



SENATE BILL No. 764

July 21, 1993, Introduced by Senator EHLERS and referred to the Committee on Natural Resources and Environmental Affairs.

A bill 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 the powers and duties of state agencies and officials; to prescribe penalties and provide remedies; and to repeal certain acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 2. (1) "Brine" means a liquid produced as a by-product
4 of oil or natural gas production or exploration. Brine does not
5 include manufactured brines designed for commercial resale that
6 are not by-products of oil or natural gas production or
7 exploration or brine produced by a mineral well originally

1 permitted under the mineral well act, Act No. 315 of the Public
2 Acts of 1969, being sections 319.211 to 319.236 of the Michigan
3 Compiled Laws.

4 (2) "Container" means any portable device in which a liquid
5 industrial waste is stored, transported, treated, or otherwise
6 handled.

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

8 (4) "Designated facility" means a treatment, storage, dis-
9 posal, or reclamation facility that receives liquid industrial
10 waste from off site.

11 (5) "Director" means the director of the department or his
12 or her authorized representative.

13 (6) "Discarded" means any of the following:

14 (a) Abandoned by being disposed of, burned, or incinerated;
15 or accumulated, stored, or treated before, or instead of, being
16 abandoned.

17 (b) Accumulated, stored, or treated before being managed in
18 1 of the following ways:

19 (i) By being used or reused in a manner constituting dis-
20 posal by being applied to or placed on the land or by being used
21 to produce products that are applied to or placed on the land.

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

24 (iii) By reclamation.

25 (7) "Discharge" means the accidental or intentional spill-
26 ing, leaking, pumping, releasing, pouring, emitting, emptying, or
27 dumping of liquid industrial waste into the land, air, or water.

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

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

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

13 (11) "Generator" means a person whose act or process
14 produces liquid industrial waste.

15 (12) "Liquid industrial waste" means any brine, by-product,
16 industrial wastewater, leachate, off-specification commercial
17 chemical product, sludge, sanitary sewer residue, storm sewer
18 residue, spill residue, used oil, grease trap residue, or other
19 liquid waste that is produced by, is incident to, or results from
20 industrial, commercial, or governmental activity or any other
21 activity or enterprise determined to be liquid by method 9095
22 (paint filter liquids test) as described in "Test methods for
23 evaluating solid wastes, physical/chemical methods," United
24 States environmental protection agency publication no. SW-846,
25 and which is discarded. Liquid industrial waste does not include
26 any of the following:

1 (a) Hazardous waste regulated and required to be manifested
2 pursuant to the hazardous waste management act, Act No. 64 of the
3 Public Acts of 1979, being sections 299.501 to 299.551 of the
4 Michigan Compiled Laws.

5 (b) Septage waste regulated pursuant to the septage waste
6 servicers act, Act No. 181 of the Public Acts of 1986, being sec-
7 tions 325.311 to 325.332 of the Michigan Compiled Laws.

8 (c) Medical waste as defined in part 138 of the public
9 health code, Act No. 368 of the Public Acts of 1978, being
10 sections 333.13801 to 333.13831 of the Michigan Compiled Laws.

11 (d) A domestic or industrial discharge subject to a permit
12 under Act No. 245 of the Public Acts of 1929, being sections
13 323.1 to 323.12a of the Michigan Compiled Laws.

14 (e) A material that is used or reused as an effective sub-
15 stitute for commercial products or returned to the original pro-
16 cess, if the material does not require reclamation prior to use
17 or reuse, is not directly burned to recover energy or used to
18 produce a fuel, or is applied to the land or used in products
19 applied to the land.

20 (f) A household generated liquid waste.

21 (g) A liquid industrial waste utilized for land application
22 in accordance with a program for effective residuals management,
23 approved by the director or the United States environmental pro-
24 tection agency, or both, pursuant to the federal water pollution
25 control act, chapter 758, 86 Stat. 816, 33 U.S.C. 1251 to 1252,
26 1253 to 1254, 1255 to 1257, 1258 to 1271, 1281, 1282 to 1293,

1 1294 to 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to
2 1377, and 1381 to 1387.

3 Sec. 3. (1) "Manifest" means either of the following:

4 (a) A form approved by the director used for identifying the
5 quantity, composition, origin, routing, or destination of liquid
6 industrial waste during its transportation from the point of gen-
7 eration to the point of disposal, treatment, storage, or
8 reclamation.

9 (b) For shipments of liquid industrial waste that are not
10 generated or transported to a disposal, treatment, storage, or
11 reclamation facility in this state, an alternative United States
12 environmental protection agency form number 8700-22, or its
13 successor.

14 (2) "On-site" means on the same geographically contiguous
15 property which may be divided by a public or private right-of-way
16 and access is by crossing rather than going along the
17 right-of-way. On-site includes noncontiguous pieces of property
18 owned by the same person but connected by a right-of-way which
19 the owner controls and to which the public does not have access.

20 (3) "Peace officer" means any law enforcement officer who is
21 trained and certified pursuant to the Michigan law enforcement
22 officers training council act of 1965, Act No. 203 of the Public
23 Acts of 1965, being sections 28.601 to 28.616 of the Michigan
24 Compiled Laws, or an officer appointed by the director of the
25 department of state police pursuant to section 6d of Act No. 59
26 of the Public Acts of 1935, being section 28.6d of the Michigan
27 Compiled Laws.

1 (4) "Person" means an individual, partnership, corporation,
2 association, governmental entity, or other entity.

3 (5) "Publicly owned treatment works" means any entity that
4 treats municipal sewage or industrial waste of a liquid nature
5 that is owned by the state or a municipality, as that term is
6 defined in section 502(4) of title V of the federal water pollu-
7 tion control act, chapter 758, 86 Stat. 886, 33 U.S.C. 1362.
8 Publicly owned treatment works include sewers, pipes, or other
9 conveyances only if they convey wastewater to a publicly owned
10 treatment works providing treatment.

11 (6) "Reclamation" means either processing to recover a
12 usable product or regeneration.

13 (7) "Reclamation facility" means a facility or part of a
14 facility where liquid industrial waste reclamation is conducted.

15 (8) "Storage" means the containment of liquid industrial
16 waste, on a temporary basis, in a manner that does not constitute
17 disposal of liquid industrial waste.

18 (9) "Storage facility" means a facility or part of a facil-
19 ity where liquid industrial waste is stored.

20 (10) "Surface impoundment" means a treatment, storage, or
21 disposal facility or part of a treatment, storage, or disposal
22 facility that is either a natural topographic depression, a
23 human-made excavation, or a diked area formed primarily of
24 earthen materials. A surface impoundment may be lined with
25 human-made materials designed to hold an accumulation of liquid
26 waste or waste containing free liquids and which is not an
27 injection well. Surface impoundments include, but are not

1 limited to, holding, storage, settling, aeration pits, ponds, and
2 lagoons.

3 (11) "Tank" means a stationary device designed to contain an
4 accumulation of liquid industrial waste that is constructed pri-
5 marily of nonearthen materials such as wood, concrete, steel, or
6 plastic to provide structural support.

7 (12) "Transportation" means the movement of liquid indus-
8 trial waste by air, rail, highway, or water.

9 (13) "Transporter" means a person engaged in the off-site
10 transportation of liquid industrial waste by air, rail, highway,
11 or water.

12 (14) "Treatment" means any method, technique, or process,
13 including neutralization, designed to change the physical, chemi-
14 cal, or biological character or composition of any liquid indus-
15 trial waste, to neutralize the waste, or to render the waste
16 safer to transport, store, or dispose of, amenable to recovery,
17 amenable to storage, or reduced in volume.

18 (15) "Treatment facility" means a facility or part of a
19 facility at which liquid industrial waste is treated.

20 (16) "Vehicle" means each separate conveyance used in the
21 transportation of liquid industrial waste and is 1 of the
22 following:

23 (a) A rail freight car as defined in 49 C.F.R. 171.8.

24 (b) A semitrailer, truck, or trailer as defined in the
25 Michigan vehicle code, Act No. 300 of the Public Acts of 1949,
26 being sections 257.1 to 257.923 of the Michigan Compiled Laws.

1 (c) A truck tractor as defined in Act No. 300 of the Public
2 Acts of 1949, only if the liquid industrial waste is actually
3 transported in the cab of the vehicle.

4 Sec. 4. (1) A generator shall do all of the following:

5 (a) Characterize the waste in accordance with the require-
6 ments of the hazardous waste management act, Act No. 64 of the
7 Public Acts of 1979, being sections 299.501 to 299.551 of the
8 Michigan Compiled Laws, and rules promulgated under that act, and
9 maintain records of the characterization.

10 (b) Obtain and utilize a generator identification number
11 assigned by the United States environmental protection agency or
12 the director.

13 (c) Engage, employ, or contract for the transportation of
14 liquid industrial waste only with a transporter licensed under
15 this act, unless otherwise authorized in this act.

16 (d) Utilize and retain a separate manifest for each shipment
17 of liquid industrial waste transported to a designated facility.
18 The director may authorize the use of a consolidated manifest,
19 for waste loads that are multiple pickups of uniform types of
20 wastes that constitute a single shipment of waste. In this case,
21 a receipt shall be obtained from the transporter documenting the
22 transporter's company name, driver's signature, date of pickup,
23 type and quantity of waste accepted from the generator, the con-
24 solidated manifest number, and the designated facility.

25 (e) Submit a copy of the manifest to the director by the
26 tenth day after the end of the month in which a load of waste is
27 transported.

1 (f) Certify that at the time the transporter picks up liquid
2 industrial waste the information contained on the manifest is
3 factual by signing the manifest. This certification is to be by
4 the owner or operator of the designated facility or his or her
5 authorized representative.

6 (g) If a copy of the manifest, with a handwritten signature
7 of the owner or operator of the designated facility, is not
8 received within 35 days after the date the waste was accepted by
9 the initial transporter, contact the transporter or owner or
10 operator of the designated facility, or both, to determine the
11 status of the waste.

12 (h) Submit an exception report to the director if a copy of
13 the manifest is not received with the handwritten signature of
14 the owner or operator or his or her authorized representative of
15 the designated facility within 45 days after the date the waste
16 was accepted by the initial transporter. The exception report
17 shall include both of the following:

18 (i) A legible copy of the manifest for which the generator
19 does not have confirmation of delivery.

20 (ii) A cover letter signed by the generator explaining the
21 efforts taken to locate the waste and the results of those
22 efforts.

23 (2) A generator who also operates a reclamation, treatment,
24 or disposal facility shall keep records of all liquid waste
25 produced and reclaimed, treated, or disposed of at his or her
26 facility.

1 (3) A generator shall retain all records required pursuant
2 to this act for a period of at least 3 years, and shall make
3 those records readily available for review and inspection by the
4 director or a peace officer. The retention period required by
5 this subsection is automatically extended during the course of
6 any unresolved enforcement action regarding the regulated activ-
7 ity or as otherwise required by the director.

8 Sec. 5. (1) A person shall not engage in the business of
9 transporting liquid industrial wastes from the premises of
10 another person without a transporter business license issued by
11 the director. In addition, a person shall not use a vehicle to
12 transport liquid industrial waste unless the vehicle is licensed
13 by the director as a liquid industrial waste transport vehicle
14 and displays a decal issued by the director that indicates cur-
15 rent vehicle licensure. A liquid industrial waste transporter
16 business license issued pursuant to section 7 shall expire 2
17 years after the date of issuance unless otherwise issued in
18 accordance with subsection (6). Vehicle licenses issued during
19 the term of a transporter business license expire on the same
20 date as the transporter business license.

21 (2) A completed application for a transporter business
22 license shall be submitted on a form provided by the director and
23 shall be accompanied by all of the following:

- 24 (a) A transporter business application fee of \$400.00.
- 25 (b) Proof of insurance as specified in section 11.
- 26 (c) A vehicle application fee of \$100.00 for each vehicle.

1 (d) Other information required by the department to
2 implement this act.

3 (3) Lost, destroyed, or damaged decals are to be replaced by
4 submittal of a vehicle license application and a fee of \$50.00.

5 (4) An application for a transporter business or vehicle
6 license renewal shall be made at least 60 days before expiration
7 of the existing license. The fee for renewal is the same as for
8 the original license.

9 (5) The transporter business license and vehicle license
10 fees collected pursuant to this section shall be deposited in the
11 hazardous and liquid industrial waste account of the environmen-
12 tal pollution prevention fund created in section 18.

13 (6) When a transporter business license first expires, fol-
14 lowing the effective date of this act, the director may issue a
15 1-year license at 1/2 the fees that would otherwise be required
16 under this act.

17 (7) An applicant for a transporter business license must
18 obtain at least 1 vehicle license when he or she applies for a
19 transporter business license. However, the holder of a trans-
20 porter business license may at any time apply for additional
21 vehicle license by completing and submitting that portion of a
22 transporter vehicle license that applies to vehicle licenses and
23 submitting a \$100.00 fee for each vehicle as required in
24 subsection (2)(c).

25 Sec. 6. (1) A person transporting liquid industrial waste
26 generated on his or her property, transporters solely operating
27 railcars, airplanes, and watercraft, and persons and vehicles

1 licensed pursuant to the hazardous waste management act, Act
2 No. 64 of the Public Acts of 1979, being sections 299.501 to
3 299.551 of the Michigan Compiled Laws, are exempt from the
4 requirements of sections 5, 7, 9, and 11, and section 8(1), (2),
5 (3), and (4), but when transporting liquid industrial waste
6 remain subject to all other provisions of this act and any other
7 applicable act.

8 (2) A vehicle may be licensed under this act and under the
9 septage waste servicers act, Act No. 181 of the Public Acts of
10 1986, being sections 325.311 to 325.332 of the Michigan Compiled
11 Laws, under the following conditions:

12 (a) All licensing requirements of this act and Act No. 181
13 of the Public Acts of 1986 are met.

14 (b) No septage waste or liquid industrial waste transported
15 by the license holder is disposed of on land.

16 (c) All liquid waste, including septage waste, is manifested
17 pursuant to the requirements of sections 4, 10, and 13.

18 (d) In addition to the lettering and decal requirements of
19 this act and Act No. 181 of the Public Acts of 1986, the words
20 "Land Application Prohibited" shall be affixed as specified in
21 section 8(1).

22 Sec. 7. Upon receipt of the liquid industrial waste trans-
23 porter business license application or a vehicle license applica-
24 tion, the director shall examine the application to ensure that
25 it is complete and accompanied by those items required by
26 section 5(2), and may conduct an inspection to verify information
27 provided and that methods and operations of the applicant are

1 adequate to comply with this act. The director may request the
2 motor carrier division of the department of state police to
3 determine compliance with the acts specified in section 8(5).
4 The director shall issue a license to an applicant that the
5 director determines is in compliance with the applicable require-
6 ments of this act. A license is not transferable from a business
7 or vehicle to another business or vehicle.

8 Sec. 8. (1) A vehicle used to transport liquid industrial
9 waste shall have affixed to it the business name and the city and
10 state in which the business is located. The lettering providing
11 this information shall be readily legible, during daylight hours,
12 from a distance of 50 feet. Decals furnished by the director
13 shall be affixed directly adjacent to the required lettering.
14 The lettering and decals shall be clearly legible, in a conspicu-
15 ous location, visible, and permanently affixed on both sides of
16 the licensed vehicle for the duration of the licensing period.

17 (2) A vehicle used to transport liquid industrial waste
18 shall carry a copy of the license issued by the director and
19 shall produce it upon request of the director or peace officer.

20 (3) A permanent vehicle identification number shall be
21 affixed to the vehicle.

22 (4) At the time a vehicle is no longer licensed under this
23 act, the transporter shall remove all previously required
24 decals.

25 (5) All vehicles used to transport liquid industrial waste
26 shall operate in compliance with each of the following:

1 (a) The hazardous materials transportation act, title I of
2 the transportation safety act of 1974, Public Law 93-633,
3 88 Stat. 2156.

4 (b) The Michigan vehicle code, Act No. 300 of the Public
5 Acts of 1949, being sections 257.1 to 257.923 of the Michigan
6 Compiled Laws.

7 (c) The motor carrier safety act of 1963, Act No. 181 of the
8 Public Acts of 1963, being sections 480.11 to 480.21 of the
9 Michigan Compiled Laws.

10 (6) All vehicles and containers used to transport liquid
11 industrial waste shall be closed or covered to prevent the escape
12 of liquid industrial waste, and the outside of all vehicles, con-
13 tainers, and accessory equipment shall be kept free of liquid
14 industrial waste and its residue.

15 (7) To avoid cross-contamination, all portions of a vehicle
16 that have been in contact with liquid industrial waste shall be
17 cleaned and decontaminated before the transport of any products,
18 incompatible waste, or nonwaste material. A transporter who owns
19 or legally controls a vehicle shall maintain as part of the
20 transporter's records documentation that before its use for the
21 transportation of nonwaste or a product the vehicle has been
22 decontaminated.

23 Sec. 9. (1) The director shall deny an application for a
24 liquid industrial waste transporter business license or vehicle
25 license for any of the following reasons:

26 (a) The proposed transporter business license or vehicle
27 license would violate this act.

1 (b) The applicant is not in compliance with the requirements
2 of section 8, as applicable.

3 (c) The applicant has not submitted sufficiently detailed or
4 accurate information to enable the director to make reasonable
5 judgments as to whether the business, stationary facility, or any
6 vehicles licensed under this act are in compliance with this
7 act.

8 (d) The application is not timely or complete, as required
9 in section 5.

10 (2) The director shall notify the applicant, in writing, of
11 the reasons for denial.

12 (3) A transporter business license or a vehicle license
13 issued under this act may be revoked after reasonable notice and
14 hearing pursuant to the administrative procedures act of 1969,
15 Act No. 306 of the Public Acts of 1969, being sections 24.201 to
16 24.328 of the Michigan Compiled Laws, if the director finds that
17 the transporter has failed to comply with the requirements of
18 this act or a license issued under this act.

19 (4) If the director determines that a violation of this act
20 or a license issued under this act has or may result in an immi-
21 nent or substantial threat to the public safety, health, or wel-
22 fare, or to the environment, he or she may order immediate sus-
23 pension of a license issued under this act. An order issued
24 under this subsection shall not remain in effect more than 10
25 days without affording the licensee an opportunity for a
26 hearing.

1 (5) A transporter who has applied for renewal of a license,
2 as prescribed in section 5, may continue to transport liquid
3 industrial wastes if all of the following conditions are met:

4 (a) The transporter is operating in compliance with the
5 transporter's existing license.

6 (b) The transporter is operating in compliance with this
7 act.

8 (c) The director has not denied the transporter's applica-
9 tion for renewal of the transporter's license.

10 Sec. 10. (1) A liquid industrial waste transporter shall
11 certify acceptance of waste for transportation by completing the
12 transporter section of the manifest, and shall deliver the liquid
13 industrial waste and accompanying manifest only to the designated
14 facility specified by the generator on the manifest.

15 (2) The liquid industrial waste transporter shall retain all
16 records required pursuant to this act for a period of at least 3
17 years, and shall make those records readily available for review
18 and inspection by the director or a peace officer. The retention
19 period required in this subsection is automatically extended
20 during the course of any unresolved enforcement action regarding
21 an activity regulated under this act or as required by the
22 director.

23 (3) The director may authorize, for certain waste streams,
24 the use of a consolidated manifest as authorized under
25 section 4(1)(d). In this case, the transporter shall give to the
26 generator a receipt documenting the transporter's company name,
27 driver's signature, date of pickup, type and quantity of waste

1 removed, the consolidated manifest number, and the designated
2 facility.

3 (4) A transporter is required to maintain a trip log for
4 consolidated manifest shipments and for brine shipments. The
5 transporter shall do all of the following:

6 (a) Identify on the trip log the consolidated manifest
7 number, the generator, date of pickup, type and quantity of
8 waste, and the designated facility location for each shipment of
9 waste.

10 (b) Keep a copy of all trip logs in the transport vehicle,
11 at a minimum, for the current shipment on the transport vehicle
12 and retain these records as specified in subsection (2).

13 (c) Display the logs upon the request of the director or a
14 peace officer.

15 (d) Obtain and utilize a transporter identification number
16 assigned by the United States environmental protection agency or
17 the director.

18 Sec. 11. (1) A transporter shall demonstrate proof of
19 financial responsibility for bodily injury and property damage to
20 third parties caused by accidental occurrences arising from the
21 liquid industrial waste transportation activities of the
22 transporter. The transporter shall have and maintain liability
23 coverage for accidental occurrences in an amount not less than
24 \$750,000.00 per occurrence.

25 (2) A transporter shall demonstrate the required liability
26 coverage for all vehicles to be licensed, regardless of the
27 limitations provided for under section 10927 of title 49 of the

1 United States Code, 49 U.S.C. 10927 and a note to section 10927
2 of title 49 of the United States Code, 49 U.S.C. 10927 nt, by
3 submitting any of the following to the director:

4 (a) A signed copy of form MCS-90 (3/82) entitled
5 "endorsement for motor carrier policies of insurance for public
6 liability under sections 29 and 30 of the motor carrier act of
7 1980" which is found in illustration I in 49 C.F.R. 387.15, and
8 an endorsement on a form provided by the director which identi-
9 fies the insurance policy number and expiration date, all vehi-
10 cles covered under the policy, and provides that cancellation,
11 termination, or material change to the policy which affects the
12 coverages required by this section shall not occur unless and
13 until not less than 30 days' written notice of such cancellation,
14 termination, or material change is first provided to the direc-
15 tor, regardless of which party initiates the cancelation, termi-
16 nation, or material change, and whether or not nonpayment of pre-
17 mium is involved. The insurer shall, at a minimum, be licensed
18 to transact the business of insurance, or eligible to provide
19 insurance as an excess or surplus lines insurer, in this state.

20 (b) Form MCS-82 (4/83) entitled "motor carrier public
21 liability surety bond under sections 29 and 30 of the motor car-
22 rier act of 1980" which is found in illustration II
23 49 C.F.R. 387.15. The surety company issuing the bond shall, at
24 a minimum, be among those listed as acceptable sureties on fed-
25 eral bonds in circular 570 of the United States department of the
26 treasury.

1 (c) A written decision, order, or authorization of the
2 interstate commerce commission authorizing the transporter to
3 self-insure under 49 C.F.R. 1043.5, provided the transporter
4 maintains a satisfactory safety rating as determined by the
5 bureau of motor carrier safety under 49 C.F.R. part 385.

6 Sec. 12. (1) If a fire, explosion, or other discharge of
7 liquid industrial waste occurs which could threaten the public
8 health, safety, and welfare, or the environment, or when a gener-
9 ator, transporter, or owner or operator of a designated facility
10 has knowledge that a spill has reached surface water or groundwa-
11 ter, the generator, transporter, or owner or operator of the des-
12 ignated facility shall take appropriate immediate action to pro-
13 tect the public health, safety, and welfare, and the environment,
14 including notification of local authorities and the pollution
15 emergency alerting system using the telephone number
16 800-292-4706.

17 (2) The generator, transporter, or owner or operator of a
18 designated facility shall, within 30 days, prepare and maintain
19 as part of their records a written report documenting the inci-
20 dent and the response action taken, including any supporting ana-
21 lytical data. The report shall be provided to the director upon
22 request. Both the initial notification, as appropriate, and the
23 report shall include all of the following information:

24 (a) The name and telephone number of the person reporting
25 the incident.

26 (b) The name, address, telephone number, and identification
27 number of the generator, transporter, or designated facility.

1 (c) The date, time, and type of incident.

2 (d) The name and quantity of waste involved and discharged.

3 (e) The extent of injuries, if any.

4 (f) The estimated quantity and disposition of recovered
5 materials that resulted from the incident, if any.

6 (g) An assessment of actual or potential hazards to human
7 health or the environment.

8 (h) The immediate response action taken, if any.

9 Sec. 13. (1) The owner or operator of a facility that
10 accepts liquid industrial waste shall accept delivery of waste as
11 the designated facility only if delivery is accompanied by a man-
12 ifest or consolidated manifest properly certified by the genera-
13 tor and the transporter and the facility is the destination indi-
14 cated on the manifest. The facility owner or operator shall do
15 all of the following:

16 (a) Obtain and utilize an identification number either
17 assigned from the United States environmental protection agency
18 or the director.

19 (b) Certify on the manifest receipt of the liquid industrial
20 waste by completing the facility section of the manifest and
21 returning a signed copy of the manifest to the department within
22 a period of 10 days after the end of the month for all liquid
23 industrial waste received within the month.

24 (c) Return a signed copy of the manifest to the generator.

25 (d) Maintain records of the characterization of the waste.
26 Characterization shall be in accordance with the requirements of
27 the hazardous waste management act, Act No. 64 of the Public Acts

1 of 1979, being sections 299.501 to 299.551 of the Michigan
2 Compiled Laws, and maintain records of the characterization.

3 (2) All storage, treatment, and reclamation of liquid indus-
4 trial waste at the designated facility shall be in either con-
5 tainers or tanks or as otherwise specified in section 14(5) or
6 (6).

7 (3) The owner or operator of a designated facility shall
8 retain all records required pursuant to this act for a period of
9 at least 3 years and shall make those records readily available
10 for review and inspection by the director or a peace officer.
11 The retention period required by this subsection is automatically
12 extended during the course of any unresolved enforcement action
13 regarding the regulated activity or as required by the director.

14 Sec. 14. (1) Storage of liquid industrial waste either at
15 the location of generation, under the control of the transporter,
16 or at the designated facility shall be protected from weather,
17 fire, physical damage, and vandals. All vehicles, containers,
18 and tanks used to hold liquid industrial waste shall be closed or
19 covered, except when necessary to add or remove waste, to prevent
20 the escape of liquid industrial waste. The exterior of all vehi-
21 cles, containers, and tanks used to hold liquid industrial waste
22 shall be kept free of liquid industrial waste and its residue.

23 (2) Liquid industrial waste shall be managed to prevent any
24 of the following:

25 (a) Discharge of liquid industrial waste into the soil.

26 (b) Discharge of liquid industrial waste into surface water
27 or groundwater.

1 (c) Discharge of liquid industrial waste into a drain or
2 sewer.

3 (d) Discharge of liquid industrial waste in violation of the
4 air pollution act, Act No. 348 of the Public Acts of 1965, being
5 sections 336.11 to 336.36 of the Michigan Compiled Laws.

6 (3) A person shall not treat, store, or dispose of liquid
7 industrial waste except in accordance with all applicable stat-
8 utes, rules, and orders of the director.

9 (4) This act does not prevent a publicly owned treatment
10 works from accepting liquid industrial waste from the premises of
11 a person, and does not prevent a person from engaging, employing,
12 or contracting with a publicly owned treatment works. However, a
13 publicly owned treatment works, receiving waste by means of
14 transportation, shall be a designated facility and shall comply
15 with the requirements specified in section 13.

16 (5) A person shall not treat, store, or dispose of liquid
17 industrial waste in a surface impoundment, unless the surface
18 impoundment has a discharge or storage permit under Act No. 245
19 of the Public Acts of 1929, being sections 323.1 to 323.12a of
20 the Michigan Compiled Laws, or in the case of leachate, is autho-
21 rized in a permit issued under the solid waste management act,
22 Act No. 641 of the Public Acts of 1978, being sections 299.401 to
23 299.437 of the Michigan Compiled Laws.

24 (6) The director may authorize land application of liquid
25 industrial waste in accordance with a program for effective
26 residuals management that is approved by the director or the
27 United States environmental protection agency, or both, pursuant

1 to the federal water pollution control act, chapter 758, 86
2 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257,
3 1258 to 1271, 1281, 1282 to 1293, 1294 to 1299, 1311 to 1313,
4 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to 1387.

5 Sec. 15. If the director or a peace officer has probable
6 cause to believe that a person is violating this act, the direc-
7 tor or a peace officer may search without a warrant a vehicle or
8 equipment that is possessed, used, or operated by that person.
9 The director, or a peace officer may seize a vehicle used or
10 operated in a manner or for a purpose in violation of this act.

11 Sec. 16. (1) The attorney general or a person may bring a
12 civil action in a court of competent jurisdiction to recover the
13 full value of the damage done to the natural resources that is
14 damaged or destroyed as a result of a violation of this act. The
15 damages collected under this section shall be deposited in the
16 general fund. However, if the damages result from the impairment
17 or destruction of the fish, wildlife, or other natural resources
18 of the state, the damages shall be deposited in the game and fish
19 protection fund created in the hunting and fishing license act,
20 Act No. 86 of the Public Acts of 1980, being sections 316.101 to
21 316.902 of the Michigan Compiled Laws. The attorney general may,
22 in addition, recover expenses incurred by the department to
23 address and remedy a violation of this act that the department
24 considered an imminent and substantial threat to the public
25 health, safety, or welfare, or to the environment.

1 (2) The court may award court costs and other expenses of
2 litigation including attorney fees to a party who brings an
3 action pursuant to this section or section 15.

4 Sec. 17. (1) A person who violates section 8(1), (2), (3),
5 (4), (6), or (7) or section 10(4) is guilty of a misdemeanor,
6 punishable by imprisonment for not more than 30 days, or a fine
7 of not less than \$200.00 and not more than \$500.00, or both. A
8 peace officer may issue an appearance ticket to a person who is
9 in violation of section 8(1), (2), (3), (4), (6), or (7) or
10 section 10(4).

11 (2) A person who knowingly makes or causes to be made a
12 false statement or entry in a license application or a manifest
13 is guilty of a felony, punishable by imprisonment for not more
14 than 2 years, or a fine of not less than \$2,500.00 or more than
15 \$10,000.00, or both.

16 (3) A person who violates this act or a license issued under
17 this act, except as provided in subsections (1) and (2), is
18 guilty of a misdemeanor, punishable by imprisonment for not more
19 than 6 months or a fine of not less than \$1,000.00 or more than
20 \$2,500.00, or both.

21 (4) Each day that a violation continues constitutes a sepa-
22 rate violation.

23 Sec. 18. (1) The liquid industrial transporter waste
24 account is created within the environmental pollution prevention
25 fund which is created in section 29 of the hazardous waste man-
26 agement act, Act No. 64 of the Public Acts of 1979, being
27 section 299.529 of the Michigan Compiled Laws.

1 (2) The state treasurer may receive money or other assets
2 from any source for deposit into the account. The state trea-
3 surer shall direct the investment of the account. The state
4 treasurer shall credit to the account interest and earnings from
5 account investments.

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

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

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

21 (2) A person who on the effective date of this act holds a
22 transporter business license or a vehicle license may continue to
23 operate with insurance coverage required under former Act No. 136
24 of the Public Acts of 1969 as provided in section 11 until that
25 person seeks to renew his or her license under this act. Upon
26 license renewal the applicant shall provide evidence of coverage
27 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.

4 Sec. 21. Act No. 136 of the Public Acts of 1969, being sec-
5 tions 323.271 to 323.280 of the Michigan Compiled Laws, is
6 repealed.