



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

ASPHALT SHINGLE EXEMPTION

According to the provisions of Section 11507 of 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 (Part 115 Rules), specifically R 299.4119, asphalt shingles produced by shingle manufacturers and asphalt shingles generated in the construction or demolition of residential buildings (Shingles) may be granted a site/source separated exemption by the authorized representative of the Director of the Michigan Department of Environmental Quality (DEQ).

This exemption amends and replaces the exemption issued on April 19, 2010, and clarifies the conditions under which asphalt shingles are approved as a source separated material.

This exemption is subject to the following conditions:

1. This approval is limited to asphalt shingles (Shingles) produced by shingle manufacturers or generated in the construction or demolition of residential buildings that consist of four units or less. Shingles shall not include wastes from rolled roofing or tarpaper.
2. Processed Shingles shall be used for one of the following:
 - a. In the production of hot mix asphalt throughout Michigan.
 - b. As fuel in a boiler, industrial furnace, or power plant that is permitted under Part 55, Air Pollution Control, of the NREPA, to burn Shingles or at a facility that is approved to conduct a trial burn by the DEQ, Air Quality Division, provided the Shingles are stored and managed in a manner approved, in writing, by the local district office (list attached) of the DEQ, Resource Management Division (RMD), prior to collecting Shingles at the facility.
3. The use and storage of the processed Shingles as a feedstock at any facility shall be done in compliance with Part 55, Part 115, and the Part 115 Rules.
4. Shingles or processed Shingles shall not be stored in a manner constituting speculative accumulation prior to being used to produce a product per R 299.4119. During any one-year period, each collection/processing location (Site) must use or transfer to a different site for use or disposal at least 75 percent by weight or volume of the Shingles that were accumulated at the beginning of the one-year period. Complete records of incoming and outgoing materials shall be kept to demonstrate compliance with this

condition and shall be made available for inspection by staff of the DEQ upon request.

5. Processing and storage of Shingles shall not cause the creation of a "facility" as defined by Part 201, Environmental Remediation, of the NREPA. Any activity that is inconsistent with this approval is not a permitted release as defined in Part 201.
6. Vehicles used to transport Shingles shall comply with the Michigan Vehicle Code, 1949 PA 300, as amended (MVC), and the rules promulgated under the MVC. Shingles shall be contained in a manner that prevents loss to the environment during transport and delivery to a legal destination.
7. Transporting and processing Shingles shall not cause a fugitive dust problem, in violation of the administrative rules promulgated under Part 55. Guidance can be found on the DEQ Web site (click on "Air" and "Clean Air Assistance" and then under the heading "Compliance Assistance," click on "Dust and Fallout").
8. Shingles accepted for recycling shall not contain or be mixed with other wastes or materials that are in excess of 10 percent (by volume) of the Shingles being accepted. All wastes or other materials mixed with the Shingles must be removed prior to processing to produce asphalt or fuel, unless appropriate approvals or permits required by state and/or federal law are obtained. Wastes removed from the Shingles must be disposed of in a licensed landfill and upon separation must not be stored on-Site for more than one week. Storage of solid waste must be done in approved, covered containers. Complete records must be kept to demonstrate compliance with this condition.
9. By October 31st of each year, a report shall be submitted to the DEQ by a collector and/or processor of Shingles that details the volume of Shingles collected between October 1st and September 30th of the previous year, including the volume reused, in accordance with this approval. The report shall be sent to:

Mr. Duane Roskoskey
Storage Tank and Solid Waste Section
Resource Management Division
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, Michigan 48909-7741

Sites that collect shingles and send them to another Site to be processed and/or used shall comply with the following conditions:

10. The Site shall be one of the following:
 - A processing plant, transfer station, or landfill permitted and licensed under Part 115.
 - A Type B transfer facility that is consistent with the county solid waste management plan and operated in accordance with the operating rules for transfer facility's under Part 115.
11. The owner/operator of the Site shall amend or create an operation plan that details how the Shingles will be managed to ensure compliance with the Exemption. The operation plan shall be made available to the DEQ upon request.
12. Shingles shall be stored in dumpsters, roll-off box containers, or in an area meeting the waste pile containment requirements contained in R 299.4130 of the Part 115 Rules, or within the active portion of a landfill.
13. Shingles may only be sent to a licensed landfill or a Site with an Asphalt Shingle Exemption that is operating in compliance with the Asphalt Shingle Exemption and a DEQ-approved site plan.
14. The quantity of Shingles placed into a licensed landfill shall be used in the calculation of the solid waste surcharge and perpetual care deposits.

Sites that process and sell or process and use shingles shall comply with the following conditions:

15. The Site shall be either a processing plant, a transfer station or landfill permitted and licensed under Part 115, an asphalt plant, a facility approved by the DEQ to burn the processed material, under Part 55, or a property owned, leased, or operated by an asphalt plant or facility approved to burn Shingles.
16. Shingles that are used to produce hot mix asphalt shall be processed so that 95 percent of the Shingles are less than 5/16 inch by 5/16 inch in size, unless an alternate size is approved by the DEQ Director or his or her designee.
17. Processing and storage of Shingles shall be done either in a building, an area meeting the waste pile containment requirements contained in R 299.4130 of the Part 115 Rules, or in a manner approved, in writing, by the RMD district supervisor.
18. In Accordance with this Asphalt Shingle Exemption, any site planning to accept and process Shingles must obtain prior approval from the DEQ, before accepting any shingles. A person planning to send processed Shingles to an

asphalt plant, boiler, industrial furnace, or power plant shall submit the following information to the local district office of the RMD, prior to collecting Shingles at their Site:

a. SITE INFORMATION:

- i. Name of the company collecting and processing Shingles.
- ii. The site address
- iii. The address and contact information for the headquarters of the business.
- iv. The name and telephone number of contact person.
- v. A scaled map of the Site showing where Shingles will be stored and processed in relation to the property boundaries and other significant features such as streams, wetlands, drains, and buildings.

b. PROPERTY OWNER INFORMATION:

- i. Name and contact information of the Site property owner.
- ii. If the operator does not own the site, then the property owner must provide a written statement authorizing the asphalt shingle collection/processing operation.

c. END USE DOCUMENTATION:

- i. Name and address of the asphalt plant, boiler, industrial furnace, or power plant intending on using the Shingles
- ii. Name and telephone number of contact person.
- iii. Documentation that the asphalt plant, boiler, industrial furnace, or power plant is approved to use Shingles in their process.

d. LOCAL ZONING APPROVAL

Documentation that the Shingle processing Site Operation will be in compliance with local zoning and/or ordinances.

e. AIR QUALITY

Documentation that the operation is in compliance with Part 55 requirements.

f. GROUNDWATER/SURFACE WATER PROTECTION

A description that demonstrates that the Shingle processing Site Operation is in compliance with the Part 31, Water Resources Protection

and any administrative rules or regulations promulgated pursuant to this act. This documentation should include managing any wastewater generated from the shredding of shingles.

This information (items 18a-f) must be maintained at the Site and be available for inspection. Any changes to this information, once the collection of Shingles begins, must also be maintained and available for inspection.

19. Each Site that collects, processes, or uses Shingles shall be open to inspection by staff of the DEQ during normal business hours.

Properly managed Shingles have been designated as a source-separated material. Therefore, a Part 115 processing plant permit and license will not be required for any Site that is managed or operated in compliance with conditions contained in this exemption. However, the DEQ may take steps to revoke an approved exemption at the Site for any of the following reasons:

- a. DEQ Staff determine that the Site operator has not complied with the conditions of this approval,
- b. Additional information demonstrates that Shingles are not appropriate for use in producing asphalt or as a fuel.
- c. Additional information demonstrates that Shingles are causing environmental contamination.
- d. New state or federal regulations are promulgated that would cause this approval to be invalid.

Violation of the conditions of this exemption is subject to the enforcement provisions of Part 31, Part 55, Part 115, and Part 201 and other applicable state and federal laws/statutes.

STATE OF MICHIGAN
Department of Environmental Quality

By: 
Steven R. Sliver, Chief
Solid Waste and Land Application Section
Resource Management Division

Date: 3-27-12