

Lone Ranger? Waste Ranger?

The old West has
nothing on what is out
there today...



SHAM RECYCLING VS ACTUAL RECYCLING

“IS THIS FOR REAL?”

True Recyclers...

- Accept only source separated recyclable materials.
- They MAY pay for the materials, accept them at no charge, or charge a tipping fee to accept them.
- Add value to materials by sorting or processing to meet specifications of buyer or market.
- After processing, sell the materials or put to beneficial re-use.
 - Note: The curbside materials may be commingled, e.g. municipalities curbside programs.

Faux Recyclers

- Minimal or no source separation of recyclable materials.
- Charge tipping fee for wastes which contain significant amounts of mixed waste.
- Stockpile materials received with little or no processing.
- No markets for most of materials stored on-site.
- Materials accumulate until create nuisance conditions or threaten human health and safety.
- Site operators avoid responsibility for site/clean-up.

What Does the TCEQ Do With These Sites?

- Evaluation of site observations
- Obtaining information to assist in rule applications
- Documentation
- Reports and Violations
- Resolutions

Site Observations

- Walk through: Walk the whole site, not just the front or where it is “Easy”. Piles lurk in overgrown areas and under what appears to be a mound of soil.
- Photographs: Take pictures to document the site condition. Be sure to attempt to get a scale reference for size/volume of waste piles.
- Field Notes: Document in writing at the time of the investigation your observations, questions and answer to the site operators, the information or documents requested. Schematic of site layout and pile descriptions very helpful, especially on return investigations.

Documentation

- Field Notes
- Paperwork (copies) if available
- Photographs from on-site
- Statements and/or Questions/Answers

Reports & Violations

- Back at the office, compile factual detailed report of site observations and documents obtained during the investigation
- Select violations appropriate for the documentation and facts available
- Provide the site with written notice of violations

Resolution

- After the violation notice is sent, a response from the site should be provided in a timely manner.
- Once response is received, evaluate to determine if compliance has been obtained. The type of documentation which should be provided depends on the citation, however, it should include verifiable information (e.g. manifests/trip tickets for disposal; bills of sale for materials; Correspondence from Permits Division regarding authorization of activities)
- Resolution letter to site or Notice of Enforcement if compliance not obtained.

When You Go Out....

- IF you find out that the site has a permit, registration or has submitted a Notice of Intent (NOI), the site has an authorization.
 - This does not mean they are compliant.
 - It does mean that the TCEQ will take the site investigation and apply the appropriate rules to document the site is not operating as required by authorization.

When You Go Out...

(continued)

- IF they DO NOT have a permit, registration or NOI....then....
 - the site is UNAUTHORIZED
 - this means that the counties can handle in accordance with the guidance provided by HGAC for unauthorized sites, illegal disposal, etc.
 - the local government is to take the lead on these types of sites.

What Materials are Recyclable

- Wood
- Cardboard
- Shingles
- Plastic
- Grease Wastes
- Sludge
- Metals

Things that Don't Count as “non-recyclables”

- Non-recyclable components of manufactured products (e.g. automobiles, appliances, or other items that require dismantling, grinding or some other process that is not practical at the point of generation.
- Source separated recyclables that have been broken or damaged during collection, unloading, sorting; and is no longer recyclable (e.g. glass in a public collection program)

Things that Don't count continued...

- “tramp materials” that commonly accompany recyclables (e.g. glass in a metal window, nails and roofing felt attached to shingles, nails and sheetrock attached to lumber from a demolition site).
- Pallets and packaging materials.

Laws & Regulations

applicable to unauthorized sites

- Texas Health & Safety Code (THSC) 361.119
- THSC 341: Minimum STDS of Sanitation & Health Protection Measures
- THSC 343: Abatement of Public Nuisances
- THSC 365: Texas Litter Abatement Act
- Title 30 Texas Administrative Code (TAC)
Chapter 328 – Recycling
- 30 TAC 330 – Municipal Solid Waste
- 30 TAC 332 – Composting

Recycling Facility Notices

- **Permit:** is required when materials are non-source separated and contain materials which would require processing. (Direct Transfer, can take mixed unsorted wastes, sort on controlled site meeting permit standards, can recycle 10%...)
- **Registration:** is required to conduct limited processing (e.g. MRF = Materials Recovery Facility). These sites must meet documentation requirements and recycle 10%.
- **Notice of Intent:** is required for sites who claim to receive source separated materials and can route the materials at a specified rate into a legitimate recycling activity. (Must meet requirements of 30 TAC 328)

Record Keeping Requirements

- Legitimate sites will have required records
- At a minimum, a recycling facility under 30 TAC 328 is required to maintain the following:
 - (1) Material Storage Records
 - (2) Documentation of source separated incoming materials
 - (3) Fire Protection and suppression plan

Records Should Support Recycling Activities

- Each material of the same type must be counted separately in determining the amount recycled
- Records must demonstrate the amount of materials recycled and may include:
 - (a) Signed and dated receipts for the sale of specified amounts of specific processed materials; or
 - (b) Signed and dated bills of lading or shipping manifests showing specific amounts processed materials transferred to a specific site for recycling

Documentation For Source Separation

- On-site signs and written notices to customers of source separation requirements
- Records of staff training
- Documentation of loads that have been rejected for exceeding 10% incidental non-recyclable waste; and
- Documentation that incidental waste is no more than 5% of the average total scale weight or volume of all materials received in the last 6 months along with total amount of material disposed of in the last 6 months.

Questions to Ask On-Site

- How long have you been doing this at this site?
- Where do you get all of the materials on-site?
- Do you have any documents that show the amounts and sources of the materials?
- Do you have any authorization from the TCEQ?
- Do you charge for people bringing materials in?
- Do you dispose of anything?
- Do you sell anything and to whom?
- Do you own equipment to process the materials or do you rent it? Documentation of rental.

Is this Recycling?











DEC 13 2002











Is This Authorized?

(Composting examples)











FAQs

- What if:
 - Q) I can't meet the requirements for incidental wastes or storage?
 - R) Obtain a MSW permit or registration as a Type V processing facility or obtain an approval for an alternate compliance from the Executive Director.

FAQs

- Q) Who qualifies for an “alternate compliance method”?
- R) Site receive large quantity of disaster wastes; a mulching site which must accumulate a certain volume to obtain grinding services; cannot comply with limits on storage or “incidental amounts of non-recyclable wastes” without significantly hampering recycling activities.

Resources/References

- TCEQ Guidance RG-410: Requirements for Nonhazardous Recycling and Composting Facilities.
- www.tceq.state.tx.us/permitting/waste_permits/msw_permits
- www.tnrcc.state.tx.us/exec/sbea/recycling
- RG-389: Answers to Common Questions about Wastes from Grease Traps, Grit Traps, and Septic Tanks.
- RG-87: Disposal Of Grit Trap Wastes.

More References

- RG-240: Can I recycle some of my Industrial or Hazardous Waste?
- 9/8/04 version of “Guidelines for Utilizing the Source Separated Recycling Permit Exemption for Municipal Solid Waste Transfer Facilities”.
- TCEQ Form 200049: Notice of Intent to Operate a Recycling Facility.
- “The book”: *Local Control of Illegal Dumping*, by John H. Ockels, PhD. (Morris Publishing, 3212 East Highway 30, Kearney, NE 68847. 1.800.650.7888)



TCEQ TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SITE SEARCH:

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[Agency Organization Map](#)

Site Navigation

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» Questions or Comments:
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Recycling: Am I Regulated?

If you receive, process, and return to use only nonputrescible, *source-separated* recyclable materials diverted from a municipal solid waste stream, or *source-separated* nonhazardous recyclable materials from industrial sources, your facility will be exempt from permitting and registration requirements provided you comply with general requirements and certain storage, reporting, and recordkeeping requirements for [exempt recycling facilities](#).

All other facilities that *separate* recyclable

RELATED LINKS:

[Composting - Am I Regulated?](#)

[Recycling and Waste Reduction Reporting](#)

[Industrial](#)

**P o i n t s o f C o n t a c t
T C E Q
W a s t e P r o g r a m
R e g i o n 1 2 - H o u s t o n
5 4 2 5 P o l k A v e , S u i t e H
H o u s t o n , T X 7 7 0 2 3**

P h o n e D u t y L i n e : 7 1 3 . 7 6 7 . 3 6 4 1

W a s t e S e c t i o n G e n e r a l N u m b e r : 7 1 3 . 7 6 7 . 3 6 0 0

F a x L i n e : 7 1 3 . 7 6 7 . 3 6 4 6

**N i c o l e B e a l l e
W a s t e S e c t i o n M a n a g e r
7 1 3 . 7 6 7 . 3 6 2 3**

**R a m a Y a d a v
P r o g r a m C o o r d i n a t o r
7 1 3 . 7 6 7 . 3 6 3 6**

**L o r i H a y n i e
T e a m L e a d e r
7 1 3 . 7 6 7 . 3 6 2 1**

**J a s o n Y b a r r a
W o r k L e a d e r
7 1 3 . 7 6 7 . 3 6 1 5**

