

REPRINT

SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 4626

(As passed the Senate October 25, 2001)

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[A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 11104, 11108, 11130, 11135, 12101, 12102,  
12103, 12109, and 12112 (MCL 324.11104, 324.11108, 324.11130,  
324.11135, 324.12101, 324.12102, 324.12103, 324.12109, and  
324.12112), sections 11104 and 11130 as amended by 1998 PA 139  
and sections 12101, 12102, 12103, and 12109 as amended by 1998  
PA 140, and by adding sections 5419 and 11153; and to repeal acts  
and  
parts of acts.]

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

[SEC. 5419. (1) BEGINNING ON THE EFFECTIVE DATE OF THE  
REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR  
ARSENIC, THE DEPARTMENT SHALL IMPLEMENT AN ARSENIC TESTING PROGRAM.  
THE ARSENIC TESTING PROGRAM SHALL PROVIDE FREE TESTING OF PRIVATE  
DRINKING WATER WELLS FOR THE PRESENCE OF ARSENIC IN GEOGRAPHIC AREAS  
OF THE STATE WHERE THE DEPARTMENT KNOWS OR SUSPECTS THAT THERE ARE  
HIGH LEVELS OF ARSENIC.

(2) IN PROMOTING FREE DRINKING WATER TESTS UNDER THE ARSENIC  
TESTING PROGRAM, THE DEPARTMENT SHALL ENCOURAGE HOUSEHOLDS  
CONTAINING SENIOR CITIZENS, CHILDREN, AND INDIVIDUALS WITH MEDICAL  
ILLNESSES TO HAVE THEIR DRINKING WATER TESTED.

(3) AFTER THE DEPARTMENT CONDUCTS A TEST ON THE LEVEL OF  
ARSENIC IN WATER FROM A DRINKING WATER WELL, THE DEPARTMENT SHALL  
NOTIFY THE RESIDENT OR RESIDENTS OF THE HOUSEHOLD OF THE LEVEL OF  
ARSENIC IN THE DRINKING WATER SAMPLE AND WHETHER THAT LEVEL EXCEEDS  
THE FEDERAL DRINKING WATER STANDARD FOR ARSENIC. IN ADDITION TO THE  
RESULTS OF THE ARSENIC TEST, THE DEPARTMENT SHALL PROVIDE THE  
RESIDENT OR RESIDENTS WITH EDUCATIONAL MATERIALS ABOUT GROUNDWATER  
CONTAMINATION AND SHALL IDENTIFY OTHER SUBSTANCES THAT THE RESIDENT  
OR RESIDENTS MAY WANT TO CONSIDER HAVING THE DRINKING WATER TESTED  
FOR.

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(4) BEGINNING ON THE EFFECTIVE DATE OF THE REGULATION THAT PROVIDES A NEW FEDERAL DRINKING WATER STANDARD FOR ARSENIC, THE DEPARTMENT SHALL ESTABLISH AN ARSENIC EDUCATION PROGRAM THAT WILL PRODUCE EDUCATIONAL MATERIALS TO BE MADE AVAILABLE TO LOCAL HEALTH DEPARTMENTS IN GEOGRAPHIC AREAS OF THE STATE THAT THE DEPARTMENT KNOWS TO CONTAIN LEVELS OF ARSENIC ABOVE THE NEW FEDERAL DRINKING WATER STANDARD. IN ADDITION, THE DEPARTMENT SHALL MAKE THIS INFORMATION AVAILABLE ON THE DEPARTMENT WEBSITE.

(5) BY OCTOBER 1, 2002, THE DEPARTMENT SHALL, BASED UPON DATA AVAILABLE TO THE DEPARTMENT AND IN CONJUNCTION WITH LOCAL HEALTH DEPARTMENTS, PRODUCE MAPS ON A COUNTY BY COUNTY BASIS TO DENOTE GEOGRAPHIC AREAS THAT THE DEPARTMENT KNOWS TO CONTAIN ARSENIC, NITRATES, OR VOLATILE ORGANIC COMPOUNDS. THE MAPS SHALL BE AVAILABLE TO LOCAL HEALTH DEPARTMENTS AND LOCAL PUBLIC LIBRARIES AND SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE.

(6) BY MARCH 15, 2002 AND SEPTEMBER 30, 2002, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE LEGISLATURE ON THE STATUS OF THE IMPLEMENTATION OF THIS SECTION.

(7) THE DEPARTMENT MAY PROMULGATE RULES TO IMPLEMENT THIS SECTION.

(8) AS USED IN THIS SECTION:

(A) "LOCAL HEALTH DEPARTMENT" MEANS THAT TERM AS IT IS DEFINED IN SECTION 1105 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.1105.

(B) "FEDERAL DRINKING WATER STANDARD FOR ARSENIC" MEANS THE STANDARD PROMULGATED UNDER SECTION 1412 OF PART B OF TITLE XIV OF THE PUBLIC HEALTH SERVICE ACT, CHAPTER 373, 88 STAT. 1660, 42 U.S.C. 300g-1, POPULARLY KNOWN AS THE SAFE DRINKING WATER ACT.]

1       Sec. 11104. (1) "Operator" means the person responsible for  
2 the overall operation of a disposal, treatment, or storage facil-  
3 ity with approval of the department either by contract or  
4 license.

5       (2) "SITE IDENTIFICATION NUMBER" MEANS A NUMBER THAT IS  
6 ASSIGNED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR

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1 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S DESIGNEE TO  
2 EACH GENERATOR, EACH TRANSPORTER, AND EACH TREATMENT, STORAGE, OR  
3 DISPOSAL FACILITY. IF THE GENERATOR OR TRANSPORTER OR THE TREAT-  
4 MENT, STORAGE, OR DISPOSAL FACILITY MANAGES WASTES THAT ARE HAZ-  
5 ARDOUS UNDER THIS PART AND THE RULES PROMULGATED UNDER THIS PART  
6 BUT ARE NOT HAZARDOUS UNDER THE SOLID WASTE DISPOSAL ACT, SITE  
7 IDENTIFICATION NUMBER MEANS AN EQUIVALENT NUMBER THAT IS ASSIGNED  
8 BY THE DEPARTMENT.

9 (3) ~~(2)~~ "Solid waste" means that term as it is defined in  
10 part 115.

11 (4) ~~(3)~~ "Storage" means the holding of hazardous waste for  
12 a temporary period, at the end of which the hazardous waste is  
13 treated, disposed of, or stored elsewhere.

14 (5) ~~(4)~~ "Storage facility" means a facility or part of a  
15 facility where managed hazardous waste, as defined by rule, is  
16 subject to storage. A generator who accumulates managed hazard-  
17 ous waste, as defined by rule, on site in containers or tanks for  
18 less than 91 days or a period of time prescribed by rule is not a  
19 storage facility.

20 (6) ~~(5)~~ "Surface impoundment" or "impoundment" means a  
21 treatment, storage, or disposal facility or part of a treatment,  
22 storage, or disposal facility that is a natural topographic  
23 depression, human-made excavation, or diked area formed primarily  
24 of earthen materials, although it may be lined with human-made  
25 materials, that is designed to hold an accumulation of liquid  
26 wastes or wastes containing free liquids, and that is not an  
27 injection well. Surface impoundments include, but are not

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1 limited to, holding, storage, settling, and aeration pits, ponds,  
2 and lagoons.

3       (7) ~~(6)~~ "The solid waste disposal act" means title II of  
4 Public Law 89-272, 42 U.S.C. 6901, 6902 to 6907, 6911, 6912 to  
5 6914a, 6915 to 6916, 6921 to 6939e, 6941, 6942 to 6949a, 6951 to  
6 6956, 6961 to 6964, 6971 to 6979b, 6981 to 6987, 6991 to 6991i,  
7 and 6992 to 6992k.

8       (8) ~~(7)~~ "Transporter" means a person engaged in the  
9 off-site transportation of hazardous waste by air, rail, highway,  
10 or water.

11       (9) ~~(8)~~ "Treatment" means any method, technique, or pro-  
12 cess, including neutralization, designed to change the physical,  
13 chemical, or biological character or composition of any hazardous  
14 waste, to neutralize the waste, to recover energy or material  
15 resources from the waste, or to render the waste nonhazardous or  
16 less hazardous, safer to transport, store, or dispose of, amena-  
17 ble to recovery, amenable to storage, or reduced in volume.  
18 Treatment includes any activity or processing designed to change  
19 the physical form or chemical composition of hazardous waste so  
20 as to render it nonhazardous.

21       (10) ~~(9)~~ "Treatment facility" means a facility or part of  
22 a facility where managed hazardous waste, as defined by rule, is  
23 subject to treatment.

24       (11) ~~(10)~~ "Updated plan" means the updated state hazardous  
25 waste management plan prepared under section 11110.

26       (12) ~~(11)~~ "Vehicle" means a transport vehicle as defined  
27 in 49 C.F.R. 171.8.

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1           Sec. 11108. (1) Except as otherwise provided in this  
2 section, each owner or operator of a landfill shall pay to the  
3 department a fee assessed on hazardous waste disposed of in a  
4 landfill. The fee shall be based on the quantity of HAZARDOUS  
5 waste specified on the manifest or monthly operating report and  
6 shall be \$10.00 per ton, \$10.00 per cubic yard, or 1/2 cent per  
7 pound depending on the unit of measure used by the owner or oper-  
8 ator to calculate the fee. The fee for fractional quantities of  
9 hazardous waste shall be proportional. If the HAZARDOUS waste is  
10 required to be listed on a manifest and the owner or operator of  
11 the landfill determines that the HAZARDOUS waste quantity figure  
12 on the manifest is not accurate, the owner or operator shall cor-  
13 rect the HAZARDOUS waste quantity figure on all manifest copies  
14 accompanying the shipment, note the reason for the changes in the  
15 discrepancy indication space on the manifest, and assess the fee  
16 in accordance with the corrected HAZARDOUS waste quantity  
17 figure. Payment shall be made within 30 days after the close of  
18 each quarter. The landfill owner or operator shall assess  
19 off-site generators the fee. The fee for hazardous waste that is  
20 generated and disposed of on the site of a landfill owner or  
21 operator shall be paid by that owner or operator.

22           (2) Except as otherwise provided in this section, each owner  
23 or operator of a solidification facility licensed pursuant to  
24 section 11123 shall pay to the department a fee assessed on haz-  
25 ardous waste received at the solidification facility. The fee  
26 shall be based on the quantity of HAZARDOUS waste specified on  
27 the manifest or monthly operating report and shall be \$10.00 per

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1 ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per  
2 pound depending on the unit of measure used by the owner or oper-  
3 ator to calculate the fee. The fee for fractional quantities of  
4 hazardous waste shall be proportional. If the HAZARDOUS waste is  
5 required to be listed on a manifest and the owner or operator of  
6 the solidification facility determines that the HAZARDOUS waste  
7 quantity figure on the manifest is not accurate, the owner or  
8 operator shall correct the HAZARDOUS waste quantity figure on all  
9 manifest copies accompanying the shipment, note the reason for  
10 the change in the discrepancy indication space on the manifest,  
11 and assess the fee in accordance with the corrected HAZARDOUS  
12 waste quantity figure. Payment shall be made within 30 days  
13 after the close of each quarter. The solidification facility  
14 owner or operator shall assess off-site generators the fee. The  
15 fee for hazardous waste that is generated and solidified on the  
16 site of a solidification owner or operator shall be paid by that  
17 owner or operator.

18 (3) The following hazardous waste is exempt from the fees  
19 provided for in this section:

20 (a) Ash that results from the incineration of hazardous  
21 waste or the incineration of solid waste as defined in part 115.

22 (b) Hazardous waste exempted by rule because of its charac-  
23 ter or the treatment it has received.

24 (c) Hazardous waste that is removed from a site of environ-  
25 mental contamination that is included in a list submitted to the  
26 legislature pursuant to section 20105, or hazardous waste that is

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1 removed as part of a site cleanup activity at the expense of the  
2 state or federal government.

3 (d) Solidified hazardous waste produced by a solidification  
4 facility licensed pursuant to section 11123 and destined for land  
5 disposal.

6 (e) Hazardous waste generated pursuant to a 1-time closure  
7 or site cleanup activity in this state if the closure or cleanup  
8 activity has been authorized in writing by the department.

9 Hazardous waste resulting from the cleanup of inadvertent  
10 releases which occur after March 30, 1988 is not exempt from the  
11 fee.

12 (f) Primary and secondary wastewater treatment solids from a  
13 wastewater treatment plant that includes an aggressive biological  
14 treatment facility as defined in section 3005(j)(12)(B) of subti-  
15 tle C of the solid waste disposal act, TITLE II OF PUBLIC LAW  
16 89-272, 42 U.S.C. 6925.

17 (g) Emission control dust or sludge from the primary produc-  
18 tion of steel in electric furnaces.

19 (4) An owner or operator of a landfill or solidification  
20 facility shall assess or pay the fee described in this section  
21 unless a written signed certification is provided by the genera-  
22 tor indicating that the HAZARDOUS waste is exempt from the fee.  
23 If the HAZARDOUS waste that is exempt from the fee is required to  
24 be listed on a manifest, the certification shall contain the man-  
25 ifest number of the shipment and the specific fee exemption for  
26 which the HAZARDOUS waste qualifies. If the HAZARDOUS waste that  
27 is exempt from the fee is not required to be listed on a

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1 manifest, the certification shall provide the volume of exempt  
2 HAZARDOUS waste, the waste code or waste codes of the exempt  
3 waste, the date of disposal or solidification, and the specific  
4 fee exemption for which the HAZARDOUS waste qualifies. The owner  
5 or operator of the landfill or solidification facility shall  
6 retain this certification for 4 years from the date of receipt.

7 (5) The department or a health department certified pursuant  
8 to section 11145 shall evaluate the accuracy of generator fee  
9 exemption certifications and shall take enforcement action  
10 against a generator who files a false certificate. In addition,  
11 the department shall take enforcement action to collect fees that  
12 are not paid as required by this section.

13 (6) The landfill owner or operator and the solidification  
14 facility owner or operator shall forward fee revenue due to the  
15 department with a completed form that is provided or approved by  
16 the department. The owner or operator shall certify that all  
17 information provided in the form is accurate. The form shall  
18 include the following information:

19 (a) The volume of HAZARDOUS waste subject to a fee.

20 (b) The name of each generator who was assessed a fee, the  
21 generator's identification number, manifest numbers, HAZARDOUS  
22 waste volumes, and the amount of the fee assessed.

23 (7) A generator who documents to the department, on a form  
24 provided by the department, a reduction in the amount of hazard-  
25 ous waste generated as a result of a process change, or documents  
26 a reduction in the amount of hazardous waste that is being  
27 disposed of in a landfill, either directly or following



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1 solidification at a solidification facility, as a result of a  
2 process change or the generator's increased use of source separa-  
3 tion, input substitution, process reformulation, recycling,  
4 treatment, or an exchange of hazardous waste that results in a  
5 utilization of that HAZARDOUS waste, is eligible for a refund  
6 from the state. The refund shall be in the amount of \$10.00 per  
7 ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per  
8 pound of HAZARDOUS waste reduced or managed through an alterna-  
9 tive to landfill disposal. A generator is not eligible to  
10 receive a refund for that portion of a reduction in the amount of  
11 hazardous waste generated that is attributable to a decrease in  
12 the generator's level of production of the products that resulted  
13 in the generation of the hazardous waste.

14       (8) ~~Commencing in 1990 and in each following year, a~~ A  
15 generator seeking a refund shall calculate the refund due by com-  
16 paring HAZARDOUS waste generation, treatment, and disposal activ-  
17 ity in the calendar year immediately preceding the date of filing  
18 with HAZARDOUS waste generation, treatment, and disposal activity  
19 in the calendar year 2 years prior to the date of filing.

20       (9) To be eligible for a refund, a generator shall file a  
21 request with the department by June 30 of the year following the  
22 year for which the refund is being claimed.

23       (10) A refund shall not exceed the total fees paid by the  
24 generator to the landfill operator or owner and the solidifica-  
25 tion facility operator or owner.

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1 (11) A form submitted by the generator as provided for in  
2 subsection (7) shall be certified by the generator or the  
3 generator's authorized agent.

4 (12) The department shall maintain information regarding the  
5 landfill disposal fees received and refunds provided ~~pursuant~~  
6 ~~to~~ UNDER this section.

7 (13) The fees collected ~~pursuant to~~ UNDER this section  
8 shall be forwarded to the state treasurer and deposited in the  
9 ~~general fund to be appropriated to~~ WASTE REDUCTION FUND CREATED IN  
SUBSECTION (14).

(14) THE WASTE REDUCTION FUND IS CREATED WITHIN THE STATE  
TREASURY. THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM  
ANY SOURCE FOR DEPOSIT INTO THE WASTE REDUCTION FUND. THE STATE  
TREASURER SHALL DIRECT THE INVESTMENT OF THE WASTE REDUCTION FUND.  
THE STATE TREASURER SHALL CREDIT TO THE WASTE REDUCTION FUND  
INTEREST AND EARNINGS FROM WASTE REDUCTION FUND INVESTMENTS. MONEY  
IN THE WASTE REDUCTION FUND AT THE CLOSE OF THE FISCAL YEAR SHALL  
REMAIN IN THE WASTE REDUCTION FUND AND SHALL NOT LAPSE TO THE  
GENERAL FUND. MONEY FROM THE WASTE REDUCTION FUND SHALL BE EXPENDED,  
UPON APPROPRIATION, ONLY FOR 1 OR MORE OF THE FOLLOWING PURPOSES:

10 (A) TO pay refunds to generators under this section. ~~and~~

11 ~~to~~

12 (B) TO fund programs created under part 143 and part 145.

13 (C) NOT MORE THAN \$500,000.00 TO IMPLEMENT SECTION 3103A.

14 (D) FOR STATE FISCAL YEARS 2002 AND 2003, TO FUND PROGRAMS  
15 CREATED UNDER PART 111.

[(E) NOT MORE THAN \$500,000.00 TO IMPLEMENT SECTION 5419.]

16 Sec. 11130. (1) The ~~hazardous waste transporter account is~~  
17 ~~created within the~~ environmental pollution prevention fund  
18 ~~which is hereby~~ created in the state treasury.

19 (2) The state treasurer may receive money or other assets  
20 from any source for deposit into the ENVIRONMENTAL POLLUTION PRE-  
21 VENTION FUND OR INTO AN account WITHIN THE ENVIRONMENTAL POLLU-  
22 TION PREVENTION FUND. The state treasurer shall direct the  
23 investment of the ~~account~~ ENVIRONMENTAL POLLUTION PREVENTION  
24 FUND. The state treasurer shall credit to ~~the~~ EACH account  
25 WITHIN THE ENVIRONMENTAL POLLUTION PREVENTION FUND interest and  
26 earnings from account investments.

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1 (3) Money remaining in the ~~account~~ ENVIRONMENTAL POLLUTION  
2 PREVENTION FUND AND IN ANY ACCOUNT WITHIN THE ENVIRONMENTAL  
3 POLLUTION PREVENTION FUND at the close of the fiscal year shall  
4 not lapse to the general fund.

5 (4) THE HAZARDOUS WASTE TRANSPORTER ACCOUNT IS CREATED  
6 WITHIN THE ENVIRONMENTAL POLLUTION PREVENTION FUND. The depart-  
7 ment shall expend money from the HAZARDOUS WASTE TRANSPORTER  
8 account, upon appropriation, for the implementation of this  
9 part. In addition, funds not expended for the implementation of  
10 this part may be utilized for emergency response and cleanup  
11 activities related to hazardous waste that are initiated by the  
12 department.

13 (5) THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE USERS  
14 ACCOUNT IS CREATED WITHIN THE ENVIRONMENTAL POLLUTION PREVENTION  
15 FUND. THE DEPARTMENT SHALL EXPEND MONEY FROM THE HAZARDOUS WASTE  
16 AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT, UPON APPROPRIATION, TO  
17 IMPLEMENT THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM IN  
18 ACCORDANCE WITH THIS PART AND THE RULES PROMULGATED UNDER THIS  
19 PART. THE TARGET REVENUE PROJECTION FOR THE HAZARDOUS WASTE AND  
20 LIQUID INDUSTRIAL WASTE USERS ACCOUNT IS \$1,600,000.00.

21 Sec. 11135. (1) A hazardous waste generator shall provide a  
22 separate manifest to the transporter for each load of hazardous  
23 waste transported to property that is not on the site where it  
24 was generated. ~~The~~ BEGINNING ON OCTOBER 1, 2002 AND UNTIL  
25 MARCH 31, 2008, A PERSON REQUIRED TO PREPARE A MANIFEST SHALL  
26 SUBMIT TO THE DEPARTMENT A MANIFEST PROCESSING USER CHARGE OF  
27 \$6.00 PER MANIFEST AND HIS OR HER TAX IDENTIFICATION NUMBER.

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1 EACH CALENDAR YEAR, THE DEPARTMENT MAY ADJUST THE MANIFEST  
2 PROCESSING USER CHARGE AS NECESSARY TO ENSURE THAT THE TOTAL  
3 CUMULATIVE AMOUNT OF THE USER CHARGES ASSESSED PURSUANT TO THIS  
4 SECTION AND SECTIONS 11153, 12103, 12109, AND 12112 ARE CONSIS-  
5 TENT WITH THE TARGET REVENUE PROJECTION FOR THE HAZARDOUS WASTE  
6 AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT AS PROVIDED FOR IN SEC-  
7 TION 11130(5). HOWEVER, THE MANIFEST PROCESSING USER CHARGE  
8 SHALL NOT EXCEED \$8.00 PER MANIFEST. MONEY COLLECTED UNDER THIS  
9 SUBSECTION SHALL BE FORWARDED TO THE STATE TREASURER FOR DEPOSIT  
10 INTO THE ENVIRONMENTAL POLLUTION PREVENTION FUND CREATED IN SEC-  
11 TION 11130 AND CREDITED TO THE HAZARDOUS WASTE AND LIQUID INDUS-  
12 TRIAL WASTE USERS ACCOUNT CREATED IN SECTION 11130(5).

13 (2) PAYMENT OF THE MANIFEST PROCESSING USER CHARGES UNDER  
14 SUBSECTION (1) SHALL BE MADE USING A FORM PROVIDED BY THE  
15 DEPARTMENT. BEGINNING IN 2004, THE DEPARTMENT SHALL SEND A FORM  
16 TO EACH PERSON SUBJECT TO THE MANIFEST PROCESSING USER CHARGE BY  
17 FEBRUARY 28 OF EACH YEAR. THE FORM SHALL SPECIFY THE NUMBER OF  
18 MANIFESTS PREPARED BY THAT PERSON AND PROCESSED BY THE DEPARTMENT  
19 DURING THE PREVIOUS FISCAL YEAR. BEGINNING IN 2004, A PERSON  
20 SUBJECT TO THE MANIFEST PROCESSING USER CHARGE SHALL RETURN THE  
21 COMPLETED FORM AND THE APPROPRIATE PAYMENT TO THE DEPARTMENT BY  
22 APRIL 30 OF EACH YEAR.

23 (3) A PERSON WHO FAILS TO PROVIDE TIMELY AND ACCURATE INFOR-  
24 MATION, A COMPLETE FORM, OR THE APPROPRIATE MANIFEST PROCESSING  
25 USER CHARGE AS PROVIDED FOR IN THIS SECTION IS IN VIOLATION OF  
26 THIS PART AND IS SUBJECT TO BOTH OF THE FOLLOWING:

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1 (A) PAYMENT OF THE MANIFEST PROCESSING USER CHARGE AND AN  
2 ADMINISTRATIVE FINE OF 5% PER MONTH OF THE AMOUNT OWED FOR EACH  
3 MONTH THAT THE PAYMENT IS DELINQUENT. ANY PAYMENTS RECEIVED AFTER  
4 THE 15TH OF THE MONTH AFTER THE DUE DATE SHALL BE CONSIDERED  
5 DELINQUENT. HOWEVER, THE ADMINISTRATION FINE SHALL NOT EXCEED 25% OF THE TOTAL AMOUNT OWED.

6 (B) BEGINNING 5 MONTHS AFTER THE DATE PAYMENT OF THE MANI-  
7 FEST USER CHARGE IS DUE, BUT NOT PAID, AT THE REQUEST OF THE  
8 DEPARTMENT, AN ACTION BY THE ATTORNEY GENERAL FOR THE COLLECTION  
9 OF THE AMOUNT OWED UNDER SUBDIVISION (A) AND THE ACTUAL COST TO  
10 THE DEPARTMENT IN ATTEMPTING TO COLLECT THE AMOUNT OWED UNDER  
11 SUBDIVISION (A).

12 (4) ANY AMOUNTS COLLECTED UNDER SUBSECTION (3) FOR A VIOLA-  
13 TION OF THIS SECTION SHALL BE FORWARDED TO THE STATE TREASURER  
14 AND DEPOSITED IN THE ENVIRONMENTAL POLLUTION PREVENTION FUND CRE-  
15 ATED IN SECTION 11130 AND CREDITED TO THE HAZARDOUS WASTE AND  
16 LIQUID INDUSTRIAL WASTE USERS ACCOUNT CREATED IN SECTION  
17 11130(5).

18 (5) THE DEPARTMENT SHALL MAINTAIN INFORMATION REGARDING THE  
19 MANIFEST PROCESSING USER CHARGES RECEIVED UNDER THIS SECTION AS  
20 NECESSARY TO SATISFY THE REPORTING REQUIREMENTS OF SUBSECTION  
21 (6).

22 (6) BEGINNING IN 2005, THE DEPARTMENT SHALL EVALUATE THE  
23 EFFECTIVENESS AND ADEQUACY OF THE MANIFEST PROCESSING USER  
24 CHARGES COLLECTED UNDER THIS SECTION RELATIVE TO THE OVERALL REV-  
25 ENUE NEEDS OF THE STATE'S HAZARDOUS WASTE MANAGEMENT PROGRAM  
26 ADMINISTERED UNDER THIS PART. BEGINNING IN 2006, NOT LATER THAN  
APRIL 1 OF EACH EVEN-NUMBERED YEAR, THE DEPARTMENT SHALL

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1 SUMMARIZE ITS FINDINGS UNDER THIS SUBSECTION IN A REPORT AND  
2 SHALL PROVIDE THAT REPORT TO THE LEGISLATURE.

3 (7) A generator shall include on the manifest details as  
4 specified by the department and shall at least include sufficient  
5 qualitative and quantitative analysis and physical description to  
6 evaluate toxicity and methods of transportation, storage, and  
7 disposal. The manifest also shall include safety precautions as  
8 necessary for each load of HAZARDOUS waste. The generator shall  
9 submit to the department a copy of the manifest within a period  
10 of 10 days after the end of the month for each load of HAZARDOUS  
11 waste transported within that month.

12 (8) ~~-(2)-~~ The generator shall certify that the information  
13 contained on the manifest is factual.

14 (9) ~~-(3)-~~ The specified destination of each load of hazard-  
15 ous waste IDENTIFIED ON THE MANIFEST shall be a designated  
16 facility.

17 (10) ~~-(4)-~~ A generator who does not receive a copy of the  
18 manifest with the handwritten signature of the owner or operator  
19 of the designated facility within 35 days of the date the  
20 HAZARDOUS waste was accepted by the initial transporter shall  
21 contact the transporter to determine the status of the hazardous  
22 waste. If the generator is unable to determine the status of the  
23 hazardous waste upon contacting the transporter, the generator  
24 shall contact th owner or operator of the designated facility to  
25 which the HAZARDOUS waste was to be transported to determine the  
26 status of the HAZARDOUS waste.

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1       (11) ~~(5)~~ A generator shall submit an exception report to  
2 the department if the generator has not received a copy of the  
3 manifest with the handwritten signature of the owner or operator  
4 of the designated facility within 45 days of the date the  
5 HAZARDOUS waste was accepted by the initial transporter. The  
6 exception report shall include the following:

7       (a) A legible copy of the manifest for which the generator  
8 does not have confirmation of delivery.

9       (b) A cover letter signed by the generator or the  
10 generator's authorized representative explaining the efforts  
11 taken to locate the hazardous waste and the results of those  
12 efforts.

13       (12) ~~(6)~~ A generator shall keep a copy of each manifest  
14 signed and dated by the initial transporter for 3 years or until  
15 the generator receives a signed and dated copy from the owner or  
16 operator of the designated facility that received the HAZARDOUS  
17 waste. The generator shall keep the copy of the manifest signed  
18 and dated by the owner or operator of the designated facility for  
19 3 years. The retention periods required by this subsection shall  
20 be automatically extended during the course of any unresolved  
21 enforcement action regarding the regulated activity or as  
22 required by the department.

23       SEC. 11153. (1) A GENERATOR, TRANSPORTER, OR TREATMENT,  
24 STORAGE, OR DISPOSAL FACILITY SHALL OBTAIN AND UTILIZE A SITE  
25 IDENTIFICATION NUMBER ASSIGNED BY THE UNITED STATES ENVIRONMENTAL  
26 PROTECTION AGENCY OR THE DEPARTMENT. BEGINNING ON OCTOBER 1,  
27 2002 AND UNTIL MARCH 31, 2008, THE DEPARTMENT SHALL ASSESS A SITE

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1 IDENTIFICATION NUMBER USER CHARGE OF \$50.00 FOR EACH SITE  
2 IDENTIFICATION NUMBER IT ISSUES. THE DEPARTMENT SHALL NOT ISSUE  
3 A SITE IDENTIFICATION NUMBER UNDER THIS SUBSECTION UNLESS THE  
4 SITE IDENTIFICATION NUMBER USER CHARGE AND THE TAX IDENTIFICATION  
5 NUMBER FOR THE PERSON APPLYING FOR THE SITE IDENTIFICATION NUMBER  
6 HAVE BEEN RECEIVED BY THE DEPARTMENT.

7 (2) BEGINNING ON OCTOBER 1, 2002 AND UNTIL MARCH 31, 2008,  
8 EXCEPT AS PROVIDED IN SUBSECTION (9), THE DEPARTMENT SHALL ANNU-  
9 ALLY ASSESS HANDLER USER CHARGES AS FOLLOWS:

10 (A) A GENERATOR SHALL PAY A HANDLER USER CHARGE THAT IS THE  
11 HIGHEST OF THE FOLLOWING APPLICABLE FEES:

12 (i) A GENERATOR WHO GENERATES MORE THAN 100 KILOGRAMS BUT  
13 LESS THAN 1,000 KILOGRAMS OF HAZARDOUS WASTE IN ANY MONTH DURING  
14 A CALENDAR YEAR SHALL PAY TO THE DEPARTMENT AN ANNUAL HANDLER  
15 USER CHARGE OF \$100.00.

16 (ii) A GENERATOR WHO GENERATES 1,000 KILOGRAMS OR MORE OF  
17 HAZARDOUS WASTE IN ANY MONTH DURING THE CALENDAR YEAR AND WHO  
18 GENERATES LESS THAN 900,000 KILOGRAMS DURING THE CALENDAR YEAR  
19 SHALL PAY TO THE DEPARTMENT AN ANNUAL HANDLER USER CHARGE OF  
20 \$400.00.

21 (iii) A GENERATOR WHO GENERATES 1,000 KILOGRAMS OR MORE OF  
22 HAZARDOUS WASTE IN ANY MONTH DURING THE CALENDAR YEAR AND WHO  
23 GENERATES 900,000 KILOGRAMS OR MORE OF HAZARDOUS WASTE DURING THE  
24 CALENDAR YEAR SHALL PAY TO THE DEPARTMENT AN ANNUAL HANDLER USER  
25 CHARGE OF \$1,000.00.

26 (B) AN OWNER OR OPERATOR OF A TREATMENT, STORAGE, OR  
27 DISPOSAL FACILITY FOR WHICH AN OPERATING LICENSE IS REQUIRED



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1 UNDER SECTION 11123 OR FOR WHICH AN OPERATING LICENSE HAS BEEN  
2 ISSUED UNDER SECTION 11122 OR 11125 SHALL PAY TO THE DEPARTMENT  
3 AN ANNUAL HANDLER USER CHARGE OF \$2,000.00.

4 (C) A USED OIL PROCESSOR OR REREFINER, A USED OIL BURNER, OR  
5 A USED OIL FUEL MARKETER AS DEFINED IN THE RULES PROMULGATED  
6 UNDER THIS PART SHALL PAY TO THE DEPARTMENT AN ANNUAL HANDLER  
7 USER CHARGE OF \$100.00.

8 (3) THE HANDLER USER CHARGES SHALL BE BASED ON EACH OF THE  
9 ACTIVITIES ENGAGED IN BY THE HANDLER DURING THE PREVIOUS CALENDAR  
10 YEAR. A HANDLER SHALL PAY THE HANDLER USER CHARGE SPECIFIED IN  
11 SUBSECTION (2)(A) TO (C) FOR EACH OF THE ACTIVITIES CONDUCTED  
12 DURING THE PREVIOUS CALENDAR YEAR.

13 (4) PAYMENT OF THE HANDLER USER CHARGES SHALL BE MADE USING  
14 A FORM PROVIDED BY THE DEPARTMENT. THE HANDLER SHALL CERTIFY  
15 THAT THE INFORMATION ON THE FORM IS ACCURATE. BEGINNING IN 2003,  
16 THE DEPARTMENT SHALL SEND FORMS TO THE HANDLERS BY FEBRUARY 28 OF  
17 EACH YEAR UNLESS THE HANDLER USER CHARGES HAVE BEEN SUSPENDED AS  
18 PROVIDED FOR IN SUBSECTION (9). BEGINNING IN 2003, A HANDLER  
19 SHALL RETURN THE COMPLETED FORMS AND THE APPROPRIATE PAYMENT TO  
20 THE DEPARTMENT BY APRIL 30 OF EACH YEAR UNLESS THE HANDLER USER  
21 CHARGES HAVE BEEN SUSPENDED AS PROVIDED FOR IN SUBSECTION (9).

22 (5) A HANDLER WHO FAILS TO PROVIDE TIMELY AND ACCURATE  
23 INFORMATION, A COMPLETE FORM, OR THE APPROPRIATE HANDLER USER  
24 CHARGE IS IN VIOLATION OF THIS PART AND IS SUBJECT TO BOTH OF THE  
25 FOLLOWING:

26 (A) PAYMENT OF THE HANDLER USER CHARGE AND AN ADMINISTRATIVE  
27 FINE OF 5% PER MONTH OF THE AMOUNT OWED FOR EACH MONTH THAT THE

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1 PAYMENT IS DELINQUENT. ANY PAYMENTS RECEIVED AFTER THE 15TH OF THE  
MONTH AFTER THE DUE DATE SHALL BE CONSIDERED DELINQUENT. HOWEVER,  
2 THE ADMINISTRATIVE FINE SHALL  
NOT EXCEED 25% OF THE TOTAL AMOUNT OWED.

3 (B) BEGINNING 5 MONTHS AFTER THE DATE PAYMENT OF THE HANDLER  
4 USER CHARGE IS DUE, BUT NOT PAID, AT THE REQUEST OF THE DEPART-  
5 MENT, AN ACTION BY THE ATTORNEY GENERAL FOR THE COLLECTION OF THE  
6 AMOUNT OWED UNDER SUBDIVISION (A) AND THE ACTUAL COST TO THE  
7 DEPARTMENT IN ATTEMPTING TO COLLECT THE AMOUNT OWED UNDER  
8 SUBDIVISION (A).

9 (6) THE DEPARTMENT SHALL MAINTAIN INFORMATION REGARDING THE  
10 SITE IDENTIFICATION NUMBER USER CHARGES UNDER SUBSECTION (1) AND  
11 THE HANDLER USER CHARGES RECEIVED UNDER THIS SECTION AS NECESSARY  
12 TO SATISFY THE REPORTING REQUIREMENTS OF SUBSECTION (8).

13 (7) THE SITE IDENTIFICATION NUMBER USER CHARGES AND THE HAN-  
14 DLER USER CHARGES COLLECTED UNDER THIS SECTION AND ANY AMOUNTS  
15 COLLECTED UNDER SUBSECTION (5) FOR A VIOLATION OF THIS SECTION  
16 SHALL BE FORWARDED TO THE STATE TREASURER AND DEPOSITED IN THE  
17 ENVIRONMENTAL POLLUTION PREVENTION FUND CREATED IN SECTION 11130  
18 AND CREDITED TO THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE  
19 USERS ACCOUNT CREATED IN SECTION 11130(5).

20 (8) BEGINNING IN 2005, THE DEPARTMENT SHALL EVALUATE THE  
21 EFFECTIVENESS AND ADEQUACY OF THE SITE IDENTIFICATION NUMBER USER  
22 CHARGES AND THE HANDLER USER CHARGES COLLECTED UNDER THIS SECTION  
23 RELATIVE TO THE OVERALL REVENUE NEEDS OF THE STATE'S HAZARDOUS  
24 WASTE MANAGEMENT PROGRAM ADMINISTERED UNDER THIS PART. BEGINNING  
25 IN 2006, NOT LATER THAN APRIL 1 OF EACH EVEN-NUMBERED YEAR, THE  
26 DEPARTMENT SHALL SUMMARIZE ITS FINDINGS UNDER THIS SUBSECTION IN  
27 A REPORT AND SHALL PROVIDE THAT REPORT TO THE STATE LEGISLATURE.

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1 (9) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, IF  
2 THE BALANCE OF THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE  
3 USERS ACCOUNT CREATED IN SECTION 11130(5), AS OF DECEMBER 31 OF  
4 ANY YEAR, EXCEEDS \$3,200,000.00, THE DEPARTMENT SHALL SUSPEND THE  
5 HANDLER USER CHARGES UNTIL OCTOBER OF THE FOLLOWING YEAR.

6 (10) AS USED IN THIS SECTION:

7 (A) "HANDLER" MEANS THE PERSON REQUIRED TO PAY THE HANDLER  
8 USER CHARGE.

9 (B) "HANDLER USER CHARGE" MEANS THE ANNUAL HAZARDOUS WASTE  
10 MANAGEMENT PROGRAM USER CHARGE PROVIDED FOR IN SUBSECTION (2).

11 Sec. 12101. As used in this part:

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

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

17 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL  
18 QUALITY.

19 (D) ~~(c)~~ "Designated facility" means a treatment, storage,  
20 disposal, or reclamation facility that receives liquid industrial  
21 waste from off site.

22 (E) ~~(d)~~ "Discarded" means any of the following:

23 (i) Abandoned by being disposed of, burned, or incinerated;  
24 or accumulated, stored, or treated before, or instead of, being  
25 abandoned.

26 (ii) Accumulated, stored, or treated before being managed in  
27 1 of the following ways:

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1 (A) By being used or reused in a manner constituting  
2 disposal by being applied to or placed on the land or by being  
3 used to produce products that are applied to or placed on the  
4 land.

5 (B) By being burned to recover energy or used to produce a  
6 fuel.

7 (C) By reclamation.

8 (F) ~~(e)~~ "Discharge" means the accidental or intentional  
9 spilling, leaking, pumping, releasing, pouring, emitting, empty-  
10 ing, or dumping of liquid industrial waste into the land, air, or  
11 water.

12 (G) ~~(f)~~ "Disposal" means the abandonment, discharge,  
13 deposit, injection, dumping, spilling, leaking, or placing of a  
14 liquid industrial waste into or on land or water in such a manner  
15 that the liquid industrial waste may enter the environment, or be  
16 emitted into the air, or discharged into surface water or  
17 groundwater.

18 (H) ~~(g)~~ "Disposal facility" means a facility or a part of  
19 a facility at which liquid industrial waste is disposed.

20 (I) ~~(h)~~ "Facility" means all contiguous land and struc-  
21 tures, other appurtenances, and improvements on the land for  
22 treating, storing, disposing of, or reclamation of liquid indus-  
23 trial waste.

24 (J) ~~(i)~~ "Federal water pollution control act" means chap-  
25 ter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255  
26 to 1257, 1258 to 1263, 1265 TO 1270, 1281, 1282 to 1293, 1294 to

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1 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and  
2 1381 to 1387.

3 (K) ~~(j)~~ "Generator" means a person whose act or process  
4 produces liquid industrial waste.

5 (l) ~~(k)~~ "Liquid industrial waste" means any brine,  
6 by-product, industrial wastewater, leachate, off-specification  
7 commercial chemical product, sludge, sanitary sewer clean-out  
8 residue, storm sewer clean-out residue, grease trap clean-out  
9 residue, spill residue, used oil, or other liquid waste that is  
10 produced by, is incident to, or results from industrial, commer-  
11 cial, or governmental activity or any other activity or enter-  
12 prise determined to be liquid by method 9095 (paint filter liq-  
13 uids test) as described in "Test methods for evaluating solid  
14 wastes, physical/chemical methods," United States environmental  
15 protection agency publication no. SW-846, and which is  
16 discarded. Liquid industrial waste does not include any of the  
17 following:

18 (i) Hazardous waste regulated and required to be manifested  
19 ~~pursuant to~~ UNDER part 111.

20 (ii) Septage waste regulated ~~pursuant to~~ UNDER part 117.

21 (iii) Medical waste as defined in part 138 of the public  
22 health code, 1978 PA 368, MCL 333.13801 to 333.13831.

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

24 (v) A material that is used or reused as an effective sub-  
25 stitute for commercial products or returned to the original pro-  
26 cess, if the material does not require reclamation prior to use  
27 or reuse, is not directly burned to recover energy or used to

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1 produce a fuel, or is not applied to the land and not used in  
2 products applied to the land.

3 (vi) A household generated liquid waste.

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

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

13 (ix) A used oil that is directly burned to recover energy or  
14 used to produce a fuel if all of the following are met:

15 (A) The material meets the used oil specifications of part  
16 111.

17 (B) The material contains no greater than 2 ppm polychlori-  
18 nated biphenyls.

19 (C) The material has a minimum energy content of 17,000  
20 BTU/lb.

21 (D) The material is expressly authorized as a used oil fuel  
22 source, regulated under part 55, or, in another state, regulated  
23 under a similar air pollution control authority.

24 (x) A liquid fully contained inside a manufactured article,  
25 until the liquid is removed or the manufactured equipment is dis-  
26 carded at which point it becomes subject to this part.

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1           (xi) A liquid waste sample transported for testing to  
2 determine its characteristics or composition. The sample becomes  
3 subject to this part when discarded.

4           (xii) A LIQUID THAT IS NOT REGULATED UNDER PART 615 THAT IS  
5 GENERATED IN THE DRILLING, OPERATION, MAINTENANCE, OR CLOSURE OF  
6 A WELL, OR OTHER DRILLING OPERATION, INCLUDING THE INSTALLATION  
7 OF CATHODIC PROTECTION OR DIRECTIONAL DRILLING, IF EITHER OF THE  
8 FOLLOWING APPLIES:

9           (A) THE LIQUID IS LEFT IN PLACE AT THE POINT OF GENERATION  
10 IN COMPLIANCE WITH PART 31, 201, OR 213.

11           (B) THE LIQUID IS TRANSPORTED OFF-SITE FROM A LOCATION THAT  
12 IS NOT A KNOWN FACILITY AS DEFINED IN SECTION 20101, AND ALL OF  
13 THE FOLLOWING OCCUR:

14           (i) THE DISPOSAL COMPLIES WITH APPLICABLE PROVISIONS OF PART  
15 31 OR 115.

16           (ii) THE DISPOSAL IS NOT TO A SURFACE WATER.

17           (iii) THE LAND OWNER OF THE DISPOSAL SITE HAS AUTHORIZED THE  
18 DISPOSAL.

19           Sec. 12102. As used in this part:

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

21           (i) A form and instructions approved by the department used  
22 for identifying the quantity, composition, origin, routing, or  
23 destination of liquid industrial waste during its transportation  
24 from the point of generation to the point of disposal, treatment,  
25 storage, or reclamation.

26           (ii) For shipments of liquid industrial waste that are not  
27 generated or transported to a disposal, treatment, storage, or

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1 reclamation facility in this state, a United States environmental  
2 protection agency form number 8700-22, or its successor.

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

9 (c) "Peace officer" means any law enforcement officer who is  
10 trained and certified pursuant to the ~~Michigan law enforcement~~  
11 ~~officers training council act of 1965~~ COMMISSION ON LAW ENFORCE-  
12 MENT STANDARDS ACT, 1965 PA 203, MCL 28.601 to 28.616, or an  
13 officer appointed by the director of the department of state  
14 police pursuant to section 6d of 1935 PA 59, MCL 28.6d.

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

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

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



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1           (G) "SITE IDENTIFICATION NUMBER" MEANS A NUMBER THAT IS  
2 ASSIGNED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR  
3 THE DEPARTMENT TO A GENERATOR, TRANSPORTER, OR FACILITY. THE  
4 DEPARTMENT MAY ASSIGN A NUMBER TO A PERSON OR A FACILITY TO COVER  
5 MULTIPLE UNSTAFFED SITES THAT GENERATE UNIFORM TYPES OF LIQUID  
6 INDUSTRIAL WASTE.

7           (H) ~~(g)~~ "Storage" means the containment of liquid indus-  
8 trial waste, on a temporary basis, in a manner that does not con-  
9 stitute disposal of liquid industrial waste.

10           (I) ~~(h)~~ "Storage facility" means a facility or part of a  
11 facility where liquid industrial waste is stored.

12           (J) ~~(i)~~ "Surface impoundment" means a treatment, storage,  
13 or disposal facility or part of a treatment, storage, or disposal  
14 facility that is either a natural topographic depression, a  
15 human-made excavation, or a diked area formed primarily of  
16 earthen materials. A surface impoundment may be lined with  
17 human-made materials designed to hold an accumulation of liquid  
18 waste or waste containing free liquids and which is not an injec-  
19 tion well. Surface impoundments include, but are not limited to,  
20 holding, storage, settling, aeration pits, ponds, and lagoons.

21           (K) ~~(j)~~ "Tank" means a stationary device designed to con-  
22 tain an accumulation of liquid industrial waste that is con-  
23 structed primarily of nonearthen materials such as wood, con-  
24 crete, steel, or plastic to provide structural support.

25           (L) ~~(k)~~ "Transportation" means the movement of liquid  
26 industrial waste by air, rail, highway, or water.

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1 (M) ~~(t)~~ "Transporter" means a person engaged in the  
2 off-site transportation of liquid industrial waste by air, rail,  
3 highway, or water.

4 (N) ~~(m)~~ "Treatment" means any method, technique, or pro-  
5 cess, including neutralization, designed to change the physical,  
6 chemical, or biological character or composition of any liquid  
7 industrial waste, to neutralize the waste, or to render the waste  
8 safer to transport, store, or dispose of, amenable to recovery,  
9 amenable to storage, or reduced in volume.

10 (O) ~~(n)~~ "Treatment facility" means a facility or part of a  
11 facility at which liquid industrial waste is treated.

12 (P) ~~(o)~~ "Used oil" means any oil which has been refined  
13 from crude oil, or any synthetic oil, which has been used and  
14 which, as a result of the use, is contaminated by physical or  
15 chemical impurities.

16 (Q) ~~(p)~~ "Vehicle" means a transport vehicle as defined by  
17 49 C.F.R. 171.8.

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

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

22 (b) Obtain and utilize a ~~generator~~ SITE identification  
23 number assigned by the United States environmental protection  
24 agency or the department. BEGINNING ON OCTOBER 1, 2002 AND UNTIL  
25 MARCH 31, 2008, THE DEPARTMENT SHALL ASSESS A SITE IDENTIFICATION  
26 NUMBER USER CHARGE OF \$50.00 FOR EACH SITE IDENTIFICATION NUMBER  
27 IT ISSUES. THE DEPARTMENT SHALL NOT ISSUE A SITE IDENTIFICATION

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1 NUMBER UNDER THIS SUBDIVISION UNLESS THE SITE IDENTIFICATION  
2 NUMBER USER CHARGE AND THE TAX IDENTIFICATION NUMBER FOR THE  
3 PERSON APPLYING FOR THE SITE IDENTIFICATION NUMBER HAVE BEEN  
4 RECEIVED. MONEY COLLECTED UNDER THIS SUBDIVISION SHALL BE FOR-  
5 WARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE ENVIRONMENTAL  
6 POLLUTION PREVENTION FUND CREATED IN SECTION 11130 AND CREDITED  
7 TO THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT  
8 CREATED IN SECTION 11130(5).

9 (c) If transporting by highway, engage, employ, or contract  
10 for the transportation of liquid industrial waste only with a  
11 transporter registered and permitted under the hazardous materi-  
12 als transportation act.

13 (d) Except as otherwise provided in this part, utilize and  
14 retain a separate manifest for each shipment of liquid industrial  
15 waste transported to a designated facility. The department may  
16 authorize the use of a consolidated manifest, for waste loads  
17 that are multiple pickups of uniform types of wastes that consti-  
18 tute a single shipment of waste. In this case, a receipt shall  
19 be obtained from the transporter documenting the transporter's  
20 company name, driver's signature, date of pickup, type and quan-  
21 tity of waste accepted from the generator, the consolidated mani-  
22 fest number, and the designated facility. A generator of brine  
23 may complete a single manifest per transporter of brine, per dis-  
24 posal well, each month.

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

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

5 (g) Provide to the transporter the signed copies of the man-  
6 ifest to accompany the liquid industrial waste to the designated  
7 facility.

8 (h) If a copy of the manifest, with a handwritten signature  
9 of the owner or operator of the designated facility, is not  
10 received within 35 days after the date the waste was accepted by  
11 the initial transporter, contact the transporter or owner or  
12 operator of the designated facility, or both, to determine the  
13 status of the waste.

14 (i) Submit an exception report to the department if a copy  
15 of the manifest is not received with the handwritten signature of  
16 the owner or operator or his or her authorized representative of  
17 the designated facility within 45 days after the date the waste  
18 was accepted by the initial transporter. The exception report  
19 shall include both of the following:

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

22 (ii) A cover letter signed by the generator explaining the  
23 efforts taken to locate the waste and the results of those  
24 efforts.

25 (2) A generator who also operates an on-site reclamation,  
26 treatment, or disposal facility shall keep records of all liquid

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1 waste produced and reclaimed, treated, or disposed of at his or  
2 her facility.

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

10       (4) A generator transporting its own waste in quantities of  
11 55 gallons or less is not subject to manifest requirements if all  
12 of the following conditions are met:

13       (a) The waste is accompanied by a record showing the source  
14 and quantity of the waste and the designated facility where the  
15 waste is being transported.

16       (b) The generator obtains a signature from the designated  
17 facility acknowledging receipt of the waste and provides a copy  
18 of the record of shipment to the designated facility.

19       (c) The generator retains a copy of the record of shipment  
20 as part of the generator records.

21       (d) The designated facility is managed in accordance with  
22 this part.

23       Sec. 12109. (1) A liquid industrial waste transporter shall  
24 certify acceptance of waste for transportation by completing the  
25 transporter section of the manifest, and shall deliver the liquid  
26 industrial waste and accompanying manifest only to the designated  
27 facility specified by the generator on the manifest.

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

9           (3) The department may authorize, for certain waste streams,  
10 the use of a consolidated manifest as authorized under  
11 section 12103(1)(d). In this case, the transporter shall give to  
12 the generator a receipt documenting the transporter's company  
13 name, driver's signature, date of pickup, type and quantity of  
14 waste removed, the consolidated manifest number, and the desig-  
15 nated facility.

16           (4) A transporter shall maintain a trip log for consolidated  
17 manifest shipments and for brine shipments. The transporter  
18 shall do all of the following:

19           (a) Identify on the trip log the consolidated manifest  
20 number, the generator, date of pickup, type and quantity of  
21 waste, and the designated facility location for each shipment of  
22 waste.

23           (b) Keep a copy of all trip logs available during transpor-  
24 tation, at a minimum, for the current shipment in transportation  
25 and retain these records as specified in subsection (2).

26           (c) Obtain and utilize a ~~transporter~~ SITE identification  
27 number assigned by the United States environmental protection

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1 agency or the department. BEGINNING ON OCTOBER 1, 2002 AND UNTIL  
2 MARCH 31, 2008, THE DEPARTMENT SHALL ASSESS A SITE IDENTIFICATION  
3 NUMBER USER CHARGE OF \$50.00 FOR EACH SITE IDENTIFICATION NUMBER  
4 IT ISSUES. THE DEPARTMENT SHALL NOT ISSUE A SITE IDENTIFICATION  
5 NUMBER UNDER THIS SUBDIVISION UNLESS THE SITE IDENTIFICATION  
6 NUMBER USER CHARGE AND THE TAX IDENTIFICATION NUMBER FOR THE  
7 PERSON APPLYING FOR THE SITE IDENTIFICATION NUMBER HAVE BEEN  
8 RECEIVED. MONEY COLLECTED UNDER THIS SUBDIVISION SHALL BE FOR-  
9 WARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE ENVIRONMENTAL  
10 POLLUTION PREVENTION FUND CREATED IN SECTION 11130 AND CREDITED  
11 TO THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT  
12 CREATED IN SECTION 11130(5).

13       Sec. 12112. (1) The owner or operator of a facility that  
14 accepts liquid industrial waste shall accept delivery of waste at  
15 the designated facility only if delivery is accompanied by a man-  
16 ifest or consolidated manifest properly certified by the genera-  
17 tor and the transporter and the facility is the destination indi-  
18 cated on the manifest. The facility owner or operator shall do  
19 all of the following:

20       (a) Obtain and utilize ~~an~~ A SITE identification number  
21 either assigned from the United States environmental protection  
22 agency or the department. BEGINNING ON OCTOBER 1, 2002 AND UNTIL  
23 MARCH 31, 2008, THE DEPARTMENT SHALL ASSESS A SITE IDENTIFICATION  
24 NUMBER USER CHARGE OF \$50.00 FOR EACH SITE IDENTIFICATION NUMBER  
25 IT ISSUES. THE DEPARTMENT SHALL NOT ISSUE A SITE IDENTIFICATION  
26 NUMBER UNDER THIS SUBDIVISION UNLESS THE SITE IDENTIFICATION  
27 NUMBER USER CHARGE AND THE TAX IDENTIFICATION NUMBER FOR THE

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House Bill No. 4626

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1 PERSON APPLYING FOR THE SITE IDENTIFICATION NUMBER HAVE BEEN  
2 RECEIVED. MONEY COLLECTED UNDER THIS SUBDIVISION SHALL BE FOR-  
3 WARDED TO THE STATE TREASURER FOR DEPOSIT INTO THE ENVIRONMENTAL  
4 POLLUTION PREVENTION FUND CREATED IN SECTION 11130 AND CREDITED  
5 TO THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT  
6 CREATED IN SECTION 11130(5).

7 (b) Certify on the manifest receipt of the liquid industrial  
8 waste by completing the facility section of the manifest and  
9 returning a signed copy of the manifest to the department within  
10 a period of 10 days after the end of the month for all liquid  
11 industrial waste received within the month.

12 (c) Return a signed copy of the manifest to the generator.

13 (d) Maintain records of the characterization of the waste.  
14 Characterization shall be in accordance with the requirements of  
15 part 111.

16 (2) All storage, treatment, and reclamation of liquid indus-  
17 trial waste at the designated facility shall be in either con-  
18 tainers or tanks or as otherwise specified in section 12113(5) or  
19 (6). Storage, treatment, or reclamation regulated under ~~Act~~  
20 ~~No. 61 of the Public Acts of 1939, being sections 319.1 to 319.27~~  
21 ~~of the Michigan Compiled Laws,~~ PART 615 or the rules, orders, or  
22 instructions under ~~that act~~ PART 615, or under part C of title  
23 XIV of the public health service act, CHAPTER 373, 88 Stat. 1674,  
24 42 U.S.C. 300h to ~~300h-7~~ 300h-8, or the regulations promulgated  
25 under that act are exempt from this subsection.

26 (3) The owner or operator of a designated facility shall  
27 retain all records required pursuant to this part for a period of



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Sub. HB 4626 (S-3) as amended October 31, 2001

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1 at least 3 years and shall make those records readily available  
2 for review and inspection by the department or a peace officer.  
3 The retention period required by this subsection is automatically  
4 extended during the course of any unresolved enforcement action  
5 regarding the regulated activity or as required by the  
6 department.

[Enacting section 1. Section 5419 of the natural resources and  
environmental protection act, 1994 PA 451, MCL 324.5419 is repealed  
effective December 31, 2002.]