PAPER WITHOUT COATINGS AND/OR POLYMERIC ADDITIVES UNLESS COMPLIANT WITH ASTM D6868-17 OR OTHER AS APPROVED BY THE DEPARTMENT.**

Page 17, Line 2. "DESIGNATED PLANNING AGENCY" OR "DPA" MEANS THE PLANNING AGENCY DESIGNATED UNDER SECTION 11571(10). DESIGNATED PLANNING AGENCY DOES NOT MEAN A REGIONAL PLANNING AGENCY UNLESS THE ~~CBC CAA~~ IDENTIFIES THE REGIONAL PLANNING AGENCY AS THE DPA.

Page 18, Line 3. (b) Can lawfully be disposed of at a licensed ~~sanitary~~ landfill or municipal solid waste incinerator.

Page 18, Line 17. (x) Other ~~wastes~~ **MATERIALS** approved by the department that can be readily separated from solid waste for diversion to preferred methods of management and disposal

Page 20, Line 7. (15) "**FATS, OILS or GREASE (FOG)**" MEANS ORGANIC POLAR COMPOUNDS DERIVED FROM ANIMAL AND/OR PLANT SOURCES THAT CONTAIN MULTIPLE CARBON CHAIN TRIGLYCERIDE MOLECULES. FOG IS GENERATED AT FOOD MANUFACTURING AND SERVICE ESTABLISHMENTS AS BYPRODUCTS FROM FOOD PREPARATION ACTIVITIES. FOG CAPTURED ON-SITE IS GENERALLY CLASSIFIED INTO TWO BROAD CATEGORIES: YELLOW GREASE AND GREASE TRAP WASTE. YELLOW GREASE IS DERIVED FROM USED COOKING OIL AND WASTE GREASES THAT ARE SEPARATED AND COLLECTED AT THE POINT OF USE BY THE FOOD SERVICE ESTABLISHMENT. ALL ARE SOMETIMES REFERRED TO HEREIN AS "GREASE" OR "GREASES." **NOTE TO LSB – need to renumber the rest of the section with the addition of this definition.**

Page 20, Line 27. (A) HAS UNDERGONE BIOLOGICAL DECOMPOSITION AND HAS BEEN STABILIZED TO A DEGREE THAT IS BENEFICIAL TO PLANT GROWTH WITHOUT CREATING A NUISANCE., ~~AS DEFINED IN THE MARKETING PLAN IF THE COMPOSTING FACILITY IS APPROVED UNDER A GENERAL PERMIT.~~

Page 22, Line 26. (25) "GASIFICATION" MEANS A PROCESS THROUGH WHICH MATERIALS ARE HEATED, WITHOUT COMBUSTION, IN AN OXYGEN-DEFICIENT ATMOSPHERE AND CONVERTED TO SYNTHESIS GAS, WHICH CAN BE FURTHER CONVERTED INTO CHEMICALS, CHEMICAL FEEDSTOCKS, OR FUELS, SUCH AS ETHANOL. **GASIFICATION IS NOT INCINERATION, DISPOSAL, OR SOLID WASTE PROCESSING.**

Page 24, Line 1. ~~(3) "INDUSTRIAL WASTE" MEANS SOLID WASTE THAT IS GENERATED BY MANUFACTURING OR INDUSTRIAL PROCESSES AT AN INDUSTRIAL SITE AND THAT IS NOT A HAZARDOUS WASTE REGULATED UNDER PART 111.~~

**NOTE TO LSB – with deletion of this subsection, the rest of the section will need to be renumbered!**

Page 26, Line 27. (5) "INNOVATIVE TECHNOLOGY ~~OR PRACTICE~~ FACILITY" MEANS A MATERIALS MANAGEMENT FACILITY THAT CONVERTS SOLID WASTE INTO ENERGY OR A USABLE PRODUCT AND THAT IS NOT A MATERIALS RECOVERY FACILITY, A COMPOSTING FACILITY, OR AN ANAEROBIC DIGESTER.

Page 31, Line 6. (21) MATERIALS MANAGEMENT FACILITY OR FACILITY DOES NOT INCLUDE:

**(A)** A PERSON, UTILIZING MACHINERY AND EQUIPMENT AND OPERATING FROM A FIXED LOCATION, WHOSE PRINCIPAL BUSINESS IS THE PROCESSING AND MANUFACTURING OF IRON, STEEL, OR NONFERROUS METALS INTO PREPARED GRADES OF PRODUCTS SUITABLE FOR CONSUMPTION, REUSE, OR ADDITIONAL PROCESSING.

**(B) ANY FACILITY OR AREA USED FOR REUSE, RECYCLING, OR STORAGE OF RECYCLABLE MATERIALS SOLELY GENERATED AND STORED BY AN INDUSTRIAL FACILITY OR USED, PROCESSED, STORED, OR USED AS FUEL BY AN END USER OR SECONDARY PROCESSOR OF RECYCLABLE MATERIALS SOLELY GENERATED BY AN INDUSTRIAL FACILITY OR RECYCLABLE MATERIALS PREVIOUSLY SORTED OR PROCESSED.**

Page 31, Line 12. (22) "MATERIALS MANAGEMENT PLAN" OR "MMP" MEANS A PLAN **THAT IS REQUIRED, AND UNDER SECTION 11574 AS DESCRIBED IN SUBPART 11**

Page 31, Line 17. RECEIVES PRIMARILY SOURCE SEPARATED MATERIAL **AND SORTS, BALES, OR PROCESSES THE MATERIAL** FOR REUSE, RECYCLING, OR UTILIZATION AS A RAW MATERIAL OR NEW PRODUCT.

Page 32, Line 7. ~~(D) AN END USER OR SECONDARY PROCESSOR OF RECYCLED MATERIALS THAT WERE PRIMARILY GENERATED BY AN INDUSTRIAL FACILITY OR WERE PREVIOUSLY SORTED OR PROCESSED. ANY FACILITY OR AREA USED FOR REUSE, RECYCLING, OR STORAGE OF RECYCLABLE MATERIALS SOLELY GENERATED AND STORED BY AN INDUSTRIAL FACILITY OR USED, PROCESSED, STORED, OR USED AS FUEL BY AN END USER OR SECONDARY PROCESSOR OF RECYCLABLE MATERIALS SOLELY GENERATED BY AN INDUSTRIAL FACILITY OR RECYCLABLE MATERIALS PREVIOUSLY SORTED OR PROCESSED.~~

Page 32, Line 18. (D) AN INNOVATIVE TECHNOLOGY ~~OR PRACTICE~~ FACILITY.

Page 32, Line 19. (28) "MATERIALS **UTILIZATION MANAGEMENT** GOALS" MEANS GOALS IDENTIFIED IN THE MMP PURSUANT TO SECTION 11578(A).

Page 33, Line 27. "...burns only household waste from single and multiple **FAMILY** dwellings,"

Page 37, Line 18. "PYROLYSIS" MEANS A PROCESS THAT DOES NOT INVOLVE COMBUSTION AND THROUGH WHICH MATERIALS ARE HEATED IN THE ABSENCE OF OXYGEN UNTIL MELTED AND THERMALLY DECOMPOSED, AND THEN ARE COOLED, CONDENSED, AND CONVERTED INTO OTHER INTERMEDIATE OR FINAL PRODUCTS. **PYROLYSIS IS NOT INCINERATION, DISPOSAL, OR SOLID WASTE PROCESSING.**

Page 38, Line 3. (3) "RECYCLING" MEANS ~~AN ACTION OR ANY~~ PROCESS, ~~SUCH AS SEPARATION, SORTING, BALING, OR SHIPPING,~~ APPLIED TO MATERIALS THAT ARE NO LONGER BEING USED AND THAT WOULD HAVE OTHERWISE BEEN

DISPOSED AS WASTE, FOR THE PURPOSE OF CONVERTING THE MATERIALS INTO RAW MATERIALS OR **INTERMEDIATE OR NEW PRODUCTS**.

Page 44, Line 23. (a) Glass, metal, wood, paper products, plastics, rubber, textiles, ~~garbage~~, **FOOD WASTE, ELECTRONICS, LATEX PAINT, YARD WASTE**, or any other material approved by the department that is used for conversion into raw materials or **INTERMEDIATE OR** new products. For the purposes of this subdivision, raw materials or **INTERMEDIATE OR** new products include...

Page 45, Line 26. (g) Asphalt shingles that **MEET BOTH OF THE FOLLOWING REQUIREMENTS:**

**(i) DO** not contain asbestos, rolled roofing, **WOOD, NAILS** or tar paper.

**(ii) ARE** used as a component in **HOT MIX** asphalt, **WARM MIX ASPHALT, OR COLD PATCH** or used to fuel an industrial boiler, kiln, power plant, or furnace, subject to part 55, or **MIXED WITH RECYCLED ASPHALT PAVEMENT AT A MAXIMUM OF 1 TO 1 RATIO BY VOLUME TO PRODUCE A SUB-BASE THAT IS COVERED BY CONCRETE OR ASPHALT PAVING, OR** for other uses approved by the department.

Page 46, Line 19. (N) YARD WASTE THAT IS LAND APPLIED ON A FARM ~~AT AGRONOMIC RATES~~ CONSISTENT WITH GAAMPS.

Page 49, Line 4. CHRISTMAS TREES ~~AND WREATHS OR OTHER HOLIDAY DECORATIONS~~ MADE OF VEGETATION, FOOD WASTE, OR FINISHED COMPOST MADE FROM YARD WASTE.

Page 49, Line 7. (1) OPTIMIZING RECYCLING OPPORTUNITIES, INCLUDING ELECTRONICS RECYCLING OPPORTUNITIES, AND THE REUSE OF MATERIALS ARE A PRINCIPAL OBJECTIVE OF THIS STATE'S SOLID WASTE MANAGEMENT PLAN. RECYCLING AND REUSE OF MATERIALS, INCLUDING THE REUSE OF MATERIALS FROM ELECTRONIC DEVICES, ARE IN THE BEST INTEREST OF THE PUBLIC HEALTH AND WELFARE. THIS STATE SHOULD DEVELOP POLICIES, ~~AND~~ PRACTICES, ~~AND~~ **GOALS** THAT PROMOTE RECYCLING AND REUSE OF MATERIALS, WASTE REDUCTION AND POLLUTION PREVENTION...

Page 52, Line 5. (C) ~~IF THE MATERIALS MANAGEMENT FACILITY IS A DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY THAT IS REQUIRED TO BE PERMITTED, LICENSED, APPROVED UNDER A GENERAL PERMIT, OR REGISTERED UNDER PART 115 OR FOR OPERATION UNDER PART 115~~, THE FACILITY IS CONSISTENT WITH THE MMP. THIS SUBDIVISION DOES NOT APPLY TO A DISPOSAL AREA DESCRIBED IN **SECTION-11509(1)(B) AND SECTION 11513(2)**.

Page 52, Line 20. (A) BEFORE AN MMP IS INITIALLY APPROVED BY THE DEPARTMENT UNDER SECTION 11575, THE DEPARTMENT MAY ISSUE A CONSTRUCTION PERMIT FOR A SOLID WASTE PROCESSING AND TRANSFER FACILITY OR AN APPROVAL UNDER A GENERAL PERMIT **OR A REGISTRATION** FOR A MATERIALS UTILIZATION FACILITY IF THE ~~CBC CAA~~ AND THE LEGISLATIVE BODY OF THE MUNICIPALITY IN WHICH THE FACILITY IS OR IS PROPOSED TO BE LOCATED HAVE EACH NOTIFIED THE DEPARTMENT IN WRITING THAT THEY APPROVE THE ISSUANCE.

Page 53, Line 3. **(C) MATERIALS UTILIZATION FACILITIES WHO ARE REQUIRED TO PROVIDE A NOTIFICATION OR REGISTRATION TO THE DEPARTMENT UNDER THIS PART MAY BE SITED UNDER LOCAL ZONING PROVISIONS UNTIL AN MMP FOR THE PLANNING AREA HAS BEEN APPROVED BY THE DEPARTMENT.**

Page 54, Line 12. CONSTRUCTION PERMIT SHALL BE ACCOMPANIED BY ~~AN~~ ENGINEERING PLANS.

Page 54, Line 26. (a) For a new ~~sanitary~~ landfill, THE FOLLOWING: ~~a fee equal to the following amount:~~

(i) For a municipal solid waste TYPE II landfill, ~~\$1,500.00~~ **\$3,000.00**.

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii), FOR an industrial waste landfill, ~~\$1,000.00~~ **\$2,000.00**.

(iii) For a type III landfill limited to low hazard industrial waste, ~~\$750.00~~ **\$1,500.00**.

(b) For a lateral expansion of a sanitary landfill, a fee equal to the following amount:

(i) For a municipal solid waste TYPE II landfill, ~~\$1,000.00~~ **\$2,000.00**.

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii), FOR an industrial waste landfill, ~~\$750.00~~ **\$1,500.00**.

(iii) For a type III landfill limited to low hazard industrial waste, construction and demolition waste, or other nonindustrial waste, ~~\$500.00~~ **\$1,000.00**.

(c) For a vertical expansion of an existing sanitary landfill, a fee equal to the following amount:

(i) For a municipal solid waste TYPE II landfill, ~~\$750.00~~ **\$1,500.00**.

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPH (iii) FOR an industrial waste landfill, ~~\$500.00~~ **\$1,000.00**.

(iii) For an industrial waste landfill limited to low hazard industrial waste, construction and demolition waste, or other nonindustrial waste, ~~\$250.00~~ **\$500.00**.

(d) For a new coal ash impoundment, a fee of \$1,000.00.

(e) For a lateral or vertical expansion of a coal ash impoundment a fee of \$750.00.

(4) ~~(3)~~ The AN application for a construction permit for a solid waste transfer facility, a solid waste processing plant, other disposal area, or a combination of these, THAT IS NOT A LANDFILL shall be accompanied by a AN APPLICATION fee in the following amount:

(a) For a new facility DISPOSAL AREA for municipal solid waste, or a combination of municipal solid waste and waste listed in subdivision (b), ~~\$1,000.00~~ **\$2,000.00**.

(b) For a new facility DISPOSAL AREA for industrial waste, or construction and demolition waste, ~~\$500.00~~ **\$1,000.00**.

(c) For the expansion of an existing facility DISPOSAL AREA for any type of waste, ~~\$250.00~~ **\$500.00**.

Page 56, Line 22. (6) ~~(5)~~ ~~AN~~ SUBJECT TO SECTION 11510(2)(D), AN application for a modification to a construction permit or for renewal of a construction permit ~~which~~ THAT has expired shall be accompanied by a fee of ~~\$250.00~~ **\$500.00**.

Page 57, Line 10. (9) THE DEPARTMENT SHALL NOT APPROVE AN APPLICATION FOR A CONSTRUCTION PERMIT FOR A NEW TYPE II LANDFILL THAT IS NOT CONTIGUOUS TO AN ALREADY PERMITTED TYPE II LANDFILL OR FOR A NEW MUNICIPAL SOLID WASTE INCINERATOR UNLESS THE APPROVAL IS REQUESTED BY THE ~~CBC CAA~~ AND THE DEPARTMENT DETERMINES THAT THE LANDFILL OR INCINERATOR IS NEEDED FOR THE PLANNING AREA. THE ~~CBC CAA~~'S REQUEST SHALL INCLUDE A DEMONSTRATION THAT MATERIALS UTILIZATION OPTIONS HAVE BEEN EXHAUSTED. THE DEPARTMENT'S DETERMINATION OF NEED SHALL BE BASED ON HUMAN HEALTH, SOLID WASTE DISPOSAL CAPACITY, AND ECONOMIC ISSUES THAT WOULD ARISE WITHOUT THE NEW SITE.

Page 60, Line 7. and operation. ~~EXCEPT AS OTHERWISE PROVIDED IN SECTION 11542, AN~~ expansion of the area of a disposal area...

Page 62, Line 26. From CCR addition at 11511a (4) The constituents listed in this section shall be analyzed by methods specified **IDENTIFIED** in **THE PUBLICATIONS "TEST Standard Methods for the Examination EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS, EPA PUBLICATION SW-846, THIRD EDITION** or **"STANDARD METHODS FOR THE**

**EXAMINATION OF WATER AND WASTEWATER”, 23<sup>RD</sup> EDITION** published by the United States Environmental Protection Agency, or by other methods approved by the director or his or her designee.

Page 70, Line 11. (8) ~~(7)~~ The application for a type II landfill operating license shall be accompanied by the following fee for the 5-year term of the operating license, ~~calculated in accordance with~~ SUBJECT TO subsection ~~(8)-(9)~~:

- (a) Landfills receiving less than 100 tons per day, ~~\$250.00~~ **\$500.00**
- (b) Landfills receiving 100 tons per day or more, but less than 250 tons per day, ~~\$1,000.00~~ **\$2,000.00**.
- (c) Landfills receiving 250 tons per day or more, but less than 500 tons per day, ~~\$2,500.00~~ **\$5,000.00**
- (d) Landfills receiving 500 tons per day or more, but less than 1,000 tons per day, ~~\$5,000.00~~ **\$10,000.00**.
- (e) Landfills receiving 1,000 tons per day or more, but less than 1,500 tons per day, ~~\$10,000.00~~ **\$20,000.00**
- (f) Landfills receiving 1,500 tons per day or more, but less than 3,000 tons per day, ~~\$20,000.00~~ **\$40,000.00**
- (g) Landfills receiving ~~greater~~ MORE than 3,000 tons per day, ~~\$30,000.00~~ **\$60,000.00**

(9) ~~(8)~~ Type II landfill application fees shall be based on the average amount of waste IN TONS projected to be received daily during the license period. Application fees for license renewals shall be based on the average amount of waste received DAILY in the previous calendar year BASED ON A 365-DAY CALENDAR YEAR.

Application fees shall be adjusted in the following circumstances:

(a) If a landfill accepts more waste than projected, a supplemental fee equal to the difference shall be submitted with the next license application.

(b) If a landfill accepts less waste than projected, the department shall credit the applicant an amount equal to the difference with the next license application.

~~(c) A type II landfill that measures waste by volume rather than weight shall pay a fee based on 3 cubic yards per ton.~~

(C) ~~(d)~~ A landfill used exclusively for municipal solid waste incinerator ash that measures waste by volume rather than weight shall pay a fee based on 1 cubic yard per ton.

~~(e) If an application is submitted to renew a license more than 1 year prior to license expiration, the department shall credit the applicant an amount equal to 1/2 the application fee.~~

~~(f) If an application is submitted to renew a license more than 6 months but less than 1 year prior to license expiration, the department shall credit the applicant an amount equal to 1/4 the application fee.~~

(10) ~~(9)~~ The operating license application for a type III landfill shall be accompanied by a fee of ~~\$2,500.00~~ **\$5,000.00**.

(11) ~~(10)~~ The operating license application for a solid waste processing plant, solid waste AND transfer facility THAT MANAGES MORE THAN 200 CUBIC YARDS AT ANY TIME, OR other disposal area , or combination of these entities THAT IS NOT A LANDFILL OR SURFACE IMPOUNDMENT shall be accompanied by a fee equal to OF ~~\$500.00~~ **\$1,000.00**.

Page 76, Line 5. **(25) THE OWNER OR OPERATOR OF A PERMITTED AND LICENSED PROCESSING AND TRANSFER FACILITY, WITHIN 45 DAYS AFTER THE END OF EACH STATE FISCAL YEAR, SHALL SUBMIT TO THE DEPARTMENT ON A FORM AND FORMAT PROVIDED BY THE DEPARTMENT, A REPORT ON THE AMOUNT OF MATERIALS MANAGED AT THE FACILITY DURING THAT STATE FISCAL YEAR.**

Page 76, Line 5 **(after the insertion, above).** **SEC. 11512B. (1) ALL LANDFILLS ACCEPTING WASTES WITH THE POTENTIAL TO GENERATE GAS SHALL BE DESIGNED TO PREVENT THE MIGRATION OF EXPLOSIVE GASES GENERATED BY THE WASTE FILL.**

**(2) IN ORDER TO EFFICIENTLY COLLECT AND COMBUST AIR CONTAMINANTS, ALL LANDFILLS THAT ACCEPT MUNICIPAL SOLID WASTE SHALL BE DESIGNED WITH AN ACTIVE GAS RECOVERY SYSTEM. ALL GAS RECOVERY SYSTEMS SHALL INCLUDE THE FOLLOWING DESIGN FEATURES, UNLESS OTHERWISE APPROVED BY THE DEPARTMENT:**

- (A) VERTICAL GAS EXTRACTION WELLS SHALL BE PROPOSED THROUGHOUT THE ENTIRE LANDFILL WITH A MAXIMUM RADIUS OF INFLUENCE OF 150 FEET PER WELL AND LESSER RADII PROPOSED FOR WELLS LOCATED NEAR THE PERIMETER OF THE LANDFILL. THE RADII OF INFLUENCE OF ADJACENT WELLS SHALL OVERLAP. ALTERNATE WELL SPACINGS MAY BE PROPOSED FOR PORTIONS OF A SITE OR THE ENTIRE SITE IF A SITE-SPECIFIC DEMONSTRATION IS APPROVED BY THE DEPARTMENT.
- (B) ALL VERTICAL GAS EXTRACTION WELLS SHALL EXTEND TO NO CLOSER THAN 10 FEET ABOVE THE LEACHATE COLLECTION SYSTEM AND SHALL BE PLACED IN 36-INCH DIAMETER BOREHOLES. TARGET DEPTHS FOR VERTICAL GAS EXTRACTION WELLS SHALL BE AT LEAST 75 PERCENT OF THE WASTE THICKNESS AT THE WELL LOCATION, EXCEPT AS NEEDED TO MAINTAIN 10 FEET CLEARANCE ABOVE THE LEACHATE COLLECTION SYSTEM. AN EXEMPTION MAY BE PROPOSED TO ALLOW FOR PLACEMENT OF GAS EXTRACTION WELLS CLOSER TO THE LEACHATE COLLECTION SYSTEM. ALTERNATE DIAMETER BOREHOLES MAY BE UTILIZED AS PART OF A DESIGN PREPARED BY A PROFESSIONAL ENGINEER AND APPROVED BY THE DEPARTMENT.
- (C) THE PIPE IN THE BOREHOLE SHALL BE A MINIMUM 6 INCH DIAMETER, SCHEDULE 80 POLYVINYLCHLORIDE OR AN APPROVED ALTERNATE. THE PIPE SHALL BE DESIGNED TO CONVEY PROJECTED AMOUNTS OF GAS; WITHSTAND INSTALLATION, STATIC, AND SETTLEMENT FORCES; AND WITHSTAND PLANNED OVERBURDEN AND TRAFFIC LOADS.
- (D) THE LOWER 2/3 TO 3/4 OF THE PIPE IN THE BOREHOLE SHALL BE SLOTTED OR PERFORATED PIPE. THE DEPARTMENT MAY CONSIDER ALTERNATIVE PIPE SCREENED LENGTH REQUIREMENTS BASED ON WASTE THICKNESS OR OTHER FACTORS.
- (E) THE BACKFILL AROUND THE SLOTTED OR PERFORATED PIPE IN THE BOREHOLE SHALL BE 3/4 TO 3 INCH WASHED STONE OR AN ALTERNATE MATERIAL APPROVED BY THE DEPARTMENT AS PROVIDING EQUIVALENT PERFORMANCE. THE TOP 10 FEET OF THE BOREHOLE SHALL BE SEALED. THE SEAL DESIGN SHALL BE APPROVED BY THE DEPARTMENT.
- (F) HORIZONTAL GAS EXTRACTION WELLS SHALL BE PROPERLY SLOPED TO DRAIN ACCUMULATED LIQUIDS AND SHALL BE DESIGNED TO WITHSTAND THE OVERBURDEN PRESSURES EXPECTED.
- (G) EACH GAS EXTRACTION WELL SHALL HAVE A FLOW CONTROL VALVE AND SAMPLING ACCESS PORT.
- (H) THE GAS HEADER SYSTEM SHALL BE LOOPED TO ALLOW ALTERNATIVE FLOW PATHS FOR THE GAS.
- (I) THE MINIMUM SLOPE ON THE HEADER PIPE SHALL BE 2% FOR PIPES OVER THE WASTE MASS WHEREVER POSSIBLE. GAS HEADERS OUTSIDE OF THE WASTE MASS SHALL BE SLOPED TO ALLOW EFFICIENT REMOVAL OF CONDENSATE AND TO PREVENT SAGS.
- (J) POLYETHYLENE PIPE OR AN APPROVED ALTERNATE SHALL BE USED FOR HEADER AND LATERAL PIPES. THE PIPE SHALL BE DESIGNED TO CONVEY PROJECTED AMOUNTS OF GAS AND LIQUIDS; WITHSTAND INSTALLATION, STATIC, AND SETTLEMENT FORCES; AND WITHSTAND PLANNED OVERBURDEN AND TRAFFIC LOADS.
- (K) THE SIZING OF THE BLOWER, HEADER AND LATERALS SHALL BE DESIGNED SO THAT A MINIMUM VACUUM OF 10 INCHES WATER COLUMN IS AVAILABLE AT THE WELLS LOCATED FURTHEST FROM THE BLOWER. IF DURING OPERATION THE AVAILABLE HEADER VACUUM IS MEASURED TO BE LESS THAN 10 INCHES OF WATER COLUMN AT THOSE WELLS FURTHEST FROM THE BLOWER, THE LANDFILL MAY PROVIDE A DEMONSTRATION THAT THE AVAILABLE VACUUM IS ADEQUATE TO MEET PERFORMANCE CRITERIA.
- (L) A DRIP LEG OR EQUIVALENT SHALL BE INSTALLED IMMEDIATELY BEFORE THE BLOWER TO SEPARATE CONDENSATE FROM GAS WHILE PRESERVING THE SUCTION AT THE WELLS WHILE UNDER MAXIMUM OPERATING VACUUM.
- (M) ALL CONDENSATE AND LIQUID TRANSFER PIPING LOCATED OUTSIDE OF THE LIMITS OF WASTE SHALL BE DESIGNED WITH AN APPROVED SECONDARY CONTAINMENT METHOD.
- (N) THE SYSTEM SHALL BE DESIGNED TO HAVE THE ABILITY TO COLLECT AND TREAT ALL CONDENSATE, MEASURE VOLUMES AND COLLECT SAMPLES.

- (O) COLLECTED LANDFILL GAS MUST BE ROUTED TO A CONTROL DEVICE. THE CONTROL DEVICE MUST BE OPERATED AT ALL TIMES GAS IS ROUTED TO IT. EACH CONTROL DEVICE SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF PART 55 AND/OR THE NEW SOURCE PERFORMANCE STANDARDS UNDER 40 CFR PART 60. IN ADDITION, REDUNDANT CONTROLS AND BLOWERS ARE REQUIRED WHERE THE PRIMARY CONTROL MAY BE OFFLINE FOR MORE THAN 5 DAYS.
- (3) SITES WHICH HAVE A POTENTIAL TO GENERATE GAS SHALL HAVE A GAS MIGRATION MONITORING PLAN. THE PLAN SHALL BE BASED ON ALL THE FOLLOWING FACTORS:
- (A) SOIL CONDITIONS.
  - (B) THE HYDROGEOLOGIC CONDITIONS SURROUNDING THE FACILITY.
  - (C) THE HYDRAULIC CONDITIONS SURROUNDING THE FACILITY.
  - (D) THE LOCATION OF FACILITY STRUCTURES AND PROPERTY BOUNDARIES.
  - (E) A MINIMUM OF ONE GAS MONITORING PROBE SHALL BE LOCATED ON EACH SIDE OF THE LANDFILL.
- (4) LANDFILLS WHICH ACCEPT ONLY INDUSTRIAL WASTE OR OTHER NONMUNICIPAL SOLID WASTE WITH THE POTENTIAL TO GENERATE GAS AND WHICH DO NOT UTILIZE AN ACTIVE GAS EXTRACTION SYSTEM SHALL BE DESIGNED WITH A SYSTEM WHICH ALLOWS GAS VENTING FROM THE ENTIRE LANDFILL SURFACE. AN ANALYSIS SHALL BE PERFORMED TO DETERMINE THE SPACING NEEDED BETWEEN GAS VENTING TRENCHES FOR AN EFFECTIVE SYSTEM. THE SYSTEM SHALL BE DESIGNED WITH A CONTINUOUS LAYER BELOW THE CAPPING LAYER WHICH ALLOWS SURFICIAL VENTING FROM THE WASTE FINAL SURFACE. THIS LAYER MAY BE UTILIZED AS PART OF THE INFILTRATION LAYER WHICH PROTECTS THE FINAL COVER LINER FROM THE WASTE AND MINIMIZES THE EFFECT OF SETTLEMENT. THIS LAYER SHALL CONSIST OF A MINIMUM OF ONE FOOT OF GRANULAR SOIL WITH A MINIMUM HYDRAULIC CONDUCTIVITY OF  $1 \times 10^{-3}$  CM/SEC AND A SERIES OF FLEXIBLE, PERFORATED PIPES CONNECTED TO A SERIES OF OUTLETS.

- SEC. 11512C (1) THE OWNER OR OPERATOR SHALL INSTALL MONITORING PORTS AND CONDUCT MONITORING AS SPECIFIED BY THE DEPARTMENT TO DETERMINE THE EFFECTIVENESS OF ANY GAS EXTRACTION OR VENTING SYSTEM.
- (A) THE OWNER OR OPERATOR OF A LANDFILL WITH AN ACTIVE GAS COLLECTION SYSTEM SHALL SAMPLE EACH GAS EXTRACTION WELL FOR NITROGEN OR OXYGEN, METHANE, PRESSURE, TEMPERATURE, FLOW (WHERE EXISTING WELLHEADS ALLOW FLOW MEASUREMENT), AND LIQUID LEVEL. THE OWNER OR OPERATOR SHALL MONITOR GAS FLOW TO THE CONTROL DEVICE, METHANE CONTENT AT THE CONTROL DEVICE, AND OTHER PARAMETERS AS SPECIFIED IN AN APPROVED MONITORING PLAN.
- (B) THE OWNER OR OPERATOR SHALL SAMPLE EACH GAS EXTRACTION WELL MONTHLY FOR THE PARAMETERS LISTED IN (2) WITH THE EXCEPTION OF LIQUID LEVEL. LIQUID LEVEL SHALL BE MONITORED AT LEAST SEMI-ANNUALLY AT EACH WELL. IF THE LEVEL OF LIQUID EXCEEDS 50 PERCENT OF THE SCREENED INTERVAL LENGTH, LIQUID LEVEL MONITORING MUST BE INCREASED TO QUARTERLY. IF THE LEVEL EXCEEDS 50 PERCENT FOR TWO CONSECUTIVE QUARTERLY EVENTS, A LIQUIDS REMOVAL EVALUATION AND CORRECTIVE ACTION REPORT MUST BE SUBMITTED TO THE DEPARTMENT FOR REVIEW, UNLESS THE WELL HAS A FUNCTIONAL AND CONTINUOUSLY OPERATED LIQUID PUMP. THE EVALUATION MUST CONSIDER THE LIQUID LEVELS IN CONJUNCTION WITH WELLHEAD MONITORING DATA, SURFACE EMISSIONS MONITORING DATA AND OTHER PERTINENT FACTORS IN DETERMINING WHETHER A LIQUID PUMP WILL BE INSTALLED. IF CORRECTIVE ACTIONS ARE DETERMINED TO BE NECESSARY, A PLAN AND SCHEDULE MUST BE PROVIDED IN THE REPORT. IF THE LIQUID LEVEL EXCEEDS 75 PERCENT FOR 2 CONSECUTIVE QUARTERS, A LIQUIDS PUMP MUST BE INSTALLED, UNLESS THE DEPARTMENT APPROVES AN ALTERNATIVE CORRECTIVE ACTION PLAN. AFTER ONE YEAR OF MONITORING WHICH DEMONSTRATES THAT THE LEVEL OF LIQUIDS DOES NOT EXCEED 50 PERCENT THE OWNER OR OPERATOR MAY PETITION THE DEPARTMENT FOR A DECREASED MONITORING FREQUENCY.

(2) THE OWNER OR OPERATOR OF A LANDFILL SHALL OPERATE THE COLLECTION SYSTEM SO THAT THE METHANE CONCENTRATION IS LESS THAN 500 PARTS PER MILLION ABOVE BACKGROUND AT THE SURFACE OF THE LANDFILL. SURFACE EMISSION SCANS SHALL COMMENCE NO LATER THAN 180 DAYS AFTER INITIAL WASTE RECEIPT IN A PORTION OF THE LANDFILL. TO DETERMINE IF THIS LEVEL IS EXCEEDED, THE OWNER OR OPERATOR MUST CONDUCT SURFACE TESTING AROUND THE PERIMETER OF THE COLLECTION AREA AND ALONG A PATTERN THAT TRAVERSES THE LANDFILL AT NO MORE THAN 30-METER INTERVALS AND WHERE VISUAL OBSERVATIONS INDICATE ELEVATED CONCENTRATIONS OF LANDFILL GAS, SUCH AS DISTRESSED VEGETATION AND CRACKS OR SEEPS IN THE COVER, AND AT ALL COVER PENETRATIONS. THE OWNER OR OPERATOR MUST MONITOR ANY OPENINGS THAT ARE WITHIN AN AREA OF THE LANDFILL WHERE WASTE HAS BEEN PLACED AND A GAS COLLECTION SYSTEM IS REQUIRED. THE OWNER OR OPERATOR MAY ESTABLISH AN ALTERNATIVE TRAVERSING PATTERN THAT ENSURES EQUIVALENT COVERAGE. A SURFACE MONITORING DESIGN PLAN MUST BE DEVELOPED THAT INCLUDES A TOPOGRAPHICAL MAP WITH THE MONITORING ROUTE AND THE RATIONALE FOR ANY SITE-SPECIFIC DEVIATIONS FROM THE 30-METER INTERVALS. AREAS WITH STEEP SLOPES OR OTHER DANGEROUS AREAS MAY BE EXCLUDED FROM THE SURFACE TESTING WITH PRIOR APPROVAL OF THE DEPARTMENT. IF ANY LOCATIONS ARE IDENTIFIED TO HAVE EMISSIONS GREATER THAN 500 PARTS PER MILLION METHANE ABOVE BACKGROUND, THE PROCEDURE OF 40CFR 60.755(C)(4)(I – IV) SHALL BE FOLLOWED. IF THE METHANE CONTENT EXCEEDS 500 PARTS PER MILLION PLUS BACKGROUND THREE TIMES WITHIN A QUARTERLY PERIOD, ADDITIONAL VERTICAL AND HORIZONTAL EXTRACTION DEVICES WILL BE INSTALLED IN ACCORDANCE WITH THE APPROVED ENGINEERING PLANS WITHIN 120 DAYS. AN ALTERNATIVE REMEDY AND/OR TIMELINE MAY BE APPROVED BY THE DEPARTMENT.

(3) THE OWNER OR OPERATOR SHALL REPORT GAS MONITORING RESULTS TO THE DEPARTMENT UPON REQUEST. THE DATA MUST BE SUBMITTED IN A FORM AND FORMAT SPECIFIED BY THE DEPARTMENT.

(4) FIELD RECORDS OF ALL MONITORING ACTIVITIES SHALL BE PREPARED IN SUFFICIENT DETAIL TO DOCUMENT WHETHER THE SAMPLING PLAN HAS BEEN FOLLOWED. THE FACILITY OWNER OR OPERATOR SHALL RETAIN ALL FIELD RECORDS IN AN OPERATING RECORD AT THE FACILITY OR IN AN ALTERNATIVE LOCATION APPROVED BY THE DEPARTMENT UNTIL THE END OF THE LONG-TERM CARE PERIOD FOR THE FACILITY. FIELD RECORDS SHALL BE AVAILABLE FOR DEPARTMENT INSPECTION ON REQUEST.

SEC. 11512D (1) REVISED ENGINEERING PLANS AND REPORTS SHALL BE SUBMITTED BY OWNERS OR OPERATORS OF TYPE II LANDFILLS ACCORDING TO THE FOLLOWING SCHEDULE:

(A) TYPE II LANDFILLS THAT CURRENTLY HAVE ACTIVE GAS COLLECTION AND ARE CURRENTLY SUBJECT TO MONTHLY WELLHEAD MONITORING PURSUANT TO THE NEW SOURCE PERFORMANCE STANDARDS (NSPS) UNDER 40 CFR PART 60 SHALL SUBMIT REVISED PLANS WHICH INCORPORATE THE APPROVED NSPS PLANS WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.

(B) TYPE II LANDFILLS THAT CURRENTLY HAVE ACTIVE GAS COLLECTION AND ARE NOT CURRENTLY SUBJECT TO MONTHLY WELLHEAD MONITORING PURSUANT TO THE NEW SOURCE PERFORMANCE STANDARDS UNDER 40 CFR PART 60 SHALL SUBMIT REVISED PLANS WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION. THE REVISED PLANS DO NOT REQUIRE UPGRADING OF THE INITIAL SYSTEM IN PREVIOUSLY CONSTRUCTED AREAS UNLESS IT IS NECESSARY TO CORRECT SURFACE EMISSION SCANS EXCEEDING 500 PART PER MILLION OF METHANE ABOVE BACKGROUND THAT CANNOT BE CORRECTED WITHIN ONE QUARTERLY MONITORING PERIOD, TO CORRECT A NUISANCE ODOR VIOLATION OR TO MAINTAIN VACUUM REQUIREMENTS AT THE WELLHEAD FURTHEST FROM THE BLOWER. THE DESIGN REQUIREMENTS OF SECTION 1 APPLY TO LATERAL EXTENSIONS AND ALL NEW UNITS AT THE FACILITY.

(C) TYPE II LANDFILLS THAT CURRENTLY DO NOT HAVE ACTIVE GAS COLLECTION SHALL SUBMIT REVISED PLANS WITHIN 1 YEAR OF DETECTING SURFACE EMISSION SCANS EXCEEDING 500 PART PER MILLION OF METHANE ABOVE BACKGROUND THAT CANNOT BE CORRECTED WITHIN ONE QUARTERLY MONITORING PERIOD OR DOCUMENTATION OF A NUISANCE ODOR VIOLATION, UNLESS AN EXTENSION IS APPROVED BY THE DEPARTMENT. CONSTRUCTION OF THE SYSTEM MUST BEGIN WITHIN 180 DAYS OF APPROVAL OF THE REVISED ENGINEERING PLANS.

(D) TYPE II LANDFILLS THAT ARE NEW UNITS OR LATERAL EXPANSIONS MUST INCLUDE LANDFILL GAS EXTRACTION ENGINEERING PLANS AND REPORTS PRIOR TO ISSUANCE OF A SOLID WASTE DISPOSAL AREA CONSTRUCTION PERMIT.

(E) THE DESIGN PLANS AND ENGINEERING REPORTS REQUIRED BY THIS PART SHALL BE SUFFICIENT TO DEMONSTRATE ALL OF THE ITEMS REQUIRED BY 40 CFR 60.759, THE NEW SOURCE PERFORMANCE STANDARDS UNDER 40 CFR PART 60.

(F) THE DESIGN PLANS AND ENGINEERING REPORTS WILL BE INCORPORATED INTO THE FACILITY'S SOLID WASTE DISPOSAL AREA CONSTRUCTION PERMIT AND SOLID WASTE DISPOSAL AREA OPERATING LICENSE.

(G) THE ENGINEERING REPORTS SHALL INCLUDE A MONITORING PLAN THAT IS SUFFICIENT TO ENSURE COMPLIANCE WITH SECTION 11512C.

(2) WITHIN 45 DAYS AFTER THE END OF EACH STATE FISCAL YEAR, UNLESS NO CHANGES HAVE BEEN MADE, THE OWNER OR OPERATOR SHALL UPDATE ENGINEERING PLANS TO SHOW THE AS BUILT LOCATION OF ALL LANDFILL GAS SYSTEM COMPONENTS. THIS SHALL INCLUDE PLAN VIEW(S) AND DETAILS FOR ANY CHANGES PROPOSED BUT NOT PREVIOUSLY APPROVED. THE PLAN VIEWS SHALL INCLUDE PROPOSED WELLS AND COLLECTION HEADERS TO COLLECT LANDFILL GAS FROM THE FACILITY IN FUTURE FINAL STAGES AS WELL AS AS-BUILT LOCATIONS FOR ALL COMPONENTS ABOVE GRADE AND CURRENTLY FUNCTIONING BELOW GRADE. THE OWNER/OPERATOR SHALL SUBMIT PLANS TO THE DEPARTMENT PRIOR TO ANY NEW GAS COLLECTION SYSTEM CONSTRUCTION PROJECTS. THE PLANS SHALL IDENTIFY GAS EXTRACTION WELL LOCATIONS, GAS WELL PUMP LOCATIONS, COMPRESSED AIR AND PUMP FORCE MAIN LOCATIONS, HEADER AND LATERAL VACUUM PIPE LOCATIONS, CONDENSATE DRIP LEG AND SUMP LOCATIONS, AND ANY OTHER RELEVANT INFRASTRUCTURE, AS WELL AS CONSTRUCTION DETAILS FOR THE AFOREMENTIONED ITEMS. IN ADDITION, A SCHEDULE OF EXTRACTION WELL DEPTHS MUST BE PROVIDED. IF DURING CONSTRUCTION, CONDITIONS DICTATE THAT ANY OF THE APPROVED EXTRACTION WELL LOCATIONS DEVIATE MORE THAN 50 FEET FROM THE PROPOSED LOCATION OR MORE THAN 25 PERCENT IN DEPTH, THE OWNER OR OPERATOR MUST SUBMIT A STATEMENT FROM A REGISTERED PROFESSIONAL ENGINEER THAT THE GAS WELLS INSTALLED WILL PROVIDE ADEQUATE CONTROL OF LANDFILL GAS EMISSIONS AND MEET THE INTENT OF THE ORIGINAL DESIGN, OR OTHERWISE PROVIDE A SCHEDULE FOR INSTALLING ADDITIONAL GAS COLLECTORS TO MEET THE DESIGN REQUIREMENTS INCLUDED WITH THE APPROVED ENGINEERING PLANS.

(3) WITHIN 180 DAYS OF COMPLETION OF CONSTRUCTION OF PORTIONS OF THE LANDFILL GAS COLLECTION AND CONTROL SYSTEM, THE OWNER OR OPERATOR SHALL HAVE THE CONSTRUCTION QUALITY ASSURANCE OFFICER CERTIFY THAT THE CONSTRUCTION WAS IN ACCORDANCE WITH THE CONSTRUCTION QUALITY ASSURANCE PLAN, PART 115, AND ENGINEERING PLANS APPROVED BY THE DEPARTMENT. ALL OF THE FOLLOWING INFORMATION MUST ACCOMPANY THE LANDFILL GAS SYSTEM CONSTRUCTION CERTIFICATION:

(A) A DAILY ACTIVITY LOG, CONTAINING ALL OF THE INFORMATION REQUIRED BY R 299.4921(3).

(B) LANDFILL GAS WELL LOGS WHICH INCLUDE DEPTH, COMPOSITION, DEGREE OF DECAY, TEMPERATURE, AND OBSERVATIONS ABOUT MOISTURE CONTENT OF THE WASTE. THE WELL LOGS MUST ALSO INCLUDE DETAILS OF THE CONSTRUCTION OF THE WELL INCLUDING BORE HOLE SIZE AND DEPTH, PIPE SIZE AND TYPE, PERFORATED LENGTH, AGGREGATES UTILIZED, SOILS UTILIZED, AND THE LOCATION AND TYPES OF SEALS UTILIZED.

(C) AN UPDATED ENGINEERING PLAN VIEW OF THE LANDFILL GAS COLLECTION SYSTEM WITH THE LOCATION OF EXISTING WELLS AND HEADERS AND THE PROPOSED LOCATION OF FUTURE WELLS AND HEADERS.

**SEC. 11512E. (1) OWNERS OR OPERATORS OF TYPE II LANDFILLS SHALL BEGIN OPERATING AND MONITORING LANDFILL GAS EXTRACTION SYSTEMS ACCORDING TO THE FOLLOWING SCHEDULE:**

- (A) TYPE II LANDFILLS THAT CURRENTLY HAVE ACTIVE GAS COLLECTION AND ARE CURRENTLY SUBJECT TO MONTHLY WELLHEAD MONITORING PURSUANT TO THE NSPS SHALL BEGIN OPERATING AND MONITORING WITHIN 90 DAYS OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.**
- (B) TYPE II LANDFILLS THAT CURRENTLY HAVE ACTIVE GAS COLLECTION AND ARE NOT CURRENTLY SUBJECT TO MONTHLY WELLHEAD MONITORING PURSUANT TO THE NSPS SHALL BEGIN OPERATING AND MONITORING WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION.**
- (C) TYPE II LANDFILLS THAT ARE REQUIRED TO HAVE ACTIVE GAS COLLECTION UNDER SECTION 11512D(1)(C) SHALL BEGIN OPERATING AND MONITORING UPON COMPLETION OF THE SYSTEM.**
- (D) TYPE II LANDFILLS WITHOUT ACTIVE GAS COLLECTION MUST BEGIN SURFACE EMISSION SCANS WITHIN 1 YEAR OF THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION**
- (E) TYPE II LANDFILLS WHICH ARE NEW UNITS OR LATERAL EXPANSIONS MUST INCLUDE LANDFILL GAS EXTRACTION ENGINEERING PLANS AND REPORTS PRIOR TO ISSUANCE OF A SOLID WASTE DISPOSAL AREA CONSTRUCTION PERMIT.**
- (E) TYPE II LANDFILLS WHICH ARE NEW UNITS OR LATERAL EXPANSIONS MUST INSTALL LANDFILL GAS EXTRACTION AND APPROPRIATE CONTROL DEVICES PRIOR TO ACCEPTING WASTE. INITIAL GAS COLLECTION MAY INCLUDE HORIZONTAL COLLECTORS INSTALLED DIRECTLY ABOVE THE LEACHATE COLLECTION SYSTEM AND/OR VACUUM APPLIED TO THE LEACHATE COLLECTION RISERS.**

**(2) OWNERS OR OPERATORS OF TYPE II LANDFILLS SHALL BEGIN INSTALLATION OF LANDFILL GAS EXTRACTION SYSTEMS ACCORDING TO THE FOLLOWING SCHEDULE:**

- (A) TYPE II LANDFILLS THAT ARE NEW UNITS OR LATERAL EXPANSIONS MUST INSTALL LANDFILL GAS EXTRACTION SYSTEMS AND APPROPRIATE CONTROL DEVICES PRIOR TO ACCEPTING WASTE. INITIAL COLLECTION SYSTEMS MAY INCLUDE HORIZONTAL COLLECTORS INSTALLED DIRECTLY ABOVE THE LEACHATE COLLECTION SYSTEM, VACUUM APPLIED TO THE LEACHATE COLLECTION RISERS, OR A COMBINATION OF BOTH.**
- (B) TYPE II LANDFILLS THAT CURRENTLY HAVE ACTIVE GAS COLLECTION AND ARE NOT CURRENTLY SUBJECT TO MONTHLY WELLHEAD MONITORING SHALL INSTALL HORIZONTAL AND VERTICAL GAS EXTRACTION WELL LOCATIONS AS SHOWN IN THE APPROVED ENGINEERING PLANS FOR THE SITE. THE GAS EXTRACTION WELLS SHALL BE INSTALLED AS SOON AS PRACTICABLE, BUT NOT LONGER THAN 180 DAYS AFTER ENGINEERING PLAN APPROVAL.**
- (C) TYPE II LANDFILLS THAT CURRENTLY DO NOT HAVE ACTIVE GAS COLLECTION SHALL INSTALL HORIZONTAL AND VERTICAL GAS EXTRACTION WELLS AT LOCATIONS AS SHOWN IN THE APPROVED ENGINEERING PLANS. THESE GAS EXTRACTION WELLS SHALL BE INSTALLED AS SOON AS PRACTICABLE BUT NOT LONGER THAN 180 DAYS AFTER ENGINEERING PLAN APPROVAL.**
- (D) AFTER WASTE PLACEMENT AND OPERATION OF THE INITIAL COLLECTION DEVICES, IF THE SURFACE SCANS REQUIRED IN SECTION 11512C IDENTIFY METHANE EXCEEDANCES OF THE 500 PARTS PER MILLION METHANE ABOVE BACKGROUND METHANE EMISSION LIMIT, THE PROCEDURE OF 40CFR 60.755(C)(4)(I – IV) SHALL BE FOLLOWED. IF THE METHANE CONTENT EXCEEDS 500 PARTS PER MILLION PLUS BACKGROUND THREE TIMES WITHIN A QUARTERLY PERIOD, ADDITIONAL VERTICAL AND HORIZONTAL EXTRACTION DEVICES WILL BE INSTALLED IN ACCORDANCE WITH THE APPROVED ENGINEERING PLANS WITHIN 120 DAYS. AN ALTERNATIVE REMEDY AND/OR TIMELINE MAY BE APPROVED BY THE DEPARTMENT.**

Page 76, Line 18. A PERSON SHALL NOT ~~DISPOSE OF~~ **MANAGE** SOLID WASTE AT A SOLID WASTE PROCESSING AND TRANSFER FACILITY DESCRIBED IN SUBSECTION (2) OR (3) UNLESS THE FACILITY HAS COMPLIED WITH THE APPLICABLE NOTIFICATION OR REGISTRATION REQUIREMENT OF SUBSECTION (2) OR (3), RESPECTIVELY.

Page 76, Line 22. (2) SUBJECT TO SUBSECTION (5), UNLESS THE PERSON HAS NOTIFIED THE DEPARTMENT, A PERSON SHALL NOT OPERATE A SOLID WASTE PROCESSING AND TRANSFER FACILITY THAT DOES NOT AT ANY TIME HAVE ON-SITE MORE THAN 50 CUBIC YARDS OF SOLID WASTE AND THAT IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH MECHANICAL COMPACTION DEVICES. NOTIFICATION SHALL BE GIVEN UPON INITIAL OPERATION AND, SUBSEQUENTLY, WITHIN 45 DAYS AFTER THE END OF EACH STATE FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT, **ON A FORM AND FORMAT PROVIDED BY THE DEPARTMENT**, THE AMOUNT OF SOLID WASTE MANAGED AT THE FACILITY DURING THE PRECEDING STATE FISCAL YEAR.

Page 77, Line 4. (3) SUBJECT TO SUBSECTION (5), BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, UNLESS THE PERSON HAS REGISTERED THE FACILITY WITH THE DEPARTMENT, A PERSON SHALL NOT OPERATE A SOLID WASTE PROCESSING AND TRANSFER FACILITY THAT AT ANY TIME HAS ON-SITE MORE THAN 50 CUBIC YARDS AND DOES NOT AT ANY TIME HAVE ON-SITE MORE THAN 200 CUBIC YARDS OF SOLID WASTE AND THAT IS NOT DESIGNED TO ACCEPT WASTE FROM VEHICLES WITH MECHANICAL COMPACTION DEVICES. THE PERSON SHALL SUBMIT AN APPLICATION FOR REGISTRATION ~~WITHIN 45 DAYS AFTER THE END OF THE STATE FISCAL YEAR~~ **AT LEAST 90 DAYS PRIOR TO THE REGISTRATION EXPIRATION**. THE APPLICATION SHALL CONTAIN THE NAME AND MAILING ADDRESS OF THE APPLICANT, THE LOCATION OF THE PROPOSED OR EXISTING SOLID WASTE PROCESSING AND TRANSFER FACILITY, AND OTHER INFORMATION REQUIRED BY PART 115. **THE APPLICATION SHALL BE ACCOMPANIED BY A FEE OF \$750.00**. THE TERM OF A REGISTRATION IS 5 YEARS. IN ADDITION, WITHIN 45 DAYS AFTER THE END OF EACH STATE FISCAL YEAR, THE PERSON SHALL SUBMIT TO THE DEPARTMENT **ON A FORM AND FORMAT PROVIDED BY THE DEPARTMENT**, A REPORT ON THE AMOUNT OF ~~SOLID WASTE HANDLED MATERIALS~~ **MANAGED** AT THE FACILITY DURING THAT STATE FISCAL YEAR.

Page 81, Line 2 (**from TENORM amendments**). Sec. 11515b(4): The owner or operator of a type II landfill shall submit to the department an annual report that summarizes the information obtained under subsection (2) for all TENORM disposed at the landfill during the previous state fiscal year. **THE REPORT SHALL BE SUBMITTED ON A FORM PROVIDED BY THE DEPARTMENT WITHIN 45 DAYS FOLLOWING THE END OF EACH STATE FISCAL YEAR.**

Page 82, Line 20. UPON RECEIPT OF AN APPLICATION FOR A PERMIT, LICENSE, **GENERAL PERMIT**, OR REGISTRATION UNDER PART 115, THE DEPARTMENT OR AN AUTHORIZED REPRESENTATIVE OF THE DEPARTMENT SHALL INSPECT...

Page 83, Line 22. Sec. 11516 (1) The department shall conduct a ~~CONSISTENCY~~ review **OF A LICENSE APPLICATION AGAINST THE REQUIREMENTS OF PART 115** before making a final decision ~~ON A LICENSE APPLICATION~~. The department shall notify the clerk of the municipality in which the disposal area is located and the applicant of its approval or denial of a license application within 10 days after the final decision is made.

Page 87, Line 4. THE POSTCLOSURE PLAN MAY INCLUDE MONITORING AND MAINTENANCE PROVISIONS NOT OTHERWISE REQUIRED BY PART 115, IF DESIGNED TO ACHIEVE AND DEMONSTRATE FUNCTIONAL STABILITY, SUCH AS MONITORING SETTLEMENT ~~AND SUBSIDENCE~~.

Page 88, Line 6. (C) THE LANDFILL HAS ACHIEVED FUNCTIONAL STABILITY, INCLUDING, BUT NOT LIMITED TO, MEETING ALL OF THE FOLLOWING REQUIREMENTS:

- i) THERE HAS BEEN NO RELEASE FROM THE FACILITY INTO GROUNDWATER OR SURFACE WATER REQUIRING ONGOING CORRECTIVE ACTION
- ii) THERE IS ~~EITHER NO EVIDENCE OF CONTINUED~~ **NO ONGOING** SUBSIDENCE OR SIGNIFICANT PAST SUBSIDENCE OF WASTE IN THE **UNIT THAT HAS THE POTENTIAL TO CREATE PONDING OR EROSION ISSUES THAT WOULD SIGNIFICANTLY INCREASE INFILTRATION OR CAUSE DAMAGE TO THE FINAL COVER.**
- (iii) THE LANDFILL DOES NOT PRODUCE ~~SIGNIFICANT MORE THAN DE MINIMIS~~ AMOUNTS OF COMBUSTIBLE GASES.

Page 88, Line 19. (vi) LEACHATE AND GAS COLLECTION AND CONTROL SYSTEM CONDENSATE GENERATION HAS CEASED, LEACHATE AND CONDENSATE QUALITY MEETS CRITERIA FOR ACCEPTABLE SURFACE WATER OR GROUNDWATER DISCHARGE, OR VOLUMES OF LEACHATE AND CONDENSATE ~~ARE NEGLIGIBLE AND~~ CAN BE DISCHARGED THROUGH EXISTING LEACHATE AND CONDENSATE HANDLING FACILITIES, SUCH AS SEWERS CONNECTED TO A PUBLICLY OWNED TREATMENT WORKS.

Page 89, Line 9. (C) GROUNDWATER MONITORING HAS NOT BEEN CONDUCTED IN COMPLIANCE WITH THE APPROVED MONITORING PLAN OR GROUNDWATER ~~IN THE VICINITY OF~~ **AFFECTED BY** THE LANDFILL UNIT EXCEEDS CRITERIA ESTABLISHED UNDER PART 201.

(D) THERE IS AN ONGOING ~~DIFFERENTIAL SUBSIDENCE SETTLEMENT~~ OF WASTE, AS EVIDENCED BY SIGNIFICANT PONDING OF WATER ON THE LANDFILL COVER.

Page 89, Line 19. (F) LEACHATE OR GAS COLLECTION AND CONTROL SYSTEM CONDENSATE CONTINUES TO BE GENERATED BY THE LANDFILL UNIT IN QUANTITIES **OR QUALITY** THAT MAY THREATEN GROUNDWATER OR SURFACE WATER.

Page 89, Line 25. (A) EXERCISE CUSTODIAL CARE BY UNDERTAKING ANY ACTIVITY NECESSARY TO MAINTAIN THE EFFECTIVENESS OF THE FINAL COVER, PREVENT THE **UNAUTHORIZED** DISCHARGE OF LEACHATE, PREVENT IMPACTS TO THE SURFACE OR GROUNDWATER, ...

Page 95, Line 8. From CCR addition 11519b (3) The constituents listed in this section shall be analyzed by methods ~~specified~~ **IDENTIFIED** in **IN THE PUBLICATIONS "TEST METHODS FOR THE EVALUATING SOLID WASTE, PHYSICAL/CHEMICAL METHODS, EPA PUBLICATION SW-846, THIRD EDITION OR** "Standard Methods for the Examination of Water and Wastewater, ~~19th~~ **23<sup>RD</sup>** edition", or by other methods approved by the director or his or her designee.

Page 97, Line 10. However, the TOTAL amount of the bond shall not be less than \$20,000.00 or more than ~~\$1,000,000.00~~ **\$2,000,000.00.**

Page 109, Line 3. (b) For postclosure, BE BASED ON the cost to conduct postclosure maintenance and monitoring in ~~accordance~~ COMPLIANCE with the approved postclosure plan for the entire postclosure period. **THE AMOUNT OF FINANCIAL ASSURANCE AVAILABLE** ~~BUT NEED NOT BE PROVIDED~~ **MUST BE** IN AN AMOUNT SUFFICIENT FOR A PERIOD OF NOT MORE THAN 30 YEARS AT ANY GIVEN TIME.

Page 109, Line 24. published by the United States Department of Commerce or another index that is more representative of the costs of closure and postclosure monitoring and maintenance **OR ALTERNATE APPROVED as determined appropriate** by the department.

Page 115, Line 24. ...States Department of Commerce or another index more representative of the costs of closure and postclosure monitoring and maintenance **OR ALTERNATE APPROVED as determined appropriate** by the department. THE DEPARTMENT...

Page 122, Line 1. (1) The owner or operator of a landfill shall pay TO THE DEPARTMENT a surcharge as follows:

(a) Except as provided in subdivision (b), ~~12 36~~ cents for each ~~cubic-yard~~ **TON** or portion of a ~~cubic-yard~~ **TON** of solid waste or municipal solid waste incinerator ash that is disposed of in the landfill before October 1, 2019.

**(B) NOTWITHSTANDING SUBSECTION (A), FOR A LANDFILL OR COAL ASH IMPOUNDMENT THAT IS NOT A CAPTIVE FACILITY, 12 CENTS PER TON OR PORTION OF A TON OF FOUNDRY SAND, SLAG FROM METAL MELTING, BAGHOUSE DUST, FURNACE REFRACTORY BRICK, PULP AND PAPER MILL MATERIAL, PAPER MILL ASH, WOOD ASH, COAL BOTTOM ASH, MIXED WOOD ASH, FLUE GAS DESULFURIZATION SLUDGE, CONTAMINATED SOIL, CEMENT KILN DUST, LIME KILN DUST AND OTHER INDUSTRIAL WASTE THAT HAS A 1 CUBIC YARD TO 1 TON EQUIVALENCY AS PROVIDED BY THE GENERATOR.**

~~(b)~~ **(C)** For type III landfills that are captive facilities, the following annual amounts FOR EACH STATE FISCAL YEAR, BASED ON THE AMOUNT OF WASTE RECEIVED DURING THAT FISCAL YEAR:

(i) For a captive facility that receives 100,000 or more ~~cubic-yards~~ **TONS** of waste, \$3,000.00.

(ii) For a captive facility that receives 75,000 or more but less than 100,000 ~~cubic-yards~~ **TONS** of waste, \$2,500.00.

(iii) For a captive facility that receives 50,000 or more but less than 75,000 ~~cubic-yards~~ **TONS** of waste, \$2,000.00.

(iv) For a captive facility that receives 25,000 or more but less than 50,000 ~~cubic-yards~~ **TONS** of waste, \$1,000.00.

(v) For a captive facility that receives less than 25,000 ~~cubic-yards~~ **TONS** of waste, \$500.00.

Page 126, Line 24. (6) IF THE OWNER OR OPERATOR OF A LANDFILL FAILS TO CONDUCT CLOSURE, POSTCLOSURE MONITORING AND MAINTENANCE, OR CORRECTIVE ACTION AS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR THE ENVIRONMENT, OR FAILS TO REQUEST THE DISBURSEMENT OF MONEY FROM A LANDFILL CARE FUND WHEN NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, OR WELFARE, OR THE ENVIRONMENT, OR FAILS TO PAY THE ~~SOLID WASTE MANAGEMENT PROGRAM ADMINISTRATION FEE OR THE~~ SURCHARGE REQUIRED UNDER SECTION 11525A, THEN THE DEPARTMENT MAY ALSO DRAW ON A LANDFILL CARE FUND AND MAY EXPEND MONEY FOR CLOSURE, POSTCLOSURE, MONITORING AND MAINTENANCE, AND CORRECTIVE ACTION AS NECESSARY. THE DEPARTMENT MAY DRAW ON A LANDFILL CARE FUND FOR ADMINISTRATIVE COSTS ASSOCIATED WITH ACTIONS TAKEN UNDER THIS SUBSECTION.

Page 129, Line 10. SEC. 11525~~E-D~~. IF THE OWNER OR OPERATOR OF A MATERIALS...

Page 131, Line 25. Notwithstanding ~~section 11538~~ or any other provision of this part **115**, if there is sufficient disposal capacity for a county's **PLANNING AREA'S** disposal needs in or within ~~150~~ **130** miles of the county, ~~all of the following apply:~~ **PLANNING AREA, THE** department is not required to issue a construction permit for a new landfill **OR MUNICIPAL SOLID WASTE INCINERATOR** in the county **PLANNING AREA**.

Page 132, Line 13. DELIVER all **SOLID** waste to a disposal area LICENSED UNDER PART 115 or A solid waste PROCESSING AND transfer facility licensed OR REGISTERED OR FOR WHICH A NOTIFICATION HAS BEEN SUBMITTED under ~~this part and shall use~~ 115.

Page 139, Line 6. THE DEPARTMENT MAY PROMULGATE RULES THAT CONTAIN DESIGN AND OPERATIONAL STANDARDS FOR MATERIALS MANAGEMENT FACILITIES, OR OTHERWISE TO IMPLEMENT THIS PART. THE RULES MAY INCLUDE STANDARDS FOR ANY OF THE FOLLOWING:

- (A) HYDROGEOLOGIC INVESTIGATIONS.
- (B) MONITORING.
- (C) LINER MATERIALS.
- (D) LEACHATE COLLECTION AND TREATMENT, IF APPLICABLE.
- (E) GROUNDWATER SEPARATION DISTANCES.
- (F) ENVIRONMENTAL ASSESSMENTS.
- (G) ~~METHANE~~ GAS CONTROL.
- (H) SOIL EROSION.
- (I) SEDIMENTATION CONTROL.
- (J) GROUNDWATER AND SURFACE WATER QUALITY.
- (K) NOISE AND ODORS
- (L) THE USE OF FLOODPLAINS AND WETLANDS
- (M) SOLID WASTE TRANSPORTING UNITS**
- (N) GRANTS**
- (O) MATERIALS MANAGEMENT PLANNING**
- (P) CLOSURE/POSTCLOSURE**

Page 152, Line 2. (B) HAS DOCUMENTED PROGRESS TOWARD MEETING OR HAS MET ITS ~~MATERIALS UTILIZATION GOALS~~ BENCHMARK RECYCLING STANDARDS AND **ULTIMATELY THE MUNICIPAL SOLID WASTE RECYCLING RATE AS DESCRIBED IN SECTION 11507(2).**

Page 153, Line 21. (d) the number of inspections conducted at licensed disposal areas as required by section 11519 **AND THE NUMBER OF INSPECTIONS CONDUCTED AT MATERIALS UTILIZATION FACILITIES AS REQUIRED BY SECTION 11526.**

Page 161, Line 8. **(10) NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS PART, PERSONS HAVING MATERIALS THAT ARE DESIGNATED OR APPROVED FOR BENEFICIAL USE OR AS INERT MATERIAL OR MATERIALS FROM INDUSTRIAL FACILITIES THAT ARE DESIGNATED OR APPROVED AS SOURCE SEPARATED MATERIAL AND THAT ARE MANAGED AND USED AS SET FORTH IN THIS PART FOR THOSE MATERIALS ARE NOT SUBJECT TO REGULATION AS A MATERIALS MANAGEMENT FACILITY.**

Page 162, Line 18. (i) THE YARD WASTE IS DISEASED OR INFESTED, IS COMPOSED OF INVASIVE PLANTS **LISTED ON MICHIGAN'S PROHIBITED AND RESTRICTED SPECIES LIST ESTABLISHED IN PART 413. THIS LIST INCLUDES, BUT IS NOT LIMITED TO, SUCH AS PHRAGMITES,** GARLIC MUSTARD, PURPLE LOOSESTRIFE, OR SPOTTED KNAPWEED, THAT WERE COLLECTED THROUGH AN ERADICATION OR CONTROL PROGRAM, OR IS A STATE OR FEDERAL CONTROLLED SUBSTANCE.

Page 165, Line 16. (II) IF THE SITE BEGINS OPERATION AFTER DECEMBER 1, 2007, THE MANAGEMENT OR STORAGE OF COMPOST, COMPOSTABLE MATERIAL AND RESIDUALS OCCURS ~~IN AN AREA THAT IS NOT IN THE 100-YEAR FLOODPLAIN AND IS NOT WITHIN~~ AT LEAST THE FOLLOWING DISTANCES FROM EACH OF THE FOLLOWING FEATURES:

Page 166, Line 4. (iii) A LOCAL UNIT OF GOVERNMENT MAY IMPOSE LOCATION...

Page 167, line 3. (v) OPERATES IN COMPLIANCE WITH PART 31 **AND PART 55 OF NREPA.**

Page 170, Line 17. ~~(D) A MARKETING PLAN~~  
~~(D) (E) A TRAINING PLAN~~  
~~(E) (F) A FIRE PREVENTION PLAN~~  
~~(F) (G) A FACILITY CLOSURE PLAN~~

Page 173, Line 6. (A) THE AMOUNT OF COMPOSTABLE MATERIAL BROUGHT TO THE SITE BY ~~PLANNING AREA COUNTY~~ OF ORIGIN.

Page 181, Line 15. (B) THE OPERATOR SHALL COMPLY AS APPLICABLE ~~WITH GENERALLY ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES AND WITH~~ THIS ACT, INCLUDING PARTS 31 AND 55, AND NOT CREATE A FACILITY AS DEFINED IN SECTION 20101.

Page 181, Line 26. (D) ON AN ANNUAL BASIS, THE ~~VOLUME WEIGHT~~ OF SOLID WASTE RESIDUALS SHALL BE LESS THAN 15% OF THE TOTAL ~~VOLUME WEIGHT~~ OF MATERIAL RECEIVED UNLESS THE REQUIREMENTS OF SUBDIVISION (B) OF THE DEFINITION OF MATERIALS RECOVERY FACILITY IN SECTION 11504 ARE MET.

Page 183, Line 6. (A) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE A MATERIALS RECOVERY FACILITY THAT SORTS, BALES, OR PROCESSES MORE THAN 100 TONS OF MATERIAL PER YEAR AND DOES NOT HAVE MORE THAN 100 TONS OF MANAGEMENT MATERIAL ON-SITE AT ANY TIME UNLESS THE OWNER OR OPERATOR HAS REGISTERED THE MATERIALS RECOVERY FACILITY WITH THE DEPARTMENT. **THE APPLICATION FOR REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF \$750.00. FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF THE REGISTRATION IS 5 YEARS.

(B) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE A MATERIALS RECOVERY FACILITY THAT HAS MORE THAN 100 TONS OF MANAGED MATERIAL ON-SITE AT ANY TIME UNLESS THE OWNER OR OPERATOR HAS OBTAINED APPROVAL OF THE MATERIALS RECOVERY FACILITY UNDER A GENERAL PERMIT. **THE APPLICATION FOR A GENERAL PERMIT SHALL BE ACCOMPANIED BY A FEE OF \$1,000.00. FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF APPROVAL UNDER THE GENERAL PERMIT IS 5 YEARS.

Page 184, Line 3 (B) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE A MEDIUM COMPOSTING FACILITY UNLESS THE OWNER OR OPERATOR HAS REGISTERED WITH THE DEPARTMENT. **THE APPLICATION FOR REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF \$750.00. FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF THE REGISTRATION IS 5 YEARS.

(C) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE A LARGE COMPOSTING FACILITY UNLESS APPROVED BY THE DEPARTMENT UNDER A GENERAL PERMIT. **THE APPLICATION FOR A GENERAL PERMIT SHALL BE ACCOMPANIED BY A FEE OF \$1,000.00. FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF APPROVAL UNDER THE GENERAL PERMIT IS 5 YEARS.

Page 184, Line 13. (4) THE OPERATOR OF AN ANAEROBIC DIGESTER SHALL COMPLY WITH ALL OF THE FOLLOWING:  
(A) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE AN ANAEROBIC DIGESTER THAT MANAGES SOURCE SEPARATED MATERIAL **GENERATED ON-SITE** AND NOT MORE THAN 20% MATERIAL GENERATED OFF-SITE UNLESS THE OWNER OR OPERATOR HAS NOTIFIED THE DEPARTMENT. NOTIFICATION SHALL BE GIVEN UPON INITIAL OPERATION AND, SUBSEQUENTLY, WITHIN 45 DAYS AFTER THE END OF EACH STATE FISCAL YEAR. THE SUBSEQUENT NOTICES SHALL REPORT THE AMOUNT OF MATERIAL MANAGED AT THE ANAEROBIC DIGESTER DURING THE PRECEDING STATE FISCAL YEAR.

(B) BEGINNING 1 YEAR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE AN ANAEROBIC DIGESTER THAT MANAGES ORGANIC WASTE **GENERATED ON-SITE FOR ON-SITE ENERGY PRODUCTION AND MORE THAN 20 % AND LESS THAN 100 % OF THE MATERIAL GENERATED OFF-SITE** UNLESS THE OWNER OR OPERATOR HAS REGISTERED THE ANAEROBIC DIGESTER WITH THE DEPARTMENT. **THE REGISTRATION SHALL BE ACCOMPANIED BY A FEE OF \$750.00. FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF THE REGISTRATION IS 5 YEARS.

(C) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE AN ANAEROBIC DIGESTER THAT MANAGES **100 % OFF-SITE GENERATED** SOURCE SEPARATED MATERIAL, ~~GENERATED OFF-SITE, THAT MANAGES SOURCE SEPARATED MATERIAL OR MANURES, BEDDING, OR CROP RESIDUALS GENERATED ON-SITE AND UP TO 20% OTHER MATERIAL NOT GENERATED ON-SITE, OR THAT IS A COMMERCIAL OPERATION~~ UNLESS APPROVED BY THE DEPARTMENT UNDER A GENERAL PERMIT. **THE APPLICATION FOR A GENERAL PERMIT SHALL BE ACCOMPANIED BY A FEE OF \$1,000.00. FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF APPROVAL UNDER THE GENERAL PERMIT IS 5 YEARS.

Page 185, Line 12. **(D) ENSURE THAT ALL LIQUID DIGESTATE THAT IS GENERATED BY THE ANAEROBIC DIGESTER IS MANAGED IN COMPLIANCE WITH PART 31 OF THE ACT. TO DO SO, THE OWNER AND OPERATOR SHALL PROVIDE FOR 1 OF THE FOLLOWING:**

**(I) ON-SITE TREATMENT AND DISCHARGE BY A FACILITY THAT IS PERMITTED UNDER PART 31 OF THE ACT OR IS OTHERWISE APPROVED BY THE DEPARTMENT.**

**(II) DISCHARGE, BY SEWER OR PIPELINE, TO AN OFF-SITE PUBLICLY OWNED TREATMENT WORKS OR OTHER FACILITY THAT IS PERMITTED UNDER PART 31 OF THE ACT OR IS OTHERWISE APPROVED BY THE DEPARTMENT.**

**(III) DISCHARGE, BY PUMP AND HAUL, TO AN OFF-SITE PUBLICLY OWNED TREATMENT WORKS OR OTHER FACILITY THAT IS PERMITTED UNDER PART 31 OF THE ACT OR IS OTHERWISE APPROVED BY THE DEPARTMENT.**

Page 185, Line 12. (5) SUBJECT TO SUBSECTION (6), BEGINNING 2 YEARS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A PERSON SHALL NOT OPERATE AN INNOVATIVE TECHNOLOGY ~~OR PRACTICE~~ FACILITY UNLESS APPROVED BY THE DEPARTMENT UNDER A GENERAL PERMIT. THE APPLICATION FOR

~~APPROVAL~~ **A GENERAL PERMIT** SHALL BE ACCOMPANIED BY A FEE OF \$1,000.00. **FEES COLLECTED UNDER THIS SUBPART SHALL BE DIRECTED TO THE PERPETUAL CARE ACCOUNT.** THE TERM OF APPROVAL UNDER THE **INNOVATIVE TECHNOLOGY** GENERAL PERMIT IS 2 YEARS.

Page 187, Line 10. SEC. 11571. (1) THE DEPARTMENT SHALL ENSURE THAT EACH COUNTY HAS AN APPROVED MATERIALS MANAGEMENT PLAN. **THE CURRENT APPROVED SOLID WASTE MANAGEMENT PLAN SHALL STAY IN EFFECT UNTIL A MATERIALS MANAGEMENT PLAN HAS BEEN APPROVED FOR A PLANNING AREA UNDER THIS SUBPART.**

Page 187, Line 12. (2) THE PLANNING AREA OF A SINGLE MMP MAY INCLUDE 2 OR MORE COUNTIES IF THE ~~CBCS~~ **COUNTY BOARD OF COMMISSIONERS** FOR THOSE COUNTIES AGREE TO THE JOINT EXERCISE OF THEIR POWERS AND PERFORMANCE OF THEIR DUTIES UNDER THIS SUBPART **AND THE COUNTIES SHALL ALSO JOINTLY BE RESPONSIBLE FOR THE CAA DUTIES.** IN ADDITION, IF THE DEPARTMENT IS RESPONSIBLE FOR PREPARING THE MMP FOR 2 OR MORE COUNTIES UNDER SECTION 11575, THE DEPARTMENT MAY INCLUDE THOSE COUNTIES IN THE PLANNING AREA OF A SINGLE MMP AND MAY EXERCISE ITS POWERS AND PERFORM ITS DUTIES UNDER THIS SUBPART FOR THOSE COUNTIES JOINTLY.

Page 187, Line 20. (3) MULTICOUNTY MMPS ARE SUBJECT TO THE SAME PROCEDURE FOR APPROVAL AS SINGLE-COUNTY MMPS, AND EACH ~~CBC~~ **COUNTY BOARD OF COMMISSIONERS** SHALL TAKE FORMAL ACTION ON A MULTICOUNTY MMP AS APPROPRIATE. A MULTICOUNTY MMP SHALL INCLUDE A PROCESS TO ENSURE THAT THE REQUIREMENTS OF SECTION ~~11508(1)(B)~~ **11578** ARE MET.

Page 188, Line 14. WITHIN 180 DAYS AFTER ~~APPROPRIATED FUNDS ARE AVAILABLE~~ **THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDS THIS SECTION**, THE DEPARTMENT SHALL , IN WRITING, REQUEST THE COUNTY BOARD OF COMMISSIONERS OF EACH COUNTY TO SUBMIT TO THE DEPARTMENT, ~~WITHIN 180 DAYS AFTER THE REQUEST IS DELIVERED~~, A NOTICE OF INTENT TO PREPARE AN MMP. **THE COUNTY BOARD OF COMMISSIONERS, MUNICIPALITIES OR REGIONAL PLANNING AGENCY SHALL RESPOND WITH A NOTICE OF INTENT WITHIN 180 DAYS AFTER THE REQUEST IS DELIVERED UNLESS A DIFFERENT TIMEFRAME IS GRANTED BY THE DEPARTMENT UNDER (C).** IF THE COUNTY BOARD OF COMMISSIONERS DECLINES TO PREPARE THE MMP, ALL OF THE FOLLOWING APPLY:

Page 189, Line 11. (B) STATE THAT THE **COUNTY BOARD OF COMMISSIONERS** WILL PREPARE AN MMP **AND WILL BECOME THE CAA.**

Page 189, Line 12: (C) BE ACCOMPANIED BY DOCUMENTATION EVIDENCING THAT THE COUNTY CONSULTED WITH ADJACENT COUNTIES REGARDING THE FEASIBILITY OF PREPARING A MULTICOUNTY MMP PURSUANT TO THE URBAN COOPERATION ACT OF 1967, 1967 (EX SESS) PA7, MCL 124.501 TO 124.512, AND DOCUMENTATION OF THE OUTCOME OF THE CONSULTATIONS, INCLUDING A COPY OF ANY INTERLOCAL AGREEMENT **IDENTIFYING THEIR PROCESS FOR CREATING A MULTICOUNTY MMP."**

Page 189, Line 22. (9) NOT MORE THAN 30 DAYS AFTER THE ~~CBC~~ **CAA** SUBMITS A NOTICE OF INTENT TO THE DEPARTMENT, THE ~~CBC~~ **CAA** SHALL DO BOTH OF THE FOLLOWING:

Page 190, Line 1. **(C): PUBLISH ON THE PLANNING AREA WEBSITE(S) AND OTHER MULTIMEDIA OUTLETS AS APPROPRIATE.**

(10) IF THE ~~CBC CAA~~ SUBMITS A NOTICE OF INTENT TO THE DEPARTMENT UNDER SUBSECTION (5), THE ~~CBC CAA~~ SHALL DO ALL OF THE FOLLOWING:

Page 190, Line 18. SEC. 11572. (1) WITHIN 120 DAYS AFTER THE ~~CBC CAA~~ SUBMITS A NOTICE OF INTENT TO THE DEPARTMENT UNDER SECTION 11571, THE ~~CBC CAA~~ SHALL APPOINT A PLANNING COMMITTEE. THE PLANNING COMMITTEE IS A PERMANENT BODY. INITIAL PLANNING COMMITTEE MEMBERS SHALL BE APPOINTED FOR 5- 10 YEAR TERMS. THEIR IMMEDIATE SUCCESSORS SHALL BE APPOINTED FOR 2-, 3-, 4-, OR 5-YEAR TERMS SUCH THAT, AS NEARLY AS POSSIBLE, THE SAME NUMBER ARE APPOINTED FOR EACH TERM LENGTH. SUBSEQUENTLY, MEMBERS SHALL BE APPOINTED FOR TERMS OF 5 YEARS. A MEMBER MAY BE REAPPOINTED.

Page 190, Line 27. (2) IF A VACANCY OCCURS ON THE PLANNING COMMITTEE, THE ~~CBC CAA~~ SHALL MAKE AN APPOINTMENT FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THE ORIGINAL APPOINTMENT. THE ~~CBC CAA~~ MAY REMOVE A MEMBER OF THE PLANNING COMMITTEE FOR INCOMPETENCE, DERELICTION OF DUTY, OR MALFEASANCE, MISFEASANCE, OR NONFEASANCE IN OFFICE.

Page 192, Line 12. (5) THE ~~CBC CAA~~ MAY APPOINT TO THE PLANNING COMMITTEE 1 ADDITIONAL REPRESENTATIVE THAT DOES BUSINESS IN OR RESIDES IN AN ADJACENT COMMUNITY OUTSIDE THE PLANNING AREA .

Page 192, Line 15. (6) ~~CBCS CAAS~~ PREPARING A MULTICOUNTY MMP UNDER SECTION 11571 SHALL APPOINT A SINGLE PLANNING COMMITTEE. FOR EACH COUNTY, THE FOLLOWING ADDITIONAL MEMBERS MAY BE APPOINTED TO THE PLANNING COMMITTEE:

Page 192, Line 23. (7) IF, DURING THE MMP DEVELOPMENT OR AMENDMENT PROCESS, A SOLID WASTE LANDFILL IS PROPOSED TO BE DEVELOPED IN THE PLANNING AREA WITHIN 2 MILES OF A MUNICIPALITY IN THIS STATE THAT IS LOCATED ADJACENT TO THE PLANNING AREA, OR IF A SOLID WASTE PROCESSING AND TRANSFER FACILITY OR MATERIALS UTILIZATION FACILITY IS PROPOSED TO BE DEVELOPED IN THE PLANNING AREA WITHIN 1 MILE OF SUCH A MUNICIPALITY, THE ~~CBC CAA~~ SHALL NOTIFY THE ADJACENT MUNICIPALITY IN WRITING. IF REQUESTED BY THE ADJACENT MUNICIPALITY, THE ~~CBC CAA~~ **MAY MUST** APPOINT TO THE PLANNING COMMITTEE AN ADDITIONAL MEMBER REPRESENTATIVE OF THE ADJACENT MUNICIPALITY TO SERVE AS A REGULAR PLANNING COMMITTEE MEMBER ~~OR AS AN ADVISORY MEMBER WITHOUT VOTING RIGHTS, AS INDICATED IN WRITING BY THE CBC CAA AT THE TIME OF APPOINTMENT.~~

Page 193, Line 9. (8) IF THE ~~CBC CAA~~ HAS DIFFICULTY FINDING QUALIFIED INDIVIDUALS TO SERVE ON THE PLANNING COMMITTEE, THE DEPARTMENT MAY APPROVE A REDUCTION IN THE NUMBER OF MEMBERS OF THE PLANNING COMMITTEE. HOWEVER, AT A MINIMUM, THE PLANNING COMMITTEE SHALL INCLUDE THE FOLLOWING 7 MEMBERS:

(A) ~~TWO REPRESENTATIVES~~ **A REPRESENTATIVE** OF THE **SOLID WASTE DISPOSAL INDUSTRY AND A REPRESENTATIVE OF A MATERIALS MANAGEMENT INDUSTRY UTILIZATION FACILITY** PROVIDING SERVICES IN THE PLANNING AREA.

Page 194, Line 6. (F) ENSURE THAT THE DPA IS FULFILLING ALL OF THE REQUIREMENTS OF PART 115 AS TO BOTH THE CONTENT OF THE MMP AND PUBLIC PARTICIPATION. THE PLANNING COMMITTEE SHALL NOTIFY THE DPA OF ANY

DEFICIENCIES. IF THE DEFICIENCIES ARE NOT ADDRESSED BY THE DPA TO THE PLANNING COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL NOTIFY THE **CBC CAA**. IF THE DEFICIENCIES ARE NOT ADDRESSED BY THE **CBC CAA** TO THE PLANNING COMMITTEE'S SATISFACTION, THE PLANNING COMMITTEE SHALL NOTIFY THE DEPARTMENT. THE DEPARTMENT SHALL ADDRESS THE DEFICIENCIES AND MAY PREPARE THE MMP UNDER SECTION 11575(11).

Page 194, Line 21. (C) DURING THE PREPARATION OF AN MMP, SOLICIT THE ADVICE OF AND CONSULT WITH ALL OF THE FOLLOWING:

(I) PERIODICALLY, THE MUNICIPALITIES, APPROPRIATE ORGANIZATIONS, AND THE PRIVATE SECTOR, **INCLUDING MATERIALS MANAGEMENT FACILITY OPERATORS** IN THE PLANNING AREA.

Page 196, Line 24. (4) NOT MORE THAN 30 DAYS AFTER THE MMP IS SUBMITTED TO THE PLANNING COMMITTEE UNDER SUBSECTION (3), THE PLANNING COMMITTEE SHALL TAKE FORMAL ACTION ON THE MMP AND, IF THE PLANNING COMMITTEE APPROVES THE MMP IN COMPLIANCE WITH SECTION 11572(3), THE DPA SHALL SUBMIT THE MMP TO THE **CBC CAA**.

SEC. 11575. (1) NOT MORE THAN 60 DAYS AFTER THE MMP IS SUBMITTED TO THE **CBC CAA** UNDER SECTION 11574(4), THE **CBC CAA** SHALL APPROVE OR REJECT THE MMP AND NOTIFY THE PLANNING COMMITTEE. A NOTICE THAT THE **CBC CAA** REJECTS THE MMP SHALL INCLUDE THE SPECIFIC REASONS IN WRITING FOR THE REJECTION.

(2) NOT MORE THAN 30 DAYS AFTER NOTICE OF THE REJECTION OF THE MMP IS SENT UNDER SUBSECTION (1), THE PLANNING COMMITTEE MAY REVISE THE MMP AND SUBMIT THE REVISED MMP TO THE **CBC CAA**. AFTER A REVISED MMP IS TIMELY SUBMITTED TO THE **CBC CAA** UNDER THIS SUBSECTION OR THE 30-DAY PERIOD EXPIRES AND A REVISED MMP IS NOT SUBMITTED, THE **CBC CAA** SHALL APPROVE OR REJECT THE REVISED MMP OR ORIGINAL MMP, RESPECTIVELY, AND NOTIFY THE PLANNING COMMITTEE.

(3) IF THE **CBC CAA** REJECTS THE MMP UNDER SUBSECTION (2), THE CBC SHALL PREPARE AND APPROVE AN MMP, SUBJECT TO THE CONTINUED RUNNING OF THE 3-YEAR PERIOD UNDER SECTION 11571(8).

(4) NOT MORE THAN 10 **BUSINESS** DAYS AFTER THE **CBC CAA** APPROVES AN MMP UNDER SUBSECTION (1), (2), OR (3), THE DPA SHALL SUBMIT A COPY OF THE MMP TO THE LEGISLATIVE BODY OF EACH MUNICIPALITY LOCATED WITHIN THE PLANNING AREA.

Page 198, Line 26. (10) BEFORE APPROVING OR REJECTING AN MMP UNDER SUBSECTION (9), THE DEPARTMENT MAY RETURN THE MMP TO THE **CBC CAA** WITH A WRITTEN REQUEST FOR MODIFICATIONS NECESSARY FOR APPROVAL UNDER SUBSECTION (9) OR TO CLARIFY THE MMP. IF THE DEPARTMENT RETURNS THE MMP FOR MODIFICATIONS, THE RUNNING OF THE 180-DAY PERIOD IS TOLLED FOR 90 DAYS OR UNTIL THE **CBC CAA** RESPONDS TO THE DEPARTMENT'S REQUEST, WHICHEVER OCCURS FIRST. IF THE **CBC CAA** DOES NOT APPROVE THE MODIFICATIONS REQUESTED BY THE DEPARTMENT, SUBSECTION (11) APPLIES.

Page 199, Line 7. (11) SUBJECT TO SUBSECTION (9), IF A **CBC CAA** DOES NOT PREPARE AN MMP OR THE MMP DOES NOT TIMELY OBTAIN AN APPROVAL REQUIRED BY PART 115, THE DEPARTMENT MAY PREPARE AND APPROVE AN MMP FOR THE COUNTY. AN MMP PREPARED AND APPROVED BY THE DEPARTMENT IS FINAL. ONCE THE MMP IS FINAL, THE COUNTY SHALL IMPLEMENT THE MMP.

Page 199, Line 23. (3) THE **CBC CAA** MAY INITIATE 1 OR MORE AMENDMENTS BY FILING A NOTICE OF INTENT WITH THE DEPARTMENT. EXCEPT AS PROVIDED IN SUBSECTION (4), THE PROCEDURE FOR ADOPTING AN AMENDMENT IS THE SAME AS THE PROCEDURE FOR ADOPTION OF AN INITIAL MMP EXCEPT AS FOLLOWS:

(A) THE COUNTY SUBMITS A NOTICE OF INTENT ON ITS OWN INITIATIVE RATHER THAN IN RESPONSE TO A REQUEST FROM THE DEPARTMENT UNDER SECTION 11571.

(B) IF THE **CBC CAA** REJECTS A REVISED AMENDMENT UNDER SECTION 11575(2), THE AMENDMENT PROCESS TERMINATES.

Page 200, Line 8. (4) IF, AFTER A NOTICE OF INTENT IS FILED UNDER SUBSECTION (3), THE DEPARTMENT DETERMINES THAT THE AMENDMENT WILL INCREASE MATERIALS UTILIZATION OR THE RECOVERY OF MANAGED MATERIAL AND COMPLIES WITH PART 115, THE DEPARTMENT MAY AUTHORIZE THE **CBC CAA** TO AMEND THE MMP BY SIMPLY SUBMITTING THE AMENDMENT TO THE DEPARTMENT IN WRITING. THE DEPARTMENT SHALL PROVIDE THE **CBC CAA** WITH WRITTEN APPROVAL OF THE SUBMITTED AMENDMENT.

Page 201, Line 5. (7) ~~EVERY~~ 5 YEARS AFTER THE INITIAL ~~MMP IS APPROVED~~ **APPROVAL DATE OF THE MMP AND EVERY 5 YEARS THEREAFTER**, THE **CBC CAA** SHALL **HAVE COMPLETED** AN MMP REVIEW. THE PURPOSE OF THE REVIEW IS TO ENSURE THAT THE MMP COMPLIES WITH PART 115 AND TO EVALUATE THE PROGRESS THAT HAS BEEN MADE IN MEETING THE MMP'S MATERIALS **UTILIZATION MANAGEMENT** GOALS, INCLUDING THE BENCHMARK RECYCLING STANDARD. ~~ONCE~~ THE REVIEW SHALL BE ~~IS~~ **COMPLETED, BY THE DUE DATE IN WHICH** THE **CBC CAA** SHALL SUBMIT TO THE DEPARTMENT 1 OF THE FOLLOWING, AS APPROPRIATE:

Page 201, Line 12: (A) **A NOTICE OF INTENT TO PREPARE AN** MMP AMENDMENT

(B) A STATEMENT INDICATING AN AMENDMENT IS NOT NEEDED TO ADVANCE THE MATERIALS **UTILIZATION MANAGEMENT** GOALS.

Page 202, Line 16. INCLUDING, BUT NOT LIMITED TO, **THE STATE MUNICIPAL SOLID WASTE RECYCLING RATE AS DESCRIBED IN 11507(2)**, THE BENCHMARK RECYCLING STANDARD, **AND THE MATERIAL UTILIZATION AND REDUCTION ACTIVITIES IDENTIFIED BY THE PLANNING AREA.**

Page 202, Line 17. (B) INCLUDE AN IMPLEMENTATION STRATEGY FOR THE COUNTY TO **DEMONSTRATE PROGRESS TOWARDS OR** MEET THE MATERIALS **UTILIZATION MANAGEMENT** GOALS BY THE TIME OF THE 5-YEAR MMP

Page 203, Line 1. (iii) A PROCESS WHEREBY EACH OF A PLANNING AREA'S MATERIALS UTILIZATION FACILITIES ARE EVALUATED BASED ON **THE INFORMATION CONTAINED WITHIN REPORTS SUBMITTED THE TYPE, ORIGIN, AND QUANTITIES OF SOURCE SEPARATED OR RECYCLABLE MATERIALS IN TONS** TO THE DEPARTMENT ON **AN** ANNUAL BASIS.

Page 203, Line 5. (iv) A DESCRIPTION OF THE RESOURCES NEEDED FOR MEETING THE MATERIALS **UTILIZATION MANAGEMENT** GOALS AND HOW THE DEVELOPMENT OF NECESSARY MATERIALS UTILIZATION FACILITIES AND ACTIVITIES WILL BE PROMOTED.

Page 203, Line 10. **(VI) A TIMETABLE FOR IMPLEMENTATION.**

(C) IDENTIFY BY TYPE AND TONNAGE ALL MANAGED MATERIAL GENERATED IN THE PLANNING AREA, **TO DETERMINE CAPACITY NEED** AND ALL MANAGED MATERIAL THAT IS INCLUDED IN THE PLANNING AREA'S MATERIALS **UTILIZATION MANAGEMENT** GOALS. AMOUNTS OF MATERIAL MAY BE ESTIMATED USING A FORMULA PROVIDED BY THE DEPARTMENT.

(D) REQUIRE THAT A PROPOSED MATERIALS MANAGEMENT FACILITY MEET THE REQUIREMENTS OF PART 115 AND BE CONSISTENT WITH THE MATERIALS ~~UTILIZATION MANAGEMENT~~ GOALS.

Page 203 Line 18. (E) TO THE EXTENT PRACTICABLE, IDENTIFY AND EVALUATE ~~AVAILABLE CURRENT AND POTENTIAL PLANNED~~ MATERIALS MANAGEMENT INFRASTRUCTURE AND SYSTEMS THAT CONTRIBUTE, ~~OR WILL CONTRIBUTE~~ TO MEETING THE GOAL...

Page 204, Line 7. (G) INCLUDE A MATERIALS MANAGEMENT FACILITY IN THE INVENTORY UNDER SUBDIVISION (F) ONLY IF THE OWNER OR OPERATOR OF THE FACILITY HAS SUBMITTED TO THE COUNTY A WRITTEN ACKNOWLEDGEMENT INDICATING THAT THE OWNER OR OPERATOR IS AWARE OF THE PROPOSED INCLUSION OF THE FACILITY IN THE MMP RELATIVE OT THE MATERIALS CAPACITY NEEDS IDENTIFIED IN SUBDIVISION (C) AND THAT THE FACILITY HAS INDICATED CAPACITY TO MANAGE THE MATERIALS IDENTIFIED UNDER SUBDIVISION (H). THE MMP SHALL INCLUDE A STATEMENT THAT THE OWNER OR OPERATOR OF EACH FACILITY LISTED IN THE MMP HAS SUBMITTED SUCH AN ACKNOWLEDGMENT TO THE COUNTY. IF THE SUBMITTED ACKNOWLEDGMENTS DO NOT DOCUMENT SUFFICIENT CAPACITY FOR DISPOSAL OR ~~MATERIALS~~ UTILIZATION ~~FOR THE MANAGED MATERIALS IDENTIFIED~~ TO REACH THE MMP'S MATERIALS MANAGEMENT CAPACITY REQUIREMENTS, INCLUDING THE MATERIALS ~~UTILIZATION MANAGEMENT~~ GOALS, THE MMP SHALL IDENTIFY SPECIFIC STRATEGIES, INCLUDING A SCHEDULE AND APPROACH TO DEVELOP AND FUND CAPACITY.

(H) DESCRIBE THE FACILITIES INVENTORIED PURSUANT TO SUBDIVISION (F), INCLUDING A SUMMARY OF THE DEFICIENCIES, IF ANY, OF THE FACILITIES IN MEETING CURRENT MATERIALS MANAGEMENT NEEDS. THE DESCRIPTION SHALL, AT A MINIMUM, INCLUDE ALL OF THE FOLLOWING INFORMATION:

(i) THE FACILITY LATITUDE AND LONGITUDE

Page 205, Line 5: ~~(I) ENSURE THAT THE PLANNING AREA HAS, AND WILL HAVE DURING THE PLANNING PERIOD, SUFFICIENT AVAILABLE AND SUITABLE LAND AND ACCESSIBLE TRANSPORTATION TO ACCOMMODATE THE DEVELOPMENT AND OPERATION OF MATERIALS UTILIZATION FACILITIES AND SOLID WASTE PROCESSING AND TRANSFER FACILITIES IDENTIFIED IN THE INVENTORY UNDER SUBDIVISION (F).~~

~~(I)~~ (I) ENSURE THAT THE MATERIALS MANAGEMENT FACILITIES ~~THAT~~ ARE IDENTIFIED ~~IN THE INVENTORY UNDER SUBDIVISION (F) AS NEEDING TO BE SITED ONLY IF THE FACILITIES~~ CAN BE DEVELOPED IN COMPLIANCE WITH STATE LAW PERTAINING TO THE PROTECTION OF THE PUBLIC HEALTH AND THE ENVIRONMENT, CONSIDERING THE AVAILABLE LAND IN THE PLANNING AREA AND THE TECHNICAL FEASIBILITY OF, AND ECONOMIC COSTS ASSOCIATED WITH THE FACILITIES. **NOTE TO LSB - With the deletion of subdivision (I) the rest of the subsections will need to be re-alphabetized.**

Page 206, Line 22. (ii) IDENTIFYING THE MATERIALS UTILIZATION FRAMEWORK AND THE ACHIEVEMENT OF THE MATERIALS ~~UTILIZATION MANAGEMENT~~ GOALS.

Page 207, Line 2. ~~(VI)~~ THIS STATE MAY SERVE AS A RESPONSIBLE PARTY UNDER THIS SUBDIVISION ON BEHALF OF A MUNICIPALITY IF THE MUNICIPALITY IS UNDER A FINANCIAL CONSENT ORDER OR IN RECEIVERSHIP.

Page 207, Line 5. (R) WITH RESPECT TO EDUCATION AND OUTREACH FOR RESIDENTS AND BUSINESSES IN THE PLANNING AREA, DO ALL OF THE FOLLOWING:

~~(i) IDENTIFY THE PERSONS RESPONSIBLE FOR EDUCATION AND OUTREACH.~~

~~(ii) SPECIFY THE BUDGET AND MEANS OF FUNDING EDUCATION AND OUTREACH.~~

~~(iii) IF THE RESPONSIBILITY FOR ACTIVITIES TO MEET THE REQUIREMENTS OF SUBPARAGRAPHS (i) AND (ii) IS PRIMARILY PLACED ON THE PRIVATE SECTOR SERVICE PROVIDERS, INCLUDE COPIES OF AGREEMENTS WITH THE SERVICE PROVIDERS OR AN ORDINANCE OR OTHER ENFORCEABLE MECHANISM THAT ENSURES COMPLIANCE WITH PART 115.~~

**(i) PROVIDE AN EDUCATION AND OUTREACH STRATEGIC PLAN FOR RESIDENTS AND BUSINESSES IN THE PLANNING AREA THAT IDENTIFIES THE ROLES, RESPONSIBILITIES, FUNDING SOURCES AND METHODS OF EXECUTION FOR ALL INVOLVED IN THE SERVICE PROVISION.**

~~(iv)~~ (ii) DESCRIBE THE COUNTY OR REGIONAL ROLE IN PROVIDING RECYCLING EDUCATION, INCLUDING A WEBSITE, TELEPHONE NUMBER, AND SAMPLE RECYCLING GUIDE THAT WILL BE PROVIDED TO RESIDENTS AND BUSINESSES.

Page 208, Line 14. ~~(V) INCLUDE A SCHEDULE FOR IMPLEMENTING THE MMP.~~

~~(WV)~~ DOCUMENT ALL OPPORTUNITIES FOR PARTICIPATION AND INVOLVEMENT OF THE PUBLIC, ALL AFFECTED AGENCIES AND PARTIES, AND THE PRIVATE SECTOR IN THE PREPARATION OF THE MMP.

Page 208, Line 20. (2) A MATERIALS UTILIZATION FACILITY NEED NOT BE SITED IF THE ~~CBC CAA~~ DEMONSTRATES TO THE DEPARTMENT THAT THE PLANNING AREA HAS AVAILABLE CAPACITY SUFFICIENT TO ADDRESS THE MANAGED MATERIALS IDENTIFIED BY THE MMP AS BEING GENERATED IN THE PLANNING AREA.

Page 209, Line 12. (B) NOT ALLOW APPROVAL OF ADDITIONAL SOLID WASTE LANDFILL DISPOSAL CAPACITY **UNLESS THE CBC HAS MADE A SUCCESSFUL DEMONSTRATION UNDER 11509(9) THAT THAT ADDITIONAL DISPOSAL CAPACITY IS NEEDED.**

Page 209, Line 20. SEC. 11581. (1) IN ADDITION TO THE MATERIALS MANAGEMENT PLANNING GRANTS UNDER SECTION 11587, A MUNICIPALITY OR COUNTY MAY UTILIZE ANY OF THE FOLLOWING MECHANISMS, AS APPLICABLE, TO FUND IMPLEMENTATION OF AN MMP:

(A) A MILLAGE UNDER 1917 PA 298, MCL 123.261.

(B) A MUNICIPAL UTILITY SERVICE FEE.

(C) SPECIAL ASSESSMENTS UNDER 1957 PA 185, MCL 123.731 TO 27123.786; 1954 PA 188, MCL 41.721 TO 41.738; OR 1923 PA 116, MCL 41.411 TO 41.419.

(D) A SERVICE PROVIDER FRANCHISE AGREEMENT.

(E) HAULER LICENSING FEES.

(F) A VOTER-APPROVED MILLAGE.

(G) A GENERAL FUND APPROPRIATION.

(H) SUPPLEMENTAL FEES FOR SERVICE.

(I) A SURCHARGE UNDER SECTION 8A OF THE URBAN COOPERATION ACT 8 OF 1967, 1967 (EX SESS) PA 7, MCL 124.508A.

(J) A LANDFILL SURCHARGE.

(K) ~~ANY OTHER LAWFUL MECHANISM FLOW CONTROL FEE STRUCTURE.~~

**(L) ANY OTHER LAWFUL MECHANISM**

Page 210, Line 19. SEC. 11582. (1) THE ~~CBC CAA~~ SHALL CERTIFY TO THE DEPARTMENT THE ~~CBC'S CAA'S~~ PROGRESS TOWARD MEETING **ALL COMPONENTS OF** ITS MATERIALS ~~UTILIZATION MANAGEMENT~~ GOALS. THE FIRST

CERTIFICATION SHALL BE SUBMITTED BY THE FIRST JUNE 30 THAT IS MORE THAN 2 YEARS AFTER THE DEPARTMENT'S APPROVAL OF THE INITIAL MMP OR MMP AMENDMENT. SUBSEQUENT CERTIFICATIONS SHALL BE SUBMITTED BY JUNE 30 EVERY 2 YEARS AFTER THE FIRST CERTIFICATION.

Page 210, Line 25. (2) IF A COUNTY DOES NOT MAKE PROGRESS TOWARD MEETING ITS ~~MATERIALS UTILIZATION GOALS, BENCHMARK RECYCLING STANDARDS AND ULTIMATELY THE MUNICIPAL SOLID WASTE RECYCLING RATE AS DESCRIBED IN SECTION 11507(2)~~, THE COUNTY IS INELIGIBLE FOR ASSISTANCE FROM THE GROWING RECYCLING ACCESS AND VOLUNTARY PARTICIPATION PROGRAM UNDER SECTION 11550(9) UNTIL BOTH OF THE FOLLOWING REQUIREMENTS ARE MET:

Page 211, Line 7. (B) ANY REMAINING DEFICIENCIES IN A COUNTY'S PROGRESS TOWARD MEETING ITS MATERIALS ~~UTILIZATION~~ **MANAGEMENT** GOALS ARE ADDRESSED.

Page 211, Line 19. Sec. 11584 (1) A COUNTY, MUNICIPALITY, AUTHORITY, OR REGIONAL PLANNING AGENCY THAT OWNS ~~AND/OR OPERATES~~ A-SOLID WASTE DISPOSAL FACILITY, **MATERIALS UTILIZATION FACILITY OR WASTE DIVERSION FACILITY** MAY ADOPT REQUIREMENTS CONTROLLING THE FLOW OF SOLID WASTE ~~OR MANAGED MATERIALS~~ TO THAT SOLID WASTE DISPOSAL FACILITY, **MATERIALS UTILIZATION FACILITY OR WASTE DIVERSION FACILITY; TO THE EXTENT ALLOWED BY THE FEDERAL INTERSTATE COMMERCE CLAUSE.**

Page 211, Line 23. (2) THE ~~CBC COUNTY BOARD OF COMMISSIONERS~~ MAY ~~ASSURE THAT THE NECESSARY-ESTABLISH~~ MATERIALS MANAGEMENT AUTHORIZATIONS OR FEES OR ANY OTHER REGULATORY ORDINANCES OR AGREEMENTS NEEDED TO ACHIEVE THE MATERIALS ~~UTILIZATION~~ **MANAGEMENT** GOALS ~~ARE IN PLACE.~~

Page 211, Line 26. (3) THE DEPARTMENT SHALL DO ALL OF THE FOLLOWING:

(A) MAINTAIN A DATABASE FOR MATERIALS MANAGEMENT FACILITIES TO REPORT TO THE DEPARTMENT CERTAIN INFORMATION REQUIRED UNDER PART 115, AS DETERMINED BY THE DEPARTMENT.

(B) PROVIDE MATERIALS MANAGEMENT FACILITIES WITH INSTRUCTIONS NECESSARY TO ADD INFORMATION TO THE DATABASE.

(C) PROVIDE ~~CBCS~~ **CAAS** ACCESS TO INFORMATION IN THE DATABASE.

Page 212, Line 6. SEC. 11585. (1) IF A DISPOSAL AREA THAT DOES NOT REQUIRE A LICENSE OR PERMIT UNDER PART 115 OR A MATERIALS UTILIZATION FACILITY IS PROPOSED TO BE LOCATED IN A LOCAL UNIT OF GOVERNMENT THAT HAS A ZONING ORDINANCE, THE DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY IS CONSISTENT WITH THE MMP IF IT COMPLIES WITH THE ZONING ORDINANCE AND THE OWNER OR OPERATOR OF THE PROPOSED DISPOSAL AREA OR MATERIALS UTILIZATION FACILITY PRESENTS DOCUMENTATION TO THE DEPARTMENT AND THE ~~CBC CAA~~ FROM THE LOCAL UNIT OF GOVERNMENT EXERCISING ZONING AUTHORITY DEMONSTRATING THAT THE DISPOSAL AREA COMPLIES WITH LOCAL ZONING.

Page 212, Line 20. (3) A MATERIALS MANAGEMENT FACILITY THAT IS NOT AUTOMATICALLY CONSISTENT WITH THE MMP IS CONSIDERED CONSISTENT IF, AS DETERMINED BY THE ~~CBC CAA~~ OR OTHER ENTITY SPECIFIED BY THE MMP AND BY THE DEPARTMENT, THE FOLLOWING REQUIREMENTS ARE MET:

Page 213, Line 13. (4) THE ~~CBC~~ **CAA** OR OTHER ENTITY SPECIFIED BY THE MMP SHALL PROMPTLY NOTIFY THE OWNER OR OPERATOR OF THE MATERIALS MANAGEMENT FACILITY IN WRITING OF ITS DETERMINATION UNDER SUBSECTION (3) WHETHER THE MATERIALS MANAGEMENT FACILITY IS CONSISTENT WITH THE MMP.

Page 213, Line 26. (6) A LANDFILL, OTHER THAN A CAPTIVE TYPE III LANDFILL, OR A MUNICIPAL SOLID WASTE INCINERATOR NEED NOT BE SITED IF THE ~~CBC~~ **CAA** DEMONSTRATES TO THE DEPARTMENT THROUGH ITS MATERIALS MANAGEMENT PLAN THAT THE PLANNING AREA HAS AT LEAST 66 MONTHS OF AVAILABLE SOLID WASTE DISPOSAL CAPACITY.

Page 215, Line 2. SEC. 11587. (1) SUBJECT TO APPROPRIATIONS, A MATERIALS MANAGEMENT PLANNING GRANT PROGRAM IS ESTABLISHED TO PROVIDE GRANTS, TO BE KNOWN AS MATERIALS MANAGEMENT PLANNING GRANTS, TO ~~CBCS COUNTY BOARD OF COMMISSIONERS~~ **WHICH SHALL BE AVAILABLE TO THE CAA WITHIN 60 DAYS OF RECEIPT, AS APPROPRIATE**. THE DEPARTMENT MAY PROMULGATE RULES FOR THE IMPLEMENTATION OF THE GRANT PROGRAM. GRANT FUNDS SHALL BE AWARDED PURSUANT TO A GRANT AGREEMENT. IF THE DEPARTMENT PREPARES THE MMP, GRANT FUNDS APPROPRIATED FOR LOCAL PLANNING MAY BE USED BY THE DEPARTMENT FOR MMP PREPARATION.

Page 216, Line 4. (4) IN THE FIRST YEAR OF THE GRANT PROGRAM, THE INITIAL ROUND OF GRANTS SHALL BE AWARDED FOR A 3-YEAR PERIOD AND PAID IN INSTALLMENTS AS SPECIFIED IN THE GRANT AGREEMENT. TO BE ELIGIBLE FOR A GRANT IN THE FIRST YEAR, THE ~~CBC~~ **CAA** MUST DO BOTH OF THE FOLLOWING:

Page 216, Line 25. (6) ANNUAL GRANTS SHALL BE AWARDED FOR EACH YEAR AFTER EXPIRATION OF THE 3-YEAR GRANTS UNDER SUBSECTION (4). TO BE ELIGIBLE FOR AN ANNUAL GRANT, THE COUNTY MUST HAVE AN APPROVED WORK PROGRAM UNDER SUBSECTION (4) OR AN **APPROVED** MMP. THE AMOUNT OF AN ANNUAL GRANT TO THE ~~CBC~~ **CAA** SHALL EQUAL THE SUM OF THE FOLLOWING, AS APPLICABLE:

(A) \$60,000.00 FOR EACH COUNTY IN THE PLANNING AREA

(B) AN ADDITIONAL \$10,000.00 FOR EACH COUNTY IN THE PLANNING AREA IF THE PLANNING AREA INCLUDES MORE THAN 1 COUNTY AND THE ~~CBCS~~ **CAAS** WERE RESPONSIBLE FOR PREPARING THE MMP.