



# Texas Commission on Environmental Quality

## Notice of Intent (NOI) to Operate a Municipal Solid Waste Recycling Facility

### General Instructions

You must submit this form and all applicable attachments (see enclosed Attachment Requirements) to the Texas Commission on Environmental Quality (TCEQ) if you intend to operate a recycling facility under Title 30 of the Texas Administrative Code (30 TAC) §§328.4 and 328.5, 328.181, or a composting or mulching operation authorized under 30 TAC §332.3 (d)(1) or (3).

You may be exempt from the requirement to obtain this authorization.<sup>1</sup> Please review the details in 30 TAC §§328.4(a) and 328.5(a) to determine if you meet one of the following exemptions.

- a city or county government, a state agency, an agency of the federal government
- a smelter of recyclable metal or a secondary metals recycler affiliated with a smelter
- a recycling facility associated with a TCEQ permitted landfill
- in some cases, a facility that does not charge to accept the recyclable material

If your facility is located in Bexar County, produces mulch or compost, and is exempt under 30 TAC §§328.4(a) and 328.5(a), you are required to submit only Attachment E.

If your facility is located in Bexar County, produces mulch or compost, but is **not** exempt under 30 TAC §§328.4(a) and 328.5(a), you are required to submit this form, including Attachment E.

Authorization to operate under this NOI is limited to facilities that process source separated recyclable material that does not include more than incidental amounts of non-recyclable waste and that recycle or transfer at least 50 percent of each type of material stored at the beginning of each 6 month period by the end of that period. Facilities are not authorized to accept putrescible material except as allowed for composting facilities under 30 TAC §332.3(d)(1). If your facility will receive more than incidental amounts of non-recyclable waste or requires more time to recycle, you may request alternative compliance by submitting an Alternative Compliance Demonstration (see Attachment G requirements).

### Recordkeeping

Please be aware that you must comply with the recordkeeping requirements found in 30 TAC §328.5(f) or 30 TAC §328.193. Please see the **Recordkeeping Section** on the TCEQ website, Recycling: Am I Regulated <[www.tceq.texas.gov/permitting/waste\\_permits/msw\\_permits/MSW\\_amIregulatedrecycling.html](http://www.tceq.texas.gov/permitting/waste_permits/msw_permits/MSW_amIregulatedrecycling.html)> for example tracking tables that may be used to demonstrate compliance with limits on incidental waste, requirements related to the amount of material recycled or transferred for recycling, and the requirement to take non-recyclable waste to an authorized solid waste facility within one week of acceptance.

### Changes to Existing Facility

Once you are authorized to operate, you must notify the TCEQ of any updates or changes in facility operations. You may provide written notice of a specific change by letter or by submitting a revised NOI form. The executive director (ED) may require that a revised NOI form be

<sup>1</sup> Recyclers of covered television equipment are not exempt from 30 TAC §§328.4(a) and 328.5(a).

submitted based on the extent of changes. The notification must be provided within 90 days of the effective date of the change. The following are examples of changes requiring this notification.

- **Notice of Change to Facility Operation** – A change in operation or other change from the way the facility was originally authorized.
- **Notice of Facility Expansion** – The facility operation and/or area will be expanded.
- **Notice of Closure Activity** – The facility will be closing in accordance with 30 TAC §328.5(e) and the operator will relinquish the authorization.

### **Delinquent Fees**

Although there are no fees required when submitting an NOI form, the TCEQ will verify existing customer information in the agency’s records to determine if there are delinquent fees owed for other agency applications. A notification will not be acknowledged until all fees or penalties with an outstanding balance of \$25 or more are paid or current. For more information on the TCEQ delinquent fee and penalty policy, please visit the TCEQ Delinquent Fee Protocol Web page. <<https://www.tceq.texas.gov/agency/financial/fees/delin>> If you have questions regarding the new protocol, please contact the TCEQ Financial Administration Division, at 512-239-0300

### **Facility Closure**

At the time of closure, the Owner/Operator must collect and transport all processed and unprocessed materials to an authorized facility for disposition. Closure must be completed within 180 days following the most recent acceptance of processed or unprocessed materials unless otherwise approved or directed in writing by the ED.

### **Facility Information**

Check whichever applies:

New Facility

Existing Facility      MSW Facility ID No.:

#### **1. Facility Name**

Provide the name of the recycling, composting, or mulching facility (should be same as “Regulated Entity Name” on Core Data Form):

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#### **2. Facility Owner/Operator**

In addition to the NOI form, a completed Core Data Form for the Owner/Operator must be submitted for all new facilities. For an existing facility, the Core Data Form only needs to be submitted if there are changes to the Customer or Regulated Entity information. The Core Data Form and instructions can be found at the following Internet link:

[http://www.tceq.texas.gov/permitting/central\\_registry/guidance.html](http://www.tceq.texas.gov/permitting/central_registry/guidance.html)

#### **3. Property Owner**

Check whichever applies:

The facility Owner/Operator is the same entity that owns the property.

The facility Owner/Operator is a different entity than the property owner.  
(Attach a separate Core Data Form for the Property Owner.)

#### 4. Contact Person

Identify the person to be contacted about the completed form and the facility.

Name (required): \_\_\_\_\_

Title: \_\_\_\_\_

Phone Number (required): \_\_\_\_\_

e-Mail Address: \_\_\_\_\_

#### 5. Directions

Provide directions to the site from the nearest, major intersection (e.g., state highway):

#### 6. Brief Description of the Property

County in which the facility is located:

Provide a brief description of the property to be used for recycling activities (e.g. the number of acres, legal description, drawing of the boundary metes and bounds, etc.).

#### 7. Combustible Materials

The facility will manage combustible materials:  Yes  No

If "Yes", the facility is required to maintain a fire prevention and suppression plan in the facility records. The plan must also be made available to the local fire prevention authority having jurisdiction over the facility for review and coordination.

The facility will store combustible materials outdoors:  Yes  No

If "Yes", the facility is required to establish and maintain financial assurance for closure of facility. (see Attachment D requirements)

#### 8. Attachments

Please indicate with an (X) in the table below which attachments are being submitted with this form. The following requirements apply:

- a. **All facilities** must submit the applicable Core Data Form(s) and Attachments A-C
- b. If combustible material will be stored outdoors, Attachment D is also required.
- c. If you are located in Bexar County and produce mulch or compost, Attachment E is also required.
- d. For a facility that recycles covered television equipment, Attachment F is also required.
- e. For an Alternative Compliance request, Attachment G is also required.

<b>List of Submitted Attachments</b>	<b>(X)</b>
1. Core Data Form for Operator	
2. Core Data Form for Owner (if different)	
3. Attachment A – Map of Site Location	
4. Attachment B – Description of Storage and Recycling Operations	
5. Attachment C – Identification of Markets for Processed Materials	
6. Attachment D – Cost Estimates for Financial Assurance	
8. Attachment E – Bexar County Mulch or Compost Facility	
9. Attachment F – Covered Television Equipment Recycling Facility	
9. Attachment G – Alternative Compliance Demonstration	

**9. Submittal**

Submit the original NOI form, attachments, and any tables prior to commencing operations. If combustible material will be stored outdoors or if the ED determines that the facility poses a significant risk to public health and safety, a cost estimate for financial assurance must be submitted at least 90 days prior to receiving materials and a signed financial assurance mechanism must be provided prior to receipt of materials. If your facility is located in Bexar County and produces mulch or compost, you are required to submit this form at least 90 days prior to commencing new operations.

**Submit to:** Municipal Solid Waste Permits Section MC 124  
Texas Commission on Environmental Quality  
P. O. Box 13087  
Austin, Texas 78711-3087

**Owner/Operator’s Certification Statements**

The following statements must be signed and submitted with the NOI form.

I certify that closure will be completed within 180 days following the most recent acceptance of processed or unprocessed materials and that all processed and unprocessed materials will be collected and transported to an authorized facility for disposition.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of Owner/Operator: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

# Attachment Requirements

## Attachment A – Map of Site Location

Indicate the site location on a city or county roadway map with the site outlined and labeled. Please ensure that roads are clearly identified and that a scale and north arrow is included.

## Attachment B – Description of Storage and Recycling Operations

Identify the operation below (Options 1-4) that is the most similar to your facility and then provide a full description of your facility. Describe the facility including:

- a list of each type of material to be accepted for recycling;
- any storage of materials prior to recycling; and
- how each type of material will be recycled.

The NOI form and submitted information will be evaluated to determine if the operation meets the requirements for authorization by notice and whether financial assurance will be required before the facility may receive material. The TCEQ will issue an authorization number and letter acknowledging that the agency has been properly notified.

- **Option 1: Recycling Facility** – The facility will receive “incidental amounts of non-recyclable waste” accompanying the recyclable material. See the definition of “incidental amounts of non-recyclable waste” in 30 TAC §328.2(3).
- **Option 2. Composting Facility for Source Separated Yard Trimmings, Clean Wood Material, Vegetative Material, Paper, and Manure** – The facility will be an exempt composting operation that is authorized under 30 TAC §332.3(d)(1)(A) – exempt from facility notification, registration, and permit requirements, but subject to the requirements of 30 TAC §§328.4 and 328.5.
- **Option 3. Composting Facility for Source Separated Industrial Materials Including Clean Wood Material, Vegetative Material, Paper, Manure (Including Paunch Manure), and Yard Trimmings** – The facility will be an exempt composting operation that is authorized under 30 TAC §332.3(d)(1)(B) – exempt from facility notification, registration, and permit requirements, but subject to the requirements of 30 TAC §§328.4 and 328.5.
- **Option 4. Mulching Facility** – **The facility will be an exempt mulching operation that is authorized under 30 TAC §332.3(d)(3)** – exempt from facility notification, registration, and permit requirements, but subject to the requirements of 30 TAC §§328.4 and 328.5.

## Attachment C – Identification of Markets for Processed Materials

For each type of material that will be accumulated or stored, include documentation to show that it is potentially recyclable. Examples of specific types of acceptable evidence to substantiate that a type of material is potentially recyclable and has an economically feasible means of being recycled include published market indexes for a particular material and region, sales receipts or price quotations from buyers, and evidence of the recycler’s ability to process the material to market specifications.

## **Attachment D – Cost Estimates for Financial Assurance**

An owner or operator of a recycling facility that stores combustible material outdoors shall provide a written cost estimate, in current dollars, showing the cost of hiring a third party to close the facility by disposition of all the processed and unprocessed materials in accordance with all applicable regulations. Please refer to TCEQ Publication, **Guidelines for Complying with Financial Assurance Requirements for Recycling, Composting, and Mulching Facilities**, at the following Internet link:

[http://www.tceq.texas.gov/assets/public/permitting/waste/msw/recycling\\_fa\\_guide.pdf](http://www.tceq.texas.gov/assets/public/permitting/waste/msw/recycling_fa_guide.pdf)

If a third-party quote is used for cost estimates, please include a statement confirming that the owner or operator of the facility and the third party providing the quote are not affiliated. Two entities are considered to be affiliated if at least one of them owns or controls at least 20% of the voting interest, fair market value, profits, proceeds, or capital gains of the other.

## **Attachment E – Bexar County Mulch or Compost Facility**

Facilities located in Bexar County that produce mulch or compost are required to comply with 30 TAC §328.4(g) and to provide the following information.

- If you are going to keep track of material by volume instead of by weight to demonstrate compliance with how long materials may be stored, you must specify an appropriate conversion factor to convert volumes of incoming material to equivalent volumes of outgoing material.
- Specify the maximum amount of unprocessed and processed combustible material that will be stored at the facility.
- Specify the maximum number of piles of combustible materials that will be located at the facility.

Please review 30 TAC §328.4(g) for requirements related to how long materials may be stored, how much material may be stored, how much time you have to process material and to what size, limits on pile sizes, limits on number of piles, fire lanes, buffer zones, facilities located in a recharge or transition zone of the Edwards Aquifer, and record keeping.

You may request alternative compliance to store material for more time or to take longer to process material than the limits specified in the rules. For alternative storage time limits, provide a technical justification for why additional time is needed and specify how much time is needed. For alternative processing time limits, describe the circumstances that make it impractical to grind materials within 90 days of receipt and specify how much time is needed.

## Attachment F – Covered Television Equipment Recycling Facility

In accordance with [30 TAC §328.181 \(relating to Recycler Responsibilities\)](#), a person who is engaged in the business of recycling covered television equipment must register with the agency and certify that they are in compliance with the standards adopted under 30 TAC §328.193 (relating to Management of Collected Television Equipment).

For the purpose of this authorization, a television recycler is defined in 30 TAC §328.165(6) as:

“A person who separates collected equipment and refurbishes that equipment for reuse, or processes equipment to be returned to use in the form of raw materials or products. The term does not include an entity that solely collects or sorts television equipment prior to shipment for recycling.”

**Note:** If your business only collects or sorts television equipment prior to shipment for recycling, Attachment F requirements do not apply to your NOI request.

### Submit the following certification statement:

Facility Name: \_\_\_\_\_

MSW Facility ID No: \_\_\_\_\_

"I certify that **(insert name of person who is engaged in the business of recycling covered television equipment in this state)** is in compliance with the standards adopted under Title 30 of the Texas Administrative Code §328.193 (relating to Management of Collected Television Equipment). I certify under penalty of law that this document and any attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Signature of Recycler: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### Additional requirements:

- TV recyclers must maintain a written log of the weight or volume of TVs received and their disposition (i.e. sent to another recycler, sold as refurbished equipment, etc.).
- Beginning January 31, 2014, TV recyclers must annually report the total weight or volume of TVs received, recycled, and disposed of in the preceding calendar year. The agency will provide a report form for facilities to submit.
- Beginning January 31, 2014, TV recyclers must annually renew their registration and compliance certification. Facilities will be able to meet this requirement with their annual report submittal. An updated NOI form will not be required.

For more information regarding the Television Equipment Recycling Program, please visit [www.TexasRecyclesTVs.org](http://www.TexasRecyclesTVs.org) or call the TCEQ's Pollution Prevention and Education Section at 512-239-3143.

## **Attachment G – Alternative Compliance Demonstration**

For an Owner/Operator who may not be able to comply with the limits on amounts of incidental waste received (30 TAC §328.2(3)) or the accumulation time limits (30 TAC §328.4(b)(2) and (3)), an Alternative Compliance Demonstration must be included with the NOI form. Requests for Alternative Compliance must be approved by the ED before a facility may operate under alternative requirements. Requests for alternative compliance will be evaluated on a case-by-case basis in accordance with 30 TAC §§328.4(c), (e) and (f).

### **All operators requesting alternative compliance must respond to Items 1 thru 5 below:**

1. Identify the desired activity from the descriptions below.
  - **Exceed Incidental Amounts** (Despite efforts to reduce incidental waste, the limits specified in the rule cannot be met.)
  - **Exceed Accumulation Time Limit** (Circumstances do not allow recycling or transfer of accumulated material within required time limits.)
2. What is the prevalence of the practice on an industry-wide basis, or on the basis of other similar facilities recycling the same kind of material?
3. Provide reasons why alternative compliance would be protective of the environment and human health and safety.
4. Provide any other relevant information in support of the alternative compliance request.
5. Describe why you cannot comply with the limits on amounts of incidental waste received or the accumulation time limits.

### **Requests to exceed incidental amounts must address applicable Items 6 thru 10:**

6. What alternative maximum percentage, by volume or scale weight, of each incoming load, will be non-recyclable waste? What alternative maximum percentage, by volume or scale weight of materials received in each six-month period, will be non-recyclable waste?
7. If applicable, specify the maximum amount of, and reasons for, unavoidable damage to incoming material during collection, unloading, and sorting that renders the material unmarketable.
8. If applicable, explain why data on tramp or damaged materials cannot be separated from data on other non-recyclable waste.
9. Describe the efforts made in the operation to maintain and enforce source separation. Identify any limitations on the ability to maintain and enforce source-separation at the facility.
10. How will waste be disposed? What is the maximum amount of time between receiving the waste and disposal?

### **Requests to exceed accumulation time limits must address Items 11 and 12:**

11. Describe the circumstances that limit the facility's ability to comply with the material turnover percentage requirements specified in 30 TAC §328.4(b) and what alternative turnover rate is being requested.
12. If applicable, provide the volume needed in order to obtain grinding service and the estimated maximum length of time needed to accumulate that volume.