

HOUSE BILL NO. 5004

June 15, 2021, Introduced by Reps. Hammoud and Aiyash and referred to the Committee on Appropriations.

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 11135 and 11153 (MCL 324.11135 and 324.11153), as amended by 2017 PA 90.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11135. (1) A hazardous waste generator shall provide a
2 separate manifest to the transporter for each load of hazardous
3 waste transported to property that is not on the site where it was
4 generated. ~~Until October 1, 2021, a person required to prepare a~~

1 ~~manifest shall submit to the department a manifest processing user~~
2 ~~charge of \$8.00 per manifest and his or her tax identification~~
3 ~~number. Money collected under this subsection shall be forwarded to~~
4 ~~the state treasurer for deposit into the environmental pollution~~
5 ~~prevention fund created in section 11130.~~

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

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

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

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

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

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

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

15 (2) ~~(7)~~A generator shall include **all of the following** on the
16 manifest: ~~details as specified by the department and shall at least~~
17 ~~include a~~

18 (a) **A** sufficient qualitative and quantitative analysis and a
19 physical description of the hazardous waste to evaluate toxicity
20 and methods of transportation, storage, and disposal. ~~The manifest~~
21 ~~also shall include safety~~

22 (b) **Safety** precautions as necessary for each load of hazardous
23 waste. ~~The generator shall submit to the department a copy of the~~
24 ~~manifest within 10 days after the end of the month for each load of~~
25 ~~hazardous waste transported within that month.~~

26 (c) **Other information specified by the department.**

27 (3) ~~(8)~~A generator shall certify that the information
28 contained on a manifest prepared by the generator is accurate.

29 (4) ~~(9)~~The specified destination of each load of hazardous

1 waste identified on the manifest shall be a designated facility.

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

12 (6) ~~(11)~~—A generator shall submit an exception report to the
13 department if the generator ~~has not received~~ **does not receive** a
14 copy of the manifest with the handwritten signature of the owner or
15 operator of the designated facility within 45 days after the date
16 on which the hazardous waste was accepted by the initial
17 transporter. The exception report shall include all of the
18 following:

19 (a) A legible copy of the manifest.

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

23 (7) ~~(12)~~—A generator shall keep a copy of each manifest signed
24 and dated by the initial transporter for 3 years or until the
25 generator receives a signed and dated copy from the owner or
26 operator of the designated facility that received the hazardous
27 waste. The generator shall keep the copy of the manifest signed and
28 dated by the owner or operator of the designated facility for 3
29 years. The retention periods required by this subsection are

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

4 Sec. 11153. (1) A generator, transporter, or treatment,
5 storage, or disposal facility shall obtain and utilize a site
6 identification number assigned by the United States Environmental
7 Protection Agency or the department. ~~Until October 1, 2021, the~~ **The**
8 department shall assess a site identification number user charge of
9 ~~\$50.00~~ **\$250.00** for each site identification number it issues. The
10 department shall not issue a site identification number under this
11 subsection unless the site identification number user charge and
12 the tax identification number for the person applying for the site
13 identification number have been received by the department.

14 (2) ~~Until October 1, 2021, the~~ **The** department shall annually
15 assess hazardous waste management program user charges as follows:

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

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

22 (ii) A generator ~~who~~ **that** generates 1,000 kilograms or more of
23 hazardous waste in any month during the calendar year and ~~who~~ **that**
24 generates less than 900,000 kilograms during the calendar year
25 shall pay to the department an annual handler user charge of
26 \$400.00.

27 (iii) A generator ~~who~~ **that** generates 1,000 kilograms or more of
28 hazardous waste in any month during the calendar year and ~~who~~ **that**
29 generates 900,000 kilograms or more of hazardous waste during the

1 calendar year shall pay to the department an annual handler user
2 charge of \$1,000.00.

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

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

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

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

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

25 (a) Payment of the handler user charge and an administrative
26 fine of 5% of the amount owed for each month that the payment is
27 delinquent. Any payments received after the fifteenth of the month
28 after the due date are delinquent for that month. However, the
29 administrative fine shall not exceed 25% of the total amount owed.

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

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

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

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

23 (9) As used in this section:

24 (a) "Handler" means the person required to pay the handler
25 user charge.

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