Recommendation RM-1: Liquid Industrial Waste Regulations (IN PROCESS)

The DEQ has been discussing legislative changes to Part 121, Liquid Industrial Waste, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), with a stakeholder workgroup. On January 9, 2015, Director Dan Wyant approved the 19 recommendations of the workgroup with some minor changes. Changes to Part 121 is one of the Office of Waste Management and Radiological Protection’s (OWMRP’s) legislative priorities for 2015 and the legislative affairs staff will assist in getting the changes enacted.

Contact: Jack Schinderle at 517-284-6570 or schinderlej@michigan.gov

Recommendation RM-2: Beneficial Reuse (COMPLETED)

House Bill (HB) 5400 was introduced by Representative Wayne Schmidt and was signed into law by the Governor on June 16, 2014 (2014 PA 178). The bill amends and adds sections to Part 115, Solid Waste Management; Part 31, Water Resources Protection; Part 201, Environmental Remediation; and Part 85, Fertilizers, of the NREPA, to allow for the beneficial reuse of certain industrial byproducts if the products meet the environmental standards set forth in the legislation. The changes to Part 115 go into effect on September 16, 2014. HBs 5401 and 5402 amend sections of Part 201 to provide liability protection under Part 201 if the products are used in accordance with Part 85 or Part 115.

Contact: Duane Roskoskey, 517-284-6593, roskoskeyd@michigan.gov

Recommendation RM-3: Hazardous Waste Regulations (COMPLETED)

A request for rulemaking to amend the Hazardous Waste Management rules was approved by the Office of Regulatory Reinvention (ORR) on September 24, 2012. It is identified as 2012-108 EQ. A public hearing on the rule package was held on May 23, 2013. The rules were filed with the Joint Committee on Administrative Rules (JCAR) on September 23, 2013 and the rules were filed with the Secretary of State on October 29, 2013.

The purpose of the rulemaking is to (1) maintain federal authorization to administer the state’s Hazardous Waste Management Program under NREPA, in lieu of the federal Hazardous Waste Management Program under the Resource Conservation and Recovery Act of 1976, as amended, by the Hazardous and Solid Waste Amendments of 1984 (RCRA); (2) to improve the overall quality of the rules, both in terms of clarification of existing requirements and areas of program coverage; and (3) to reduce some of the regulatory burdens on the regulated community by providing streamlined and flexible requirements, including the implementation of Recommendations RM-3 and RM-7.

The Office of Waste Management and Radiological Protection (OWMRP) has deleted 17 discarded commercial chemical products; off-specification species; container residues; and spill residues thereof as
toxic hazardous wastes listed in R 299.9226 (i.e., Table 205c). These 17 waste codes were deleted as they either duplicated federal listings. OWMRP had scientific information suggesting that their listing was no longer warranted, and/or the definition of the listing made it difficult to determine what should and should not be included in the listing (e.g., class listings).

OWMRP advanced the deletions based on the science behind the listing and what they knew about the waste. OWMRP did not propose additional waste codes for deletion at this time since the remaining codes need to be further evaluated with respect to the basis of the original listing, prevalence in industry, presence at sites of environmental contamination, and science associated with the specific chemicals. OWMRO resources do not allow for that type of evaluation in the time period needed to advance the current rules package. They are committed to continuing the review of the remaining waste codes in subsequent rules packages.

Contact: Ronda Blayer, (517)284-6555, blayerR@michigan.gov

**Recommendation RM-4: Rescind/Repeal Michigan PCB Regulations (COMPLETED)**

Recommendation RM-4 proposed that the 19 PCB rules should be rescinded and that Part 147 of NREPA should be amended as necessary to remove PCB regulations from Michigan statute. SB 1328 (2012 PA 446) was signed into law by the Governor on December 22, 2012. The bill repeals Subpart 1, PCB Compounds, of Part 147. The bill also rescinds PCB related rules (R 299.3301 to R 299.3319).


The DEQ has discussed the biennial reporting process with stakeholders and implemented an electronic reporting system based on free software developed by the state of Florida. The software was tested and reviewed by both the DEQ and stakeholders. The US EPA has been briefed on the use of the software and the new reporting process to be used in Michigan.

Contact: Jack Schinderle, (517) 284-6570, schinderleJ@michigan.gov


The financial assurance provisions are all in statute, and the DEQ and stakeholders developed draft amendments that would increase the amount of financial assurance required of Type III landfills and provide more options for demonstrating the required financial assurance at all disposal area types. The amendments in SB 404 (PA 250, effective December 26, 2013), provide more options for satisfying the perpetual care fund requirements. The DEQ will continue to work with industry and the legislative sponsors to assure proper funds are available for Type III landfills.

Contact: Steve Sliver, (517)284-6595, sliverS@michigan.gov


The Hazardous Waste User Charge Work Group provided their recommendations for an updated fee schedule to the DEQ Director Wyant. Director Wyant evaluated the recommendations and in turn provided his input to the state budget office for consideration for the fiscal year 2014 budget cycle. The recommendation needs to be approved first by the Governor and then through the legislative process as part of the 2014 budget bill.
ORR 2012-108EQ contained a rule change that minimizes the paperwork associated with manifests. The manifest itself is a federal form that the state cannot change. The rules package which was filed with the Secretary of State on October 29, 2013 eliminates the requirement for the generator to submit the initial copy of the manifest. The DEQ will retain the authority to require the generator to provide the final copy of manifest showing receipt by an out-of-state facility.

The DEQ intends to participate in activities related to the federal electronic manifest project. The DEQ is initiating an electronic manifest information submittal system with the licensed hazardous waste treatment, storage and disposal facilities; however, this effort is occurring outside of a formal stakeholder group.

Contact: Jack Schinderle, (517) 284-6570, schinderleJ@michigan.gov

Recommendation RM-8: Medical Waste Storage Accumulation Limitation

The proposal to allow Sharps used for “non-medical procedures” to be stored for more than 90 days requires amendments to Part 138, Medical Waste Regulatory Act, of the Public Health Code, 1978 PA 368, as amended. Stakeholders proposed legislation, HB 4495 of 2010, which would have allowed a longer storage period for small quantities of Sharps. A slightly different approach was taken in September 2012 with Senate Bill 1334. None of the legislation introduced to date on this issue has been enacted. The DEQ will develop rules to implement any eventual legislation as appropriate.

Contact: Steve Sliver, (517) 284-6595, sliverS@michigan.gov