

**SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy**

DISCLAIMER: This document is policy only and does not create legal rights or obligations. It is intended to provide the Department's Bureau of Environment staff guidance on how to apply decisions, procedures, and practices pertaining to the internal operation or actions of the division. Decisions affecting the public, including the regulated community, in any particular case will be made applying applicable laws and regulations to the specific facts.

EFFECTIVE DATE: 050521

SIGNATURES:



Lisa A. Hughey, Director, Division of Solid Waste Management
Approver



[Craig Almanza \(May 5, 2021 10:37 CDT\)](#)

Craig Almanza, Deputy Director of the Central Office, Division of Solid Waste Management
Reviewer



[Richard A. Whitson \(May 5, 2021 07:26 EDT\)](#)

Richard A. Whitson Environmental Fellow, Division of Solid Waste Management
Reviewer



[Jeremy Hooper \(May 5, 2021 07:04 CDT\)](#)

Jeremy Hooper, Environmental Consultant I, Division of Solid Waste Management
Drafter / Preparer

Table of Contents

	<u>Page</u>
SECTION 1: INTRODUCTION	3
SECTION 2: STATUTORY AND REGULATORY AUTHORITY.....	3
SECTION 3: ACRONYMS.....	6
SECTION 4: TEMPLATES.....	6
SECTION 5: FLOW CHART.....	6
SECTION 6: CENTRAL OFFICE PROCEDURES EXPLAINED.....	7
SECTION 7: FIELD OFFICE PROCEDURES EXPLAINED.....	14
SECTION 8: SITE INSPECTIONS	14
SECTION 9: STEPS FOR PROCESSING NOTIFICATION	16
Step 1 – Notification is Received via Mail and Delivered to Designated CO Distributor:	16
Step 2 – Assigning Tracking Number and Populating WasteBin:	16
Step 3 – Notification Completeness:.....	16
Step 4 – Technical Review:	17
Step 5 – Notice of Deficiency (NOD):	18
Step 6 – Final Determination:	18
Step 7 – Financial Assurance:	19
Step 8 – Notify Applicant of Determination and Upload Documents to WasteBin:	21

SECTION 1: INTRODUCTION

This standard operating procedure (SOP) addresses the processes and identifies the technical information required to implement Rule 0400-11-01-.02(1)(b)3(xxii) regarding recovered materials processing facilities. Recovered materials processing facilities (RMPF) are required to notify the Tennessee Department of Environment and Conservation (TDEC) Division of Solid Waste Management (DSWM) of their operation. This SOP provides a reference document for use in the training and orientation of staff, and to ensure this rule is applied in a consistent manner across the State. This manual also serves as a useful reference tool for experienced staff. This SOP will delineate the required steps in the process, including responsible personnel, and approximate process milestones. Additional information includes statute and rule authorization, a process flow chart, and supporting documentation (when necessary). This SOP is only intended to describe routine conditions normally encountered regarding RMPFs. Additional processes and/or irregular conditions encountered will be considered independently of this SOP. In such cases, the staff will consult with their supervisor and/or section manager.

SECTION 2: STATUTORY AND REGULATORY AUTHORITY

Tennessee Statutory Authority

T.C.A. § 68-211-101 et seq.

T.C.A. § 68-211-801 et seq.

Tennessee Regulatory Authority

Rule 0400-11-01-.02(1)(b)3(xxii)

Rule 0400-11-01-.01(2)

Rule 0400-11-01-.03

Rule 0400-11-01-.09(5)(c)

Definitions

“Recovered materials” means those materials which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation processing. Such recovered materials are not solid waste.

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

“Recovered materials processing facility” means a facility engaged solely in the storage, processing, and resale or reuse of recovered materials. A recovered materials processing facility is not a solid waste processing facility.

Rule 0400-11-01-.02(1)(b)3(xxii)

Per Rule 0400-11-01-.02(1)(b)3(xxii), recovered materials processing facilities are not subject to the requirement to have a permit so long as the conditions in the rule are met. These conditions include:

- (I) Prior to commencing operations, the owner or operator notifies the Commissioner on forms provided by the Department and completed in accordance with the instructions accompanying the forms, which include:
 - I. The facility name, owner, operator, mailing and location addresses;
 - II. The type(s) of material to be received;
 - III. The maximum storage capacity at the facility for the storage of each material identified in subitem II of this item;
 - IV. A general description of the recovered materials processing operation; and
 - V. Any information requested by the Commissioner to determine the amount of financial assurance needed, if any, pursuant to item (VII) of this subpart;
- (II) Prior to implementing a change in ownership, location, type of material received, increase in storage capacity for a material, or method of processing, the owner or operator:
 - I. Notifies the Commissioner of the proposed change by submitting updated forms in accordance with item (I) of this subpart; and
 - II. Complies with item (VII) of this subpart;
- (III) All materials arriving at the facility to be processed are recovered materials as defined in paragraph (2) of Rule 0400-11-01-.01;
- (IV) The owner or operator manages all solid waste generated as a result of recovered materials processing from the point of generation and provides for its proper management in accordance with the requirements of this chapter;
- (V) The owner or operator manages the recovered material(s) and/or product(s) produced as a valuable commodity(ies) while it is under the owner or operator’s control and minimizes:

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

- I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;
 - II. The potential for explosions or uncontrolled fires;
 - III. The potential for releases of recovered materials or process residues to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management agencies; and
 - IV. The potential for harm to the public through unauthorized or uncontrolled access;
- (VI) Upon request of the Commissioner, the owner or operator timely demonstrates, to the satisfaction of the Commissioner, that there is a viable market for the sale of, or a use or reuse of, the recovered material;
- (VII) Upon request of the Commissioner, after the Commissioner receives the initial notification pursuant to item (I) of this subpart or a change in the information pursuant to item (II) of this subpart, the owner or operator timely files with the Commissioner a financial assurance instrument that complies with subparagraph (3)(d) of Rule 0400-11-01-.03 in an amount determined by the Commissioner to be sufficient to ensure proper closure and post-closure care of the facility, after taking into consideration the potential value of the recovered materials and the cost for an independent third party to remove for proper management all of the recovered materials to be stored or processed based on the maximum extent of facility operation;
- (Note: Financial assurance will not be required for recovered materials processing facilities that are government-owned if the value of the recovered materials is more than the cost for an independent third party to remove, for proper management, all of the recovered materials to be stored or processed assuming the maximum extent of facility operation.)
- (VIII) The owner or operator maintains the records necessary to demonstrate:
- I. Compliance with items (III), (IV), and (VI) of this subpart; and
 - II. That the maximum storage capacity of the facility for the storage of each recovered material has not been exceeded; and
- (IX) If applicable, in accordance with T.C.A. 68-211-871 and subparagraph (5)(c) of Rule 0400-11-01-.09, the owner or operator submits an annual report by type of material by March 1 of each year in a manner directed by the Commissioner.

SECTION 3: ACRONYMS

CO – Central Office

CO SWP – Central Office Solid Waste Program

FA – Financial Assurance

FO – Field Office

MM – Materials Management

MMPM – Materials Management Program Manager

NOD – Notice of Deficiency

PM – Permit Manager

SWP – Solid Waste Program

SWPM – Solid Waste Program Manager

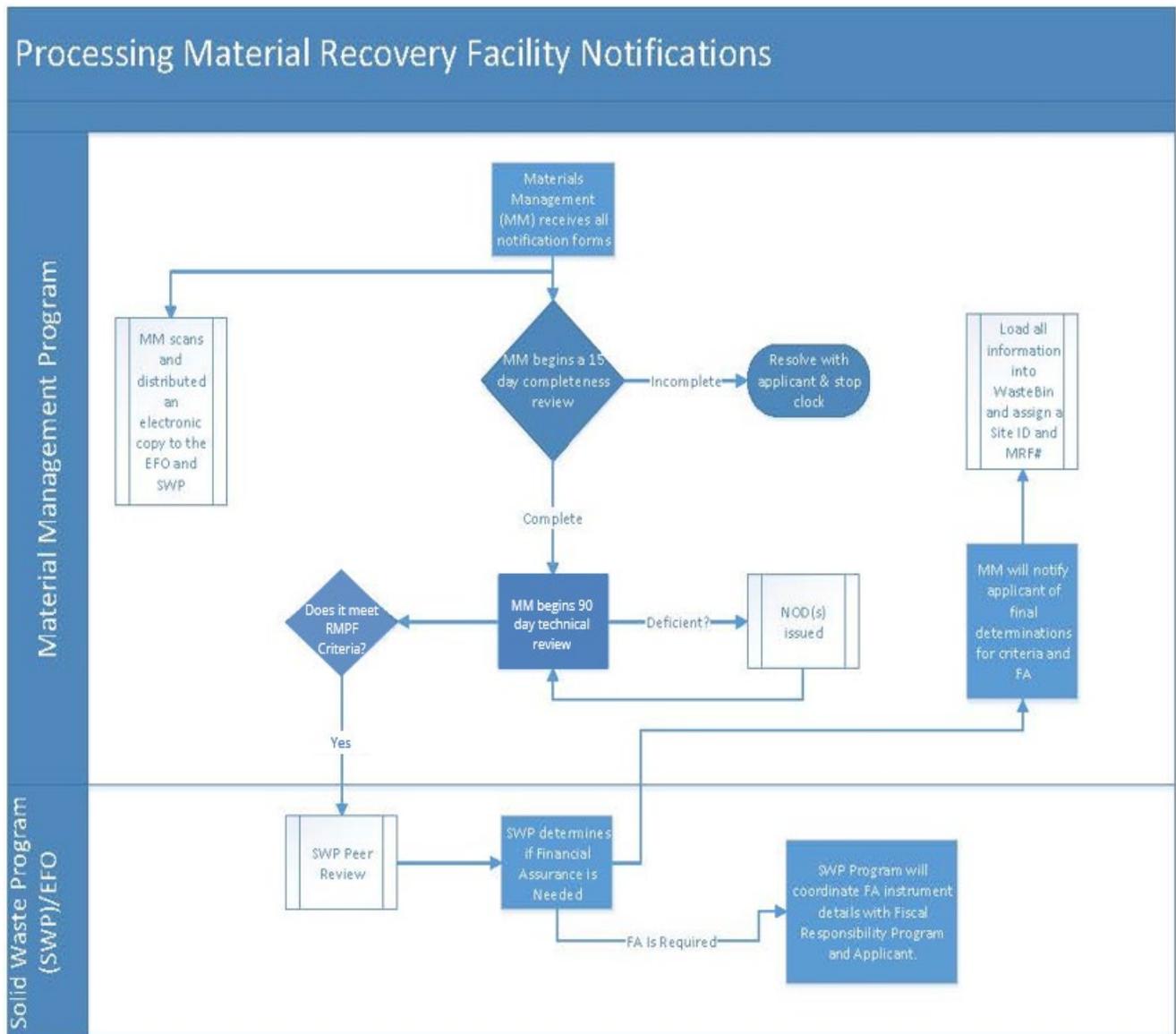
RMPF – Recovered Materials Processing Facility

SECTION 4: TEMPLATES

The Solid Waste Toolkit in WasteBin contains templates for letters and NOD structure to be utilized for all documents regarding RMPF Notification Form processing.

SECTION 5: FLOW CHART

The following section illustrates the workflow that should occur once a RMPF Notification Form has been received.



SECTION 6: CENTRAL OFFICE PROCEDURES EXPLAINED

The purpose of this section is to provide standard operating procedures for Central Office operations regarding the RMPF notification process. The Central Office includes staff from both the Materials Management and Solid Waste Programs. MM staff will hold primary responsibility for reviewing and processing notifications and inspecting (if FA is required) RMPF facilities. CO SWP staff will assist MM staff as necessary and take the lead role in reviewing and determining FA for RMPFs.

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

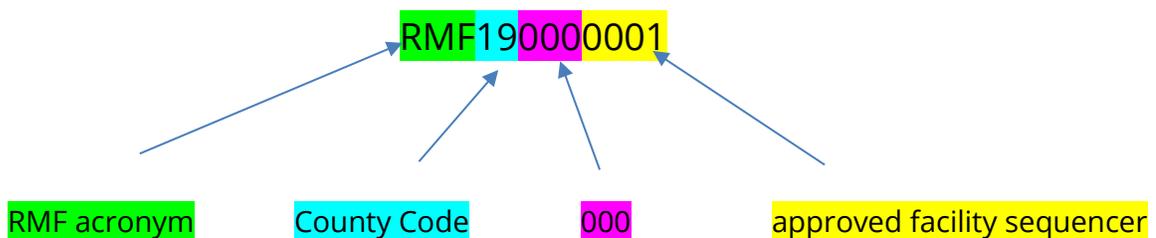
All RMPF applications are received in the Central Office on the 14th Floor. When mail from the 14th Floor is delivered to the 12th Floor, RMPF notifications are routed to the designated MM staff. The designated MM staff member will assign the notification a tracking number and upload all notification materials into WasteBin (see below for more details). After assigning a tracking number and populating WasteBin, the designated MM staff will distribute the notification and associated materials to the appropriate MM staff for review. MM staff will review the application and associated materials for completeness and technical merit. Additionally, MM staff will coordinate and conduct necessary site inspections, including FO staff, to ensure the operation meets the conditions described in Rule 0400-11-01.02(1)(xxii) as a RMPF and whether FA amounts are appropriate.

CO and FO SWP staff will provide assistance to MM as needed during the notification review process. CO SWP staff will take a lead role in the FA determination review (**see Step 7**). MM and FO staff will assist, as necessary, CO SWP staff and the Division of Financial Assurance & Business Process Improvement (hereafter referred to as Division of Financial Assurance) in determining whether FA is necessary, and, if necessary, the appropriate amount. Once the final decision is made, MM staff should prepare the appropriate acknowledgement letter to send to the applicant (**see Step 8**) and upload the final acknowledgement letter and associated materials to WasteBin.

Assigning a Notification Number

All notification numbers will begin with the acronym RMF (Recovered Material Facility). This acronym will be followed by the county code (all 95 Tennessee counties have been assigned a two digit county code; e.g., Davidson County's code is 19), three zeros (these numbers will not change; they will always be 000), and a sequential number representing the total number of RMPFs approved with this new approval (e.g., the 5th RMPF we approve will be 0005; the 6th will be 0006; the 10th will be 0010).

For example, if a notification form is received from a facility in Davidson County and it is the very first one that we have received then the notification number will be as follows:



After assigning the notification number and writing it on the notification form, the information from the form needs to be input into WasteBin (see below).

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

A few more examples:

- 1) Notification received from an operation in Rutherford County. This is the 2nd notification ever received.

RMF750000002

- 2) Notification received from an operation in Hamilton County. This is the 51st notification ever received.

RMF330000051

WasteBin Entry Procedures

Entering information in WasteBin is important as it serves as DSWM's main database. There are a few basic steps for uploading RMPF data and documents into WasteBin. These steps are found below.

To Enter a New Notification:

- 1) Find the site associated with the applicant by first navigating to the "Sites Search Page."



- 2) Try to find the existing site in WasteBin using the applicant's location, site (name of the company often) or other known attributes. If the applicant is not associated with a Tennessee address, use "out-of-state" to search for the site that groups all out-of-state applications. If the facility does not already have a "Site" associated with it, use the "Create New Site" button to create a new site.

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

The 'Search conditions' form contains the following fields and controls:

- EFO: dropdown menu with '%' selected
- County: dropdown menu with '%' selected
- Description: text input field
- Site: text input field
- Location: text input field
- City: text input field
- Latitude: text input field
- Longitude: text input field
- Comments: text input field
- Display Rows: dropdown menu with '15' selected
- SITE_ID: text input field
- Buttons: 'Clear Filter', 'Apply Filter', and 'Create New Site'

- 3) If you cannot find the Site, you will need to create one. Remember that if it's a large to medium facility or you suspect it has another TDEC permit then continue to try other searches as it's probably included under a different address or name. Partial searches are always the best way to search.
- 4) Click "Create Site"
- 5) Enter the County, Name, and Street Address and Click Create.

The 'Data entry for sites' form contains the following fields and controls:

- Buttons: 'Cancel' and 'Create'
- County: radio button selected, dropdown menu with 'Davidson' selected
- Site name: radio button selected, text input field with 'Nashville Recycling Processing Facility'
- Site Location: radio button selected, text input field with '315 Rosa L. Parks Avenue'

- 6) Click Create. Your new Site will be the last one created, it may be at the top of the list, or you may need to search for it to find the ID number. Take Note of the ID number and write it down somewhere for future reference. At this point it's a good idea to click on the Site ID number and add more info if you have it.

**SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy**

Search

General

Sites

Permits

Contacts

Documents

HazWaste Facilities

Solid Waste Facilities

Search conditions

EFO % County % Description

Site nashville rec Location

City

Latitude Longitude

Comments

Display Rows 15 SITE_ID

1 - 2

Site ID	Site Name	Location	Site Description	City	County	EFO	Latitude	Longitude	Comments
152642	Nashville Recycling Processing Facility	315 Rosa L. Parks Avenue	-	-	Davidson	Nashville	-	-	-
7494	Nashville Recycling Corp	10 Van Buren Street	-	Nashville	Davidson	Nashville	36.184444	-86.785556	-

[Export to Excel](#)

4 2

7) Having a location for the Site is always useful, use the Locator Map to deduce a Lat/Long for the location; this is also a quick way to get a postal code and to normalize the street address. Enter the Address, City and Zip if you have it in the locator and, in most cases, it will return a fairly accurate point. Click Zoom.

Before:

Locator Map

[Reset Map](#) [Map Help](#)

Click map to select lat/lon values.

Lat

Lon

Add

City

Zip

County, Watershed & Parcel

After:

Locator Map

[Reset Map](#) [Map Help](#)

Click map to select lat/lon values.

Lat

Lon

Add

City

Zip

County, Watershed & Parcel

Click Copy Data on Both Boxes to Copy the Data over to the Site Information Screen. **Then Press Apply Changes.**

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

8) Once directed to the site, or after creating a new site, find the SWM Facilities on this Site sandbox.



9) Click “Add Facility.” Doing this will take you to a table where you will enter, at minimum, the: 1) Facility ID (e.g., RMF190000001), 2) Status (e.g., operating).

Site Name	Location	County	EFO	Site ID
Nashville Recycling Processing Facility	315 Rosa L. Parks Avenue	Davidson	Nashville	152642

Form on XREF_SITES

Xref Sites Id 129525
 Division **SWM**

Epa Division Local

Primary Name Nashville Recycling Processing Facility

Registry Id

Facility Id RMF190000001

Site Id 152642

Status Operating

Updatedby BG35256

Updatedon 22-APR-20

County Davidson

City

Address 315 Rosa L. Parks Avenue

Reconciliation %

Category %

10) After filling in the above-mentioned information, click create. This will result in the RMPF appearing in the SWM Facilities at this Site sandbox (see image below).

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

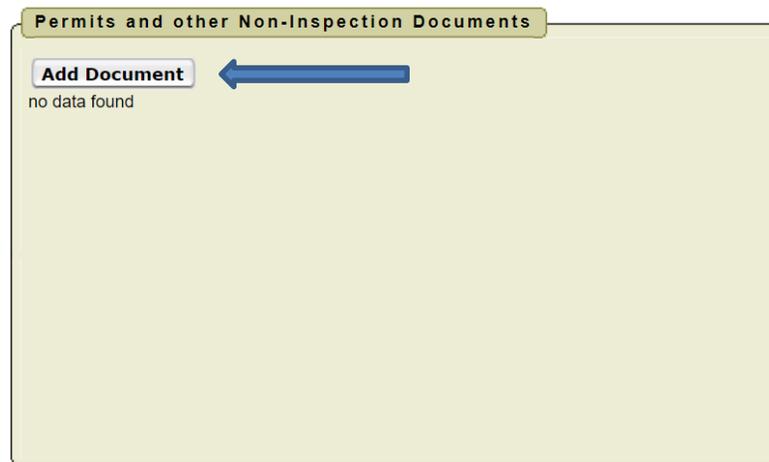
SWM Facilities on this Site

	<u>Division</u>	<u>Facility Id</u>	<u>Primary Name</u>
	SWM	RMF190000001	Nashville Recycling Processing Facility

1 - 1

Add Facility

- 11) All RMPF-related documents can now be uploaded and “attached” to both the site and facility, ensuring proper tracking and management of the RMPF’s files. To upload documents, click on “Add Document” under the “Permits and other Non-Inspection Documents” sandbox.



- 12) Clicking on “Add Document” will take you to a new table where you will first upload the document (i.e., Choose File). Once the document is uploaded (not submitted), you must provide a description (e.g., RMF190000001 Application) and select the Type of File (e.g., Application). Finally, you must select the RMPF in the Facility Id drop-down to attach the file to this particular RMPF. Now, you can click Submit.

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

Parent Site Name	Site Location	County	EFO
Nashville Recycling Processing Facility	315 Rosa L. Parks Avenue	Davidson	Nashville

SUBMIT FILE to TBL_DOCUMENTS Cancel

Site ID **152642**

Permit No. (if available) % ▾

Facility Id RMF190000001 Nashville Recycling Processing Facility ▾ ←

File Name Choose File No file chosen ←

Description / Keywords RMF190000001 ←

Outgoing or Incoming Outgoing ▾

Type of File Application ▾ ←

Author JWH ▲

Effective Date 📅

Mailed Date 📅

Response Due Date 📅

Inspection Number

Submit

SECTION 7: FIELD OFFICE PROCEDURES EXPLAINED

After processing the notification, CO staff will email and/or hard mail the notification and associated materials to the appropriate field office to ensure that they are aware of the facility/operation. MM staff will assume the lead role in reviewing the notification for completeness and technical merit; however, FO staff will assist, as needed. CO SWP staff will take a lead role in the FA determination review, though FO staff will assist CO staff as necessary, including the Division of Financial Assurance, in determining whether FA is necessary, including the amount. FO staff will handle all complaint investigations at RMPF facilities and assist MM staff as necessary with other facility inspections (see Section 8).

SECTION 8: SITE INSPECTIONS

Site inspections will **only** be conducted to 1) ensure the operation meets the conditions described in Rule 0400-11-01.02(1)(b)3(xxii) as a RMPF, 2) determine whether FA amounts are appropriate, and 3) in response to complaints received. MM staff will conduct and

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

coordinate with FO staff all site inspections, excluding complaint investigations, for which FO staff will be the lead.

Ensuring RMPF Conditions are Met

To ensure that the facility meets the conditions of a RMPF, MM staff, with assistance from FO staff as necessary, should conduct a site inspection. These inspections are to confirm whether the facility's operations are consistent with the DSWM-acknowledged notification and, thus, whether the facility meets the conditions of a RMPF. Rule 0400-11-01.02(1)(b)3(xxii)(VIII) states that the owner or operator should maintain the records necessary to demonstrate:

- I. Compliance with items (III), (IV), and (VI) of this subpart (see below for the specific language for these items) *; and
- II. That the maximum storage capacity of the facility for the storage of each recovered material has not been exceeded; and

* The following is the language for items (III), (IV) and (VI) that are referenced in Rule 0400-11-01.02(1)(b)3(xxii)(VIII) above:

(III): All materials arriving at the facility to be processed are recovered materials as defined in paragraph (2) of Rule 0400-11-01-.01;

(IV): The owner or operator manages all solid waste generated as a result of recovered materials processing from the point of generation and provides for its proper management in accordance with requirements of this chapter;

(VI): The owner or operator manages the recovered material(s) and/or product(s) produced as a valuable commodity(ies) while it is under the owner or operator's control minimizes:

- I. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;
- II. The potential for explosions or uncontrolled fires;
- III. The potential for releases of recovered materials or process residues to the environment except in a manner authorized by state and local air pollution control, water pollution control, and/or waste management agencies; and
- IV. The potential for harm to the public through unauthorized or uncontrolled access.

If the inspector notes anything with the operations that are inconsistent with the DSWM-acknowledged notification, the inspector should notify the MPPM and the designated Solid

Waste Coordinator to determine if further action is needed. Potential inconsistencies include, but are not limited to 1) the type of materials being processed, 2) the maximum storage capacity for the storage of each material being processed, and 3) the materials being processed do not meet the definition of a recovered material as defined in paragraph (2) of Rule 0400-11-01-.01. If inconsistencies are identified, potential further actions needed may include, but are not limited to: 1) requiring the facility to update their notification to resolve the inconsistencies identified, or 2) requiring the facility to obtain a Permit-by-Rule due to not meeting the definition of a RMPF.

Determining Whether FA Amounts are Appropriate

If it is determined that a facility requires FA per the rule, inspections will be conducted before the FA instrument renewal to ensure that the stored material for which the FA has been posted is still consistent in volume, content, and use as described in the original FA estimate.

Complaint Investigations

All complaints against a RMPF facility should be addressed in the same manner all other complaints are handled. FO staff will take a lead role in investigating and processing complaints, though CO staff will assist as necessary. All complaint investigations at RMPF facilities should follow standard complaint investigation operating procedures.

SECTION 9: STEPS FOR PROCESSING NOTIFICATION

Step 1 – Notification is Received via Mail and Delivered to Designated CO Distributor:

When the mail is delivered, RMPF notifications are routed to the designated MM staff. If the notification is received in the EFO, the designated MM staff should be notified and sent a copy to assign a tracking number and populate WasteBin. These same procedures should be followed if the notification is received via email.

Step 2 – Assigning Tracking Number and Populating WasteBin:

Once the designated MM staff receives the notification, they assign the notification a tracking number and transcribe all information into WasteBin. Section 5 describes this process in detail and should be followed.

Step 3 – Notification Completeness:

The designated MM staff checks the notification to determine if the applicant has completed all sections of the notification. Staff who check the notification for completeness will use the

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

RMPF Completeness Review Document (found in SW Toolkit in WasteBin) to make their determination, ensuring a standard and consistent process is followed across the State. If incomplete, staff will contact the applicant to ensure a complete notification is generated. At minimum, a letter will be sent to the applicant documenting that the notification has been determined incomplete. The letter will include, at a minimum, appropriate citation of the regulation and a brief description (and location) of the incomplete item(s). Once a complete notification is received, a letter will be sent to the applicant documenting the completeness determination and the start of the technical review. Regulations do not set a timeline in which completeness and technical reviews must be completed; however, it will be DSWM policy to complete the completeness review in 15 days and the technical review in 90 days. At the time a letter is sent to the applicant documenting an incomplete application, the 15-day clock will stop.

Step 4 – Technical Review:

The technical review is divided into two sections below. The 90-day technical review clock begins upon notifying the applicant that their notification is complete and that the technical review has begun.

- I. MM staff performs a technical review of the notification form to ensure that the required criteria per Rule 0400-11-01-.02(1)(b)3(xxii)(I) is addressed in a manner that allows staff to satisfactorily determine:
 - A. The facility name, owner, operator and mailing address and facilities’ physical location;
 - B. The type(s) of material to be received;
 - C. If the maximum storage capacity at the facility is sufficient for the storage of each material identified in item B;
 - D. A general description of the RMPF operation;
 - E. If financial assurance will be necessary (**see Step 7**).

- II. Staff will perform a technical review of the notification form and associated materials to ensure that the required criteria from paragraphs (III), (IV), (V) of Rule 0400-11-01-.02 are addressed in a manner that allows staff to satisfactorily ensure:
 - A. That all materials arriving at the facility to be processed will be recovered materials as defined in paragraph (2) of Rule 0400-11-01-.01;
 - B. That the owner or operator will manage all solid wastes generated as a result of recovered materials processing from the point of generation and provide for its proper management in accordance with the requirements of this chapter:

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

- C. That the owner or operator will manage the recovered material(s) and/or products produced as a valuable commodity(ies) while it is under the owner or operator's control and minimizes the following:
- i. The propagation, harborage, or attraction of flies, rodents, or other disease vectors;
 - ii. The potential for explosions of uncontrolled fires;
 - iii. The potential for releases of recovered materials or process residues to the environment except in a manner authorized by state and local air pollution control, water pollution control and/or waste management agencies; and
 - iv. The potential for harm to the public through unauthorized or uncontrolled access.

** If the reviewer determines that additional information is needed for Step 4, see Step 5 regarding Notice of Deficiency (NOD) below. If the reviewer determines that the application materials are sufficient to make a final determination, go to Step 6.

Step 5 – Notice of Deficiency (NOD):

If the reviewer (i.e., MM staff member) determines that additional information is needed to complete Step 4, a NOD will be sent to the applicant. All NODs will be sent in letter format, for which templates can be found in the SW Toolkit in WasteBin. The NOD will include all deficiencies identified; staff will minimize, to the extent possible, the number of NOD letters required to resolve deficiencies. The NOD must include the appropriate citation of the regulation, a brief description (and location) of the deficient item(s), and a description of why the information/data in the permit application fails to adequately address the regulatory requirement/standard. The NOD must be technically, statutorily, regulatorily, and grammatically correct such that no revisions are necessary. Regulations do not set a timeline in which completeness and technical reviews must be completed; however, it will be DSWM policy to complete the technical review in 90 days following the notice of completeness. At the time a NOD letter is sent to the applicant, the 90-day clock will stop until a response is received. Once the response to the NOD is received, the reviewer should go back through Step 4 to ensure the updated responses received provide sufficient responses to the criteria identified in Step 4.

Step 6 – Final Determination:

The review can result in three (3) outcomes (i.e., 1a, 1b, and 2):

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

- 1) The operation as described in the notification form and associated materials **meets the criteria** of a RMPF found in Rule 0400-11-01-.02(1)(b)3(xxii). If this is the case, **see “Meets the Criteria for a RMPF” below**.
 - a. FA is required (**see Step 7**)
 - b. FA is not required (**see Step 7**)

- 2) The operation as described in the notification form and associated materials **does not meet** the criteria of a RMPF found in Rule 0400-11-01-.02(1)(b)3(xxii). If this is the case, **see “Does not Meet the Criteria for a RMPF” below**.

Meets the Criteria for a RMPF:

If the reviewer determines the notification meets the criteria of a RMPF, the reviewer will send a memo to the MPPM and SWPM or PM with their determination. The reviewer should be prepared to provide appropriate citations of the regulation and a description of why the proposed facility meets the criteria for a RMPF. Prior to sending a determination letter, the reviewer will work with CO staff and Division of Financial Assurance to determine whether financial assurance is required (**see Step 7**). Once the FA determination is made, MM staff will send the appropriate determination letter (**see Step 8**).

Does Not Meet the Criteria for a RMPF:

If the reviewer determines that the operation listed in the application does not meet the criteria of a RMPF, the reviewer will discuss their findings with CO SWPM or PM, explaining how they made their determination. The reviewer should be prepared to provide appropriate citations of the regulation and a description of why the proposed facility does not meet the criteria for a RMPF. The decision must be technically, statutorily, and regulatorily based. If the facility does not meet the criteria of a RMPF, **move to Step 8**.

Step 7 – Financial Assurance:

Per Rule 0400-11-01-.02(1)(b)3(xxii)(VI), the owner or operator must demonstrate, to the satisfaction of the Commissioner, that there is a viable market for the sale of, or a use or reuse of, the recovered material. As such, if it is unclear whether FA is needed, the reviewer will request that the owner or operator timely demonstrate any viable markets that exist for the sale of, or a use or reuse of, the recovered material. This information must also state what value that market dictates for the individual material. Below are sections that describe when FA is and is not required. After it is determined whether FA is required, **move to Step 8**.

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

When FA is required:

Financial assurance **will be** required for a RMPF if the value of the recovered materials is **less than** the cost for an independent third party to remove for proper management all of the recovered materials to be stored or processed based on the maximum extent of the facility operation. The financial assurance requirements must take into consideration the amounts and types of materials stored and processed at the facility, and the potential closure and post-closure costs associated with the facility. The financial assurance must consist of posting of a surety bond or other instrument in accordance with Rule 0400-11-01-.03(3)(d) in an amount sufficient to meet these requirements.

To determine the amount of FA necessary, the SWP CO reviewer(s) will use the Financial Assurance Worksheet for RMPFs (found in the SW Toolkit in WasteBin). This worksheet uses the maximum storage capacity of the facility, the cost of transporting the material to a disposal or management site, associated tipping fees or surcharges and contingency fees required for a third part independent contractor to remove for proper management all of the recovered materials to be stored or processed.

If, after review of the owner or operator's demonstration regarding viable markets for the sale of, or use or reuse of, the recovered material, it is determined that FA is required, the reviewer will work with CO SWP staff to determine the amount necessary. The CO SWP will also coordinate to the extent necessary with the Division of Financial Assurance on the appropriate amount of FA. The reviewer must then inform the owner or operator, in an official letter on state letterhead that FA is required, including the amount determined.

When FA is not required:

Financial assurance **will not be** required if the RMPF is government-owned or if the value of the recovered materials is **more than** the cost for an independent third party to remove for proper management all of the recovered materials to be stored or processed assuming the maximum extent of facility operation.

For example, facilities that only collect, recover, process, or otherwise recycle scrap metal, processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal where the value of the recovered materials is more than the cost for an independent third party to remove the recovered materials do not have post financial assurance. Facilities that only process traditional household post-consumer recyclables either from curbside collection or source-separated drop-off locations where the value of the recovered materials is more than the cost for an independent third party to remove the recovered materials also do not have post financial assurance.

SWM-SWP-P-141-Recovered Materials Processing Facility Notifications-050521
Standard Operating Procedure (SOP) for Processing Recovered Materials Processing Facility
Notifications-Policy

Facilities that do not meet the definition of a recovered materials processing facility will not be required to post financial assurance.

Step 8 – Notify Applicant of Determination and Upload Documents to WasteBin:

Once the final determination is made, including whether or not FA is required, and the SWPM has had the opportunity to review the final decision, MM staff should prepare the appropriate acknowledgement letter to send to the applicant (Determination letter templates can be found in the SW toolkit in WasteBin). Please note that staff must ensure the FA has been received and approved by the Division of Financial Assurance prior to sending the determination letter. There are three (3) possible determination letters that are possible after a complete RMPF evaluation has been made: 1) Approved as a RMPF with FA, 2) Approved as a RMPF without FA, and 3) Denied as a RMPF. The determination letter will be, at a minimum, signed by the MPPM. The final signed determination letter will then be e-mailed and/or hard copy mailed to the applicant.

After sending the final acknowledgement letter to the applicant, the letter and any other pertinent information must be uploaded to WasteBin per the instructions found in Section 5. All tracking logs (CO and FO) will be updated to reflect that the final determination has been made and delivered to the applicant.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	050521	Initial