

Kansas Department of Health and Environment
Bureau of Waste Management Policy 2011-P3
related to
Solid Waste Processing vs. Recycling
effective February 8, 2011

Purpose

This policy clarifies the criteria that are used to determine if a facility is a solid waste processing facility (which is required to have a permit) or a recycling facility (which is not required to have a permit).

Background

Although Kansas statutes contain definitions for “solid waste processing facility” and “scrap material and recycling facility,” there are some cases where it is difficult to determine which category a facility belongs to. The distinction is important, because it determines whether or not a facility is required to obtain a solid waste permit from the Kansas Department of Health and Environment (KDHE). The primary criteria used to distinguish between the two types of facilities are:

1. The amount of waste that is mixed in with the recyclable material;
2. The value of accumulated material; and
3. The method used to process any hazardous components.

Waste Mixed with Recyclables

KSA 65-3402(t) defines a “Scrap material recycling and processing facility” as “a fixed location that utilizes machinery and equipment for processing only recyclables.”

KDHE recognizes that many recyclables will be accompanied by a small amount of waste. In order to qualify as a recycling facility, the amount of waste that is brought to the facility with the recyclable material cannot exceed 10% by volume in any load. This amount does **not** include the waste that is generated when the recyclable is processed, e.g. the mortar on bricks, the cabinet of a television, and the insulation in a mobile home. Examples of waste that will count towards the 10% include: drywall mixed with bricks, wood waste mixed with shingles, and trash or loose household items in a mobile home.

Accumulation of materials

KSA 65-3402(r) defines “Recyclables” as “any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product.”

Material that is accumulated without the potential for being used or recycled is considered a waste and the facility storing the material must have a solid waste processing facility permit [KSA 65-3402(c) and KAR 28-29-3(kkk)]. Some accumulated materials have obvious value, for example metal, bricks on pallets, and materials that have been baled. If the accumulated material does not have obvious value, the facility must be able to demonstrate that the material is not a waste. One way of doing this is by showing that, over the course of a year, the facility uses or transfers for recycling 75% or more of the amount of material it keeps in storage at any one time.

Hazardous components

KSA 65-3402(o) defines “Reclamation facility” as “any location at which material containing a component defined as a hazardous substance ... or as an industrial waste pursuant to this section is processed.” A reclamation facility is a type of solid waste processing facility [KSA 65-3402(c)].

KAR 28-29-3 defines “Processing of wastes” as “the extraction of materials, transfer, volume reduction, conversion to energy, or other separation and preparation of solid waste for reuse or disposal.”

Some facilities that process recyclables that contain hazardous components may be exempted from the permit requirement, depending on how the hazardous components are handled. If the processing only involves non-destructive dismantling of an item, for example removing cathode ray tubes and circuit boards intact from monitors, the facility does not need a permit. Other activities that would not require a permit are simple separation, segregation, and/or consolidation.

Facilities that process recyclables containing hazardous components using other methods are required to have a reclamation facility permit. Examples are facilities that filter used oil, grind monitors, or crush oil filters or fluorescent lamps.

Action

Facilities that handle recyclable materials are not required to have a solid waste processing permit if all of the following requirements are met:

1. The amount of waste that is brought to the facility with the recyclable material does not exceed 10% by volume in any load;
2. Materials accumulated at the facility:
 - a. Have demonstrable value; and
 - b. Are stored in a manner that does not create a nuisance; and
3. If the recyclable material contains any hazardous components:
 - a. The processing only involves separation, segregation, consolidation, or non-destructive dismantling; and
 - b. Any component that contains a hazardous substance remains intact.

This policy shall remain in effect until it is revoked or is rendered obsolete by amendments to the solid waste laws or regulations.



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