

# Retail Environmental Workgroup

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March 25, 2016



# Waste to By-Product Reforms to Part 121

Office of Waste  
Management and  
Radiological Protection

Office of Environmental  
Assistance



# Office of Waste Management & Radiological Protection



**Trisha Confer**

**Hazardous Waste and Scrap Tire Programs  
Saginaw Bay District Office**



# Presentation Outline

Please hold questions until the end

Use presentation outline to minimize notetaking



## Part 121 Waste to By-product Reforms Retail Environmental Initiative – March 25, 2016

Trish Conter  
DEQ, Office of Waste Management & Radiological Protection  
989-225-7968 or [conter@michigan.gov](mailto:conter@michigan.gov)

Christine Grossman  
DEQ, Office of Environmental Assistance  
517-284-6860 or [grossmanc@michigan.gov](mailto:grossmanc@michigan.gov)

### Part 121 Amended Statute Goals

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

### Part 121, Liquid Industrial By-products Statute

- March 16, 2016, effective date
- No longer Part 121, Liquid Industrial Waste
- Changed to Part 121, Liquid Industrial By-Product

### Regulated Community Imposed

- Anyone who generates, transports (pumps and hauls), disposes, recycles, or reuses non-hazardous discarded or spent liquids
- A "designated facility" is any facility that accepts liquid industrial by-product from another generating site
- Generator examples:
  - Retailers – consumer products
  - Municipalities – catch basin clean-out
  - Service Industries – CEBOG dry cleaning solvents
  - Health Care – non-hazardous solution IV bags
  - Manufacturers – food processing wastewaters
- Designated facility examples:
  - Central waste treatment facilities
  - Used oil processors
  - Waste water treatment plants
  - Non-hazardous liquid by-product & septage transporters
  - Renderers
  - Household hazardous waste collections accepting liquids from businesses
  - Reverse distribution centers
  - Anaerobic digesters
  - Biofuel producers

### What is "Liquid Industrial By-Product"?

- Any material that is...
  - produced by or is incident to an enterprise or non-household activity,
  - liquid as determined by the point filter test, and discarded.
- Liquid Industrial by-product includes:
  - Conditionally Exempt Small Quantity Generator (CESQG) exempt hazardous waste liquids
  - Any liquid material that is a discarded and is not a listed or characteristic hazardous waste like:
- Liquid Industrial by-product examples include:
  - Used oil
  - Antifreeze
  - Wastewaters
  - Fats, oils, and grease
  - Catch basin clean-out
  - Contaminated fuel
  - Waste water

# Amended Statute Goals

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



# Name Change

Revisions to Part 121 take 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 (designated facility) or**
- **Otherwise manages non-hazardous liquids**



# Community Impacted

## Generator Examples:

- Retailers
- Municipalities
- Service Industries
- Health Care
- Manufacturers



# Community Impacted

## Transporter & “Designated Facility” Examples

- Central waste treatment facilities
- Used oil processors
- Waste water treatment plants
- Designated facilities for liquid industrial by-product
- Household hazardous waste collections accepting liquids from businesses



# Today's Goals

So what does that mean exactly for retail?

What will change?

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
- ✓ Fats, oils, & grease
- ✓ Catch basin clean-out
- ✓ Contaminated fuel
- ✓ Waste waters
- ✓ Wash waters



# Part 121 Changes

## All

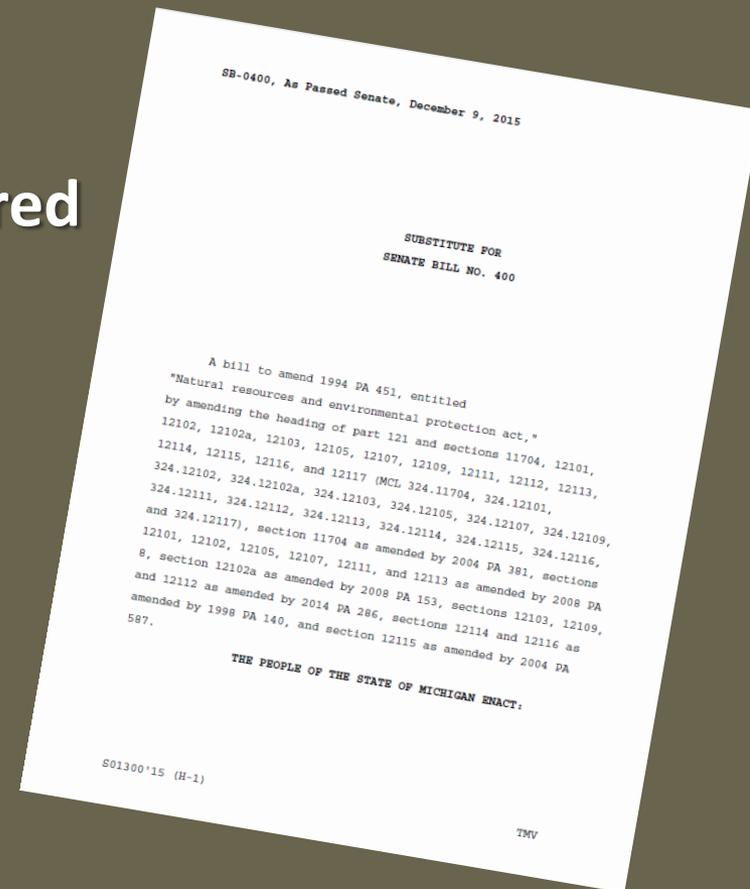
- ✓ Shipping Documents
- ✓ Electronic Recordkeeping
- ✓ Requirements for closed/covered containers

## Generator:

- ✓ Site ID Number
- ✓ Container/Tank Labeling

## Transporters

- ✓ Individual/Dually Licensed



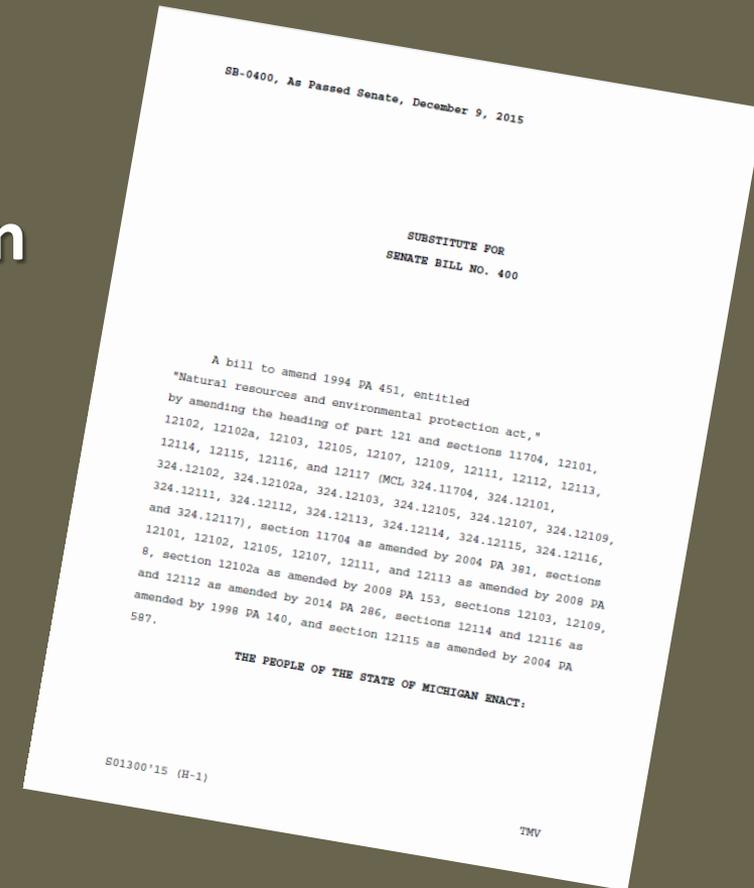
# Part 121 Changes

## Designated Facilities

- ✓ Annual Report
- ✓ Emergency Response Plan
- ✓ Training Records

## Clarify

- ✓ Use/reuse
- ✓ Characterization
- ✓ Closed container



# Shipping Document Changes





# Shipping Documents

- ✓ May be a log, invoice, bill of lading, or uniform hazardous waste manifest
- ✓ Must be readable, readily accessible, and have required information
- ✓ Must meet U.S. DOT requirements



# Shipping Document

## Required information:

- ✓ Name and address of the generator
- ✓ Name of the transporter
- ✓ Type and volume of by-product in the shipment
- ✓ Date the by-product was shipped off-site
- ✓ Name, address and Site ID number of the designated facility



# Individual Shipping Document

## Certification

**Generator or generator representative signs/certifies shipping document stating:**

- **the shipping document fully and accurately describes the shipment**
- **the shipment is in proper condition for transport**
- **the shipping document information is factual**



# Individual Shipping Document

## Certification

**Transporter signs/certifies shipping document stating by-product listed on shipping document:**

- **was received**
- **will be delivered to the designated facility identified on the shipping document**



# Individual Shipping Document

## Distribution

**Generator retains copy of shipping documents with generator and transporter signature**

**Transporter obtains copy of shipping document with both signatures which accompanies the shipment during transport**



# Individual Shipping Document

## Distribution

**If confirmation of receipt is not received timely, generator must contact designated facility, and if receipt is not verified, report to the DEQ**



# 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 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 AND transporter 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

## Distribution

**If confirmation of receipt is not received timely, transporter must contact designated facility, and if receipt is not verified, report to the DEQ**



# 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



# 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



# 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 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

## 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



# 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**



# 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**



# 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**



# Treatment, Storage, and Disposal

## Designated Facility

**By-product cannot be stored for longer than 1 year UNLESS recycling 75% at least annually**

**Documentation is required to ensure storage beyond is authorized**



# 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**



# Reporting

## Designated Facility

Annual report for designated facilities is due by April 30<sup>th</sup> 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



# Reporting

## Designated Facility

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

## 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**



# Part 121 Continuing Primary Requirements



# By-product Treatment, Storage, and 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, and 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 Enforcement

Previous enforcement of liquid industrial waste was criminal only

By-product rules allow for civil enforcement



# **From Waste to By-product**

**Implementation**

**New Part 121, By-product regulations took  
effect 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 at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste) under “Announcements”**



# Wrap Up

## Significant Changes

### Generator Changes:

- No Site ID
- No Mandatory Manifests
- No liquid industrial by-product codes
- New container /tank labeling



# Wrap Up

## Significant Changes

### Designated Facility Changes

- **New training requirements**
- **New emergency response plan requirements**
- **New annual reporting**
- **Specific requirement to maintain records of characterization**



**Questions?**





**Thank you for protecting Michigan's environment!**