

HOUSE BILL No. 6465

November 7, 2002, Introduced by Rep. Kolb and referred to the Committee on Land Use and Environment.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 16701, 16702, 16703, 16704, and 16705 (MCL
324.16701, 324.16702, 324.16703, 324.16704, and 324.16705).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 16701. As used in this part:

2 (A) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
3 QUALITY.

4 (B) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

5 (C) ~~(a)~~ "Motor oil" means oil used as a lubricant in a
6 motor vehicle.

7 (D) ~~(b)~~ "Oil" means petroleum based oil.

8 (E) ~~(c)~~ "Recycle" means to prepare used oil for reuse as a
9 petroleum product by refining, rerefining, reclaiming,
10 reprocessing, or other means to utilize used oil in a manner that

1 substitutes for a petroleum product made from new oil, if the
2 preparation or use is operationally safe, environmentally sound,
3 and complies with the law, rules, and regulations of this state
4 and the United States.

5 (F) ~~-(d)-~~ "Used oil" means oil which through use, storage,
6 or handling has become unsuitable for its original purpose due to
7 the presence of impurities or loss of original properties.

8 (G) "USED OIL FILTER" MEANS A DEVICE, OR COMPONENT OF A
9 DEVICE, THE PRIMARY PURPOSE OF WHICH IS TO REMOVE CONTAMINANTS
10 FROM OIL, WHICH CONTAINS A RESIDUE OF USED OIL AS DEFINED IN THIS
11 SECTION, AND WHICH IS NOT CONSIDERED HAZARDOUS UNDER FEDERAL LAW
12 OR PART 111 OR RULES PROMULGATED THEREUNDER.

13 Sec. 16702. The ~~department~~ DIRECTOR shall implement a
14 plan to promote the recycling ~~of motor oil~~ by the public and
15 private sectors OF MOTOR OIL, INCLUDING, BUT NOT LIMITED TO,
16 MOTOR OIL IN USED OIL FILTERS. The ~~department~~ DIRECTOR shall
17 conduct a public education program to inform the public and pri-
18 vate sectors of the need for, and benefit of, collecting and
19 recycling used oil in order to conserve resources and protect the
20 natural resources of this state.

21 Sec. 16703. (1) The director of the department of manage-
22 ment and budget shall ~~formulate and~~ implement a plan to recycle
23 the motor oil used by the departments and agencies of this state,
24 INCLUDING, BUT NOT LIMITED TO, MOTOR OIL FROM USED OIL FILTERS.

25 (2) The ~~department~~ DIRECTOR shall conduct a demonstration
26 used oil recycling project that does all of the following:

(a) Provides for a system of used oil recycling tanks or barrels AND USED OIL FILTER RECEPTACLES for use by the general public. The recycling tanks or barrels AND RECEPTACLES shall be located in designated state owned vehicle maintenance garages or other publicly owned structures that the ~~department~~ DIRECTOR determines meet both of the following criteria:

(i) Are locations where used oil ~~is~~ AND USED OIL FILTERS ARE generated from oil changes for state owned vehicles or vehicles operated under contracts with this state.

(ii) Are locations where USED oil OR USED OIL FILTER recycling services are not otherwise available to the general public.

(b) Promotes public awareness of the availability to the general public of recycling tanks or barrels for used oil AND RECEPTACLES FOR USED OIL FILTERS.

(3) The ~~department~~ DIRECTOR shall establish a project plan for conducting the demonstration project provided for in subsection (2). The project plan shall include the number of locations, proposed sites, methods of public notice, security procedures, and model language for cooperative agreements with other state agencies for use of their facilities in the demonstration project.

(4) Funding necessary to implement this part may come from any lawful source, including appropriations, funds from private sources, and funds generated from the sale of general obligation bonds.

1 Sec. 16704. (1) A person shall not dispose of or cause the
2 disposal of used oil ~~by dumping used oil~~ OR A USED OIL FILTER
3 BY ANY OF THE FOLLOWING MEANS:

4 (A) DUMPING onto the ground. ~~by discharging,~~

5 (B) DISCHARGING, dumping, or depositing ~~used oil~~ into
6 sewers, drainage systems, surface waters, groundwaters, or other
7 waters of this state. ~~by except~~

8 (C) EXCEPT as provided in subsection (2), ~~by~~ incineration.
9 ~~by as refuse; or onto~~

10 (D) AS REFUSE.

11 (E) ONTO any public or private land unless the land is des-
12 ignated by the state or an agency or political subdivision of the
13 state as a collection facility for the disposal, dumping, or
14 deposit of used oil OR USED OIL FILTERS and if the used oil OR
15 USED OIL FILTER is placed in a receptacle ~~or container~~
16 installed or located at the collection facility.

17 (2) Subsection (1) does not apply to the use of used oil in
18 an incinerator or other heater that is operated for purposes of
19 providing heat or energy, or as a rust preventive coating on farm
20 or construction equipment.

21 (3) Notwithstanding subsection (2), ~~beginning March 28,~~
22 ~~1994,~~ used oil shall not be disposed of in a municipal solid
23 waste incinerator as defined in part 115.

24 (4) ~~Beginning on July 1, 1991, a~~ A person who violates
25 this section is guilty of a misdemeanor punishable by imprison-
26 ment for NOT MORE THAN 90 days or a fine of not more than
27 \$1,000.00, or both. In place of a sentence provided in this

1 subsection, the court may order that the defendant engage in
2 court supervised recycling-related labor for a number of hours
3 determined by the court, including, but not limited to, oil
4 recycling. A violation of this section by a person, other than
5 an individual, is punishable by a fine of not more than
6 \$2,500.00.

7 (5) This section does not prohibit enforcement actions under
8 other state or federal laws applicable to an activity described
9 in this section.

10 (6) The ~~department~~ DIRECTOR shall establish criteria to be
11 used in designating collection facilities under subsection (1).
12 In developing the criteria, the ~~department~~ DEPARTMENT shall
13 encourage private and local collection facilities as an integral
14 part of the department's efforts to establish a statewide network
15 of collection facilities as required in section 16705(a).

16 Sec. 16705. In addition to the other powers and duties of
17 the ~~department~~ DIRECTOR under this part, by ~~January 1, 1991~~
18 JULY 1, 2003, the ~~department~~ DIRECTOR shall develop and submit
19 to the legislature ~~a~~ AN UPDATED comprehensive plan that does
20 all of the following:

21 (a) Provides for a network of private, state, and local col-
22 lection facilities on a statewide basis by ~~July 1, 1991~~ JANUARY
23 1, 2004 to facilitate compliance with section 16704.

24 (b) Provides for a publicity program to assure that the
25 public is aware of the requirements of section 16704, the loca-
26 tion of collection facilities, and the penalties for violating
27 section 16704.

1 (c) Provides 1 or more proposed funding mechanisms that the
2 department considers feasible to assure that an operational col-
3 lection facility network FOR USED OIL AND USED OIL FILTERS is
4 available statewide by ~~July 1, 1991~~ JANUARY 1, 2004.