



TCEQ REGULATORY GUIDANCE

Waste Permits Division

RG-410

June 2003

Requirements for Nonhazardous Recycling and Composting Facilities

Introduction

The State of Texas recognizes the importance of recycling and composting in conserving natural resources and maintaining environmental quality. For this reason, the legislature has enacted laws that provide direction and incentives in support of recycling and composting. Statewide, there are more than a thousand facilities that collect and process a wide variety of materials for recycling. Although there are many different kinds of recycling facilities, they share the following basic characteristics:

- They accept only source-separated recyclable materials (these materials may be commingled, as in the case of municipal curbside recycling programs).
- They may pay for the materials they receive, accept them at no charge, or charge tipping fees to accept them.
- They add value to the materials they receive by sorting and/or processing them to meet the specifications of a buyer, or market.
- After processing, they sell the materials or put them to beneficial reuse.

Unfortunately, there are operators who claim to be recycling in order to avoid regulation. These businesses, which are actually unauthorized processing facilities (where recyclables are separated from the solid waste stream), may have the following characteristics:

- They require minimal or no source-separation of recyclable materials.
- They charge tipping fees for the materials they receive, which may contain significant amounts of mixed waste.
- They stockpile most of the materials they receive, with little or no processing.
- There are no markets for most of the materials stored on site.
- Materials may continue to accumulate until they create serious nuisance conditions or a threat to public health and safety.
- Facility operators avoid responsibility for cleanup of the site.

In addition to these unauthorized facilities, there are a number of legitimate recycling operations that accept significant amounts of non-recyclable waste, generally because

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incoming recyclable materials are not effectively source-separated. Because of the amount of solid waste that these facilities handle, they may require authorization as Type V municipal solid waste processing facilities.

Background

In order to address the problems created by unauthorized solid waste processing facilities, the 77th Texas Legislature (2001) amended the Texas Health and Safety Code by adding Section 361.119, which directs the Texas Commission on Environmental Quality (TCEQ) to implement rules to “ensure that a solid waste processing facility . . . is not allowed to operate unregulated as a recycling facility.” The law states that the new rules shall include:

- recordkeeping & reporting requirements;
- limitations on the storage of recyclable material; and
- assurance that recyclable materials will not be abandoned or disposed of, and will not create a nuisance or threat to the environment or public health and safety.

The law also exempts certain kinds of facilities from particular requirements of the rules. These exemptions are discussed in the sections of this document that deal with the particular rules where the exemptions are applied.

Purpose of this Guidance Document

The purpose of this guidance document is to inform owners and operators of recycling, mulching, and composting facilities in Texas of their responsibilities under Title 30 of the Texas Administrative Code (30 TAC) Chapters 328, 330, and 332. It is organized in a question-and-answer format. Citations of specific regulations are provided for each section, and can be referenced in the Appendices. Unless otherwise noted, all regulations will be found in 30 TAC. For example, 30 TAC, Chapter 328, Section 328.4 will be shown as §328.4. TCEQ rules may be found on the TCEQ public Web site at www.tceq.state.tx.us/AC/nav/rules or on the Texas Secretary of State’s TAC viewer at www.sos.state.tx.us/tac/index.shtml. TCEQ rules may also be obtained from TCEQ Publications, MC-195, P.O. Box 13087, Austin, TX 78711-3087, or ordered by phone at 512/ 239-0028. There is no cost for a single copy per title. Please specify requested rules by chapter number.

Understanding the Rules: Common Questions & Answers

1. Is a permit or registration required for my facility?

As a general rule, any facility that stores, processes, or makes final disposal of municipal solid waste must obtain a solid waste permit or registration from the TCEQ. A complete list of exemptions to this requirement can be found in §330.4(f).

Recycling facilities are exempt from this requirement, as long as they accept only non-putrescible, source-separated recyclable material, and comply with the recycling rules in §§328.3 - 328.5.

- **Putrescible materials** are plant or animal wastes, including wet garbage, wastewater sludge, and grease trap waste, that can decompose rapidly enough to cause odors or gases, or to attract birds, insects, or other animals.
- **Source-separated recyclable material** is recyclable material that, at the point of generation, has been separated, collected, and transported separately from municipal solid waste, or transported in the same vehicle as municipal solid waste, but in separate containers or compartments. A facility operator cannot be expected to know how all materials have been handled before they arrive at his gate. However, recycling facilities are required to make reasonable efforts to maintain source-separation by informing customers of those materials that are accepted and those that are not, inspecting incoming loads, and rejecting loads that contain more than incidental amounts of putrescible or non-recyclable material.

Recycling facilities that do not qualify for exemption from registration and permitting are subject to other regulations according to their activities and the materials they process. These regulations may include 30 TAC Chapter 330, Municipal Solid Waste (see Subchapter D, Classification of Municipal Solid Waste Facilities), and Chapter 335, Industrial Solid Waste and Municipal Hazardous Waste. These rules can be accessed through the TCEQ Web site, and additional guidance on them is available by phone through the agency's Waste Permits Division, 512/239-2334.

Composting or mulching facilities are not required to obtain a municipal solid waste permit or registration as long as they accept only source-separated recyclable material, and comply with the requirements of Chapter 332 (Composting).

- Mulching facilities and composting facilities that receive only source-separated yard trimmings, clean wood material, vegetative material, paper, and manure are required to comply with the rules in §§328.4 - 328.5, in addition to the general requirements found in §332.4, and the air quality requirements in §332.8.
- Facilities that compost source-separated meat, fish, dead animal carcasses, oils, greases, or dairy materials, exclusively or in combination with the materials listed above, must comply with the rules in §§328.4 - 328.5, in addition to the requirements of Chapter 332.
- Facilities that compost nonhazardous materials other than those listed above must obtain a composting registration or permit as required by Chapter 332.

Composting and mulching facilities that do not qualify for exemption from registration or permitting are subject to the requirements of 30 TAC Chapter 332, Composting. These rules can be accessed through the TCEQ Web site, and additional guidance on them is available by phone through the agency's Waste Permits Division, 512/239-2334.

2. Do all recycling and composting facilities that are exempt from solid waste permitting and registration requirements have to comply with the material storage limitations in §328.4?

No, the law exempts the following types of facilities from the storage limitation requirements of §328.4:

- facilities owned or operated by local governments (cities and counties), or by state or federal agencies;
- metal smelters and secondary metal recyclers that profit from the resale of the metals they process; and
- facilities that accept only source-separated recyclables, more than 50 percent of which are received from the public or unaffiliated haulers, and accept no financial compensation (tipping fees, discounts, or “hidden charges”) for any of the materials they receive. This exemption applies to buy-back operations, community drop-off centers, and in-house recycling and composting activities, as long as all other requirements are met.

3. How do the rules define the term “affiliated”?

Section 328.2(1) defines affiliation as a relationship between “persons,” or business entities, in which one owns or controls more than 20 percent of the voting interest, fair market value, profits, proceeds, or capital gains of the other.

4. Aside from the requirements for exemption from solid waste permitting or registration in §330.4(f), what are the restrictions on the materials that a recycling or composting facility can accept?

According to §328.4(d), facilities must limit non-recyclable waste to “incidental amounts” in order to retain their exemption from solid waste permit and registration requirements. By the definition in §328.2(2), this means that incoming loads of recyclables can contain no more than 10 percent non-recyclable materials by volume or scale weight. Documentation to ensure this limit is outlined in Question No.12 below and includes posted signs and records of staff training. In addition, non-recyclable materials can make up no more than 5 percent of total scale weight or volume of all materials received by a facility in the past 6 months. Documentation to ensure this limit is also outlined in Question No.12 and includes sales and shipping documents for recycled material, and documents showing the amount of material disposed of.

Certain non-recyclable materials may be accepted without counting toward these limits, including:

- non-recyclable components of manufactured products, such as automobiles, appliances, or other items that require dismantling, grinding, or some other

process that is not practical at the point of generation to separate recyclable and non-recyclable materials;

- source-separated recyclable material that has been broken or damaged during collection, unloading, and sorting, and is no longer recyclable, such as broken glass from a public collection program;
- “tramp materials” that commonly accompany recyclable materials, such as glass from recyclable metal windows, nails and roofing felt attached to recyclable shingles, nails and sheetrock attached to recyclable lumber from a demolition site; and
- pallets and packaging materials.

5. What kinds of materials can be stored at a recycling or composting facility?

Stored materials must be recyclable. Theoretically, almost anything can be recycled, but §328.4(b)(1) states that stored material must have “an economically feasible means of being recycled.” Recyclers must be able to demonstrate that the materials stored at their facilities are recyclable by providing:

- published market prices in the state or region for the materials stored on site;
- receipts for materials previously sold by their facility;
- statements from buyers or published market specifications describing the degree of processing required for the sale of materials; and
- proof that the facilities have access to the equipment necessary to process the stored materials to meet market specifications.

6. How long can materials be stored at a recycling or composting facility?

Section 328.4(b) provides for a phased-in schedule for material storage limitations:

- **By December 12, 2002**, 90 days from effective date of the rule, a facility must record the amount (weight or volume) of unprocessed material (A) on site. For new facilities, this record must be made 90 days after the start of facility operations.
- **By June 12, 2003**, for existing facilities (or 270 days after the beginning of operations for new facilities), at least 25 percent of (A) must be recycled or moved to another facility for recycling, and a new record of the amount of unprocessed material on site (B) must be made.
- **By December 12, 2003**, for existing facilities (or six months later for new facilities), 50 percent of the last recorded amount of unprocessed material (B) must be recycled. A new record of the amount of unprocessed material on site (C) must be made at this time. This process must be repeated every six months thereafter.

Each material of the same type must be counted separately in determining the amount recycled.

Section 328.4(b)(3)(B) states that if materials have been processed for recycling, cleaned, ground, separated, or otherwise prepared to add value as recyclable commodities, they should not be counted as stored (“accumulated”) materials in these calculations. This includes materials that have been ground for use as mulch or compost, or prepared and placed in a windrow, static pile, or vessel for composting. These processed materials will be considered to be recycled for the purposes of the rule, as long as they have been contained, covered, or otherwise protected from degradation, contamination, or loss of value as recyclable material.

7. What are the alternatives for a facility that cannot comply with the §328.4 restrictions on “incidental amounts of non-recyclable waste” or the limitations on the storage of materials?

Obviously, all recyclers would prefer to receive no waste materials, and to process and market all materials as quickly as possible. Facilities that want to continue to operate, but are unable to comply with either of these two regulations have two alternatives:

- obtain a municipal solid waste permit or registration as a Type V solid waste processing facility; or
- obtain approval for alternative compliance from the TCEQ Executive Director.

8. Who can qualify for alternative compliance?

Section 328.4(c) provides that a facility may apply in writing for an “alternative compliance” standard if:

- it receives large quantities of materials as a result of a disaster or other circumstance beyond its control;
- it is a mulching or composting facility that must accumulate a certain volume of material in order to obtain grinding services from a contractor; or
- it cannot comply with the limits on storage or “incidental amounts of non-recyclable waste” without significantly hampering its ability to recycle.

9. How can a facility owner or operator apply for alternative compliance?

According to §328.4(e)(1), an applicant must submit a written request to the Executive Director (ED). The ED may grant a request for alternative compliance if the applicant submits sufficient documentation demonstrating that the facility cannot meet the standard for “incidental amounts of non-recyclable waste,” or the storage requirements in §328.4(b). The ED’s decision will be based on the following factors that apply [30 TAC §328.4(f)(1-12)]:

- whether the application is for a single facility or for facilities of a similar type recycling the same kind of material;

- the locations of all facilities to be covered by the alternative compliance;
- the type(s) of material(s) accepted for recycling;
- any storage of materials prior to recycling;
- how the material(s) are recycled;
- the amount of, and reasons for, unavoidable damage to incoming material during collection, unloading, and sorting that renders the material unmarketable;
- reasons that the data on tramp or damaged materials cannot be separated from data on other non-recyclable waste;
- reasonable efforts used at the facility or facilities to maintain and enforce source-separation, or reasons why source-separation cannot be practicably maintained and enforced at the facility or facilities;
- the amount and type of non-recyclable waste disposed of by the facility or facilities, the method of disposal, and the amount of time between receiving the waste and disposal;
- the prevalence of the practice on an industry-wide basis, or on the basis of other similar facilities recycling the same kind of material;
- reasons why alternative compliance would be protective of the environment and human health and safety; and
- other relevant factors.

Requests for alternative compliance should be addressed to Municipal Solid Waste Permits Section Manager MC 124, TCEQ, P.O. Box 13087, Austin, TX 78711-3087.

10. *Do all recycling and composting facilities that are exempt from solid waste permitting and registration requirements have to comply with the reporting and recordkeeping requirements in §328.5?*

No, the law exempts the same facilities from the reporting and recordkeeping requirements in §328.5 as those exempt from the storage limitation requirements of §328.4. This includes:

- facilities owned or operated by local governments (cities and counties), or by state or federal agencies;
- metal smelters and secondary metal recyclers that profit from the resale of the metals they process; and
- facilities that accept only source-separated recyclables, more than 50 percent of which are received from the public or unaffiliated haulers, and accept no financial compensation (tipping fees, discounts, or “hidden charges”) for any of the materials they receive. This exemption will apply to buy-back operations, community drop-off centers, and in-house recycling and composting activities, as long as all other requirements are met.

In addition, owners or operators of permitted municipal solid waste disposal facilities, and affiliates of municipal solid waste disposal permit holders are exempt from the reporting and recordkeeping requirements in §328.5. Affiliation is defined in §328.2(1) as a relationship between two “persons,” or business entities, in which one owns or

controls more than 20 percent of the voting interest, fair market value, profits, proceeds, or capital gains of the other.

11. What kinds of reports are required by the new rule?

Recycling and composting facilities that are subject to the recycling rules are required to submit two types of reports to comply with these rules:

- TCEQ Form 10400: the Central Registry Core Data Form. This is a simple two-page form to provide basic information about a facility and its operator. This form and instructions for completing it can be found in the Appendix to this document. Form 10400 and its instructions can also be printed or downloaded from the TCEQ Web site at www.tnrc.state.tx.us/forms.html
- TCEQ Form 20049: Notice of Intent to Operate a Recycling Facility (included in the Appendix). This form will provide the agency with the following information:
 - the type(s) of material(s) accepted for recycling;
 - how each type of material is stored before and after processing;
and
 - how the material(s) will be recycled.

Form 20049 can also be printed or downloaded from the TCEQ Web site at www.tnrc.state.tx.us/forms.html

Both of these forms must be submitted to the TCEQ's MSW Permits Section, MC 124, P.O. Box 13087, Austin, TX 78711-3087 by December 12, 2002, or prior to the start-up of a new operation. Forms must be updated to correct any information that has changed within 90 days of the date of the change.

12. What kinds of records do I have to keep?

Section 328.5(c) requires facilities regulated under this section to maintain on site three types of records necessary to show that the facility is in compliance with the storage requirements of §328.4:

- material storage records
- documentation of source-separated incoming materials
- fire prevention and suppression plan

13. What type of material storage records do I have to keep?

- **By December 12, 2002**, 90 days from effective date of the rule, a facility must record the amount (weight or volume) of unprocessed material (A) on site. For new facilities, this record must be made 90 days after the start of facility operations.

- **By June 12, 2003**, for existing facilities (or 270 days after the beginning of operations for new facilities), a facility must have records showing that at least 25 percent of (A) has been recycled or moved to another facility for recycling. A new record of the amount of unprocessed material on site (B) must be made at this time.
- **By December 12, 2003**, for existing facilities (or six months later for new facilities), a facility must have records showing that at least 50 percent of the last recorded amount of unprocessed material (B) has been recycled. A new record of the amount of unprocessed material on site (C) must be made at this time. This process must be repeated every six months thereafter.

Each material of the same type must be counted separately in determining the amount recycled.

Records that demonstrate the amount of material recycled may include:

- signed and dated receipts for the sale of specified amounts of specific processed material(s); or
- signed and dated bills of lading or shipping manifests showing specified amounts of processed materials transferred to a specific site for recycling.

According to §328.4(b)(3)(B), if materials have been processed for recycling, cleaned, ground, separated, or otherwise prepared to add value as recyclable commodities, they should not be counted as stored (“accumulated”) materials in these calculations. This includes materials that have been ground for use as mulch or compost, or prepared and placed in a windrow, static pile, or vessel for composting. These processed materials will be considered to be recycled for the purposes of the rule, as long as they have been contained, covered, or otherwise protected from degradation, contamination, or loss of value as recyclable material.

14. *What kind of documentation do I need to keep to show source-separation of incoming material?*

Facilities that have to comply with the requirements of these rules must also keep records to demonstrate that they have made reasonable efforts to maintain source-separation of incoming materials, including:

- on-site signs and written notices to customers of source-separation requirements;
- records of staff training in the inspection of incoming loads to ensure that they contain no more than 10 percent incidental non-recyclable waste;
- documentation of loads that have been rejected for exceeding 10 percent incidental non-recyclable waste; and
- documentation that incidental non-recyclable waste constitutes no more than 5 percent of the average total scale weight or volume of all materials received in the last six-month period. This documentation may include sales and shipping documents that show the total amount of materials recycled, and where these materials went, along with records showing the location and total amount of

materials disposed of in the past six months. There should be a summary of this information attached to the detailed documentation. If tramp materials or other non-incident waste listed in §328.2(2) are included in disposal records and total disposal amounts to more than 5 percent of all materials handled for the period, documentation of the amount of this non-incident waste must be maintained. This documentation may include photographs of routinely accepted non-incident waste along with an itemized list of recyclables accepted, describing the non-recyclable components listed in §328.2(2).

15. Do I need to have a fire prevention and suppression plan?

Section 328.5(e) requires recycling and composting facilities that manage combustible materials to have a fire prevention and suppression plan that is available to the local fire prevention authority having jurisdiction over the facility for review and coordination. If you do not have an existing plan, consult with the local Fire Marshall or city and/or county designated personnel for guidance.

16. Who is authorized to see the records required under this rule?

Section 328.5(d) states that the required facility records must be made available upon request to TCEQ representatives and to local government officials that are authorized to enforce the Texas Health and Safety Code and the Texas Administrative Code.

17. What are other operating standard requirements that apply to all recycling and composting facilities?

Section 328.3 requires that all recycling facilities comply with all applicable federal and state laws and regulations. Some of the requirements most commonly applicable to recyclers, including composters, are found in the following laws and regulations:

TEXAS HEALTH & SAFETY CODE:

- CHAPTER 341. MINIMUM STANDARDS OF SANITATION AND HEALTH PROTECTION MEASURES
 - Sec. 341.011. Nuisance
 - Sec. 341.012. Abatement of Nuisance
 - Sec. 341.013. Garbage, Refuse, and Other Waste
- CHAPTER 343. ABATEMENT OF PUBLIC NUISANCES
 - Sec. 343.011. Public Nuisance
- CHAPTER 361. SOLID WASTE DISPOSAL ACT
- CHAPTER 365. LITTER
 - Sec. 365.012. Illegal Dumping; Criminal Penalties
- CHAPTER 370. TEXAS TOXIC CHEMICAL RELEASE REPORTING ACT
- CHAPTER 382. TEXAS CLEAN AIR ACT

- CHAPTER 401. TEXAS RADIATION CONTROL ACT

TEXAS WATER CODE

- CHAPTER 26. WATER QUALITY CONTROL

TEXAS ADMINISTRATIVE CODE

- CHAPTER 101 GENERAL AIR QUALITY RULES
 - Section 101.4. Nuisance
- CHAPTER 111 CONTROL OF AIR POLLUTION FROM VISIBLE EMISSIONS AND PARTICULATE MATTER
 - Section 111.143 Materials Handling
- CHAPTER 328 WASTE MINIMIZATION AND RECYCLING
 - Section 328.3 General Requirements

APPENDIX: REQUIRED FORMS

- TCEQ Form 10400-inst (Instructions): Completing the TCEQ Core Data Form
- TCEQ Form 10400: Core Data
- TCEQ Form 20049: Notice of Intent to Operate a Recycling Facility

Completing the TNRCC Core Data Form

What is this form?

The Core Data Form is a new tool we use to maintain basic information about the people, businesses, and institutions that we (the TNRCC) must regulate under the law.

Examples of “core data” are your name, your address, and the type of business or other activity that requires you to be regulated by us.

Why this form?

You may have contact with our agency through several different programs. (For examples of our “programs,” see the list in Item 38 on page 2 of the Core Data Form.) If any of your core data changes—for example, if you move, sell your business, or change your phone number—then you can update this information with each program you deal with by sending this one form to one address.

When must I complete this form?

In these two situations only:

- ◆ You are not in our core database (the “Central Registry”) yet, and you are completing one or more TNRCC application or registration forms.
- ◆ You are already in the Central Registry, but your core data has changed, and you need to update it with us.

Where do I send this form?

- ◆ If you are submitting this form along with a TNRCC application or registration form, send this form and all other materials to the address shown on the other TNRCC form.
- ◆ If you are not submitting any other TNRCC forms, send this form by itself to:

TNRCC
Central Registry Program MC 144
PO Box 13087
Austin TX 78711-3087

Am I a “customer”? A “regulated entity”?

It depends. In completing this form, the *regulated entity* is the “thing” that is, could be, or has been regulated—for example, a site or a facility.

A *customer* is responsible for one or more regulated entities—for example, the organization or individual that owns or operates a site or facility.

The following examples show how to apply these terms to common situations:

Example 1:

Worlds o’ Waste Inc. owns and operates County Line Road Landfill.
Worlds o’ Waste Inc. = Customer (owner and operator)
County Line Road Landfill = Regulated Entity

In completing TNRCC-10400 for the first time:

Use only one form.

Put information about Worlds o’ Waste in Section II.

Put information about County Line Road Landfill in Section III.

Example 2:

John Doe owns Doe Waste Haulers
Jack Doe operates Doe Waste Haulers
John Doe = Customer (as *owner*)
Jack Doe = Customer (as *operator*)
Doe Waste Haulers = Regulated Entity

In completing TNRCC-10400 for the first time:

Use separate forms for John Doe and Jack Doe.

Put John’s information in Section II of his form.

Put Jack’s information in Section II of his form.

Put information about Doe Waste Haulers in Section III of *both* forms.

Example 3:

Jesse James Enterprises Inc. owns and operates Deadwood Acres Drinking Water, Hoosegow Sludge Transporters, and Maverick Electroplating.
Jesse James Enterprises Inc. = Customer
Deadwood Acres Drinking Water = Regulated Entity
Hoosegow Sludge Transporters = Regulated Entity
Maverick Electroplating = Regulated Entity

In completing TNRCC-10400 for the first time:

Use separate forms for each regulated entity.

Put information about Jesse James Enterprises Inc. in Section II of *each* form.

Put information about Deadwood Acres Drinking Water in Section III of its form.

Put information about Hoosegow Sludge Transporters in Section III of its form.

Put information about Maverick Electroplating in Section III of its form.

Example 4:

Jane Doe is a Licensed OSSF Installer
Jane Doe = Regulated Entity (without her, there would be no license)
Jane Doe = Customer (she “owns” the license)

In completing TNRCC-10400 for the first time:

Complete all sections with information about Jane Doe.

Line-by-Line Instructions

Section I: General Information

1. Reason for Submission:

Briefly state why you are submitting this form.

Sample Entries: new permit application
revising customer information

2. Attachments:

Check “Yes” if you are including other forms or information with this TNRCC-10400. Check “No” if not. If “Yes,” indicate the general type of material attached. (This does not need to be a complete list of contents.)

Sample Entries: sludge transporter registration
TNRCC-10252
EPA notification form
CCN application package

3. Customer Reference Number (CN):

If this is the first time you have completed this form, you will not have this number yet, so you should leave this space blank. **Do not** enter a permit number, registration number, or license number here.

This number always begins with CN. Regardless of how many regulated entities you are associated with, you will have only one customer reference number.

If you are only updating regulated entity information:

- ◆ If the information is for *all* customers associated with this regulated entity, *don't* fill in this box.
- ◆ If the information is for *some, but not all* customers associated with this regulated entity, complete a separate Core Data Form for *each* customer that needs the regulated entity information updated. Enter only one customer reference number here on each respective form.

4. Regulated Entity Reference Number (RN):

This unique number identifies the regulated entity and always begins with RN. **Do not** enter a permit number, registration number, or license number here.

If you are only updating customer information:

- ◆ If the information is for your relationship with *all* of your regulated entities, *don't* fill in this box.
- ◆ If the information is for *some, but not all* of your regulated entities, complete a separate Core Data Form for *each* regulated entity that needs customer information updated. Enter only one regulated entity reference number here on each respective form.

Section II: Customer Information

5. Customer Role:

Check the **one** box that best indicates your relationship to the regulated entity. If none of the first five boxes fit your situation, check “Other” and write in the relationship.

6. General Customer Information:

Check **every** box that indicates why you are submitting this form.

Check this box ...	if...	and then ...
New Customer	you do not have a CN	Complete all items in this section.
Change to Customer Information	you already have a CN and some of the information in this section has changed	Complete only those items that have changed.
Change in Regulated Entity Ownership	you are the new owner of a regulated entity that already has an RN	Unless you are also a new customer, complete only those items that have changed. Be sure you have entered the RN in Item 4.
No Change	you already have a CN and are updating information about only the regulated entity	Go to Section III.

7. Type of Customer:

Check **one** box.

Check ...	if the customer...
Individual	is a person and has not established a business to do whatever causes them to be regulated by us.
Sole Proprietorship—D.B.A.	is a business that is owned by only one person and has not been incorporated. This business may: <ul style="list-style-type: none"> • be under the person's name • have its own name (“doing business as,” or <i>d.b.a.</i>) • have any number of employees
Partnership	is a business that is established as a partnership as defined by the Texas Secretary of State's Office.
Corporation	meets all of these conditions: <ul style="list-style-type: none"> • is a legally incorporated entity under the laws of any state or country • is recognized as a corporation by the Texas Secretary of State • has proper operating authority to operate in Texas. <p>Examples: general corporations Subchapter S corporations limited liability companies (LLCs) water supply corporations</p>
Federal, state, county, or city government (as appropriate)	is either an agency of one of these levels of government or the governmental body itself
Other government	is a utility district, water district, tribal government, college district, council of governments, or river authority. Write in the specific type of government.
Other	fits none of the above descriptions. Enter a short description of the type of customer in the blank provided.

8. Customer Name:

Enter the legal name of the customer. Include any abbreviations (LLC, Inc., etc.).

9. Mailing Address:

Enter a central and general mailing address for the customer to receive mail from the TNRCC. For example, this address might be the corporate or regional headquarters of a large company. It is not necessarily the same address you will give for the regulated entity in Section III. *If you are completing another TNRCC form at the same time, that form may have a place for you to enter a different mailing address to be used by that specific TNRCC program.*

If this address is outside the USA: Enter the mailing address and city if applicable. Enter all other mailing information under “Country” (Item 10).

10. Country:

If the address is outside the United States, enter the country name, mailing zone, any other non-ZIP mailing codes, and other non-U.S. Postal Service features here. If the address is inside the United States, leave this space blank.

11. E-Mail Address:

As with the mailing address, this should be a general address that is appropriate for e-mail to your central or regional headquarters, if applicable. *Other TNRCC forms may allow you to enter another e-mail address to be used by a specific TNRCC program.*

12–14. Phone and Fax Numbers:

Again, enter information for contacting the central or regional headquarters, if applicable. You may leave Item 13, “Extension,” blank if your phone system lacks this feature. *Other TNRCC forms may allow you to enter other phone and fax numbers to be used by a specific TNRCC program.*

15. Federal Tax ID Number:

All businesses, except for some small sole proprietors, should have a federal taxpayer identification number (TIN). Enter this number here. Use no prefixes, dashes, or hyphens.

If you are applying for a license (or registering as an apprentice) and do not have a TIN because you are an individual or a small sole proprietor, enter your Social Security number here. Use no prefixes, dashes, or hyphens.

Why we ask for Social Security numbers: Under Section 232.302(c)(1) of the Texas Family Code, the TNRCC must ask for your Social Security number to assist in the collection of child support obligations. Under Section 57.491 of the Texas Education Code, your Social Security number may also be used to verify eligibility to renew a license in compliance with the Texas Guaranteed Student Loan Program.

If you are not applying for a license (or registering as an apprentice) and do not have a TIN because you are an individual or a small sole proprietor, leave Item 15 blank.

16. State Franchise Tax ID Number:

Corporations and limited liability companies that operate in Texas are issued a franchise tax identification number. If the customer is a corporation or limited liability company, enter this number here.

17. DUNS Number:

Most businesses have a DUNS (Data Universal Numbering System) number issued by Dun and Bradstreet Corp. If the customer has one, enter it here.

18. Number of Employees:

Enter the number of employees for the customer’s entire company, at all locations. This is *not* the number of employees at one regulated entity.

19. Independently Owned and Operated?:

Check “No” if the customer is a subsidiary or part of a larger company. Otherwise, check “Yes.”

Section III: Regulated Entity Information

20. General Regulated Entity Information:

Check this box ...	if...	and then ...
New Regulated Entity	you do not have an RN for this regulated entity	Complete all items in this section.
Change to Regulated Entity Information	you already have an RN for this regulated entity and some of the information in this section has changed	Complete only those items that have changed.
No Change	you already have an RN for this regulated entity and are updating information about only the customer	Go to Section IV.

21. Regulated Entity Name:

This is the name by which you want the regulated entity to be known to the TNRCC.

22. Street Address:

Enter the physical address of the regulated entity itself, if it has one. Our staff should be able to use this address to find the facility. *If the regulated entity has no street address, be sure to complete Items 34 and 35.*

23. Mailing Address:

Enter the mailing address for the main office at the regulated entity, if there is one. *If you are completing another TNRCC form at the same time, that form may have a place for you to enter a different mailing address to be used by that specific TNRCC program.*

24. E-Mail Address:

As with the mailing address, this should be a general address that is appropriate for e-mail to the regulated entity's main office, if applicable. *Other TNRCC forms may allow you to enter another e-mail address to be used by a specific TNRCC program.*

25–27. Phone and Fax Numbers:

Again, enter information for contacting the regulated entity's main office, if applicable. You may leave Item 26, "Extension," blank if your phone system lacks this feature. *Other TNRCC forms may allow you to enter other phone and fax numbers to be used by a specific TNRCC program.*

28–31. SIC and NAICS Codes:

All regulated entities, with the exception of occupational licensees, should have a Standard Industrial Classification (SIC) code and a North American Industrial Classification System (NAICS) code. These codes may or may not correspond to why the regulated entity is regulated by the TNRCC.

When NAICS codes replace SIC codes, you will probably be asked to provide NAICS codes, unless you provide them now.

Item 28: Enter the SIC code that best describes the main business activity at this regulated entity.

Item 29: Enter the SIC code that best describes the secondary business activity at this regulated entity.

For a list of SIC codes on the Web, go to:
www.osha.gov/oshstats/sicser.html

Item 30: Enter the NAICS code that best describes the main business activities at this regulated entity.

Item 31: Enter the NAICS code that best describes the secondary business activity at this regulated entity.

For a list of NAICS codes on the Web, go to:
www.census.gov/epcd/www/naicscod.htm

32. Primary Business:

In your own words, briefly describe the primary business of this regulated entity. Please do not repeat the SIC or NAICS description.

Items 33–37 address geographic information. Complete this information if the regulated entity is a stationary site or facility. Leave these items blank for mobile facilities or occupational licensees.

33. County:

Enter the name of the county in which this regulated entity is located. If the regulated entity extends into two or more counties, you may enter the name of any one of the counties.

34. Description of Physical Location:

If the physical location of the regulated entity is not obvious from its street address, or if it has no street address, enter specific instructions for how to reach the regulated entity.

Sample Entry: "Go east on County Road 101 from US 83, turn left after 1.3 miles by the oak tree, go 0.3 mile past the first tank on the left"

35. Nearest City:

If the regulated entity is in a city, that city will be the nearest city. If the nearest city is in another state or country, please provide that information in this blank as well.

State: This will usually be Texas.

Nearest ZIP Code: Enter the ZIP code for the area that includes this regulated entity. If not available, give the ZIP code that is closest to this regulated entity—for example, the ZIP code for the city entered in "Nearest City."

36–37. Latitude and Longitude:

Enter this information if the regulated entity has a fixed location and the latitude and longitude are known.

38. TNRCC Programs in Which This Regulated Entity Participates:

Check all that apply. If this regulated entity participates in a TNRCC program not shown on this list, enter that program in one of the blank spaces and check the corresponding box. Check "Unknown" only if you do not know any programs this regulated entity participates in.

Section IV: Preparer Information

Give all information for the person who actually completed the form. If TNRCC staff have questions, they will contact this person.

TCEQ Core Data Form

TCEQ Use Only

If you have questions on how to fill out this form or about our Central Registry, please contact us at 512-239-5175.

Individuals are entitled to request and review their personal information that the agency gathers on its forms. They may also have any errors in their information corrected. To review such information, contact us at 512-239-3282.

SECTION I: General Information

1. Reason for Submission <i>Example: new wastewater permit; IHW registration; change in customer information; etc.</i>					
2. Attachments		Describe Any Attachments: (ex: Title V Application, Waste Transporter Application, etc.)			
<input type="checkbox"/>	YES	<input type="checkbox"/>	NO		
3. Customer Reference Number-if issued			4. Regulated Entity Reference Number-if issued		
CN		<i>(9 digits)</i>		RN	<i>(9 digits)</i>

SECTION II: Customer Information

5. Customer Role (Proposed or Actual) -- As It Relates to the Regulated Entity Listed on This Form					
<i>Please check one of the following:</i>					
<input type="checkbox"/>	Occupational Licensee	<input type="checkbox"/>	Owner	<input type="checkbox"/>	Operator
<input type="checkbox"/>		<input type="checkbox"/>	Volunteer Cleanup Applicant	<input type="checkbox"/>	Owner and Operator
<input type="checkbox"/>		<input type="checkbox"/>	Superfund	<input type="checkbox"/>	PST
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	Respondent
6. General Customer Information					
<input type="checkbox"/>	New Customer	<input type="checkbox"/>	Change to Customer Information		
<input type="checkbox"/>	Change in Regulated Entity Ownership	<input type="checkbox"/>	No Change *		
*If "No Change" and Section I is complete, skip to Section III - Regulated Entity Information.					
7. Type of Customer:		<input type="checkbox"/>	Individual	<input type="checkbox"/>	Sole Proprietorship - D.B.A.
<input type="checkbox"/>	Partnership	<input type="checkbox"/>	Corporation	<input type="checkbox"/>	Federal Government
<input type="checkbox"/>	State Government	<input type="checkbox"/>	County Government	<input type="checkbox"/>	City Government
<input type="checkbox"/>	Other Government			Other:	
8. Customer Name (If an individual, please print last name first)			<i>If new name, enter previous name:</i>		
9. Mailing Address:					
	City		State	ZIP	ZIP + 4
10. Country Mailing Information if outside USA			11. E-Mail Address if applicable		
12. Telephone Number		13. Extension or Code		14. Fax Number if applicable	
15. Federal Tax ID (9 digits)		16. State Franchise Tax ID Number if applicable		17. DUNS Number if applicable (9 digits)	
18. Number of Employees				19. Independently Owned and Operated?	
<input type="checkbox"/>	0-20	<input type="checkbox"/>	21-100	<input type="checkbox"/>	101-250
<input type="checkbox"/>		<input type="checkbox"/>	251-500	<input type="checkbox"/>	501 and higher
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	Yes
<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>	No

SECTION III: Regulated Entity Information

20. General Regulated Entity Information					
<input type="checkbox"/>	New Regulated Entity	<input type="checkbox"/>	Change to Regulated Entity Information	<input type="checkbox"/>	No Change*
*If "No Change" and Section I is complete, skip to Section IV - Preparer Information.					

Press the Tab Key to continue to page 2.

21. Regulated Entity Name <i>(If an individual, please print last name first)</i>						
22. Street Address (No PO Boxes)						
		City		State	ZIP	ZIP + 4
23. Mailing Address						
		City		State	ZIP	ZIP + 4
24. E-Mail Address:						
25. Telephone Number		26. Extension or Code		27. Fax Number if applicable		
28. Primary SIC Code (4 digits)		29. Secondary SIC Code (4 digits)		30. Primary NAICS Code (5 or 6 digits)		
32. What is the Primary Business of this entity? <i>(Please do not repeat the SIC or NAICS description)</i>						
<i>Questions 33 - 37 address geographic location. Please refer to the instructions for applicability.</i>						
33. County						
34. Description of Physical Location						
35. Nearest City			State	Nearest Zip		
36. Latitude (N)			37. Longitude (W)			
Degrees	Minutes	Seconds	Degrees	Minutes	Seconds	
38. TCEQ Programs In Which This Regulated Entity Participates <i>Not all programs have been listed. Please add to this list as needed. If you don't know or are unsure, please mark "Unknown". If you know a permit or registration # for this entity, please write it below the program.</i>						
	Animal Feeding Operation		Petroleum Storage Tank		Water Rights	
	Title V - Air		Wastewater Permit		_____	
	Industrial & Hazardous Waste		Water Districts		_____	
	Municipal Solid Waste		Water Utilities		Unknown	
	New Source Review - Air		Licensing - TYPE(s)		_____	
Section IV: Preparer Information						
39. Name			40. Title			
41. Telephone Number		42. Extension or Code		43. Fax Number if applicable		
44. E-mail Address:						

NOTICE OF INTENT TO OPERATE A RECYCLING FACILITY

Applicant Information:

Applicant Name:	
Customer Reference Number - if known* (9 digits)	CN

* If you do not have this number, complete the customer information section of the Core Data Form (TCEQ-10400) and submit it with this application.

Facility Information:

Facility Name:	
Regulated Entity Reference Number - if known* (9 digits)	RN

* If you do not have this number, complete the regulated entity information section of the Core Data Form (TCEQ-10400) and submit it with this application.

Property Owner Information:

Name:	
Customer Reference Number - if known* (9 digits)	CN

* If you do not have this number, complete the customer information section of the Core Data Form (TCEQ-10400) and submit it with this application.

Contact Information:

Name	
Title	

Site Location:

1. Provide a city or county roadway map with the site shown and labeled (attach as an exhibit).
2. Provide a description of how to get to the site from an intersection of two state roadways:

3. Provide as an attachment, a list of adjacent property owners and their mailing address.
4. Legal description of the property

Applicant's Statement:

"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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [30 TAC §305.44(b)]

Signature of the Owner/Operator

Date

Printed Name

Title

This form is required by 30 Texas Administrative Code §328.5(b), and must be submitted for current recycling facilities and prior to start-up for a new recycling facility. Owners/operators are required to meet the provisions set forth in §328.3 "General Requirements", §328.4 "Limitations on Storage of Recyclable Materials", and §328.5 "Reporting and Recordkeeping Requirements". Subsequent forms shall be submitted to update or change any information within 90 days of the effective date of the change.

If you have any questions, please contact the Waste Permits Division of TCEQ at (512) 239-2334.

Please submit this completed form and one or more TCEQ Core Data Form(s) (TCEQ-10400) to:

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Waste Permits Division
MC 124/Municipal Solid Waste Permits Section
P.O. Box 13087
Austin, Texas 78711-3087**