



SENATE BILL No. 806

January 17, 1996, Introduced by Senators HOFFMAN and DINGELL and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend Act No. 451 of the Public Acts of 1994, entitled
"Natural resources and environmental protection act,"
as amended, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, by adding part 168; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 451 of the Public Acts of 1994, as
2 amended, being sections 324.101 to 324.90106 of the Michigan
3 Compiled Laws, is amended by adding part 168 to read as follows:

4 PART 168 USED OIL RECYCLING

5 SEC. 16801. AS USED IN THIS PART:

6 (A) "AUTOMOTIVE OIL" INCLUDES ANY OIL CLASSIFIED FOR USE IN
7 AN INTERNAL COMBUSTION ENGINE, CRANKCASE, TRANSMISSION, GEAR BOX,

1 OR DIFFERENTIAL OF A LIGHT DUTY MOTOR VEHICLE, SMALL UTILITY
2 ENGINE, NONCOMMERCIAL MOTOR VEHICLE, OR FARM EQUIPMENT.

3 (B) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL
4 QUALITY.

5 (C) "DO-IT-YOURSELF" IS AN INDIVIDUAL WHO REMOVES USED OIL
6 FROM THE ENGINE OF A LIGHT DUTY MOTOR VEHICLE, SMALL UTILITY
7 ENGINE OWNED OR OPERATED BY THAT INDIVIDUAL, NONCOMMERCIAL MOTOR
8 VEHICLE, OR FARM EQUIPMENT.

9 (D) "FUND" MEANS THE USED OIL COLLECTION FUND CREATED IN
10 SECTION 16803.

11 (E) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
12 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

13 (F) "RECYCLE" MEANS TO PREPARE USED OIL FOR REUSE AS A
14 PETROLEUM PRODUCT BY RECLAIMING, REPROCESSING, ENERGY RECOVERY,
15 REREFINING, OR OTHER MEANS TO UTILIZE PROPERLY TREATED USED OIL
16 AS A SUBSTITUTE FOR PETROLEUM PRODUCTS IF THE PREPARATION AND USE
17 IS SAFE, LAWFUL, AND ENVIRONMENTALLY SOUND.

18 (G) "RETAILER" MEANS A PERSON THAT SELLS AUTOMOTIVE OIL TO
19 THE CONSUMER.

20 (H) "RULE" MEANS A RULE PROMULGATED UNDER THE ADMINISTRATIVE
21 PROCEDURES ACT OF 1969, ACT NO. 306 OF THE PUBLIC ACTS OF 1969,
22 BEING SECTIONS 24.201 TO 24.328 OF THE MICHIGAN COMPILED LAWS.

23 (I) "USED OIL" MEANS ANY OIL THAT HAS BEEN REFINED FROM
24 CRUDE OR SYNTHETIC OIL AND, AS A RESULT OF USE, BECOMES UNSUIT-
25 ABLE FOR ITS ORIGINAL PURPOSE DUE TO LOSS OF ORIGINAL PROPERTIES
26 OR PRESENCE OF IMPURITIES, BUT WHICH MAY BE SUITABLE FOR FURTHER
27 USE AND MAY BE ECONOMICALLY RECYCLABLE. USED OIL DOES NOT

1 INCLUDE OIL FILTERS THAT HAVE BEEN DRAINED OF FREE FLOWING USED
2 OIL OR OIL CONTAMINATED MATERIALS.

3 (J) "USED OIL COLLECTION CENTER" MEANS A FACILITY, INCLUDING
4 FIXED LOCATIONS, TANKS, TRUCKS, AND CONTAINERS, THAT ACCEPTS USED
5 OIL FROM DO-IT-YOURSELFERS AND IS AN APPROVED CENTRALIZED COLLEC-
6 TION CENTER FOR USED OIL.

7 SEC. 16802. THE LEGISLATURE HEREBY FINDS AND DECLARES:

8 (A) THAT MILLIONS OF GALLONS OF USED OIL ARE GENERATED EACH
9 YEAR IN THE STATE AND THAT THIS OIL IS A VALUABLE RESOURCE THAT
10 CAN BE UTILIZED AS AN ENVIRONMENTALLY ACCEPTABLE SOURCE OF ENERGY
11 OR AS CLEAN REREFINED PRODUCTS. DESPITE THIS POTENTIAL VALUE, A
12 SIGNIFICANT AMOUNT OF USED OIL IS IMPROPERLY DISPOSED OF RESULT-
13 ING IN A SIGNIFICANT ENVIRONMENTAL PROBLEM AND A WASTE OF A VALU-
14 ABLE ENERGY RESOURCE.

15 (B) THAT ALTHOUGH THERE IS AN EXISTING SYSTEM FOR THE COL-
16 LECTION AND RECYCLING OF USED OIL GENERATED BY BUSINESS AND
17 INDUSTRY, PRIVATE CITIZENS HAVE ONLY LIMITED ACCESS TO THAT
18 SYSTEM AND OFTEN DISPOSE OF THEIR USED AUTOMOTIVE OIL ON LAND OR
19 IN LANDFILLS, SEWERS, DRAINAGE SYSTEMS, SEPTIC TANKS, SURFACE OR
20 GROUNDWATERS, AND ELSEWHERE.

21 (C) THAT IT IS THE INTENT OF THE LEGISLATURE TO REDUCE THE
22 AMOUNT OF IMPROPERLY DISPOSED USED OIL BY PROVIDING INCENTIVES TO
23 INCREASE THE NUMBER OF CERTIFIED COLLECTION FACILITIES FOR USED
24 OIL.

25 SEC. 16803. (1) THE USED OIL COLLECTION FUND IS CREATED
26 WITHIN THE STATE TREASURY.

1 (2) IN ADDITION TO THE FEES IMPOSED UNDER SECTION 16804, THE
2 STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM ANY SOURCE
3 FOR DEPOSIT INTO THE FUND. THE DEPARTMENT MAY APPLY FOR,
4 REQUEST, SOLICIT, CONTRACT FOR, RECEIVE, AND ACCEPT GIFTS,
5 GRANTS, DONATIONS, AND OTHER ASSISTANCE FROM ANY SOURCE TO IMPLE-
6 MENT ITS POWERS AND DUTIES UNDER THIS PART. THE STATE TREASURER
7 SHALL DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER
8 SHALL CREDIT TO THE FUND INTEREST AND EARNINGS FROM FUND
9 INVESTMENTS.

10 (3) MONEY IN THE FUND APPROPRIATED FROM THE GENERAL FUND
11 SHALL REMAIN IN THE FUND AT THE CLOSE OF THE FISCAL YEAR AND
12 SHALL NOT LAPSE TO THE GENERAL FUND.

13 (4) THE LEGISLATURE ANNUALLY SHALL APPROPRIATE SUFFICIENT
14 FUNDS TO IMPLEMENT THE REQUIREMENTS OF THIS PART.

15 SEC. 16804. (1) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE
16 OF THIS PART, A FEE OF 2 CENTS PER QUART SHALL BE ASSESSED AND
17 PAID ON ALL AUTOMOTIVE OIL PACKAGED FOR SALE IN CONTAINERS OF
18 LESS THAN 5 GALLONS THAT IS SOLD IN THE STATE OR IMPORTED
19 POST-TAX FOR CONSUMPTION OR USE IN THE STATE. THE FEE IMPOSED IN
20 THIS SECTION SHALL BE IMPOSED ONCE WITH RESPECT TO EACH QUART OF
21 AUTOMOTIVE OIL. ALL FEES COLLECTED UNDER THIS SECTION SHALL BE
22 DEPOSITED IN THE FUND AND USED ONLY FOR THE PURPOSES PROVIDED IN
23 THIS PART.

24 (2) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THIS PART,
25 EVERY PERSON MAKING WHOLESALE SALES OF AUTOMOTIVE OIL AND EVERY
26 PERSON IMPORTING INTO THIS STATE POST-TAX AUTOMOTIVE OIL SHALL
27 PAY A SALES FEE ON A MONTHLY BASIS OF 2 CENTS PER QUART ON ALL

1 AUTOMOTIVE OIL PACKAGED FOR SALE IN CONTAINERS OF LESS THAN 5
2 GALLONS THAT IS SOLD IN THIS STATE OR IMPORTED POST-TAX FOR CON-
3 SUMPTION IN THIS STATE.

4 (3) THE REVENUE DIVISION OF THE DEPARTMENT OF TREASURY SHALL
5 ADMINISTER, COLLECT, AND ENFORCE THIS FEE IN THE SAME MANNER
6 SALES AND USE TAXES ARE COLLECTED PURSUANT TO THE GENERAL SALES
7 TAX ACT, ACT NO. 167 OF THE PUBLIC ACTS OF 1933, BEING SECTIONS
8 205.51 TO 205.78 OF THE MICHIGAN COMPILED LAWS, AND THE USE TAX
9 ACT, ACT NO. 94 OF THE PUBLIC ACTS OF 1937, BEING SECTIONS 205.91
10 TO 205.111 OF THE MICHIGAN COMPILED LAWS.

11 (4) IN LIEU OF THE DEDUCTIONS ALLOWED PURSUANT TO SECTION 4
12 OF THE GENERAL SALES TAX ACT, ACT NO. 167 OF THE PUBLIC ACTS OF
13 1933, BEING SECTION 205.54 OF THE MICHIGAN COMPILED LAWS, THE
14 TAXPAYER MAY RETAIN 1% OF THE TOTAL FEES COLLECTED AS AN ADMINIS-
15 TRATIVE COLLECTION ALLOWANCE, IF THE PAYMENTS AND RETURNS PRE-
16 SCRIBED BY THE REVENUE DIVISION OF THE DEPARTMENT OF TREASURY ARE
17 PAID AND FILED IN A TIMELY MANNER.

18 (5) THE FEE REQUIRED UNDER THIS SECTION SHALL BE ASSESSED
19 FOR 5 YEARS BEGINNING ON THE EFFECTIVE DATE OF THIS PART.

20 (6) EVERY 2 YEARS WHILE THE FEE PROVIDED FOR IN THIS PART IS
21 ASSESSED, THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE A REPORT
22 THAT ADDRESSES ALL OF THE FOLLOWING:

23 (A) WHETHER THE FEE ESTABLISHED IN THIS PART IS APPROPRIATE
24 WITH REGARD TO THE MAINTENANCE OF THE PROGRAM NECESSARY TO IMPLE-
25 MENT THIS PART.

26 (B) AN EVALUATION OF HOW THE MONEY IN THE FUND IS BEING
27 EXPENDED.

1 (C) WHETHER THE ADMINISTRATIVE EXPENSES ARE SUFFICIENT OR
2 EXCESSIVE WITH REGARD TO PROGRAM IMPLEMENTATION.

3 (D) WHETHER USED OIL FILTERS SHOULD BE REQUIRED TO BE RECY-
4 CLED AS USED OIL UNDER THIS PART.

5 (7) AS USED IN THIS SECTION, "POST-TAX AUTOMOTIVE OIL" MEANS
6 AUTOMOTIVE OIL UPON WHICH THE FEE IMPOSED UNDER THIS PART HAS NOT
7 BEEN LEVIED AND WHICH IS NOT SOLD AT WHOLESALE WITHIN THIS STATE.

8 SEC. 16805. THE DEPARTMENT SHALL EXPEND MONEY FROM THE
9 FUND, UPON APPROPRIATION, ONLY FOR THE FOLLOWING PURPOSES:

10 (A) TO REIMBURSE LOCAL GOVERNMENT ENTITIES FOR APPROVED
11 COSTS ASSOCIATED WITH ESTABLISHING CURBSIDE COLLECTION AND PUBLIC
12 USED OIL COLLECTION CENTERS AS SET FORTH IN SECTION 16806.

13 (B) PUBLIC EDUCATION PROGRAMS CONCERNING THE PROPER HANDLING
14 AND RECYCLING OF USED DO-IT-YOURSELF OIL.

15 (C) ADVERTISING, TRAINING, AND UNIQUE INCENTIVES THAT
16 INCLUDE DIRECT PAYMENTS TO SELECTED NONGOVERNMENT, CERTIFIED USED
17 OIL COLLECTION CENTERS, AND OTHER PROGRAMS TO PROMOTE THE COLLEC-
18 TION AND RECYCLING OF USED DO-IT-YOURSELF OIL FROM THE PUBLIC.

19 (D) A TOLL-FREE TELEPHONE NUMBER FOR THE PURPOSE OF DISSEMI-
20 NATING INFORMATION CONCERNING THE LOCATIONS AND OPERATING HOURS
21 OF DO-IT-YOURSELF USED OIL COLLECTION CENTERS WITHIN THE STATE
22 AS WELL AS INFORMATION CONCERNING THE AVAILABILITY, DATES, AND
23 REQUIREMENTS FOR CURBSIDE COLLECTION WHERE AVAILABLE; AND INFOR-
24 MATION REGARDING ALTERNATE LOCATIONS THAT ACCEPT COMMERCIAL USED
25 OIL SHOULD ALSO BE AVAILABLE.

26 (E) GRANTS, SUBSIDIES, AND LOANS TO GOVERNMENT ENTITIES AND
27 PRIVATE COLLECTORS TO ESTABLISH DO-IT-YOURSELF USED OIL

1 COLLECTION CENTERS AT PUBLICLY OWNED FACILITIES, INCLUDING, BUT
2 NOT LIMITED TO, FIRE STATIONS, POLICE BARRACKS, HIGHWAY DEPART-
3 MENTS, COUNTY GARAGES, PUBLIC LANDFILLS, OR OTHER SUITABLE PUBLIC
4 OR PRIVATE LOCATIONS; AND PROVIDE TECHNICAL ASSISTANCE TO PERSONS
5 WHO ORGANIZE THESE PROGRAMS. GRANTS UNDER THIS SUBDIVISION SHALL
6 NOT EXCEED \$5,000.00 PER YEAR PER FACILITY. A PERSON WHO
7 RECEIVES A GRANT UNDER THIS SUBDIVISION WHO CEASES OPERATING THE
8 ENTERPRISE FOR WHICH A GRANT WAS GIVEN WITHIN 2 YEARS OF RECEIPT
9 OF THE GRANT SHALL REIMBURSE THE FUND FOR THE FULL AMOUNT OF THE
10 GRANT. TO BE ELIGIBLE FOR A GRANT OR SUBSIDY, A FACILITY SHALL
11 BE OPEN AND STAFFED AT LEAST 5 DAYS PER WEEK, WITH A REGULAR
12 SCHEDULE OF NOT LESS THAN 8 HOURS PER DAY.

13 (F) GRANTS AND SUBSIDIES TO APPROVED LOCAL GOVERNMENT ENTI-
14 TIES OR PRIVATE COLLECTORS THAT OFFER OR INCLUDE AS PART OF RESI-
15 DENTIAL GARBAGE COLLECTION SERVICES CURBSIDE COLLECTION OF USED
16 DO-IT-YOURSELF OIL FROM HOUSEHOLDS. THE REASONABLE COSTS OF
17 HOUSEHOLD CONTAINERS, TRUCK RETROFITTING, TANKS, AND SIMILAR
18 COSTS ASSOCIATED WITH THE CURBSIDE COLLECTION OF USED
19 DO-IT-YOURSELF OIL ARE ELIGIBLE FOR REIMBURSEMENT FROM THE
20 FUND. GRANTS UNDER THIS SUBDIVISION SHALL NOT EXCEED \$5,000.00
21 PER YEAR PER FACILITY. A PERSON WHO RECEIVES A GRANT OR SUBSIDY
22 UNDER THIS SUBDIVISION WHO CEASES OPERATING THE ENTERPRISE FOR
23 WHICH A GRANT WAS GIVEN WITHIN 2 YEARS OF RECEIPT OF THE GRANT OR
24 SUBSIDY SHALL REIMBURSE THE FUND FOR THE FULL AMOUNT OF THE GRANT
25 OR SUBSIDY.

26 (G) FOR ADMINISTRATIVE EXPENSES. HOWEVER, USE OF THE FUND
27 FOR ADMINISTRATIVE EXPENSES IS LIMITED TO EXPENSES DIRECTLY

1 INCURRED IN THE ADMINISTRATION OF THE USED OIL COLLECTION
2 PROGRAM, AND SHALL NOT EXCEED 15% FOR THE FIRST 2 YEARS OF THE
3 PROGRAM AND 10% OF THE FUND THEREAFTER.

4 (H) TO INDEMNIFY AND HOLD HARMLESS CERTIFIED USED OIL COL-
5 LECTION CENTERS AS AUTHORIZED UNDER SECTION 16807. THE DEPART-
6 MENT SHALL PROMULGATE RULES TO DEFINE ELIGIBILITY REQUIREMENTS
7 AND ELIGIBLE COSTS FOR THIS REIMBURSEMENT. ELIGIBILITY REQUIRE-
8 MENTS SHOULD INCLUDE PAYMENT OF A DEDUCTIBLE AMOUNT OF \$100.00.

9 SEC. 16806. (1) THE DEPARTMENT SHALL DEVELOP CERTIFICATION
10 REQUIREMENTS FOR DO-IT-YOURSELFER USED OIL COLLECTION CENTERS
11 THAT REQUIRE, AT A MINIMUM, THAT THE CENTERS DO ALL OF THE
12 FOLLOWING:

13 (A) ACCEPT UNCONTAMINATED USED DO-IT-YOURSELFER OIL FROM THE
14 GENERAL PUBLIC AT NO CHARGE IN QUANTITIES UP TO 5 GALLONS, PER
15 PERSON, PER DAY.

16 (B) PARTICIPATE IN THE STATE TOLL-FREE TELEPHONE USED OIL
17 INFORMATION NETWORK SYSTEM.

18 (C) MEET THE MINIMUM REQUIREMENTS FOR HOURS OF OPERATION AS
19 PROVIDED UNDER THIS PART AND ESTABLISHED BY THE DEPARTMENT.

20 (D) DEMONSTRATE THAT IT COMPLIES WITH ALL STATE RULES CON-
21 CERNING TANK STRUCTURE AND INTEGRITY, SITE MAINTENANCE, SUPERVI-
22 SION, AND EMPLOYEE TRAINING.

23 (2) USED OIL COLLECTION CENTERS MAY ACCEPT DONATIONS AND MAY
24 SEEK DONATIONS TO FUND THE CENTER.

25 (3) USED OIL COLLECTION CENTERS SHALL MEET MINIMUM STANDARDS
26 ESTABLISHED BY THIS PART AND RULES PROMULGATED UNDER THIS PART.

1 (4) TO BE ELIGIBLE FOR REIMBURSEMENT FROM THE FUND,
2 COLLECTION FACILITIES SHALL ACCEPT DO-IT-YOURSELF OIL IN
3 QUANTITIES NOT TO EXCEED 5 GALLONS PER PERSON, PER DAY.

4 (5) USED OIL COLLECTION CENTERS SHALL TRANSFER USED
5 DO-IT-YOURSELF OIL ONLY TO TRANSPORTERS LICENSED UNDER PART 121
6 AND SHALL MAINTAIN RECORDS OF ALL VOLUMES OF MATERIAL COLLECTED,
7 INCLUDING THE IDENTITY OF THE HAULER AND THE NAME AND LOCATION OF
8 THE RECYCLING FACILITY.

9 SEC. 16807. (1) THE OWNER, OPERATOR, OR LESSOR OF A USED
10 OIL COLLECTION CENTER IS IMMUNE FROM CIVIL LIABILITY FOR REMEDIAL
11 ACTION RESULTING FROM A RELEASE OF USED OIL COLLECTED AT THE
12 CENTER OR ITS CONTAMINATION, OR A RELEASE OF THE USED MOTOR OIL
13 IN SUBSEQUENT HANDLING OR DISPOSITION AT THE COLLECTION CENTER BY
14 OTHERS IF THE OWNER, OPERATOR, OR LESSOR IS IN COMPLIANCE WITH
15 ALL OF THE FOLLOWING:

16 (A) THE OWNER, OPERATOR, OR LESSOR OF THE COLLECTION CENTER
17 DOES NOT MIX THE USED OIL COLLECTED WITH ANY HAZARDOUS
18 SUBSTANCE.

19 (B) THE OWNER, OPERATOR, OR LESSOR OF THE COLLECTION CENTER
20 DOES NOT ACCEPT USED DO-IT-YOURSELF OIL THAT THE OWNER, OPERA-
21 TOR, OR LESSOR KNOWS CONTAINS HAZARDOUS SUBSTANCES.

22 (C) THE USED OIL COLLECTION CENTER IS IN COMPLIANCE WITH
23 MANAGEMENT STANDARDS ISSUED BY THE DEPARTMENT AND THE USED OIL IS
24 REMOVED FROM THE PREMISES BY A TRANSPORTER LICENSED UNDER PART
25 121.

26 (2) FOR PURPOSES OF THIS SECTION, THE OWNER, OPERATOR, OR
27 LESSOR OF A USED OIL COLLECTION CENTER MAY PRESUME THAT A

1 QUANTITY OF LESS THAN 5 GALLONS OF USED OIL ACCEPTED AT ANY 1
2 TIME FROM ANY MEMBER OF THE PUBLIC IS NOT MIXED WITH A HAZARDOUS
3 SUBSTANCE, IF THE OWNER, OPERATOR, OR LESSOR ACTS IN GOOD FAITH.

4 (3) THIS SECTION APPLIES ONLY TO ACTIVITIES DIRECTLY RELATED
5 TO THE COLLECTION OF USED OIL BY A USED OIL COLLECTION CENTER.
6 THIS SECTION DOES NOT APPLY TO GROSSLY NEGLIGENT ACTIVITIES
7 RELATED TO THE OPERATION OF A USED OIL COLLECTION CENTER.

8 SEC. 16808. TRANSPORTERS WHO ACCEPT USED OIL FROM PUBLIC,
9 PRIVATE, OR COMMERCIAL FACILITIES SHALL CONFORM WITH THE REQUIRE-
10 MENTS OF PART 121.

11 SEC. 16809. (1) THE DEPARTMENT SHALL DEVELOP MANAGEMENT
12 STANDARDS FOR USED OIL RECYCLING. EACH RECYCLER OF USED OIL
13 SHALL BE IN COMPLIANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULA-
14 TIONS AND HAVE ALL PERMITS REQUIRED BY LAW.

15 (2) THE DEPARTMENT SHALL REQUIRE AN ANNUAL REPORT THAT SPEC-
16 IFIES THE QUANTITY AND SOURCE OF USED OIL RECYCLED DURING THE
17 PRECEDING YEAR.

18 (3) EACH RECYCLER SHALL REPORT ON AN ANNUAL BASIS THE TOTAL
19 PRODUCTS PRODUCED, SOLD, USED IN THE BUSINESS, OR DISPOSED OF
20 DURING THE PRECEDING YEAR.

21 SEC. 16810. ANY RETAILER OF AUTOMOTIVE OIL THAT IS NOT A
22 COLLECTION CENTER SHALL POST AND MAINTAIN AT OR NEAR THE POINT OF
23 AUTOMOTIVE OIL DISPLAY OR SALE, A DURABLE AND LEGIBLE SIGN, OF A
24 MINIMUM SIZE OF 8-1/2 BY 11 INCHES, INFORMING THE PUBLIC OF THE
25 IMPORTANCE OF PROPER COLLECTION AND DISPOSAL OF USED
26 DO-IT-YOURSELF OIL AND THE TOLL-FREE NUMBER FOR USED OIL
27 INFORMATION. THE DEPARTMENT SHALL DEVELOP AND MAKE AVAILABLE TO

1 RETAILERS OF AUTOMOBILE OIL SIGNS, OR THE SPECIFICATIONS FOR
2 SIGNS, THAT MEET THE SPECIFICATIONS OF THIS SECTION.

3 SEC. 16811. USED OIL SHALL NOT BE DESIGNATED AS A HAZARDOUS
4 WASTE OR HAZARDOUS SUBSTANCE. IF THE FEDERAL GOVERNMENT PREEMPTS
5 THE STATE'S CLASSIFICATION OF USED OIL, MONEY IN THE FUND SHALL
6 BE USED TO PROPERLY MANAGE USED OIL AFTER THE EFFECTIVE DATE OF
7 THE FEDERAL LAW OR REGULATION.

8 SEC. 16812. THE DEPARTMENT SHALL PROMULGATE RULES PURSUANT
9 TO THE ADMINISTRATIVE PROCEDURES ACT OF 1969, ACT NO. 306 OF THE
10 PUBLIC ACTS OF 1969, BEING SECTIONS 24.201 TO 24.328 OF THE
11 MICHIGAN COMPILED LAWS, TO IMPLEMENT THIS PART.

12 SEC. 16813. (1) EXCEPT AS PROVIDED IN A STATE OR FEDERAL
13 DISCHARGE PERMIT, A PERSON SHALL NOT INTENTIONALLY DO ANY OF THE
14 FOLLOWING:

15 (A) DISPOSE OF OR CAUSE THE DISPOSAL OF USED OIL BY DIS-
16 CHARGING USED OIL ONTO THE GROUND OR INTO SEWERS, DRAINAGE SYS-
17 TEMS, SURFACE WATERS, GROUNDWATERS, OR OTHER WATERS; BY INCINER-
18 ATION; OR ONTO ANY PUBLIC OR PRIVATE LAND UNLESS THE LAND IS DES-
19 IGNATED BY THE DEPARTMENT AS A USED OIL COLLECTION FACILITY FOR
20 THE DISPOSAL OF USED OIL AND IF THE USED OIL IS PLACED IN A
21 RECEPTACLE OR CONTAINER INSTALLED OR LOCATED AT THE COLLECTION
22 FACILITY. THE PROHIBITION AGAINST INCINERATION IN THIS SUBDIVI-
23 SION DOES NOT APPLY TO THE USE OF USED OIL IN A USED OIL BURNER
24 THAT IS OPERATED FOR PURPOSES OF PROVIDING HEAT OR ENERGY.

25 (B) DISPOSE OF USED OIL AS REFUSE, IN ANY LANDFILL OR MUNIC-
26 IPAL INCINERATOR, OR CONTRARY TO THE REQUIREMENTS OF PART 121.

1 (C) MIX OR COMMINGLE USED OIL WITH HAZARDOUS SUBSTANCES THAT
2 MAKE THE USED OIL UNSUITABLE FOR RECYCLING OR OTHER BENEFICIAL
3 USE.

4 (D) APPLY USED OIL FOR ROAD OILING, DUST CONTROL, WEED
5 ABATEMENT OR SIMILAR USES THAT HAVE THE POTENTIAL TO CAUSE HARM
6 TO THE ENVIRONMENT.

7 (2) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
8 MEANOR PUNISHABLE BY IMPRISONMENT FOR 90 DAYS OR A FINE OF NOT
9 MORE THAN \$1,000.00, OR BOTH. IN PLACE OF A SENTENCE PROVIDED IN
10 THIS SUBSECTION, THE COURT MAY ORDER THAT THE DEFENDANT ENGAGE IN
11 COURT SUPERVISED RECYCLING-RELATED LABOR FOR A NUMBER OF HOURS
12 DETERMINED BY THE COURT, INCLUDING, BUT NOT LIMITED TO, OIL
13 RECYCLING. A VIOLATION OF THIS SECTION BY A PERSON, OTHER THAN
14 AN INDIVIDUAL, IS PUNISHABLE BY A FINE OF NOT MORE THAN
15 \$2,500.00.

16 (3) THIS SECTION DOES NOT PROHIBIT ENFORCEMENT ACTIONS UNDER
17 OTHER STATE OR FEDERAL LAWS APPLICABLE TO AN ACTIVITY DESCRIBED
18 IN THIS SECTION.

19 Section 2. Part 167 of Act No. 451 of the Public Acts of
20 1994, being sections 324.16701 to 324.16705 of the Michigan
21 Compiled Laws, is repealed.