



DEPARTMENT OF ENVIRONMENTAL QUALITY
OFFICE OF DRINKING WATER AND MUNICIPAL ASSISTANCE
SEPTAGE WASTE PROGRAM

FREQUENTLY ASKED QUESTIONS

Authority of Part 117, Septage Waste Servicers (Part 117), Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451)

LICENSING

Q: For how many years are my Septage Waste Program licenses valid?

The Septage Waste Program license cycle is 5 years, but the septage business is required by law to pay fees on an **annual** basis to maintain their licenses. Vehicle septage licenses and seals are subject to the same requirements as the business license – they are issued once every 5 years (for more information on vehicles beginning on Page 3 of the FAQ). In the 5th year the business and vehicle licenses and land application permits expire and must be renewed prior to the expiration date.

Q: When does the Department of Environmental Quality (DEQ) mail out the fee invoice so I can maintain my septage waste licenses?

The Septage Waste Program mails the annual fee invoices at the end of each January. Included with the invoice is detailed guidance on what must be submitted along with the fees when they are mailed back to the DEQ for processing. These requirements include a summary of how much septage waste was pumped by the septage business the previous year and where the septage waste was disposed. Additionally, the soil analysis results, calculated agronomic application rates, and cropping plans for each permitted site and field location.

Q: I am new to the business and applied over a month ago. To date I have not received my Septage Waste Servicers and vehicle licenses but my check was cashed by the state of Michigan. Does that mean my septage license has been issued and I can continue to pump septage waste?

No. If you are applying for a septage waste license as a new septage business and your check was cashed, you are NOT licensed and not authorized to clean, remove, or dispose, by application to land or otherwise, of septage waste. The usual reason for delay is due to incomplete applications. The DEQ will contact the septage business either in writing or by telephone when the application is deemed incomplete.

LICENSE RENEWAL

Q: How many years is my septage waste servicing license valid?

Your septage waste license is valid for a 5 year period provided a licensed septage waste business pays its annual fees in a timely manner or the license has not been suspended or revoked.

Q: Will the program mail the program renewal forms to me?

The program mails a reminder and renewal forms to your business. Check the online septage haulers directory to make sure the address listed is correct. You are encouraged to download the forms from the program website before being contacted or if a form turns up missing. The link is named "Renewal Septage Hauler License Application" and can be found under Program Forms/Downloads.

Q: I have to renew my license next year but I don't have any continuing septage waste credit hours. What happens if I don't have enough continuing septage education (CSE) credit hours when it's time to renew my license?

Since you don't meet the basic requirements to renew your DEQ septage waste licenses they will expire and your business will no longer be licensed to pump, transport and dispose septage waste in the state of Michigan.

Q: Does the designated responsible agent (RA) holding the CSE credits need to live locally?

Not necessarily. However, we encourage the business owner living locally to be the RA. The business owner typically lives locally and oversees the day to day operations of pumping and land applying septage waste. We believe they have the most interest in overseeing the success of all aspects of their business.

Q: I paid my annual fees so does that mean my septage waste servicing license has been renewed?

No, these are separate actions. You are required to submit your license renewal application forms to the DEQ Septage Waste Program before your license expires. Be advised that if you submitted your septage waste license renewal forms and have paid your annual fees in full, including any applicable late fees, your existing licenses remains in full force and effect. If you paid your annual fee and didn't submit your septage waste servicing license application forms you will be contacted by the DEQ in writing informing you that your license expired and no longer authorized to clean, remove, transport or dispose of septage waste in Michigan.

Q: Where can I find the expiration date for my septage business?

The license expiration date for businesses with a valid septage license can be viewed using the Septage Haulers Directory posted on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>). The license expiration date is also printed on your business and vehicle licenses. The vehicle seals show the month and year your licenses expire. Note that the business and vehicle licenses along with the land application permit all expire on the same date.

Continuing Septage Education (CSE)

Q: Is it true that Part 117 requires septage haulers to take classes on septage related topics in order to renew their septage licenses?

Yes. The septage waste servicer law (Part 117) mandates that a person, the responsible agent, from a septage business must have 30 hours to renew their septage license. Details can be found in Sec. 11703 (2), (3), (4), (5), and (6) of Part 117 and on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>).

Also, Part 117 requires that a new septage business designate a responsible agent who must have a minimum of 10 hours of continuing septage education (CSE). If the new business does not have a responsible agent with 10 CSE credit hours, the DEQ is prohibited from issuing that firm a septage waste license.

Q: Where can I find information on classes offered that qualify for CSE credits.

CSE course and seminar information is posted on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>). It is the fifth bullet point under column named "Downloads" and is entitled "Continuing Septage Education."

Q: Am I subject to the CSE education requirement if I don't land apply septage, pump only portable toilet waste and only dispose at a DEQ authorized septage waste receiving facility?

Yes. **Every** septage business, regardless of the type of septage waste or how it's disposed, is required to receive the same number of education credits (hours) as mandated in Part 117. Also, portable toilet waste is defined as septage waste and the portable toilet servicer is considered a septage waste servicer and subject to the requirements found in Part 117.

Q: Part 117 requires a septage business to name a person to be the responsible agent who must have 30 continuing septage education credits so the business can renew its license. If this person dies or quits their job, what happens?

This is an excellent example of why program staff stress that all septage firm owners designate themselves as the CSE "responsible agent" (RA) for their company.

In a partnership or corporation the CSE credit hours stay with the business should the RA quit their job or passes away. When this happens, it is important to contact the Septage Waste Program as soon as practical to update us on who is being named as the new RA. The licensed septage waste business can go about their normal pumping activities in the meantime provided their fees have been paid for that year.

A number of husband and wife owned businesses attend CSE conferences together. Part 117 requires that only one CSE responsible agent be named per company, but that doesn't mean the other spouse (or business partner) can't attend DEQ approved CSE courses and build credit hours. By doing so, should something happen to the responsible agent, the business partner will be able to continue operations since they will have the CSE credit certification required under Part 117.

We strongly urge anyone who is dealing with a situation like this to give Septage Waste Program staff a call so we can work with you.

Q: When should I submit copies of my continuing septage education certificates to the DEQ as proof that I have completed the required 30 hours?

The Septage Waste Program requires that you send copies of your CSE certificates to us when it is time for you to renew your Septage Waste Program licenses. DEQ will contact each company in writing prior to its renewal date as a reminder. The expiration date can also be viewed by clicking on the 'Septage Haulers Directory' posted on the program website.

We highly recommend that you have your 30 CSE credit hours completed long before it is time for you to renew your septage licenses. If you don't have the required hours the law prohibits issuance of your septage waste licenses. In this case your license expires and therefore you must cease all pumping, transporting and disposing of septage waste.

Q: Does the DEQ track my CSE credits?

No. The responsibility for tracking CSE credit hours rests with the licensed septage waste business and its responsible agent.

VEHICLE INFORMATION

Q: Where should I put the vehicle seals when I receive them?

Upon receipt, they should be placed on both sides of the septage waste vehicle **cab**. Beginning in 2007, the seals shall **not** be placed on the vehicle tank (unless the tank is mounted to a trailer). They must be displayed in a manner that is visible from another passing vehicle driven by staff from the DNR Law Enforcement Division - Environmental Investigation Section, Septage Waste Program, Michigan State Police, local police agency or local health department.

Q: Describe how the Septage Waste Program processes my application for a new vehicle.

Section 11706 of Part 117, the septage waste servicers law, requires the applicant to submit the appropriate application and fee to the DEQ Cashiers Office. The address and other important information can be found on each application. After processing the payment, the Cashiers Office forwards the application to the Septage Waste Program for review. Program staff reviews the application for completeness and when deemed complete the DEQ submits a request to the local health department (LHD) with jurisdiction to schedule an inspection of the vehicle. The LHD then inspects the vehicle and makes a recommendation to the DEQ to license or not to license based on Part 117 requirements. Upon receipt of the inspection form and recommendation the DEQ processes and issues the vehicle license and seals. Data is entered into the database so information regarding the vehicle can be viewed on the Septage Haulers Directory found on the program webpage.

Q: What does the vehicle license seal color code represent?

Different colored seals are issued to septage waste firms depending on the septage is disposed. One color represents land application and another for those who only dispose at a septage waste receiving facility (SWRF). These seals can be viewed on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>) and clicking on 'Health Department Information' and again on 'Septage Program Seals'. Please note that all previously issued license seals shall be removed from the septage waste vehicle upon receipt of your new seals.

Q: My licensed septage pump truck vehicle was in an accident. Can I transfer the tank to a new vehicle and does the septage waste vehicle license automatically transfer to my new truck?

The tank, if it's in good condition, can be transferred to a new vehicle. However, a septage waste vehicle license is not transferable (see Sec. 11706. (2) of Part 117 for more information). The law requires you to apply for a new DEQ septage waste license for that vehicle prior to cleaning, removing, transporting or disposing septage waste.

Q: I bought a new truck in August to replace a licensed vehicle that was retired from my fleet. Do I have to pay full price for a new septage waste vehicle license?

No you don't. Part 117 was amended in January 2009 so you don't have to pay the full fee amount for a new license. If the annual fee for the vehicle being replaced has already been paid for a given year you pay a fee of \$200 if the vehicle being replaced has already had its annual inspection for that year. If the vehicle being replaced has not been inspected for that year the fee is only \$150. Details can be found in Section 11717b.(1)(c)(i)(ii) of Part 117 which is posted on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>).

Q: How come we don't get a laminated vehicle licenses when you mail us the license seals for our trucks?

Due to budget cutbacks and a loss of staff, the Septage Waste Program stopped laminating the business card sized vehicle licenses on an annual basis. These licenses are still being printed and included with the vehicle license seals when they are mailed to the septage business. Since the vehicle license is kept in the truck and is expected to last 5 years you are encouraged to put the paper vehicle licenses in a protective sleeve. Be advised not to laminate since the paper is sensitive to heat and will discolor.

Q: I operate a portable toilet business. Why do I have to have the name of my business and the words “licensed septage hauler” on my truck cab and not on the slide in unit tank?

The vehicle, not the tank used to transport septage waste, is licensed per Part 117, Septage Waste Servicers, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. In the past, a number of septage waste haulers were placing their slide in units into unlicensed vehicles and were ticketed for not being in compliance with the law.

Be advised that the name of the business can be displayed on the tank of the slide in unit along with the septage license assigned to your business. Only the DEQ vehicle seal must be displayed on the licensed septage waste vehicle cab and you are encouraged to put your DEQ license number on the cab as well.

Q: I work on the state line and see vehicles from another state operating in Michigan. How do I know if they are in compliance with Michigan’s Septage Waste Program?

We suggest checking the Septage Haulers Directory available on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>). If the hauler is listed on the directory, they are licensed to do business in Michigan.

Q: I paid my annual invoice fee and want to know why I still haven’t received my vehicle seal?

The issuance of new vehicle seals every year stopped in 2010. With limited resources, the DEQ decided to instead issue 1 set of vehicle seals for each new vehicle or for those vehicles whose licenses are being renewed. The new seals are color coded to the year issued and the type of disposal – at a treatment facility or on a permitted land site. The seals remain in effect for 5 years, expiring on the month and year that the business license expires - provided the annual fee payments are made in a timely manner.

Q: I have a question about the wording in the introductory part of the replacement vehicle form as it relates to the interpretation of the word “year”; is it fiscal or calendar year?

The language on the replacement vehicle form reads; *A fee of \$200 is required for each replacement vehicle **when the annual fee has been paid for the year and the vehicle being replaced has been inspected.** A fee of \$150 is required for each replacement vehicle **when the annual fee has been paid for the year and the vehicle being replaced has not been inspected.***

The year referred to in the above statement is the calendar year. More information can be found in Section 11717b.(c)(i)(ii) of Part 117.

PART 117 SEPTAGE WASTE PUMPING REQUIREMENTS

Q: Can a licensed septage hauler pump slaughter house waste?

No. This type of waste is not defined as septage waste. It is extremely important that the licensed septage waste firm owner read Part 117, especially the definitions in Sec. 11701 to clearly understand what type of waste can or cannot be pumped. The pumping of wastes that are not defined as septage waste may result in the violation of other state laws and legal action by the DEQ.

Q: Can a licensed septage hauler pump industrial and/or commercial process wastewater, ice cream wastes, sump pit contents from a car wash or truck garage?

No. This type of waste is considered a liquid industrial waste. You must have a Part 121, [Michigan Hazardous and Liquid Industrial By-Products Transporter Program](http://www.michigan.gov/deq/0,4561,7-135-3312_7235-8840--,00.html) (http://www.michigan.gov/deq/0,4561,7-135-3312_7235-8840--,00.html), license to pump and transport this type of waste. Part 121 licenses are issued by the DEQ Resource Management Division (RMD).

In Michigan these types of waste are normally regulated as liquid industrial by-products (nonhazardous liquid waste) under Part 121 of Act 451 unless it was contaminated by a fuel spill or other chemicals that would make it a hazardous waste. The generator of these wastes is responsible for characterizing the waste to determine if it is nonhazardous or hazardous waste. There is guidance available by visiting the [Waste Characterization guidance](http://www.michigan.gov/documents/deq/deq-ess-p2tas-wastecharacterization_254618_7.pdf) (http://www.michigan.gov/documents/deq/deq-ess-p2tas-wastecharacterization_254618_7.pdf).

To transport nonhazardous waste off site, you would need to become a permitted and registered uniform liquid industrial waste transporter because this waste is not considered septage waste (regulated under Part 117). Forms are available by visiting the [uniform application forms and regulations](http://www.michigan.gov/deq/0,1607,7-135-3312_7235--,00.html) area (http://www.michigan.gov/deq/0,1607,7-135-3312_7235--,00.html).

There are requirements to manifest the waste loads and to take the waste to locations that have notified the DEQs RMD that they are a liquid industrial waste designated facility and are managing the wastes under Part 121. If you

are using vehicles also licensed under the Septage Waste Program, there are additional requirements in Section 12105 of Part 117. If the waste is characterized by the generator to be hazardous, then you would need to be a permitted and registered hazardous waste transporter.

If you have questions about the liquid industrial by-product regulations and what is required by an industrial or hazardous by-product transporters, contact Ms. Jeanette Noechel, Office of Waste Management and Radiological Protection, DEQ, by e-mail at NOECHELJ@michigan.gov or by phone at 586-494-5091.

If you have questions about filling out the transporter application forms or want to discuss how to get the application processed as quickly as possible, including the form EQP 5150, to obtain a site identification number, you may contact Ms. Noechel who can help you with the transporter application. To obtain the MCS-90 insurance form that needs to be submitted with the application, you will need to contact your insurance company.

Q: What about waste generated by a bakery, food processor, soft drink manufacturer, photo processor or dental office?

No. These wastes are **not** defined as septage waste. The waste generated by these businesses is considered liquid industrial waste. If in doubt check Sec. 11701.(f) through (j) and (u) of Part 117 or call staff from the Septage Waste Program for clarification.

Q: Can milk house waste from a dairy farm be pumped by a licensed septage business?

No. These wastes are **not** defined as septage waste in Part 117.

Q: Does the DEQ have a list of hazardous and liquid industrial waste products I can access online?

Yes we do. You can view that list by visiting the list of [hazardous and liquid industrial waste products](http://www.michigan.gov/deq/0,4561,7-135-3312_4118_4240-8988--,00.html) (http://www.michigan.gov/deq/0,4561,7-135-3312_4118_4240-8988--,00.html).

Q: Are there products that a homeowner should not flush down the drain that could harm the septic tank, onsite sewage disposal system and the groundwater?

There are many products, referred to as household hazardous wastes (HHW) that should be discharged into a home septic tank and onsite system. A good online resource to share with homeowners is available from the DEQ. You can view the [HHW document](http://www.michigan.gov/deq/0,4561,7-135-3312_4118-70304--,00.html) (http://www.michigan.gov/deq/0,4561,7-135-3312_4118-70304--,00.html).

LAND APPLICATION OF SEPTAGE WASTE

Q: I received a notice from the DEQ explaining that since I haven't used my reserve land application site for over 4 years that they were suspending the permit. I held this site in reserve in case the local septage waste receiving station I use closes. Do I have to pay \$500 to activate the permit if I need to go back to land application?

You don't have to pay \$500 to activate the permit provided you contact the Septage Waste Program in writing and copy the local health department with jurisdiction that you want to do. Also, you will need to do so at some point during the 5 year span that your license is active. If you want to keep the site in reserve for a longer period of time, you will need to provide the required land application sites information when the time comes to renew your license. If you don't provide that information, the site is no longer considered to be in reserve and the permit expires. If at a later time you want to use the land application site again you will be required to submit an application for a permit to land apply septage waste along with the \$500 fee.

Q: I've heard through the grapevine that the DEQ is banning the land application of septage waste. Is that true?

No. This has been a persistent rumor that we have addressed at numerous conferences and presentations. Part 117 has no statutory language that institutes a statewide ban on the land application of septage waste.

Q: I just got a memo in the mail from the DEQ stating I'm supposed to send my cropping plan to the county health department and DEQ for review and approval. When did that start?

The requirement for local health department (LHD) cropping plan review has been in place since 2005. Since the cropping plan requirements were new at the time the Septage Waste Program staff decided to work with both the land appliers and LHD staff to ensure the cropping plans information and review process was operating smoothly. Training on the cropping plan review process was provided to LHD staff by the DEQ in 2011. The DEQ memo sent in 2012 is the first time that the licensed septage waste businesses that dispose on land were directed to send their 2013 cropping plans, soil testing results, etc. to both the DEQ and LHD.

Q: If I have a DEQ authorized land application site can I land apply septage waste even if I don't have a current cropping plan, soil analysis, and calculated agronomic application rate (AAR)?

No. You are required to submit your annual soil analysis and cropping plan to your local county health department and the DEQ for review and approval before land applying septage waste on a DEQ licensed land application site. All DEQ authorized septage waste land application sites (site) are posted on the program website and can be viewed by clicking on the 'Septage Haulers Directory". Only the authorized sites are listed. You must remember that an authorized site permitted by the DEQ does not give you the "right" to start land applying septage waste.

If you have not submitted your annual soil analysis, calculated AAR, and cropping plan to the DEQ for review and approval you are not approved to land apply septage waste. Doing so is a violation of Sec. 11710 (a) and (k) of Part 117. It is not possible to land apply septage waste at agronomic rates unless a composite soil sample for each authorized field on each authorized site has been collected for analysis, the AAR calculated, and the land application equipment calibrated. The soil analysis results and other cropping information are used to determine the rate at which septage is land applied. Without this and other important information the land application of septage waste is just guess work and a violation of state law.

Q: On what date will septage screening begin and how fine a screen should I use?

The screening of septage waste began on October 12, 2006 (see Sec. 11710 (l) or Part 117). The screen must not be greater than 1/2 inch mesh or through slats separated by a gap of not greater than 3/8 inch. Please note that the law also allows domestic septage to be processed through a sewage grinder designed to not pass solids larger than 1/2 inch in diameter.

Q: How large can a septage waste screening facility be? How long can the septage waste be kept in the screening facility and at what point is the facility considered a septage waste storage facility? Who determines if there is a problem with screening operations?

Screening units are usually 3,000 gallons or less in volume so as to accommodate the contents of the septage waste pump vehicle. In some cases the septage firm has a smaller screening unit so it can be easily moved to another licensed land application site. The septage is pumped through the screening unit and is usually land applied within the hour. Detention time should not be more than an hour or two for any screening unit. A screening facility is considered a storage facility if the septage waste is not being pumped out and land applied the same day that it is screened. Township residents and officials are watching septage land application sites closer than ever. If a hauler is using his screening device as a septage waste storage facility (SWSF) and did not receive DEQ approval to construct the SWSF, it will likely be reported to the DEQ by the township, its citizens, or noted during the annual inspection performed by the DEQ or local health department.

Q: I checked Part 117 and did not see any setback requirements for screening facilities. Are there any requirements for the placement, construction, and operation of a screening facility?

While the DEQ does not require a plan review and approval process for screening units, there are requirements for septage waste screening operations. The screening facility must be water tight and not leak. These facilities must be designed and operated so odors are minimized and septage waste is not accidentally discharged to the ground. It is highly recommended that you check with the local health department with jurisdiction and local unit of government before installing a screening facility, since there may be a local health code or zoning requirements. In some cases the local unit of government may require berming around the facility to contain septage in case there is a spill, a spill response plan, and the installation of odor control devices.

Q: Are there screening units available that attach to the septage vehicle?

There are commercial portable screening units available. We recommend asking fellow septage business owners, checking industry publications, or the web for more information. More haulers are fabricating their own truck mounted screening units with varying degrees of success. Regardless of the screening device, they must be operated so the septage is applied uniformly and at agronomic rates to the land site and no trash is spread on the land application site.

Q: I make a good faith effort to screen with my screening and injection unit but trash still gets on the ground. Since I made the effort does that meet the Part 117 screening requirement?

No it does not. The purpose of the Part 117 screening requirement is to ensure trash does not get land applied. We recommend you clean up the trash and then go back to the drawing board and design a better screening unit.

Q: When do I have to pay \$500 for a septage waste land application permit?

Anytime a business wishes to expand an existing, permitted land application site. It is also required when applying for a DEQ permit for a new site. This money is used to reimburse the local health department or DEQ for its review and inspection of the site or fields.

Q: Are septage haulers still allowed to dump septage on the ground?

Yes and be careful how you ask that question. Dumping septage implies that it is not being done in accordance with the law. The proper term is “land apply”. Be aware, however, that Part 117 requires the disposal of domestic septage at authorized wastewater treatment plants, referred to as septage waste receiving facilities (SWRF), if the septage waste is pumped from a location within the established service area of a given facility (authorized SWRFs are listed on the program webpage). If a SWRF is not available, then domestic septage can be land applied at approved, permitted sites. For more information on SWRFs, see Page 12.

In order to land apply septage waste the septage hauler must first obtain approval from the DEQ. The DEQ regulates the land application of septage in accordance with Part 117 that limits application rates, slope, groundwater depth, and isolation distances.

When properly followed, Part 117 provides the following benefits when septage waste is disposed on land: Reduction of the likelihood of human contact with disease causing microorganisms through treatment and limiting public access to the site.

- Protects the groundwater and surface waters by ensuring isolation distances, soil type, and slope requirements of the land application site are met prior to the application of septage.
- Reduces odor and insect attraction either by tilling soils within 6 hours of application or through subsurface injection of domestic septage.
- Provides beneficial recycling of nutrients.
- Maximizes crop uptake of nutrients contained in domestic septage by controlling the amount that can be applied to the application site.

In addition to Part 117, septage land application is regulated under 40 CFR 503 called “Standards for the Use or Disposal of Sewage Sludge.” These federal regulations apply when domestic septage is land applied to both nonpublic and public contact sites. These requirements include pathogen and vector reduction management techniques, which can include the injection of domestic septage into the soil, surface application with tilling of the soil within 6 hours, or even the addition of an alkaline material to raise the pH of septage. 40 CFR Part 503 is posted on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>) under ‘Laws and Rules’.

Q: When did the ban on land application to frozen soil take place?

The ban on winter application when the soil is frozen went into effect on October 12, 2006.

Q: Can I land apply septage in the winter when the soil is not frozen?

Not necessarily. You must first submit a detailed winter plan to the DEQ and receive DEQ authorization to land apply septage waste during the winter months (December 21 through March 21). Detailed information can be found in Sec. 11711 (e) of Part 117 and the Land Application Guidance Manual posted on the program website. This includes land application techniques that ensure the septage waste does not pond or run off of the site such as a reducing the volume applied to the site. At all times, those businesses with permits to land apply should keep a close eye on the weather and consider the construction of a septage waste storage facility so they can better manage their sites.

To see if you have DEQ authorization to apply in winter, check the Directory of Licensed Haulers on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>). Authorization to land apply in winter must be renewed every 5 years when the septage waste licenses and land application permits are due for renewal.

Q: What is the definition of frozen ground? Is snow covered considered frozen ground? Is there a certain date when the ground is considered frozen?

Frozen ground or soil is not defined in Part 117. The ban on land application when the soil is frozen was included in the law due to problems commonly associated with land application in winter. Septage runoff was common in winter and pathogen and vector attraction reduction was nonexistent because incorporation and injection into frozen soil is virtually impossible. Basically if you cannot properly inject or incorporate septage per state or federal requirements because the soil is frozen, you should not be land applying or you will be in violation of Part 117.

To determine whether or not the soil is frozen at your site, Michigan State University has an online resource to check soil temperatures called [Enviro-weather](http://www.agweather.geo.msu.edu/mawn/) (formerly Michigan Automated Weather Network (<http://www.agweather.geo.msu.edu/mawn/>)). This site provides automated weather stations located throughout the state. These stations provide soil temperature readings at 2 and 4 inch depths and are "real time."

Another option is to take a spaded shovel and attempt to dig down to a 6 inch depth into the soil. If you cannot easily dig a hole to that depth, you should not be land applying septage waste. The hauler land applying in winter

must insure that they uniformly apply the septage waste so there is no ponding septage and that it is incorporated properly with the soil. If incorporation results in frozen blocks of soil, stop all land application since the soil is frozen and you are not meeting Part 117 requirements.

Snow covered soil may or may not be frozen. Snow is an excellent insulator making land application possible during the winter months when the temperatures are below freezing. Under these circumstances, the hauler will likely only get one pass to land apply and incorporate septage waste before the soil freezes. In all cases where soil is not frozen in winter (December 21 through March 21), the septage pumping firm must submit a "winter plan" to the DEQ for review and approval before proceeding with any land application.

Q: After taking 30 hours of continuing septage education classes I'm still having a terrible time figuring out how to dump septage and still meet all these land application requirements. Do you have any suggestions on what I can do to make land application easier?

Please remember that "dumping" septage implies you are stationary dumping (or worse) and not meeting the legal requirements for the land application of septage waste. If you are still not clear on what to do, even after taking continuing education courses on land application, we strongly suggest that you hire a consultant to help you with the requirements and considerable paperwork associated with the land application of septage waste. These consultants are known as Comprehensive Nutrient Management Planners (CNMP). A list of CNMP names and phone numbers are posted on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>). These professionals will help you with a number of land application related issues including the best crop to plant, how to collect soil for analysis, to read soil laboratory analysis results and how to calculate agronomic application rates (AAR), how to calibrate land application equipment, how to stabilize surface applied septage waste, and better ways to record and track this information.

Q: What is the difference between septage and biosolids?

Septage is the liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar storage or treatment works that receives only domestic septage.

Domestic septage mainly consists of water, sewage, grit, and organic fecal matter. While biosolids contain many of the same ingredients contained in domestic septage, biosolids are different from septage in the way they are produced. Biosolids are the organic materials generated when municipal sewage is treated at a wastewater treatment plant. Through proper treatment, biosolids can become a valuable agricultural product and is sold for its nutrient value, whereas septage is an untreated waste product directly removed from septic tanks and other sources as listed above.

Q: Can I use my licensed septage waste vehicle to pump animal manure and land apply the manure to my DEQ licensed septage waste land application site?

You can use your licensed septage waste vehicle to pump animal manure and land apply this waste to your DEQ authorized land application site. Before you do you will need to revise your cropping plan and submit it to the DEQ for review and approval before you pump and land apply animal manure. The revised cropping plan would include at a minimum manure nutrient sample data and agronomic application rates. Remember, land applying manure will significantly reduce the number of gallons per acre of septage waste that can be applied to the site. All Part 117 requirements for land application must be met.

SEPTAGE WASTE STORAGE FACILITY

Q: I'm thinking about building a storage facility to help with my land application. What's the best place to start before I spend a lot of money?

We strongly recommend downloading a copy of the Septage Storage Facility Guidance Document and reading its content. This document is posted on the program webpage. It can be downloaded by clicking on the link named *Septage Storage Facility Guidance Document* located under *Program Forms/Downloads*.

Q: I heard that in 2025, the law bans the use of my storage facility and land application site. Is that true?

No. The original ban that began on October 1, 2024 (fiscal year 2025) was eliminated when the law was amended in 2014 and went into effect April 16, 2015. [Sec. 11708](#). (2) of Part 117 states; *Subsection (1) does not apply to a person engaged in servicing who owns a storage facility with a capacity of 50,000 gallons or more if the storage facility was constructed, or authorized by the department to be constructed, before the location where the person is engaged in servicing was included in a receiving facility service area under an operating plan approved under section 11715b.*

SPILLS AND RELEASES

Q: What should I do if I'm involved in an accident that causes septage to be spilled from my truck?

As a licensed septage waste servicer, you are obligated under the law to report the spill as soon as possible. The first call should be to 911 followed up with a call to the DEQ pollution emergency alerting system (PEAS) hotline at 800-292-4706. The local county health department in the jurisdiction where the spill happened should also be notified. If at all possible, the spill should be contained so it does not move offsite into a river, stream, ditch, etc.

SEPTAGE WASTE RECEIVING FACILITY (SWRF) INFORMATION

Q: When did the 25 radial mile service area take effect?

The allowance for the service area expansion to 25 radial miles for DEQ authorized SWRF's took effect on October 1, 2010, or the beginning of the state's 2011 fiscal year.

Q: Does this mean the 25 radial mile service area expansion went into effect on October 1, 2010, for each authorized SWRF posted on the program webpage?

No. The SWRF must submit an amended operating plan (reflecting the change to its service area) to the Septage Waste Program for review, approval and posting on the program webpage.

A few SWRFs have done this and their amended plans have been posted. Some of these facilities have contacted the local health departments and licensed septage waste businesses to let them know that their service area expansion to 25 radial miles has DEQ authorization and is effective on October 1, 2010.

Q: Does this mean that all land application is prohibited beginning October 1, 2010?

No. Those licensed septage waste businesses that qualify can continue to land apply septage waste provided they pump the septage from outside of the service area or have a septage waste storage facility. Those with DEQ authorized septage waste storage facilities may pump within an established SWRF service area and land apply until the year 2025 provided they received state authorization to construct and operate their storage facility before the SWRF received its authorization to accept septage waste.

Q: Can I land apply septage waste within a SWRF service area?

It depends on how the SWRF defines its service area and whether or not there is a county or township ordinance enacted that bans the land application of septage within that particular governmental jurisdiction.

The service area is defined in Sec. 11701(s) of Part 117. Basically it says that the service area cannot exceed a 15 radial mile area around the center of the SWRF from this point in time through September 30, 2010, at which time the maximum service area can extend up to, but not more than, 25 radial miles from the center of the SWRF.

If the SWRF operating plan does not specifically state that a septage hauler's permitted septage waste land application site(s) are prohibited within their service area, the licensed septage hauler may continue to use those sites to land apply their septage waste. The hauler can only land apply septage waste on those sites if it was pumped outside of a defined SWRF service area.

The disposal of septage at a DEQ authorized site must cease if the SWRF operating plan specifically prohibits the land application of septage waste at disposal sites that are located within their service area.

An example of this can be found in the definition of the Leoni Township Septage SWRF located in Jackson County. A county ordinance was passed that requires all septage waste pumped in the county to go to the Leoni Township Septage SWRF.

In addition to the county ordinance, the 15 radial mile service area allowed under Part 117 captures a portion of Washtenaw County. The Jackson County service area, as defined in their operating plan, includes an area within

Washtenaw County. However, the haulers who pump within that service area in Washtenaw County are not obligated to take the septage to Leoni for treatment since the Jackson County ordinance does not apply to other counties. The hauler is only obligated to take the septage to a SWRF for treatment and is prohibited from land applying that septage.

If the licensed septage firm has any questions, they should check the SWRF service area prior to disposing septage on land.

Q: The wastewater treatment plant where I dump my septage kicked me out and I can't go there anymore. Does that mean I can continue to pump septic tanks in their service area and land apply it to my DEQ permitted site?

No. Part 117 requires you to take septage waste pumped from within a DEQ authorized SWRF to that or another SWRF. Since your authorization to dispose at this facility was rescinded you have to take it to another SWRF for disposal and treatment. Of course you'll need to get authorization to do so and submit the paperwork to the Septage Waste Program so we can update your records. We recommend that you work with the SWRF so you can get authorization to dispose there again.

Q: The septage waste receiving facility I use frequently tells me I can't dispose because they reached their limit of 6,000 gallons for the day. Can I land apply that waste when that happens?

No. Please call the Septage Waste Program if this happens on a frequent basis. If a SWRF establishes a service area they are obligated to accept and treat the waste generated within their service area. If not, they will need to reduce or rescind their service area and accept septage on a contractual basis instead.

VARIANCES

Q: Are variances issued under the old septage statute (Part 117) still valid?

No. The old variance approvals became null and void after the amended Part 117 was signed into law on October 12, 2004. The reason is that they were issued under the old septage law and those variances are in violation of the newly amended septage law. A good example of this is the old variance that allowed the land application of septage waste to frozen soils.

If a septage firm wants a variance, they must request it from the Director of the DEQ. The details regarding variances can be found in Sec. 11720 of Part 117.

VOLUME TRACKING

Q: Why is there a requirement in Part 117 to track the number of gallons of septage waste pumped?

The volume tracking requirement is essential for all licensed septage businesses. That includes those that dispose at a DEQ authorized septage waste receiving facility (SWRF) and for those that land apply. Septage waste is a high strength waste and the operator of a SWRF needs to know how much is being disposed at the plant so they can adjust their treatment processes so they meet their discharge permit limits.

The septage business that land applies septage waste needs to track the number of gallons pumped and disposed due to the agronomic application rate requirements. Details can be found in the DEQ Guidance Manual for the Land Application of Septage Waste that was recently mailed to all septage businesses who land apply. This manual is also posted on the program website. The federal 40 CFR Part 503 regulations also mandate volume tracking.

Lastly, the volume information is used by the DEQ for statistical purposes such as tracking septic tank pumping and disposal trends in the state of Michigan.

Q: What happens if I don't submit my annual volume record?

Since the law requires the tracking and annual submittal of these data, failure to submit volume information may result in escalated enforcement by the DEQ which may include fines and the revocation of one's septage waste license.

Q: I only pump portable toilet units. What exactly do I have to record to satisfy the volume tracking requirement?

A daily volume log sheet must be kept in each licensed septage waste vehicle so the daily volume total for each stop can be recorded. We understand that portable toilet units are usually located at multiple sites and are moved frequently from one location to another and that this may make tracking a bit more difficult.

The DEQ considers a complete pump record to include tracking the location (address) where a licensed septage business pumped a septic tank, holding tank, cesspool, drywell, portable toilet unit, etc. However, each portable toilet unit at a single location would not need to be documented, only the address/location where the units are located, the number of units stationed at the site, and the volume total for that stop needs to be recorded.

The DEQ has posted a "Septage Volume Pump Record" for your use on the [Septage Waste Program website](http://www.michigan.gov/deqseptage) (<http://www.michigan.gov/deqseptage>). It can be found by clicking on 'Land Application Information' located under 'Program Forms/Downloads' then clicking on 'MDEQ Septage Volume Record Forms'. The pump record form is on Page 2 of this document.

Q: I routinely transfer the portable toilet waste from my small volume pump truck (300 gallons) to a larger, licensed tanker trailer that I drive to the septage waste receiving facility to save time and money. How do I record the septage volume for this?

An entry must be made in the initial pump vehicle's log book that documents the date and the number of gallons of septage waste that is transferred to a second pump vehicle or tanker. Do not record this as the date the septage waste was disposed in the initial pump vehicle's log. An entry must be made in the second vehicle's log book recording the date, number of gallons and the name of the authorized septage waste receiving facility where the septage waste is disposed.

SEPTAGE FEES AND PART 37 TAX EXEMPTIONS

Q: Recent legislation changed procedures and/or regulations regarding septic waste disposal and increased fees for septic haulers. Fewer Waste Treatment Plants are now available in the state for processing septage waste. Increased fees for disposal may have resulted in more illegal disposal of septic wastes by residents as evidenced by the increase in trash pump rentals. Why was my tax exemption application denied for slurry stores (septage waste storage facility) under Part 37, Pollution Prevention Equipment, when tax exemptions are granted for seemingly similar pollution control devices utilized in agricultural activities?

Regarding the increase in fees, Michigan has experienced a decrease in General Fund revenue in recent years. This has caused a reduction in General Fund budgets for most departments, the DEQ included.

Over the past four years, the General Fund portion of the DEQ budget has dropped from \$101 million to about \$32 million. Much of this lost revenue has been made up through new and increased permit fees as authorized by the Legislature. Those fees are necessary to support staff work on reviewing and deciding permit applications, conducting inspections, and ensuring compliance with environmental laws.

Part 37 allows tax exemption for facilities primarily used to reduce, control, or eliminate water pollution caused by **industrial** waste. A septage hauler is paid to pump and properly dispose of septage. Septage is considered a domestic waste, not an industrial waste. A person who collects and treats septage waste is providing the same service as a sewer and municipal wastewater treatment plant. These plants also do not qualify for exemption under Part 37.

The DEQ considers any illegal discharging of septic waste a serious condition and will investigate reported incidents and respond accordingly.

This document was produced by the DEQ Office of Drinking Water and Municipal Assistance and is intended for guidance only. Reliance on information from this document is not usable as a defense in any enforcement action or litigation. This publication is intended for guidance only and may be impacted by changes in legislation, rules, policies, and procedures adopted after the date of publication. Although this publication makes every effort to teach users how to meet applicable compliance obligations, use of this publication does not constitute the rendering of legal advice.

The Michigan Department of Environmental Quality (MDEQ) will not discriminate against any individual or group on the basis of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. Questions or concerns should be directed to the MDEQ Office of Human Resources, PO Box 30473, Lansing, MI 48909.