



Part 115 Inert and Composting Rules

Department of Environmental Quality

Waste and Hazardous Materials Division

4/17/09



Rule 109 - Part 201 Liability

- Storage and Processing
- Use
- **Generator Liability**
- End User Liability
- **According to comments at the 2005 public hearing financial assurance should be provided by the generator to ensure that the state of Michigan does not end up paying for future impacts**



Rule 116 - Site Specific Inert

- Defines appropriate cover material
- Examples of a case by case determinations
- Requirement for deed restriction



Rule 118 - Petitions

- Specific list of parameters for FGD, foundry sands, and paper mill sludge
- Multiple Extraction Procedure
- Other test method or demonstrations? (IWEM)
- Submittal of testing results, when requested



Self-Implementing Beneficial Use

(Rules 120a – 120d)

- What wastes are included.
- Levels of contaminants.
- Uses.
- Conditions placed on use.

Rules 122, 123, 124, and 125 - Low-Hazard Waste

- Adds wastes to low-hazard list
 - Scrap wood
 - Street sweepings
 - Asphalt shingles
 - Some foundry sands
 - Drywall
 - Copper slag
 - Copper stamp sands
 - FGD



Categories

(Rule 102(a) – (d))

- Category 1 - any non-hazardous industrial by-product.
- Category 2 - industrial by-products that meet the low-hazard criteria.
- Category 3 - industrial by-products that meet the inert criteria.
- Category 4 - industrial by-products that meet background or 25% of the inert standard.



Industrial By-Product (Rule 103(p))

- Coal ash.
- Biomass ash.
- Wood ash.
- Combinations of coal of the ashes listed above.
- Flue gas desulfurization sludge.
- Cement kiln dust.
- Lime kiln dust.
- Paper mill wastes.
- Foundry sands from ferrous and aluminum foundries .
- Other waste approved by the Director.



General Conditions

- Self Implementing
- Storage, processing, transporting, use
- Initial Certification
- Yearly Report
- Appropriate Use
- Characterization
- DEQ right to inspect



Uses of Industrial By-Products

Category 1

(Rule 120(b)(1))

- As a raw material for manufacturing a product.
- As an agent for physical or chemical stabilization, or solidification or other treatment of solid waste.
- Burned as fuel in a boiler, industrial furnace, or power plant.
- Used for leachate system collection protection layer, gas collection layer at licensed landfills.
- Used for daily cover at licensed landfills.



Conditions on Use

Category 1

(Rule 120(b)(1))

- The industrial by-products shall be used to produce products in which the measurable leaching, emissions, or decomposition characteristics of the manufactured product do not present a threat of harm to the public, health, or the environment.
- Must be used at the site of remediation, at a landfill licensed under Part 111 or 115, or at the site of waste generation, prior to disposing the waste into a licensed landfill.
- Must be burned in a plant which is permitted under Part 55 of the act, to burn the waste as fuel.



Conditions on Use

Category 2

(Rule 120(b)(2))

- The rate is less than 20 dry tons per acre per year, if the industrial by-product is incorporated into the soil.
- Shall not exceed 15% weight (by dry mass) of the stabilized soil or pavement and may extend into the unpaved road shoulder but no more than 5 feet.
- The placement of the by-product may not extend more than 5 feet beyond the paved area unless required for structural integrity at the determination of a registered professional engineer and the use shall not exceed 1,000 cubic yards per acre that is covered by concrete or asphalt.



Uses of Industrial By-Products

Category 2

(Rule 120(b)(2))

- Any uses listed above.
- Used to produce a product that is bonded by lime, cement, or asphalt.
- Land applied for beneficial use.
- A soil stabilization material or pavement stabilization material.
- Confined fill used for base course, sub-base or sub-grade fill for the construction of portland cement concrete or asphaltic concrete paved lots, driveways, roads, and highways that consists of granular materials.



Uses of Industrial By-Products

Category 3

Rule 120(b)(3)

- Any uses listed above.
- Land application at an agronomic rate provided such rate is less than 30 dry tons per acre per year.
- Confined fill, commercial or industrial building subbase, paved lot base or subbase, paved roadway base or subbase, tank, vault, or tunnel or mine abandonment, transportation facility embankment.
- Granular materials when used for unconfined fill used for a surface material that does not exceed a 6 inch thickness and applied more than 250 dry tons per acre, or used for utility trench pipe bedding and backfill applied less than 0.5 dry tons per linear foot of trench.
- Cold-weather road abrasive applied to highways, municipal and rural roads.



Condition on Use

Category 3

(Rule 120(b)(3))

- The rate is less than 30 dry tons per acre per year, if the industrial by-product is incorporated into the soil.
- The Industrial by-product shall not be placed within 4 feet of the groundwater table, the maximum amount used for any project is less than 5,000 cubic yards and the project shall be completed within 2 years or less.
- Does not exceed a 6 inch thickness and applied more than 250 dry tons per acre, or used for utility trench pipe bedding and backfill applied less than 0.5 dry tons per linear foot of trench.
- The rate not to exceed 0.5 dry tons per lane mile.



Uses of Industrial By-Products

Category 4

(Rule 120(b)(4))

- Any uses listed above.
- Unrestricted fill.
- Land application.



Conditions on Use

Category 4

(Rule 120(b)(4))

- The maximum amount of an industrial by-product used for any project is 10,000 cubic yards and is completed within 5 years.
- Land application at an agronomic rate or at a rate proven to be beneficial to crop production or to improve soil quality.



Storage

Rule 120c

- Category 1 – Contained waste pile
- Category 2 – Contained waste pile or
 - On ground
 - Maximum 5,000 cubic yards
 - Maximum 1 year
 - Groundwater isolation
 - Surface water isolation or storm water permit
 - Verification sampling after removal



Storage

(Continued)

- Category 3 (and 4?)
 - No volume limit
 - Can't violate Parts 31, 55, 91, or 303
 - Can't create facility
- Can't speculatively accumulate (starting 2nd year?)



Land Application

(Rule 120d)

- Winter Application
- Pooling, ponding, and run-off
- Surface applied vs incorporation
- Isolation distances
- Uniform application
- Use instructions

Future Meetings

- May 6, 2009 – 10:00 a.m. to 3:30 p.m.
- May 29, 2009 – 10:00 a.m. to 3:30 p.m.
- June 10, June 16, July 17, July 31 ??????



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