

HOUSE BILL No. 4304

February 23, 1989, Introduced by Rep. Griffin and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 4 of Act No. 64 of the Public Acts of 1979, entitled as amended

"Hazardous waste management act,"

as amended by Act No. 195 of the Public Acts of 1987, being section 299.504 of the Michigan Compiled Laws; and to add section 6a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 4 of Act No. 64 of the Public Acts of
2 1979, as amended by Act No. 195 of the Public Acts of 1987, being
3 section 299.504 of the Michigan Compiled Laws, is amended and
4 section 6a is added to read as follows:

5 Sec. 4. (1) "Generation" means the act or process of
6 producing hazardous waste.

7 (2) "Generator" means any person, by site, whose act or
8 process, produces hazardous waste as identified or listed

1 pursuant to section 27 or whose act first causes a hazardous
2 waste to become subject to regulation under this act.

3 (3) "Hazardous waste" means waste or a combination of waste
4 and other discarded material including solid, liquid, semisolid,
5 or contained gaseous material which because of its quantity;
6 quality; concentration; or physical, chemical, or infectious
7 characteristics may cause or significantly contribute to an
8 increase in mortality or increase in serious irreversible illness
9 or serious incapacitating, but reversible illness, or pose a sub-
10 stantial present or potential hazard to human health or the envi-
11 ronment if improperly treated, stored, transported, disposed of,
12 or otherwise managed. Hazardous waste does not include material
13 which is solid or dissolved material in domestic sewage dis-
14 charge, or solid or dissolved material in an irrigation return
15 flow discharge, or industrial discharge which is a point source
16 subject to permits under section 402 of ~~the clean water act of~~
17 ~~1977~~ TITLE IV OF THE FEDERAL WATER POLLUTION CONTROL ACT, CHAP-
18 TER 758, 86 STAT. 880, 33 U.S.C. 1342, or is a source, special
19 nuclear, or by-product material as defined by the atomic energy
20 act of 1954, chapter 1073, 68 Stat. 919.

21 (4) "Hazardous waste management" means the systematic con-
22 trol of the collection, source separation, storage, transporta-
23 tion, processing, treatment, recovery, recycling, and disposal of
24 hazardous waste.

25 (5) "Landfill" means a disposal facility or part of a facil-
26 ity where hazardous waste is placed in or on land and which is

1 not a land treatment facility, a surface impoundment, or an
2 injection well.

3 (6) "Land treatment facility" means a treatment facility or
4 part of a treatment facility at which hazardous waste is applied
5 onto or incorporated into the soil surface; such facilities are
6 disposal facilities if the waste will remain after closure.

7 (7) "Limited storage facility" means a storage facility as
8 defined in section 5(6) that meets all of the following
9 conditions:

10 (a) Has a maximum storage capacity that does not exceed
11 25,000 gallons of hazardous waste.

12 (b) Storage occurs only in tanks or containers.

13 (c) Has not more than 200 containers on site that have a
14 capacity of 55 gallons or less.

15 (d) Does not store hazardous waste on site for more than
16 90 days.

17 (e) Does not receive hazardous waste from a treatment, stor-
18 age, or disposal facility.

19 (8) "Manifest" means a form approved by the director used
20 for identifying the quantity, composition, origin, routing, and
21 destination of hazardous waste during its transportation from the
22 point of generation to the point of disposal, treatment, or
23 storage.

24 (9) "Manifest system" means the system used for identifying
25 the quantity, composition, origin, routing, and destination of
26 hazardous waste during its transportation from the point of
27 generation to the point of disposal, treatment, or storage.

1 (10) "Mechanism" means a letter of credit; a financial test
2 which demonstrates the financial strength of the company owning a
3 treatment, storage, or disposal facility or a parent company
4 guaranteeing financial assurance for a subsidiary; or an insur-
5 ance policy that will provide funds for closure or postclosure
6 care of a treatment, storage, or disposal facility.

7 (11) "MUNICIPAL SOLID WASTE INCINERATOR" MEANS AN INCINERA-
8 TOR THAT IS OWNED OR OPERATED BY ANY PERSON, AND MEETS BOTH OF
9 THE FOLLOWING REQUIREMENTS:

10 (A) THE INCINERATOR RECEIVES SOLID WASTE FROM OFF SITE AND
11 BURNS ONLY HOUSEHOLD WASTE FROM SINGLE AND MULTIPLE DWELLINGS,
12 HOTELS, MOTELS, AND OTHER RESIDENTIAL SOURCES, OR THIS HOUSEHOLD
13 WASTE TOGETHER WITH SOLID WASTE FROM COMMERCIAL, INSTITUTIONAL,
14 MUNICIPAL, COUNTY, OR INDUSTRIAL SOURCES THAT, IF DISPOSED OF,
15 WOULD NOT BE REQUIRED TO BE PLACED IN A DISPOSAL FACILITY
16 LICENSED UNDER THIS ACT.

17 (B) THE INCINERATOR HAS ESTABLISHED CONTRACTUAL REQUIREMENTS
18 OR OTHER APPROPRIATE NOTIFICATION OR INSPECTION PROCEDURES SUFFI-
19 CIENT TO ASSURE THAT THE INCINERATOR RECEIVES AND BURNS ONLY
20 WASTE REFERRED TO IN SUBDIVISION (A).

21 (12) "MUNICIPAL SOLID WASTE INCINERATOR ASH" MEANS THE SUB-
22 STANCES REMAINING AFTER COMBUSTION IN A MUNICIPAL SOLID WASTE
23 INCINERATOR.

24 (13) ~~-(11)-~~ "Municipality" means a city, village, township,
25 or Indian tribe.

26 (14) ~~-(12)-~~ "On site" means on the same or geographically
27 contiguous property which may be divided by a public or private

1 right of way if the entrance and exit between the pieces of
2 property are at a crossroads intersection and access is by cross-
3 ing rather than going along the right of way. Noncontiguous
4 pieces of property owned by the same person but connected by a
5 right of way which the owner controls and to which the public
6 does not have access is also considered on site property.

7 SEC. 6A. FOLLOWING THE EFFECTIVE DATE OF THIS SECTION, THE
8 GENERATION, TRANSPORTATION, TREATMENT, STORAGE, DISPOSAL, REUSE,
9 AND RECYCLING OF MUNICIPAL SOLID WASTE INCINERATOR ASH SHALL BE
10 REGULATED UNDER THE SOLID WASTE MANAGEMENT ACT, ACT NO. 641 OF
11 THE PUBLIC ACTS OF 1978, BEING SECTIONS 299.401 TO 299.437 OF THE
12 MICHIGAN COMPILED LAWS, AND NOT UNDER THIS ACT.

13 Section 2. This amendatory act shall not take effect unless
14 Senate Bill No. _____ or House Bill No. 4311 (request
15 no. 01829'89 a) of the 85th Legislature is enacted into law.