

HOUSE BILL No. 4247

February 21, 1989, Introduced by Rep. Bennett and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 5 and 26 of Act No. 64 of the Public Acts of 1979, entitled as amended "Hazardous waste management act," section 5 as amended by Act No. 246 of the Public Acts of 1987 and section 26 as amended by Act No. 486 of the Public Acts of 1982, being sections 299.505 and 299.526 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 5 and 26 of Act No. 64 of the Public
2 Acts of 1979, section 5 as amended by Act No. 246 of the Public
3 Acts of 1987 and section 26 as amended by Act No. 486 of the
4 Public Acts of 1982, being sections 299.505 and 299.526 of the
5 Michigan Compiled Laws, are amended to read as follows:

1 Sec. 5. (1) "Operator" means the person responsible for the
2 overall operation of a disposal, treatment, or storage facility
3 with approval of the director either by contract or license.

4 (2) "Person" means an individual; partnership; the state;
5 trust; firm; joint stock company; federal agency; corporation,
6 including a government corporation; association; municipality;
7 commission; political subdivision of a state; any interstate
8 body; and any other public body created by or pursuant to state
9 law.

10 (3) "Rule" means a rule promulgated pursuant to the adminis-
11 trative procedures act of 1969, Act No. 306 of the Public Acts of
12 1969, as amended, being sections 24.201 to 24.328 of the Michigan
13 Compiled Laws.

14 (4) "Storage" means the holding of hazardous waste for a
15 temporary period, at the end of which the hazardous waste is
16 treated, disposed of, or stored elsewhere.

17 (5) "Storage facility" means a facility or part of a facil-
18 ity where managed hazardous waste, as defined by rule, is subject
19 to storage. A generator who accumulates managed hazardous waste,
20 as defined by rule, on site in containers or tanks for less than
21 91 days or a period of time prescribed by rule is not a storage
22 facility.

23 (6) "Surface impoundment" or "impoundment" means a treat-
24 ment, storage, or disposal facility or part of a treatment, stor-
25 age, or disposal facility which is a natural topographic depres-
26 sion, man-made excavation, or diked area formed primarily of
27 earthen materials, although it may be lined with man-made

1 materials, which is designed to hold an accumulation of liquid
2 wastes or wastes containing free liquids, and which is not an
3 injection well. Examples of surface impoundments are holding,
4 storage, settling, and aeration pits, ponds, and lagoons.

5 (7) "Title II of the solid waste disposal act" means title
6 II of Public Law 89-272, 42 U.S.C. 6901, 6902 to 6911, 6912 to
7 6931, 6933 to 6941, 6942 to 6979a, 6981 to 6987, and 6991 to
8 6991i.

9 (8) "Transporter" means a person engaged in the off site
10 transportation of hazardous waste by air, rail, highway, or
11 water.

12 (9) "Treatment" means any method, technique, or process,
13 including neutralization, designed to change the physical, chemi-
14 cal, or biological character or composition of any hazardous
15 waste, so as to neutralize the waste, so as to recover energy or
16 material resources from the waste, or so as to render the waste
17 nonhazardous or less hazardous, safer to transport, store, or
18 dispose of, amenable to recovery, amenable to storage, or reduced
19 in volume. Treatment includes any activity or processing
20 designed to change the physical form or chemical composition of
21 hazardous waste so as to render it nonhazardous.

22 (10) "Treatment facility" means a facility or part of a
23 facility where managed hazardous waste, as defined by rule, is
24 subject to treatment, INCLUDING ANY FACILITY AT WHICH PETROLEUM
25 SUBSTANCES ARE PURCHASED OR OTHERWISE RECEIVED FOR PURPOSES OF
26 TREATMENT, IF THE FACILITY HAS BEEN CITED FOR A VIOLATION OF THE

1 AIR POLLUTION ACT, ACT NO. 348 OF THE PUBLIC ACTS OF 1965, BEING
2 SECTIONS 336.11 TO 336.36 OF THE MICHIGAN COMPILED LAWS.

3 (11) "Updated plan" means the updated state hazardous waste
4 management plan prepared under section 9.

5 (12) "Vehicle" means a device used to transport hazardous
6 waste. Each cargo carrying body is a separate transport
7 vehicle.

8 Sec. 26. (1) Not later than January 25, 1980, the director
9 shall submit to the legislature, after consultation and partici-
10 pation with the department of public health, rules necessary to
11 implement and administer this act.

12 (2) Not ~~more than 6 months after the enactment into law of~~
13 ~~the 1982 amendatory act which added this subsection~~ LATER THAN
14 JUNE 30, 1983, the director shall submit to the legislature,
15 after consultation with the department of public health, rules
16 necessary to implement and administer this act as amended by ~~the~~
17 ~~1982 amendatory act which added this subsection~~ ACT NO. 486 OF
18 THE PUBLIC ACTS OF 1982. The rules required to be submitted by
19 this subsection shall include, but not be limited to, require-
20 ments for generators, transporters, and treatment, storage, and
21 disposal facilities.

22 (3) The director may promulgate rules which exempt certain
23 hazardous wastes and certain treatment, storage, or disposal
24 facilities from all or portions of the requirements of this act,
25 as necessary to obtain or maintain authorization from the United
26 States environmental protection agency under title II of the
27 solid waste disposal act, or upon a determination by the director

1 that a hazardous waste, or a treatment, storage, or disposal
2 facility, is adequately regulated under other state or federal
3 law, and that scientific data supports a conclusion that an
4 exemption will not result in an impairment of the department's
5 ability to protect the public health and the environment.
6 However, an exemption granted pursuant to this subsection shall
7 not: ~~result~~

8 (A) RESULT in a level of regulation less stringent than that
9 required under title II of the solid waste disposal act.

10 (B) EXEMPT FROM THE DEFINITION OF MANAGED HAZARDOUS WASTE
11 THOSE PETROLEUM SUBSTANCES THAT ARE PURCHASED OR OTHERWISE
12 RECEIVED FOR PURPOSES OF TREATMENT AT A TREATMENT FACILITY THAT
13 HAS BEEN CITED FOR A VIOLATION OF THE AIR POLLUTION ACT, ACT
14 NO. 348 OF THE PUBLIC ACTS OF 1965, BEING SECTIONS 336.11 TO
15 336.36 OF THE MICHIGAN COMPILED LAWS.

16 (4) If an amendment to this act or the rules promulgated
17 under this act subjects a person to a new or different licensing
18 requirement of this act, the director shall promulgate rules to
19 facilitate orderly and reasonable compliance by that person.

20 (5) Changes in the definition of hazardous waste contained
21 in section 4 and the definition of treatment contained in section
22 5 effected by ~~the 1982 amendatory act which added this~~
23 ~~subsection~~ ACT NO. 486 OF THE PUBLIC ACTS OF 1982 shall not
24 eliminate any exemption provided to any hazardous waste or to any
25 treatment, storage, or disposal facility under administrative
26 rules promulgated pursuant to this act before ~~the effective date~~
27 ~~of the 1982 amendatory act which added this subsection~~ MARCH 30,

1 1983. However, these exemptions may be modified or eliminated by
2 administrative rules promulgated subsequent to ~~the effective~~
3 ~~date of the 1982 amendatory act which added this subsection~~
4 MARCH 30, 1983 in order that the state may obtain authorization
5 from the United States environmental protection agency under
6 title II of the solid waste disposal act, or to provide adequate
7 protection to the public health or the environment.