Solid Waste Exemptions

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Today's Goals

- What is a regulated solid waste
- Statutory exemptions
- Rule exemptions
- Generic exemptions
- How to petition the DEQ for a specific exemption

Regulatory Drivers

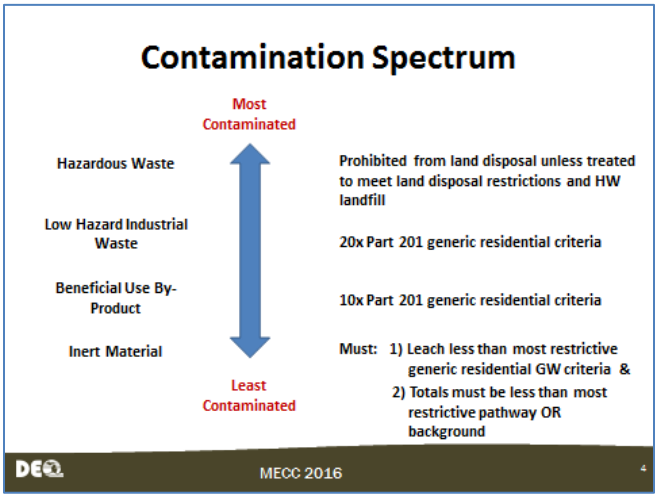
- Subtitle D of the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended
- Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended
- Part 115, Solid Waste Management, Administrative Rules

Definition of Solid Waste (Part 115, Section 11506(1))

- "Solid waste" means garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, municipal and industrial sludges, solid commercial waste, solid industrial waste, and animal waste.

Solid Waste Exemptions (Part 115, Section 11506(1))

- (f) – slag or slag products directed to a re-user of slag or slag products
- (g) – sludges or ashes approved for land application under Rule 111
- (h) – materials fed to animals, land applied or composted and land applied under the GAAMPs
- (j) – source separated materials*
- (l) – coal ashes under certain circumstances
- (m) – inert material*
- (p) – diverted wastes*
- (q) – beneficial use by-products*



Source Separated Materials (Part 115, Section 11506(6))

- Glass, metal, wood, paper products, plastics, rubber, textiles, garbage, or any other material approved by the department that is used for conversion into raw materials or new products.
- Scrap wood, rail road ties, tires, and paint solids used for fuel in an industrial boiler, kiln, power plant, or furnace.

Source Separated Materials

- Gypsum drywall used to produce drywall
- Flue gas desulfurization sludge use in cement or drywall manufacture
- Asphalt shingles used as fuel or as a component in asphalt
- MSW incinerator ash used for alternate daily cover at a licensed landfill
- Utility poles and rail road ties used as post, poles, landscaping

Inert Material (Part 115, Section 11504(2))

- Rock
- Trees, stumps, and other land clearing debris
- Uncontaminated soil and dredge material
- Construction brick, masonry, pavement, and broken concrete that does not contain lead paint
- Drill cuttings from a water supply well

Diverted Waste (Part 115, Sections 11503(6) & 11521b)

- Hazardous material
- Liquid waste
- Pharmaceuticals
- Electronics
- Batteries
- Light bulbs
- Sharps
- Pesticides
- Thermostats, switches, thermometers, or other devices that contain elemental mercury
- Other wastes approved by the department

Diverted waste must be:

- Collected safely, lawfully & by knowledgeable staff
- Collected at a secure location protected from weather, fire, physical damage, and vandals
- Not processed except to ensure safe and efficient transport
- Managed to prevent release
- Stored < 1 year
- Documented (types, volumes, and disposition)
- If non-household, handled to meet additional CESQG and liquid industrial by-product collection requirements

Listed Beneficial Use By-Products

- Cement Kiln Duet
- Lime Kiln Dust
- Coal or Wood Bottom Ash
- Coal or Wood Flue Ash
- Dewatered Grinding Sludge
- Flue Gas Desulfurization Material
- Spent Sandblasting Media
- Foundry Sand
- Lime Softening Residuals
- Mixed Wood Ash
- Pulp and Paper Mill Ash
- Pulp and Paper Mill Material
- Soils Washed or Removed from Sugar Beets
- Stamp Sands

Beneficial Use Matrix

USE/MATERIAL	Bonded by lime, cement, or asphalt Beneficial Use 1	Construction fill under impervious surface/Road shoulder Beneficial Use 2	Land Applied Beneficial Use 3	Remediate/ treat waste or used as fill at landfills Beneficial Use 4	Soil blending Beneficial Use 5	Flue gas scrubbing reagent
Wood ash/coal bottom ash			X			
Wood ash/coal ash	X	X		X		
Pulp/paper mill ash	X	X	X	X		
Mixed wood ash	X	X	X	X		
Cement kiln dust/Lime kiln dust	X	X	X	X		X
Foundry sands (ferrous/aluminum)	X	X	X	X	X	
Stamp sands	X	X				
Pulp/paper mill material			X			
Sand blasting media from new products	X	X				
Dewatered concrete grinding slurry	X	X	X	X		
Lime Softening residuals			X	X		
Sugar beet soils			X			
Flue gas desulfurization sludge	X		X			

Beneficial Use By-Products Use Options

- **Beneficial Use 1** means use as aggregate, road material, or building material if it will be bonded or encapsulated by cement, limes, or asphalt.
- **Beneficial Use 2** means use as construction fill, road base, soil stabilizer, or road shoulder material.
- **Beneficial Use 3** means application of material as a fertilizer, a soil conditioner under Part 85, or a liming material under 1955 PA 162.
- **Beneficial Use 4** means use to stabilize, neutralize solid, or treat waste; to treat wastewater or sludge; to stabilize hazardous substances; or to serve as landfill construction material.
- **Beneficial Use 5** means soil mixtures using foundry sand and organic material to manufacture soil.

Beneficial Use 2 Conditions Example

- Construction fill on non-residential property
    - Placed at least 4 feet above seasonal high groundwater table.
    - Must not come into contact with surface water.
    - Is covered with concrete, asphalt, or other material approved by the DEQ.
    - Less than 4 feet thick unless under a building where there is no limit.

Beneficial Use 2 Conditions Example

- Road base or soil stabilizer less than 4 feet thick.
- Road shoulder material less than 4 feet thick covered with concrete, asphalt, or gravel.
- Stored at the site of generation or use for less than 3 years.
- Stored in a manner that maintains usefulness, controls wind dispersal, and prevents loss beyond storage area.
- Storage does not impact groundwater or surface water.
- Must be legitimate use by being used according to generally accepted engineering, industrial, or commercial standards.
- Generator or broker must notify DEQ of any site that will exceed 5,000 cubic yards of material.
- Generator or broker of over 1,000 cubic must report yearly reuse volumes to DEQ.
- A contractor, consultant, or agent of the owner must tell the owner that beneficial use by-products have beneficial use for Beneficial Use 2 on the property.
- The owner of a property must tell the future owner that beneficial use by-products have beneficial use for Beneficial Use 2 on the property.

Low Hazard Industrial Waste

- Coal ash or wood ash
- Cement kiln dust
- Pulp and paper mill material
- Scrap wood
- Water treatment sludges
- Foundry sand
- Mixed wood ash
- Street cleanings
- Asphalt shingles
- New construction drywall
- Chipped or shredded tires
- Copper slag and stamp sands

Relationship of Beneficial Use Statute to Other Environmental Statutes

- Part 31 – Water Resources Protection
- Part 201 – Environmental Remediation
- Part 301 – Inland Lakes and Streams
- Part 325 – Great Lakes Submerged lands

Generic Exemptions Issued by the DEQ

- Asphalt Shingle
- Concrete Grinding Slurry
- Drywall
- Ethanol Syrup
- Fish Waste
- Water Softening Lime
- On Farm Anaerobic Digestion
- Scrap Wood
- Tires
- Manure, Paunch, and Pen Waste

Conditions Applicable to all Exemptions

- Speculative accumulation – Depending on what the material is there are maximum limits on how long you can pile up the material before using (1 to 3 years).
- Air quality – The use/storage of materials cannot violate Part 55 air pollution control regulations.
- Groundwater/surface water – The use/storage of materials can not violate Part 31 water resource protection regulations.

Is My Material Exempted?

- Go to Part 115 statute, type in your material into the "find" function (example – "foundry sand")
- Listed beneficial use by-product
- Definition
- Listed low-hazard industrial waste
- Perpetual care fund amounts
- Material can be land applied as a beneficial use 3 by-product
- Material can be blended to produce a soil under beneficial use 5

Receiving Specific Approval From The DEQ

- If your material or proposed used is not exempted, you may petition the DEQ through Rule 118a for the following:
- Agricultural Use Approval
- Inert Material Designation
- Source Separated Material Designation
- Beneficial Use By-Product Designation
- Low-Hazard Industrial Waste Designation
- Another Material for Another Use

For additional exemption information contact:

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- E-mail: roskoskeyd@michigan.gov
- Web site: Go to www.michigan.gov/deqwaste, then select "Solid Waste" (white tab on the left) for access to:
    - Solid Waste Statutes and Rules
    - Exemption Guidance
    - Beneficial Use Resources
    - Questions
    - Questions

Notes: