# Rules of Department of Natural Resources

## Division 25—Hazardous Waste Management Commission

### Chapter 9—Resource Recovery

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>10 CSR 25-9.010 Resource Recovery (Rescinded December 31, 1990)</td>
<td>3</td>
</tr>
</tbody>
</table>
Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management Commission
Chapter 9—Resource Recovery

10 CSR 25-9.010 Resource Recovery (Rescinded December 31, 1990)


PURPOSE: This rule requires resource recovery facilities that generate small quantities of hazardous waste to notify the department of their resource recovery activities. Resource recovery facilities that accept hazardous waste from on-site are required to comply with certification requirements and to provide financial assurance. This rule further describes the standards for various resource recovery facilities, the certification procedures and the duties of generators and transporters who use hazardous waste resource recovery facilities.

(1) Applicability.
   (A) This rule applies to owners and operators of facilities that reclaim or reuse hazardous waste defined or listed in 10 CSR 25-4.261 for materials, or transforms hazardous waste into new products which are not hazardous waste. This rule does not apply to facilities managing reusable materials used for precious metal recovery in accordance with 40 CFR 266.70 as incorporated by reference in 10 CSR 25-7.266(1). Hazardous waste shall be stored in accordance with 10 CSR 25-11.279(1). Hazardous waste shall be stored in accordance with 10 CSR 25-5-262—10 CSR 25-9.020.
   (B) The owner or operator of a resource recovery facility that is subject to permitting requirements in 40 CFR part 270, as incorporated by reference in 10 CSR 25-7.270(1), and that recycles hazardous wastes in units subject to 40 CFR part 264 subparts (AA) and (BB) or 40 CFR part 265 subparts (AA) and (BB) shall comply with all applicable requirements from those parts and subparts.

2. Exempt Resource Recovery Facilities.
   (A) Applicability. A resource recovery facility is an exempt resource recovery facility in a calendar month if the facility uses, reuses, legitimately recycles, or reclaims hazardous waste shall apply for and operate in accordance with a resource recovery facility certification issued by the department except as provided otherwise in this rule.
   (B) The owner or operator of a resource recovery facility which accepts hazardous waste to notify the department for a resource recovery facility not exempt under subsection (2) of this rule shall apply for and operate in accordance with paragraphs (3)(C)3. and 4. of this rule.
   (B) The owner or operator of a resource recovery facility not exempt under subsection (2)(A) of this rule, shall submit an application to the department for a resource recovery facility certificate which includes, as applicable, the following information:
      1. A certified resource recovery facility application form provided by the department and completed according to directions;
      2. A flowsheet depicting the flow of waste throughout the process. The flowsheet shall commence at the point of generation of the MDNR waste and shall continue through the reclamation process;
      3. A quality control plan which includes the following unless determined by the department not to be applicable:
         (I) Specific waste streams are defined in this plan;
         (II) Test results are maintained at the facility for a period of at least three (3) years; and
         (III) A contingency plan is formulated for incoming shipments which do not meet the specified limitations provided;

(3) The owner or operator of a facility which uses, reuses, legitimately recycles, or reclaims hazardous waste and is not exempt from certification requirements under section (2) of this rule shall apply for and operate in accordance with a resource recovery facility certification issued by the department.
   (A) Based on the hazardous wastes accepted and the method of management, resource recovery facilities not exempt under section (2) will be certified as a U, R1, or R2 facility. This designation will be made as follows:
      1. U—This classification applies to facilities that use, reuse, legitimately reclaim, or recycle more than one thousand kilograms (1000 kg) of hazardous waste on-site in a calendar month;
      2. R1—This classification applies to owners and operators of mobile recycling processes that recycle hazardous waste for re-use at the site of generation and does not involve the recycling of hazardous waste to be reused off-site of generation; and
      3. R2—This classification applies to a facility which accepts hazardous waste from off-site.
   (B) The owner or operator of a resource recovery facility shall apply for a resource recovery facility certification issued by the department.

(Reserved)
B. A plan outlining all tests performed on the product of the reclamation unit(s); and
C. A plan for treatment or disposal, or both, of any residues generated as a result of the process;
4. A legible drawing having a scale adequate to delineate the following:
   A. The boundary of the facility;
   B. The different facility segments or processes which generate hazardous waste(s);
   C. Areas where hazardous waste is stored;
   D. The location(s) of resource recovery unit(s) or process(es), or both;
   E. Areas where the reclaimed product of the facility is stored; and
   F. Any spill control equipment located at the facility; and
5. Identification of emergency response procedures and capabilities at the facility.
   (C) In addition to the requirements in subsection (3)(B) of this rule, the owner or operator of an R2 facility shall comply with the following:
   1. Submit a sampling and analysis plan for incoming shipments to assure that the quality and type of wastes accepted are compatible with the successful operation of the facility;
   2. Maintain a daily log which indicates the manifest number associated with each hazardous waste received and the immediate disposition of those wastes as part of its operating record in compliance with paragraph (3)(E)5. of this rule. The analytical data obtained as a result of the sampling and analysis plan shall correspond directly with the manifest;
   3. Provide a closure plan and cost estimate for closure of the resource recovery activity at the facility prepared in accordance with 40 CFR part 264 subpart G, incorporated by reference in 10 CSR 25-7.264(1); and
   4. Provide, as specified in 40 CFR 264 subpart H, as incorporated by reference in 10 CSR 25-7.264(1), a financial assurance mechanism to cover the closure cost estimate.
   (D) The owner or operator of a certified resource recovery facility shall submit a complete application for renewal of certification or a notification of intent to cease operations and close at least ninety (90) days prior to expiration of the prior certification. The owner or operator of a proposed non-exempt resource recovery facility shall submit a complete application at least ninety (90) days prior to construction and operation of the facility. Upon receipt of a complete application, the department will have ninety (90) days to issue a certificate for operation or to reject the application for stated cause. The resource recovery certification may be issued for no longer than two (2) years. The applicant may appeal the decision in accordance with 10 CSR 25-8. Operation of the resource recovery facility shall not occur until the resource recovery certification has been issued.
   (E) Operating Standards for All Certified Resource Recovery Facilities.
    1. At least sixty (60) days prior to a major change at the resource recovery facility, the owner or operator of the certified resource recovery facility shall submit a written request to the department for approval of that change. A major change shall include, but not be limited to, a change in a recovery process, the addition of a new recovery process, a ten percent (10%) or greater increase in the monthly quantity of any hazardous waste recovered, a change in ownership or operational control, or the closure of a resource recovery unit.
    A. If any reclamation unit is removed from use, a plan addressing the disposition of the unit and the hazardous waste shall accompany the written request.
    B. Within thirty (30) days after closure of any resource recovery unit, the owner or operator must submit written notice to the department that the resource recovery unit has been closed and all hazardous waste or hazardous waste residue which was not recovered or recycled prior to the closure was disposed of in accordance with 10 CSR 25-3— 10 CSR 25-7.
    2. The owner or operator shall submit a written request to the department for approval of a minor change at least thirty (30) days prior to the change. A minor change shall include, but not be limited to, the addition or deletion of a recyclable waste stream or a change in the operational procedures of the recycling process.
    3. The owner or operator shall maintain a copy of the certification and all approved modifications in an orderly manner at the facility. Modification of the resource recovery facility shall not occur until approval has been obtained from the department. The owner or operator shall operate in accordance with the certification as it was approved or modified by the department.
    4. The owner or operator shall comply with manifest system requirements in 40 CFR 264.71 and 264.72 as incorporated in 10 CSR 25-7.264(1).
    5. The owner or operator shall comply with requirements for the operating record in 40 CFR 264.73(b)(1) and (2) as incorporated in 10 CSR 25-7.264(1).
    6. The owner or operator shall comply with reporting requirements in 10 CSR 25-7.264(2)(E)2. and 40 CFR 264.76 as incorporated in 10 CSR 25-7.264(1).

7. Storage of hazardous waste as defined in 10 CSR 25-4.261, prior to resource recovery, does not require a permit or interim status pursuant to 10 CSR 25-7 if the following conditions are met:
   A. Interim status or a permit for this storage is not required under 40 CFR part 270 as incorporated in 10 CSR 25-7.270(1);
   B. Still bottoms produced from resource recovery processes may be stored in accordance with 40 CFR part 262, incorporated by reference in 10 CSR 25-5.262(1), until necessary to move to a storage area prior to shipment or disposal, or both. Once satellite accumulation ends, the facility has ninety (90) days to ship to dispose or both, of the still bottoms, irrespective of any accumulation times of the waste solvents prior to reclamation; and
   C. Storage of hazardous waste shall be in compliance with 10 CSR 25.5—10 CSR 25-9.020. (Note: Underground storage tanks may need to meet additional requirements (that is, 40 CFR part 280) as directed by the United States Environmental Protection Agency and the MDNR Hazardous Waste Program.)

(4) The applicant for a resource recovery certificate shall submit a fee with the application per 10 CSR 25-12.010(3)(F). The fee shall cover each application for issuance or renewal and is not refundable. If the certificate is issued, the fee shall cover the full term of the original or renewal certificate.

(5) The applicant for a new or renewal resource recovery certificate shall pay all applicable costs for engineering and geological review per 10 CSR 25-12.010(3)(D).
