

HOUSE BILL No. 4626

April 19, 2001, Introduced by Reps. DeVuyst, Patterson, Howell, Richner, Raczkowski, Lipsey, Richardville, Koetje and Kowall and referred to the Committee on Conservation and Outdoor Recreation.

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 section 11153.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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.

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

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

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

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

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.

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 pay refunds to generators
10 under this section and to fund programs created under part 143,
11 ~~and~~ part 145 AND, FOR STATE FISCAL YEARS 2002 AND 2003 ONLY,
12 PART 111.

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

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

24 (3) Money remaining in the ~~account~~ ENVIRONMENTAL POLLUTION
25 PREVENTION FUND AND IN ANY ACCOUNT WITHIN THE ENVIRONMENTAL POL-
26 LUTION PREVENTION FUND at the close of the fiscal year shall not
27 lapse to the general fund.

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

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

17 Sec. 11135. (1) A hazardous waste generator shall provide a
18 separate manifest to the transporter for each load of hazardous
19 waste transported to property that is not on the site where it
20 was generated. ~~The~~ BEGINNING ON OCTOBER 1, 2002, A PERSON
21 REQUIRED TO PREPARE A MANIFEST SHALL SUBMIT TO THE DEPARTMENT A
22 MANIFEST PROCESSING USER CHARGE OF \$6.00 PER MANIFEST AND HIS OR
23 HER TAX IDENTIFICATION NUMBER. EACH CALENDAR YEAR, THE DEPART-
24 MENT MAY ADJUST THE MANIFEST PROCESSING USER CHARGE AS NECESSARY
25 TO ENSURE THAT THE TOTAL CUMULATIVE AMOUNT OF THE USER CHARGES
26 ASSESSED PURSUANT TO THIS SECTION AND SECTIONS 11153, 12103,
27 12109, AND 12112 ARE CONSISTENT WITH THE TARGET REVENUE

1 PROJECTION FOR THE HAZARDOUS WASTE AND LIQUID INDUSTRIAL WASTE
2 USERS ACCOUNT AS PROVIDED FOR IN SECTION 11130(5). HOWEVER, THE
3 MANIFEST PROCESSING USER CHARGE SHALL NOT EXCEED \$8.00 PER
4 MANIFEST. MONEY COLLECTED UNDER THIS SUBSECTION 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 (2) PAYMENT OF THE MANIFEST PROCESSING USER CHARGES UNDER
10 SUBSECTION (1) SHALL BE MADE USING A FORM PROVIDED BY THE
11 DEPARTMENT. BEGINNING IN 2004, THE DEPARTMENT SHALL SEND A FORM
12 TO EACH PERSON SUBJECT TO THE MANIFEST PROCESSING USER CHARGE BY
13 FEBRUARY 28 OF EACH YEAR. THE FORM SHALL SPECIFY THE NUMBER OF
14 MANIFESTS PREPARED BY THAT PERSON AND PROCESSED BY THE DEPARTMENT
15 DURING THE PREVIOUS FISCAL YEAR. BEGINNING IN 2004, A PERSON
16 SUBJECT TO THE MANIFEST PROCESSING USER CHARGE SHALL RETURN THE
17 COMPLETED FORM AND THE APPROPRIATE PAYMENT TO THE DEPARTMENT BY
18 APRIL 30 OF EACH YEAR.

19 (3) A PERSON WHO FAILS TO PROVIDE TIMELY AND ACCURATE INFOR-
20 MATION, A COMPLETE FORM, OR THE APPROPRIATE MANIFEST PROCESSING
21 USER CHARGE AS PROVIDED FOR IN THIS SECTION IS IN VIOLATION OF
22 THIS PART AND IS SUBJECT TO ALL OF THE FOLLOWING:

23 (A) PAYMENT OF THE MANIFEST PROCESSING USER CHARGE AND
24 INTEREST ON THE AMOUNT DUE BASED ON THE RATE SET FORTH IN SECTION
25 6013(3)(B) OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
26 MCL 600.6013, USING THE FULL INCREMENT OF THE AMOUNT DUE AS

1 PRINCIPAL, AND CALCULATED FROM THE DUE DATE FOR THE PAYMENT UNTIL
2 THE DELINQUENT PAYMENT IS FINALLY MADE IN FULL.

3 (B) BEGINNING 6 MONTHS AFTER THE DATE PAYMENT IS DUE, BUT
4 NOT PAID, A CIVIL FINE EQUAL TO 5 TIMES THE AMOUNT OF THE APPLI-
5 CABLE MANIFEST PROCESSING USER CHARGE.

6 (C) BEGINNING 9 MONTHS AFTER THE DATE PAYMENT IS DUE, BUT
7 NOT PAID, AT THE REQUEST OF THE DEPARTMENT, AN ACTION BY THE
8 ATTORNEY GENERAL FOR THE COLLECTION OF THE AMOUNTS OWED UNDER
9 SUBDIVISIONS (A) AND (B) AND THE ACTUAL COST TO THE DEPARTMENT IN
10 ATTEMPTING TO COLLECT AMOUNTS OWED UNDER SUBDIVISIONS (A) AND
11 (B).

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
27 APRIL 1 OF EACH EVEN-NUMBERED YEAR, THE DEPARTMENT SHALL

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.

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, THE DEPARTMENT SHALL ASSESS A SITE IDENTIFICATION NUMBER

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

7 (2) BEGINNING ON OCTOBER 1, 2002, EXCEPT AS PROVIDED IN SUB-
8 SECTION (9), THE DEPARTMENT SHALL ANNUALLY ASSESS HANDLER USER
9 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

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 ALL OF THE
25 FOLLOWING:

26 (A) PAYMENT OF THE HANDLER USER CHARGE AND INTEREST ON THE
27 AMOUNT DUE BASED ON THE RATE SET FORTH IN SECTION 6013(3)(B) OF

1 THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236, MCL 600.6013,
2 USING THE FULL INCREMENT OF THE AMOUNT DUE AS PRINCIPAL, AND CAL-
3 CULATED FROM THE DUE DATE FOR THE PAYMENT UNTIL THE DELINQUENT
4 PAYMENT IS FINALLY MADE IN FULL.

5 (B) BEGINNING 6 MONTHS AFTER THE DATE PAYMENT IS DUE, BUT
6 NOT PAID, A CIVIL FINE EQUAL TO 5 TIMES THE AMOUNT OF THE APPLI-
7 CABLE HANDLER USER CHARGE.

8 (C) BEGINNING 9 MONTHS AFTER THE DATE PAYMENT IS DUE, BUT
9 NOT PAID, AT THE REQUEST OF THE DEPARTMENT, AN ACTION BY THE
10 ATTORNEY GENERAL FOR THE COLLECTION OF THE AMOUNTS OWED UNDER
11 SUBDIVISIONS (A) AND (B) AND THE ACTUAL COST TO THE DEPARTMENT IN
12 ATTEMPTING TO COLLECT AMOUNTS OWED UNDER SUBDIVISIONS (A) AND
13 (B).

14 (6) THE DEPARTMENT SHALL MAINTAIN INFORMATION REGARDING THE
15 SITE IDENTIFICATION NUMBER USER CHARGES UNDER SUBSECTION (1) AND
16 THE HANDLER USER CHARGES RECEIVED UNDER THIS SECTION AS NECESSARY
17 TO SATISFY THE REPORTING REQUIREMENTS OF SUBSECTION (8).

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

25 (8) BEGINNING IN 2005, THE DEPARTMENT SHALL EVALUATE THE
26 EFFECTIVENESS AND ADEQUACY OF THE SITE IDENTIFICATION NUMBER USER
27 CHARGES AND THE HANDLER USER CHARGES COLLECTED UNDER THIS SECTION

1 RELATIVE TO THE OVERALL REVENUE NEEDS OF THE STATE'S HAZARDOUS
2 WASTE MANAGEMENT PROGRAM ADMINISTERED UNDER THIS PART. BEGINNING
3 IN 2006, NOT LATER THAN APRIL 1 OF EACH EVEN-NUMBERED YEAR, THE
4 DEPARTMENT SHALL SUMMARIZE ITS FINDINGS UNDER THIS SUBSECTION IN
5 A REPORT AND SHALL PROVIDE THAT REPORT TO THE STATE LEGISLATURE.

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

11 (10) AS USED IN THIS SECTION:

12 (A) "HANDLER" MEANS THE PERSON REQUIRED TO PAY THE HANDLER
13 USER CHARGE.

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

16 Sec. 12101. As used in this part:

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

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

22 (C) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
23 QUALITY.

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

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

2 (i) Abandoned by being disposed of, burned, or incinerated;
3 or accumulated, stored, or treated before, or instead of, being
4 abandoned.

5 (ii) Accumulated, stored, or treated before being managed in
6 1 of the following ways:

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

10 (B) By being burned to recover energy or used to produce a
11 fuel.

12 (C) By reclamation.

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

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

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

25 (I) ~~(h)~~ "Facility" means all contiguous land and struc-
26 tures, other appurtenances, and improvements on the land for

1 treating, storing, disposing of, or reclamation of liquid
2 industrial waste.

3 (J) ~~(i)~~ "Federal water pollution control act" means chap-
4 ter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255
5 to 1257, 1258 to 1263, 1265 TO 1270, 1281, 1282 to 1293, 1294 to
6 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and
7 1381 to 1387.

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

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

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

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

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

- 1 (iv) A discharge permitted or authorized under part 31.
- 2 (v) A material that is used or reused as an effective sub-
3 stitute for commercial products or returned to the original pro-
4 cess, if the material does not require reclamation prior to use
5 or reuse, is not directly burned to recover energy or used to
6 produce a fuel, or is not applied to the land and not used in
7 products applied to the land.
- 8 (vi) A household generated liquid waste.
- 9 (vii) A liquid industrial waste utilized for land applica-
10 tion in accordance with a program for effective residuals manage-
11 ment, approved by the director or the United States environmental
12 protection agency, or both, pursuant to the federal water pollu-
13 tion control act.
- 14 (viii) Oil field brines used for public road dust control
15 and ice removal as authorized under the terms of the rules, stan-
16 dards, and brine management plan approved by the department in
17 existence on June 1, 1993, until rules are promulgated.
- 18 (ix) A used oil that is directly burned to recover energy or
19 used to produce a fuel if all of the following are met:
- 20 (A) The material meets the used oil specifications of part
21 111.
- 22 (B) The material contains no greater than 2 ppm polychlori-
23 nated biphenyls.
- 24 (C) The material has a minimum energy content of 17,000
25 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~~ COMMISSION ON LAW ENFORCE-
4 MENT STANDARDS ACT, 1965 PA 203, MCL 28.601 to 28.616, or an
5 officer appointed by the director of the department of state
6 police pursuant to section 6d of 1935 PA 59, MCL 28.6d.

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

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

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

19 (G) "SITE IDENTIFICATION NUMBER" MEANS A NUMBER THAT IS
20 ASSIGNED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OR
21 THE DEPARTMENT TO A GENERATOR, TRANSPORTER, OR FACILITY. THE
22 DEPARTMENT MAY ASSIGN A NUMBER TO A PERSON OR A FACILITY TO COVER
23 MULTIPLE UNSTAFFED SITES THAT GENERATE UNIFORM TYPES OF LIQUID
24 INDUSTRIAL WASTE.

25 (H) ~~(g)~~ "Storage" means the containment of liquid indus-
26 trial waste, on a temporary basis, in a manner that does not
27 constitute disposal of liquid industrial waste.

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

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

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

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

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

21 (N) ~~(m)~~ "Treatment" means any method, technique, or pro-
22 cess, including neutralization, designed to change the physical,
23 chemical, or biological character or composition of any liquid
24 industrial waste, to neutralize the waste, or to render the waste
25 safer to transport, store, or dispose of, amenable to recovery,
26 amenable to storage, or reduced in volume.

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

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

7 (Q) ~~(p)~~ "Vehicle" means a transport vehicle as defined by
8 49 C.F.R. 171.8.

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

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

13 (b) Obtain and utilize a ~~generator~~ SITE identification
14 number assigned by the United States environmental protection
15 agency or the department. BEGINNING ON OCTOBER 1, 2002, THE
16 DEPARTMENT SHALL ASSESS A SITE IDENTIFICATION NUMBER USER CHARGE
17 OF \$50.00 FOR EACH SITE IDENTIFICATION NUMBER IT ISSUES. THE
18 DEPARTMENT SHALL NOT ISSUE A SITE IDENTIFICATION NUMBER UNDER
19 THIS SUBDIVISION UNLESS THE SITE IDENTIFICATION NUMBER USER
20 CHARGE AND THE TAX IDENTIFICATION NUMBER FOR THE PERSON APPLYING
21 FOR THE SITE IDENTIFICATION NUMBER HAVE BEEN RECEIVED. MONEY
22 COLLECTED UNDER THIS SUBDIVISION SHALL BE FORWARDED TO THE STATE
23 TREASURER FOR DEPOSIT INTO THE ENVIRONMENTAL POLLUTION PREVENTION
24 FUND CREATED IN SECTION 11130 AND CREDITED TO THE HAZARDOUS WASTE
25 AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT CREATED IN SECTION
26 11130(5).

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

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

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

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

24 (g) Provide to the transporter the signed copies of the man-
25 ifest to accompany the liquid industrial waste to the designated
26 facility.

1 (h) If a copy of the manifest, with a handwritten signature
2 of the owner or operator of the designated facility, is not
3 received within 35 days after the date the waste was accepted by
4 the initial transporter, contact the transporter or owner or
5 operator of the designated facility, or both, to determine the
6 status of the waste.

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

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

15 (ii) A cover letter signed by the generator explaining the
16 efforts taken to locate the waste and the results of those
17 efforts.

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

22 (3) A generator shall retain all records required pursuant
23 to this part for a period of at least 3 years, and shall make
24 those records readily available for review and inspection by the
25 department or a peace officer. The retention period required by
26 this subsection is automatically extended during the course of

1 any unresolved enforcement action regarding the regulated
2 activity or as otherwise required by the department.

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

6 (a) The waste is accompanied by a record showing the source
7 and quantity of the waste and the designated facility where the
8 waste is being transported.

9 (b) The generator obtains a signature from the designated
10 facility acknowledging receipt of the waste and provides a copy
11 of the record of shipment to the designated facility.

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

14 (d) The designated facility is managed in accordance with
15 this part.

16 Sec. 12109. (1) A liquid industrial waste transporter shall
17 certify acceptance of waste for transportation by completing the
18 transporter section of the manifest, and shall deliver the liquid
19 industrial waste and accompanying manifest only to the designated
20 facility specified by the generator on the manifest.

21 (2) The liquid industrial waste transporter shall retain all
22 records required pursuant to this part for a period of at least 3
23 years, and shall make those records readily available for review
24 and inspection by the department or a peace officer. The reten-
25 tion period required in this subsection is automatically extended
26 during the course of any unresolved enforcement action regarding

1 an activity regulated under this part or as required by the
2 department.

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

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

13 (a) Identify on the trip log the consolidated manifest
14 number, the generator, date of pickup, type and quantity of
15 waste, and the designated facility location for each shipment of
16 waste.

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

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

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

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

14 (a) Obtain and utilize ~~an~~ A SITE identification number
15 either assigned from the United States environmental protection
16 agency or the department. BEGINNING ON OCTOBER 1, 2002, THE
17 DEPARTMENT SHALL ASSESS A SITE IDENTIFICATION NUMBER USER CHARGE
18 OF \$50.00 FOR EACH SITE IDENTIFICATION NUMBER IT ISSUES. THE
19 DEPARTMENT SHALL NOT ISSUE A SITE IDENTIFICATION NUMBER UNDER
20 THIS SUBDIVISION UNLESS THE SITE IDENTIFICATION NUMBER USER
21 CHARGE AND THE TAX IDENTIFICATION NUMBER FOR THE PERSON APPLYING
22 FOR THE SITE IDENTIFICATION NUMBER HAVE BEEN RECEIVED. MONEY
23 COLLECTED UNDER THIS SUBDIVISION SHALL BE FORWARDED TO THE STATE
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26 AND LIQUID INDUSTRIAL WASTE USERS ACCOUNT CREATED IN SECTION
27 11130(5).

1 (b) Certify on the manifest receipt of the liquid industrial
2 waste by completing the facility section of the manifest and
3 returning a signed copy of the manifest to the department within
4 a period of 10 days after the end of the month for all liquid
5 industrial waste received within the month.

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

7 (d) Maintain records of the characterization of the waste.
8 Characterization shall be in accordance with the requirements of
9 part 111.

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

20 (3) The owner or operator of a designated facility shall
21 retain all records required pursuant to this part for a period of
22 at least 3 years and shall make those records readily available
23 for review and inspection by the department or a peace officer.
24 The retention period required by this subsection is automatically
25 extended during the course of any unresolved enforcement action
26 regarding the regulated activity or as required by the
27 department.