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Texas Commission on Environmental Quality

CHECKLIST WORKSHEET

MSW RECYCLING

Reg Ent Name : _____

Date : _____

Add ID _____

Investigator Name _____

Item No	Description	Answer	Citations	Notes
	SECTION A: BACKGROUND			
1	What materials are accepted for recycling?			
2	Who is the generator(s) of the material accepted for recycling?			
3	Who is the transporter(s) of the material accepted for recycling?			
4	Who is the recycled material sold to and/or how is it put to beneficial use?			
	SECTION B: FACILITIES EXEMPT FROM §328.4 a §328.5			
5	Is the facility exempt from registration and permitting requirements under Chapter 330 and the limitations on storage of recyclable materials in §328.4(b) -(f) and the Reporting and Recordkeeping requirements of §328.5 (b) - (h) because:			
5A	the owner or operator of the facility a local government or an agency of the state or federal government?			
5B	the facility receives >50% of material from generators not affiliated with the facility and receives no financial compensation to accept the material and can show the material is potentially recyclable and has an economic means of being recycled?			
5C	the facility is owned or operated by, or affiliated with (as defined in 328.2(1)), a person holding a permit to dispose of municipal solid waste?			
5D	The facility smelts recyclable metals or is it a secondary metals recycling facility as defined in 328.2(5) that is affiliated with a smelter of recyclable materials and has demonstrated that the primary function of the facility is to process material with a resale value greater than the cost of processing and all solid waste generated from processing is properly disposed?			
6	If the answer to any of questions 5A-5D is yes, Sections 328.4 and 328.5 do not apply. Skip the remainder of the checklist.			
	SECTION C: NOTICE REQUIRED			
7	Does the facility serve as a collection and processing point for only non-putrescible source-separated recyclable material (as defined in §328.2(6)), or for mulching or composting f only source-separated recyclable material?			
8	If the answer to question 7 is yes, has the facility submitted a notice of intent to recycle on a form provided by the executive director?		328.5(b)	

CHECKLIST WORKSHEET

MSW RECYCLING (Cont)

9	If the answer to question 7 is no and the facility is not subject to registration as a used scrap tire site or a used oil filter storage or processing facility, has a permit or registration application been submitted for storage and processing activities under 330.7 or 330.9?			
10	Has the owner or operator of the facility that collects/processes non-putrescible source-separated material reported on a form provided by the agency:			
10A	prior to the commencement of new operations		328.5(b)	
10B	the types of materials accepted for recycling		328.5(b)(1)	
10C	any storage of materials prior to recycling		328.5(b)(2)	
10D	how the material will be recycled		328.5(b)(3)	
10E	any updates or changes to information contained in the report within 90 days for the change		328.5(b)(4)	
	SECTION D: RECORDKEEPING			
11	Does the facility maintain all records necessary to show:			
11A	Compliance with the requirements of 328.4 (demonstration that the material is recyclable and economically feasible to recycle, recyclable material turnover rate, percentage of non-recyclable material received, etc.)?		328.5(f)	
11B	Reasonable efforts to maintain source separation of materials received?		328.5(f)(2)	
11C	Records documenting notice to customers of source-separation requirements?		328.5(f)(2)(A)	
11D	Records documenting training of staff in the inspection of incoming loads to ensure that they contain no more than 10% incidental non-recyclable waste?		328.5(f)(2)(B)	
11E	Documentation of loads rejected for exceeding 10% incidental non-recyclable waste?		328.5(f)(2)(C)	
11F	Documentation that incidental non-recyclable waste constitutes no more than 5% of the average total scale weight or volume of all materials received in the last six months?		328.5(f)(2)(D)	
11G	Proof of financial assurance sufficient to cover all closure costs?		328.5(f)(3)	
12	Provide an estimation of the volume of unprocessed material and processed material stored at the site. Indicate the methods used to make this estimation (facility records verified to be accurate and/or direct measurement, estimation of volume, use of aerial photos or legal property descriptions, etc.)			
13	Does the owner or operator make records available upon request to agents or employees of the executive director or of local governments with jurisdiction over the property?		328.5(g)	
14	Does the owner or operator of a facility that manages combustible materials have a fire prevention and suppression plan that is made available to local fire prevention authorities for review and coordination?		328.5(h)	
15	Did you contact the local fire authorities to determine if they are aware of the plan and if they have reviewed it?			

CHECKLIST WORKSHEET

MSW RECYCLING (Cont)

16	If the facility stores combustible materials outdoors or poses a significant risk to public health and safety as determined by the executive director, did the owner or operator provide a written cost estimate for the disposition of all processed and unprocessed material by a third party?		328.5(c) 328.5(c)(1)	
17	Was the closure cost estimate submitted at least 90 days prior to receipt of materials for new facilities or by January 3, 2005 for existing facilities?		328.5(c)(1)	
	SECTION E: LIMITATIONS ON STORAGE			
18	Has the facility demonstrated that the material it is accumulating is potentially recyclable and has an economically feasible means of being recycled?		328.4(b)(1)	
19	Does the facility maintain all records necessary to demonstrate that within 270 days after the commencement of a new facility, the amount of each material recycled or transferred to a different site for recycling, equals 25% by weight or volume of the materials accumulated 90 days from the date of commencement of a new facility's operation?		328.5(f)(1)	
20	Within 270 days after commencement of operations at a new facility, has the facility either recycled or transferred to a different site for recycling (as defined in 328.2(3)), at least 25% by weight or volume of the material accumulated 90 days from the commencement of operations?		328.4(b)(2)	
21	Does the facility maintain all records necessary to demonstrate that during each 6 month period, the facility either recycles or transfers to a different site for recycling, at least 50% by weight or volume of material accumulated at the beginning of the period?		328.5(f)(1)	
22	During each 6 month period, does the facility either recycle or transfer to a different site for recycling, at least 50% by weight or volume of material accumulated at the beginning of the period?		328.4(b)(3)	
23	In calculating the percentage of turnover each 6 month period, are the percentage limits applied to each material of the same type?		328.4(b)(3)(A)	
24	Are materials not included in the percentage turnover calculations contained, covered or otherwise managed to protect them from degradation, contamination or loss of value as recyclable material?		328.4(b)(3)(B)	
25	Have materials from mulching and composting facilities that are not included in the percentage turnover calculations been ground for use as mulch, or compost, or prepared and placed in a windrow, static pile or vessel for composting?		328.4(b)(3)(B)(i)	
26	Have materials for other recycling facilities that are not included in the percentage turnover calculations been processed for recycling as defined in §328.2(4)?		328.4(b)(3)(B)(ii)	
27	Has the facility been granted approval of an application for alternative compliance with the standards in the definition of "incidental amount(s) of non-recyclable waste as defined in §328.2(3) or with the storage limitations in §328.4(b)?			

CHECKLIST WORKSHEET

MSW RECYCLING (Cont)

28	Has the executive director requested in writing that the recycling facility obtain a permit or registration as a municipal solid waste facility under Chapter 330 due to failure to comply with the requirements of §328.4?			
29	If the facility processes recyclable material that contains more than incidental amounts of non-recyclable wastes and is not approved for alternative compliance, has it obtained a permit or registration under Chapter 330?			
30	If the answer to question 28 or 29 is yes, is the facility operating without a required permit or registration?		330.7(a)	