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DEPARTMENT OF
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EXECUTIVE OFFICE




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VIA EMAIL

TO: Representative Douglas Wozniak, Chair, JCAR
Senator Paul Wojno, Alternate Chairperson, JCAR
Catherine Edwards, House Majority Policy Office
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Tim Reeves, Counsel, JCAR
Rachel Hughart, Counsel, JCAR

FROM: Sydney Hart, Legislative Liaison, Office of Legislative Affairs

DATE: February 11, 2025 

SUBJECT: Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set No. 2023-05 EQ

Rules Background

The purpose of the proposed rules is to maintain federal authorization from the United States Environmental Protection Agency to administer the state's Hazardous Waste Management Program in lieu of the federal Resource Conservation and Recovery Act of 1976, as amended by the 1984 Hazardous and Solid Waste Amendments (RCRA); to improve the overall quality of the rules in terms of consistency, clarification of existing requirements, use of plain language, 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. Proposed revisions are based on both changes to RCRA (federal revisions) and recommendations from the Department of Environment, Great Lakes, and Energy (EGLE), and the regulated community (public revisions).

Summary of Proposed Rule Changes

The federal revisions relate to the safe management of recalled airbags, pharmaceutical wastes, test method for standards to control organic emissions, modernization of the test methodology for ignitable liquids, Canadian import/export codes, and episodic events.

The public revisions pertain to exemptions from hazardous waste rules, commingling of hazardous wastes, groundwater monitoring, use of more plain language throughout the rules, and consistency within the rules and with other state programs where possible.

Stakeholder Engagement

Stakeholder engagement includes both the Hazardous Waste Management Program Short List and the Hazardous Waste Management Program Long List processes. The Short List is comprised of representatives from interest groups, business sectors, legal sectors, consulting, and major regulated entities and includes about 60 members. The purpose of the short list process is to obtain high-level conceptual input on the proposed revisions. The long list is composed of anyone who has expressed interest in the hazardous waste program and registered to be on the list such as the public and individual businesses and regulated entities and includes several thousand members. The long list process is geared towards obtaining detailed comments on the proposed revisions and is conducted in conjunction with the formal public participation process addressed in the next section. The short and long list processes are managed using list-servers.

Public Engagement and Public Hearing/Comment/Information

The public comment period was held July 23, 2024, to September 4, 2024. The public hearing was held on August 21, 2024, in the ConCon Conference Room in Constitution Hall, Lansing, Michigan. The public hearing was also available virtually. Three EGLE staff conducted the public hearing, with 59 individuals attending virtually and one individual attending in person.

One individual provided oral comments at the hearing. Written comments were received from three individuals, one of which was a duplicate of the oral comments provided at the hearing. A list of public commenters is attached.

Modifications Made Due to Public Comment

Two commenters suggested that EGLE remove the 6,000-kilogram accumulation limit for very small quantity generators and small quantity generators during episodic events that was proposed in Rule 299.9316(8). The provision has been removed from the proposed revisions.

Significant Issues Not Incorporated in the Final Proposed Rules

There are no significant issues that were brought up during the rulemaking process that did not make it into the proposed rules.

Attachment: List of Stakeholder Group Participants
List of Public Commenters

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cc/att: Phillip D. Roos, Director, EGLE
Aaron B. Keatley, Chief Deputy Director, EGLE
James Clift, Deputy Director, EGLE
Travis Boeskool, Deputy Director, EGLE
Dale Shaw, EGLE
Elizabeth M. Browne, EGLE
Tracy Kecskemeti, EGLE
Kimberly M. Tyson, EGLE
Ronda L. Blayer, EGLE

List of Stakeholder Group Participants

Name	Affiliation
Ronda Blayer	EGLE
Chuck Barbieri	Foster Swift Collins & Smith PC
Christine Grossman	EGLE
Tom Grover	Michigan State University
Elizabeth Garver	EGLE
Travis Boeskool	EGLE
J. Dimuro,	Dow
Jeff Martin	Dow
John Maher	General Motors
John Dulmes	Michigan Chemistry Council
Kellee Cobb	Superior Oil
Ken Gold	General Motors
Katherine Hammers	Honigman
LARA	LARA
Phil Roycraft	EGLE
Nick Lyon	DHHS
J. Seufert	Grand Valley State University
T.R. Wentworth	EGLE
Sharon Stahl	Gage Products
T. Zick,	CTI and Associates, Inc.
Bill Lieviense	Capital Group
Dale Shaw	EGLE
Dan Dailey	EGLE
Kimberly Tyson	EGLE
Jim Ferritto	EGLE
Jennifer Hazelton	EGLE
Alexandra Clark	EGLE
Sylwia Scott	Republic Industrial and Energy Solutions
Angela Mullins	United States Environmental Protection Agency
Caroline Liethen	Michigan Manufacturers Association
Mary Setnicar	United States Environmental Protection Agency
Eric Weiss	Vesco Oil
Brent Walter	Drug and Lab Disposal
C. Mayrand	Ford
Dave Jessup	Small Business Association of Michigan
Harold Register Jr.	Consumers Energy
John Ring	Pfizer
Maggie Tenant	Safety-Kleen
Liz Browne	EGLE
Aaron Keatley	EGLE
Amy Drumm	Michigan Retailers Association

Kathleen McGuigan	Retail Industry Leaders Association
Laura Appel	Michigan Health and Hospital Association
Brian	Michigan Pharmacists Association
Adam Novak	Michigan Health and Hospital Association
Jarrett Hale	EGLE
Sydney Hart	EGLE
Todd Zynda	EGLE
Lenny Strohm	General Motors
William C. Rogers	DTE Energy
Mary Lindsey	Michigan State University
Elizabeth Hertel	DHHS
Phil Argiroff	EGLE
Michael Allen	Ingham County Health Department
Kaylie Scheider	EGLE
Maria Edwin	EGLE
Mike Neller	EGLE
Mike Alaimo	Michigan Chamber of Commerce

List of Public Commenters

Name	Affiliation
Caroline Liethen	Michigan Manufacturers Association
Robert Perreault	Oakland University
Todd Rouse	General Motors