



MICHIGAN  
Recycling Initiative

# Part 115 Update

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# The Five Priorities

Update solid waste law to focus on reuse rather than disposal

Inform and engage residents on the importance of recycling

Establish funding model to ensure success

Grow markets in Michigan for recycled materials

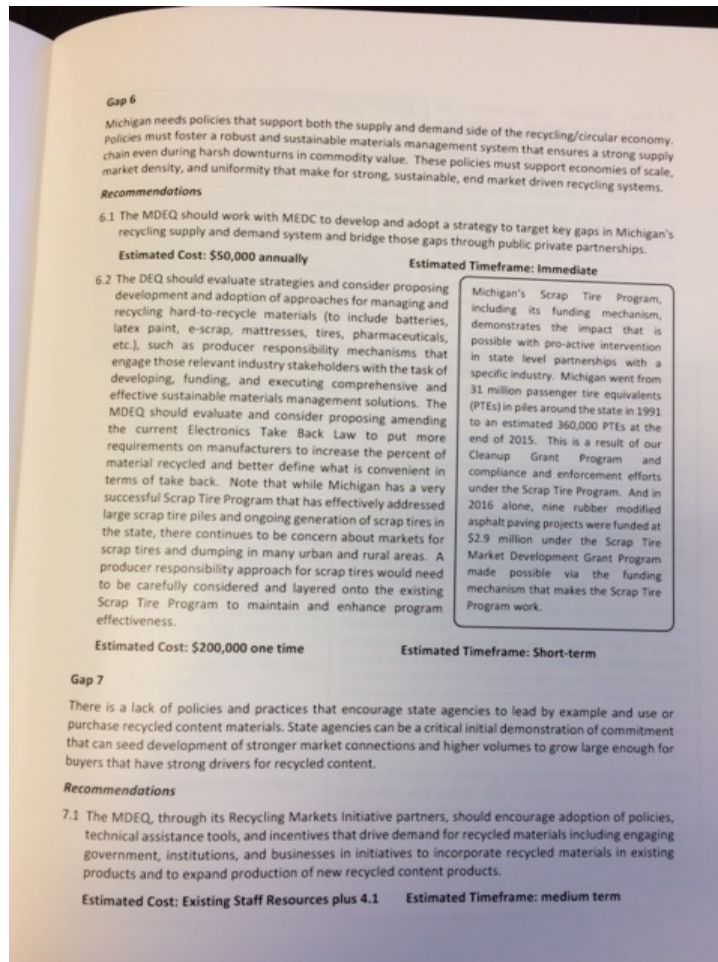
Increase recycling in state facilities

# Where it all started...



Both reports can be found at [www.Michigan.gov/swra](http://www.Michigan.gov/swra)

# Summary of the Report Outcomes



# Materials Management Facility Universe

- Solid Waste Disposal Areas
  - Processing and Transfer Facilities
  - Incinerators
  - Sanitary Landfills
- Materials Utilization Facilities
  - Material Recovery Facilities
  - Compost Facilities
  - Anaerobic Digesters
  - Innovative Technologies and Practices for Waste Utilization
- Waste Diversion Centers

# Benefits of the Proposed Changes to Individuals

- Expansion of recycling options in communities
- An increase in job opportunities and a stronger local economy
- Increased regulatory oversight of materials management facilities to decrease nuisance conditions and risks

# Benefits of the Proposed Changes to Local Governments

- Elimination of regulatory requirements to manage the import and export of waste
- Reduced county-level effort to ensure disposal capacity and siting of landfills
- Fewer local resources needed to manage materials management facilities
- Increased tools to establish recycling collection systems and coordination with the private sector
- Valuable materials will continue to be utilized and circulated in the local economies

# Benefits of the Proposed Changes to Businesses

- Additional options for, and focus on managing waste as a resource
- Increased ability to meet zero landfill goals
- More recycled and previously utilized materials available within Michigan, with a cost savings over raw materials
- Broader disposal options, when needed, due to the elimination of the import/export provisions on landfilled waste
- More level playing field for businesses interested in investing in materials utilization facilities, equipment and technology



# The Process to Update the Statute...

(iii) Within 1,400 feet outside the boundary of a city or village.

(7) Subsections (5) and (6) do not authorize open burning that is prohibited by a local ordinance.

(8) A congressionally chartered patriotic organization that disposes of an unserviceable flag of the United States by burning that flag is not subject to regulation or penalty for violating a state law or local ordinance pertaining to open burning of materials or substances.

**History:** 1994, Act 451, Eff. Mar. 30, 1995; Am. 2012, Act 102, Imd. Eff. Apr. 19, 2012.

**Popular name:** Act 451

**Popular name:** NREPA

**Popular name:** Solid Waste Act

**324.11523 Financial assurance; cash bond; interest; reduction in bond; termination; noncompliance with closure and postclosure monitoring and maintenance requirements; expiration or cancellation notice; effect of bankruptcy action; perpetual care fund; alternate financial assurance.**

Sec. 11523. (1) The department shall not issue a license to operate a disposal area unless the applicant has filed, as a part of the application for a license, evidence of the following financial assurance:

(a) Financial assurance established for a type III landfill ~~CLOSED PRIOR TO (date is tied to enactment of the changes – recommend 2 years but not more than 5 years after enactment)~~ or a preexisting unit at a type II landfill ~~and until OR A TYPE II LANDFILL CLOSED PRIOR TO~~ April 9, 1997,

~~existing and new type II landfills~~ shall be in the form of a bond in an amount equal to \$20,000.00 per acre of licensed landfill within the solid waste boundary. However, the amount of the bond shall not be less than \$20,000.00 or more than \$1,000,000.00. Each bond shall provide assurance for the maintenance of the finished landfill site for a period of 30 years after the landfill or any approved portion is completed. In addition to this bond, a perpetual care fund shall be maintained under section 11525.

(b) Financial assurance for a type II ~~OR TYPE III~~ landfill that is an existing unit or a new unit shall be in an amount equal to the cost, in current dollars, of hiring a third party, to conduct closure, postclosure maintenance and monitoring, and if necessary, corrective action. An application for a type II landfill that is an existing unit or new unit shall demonstrate financial assurance in accordance with section 11523a. ~~TYPE III LANDFILLS SHALL PROVIDE FINANCIAL ASSURANCE IN ACCORDANCE WITH SECTION 11523A AS PART OF THE APPLICATION FOR A LICENSE SUBMITTED AFTER DATE, AND COMPLY WITH THE REQUIREMENTS OF SECTION 11523A NO LATER THAN DATE.~~ ~~(we want to phase in the financial assurance increases over time. This language attempts to indicate that while they need to continue to apply for a license renewal on their same schedule, the updated financial requirement should be in place no sooner than 2 years after enactment and not later than 5 years)~~

(c) Financial assurance established for a ~~LICENSED~~ solid waste ~~PROCESSING AND~~ transfer facility, incinerator, ~~OR WASTE UTILIZATION FACILITY NEEDING A GENERAL PERMIT processing plant, other solid waste handling or disposal facility, or a combination of these utilized in the disposal of solid waste~~ shall be in the form of a bond in an amount ~~equal to 1% of the construction cost of the facility, but shall not be less than \$4,000.00 OF \$20,000.00,~~ and shall be continued in effect for a period of 2 years after the disposal area is closed.

~~(2) THE DEPARTMENT SHALL NOT ISSUE A GENERAL PERMIT TIER 1 OR TIER 2 FOR ANY MATERIALS MANAGEMENT FACILITY UNTIL THE APPLICANT HAS FILED, AS A PART OF THE APPLICATION FOR THE GENERAL PERMIT, EVIDENCE OF ADEQUATE FINANCIAL ASSURANCE.~~

~~(A) FINANCIAL ASSURANCE ESTABLISHED FOR A MATERIALS RECOVERY FACILITY, ANAEROBIC DIGESTER, OR GASIFICATION/PYROLYSIS FACILITY THAT REQUIRES A GENERAL PERMIT TIER 1 SHALL BE CONTINUED IN EFFECT FOR A PERIOD OF 2 YEARS AFTER THE FACILITY HAS CEASED ACCEPTING MATERIAL, REMOVED ALL MANAGED MATERIAL FROM THE SITE, AND HAD CLOSURE CERTIFIED BY THE DEPARTMENT.~~

~~(B) FINANCIAL ASSURANCE ESTABLISHED FOR A COMPOST FACILITY GENERAL PERMIT TIER 1 SHALL BE CONTINUED IN EFFECT FOR A PERIOD OF 2 YEARS AFTER THE FACILITY HAS CEASED ACCEPTING COMPOSTABLE MATERIALS, HAS REMOVED ANY FINISHED OR PARTIALLY FINISHED COMPOST FROM THE FACILITY, AND HAS HAD CLOSURE CERTIFIED BY THE DEPARTMENT.~~

~~(D) FINANCIAL ASSURANCE ESTABLISHED FOR A COMPOST FACILITY GENERAL PERMIT TIER 2 SHALL BE \$20,000. IN ADDITION TO THIS AMOUNT OF FINANCIAL ASSURANCE, \$5 PER CUBIC YARD OF COMPOSTABLE MATERIAL THAT DOES NOT CONSTITUTE FINISHED COMPOST THAT REMAINS ON SITE AFTER SEPTEMBER 30 OF EACH YEAR SHALL BE PROVIDED. THE~~



# Changes to the “Traditional” Solid Waste Program

- Processing Plants and Transfer Facilities are combined under one permit and license umbrella to better reflect current solid waste management realities
- Updated post-closure section, including functional stability evaluations and the introduction of a custodial care concept
- Financial Assurance requirements were updated to better reflect the true cost of closing a facility
- The county planning process has been simplified
  - Solid waste import/export restrictions have been eliminated
  - In many cases, compliance with local zoning requirements will be the main siting criteria for a facility

# Materials Management Facilities Updated or Brought Under Part 115

- Composting
- Anaerobic Digesters
- Materials Recovery Facilities
- Innovative Technologies or Practices for Waste Utilization

# Authorization Levels – Notification

- All Waste Diversion Centers
- Smaller Material Recovery Facilities, Compost Facilities and Anaerobic Digesters
- Requires an annual notification on a form and format designated by the Department

# Authorization Levels – Registration

- Mid-sized Material Recovery Facilities, Compost Sites and some Anaerobic Digesters
- Submission of a Registration Form every 5 years on a form and format provided by the Department
- Submission of certain materials management data annually on a form and format provided by the Department
- Application fee of \$750.00

# Authorization Levels – General Permit

- Large Material Recovery Facilities, Compost Sites
- Anaerobic Digesters that accept off site, source separated materials
- Innovative Technologies or Practices
- Submission of a Permit Application every 5 years on a form and format provided by the Department, Financial Assurance requirements
- Submission of certain materials management data annually on a form and format provided by the Department
- Application fee of \$12,500.00

# Terms of Confusion??

- Benchmark Recycling Standard
  - **2022** – 90% single-family dwellings in urbanized areas have access
  - **2025** – 90% single-family dwellings in areas with >5,000 residents have access
  - **2028** – <100,000 residents: at least 1 drop-off for every 10,000 residents
    - >100,000 residents: at least 1 drop-off for every 50,000 residents
- Recycling Rate means the amount of municipal solid waste recycled and composted divided by the total amount of municipal solid waste recycled, composted, landfilled and incinerated.
- Materials Utilization Goals (MUG) a measurable objective and specific set of goals, determined by a planning area which will be used to demonstrate progress toward material diversion from disposal areas.

# Materials Management Planning

- Broadened to address managed materials versus solid waste
- Regional approaches are encouraged
- No longer have import/export authorizations
- Local zoning is the “siting process” for most facilities
- Updated siting process
- No new “greenfield” landfills or incinerators unless a need is shown by the County.



# Funding Considerations

- Grants to Counties or other Planning Entities to fund the development and management of Materials Management Plans (\$5 Million)
- Competitive grants for Outreach and Education for citizens and communities to encourage increased recycling and to reduce material contamination (\$8 Million)
- Aid for Market Development to attract businesses using recycled materials and to better support business-to-business recycled materials exchanges (\$2 Million)
- Additional technical assistance from the DEQ to address a re-invigorated planning process and to manage the additional facilities that will be regulated

# For Further Information

Information about the Solid Waste and Sustainability Advisory Panel (SWSAP) and Governor's Recycling Council (GRC) Reports and current membership list for the DEQ's Solid Waste and Recycling Advisors (SWRA) can be found at:

[www.michigan.gov/swra](http://www.michigan.gov/swra)