



Texas Commission on Environmental Quality

**Notice of Intent (NOI)
to Operate a Recycling Facility
Under 30 TAC Sections 328.4 and 328.5**

TCEQ MSW No. (if known): _____

You must submit this form along with information in Attachments A - F that apply to your facility to the Texas Commission on Environmental Quality (TCEQ) if you intend to operate a recycling facility under Title 30 of the Texas Administrative Code (30 TAC) §§328.4 and 328.5 or a composting or mulching operation authorized under 30 TAC §332.3 (d)(1) or (3). However, you may be exempt from the requirement to obtain this authorization if you are a city or county government, a state agency, an agency of the federal government, a smelter of recyclable metal or a secondary metals recycler affiliated with a smelter, a recycling facility associated with a TCEQ permitted landfill, or, in some cases, a facility that does not charge to accept the recyclable material. Please review the details in 30 TAC §§328.4(a) and 328.5(a) to make this determination.

If your facility:

- is not exempt from 30 TAC §§328.4(a) and 328.5(a);
- is located in Bexar County; and
- produces mulch or compost

You are required to submit this form, including Attachment F for Bexar County.¹

Authorization to operate under this NOI is limited to facilities that process source separated recyclable material that does not include more than incidental amounts of non-recyclable waste and that recycle or transfer at least 50 percent of each type of material stored at the beginning of each 6 month period by the end of that period. Facilities are not authorized to accept putrescible material except as allowed for composting facilities under 30 TAC §332.3(d)(1). If your facility will receive more than incidental amounts of non-recyclable waste or requires more time to recycle, you may request alternative compliance by submitting the Alternative Compliance Demonstration in Attachment E. Please be aware that you must comply with the record keeping requirements found in 30 TAC §328.5(f). Upon request, the TCEQ can provide forms that may be used to demonstrate compliance with limits on incidental waste, requirements related to the amount of material recycled or transferred for recycling, and the requirement to take non-recyclable waste to an authorized solid waste facility within one week of acceptance.

Facility Information

1. Facility Name

Provide the name of the recycling, composting, or mulching facility (should be same as “Regulated Entity Name” on Core Data Form):

2. Facility Owner/Operator

Submit a completed Core Data Form for the Owner/Operator. The Core Data Form and instructions can be found at the following Internet link:

www.tceq.state.tx.us/permitting/central_registry/guidance.html

¹If your facility is located in Bexar County, produces mulch or compost, and you think you may be exempted by 30 TAC §§328.4(a) and 328.5(a), you may need to submit information to comply with 30 TAC §328.4(g). If you have any questions, please contact the Municipal Solid Waste Permits Section at (512) 239-2334.

3. Property Owner

Check whichever applies:

- The facility Owner/Operator is the same entity that owns the property.
- The facility Owner/Operator is a different entity than the property owner.
(Attach a separate Core Data Form for the Property Owner.)

4. Contact Person – Name, Title, Phone Number, E-Mail Address

Identify the person to be contacted about the completed form and the facility.

Name (required): _____

Title: _____

Phone Number (required): _____

E-Mail Address: _____

5. Directions

Provide directions to the site from the nearest, major intersection (e.g., state highway):

6. Brief Description of the Property

Provide a brief description of the property to be used for recycling activities such as the number of acres, legal description, drawing of the boundary metes and bounds, and/or other drawing, etc. :

7. Closure Activities

The following requirements must be met for closure activities. At the time of closure, the Owner/Operator will collect and transport all processed and unprocessed materials to an authorized facility for disposition. Closure will be completed within 180 days following the most recent acceptance of processed or unprocessed materials unless otherwise approved or directed in writing by the Executive Director (ED).

8. Attachments

Please address and submit the applicable items in Attachments A thru D found on Page 4. If no combustible material will be stored outdoors, Attachment D is not required. For an Alternative Compliance request, also submit Attachment E. If you are located in Bexar County and produce mulch or compost, also submit Attachment F.

9. Submittal

Submit the original form, attachments, and any tables prior to commencing operations. If combustible material will be stored outdoors or if the ED determines that the facility poses a significant risk to public health and safety, a cost estimate for financial assurance must be submitted at least 90 days prior to receiving materials and a signed financial assurance mechanism must be

provided prior to receipt of materials. If your facility is located in Bexar County and produces mulch or compost, you are required to submit this form at least 90 days prior to commencing new operations.

Submit to: Municipal Solid Waste Permits Section MC 124
 Texas Commission on Environmental Quality
 P. O. Box 13087
 Austin, Texas 78711-3087

10. Changes to existing facility.

Once you are authorized to operate, you must notify the TCEQ of any updates or changes in facility operations. You may provide written notice of a specific change by letter or by submitting a revised NOI Form. The ED may require that a revised NOI Form be submitted based on the extent of changes. The notification must be provided within 90 days of the effective date of the change. The following are examples of changes requiring this notification.

- **Notice of Change to Facility Operation** – A change in operation or other change from the way the facility was originally authorized.
- **Notice of Facility Expansion** – The facility operation and/or area will be expanded.
- **Notice of Closure Activity** – The facility will be closing in accordance with 30 TAC §328.5(e) and the operator will relinquish the authorization.

List of Included Attachments	Included? (yes or no)
1. Core Data Form for Operator	
2. Core Data Form for Owner (if different)	
3. Attachment A – Map of Site Location	
4. Attachment B – Description of Storage and Recycling Operations	
5. Attachment C – Identification of Markets for Processed Materials	
6. Attachment D – Cost Estimates for Financial Assurance	
7. Attachment E – Alternative Compliance Demonstration	
8. Attachment F – Bexar County Mulch or Compost Facility	

Owner/Operator’s Certification Statement

This statement must be signed and submitted with the NOI form.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature of the Owner/Operator, Title, Date

Printed Name

Attachments

Attachment A – Map of Site Location

Indicate the site location on a city or county roadway map with the site outlined and labeled.

Attachment B – Description of Storage and Recycling Operations

Identify the Desired Authorization. Identify the operation below that is the most similar to your facility and then provide a full description of your facility. Describe the facility including a list of each type of material to be accepted for recycling, any storage of materials prior to recycling, and how each type of material will be recycled. For **Options 1 through 4**, the TCEQ will issue an authorization number and letter acknowledging that the agency has been properly notified. However, the form will be evaluated to determine if the operation meets the requirements for authorization by notice and whether financial assurance will be required before the facility may receive material.

- **Option 1: Recycling Facility** – The facility will receive “incidental amounts of non-recyclable waste” accompanying the recyclable material. See the definition of “incidental amounts of non-recyclable waste” in 30 TAC §328.2(3).
- **Option 2. Composting Facility for Source Separated Yard Trimmings, Clean Wood Material, Vegetative Material, Paper, and Manure** – The facility will be an exempt composting operation that is authorized under 30 TAC §332.3(d)(1)(A) – exempt from facility notification, registration, and permit requirements, but subject to the requirements of 30 TAC §§328.4 and 328.5.
- **Option 3. Composting Facility for Source Separated Industrial Materials Including Clean Wood Material, Vegetative Material, Paper, Manure (Including Paunch Manure), and Yard Trimmings** – The facility will be an exempt composting operation that is authorized under 30 TAC §332.3(d)(1)(B) – exempt from facility notification, registration, and permit requirements, but subject to the requirements of 30 TAC §§328.4 and 328.5.
- **Option 4. Mulching Facility** – **The facility will be an exempt mulching operation that is authorized under 30 TAC §332.3(d)(3)** – exempt from facility notification, registration, and permit requirements, but subject to the requirements of 30 TAC §§328.4 and 328.5.

Attachment C – Identification of Markets for Processed Materials

For each type of material that will be accumulated or stored, include documentation to show that it is potentially recyclable. Examples of specific types of acceptable evidence to substantiate that a type of material is potentially recyclable and has an economically feasible means of being recycled include published market indexes for a particular material and region, sales receipts or price quotations from buyers, and evidence of the recycler’s ability to process the material to market specifications.

Attachment D – Cost Estimates for Financial Assurance

An owner or operator of a recycling facility that stores combustible material outdoors shall provide a written cost estimate, in current dollars, showing the cost of hiring a third party to close the facility by disposition of all the processed and unprocessed materials in accordance with all applicable regulations. Please refer to TCEQ Publication, **Guidelines for Complying with Financial Assurance Requirements for Recycling, Composting, and Mulching Facilities**, at the following link:

www.tceq.state.tx.us/assets/public/permitting/waste/msw/recycling_fa_guide.pdf

If a third-party quote is used for cost estimates, please include a statement confirming that the owner or operator of the facility and the third party providing the quote are not affiliated. Two entities are considered to be affiliated if at least one of them owns or controls at least 20% of the voting interest, fair market value, profits, proceeds, or capital gains of the other.

Attachment E – Alternative Compliance Demonstration

If your facility will receive more than incidental amounts of non-recyclable waste or will not recycle or transfer at least 50 percent of each type of material stored at the beginning of each 6 month period by the end of that period, you may request alternative compliance by submitting information in accordance with Page 6 of this form. Requests for Alternative Compliance must be approved by the Executive Director before a facility may operate under alternative requirements. Requests for alternative compliance will be evaluated on a case-by-case basis in accordance with 30 TAC §§328.4(c),(e) and (f).

Attachment F – Bexar County Mulch or Compost Facility

Facilities located in Bexar County that produce mulch or compost are required to comply with 30 TAC §328.4(g) and to provide the following information.

- If you are going to keep track of material by volume instead of by weight to demonstrate compliance with how long materials may be stored, you must specify an appropriate conversion factor to convert volumes of incoming material to equivalent volumes of outgoing material.
- Specify the maximum amount of unprocessed and processed combustible material that will be stored at the facility.
- Specify the maximum number of piles of combustible materials that will be located at the facility.

Please review 30 TAC §328.4(g) for requirements related to how long materials may be stored, how much material may be stored, how much time you have to process material and to what size, limits on pile sizes, limits on number of piles, fire lanes, buffer zones, facilities located in a recharge or transition zone of the Edwards Aquifer, and record keeping.

You may request alternative compliance to store material for more time or to take longer to process material than the limits specified in the rules. For alternative storage time limits, provide a technical justification for why additional time is needed and specify how much time is needed. For alternative processing time limits, describe the circumstances that make it impractical to grind materials within 90 days of receipt and specify how much time is needed.

Supplemental Information for Preparing Attachment E Alternative Compliance Demonstration

For an Owner/Operator who may not be able to comply with the limits on amounts of incidental waste received (30 TAC §328.2(3)) or the accumulation time limits (30 TAC §328.4(b)(2) and (3)), an Alternative Compliance Demonstration must be included with the NOI form.

All operators requesting alternative compliance must respond to Items 1 thru 5 below:

1. Identify the desired activity from the descriptions below.
 - **Exceed Incidental Amounts** (Despite efforts to reduce incidental waste, the limits specified in the rule cannot be met.)
 - **Exceed Accumulation Time Limit** (Circumstances do not allow recycling or transfer of accumulated material within required time limits.)
2. What is the prevalence of the practice on an industry-wide basis, or on the basis of other similar facilities recycling the same kind of material?
3. Provide reasons why alternative compliance would be protective of the environment and human health and safety.
4. Provide any other relevant information in support of the alternative compliance request.
5. Describe why you cannot comply with the limits on amounts of incidental waste received or the accumulation time limits.

Requests to exceed incidental amounts, address applicable Items 6 thru 10:

6. What alternative maximum percentage, by volume or scale weight, of each incoming load, will be non-recyclable waste? What alternative maximum percentage, by volume or scale weight of materials received in each six-month period, will be non-recyclable waste?
7. If applicable, specify the maximum amount of, and reasons for, unavoidable damage to incoming material during collection, unloading, and sorting that renders the material unmarketable.
8. If applicable, explain why data on tramp or damaged materials cannot be separated from data on other non-recyclable waste.
9. Describe the efforts made in the operation to maintain and enforce source separation. Identify any limitations on the ability to maintain and enforce source-separation at the facility.
10. How will waste be disposed? What is the maximum amount of time between receiving the waste and disposal?

Requests to exceed accumulation time limits must address Items 11 and 12:

11. Describe the circumstances that limit the facility's ability to comply with the material turnover percentage requirements specified in 30 TAC §328.4(b) and what alternative turnover rate is being requested.
12. If applicable, provide the volume needed in order to obtain grinding service and the estimated maximum length of time needed to accumulate that volume.