

## CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS

The Waste and Hazardous Materials Division (WHMD) oversees requirements for Conditionally Exempt Small Quantity Generators (CESQG) of hazardous waste. Hazardous waste includes both characteristic and listed wastes as defined by the federal Resource Conservation and Recovery Act (RCRA) [40 CFR Part 261](#) and state regulations per [Part 111](#), Hazardous Waste Management, of the Natural Resources and Environmental Protection Act 1994 PA 451 (NREPA), as amended, and [Part 111 administrative rules](#) (see Part 2 Identification and Listing of Hazardous Waste).

To be a CESQG, a facility would:

- Generate in a calendar month less than 220 pounds (100 kg) of non acute hazardous waste. As an estimate of liquid waste, this is approximately 25 gallons or less depending on the density of the hazardous waste.
- Generate in a calendar month 2.2 pounds (1 kg) or less of acutely toxic or severely toxic hazardous waste. Acutely hazardous wastes have “P” in their waste number and severely toxic wastes are those with an “S” in their waste number. Additional acutely hazardous wastes are identified by an (H) in the hazard code column of other listings.
- Accumulate less than 2,200 pounds of non acute hazardous waste (approximately less than four 55 gallon drums), and less than 2.2 pounds of acutely toxic or severely toxic hazardous waste.

Only hazardous waste is counted when determining the generator status. This amount does not include used oil being recycled and other nonhazardous liquid waste. If the amount of hazardous waste generated or accumulated exceeds the above CESQG limits, the facility must manage the waste according to the [Small Quantity Generator](#) (SQG) or Large Quantity Generator requirements.

When CESQGs generate liquid hazardous waste, the company has the option to handle it as hazardous waste, but it is usually handled and shipped as liquid industrial waste per Part 121, Liquid Industrial Waste, of NREPA. There are some disposal companies that require it to be handled as hazardous waste.

This guidance summarizes CESQG requirements per administrative rule [R 299.9205](#), [40 CFR Part 261.5](#), and non hazardous liquid wastes per [Part 121 of Act 451](#). Used oil has requirements under both Parts 111 and 121. The [Michigan State Police, Motor Carrier Division](#) and the [US Department of Transportation](#) (US DOT) oversee transportation requirements when the waste is a hazardous material under their regulations. CESQGs should contact the landfill or incinerator authority about what types of solid waste they accept and [banned waste](#), which is regulated under [Part 115 of Act 451 and rules](#), and whether or not they will take any hazardous waste in a solid form.

Links to the DEQ waste resources throughout this document are available at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste) “Hazardous & Liquid Industrial Waste” “Hazardous & Liquid Industrial Waste Management.”



## **CESQGS OF HAZARDOUS WASTE MUST DO THE FOLLOWING:**

### **1. Conduct a Waste Characterization**

Facilities must determine if the waste they generate is hazardous or non hazardous. See the "[Waste Characterization](#)" for waste determination guidance. If the materials used, or the waste generating process changes, or there are other activities at the business that may impact the type of waste, it will be necessary to re-evaluate the waste characterization. The waste regulations do not require a specific timeframe to re-evaluate the waste. A disposal company may require characterization yearly or specify another time period. Keep records obtained in this determination (i.e., analysis results, material safety data sheet (MSDS), or other documentation such as product information from a supplier or manufacturer) at least three years from the time the waste was last sent for treatment, storage, or disposal. The amount of hazardous waste that is generated in a calendar month determines which regulations must be followed. This information is also needed when applying for a site identification number (see section 2). Common hazardous and liquid industrial waste codes from CESQGs include, but are not limited to:

- Coolants and Water Soluble Oils (019L)
- F listed solvents (F001, F002, F003, F005)
- Ignitable wastes (D001)
- Other oil (021L)
- Perchloroethylene (Tetrachloroethylene) D039
- Used antifreeze (030L)
- Used automotive oil (017L)
- X-ray/photo solutions (033L)

See Chapter 2 of the [Michigan Manufacturers Guide to Environmental, Health and Safety Regulations](#) for information about handling specific waste streams. Other resources include guides for [dry cleaners](#) and [auto body shops](#).

If a facility is on the border of being a CESQG and SQG, they may be able to reduce the number of regulations they must meet if they choose to handle specific materials as [universal waste](#), recycle specific hazardous wastes, or meet exemption conditions identified in the hazardous waste rules, and by implementing [waste minimization](#) and other [pollution prevention practices](#). It is recommended facilities keep a written log to document how much hazardous waste was generated per month to support why they notified as a CESQG. For example:

<b>Waste Paint Solvent</b>			
<b>Date waste added:</b>	<b>How much added:</b>	<b>By:</b>	<b>Running total for month</b>
<i>7/3/06</i>	<i>1 gal</i>	<i>Sam</i>	<i>1 gal</i>
<i>7/15/06</i>	<i>12 gal</i>	<i>Julie</i>	<i>13 gallons</i>
<i>8/9/06</i>	<i>2 gal</i>	<i>Adam</i>	<i>2 gallons</i>

Notice new month and monthly total.

Discuss waste characterization requirements with the WHMD [District Office](#). However, the WHMD does not provide waste characterization training and inspectors do not normally conduct waste determinations for facilities.

**☒ Not properly characterizing waste and keeping documentation are common violations.**

### **2. Obtain a Michigan Site Identification Number**

If the facility doesn't already have a site identification number (sometimes called an EPA number or liquid industrial waste number) for hazardous or liquid industrial waste generation at their location, it will be necessary to apply for one when waste is being shipped off-site with a waste manifest. If a CESQG is sending their solid hazardous waste to a licensed landfill with the landfill's approval, it is not necessary to apply. Apply online by using the [Michigan Timely Application and Permit Service \(MiTAPS\)](#) at [www.michigan.gov/mitaps](http://www.michigan.gov/mitaps) or by submitting a completed paper copy of the [form EQP5150](#). There is a fee for every initial application for a site identification number, including when a site has a new owner and/or

operator. All regulated waste activities need to be identified on the notification form. For example if the facility is a CESQG and also generates used oil, file as a CESQG and a liquid industrial waste generator. It is recommended to keep a copy of the application.

**☒ All fields on the EQP 5150 form need to be completed for processing. Common fields not completed include the NAICS code, federal identification number, number of employees, and not including the date, month and year in the approximate date when became owner or operator.**

If regulated activities change at a facility, update the information either online or submit another EQP5150 form as a subsequent notification.

If operations move to a new location, the facility needs to obtain a new site identification number for the new location. Also, submit a subsequent notification with the site activity of "no longer generating waste: out of business" checked and a comment that the site moved for the previous location.

If it isn't known for sure if a facility has a site identification number, or what activities are on file, search the [Waste Data System](#) (WDS) or for help, call the Environmental Assistance Center at 800-662-9278 or the [WHMD District Office](#) for your county. If you have a site identification number but are not sure if it is correct or what activities have been notified, type that number in the WDS Quick Search field. If you don't know the site identification number, it is recommended to first search WDS by using only the street number and zip code in the appropriate address fields. By searching on an address, you avoid getting no matches when a facility may be in the system under one name, but commonly known as something else. CESQGs and liquid industrial waste generators do not have an [annual hazardous waste user fee](#).

**☒ Not having or using incorrect identification numbers are common violations.**

### 3. Meet On-site Accumulation Requirements

Waste needs to be accumulated in a manner that protects the environment, and worker health and safety. Containers can come in all shapes and sizes including gallon jugs, buckets, drums, totes, roll-off boxes, etc. Look at the MSDS for information about storing materials. Meet the following waste accumulation requirements and recommendations:

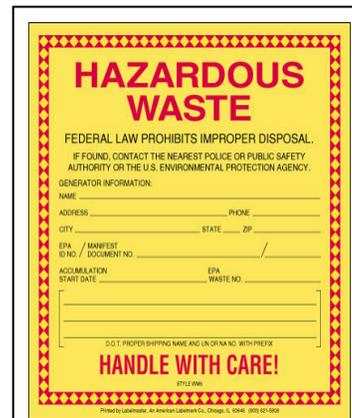
- ✓ Use containers that are in good condition and replace any leaking containers. Inspect containers on a regular basis for signs of corrosion or leaks. A [written inspection log](#) is not required for a CESQG. Check with your waste transporter if they help make sure the waste is packaged according to [US DOT requirements](#) before shipping.
- ✓ Keep the container closed except when adding or removing waste. Avoid overfilling the container since some wastes expand when temperatures rise. If using funnels, it is recommended to use those with the self closing feature or remember to remove the funnel and close the container.  
**☒ Having open containers, including leaving open funnels in drums, are common violations.**
- ✓ Keep the exterior of the storage containers free of the liquid waste and its residue.
- ✓ Accumulate the waste in areas that are protected from weather, fire, physical damage, and vandals.
- ✓ Use a container compatible with the type of waste placed in it, and do not put incompatible materials in the same container in order to avoid fires, explosions or releases. Look at the MSDS for suggestions or websites such as [www.flw.com/material/index.html](http://www.flw.com/material/index.html)
- ✓ Do not open, handle, or store waste in a manner which may rupture the container or cause it to leak. The [MIOSHA standard Part 75](#) for flammable and combustible liquids does not allow stacking of containers over 30 gallons capacity. This standard also addresses using grounding clamps, fire storage cabinets, indoor storage rooms, etc.
- ✓ Label the container with the content name; e.g., "used oil," "spent antifreeze," "paint waste," or "spent solvent".
  - Purchase and use storage or shipping labels, or
  - Stencil or write the information directly on the container.
  - Have the label readable at all times. Protect the label from being exposed to the weather or wastes that may dissolve them. This can be a problem with containers holding solvents.



Proper labeling of waste helps prevent mismanagement. It is a good idea to put one person in charge of making sure the wastes are correctly identified and labeled. Labeling also helps to protect the workers. If the contents of drums are not known, the chances of a worker being exposed to hazards or being injured are great. An explosion could occur if incompatible wastes are mixed with unknown wastes in a drum.

**☒ Improper labeling is a common violation.**

- ✓ CESQGs do not have a time limit how long waste can be kept onsite as long as they meet the accumulation limits identified in section 1, unless there is a local ordinance with a restriction.
- ✓ It is suggested to have sufficient aisle space to allow movement of people and emergency response equipment. The waste regulations do not specify width requirements, but the [MIOSHA standard Part 75](#) for flammable and combustible liquids requires one clear aisle at least 3 feet wide.
- ✓ Manage the waste so it cannot escape by gravity into the soil, into surface water or groundwater, or into drains or sewers, and fugitive emissions are not in violation of the [air quality provisions](#) of Part 55 of Act 451. Discuss air requirements with the Clean Air Assistance Program at 800-662-9278 or your Air Quality Division [District Office](#).
- ✓ It is recommended CESQGs have secondary containment for liquid and hazardous waste and spill control equipment appropriate for their type of waste. A facility can make containment structures, purchase commercial units, or use other things like shallow pans or tubs.
  - Have an impervious base under the containers that is free of cracks. The base must be able to contain spills, leaks, or precipitation until it can be removed. The MDEQ requires coatings on concrete for it to be considered impervious.
  - Prevent precipitation run-on into the area unless the area has sufficient excess capacity to contain it. Elevate the containers, slope the base, or protect them from contact with accumulated liquid.
  - Remove spills, leaks and precipitation in a timely manner to prevent overflow.
  - Provide squirt protection so if the container ruptures, the liquids stay within the containment area.
- ✓ Check with local building or zoning regarding fencing requirements around solid waste dumpsters.
- ✓ In addition to the waste requirements, a facility should check with the local fire department for specific requirements including isolation distances from property lines, etc. for flammable and combustible materials, their insurance company, and Department of Labor and Economic Growth, [MIOSHA Consultation, Education, and Training Division](#) at 517-322-1809.



Sample hazardous waste shipping label



Example of containment trays and cat litter and rags to use as sorbents.



This type of containment pallet is acceptable for solid hazardous waste, but it does not provide squirt protection for liquid waste.

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#### 4. Meet Shipping and Disposal Requirements

- A. Ensure delivery to a facility that will properly store, treat, or dispose of the waste or treat the facility's own hazardous waste in containers and tanks on-site.
- On-site recycling or treatment units do not require a permit from the Waste and Hazardous Materials Division if you recycle or treat your own waste but there are operating requirements. Some units may require an Air Quality Division permit. Incineration of the wastes on-site is not acceptable. Discuss operations with the [District Office](#).
  - Off-site facilities can be any one of the following that is in compliance with the applicable regulations which oversee their operation. Search the [Waste Data System](#) (WDS) to confirm waste licenses and compliance history for Michigan facilities.
    - ✓ Licensed or interim status hazardous waste treatment, storage, or disposal facilities. Contact the TSDf regarding what hazardous wastes they accept.
    - ✓ Licensed solid waste landfills. Liquid waste cannot be sent to a landfill. Contact the landfill authority about what types of solid waste they accept, including whether or not they take any hazardous waste in a solid form, and what type of waste characterization documentation they may require. Some landfills require specific tests or the use of specific testing laboratories.
    - ✓ Legitimate recycler or reclamation facilities. Some recyclers can be found in the [Recycled Materials Market Directory](#).
    - ✓ [Local household hazardous waste collection programs](#) that accept CESQG waste. Not all programs accept facility waste at this time.
    - ✓ Publicly owned wastewater treatment plants when the CESQG has obtained prior approval from the local sewer authority to directly discharge the waste from the facility. It is recommended this is written approval. The treatment plant authorities may require [industrial pretreatment](#) prior to the discharge. If the waste is being hauled to the treatment plant, WDS should indicate that they have notified as a liquid industrial waste designated facility.
    - ✓ Universal waste handler or destination facilities (see the DEQ "[Universal Waste](#)" for guidance).
    - ✓ Permitted incinerators (contact the [Air Quality Division](#) to find licensed incinerators).
    - ✓ Out-of-state treatment facilities approved by that state to handle the waste.
- B. Comply with applicable [US DOT](#) requirements for shipping wastes off-site including labeling, marking, and appropriate shipping containers. Check if your waste transporter assists with this and call the [Michigan State Police Motor Carrier Division](#) at 517-336-6580 or US DOT at 800-467-4922 about [placarding](#) and other transportation information.
- C. Use and keep appropriate shipping records or waste manifest. The requirements depend on the amount and the type of waste and who is transporting the waste.
- I. When a CESQG is hauling 55 gallons or less of their own generated liquid non hazardous waste or hazardous waste:
- Take a record where the waste was from, how much is being hauled, and where it is being taken with the waste shipment. It is not necessary to use a waste manifest if all these requirements in this section are met.
  - Obtain a signature from the designated facility acknowledging receipt of the waste and provide them with a copy of the record.
  - Keep a copy of the shipment record for at least three years.
  - Have adequate insurance coverage (check that your insurance company will cover potential accidents). See [operational memo 121-2](#) for further information.
  - Both the designated facility and the generator must manage the waste according to the liquid industrial waste regulations to protect the environment and human health.

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II. When a CESQG is hauling more than 55 gallons of their own non hazardous liquid waste:

- Notify the WHMD that you are transporting your own liquid industrial waste and are a liquid industrial waste generator and obtain a site identification number. It is not necessary to become a permitted and registered transporter.
- Use the uniform hazardous waste manifest which is also used for liquid industrial waste shipments or use a consolidated manifest. If consolidated manifests are used, meet the requirements listed in the Operational Memo 121-3. Manifest information is available at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste).
- Obtain insurance coverage as required by the Hazardous Materials Transportation Act.
  - i. If using vehicles under 10,000 pounds gross vehicle weight, have fleet coverage of at least \$300,000.
  - ii. If using vehicles equal to or over 10,000 pounds gross vehicle weight, have fleet coverage of at least \$750,000.
- Get a copy of the form MCS-90 from your insurance company and send it to DEQ WHMD Attn: Transportation Program Technician, Southeast MI District Office, 27700 Donald Ct, Warren MI 48092-2793.

III. When hiring commercial transporters to haul the waste:

- Notify the WHMD about your waste activities and obtain a site identification number.
- Select a transporter company with the appropriate waste permit and registration to take the waste to [licensed TSD facilities](#) or [recycling facilities](#) that meet regulations. You can search the [Waste Data System](#) to find transporters and their compliance information.
  - i. If waste is non hazardous, hire uniform liquid industrial waste transporters.
  - ii. If it is hazardous waste and you are a CESQG of hazardous waste, you may hire uniform liquid industrial waste transporters or uniform hazardous waste transporters.
  - iii. If the waste is hazardous waste and you generate more than 220 pounds of hazardous waste in a calendar month, hire uniform hazardous waste transporters and update your notification with the WHMD.
- Meet the manifest or consolidated manifest requirements. Most commercial transporters and disposal companies will provide the “Uniform Hazardous Waste Manifest” which is used for both liquid and hazardous waste shipments. If they don’t, see the [EPA information](#) about completing and ordering manifests from companies approved by EPA. A new national manifest system became effective September 5, 2006. [Manifest instructions](#) are available at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste). For questions about the US DOT descriptions listed on the manifest, contact the [Michigan State Police Motor Carrier Division](#) at 517-336-6580 or US DOT at 800-467-4922. If consolidated manifests are used, meet the requirements listed in the Operational Memo 121-3. Manifest information is available at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste).

See the [flow chart](#) for the required time periods to submit copies to the WHMD and for getting copies back from the facility where the waste was shipped. Keep the manifest copy signed by the facility, transporter and TSD for at least 3 years. Set up a filing system to hold manifests and consider using the optional [manifest tracking form](#) to help organize manifest record keeping. Use the [Waste Data System](#) to confirm that the facility and the TSD have submitted the hazardous waste manifests to MDEQ. At this time manifests used for only liquid industrial waste shipments are not entered into the database.

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IV. If a CESQG is sending solid hazardous and non hazardous waste to a landfill for disposal, first check if the landfill and waste hauler will accept the waste. It is not necessary to use a waste manifest, but consider keeping some type of record where the waste was shipped. If it is asbestos waste regulated by the Air Quality Division, there are other shipping record requirements (see the [Asbestos Fact Sheet](#) at [www.michigan.gov/deg](http://www.michigan.gov/deg) "Air" "Compliance" "Asbestos NESHAP Program"). Be aware that if future contamination occurs at the landfill that the CESQG could have financial liability for the cleanup.

☒ Failing to submit copies to the MDEQ, using a wrong site identification number; and not meeting record retention requirements are common manifest violations.

## 5. Meet Emergency Planning and Response, and Employee Training Requirements

CESQGs are not required by the waste regulations to have a waste contingency plan, but they may be subject to [other emergency planning regulations](#) depending on the amount of chemicals and oil storage capacity at the site. Facilities are encouraged to prepare an Integrated Contingency Plan (ICP) if subject to several regulations that require emergency plans.

Although the waste regulations do not have specific release reporting requirements for a CESQG, a facility may be subject to [other regulations that require release reporting](#), such as Part 201, Part 31, federal CERCLA, etc. Report releases if a release meets reportable quantities or if the facility has knowledge that a spill has reached surface water or groundwater. There is an optional [Spill or Release Report](#) form to help organize reportable information.

If you need to report an environmental emergency situation but unsure who to contact, notify the following:

- ✓ DEQ by calling the Pollution Emergency Alert System (PEAS) at 800-292-4706 (within Michigan) or 517-373-7660 (outside Michigan)
- ✓ Your local emergency responders by calling 9-1-1
- ✓ EPA by calling the National Response Center at 800-424-8802.

A CESQG must cleanup all releases of hazardous waste including contaminated soil as soon as practical. Either the Remediation and Redevelopment Division or the Waste and Hazardous Materials Division will oversee the cleanup depending on the situation. See the [Part 201 and cleanup information](#) from the Remediation and Redevelopment Division and discuss specific requirements with the [MDEQ District Office](#). Also see [EPA Clu-In](#) for hazardous waste cleanup information.

It is recommended, but not required by waste regulations, that CESQGs:

- a. Equip the facility with the following, and test and maintain the equipment:
  - ◆ Internal communication or alarm system for emergency instructions to the facility's personnel.
  - ◆ Devices such as telephones, two-way radios capable of summoning emergency assistance from local police, fire and emergency response teams.
  - ◆ Portable fire extinguishers, fire control equipment, including special extinguishing equipment, spill control equipment and decontamination equipment. Have adequate volume of foam and/or water for fire control to supply hoses, automatic sprinklers, or water spray systems. Meet [MIOSHA standards](#) and local fire department requirements.
- b. Make arrangements with local fire department, hospitals, police, and response companies if they will be hired, to help them be prepared if an incident occurs at your site. Arrangements may consist of sending a diagram or discussing the layout of the facility, access roads, evacuation routes, and submitting to local hospitals the possible types of injuries or illnesses resulting from hazardous waste on-site.
- d. Have an emergency coordinator available at all times who is on-site or on call with the responsibility for coordinating all emergency response. Consider having alternative coordinators available to cover when the emergency coordinator is not available (e.g. sick or on vacation).

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- e. Post the following information next to the phone so employees readily have response information available. Call 800-662-9278 to obtain a self adhesive emergency poster or download the [template](#).
    1. Name and phone number of the emergency coordinator.
    2. The location of fire extinguishers and spill control material, fire alarms, P.A. system, etc.
    3. The telephone number of the fire department unless the facility has a direct alarm.
  - f. Train employees with proper waste handling and emergency procedures specific to the types of waste they are responsible for or will be handling. Meet [MIOSHA training](#) requirements. HAZWOPER training is not the same as hazardous waste training.

For more emergency planning and response information, see the following:

- [Michigan State Police Emergency Management Division guidance](#) and possibly attend their [training](#) or another training provider's sessions.
- [MIOSHA standards](#) regarding emergency plans, fire exits, fire equipment, evacuation routes, personal protective equipment, etc. The Department of Labor and Economic Growth, Consultation Education and Training Division, offers assistance with meeting MIOSHA health and safety requirements. Call 517-322-1809 for more information.
- [Emergency preparedness links](#) from the National Institute for Occupational Safety and Health

## 6. Additional Compliance and Information Resources

- The [WHMD hazardous and liquid industrial waste inspection forms](#) and additional waste information is available at [www.michigan.gov/degwaste](http://www.michigan.gov/degwaste) if a facility wants to do a compliance self audit. The forms include abbreviated citations for both state and federal regulations.
- If doing a voluntary, internal evaluation consider meeting the [environmental self audit](#) criteria.

This guidance was revised November 2006 by the Environmental Science and Services Division in conjunction with the Waste and Hazardous Materials Division. Regulations are subject to change. Reliance on information from this document is not usable as a defense in any enforcement action or litigation. Refer to the regulations and discuss your requirements with the regulating agency, or contact the Environmental Assistance Center at 800-662-9278 for referral.

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Personnel Services, PO Box 30473, Lansing, MI 48909.