

SWM-SWP-P-141 - Special Waste Evaluations – DRAFT - MM/DD/YY
Standard Operating Procedure (SOP) for Special Waste Evaluations - Policy

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EFFECTIVE DATE: MM/DD/YY

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SECTION 1: INTRODUCTION

This Standard Operating Procedure (SOP) provides the special waste evaluation procedures for Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management (DSWM), employees to assist in the processing, reviewing, documenting, and evaluating special waste applications/recertifications for waste disposal in a Class I II, III, or IV Tennessee permitted disposal facility and processing at a Tennessee permitted solid waste processing facility. Statutory and regulatory authorities are provided in Section 2. This SOP is only intended to describe routine conditions normally encountered with the special waste evaluation process. Additional processes and/or irregular conditions that could be involved with special waste evaluations will be considered independently of this SOP. In such cases, the staff will consult with their supervisor, section manager and, as necessary, Environmental Fellow and upper management.

SECTION 2: STATUTORY AND REGULATORY AUTHORITY

Tennessee Statutory Authority

T.C.A. §§ 68-211-101, et seq.
T.C.A. §§ 68-212-101, et seq.

Tennessee Regulatory Authority

The following Rule citations listed below and in this guidance were effective on the Effective Date of this policy and could be amended on a later date and would apply.

Rule 0400-11-01-.01(2) states in part:

.....

“Special Wastes” are solid wastes that are either difficult or dangerous to manage and may include sludges, bulky wastes, pesticide wastes, medical wastes, industrial wastes, HWs which are not subject to regulations under Rules 0400-12-01-.03 through 0400-12-01-.07, liquid wastes, friable asbestos wastes, and combustion wastes.

.....

Rule 0400-11-01-.01(3) states:

Classification of Disposal Facilities

- (a) Class I Disposal Facility refers to a sanitary landfill which serves a municipal, institutional, and/or rural population and is used or to be used for disposal of domestic wastes, commercial wastes, institutional wastes, municipal solid wastes, bulky wastes, landscaping and land clearing wastes, industrial wastes, construction/demolition wastes, farming wastes, shredded automotive tires, dead animals, and special wastes.*
- (b) Class II Disposal Facility refers to a landfill which receives waste which is generated by one or more industrial or manufacturing plants and is used or to be used for the disposal of solid waste generated by such plants, which may include industrial wastes, commercial wastes, institutional wastes, farming wastes, bulky wastes, landscaping and land clearing*

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wastes, construction/demolition wastes, and shredded automotive tires. Additionally, a Class II disposal facility may also serve as a monofill for ash disposal from the incineration of municipal solid waste.

(c) *Class III Disposal Facility refers to a landfill which is used or to be used for the disposal of farming wastes, landscaping and land clearing wastes, demolition/construction waste, shredded automotive tires, and/or certain wastes having similar characteristics and approved in writing by the Department.*

(d) *Class IV Disposal Facility refers to a landfill which is used or to be used for the disposal of demolition/construction wastes, shredded automotive tires, and certain wastes having similar characteristics and approved in writing by the Department.*

Rule 0400-11-01-.01(4)(a) states:

Applicability - The procedures and other requirements of this paragraph shall apply only to all permitted Class I, Class II, Class III and Class IV disposal facilities and all permitted solid waste processing facilities.

Rule 0400-11-01-.01(4)(b) states:

General Requirement - Except as may be specifically allowed in the permit, an operator may not accept for processing or disposal at his facility any special waste unless and until specifically approved to do so in writing by the Department. Facilities shall not process or dispose of special waste for which approval by the Department has expired. Special waste generators shall not send off-site to processing or disposal facilities special waste for which approval by the Department has expired, unless the facility has specific authority in the permit to accept such waste.

Rule 0400-11-01-.01(4)(c)1 states:

Persons who generate and wish to process or dispose of a special waste must make application to the Commissioner for waste evaluation. Also such persons who generate and wish to process or dispose of sludges, bulky wastes, pesticide wastes, medical wastes, industrial wastes, HWs which are not subject to regulations under Rules 0400-12-01-.03 through 0400-12-01-.07, liquid wastes, friable asbestos wastes, and combustion wastes, must make application to the Commissioner for waste evaluation unless the Commissioner determines such is not necessary. Such application must be on a form provided by the Department and completed according to the accompanying instructions. This application shall include, but not necessarily be limited to, a chemical and physical description of the solid waste, the amounts of and frequencies such solid waste is to be managed at the facility, a description of the processes or operations generating the waste, 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.

Rule 0400-11-01-.01(4)(c)2 states:

Applications shall be evaluated by the Commissioner upon receipt. If it is determined by the Commissioner that the facility can safely and effectively manage the special waste, considering the nature of the special waste and the design and operation of the facility, the Commissioner shall notify the applicant in writing (with a copy to the facility operator) of his approval. If the Commissioner determines that the facility cannot so manage the special waste, he will notify the applicant (with a copy to the operator) in writing of his denial.

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Rule 0400-11-01-.01(4)(c)3 states:

The Commissioner may inspect special waste generators as authorized at TCA 68-211-102(b) and take waste samples as deemed necessary to evaluate special waste or potential special waste.

Rule 0400-11-01-.01(4)(c)4 states:

Persons who generate and have special waste processed or disposed of at an off-site facility must:

- (i) Every three years, recertify the accuracy of the information on a form provided by the Department, thereby certifying that there has been no change in the waste stream or the process generating the waste since the original special waste approval was granted by the Department, and*
- (ii) Submit all recertifications as required by subpart (i) of this part as follows:*
 - (I) Originals of such recertification forms shall be submitted to the offsite processing or disposal facility that receives the waste stream and copies to the Department at the address indicated on the forms;*
 - (II) Recertifications shall be submitted by July 1 of the third year from the original approval or the last recertification; and*
 - (III) All special waste approvals will expire on July 1 of the third year from approval if not recertified as provided herein.*
- (iii) If a change in the waste stream or the process generating the waste has occurred since the original special waste approval was granted, the generator (applicant) shall submit a new special waste request to the Department.*

Rule 0400-11-01-.01(4)(d) states:

Conditional Approval

- 1. In his approval, the Commissioner shall specify those management conditions which he deems necessary to prevent or minimize potential adverse impacts to public health, and the environment in order to promote safe and efficient facility operation. Failure to meet the required management conditions is unlawful disposal under the Act.*
- 2. The Commissioner may require the operator to keep records on the receipt and management of certain special wastes. The operator shall keep copies of special waste approvals by the Department which the facility has accepted into the landfill and all recertifications submitted by generators of such waste.*

Rule 0400-11-01-.02(2)(b)1(i)(XIII) states regarding solid waste processing facilities:

Ensure that special wastes are not received, unless:

- I. Such receipt has been specifically approved in writing by the Commissioner, and*
- II. Special procedures and/or equipment are utilized to adequately confine and segregate the special wastes;*

Rule 0400-11-01-.04(2)(k)2 states:

Liquid wastes.

- (i) Bulk or non-containerized liquid waste may not be placed in disposal facilities/units unless:*

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- (I) *The waste is domestic waste; or*
- (II) *The waste is leachate or gas condensate derived from the disposal facilities/units which are designed with a liner and leachate collection system.*
- (ii) *Containers holding liquid waste may not be placed in disposal facilities/units unless:*
 - (I) *The container is a small container similar in size to that normally found in domestic waste;*
 - (II) *The container is designed to hold liquids for use other than storage; or*
 - (III) *The waste is domestic waste.*

Rule 0400-12-01-.03(1)(b) states:

Hazardous Waste Determination and recordkeeping [40 CFR 262.11]

A person who generates a solid waste, as defined in subparagraph (1)(b) of Rule 0400-12-01-.02, must make an accurate determination as to whether that waste is a HW in order to ensure wastes are properly managed according to applicable HW management regulations. A HW determination is made using the following steps:

- 1. The HW determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the HW management regulatory classification of the waste may change.*
- 2. A person must determine whether the solid waste is excluded from regulation under subparagraph (1)(d) of Rule 0400-12-01-.02.*
- 3. If the waste is not excluded under subparagraph (1)(d) of Rule 0400-12-01-.02, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under paragraph (4) of Rule 0400-12-01-.02. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information. If the waste is listed, the person may file a delisting petition under 40 CFR 260.20 and 260.22 to demonstrate to the EPA Administrator that the waste from this particular site or operation is not a HW.*
- 4. The person then must determine whether the waste exhibits one or more hazardous characteristics as identified in paragraph (3) of Rule 0400-12-01-.02 by following the procedures in subpart (i) or (ii) of this part, or a combination of both.*
 - (i) The person must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste. Acceptable knowledge may include process knowledge (e.g., information about chemical feedstocks and other inputs to the production process); knowledge of products, by-products, and intermediates produced by the manufacturing process; chemical or physical characterization of wastes; information on the chemical and physical properties of the chemicals used or produced by the process or otherwise contained in the waste; testing that illustrates the properties of the waste; or other reliable and relevant information about the properties of the waste or its constituents. A test other than a test method set forth in paragraph (3) of Rule 0400-12-01-.02, or an equivalent test method approved by the EPA Administrator under 40 CFR 260.21, may be*

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used as part of a person's knowledge to determine whether a solid waste exhibits a characteristic of HW. However, such tests do not, by themselves, provide definitive results. Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at subparagraph (2)(a) of Rule 0400-12-01-.01.

- (ii) *When available knowledge is inadequate to make an accurate determination, the person must test the waste according to the applicable methods set forth in paragraph (3) of Rule 0400-12-01-.02 or according to an equivalent method approved by the EPA Administrator under 40 CFR 260.21 and in accordance with the following: (I) Persons testing their waste must obtain a representative sample of the waste for the testing, as defined at subparagraph (2)(a) of Rule 0400-12-01-.01. (II) Where a test method is specified in paragraph (3) of Rule 0400-12-01-.02, the results of the regulatory test, when properly performed, are definitive for determining the regulatory status of the waste.*
5. *If the waste is determined to be hazardous, the generator must refer to Rules 0400-12-01-.02, 0400-12-01-.05, 0400-12-01-.06, 0400-12-01-.09, 0400-12-01-.10, and 0400-12-01-.12 for possible exclusions or restrictions pertaining to management of the specific waste.*
 6. *Recordkeeping for small and large quantity generators. A small or large quantity generator must maintain records supporting its HW determinations, including records that identify whether a solid waste is a HW, as defined by subparagraph (1)(c) of Rule 0400-12-01-.02. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. These records must comprise the generator's knowledge of the waste and support the generator's determination, as described in parts 3 and 4 of this subparagraph. The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this subparagraph; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination, as described at subpart (4)(i) of this subparagraph. The periods of record retention referred to in this part are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Commissioner.*
 7. *Identifying HW numbers for small and large quantity generators. If the waste is determined to be hazardous, small quantity generators and large quantity generators must identify all applicable HW numbers (EPA HW codes) in paragraphs (3) and (4) of Rule 0400-12-01-.02. Prior to shipping the waste off site, the generator also must mark its containers with all applicable HW numbers (EPA HW codes) according to subparagraph (4)(c) of this rule.*

SECTION 3: ACRONYMS

- CO – Central Office
- COSWC – Central Office Special Waste Coordinator
- DDCO – Deputy Director of the Central Office
- DDFO - Deputy Director of the Field Offices

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DSWM – Division of Solid Waste Management

EFOM – Environmental Field Office Manager

FO – Field Office

FOSWR- FO Special Waste Reviewer (Designated by the EFOM)

HW – Hazardous Waste

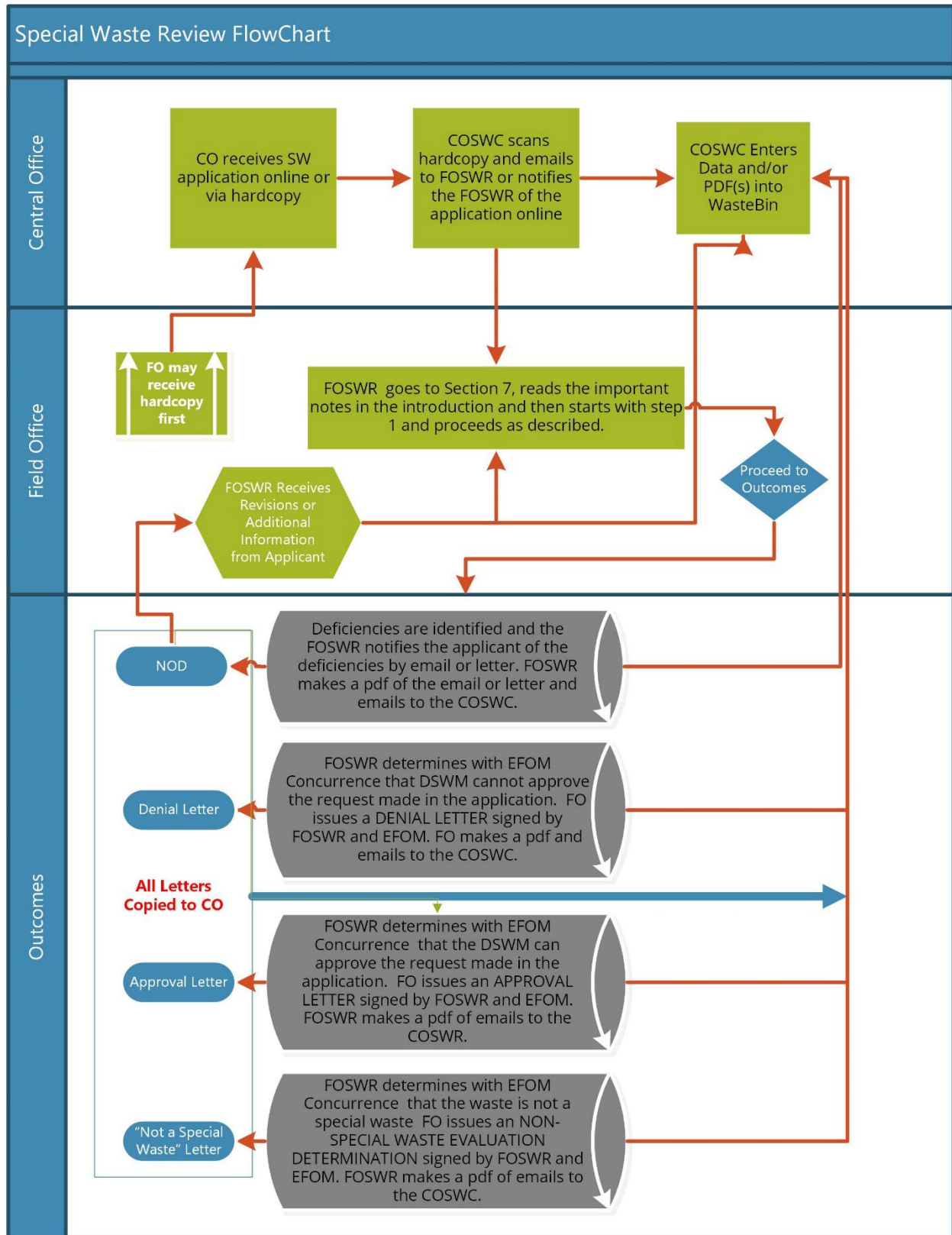
NOD – Notice of Deficiency

PM – Solid Waste Program Manager

SM - Solid Waste Permitting Manager

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SECTION 4: SPECIAL WASTE PROCEDURES AND EVALUATION FLOWCHART



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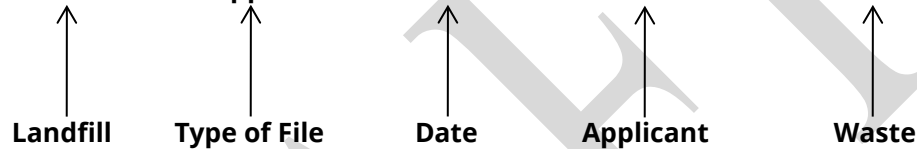
SECTION 5: CENTRAL OFFICE PROCEDURES

The purpose of this section is to provide standard operating procedures for Central Office operations regarding the Special Waste Application/Recertification Evaluation process.

Naming of the Digital File

COSWC shall name the digital file (this requires the scanned PDF of the applications, recertifications, revisions, emails, letters, etc.) that includes the assigned EFO Permit # following the labeling convention below:

SNL010000160 SW Application 03-17-2022 Rick's Automotive Paint Booth Filters



Online Applications/Recertifications

COSWC -

- Assign FO Permit ID # and populate WasteBin;
- Download application and attachments into pdf; and
- Email pdf to designated FO staff.

Hard Copy Special Waste Application/Recertification Received by the Central Office

COSWC:

- Ensure any checks received are sent to Fiscal Services;
- Scan the application/recertification and attachments into a pdf, assign FO Permit ID #, and populate WasteBin; and
- Email pdf to the FOSWR and copy the EFOM.

Revisions and Additional Documentation Received by the Central Office

COSWC:

- Upload documents into WasteBin; and
- If not provided by the FO, email pdf of additional documents to the FOSWR and copy the EFOM.

Review Timeline Tracking by the Central Office

COSWC:

- Create a weekly report of all outstanding Special Waste reviews, focusing on where the applications stand in the regulatory 30-day approval process and share with DDFO, SM, and PM; and
- Communicate with the FOSWR and copy the EFOM and DDFO once an application has reached or exceeded 20 days of review time.

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SECTION 6: FIELD OFFICE RECORD KEEPING AND DOCUMENTATION

Hard Copy Special Waste Application/Recertification Received by a Field Office

The FOSWR scans the application/recertification and attachments into a pdf and emails to the COSWC.

Documentation of Deficiencies

The FOSWR -

1. Notifies applicant by email or letter when additional information is required due to deficiencies (Note: The 30-day clock stops once the applicant is notified of deficiencies and does not restart until additional information is received.); and
2. Makes a pdf of all DSWM emails and letters and emails to the COSWC.

Revisions and Additional Documentation from Applicant Received by a Field Office

The FOSWR -

1. Forwards all emails with revisions and additional documentation received from the applicant to the COSWC; and
2. Makes a pdf of all revisions and additional documentation provided by the applicant in hard copy and emails the pdf to the COSWC.

Documentation of Final Determination

The FOSWR -

1. Prepares the applicable final determination letter and mails to the applicant; and
2. Makes a pdf of final determination letter and emails the pdf to the COSWC.

SECTION 7: FIELD OFFICE SPECIAL WASTE EVALUATION PROCEDURES

The purpose of this section is to provide standard operating procedures for Field Office operations regarding the Special Waste Application/Recertification Evaluation process.

Important Notes:

1. Please see *DSWM Special Waste Guidance (135)* for a listing of the types of waste that the generator needs to submit a Special Waste Application for waste evaluation.
2. The FOSWR needs to get technical assistance from HW staff as necessary to ensure a proper evaluation of the applicant's HW determination. The HW Determination Matrix (found at [HW Determination Matrix \(tn.gov\)](http://www.tn.gov)) is to be used by staff to assist in determining if an accurate HW determination was made by the generator.
3. The FOSWR must contact the COSWC for technical assistance from the CO for the review of special waste applications/recertifications that:
 - a. The proposed volume of the special waste to be disposed of in the designated facility would be more than ten percent of the total daily volume of typical (i.e., not special) solid waste, such as garbage, trash, refuse, etc. received at the facility; OR

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- b. For special waste applications/recertifications for sludge that the proposed volume of the special waste in addition to existing volumes of sludge approved for disposal would exceed more than ten percent of the total daily volume of typical (i.e., not special) solid waste, such as garbage, trash, refuse, etc. received at the facility; OR
 - c. Other special waste applications/recertifications that technical assistance from the CO is appropriate to evaluate Step 34 due to FO concerns that the waste could be dangerous or difficult manage.
4. The DSWM must make a final decision to approve or deny a special waste application/recertification within **30 calendar days** of receipt in accordance with Rule 0400-11-01-.07(6)(b)(5).
5. Each will be stamped with the date received by the CO DSWM which will also be the start date for the 30-day calendar clock.
6. The 30-day calendar clock stops once the applicant is notified of deficiencies by email or letter and does not restart until revision or additional information is received by the DSWM.
7. Form letters for special waste are provided in the SW Toolbox titled "Special Waste Form Letters" found in WasteBin.
8. HW Codes Rule Locations -
 - D characteristic HW are identified in Rule 0400-12-01-.02(3) beginning on page 62 of the HW Rule.
 - F listed HW are identified in Rule 0400-12-01-.02(4)(b) beginning on page 68 of the HW Rule.
 - K listed HW are identified in Rule 0400-12-01-.02(4)(c) beginning on page 72 of the HW Rule.
 - P listed HW are identified in Rule 0400-12-01-.02(4)(d)5 beginning on page 85 of the HW Rule.
 - U listed HW are identified in Rule 0400-12-01-.02(4)(d)6 beginning on page 92 of the HW Rule.
9. The FOSWR of the Special Waste Application or Recertification shall complete the checklist in Attachment One and provide it, the Special Waste Application or Recertification, and appropriate letter to the EFOM.
10. Please refer to EPA publication SW-846 Chapter 9 (Sampling Plans) that addresses the development and implementation of a scientifically credible sampling plan for a solid waste and the documentation of the chain of custody AND Chapter 10 (Sampling Methods) as guidance to be used by the analyst and the applicant in making judgments necessary to meet the data quality objectives or needs for the intended use of the data.

Step 1 – Application/Recertification Form Review

The FOSWR reviews the application/recertification to determine if the applicant has completed all sections, certified, and included all applicable attachments (**flow charts are important for waste generated by a process**). At this point, staff may not be able to determine all

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applicable attachments necessary. If the application/recertification is for multiple types of wastes or the requests to dispose of a waste(s) that contains free liquids not in compliance with Rule 0400-11-01-.04(2)(k)2 in a landfill, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 2.

Step 2 - Class I Disposal Facility

If the applicant requests to dispose of the special waste at a permitted Class I Disposal Facility, then proceed to Step 7. Otherwise, proceed to Step 3.

Step 3 - Class II Disposal Facility

If the applicant requests to dispose of the special waste at a permitted Class II Disposal Facility, the waste is from a facility that the permit authorizes the Class II Disposal Facility to receive, is similar to the type of wastes the facility is permitted to receive, and the Class II Disposal Facility's permit does not prohibit the disposal of this waste, then proceed to Step 7. If the waste is not from a facility that the permit authorizes the Class II Disposal Facility to receive, or, as generated, is not similar to the type of wastes the facility is permitted to receive, or if the Class II Disposal Facility's permit prohibits the disposal of this waste, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, proceed to Step 4.

Step 4 - Class III Disposal Facility

If the applicant requests to dispose of the special waste at a permitted Class III Disposal Facility, the waste is similar to the type of wastes the facility is permitted to receive, and the Class III Disposal Facility's permit does not prohibit the disposal of this waste, then proceed to Step 7. If the waste as generated is not similar to the type of wastes the facility is permitted to receive, or if the Class III Disposal Facility's permit prohibits the disposal of this waste, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, proceed to Step 5.

Step 5 - Class IV Disposal Facility

If the applicant requests to dispose of the special waste at a permitted Class IV Disposal Facility, the waste is similar to the type of wastes the facility is permitted to receive, and the Class IV Disposal Facility's permit does not prohibit the disposal of this waste, then proceed to Step 7. If the waste as generated is not similar to the type of wastes the facility is permitted to receive, or if the Class IV Disposal Facility's permit prohibits the disposal of this waste, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, proceed to Step 6.

Step 6 - Solid Waste Processing Facilities

If the applicant requests to receive the special waste at a permitted Solid Waste Processing Facility and the facility's notification 1) describes special procedures and/or equipment are utilized to adequately confine and segregate the special waste, and 2) does not prohibit the facility from receiving a special waste, then proceed to Step 7. Otherwise, the FOSWR drafts a denial letter and proceeds to Step 36.

Step 7 - Applicant HW Determination

If the applicant marked that the waste is a HW, the FOSWR drafts a denial letter and proceeds to Step 36. Also, HW staff need to inspect the generating facility if located in Tennessee. (Note: If the applicant submits a revised application/recertification, start the review at Step 1.) If the applicant did not mark that the waste is a HW, then proceed to Step 8.

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Step 8 – Combustion Waste

If the waste is not combustion waste, proceed to Step 9. (Note: A special waste application/recertification is not required for ash generated from burning of natural and untreated wood, landscaping wastes, and land clearing wastes.) If yes, determine if the application/recertification describes: 1) The combustion unit (boiler, incinerator, etc.); and 2) All the fuel and any waste combusted in the unit. If the unit is combusting any waste, then an adequate HW determination for all wastes combusted in the unit is required by HW Rule 0400-12-01-.03(1)(b). If the generator is combusting HW, then contact DDFO and HW Program Manager for direction. Otherwise, note all deficiencies and proceed to Step 27 (HW Characteristic Determinations).

Step 9 – Contaminated Environmental Media

If the waste is not contaminated environmental media, proceed to Step 10. Otherwise, determine if the application/recertification describes how the environmental media was contaminated (if known) and identifies all of the contaminant constituents. The table below provides the suggested minimum number of soil samples. Please see DSWM Guidance Number 026 for the Disposal of Petroleum Contaminated Soil and Debris in Class I Landfills. If the environmental media contains a listed HW and a successful determination is not made under the DSWM’s Contaminated Soil “Contained-In” Determination Guidance for Disposal OR the contamination in the soil results in it exhibiting a characteristic of a HW, the FOSWR drafts a denial letter and proceeds to Step 36. Note that all “Contained-In” Determinations are made by the CO. Otherwise, note all deficiencies and proceed to Step 10. Steps 10 through 27 assist in determining if a contaminant constituent(s) is a listed HW, and Step 28 will assist in determining if it exhibits the characteristic of a HW.

Suggested minimum number of soil samples (Notes: An increased number of samples could be required with justification. Cubic yard of soil equals approximately 1.3 tons of soil.):

VOLUME OF CONTAMINATED SOIL (cubic yards)	NUMBER OF SAMPLES FOR LAB ANALYSIS
0 – 60	1
60 – 240	2
240 – 480	3
480 – 720	4
One additional sample should be submitted for laboratory analysis for each additional 240 cubic yards of contaminated soil.	

NOTE STEPS 10 THROUGH 28 INVOLVE HW DETERMINATIONS

Step 10 – Commercial chemical products or manufacturing chemical intermediates and off-specification commercial chemical products or manufacturing chemical intermediates

"Commercial Chemical Product or Manufacturing Chemical Intermediate" (CCP/MCI) refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient and having the generic name listed in HW Rule 0400-12-01-.02(4)(d)5 or 6. It does not refer to a material, such as manufacturing products or process waste that contains a chemical

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substance in which the chemical is not the sole active ingredient. “Off-Specification Commercial Chemical Products or Manufacturing Chemical Intermediates” (OSCCP/MCI) refers to a chemical substance which is manufactured or formulated for commercial or manufacturing use and if it meets specifications, would have the generic name listed in HW Rule 0400-12-01-.02(4)(d)5 or 6. This includes any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill of a listed P or U CCP/MCI or OSCCP/MCI. Determine if the waste is or contains a waste that meets any of the listing definitions for P or U HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 11.

Step 11 - Cyanide Wastes

If a waste does not contain cyanide, then proceed to Step 12. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for F or K HW [HW Rule 0400-12-01-.02(4)(b) and (c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 12. (Note: If the waste is not a listed HW, it could be a characteristic HW, and it will likely be a special waste because it is dangerous to manage due to potential exposure during unloading/disposal under step 34.)

Step 12 - Still Bottom Wastes

If the waste is not still bottoms or resulting from the processing/treating of still bottoms, then proceed to Step 13. Otherwise, determine if the still bottoms (or waste processed/treated generating the waste) meet any of the listing definitions for F or K HW [HW Rule 0400-12-01-.02(4)(b) and (c)]. If the waste is a listed HW [or waste processed/treated generating the waste] (except for F003), the FOSWR drafts a denial letter and proceeds to Step 36. F003 still bottoms that do not exhibit the characteristic of ignitability are not a listed F003 HW, but the waste must meet Land Disposal Restrictions of HW Rule 0400-12-01-.10. If this waste does not meet Land Disposal Restrictions of HW Rule 0400-12-01-.10, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 13.

Step 13 - Pesticide Wastes

Pesticide wastes mean waste from the use, or preparation for use, of a substance or mixture of substances intended for destroying, preventing, repelling, or otherwise controlling plant or animal pests. The term pesticide is a generic term which includes herbicides, insecticides, fungicides, rodenticides, miticides, etc. Pesticide wastes include, but are not necessarily limited to, unused pesticide product, leftover mixed material, tanks and equipment rinsate, containers (excluding properly rinsed containers), and other residues of pesticide. If the waste is not pesticide waste or does not contain pesticide waste, then proceed Step 14. If the waste [or waste processed/treated generating the waste] meets a listing definition for a F, K, P, or U HW (HW Rule 0400-12-01-.02(4)(b) and (c) and HW Rule 0400-12-01-.02(4)(d)5 and 6), the FOSWR drafts a denial letter and proceeds to Step 36. (Note: Pesticide waste can also exhibit the characteristic of a HW.) Otherwise, note all deficiencies and proceed to Step 14.

Step 14 - Pharmaceutical Wastes

Pharmaceutical wastes include wastes from veterinary pharmaceutical production. If the waste is not a pharmaceutical waste or resulting from the processing/treating of a pharmaceutical waste, proceed to Step 15. If the waste (or waste processed/treated generating the waste) meets a listing definition for a K, P, or U HW (HW Rule 0400-12-01-

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.02(4)(c), HW Rule 0400-12-01-.02(4)(d)5 and 6), the FOSWR drafts a denial letter and proceeds to Step 36. (Note: Pharmaceutical waste can also exhibit the characteristic of a HW.) Otherwise, note all deficiencies and proceed to Step 15.

Step 15 - Plating Bath Wastes

If the waste is not plating bath waste or resulting from the processing/treating of plating bath waste, proceed to Step 16. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for F HW [HW Rule 0400-12-01-.02(4)(b)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 16.

Step 16 - Sludge

Rule 0400-12-01-.01(2)(a) states:

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

If the waste is not a sludge or resulting from the processing/treating of a sludge, then proceed to Step 17. Otherwise, determine if the waste (or sludge processed/treated generating the waste) meets any of the listing definitions for F or K HW [HW Rule 0400-12-01-.02(4)(b) and (c)]. Determine if any of the waste being treated resulting in the generation of the sludge meets any of the listing definitions for F, K, P and/or U HW (HW Rule 0400-12-01-.02(4)(b) and (c) and HW Rule 0400-12-01-.02(4)(d)5 and 6). If the sludge meets a listing definition of a F or K HW or resulted from processing/treating of waste meeting the listing definitions for F, K, P, and/or U HW, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 17.

Step 17 - Wastes that Contain a Constituent(s) listed in the Definitions of F001 through F005 HW

Wastes that contain, as an unreacted constituent, one or more of the organic solvent compounds included in the listed wastes F001 through F005 found in HW Rule 0400-12-01-.02(4)(b)1 include: acetone, benzene, carbon disulfide, carbon tetrachloride, chlorobenzene, chlorinated fluorocarbons, cresols, cresylic acid, cyclohexanone, ethyl acetate, ethyl benzene, ethyl ether, 2-ethoxyethanol, isobutanol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, n-butyl alcohol, nitrobenzene, 2-nitropropane, ortho-dichlorobenzene, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, trichlorofluoromethane, 1,1,2-trichloro-1,2,2-trifluoroethane, and xylene. EPA guidance regarding solvents may be found at: [Solvents in the Workplace - How to Determine if They Are Hazardous Waste \(epa.gov\)](#). If a waste does not contain any of the hazardous constituents listed in the F001 through F005 listings, proceed to Step 18. Otherwise, determine if that contaminant constituent came from a waste that meets any of the listing definitions for F HW [HW Rule 0400-12-01-.02(4)(b)]. If the contaminant constituent is from a listed HW (except for F003), then the FOSWR drafts a denial letter and proceeds to Step 36. If the contaminant constituent is from a F003 and this waste does not exhibit the characteristic of ignitability, then this waste is not a listed F003 HW, but the waste must meet Land Disposal Restrictions of HW Rule 0400-12-01-.10. If this waste does not meet

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LDR of HW Rule 0400-12-01-.10, then the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 18.

Step 18 - Wood Preserving Wastes

If the waste is not wood preserving waste or resulting from the processing/treating of wood preserving waste, proceed to Step 19. Otherwise, determine if the waste [or waste processed/treated generating the waste] meets the listing definition for a K001 HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 19.

Step 19 - Organic Chemical Production Wastes

If the waste is not organic chemical production waste or resulting from the processing/treating of organic chemical production waste, proceed to Step 20. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for a K HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 20.

Step 20 - Inorganic Chemical Production Wastes

If the waste is not inorganic chemical production waste or resulting from the processing/treating of inorganic chemical production waste, proceed to Step 21. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for a K HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 21.

Step 21 - Wastes from the Production of Explosives

If the waste is not from the production of explosives or resulting from the processing/treating of waste generated from the production of explosives, proceed to Step 22. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for a K HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 22.

Step 22 - Petroleum Refinery Wastes

If the waste is not petroleum refinery waste or resulting from the processing/treating of petroleum refinery waste, proceed to Step 23. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for a K HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 23.

Step 23 - Iron and Steel Production or Finishing

If the waste is not emission control dust/sludge from the primary production of steel in electric furnaces or spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) or resulting from the processing/treating of such waste, proceed to Step 24. Otherwise, determine if the waste [or waste processed/treated generating the waste] meets of the listing definition for a K061 or K062 HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 24.

Step 24 - Spent Potliners from Primary Aluminum Reduction

If the waste is not spent potliners from primary aluminum reduction or resulting from the processing/treating of spent potliners from primary aluminum reduction, proceed to Step 25. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets the listing definition for a K088 HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 25.

Step 25 - Wastes from Secondary Lead Smelters

If the waste is not from secondary lead smelters or resulting from the processing/treating of waste from secondary lead smelters, proceed to Step 26. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for a K069 or K100 HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 26.

Step 26 - Wastes from Ink Formulation

If the waste is not from ink formulation or resulting from the processing/treating of waste from ink formulation, proceed to Step 27. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets the listing definition for a K086 HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 27.

Step 27 - Wastes from Coking

If the waste is not from coking or resulting from the processing/treating of coking waste, proceed to Step 28. Otherwise, determine if the waste (or waste processed/treated generating the waste) meets any of the listing definitions for a K HW [HW Rule 0400-12-01-.02(4)(c)]. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 28.

Step 28 - HW Characteristic Determination

Review the information provided on the application/recertification, Safety Data Sheets (SDS - formerly MSDS), and analytical data provided with the application/recertification. The characteristics of a HW found in Rule HW Rule 0400-12-01-.02(3) are addressed in Steps 28a through 28d. Proceed to Step 28a.

Step 28a - Characteristic of Ignitability -

A waste is an Ignitable Characteristic HW (D001) if a representative sample of the waste has any of the following properties:

- (i) It is a liquid, other than a solution containing less than 24 percent alcohol by volume and at least 50 percent water by weight, that has flash point less than 60°C (140°F), as determined by using one of the following ASTM standards: ASTM D93-79, D93-80, D3278-78, D8174-18, or D8175-18 as specified in SW-846 Test Methods 1010B or 1020C (see 40 CFR 260.11 and subparagraph (2)(b) of Rule 0400-12-01-.01).
- (ii) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.

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(iii) It is an ignitable compressed gas.

- (I) The term “compressed gas” shall designate any material or mixture having in the container an absolute pressure exceeding 40 p.s.i. at 70 [deg] F or, regardless of the pressure at 70 [deg] F, having an absolute pressure exceeding 104 p.s.i. at 130 [deg] F; or any liquid flammable material having a vapor pressure exceeding 40 p.s.i. absolute at 100 [deg] F as determined by ASTM Test D-323.
- (II) A compressed gas shall be characterized as ignitable if any one of the following occurs:
 - I. Either a mixture of 13 percent or less (by volume) with air forms a flammable mixture or the flammable range with air is wider than 12 percent regardless of the lower limit. These limits shall be determined at atmospheric temperature and pressure. The method of sampling and test procedure shall be the ASTM E 681-85 (incorporated by reference, see 40 CFR 260.11 and subparagraph (2)(b) of Rule 0400-12-01-.01), or other equivalent methods approved by the Associate Administrator, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation.
 - II. It is determined to be flammable or extremely flammable using 49 CFR 173.115(l).

(iii) It is an oxidizer.

An oxidizer for the purpose of this rule is a substance such as a chlorate, permanganate, inorganic peroxide, or a nitrate, that yields oxygen readily to stimulate the combustion of organic matter.

- (I) An organic compound containing the bivalent – O – O – structure and which may be considered a derivative of hydrogen peroxide where one or more of the hydrogen atoms have been replaced by organic radicals must be classed as an organic peroxide unless:
 - I. The material meets the definition of a Division 1.1, 1.2, or 1.3 explosive, as defined in subpart (3)(d)1(viii) of this rule, in which case it must be classed as an explosive,
 - II. The material is forbidden to be offered for transportation according to 49 CFR 172.101 and 49 CFR 173.21,
 - III. It is determined that the predominant hazard of the material containing an organic peroxide is other than that of an organic peroxide, or
 - IV. According to data on file with the Pipeline and Hazardous Materials Safety Administration in the U.S. Department of Transportation, it has been determined that the material does not present a hazard in transportation.

If the waste exhibits the HW characteristic of ignitability [Rule 0400-12-01-.02(3)(b)], the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies proceed to Step 28b.

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Step 28b - Characteristic of Corrosivity -

A waste is a Corrosive Characteristic HW (D002) if a representative sample of the waste has either of the following properties:

- (i) It is aqueous and has a pH less than or equal to 2 or greater than or equal to 12.5, as determined by a pH meter using Method 9040C in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. (See 40 CFR 260.11; Rule 0400-12-01-.01(2)(b)1.)
- (ii) It is a liquid and corrodes steel (SAE 1020) at a rate greater than 6.35 mm (0.250 inch) per year at a test temperature of 55°C (130°F) as determined by Method 1110A in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846. (See 40 CFR 260.11; Rule 0400-12-01-.01(2)(b)1.)

If the waste exhibits the HW characteristic of Corrosivity [Rule 0400-12-01-.02(3)(c)], the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 28c.

Step 28c - Characteristic of Reactivity -

A waste is a Reactive Characteristic HW (D003) if a representative sample of the waste has any of the following properties:

- (i) It is normally unstable and readily undergoes violent change without detonating.
- (ii) It reacts violently with water.
- (iii) It forms potentially explosive mixtures with water.
- (iv) When mixed with water, it generates toxic gases, vapors or fumes in a quantity sufficient to present a danger to human health or the environment.
- (v) It is a cyanide or sulfide bearing waste which, when exposed to pH conditions between 2 and 12.5, can generate toxic gases, vapors, or fumes in a quantity sufficient to present a danger to human health or the environment.
- (vi) It is capable of detonation or explosive reaction if it is subjected to a strong initiating source or if heated under confinement.
- (vii) It is readily capable of detonation or explosive decomposition or reaction at standard temperature and pressure.
- (viii) It is a forbidden explosive as defined in 49 CFR 173.54, or is a Division 1.1, 1.2 or 1.3 explosive as defined in 49 CFR 173.50 and 173.53.

If the waste exhibits the HW characteristic of Reactivity [Rule 0400-12-01-.02(3)(d)], the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, proceed to Step 28d.

Step 28d - Characteristic of Toxicity -

A waste is a Toxic Characteristic HW (D004 through D043) if the TCLP extract from a representative sample of the waste has a concentration of any of the contaminants equal to or greater than regulatory levels. As described in the DSWM's guidance SWM-SWP-G-135- Special Waste, typically, laboratory reports with analytical results are submitted with

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each new recertification for wastes requiring analyses for HW determinations (e.g., TCLP analysis required wastes, etc.). Alternatively, if the generator is making the HW determination based on the generator's knowledge of the materials and processes utilized rather than on laboratory analyses, a record adequately documenting the basis for the generator's knowledge determination needs to be submitted. If the date of the analyses is greater than one year before the original approval date OR the last recertification date, whichever is the most recent, then new analyses need to be submitted in a new laboratory report OR a statement adequately justifying why the prior analyses are still representative of the waste needs to be submitted. The DSWM recommends submitting laboratory reports with analytical results that are within 365 days of the date of the recertification to help expedite the review process.

"Wastes Requiring TCLP Analysis" are defined as solid wastes that must be analyzed to determine if they exhibit the *hazardous waste* Toxicity Characteristics using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," *EPA Publication SW-846*. A solid waste exhibits the characteristic of toxicity and is a HW under Hazardous Waste Rule 0400-12-01-.02(3)(e) if the **TCLP extract** from a representative sample of the waste contains any of the contaminants listed in Table 1 below at the concentration equal to or greater than the Regulatory Limit (mg/L) in column 3. TCLP analysis is not required if the generator has:

1. Adequate knowledge to demonstrate and/or **total** analysis (*EPA Publication SW-846* Test Method 1311) of the solid waste to demonstrate that none of the contaminants is at a **total** concentration (mg/kg for solid waste that contains no filterable liquids) such that the waste could exhibit the characteristic of toxicity by exceeding the Regulatory Level in the Table 1; or

(Note: Because the TCLP method dilutes the sample for solid waste that contains no filterable liquids by 20, if the **total** concentration (mg/kg) of a contaminant from the analysis of a representative sample is less than the value listed in column 4, then the regulatory level in column 3 could not be exceeded for that contaminant.);

2. Adequate knowledge with appropriate documentation that the concentration (mg/L) of a contaminant in the **TCLP extract** from analysis of a representative sample could not equal or exceed the Regulatory Level listed in column 3;

(Note: For solid waste that contains less than 0.5 percent filterable solids, the remaining liquid after filtering under the methodology outlined in *EPA Publication SW-846* Test Method 1311 is considered to be the **TCLP extract**.)

If the waste exhibits the HW characteristic of Toxicity [Rule 0400-12-01-.02(3)(e)], the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies proceed to Step 29.

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TABLE 1				
1	2^A	3	4	5
Contaminant	CAS No.	Regulatory Level^B (mg/L)	20 Times the Regulatory Level for Totals Concentrations (mg/kg) in Solids	Hazardous Waste Code if Applicable
Arsenic	7440-38-2	5.0	100	D004
Barium	7440-39-3	100.0	2000	D005
Benzene	71-43-2	0.5	10	D018
Cadmium	7440-43-9	1.0	20	D006
Carbon tetrachloride	56-23-5	0.5	10	D019
Chlordane	57-74-9	0.03	0.6	D020
Chlorobenzene	108-90-7	100.0	2000	D021
Chloroform	67-66-3	6.0	120	D022
Chromium	7440-47-3	5.0	100	D007
o-Cresol ^C	95-48-7	200.0	4000	D023
m-Cresol ^C	108-39-4	200.0	4000	D024
p-Cresol ^C	106-44-5	200.0	4000	D025
Cresol ^C		200.0	4000	D026
2,4-D	94-75-7	10.0	200	D016
1,4-Dichlorobenzene	106-46-7	7.5	150	D027
1,2-Dichloroethane	107-06-2	0.5	10	D028
1,1-Dichloroethylene	75-35-4	0.7	14	D029
2,4-Dinitrotoluene ^D	121-14-2	0.13	2.6	D030
Endrin	72-20-8	0.02	0.4	D012
Heptachlor (and its epoxide)	76-44-8	0.008	0.16	D031
Hexachlorobenzene ^D	118-74-1	0.13	2.6	D032
Hexachlorobutadiene	87-68-3	0.5	10	D033
Hexachloroethane	67-72-1	3.0	60	D034
Lead	7439-92-1	5.0	100	D008
Lindane	58-89-9	0.4	8	D013
Mercury	7439-97-6	0.2	4	D009
Methoxychlor	72-43-5	10.0	200	D014
Methyl ethyl ketone	78-93-3	200.0	4000	D035
Nitrobenzene	98-95-3	2.0	40	D036
Pentachlorophenol	87-86-5	100.0	2000	D037
Pyridine ^D	110-86-1 3	5.0	100	D038
Selenium	7782-49-2	1.0	20	D010
Silver	7440-22-4	5.0	100	D011
Tetrachloroethylene	127-18-4	0.7	14	D039
Toxaphene	8001-35-2	0.5	10	D015
Trichloroethylene	79-01-6	0.5	10	D040

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TABLE 1				
1	2^A	3	4	5
Contaminant	CAS No.	Regulatory Level^B (mg/L)	20 Times the Regulatory Level for Totals Concentrations (mg/kg) in Solids	Hazardous Waste Code if Applicable
2,4,5-Trichlorophenol	95-95-4	400.0	8000	D041
2,4,6-Trichlorophenol	88-06-2	2.0	40	D042
2,4,5-TP (Silvex)	93-72-1	1.0	20	D017
Vinyl chloride	75-01-4	0.2	4	D043

^A Chemical abstracts service number.

^B See Table 1 in Hazardous Waste Rule 0400-12-01-.02(3)(e).

^C If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l and 20 times the regulatory level of total cresol is 4000 mg/l.

^D Quantitation limit is greater than the calculated regulatory level. The quantitation limit, therefore, becomes the regulatory level.

Step 29 – Medical Waste

If the waste does not contain a medical waste, proceed to Step 30. Otherwise, refer to DSWM Guidance Number 016 concerning Medical Waste and the rules and statutes cited therein to determine if the waste meets the specific conditions of the regulations to be managed as a special waste. If the medical waste does not meet the conditions of DSWM Guidance Number 016 and the rules and statutes cited therein, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 30.

Step 30 – PCB Waste

If the waste does not contain PCB waste, proceed to Step 31. Please refer to DSWM Guidance Numbered 025, 111, and 113 concerning PCBs and EPA’s October 24, 2012, memo addressing PCB Bulk Product Waste Reinterpretation specifying specific conditions that must be met before the waste may be managed as a special waste. If the PCB waste does not meet the conditions of DSWM and EPA Guidance, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 31.

Step 31 – Radiological/Radioactive Waste

If the waste is not radiological/radioactive waste, proceed to Step 32. Otherwise, radiological wastes can be managed in accordance with DSWM Policy Number 126 concerning the MOA between the Division of Radiological Health (DRH) and DSWM. Also, the DRH must approve the management of the Bulk Survey for Release (BSFR) wastes and Technologically-Enhanced Naturally Occurring Radioactive Materials (TENORM) at any DSWM-permitted facility. The application/recertification must include a copy of the license (or appropriate portions) as required by DRH and issued by DRH authorizing the disposal of the specific radiological/radioactive waste containing radiological/radioactive material identified in Special Waste Application/Recertification in specific proposed disposal facility; or reference the specific approval document. If the request is not in accordance with the DRH approval

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document, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 32.

Step 32 – Solvent-contaminated wipes that are excluded from being a HW

HW Rule 0400-12-01-.01(2)(a) defines solvent-contaminated wipe as:

“Solvent-contaminated wipe” means:

1. *A wipe that, after use or after cleaning up a spill, either:*
 - (i) *Contains one or more of the F001 through F005 solvents listed in subparagraph (4)(b) of Rule 0400-12-01-.02 or the corresponding P- or U listed solvents found in subparagraph (4)(d) of Rule 0400-12-01-.02;*
 - (ii) *Exhibits a hazardous characteristic found in paragraph (3) of Rule 0400-12-01-.02 when that characteristic results from a solvent listed in paragraph (4) of Rule 0400-12-01-.02; and/or*
 - (iii) *Exhibits only the HW characteristic of ignitability found in subparagraph (3)(b) of Rule 0400-12-01-.02 due to the presence of one or more solvents that are not listed in paragraph (4) of Rule 0400-12-01-.02.*
2. *Solvent-contaminated wipes that contain listed HW other than solvents, or exhibit the characteristic of toxicity, corrosivity, or reactivity due to contaminants other than solvents, are not eligible for the exclusions at subparts (1)(d)1(xxvi) and (1)(d)2(xviii) of Rule 0400-12-01-.02*

If the waste is not solvent-contaminated wipes as defined by HW Rule 0400-12-01-.01(2)(a) proceed to Step 33. Otherwise, determine if the application/recertification states that trichloroethylene is not present and describe how the solvent-contaminated wipes will be managed in a manner so the waste will be conditionally excluded under HW Rule 0400-12-01-.02(1)(d)2(xviii) which states:

Solvent-contaminated wipes, except for wipes that are HW due to the presence of trichloroethylene, that are sent for disposal are not HWs from the point of generation provided that:

- (I) *The solvent-contaminated wipes, when accumulated, stored, and transported, are contained in non-leaking, closed containers that are labeled “Excluded Solvent-Contaminated Wipes.” The containers shall be able to contain free liquids, should free liquids occur. During accumulation, a container is considered closed when there is complete contact between the fitted lid and the rim, except when it is necessary to add or remove solvent-contaminated wipes. When the container is full, or when the solvent-contaminated wipes are no longer being accumulated, or when the container is being transported, the container shall be sealed with all lids properly and securely affixed to the container and all openings tightly bound or closed sufficiently to prevent leaks and emissions;*
- (II) *The solvent-contaminated wipes are accumulated by the generator for no more than 180 days from the start date of accumulation for each container prior to being sent for disposal;*
- (III) *At the point of being transported for disposal, the solvent contaminated wipes must contain no free liquids as defined in paragraph (2) of Rule 0400-12-01-.01;*

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(IV) Free liquids removed from the solvent-contaminated wipes or from the container holding the wipes shall be managed according to the applicable regulations found in Rules 0400-12-01-.01 through 040012-01-.12;

(V) Generators shall maintain at their site the following documentation:

- I. Name and address of the landfill or combustor that is receiving the solvent-contaminated wipes;
- II. Documentation that the 180 day accumulation time limit in item (II) of this subpart is being met;
- III. Description of the process the generator is using to ensure solvent-contaminated wipes contain no free liquids at the point of being transported for disposal; and

(VI) The solvent-contaminated wipes are sent for disposal:

- I. To a municipal solid waste landfill regulated under Chapter 0400-11-01, including Rule 0400-11-01-.04 regarding a Class I disposal facility, or to a HW landfill regulated under Rules 0400-12-01-.05 or 0400-12-01-.06; or
- II. To a municipal waste combustor or other combustion facility regulated under T.C.A. §§ 68-201-101 et seq. or to a HW combustor, boiler, or industrial furnace regulated under Rules 0400-12-01-.05 or 0400-12-01-.06 or paragraph (8) of Rule 0400-12-01-.09.

If the waste is not solvent-contaminated wipes, proceed to Step 33. Otherwise, determine if the application/recertification describes how the solvent-contaminated wipes will be managed in a manner so the waste will be conditionally excluded under HW Rule 0400-12-01-.02(1)(d)2(xviii) by complying with those six conditions. If trichloroethylene is present or application/recertification does not describe how the solvent-contaminated wipes will be managed in a manner so the waste will be conditionally excluded under HW Rule 0400-12-01-.02(1)(d)2(xviii) by complying with those six conditions, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 33. Note that the approval letter must list the six conditions of HW Rule 0400-12-01-.02(1)(d)2(xviii) that must be met for the waste to be managed and disposed of as a special waste.

Step 33 – Waste that was a HW

If the waste was never a HW, proceed to Step 34. Otherwise, determine if the application/recertification includes documentation that the waste is no longer a HW and meets the Land Disposal Restrictions (LDR) of HW Rule 0400-12-01-.10. If the waste is a HW or does not meet the Land Disposal Restrictions of HW Rule 0400-12-01-.10, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 34.

Step 34 – Dangerous or Difficult to Manage Determinations

1. Determine if the waste is dangerous and/or difficult to manage because of potential risks it poses to facility personnel and perhaps others during unloading, processing, or disposal (e.g., friable asbestos wastes, large amounts of fine dust wastes, wastes that react with water to create toxic or asphyxiating gases, wastes that are delivered to the landfill at elevated temperatures, wastes that emit significant volatile organics at ambient conditions, etc.). Please refer to DSWM Guidance Numbered 043, 087, and 118 concerning asbestos.

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2. Determine if the waste is dangerous and/or difficult to manage because of the potential for problems to occur during processing, disposal or after disposal (e.g., wastes which are corrosive or otherwise unusually damaging to landfill equipment or materials, wastes which react with water to create heat and gases such as aluminum dross waste may be affected by moisture in cover material or other media).
3. Determine if the waste is dangerous and/or difficult to manage because the amount or type of waste requires special operational considerations or conditions (e.g., wastes that are delivered to the landfill at harmful temperatures, requires deviation from normal operations, such as bulky waste, or requires specialized equipment that is not listed in the facility's permit).

The FOSWR must contact the COSWC for technical assistance from the CO for the review of special waste applications/recertifications that:

- a. The proposed volume of the special waste to be disposed of in the designated facility would be more than ten percent of the total daily volume of normal solid waste such as garbage, trash, refuse, etc. received at the facility; OR
- b. For special waste for sludge that the proposed volume of the special waste in addition to existing volumes of sludge approved for disposal would exceed more than ten percent of the total daily volume of normal solid waste such as garbage, trash, refuse, etc. received at the facility; OR
- c. Other special waste applications/recertifications that technical assistance from the CO is appropriate due to FO concerns that the waste could be dangerous or difficult manage.

If, after consultation with the COSWC, it is determined the waste cannot be managed safely, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise, note all deficiencies and proceed to Step 35.

Step 35 - Site Visits

If the waste meets Special Waste Categories 4 through 18 (Cyanide Wastes, Distillation Bottom Wastes, Pesticide Wastes, Pharmaceutical Wastes, Plating Bath Wastes, Sludge, or wastes that contain a unreacted F001-F005 constituent, Wood Preserving Wastes, Organic Chemical Production Wastes, Inorganic Chemical Production Wastes, wastes from the production of explosives, Petroleum Refinery Wastes, spent potliners from primary aluminum reduction, wastes from secondary lead smelters, or wastes from coking) or Special Waste Characteristics 6 (Solvent-Contaminated Wipes) in DSWM's guidance SWM-SWP-G-135-Special Waste, then an on-site visit should be conducted. Exceptions may include sludge generated by POTW and Drinking Water Plants. If the generating facility has not had a HW inspection recently, the site visit should include a HW inspection. Proceed to Step 36.

Step 36 - Special Waste Evaluation Outcomes

There are four possible outcomes from the review of Special Waste Applications/Recertifications (Note: The fee for the *special waste* application/evaluation is not refundable no matter which determination is made by the DSWM.) as described in Steps 36a through 36d below.

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Step 36a – Deficient Special Waste Application/Recertification

If the DSWM determines that the Special Waste Application/Recertification is deficient such that adequate information/data is not provided in application/recertification, the FOSWR prepares and sends an email or letter to the applicant that identifies the specific deficiency(s) in the application/recertification and stating that the review cannot proceed until the additional information/data is provided. (Note: The 30-day calendar clock stops once the applicant is notified of deficiencies and does not restart until additional information is received.) An email is acceptable for communicating deficiencies to the applicant, and a copy must be provided to the COSWC.

Step 36b – Denial Letter

If the DSWM determines, based on the information/data received by the DSWM, that the waste at question is a special waste but cannot be managed at the targeted Tennessee solid waste disposal or processing facility for one or both of the following reasons: (1) the DSWM has determined that management of the waste at the facility is prohibited or restricted by a law or regulation¹; or (2) the DSWM has determined that the waste is too dangerous or difficult for the targeted facility to safely or effectively manage it (e.g., safely handling the waste would require specialized equipment that the facility cannot provide, managing the waste is likely to create gas that the facility is not designed to manage): the FOSWR prepares the denial letter to the applicant that identifies specific reason(s) for the denial. The denial letter shall be signed by the FOSWR and EFOM.

Step 36c – Non-Special Waste Letter

If the DSWM determines, based on the information/data received by the DSWM, that the waste at question is (1) not prohibited from management at the targeted facility by law or regulation¹ and (2) does not meet any of the Special Waste Characteristics and is not otherwise too difficult or dangerous for the targeted facility to manage safely and effectively: the FOSWR prepares a Non-Special Waste Letter stating:

1. The Non-Special Waste determination is typically only valid for the permitted Tennessee solid waste processing/treating or disposal facility listed in the application/recertification. However, for some truly benign waste streams, the DSWM may make the determination applicable to other facilities.
2. The Non-Special Waste determination is valid only as long as the characteristics of the waste do not change due to any changes in the process generating the waste or the process inputs, or any other changes in the types or amounts of materials in the waste.
3. The generator should maintain a copy of the Special Waste Application/Recertification and the DSWM Non-Special Waste Determination Letter, along with the records required under Rule 0400-12-01-.03(1)(b)6 for review/copy by the DSWM for at least three years

¹ Includes , but is not limited to, waste that is a HW (see steps 10 through 28); medical waste does not meet the conditions of DSWM Guidance Number 016 or the rules and statutes cited therein (see step 29); TSCA PCB regulated/restricted waste (see step 30) ; radioactive waste not authorized by DRH to be disposed of in the facility (see step 31); does not comply with LDR of HW Rule 0400-12-01-.10 (see step 33); or cannot be managed safely or properly at the facility (see step 34).

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from the date that the waste was last sent to a Tennessee Solid Waste Permitted Facility listed in the application/recertification; and

4. If the characteristics of the waste change due to any changes in the process generating the waste or process inputs, or any other changes in the types or amounts of materials in the waste, then the generator must submit a new Special Waste Application in accordance with Rule 0400-11-01-.01(4)(c)4(iii) and should immediately stop shipping the waste to a Tennessee permitted facility.

The letter shall be signed by the FOSWR and EFOM.

Step 36d -Special Waste Approval Letter

If the DSWM determines, based on the information/data received by the DSWM, that the waste is a special waste but its management at the targeted facility is not prohibited by a law or regulation¹ and that it can be safely and effectively managed at the targeted facility, the FOSWR prepares a Special Waste Approval Letter stating:

- a. The waste must be managed as a special waste in accordance with the conditions specified in the approval letter;
- b. The generator and the Tennessee Solid Waste Permitted Facility must each maintain a copy of the Special Waste Application/Recertification and the DSWM Waste Determination Letter, along with the records required under Rule 0400-12-01-.03(1)(b)6 for review/copy by the DSWM for at least three years from the date that the waste is approved to be sent to a Tennessee Solid Waste Permitted Facility;
- c. If the characteristics of the waste change due to any changes in the process generating the waste or process inputs, or any other changes in the types or amounts of materials in the waste, then the generator must submit a new Special Waste Application and should immediately stop shipping the waste to a Tennessee permitted facility; and
- d. If the generator wishes to continue to dispose of or process the *special waste* at the Tennessee Solid Waste Permitted Facility after three years, it must submit a recertification in accordance with Rule 0400-11-01-.01(4)(c)4. Typically, laboratory reports with analytical results are submitted with each new recertification for wastes requiring analyses for HW determinations (e.g., TCLP analysis required wastes, etc.). Alternatively, if the generator is making the HW determination based on the generator's knowledge of the materials and processes utilized rather than on laboratory analyses, a record adequately documenting the basis for the generator's knowledge determination needs to be submitted. If the date of the analyses is greater than one year before the original approval date **OR** the last recertification date, whichever is the most recent, then new analyses need to be submitted in a new laboratory report **OR** a statement adequately justifying why the prior analyses are still representative of the waste needs to be submitted. The DSWM recommends submitting laboratory reports with analytical results that are within 365 days of the date of the recertification to help expedite the review process.

The Approval Letter shall be signed by the FOSWR and EFOM.

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SECTION 8: SPECIAL WASTE FILE NUMBERING CONVENTION

The process for assigning an "EFO Permit #" to the Special Waste Evaluation is completed by the Central Office, as described in Section 5. The number convention works as follows:

A Special Waste Application for waste going to Volunteer Landfill that was received by the Central Office on March 21, 2016, would be:

4503212016

45 – County Identifier associated with Disposal Facility

03 – Month Received by Central Office

21 – Day Received by Central Office

2016 – Year Received by Central Office

If the Central Office receives multiple applications for Special Waste to evaluate on the same day, the "EFO Permit #" becomes:

- **4503182016a**
- **4503182016b**
- **4503182016c**

The lettering nomenclature would continue until all applications have been accounted for.

If the Central Office receives a Recertification, an "R#" will be added to the end of the number assignment. The "R#" will signify how many times a waste stream has been recertified. However, please note that the use of R# began in 2019. For ease of implementation, the number of recertifications per waste stream that had occurred prior to 2019 was not considered. Thus, all recertifications in 2019 started with R1, regardless of whether it had been recertified previously.

As an example, a Special Waste Recertification received in 2019 for the above waste previously approved for Volunteer Landfill would be:

4503212016aR1

The "R1" will show staff that this is the first time this waste stream has been recertified.

When it is time to recertify in 2022, the permit number assigned would be:

4503212016aR2

If the Central Office receives a Transfer Application for the addition of a disposal facility to an already approved permit, the county identifier will change to reflect the new facility, and a "T" will be added to the end of the number assignment.

For example, if an applicant wanted to add Chestnut Ridge as a disposal option to the 2016 approved Volunteer Landfill, the transfer permit number would be:

0103212016aT

SECTION 9: WASTEBIN ENTRY PROCEDURES

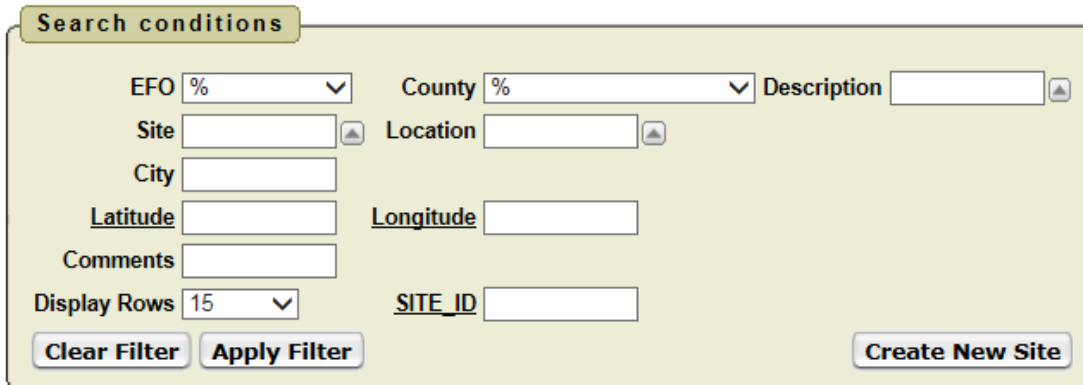
To Enter a New Application/Recertification

- Find the site associated with the applicant by first navigating to the “Sites Search Page.”



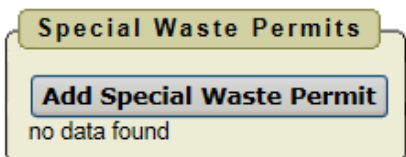
A screenshot of a search filter menu. The menu is titled "Search" and contains several radio button options: General, Sites (which is selected), Permits, Contacts, Documents, Non-Registered Sites (NRS) (under construction), HazWaste Facilities, and Solid Waste Facilities.

- 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.



A screenshot of a "Search conditions" form. It includes several input fields: EFO (dropdown menu), County (dropdown menu), Description (text input), Site (text input), Location (text input), City (text input), Latitude (text input), Longitude (text input), Comments (text input), Display Rows (dropdown menu set to 15), and SITE_ID (text input). At the bottom, there are three buttons: "Clear Filter", "Apply Filter", and "Create New Site".

- Once directed to the site, or after creating a new site, scroll down the page to the “Special Waste Permits” box. Click “Add Special Waste Permit.”



A screenshot of a "Special Waste Permits" box. It contains a button labeled "Add Special Waste Permit" and the text "no data found" below it.

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- Populate the required fields for the “Special Waste Permit Information” page. See Section 4 for a description on how to create an “EFO Permit Number.”
- “Type” should either be “SPECIAL WASTE” or “SPECIAL WASTE RECERT”
- “Permitting Status” for new applications that are not approved should be “Pending,” recertifications should be “RECERT,” applications that have been evaluated and determined need to be disposed of as a special waste should be “Active,” and applications evaluated but not determined to be a special waste should be “Determined Exempt.”

Special Waste Permit Information

Permit ID

Type %

EFO Permit Number (Optional)

Permitting Status

Site ID 109863

Division Code SWM

Permittee Name

Waste Description

Disposal Quantity

Disposal Rate %

One Time Disposal?

Application Date

Application Complete

Issuance Date

Expiration Date

Updated on __ by __

- Once you have populated the fields under the “Special Waste Permit Information” page, click “Create Permit” (or you will lose the information you populated the page with), and then enter the primary disposal facility’s permit number in the “Primary Landfill” field. If the waste is being transferred through a transfer station, enter the transfer station’s permit number into the “Secondary Facility” field.

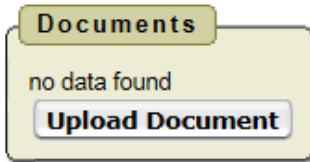
Disposal Facility

no data found

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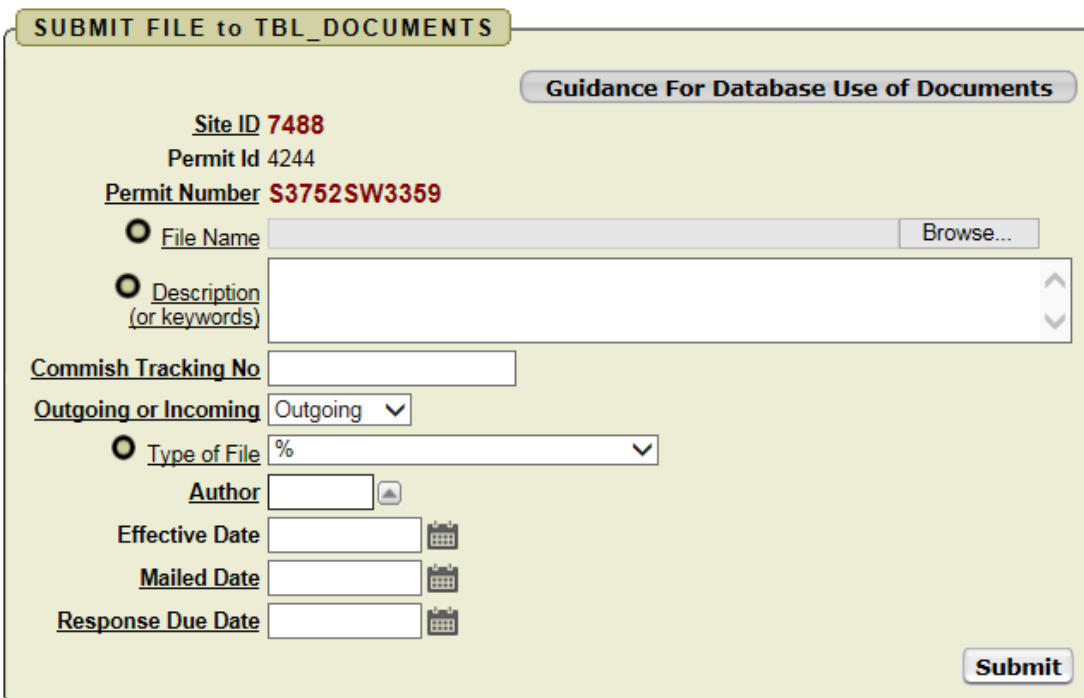
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- Once you have added a disposal facility to the “Special Waste Permit Information” page, click the “Upload Document” button.



Documents
no data found
Upload Document

- Populate fields under the “SUBMIT FILE to TBL_DOCUMENTS” page. The description of the document should be formatted as such:
 - o [LANDFILL] SW APPLICATION [DATE] [APPLICANT] [WASTE]
 - o [LANDFILL] SW RECERTIFICATION [DATE] [APPLICANT] [WASTE]
 - o [LANDFILL] SW TRANSFER [DATE] [APPLICANT] [WASTE]
 - o [LANDFILL] SW APPROVAL [DATE] [APPLICANT] [WASTE]
- Examples of specific descriptions would be:
 - o SNL 59 000 0243 SW APPLICATION 06-25-2016 BonL Corp Waste Graphite



SUBMIT FILE to TBL_DOCUMENTS

Guidance For Database Use of Documents

Site ID 7488
Permit Id 4244
Permit Number S3752SW3359

File Name

Description (or keywords)

Commish Tracking No

Outgoing or Incoming

Type of File

Author

Effective Date

Mailed Date

Response Due Date

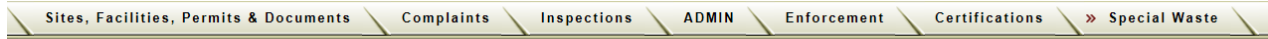
- Once the document has been selected for upload and the fields have been populated, hit the “Submit” button.

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To Update the Status of an Existing Permit

- Select the "Special Waste" tab at the top of the page.



- Using the previously assigned "EFO Permit Number," use the search bar to find the associated "Special Waste Permit Information" page.

A search bar interface. On the left is a magnifying glass icon. Next to it is a text input field. To the right of the input field is a "Go" button. Further right is a "Rows 25" dropdown menu. On the far right is an "Actions" button.

- For a New Application that has been evaluated and received approval for disposal at a permitted landfill change the "Permitting Status" to "Active."

A dropdown menu labeled "Permitting Status". The selected option is "Active", which is highlighted in blue. A small downward arrow is visible on the right side of the dropdown box.

- Upload the Approval Letter under the "Upload Document" tab.

REVISION HISTORY TABLE

Revision Number	Date	Brief Summary of Change
0	MM/DD/YY	Initial

ATTACHMENT ONE

DRAFT CHECKLIST FOR SPECIAL WASTE APPLICATION EVALUATIONS DRAFT

This checklist is to be used with SWM-SWP-P-141- Special Waste Evaluations SOP to assist DSWM staff in special waste application/recertification evaluations. See Section 7 of the SOP for the details. This is not regulations.									
Generator Name		Name of Special Waste		Reviewer Name		Review Date			
Date Received		Date Determined to be Complete		Recommendation (Mark with ✓ as appropriate)					
				Issue NOD	Non-Special Waste	Approve	Deny		
See page 12 of the SOP for the locations of the D, F, K, P and U HW Codes in the Rule including Rule page numbers.									
STEP	Question						Mark with ✓		
							YES	NO	HW
1	Is the application/recertification for multiple types of wastes or requests to dispose of a waste(s) with free liquids not in compliance with Rule 0400-11-01-.04(2)(k)2 in a landfill? If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies concerning incomplete sections of or attachments to the application/recertification and proceed to Step 2. At this point staff may not be able to determine all applicable attachments necessary.								
2	Did the applicant request to dispose of the special waste at a permitted Class I Disposal Facility ? If yes, proceed to Step 7. Otherwise proceed to Step 3.								
3	Did the applicant request to dispose of the special waste at a permitted Class II Disposal Facility , is the waste from a facility that the permit authorizes the Class II Disposal Facility to receive, is similar to the type of wastes the facility is permitted to receive, and the Class II Disposal Facility's permit does not prohibit the disposal of this waste? If yes, proceed to Step 7. If no, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise proceed to Step 4.								
4	Did the applicant request to dispose of the special waste at a permitted Class III Disposal Facility , is the waste similar to the type of wastes the facility is permitted to receive, and the Class III Disposal Facility's permit does not prohibit the disposal of this waste? If yes, proceed to Step 7. If no, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise proceed to Step 5.								
5	Did the applicant request to dispose of the special waste at a permitted Class IV Disposal Facility , is the waste similar to the type of wastes the facility is permitted to receive, and the Class IV Disposal Facility's permit does not prohibit the disposal of this waste? If yes, proceed to Step 7. If no, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise proceed to Step 6.								
6	Did the applicant request to ship the special waste to a TN permitted Solid Waste Processing Facility , and the facility's notification: 1) describes special procedures and/or equipment utilized to adequately confine and segregate the special waste; and 2) does not prohibit the facility from receiving the special waste? If yes proceed to Step 7. Otherwise, the FOSWR drafts a denial letter and proceeds to Step 36.								
7	Did the applicant mark that the waste is a HW ? If yes, the FOSWR drafts a denial letter and proceeds to Step 36. HW staff need to inspect the generating facility if located in Tennessee. If no, proceed to Step 8.								
8	Is the waste a combustion waste ? If no, proceed to Step 9. If yes, determine if the application/recertification describes: 1) The combustion unit (boiler, incinerator, etc.); and 2) All the fuel and any waste combusted in the unit. If the unit is combusting any waste, then an adequate HW determination for all wastes combusted in the unit is required. If the generator is combusting HW then contact DDFO and HW Program Manager for direction. Otherwise note all deficiencies and proceed to Step 28.								
9	Is the waste contaminated environmental media ? If no, proceed to Step 10. Otherwise determine if the application/recertification describes how the environmental media was contaminated (if known) and identifies all of the contaminant constituents. The SOP on page 14 provides suggested minimum number of soil samples. Please see DSWM Guidance Number 026 for the Disposal of Petroleum Contaminated Soil and Debris in Class I Landfills. Steps 10 through 27 assists in determining if a contaminant constituent(s) is a listed HWs and Step 28 assist in determining if it exhibits the characteristic of a HW. If the environmental media contains a listed HW [and a successful determination is not made under the DSWM's Contaminated Soil "Contained-In" Determination Guidance for Disposal] OR the contamination in the soil results in it exhibiting a characteristic of a HW, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 10.								
10	Is the waste or does it contain a " Commercial Chemical Product or Manufacturing Chemical Intermediate " or " Off-Specification Commercial Chemical Products or Manufacturing Chemical Intermediates " meeting any of the listing definitions for P or U HW? If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 11.								
11	Does the waste contain cyanide ? If no, proceed to Step 12. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for F or K HW. If yes, FOSWR drafts denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 12.								

DRAFT CHECKLIST FOR SPECIAL WASTE APPLICATION EVALUATIONS DRAFT

STEP	Question	Mark with X		
		YES	NO	HW
12	Is the waste a still bottoms or resulting from processing/treating of a still bottom? If no, proceed to Step 13. If yes, determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for F or K HW. If the waste is a listed HW (except for F003), the FOSWR drafts a denial letter and proceeds to Step 36. F003 still bottoms that do not exhibit the characteristic of ignitability are not a listed F003 HW but the waste must meet LDR [HW Rule 0400-12-01-.10]. If this waste does not meet LDRs, FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 13.			
13	Is the waste a pesticide waste or contain a pesticide waste? If no, proceed to Step 14. Otherwise determine if the waste [or waste processed/treated generating the waste] meets a listing definition for a F, K, P, or U. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 14.			
14	Is the waste a pharmaceutical waste or resulting from the processing/treating of a pharmaceutical waste? Pharmaceutical wastes include wastes from veterinary pharmaceutical production. If no, proceed to Step 15. If the waste [or waste processed/treated generating the waste] meets a listing definition for a K, P, or U HW, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 15.			
15	Is the waste a plating bath waste or resulting from processing/treating of plating bath waste? If no, proceed to Step 16. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for F HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 16.			
16	Is the waste a sludge or resulting from processing/treating of a sludge? If no, proceed to Step 17. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for F or K HW. Must also determine if any of the waste being treated resulting in the generation of the sludge meets any of the listing definitions for F, P and/or U HW. If sludge meets a listing definition of a F or K HW or contains any waste meeting the listing definitions for F, K, P and/or U HW were processed generating the sludge, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 17.			
17	Does the waste contain any unreacted hazardous constituents listed in the F001 through F005 listings? If no, proceed to Step 18. Otherwise determine if that contaminant constituent came from a waste that meets any of the listing definitions for F HW. If the contaminant constituent is from a listed F HW (except for F003), draft a denial letter and proceed to Step 36. If the contaminant constituent is from a F003 and this waste does not exhibit the characteristic of ignitability, then this waste is not a listed F003 HW, but the waste must meet Land Disposal Restrictions of HW Rule 0400-12-01-.10. If this waste does not meet LDR of HW Rule 0400-12-01-.10, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 18.			
18	Is the waste a wood preserving waste or resulting from the processing/treating of wood preserving waste? If no, proceed to Step 19. Otherwise determine if the waste [or waste processed/treated generating the waste] meets the listing definition for a K001 HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 19.			
19	Is the waste an organic chemical production waste or resulting from the processing/treating of organic chemical production waste? If no, proceed to Step 20. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for K HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 20.			
20	Is the waste an inorganic chemical production waste or resulting from the processing/treating of inorganic chemical production waste? If no, proceed to Step 21. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for K HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 21.			
21	Is the waste from the production of explosives or resulting from the processing/treating of waste generated from the production of explosives? If no, proceed to Step 22. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for K HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 22.			
22	Is the waste a petroleum refinery waste or resulting from the processing/treating of petroleum refinery waste? If no, proceed to Step 23. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for K HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 23.			

DRAFT CHECKLIST FOR SPECIAL WASTE APPLICATION EVALUATIONS DRAFT

STEP	Question	Mark with X		
		YES	NO	HW
23	Is the waste an emission control dust/sludge from the primary production of steel in electric furnaces or spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) or resulting from the processing/treating of such waste. If no, proceed to Step 24. Otherwise determine if the waste [or waste processed/treated generating the waste] meets of the listing definition for a listed K061 or K062 HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceeds to Step 24.			
24	Is the waste a spent potliners from primary aluminum reduction or resulting from the processing/treating of such waste? If no, proceed to Step 25. Otherwise determine if the waste [or waste processed/treated generating the waste] meets the listing definition for K088 HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 25.			
25	Is the waste from secondary lead smelters or resulting from the processing/treating of waste from secondary lead smelters? If no, proceed to Step 26. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for K HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 26.			
26	Is the waste from ink formulation or resulting from processing/treating of ink formulation waste? If no, proceed to Step 27. Otherwise determine if the waste [or waste processed/treated generating the waste] meets the listing definition for a K086 HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 27.			
27	Is the waste from coking or resulting from the processing/treating of coking waste? If no, proceed to Step 28. Otherwise determine if the waste [or waste processed/treated generating the waste] meets any of the listing definitions for a K HW. If yes, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 28.			
28	Review the information provided on the application/recertification, Safety Data Sheets (SDS - formerly MSDS), and analytical data provided with the application/recertification. The characteristics of a HW found in Rule HW Rule 0400-12-01-.02(3) are addressed in Steps 28a through 28d. Proceed to Step 28a.	NA	NA	NA
28a	Does the waste exhibit the HW characteristic of ignitability [Rule 0400-12-01-.02(3)(b)]? If yes, the FOSWR drafts denial letter and proceeds to Step 36. Otherwise note all deficiencies proceed to Step 28b.			
28b	Does the waste exhibit the HW characteristic of Corrosivity [Rule 0400-12-01-.02(3)(c)]? If yes, the FOSWR drafts denial letter and proceeds to Step 36. Otherwise note all deficiencies proceed to Step 28c.			
28c	Does the waste exhibit the HW characteristic of Reactivity [Rule 0400-12-01-.02(3)(d)]? If yes, the FOSWR drafts denial letter and proceeds to Step 36. Otherwise proceed to Step 28d.			
28d	Does the waste exhibit the HW characteristic of Toxicity [Rule 0400-12-01-.02(3)(e)]? Please refer to Step 28d in the SOP for detailed information. If yes, the FOSWR drafts denial letter and proceeds to Step 36. Otherwise note all deficiencies proceed to Step 29.			
29	Is the waste a medical waste or contain a medical waste? If no, proceed to Step 30. Otherwise refer to DSWM Guidance Number 016 concerning Medical Waste and the rules and statutes cited therein to determine if the waste meets the specific conditions of the regulations to be managed as a special waste. If the medical waste does not meet the conditions of DSWM Guidance Number 016 and the rules and statutes cited therein, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 30.			
30	Is the waste a PCB waste or contain PCB waste? If no, proceed to Step 31. Please refer to DSWM Guidance Numbered 025, 111, and 113 concerning PCBs and EPA's October 24, 2012, memo addressing PCB Bulk Product Waste Reinterpretation specifying specific conditions that must be met before the waste may be managed as a special waste. If the PCB waste does not meet the conditions of DSWM and EPA Guidance, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 31.			
31	Is the waste a radiological/radioactive waste ? If no, proceed to Step 32. Otherwise, radiological wastes can be managed in accordance with DSWM Policy Number 126 concerning the MOA between the DRH and DSWM. Also, the DRH must approve the management of the Bulk Survey for Release wastes and Technologically-Enhanced Naturally Occurring Radioactive Materials at any DSWM permitted facility. The application/recertification must include a copy of the license (or appropriate portions) as required by DRH and issued by DRH authorizing the dispose of the specific radiological/radioactive waste containing radiological/radioactive material identified in Special Waste Application/Recertification in specific proposed disposal facility.; or reference the specific approval document. If the request is not in accordance with the DRH approval document, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 32.			

DRAFT CHECKLIST FOR SPECIAL WASTE APPLICATION EVALUATIONS DRAFT

STEP	Question	Mark with X		
		YES	NO	HW
32	Is the waste solvent-contaminated wipes as defined by as defined by HW Rule 0400-12-01-.01(2)(a)? If no, proceed to Step 33. Otherwise determine if the application/recertification describes how the solvent-contaminated wipes will be managed in a manner so the waste will be conditionally excluded under HW Rule 0400-12-01-.02(1)(d)2(xviii) by complying with those six conditions. If trichloroethylene is present or application/recertification does not describe how the solvent-contaminated wipes will be managed in a manner so the waste will be conditionally excluded under HW Rule 0400-12-01-.02(1)(d)2(xviii) by complying with those six conditions, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 33. Note that the any approval letter must list the six conditions of HW Rule 0400-12-01-.02(1)(d)2(xviii) that must be met for the waste to be managed and disposed of as a special waste.			
33	Has the waste been a HW prior to being treated so that it is no longer is a HW? If no, proceed to Step 34. Otherwise determine if the application/recertification includes documentation that the waste is no, longer a HW and meets the Land Disposal Restrictions of HW Rule 0400-12-01-.10. If the waste is a HW or does not meet the Land Disposal Restrictions of HW Rule 0400-12-01-.10, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 34.			
34	<ol style="list-style-type: none"> Determine if the waste is dangerous and/or difficult to manage because of potential risks it poses to facility personnel and perhaps others during unloading, processing, or disposal (e.g., friable asbestos wastes, large amounts of fine dust wastes, wastes that react with water to create toxic or asphyxiating gases, wastes that are delivered to the landfill at elevated temperatures, wastes that emit significant volatile organics at ambient conditions, etc.). Please refer to DSWM Guidance Numbered 043, 087, and 118 concerning asbestos. Determine if the waste is dangerous and/or difficult to manage because of problems during processing, disposal or after disposal (e.g., waste which are corrosive or otherwise unusually damaging to landfill equipment or materials, wastes which react with water to create heat and gases such as aluminum dross waste may be affected by moisture in cover material or other media). Determine if the waste is dangerous and/or difficult to manage because the amount or type of waste requires special operational considerations or conditions (e.g., wastes that are delivered to the landfill at harmful temperatures, requires deviation from normal operations, such as bulky waste, or requires specialized equipment that is not listed in the facility's permit. Refer to Step 34 in the SOP when it is necessary for the FOSWR to contact the COSWC for technical assistance from the CO for the review of special waste application/recertifications. <p>If the waste cannot be managed safely, the FOSWR drafts a denial letter and proceeds to Step 36. Otherwise note all deficiencies and proceed to Step 35.</p>			
35	If the waste meets Special Waste Categories [Cyanide wastes, Distillation bottom wastes, Pesticide wastes, Pharmaceutical wastes, Plating bath wastes, Sludge, or wastes that contain a unreacted F001-F005 constituent, Wood preserving wastes, Organic chemical production wastes, Inorganic chemical production wastes, Wastes from the production of explosives, Petroleum refinery wastes, Spent potliners from primary aluminum reduction, Wastes from secondary lead smelters, Wastes from coking or Solvent-contaminated wipes] as listed in DSWM's guidance SWM-SWP-G-135- Special Waste, then an on-site visit should be conducted. Exceptions may include sludge generated by POTW and Drinking Water Plants. If the generating facility has not had a HW inspection recently, the site visit should include a HW inspection if located in Tennessee. Proceed to Step 36.			
36	There are the four possible outcomes from the review of Special Waste Application/recertifications. Proceed to Step 36a, 36b, 36c or 36d as appropriate. PLEASE SEE PAGES 26 THROUGH 28 OF THE SOP FOR GREATER DETAILS.	NA	NA	NA
36a	Deficient Special Waste Application/Recertification- The FOSWR prepares and sends an email or letter to the applicant that identifies the specific deficiency(s) in the application/recertification and stating that the review cannot proceed until the additional information/data is provided.			
36b	Denial Letter - The FOSWR prepares the denial letter to the applicant that identifies specific reason(s) for the denial. The denial letter shall be signed by the FOSWR and EFOM.			
36c	Non-Special Waste Letter - The FOSWR prepares the Non-Special Waste Letter to the applicant with limitations/clarifications/conditions. The letter shall be signed by the FOSWR and EFOM.			
36d	Special Waste Approval Letter- The FOSWR prepares the approval letter to the applicant with limitations/clarifications/conditions. The letter shall be signed by the FOSWR and EFOM.			