



## Michigan's Transport Regulations & U.S. EPA's NEW e-Manifesting System

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### Today's Goals

- What businesses must know when shipping hazardous waste and liquid industrial by-products in Michigan
  - Michigan specific regulations requiring transporters to be permitted and registered by the DEQ
  - The hazardous waste manifest process, requirements, and common violations
  - The liquid industrial by-products shipping document process, requirements, and common violations
  - The NEW e-Manifest system being launched by U.S. EPA June 30, 2018.

### DEQ Transportation Regulations

- Act 451, Michigan Natural Resource and Environmental Protection Act
  - Part 111, Hazardous Waste
  - Part 121, Liquid Industrial By-Products
- Act 138, Hazardous Materials Transportation Act

### Federal Transportation Regulations "Hazardous Material"

- Covers U.S. DOT Hazardous Material which include:
  - Substances (products & wastes) listed in Hazardous Materials Table 49 CFR, 172.101
  - Materials exhibiting a hazard during transport
  - Hazardous waste is a U.S. DOT hazardous material BUT not all hazardous material is a hazardous waste!

### DEQ Transportation Regulation Act 138 "Hazardous Material"

- Includes only hazardous waste and liquid industrial by-products

### U.S. DOT Hazardous Materials Implementing Authority

- Michigan State Police (MSP), Commercial Vehicle Enforcement Division implements U.S. DOT regulations
- MSP Permits U.S. DOT hazardous material transporters

### DEQ Hazardous Materials Implementing Authority

- DEQ implements Act 138
- DEQ permits and registers Act 138 hazardous materials transporters

### DEQ Act 138 Hazardous Material Transport Contacts & Information

- Sandra Ray– 586-753-3850
- Jeanette Noechel – 586-494-5091
- [www.michigan.gov/deqwaste](http://www.michigan.gov/deqwaste), then select "Transporter" from the tabs on the left

### MSP US DOT Hazardous Material Contacts & Information

- Michigan State Police, Commercial Vehicle Enforcement Division –517-284-3250
- [www.phmsa.dot.gov/hazmat/regs](http://www.phmsa.dot.gov/hazmat/regs)
- [www.michigan.gov/ehsguide](http://www.michigan.gov/ehsguide), Chapter 4, Material Storage and Transportation

### Act 138 Transporter Requirements

- Permit (3 year) & Registration (1 year) required for:
  - Hazardous waste transport
  - Liquid industrial by-products transport
  - Hazardous and liquid industrial by-products transport

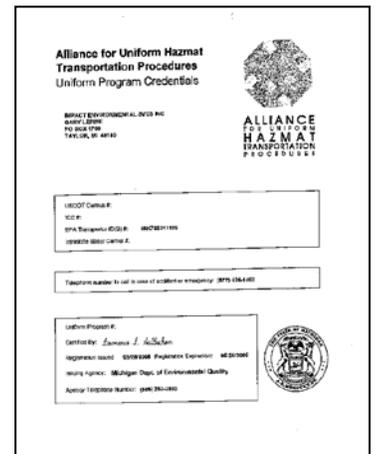
### Act 138 Transporter Requirements

- Fleet liability coverage must be maintained for accidental occurrences, no less than:
  - \$1,000,000 per occurrence for transport of hazardous waste

- \$750,000 per occurrence for transport of liquid industrial by-products for fleets with > 10,000 lbs. gross motor vehicle weight
- \$300,000 per occurrence for transport of liquid industrial by-products for fleets with < 10,000 lbs. gross motor vehicle weight
- Permit & registration result in issuance of “Credential”
- Credential must be carried during transportation and presented upon inspection request (electronic or paper)
- Credential lists effective period

#### **Hazardous and Liquid Industrial Waste - Transportation Requirements**

- Employ only Act 138 permitted & registered transporters to transport hazardous and/or liquid industrial waste by public roadway
- Verify Act 138 transporter credential information by going to [www.Michigan.gov/deq/waste](http://www.Michigan.gov/deq/waste), selecting “Transporters” and following the instruction to find “Participating Transporters.”



#### **Shipping Documents**

- As of 3/16/16 law change, uniform manifests no longer required for shipping liquid industrial by-product
- Shipping document is required instead of uniform manifest
- Shipping document can be written or electronic
- May be a log, invoice, bill of lading, or uniform hazardous waste manifest
- Must be readable, readily accessible, and have required information
- Must meet U.S. DOT requirements
- Required information includes:
  - Name and address of the generator
  - Name of the transporter
  - Type and volume of by-product shipped
  - Date the by-product was shipped
  - Name, address and Site ID number of the designated facility

#### **Individual Shipping Document Certification - Generator**

- 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**

- 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
- 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

#### **Individual Shipping Document - Designated Facility Confirmation**

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

#### **Manifests and Site ID - Liquid Industrial By-products**

- All uniform hazardous waste manifests submitted to the U.S. EPA e-Manifest system require a Site ID
- Generators using the e-Manifest system as shipping document must obtain and use a Site ID
- Generators using the uniform hazardous waste manifest as PAPER shipping document can enter the following for the Site ID field:
  - MICESQG for CESQG waste only
  - MILIB for liquid industrial by-product only
  - MICESQLIB for CESQG and liquid industrial by-product

#### **Shipping Documents - Generators**

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

#### **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

#### **Consolidated 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
- Transporter fulfills generator duties in completing the shipping document AND provides receipt to generator
- 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

#### **Shipping Documents - 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

#### **Hazardous Waste - Pre-Transport Requirements (Rule 305)**

- Package, label, & mark each hazardous waste package to meet U.S. DOT regulations
- Mark each container of ≤119 gallons with:
  - "HAZARDOUS WASTE – Federal Law Prohibits Improper Disposal. If found, contact the nearest police or public safety authority or the U.S. Environmental Protection Agency."
  - Generator name and address
  - Generator Site Identification Number
  - Manifest Tracking Number

- Hazardous waste codes for the waste

### Placards

- Small quantity generators shipping > 1000 lbs. and large quantity generators must have U.S. DOT placards available for the transporters
- Call Michigan State Police, Commercial Vehicle Enforcement Division for more info about placards



### Manifests

- Uniform Manifest must be used when hiring permitted and registered transporter to ship hazardous waste from a small quantity or large quantity generator
- Shipping documents can be used for shipping liquid industrial by-product, including conditionally exempt small quantity generator hazardous waste

### Manifest exceptions:

- Small quantity generators shipping hazardous waste off-site for reclamation and regenerated material is brought back to generator under a tolling agreement
- Bill of lading still required if US DOT hazardous material

### Manifests

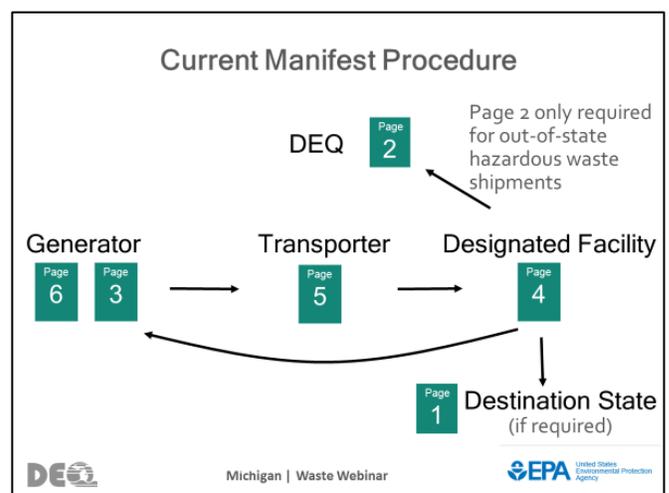
- Generators must keep track of shipments and submittal of manifests
- Manifest copies signed by the disposal facility should be sent back to the generator after date of shipment by:
  - Small quantity generators - 60 days: file exception report
  - Large quantity generators - 45 days: file exception report
- Generators are responsible for all information on manifests
- “Two signature” copy called “generator copy”
- “Three signature” copy called “TSD copy” – Has 3 signatures verifying delivery to disposal facility

### Manifests Common Violations

- Using wrong Site ID number
- Using wrong or incorrect waste codes
- Failing to keep signed manifests for three years
- Failing to have records of used oil shipped on consolidated manifest

### Manifest Procedure

- Generator completes manifest
- Generator calls for pick-up
- Generator & transporter certify manifest information meets hazardous waste & U.S. DOT requirements
- Generator certifies to having pollution prevention plan/waste minimization plan
- If transporter certifies for generator because they prepared shipment for transport, transporter must:
  - Be familiar with generator’s pollution prevention plan/waste minimization plan and
  - Add the words “on behalf of” where they sign in Item 15
- Designated facility and transporter certify to manifest information accuracy and waste delivery via signature of manifest
- Michigan TSDs electronically transmit hazardous waste manifests for shipments received to the DEQ each month
- Generators are responsible for submitting hazardous waste manifests signed by the receiving out-of-state hazardous waste TSDs to the DEQ (changing with e-Manifest launch for shipments requiring a manifest)
- TSD sends generator signed copy (changing with e-Manifest launch for shipments requiring a manifest)
- If a small quantity generator does not receive TSD signed copy within 60 days of shipment, generator





- e-Manifest system will collect manifests for all wastes shipped on a manifest, including those regulated as hazardous waste by EPA and by states
- e-Manifest system can be used for liquid industrial by-products documented on a uniform manifest
- e-Manifests submitted to EPA will all be charged relevant fees
- Generators are encouraged to:
  - review TSD literature on e-Manifest transition
  - View EPA system walkthrough at <https://www.youtube.com/watch?v=0H5ctnJEcfg>
  - See EPA web resources: [www.epa.gov/e-manifest](http://www.epa.gov/e-manifest)
  - Register and test drive e-manifest system
  - When shipping liquid industrial by-product using the e-Manifest system, use the [Liquid Industrial By-product Waste Codes](#) for completing the manifest

**Additional Resources for e-Manifests:**

- See U.S. EPA's e-Manifest web page at [www.epa.gov/e-manifest](http://www.epa.gov/e-manifest)
- View U.S. EPAs [Hazardous Waste Electronic Manifest \(e-Manifest\) System Walkthrough](#)
- [Register](#) in RCRA Info to view e-manifest information
- See [www.michigan.gov/ehsguide](http://www.michigan.gov/ehsguide), Chapter 2
- Find the following resources at [www.deq.state.mi.us/pubcenter](http://www.deq.state.mi.us/pubcenter)
  - Liquid Industrial By-products [FAQ](#)
  - Hazardous Waste, Liquid Industrial Waste, and PCB [Manifest Requirements](#) (aka Michigan Manifest Instructions)
- Contact your receiving TSDF

**Additional Resources for Manifests and Shipping Documents:**

- Got to <http://www.michigan.gov/ehsguide>, Chapter 2
- Got to <http://www.deq.state.mi.us/pubcenter/> to find
  - Liquid Industrial By-products [FAQ](#)
  - Hazardous Waste, Liquid Industrial Waste, and PCB [Manifest Requirements](#) (aka Michigan Manifest Instructions)