

PUBLIC NOTICE  
OF  
NOTICE OF TENTATIVE DECISION  
TO GRANT A VARIANCE

The Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), is hereby giving notice of the tentative decision to grant a variance from classification as solid waste for copper rich waste water treatment sludge generated at Jarden Zinc Products, LLC, EPA. I.D. Number TND 05 398 3862, P. O. Box 1890, Greeneville, Tennessee, 37744-1890, Greene County.

This variance seeks to prevent a valuable commodity from being disposed as hazardous waste. The procedures for determining that certain hazardous material that are practically recovered and reused or further recovered prior to reuse in an industrial or commercial process will no longer be classified as waste, are provided in Tennessee Rule 1200-01-11-.01(4)(b)(3) Variances from Classification as Waste. The variance is specific for “materials that have been reclaimed, but must be reclaimed further before recovery is completed if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further.)”

Jarden is granted a tentative variance for the copper bearing wastewater treatment sludge. Jarden’s submitted information has clearly demonstrated that the material in question is a reclaimed copper rich sludge precipitated from wastewater treatment activities. It has been demonstrated that the treated sludge contains copper concentrations such that there are recoverable metallic copper concentrations normal to recovery by smelting processes. Reclamation, beyond the production of the dried metallic sludge, is necessary to reclaim the recoverable metal(s). Jarden has successfully established that there is a market and a value for the reclaimed/recycled materials. Jarden has also demonstrated that the reclaimed materials are handled so as to minimize loss and are treated as a “commodity”, rather than a waste.

Jarden has demonstrated compliance with the evaluation factor associated with the degree of processing the material has undergone and further reclamation activities, smelting, is required to complete the reclamation recycling process. Jarden has further demonstrated, through analytical analysis and documentation, that copper concentrations from the sludge are significantly greater than that found in copper ores. Jarden has successfully established “the degree to which the reclaimed material is like an analogous raw material.”

Jarden is granted this tentative variance with the following conditions:

1. Jarden continues to handle and transport the materials in a manner consistent with commodity like statues, i.e., the material will be packaged, stored, transported, and labeled in a manner that prevents loss or spills.
2. Jarden will retain documentation associated with waste characterization analysis, materials composition and specification analysis, and materials shipment number and destination confirmations. These records are to be retained at the facility for five (5) years. Jarden has recognized that failure to meet reclamation/smelting

materials specification requirements will require that the materials be subject to RCRA requirements as a hazardous F006 listed waste.

3. Jarden will retain copies of (primary broker) contracts involved in all materials transactions. These records are to be retained on site for five (5) years.
4. Jarden will inform the Division within 30 days of any changes in the process, brokers, or corporate ownership which will be evaluated by the Division as to the effect on the exclusion status.

Copies of the Variance Request, DSWM's response and the Public Notice are available for public review at the Greene County Public Library, 210 North Main Street, Greeneville, TN 37745 (423-638-5034) and during normal business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays, at the Johnson City Environmental Field Office, Public Access Area, 2305 Silverdale Road, Johnson City, TN., 37601 (423-854-5400).

Any interested person may obtain further information or submit written comments or request a public hearing on this proposal by contacting Mr. Joe Putnam, Compliance Support Section; Division of Solid Waste Management; TDEC; 5<sup>th</sup> Floor, L & C Tower, 401 Church St.; Nashville, TN 37243-1535; (615-532-0882); Fax 615 532-0886; or e-mail [Joe.Putnam@tn.gov](mailto:Joe.Putnam@tn.gov). **The comments must be received by 4:30 p.m., CDT, June 23, 2011** to assure consideration. After consideration all public comments received, the DSWM Director will issue a final decision to either grant or deny the variance.

TDEC is committed to principles of equal opportunity, equal access and affirmative action. Contact the EEO/AA Coordinator at 1-888-867-7455 or the ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Persons who wish to be on DSWM's mailing list should request a Mailing List Request form by calling or writing: Public Participation Officer; Division of Solid Waste Management; TDEC; 5<sup>th</sup> Floor, L&C Tower; 401 Church Street; Nashville, Tennessee 37243-1535; (615-532-0798) e-mail [Solid.Waste@tn.gov](mailto:Solid.Waste@tn.gov).

**Notice issued: May 24, 2011**