



SENATE BILL No. 42

January 13, 1993, Introduced by Senator VAN REGENMORTER and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend Act No. 64 of the Public Acts of 1979, entitled as amended

"Hazardous waste management act,"

as amended, being sections 299.501 to 299.551 of the Michigan Compiled Laws, by adding section 21b; and to repeal certain parts of the act on a specific date.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 64 of the Public Acts of 1979, as
2 amended, being sections 299.501 to 299.551 of the Michigan
3 Compiled Laws, is amended by adding section 21b to read as
4 follows:

5 SEC. 21B. (1) EXCEPT AS PROVIDED IN THIS SUBSECTION, A
6 PERSON WHO GENERATES OR COLLECTS SAMPLES FOR THE PURPOSE OF
7 CONDUCTING TREATABILITY STUDIES IS NOT SUBJECT TO PART 2, 3, OR 4
8 OF THE RULES PROMULGATED UNDER THIS ACT, BEING R 299.9201 TO

1 R 299.9412 OF THE MICHIGAN ADMINISTRATIVE CODE, OR THE
2 NOTIFICATION REQUIREMENTS OF SECTION 3010 OF SUBTITLE C OF THE
3 SOLID WASTE DISPOSAL ACT, TITLE II OF PUBLIC LAW 89-272, 42
4 U.S.C. 6930, AND THE SAMPLES ARE NOT INCLUDED IN THE QUANTITY
5 DETERMINATIONS OF R 299.9205 AND R 299.9306(4) OF THE MICHIGAN
6 ADMINISTRATIVE CODE IF THE SAMPLE IS BEING COLLECTED AND PREPARED
7 FOR TRANSPORTATION BY THE GENERATOR OR SAMPLE COLLECTOR, THE
8 SAMPLE IS BEING ACCUMULATED OR STORED BY THE GENERATOR OR SAMPLE
9 COLLECTOR PRIOR TO TRANSPORTATION TO A LABORATORY OR TESTING
10 FACILITY, OR THE SAMPLE IS BEING TRANSPORTED TO A LABORATORY OR
11 TESTING FACILITY FOR THE PURPOSE OF CONDUCTING A TREATABILITY
12 STUDY. THE EXEMPTION IN THIS SUBSECTION IS APPLICABLE TO SAMPLES
13 OF HAZARDOUS WASTE BEING COLLECTED AND SHIPPED FOR THE PURPOSE OF
14 CONDUCTING TREATABILITY STUDIES IF ALL OF THE FOLLOWING CIRCUM-
15 STANCES ARE MET:

16 (A) THE GENERATOR OR SAMPLE COLLECTOR USES NO MORE THAN
17 1,000 KG OF ANY NONACUTE HAZARDOUS WASTE, 1 KG OF ACUTE OR
18 SEVERELY TOXIC HAZARDOUS WASTE, OR 250 KG OF SOILS, WATER, OR
19 DEBRIS CONTAMINATED WITH ACUTE OR SEVERELY TOXIC HAZARDOUS WASTE
20 FOR EACH PROCESS BEING EVALUATED FOR EACH GENERATED WASTE STREAM
21 IN A TREATABILITY STUDY.

22 (B) THE MASS OF EACH SAMPLE SHIPMENT DOES NOT EXCEED 1,000
23 KG OF NONACUTE HAZARDOUS WASTE, 1 KG OF ACUTE OR SEVERELY TOXIC
24 HAZARDOUS WASTE, OR 250 KG OF SOILS, WATER, OR DEBRIS CONTAMI-
25 NATED WITH ACUTE OR SEVERELY TOXIC HAZARDOUS WASTE.

26 (C) THE SAMPLE IS PACKAGED AND TRANSPORTED SO THAT THE
27 SAMPLE WILL NOT LEAK, SPILL, OR VAPORIZE FROM ITS PACKAGING

1 DURING SHIPMENT AND IS PACKAGED SO THAT EITHER OF THE FOLLOWING
2 REQUIREMENTS ARE MET:

3 (i) THE TRANSPORTATION OF EACH SAMPLE SHIPMENT COMPLIES WITH
4 SHIPPING REQUIREMENTS OF THE UNITED STATES DEPARTMENT OF TRANS-
5 PORTATION, THE UNITED STATES POSTAL SERVICE, AND ANY OTHER APPLI-
6 CABLE SHIPPING REQUIREMENTS.

7 (ii) IF THE UNITED STATES DEPARTMENT OF TRANSPORTATION, THE
8 UNITED STATES POSTAL SERVICE, OR ANY OTHER APPLICABLE SHIPPING
9 REQUIREMENTS DO NOT APPLY TO THE SHIPMENT OF THE SAMPLE, ALL OF
10 THE FOLLOWING INFORMATION SHALL ACCOMPANY THE SAMPLE:

11 (A) THE NAME, MAILING ADDRESS, AND TELEPHONE NUMBER OF THE
12 ORIGINATOR OF THE SAMPLE.

13 (B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE FACILITY
14 THAT WILL PERFORM THE TREATABILITY STUDY.

15 (C) THE QUANTITY OF THE SAMPLE.

16 (D) THE DATE OF SHIPMENT.

17 (E) A DESCRIPTION OF THE SAMPLE, INCLUDING THE HAZARDOUS
18 WASTE NUMBER ASSIGNED TO THE SAMPLE BY THE UNITED STATES ENVIRON-
19 MENTAL PROTECTION AGENCY.

20 (D) THE SAMPLE IS SHIPPED TO A LABORATORY OR TESTING FACIL-
21 ITY THAT IS EXEMPT UNDER SUBSECTION (3) OR HAS AN APPROPRIATE
22 RESOURCE CONSERVATION AND RECOVERY ACT PERMIT, STATE HAZARDOUS
23 WASTE LICENSE, OR INTERIM STATUS.

24 (E) THE GENERATOR OR SAMPLE COLLECTOR MAINTAINS THE FOLLOW-
25 ING RECORDS FOR A PERIOD OF AT LEAST 3 YEARS AFTER COMPLETION OF
26 THE TREATABILITY STUDY:

1 (i) COPIES OF THE SHIPPING DOCUMENTS.

2 (ii) A COPY OF THE CONTRACT WITH THE FACILITY CONDUCTING THE
3 TREATABILITY STUDY.

4 (iii) DOCUMENTATION SHOWING ALL OF THE FOLLOWING:

5 (A) THE AMOUNT OF WASTE SHIPPED UNDER THIS EXEMPTION.

6 (B) THE NAME, ADDRESS, AND IDENTIFICATION NUMBER ASSIGNED BY
7 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OF THE LABORA-
8 TORY OR TESTING FACILITY THAT RECEIVED THE WASTE.

9 (C) THE DATE THE SHIPMENT WAS MADE.

10 (D) WHETHER OR NOT UNUSED SAMPLES AND RESIDUES WERE RETURNED
11 TO THE GENERATOR.

12 (F) THE GENERATOR REPORTS THE INFORMATION REQUIRED UNDER
13 SUBDIVISION (E) IN ITS BIENNIAL REPORT.

14 (2) THE DEPARTMENT MAY GRANT REQUESTS, ON A CASE-BY-CASE
15 BASIS, FOR QUANTITY LIMITS IN EXCESS OF THOSE SPECIFIED IN
16 SUBSECTION (1)(A) FOR UP TO AN ADDITIONAL 500 KG OF NONACUTE HAZ-
17 ARDOUS WASTE, 1 KG OF ACUTE OR SEVERELY TOXIC HAZARDOUS WASTE,
18 AND 250 KG OF SOILS, WATER, OR DEBRIS CONTAMINATED WITH ACUTE OR
19 SEVERELY TOXIC HAZARDOUS WASTE, TO CONDUCT FURTHER TREATABILITY
20 STUDY EVALUATION IF THERE HAS BEEN AN EQUIPMENT OR MECHANICAL
21 FAILURE DURING THE CONDUCT OF A TREATABILITY STUDY, THERE IS A
22 NEED TO VERIFY THE RESULTS OF A PREVIOUSLY CONDUCTED TREATABILITY
23 STUDY, THERE IS A NEED TO STUDY AND ANALYZE ALTERNATIVE TECH-
24 NIQUES WITHIN A PREVIOUSLY EVALUATED TREATMENT PROCESS, OR THERE
25 IS A NEED TO DO FURTHER EVALUATION OF AN ONGOING TREATABILITY
26 STUDY TO DETERMINE FINAL SPECIFICATIONS FOR TREATMENT. THE
27 ADDITIONAL QUANTITIES ALLOWED ARE SUBJECT TO ALL THE PROVISIONS

1 OF THIS ACT AND ANY RULES PROMULGATED UNDER THIS ACT. THE
2 GENERATOR OR SAMPLE COLLECTOR SHALL APPLY TO THE DIRECTOR OF THE
3 DEPARTMENT RESPONSIBLE FOR ENVIRONMENTAL PROTECTION OF THE STATE
4 WHERE THE SAMPLE IS COLLECTED AND PROVIDE IN WRITING ALL OF THE
5 FOLLOWING INFORMATION:

6 (A) THE REASON WHY THE GENERATOR OR SAMPLE COLLECTOR
7 REQUIRES AN ADDITIONAL QUANTITY OF THE SAMPLE FOR THE TREATABI-
8 LITY STUDY EVALUATION AND THE ADDITIONAL QUANTITY NEEDED.

9 (B) DOCUMENTATION ACCOUNTING FOR ALL SAMPLES OF HAZARDOUS
10 WASTE FROM THE WASTE STREAM THAT HAVE BEEN SENT FOR OR UNDERGONE
11 TREATABILITY STUDIES INCLUDING THE DATE EACH PREVIOUS SAMPLE FROM
12 THE WASTE STREAM WAS SHIPPED, THE QUANTITY OF EACH PREVIOUS SHIP-
13 MENT, THE LABORATORY OR TESTING FACILITY TO WHICH IT WAS SHIPPED,
14 WHAT TREATABILITY STUDY PROCESSES WERE CONDUCTED ON EACH SAMPLE
15 SHIPPED, AND THE AVAILABLE RESULTS OF EACH TREATABILITY STUDY.

16 (C) A DESCRIPTION OF THE TECHNICAL MODIFICATIONS OR CHANGE
17 IN SPECIFICATIONS THAT WILL BE EVALUATED AND THE EXPECTED
18 RESULTS.

19 (D) IF FURTHER STUDY IS REQUIRED DUE TO EQUIPMENT OR MECHAN-
20 ICAL FAILURE, THE APPLICANT SHALL INCLUDE INFORMATION REGARDING
21 THE REASON FOR THE FAILURE OR BREAKDOWN AND ALSO INCLUDE WHAT
22 PROCEDURES OR EQUIPMENT IMPROVEMENTS HAVE BEEN MADE TO PROTECT
23 AGAINST FURTHER BREAKDOWNS.

24 (E) OTHER INFORMATION THAT THE DIRECTOR CONSIDERS
25 NECESSARY.

26 (3) SAMPLES UNDERGOING TREATABILITY STUDIES AND THE
27 LABORATORY OR TESTING FACILITY CONDUCTING SUCH TREATABILITY

1 STUDIES, TO THE EXTENT THE FACILITIES ARE NOT OTHERWISE SUBJECT
2 TO REQUIREMENTS OF THIS ACT OR RULES PROMULGATED UNDER THIS ACT,
3 ARE NOT SUBJECT TO ANY REQUIREMENT OF THIS ACT OR RULES PROMUL-
4 GATED UNDER THIS ACT, OR TO THE NOTIFICATION REQUIREMENTS OF
5 SECTION 3010 OF SUBTITLE C OF THE SOLID WASTE DISPOSAL ACT, TITLE
6 II OF PUBLIC LAW 89-272, 42 U.S.C. 6930, IF THE CONDITIONS OF
7 THIS SUBSECTION ARE MET. A MOBILE TREATMENT UNIT MAY QUALIFY AS
8 A TESTING FACILITY SUBJECT TO THIS SUBSECTION. IF A GROUP OF
9 MOBILE TREATMENT UNITS ARE LOCATED AT THE SAME SITE, THE LIMITA-
10 TIONS SPECIFIED IN THIS SUBSECTION APPLY TO THE ENTIRE GROUP OF
11 MOBILE TREATMENT UNITS COLLECTIVELY AS IF THE GROUP WERE 1 MOBILE
12 TREATMENT UNIT. THE REQUIREMENTS OF THIS SUBSECTION ARE AS
13 FOLLOWS:

14 (A) AT LEAST 45 DAYS BEFORE CONDUCTING TREATABILITY STUDIES,
15 THE FACILITY SHALL NOTIFY THE DIRECTOR OR HIS OR HER DESIGNEE, IN
16 WRITING, THAT IT INTENDS TO CONDUCT TREATABILITY STUDIES UNDER
17 THIS SECTION.

18 (B) THE LABORATORY OR TESTING FACILITY CONDUCTING THE TREA-
19 TABILITY STUDY HAS AN IDENTIFICATION NUMBER ASSIGNED BY THE
20 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

21 (C) NO MORE THAN A TOTAL OF 250 KG OF "AS RECEIVED" HAZARD-
22 OUS WASTE IS SUBJECTED TO THE INITIATION OF TREATMENT IN ALL
23 TREATABILITY STUDIES IN ANY SINGLE DAY. "AS RECEIVED" WASTE
24 REFERS TO WASTE AS RECEIVED IN THE SHIPMENT FROM THE GENERATOR OR
25 SAMPLE COLLECTOR.

26 (D) THE QUANTITY OF "AS RECEIVED" HAZARDOUS WASTE STORED AT
27 THE FACILITY FOR THE PURPOSE OF EVALUATION IN TREATABILITY

1 STUDIES DOES NOT EXCEED 1,000 KG, THE TOTAL OF WHICH MAY INCLUDE
2 500 KG OF SOILS, WATER, OR DEBRIS CONTAMINATED WITH ACUTE OR
3 SEVERELY TOXIC HAZARDOUS WASTE OR 1 KG OF ACUTE OR SEVERELY TOXIC
4 HAZARDOUS WASTE. THIS QUANTITY LIMITATION DOES NOT INCLUDE ANY
5 OF THE FOLLOWING:

6 (i) TREATABILITY STUDY RESIDUES.

7 (ii) TREATMENT MATERIALS, INCLUDING NONHAZARDOUS SOLID
8 WASTE, ADDED TO "AS RECEIVED" HAZARDOUS WASTE.

9 (E) NO MORE THAN 90 DAYS HAVE ELAPSED SINCE THE TREATABILITY
10 STUDY FOR THE SAMPLE WAS COMPLETED, OR NO MORE THAN 1 YEAR HAS
11 ELAPSED SINCE THE GENERATOR OR SAMPLE COLLECTOR SHIPPED THE
12 SAMPLE TO THE LABORATORY OR TESTING FACILITY, WHICHEVER DATE
13 OCCURS FIRST.

14 (F) THE TREATABILITY STUDY DOES NOT INVOLVE THE PLACEMENT OF
15 HAZARDOUS WASTE ON THE LAND OR THE OPEN BURNING OF HAZARDOUS
16 WASTE.

17 (G) THE FACILITY MAINTAINS RECORDS FOR 3 YEARS FOLLOWING
18 COMPLETION OF EACH STUDY THAT SHOW COMPLIANCE WITH THE TREATMENT
19 RATE LIMITS, STORAGE TIME, AND QUANTITY LIMITS. THE FOLLOWING
20 SPECIFIC INFORMATION SHALL BE INCLUDED FOR EACH TREATABILITY
21 STUDY CONDUCTED:

22 (i) THE NAME, ADDRESS, AND UNITED STATES ENVIRONMENTAL PRO-
23 TECTION AGENCY IDENTIFICATION NUMBER OF THE GENERATOR OR SAMPLE
24 COLLECTOR OF EACH WASTE SAMPLE.

25 (ii) THE DATE THE SHIPMENT WAS RECEIVED.

26 (iii) THE QUANTITY OF WASTE ACCEPTED.

1 (iv) THE QUANTITY OF "AS RECEIVED" WASTE IN STORAGE EACH
2 DAY.

3 (v) THE DATE THE TREATMENT STUDY WAS INITIATED AND THE
4 AMOUNT OF "AS RECEIVED" WASTE INTRODUCED TO TREATMENT EACH DAY.

5 (vi) THE DATE THE TREATABILITY STUDY WAS CONCLUDED.

6 (vii) THE DATE ANY UNUSED SAMPLE OR RESIDUES GENERATED FROM
7 THE TREATABILITY STUDY WERE RETURNED TO THE GENERATOR OR SAMPLE
8 COLLECTOR OR, IF SENT TO A DESIGNATED FACILITY, THE NAME OF THE
9 FACILITY AND THE ENVIRONMENTAL PROTECTION AGENCY IDENTIFICATION
10 NUMBER.

11 (H) THE FACILITY KEEPS, ON-SITE, A COPY OF THE TREATABILITY
12 STUDY CONTRACT AND ALL SHIPPING PAPERS ASSOCIATED WITH THE TRANS-
13 PORT OF TREATABILITY STUDY SAMPLES TO AND FROM THE FACILITY FOR A
14 PERIOD ENDING 3 YEARS AFTER THE COMPLETION DATE OF EACH TREATABI-
15 LITY STUDY.

16 (I) THE FACILITY PREPARES AND SUBMITS A REPORT TO THE DIREC-
17 TOR, OR HIS OR HER DESIGNEE, BY MARCH 15 OF EACH YEAR THAT ESTI-
18 MATES THE NUMBER OF STUDIES AND THE AMOUNT OF WASTE EXPECTED TO
19 BE USED IN TREATABILITY STUDIES DURING THE CURRENT YEAR, AND
20 INCLUDES THE FOLLOWING INFORMATION FOR THE PREVIOUS CALENDAR
21 YEAR:

22 (i) THE NAME, ADDRESS, AND IDENTIFICATION NUMBER ASSIGNED BY
23 THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OF THE FACILITY
24 CONDUCTING THE TREATABILITY STUDIES.

25 (ii) THE TYPES, BY PROCESS, OF TREATABILITY STUDIES
26 CONDUCTED.

1 (iii) THE NAMES AND ADDRESSES OF PERSONS FOR WHOM STUDIES
2 HAVE BEEN CONDUCTED, INCLUDING THEIR IDENTIFICATION NUMBERS
3 ASSIGNED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

4 (iv) THE TOTAL QUANTITY OF WASTE IN STORAGE EACH DAY.

5 (v) THE TOTAL QUANTITY AND TYPES OF WASTE SUBJECTED TO TREA-
6 TABILITY STUDIES.

7 (vi) WHEN EACH TREATABILITY STUDY WAS CONDUCTED.

8 (vii) THE FINAL DISPOSITION OF RESIDUES AND UNUSED SAMPLE
9 FROM EACH TREATABILITY STUDY.

10 (J) THE FACILITY DETERMINES WHETHER ANY UNUSED SAMPLE OR
11 RESIDUES GENERATED BY THE TREATABILITY STUDY ARE HAZARDOUS WASTE
12 UNDER R 299.9203 OF THE MICHIGAN ADMINISTRATIVE CODE AND, IF SO,
13 ARE SUBJECT TO RULES PROMULGATED UNDER THIS ACT, UNLESS THE RESI-
14 DUES AND UNUSED SAMPLES ARE RETURNED TO THE SAMPLE ORIGINATOR
15 UNDER THE EXEMPTION IN SUBSECTION (1).

16 (K) THE FACILITY NOTIFIES THE DIRECTOR, OR HIS OR HER DESIG-
17 NEE, BY LETTER IF THE FACILITY IS NO LONGER PLANNING TO CONDUCT
18 ANY TREATABILITY STUDIES AT THE SITE.

19 (4) AS USED IN THIS SECTION:

20 (A) "ACUTE HAZARDOUS WASTE" AND "SEVERELY TOXIC HAZARDOUS
21 WASTE" HAVE THE MEANINGS ATTRIBUTED TO THESE TERMS IN PART 2 OF
22 THE RULES PROMULGATED UNDER THIS ACT, BEING R 299.9201 TO
23 R 299.9226 OF THE MICHIGAN ADMINISTRATIVE CODE.

24 (B) "TREATABILITY STUDY" MEANS A STUDY IN WHICH A HAZARDOUS
25 WASTE IS SUBJECTED TO A TREATMENT PROCESS THAT IS NOT A MEANS TO
26 COMMERCIALY TREAT OR DISPOSE OF THE HAZARDOUS WASTE BUT IS
27 DESIGNED TO DETERMINE 1 OR MORE OF THE FOLLOWING:

1 (i) WHETHER THE WASTE IS AMENABLE TO THE TREATMENT PROCESS.

2 (ii) WHAT PRETREATMENT, IF ANY, IS REQUIRED.

3 (iii) THE OPTIMAL PROCESS CONDITIONS NEEDED TO ACHIEVE THE
4 DESIRED TREATMENT.

5 (iv) THE EFFICIENCY OF A TREATMENT PROCESS FOR A SPECIFIC
6 WASTE OR WASTES.

7 (v) THE CHARACTERISTICS AND VOLUMES OF RESIDUALS FROM A PAR-
8 TICULAR TREATMENT PROCESS. FOR THE PURPOSE OF R 299.9204(7) OF
9 THE MICHIGAN ADMINISTRATIVE CODE, EXEMPTIONS ARE LINER COMPATI-
10 BILITY, CORROSION, AND OTHER MATERIAL COMPATIBILITY STUDIES AND
11 TOXICOLOGICAL AND HEALTH EFFECTS STUDIES.

12 Section 2. Section 21b of Act No. 64 of the Public Acts of
13 1979, being section 299.521b of the Michigan Compiled Laws, is
14 repealed effective January 1, 1994.