

STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994

Introduced by Senator Ehlers

ENROLLED SENATE BILL No. 764

AN ACT to license and regulate certain persons who transport liquid industrial waste to provide for the inspection and licensure of certain vehicles to regulate the generation treatment storage or disposal of liquid industrial wastes to prescribe powers and duties of certain state agencies and officials to create certain accounts for certain purposes to prescribe penalties and provide remedies and to repeal certain acts and parts of acts

The People of the State of Michigan enact

Sec 1 This act shall be known and may be cited as the liquid industrial waste management act

Sec 2 (1) Brine means a liquid produced as a by product of oil or natural gas production or exploration

(2) Container means any portable device in which a liquid industrial waste is stored transported treated or otherwise handled

(3) Department means the director of the department of natural resources or his or her designee

(4) Designated facility means a treatment storage disposal or reclamation facility that receives liquid industrial waste from off site

(5) Director means the director of the department of natural resources

(6) Discarded means any of the following

(a) Abandoned by being disposed of burned or incinerated or accumulated stored or treated before or instead of being abandoned

(b) Accumulated stored or treated before being managed in 1 of the following ways

(i) By being used or reused in a manner constituting disposal by being applied to or placed on the land or by being used to produce products that are applied to or placed on the land

(ii) By being burned to recover energy or used to produce a fuel

(iii) By reclamation

(7) Discharge means the accidental or intentional spilling leaking pumping releasing pouring emitting emptying or dumping of liquid industrial waste into the land air or water

(8) Disposal means the abandonment discharge deposit injection dumping spilling leaking or placing of a liquid industrial waste into or on land or water in such a manner that the liquid industrial waste may enter the environment or be emitted into the air or discharged into surface water or groundwater

(9) Disposal facility means a facility or a part of a facility at which liquid industrial waste is disposed

(10) Facility means all contiguous land and structures other appurtenances and improvements on the land for treating storing disposing of or reclamation of liquid industrial waste

(11) Federal water pollution control act means chapter 758 86 Stat 816 33 U S C 1251 to 1252 1253 to 1254 1255 to 1257 1258 to 1271 1281 1282 to 1293 1294 to 1299 1311 to 1313 1314 to 1330 1341 to 1345 1361 to 1377 and 1381 to 1387

(12) Generator means a person whose act or process produces liquid industrial waste

both A peace officer may issue an appearance ticket to a person who is in violation of section 8(1) (2) (3) (4) (6) or (7) or section 10(4)

(2) A person who knowingly makes or causes to be made a false statement or entry in a license application or a manifest is guilty of a felony punishable by imprisonment for not more than 2 years or a fine of not less than \$2 500 00 or more than \$10 000 00 or both

(3) A person who violates this act or a license issued under this act except as provided in subsections (1) and (2) is guilty of a misdemeanor punishable by imprisonment for not more than 6 months or a fine of not less than \$1 000 00 or more than \$2 500 00 or both

(4) Each day that a violation continues constitutes a separate violation

Sec 18 (1) The liquid industrial transporter waste account is created within the environmental pollution prevention fund which is created in section 29 of the hazardous waste management act Act No 64 of the Public Acts of 1979 being section 299 529 of the Michigan Compiled Laws

(2) The state treasurer may receive money or other assets from any source for deposit into the account The state treasurer shall direct the investment of the account The state treasurer shall credit to the account interest and earnings from account investments

(3) Money remaining in the account at the close of the fiscal year shall not lapse to the general fund

(4) The department shall expend money from the account upon appropriation for the implementation of this act In addition funds not expended from the account for the implementation of this act may be utilized for emergency response and cleanup activities related to liquid industrial waste that are initiated by the department

Sec 19 (1) A person who on the effective date of this act holds a transporter business license or a vehicle license issued pursuant to former Act No 136 of the Public Acts of 1969 may continue to operate under the authority of that license until its expiration However except as otherwise provided in subsection (2) that person shall operate in compliance with this act

(2) A person who on the effective date of this act holds a transporter business license or a vehicle license may continue to operate with liability coverage required under former Act No 136 of the Public Acts of 1969 until that person seeks to renew his or her license under this act Upon license renewal the applicant shall provide evidence of coverage as required under section 11

Sec 20 This act shall not take effect unless Senate Bill No 765 of the 87th Legislature is enacted into law

Sec 21 Act No 136 of the Public Acts of 1969 being sections 323 271 to 323 280 of the Michigan Compiled Laws is repealed

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor