

# SENATE BILL No. 960

(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 11135 and 11153 (MCL 324.11135 and 324.11153), as amended by 2013 PA 73.

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

1           Sec. 11135. (1) A hazardous waste generator shall provide a  
2       separate manifest to the transporter for each load of hazardous  
3       waste transported to property that is not on the site where it was  
4       generated. [Until October 1, 2014,—2017, a ] person required to prepare  
5       a  
6       manifest shall submit to the department a manifest processing user  
charge of \$8.00 per manifest and his or her tax identification

1 number. Money collected under this subsection shall be forwarded to  
2 the state treasurer for deposit into the environmental pollution  
3 prevention fund created in section 11130.

4 (2) Manifest processing user charges under subsection (1)  
5 shall be paid using a form provided by the department. The  
6 department shall send a form to each person subject to the manifest  
7 processing user charge by March 30 of each year. The form shall  
8 specify the number of manifests prepared by that person and  
9 processed by the department during the previous calendar year. A  
10 person subject to the manifest processing user charge shall return  
11 the completed form and the appropriate payment to the department by  
12 April 30 of each year.

13 (3) A person who fails to provide timely and accurate  
14 information, a complete form, or the appropriate manifest  
15 processing user charge as provided for in this section is in  
16 violation of this part and is subject to both of the following:

17 (a) Payment of the manifest processing user charge and an  
18 administrative fine of 5% of the amount owed for each month that  
19 the payment is delinquent. Any payments received after the  
20 fifteenth day of the month after the due date shall be considered  
21 delinquent for that month. However, the administrative fine shall  
22 not exceed 25% of the total amount owed.

23 (b) Beginning 5 months after the date payment of the manifest  
24 user charge is due, but not paid, at the request of the department,  
25 an action by the attorney general for the collection of the amount  
26 owed under subdivision (a) and the actual cost to the department in  
27 attempting to collect the amount owed under subdivision (a).

1           (4) Any amounts collected under subsection (3) for a violation  
2 of this section shall be forwarded to the state treasurer and  
3 deposited in the environmental pollution prevention fund created in  
4 section 11130.

5           (5) The department shall maintain information regarding the  
6 manifest processing user charges received under this section as  
7 necessary to satisfy the reporting requirements of subsection (6).

8           (6) The department shall evaluate the effectiveness and  
9 adequacy of the manifest processing user charges collected under  
10 this section relative to the overall revenue needs of the state's  
11 hazardous waste management program administered under this part.  
12 Not later than April 1 of each even-numbered year, the department  
13 shall submit to the legislature a report summarizing its findings  
14 under this subsection.

15           (7) A generator shall include on the manifest details as  
16 specified by the department and shall at least include a sufficient  
17 qualitative and quantitative analysis and a physical description of  
18 the hazardous waste to evaluate toxicity and methods of  
19 transportation, storage, and disposal. The manifest also shall  
20 include safety precautions as necessary for each load of hazardous  
21 waste. The generator shall submit to the department a copy of the  
22 manifest within 10 days after the end of the month for each load of  
23 hazardous waste transported within that month.

24           (8) A generator shall certify that the information contained  
25 on a manifest prepared by the generator is accurate.

26           (9) The specified destination of each load of hazardous waste  
27 identified on the manifest shall be a designated facility.

1           (10) If a generator does not receive a copy of the manifest  
2 with the handwritten signature of the owner or operator of the  
3 designated facility within 35 days after the date on which the  
4 hazardous waste was accepted by the initial transporter, the  
5 generator shall contact the transporter to determine the status of  
6 the hazardous waste. If the generator is unable to determine the  
7 status of the hazardous waste upon contacting the transporter, the  
8 generator shall contact the owner or operator of the designated  
9 facility to which the hazardous waste was to be transported to  
10 determine the status of the hazardous waste.

11           (11) A generator shall submit an exception report to the  
12 department if the generator has not received a copy of the manifest  
13 with the handwritten signature of the owner or operator of the  
14 designated facility within 45 days after the date on which the  
15 hazardous waste was accepted by the initial transporter. The  
16 exception report shall include all of the following:

17           (a) A legible copy of the manifest.

18           (b) A cover letter signed by the generator or the generator's  
19 authorized representative explaining the efforts taken to locate  
20 the hazardous waste and the results of those efforts.

21           (12) A generator shall keep a copy of each manifest signed and  
22 dated by the initial transporter for 3 years or until the generator  
23 receives a signed and dated copy from the owner or operator of the  
24 designated facility that received the hazardous waste. The  
25 generator shall keep the copy of the manifest signed and dated by  
26 the owner or operator of the designated facility for 3 years. The  
27 retention periods required by this subsection are automatically

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1 extended during the course of any unresolved enforcement action  
2 regarding the regulated activity or as required by the department.

3       Sec. 11153. (1) A generator, transporter, or treatment,  
4 storage, or disposal facility shall obtain and utilize a site  
5 identification number assigned by the United States environmental  
6 protection agency or the department. [Until October 1, 2014, 2017, the ]  
7 department shall assess a site identification number user charge of  
8 \$50.00 for each site identification number it issues. The  
9 department shall not issue a site identification number under this  
10 subsection unless the site identification number user charge and  
11 the tax identification number for the person applying for the site  
12 identification number have been received by the department.

13       (2) [Until October 1, 2014, 2017, the ] department shall annually  
14 assess hazardous waste management program user charges as follows:

15       (a) A generator shall pay a handler user charge that is the  
16 highest of the following applicable fees:

17       (i) A generator who generates more than 100 kilograms but less  
18 than 1,000 kilograms of hazardous waste in any month during the  
19 calendar year shall pay to the department an annual handler user  
20 charge of \$100.00.

21       (ii) A generator who generates 1,000 kilograms or more of  
22 hazardous waste in any month during the calendar year and who  
23 generates less than 900,000 kilograms during the calendar year  
24 shall pay to the department an annual handler user charge of  
25 \$400.00.

26       (iii) A generator who generates 1,000 kilograms or more of  
27 hazardous waste in any month during the calendar year and who

1 generates 900,000 kilograms or more of hazardous waste during the  
2 calendar year shall pay to the department an annual handler user  
3 charge of \$1,000.00.

4 (b) An owner or operator of a treatment, storage, or disposal  
5 facility for which an operating license is required under section  
6 11123 or for which an operating license has been issued under  
7 section 11125 shall pay to the department an annual handler user  
8 charge of \$2,000.00.

9 (c) A used oil processor or rerefiner, a used oil burner, or a  
10 used oil fuel marketer as defined in the rules promulgated under  
11 this part shall pay to the department an annual handler user charge  
12 of \$100.00.

13 (3) A handler shall pay the handler user charge specified in  
14 subsection (2)(a) to (c) for each of the activities conducted  
15 during the previous calendar year.

16 (4) Handler user charges shall be paid using a form provided  
17 by the department. The handler shall certify that the information  
18 on the form is accurate. The department shall send forms to the  
19 handlers by March 30 of each year. A handler shall return the  
20 completed forms and the appropriate payment to the department by  
21 April 30 of each year.

22 (5) A handler who fails to provide timely and accurate  
23 information, a complete form, or the appropriate handler user  
24 charge is in violation of this part and is subject to both of the  
25 following:

26 (a) Payment of the handler user charge and an administrative  
27 fine of 5% of the amount owed for each month that the payment is

1 delinquent. Any payments received after the fifteenth of the month  
2 after the due date shall be considered delinquent for that month.  
3 However, the administrative fine shall not exceed 25% of the total  
4 amount owed.

5 (b) Beginning 5 months after the date payment of the handler  
6 user charge is due, if the amount owed under subdivision (a) is not  
7 paid in full, at the request of the department, an action by the  
8 attorney general for the collection of the amount owed under  
9 subdivision (a) and the actual cost to the department in attempting  
10 to collect the amount owed under subdivision (a).

11 (6) The department shall maintain information regarding the  
12 site identification number user charges and the handler user  
13 charges collected under this section as necessary to satisfy the  
14 reporting requirements of subsection (8).

15 (7) The site identification number user charges and the  
16 handler user charges collected under this section and any amounts  
17 collected under subsection (5) for a violation of this section  
18 shall be forwarded to the state treasurer and deposited in the  
19 environmental pollution prevention fund created in section 11130.

20 (8) The department shall evaluate the effectiveness and  
21 adequacy of the site identification number user charges and the  
22 handler user charges collected under this section relative to the  
23 overall revenue needs of the hazardous waste management program  
24 administered under this part. Not later than April 1 of each even-  
25 numbered year, the department shall submit to the legislature a  
26 report summarizing the department's findings under this subsection.

27 (9) As used in this section:

1           (a) "Handler" means the person required to pay the handler  
2 user charge.

3           (b) "Handler user charge" means an annual hazardous waste  
4 management program user charge provided for in subsection (2).