

**SUBSTITUTE FOR
HOUSE BILL NO. 4540**

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3110, 4104, 11135, 11153, 12109, and 12112 (MCL 324.3110, 324.4104, 324.11135, 324.11153, 324.12109, and 324.12112), sections 3110 and 4104 as amended by 2011 PA 148, sections 11135 and 11153 as amended by 2014 PA 287, and sections 12109 and 12112 as amended by 2015 PA 224.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3110. (1) Each industrial or commercial entity, other
2 than a concentrated animal feed operation, that discharges liquid
3 wastes into any surface water or groundwater or underground or on
4 the ground other than through a public sanitary sewer shall have
5 waste treatment or control facilities under the specific
6 supervision and control of persons who have been certified by the

1 department as properly qualified to operate the facilities. The
2 department shall examine all supervisory personnel having
3 supervision and control of the facilities, other than a
4 concentrated animal feed operation, and certify that the persons
5 are properly qualified to operate or supervise the facilities.

6 (2) The department may conduct a program for training persons
7 seeking to be certified as operators or supervisors under
8 subsection (1), section 4104, or section 9 of the safe drinking
9 water act, 1976 PA 399, MCL 325.1009. Until October 1, ~~2017~~, ~~2021~~,
10 the department may charge a fee based on the costs to the
11 department of operating this training program. The fees shall be
12 deposited into the operator training and certification fund created
13 in section 3134.

14 (3) The department shall administer certification operator
15 programs for persons seeking to be certified as operators or
16 supervisors under subsection (1), section 4104, or section 9 of the
17 safe drinking water act, 1976 PA 399, MCL 325.1009. A person
18 wishing to become certified as an operator or a supervisor shall
19 submit an application to the department containing information
20 required by the department. Information submitted as part of the
21 application shall be considered part of the examination for
22 certification. Until October 1, ~~2017~~, ~~2021~~, the department may
23 charge a certification examination fee and a certification renewal
24 fee in accordance with the following fee schedule:

25 (a) For certification examinations under subsection (1), the
26 following fees apply:

27 (i) Industrial wastewater certification level 1 or 2

1 examination as described under subrule (2) of R 323.1253 of the
2 Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$35.00.

3 (ii) Industrial wastewater certification level 3 examination
4 as described under subrule (2) of R 323.1253 of the Michigan
5 ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$40.00.

6 (iii) Industrial wastewater special classification A-1a
7 examination or noncontact cooling water A-1h examination as
8 described under subrule (2) of R 323.1253 of the Michigan
9 ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$30.00.

10 (iv) Storm water industrial certification A-1i examination as
11 described under subrule (2) of R 323.1253 of the Michigan
12 ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$30.00.

13 (b) For certification examinations under section 4104, the
14 following fees apply:

15 (i) Municipal wastewater certification level A, B, C, or D
16 examination as described under subrule (1) of R 299.2911 of the
17 Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$70.00.

18 (ii) Municipal wastewater certification level L2 examination
19 as described under subrule ~~(3a)~~ **(3) (A)** of R 299.2911 of the
20 Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$45.00.

21 (iii) Municipal wastewater certification level L1 examination
22 as described under subrule ~~(3b)~~ **(3) (B)** of R 299.2911 of the
23 Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$45.00.

24 (iv) Municipal wastewater certification level SC examination
25 as described under subrule (4) of R 299.2911 of the Michigan
26 ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$45.00.

27 (c) For certification examinations under section 9 of the safe

1 drinking water act, 1976 PA 399, MCL 325.1009, **FOR OPERATORS OF THE**
2 **FOLLOWING SYSTEMS**, the following fees apply:

3 (i) Drinking water complete treatment ~~certification level 1,~~
4 ~~2, 3, or 4 examination~~ **SYSTEM CLASSES F-1, F-2, F-3, OR F-4** as
5 described under subrule (1) of R 325.11901 of the Michigan
6 ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$70.00.

7 (ii) Drinking water limited treatment ~~certification level 1,~~
8 ~~2, 3, or 4 examination~~ **SYSTEM CLASSES D-1, D-2, D-3, OR D-4** as
9 described under subrule (2) of R 325.11901 of the Michigan
10 ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$70.00.

11 (iii) Drinking water distribution ~~certification level 1, 2, 3,~~
12 ~~or 4 examination~~ **SYSTEM CLASSES S-1, S-2, S-3, OR S-4** as described
13 under R 325.11902 of the Michigan ~~administrative code,~~
14 **ADMINISTRATIVE CODE**, \$70.00.

15 (iv) Drinking water complete treatment ~~certification level 5~~
16 ~~examination~~ **SYSTEM CLASS F-5** as described under subrule (1) of R
17 325.11901 of the Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**,
18 \$45.00.

19 (v) Drinking water limited treatment ~~certification level 5~~
20 ~~examination~~ **SYSTEM CLASS D-5** as described under subrule (2) of R
21 325.11901 of the Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**,
22 \$45.00.

23 (vi) Drinking water distribution ~~certification level 5~~
24 ~~examination~~ **SYSTEM CLASS S-5** as described under R 325.11902 of the
25 Michigan ~~administrative code,~~ **ADMINISTRATIVE CODE**, \$45.00.

26 (d) For certification renewals under subsection (1), the
27 following fees apply:

1 (i) Storm water industrial certification A-1i as described
2 under subrule (2) of R 323.1253 of the Michigan ~~administrative~~
3 ~~code~~, **ADMINISTRATIVE CODE**, \$95.00.

4 (ii) Storm water construction certification A-1j as described
5 under subrule (2) of R 323.1253 of the Michigan ~~administrative~~
6 ~~code~~, **ADMINISTRATIVE CODE**, \$95.00.

7 (iii) All other industrial wastewater certification levels 1,
8 2, or 3 as described under subrule (2) of R 323.1253 of the
9 Michigan ~~administrative code~~ **ADMINISTRATIVE CODE** and issued on a
10 single certificate, \$95.00.

11 (e) For certification renewals under section 4104 for all
12 municipal wastewater certification levels as described under R
13 299.2911 of the Michigan ~~administrative code~~ **ADMINISTRATIVE CODE**
14 and issued on a single certificate, \$95.00.

15 (f) For certification renewals under section 9 of the safe
16 drinking water act, 1976 PA 399, MCL 325.1009, for all drinking
17 water certification levels as described under R 325.11901 or R
18 325.11902 **OF THE MICHIGAN ADMINISTRATIVE CODE** and issued on a
19 single certificate, \$95.00.

20 (4) The failure to pay a required certification examination
21 fee within 90 days after taking an examination ~~shall constitute~~ **IS**
22 **CONSIDERED** failure of the examination. The department shall not
23 allow an individual to take a future examination within the failed
24 examination program unless he or she pays the prior fee in full.

25 (5) The department shall conduct a program for persons or
26 organizations seeking to offer approved continuing education
27 courses to be used by certified operators and supervisors when

1 renewing their certifications under subsection (1), section 4104,
2 and section 9 of the safe drinking water act, 1976 PA 399, MCL
3 325.1009. The department may charge continuing education providers
4 a course application fee and course renewal fee ~~in accordance with~~
5 **AS PROVIDED IN** the following fee schedule:

6 (a) An application for approval of a training course, \$75.00
7 for each course.

8 (b) An application for renewal of an approved training course,
9 \$50.00 for each course.

10 (6) All fees collected under this section shall be deposited
11 in the operator training and certification fund established in
12 section 3134.

13 (7) A person certified as required by subsection (1) shall
14 file monthly, or at such longer intervals as the department may
15 designate, on forms provided by the department, reports showing the
16 effectiveness of the treatment or control facility operation and
17 the quantity and quality of discharged liquid wastes. ~~A-IF A~~ person
18 ~~who~~ knowingly makes a false statement in a report, ~~may have~~ **THE**
19 **DEPARTMENT MAY REVOKE** his or her certificate as an approved
20 treatment facility operator. ~~revoked.~~

21 (8) This section does not apply to water, gas, or other
22 material that is injected into a well to facilitate production of
23 oil or gas or to water derived in association with oil or gas
24 production and disposed of in a well, if the well is used either to
25 facilitate production or for disposal purposes and is under permit
26 by the state supervisor of wells.

27 Sec. 4104. (1) The department may promulgate and enforce rules

1 as the department considers necessary governing and providing a
2 method of conducting and operating all or a part of sewerage
3 systems including sewage treatment works. The department shall
4 classify sewage treatment works with regard to size, type,
5 location, and other physical conditions affecting those works and
6 according to the skill, knowledge, experience, and character that
7 the person who is in charge of the active operation of the sewage
8 treatment works ~~has to~~ **MUST** ~~in order to~~ successfully
9 operate the works, **AND** to prevent the discharge of deleterious
10 matter capable of being injurious to ~~the~~ **PUBLIC** health ~~of the~~
11 ~~people, or to~~ **OR** other public interests. The department shall
12 examine or provide for the examination of persons as to their
13 qualifications to operate sewage treatment works. The department
14 shall promulgate rules regarding the classification of sewage
15 treatment works, the examinations for certification of operators
16 for those works, and the issuance and revocation of certificates,
17 and shall issue and revoke certificates ~~in accordance with~~ **AS**
18 **PROVIDED IN** those rules. Every sewage treatment works subject to
19 this part shall be under the supervision of a properly certified
20 operator, except that this section does not require the employment
21 of a certified operator in a waste treatment works that receives
22 only wastes that are not potentially prejudicial to the public
23 health.

24 (2) ~~In accordance with~~ **AS PROVIDED IN** section 3110, the
25 department may conduct a program for training persons seeking to be
26 certified as operators under subsection (1) and shall administer
27 operator certification programs for persons seeking to be certified

1 as operators under subsection (1). Until October 1, ~~2017~~, **2021**, the
2 department may charge fees for these programs ~~in accordance with AS~~
3 **PROVIDED IN** section 3110. The department shall transmit fees
4 collected under this section to the state treasurer for deposit
5 into the operator training and certification fund created in
6 section 3134.

7 Sec. 11135. (1) A hazardous waste generator shall provide a
8 separate manifest to the transporter for each load of hazardous
9 waste transported to property that is not on the site where it was
10 generated. Until October 1, ~~2017~~, **2021**, a person required to
11 prepare a manifest shall submit to the department a manifest
12 processing user charge of \$8.00 per manifest and his or her tax
13 identification number. Money collected under this subsection shall
14 be forwarded to the state treasurer for deposit into the
15 environmental pollution prevention fund created in section 11130.

16 (2) Manifest processing user charges under subsection (1)
17 shall be paid using a form provided by the department. The
18 department shall send a form to each person subject to the manifest
19 processing user charge by March 30 of each year. The form shall
20 specify the number of manifests prepared by that person and
21 processed by the department during the previous calendar year. A
22 person subject to the manifest processing user charge shall return
23 the completed form and the appropriate payment to the department by
24 April 30 of each year.

25 (3) A person who fails to provide timely and accurate
26 information, a complete form, or the appropriate manifest
27 processing user charge as provided for in this section is in

1 violation of this part and is subject to both of the following:

2 (a) Payment of the manifest processing user charge and an
3 administrative fine of 5% of the amount owed for each month that
4 the payment is delinquent. Any payments received after the
5 fifteenth day of the month after the due date ~~shall be considered~~
6 **ARE** delinquent for that month. However, the administrative fine
7 shall not exceed 25% of the total amount owed.

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

13 (4) Any amounts collected under subsection (3) for a violation
14 of this section shall be forwarded to the state treasurer and
15 deposited in the environmental pollution prevention fund created in
16 section 11130.

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

20 (6) The department shall evaluate the effectiveness and
21 adequacy of the manifest processing user charges collected under
22 this section relative to the overall revenue needs of the state's
23 hazardous waste management program administered under this part.
24 Not later than April 1 of each even-numbered year, the department
25 shall submit to the legislature a report summarizing its findings
26 under this subsection.

27 (7) A generator shall include on the manifest details as

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

9 (8) A generator shall certify that the information contained
10 on a manifest prepared by the generator is accurate.

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

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

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

1 exception report shall include all of the following:

2 (a) A legible copy of the manifest.

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

6 (12) A generator shall keep a copy of each manifest signed and
7 dated by the initial transporter for 3 years or until the generator
8 receives a signed and dated copy from the owner or operator of the
9 designated facility that received the hazardous waste. The
10 generator shall keep the copy of the manifest signed and dated by
11 the owner or operator of the designated facility for 3 years. The
12 retention periods required by this subsection are automatically
13 extended during the course of any unresolved enforcement action
14 regarding the regulated activity or as required 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~~ **ENVIRONMENTAL PROTECTION AGENCY** or the
19 department. Until October 1, ~~2017,~~ **2021**, the department shall
20 assess a site identification number user charge of \$50.00 for each
21 site identification number it issues. The department shall not
22 issue a site identification number under this subsection unless the
23 site identification number user charge and the tax identification
24 number for the person applying for the site identification number
25 have been received by the department.

26 (2) Until October 1, ~~2017,~~ **2021**, the department shall annually
27 assess hazardous waste 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) Handler user charges shall be paid using a form provided
3 by the department. The handler shall certify that the information
4 on the form is accurate. The department shall send forms to the
5 handlers by March 30 of each year. A handler shall return the
6 completed forms and the appropriate payment to the department by
7 April 30 of each year.

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

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

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

24 (6) The department shall maintain information regarding the
25 site identification number user charges and the handler user
26 charges collected under this section as necessary to satisfy the
27 reporting requirements of subsection (8).

1 (7) The site identification number user charges and the
2 handler user charges collected under this section and any amounts
3 collected under subsection (5) for a violation of this section
4 shall be forwarded to the state treasurer and deposited in the
5 environmental pollution prevention fund created in section 11130.

6 (8) The department shall evaluate the effectiveness and
7 adequacy of the site identification number user charges and the
8 handler user charges collected under this section relative to the
9 overall revenue needs of the hazardous waste management program
10 administered under this part. Not later than April 1 of each even-
11 numbered year, the department shall submit to the legislature a
12 report summarizing the department's findings under this subsection.

13 (9) As used in this section:

14 (a) "Handler" means the person required to pay the handler
15 user charge.

16 (b) "Handler user charge" means an annual hazardous waste
17 management program user charge provided for in subsection (2).

18 Sec. 12109. (1) A liquid industrial by-product transporter
19 shall provide the generator confirmation of acceptance of by-
20 product for transportation and shall deliver the liquid industrial
21 by-product only to the designated facility specified by the
22 generator.

23 (2) The liquid industrial by-product transporter shall retain
24 all records required under this part for ~~a period of~~ at least 3
25 years, and shall make those records readily available for review
26 and inspection by the department or a peace officer. The retention
27 period required in this subsection is automatically extended during

1 the course of any unresolved enforcement action regarding an
2 activity regulated under this part or as required by the
3 department. Records required under this part may be retained in
4 electronic format.

5 (3) The department may authorize, for certain liquid
6 industrial by-product streams, the use of a consolidated shipping
7 document as authorized under section 12103(1)(d). If a consolidated
8 shipping document is authorized by the department and utilized by a
9 generator, the transporter shall give to the generator a receipt
10 documenting the transporter's company name, the driver's signature,
11 the date of pickup, the type and quantity of by-product removed,
12 the consolidated shipping document number, and the designated
13 facility.

14 (4) A transporter shall obtain a site identification number
15 assigned by the United States Environmental Protection Agency or
16 the department. Until October 1, ~~2017~~, **2021**, the department shall
17 assess a site identification number user charge of \$50.00 for each
18 site identification number it issues. The department shall not
19 issue a site identification number under this subsection unless the
20 site identification number user charge and the tax identification
21 number for the person applying for the site identification number
22 have been received. Money collected under this subsection shall be
23 forwarded to the state treasurer for deposit into the environmental
24 pollution prevention fund created in section 11130.

25 Sec. 12112. (1) The owner or operator of a facility that
26 accepts liquid industrial by-product shall accept delivery of by-
27 product at the designated facility only if the facility is the

1 destination indicated on the shipping document. The facility owner
2 or operator shall do all of the following:

3 (a) Obtain a site identification number assigned by the United
4 States Environmental Protection Agency or the department. Until
5 October 1, ~~2017~~, **2021**, the department shall assess a site
6 identification number user charge of \$50.00 for each site
7 identification number it issues. The department shall not issue a
8 site identification number under this subdivision unless the site
9 identification number user charge and the tax identification number
10 for the person applying for the site identification number have
11 been received. Money collected under this subdivision shall be
12 forwarded to the state treasurer for deposit into the environmental
13 pollution prevention fund created in section 11130.

14 (b) Provide the generator or the generator's authorized
15 representative confirmation of the receipt of the liquid industrial
16 by-product.

17 (c) Maintain records of the characterization of the liquid
18 industrial by-product. Characterization shall be in accordance with
19 the requirements of this act.

20 (2) All storage, treatment, and reclamation of liquid
21 industrial by-product at the designated facility shall be in either
22 containers or tanks or as otherwise specified in section 12113(5).
23 Storage, treatment, or reclamation regulated under part 615 or the
24 rules, orders, or instructions promulgated under that part, or
25 regulated under part C of title XIV of the public health service
26 act, 42 USC 300h to 300h-8, or the regulations promulgated under
27 that part are exempt from this subsection.

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

10 (4) The owner or operator of a designated facility shall do
11 all of the following:

12 (a) Retain all records required pursuant to this part for a
13 period of at least 3 years and shall make those records readily
14 available for review and inspection by the department or a peace
15 officer. The retention period required by this subdivision is
16 automatically extended during the course of any unresolved
17 enforcement action regarding the regulated activity or as required
18 by the department. Records required under this part may be retained
19 in electronic format.

20 (b) Maintain a plan designed to respond to and minimize
21 hazards to human health and the environment from unplanned releases
22 of liquid industrial by-product to air, soil, and surface water.

23 (c) Document that all employees who have a responsibility to
24 manage liquid industrial by-product are trained in the proper
25 handling and emergency procedures appropriate for their job duties.

26 (5) Except as provided in subsection (6), a designated
27 facility shall submit to the department by April 30 each year a

1 report describing its activities for the previous calendar year.
2 The department shall provide for a method of electronic reporting.
3 The report, at a minimum, shall include the following information:
4 (a) The name and address of the facility.
5 (b) The calendar year covered by the report.
6 (c) The types and quantities of liquid industrial by-product
7 accepted and a description of the manner in which the liquid
8 industrial by-product was processed or managed.
9 (6) A designated facility is not subject to the reporting
10 requirements of subsection (5) for a calendar year if, during that
11 calendar year, the designated facility received liquid industrial
12 by-products only from 1 generator and was owned, operated, or
13 legally controlled by that generator.