



PART 175 RECYCLING REPORTING FREQUENTLY ASKED QUESTIONS

Senate Bill 507 of 2016, created Part 175 of 1994 Act 451, as amended.

This statute requires recycling establishments to register with the Michigan Department of Environmental Quality (DEQ), and report the amount of reportable recyclable materials that they received and shipped within the fiscal year.

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Registration and Reporting

1. Who needs to register and report?

Section 17502 of Part 175 requires that any establishment that recycles or brokers “reportable recyclable materials” register annually with the DEQ. An establishment that engages in the recycling of these materials is considered to be a statutorily defined “recycling establishment.” These reportable recyclable materials include glass, paper and paper products, plastic and plastic products, ferrous metal, nonferrous metal, and textiles, as defined in Section 17501 (g) of Part 175. Therefore, if you or your establishment are engaged in recycling any of these materials, you will be required to register and report, unless you meet one of the exemptions described in the statute.

2. Who does not need to register and report?

As stated in FAQ number 1, the statute describes a few exemptions. These are for:

- Retail establishments that bale cardboard packaging for off-site shipment and/or collect returnable beverage containers.
- End users of reportable recyclable materials such as paper mills, steel mills, foundries, or die casters.
- An establishment that recycles fewer than 100 tons per year **total** of reportable recyclable materials
- Materials regulated under the Scrap Metal Regulatory Act, Public Act 429, are exempt from being considered reportable recyclable materials. Therefore, if your establishment **only** recycles or processes materials that are directly regulated under this act, then your establishment would be exempt.

If your establishment falls under any of the above exemptions, then you would not be considered a mandatory reporter under Part 175. However, even if you are not a mandatory reporter, voluntary reporting is still encouraged by the DEQ.

3. How do I report?

Go to www.connect.re-trac.com and follow the registration steps. You can view tutorials at www.michigan.gov/deqrecycling under the “At Your Recycling Facility” tab for step-by-step guides on how to register and report to the DEQ. You may have received information from the DEQ regarding your log in and password if you registered between July 1 and October 1, 2016, however, if you do not you may easily register yourself using the Re-TRAC system.

4. How often do I need to report?

An establishment may choose to report either annually or quarterly. Annual reports must be submitted by November 15 of each year. Quarterly reports must be submitted by February 15, May 15, August 15, and November 15 of each year.

5. Do I need to commit to either Quarterly or Annual Reporting?

A recycling establishment needs only to commit to either annual or quarterly reporting for the duration of the fiscal year. Each fiscal year, beginning October 1, an establishment may change to the frequency of reporting that is most feasible for them.

6. What is the difference between registering and reporting?

Each year, recycling establishments must **register** by July 1. Registering provides the state with information such as contact and facility name, address, phone, etc. **Reporting** must be done between October 1 and November 15 for annual reporters each year, and requires numerical data of amounts of “[reportable recyclable materials](#)” the establishment both received and shipped during the previous fiscal year. The state fiscal year runs from October 1 to September 30 of each year. Quarterly reporters must report this data four times each year: between the period of January 1 through February 15, April 1 through May 15, July 1 through August 15, and October 1 through November 15. Both registering and reporting will be completed through the Michigan Recycling Activity Reports module in the Re-TRAC online portal.

7. When do I begin to register and report?

Part 175 of Act 451 as amended took immediate effect in March of 2016 when it was passed. The law set forth the requirement for facilities to begin having the ability to register starting July 1, 2016. For the first fiscal year, reportable

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recyclable materials recyclers must register with the DEQ either electronically or via mail in form by October 1, 2016. Facilities do not need to begin to report until January 1, 2017, for quarterly reports or October 1, 2017, for annual reports.

A recycling facility that begins operation after June 1 but before December 1 must **register** within 30 days after it is established, but does not need to report until the following fiscal year in October.

8. How and when do I commit to either Annual or Quarterly reporting?

Recycling establishments do not need to commit to either type of reporting frequency. When they are ready to report, beginning in either January of each fiscal year for quarterly reporters or October of each year for annual reporters, the establishment will simply log on to Re-TRAC, enter their data in the survey with the reporting frequency they choose for the fiscal year, and submit that data.

9. In what units does data need to be reported?

All data reported must be in tons. The online Re-TRAC reporting system will automatically convert cubic yards and pounds into tons in the report.

Definitions and Clarifications

10. What is a “reportable recyclable material?”

A reportable recyclable material, as defined in Section 17501 (g) of Part 175, is any of the following materials that are separated from household or commercial waste and delivered to a recycling establishment for recycling: Glass, paper and paper products, plastic and plastic products, ferrous metal including white goods, nonferrous metals, textiles, and single stream recyclable materials.

11. What is a “recycling establishment?”

A recycling establishment is defined in Section 17501 (f) of Part 175 as an establishment engaged in recycling or brokering of any glass, paper or paper products, plastic or plastic products, ferrous metal including white goods, nonferrous metal, textiles, or single stream recyclable materials for the purposes of reuse or conversion into raw materials or new products.

12. What is a “Mandatory” versus “Voluntary” reporter?

A mandatory reporter is an establishment that fits under the statutory definition of a “recycling establishment” and is therefore required to report under Part 175. A “voluntary” reporter is an establishment that is either exempt from the requirements, or does not fit the definition of a “recycling establishment,” but would still like to report on the reportable recyclable materials received and shipped by their establishment. Voluntary reporting is encouraged.

13. What constitutes “recycling?”

Recycling means an action or process such as separation, sorting, baling, or shipping, applied to reportable recyclable materials for the purposes of reuse or conversion into raw materials or new products, as defined in Section 17501 (e) of Part 175. Therefore, if the establishment is engaged in any of these actions, it would be considered a “recycling establishment” under the statute. However, an establishment may not fall under the definition of “recycling” depending on where they ship their materials. If they only ship reportable recyclable materials to other establishments whose primary activity is to further process the materials, rather than reuse or convert them directly into a new product, and who is also required to report under Part 175, then the generator of the materials may be exempt.

14. What is a recyclable material?

According to Section 324.11505 (1) of Part 115 of 1994 Act 451, Solid Waste Management, a recyclable material is a source separated material, site separated material, high grade paper, glass, metal plastic, aluminum, newspaper, corrugated paper, yard clippings, and other materials that may be recycled or composted.

Part 175 requires reporting of “reportable recyclable materials,” which include glass, paper and paper products, plastic and plastic products, ferrous metal including white goods, nonferrous metal, textiles, and single stream recyclable materials.

15. What is the state fiscal year?

The State of Michigan’s fiscal year runs from October 1 of each year until September 30 the following year. The first quarter is October 1 to December 31. The second quarter is January 1 to March 31. The third quarter is April 1 to June 3. The fourth quarter is July 1 to September 30.

16. Why are there no penalties under this law?

The law was developed as a cooperative effort between the recycling industry and state government to address the problem of not having accurate information about the volume of recycling that is conducted across the state. It was decided that if penalties were included in the law it could be counterproductive to continuing that effort. By obtaining this data, the DEQ is able to work to help increase the recycling rate within Michigan, as well as where to best focus its efforts to increase recycling statewide.

Exemptions

17. Who is exempt from being considered a “Mandatory Reporter” under the statute?

Section 17501 (f) of Part 175 states that the definition of a “recycling establishment” does not include establishments that recycle an aggregate total of fewer than 100 tons per year, a retail establishment that bales cardboard packaging for off-site shipment, a retail establishment that collects returnable beverage cans, an end user of reportable recyclable materials, or drop-off locations or other establishments that do not process materials themselves and sends all reportable recyclable materials to other establishments that are required to register under Part 175.

18. I am a manufacturer, am I considered a “Mandatory Reporter?”

It depends on where the reportable recyclable materials that you generate are being sent. If you are a manufacturer that sends all of your reportable recyclable materials to other establishments that would be considered a mandatory reporter under the statute, then you would be considered exempt. If one or more of your reportable recyclable materials is sent to an end user, then you would be required to report on that specific material. If, however, the combination of all reportable recyclable materials you are generating is less than 100 tons, then you are exempt from being considered a “Mandatory Reporter” as well, regardless of where the materials are sent, but you are still encouraged to register and report as a voluntary reporter. Please refer to FAQ number 7 for more details.

19. If I am a recycler of “reportable recyclable materials” and also fall under an exemption within Part 175, do I still need to report?

If you are considered an establishment that is engaged in the recycling of a combination of at least 100 tons of **any** reportable recyclable materials, you are still required to report under Part 175. You may, however, choose to exclude from your report any materials or information that is exempt under the statute.

20. What is the Scrap Metal Regulatory Act and exemption?

The Scrap Metal Regulatory Act (PA 429 of 2008) regulates the purchase and sale of scrap metal and other items that contain ferrous or nonferrous metal to scrap metal dealers, and requires sellers and dealers to obtain and maintain certain information regarding their sales and purchases of these regulated materials.

Section 17501 of Part 175 exempts materials that contain iron, steel, or nonferrous metals and that are directed to or received by a person subject to the Scrap Metal Regulatory Act from the Part 175 reporting requirements. However, only the specific materials that are regulated in the Scrap Metal Regulatory Act are exempt from being reported. A recycling establishment that engages in the recycling of any combination of recycling 100 tons or more of reportable recyclable materials other than those covered by the Scrap Metal Regulatory Act should still register and report with the DEQ.

21. Section 17501 (f) (i) of Part 175 states that a “Recycling establishment” does not include an establishment that recycles fewer than 100 tons per year. Is this number material specific or an aggregate number?

The 100 tons described in this part is an aggregated number of reportable recyclable materials recycled by the establishment. This means that if your establishment engaged in the recycling of 100 tons or more of any combination of the reportable recyclable materials under Section 17501 (g) of Part 175, then you are considered a “Recycling establishment” that is required to report under this part.

Data Management

22. What does FOIA exempt mean?

The Freedom of Information Act (FOIA) gives the public access to most government records in Michigan. However, some information, such as sales data, personal identification information, and more, is exempt from being released to the public under a FOIA request.

23. Why are “Mandatory reporters” FOIA exempt?

Mandatory reporters will be required by the state to provide information that could be considered sensitive, such as customer identification, and amounts of materials processed by the establishment. For this reason, data will not be released except for a total aggregate number that includes information from all mandatory reporters of each material recycled statewide. Any information that could lead to the identification of an individual establishment or customer will be considered FOIA exempt.

24. Are “Voluntary reporters” FOIA exempt?

No. While mandatory reporters are FOIA exempted under the statute, voluntary reporters are not. However, no individual recycling establishment data, such as specific sales data from one establishment to the next, will be identified in any report distributed by the DEQ. Information from voluntary reports may be broken down further to include, for example, regional tonnage recycled.

25. What does the state do with the data that is submitted to the system?

The data submitted by reporters will help the DEQ better determine the recycling rate throughout Michigan. This information will be used to help the DEQ understand where recyclable materials are going, and to help identify where state focus and efforts should be in the future to help increase the recycling rate.

26. What is Re-TRAC?

Re-TRAC is the online portal used for registering and reporting under Part 175. Establishments can create an account with the Re-TRAC portal and join the “Michigan Recycling Activity Reports” module once they have logged in. They can then fill out the registration and reporting forms through the “Michigan Recycling Activity Reports” module to comply under Part 175.

27. How is the information reported to the DEQ managed and distributed?

For mandatory reporters using mandatory state provided report forms (found in the Michigan Recycling Activity Reports module through Re-TRAC), only aggregate numbers of the amount recycled of each reportable recyclable material from all mandatory reporters will be distributed.

For voluntary reporters using voluntary state provided report forms (also found in the Michigan Recycling Activity Reports module through Re-TRAC), information may be broken down further to include, for example, regional tonnage recycled. However, no individual recycling establishment will be identified in any report distributed by the DEQ.

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