

Recycling Determination Request

For an official concurrence on any recycling activity, the facility shall submit a recycling determination request, fill out EPA 8700 form as well as Registration of Hazardous Waste Activity Addendum form DWM 7037A and check the appropriate “Recycler” box. This form can be found at:

<https://eec.ky.gov/Environmental-Protection/Waste/hazardous-waste/Pages/hazardous-waste-forms.aspx>

Along with the completed form, please provide the following information (*If any of the items or questions are not applicable, please provide an explanation*):

1. Provide a detailed description of the process generating the material to be recycled.
2. Provide a detailed description of the recycling process. Include any equipment manufacturer model numbers and equipment specifications. In addition, please include the following:
 - 2.1 Is there any reclamation in the recycling process? If reclamation occurs, state the material(s) to be reclaimed.
 - 2.2 For closed-loop recycling with no reclamation, is the material to be recycled being land disposed or placed on the land prior to recycling?
 - 2.3 For closed-loop recycling with reclamation:
 - 2.3.1 Is the material to be recycled, both before and after, stored in a tank-based unit for no more than 12 months?
 - 2.3.2 Is the entire recycling process through completion of reclamation connected via hard piping or other, comparable closed conveyances?
 - 2.4 Are there any residues that can be considered hazardous wastes resulting from the recycling (including reclamation) process?
 - 2.5 What are the economic benefits of the recycling process?
3. For the material to be recycled, please include the following:
 - 3.1 A description of the material;
 - 3.2 The chemical and physical composition;
 - 3.3 All the applicable characteristic and listed waste codes; and
 - 3.4 The maximum quantity generated and to be recycled annually.
 - 3.5 If the material to be recycled is fuel, are there any nonfuel contaminants that are listed or characteristic hazardous wastes in the hazardous recycling material?
4. Provide a detailed description of the process(es) and/or application(s) into which the recycling material will be used.
5. Provide a list of any product that is derived from the recycled material and its use.
 - 5.1 If the product is to be applied to or placed directly on the land (use constituting disposal), please provide the following:
 - 5.1.1 Is the product produced for general public use?

- 5.1.2 Is the recycled material(s) inseparable from the product by physical means?
 - 5.1.3 Does the product meet the Land Disposal Restrictions (LDR) treatment standards?
6. To determine if the material(s) to be recycled is being legitimately recycled, please provide the following:
- 6.1 Legitimate recycling must involve recycling a material that provides a useful contribution to the recycling process or to a product or intermediate of the recycling process. Please show that the material to be recycled:
 - 6.1.1 Contributes valuable ingredients to a product or intermediate; or
 - 6.1.2 Replaces a catalyst or carrier in the recycling process; or
 - 6.1.3 Is the source of a valuable constituent recovered in the recycling process; or
 - 6.1.4 Is recovered or regenerated by the recycling process; or
 - 6.1.5 Is used as an effective substitute for a commercial product.
 - 6.2 The recycling process must produce a valuable product or intermediate. Please show that the product or intermediate is:
 - 6.2.1 Sold to a third party; or
 - 6.2.2 Used by the recycler or the generator as an effective substitute for a commercial product or as an ingredient or intermediate in an industrial process.
 - 6.3 The generator and the recycler must manage the hazardous recycling material(s) as a valuable commodity when it is under their control.
 - 6.3.1 Where there is an analogous raw material, please demonstrate that the hazardous recycling material(s) is managed, at a minimum, in a manner consistent with the management of the raw material or in an equally protective manner.
 - 6.3.2 Where there is no analogous material, please demonstrate that the hazardous recycling material(s) is contained (as defined in [40 CFR Part 260.10](#)).
 - 6.3.3 Please show or state that the recycling material(s) will not be accumulated speculatively (as defined in [40 CFR Part 261.1\(c\)\(8\)](#)).
 - 6.4 Demonstrate that the product of the recycling process does not:
 - 6.4.1 Contain significant concentrations of any hazardous constituents found in [40 CFR Part 261, Appendix VIII](#) that are not found in analogous products; or
 - 6.4.2 Contain concentrations of hazardous constituents found in [40 CFR Part 261, Appendix VIII](#) at levels that are significantly elevated from those found in analogous products, or
 - 6.4.3 Exhibit a hazardous characteristic (as defined in 40 CFR Part 261 Subpart C) that analogous products do not exhibit.
7. Provide supporting documents, or any other methods, that show Subparts AA and BB air emission standards have been met. *[Note: If the recycling units are located at the hazardous waste generator's facility (where there is no hazardous waste permit), the units are exempted from the air emission standards.]*
8. If this recycling determination request is to seek exemption from hazardous waste regulations, please provide the following:

- 8.1 All the applicable state and federal regulations used in the “not-solid-waste” determination.
 - 8.2 Documentation or information that supports the “not-solid-waste” determination.
9. If your facility recycles off-site hazardous wastes, please provide a signed agreement or contract between the generator of the hazardous wastes and your facility.
 10. Is there any training required for the employees involved in the recycling process? If training is required, please provide the training procedures.
 11. Provide a copy of the contingency plan for employees to assess the hazards of the recycling process and how to contend with such hazards.
 12. The Registration fee shall be made payable to the Kentucky State Treasurer. See Fee Schedule of the Registration instructions for total Registration fee. If you have questions regarding your fees, please contact Brandon May at (502) 782-7010 or by e-mail at Brandon.May@ky.gov

Please note that if there is any regulation applicable to the process that has not been adopted by Commonwealth of Kentucky, applicants may need to submit a variance request.

The determination of such recycling activity by the Division of Waste Management will not exclude the facility from obtaining the necessary permits or authorization from any other local, state, or federal agency. The facility will need to submit an application to the other governing agencies separately.

State Regulation Web Link:

<https://apps.legislature.ky.gov/law/kar/titles/401/039/>