

**SUBSTITUTE FOR
SENATE BILL NO. 1308**

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 12102a (MCL 324.12102a), as added by 2008 PA 8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 12102a. The following materials are not liquid industrial
2 wastes when managed as specified:

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

9 (b) A used oil that is directly burned to recover energy or
10 used to produce a fuel if all of the following requirements are
11 met:

1 (i) The material meets the used oil specifications of R
2 299.9809(1)(f) of the Michigan administrative code.

3 (ii) The material contains no greater than 2 ppm
4 polychlorinated biphenyls.

5 (iii) The material has a minimum energy content of 17,000
6 BTU/lb.

7 (iv) The material is expressly authorized as a used oil fuel
8 source, regulated under part 55, or, in another state, regulated
9 under a similar air pollution control authority.

10 (c) A liquid fully contained inside a manufactured article,
11 until the liquid is removed or the manufactured equipment is
12 discarded, at which point it becomes subject to this part.

13 (d) A liquid waste sample transported for testing to determine
14 its characteristics or composition. The sample becomes subject to
15 this part when discarded.

16 (e) A liquid that is not regulated under part 615 that is
17 generated in the drilling, operation, maintenance, or closure of a
18 well, or other drilling operation, including the installation of
19 cathodic protection or directional drilling, if either of the
20 following applies:

21 (i) The liquid is left in place at the point of generation in
22 compliance with part 31, 201, or 213.

23 (ii) The liquid is transported off-site from a location that is
24 not a known facility as defined in section 20101, and all of the
25 following occur:

26 (A) The disposal complies with applicable provisions of part
27 31 or 115.

1 (B) The disposal is not to a surface water.

2 (C) The landowner of the disposal site has authorized the
3 disposal.

4 (f) A liquid vegetable or animal fat oil that is transported
5 directly to a producer of biofuels for the purpose of converting
6 the oil to biofuel.

7 (G) AN OFF-SPECIFICATION FUEL, INCLUDING A GASOLINE
8 BLENDSTOCK, THAT WAS GENERATED IN A PIPELINE AS THE INTERFACE
9 MATERIAL FROM THE MIXTURE OF 2 ADJACENT FUEL PRODUCTS AND THAT WILL
10 BE PROCESSED, BY BLENDING OR BY DISTILLATION OR OTHER REFINING, TO
11 PRODUCE A FUEL PRODUCT OR FUEL PRODUCTS.

12 (H) AN OFF-SPECIFICATION FUEL, INCLUDING A GASOLINE
13 BLENDSTOCK, THAT RESULTED FROM THE COMMINGLING OF OFF-SPECIFICATION
14 FUEL PRODUCTS OR FROM PHASE SEPARATION IN A GASOLINE AND ALCOHOL
15 BLEND AND THAT WILL BE PROCESSED, BY DISTILLATION OR OTHER
16 REFINING, TO PRODUCE FUEL PRODUCTS.

17 (I) AN OFF-SPECIFICATION FUEL PRODUCT TRANSPORTED DIRECTLY TO
18 A DISTILLATION OR REFINING FACILITY TO PRODUCE A FUEL PRODUCT OR
19 FUEL PRODUCTS REGULATED PURSUANT TO 40 CFR PART 80.

20 (J) ~~(g)~~—A liquid or a sludge and associated liquid authorized
21 to be applied to land under part 31 or 115.

22 (K) ~~(h)~~—A liquid residue remaining in a container after
23 pouring, pumping, aspirating, or another practice commonly employed
24 to remove liquids has been utilized, if not more than 1 inch of
25 residue remains on the bottom, or, for containers less than or
26 equal to 110 gallons in size, not more than 3% by weight of residue
27 remains in the container, or, for containers greater than 110

1 gallons in size, not more than 0.3% by weight of residue remains in
2 the container. The liquid residue becomes subject to this part when
3 discarded.

4 (I) ~~(i)~~—A residual amount of liquid remaining in a container
5 and generated as a result of transportation of a solid waste in
6 that container.

7 (M) ~~(j)~~—A liquid brine authorized for use as dust and ice
8 control regulated under parts 31 and 615.

9 (N) ~~(k)~~—Food processing residuals as defined in section 11503,
10 or site-separated material or source-separated material approved by
11 the department under part 115, that, to produce biogas, will be
12 decomposed in a controlled manner under anaerobic conditions using
13 a closed system that complies with part 55.

14 (O) ~~(l)~~—A liquid approved by the director for use as a biofuel
15 in energy production in compliance with part 55 that is not
16 speculatively accumulated and that is transported directly to the
17 burner of the biofuel.