

Hazardous Waste User Charge Stakeholder Workgroup

Meeting Agenda

January 26, 2012

1:00- 4:00 p.m.

**Rachel Carson Conference Room
Atrium North, Constitution Hall, Lansing, Michigan**

1. Universe of Handlers and Inspections
2. Work Plan, Authorization and Program Scope
3. State vs. Federal Program
4. Regulatory Reinvention
5. Financials
6. Wrap Up

Handlers Last Activity
(last activity as of 1213112011)

LQG	568
SQG	2440
CESQG	16740
LIW only (not lqg, sqg or cesqg)	33275
LIW Designated Facility	478
HW Designated Facility	149
Active Designated Facility	22
2010 >40 manifests	

2009 Biennial Report Summary

Number of Generators	576
Total Quantity Generated	284270 tons
Facilities Managing HW	15
Total Quantity Managed	394235 tons
Number of HW Shippers	582
Total Quantity Shipped	189134 tons
Number of HW Receivers	15
Total Quantity Received	341751
Interstate Shipments	107608 tons
Interstate Receipts	256814 tons

2009 Used Oil Biennial Report

Number of Facilities	18
Total Quantity	60,403,877 gallons

Handlers Invoiced

Year	SQG	LQG	VLQG	TSD	Used Oil	
2002	5325	863	43	46	208	
2003	5015	829	45	45	225	
2004	4214	713	44	43	211	
2005	3872	736	45	52	168	
2006	3739	726	39	42	158	
2007	3700	767	41	47	149	
2008	3506	696	40	42	147	
2009	3170	700	28	43	144	
2010	2778	578	33	45	122	

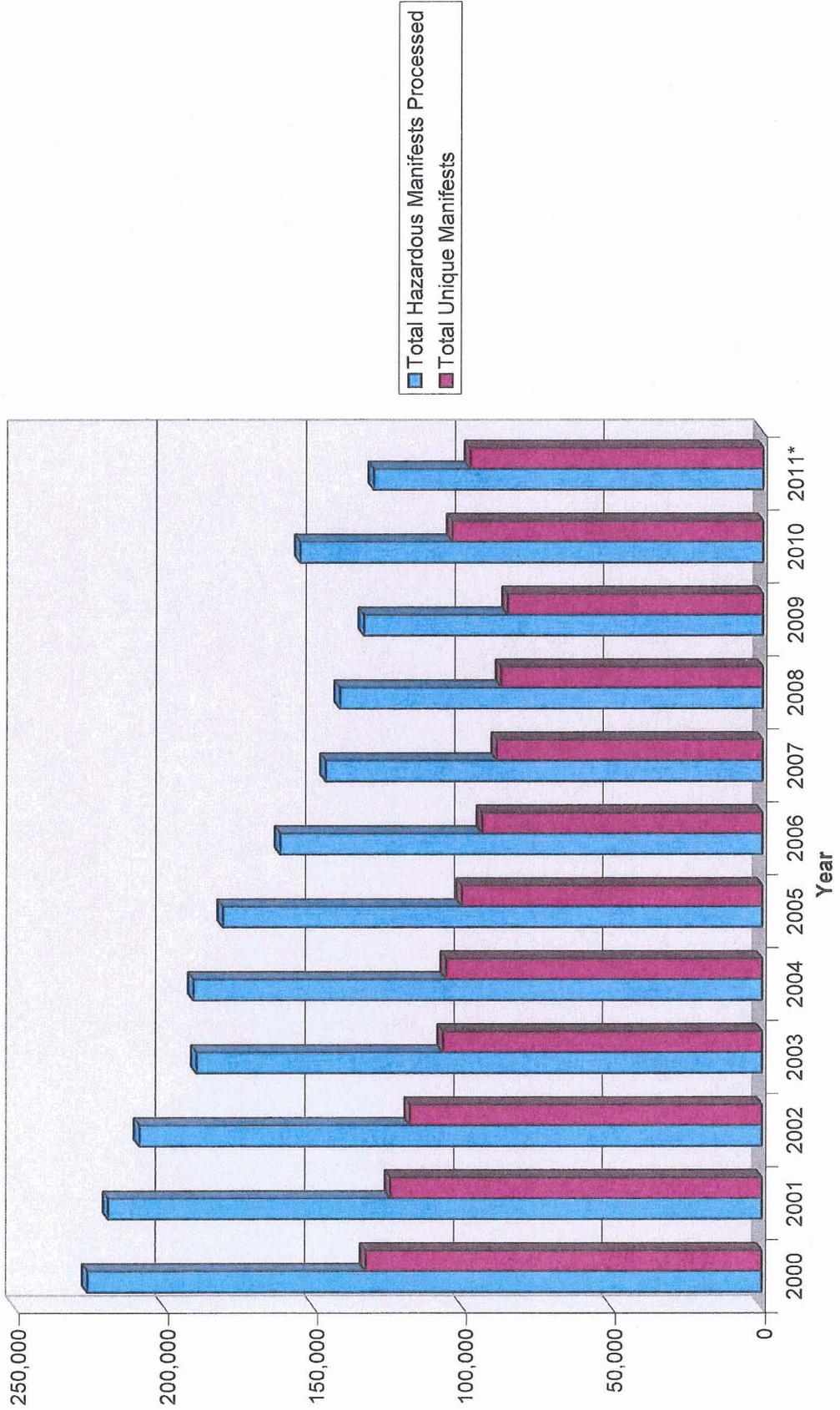
Manifests Collected

Handlers Collected						Manifests Collected				
Year	SQG	LQG	VLQG	TSD	Used Oil	Total Manifests	SQG Manifests	LQG Manifests	VLQG manifests	TSD Manifests
2002	5147	844	43	41	204					
2003	4400	727	45	43	212	45323	19018	12914	12484	8230
2004	4053	693	44	41	204	44524	18061	12680	12958	8342
2005	3728	720	44	49	160	43451	17140	13028	12589	8497
2006	3567	713	39	39	152	40362	16093	13069	10659	7638
2007	3376	696	41	41	142	34492	12806	11811	9038	6409
2008	3175	645	40	39	138	42882	17269	14003	10474	7366
2009	2871	641	28	40	133	29168	11588	9437	7130	5352
2010	2245	451	27	39	108	30559	8763	7732	9644	6387

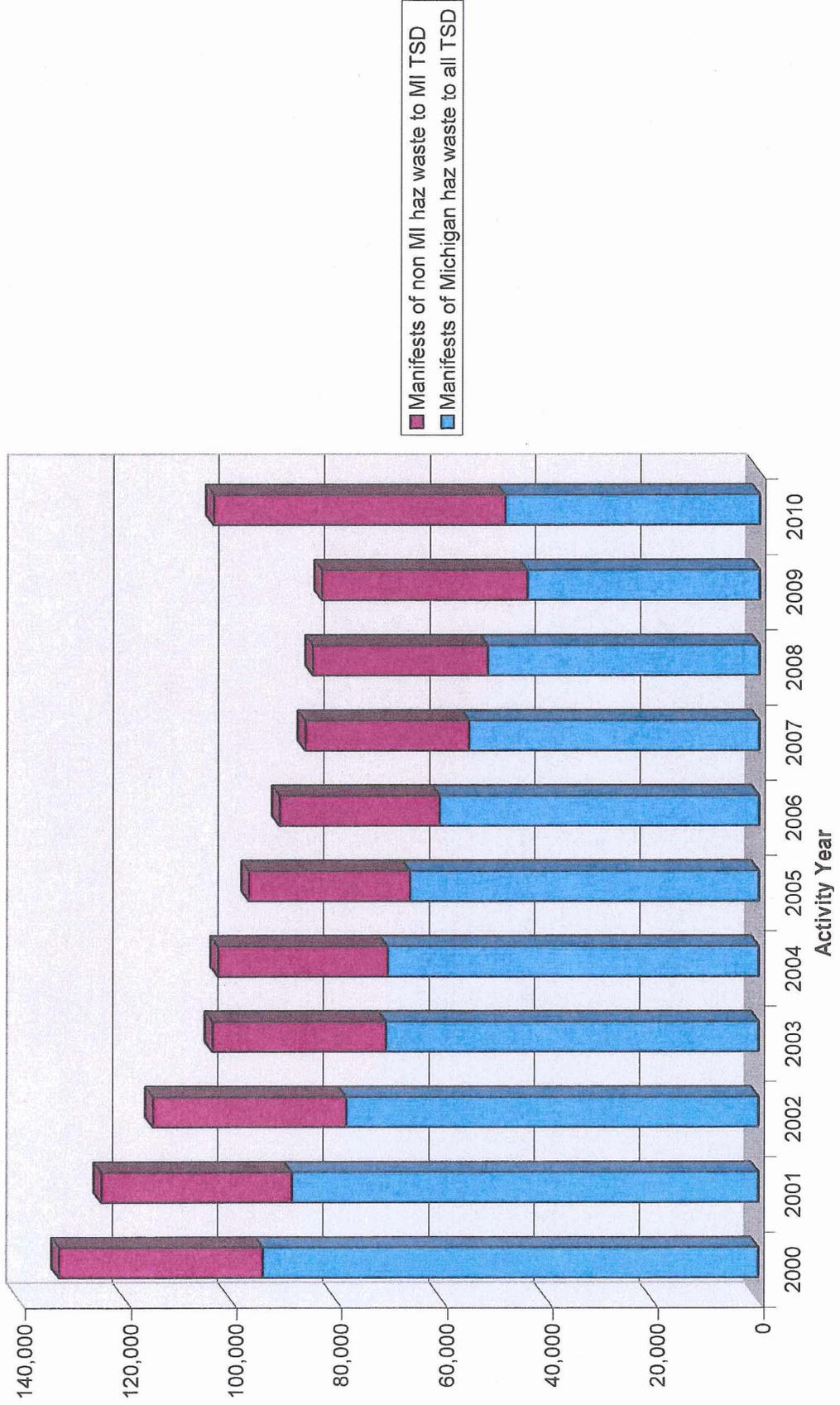
Manifest Data

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011*
Generator and TSD Copies	226,022	219,023	208,583	189,512	190,586	180,784	161,672	146,309	141,677	133,679	155,172	130,466
Total Unique Manifests	132,723	124,527	118,012	106,989	105,919	100,667	93,780	88,931	87,426	85,320	104,179	98,102
Total Quantity in Tons	1,680,571	1,619,875	1,349,597	1,422,882	1,373,342	1,272,710	1,138,171	1,039,110	951,575	795,368	1,341,318	908,879
MI Manifests to MI TSDs	43,775	42,737	41,594	39,863	40,057	37,863	33,757	26,860	26,080	23,736	26,559	
MI Manifests to All TSDs	93,956	88,521	78,215	70,709	70,465	66,271	60,689	55,076	51,563	44,075	48,254	
Import Manifests	38,672	36,147	36,683	32,857	32,072	30,456	30,232	31,023	33,133	38,893	55,246	
Tons Managed In State	517,745	413,262	372,788	406,328	442,823	343,450	266,788	215,914	201,856	183,126	263,572	
Total Tons MI Manifests	934,125	914,850	798,380	789,637	805,245	661,722	551,173	512,397	471,079	403,876	563,683	
Tons Imported	742,058	702,382	550,323	631,889	566,965	610,077	586,272	525,725	479,687	390,919	776,966	

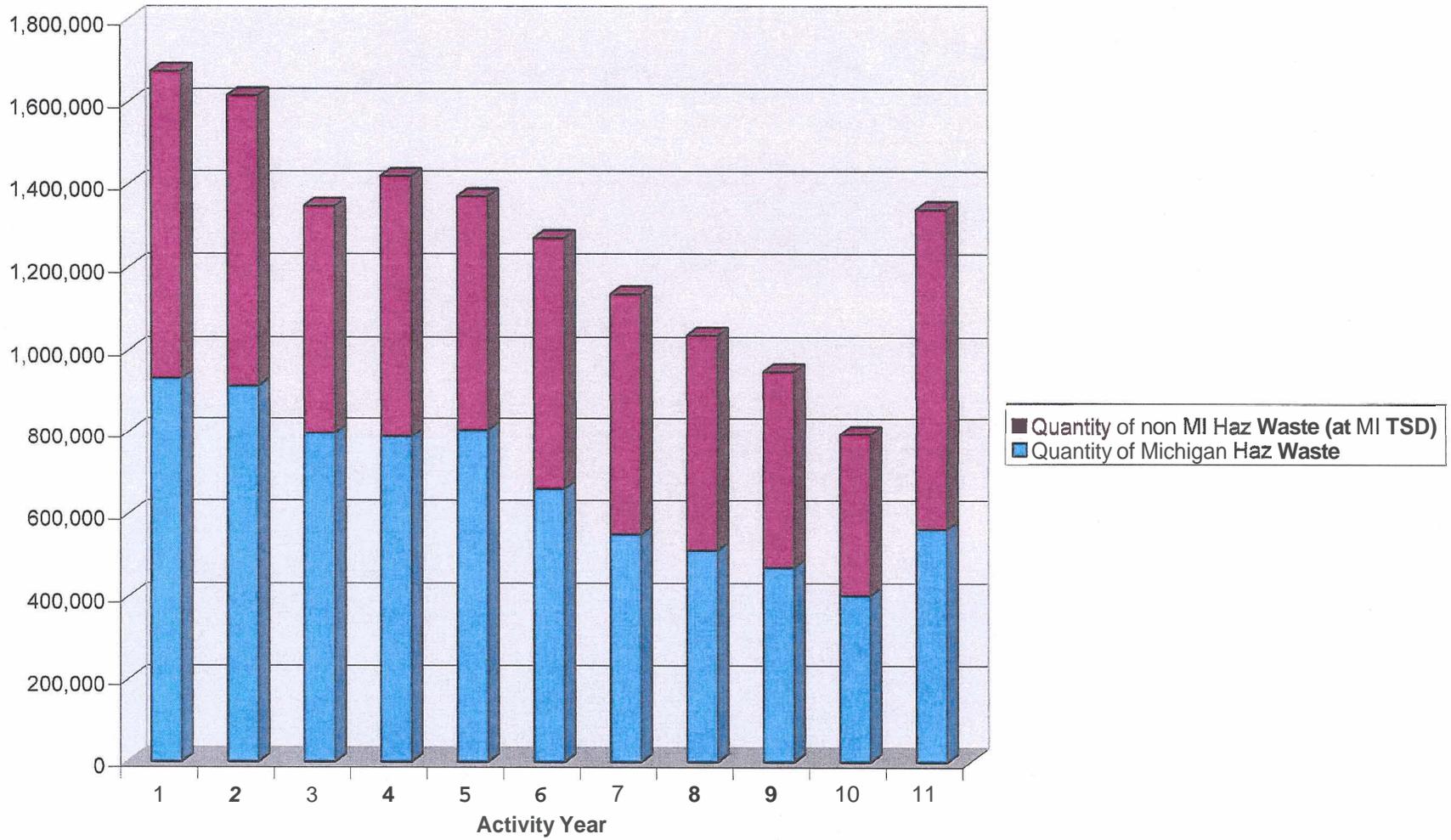
Manifests Processed



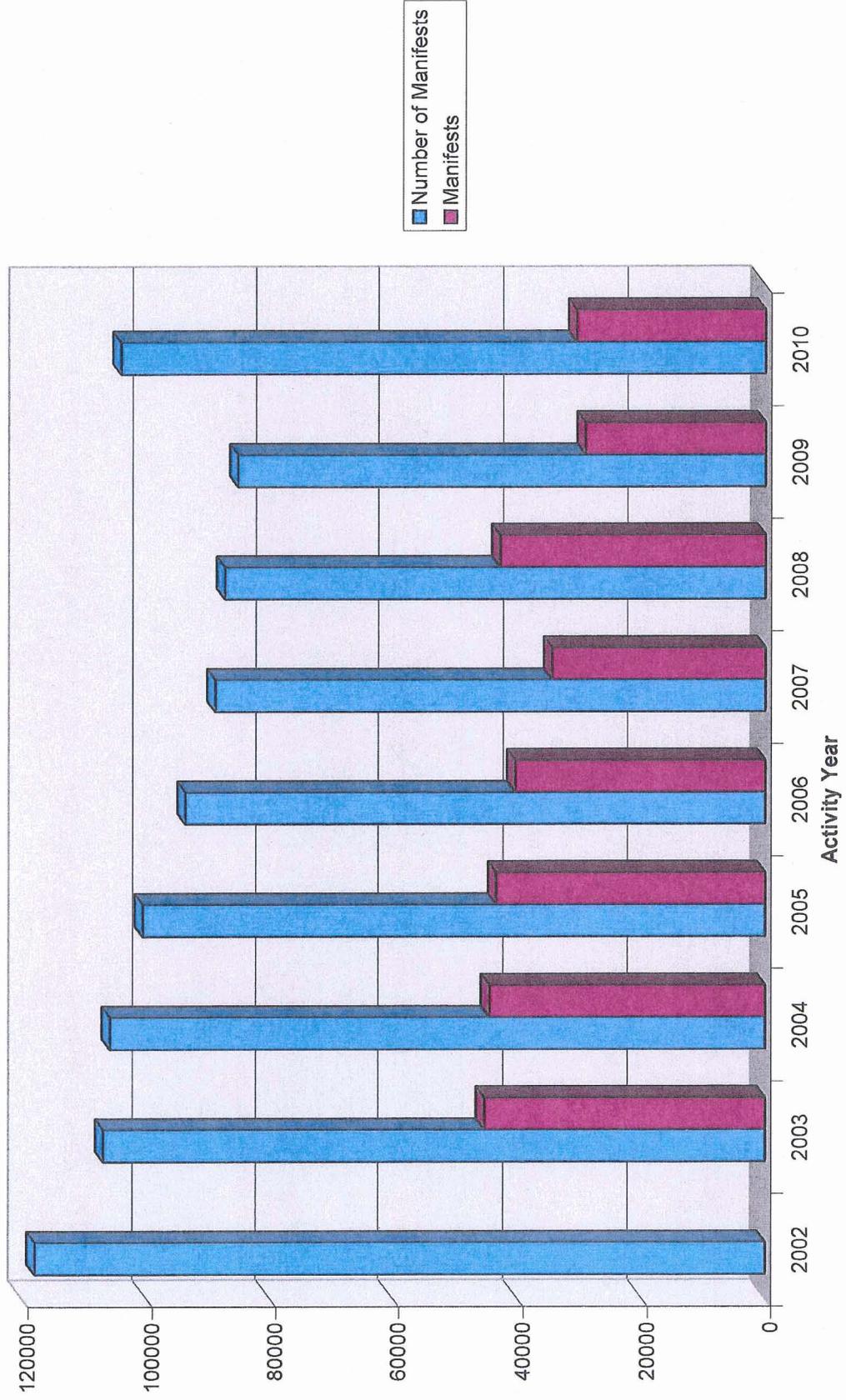
Imports & MI Manifests



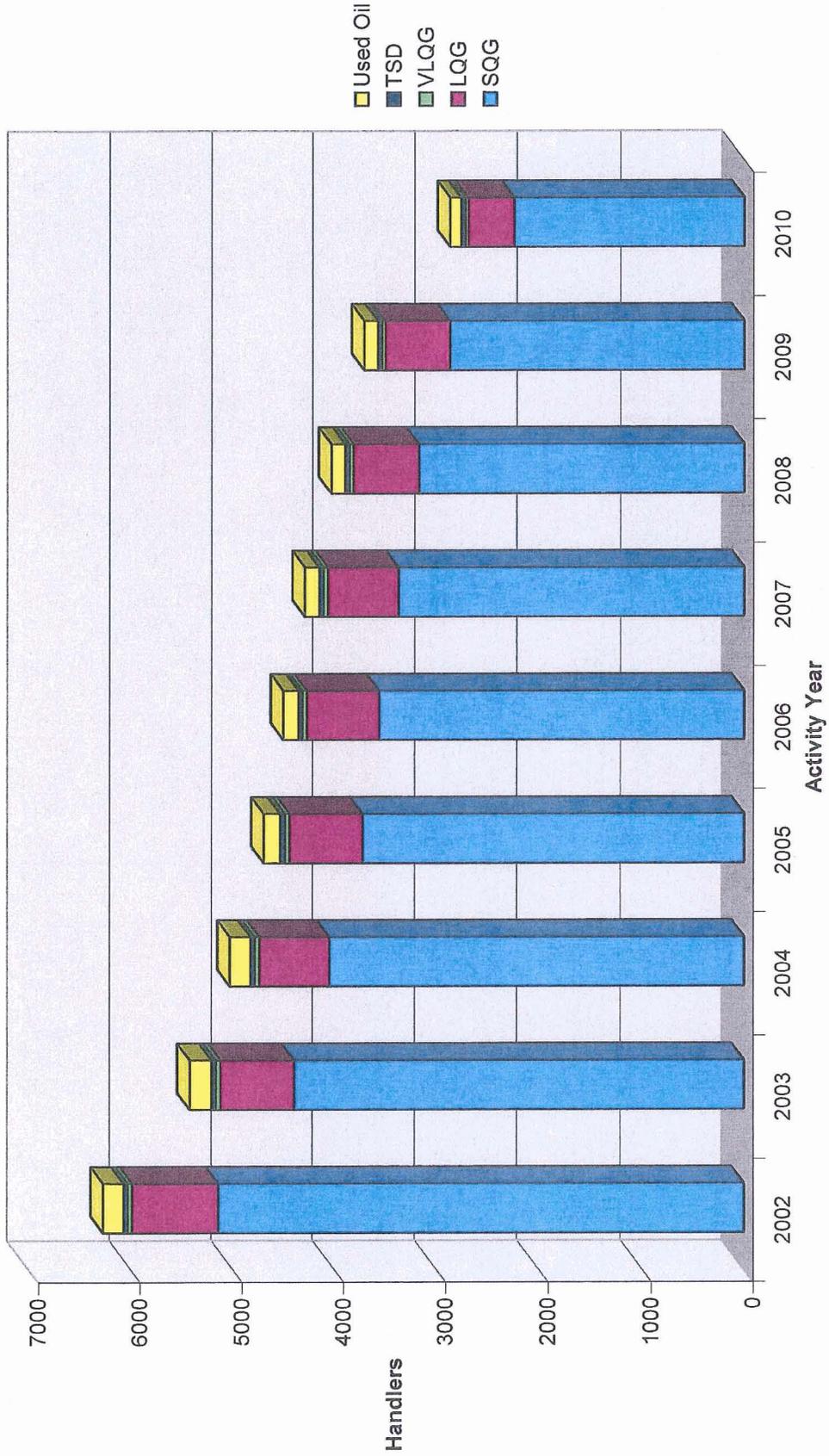
Quantity of MI and Imports



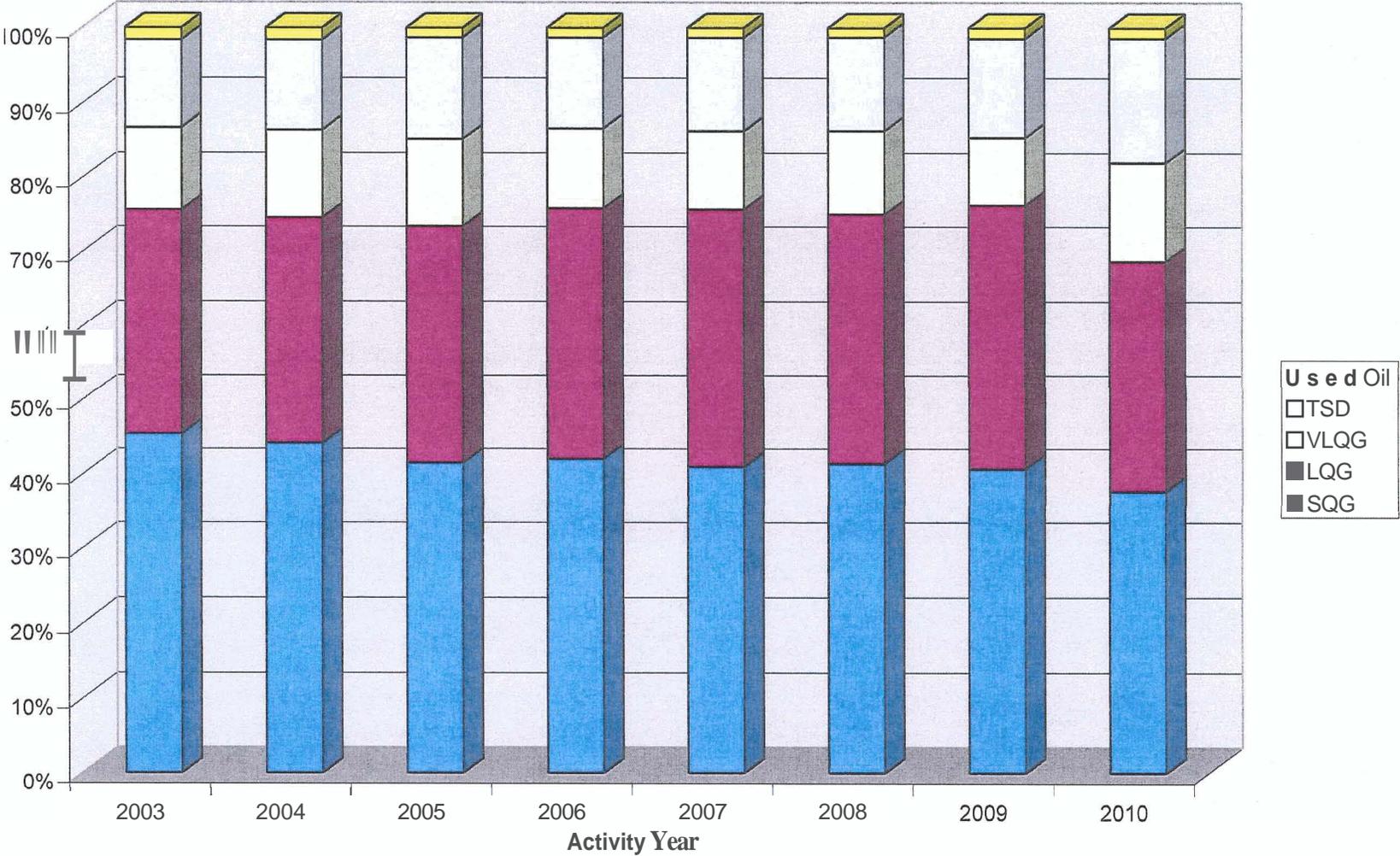
Total Manifests Compared to Invoiced Manifests



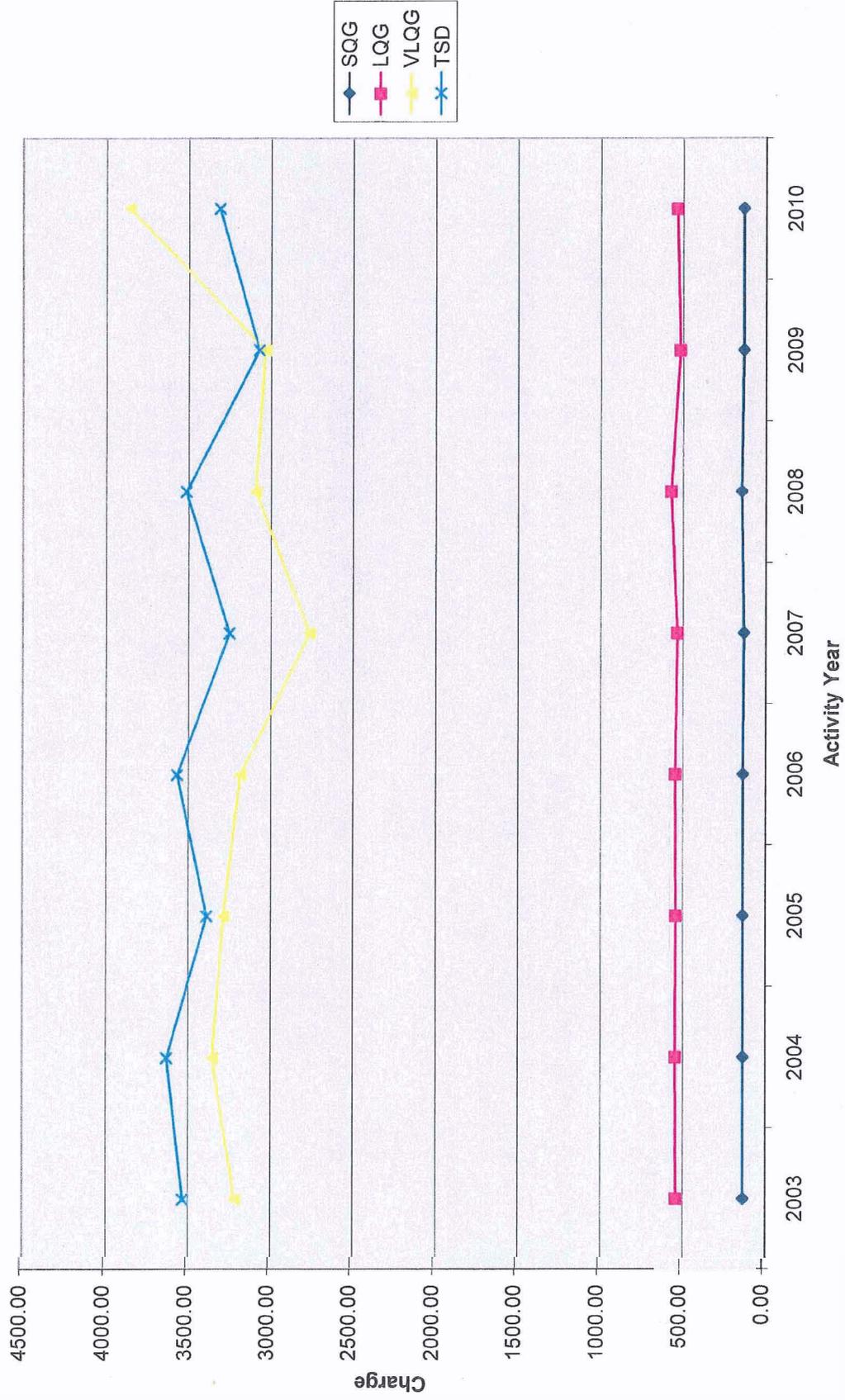
Invoices Collected Activity 2002-2010



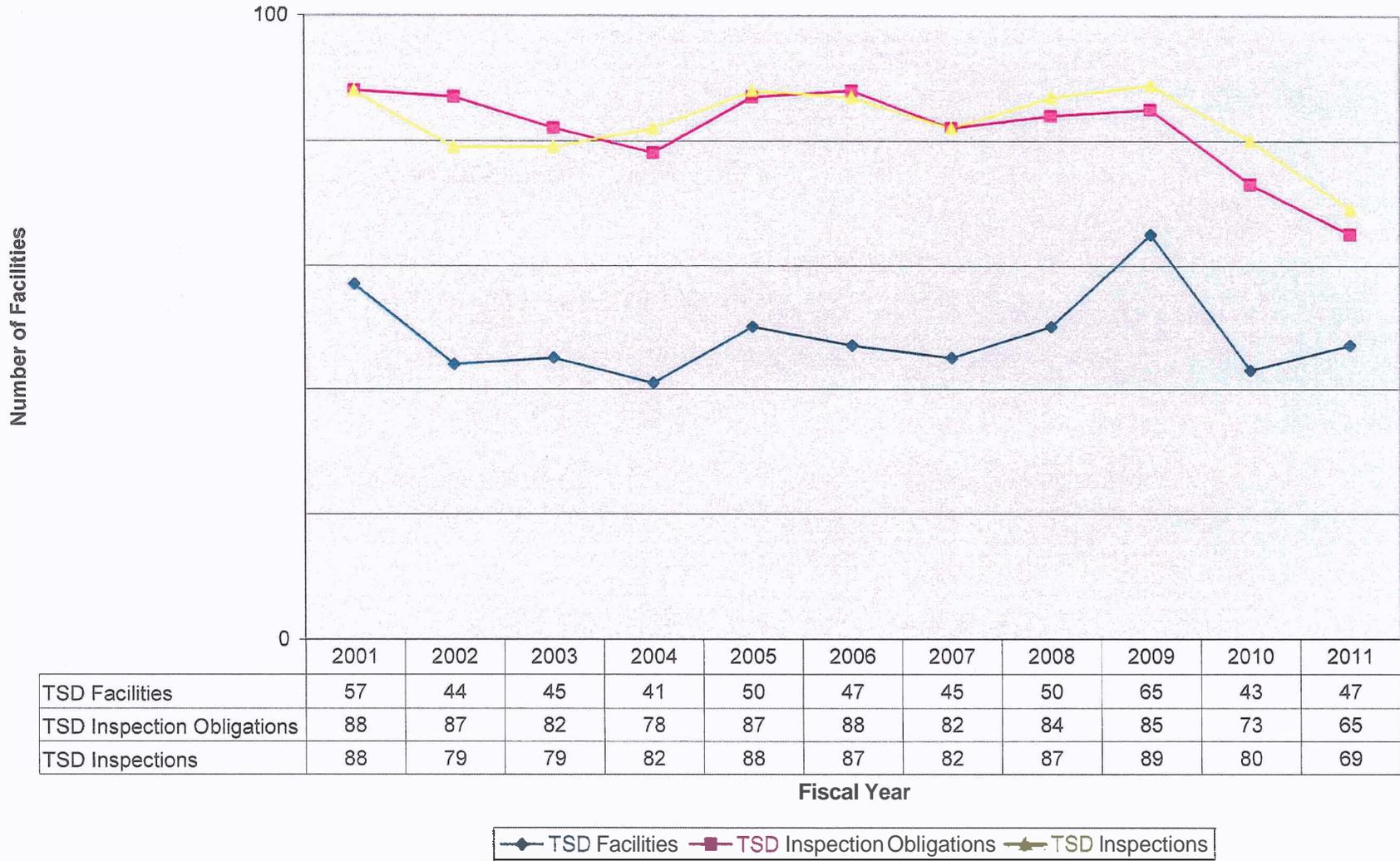
Handler Contribution to Charges Collected



Mean Fee Collected by Handler Class



TSD Inspections

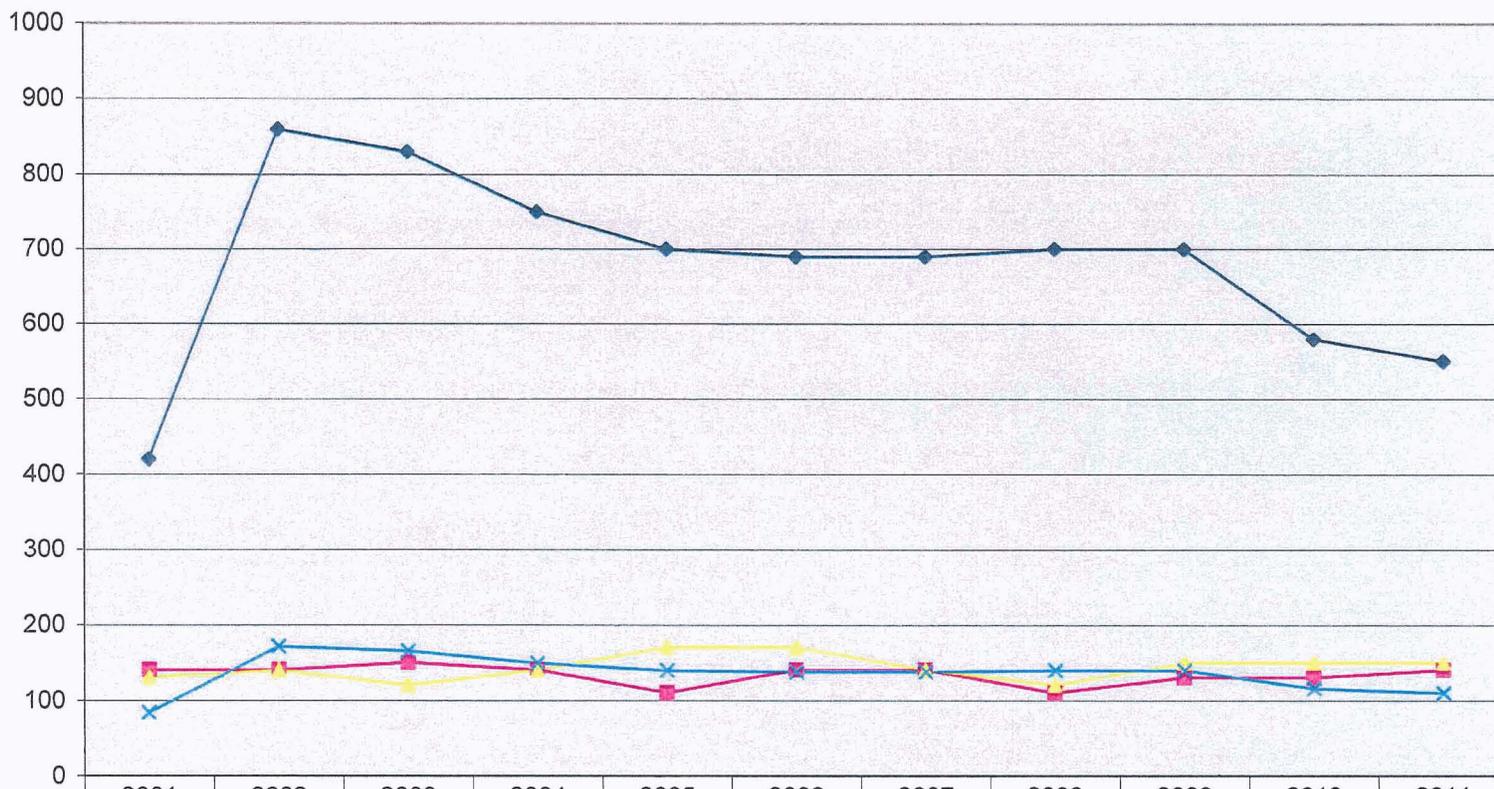


	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
TSD Facilities	57	44	45	41	50	47	45	50	65	43	47
TSD Inspection Obligations	88	87	82	78	87	88	82	84	85	73	65
TSD Inspections	88	79	79	82	88	87	82	87	89	80	69

Fiscal Year

◆ TSD Facilities ■ TSD Inspection Obligations ▲ TSD Inspections

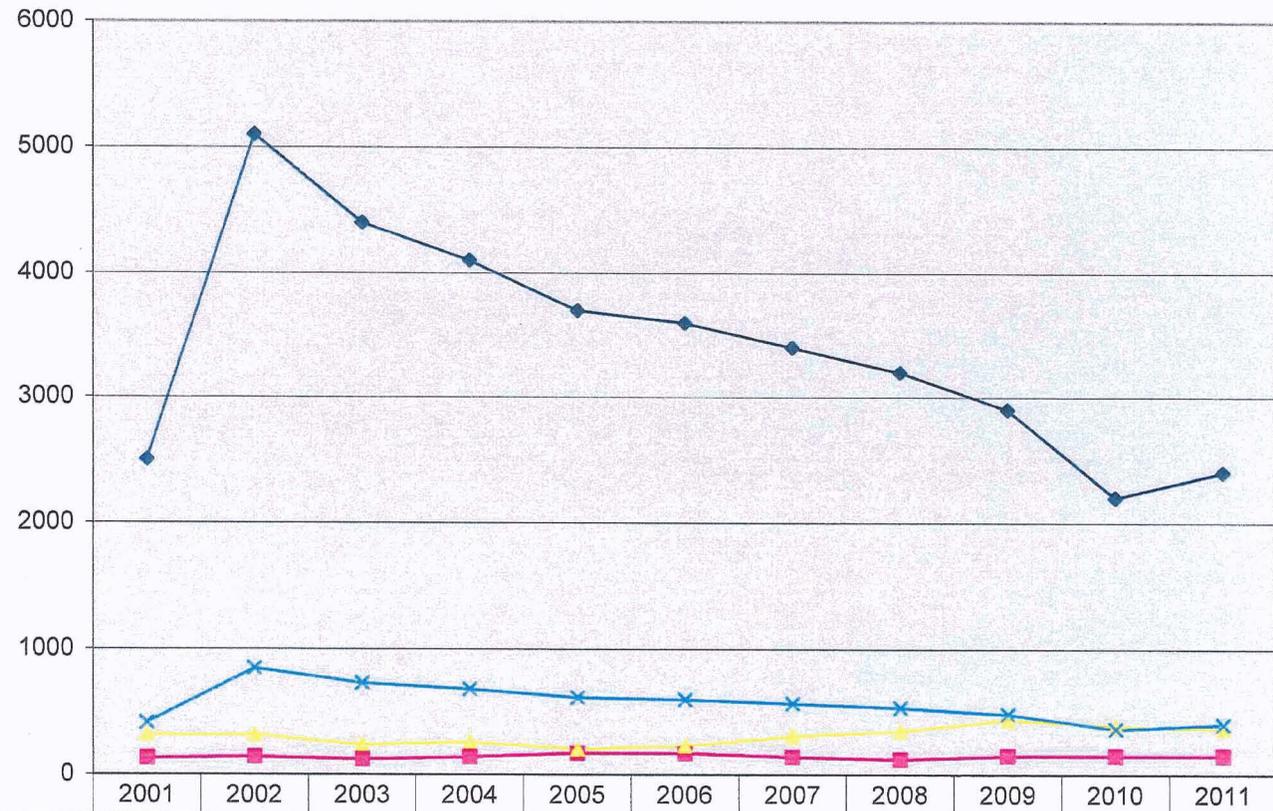
LQG Inspections



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
LQG Facilities	420	860	830	750	700	690	690	700	700	580	550
LQG Grant Obligation	140	140	150	140	110	140	140	110	130	130	140
LQGs Inspected	130	140	120	140	170	170	140	120	150	150	150
20% of LQGs	84	172	166	150	140	138	138	140	140	116	110

◆ LQG Facilities ■ LQG Grant Obligation ▲ LQGs Inspected × 20% of LQGs

SQG Inspections



	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
SQG Facilities	2500	5100	4400	4100	3700	3600	3400	3200	2900	2200	2400
SQG Grant Obligation	130	140	120	140	170	170	140	120	150	150	150
SQGs Inspected	320	320	240	260	200	230	310	350	440	390	370
NumberofInsp. Req'd to Meet State Goals	417	850	733	683	617	600	567	533	483	367	400

◆ SQG Facilities ■ SQG Grant Obligation ▲ SQGs Inspected × Number of Insp. Req'd to Meet State Goals

HAZARDOUS WASTE MANAGEMENT PROGRAM HISTORY

KEY EVENTS, PROGRAM CHANGES, and WORK PLAN EXPECTATIONS

January 2012

RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)

- Enacted October 21, 1976
- Program administered by U.S. Environmental Protection Agency (U.S. EPA)

HAZARDOUS WASTE MANAGEMENT ACT

- 1979 Public Act (PA) 64 (Act 64)
- Effective January 1, 1980

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA OR "SUPERFUND")

- Enacted December 11, 1980

MICHIGAN ENVIRONMENTAL RESPONSE ACT

- 1982 PA 307 (Act 307)
- Effective October 13, 1982
- Addressed primarily site listing and funding issues
- Prior to this date, cleanups were addressed under a patchwork of other authorities (e.g., Act 245)

HAZARDOUS AND SOLID WASTE AMENDMENTS TO RCRA

- Enacted November 9, 1984

RULES PROMULGATED PURSUANT TO ACT 307

- Effective July 12, 1990
- First time actual cleanup standards addressed (not in prior statute)
- Types A (non-detect/background), B (1×10^{-6} risk standard), and C (site-specific) cleanup criteria established

40 CODE OF FEDERAL REGULATIONS, PART 264, SUBPART S ORIGINALLY PROPOSED

- Published in 55 Federal Register (FR) 30798, July 27, 1990

NATIONAL CORRECTIVE ACTION PRIORITIZATION SYSTEMS (NCAPS)

- Established in 1991 to rank hazardous waste treatment, storage, and disposal facilities (TSDFs) as high, medium, or low priority based on information derived from U.S. EPA preliminary assessment/visual site inspection (PA/VI) reviews

KEY AMENDMENTS TO ACT 307

- 1990 PA 233, effective July 1, 1991
- Enforcement tools, cleanup obligations, liability, cost recovery
- "Polluter pay"

WASTE MANAGEMENT DIVISION PROVIDES NOTICE OF AVAILABILITY OF ALTERNATE CLEANUP STANDARDS

- Notice provided to TSDFs via letter dated March 10, 1992
- Type A or B available to satisfy cleanup requirements under Act 64

CORRECTIVE ACTION (CA) AMENDMENTS TO ACT 64 (SECTION 324.111515a)

- 1992 PA 87, effective June 4, 1992

FEDERAL GOVERNMENT PERFORMANCE RESULTS ACT (GPRA)

- 1993 GPRA holds federal agencies accountable for achieving program results by identifying goals and measurements, and reporting to Congress

ENVIRONMENTAL INDICATORS (EIs)

In 1994, two EIs established to measure short-term progress for protecting human health and environment; human exposures controlled (CA725) and groundwater controlled (CA750). Used to track CA work at high priority NCAPS TSDFs

MICHIGAN'S INITIAL CA RULES PROMULGATED (R 299.9629)

- Effective June 21, 1994
- Refers to environmental protection standards established under Act 307

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT

- 1994 PA 451, effective March 30, 1995 (Act 64 = Part 111, Act 307 = Part 201)
- Consolidated various individual environmental acts into one act

AMENDMENTS TO PART 201

- 1995 PA 71, effective June 5, 1995
- Revised liability with focus on redevelopment and fairness
- Established land use-based cleanup criteria and flexibility [e.g., institutional controls, groundwater waiver, mixing zone (MZ)]
- First time statute covered both liability and cleanup standards

U.S. EPA AUTHORIZES MICHIGAN'S CA PROGRAM

- Published in 61 FR 4742, February 8, 1996; effective April 8, 1996
U.S. EPA increased Michigan's RCRA base grant by \$200,000 to perform assigned CA. *Note funding doesn't come into effect until Fiscal Year (FY) 2001 (FY01)*
- * First focus was to update and take over CA controls via operating licenses.
- * *Note state to issue all TSDF new/renewal operating licenses by end of FY00*
Second focus was to establish a Memorandum of Understanding (MOU) with U.S. EPA for use of Part 201 environmental protection standards (for clean-ups) in lieu of U.S. EPA's full 'environmental risk analysis' approach
- * Third focus was for states to devote up to 30% of RCRA program funds to help implement and oversee CA, including: notifications, controls-corrective action consent orders (CACOs)/voluntary corrective action agreements (VCAAs), reviews from RCRA facility investigation (RFI) phase through CA complete (CAC), sampling and oversight inspections, long-term enforceable controls for operation and maintenance (O&M), etc.

FEDERAL ADVANCE NOTICE OF PROPOSED RULEMAKING (ANPR)

- Published May 1, 1996, aka "Subpart S Initiative"
- CA decisions should be based on risk and focus on results
- Use interim actions and stabilization to reduce risks and prevent exposures
- Implementation must provide for meaningful inclusion of all stakeholders
- States should be the primary implementers of the CA program

AMENDMENTS TO PART 201

- Effective July 24, 1996

U.S. EPA ACKNOWLEDGES PART 111 USE OF PART 201 LAND USE-BASED CLEANUP CRITERIA (ENVIRONMENTAL PROTECTION STANDARDS)

- Letter dated June 5, 1998

AMENDMENTS TO PART 201 RULES

- Effective March 11, 1999

U.S. EPA WITHDRAWS PROPOSED SUBPART S REGULATIONS

- Published in 64 FR 54604, October 7, 1999

MICHIGAN/U.S. EPA CA MOU

- Effective November 3, 2000
- Technical Addendum March 7, 2002

AMENDMENTS TO PART 111 RULES

- Effective September 11, 2000 (7th amendment to the Part 111 rules)
- Michigan took over responsibility for the biennial reporting from the U.S. EPA

ACT 165 OF 2001

- Michigan has full authority to issue site identification numbers and collect \$50 fee

AMENDMENTS TO PART 201 RULES

- Effective December 21, 2001

GPRA 2003 BASELINE UNIVERSE AND GOALS ESTABLISHED BY U.S. EPA

- CA goals set for high priority NCAPs TSDFs
- Universe: 38 TSDFs (state lead), U.S. EPA lead on some other TSDFs
- EI goals: CA725 for 60% of baseline, CA750 for 50% of baseline by end of FY03 *Note that reaching a CA725 or CA750 often necessitates completion of a RFI, interim measures (IM), and corrective measures study (CMS).*
- Permitting GPRA goal: 'Controls in Place' for 80% of licensed TSDFs and land disposal facilities, LDFs (postclosure), by end of FY03. (73 TSDFs)

GPRA 2006 BASELINE UNIVERSE AND GOALS ESTABLISHED BY U.S. EPA

- CA goals for high and medium priority NCAPs TSDFs
- Universe: 53 TSDFs (state lead), U.S. EPA lead on some other TSDFs
- EI goals: CA725 for 70% of baseline, CA750 for 55% of baseline by end of FY06

- Permitting GPRA goal: 'Controls in Place' for 85% of licensed TSDFs and LDFs and high priority NCAPS TSDFs by end of FY06. (60 TSDFs)

GPRA 2008 BASELINE UNIVERSE AND GOALS ESTABLISHED BY U.S. EPA

- CA goals set for additional high and medium priority NCAPs TSDFs
- Universe: 83 TSDFs (state lead), U.S. EPA lead on some other TSDFs
- EI goals: CA725 for 55% of baseline, CA750 for 50% of baseline by end of FY08
- "Construction Complete" milestone (CA550) added as another CA goal to be tracked, required to achieve CA550 for 25% of baseline by the end of FY08
- Permitting GPRA goal: 'Controls in Place' for 90% of licensed TSDFs and LDFs and high priority NCAPS TSDFs by end of FY08. (74 TSDFs)
- Financial record review (FRR) goal added; required to review 100% of 66 financial assurance mechanisms (FAMs). *Note number of FAMs represents all of the FAMs held under program at that time.*

KEY AMENDMENTS TO PART 201 – PART 201 REDESIGN

- Effective December 14, 2010
- U.S. EPA requests November 2000 MOU re-review

GPRA 2011 BASELINE UNIVERSE AND GOALS ESTABLISHED U.S. EPA

- CA goals set for high and medium priority NCAPs TSDFs
- Universe: 92 TSDFs (state lead) + 27 TSDFs (U.S. EPA lead) = 119 TSDFs
- EI goals: CA725 for 68% of baseline, CA750 for 59% of baseline by end of FY11
- CA550 goal: 33% of baseline by end of FY11
- Additionally, Michigan has RACER Trust lead sites requiring CA work plan and budget approvals in accordance with March 31, 2011, Bankruptcy Settlement Agreement. Michigan currently handling 23 sites and U.S. EPA handling 13 sites, both in coordination with the RACER Cleanup Manager for Michigan. *Note that most of these sites would have been GPRA projects.*
- Permitting GPRA goals: 'Controls in Place' for 95% of licensed TSDFs and LDFs and high priority NCAPS TSDFs by end of FY11. (60 TSDFs)
- FRR goal: 100% of 58 FAMs
- "Ready for Anticipated Use" milestone (CA800) added as another GPRA CA goal. For TSDFs with CA725 and CA550 (with or without controls), site and acreage tracked in RCRAInfo. Michigan currently has 24% of eligible TSDFs entered.

FY 2012 WORK PLAN REQUIREMENTS RELATIVE TO GPRA

- Universe: 89 TSDFs (state lead - note that 2 TSDFs were referred to CERCLA and 1 transferred to U.S. EPA) + 30 TSDFs (U.S. EPA lead) = 119 TSDFs

	⁺ CA725	⁺ CA750	⁺ CA550	⁺ CA800
National Goals for FY12	76%	67%	42%	-40%
Michigan FY12 Work Plan Goals	74%	69%	38%	30%
Current State Status (89 TSDFs)	70%	66%	29%	24%
Current U.S. EPA Status (30 TSDFs)	70%	76%	6%	Unknown
2020 GPRA Goals	95%	95%	95%	80%

⁺ Expressed as percentage of applicable baseline universe.

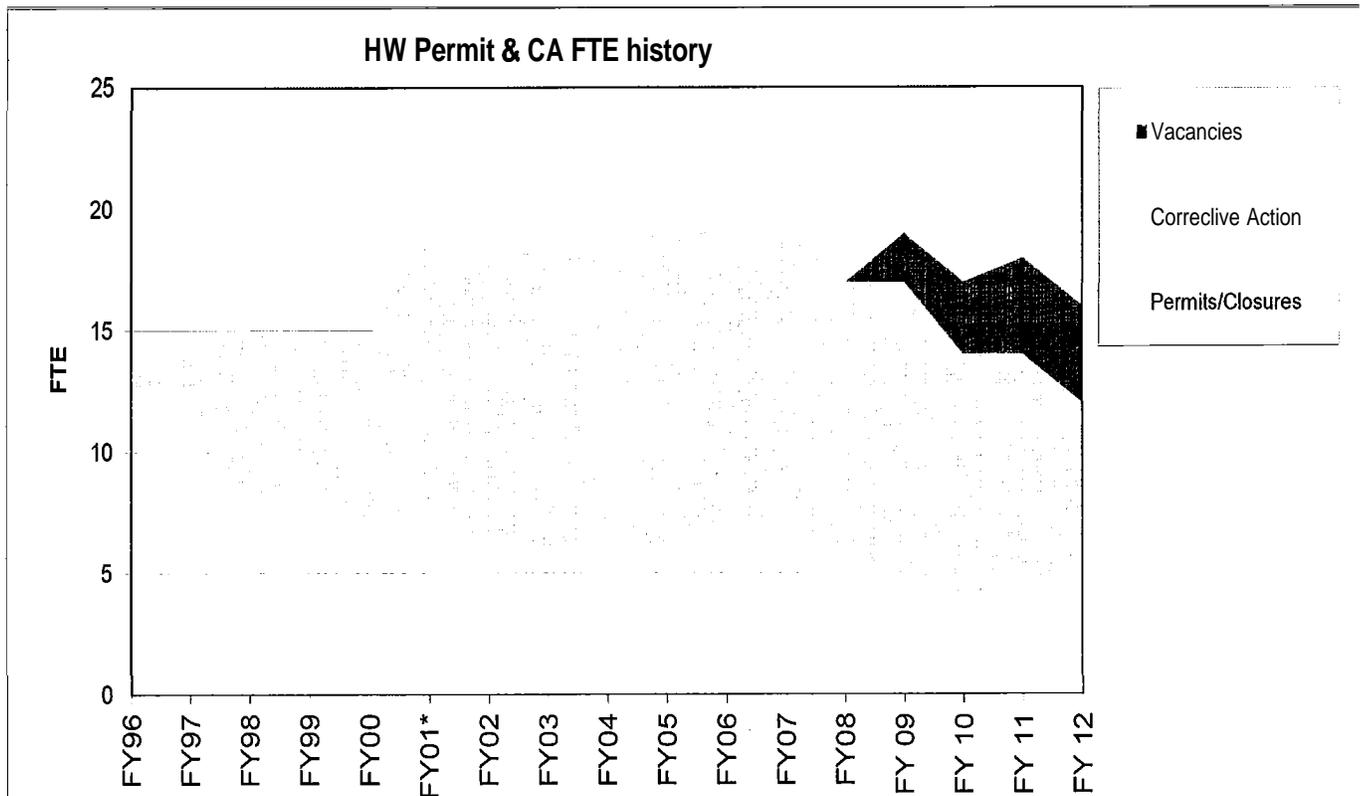
- Michigan RACER trust lead sites
- Permitting GPRa goals: Controls in Place' maintained for at least 75% by end of FY12. Michigan maintaining at 87%. (60 TSDFs)
- FRR goal: 100% of 58 FAMs
- CA MZ reauthorization goal: 5 TSDFs. MZ require 5-year reauthorization schedule.
- Michigan Laboratory Quality Assurance Project Plan (QAPP) – Revision 5 due (update required every 3 years to U.S. EPA)

GPRa 2020 BASELINE UNIVERSE

- 240 TSDFs in Michigan, currently 119 in the universe. U.S. EPA wants to add the remaining 121 TSDFs to the universe, everything would double.

FTE Breakdown	FY96	FY97	FY98	FY99	FY00	FY01*	FY02	FY03	FY04	FY05	FY06	FY07	FY08	FY 09	FY 10	FY 11	FY 12
Permits/Closures	11.2	11.2	8.1	8.1	7.1	7.1	6.55	6.15	6.15	6.3	7	7	6	5	4	4	6
Corrective Action	2.7	2.7	6.7	6.7	7.7	11.7	11.3	12.35	12.3	12.8	12	12	11	12	10	10	6
Vacancies	0	0	0	0	0	0	0	0	0	0	0	0	0	2	3	4	4
Total FTE	13.9	13.9	14.8	14.8	14.8	18.8	17.85	18.5	18.45	19.1	19	19	17	19	17	18	16

* Added federal funding



A LOOK AT THE STATE AND FEDERAL HAZARDOUS WASTE MANAGEMENT PROGRAMS

Part 111, Hazardous Waste Management, of the Natural Resources and
Environmental Protection Act, 1994 PA 451, as Amended, and its Rules

Vs.

Resource Conservation and Recovery Act of 1976, as Amended (RCRA), and its Regulations

January 2012

PART 2. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

- . The rules in Part 2 also identify state-specific hazardous wastes in addition to the federal hazardous wastes.
- . R 299.9228: The state also identifies waste codes which contain only elemental mercury as the hazardous waste consistent, pharmaceuticals, consumer electronics, and antifreeze as universal wastes, provided certain requirements are met.

PART 3. GENERATORS OF HAZARDOUS WASTE

- . R 299.9304: The state requires generator to submit copy of manifest to the state.
- . R 299.9306: The state does not allow the use of containment buildings.
- . R 299.9306(1)(d)-(f), (4)(i)-(k), and (7)(g)-(i): The state has some additional requirements with respect to general standards and emergency situations.

PART 4. TRANSPORTERS OF HAZARDOUS WASTE

- . The state is a member of the Alliance for Uniform Hazmat Transportation Procedures. Persons transporting hazardous waste in Michigan are required to be registered and permitted under Part 4 of the Part 111 rules.

PART 5. CONSTRUCTION PERMITS AND OPERATING LICENSES

R 299.9504: Previously, new facilities or the expansion, enlargement, or alteration of existing facilities required a construction permit and then an operating license. The state process has recently been streamlined and now only requires an operating license. The requirements for an operating license for new, expanded, enlarged, or altered facilities is more comprehensive than the RCRA Part B permit application requirements. Examples of items that must be

included in an application include: a disclosure statement, hydrogeological report, environmental assessment, environmental monitoring, etc.

R 299.9508: Operating license applications for existing facilities that are not being expanded, enlarged, or altered are also more comprehensive than the RCRA Part B permits in that they are also required to contain a hydrogeological report, environmental assessment, environmental monitoring, etc.

R 299.9519: State license modifications are classified as minor or major whereas RCRA has a 3-tier system in which the modifications are classified as Class 1, 2, and 3.

PART 6. OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

The state does not allow use of containment buildings.

R 299.9601: Interim status facilities are required to comply with certain licensed facility requirements (e.g., R 299.9602, R 299.9607-R 299.9610, R 299.9613(2)-(5), R 299.9614, R 299.9615, and R 299.9629).

R 299.9602: The state has environmental and human health standards.

R 299.9603: The state has baseline location standards and RCRA does not.

R 299.9607(2): The state has additional emergency reporting requirements in order to ensure consistency with similar requirements for other types of hazardous waste handlers and the state Pollution Emergency Alerting System (PEAS).

R 299.9609: The state requires owner/operators to submit copy of manifest to the state.

R 299.9610: Captive facilities are required to submit monthly operating reports.

R 299.9611: Ambient air monitoring to detect violations of Part 55 of Act 451 and soil monitoring are required.

R 299.9611 and R 299.9612: Groundwater monitoring is required for all types of hazardous waste management units, not just land-based units. Groundwater monitoring requirements are more comprehensive.

R 299.9613: Notification of partial closures and submittal of partial closure certifications are required for all types of hazardous waste management units.

R 299.9615: The state specifies additional secondary containment, inventory, and testing requirements for tanks.

R 299.9619: The state hazardous waste landfills are required to have double composite liner systems whereas RCRA requires a double liner system with only one liner being composite.

R 299.9629: The state has a corrective action program that addresses migration pathways other than groundwater and soil (e.g., air, surface water, use of soil resource, etc.). Additionally, state has specified environmental protection standards.

The state requires owners or operators to provide for restoration and mitigation measures that are necessary to mitigate damages to the natural resources of the state, including, wildlife, fish, wetlands, or other ecosystems.

PART 7. FINANCIAL CAPABILITY

Part 7 of the Part 111 rules adopt the cost estimate and definition rules of the RCRA financial capability program. Most of the mechanisms available under the RCRA are available under the state rules but the wording and certain other requirements for mechanisms are state-specific. Significant differences include: state rules allow certificates of deposit for closure/postclosure financial assurance (RCRA doesn't); state rules requires 100% up-front funding of closure/postclosure trust funds (RCRA allows pay-in period); RCRA allows certificates of insurance to demonstrate financial responsibility for liability coverage (state rules don't); state rules have general rules regarding cost estimates, mechanisms, and duration of coverage for corrective action financial assurance (RCRA doesn't), etc.

**FISCAL YEAR 2012 RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA)
WORK PLAN COMMITMENTS EVALUATION**

January 2012

The purpose this document is to provide a listing of the work that the Department of Environmental Quality (DEQ), Resource Management Division (RMD) has committed to conduct, based on the assumptions outlined in the Fiscal Year (FY) 12 RCRA Grant Work Plan. The information is provided in table format and includes statutory and regulatory citations for work specifically required by Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and its rules.

WORK PLAN ELEMENT	SPECIFIC TASK	STATUTORY CITATION	REGULATORY CITATION	COMMENTS
Authorization		§§324.11127, 11128, and 11126		Federal requirement. Statutory and regulatory changes to maintain authorization and consistency with other state programs. Report on Authorized State Program Revisions (RASPR) done annually but no longer required. Minimal work now that database is established.
Compliance Monitoring and Enforcement	Inspections and record reviews	§324.11132 and §324.11134	R 299.2107 and R 299.2408	<p>Federal requirement. Federal treatment, storage, and disposal facilities (TSDFs) done 1/year, unless accepting CERCLA waste then 2/year or active then 4/year.</p> <p>Active TSDFs done 4/year. This is a state requirement. Federal requirement is once every other year (§3007).</p> <p>Closed TSDFs (no postclosure required) done every other year. No federal requirement to inspect closed TSDFs unless they are governed generator requirements, etc.</p> <p>Federal requirement since closed TSDFs requiring</p>

				<p>postclosure will have an operating license covering postclosure or a legally enforceable document.</p> <p>Not a federal requirement. LQGs – state law does not specify frequency. State does 20% of universe (annual, i.e., each LQG inspected every 5 years)</p> <p>Not a federal requirement. SQGs – state law does not specify frequency. State does an "appropriate" level annually.</p> <p>Not a federal requirement. Transporters – state law does not specify frequency. State does an "appropriate" level annually, typically each one inspected every 3 years.</p>
Manifest processing	§§324.11136 and 11137	R 299.904 R 299.940 and R 299.908		<p>Use of manifest is a federal requirement. Federal law does not specify what states are to do with manifests. Michigan uses manifests for cradle to grave tracking of hazardous waste shipments..</p>
Delisting		R 299.211		<p>Federal option. Michigan only authorized for delisting remediation wastes.</p>
Waste classification				<p>Not a federal requirement. However, this compliance assistance provides persons with interpretation as to how their waste is/is not regulated under Part 111 and its rules.</p>
Biennial report review		R 299.9308 and R 299.9610		<p>Federal requirement. State process different than federal process. State provides pre-populated reports based on user charge information.</p>
Laboratory report				<p>Not a federal requirement but necessary for samples collected by the RMD and resource when reviewing data provided by regulated parties from an independent lab.</p>

	Monitoring performance reviews and inspections			Federal requirement. Comprehensive groundwater monitoring, evaluation and operation and monitoring inspection done 1/year.
Environmental Justice				Federal requirements mandate that recipients of federal funds need are prohibited from discriminating on the basis of race, color, or national origin. All guidance based at this point.
Administrative Controls	Operating licenses	§§324.11115, 11118a, 11121, 11123-11125, and 11139	Part 5 of Part 111 rules.	Federal requirement.
	Closure and postclosure plans	§§324.11140 and 11141.	R 299.9628	Federal requirement.
	Orders and legally enforceable documents	§§324.11150 and 11151	R 299.9611 and R 299.9602	Federal requirement/option.
	Public participation		R 299.9611 – R 299.9605	Federal requirement.
	Transporter registration permit	§§324.11118a and 11133	R 299.9602	Not a federal requirement.
Corrective Action	Planning GPR/A/ non-GPR/A	§§324.1115a and 11115b	R 299.9629	Corrective action work required but federal goals not established by law. EIs (CA725 and CA750) and Waste Data Systems codes (e.g., CA400, CA550RC) not established by law.
	Public participation			If part of an operating license, federal requirement. Otherwise federal requirement not specified, done via guidance.

	Technical reviews and oversight			Federal requirement. Federal requirements mandate thorough license or order review processes, as appropriate.
	Enforcement support			As needed based on noncompliance and Enforcement Program request.
	Tracking			Not a specific federal requirement. See Planning comments.
	Corrective action monitoring and maintenance (CAMM) inspections			Not a federal requirement.
Financial Assurance	Review of mechanisms and tracking	§324.11141	Part of Part 111 rules	Federal requirement. State has different mechanism options.
Management and Reporting	Administrative activities			No specific federal requirements. Essential for program administration.
	Information management and reporting			Federal requirement. §3012 mandates states provide information concerning hazardous waste universes, including location information, type and quantity of waste generated, management methods, etc.
	Training			No specific federal requirements other than those regarding HAZWOPER.
	FOIA requests	§324.1129 and federal and state FOIA		Federal requirement.
	User charge administration	§§324.1130, 1113 and 11153		Not a federal requirement.
	Laboratory coordination			Not a federal requirement but necessary for samples collected by RMD and resource when reviewing data provided by regulated parties from an independent lab.

Compliance Assistance and Incentives	Assistance during inspections and inquiries, interest group presentations, website maintenance, handouts			No specific federal requirements.
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DRAFT

Sec. 239. The department of environmental quality shall perform a review of its programs to determine how its programs compare to similar programs in other Great Lakes states. The analysis shall include, but not be limited to, evaluation of permitting time, number of enforcement actions, stringency of the controlling law, and the cost of the relevant permits. The department of environmental quality shall report the findings of this review to the senate and house appropriations committees not later than April 1, 2010.

Hazardous Waste Program

Program Scope

All of the great lakes states are authorized by the United States Environmental Protection Agency (US EPA) to implement the federal hazardous waste program in lieu of the US EPA. As such, all the great lakes states must be at least as stringent as the federal program but may be more stringent. The hazardous waste programs in all the states regulate the generation, transportation, treatment and disposal of hazardous waste as defined by the state and federal regulations. Most of the requirements are self-implementing, however, certain treatment, storage and disposal (TSD) facilities require an operating license obtained from the Department of Natural Resources and Environment.

In order to provide an overall sense of the size and scope of the state programs the universe of regulated facilities was obtained from the federal database known as RCRAInfo. RCRAInfo data for the calendar year 2009 was used to generate the following table for comparison purposes. National averages are also included for comparison.

Universe of Hazardous Waste Facilities

State	Operating Treatment Storage or Disposal Facilities	Active Large Quantity Generators	Active Small Quantity Generators	Active Conditionally Exempt Small Quantity Generators	Active Transporters
MI	19	611	2,911	15,115	151
IL	27	747	15,405	10,102	72
IN	20	497	1,151	5,779	552
MN	13	195	1,318	17,637	238
NY	31	2,589	4,987	10,171	226
OH	36	1,638	9,498	8,375	807
PA	33	1,431	10,876	9,358	796
WI	16	534	4,091	8,969	355
National Average	14	431	2,657	3,450	236

Michigan ranks sixth within the great lakes states for the number of operating treatment, storage or disposal facilities (TSDs). Nationally, Michigan is above average.

Michigan has more total generators than the average great lakes state, ranking second in conditionally exempt small quantity generators, sixth in small quantity generators and fifth in large quantity generators. This indicates that Michigan's hazardous waste generators are typically small producers of hazardous waste. Michigan's hazardous waste program, on average, covers a larger number of smaller businesses.

In order to evaluate and compare permitting times within the great lakes states, the DNRE sent a short survey to other states. Based on responses to the survey,

Permitting Time

State	Renewal Process Time	Duration of License
MI	6 months – 2 years	10 years (5 year reopener)
IL	Unknown	Unknown
IN	1 year	5 years
MN	6 months	5 years
NY	Unknown	5 or 10 years depending upon type of facility
OH	60 days after a public hearing or the close of the public comment period.	10 years
PA	6 months	10 years
WI	13 to 14 months	10 years

A survey was sent to all great lakes states to compare hazardous waste permitting. All states reported except Illinois and New York. The information for the great lakes states is summarized above. The information for Illinois and New York is obtained from the hazardous waste program internet sites.

Renewal processing of hazardous waste permits or licenses is on the order of 1 year. There does not appear to be a statutory or regulatory requirement for a mandatory deadline.

License duration appears to follow the 5 to 10 year cycle. Michigan is consistent with the other great lakes states in performing a review at the 5 year point in a 10 year license.

Enforcement Actions

All great lakes states determine compliance with state and federal law through an inspection program. Michigan's enforcement philosophy is geared toward correcting violations and gaining compliance through informal actions whenever possible with escalated enforcement reserved for correcting significant noncompliance.

In order to compare enforcement actions for state programs, the inspection information was obtained from the federal database known as RCRAInfo. RCRAInfo data for the calendar year 2009 was used to generate the following table for comparison purposes. National averages are also included for comparison.

Hazardous Waste Inspections

State	Total Active Universe	Facilities Inspected	Inspection Coverage	Number of Facilities with Violations	Number of Facilities in Non Compliance Status	Facilities with Significant Non Compliance	Significant Non Compliance Rate
MI	18923	740	3.9%	386	655	2	0.3%
IL	26444	581	2.2%	127	334	4	0.7%
IN	7992	369	4.6%	162	343	11	2.9%
MN	19437	91	0.5%	63	281	1	1.1%
NY	18053	,933	5.2%	438	571	27	2.9%
OH	20955	787	3.7%	429	902	17	2.2%
PA	22312	1037	4.6%	230	579	8	0.8%
WI	13947	251	1.8%	104	149	3	1.2%
Great Lake States Avg	18508	599	3.3%	242	477	9	1.5%
National Average	6822	309	4.8%	121	221	10	3.4%

The great lakes states average universe is nearly three times that of the national average. Michigan inspects facilities at a rate consistent with the great lakes average. The inspection coverage is below the national average; however the great lake states inspect a larger universe than the national average.

The violation rate of Michigan inspections is third among the great lake states and above the national average. The significant noncompliance rate in Michigan ranks eighth among the great lake states.

Stringency of Law

State	Can be more Stringent?	Permit Process More Stringent	Technical Requirements More Stringent	Define Haz Waste More Stringently
MI	Yes	Yes	Yes	Yes
IL	Unknown	Unknown	unknown	Unknown
IN	Yes	No	No	No
MN	Yes	No	No	Yes
NY	Yes	No	Unknown	Unknown
OH	No	Yes	No	No
PA	Yes	Yes	Yes	No
WI	Yes	Yes	No	No

A survey was sent to all great lakes states to compare hazardous waste stringency of law. All states reported except Illinois and New York. The information for the great lakes states is summarized above. The information for Illinois and New York is obtained from the hazardous waste program internet sites where available.

Most great lakes states have the legal authority to be more stringent than the federal hazardous waste regulations. However, not all states use that authority to make the technical requirements or permit process more stringent than the federal regulations.

Few great lakes states define the universe of hazardous waste more stringently. From the survey responses the states that reported more stringent definition of hazardous waste usually have additional process wastes that have been identified as typically requiring hazardous waste management.

Permit Costs

State	Application Fee	Renewal Fee	Fee for Major Modification	Fee for Minor Modification	Annual Fee for TSDFs	Annual Fee for Corrective Action or Post Closure Facilities
MI	\$500	\$500	No	No	\$2,000	No
IL	Unknown	Unknown	unknown	unknown	\$500- \$70,000 depending upon activity	unknown
IN	Landfill: \$40,600.00 Incinerator: \$21,700.00/unit Storage/treatment facility: \$23,800	Yes Landfill: \$34,000 Incinerator \$21,700/unit storage/treatment: \$23,800	Landfill: \$34,000 Incinerator: \$21,700/unit Storage/treatment: \$17,200	Class 2 Mod: \$2250.00	\$10,000-\$37,500 depending on activity	\$1,500
MN	\$3,896 - \$58,370 depending upon quantity and activity	50% of the application fee	33% of the permit application fee	No	\$3,775 - \$49,077 depending upon quantity and activity	No
NY	No	No	No	No	\$12,000-\$300,000+ depending on activity, quantity & gross receipts	\$3,000
OH	\$1500.00	\$1500.00	No	No	\$500-\$40,000 depending on activity	No
PA	\$14,000-\$125,000+ depending on activity	Same as application fee	Yes, Half the application fee	Yes, \$700	\$550-\$2,500 depending on activity	No
WI	\$4,000 -\$100,000 depending on activity	\$3,200 to \$40,000	Same as operating license application fee	\$400 for class 1 and \$1600 to \$4000 for class 2	\$3,200 to \$40,000	One Time Fee of \$80,000

'A survey was sent to all great lakes states to compare hazardous waste permitting costs. All states reported except Illinois and New York. The information for the great lakes states is summarized above. The information for Illinois and New York is obtained from the hazardous waste program internet sites where available.

Permitting costs vary widely among the great lakes states. It should be noted that the permitting costs are being evaluated in isolation from other fees and user charges that other businesses that manage hazardous waste may be subject to.

ERMD Legislative Priorities:

Common Name	Brief Explanation of Program/Regulation	MCL Section(s)	Pertinent Comments
Non-ferrous Mining	Amend Part 91, Soil Erosion and Sedimentation Control, of the NREPA to add exemptions for non-ferrous mining operations.	324.9115(2)	Section 9115(2) of Part 91 currently states: "This part does not apply to a metallic mineral mining activity ... that is approved by the department under part 631." This language was written before enactment of Part 632; the exemption should be extended to mining operations regulated under that part also. The exemption could also be extended to mineral well operations subject to Part 625, Mineral Wells, of the NREPA; however, there may be a complication with that regarding federal delegation issues under the storm water program.
Orphan Well Fund	Amend Part 616, Orphan Well Fund	324.61606	Allow the Department to recover proceeds from the sale of any oil associated with an orphan well. Section 61606 of Part 616 currently allows the Department to recover proceeds only from the sale of "well pipe and any other equipment" related to an orphan well.
Medical Waste	Reintroduce HB 4459 to amend the Medical Waste Regulatory Act.	1978 PA 368 333.13801 et seq.	These amendments were developed as part of a stakeholder process and provide for housekeeping/improvements to the Medical Waste Regulatory Act. Ran out of time last session. Took over a year to sever a tie –bar with a bill we did not support regarding regulation of trauma scene waste.
Geothermal Wells	Introduce legislation to regulate the construction of geothermal wells.		Draft legislation was developed as part of a stakeholder workgroup process.

Solid Waste	Amend Part 115 to exempt from permitting and county plan limitations the collection centers for certain nonhazardous solid wastes.		Would allow for the legal collection and disposal of materials such as household hazardous waste, pharmaceuticals, etc.
Revolving Loan	Amend Parts 53 and 54.		In follow-up to the State Water Pollution Control Revolving Fund Advisory Committee to be convened in February, we anticipate there will be legislative initiatives we will be advancing.
Liquid Industrial Waste	Amend Part 121 to eliminate the requirement to submit LIW manifests to the department. Rather, they should retain on-site for review upon request.	324.12103(1)(e)	This change would provide relief to generators of LIW from sending in copies of manifests, but preserve the necessary record keeping and waste tracking, and yet also relieve state staff of handling and storing these documents for little environmental/enforcement benefit.

ERMD Streamlining/Efficiencies/Antiquated Legislation:

Common Name	Brief Explanation of Program/Regulation	MCL Section(s)	Pertinent Comments
Liquid Industrial Waste	Amend Part 121 to exclude universal wastes that are also liquid industrial waste from manifest requirements.	324.12102a	Universal waste has its own record keeping requirements. This change would simplify the requirements for a universal waste that happens to be a liquid which would otherwise not be subject to manifesting as hazardous waste.
Liquid Industrial Waste	Amend Part 121 to exempt household size containers with liquids similar to the exemption under Part 115 for liquids in landfills.	324.12102a	Liquid in household size containers is allowed to go to solid waste landfill in garbage truck without a manifest and license. This change would allow shipment of these same containers to other disposal options without requiring a manifest and license.

Solid Waste	Amend Part 115 to repeal Section 324.11524	324.11524	This section is redundant and conflicts with similar financial assurance provisions under Sections 324.11523 and 324.11523a .
PCBs	Repeal Part 147 .	324.14701 et seq.	Regulation of PCBs in Michigan is actually managed at the federal level. The federal regulations pre-empted most of the Part 147 regulations anyway.
Used Oil	Repeal Sections 16702 and 16703 .	324.16702 and 324.16703	These sections require the implementation of plans to promote and collect used oil. We rely on private industry to provide used oil collection services to the public.
Batteries	Repeal Section 17104 .	324.17104	Eliminate the requirement for retailers to post signs regarding recycling and for the department to provide for the signs (which the state has not been doing).

ERMD Items already included in the budget process:

(Identified here as a placeholder as these would only need to be addressed if unsuccessful as part of the budget process)

Common Name	Brief Explanation of Program/Regulation	MCL Section(s)	Pertinent Comments
Geologic Mapping	Transfer geological mapping and evaluation functions to Western Michigan University.	324.60101 et seq.	This initiative is supported by all of the parties involved. A bill was introduced in the 2010 legislative session but was not acted upon.
Non-metallic Mining	Rescind statutory provisions for non-metallic mining and reclamation.	324.63101	The Department has not received funding for this function in many years, and has discontinued all activity in this area. There are no permits or fees required for non-metallic mining, and OGS receives very few complaints or inquiries related to these operations.

FTE Count by YEAR																	
	FY1996	FY1997	FY1998	FY1999	FY2000	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006	FY2007	FY2008	FY 2009	FY 2010	FY 2011	FY 2012
Statutory/Regulatory/Application Development	1.4	1.4	1.4	1.4	1.4	1.4	1.05	1.05	1.05	1.05	1	1	1	1	1	1	1
Compliance Monitoring & Enforcement	40.3	40.3	31	31	31	31	27.75	27.3	25.86	26.11	34	32	32	32	30	28	24
Permits/Closures	11.2	11.2	8.1	8.1	7.1	7.1	6.55	6.15	6.15	6.3	7	7	6	6	6	6	7
Corrective Action	2.7	2.7	6.7	6.7	7.7	11.7	11.3	12.35	12.3	12.8	12	12	11	13	12	12	8
Management And Reporting	6.3	6.3	8	8	8	8	9.15	8.95	8.95	9.05	11	11	15	13	15	14	13
	61.9	61.9	55.2	55.2	55.2	59.2	55.8	55.8	54.31	55.31	65	63	65	65	64	61	53
District Component of CM&E							15.4	15.4	13.41	13.41	13.71	13.71	13.8	13.8	13.15	12.15	12.15
Total District FTEs							20.4	20.4	18.41	18.41	18.91	18.91	20	20	19.15	18.15	18.15
Notes:																	
FY 2001 Combustion Initiative and Great Lakes supplemental funds for 4 FTEs																	
FY 2002 Detailed spreadsheet use begins																	
FY 2006 SEEPS began being listed																	

User Charges Collected (Invoice year)	2003	2004	2005	2006	2007	2008	2009	2010	2011
Handler and Manifest	\$993,400.00	\$1,185,000.00	\$1,162,000.00	\$1,260,000.00	\$1,200,000.00	\$1,140,000.00	\$1,170,000.00	\$982,000.00	\$899,000.00
Site ID	\$85,100.00	\$101,000.00	\$102,000.00	\$88,000.00	\$95,000.00	\$94,000.00	\$90,000.00	\$96,840.00	\$93,530.00
Total	\$1,078,500.00	\$1,286,000.00	\$1,264,000.00	\$1,348,000.00	\$1,295,000.00	\$1,234,000.00	\$1,260,000.00	\$1,078,840.00	\$992,530.00
2003 Invoice did not include a full manifest year									
Handler and Manifest Invoiced	\$1,025,100.00	\$1,214,382.00	\$1,209,980.00	\$1,181,672.00	\$1,115,060.00	\$1,089,564.00	\$1,101,112.00	\$946,088.00	\$869,128.00
Invoiced does not include out of state, manual and penalties									

RESOURCE MANAGEMENT DIVISION
HAZARDOUS MATERIALS TRANSPORTATION PERMIT FUND
FY 2011 FUND SUMMARY

Fund balance 10/1/10 **1,215,826**

Revenue:

Industrial Waste Hauler Licenses	142,400	
Hazardous Waste Hauler Permit Fees	61,645	
Total Fees	204,045	
Interest on Fund Balance	2,249	
Settlements / Cost Recovery	18,142	
Return of federal indirect revenue	7,529	
Total Other Revenue	27,919	
Civil Service Assessment	(2,712)	
Total Revenue Received		229,252

Total Funds Available 1,445,078

Expenditures:

Salaries & Wages	92,272	
Longevity & Other Lump Sum Payments	3,937	
Fringe benefits	26,333	
Retirement/FICA/medicare	42,332	
Travel	656	
Division Specific I T	45,259	
Other operational expenditures	4,028	
Dept Cost Alloc / Rent / I T	45,626	

Total Expenditures 260,443

Fund balance 9/30/11 **1,184,635**

RESOURCE MANAGEMENT DIVISION
ENVIRONMENTAL POLLUTION PREVENTION FUND
FY 2011 FUND SUMMARY

Fund balance **10/1/10** **1,522,516**

Revenue:

Hazardous Waste Handler & Manifest Fees	898,880	
Site I D Fees	93,530	
Total Fees	992,410	
Interest on Fund Balance	2,342	
Settlements / Cost Recovery	359,424	
Return of federal indirect revenue	22,343	
Total Other Revenue	384,109	
Civil Service Assessment	(18,510)	
Total Revenue Received		1,358,009

Total Funds Available 2,880,525

Expenditures:

Salaries & Wages	669,636	
Longevity & Other Lump Sum Payments	26,826	
Fringe benefits	132,298	
Retirement/FICA/medicare	278,756	
Travel	13,950	
Telecommunications / Phones	18,035	
Lab fees / sampling	33,689	
Field office overhead	41,880	
Postage / Mailing Costs	12,524	
Division Specific I T	80,467	
Other operational expenditures	9,981	
Dept Cost Alloc / Rent / I T	151,681	

Total Expenditures 1,469,722

Fund balance **9/30/11** **1,410,803**