

Waste to By-Product Reforms to Part 121

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Background

- Stakeholder workgroup formed summer 2014
- Statutory changes/bills introduced early 2015
- Signed into law December 17, 2015
- Effective date of March 16, 2016 (90 days)

Workgroup and Amended Statute Goals

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

Name Change

- Revisions to Part 121 took effect March 16, 2016
- No longer Part 121, Liquid Industrial Waste
- Changed to Part 121, Liquid Industrial By-Product

Community Impacted

New regulations impact anyone who:

- **Generates**
- **Transports (pump and haul)**
- **Disposes, recycles, or reuses or**
- **Otherwise manages non-hazardous liquids**

Community Impacted

- Central waste treatment facilities
- Used oil processors
- Waste water treatment plants
- Non-hazardous liquid by-product & septage transporters
- Designated facilities for liquid industrial by-product

Community Impacted

- Food waste processors
- Renderers
- Household hazardous waste collections accepting liquids from businesses
- Anaerobic digesters
- Biofuel producers

Today's Goals

- So what does that mean exactly?
- What has changed?
- What is “Liquid Industrial By-Product”?

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

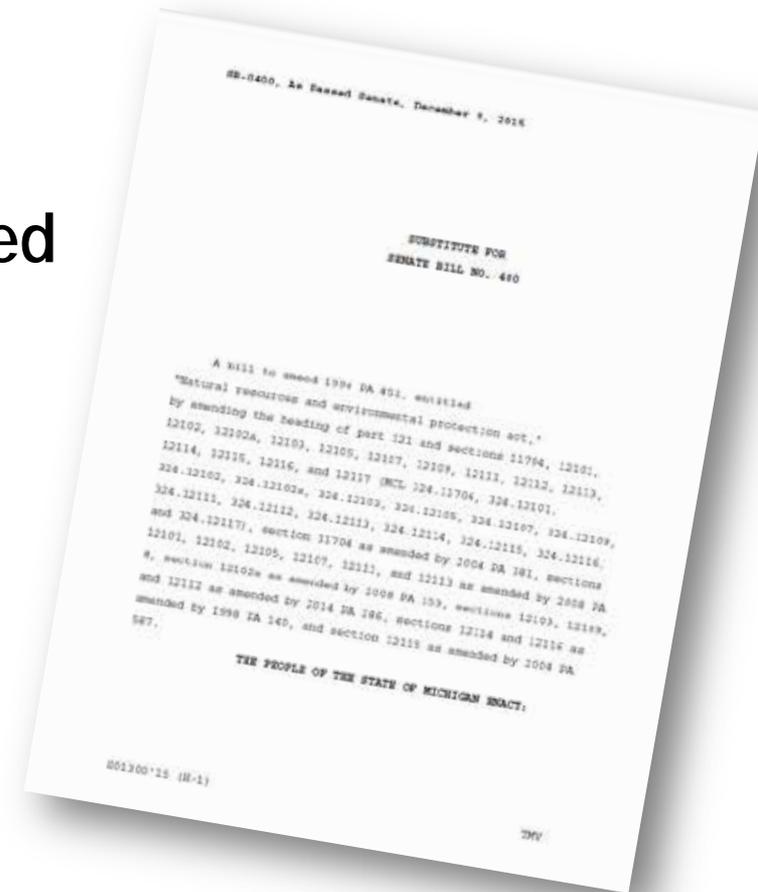


Liquid Industrial By-Product

- Liquid CESQG hazardous waste
- Liquid waste that is not a listed or characteristic hazardous waste like:
 - Used oil
 - Antifreeze
 - Wastewaters / Wash waters
 - Fats, oils, & grease
 - Catch basin clean-out
 - Contaminated fuel

Part 121 Changes

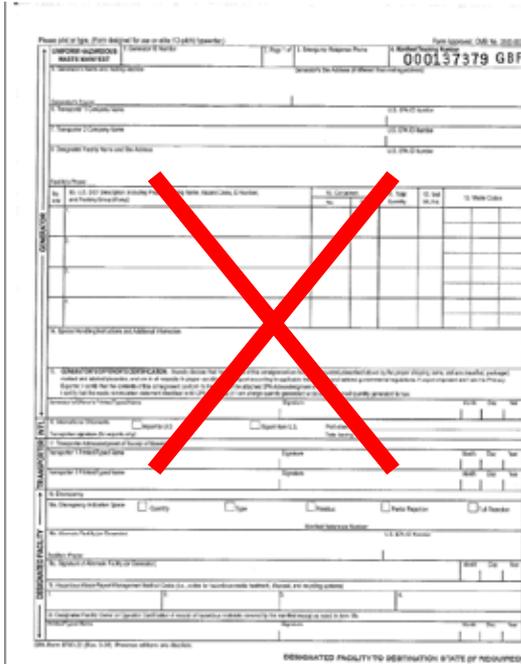
- All
 - Shipping Documents
 - Electronic Recordkeeping
 - Requirements for closed/covered containers
- Generator:
 - Site ID Number
 - Container/Tank Labeling
- Transporters
 - Individual/Dually Licensed



Shipping Document Changes

Shipping Documents

- Uniform Hazardous Waste Manifests are no longer required for shipments of liquid industrial by-product
- Shipping documents can be in written or electronic form



The image shows a Uniform Hazardous Waste Manifest form, which is a document used for tracking hazardous waste shipments. The form is titled "UNIFORM HAZARDOUS WASTE MANIFEST" and includes fields for "Manifest Number" (000137379 GBF) and "Date of Issue". A large red 'X' is drawn over the form, indicating that this type of manifest is no longer required for shipments of liquid industrial by-product.

Shipping Documents

- May be a log, invoice, bill of lading, or uniform hazardous waste manifest
- Must be readable, readily accessible, and have required information
- May be written or electronic
- Must meet US DOT requirements

Everything you
want to know about
Shipping Documents

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
- Certification on the Uniform Hazardous Waste Manifest, is sufficient to meet statute

Individual Shipping Document Certification

Transporter must provide confirmation of acceptance to the generator

For consolidated shipping document, transporter must provide a receipt to the generator which has:

- transporter company's name
- the driver's signature
- the date of pickup
- the type and quantity of by-product removed
- the consolidated shipping document number
- the 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 distribution is required

Designated facility must:

- provide confirmation of receipt to the generator or generator representative
- 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 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

Consolidated Shipping Document

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:

- ü MICESQG – CESQG waste only
- ü MILIB – liquid industrial by-product only
- ü MICESQGLIB – CESQG and liquid industrial by-product

Generator Requirement Changes

Site Identification Number Generators

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

Shipping Documents Generators

Generators must provide a copy of the shipping document to transporters to accompany the by product to the designated facility

Shipping Documents/Shipments Generators

- 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

Container/Tank Labeling Generators

Generators must label or mark containers and tanks of liquid industrial by-product to identify their contents

Transporter Requirement Changes



Act 138 Permit, Registration, Site ID Transporters

- Transporter permitting and registration under Act 138 is still required
- Site ID numbers 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 Transporters

- 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

Transporters

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 by product only to the designated facility specified by the shipping document

Individual Shipping Documents Transporters

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

Consolidated Shipping Documents

Transporters

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

By-product Shipments

Designated Facility

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

By-product Treatment, Storage & Disposal Designated Facility

- 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 is authorized

Emergency Response

Designated Facility

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

Recordkeeping

Designated Facility

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

Training

Designated Facility

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

Reporting

Designated Facility

- Annual report for designated facilities is due by April 30th each year starting 2017
- Annual report is to describes activities for previous calendar year
- Electronic reporting method is required of the DEQ

Reporting Designated Facility

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

Designated Facility Reporting

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
- Grease Trap wastes
- Antifreeze
- Storm Sewer Cleanouts
- Sanitary Sewer Cleanouts
- X-Ray/Photo Cleaning Solutions
- Water Based Cleaning Solutions

Reporting

Designated Facility

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

Site Identification Number

Designated Facility

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

Additional Requirements

By-Product Treatment, Storage, & Disposal

- 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 Treatment, Storage, & Disposal

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 Treatment, Storage, and Disposal

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 Treatment, Storage, & Disposal

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)

By-Product Treatment, Storage, & Disposal

- 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**
- **Liquid Industrial Waste/By-product handlers may comply with new OR old Part 121 requirements between December 17, 2015 and March 16, 2016**

From Waste to By-product Implementation

- DEQ will continue to update existing procedures, guidance and instructions to reflect amended statutory provisions
- For updated resources:
 - See Part 121 Liquid Industrial Waste/By-Product Statutory Changes Web page by going to www.michigan.gov/deqwaste, under “Announcements”
 - Michigan Guide to Environmental Health and Safety Regulations, Chapter 2
 - Newest addition Example Shipping Document

Questions?



Thank you for protecting Michigan's environment!