

Michigan Department of Environmental Quality
Waste and Hazardous Materials Division
Atrium North
PO Box 30241
Lansing Michigan 48904-7741

10/30/07

Sent via email – blayerr@michigan.gov

Dear Ms. Blayer,

Thank you for the opportunity to offer comments on the proposed hazardous waste rules 2006-065 EQ. In general, MMA is supportive of the changes which are largely intended to retain federal delegation for the hazardous waste program.

We support the change regarding universal waste, specifically the regulatory treatment of antifreeze. We also appreciate the exceptions for CRT, as we believe this will lead to greater recycling opportunities.

We do have a few concerns and questions. We are concerned about the new reporting requirements included in R299.9308 for generator reporting. The department is proposing to delete the requirement for generators to submit a biennial report and instead require generators to submit “. . . to the department all of the data necessary for the department to prepare documentation, such as Michigan’s hazardous waste report, which the department shall submit to the EPA when required.” The proposed change continues, “The data shall be provided as part of the manifests required in Parts 3 and 6 of the rules, information required in surule [spelling error in proposal] (2) of this rule, or other reporting mechanism requested by the director or his or her designee.”

In addition, R 299.9610 Reporting, includes similar language, “**or other reporting mechanism requested by the director or his or her designee.**” We request that be removed.

MMA opposes such language as it lacks specificity and increases the vagary of regulation. Moreover, the language provides the director broad authority to increase regulatory reporting, not currently contemplated in the rules. Since reporting obligations represent administrative costs for both the regulated community and department, the rules should be limited and specific in terms to the intended regulatory obligations. Such open ended requirements create regulatory uncertainty and open the door to increased administrative costs without regulatory oversight as to those specific costs. We recommend removal of that language.

On the scope of consumer electronics, we request clarification of the proposed revised definition of “consumer electronics”. Specifically, is the revision intended to include computers, printers, telephones, etc. that may be used in an office or manufacturing environment? We believe that the existing definition has encouraged recycling of electronic devices that might not otherwise have occurred and that the categories of electronics defined to be consumer electronics should be

expanded, not reduced. It is unclear whether the proposed revisions will reduce the categories of electronics currently included in the existing definition. Therefore, we request that the existing definition *not* be revised.

Definition of Hazardous Waste - R 299.9203 outlines the definition of hazardous waste. Under Rule 203(1)(c)(i) language is added that includes reference to the federal clean air act regarding fugitive dust emissions: **“or the total measured concentration of these solvents entering the headworks of the facility's wastewater treatment system, at facilities subject to regulation under parts 60, 61, or 63 of the federal clean air act or at facilities subject to an enforceable limit in a federal operating permit that minimizes fugitive emissions, is not more than 1 part per million on an average weekly basis: “** We are unclear whether this is a federal requirement for the rules or an additional state requirement for the purpose of these rules. We request that if this requirement exceeds federal hazardous waster requirements that it be removed.

Thank you for the opportunity to share our views.

Sincerely,

Michael Johnston, Director of Regulatory Affairs