



## **SWM-SWP-G-140- Storm Water Management and Sweeper Waste Disposal – 062918 Disposal of Solid Waste from Storm Water Management Devices and Road/Parking Lot Sweepers Guidance**

DISCLAIMER: This document is guidance only and does not create legal rights or obligations. Agency decisions in any particular case will be made applying applicable laws and regulations to the specific facts.

**EFFECTIVE DATE:** June 29, 2018

### **SIGNATURES:**

  
Division Director

  
Drafter / Preparer

  
Drafter / Preparer

### **PURPOSE**

This guidance addresses the requirements for solid waste removed from storm water management devices that receive only storm water runoff and accumulate solids from storm water and from road/parking lot sweepers. This guidance does not address liquids or solids removed from sewers containing domestic sewage which is addressed in the Division of Solid Waste Management (DSWM) *Domestic Sewage Exclusion Regulatory Clarification Guidance*.

### **REGULATIONS**

Naturally occurring soil, sand, rock, and water that have not been contaminated from waste, products or activities (i.e., do not contain solid waste) are not subject to regulation as a solid waste. Oil and other petroleum products in the runoff from road/parking lots and in road/parking lot sweepings are examples of solid waste contaminants. Contaminants can also come from industrial operations, spills, and disposal activities. Generators of all solid wastes (including liquids and soils containing solid waste contaminants) must determine if their generated solid waste is a hazardous

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waste in accordance with Hazardous Waste Rule 0400-12-01-.03(1)(b) and maintain records in accordance with Hazardous Waste Rule 0400-12-01-.03(5)(a)3. If the solid waste is hazardous waste it must be managed in accordance with Hazardous Waste Rules (Chapter 0400-12-01). Solid waste, which is not a hazardous waste, must be managed in accordance with Solid Waste Rules (Chapter 0400-11-01) and must be processed or disposed of at a Tennessee permitted solid waste facility unless exempt from the permitting requirements. Rule 0400-11-01-.01(4)(c)1 [Special Waste Approval Process] requires, in part, persons who generate and wish to process or dispose of specific solid waste to make an application for waste evaluation. The DSWM provides clarification in *Special Waste GUIDANCE* (PN135) by identifying these solid wastes under ten Special Waste Evaluation Categories. Solid waste from storm water management devices falls under categories (c) and (i). Solid waste from road/parking lot sweepers falls under category (c).

### **GUIDANCE**

#### **Disposal of Solid Waste from Storm Water Management Devices**

Solid waste removed from storm water management devices which manage only storm water are subject to regulation as a solid waste, and may be disposed of in a permitted **Class I Disposal Facility**<sup>1</sup> without submitting a special waste application for waste evaluation provided the following conditions apply:

1. The generating facility is not subject to a *Tennessee Storm Water Multi-Sector General Permit For Industrial Activities* under the Division of Water Resource's NPDES Storm Water Permit requirements<sup>2</sup>;
2. The storm water management devices only received routine storm water runoff containing no known contamination from spills<sup>3</sup> or intentional disposal of petroleum, chemicals, etc.<sup>4</sup>; and
3. The material does not contain "free liquids" as defined by Method 9095 (Paint and Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

#### **Disposal of Solid Waste from Road/Parking Lot Sweepers**

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<sup>1</sup> If the conditions are met for disposal in a permitted Class I Disposal Facility, then it may be received at a permitted Transfer Station prior to disposal at a permitted Class I Disposal Facility since this solid waste would not be a special waste.

<sup>2</sup> Solid waste generated at facilities subject to a *Tennessee Storm Water Multi-Sector General Permit For Industrial Activities* requires a hazardous waste determination and, if determined not to be a hazardous waste, will require an application to the Commissioner for a special waste evaluation for approval to be disposed of in a permitted disposal facility. Refer to the DSWM's *Special Waste GUIDANCE* (PN135).

<sup>3</sup> For the purposes of this document, spills do not include the incidental leakage from motors, but do include releases from traffic accidents, vehicle maintenance, etc.

<sup>4</sup> All spills or intentional disposal do require a hazardous waste determination. If the waste is determined not to be hazardous, the generator must submit a special waste application to the Commissioner for approval to dispose of their waste in a permitted disposal facility.

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Solid waste removed from road/parking lot sweepers is subject to regulation as a solid waste and may be disposed of in a permitted **Class I Disposal Facility**<sup>1</sup> without submitting a special waste application for waste evaluation provided the following conditions apply:

1. The road/parking lot sweepings contain no contamination from any spill<sup>3</sup> or intentional disposal of petroleum, chemicals, etc.<sup>4</sup>; and
2. The material does not contain “free liquids” as defined by Method 9095 (Paint and Filter Liquids Test), as described in “Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods” (EPA Pub. No. SW-846).

If a generator wants to dispose of solid waste removed from storm water management devices or road/parking lot sweepers in a **Class II or III Disposal Facility**, then the generator must make application to the Commissioner for a special waste evaluation. Please refer to the DSWM’s *Special Waste GUIDANCE* (135).

**REVISION HISTORY TABLE**

<b>Revision Number</b>	<b>Date</b>	<b>Brief Summary of Change</b>
0	06/29/18	Initial