

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 92

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 12101, 12102, 12103, 12105, 12107, 12111,  
12112, and 12113 (MCL 324.12101, 324.12102, 324.12103, 324.12105,  
324.12107, 324.12111, 324.12112, and 324.12113), sections 12101 and  
12102 as amended by 2001 PA 165, sections 12103 and 12112 as  
amended by 2007 PA 75, and sections 12105 and 12107 as amended by  
1998 PA 140, and by adding section 12102a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 12101. As used in this part:

2       (A) "BIOFUEL" MEANS ANY RENEWABLE LIQUID OR GAS FUEL OFFERED  
3       FOR SALE AS A FUEL THAT IS DERIVED FROM RECENTLY LIVING ORGANISMS  
4       OR THEIR METABOLIC BY-PRODUCTS AND MEETS APPLICABLE QUALITY

1 STANDARDS, INCLUDING, BUT NOT LIMITED TO, ETHANOL, ETHANOL-BLENDED  
2 FUEL, BIODIESEL, AND BIODIESEL BLENDS.

3 (B) "BIOGAS" MEANS A BIOFUEL THAT IS A GAS.

4 (C) ~~(a)~~"Brine" means a liquid produced as a by-product of oil  
5 or natural gas production or exploration.

6 (D) ~~(b)~~"Container" means any portable device in which a  
7 liquid industrial waste is stored, transported, treated, or  
8 otherwise handled.

9 (E) ~~(c)~~"Department" means the department of environmental  
10 quality.

11 (F) ~~(d)~~"Designated facility" means a treatment **FACILITY**,  
12 storage **FACILITY**, disposal **FACILITY**, or reclamation facility that  
13 receives liquid industrial waste from off-site.

14 (G) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.

15 (H) ~~(e)~~"Discarded" means any of the following:

16 (i) Abandoned by being disposed of, burned, or incinerated; or  
17 accumulated, stored, or treated before, or instead of, being  
18 abandoned.

19 (ii) Accumulated, stored, or treated before being managed in 1  
20 of the following ways:

21 (A) By being used or reused in a manner constituting disposal  
22 by being applied to or placed on ~~the~~land or by being used to  
23 produce products that are applied to or placed on ~~the~~land.

24 (B) By being burned to recover energy or used to produce a  
25 fuel.

26 (C) By reclamation.

27 (I) ~~(f)~~"Discharge" means the accidental or intentional

1 spilling, leaking, pumping, releasing, pouring, emitting, emptying,  
2 or dumping of liquid industrial waste into the land, air, or water.

3 (J) ~~(g)~~—"Disposal" means the abandonment, discharge, deposit,  
4 injection, dumping, spilling, leaking, or placing of a liquid  
5 industrial waste into or on land or water in such a manner that the  
6 liquid industrial waste may enter the environment, or be emitted  
7 into the air, or discharged into surface water or groundwater.

8 (K) ~~(h)~~—"Disposal facility" means a facility or a part of a  
9 facility at which liquid industrial waste is disposed.

10 (L) ~~(i)~~—"Facility" means all contiguous land and structures,  
11 other appurtenances, and improvements on ~~the~~ land for treating,  
12 storing, disposing of, or reclamation of liquid industrial waste.

13 ~~—— (j) "Federal water pollution control act" means chapter 758,~~  
14 ~~86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to 1257,~~  
15 ~~1258 to 1263, 1265 to 1270, 1281, 1282 to 1293, 1294 to 1299, 1311~~  
16 ~~to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381 to~~  
17 ~~1387.~~

18 (M) ~~(k)~~—"Generator" means a person whose act or process  
19 produces liquid industrial waste.

20 (N) ~~(l)~~—"Liquid industrial waste" means any brine, by-product,  
21 industrial wastewater, leachate, off-specification commercial  
22 chemical product, sludge, sanitary sewer clean-out residue, storm  
23 sewer clean-out residue, grease trap clean-out residue, spill  
24 residue, used oil, or other liquid waste that is produced by, is  
25 incident to, or results from industrial, commercial, or  
26 governmental activity or any other activity or enterprise  
27 determined to be liquid by method 9095 (paint filter liquids test)

1 as described in "Test methods for evaluating solid wastes,  
2 physical/chemical methods," United States environmental protection  
3 agency publication no. SW-846, and which is discarded. Liquid  
4 industrial waste does not include any of the following:

5 (i) Hazardous waste regulated and required to be manifested  
6 under part 111.

7 (ii) Septage waste regulated under part 117.

8 (iii) Medical waste ~~as defined in~~ **REGULATED UNDER** part 138 of  
9 the public health code, 1978 PA 368, MCL 333.13801 to 333.13831.

10 (iv) A discharge ~~permitted or authorized~~ **TO THE WATERS OF THE**  
11 **STATE IN ACCORDANCE WITH A PERMIT, ORDER, OR RULE** under part 31.

12 ~~—— (v) A material that is used or reused as an effective~~  
13 ~~substitute for commercial products or returned to the original~~  
14 ~~process, if the material does not require reclamation prior to use~~  
15 ~~or reuse, is not directly burned to recover energy or used to~~  
16 ~~produce a fuel, or is not applied to the land and not used in~~  
17 ~~products applied to the land.~~

18 (v) ~~(vi)~~ **A LIQUID GENERATED BY A** household. ~~generated liquid~~  
19 ~~waste.~~

20 ~~—— (vii) A liquid industrial waste utilized for land application~~  
21 ~~in accordance with a program for effective residuals management,~~  
22 ~~approved by the director or the United States environmental~~  
23 ~~protection agency, or both, pursuant to the federal water pollution~~  
24 ~~control act.~~

25 ~~—— (viii) Oil field brines used for public road dust control and~~  
26 ~~ice removal as authorized under the terms of the rules, standards,~~  
27 ~~and brine management plan approved by the department in existence~~

1 ~~on June 1, 1993, until rules are promulgated.~~

2 ~~—— (ix) A used oil that is directly burned to recover energy or~~  
3 ~~used to produce a fuel if all of the following are met:~~

4 ~~—— (A) The material meets the used oil specifications of part~~  
5 ~~111.~~

6 ~~—— (B) The material contains no greater than 2 ppm~~  
7 ~~polychlorinated biphenyls.~~

8 ~~—— (C) The material has a minimum energy content of 17,000~~  
9 ~~BTU/lb.~~

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

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

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

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

24 ~~—— (A) The liquid is left in place at the point of generation in~~  
25 ~~compliance with part 31, 201, or 213.~~

26 ~~—— (B) The liquid is transported off site from a location that is~~  
27 ~~not a known facility as defined in section 20101, and all of the~~

1 ~~following occur:~~

2 ~~—— (I) The disposal complies with applicable provisions of part~~  
 3 ~~31 or 115.~~

4 ~~—— (II) The disposal is not to a surface water.~~

5 ~~—— (III) The land owner of the disposal site has authorized the~~  
 6 ~~disposal.~~

7 (vi) A LIQUID REGULATED UNDER 1982 PA 239, MCL 287.651 TO  
 8 287.683.

9 (vii) MATERIAL MANAGED IN ACCORDANCE WITH SECTION 12102A.

10 Sec. 12102. As used in this part:

11 (a) "Manifest" means either of the following:

12 (i) A form and instructions approved by the department used for  
 13 identifying the quantity, composition, origin, routing, or  
 14 destination of liquid industrial waste during its transportation  
 15 from the point of generation to the point of disposal, treatment,  
 16 storage, or reclamation.

17 (ii) For shipments of liquid industrial waste that are not  
 18 generated or transported to a disposal **FACILITY**, treatment  
 19 **FACILITY**, storage **FACILITY**, or reclamation facility in this state,  
 20 a United States environmental protection agency form number 8700-22  
 21 **AND 8700-22A**, or its successor.

22 (b) "On-site" means on the same geographically contiguous  
 23 property, which may be divided by a public or private right-of-way  
 24 ~~and~~ **IF** access is by crossing rather than going along the right-of-  
 25 way. On-site includes noncontiguous pieces of property owned by the  
 26 same person but connected by a right-of-way which the owner  
 27 controls and to which the public does not have access.

1 (c) "Peace officer" means any law enforcement officer who is  
2 trained and certified pursuant to the commission on law enforcement  
3 standards act, 1965 PA 203, MCL 28.601 to 28.616, or an officer  
4 appointed by the director of the department of state police  
5 pursuant to section 6d of 1935 PA 59, MCL 28.6d.

6 (d) "Publicly owned treatment works" means any entity that  
7 treats municipal sewage or industrial waste of a liquid nature that  
8 is owned by the state or a municipality, as that term is defined in  
9 ~~section 502(4) of title V of the federal water pollution control~~  
10 ~~act, 33 U.S.C. 33 USC 1362.~~ Publicly owned treatment works include  
11 sewers, pipes, or other conveyances only if they convey wastewater  
12 to a publicly owned treatment works providing treatment.

13 (e) "Reclamation" means either processing to recover a usable  
14 product or regeneration.

15 (f) "Reclamation facility" means a facility or part of a  
16 facility where liquid industrial waste reclamation is conducted.

17 (g) "Site identification number" means a number that is  
18 assigned by the United States environmental protection agency or  
19 the department to a generator, transporter, or facility. The  
20 department may assign a number to a person or a facility to cover  
21 multiple unstaffed sites that generate uniform types of liquid  
22 industrial waste.

23 (h) "Storage" means the containment of liquid industrial  
24 waste, on a temporary basis, in a manner that does not constitute  
25 disposal of liquid industrial waste.

26 (i) "Storage facility" means a facility or part of a facility  
27 where liquid industrial waste is stored.

1 (j) "Surface impoundment" means a treatment **FACILITY**, storage  
2 **FACILITY**, or disposal facility or part of a treatment, storage, or  
3 disposal facility that is either a natural topographic depression,  
4 a human-made excavation, or a diked area formed primarily of  
5 earthen materials. A surface impoundment may be lined with human-  
6 made materials designed to hold an accumulation of liquid waste or  
7 waste containing free liquids. ~~and which is not an injection well.~~  
8 Surface impoundments include, but are not limited to, holding,  
9 storage, settling, aeration pits, ponds, and lagoons. **SURFACE**  
10 **IMPOUNDMENT DOES NOT INCLUDE AN INJECTION WELL.**

11 (k) "Tank" means a stationary device designed to contain an  
12 accumulation of liquid industrial waste that is constructed  
13 primarily of nonearthen materials such as wood, concrete, steel, or  
14 plastic to provide structural support.

15 (l) "Transportation" means the movement of liquid industrial  
16 waste by air, rail, ~~highway~~ **PUBLIC OR PRIVATE ROADWAY**, or water.

17 (m) "Transporter" means a person engaged in the off-site  
18 transportation of liquid industrial waste by air, rail, ~~highway~~  
19 **PUBLIC ROADWAY**, or water.

20 (n) "Treatment" means any method, technique, or process,  
21 including neutralization, designed to change the physical,  
22 chemical, or biological character or composition of any liquid  
23 industrial waste, to neutralize the waste, or to render the waste  
24 safer to transport, store, or dispose of, amenable to recovery,  
25 amenable to storage, or reduced in volume.

26 (o) "Treatment facility" means a facility or part of a  
27 facility at which liquid industrial waste ~~is treated~~ **UNDERGOES**

1 TREATMENT.

2 (p) "Used oil" means any oil ~~which~~ **THAT** has been refined from  
3 crude oil, or any synthetic oil, ~~which~~ **THAT** has been used and ~~which~~  
4 **THAT**, as a result of the use, is contaminated by physical or  
5 chemical impurities.

6 (q) "Vehicle" means a transport vehicle as defined by 49  
7 ~~C.F.R.~~ **CFR** 171.8.

8 **SEC. 12102A. THE FOLLOWING MATERIALS ARE NOT LIQUID INDUSTRIAL**  
9 **WASTES WHEN MANAGED AS SPECIFIED:**

10 (A) A MATERIAL THAT IS USED OR REUSED AS AN EFFECTIVE  
11 SUBSTITUTE FOR COMMERCIAL PRODUCTS OR RETURNED TO THE ORIGINAL  
12 PROCESS, IF THE MATERIAL DOES NOT REQUIRE RECLAMATION PRIOR TO USE  
13 OR REUSE, IS NOT DIRECTLY BURNED TO RECOVER ENERGY OR USED TO  
14 PRODUCE A FUEL, AND IS NOT APPLIED TO THE LAND OR USED IN PRODUCTS  
15 APPLIED TO THE LAND.

16 (B) A USED OIL THAT IS DIRECTLY BURNED TO RECOVER ENERGY OR  
17 USED TO PRODUCE A FUEL IF ALL OF THE FOLLOWING REQUIREMENTS ARE  
18 MET:

19 (i) THE MATERIAL MEETS THE USED OIL SPECIFICATIONS OF R  
20 299.9809(1)(F) OF THE MICHIGAN ADMINISTRATIVE CODE.

21 (ii) THE MATERIAL CONTAINS NO GREATER THAN 2 PPM  
22 POLYCHLORINATED BIPHENYLS.

23 (iii) THE MATERIAL HAS A MINIMUM ENERGY CONTENT OF 17,000  
24 BTU/LB.

25 (iv) THE MATERIAL IS EXPRESSLY AUTHORIZED AS A USED OIL FUEL  
26 SOURCE, REGULATED UNDER PART 55, OR, IN ANOTHER STATE, REGULATED  
27 UNDER A SIMILAR AIR POLLUTION CONTROL AUTHORITY.

1 (C) A LIQUID FULLY CONTAINED INSIDE A MANUFACTURED ARTICLE,  
2 UNTIL THE LIQUID IS REMOVED OR THE MANUFACTURED EQUIPMENT IS  
3 DISCARDED, AT WHICH POINT IT BECOMES SUBJECT TO THIS PART.

4 (D) A LIQUID WASTE SAMPLE TRANSPORTED FOR TESTING TO DETERMINE  
5 ITS CHARACTERISTICS OR COMPOSITION. THE SAMPLE BECOMES SUBJECT TO  
6 THIS PART WHEN DISCARDED.

7 (E) A LIQUID THAT IS NOT REGULATED UNDER PART 615 THAT IS  
8 GENERATED IN THE DRILLING, OPERATION, MAINTENANCE, OR CLOSURE OF A  
9 WELL, OR OTHER DRILLING OPERATION, INCLUDING THE INSTALLATION OF  
10 CATHODIC PROTECTION OR DIRECTIONAL DRILLING, IF EITHER OF THE  
11 FOLLOWING APPLIES:

12 (i) THE LIQUID IS LEFT IN PLACE AT THE POINT OF GENERATION IN  
13 COMPLIANCE WITH PART 31, 201, OR 213.

14 (ii) THE LIQUID IS TRANSPORTED OFF-SITE FROM A LOCATION THAT IS  
15 NOT A KNOWN FACILITY AS DEFINED IN SECTION 20101, AND ALL OF THE  
16 FOLLOWING OCCUR:

17 (A) THE DISPOSAL COMPLIES WITH APPLICABLE PROVISIONS OF PART  
18 31 OR 115.

19 (B) THE DISPOSAL IS NOT TO A SURFACE WATER.

20 (C) THE LANDOWNER OF THE DISPOSAL SITE HAS AUTHORIZED THE  
21 DISPOSAL.

22 (F) A LIQUID VEGETABLE OR ANIMAL FAT OIL THAT IS TRANSPORTED  
23 DIRECTLY TO A PRODUCER OF BIOFUELS FOR THE PURPOSE OF CONVERTING  
24 THE OIL TO BIOFUEL.

25 (G) A LIQUID OR A SLUDGE AND ASSOCIATED LIQUID AUTHORIZED TO  
26 BE APPLIED TO LAND UNDER PART 31 OR 115.

27 (H) A LIQUID RESIDUE REMAINING IN A CONTAINER AFTER POURING,

Senate Bill No. 92 (H-1) as amended January 16, 2008

1 PUMPING, ASPIRATING, OR ANOTHER PRACTICE COMMONLY EMPLOYED TO  
 2 REMOVE LIQUIDS HAS BEEN UTILIZED, IF NOT MORE THAN 1 INCH OF  
 3 RESIDUE REMAINS ON THE BOTTOM, OR, FOR CONTAINERS LESS THAN OR  
 4 EQUAL TO 110 GALLONS IN SIZE, NOT MORE THAN 3% BY WEIGHT OF RESIDUE  
 5 REMAINS IN THE CONTAINER, OR, FOR CONTAINERS GREATER THAN 110  
 6 GALLONS IN SIZE, NOT MORE THAN 0.3% BY WEIGHT OF RESIDUE REMAINS IN  
 7 THE CONTAINER. THE LIQUID RESIDUE BECOMES SUBJECT TO THIS PART WHEN  
 8 DISCARDED.

9 (I) A RESIDUAL AMOUNT OF LIQUID REMAINING IN A CONTAINER AND  
 10 GENERATED AS A RESULT OF TRANSPORTATION OF A SOLID WASTE IN THAT  
 11 CONTAINER.

12 (J) A LIQUID BRINE AUTHORIZED FOR USE AS DUST AND ICE CONTROL  
 13 REGULATED UNDER PARTS 31 AND 615.

14 (K) FOOD PROCESSING RESIDUALS AS DEFINED IN SECTION 11503, OR  
 15 SITE-SEPARATED MATERIAL OR SOURCE-SEPARATED MATERIAL APPROVED BY  
 16 THE DEPARTMENT UNDER PART 115, THAT[, TO PRODUCE BIOGAS, WILL BE  
 17 DECOMPOSED IN A CONTROLLED MANNER UNDER ANAEROBIC CONDITIONS USING A  
 18 CLOSED SYSTEM THAT COMPLIES WITH PART 55.

19

20 ]

21 (L) A LIQUID APPROVED BY THE DIRECTOR FOR USE AS A BIOFUEL IN  
 22 ENERGY PRODUCTION IN COMPLIANCE WITH PART 55 THAT IS NOT  
 23 SPECULATIVELY ACCUMULATED AND THAT IS TRANSPORTED DIRECTLY TO THE  
 24 BURNER OF THE BIOFUEL.

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

26 (a) Characterize the waste in accordance with SECTION 12101(N)  
 27 AND the requirements of part 111 —and rules promulgated under that

1 part, and maintain records of the characterization.

2 (b) Obtain and utilize, **WHEN NEEDED FOR TRANSPORTATION**, a site  
3 identification number. ~~assigned by the United States environmental~~  
4 ~~protection agency or the department.~~ Until October 1, 2011, the  
5 department shall assess a site identification number user charge of  
6 \$50.00 for each site identification number it issues. The  
7 department shall not issue a site identification number under this  
8 subdivision unless the site identification number user charge and  
9 the tax 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 in  
13 section 11130 and credited to the hazardous waste and liquid  
14 industrial waste users account created in section 11130(5).

15 (c) If transporting ~~by highway~~ **LIQUID INDUSTRIAL WASTE, OTHER**  
16 **THAN THE GENERATOR'S OWN WASTE, BY PUBLIC ROADWAY**, engage, employ,  
17 or contract for the transportation ~~of liquid industrial waste only~~  
18 with a transporter registered and permitted under the hazardous  
19 materials transportation act, 1998 PA 138, MCL 29.471 to 29.480.

20 (d) Except as otherwise provided in this part, utilize and  
21 retain a separate manifest for each shipment of liquid industrial  
22 waste transported to a designated facility. The department may  
23 authorize the use of a consolidated manifest for waste loads that  
24 are multiple pickups of uniform types of wastes that constitute a  
25 single shipment of waste. If a consolidated manifest is authorized  
26 by the department and utilized by a generator, a receipt shall be  
27 obtained from the transporter documenting the transporter's company

1 name, driver's signature, date of pickup, type and quantity of  
2 waste accepted from the generator, the consolidated manifest  
3 number, and the designated facility. A generator of brine may  
4 complete a single manifest per transporter of brine, per disposal  
5 well, each month.

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

9 (f) Certify that at the time the transporter picks up liquid  
10 industrial waste the information contained on the manifest is  
11 factual by signing the manifest. This certification is to be by the  
12 generator or his or her authorized representative.

13 (g) Provide to the transporter the signed copies of the  
14 manifest to accompany the liquid industrial waste to the designated  
15 facility.

16 (h) If a copy of the manifest, with a handwritten signature of  
17 the owner or operator of the designated facility **OR HIS OR HER**  
18 **AUTHORIZED REPRESENTATIVE**, is not received within 35 days after the  
19 date the waste was accepted by the initial transporter, contact the  
20 transporter or owner or operator of the designated facility, or  
21 both, to determine the status of the waste.

22 (i) Submit an exception report to the department if a copy of  
23 the manifest is not received with the handwritten signature of the  
24 owner or operator ~~or his or her authorized representative~~ of the  
25 designated facility **OR HIS OR HER AUTHORIZED REPRESENTATIVE** within  
26 45 days after the date the waste was accepted by the initial  
27 transporter. The exception report shall include both of the

1 following:

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

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

6 (2) A generator who ~~also~~ operates an on-site reclamation  
7 **FACILITY**, treatment **FACILITY**, or disposal facility shall keep  
8 records of all liquid waste produced and reclaimed, treated, or  
9 disposed of at his or her facility.

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

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

20 (a) The waste is accompanied by a record showing the source  
21 and quantity of the waste and the designated facility where the  
22 waste is being transported.

23 (b) The generator obtains a signature from the designated  
24 facility acknowledging receipt of the waste and provides a copy of  
25 the record of shipment to the designated facility.

26 (c) The generator retains a copy of the record of shipment as  
27 part of the generator records.

1 ~~\_\_\_\_\_ (d) The designated facility is managed in accordance with this~~  
 2 ~~part.~~

3           Sec. 12105. (1) **A TRANSPORTER IS SUBJECT TO THE REGISTRATION**  
 4 **AND PERMITTING REQUIREMENTS OF THE HAZARDOUS MATERIALS**  
 5 **TRANSPORTATION ACT, 1998 PA 138, MCL 29.471 TO 29.480.** A  
 6 transporter registered and permitted ~~in accordance with the~~  
 7 ~~hazardous materials transportation act and~~ **UNDER THAT ACT AND**  
 8 **LICENSED** under part 117 shall comply with all of the following:

9           (a) All registration and permitting requirements of the  
 10 hazardous materials transportation act, **1998 PA 138, MCL 29.471 TO**  
 11 **29.480**, and licensing requirements of this part and part 117 shall  
 12 be met.

13           (b) Septage waste or liquid industrial waste transported ~~by~~  
 14 ~~the permit or license holder~~ **IN A VEHICLE MANAGED UNDER PART 117**  
 15 **AND THIS PART** shall not be disposed of on land.

16           (c) All ~~liquid~~ waste, including septage waste, **TRANSPORTED IN**  
 17 **A VEHICLE MANAGED UNDER PART 117 AND THIS PART**, shall be manifested  
 18 pursuant to the requirements of sections 12103, 12109, and 12112.

19           (d) In addition to the requirements of this part and part 117,  
 20 the words "Land Application Prohibited", **IN A MINIMUM OF 2-INCH**  
 21 **LETTERS**, shall be affixed in a conspicuous location ~~, AND~~ visible  
 22 on both sides of the vehicle ~~and clearly legible during daylight~~  
 23 ~~hours from a distance of 50 feet~~ **USED TO TRANSPORT WASTE UNDER PART**  
 24 **117 AND THIS PART.**

25           (2) A generator, subject to the reporting requirements under  
 26 part C of title XIV of the public health service act, ~~88 Stat.~~  
 27 ~~1674, 42 U.S.C.~~ **42 USC** 300h to 300h-8, and regulations promulgated

1 under that act, who transports brine, generated on property he or  
2 she owns or holds an interest in, to the generator's own disposal  
3 well is exempt from the provisions of this part regarding  
4 manifests.

5 Sec. 12107. (1) A vehicle used to transport liquid industrial  
6 waste ~~, if transporting by highway,~~ **BY PUBLIC ROADWAY** shall carry a  
7 copy of the registration and permit issued in accordance with the  
8 hazardous materials transportation act, **1998 PA 138, MCL 29.471 TO**  
9 **29.480**, and shall produce it upon request of the department or  
10 peace officer.

11 (2) All vehicles and containers used to transport liquid  
12 industrial waste shall be closed or covered to prevent the escape  
13 of liquid industrial waste. ~~, and the~~ **THE** outside of all vehicles,  
14 containers, and accessory equipment shall be kept free of liquid  
15 industrial waste and its residue.

16 (3) To avoid cross-contamination, all portions of a vehicle or  
17 equipment that have been in contact with liquid industrial waste  
18 shall be cleaned and decontaminated before the transport of any  
19 products, incompatible waste, **HAZARDOUS WASTE REGULATED UNDER PART**  
20 **111**, or ~~nonwaste~~ **OTHER** material. Before the transport of liquid  
21 industrial waste, all portions of a vehicle or equipment shall be  
22 cleaned and decontaminated, as necessary, of any ~~waste regulated~~  
23 ~~pursuant to~~ **HAZARDOUS WASTE REGULATED UNDER** part 111. A transporter  
24 who owns or legally controls a vehicle or equipment shall maintain  
25 as part of the transporter's records documentation that before its  
26 use for the transportation of ~~nonwaste or a product~~ **ANY PRODUCTS,**  
27 **INCOMPATIBLE WASTE, HAZARDOUS WASTE REGULATED UNDER PART 111, OR**

1 **OTHER MATERIAL**, the vehicle or equipment ~~has been~~ **WAS**  
2 decontaminated. This subsection does not apply to a vehicle if  
3 brine was transported in the vehicle and the next load transported  
4 in the vehicle is brine for disposal or well drilling or production  
5 purposes, ~~or~~ oil or other hydrocarbons produced from an oil or gas  
6 well, or water or other fluids to be used in activities regulated  
7 under part 615 ~~or~~ the rules, orders, or instructions under that  
8 part.

9       Sec. 12111. (1) If a fire, explosion, or ~~other~~ discharge of  
10 liquid industrial waste occurs ~~which~~ **THAT** could threaten the public  
11 health, safety, and welfare, or the environment, or when a  
12 generator, transporter, or owner or operator of a designated  
13 facility **FIRST** has knowledge that a spill has reached surface water  
14 or groundwater, the generator, transporter, or owner or operator of  
15 the designated facility shall take appropriate immediate action to  
16 protect the public health, safety, and welfare, and the  
17 environment, including notification of local authorities and the  
18 pollution emergency alerting system using the telephone number 800-  
19 292-4706, **UNLESS THE INCIDENT IS REPORTED UNDER ANOTHER STATE LAW.**

20       (2) The generator, transporter, or owner or operator of a  
21 designated facility shall, within 30 days, prepare and maintain as  
22 part of ~~their~~ **HIS OR HER** records a written report documenting the  
23 incident and the response action taken, including any supporting  
24 analytical data **AND CLEANUP ACTIVITIES**. The report shall be  
25 provided to the department upon request. Both the initial  
26 notification, as appropriate, and the report shall include all of  
27 the following information:

1 (a) The name and telephone number of the person reporting the  
2 incident.

3 (b) The name, address, telephone number, and identification  
4 number of the generator, transporter, or designated facility.

5 (c) The date, time, and type of incident.

6 (d) The name and quantity of waste involved and discharged.

7 (e) The extent of injuries, if any.

8 (f) The estimated quantity and disposition of recovered  
9 materials that resulted from the incident, if any.

10 (g) An assessment of actual or potential hazards to human  
11 health or the environment.

12 (h) The response action taken.

13 (3) Incidents occurring in connection with activities  
14 regulated under ~~Act No. 61 of the Public Acts of 1939, being~~  
15 ~~sections 319.1 to 319.27 of the Michigan Compiled Laws, PART 615~~ or  
16 the rules, orders, or instructions under that act, ~~or PART OR~~  
17 **REGULATED** under part C of title XIV of the public health service  
18 act, ~~88 Stat. 1674, 42 U.S.C. 42 USC 300h to 300h-7-300H-8~~, or the  
19 regulations promulgated under that act, ~~are~~ exempt from the  
20 requirements of this section.

21 Sec. 12112. (1) ~~The~~ **EXCEPT AS PROVIDED IN SECTION 12103(4)**,  
22 **THE** owner or operator of a facility that accepts liquid industrial  
23 waste shall accept delivery of waste at the designated facility  
24 only if delivery is accompanied by a manifest or consolidated  
25 manifest properly certified by the generator and the transporter  
26 and the facility is the destination indicated on the manifest. The  
27 facility owner or operator shall do all of the following:

1 (a) Obtain and utilize a site identification number either  
2 assigned from the United States environmental protection agency or  
3 the department. Until October 1, 2011, the department shall assess  
4 a site identification number user charge of \$50.00 for each site  
5 identification number it issues. The department shall not issue a  
6 site identification number under this subdivision unless the site  
7 identification number user charge and the tax identification number  
8 for the person applying for the site identification number have  
9 been received. Money collected under this subdivision shall be  
10 forwarded to the state treasurer for deposit into the environmental  
11 pollution prevention fund created in section 11130 and credited to  
12 the hazardous waste and liquid industrial waste users account  
13 created in section 11130(5).

14 (b) Certify on the manifest receipt of the liquid industrial  
15 waste by completing the facility section of the manifest and  
16 returning a signed copy of the manifest to the department within a  
17 period of 10 days after the end of the month for all liquid  
18 industrial waste received within the month.

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

20 (d) Maintain records of the characterization of the waste.  
21 Characterization shall be in accordance with the requirements of  
22 part 111.

23 (2) All storage, treatment, and reclamation of liquid  
24 industrial waste at the designated facility shall be in either  
25 containers or tanks or as otherwise specified in section 12113(5).  
26 ~~or (6).~~ Storage, treatment, or reclamation regulated under part 615  
27 or the rules, orders, or instructions **PROMULGATED** under **THAT** part,

1 ~~615,~~ or **REGULATED** under part C of title XIV of the public health  
2 service act, 42 USC 300h to 300h-8, or the regulations promulgated  
3 under that part are exempt from this subsection.

4       **(3) THE OWNER OR OPERATOR OF A DESIGNATED FACILITY SHALL NOT**  
5 **STORE LIQUID INDUSTRIAL WASTE FOR LONGER THAN 1 YEAR UNLESS THE**  
6 **LIQUID INDUSTRIAL WASTE IS BEING STORED FOR PURPOSES OF RECLAMATION**  
7 **AND NOT LESS THAN 75% OF THE CUMULATIVE AMOUNT, BY WEIGHT OR**  
8 **VOLUME, OF EACH TYPE OF LIQUID INDUSTRIAL WASTE THAT IS STORED ON**  
9 **SITE EACH CALENDAR YEAR IS RECLAIMED OR TRANSFERRED TO A DIFFERENT**  
10 **SITE FOR RECLAMATION DURING THAT CALENDAR YEAR. THE OWNER OR**  
11 **OPERATOR OF A DESIGNATED FACILITY SHALL MAINTAIN DOCUMENTATION THAT**  
12 **DEMONSTRATES COMPLIANCE WITH THIS SUBSECTION.**

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

20       Sec. 12113. (1) Storage of liquid industrial waste, ~~either~~  
21 **WHETHER** at the location of generation, under the control of the  
22 transporter, or at the designated facility, shall be protected from  
23 weather, fire, physical damage, and vandals. All vehicles,  
24 containers, and tanks used to hold liquid industrial waste shall be  
25 closed or covered, except when necessary to add or remove waste, to  
26 prevent the escape of liquid industrial waste. The exterior of all  
27 vehicles, containers, and tanks used to hold liquid industrial

1 waste shall be kept free of liquid industrial waste and its  
2 residue.

3 (2) Except as otherwise authorized pursuant to this section ~~or~~  
4 **OR OTHER** applicable statutes ~~, OR rules, and OR~~ orders of the  
5 department, liquid industrial waste shall be managed to prevent ~~any~~  
6 ~~of the following:~~

7 ~~— (a) Discharge of liquid industrial waste~~ **FROM BEING DISCHARGED**  
8 into the soil,  ~~-~~

9 ~~— (b) Discharge of liquid industrial waste into surface water or~~  
10 groundwater,  ~~-~~

11 ~~— (c) Discharge of liquid industrial waste into~~ **OR** a drain or  
12 sewer,  ~~-~~

13 ~~— (d) Discharge of liquid industrial waste~~ **OR DISCHARGED** in  
14 violation of part 55.

15 (3) A person shall treat, store, and dispose of liquid  
16 industrial waste in accordance with all applicable statutes ~~, AND~~  
17 rules ~~, and~~ orders of the department.

18 (4) This part does not prevent a publicly owned treatment  
19 works from accepting liquid industrial waste from the premises of a  
20 person, and does not prevent a person from engaging, employing, or  
21 contracting with a publicly owned treatment works. However, a  
22 publicly owned treatment works ~~, receiving~~ **THAT RECEIVES** waste by  
23 means of transportation ~~, shall be~~ **IS** a designated facility and  
24 shall comply with the requirements ~~specified in~~ **OF** section 12112.

25 (5) A person shall not treat, store, or dispose of liquid  
26 industrial waste in a surface impoundment, unless the surface  
27 impoundment has a discharge or storage permit authorized under part

1 31, or, in the case of leachate, is authorized in a permit issued  
2 under part 115.

3 ~~—— (6) The department may authorize land application of liquid~~  
4 ~~industrial waste in accordance with a program for effective~~  
5 ~~residuals management that is approved by the department or the~~  
6 ~~United States environmental protection agency, or both, pursuant to~~  
7 ~~the federal water pollution control act.~~

8 (6) ~~(7) Activities regulated under Act No. 61 of the Public~~  
9 ~~Acts of 1939, being sections 319.1 to 319.27 of the Michigan~~  
10 ~~Compiled Laws, PART 615 or the rules, orders, or instructions under~~  
11 ~~that act, or PART OR REGULATED UNDER part C of title XIV of the~~  
12 ~~public health service act, 88 Stat. 1674, 42 U.S.C. 42 USC 300h to~~  
13 ~~300h-7-300H-8, or the regulations promulgated under that act, are~~  
14 exempt from the requirements of this section.