



DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF REMEDIATION
4th FLOOR L & C ANNEX, 401 CHURCH STREET
NASHVILLE, TENNESSEE 37243-1538

January 4, 2010

To: Generators of Hazardous Waste in Tennessee
Subject: Annual Reporting Requirement and Filing Deadline

2009 Annual Hazardous Waste Remedial Action Fee Report (Form RF-FDS)

Rule 1200-1-13-.03 requires that generators of hazardous waste and facilities that ship hazardous waste off-site must submit annual fee reports, supporting documentation and the appropriate fee.

- The following two TDEC Divisions collect fees on hazardous waste.
 - The Division of Solid/Hazardous Waste Management-SWM (Form G-FDS)
 - The Division of Remediation-DOR (Form RF-FDS)

This memo only covers the reporting requirements for Form RF-FDS.
- **Form RF-FDS (BUT NOT the FEE) is due on or before March 1, 2010.** Form RF-FDS does not include a fee calculation. DOR staff will audit your information and issue an invoice through TDEC's Consolidated Fee Section by May 15, 2010. The DOR fees will be due on or before June 15, 2010.
- **Form RF-FDS will not be mailed; however, a copy of the Remedial Action Fee Report can be printed and completed manually or securely submitted over the internet via the following website: <http://www.state.tn.us/environment/swm/forms.shtml>. If you do not have access to the website, contact DoR at 615-532-0900 to receive a copy of the form.**
- Return the signed original of Form RF-FDS, a copy of your Waste Stream Reports (WSR) and Off-Site Shipping Report (OSR) to the Division of Remediation on or before March 1, 2010 to the following address:

Division of Remediation
4th Floor L&C Annex
401 Church Street
Nashville, Tennessee 37243.

- Indicate the EPA ID Number, GIA Number and company name on all forms.
- Form RF-FDS includes two sections for generators to categorize and quantify waste excluded from fees (Parts 3 and 4). Parts 3 and 4 must be completed if exclusions are claimed in Part 1 and/or Part 2.
- Federal facilities or facilities that generate less than 1200 kg (2645 lbs) and ship off-site less than 1200 kg (2645 lbs) only need to complete Part 5 (Certification) of the form.

Rule 1200-1-13-.03(1)(f)(6)(ii) states "Any person generating and/or shipping 1200 kg. or more of hazardous waste or hazardous wastewaters who fails to submit Remedial Action Fee supporting documentation by April 1 of each year shall be subject to the assessment of a civil penalty of not less than five hundred dollars (\$500.00) and not more than ten thousand dollars (\$10,000.00) per day."

If you have any questions about the Remedial Action Fees or the process, contact the Division of Remediation at (615) 532-0900. If you are interested in training, go to the UT-CIS website for workshop information. <http://www.cis.tennessee.edu/training/environment/AnnualReport.shtml>.

**State of Tennessee
Department of Environment and Conservation
Division of Remediation**

FORM RF-FDS

**ANNUAL HAZARDOUS WASTE
REMEDIAL ACTION FEE REPORT**

GIA NUMBER

GENERATOR
REPORT YEAR

US EPA ID NUMBER	SITE, BUSINESS, or INSTALLATION NAME		
START HERE ►►	Check (✓) the Unit of Measure: <small>(Pounds = Kilograms multiplied by 2.2046)</small>	POUNDS _____	KILOGRAMS _____
a) Did Facility generate or ship off-site 1200 kg (or greater) of hazardous waste (2645 lbs)? YES ___ NO ___			
b) Is this a Federal Facility? YES ___ NO ___ If (a) is NO or (b) is YES just complete Part 5.			
Part 1: Hazardous Waste Generated (refer to Rule 1200-1-13-.03)			
Enter the total amount of hazardous waste generated for the reporting year.			LINE 1
Amt of Line 1 that was wastewater discharged directly to a POTW or an NPDES permitted Wastewater Treatment plant.			LINE 2
Amt of Line 1 generated as result of TDEC or EPA remediation or corrective action activity required by a permit, order, or other enforceable document.			LINE 3
Amt of Line 1 that resulted from a spill (e.g. by a transporter in transit).			LINE 4
Amt of Line 1 generated as a result of removal or cleanup of a Hazardous waste or other regulated substances related to a UST.			LINE 5
Amt of Line 1 that was a sludge generated by a Tennessee POTW.			LINE 6
Amt of Line 1 that was bottom ash or fly ash generated by an incinerator processing solely municipal wastes.			LINE 7
Amt of Line 1 that was recycled but not burned as a fuel or blending into such fuel.			LINE 8
Amt of line 1 that was legitimately recycled by burning it as a fuel in a boiler or industrial furnace (T50 and T80 through T93) or blending it into such fuel. It must be equal to or greater than 5,000 BTU's/lb.			LINE 9
Amt of Line 1 that was an on-site treatment sludge of Hazardous waste(s) (NOTE- If the waste itself is excluded, the sludge resulting from treatment of such waste is not excluded unless it is recycled.)			LINE 10
Add Lines 2 through 10. NOTE if Line 11 is greater than zero then Part 3 must be completed)			LINE 11
Subtract Line 11 from Line 1. Net Amount Generated			LINE 12
Part 2: Hazardous Waste Shipped Off-Site			
Enter actual amount of hazardous waste shipped offsite for the entire year.			LINE 13
Amount of line 13 that resulted from a TDEC or EPA remediation or corrective action activity required by a permit, order, or other enforceable document.			LINE 14
Amt of line 13 that resulted from a spill (e.g. by a Transporter in transit).			LINE 15
Amt of line 13 that resulted from removal or cleanup of a hazardous waste or other regulated substances related to a UST.			LINE 16
Amt of line 13 that was a sludge generated by a Tennessee POTW.			LINE 17
Amt of line 13 that was a bottom ash or fly ash generated by an incinerator processing solely municipal wastes.			LINE 18
Amt of line 13 that was recycled but not burned as a fuel or blending into such fuel.			LINE 19
Amt of line 13 that was legitimately recycled by burning it as a fuel in a boiler or industrial furnace (T50 and T80 - T93) or blending it into such a fuel. It must be equal to or greater than 5,000 BTU's/lb			LINE 20
Amt of line 13 that was an onsite treatment sludge of hazardous waste(s) (If the waste itself is excluded, the sludge resulting from treatment of such waste is not excluded unless it is recycled).			LINE 21
Amt of line 13 that was wastewater (That is < 1% TOC and < 1% TSS).			LINE 22
Add lines 14 through 22. NOTE if Line 23 is greater than zero then Part 4 must be completed)			LINE 23
Subtract line 23 from line 13. Net Amount Shipped Off-Site			LINE 24

ANNUAL HAZARDOUS WASTE REMEDIAL ACTION FEE REPORT INSTRUCTIONS

Enter the facility GIA# and the Report Year (Activity from 1/1/2009-12/31/2009 = Report Year 2009)

Enter the facility EPA ID# and facility name

(a) Indicate (Yes/No) if the facility generated or shipped off-site 1200 kg (or greater)/2645 lbs (or greater) for the reporting year.

(b) Indicate (Yes/No) if the facility is a Federal Facility. If (a) is NO or (b) is YES skip Parts 1-4 and complete Part 5.

Part 1 – Hazardous Waste Generated

LINE 1: Enter the total Amount of Hazardous Waste Generated for the entire reporting Year. This amount is the sum of the amounts you entered on Item 3a of all the active Hazardous Waste Stream Report Forms (WSR) you are filing. This is also the same amount as line 1 on the Hazardous Waste Generation Fee Determination (Form G-FDS).

LINE 2: Amount of line 1 that was wastewater discharged directly to a Publicly Owned Treatment Works (POTW) or an NPDES permitted wastewater treatment plant. See Rule 1200-1-13-.03(1)(d)1(ii)

LINE 3: Amount of line 1 generated as a result of a TDEC or EPA remediation or corrective action activity required by a permit, order, or other enforceable document. (See Rules 1200-1-13-.03(1)(d)1(viii) and 1200-1-11-.08(5)(b)4 for further clarification.)

LINE 4: Amount of line 1 that resulted from a spill (e.g. by a transporter in transit). See rule 1200-1-13-.03(1)(d)1(vii)

LINE 5: Amount of line 1 generated as a result of removal or cleanup of a hazardous waste or other regulated substances related to an Underground Storage Tank (UST). See Rule 1200-1-13-.03(1)(d)1(ix) and 40 CFR 280.10(b)

LINE 6: Amount of line 1 that was a sludge generated by a Tennessee POTW. See Rule 1200-1-13-.03(1)(d)1(iii)

LINE 7: Amount of line 1 that was a bottom ash or fly ash generated by an incinerator processing solely municipal wastes. See Rule 1200-1-13-.03(1)(d)1(iv)

LINE 8: Amount of line 1 that was recycled but not burned as fuel or blended into such fuel. See Rules 1200-1-13-.03(1)(d)1(vi). This includes both wastes which are recycled on-site and those which are shipped off-site for recycling, but it does not include those wastes that are burned, or blended for burning, in on-site boilers or industrial furnaces identified by Handling Codes T50 and T80 through T93 in Table 2 of Rule 1200-1-11-.05(53) Appendix I, and Table 2 of 1200-1-11.06(57) Appendix I.

LINE 9: Amount of line 1 that was legitimately recycled by burning it as a fuel in a boiler or industrial furnace (T50 and T80 through T93) blending it into such fuel. This includes those wastes which are legitimately recycled by being burned as a fuel, or by being blended for burning as a fuel, in on-site or off-site boilers or industrial furnaces. It must be noted that only waste streams having a heating value of 5000 Btu/lb or greater are considered to be legitimately recycled in this way. To claim this exclusion the Btu value must be reported on the Waste Stream Report (WSR). Waste streams having a heating value less than 5000 Btu/b may be lawfully blended into a fuel for burning in a boiler or industrial furnace, but such low BTU waste streams do not qualify for this recycling exclusion from fees.

LINE 10: Amount of line 1 that was an on-site treatment sludge of hazardous waste(s) (if the waste itself is excluded, the sludge resulting from the treatment of such waste is not excluded unless it is recycled). Hazardous waste or hazardous waste sludges produced as a result of on-site treatment of hazardous waste if the waste being treated is subject to fees under this rule. If the waste being treated is excluded from fees under this rule, the sludge resulting from the treatment of said waste is not excluded from these fees. See Rule 1200-1-13-.03(1)(d)1(v) and T.C.A. 68-212-203 (b)(6)

LINE 11: Add lines 2 through 10. Lines 2 through 10 are designed to identify those amounts of hazardous wastes generated during the reporting year that are excluded from the Generator Fee. NOTE: If line 11 is greater than zero then Part 3 of the report must be completed.

LINE 12: Subtract Line 11 from Line 1. This represents the total amount of waste generated during the reporting year subject to fees.

Part 2 – Hazardous Waste Shipped Off-Site:

LINE 13: Actual amount of hazardous waste you shipped offsite for the entire reporting year. This amount will be the sum of the amounts entered in column 4 of the Offsite Shipping Report (form OSR).

LINE 14: Amount of line 13 that resulted from a TDEC or EPA remediation or corrective action activity required by a permit, order, or other enforceable document. See Rules 1200-1-13-.03(1)(d)1(viii)

LINE 15: Amount of line 13 that resulted from a spill (e.g. by a transporter in transit). See Rule 1200-1-13-.03(1)(d)1(vii)

LINE 16: Amount of line 13 that resulted from removal or cleanup of a hazardous waste or other regulated substances related to an Underground Storage Tank. See Rule 1200-1-13-.03(1)(d)1(ix) and 40 CFR 280.10(b)

LINE 17: Amount of line 13 that was sludge generated by a Tennessee Publicly Owned Treatment Works (POTW). See Rule 1200-1-13-.03(1)(d) 1(iii)

LINE 18: Amount of line 13 that was a bottom ash or fly ash generated by an incinerator processing solely municipal wastes. See Rule 1200-1-13-.03(1)(d)1(vi)

LINE 19: Amount of line 13 that was recycled but not burned as a fuel or blended in such fuel. This includes both wastes which are recycled on-site and those which are shipped off-site for recycling, but it does not include those wastes that are burned, or blended for burning, in on-site boilers or industrial furnaces identified by Handling Codes T50 and T80 through T93 in Table 2 of Rule 1200-1-11-.05(53) Appendix I, and Table 2 of 1200-1-11.06(57) Appendix I. See Rule 1200-1-13-.03(1)(d) 1(vi)

LINE 20: Amount of line 13 that was legitimately recycled by burning it as a fuel in a boiler or industrial furnace or blending it into such fuel. This includes those wastes which are legitimately recycled by being burned as a fuel, or by being blended for burning as a fuel, in on-site or off-site boilers or industrial furnaces. It must be noted that only waste streams having a heating value of 5000 Btu/lb or greater are considered to be legitimately recycled in this way. To claim this exclusion the Btu value must be reported on the Waste Stream Report (WSR). Waste streams having a heating value less than 5000 Btu/b may be lawfully blended into a fuel for burning in a boiler or industrial furnace, but such low BTU waste streams do not qualify for this recycling exclusion from fees. See Rule 1200-1-13-.03(1)(d) 1 (vi)

LINE 21: Amount of line 13 that was an on-site treatment sludge of hazardous waste(s) (if the waste itself is excluded, the sludge resulting from the treatment of such waste is not excluded unless it is recycled). Hazardous waste or hazardous waste sludges produced as a result of on-site treatment of hazardous waste if the waste being treated is subject to fees under this rule. If the waste being treated is excluded from fees under this rule, the sludge resulting from the treatment of said waste is not excluded from these fees. See Rule 1200-1-13-.03(1)(d) 1 (v) and T.C.A. 68-212-203(b)(6)

LINE 22: Amount of line 13 that was wastewater (<1 % Total Organic Carbon (TOC) and <1 % Total Suspended Solids (TSS)) Waste water which is shipped off-site for treatment or disposal is assessed a reduced fee (\$0.0035 per pound or \$0.0077161 per kilogram) instead of the full off-site shipping fee (\$0.007 per pound or \$0.0154322 per kilogram). The amount of waste is being excluded at this point to determine the amount of waste shipped off-site subject to the full off-site shipping fee. See Rule 1200-1-13-.03(1)(c)2(iii)

LINE 23: Add Lines 14 through 22. This is the total of the waste to be excluded from the calculation of the full Off-Site Shipping Fee. (Note: Waste waters are included in this amount because they were calculated at a different rate). NOTE: If line 23 is greater than zero then Part 4 of the report must be completed.

LINE 24: Subtract Line 23 from Line 13 This represents the total amount of waste shipped off-site during the reporting year subject to fees. Waste water shipped off-site will also be subject to fees at a reduced rate. See note on Line 22.

Part 3 – Generation Exclusions - Part 3 provides the details of the summary amounts identified in Part 1 line 2 through 10. For instance, an amount entered on Line 9 could represent several different waste streams. Part 3 breaks out the exclusions identified in Part 1 by waste stream. If any amount greater than zero was entered on lines 2 through 10 then Part 3 of the report must be completed. See instructions for Parts 3 and 4 below.

Part 4 – Off-Site Shipping Exclusions - Part 4 provides the details of the summary amounts identified in Part 2 line 14 through 22. For instance, an amount entered on Line 20 could represent several different waste streams. Part 4 breaks out the exclusions identified in Part 2 by waste stream. If any amount greater than zero was entered on lines 14 through 22 then Part 4 of the report must be completed. See instructions for Parts 3 and 4 below.

Instructions for Parts 3 and 4 - Identify the waste stream number assigned to the waste stream (from your Waste Stream Report). Indicate the quantity of that waste stream which is being claimed as an exclusion. Indicate the line number on form RF-FDS where the exclusion is being claimed (i.e. line 9 if the waste was fuel blended). Indicate the reason for claiming the exclusion and the handling/treatment codes (i.e. waste was fuel blended, T-50, with a BTU of 15,000). The total quantity identified in Part 3 should equal the amount indicated on Line 11. The total quantity identified in Part 4 should equal the amount indicated on Line 23.

Part 5 – Certification

An authorized representative should sign and date the report and include his/her title. Indicate the facility representative's mailing address. If room allows, indicate the representative's telephone number and email address.

**Return the completed report, waste stream reports (WSR) and the off-site shipping report (OSR) by March 1, 2010 to:
The Division of Remediation, 4th Floor L&C Annex, 401 Church Street, Nashville, Tennessee 37243.**