

Liquid Industrial By-products Designated Facility Requirements

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Today's Goals

- What is a liquid industrial by-product?
- What is a liquid industrial by-product generator, transporter and designated facility?
- What are the general liquid industrial by-product handling requirements?
- What additional requirements apply to designated facilities receiving liquid industrial by-products?

Waste Regulations

- Act 451, Michigan Natural Resources & Environmental Protection Act:
 - Part 111, Hazardous Waste Management
 - Part 121, Liquid Industrial By-Products
 - Part 115, Solid Waste
 - Part 169, Scrap Tires
 - Part 117, Septage
- Act 368, Michigan Public Health Code:
 - Part 138, Medical Waste Regulatory Act
- Federal Toxic Substance Control Act (TSCA)

Liquid Industrial By-Products Definitions - 12101(n)

- A material that is...
 - produced by or is incident to an enterprise or non-household activity
 - liquid as determined by the paint filter test
 - discarded
- Liquid industrial by-products include:
 - most discarded liquids pumped and hauled over public roadway not subject to hazardous waste regulation
 - liquids and sludges sent to a solid waste solidification facility prior to landfilling
 - must be specifically excluded by statute to not be subject to regulation as a liquid industrial by-product

Liquid Industrial By-products Exclusions - 12101(n)

- Liquid industrial by-product does not include any of the following:
 - Hazardous waste from SQGs or LQGs (Part 111)
 - Septage waste (Part 117)
 - Medical waste (Act 363, Part 138)
 - Discarded liquids from residents (Part 115)
 - Liquid industrial by-product does not include any of the following:
 - Fats, oil, grease managed under Act 239
 - Permitted point source wastewater discharges (Part 31 NPDES or groundwater permits)
 - Material managed to meet Section 12102a
 - Biosolids managed under a residuals management plan (Part 31)
- See Receiving Facility Reporting Requirements Table accessible in Chapter 2.3 of your electronic version of the guidebook found on-line at www.michigan.gov/ehsguide

Liquid Industrial By-products Definitions – 120101(k)(m), & 12102(m)

- Generator - Person whose act or process produces liquid industrial by-product
- Transporter - Person engaged in the off-site transportation of liquid industrial by-product by air, rail, public roadway, or water
- Designated Facility - Treatment, storage, disposal, or reclamation facility that receives liquid industrial by-product from off-site

Liquid Industrial By-products Definitions – 12102(a)

- On-site means on the same geographically contiguous property, which may be divided by a public or private right-of-way if access is by crossing rather than going along the right-of-way
- On-site includes noncontiguous pieces of property owned by the same person but connected by a right-of-way that the owner controls and to which the public does not have access

Liquid Industrial By-products Designated Facility Examples

- Central waste treatment facilities
- Used oil processors
- Waste water treatment plants
- Hazardous secondary material handlers
- Facilities receiving fuel for re-refining (RPP fuel)
- CESQG hazardous waste collection sites
- Food waste processors
- Renderers
- Anaerobic digesters
- Biofuel producers
- Non-hazardous liquid by-product transporters with storage and consolidation facilities

Liquid Industrial By-products Generation, Transport, Disposal

- Liquid industrial 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.*
- Liquid industrial by-product managed by the generator, transporter or designated facility must 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
- Liquid industrial by-product managed by the generator, transporter or designated facility must be managed such that:
 - Exterior of all vehicles, containers and tanks used to hold by-product are free of by-product and residues
 - All vehicles, containers and tanks must be closed or covered when not in use
 - Unless otherwise specifically authorized, by-product cannot be discharged to soil, surface water, ground water, a drain, sewer, or the air

What is a Closed Container?

- Regulations do not define “closed container”
- Requiring containers to be closed is a means to minimize emissions of volatile wastes, to protect ignitable or reactive wastes from sources of ignition or reaction, to prevent spills, to reduce the potential for mixing of incompatible wastes and reduce direct contact of personnel with waste
- For liquid containers in storage:
 - Cover secured with snap rings bolted
 - Bungholes capped
 - If needed, pressure-vacuum relief valve to avoid explosions
- For liquid containers in use:
 - Lids properly affixed to prevent spills
 - Funnels with manual or spring-loaded lids or tightly screwed into bung hole with a one-way valve

- Non-pressurized mobile oil drain pans, at a minimum, must be emptied when not in use to be considered closed or at the end of the day generally

Designated Facility Reporting

- Annual report for designated facilities is due by April 30th each year starting 2017
- Annual report is to describes activities for previous calendar year
- Electronic reporting method is required of the DEQ
- Required reporting is simple and 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
- Liquid industrial by-product waste stream selection options for the 2017 designated facility annual reporting period, include:

○ Hazardous Secondary Materials	○ Antifreeze
○ Mixed Solvents	○ Storm Sewer Cleanouts
○ Pharmaceutical	○ Sanitary Sewer Cleanouts
○ Crankcase Oil	○ X-Ray/Photo Cleaning Solutions
○ Coolants and Water-Soluble Oils Other Oil	○ Water Based Cleaning Solutions
○ Brine	○ Car Wash Sludges
○ Pesticides	○ Grease Trap Wastes
○ PCBs	○ Other – Must add description!!!
○ Landfill Leachate	

2016 Reporting Designated Facility

- 95 submittals
- Most cover multiple sites owned and operated by same company
- 41 used oil processors across state
 - 12 submitted 2015 Biennial Reports
 - 14 submitted a 2016 Annual Report

2017 Reporting Designated Facility

- Was due April 30, 2018
- DEQ is reviewing whether single report can be submitted for both Part 111 used oil biennial reporters AND liquid industrial by product annual reporters, look for more next reporting season
- Anticipate significant number of additional reporters for 2017 reporting data - still under review
- Reporting does not apply if the designated facility received by-product from only 1 generator and was owned, operated or legally controlled by that generator
- What about municipal wastewater treatment plants (WWTP)?
 - Do they have to submit an annual report? Answer: Maybe.

Septage Exclusions – 12101(n)(ii)

- Septage includes only food establishment septage, domestic septage, domestic treatment plant septage, or separate sanitary sewer cleanout septage, or any combination of these. On-site septic systems are permitted and inspected by the local health departments and only designed to handle sanitary wastewaters from bathrooms, kitchens and laundry devices.

Part 31 Permitted Point Source Exclusions - 12101(n)(iv)

- Liquid industrial by-product does not include permitted direct discharges to sanitary or combined sewer authorized by receiving WWTP.

- Generators must possess/meet WWTP discharge permit (part of waste characterization record).
- Any accumulation before discharge to sewer must meet Part 121.
- Receiving WWTP would possess the Water Resources Division (WRD) Part 31 permit exempting the wastewater from Part 121.
- Liquid industrial by-product does not include sanitary or combined sewer systems clean-out waste IF:
- The system is operated by a WRD NPDES or groundwater permitted WWTP
- All indirect releases of clean-out waste (during transport, treatment, etc.) to land or water must
 - be managing to meet WRD permit and
 - be reported to WRD per Part 31, Section 3112a
- Sanitary and combined sewers not possessing a Part 31 NPDES or groundwater permit must be managed to meet Part 121 and facilities receiving these liquids are Part 121 designated facilities.
- Sanitary and combined sewer systems expected to not possess a Part 31 NPDES or groundwater permit likely include:
 - Systems that convey sanitary and combined sanitary and storm waters to a WWTP owned and operated by another party
 - Systems authorized by local health departments, not WRD

Designated Facility Reporting

- Form and instructions are on the DEQ webpage at www.michigan.gov/deqwaste:
 - Select “Hazardous Waste” from left tab, “Hazardous Waste and Liquid Industrial By-products Management” in center box, then “Part 121 Liquid Industrial By-Products (formerly Liquid Industrial Waste) Reporting”
- Forms should be submitted to:
 - DEQ-Part-121-Reporting@Michigan.gov What if you handle liquid industrial by product generated on-site (not brought in from off-site)? Do you have to do an annual report for that by product?
- What if you handle liquid industrial by product generated on-site (not brought in from off-site)? Do you have to do an annual report for that by product?
 - Answer: No. The reporting requirement applies only to receipt of by product from off site. However, the site still needs to maintain records of by product treated on-site.

Liquid Industrial By-products Treatment, Storage, and Disposal

- By product cannot be treated, stored or disposed of in a surface impoundment, unless
 - The impoundment has a discharge or storage permit under part 31 (Water)
 - In the case of leachate, is authorized by a permit issued under part 115 (Solid Waste)
- Part 121 does not:
 - prohibit a municipal wastewater treatment plant (WWTP) from accepting liquid industrial by-product from a person
 - prohibit a person from engaging, employing or contracting with a WWTP
- If the WWTP receives liquid industrial by-product via transport over public roadway and the transport is not specifically regulated via the Part 31 authorization (NPDES or groundwater permit) or a Part 31 rule, the liquid industrial by-product is subject to Part 121

Site Identification (ID)

- Site ID is required for:
 - liquid industrial by-product transportation, including self-transporters
 - liquid industrial by-product designated facility activities
- Generators no longer are required to obtain site IDs due to a March 2016 law change
- Generators using e-Manifest System with Site IDs can search the e-Manifest system for e-Manifests, those without a Site ID cannot
- Use EQP 5150 Form – Notification of Regulated Waste Activity to obtain Site ID

Liquid Industrial By-product Shipments

- 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

Designated Facility Liquid Industrial By-product Treatment, Storage, and Disposal

- 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

Designated Facility Emergency Response

- 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
- Owner/operator of a designated facility shall:
 - Retain all required records for 3 years
 - Make records readily available for review and inspection
 - Electronic recordkeeping is acceptable but must be readable, have all the required information, and be accessible

Designated Facility Training

- Designated facilities must document that employees who manage by-product are trained in proper handling and emergency response as appropriate for their job duties

Designated Facility Collecting Diverted Waste

- Part 115, Section 11521b has additional requirements that apply to waste diverted to environmental preferred management options like:
 - access must be limited to a time when a responsible individual is on duty
 - if stored overnight, the area must be secure and have containment to prevent the release of diverted wastes
 - The materials handled must be documented (types, volume, and disposition) for at least 3 years
 - The materials cannot be accumulated for more than 1 year

Designated Facility Collecting CESQG Waste

- Rule 205(4) has additional requirements for collecting CESQG liquids like:
 - Container labeling and dating
 - Maximum 180 day accumulation
 - Accumulation cannot exceed 6,000 kg non-acute hazardous waste - if it does, the site requires a hazardous waste storage license!

Additional Information

- **See** Chapter 2.3 of your guidebook and review electronic version available online at www.michigan.gov/ehsguide which links to additional resources like the Receiving Facility Reporting Requirements Guide, Example Shipping Document, Liquid Industrial By-product FAQ, and Liquid Industrial By-product Generator Guidance
- View recorded webinars at www.michigan.gov/deqwaste under “Announcements” (at least the one for collecting diverted and CESQG hazardous waste)