

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

Public Hearing for the Administrative Rules Hazardous Waste Management
Wednesday, August 21, 2024

APPEARANCES:

For the Michigan Department of Environment, Great Lakes, and Energy (EGLE):

- Ronda Blayer – Materials Management Division (MMD)
- Kimberly Tyson – MMD
- Jim Ostrowski – Environmental Support Division (ESD)

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In-person and Zoom Public Meeting
Wednesday, August 21, 2024 – 1:30 p.m.

KIMBERLY TYSON: Well, good afternoon. As said, my name is Kimberly Tyson. I am the Section Manager for the Hazardous Waste Section, and I will be serving as the Hearings Officer this afternoon. So, I would like to now begin the formal public hearing. Part of the intent of the hearing is to obtain public comment on proposed revisions. There will be no question-and-answer session during the hearing. All in person attendees are asked to complete an attendance card like this one here if you wish to speak. Okay, so please indicate on the card by checking the appropriate box. And virtual participants would have the opportunity to speak after the in-person attendees.

Please limit comments to 5 minutes so everyone has the opportunity to speak. Speakers are asked to speak and to state and spell their names before providing comment; and provide a written copy of their comments. The hearing will be formally closed after all indicated they wish to provide a comment have done so.

I would now like to begin accepting public comments into the record. And first up, we have Caroline Liethen to get started.

CAROLINE LIETHEN: Thank you very much. Good afternoon. My name is Caroline Liethen. I am the Director for Environmental and Regulatory Policy for the Michigan Manufacturers Association, and I'm here to provide feedback on EGLE's proposed amendments to the Hazardous Waste Management administrative rules and

have also submitted written comments providing additional background information.

So, MMA appreciates your work on these rules and the consideration of member feedback. Ronda, you were very generous with your time, and we greatly appreciate it walking us through the rules. Your efforts to draft fair and coherent rules have been greatly appreciated and invaluable to the overall rulemaking process. It is imperative that members can anticipate and plan for requirements well in advance. And after reviewing the proposed amendments, I have a few comments to share.

So first, MMA applauds EGLE's creativity to update Rule 204 in the Part 111 rules and help solve the longstanding problem associated with disposal of harmless chromium tanned personal leather products by industry. These products are often and intended to be in contact with human skin prior to disposal and are known to be harmless because they are tanned and innocuous trivalent chromium compounds. EGLE's common sense approach will provide needed and helpful relief to Michigan companies from the seemingly intractable problem associated with unclear language in the chromium exclusion found in federal hazardous waste regulations as it applies to these materials.

Second, MMA also thanks EGLE for moving to adopt the federal airbag exclusion in Rule 204. This rule will speed up the removal and proper disposal of defective airbags from motor vehicles helping to save lives and prevent injury.

Finally, a proposed limit to onsite accumulation of hazardous waste to 6,000 kilograms for very small quantity generators and small quantity generators experiencing episodic waste generation events was added to the draft in Rule 316. On behalf of the regulated community, MMA requests that you remove this draft, Michigan only requirement, from both the draft rule and associated guidance. While the EPA allows states to write hazardous waste management rules more stringent than federal requirements, it is important to note that EPA does not impose a 6,000-kilogram accumulation limit on VSQGs and SQGs conducting an episodic waste generation event per federal hazardous waste management requirements for the VSQGs and SQGs, respectively.

The 6,000-kilogram accumulation limits are conditional requirements as opposed to independent requirements, and as a result, can be waived by states for episodic generation as they are in the federal episodic generation rule to MMA's knowledge. EGLE has not identified any episodic generation events that have occurred in Michigan where lack of a 6,000-kilogram accumulation limit resulted in a spill of hazardous waste or other emergency that may have otherwise been prevented with the accumulation limit in place. A review of requirements in all 39 states that have adopted the episodic generation provisions of the 2016 Generator Improvement Rule reveals that none of the other 38 states have fabricated a 6,000-kilogram accumulation limit for inclusion in their hazardous waste episodic generation rules as EGLE has proposed. In fact, Ohio EPA guidance makes clear that no accumulation limit during episodic generation is imposed on generators through a Q & A, which poses the question, what if I accumulate large amounts of hazardous waste onsite due to an episodic event? And answers that, if you complied with all the conditions of the VSQG and SQG episodic event, then the quantity of the waste

generated and accumulated does not matter.

Environmental operational regulatory requirements that are over and above federal requirements should be imposed by EGLE only after deliberation to ensure a genuine need related to environmental protection exists to help protect Michigan's competitiveness as a manufacturing state. EGLE's proposed 6,000-kilogram accumulation limit for hazardous waste to VSQGs and SQGs during episodic generation events is neither required by federal regulation nor necessary for protection of the environment in Michigan. The draft requirement is out of step with requirements in other states, chips away at Michigan's competitive position, and would establish Michigan as an outlier in unnecessary hazardous waste regulation, if adopted.

The 6,000-kilogram onsite hazardous waste accumulation limit for episodic generation events should be removed from the draft Part 111 Rules and all associated guidance documents. A table with links illustrating these points is included in my written comments and demonstrates the absence of EGLE's proposed requirement in the programs of the other 38 states. It is critical that EGLE not put Michigan out of line with other states with this requirement. So, that concludes my testimony and I appreciate your consideration. Thank you for your time.

KIMBERLY TYSON: Thank you. Is there anyone like to speak in the room? Okay. Alright. So, seeing that there's no more persons in attendance that wish to speak, I will turn it over to our virtual participants.

JIM OSTROWSKI: Hi Kimberly, just for the record, there are 55 people in attendance online. When people registered, only one person indicated they wanted to make a comment at the hearing, and that was John AL Aldo Walleye, and it looks like John is not in attendance. So, John is not in attendance, as I can see here. So, if anyone else online would like to make a comment, you can click the raise hand icon on your Zoom toolbar, and that will indicate you want to make a comment and we will unmute your line. If you are on the phone and looks like we do have a couple of people on the phone, you can hit #2 on your phone, and that will indicate you would like to make a comment to us. So, we will leave it open just for a minute, Kimberly, and see if anybody wants to make a comment. You can click the raise hand icon and let us know.

Last call for anyone who wants to make a comment. Okay, there is no one that has indicated that they would like to make comment online, Kimberly. Okay. I will now close the hearing at 1:57 pm, and Ronda will now provide a closing.

RONDA BLAYER: Alright, just kind of a few housekeeping things. The formal public comment, public hearing is closed. However, you still have, as I mentioned earlier, until September 4th, close of business, to submit comments electronically or through the phone. And if you're submitting them through snail mail, you may just make sure they're postmarked by that date.

Comments, there are two ways you can submit them. Our section has went to use of an

electronic mailbox, so you may submit your comments to the mailbox noted on your screen, or you may submit them through mail at the address shown on the screen. There is no preferred way necessarily, they will both get to me.

The draft rules are available on MOAHR's website. That there is a hot link in the PowerPoint presentation, or if you just Google M-O-A-H-R Michigan, the website will come up. You will want to look at pending rule activity. There are pages and pages of pending rules, but again, you want to look for 2023-5 EQ. We do have, and continue to, maintain the Hazardous Waste Management Program Long List. We sent notices out throughout delivery to them. I would encourage you, if you are not already on this list, and you found out about this hearing in some other manner, if you want to be notified of future rule changes, statute changes, or just programmatic policy changes where we are doing mass mailings, sign up there and you will get notification when any of those activities occur in the future. You can also simply email me, and I can have you added to that list as well.

I apologize. I know the number one rule when making slides is don't use acronyms, but I can't imagine how small I would've had to make the font for the rules promulgation slide without using the acronyms. So, I know I ran through them fast when we were talking, but this is a page of acronyms that if you are so inclined to go back and look at the slides, you can see what those terms mean. And oops, let me go back. So, with that, we are done.

Again, welcome any comments that you may have by September 4th. My contact information is on there. If a question occurs to you after this hearing or when you take the information you learn back to your companies, please feel free to reach out and I'd be happy to help you understand what we're proposing. Thank you for attending.