

Act No. 414
Public Acts of 1994
Approved by the Governor
December 29, 1994
Filed with the Secretary of State
December 29, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senator Ehlers

ENROLLED SENATE BILL No. 765

AN ACT to amend sections 5 29 and 31 of Act No 64 of the Public Acts of 1979 entitled as amended An act to protect the public health and the natural resources of the state and to license and regulate persons engaged in generating transporting treating storing and disposing of hazardous waste to provide for hazardous waste management facilities to create a means for establishing hazardous waste site review boards to provide for the inspection and licensing of equipment to prescribe the powers and duties of certain state agencies to develop a plan to provide for the safe management and disposal of hazardous waste to regulate the operation of and require corrective action regarding contaminants at treatment storage and disposal facilities to establish a list and criteria of hazardous waste requiring treatment storage or disposal at approved treatment storage or disposal facilities to establish a manifest system to track hazardous waste to establish a hazardous waste service fund to consider waste management and disposal needs of this state and to prescribe remedies and penalties section 5 as amended by Act No 87 of the Public Acts of 1992 and sections 29 and 31 as amended by Act No 486 of the Public Acts of 1982 being sections 299 505 299 529 and 299 531 of the Michigan Compiled Laws and to repeal certain parts of the act

The People of the State of Michigan enact

Section 1 Sections 5 29 and 31 of Act No 64 of the Public Acts of 1979 section 5 as amended by Act No 87 of the Public Acts of 1992 and sections 29 and 31 as amended by Act No 486 of the Public Acts of 1982 being sections 299 505 299 529 and 299 531 of the Michigan Compiled Laws are amended to read as follows

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

(2) Person means an individual partnership the state trust firm joint stock company federal agency corporation including a government corporation association municipality commission political subdivision of a state any interstate body and any other public body created by or pursuant to state law

(3) Rule means a rule promulgated pursuant to the administrative procedures act of 1969 Act No 306 of the Public Acts of 1969 as amended being sections 24 201 to 24 328 of the Michigan Compiled Laws

(4) Solid waste means that term as it is defined in the solid waste management act Act No 641 of the Public Acts of 1978 being sections 299 401 to 299 437 of the Michigan Compiled Laws

(5) Storage means the holding of hazardous waste for a temporary period at the end of which the hazardous waste is treated disposed of or stored elsewhere

(6) Storage facility means a facility or part of a facility where managed hazardous waste as defined by rule is subject to storage A generator who accumulates managed hazardous waste as defined by rule on site in containers or tanks for less than 91 days or a period of time prescribed by rule is not a storage facility

(7) Surface impoundment or impoundment means a treatment storage or disposal facility or part of a treatment storage or disposal facility that is a natural topographic depression man made excavation or diked area formed primarily of earthen materials although it may be lined with human made materials that is designed to hold an accumulation of liquid wastes or wastes containing free liquids and that is not an injection well Surface impoundments include but are not limited to holding storage settling and aeration pits ponds and lagoons

(8) Title II of the solid waste disposal act means title II of Public Law 89 272 42 U S C 6901 6902 to 6907 6911 6912 to 6914a 6915 to 6916 6921 to 6931 6933 to 6939b 6941 6942 to 6949a 6951 to 6956 6961 to 6964 6971 to 6979a 6981 to 6987 6991 to 6991i and 6992 to 6992k

(9) Transporter means a person engaged in the off site transportation of hazardous waste by air rail highway or water

(10) Treatment means any method technique or process including neutralization designed to change the physical chemical or biological character or composition of any hazardous waste to neutralize the waste to recover energy or material resources from the waste or to render the waste nonhazardous or less hazardous safer to transport store or dispose of amenable to recovery amenable to storage or reduced in volume Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous

(11) Treatment facility means a facility or part of a facility where managed hazardous waste as defined by rule is subject to treatment

(12) Updated plan means the updated state hazardous waste management plan prepared under section 9

(13) Vehicle means each separate conveyance used in the transportation of hazardous waste that is 1 of the following

(a) A rail car as defined in 49 C F R 171 8

(b) A semitrailer truck or trailer as defined in the Michigan vehicle code Act No 300 of the Public Acts of 1949 being sections 257 1 to 257 923 of the Michigan Compiled Laws

(c) A truck tractor as defined in Act No 300 of the Public Acts of 1949 only if the hazardous waste is actually transported in the cab of the vehicle

Sec 29 (1) A person shall not engage in the business of transporting hazardous waste within this state without a hazardous waste transporter business license from the department Any vehicle used to transport hazardous wastes off site shall be licensed under this act An application for a hazardous waste transporter business license or a vehicle license shall be made on a form provided by the department Railcars airplanes and watercraft used for the transportation of hazardous waste are exempt from the requirements of this section to obtain a hazardous waste transporter business license or a vehicle license

(2) An application for a hazardous waste transporter business license shall be accompanied by the following

(a) A business license application fee of \$1 000 00 of which \$100 00 shall be retained as a processing of the application fee The remaining business license application fee and the vehicle license application fee as required in subdivision (b) shall be refunded if the application is denied by the department

(b) A vehicle license application fee of \$500 00 for each vehicle used by the hazardous waste transporter to transport or carry hazardous waste

(c) Proof of financial responsibility as defined in rules promulgated under this act

(3) The hazardous waste transporter account is created within the environmental pollution prevention fund which is hereby created in the state treasury

(4) The state treasurer may receive money or other assets from any source for deposit into the account The license fees collected pursuant to this section shall be deposited in the hazardous waste transporter 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

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

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

Sec 31 (1) A license issued pursuant to section 30 shall expire 2 years after the date of issuance Application for renewal of a license shall be made at least 60 days before expiration The fee for renewal shall be the same as for an original license

(2) A hazardous waste transporter business license issued under this act shall be revoked if the holder of the license selected a treatment storage or disposal facility which is operated contrary to this act or the rules promulgated under

this act or uses a vehicle to store treat transport or dispose of hazardous waste contrary to this act or the rules promulgated under this act

Section 2 This amendatory act shall not take effect unless Senate Bill No 764 of the 87th Legislature is enacted into law

Section 3 Section 29a of Act No 64 of the Public Acts of 1979 being section 299 529a of the Michigan Compiled Laws is repealed

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

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Governor