

# SENATE BILL No. 1379

August 9, 2006, Introduced by Senators BASHAM and JACOBS and referred to the Committee on Technology and Energy.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 12101, 12102, 12103, 12105, 12107, 12111,  
12112, and 12113 (MCL 324.12101, 324.12102, 324.12103, 324.12105,  
324.12107, 324.12111, 324.12112, and 324.12113), sections 12101,  
12102, 12103, and 12112 as amended by 2001 PA 165 and sections  
12105 and 12107 as amended by 1998 PA 140.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 12101. As used in this part:

2       (a) "Brine" means a liquid produced as a by-product of oil or  
3       natural gas production or exploration.

4       (b) "Container" means any portable device in which a liquid  
5       industrial waste is stored, transported, treated, or otherwise

1 handled.

2 (c) "Department" means the department of environmental  
3 quality.

4 (d) "Designated facility" means a treatment, storage,  
5 disposal, or reclamation facility that receives liquid industrial  
6 waste from off-site.

7 **(E) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT.**

8 **(F)** ~~—(e)—~~ "Discarded" means any of the following:

9 (i) Abandoned by being disposed of, burned, or incinerated; or  
10 accumulated, stored, or treated before, or instead of, being  
11 abandoned.

12 (ii) Accumulated, stored, or treated before being managed in 1  
13 of the following ways:

14 (A) By being used or reused in a manner constituting disposal  
15 by being applied to or placed on the land or by being used to  
16 produce products that are applied to or placed on the land.

17 (B) By being burned to recover energy or used to produce a  
18 fuel.

19 (C) By reclamation.

20 **(G)** ~~—(f)—~~ "Discharge" means the accidental or intentional  
21 spilling, leaking, pumping, releasing, pouring, emitting, emptying,  
22 or dumping of liquid industrial waste into the land, air, or water.

23 **(H)** ~~—(g)—~~ "Disposal" means the abandonment, discharge,  
24 deposit, injection, dumping, spilling, leaking, or placing of a  
25 liquid industrial waste into or on land or water in such a manner  
26 that the liquid industrial waste may enter the environment, or be  
27 emitted into the air, or discharged into surface water or

1 groundwater.

2 (I) ~~—(h)—~~ "Disposal facility" means a facility or a part of a  
3 facility at which liquid industrial waste is disposed.

4 (J) ~~—(i)—~~ "Facility" means all contiguous land and structures,  
5 other appurtenances, and improvements on the land for treating,  
6 storing, disposing of, or reclamation of liquid industrial waste.

7 (K) ~~—(j)—~~ "Federal water pollution control act" means ~~chapter~~  
8 ~~758, 86 Stat. 816, 33 U.S.C. USC 1251 to 1252, 1253 to 1254,~~  
9 ~~1255 to 1257, 1258 to 1263, 1265 to 1270, 1281, 1282 to 1293, 1294~~  
10 ~~to 1299, 1311 to 1313, 1314 to 1330, 1341 to 1345, 1361 to 1377,~~  
11 ~~and 1381 to 1387.~~

12 (L) ~~—(k)—~~ "Generator" means a person whose act or process  
13 produces liquid industrial waste.

14 (M) ~~—(l)—~~ "Liquid industrial waste" means any brine, by-  
15 product, industrial wastewater, leachate, off-specification  
16 commercial chemical product, sludge, sanitary sewer clean-out  
17 residue, storm sewer clean-out residue, grease trap clean-out  
18 residue, spill residue, used oil, or other liquid waste that is  
19 produced by, is incident to, or results from industrial,  
20 commercial, or governmental activity or any other activity or  
21 enterprise determined to be liquid by method 9095 (paint filter  
22 liquids test) as described in "Test methods for evaluating solid  
23 wastes, physical/chemical methods," United States environmental  
24 protection agency publication no. SW-846, and which is discarded.  
25 Liquid industrial waste does not include any of the following:

26 (i) Hazardous waste regulated and required to be manifested  
27 under part 111.

1 (ii) Septage waste regulated under part 117.

2 (iii) Medical waste ~~as defined in~~ **REGULATED UNDER** part 138 of  
3 the public health code, 1978 PA 368, MCL 333.13801 to 333.13831.

4 (iv) A discharge permitted or authorized under part 31.

5 (v) A material that is used or reused as an effective  
6 substitute for commercial products or returned to the original  
7 process, if the material does not require reclamation prior to use  
8 or reuse, is not directly burned to recover energy or used to  
9 produce a fuel, ~~or~~ **AND** is not applied to the land ~~and not~~ **OR**  
10 used in products applied to the land.

11 (vi) A **LIQUID GENERATED BY A** household. ~~generated liquid~~  
12 ~~waste.~~

13 ~~—— (vii) A liquid industrial waste utilized for land application~~  
14 ~~in accordance with a program for effective residuals management,~~  
15 ~~approved by the director or the United States environmental~~  
16 ~~protection agency, or both, pursuant to the federal water pollution~~  
17 ~~control act.~~

18 ~~—— (viii) Oil field brines used for public road dust control and~~  
19 ~~ice removal as authorized under the terms of the rules, standards,~~  
20 ~~and brine management plan approved by the department in existence~~  
21 ~~on June 1, 1993, until rules are promulgated.~~

22 (vii) ~~(ix)~~ A used oil that is directly burned to recover  
23 energy or used to produce a fuel if all of the following are met:

24 (A) The material meets the used oil specifications of part  
25 111.

26 (B) The material contains no greater than 2 ppm  
27 polychlorinated biphenyls.

1 (C) The material has a minimum energy content of 17,000  
2 BTU/lb.

3 (D) The material is expressly authorized as a used oil fuel  
4 source, regulated under part 55, or, in another state, regulated  
5 under a similar air pollution control authority.

6 (viii) ~~—(x)—~~ A liquid fully contained inside a manufactured  
7 article, until the liquid is removed or the manufactured equipment  
8 is discarded at which point it becomes subject to this part.

9 (ix) ~~—(xi)—~~ A liquid waste sample transported for testing to  
10 determine its characteristics or composition. The sample becomes  
11 subject to this part when discarded.

12 (x) ~~—(xii)—~~ A liquid that is not regulated under part 615 that  
13 is generated in the drilling, operation, maintenance, or closure of  
14 a well, or other drilling operation, including the installation of  
15 cathodic protection or directional drilling, if either of the  
16 following applies:

17 (A) The liquid is left in place at the point of generation in  
18 compliance with part 31, 201, or 213.

19 (B) The liquid is transported off-site from a location that is  
20 not a known facility as defined in section 20101, and all of the  
21 following occur:

22 (I) The disposal complies with applicable provisions of part  
23 31 or 115.

24 (II) The disposal is not to a surface water.

25 (III) The land owner of the disposal site has authorized the  
26 disposal.

27 (xi) **A LIQUID VEGETABLE OR ANIMAL FAT OIL THAT IS USED DIRECTLY**

1 TO PRODUCE BIOFUELS.

2 (xii) A LIQUID REGULATED UNDER 1982 PA 239, MCL 287.651 TO  
3 287.683.

4 (xiii) A LIQUID APPLIED TO THE LAND UNDER PART 115.

5 (xiv) A LIQUID RESIDUE REMAINING IN A CONTAINER AFTER POURING,  
6 PUMPING, ASPIRATING, OR ANOTHER PRACTICE COMMONLY EMPLOYED TO  
7 REMOVE LIQUIDS HAS BEEN UTILIZED, IF NOT MORE THAN 1 INCH OF  
8 RESIDUE REMAINS ON THE BOTTOM, OR, FOR CONTAINERS LESS THAN OR  
9 EQUAL TO 110 GALLONS IN SIZE, NOT MORE THAN 3% BY WEIGHT OF RESIDUE  
10 REMAINS IN THE CONTAINER, OR, FOR CONTAINERS GREATER THAN 110  
11 GALLONS IN SIZE, NOT MORE THAN 0.3% BY WEIGHT OF RESIDUE REMAINS IN  
12 THE CONTAINER.

13 (xv) A RESIDUAL AMOUNT OF LIQUID REMAINING IN A CONTAINER AND  
14 GENERATED AS A RESULT OF TRANSPORTATION OF A SOLID WASTE IN THAT  
15 CONTAINER.

16 (xvi) A LIQUID BRINE AUTHORIZED FOR USE AS DUST AND ICE CONTROL  
17 REGULATED UNDER PART 31 AND PART 615.

18 (xvii) A LIQUID DESIGNATED IN WRITING BY THE DIRECTOR. THE  
19 DESIGNATION SHALL INCLUDE A STATEMENT OF THE REASONS FOR THE  
20 DESIGNATION CONSISTENT WITH THE PURPOSES OF THIS PART.

21 Sec. 12102. As used in this part:

22 (a) "Manifest" means either of the following:

23 (i) A form and instructions approved by the department used for  
24 identifying the quantity, composition, origin, routing, or  
25 destination of liquid industrial waste during its transportation  
26 from the point of generation to the point of disposal, treatment,  
27 storage, or reclamation.

1       (ii) For shipments of liquid industrial waste that are not  
2 generated or transported to a disposal, treatment, storage, or  
3 reclamation facility in this state, a United States environmental  
4 protection agency form number 8700-22 **AND 8700-22A**, or its  
5 successor.

6       (b) "On-site" means on the same geographically contiguous  
7 property, which may be divided by a public or private right-of-way  
8 ~~and~~ **IF** access is by crossing rather than going along the right-of-  
9 way. On-site includes noncontiguous pieces of property owned by the  
10 same person but connected by a right-of-way which the owner  
11 controls and to which the public does not have access.

12       (c) "Peace officer" means any law enforcement officer who is  
13 trained and certified pursuant to the commission on law enforcement  
14 standards act, 1965 PA 203, MCL 28.601 to 28.616, or an officer  
15 appointed by the director of the department of state police  
16 pursuant to section 6d of 1935 PA 59, MCL 28.6d.

17       (d) "Publicly owned treatment works" means any entity that  
18 treats municipal sewage or industrial waste of a liquid nature that  
19 is owned by the state or a municipality, as that term is defined in  
20 ~~section 502(4) of title V of the federal water pollution control~~  
21 ~~act, 33 U.S.C. USC 1362.~~ Publicly owned treatment works include  
22 sewers, pipes, or other conveyances only if they convey wastewater  
23 to a publicly owned treatment works providing treatment.

24       (e) "Reclamation" means either processing to recover a usable  
25 product or regeneration.

26       (f) "Reclamation facility" means a facility or part of a  
27 facility where liquid industrial waste reclamation is conducted.

1 (g) "Site identification number" means a number that is  
2 assigned by the United States environmental protection agency or  
3 the department to a generator, transporter, or facility. The  
4 department may assign a number to a person or a facility to cover  
5 multiple unstaffed sites that generate uniform types of liquid  
6 industrial waste.

7 (h) "Storage" means the containment of liquid industrial  
8 waste, on a temporary basis, in a manner that does not constitute  
9 disposal of liquid industrial waste.

10 (i) "Storage facility" means a facility or part of a facility  
11 where liquid industrial waste is stored.

12 (j) "Surface impoundment" means a treatment, storage, or  
13 disposal facility or part of a treatment, storage, or disposal  
14 facility that is either a natural topographic depression, a human-  
15 made excavation, or a diked area formed primarily of earthen  
16 materials. A surface impoundment may be lined with human-made  
17 materials designed to hold an accumulation of liquid waste or waste  
18 containing free liquids. ~~and which is not an injection well.~~  
19 Surface impoundments include, but are not limited to, holding,  
20 storage, settling, aeration pits, ponds, and lagoons. **SURFACE**  
21 **IMPOUNDMENT DOES NOT INCLUDE AN INJECTION WELL.**

22 (k) "Tank" means a stationary device designed to contain an  
23 accumulation of liquid industrial waste that is constructed  
24 primarily of nonearthen materials such as wood, concrete, steel, or  
25 plastic to provide structural support.

26 (l) "Transportation" means the movement of liquid industrial  
27 waste by air, rail, ~~highway~~ **PUBLIC OR PRIVATE ROADWAY**, or water.



1 (m) "Transporter" means a person engaged in the off-site  
2 transportation of liquid industrial waste by air, rail, ~~highway~~  
3 **PUBLIC ROADWAY**, or water.

4 (n) "Treatment" means any method, technique, or process,  
5 including neutralization, designed to change the physical,  
6 chemical, or biological character or composition of any liquid  
7 industrial waste, to neutralize the waste, or to render the waste  
8 safer to transport, store, or dispose of, amenable to recovery,  
9 amenable to storage, or reduced in volume.

10 (o) "Treatment facility" means a facility or part of a  
11 facility at which liquid industrial waste is treated.

12 (p) "Used oil" means any oil ~~which~~ **THAT** has been refined  
13 from crude oil, or any synthetic oil, ~~which~~ **THAT** has been used  
14 and ~~which~~ **THAT**, as a result of the use, is contaminated by  
15 physical or chemical impurities.

16 (q) "Vehicle" means a transport vehicle as defined by 49  
17 ~~C.F.R.~~ **CFR** 171.8.

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

19 (a) Characterize the waste in accordance with **SECTION 12101(M)**  
20 **AND** the requirements of part 111 ~~—~~ and rules promulgated under  
21 that part, and maintain records of the characterization.

22 (b) Obtain and utilize, **WHEN NEEDED FOR TRANSPORTATION**, a site  
23 identification number. ~~assigned by the United States environmental~~  
24 ~~protection agency or the department. Beginning on October 1, 2002~~  
25 ~~and until~~ **UNTIL** March 31, 2008, the department shall assess a site  
26 identification number user charge of \$50.00 for each site  
27 identification number it issues. The department shall not issue a

1 site identification number under this subdivision unless the site  
2 identification number user charge and the tax identification number  
3 for the person applying for the site identification number have  
4 been received. Money collected under this subdivision shall be  
5 forwarded to the state treasurer for deposit into the environmental  
6 pollution prevention fund created in section 11130 and credited to  
7 the hazardous waste and liquid industrial waste users account  
8 created in section 11130(5).

9 (c) If transporting ~~by highway~~ **LIQUID INDUSTRIAL WASTE,**  
10 **OTHER THAN THE GENERATOR'S OWN WASTE, BY PUBLIC ROADWAY,** engage,  
11 employ, or contract for the transportation ~~of liquid industrial~~  
12 ~~waste~~ only with a transporter registered and permitted under the  
13 hazardous materials transportation act, **1998 PA 138, MCL 29.471 TO**  
14 **29.480.**

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

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

1 transported.

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

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

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

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

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

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

26 (2) A generator who also operates an on-site reclamation,  
27 treatment, or disposal facility shall keep records of all liquid

1 waste produced and reclaimed, treated, or disposed of at his or her  
2 facility.

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

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

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

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

19 (c) The generator retains a copy of the record of shipment as  
20 part of the generator records.

21 (d) The designated facility is managed in accordance with this  
22 part.

23 Sec. 12105. (1) **A TRANSPORTER IS SUBJECT TO THE REGISTRATION**  
24 **AND PERMITTING REQUIREMENTS OF THE HAZARDOUS MATERIALS**  
25 **TRANSPORTATION ACT, 1998 PA 138, MCL 29.471 TO 29.480. A**  
26 transporter registered and permitted ~~in accordance with the~~  
27 ~~hazardous materials transportation act and~~ **UNDER THAT ACT AND**

1 **LICENSED** under part 117 shall comply with all of the following:

2 (a) All registration and permitting requirements of the  
3 hazardous materials transportation act, **1998 PA 138, MCL 29.471 TO**  
4 **29.480**, and licensing requirements of this part and part 117 shall  
5 be met.

6 (b) Septage waste or liquid industrial waste transported by  
7 the permit or license holder shall not be disposed of on land.

8 (c) All ~~liquid~~ waste, including septage waste, **TRANSPORTED**  
9 **IN A VEHICLE MANAGED UNDER PART 117 AND THIS PART**, shall be  
10 manifested pursuant to the requirements of sections 12103, 12109,  
11 and 12112.

12 (d) In addition to the requirements of this part and part 117,  
13 the words "Land Application Prohibited", **IN A MINIMUM OF 2-INCH**  
14 **LETTERS**, shall be affixed in a conspicuous location ~~—~~ **AND** visible  
15 on both sides of the vehicle ~~—and clearly legible during daylight~~  
16 ~~hours from a distance of 50 feet~~ **USED TO TRANSPORT WASTE UNDER**  
17 **PART 117 AND THIS PART**.

18 (2) A generator, subject to the reporting requirements under  
19 part C of title XIV of the public health service act, ~~—88 Stat.~~  
20 ~~1674,~~ 42 ~~—U.S.C.—~~ **USC** 300h to 300h-8, and regulations promulgated  
21 under that act, who transports brine generated on property he or  
22 she owns or holds an interest in to the generator's own disposal  
23 well is exempt from the provisions of this part regarding  
24 manifests.

25 Sec. 12107. (1) A vehicle used to transport liquid industrial  
26 waste ~~—, if transporting by highway,~~ **PUBLIC ROADWAY** shall carry  
27 a copy of the registration and permit issued in accordance with the

1 hazardous materials transportation act, 1998 PA 138, MCL 29.471 TO  
2 29.480, and shall produce it upon request of the department or  
3 peace officer.

4 (2) All vehicles and containers used to transport liquid  
5 industrial waste shall be closed or covered to prevent the escape  
6 of liquid industrial waste. ~~—, and the~~ **THE** outside of all  
7 vehicles, containers, and accessory equipment shall be kept free of  
8 liquid industrial waste and its residue.

9 (3) To avoid cross-contamination, all portions of a vehicle or  
10 equipment that have been in contact with liquid industrial waste  
11 shall be cleaned and decontaminated before the transport of any  
12 products, incompatible waste, **HAZARDOUS WASTE**, or nonwaste  
13 material. Before the transport of liquid industrial waste, all  
14 portions of a vehicle or equipment shall be cleaned and  
15 decontaminated, as necessary, of any waste regulated pursuant to  
16 part 111. A transporter who owns or legally controls a vehicle or  
17 equipment shall maintain as part of the transporter's records  
18 documentation that before its use for the transportation of  
19 ~~nonwaste or a product~~ **ANY PRODUCTS, INCOMPATIBLE WASTE, HAZARDOUS**  
20 **WASTE, OR NONWASTE MATERIAL**, the vehicle or equipment ~~has been~~  
21 **WAS** decontaminated. This subsection does not apply to a vehicle if  
22 brine was transported in the vehicle and the next load transported  
23 in the vehicle is brine for disposal or well drilling or production  
24 purposes, ~~or~~ oil or other hydrocarbons produced from an oil or  
25 gas well, or water or other fluids to be used in activities  
26 regulated under part 615 ~~—~~ or the rules, orders, or instructions  
27 under that part.

1       Sec. 12111. (1) If a fire, explosion, or ~~other~~ discharge of  
2 liquid industrial waste occurs ~~which~~ **THAT** could threaten the  
3 public health, safety, and welfare, or the environment, or when a  
4 generator, transporter, or owner or operator of a designated  
5 facility **FIRST** has knowledge that a spill has reached surface water  
6 or groundwater, the generator, transporter, or owner or operator of  
7 the designated facility shall take appropriate immediate action to  
8 protect the public health, safety, and welfare, and the  
9 environment, including notification of local authorities and the  
10 pollution emergency alerting system using the telephone number 800-  
11 292-4706, **UNLESS THE INCIDENT IS REPORTED UNDER ANOTHER STATE LAW.**

12       (2) The generator, transporter, or owner or operator of a  
13 designated facility shall, within 30 days, prepare and maintain as  
14 part of ~~their~~ **HIS OR HER** records a written report documenting the  
15 incident and the response action taken, including any supporting  
16 analytical data **AND CLEANUP ACTIVITIES**. The report shall be  
17 provided to the department upon request. Both the initial  
18 notification, as appropriate, and the report shall include all of  
19 the following information:

20       (a) The name and telephone number of the person reporting the  
21 incident.

22       (b) The name, address, telephone number, and identification  
23 number of the generator, transporter, or designated facility.

24       (c) The date, time, and type of incident.

25       (d) The name and quantity of waste involved and discharged.

26       (e) The extent of injuries, if any.

27       (f) The estimated quantity and disposition of recovered

1 materials that resulted from the incident, if any.

2 (g) An assessment of actual or potential hazards to human  
3 health or the environment.

4 (h) The response action taken.

5 (3) Incidents occurring in connection with activities  
6 regulated under ~~Act No. 61 of the Public Acts of 1939, being~~  
7 ~~sections 319.1 to 319.27 of the Michigan Compiled Laws,~~ **PART 615**  
8 or the rules, orders, or instructions under that ~~act, or~~ **PART OR**  
9 **REGULATED** under part C of title XIV of the public health service  
10 act, ~~88 Stat. 1674,~~ 42 ~~U.S.C.~~ **USC** 300h to ~~300h-7~~ **300H-8**, or  
11 the regulations promulgated under that act ~~—~~ are exempt from the  
12 requirements of this section.

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

20 (a) Obtain and utilize a site identification number either  
21 assigned from the United States environmental protection agency or  
22 the department. ~~Beginning on October 1, 2002 and until~~ **UNTIL**  
23 March 31, 2008, the department shall assess a site identification  
24 number user charge of \$50.00 for each site identification number it  
25 issues. The department shall not issue a site identification number  
26 under this subdivision unless the site identification number user  
27 charge and the tax identification number for the person applying



1 for the site identification number have been received. Money  
2 collected under this subdivision shall be forwarded to the state  
3 treasurer for deposit into the environmental pollution prevention  
4 fund created in section 11130 and credited to the hazardous waste  
5 and liquid industrial waste users account created in section  
6 11130(5).

7 (b) Certify on the manifest receipt of the liquid industrial  
8 waste by completing the facility section of the manifest and  
9 returning a signed copy of the manifest to the department within ~~a~~  
10 ~~period of~~ 10 days after the end of the month for all liquid  
11 industrial waste received within the month.

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

13 (d) Maintain records of the characterization of the waste.  
14 Characterization shall be in accordance with the requirements of  
15 part 111.

16 (2) All storage, treatment, and reclamation of liquid  
17 industrial waste at the designated facility shall be in either  
18 containers or tanks or as otherwise specified in section 12113(5)  
19 or (6). Storage, treatment, or reclamation regulated under part 615  
20 or the rules, orders, or instructions under **THAT** part ~~615,~~ or  
21 **REGULATED** under part C of title XIV of the public health service  
22 act, ~~chapter 373, 88 Stat. 1674,~~ 42 ~~U.S.C.~~ **USC** 300h to 300h-8,  
23 or the regulations promulgated under that act are exempt from **THE**  
24 **REQUIREMENTS OF** this subsection.

25 (3) **THE OWNER OR OPERATOR OF A DESIGNATED FACILITY SHALL NOT**  
26 **STORE LIQUID INDUSTRIAL WASTE FOR LONGER THAN 1 YEAR UNLESS THE**  
27 **LIQUID INDUSTRIAL WASTE IS BEING STORED FOR PURPOSES OF RECLAMATION**

1 AND NOT LESS THAN 75% OF THE CUMULATIVE AMOUNT, BY WEIGHT OR  
2 VOLUME, OF EACH TYPE OF LIQUID INDUSTRIAL WASTE THAT IS STORED ON  
3 SITE EACH CALENDAR YEAR IS RECLAIMED OR TRANSFERRED TO A DIFFERENT  
4 SITE FOR RECLAMATION DURING THAT CALENDAR YEAR. THE OWNER OR  
5 OPERATOR OF A DESIGNATED FACILITY SHALL MAINTAIN DOCUMENTATION THAT  
6 DEMONSTRATES COMPLIANCE WITH THIS SUBSECTION.

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

14 Sec. 12113. (1) Storage of liquid industrial waste, ~~either~~  
15 **WHETHER** at the location of generation, under the control of the  
16 transporter, or at the designated facility, shall be protected from  
17 weather, fire, physical damage, and vandals. All vehicles,  
18 containers, and tanks used to hold liquid industrial waste shall be  
19 closed or covered, except when necessary to add or remove waste, to  
20 prevent the escape of liquid industrial waste. The exterior of all  
21 vehicles, containers, and tanks used to hold liquid industrial  
22 waste shall be kept free of liquid industrial waste and its  
23 residue.

24 (2) Except as otherwise authorized pursuant to this section —,  
25 **OR OTHER** applicable statutes —, **OR** rules —, ~~and~~ **OR** orders of the  
26 department, liquid industrial waste shall be managed to prevent  
27 ~~any of the following:~~

1 ~~—— (a) Discharge of liquid industrial waste~~ **FROM BEING**  
2 **DISCHARGED** into the soil, —.

3 ~~—— (b) Discharge of liquid industrial waste into~~ surface water  
4 or groundwater, —.

5 ~~—— (c) Discharge of liquid industrial waste into~~ **OR** a drain or  
6 sewer, —.

7 ~~—— (d) Discharge of liquid industrial waste~~ **OR DISCHARGED** in  
8 violation of part 55.

9 (3) A person shall treat, store, and dispose of liquid  
10 industrial waste in accordance with all applicable statutes — **AND**  
11 rules — and orders of the department.

12 (4) This part does not prevent a publicly owned treatment  
13 works from accepting liquid industrial waste from the premises of a  
14 person, and does not prevent a person from engaging, employing, or  
15 contracting with a publicly owned treatment works. However, a  
16 publicly owned treatment works ~~—, receiving~~ **THAT RECEIVES** waste by  
17 means of transportation ~~—, shall be~~ **IS** a designated facility and  
18 shall comply with the requirements ~~—specified in~~ **OF** section 12112.

19 (5) A person shall not treat, store, or dispose of liquid  
20 industrial waste in a surface impoundment, unless the surface  
21 impoundment has a discharge or storage permit authorized under part  
22 31, or, in the case of leachate, is authorized in a permit issued  
23 under part 115.

24 (6) The department may authorize land application of liquid  
25 industrial waste in accordance with a program for effective  
26 residuals management that is approved by the department or the  
27 United States environmental protection agency, or both, pursuant to

1 the federal water pollution control act.

2 (7) Activities regulated under ~~Act No. 61 of the Public Acts~~  
3 ~~of 1939, being sections 319.1 to 319.27 of the Michigan Compiled~~  
4 ~~Laws,~~ **PART 615** or the rules, orders, or instructions under that  
5 ~~act, or~~ **PART OR REGULATED UNDER** part C of title XIV of the public  
6 health service act, ~~88 Stat. 1674,~~ 42 ~~U.S.C.~~ **USC** 300h to ~~300h~~  
7 ~~7- 300H-8,~~ or the regulations promulgated under that act, are  
8 exempt from the requirements of this section.