

DEPARTMENT OF ENVIRONMENTAL QUALITY

Division 102

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

340-102-0065

Hazardous Waste Generator Fees

[Note: Summary of changes: Amends fees for generators.]

(1)(a) A person must pay an annual hazardous waste generation fee if that person:

(A) Generates more than 100 kilograms (220 pounds) of hazardous waste in any calendar month, or

(B) Generates more than 1 kilogram (2.2 pounds) of acutely hazardous waste in any calendar month, or

(C) Accumulates more than 1,000 kilograms (2,200 pounds) of hazardous waste at any time in a calendar year.

(b) The Department will assess fees annually for hazardous waste management activities conducted in the previous year.

(2)(a) The Department will assess a late charge equal to ten percent of the fee due if the Department does not receive the fees by the due date on the invoice.

(b) The Department will assess an additional late charge of ten percent of the unpaid amount for each 30 days that the invoice remains unpaid.

(c) The Department will not assess any additional late charges after 90 days. However, the Department may take whatever action it determines necessary to collect the outstanding amount. This may include, but is not limited to, referring such invoices to the Department of Revenue for collection or collecting in Small Claims Court. The Department will increase accounts referred to the Department of Revenue for collection or collected in Small Claims Court by 20 percent of the unpaid amount or \$100, whichever is greater, to recover a portion of the costs for referral or collection.

(3)(a) ORS 466.165 sets the base hazardous waste generation fee.

(b) In order to determine annual hazardous waste generation fees, the Department may use generator reports required by OAR 340-102-0041, facility reports required by OAR 340-104-0075, information derived from manifests required by 40 C.F.R. Section 262.20, and any other relevant information.

(c) Unless density information is reported, the Department will use the following conversion factors: one metric ton = 1,000 kilograms = 2,205 pounds = 1.10 short tons = 1.31 cubic yards = 264.23 gallons = 4.80 drums (55 gallon).

(d) The Department will calculate each person's hazardous waste generation fee by multiplying the base fee by the weight of each hazardous waste stream and by the fee factors listed in Table 1 for the management method the person reports in the annual generation report (OAR 340-102-0041).

OAR 340-102-0065							
Table 1							
Management Method Fee Factor							
Rule	Description	Calendar Year					
		2019	2020	2021	2022	2023	2024 & After
(A)	Metals Recovery (for Reuse)	0.56	0.66	0.69	0.74	0.80	0.85
(B)	Solvents Recovery	0.56	0.66	0.69	0.74	0.80	0.85
(C)	Other Recovery	0.56	0.66	0.69	0.74	0.80	0.85
(D)	Hazardous wastewater that is not managed immediately upon generation only in on-site elementary neutralization (ENU) or waste water treatment unit(s) (WWTU)	0.56	0.66	0.69	0.74	0.80	0.85
(E)	Incineration	1.12	1.31	1.38	1.49	1.59	1.70
(F)	Energy Recovery (Reuse as Fuel)	0.84	0.98	1.03	1.11	1.19	1.28
(G)	Fuel Blending	0.84	0.98	1.03	1.11	1.19	1.28
(H)	Aqueous Inorganic Treatment	1.12	1.31	1.38	1.49	1.59	1.70
(I)	Aqueous Organic Treatment	1.12	1.31	1.38	1.49	1.59	1.70
(J)	Aqueous Organic and Inorganic Treatment (Combined)	1.12	1.31	1.38	1.49	1.59	1.70
(K)	Sludge Treatment	1.12	1.31	1.38	1.49	1.59	1.70
(L)	Other Treatment	1.12	1.31	1.38	1.49	1.59	1.70
(M)	Stabilization	1.12	1.31	1.38	1.49	1.59	1.70
(N)	Neutralization (Offsite)	0.84	0.98	1.03	1.11	1.19	1.28
(O)	Land Disposal	1.68	1.97	2.06	2.23	2.39	2.55
(P)	Management method unknown or not reported	2.24	2.62	2.75	2.97	3.18	3.40

(Q)	RCRA-Exempt Management Elementary Neutralization Unit(s) on-site (Includes only corrosive characteristic hazardous waste that is managed immediately upon generation only in an on-site elementary neutralization unit(s))	0.00	0.00	0.00	0.00	0.00	0.00
(R)	Permitted Discharge under Clean Water Act Section 402 or 307b (Includes only hazardous wastewater that is managed immediately upon generation only in an on-site wastewater treatment unit(s))	0.00	0.00	0.00	0.00	0.00	0.00
(S)	Grant-funded environmental cleanup of a Brownfield or orphaned industrial property involving hazardous waste residues for off-site treatment and/or landfill disposal	0.00	0.00	0.00	0.00	0.00	0.00

(4) As of July 19, 2019, and January 1 every year after that date, each hazardous waste generator, as defined in subsection 1(a), must pay an annual hazardous waste activity verification fee. This fee is in addition to the annual hazardous waste generation fee. Table 2 sets the amount of the fee. The fee is due when the Department bills for that fee.

OAR 340-102-0065				
Table 2				
Annual Hazardous Waste Activity Verification Fee				
Rule	Description	Calendar Year 2019	Calendar Year 2020	Calendar Year 2021 & After
(a)	Large Quantity Generator	\$656	\$788	\$945
(b)	Small Quantity Generator	\$375	\$450	\$540
(c)	Conditionally Exempt Small Quantity Generator	No Fee	No Fee	No Fee

Statutory/Other Authority: ORS 466.165 & 468.020

Statutes/Other Implemented: ORS 466.165

History:

- DEQ 5-2015, f. & cert. ef. 4-15-15
- DEQ 2-2009, f. & cert. ef. 6-25-09
- DEQ 8-2005, f. & cert. ef. 7-14-05
- DEQ 11-1998, f. & cert. ef. 6-26-98
- DEQ 14-1997, f. & cert. ef. 7-23-97
- DEQ 2-1994, f. & cert. ef. 2-2-94

DEQ 11-1992, f. & cert. ef. 6-9-92
DEQ 13-1991, f. & cert. ef. 8-5-91
DEQ 33-1989, f. & cert. ef. 12-14-89
DEQ 19-1989(Temp), f. & cert. ef. 7-31-89 (and corrected 8-3-89)
DEQ 11-1988, f. & cert. ef. 5-19-88
DEQ 14-1987, f. & ef. 7-28-87
DEQ 8-1985, f. & ef. 7-25-85

Division 105
MANAGEMENT FACILITY PERMITS

340-105-0113
Fee Schedules

[Note: Summary of changes: Amends fees and adds new fee for permittees.]

(1) Management Facility Annual Compliance Determination Fee:

(a) Each permitted or interim status Hazardous Waste Management Facility subject to 40 C.F.R. Sections 264, 265, 270 and OAR 340, with an active operating hazardous waste management unit(s), a hazardous waste management unit(s) undergoing closure (including any required closure certification), or a hazardous waste management unit(s) in post-closure, must pay the Annual Compliance Determination Fee(s) set forth in section (3).

(b) In calculating the Annual Compliance Determination Fee, the Department shall not include an inactive unit, or units, in post-closure, with a release or releases subject to corrective action.

(c) Where a facility has unit(s) that become subject to corrective action cost recovery, the Department shall prorate the Annual Compliance Determination Fee for that year based on the period before corrective action cost recovery is implemented.

(2) Where more than one hazardous waste management activity takes place at a single facility, the Department will assess all of the applicable category Annual Compliance Determination Fees in 340-105-0113(3).

(3) Annual Compliance Determination Fees:

(a) Storage — \$24,500.

(b) Treatment:

(A) Single Technology — \$49,500.

(B) Multiple Technology — \$98,500.

(c) Disposal Facility:

(A) Single Disposal Unit — \$98,500.

(B) Multiple Disposal Units — \$196,500.

(d) Post-Closure Facility — \$24,500.

(e) Permitted Operating Hazardous Waste Disposal Administrative Fee: In addition to the fee assessed under paragraph (c) of this section, the Department will assess operating permitted disposal facilities an annual administrative fee of \$5.50 per metric ton of waste disposed into a permitted Subtitle C land disposal unit. A facility subject to this fee may elect to pay on a monthly or quarterly basis.

(4) Permit Modification Fee: Upon discussion with the permittee to determine the appropriate permit modification classification, the Department will assess the applicant for any permit modification, excluding modifications related to corrective action, as follows:

(a) Each Class 1 Permit Modifications: \$4,500.

(b) Class 2 Permit Modifications:

(A) The permittee must submit a separate permit modification request for each unrelated category of Class 2 permit change in 40 C.F.R. Section 270.42, Appendix 1.

(B) Each Class 2 Permit Modifications: \$31,800.

(c) Each Class 3 Permit Modifications: \$49,300.

(d) If the permittee withdraws any permit modification request, the Department shall refund 50% of the balance of the fee if paid in full, if the Department has done less than 50% of work to complete processing the action.

(e) The Department shall also assess permittees fees under this section for agency-initiated, legally required modifications.

(5) Hazardous Waste RCRA Exemption Fee:

(a) The Department will assess each person(s) requesting the following activities a standard fee of \$30,000:

(A) Hazardous waste delisting or declassification under 40 C.F.R. Part 260 and ORS 466.015.

(B) A variance from treatability or from the definition of hazardous waste or solid waste.

(C) A petition for universal waste listing.

(b) Within 60 days after receiving a request for a hazardous waste delisting and declassification, variance from treatability or from the definition of hazardous waste or solid waste, or hazardous waste petition for a universal waste listing, the Department may determine that the nature of the request, including the complexity of the proposed action and the factors required to be met for the request to be processed, indicate that a higher fee would be required. If the Department makes such a determination, the Department will require the requestor to pay a higher fee, but not to exceed an additional \$100,000. The Department will notify the person requesting the exemption that an additional fee is required. Upon receiving such a notification, the person may discuss with the Department the amount of the fee and the scope of the Department's regulatory activities associated with investigating and processing the request. The person may withdraw the request or petition and be eligible for a refund of fees paid as described in paragraph (c) of this section.

(c) If the person requesting the exemption withdraws a request for a hazardous waste delisting and declassification, variance from treatability, or from the definition of hazardous waste or solid waste, or hazardous waste petition for universal waste listing, the Department shall refund fees paid depending upon the timing of the withdrawal:

(A) If the person withdraws the request or petition before or within 30 days of notification, the Department will estimate the effort to date and refund any excess fee balance.

(B) If the person withdraws the request or petition more than 30 days after notification that an additional fee is required, the Department will refund 50% of the balance of the fee paid, if the Department has done less than 50% of the work to complete processing the requested action.

[NOTE: View a PDF of 40 C.F.R. §270.42, Appendix I, by clicking on "Tables" link below.]

Statutory/Other Authority: ORS 466.020, 466.045, 466.075, 466.165, 466.195 & 468.020

Statutes/Other Implemented: ORS 466.045 & 466.165

History:

DEQ 11-1998, f. & cert. ef. 6-26-98

DEQ 14-1997, f. & cert. ef. 7-23-97

DEQ 13-1991, f. & cert. ef. 8-5-91

DEQ 33-1989, f. & cert. ef. 12-14-89

DEQ 19-1989(Temp), f. & cert. ef. 7-31-89 (and corrected 8-3-89)

DEQ 11-1988, f. & cert. ef. 5-19-88
DEQ 14-1987, f. & ef. 7-28-87
DEQ 22-1986, f. & ef. 12-19-86
DEQ 8-1985, f. & ef. 7-25-85