

DOCUMENTATION OF LEGITIMATE RECYCLING

Under the Revised Definition of Solid Waste (revision effective June 19, 2018), facilities that recycle or reclaim hazardous secondary materials must document the legitimacy of these activities under the Generator-Controlled Exclusion in part (1)(d)(xxiii) of Tennessee Rule 0400-12-01-.02 or the Transfer-Based Exclusion in part (1)(d)(xxiv) of 0400-12-01-.02. The documentation must show how the recycling meets all three of the legitimacy factors listed in part (5)(d)1 of Tennessee Rule 0400-12-01-.01 and how the legitimacy factor in part (5)(d)2 of Rule 0400-12-01-.01 was considered. Documentation must be maintained for 3 years after recycling or reclamation operations have ceased.

This template is a suggested format modified from an Environmental Protection Agency format for documenting legitimacy. A facility may choose to create an alternative format for documenting legitimate recycling.

Template and Example for Legitimacy Documentation

Provide a brief but concise narrative description describing how the hazardous secondary material (HSM) is recycled by the generator.

For example, the facility might write "spent solvents are reclaimed in an on-site distillation system in order to remove the contaminant and return the solvent back to commercial-grade."

For each of the three factors below, describe how the proposed recycling or reclamation activity appropriately meets that legitimacy factor. For the fourth factor, describe how this factor was considered regarding the product of the recycling process.

Factor 1:

How does the HSM provide a useful contribution?

- Contributes valuable ingredients to a product or intermediate
- Replaces a catalyst or carrier in the recycling process
- Is the source of a valuable constituent recovered in the recycling process
- Is recovered or regenerated by the recycling process
- Is used as an effective substitute for a commercial product

For example, the facility might write "spent solvents reclaimed on site to commercial grade are recovered or regenerated by the recycling process."

Factor 2:

How is the product or intermediate made from the HSM determined to be valuable?

- Sold to a 3rd party
- Used by the recycler or generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process
- Produces a valuable product or intermediate

Factor 3:

How is the HSM managed as a valuable commodity?

- There is an analogous raw material and the HSM is managed, at a minimum, in a manner consistent with the raw material, or in an equally protective manner
- There is no analogous raw material and the HSM is contained per 0400-12-01-.01(2)(a)

Provide a written description of how the hazardous secondary material is managed prior to being recycled:

For example, the facility would include a brief description of how the spent solvents are stored and managed prior to reclamation. The facility must manage their spent solvents before they are reclaimed in the same manner (or an equally protective manner) as the original commercial solvents.

Factor 4 (Considered):

Does the product of the recycling process:

- Contain significant concentrations of any hazardous constituent found in appendix VIII of paragraph (30) of TN Rule 0400-12-01-.02 that are not found in analogous products: or
- Contain concentrations of hazardous constituents found in appendix VII of paragraph (30) of TN Rule 0400-12-01-.02 at levels that are significantly elevated from those found in analogous products: or
- Exhibit a hazardous characteristic (as defined in paragraph (3) of TN Rule 0400-12-01-.02) that analogous products do not exhibit?

