



PART 121 LIQUID INDUSTRIAL BY-PRODUCT FREQUENTLY ASKED QUESTIONS

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Implementation

- 1. When do the amended Part 121 Liquid Industrial By-products statutory provisions take effect?**
March 16, 2016.
- 2. Do I have to continue submitting copies of the Uniform Hazardous Waste Manifest used to ship liquid industrial waste or liquid industrial by-product to the Michigan Department of Environmental Quality (DEQ)?**
No. Effective immediately, records documenting shipment of liquid industrial waste or liquid industrial by-product no longer need to be submitted to the DEQ.

Liquid Industrial By-Product Shipping Documents

- 3. Can I still use a Uniform Hazardous Waste Manifest as a shipping document on and after the amended law becomes effective on March 16, 2016?**
Yes. The Uniform Hazardous Waste Manifest is an acceptable shipping document under the amended law.
- 4. How are shipping documents distributed?**
The requirements differ between generator, transporter and designated facility, as follows:
 - The generator must certify (sign) the shipping document, showing that the liquid industrial by-product in the shipment is fully and accurately described, in proper condition for transport, and that the information on the shipping document is factual.
 - Copies of the shipping document would be provided to the transporter.
 - The transporter certifies the shipping document showing that the liquid industrial by-product was received for shipment. The transporter must deliver the liquid industrial by-product only to the designated facility listed on the document.
 - The shipping document accompanies the shipment to the designated facility.
 - The designated facility receives the shipment and the shipping document. The designated facility is required to provide confirmation of receipt to the generator or the generator’s authorized representative.
 - The confirmation does not have to be in the form of a copy of the shipping document, as it was with the Uniform Hazardous Waste Manifest. A documented phone call, email, or other receipt, written or electronic, is acceptable.

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For a CONSOLIDATED shipping document:

- The transporter must provide a receipt to the generator showing:
 - The transporting company's name
 - The driver's signature
 - The date of pickup
 - The type and quantity of by product accepted from the generator
 - The consolidated shipping document number, and
 - The designated facility.

All other certifications, copies and receipts would be as listed for a regular shipping document.

5. If I continue to use the Uniform Hazardous Waste Manifest, should the former liquid industrial waste codes be used on the manifest?

No. The liquid industrial waste codes are no longer applicable to liquid industrial by-product.

6. What is a "shipping document" under the Part 121 Liquid Industrial By-products regulations?

A shipping document can be a log, invoice, bill of lading, or other record documenting the shipment of liquid industrial by-product, and the shipping document can be either written or electronic. A Uniform Hazardous Waste Manifest is a form of shipping document that may be used to meet the law. However, the use of a Uniform Hazardous Waste Manifest is no longer required for shipments of liquid industrial by-product. If using an electronic document, an electronic signature is acceptable.

7. What information has to be included on a liquid industrial by-product shipping document?

The liquid industrial by-product shipping document must include all of the following:

- The name and address (site or mailing) of the generator
- The name of the transporter
- The type and volume of liquid industrial by-product in the shipment
- The date the liquid industrial by-product was shipped off-site from the generator
- The name, address, and Site Identification (Site ID) number of the designated facility

8. Do copies of the liquid industrial by-product shipping documents have to be provided to the DEQ?

No. Effective immediately, copies of the shipping documents/receipts must be retained by liquid industrial by-product generators and any treatment, storage and/or disposal facilities at the location of operation. Copies of the shipping documents/receipts must be retained by liquid industrial by-product transporter at the Michigan based headquarter office. The shipping documents must be made readily available for review and inspection when requested.

9. How does a generator certify a shipping document?

It is suggested that the shipping document be certified by the generator by signing a shipping document that has a statement that says that the generator is fully and accurately describing the liquid industrial by-product on the shipping document, that the liquid industrial by-product is in proper condition for transport, and that the information contained on the shipping document is factual. Alternatively, there may be an electronic version of the certification (- e-signature). These options are not an inclusive list and other methods of certification may be acceptable.

10. Is the certification printed on Uniform Hazardous Waste Manifests acceptable under Part 121?

Yes, this is acceptable.

11. How long do copies of liquid industrial by-product shipping documents have to be retained by liquid industrial by-product handlers?

The statute states that records must be kept at least three years and made available for review and inspection. The retention period is extended automatically if there is an unresolved enforcement action or if longer retention is required by the DEQ.

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12. Can I keep shipping documents and other records in electronic format?

Yes. However, all records, whether an electronic or hard copy, must be readable, contain all the required information, and be readily available for review when requested during an inspection.

13. What do I list for the Site ID number on a Uniform Hazardous Waste Manifest used to ship conditionally exempt small quantity generator (CESQG) hazardous waste, liquid industrial by-product or both when I don't have a Site ID number?

All Uniform Hazardous Waste Manifests submitted to the U.S. EPA e-Manifest system require a Site ID. If using a six-page manifest form to meet the Part 121 paper shipping document requirements, a generator may:

- use "MICESQG" as the Site ID number if the Uniform Hazardous Waste Manifest is used to document shipment of only CESQG liquid hazardous waste;
- use "MILIB" is suggested if the Uniform Hazardous Waste Manifest is used to document shipment of only liquid industrial by-product; or
- use of "MICESQGLIB" if the Uniform Hazardous Waste Manifest is used to document shipment of both CESQG liquid hazardous waste and liquid industrial by-product.

Including this detail helps all handlers verify the regulatory status of the waste and that the generator is not offering fully regulated hazardous waste. However, the Part 121 liquid industrial by-product rules do not have a specific requirement for a generator ID number, even on a Uniform Manifest.

14. For a CE generator of liquid hazardous waste, what waste codes should be used on the shipping document?

It is suggested that the CE generator use the applicable hazardous waste codes on the shipping document, to provide maximum information in the event of an emergency.

15. If my company chooses to use a Uniform Manifest as the shipping document for liquid industrial by-product, what information should be entered into the generator ID number field as liquid industrial by-product generator?

The field can be left blank. It is suggested that if the site already has a site ID number or requires a site ID number for other activities, the number can be entered into this field on the Uniform Manifest. It is also suggested that MILIBP or MICESQG or similar information could be entered into this field.

16. What is the process for consolidated shipping documents for brine?

A generator may complete one shipping document per transporter (of brine) per disposal well, per month. There can be more than 1 per month as well.

17. On a consolidated shipping document, the transporter is identified as the generator of the by-product. For such a consolidated shipping document, how does the designated facility provide confirmation of receipt back to the generator?

For a consolidated shipping document, the transporter is considered the generator of record and the confirmation of receipt (by the designated facility) should be provided back to the transporter.

Liquid Industrial By-Product General Storage and Release Response

18. Do generators, transporters, and designated facilities still have basic storage requirements that must be met when managing liquid industrial by-product?

Yes. Liquid industrial by-product must be placed in tanks or containers compatible with the liquid industrial by-product and protected from weather, fire, physical damage and vandals. The containers must remain closed except when adding or removing liquid industrial by-product, and the exterior of any vehicle, container or tank used to hold liquid industrial by-product must be kept free of any liquid industrial by-product or liquid industrial by-product residue. Liquid industrial by-product has to be managed to prevent liquid industrial by-product from being discharged into the soil, surface water or groundwater, a drain or sewer, or discharged in violation of the Part 55 air pollution regulations. In the event of a fire, explosion, or discharge of liquid industrial by-product that could threaten public health, safety, and welfare, or the environment; or when a spill has reached surface water or groundwater, the liquid industrial by-product handler must

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take immediate action to protect the public health, safety, welfare, and environment and notify the department of the release by calling 800-292-4706 unless the incident is reported to the state under another state law. The incident must be reported in writing to the DEQ within 30 days.

Generators of Liquid Industrial By-Product

19. Does a liquid industrial by-product generator have to obtain a Site ID number?

If a site meets all of the following conditions, it is not required to obtain a Site ID number:

- The site generates and accumulates only liquid industrial by-product and/or conditionally exempt small quantity generator hazardous waste liquids.
- The site does not receive liquid industrial by-product, thus operating as a designated facility.
- The site is not a liquid industrial by-product transporter.

If a site only generates liquid industrial by-product and/or conditionally exempt small quantity generator hazardous waste liquids and elects to use the Uniform Hazardous Waste Manifest to document shipment of the liquid industrial by-product, a Site ID number is not required on the Uniform Hazardous Waste Manifest used as a shipping document. However, a Site ID number may be obtained and utilized on the Uniform Hazardous Waste Manifest if desired. See Q15/A15 and Q16/A16 for additional details on completing a Uniform Hazardous Waste Manifest for liquid industrial by-product generators and/or conditionally exempt small quantity generators of hazardous waste that do not possess a Site ID number.

20. How should a generator mark or label containers of liquid industrial by-product? Do we need to include the words “by product” or “waste” on labels?

The amended statute identifies that generators must maintain labeling or marking on containers and tanks of liquid industrial by-product to identify their contents. A good example of labeling would be marking a container of liquid industrial by-product antifreeze as “spent antifreeze,” “spent ethylene glycol,” or “spent propylene glycol” depending on the material used. Labels that do not adequately describe the contents include “spent cleanser,” “bad stuff,” or “stinky stuff.” Labels should include language that is commonly used in commerce and emergency response to describe the liquid industrial by-product. This may include a product name and details regarding the process generating the waste. Labels should include a description consistent with the waste type used on the shipping documents and the characterization record documenting the liquid industrial by-product determination. The content description required for labeling liquid industrial by-product and the waste type used for shipping and reporting liquid industrial by-product is separate, unique, and different from the U.S. DOT shipping description, class, and identification number specified in 49 CFR 172.101 that must be included on a bill of lading for shipping a liquid industrial byproduct that is a hazardous material as defined under U.S. DOT standards. There is no specific wording requirement in the Part 121 rules. A generator may include the words “by-product” or “waste” on a label as long as the by-product is accurately described by the label.

21. Do the container and tank labels used to identify the container contents to meet the liquid industrial by-product match the labels and markings used to meet the U.S. DOT standards?

If the liquid industrial by-product is not a US DOT regulated hazardous material, there will be no U.S. DOT description to consider. If the by-product is a US DOT regulated hazardous material, then yes, the US DOT standards should be included on the label, as well as the liquid industrial by-product requirement to “identify the contents.”

22. How do generators distribute copies of the shipping document?

The generator has to provide a copy of the shipping document to the transporter to accompany the liquid industrial by-product during transport to the designated facility. The generator must also retain a copy of the shipping document for review and inspection.

23. How do I receive confirmation that the liquid industrial by-product was accepted by the designated facility, and what is the time frame for this confirmation?

Confirmation can be received in several ways. For example, when an invoice for processing of the liquid industrial by-product is received, it can count as confirmation. An email or documented phone call is also acceptable, or a mailed

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receipt. The recommended time frame for checking on receipt of the liquid industrial by-product is within 35 days of shipment to the designated facility. If receipt is not verified by the designated facility, the generator should notify the DEQ within 45 days of shipment. However, if this time frame does not work—for example, if it is known it takes a minimum of 60 days for the liquid industrial by-product to reach the designated facility and confirmation to be sent back, then the generator would begin checking after 60 days. Conversely, if it is known that the shipment of liquid industrial by-product never takes more than 10 days to reach the designated facility, checking on day 11 or 12 would be more appropriate to ensure receipt and proper handling.

- 24. If oil shipped by the generator is received on the same day by the designated facility, can we still rely on an invoice for the shipment received 30 days later for the record documenting it was received and that the designated facility provided us the required notification?**

Yes. The timeframe for receipt of confirmation should be based on a typical time for the generator to receive the invoice other confirmation. If that happens to be 30 days, 60 days, or 10 days, all are acceptable. If the time frame for receiving an invoice is 30 days, and an invoice has not been received by the 35 day, for example, the generator should begin contacting the designated facility to ensure the by-product has been received.

- 25. For a consolidated shipping document, how does the designated facility provide confirmation back to the generator?**

The generator of record on a consolidated shipping document is the transporter of the by-product. The designated facility can provide the confirmation back to the transporter.

- 26. What are the requirements for establishing a generator’s “authorized representative”?**

Authorized representative is not defined in Part 121. Until this has been clarified for Part 121, use of the definition found in Part 111 is suggested. This definition states: “Authorized representative means the person who is responsible for the overall operation of a facility or an operational unit, such as the plant manager, superintendent, or person who has equivalent responsibilities.

- 27. Do liquid industrial by-product generators need to submit annual reports?**

Annual reports are not required for liquid industrial by-product generators.

- 28. Does the person signing the shipping document have to have U.S. DOT training to sign it?**

Amended Part 121 does not require U.S. DOT training. However, if the liquid industrial by-product is also a hazardous material as defined under 49 CFR 172, US DOT training would be required. Michigan State Police, Commercial Vehicle Enforcement Division implements the U.S. DOT hazardous materials program in Michigan. For information on U.S. DOT training, please see the [Michigan Guide to Environmental Health and Safety Regulations](#), Chapter 4.4. For information specific to the training requirements, please see Chapter 4.4.10.

Transporters of Liquid Industrial By-Product

- 29. Do transporters of liquid industrial by-product still have to be registered and permitted and able to produce a copy of the authorization during transport? Has the process for permitting and registration changed with the implementation of the new liquid industrial by-product rules?**

Yes, transportation of liquid industrial by-product still requires a permit and registration under Act 138, Hazardous Materials Transportation Act. During transport, the transporter must also be able to produce a copy of the permit and registration, either via electronic record or hard copy, to DEQ staff or a peace officer when requested. The permit and registration process has not changed substantially with the new liquid industrial by-product, other than the name change (from liquid industrial waste to liquid industrial by-product).

- 30. Can a transporter of liquid industrial by-product also be licensed as a septage transporter?**

Yes. If the two materials are handled in separate vehicles, the standard requirements for both materials apply. However, if the transporter is using one vehicle to transport both liquid industrial by-product and septage, either by mixing the two materials or in alternate loads, then the materials handled in that vehicle cannot be land applied unless it is specifically authorized by the DEQ. This includes septage only waste as well as liquid industrial by-product. If the

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transporter is using one vehicle to transport both liquid industrial by-product and septage and does not have an authorization for land application, the vehicle must also be marked with the words “Land Application Prohibited” in letters at least 2 inches high.

31. How does a dually licensed transporter (both septage and by-product) clean out a vehicle between loads of different materials (between septage waste and by-product)?

There are no set standards for cleaning out a vehicle. The clean out should ensure that there is no contamination between the two materials, and documentation of the clean out should be maintained by the transporter.

32. How does a transporter, licensed to transport both liquid industrial by-product and septage, obtain an authorization to land apply?

Contact Jeremy Hoeh, Drinking Water and Municipal Assistance Division at 517-284-6528 or hoehj@michigan.gov to discuss the land application review and approval process.

33. How does the transporter handle the liquid industrial by-product shipping document?

A copy of the shipping document is obtained from the generator at the time of pick up, a copy is provided to the designated facility at time of delivery, and a copy is maintained by the transporter at their Michigan based headquarter location issued the Act 138 permit and registration.

34. How does the liquid industrial by-product transporter provide confirmation of acceptance to the generator?

The transporter confirmation of acceptance can be electronic or written. Examples of transporter confirmation of acceptance include a transporter signature on the shipping log, shipping document, an invoice, or an email verifying pick-up.

35. What is the transporter records retention time?

The transporter must retain a copy of the shipping documents for three years from the date of shipment and the retention time is automatically extended in the event of an unresolved enforcement action or a requirement by the DEQ.

36. How does the department “authorize” the use of a consolidated shipping document for certain liquid industrial by-product streams?

The DEQ requires no special approval for individual liquid industrial by-product streams to utilize the consolidated manifest process. The consolidated manifesting is authorized by the DEQ so long as the consolidated manifest provisions in the statute are met. As such, if the generator, transporter, and receiving designated facility comply with all requirements for use of consolidated shipping documents, they are automatically authorized to use a consolidated shipping document.

37. Does a transporter still have to have a Site ID number?

Yes, transporters of liquid industrial by-product are required to obtain a Site ID number.

38. What is transportation versus a designated facility storage and treatment of liquid industrial by-product?

For a material to be considered a liquid industrial by-product in transport, the shipment:

- Must be enroute for delivery to the designated facility identified on the shipping document certified by the generator/offeror and transporter at the time of pick-up;
- Must never be off-loaded from the vehicle to another tank or container, different than the container/tank used at the time of pick-up, except when it is necessary to prevent a release;
- May be consolidated whereby multiple containers are moved from one vehicle to another and the containers are maintained unopened and intact as offered by the generator/offeror; and/or
- The transporter or other designated facility has not signed the shipping documents as the receiving facility.

The concept of a transfer facility used in Part 111 for hazardous waste can also be applied to liquid industrial by-product. The definition used in Part 111 is “transfer facility’ means any transportation-related facility, including loading docks, parking areas, storage areas, and other similar areas, where shipments of hazardous waste are held during the normal course of transportation.”

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Thus, any transportation related facility where shipments of liquid industrial by-product are held during the normal course of transportation would be considered a transfer facility. It is strongly recommended, however, that the following requirements are followed to ensure proper management of liquid industrial by-product in a transfer facility:

- Secondary containment for the transferred by-product should be maintained
- A record, inventory, or other log of the liquid industrial by-product in the transfer facility should be maintained, including the date received, the shipping document number, the location of the liquid industrial by-product at the transfer facility (row A2, for example) and the intended destination facility.

The transport vehicle must also meet all permit, registration, and insurance requirements specified under Michigan Act 138; all federal, state, and local motor vehicle regulations; and the shipment must be managed to meet all U.S. DOT requirements. Storage begins when containers or tanks are off loaded from the transport vehicle to the ground or to containers or tanks at a site other than the generator/offerrer.

39. How long can a liquid industrial by-product remain in transportation?

A material that is in transportation has no time limit by which it must be delivered to the designated facility listed on the shipping document under the Part 121. As such, it is the generator's responsibility to establish clear and practical timelines in the contracts governing the transport and treatment, storage and disposal of liquid industrial by-product to ensure materials are safely delivered to the designated facility, and records are maintained as provided under the law by all parties.

40. What must a liquid industrial transporter do when a load is rejected or cannot be received at the designated facility listed by the generator/offerrer?

Upon a designated facility rejecting liquid industrial by-product or the transporter identifying the designated facility cannot safely accept the liquid industrial by-product as specified by the generator/offerrer on the shipping document, the transporter must consult with the generator/offerrer prior to forwarding the waste to another facility. If it is not possible to locate an alternative facility that can receive the liquid industrial by-product, the transporter must return the liquid industrial by-product to the generator. If an alternative facility is selected, a new shipping document must be created to document the transport from the original designated facility to the alternate designated facility. While making arrangements for an alternate designated facility, the transporter must retain custody of the liquid industrial by-product pending delivery to the generator/offerrer or the alternate facility designated.

Designated Facilities Receiving Liquid Industrial By-Product

41. Does the designated facility still have to have a Site ID number?

Yes, even if the designated facility's only regulated activity is acceptance and treatment, storage, or disposal of the liquid industrial by-product, a Site ID number is required.

42. How does the designated facility provide the confirmation of receipt back to the generator?

The confirmation of receipt can be either electronic or written. An invoice, email, receipt or documented phone call, for example, can all be used as confirmation of receipt.

43. What type of emergency plan is required of designated facilities?

The plan has to be designed to respond to and minimize the hazards to human health, safety, welfare, and the environment, in the event of an unauthorized, unplanned, sudden or non-sudden spill or release of liquid industrial by-product. The plan can be written or electronic, and it does not have to be on a specific form or in a specific format. The plan should list names and cell phone numbers of the primary emergency coordinator and alternates. At least one alternate emergency coordinator is recommended. The plan should also include a list of emergency equipment at the facility such as fire extinguishing systems, communication or alarm systems, spill control equipment, etc., where the equipment is located, a physical description of each item and a brief outline of its capabilities. The plan should include a map showing the facility floor plan, entry and exit doors and emergency equipment (e.g. fire extinguishers, sprinklers, hoses, fire hydrants, alarm boxes or phones, adsorbents, spill kits, shovels, etc.) that is quick and easy to understand. The plan and map should also identify evaluation plan details and routes.

44. How does employee training work for designated facilities?

If the employee's job requires them to manage liquid industrial by-product (incoming or outgoing), the designated facility must document that that employee is trained in proper handling and emergency procedures, as appropriate for their job duties. An employee who prepares shipping documents may have different training from the employee who fills the containers at receiving, for example.

45. How does the designated facility submit the report of activities?

Designated facilities are required to annually report their liquid industrial by-product activity for the previous calendar year activities by no later than April 30th. The DEQ must provide a means of electronic reporting. In light of the amended statute becoming effective March 16, 2016, the DEQ anticipates the first report will be submitted by no later than April 30, 2017, and will cover liquid industrial by-product management activities occurring from January 1, 2016, through December 31, 2016.

46. What information is required to be reported by a designated facility annually?

The Liquid Industrial By-product Designated Facility Annual Report includes the following information:

- The name and address of the designated facility
- The calendar year covered by the report
- The types and quantities of liquid industrial by-product accepted and a description of the manner in which the liquid industrial by-product was processed or managed.

Note that the reporting requirement does not apply to a designated facility for a given calendar year IF, during the calendar year, the designated facility received liquid industrial by-product only from one generator and was owned, operated or legally controlled by that generator.

47. What liquid industrial by-product types will be included on the 2017 Liquid Industrial By-product Designated Facility Annual Report?

Designated facilities accepting liquid industrial by-product should continue to track the liquid industrial by-product types previously assigned liquid industrial waste codes. The 2017 annual reporting is expected to include at least these types of liquid industrial by-product which are as follows:

- Mixed Solvents
- Pharmaceutical
- Crankcase Oil
- Coolants and Water Soluble Oils Other Oil
- Brine
- PCB
- Other wastes
- Antifreeze
- Storm Sewer Cleanouts
- Sanitary Sewer Cleanouts
- X-Ray/Photo Cleaning Solutions
- Water Based Cleaning Solutions
- Car Wash Sludges
- Grease Trap Wastes

48. How long can liquid industrial by-product be stored prior to recycling or disposing of the liquid industrial by-product?

Liquid industrial by-product cannot be stored for longer than one year unless the liquid industrial by-product is reclaimed and reused, in which case, at least 75 percent of the liquid industrial by-product, by weight or volume, must be reclaimed for reuse. The designated facility must maintain documentation that demonstrates compliance with this provision for each type of liquid industrial by-product received and reclaimed for reuse.

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49. How is the waste characterization required of the designated facility generated?

It is presumed that the designated facility will generate a waste characterization as part of the acceptance or profiling process for the by-product. This can be by generator knowledge of the by-product, or by analysis (showing that it is not a hazardous waste, for example, or that it passes/fails the paint filter liquids test, etc.). If the designated facility opts to have an outside company do the characterization, that is acceptable, but it is strongly suggested that the designated facility closely review all such characterizations for accuracy. The requirement for a characterization is borne by the designated facility, and if there is an error, even if the characterization was produced by an outside company, the DEQ will expect the designated facility to correct the issue.

50. Are designated facilities required to keep a copy of the shipping documents for all shipments?

Designated facilities should keep copies of shipping documents for all shipments of liquid industrial by-product, and be able to document the source of any materials noted on site.

51. Are used oil processors considered liquid industrial by-product designated facilities? If yes, does the used oil processor still have to submit the used oil processor biennial report?

Yes, used oil processors that receive used oil/liquid industrial by-product would be considered a designated facility and yes, the used oil processor biennial report is still required, as well as the liquid industrial by-product annual report for designated facilities.

52. What process is to be followed if the receiving designated facility has to reject an incoming load for whatever reason (e.g. it doesn't meet the waste acceptance specifications consistent with the designated facility's authorization, the designated facility is not the designated facility listed on the shipping document, etc.)?

Further information on this will be coming soon.

53. Will the designated facility need to report the generators from which it receives liquid industrial by-product in the annual report?

The rule requires reporting of types and quantities of liquid industrial by-product accepted and how they are processed or managed. The rules do not require reporting of generators from which liquid industrial by-product is received.

54. If we receive another facility's liquid industrial by-product and use it in the manufacturing process to make a product, are we a "designated facility"?

Section 12102a lists materials which are not liquid industrial by-product when managed as specified. Section 12102a(a) of Part 121 states that "A material that is used or reused as an effective substitute for commercial products, used or reused as an ingredient to make a product, or returned to the original process, if the materials does not require reclamation prior to use or reuse, is not directly burned to recover energy or used to produce a fuel, and is not applied to the land or used in products applied to the land." If the material received meets the criteria identified in Section 12102a(a), the material is not a liquid industrial by-product and therefore the receiving site is not a designated facility for purposes of that specific material.

Additional Information

55. What changes were made to clarify that materials used or reused to make a product are not liquid industrial by-product?

Section 12102a(a) defines what materials, when used or reused, are not considered liquid industrial by-product. The change is that section now clearly states that when a material is "used or reused as an ingredient to make a product" the material is not considered a liquid industrial by-product.

56. What changes were made regarding closed containers?

Section 12113(1) refers to closed containers. It states that if containers are managed in accordance with another state law, the containers would be considered closed under Part 121.

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57. What are the definitions of container and tank?

Container is defined in Part 121 as follows: “Container means any portable device in which a liquid industrial by-product is stored, transported, treated or otherwise handled.” Tank is defined in Part 121 as follows: “Tank means a stationary device designed to contain an accumulation of liquid industrial by-product that is constructed primarily of nonearthed materials such as wood, concrete, steel or plastic to provide structural support.”

58. Can a site be both a generator and a designated facility?

Yes, a site can be any combination of generator, transporter and designated facility, including all three.

59. Is there a preferred method for reporting the volume or amount of liquid industrial by-product (e.g. gallons, pounds, cubic yards, etc.) shipped, treated, etc. to meet recordkeeping and reporting requirements?

There are no preferred methods in the Part 121 regulations. A standard measurement would be acceptable, such as gallons, pounds, kg, cubic yard, etc. Non-standard measurements should be clearly defined.

If you have additional questions or issues related to the changes in Part 121 that would be helpful to include in this FAQ, please contact Christine Grossman, Office of Environmental Assistance, Training and Outreach Unit, at 517-284-6860 or GROSSMANC@michigan.gov.

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