



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

AWMA Fall Joint Conference Materials Management Division Updates

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Hazardous Waste Section

2023 Year in
Review and
Plans for 2024



Public Involvement/Legislative Interest

- ◆ East Palestine Train Related Waste
- ◆ Buick City, Flint - RACER/Ashley Development
- ◆ Facility Relicensing – 3 issued

Administrative Activity

- ◆ Evaluated transitioning the Waste Data Systems (WDS) Database to the MiEnviro Platform
- ◆ Responded to a record number of Freedom of Information Requests
- ◆ Continued work on electronic data management efforts
- ◆ Continued support to US EPA on their lead sites, especially related to PFAS

Rules Development – Federal Authorization

- ◆ Recalled airbags rule offers regulatory relief while the legal requirement to maintain the recalled airbags is in place.
- ◆ Hazardous waste pharmaceuticals rule – Michigan will no longer be able to regulate pharmaceuticals as universal wastes, new sector for program in terms of wastes and regulated parties (healthcare facilities, distributors, reverse distributors, retailers, etc.)
- ◆ Modernizing ignitable liquids determinations rule – simple update to methodology required for the determinations, follows federal rule.

Rules Development – State Initiated

- ◆ Clarification of exemption requirements for leather wastes.
- ◆ Clarification of requirements associated with commingling of hazardous waste – gives options for CD and CS information on the manifest.
- ◆ Monitoring – Owner/operators will be required to provide all environmental monitoring data to the director in electronic form within 60 days of the date of completion of the sampling or collection event, unless otherwise approved by the director.
- ◆ Consistent terminology between recently revised rules and older rules – effort to use plain language in regulations, inconsistent wording and style results from rules not necessarily being substantively revised in each package.
- ◆ Updates to information associated with items adopted by reference – done as part of every rules package, updates to methods, reference materials, regulations, Federal Registers, etc.
- ◆ Correction of typographical errors.

Rules Process

The draft Part 111 Rules have undergone review by the Michigan Office of Administrative Rules and Hearings and the Legislative Service Bureau.

A public hearing on the rules package is expected in early 2024

Focus Areas for 2024

- ◆ Improved public engagement – more interactions, continue to focus on language accessibility
- ◆ Increased compliance efforts, especially related to monitoring programs
- ◆ Completed rules process
- ◆ Improved licensing timelines and procedures

HW Section Reorganization

The program has seen an increase in corrective action activities at many treatment, storage, and disposal facilities, including coordination with potential buyers for site redevelopment purposes. The redevelopment projects are often quite involved and time sensitive.

There has been increased public and legislative interest in many of our licensed facilities. This includes the need for additional public meetings and responses to inquiries.

These impacts to staff resources has resulted in the realization that the current section structure is not allowing staff to concentrate their efforts on anything specific.

We have a request in to realign the staff into two units – one to focus on licensed facilities and the other to focus on corrective action sites. This will allow staff to put their energy into the highest priority activities in each focus area.

Hazardous Waste Program

Compliance and Enforcement

**HAZARDOUS
WASTE**

FEDERAL LAW PROHIBITS IMPROPER DISPOSAL

IF FOUND, CONTACT THE NEAREST POLICE,
PUBLIC SAFETY AUTHORITY OR THE
U.S. ENVIRONMENTAL PROTECTION AGENCY

GENERATOR INFORMATION:
NAME _____
ADDRESS _____
CITY _____ STATE _____ ZIP _____
EPA ID NO. _____ EPA WASTE NO. _____
ACCUMULATION START DATE _____ MANIFEST DOCUMENT NO. _____

D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX

HANDLE WITH CARE!

Hazardous Waste Generator Issue 1

One of the most common violations is the exceedance of accumulations times (90 or 180 days). MMD considers exceedance of accumulation time limits one of the most significant violations that results in escalated enforcement due to the “accumulation” becoming “storage” without the precautions imposed by the TSDF requirements of Part 111 and the Part 111 Rules.

To prevent an enforcement action, a generator must request an extension before the waste meets the accumulation time limit. MMD has developed an extension request form which can be found via this link, [Extension Request Form for Hazardous Waste and Universal Waste Accumulation \(office.com\)](#)



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Extension Request Form for Hazardous Waste and Universal Waste Accumulation

Important Note: In addition to submitting this form, please email the following information to ConferT@Michigan.gov with your EPA Site ID Number listed in the subject line. Submissions with missing information may not receive approval.

- Copy of all correspondence pertaining to efforts to have the subject waste collected, to include written responses/notification indicating that the company could not accept the waste.
- Provide photos of the following:
 - Waste accumulation area
 - Any extended waste accumulation area that resulted from the need to exceed the statutory accumulation time
 - Secondary containment, sufficient to accommodate all waste being accumulated

This form is to be submitted no more than thirty days prior to the need for the extension (30 days prior to exceeding the 90-day accumulation time for large quantity generators, 180-days for small quantity generators, and 365-days for universal waste handlers)



Hazardous Waste Generator Issue 2

Staff have been looking at manifest information and noted a significant time lag between the waste leaving the generator site and reaching the designated facility. Generators should be tracking that transported waste is being received at the destination facility in a timely manner.

For Large Quantity Generators (LQG) if the waste is not received within 35 days, the LQG must contact both the transporter and disposal facility. If the waste is not received within 45 days, the LQG must also contact the department via written notification that explains the efforts taken to locate their hazardous waste.

For Small Quantity Generators, it is recommended that they contact within 35 days, both the transporter and disposal facility. In addition, written notification to the department must be submitted if the waste is not received within 60 days that explains efforts taken to locate their hazardous waste.

Staff are developing a form to assist generators that need to make these notifications.

Solid Waste Program

New authorizations, compliance, and federal funding



Part 115 – the Continuing Update Saga

- Staff worked with a contractor to develop online authorization programs and reporting for Solid Waste Processing and Transfer Facilities, Materials Recovery Facilities, Waste Diversion Facilities and Anaerobic Digesters utilizing the online platform (Re-TRAC).
- There is a new regulatory structure for organics facilities. Anaerobic Digesters and Compost facilities that fall into the notification or registration category are required to have applications in by March 29, 2024, and general permit facilities by March 29, 2025.
- EGLE has received stakeholder comments on draft general permits for compost facilities, materials recovery facilities, innovative technology facilities, and anaerobic digesters. EGLE is responding to these comments and reengaging with stakeholders. The plan is to public notice the final general permits later this year and make the general permits available for use in mid-2024.
- We are beginning the process to update the Part 115 rules to reconcile the rules with changes in the statute, known as conforming rules changes.
- Implementation of the new Landfill Gas regulations is underway. Deadlines for submitting various workplans are upcoming, and landfills have been asked to provide their gas migration plans for review.
- EGLE will be starting the Materials Management Planning cycle soon via a letter from Director Roos to the County Commissioners/Executives.

Solid Waste – Approvals and Money

- ◆ Last fiscal year (FY 22) the Solid Waste Section issued 31 licenses and permits. The Solid Waste Section has issued 42 licenses and permits in FY 23
- ◆ The program currently manages almost \$887,000,000 in financial assurance instruments for solid waste facilities
- ◆ MMD applied for and received over \$500,000 in federal Solid Waste Infrastructure for Recycling (SWIFR) funding for data collection, outreach, and Part 115 implementation efforts. This will support our Part 115 update process, including outreach to counties relative to the Materials Management Plan development.
- ◆ MMD also received \$308,824 in federal funding for our efforts to get authorized for the Coal Combustion Residual Program.

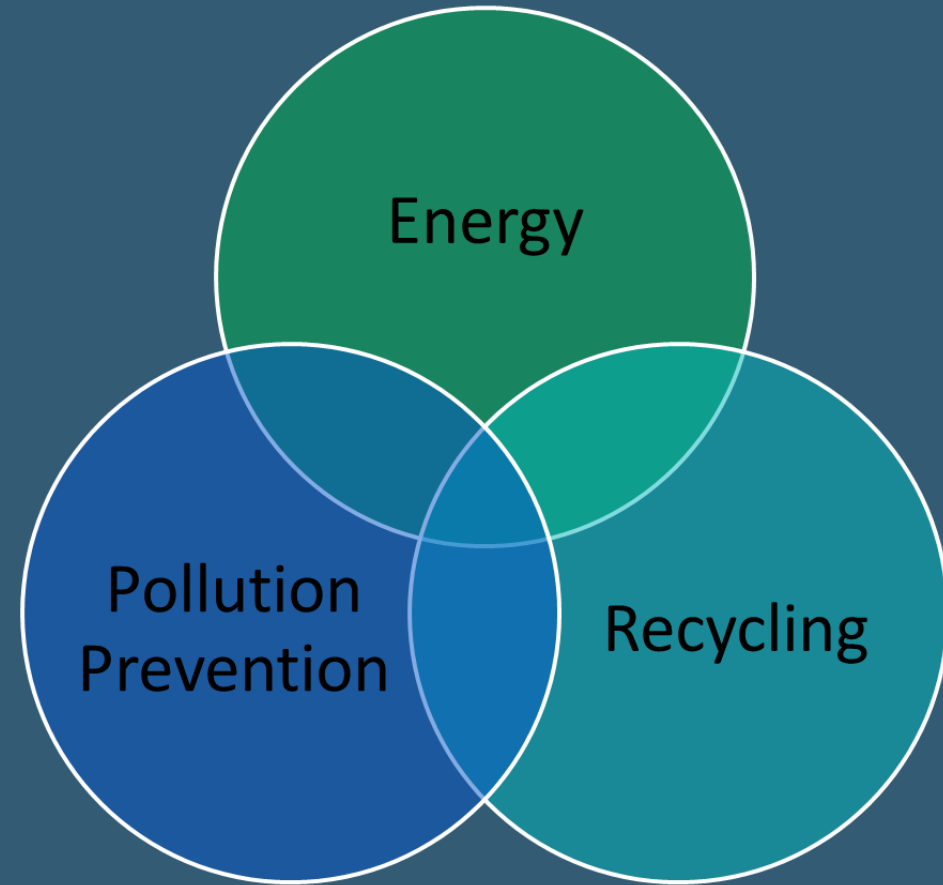
Solid Waste Compliance/Enforcement

“Mothballed” landfills: MMD is taking a renewed and closer look at landfills or individual landfill units that are currently licensed, are not accepting waste, but owners/operators have intention to use the facility’s capacity in the future. Owners/operators are required to ensure all the Part 115 requirements for licensed facilities are met on an on-going basis, despite the lack of active waste acceptance.

Escalated enforcement resulting in civil complaints: recent referrals to the DAG for civil complaints are due to lack of responsiveness from a facility and failure to demonstrate improved compliance over the course of settlement negotiations.

Sustainability

The Non-regulatory Programs



Program Priorities



Communities
& Schools

Agriculture,
Businesses &
Industry

Equitable
Access to
Renewable
Energy &
Recycling

Clean
Transportation

Education &
Workforce
Development

Agriculture, Small Businesses, & Industry

- ◆ Retooling
- ◆ Food Waste Reduction
- ◆ Sustainability Assessment Implementation
- ◆ Energy & P2 Loans
- ◆ RESTART
- ◆ C3 Accelerator
- ◆ NextCycle
- ◆ Technical Assistance
- ◆ Clean Corporate Citizens

Workforce Education and Outreach

- ◆ Energy Workforce Development
- ◆ Contractor Training
- ◆ Energy Auditor Training
- ◆ Building Operator Training
- ◆ Know It Before You Throw It
- ◆ Codes Compliance Collaborative
- ◆ Recycler Training
- ◆ Small Community Education

2024 Requests for Proposals

**Charge Up
Michigan**

Lake MI Circuit

**Community
Energy
Management**

**Agriculture &
Rural
Businesses**

**Small
Manufacturer
Retooling**

**MI Food Waste
Reduction**

**Diesel Emission
Reduction**

**Sustainability
Assessment &
Implementation**

**Fuel
Transformation
Program**

**Recycling
Infrastructure**

Grid Resiliency

**Recycling
Market
Development**



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