

SENATE BILL No. 92

January 25, 2007, Introduced by Senators BASHAM, JACOBS, CHERRY, PRUSI, GLEASON and OLSHOVE and referred to the Committee on Energy Policy.

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, 12102, 12103, and 12112 as amended by 2001 PA 165 and sections 12105 and 12107 as amended by 1998 PA 140.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12101. As used in this part:

2 (a) "Brine" means a liquid produced as a by-product of oil or
3 natural gas production or exploration.

4 (b) "Container" means any portable device in which a liquid
5 industrial waste is stored, transported, treated, or otherwise

1 handled.

2 (c) "Department" means the department of environmental
3 quality.

4 (d) "Designated facility" means a treatment **FACILITY**, storage
5 **FACILITY**, disposal **FACILITY**, or reclamation facility that receives
6 liquid industrial waste from off-site.

7 **(E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.**

8 **(F)** ~~(e)~~ "Discarded" means any of the following:

9 (i) Abandoned by being disposed of, burned, or incinerated; or
10 accumulated, stored, or treated before, or instead of, being
11 abandoned.

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

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

17 (B) By being burned to recover energy or used to produce a
18 fuel.

19 (C) By reclamation.

20 **(G)** ~~(f)~~ "Discharge" means the accidental or intentional
21 spilling, leaking, pumping, releasing, pouring, emitting, emptying,
22 or dumping of liquid industrial waste into the land, air, or water.

23 **(H)** ~~(g)~~ "Disposal" means the abandonment, discharge, deposit,
24 injection, dumping, spilling, leaking, or placing of a liquid
25 industrial waste into or on land or water in such a manner that the
26 liquid industrial waste may enter the environment, or be emitted
27 into the air, or discharged into surface water or groundwater.

1 (I) ~~(h)~~—"Disposal facility" means a facility or a part of a
2 facility at which liquid industrial waste is disposed.

3 (J) ~~(i)~~—"Facility" means all contiguous land and structures,
4 other appurtenances, and improvements on ~~the~~ land for treating,
5 storing, disposing of, or reclamation of liquid industrial waste.

6 (K) ~~(j)~~—"Federal water pollution control act" means ~~chapter~~
7 ~~758, 86 Stat. 816, 33 U.S.C. 1251 to 1252, 1253 to 1254, 1255 to~~
8 ~~1257, 1258 to 1263, 1265 to 1270, 1281, 1282 to 1293, 1294 to 1299,~~
9 ~~1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377, and 1381~~
10 **33 USC 1251 to 1387.**

11 (L) ~~(k)~~—"Generator" means a person whose act or process
12 produces liquid industrial waste.

13 (M) ~~(l)~~—"Liquid industrial waste" means any brine, by-product,
14 industrial wastewater, leachate, off-specification commercial
15 chemical product, sludge, sanitary sewer clean-out residue, storm
16 sewer clean-out residue, grease trap clean-out residue, spill
17 residue, used oil, or other liquid waste that is produced by, is
18 incident to, or results from industrial, commercial, or
19 governmental activity or any other activity or enterprise
20 determined to be liquid by method 9095 (paint filter liquids test)
21 as described in "Test methods for evaluating solid wastes,
22 physical/chemical methods," United States environmental protection
23 agency publication no. SW-846, and which is discarded. Liquid
24 industrial waste does not include any of the following:

25 (i) Hazardous waste regulated and required to be manifested
26 under part 111.

27 (ii) Septage waste regulated under part 117.

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

3 (iv) A discharge permitted or authorized under part 31.

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

10 (vi) A **LIQUID GENERATED BY A** household. ~~generated liquid waste.~~

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

16 ~~—— (viii) Oil field brines used for public road dust control and
17 ice removal as authorized under the terms of the rules, standards,
18 and brine management plan approved by the department in existence
19 on June 1, 1993, until rules are promulgated.~~

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

22 (A) The material meets the used oil specifications of ~~part 111~~
23 **R 299.9809(1)(F) OF THE MICHIGAN ADMINISTRATIVE CODE.**

24 (B) The material contains no greater than 2 ppm
25 polychlorinated biphenyls.

26 (C) The material has a minimum energy content of 17,000
27 BTU/lb.

1 (D) The material is expressly authorized as a used oil fuel
2 source, regulated under part 55, or, in another state, regulated
3 under a similar air pollution control authority.

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

7 (ix) ~~(xi)~~—A liquid waste sample transported for testing to
8 determine its characteristics or composition. The sample becomes
9 subject to this part when discarded.

10 (x) ~~(xii)~~—A liquid that is not regulated under part 615 that is
11 generated in the drilling, operation, maintenance, or closure of a
12 well, or other drilling operation, including the installation of
13 cathodic protection or directional drilling, if either of the
14 following applies:

15 (A) The liquid is left in place at the point of generation in
16 compliance with part 31, 201, or 213.

17 (B) The liquid is transported off-site from a location that is
18 not a known facility as defined in section 20101, and all of the
19 following occur:

20 (I) The disposal complies with applicable provisions of part
21 31 or 115.

22 (II) The disposal is not to a surface water.

23 (III) The land owner of the disposal site has authorized the
24 disposal.

25 (xi) **A LIQUID VEGETABLE OR ANIMAL FAT OIL THAT IS USED DIRECTLY**
26 **TO PRODUCE BIOFUELS.**

27 (xii) **A LIQUID REGULATED UNDER 1982 PA 239, MCL 287.651 TO**

1 287.683.

2 (xiii) A LIQUID APPLIED TO LAND UNDER PART 115.

3 (xiv) A LIQUID RESIDUE REMAINING IN A CONTAINER AFTER POURING,
4 PUMPING, ASPIRATING, OR ANOTHER PRACTICE COMMONLY EMPLOYED TO
5 REMOVE LIQUIDS HAS BEEN UTILIZED, IF NOT MORE THAN 1 INCH OF
6 RESIDUE REMAINS ON THE BOTTOM, OR, FOR CONTAINERS LESS THAN OR
7 EQUAL TO 110 GALLONS IN SIZE, NOT MORE THAN 3% BY WEIGHT OF RESIDUE
8 REMAINS IN THE CONTAINER, OR, FOR CONTAINERS GREATER THAN 110
9 GALLONS IN SIZE, NOT MORE THAN 0.3% BY WEIGHT OF RESIDUE REMAINS IN
10 THE CONTAINER.

11 (xv) A RESIDUAL AMOUNT OF LIQUID REMAINING IN A CONTAINER AND
12 GENERATED AS A RESULT OF TRANSPORTATION OF A SOLID WASTE IN THAT
13 CONTAINER.

14 (xvi) A LIQUID BRINE AUTHORIZED FOR USE AS DUST AND ICE CONTROL
15 REGULATED UNDER PART 31 AND PART 615.

16 (xvii) A LIQUID DESIGNATED IN WRITING BY THE DIRECTOR. THE
17 DESIGNATION SHALL INCLUDE A STATEMENT OF THE REASONS FOR THE
18 DESIGNATION CONSISTENT WITH THE PURPOSES OF THIS PART.

19 Sec. 12102. As used in this part:

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

21 (i) A form and instructions approved by the department used for
22 identifying the quantity, composition, origin, routing, or
23 destination of liquid industrial waste during its transportation
24 from the point of generation to the point of disposal, treatment,
25 storage, or reclamation.

26 (ii) For shipments of liquid industrial waste that are not
27 generated or transported to a disposal **FACILITY**, treatment

1 **FACILITY**, storage **FACILITY**, or reclamation facility in this state,
2 a United States environmental protection agency form number 8700-22
3 **AND 8700-22A**, or its successor.

4 (b) "On-site" means on the same geographically contiguous
5 property, which may be divided by a public or private right-of-way
6 ~~and-IF~~ access is by crossing rather than going along the right-of-
7 way. On-site includes noncontiguous pieces of property owned by the
8 same person but connected by a right-of-way which the owner
9 controls and to which the public does not have access.

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

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

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

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

26 (g) "Site identification number" means a number that is
27 assigned by the United States environmental protection agency or

1 the department to a generator, transporter, or facility. The
2 department may assign a number to a person or a facility to cover
3 multiple unstaffed sites that generate uniform types of liquid
4 industrial waste.

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

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

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

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

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

26 (m) "Transporter" means a person engaged in the off-site
27 transportation of liquid industrial waste by air, rail, ~~highway~~

1 **PUBLIC ROADWAY**, or water.

2 (n) "Treatment" means any method, technique, or process,
3 including neutralization, designed to change the physical,
4 chemical, or biological character or composition of any liquid
5 industrial waste, to neutralize the waste, or to render the waste
6 safer to transport, store, or dispose of, amenable to recovery,
7 amenable to storage, or reduced in volume.

8 (o) "Treatment facility" means a facility or part of a
9 facility at which liquid industrial waste ~~is treated~~ **UNDERGOES**
10 **TREATMENT**.

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

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

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

18 (a) Characterize the waste in accordance with **SECTION 12101(M)**
19 **AND** the requirements of part 111 ~~and~~ rules promulgated under that
20 part, and maintain records of the characterization.

21 (b) Obtain and utilize, **WHEN NEEDED FOR TRANSPORTATION**, a site
22 identification number. ~~assigned by the United States environmental~~
23 ~~protection agency or the department. Beginning on October 1, 2002~~
24 ~~and until~~ **UNTIL** March 31, 2008, the department shall assess a site
25 identification number user charge of \$50.00 for each site
26 identification number it issues. The department shall not issue a
27 site identification number under this subdivision unless the site

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

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

13 (d) Except as otherwise provided in this part, utilize and
14 retain a separate manifest for each shipment of liquid industrial
15 waste transported to a designated facility. The department may
16 authorize the use of a consolidated manifest, for waste loads that
17 are multiple pickups of uniform types of wastes that constitute a
18 single shipment of waste. In this case, a receipt shall be obtained
19 from the transporter documenting the transporter's company name,
20 driver's signature, date of pickup, type and quantity of waste
21 accepted from the generator, the consolidated manifest number, and
22 the designated facility. A generator of brine may complete a single
23 manifest per transporter of brine, per disposal well, each month.

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

27 (f) Certify that at the time the transporter picks up liquid

1 industrial waste the information contained on the manifest is
2 factual, by signing the manifest. This certification is to be by
3 the generator or his or her authorized representative.

4 (g) Provide to the transporter the signed copies of the
5 manifest to accompany the liquid industrial waste to the designated
6 facility.

7 (h) If a copy of the manifest, with a handwritten signature of
8 the owner or operator of the designated facility **OR HIS OR HER**
9 **AUTHORIZED REPRESENTATIVE**, is not received within 35 days after the
10 date the waste was accepted by the initial transporter, contact the
11 transporter or owner or operator of the designated facility, or
12 both, to determine the status of the waste.

13 (i) Submit an exception report to the department if a copy of
14 the manifest is not received with the handwritten signature of the
15 owner or operator ~~or his or her authorized representative~~ of the
16 designated facility **OR HIS OR HER AUTHORIZED REPRESENTATIVE** within
17 45 days after the date the waste was accepted by the initial
18 transporter. The exception report shall include both of the
19 following:

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

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

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

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

8 (4) A generator transporting ~~its~~ **HIS OR HER** own waste in
9 quantities of 55 gallons or less is not subject to manifest
10 requirements if all of the following conditions are met:

11 (a) The waste is accompanied by a record showing the source
12 and quantity of the waste and the designated facility where the
13 waste is being transported.

14 (b) The generator obtains a signature from the designated
15 facility acknowledging receipt of the waste and provides a copy of
16 the record of shipment to the designated facility.

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

19 (d) The designated facility is managed in accordance with this
20 part.

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

27 (a) All registration and permitting requirements of the

1 hazardous materials transportation act, 1998 PA 138, MCL 29.471 TO
2 29.480, and licensing requirements of this part and part 117 shall
3 be met.

4 (b) Septage waste or liquid industrial waste transported by
5 the permit or license holder shall not be disposed of on land.

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

9 (d) In addition to the requirements of this part and part 117,
10 the words "Land Application Prohibited", **IN A MINIMUM OF 2-INCH**
11 **LETTERS**, shall be affixed in a conspicuous location, ~~AND~~ visible
12 on both sides of the vehicle ~~and clearly legible during daylight~~
13 ~~hours from a distance of 50 feet~~ **USED TO TRANSPORT WASTE UNDER PART**
14 **117 AND THIS PART**.

15 (2) A generator, subject to the reporting requirements under
16 part C of title XIV of the public health service act, ~~88 Stat.~~
17 ~~1674, 42 U.S.C.~~ **42 USC** 300h to 300h-8, and regulations promulgated
18 under that act, who transports brine, generated on property he or
19 she owns or holds an interest in, to the generator's own disposal
20 well is exempt from the provisions of this part regarding
21 manifests.

22 Sec. 12107. (1) A vehicle used to transport liquid industrial
23 waste, ~~if transporting by highway,~~ **BY PUBLIC ROADWAY** shall carry a
24 copy of the registration and permit issued in accordance with the
25 hazardous materials transportation act, 1998 PA 138, MCL 29.471 TO
26 29.480, and shall produce it upon request of the department or
27 peace officer.

1 (2) All vehicles and containers used to transport liquid
2 industrial waste shall be closed or covered to prevent the escape
3 of liquid industrial waste. ~~and the~~ **THE** outside of all vehicles,
4 containers, and accessory equipment shall be kept free of liquid
5 industrial waste and its residue.

6 (3) To avoid cross-contamination, all portions of a vehicle or
7 equipment that have been in contact with liquid industrial waste
8 shall be cleaned and decontaminated before the transport of any
9 products, incompatible waste, **HAZARDOUS WASTE REGULATED UNDER PART**
10 **111**, or nonwaste material. Before the transport of liquid
11 industrial waste, all portions of a vehicle or equipment shall be
12 cleaned and decontaminated, as necessary, of any ~~waste regulated~~
13 ~~pursuant to~~ **HAZARDOUS WASTE REGULATED UNDER** part 111. A transporter
14 who owns or legally controls a vehicle or equipment shall maintain
15 as part of the transporter's records documentation that before its
16 use for the transportation of ~~nonwaste or a product~~ **ANY PRODUCTS,**
17 **INCOMPATIBLE WASTE, HAZARDOUS WASTE REGULATED UNDER PART 111, OR**
18 **NONWASTE MATERIAL**, the vehicle or equipment ~~has been~~ **WAS**
19 decontaminated. This subsection does not apply to a vehicle if
20 brine was transported in the vehicle and the next load transported
21 in the vehicle is brine for disposal or well drilling or production
22 purposes, ~~or~~ oil or other hydrocarbons produced from an oil or gas
23 well, or water or other fluids to be used in activities regulated
24 under part 615 ~~or~~ the rules, orders, or instructions under that
25 part.

26 Sec. 12111. (1) If a fire, explosion, or ~~other~~ discharge of
27 liquid industrial waste occurs ~~which~~ **THAT** could threaten the public

1 health, safety, and welfare, or the environment, or when a
2 generator, transporter, or owner or operator of a designated
3 facility **FIRST** has knowledge that a spill has reached surface water
4 or groundwater, the generator, transporter, or owner or operator of
5 the designated facility shall take appropriate immediate action to
6 protect the public health, safety, and welfare, and the
7 environment, including notification of local authorities and the
8 pollution emergency alerting system using the telephone number 800-
9 292-4706, **UNLESS THE INCIDENT IS REPORTED UNDER ANOTHER STATE LAW.**

10 (2) The generator, transporter, or owner or operator of a
11 designated facility shall, within 30 days, prepare and maintain as
12 part of ~~their~~**HIS OR HER** records a written report documenting the
13 incident and the response action taken, including any supporting
14 analytical data **AND CLEANUP ACTIVITIES**. The report shall be
15 provided to the department upon request. Both the initial
16 notification, as appropriate, and the report shall include all of
17 the following information:

18 (a) The name and telephone number of the person reporting the
19 incident.

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

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

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

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

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

27 (g) An assessment of actual or potential hazards to human

1 health or the environment.

2 (h) The response action taken.

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

11 Sec. 12112. (1) The owner or operator of a facility that
12 accepts liquid industrial waste shall accept delivery of waste at
13 the designated facility only if delivery is accompanied by a
14 manifest or consolidated manifest properly certified by the
15 generator and the transporter and the facility is the destination
16 indicated on the manifest. The facility owner or operator shall do
17 all of the following:

18 (a) Obtain and utilize a site identification number either
19 assigned from the United States environmental protection agency or
20 the department. ~~Beginning on October 1, 2002 and until~~ **UNTIL** March
21 31, 2008, the department shall assess a site identification number
22 user charge of \$50.00 for each site identification number it
23 issues. The department shall not issue a site identification number
24 under this subdivision unless the site identification number user
25 charge and the tax identification number for the person applying
26 for the site identification number have been received. Money
27 collected under this subdivision shall be forwarded to the state

1 treasurer for deposit into the environmental pollution prevention
2 fund created in section 11130 and credited to the hazardous waste
3 and liquid industrial waste users account created in section
4 11130(5).

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

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

11 (d) Maintain records of the characterization of the waste.
12 Characterization shall be in accordance with the requirements of
13 part 111.

14 (2) All storage, treatment, and reclamation of liquid
15 industrial waste at the designated facility shall be in either
16 containers or tanks or as otherwise specified in section 12113(5)
17 or (6). Storage, treatment, or reclamation regulated under part 615
18 or the rules, orders, or instructions under ~~THAT~~ part 615, or
19 **REGULATED** under part C of title XIV of the public health service
20 act, ~~chapter 373, 88 Stat. 1674, 42 U.S.C. 42 USC~~ 300h to 300h-8,
21 or the regulations promulgated under that act are exempt from **THE**
22 **REQUIREMENTS OF** this subsection.

23 (3) **THE OWNER OR OPERATOR OF A DESIGNATED FACILITY SHALL NOT**
24 **STORE LIQUID INDUSTRIAL WASTE FOR LONGER THAN 1 YEAR UNLESS THE**
25 **LIQUID INDUSTRIAL WASTE IS BEING STORED FOR PURPOSES OF RECLAMATION**
26 **AND NOT LESS THAN 75% OF THE CUMULATIVE AMOUNT, BY WEIGHT OR**
27 **VOLUME, OF EACH TYPE OF LIQUID INDUSTRIAL WASTE THAT IS STORED ON**

1 SITE EACH CALENDAR YEAR IS RECLAIMED OR TRANSFERRED TO A DIFFERENT
 2 SITE FOR RECLAMATION DURING THAT CALENDAR YEAR. THE OWNER OR
 3 OPERATOR OF A DESIGNATED FACILITY SHALL MAINTAIN DOCUMENTATION THAT
 4 DEMONSTRATES COMPLIANCE WITH THIS SUBSECTION.

5 (4) ~~(3)~~—The owner or operator of a designated facility shall
 6 retain all records required pursuant to this part for ~~a period of~~
 7 at least 3 years and shall make those records readily available for
 8 review and inspection by the department or a peace officer. The
 9 retention period required by this subsection is automatically
 10 extended during the course of any unresolved enforcement action
 11 regarding the regulated activity or as required by the department.

12 Sec. 12113. (1) Storage of liquid industrial waste, ~~either~~
 13 **WHETHER** at the location of generation, under the control of the
 14 transporter, or at the designated facility, shall be protected from
 15 weather, fire, physical damage, and vandals. All vehicles,
 16 containers, and tanks used to hold liquid industrial waste shall be
 17 closed or covered, except when necessary to add or remove waste, to
 18 prevent the escape of liquid industrial waste. The exterior of all
 19 vehicles, containers, and tanks used to hold liquid industrial
 20 waste shall be kept free of liquid industrial waste and its
 21 residue.

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

26 ~~—(a) Discharge of liquid industrial waste~~ **FROM BEING DISCHARGED**
 27 into the soil, ~~or~~

1 ~~—— (b) Discharge of liquid industrial waste into surface water or~~
2 ~~groundwater, —~~

3 ~~—— (c) Discharge of liquid industrial waste into OR a drain or~~
4 ~~sewer, —~~

5 ~~—— (d) Discharge of liquid industrial waste OR DISCHARGED in~~
6 ~~violation of part 55.~~

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

10 (4) This part does not prevent a publicly owned treatment
11 works from accepting liquid industrial waste from the premises of a
12 person, and does not prevent a person from engaging, employing, or
13 contracting with a publicly owned treatment works. However, a
14 publicly owned treatment works ~~—receiving—~~**THAT RECEIVES** waste by
15 means of transportation ~~—shall be—~~**IS** a designated facility and
16 shall comply with the requirements ~~specified in—~~**OF** section 12112.

17 (5) A person shall not treat, store, or dispose of liquid
18 industrial waste in a surface impoundment, unless the surface
19 impoundment has a discharge or storage permit authorized under part
20 31, or, in the case of leachate, is authorized in a permit issued
21 under part 115.

22 (6) The department may authorize land application of liquid
23 industrial waste in accordance with a program for effective
24 residuals management that is approved by the department or the
25 United States environmental protection agency, or both, pursuant to
26 the federal water pollution control act.

27 (7) Activities regulated under ~~Act No. 61 of the Public Acts~~

1 ~~of 1939, being sections 319.1 to 319.27 of the Michigan Compiled~~
2 ~~Laws, PART 615~~ or the rules, orders, or instructions under that
3 ~~act, or PART OR REGULATED UNDER~~ part C of title XIV of the public
4 health service act, ~~88 Stat. 1674, 42 U.S.C. 42 USC 300h to 300h-7~~
5 ~~300H-8~~, or the regulations promulgated under that act, are exempt
6 from the requirements of this section.