

# HOUSE BILL No. 5559

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

A bill to amend sections 1, 3a, 5, and 7 of Act No. 136 of the Public Acts of 1969, entitled

"An act to require persons engaged in removing liquid industrial wastes from the premises of other persons to be licensed and bonded; to provide for the inspection and licensing of vehicles; to provide for the control of disposal of wastes; and to provide penalties for the violation of this act,"

section 5 as amended by Act No. 411 of the Public Acts of 1984, being sections 323.271, 323.273a, 323.275, and 323.277 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 1, 3a, 5, and 7 of Act No. 136 of the  
2 Public Acts of 1969, section 5 as amended by Act No. 411 of the  
3 Public Acts of 1984, being sections 323.271, 323.273a, 323.275,  
4 and 323.277 of the Michigan Compiled Laws, are amended to read as  
5 follows:

1       Sec. 1. As used in this act:

2       (a) "Commission" means the water resources commission, its  
3 staff, or its designated representative.

4       (b) "DEPARTMENT" MEANS THE DEPARTMENT OF NATURAL RESOURCES.

5       (c) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

6       (d) "GENERATOR" MEANS A PERSON WHOSE ACT OR PROCESS PRODUCES  
7 LIQUID INDUSTRIAL WASTE.

8       (e) ~~(b)~~ "Liquid industrial waste" OR "WASTE" means any  
9 liquid waste, other than unpolluted water, which is produced by  
10 or incident to or results from an industrial or commercial activ-  
11 ity or the conduct of any enterprise.

12       (f) ~~(c)~~ "Tank" means any container when placed on a vehi-  
13 cle to carry in transport liquid industrial wastes.

14       (g) ~~(d)~~ "Person" means any individual, partnership, firm,  
15 association, corporation, or a person carrying on a business  
16 under an assumed name.

17       Sec. 3a. (1) ~~Every person who engages, employs or con-~~  
18 ~~tracts with any other person to remove liquid wastes from his~~  
19 ~~premises shall maintain detailed records of all such waste remov-~~  
20 ~~als effectuated on forms provided by the commission and shall~~  
21 ~~submit such information in such detail and with such frequency as~~  
22 ~~the commission may require.~~ A GENERATOR SHALL PROVIDE A SEPARATE  
23 MANIFEST TO THE TRANSPORTER OF LIQUID INDUSTRIAL WASTE FOR EACH  
24 LOAD OF WASTE TRANSPORTED TO PROPERTY THAT IS NOT LOCATED ON THE  
25 SITE WHERE THE WASTE WAS GENERATED. THE MANIFEST SHALL INCLUDE  
26 DETAILS AS SPECIFIED BY THE DIRECTOR AND SHALL INCLUDE AT LEAST  
27 SUFFICIENT QUALITATIVE AND QUANTITATIVE ANALYSIS AND PHYSICAL

1 DESCRIPTION TO ENABLE THE DEPARTMENT TO EVALUATE TOXICITY AND  
2 METHODS OF TRANSPORTATION, STORAGE, AND DISPOSAL. THE MANIFEST  
3 SHALL ALSO INCLUDE SAFETY PRECAUTIONS REQUIRED FOR EACH LOAD OF  
4 LIQUID INDUSTRIAL WASTE. THE GENERATOR SHALL SUBMIT TO THE  
5 DIRECTOR OR HIS OR HER DESIGNEE A COPY OF THE MANIFEST FOR EACH  
6 LOAD OF LIQUID INDUSTRIAL WASTE TRANSPORTED WITHIN THE MONTH  
7 WITHIN 10 DAYS AFTER THE END OF THAT MONTH.

8 (2) THE GENERATOR SHALL CERTIFY THAT THE INFORMATION CON-  
9 TAINED ON THE MANIFEST IS FACTUAL.

10 (3) THE SPECIFIED DESTINATION OF EACH LOAD OF LIQUID INDUS-  
11 TRIAL WASTE SHALL BE A FACILITY THAT IS LICENSED AS REQUIRED BY  
12 LAW TO PROCESS OR DISPOSE OF THE WASTE.

13 (4) A GENERATOR WHO DOES NOT RECEIVE A COPY OF THE MANIFEST  
14 WITH THE HANDWRITTEN SIGNATURE OF THE OWNER OR OPERATOR OF THE  
15 FACILITY DESIGNATED TO RECEIVE THE WASTE WITHIN 35 DAYS OF THE  
16 DATE THE WASTE WAS ACCEPTED FROM THE GENERATOR BY THE INITIAL  
17 TRANSPORTER SHALL CONTACT THAT TRANSPORTER TO DETERMINE THE  
18 STATUS OF THE WASTE. IF THE GENERATOR IS UNABLE TO DETERMINE THE  
19 STATUS OF THE WASTE UPON CONTACTING THE TRANSPORTER, THE GENERA-  
20 TOR SHALL CONTACT THE OWNER OR OPERATOR OF THE DESIGNATED FACIL-  
21 ITY TO WHICH THE WASTE WAS TO BE TRANSPORTED TO DETERMINE THE  
22 STATUS OF THE WASTE.

23 (5) A GENERATOR SHALL SUBMIT AN EXCEPTION REPORT TO THE  
24 DIRECTOR 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 TO WHICH THE WASTE WAS TO BE TRANSPORTED  
27 WITHIN 45 DAYS OF THE DATE THE WASTE WAS ACCEPTED BY THE INITIAL

1 TRANSPORTER. THE EXCEPTION REPORT SHALL INCLUDE ALL OF THE  
2 FOLLOWING:

3 (A) A LEGIBLE COPY OF THE MANIFEST FOR WHICH THE GENERATOR  
4 DOES NOT HAVE CONFIRMATION OF DELIVERY.

5 (B) A COVER LETTER SIGNED BY THE GENERATOR OR THE AUTHORIZED  
6 REPRESENTATIVE OF THE GENERATOR EXPLAINING THE EFFORTS TAKEN TO  
7 LOCATE THE WASTE AND THE RESULTS OF THOSE EFFORTS.

8 (6) A GENERATOR SHALL KEEP A COPY OF EACH MANIFEST SIGNED  
9 AND DATED BY THE INITIAL TRANSPORTER FOR 3 YEARS OR UNTIL THE  
10 GENERATOR RECEIVES A SIGNED AND DATED COPY FROM THE OWNER OR  
11 OPERATOR OF THE DESIGNATED FACILITY THAT RECEIVED THE WASTE. THE  
12 GENERATOR SHALL KEEP THE COPY OF THE MANIFEST SIGNED AND DATED BY  
13 THE OWNER OR OPERATOR OF THE FACILITY DESIGNATED TO RECEIVE THE  
14 WASTE FOR 3 YEARS. THE RETENTION PERIODS REQUIRED BY THIS SUB-  
15 SECTION SHALL BE AUTOMATICALLY EXTENDED DURING THE TIME THAT AN  
16 ENFORCEMENT ACTION REGARDING AN ACTIVITY REGULATED UNDER THIS ACT  
17 IS PENDING, OR AS OTHERWISE REQUIRED BY THE DIRECTOR.

18 (7) AFTER OCTOBER 1, 1990, A GENERATOR SHALL ONLY USE A MAN-  
19 IFEST PROVIDED BY THE DEPARTMENT. THE DEPARTMENT SHALL CHARGE  
20 \$3.00 FOR EACH MANIFEST PROVIDED BY THE DEPARTMENT TO A GENERATOR  
21 UNDER THIS SECTION. THE COST OF MAILING THE MANIFESTS SHALL ALSO  
22 BE CHARGED TO THE GENERATORS. MANIFESTS FOR WHICH A \$3.00 CHARGE  
23 HAS BEEN LEVIED SHALL BE READILY DISTINGUISHABLE FROM MANIFESTS  
24 FOR WHICH NO CHARGE HAS BEEN LEVIED. AFTER OCTOBER 1, 1990, A  
25 GENERATOR SHALL ONLY USE A MANIFEST FOR WHICH A \$3.00 FEE HAS  
26 BEEN PAID.

1       (8) THE MANIFEST CHARGES AND MAILING CHARGES COLLECTED  
2 PURSUANT TO THIS SECTION AND THE FEES COLLECTED UNDER SECTIONS 3A  
3 AND 5 SHALL BE DEPOSITED IN THE HAZARDOUS AND LIQUID INDUSTRIAL  
4 WASTE PROTECTION SUBACCOUNT WITHIN THE ENVIRONMENTAL POLLUTION  
5 PREVENTION FUND CREATED IN THE HAZARDOUS WASTE MANAGEMENT ACT,  
6 ACT NO. 64 OF THE PUBLIC ACTS OF 1979, BEING SECTIONS 299.501 TO  
7 299.551 OF THE MICHIGAN COMPILED LAWS, TO BE APPROPRIATED BY THE  
8 LEGISLATURE AS NEEDED FOR PROGRAM ACTIVITIES CARRIED OUT PURSUANT  
9 TO THIS ACT AND ACT NO. 64 OF THE PUBLIC ACTS OF 1979 AND RULES  
10 PROMULGATED UNDER THESE ACTS.

11       Sec. 5. Subject to section 5a and before engaging in the  
12 business of removing liquid industrial wastes from the premises  
13 of another, a person shall obtain a license using an application  
14 blank prepared by the commission. The application shall be  
15 accompanied by a license fee of ~~-\$100.00-~~ \$250.00 and by a surety  
16 bond covering the period and any renewal thereof for which the  
17 license is issued by a surety company registered in the state, to  
18 indemnify the commission for the abatement of pollution of waters  
19 which result from any improper disposal of industrial waste by  
20 the licensee. The bonds shall be \$15,000.00 for residents of the  
21 state and \$30,000.00 for nonresidents. The commission shall be  
22 the obligee and the bond shall be for the benefit and purpose to  
23 indemnify the state for the elimination of hazardous or nuisance  
24 conditions and for the abatement of any pollution of waters  
25 ~~which~~ THAT result from the improper disposal of industrial  
26 waste by the licensee. In lieu of surety bonds, the licensee may  
27 deposit cash or other securities acceptable to the commission in

1 the required amounts. The surety, upon 30 days' notice in  
2 writing to the commission and to the licensee, may cancel ~~any~~  
3 ~~such~~ THE bond, but ~~such~~ THE cancellation shall not affect any  
4 rights ~~which shall~~ THAT have accrued on the bond before the  
5 effective date of the cancellation.

6       Sec. 7. (1) ~~All trucks~~ A TRUCK or other ~~vehicles~~  
7 VEHICLE used to transport or carry liquid industrial wastes shall  
8 carry a license ISSUED by the commission, AND THE LICENSE SHALL  
9 BE AVAILABLE for inspection by ~~its~~ A representative OF THE  
10 COMMISSION or any law enforcement agent. The application for the  
11 vehicle license shall state the make, model, and year of the  
12 vehicle, as well as the capacity of the tank used in transporting  
13 industrial wastes and ~~such~~ other information ~~as~~ THAT the com-  
14 mission requires. Each application shall be accompanied by a  
15 license fee of ~~\$10.00~~ \$100.00 for each vehicle sought to be  
16 licensed, payable to the state. ~~and if~~ IF the commission, after  
17 such investigation as it ~~deems~~ CONSIDERS necessary, is satis-  
18 fied that the truck or vehicle and equipment is proper TO TRANS-  
19 PORT OR CARRY LIQUID INDUSTRIAL WASTE and adequate for ~~the~~ THAT  
20 purpose, ~~it~~ THE COMMISSION shall issue a license for the use of  
21 the vehicle. The license is not transferable from 1 vehicle to  
22 another. In addition to the vehicle license, which shall be car-  
23 ried on the vehicle at all times, there shall be painted on both  
24 sides of the vehicle in letters not less than 2 inches high the  
25 words "licensed industrial waste hauling vehicle", which words  
26 shall be followed with the vehicle license number. Directly  
27 adjacent to the words and vehicle license number shall be affixed

1 a seal furnished by the commission which shall designate the year  
2 for which the license was issued. The year on the seal shall  
3 correspond to the year which appears on the license plate of the  
4 vehicle.

5 (2) All licenses issued under ~~the provisions of~~ this act  
6 shall expire on the last day of February of each year.  
7 Application for renewal of a license may be made after November  
8 30 of each year. The fee for renewal OF A LICENSE shall be the  
9 same as THE LICENSE FEE PROVIDED IN SUBSECTION (1) for ~~an~~  
10 ~~original~~ A VEHICLE license.

11 (3) A ROLL-OFF BOX SHALL NOT BE SUBJECT TO THE \$100.00 VEHI-  
12 CLE LICENSE APPLICATION FEE. AS USED IN THIS SUBSECTION  
13 "ROLL-OFF BOX" MEANS A CONTAINER THAT IS NOT PERMANENTLY AFFIXED  
14 TO A VEHICLE AND IS USED TO CONTAIN LIQUID INDUSTRIAL WASTE  
15 DURING TRANSPORT.