

DRAFT 3

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 11102, 11103, 11108, 11123, 11124, 11130,
11132a, 11135, 11140, 11151, 11153, 12103, 12109, and 12112 (MCL
324.11102, 324.11103, 324.11108, 324.11123, 324.11124, 324.11130,
324.11132a, 324.11135, 324.11140, 324.11151, 324.11153,
324.12103, 324.12109, and 324.12112), sections 11102, 11123,
11124, and 11140 as amended by 2010 PA 357, section 11108 as
amended by 2011 PA 150, section 11130 as amended by 2001 PA 165,
section 11132a as added by 1998 PA 139, sections 11135, 11153,
12103, 12109, and 12112 as amended by 2011 PA 90, and section
11151 as amended by 1998 PA 439; and to repeal acts and parts of
acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:



1 Sec. 11102. (1) "Contaminant" means any of the following:

2 (a) Hazardous waste as defined in R 299.9203 of the Michigan
3 administrative code.

4 (b) Any hazardous waste or hazardous constituent listed in
5 40 CFR part 261, appendix VIII or 40 CFR part 264, appendix IX.

6 (2) "Corrective action" means an action determined by the
7 department to be necessary to protect the public health, safety,
8 or welfare, or the environment, and includes, but is not limited
9 to, investigation, evaluation, cleanup, removal, remediation,
10 monitoring, containment, isolation, treatment, storage,
11 management, temporary relocation of people, and provision of
12 alternative water supplies, or any corrective action allowed
13 under the solid waste disposal act or regulations promulgated
14 pursuant to that act.

15 (3) "Designated facility" means a hazardous waste treatment,
16 storage, or disposal facility that has received a permit or has
17 interim status under the solid waste disposal act or has a permit
18 from a state authorized under section 3006 of subtitle C of the
19 solid waste disposal act, 42 USC 6926, and which, if located in
20 this state, has an operating license issued under this part, has
21 a legally binding agreement with the department that authorizes
22 operation, or ~~is subject to~~ **MEETS** the requirements of section
23 ~~11123(8)~~ **11123(7)** .

24 (4) "Disposal" means the discharge, deposit, injection,
25 dumping, spilling, leaking, or placing of a hazardous waste into
26 or on land or water in a manner that the hazardous waste or a
27 constituent of the hazardous waste may enter the environment, be

1 emitted into the air, or be discharged into water, including
2 groundwater.

3 (5) "Disposal facility" means a facility or a part of a
4 facility where managed hazardous waste, as defined by rule, is
5 intentionally placed into or on any land or water and at which
6 hazardous waste will remain after closure. **DISPOSAL FACILITY**
7 **INCLUDES, BUT IS NOT LIMITED TO, A LAND DISPOSAL FACILITY AND A**
8 **DEEP WELL DISPOSAL FACILITY. [ADDED FOR THE PURPOSES OF THE**
9 **DEFINITION OF HAZARDOUS WASTE MANAGEMENT FACILITY. EXPAND LISTED**
10 **FACILITIES?]**

11 (6) "Failure mode assessment" means an analysis of the
12 potential major methods by which safe handling of hazardous
13 wastes may fail at a treatment, storage, or disposal facility.

14 Sec. 11103. (1) "Generation" means the act or process of
15 producing hazardous waste.

16 (2) "Generator" means any person, by site, whose act or
17 process produces hazardous waste as identified or listed pursuant
18 to section 11128 or whose act first causes a hazardous waste to
19 become subject to regulation under this part.

20 (3) "Hazardous waste" means waste or a combination of waste
21 and other discarded material including solid, liquid, semisolid,
22 or contained gaseous material that because of its quantity,
23 quality, concentration, or physical, chemical, or infectious
24 characteristics may cause or significantly contribute to an
25 increase in mortality or an increase in serious irreversible
26 illness or serious incapacitating but reversible illness, or may
27 pose a substantial present or potential hazard to human health or

1 the environment if improperly treated, stored, transported,
 2 disposed of, or otherwise managed. Hazardous waste does not
 3 include material that is solid or dissolved material in domestic
 4 sewage discharge, solid or dissolved material in an irrigation
 5 return flow discharge, industrial discharge that is a point
 6 source subject to permits under section 402 of title IV of the
 7 federal water pollution control act, chapter 758, 86 Stat. 880,
 8 33 ~~U.S.C.~~ **USC** 1342, or is a source, special nuclear, or by-
 9 product material as defined by the atomic energy act of 1954,
 10 chapter 1073, 68 Stat. 919.

11 (4) "Hazardous waste management" means the systematic
 12 control of the collection, source separation, storage,
 13 transportation, processing, treatment, recovery, recycling, and
 14 disposal of hazardous waste.

15 (5) **"HAZARDOUS WASTE MANAGEMENT FACILITY" MEANS ANY OF THE**
 16 **FOLLOWING THAT RECEIVES HAZARDOUS WASTE:**

17 (A) A DISPOSAL FACILITY.

18 (B) AN INCINERATOR.

19 (C) A STABILIZATION FACILITY.

20 (D) A TREATMENT FACILITY.

21 (E) A RECYCLING, PRECIOUS METAL RECOVERY, OR CLOSE-LOOPED
 22 RECYCLING FACILITY.

23 [THIS DEFINITION IS ADDED FOR PURPOSES OF SECTION 11108(5). IS IT
 24 BROAD ENOUGH? IS "RECEIVES" THE PROPER TERM?]

25 (6) ~~(5)~~—"Landfill" means a disposal facility or part of a
 26 facility where hazardous waste is placed in or on land and which
 27 is not a pile, a land treatment facility, a surface impoundment,

1 an injection well, a salt dome formation, a salt bed formation,
2 or an underground mine or cave.

3 (7) ~~(6)~~—"Land treatment facility" means a treatment facility
4 or part of a treatment facility at which hazardous waste is
5 applied onto or incorporated into the soil surface. If waste will
6 remain after closure, a facility described in this subsection is
7 a disposal facility.

8 ~~—— (7) "Limited storage facility" means a storage facility that
9 meets all of the following conditions:~~

10 ~~—— (a) Has a maximum storage capacity that does not exceed
11 25,000 gallons of hazardous waste.~~

12 ~~—— (b) Storage occurs only in tanks or containers.~~

13 ~~—— (c) Has not more than 200 containers on site that have a
14 capacity of 55 gallons or less.~~

15 ~~—— (d) Does not store hazardous waste on site for more than 90
16 days.~~

17 ~~—— (e) Does not receive hazardous waste from a treatment,
18 storage, or disposal facility.~~

19 (8) "Manifest" means a form approved by the department used
20 for identifying the quantity, composition, origin, routing, and
21 destination of hazardous waste during its transportation from the
22 point of generation to the point of disposal, treatment, or
23 storage.

24 (9) "Manifest system" means the system used for identifying
25 the quantity, composition, origin, routing, and destination of
26 hazardous waste during its transportation from the point of
27 generation to the point of disposal, treatment, or storage.

1 (10) "Mechanism" means a letter of credit, a financial test
2 that demonstrates the financial strength of the company owning a
3 treatment, storage, or disposal facility or a parent company
4 guaranteeing financial assurance for a subsidiary, or an
5 insurance policy that will provide funds for closure or
6 postclosure care of a treatment, storage, or disposal facility.

7 (11) "Municipal solid waste incinerator" means an
8 incinerator that is owned or operated by any person, and that
9 meets all of the following requirements:

10 (a) The incinerator receives solid waste from off site and
11 burns only household waste from single and multiple dwellings,
12 hotels, motels, and other residential sources, or burns this
13 household waste together with solid waste from commercial,
14 institutional, municipal, county, or industrial sources that, if
15 disposed of, would not be required to be placed in a disposal
16 facility licensed under this part.

17 (b) The incinerator has established contractual requirements
18 or other notification or inspection procedures sufficient to
19 assure that the incinerator receives and burns only waste
20 referred to in subdivision (a).

21 (c) The incinerator meets the requirements of this part and
22 the rules promulgated under this part.

23 (d) The incinerator is not an industrial furnace as defined
24 in 40 ~~C.F.R.~~ **CFR** 260.10.

25 (12) "Municipal solid waste incinerator ash" means the
26 substances remaining after combustion in a municipal solid waste
27 incinerator.

1 (13) "Municipality" means a city, village, township, or
2 Indian tribe.

3 (14) "On site" means on the same or geographically
4 contiguous property that may be divided by a public or private
5 right-of-way if the entrance and exit between the pieces of
6 property are at a crossroads intersection and access is by
7 crossing rather than going along the right-of-way. On site
8 property includes noncontiguous pieces of property owned by the
9 same person but connected by a right-of-way that the owner
10 controls and to which the public does not have access.

11 Sec. 11108. (1) ~~Except as otherwise provided in this~~
12 ~~section, each owner or operator of a landfill shall pay to the~~
13 ~~department a fee assessed on hazardous waste disposed of in a~~
14 ~~landfill. The fee shall be based on the quantity of hazardous~~
15 ~~waste specified on the manifest or monthly operating report and~~
16 ~~shall be \$10.00 per ton, \$10.00 per cubic yard, or 1/2 cent per~~
17 ~~pound depending on the unit of measure used by the owner or~~
18 ~~operator to calculate the fee.~~ **A GENERATOR OF HAZARDOUS WASTE**
19 **THAT IS SHIPPED [TO A HAZARDOUS WASTE MANAGEMENT FACILITY?]**
20 **OUTSIDE OF THIS STATE, OF HAZARDOUS WASTE THAT IS SHIPPED TO A**
21 **HAZARDOUS WASTE MANAGEMENT FACILITY IN THIS STATE, OR OF**
22 **NONHAZARDOUS WASTE THAT IS SHIPPED TO A HAZARDOUS WASTE LANDFILL**
23 **IN THIS STATE SHALL PAY A FEE ON THE QUANTITY OF WASTE. SUBJECT**
24 **TO SUBSECTION (6), THE QUANTITY OF WASTE FOR THE PURPOSE OF**
25 **ASSESSING THE FEE IS THE QUANTITY SPECIFIED ON A MANIFEST OR, IF**
26 **A MANIFEST IS NOT REQUIRED UNDER THIS PART, OTHER SHIPPING PAPER**
27 **OR QUARTERLY OPERATING REPORT. A GENERATOR OF HAZARDOUS WASTE**

1 THAT IS ALSO LICENSED UNDER SECTION 11123 IS NOT SUBJECT TO THE
2 FEE UNDER THIS SUBSECTION.

3 (2) THE FEE UNDER SUBSECTION (1) ON A SHIPMENT OF WASTE IN A
4 QUANTITY OF LESS THAN 1 TON OR 250 GALLONS, OR EQUIVALENT,
5 DEPENDING ON THE UNIT OF MEASURE SPECIFIED ON THE MANIFEST, OTHER
6 SHIPPING PAPER, OR QUARTERLY OPERATING REPORT, IS \$10.00.

7 (3) SUBJECT TO SUBSECTION (4), THE FEE UNDER SUBSECTION (1)
8 ON A SHIPMENT OF WASTE IN A QUANTITY GREATER THAN THAT SPECIFIED
9 IN SUBSECTION (2) IS \$10.00 PER TON, OR 4 CENTS PER GALLON, OR
10 EQUIVALENT, DEPENDING ON THE UNIT OF MEASURE USED ON THE
11 MANIFEST, OTHER SHIPPING PAPER, OR QUARTERLY OPERATING REPORT.

12 The fee for fractional quantities of ~~hazardous~~-waste UNDER THIS
13 SUBSECTION OR SUBSECTION (4) OR (5) shall be proportional.

14 (4) IF IN A STATE FISCAL YEAR THE TOTAL AMOUNT OF WASTE
15 SHIPPED BY A GENERATOR TO A HAZARDOUS WASTE MANAGEMENT FACILITY
16 FOR MANAGEMENT BY 1 OF THE HAZARDOUS WASTE MANAGEMENT METHODS
17 SPECIFIED BELOW EQUALS OR EXCEEDS THE AMOUNT SPECIFIED BELOW FOR
18 THAT MANAGEMENT METHOD, THE FEE UNDER SUBSECTION (1) FOR ANY
19 ADDITIONAL QUANTITY OF WASTE SHIPPED BY THAT GENERATOR FOR
20 MANAGEMENT BY THAT MANAGEMENT METHOD IS AS FOLLOWS, BASED ON THE
21 WASTE MANAGEMENT METHOD AND THE UNIT OF MEASURE SPECIFIED ON THE
22 MANIFEST, OTHER SHIPPING PAPER, OR QUARTERLY OPERATING REPORT:

23 (A) FOR LAND DISPOSAL OR DEEP WELL INJECTION OF QUANTITIES
24 EQUAL TO OR GREATER THAN 50,000 TONS OR 1,000,000 GALLONS, \$5.00
25 PER TON OR 2 CENTS PER GALLON, OR EQUIVALENT, RESPECTIVELY.

26 (B) FOR STABILIZATION AND LAND DISPOSAL OF QUANTITIES EQUAL
27 TO OR GREATER THAN 25,000 TONS OR 500,000 GALLONS, \$5.00 PER TON



1 OR 2 CENTS PER GALLON, OR EQUIVALENT, RESPECTIVELY.

2 (C) FOR INCINERATION OF QUANTITIES EQUAL TO OR GREATER THAN
3 10,000 TONS OR 200,000 GALLONS, \$5.00 PER TON OR 2 CENTS PER
4 GALLON, OR EQUIVALENT, RESPECTIVELY.

5 (D) FOR OTHER TREATMENT OF QUANTITIES EQUAL TO OR GREATER
6 THAN 10,000 TONS OR 200,000 GALLONS, \$5.00 PER TON OR 2 CENTS PER
7 GALLON, OR EQUIVALENT, RESPECTIVELY.

8 (E) FOR RECYCLING OF QUANTITIES EQUAL TO OR GREATER THAN 50
9 TONS OR 10,000 GALLONS, \$5.00 PER TON OR 2 CENTS PER GALLON, OR
10 EQUIVALENT, RESPECTIVELY.

11 (5) NOTWITHSTANDING SUBSECTIONS (2), (3), AND (4), THE FEE
12 UNDER SUBSECTION (1) ON A SHIPMENT OF WASTE TO BE MANAGED BY
13 PRECIOUS METAL RECOVERY OR OFFSITE CLOSED-LOOP RECYCLING IS \$5.00
14 PER TON OR 2 CENTS PER GALLON, OR EQUIVALENT, RESPECTIVELY.

15 (6) THE GENERATOR OF WASTE THAT IS MANAGED ["SHIPPED TO A
16 HAZARDOUS WASTE MANAGEMENT FACILITY FOR MANAGEMENT"] IN THIS
17 STATE SHALL PAY THE FEE UNDER SUBSECTION (1) TO THE OWNER OR
18 OPERATOR OF THE HAZARDOUS WASTE MANAGEMENT FACILITY, UNLESS THE
19 FEE HAS ALREADY BEEN PAID ON THE WASTE. THE OWNER OR OPERATOR OF
20 THE HAZARDOUS WASTE MANAGEMENT FACILITY SHALL ASSESS AND COLLECT
21 THE FEE UNDER SUBSECTION (1) ON INCOMING WASTE SHIPMENTS, UNLESS
22 THE FEE HAS ALREADY BEEN COLLECTED ON THE WASTE. [I BELIEVE
23 REFERENCES TO WASTE IN THIS SUBSECTION SHOULD NOT BE LIMITED TO
24 HAZARDOUS WASTE. SEE SUBSECTION (1).] If the ~~hazardous~~-waste is
25 required to be listed on a manifest and the owner or operator of
26 the ~~landfill~~-HAZARDOUS WASTE MANAGEMENT FACILITY determines that
27 the ~~hazardous~~-waste quantity on the manifest is not accurate, the

1 owner or operator shall correct the ~~hazardous~~ waste quantity on
 2 all manifest copies accompanying the shipment, note the reason
 3 for the change in the discrepancy indication space on the
 4 manifest, and assess the fee in accordance with the corrected
 5 ~~hazardous~~ waste quantity. **IF THE WASTE IS NOT REQUIRED TO BE**
 6 **LISTED ON A MANIFEST AND THE OWNER OR OPERATOR DETERMINES THAT**
 7 **THE QUANTITY OF WASTE ON THE OTHER SHIPPING PAPER OR QUARTERLY**
 8 **OPERATING RECORD IS NOT ACCURATE, THE OWNER OR OPERATOR SHALL**
 9 **CORRECT THE WASTE QUANTITY ON THE SHIPPING PAPER OR QUARTERLY**
 10 **OPERATING RECORD, NOTE THE REASON FOR THE CHANGE THEREON, AND**
 11 **ASSESS THE FEE IN ACCORDANCE WITH THE CORRECT QUANTITY.**

12 (7) THE OWNER OR OPERATOR OF A HAZARDOUS WASTE MANAGEMENT
 13 FACILITY THAT IS LICENSED UNDER SECTION 11123 SHALL PAY TO THE
 14 DEPARTMENT ALL OF THE FEES COLLECTED UNDER SUBSECTION (6).

15 [SUBSECTION (6) AND PRECEDING SUBSECTIONS ARE NOT LIMITED TO
 16 FACILITIES LICENSED UNDER SECTION 11123. DELETE THIS

17 REQUIREMENT?] Payment shall be made within 30 days after the
 18 close of each quarter. ~~The landfill owner or operator shall~~
 19 ~~assess off-site generators the fee. The fee for hazardous waste~~
 20 ~~that is generated and disposed of on the site of a landfill owner~~
 21 ~~or operator shall be paid by that owner or operator.~~ **IF THE AMOUNT**
 22 **OF FEES COLLECTED BY THE OWNER OR OPERATOR OF A HAZARDOUS**
 23 **WASTE MANAGEMENT FACILITY IN A CALENDAR YEAR IS LESS THAN**
 24 **\$50,000.00, THE OWNER OR OPERATOR SHALL ALSO PAY TO THE**
 25 **DEPARTMENT A FEE EQUAL TO THE DIFFERENCE BETWEEN \$50,000.00**
 26 **AND THE AMOUNT OF FEES COLLECTED.**

27 ~~— (2) Except as otherwise provided in this section, each owner~~

~~1 or operator of a solidification facility licensed pursuant to
2 section 11123 shall pay to the department a fee assessed on
3 hazardous waste received at the solidification facility. The fee
4 shall be based on the quantity of hazardous waste specified on
5 the manifest or monthly operating report and shall be \$10.00 per
6 ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per
7 pound depending on the unit of measure used by the owner or
8 operator to calculate the fee. The fee for fractional quantities
9 of hazardous waste shall be proportional. If the hazardous waste
10 is required to be listed on a manifest and the owner or operator
11 of the solidification facility determines that the hazardous
12 waste quantity on the manifest is not accurate, the owner or
13 operator shall correct the hazardous waste quantity on all
14 manifest copies accompanying the shipment, note the reason for
15 the change in the discrepancy indication space on the manifest,
16 and assess the fee in accordance with the corrected hazardous
17 waste quantity. Payment shall be made within 30 days after the
18 close of each quarter. The solidification facility owner or
19 operator shall assess off-site generators the fee. The fee for
20 hazardous waste that is generated and solidified on the site of a
21 solidification owner or operator shall be paid by that owner or
22 operator.~~

~~23 ——— (3) The following hazardous waste is exempt from the fees
24 provided for in this section:~~

~~25 ——— (a) Ash that results from the incineration of hazardous
26 waste or the incineration of solid waste as defined in part 115.~~

~~27 ——— (b) Hazardous waste exempted by rule because of its~~

1 ~~character or the treatment it has received.~~

2 (8) A GENERATOR OF HAZARDOUS WASTE THAT IS SHIPPED [TO A
3 HAZARDOUS WASTE MANAGEMENT FACILITY?] OUTSIDE OF THIS STATE SHALL
4 PAY THE FEE UNDER SUBSECTION (1) DIRECTLY TO THE DEPARTMENT.
5 PAYMENT SHALL BE MADE WITHIN 30 DAYS AFTER THE CLOSE OF EACH
6 QUARTER UNLESS THE PAYMENT DUE IS LESS THAN \$50.00. GENERATORS
7 WITH QUARTERLY PAYMENTS OF LESS THAN \$50.00 MAY MAKE PAYMENTS ON
8 AN ANNUAL BASIS.

9 (9) ~~(e)~~ Hazardous waste that is removed as part of a site
10 cleanup activity at the expense of the state or federal
11 government -

12 ~~—— (d) Solidified hazardous waste produced by a solidification~~
13 ~~facility licensed pursuant to section 11123 and destined for land~~
14 ~~disposal.~~

15 ~~—— (e) Hazardous waste generated pursuant to a 1-time closure~~
16 ~~or site cleanup activity in this state if the closure or cleanup~~
17 ~~activity has been authorized in writing by the department.~~

18 ~~Hazardous waste resulting from the cleanup of inadvertent~~
19 ~~releases which occur after March 30, 1988 is not exempt from the~~
20 ~~fees.~~

21 ~~—— (f) Primary and secondary wastewater treatment solids from a~~
22 ~~wastewater treatment plant that includes an aggressive biological~~
23 ~~treatment facility as defined in 42 USC 6295.~~

24 ~~—— (g) Emission control dust or sludge from the primary~~
25 ~~production of steel in electric furnaces.~~

26 ~~—— (4) An owner or operator of a landfill or solidification~~
27 ~~facility shall assess or pay the fee described in this section - IS~~

1 **EXEMPT FROM THE FEE IMPOSED UNDER SUBSECTION (1). THE FEE IMPOSED**
 2 **UNDER SUBSECTION (1) SHALL BE ASSESSED AND PAID** unless the
 3 generator provides a signed written certification indicating that
 4 the hazardous waste is exempt from the fee. If the hazardous
 5 waste that is exempt from the fee is required to be listed on a
 6 manifest, the certification shall contain the manifest number of
 7 the shipment and the specific fee exemption for which the
 8 hazardous waste qualifies. If the hazardous waste that is exempt
 9 from the fee is not required to be listed on a manifest, the
 10 certification shall provide the volume of exempt hazardous waste,
 11 the waste code or waste codes of the exempt waste, the date of
 12 **SHIPMENT OR** disposal, ~~or solidification,~~ and the specific fee
 13 exemption for which the hazardous waste qualifies. The owner or
 14 operator of the ~~landfill or solidification facility~~ **HAZARDOUS**
 15 **WASTE MANAGEMENT FACILITY OR, IN THE CASE OF OUT-OF-STATE**
 16 **SHIPMENTS, THE GENERATOR** shall retain this certification for 4
 17 years from the date of receipt **OR SHIPMENT.**

18 ~~—— (5) The department or a health department certified pursuant~~
 19 ~~to section 11145 shall evaluate the accuracy of generator fee~~
 20 ~~exemption certifications and shall take enforcement action~~
 21 ~~against a generator who files a false certificate. In addition,~~
 22 ~~the department shall take enforcement action to collect fees that~~
 23 ~~are not paid as required by this section.~~

24 ~~—— (6) The landfill owner or operator and the solidification~~
 25 ~~facility owner or operator~~

26 (10) **A PERSON REQUIRED TO PAY THE FEE TO THE DEPARTMENT**
 27 **UNDER SUBSECTION (7) [OR (8)? IF SO, MODIFY (B) BELOW.]** shall

1 forward to the department the fee revenue due ~~under this section~~
2 with a completed form that is provided or approved by the
3 department. ~~The owner or operator shall certify that all~~
4 ~~information provided in the form is accurate.~~ The form shall
5 include the following information:

6 (a) The volume of hazardous waste subject to a fee.

7 (b) The name of each generator who was assessed a fee, the
8 generator's **SITE** identification number, manifest numbers,
9 hazardous waste volumes, and the amount of the fee assessed.

10 ~~—— (7) A generator who documents to the department, on a form~~
11 ~~provided by the department, a reduction in the amount of~~
12 ~~hazardous waste generated as a result of a process change, or~~
13 ~~documents a reduction in the amount of hazardous waste that is~~
14 ~~being disposed of in a landfill, either directly or following~~
15 ~~solidification at a solidification facility, as a result of a~~
16 ~~process change or the generator's increased use of source~~
17 ~~separation, input substitution, process reformulation, recycling,~~
18 ~~treatment, or an exchange of hazardous waste that results in a~~
19 ~~utilization of that hazardous waste, is eligible for a refund~~
20 ~~from this state. The refund shall be in the amount of \$10.00 per~~
21 ~~ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per~~
22 ~~pound of hazardous waste reduced or managed through an~~
23 ~~alternative to landfill disposal. A generator is not eligible to~~
24 ~~receive a refund for that portion of a reduction in the amount of~~
25 ~~hazardous waste generated that is attributable to a decrease in~~
26 ~~the generator's level of production of the products that resulted~~
27 ~~in the generation of the hazardous waste.~~

1 ~~—— (8) A generator seeking a refund shall calculate the refund~~
 2 ~~due by comparing hazardous waste generation, treatment, and~~
 3 ~~disposal activity in the calendar year immediately preceding the~~
 4 ~~date of filing with hazardous waste generation, treatment, and~~
 5 ~~disposal activity in the calendar year 2 years prior to the date~~
 6 ~~of filing.~~

7 ~~—— (9) To be eligible for a refund, a generator shall file a~~
 8 ~~request with the department by June 30 of the year following the~~
 9 ~~year for which the refund is being claimed.~~

10 ~~—— (10) A refund shall not exceed the total fees paid by the~~
 11 ~~generator to the landfill operator or owner and the~~
 12 ~~solidification facility operator or owner.~~

13 ~~—— (11) A form submitted by the generator as provided for in~~
 14 ~~subsection (7) shall be certified by the generator or the~~
 15 ~~generator's authorized agent.~~

16 **(C) A WRITTEN CERTIFICATION THAT ALL INFORMATION PROVIDED IS**
 17 **ACCURATE.**

18 **(11) THE OWNER OR OPERATOR OF A FACILITY IN POSTCLOSURE OR**
 19 **CORRECTIVE ACTION WITH LONG-TERM OPERATION AND MAINTENANCE**
 20 **OVERSIGHT OF ENGINEERED EXPOSURE CONTROLS SHALL PAY THE**
 21 **DEPARTMENT A FEE OF \$3,000.00 BY JULY 1 OF EACH YEAR.**

22 **(12) A GENERATOR WHO FAILS TO TIMELY PAY THE FEE UNDER**
 23 **SUBSECTION (1) OR A FACILITY WHO FAILS TO PROVIDE TIMELY PAYMENT**
 24 **OF THE FEE UNDER SUBSECTION (11) IS SUBJECT TO AN ADMINISTRATIVE**
 25 **FINE OF 100% OF THE AMOUNT OWED. ANY PAYMENTS RECEIVED AFTER THE**
 26 **FIFTEENTH OF THE MONTH AFTER THE DUE DATE SHALL BE CONSIDERED**
 27 **DELINQUENT. THE DEPARTMENT MAY TAKE ENFORCEMENT ACTION TO COLLECT**

1 **FEES AND FINES THAT ARE NOT PAID AS REQUIRED BY THIS SECTION.**

2 (13) ~~(12)~~ The department shall maintain information
3 regarding the ~~landfill disposal fees received and refunds~~
4 ~~provided under this section.~~

5 (14) ~~(13)~~ The fees **AND FINES** collected under this section
6 shall be forwarded to the state treasurer and deposited in the
7 ~~waste reduction fund created in subsection (14).~~

8 ~~—— (14) The waste reduction fund is created within the state~~
9 ~~treasury. The state treasurer may receive money or other assets~~
10 ~~from any source for deposit into the waste reduction fund. The~~
11 ~~state treasurer shall direct the investment of the waste~~
12 ~~reduction fund. The state treasurer shall credit to the waste~~
13 ~~reduction fund interest and earnings from waste reduction fund~~
14 ~~investments. Money in the waste reduction fund at the close of~~
15 ~~the fiscal year shall remain in the waste reduction fund and~~
16 ~~shall not lapse to the general fund. Money from the waste~~
17 ~~reduction fund~~ **ENVIRONMENTAL POLLUTION PREVENTION FUND CREATED IN**
18 **SECTION 11130. ANY BALANCE IN THE WASTE REDUCTION FUND ON THE**
19 **EFFECTIVE DATE OF THE AMENDATORY ACT FROM THE 2012-2013**
20 **LEGISLATIVE SESSION THAT AMENDED THIS SUBSECTION SHALL NOT LAPSE**
21 **TO THE GENERAL FUND BUT SHALL BE TRANSFERRED TO THE ENVIRONMENTAL**
22 **POLLUTION PREVENTION FUND AND THE WASTE REDUCTION FUND SHALL BE**
23 **CLOSED. MONEY FROM THE ENVIRONMENTAL POLLUTION PREVENTION FUND**
24 shall be expended, upon appropriation, only for 1 or more of the
25 following purposes:

26 (a) ~~To pay refunds to generators under this section.~~ **TO FUND**
27 **THE PART 111 PROGRAM.**

1 (b) To fund programs created under part 143 and part 145.

2 ~~———— (c) Not more than \$500,000.00 to implement section 3103a.~~

3 (C) ~~(d)~~ To fund the permit to install program established
4 under section 5505.

5 Sec. 11123. (1) Unless a person is complying with subsection
6 ~~(8)~~ **(7)** or a rule promulgated under **DESCRIBED IN** section
7 11127(4), a person shall not establish, construct, conduct,
8 manage, maintain, or operate a treatment, storage, or disposal
9 facility within this state without an operating license from the
10 department.

11 (2) An application for an operating license for a proposed
12 treatment, storage, or disposal facility or the expansion,
13 enlargement, or alteration of a treatment, storage, or disposal
14 facility beyond its original authorized design capacity or beyond
15 the area specified in an existing operating license, original
16 construction permit, or other authorization shall be submitted on
17 a form provided by the department and contain all of the
18 following:

19 (a) The name and residence of the applicant.

20 (b) The location of the proposed treatment, storage, or
21 disposal facility project.

22 (c) A copy of an actual published notice that the applicant
23 published at least 30 days before submittal of the application in
24 a newspaper having major circulation in the municipality and the
25 immediate vicinity of the proposed treatment, storage, or
26 disposal facility project. The notice shall contain a map
27 indicating the location of the proposed treatment, storage, or

1 disposal facility project and information on the nature and size
2 of the proposed facility. In addition, as provided by the
3 department, the notice shall contain a description of the
4 application review process, the location where the complete
5 application may be reviewed, and an explanation of how copies of
6 the complete application may be obtained.

7 (d) A written summary of the comments received at the public
8 preapplication meeting required by rule and the applicant's
9 response to the comments, including any revisions to the
10 application.

11 (e) A determination of existing hydrogeological
12 characteristics specified in a hydrogeological report and
13 monitoring program consistent with rules promulgated under this
14 part.

15 (f) An environmental assessment. The environmental
16 assessment shall include, at a minimum, an evaluation of the
17 proposed facility's impact on the air, water, and other natural
18 resources of this state, and ~~also shall contain an~~ environmental
19 failure mode assessment.

20 (g) The procedures for closure and postclosure monitoring.

21 (h) An engineering plan.

22 (i) Other information specified by rule or by federal
23 regulation issued under the solid waste disposal act.

24 (j) An application fee. The application fee shall be
25 deposited in the environmental pollution prevention fund created
26 in section 11130 **AND CREDITED TO THE ENVIRONMENTAL POLLUTION**
27 **PREVENTION FUND CREATED IN SECTION 11130.** Pursuant to procedures

1 established by rule, the application fee shall be the sum of
2 \$25,000.00 plus all of the following, as applicable:

- 3 (i) For a landfill, surface impoundment,
4 land treatment, or waste pile
5 facility..... \$ ~~9,000.00~~**25,000.00**
- 6 (ii) For an incinerator or treatment
7 facility other than a treatment facility
8 described in subparagraph (i).... \$ ~~7,200.00~~**10,000.00**
- 9 (iii) For a storage facility, other than
10 storage that is associated with
11 treatment or disposal activities that
12 may be regulated under a single
13 license..... \$ ~~500.00~~ **5,000.00**

14 (k) Except as otherwise provided in this subdivision, a
15 disclosure statement that includes all of the following:

16 (i) The full name and business address of all of the
17 following:

18 (A) The applicant.

19 (B) The 5 persons holding the largest shares of the equity
20 in or debt liability of the proposed facility. The department may
21 waive all or any portion of this requirement for an applicant
22 that is a corporation with publicly traded stock.

23 (C) The operator. If a waiver is obtained under sub-
24 subparagraph (B), detailed information regarding the proposed
25 operator shall be included in the disclosure statement.

26 (D) If known, the 3 employees of the operator who will have
27 the most responsibility for the day-to-day operation of the



1 facility, including their previous experience with other
2 hazardous waste treatment, storage, or disposal facilities.

3 (E) Any other partnership, corporation, association, or
4 other legal entity if any person required to be listed under sub-
5 subparagraphs (A) to (D) has at any time had 25% or more of the
6 equity in or debt liability of that legal entity. The department
7 may waive all or any portion of this requirement for an applicant
8 that is a corporation with publicly traded stock.

9 (ii) A list of all convictions for criminal violations of any
10 environmental statute enacted by a federal, state, Canadian, or
11 Canadian provincial agency for each person required to be listed
12 under this subdivision. If debt liability is held by a chartered
13 lending institution, information required in this subparagraph
14 and subparagraphs (iii) and (iv) is not required from that
15 institution.

16 (iii) A list of all environmental permits or licenses issued
17 by a federal, state, local, Canadian, or Canadian provincial
18 agency held by each person required to be listed under this
19 subdivision that were permanently revoked because of
20 noncompliance.

21 (iv) A list of all activities at property owned or operated
22 by each person required to be listed under this subdivision that
23 resulted in a threat or potential threat to the environment and
24 for which public funds were used to finance an activity to
25 mitigate the threat or potential threat to the environment,
26 except if the public funds expended to facilitate the mitigation
27 of environmental contamination were voluntarily and expeditiously

1 recovered from the applicant or other listed person without
2 litigation.

3 (l) A demonstration that the applicant has considered each of
4 the following:

5 (i) The risk and impact of accident during the transportation
6 of hazardous waste to the treatment, storage, or disposal
7 facility.

8 (ii) The risk and impact of fires or explosions from improper
9 treatment, storage, and disposal methods at the treatment,
10 storage, or disposal facility.

11 (iii) The impact on the municipality where the proposed
12 treatment, storage, or disposal facility is to be located in
13 terms of health, safety, cost, and consistency with local
14 planning and existing development, including proximity to
15 housing, schools, and public facilities.

16 (iv) The nature of the probable environmental impact,
17 including the specification of the predictable adverse effects on
18 each of the following:

19 (A) The natural environment and ecology.

20 (B) Public health and safety.

21 (C) Scenic, historic, cultural, and recreational values.

22 (D) Water and air quality and wildlife.

23 (m) A summary of measures evaluated to mitigate the impacts
24 identified in subdivision (l) and a detailed description of the
25 measures to be implemented by the applicant.

26 (n) A schedule for submittal of all of the following
27 postconstruction documentation:

1 (i) Any changes in, or additions to, the previously submitted
2 disclosure information, **SUBJECT TO SUBSECTION (3)**, or a
3 certification that the disclosure listings previously submitted
4 continue to be correct, following completion of construction of
5 the treatment, storage, or disposal facility.

6 (ii) A certification under the seal of a licensed
7 professional engineer verifying that the construction of the
8 treatment, storage, or disposal facility has proceeded according
9 to the plans approved by the department and, if applicable, the
10 approved construction permit, including as-built plans.

11 (iii) A certification of the treatment, storage, or disposal
12 facility's capability of treating, storing, or disposing of
13 hazardous waste in compliance with this part.

14 (iv) Proof of financial assurance as required by rule.

15 (3) If any information required to be included in the
16 disclosure statement under subsection (2)(k) changes or is
17 supplemented after the filing of the statement, the applicant or
18 licensee shall provide that information to the department in
19 writing not later than 30 days after the change or addition.

20 (4) Notwithstanding any other provision of law, the
21 department may deny an application for an operating license if
22 there are any listings pursuant to subsection (2)(k)(ii), (iii), or
23 (iv) as originally disclosed or as supplemented.

24 ~~— (5) The application for an operating license for a proposed~~
25 ~~limited storage facility, which is subject to the requirements~~
26 ~~pertaining to storage facilities, shall be submitted on a form~~
27 ~~provided by the department and contain all of the following:~~

- 1 ~~—— (a) The name and residence of the applicant.~~
- 2 ~~—— (b) The location of the proposed facility.~~
- 3 ~~—— (c) A determination of existing hydrogeological~~
4 ~~characteristics specified in a hydrogeological report and~~
5 ~~monitoring program consistent with rules promulgated under this~~
6 ~~part.~~
- 7 ~~—— (d) An environmental assessment. The environmental~~
8 ~~assessment shall include, at a minimum, an evaluation of the~~
9 ~~proposed facility's impact on the air, water, and other natural~~
10 ~~resources of this state, and also shall contain an environmental~~
11 ~~failure mode assessment.~~
- 12 ~~—— (e) The procedures for closure.~~
- 13 ~~—— (f) An engineering plan.~~
- 14 ~~—— (g) Proof of financial responsibility.~~
- 15 ~~—— (h) A resolution or other formal determination of the~~
16 ~~governing body of each municipality in which the proposed limited~~
17 ~~storage facility would be located indicating that the limited~~
18 ~~storage facility is compatible with the zoning ordinance of that~~
19 ~~municipality, if any. However, in the absence of a resolution or~~
20 ~~other formal determination, the application shall include a copy~~
21 ~~of a registered letter sent to the municipality at least 60 days~~
22 ~~before the application submittal, indicating the intent to~~
23 ~~construct a limited storage facility, and requesting a formal~~
24 ~~determination on whether the proposed facility is compatible with~~
25 ~~the zoning ordinance of that municipality, if any, in effect on~~
26 ~~the date the letter is received, and indicating that failure to~~
27 ~~pass a resolution or make a formal determination within 60 days~~

1 ~~of receipt of the letter means that the proposed facility is to~~
 2 ~~be considered compatible with any applicable zoning ordinance.~~
 3 ~~If, within 60 days of receiving a registered letter, a~~
 4 ~~municipality does not make a formal determination concerning~~
 5 ~~whether a proposed limited storage facility is compatible with a~~
 6 ~~zoning ordinance of that municipality as in effect on the date~~
 7 ~~the letter is received, the limited storage facility is~~
 8 ~~considered compatible with any zoning ordinance of that~~
 9 ~~municipality, and incompatibility with a zoning ordinance of that~~
 10 ~~municipality shall not be a basis for denial of the license by~~
 11 ~~the department.~~

12 ~~—— (i) An application fee of \$500.00. The application fee shall~~
 13 ~~be deposited in the environmental pollution prevention fund~~
 14 ~~created in section 11130.~~

15 ~~—— (j) Other information specified by rule or by federal~~
 16 ~~regulation issued under the solid waste disposal act.~~

17 **(5)** ~~(6)~~ The application for an operating license for a
 18 treatment, storage, or disposal facility other than a facility
 19 identified in subsection (2) ~~or (5)~~ shall be made on a form
 20 provided by the department and include all of the following:

21 (a) The name and residence of the applicant.

22 (b) The location of the existing treatment, storage, or
 23 disposal facility.

24 (c) Other information considered necessary by the department
 25 or specified in this section, by rule, or by federal regulation
 26 issued under the solid waste disposal act.

27 (d) Proof of financial responsibility. An applicant for an

1 operating license for a treatment, storage, or disposal facility
 2 that is a surface impoundment, landfill, or land treatment
 3 facility shall demonstrate financial responsibility for claims
 4 arising from nonsudden and accidental occurrences relating to the
 5 operation of the facility that cause injury to persons or
 6 property.

7 (e) A fee of \$500.00. The fee shall be deposited in the
 8 environmental pollution prevention fund created in section 11130
 9 **AND CREDITED TO THE ENVIRONMENTAL POLLUTION PREVENTION FUND**
 10 **CREATED IN SECTION 11130.**

11 (6) ~~(7)~~—The department shall establish a schedule for
 12 requiring each person subject to subsection ~~(8)~~—(7) to submit an
 13 operating license application. The department may adjust this
 14 schedule as necessary. Each person subject to subsection ~~(8)~~—(7)
 15 shall submit a complete operating license application within 180
 16 days of the date requested to do so by the department.

17 (7) ~~(8)~~—A person who owns or operates a treatment, storage,
 18 or disposal facility that is in existence on the effective date
 19 of an amendment of this part or of a rule promulgated under this
 20 part that renders all or portions of the facility subject to the
 21 operating license requirements of this section may continue to
 22 operate the facility or portions of the facility that are subject
 23 to the operating license requirements until an operating license
 24 application is approved or denied if all of the following
 25 conditions have been met:

26 (a) A complete operating license application is submitted
 27 within 180 days of the date requested by the department under

1 subsection ~~(7)~~-(6).

2 (b) The person is in compliance with all rules promulgated
3 under this part and with all other state laws.

4 (c) The person qualifies for interim status as defined in
5 the solid waste disposal act, is in compliance with interim
6 status standards established by federal regulation under subtitle
7 C of the solid waste disposal act, 42 USC 6921 to 6939e, and has
8 not had interim status terminated.

9 (8) ~~(9)~~-A person may request to be placed on a department-
10 organized mailing list to be kept informed of any rules, plans,
11 operating license applications, contested case hearings, public
12 hearings, or other information or procedures relating to the
13 administration of this part. The department may charge a fee to
14 cover the cost of the materials.

15 (9) **THE APPLICATION FOR A MAJOR OPERATING LICENSE**
16 **MODIFICATION AS DEFINED IN THE RULES PROMULGATED PURSUANT TO THIS**
17 **PART SHALL BE MADE ON A FORM PROVIDED BY THE DEPARTMENT AND**
18 **INCLUDE ALL OF THE FOLLOWING:**

19 (A) **THE NAME AND RESIDENCE OF THE APPLICANT.**

20 (B) **THE LOCATION OF THE EXISTING TREATMENT, STORAGE, OR**
21 **DISPOSAL FACILITY.**

22 (C) **OTHER INFORMATION CONSIDERED NECESSARY BY THE DEPARTMENT**
23 **OR SPECIFIED IN THIS SECTION, BY RULE, OR BY FEDERAL REGULATION**
24 **ISSUED UNDER THE SOLID WASTE DISPOSAL ACT.**

25 (D) **A FEE OF \$5,000.00. THE FEE SHALL BE DEPOSITED IN THE**
26 **ENVIRONMENTAL POLLUTION PREVENTION FUND CREATED IN SECTION 11130.**

27 Sec. 11124. (1) Following the construction of the proposed

1 treatment, storage, or disposal facility or the expansion,
 2 enlargement, or alteration of a treatment, storage, or disposal
 3 facility beyond its original authorized design capacity or beyond
 4 the area specified in an existing operating license, original
 5 construction permit, or other authorization, and the receipt of
 6 the postconstruction documentation required under section 11123,
 7 the department shall inspect the site and determine if the
 8 proposed treatment, storage, or disposal facility complies with
 9 this part, the rules promulgated under this part, and the
 10 stipulations included in the approved treatment, storage, or
 11 disposal facility operating license. ~~An inspection report shall~~
 12 ~~be filed in writing by the department before~~ **BEFORE** issuing final
 13 authorization to manage, maintain, and operate the treatment,
 14 storage, or disposal facility, ~~and shall be made~~ **THE DEPARTMENT**
 15 **SHALL FILE A WRITTEN INSPECTION REPORT AND MAKE THE REPORT**
 16 available for public review.

17 (2) Upon receipt of an operating license application meeting
 18 the requirements of section ~~11123(6)~~, **11123(5)**, the department
 19 shall inspect the site and determine if the treatment, storage,
 20 or disposal facility complies with this part and the rules
 21 promulgated under this part. ~~An inspection report shall be filed~~
 22 ~~in writing by the department before~~ **BEFORE** issuing an operating
 23 license, **THE DEPARTMENT SHALL FILE A WRITTEN INSPECTION REPORT.**

24 Sec. 11130. (1) The environmental pollution prevention fund
 25 is created in the state treasury.

26 (2) The state treasurer may receive money or other assets
 27 from any source for deposit into the environmental pollution

1 prevention fund or into an account within the environmental
 2 pollution prevention fund. The state treasurer shall direct the
 3 investment of the environmental pollution prevention fund. The
 4 state treasurer shall credit to each account within the
 5 environmental pollution prevention fund interest and earnings
 6 from account investments.

7 (3) Money remaining in the environmental pollution
 8 prevention fund and in any account within the environmental
 9 pollution prevention fund at the close of the fiscal year shall
 10 not lapse to the general fund.

11 ~~—— (4) The hazardous waste transporter account is created~~
 12 ~~within the environmental pollution prevention fund. The~~
 13 ~~department shall expend money from the hazardous waste~~
 14 ~~transporter account, upon appropriation, for the implementation~~
 15 ~~of this part. In addition, funds not expended for the~~
 16 ~~implementation of this part may be utilized for emergency~~
 17 ~~response and cleanup activities related to hazardous waste that~~
 18 ~~are initiated by the department.~~

19 (4) ~~(5) The hazardous waste and liquid industrial waste~~
 20 ~~users account is created within the environmental pollution~~
 21 ~~prevention fund. The department shall expend money from the~~
 22 ~~hazardous waste and liquid industrial waste users account,~~
 23 **ENVIRONMENTAL POLLUTION PREVENTION FUND**, upon appropriation, ~~to~~
 24 ~~implement the state's hazardous waste management program in~~
 25 ~~accordance with this part and the rules promulgated under this~~
 26 ~~part. The target revenue projection for the hazardous waste and~~
 27 ~~liquid industrial waste users account is \$1,600,000.00. **FOR THE**~~

1 **PURPOSES AS PROVIDED IN SECTION 11108.**

2 Sec. 11132a. (1) A transporter shall do all of the
3 following:

4 (a) Obtain and utilize ~~an environmental protection agency~~ **A**
5 **SITE** identification number in accordance with the rules
6 promulgated under this part.

7 (b) If transporting by highway, register and be permitted in
8 accordance with the hazardous materials transportation act, **1998**
9 **PA 138, MCL 29.471 TO 29.480**, and carry a copy of the
10 registration and permit on the vehicle for inspection by the
11 department, the department of state police, a peace officer, or a
12 representative of the United States environmental protection
13 agency.

14 (c) Comply with the transfer facility operating and
15 financial responsibility requirements as required by the rules
16 promulgated under this part.

17 (d) Comply with the consolidation and commingling
18 requirements as required by the rules promulgated under this
19 part.

20 (e) Comply with the vehicle requirements as required by the
21 rules promulgated under this part.

22 (f) Utilize, complete, and retain a manifest for each
23 shipment of hazardous waste as required by this part and the
24 rules promulgated under this part.

25 (g) Keep all records readily available for review and
26 inspection by the department, the department of state police, a
27 peace officer, or a representative of the United States



1 environmental protection agency.

2 (h) Retain all records as required by the rules promulgated
3 under this part for a period of 3 years. The retention period
4 required by this subdivision is automatically extended during the
5 course of any unresolved enforcement action regarding the
6 regulated activity or as required by the department.

7 (i) Comply with the reporting requirements as required by
8 the rules promulgated under this part.

9 (j) Comply with the import and export requirements as
10 required by the rules promulgated under this part.

11 (k) Comply with the requirements regarding hazardous waste
12 discharges as required by the rules promulgated under this part.

13 (l) Comply with the land disposal restriction requirements as
14 required by the rules promulgated under this part.

15 (m) Comply with the universal waste requirements as required
16 by the rules promulgated under this part.

17 (n) Keep the outside of all vehicles and accessory equipment
18 free of hazardous waste or hazardous waste constituents.

19 (2) The department may conduct an inspection to verify that
20 the equipment, location, and methods of a transporter are
21 adequate to effectuate service under this part and the rules
22 promulgated under this part. The department shall establish, by
23 rule, the inspection standards and requirements.

24 Sec. 11135. (1) A hazardous waste generator shall provide a
25 separate manifest to the transporter for each load of hazardous
26 waste transported to property that is not on the site where it
27 was generated. ~~Until October 1, 2013, a person required to~~

~~1 prepare a manifest shall submit to the department a manifest
2 processing user charge of \$6.00 per manifest and his or her tax
3 identification number. Each calendar year, the department may
4 adjust the manifest processing user charge as necessary to ensure
5 that the total cumulative amount of the user charges assessed
6 pursuant to this section and sections 11153, 12103, 12109, and
7 12112 are consistent with the target revenue projection for the
8 hazardous waste and liquid industrial waste users account as
9 provided for in section 11130(5). However, the manifest
10 processing user charge shall not exceed \$8.00 per manifest. Money
11 collected under this subsection shall be forwarded to the state
12 treasurer for deposit into the environmental pollution prevention
13 fund created in section 11130 and credited to the hazardous waste
14 and liquid industrial waste users account created in section
15 11130(5).~~

~~16 ——— (2) Payment of the manifest processing user charges under
17 subsection (1) shall be made using a form provided by the
18 department. The department shall send a form to each person
19 subject to the manifest processing user charge by March 30 of
20 each year. The form shall specify the number of manifests
21 prepared by that person and processed by the department during
22 the previous calendar year. A person subject to the manifest
23 processing user charge shall return the completed form and the
24 appropriate payment to the department by April 30 of each year.~~

~~25 ——— (3) A person who fails to provide timely and accurate
26 information, a complete form, or the appropriate manifest
27 processing user charge as provided for in this section is in~~

1 ~~violation of this part and is subject to both of the following:~~

2 ~~—— (a) Payment of the manifest processing user charge and~~

3 **(2) THE DEPARTMENT MAY COLLECT ANY MANIFEST PROCESSING USER**
 4 **CHARGE THAT WAS ASSESSED UNDER THIS SECTION BEFORE THE EFFECTIVE**
 5 **DATE OF THE ACT FROM THE 2012-2013 LEGISLATIVE SESSION THAT**
 6 **AMENDED THIS SECTION TO ELIMINATE THE MANIFEST PROCESSING USER**
 7 **CHARGES AND MAY COLLECT** an administrative fine of 5% of the
 8 amount owed for each month that the payment is delinquent. Any
 9 payments received after the 15th of the month after the due date
 10 shall be considered delinquent for that month. However, the
 11 administrative fine shall not exceed 25% of the total amount
 12 owed.

13 ~~—— (b) Beginning 5 months after the date payment of the~~
 14 ~~manifest user charge is~~ **WAS** due, but not paid, at the request of
 15 the department, ~~an action by the attorney general~~ **MAY COMMENCE AN**
 16 **ACTION** for the collection of the amount owed ~~under subdivision~~
 17 ~~(a) and the actual cost to the department in attempting to~~
 18 ~~collect the amount owed. under subdivision (a).~~

19 ~~—— (4) Any amounts collected under THIS subsection (3) for a~~
 20 ~~violation of this section shall be forwarded to the state~~
 21 ~~treasurer and deposited in the environmental pollution prevention~~
 22 ~~fund created in section 11130. and credited to the hazardous~~
 23 ~~waste and liquid industrial waste users account created in~~
 24 ~~section 11130(5).~~

25 ~~—— (5) The department shall maintain information regarding the~~
 26 ~~manifest processing user charges received under this section as~~
 27 ~~necessary to satisfy the reporting requirements of subsection~~

1 ~~(6)~~.

2 ~~—— (6) The department shall evaluate the effectiveness and~~
 3 ~~adequacy of the manifest processing user charges collected under~~
 4 ~~this section relative to the overall revenue needs of the state's~~
 5 ~~hazardous waste management program administered under this part.~~
 6 ~~Not later than April 1 of each even-numbered year, the department~~
 7 ~~shall summarize its findings under this subsection in a report~~
 8 ~~and shall provide that report to the legislature.~~

9 **(3)** ~~(7)~~—A generator shall include on the manifest details as
 10 specified by the department and shall at least include **A**
 11 sufficient qualitative and quantitative analysis and physical
 12 description **OF THE WASTE** to evaluate toxicity and methods of
 13 transportation, storage, and disposal. The manifest also shall
 14 include safety precautions as necessary for each load of
 15 hazardous waste. The generator shall submit to the department a
 16 copy of the manifest within 10 days after the end of the month
 17 for each load of hazardous waste transported within that month.

18 **(4)** ~~(8)~~—The generator shall certify that the information
 19 contained on the manifest is accurate.

20 **(5)** ~~(9)~~—The specified destination of each load of hazardous
 21 waste identified on the manifest shall be a designated facility.

22 **(6)** ~~(10)~~—If a generator does not receive a copy of the
 23 manifest with the handwritten signature of the owner or operator
 24 of the designated facility within 35 days after the date on which
 25 the hazardous waste was accepted by the initial transporter, the
 26 generator shall contact the transporter to determine the status
 27 of the hazardous waste. If the generator is unable to determine

1 the status of the hazardous waste upon contacting the
2 transporter, the generator shall contact the owner or operator of
3 the designated facility to which the hazardous waste was to be
4 transported to determine the status of the hazardous waste.

5 (7) ~~(11)~~—A generator shall submit an exception report to the
6 department if the generator has not received a copy of the
7 manifest with the handwritten signature of the owner or operator
8 of the designated facility within 45 days after the date on which
9 the hazardous waste was accepted by the initial transporter. The
10 exception report shall include all of the following:

11 (a) A legible copy of the manifest for which the generator
12 does not have confirmation of delivery.

13 (b) A cover letter signed by the generator or the
14 generator's authorized representative explaining the efforts
15 taken to locate the hazardous waste and the results of those
16 efforts.

17 (8) ~~(12)~~—A generator shall keep a copy of each manifest
18 signed and dated by the initial transporter for 3 years or until
19 the generator receives a signed and dated copy from the owner or
20 operator of the designated facility that received the hazardous
21 waste. The generator shall keep the copy of the manifest signed
22 and dated by the owner or operator of the designated facility for
23 3 years. The retention periods required by this subsection shall
24 be automatically extended during the course of any unresolved
25 enforcement action regarding the regulated activity or as
26 required by the department.

27 Sec. 11140. (1) The owner or operator of a treatment,

1 storage, or disposal facility shall submit a closure plan to the
 2 department as part of the application for an operating license
 3 under section 11123. In addition, the owner or operator of a
 4 disposal facility shall submit a postclosure monitoring and
 5 maintenance plan to the department as part of the application. At
 6 a minimum, the closure plan shall include a description of how
 7 the facility shall be closed, possible uses of the land after
 8 closure, anticipated time until closure, estimated time for
 9 closure, and each anticipated partial closure. ~~Those facilities~~
 10 **THE OWNER OR OPERATOR OF A FACILITY** described in section ~~11123(6)~~
 11 ~~and (8)~~ **11123(5) OR (7)** shall submit a closure and, if required
 12 by rule, a postclosure plan with ~~their~~ **THE** operating license
 13 application.

14 (2) The department shall promulgate rules regarding
 15 notification before closure of a treatment, storage, or disposal
 16 facility, **THE** length of time permitted for closure, removal and
 17 decontamination of equipment, security, groundwater and leachate
 18 monitoring ~~system,~~ **SYSTEMS**, sampling analysis and reporting
 19 requirements, and any other pertinent requirements.

20 Sec. 11151. (1) If the department finds that a person is in
 21 violation of a permit, license, rule promulgated under this part,
 22 or requirement of this part including a corrective action
 23 requirement of this part, the department may issue an order
 24 requiring the person to comply with the permit, license, rule, or
 25 requirement of this part including a corrective action
 26 requirement of this part. The attorney general or a person may
 27 commence a civil action against a person ~~,~~ **OR** the department ~~,~~

1 ~~a health department certified under section 11145~~ for appropriate
2 relief, including injunctive relief for a violation of this part
3 including a corrective action requirement of this part, or a rule
4 promulgated under this part. An action under this subsection may
5 be brought in the circuit court for the county of Ingham or for
6 the county in which the defendant is located, resides, or is
7 doing business. The court has jurisdiction to restrain the
8 violation and to require compliance. In addition to any other
9 relief granted under this subsection, the court may impose a
10 civil fine of not more than \$25,000.00 for each instance of
11 violation and, if the violation is continuous, for each day of
12 continued noncompliance. A fine collected under this subsection
13 shall be deposited in the general fund of ~~the~~**THIS** state.

14 (2) A person who transports, treats, stores, disposes, or
15 generates hazardous waste in violation of this part, or contrary
16 to a permit, license, order, or rule issued or promulgated under
17 this part, or who makes a false statement, representation, or
18 certification in an application for, or form pertaining to, a
19 permit, license, or order or in a notice or report required by
20 the terms and conditions of an issued permit, license, or order,
21 or a person who violates section 11144(5), is guilty of a
22 misdemeanor punishable by a fine of not more than \$25,000.00 for
23 each instance of violation and, if the violation is continuous,
24 for each day of violation, or imprisonment for not more than 1
25 year, or both. If the conviction is for a violation committed
26 after a first conviction of the person under this subsection, the
27 person is guilty of a misdemeanor punishable by a fine of not

1 more than \$50,000.00 for each instance of violation and, if the
2 violation is continuous, for each day of violation, or by
3 imprisonment for not more than 2 years, or both. Additionally, a
4 person who is convicted of a violation under this subsection
5 shall be ordered to pay all costs of corrective action associated
6 with the violation.

7 (3) Any person who knowingly stores, treats, transports, or
8 disposes of any hazardous waste in violation of subsection (2)
9 and who knows at that time that he or she thereby places another
10 person in imminent danger of death or serious bodily injury, ~~and~~
11 if his or her conduct in the circumstances manifests an
12 unjustified and inexcusable disregard for human life, or if his
13 or her conduct in the circumstances manifests an extreme
14 indifference for human life, upon conviction, is subject to a
15 fine of not more than \$250,000.00 or imprisonment for not more
16 than 2 years, or both. ~~except that any person whose actions~~
17 ~~constitute~~ **HOWEVER, IF THE PERSON'S ACTIONS MANIFEST** an extreme
18 indifference for human life, **THE PERSON**, upon conviction, is
19 subject to a fine of not more than \$250,000.00 or imprisonment
20 for not more than 5 years, or both. A defendant that is not an
21 individual and not a governmental entity, upon conviction, is
22 subject to a fine of not more than \$1,000,000.00. Additionally, a
23 person who is convicted of a violation under this subsection
24 shall be ordered to pay all costs of corrective action associated
25 with the violation.

26 (4) For the purposes of subsection (3), a person's state of
27 mind is knowing with respect to:

1 (a) His or her conduct, if he or she is aware of the nature
2 of his or her conduct.

3 (b) An existing circumstance, if he or she is aware or
4 believes that the circumstance exists.

5 (c) A result of his or her conduct, if he or she is aware or
6 believes that his or her conduct is substantially certain to
7 cause danger of death or serious bodily injury.

8 (5) For purposes of subsection (3), in determining whether a
9 defendant who is an individual knew that his or her conduct
10 placed another person in imminent danger of death or serious
11 bodily injury, both of the following apply:

12 (a) The person is responsible only for actual awareness or
13 actual belief that he or she possessed.

14 (b) Knowledge possessed by a person other than the defendant
15 but not by the defendant himself or herself may not be attributed
16 to the defendant. However, in proving the defendant's possession
17 of actual knowledge, circumstantial evidence may be used,
18 including evidence that the defendant took affirmative steps to
19 shield himself or herself from relevant information.

20 (6) It is an affirmative defense to a prosecution under this
21 part that the conduct charged was consented to by the person
22 endangered and that the danger and conduct charged were
23 reasonably foreseeable hazards of either of the following:

24 (a) An occupation, a business, or a profession.

25 (b) Medical treatment or professionally approved methods and
26 the other person had been made aware of the risks involved prior
27 to giving consent.

1 (7) The defendant may establish an affirmative defense under
2 subsection (6) by a preponderance of the evidence.

3 (8) For purposes of subsection (3), "serious bodily injury"
4 means each of the following:

5 (a) Bodily injury that involves a substantial risk of death.

6 (b) Unconsciousness.

7 (c) Extreme physical pain.

8 (d) Protracted and obvious disfigurement.

9 (e) Protracted loss or impairment of the function of a
10 bodily member, organ, or mental faculty.

11 (9) In addition to a fine, the attorney general may bring an
12 action in a court of competent jurisdiction to recover the full
13 value of the damage done to the natural resources of this state
14 and the costs of surveillance and enforcement by ~~the~~**THIS** state
15 resulting from the violation. The damages and cost collected
16 under this subsection shall be deposited in the general fund if
17 the damages or costs result from impairment or destruction of the
18 fish, wildlife, or other natural resources of ~~the~~**THIS** state and
19 shall be used to restore, rehabilitate, or mitigate the damage to
20 those resources in the affected area, and for the specific
21 resource to which the damages occurred.

22 (10) The court, in issuing a final order in an action
23 brought under this part, may award costs of litigation, including
24 reasonable attorney and expert witness fees to a party, if the
25 court determines that the award is appropriate.

26 (11) A person who has an interest that is or may be affected
27 by a civil or administrative action commenced under this part has

1 a right to intervene in that action.

2 Sec. 11153. (1) A generator, transporter, or treatment,
3 storage, or disposal facility shall obtain and utilize a site
4 identification number assigned by the United States environmental
5 protection agency or the department. ~~Until October 1, 2013, the~~
6 **THE** department shall assess a site identification number user
7 charge of ~~\$50.00~~ **\$100.00** for each site identification number it
8 issues. The department shall not issue a site identification
9 number under this subsection unless the site identification
10 number user charge and the tax identification number for the
11 person applying for the site identification number have been
12 received by the department.

13 ~~—— (2) Until October 1, 2013, except as provided in subsection~~
14 ~~(9), the department shall annually assess hazardous waste~~
15 ~~management program user charges as follows:~~

16 ~~—— (a) A generator shall pay a handler user charge that is the~~
17 ~~highest of the following applicable fees:~~

18 ~~—— (i) A generator who generates more than 100 kilograms but~~
19 ~~less than 1,000 kilograms of hazardous waste in any month during~~
20 ~~the calendar year shall pay to the department an annual handler~~
21 ~~user charge of \$100.00.~~

22 ~~—— (ii) A generator who generates 1,000 kilograms or more of~~
23 ~~hazardous waste in any month during the calendar year and who~~
24 ~~generates less than 900,000 kilograms during the calendar year~~
25 ~~shall pay to the department an annual handler user charge of~~
26 ~~\$400.00.~~

27 ~~—— (iii) A generator who generates 1,000 kilograms or more of~~

~~1 hazardous waste in any month during the calendar year and who
2 generates 900,000 kilograms or more of hazardous waste during the
3 calendar year shall pay to the department an annual handler user
4 charge of \$1,000.00.~~

~~5 (b) An owner or operator of a treatment, storage, or
6 disposal facility for which an operating license is required
7 under section 11123 or for which an operating license has been
8 issued under section 11125 shall pay to the department an annual
9 handler user charge of \$2,000.00.~~

~~10 (c) A used oil processor or rerefiner, a used oil burner, or
11 a used oil fuel marketer as defined in the rules promulgated
12 under this part shall pay to the department an annual handler
13 user charge of \$100.00.~~

~~14 (3) A handler shall pay the handler user charge specified in
15 subsection (2) (a) to (c) for each of the activities conducted
16 during the previous calendar year.~~

~~17 (4) Payment of the handler user charges shall be made using
18 a form provided by the department. The handler shall certify that
19 the information on the form is accurate. The department shall
20 send forms to the handlers by March 30 of each year unless the
21 handler user charges have been suspended as provided for in
22 subsection (9). A handler shall return the completed forms and
23 the appropriate payment to the department by April 30 of each
24 year unless the handler user charges have been suspended as
25 provided for in subsection (9).~~

~~26 (5) A handler who fails to provide timely and accurate
27 information, a complete form, or the appropriate handler user~~

1 charge is in violation of this part and is subject to both of the
2 following:

3 (2) ~~(a) Payment of the handler user charge and~~ **THE**
4 **DEPARTMENT MAY COLLECT ANY HANDLER USER CHARGE THAT WAS ASSESSED**
5 **UNDER THIS SECTION BEFORE THE EFFECTIVE DATE OF THE ACT FROM THE**
6 **2012-2013 LEGISLATIVE SESSION THAT AMENDED THIS SECTION TO**
7 **ELIMINATE THE HANDLER USER CHARGES AND MAY COLLECT** an
8 administrative fine of 5% of the amount owed for each month that
9 the payment is delinquent. Any payments received after the 15th
10 **FIFTEENTH** of the month after the due date shall be considered
11 delinquent for that month. However, the administrative fine shall
12 not exceed 25% of the total amount owed.

13 ~~—— (b) Beginning 5 months after the date payment of the handler~~
14 ~~user charge is due, if the amount owed under subdivision (a) is~~
15 ~~not paid in full, at the request of the department, an action by~~
16 ~~the attorney general for the collection of the amount owed under~~
17 ~~subdivision (a) and the actual cost to the department in~~
18 ~~attempting to collect the amount owed under subdivision (a).~~

19 ~~—— (6) The department shall maintain information regarding the~~
20 ~~site identification number user charges and the handler user~~
21 ~~charges collected under this section as necessary to satisfy the~~
22 ~~reporting requirements of subsection (8).~~

23 (3) ~~(7) The site identification number user charges and the~~
24 ~~handler user charges collected under this section and any amounts~~
25 ~~collected under subsection (5) for a violation of this section~~
26 shall be forwarded to the state treasurer and deposited in the
27 environmental pollution prevention fund created in section 11130.

1 ~~and credited to the hazardous waste and liquid industrial waste~~
 2 ~~users account created in section 11130(5).~~

3 ~~—— (8) The department shall evaluate the effectiveness and~~
 4 ~~adequacy of the site identification number user charges and the~~
 5 ~~handler user charges collected under this section relative to the~~
 6 ~~overall revenue needs of the hazardous waste management program~~
 7 ~~administered under this part. Not later than April 1 of each~~
 8 ~~even-numbered year, the department shall summarize its findings~~
 9 ~~under this subsection in a report and shall provide that report~~
 10 ~~to the legislature.~~

11 ~~—— (9) Notwithstanding any other provision in this section, if~~
 12 ~~the balance of the hazardous waste and liquid industrial waste~~
 13 ~~users account created in section 11130(5), as of December 31 of~~
 14 ~~any year, exceeds \$3,200,000.00, the department shall suspend the~~
 15 ~~handler user charges until October of the following year.~~

16 ~~—— (10) As used in this section:~~

17 ~~—— (a) "Handler" means the person required to pay the handler~~
 18 ~~user charge.~~

19 ~~—— (b) "Handler user charge" means the annual hazardous waste~~
 20 ~~management program user charge provided for in subsection (2).~~

21 Sec. 12103. (1) A generator shall do all of the following:

22 (a) Characterize the waste in accordance with section
 23 12101(n) and the requirements of part 111 and rules promulgated
 24 under that part, and maintain records of the characterization.

25 (b) Obtain and utilize, when needed for transportation, a
 26 site identification number. ~~Until October 1, 2013, the [?] THE~~
 27 department shall assess a site identification number user charge

1 of \$50.00 for each site identification number it issues. The
2 department shall not issue a site identification number under
3 this subdivision unless the site identification number user
4 charge and the tax identification number for the person applying
5 for the site identification number have been received. Money
6 collected under this subdivision shall be forwarded to the state
7 treasurer for deposit into the environmental pollution prevention
8 fund created in section 11130. ~~and credited to the hazardous~~
9 ~~waste and liquid industrial waste users account created in~~
10 ~~section 11130(5).~~

11 (c) If transporting liquid industrial waste, other than the
12 generator's own waste, by public roadway, engage, employ, or
13 contract for the transportation only with a transporter
14 registered and permitted under the hazardous materials
15 transportation act, 1998 PA 138, MCL 29.471 to 29.480.

16 (d) Except as otherwise provided in this part, utilize and
17 retain a separate manifest for each shipment of liquid industrial
18 waste transported to a designated facility. The department may
19 authorize the use of a consolidated manifest for a single
20 shipment of uniform types of waste collected from multiple waste
21 pickups. If a consolidated manifest is authorized by the
22 department and utilized by a generator, a receipt shall be
23 obtained from the transporter documenting the transporter's
24 company name, **THE** driver's signature, **THE** date of pickup, **THE**
25 type and quantity of waste accepted from the generator, the
26 consolidated manifest number, and the designated facility. A
27 generator of brine may complete a single manifest per transporter

1 of brine, per disposal well, each month.

2 (e) Submit a copy of the manifest to the department by the
3 tenth day after the end of the month in which a load of waste is
4 transported.

5 (f) When the transporter picks up liquid industrial waste,
6 certify that the information contained on the manifest is factual
7 by signing the manifest. This certification shall be by the
8 generator or his or her authorized representative.

9 (g) Provide to the transporter the signed copies of the
10 manifest to accompany the liquid industrial waste to the
11 designated facility.

12 (h) If a copy of the manifest, with a handwritten signature
13 of the owner or operator of the designated facility or his or her
14 authorized representative, is not received within 35 days after
15 the date the waste was accepted by the initial transporter,
16 contact the transporter or owner or operator of the designated
17 facility, or both, to determine the status of the waste.

18 (i) Submit an exception report to the department if a copy
19 of the manifest is not received with the handwritten signature of
20 the owner or operator of the designated facility or his or her
21 authorized representative within 45 days after the date the waste
22 was accepted by the initial transporter. The exception report
23 shall include both of the following:

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

26 (ii) A cover letter signed by the generator explaining the
27 efforts taken to locate the waste and the results of those

1 efforts.

2 (2) A generator who operates an on-site reclamation
3 facility, treatment facility, or disposal facility shall keep
4 records of all liquid waste produced and reclaimed, treated, or
5 disposed of at his or her facility.

6 (3) A generator shall retain all records required pursuant
7 to this part for a period of at least 3 years, and shall make
8 those records readily available for review and inspection by the
9 department or a peace officer. The retention period required by
10 this subsection is automatically extended during the course of
11 any unresolved enforcement action regarding the regulated
12 activity or as otherwise required by the department.

13 (4) A generator transporting its own waste in quantities of
14 55 gallons or less is not subject to manifest requirements if all
15 of the following conditions are met:

16 (a) The waste is accompanied by a record showing the source
17 and quantity of the waste and the designated facility to which
18 the waste is being transported.

19 (b) The generator obtains a signature from the designated
20 facility acknowledging receipt of the waste and provides a copy
21 of the record of shipment to the designated facility.

22 (c) The generator retains a copy of the record of shipment
23 ~~as part of the generator records.~~ **AS PROVIDED IN SECTION 12103.**

24 Sec. 12109. (1) A liquid industrial waste transporter shall
25 certify acceptance of waste for transportation by completing the
26 transporter section of the manifest, and shall deliver the liquid
27 industrial waste and accompanying manifest only to the designated

1 facility specified by the generator on the manifest.

2 (2) The liquid industrial waste transporter shall retain all
3 records required pursuant to this part for a period of at least 3
4 years, and shall make those records readily available for review
5 and inspection by the department or a peace officer. The
6 retention period required in this subsection is automatically
7 extended during the course of any unresolved enforcement action
8 regarding an activity regulated under this part or as required by
9 the department.

10 (3) The department may authorize, for certain waste streams,
11 the use of a consolidated manifest as authorized under section
12 12103(1)(d). If a consolidated manifest is authorized by the
13 department and utilized by a generator, the transporter shall
14 give to the generator a receipt documenting the transporter's
15 company name, **THE** driver's signature, **THE** date of pickup, **THE**
16 type and quantity of waste removed, the consolidated manifest
17 number, and the designated facility.

18 (4) A transporter shall maintain a trip log for consolidated
19 manifest shipments and for brine shipments. The transporter shall
20 do all of the following:

21 (a) Identify on the trip log the consolidated manifest
22 number, the generator, **THE** date of pickup, **THE** type and quantity
23 of waste, and the designated facility location for each shipment
24 of waste.

25 (b) Keep a copy of all trip logs available during
26 transportation, at a minimum, for the current shipment in
27 transportation and retain these records as specified in

1 subsection (2).

2 (c) Obtain and utilize a site identification number assigned
3 by the United States environmental protection agency or the
4 department. ~~Until October 1, 2013, the~~ **THE** department shall
5 assess a site identification number user charge of \$50.00 for
6 each site identification number it issues. The department shall
7 not issue a site identification number under this subdivision
8 unless the site identification number user charge and the tax
9 identification number for the person applying for the site
10 identification number have been received. Money collected under
11 this subdivision shall be forwarded to the state treasurer for
12 deposit into the environmental pollution prevention fund created
13 in section 11130. ~~and credited to the hazardous waste and liquid
14 industrial waste users account created in section 11130(5).~~

15 Sec. 12112. (1) Except as provided in section 12103(4), the
16 owner or operator of a facility that accepts liquid industrial
17 waste shall accept delivery of waste at the designated facility
18 only if delivery is accompanied by a manifest or consolidated
19 manifest properly certified by the generator and the transporter
20 and the facility is the destination indicated on the manifest.
21 The facility owner or operator shall do all of the following:

22 (a) Obtain and utilize a site identification number ~~either~~
23 assigned ~~from~~ **BY** the United States environmental protection
24 agency or the department. ~~Until October 1, 2013, the~~ **THE**
25 department shall assess a site identification number user charge
26 of \$50.00 for each site identification number it issues. The
27 department shall not issue a site identification number under

1 this subdivision unless the site identification number user
2 charge and the tax identification number for the person applying
3 for the site identification number have been received. Money
4 collected under this subdivision shall be forwarded to the state
5 treasurer for deposit into the environmental pollution prevention
6 fund created in section 11130. ~~and credited to the hazardous~~
7 ~~waste and liquid industrial waste users account created in~~
8 ~~section 11130(5).~~

9 (b) Certify on the manifest receipt of the liquid industrial
10 waste by completing the facility section of the manifest and
11 returning a signed copy of the manifest to the department within
12 a period of 10 days after the end of the month for all liquid
13 industrial waste received within the month.

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

15 (d) Maintain records of the characterization of the waste.
16 Characterization shall be in accordance with the requirements of
17 part 111.

18 (2) All storage, treatment, and reclamation of liquid
19 industrial waste at the designated facility shall be in either
20 containers or tanks or as otherwise specified in section
21 12113(5). Storage, treatment, or reclamation regulated under part
22 615 or the rules, orders, or instructions promulgated under that
23 part, or regulated under part C of title XIV of the public health
24 service act, 42 USC 300h to 300h-8, or the regulations
25 promulgated under that part are exempt from this subsection.

26 (3) The owner or operator of a designated facility shall not
27 store liquid industrial waste for longer than 1 year unless the

1 liquid industrial waste is being stored for purposes of
2 reclamation and not less than 75% of the cumulative amount, by
3 weight or volume, of each type of liquid industrial waste that is
4 stored on site each calendar year is reclaimed or transferred to
5 a different site for reclamation during that calendar year. The
6 owner or operator of a designated facility shall maintain
7 documentation that demonstrates compliance with this subsection.

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

16 Enacting section 1. Sections 11126a, 11143, and 11145 of the
17 natural resources and environmental protection act, 1994 PA 451,
18 MCL 324.11126a, 324.11143, and 324.11145, are repealed.