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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57th St. SE  
Charleston, WV 25304  
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Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**Revised June 2, 2023**

## **WEST VIRGINIA RECYCLING ACTIVITY NOTIFICATION (33 CSR 1 – 3.16.d.2)**

**§22-15-2. “Recycling facility” means:** any solid waste facility for the purpose of recycling at which neither land disposal nor biological, chemical or thermal transformation of solid waste occurs: Provided, that mixed waste recovery facilities, sludge processing facilities and composting facilities are not considered recycling facilities nor considered to be reusing or recycling solid waste within the meaning of West Virginia Code §§22-15-1, §§22C-4-1 and §§20-11-1.

**“Recycled products” mean:** effective substitutes for commercial products or are returned to the original process as substitutes for raw material feedstock. Recycling facilities that do not produce an effective substitute for a commercial product cannot be covered under this 33 CSR 1, Section 3.16.d.1.B permit.

Recycling facilities whose only function is to accept at no charge, buy or transfer source separated recyclable material for reuse, resale or transfer for further processing do not need coverage under this 33 CSR 1, Section 3.16.d.1.B permit. Nonprofit organizations accepting source-separated materials and/or returnable container redemption centers operated by a dealer or distributor also do not need coverage under this 33 CSR 1, Section 3.16.d.1.B permit.

All incoming solid waste at the proposed recycling facility, must consist of source separated recyclable materials. Facilities that process an incoming mixture of recyclable material and general solid waste or other waste cannot be covered under a 33 CSR 1, Section 3.16.d.1.B permit. The applicant must apply for a “NON-DISPOSAL SOLID WASTE FACILITY PERMIT”.

A “Recycling facility” does not include a solid waste facility or manufacturer that accepts waste tires generated by sources other than the owner or operator of the facility for processing by such means as cryogenics, pyrolysis, pyroprocessing, cutting, splitting, shredding, quartering, grinding or otherwise breaking down waste tires for the purposes of disposal, reuse, recycling, or marketing as defined by 33 CSR 5.

Promoting a healthy environment.

Upon submittal of this “Notification of Activity” form and upon fulfilling the requirements of 33 CSR 1, Section 3.16.d.3 (Recycling Facility Requirements, described in the questions below), the facility described below is considered to have a valid recycling permit from the Department and is hereby authorized to commence installation, establishment, construction, modification, or operation of the subject recycling facility. If the responses below do not fulfill the requirements of 33 CSR 1, Section 3.16.d.3, or subsequent field investigations by the agency determine that construction, installation, and operation do not conform to those requirements, coverage is no longer granted, and the authorization revoked. **Upon subsequent review of compliance with 33 CSR 1, Section 3.16.d.3 by the agency, a WVRA permit number and expiration date will be mailed to the address below.**

**A “Notification of Recycling Activity” must be re-submitted once every five (5) years to the agency for continued permit coverage.**

Please submit the following information (all information must be completed):

**Facility Information:**

Facility/ Company Name: \_\_\_\_\_

Facility Address: \_\_\_\_\_

\_\_\_\_\_

County: \_\_\_\_\_

Facility Telephone Number: \_\_\_\_\_

Facility Type – Commercial\* or Noncommercial: \_\_\_\_\_

Center of the Area Used to Conduct Recycling Activities, if any:

Latitude: \_\_\_\_\_

Longitude: \_\_\_\_\_

***Company Information:***

Company Name: \_\_\_\_\_

Company Address: \_\_\_\_\_

\_\_\_\_\_

Company Telephone No.: \_\_\_\_\_

\* Commercial recycling activities may require a Certificate of Need from the Public Service Commission and/or approval from the regional Solid Waste Authority. Please contact the Public Service Commission and/or your regional Solid Waste Authority in the sited facility’s geographic area to determine if additional approvals are required.

***Operator's Information:***

Operator Name: \_\_\_\_\_  
Operator Address: \_\_\_\_\_  
Operator Telephone No.: \_\_\_\_\_  
Operator Email Address: \_\_\_\_\_

***Owner of the Facility Information (if different from the Operator):***

Owner Name: \_\_\_\_\_  
Owner Address: \_\_\_\_\_  
Owner Telephone No.: \_\_\_\_\_  
Owner Email Address: \_\_\_\_\_

***Property Owner's Information:***

Property Owner Name: \_\_\_\_\_  
Property Owner Address: \_\_\_\_\_  
Property Owner Telephone No.: \_\_\_\_\_  
Property Owner Email Address: \_\_\_\_\_

**Proposed Starting Date of Operation:** \_\_\_\_\_

**Posted Hours of Operation:**

Monday, \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. Thursday, \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.  
Tuesday, \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. Friday, \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.  
Wednesday, \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m. Saturday, \_\_\_\_\_ a.m. to \_\_\_\_\_ p.m.

1. Description of materials to be recycled at the facility:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Anticipated weight or volume of materials to be recycled per month:

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3. Brief description of the scope of the operation of the facility (facility size, collection territory, customers, etc.):

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4. No person may establish, construct, operate, maintain, or allow the use of property for a solid waste facility within an area where there is a reasonable probability that the facility will cause any of the following:

- a. A significant adverse impact to Natural Wetlands
- b. A significant adverse impact upon or jeopardy to the continued existence of any endangered or threatened species, or the destruction or adverse modification of a critical habitat of any animal or plant protected under the Endangered Species Act of 1973, or violation of any requirement under the Marine Protection, Research and Sanctuaries Act of 1972 for the protection of a marine sanctuary, unless specifically approved by the United States Fish and Wildlife Service
- c. Significant adverse impact to Surface Water
- d. Significant adverse impact to groundwater quality
- e. Cause Explosive Gasses
- f. Exceed the limitations for those substances as set by the Division of Air Quality

Does your facility as sited (or proposed) comply with the above requirements? If not, please explain.

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5. Recycling activities must ensure that all leachate, wastewater, and stormwater is collected, treated and/or discharged in a manner that does not violate the permitting or water quality standards established under W.Va. Code §§22-11-1, or the rules and regulations promulgated thereunder. Please identify any point source discharges at the site and provide a description of how the facility will ensure that violations of water quality standards do not occur.

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8. All operations must be conducted within enclosed structures. Please describe your operational structures.

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9. Recyclable materials stored outside the enclosed structures must be (1) Stored in bundles, bins, or containers or (2) Prepared for transportation. Please describe the storage of any outdoor materials.

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10. No material may be stored for more than sixty (60) days without written approval by the Director. Please describe the process for ensuring that materials are not stored onsite for more than 60 days.

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11. All recycling facilities must provide rapidly growing trees, shrubbery, fencing, berms, or other appropriate means at the facility to provide a wind break, screening from the surrounding area, and to function as a barrier to discourage unauthorized access. Please describe a description, or attach a facility map, of the appurtenance(s) that have been installed at the facility.

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12. All materials not used in the recycling process must be properly disposed of. Please describe the procedures for disposing of materials that are not recyclable.

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13. Receiving or storing of any hazardous waste material at a recycling facility is strictly prohibited. Please describe the procedures for ensuring that hazardous waste is not received at the facility.

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14. **A Groundwater Protection Plan (GPP) must be completed and attached to this notification that complies with 47 CSR 58, Section 4.11.**

**AFFIDAVIT**

I, \_\_\_\_\_, hereby certify, under penalty of law,  
Print Name of Registrant

that all statements herein made by me are true to my own knowledge, that no information known to me to be pertinent to this investigation has been withheld, and if any representations therein are changed prior to the receipt of the permit, I shall so notify the Department of Environmental Protection. False statements made herein will subject any permit issued hereunder to revocation.

\_\_\_\_\_  
Signature Date

STATE OF WEST VIRGINIA  
COUNTY OF: \_\_\_\_\_

Taken, subscribed and sworn to before me, a Notary Public, in and for the County and State this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STAMP OR SEAL

If the information submitted within this West Virginia Recycling Activity Notification changes, a written notification must be submitted to the Division of Water and Waste Management. A new notification must be re-submitted once every five (5) years to the agency for continued coverage.

Submit one (1) completed original form and one (1) copy to:

**WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION  
SOLID WASTE MANAGEMENT  
601 57TH STREET, SE,  
CHARLESTON, WV 25304  
TELEPHONE NUMBER: (304) 926-0499**

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION USE ONLY**  
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**DEP ASSIGNED WEST VIRGINIA RECYCLING ACTIVITY NO.:**

**WVRA - \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_**

*We will process your personal information (email address, mailing address and/or telephone number) in accordance with the State of West Virginia's Privacy Policy for appropriate and customary business purposes. Your personal information may be disclosed to other state agencies or third parties in the normal course of business or as needed to comply with statutory or regulatory requirements, including Freedom of Information Act requests. The Division of Water and Waste Management will appropriately secure your personal information. If you have any questions about our use of your personal information, please contact the DEP's Chief Privacy officer at [depprivacyofficer@wv.gov](mailto:depprivacyofficer@wv.gov).*