



Hazardous Secondary Materials

Program Overview

Cat Deiparine

Industrial and Hazardous Waste Permit Section

May 16, 2023

Overview

- Introduction to Hazardous Secondary Materials
- History of the DSW Rule
- Definitions
- Hazardous Secondary Material Exclusions from Solid Waste
- Notice Requirements

What is Hazardous Secondary Material (HSM)?

- From [40 CFR 260.10](#) a hazardous secondary material means a secondary material that is hazardous waste when discarded
- Regulations under [40 CFR part 261](#).
- HSM may or may not be considered hazardous waste depending on whether it is discarded

Why does it matter if a material is a solid waste?

- If a material isn't a solid waste, then RCRA doesn't regulate it – even if it is hazardous
- Hazardous regulatory definition of solid waste applies for the purposes of RCRA subtitle C regulations



The Basics of Determining if HSM is a solid waste

- 1) What is the material?
- 2) What is being done with the material?

What is the material?

- Commercial Chemical Product
- Spent Materials
- Sludges
- By-products
- Scrap metal



More information about solid waste exclusions can be learned at “Do I need an IHW permit?” presentation today at 3:45 pm.

What is being done to the material?

- Disposed of in a landfill
- Burned in an incinerator
- Specific types of waste that EPA determined is inherently “waste like”



Hazardous Waste Recycling

- A hazardous secondary material is recycled if it is...
 - Used or reused
 - Reclaimed



Benefits to Recycling

- Reduce the consumption of raw materials
- Reducing pollution
- Reducing energy use
- Reduce the volume of waste that must be treated and disposed of
- Economic benefits

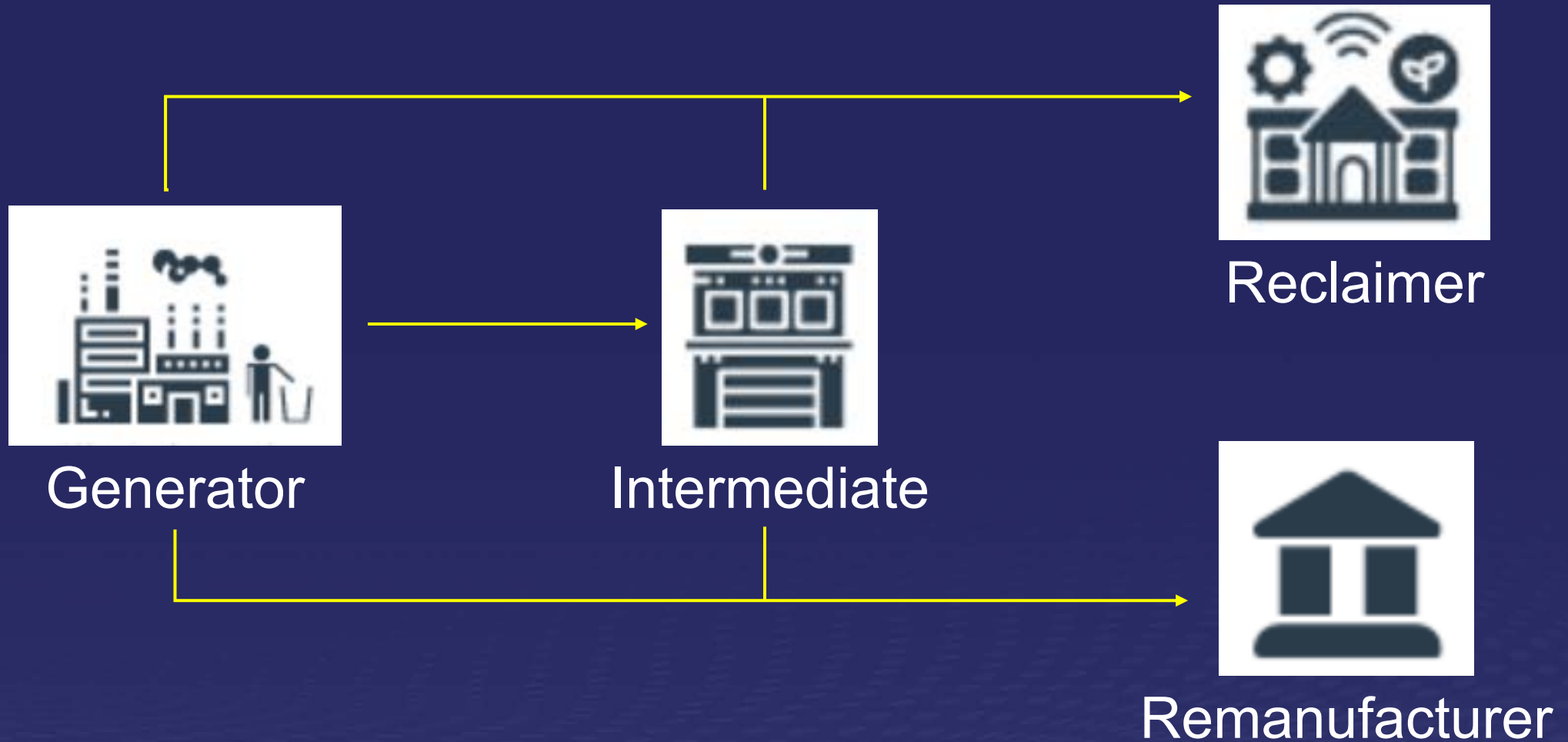
2015 DSW Rule

- Established HSM exclusions and notification requirements
 - Generator-based exclusion
 - Transfer-based exclusion
 - Remanufacturer-based exclusion

History of the DSW Rule

2015 DSW Rule	2018 DSW Rule
<p>Generators must send to a recycler that is...</p> <ul style="list-style-type: none">• RCRA permitted, or• A verified recycler	<p>Generators must send to a recycler that is...</p> <ul style="list-style-type: none">• RCRA permitted, or• Audited for “reasonable efforts”

Definitions



Exclusions to Solid Waste that apply to HSM

- Generator-based Exclusion – 261.4(a)(23)
- Transfer-based Exclusion – 261.4(a)(24)
- Remanufacturer-based Exclusion – 261.4(a)(27)

Generator-based Exclusion

- Allows HSM reclaimed by the generator
- Generator must notify TCEQ
- Reclaimed on site by generator or contractor
- Reclaimed off-site at a facility that is controlled by the same person
- Reclaimed through a written contract between a tolling contractor and a toll manufacturer

How do you Qualify for the Generator-based Exclusion?

- HSM is contained
- Emergency preparedness and response conditions
- Documentation of legitimate recycling
- Recordkeeping of reclamation
- No speculative accumulation

“Contained”

- No leaks or releases
- Unit is properly labeled
- Holds HSM that are compatible with other HSM in the unit

HAZARDOUS SECONDARY MATERIAL FOR RECYCLING	
GENERATOR INFO	
NAME _____	EPA ID NO. _____
ADDRESS _____	
CITY _____	STATE _____ ZIP _____
RECYCLING EXCLUSION _____	
ACCUMULATION START DATE _____	
EPA WASTE CODE _____	
DOT SHIPPING NAME _____	
CONTENTS/PRIMARY CHEMICAL NAME _____	

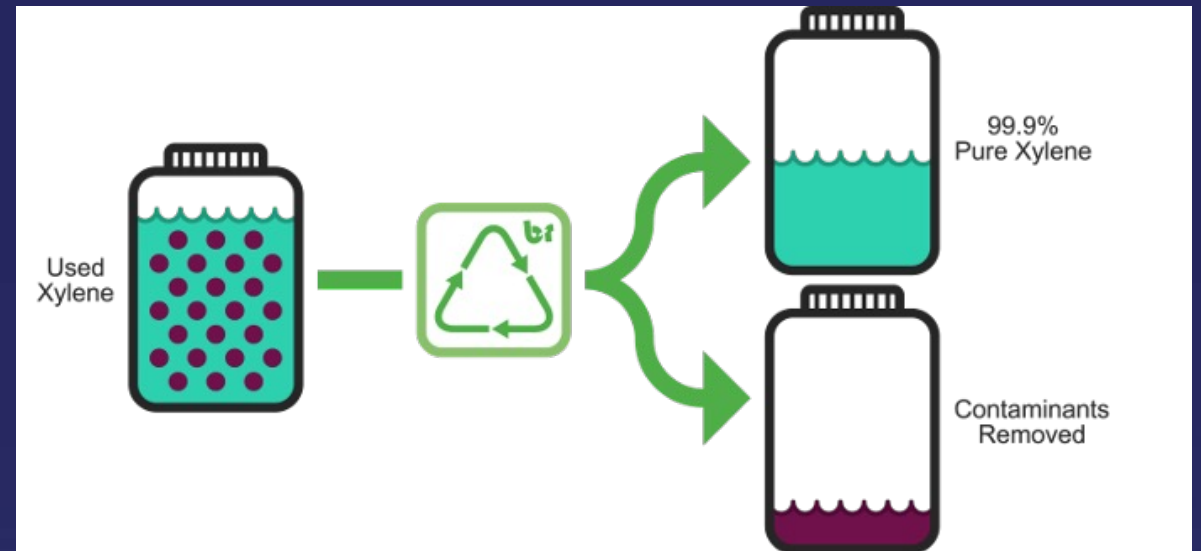
HANDLE WITH CARE!	

Transfer-based Exclusion

- Generated then transferred to another facility
- Generator, reclaimer, and intermediate (if applicable) are required to notify TCEQ
- Intermediate and reclaimer facilities are required to submit a closure cost estimate – state rule
- Intermediate and reclaimer facilities are required to secure financial assurance
- Generator is required to make efforts to ensure legitimacy of the reclaimer

Remanufacturer-based Exclusion

- Generated spent solvents transferred to a remanufacturer
- Generator and remanufacturer must notify to TCEQ
- Extends the useful life of original solvents and must be 1 of 18 specified solvents



Legitimate Recycling

- Must provide useful contribution to recycling process or to a product or intermediate
- Must produce a valuable product or intermediate
- Must be managed as valuable commodities
- Must be comparable to a legitimate product or intermediate

Recordkeeping and Speculative Accumulation

- Recordkeeping
 - Must keep records at least 3 years after operation ceases
- Speculative Accumulation
 - During the calendar year, the amount of material recycled or transferred to a different site for recycling equals at least 75% by weight or volume of the HSM

What do I submit to TCEQ for notification?

- TCEQ Core Data Form
- EPA Form 8700-12 A/B and addendum to the Site Identification form: Notification of Hazardous Secondary Material Activity
- Closure Cost Estimate and Financial Assurance if applicable
- Must notify when operation begins and ends and on March 1 of every even numbered year if operation is ongoing

Submitted Forms



TCEQ Use Only

TCEQ Core Data Form

Core Data Form

8700-12 Form (pg. 90)

OMB# 2050-0024; Expires 04/30/2024

United States Environmental Protection Agency
RCRA SUBTITLE C SITE IDENTIFICATION FORM



16. Notification of Hazardous Secondary Material (HSM) Activity

☐ Y ☐ N

Are you notifying under 40 CFR 260.42 that you will begin managing, are managing, or will stop managing hazardous secondary material under 40 CFR 260.30, 40 CFR 261.4(a)(23), (24), (25), or (27)? If "Yes", you must fill out the Addendum to the Site Identification Form for Managing Hazardous Secondary Material.



Submitted Forms

EPA ID Number

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

OMB# 2050-0024; Expires 05/31/2020

ADDENDUM TO THE SITE IDENTIFICATION FORM: NOTIFICATION OF HAZARDOUS SECONDARY MATERIAL ACTIVITY



ONLY fill out this form if:

- You are located in a State that allows you to manage excluded hazardous secondary material (HSM) under 40 CFR 260.30, 261.4(a)(23), (24), (25), or (27) (or state equivalent; See <https://www.epa.gov/epawaste/hazard/dsw/statespf.htm> for a list of eligible states; AND
- You are or will be managing excluded HSM in compliance with 40 CFR 260.30, 261.4(a)(23), (24), (25), or (27) (or state equivalent) or have stopped managing excluded HSM in compliance with the exclusion(s) and do not expect to manage any amount of excluded HSM under the exclusion(s) for at least one year. Do not include any information regarding your hazardous waste activities in this section. Note: If your facility was granted a solid waste variance under 40 CFR 260.30 prior to July 13, 2015, your management of HSM under 40 CFR 260.30 is grandfathered under the previous regulations and you are not required to notify for the HSM management activity excluded under 40 CFR 260.30.

1. Reason for Notification (Include dates where requested)

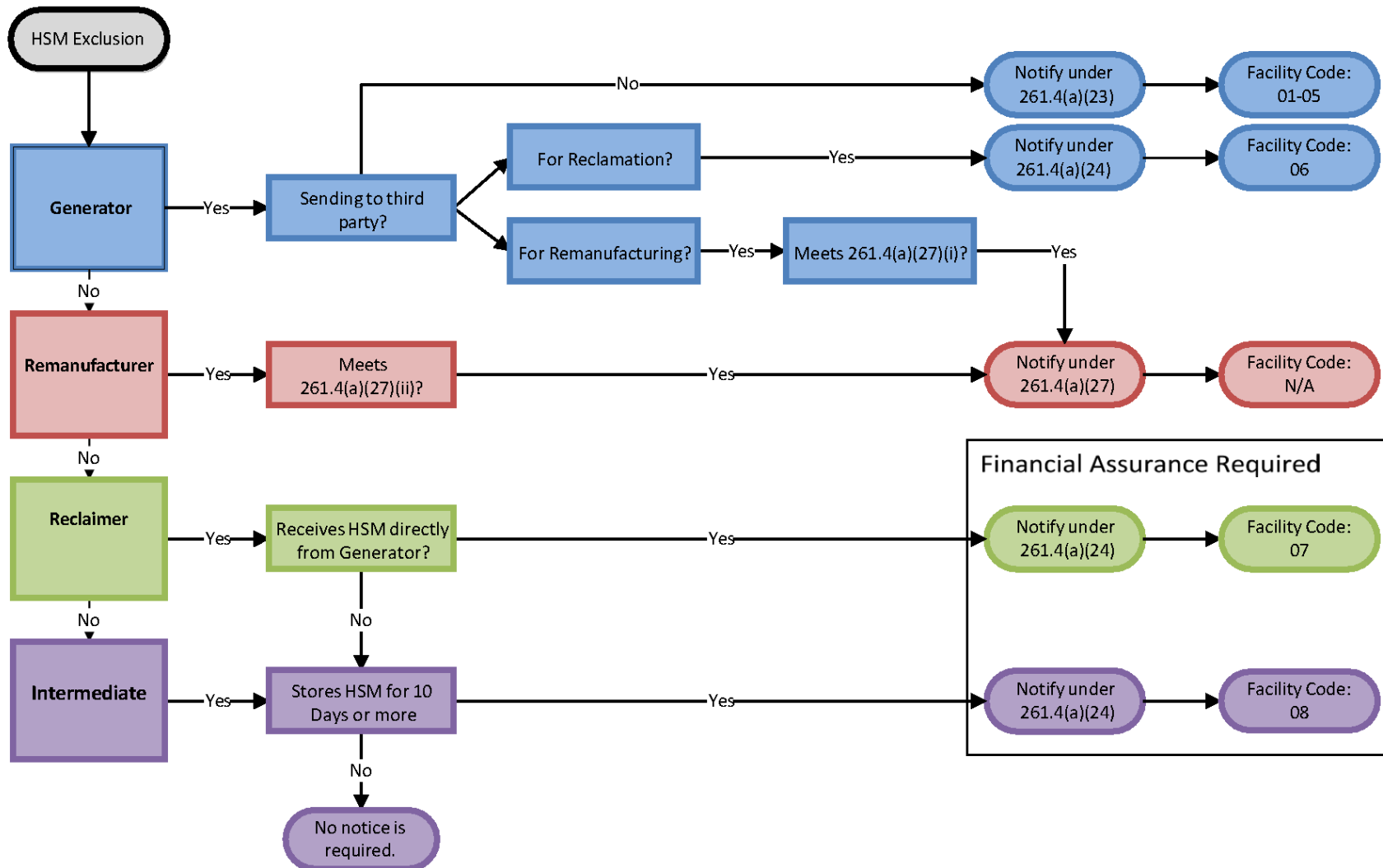
- ☐ Facility will begin managing excluded HSM as of _____ (mm/dd/yyyy).
- ☐ Facility is still managing excluded HSM/re-notifying as required by March 1 of each even-numbered year.
- ☐ Facility has stopped managing excluded HSM as of _____ (mm/dd/yyyy) and is notifying as required.

2. Description of Excluded HSM Activity. Please list the appropriate codes (see Code List section of the instructions) and quantities, in short tons, to describe your excluded HSM activity ONLY (do not include any information regarding your hazardous wastes). Use additional pages if more space is needed.

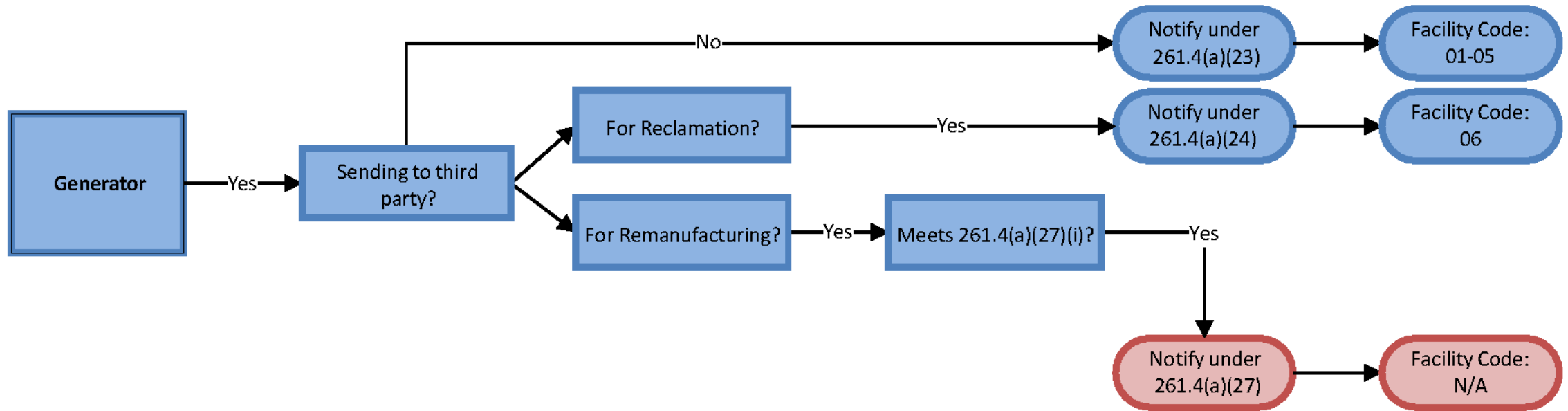
A. Facility Code	B. Waste Code(s) for HSM	C. Estimate Short Tons of excluded HSM to be managed annually	D. Actual Short Tons of excluded HSM that was managed during the most recent odd-numbered year	E. Land-based Unit Code

Addendum to the Site Identification Form: Notification of Hazardous Secondary Material Activity (pg. 96)

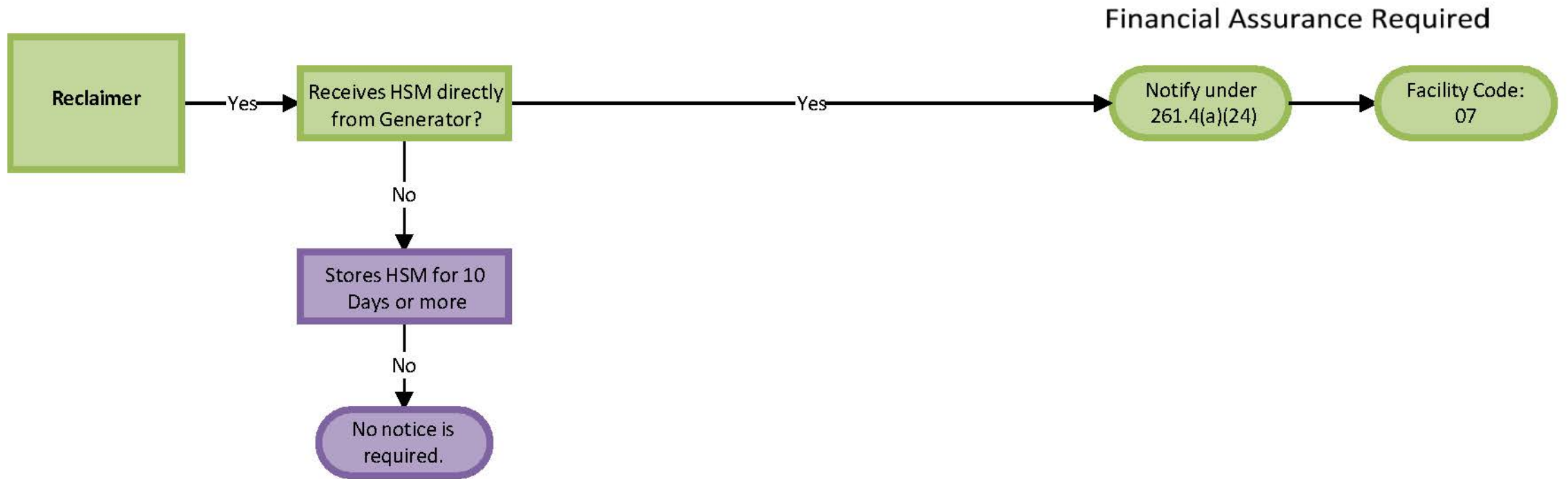
Summary of the HSM Program



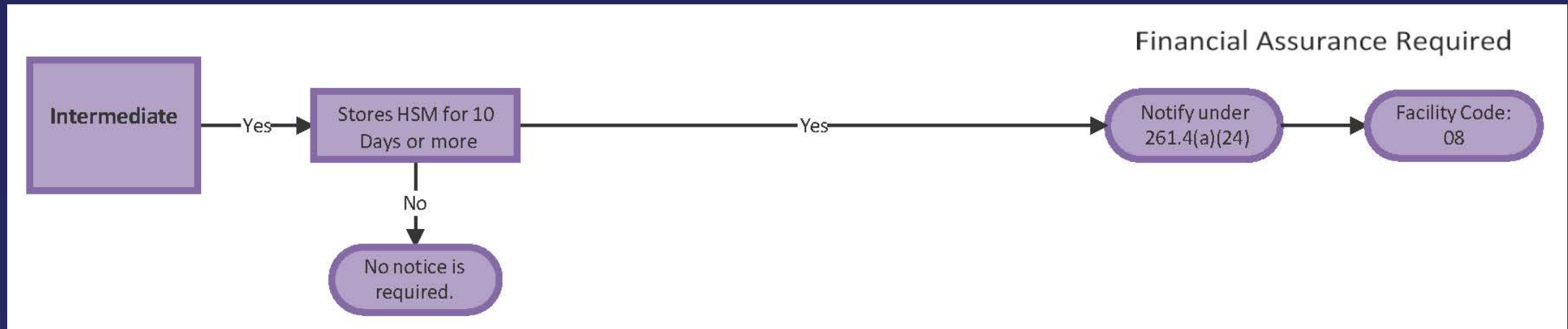
Summary of the HSM Program



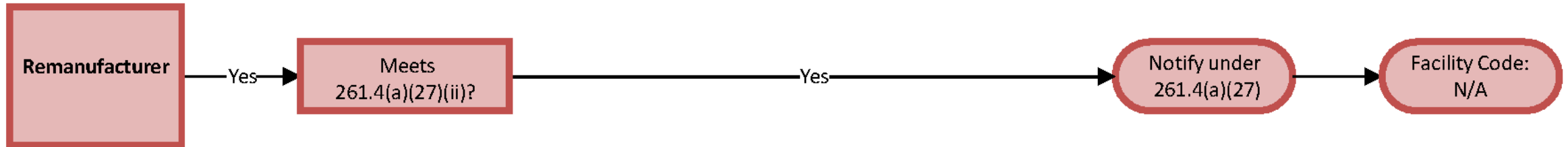
Summary of the HSM Program



Summary of the HSM Program



Summary of the HSM Program



Sign Up for GovDelivery

- Receive updates, notification of IHW forms, rule, guidance, and procedure changes
- <https://www.tceq.texas.gov/goto/ihwgovdev>



Questions?



For inquiries please contact:

Cat Deiparine

catherine.deiparine@tceq.texas.gov

512-239-4653

Or

IHWPER@tceq.texas.gov