



Guidelines for Utilizing the Source-Separated Recycling Permit Exemption for Municipal Solid Waste Transfer Facilities

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Introduction

This document provides information for owners and operators of municipal solid waste (MSW) Type V transfer facilities (transfer stations) seeking to utilize the “source-separated recycling permit exemption” under [Title 30 Texas Administrative Code \(30 TAC\), Chapter 330, Section \(§\) 330.9](#) (relating to Registration Required). It explains what the exemption is, what is needed to qualify, and how owners or operators of facilities may apply for and utilize the exemption. Several examples are also presented. Terms used in this document have the meanings assigned by [Texas Health and Safety Code, Chapter 361](#), and 30 TAC Chapters [328](#), [330](#), and [332](#).

What is the Source-Separated Recycling Permit Exemption?

The source-separated recycling permit exemption, described in [30 TAC §330.9\(e\)](#), allows qualifying MSW transfer facilities to operate under a registration instead of a permit. It was established by a rule amendment, published in the April 9, 2004, issue of the *Texas Register*, volume 29, pages 3634-3640. This provision to operate under a registration instead of a permit is distinct from other provisions for registration of a transfer facility based on the population of the area served, waste acceptance rate, and location within a permitted facility ([30 TAC §330.9\(b\)](#)).

What Are the Basic Eligibility Requirements for the Exemption?

Materials Recovery

30 TAC [§330.9\(e\)](#) allows owners and operators of MSW Type V transfer facilities to register their operations instead of permitting them, provided:

- The transfer facility recovers 10 percent or more by weight or weight equivalent of the incoming waste stream for reuse or recycling;
- Incoming waste has already been reduced by at least 10 percent through a source-separation recycling program; or
- The transfer facility owner and/or operator also operate(s) one or more source-separation recycling programs in the county where the transfer facility is located and those source-separation recycling programs manage a total weight or weight equivalent of recyclable materials equal to 10 percent or more by weight or weight equivalent of the total incoming waste stream to all transfer facilities that the person owns or operates under the exemption.

Distance to Landfill

The owner or operator of the transfer facility must demonstrate in the registration application that it will transfer the remaining nonrecyclable waste to a landfill not more than 50 miles from the facility.

What Other Requirements Apply to a Facility Operating under the Exemption?

Operational Requirements

A Type V transfer facility operating under the exemption must comply with applicable operational requirements for MSW storage and processing units detail in 30 TAC Chapter 330, [Subchapter E](#).

Documentation (Recordkeeping)

After transfer facility operations commence, documentation of the recycling or recovery of at least 10 percent of waste material from the waste stream (at the transfer facility, and/or by the source-separation recycling program(s)), must be annually updated and maintained at the transfer facility for records inspection. Failure to maintain the standard of at least 10 percent recovery of materials shall be grounds for revocation of the registration.

Reporting

A Type V transfer facility operating under the exemption must also provide reports in accordance with 30 TAC [§330.671\(b\)\(3\)](#).

Recycling and Composting Facilities

All recycling and composting facilities must comply with applicable requirements of 30 TAC [Chapter 328](#) (Waste Minimization and Recycling) and [Chapter 332](#) (Composting), as well as all other applicable laws and regulations, including maintaining records to demonstrate that the materials recovered (including compost derived from those materials) were reused or recycled.

How May Owners or Operators of Facilities Apply for and Utilize the Exemption?

Owners or operators wishing to utilize the exemption must register their facilities in accordance with 30 TAC Chapter 330, [Subchapter B](#) (relating to Permit and Registration Application Procedures).

An applicant must demonstrate in a registration application the methods that will be used to measure amounts of waste and recycled materials handled and to assure and document that the recycling requirement is achieved. The procedures and methods should be contained in the Site Operating Plan (SOP) or placed in a Recycling Plan as an attachment to the SOP. Owners or operators of existing registered facilities may modify the facility SOP pursuant to 30 TAC Chapter 305, [§305.70](#), to include the methods and procedures needed to utilize the exemption, provided there is no increase in the daily maximum limit of waste acceptance. The modification may be pursued as a notice modification under [§305.70\(l\)](#). If there is an increase in the daily maximum limit of waste acceptance, then the owner or operator must apply for a new registration pursuant to [§305.70\(c\)](#).

Contents of an Application

In addition to the information required by 30 TAC Chapter 330, [Subchapter B](#) (relating to Permit and Registration Application Procedures), and [30 TAC §305.70](#) (relating to Municipal Solid Waste Permit and Registration Modifications), an application must include:

For all facilities:

- The estimated total amount of waste to be received by the transfer facility in an average month.

For operations that will recover recyclable materials at the transfer facility:

- A description of the materials that the facility intends to recover from the incoming waste stream at the transfer facility, and the estimated percentage of those materials in that waste stream;
- The design features, equipment, and processes that will be employed to recover an amount of targeted materials equivalent to at least 10 percent of the incoming waste that has not already been reduced by at least 10 percent through source-separation recycling programs within the service area of the facility; and
- The procedures that will be used to measure and document the types and amounts of materials recovered at the facility.

For operations that will reduce waste at its source through source-separation recycling:

- The procedures to document the sources of the waste;
- The procedures that will be used to measure the amount of incoming waste that has already been reduced by at least 10 percent through source-separation recycling programs within the service area of the facility; and
- The procedures that will be used to measure and document the types, sources, and amounts of material reused or recycled through the source-separation recycling programs within the service area of the facility.

For facilities by owners and/or operators that also operate source-separation recycling programs in the county where the transfer facility is located:

- The procedures that will be used to identify and document the source-separation recycling programs operated by the owner or operator of the exempt facility in the same county as the exempt facility;
- The procedures that will be used to document the types and sources of materials managed for reuse or recycling by the source-separation recycling programs operated by the owner or operator of the exempt facility in the same county as the exempt facility; and
- The procedures that will be used to measure and document that those source-separation recycling programs manage a total weight or weight equivalent of recyclable materials equal to 10 percent or more (by weight or weight equivalent) of the total incoming waste stream to all transfer facilities to which the exemption is being applied.

Required Recordkeeping

After transfer facility operations commence under the source-separated recycling permit exemption, documentation of recycling or recovery of 10 percent of waste material from the waste stream must be annually updated and maintained at the transfer facility for inspection.

A facility must maintain the following documentation for the past calendar year or fiscal year, and make these records available to agency personnel at all times during its regular business hours:

- Business records showing the total amount of waste incoming to the transfer facility;

- Business records showing the total amount of waste transferred from the transfer facility to a disposal facility;
- Business records showing the amount of incoming waste that had previously been reduced by at least 10 percent through source-separation recycling programs operated within the service area of the facility;
- Signed, dated statements from the operator(s) of the source-separation recycling program(s) within the service area of the transfer facility showing the amount of material recovered from that waste stream for reuse or recycling; and
- Business records of the operator(s) of the source-separation recycling program(s) showing the types and amounts of recovered materials transferred to recycling companies or end users of the material.

Acceptable business records may include a facility’s formal business accounts, ledger entries, and similar records. If requested by agency personnel, original or copied invoices and receipts must be produced to verify these records. All documentation of amounts of waste and recyclable materials must be maintained consistently for each material in either short tons or cubic yards. If this is not possible, standard Environmental Protection Agency volume-to-weight conversion factors may be applied to determine a facility’s compliance with the requirements of its permit exemption.

Failure to maintain the standard of at least 10 percent recovery of materials shall be grounds for revocation of the registration.

Examples

Example 1. A facility expects to receive 1,600 tons of municipal solid waste (MSW) in an average month from a combination of sources:

- 500 tons of waste per month from residential customers in an area served by a curbside source-separation recycling program that recycles approximately 20 percent (by weight) of the total waste generated;
- 100 tons of waste per month from a company that conducts its own source-separation recycling program that recycles approximately 50 percent (by weight) of the total waste generated by the company; and
- 1,000 tons of waste per month from other sources, including residential customers not served by a curbside recycling program, containing the following estimated percentages (by weight) of recyclable materials:

Yard trimmings	15 %
Clean wood	5 %
Appliances & other scrap metals	5 %

Total targeted recoverable material	25 %

The facility gatehouse personnel will question customers and act as spotters to identify targeted recyclable materials in incoming loads. Loads containing significant amounts of targeted materials will be directed to a clearly marked material recovery area to off-load these materials. Facility staff in this area will assist customers in the placement of yard trimmings and clean wood in an area where they will be loaded into containers and taken to a compost facility for

processing. The finished compost product will be sold to the public or used as mulch on the landscaped areas of city parks. Air-conditioning units, refrigerators, and freezers will be placed in a 40 cubic yard roll-off container for transport to a local secondary metal recycler, after refrigerants have been recovered by trained personnel in compliance with state and federal law.

The recovery rate for this facility is calculated as follows:

1600	Tons of waste received per month
- 500	Tons of waste per month already reduced by at least 10 percent by weight through a curbside recycling program
= 1100	Tons of waste per month
- 100	Tons of waste per month already reduced by at least 10 percent by weight through a private recycling program
= 1000	Tons of waste per month remaining subject to the requirement to recover 10 percent or more of the waste for reuse or recycling

From this remaining quantity, the facility is able to recover the following amounts of targeted materials:

Yard trimmings	115 tons	(11.5 %)
Clean wood	2 tons	(0.2 %)
Appliances & other scrap metals	3 tons	(0.3 %)
Total material recovered	120 tons	(12.0 %)

The 120 tons recovered for reuse or recycling represents 120/1000, or 12 percent of the incoming waste stream that still needed to be reduced by at least 10 percent. The required records were kept and are available for inspection, enabling the facility to demonstrate that it met its obligation.

Example 2. A facility expects to receive 5,000 tons of municipal solid waste (MSW) in an average month from a combination of residential and commercial customers.

The owner or operator of this facility also operates a curbside, source-separation recycling program in the same county in which the transfer facility is located, but not necessarily within any part of the area served by the exempt transfer station. The curbside recycling program takes in about 300 tons of glass and plastic bottles, metals cans, and newspapers that are sold to a recycling company, and 500 tons of yard trimmings that are taken to a compost facility where they are processed. The finished compost is used in mulching of landscape in and around municipal facilities, given free to customers of the waste service operator, and the rest sold to others.

The 300 + 500 = 800 tons of materials taken in by the curbside recycling program and sold to a recycler or delivered to a compost facility (and compost used) represents 800/5000, or 16 percent (by weight) of the waste stream incoming to the exempt transfer facility. The required records were kept and are available for inspection, enabling the facility to demonstrate that it met its obligation.