

HOUSE BILL No. 4076

February 5, 1991, Introduced by Reps. Alley, Middaugh, Dolan, Brown, Sikkema, DeBeaussiaert, DeMars, Yokich and Kosteva and referred to the Committee on Conservation, Recreation and Environment.

A bill to promote the recycling of antifreeze; to provide for the proper disposal of antifreeze; to provide for the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Antifreeze" means a glycol derivative antifreeze or
3 coolant including, but not limited to, ethylene glycol and pro-
4 pylene glycol.

5 (b) "Collection facility" means a facility designated by the
6 department under section 3.

7 (c) "Department" means the department of natural resources.

8 (d) "Person" means an individual, partnership, corporation,
9 association, governmental entity, or other legal entity.

1 (e) "Rule" means a rule promulgated pursuant to the
2 administrative procedures act of 1969, Act No. 306 of the Public
3 Acts of 1969, being sections 24.201 to 24.328 of the Michigan
4 Compiled Laws.

5 Sec. 2. A person shall not dispose of, or cause the dis-
6 posal of, antifreeze by discharging, dumping, or depositing anti-
7 freeze into sewers, drainage systems, surface waters or groundwa-
8 ters or other waters of this state, or onto any public or private
9 land, except by disposal at a collection facility.

10 Sec. 3. (1) The department shall, upon application, desig-
11 nate a facility as a collection facility for the collection or
12 disposal of antifreeze, if that facility meets the criteria of
13 rules promulgated under subsection (2).

14 (2) The department shall promulgate rules that do both of
15 the following:

16 (a) Establish criteria to be used in designating collection
17 facilities under subsection (1). In developing the criteria, the
18 department shall seek to encourage private and local collection
19 facilities as an integral part of the department's efforts to
20 establish a statewide network of collection facilities.

21 (b) Provide for the proper disposal or storage of
22 antifreeze.

23 Sec. 4. By January 1, 1992, the department shall develop
24 and submit to the legislature a comprehensive antifreeze recycl-
25 ing plan that does all of the following:

1 (a) Provides for a network of private, state, and local
2 collection facilities on a statewide basis that are operational
3 by July 1, 1992 to facilitate compliance with section 2.

4 (b) Provides for a publicity program to assure that the
5 public is aware of the requirements of section 2, the location of
6 collection facilities, and the penalties for violating this act.

7 (c) Provides 1 or more proposed funding mechanisms that the
8 director of the department considers feasible to assure that an
9 operational collection facility network is available statewide by
10 July 1, 1991.

11 Sec. 5. (1) Beginning on July 1, 1992, a person who vio-
12 lates this act or a rule promulgated under this act is guilty of
13 a misdemeanor punishable by imprisonment for 90 days, or a fine
14 of not more than \$1,000.00, or both. In place of a sentence pro-
15 vided in this subsection, the court may order that the defendant
16 engage in court supervised recycling-related labor for a number
17 of hours determined by the court, including, but not limited to,
18 antifreeze recycling. A violation of this act or a rule promul-
19 gated under this act by a person, other than an individual, is
20 punishable by a fine of not more than \$2,500.00.

21 (2) This section does not prohibit enforcement actions under
22 other state or federal laws applicable to an activity described
23 in this act.