



Department of  
**Environment &  
Conservation**

# Special Waste

## Division of Solid Waste Management

# Reasons for Special Waste Guidance

- Identifies wastes requiring evaluations to decrease the potential of hazardous waste being disposed of in a solid waste disposal facility [TCA 68-211-102(b)]
- Provide guidance identifying wastes that are special wastes
- Provide statewide consistency

# Special Waste Guidance

- **The Division worked with the Chamber to develop the Special Waste Guidance that was finalized on May 13, 2016.**
- **The Division is currently working with the Chamber to make some changes to the Special Waste Guidance.**

# Overview of the Guidance

- Based on the statutory mandate [TCA 68-211-102(b)] and regulation [Rule 0400-11-01-.01(4)(c)1], a list of **special waste categories** was developed identifying wastes that could meet a hazardous waste listing definition.

# Overview of the Guidance (continued)

- Based on the regulatory definition [Rule 0400-11-01-.01(2)], a list of **special waste characteristics** was developed identifying wastes as **special wastes** that are difficult or dangerous to manage and those wastes that need conditional approvals.

# Focus on Special Waste Evaluations

**In the last year the Division trained staff on the review of special waste applications and recertifications.**

**The generator, receiving facility, Division and citizens benefit from complete and defensible records for special waste approvals.**

# Common Deficiencies

- **Examples of missing or inadequate attachments to characterize the waste –**
  - **Safety Data Sheets**
  - **Analytical data**
  - **If the generator is making the hazardous waste determination based on the generator's knowledge of materials and processes rather than on laboratory analyses, records adequately documenting the basis for the generator's knowledge determination are required under Hazardous Waste Rule 0400-12-01-.03(5)(a)3.**

# Common Deficiencies

- **Inadequate description of the waste**
- **Inadequate description of the process generating the waste including the materials that are used in the process – Flow process diagrams are very helpful and sometimes necessary**



# Procedural Clarifications

Rule 0400-11-01-.01(4)(c)1 states in part: *This application shall include ..... the amounts of and frequencies such solid waste is to be managed at the facility ..... and an identification of the facility which such person wants to handle his waste ... and any additional information needed by the Commissioner to clarify the application.*

Based on the regulation and the need to evaluate each designated facility's ability to manage the waste, staff were reminded that an individual special waste application needs to be submitted for each facility the generator designated to manage their solid waste. This does affect previously issued approvals.

# Procedural Clarifications

Rule 0400-11-01-.01(4)(c)4(i) states in part: ***Every three years, recertify the accuracy of the information on a form ..... certifying that there has been no change in the waste stream or the process generating the waste since the original special waste approval.***

Rule 0400-11-01-.01(4)(c)4(ii)(I) states in part: ***Originals of such recertification forms shall be submitted to the offsite processing or disposal facility that receives the waste stream and .....***

Based on the regulations, an individual special waste recertification needs to be submitted for each facility that the generator wants to maintain approval to manage the generator's solid waste.

# Procedural Clarifications

*Rule 0400-11-01-.01(4)(c)6 states: A request from a special waste generator to transfer special waste approval from one facility to another permitted facility does not require a new waste evaluation nor an application review fee.*

Transfer requests will be processed without fees, but the approval for the previously approved facility will be withdrawn. This is for consistency going forward with requirement of Rule 0400-11-.01(4)(c)1. One application for each designated facility

# Example of How Something Can go Wrong

- **Company generates waste from mechanically cutting stainless steel pipe that did NOT exhibit a characteristic of toxicity (TCLP) and was disposed of as a special waste.**
- **Company started using a plasma torch in addition to the mechanical device to cut stainless steel pipe and mixed these wastes and disposed of them as a special waste.**
- **Division staff conducted a HW inspection and requested HW determination documentation for the plasma torch waste. TCLP test documented that the waste exhibited a characteristic of toxicity but was disposed of as a special waste. This led to many violations.**

# Special Waste

**QUESTIONS?**

**COMMENTS**