

August 21, 2024

Ronda Blayer
Department of Environment, Great Lakes, and Energy
Materials Management Division, Hazardous Waste Section
P.O. Box 30241
Lansing, MI 48909

Submitted electronically to BlayerR@Michigan.gov

Re: Proposed Amendments to the Part 111, Hazardous Waste Management, Administrative Rules (2023-5 EQ)

Dear Ms. Blayer,

I am writing on behalf of the Michigan Manufacturers Association to provide comments on the proposed amendments to the Part 111, Hazardous Waste Management, Administrative Rules (2023-5 EQ). MMA has served manufacturers and related industries for nearly 120 years. Our membership represents approximately 1,700 manufacturers located in every corner of the state including small, medium, and large companies. Manufacturing represents Michigan's largest economic sector generating nearly 20 percent of the state gross domestic product. It drives Michigan's economy and provides livelihoods for more than 635,000 Michigan citizens and their families. Through our work, MMA and its members share a common goal to be good neighbors to the communities we support and where we work.

MMA appreciates your work on these rules and the consideration of member feedback. 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. After reviewing the proposed amendments, MMA offers the below comments regarding the proposed amendments to the Part 111 rules.

MMA applauds EGLE's creativity to update Rule 204 [R 299.9204(2)(h)(xi)] 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 with innocuous trivalent chromium compounds. The Department of Environment, Great Lakes, and Energy's (EGLE) 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.

MMA also thanks EGLE for moving to adopt the federal airbag exclusion in Rule 204 [R 299.9204(13) – (15)]. This rule will speed up the removal and proper disposal of defective airbags from motor vehicles, helping to save lives and prevent injuries.

Next, a proposal to limit on-site accumulation of hazardous waste to 6,000 kilograms (kg) for Very Small Quantity Generators (VSQGs) and Small Quantity Generators (SQGs) experiencing Episodic Waste Generation events was added to the draft in Rule 316 [R 299.9316(8)]. On behalf of the regulated community, MMA requests that EGLE remove this draft Michigan-only requirement from both the draft rule and associated guidance. While The U.S. Environmental Protection Agency (USEPA) allows states to write hazardous waste

management rules more stringent than federal requirements, it is important to note USEPA does not impose a 6,000 kg accumulation limit on VSQGs or SQGs conducting an Episodic Waste Generation event. Per 40 CFR 262.14(a)(ii) and §262.16(b)(1) in federal hazardous waste management requirements for VSQGs and SQGs respectively, the 6,000 kg 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. EGLE has not identified any Episodic Generation events that have occurred in Michigan where lack of a 6,000 kg 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 Improvements Rule (GIR) reveals that none of the other 38 states have fabricated a 6,000 kg 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 with the following Q & A from its guidance:

What if I accumulate large amounts of hazardous waste on-site due to an episodic event?

If you complied with all the conditions of the VSQG/SQG episodic event, then the quantity of the waste generated and accumulated does not matter.

https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/32/pdf/Episodic_Generation.pdf

Environmental operational regulatory requirements that are over and above federal requirements should be imposed by EGLE only after proper 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 kg accumulation limit for hazardous waste for 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 help establish Michigan as an outlier in hazardous waste regulation, if adopted. The 6,000 kg onsite hazardous waste accumulation limit for Episodic Generation events should be removed from the draft Part 111 Rules and all associated guidance documents.

For EGLE’s convenience, MMA has prepared a table with links that will demonstrate the absence of EGLE’s proposed requirement in the programs of the other 38 GIR Episodic Generation states, enabling the department to verify it for itself. It is critical that EGLE not put Michigan out of line with other states with this requirement.

State	Is There an Onsite Accumulation Limit for Episodic Generation Events?	Link to Guidance or Rule	Comments
Alabama	NO	https://adem.alabama.gov/programs/land/landforms/EpisodicGeneratorRule.pdf	

Alaska	NO	https://www.epa.gov/hwg/generators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final#epi	Alaska's hazardous waste program is administered by USEPA.
Arizona	NO	https://static.azdeq.gov/wp/hazwaste/episodic_events.pdf	
Arkansas	NO	https://www.adeq.state.ar.us/hazwaste/pdfs/HW_GeneratorsFactSheet.pdf	
California	N/A	https://dtsc.ca.gov/generator-improvements-rule/	California has not yet adopted the entire Generator Improvements Rule.
Colorado	NO	https://www.sos.state.co.us/CCR/DisplayRule.do?action=ruleinfo&ruleId=2945&deptID=16&agencyID=141&deptName=Department%20of%20Public%20Health%20and%20Environment&agencyName=Hazardous%20Materials%20and%20Waste%20Management%20Division&seriesNum=6%20CCR%201007-3%20Part%20262	The new Part 262, Subpart L, in Colorado requires generators experiencing an episodic event to comply with all of the appropriate higher level generator requirements for each month they operate at the elevated level and until all waste generated during the episodic event is transported offsite to a designated facility. See guidance: https://oitco.hylandcloud.com/CDPHERMPop/docpop/docpop.aspx?clienttype=html&docid=3217799
Connecticut	N/A	https://www.epa.gov/hwg/generators/where-hazardous-waste-generator-improvements-rule-effect	Connecticut has not yet adopted the Generator Improvements Rule.
Delaware	NO	https://dnrec.delaware.gov/waste-hazardous/management/hazardous/episodic-events/#:~:text=For%20a%20Planned%20Episodic%20Event,calendar%20days%20of%20the%20event.	

Florida	NO	https://floridadep.gov/sites/default/files/Final episodic events SOP 29Mar21 .pdf	
Georgia	NO	https://public.fastcase.com/H1P9uiW3J20SFp%2BGC%2BxLRATGdvqiT7dnAmjG9hcgwbJRryHJ0IZNhBfL4DEFjNv8fKyW6LW52zYPgnFZ60Naw%3D%3D	Effective September 28, 2017, Georgia adopts 40 CFR 262 by reference with no modifications by rule or guidance to the Episodic Generation provisions and no limit to the amount of hazardous waste that can be accumulated onsite during an Episodic Generation event.
Hawaii	NO	https://health.hawaii.gov/shwb/files/2021/06/11-262.1.pdf	Hawaii has adopted the Generator Improvements Rule with changes to subpart L, however the changes do not specify a maximum amount of hazardous waste that can be accumulated on-site during an Episodic Generation event.
Idaho	NO	https://www2.deq.idaho.gov/admin/LEIA/api/document/download/10612	
Illinois	NO	https://epa.illinois.gov/content/dam/soi/en/web/epa/topics/forms/land-forms/generator/documents/EpisodicGeneratorFactSheet.pdf	
Indiana	NO	https://www.in.gov/idem/waste/files/hw_episodic_generation_guidance.pdf	
Iowa	NO	https://www.epa.gov/hwg/generators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final#epi	Iowa's hazardous waste program is administered by USEPA.
Kansas	N/A	https://www.epa.gov/hwg/generators/where-hazardous-waste-generator-improvements-rule-effect	Kansas has not yet adopted the Generator Improvements Rule.
Kentucky	NO	https://eec.ky.gov/Environmental-Protection/Waste/hazardous-waste/HW%20Forms/Episodic%20Gen%20Fact%20Sheet.pdf	

Louisiana	NO	https://deq.louisiana.gov/assets/docs/Legal_Affairs/ERC/33v05HW.docx	
Maine	N/A	https://www.epa.gov/hwg-generators/where-hazardous-waste-generator-improvements-rule-effect	Maine has not yet adopted the Generator Improvements Rule.
Maryland	NO	https://dsd.maryland.gov/regulations/Pages/26.13.03.05-4.aspx	
Massachusetts	N/A	https://www.epa.gov/hwg-generators/where-hazardous-waste-generator-improvements-rule-effect	Massachusetts has not yet adopted the Generator Improvements Rule.
Michigan	YES	https://www.michigan.gov/egle/-/media/Project/Websites/egle/Documents/Programs/MMD/Hazardous-Waste/VSQG-Guidance.pdf	The requirement found in EGLE guidance has been proposed for addition to rule.
Minnesota	N/A	https://www.epa.gov/hwg-generators/where-hazardous-waste-generator-improvements-rule-effect	Minnesota has not yet adopted the Generator Improvements Rule.
Mississippi	NO	https://www.mdeq.ms.gov/wp-content/uploads/2018/10/5-Hazardous-Waste-Universal-Waste-RCRA-Brad-Justice.pdf	
Missouri	N/A	https://www.epa.gov/hwg-generators/where-hazardous-waste-generator-improvements-rule-effect	Missouri has not yet adopted the Generator Improvements Rule.

Montana	NO	https://deq.mt.gov/files/Land/Hazwaste/Documents/HWP/HWP%20Episodic%20Generation%20Fact%20Sheet.pdf	
Nebraska	N/A	https://www.epa.gov/hwg/enerators/where-hazardous-waste-generator-improvements-rule-effect	Nebraska has not yet adopted the Generator Improvements Rule.
Nevada	NO	https://ndep.nv.gov/uploads/land-waste-docs/FINAL_VSQG_Guide_May2021.pdf	
New Hampshire	N/A	https://www.epa.gov/hwg/enerators/where-hazardous-waste-generator-improvements-rule-effect	New Hampshire has not yet adopted the Generator Improvements Rule.
New Jersey	NO	https://www.nj.gov/dep/enforcement/docs/Episodic%20Generation%20-%20Kent%20-%2005-15-19.pdf	
New Mexico	NO	https://www.env.nm.gov/hazardous-waste/guidance-documents/#:~:text=Episodic%20Generators&text=According%20to%20the%20new%20rule,of%20notifying%20electronically%20through%20MyRCRAid.	New Mexico incorporated the Generator Improvements Rule by reference with no changes to the Episodic Waste Generation provisions and no limit to the amount of hazardous waste that can be accumulated onsite during an Episodic Generation event.
New York	N/A	https://www.epa.gov/hwg/enerators/where-hazardous-waste-generator-improvements-rule-effect	New York has not yet adopted the Generator Improvements Rule.
North Carolina	NO	https://www.deq.nc.gov/environmental-assistance-and-customer-service/esi/episodic-generation-20200623/download	
North Dakota	NO	https://deq.nd.gov/Publications/WM/HazardousWasteComplianceGuide.pdf	

Ohio	NO	https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/32/pdf/Episodic Generation.pdf	
Oklahoma	NO	https://www.deq.ok.gov/wp-content/uploads/deqmain/resources/205.pdf	Oklahoma as adopted part 262 in effect July 1, 2022 by reference with no changes to the Episodic Waste Generation provisions and no limit to the amount of hazardous waste that can be accumulated onsite during an Episodic Generation event.
Oregon	NO	https://www.oregon.gov/deq/Hazards-and-Cleanup/Documents/EpisodicFS.pdf	
Pennsylvania	NO	http://www.depgreenport.state.pa.us/elibrary/GetDocument?docId=1456143&DocName=PA%20HAZARDOUS%20WASTE%20REGULATION%20COMPLIANCE%20GUIDE%20-%20HAZARDOUS%20WASTE%20GENERATOR%20REQUIREMENTS.PDF%20%20%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e%205/21/1921	
Rhode Island	N/A	https://www.epa.gov/hwg-generators/where-hazardous-waste-generator-improvements-rule-effect	Rhode Island has not yet adopted the Generator Improvements Rule.
South Carolina	NO	https://scdhec.gov/sites/default/files/Library/Regulations/R.61-79.pdf	
South Dakota	NO	https://sdlegislature.gov/Rules/Administrative/74:28:23	

Tennessee	NO	https://publications.tnsofiles.com/rules/0400/0400-12/0400-12-01/0400-12-01-.03.20230906.pdf	
Texas	NO	https://texreg.sos.state.tx.us/public/readtac\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=30&pt=1&ch=335&rl=60	
Utah	NO	https://documents.deq.utah.gov/waste-management-and-radiation-control/hazardous-waste/DSHW-2019-001401.pdf	
Vermont	NO	https://dec.vermont.gov/sites/dec/files/wmp/HazWaste/Documents/FactSheets/Episodic%20Generation%20Fact%20Sheet%202022.pdf	
Virginia	NO	https://www.deq.virginia.gov/our-programs/land-waste/solid-hazardous-waste/hazardous-waste/hazardous-waste-requirements/episodic-generation#:~:text=Information%20and%20requirements%20for%20Episodic,the%20estimated%20quantities%20of%20hazardous	
Washington	NO	https://ecology.wa.gov/regulations-permits/reporting-requirements/dangerous-waste-reporting-requirements/notification-of-dangerous-waste/episodic-generation	
West Virginia	NO	https://dep.wv.gov/WWE/Programs/hazwaste/episodicgeneration/pages/default.aspx	

Wisconsin	NO	https://apps.dnr.wi.gov/doclink/waext/wa1872.pdf
Wyoming	NO	https://deq.wyoming.gov/shwd/inspection-and-compliance/?wpcp_link=JdTdCJTlyc291cmNIJTlyJTnBJTlyMTNmOTNjNGZmZmE1YjAwNTljNDY0ZjgzZjU3MDk0ZTclMjllMkMlMjY2Nydw50X2lkJTlyJTnBJTlyMTZzMTQyMjM3OTUwMTUyNjI3MzcyJTlyJTJDJTlybGFzdEZvbGRlciUyMiUzQSUyMjFmaG1ET21qQVBZUXFQX2c3clBZUFZyWHJ3LXNUV3JvMiUyMiUyQyUyMmZvbGRlclBhdGglMjllM0EIMjXeUl4Wm1odFJFOXRha0ZRV1ZGeFVGOW5OM0pRV1ZCV2NsaHlkeTF6VkJkeWJ6SWIYUSUzRCUzRCUyMiUyQyUyMmZvY3VzX2lkJTlyJTnBJTlyMUFzcE5ZQ0lHX2dOdVN1MjJ0Y0phUXlWxzNSROVHUEdGJTlyJTdE

Thank you for your consideration of MMA's comments. Please feel free to contact me should you need clarification or wish to discuss our input further.

Sincerely,



Caroline Liethen
 Director of Environmental and Regulation Policy, Michigan Manufacturers Association
 (O) 517-487-8543

→ amendment 13,
Public Hearing File
Draft 5

Blayer, Ronda (EGLE)

From: EGLE-MMD-HWS
Sent: Wednesday, August 28, 2024 9:10 AM
To: Blayer, Ronda (EGLE)
Subject: FW: Formal Public Comment on Proposed Revisions to MI Hazardous Waste Mgt. Rules

Good morning Ronda,

The forwarding message was received in the HWS mailbox. I did not reply to the sender, but I will if you would like me to and provide guidance on what should be included in the reply.

Thanks!

Nicole Vincent
Information Management Assistant
Hazardous Waste Section
Materials Management Division
Michigan Department of Environment, Great Lakes, and Energy
517-643-5222 | Vincentn1@Michigan.gov
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In the interest of waste reduction and efficiency, EGLE, MMD has established an electronic mailbox for submittals to the Hazardous Waste Section (HWS). The mailbox, EGLE-MMD-HWS@Michigan.gov, should be used for all submissions unless expressly directed otherwise by the HWS or as noted below. Please do not submit paper copies of documents submitted electronically, unless specifically requested.

If you need to report an environmental emergency situation, please dial the 24 hour Pollution Emergency Alert System (PEAS) at: 800-292-4706 for emergencies only.

You may contact local office staff by using [this web page link](#).

Site ID Questions and Forms may be directed to EGLE-MMD-Site-ID-Reporting@Michigan.gov

From: Robert Perreault <perreaul@oakland.edu>
Sent: Tuesday, August 27, 2024 4:08 PM
To: EGLE-MMD-HWS <EGLE-MMD-HWS@michigan.gov>
Subject: Formal Public Comment on Proposed Revisions to MI Hazardous Waste Mgt. Rules

CAUTION: This is an External email. Please send suspicious emails to abuse@michigan.gov



To whom it may concern,

I would like to express my comments and concerns regarding the proposed revisions to the administrative rules promulgated under Part 111, Hazardous Waste Management, Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451).

I am in agreement with the Michigan Manufacturers Association (MMA) statement made during the public hearing on 8/21/2024, immediately following the public meeting, to remove the Episodic Event 6,000 pound Limit for VSQG and SQG. As a SQG of hazardous waste, I agree with the objection to the limit, and suggestion to remove the 6000 pound limit, for the same reasons that were made in the MMA statement.

Respectful Regards,

Bob

Robert Perreault, MOL, CHMM
Hazardous Waste Specialist

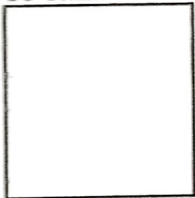
Oakland University
The Research Office
Lab Safety & Compliance Group
Graham Health Center, Room 35
408 Meadow Brook Road
Rochester, MI 48309-4452

Phone: 248-370-4956

Email: perreaul@oakland.edu

Webpage: <http://www.oakland.edu/labsafety>

Go Grizz!



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 Please consider the environment before printing this e-mail.



→ Amendment 13,
Public Hearing Feb,
Draft 5

Todd R. Rouse, Manager
Environmental Policy
Global Regulatory Development

General Motors Global Technical Center
Cole Engineering Center Podium
29427 Louis Chevrolet Road
Warrent, MI 48093-2350
Phone : 419-205-2667

September 4, 2024

Attention: Ms. Ronda Blayer
Michigan Department of Environment, Great Lakes, and Energy
Materials Management Division; Hazardous Waste Section
P.O. Box 30241, Lansing, Michigan 48909

**Submitted electronically to: EGLE-MMD-HWS@Michigan.gov and BlayerR@Michigan.gov **

RE: Administrative Rules for Hazardous Waste Management, Rule Set 2023-5 EQ

Dear Ms. Blayer:

General Motors Company (GM) is providing a comment on Rule 312 of the draft Administrative Rules for Hazardous Waste Management. We believe the following comment will help reduce duplicative work for both hazardous waste generators and for EPA Region 5.

In addition to the below comment, GM supports the Michigan Manufacturers Association comments on the draft rule that were previously submitted to EGLE on August 21, 2024.

Rule 312 (R299.9312): Reporting for large and small quantity generators

Section (4)(b) and Section (5) of Rule 312 of the draft rule require a generator to submit an exception report when a hazardous waste manifest is not received. The report must be sent to the director, or the director's designee, **and the EPA regional administrator for the region in which the generator is located.** See excerpt below from Page 157 of the draft rule:

(4) Any large quantity generator ~~who~~**that** does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter shall do both of the following:

(a) Contact the transporter or the owner or operator of the designated facility to determine the status of the hazardous waste.

(b) If the generator has not obtained confirmation that the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter, then the generator shall submit an exception report to the director, or ~~his or her~~**the director's** designee, **and the EPA regional administrator for the region in which the generator is located.** The exception report must include both of the following:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(ii) A cover letter signed by the generator, or the generator's authorized representative, explaining the efforts taken to locate the hazardous waste and the results of those efforts.

(5) Any small quantity generator ~~whethat~~ that does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter shall submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the director or ~~his or her~~ **the director's** designee and the regional administrator for the region in which the generator is located.

Michigan now has an [online form](#) to notify EGLE that a hazardous waste manifest was not received within the specified time in the rule. Through email communication with EGLE (see attached email at the bottom of this letter), EGLE indicates that when the generator uses the online form to communicate that a hazardous waste manifest was not received, there is no need for the generator to send the exception report to the EPA regional administrator as EGLE is uploading the manifests associated with the non-receipt notifications to EPA.

Therefore, GM requests that EGLE remove the requirement in the draft rule to also notify the EPA regional administrator for the region in which the generator is located from both Section (4)(b) and Section (5) of the draft rule and/or provide clarification that notification to EPA is not required if using the online form. This clarification would avoid needless duplicative work for both the generator and for EPA, whom would be receiving the same information twice.

Conclusion

GM appreciates the opportunity to provide comments for the Administrative Rules for Hazardous Waste Management, Rule Set 2023-5 EQ. If you have any questions about these comments, please reach out to Todd Rouse at todd.rouse@gm.com or 419-205-2667.

Thank you in advance for your consideration of our comments.

Sincerely,

Todd Rouse
Environmental Policy Manager
Global Public Policy
General Motors Company

Attachment

From: Hazelton, Jennifer (EGLE) <HAZELTONJ@michigan.gov>

Sent: Wednesday, August 28, 2024 1:16 PM

To:

Subject: [EXTERNAL] RE: Question on Generator Notification of Non-Receipt of Hazardous Waste

ATTENTION: This email originated from outside of GM.

Hi Julie,

You only need to submit to EGLE. EGLE is uploading the manifests associated with the non-receipt notifications to EPA.

Jennifer L.W. Hazelton
Hazardous Waste Compliance Specialist
Materials Management Division/Warren District Office
Michigan Department of Environment, Great Lakes, and Energy
248-915-1063

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