A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11503 and 17101 (MCL 324.11503 and 324.17101), section 11503 as amended by 1998 PA 466 and section 17101 as amended by 1995 PA 124, and by adding sections 11539b and 17106.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 11503. (1) "Department" means the department of environmental quality.

(2) "Director" means the director of the department.

(3) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a substance into the environment which is or may become injurious to the public health, safety, or welfare, or to the environment.
(4) "Disposal area" means 1 or more of the following at a location as defined by the boundary identified in its construction permit or engineering plans approved by the department:

(a) A solid waste transfer facility.

(b) AN INCINERATOR.

(c) A SANITARY landfill.

(d) A PROCESSING plant.

(e) ANY OTHER solid waste handling or disposal facility utilized in the disposal of solid waste.

(5) "Enforceable mechanism" means a legal method whereby the state, a county, a municipality, or a person is authorized to take action to guarantee compliance with an approved county solid waste management plan. Enforceable mechanisms include contracts, intergovernmental agreements, laws, ordinances, rules, and regulations.

(6) "Escrow account" means an account managed by a bank or other financial institution whose account operations are regulated and examined by a federal or state agency and which complies with section 11523b.

(7) "Financial assurance" means the mechanisms used to demonstrate that the funds necessary to meet the cost of closure, postclosure maintenance and monitoring, and corrective action will be available whenever they are needed.

(8) "Financial test" means a corporate or local government financial test or guarantee approved for type II landfills under subtitle D of the solid waste disposal act, title II of Public Law 89-272, 42 U.S.C. 6941 and 6942 to 6949a. An owner or
operator may use a single financial test for more than 1 facility. Information submitted to the department to document compliance with the test shall include a list showing the name and address of each facility and the amount of funds assured by the test for each facility. For purposes of the financial test, the owner or operator shall aggregate the sum of the closure, postclosure, and corrective action costs it seeks to assure with any other environmental obligations assured by a financial test under state or federal law.

(9) "Food processing residuals" means any of the following:
(a) Residuals of fruits, vegetables, aquatic plants, or field crops.
(b) Otherwise unusable parts of fruits, vegetables, aquatic plants, or field crops from the processing thereof.
(c) Otherwise unusable food products which do not meet size, quality, or other product specifications and which were intended for human or animal consumption.

(10) "Garbage" means rejected food wastes including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fowl, fruit, or vegetable matter.

(11) "MERCURY-ADDED PRODUCT" MEANS THAT TERM AS DEFINED IN PART 171.

(12) "Scrap wood" means wood or wood product that is 1 or more of the following:
(a) Plywood, pressed board, oriented strand board, or any
other wood or wood product mixed with glue or filler.
(b) Wood or wood product treated with creosote or
pentachlorophenol.
(c) Any other wood or wood product designated as scrap wood
in rules promulgated by the department.
(13) "Treated wood" means wood or wood product that
has been treated with 1 or more of the following:
(a) Chromated copper arsenate (CCA).
(b) Ammoniacal copper quat (ACQ).
(c) Ammoniacal copper zinc arsenate (ACZA).
(d) Any other chemical designated in rules promulgated by
the department.
(14) "Wood" means trees, branches, bark, lumber, pal-
ets, wood chips, sawdust, or other wood or wood product but does
not include scrap wood, treated wood, painted wood or painted
wood product, or any wood or wood product that has been contami-
nated during manufacture or use.

SEC. 11539B. (1) BY SEPTEMBER 1, 2003, EACH COUNTY SOLID
WASTE MANAGEMENT PLAN APPROVED OR PREPARED BY THE DEPARTMENT
SHALL BE AMENDED TO PROVIDE FOR AN EDUCATIONAL PROGRAM TO ADVISE
THE PUBLIC ABOUT LABELED MERCURY-ADDED PRODUCTS AND A COLLECTION
PROGRAM FOR THE COLLECTION OF MERCURY-ADDED PRODUCTS. THESE
AMENDMENTS SHALL BE IMPLEMENTED BY JUNE 1, 2004. COMPONENTS OF
THESE AMENDED PLANS THAT ARE RELATED TO THIS SUBSECTION ARE NOT
REQUIRED TO RECEIVE APPROVAL FROM THE DEPARTMENT.
(2) SUPPORT FOR THE PROGRAM UNDER SUBSECTION (1) REGARDING LABELED MERCURY-ADDED PRODUCTS AND FOR COLLECTION PROGRAMS FOR LABELED MERCURY-ADDED PRODUCTS SHALL BE FROM DISPOSAL FEES OR OTHER REVENUES COLLECTED BY COUNTIES AND MAY INCLUDE A MANUFACTURER-BASED REVERSE DISTRIBUTION SYSTEM.

PART 171 - BATTERY DISPOSAL AND LABELING OF BATTERIES AND OTHER PRODUCTS

Sec. 17101. As used in this part:

(a) "Alkaline manganese battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an alkaline electrolyte.

(B) "DEPARTMENT" MEANS THE DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

(C) "Distributor" means a person who sells batteries to retailers in this state.

(D) "Lead acid battery" means a storage battery, that is used to start an internal combustion engine or as the principal electrical power source for a vehicle, in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid.

(E) "Manufacturer" means a person who produces batteries for sale in this state.

(F) "Mercuric oxide battery" means a dry cell battery that delivers an essentially constant output voltage throughout its useful life by means of a chemical reaction between zinc and mercuric oxide.
(G) "MERCURY-ADDED PRODUCT" MEANS ANY ITEM THAT CONTAINS INTENTIONALLY INTRODUCED MERCURY AND MAY INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(i) A THERMOSTAT OR THERMOMETER.
(ii) A SWITCH, INDIVIDUALLY OR AS PART OF ANOTHER PRODUCT.
(iii) A MEDICAL OR SCIENTIFIC INSTRUMENT.
(iv) AN ELECTRIC RELAY OR OTHER ELECTRICAL DEVICE.
(v) A LAMP.
(vi) A BATTERY. HOWEVER, A BUTTON BATTERY OR A BATTERY THAT IS NOT SOLD TO THE PUBLIC IS NOT A MERCURY-ADDED PRODUCT.

(H) "Nickel cadmium battery" means a sealed storage battery that has a nickel anode, a cadmium cathode, and an alkaline electrolyte, that is widely used in cordless appliances.

(I) "Retailer" means a person who sells or offers to sell batteries to consumers within this state.

(J) "Solid waste disposal area" means a disposal area as defined in part 115.

(K) "THIS PART" INCLUDES ANY RULE ADOPTED UNDER THIS PART.

(l) "Zinc carbon battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an electrolyte consisting of ammonium chloride or a zinc chloride solution, or both.

SEC. 17106. (1) BEGINNING JANUARY 1, 2005, A MANUFACTURER OR WHOLESALER SHALL NOT SELL A MERCURY-ADDED PRODUCT AT RETAIL IN THIS STATE, TO A RETAILER IN THIS STATE, OR FOR USE IN THIS STATE UNLESS THE ITEM IS LABELED. BEGINNING JANUARY 1, 2005, A RETAILER SHALL NOT KNOWINGLY SELL AT RETAIL A MERCURY-ADDED
PRODUCT, UNLESS THE ITEM IS LABELED. THE LABEL SHALL CLEARLY INFORM THE PURCHASER OR CONSUMER THAT MERCURY IS PRESENT IN THE ITEM AND THAT THE ITEM SHALL NOT BE DISPOSED OF OR PLACED IN A WASTE STREAM DESTINED FOR DISPOSAL UNTIL THE MERCURY IS REMOVED AND REUSED, RECYCLED, OR OTHERWISE MANAGED TO ENSURE THAT THE MERCURY DOES NOT BECOME A COMPONENT OF SOLID WASTE OR WASTEWATER.

(2) A MANUFACTURER OF A MERCURY-ADDED PRODUCT IS RESPONSIBLE FOR AFFIXING LABELS REQUIRED UNDER SUBSECTION (1). BY JUNE 1, 2004, EACH MANUFACTURER REQUIRED TO LABEL MERCURY-ADDED PRODUCTS UNDER THIS SECTION SHALL CERTIFY TO THE DEPARTMENT THAT IT HAS DEVELOPED A LABELING PLAN FOR ITS MERCURY-ADDED PRODUCTS THAT COMPLIES WITH THIS SECTION AND ANY RULES ADOPTED BY THE DEPARTMENT TO IMPLEMENT THIS SECTION AND THAT THIS LABELING WILL BE IMPLEMENTED FOR PRODUCTS MANUFACTURED AFTER JANUARY 1, 2005. THE LABELING PLAN SHALL INCLUDE DETAILED DESCRIPTIONS OF THE PRODUCTS INVOLVED AND THE LABEL SIZE, MATERIAL, CONTENT, LOCATION, AND ATTACHMENT METHOD FOR EACH PRODUCT AND FOR THE PRODUCT PACKAGING, WHERE NECESSARY UNDER THE RULES, TO ENSURE THAT A LABEL IS CLEARLY VISIBLE AT THE TIME OF PURCHASE. THE LABELING PLAN SHALL BE SUBMITTED TO THE DEPARTMENT WITH THE CERTIFICATION.

(3) EXCEPT AS OTHERWISE PROVIDED BY THIS SECTION, BEFORE DISCARDING SOLID WASTE WITHIN THE STATE, A PERSON SHALL SEPARATE LABELED MERCURY-ADDED PRODUCTS FROM THAT SOLID WASTE. ANY CONTRACTOR WHO REPLACES OR REMOVES LABELED MERCURY-ADDED PRODUCTS SHALL ENSURE THE PROPER SEPARATION AND DISPOSAL OF ANY DISCARDED MERCURY-ADDED PRODUCT.

(5) THE DEPARTMENT SHALL PROMULGATE RULES ESTABLISHING STANDARDS FOR AFFIXING LABELS UNDER THIS SECTION, IN COMPLIANCE WITH FEDERAL LAW, TO A MERCURY-ADDED PRODUCT OR ITS PACKAGE AND OTHER RULES AS NECESSARY TO IMPLEMENT THIS SECTION.