

**NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)**  
**Act 451 of 1994**

CHAPTER 5  
RECYCLING AND RELATED SUBJECTS

PART 161  
PLASTIC PRODUCTS LABELING

**324.16101 Definitions.**

Sec. 16101. As used in this part:

(a) "Degradable" means capable of being broken down by biodegradation, photodegradation, or chemical degradation into component parts within 360 days under exposure to the elements.

(b) "Label" means a molded, imprinted, or raised symbol on or near the bottom of a plastic product.

(c) "Plastic" means any material made of polymeric organic compounds and additives that can be shaped by flow.

(d) "Plastic bottle" means a rigid plastic container with a capacity of 16 ounces or more that has a neck that is smaller than the body of the container.

(e) "Plastic product" means a plastic bottle and any other rigid plastic container.

(f) "Rigid plastic container" means any container composed predominantly of plastic resin and having a relatively inflexible finite shape or form that directly holds a substance or material and has a capacity of 8 ounces or more.

(g) "PETE" means polyethylene terephthalate.

(h) "HDPE" means high density polyethylene.

(i) "V" means vinyl.

(j) "LDPE" means low density polyethylene.

(k) "PP" means polypropylene.

(l) "PS" means polystyrene.

(m) "OTHER" means multilayer.

(n) "D" means degradable.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

**324.16102 Plastic products; labeling with code; list of label codes; copies of list.**

Sec. 16102. (1) All plastic products sold in this state shall be labeled with a code indicating the plastic resin used to produce the product. The code shall consist of a number placed within a triangle of arrows with letters placed below the triangle of arrows. The triangle shall be equilateral, formed by 3 arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer or arrowhead of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the 3 arrows curved at their midpoints shall depict a clockwise path around the code number. The triangle of arrows shall be not less than 1/2 inch high or if the plastic product is designed so that a triangle or arrows of not less than 1/2 inch height cannot be added to the product, a smaller label may be used if the label can be easily read. The code shall appear on or near the bottom of the plastic product as follows:

(a) 1 PETE.

(b) 2 HDPE.

(c) 3 V.

(d) 4 LDPE.

(e) 5 PP.

(f) 6 PS.

(g) 7 OTHER.

(h) 8 D.

(2) The department shall maintain a list of the label codes provided in subsection (1) and shall provide a copy of that list to any person upon request.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.16103 Additional staff prohibited.**

Sec. 16103. Additional staff shall not be hired by the department for the purposes of enforcing this part.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.16104 Violation; civil fine; default; remedy.**

Sec. 16104. (1) A person who violates this part is subject to a civil fine of \$500.00 per violation.

(2) A default in the payment of a civil fine ordered under this part may be remedied by any means authorized under the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.101 to 600.9947 of the Michigan Compiled Laws.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### PART 163 PLASTIC DEGRADABLE CONTAINERS

#### **324.16301 Definitions.**

Sec. 16301. As used in this part:

(a) "Containers" means glass, metal, or plastic bottles, cans, jars, or other receptacles that contain any substance.

(b) "Degradable" means capable of being broken down by biodegradation, photodegradation, or chemical degradation into component parts within 360 days under exposure to the elements.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.16302 Container holding devices constructed of plastic rings; design and registration of symbol; test data; vacuum-packed wrapping.**

Sec. 16302. (1) A person shall not sell or offer for sale in this state containers connected to each other by a separate holding device that is constructed of plastic rings unless the device is degradable and bears a distinguishing symbol.

(2) A manufacturer of container holding devices that are constructed of plastic rings who sells or offers for sale or provides for the sale or offer for sale in this state of these devices shall design a distinguishing symbol indicating that the devices are degradable and shall register the distinguishing symbol with the department and provide the department with a sample of the device. The department may require test data that show that the device is degradable as required in this part.

(3) As used in this part, a separate holding device does not include a vacuum-packed wrapping that completely encases the containers that it connects.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.16303 Violation as misdemeanor; penalty.**

Sec. 16303. A person who violates this part is guilty of a misdemeanor punishable by a fine of \$500.00 for each day this part is violated.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

PART 165  
OFFICE PAPER RECOVERY

**324.16501 Definitions.**

Sec. 16501. As used in this part:

(a) "Accessible and available market" means that opportunities exist to sell wastepaper products that are collected pursuant to this part at rates and at locations that make it fiscally reasonable to collect that paper.

(b) "Recycled paper" means a paper product that contains not less than 50% wastepaper.

(c) "Wastepaper" means any discarded paper or corrugated paper board that is generated after the completion of the paper manufacturing process, and includes, but is not limited to, trimmings, printed paper, cutting and converting paper, newsprint, telephone books, catalogs, or other mixed postconsumer paper. Wastepaper does not include mill broke or other in-plant residual wastes.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled MCL 324.99903 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

**324.16502 Paper recycling system; establishment; purpose; scope; schedule; functions.**

Sec. 16502. (1) The department shall establish and implement a paper recycling system to recycle wastepaper products that are recyclable and for which there is an accessible and available market. The recycling system shall include the recyclable wastepaper products generated in the offices and other facilities of state departments and state agencies, the offices and other facilities of the legislature, and the judicial offices and other facilities within this state. The department may work with other state departments and hire private contractors to establish or implement all or a portion of the recycling system under this part. The paper recycling system established by the department shall provide for the recycling of wastepaper in the offices and facilities that participate in that system, in accord with the following schedule:

- |                     |              |
|---------------------|--------------|
| (a) January 1, 1989 | 20% or more. |
| (b) January 1, 1990 | 25% or more. |
| (c) January 1, 1992 | 50% or more. |
| (d) January 1, 2000 | 85% or more. |

(2) The paper recycling system established by the department shall provide for the expansion and improvement of any wastepaper recycling system that exists on March 30, 1989 and shall provide for all of the following:

- (a) An aggressive program to locate and develop, if necessary, markets for recyclable wastepaper products.
- (b) An education program to assure that employees who participate in the recycling system are knowledgeable about both of the following:
  - (i) The importance of recycling paper.
  - (ii) The components of the paper recycling system and how the system will impact each employee.
- (c) The recovery of all wastepaper for which a market is available and accessible.
- (d) The separation of the recyclable wastepaper by the generator in close proximity to the point at which the paper product enters the waste stream.
- (e) A central collection system within each building or office of facility that is participating in the recycling system.
- (f) The compiling of information and the preparation of an annual written report to be sent to the governor, the senate majority leader, the speaker of the house, and the chief justice of the supreme court, detailing the implementation and operation of the paper recycling system; the level of participation in the paper recycling system of offices, facilities, and agencies within each branch of government; the availability of markets for the wastepaper collected; recommendations on how the market for recycled paper can be stimulated; and recommendations regarding whether the system can be and should be expanded.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled MCL 324.99903 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16503 Proceeds of paper recycling system; disposition; use.**

Sec. 16503. The proceeds of the paper recycling system shall be forwarded to the state treasurer and credited to the office services revolving fund created in section 269 of the management and budget act, Act No. 431 of the Public Acts of 1984, being section 18.1269 of the Michigan Compiled Laws, to be utilized by the department of management and budget to implement this part and to reimburse other state departments that incur expenses under this part.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

## PART 167 USED OIL RECYCLING

### **324.16701 Definitions.**

Sec. 16701. As used in this part:

(a) "Motor oil" means oil used as a lubricant in a motor vehicle.

(b) "Oil" means petroleum based oil.

(c) "Recycle" means to prepare used oil for reuse as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means to utilize used oil in a manner that substitutes for a petroleum product made from new oil, if the preparation or use is operationally safe, environmentally sound, and complies with the law, rules, and regulations of this state and the United States.

(d) "Used oil" means oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16702 Plan to promote recycling of motor oil; public education program.**

Sec. 16702. The department shall implement a plan to promote the recycling of motor oil by the public and private sectors. The department shall conduct a public education program to inform the public and private sectors of the need for, and benefit of, collecting and recycling used oil in order to conserve resources and protect the natural resources of this state.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16703 Plan to recycle motor oil; demonstration used oil recycling project; project plan; funding.**

Sec. 16703. (1) The director of the department of management and budget shall formulate and implement a plan to recycle the motor oil used by the departments and agencies of this state.

(2) The department shall conduct a demonstration used oil recycling project that does all of the following:

(a) Provides for a system of used oil recycling tanks or barrels for use by the general public. The recycling tanks or barrels shall be located in designated state owned vehicle maintenance garages or other publicly owned structures that the department determines meet both of the following criteria:

(i) Are locations where used oil is generated from oil changes for state owned vehicles or vehicles operated under contracts with this state.

(ii) Are locations where oil recycling services are not otherwise available to the general public.

(b) Promotes public awareness of the availability to the general public of recycling tanks or barrels for used oil.

(3) The department shall establish a project plan for conducting the demonstration project provided for in subsection (2). The project plan shall include the number of locations, proposed sites, methods of public notice, security procedures, and model language for cooperative agreements with other state agencies for use

of their facilities in the demonstration project.

(4) Funding necessary to implement this part may come from any lawful source, including appropriations, funds from private sources, and funds generated from the sale of general obligation bonds.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

**324.16704 Disposal of used oil; designation of land as collection facility; placement in receptacle or container; applicability of subsection (1); disposal of used oil in municipal solid waste incinerator; violation as misdemeanor; penalty; enforcement actions; criteria used in designating collection facilities.**

Sec. 16704. (1) A person shall not dispose of or cause the disposal of used oil by dumping used oil onto the ground; discharging, dumping, or depositing used oil into sewers, drainage systems, surface waters, groundwaters, or other waters of this state; except as provided in subsection (2), by incineration; as refuse; or onto any public or private land unless the land is designated by the state or an agency or political subdivision of the state as a collection facility for the disposal, dumping, or deposit of used oil and if the used oil is placed in a receptacle or container installed or located at the collection facility.

(2) Subsection (1) does not apply to the use of used oil in an incinerator or other heater that is operated for purposes of providing heat or energy, or as a rust preventive coating on farm or construction equipment.

(3) Notwithstanding subsection (2), beginning March 28, 1994, used oil shall not be disposed of in a municipal solid waste incinerator as defined in part 115.

(4) Beginning on July 1, 1991, a person who violates this section is guilty of a misdemeanor punishable by imprisonment for 90 days or a fine of not more than \$1,000.00, or both. In place of a sentence provided in this subsection, the court may order that the defendant engage in court supervised recycling-related labor for a number of hours determined by the court, including, but not limited to, oil recycling. A violation of this section by a person, other than an individual, is punishable by a fine of not more than \$2,500.00.

(5) This section does not prohibit enforcement actions under other state or federal laws applicable to an activity described in this section.

(6) The department shall establish criteria to be used in designating collection facilities under subsection (1). In developing the criteria, the department shall encourage private and local collection facilities as an integral part of the department's efforts to establish a statewide network of collection facilities as required in section 16705(a).

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

**324.16705 Comprehensive plan.**

Sec. 16705. In addition to the other powers and duties of the department under this part, by January 1, 1991, the department shall develop and submit to the legislature a comprehensive plan that does all of the following:

(a) Provides for a network of private, state, and local collection facilities on a statewide basis by July 1, 1991 to facilitate compliance with section 16704.

(b) Provides for a publicity program to assure that the public is aware of the requirements of section 16704, the location of collection facilities, and the penalties for violating section 16704.

(c) Provides 1 or more proposed funding mechanisms that the department considers feasible to assure that an operational collection facility network is available statewide by July 1, 1991.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

PART 169  
SCRAP TIRES

**324.16901 Definitions.**

Sec. 16901. (1) As used in this part:

(a) "Abandoned scrap tires" means an accumulation of scrap tires on property where the property owner is not responsible in whole or in part for the accumulation of the scrap tires. For the purposes of this subdivision, an owner who purchased or willingly took possession of an existing scrap tire collection site shall be considered by the department to be responsible in whole or in part for the accumulation of the scrap tires.

(b) "Automotive recycler" means that term as defined in section 2a of the Michigan vehicle code, 1949 PA 300, MCL 257.2a.

(c) "Bond" means a performance bond from a surety company authorized to transact business in this state, a certificate of deposit, a cash bond, or an irrevocable letter of credit, in favor of the department.

(d) "Collection site" means, subject to subdivision (e), a site consisting of a parcel or adjacent parcels of real property where any of the following are accumulated:

(i) 500 or more scrap tires. This subparagraph does not apply if that property is owned or leased by and associated with the operations of a retailer or automotive recycler or a commercial contractor as described in subparagraph (iv).

(ii) 1,500 or more scrap tires if that property is owned or leased by and associated with the operations of a retailer that is not also an automotive recycler.

(iii) 2,500 or more scrap tires if that property is owned or leased by and associated with the operations of an automotive recycler.

(iv) More than 150 cubic yards of tire chips if that property is owned or leased by and associated with the operations of a commercial contractor that is authorized to use the tire chips as an aggregate replacement in a manner approved by a designation of inertness for scrap tires or is otherwise authorized for such use by the department under part 115.

(e) "Collection site" does not include a disposal area licensed under part 115, a community cleanup site, a racecourse, or a feed storage location.

(f) "Commodity" means crumb rubber, tire chips, a ring or slab cut from a tire for use as a weight, or a product die-cut or punched from a tire, or any other product that, as determined by the department based on the product's production cost and value, is not likely to result in an accumulation, at the site of production or use, that poses a threat to public health or the environment. A product is not a commodity unless it meets published national standards or specifications that the department determines are relevant to accomplishing the purposes of this part.

(g) "Commodity storage area" means 1 or more locations within a collection site where a commodity is stored.

(h) "Community cleanup site" means a site owned by a local unit of government or nonprofit organization that has received a scrap tire cleanup grant under section 16908(2)(c) and uses this site for the purpose of collecting scrap tires from residents as part of a community cleanup day or resident drop off.

(i) "Crumb rubber" means rubber material derived from tires that is less than 1/8 inch by 1/8 inch in size and is free of steel and fiber.

(j) "Department" means the department of environmental quality.

(k) "End-user" means any of the following:

(i) A person who possesses a permit to burn tires under part 55.

(ii) The owner or operator of a landfill that is authorized under the landfill's operating license to use scrap tires.

(iii) A person who uses a commodity to make a product that is sold in the market.

(iv) A person who is authorized by this part to accumulate scrap tires, who acquires scrap tires, and who converts scrap tires into a product that is sold in the market or reused in a manner authorized by this part.

(l) "Farm" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(m) "Farm operation" means that term as defined in section 2 of the Michigan right to farm act, 1981 PA 93, MCL 286.472.

(n) "Feed storage location" means a location on a parcel or adjacent parcels of real property containing a farm operation where not more than 3,000 scrap tires are used to secure stored feed.

(o) "Fund" means the scrap tire regulatory fund created in section 16908.

(p) "Landfill" means a landfill as defined in section 11504 that is licensed under part 115.

(q) "Law enforcement officer" means any law enforcement officer who is trained and licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or an officer appointed by the director of the department of state police under section 6d of 1935 PA 59, MCL 28.6d.

(r) "Outdoor" or "outdoors" means in a place other than a building or covered vehicle.

(s) "Portable shredding operation" means a person who operates scrap tire shredding equipment that

produces a commodity or tire shreds and that can be moved from site to site.

(t) "Racecourse" means a commercially operated track for go-carts, off-road recreational vehicles, motorcycles, or other vehicles that uses scrap tires as bumpers along the track for safety purposes and that meets 1 or more of the following requirements:

(i) Uses not more than 3,000 scrap tires for bumpers.

(ii) Is operated on a temporary basis and, between races, stores the scrap tires at a collection site bonded under section 16903 and registered under section 16904.

(u) "Retailer" means a person who sells or offers for sale new, retreaded, or remanufactured tires to consumers in this state.

(v) "Retreader" means a person who retreads, recases, or recaps tire casings for reuse.

(w) "Scrap tire" means a tire that is no longer being used for its original intended purpose including, but not limited to, a used tire, a reusable tire casing, or portions of a tire. Scrap tire does not include a vehicle support stand.

(x) "Scrap tire hauler" means a person who transports more than 10 scrap tires at once in a vehicle on a public road or street. Scrap tire hauler does not include any of the following:

(i) A person, other than a commercial business, who transports that person's own tires to a location authorized in section 16902(1).

(ii) A member of a nonprofit service organization who is participating in a community service project and is transporting scrap tires to a location authorized in section 16902(1).

(iii) The owner of a farm who is transporting only scrap tires that originated from his or her farm operation, to a location authorized in section 16902(1), or that are intended for use in a feed storage location.

(iv) A solid waste hauler that is transporting solid waste to a disposal area licensed under part 115.

(v) A person who is transporting only a commodity.

(vi) A retreader who is transporting scrap tires for the purpose of retreading, recasing, or recapping and who has the documentation required in section 16906(5).

(y) "Scrap tire processor" means either of the following:

(i) A person who is authorized by this part to accumulate scrap tires and is engaged in the business of buying or otherwise acquiring scrap tires and reducing their volume by shredding or otherwise facilitating recycling or resource recovery techniques for scrap tires.

(ii) A portable shredding operation.

(z) "Solid waste hauler" means a solid waste hauler as defined in section 11506 who transports less than 25% by weight or volume of scrap tires along with other solid waste in any truckload to a disposal area licensed under part 115.

(aa) "Storage requirements" means the requirements of section 16903(1) and, if applicable, (2).

(bb) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a tractor or other farm machinery or of a vehicle.

(cc) "Tire chip" means a portion of a tire that is any of the following:

(i) Not more than 2 inches by 2 inches in size and meets requirements for size, metal content, and cleanliness as specified in an executed contract for delivery of the material by the scrap tire processor.

(ii) Not more than 3/8 inch by 3/8 inch in size and sufficiently free from steel to be used in the construction and modification of sports surfaces such as golf course turf, athletic field turf, athletic tracks, hiking surfaces, livestock show arena surfaces, and playgrounds.

(iii) To be used in a drain field approved under a district or county sanitary code.

(iv) To be used as ground cover or mulch, if, in aggregate, 95% of the material is equal to or less than 3/4 inch in size in any dimension and the material contains less than 1% by weight or volume of steel and fiber.

(v) Approved by the department for use at a landfill as daily cover or a leachate collection system protective layer or for access road construction within a lined cell.

(dd) "Tire shred" means a portion of a tire that is not a commodity.

(ee) "Tire storage area" means a location within a collection site where tires are accumulated.

(ff) "Vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a highway. Vehicle does not include a device that is exclusively moved by human power or used exclusively upon stationary rails or tracks or a mobile home as defined in section 2 of the mobile home commission act, 1987 PA 96, MCL 125.2302.

(gg) "Vehicle support stand" means equipment used to support a stationary vehicle consisting of an inflated tire and wheel that is attached to another wheel.

(2) A reference in this part to a number of scrap tires means either of the following, or an equivalent combination thereof:

(a) That number of whole tires or reusable tire casings.

(b) A quantity of a commodity or tire shreds equivalent in weight to that number of whole tires.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 268, Imd. Eff. Jan. 8, 1996;—Am. 1997, Act 17, Imd. Eff. June 11, 1997;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 520, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015;—Am. 2016, Act 294, Eff. Jan. 2, 2017.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16902 Delivery of scrap tire; limitations; removal; scope of subsection (2); presumptions.**

Sec. 16902. (1) A person shall deliver a scrap tire only to, and only with the consent of the owner or operator of, 1 of the following that is in compliance with this part:

(a) A collection site registered under section 16904.

(b) A location that has legally accumulated scrap tires below the regulatory threshold for qualifying as a collection site as specified in section 16901(d).

(c) A disposal area licensed under part 115.

(d) An end-user.

(e) A scrap tire processor.

(f) A retailer.

(2) A person shall not by contract, agreement, or otherwise arrange for the removal of scrap tires except with 1 of the following:

(a) A scrap tire hauler that is registered pursuant to section 16905 and that by contract, agreement, or otherwise is obligated to deliver the scrap tires to the destination as identified under section 16905(3)(c).

(b) If the scrap tires are a commodity, a person hauling only a commodity.

(c) If the scrap tires are tire casings, a retreader hauling only tire casings.

(d) A solid waste hauler.

(3) Subsection (2) does not do any of the following:

(a) Prohibit a person from transporting his or her scrap tires to a site authorized by subsection (1).

(b) Prohibit a member of a nonprofit service organization who is participating in a community service project from transporting scrap tires to a site authorized by subsection (1).

(c) Prohibit the owner of a farm from transporting scrap tires that originated from his or her farm operation to a site authorized by subsection (1).

(d) Prohibit a solid waste hauler from transporting solid waste to a disposal area licensed under part 115.

(4) The driver of a vehicle used to transport scrap tires is presumed to be responsible for any scrap tires transported, discarded, or disposed of from the vehicle in violation of this section.

(5) In a proceeding for a violation of this section committed using a vehicle, it is presumed that the registered owner of the vehicle at the time of the violation or, if the registered owner is not an individual, the registered owner's agent was the driver of the vehicle at the time of the violation. However, if the vehicle was leased at the time of the violation, it is presumed that the lessee or, if the lessee is not an individual, the lessee's agent was the driver of the vehicle at the time of the violation.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 521, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16902a Repealed. 2002, Act 496, Imd. Eff. July 3, 2002.**

**Compiler's note:** The repealed section pertained to retailer disposal of scrap tires and maintenance of records.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16903 Accumulation of scrap tires outdoors by owner or operator of collection site; compliance; bond required; exception; drawing on bond; notice; order.**

Sec. 16903. (1) A person who owns or operates a collection site where fewer than 2,500 scrap tires are accumulated outdoors shall comply with all of the following:

(a) Scrap tires shall be stored in the tire storage area identified on the scrap tire collection site registration application map and approved by the department.



(b) Only scrap tires shall be accumulated in the tire storage area.

(c) Subject to subdivision (f), the scrap tires shall be accumulated in piles no greater than 15 feet in height with horizontal dimensions no greater than 200 by 40 feet.

(d) Subject to subdivision (f), the scrap tires shall not be within 20 feet of the property line or within 60 feet of a building or structure.

(e) Subject to subdivision (f), there shall be a minimum separation of 30 feet between scrap tire piles. The open space between the piles shall at all times be free of rubbish, equipment, and other materials.

(f) Scrap tire piles shall be accessible to fire fighting equipment. If the requirement of this subdivision is met, the local fire department that serves the jurisdiction in which the collection site is located may grant a variance from the requirements of subdivision (c), (d), or (e). A variance under this subsection shall be in writing.

(g) Scrap tires shall be isolated from other stored materials that may create hazardous products if there is a fire, including, but not limited to, lead acid batteries, fuel tanks, solvent barrels, and pesticide containers.

(h) Except for scrap tires that are a commodity used to create a storage pad for, or a roadway for access to, other scrap tires that are also a commodity, scrap tires shall not be placed in the open spaces between tire piles or used to construct on-site roads.

(i) The owner or operator of the collection site shall allow the local fire department that serves the jurisdiction in which the collection site is located to inspect the collection site at any reasonable time.

(j) All persons employed to work at the collection site shall be trained in emergency response operations. The owner or operator of the collection site shall maintain training records and shall make these records available to the local fire department that serves the jurisdiction in which the collection site is located.

(2) A person who owns or operates a collection site where at least 2,500 but fewer than 100,000 scrap tires are accumulated outdoors shall comply with all of the following:

(a) All of the requirements of subsection (1).

(b) The tire storage area shall be completely enclosed with a fence that is at least 6 feet tall with lockable gates and that is designed to prevent easy access.

(c) An earthen berm not less than 5 feet in height shall completely enclose the tire storage area except to allow for necessary ingress and egress from roadways and buildings.

(d) The collection site shall contain sufficient drainage so that water does not pool or collect on the property.

(e) The approach road to the tire storage area and on-site access roads to the tire storage area shall be of all-weather construction and maintained in good condition and free of debris and equipment so that it is passable at all times for fire fighting and other emergency vehicles. If the local fire department for the jurisdiction where the collection site is located submits to the department a written determination that the on-site access roads do not ensure that the site is accessible to emergency vehicles at all times during the year, the department of environmental quality shall consider the on-site access roads to be in violation of this requirement.

(f) Tire storage areas shall be mowed regularly or otherwise kept free of weeds, vegetation, and other growth at all times.

(g) An emergency procedures plan shall be prepared and displayed at the collection site. The plan shall include telephone numbers of the local fire and police departments. The plan shall be reviewed by the local fire department prior to being posted.

(h) Scrap tires shall not be accumulated in excess of 10,000 cubic yards of scrap tires per acre.

(3) A person who owns or operates a collection site where 100,000 or more scrap tires are accumulated outdoors shall comply with all of the requirements of subsections (1) and (2) and shall operate as a scrap tire processor.

(4) Except as otherwise provided in this subsection, subsection (6), and section 16903b, a person who owns a collection site shall maintain a bond in favor of the department. If the collection site registration application under section 16904 includes a written agreement between the owner and the operator of the collection site that requires the operator to maintain the bond and the department approves that requirement, then the operator shall maintain the bond. The bond shall be on a form approved by the department. If the operator is required to maintain the bond under this subsection but fails to do so, both the owner and operator are responsible for a violation of this subsection. The amount of the bond shall be not less than the sum of \$25,000.00 per quarter acre, or fraction thereof, of outdoor tire storage area, and \$2.00 per square foot of tire storage area in a building. However, for collection sites with fewer than 2,500 tires, the bond shall not exceed \$2,500.00.

(5) A person who elects to use a certificate of deposit as a bond under subsection (4) shall receive any accrued interest on that certificate of deposit upon release of the bond by the department. If a person elects to

post cash as a bond, interest shall accrue on that bond quarterly at the annual rate of 6%, except that the interest rate payable to the person who maintained the bond shall not exceed the rate of interest accrued on the state common cash fund for the quarter in which an accrual is determined. Interest shall be paid to the person who maintained the bond upon release of the bond by the department. Any interest greater than 6% shall be deposited into the fund.

(6) A bond is not required under subsection (4) for a commodity storage area that meets all of the following requirements:

(a) The commodity is stored in accordance with the requirements of subsection (1).

(b) Not less than 75% of the commodity, by weight or volume, that is stored at the collection site each calendar year is removed from the collection site to a market during that year, and the collection site owner or operator certifies compliance with this subdivision on a form approved by the department.

(c) The areas of the collection site that are used for storage of the commodity are not larger than a total of 1 acre and those areas are indicated on a survey by a registered professional engineer submitted to the department as part of the collection site registration.

(7) Subject to subsections (8) and (9), the department may utilize a bond required under subsection (4) for the costs of any of the following:

(a) Removing scrap tires from the collection site.

(b) Bringing the collection site into compliance with this part.

(c) Cleanup at the collection site.

(d) Fire suppression or other costs associated with responding to a fire or other emergency at a collection site, including reimbursement to any local unit of government that incurred those costs.

(8) The department may draw on the bond required under subsection (4) if any of the following apply:

(a) There is a fire or other emergency at the collection site.

(b) The collection site owner becomes insolvent.

(c) The owner or operator of the collection site violates this part and does not cause the removal of the scrap tires as ordered by the department or a court of competent jurisdiction.

(d) The owner or operator of the collection site fails to extend or renew the bond under its terms or establish alternate financial assurance under subsection (4) at least 30 days before the expiration date or cancellation date of the bond, unless the owner or operator is exempt from the requirement to obtain a bond under section 16903b.

(9) At least 7 days before the department draws on the bond under subsection (8)(b) or (c), the department shall issue a notice or order alleging that the owner or operator of the collection site is insolvent or violated this part and shall provide an opportunity for an informal hearing. This subsection does not apply if the bond is drawn upon under subsection (8)(c) as a result of failure to cause the removal of scrap tires as ordered by a court.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1997, Act 17, Imd. Eff. June 11, 1997;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 522, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16903a Fires at collection sites; statewide response plan.**

Sec. 16903a. The department of environmental quality shall prepare and implement a statewide response plan for responding to fires at collection sites.

**History:** Add. 1997, Act 17, Imd. Eff. June 11, 1997.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16903b Bond; exemptions; noncompliance; notice; compliance with subsection (1).**

Sec. 16903b. (1) Subject to subsection (2), the owner and operator of a collection site are exempt from the requirement to obtain a bond under section 16903(4) if all of the following requirements are met:

(a) The owner or operator of the collection site is a scrap tire processor.

(b) Not less than 75% of the scrap tires, by weight or volume, that are stored at the collection site each calendar year are recycled or used for resource recovery during that year.

(c) The collection site has been in compliance with storage requirements for at least 1 year.

(d) The owner or operator annually certifies compliance with the requirements of this subsection on a form approved by the department.

(2) If the department determines that the owner or operator of a collection site is not in compliance with subsection (1), the department shall deliver to the collection site owner or operator, or both, a notice of

noncompliance. If, within 60 days after receipt of that notice, the owner or operator who received the notice does not bring the collection site into compliance with subsection (1), the owner or operator shall comply with section 16903(4). Once an owner or operator is required to obtain a bond under section 16903(4), the bond shall be maintained unless the owner or operator brings the collection site into compliance with subsection (1).

(3) If a scrap tire processor has maintained its collection site in compliance with subsection (1) for 5 years, the scrap tire processor may move its operation to a new collection site location and remains exempt from the requirement to maintain a bond under section 16903(4) as long as the scrap tire processor continues to comply with subsection (1).

**History:** Add. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 523, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16903c Maintenance limiting mosquito breeding; requirements; violation; penalty; payment default.**

Sec. 16903c. (1) The owner or operator of a collection site shall ensure that tires at a collection site are maintained in a manner that limits the potential of mosquito breeding by complying with 1 or more of the following:

(a) The tires shall be covered by plastic sheets or other impermeable barriers to prevent the accumulation of precipitation.

(b) The tires shall be chemically treated to eliminate mosquito breeding.

(c) The tires shall be baled, shredded, or chipped into pieces no larger than 4 inches by 6 inches and stored in piles that allow complete water drainage.

(2) A person who violates this section is responsible for a state civil infraction and may be ordered to pay a civil fine of not more than \$400.00, plus costs.

(3) A default in the payment of a civil fine or costs ordered under this section or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

**History:** Add. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16904 Owner or operator of collection site or portable shredding operation; application for registration; form; documentation of bonding; compliance with storage requirements; fee.**

Sec. 16904. (1) By January 31 of each year, the owner or operator of a collection site or portable shredding operation shall submit an application for registration to the department. If a person who owns or operates a collection site is also a portable shredding operation, the person may submit a single application covering both. The application shall be on a form provided by the department and shall contain the information required by the department. The application for registration of a collection site shall include all of the following:

(a) Documentation that the collection site is bonded for the registration period as required by section 16903(4), if applicable.

(b) The signature of the applicant and, if the applicant is not the owner of the real property, the signature of the owner.

(2) The department shall not register a collection site unless the collection site is in compliance with the storage requirements.

(3) A \$200.00 registration fee shall accompany each annual application for registration under this section. The department shall deposit money collected under this subsection into the state treasury to be credited to the fund.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2006, Act 527, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16904a End user; exemption.**

Sec. 16904a. (1) Except as provided in subsection (2), an end-user is exempt from this part for scrap tires

stored on the site of the end-user if not less than 75% of the scrap tires, by weight or volume, that are stored on site each calendar year are recycled or used for resource recovery during that year, and the end-user annually certifies his or her compliance with this section on a form approved by the department.

(2) All end-users shall comply with the requirements of section 16906.

**History:** Add. 1997, Act 17, Imd. Eff. June 11, 1997;—Am. 2002, Act 496, Imd. Eff. July 3, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16904b Regulation of scrap tires as solid waste.**

Sec. 16904b. Scrap tires that are managed in compliance with this part are exempt from regulation as solid waste under part 115. Scrap tires that are not managed in compliance with this part are regulated as solid waste under part 115 in addition to being regulated under this part.

**History:** Add. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16905 Scrap tire hauler; registration; form; contents; presentment; display of number; maintenance, availability, and contents of record; disposal at other location prohibited; original record; copy; bond; use; conditions for drawing on; notice; order.**

Sec. 16905. (1) By January 31 of each year, a scrap tire hauler shall submit an application for registration to the department. The application shall be on a form provided by the department and shall contain the information required by the department. The application shall include documentation that the scrap tire hauler is bonded as required by subsection (6) for the registration period.

(2) A scrap tire hauler when transporting scrap tires shall have in his or her possession a copy of the current unexpired scrap tire hauler registration and shall present it upon demand of the department or a law enforcement officer. The scrap tire hauler registration number issued by the department shall be visibly displayed on a motor vehicle transporting scrap tires, whether the scrap tires are transported in or on the motor vehicle or a trailer. The number shall be in block style numerals at least 2 inches high and located on the driver's side of the vehicle but not on a window. The color of the numerals shall contrast with the background vehicle color.

(3) A scrap tire hauler shall maintain a record of each load or consolidated load of scrap tires he or she transports on forms approved by the department. The record shall be maintained for 3 years and shall be made available, upon request, to the department or to a law enforcement officer at reasonable hours. The record shall contain all of the following information:

(a) The name, address, telephone number, authorized signature, and registration number of the scrap tire hauler.

(b) The name, address, telephone number, and authorized signature of the person who contracts for the removal of the scrap tires.

(c) The name, address, telephone number, and, upon delivery, the authorized signature, as required under section 16906(3), of the owner or operator of the location described in section 16902(1) where the tires are to be delivered.

(d) The date of removal and the number of scrap tires being transported.

(4) A scrap tire hauler shall not dispose of scrap tires at a location other than the location identified under subsection (3)(c).

(5) The original record as required by subsection (3) shall be in the possession of the scrap tire hauler during the actual transportation of the scrap tires. A copy of the record provided for in subsection (3) shall be provided to the person who contracts for the removal of scrap tires at the time of removal of the tires from the originating location. A copy shall also be provided to the owner or operator of the location described in section 16902(1) to which the scrap tires are delivered at the time of delivery.

(6) A scrap tire hauler shall maintain a bond in favor of the department, unless the scrap tire hauler is owned and operated by a scrap tire processor in compliance with this part. The bond shall be on a form approved by the department. The amount of the bond shall be \$10,000.00.

(7) A person who elects to use a certificate of deposit as a bond under subsection (6) shall receive any accrued interest on that certificate of deposit. If cash is posted as a bond, interest shall accrue on the bond quarterly, at the annual rate of 6%, except that the interest rate payable to the scrap tire hauler shall not exceed the rate of interest accrued on the state common cash fund for the quarter in which an accrual is determined. Interest shall be paid to the scrap tire hauler upon release of the bond by the department. Any interest greater

than 6% shall be deposited into the fund.

(8) Subject to subsections (9) and (10), the department may utilize a bond required under subsection (6) for the costs of any of the following:

- (a) Removing scrap tires accumulated by the scrap tire hauler.
- (b) Removing scrap tires deposited at an illegal location by the scrap tire hauler.
- (c) Bringing scrap tires accumulated or deposited by the scrap tire hauler into compliance with this part.
- (d) Cleanup of scrap tires accumulated or deposited by the scrap tire hauler.
- (e) Fire suppression or other costs associated with responding to a fire or other emergency involving the scrap tire hauler or a site where scrap tires have been accumulated or deposited by the scrap tire hauler, including reimbursement to any local unit of government that incurred those costs.

(9) The department may draw on the bond required under subsection (6) if any of the following apply:

- (a) There is a fire or other emergency involving the scrap tire hauler or a site where scrap tires have been accumulated or deposited by the scrap tire hauler.
- (b) The scrap tire hauler becomes insolvent.
- (c) The scrap tire hauler violates this part and does not cause the removal of the tires as ordered by the department or a court of competent jurisdiction.
- (d) The scrap tire hauler fails to extend or renew the bond under its terms or establish alternate financial assurance under subsection (6) at least 30 days before the expiration date or cancellation date of the bond.

(10) At least 7 days before the department draws on the bond under subsection (9)(b) or (c), the department shall issue a notice or order alleging that the scrap tire hauler is insolvent or violated this part and shall provide an opportunity for an informal hearing. This subsection does not apply if the bond is drawn upon under subsection (9)(c) as a result of failure to cause the removal of scrap tires as ordered by a court.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 527, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16906 Record.**

Sec. 16906. (1) A person who by contract, agreement, or otherwise arranges for the removal of scrap tires from a property under his or her control, including an end-user, shall do all of the following:

(a) If a complete record is not obtained from the registered scrap tire hauler pursuant to section 16905(5) or from an owner, operator, or authorized agent of a location pursuant to subsection (3), promptly notify the department of the missing record or information.

(b) Maintain the records described in subdivision (a) at the site of removal for 3 years.

(c) Make the records available to the department or a law enforcement officer upon request during reasonable hours.

(2) A person who receives scrap tires, including an end-user, shall maintain a record of all scrap tires received. The record shall be maintained for 3 years and shall be made available upon request to the department or a law enforcement officer at reasonable hours. The record shall contain all of the information required of a scrap tire hauler in section 16905(3).

(3) Upon acceptance of scrap tires at a location authorized by section 16902(1), the owner, operator, or authorized agent of that location shall sign the record, indicating acceptance of the scrap tires, and provide a copy of the signed record to the person delivering the scrap tires. Within 30 days, the owner or operator of the location receiving the scrap tires shall forward a copy of the signed record to the person who by contract, agreement, or otherwise arranged for the removal of the scrap tires being delivered. If the number of scrap tires received by a location authorized by section 16902(1) differs from the number of scrap tires indicated on the record provided for in section 16905(3) by the person who by contract, agreement, or otherwise arranged for the removal of the scrap tires being delivered or by the scrap tire hauler, the owner or operator of the location receiving the scrap tires shall contact the person who arranged for removal of the scrap tires or the scrap tire hauler, or both, as necessary, and determine where any additional tires received by that location originated or where any missing tires not received by that location were taken.

(4) If a consumer purchases replacement tires at a retailer and retains the tires being replaced, the retailer shall obtain the signature of the consumer on an invoice, receipt, or other record acknowledging retention of the scrap tires unless the consumer refuses.

(5) A retreader shall maintain for 3 years, and make available upon request to the department or a law enforcement officer at reasonable hours, all records required to be carried or maintained with the retreader's tire casings including all of the following:

(a) A retread work order that includes the customer's name, date of transaction, retreader DOT

identification number pursuant to 49 CFR part 574, order number, and details of casing information for the casing intended for processing. Work orders shall reflect the number of tires that are being transported and retreaded.

(b) A work order sales report that specifies the work process detail for the customer work order. This report shall be returned to the customer with the work order number and invoice.

(c) An invoice stating the sales transaction of the retread process that was completed for the customer.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 529, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16907 Report to legislature.**

Sec. 16907. By January 1, 1996, the department shall report to the legislature on all of the following:

(a) The effectiveness of this part and whether the department recommends any changes in this part.

(b) The volume of tires that are being disposed of in landfills and whether the department recommends banning tires from landfills in the future.

(c) Whether a manifest system to track scrap tires would be useful in the enforcement of this part.

(d) Whether, under certain circumstances, the fund should be used for the cleanup of abandoned scrap tires on land owned by persons other than the state or a municipality or county.

(e) Whether sufficient collection sites are available for the disposal of scrap tires from private individuals.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16908 Scrap tire regulatory fund; creation; investment; interest and earnings; department as administrator for auditing purposes; no reversion to general fund; use of money in fund; grants.**

Sec. 16908. (1) The scrap tire regulatory fund is created in the state treasury. The fund shall receive money as provided by law and any gifts or contributions to the fund. The state treasurer shall direct the investment of the fund. Interest and earnings of the fund shall be credited to the fund. The department shall be the administrator of the fund for auditing purposes. Money in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the general fund.

(2) Subject to subsection (4), money in the fund shall be used, upon appropriation, for all of the following purposes:

(a) For administrative costs of the department associated with this part including the implementation and enforcement of this part. However, money shall not be expended under this subdivision for the employment of more than 11 full-time equated positions.

(b) For the administrative costs of the secretary of state associated with the collection of the tire disposal surcharge pursuant to section 806 of the Michigan vehicle code, 1949 PA 300, MCL 257.806.

(c) For the cleanup or collection of abandoned scrap tires and scrap tires at collection sites. The department shall give priority to funding activities under this subdivision at collection sites in which the scrap tires were accumulated before January 1, 1991 and to collection sites that pose an imminent threat to public health, safety, welfare, or the environment. For collection sites that have accumulated tires after January 1, 1991, a lien in favor of this state, up to the value of the cleanup grant amount and any increase in the value of the property as a result of the cleanup of the property with grant funds, shall be placed on the property that is affected by the removal of the tires as provided in section 16908b. Before making a grant under this subdivision, the department shall consider the extent to which the making of the grant would contribute to the achievement of a balanced distribution of grants under this subdivision throughout this state. If a grant is awarded under this subdivision for collecting scrap tires at a community cleanup site, the tires shall be removed from the community cleanup site by the time specified in the grant contract.

(d) For grants to reimburse the cost of purchasing scrap tires to support the development of increased markets for scrap tires. Only the cost of purchasing scrap tires from scrap tire processors in this state or other generators of scrap tires in this state is eligible for reimbursement under this subdivision.

(e) For grants of up to 50% of the cost of purchasing equipment, or research and development, to provide for a new or increased use for scrap tires.

(f) For costs associated with enforcement of this part, including grants to local law enforcement agencies.

(3) Applications for grants under subsection (2) shall be submitted on a form approved by the department

and shall contain the information required by the department. The department shall publish criteria upon which the grants will be issued and shall make that information available to grant applicants.

(4) For the fiscal year ending September 30, 2020, only, \$4,000,000.00 of the money in the scrap tire regulatory fund is transferred to and must be deposited into the general fund.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 268, Imd. Eff. Jan. 8, 1996;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 524, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015;—Am. 2020, Act 201, Imd. Eff. Oct. 15, 2020.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16908a Development of markets for scrap tires.**

Sec. 16908a. The department of environmental quality shall assist owners and operators of collection sites and scrap tire processors in this state in developing markets for scrap tires.

**History:** Add. 1997, Act 17, Imd. Eff. June 11, 1997.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16908b Unpaid cleanup costs; lien; filing of petition by attorney general; type of lien; duration; release.**

Sec. 16908b. (1) All unpaid cleanup costs for scrap tires accumulated after January 1, 1991 that are incurred under section 16908(2)(c), including any staff costs, costs of surveillance and enforcement, and attorney costs or fees constitute a lien in favor of this state upon a collection site that has been the subject of cleanup activity by this state. A lien under this subsection has priority over all other liens and encumbrances except liens and encumbrances recorded before the date the lien under this subsection is recorded. A lien under this subsection arises when this state first incurs such cleanup costs at the collection site.

(2) If the attorney general determines that the lien provided in subsection (1) is insufficient to protect the interest of this state in recovering the cleanup costs at a collection site, the attorney general may file a petition in the circuit court for the county in which the property is located seeking either or both of the following:

(a) A lien upon the collection site subject to the scrap tire cleanup activity that takes priority over all other liens and encumbrances that are or have been recorded on the collection site.

(b) A lien upon real or personal property or rights to real or personal property other than the collection site, owned by the person who owns the collection site, having priority over all other liens and encumbrances recorded prior to the date the lien under this subsection is recorded. However, the following are not subject to the lien provided for in this subdivision:

(i) Assets of a qualified pension plan or individual retirement account under the internal revenue code.

(ii) Assets held expressly for the purpose of financing a dependent's college education.

(iii) Up to \$500,000.00 in nonbusiness real or personal property or rights to real or personal property, except that not more than \$25,000.00 of this amount may be cash or securities.

(3) A petition submitted pursuant to subsection (2) shall set forth with as much specificity as possible the type of lien sought, the property that would be affected, and the reasons the attorney general believes the lien is necessary. Upon receipt of a petition under subsection (2), the court shall promptly schedule a hearing to determine whether the petition should be granted. Notice of the hearing shall be provided to the attorney general, the property owner, and any persons holding liens or perfected security interests in the real property subject to the cleanup activity.

(4) In addition to the lien provided in subsections (1) and (2), if this state incurs costs for cleanup activity under section 16908(2)(c) that increase the market value of the real property that is the location of the cleanup activity, the increase in value caused by the state-funded cleanup activity, to the extent this state incurred unpaid cleanup costs, constitutes a lien in favor of the state upon the real property. This lien has priority over all other liens or encumbrances that are or have been recorded upon the property.

(5) A lien provided in subsection (1), (2), or (4) is perfected against real property when a notice of lien is filed by the department with the register of deeds in the county in which the real property is located. In addition, the department shall, at the time of the filing of the notice of lien, provide a copy of the notice of lien to the owner of that property by certified mail.

(6) A lien under this section continues until the liability for the cleanup costs is satisfied.

(7) Upon satisfaction of the liability secured by the lien, the department shall file a notice of release of lien in the same manner as provided in subsection (5).

**History:** Add. 2006, Act 528, Imd. Eff. Dec. 29, 2006.

**Popular name:** Act 451

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**Popular name:** NREPA

### **324.16908c Intentional open burning of scrap tire prohibited.**

Sec. 16908c. A person shall not intentionally engage in the open burning of a scrap tire.

**History:** Add. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

### **324.16909 Violation as misdemeanor; penalties; separate violations; issuance of appearance ticket; section inapplicable to violation of MCL 324.16903c; false statement.**

Sec. 16909. (1) A person who violates this part, if fewer than 50 scrap tires are involved, is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not less than \$200.00 or more than \$500.00, or both, for each violation.

(2) A person who violates this part, if 50 or more scrap tires are involved, is guilty of a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not less than \$500.00 or more than \$10,000.00, or both, for each violation.

(3) A person convicted of a second or subsequent violation of this part is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than \$1,000.00 or more than \$25,000.00, or both, for each violation.

(4) In addition to any other penalty provided for in this section, the court may order a person who violates this part to perform not more than 100 hours of community service.

(5) For any violation of this part, each day that a violation continues constitutes a separate violation.

(6) A law enforcement officer may issue an appearance ticket as described and authorized by sections 9c to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9c to 764.9g, to a person who violates this part.

(7) This section does not apply to a violation of section 16903c.

(8) A person who knowingly makes or causes to be made a false statement or entry in a registration application, scrap tire transportation record, or grant application under this part is guilty of a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not less than \$2,500.00 or more than \$10,000.00, or both.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 2002, Act 496, Imd. Eff. July 3, 2002;—Am. 2006, Act 520, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16909a Investigation or inspection; warrantless search; seizure of vehicle or equipment; costs.**

Sec. 16909a. (1) The department may enter at reasonable hours a tire retail establishment, vehicle owned or operated by a scrap tire hauler for the transport of scrap tires, or collection site or other place where scrap tires are or have been present, and may inspect the location or other place for the purposes of enforcing or administering this part. An investigation or inspection under this part shall comply with the United States constitution and the state constitution of 1963.

(2) If the department or a law enforcement officer has probable cause to believe that a person is violating this part, the department or a law enforcement officer may search without a warrant a vehicle or other transportation-related equipment that is possessed, used, or operated by that person.

(3) A vehicle, or other transportation-related equipment used in a criminal violation of this part is subject to seizure by a law enforcement officer and forfeiture in the same manner as provided in chapter 47 of the revised judiciary act of 1961, 1961 PA 236, MCL 600.4701 to 600.4709.

(4) The court may award court costs and other expenses of litigation including attorney fees to a party who successfully brings an action for a violation of this section.

**History:** Add. 2006, Act 530, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.16910 Response to fire or violation of part; action for recovery of incurred costs.**

Sec. 16910. A person who incurs costs as a result of a response to a fire or a violation of this part at a collection site may bring an action against the owner or operator of the collection site, in the circuit court in which the collection site is located, to recover the incurred costs.

**History:** Add. 1997, Act 17, Imd. Eff. June 11, 1997.

**Popular name:** Act 451



**Popular name:** NREPA

### **324.16911 Reports; appointment of scrap tire advisory committee.**

Sec. 16911. (1) The department shall annually report to the standing committees of the senate and house of representatives with primary responsibility for issues pertaining to natural resources and the environment on the utilization of revenues of the fund.

(2) In 2006 and every third year thereafter, the department shall prepare a report on the effectiveness of this part in encouraging the reuse of scrap tires and ensuring the safe storage of scrap tires. The report shall include recommendations for such changes to this part, including any further description of the uses of money described in section 16908(2)(c), (d), and (e) as the department finds necessary and appropriate. The department shall submit the report to the standing committees of the senate and house of representatives with primary responsibility for issues pertaining to natural resources and the environment.

(3) The director of the department shall appoint a scrap tire advisory committee of individuals interested in the management of scrap tires to advise the department on the implementation of this part. In addition to such other issues as the department may request the committee to consider, the committee shall advise the department on the report required by subsection (2) and the relevance of a national standard or specification under section 16901(1)(f).

**History:** Add. 2006, Act 525, Imd. Eff. Dec. 29, 2006;—Am. 2014, Act 543, Imd. Eff. Jan. 15, 2015.

**Popular name:** Act 451

**Popular name:** NREPA

## PART 171 BATTERY DISPOSAL

### **324.17101 Definitions.**

Sec. 17101. As used in this part:

(a) "Alkaline manganese battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an alkaline electrolyte.

(b) "Distributor" means a person who sells batteries to retailers in this state.

(c) "Lead acid battery" means a storage battery, that is used to start an internal combustion engine or as the principal electrical power source for a vehicle, in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid.

(d) "Manufacturer" means a person who produces batteries for sale in this state.

(e) "Mercuric oxide battery" means a dry cell battery that delivers an essentially constant output voltage throughout its useful life by means of a chemical reaction between zinc and mercuric oxide.

(f) "Nickel cadmium battery" means a sealed storage battery that has a nickel anode, a cadmium cathode, and an alkaline electrolyte, that is widely used in cordless appliances.

(g) "Retailer" means a person who sells or offers to sell batteries to consumers within this state.

(h) "Solid waste disposal area" means a disposal area as defined in part 115.

(i) "Zinc carbon battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an electrolyte consisting of ammonium chloride or a zinc chloride solution, or both.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 124, Imd. Eff. June 30, 1995.

**Compiler's note:** For transfer of authority, powers, duties, functions, and responsibilities of the Waste Management Division to the Director of the Michigan Department of Environmental Quality, see E.R.O. No. 1995-16, compiled at MCL 324.99901 of the Michigan Compiled Laws.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17102 Disposal of lead acid battery.**

Sec. 17102. (1) A person other than a retailer, distributor, or manufacturer shall not dispose of a lead acid battery except by delivery to 1 of the following:

(a) A retailer.

(b) A distributor.

(c) A manufacturer.

(d) A collection, recycling, or smelting facility approved by the department.

(2) A retailer shall not dispose of used lead acid batteries except by delivery to 1 of the following:

(a) A distributor or his or her authorized agent.

(b) A collection, recycling, or smelting facility approved by the department.

(c) A manufacturer.

(3) A distributor shall dispose of lead acid batteries by delivery to a manufacturer or to a collection, recycling, or smelting facility approved by the department.

(4) A manufacturer shall dispose of lead acid batteries by delivery to a recycling or smelting facility approved by the department.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17103 Retailer of lead acid batteries; duties.**

Sec. 17103. A retailer of lead acid batteries shall do all of the following:

(a) Accept, at or near the point at which lead acid batteries are offered for sale, in a quantity at least equal to the number of new lead acid batteries sold by the retailer, used lead acid batteries from customers, if offered by the customers.

(b) Post a written notice in a location that is readily visible to customers within the retail establishment that is at least 8-1/2 inches by 11 inches in size and contains the universal recycling symbol and contains essentially all of the following:

(i) Recycle your used lead acid batteries.

(ii) It is illegal to discard a lead acid battery except by delivery to a retailer, a distributor, a manufacturer, or a collection, recycling, or smelting facility approved by the department.

(iii) State law requires retailers to accept used lead acid batteries upon the purchase or within 30 calendar days of the purchase of a lead acid battery.

(c) The format, design, and wording of the notice described in this section shall be provided to retailers of lead acid batteries by the department.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 124, Imd. Eff. June 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17104 Notices; failure to post; default in payment of civil fine.**

Sec. 17104. (1) The department shall produce, print, and make available to retailers notices required by section 17103.

(2) A retailer who fails to post a notice required by this part following warning by the department is subject to a civil fine of \$25.00 per day of violation.

(3) A default in the payment of a civil fine ordered under this part may be remedied by any means authorized under the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.101 to 600.9947 of the Michigan Compiled Laws.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17105 Acceptance of lead acid batteries by distributor; quantity; removal from point of collection.**

Sec. 17105. (1) A distributor shall accept used lead acid batteries from retailers in a quantity at least equal to the number of new lead acid batteries sold by the distributor.

(2) A distributor accepting lead acid batteries from a retailer as required under this section shall remove the lead acid batteries from the point of collection within 90 days of receiving the batteries.

**History:** 1994, Act 451, Eff. Mar. 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17105a Batteries containing intentionally introduced mercury; sales or offers prohibited.**

Sec. 17105a. (1) Except for alkaline manganese button cell batteries that have a mercury content of 25 milligrams or less, a person shall not sell, offer for sale, or offer for promotional purposes an alkaline manganese battery manufactured on or after January 1, 1996 that contains intentionally introduced mercury.

(2) A person shall not sell, offer for sale, or offer for promotional purposes a zinc carbon battery manufactured on or after January 1, 1996 that contains intentionally introduced mercury.

**History:** Add. 1995, Act 124, Imd. Eff. June 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17105b Button cell mercuric oxide battery or mercuric oxide battery; sales or offers.**

Sec. 17105b. (1) Beginning on January 1, 1996, a person shall not sell, offer for sale, or offer for promotional purposes a button cell mercuric oxide battery for use in this state.

(2) Beginning on January 1, 1996, a person shall not sell, offer for sale, or offer for promotional purposes a mercuric oxide battery for use in this state unless the manufacturer does all of the following:

(a) Identifies a collection site that has all required government approvals, to which a person may send used mercuric oxide batteries for recycling or proper disposal after mercury is recovered from the battery.

(b) Informs each of its purchasers of mercuric oxide batteries of the collection site identified under subdivision (a).

(c) Informs each of its purchasers of mercuric oxide batteries of a telephone number that the purchaser may call to get information about returning mercuric oxide batteries for recycling or proper disposal.

(3) Subsection (2) does not apply to mercuric oxide button cell batteries.

**History:** Add. 1995, Act 124, Imd. Eff. June 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17105c Nickel cadmium batteries; voluntary collection program.**

Sec. 17105c. A manufacturer that participates in a voluntary collection program for nickel cadmium batteries in this state shall provide to retailers of nickel cadmium batteries that participate in the voluntary collection program a written notice to be displayed on a voluntary basis informing consumers that nickel cadmium batteries, whether sold separately or in rechargeable products, must be recycled or disposed of properly.

**History:** Add. 1995, Act 124, Imd. Eff. June 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17106, 324.17106a Repealed. 1995, Act 124, Imd. Eff. June 30, 1995.**

**Compiler's note:** The repealed sections pertained to exchange or purchase of lead acid, nickel cadmium, or mercury batteries.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17107 Enforcement; violation as misdemeanor; penalties.**

Sec. 17107. (1) The department shall enforce this part.

(2) A person other than a retailer, distributor, or manufacturer who knowingly disposes of lead acid batteries or mercuric oxide batteries in violation of this part is guilty of a misdemeanor punishable by a fine of not more than \$25.00, plus the costs of prosecution. Each battery that is unlawfully disposed of is a separate violation.

(3) Except as otherwise provided in this part, a retailer, manufacturer, or distributor who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than \$1,000.00, or both, plus the costs of prosecution.

**History:** 1994, Act 451, Eff. Mar. 30, 1995;—Am. 1995, Act 124, Imd. Eff. June 30, 1995.

**Popular name:** Act 451

**Popular name:** NREPA

## PART 172.

### MERCURY-ADDED PRODUCTS

#### **324.17201 Definitions.**

Sec. 17201. As used in this part:

(a) "Appliance" means a refrigerator, dehumidifier, freezer, oven, range, microwave oven, washer, dryer, dishwasher, trash compactor, window room air conditioner, television, or computer. Appliance does not include a home heating or central air-conditioning system.

(b) "Manufacturer" means a person that produces, imports, or distributes mercury thermometers in this state.

(c) "Mercury fever thermometer" means a mercury thermometer used for measuring body temperature.

(d) "Mercury thermometer" means a product or component, other than a dry cell battery, of a product used for measuring temperature that contains mercury or a mercury compound intentionally added to the product or component. Mercury thermometer does not include a product or component of a product that is used as a replacement for an existing thermometer that measures temperature as part of a manufacturing process.

(e) "Thermostat" means a consumer product that uses a switch that contains mercury or a mercury compound to sense and control room temperature, including room temperature in residential, commercial, industrial, and other buildings, by communicating with heating, ventilating, or air-conditioning equipment. Thermostat does not include a product used to control temperature as part of a manufacturing device.

**History:** Add. 2002, Act 578, Imd. Eff. Oct. 3, 2002;—Am. 2006, Act 494, Imd. Eff. Dec. 29, 2006.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17202 Mercury thermometer; sale, offer for sale, or offer for promotional purposes.**

Sec. 17202. (1) Except as provided in subsection (2), beginning on January 1, 2003, a person shall not sell, offer for sale, or offer for promotional purposes a mercury thermometer in this state or for use in this state. This subsection does not apply if the mercury thermometer is sold or offered for either of the following:

(a) A use for which a mercury thermometer is required by state or federal statute, regulation, or administrative rule.

(b) Pharmaceutical research purposes.

(2) Beginning on January 1, 2003, a person shall not sell, offer for sale, or offer for promotional purposes a mercury fever thermometer in this state or for use in this state, except by prescription. A manufacturer of mercury fever thermometers shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur with each mercury fever thermometer sold by prescription.

**History:** Add. 2002, Act 578, Imd. Eff. Oct. 3, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17203 Enforcement; violation as misdemeanor; penalty.**

Sec. 17203. (1) The department of environmental quality shall enforce this part.

(2) A person who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than \$1,000.00, or both, plus the costs of prosecution.

**History:** Add. 2002, Act 578, Imd. Eff. Oct. 3, 2002.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17204 Sale of blood pressure device containing mercury; prohibitions; exceptions.**

Sec. 17204. (1) Beginning January 1, 2008, a person shall not sell, offer for sale, or offer for promotional purposes in this state or for use in this state a blood pressure recording, measuring, or monitoring device that contains mercury or a mercury compound intentionally added to the device.

(2) Except as provided in subsection (3), beginning January 1, 2009, a person shall not use a device described in subsection (1) in this state.

(3) Subsection (2) does not apply to a blood pressure recording, measuring, or monitoring device that contains mercury or a mercury-added compound if all of the following requirements are met:

(a) The blood pressure recording, measuring, or monitoring device was purchased prior to the date of enactment of the amendatory act that added this section.

(b) The blood pressure recording, measuring, or monitoring device is used exclusively in a private residence or is used exclusively in a health care facility for the purpose of calibrating blood pressure recording, measuring, or monitoring devices that do not contain mercury or a mercury-added compound and is kept in a locked area within that health care facility that is inaccessible to the general public.

**History:** Add. 2006, Act 493, Imd. Eff. Dec. 29, 2006.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17205 Thermostat containing mercury or mercury compound; sale or distribution prohibited; exception.**

Sec. 17205. (1) Beginning January 1, 2009, a person shall not sell, offer for sale, or distribute in this state

or for use in this state a thermostat for use in regulating room temperature and that contains mercury or a mercury compound.

(2) This section does not apply to a thermostat if the thermostat is a replacement for an existing thermostat containing mercury or a mercury compound that is a component of an appliance.

**History:** Add. 2006, Act 492, Imd. Eff. Dec. 29, 2006.

**Compiler's note:** Act 451

**Popular name:** NREPA

### **324.17206 Esophageal dilator, bougie tube, or gastrointestinal tube with mercury or mercury compound added; sale, offer for sale, or distribution prohibited; exceptions.**

Sec. 17206. (1) Except as provided in subsection (2), beginning January 1, 2009, a person shall not sell, offer for sale, or distribute in this state an esophageal dilator, bougie tube, or gastrointestinal tube if mercury or a mercury compound was added to the product during its manufacture.

(2) This section does not apply to either of the following:

(a) A product the use of which is required by a federal statute or regulation.

(b) A product whose only mercury-containing component is a button cell battery.

**History:** Add. 2006, Act 494, Imd. Eff. Dec. 29, 2006.

**Popular name:** Act 451

**Popular name:** NREPA

## PART 173 ELECTRONICS

### **324.17301 Definitions.**

Sec. 17301. As used in this part:

(a) "Collector" means a person who receives covered electronic devices from consumers and arranges for the delivery of the covered electronic devices to a recycler.

(b) "Computer" means a desktop personal computer or laptop computer, a computer monitor, or beginning April 1, 2011, a printer. Computer does not include any of the following:

(i) A personal digital assistant device or mobile telephone.

(ii) A computer peripheral device, including a mouse or other similar pointing device, or a detachable or wireless keyboard.

(c) "Computer takeback program" means a program required under section 17305(c).

(d) "Consumer" means a person who used a covered electronic device primarily for personal or small business purposes in this state.

(e) "Covered computer" means a computer that was or will be used primarily for personal or small business purposes in this state. Covered computer does not include a device that is functionally or physically a part of, or connected to, or integrated within a larger piece of equipment or system designed and intended for use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, or control products, medical products approved under the federal food, drug, and cosmetic act, 21 USC 301 to 399, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.

(f) "Covered electronic device" means a covered computer or covered video display device.

(g) "Covered video display device" means a video display device that was or will be used primarily for personal or small business purposes in this state. Covered video display device does not include a device that is functionally or physically a part of, or connected to, or integrated within a larger piece of equipment or system designed and intended for transportation or use in an industrial, governmental, commercial, research and development, or medical setting, including, but not limited to, diagnostic, monitoring, or control products, medical products approved under the federal food, drug, and cosmetic act, 21 USC 301 to 399, equipment used for security, sensing, monitoring, antiterrorism, or emergency services purposes, or equipment designed and intended primarily for use by professional users.

(h) "Department" means the department of environmental quality.

(i) "Electronic device takeback program" or "takeback program" means a computer takeback program or a video display device takeback program.

(j) "Manufacturer", subject to subdivision (k), means any of the following:

(i) The person who owns the brand with which a covered computer is labeled.

(ii) The person who owns or is licensed to use the brand with which a covered video display device is labeled.

(iii) If the brand owner does not do business in the United States, the person on whose account a covered electronic device was imported into the United States.

(iv) A person who contractually assumes the responsibilities and obligations of a person described under subparagraph (i), (ii), or (iii).

(k) Manufacturer does not include a person unless the person manufactured, sold, or imported more than 50 covered computers in 2000 or any subsequent calendar year or more than 50 covered video display devices in the previous calendar year.

(l) "Printer" means a printer or a multifunction or "all-in-one" device that in addition to printing performs 1 or more other operations such as copying, scanning, or faxing, that is designed to be placed on a desk or other work surface, and that may use any of various print technologies, such as laser and LED (electrographic), ink jet, dot matrix, thermal, or digital sublimation. Printer does not include a floor-standing printer, a printer with an optional floor stand, a point of sale (POS) receipt printer, a household printer such as a calculator with printing capabilities or a label maker, or a non-stand-alone printer that is embedded into a product other than a covered computer.

(m) "Recycler" means a person who as a principal component of business operations acquires covered electronic devices and sorts and processes the covered electronic devices to facilitate recycling or resource recovery techniques. Recycler does not include a collector, hauler, or electronics shop.

(n) "Retailer" means a person that sells a covered electronic device to a consumer by any means, including transactions conducted through sales outlets, catalogs, mail order, or the internet, whether or not the person has a physical presence in this state.

(o) "Small business" means a business with 10 or fewer employees.

(p) "Video display device" means an electronic device with a viewable screen of 4 inches or larger that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable, or satellite. Video display device includes, but is not limited to, a direct view or projection television whose display technology is based on cathode ray tube (CRT), plasma, liquid crystal (LCD), digital light processing (DLP), liquid crystal on silicon (LCOS), silicon crystal reflective display (SXR), light emitting diode (LED), or similar technology.

(q) "Video display device takeback program" means a program required under section 17305(d).

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

**324.17303 Sale or offer of sale of new covered electronic device; registration by manufacturer; expiration; contents; effectiveness; failure to comply with requirements or rules; notice of deficiency; denial or revocation of registration; hearing; validity; fee; deposit of revenues; list of registered manufacturers; maintenance of website; report.**

Sec. 17303. (1) Within 30 days after the end of each state fiscal year, a manufacturer that sells or offers for sale to any person in this state a new covered electronic device shall register with the department on a form provided by the department. A registration expires 30 days after the end of the state fiscal year in which the registration is required to be filed. A manufacturer that has not already filed a registration under this part shall submit a registration within 10 business days after the manufacturer begins to sell or offer for sale new covered electronic devices in this state.

(2) A registration under subsection (1) must include all of the following:

(a) The manufacturer's name, address, and telephone number.

(b) Each brand name under which the manufacturer sells or offers for sale covered electronic devices in this state.

(c) Information about the manufacturer's electronic device takeback program, including all of the following:

(i) Information provided to consumers on how and where to return covered electronic devices labeled with the manufacturer's name or brand label.

(ii) The means by which information described in subparagraph (i) is disseminated to consumers, including the relevant website address if the internet is used.

(iii) Beginning with the first registration submitted after the implementation of the takeback program, a report on the implementation of the takeback program during the prior state fiscal year, including all of the following:

(A) The total weight of the covered electronic devices received by the takeback program from consumers during the prior state fiscal year.

(B) The processes and methods used to recycle or reuse the covered electronic devices received from consumers.

(C) The identity of any collector or recycler with whom the manufacturer contracts for the collection or recycling of covered electronic devices received from consumers. The identity of a recycler shall include the addresses of that recycler's recycling facilities in this state, if any. The identity of a collector or recycler reported under this subparagraph is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and must not be disclosed by the department unless required by court order.

(3) A registration is effective on receipt by the department if the registration is administratively complete.

(4) If a manufacturer's registration does not meet the requirements of this section and any rules promulgated under this part, the department shall notify the manufacturer of the deficiency. If the manufacturer fails to correct the deficiency within 60 days after notice is sent by the department, the department may deny or revoke the manufacturer's registration, after providing an opportunity for a contested case hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(5) A manufacturer of covered electronic devices shall update its registration within 10 business days after a change in the brands of covered electronic devices from that manufacturer sold or offered for sale in this state.

(6) Until October 1, 2027, a manufacturer's registration must be accompanied by an annual fee of \$3,000.00. However, if the amount of money in the fund on December 31 of any year is greater than \$600,000.00, the department shall not collect manufacturers' registration fees for the following state fiscal year.

(7) Revenue from manufacturers' registration fees collected under this section must be deposited in the electronic waste recycling fund created in section 17327.

(8) The department shall maintain on its website a list of registered manufacturers of computers and a list of registered manufacturers of video display devices and the website addresses at which they provide information on recycling covered electronic devices.

(9) Not later than October 1, 2011 and every 2 years after that date, the department shall submit a report to the secretary of the senate and to the clerk of the house of representatives that assesses the adequacy of the fees under this section and any departmental recommendation to modify those fees.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008;—Am. 2015, Act 82, Eff. Oct. 1, 2015;—Am. 2019, Act 85, Imd. Eff. Sept. 30, 2019;—Am. 2023, Act 140, Imd. Eff. Sept. 29, 2023.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17305 Sale or offer of sale of new covered electronic device; manufacturer; requirements.**

Sec. 17305. Beginning April 1, 2010, a manufacturer shall not sell or offer for sale to any person in this state a new covered electronic device, whether through sales outlets, catalogs, mail order, the internet, or any other means, unless all of the following requirements are met:

(a) The covered electronic device is labeled with the manufacturer's name or brand label, owned by or, in the case of a video display device, licensed for use by the manufacturer.

(b) The manufacturer's name appears on the applicable registration list maintained by the department under section 17303.

(c) If the covered electronic device is a covered computer, the manufacturer has a computer takeback program as described in section 17309.

(d) If the covered electronic device is a covered video display device, the manufacturer has a video display device takeback program as described in section 17311.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17307 Sale or offer of sale of new covered electronic device; retailer; appearance of manufacturer on registration list.**

Sec. 17307. A retailer shall not sell or offer for sale to any person in this state a new covered electronic device from a manufacturer, purchased by the retailer on or after April 1, 2010 unless the manufacturer appears on the applicable registration list under section 17303.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17309 Computer takeback program.**

Sec. 17309. (1) Beginning April 1, 2010, each manufacturer of covered computers shall implement a computer takeback program that meets all of the following criteria:

(a) The manufacturer of a covered computer that has reached the end of its useful life for the consumer or the manufacturer's designee accepts from the consumer the covered computer. This part shall not be construed to impair the obligation of a contract under which a person agrees to conduct a computer takeback program on behalf of a manufacturer.

(b) A consumer is not required to pay a separate fee when the consumer returns the covered computer to the manufacturer of that covered computer or the manufacturer's designee.

(c) The collection of covered computers is reasonably convenient and available to and otherwise designed to meet the needs of consumers in this state. Examples of collection methods that alone or combined meet the convenience requirements of this subdivision include systems for a consumer to return a covered computer by 1 or more of the following means:

(i) Mail or common carrier shipper.

(ii) Deposit at a local physical collection site that is kept open and staffed on a continuing basis.

(iii) Deposit during periodic local collection events.

(iv) Deposit with a retailer.

(d) The manufacturer of a covered computer provides a consumer information on how and where to return the covered computer, including, but not limited to, collection, recycling, and reuse information on the manufacturer's publicly available website. The manufacturer may also include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's covered computers when the covered computers are sold or provide that information via a toll-free telephone number.

(e) The manufacturer recycles or arranges for the recycling of any covered computers collected under subdivision (a).

(2) A manufacturer's computer takeback program is not required to accept more than 7 covered computers from a single consumer on a single day.

(3) A manufacturer may conduct a computer takeback program alone or in conjunction with other manufacturers. A manufacturer may arrange for the collection and recycling of covered computers by another person to fulfill the manufacturer's obligations under this section.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17311 Video display device takeback program.**

Sec. 17311. (1) Beginning April 1, 2010, each manufacturer of covered video display devices shall implement a video display device takeback program that meets all of the following criteria:

(a) A manufacturer or the manufacturer's designee accepts from a consumer any covered video display device that has reached the end of its useful life for the consumer, regardless of the type or brand of covered video display device.

(b) A consumer is not required to pay a separate fee when the consumer returns a covered video display device through the takeback program of any manufacturer of any covered video display device.

(c) The requirements of section 17309(1)(c), as applied to covered video display devices.

(d) The manufacturer provides a consumer information on how and where to return a covered video display device, including, but not limited to, collection, recycling, and reuse information on the manufacturer's publicly available website. The manufacturer may also include collection, recycling, and reuse information in the packaging for or in other materials that accompany the manufacturer's covered video display devices when the covered video display devices are sold or provide that information via a toll-free telephone number.

(e) The manufacturer recycles or arranges for the recycling of any covered video display device collected under subdivision (a). As a nonbinding target, each manufacturer required to conduct a video display device takeback program should annually recycle 60% of the total weight of covered video display devices sold by the manufacturer in this state during the prior state fiscal year. Sales data under this subdivision are exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by the department unless required by court order.

(2) A manufacturer's video display device takeback program is not required to accept more than 7 covered video display devices from a single consumer on a single day.



(3) A manufacturer may conduct a video display device takeback program alone or in conjunction with other manufacturers. A manufacturer may arrange for the collection and recycling of covered video display devices by another person to fulfill the manufacturer's obligations under this section.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

**324.17313 Electronic waste advisory council; creation; members; appointments; term; vacancy; removal; co-chairs; meeting; quorum; business conducted at public meeting; writings; compensation prohibited; report; dissolution.**

Sec. 17313. (1) The electronic waste advisory council is created within the legislative branch of state government. The council shall consist of the following members:

(a) Four individuals appointed by the senate majority leader as follows:

(i) One individual representing covered video display device manufacturers.

(ii) One individual representing recyclers of covered computers or covered video display devices.

(iii) One individual representing a trade association of computer manufacturers and video display device manufacturers.

(iv) One individual who is a member of the senate.

(b) Four individuals appointed by the speaker of the house of representatives as follows:

(i) One individual representing covered computer manufacturers.

(ii) One individual representing retailers of covered computers or covered video display devices.

(iii) One individual representing an agency responsible for a countywide recycling program.

(iv) One individual who is a member of the house of representatives.

(c) Two individuals appointed by the governor as follows:

(i) One individual representing a statewide conservation organization.

(ii) One individual representing the department.

(2) The appointments to the council under subsection (1) shall be made not later than 30 days after the effective date of the amendatory act that added this section.

(3) A member of the council shall serve for the life of the council. If a vacancy occurs on the council, the vacancy shall be filled for the unexpired term in the same manner as the original appointment. The appointing official may remove a member of the council for incompetence, dereliction of duty, malfeasance, misfeasance, or nonfeasance in office, or any other good cause.

(4) The council member who is a member of the senate and the council member who is a member of the house of representatives shall serve as co-chairs of the council. The first meeting of the council shall be called by the co-chairs. At the first meeting, the council shall elect from among its members any other officers that it considers necessary or appropriate. After the first meeting, the council shall meet at least quarterly, or more frequently at the call of a co-chair or if requested by 2 or more members.

(5) A majority of the members of the council constitute a quorum for the transaction of business at a meeting of the council. A majority of the members present and serving are required for official action of the council.

(6) The business that the council may perform shall be conducted at a public meeting of the council held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. A writing prepared, owned, used, in the possession of, or retained by the council in the performance of an official function is subject to the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) Members of the council shall serve without compensation. However, the member of the council representing the department shall serve without additional compensation.

(8) By April 1, 2012, the council shall submit a report to the governor, the department, and the standing committees of the legislature with jurisdiction over issues primarily pertaining to natural resources and the environment. The report shall evaluate the program under this part and make recommendations to improve the recycling of covered electronic devices. The report shall evaluate all of the following in light of the policies and objectives set forth in section 11514:

(a) Whether a manufacturer's market share should be used to determine the amount of video display devices required to be recycled annually by the manufacturer.

(b) Whether a manufacturer with a takeback program that recycles electronic waste at a higher rate than provided for in this part should be granted credits and, if so, the life of the credits, whether the credits would be transferable, and how the credit system should otherwise operate.

(c) Whether the nonbinding target for manufacturers recycling covered video display devices under section

17311 should be increased or decreased and whether the target should be made mandatory.

(d) What items should be included in a mandatory takeback program and, if new items are recommended, what the recycling rates should be for those new items.

(e) Whether and how a manufacturer should be sanctioned for failing to meet the requirements of this part.

(f) Whether funding for the administration of this part is appropriate or needs to be increased or decreased.

(g) Whether a program should be developed to recognize manufacturers that implement an expanded recycling program for additional products such as printers or recycles electronic waste at a higher rate than provided for in this part.

(h) Whether a system should be developed to collect covered electronic devices that are otherwise not collected by a manufacturer.

(i) Whether additional recycling data, such as the amount of covered electronic devices collected by collectors, should be collected and, if so, how.

(j) Whether a program should be developed and funding should be obtained for grants to expand recycling and recovery programs for covered electronic devices and to provide consumer education related to the programs.

(k) Whether a disposal ban for covered electronic devices is appropriate.

(9) The council is dissolved effective July 1, 2012.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17315 Recycling of covered electronic devices; manner; rules.**

Sec. 17315. (1) Covered electronic devices collected under this part shall be recycled in a manner that complies with federal and state laws, including rules promulgated by the department, and local ordinances.

(2) Any rules promulgated by the department under section 17321 regulating the recycling of covered electronic devices collected under this part shall be consistent with both of the following:

(a) The United States environmental protection agency's "Plug-in to eCycling Guidelines for Materials Management", as in effect on the effective date of the amendatory act that added this section.

(b) The institute of scrap recycling industries, inc. publication "Electronics Recycling Operating Practices", dated April 25, 2006.

**History:** Add. 2008, Act 392, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17317 Recycling of covered electronic devices; registration form; contents; report of total weight recycled previous state fiscal year; effectiveness of registration; notice of deficiency; fee; deposit of revenues; submission of false registration as violation; report.**

Sec. 17317. (1) Within 30 days after the end of each state fiscal year, a person that engages in the business of recycling covered electronic devices shall register with the department on a form provided by the department. A registration expires 30 days after the end of the state fiscal year in which the registration is required to be filed. A recycler that has not already filed a registration under this part shall submit a registration within 10 business days after the recycler begins to recycle covered electronic devices.

(2) A registration under subsection (1) must include all of the following:

(a) The name, address, telephone number, and location of all recycling facilities that are under the direct control of the recycler, are located in this state, and may receive covered electronic devices.

(b) A certification by the recycler that the recycler substantially meets the requirements of section 17315.

(3) A recycler of covered electronic devices shall report the total weight of covered electronic devices recycled during the previous state fiscal year. The recycler shall keep a written log that records the weight of covered video display devices and the total weight of covered computers delivered to the recycler and identified as such on receipt. The total weight reported in the registration must be based on this log.

(4) A recycler's registration is effective on receipt by the department if the registration is administratively complete.

(5) If a recycler's registration does not meet the requirements of this section and any rules promulgated under this part, the department shall notify the recycler of the deficiency. If the recycler fails to correct the deficiency within 60 days after notice is sent by the department, the department may deny or revoke the recycler's registration, after providing an opportunity for a contested case hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(6) Until October 1, 2027, a recycler's registration under subsection (1) must be accompanied by an annual fee of \$2,000.00.

(7) Revenue from recyclers' registration fees collected under this section must be deposited in the electronic waste recycling fund created in section 17327.

(8) Submitting a false registration under subsection (1) is a violation of this part.

(9) Not later than October 1, 2011 and every 2 years after that date, the department shall submit a report to the secretary of the senate and to the clerk of the house of representatives that assesses the adequacy of the fees under this section and any departmental recommendation to modify those fees.

**History:** Add. 2008, Act 395, Imd. Eff. Dec. 29, 2008;—Am. 2015, Act 82, Eff. Oct. 1, 2015;—Am. 2019, Act 85, Imd. Eff. Sept. 30, 2019;—Am. 2023, Act 140, Imd. Eff. Sept. 29, 2023.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17319 Requirements.**

Sec. 17319. A recycler shall comply with all of the following:

(a) Employ industry-accepted procedures substantially equivalent to those specified by the United States department of defense for the destruction or sanitization of data on hard drives and other data storage devices.

(b) Maintain a documented environmental, health, and safety management system that may be audited and is compliant with or equivalent to ISO 14001.

(c) Maintain records identifying all persons to whom the recycler provided electronic devices or materials derived from electronic devices for the purpose of conducting additional recycling and the weight and volume of material provided to each of those persons.

(d) Not use state or federal prison labor to process covered electronic devices or transact with a third party that uses or subcontracts for the use of prison labor.

**History:** Add. 2008, Act 395, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17321 Rules for purposes of MCL 324.17303 and 324.17315.**

Sec. 17321. After April 1, 2012, the department, pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, may promulgate rules for the purposes of sections 17303 and 17315.

**History:** Add. 2008, Act 392, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17323 Management of covered electronic devices not considered disposal.**

Sec. 17323. Management of covered electronic devices consistent with this part is not considered disposal for purposes of section 11538(6).

**History:** Add. 2008, Act 395, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17325 Recycler of covered electronic devices; inspection of operations.**

Sec. 17325. (1) The department shall administer and enforce this part to the extent that funds are appropriated for that purpose.

(2) The department may inspect the operations of a recycler of covered electronic devices to assess compliance with requirements of this part.

**History:** Add. 2008, Act 393, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17327 Electronic waste recycling fund; creation; deposit of money or assets; investment; money at close of fiscal year; administrator of fund; expenditures.**

Sec. 17327. (1) The electronic waste recycling fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the

general fund.

(4) The department of environmental quality shall be the administrator of the fund for auditing purposes.

(5) Money from the fund shall be expended, upon appropriation, for the administrative expenses of the department in implementing this part.

**History:** Add. 2008, Act 394, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17329 Violation; penalty; suspension or revocation of registration; deposit of fine in electronic waste recycling fund.**

Sec. 17329. (1) A person who violates this part may be ordered to pay a civil fine of not more than \$500.00 for the first violation or not more than \$2,500.00 for a second or subsequent violation.

(2) A person who knowingly violates this part or who knowingly submits false information to the department under this part is guilty of a misdemeanor punishable by a fine of not more than \$5,000.00. Each day on which a violation described in this subsection occurs represents a separate violation.

(3) After a contested case hearing, the department may suspend or revoke the registration of a recycler that violates this part a third or subsequent time. The department shall provide notice of the suspension or revocation on its website.

(4) A civil fine collected under this section shall be deposited in the electronic waste recycling fund created in section 17327.

**History:** Add. 2008, Act 393, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17331 Loss or use of data; liability.**

Sec. 17331. (1) Except to the extent otherwise provided by contract, a manufacturer, retailer, collector, or, subject to subsection (2), recycler is not liable for the loss or use of data or other information from an information storage device of a covered electronic device collected or recycled under this part.

(2) The exemption from liability for the use of data or other information under subsection (1) applies to a recycler only if the recycler complies with section 17319(a).

**History:** Add. 2008, Act 395, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17333 Report.**

Sec. 17333. If federal law establishes a national program for the collection and recycling of computer equipment, the department shall, within 90 days, submit a report to the standing committees of the senate and house of representatives with primary responsibility for recycling and solid waste issues. The report shall describe the federal program, discuss whether provisions of this part have been preempted, and recommend whether this part should be amended or repealed.

**History:** Add. 2008, Act 392, Imd. Eff. Dec. 29, 2008.

**Popular name:** Act 451

**Popular name:** NREPA

## PART 175 RECYCLING REPORTING

### **324.17501 Definitions.**

Sec. 17501. As used in this part:

(a) "Commercial waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, but does not include household waste from single residences, hazardous waste, or industrial waste. Commercial waste includes solid waste from any of the following:

- (i) Multiple residences.
- (ii) Hotels and motels.
- (iii) Bunkhouses.
- (iv) Ranger stations.
- (v) Campgrounds.

- (vi) Picnic grounds.
- (vii) Day-use recreation areas.
- (b) "Department" means the department of environmental quality.
- (c) "Household waste" means any solid waste that is derived from single residences, but does not include any of the following:
  - (i) Commercial waste.
  - (ii) Industrial waste.
  - (iii) Construction and demolition waste.
- (d) "Recyclable materials" means that term as it is defined in section 11505.
- (e) "Recycling" means an action or process, such as separation, sorting, baling, or shipping, applied to reportable recyclable materials for the purposes of reuse or conversion into raw materials or new products.
- (f) "Recycling establishment" means an establishment engaged in recycling of, or brokering of, reportable recyclable materials. Recycling establishment does not include any of the following:
  - (i) An establishment that recycles fewer than 100 tons per year.
  - (ii) A retail establishment that bales cardboard packaging for off-site shipment.
  - (iii) A retail establishment that collects returnable beverage containers under 1976 IL 1, MCL 445.571 to 445.576, for transfer to a recycling establishment.
  - (iv) An end user of reportable recyclable materials such as a paper mill, steel mill, foundry, or die caster that converts the reportable recyclable materials into new products or raw materials for conversion into new products.
  - (v) A drop-off recycling location that sends all reportable recyclable materials to a recycling establishment registered under section 17502.
  - (vi) An establishment that ships reportable recyclable material to recycling establishments registered under section 17502 but that does not engage in any other recycling.
- (g) "Reportable recyclable materials", subject to subdivision (h), means any of the following categories of recyclable materials that are separated from household waste or commercial waste, or from a combination of household waste and commercial waste, and that are delivered to a recycling establishment for recycling:
  - (i) Glass.
  - (ii) Paper and paper products.
  - (iii) Plastic and plastic products.
  - (iv) Ferrous metal, including white goods.
  - (v) Nonferrous metal.
  - (vi) Textiles.
  - (vii) Single stream recyclable materials that include any combination of the materials listed in subparagraphs (i) to (vi).
- (h) "Reportable recyclable materials" does not include any of the following:
  - (i) Materials or products that contain iron, steel, or nonferrous metals and that are directed to or received by a person subject to the scrap metal regulatory act, 2008 PA 429, MCL 445.421 to 445.443, or by a reuser of these metals.
  - (ii) Materials generated from the shredding or dismantling of motor vehicles or parts of motor vehicles.
  - (iii) A beneficial use by-product, as defined in section 11502.
  - (iv) A covered electronic device reported under part 173.

**History:** Add. 2016, Act 55, Eff. June 27, 2016.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17502 Recycling establishment; registration; requirements.**

Sec. 17502. A recycling establishment shall annually register with the department on a form provided by the department and containing the recycling establishment's name, location, postal mailing address, electronic mail address, and telephone number and the name of the recycling establishment's contact person. The recycling establishment shall register each year by July 1. However, a recycling establishment established after the effective date of this section and after June 1 but not after December 1 shall first register not later than 30 days after it is established.

**History:** Add. 2016, Act 55, Eff. June 27, 2016.

**Popular name:** Act 451

**Popular name:** NREPA

### **324.17503 Recycling establishment; report.**

Sec. 17503. (1) A recycling establishment in this state shall report to the department the amount of each category of reportable recyclable material received by and the amount shipped from the recycling establishment. For each state fiscal year, the recycling establishment shall, at its option, submit either an annual report or 4 quarterly reports. All of the following apply:

(a) If the recycling establishment opts to submit an annual report covering the October 1 to September 30 state fiscal year, the report shall be submitted by the following November 15.

(b) If the recycling establishment opts to submit quarterly reports, the reports shall be submitted by the following dates:

(i) For the October 1 to December 31 quarter, by the following February 15.

(ii) For the January 1 to March 31 quarter, by the following May 15.

(iii) For the April 1 to June 30 quarter, by the following August 15.

(iv) For the July 1 to September 30 quarter, by the following November 15.

(c) A report shall specify quantities of reportable recyclable materials in tons. Quantities may be determined using a volume-to-weight conversion formula provided by the department.

(d) A report may provide only aggregate quantities for multiple recycling establishments if the report identifies each recycling establishment covered by the report.

(e) A report shall be submitted in the manner provided by the department.

(f) A report shall comply with any reporting guidelines established by the department to ensure that reportable recyclable materials are not counted more than once.

(g) A report is not required to cover recycling establishment activities occurring before October 1, 2016.

(2) A person that is not a recycling establishment may voluntarily submit reports under this section.

**History:** Add. 2016, Act 55, Eff. June 27, 2016.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17504 Information; confidentiality; exemption from disclosure.**

Sec. 17504. (1) Except as provided in subsection (2), information contained in a report from a recycling establishment under this part is confidential, shall not be disclosed by the department, and is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(2) The department may aggregate data contained within reports submitted from recycling establishments under this part for the purpose of determining statewide quantities of reportable recyclable materials that were recycled. Subsection (1) does not apply to this aggregated data but does apply to information identifying a recycling establishment.

**History:** Add. 2016, Act 55, Eff. June 27, 2016.

**Popular name:** Act 451

**Popular name:** NREPA

#### **324.17505 Website; posting; report to legislature.**

Sec. 17505. (1) The department shall annually post on its website all of the following:

(a) The aggregated amount of reportable recyclable materials by category listed in section 17501(g) that were recycled during the preceding state fiscal year.

(b) The total aggregated amount of reportable recyclable materials that were recycled during the preceding state fiscal year.

(2) By January 31, 2018 and each year thereafter, the department, after consultation with interested parties, shall submit to the legislature a report on this part, including information posted under subsection (1) and any recommendations for amendments to this part.

**History:** Add. 2016, Act 55, Eff. June 27, 2016.

**Popular name:** Act 451

**Popular name:** NREPA