

R 299.4129 Storage of solid waste in uncontained waste piles.

Rule 129. (1) Except as provided in subrule (2) of this rule, the storage of waste in a pile that is not contained **under** pursuant to R 299.4130 constitutes disposal and requires a permit or license under the act. A waste pile that is required to have a permit or license under the act shall be in compliance with the hydrogeological report, groundwater monitoring, and groundwater performance standards which are applicable to type III landfills and which are specified in part 3 of these rules.

(2) The storage of the following waste in piles before reuse or disposal does not require a permit or license under the act and these rules if the conditions specified in subrule (3) of this rule are met:

(a) Low-hazard industrial waste that is separated and stored before being returned to the original process from which the waste was generated or was being used or reused as ingredients in an industrial process to make a product, unless the materials are being stored in a manner which constitutes speculative accumulation.

(b) Low-hazard industrial waste that is stored in a waste pile which was in existence on October 8, 1993, if the pile does not expand horizontally.

(i) Starting on _____ piles existing prior to October 8, 1993 shall decrease in volume each year except as provided in R299.4129(2)(b)(ii) and (iii).

(ii) Pile volume may increase in a single year provided that within two years afterwards the size of the pile is less than before the temporary increase started.

(iii) Working storage piles may contain less than or equal to three years of generation of material unless a greater volume ~~These waste piles shall be closed according to R 299.4130(10), or in another manner approved by the department, within 5 years of the effective date of these rules, unless an alternate timeframe is~~ approved, in writing, on a case-by-case basis, by the director that considers the conditions of the site and would be protective of public health, safety, welfare, **and the environment**, would not cause the site to be in violation of parts 17, 31, or part 55, and 303 of the act, does not create a nuisance, and does not allow a new release create a facility as defined in part 201 of the act.

(iv) After all of the solid waste has been removed the piles shall be closed according to R 299.4130(10), or in another manner approved by the department.

(c) Low-hazard industrial waste that is stored for less than 60 days before being transported for disposal.

(d) Construction and demolition waste that is stored at the site of generation for less than 1 year before being transported for disposal.

(3) Owners and operators of waste piles that are specified in subrule (2) of this rule shall ensure that the unit is not in violation of parts **17**, 31, or part 55, **and 303** of the act, does not create a nuisance, **does not allow a new release create a facility as defined in part 201 of the act**, and does not result in environmental contamination after closure. **Waste piles may not be located within 200 feet of surface waters without adequate Storm Water barriers or controls.** ~~or Waste piles may not be located within 5 feet of groundwater, unless approved in writing by the director the site has been evaluated and is determined to be compliant with R 323.2204 through R323.2218.~~

Red & underlined indicates suggested additions by Steven Smock