

	<b>OFFICE OF WASTE MANAGEMENT AND RADIOLOGICAL PROTECTION POLICY AND PROCEDURE</b>		DEPARTMENT OF ENVIRONMENTAL QUALITY
<b>Original Effective Date:</b> January 9, 2002	<b>Subject:</b> Solidification of Liquid Industrial Waste		<b>Category:</b> <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
<b>Revised Date:</b>	<b>Division/Office and Program Names:</b> OWMRP-Solid Waste Program		
<b>Reformatted Date:</b> January 11, 2013	<b>Number:</b> OWMRP-115-24	<b>Page:</b> 1 of 3	

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**INTRODUCTION, PURPOSE, OR ISSUE:**

This policy and procedure provides information on how facilities that solidify liquid industrial waste, through mixing with other materials, for purposes of disposal are regulated under Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the rules promulgated under Part 115.

**AUTHORITY:**

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

**STAKEHOLDER INVOLVEMENT:**

Michigan Waste Industries Association, Technical Standards Committee.

**DEFINITIONS:**

Processing is defined as changing the physical character of solid waste by treatment or other methods in order to dispose of the waste or make it usable as a resource. R 299.4104(r). If the material being solidified is a solid waste or the solidifying agent is a solid waste, the act of solidification is considered processing under Part 115.

Section 11506(1) of Part 115 defines solid waste as including municipal and industrial sludges, while excluding source and site separated materials.

Sludge is defined in R 299.4105(e) as any semisolid industrial waste, as well as any solid or semisolid waste generated by a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or a pollution control facility.

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A solid waste sludge can exist as:

1. A semisolid, or
2. A liquid in the form of a liquid industrial waste (LIW)<sup>1</sup> that contains both solid/semisolid and liquid fractions (hereafter "Phased Liquid Industrial Waste" or "PLIW"). Since it contains a solid waste, a PLIW is considered a solid waste even though it also contains a non-solid waste component (the liquid fraction). An LIW that does not contain a solid/semisolid fraction is not a solid waste.

Sludges (semisolids and PLIWS) are regulated both as liquid and industrial solid waste.

**POLICY:**

Site and source separated materials are excluded from the definition of a solid waste only when the waste is separated for the purpose of conversion into raw materials or new products. Section 11505(7) and Section 11506(6).<sup>2</sup> A site or source separated material no longer qualifies for this exclusion when it is mixed with other material so that the waste material cannot be converted to raw materials or new products without processing to remove the other material. R 299.4119(2)(c). This would be the case if site or source separated materials were used to solidify material for disposal.<sup>3</sup>

One caveat needs to be provided to this conclusion: Certain site and source separated materials<sup>4</sup> are not considered solid waste if used to treat, stabilize, solidify, or otherwise treat waste in three instances: at a site of environmental contamination; at a facility licensed under Part 111, Hazardous Waste Management, of the NREPA; or at a facility licensed under Part 115, R 299.4119(3). Thus, such activities conducted at a site of environmental contamination or a Part 111 licensed facility are exempted from the Part 115 permit and license requirements. Such activities also do not need a Part 115 processing permit and license if conducted at another Part 115 licensed facility (e.g., landfill). In all cases, the solidifying agent is not subject to restrictions on waste movement in county solid waste management plans.

**Processing that Requires a Part 115 Permit and License**

A facility or operation that accepts solid waste sludge and solidifies any portion of that waste to make it disposable would be regulated as a solid waste processing facility. This is the case even though the sludge is solidified with a product.<sup>5</sup>

<sup>1</sup> An LIW is defined in Part 121, Liquid Industrial Wastes, of the NREPA, Section 12101(n)

<sup>2</sup> Sludges are not included in the definition of site or source separated materials and are not eligible for this exclusion, unless specifically approved under R 299.4119.

<sup>3</sup> Note that using site or source separated material as a solidifying agent to facilitate disposal remains processing under R 299.4014(r). There is an exemption from that definition for industrial operations that use, reuse, or reclaim industrial waste, source separated material, or site separated material to make a raw material or new product. R 299.4104(r)(iv). However, facilitating disposal of a material would not be making a raw material or new product. See R 299.4106a(h) and R 299.4106a(f).

<sup>4</sup> Cement kiln dust, lime kiln dust, water softening limes, sugar beet limes, coal flyash, wood ash, and other material approved by the DEQ.

<sup>5</sup> A product is considered to be a marketable consumer good that is not a defined solid waste.

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A facility or operation that accepts LIW and solidifies any portion of that waste with a solid waste, or a site or source separated material for the purpose of making that waste disposable, would also be regulated as a solid waste processing facility.<sup>6</sup>

If either of these circumstances exist, a Part 115 permit and license is required. The following chart depicts these conclusions. "Required" refers to a Part 115 permit and license.

		<i>Solidifying Agent</i>		
		Solid Waste	Site or source separated material <sup>7</sup>	Product
Solidified Material	Semisolid solid waste	Required	Required	Required
	PLIW	Required	Required	Required
	Liquid fraction of a PLIW	Required	Required if for purposes of disposal	Not Required
	LIW without a solid or semisolid fraction	Required	Required if for purposes of disposal	Not Required

OFFICE CHIEF APPROVAL:

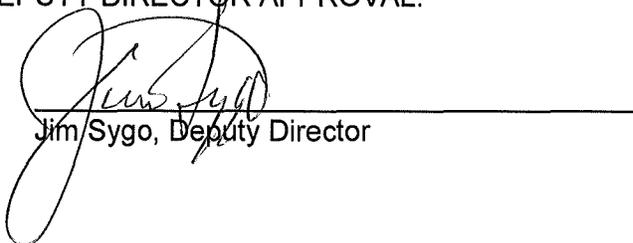


Elizabeth M. Browne, Chief  
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January 9, 2013.

Date

DEPUTY DIRECTOR APPROVAL:

  
Jim Sygo, Deputy Director

1/15/2013  
Date

<sup>6</sup> If the solidifying material is a solid waste, movement of that material must comply with county solid waste management plan requirements.

<sup>7</sup> Unless the provisions of R 299.4119(3) are met.