



## Liquid Industrial By-Products Statutory Changes

Jeanette Noechel  
DEQ, Office of Waste Management and Radiological Protection  
586-494-5091  
noechellj@michigan.gov

### Today's Goals

- Provide an overview of the liquid Industrial by-products statutory amendments
- Highlight the new management requirements for liquid industrial by-products

### Background

- Stakeholder workgroup formed summer 2014
- Statutory changes/bills introduced early 2015
- Statutory changes signed into law December 17, 2015
- Statutory changes became effective March 16, 2016 (90 days after signed into law as a matter of statutory process)

### Statutory/Workgroup Goals

- Increased commerce
- Increased recycling
- Decreased barriers
- Decreased costs

### Primary Change

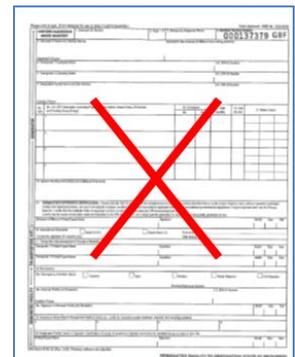
- No longer Part 121, Liquid Industrial Waste
- New name: Part 121, **Liquid Industrial By-Product**, to emphasize recycling and reuse options
- No longer required to use Uniform Hazardous Waste Manifests for shipments, but must meet "shipping document" requirements and may use Uniform Hazardous Waste Manifest if desired

### Community Impacted Includes:

- Liquid industrial by-product generators
- Liquid industrial by-product transporters (those who pump and haul)
- Liquid industrial by-product designated facilities (those who dispose, recycle, or reuse liquid industrial by-product), including:
  - Central waste treatment facilities
  - Used oil processors
  - Waste water treatment plants
  - Non-hazardous liquid by-product and septage transporters
  - Food waste processors
  - Renderers
- Household hazardous waste collections accepting liquids from businesses
- Anaerobic digesters
- Biofuel producers

### Liquid Industrial By-Product

- A material that is...
  - produced by or is incident to an enterprise or non-household activity
  - liquid as determined by the paint filter test
  - discarded
- Liquid CESQG hazardous waste
- Liquid waste that is not a listed or characteristic hazardous waste like:
  - Used oil



- Antifreeze
- Wastewaters or wash waters
- Fats, oils, and grease
- Catch basin clean-out
- Contaminated fuel sent for re-refining into fuel

#### **Part 121 Changes**

- All
  - Shipping documents
  - Electronic recordkeeping
  - Requirements for closed/covered containers
- Generator:
  - Site ID number
  - Container/tank labeling
- Transporters
  - Individual/dually licensed
- Designated facilities
  - Annual report
  - Emergency response plan
  - Training records
- Clarify
  - Use/reuse
  - Characterization
  - Closed container

#### **Shipping Document Changes**

- Uniform Hazardous Waste Manifests are no longer required for shipments of liquid industrial by-product
- Shipping documents can be in written or electronic form
- May be a log, invoice, bill of lading, or uniform hazardous waste manifest
- Must be readable, readily accessible, and have required information
- Must meet US DOT requirements

#### **Individual Shipping Document Certification**

- Generator or generator representative signs/certifies shipping document stating:
  - That the liquid industrial by-product is fully and accurately described
  - In proper condition for transport
  - The information contained on the shipping document is factual
- We accept the certification statement that is on the Uniform Hazardous Waste Manifest
- Transporter must provide confirmation of acceptance of by-product to the generator
- If using a consolidated shipping document, transporter must provide to the generator a receipt which has:
  - Transporter company's name
  - Driver's signature
  - Date of pickup
  - Type and quantity of by-product removed
  - Consolidated shipping document number
  - Designated facility

#### **Individual Shipping Document Distribution**

- Generator retains copy of shipping documents with generator certification and transporter confirmation
- Transporter obtains copy of shipping document which accompanies the shipment during transport

#### **Individual Shipping Document Certification & Distribution**

- Designated facility – No certification or shipping document or distribution is required

### Designated Facility Must:

- Provide confirmation of receipt to the generator or generator representative and
- Only accept delivery where accompanied by shipping document listing the designated facility
- Designated facility confirmation may be written or electronic (documented phone call, email, receipt, shipping document or manifest copy)

### Consolidated Shipping Document

- For a CONSOLIDATED shipping documents, transporter fulfills generator duties in completing the shipping document transporter AND provides receipt to generator with:
  - Transporter name
  - Driver's signature
  - Date of pickup
  - Type and quantity of by product accepted/shipped
  - Consolidated shipping document number, and
  - Designated facility
- Generator of brine may complete a single shipping document per transporter of brine per disposal well per month

### Uniform Manifest Site ID

- Generators using the Uniform Hazardous Waste Manifest as shipping document can enter the following for the Site ID field:
  - MICESQG – CESQG waste only
  - MILIB – liquid industrial by-product only
  - MICESQGLIB – CESQG and liquid industrial by-product

### Generator Requirement Changes

- Generators are no longer required to obtain a Site ID if they are only a liquid industrial by- product generator, only a CESQG generating liquid hazardous waste, or both
- Generators must provide a copy of the shipping document to transporters to accompany the by product to the designated facility
- Generators must obtain confirmation of by-product receipt by the designated facility
- If not received timely, generator must contact designated facility, and if receipt is not verified, report to the DEQ
- Generators must label or mark containers and tanks of liquid industrial by-product to identify their contents

### Transporter Requirement Changes

- Transporter permitting and registration under Act 138 is still required
- Site ID number are still required for transporters
- Site ID numbers are now required of Act 138 exempted transporters (self-transporters and municipal authorities)

### Act 138 Permit and Registration Transporter Changes

- Transporters may carry registrations and permits on the vehicle in electronic or written format
- If electronic records are used, they must be legible, have all the required information, and be readily accessible

### Act 138 Permit & Registration Part 117 Septage Transporter Changes

- Provides for transporter to obtain individual authorizations for dually licensed by-product and septage transporters

### Individual Shipping Documents Transporters

- Transporter must provide certification of acceptance of by product to generator, and deliver the byproduct only to the designated facility specified by the shipping document



- Consolidated shipping documents are permitted for a single shipment of uniform types of liquid industrial by-product collected from multiple pickups for a single transport event

#### **Consolidated Shipping Documents Transporters**

- Transporter fulfills generator duties in completing the shipping document AND provides receipt to generator
- Transporter receipt for generator must include:
  - Transporter company name
  - Driver's signature
  - Date of pickup
  - Type and quantity of by-product accepted
  - The consolidated shipping document number
  - The designated facility

#### **Designated Facility Requirement Changes for By-product Shipments**

- Designated facilities:
  - Can only accept delivery of by-product if the facility is the destination indicated on the shipping document
  - Must provide the generator or authorized representative confirmation of receipt of by-product
  - Must maintain records of characterization

#### **Any By-Product Treatment, Storage, and Disposal**

- By-product cannot be stored for longer than 1 year UNLESS:
  - It is stored for reclamation AND
  - Not less than 75% of the cumulative amount, by weight or volume of each type of by-product stored is reclaimed or transferred to a different site for reclamation during that calendar year
- Documentation is required to ensure storage beyond 1 year is authorized

#### **Designated Facility Emergency Response**

- Designated facilities must have a plan to respond to and minimize hazards to human health and the environment from unplanned sudden and non-sudden releases

#### **Designated Facility Recordkeeping**

- Owner/operator of a designated facility shall:
  - Retain all required records for 3 years
  - Make records readily available for review and inspection
  - Electronic recordkeeping is acceptable but must be readable, have all the required information, and be accessible

#### **Designated Facility Training**

- Designated facilities must document that employees who manage by-product are trained in proper handling and emergency response as appropriate for their job duties

#### **Designated Facility Reporting**

- Annual report for designated facilities is due by April 30th each year starting 2017
- Annual report is to describe activities for previous calendar year
- Electronic reporting method is required of the DEQ
- Required reporting includes:
  - Name and address of the designated facility
  - Calendar year covered by the report
  - Types and quantities of by-product received
  - Description of the manner in which the by-product was processed or managed
- Track by-product types previously having liquid industrial waste codes for the 2017 designated facility annual reporting period, including:
  - Mixed Solvents
  - Pharmaceutical
  - Crankcase Oil

- Coolants and Water Soluble Oils
- Other Oil
- Brine
- PCB
- Other wastes
  - Antifreeze
  - Storm Sewer Cleanouts
  - Sanitary Sewer Cleanouts
  - X-Ray/Photo Cleaning Solutions
  - Water Based Cleaning Solutions
  - Car Wash Sludges
  - Grease Trap Wastes
- Reporting does not apply if the designated facility received by-product from only 1 generator that was owned, operated or legally controlled by that generator

#### **Designated Facility Site Identification Number**

- Designated facilities are still required to obtain a Site ID number

#### **Continuing By-Product Treatment, Storage, and Disposal at Any Facility**

- By-product treatment, storage or disposal by the generator, transporter or designated facility must be in containers or tanks
- By-product treatment, storage or disposal is exempt from Part 121, Section 12112 and 12113 if regulated under part 615, Supervisor of Wells, or regulated under part C of title XIV of the public health service act
- By-product managed by the generator, transporter or designated facility shall be protected from weather, fire, physical damage and vandals
- All vehicles, containers and tanks used to hold by-product shall be closed or covered, except when necessary to add or remove by-product
- By-product managed by the generator, transporter or designated facility shall be managed such that:
  - Exterior of all vehicles, containers and tanks used to hold by-product are free of by-product and residues
  - Unless otherwise specifically authorized, by-product cannot be discharged to soil, surface water, ground water, a drain, sewer, or the air
- By product cannot be treated, stored or disposed of in a surface impoundment, unless
  - The impoundment has a discharge or storage permit under part 31 (Water)
  - In the case of leachate, is authorized by a permit issued under part 115 (Solid Waste)
- Part 121 does not prohibit a publicly owned treatment works (POTW) from accepting by-product from a person
  - Part 121 does not prohibit a person from engaging, employing or contracting with a POTW
  - If the POTW receives by-product via transport, they are considered a designated facility

#### **By-Product Enforcement**

- Previous enforcement of liquid industrial waste was criminal only
- By-product rules allow for civil enforcement

#### **Wrap Up - From Waste to By-Product Implementation**

- New Part 121, By-product regulations took effect March 16, 2016
- For updated resources see:
  - Part 121 Liquid Industrial Waste/By-Product Statutory Changes Web page at [www.michigan.gov/deq/waste](http://www.michigan.gov/deq/waste) under "Announcements"
  - Chapters 2 and 4 of the Guidebook

---

## Liquid Industrial By-Products Statutory Changes

Notes: