

# HOUSE BILL No. 4666

May 2, 2013, Introduced by Rep. Kowall and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled  
 "Natural resources and environmental protection act,"  
 by amending sections 11108, 11135, 11153, 12103, 12109, and 12112  
 (MCL 324.11108, 324.11135, 324.11153, 324.12103, 324.12109, and  
 324.12112), section 11108 as amended by 2011 PA 150 and sections  
 11135, 11153, 12103, 12109, and 12112 as amended by 2011 PA 90.

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

1           Sec. 11108. (1) Except as otherwise provided in this section,  
 2 each owner or operator of a landfill shall pay to the department a  
 3 fee assessed on hazardous waste disposed of in ~~a~~**THE** landfill. The  
 4 fee shall be based on the quantity of hazardous waste specified on  
 5 the manifest or monthly operating report and shall be \$10.00 per  
 6 ton, \$10.00 per cubic yard, or 1/2 cent per pound depending on the  
 7 unit of measure used by the owner or operator to calculate the fee.  
 8 The fee for fractional quantities of hazardous waste shall be

1 proportional. If the hazardous waste is required to be listed on a  
2 manifest and the owner or operator of the landfill determines that  
3 the hazardous waste quantity on the manifest is not accurate, the  
4 owner or operator shall correct the hazardous waste quantity on all  
5 manifest copies accompanying the shipment, note the reason for the  
6 change in the discrepancy indication space on the manifest, and  
7 assess the fee in accordance with the corrected hazardous waste  
8 quantity. Payment shall be made within 30 days after the close of  
9 each quarter. The landfill owner or operator shall assess off-site  
10 generators the fee. The fee for hazardous waste that is generated  
11 and disposed of on the site of a landfill owner or operator shall  
12 be paid by that owner or operator.

13 (2) Except as otherwise provided in this section, each owner  
14 or operator of a solidification facility licensed pursuant to  
15 section 11123 shall pay to the department a fee assessed on  
16 hazardous waste received at the solidification facility. The fee  
17 shall be based on the quantity of hazardous waste specified on the  
18 manifest or monthly operating report and shall be \$10.00 per ton,  
19 \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per pound  
20 depending on the unit of measure used by the owner or operator to  
21 calculate the fee. The fee for fractional quantities of hazardous  
22 waste shall be proportional. If the hazardous waste is required to  
23 be listed on a manifest and the owner or operator of the  
24 solidification facility determines that the hazardous waste  
25 quantity on the manifest is not accurate, the owner or operator  
26 shall correct the hazardous waste quantity on all manifest copies  
27 accompanying the shipment, note the reason for the change in the

1 discrepancy indication space on the manifest, and assess the fee in  
2 accordance with the corrected hazardous waste quantity. Payment  
3 shall be made within 30 days after the close of each quarter. The  
4 solidification facility owner or operator shall assess off-site  
5 generators the fee. The fee for hazardous waste that is generated  
6 and solidified on the site of a solidification owner or operator  
7 shall be paid by that owner or operator.

8 (3) The following hazardous waste is exempt from the fees  
9 provided for in this section:

10 (a) Ash that results from the incineration of hazardous waste  
11 or the incineration of solid waste as defined in part 115.

12 (b) Hazardous waste exempted by rule because of its character  
13 or the treatment it has received.

14 (c) Hazardous waste that is removed as part of a site cleanup  
15 activity at the expense of ~~the~~**THIS** state or **THE** federal  
16 government.

17 (d) Solidified hazardous waste produced by a solidification  
18 facility licensed pursuant to section 11123 and destined for land  
19 disposal.

20 (e) Hazardous waste generated pursuant to a 1-time closure or  
21 site cleanup activity in this state if the closure or cleanup  
22 activity has been authorized in writing by the department.  
23 Hazardous waste resulting from the cleanup of inadvertent releases  
24 which occur after March 30, 1988 is not exempt from the fees.

25 (f) Primary and secondary wastewater treatment solids from a  
26 wastewater treatment plant that includes an aggressive biological  
27 treatment facility as defined in 42 USC ~~6295-~~**6925**.

1 (g) Emission control dust or sludge from the primary  
2 production of steel in electric furnaces.

3 (4) An owner or operator of a landfill or solidification  
4 facility shall assess or pay the fee described in this section  
5 unless the generator provides a signed written certification  
6 indicating that the hazardous waste is exempt from the fee. If the  
7 hazardous waste that is exempt from the fee is required to be  
8 listed on a manifest, the certification shall contain the manifest  
9 number of the shipment and the specific fee exemption for which the  
10 hazardous waste qualifies. If the hazardous waste that is exempt  
11 from the fee is not required to be listed on a manifest, the  
12 certification shall provide the volume of exempt hazardous waste,  
13 the waste code or waste codes of the exempt waste, the date of  
14 disposal or solidification, and the specific fee exemption for  
15 which the hazardous waste qualifies. The owner or operator of the  
16 landfill or solidification facility shall retain this certification  
17 for 4 years from the date of receipt.

18 (5) The department or a health department certified pursuant  
19 to section 11145 shall evaluate the accuracy of generator fee  
20 exemption certifications and shall take enforcement action against  
21 a generator who files a false ~~certificate~~. **CERTIFICATION.** In  
22 addition, the department shall take enforcement action to collect  
23 fees that are not paid as required by this section.

24 (6) The landfill owner or operator and the solidification  
25 facility owner or operator shall forward to the department the fee  
26 revenue due under this section with a completed form that is  
27 provided or approved by the department. The owner or operator shall

1 certify that all information provided in the form is accurate. The  
2 form shall include the following information:

3 (a) The volume of hazardous waste subject to a fee.

4 (b) The name of each generator who was assessed a fee, the  
5 generator's identification number, manifest numbers, hazardous  
6 waste volumes, and the amount of the fee assessed.

7 (7) A generator ~~who~~ **IS ELIGIBLE FOR A REFUND FROM THIS STATE**  
8 **OF FEES PAID UNDER THIS SECTION IF THE GENERATOR** documents to the  
9 department, on a form provided by the department, a reduction in  
10 the amount of hazardous waste generated as a result of a process  
11 change, or ~~documents~~ a reduction in the amount of hazardous waste  
12 ~~that is being~~ disposed of in a landfill, either directly or  
13 following solidification at a solidification facility, as a result  
14 of a process change or the generator's increased use of source  
15 separation, input substitution, process reformulation, recycling,  
16 treatment, or an exchange of hazardous waste that results in a  
17 utilization of that hazardous waste. ~~, is eligible for a refund~~  
18 ~~from this state.~~ The refund shall be in the amount of \$10.00 per  
19 ton, \$10.00 per cubic yard, 4 cents per gallon, or 1/2 cent per  
20 pound of **REDUCTION IN THE AMOUNT OF** hazardous waste ~~reduced or~~  
21 ~~managed through an alternative to landfill disposal.~~ **GENERATED OR**  
22 **DISPOSED OF IN A LANDFILL.** A generator is not eligible to receive a  
23 refund for that portion of a reduction in the amount of hazardous  
24 waste generated that is attributable to a decrease in the  
25 generator's level of production of the products that resulted in  
26 the generation of the hazardous waste.

27 (8) A generator seeking a refund **UNDER SUBSECTION (7)** shall

1 calculate the refund due by comparing hazardous waste generation,  
2 treatment, and disposal activity in the calendar year immediately  
3 preceding the date of filing with hazardous waste generation,  
4 treatment, and disposal activity in the calendar year 2 years prior  
5 to the date of filing.

6 ~~——(9)——~~To be eligible for a refund, a generator shall file a  
7 request with the department by June 30 of the year following the  
8 year for which the refund is being claimed.

9 ~~——(10)——~~A refund shall not exceed the total fees paid by the  
10 generator to the landfill operator or owner and the solidification  
11 facility operator or owner.

12 ~~——(11)——~~A form submitted by the generator as provided for in  
13 subsection (7) shall be certified by the generator or the  
14 generator's authorized agent.

15 (9) ~~(12)——~~The department shall maintain information regarding  
16 the landfill disposal fees received and refunds provided under this  
17 section.

18 (10) ~~(13)——~~The fees collected under this section shall be  
19 forwarded to the state treasurer and deposited in the waste  
20 reduction fund created in subsection ~~(14)——~~**(11)**.

21 (11) ~~(14)——~~The waste reduction fund is created within the state  
22 treasury. The state treasurer may receive money or other assets  
23 from any source for deposit into the waste reduction fund. The  
24 state treasurer shall direct the investment of the waste reduction  
25 fund. The state treasurer shall credit to the waste reduction fund  
26 interest and earnings from waste reduction fund investments. Money  
27 in the waste reduction fund at the close of the fiscal year shall

1 remain in the waste reduction fund and shall not lapse to the  
2 general fund. **THE DEPARTMENT SHALL BE THE ADMINISTRATOR OF THE FUND**  
3 **FOR AUDITING PURPOSES.** Money from the waste reduction fund shall be  
4 expended, upon appropriation, only for 1 or more of the following  
5 purposes:

6 (a) To pay refunds to generators under this section.

7 (b) To fund programs created under **THIS PART**, part 143, ~~and~~**OR**  
8 part 145.

9 (c) Not more than \$500,000.00 to implement section 3103a.

10 (d) To fund the permit to install program established under  
11 section 5505.

12 Sec. 11135. (1) A hazardous waste generator shall provide a  
13 separate manifest to the transporter for each load of hazardous  
14 waste transported to property that is not on the site where it was  
15 generated. Until October 1, ~~2013,~~**2014**, a person required to  
16 prepare a manifest shall submit to the department a manifest  
17 processing user charge of \$6.00 per manifest and his or her tax  
18 identification number. Each calendar year, the department may  
19 adjust the manifest processing user charge as necessary to ensure  
20 that the total cumulative amount of the user charges assessed  
21 pursuant to this section and sections 11153, 12103, 12109, and  
22 12112 are consistent with the target revenue projection for the  
23 hazardous waste and liquid industrial waste users account as  
24 provided for in section 11130(5). However, the manifest processing  
25 user charge shall not exceed \$8.00 per manifest. Money collected  
26 under this subsection shall be forwarded to the state treasurer for  
27 deposit into the environmental pollution prevention fund created in

1 section 11130 and credited to the hazardous waste and liquid  
2 industrial waste users account created in section 11130(5).

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

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

16 (a) Payment of the manifest processing user charge and an  
17 administrative fine of 5% of the amount owed for each month that  
18 the payment is delinquent. Any payments received after the ~~15<sup>th</sup>~~  
19 **FIFTEENTH DAY** of the month after the due date shall be considered  
20 delinquent for that month. However, the administrative fine shall  
21 not exceed 25% of the total amount owed.

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

27 (4) Any amounts collected under subsection (3) for a violation



1 of this section shall be forwarded to the state treasurer and  
2 deposited in the environmental pollution prevention fund created in  
3 section 11130 and credited to the hazardous waste and liquid  
4 industrial waste users account created in section 11130(5).

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 ~~summarize~~ **SUBMIT TO THE LEGISLATURE A REPORT SUMMARIZING** its  
14 findings under this subsection. ~~in a report and shall provide that~~  
15 ~~report to the legislature.~~

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

25 (8) ~~The~~ **A** generator shall certify that the information  
26 contained on ~~the~~ **A** manifest **PREPARED BY THE GENERATOR** is accurate.

27 (9) The specified destination of each load of hazardous waste

1 identified on the manifest shall be a designated facility.

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

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

18 (a) A legible copy of the manifest. ~~for which the generator~~  
19 ~~does not have confirmation of delivery.~~

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

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

1 the owner or operator of the designated facility for 3 years. The  
2 retention periods required by this subsection ~~shall be~~ **ARE**  
3 automatically extended during the course of any unresolved  
4 enforcement action regarding the regulated activity or as required  
5 by the department.

6 Sec. 11153. (1) A generator, transporter, or treatment,  
7 storage, or disposal facility shall obtain and utilize a site  
8 identification number assigned by the United States environmental  
9 protection agency or the department. Until October 1, ~~2013,~~ **2014,**  
10 the department shall assess a site identification number user  
11 charge of \$50.00 for each site identification number it issues. The  
12 department shall not issue a site identification number under this  
13 subsection unless the site identification number user charge and  
14 the tax identification number for the person applying for the site  
15 identification number have been received by the department.

16 (2) Until October 1, ~~2013,~~ **2014,** except as provided in  
17 subsection (9), the department shall annually assess hazardous  
18 waste management program user charges as follows:

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

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

25 (ii) A generator who generates 1,000 kilograms or more of  
26 hazardous waste in any month during the calendar year and who  
27 generates less than 900,000 kilograms during the calendar year

1 shall pay to the department an annual handler user charge of  
2 \$400.00.

3 (iii) A generator who generates 1,000 kilograms or more of  
4 hazardous waste in any month during the calendar year and who  
5 generates 900,000 kilograms or more of hazardous waste during the  
6 calendar year shall pay to the department an annual handler user  
7 charge of \$1,000.00.

8 (b) An owner or operator of a treatment, storage, or disposal  
9 facility for which an operating license is required under section  
10 11123 or for which an operating license has been issued under  
11 section 11125 shall pay to the department an annual handler user  
12 charge of \$2,000.00.

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

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

20 (4) ~~Payment of the handler~~ **HANDLER** user charges shall be ~~made~~  
21 **PAID** using a form provided by the department. The handler shall  
22 certify that the information on the form is accurate. The  
23 department shall send forms to the handlers by March 30 of each  
24 year unless the handler user charges have been suspended as  
25 provided for in subsection (9). A handler shall return the  
26 completed forms and the appropriate payment to the department by  
27 April 30 of each year unless the handler user charges have been

1 suspended as provided for in subsection (9).

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

6 (a) Payment of the handler user charge and an administrative  
7 fine of 5% of the amount owed for each month that the payment is  
8 delinquent. Any payments received after the ~~15th~~**FIFTEENTH** of the  
9 month after the due date shall be considered delinquent for that  
10 month. However, the administrative fine shall not exceed 25% of the  
11 total amount owed.

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

18 (6) The department shall maintain information regarding the  
19 site identification number user charges and the handler user  
20 charges collected under this section as necessary to satisfy the  
21 reporting requirements of subsection (8).

22 (7) The site identification number user charges and the  
23 handler user charges collected under this section and any amounts  
24 collected under subsection (5) for a violation of this section  
25 shall be forwarded to the state treasurer and deposited in the  
26 environmental pollution prevention fund created in section 11130  
27 and credited to the hazardous waste and liquid industrial waste

1 users account created in section 11130(5).

2 (8) The department shall evaluate the effectiveness and  
 3 adequacy of the site identification number user charges and the  
 4 handler user charges collected under this section relative to the  
 5 overall revenue needs of the hazardous waste management program  
 6 administered under this part. Not later than April 1 of each even-  
 7 numbered year, the department shall ~~summarize its~~ **SUBMIT TO THE**  
 8 **LEGISLATURE A REPORT SUMMARIZING THE DEPARTMENT'S** findings under  
 9 this subsection. ~~in a report and shall provide that report to the~~  
 10 ~~legislature.~~

11 (9) Notwithstanding any other provision in this section, if  
 12 the balance of the hazardous waste and liquid industrial waste  
 13 users account created in section 11130(5), as of December 31 of any  
 14 year, exceeds \$3,200,000.00, the department shall suspend the  
 15 handler user charges until October of the following year.

16 (10) As used in this section:

17 (a) "Handler" means the person required to pay the handler  
 18 user charge.

19 (b) "Handler user charge" means ~~the~~ **AN** annual hazardous waste  
 20 management program user charge provided for in subsection (2).

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

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

25 (b) Obtain and utilize, when needed for transportation, a site  
 26 identification number. Until October 1, ~~2013,~~ **2014**, the department  
 27 shall assess a site identification number user charge of \$50.00 for

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

10 (c) If transporting liquid industrial waste, other than the  
11 generator's own waste, by public roadway, engage, employ, or  
12 contract for the transportation only with a transporter registered  
13 and permitted under the hazardous materials transportation act,  
14 1998 PA 138, MCL 29.471 to 29.480.

15 (d) Except as otherwise provided in this part, utilize and  
16 retain a separate manifest for each shipment of liquid industrial  
17 waste transported to a designated facility. The department may  
18 authorize the use of a consolidated manifest for a single shipment  
19 of uniform types of waste collected from multiple waste pickups. If  
20 a consolidated manifest is authorized by the department and  
21 utilized by a generator, a receipt shall be obtained from the  
22 transporter documenting the transporter's company name, **THE**  
23 driver's signature, **THE** date of pickup, **THE** type and quantity of  
24 waste accepted from the generator, the consolidated manifest  
25 number, and the designated facility. A generator of brine may  
26 complete a single manifest per transporter of brine, per disposal  
27 well, each month.

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

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

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

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

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

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

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

27           (2) A generator who operates an on-site reclamation facility,



1 treatment facility, or disposal facility shall keep records of all  
2 liquid waste produced and reclaimed, treated, or disposed of at his  
3 or her facility.

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

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

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

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

20 (c) The generator retains a copy of the record of shipment as  
21 part of the generator records **UNDER SUBSECTION (3)**.

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

27 (2) The liquid industrial waste transporter shall retain all

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

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

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

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

22 (b) Keep a copy of all trip logs available during  
23 transportation, at a minimum, for the current shipment in  
24 transportation and retain these records as specified in subsection  
25 (2).

26 (c) Obtain and utilize a site identification number assigned  
27 by the United States environmental protection agency or the

1 department. Until October 1, ~~2013,~~**2014**, the department shall  
2 assess a site identification number user charge of \$50.00 for each  
3 site identification number it issues. The department shall not  
4 issue a site identification number under this subdivision unless  
5 the site identification number user charge and the tax  
6 identification number for the person applying for the site  
7 identification number have been received. Money collected under  
8 this subdivision shall be forwarded to the state treasurer for  
9 deposit into the environmental pollution prevention fund created in  
10 section 11130 and credited to the hazardous waste and liquid  
11 industrial waste users account created in section 11130(5).

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

19 (a) Obtain and utilize a site identification number ~~either~~  
20 assigned ~~from~~**BY** the United States environmental protection agency  
21 or the department. Until October 1, ~~2013,~~**2014**, the department  
22 shall assess a site identification number user charge of \$50.00 for  
23 each site identification number it issues. The department shall not  
24 issue a site identification number under this subdivision unless  
25 the site identification number user charge and the tax  
26 identification number for the person applying for the site  
27 identification number have been received. Money collected under

1 this subdivision shall be forwarded to the state treasurer for  
2 deposit into the environmental pollution prevention fund created in  
3 section 11130 and credited to the hazardous waste and liquid  
4 industrial waste users account created in section 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 Storage, treatment, or reclamation regulated under part 615 or the  
18 rules, orders, or instructions promulgated under that part, or  
19 regulated under part C of title XIV of the public health service  
20 act, 42 USC 300h to 300h-8, or the regulations promulgated under  
21 that part are exempt from this subsection.

22 (3) The owner or operator of a designated facility shall not  
23 store liquid industrial waste for longer than 1 year unless the  
24 liquid industrial waste is being stored for purposes of reclamation  
25 and not less than 75% of the cumulative amount, by weight or  
26 volume, of each type of liquid industrial waste that is stored on  
27 site each calendar year is reclaimed or transferred to a different

1 site for reclamation during that calendar year. The owner or  
2 operator of a designated facility shall maintain documentation that  
3 demonstrates compliance with this subsection.

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