



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

Concrete Grinding Slurry Exemption

In accordance with the provisions of Section 11553(8) of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), grinding slurry from concrete roadways (Material) generated from any Public Agency owning a transportation right-of-way (Agency) is hereby granted a site/source separated exemption by the authorized representative of the Director of the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

This exemption amends and replaces the one issued on October 30, 2003.

This exemption is subject to the following conditions:

1. This approval is for Material that has been generated from Agency road projects only.
2. The Material shall be used in compliance with one of the following conditions:
 - A. The Material may be used for Class III construction fill material, as a component in recycled aggregate for base material or in other uses approved by EGLE. Class III material meets the granular materials standards according to Section 902.08 of the 2012 Standard Specifications of Construction, page 744.
 - B. The Material may be used as a liming product under the following conditions:
 - (i) The Material shall be applied only to Agency rights-of-way at agronomic rates. The agronomic rate is defined as that rate that provides the nitrogen and other nutrient needs of the crop but does not overload the soil with nutrients or other constituents that may eventually leach to groundwater, limit crop growth, or adversely impact soil quality.
 - (ii) The application rate shall be limited to five dry tons per acre.
 - (iii) The Material shall not be applied to an application site unless the water table is at least 30 inches below the surface of the soil at the time of application.
 - (iv) The Material shall not be applied in a manner that adversely restricts soil permeability or causes ponding, pooling, or runoff in the area.

3. Prior to dewatering, the grinding slurry is managed pursuant to Part 121, Liquid Industrial By-Product (LIBP), of Act 451. Liquids produced from dewatering (decant water) will also be managed as LIBP unless returned to the grinding process as a substitute for raw water. The Agency and Agency contractors producing LIBP from equipment they own, or lease, are considered to share generator responsibility and are exempt from the transporter permitting and registration requirements of the Hazardous Materials Transportation Act, 1998 PA 138, Michigan Compiled Laws 29.471 *et seq.* (Act 138).
4. LIBP generators shall prepare a Michigan manifest, form EQP 5110, or other approved manifest alternative, identifying the point of generation for the LIBP. Any manifest alternative is approved only for shipment of grinding slurry to a generator-owned or operated off-site location for dewatering or consolidation of the LIBP. Shipment of grinding slurry or decant water for disposal shall be under a Michigan manifest that includes either an Agency job site location described in block 15 or a site-specific identification number provided in block 1 of the form.
5. The Agency shall maintain a copy of these manifests or manifest alternatives along with on-site reclamation and treatment records for a period of three years. The records shall be made available to EGLE upon request.
6. LIBP dewatering activities may be either conducted within the project boundary or at an off-site location. If LIBP dewatering activities are conducted at an off-site location, that location shall be in compliance with the provisions of Part 121 and the Material handling provisions of this exemption. The generator shall keep records of all LIBP produced, reclaimed, or treated within the project boundary.
7. Processing, storage, or use of the Material shall be managed in such a way so as to prevent nuisance conditions and the release of fugitive dust or visible emissions in violation of Part 55, Air Pollution Control, of Act 451, or the rules promulgated under Part 55.
8. Storage of the Material shall be done either in a building, in a container, in a waste pile meeting the requirements contained in R 299.4130 of the Part 115 rules, under a tarp, or by other means approved by EGLE. The generator shall notify EGLE of the location of any stockpiles of Material and the location of any off-site dewatering activities. The notification shall be sent to:

Duane Roskoskey
Environmental Engineering Specialist
Solid Waste Section
Materials Management Division
Michigan Department of Environment, Great Lakes, and Energy
P.O. Box 30241
Lansing, Michigan 48909-7741

9. The Material is not accumulated speculatively prior to being used. This requires that during the calendar year, the amount of Material that is used for this purpose or that is transferred to a different approved site to be used for this purpose equals not less than 75 percent, by weight or volume, of the amount of Material that was accumulated at the beginning of the year. The generator shall maintain sufficient records to demonstrate compliance with this condition.
10. Prior to reuse, the Material shall not be mixed with other wastes that are not inert as defined by Part 115, or the Part 115 rules, unless appropriate approvals or permits as required by state and/or federal law are obtained.
11. Vehicles used to transport the Material shall comply with the Michigan Vehicle Code, 1949 PA 300, as amended (Act 300), and the rules promulgated under Act 300. The Material shall be covered to prevent loss to the environment during transport and delivery to reuse sites.
12. The Material or constituents contained in the Material shall not come into direct contact with surface water, groundwater, or wetland areas as defined by Act 451 and the rules promulgated thereunder, unless approved or permitted by the MDEQ.
13. The storage or use of the Material shall not cause erosion or sedimentation to occur in violation of Part 91, Soil Erosion and Sedimentation Control, of Act 451, and the rules promulgated under Part 91.
14. The Material may be disposed of in a Type II municipal landfill licensed pursuant to Part 115, provided the disposal is consistent with the landfill's waste acceptance policies and the Material is solidified sufficiently to pass the paint filter test.

This approval shall immediately become void for any of the following reasons:

1. The Agency or its contractors do not comply with the conditions of this approval.
2. Additional information demonstrates that the Material is not appropriate for reuse.
3. Additional information demonstrates that the Material is causing environmental contamination.
4. New state or federal regulations are promulgated that would cause this approval to be invalid.

This approval does not waive any applicable LIBP user charges.

A violation of the conditions of this approval is subject to the enforcement provisions of Part 55, Part 91, Part 115, Part 121, or other applicable state and federal laws/statutes.

STATE OF MICHIGAN
Department of Environment, Great Lakes, and Energy

By: 

Rhonda S. Oyer, Manager
Solid Waste Section
Materials Management Division

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