



MISSOURI
DEPARTMENT OF
NATURAL RESOURCES

Resource Recovery Residue

Presented by
NICOLE EBY & JILLIAN HUNT
For MDNR, Waste Management Program
Enforcement & Engineering Sections

Resource Recovery Residue

- On March 30, 2019, the Resource Recovery regulations were rescinded, reserving rule specifications for RSMo 260.395. 13-14
- RSMo 260.395. 13-14 remains so while there are no rules, there are still statutes for resource recovery

Resource Recovery Residue

- Missouri Hazardous Waste Management statute requires facilities that use, reuse, legitimately recycle, or reclaim hazardous waste to get a resource recovery certificate.
- The statute does not have an exclusion for small amounts of hazardous waste recovery.

Federal Definition of Solid Waste in Missouri

- 10 CSR 25-4.261 Methods for Identifying Hazardous Waste amended to include the most recent federal definitions of solid waste (FR 1693, January 13, 2015 and 83 FR 24664, May 30, 2018)
 - Filed June 14, 2018
 - Effective March 30, 2019

Federal Definition of Solid Waste in Missouri

- Includes “new” Hazardous secondary materials exclusions (HSM)-
 - exclusions from the definition of solid waste for certain recycled materials
 - Many other exclusions and exemptions that have always been available still are

What Does This Mean?

- If you are reclaiming material under an exemption or exclusion from the definitions of hazardous or solid waste, you do not need a Resource Recovery Certificate
- If you are reclaiming hazardous wastes, by definition, you still need a resource recovery certificate

Larger Volumes of Resource Recovery

- Must be operating under either a Resource Recovery Certificate, or a solid waste exemption/exclusion.
- If you have a Resource Recovery Certificate, you may continue to operate as usual until the certificate expires.

Small Volumes of Resource Recovery

- No longer an exclusion for facilities that process less than 1,000 kilograms (kg) of their own hazardous waste in a calendar month
- Must notify and use HSM exclusion (or other solid waste exclusion) to continue recycling activities; or get a resource recovery certificate, unless...

Small Volumes of Resource Recovery

- Unless the facility is a Conditionally Exempt Small Quantity Generator of Hazardous Waste (CESQG)
 - Generates or accumulates 100 kg (approximately 220 pounds) or less of hazardous waste in one calendar month.
 - This amount includes hazardous waste awaiting resource recovery.

How is this impacting TSDs

- MDNR anticipates the majority of TSDs will notify MDNR and take advantage of the solid waste exclusion of hazardous secondary materials.
- Those that don't, will see the resource recovery certificate built-in to a Missouri Hazardous Waste Management Facility (MHWMF) Part I Permit.

How is MDNR Responding?

- Prepared a legislative package to remove resource recovery statute
- Learning as we go and assisting facilities as questions come up
- Extending resource recovery certificates, if appropriate
- More extensive outreach after a clear picture of legislative outcome

Recycling Hazardous Waste vs Recycling Hazardous Secondary Materials

Recycling Hazardous Waste

- Facilities may continue to recycle (reclaim) hazardous waste **under a valid resource recovery certificate** as before.
- Will still need to notify as a recycler of hazardous waste on the NORWA
 - 7. Recycler of hazardous waste (at your site) (If Yes, you must choose only one). Note: A hazardous waste permit may be required for this activity.
 - a. Recycler who stores waste prior to recycling
 - b. Recycler who does not store prior to recycling

Recycling Hazardous Waste cont.

- Generators of **hazardous waste** must continue to pay fees on the waste reclaimed on site or waste sent offsite for reclamation.
- Generators must still manage hazardous wastes generated from recycling activities as hazardous waste (e.g. still bottoms)

Recycling HSM

- Facilities must notify MDNR to qualify for the HSM exclusion.
- If operating under exclusion no Resource Recovery certificate needed.
- No hazardous waste fees on secondary materials recycled
- Must still manage hazardous wastes generated from recycling activities(e.g. still bottoms) as hazardous waste and pay fees

HSM Generator and Transfer based Exclusions

HSM exclusions

- Under the control of the generator.
- Transferred to another facility.
- Several other exclusions for specific types and management of hazardous secondary materials can be found at 40 CFR Part 261 Subpart E

Generator Controlled

- Generated and reclaimed at the same site.
- Reclaimed at another facility controlled by the same generator.
- Reclaimed under a tolling agreement with a contractor.
- Currently have 14 facilities that have notified under this exclusion

Transfer Based

- Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation
- Additional requirements for both the generator and the reclamation facility regarding transport and record keeping
- 2 generators have notified under this part

HSM Requirements

- Facility signed acknowledgments
- HSM is managed in containers and tanks in good condition.
- Material is not speculatively accumulated.
- Emergency preparedness and response
- Maintain documentation of legitimacy.
- Notification Requirements

HSM Requirements

- Emergency Preparedness and response requirements under 40 CFR Part 261 Subpart M
 - Similar to SQG requirements for facilities that accumulate less than 6000kg.
 - Similar to LQG requirements for facilities that accumulate more than 6000kg of HSM.

Legitimacy Determination

- Legitimacy criteria codified in §260.43
- All factors must be evaluated and considered as a whole

Legitimacy Determination

- Must address
 - HSM must provide a useful contribution to the process of product.
 - Process must produce a valuable product or intermediate.
 - Must be managed as a valuable commodity.

Legitimacy Determination

- Must consider if the product:
 - Contains higher concentrations of hazardous material.
 - Contains hazardous constituents not found in similar products.
 - Exhibits a hazardous characteristic not found in similar products.

Notification requirements

- Notify Via NORWA for HSM activities
<https://dnr.mo.gov/forms/780-1164-f.pdf>
- For HSM, the owner or operator does not need to submit the quarterly *Facility Summary Report, Form--MO 780-0408*, (may still be needed for other waste generation)
- Must still submit the *Generator's Hazardous Waste Summary Report, Form--MO 780-1097*, which is available on the department's website at www.dnr.mo.gov/forms/780-1097.pdf.
- Renotification required

Resource Recovery Residue Conclusions

- The HSM exclusion is voluntary but if material is considered solid waste a resource recovery certificate is still required
- If you have questions contact us. We will work through them together