

HOUSE BILL No. 5558

March 6, 1990, Introduced by Reps. Gire, Emerson, DeMars, Knight, Ostling and Jondahl and referred to the Committee on Appropriations.

A bill to amend the title and sections 5 and 33 of Act No. 64 of the Public Acts of 1979, entitled as amended "Hazardous waste management act,"

section 5 as amended by Act No. 53 of the Public Acts of 1989 and section 33 as amended by Act No. 486 of the Public Acts of 1982, being sections 299.505 and 299.533 of the Michigan Compiled Laws; and to add section 43a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 5 and 33 of Act No. 64 of
2 the Public Acts of 1979, section 5 as amended by Act No. 53 of
3 the Public Acts of 1989 and section 33 as amended by Act No. 486
4 of the Public Acts of 1982, being sections 299.505 and 299.533 of
5 the Michigan Compiled Laws, are amended and section 43a is added
6 to read as follows:

TITLE

1
2 An act to protect the public health and the natural
3 resources of the state and to license and regulate persons
4 engaged in generating, transporting, treating, storing, and dis-
5 posing of hazardous waste; to provide for hazardous waste manage-
6 ment facilities; to create a means for establishing hazardous
7 waste site review boards; to provide for the inspection and
8 licensing of equipment; to prescribe the powers and duties of
9 certain state agencies; to develop a plan which provides for the
10 safe management and disposal of hazardous waste; to regulate the
11 operation of treatment, storage, and disposal facilities; to
12 establish a list and criteria of hazardous waste requiring treat-
13 ment, storage, or disposal at approved treatment, storage, or
14 disposal facilities; to establish a manifest system to track haz-
15 ardous waste; to establish ~~a hazardous waste service fund~~
16 CERTAIN FUNDS FOR CERTAIN PURPOSES; to consider waste management
17 and disposal needs of this state; and to prescribe remedies and
18 penalties.

19 Sec. 5. (1) "Operator" means the person responsible for the
20 overall operation of a disposal, treatment, or storage facility
21 with approval of the director either by contract or license.

22 (2) "Person" means an individual; partnership; the state;
23 trust; firm; joint stock company; federal agency; corporation,
24 including a government corporation; association; municipality;
25 commission; political subdivision of a state; any interstate
26 body; and any other public body created by or pursuant to state
27 law.

1 (3) "ROLL-OFF BOX" MEANS A CONTAINER THAT IS NOT PERMANENTLY
2 AFFIXED TO A VEHICLE AND IS USED TO CONTAIN HAZARDOUS WASTE
3 DURING TRANSPORT.

4 (4) ~~-(3)-~~ "Rule" means a rule promulgated pursuant to the
5 administrative procedures act of 1969, Act No. 306 of the Public
6 Acts of 1969, as amended, being sections 24.201 to 24.328 of the
7 Michigan Compiled Laws.

8 (5) ~~-(4)-~~ "Solid waste" means that term as it is defined in
9 the solid waste management act, Act No. 641 of the Public Acts of
10 1978, being sections 299.401 to 299.437 of the Michigan Compiled
11 Laws.

12 (6) ~~-(5)-~~ "Storage" means the holding of hazardous waste for
13 a temporary period, at the end of which the hazardous waste is
14 treated, disposed of, or stored elsewhere.

15 (7) ~~-(6)-~~ "Storage facility" means a facility or part of a
16 facility where managed hazardous waste, as defined by rule, is
17 subject to storage. A generator who accumulates managed hazard-
18 ous waste, as defined by rule, on site in containers or tanks for
19 less than 91 days or a period of time prescribed by rule is not a
20 storage facility.

21 (8) ~~-(7)-~~ "Surface impoundment" or "impoundment" means a
22 treatment, storage, or disposal facility or part of a treatment,
23 storage, or disposal facility ~~which~~ THAT is a natural topo-
24 graphic depression, man-made excavation, or diked area formed
25 primarily of earthen materials, although it may be lined with
26 man-made materials, which is designed to hold an accumulation of
27 liquid wastes or wastes containing free liquids, and ~~which~~ THAT

1 is not an injection well. Examples of surface impoundments are
2 holding, storage, settling, and aeration pits, ponds, and
3 lagoons.

4 (9) ~~(8)~~ "Title II of the solid waste disposal act" means
5 title II of Public Law 89-272, 42 U.S.C. 6901, 6902 to 6911, 6912
6 to 6931, 6933 to 6941, 6942 to 6979a, 6981 to 6987, and 6991 to
7 6991i.

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

11 (11) ~~(10)~~ "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, so as to neutralize the waste, so as to recover energy or
15 material resources from the waste, or so as to render the waste
16 nonhazardous or less hazardous, safer to transport, store, or
17 dispose of, amenable to recovery, amenable to storage, or reduced
18 in volume. Treatment includes any activity or processing
19 designed to change the physical form or chemical composition of
20 hazardous waste so as to render it nonhazardous.

21 (12) ~~(11)~~ "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 (13) ~~(12)~~ "Updated plan" means the updated state hazardous
25 waste management plan prepared under section 9.

26 (14) ~~(13)~~ "Vehicle" means a device used to transport
27 hazardous waste. Each cargo carrying body is a separate

1 transport vehicle. A ROLL-OFF BOX IS NOT A VEHICLE AND IS NOT
2 SUBJECT TO A VEHICLE LICENSE APPLICATION FEE.

3 Sec. 33. (1) A hazardous waste generator shall provide a
4 separate manifest to the transporter for each load of hazardous
5 waste transported to property which is not on site where it was
6 generated. The generator shall include on the manifest details
7 as specified by the director and shall at least include, suffi-
8 cient qualitative and quantitative analysis and physical descrip-
9 tion to evaluate toxicity and methods of transportation, storage,
10 and disposal. The manifest also shall include safety precautions
11 as necessary for each load of waste. The generator shall submit
12 to the director a copy of the manifest within a period of 10 days
13 after the end of the month for each load of waste transported
14 within that month.

15 (2) The generator shall certify that the information con-
16 tained on the manifest is factual.

17 (3) The specified destination of each load of hazardous
18 waste shall be a designated facility.

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

1 (5) A generator shall submit an exception report to the
2 director if the generator has not received a copy of the manifest
3 with the handwritten signature of the owner or operator of the
4 designated facility within 45 days of the date the waste was
5 accepted by the initial transporter. The exception report shall
6 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 (6) A generator shall keep a copy of each manifest signed
14 and dated by the initial transporter for 3 years or until the
15 generator receives a signed and dated copy from the owner or
16 operator of the designated facility which received the waste.
17 The generator shall keep the copy of the manifest signed and
18 dated by the owner or operator of the designated facility for 3
19 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 director.

23 (7) AFTER OCTOBER 1, 1990, A GENERATOR SHALL ONLY USE A MAN-
24 IFEST PROVIDED BY THE DEPARTMENT UNLESS THE SHIPMENT IS DESTINED
25 TO AN OUT OF STATE TREATMENT, STORAGE, OR DISPOSAL FACILITY AND
26 THE STATE TO WHICH THE MANIFEST INDICATES THE SHIPMENT IS TO BE
27 DELIVERED REQUIRES THE USE OF ANOTHER MANIFEST. THE DEPARTMENT

1 SHALL CHARGE \$3.00 FOR EACH MANIFEST PROVIDED BY THE DEPARTMENT
2 TO GENERATORS UNDER THIS SUBSECTION. THE COST OF MAILING THE
3 MANIFESTS SHALL ALSO BE CHARGED TO THE GENERATORS. MANIFESTS FOR
4 WHICH A \$3.00 CHARGE HAS BEEN LEVIED SHALL BE READILY DISTIN-
5 GUISHABLE FROM MANIFESTS FOR WHICH NO CHARGE HAS BEEN LEVIED.
6 AFTER OCTOBER 1, 1990, A GENERATOR REQUIRED BY THIS SUBSECTION TO
7 UTILIZE A MANIFEST PROVIDED BY THE DEPARTMENT SHALL ONLY USE A
8 MANIFEST FOR WHICH A \$3.00 FEE HAS BEEN PAID.

9 (8) THE MANIFEST CHARGES AND MAILING CHARGES COLLECTED PUR-
10 SUANT TO THIS SECTION SHALL BE DEPOSITED IN THE HAZARDOUS AND
11 LIQUID INDUSTRIAL WASTE SUBACCOUNT OF THE ENVIRONMENTAL POLLUTION
12 PREVENTION FUND CREATED IN SECTION 43A.

13 SEC. 43A. THE ENVIRONMENTAL POLLUTION PREVENTION FUND IS
14 CREATED IN THE STATE TREASURY. THE STATE TREASURER SHALL DIRECT
15 THE INVESTMENT OF THE FUND. INTEREST AND EARNINGS FROM FUND
16 INVESTMENTS SHALL BE CREDITED TO ACCOUNTS WITHIN THE FUND FROM
17 WHICH INVESTMENTS WERE MADE. THERE IS ESTABLISHED WITHIN THE
18 FUND A HAZARDOUS AND LIQUID INDUSTRIAL WASTE SUBACCOUNT AND OTHER
19 SUBACCOUNTS AS PROVIDED BY LAW FOR PURPOSES RELATED TO THE PRE-
20 VENTION OF POLLUTION AND THE PROTECTION OF THE PUBLIC HEALTH AND
21 NATURAL RESOURCES. THE LEGISLATURE MAY APPROPRIATE ANNUALLY FROM
22 THE HAZARDOUS AND LIQUID INDUSTRIAL WASTE SUBACCOUNT THOSE FUNDS
23 NEEDED FOR PROGRAM ACTIVITIES CARRIED OUT PURSUANT TO THIS ACT
24 AND ACT NO. 136 OF THE PUBLIC ACTS OF 1969, BEING
25 SECTIONS 323.271 TO 323.280 OF THE MICHIGAN COMPILED LAWS, AND
26 RULES PROMULGATED UNDER THESE ACTS.