

HAZARDOUS WASTE EXCLUSION FORM

For Report Year 2014

*Must be accompanied by Annual
Report Forms, and Assessment
Form*

(Please see Annual Report File and Assessment File)

**Reports and Assessments must be received and date
stamped by the Hazardous Waste Branch date
machine in our office
by March 1, 2015.**

Reports received after March 1st pay late fees.

NO STAPLES PLEASE

Mail the original signed reports to:

Kentucky Division of Waste Management
Hazardous Waste Branch
200 Fair Oaks Lane
Frankfort KY 40601

Contact Annual Report Coordinators Carla Cornett ((502) 564-6716 x 4704),
Edith Greer ((502) 564-6716 x 4705), or Maria Wood ((502) 564-6716 x 4703),
for more information

email: carla.cornett@ky.gov, edith.greer@ky.gov, or maria.wood@ky.gov

**IMPORTANT REMINDERS INSIDE COVER
Visit our website at <http://waste.ky.gov>**

NEWS TO USE

All generators this year are required by The Division of Waste Management to complete the additional checklist(s) on waste minimization and if they are a transporter, document whether they have a transfer station on their facility. Please refer to the document preceding Form 1.

We need a form code, source code, and off site management method code for every Form 2. Please be as specific as you can in referencing the appropriate codes and use the appendices for these codes.

EXPLANATION OF DUE DATE BY STATUTE

Per Kentucky Revised Statute 224.46-580, the Hazardous Waste Assessment Return shall be reported and paid to the Energy and Environment Cabinet for the generation of hazardous waste on an annual basis on January 1 of each year. The Hazardous Waste Branch grants a "grace period" for you to prepare your report and assessment return. Annual Reports and Assessment Returns **must be date stamped by the date machine in our office on March 1st**. This does not mean that the postmark is March 1; it means the Return should already be received and in our office by March 1st. **A 15% penalty and up to 61 days of interest will apply to Assessments received at the Branch on March 2nd** (This includes the period from January 1st until March 2nd. See page 28 for calculation instructions).

The Division of Waste Management, Hazardous Waste Branch initiated the TEMPO data tracking system February 2004. When documents are received at the Branch, they are scanned into TEMPO on the receipt date. **Any Hazardous Waste Assessment Return scanned into TEMPO after March 1st will have penalties and interest late fees automatically computed by TEMPO.** *Please mail early enough to avoid weekends or check processing delays that may result in late fees.*

We recommend mailing your Annual Report and Assessment Return no later than February 15th to ensure a timely arrival by March 1st and avoidance of late fees and penalties.

Mail the original report and assessment return with original signatures in blue ink. No extra copies need to be sent. However, keep a copy for your files for three (3) years.

NO STAPLES, PLEASE. These reports are scanned into the TEMPO database immediately after being date stamped.

INSTRUCTIONS FOR THE CLAIM FOR EXCLUSION FORM

KRS 224.46-580 provides several exclusions from the hazardous waste assessment. To claim that a specific hazardous waste is excluded from the assessment, you must submit the **Claim for Exclusion from the Hazardous Waste Assessment Form with the Assessment Return before March 1, 2015**. This form must be completed every year a claim for exclusion is made.

Line 1 Complete these lines. This information will correspond with that provided on your Assessment Return and Certificate of Registration.

Line 2 Check one box. Use a separate form for each waste stream for which exclusion to the Assessment is sought. A brief description of each category is listed below.

Waste Oil – Used oil is not regulated as a hazardous waste when managed in accordance with 401 KAR Chapter 44.

Special Wastes – KRS 224.50-760 defines the following as special wastes: mining wastes; utility wastes which meet the definition of fly ash, bottom ash or scrubber sludge; sludge from wastewater treatment facilities; cement kiln dust; gas and oil drilling muds; and oil production brines. No other wastes have been designated by the Energy and Environment Cabinet as special wastes.

Spent material from air pollution control devices at coke manufacturing facilities – This exclusion is limited to a coke manufacturing facility's air pollution control equipment wastes.

Waste generated by others for which the company is a secondary handler – Companies that store, process or reclaim hazardous waste generated in Kentucky by another company are not required to pay the assessment. Hazardous waste generated outside of Kentucky is subject to the assessment and facilities must collect and submit the assessment due from out-of-state generators. In addition, hazardous waste generated by the secondary handler as the result of storage, processing or reclamation is subject to the assessment.

Waste regulated under Section 402 or 307b of the Clean Water Act –

- Section 402 of the Clean Water Act refers to the Kentucky Pollutant Discharge Elimination System (KPDES) program. This exclusion applies to any waste that flows through a treatment plant holding a valid KPDES permit. For exclusion to the assessment, complete a Claim for Exclusion for this waste.
- Section 307b of the Clean Water Act applies to any waste that is sent to a pretreatment system and discharged to a publicly owned sewer treatment works (POTW). The wastewater is not reported as a waste, therefore, there is no Claim for Exclusion Form needed. The sludge, "special waste" is reported as waste on a Form 2; for exclusion to the assessment, complete a Claim for Exclusion.

Recycled wastes used in steel manufacturing

Out-of-state waste received by a manufacturing company from an affiliated company – According to the Under Investment Company Act (15 U.S.C.A. Section 80A-2), a company in which there is ownership (direct or indirect) of 5 percent or more of the voting stock is considered an affiliated company.

Emission control dust and sludge from the primary production of steel that is recycled by high temperature metals recovery or managed by stabilization of metals

Line 3 Describe the generation process for the waste being excluded. **NOTE: A description must be provided or the claim will be denied.**

Line 4 Complete each section. Definitions for liquid and solid waste are provided on page 27. See page 9 for an explanation of EPA hazardous waste codes.

*****The Claim for Exclusion form must contain an original signature*****

Commonwealth of Kentucky
CLAIM FOR EXCLUSION FROM THE HAZARDOUS WASTE ASSESSMENT
 From January – December 2014

Return to Hazardous Waste Branch, 200 Fair Oaks Lane, Frankfort KY 40601 BEFORE March 1, 2015 with the Hazardous Waste Assessment Return and Annual Report.

1. EPA ID Number: KY	County:	AI#:
Site Name:		
Contact Person:	Phone No:	Extension:
Mailing Address:		
City, State and Zip:		

2. Identify the specific exclusion described under KRS 224.46-580 (7) and (8) for which approval is sought. Mark only one box.

- Waste Oil
- Special Waste
- Spent material from air pollution control emissions at coke manufacturing facilities
- Secondary handler receiving waste from Kentucky generators
- Waste subject to Section 402 of the Clean Water Act sent to a KPDES outfall
- Waste subject to Section 307B of the Clean Water Act sent to a POTW
- Recycled waste used in the steel manufacturing process
- Out-of-state waste received by a manufacturing company from an affiliated company
- Emission control dust and sludge from the primary production of steel that is recycled by high temperature metals recovery or managed by stabilization of metals

3. Provide a brief description of the process that generates the hazardous waste for which you are seeking exclusion from assessment or the Claim will be denied. **(Mandatory - Attach additional sheets if necessary.)**

4. Complete this chart for the hazardous waste you are seeking an exclusion.

EPA Waste Codes	Amount of Waste Generated During the Assessment Period Report in pounds.	Solid or Liquid	Was this waste ultimately sent off site for treatment storage or disposal? (Yes or No?)

CERTIFICATION: 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.

Original Signature (use blue ink)

Name and Title

Date

DEP-7084 (Rev. 2007)