

**WEST MICHIGAN CHAPTER
AIR AND WASTE MANAGEMENT ASSOCIATION**

Proposed Revisions to Michigan's Hazardous Waste Management Program Administrative Rules

March 20, 2019



**Department of Environmental Quality
Waste Management and Radiological Protection Division**

HAZARDOUS WASTE MANAGEMENT PROGRAM

- Part 111, Hazardous Waste Management, Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended
- Rulemaking represents 12th amendment to the Part 111 base rules which were authorized on October 30, 1986
- Both state and federally-initiated revisions



STATE-INITIATED REVISIONS

- Evaluation of additional Michigan-only hazardous waste listings
 - ***122 “S” and “U” codes remaining***
 - ***Currently 52 proposed for deletion***
- Expanded options for conducting verification sampling in event of a statistically significant increase in secondary groundwater monitoring parameters
- Addition of aerosol cans as universal waste
- Typographical corrections
- Reference material updates



FEDERALLY-INITIATED REVISIONS

- Confidentiality determinations for hazardous waste import and export documents
- Hazardous waste electronic manifest rule
- Generator improvements rule
- Definition of solid waste – 2018 court vacatur addressed



HAZARDOUS WASTE E-MANIFEST



- **Effective June 30, 2018**
- **Manifests now submitted to U.S. EPA NOT state**
- **Paper and electronic options for time being**
- **Manifest processing user charges for manifests dated January 1, 2018 – June 29, 2018**
- **Final invoice packages for charges**

GENERATOR IMPROVEMENTS RULE OVERVIEW

- 81 FR 85732, November 28, 2016, effective at federal (not state) level May 30, 2017
- Major restructuring of generator requirements
- Generator categories:
 - *VSQG – very small quantity generator*
 - *SQG – small quantity generator*
 - *LQG – large quantity generator*



MORE ON GENERATOR IMPROVEMENTS RULE


- 1 planned/unplanned episodic event/year, optional waiver for 2nd unplanned/planned event
 - *Yes - regulatory relief*
 - *No - hazardous waste handler user charges*
 - *Events processed via District Offices*
- VSQG -> LQG under control of same person and consolidate it there before shipping to designated facility
- Consistent with federal provisions, except:
 - *“Hazardous Waste”*
 - *HW # (or HW name)*
 - *Hazard Indicator*



2018 VACATUR OF SELECT 2015 DSW AMENDMENTS

- Existing rules consistent with pre-vacatur provisions
- U.S. Court of Appeals vacated 2 items, reinstated 1 item:
 - *Vacated legitimate recycling criteria 4, recycling process product must be comparable to a legitimate product or intermediate, 40 CFR 260.43 [R 299.9232(1)(d)]*
 - *Vacated verified recycler exclusion 40 CFR 261.4(a)(24) [R 299.9204(1)(bb)], kept containment and emergency preparedness and response requirements*
 - *Reinstated “transfer-based” exclusion from 2008*
- State ability to enforce its rules remains, however, pursuing changes to reflect vacatur

GENERAL PROCESS AND OPPORTUNITY FOR INPUT

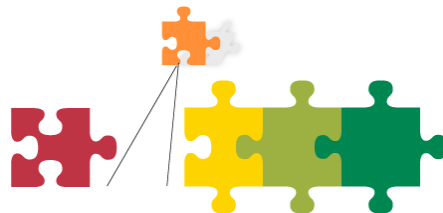
- Internal and Short List reviews conducted last spring
- Revised and submitted to Office of Regulatory Reinvention (ORR) for informal review in December
- Long List review and public hearing in May, pending ORR approval
- JCAR calendar will likely result in a fall effective date
-  Short (private) and Long Lists (public) on Granicus platform, offer electronic notifications. Sign up for Long List at:

<https://public.govdelivery.com/accounts/MIDEQ/subscriber/new>



NOTABLES NOT IN CURRENT RULES PACKAGE

- **Federal Provisions:**
 - *Safe management of recalled airbags*
 - *Management standards for hazardous waste pharmaceuticals and amendment to P075 listing*
- **Will be addressed in Amendment 13 of Part 111 rules**
- **Continue to monitoring status of state cleanup criteria for potential use and authorization by U.S. EPA**



THOUGHTS, IDEAS, QUESTIONS



Thank You!

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