

SENATE BILL NO. 730

October 1, 1997, Introduced by Senator BENNETT and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 12101, 12102, 12103, 12105, 12106, 12107, 12109, 12114, and 12116 (MCL 324.12101, 324.12102, 324.12103, 324.12105, 324.12106, 324.12107, 324.12109, 324.12114, and 324.12116), sections 12101 and 12102 as amended by 1995 PA 61; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12101. As used in this part:

2 (a) "Brine" means a liquid produced as a by-product of oil
3 or natural gas production or exploration.

4 (b) "Container" means any portable device in which a liquid
5 industrial waste is stored, transported, treated, or otherwise
6 handled.

1 (c) "Designated facility" means a treatment, storage,
2 disposal, or reclamation facility that receives liquid industrial
3 waste from off site.

4 (d) "Discarded" means any of the following:

5 (i) Abandoned by being disposed of, burned, or incinerated;
6 or accumulated, stored, or treated before, or instead of, being
7 abandoned.

8 (ii) Accumulated, stored, or treated before being managed in
9 1 of the following ways:

10 (A) By being used or reused in a manner constituting dis-
11 posal by being applied to or placed on the land or by being used
12 to produce products that are applied to or placed on the land.

13 (B) By being burned to recover energy or used to produce a
14 fuel.

15 (C) By reclamation.

16 (e) "Discharge" means the accidental or intentional spill-
17 ing, leaking, pumping, releasing, pouring, emitting, emptying, or
18 dumping of liquid industrial waste into the land, air, or water.

19 (f) "Disposal" means the abandonment, discharge, deposit,
20 injection, dumping, spilling, leaking, or placing of a liquid
21 industrial waste into or on land or water in such a manner that
22 the liquid industrial waste may enter the environment, or be
23 emitted into the air, or discharged into surface water or
24 groundwater.

25 (g) "Disposal facility" means a facility or a part of a
26 facility at which liquid industrial waste is disposed.

1 (h) "Facility" means all contiguous land and structures,
2 other appurtenances, and improvements on the land for treating,
3 storing, disposing of, or reclamation of liquid industrial
4 waste.

5 (i) "Federal water pollution control act" means chapter 758,
6 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257,
7 1258 to 1270, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313,
8 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to 1387.

9 (j) "Generator" means a person whose act or process produces
10 liquid industrial waste.

11 (k) "Liquid industrial waste" means any brine, by-product,
12 industrial wastewater, leachate, off-specification commercial
13 chemical product, sludge, sanitary sewer clean-out residue, storm
14 sewer clean-out residue, grease trap clean-out residue, spill
15 residue, used oil, or other liquid waste that is produced by, is
16 incident to, or results from industrial, commercial, or govern-
17 mental activity or any other activity or enterprise determined to
18 be liquid by method 9095 (paint filter liquids test) as described
19 in "Test methods for evaluating solid wastes, physical/chemical
20 methods," United States environmental protection agency publica-
21 tion no. SW-846, and which is discarded. Liquid industrial waste
22 does not include any of the following:

23 (i) Hazardous waste regulated and required to be manifested
24 pursuant to part 111.

25 (ii) Septage waste regulated pursuant to part 117.

26 (iii) Medical waste as defined in part 138 of the public
27 health code, ~~Act No. 368 of the Public Acts of 1978, being~~

1 ~~sections 333.13801 to 333.13831 of the Michigan Compiled Laws~~
2 1978 PA 368, MCL 333.13801 TO 333.13831.

3 (iv) A discharge permitted or authorized under part 31.

4 (v) A material that is used or reused as an effective sub-
5 stitute for commercial products or returned to the original pro-
6 cess, if the material does not require reclamation prior to use
7 or reuse, is not directly burned to recover energy or used to
8 produce a fuel, or is not applied to the land and not used in
9 products applied to the land.

10 (vi) A household generated liquid waste.

11 (vii) A liquid industrial waste utilized for land applica-
12 tion in accordance with a program for effective residuals manage-
13 ment, approved by the director or the United States environmental
14 protection agency, or both, pursuant to the federal water pollu-
15 tion control act.

16 (viii) Oil field brines used for public road dust control
17 and ice removal as authorized under the terms of the rules, stan-
18 dards, and brine management plan approved by the department in
19 existence on June 1, 1993, until rules are promulgated.

20 (ix) A USED OIL THAT IS DIRECTLY BURNED TO RECOVER ENERGY OR
21 USED TO PRODUCE A FUEL IF ALL OF THE FOLLOWING ARE MET:

22 (A) THE MATERIAL MEETS THE USED OIL SPECIFICATIONS OF PART
23 111.

24 (B) THE MATERIAL CONTAINS NO GREATER THAN 2 PPM POLYCHLORI-
25 NATED BIPHENYLS.

26 (C) THE MATERIAL HAS A MINIMUM ENERGY CONTENT OF 17,000
27 BTU/LB.

1 (D) THE MATERIAL IS EXPRESSLY AUTHORIZED AS A USED OIL FUEL
2 SOURCE, REGULATED UNDER PART 55, OR, IN ANOTHER STATE, REGULATED
3 UNDER A SIMILAR AIR POLLUTION CONTROL AUTHORITY.

4 (x) A LIQUID FULLY CONTAINED INSIDE A MANUFACTURED ARTICLE,
5 UNTIL THE LIQUID IS REMOVED OR THE MANUFACTURED EQUIPMENT IS DIS-
6 CARDED AT WHICH POINT IT BECOMES SUBJECT TO THIS PART.

7 (xi) A LIQUID WASTE SAMPLE TRANSPORTED FOR TESTING TO DETER-
8 MINE ITS CHARACTERISTICS OR COMPOSITION. THE SAMPLE BECOMES
9 SUBJECT TO THIS PART WHEN DISCARDED.

10 Sec. 12102. As used in this part:

11 (a) "Manifest" means either of the following:

12 (i) A form AND INSTRUCTIONS approved by the department used
13 for identifying the quantity, composition, origin, routing, or
14 destination of liquid industrial waste during its transportation
15 from the point of generation to the point of disposal, treatment,
16 storage, or reclamation.

17 (ii) For shipments of liquid industrial waste that are not
18 generated or transported to a disposal, treatment, storage, or
19 reclamation facility in this state, a United States environmental
20 protection agency form number 8700-22, or its successor.

21 (b) "On-site" means on the same geographically contiguous
22 property which may be divided by a public or private right-of-way
23 and access is by crossing rather than going along the
24 right-of-way. On-site includes noncontiguous pieces of property
25 owned by the same person but connected by a right-of-way which
26 the owner controls and to which the public does not have access.

1 (c) "Peace officer" means any law enforcement officer who is
2 trained and certified pursuant to the Michigan law enforcement
3 officers training council act of 1965, ~~Act No. 203 of the Public~~
4 ~~Acts of 1965, being sections 28.601 to 28.616 of the Michigan~~
5 ~~Compiled Laws~~ 1965 PA 203, MCL 28.601 TO 28.616, or an officer
6 appointed by the director of the department of state police pur-
7 suant to section 6d of ~~Act No. 59 of the Public Acts of 1935,~~
8 ~~being section 28.6d of the Michigan Compiled Laws~~ 1935 PA 59,
9 MCL 28.6D.

10 (d) "Publicly owned treatment works" means any entity that
11 treats municipal sewage or industrial waste of a liquid nature
12 that is owned by the state or a municipality, as that term is
13 defined in section 502(4) of title V of the federal water pollu-
14 tion control act, 33 U.S.C. 1362. Publicly owned treatment works
15 include sewers, pipes, or other conveyances only if they convey
16 wastewater to a publicly owned treatment works providing
17 treatment.

18 (e) "Reclamation" means either processing to recover a
19 usable product or regeneration.

20 (f) "Reclamation facility" means a facility or part of a
21 facility where liquid industrial waste reclamation is conducted.

22 (g) "Storage" means the containment of liquid industrial
23 waste, on a temporary basis, in a manner that does not constitute
24 disposal of liquid industrial waste.

25 (h) "Storage facility" means a facility or part of a facil-
26 ity where liquid industrial waste is stored.

1 (i) "Surface impoundment" means a treatment, storage, or
2 disposal facility or part of a treatment, storage, or disposal
3 facility that is either a natural topographic depression, a
4 human-made excavation, or a diked area formed primarily of
5 earthen materials. A surface impoundment may be lined with
6 human-made materials designed to hold an accumulation of liquid
7 waste or waste containing free liquids and which is not an injec-
8 tion well. Surface impoundments include, but are not limited to,
9 holding, storage, settling, aeration pits, ponds, and lagoons.

10 (j) "Tank" means a stationary device designed to contain an
11 accumulation of liquid industrial waste that is constructed pri-
12 marily of nonearthen materials such as wood, concrete, steel, or
13 plastic to provide structural support.

14 (k) "Transportation" means the movement of liquid industrial
15 waste by air, rail, highway, or water.

16 (l) "Transporter" means a person engaged in the off-site
17 transportation of liquid industrial waste by air, rail, highway,
18 or water.

19 (m) "Treatment" means any method, technique, or process,
20 including neutralization, designed to change the physical, chemi-
21 cal, or biological character or composition of any liquid indus-
22 trial waste, to neutralize the waste, or to render the waste
23 safer to transport, store, or dispose of, amenable to recovery,
24 amenable to storage, or reduced in volume.

25 (n) "Treatment facility" means a facility or part of a
26 facility at which liquid industrial waste is treated.

1 (O) "USED OIL" MEANS ANY OIL WHICH HAS BEEN REFINED FROM
2 CRUDE OIL, OR ANY SYNTHETIC OIL, WHICH HAS BEEN USED AND WHICH,
3 AS A RESULT OF THE USE, IS CONTAMINATED BY PHYSICAL OR CHEMICAL
4 IMPURITIES.

5 (P) ~~(o)~~ "Vehicle" means A TRANSPORT VEHICLE AS DEFINED BY
6 49 C.F.R. 171.8. ~~each separate conveyance used in the transpor-~~
7 ~~tation of liquid industrial waste and is 1 of the following:~~

8 ~~(i) A rail car as defined in 49 C.F.R. 171.8.~~

9 ~~(ii) A semitrailer, truck, or trailer as defined in the~~
10 ~~Michigan vehicle code, Act No. 300 of the Public Acts of 1949,~~
11 ~~being sections 257.1 to 257.923 of the Michigan Compiled Laws.~~

12 ~~(iii) A truck tractor as defined in Act No. 300 of the~~
13 ~~Public Acts of 1949, only if the liquid industrial waste is actu-~~
14 ~~ally transported in the cab of the vehicle.~~

15 Sec. 12103. (1) A generator shall do all of the following:

16 (a) Characterize the waste in accordance with the require-
17 ments of part 111, and rules promulgated under that part, and
18 maintain records of the characterization.

19 (b) Obtain and utilize a generator identification number
20 assigned by the United States environmental protection agency or
21 the department.

22 (c) ~~Engage~~ IF TRANSPORTING BY HIGHWAY, ENGAGE, employ, or
23 contract for the transportation of liquid industrial waste only
24 with a transporter ~~licensed under this part, unless otherwise~~
25 ~~authorized in this part~~ REGISTERED AND PERMITTED UNDER THE HAZ-
26 ARDOUS MATERIALS TRANSPORTATION ACT.

1 (d) ~~Utilize~~ EXCEPT AS OTHERWISE PROVIDED IN THIS PART,
2 UTILIZE and retain a separate manifest for each shipment of
3 liquid industrial waste transported to a designated facility.
4 The department may authorize the use of a consolidated manifest,
5 for waste loads that are multiple pickups of uniform types of
6 wastes that constitute a single shipment of waste. In this case,
7 a receipt shall be obtained from the transporter documenting the
8 transporter's company name, driver's signature, date of pickup,
9 type and quantity of waste accepted from the generator, the con-
10 solidated manifest number, and the designated facility. A gener-
11 ator of brine may complete a single manifest per transporter of
12 brine, per disposal well, each month.

13 (e) Submit a copy of the manifest to the department by the
14 tenth day after the end of the month in which a load of waste is
15 transported.

16 (f) Certify that at the time the transporter picks up liquid
17 industrial waste the information contained on the manifest is
18 factual by signing the manifest. This certification is to be by
19 the generator or his or her authorized representative.

20 (G) PROVIDE TO THE TRANSPORTER THE SIGNED COPIES OF THE MAN-
21 IFEST TO ACCOMPANY THE LIQUID INDUSTRIAL WASTE TO THE DESIGNATED
22 FACILITY.

23 (H) ~~(g)~~ If a copy of the manifest, with a handwritten sig-
24 nature of the owner or operator of the designated facility, is
25 not received within 35 days after the date the waste was accepted
26 by the initial transporter, contact the transporter or owner or

1 operator of the designated facility, or both, to determine the
2 status of the waste.

3 (I) ~~(h)~~ Submit an exception report to the department if a
4 copy of the manifest is not received with the handwritten signa-
5 ture of the owner or operator or his or her authorized represen-
6 tative of the designated facility within 45 days after the date
7 the waste was accepted by the initial transporter. The exception
8 report shall include both of the following:

9 (i) A legible copy of the manifest for which the generator
10 does not have confirmation of delivery.

11 (ii) A cover letter signed by the generator explaining the
12 efforts taken to locate the waste and the results of those
13 efforts.

14 (2) A generator who also operates an on-site reclamation,
15 treatment, or disposal facility shall keep records of all liquid
16 waste produced and reclaimed, treated, or disposed of at his or
17 her facility.

18 (3) A generator shall retain all records required pursuant
19 to this part for a period of at least 3 years, and shall make
20 those records readily available for review and inspection by the
21 department or a peace officer. The retention period required by
22 this subsection is automatically extended during the course of
23 any unresolved enforcement action regarding the regulated activ-
24 ity or as otherwise required by the department.

25 (4) A GENERATOR TRANSPORTING ITS OWN WASTE IN QUANTITIES OF
26 55 GALLONS OR LESS IS NOT SUBJECT TO MANIFEST REQUIREMENTS IF ALL
27 OF THE FOLLOWING CONDITIONS ARE MET:

SB 730, As Passed Senate, October 29, 1997

SB 730 as amended October 22, 1997

11

1 (A) THE WASTE IS ACCOMPANIED BY A RECORD SHOWING THE SOURCE AND
2 QUANTITY OF THE WASTE AND THE DESIGNATED FACILITY WHERE THE WASTE IS
BEING TRANSPORTED.

3 (B) THE GENERATOR OBTAINS A SIGNATURE FROM THE DESIGNATED
4 FACILITY ACKNOWLEDGING RECEIPT OF THE WASTE AND PROVIDES A COPY
5 OF THE RECORD OF SHIPMENT TO THE DESIGNATED FACILITY.

6 (C) THE GENERATOR RETAINS A COPY OF THE RECORD OF SHIPMENT
7 AS PART OF THE GENERATOR RECORDS.

8 (D) THE DESIGNATED FACILITY IS MANAGED IN ACCORDANCE WITH
9 THIS PART.

10 Sec. 12105. ~~(1) A person transporting liquid industrial~~
11 ~~waste generated on property in which he or she owns or holds an~~
12 ~~interest, railcars, airplanes, and watercraft used for the trans-~~
13 ~~portation of liquid industrial waste, and persons and vehicles~~
14 ~~licensed pursuant to part 111, are exempt from the requirements~~
15 ~~of sections 12104, 12106, 12108, and 12110, and section 12107(1),~~
16 ~~(2), (3), and (4), but remain subject to all other provisions of~~
17 ~~this part and any other applicable part or act.~~

18 (1) ~~(2) A vehicle may be licensed under this part~~ A TRANS-
19 PORTER REGISTERED AND PERMITTED IN ACCORDANCE WITH THE HAZARDOUS
20 MATERIALS TRANSPORTATION ACT and under part 117 ~~, under~~ SHALL
21 COMPLY WITH ALL OF the following: ~~conditions:~~

22 (a) All REGISTRATION AND PERMITTING REQUIREMENTS OF THE HAZ-
23 ARDOUS MATERIALS TRANSPORTATION ACT AND licensing requirements of
24 this part and part 117 ~~are~~ SHALL BE met.

25 (b) ~~No septage~~ SEPTAGE waste or liquid industrial waste
26 transported by the PERMIT OR license holder ~~is~~ SHALL NOT BE
27 disposed of on land.

1 (c) All liquid waste, including septage waste, ~~is~~ SHALL BE
2 manifested pursuant to the requirements of sections 12103, 12109,
3 and 12112.

4 (d) In addition to the ~~lettering and decal~~ requirements of
5 this part and part 117, the words "Land Application Prohibited"
6 shall be affixed ~~as specified in section 12107(1)~~ IN A CONSPIC-
7 UOUS LOCATION, VISIBLE ON BOTH SIDES OF THE VEHICLE AND CLEARLY
8 LEGIBLE DURING DAYLIGHT HOURS FROM A DISTANCE OF 50 FEET.

9 (2) ~~(3)~~ A generator, subject to the reporting requirements
10 under part C of title XIV of the public health service act, 88
11 Stat. 1674, 42 U.S.C. 300h to ~~300h-7~~ 300h-8, and regulations
12 promulgated under that act, who transports brine generated on
13 property he or she owns or holds an interest in to the
14 generator's own disposal well is exempt from the provisions of
15 this part regarding manifests.

16 Sec. 12106. ~~Upon receipt of the liquid industrial waste~~
17 ~~transporter business license application or a vehicle license~~
18 ~~application, the department shall examine the application to~~
19 ~~ensure that it is complete and accompanied by those items~~
20 ~~required by section 12104(2), and may conduct an inspection to~~
21 ~~verify information provided and that methods and operations of~~
22 ~~the applicant are adequate to comply with this part. The depart-~~
23 ~~ment may request the motor carrier division of the department of~~
24 ~~state police to determine compliance with the acts specified in~~
25 ~~section 12107(5). The department shall issue a license to an~~
26 ~~applicant that the department determines is in compliance with~~
27 ~~the applicable requirements of this part. A license is not~~

1 transferable from a business or vehicle to another business or
2 vehicle. THE DEPARTMENT MAY CONDUCT AN INSPECTION TO VERIFY THAT
3 THE EQUIPMENT, LOCATION, AND METHODS OF A TRANSPORTER ARE ADE-
4 QUATE TO EFFECTUATE SERVICE UNDER THIS PART.

5 Sec. 12107. ~~(1) A vehicle used to transport liquid indus-~~
6 ~~trial waste shall have affixed to it the business name and the~~
7 ~~city and state in which the business is located. The lettering~~
8 ~~providing this information shall be readily legible, during day-~~
9 ~~light hours, from a distance of 50 feet. Decals furnished by the~~
10 ~~department shall be affixed directly adjacent to the required~~
11 ~~lettering. The lettering and decals shall be clearly legible, in~~
12 ~~a conspicuous location, visible, and permanently affixed on both~~
13 ~~sides of the licensed vehicle for the duration of the licensing~~
14 ~~period.~~

15 (1) ~~(2)~~ A vehicle used to transport liquid industrial
16 waste, IF TRANSPORTING BY HIGHWAY, shall carry a copy of the
17 ~~license issued by the department~~ REGISTRATION AND PERMIT ISSUED
18 IN ACCORDANCE WITH THE HAZARDOUS MATERIALS TRANSPORTATION ACT and
19 shall produce it upon request of the department or peace
20 officer.

21 ~~(3) A permanent vehicle identification number shall be~~
22 ~~affixed to the vehicle.~~

23 ~~(4) At the time a vehicle is no longer licensed under this~~
24 ~~part, the transporter shall remove all previously required~~
25 ~~decals.~~

26 ~~(5) All vehicles used to transport liquid industrial waste~~
27 ~~shall operate in compliance with each of the following:~~

SB 730, As Passed Senate, October 29, 1997

SB 730 as amended October 22, 1997

14

1 ~~(a) The hazardous materials transportation act, title I of~~
2 ~~the transportation safety act of 1974, Public Law 93-633,~~
3 ~~88 Stat. 2156.~~

4 ~~(b) The Michigan vehicle code, Act No. 300 of the Public~~
5 ~~Acts of 1949, being sections 257.1 to 257.923 of the Michigan~~
6 ~~Compiled Laws.~~

7 ~~(c) The motor carrier safety act of 1963, Act No. 181 of the~~
8 ~~Public Acts of 1963, being sections 480.11 to 480.21 of the~~
9 ~~Michigan Compiled Laws.~~

10 (2) ~~-(6)-~~ All vehicles and containers used to transport
11 liquid industrial waste shall be closed or covered to prevent the
12 escape of liquid industrial waste, and the outside of all vehi-
13 cles, containers, and accessory equipment shall be kept free of
14 liquid industrial waste and its residue.

15 (3) ~~-(7)-~~ To avoid cross-contamination, all portions of a
16 vehicle OR EQUIPMENT that have been in contact with liquid indus-
17 trial waste shall be cleaned and decontaminated before the trans-
18 port of any products, incompatible waste, or nonwaste material.
19 BEFORE THE TRANSPORT OF LIQUID INDUSTRIAL WASTE, ALL PORTIONS OF
20 A VEHICLE OR EQUIPMENT SHALL BE CLEANED AND DECONTAMINATED, AS
21 NECESSARY, OF ANY WASTE REGULATED PURSUANT TO PART 111. A trans-
22 porter who owns or legally controls a vehicle OR EQUIPMENT shall
23 maintain as part of the transporter's records documentation that
24 before its use for the transportation of nonwaste or a product
25 the vehicle OR EQUIPMENT has been decontaminated. This subsec-
26 tion does not apply to a vehicle if brine was transported in the
27 vehicle and the next load transported in the vehicle is brine for

1 disposal or well drilling or production purposes, or oil or other
2 hydrocarbons produced from an oil or gas well, or water or other
3 fluids to be used in activities regulated under ~~Act No. 61 of~~
4 ~~the Public Acts of 1939, being sections 319.1 to 319.27 of the~~
5 ~~Michigan Compiled Laws~~ PART 615, or the rules, orders, or
6 instructions under that ~~act~~ PART.

7 Sec. 12109. (1) A liquid industrial waste transporter shall
8 certify acceptance of waste for transportation by completing the
9 transporter section of the manifest, and shall deliver the liquid
10 industrial waste and accompanying manifest only to the designated
11 facility specified by the generator on the manifest.

12 (2) The liquid industrial waste transporter shall retain all
13 records required pursuant to this part for a period of at least 3
14 years, and shall make those records readily available for review
15 and inspection by the department or a peace officer. The reten-
16 tion period required in this subsection is automatically extended
17 during the course of any unresolved enforcement action regarding
18 an activity regulated under this part or as required by the
19 department.

20 (3) The department may authorize, for certain waste streams,
21 the use of a consolidated manifest as authorized under
22 section 12103(1)(d). In this case, the transporter shall give to
23 the generator a receipt documenting the transporter's company
24 name, driver's signature, date of pickup, type and quantity of
25 waste removed, the consolidated manifest number, and the desig-
26 nated facility.

SB 730, As Passed Senate, October 29, 1997

SB 730 as amended October 22, 1997 16

1 (4) A transporter ~~is required to~~ SHALL maintain a trip log
2 for consolidated manifest shipments and for brine shipments. The
3 transporter shall do all of the following:

4 (a) Identify on the trip log the consolidated manifest
5 number, the generator, date of pickup, type and quantity of
6 waste, and the designated facility location for each shipment of
7 waste.

8 (b) Keep a copy of all trip logs ~~in the transport vehicle~~
9 AVAILABLE DURING TRANSPORTATION, at a minimum, for the current
10 shipment ~~on the transport vehicle~~ IN TRANSPORTATION and retain
11 these records as specified in subsection (2).

12 ~~(c) Display the logs upon the request of the department or~~
13 ~~a peace officer.~~

14 (C) ~~(d)~~ Obtain and utilize a transporter identification
15 number assigned by the United States environmental protection
16 agency or the department.

17 Sec. 12114. (1) If the department or a peace officer has
18 probable cause to believe that a person is violating this part
19 [REDACTED], the department or a peace
20 officer may search without a warrant a vehicle or equipment that
21 is possessed, used, or operated by that person. The department
22 or a peace officer may seize a vehicle, EQUIPMENT, OR OTHER
23 PROPERTY used or operated in a manner or for a purpose in viola-
24 tion of this part [REDACTED]. A VEHICLE,
25 EQUIPMENT, OR OTHER PROPERTY USED IN VIOLATION OF THIS PART [REDACTED]
26 [REDACTED] IS SUBJECT TO FORFEITURE AND THE
27 DEPARTMENT MAY REQUEST THE ATTORNEY GENERAL, OR OTHER PROSECUTING

1 ATTORNEY OF THE COUNTY WHERE THE VIOLATION OCCURRED, TO CONDEMN
2 THE VEHICLE, EQUIPMENT, OR PROPERTY. FUNDS GENERATED FROM THE
3 FORFEITURE SHALL BE USED TO COVER ANY EXPENSES ASSOCIATED WITH
4 FORFEITURE PROCEEDINGS AND THE BALANCE DEPOSITED IN THE HAZARDOUS
5 WASTE TRANSPORTER ACCOUNT WITHIN THE ENVIRONMENTAL POLLUTION PRE-
6 VENTION FUND CREATED IN SECTION 12117.

7 (2) The court may award court costs and other expenses of
8 litigation including attorney fees to a party who successfully
9 brings an action under this section.

10 (3) THE DEPARTMENT OR PEACE OFFICER MAY ENTER AT REASONABLE
11 TIMES ANY GENERATOR, TRANSPORTER, OR DESIGNATED FACILITY OR OTHER
12 PLACE WHERE LIQUID INDUSTRIAL WASTES ARE OR HAVE BEEN GENERATED,
13 STORED, TREATED, OR DISPOSED OF, OR TRANSPORTED FROM AND MAY
14 INSPECT THE FACILITY OR OTHER PLACE AND OBTAIN SAMPLES OF THE
15 LIQUID INDUSTRIAL WASTES AND SAMPLES OF THE CONTAINERS OR LABEL-
16 ING OF THE WASTES FOR THE PURPOSES OF ENFORCING OR ADMINISTERING
17 THIS PART.

18 Sec. 12116. (1) A person who violates section ~~12107(1),~~
19 ~~(2), (3), (4), (6), or (7) or section 12109(4)~~ 12103(1)(B) OR
20 (E), 12105(1)(D), 12107(2) OR (3), 12109(4), OR 12112(1)(B) OR
21 (C) is guilty of a misdemeanor, punishable by imprisonment for
22 not more than 30 days, or a fine of not less than \$200.00 and not
23 more than \$500.00, or both. A peace officer may issue an appear-
24 ance ticket to a person who is in violation of section ~~12107(1),~~
25 ~~(2), (3), (4), (6), or (7) or section 12109(4)~~ 12103(1)(B) OR
26 (E), 12105(1)(D), 12107(2) OR (3), 12109(4), OR 12112(1)(B) OR
27 (C).

SB 730, As Passed Senate, October 29, 1997

SB 730 as amended October 22, 1997 18

1 (2) A person who knowingly makes or causes to be made a
2 false statement or entry in a license application or a manifest
3 is guilty of a felony, punishable by imprisonment for not more
4 than 2 years, or a fine of not less than \$2,500.00 or more than
5 \$10,000.00, or both.

6 (3) A person who violates this part or a license issued
7 under this part, except as provided in subsections (1) and (2),
8 is guilty of a misdemeanor, punishable by imprisonment for not
9 more than 6 months or a fine of not less than \$1,000.00 or more
10 than \$2,500.00, or both.

11 (4) Each day that a violation continues constitutes a sepa-
12 rate violation.

13 Enacting section 1. Sections 12104, 12108, 12110, and 12118
14 of the natural resources and environmental protection act, 1994
15 PA 451, MCL 324.12104, 324.12108, 324.12110, and 324.12118, are
16 repealed.

Enacting section 2. This amendatory act takes effect July 1,
1998.

17 Enacting section 3. This amendatory act does not take
18 effect unless all of the following bills of the 89th Legislature
19 are enacted into law:

20 (a) Senate Bill No. 554.

21 (b) Senate Bill No. 731.

22