

# 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



Jeanette Noechel

Hazardous Waste, Liquid Industrial  
By-Products, & Transporter Program Specialist  
Warren



# Office of Environmental Assistance



Christine Grossman  
Compliance Assistance Specialist  
Waste Programs  
Lansing



# Housekeeping

- All lines are muted
- Questions can be sent question/chat box
- We will record webinar
- Notes page
- Questions will be covered last half hour



## Waste to By-product Reforms to Part 121 Webinar – March 1, 2016

Jeanette Noechel  
DEQ, Office of Waste Management & Radiological Protection  
586-494-5091 or [noechelj@michigan.gov](mailto:noechelj@michigan.gov)

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

### Background

- Part 121 stakeholder workgroup formed in summer 2014
- Statutory changes (bills) were introduced early 2015
- Part 121 changes were signed into law December 16, 2015 designated as taking "immediate effect"
- Effective date is March 16, 2016, or 90 days after signed into law as a matter of procedure

### Part 121 Workgroup 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 Impacted

- Anyone who generates, transports (pumps and hauls), disposes, recycles, or reuses non-hazardous spent liquids
- Central waste treatment facilities
- Used oil processors
- Waste water treatment plants
- Non-hazardous liquid by-product & septage transporters
- Designated facilities accepting liquid by-product
- Food waste processors
- Renderers
- Household hazardous waste collections accepting liquids from businesses
- 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 paint filter test, and
- discarded.

Liquid industrial by-product includes:

- CESQG hazardous waste and liquid
- Any material that is liquid waste that is not a listed or characteristic hazardous waste that is like:
  - Used oil
  - Antifreeze
  - Wastewaters
  - Fats, oils, and grease
  - Catch basin clean-out
  - Contaminated fuel

# Environmental Assistance Center

Phone: 1-800-NO2-WASTE  
(1-800-662-9278)

Hours: 8:00 AM to 4:30 PM  
Monday – Friday

## Technical Assistance Services Include:

Air	Permit Coordination
Waste	Site Remediation
Water	Environmental Audit Privilege



# Background

- Stakeholder workgroup formed summer 2014
- Statutory changes/bills introduced early 2015
- Signed into law December 17, 2015
- Effective date of March 16, 2016 (90 days)



# Workgroup and Amended Statute Goals

- ü Increased commerce
- ü Increased recycling
- ü Decreased barriers
- ü 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 or
- § Otherwise manages non-hazardous liquids



# Community Impacted

- § Central waste treatment facilities
- § Used oil processors
- § Waste water treatment plants
- § Non-hazardous liquid by-product & septage transporters
- § Designated facilities for liquid industrial by-product



# Community Impacted

- § Food waste processors
- § Renderers
- § Household hazardous waste collections accepting liquids from businesses
- § Anaerobic digesters
- § Biofuel producers



# Today's Goals

So what does that mean exactly?

What will change?

What is "Liquid Industrial  
By-Product"?



# Liquid Industrial By-Product

A material that is...

- ü produced by or is incident to an enterprise or non-household activity
- ü liquid as determined by the paint filter test
- ü discarded



# Liquid Industrial By-Product

## Liquid CESQG hazardous waste

Liquid waste that is not a listed or characteristic hazardous waste like:

- ü Used oil
- ü Antifreeze
- ü Wastewaters
- ü Fats, oils, & grease
- ü Catch basin clean-out
- ü Contaminated fuel
- ü Waste waters
- ü Wash waters



# Part 121 Changes

## All

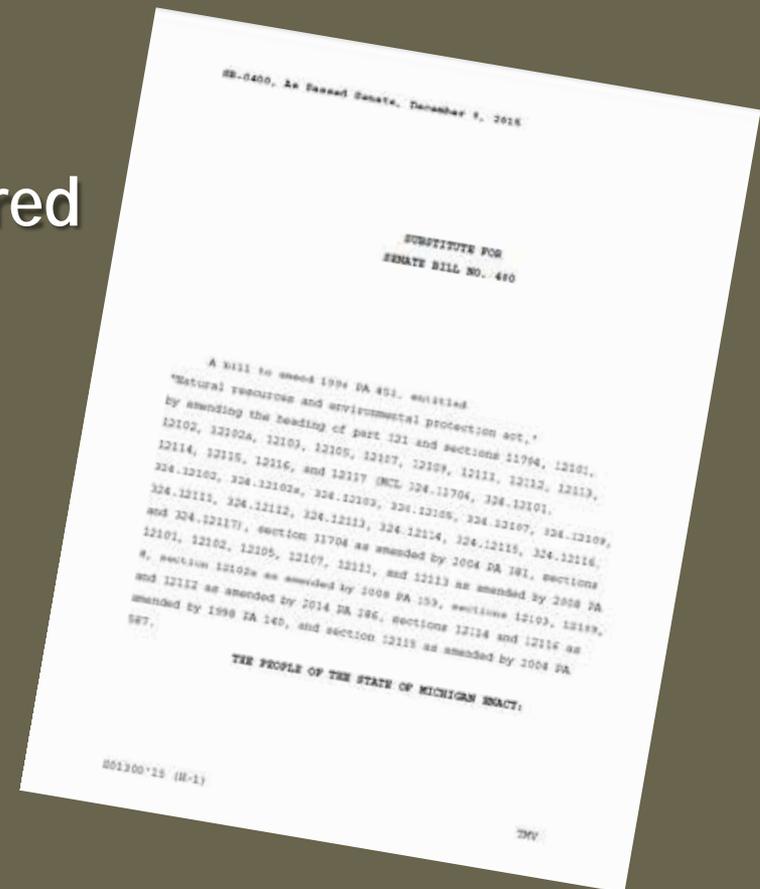
- ü Shipping Documents
- ü Electronic Recordkeeping
- ü Requirements for closed/covered containers

## Generator:

- ü Site ID Number
- ü Container/Tank Labeling

## Transporters

- ü Individual/Dually Licensed





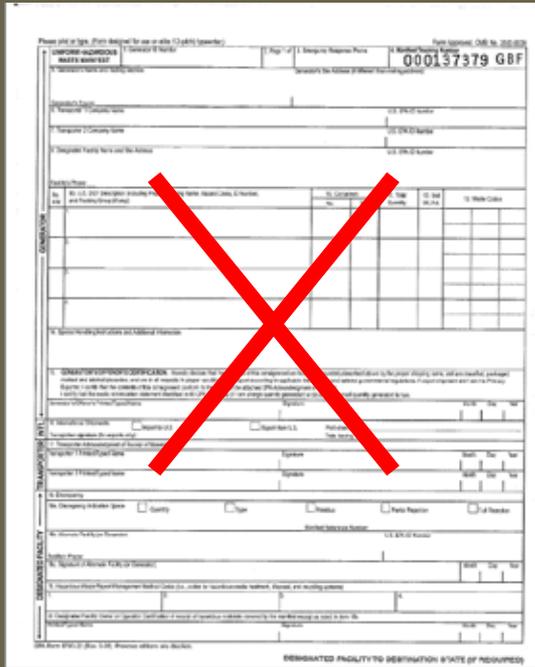
# Shipping Document Changes



# Shipping Documents

Uniform Hazardous Waste Manifests are no longer required for shipments of liquid industrial by-product

Shipping documents can be in written or electronic form



The image shows a Uniform Hazardous Waste Manifest form, which is a document used for tracking hazardous waste shipments. The form is titled "UNIFORM HAZARDOUS WASTE MANIFEST" and includes fields for "Manifest Number" (000137379 G8F) and "Date of Issue". The form is marked with a large red 'X', indicating that it is no longer required for shipments of liquid industrial by-product. The form contains various sections for "Generator Information", "Transporter Information", "Receiver Information", and "Waste Description".



# Shipping Documents

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



# Shipping Document

## Required information:

- ü Name and address of the generator
- ü Name of the transporter
- ü Type and volume of by-product in the shipment
- ü Date the by-product was shipped off-site
- ü 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 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 duties in completing the shipping document transporter 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

Generator of brine may complete a single shipping document per transporter of brine per disposal well per month



# Uniform Manifest

## Site ID

Generators using the Uniform Hazardous Waste Manifest as shipping document can enter the following for the Site ID field:

- ü MICESQG – CESQG waste only
- ü MILIB – liquid industrial by-product only
- ü 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



# Shipping Documents

## Generators

Generators must provide a copy of the shipping document to transporters to accompany the by product to the designated facility



# Shipping Documents/Shipments

## Generators

Generators must obtain confirmation of by-product receipt by the designated facility

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



# 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



# Act 138 Permit & Registration Part 117 Septage Transporters

Provides for transporter to obtain individual authorizations for dually licensed by-product and septage transporters

# Individual Shipping Documents

## Transporters

Transporter must provide certification of acceptance of by product to generator, and deliver the by product only to the designated facility specified by the shipping document



# Individual Shipping Documents

## Transporters

Consolidated shipping documents are permitted for a single shipment of uniform types of liquid industrial by-product collected from multiple pickups for a single transport event



# Consolidated Shipping Documents

## Transporters

Transporter fulfills generator duties in completing the shipping document AND provides receipt to generator



# Consolidated Shipping Documents

## Transporters

Transporter receipt for generator must include:

- Transporter company name
- Driver's signature
- Date of pickup
- Type and quantity of by-product accepted
- The consolidated shipping document number
- The designated facility



# 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



# By-product Treatment, Storage, and Disposal Designated Facility

By-product cannot be stored for longer than 1 year

UNLESS:

§ It is stored for reclamation AND

§ Not less than 75% of the cumulative amount, by weight or volume of each type of by-product stored is reclaimed or transferred to a different site for reclamation during that calendar year

Documentation is required to ensure storage beyond is authorized



# 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



# Recordkeeping

## Designated Facility

Owner/operator of a designated facility shall:

- ü Retain all required records for 3 years
- ü Make records readily available for review and inspection
- ü Electronic recordkeeping is acceptable but must be readable, have all the required information, and be accessible



# 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



# 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 treatment, storage or disposal by the generator, transporter or designated facility must be in containers or tanks

By-product treatment, storage or disposal is exempt from Part 121, section 12112 and 12113 if regulated under part 615, Supervisor of Wells, or regulated under part C of title XIV of the public health service act



# 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:

- ü Exterior of all vehicles, containers and tanks used to hold by-product are free of by-product and residues
- ü 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

- ü The impoundment has a discharge or storage permit under part 31 (Water)
- ü In the case of leachate, is authorized by a permit issued under part 115 (Solid Waste)



# By-product Treatment, Storage, and Disposal

Part 121 does not prohibit a publicly owned treatment works (POTW) from accepting by-product from a person

Part 121 does not prohibit a person from engaging, employing or contracting with a POTW

If the POTW receives by-product via transport, they are considered a designated facility



# By-product Enforcement

Previous enforcement of liquid industrial waste was criminal only

By-product rules allow for civil enforcement



# Wrap Up



# From Waste to By-product Implementation

New Part 121, By-product regulations takes  
effect March 16, 2016

Liquid Industrial Waste/By-product handlers  
may comply with new OR old Part 121  
requirements prior to 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:

- ü See Part 121 Liquid Industrial Waste/By-Product Statutory Changes Web page at [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste) under “Announcements”
- ü Join MECC or purchase June 2016 guidebook at [www.michigan.gov/ehsguide](http://www.michigan.gov/ehsguide) in June



# Upcoming Events

April 13 - U.P. Contaminat  
Conference

April 13-14 - Upper Penins

April 26 - Dust and Asbes  
Workshop

June 21-22 - Michigan Env  
Conference

8th  
Edition

June  
2014

Michigan Guide  
to Environmental,  
Health, and  
Safety Regulations



Michigan Department of Environmental Quality

Michigan Department of Licensing and Regulatory Affairs



# Questions?





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