

HOUSE BILL No. 5258

November 6, 1989, Introduced by Representative Kosteva and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend sections 7, 8, and 10 of Act No. 136 of the Public Acts of 1969, entitled

"An act to require persons engaged in removing liquid industrial wastes from the premises of other persons to be licensed and bonded; to provide for the inspection and licensing of vehicles; to provide for the control of disposal of wastes; and to provide penalties for the violation of this act,"

being sections 323.277, 323.278, and 323.280 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 7, 8, and 10 of Act No. 136 of the
2 Public Acts of 1969, being sections 323.277, 323.278, 323.280 of
3 the Michigan Compiled Laws, are amended to read as follows:

4 Sec. 7. (1) All trucks or other vehicles used to transport
5 or carry liquid industrial wastes shall carry a VEHICLE license
6 ISSUED by the commission AND A BUSINESS LICENSE ISSUED UNDER
7 SECTION 5 OR A LICENSE ISSUED UNDER SECTION 29A OF THE HAZARDOUS

1 WASTE MANAGEMENT ACT, ACT NO. 64 OF THE PUBLIC ACTS OF 1979,
2 BEING SECTION 299.529A OF THE MICHIGAN COMPILED LAWS, for inspec-
3 tion by its representative or any law enforcement agent. The
4 application for the vehicle license shall state the make, model,
5 and year of the vehicle, as well as the capacity of the tank used
6 in transporting industrial wastes and ~~such~~ other information as
7 the commission requires. Each application shall be accompanied
8 by a license fee of \$10.00 for each vehicle sought to be
9 licensed, payable to the state and if the commission, after such
10 investigation as ~~it deems~~ THE COMMISSION CONSIDERS necessary,
11 is satisfied that the truck or vehicle and equipment is proper
12 and adequate for the purpose, it shall issue a license for the
13 use of the vehicle. The license is not transferable from 1 vehi-
14 cle to another. In addition to the vehicle license AND THE BUSI-
15 NESS LICENSE ISSUED UNDER SECTION 5, which shall be carried on
16 the vehicle at all times, there shall be painted on both sides of
17 the vehicle in letters not less than 2 inches high, WHICH ARE
18 VISIBLE AT ALL TIMES, the words "licensed industrial waste haul-
19 ing vehicle", ~~which words shall be~~ followed ~~with~~ BY the vehi-
20 cle license number. Directly adjacent to the words and vehicle
21 license number shall be affixed a seal furnished by the commis-
22 sion ~~which shall designate~~ THAT DESIGNATES the year ~~for which~~
23 THAT the license was issued. The year on the seal shall corre-
24 spond to the year ~~which~~ THAT appears on the license plate of
25 the vehicle.

26 (2) All licenses issued under ~~the provisions of~~ this act
27 ~~shall~~ expire on the last day of February of each year.

1 ~~Application~~ AN APPLICATION for renewal of a license may be made
2 after November 30 of each year. The fee for renewal shall be the
3 same as THE FEE for an original license.

4 Sec. 8. (1) The tank shall be kept tightly closed in tran-
5 sit, to prevent the escape of contents or odors and the outside
6 of all vehicles and accessory equipment shall be kept clean.

7 (2) ~~The licensee~~ A PERSON shall dispose of all wastes
8 TRANSPORTED PURSUANT TO THIS ACT in conformance with the provi-
9 sions of Act No. 245 of the Public Acts of 1929, as amended,
10 being sections 323.1 to ~~323.12a~~ 323.13 of the MICHIGAN Compiled
11 Laws. ~~of 1948.~~

12 (3) The licensee shall keep records of all trips where the
13 pickup, hauling or disposal of liquid wastes are involved. The
14 records shall state the date, source of the waste, quantity,
15 type, and the point and method of disposal, and total mileage of
16 the trip. Trip records for the last 2 months shall be carried on
17 the vehicle for inspection. The licensee shall preserve trip
18 records for 2 years.

19 (4) ~~The licensee~~ A PERSON shall not dispose of wastes onto
20 or into the ground except at locations specifically approved by
21 the commission. Waste oil may be spread upon roadways and earth
22 surfaces for dust control or soil stabilization purposes if
23 authorized in writing by the owner of ~~such~~ THE property and if
24 done in a manner that precludes hazardous or nuisance
25 conditions. ~~No waste~~ WASTE shall NOT be placed in a location
26 where it could enter any public or private drain, pond, stream,
27 or other body of surface or ground water.

1 Sec. 10. (1) ~~Any~~ EXCEPT AS OTHERWISE PROVIDED IN
2 SUBSECTION (2), A person who violates or refuses to comply with
3 ~~any of the provisions of~~ this act shall be subject to the revo-
4 cation BY THE COMMISSION of his OR HER BUSINESS license ~~by the~~
5 ~~commission~~ ISSUED UNDER SECTION 5, and upon conviction ~~thereof~~
6 by a court of competent jurisdiction shall be fined not less than
7 ~~\$500.00~~ \$2,500.00 AND NOT MORE THAN \$25,000.00 and costs of
8 prosecution, and in default of payment of THE fine and costs,
9 imprisoned for not less than 10 days nor more than 30 days. When
10 the violation is of a continuing nature, each day upon which a
11 violation occurs is a separate offense.

12 (2) A PERSON WHO VIOLATES SECTION 7 OR SECTION 8(3) SHALL BE
13 SUBJECT TO THE REVOCATION BY THE COMMISSION OF HIS OR HER BUSI-
14 NESS LICENSE ISSUED UNDER SECTION 5, AND UPON CONVICTION BY A
15 COURT OF COMPETENT JURISDICTION SHALL BE FINED NOT MORE THAN
16 \$500.00 AND COSTS OF PROSECUTION, AND IN DEFAULT OF PAYMENT OF
17 FINE AND COSTS, IMPRISONED FOR NOT MORE THAN 10 DAYS OR MORE THAN
18 30 DAYS.