



SENATE BILL No. 765

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

A bill to amend sections 5, 29, and 31 of Act No. 64 of the Public Acts of 1979, entitled as amended

"Hazardous waste management act,"

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:

1 Section 1. Sections 5, 29, and 31 of Act No. 64 of the
2 Public Acts of 1979, section 5 as amended by Act No. 87 of the
3 Public Acts of 1992 and sections 29 and 31 as amended by Act
4 No. 486 of the Public Acts of 1982, being sections 299.505,
5 299.529, and 299.531 of the Michigan Compiled Laws, are amended
6 to read as follows:

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

4 (2) "Person" means an individual; partnership; the state;
5 trust; firm; joint stock company; federal agency; corporation,
6 including a government corporation; association; municipality;
7 commission; political subdivision of a state; any interstate
8 body; and any other public body created by or pursuant to state
9 law.

10 (3) "Rule" means a rule promulgated pursuant to the adminis-
11 trative procedures act of 1969, Act No. 306 of the Public Acts of
12 1969, as amended, being sections 24.201 to 24.328 of the Michigan
13 Compiled Laws.

14 (4) "Solid waste" means that term as it is defined in the
15 solid waste management act, Act No. 641 of the Public Acts of
16 1978, being sections 299.401 to 299.437 of the Michigan Compiled
17 Laws.

18 (5) "Storage" means the holding of hazardous waste for a
19 temporary period, at the end of which the hazardous waste is
20 treated, disposed of, or stored elsewhere.

21 (6) "Storage facility" means a facility or part of a facil-
22 ity where managed hazardous waste, as defined by rule, is subject
23 to storage. A generator who accumulates managed hazardous waste,
24 as defined by rule, on site in containers or tanks for less than
25 91 days or a period of time prescribed by rule is not a storage
26 facility.

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

11 (8) "Title II of the solid waste disposal act" means title
12 II of Public Law 89-272, 42 U.S.C. 6901, 6902 to 6907, 6911, 6912
13 to 6914a, 6915 to 6916, 6921 to 6931, 6933 to 6939b, 6941, 6942
14 to 6949a, 6951 to 6956, 6961 to 6964, 6971 to 6979a, 6981 to
15 6987, 6991 to 6991i, and 6992 to 6992k.

16 (9) "Transporter" means a person engaged in the off site
17 transportation of hazardous waste by air, rail, highway, or
18 water.

19 (10) "Treatment" means any method, technique, or process,
20 including neutralization, designed to change the physical, chemi-
21 cal, or biological character or composition of any hazardous
22 waste, to neutralize the waste, to recover energy or material
23 resources from the waste, or to render the waste nonhazardous or
24 less hazardous, safer to transport, store, or dispose of, amena-
25 ble to recovery, amenable to storage, or reduced in volume.
26 Treatment includes any activity or processing designed to change

1 the physical form or chemical composition of hazardous waste so
2 as to render it nonhazardous.

3 (11) "Treatment facility" means a facility or part of a
4 facility where managed hazardous waste, as defined by rule, is
5 subject to treatment.

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

8 (13) "Vehicle" means ~~a device~~ EACH SEPARATE CONVEYANCE
9 used ~~to transport~~ IN THE TRANSPORTATION OF hazardous waste ~~—~~
10 ~~Each cargo carrying body is a separate transport vehicle.~~ THAT
11 IS 1 OF THE FOLLOWING:

12 (A) A RAIL FREIGHT CAR AS DEFINED IN 49 C.F.R. 171.8.

13 (B) A SEMITRAILER, TRUCK, OR TRAILER AS DEFINED IN THE
14 MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF 1949,
15 BEING SECTIONS 257.1 TO 257.923 OF THE MICHIGAN COMPILED LAWS.

16 (C) A TRUCK TRACTOR AS DEFINED IN ACT NO. 300 OF THE PUBLIC
17 ACTS OF 1949, ONLY IF THE LIQUID INDUSTRIAL WASTE IS ACTUALLY
18 TRANSPORTED IN THE CAB OF THE VEHICLE.

19 Sec. 29. (1) A person shall not engage in the business of
20 transporting hazardous waste within this state without a hazard-
21 ous waste transporter business license from the director. Any
22 vehicle used to transport hazardous wastes off site shall be
23 licensed under this act. An application for a hazardous waste
24 transporter business license or a vehicle license shall be made
25 on a form provided by the director.

26 (2) An application for a hazardous waste transporter
27 business license shall be accompanied by:

1 (a) A business license application fee of ~~-\$500.00-~~
2 \$1,000.00 of which \$100.00 shall be retained as a processing of
3 the application fee. The remaining business license application
4 fee and the vehicle license application fee as required in subdi-
5 vision (b) shall be refunded if the application is denied by the
6 director.

7 (b) A vehicle license application fee of ~~-\$200.00-~~ \$500.00
8 for each vehicle used by the hazardous waste transporter to
9 transport or carry hazardous waste.

10 ~~(c) Evidence of an inspection certification as may be~~
11 ~~required by the state fire marshal pursuant to Act No. 207 of~~
12 ~~the Public Acts of 1941, as amended, being sections 29.1 to 29.25~~
13 ~~of the Michigan Compiled Laws.~~

14 ~~(d) Proof of financial responsibility as defined by rule of~~
15 ~~the director.~~

16 (3) THE HAZARDOUS WASTE TRANSPORTER ACCOUNT IS CREATED
17 WITHIN THE ENVIRONMENTAL POLLUTION PREVENTION FUND WHICH IS
18 HEREBY CREATED IN THE STATE TREASURY.

19 (4) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS
20 FROM ANY SOURCE FOR DEPOSIT INTO THE ACCOUNT. The license fees
21 collected pursuant to this section shall be deposited in the
22 ~~general fund of the state~~ HAZARDOUS WASTE TRANSPORTER ACCOUNT.
23 THE STATE TREASURER SHALL DIRECT THE INVESTMENT OF THE ACCOUNT.
24 THE STATE TREASURER SHALL CREDIT TO THE ACCOUNT INTEREST AND
25 EARNINGS FROM ACCOUNT INVESTMENTS.

26 (5) MONEY REMAINING IN THE ACCOUNT AT THE CLOSE OF THE
27 FISCAL YEAR SHALL NOT LAPSE TO THE GENERAL FUND.

1 (6) THE DEPARTMENT SHALL EXPEND MONEY FROM THE ACCOUNT, UPON
2 APPROPRIATION, FOR THE IMPLEMENTATION OF THIS ACT. IN ADDITION,
3 FUNDS NOT EXPENDED FOR THE IMPLEMENTATION OF THIS ACT MAY BE UTI-
4 LIZED FOR EMERGENCY RESPONSE AND CLEANUP ACTIVITIES RELATED TO
5 HAZARDOUS WASTE THAT ARE INITIATED BY THE DEPARTMENT.

6 Sec. 31. (1) A license issued pursuant to section 30 shall
7 expire ~~1 year~~ 2 YEARS after the date of issuance. Application
8 for renewal of a license shall be made at least 60 days before
9 expiration. The fee for renewal shall be the same as for an
10 original license.

11 (2) A hazardous waste transporter business license issued
12 under this act shall be revoked if the holder of the license uses
13 a treatment, storage, or disposal facility or vehicle to store,
14 transport, or dispose of hazardous waste contrary to this act or
15 the rules promulgated under this act, and certification is not
16 obtained pursuant to THE FIRE PREVENTION CODE, Act No. 207 of
17 the Public Acts of 1941, as amended, being sections 29.1 to
18 ~~29.25~~ 29.33 of the Michigan Compiled Laws.

19 Section 2. This amendatory act shall not take effect unless
20 Senate Bill No. 764

21 of the 87th Legislature is enacted into law.

22 Section 3. Section 29a of Act No. 64 of the Public Acts of
23 1979, being section 299.529a of the Michigan Compiled Laws, is
24 repealed.