Part 111, Hazardous Waste Management, Natural Resources and Environmental Protection Act, 1994 PA 451, as Amended

Rulemaking represents 12th amendment to the Part 111 base rules which were authorized on October 30, 1986

Both state and federally-initiated revisions
STATE-INITIATED REVISIONS

- Evaluation of additional Michigan-only hazardous waste listings
  - 122 “S” and “U” codes remaining
  - Currently 52 proposed for deletion

- Expanded options for conducting verification sampling in event of a statistically significant increase in secondary groundwater monitoring parameters

- Addition of aerosol cans as universal waste

- Typographical corrections

- Reference material updates
FEDERALLY-INITIATED REVISIONS

- Confidentiality determinations for hazardous waste import and export documents
- Hazardous waste electronic manifest rule
- Generator improvements rule
- Definition of solid waste – 2018 court vacatur addressed
Effective June 30, 2018

- Manifests now submitted to U.S. EPA NOT state

- Paper and electronic options for time being

- Manifest processing user charges for manifests dated January 1, 2018 – June 29, 2018

- Final invoice packages for charges
81 FR 85732, November 28, 2016, effective at federal (not state) level May 30, 2017

- Major restructuring of generator requirements

- Generator categories:
  - VSQG – very small quantity generator
  - SQG – small quantity generator
  - LQG – large quantity generator
1 planned/unplanned episodic event/year, optional waiver for 2\textsuperscript{nd} unplanned/planned event
- Yes - regulatory relief
- No - hazardous waste handler user charges
- Events processed via District Offices

VSQG -> LQG under control of same person and consolidate it there before shipping to designated facility

Consistent with federal provisions, except:
- "Hazardous Waste"
- HW # (or HW name)
- Hazard Indicator
Existing rules consistent with pre-vacatur provisions

U.S. Court of Appeals vacated 2 items, reinstated 1 item:

- Vacated legitimate recycling criteria 4, recycling process product must be comparable to a legitimate product or intermediate, 40 CFR 260.43 [R 299.9232(1)(d)]
- Vacated verified recycler exclusion 40 CFR 261.4(a)(24) [R 299.9204(1)(bb)], kept containment and emergency preparedness and response requirements
- Reinstated “transfer-based” exclusion from 2008

State ability to enforce its rules remains, however, pursuing changes to reflect vacatur
Internal and Short List reviews conducted last spring

Revised and submitted to Office of Regulatory Reinvention (ORR) for informal review in December

Long List review and public hearing in May, pending ORR approval

JCAR calendar will likely result in a fall effective date

Short (private) and Long Lists (public) on Granicus platform, offer electronic notifications. Sign up for Long List at:

https://public.govdelivery.com/accounts/MIDEQ/subscriber/new
Federal Provisions:

- Safe management of recalled airbags
- Management standards for hazardous waste pharmaceuticals and amendment to P075 listing

Will be addressed in Amendment 13 of Part 111 rules

Continue to monitoring status of state cleanup criteria for potential use and authorization by U.S. EPA
THOUGHTS, IDEAS, QUESTIONS

Thank You!

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