

SUBSTITUTE FOR
HOUSE BILL NO. 4666

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11108, 11130, 11135, 11153, 12103, 12109, and
12112 (MCL 324.11108, 324.11130, 324.11135, 324.11153, 324.12103,
324.12109, and 324.12112), section 11108 as amended by 2011 PA 150,
section 11130 as amended by 2001 PA 165, and sections 11135, 11153,
12103, 12109, and 12112 as amended by 2011 PA 90.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11108. (1) Except as otherwise provided in this section,
2 each owner or operator of a landfill shall pay to the department a
3 fee assessed on hazardous waste disposed of in a ~~THE~~ landfill. The
4 fee shall be based on the quantity of hazardous waste specified on
5 the manifest or monthly operating report and shall be \$10.00 per
6 ton, \$10.00 per cubic yard, or 1/2 cent per pound depending on the

1 unit of measure used by the owner or operator to calculate the fee.
2 The fee for fractional quantities of hazardous waste shall be
3 proportional. If the hazardous waste is required to be listed on a
4 manifest and the owner or operator of the landfill determines that
5 the hazardous waste quantity on the manifest is not accurate, the
6 owner or operator shall correct the hazardous waste quantity on all
7 manifest copies accompanying the shipment, note the reason for the
8 change in the discrepancy indication space on the manifest, and
9 assess the fee in accordance with the corrected hazardous waste
10 quantity. Payment shall be made within 30 days after the close of
11 each quarter. The landfill owner or operator shall assess off-site
12 generators the fee. The fee for hazardous waste that is generated
13 and disposed of on the site of a landfill owner or operator shall
14 be paid by that owner or operator.

15 (2) Except as otherwise provided in this section, each owner
16 or operator of a solidification facility licensed pursuant to
17 section 11123 shall pay to the department a fee assessed on
18 hazardous waste received at the solidification facility. The fee
19 shall be based on the quantity of hazardous waste specified on the
20 manifest or monthly operating report and shall be \$10.00 per ton,
21 \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per pound
22 depending on the unit of measure used by the owner or operator to
23 calculate the fee. The fee for fractional quantities of hazardous
24 waste shall be proportional. If the hazardous waste is required to
25 be listed on a manifest and the owner or operator of the
26 solidification facility determines that the hazardous waste
27 quantity on the manifest is not accurate, the owner or operator

1 shall correct the hazardous waste quantity on all manifest copies
2 accompanying the shipment, note the reason for the change in the
3 discrepancy indication space on the manifest, and assess the fee in
4 accordance with the corrected hazardous waste quantity. Payment
5 shall be made within 30 days after the close of each quarter. The
6 solidification facility owner or operator shall assess off-site
7 generators the fee. The fee for hazardous waste that is generated
8 and solidified on the site of a solidification owner or operator
9 shall be paid by that owner or operator.

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

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

14 (b) Hazardous waste exempted by rule because of its character
15 or the treatment it has received.

16 (c) Hazardous waste that is removed as part of a site cleanup
17 activity at the expense of ~~the~~**THIS** state or **THE** federal
18 government.

19 (d) Solidified hazardous waste produced by a solidification
20 facility licensed pursuant to section 11123 and destined for land
21 disposal.

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

25 Hazardous waste resulting from the cleanup of inadvertent releases
26 which occur after March 30, 1988 is not exempt from the fees.

27 (f) Primary and secondary wastewater treatment solids from a

1 wastewater treatment plant that includes an aggressive biological
2 treatment facility as defined in 42 USC ~~6295-6925~~.

3 (g) Emission control dust or sludge from the primary
4 production of steel in electric furnaces.

5 (4) An owner or operator of a landfill or solidification
6 facility shall assess or pay the fee described in this section
7 unless the generator provides a signed written certification
8 indicating that the hazardous waste is exempt from the fee. If the
9 hazardous waste that is exempt from the fee is required to be
10 listed on a manifest, the certification shall contain the manifest
11 number of the shipment and the specific fee exemption for which the
12 hazardous waste qualifies. If the hazardous waste that is exempt
13 from the fee is not required to be listed on a manifest, the
14 certification shall provide the volume of exempt hazardous waste,
15 the waste code or waste codes of the exempt waste, the date of
16 disposal or solidification, and the specific fee exemption for
17 which the hazardous waste qualifies. The owner or operator of the
18 landfill or solidification facility shall retain this certification
19 for 4 years from the date of receipt.

20 (5) The department or a health department certified pursuant
21 to section 11145 shall evaluate the accuracy of generator fee
22 exemption certifications and shall take enforcement action against
23 a generator who files a false ~~certificate~~. **CERTIFICATION**. In
24 addition, the department shall take enforcement action to collect
25 fees that are not paid as required by this section.

26 (6) The landfill owner or operator and the solidification
27 facility owner or operator shall forward to the department the fee

1 revenue due under this section with a completed form that is
2 provided or approved by the department. The owner or operator shall
3 certify that all information provided in the form is accurate. The
4 form shall include the following information:

5 (a) The volume of hazardous waste subject to a fee.

6 (b) The name of each generator who was assessed a fee, the
7 generator's identification number, manifest numbers, hazardous
8 waste volumes, and the amount of the fee assessed.

9 (7) A generator ~~who~~ **IS ELIGIBLE FOR A REFUND FROM THIS STATE**
10 **OF FEES PAID UNDER THIS SECTION IF THE GENERATOR** documents to the
11 department, on a form provided by the department, a reduction in
12 the amount of hazardous waste generated as a result of a process
13 change, or ~~documents~~ a reduction in the amount of hazardous waste
14 ~~that is being~~ disposed of in a landfill, either directly or
15 following solidification at a solidification facility, as a result
16 of a process change or the generator's increased use of source
17 separation, input substitution, process reformulation, recycling,
18 treatment, or an exchange of hazardous waste that results in a
19 utilization of that hazardous waste. ~~, is eligible for a refund~~
20 ~~from this state.~~ The refund shall be in the amount of \$10.00 per
21 ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per
22 pound of **REDUCTION IN THE AMOUNT OF** hazardous waste ~~reduced or~~
23 ~~managed through an alternative to landfill disposal.~~ **GENERATED OR**
24 **DISPOSED OF IN A LANDFILL.** A generator is not eligible to receive a
25 refund for that portion of a reduction in the amount of hazardous
26 waste generated that is attributable to a decrease in the
27 generator's level of production of the products that resulted in

1 the generation of the hazardous waste.

2 (8) A generator seeking a refund **UNDER SUBSECTION (7)** shall
3 calculate the refund due by comparing hazardous waste generation,
4 treatment, and disposal activity in the calendar year immediately
5 preceding the date of filing with hazardous waste generation,
6 treatment, and disposal activity in the calendar year 2 years prior
7 to the date of filing.

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

11 ~~——(10) A refund shall not exceed the total fees paid by the~~
12 ~~generator to the landfill operator or owner and the solidification~~
13 ~~facility operator or owner.~~

14 ~~——(11) A form submitted by the generator as provided for in~~
15 ~~subsection (7) shall be certified by the generator or the~~
16 ~~generator's authorized agent.~~

17 (9) ~~(12) The department shall maintain information regarding~~
18 ~~the landfill disposal fees received and refunds provided under this~~
19 ~~section.~~

20 (10) ~~(13) The fees collected under this section shall be~~
21 ~~forwarded to the state treasurer and deposited in the waste~~
22 ~~reduction fund created in subsection (14).~~

23 ~~——(14) The waste reduction fund is created within the state~~
24 ~~treasury. The state treasurer may receive money or other assets~~
25 ~~from any source for deposit into the waste reduction fund. The~~
26 ~~state treasurer shall direct the investment of the waste reduction~~
27 ~~fund. The state treasurer shall credit to the waste reduction fund~~

~~1 interest and earnings from waste reduction fund investments. Money~~
~~2 in the waste reduction fund at the close of the fiscal year shall~~
~~3 remain in the waste reduction fund and shall not lapse to the~~
~~4 general fund. Money from the waste reduction fund ENVIRONMENTAL~~
5 **POLLUTION PREVENTION FUND CREATED IN SECTION 11130. ANY BALANCE IN**
6 **THE WASTE REDUCTION FUND ON OCTOBER 1, 2013 SHALL NOT LAPSE TO THE**
7 **GENERAL FUND BUT SHALL BE TRANSFERRED TO THE ENVIRONMENTAL**
8 **POLLUTION PREVENTION FUND AND THE WASTE REDUCTION FUND SHALL BE**
9 **CLOSED. MONEY FROM THE ENVIRONMENTAL POLLUTION PREVENTION FUND**
10 shall be expended, upon appropriation, only for 1 or more of the
11 following purposes:

12 (a) To pay refunds to generators under this section.

13 (b) To fund programs created under **THIS PART**, part 143, and
14 part 145, **OR THE HAZARDOUS MATERIALS TRANSPORTATION ACT, 1998 PA**
15 **138, MCL 29.471 TO 29.480.**

16 (c) Not more than \$500,000.00 to implement section 3103a.

17 (d) To fund the permit to install program established under
18 section 5505.

19 Sec. 11130. (1) The environmental pollution prevention fund is
20 created in the state treasury.

21 (2) The state treasurer may receive money or other assets from
22 any source for deposit into the environmental pollution prevention
23 fund or into an account within the environmental pollution
24 prevention fund. The state treasurer shall direct the investment of
25 the environmental pollution prevention fund. The state treasurer
26 shall credit to each account within the environmental pollution
27 prevention fund interest and earnings from account investments.

1 (3) Money remaining in the environmental pollution prevention
2 fund and in any account within the environmental pollution
3 prevention fund at the close of the fiscal year shall not lapse to
4 the general fund. **THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE**
5 **FUND FOR AUDITING PURPOSES.**

6 ~~—— (4) The hazardous waste transporter account is created within~~
7 ~~the environmental pollution prevention fund. The department shall~~
8 ~~expend money from the hazardous waste transporter account, upon~~
9 ~~appropriation, for the implementation of this part. In addition,~~
10 ~~funds not expended for the implementation of this part may be~~
11 ~~utilized for emergency response and cleanup activities related to~~
12 ~~hazardous waste that are initiated by the 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 was
24 generated. Until October 1, 2013, ~~2014~~, a person required to
25 prepare a manifest shall submit to the department a manifest
26 processing user charge of ~~\$6.00~~ **\$8.00** per manifest and his or her
27 tax identification number. ~~Each calendar year, the department may~~

1 ~~adjust the manifest processing user charge as necessary to ensure~~
2 ~~that the total cumulative amount of the user charges assessed~~
3 ~~pursuant to this section and sections 11153, 12103, 12109, and~~
4 ~~12112 are consistent with the target revenue projection for the~~
5 ~~hazardous waste and liquid industrial waste users account as~~
6 ~~provided for in section 11130(5). However, the manifest processing~~
7 ~~user charge shall not exceed \$8.00 per manifest. Money collected~~
8 ~~under this subsection shall be forwarded to the state treasurer for~~
9 ~~deposit into the environmental pollution prevention fund created in~~
10 ~~section 11130. and credited to the hazardous waste and liquid~~
11 ~~industrial waste users account created in section 11130(5).~~

12 (2) ~~Payment of the manifest~~ **MANIFEST** processing user charges
13 under subsection (1) shall be ~~made~~ **PAID** using a form provided by
14 the department. The department shall send a form to each person
15 subject to the manifest processing user charge by March 30 of each
16 year. The form shall specify the number of manifests prepared by
17 that person and processed by the department during the previous
18 calendar year. A person subject to the manifest processing user
19 charge shall return the completed form and the appropriate payment
20 to the department by April 30 of each year.

21 (3) A person who fails to provide timely and accurate
22 information, a complete form, or the appropriate manifest
23 processing user charge as provided for in this section is in
24 violation of this part and is subject to both of the following:

25 (a) Payment of the manifest processing user charge and an
26 administrative fine of 5% of the amount owed for each month that
27 the payment is delinquent. Any payments received after the 15th

1 **FIFTEENTH DAY** of the month after the due date shall be considered
2 delinquent for that month. However, the administrative fine shall
3 not exceed 25% of the total amount owed.

4 (b) Beginning 5 months after the date payment of the manifest
5 user charge is due, but not paid, at the request of the department,
6 an action by the attorney general for the collection of the amount
7 owed under subdivision (a) and the actual cost to the department in
8 attempting to collect the amount owed under subdivision (a).

9 (4) Any amounts collected under subsection (3) for a violation
10 of this section shall be forwarded to the state treasurer and
11 deposited in the environmental pollution prevention fund created in
12 section 11130. ~~and credited to the hazardous waste and liquid
13 industrial waste users account created in section 11130(5).~~

14 (5) The department shall maintain information regarding the
15 manifest processing user charges received under this section as
16 necessary to satisfy the reporting requirements of subsection (6).

17 (6) The department shall evaluate the effectiveness and
18 adequacy of the manifest processing user charges collected under
19 this section relative to the overall revenue needs of the state's
20 hazardous waste management program administered under this part.
21 Not later than April 1 of each even-numbered year, the department
22 shall ~~summarize~~ **SUBMIT TO THE LEGISLATURE A REPORT SUMMARIZING** its
23 findings under this subsection. ~~in a report and shall provide that
24 report to the legislature.~~

25 (7) A generator shall include on the manifest details as
26 specified by the department and shall at least include **A** sufficient
27 qualitative and quantitative analysis and **A** physical description **OF**

1 **THE HAZARDOUS WASTE** to evaluate toxicity and methods of
2 transportation, storage, and disposal. The manifest also shall
3 include safety precautions as necessary for each load of hazardous
4 waste. The generator shall submit to the department a copy of the
5 manifest within 10 days after the end of the month for each load of
6 hazardous waste transported within that month.

7 (8) ~~The A~~ generator shall certify that the information
8 contained on ~~the A~~ manifest **PREPARED BY THE GENERATOR** is accurate.

9 (9) The specified destination of each load of hazardous waste
10 identified on the manifest shall be a designated facility.

11 (10) If a generator does not receive a copy of the manifest
12 with the handwritten signature of the owner or operator of the
13 designated facility within 35 days after the date on which the
14 hazardous waste was accepted by the initial transporter, the
15 generator shall contact the transporter to determine the status of
16 the hazardous waste. If the generator is unable to determine the
17 status of the hazardous waste upon contacting the transporter, the
18 generator shall contact the owner or operator of the designated
19 facility to which the hazardous waste was to be transported to
20 determine the status of the hazardous waste.

21 (11) A generator shall submit an exception report to the
22 department if the generator has not received a copy of the manifest
23 with the handwritten signature of the owner or operator of the
24 designated facility within 45 days after the date on which the
25 hazardous waste was accepted by the initial transporter. The
26 exception report shall include all of the following:

27 (a) A legible copy of the manifest. ~~for which the generator~~

1 ~~does not have confirmation of delivery.~~

2 (b) A cover letter signed by the generator or the generator's
3 authorized representative explaining the efforts taken to locate
4 the hazardous waste and the results of those efforts.

5 (12) A generator shall keep a copy of each manifest signed and
6 dated by the initial transporter for 3 years or until the generator
7 receives a signed and dated copy from the owner or operator of the
8 designated facility that received the hazardous waste. The
9 generator shall keep the copy of the manifest signed and dated by
10 the owner or operator of the designated facility for 3 years. The
11 retention periods required by this subsection ~~shall be~~ **ARE**
12 automatically extended during the course of any unresolved
13 enforcement action regarding the regulated activity or as required
14 by the department.

15 Sec. 11153. (1) A generator, transporter, or treatment,
16 storage, or disposal facility shall obtain and utilize a site
17 identification number assigned by the United States environmental
18 protection agency or the department. Until October 1, ~~2013,~~ **2014**,
19 the department shall assess a site identification number user
20 charge of \$50.00 for each site identification number it issues. The
21 department shall not issue a site identification number under this
22 subsection unless the site identification number user charge and
23 the tax identification number for the person applying for the site
24 identification number have been received by the department.

25 (2) Until October 1, ~~2013, except as provided in subsection~~
26 ~~(9),~~ **2014**, the department shall annually assess hazardous waste
27 management program user charges as follows:

1 (a) A generator shall pay a handler user charge that is the
2 highest of the following applicable fees:

3 (i) A generator who generates more than 100 kilograms but less
4 than 1,000 kilograms of hazardous waste in any month during the
5 calendar year shall pay to the department an annual handler user
6 charge of \$100.00.

7 (ii) A generator who generates 1,000 kilograms or more of
8 hazardous waste in any month during the calendar year and who
9 generates less than 900,000 kilograms during the calendar year
10 shall pay to the department an annual handler user charge of
11 \$400.00.

12 (iii) A generator who generates 1,000 kilograms or more of
13 hazardous waste in any month during the calendar year and who
14 generates 900,000 kilograms or more of hazardous waste during the
15 calendar year shall pay to the department an annual handler user
16 charge of \$1,000.00.

17 (b) An owner or operator of a treatment, storage, or disposal
18 facility for which an operating license is required under section
19 11123 or for which an operating license has been issued under
20 section 11125 shall pay to the department an annual handler user
21 charge of \$2,000.00.

22 (c) A used oil processor or rerefiner, a used oil burner, or a
23 used oil fuel marketer as defined in the rules promulgated under
24 this part shall pay to the department an annual handler user charge
25 of \$100.00.

26 (3) A handler shall pay the handler user charge specified in
27 subsection (2)(a) to (c) for each of the activities conducted

1 during the previous calendar year.

2 (4) ~~Payment of the handler~~ **HANDLER** user charges shall be made
3 **PAID** using a form provided by the department. The handler shall
4 certify that the information on the form is accurate. The
5 department shall send forms to the handlers by March 30 of each
6 year. ~~unless the handler user charges have been suspended as~~
7 ~~provided for in subsection (9).~~ A handler shall return the
8 completed forms and the appropriate payment to the department by
9 April 30 of each year. ~~unless the handler user charges have been~~
10 ~~suspended as provided for in subsection (9).~~

11 (5) A handler who fails to provide timely and accurate
12 information, a complete form, or the appropriate handler user
13 charge is in violation of this part and is subject to both of the
14 following:

15 (a) Payment of the handler user charge and an administrative
16 fine of 5% of the amount owed for each month that the payment is
17 delinquent. Any payments received after the ~~15th~~ **FIFTEENTH** of the
18 month after the due date shall be considered delinquent for that
19 month. However, the administrative fine shall not exceed 25% of the
20 total amount owed.

21 (b) Beginning 5 months after the date payment of the handler
22 user charge is due, if the amount owed under subdivision (a) is not
23 paid in full, at the request of the department, an action by the
24 attorney general for the collection of the amount owed under
25 subdivision (a) and the actual cost to the department in attempting
26 to collect the amount owed under subdivision (a).

27 (6) The department shall maintain information regarding the

1 site identification number user charges and the handler user
2 charges collected under this section as necessary to satisfy the
3 reporting requirements of subsection (8).

4 (7) The site identification number user charges and the
5 handler user charges collected under this section and any amounts
6 collected under subsection (5) for a violation of this section
7 shall be forwarded to the state treasurer and deposited in the
8 environmental pollution prevention fund created in section 11130.
9 ~~and credited to the hazardous waste and liquid industrial waste~~
10 ~~users account created in section 11130(5).~~

11 (8) The department shall evaluate the effectiveness and
12 adequacy of the site identification number user charges and the
13 handler user charges collected under this section relative to the
14 overall revenue needs of the hazardous waste management program
15 administered under this part. Not later than April 1 of each even-
16 numbered year, the department shall ~~summarize its~~ **SUBMIT TO THE**
17 **LEGISLATURE A REPORT SUMMARIZING THE DEPARTMENT'S** findings under
18 this subsection. ~~in a report and shall provide that report to the~~
19 ~~legislature.~~

20 ~~——(9) Notwithstanding any other provision in this section, if~~
21 ~~the balance of the hazardous waste and liquid industrial waste~~
22 ~~users account created in section 11130(5), as of December 31 of any~~
23 ~~year, exceeds \$3,200,000.00, the department shall suspend the~~
24 ~~handler user charges until October of the following year.~~

25 (9) ~~(10)~~ As used in this section:

26 (a) "Handler" means the person required to pay the handler
27 user charge.

1 (b) "Handler user charge" means ~~the~~ ~~AN~~ annual hazardous waste
2 management program user charge provided for in subsection (2).

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

4 (a) Characterize the waste in accordance with section 12101(n)
5 and the requirements of part 111 and rules promulgated under that
6 part, and maintain records of the characterization.

7 (b) Obtain and utilize, when needed for transportation, a site
8 identification number. Until October 1, ~~2013,~~ **2014**, the department
9 shall assess a site identification number user charge of \$50.00 for
10 each site identification number it issues. The department shall not
11 issue a site identification number under this subdivision unless
12 the site identification number user charge and the tax
13 identification number for the person applying for the site
14 identification number have been received. Money collected under
15 this subdivision shall be forwarded to the state treasurer for
16 deposit into the environmental pollution prevention fund created in
17 section 11130. ~~and credited to the hazardous waste and liquid~~
18 ~~industrial waste users account created in section 11130(5).~~

19 (c) If transporting liquid industrial waste, other than the
20 generator's own waste, by public roadway, engage, employ, or
21 contract for the transportation only with a transporter registered
22 and permitted under the hazardous materials transportation act,
23 1998 PA 138, MCL 29.471 to 29.480.

24 (d) Except as otherwise provided in this part, utilize and
25 retain a separate manifest for each shipment of liquid industrial
26 waste transported to a designated facility. The department may
27 authorize the use of a consolidated manifest for a single shipment

1 of uniform types of waste collected from multiple waste pickups. If
2 a consolidated manifest is authorized by the department and
3 utilized by a generator, a receipt shall be obtained from the
4 transporter documenting the transporter's company name, **THE**
5 driver's signature, **THE** date of pickup, **THE** type and quantity of
6 waste accepted from the generator, the consolidated manifest
7 number, and the designated facility. A generator of brine may
8 complete a single manifest per transporter of brine, per disposal
9 well, each month.

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

13 (f) When the transporter picks up liquid industrial waste,
14 certify that the information contained on the manifest is factual
15 by signing the manifest. This certification shall be by the
16 generator or his or her authorized representative.

17 (g) Provide to the transporter the signed copies of the
18 manifest to accompany the liquid industrial waste to the designated
19 facility.

20 (h) If a copy of the manifest, with a handwritten signature of
21 the owner or operator of the designated facility or his or her
22 authorized representative, is not received within 35 days after the
23 date the waste was accepted by the initial transporter, contact the
24 transporter or owner or operator of the designated facility, or
25 both, to determine the status of the waste.

26 (i) Submit an exception report to the department if a copy of
27 the manifest is not received with the handwritten signature of the

1 owner or operator of the designated facility or his or her
2 authorized representative within 45 days after the date the waste
3 was accepted by the initial transporter. The exception report shall
4 include both of the following:

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

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

9 (2) A generator who operates an on-site reclamation facility,
10 treatment facility, or disposal facility shall keep records of all
11 liquid waste produced and reclaimed, treated, or disposed of at his
12 or her facility.

13 (3) A generator shall retain all records required pursuant to
14 this part for a period of at least 3 years, and shall make those
15 records readily available for review and inspection by the
16 department or a peace officer. The retention period required by
17 this subsection is automatically extended during the course of any
18 unresolved enforcement action regarding the regulated activity or
19 as otherwise required by the department.

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

23 (a) The waste is accompanied by a record showing the source
24 and quantity of the waste and the designated facility to which the
25 waste is being transported.

26 (b) The generator obtains a signature from the designated
27 facility acknowledging receipt of the waste and provides a copy of

1 the record of shipment to the designated facility.

2 (c) The generator retains a copy of the record of shipment as
3 part of the generator records **UNDER SUBSECTION (3)**.

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

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

17 (3) The department may authorize, for certain waste streams,
18 the use of a consolidated manifest as authorized under section
19 12103(1)(d). If a consolidated manifest is authorized by the
20 department and utilized by a generator, the transporter shall give
21 to the generator a receipt documenting the transporter's company
22 name, **THE** driver's signature, **THE** date of pickup, **THE** type and
23 quantity of waste removed, the consolidated manifest number, and
24 the designated facility.

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

1 (a) Identify on the trip log the consolidated manifest number,
2 the generator, **THE** date of pickup, **THE** type and quantity of waste,
3 and the designated facility location for each shipment of waste.

4 (b) Keep a copy of all trip logs available during
5 transportation, at a minimum, for the current shipment in
6 transportation and retain these records as specified in subsection
7 (2).

8 (c) Obtain and utilize a site identification number assigned
9 by the United States environmental protection agency or the
10 department. Until October 1, ~~2013~~, **2014**, the department shall
11 assess a site identification number user charge of \$50.00 for each
12 site identification number it issues. The department shall not
13 issue a site identification number under this subdivision unless
14 the site identification number user charge and the tax
15 identification number for the person applying for the site
16 identification number have been received. Money collected under
17 this subdivision shall be forwarded to the state treasurer for
18 deposit into the environmental pollution prevention fund created in
19 section 11130. ~~and credited to the hazardous waste and liquid~~
20 ~~industrial waste users account created in section 11130(5).~~

21 Sec. 12112. (1) Except as provided in section 12103(4), the
22 owner or operator of a facility that accepts liquid industrial
23 waste shall accept delivery of waste at the designated facility
24 only if delivery is accompanied by a manifest or consolidated
25 manifest properly certified by the generator and the transporter
26 and the facility is the destination indicated on the manifest. The
27 facility owner or operator shall do all of the following:

1 (a) Obtain and utilize a site identification number either
2 assigned ~~from~~ **BY** the United States environmental protection agency
3 or the department. Until October 1, ~~2013,~~ **2014**, the department
4 shall assess a site identification number user charge of \$50.00 for
5 each site identification number it issues. The department shall not
6 issue a site identification number under this subdivision unless
7 the site identification number user charge and the tax
8 identification number for the person applying for the site
9 identification number have been received. Money collected under
10 this subdivision shall be forwarded to the state treasurer for
11 deposit into the environmental pollution prevention fund created in
12 section 11130. ~~and credited to the hazardous waste and liquid
13 industrial waste users account created in section 11130(5).~~

14 (b) Certify on the manifest receipt of the liquid industrial
15 waste by completing the facility section of the manifest and
16 returning a signed copy of the manifest to the department within a
17 period of 10 days after the end of the month for all liquid
18 industrial waste received within the month.

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

20 (d) Maintain records of the characterization of the waste.
21 Characterization shall be in accordance with the requirements of
22 part 111.

23 (2) All storage, treatment, and reclamation of liquid
24 industrial waste at the designated facility shall be in either
25 containers or tanks or as otherwise specified in section 12113(5).
26 Storage, treatment, or reclamation regulated under part 615 or the
27 rules, orders, or instructions promulgated under that part, or

1 regulated under part C of title XIV of the public health service
2 act, 42 USC 300h to 300h-8, or the regulations promulgated under
3 that part are exempt from this subsection.

4 (3) The owner or operator of a designated facility shall not
5 store liquid industrial waste for longer than 1 year unless the
6 liquid industrial waste is being stored for purposes of reclamation
7 and not less than 75% of the cumulative amount, by weight or
8 volume, of each type of liquid industrial waste that is stored on
9 site each calendar year is reclaimed or transferred to a different
10 site for reclamation during that calendar year. The owner or
11 operator of a designated facility shall maintain documentation that
12 demonstrates compliance with this subsection.

13 (4) The owner or operator of a designated facility shall
14 retain all records required pursuant to this part for a period of
15 at least 3 years and shall make those records readily available for
16 review and inspection by the department or a peace officer. The
17 retention period required by this subsection is automatically
18 extended during the course of any unresolved enforcement action
19 regarding the regulated activity or as required by the department.

20 Enacting section 1. This amendatory act takes effect October
21 1, 2013.