

**FREQUENTLY ASKED QUESTIONS ON THE HAZARDOUS
WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITY
USER CHARGE
(Hereafter TSDf User Charge)**

My facility is not a hazardous waste TSDf subject to licensure. Why am I getting a TSDf user charge?

Michigan is now tracking facilities subject to user charges using the data from the Waste Data System (WDS) database. Each unit subject to licensure is tracked with a legal and an operating status code. These codes determine the program universe that the unit will fall within. Program universes are defined by the U.S. Environmental Protection Agency's (U.S. EPA) federal Resource Conservation and Recovery Act (RCRA) Information System (RCRAInfo) database. Those units that are in the Full Enforcement and Operating Program universes are subject to user charges. This universe includes all facilities subject to licensure for operation or postclosure and those facilities that did not obtain a license and have not yet clean closed. Some of the data in the WDS database, and subsequently in the RCRAInfo database, may need to be updated to reflect the current status. In some cases, this out-dated information may have resulted in a billing invoice that inappropriately included a TSDf user charge. If you believe this is the case, please contact the Hazardous Waste Management Unit at 517-335-7238 and ask for the permit engineer assigned to your site.

The hazardous waste management units at my facility were closed. Why do I have to pay a TSDf user charge?

Facility closure is not a guarantee of an exit from the TSDf user charge universe; the units subject to licensure at the facility must be clean closed. The U.S. EPA has determined that a clean closure in Michigan is a closure to an unlimited (i.e., generic) residential use, as defined in Part 201, Environmental Remediation, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). If the units at a facility are closed using Part 201 cleanup criteria for a limited use or using the generic commercial or industrial cleanup criteria, then the facility is considered to have closed with waste in place. This means that the units will have some obligation in postclosure, such as maintaining a deed restriction or notice of approved environmental remediation, and/or operations and maintenance requirements.

How can I end my facility's status as a TSDf?

The short answer is that you cannot. The U.S. EPA has determined that once a facility operates as a TSDf under RCRA, there is no way under current law to exit the RCRA system. The law would have to be changed. Michigan is required to be at least as stringent in our requirements as the federal requirements in order to maintain our status as an authorized state to implement the RCRA program on behalf of U.S. EPA. Many facility properties operated units that either clean closed or closed with waste in place in the 1980s, but are still considered TSDfs because of this never-ending liability.