



HOUSE BILL No. 5318

October 25, 1995, Introduced by Rep. Freeman and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend sections 12544, 12562, 12703, 12902, 13703, 13716, and 13821 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 12562 as amended by Act No. 174 of the Public Acts of 1995, section 12902 as amended by Act No. 284 of the Public Acts of 1990, sections 13703 and 13716 as added by Act No. 203 of the Public Acts of 1987, and section 13821 as added by Act No. 18 of the Public Acts of 1990, being sections 333.12544, 333.12562, 333.12703, 333.12902, 333.13703, 333.13716, and 333.13821 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 12544, 12562, 12703, 12902, 13703,
2 13716, and 13821 of Act No. 368 of the Public Acts of 1978,
3 section 12562 as amended by Act No. 174 of the Public Acts of

1 1995, section 12902 as amended by Act No. 284 of the Public Acts
2 of 1990, sections 13703 and 13716 as added by Act No. 203 of the
3 Public Acts of 1987, and section 13821 as added by Act No. 18 of
4 the Public Acts of 1990, being sections 333.12544, 333.12562,
5 333.12703, 333.12902, 333.13703, 333.13716, and 333.13821 of the
6 Michigan Compiled Laws, are amended to read as follows:

7 . Sec. 12544. The department, in cooperation with local
8 health departments, shall promulgate rules which shall contain
9 minimum sanitation standards for determining water quality at
10 bathing beaches open to the public. The rules shall be used by a
11 local health department to establish the safety of the water for
12 swimming. Water quality standards adopted under this section
13 shall be in conformity with the official state water quality
14 standards adopted by the ~~water resources commission~~ DEPARTMENT
15 OF ENVIRONMENTAL QUALITY under the authority of ~~Act No. 245 of~~
16 ~~the Public Acts of 1929, as amended, being sections 323.1 to~~
17 ~~323.13~~ PART 31 (WATER RESOURCES PROTECTION) OF THE NATURAL
18 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE
19 PUBLIC ACTS OF 1994, BEING SECTIONS 324.3101 TO 324.3119 of the
20 Michigan Compiled Laws.

21 Sec. 12562. (1) The application of necessary chemicals in
22 powder, crystal, or solution form to the waters of the state for
23 the control of aquatic nuisances, such as swimmers' itch and
24 aquatic plants, is lawful and not in contravention of the private
25 or public rights to the use and enjoyment of abutting property by
26 the owners or occupants of that property if the application is

1 made in accordance with sections 12561 to 12563 and rules
2 promulgated under section 12561.

3 (2) The necessary control work authorized pursuant to this
4 section may be conducted by the state or a political subdivision
5 or by an organized lake or improvement association on behalf of
6 its members, or by the owner of property abutting on the waters
7 of the state, or by an aquatic pest control applicator licensed
8 under part 83 (PESTICIDE CONTROL) of the natural resources and
9 environmental protection act, Act No. 451 of the Public Acts of
10 1994, being sections 324.8301 to 324.8336 of the Michigan
11 Compiled Laws, after obtaining a permit from the department of
12 natural resources. A permit may be obtained by application to
13 the department of natural resources. Unless revoked, a permit
14 issued under this section expires on December 31 of the calendar
15 year in which it was issued.

16 (3) The necessary control work authorized pursuant to this
17 section shall be conducted at those times, under those condi-
18 tions, and with those safeguards, as the department of natural
19 resources requires. The department of natural resources may pro-
20 vide permits, upon application, for the suppression of swimmers'
21 itch and aquatic plants, if applicants provide at their own
22 expense chemicals and other equipment and services called for in
23 the rules promulgated by the department of natural resources.

24 (4) Except as provided in subsection (5), until October 1,
25 1999, an application for a permit under this section shall be
26 accompanied by the following fee:

1 (a) For treatment of areas of 1/2 acre or more and less than
2 2 acres, \$50.00.

3 (b) For treatment of areas of 2 acres or more, \$150.00.

4 (5) A fee is not required under this section for owners of a
5 single property treating waters abutting their property where the
6 treatment area is less than 1/2 acre, or for water bodies in
7 single ownership.

8 (6) The department of natural resources shall forward fees
9 collected under this section to the state treasurer for deposit
10 in the land and water management permit fee fund created in sec-
11 tion 30113 OF PART 301 (INLAND LAKES AND STREAMS) OF ACT NO. 451
12 OF THE PUBLIC ACTS OF 1994, BEING SECTION 324.30113 OF THE
13 MICHIGAN COMPILED LAWS.

14 Sec. 12703. (1) Sections 12701 to 12715 shall not apply
15 to:

16 (a) A well, pump, or other equipment used temporarily for
17 dewatering purposes during construction when the well is not more
18 than 2 inches in diameter and not more than 25 feet in total
19 depth below the natural ground surface or is used in the relief
20 of artesian pressure at hydroelectric projects or is used with
21 the drilling of oil or gas wells.

22 (b) A brine, test, storage, or disposal well regulated pur-
23 suant to ~~Act No. 315 of the Public Acts of 1969, being sections~~
24 ~~319.211 to 319.236~~ PART 625 (MINERAL WELLS) OF THE NATURAL
25 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451 OF THE
26 PUBLIC ACTS OF 1994, BEING SECTIONS 324.62501 TO 324.62518 of the
27 Michigan Compiled Laws.

1 (2) Sections 12701 to 12715 shall not prevent a person from
2 constructing a well or installing a pump on property owned or
3 leased by the person which is intended for use only in a single
4 family house which is that person's permanent residence, or
5 intended for use only for farming purposes on that person's farm,
6 and where the waters to be produced are not intended for use by
7 the public or in any residence other than his or her own. The
8 person shall submit the drilling record required by section 12707
9 and comply with the rules and construction code promulgated under
10 section 12714.

11 (3) Sections 12701 to 12715 shall not restrict a master
12 plumber licensed under Act No. 266 of the Public Acts of 1929,
13 ~~as amended,~~ being sections 338.901 to 338.917 of the Michigan
14 Compiled Laws, from engaging in the licensee's legally recognized
15 trade. A licensed master plumber may perform the work of a pump
16 installer prescribed in sections 12701 to 12715 or rules and con-
17 struction code promulgated under section 12714 without a certifi-
18 cate of registration as a pump installer.

19 Sec. 12902. (1) A charitable, religious, fraternal, or
20 other nonprofit organization that prepares or serves wild game in
21 connection with its meetings or as part of a fund-raising event
22 or that prepares or serves wild game to indigent persons free of
23 charge is not required to obtain the wild game from a
24 department-approved source.

25 (2) If a charitable, religious, fraternal, or other non-
26 profit organization prepares or serves wild game that is not from
27 a department-approved source in connection with its meetings or

1 as part of a fund-raising event or prepares or serves wild game
2 that is not from a department-approved source to indigent persons
3 free of charge, the organization shall post at the entrance to
4 the dining area a sign bearing the following message: Consumer
5 beware. The wild game served at this facility has not been
6 subject to state or federal inspection.

7 (3) The words of the message set forth in subsection (2)
8 shall be written or printed in letters not less than 3/4 of an
9 inch high and 3/4 of an inch wide, and shall be readable.

10 (4) As used in this section, wild game includes, but is not
11 limited to, bear, deer, elk, hares, moose, rabbits, fox squir-
12 rels, black and gray squirrels, muskrat, and game birds as
13 defined in section ~~105(3) of the hunting and fishing license~~
14 ~~act, Act No. 86 of the Public Acts of 1980, being section~~
15 ~~316.105~~ 43504 OF PART 435 (HUNTING AND FISHING LICENSING) OF THE
16 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, ACT NO. 451
17 OF THE PUBLIC ACTS OF 1994, BEING SECTION 333.43504 of the
18 Michigan Compiled Laws.

19 Sec. 13703. (1) "Generator" means any person licensed as a
20 generator by the nuclear regulatory commission and authorized
21 pursuant to this part whose act or process results in the produc-
22 tion of waste or whose act first causes waste to become subject
23 to regulation under this part or federal law.

24 (2) "Groundwater" means water below the land surface in a
25 zone of saturation.

26 (3) "Hazardous waste" has the meaning attributed to it in
27 ~~the hazardous waste management act, Act No. 64 of the Public~~

1 ~~Acts of 1979, being sections 299.501 to 299.551~~ PART 111
2 (HAZARDOUS WASTE MANAGEMENT) OF THE NATURAL RESOURCES AND ENVI-
3 RONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994,
4 BEING SECTIONS 324.11101 TO 324.11152 of the Michigan Compiled
5 Laws.

6 (4) "Host site" means the candidate site that is designated
7 by the authority as the location for the disposal site in this
8 state.

9 (5) "Host site community" means the municipality that is
10 designated by the authority as the host site.

11 (6) "Institutional control" means the continued surveil-
12 lance, monitoring, and care of the disposal site after site clo-
13 sure and stabilization to insure the protection of the public
14 health, safety, and welfare, and the environment until the con-
15 tents of the disposal site no longer have a radioactive content
16 that is greater than the natural background radiation of the host
17 site as determined during its site characterization.

18 (7) "Local monitoring committee" means a committee estab-
19 lished pursuant to the low-level radioactive waste authority act
20 to provide for the participation of the residents of a candidate
21 site community.

22 (8) "Low-level radioactive waste" or "waste" means radioac-
23 tive material that consists of or contains class A, B, or C
24 radioactive waste as defined by 10 C.F.R. 61.55, as in effect on
25 January 26, 1983 but does not include waste or material that is
26 any of the following:

- 1 (a) Owned or generated by the department of energy.
- 2 (b) Generated by or resulting from the operation or closure
3 of a superconducting super collider.
- 4 (c) Owned or generated by the United States navy as a result
5 of the decommissioning of vessels of the United States navy.
- 6 (d) Owned or generated as a result of any research, develop-
7 ment, testing, or production of an atomic weapon.
- 8 (e) Identified under the formerly utilized sites remedial
9 action program.
- 10 (f) High-level radioactive waste, spent nuclear fuel, or
11 ~~by product~~ BYPRODUCT material as defined in section ~~11(e)(2)~~
12 11(E)(2) of the atomic energy act of 1954, CHAPTER 1073, 68
13 STAT. 922, 42 U.S.C. ~~2014(e)(2)~~ 2014.
- 14 (g) Contains greater than or equal to 100 nanocuries per
15 gram of transuranic elements.
- 16 (h) Contains concentrations of radionuclides that exceed the
17 limits established by the nuclear regulatory commission for class
18 C radioactive waste as defined by 10 C.F.R. 61.55, as in effect
19 on January 26, 1983.
- 20 (i) Classified as naturally occurring or
21 accelerator-produced radioactive materials known as
22 N.A.R.M. waste.
- 23 (j) Waste that after the effective date of this part is
24 determined by the nuclear regulatory commission to be waste that
25 is beneath regulatory concern, or B.R.C. waste as defined by the
26 nuclear regulatory commission, unless the department and the
27 authority concur with this designation.

1 (9) "Low-level radioactive waste management fund" or "fund"
2 means the fund created in section 20 of the low-level radioactive
3 waste authority act, ACT NO. 204 OF THE PUBLIC ACTS OF 1987,
4 BEING SECTION 333.26220 OF THE MICHIGAN COMPILED LAWS.

5 (10) "Management" means the collection, storage, packaging,
6 processing, transportation, or disposal, where applicable, of
7 low-level radioactive waste.

8 (11) "Manifest" means a form provided or approved by the
9 department that is used for identifying the quantity; composi-
10 tion, including the class, curie count, and radioactive nuclides;
11 origin; routing; and destination of waste from the point of gen-
12 eration to the point of processing, collection, or disposal.

13 Sec. 13716. (1) Upon receipt of an application for a con-
14 struction and operating license, the department shall do all of
15 the following:

16 (a) Within 45 days, determine whether the application is
17 complete. If the application is not complete, the department
18 shall notify the authority of all deficiencies and request that
19 the additional information that the department considers neces-
20 sary to make the application complete be supplied by the author-
21 ity within 15 days. If the authority is unable to supply the
22 requested information within 15 days, the authority shall notify
23 the department in writing of the reason for any delay and when
24 the requested information will be forwarded.

25 (b) Immediately notify the local monitoring committee of the
26 host site community, the governing body of the county in which
27 the host site is located, and impacted state departments and

1 agencies as determined by the department of the receipt of an
2 application for a construction and operating license and the pro-
3 cedure by which the license may be approved or denied.

4 (c) Publish a notice in a newspaper that has statewide cir-
5 culation, and a newspaper that has major circulation in the
6 municipality in the immediate vicinity of the host site, and a
7 newspaper that is circulated in the county in which the host site
8 is located. The published notice shall contain a map indicating
9 the location of the host site and shall contain a description of
10 the host site and the location where the complete application
11 package may be reviewed and where copies may be obtained. The
12 notice shall describe the procedure by which the construction and
13 operating license may be granted or denied. The director shall
14 provide an opportunity for public comment at least 60 days before
15 making a final decision to grant or deny an application for a
16 construction and operating license.

17 (d) Along with other impacted state departments and agencies
18 as determined by the department, review the entire application
19 for a construction and operating license. The review shall
20 include, but not be limited to, considerations pertaining to air
21 quality, water quality, waste management, hydrogeology, and pro-
22 posed waste transportation routes, and the protection of the
23 public health, safety, and welfare, and the environment. The
24 review shall be completed within 140 days after a complete appli-
25 cation is received. Following the completion of the 140-day
26 review, the department shall prepare a draft version of a
27 construction and operating license that the department is

1 considering issuing. Before the department prepares a draft
2 construction and operating license, the department shall assure
3 that all concerns expressed by the review board created in sec-
4 tion 13 of the low-level radioactive waste authority act, the
5 local monitoring committee of the host site community, the gov-
6 erning body of the county in which the host site is located, and
7 impacted state departments and agencies during the review process
8 are considered. A written and signed review by each person rep-
9 resenting a department who reviews the application and plans
10 shall be reviewed and recorded by the department before a draft
11 license is prepared by the department. In addition, before a
12 draft license is prepared, but following the completion of the
13 140-day review, the department shall prepare a responsive summary
14 that describes any public comments received by the department and
15 describes how those comments have been evaluated and addressed by
16 the department.

17 (e) Insure that the draft construction and operating
18 license, written and signed reviews, and the responsive summary
19 provided for in subdivision (d) are submitted to impacted state
20 agencies as determined by the director and to the department of
21 ~~natural resources~~ ENVIRONMENTAL QUALITY.

22 (2) The director shall make a decision to issue a construc-
23 tion and operating license or deny the application for a con-
24 struction and operating license as soon as practicable but not
25 later than 12 months after the receipt of a complete application
26 that is in compliance with this part. If the director denies the
27 authority's application for a construction and operating license,

1 the director shall state his or her reason or reasons in
2 writing. If the construction and operating license application
3 meets the requirements of this part and the rules promulgated
4 under this part, the department shall, after preparing a draft
5 version, prepare and issue to the authority a construction and
6 operating license.

7 (3) The departments of agriculture, natural resources,
8 ENVIRONMENTAL QUALITY, state police, the state transportation
9 department, and other state departments and agencies shall con-
10 sult and cooperate with the department in a timely manner in the
11 review of an application for a construction and operating
12 license. The department may also seek the assistance of any
13 other person in evaluating the application for a construction and
14 operating license and in the development of a draft or final con-
15 struction and operating license, or both.

16 (4) Except as provided in this subsection, the issuance of a
17 construction and operating license by the director pursuant to
18 this part shall exempt the authority from obtaining other per-
19 mits, licenses, or registrations which may be required under
20 other applicable state laws, but shall not exempt the authority
21 from meeting other standards and requirements of applicable state
22 laws or federal laws or from obtaining an operating license pur-
23 suant to ~~the hazardous waste management act, Act No. 64 of the~~
24 ~~Public Acts of 1979, being sections 299.501 to 299.551~~ PART 111
25 (HAZARDOUS WASTE MANAGEMENT) OF THE NATURAL RESOURCES AND ENVI-
26 RONMENTAL PROTECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994,

1 BEING SECTIONS 324.11101 TO 324.11152 of the Michigan Compiled
2 Laws, before construction commences.

3 (5) A local ordinance or permit requirement or other local
4 requirement shall not prohibit, restrict, or regulate the con-
5 struction or operation of the disposal site.

6 Sec. 13821. A producing facility that transports medical
7 waste off the premises of the producing facility shall package
8 the medical waste in the following manner:

9 (a) Sharps that are not ground or incinerated as described
10 in section 13811(d) shall be contained for disposal in individual
11 leakproof, rigid, puncture-resistant containers that are secured
12 to preclude loss of the contents. In addition, a container used
13 to store or transport a number of individual sharps containers
14 shall be leakproof. These containers shall be conspicuously
15 labeled with the word "sharps". Sharps that are contained pursu-
16 ant to this subdivision may be disposed of as solid waste pursu-
17 ant to ~~the solid waste management act, Act No. 641 of the Public~~
18 ~~Acts of 1978, being sections 299.401 to 299.437~~ PART 115 (SOLID
19 WASTE MANAGEMENT) OF THE NATURAL RESOURCES AND ENVIRONMENTAL PRO-
20 TECTION ACT, ACT NO. 451 OF THE PUBLIC ACTS OF 1994, BEING SEC-
21 TIONS 324.11501 TO 324.11549 of the Michigan Compiled Laws.

22 However, sharps shall not be compacted or handled during trans-
23 port in a manner that will result in breakage of a sharps
24 container.

25 (b) Medical waste other than sharps shall be contained in
26 bags other than body pouches or other containers that are
27 impervious to moisture and have a strength sufficient to resist

1 ripping, tearing, breaking, or bursting under normal conditions
2 of usage or handling. The bags or containers shall be secured so
3 as to prevent leakage during storage, handling, or transport.