

SENATE BILL No. 1308

May 8, 2008, Introduced by Senator GILBERT and referred to the Committee on Transportation.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12102a. The following materials are not liquid industrial
2 wastes when managed as specified:

3 (a) A material that is used or reused as an effective
4 substitute for commercial products or returned to the original
5 process, if the material does not require reclamation prior to use
6 or reuse, is not directly burned to recover energy or used to
7 produce a fuel, and is not applied to the land or used in products
8 applied to the land.

9 (b) A used oil that is directly burned to recover energy or

1 used to produce a fuel if all of the following requirements are
2 met:

3 (i) The material meets the used oil specifications of R
4 299.9809(1)(f) of the Michigan administrative code.

5 (ii) The material contains no greater than 2 ppm
6 polychlorinated biphenyls.

7 (iii) The material has a minimum energy content of 17,000
8 BTU/lb.

9 (iv) The material is expressly authorized as a used oil fuel
10 source, regulated under part 55, or, in another state, regulated
11 under a similar air pollution control authority.

12 (c) A liquid fully contained inside a manufactured article,
13 until the liquid is removed or the manufactured equipment is
14 discarded, at which point it becomes subject to this part.

15 (d) A liquid waste sample transported for testing to determine
16 its characteristics or composition. The sample becomes subject to
17 this part when discarded.

18 (e) A liquid that is not regulated under part 615 that is
19 generated in the drilling, operation, maintenance, or closure of a
20 well, or other drilling operation, including the installation of
21 cathodic protection or directional drilling, if either of the
22 following applies:

23 (i) The liquid is left in place at the point of generation in
24 compliance with part 31, 201, or 213.

25 (ii) The liquid is transported off-site from a location that is
26 not a known facility as defined in section 20101, and all of the
27 following occur:

1 (A) The disposal complies with applicable provisions of part
2 31 or 115.

3 (B) The disposal is not to a surface water.

4 (C) The landowner of the disposal site has authorized the
5 disposal.

6 (f) A liquid vegetable or animal fat oil that is transported
7 directly to a producer of biofuels for the purpose of converting
8 the oil to biofuel.

9 (G) AN OFF-SPECIFICATION FUEL, INCLUDING A GASOLINE
10 BLENDSTOCK, THAT WAS GENERATED IN A PIPELINE AS THE INTERFACE
11 MATERIAL FROM THE MIXTURE OF 2 ADJACENT FUEL PRODUCTS AND THAT WILL
12 BE PROCESSED, BY BLENDING OR DISTILLATION OR OTHER REFINING, TO
13 PRODUCE A FUEL PRODUCT.

14 (H) AN OFF-SPECIFICATION FUEL PRODUCT TRANSPORTED DIRECTLY TO
15 A DISTILLATION OR REFINING FACILITY TO PRODUCE A FUEL PRODUCT
16 REGULATED PURSUANT TO 40 CFR PART 80.

17 (I) ~~(g)~~—A liquid or a sludge and associated liquid authorized
18 to be applied to land under part 31 or 115.

19 (J) ~~(h)~~—A liquid residue remaining in a container after
20 pouring, pumping, aspirating, or another practice commonly employed
21 to remove liquids has been utilized, if not more than 1 inch of
22 residue remains on the bottom, or, for containers less than or
23 equal to 110 gallons in size, not more than 3% by weight of residue
24 remains in the container, or, for containers greater than 110
25 gallons in size, not more than 0.3% by weight of residue remains in
26 the container. The liquid residue becomes subject to this part when
27 discarded.

1 **(K)** ~~(i)~~—A residual amount of liquid remaining in a container
2 and generated as a result of transportation of a solid waste in
3 that container.

4 **(I)** ~~(j)~~—A liquid brine authorized for use as dust and ice
5 control regulated under parts 31 and 615.

6 **(M)** ~~(k)~~—Food processing residuals as defined in section 11503,
7 or site-separated material or source-separated material approved by
8 the department under part 115, that, to produce biogas, will be
9 decomposed in a controlled manner under anaerobic conditions using
10 a closed system that complies with part 55.

11 **(N)** ~~(l)~~—A liquid approved by the director for use as a biofuel
12 in energy production in compliance with part 55 that is not
13 speculatively accumulated and that is transported directly to the
14 burner of the biofuel.