

# SENATE BILL No. 959

(as amended August 27, 2014)

May 27, 2014, Introduced by Senator KAHN and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 12103, 12109, and 12112 (MCL 324.12103, 324.12109, and 324.12112), as amended by 2013 PA 73.

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

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

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

5           (b) Obtain and utilize, when needed for transportation, a site  
6 identification number. [Until October 1, 2014, 2017, the       ] department  
7 shall assess a site identification number user charge of \$50.00 for  
8 each site identification number it issues. The department shall not

1 issue a site identification number under this subdivision unless  
2 the site identification number user charge and the tax  
3 identification number for the person applying for the site  
4 identification number have been received. Money collected under  
5 this subdivision shall be forwarded to the state treasurer for  
6 deposit into the environmental pollution prevention fund created in  
7 section 11130.

8 (c) If transporting liquid industrial waste, other than the  
9 generator's own waste, by public roadway, engage, employ, or  
10 contract for the transportation only with a transporter registered  
11 and permitted under the hazardous materials transportation act,  
12 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 a single shipment  
17 of uniform types of waste collected from multiple waste pickups. If  
18 a consolidated manifest is authorized by the department and  
19 utilized by a generator, a receipt shall be obtained from the  
20 transporter documenting the transporter's company name, the  
21 driver's signature, the date of pickup, the type and quantity of  
22 waste accepted from the generator, the consolidated manifest  
23 number, and the designated facility. A generator of brine may  
24 complete a single manifest per transporter of brine, per disposal  
25 well, each month.

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

1 transported.

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

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

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

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

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

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

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

1 ~~or her~~ **THE** facility.

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

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

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

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

18 (c) The generator retains a copy of the record of shipment as  
19 part of the generator records under subsection (3).

20 Sec. 12109. (1) A liquid industrial waste transporter shall  
21 certify acceptance of waste for transportation by completing the  
22 transporter section of the manifest, and shall deliver the liquid  
23 industrial waste and accompanying manifest only to the designated  
24 facility specified by the generator on the manifest.

25 (2) The liquid industrial waste transporter shall retain all  
26 records required ~~pursuant to~~ **UNDER** this part for a period of at  
27 least 3 years, and shall make those records readily available for

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1 review and inspection by the department or a peace officer. The  
2 retention period required in this subsection is automatically  
3 extended during the course of any unresolved enforcement action  
4 regarding an activity regulated under this part or as required by  
5 the department.

6 (3) The department may authorize, for certain waste streams,  
7 the use of a consolidated manifest as authorized under section  
8 12103(1)(d). If a consolidated manifest is authorized by the  
9 department and utilized by a generator, the transporter shall give  
10 to the generator a receipt documenting the transporter's company  
11 name, the driver's signature, the date of pickup, the type and  
12 quantity of waste removed, the consolidated manifest number, and  
13 the designated facility.

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

17 (a) Identify on the trip log the consolidated manifest number,  
18 the generator, the date of pickup, the type and quantity of waste,  
19 and the designated facility location for each shipment of waste.

20 (b) Keep a copy of all trip logs available during  
21 transportation ~~, at a minimum,~~ for the current shipment in  
22 transportation and retain these records as specified in subsection  
23 (2).

24 (c) Obtain and utilize a site identification number assigned  
25 by the United States environmental protection agency or the  
26 department. [Until October 1, 2014, 2017, the ] department shall  
27 assess  
a site identification number user charge of \$50.00 for each site

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1 identification number it issues. The department shall not issue a  
2 site identification number under this subdivision unless the site  
3 identification number user charge and the tax identification number  
4 for the person applying for the site identification number have  
5 been received. Money collected under this subdivision shall be  
6 forwarded to the state treasurer for deposit into the environmental  
7 pollution prevention fund created in section 11130.

8       Sec. 12112. (1) Except as provided in section 12103(4), the  
9 owner or operator of a facility that accepts liquid industrial  
10 waste shall accept delivery of waste at the designated facility  
11 only if delivery is accompanied by a manifest or consolidated  
12 manifest properly certified by the generator and the transporter  
13 and the facility is the destination indicated on the manifest. The  
14 facility owner or operator shall do all of the following:

15       (a) Obtain and utilize a site identification number assigned  
16 by the United States environmental protection agency or the  
17 department. [Until October 1, 2014, 2017, the ] department shall  
18 assess  
19 a site identification number user charge of \$50.00 for each site  
20 identification number it issues. The department shall not issue a  
21 site identification number under this subdivision unless the site  
22 identification number user charge and the tax identification number  
23 for the person applying for the site identification number have  
24 been received. Money collected under this subdivision shall be  
25 forwarded to the state treasurer for deposit into the environmental  
26 pollution prevention fund created in section 11130.

27       (b) Certify on the manifest receipt of the liquid industrial  
waste by completing the facility section of the manifest and

1 returning a signed copy of the manifest to the department within a  
2 period of 10 days after the end of the month for all liquid  
3 industrial waste received within the month.

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

5 (d) Maintain records of the characterization of the waste.  
6 Characterization shall be in accordance with the requirements of  
7 part 111.

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

16 (3) The owner or operator of a designated facility shall not  
17 store liquid industrial waste for longer than 1 year unless the  
18 liquid industrial waste is being stored for purposes of reclamation  
19 and not less than 75% of the cumulative amount, by weight or  
20 volume, of each type of liquid industrial waste that is stored on  
21 site each calendar year is reclaimed or transferred to a different  
22 site for reclamation during that calendar year. The owner or  
23 operator of a designated facility shall maintain documentation that  
24 demonstrates compliance with this subsection.

25 (4) The owner or operator of a designated facility shall  
26 retain all records required pursuant to this part for a period of  
27 at least 3 years and shall make those records readily available for

1 review and inspection by the department or a peace officer. The  
2 retention period required by this subsection is automatically  
3 extended during the course of any unresolved enforcement action  
4 regarding the regulated activity or as required by the department.