

HOUSE BILL No. 5972

June 3, 2004, Introduced by Reps. Kolb, Dennis, Tobocman, Minore and Plakas 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~~ so that the used oil

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

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

9 (g) "Used oil filter" means a device or component of a device
10 whose primary purpose is to remove contaminants from oil, that
11 contains a residue of used oil, and that is not considered
12 hazardous under federal law or part 111 or rules promulgated
13 under part 111.

14 Sec. 16702. The ~~department~~ **director** shall implement a
15 plan to promote the recycling ~~of motor oil~~ by the public and
16 private sectors **of motor oil, including, but not limited to,**
17 **motor oil in used oil filters.** The ~~department~~ **director** shall
18 conduct a public education program to inform the public and
19 private sectors of the need for, and benefit of, collecting and
20 recycling used oil in order to conserve resources and protect the
21 natural resources of this state.

22 Sec. 16703. (1) The director of the department of
23 management and budget shall ~~formulate and~~ implement a plan to
24 recycle the motor oil used by the departments and agencies of
25 this state, **including, but not limited to, motor oil from used**
26 **oil filters.**

27 (2) The ~~department~~ **director** shall conduct a demonstration

1 used oil recycling project that does all of the following:

2 (a) Provides for a system of used oil recycling tanks or
3 barrels **and used oil filter receptacles** for use by the general
4 public. The recycling tanks or barrels **and receptacles** shall be
5 located in designated state owned vehicle maintenance garages or
6 other publicly owned structures that the ~~department~~ **director**
7 determines meet both of the following criteria:

8 (i) Are locations where used oil ~~is~~ **and used oil filters**
9 **are** generated from oil changes for state owned vehicles or
10 vehicles operated under contracts with this state.

11 (ii) Are locations where **used oil or used oil filter**
12 recycling services are not otherwise available to the general
13 public.

14 (b) Promotes public awareness of the availability to the
15 general public of recycling tanks or barrels for used oil **and**
16 **receptacles for used oil filters.**

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

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

1 Sec. 16704. (1) A person shall not dispose of or cause the
 2 disposal of used oil ~~by dumping used oil~~ **or, after January 1,**
 3 **2006, a used oil filter by any of the following means:**

4 **(a) Dumping** onto the ground. ~~; discharging,~~

5 **(b) Discharging,** dumping, or depositing ~~used oil~~ into
 6 sewers, drainage systems, surface waters, groundwaters, or other
 7 waters of this state. ~~; except~~

8 **(c) Except** as provided in subsection (2), ~~by~~ incineration.
 9 ~~; as refuse; or onto~~

10 **(d) As refuse.**

11 **(e) Onto** any public or private land unless the land is
 12 designated by ~~the~~ **this** state or an agency or political
 13 subdivision of ~~the~~ **this** state as a collection facility for the
 14 disposal, dumping, or deposit of used oil **or used oil filters** and
 15 if the used oil **or used oil filter** is placed in a receptacle ~~or~~
 16 ~~container~~ 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 this
 25 section is guilty of a misdemeanor punishable by imprisonment for
 26 **not more than** 90 days or a fine of not more than \$1,000.00, or
 27 both. In place of a sentence provided in this subsection, the

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

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

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

15 Sec. 16705. In addition to the other powers and duties of
16 the ~~department~~ **director** under this part, by ~~January 1, 1991~~
17 **July 1, 2005**, the ~~department~~ **director** shall develop and submit
18 to the legislature ~~a~~ **an updated** comprehensive plan that does
19 all of the following:

20 (a) Provides for a **statewide** network of private, state, and
21 local collection facilities ~~on a statewide basis by July 1,~~
22 ~~1991~~ **to be operational by January 1, 2006** to facilitate
23 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
26 location of collection facilities, and the penalties for
27 violating section 16704.

1 (c) Provides 1 or more proposed funding mechanisms that the
2 department considers feasible to assure that an operational
3 collection facility network **for used oil and used oil filters** is
4 available statewide by ~~July 1, 1991~~ **January 1, 2006**.