



JENNIFER M. GRANHOLM
GOVERNOR


STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

September 30, 2004

TO: Solid Waste Landfill Owners and Operators

FROM: George W. Bruchmann, Chief, Waste and Hazardous Materials Division 

SUBJECT: List of Jurisdictions with Comparable Landfill Disposal Prohibitions

On March 26, 2004, Governor Jennifer M. Granholm signed into law 2004 PA 37, amending Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, to require the Michigan Department of Environmental Quality (MDEQ) by not later than October 1, 2004, to prepare and provide to each landfill in the state a copy of a list of the countries, states, provinces, and local jurisdictions outside of Michigan that prohibit or prevent from disposal in a landfill items prohibited from disposal in Michigan landfills. The countries, states, provinces, and local jurisdictions on the attached list, compiled from applications received through September 1, 2004, have provided the MDEQ with documentation of enforceable solid waste disposal requirements that the MDEQ has deemed comparable with the prohibited waste restrictions of Part 115. This list, and future updates, may also be found on the MDEQ Web site at <http://www.michigan.gov/deqprohibitedwaste>.

Owners or operators of Michigan landfills are directed to the above-referenced Web site for the most current list. The list on the Web site will be updated, as necessary, to add or delete countries, states, provinces, and local jurisdictions outside of Michigan. The attached list and future updates on the MDEQ Web site are to be used by owners or operators of Michigan landfills to determine the acceptability of solid waste for disposal under Section 11526a(1)(c). Please note that the MDEQ will rely only on the Web site posting to timely notify Michigan landfill owners and operators of list updates. However, updated lists may also be mailed on a quarterly basis to owners or operators if there have been changes to the previous quarterly list.

Section 11514, as amended by 2004 PA 34 (Act 34), identifies the items prohibited from disposal in Michigan landfills. Section 11514 states in part:

- (2) A person shall not knowingly deliver to a landfill for disposal, or, if the person is an owner or operator of a landfill, knowingly permit disposal in the landfill of, any of the following:
 - (a) Medical waste, unless that medical waste has been decontaminated or is not required to be decontaminated but is packaged in the manner required under part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13831.

- (b) Subject to subsection (4), more than a de minimis amount of open, empty, or otherwise used beverage containers.¹
 - (c) More than a de minimis number of whole motor vehicle tires.
 - (d) More than a de minimis amount of yard clippings, unless they are diseased or infested.
- (3) A person shall not deliver to a landfill for disposal, or, if the person is an owner or operator of a landfill, permit disposal in the landfill of, any of the following:
- (a) Used oil as defined in section 16701.
 - (b) A lead acid battery as defined in section 17101.
 - (c) Low-level radioactive waste as defined in section 2 of the low-level radioactive waste authority act, 1987 PA 204, MCL 333.26202.
 - (d) Regulated hazardous waste as defined in R 299.4104 of the Michigan administrative code.
 - (e) Liquid waste as prohibited by R 299.4432(2)(c) of the Michigan administrative code.
 - (f) Sewage.
 - (g) PCBs as defined in 40 CFR section 761.3.
 - (h) Asbestos waste, unless the landfill complies with 40 CFR [Code of Federal Regulations] section 61.154.

Act 34 was signed into law on March 26, 2004, and became effective on March 29, 2004. The MDEQ had previously posted on the above-referenced Web site the materials prohibited from disposal in a landfill under Section 11514 and appropriate disposal options for those materials.

Beginning on October 1, 2004, pursuant to Section 11526a, added by 2004 PA 40 (Act 40), states in part:

...the owner or operator of a landfill shall not accept for disposal in this state solid waste, including, but not limited to, municipal solid waste incinerator ash, that was generated outside of this state unless 1 or more of the following are met:

- (a) The solid waste is composed of a uniform type of item, material, or substance, other than municipal solid waste incinerator ash, that meets the requirements for disposal in a landfill under this part and the rules promulgated under this part.
- (b) The solid waste was received through a material recovery facility, a transfer station, or other facility that has documented that it has removed

¹ Note that subsection (4) states in part that "Subsection (2)(b) does not apply to green glass beverage containers before June 1, 2007."

from the solid waste being delivered to the landfill those items that are prohibited from disposal in a landfill.

(c) The country, state, province, or local jurisdiction in which the solid waste was generated is approved by the department for inclusion on the list compiled by the department under section 11526b.

Michigan landfill owners or operators may use the attached Solid Waste Manifest Record (EQP 5223) to document compliance with Section 11526a(1)(c). EQP 5223 is also available on the MDEQ Web site at <http://www.michigan.gov/deqprohibitedwaste>.

The use of EQP 5223 is not mandatory; however, landfill owners or operators are required to maintain records documenting for each load of solid waste disposed of in the landfill under Section 11526a(1)(c), the approved country, state, province, or local jurisdiction outside of Michigan in which it was generated. Landfill owners or operators are required to make these records available at reasonable times for inspection. EQP 5223 is provided as a convenience to Michigan landfill owners or operators; solid waste haulers; and approved countries, states, provinces, or local jurisdictions outside of Michigan. Such owners or operators may use a different form than that offered by the MDEQ, provided it documents the same information.

Pursuant to Section 11526, 2004 PA 43, the MDEQ and the Michigan State Police may conduct regular, random inspections of waste being transported for disposal at disposal areas in the state, including inspections of the records of where the waste was generated, to determine compliance with Part 115 and its administrative rules.

Please note that in the matter of the *National Solid Wastes Management Association v Jennifer M. Granholm et al.*, United States District Court for the Eastern District of Michigan, File Number 04-71271, the Court placed a moratorium through October 31, 2004, on the MDEQ's enforcement of the provisions of Act 40.

If you have any questions related to this memorandum, please contact Mr. Lonnie C. Lee, Chief, Storage Tank and Solid Waste Section, Waste and Hazardous Materials Division, at 517-373-4735.

Attachments

**State of Michigan
 Department of Environmental Quality
 Jurisdictions with Comparable Landfill Disposal Prohibitions**

**September 30, 2004
 (Compiled from applications received through September 1, 2004)**

Country of Origin (United States or Canada)	State/Province	Jurisdiction of Origin (City, Township, Village, etc.)	Type of Waste Certified for		Contact Person	Telephone
			Municipal Residential	Industrial, Commercial, and Institutional		
Canada	Ontario	Regional Municipality of Durham	Approved	Not Approved	Clifford Curtis	905-668-7721
Canada	Ontario	City of Owen Sound	Approved	Not Approved	Chris Hughes	519-376-4274
Canada	Ontario	Regional Municipality of Peel	Approved	Not Approved	Andrew Pollock	905-791-7800, Ext. 4703
Canada	Ontario	City of Toronto	Approved	Approved	Lawson Oates	416-392-9744
Canada	Ontario	Regional Municipality of York	Approved	Not Approved	Andrew Campbell	905-830-4444, Ext. 5711



**Department of Environmental Quality, Waste and Hazardous Materials Division
SOLID WASTE MANIFEST RECORD**

Completion of this form fulfills the requirements of Section 11526a(1)(c) of Part 115, Solid Waste, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, for certain solid waste generated outside of Michigan to be disposed of in Michigan landfills. The countries, states, provinces, and local jurisdictions outside of Michigan on the list on the Department of Environmental Quality (DEQ) Web site at: <http://www.michigan.gov/deqprohibitedwaste> have provided the DEQ with documentation of enforceable solid waste disposal requirements that the DEQ has deemed comparable with the prohibited waste restrictions of Part 115.

Part 1 of this form shall be completed and signed by the hauler transporting the solid waste load to Michigan. Part 2 of this form should be completed by the Michigan landfill to which the solid waste is delivered. The landfill should retain a copy for their records and make such copy available for inspection.

PART 1: GENERATING JURISDICTION AND HAULER INFORMATION	
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION	HAULER INFORMATION AND CERTIFICATION
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #1:	NAME OF HAULER DELIVERING WASTE TO LANDFILL:
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #2:	HAULER PHONE # (INCLUDING AREA CODE)
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #3:	HAULER MAILING ADDRESS:
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #4:	CITY: STATE/PROVINCE: ZIP/MAIL CODE:
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #5:	HAULER VEHICLE/TRAILER # OF VEHICLE DELIVERING WASTE TO MICHIGAN:
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #6:	I hereby certify that the above indicated solid waste load was generated in the state, province, or local jurisdiction(s) identified at left, such jurisdiction(s) being one of those approved by the Michigan DEQ for inclusion on the list compiled under 11526b of Part 115, Solid Waste, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. I also certify that the solid waste was not commingled with solid waste from other jurisdictions not so identified prior to transport to the landfill identified in Part 2 below. I also certify under penalty of law that the information contained on this form, to the best of my knowledge and belief, is true, accurate, and complete. I am aware that there are significant penalties for submitting false or incomplete information, including the possibility of a fine and imprisonment for knowing violations. HAULER AUTHORIZED SIGNATURE: _____ PRINT NAME _____ DATE: _____
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #7:	
GENERATING STATE, PROVINCE OR LOCAL JURISDICTION #8:	
TOTAL VOLUME/WEIGHT OF WASTE TRANSPORTED FOR DISPOSAL IN MICHIGAN:	
PART 2: LANDFILL INFORMATION	
LANDFILL NAME:	LANDFILL DESIGNATION FOR CERTIFIED LOAD (Receipt #, etc.):
LANDFILL PHYSICAL ADDRESS:	COMMENTS REGARDING LOAD LISTED ABOVE:
CITY: STATE: ZIP CODE:	LANDFILL DISPOSAL DATE:
LANDFILL PHONE # (INCLUDING AREA CODE)	LANDFILL AUTHORIZED SIGNATURE: _____ PRINT NAME: _____