

Introduced by the Human Services and Finance Committees of the:

INGHAM COUNTY BOARD OF COMMISSIONERS

**RESOLUTION TO AMEND THE INGHAM COUNTY SANITARY CODE BY ADDING CHAPTER
VIII TO APPROVE REGULATIONS GOVERNING THE IDENTIFICATION
AND DISCLOSURE OF TOXIC, HAZARDOUS, OR POLLUTING MATERIALS**

RESOLUTION #11-074

WHEREAS, Ingham County has been implementing non-regulated Pollution Prevention Programs Governing the Identification and Disclosure of Toxic, Hazardous, or Polluting Materials since the 1980's to protect the ground waters of Ingham County that are our primary source of drinking water, and funding for said programs are paid for through general funding; and

WHEREAS, the Ingham County Health Department has a duty to continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including those aimed at the prevention and control of environmental health hazards; and

WHEREAS, the Department has determined through thirty years of non-regulated inspections of facilities that manufacture, store, use, or dispose of toxic, hazardous, or polluting materials that, by the measures required in this Regulation, such information can be obtained in a feasible manner and made accessible to the public and to emergency personnel in a way that will reduce disease, prolong life, prevent and control environmental health hazards, and protect the ground water of Ingham County; and

WHEREAS, the Department is aware that a great variety of toxic, hazardous, and polluting materials are manufactured, used, and stored within the County; and

WHEREAS, the Department is aware that emergency response personnel may encounter such substances both in natural and man-made emergencies; and

WHEREAS, the Department is aware through existing non-regulated Pollution Prevention (P2) programs that emergency personnel often lack sufficient access to the manufacturers of such substances, who could furnish more information to be used in handling such substances and treating persons who have come in contact with them; and

WHEREAS, the Department is aware that unless proper precautions are taken, such substances can cause disease, shorten life, and create environmental health hazards, both with respect to the general public and with respect to the emergency personnel working in the County on environmental and other emergencies; and

WHEREAS, the Michigan Public Health Code (MCL 333.2441) authorizes the local governing entity of a local health department (Ingham County Board of Commissioners for the Ingham County Health Department) to approve regulations adopted by the health department that are necessary or appropriate to implement or carry out the duties or functions vested by law in the local health department; and

WHEREAS, notice of a public hearing was given in accordance with Section 2442 of the Public Health Code (MCL 333.2442) not less than 10 days before the public hearing, and not less than 20 days before adoption of the regulation; and

RESOLUTION #11-074

WHEREAS, the Health Officer has notified the Board of Commissioners that notice of the scheduled public hearing was published in the Lansing State Journal on September 24, 2010 and has recommended that the Board of Commissioners approve the amendment to the Ingham County Sanitary Code which will add Chapter VIII and establish regulations governing the identification and disclosure of toxic, hazardous, or polluting materials.

THEREFORE BE IT RESOLVED, that the Board of Commissioners of the County of Ingham, Michigan, having reviewed the P2 regulations developed by the Health Department and the P2 ad hoc committee, and having considered the comments made at the public hearing on October 4, 2010, hereby approves an amendment to the Ingham County Sanitary Code by approving the addition of Chapter VIII (copy attached and incorporated by reference) being a regulation governing the identification and disclosure of toxic, hazardous, or polluting materials.

BE IT FURTHER RESOLVED, that Chapter VIII of the Ingham County Sanitary Code shall take effect and be implemented by the Health Officer 45 days after the date of this Resolution.

BE IT FURTHER RESOLVED, that fees shall be established by a separate resolution as set forth in Section 8.5 of the regulation.

HUMAN SERVICES: Yeas: Tennis, McGrain, Koenig, Nolan
Nays: Vickers, Dougan **Absent:** None **Approved 2/28/11**

FINANCE: Yeas: Tsernoglou, Nolan, Bahar-Cook, McGrain
Nays: Schor, Dougan **Absent:** None **Approved 3/2/11**

Ingham County Pollution Prevention Regulation

Article I - Scope

This Regulation shall apply to facilities within Ingham County that use and/or store toxic, hazardous, or polluting substances.

This Regulation shall not apply to:

- A. A facility that manufactures, stores, or uses a toxic, hazardous, or polluting substance at a work area in an aggregate volume or quantity less than 56 gallons or four hundred fifty (450) pounds and shall not be required to include such substance on any inventory or to submit a status sheet on such substance(s); provided, however, the BEH may require reporting of toxic, hazardous, or polluting substances in lesser quantities if these substances are specified on the extremely hazardous substance list, 40 CFR 355.
- B. Substances contained in foods, drugs, cosmetics, tobacco products and consumer products held for retail sale;
- C. Agricultural operators;
- D. Boxed or bagged salt;
- E. Households;
- F. Universities and Colleges;
- G. Oil and gas exploration/production;
- H. Retail Automotive Service Stations (fuel only)
- I. Oil-containing electrical equipment
- J. Manufactured Items
- K. Ferrous and non-ferrous metals
- L. Self contained fuel supply used to propel a vehicle.

Article II - Definitions

As used in this Regulation, the following definitions shall apply:

- A. "Agricultural Operators" means a person or persons who engage(s) in farming; it also means a fertilizer dealer licensed by the State of Michigan.
- B. "Appeals Board" means Ingham County Board of Commissioners or its designated committee.
- C. "BEH" means the Bureau of Environmental Health, Ingham County Health Department.
- D. "Board" shall mean the Board of Commissioners of Ingham County.
- E. "CAS" shall mean the identification number assigned by the Chemical Abstract Service to chemical substances.
- F. "Chemical Name" means the scientific designation of a substance in accordance with the nomenclature systems developed by either the International Union of Pure and Applied Chemistry or the Chemical Abstract Service.
- G. "Common Name" means any designation or identification, such as a trade name or number or code name or brand name, used by a facility to identify a substance other than by its chemical name.
- H. "Container" means any receptacle either formed or flexible covering a liquid, solid, or gaseous substance, including, but not limited to, bag, barrel, bottle, box, can, cylinder, drum, carton, stationary or mobile storage tank, vessel or vat.
- I. "Emergency" means an intended or unintended release of a toxic, hazardous, or polluting substance from its container or containers (including, but not limited to, equipment failure or human error) if the release meets one or more of the following criteria:
1. The release constitutes a substantial threat to the health or life of a person or persons or constitutes a substantial threat to the environment.
 2. The release was not made pursuant to previously obtained license or permission from any government agency regulating discharges of toxic, hazardous, or polluting substances and was in an amount substantially greater than the amount the facility ordinarily releases in the routine course of manufacture, use or storage of the substance and said release may pose a threat to the public health or environment.
 3. A release which would require notification to the Director of the Michigan Department of Environmental Quality.
- J. "Employee" means any person who works with or without compensation in a work area.
- K. "Environment" means the air, water and land outside of a work area.
- L. "Facility" means all contiguous land, and structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of liquid industrial and/or hazardous waste and/or polluting materials and/or the party that owns or controls the facility.
- M. Ferrous and non-ferrous metals mean an item containing iron and/or metals other than iron or steel. The does not include dust, slag or other by-products emitted when the solid is being modified.

- N. "Hazard" means classes I-IX as defined in 49CFR173.2.
- O. "Health Officer" means the Director of the Ingham County Health Department or his/her designated representative.
- P. Manufactured Items mean any solid article, other than a container holding solid or liquid polluting material(s) which is formed to specific shape during manufacture, and which does not leach or otherwise release polluting materials to the groundwaters or surface waters of the state under normal conditions of use or storage.
- Q. "Maximum Storage Inventory" means the maximum volume or quantity of a toxic, hazardous, or polluting substance that is, or has been, or may be present in the work area during a specified calendar year.
- R. "Oil" includes petroleum, gasoline, fuel oil, grease, sludge, oil refuse and oil mixed with waste.
- S. "Party" means any person, firm, corporation, partnership, association or other entity (whether for-profit or not-for-profit) who or which has at least one (1) work area within the County of Ingham.
- T. "Polluting material" means all of the following:
1. Any compound or product that contains 1 %, or more, by weight, of any of the following materials based on their material safety data sheet;
 2. Oil.
 3. Bulk Salt (over five tons).
 4. Toxic, hazardous, or polluting substances identified by this regulation.
- U. "Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of any toxic, hazardous, or polluting substances into the environment at or above the State/Federal reporting requirements.
- V. "Retail Automotive Service Stations (fuel only)" means that portion of property where liquids that are used as motor fuels are stored and dispensed from equipment into the fuel tanks of motor vehicles.
- W. "Regulatory Category" means the level of polluting material(s) used and/or stored at a facility. For the purpose of this regulation the following categories shall apply: Category I; 56-499 gallons (450-4499 pounds), Category II; 500-4999 gallons (4500-44,999 pounds), Category III; 5000+ gallons (45,000 pounds+).
- X. "Retail Sale" means the sale or purchase of any toxic, hazardous, or polluting substance that is individually packaged and sealed in small quantities (not more than 5 gallons or 40 pounds) for distribution to the ultimate consumer.
- Y. "Salt" means sodium chloride, potassium chloride, calcium chloride, magnesium chloride, and solutions or mixtures of these compounds.
- Z. "Substance" means any element, chemical, compound, combination, or any mixture thereof, whether organic or inorganic.

AA. "Toxic, hazardous, or polluting substance" means any substance which is defined and regulated by any of the following:

1. 29 CFR Part 1910 Subpart Z, Toxic and Hazardous Substances, also known as the Worker Right-To-Know Act, which is administered by the Occupational and Safety and Health Administration (OSHA). A substance is deemed toxic, hazardous, or polluting under this Regulation if a Material Safety Data Sheet (MSDS) is required.
2. 40 CFR 355, List of Extremely Hazardous Substances. This list is generated by the Environmental Protection Agency (EPA) under SARA Title III, section 302;
3. 40 CFR 372.65, Subpart D - Specific Toxic Chemical Listings. This is a list generated by the Environmental Protection Agency (EPA) under Sec. 313 of SARA Title III. It is also known as the Toxic Chemical Release Inventory (TCRI).
4. Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, Part 31, and the rules promulgated there under:
5. Polluting Materials. This list is generated by the Michigan Department of Environmental Quality. The list is located under R324.2009 of the Michigan Administrative Code.
6. 40 CFR Part 261, Appendix VIII, and 40 CFR 261.3. These are RCRA listed wastes and waste generating processes. Included are wastes that meet the criteria of: a) Ignitability; b) Corrosivity; c) Reactivity; or d) Toxicity Characteristic, or
7. Natural Resources and Environmental Protection Act, Act 415 of 1994, as amended, Part 121, Liquid Industrial Wastes. Liquid industrial waste means any liquid waste, other than unpolluted water, which is produced by or incident to or results from an industrial or commercial activity or the conduct of any enterprise.

BB. "Work Area" means a workplace, whether outdoors or inside a structure, where substances are stored, used, or manufactured, (and includes, but is not limited to, areas where substances are handled, mixed, processed, packaged, or re-packaged); and where employees, licensees, invitees, or other persons may be present. The term "work area" does not include principal and secondary residences and also does not include lawns or fields upon which fertilizers, pesticides, or herbicides are applied.

"Vehicle" means a private passenger automobile, a truck, an airplane, a watercraft, or a railroad locomotive.

CC. Addendum "A". List of Acronyms used in regulation.

Article III - Pollution Prevention Information for the Public

Section 3.1 - Reporting Requirements: A facility that uses or stores toxic, hazardous, and/or polluting substance(s) at a work area on or after the effective date of this regulation shall compile and deliver the following documents to the BEH by the following deadlines:

- A. An initial status sheet pursuant with section 3.2, shall be prepared within 30 days.
- B. Existing plans prepared pursuant to SPCC, PIPP, RCRA or a Tier II Emergency and Hazardous Chemical Inventory as required by the USEPA SARA 302 and 312 regulations may be submitted in lieu of the initial/updated status sheet if all of the information required in this section is contained within the

existing plan. This includes the “grouping” of substances with similar characteristics into categories, rather than reported individually by chemical, as allowed by the SARA 312 requirements.

C. An updated status sheet shall be filed by March 1st of each reportable year and shall include, but not be limited to, the maximum storage inventory for the prior calendar year.

D. If a change of ownership occurs; an updated status sheet must be submitted within 30 days.

Section 3.2 - Status Sheet: A status sheet shall include the following information:

A. An inventory of all toxic, hazardous, or polluting substances stored, or used at the work area. The inventory shall include a listing of the common name, the chemical name, the CAS number, the storage location, hazards associated with the substance, and the maximum storage inventory for the applicable calendar year.

B. The names, addresses and telephone numbers of two (2) persons in the facility organization with authority to make decisions for the facility in the event of any emergency involving the substance.

C. The facility’s plan for notification of emergency personnel and other personnel in the event of an emergency involving the substance, including names, addresses and telephone numbers of persons to be notified and the contents, if known, of emergency messages to be delivered.

D. Information that assists emergency personnel to identify polluting material containers.

E. A facility site plan showing the location of polluting material containers.

F. The facility’s intended plan for consuming, or ultimately removing, the substance from the work area, including: consumption of the substance in the process of manufacturing products, shipment in the ordinary course of business to retailers or wholesalers of the substance, shipment to a work area of the facility located outside the County, discharge of the substance into the local sanitary sewer system, loss of the substance by evaporation, etc.

Section 3.3 - Accessibility: The BEH shall keep on file a copy of all inventories and status sheets received, and make them readily available to the public, upon request, during regular business hours and at a reasonable cost for duplication. However, the site plan and information regarding the location of toxic, hazardous, or polluting materials containers shall not be available to the public.

Section 3.4 - Public Notification: Ingham County shall notify the public at least annually that the information required by this Regulation is available from the Ingham County Health Department and that the public has a right of access to the information provided in Section 3.3.

Article IV - Pollution Prevention Information for Emergency Personnel

Section 4.1 - Emergency Notification: Every facility covered by this Regulation, in the event of an off-site or potential off-site release, shall immediately call 911.

Section 4.2 - Posting: Any facility required to be inspected under Section 5.1 of this Regulation shall post a decal provided by the Health Department at the principal outside entrances to the work area which would indicate participation in the Ingham County P2 Program.

Article V - Duties of the Health Officer

The Health Officer, or designated representative, shall have jurisdiction throughout Ingham County, including all cities, villages, townships and charter townships, in the administration of this Regulation and any amendments hereafter adopted, unless otherwise specifically stated herein.

Section 5.1 - Inspections: The BEH shall conduct annual inspections of work areas within Ingham County are subject to this regulation. These inspections shall be for the purpose of, but not limited to, determining:

- A. That all required inventories and status sheets have been completed accurately and have been submitted to the BEH as required in Article III.
- B. That adequate and appropriate safety, containment, and clean-up equipment is readily available.
- C. That decals are posted as required in Section 4.2.
- D. That proper storage practices and procedures are being followed as required in Section 5.4.

Section 5.2 - Reduced Frequency Inspection Status: Any facility that is found to be in compliance with this regulation at the time of the second annual inspection, will be placed on a schedule of reduced frequency inspections after staff review and approval.

To maintain reduced frequency inspection status, the facility must:

- A. Remain in compliance with this Regulation, including reporting requirements under Article III and fee payments under Article VIII.
- B. Inform the BEH of any significant or substantial changes occurring at the facility that might be relevant to emergency planning.
- C. Not increase the maximum storage inventory sufficient to alter the regulatory category since the most recent inspection without notifying the BEH.
- D. Adequately address any releases to avoid environmental health hazards.
- E. Submit an annual written verification as to items A - D above to the BEH by March 1st of each year.

Reduced frequency inspections shall be conducted once every three (3) years for category I facilities, and once every two (2) years for categories II & III facilities.

Nothing in this section shall prohibit the BEH from conducting site visits as necessary to verify the accuracy and validity of reduced frequency status. If reduced frequency inspection status is found to be unwarranted, the site visit will be treated as an annual inspection. A change of ownership shall require a new inspection.

Section 5.3 – Re-inspections: The BEH shall conduct re-inspections of those work areas which have been found to be in violation of this Regulation. These re-inspections shall be conducted as necessary to verify correction of such violations.

Section 5.4 - Storage Practices: All parties shall store all toxic, hazardous, or polluting substances that may be at their work areas according to practices and procedures which will prevent contamination of air, groundwater and surface water.

The BEH shall review with each facility that is inspected whether the facility's storage practices and procedures meet criteria set forth in existing State and Federal regulations. The BEH, in proper cases, shall report suspected violations of state law to appropriate state agencies.

Section 5.5 - Records: The BEH shall also maintain the following information:

- A. Inventories and status sheets filed pursuant to Article III of this regulation, indexed by name of the facility; and tax parcel number of the work area;
- B. Reports from on-site inspections, indexed by the name of the facility; and tax parcel number of the work area;
- C. Variances and applications for variances, as provided under Article IX of this regulation;
- D. Public health and environmental information of those toxic, hazardous, or polluting substances listed on the inventories received by the BEH.

Section 5.6 Remedies and Penalties:

- A. The Health Officer or designated representative shall have the authority to issue citations for any violations of this regulation. Any person who shall fail to comply with any provision of this regulation shall be liable for monetary civil penalties of not more than One Hundred (\$100.00) Dollars for each violation. The citation shall be written and cite with particularity the section of this regulation alleged to have been violated and the right to appeal.
 - 1. Not later than twenty (20) days after receipt of the citation, the alleged violator may petition the appropriate appeals board of Ingham County for an administrative hearing to affirm, dismiss or modify the citation. This hearing shall be held thirty (30) days after the receipt of the petition. The decision of the appropriate appeals board of Ingham County shall be final, unless within sixty (60) days of the decision a review is granted.
 - 2. The person aggrieved by the decision may petition the Ingham County Circuit Court for review no later than sixty (60) days following receipt of the final decision.
 - 3. A civil penalty becomes final if a petition for an administrative hearing is not received within the time specified in this section.
- B. Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action in the name of Ingham County in a court of competent jurisdiction for an injunction or other appropriate process against any facility to enforce this regulation.

Section 5.7 - Confidentiality Protections: The BEH shall adopt necessary practices to protect information identified pursuant to Article VII hereof as a trade secret from improper use or dissemination beyond the purposes of this regulation, except that trade secret information may be released when deemed necessary to properly protect health, safety, or property in an emergency.

Section 5.8 - Power to Establish Policy and Guidelines: The Health Officer is hereby granted the authority to establish policies and guidelines, not in conflict with the purpose and intent of this regulation for the purpose of carrying out the responsibilities herein delegated to the Health Officer by law. All such policies shall be in writing and shall be kept in a policy file available for public inspection upon request.

Section 5.9 - Emergency Notification: The BEH, upon learning of release of a toxic, hazardous, or polluting substance, shall notify the Ingham County Office of Emergency Management and the Office of Homeland Security and Emergency Management.

Section 5.10 - Annual Report: Each year the Health Officer must report to the Board of Commissioners the number of businesses inspected and fees collected. County staff will provide electronic notice to all effected businesses about the Human Services Committee meeting.

Article VI - Falsification

It shall be unlawful for a party or any officer, director or employee of a facility, to knowingly, or recklessly, or negligently fail to comply with the provisions of this regulation, or to misrepresent, falsify, conceal, destroy or fail to retain information necessary to comply with this regulation. The dissolution of a corporation shall not discharge its directors, officers or employees from liability for such conduct.

Article VII - Trade Secrets

This regulation shall not be construed as limiting any rights, obligations, or remedies regarding trade secrets existing under applicable law, except as is necessary to achieve the objectives of this regulation and as expressly provided below.

Section 7.1: A facility may withhold the chemical name (but not the common name) of a toxic, hazardous, or polluting substance from inventories and the status sheets required by Article III provided that the facility shall:

A. Establish that the substance is a trade secret by showing:

1. That the specific substance has not been published or disseminated or has not otherwise become a matter of general public knowledge.
2. That the substance has competitive value in regard to the portion or phase of any scientific or technical information design, process, procedure, or formula which shall be substantially harmed by disclosure; and
3. That the specific substance cannot be discovered lawfully by analytical techniques, laboratory procedures, or other means available to any potential competitor, including reverse engineering; and
4. The substance is not required to be disclosed to the public under any federal or state law.

B. Identify the substance on the inventory and status sheet by a generic chemical classification that would provide sufficient information upon which a health professional could render recommendations for adequate safeguards to prevent exposure to the toxic, hazardous, or polluting substance; and

C. Provide the withheld information on a confidential basis to a treating physician/nurse who states, (in writing, except in an emergency situation), that a patient's health problems may be related to exposure to the substance. A statement to this effect with the name and phone number of the person or persons authorized, on a 24-hour a day basis, to disclose the withheld information shall be included on the status sheet.

Section 7.2: Any facility that wishes to avail itself of the provisions of Section 7.1, to avoid disclosing the chemical name of a substance on an inventory and/or status sheet shall deliver to the BEH a trade secret request sheet each time an inventory or status sheet is required to be delivered. That trade secret request sheet shall contain, for each substance the facility wants treated as a trade secret, the following:

- A. A statement of the information the facility deems to be a trade secret, protected under Section 5.7; and
- B. A true statement that the conditions of Section 7.1 have been met; and
- C. The chemical name that, but for Section 7.1, would have been required on the status sheet and on the inventory.

Section 7.3: No officer, employee, agent or contractor of any Ingham County department, division, bureau, board or commission shall knowingly and intentionally disclose to anyone in any manner unless authorized by law, any trade secret information, except as is required to administer or enforce the provisions of this regulation. Any person who violates this provision may be fined, suspended, or removed from office or employment, or subject to any other applicable proceedings and penalties for violation of trade secret protections provided for under existing law.

Section 7.4: Notwithstanding any other provision of this regulation, the BEH is authorized to disclose trade secret information when such action is necessary to properly protect health, safety or property in an emergency situation.

Section 7.5: Within sixty (60) days of receipt of a trade secret request sheet pursuant to Section 7.2 of this Article, the BEH shall consider the evidence to determine if the facility has supported the claim that the specific chemical identity is a trade secret pursuant to Section 7.1 of this Article. The BEH shall notify said facility in writing of his/her determination regarding the facility's trade secret request.

Section 7.6: If the trade secret request is denied, that facility is then required to comply with the full provisions of this regulation within ten (10) working days of receipt of the decision of the BEH.

Section 7.7: The BEH may revoke any trade secret designation upon the basis of new information showing that the original facts requested in Section 7.1 have changed; provided, however, that public disclosure of the claimed trade secret shall not be made until ten (10) calendar days after the holder of the trade secret is notified of the proposed revocation, unless the holder of the trade secret files an appeal of the revocation pursuant to Section 9.2, below, in which event public disclosure would be stayed pending the decision of the appropriate appeals board of Ingham County. If the appropriate appeals board of Ingham County upholds the proposed revocation, public disclosure shall not be made until ten (10) calendar days after receipt by the holder of the claimed trade secret of the written findings and decisions of the appropriate appeals board of Ingham County.

Article VIII - Fees

Section 8.1 - Reporting Fee: Each facility required to report under Section 3.1 shall pay an annual reporting fee to the BEH with the submission of a toxic, hazardous or polluting materials status sheet. The annual reporting fee shall be based on the aggregate maximum storage inventory which must be reported on that status sheet and shall be paid by March 1 of each year.

Section 8.2 - Inspection Fee: Each facility whose work area is inspected under Section 5.1 shall pay an inspection fee to the BEH based on the aggregate maximum storage inventory for the calendar year in which the inspection occurs. The minimum threshold for inspection fees shall be established at 56 gallons (450 pounds).

Section 8.3 – Re-inspection Fee: For each re-inspection in which violations are found to persist, the re-inspected facility shall pay a re-inspection fee to the BEH.

Section 8.4 - Optional Service Fees: Other fees may be assessed by the BEH for requested, non-mandated services, such as on-site consultations and plan reviews.

Section 8.5 - Fee Amounts: The fee amounts shall be determined by a schedule to be approved and amended as necessary by resolution of the Ingham County Board of Commissioners.

Article IX - Variances and Appeals

The appropriate appeals board of Ingham County shall hear appeals and may grant individual variances from provisions of this regulation by a concurring vote of the majority of its members where it is determined that no substantial health hazard is likely to occur from the requested variance and unnecessary hardship might result from strict compliance with this regulation.

Section 9.1 - Variances: A request for a variance shall be in writing and shall contain a detailed description of the variance sought. The request for a variance, together with a fee established by the Ingham County Fee Schedule, shall be filed with the BEH.

Section 9.2 - Hearings and Appeals:

If a party is adversely affected by any decision under this regulation, the party may request in writing a Hearing before the Ingham County Board of Commissioners or its designated committee within thirty (30) days of the date of such decision. The Department shall issue a Notice of Hearing within fifteen (15) days after receiving the request and payment of the appropriate Appeals fee. A Hearing shall then be held at the next regular meeting of the Ingham County Board of Commissioners or its designated committee, scheduled for such purposes; provided, however, that a Hearing shall be conducted no later than sixty (60) days after the Notice of Hearing is mailed to the owner or interested party. The Ingham County Board of Commissioners or its designated committee shall affirm, dismiss or modify the contested decision by a majority vote of the Board or committee. The decision by the Ingham County Board of Commissioners or its designated committee shall be in writing and state the reasons and grounds for such decision. A copy shall be furnished to the owner, any interested person, and the Department within thirty (30) days of the decision.

Article X- Severability

Section 10.1: If any provision, section, or word of this regulation, or the enforcement thereof, is held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect or render invalid or unenforceable any other provision of this regulation. To this end, each of the provisions and sections of this regulation are severable.

Section 10.2: If this regulation or the enforcement of this regulation is held to be invalid for any geographical area within Ingham County, such a holding shall not affect the validity or enforceability of this regulation in any other area of Ingham County.

Article XI- Implementation

The effective date of this regulation is April 22, 2011, being 45 days after approval by resolution # 11-074 of the Ingham County Board of Commissioners.

Article XII- Short Name

This regulation will be referred to as the "The Ingham County Pollution Prevention Regulation".

Ingham County Pollution Prevention Regulation

ADDENDUM “A”

LIST OF ACRONYMS USED IN REGULATION

BEH	Bureau of Environmental Health
CAS	Chemical Abstract Service
CFR	Code of Federal Regulations
EPA	Environmental Protection Agency
MDEQ	Michigan Department of Environmental Quality
MSDS	Material Safety Data Sheet
OSHA	Occupational Safety and Health Administration
P2	Pollution Prevention
PIPP	Pollution Incident Prevention
RCRA	Resource Conservation and Recovery Act
SARA	Superfund Amendments and Reauthorization Act
SPCC	Spill Prevention, Control and Countermeasure
TCRI	Toxic Chemical Release Inventory