

Michigan Office of Administrative Hearings and Rules
MOAHR-Rules@michigan.gov

**AGENCY REPORT TO THE
JOINT COMMITTEE ON ADMINISTRATIVE RULES (JCAR)**

1. Agency Information

Agency name:

Environment, Great Lakes and Energy

Division/Bureau/Office:

Materials Management Division

Name of person completing this form:

Ronda Blayer

Phone number of person completing this form:

517-284-6555

E-mail of person completing this form:

BLAYERR@michigan.gov

Name of Department Regulatory Affairs Officer reviewing this form:

Dale Shaw

2. Rule Set Information

MOAHR assigned rule set number:

2023-5 EQ

Title of proposed rule set:

Hazardous Waste Management

3. Purpose for the proposed rules and background:

The purpose of the proposed rules is to maintain federal authorization to administer the state's Hazardous Waste Management Program (State Program) under the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended by the 1984 Hazardous and Solid Waste Amendments; to improve the overall quality of the rules in terms of consistency, clarification of existing requirements and areas of program coverage; and to reduce some of the regulatory burdens on the regulated community by providing flexible requirements and additional options for exemption from full management as a hazardous waste.

The proposed rules address federal revisions that are required for EGLE to maintain its authorization, as well as revisions for consistency purposes.

The federal revisions relate to the safe management of recalled airbags, pharmaceutical wastes, and the modernization of the test methodology for ignitable liquids.

The proposed rules also address revisions based on EGLE and public recommendations. These revisions pertain to exemptions from hazardous waste rules, the commingling of hazardous wastes, groundwater monitoring, and consistency within these rules and other state programs, where possible.

4. Summary of proposed rules:

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The purpose of the proposed rules is to maintain federal authorization to administer the state's Hazardous Waste Management Program (State Program) under the federal Resource Conservation and Recovery Act (RCRA) of 1976, as amended; to improve the overall quality of the rules in terms of consistency, clarification of existing requirements, and areas of program coverage; and to reduce some of the regulatory burdens by providing flexible requirements and additional options for exemption from full management as a hazardous waste.

The proposed rules address federal revisions required to maintain authorization and optional provisions authorized states may incorporate into their rules for consistency purposes. The revisions relate to the safe management of recalled airbags, pharmaceutical wastes, modernization of the test methodology for ignitable liquids, changes to Canadian import/export recovery and disposal codes, and test methods for standards to control organic emissions.

The proposed rules also contain revisions based on state and public recommendations. The revisions pertain to hazardous waste exemptions, commingling of hazardous wastes, groundwater monitoring, and consistency with other state rules.

5. List names of newspapers in which the notice of public hearing was published and publication dates:

- Lansing State Journal, July 12, 2024.
- Marquette Mining Journal, July 13, 2024.
- Detroit Free Press, July 12, 2024.
- Detroit News, July 12, 2024.

6. Date of publication of rules and notice of public hearing in Michigan Register:

8/1/2024

7. Date, time, and location of public hearing:

8/21/2024 01:30 PM at ConCon Conference Room, Constitution Hall , Michigan Department of Environment, Great Lakes, and Energy, Constitution Hall, Atrium - South, 525 West Allegan Street, Lansing, Michigan 48933

8. Provide the link the agency used to post the regulatory impact statement and cost-benefit analysis on its website:

<https://ARS.apps.lara.state.mi.us/Transaction/RFRTransaction?TransactionID=1432>

9. List of the name and title of agency representative(s) who attended the public hearing:

- Kimberly M. Tyson, Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD).
- Ronda L. Blayer, EGLE, MMD.

10. Persons submitting comments of support:

- Caroline Liethen

11. Persons submitting comments of opposition:

None.

12. Persons submitting other comments:

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- Robert Perreault
- Todd Rouse

13. Identify any changes made to the proposed rules based on comments received during the public comment period:

| | Name & Organization | Comments made at public hearing | Written Comments | Agency Rationale for Rule Change and Description of Change(s) Made | Rule number & citation changed |
|---|--|---|-------------------------|--|---|
| 1 | Caroline Liethen, Michigan Manufacturers Association | EGLE should remove the 6,000-kilogram (kg) accumulation limit for very small quantity generators (VSQG) and small quantity generators (SQG) during episodic events. | | EGLE has removed the proposed subrule (8) that would limit VSQGs and SQGs episodic event onsite accumulation to 6,000 kg. This change is consistent with implementation of episodic event provisions in the majority of other states without increasing threats to human health or the environment. The removal of this subrule does not change the existing 6,000 kg accumulate limit for VSQGs and SQGs during normal operations (i.e., outside of an episodic event). | R 299.9316 (8) |

14.Date report completed:

11/20/2024