

APPENDIX B: DEFINITIONS OF REGULATED MATERIALS

CAA Section 112(r) Substances

Any of 77 toxic substances and 63 flammable substances regulated under the accident prevention provisions of Section 112(r) of the Clean Air Act (CAA) and listed in Title 40, Part 68 of the Code of Federal Regulations. The list of CAA Section 112(r) substances is included in the "List of Lists" described below.

Extremely Hazardous Substances (EHSs)

A substance defined in SARA Title III, Section 302. The EHSs are listed in Appendices A and B of Title 40, Part 355 of the Code of Federal Regulations. The EHSs are included in the "List of Lists" described below.

Flammable and Combustible Liquids (FL/CL)

As defined by the Michigan Fire Prevention Code, Public Act 207 of 1941, flammable and combustible liquids have a flashpoint below 200 degrees Fahrenheit. The local authorities oversee Part 2 of the FL/CL Rules that apply to individual containers and drums 60 gallons and smaller and portable tanks 660 gallons and smaller. The Department of Licensing and Regulatory Affairs, Storage Tank Program oversees containers and tanks larger than these volumes.

Flammable and Combustible Liquids-Act 207

As defined by the Michigan Fire Prevention Code, Public Act 207 of 1941, as amended (Act 207). "Flammable liquid" is a liquid having a flashpoint (FP) below 100° Fahrenheit and a vapor pressure not exceeding 40 pounds per square inch absolute at 100° Fahrenheit. "Combustible liquid" is a liquid having a FP at or above 100° Fahrenheit and below 200° Fahrenheit.

Flammable and Combustible Liquids-MIOSHA

As defined by Part 75 of the MIOSHA, General Industry Safety Standards. "Flammable liquid" is a liquid with an FP below 100° Fahrenheit except any mixture having components with FP of 100° Fahrenheit or higher, the total volume of which make up 99% or more of the total volume of the mixture. "Combustible liquid" is a liquid with FP at or above 100° Fahrenheit.

Hazardous Air Pollutants (HAPs)

187 air contaminants identified in the Clean Air Act Amendments of 1990 that may cause serious illnesses and environmental damage.

Hazardous Chemicals

As defined by the Emergency Planning and Community Right-To-Know Act (EPCRA), "hazardous chemical" has the meaning given in Title 29, Section 1910.1200(c) of the Code of Federal Regulations. They are any substance for which your facility must maintain a SDS under OSHA's Hazard Communication Standard/Employee Right-To-Know but does not include the following: (1) Any food,

food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration; (2) any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use; (3) any substance used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public; (4) any substance used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; (5) any substance used in routine agricultural operations or fertilizer held for sale by a retailer to the ultimate customer.

Hazardous Materials-EGLE

As defined by the Hazardous Materials Transportation Act, Public Act 368 of 1999, as amended; "hazardous materials" include hazardous waste and liquid industrial by-product.

Hazardous Materials-Act 207

As defined by the Michigan Fire Prevention Code, Public Act 207 of 1941. "Hazardous materials" are explosives, pyrotechnics, flammable gas, flammable compressed gas, nonflammable compressed gas, flammable liquid, combustible liquid, oxidizing material, poisonous gas, poisonous liquid, irritating material, etiologic material, radioactive material, corrosive material, or liquefied petroleum gas.

Hazardous Material-USDOT

As defined in Title 49, Part 171.8 of the Code of Federal Regulations. A "hazardous material" is a substance or material that has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and that has been so designated. The term includes **hazardous substances-CERCLA**, **hazardous waste**, marine pollutants, and elevated temperature materials. The table of hazardous materials is contained in [49 CFR 172.101](#).

Hazardous Substances-CERCLA

A substance subject to reporting requirements under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and listed in Title 40, Part 302, Table 302.4 of the Code of Federal Regulations. The list of CERCLA hazardous substances is included in the "List of Lists" described below.

Hazardous Substances-Part 201

As defined under [Part 201 \(Environmental Remediation\) of Public Act 451](#). "Hazardous substance" means one or more of the following, but does not include fruit, vegetable, or field crop residuals or processing by-products, or aquatic plants, that are applied to the land for an agricultural use or for use as an animal feed, if the use is consistent with generally accepted agricultural management practices developed pursuant to the Michigan Right to Farm Act: (i) any substance that the department demonstrates, on a case-by-case basis, poses a threat to the public health, safety, or welfare or the environment, considering the fate of the material, dose-response, toxicity, or adverse impact on natural resources; (ii) [hazardous substance-CERCLA \(2001 version of 40 CFR 302, Table 302.4\)](#); (iii) hazardous waste-EGLE, (iv) petroleum as described in Part 213 of Act 451.

Hazardous Waste

"Hazardous waste" is waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that, because of its quantity; quality; concentration; or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste that is subject to the hazardous waste manifest requirements is a hazardous material-USDOT. To determine if a discarded material is a hazardous waste that must be documented on a manifest for disposal, see [Chapter 2.4](#).

Liquid Industrial By-product

"Liquid industrial by-product" means any material that is produced by, is incident to, or results from industrial, commercial, or governmental activity or any other activity or enterprise, that is determined to be liquid by method 9095 (paint filter liquids test) as described in "Test methods for evaluating solid wastes, physical/chemical methods," USEPA publication no. SW-846, and that is discarded. Liquid industrial by-product does not include any of the following:

- a) Hazardous waste regulated and required to be manifested under Part 111.
- b) Septage waste regulated under Part 117.
- c) Medical waste regulated under Part 138 of the public health code, 1978 PA 368, MCL 333.13801 to 333.13832.
- d) A discharge to the waters of the state in accordance with a permit, order, or rule under Part 31.
- e) A liquid generated by a household.
- f) A liquid regulated under 1982 PA 239, MCL 287.651 to 287.683.
- g) Material managed in accordance with Section 12102a.

To determine if a discarded material is a liquid industrial by-product that must be documented on a shipping document for disposal, see [Chapter 2.3](#).

List of Lists

The USEPA has consolidated the listed chemicals into one document known as the "List of Lists." This document contains the lists of extremely hazardous substances, hazardous substances-CERCLA, CAA Section 112(r) substances, and toxic chemicals. EGLE's SARA Title III Web site (Michigan.gov/SARA) contains a link to the "List of Lists," as well as the searchable database.

Medical Waste

In accordance with Part 138 (Medical Waste Regulatory Act) of the Michigan Public Health Code, Public Act 368 of 1978, as amended, "medical waste" means any of the following that are not generated from a household, a farm operation or other agricultural business, a home for the aged, or a home health care agency:

- a) Cultures and stocks of infectious agents and associated biologicals, including laboratory waste, biological production wastes, discarded live and attenuated vaccines, culture dishes, and related devices.
- b) Liquid human and animal waste, including blood and blood products and body fluids, but not including urine or materials stained with blood or body fluids
- c) Pathological waste
- d) Sharps
- e) Contaminated wastes from animals that have been exposed to agents infectious to humans, these being primarily research animals.
- f) Discarded **personal protective equipment used to prevent the spread of COVID-19** is not a medical waste subject to Part 138 of Act 368 or the Part 138 rules.

Oil-EGLE Part 5

As defined by R 324.2001(e). Oil means oil of any kind or in any form, including but not limited to, any of the following: petroleum, gasoline, fuel oil, grease, oily sludges, oil refuse, oil mixed with waste, used oil, vegetable oil, and animal fats.

Oil-USEPA

Section 311(a)(1) of the Clean Water Act defines "oil" as "oil of any kind or in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil." The USEPA interprets this definition to include crude oil, petroleum, and petroleum-refined products, as well as non-petroleum oils such as vegetable and animal oils.

Petroleum-EGLE

As defined under Part 211 (Underground Storage Tank Regulations) of Public Act 451 of 1994. "Petroleum" includes crude oil or any fraction of crude oil that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). Petroleum includes but is not limited to mixtures of petroleum with de minimis quantities of other regulated substances, and petroleum-based substances composed of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, or finishing such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, and petroleum solvents.

Polluting Materials

As defined in the Part 5 rules pursuant to Part 31 (Water Resources Protection) of Public Act 451 of 1994, polluting materials include oil-EGLE Part 5, salt, regulated materials listed in R 324.2009 Table 1, and any compound or products that contain 1% or more by weight of these materials based on the material safety data sheet formulation.

Salt

Defined in R 324.2002(c) of the Part 5 rules pursuant to Part 31 (Water Resources Protection) of Public Act 451 of 1994, Salt means sodium chloride, potassium chloride, calcium chloride, and magnesium chloride, and solutions or mixtures of 1 percent or more of these compounds in solid or liquid form.

Toxic Air Contaminants

Defined in R 332.1120(f) of the Michigan Air Pollution Control Rules as any substance that is or may become harmful to public health or the environment except for 40 substances that have been specifically excluded.

Toxic Chemicals

Chemicals or chemical categories defined in Section 313 of the SARA Title III. Toxic chemicals, including those identified as persistent, bioaccumulative and toxic (PBT), are listed in Title 40, Part 372.65 of the Code of Federal Regulations. The list of toxic chemicals is included in the "List of Lists."