



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYER
DIRECTOR

**Designation of Inertness #17-I-003
for
Lead Painted Debris**

Pursuant to the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the administrative rules, and specifically Section 324.11553(6), lead painted construction brick, masonry, pavement, and broken concrete (Material), is granted a Site-Specific Designation of Inertness (Designation) by the authorized representative of the Director of the Department of Environmental Quality (DEQ). Use of the Material in conformance with this Designation exempts the Material from being a solid waste.

This Designation is subject to the following conditions:

Reuse

The following conditions apply to all generators of the Material:

1. This Designation is based on testing or knowledge that the generator has that demonstrates that the Material is not regulated under the Toxic Substances Control Act or as a hazardous waste pursuant to Part 111, Hazardous Waste Management, of the NREPA.
2. The Material is generated from floors, ceiling, and walls only and does not include material that is from pits, sumps, and trenches.
3. The generator has determined that lead is the only contaminant of concern.
4. The Material shall be used as general fill material on the property where it was generated.
5. The use of the Material is for a legitimate purpose other than disposal and is used according to generally accepted engineering standards.
6. The Material shall not be placed within 4 feet of the seasonal high groundwater table.
7. The Material shall not come into contact with the waters of the state of Michigan.
8. The Material shall not be placed in a wetland or flood plain without proper authorization by the DEQ.
9. This Designation does not apply to Material mixed with other wastes that are not inert as defined by Part 115.
10. The Material shall be processed, transported, and used in compliance with Part 55, Air Pollution Control, of the NREPA.

11. This Designation does not preclude the Company from disposing of the Material in accordance with Part 115 at a properly licensed solid waste disposal facility or at an out of state facility in accordance with that state's solid waste disposal regulations.
12. The Applicant shall ensure that the use of the Material does not cause the creation of a "facility" as defined by Part 201, Environmental Remediation, of the NREPA. Activity inconsistent with this approval does not constitute a permitted release as defined in Part 201.

The following conditions apply to the management of Material generated from the demolition of small structures:

1. The structure shall contain less than or equal to 5,000 square feet of floor space.
2. A minimum of 4 discrete representative samples of the paint or a core through the entire thickness of the Material shall be tested for lead.
3. All the sample results shall be below 600 mg/kg based on total compensational analysis or 0.7 mg/cm² based on X-Ray Fluorescence (XRF).
4. A certification (example copy attached) by a Professional Engineer shall be sent to the DEQ attesting that the use of the material complies with all the conditions of this Designation.

The following conditions apply to the management of structures that contain over 5,000 square feet of floor space:

1. The Material shall be tested according to one of the following frequencies:
 - a. One sample (core or paint sample) shall be collected and analyzed for each 15,000 square feet of painted surface area; or
 - b. The Material shall be tested on the following frequency:

<u>Volume in cubic yards</u>	<u>Number of samples (paint or core)</u>
0 to 500	1
501 to 5,000	3
Greater than 5,000	3 + 3 for every additional 5,000

2. The 95 percent upper confidence level of all the sample results shall be below 600 mg/kg based on total compensational analysis or 0.7 mg/cm² based on XRF.
3. A certification by a Professional Engineer (an example copy is attached) shall be sent to the DEQ attesting that the use of the material complies with all the conditions of this Designation.
4. Other sampling protocols, contaminant criteria, or conditions of reuse can be approved by the DEQ, in writing, on a case by case basis.

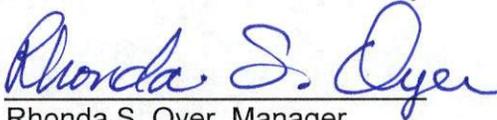
This Designation shall immediately become void for any of the following reasons:

- a. The generator of the Material does not comply with the conditions of this Designation.
- b. Additional information demonstrates the Material is causing environmental contamination.
- c. New state or federal regulations are promulgated that would cause this Designation to be invalid.

A violation of the terms of this Designation is subject to the enforcement provisions of Part 115, Part 55, Part 201, and other applicable state and federal laws/statutes.

This Designation is effective upon signature.

STATE OF MICHIGAN
Department of Environmental Quality

By: 
Rhonda S. Oyer, Manager
Solid Waste Section
Waste Management Division
and Radiological Protection Division

Date: 9/14/2017

Attachment