



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING

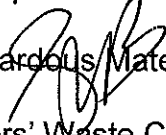


STEVEN E. CHESTER
DIRECTOR

OPERATIONAL MEMO 121-2
Revision 1

July 30, 2004

TO: All Waste and Hazardous Materials Division Supervisors

FROM: George W. Bruchmann, Chief, Waste and Hazardous Materials Division 

SUBJECT: Conditionally Exempt Small Quantity Generators' Waste Collected by Local Authority-Operated Household Hazardous Waste Collection Programs

Very small hazardous waste generators, termed conditionally exempt small quantity generators (CESQGs), are excluded from many hazardous waste management requirements pursuant to the administrative rules promulgated under Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Liquid wastes, although conditionally excluded from Part 111, are subject to the requirements of Part 121, Liquid Industrial Wastes, of the NREPA.

The Waste and Hazardous Materials Division (WHMD) has been informed that certain local authorities¹ are interested in collecting and properly disposing of hazardous waste generated by CESQGs through a household hazardous waste collection program (HHW Program). This Operational Memo applies only to those HHW Programs operated by local authorities and replaces the April 14, 1997, Operational Memo 121-2. The WHMD has also been informed that clarification and modification of certain Part 111 requirements are necessary to promote these efforts to collect and properly dispose of exempted hazardous wastes.

Therefore, in order to facilitate the diversion of these exempted quantities of hazardous waste from legitimate, yet less desirable, disposal methods, the WHMD is proceeding to amend the existing Part 111 administrative rules. Additionally, the WHMD is providing the following guidance:

¹ Local authority means a government entity, usually a district, county, or city health department in a municipality. In some cases, the local authority arranges with another entity to operate the household hazardous waste collection. In such cases, the operator may serve as the generator and meet the stated requirements provided there is a specific, written agreement between the local authority and the operator, specifying this designation

- A generator of liquid industrial waste (LIW) is not required to “obtain and utilize” a generator identification number, in accordance with the requirements of Section 324.12103(1)(b) of Part 121 if a site number is not required for the shipment of LIW. This occurs in the following situations:
 - A generator is transporting its own waste, 55 gallons or less, in accordance with the requirements of Section 324.12103(4), or
 - The waste is managed in accordance with the requirements of Section 324.12103(4) at the site of generation, or
 - The waste is managed under the requirements of Operational Memo 121-3 entitled “Consolidated Manifest Management Procedures.”
- A CESQG transporting its own LIW to a HHW Program must do so in compliance with Section 324.12103(4). If the quantity is 55 gallons or less, a document other than a manifest may be used that includes the source, quantity, and the HHW Program receiving the LIW. The CESQG is required to obtain a signature from the HHW Program demonstrating receipt. The signature requirement may be satisfied by the HHW Program providing the CESQG with a signature on a document created by the HHW Program that accurately reflects the company name, address, contact person, date, time, waste type or description, and quantity of waste accepted. A CESQG transporting its own LIW in an amount greater than 55 gallons, or contracting to have its LIW transported to an HHW Program, must obtain a site identification number from the Department of Environmental Quality (DEQ) and utilize a manifest.
- A CESQG transporting its own LIW is exempt from registration and permitting as required under the Hazardous Materials Transportation Act, 1998 PA 138 (Act 138). Act 138, however, requires all motor carriers (including a CESQG transporting its own LIW) to maintain financial responsibility and submit documentation (Form MCS-90) of that coverage to the DEQ. The DEQ will not enforce this requirement for a generator transporting its own LIW to an HHW Program in quantities of 55 gallons or less, providing the generator is in compliance with the transportation requirements of Title 49 of the Code of Federal Regulations, Parts 100 to 199.
- The HHW Program must ensure that the wastes received are from CESQGs, households, or are otherwise exempt from Part 111. Any amount of hazardous waste received by an HHW Program from a Small Quantity Hazardous Waste Generator or a Large Quantity Hazardous Waste Generator is a violation of Part 111. A CESQG utilizing an HHW Program must, at a minimum, certify that it understands how a CESQG is defined and that it meets the conditions necessary for its waste to be subject to the reduced Part 111 requirements.

- A CESQG must characterize its waste and maintain documentation of that characterization in accordance with the provisions of Part 111. The HHW Program must maintain a copy of that CESQG characterization. Proper waste characterization received by the HHW Program for all CESQG waste will aid in reducing costs and liabilities regarding the management of these wastes
- The HHW Program that accepts CESQG hazardous wastes may assume generator responsibilities or contract with a disposal vendor and, as part of the contract, the vendor can assume the Part 121 generator responsibilities and be named the generator on the manifest. CESQG hazardous waste collected and managed by the HHW Program remains CESQG regulated waste. The HHW Program will transport hazardous waste generated by CESQGs to a designated hazardous waste facility utilizing a manifest. CESQG nonhazardous liquid waste will be transported to either a designated hazardous waste facility or a designated liquid industrial waste facility utilizing a manifest. Any waste collected by the HHW Program may be recycled or delivered to a facility that will recycle the material in accordance with applicable requirements.
- CESQG hazardous waste and household hazardous waste can be consolidated and managed together.
- The HHW Program must maintain records that track the receipt, characterization, storage, and off-site management of the CESQG regulated waste.

Failure to comply with this Operational Memo or Part 111 and Part 121 requirements will be viewed as a significant violation and may subject the generator or HHW Program to escalated enforcement under Part 111.

This Operational Memo will continue in effect until specifically rescinded. Any questions regarding this Operational Memo should be directed to John Craig, Chief, Enforcement Section, WHMD, at 517-373-7923.

cc: A. Michael Leffler, Department of Attorney General
Milton Scales, Office of Criminal Investigations, DEQ
John Craig, DEQ