

CLIENT ALERTS

Know Your Hazardous Waste Generator Requirements

Client Alert

11.16.2023

According to the Michigan Department of Environment, Great Lakes and Energy (EGLE) Materials Management Division (MMD), they are identifying two specific violations with more frequency during inspections. The first violation involves generators exceeding the time allowed to accumulate hazardous waste on-site prior to disposal. The second violation noted is hazardous waste shipments not making it to the treatment or disposal facility within required timeframes. These violations can be avoided by knowing required timeframes and routine monitoring of compliance.

As to the accumulation period, the amount of time a hazardous waste generator can store hazardous waste on-site depends on the classification of the generator, as determined by the quantity of waste it generates. There are three classifications of generators: Very Small Quantity Generators (VSQGs), Small Quantity Generators (SQGs), and Large Quantity Generators (LQGs). A VSQG has no time limit on accumulation of hazardous waste as long as it does not exceed the thresholds of 1,000 kilograms (2,200 lbs.) of nonacute, 1 kilogram (2.2 lbs.) of acute or severely toxic, and 100 kilograms (220 lbs.) of contaminated soil, water, or other debris from clean-up of acute or severely toxic. If the VSQG exceeds these volumes, the waste may be held for no more than 90 days beginning on the date when the accumulated waste exceeded the amounts listed. A SQG must dispose of its waste within 180 days of accumulation, unless shipping over 200 miles, then it has 270 days and may never accumulate more than 6,000 kg of hazardous waste on-site at any time. A LQG must dispose of its waste within 90 days of accumulation. However, a SQG and LQG, along with universal waste handlers, may ask EGLE for an extension of the accumulation time by completing a request form and submitting it to EGLE prior to the expiration of the initial accumulation timeframe. The form can be found on the EGLE

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website and must be submitted no more than 30 days prior to the need for the extension. It is not a complicated form and could benefit a generator who may need a little extra time to find a disposal facility or to accumulate enough waste for a cost-effective waste pick up.

The other issue noted by MMD is that waste sent to treatment, storage and disposal (TSD) facilities are not always making it to the TSD timely. State and federal hazardous waste regulations require generators to complete a manifest for each hazardous waste shipment. The transporter is also required to fill out a portion of the form, as is the TSD facility that is designated to receive the waste. The TSD facility is required to return a signed copy of the final manifest to the generator within 30 days of receipt of the waste. Generators need to contact the TSD facility if they do not receive a final copy of the manifest from the TSD facility within 35 days of initial transport. If the final, signed manifest is not received within 45 days by LQGs or within 60 days by SQGs, an exception report will need to be filed with EGLE (or if not in Michigan, with EPA or state authority in that region). Failure to do so could cause complications during an EGLE MMD inspection of your facility and may result in issuance of a notice of violation.

Again, know your Part III and Resource Conservation and Recovery Act (RCRA) deadlines. A generator is responsible for its hazardous waste “cradle to grave”. If you need assistance understanding your responsibilities as a hazardous waste generator, our environmental specialists can assist you. Please contact the authors of this Alert or your Butzel attorney for more information.

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