



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION

Division of Solid Waste Management
Johnson City Environmental Field Office
2305 Silverdale Drive
Johnson City, Tennessee 37601

April 10, 2023

Mr. Steve Barnett, Vice President MM
Lighting Resources, LLC
2212 Buffalo Road, Suite 210
Johnson City, Tennessee 37604

CERTIFIED MAIL
9489 0090 0027 6509 5008 25
RETURN RECEIPT REQUESTED

**RE: Notice of Technical Deficiency (NOTD)
Proposed Permit Modification Permit-By-Rule Notification for a Solid Waste Processing Facility
Lighting Resources, LLC – 2212 Buffalo Road Facility – SWP 900001576**

The Division of Solid Waste Management (DSWM) is in receipt of the proposed permit modification Permit-By-Rule (PBR) notification package for a Solid Waste Processing Facility dated March 21, 2023 and received on March 24, 2023, prepared by the facility. Specifically, the proposed permit modification is a complete permit package revision for the facility in response to a TDEC letter dated March 3, 2023 regarding waste that is not regulated under Chapter 0400-12-01 (Hazardous Waste Management Rules) is not subject in the requirements to have a permit under Chapter 0400-11-01 (Solid Waste Management Rules) and to address those waste no longer regulated under a PBR.

In accordance with the Regulations Governing Solid Waste Processing and Disposal in Tennessee, Rule Chapter 0400-11-01, the notification package documents for the above facility has been reviewed for technical deficiencies. Based on this review, the notification application is deficient. The deficiencies and comments for the permit application are detailed below. If you wish to continue the to revise the Permit-By-Rule (PBR) notification package for a Solid Waste Processing Facility, a completed revised Permit-By-Rule (PBR) notification package for a Solid Waste Processing Facility to address the deficiencies should be submitted.

Rule 0400-11-01-.02(2) [Rule pages 24 through 48]:

1. Please provide a letter from the current property owner providing TDEC authorization to enter the property for inspections of Lighting Resources, LLC.
2. Revise the Narrative of Waste Processing Under PBR SWP900001576 to clearly state in the PCB ballasts section, that all these ballasts are not regulated for storage or disposal under TSCA. The appropriate documentation demonstrating the basis for these determinations must be included in the notification package.

3. Revise the Narrative of Waste Processing Under PBR SWP900001576 to clearly state in the wet and dry capacitors sections, that all these wet and dry capacitors are not regulated for storage or disposal under TSCA. The appropriate documentation demonstrating the basis for these determinations must be included in the notification package.
4. Revise the Narrative of Waste Processing Under PBR SWP900001576 to clearly state in the alkaline batteries section, that all these alkaline batteries are not regulated for storage or disposal under TSCA. The appropriate documentation demonstrating the basis for these determinations must be included in the notification package.
5. Revise the Narrative of Waste Processing Under PBR SWP900001576 to clearly state in the E-Waste/Electronics section, that all the E-waste/electronics are not regulated for storage or disposal under TSCA. The appropriate documentation demonstrating the basis for these determinations must be included in the notification package.
6. Closure Cost to Process 3rd Party
 - a. The non-regulated alkaline batteries section should match the other sections and include the “Total Cubic Yards per permit” and Total Weight per Permit” section header.
 - b. The “Non-Hazardous E-Waste/Misc. Auto Part (Non-Airbags & Seatbelt Pretensioners)” Trans. Fee and Cost totals don not match the cost represented in the columns. Address as needed.
 - c. The “Non-TSCA Regulated – Non-PCB Ballast & NON-PCB Capacitors Wet and Dry” section doesn’t have a cost for transportation for the waste and a (Rebate/Credit) is not provided for wet capacitors.
 - d. The total cubic yards per permit in the “Non-TSCA Regulated PCB Ballast” section, doesn’t match the rest of the permit.
 - e. Address if the facility needs a cost for “Labor Fee to handle rebate/credit material” and transportation cost for “credit material” in the financial assurance calculations.
 - f. Provide the agreement or letter from the 3rd Party for the financial assurance for the facility. (Previously provided from J&J Contracting, LLC-MN)

Rule 0400-11-01-.02(2)(b)1.(i)(II) [Rule pages 26] states in part:

.....

(2) Rule 0400-11-01-.02(2) - Permits by Rule

.....

(b) Permit by rule eligible facilities or activities.

1. Solid waste processing facilities.

(i) Except as specified in subpart (iv) of this part, an owner or operator of a solid waste processing facility shall:

(I) Ensure that the facility has an artificial or natural barrier which completely surrounds the facility and a means to control entry, at all times, through the gate or other entrances to the facility;

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The facility has updated this condition, but the condition should be revised again to address any regulated solid waste(s) stored in trailers on-site in the trailer yard, similar to what is currently in the permitted response.

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Rule 0400-11-01-.02(2)(b)1.(i)(XVI) [Rule pages 27 through 28] states in part:

.....

(2) Rule 0400-11-01-.02(2) - Permits by Rule

.....

(b) Permit by rule eligible facilities or activities.

1. Solid waste processing facilities.

(i) Except as specified in subpart (iv) of this part, an owner or operator of a solid waste processing facility shall:

(XVI) Manage all waste residues resulting from processing activities at the facility in accordance with this chapter or Chapter 0400-12-01 (Hazardous Waste Management), whichever is applicable, and/or with any other applicable state or federal regulations governing waste management;

.....

The response to this condition response is not longer correct and must be revised as needed. The waste materials in the revised PBR notification submitted are not regulated by Universal Waste rules, but now regulated per the Solid Waste rules.

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Rule 0400-11-01-.02(2)(b)1.(i)(XIX) [Rule pages 28] states in part:

.....

(2) Rule 0400-11-01-.02(2) - Permits by Rule

.....

(b) Permit by rule eligible facilities or activities.

1. Solid waste processing facilities.

(i) Except as specified in subpart (iv) of this part, an owner or operator of a solid waste processing facility shall:

(XIX) Maintain records documenting the amounts of the different types of solid waste at the facility, including, but not limited to, the amounts

stored to be processed, in process, and that have completed processing, in order to determine processing completion within one year.

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The facility needs to address and/or provide the tracking spreadsheets for the “Incoming Waste Inventory On Trailers” and “Outgoing Waste Inventory On Trailers” solid waste(s) regulated under the proposed permit that may be in the trailers.

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The JCFO will need one complete hard copy/revised pages and one electronic PDF version. If you have any questions concerning this letter, the attached comments, or the registration process, please not do hesitate to contact me at 423-254-4218.

Sincerely,

George Thornsby

George Thornsby (Apr 10, 2023 11:00 EDT)

George M. Thornsby, P.E.
Environmental Protection Specialist 3

cc: Craig Almanza, Dep. Director of Central Office, DSWM
Rob Ashe, Dep. Director of Field Offices, DSWM
Brian Wolf, P.E., Solid Waste Program Manager, DSWM
Nick Lytle, Solid Waste Permits Manager, DSWM
Rob Burnette, P.E., Chief Engineer, DSWM
Chris Lamb, Field Office Manager, DSWM
Brianna Rives, Environmental Scientist, DSWM
WasteBin Site ID# 156987
Records.SWM@tn.gov