

Draft Rules – Edits Incorporated

Chapter 340 Division 93 SOLID WASTE: GENERAL PROVISIONS

340-093-0030

Definitions

As used in OAR chapter 340, divisions 93, 94, 95, 96 and 97 unless otherwise specified:

- (1) "Acceptable Risk Level" has the meaning as defined in OAR 340-122-0115 of the Hazardous Substance Remedial Action Rules.
- (2) "Access Road" means any road owned or controlled by the disposal site or waste tire storage site owner that terminates at the disposal site or waste tire storage site and that provides access for users between the disposal site or waste tire storage site entrance and a public road.
- (3) "Agricultural Waste" means waste on farms resulting from the raising or growing of plants and animals including but not limited to crop residue, manure, animal bedding, and carcasses of dead animals.
- (4) "Agricultural Composting" means composting conducted by an agricultural operation (as defined in ORS 467.120(2)(a) on lands used for farming (as defined in ORS 215.203).
- (5) "Agronomic Application Rate" means land application of no more than the optimum quantity per acre of compost, sludge or other materials. In no case may such application adversely impact the waters of the state. Such application must be designed to:
 - (a) Provide the amount of nutrient, usually nitrogen, needed by crops or other plantings, to prevent controllable loss of nutrients to the environment;
 - (b) Condition and improve the soil comparable to that attained by commonly used soil amendments; or
 - (c) Adjust soil pH to desired levels.
- (6) "Airport" means any area recognized by the Oregon Department of Transportation, Aeronautics Division, for the landing and taking-off of aircraft which is normally open to the public for such use without prior permission.
- (7) "Anaerobic Digestion" means the controlled biological breakdown of biodegradable organic material in the absence of oxygen.

(8) "Aquifer" means a geologic formation, group of formations or portion of a formation capable of yielding usable quantities of groundwater to wells or springs.

(9) "Asphalt paving" means asphalt which has been applied to the land to form a street, road, path, parking lot, highway, or similar paved surface and that is weathered, consolidated, and does not contain visual evidence of fresh oil.

(10) "Assets" means all existing and probable future economic benefits obtained or controlled by a particular entity.

(11) "Baling" means a volume reduction technique whereby solid waste is compressed into bales for final disposal.

(12) "Base Flood" means a flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average of a significantly long period.

(13) "Beneficial Use" means the productive use of solid waste in a manner that will not create an adverse impact to public health, safety, welfare, or the environment.

(14) "Beneficial Use Determination" means the approval of a beneficial use of a solid waste pursuant to OAR 340-093-0260 through 340-093-0290 either as a standing beneficial use or as a case-specific authorization.

(15) "Biogas" is a gas produced through anaerobic digestion and is primarily composed of methane and carbon dioxide, but also may contain impurities such as hydrogen sulfide.

(16) "Biological Waste" means blood and blood products, excretions, exudates, secretions, suctionings and other body fluids that cannot be directly discarded into a municipal sewer system, and waste materials saturated with blood or body fluids, but does not include diapers soiled with urine or feces.

(17) "Biosolids" means solids derived from primary, secondary or advanced treatment of domestic wastewater which have been treated through one or more controlled processes that significantly reduce pathogens and reduce volatile solids or chemically stabilize solids to the extent that they do not attract vectors.

(18) "Clean Fill" means material consisting of soil, rock, concrete, brick, building block, tile or asphalt paving, which do not contain contaminants which could adversely impact the waters of the State or public health. This term does not include putrescible wastes, construction and demolition wastes and industrial solid wastes.

(19) "Cleanup Materials Contaminated by Hazardous Substances" means contaminated materials from the cleanup of releases of hazardous substances into the environment, and which are not hazardous wastes as defined by ORS 466.005.

(20) "Closure Permit" means a document issued by the department bearing the signature of the Director or his/her authorized representative which by its conditions authorizes the permittee to complete active operations and requires the permittee to properly close a land disposal site and maintain and monitor the site after closure for a period of time specified by the department.

(21) "Commercial Solid Waste" means solid waste generated by stores, offices, including manufacturing and industry offices, restaurants, warehouses, schools, colleges, universities, hospitals, and other non-manufacturing entities, but does not include solid waste from manufacturing activities. Solid waste from business, manufacturing or processing activities in residential dwellings is also not included.

(22) "Commission" means the Environmental Quality Commission or the Commission's authorized designee.

(23) "Composted material" or "Compost" is the solid material resulting from the composting process. It includes both the material produced from aerobic composting and the solid digestate produced by anaerobic digestion, although the solid digestate may require additional composting in order to be suitable for certain applications.

(24) "Composting" means the managed process of controlled biological decomposition of feedstocks. A managed process includes, but is not limited to, reducing feedstock particle size, adding moisture, mixing feedstocks, manipulating composting piles, and performing procedures to achieve human pathogen reduction. "Composting" includes both aerobic composting and anaerobic digestion. Other examples of composting include bokashi, fermentation, and vermiculture.

(25) "Composting Facility" means a site or facility composting feedstocks to produce a useful product through a managed process of controlled biological decomposition. Examples of composting facilities include sites used for composting windrows and piles, anaerobic digestion, vermiculture, vermicomposting and agricultural composting.

(26) "Construction and Demolition Waste" means solid waste resulting from the construction, repair, or demolition of buildings, roads and other structures, and debris from the clearing of land, but does not include clean fill when separated from other construction and demolition wastes and used as fill materials or otherwise land disposed. Such waste typically consists of materials including concrete, bricks, bituminous concrete, asphalt paving, untreated or chemically treated wood, glass, masonry, roofing, siding, plaster; and soils, rock, stumps, boulders, brush and other similar material. This term does not include industrial solid waste and municipal solid waste generated in residential or commercial activities associated with construction and demolition activities.

(27) "Construction and Demolition Landfill" means a landfill that receives only construction and demolition waste.

(28) "Conversion Technology Facility" means a facility that uses primarily chemical or thermal processes other than melting (changing from solid to liquid through heating without changing

chemical composition) to produce fuels, chemicals, or other useful products from solid waste. These chemical or thermal processes include, but are not limited to, distillation, gasification, hydrolysis, pyrolysis, thermal depolymerization, transesterification and animal rendering, but do not include direct combustion, composting, anaerobic digestion, melting, or mechanical recycling. Mills that primarily use mechanical recycling or melting to recycle materials back into similar materials are not considered to be conversion technology facilities, even if they use some chemical or thermal processes in the recycling process.

(29) "Corrective Action" means action required by the department to remediate a release of constituents above the levels specified in 40 CFR § 258.56 or OAR chapter 340 division 40, whichever is more stringent.

(30) "Cover Material" means soil or other suitable material approved by the department that is placed over the top and side slopes of solid wastes in a landfill.

(31) "Cultures and Stocks" means etiologic agents and associated biologicals, including specimen cultures and dishes and devices used to transfer, inoculate and mix cultures, wastes from production of biologicals, and serums and discarded live and attenuated vaccines. "Culture" does not include throat and urine cultures.

(32) "Current Assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash or sold or consumed during the normal operating cycle of the business.

(33) "Current Liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

(34) "Department" means the Department of Environmental Quality.

(35) "Digestate" means both solid and liquid substances that remain following anaerobic digestion of organic material in a composting facility. "Solid digestate" means the solids resulting from anaerobic digestion, and "liquid digestate" means the liquids resulting from anaerobic digestion.

(36) "Digested Sewage Sludge" means the concentrated sewage sludge that has decomposed under controlled conditions of pH, temperature and mixing in a digester tank.

(37) "Director" means the Director of the Department of Environmental Quality or the Director's authorized designee.

(38) "Disposal Site" means land and facilities used for the disposal, handling, treatment or transfer of or energy recovery, material recovery and recycling from solid wastes, including but not limited to dumps, landfills, sludge lagoons, sludge treatment facilities, disposal sites for septic tank pumping or cesspool cleaning service, land application units (except as exempted within the definition of solid waste in this rule), transfer stations, conversion technology

facilities, energy recovery facilities, incinerators for solid waste delivered by the public or by a collection service, composting facilities and land and facilities previously used for solid waste disposal at a land disposal site. The term “disposal site” does not include a facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste; a facility subject to the permit requirements of ORS 468B.050; a site that is used by the owner or person in control of the premises to dispose of soil, rock, concrete or other similar non-decomposable clean fill material, unless the site is used by the public either directly or through a collection service; or a site operated by an automobile dismantler issued a certificate under ORS 822.110.

(39) "Domestic Solid Waste" includes, but is not limited to, residential (including single and multiple residences), commercial and institutional wastes, as defined in ORS 459A.100; but the term does not include:

- (a) Sewage sludge or septic tank and cesspool pumpings;
- (b) Building demolition or construction wastes and land clearing debris, if delivered to a disposal site that is limited to those purposes and does not receive other domestic solid wastes;
- (c) Source separated recyclable materials, or material recovered at a disposal site or waste tire storage site for recycling;
- (d) Industrial waste going to an industrial waste facility; or
- (e) Waste received at an ash monofill from an energy recovery facility.

(40) "Endangered or Threatened Species" means any species listed as such pursuant to Section 4 of the federal Endangered Species Act and any other species so listed by the Oregon Department of Fish and Wildlife.

(41) "Energy Recovery" means recovery in which all or a part of the solid waste materials are processed to use the heat content, or other forms of energy, of or from the material. Energy recovery includes the direct combustion of solid waste in an energy recovery facility and the production of fuels intended to be burned as an energy source, such as the pyrolysis of plastics to produce fuel oils or the grinding of wood waste to produce combustion fuel.

(42) “Energy Recovery Facility” means a facility that directly combusts solid waste and uses the heat energy generated for some useful purpose such as to produce electricity or to produce steam to be used in an industrial process.

(43) "Feedstock" means organic and other solid wastes used in a composting process to produce composted material, or used in a conversion technology facility to produce other products. For composting, four types of feedstocks are defined:

- (a) Type 1 feedstocks include source-separated yard and garden wastes, wood wastes, agricultural crop residues, wax-coated cardboard, vegetative food wastes including department

approved industrially produced vegetative food waste, and other materials the department determines pose a low level of risk from hazardous substances, physical contaminants and human pathogens. Type 1 feedstocks also include digestate derived only from type 1 feedstocks.

(b) Type 2 feedstocks include manure and bedding and other materials the department determines pose a low level of risk from hazardous substances and physical contaminants and a higher level of risk from human pathogens compared to type 1 feedstock. Type 2 feedstocks also include digestate derived from feedstocks that include Type 2 feedstocks but does not include any type 3 or type X feedstock.

(c) Type 3 feedstocks include dead animals, meat and source-separated mixed food waste and industrially produced non-vegetative food waste. They also include other materials the department determines pose a low level of risk from hazardous substances and a higher level of risk from physical contaminants and human pathogens compared to type 1 and 2 feedstocks. Type 3 feedstocks also include digestate derived from feedstocks that include Type 3 feedstocks but does not include any type X feedstock.

(d) Type X feedstocks include specified risk material (SRM) from bovine animal mortality and animal by-products from slaughter that pose a risk to the environment and public health from exposure to prions that can cause Bovine Spongiform Encephalitis (BSE). This includes the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse processes of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia from cattle 30 months of age and older and the distal ileum of the small intestine and the tonsils from all cattle. It also includes whole cattle from which the SRM has not been removed, cattle that are not able to walk, and cattle with symptoms that might indicate BSE disease. Type X feedstocks also include digestate that was derived from any quantity of type X feedstocks.

(44) "Financial Assurance" means a plan for:

(a) Disposal sites and waste tire storage sites setting aside financial resources or otherwise assuring that adequate funds are available to properly close and to maintain and monitor a disposal site or waste tire storage site after the site is closed according to the requirements of a permit issued by the department.

(b) Waste tire carriers setting aside financial resources or otherwise assuring that adequate funds are available to ensure compliance with and ORS 459.705 to 459.790 and waste tire carrier rules OAR 340-096-0260 to OAR 340-096-0290.

(45) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters that are inundated by the base flood.

(46) "Gravel Pit" means an excavation in an alluvial area from which sand or gravel has been or is being mined.

(47) "Groundwater" means water that occurs beneath the land surface in the zone(s) of saturation.

(48) "Hazardous Substance" means any substance defined as a hazardous substance pursuant to Section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601 et seq.; oil, as defined in ORS 465.200; and any substance designated by the Commission under ORS 465.400.

(49) "Hazardous Waste" means discarded, useless or unwanted materials or residues and other wastes that are defined as hazardous waste pursuant to ORS 466.005.

(50) "Heat-Treated" means a process of drying or treating sewage sludge where there is an exposure of all portions of the sludge to high temperatures for a sufficient time to kill all pathogenic organisms.

(51) "Home composting" means composting operated and controlled by the owner or person in control of a single or multiple family dwelling unit and used to compost residential food waste produced within the dwelling unit and yard debris produced on the property.

(52) "Incinerator" means any device used for the reduction of combustible solid wastes by burning under conditions of controlled airflow and temperature.

(53) "Industrial Solid Waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste regulated under ORS Chapters 465 and 466 or under Subtitle C of the federal Resource Conservation and Recovery Act. Such waste may include, but is not limited to, waste resulting from the following processes: Electric power generation; fertilizer/agricultural chemicals; food and related products/by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; water treatment; and timber products manufacturing. This term does not include construction/demolition waste; municipal solid waste from manufacturing or industrial facilities such as office or "lunch room" waste; or packaging material for products delivered to the generator.

(54) "Industrial Waste Landfill" means a landfill that receives only a specific type or combination of industrial waste.

(55) "Inert" means containing only constituents that are biologically and chemically inactive and that, when exposed to biodegradation and/or leaching, will not adversely impact the waters of the state or public health.

(56) "Infectious Waste" means biological waste, cultures and stocks, pathological waste, and sharps; as defined in ORS 459.386.

(57) "Land Application Unit" means a disposal site where sludges or other solid wastes are applied onto or incorporated into the soil surface for agricultural purposes or for treatment and disposal.

(58) "Land Disposal Site" means a disposal site in which the method of disposing of solid waste is by landfill, dump, waste pile, pit, pond, lagoon or land application.

(59) "Landfill" means a facility for the disposal of solid waste involving the placement of solid waste on or beneath the land surface.

(60) "Leachate" means liquid that has come into direct contact with solid waste and contains dissolved, miscible and/or suspended contaminants as a result of such contact.

(61) "Liabilities" means probable future sacrifices of economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

(62) "Local Government Unit" means a city, county, Metropolitan Service District formed under ORS Chapter 268, sanitary district or sanitary authority formed under ORS Chapter 450, county service district formed under ORS Chapter 451, regional air quality control authority formed under ORS 468A.100 to 468A.130 and 468A.140 to 468A.175 or any other local government unit responsible for solid waste management.

(63) "Low-Risk Disposal Site" means a disposal site which, based upon its size, site location, and waste characteristics, the department determines to be unlikely to adversely impact the waters of the State or public health.

(64) "Material Recovery" means any process of obtaining from solid waste, by pre-segregation or otherwise, materials which still have useful physical or chemical properties and can be reused, recycled or composted for some purpose.

(65) "Material Recovery Facility" means a solid waste management facility that separates materials for the purposes of recycling from an incoming mixed solid waste stream by using manual and/or mechanical methods, or a facility at which previously separated recyclables are collected.

(66) "Medical Waste" means solid waste that is generated as a result of patient diagnosis, treatment, or immunization of human beings or animals.

(67) "Mobile Disposal Site" means a disposal site facility that is intended to be moved from place to place in order to process wastes in different locations.

(68) "Monofill" means a landfill or landfill cell into which only one type of waste may be placed.

(69) "Municipal Solid Waste Landfill" means a discrete area of land or an excavation that receives domestic solid waste, and that is not a land application unit, surface impoundment,

injection well, or waste pile, as those terms are defined under § 257.2 of 40 CFR, Part 257. It may also receive other types of wastes such as nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction and demolition waste and industrial solid waste.

(70) "Net Working Capital" means current assets minus current liabilities.

(71) "Net Worth" means total assets minus total liabilities and is equivalent to owner's equity.

(72) "Passenger Tire" means a tire with less than an 18-inch rim diameter.

(73) "Passenger Tire Equivalent" means a measure of mixed passenger and truck tires, where five passenger tires are considered to equal one truck tire.

(74) "Pathological Waste" means biopsy materials and all human tissues, anatomical parts that emanate from surgery, obstetrical procedures, autopsy and laboratory procedures and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals. "Pathological waste" does not include teeth or formaldehyde or other preservative agents.

(75) "Permit" means a document issued by the department which by its conditions may authorize the permittee to construct, install, modify, operate or close a disposal site, waste tire carrier or waste tire storage site in accordance with specified limitations.

(76) "Permit Action" means the issuance, modification, renewal or revocation of a permit by the department.

(77) "Person" means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or any other legal entity.

(78) "Processing of Wastes" means any technology designed to change the physical form or chemical content of solid waste including, but not limited to, baling, composting, classifying, hydropulping, incinerating and shredding.

(79) "Public Waters" or "Waters of the State" include lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Pacific Ocean within the territorial limits of the State of Oregon and all other bodies of surface or underground waters, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

(80) "Putrescible Waste" means solid waste containing organic material that can be rapidly decomposed by microorganisms, and which may give rise to foul smelling, offensive products during such decomposition or which is capable of attracting or providing food for birds and potential disease vectors such as rodents and flies.

(81) "Recycling" means any process by which solid waste materials are transformed into new products in such a manner that the original products may lose their identity.

(82) "Regional Disposal Site" means a disposal site that receives, or a proposed disposal site that is designed to receive more than 75,000 tons of solid waste a year from outside the immediate service area in which the disposal site is located. As used in this section, "immediate service area" means the county boundary of all counties except a county that is within the boundary of the Metropolitan Service District. For a county within the Metropolitan Service District, "immediate service area" means that Metropolitan Service District boundary.

(83) "Release" has the meaning given in ORS 465.200(14).

(84) "Resource Recovery" means the process of obtaining useful material or energy from solid waste and includes energy recovery, material recovery and recycling.

(85) "Retreadable Casing" means a waste tire suitable for retreading.

(86) "Reuse" means the return of a commodity into the economic stream for use in the same kind of application as before without change in its identity.

(87) "Salvage" means the controlled removal of reusable, recyclable or otherwise recoverable materials from solid wastes at a solid waste disposal site or waste tire storage site.

(88) "Sensitive Aquifer" means any unconfined or semiconfined aquifer that is hydraulically connected to a water table aquifer, and where flow could occur between the aquifers due to either natural gradients or induced gradients resulting from pumpage.

(89) "Sensitive Environment" means a sensitive environment defined in OAR 340-122-0115(50) of the Hazardous Substance Remedial Action Rules.

(90) "Septage" means the pumpings from septic tanks, cesspools, holding tanks, chemical toilets and other sewage sludges not derived at sewage treatment plants.

(91) "Sharps" means needles, IV tubing with needles attached, scalpel blades, lancets, glass tubes that could be broken during handling and syringes that have been removed from their original sterile containers.

(92) "Sludge" means any solid or semi-solid waste and associated supernatant generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other such waste having similar characteristics and effects.

(93) "Sole Source Aquifer" means the only available aquifer, in any given geographic area, containing potable groundwater with sufficient yields to supply domestic or municipal water wells.

(94) "Solid Waste" means all useless or discarded putrescible and non-putrescible materials, including but not limited to garbage, rubbish, refuse, ashes, paper and cardboard, sewage sludge, septic tank and cesspool pumpings or other sludge, useless or discarded commercial, industrial, demolition and construction materials, discarded or abandoned vehicles or parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid materials, dead animals and infectious waste. The term does not include:

(a) Hazardous waste as defined in ORS 466.005;

(b) Materials used for fertilizer, soil conditioning, humus restoration, or for other productive purposes or which are salvageable for these purposes and are used on land in agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, provided the materials are used at or below agronomic application rates; or

(c) Woody biomass that is combusted as a fuel by a facility that has obtained a permit described in ORS 468A.040.

(95) "Solid Waste Boundary" means the outermost perimeter (on the horizontal plane) of the solid waste at a landfill as it would exist at completion of the disposal activity.

(96) "Source Separate" means that the person who last uses recyclable materials separates the recyclable material from solid waste.

(97) "Tangible Net Worth" means the tangible assets that remain after deducting liabilities; such assets would not include intangibles such as goodwill and rights to patents or royalties.

(98) "Third Party Costs" mean the costs of hiring a third party to conduct required closure, post-closure or corrective action activities.

(99) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a vehicle in which a person or property is or may be transported in or drawn by upon a highway. "Tire" does not include tires from vehicles not driven on highways, including bulldozers, mobile cranes, road graders, loaders, rotary snow plows, road rollers and road sanders. Except for the purposes of disposal under OAR 340-093-0190(4), "tire" does not include tires from the following:

(a) A device moved only by human power;

(b) A device used only upon fixed rails or tracks;

(c) A motorcycle;

(d) An all-terrain vehicle, including but not limited to, three-wheel and four-wheel ATVs, dune buggies and other similar vehicles. All-terrain vehicles do not include jeeps, pick-ups and other four-wheel drive vehicles that may be registered, licensed and driven on public roads in Oregon;

(e) A device used only for farming, except a farm truck;

(f) A retreadable casing while under the control of a tire retreader or while being delivered to a tire retreader.

(100) "Tire Carrier" means a person who picks up or transports waste tires for the purpose of storage, removal to a processor or disposal. "Tire carrier" does not include the following:

(a) Solid waste collectors operating under a license or franchise from a local government unit;

(b) Persons who transport fewer than five tires for disposal;

(c) Persons who transport their own waste tires to a processor or for proper disposal;

(d) The United States, the State of Oregon, any county, city, town or municipality in this state, or any agency of the United States, the State of Oregon or a county, city, town or municipality of this state.

(101) "Tire-Derived Materials" means tire chips or other materials produced from the physical processing of waste tires and used for productive purposes and not disposal.

(102) "Tire Retailer" means a person actively engaged in the business of selling new replacement tires at retail, whose local business license or permit (if required) specifically allows such sale. To be "actively" engaged in selling new tires, the person must demonstrate to the Department's satisfaction that new replacement tires have been sold in the preceding calendar quarter.

(103) "Tire Retreader" means a person actively engaged in the business of retreading waste tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a usable tire for sale to the public.

(104) "Transfer Station" means a fixed or mobile facility other than a collection vehicle where solid waste is taken from a smaller collection vehicle and placed in a larger transportation unit for transport to a final disposal location.

(105) "Treatment" means any method, technique, or process designed to change the physical, chemical, or biological character or composition of any solid waste except for composting, material recovery, or energy recovery. Treatment includes but is not limited to detoxifying or remediating solid waste prior to disposal or beneficial use.

(106) "Treatment Facility" means a facility intended for treatment of solid waste. It includes but is not limited to soil remediation facilities and rotary kilns used to treat oily sludges. It does not include composting facilities, material recovery facilities, energy recovery facilities, incinerators, or conversion technology facilities as defined in this rule.

(107) "Truck Tire" means a tire with a rim diameter between 18 and 24.5 inches.

(108) "Underground Drinking Water Source" means an aquifer supplying or likely to supply drinking water for human consumption.

(109) "Vector" means any insect, rodent or other animal capable of transmitting, directly or indirectly, infectious diseases to humans or from one person or animal to another.

(110) "Vegetative" means feedstocks used for composting that are derived from plants including but not limited to: fruit and vegetable peelings or parts, grains, coffee grounds, crop residue, waxed cardboard and uncoated paper products. Vegetative material does not include oil, grease, or dairy products such as milk, mayonnaise or ice cream.

(111) "Vermicomposting" means the controlled and managed process by which live worms convert solid waste into dark, fertile, granular excrement.

(112) "Vermiculture" means the raising of earth worms for the purpose of collecting castings for composting or enhancement of a growing medium.

(113) "Waste Tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

(114) "Water Table Aquifer" means an unconfined aquifer in which the water table forms the upper boundary of the aquifer. The water table is typically below the upper boundary of the geologic strata containing the water, the pressure head in the aquifer is zero and elevation head equals the total head.

(115) "Wellhead protection area" means the surface and subsurface area surrounding a water well, spring or wellfield, supplying a public water system, through which contaminants are reasonably likely to move toward and reach that water well, spring, or wellfield. A public water system is a system supplying water for human consumption that has four or more service connections or supplies water to a public or commercial establishment which operates a total of at least 60 days per year, and which is used by 10 or more individuals per day.

(116) "Wood waste" means chemically untreated wood pieces or particles generated from processes commonly used in the timber products industry. Such materials include but are not limited to sawdust, chips, shavings, stumps, bark, hog-fuel and log sort yard waste, but do not include wood pieces or particles containing or treated with chemical additives, glue resin, or chemical preservatives.

(117) "Wood waste Landfill" means a landfill that receives primarily wood waste.

(118) "Woody biomass" means material from trees and woody plants, including limbs, tops, needles, leaves and other woody parts, grown in a forest, woodland, farm, rangeland or wildland-urban interface environment that is the by-product of forest management, ecosystem restoration or hazardous fuel reduction treatment.

(119) "Zone of Saturation" means a three-dimensional section of the soil or rock in which all open spaces are filled with groundwater. The thickness and extent of a saturated zone may vary seasonally or periodically in response to changes in the rate or amount of groundwater recharge, discharge or withdrawal.

Statutory/Other Authority: ORS 459.045,468.020, 459.775, 459.780 & 459.785

Statutes/Other Implemented: ORS 459,459A, & 459.705

History:

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 4-2010, f. & cert. ef. 5-14-10

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 15-2000, f. & cert. ef. 10-11-00

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 9-1996, f. & cert. ef. 7-10-96

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0010

DEQ 24-1990, f. & cert. ef. 7-6-90

DEQ 14-1990, f. & cert. ef. 3-22-90

DEQ 18-1988, f. & cert. ef. 7-13-88 (and corrected 2-3-89)

DEQ 2-1984, f. & ef. 1-16-84

DEQ 26-1981, f. & ef. 9-8-81

DEQ 41, f. 4-5-72, ef. 4-15-72

DEQ 62-2018, minor correction filed 04/04/2018, effective 04/04/2018

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 41-1990, f. & cert. ef. 11-15-90

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 28-1988, f. & cert. ef. 11-8-88

DEQ 15-1988, f. & cert. ef. 7-12-88

340-093-0040

Prohibited Disposal

(1) No person shall dispose of or authorize the disposal of solid waste except at a solid waste disposal site or waste tire storage site permitted by the Department to receive that waste, or at a class of disposal site or waste tire storage site specifically exempted by OAR 340-093-0050(5) from the requirement to obtain a solid waste permit.

(2) Wastes prohibited from disposal at solid waste disposal sites or waste tire storage sites:

(a) Hazardous Wastes. Wastes defined as hazardous wastes must be managed in accordance with ORS 466.005 et seq. and applicable regulations;

(b) Hazardous Wastes from Other States. Wastes which are hazardous under the law of the state of origin shall not be managed at a solid waste disposal site or waste tire storage site when transported to Oregon. Such wastes may be managed at a hazardous waste facility in Oregon if the facility is authorized to accept the wastes pursuant to ORS 466.005 et seq. and applicable regulations.

(3) No person shall dispose of and no disposal site or waste tire storage site shall knowingly accept for disposal at a solid waste disposal site or waste tire storage site any of the following:

(a) Used oil as defined in ORS 468.850(5), including liquid used oil and used oil purposely mixed with other materials for the purpose of disposal, but not including cleanup materials from incidental or accidental spills where the used oil spilled cannot feasibly be recovered as liquid oil;

(b) Discarded or abandoned vehicles;

(c) Discarded large metal-jacketed residential, commercial or industrial appliances such as refrigerators, washers, stoves and water heaters;

(d) Tires, except those that meet size reduction criteria as provided in OAR 340-093-0190(4). Waste tires shall be managed and stored under a Department-issued waste tire storage permit.;

(e) Lead-acid batteries.

(4) Notwithstanding any other provision of law relating to solid waste disposal, if the state of origin prohibits or restricts the disposal of any kind of solid waste within the state of origin, such prohibition or restriction also shall apply to the disposal of the out-of-state solid waste in Oregon.

Statutory/Other Authority: ORS 459.005-418, 459.045(1)&(3), 459A.100-120, 459.235(2), 459.420, 459.785 & 468.065

Statutes/Other Implemented: ORS 459.005(8), 459.710 & 459.205(1)

History:

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0060

DEQ 24-1990, f. & cert. ef. 7-6-90

DEQ 14-1990, f. & cert. ef. 3-22-90

DEQ 6-1989, f. 4-24-89, cert. ef. 5-4-89

DEQ 30-1988(Temp), f. & cert. ef. 11-17-88

DEQ 41, f. 4-5-72, ef. 4-15-72

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-093-0050

Permit Required

(1) Except as provided by OAR 340-093-0050(5) , no person may establish, operate, maintain or substantially alter, expand, improve or close a disposal site or waste tire storage site, and no person may change the method or type of disposal at a disposal site or waste tire storage site, until the person owning or controlling the disposal site or waste tire storage site obtains a permit therefore from the Department.

(2) Persons owning or controlling the following classes of disposal sites must comply with the requirements in the following rules:

(a) Municipal solid waste landfills must comply with OAR 340, division 94 "Municipal Solid Waste Landfills";

(b) Industrial Solid Waste Landfills, Construction and Demolition Landfills, Wood Waste Landfills and other facilities not listed in OAR 340, division 96 must comply with OAR 340, division 95 "Land Disposal Sites Other Than Municipal Solid Waste Landfills";

(c) Energy recovery facilities and incinerators receiving domestic solid waste must comply with OAR 340, division 96 "Special Rules Pertaining to Incineration";

(d) Composting facilities must comply with OAR 340-096-0060 through 340-096-0150: "Special Rules Pertaining to Composting."

(e) Land used for deposit, spreading, lagooning or disposal of sewage sludge, septage and other sludges must comply with OAR 340-096-0030 "Special Rules Pertaining to Sludge and Land Application Disposal Sites";

(f) Transfer stations and Material Recovery Facilities must comply with OAR 340-096-0040 "Transfer Stations and Material Recovery Facilities";

(g) Petroleum contaminated soil remediation facilities and all other solid waste treatment facilities must comply with OAR 340-096-0050 "Solid Waste Treatment Facilities"; and

(h) Conversion technology facilities must comply with OAR 340-096-0160 to 340-096-0200 "Conversion Technology Facilities."

(3) Waste tire storage sites must comply with OAR 340-096-0210 through 340-096-0240.

(4) Waste tire carriers must comply with OAR 340-096-0260 through 340-096-0290.

(5) Persons owning or controlling the following classes of disposal sites are specifically exempted from the above requirements to obtain a permit under OAR chapter 340, divisions 93 through 97, but must comply with all other provisions of OAR chapter 340, divisions 93 through 97 and other applicable laws, rules, and regulations regarding solid waste disposal:

(a) A facility authorized by a permit issued under ORS 466.005 to 466.385 to store, treat or dispose of both hazardous waste and solid waste;

(b) Disposal sites, facilities or disposal operations operated under a permit issued under ORS 468B.050 if all applicable requirements in OAR chapter 340, divisions 93 through 97 have been met;

(c) A land disposal site used exclusively for the disposal of clean fill, unless the materials have been contaminated such that the department determines that their nature, amount or location may create an adverse impact on groundwater, surface water or public health or safety;

NOTE: Such a landfill may require a permit from the Oregon Division of State Lands. A person wishing to obtain a permit exemption for an inert waste not specifically mentioned in this subsection may submit a request to the department with such information as the department may require to evaluate the request for exemption, under OAR 340-093-0080.

(d) A site or facility that conducts solid waste operations or activities that are limited to one or more of the following, excluding a site or facility where the department determines that the nature, amount or location of the materials or operations may constitute a potential threat of adverse impact on the environment or public health:

(A) Using any amount of sewage sludge or biosolids under a valid water quality permit issued under ORS 468B.050;

(B) Receiving source separated materials for purposes of material recovery;

(C) Receiving, storing, processing or grinding wood, including painted wood, from construction and demolition and other activities to make a combustion fuel, when that fuel is to be burned at a facility that is in compliance with air quality rules;

(D) Receiving and processing for recycling metal, cardboard, and other non-hazardous materials that have been separated from solid waste at material recovery facilities;

(E) Receiving or processing plastics to make a feedstock for a conversion technology facility, except the following plastics:

(i) Plastics that have viable recycling markets and are acceptable in most Oregon curbside recycling collection programs, or

(ii) Clean polyolefin film plastics acceptable in commercial recycling programs;

(F) Receiving and storing used oil for transfer to another facility for processing. The facility must accept and store used oil in compliance with state and federal used oil regulations;

(G) Combusting fuels made in part from tire chips or wood, including painted wood, when burned for energy recovery in compliance with air quality rules;

(H) Transferring a container, including but not limited to a shipping container, or other vehicle holding solid waste from one mode of transportation to another (such as barge to truck); if:

(i) The container or vehicle is not available for direct use by the general public;

(ii) The waste is not removed from the original container or vehicle; and

(iii) The original container or vehicle does not stay in one location longer than 72 hours, unless otherwise authorized by the department.

(6) The Department may, in accordance with a specific permit containing a compliance schedule, grant reasonable time for solid waste disposal or waste tire storage sites or waste tire carriers to comply with OAR chapter 340, divisions 93 through 97.

(7) If it is determined by the Department that a proposed or existing disposal site or waste tire storage site is not likely to create a public nuisance, health hazard, air or water pollution or other environmental problem, the Department may waive any or all requirements of OAR 340-093-0070, 340-093-0130, 340-093-0140, 340-093-0150, 340-094-0060(2) and 340-095-0030(2) and issue a letter authorization in accordance with OAR 340-093-0060.

(8) Each person who is required by OAR 340-093-0050 (1) through (4) and (7) to obtain a permit must:

(a) Make prompt application to the Department therefore;

(b) Fulfill each and every term and condition of any permit issued by the Department to such person;

(c) Comply with OAR chapter 340, divisions 93 through 97;

(d) Comply with the Department's requirements for recording, reporting, monitoring, entry, inspection, and sampling, and make no false statements, representations, or certifications in any form, notice, report, or document required thereby; and

(e) Allow the Department or an authorized governmental agency to enter the property under permit at reasonable times to inspect and monitor the site and records as authorized by ORS 459.385, 459.272 and 459.760.

(9) Failure to conduct solid waste disposal or waste tire storage or waste tire carrier requirements according to the conditions, limitations, or terms of a permit or OAR chapter 340, divisions 93 through 97, or failure to obtain a permit is a violation of OAR chapter 340, divisions 93 through 97 and may be cause for the assessment of civil penalties for each violation as provided in OAR chapter 340, division 12 or for any other enforcement action provided by law. Each and every day that a violation occurs is considered a separate violation and may be the subject of separate penalties.

Statutory/Other Authority: ORS 459A.025, 459.045, 468.020, 459.705 to 459.760

Statutes/Other Implemented: ORS 459.205, 459.215 & 459.225

History:

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 2-1995, f. & cert. ef. 1-10-95

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0020

DEQ 14-1984, f. & ef. 8-8-84

DEQ 2-1984, f. & ef. 1-16-84

DEQ 26-1981, f. & ef. 9-8-81

DEQ 41, f. 4-5-72, ef. 4-15-72

340-093-0070

Applications for Permits

(1) Any person wishing to obtain a new, modified, or renewal permit from the Department must submit a written application on a form provided by the Department. The Department must receive renewal applications at least 180 days before a permit is needed. All other applications must be received 60 days before a permit is needed. All application forms must be completed in full, signed by the applicant or the applicant's legally authorized representative, and accompanied by the specified number of copies of all required exhibits. The name of the applicant must be the legal name of the owner of the facility or waste tire carrier or the owner's agent or the lessee responsible for the operation and maintenance of the facility or waste tire carrier.

(2) The Department will accept applications for a permit only when complete, as detailed in OAR 340-093-0070 (3). Within 45 days after receipt of an application, the Department will conduct a preliminary review of the application to determine the adequacy of the information submitted. Failure to complete this review within 45 days does not preclude the Department from later requesting further information from the applicant as provided in this section.

(a) If the Department determines that additional information is needed it will promptly request the needed information from the applicant. The application will be considered to be withdrawn if the applicant fails to submit the requested information within 90 days of the request or such other time as the Department establishes in writing.

(b) If additional measures are necessary to gather facts regarding the application, the Department will notify the applicant that such measures will be instituted, and the timetable and procedures to be followed. The application will be considered to be withdrawn if the applicant fails to comply with these additional measures.

(3) An application for a new disposal site, waste tire storage or waste tire carrier permit is complete only if it:

- (a) Is submitted on forms provided by the department, is accompanied by all required exhibits, follows the organizational format and includes the level of informational detail required by the Department, and is signed by the applicant and property owner or person in control of the premises;
- (b) Except for mobile disposal sites and waste tire carriers, includes written recommendations of the local government unit or units having jurisdiction with respect to a new or existing disposal site or waste tire storage site, or alterations, expansions, improvements or changes in method or type of disposal at a new or existing disposal site or waste tire storage site. Such recommendations must include, but not be limited to, a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals;
- (c) Identifies in list form, any other known or anticipated permits from the Department or other governmental agencies;
- (d) Includes payment of application fees as required by OAR 340-097-0110 and 340-097-0120;
- (e) Except for composting facilities, mobile disposal sites, waste tire carriers and facilities exempt under OAR 340-093-0070(4)-, includes a site characterization report prepared in accordance with OAR 340-093-0130, to establish a new disposal site or waste tire storage site or to substantially alter, expand or improve a disposal site or waste tire storage site or to make a change in the method or type of disposal at a disposal site or waste tire storage site, unless the requirements of said site characterization report have been met by other prior submittals;
- (f) Except for composting facilities, waste tire carriers and facilities exempt under OAR 340-093-0070 (4), includes detailed plans and specifications as required by OAR 340-093-0140;
- (g) For a new land disposal site:
- (A) Includes a written closure plan that describes the steps necessary to close all land disposal units at any point during their active life under OAR 340-094-0110 to 340-094-0120 or 340-095-0050 to 340-095-0060; and
- (B) Provides evidence of financial assurance for the costs of closure of the land disposal site and for post-closure maintenance of the land disposal site under OAR 340-094-0140 or 340-095-0090, unless the department exempts a non-municipal land disposal site from this requirement under OAR 340-095-0090(2).
- (h) For a new conversion technology facility:
- (A) A description of the technology to be used at the facility including the types, sources, and amounts of feedstocks to be processed, the processing methods, the materials produced by the technology, the amounts of each product, the expected uses of the products, the types of

materials that the products of the conversion technology facility are intended to replace, and how feedstocks, products, and other materials will be stored;

(B) A description of wastes expected to be produced by the facility including amounts, biological, chemical and physical analyses, waste storage and disposition of wastes;

(C) A description of leachate, stormwater, and process water expected to be produced at the facility, including information on the biological, chemical and physical characterization of process water and leachate and the management of leachate, stormwater, and process water;

(D) A description of flammable gases and liquids and also hazardous wastes expected to be produced by the facility, and how those materials will be managed; and

(E) The methods that will be used to minimize or exclude from feedstocks any materials that are detrimental to the conversion technology process or resultant products.

(i) For any type of mobile disposal site, includes an acknowledgement that before the mobile disposal site establishes operation in a new location, the local government unit or units having jurisdiction must provide a statement of compatibility with the acknowledged local comprehensive plan and zoning requirements or the Land Conservation and Development Commission's Statewide Planning Goals.

(j) For a new waste tire storage site:

(A) Address the requirements of ORS 459.730;

(B) Provide information required in OAR 340-096-0230 for the Department to determine the amount of financial assurance required in order to issue a waste tire storage permit.

(C) Site design and operations plans, which include:

(i) Anticipated maximum number of passenger and/or truck tires and/or tire-derived materials to be stored at the site for any given one year period;

(ii) Present and proposed method of disposal, and timetable;

(iii) How the facility will meet the technical tire storage standards in OAR 340-096-0230 for both tires and tire-derived materials currently stored on the site, and tires and tire-derived materials to be accepted;

(iv) Practices to reduce vector attraction and minimize nuisance conditions; and

(v) Procedures and timeline for site closure, including any phase-in of closure, removal of equipment and materials used to operate and maintain the site, removal and proper disposal of all waste tires and tire-derived materials from the site.

(k) Includes any other information the department may deem necessary to determine whether the proposed disposal site, waste tire storage site or waste tire carrier and the operation thereof will comply with all applicable rules of the department.

(4) If the department determines that a disposal site is a "low-risk disposal site" or is not likely to adversely impact the waters of the State or public health, the department may waive any of the requirements of OAR 340-093-0070 (3)(e) and (f), OAR 340-093-0150, 340-094-0060(2) and 340-095-0030(2). In making this judgment, the department may consider the size and location of the disposal site, the volume and types of waste received and any other relevant factor. The applicant must submit any information the department deems necessary to determine that the proposed disposal site and site operation will comply with all pertinent rules of the department.

(5) If a local public hearing regarding a proposed disposal site, waste tire storage site or waste tire carrier has not been held and if, in the judgment of the department, there is sufficient public concern regarding the proposed disposal site, waste tire storage site or waste tire carrier, the department may, as a condition of receiving and acting upon an application, require that such a hearing be held by the county board of commissioners or county court or other local government agency responsible for solid waste management, for the purpose of informing and receiving information from the public.

(6) Permit modifications:

(a) An application for a permit modification is required for:

(A) The sale or exchange of the activity or facility; or

(B) Any change in the nature of the activities or operations from those of the last application including modification or expansion of the disposal site or waste tire storage site, a change in the method or type of disposal or significant change in waste tire carrier activities.

(b) An application for a permit modification is complete only if it:

(A) Is submitted on forms provided by the department, follows the organizational format and includes the level of informational detail required by the department, and is signed by the applicant and property owner or person in control of the premises;

(B) Includes information showing the reasons for the permit modification and any information needed to document or explain the modification requested; and

(C) Includes updated information required to be submitted for new permits in OAR 340-093-0070 (3), if required by the Department. If the modification involves a substantial change in the scope or operations of the disposal site, waste tire storage site or waste tire carrier, the application must also include written recommendations from the local government unit as required for new permits under OAR 340-093-0070 (3)(b).

(7) Permit renewals:

(a) An application for a permit renewal is required if a permittee intends to continue operation beyond the permitted period. A complete renewal application must be filed at least 180 days before the existing permit expires. An application for a permit renewal is complete only if it is submitted on forms provided by the department, follows the organizational format and includes the level of informational detail required by the department, and is signed by the applicant and property owner or person in control of the premises.

(b) If the application for renewal involves a substantial change in the scope or operations of the disposal site or waste tire storage site, the application must also include written recommendations from the local government unit as required for new permits under OAR 340-093-0070 (3)(b). The department may also require the submittal of updates of the information required to be submitted for new permits in section OAR 340-093-0070 (3).

(c) If a completed application for the renewal of a permit is filed with the department in a timely manner before the expiration date of the permit, the permit does not expire until the department takes final action on the renewal application.

(d) If a completed application for the renewal of a permit is not filed with the department in a timely manner before the expiration date of the permit, the department may require the permittee to close the site and apply for a closure permit under OAR 340-094-0100 or 340-095-0050.

(8) Permits extended under OAR 340-093-0070 (7) remain fully effective and enforceable until the effective date of the new permit.

Statutory/Other Authority: ORS 459

Statutes/Other Implemented: ORS 459.235

History:

DEQ 78-2018, minor correction filed 04/09/2018, effective 04/09/2018

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 15-2000, f. & cert. ef. 10-11-00

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0025

DEQ 2-1984, f. & ef. 1-16-84

DEQ 26-1981, f. & ef. 9-8-81

DEQ 41, f. 4-5-72, ef. 4-15-72

340-093-0080

Variations and Permit Exemptions

(1) Variations. The Commission may by specific written variance waive certain requirements of OAR 340, divisions 93 through 97 when circumstances of the solid waste disposal or waste tire storage site location or waste tire carriers, operating procedures, and/or other conditions indicate

that the purpose and intent of OAR 340, divisions 93 through 97 can be achieved without strict adherence to all of the requirements.

(2) Permit exemptions. Pursuant to OAR 340-093-0050(5), a person wishing to obtain an exemption from the requirement to obtain a solid waste permit for disposal of an inert waste in specified locations may submit a request to the Department. The applicant must demonstrate that the waste is substantially the same as “clean fill.” The request shall include but not be limited to the following information:

(a) The exact location (including a map) at which the waste is to be disposed of and a description of the surrounding area;

(b) The monthly rate of disposal;

(c) A copy of the Material Safety Data Sheet (or equivalent, if a MSDS is not available) for all applicable raw materials used at the facility generating the waste;

(d) A description of the process generating the waste and how that process fits into the overall operation of the facility;

(e) Documentation that the waste is not hazardous as defined in OAR 340, division 101. The procedure for making a hazardous waste determination is in OAR 340-102-0011;

(f) A demonstration that the waste is inert, stable, non-putrescible, and physically similar to soil, rock, concrete, brick, building block, tile, or asphalt paving;

(g) A demonstration that the waste will not discharge constituents which would adversely impact the waters of the state or public health.

Statutory/Other Authority: ORS 459

Statutes/Other Implemented: ORS 459.225

History:

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0080

DEQ 41, f. 4-5-72, ef. 4-15-72

340-093-0105

Categories for Permit Actions

(1) Category 1:

(a) Waste Tire Carrier Permit under 340-096-0260.

(b) Letter Authorization under 340-093-0060.

(c) Modification to a permit that is administrative in nature or does not alter permit conditions.

(2) Category 2:

(a) Renewal of a construction and demolition debris landfill permit under 340-093-0070.

(b) Renewal of an industrial waste landfill permit under 340-093-0070.

(c) Renewal of a closure permit under 340-094-0100 and 340-095-0500.

(d) Renewal of a transfer station permit under 340-096-0040.

(e) Renewal of a material recovery facility permit under 340-096-0040.

(f) Renewal of a solid waste treatment facility permit under 340-093-0070.

(g) Renewal of a waste tire storage permit under 340-093-0050.

(h) Renewal of a solid waste composting permit under 340-093-0070.

(i) New composting facility registration issued under OAR 340-096-0100.

(j) Renewal of a composting facility registration under 340-096-0100.

(k) New conversion technology facility registration under 340-096-0190.

(l) Renewal of a conversion technology facility registration under 340-093-0070.

(m) Renewal of a conversion technology facility permit under 340-093-0070.

(n) All other modifications not listed under category 1.

(3) Category 3:

(a) New captive industrial facility permit as defined in 340-097-0120(1)(c).

(b) New transfer station or material recovery facility permit under 340-096-0040.

(c) New composting permit issued under 340-096-0110.

(d) New closure permit under 340-094-0100 and 340-095-0500.

(e) New construction and demolition landfill permit under 340-095-0001.

(f) New solid waste treatment facility permit under 340-096-0050.

- (g) New off-site industrial facility permit under 340-097-0120(2)(a).
- (h) New sludge disposal facility permit under 340-096-0030.
- (i) New waste tire storage permit under 340096-0210.
- (j) Renewal of a municipal landfill permit under 340-093-0070.
- (k) Renewal of an incinerator or energy recovery facility permit under 340-093-0070.
- (l) New conversion technology facility permit under 340-096-0200.
- (4) Category 4:
 - (a) New municipal solid waste landfill facility permit under 340-094-0001.
 - (b) New incinerator permit under 340-096-0010.
 - (c) New energy recovery facility permit under 340-097-0120(2)(a).

Statutory/Other Authority: 459A.025, 459.045 & 468.020

Statutes/Other Implemented: ORS 459.245

History:

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 15-2000, f. & cert. ef. 10-11-00

340-093-0113

Department Initiated Modification of a Permit

If the Department determines it is appropriate to modify a permit, the Department will notify the permittee by registered or certified mail of the proposed modification and include them and the reasons for them. The modification will become effective upon mailing unless the permittee requests a hearing within 20 days. A request for hearing shall be made in writing and state the grounds for the request. The hearing will be conducted as a contested case hearing in accordance with ORS 183.413–183.470 and OAR 340-011. If a hearing is requested, the existing permit continues in effect until a final order is issued.

Statutory/Other Authority: ORS 459A.025, 459.045, 468.020 & 459.785

Statutes/Other Implemented: ORS 459.245 & 459.715

History:

DEQ 15-2000, f. & cert. ef. 10-11-00

340-093-0140

Detailed Plans and Specifications Required

Except as provided in OAR 340-093-0070(4):

(1) Any person applying for a solid waste disposal or waste tire storage permit must submit plans and specifications conforming with current technological practices, and sufficiently detailed and complete so that the department may evaluate all relevant criteria before issuing a permit. The plans and specifications must follow the organizational format, and include the level of information detail, as required by the department. The department may refuse to accept plans and specifications that are incomplete and may request such additional information as it deems necessary to determine that the proposed disposal or waste tire storage site and site operation will comply with all pertinent rules of the department.

(2) Engineering plans and specifications submitted to the department must be prepared and stamped by a professional engineer with current Oregon registration.

(3) If in the course of facility construction any person desires to deviate significantly from the approved plans, the permittee must submit a detailed description of the proposed change to the department for review and approval prior to implementation. If the department deems it necessary, a permit modification must be initiated to incorporate the proposed change.

Statutory/Other Authority: ORS 459

Statutes/Other Implemented: ORS 459.015 & 459.205(1)

History:

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0035

DEQ 26-1981, f. & cert. ef. 9-8-81

DEQ 41, f. 4-5-72, cert. ef. 4-15-72

340-093-0150

Construction Certification

Except as provided in OAR 340-093-0070(4):

(1) The department may require, upon completion of major or critical construction at a disposal site or waste tire storage site, that the permittee submit to the department a final project report signed by the project engineer or manager as appropriate. The report must certify that construction has been completed in accordance with the approved plans including any approved amendments thereto.

(2) If any major or critical construction has been scheduled in the plans for phase development subsequent to the initial operation, the department may require that the permittee submit additional certification for each phase when construction of that phase is completed.

(3) Solid waste may not be disposed of in any new waste management unit (such as a landfill cell) of a land disposal site unless/until the permittee has received prior written approval from the

department of the required engineering design, construction, Construction Quality Assurance, operations, and monitoring plans. Only after the department has accepted a construction certification report prepared by an independent party, certifying to the department that the unit was constructed in accordance with the approved plans, may waste be placed in the unit. If the department does not respond to a certified construction certification report within 30 days of its receipt, the permittee may proceed to use the unit for disposal of the intended solid waste.

Statutory/Other Authority: ORS 459.045, 459A.025 & 468.020

Statutes/Other Implemented: ORS 459.015 & 459.205 - 459.245

History:

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0036

DEQ 26-1981, f. & ef. 9-8-81

340-093-0190

Wastes Requiring Special Management

(1) The following wastes require special handling or management practices, and shall not be deposited at a solid waste disposal site unless special provisions for such disposal are included in a Special Waste Management Plan pursuant to OAR 340-094-0040(11)(b)(J) or 340-095-0020(3)(j), or their disposal is otherwise approved by the Department:

(a) Agricultural Wastes. Residues from agricultural practices shall be recycled, utilized for productive purposes or disposed of in a manner not to cause vector creation or sustenance, air or water pollution, public health hazards, odors, or nuisance conditions;

(b) Construction and Demolition Materials. Due to the unusually combustible nature of construction and demolition materials, construction and demolition landfills or landfills incorporating large quantities of combustible materials shall be designed and operated to prevent fires and the spread of fires, in accordance with engineering or operations plans required by OAR 340, divisions 93 through 96. Equipment shall be provided of sufficient size and design to densely compact the material to be included in the landfill;

(c) Oil Wastes. More than 25 gallons of petroleum-bearing wastes such as used oil filters, oil-absorbent materials, suspended solids that have settled to the bottom of the tank (tank bottoms) or oil sludges shall not be placed in any disposal site unless all recoverable liquid oils are removed and special provisions for handling and other special precautions are included in the facility's approved plans and specifications and operations plan to prevent fires and pollution of surface or groundwaters. See also OAR 340-093-0040(3)(a), Prohibited Disposal;

(d) Infectious Wastes. All infectious wastes must be managed in accordance with ORS 459.386 to 459.405:

(A) Pathological wastes shall be treated by incineration in an incinerator which complies with the requirements of OAR 340-025-0850 to 340-025-0905 unless the Department determines:

(i) The disposal cost for incineration of pathological wastes generated within the individual watershed exceeds the average cost by 25 percent for all incinerators within the State of Oregon which comply with the requirements of OAR 340-025-0850 to 340-025-0905; or the generator is unable to contract with any incinerator facility within the State of Oregon due to lack of incinerator processing capacity; and

(ii) The State Health Division of the Oregon Department of Human Resources has prescribed by rule requirements for sterilizing “cultures and stocks,” and this alternative means of treatment of the pathological waste is available.

(B) Sharps. Sharps may be treated by placing them in a leak-proof, rigid, puncture-resistant, red container that is taped closed or tightly lidded to prevent loss of the contents. Sharps contained within containers which meet these specifications may be disposed of in a permitted municipal solid waste landfill without further treatment if they are placed in a segregated area of the landfill;

(C) Medical Waste. Medical waste other than infectious waste as defined by ORS 459.386 or hazardous wastes as defined by ORS 466.055 may be disposed of without special treatment in municipal solid waste landfills permitted by the Department if such disposal is not prohibited in the permit.

(e) Asbestos. Wastes containing asbestos shall be disposed of pursuant to OAR 340-248;

(f) Abrasive Blast Media Containing Pesticides. Waste described in OAR 340-101-0040(1) may be disposed of at a solid waste landfill if the site meets the design criteria of 40 CFR 258.40 for new municipal solid wastes landfill units;

(g) Pesticide Treated Wood. Waste described in OAR 340-101-0040(2) may be disposed of at a solid waste landfill if the site meets the design criteria of 40 CFR 258.40 for new municipal solid waste landfill units.

(2) Incinerator ash. Ash from domestic energy recovery facilities and from domestic solid waste incinerator disposal sites shall be disposed of at an ash monofill permitted by the Department. Such a monofill must meet standards in 40 CFR 258 and OAR 340, division 94.

(3) Polychlorinated Biphenyls (PCBs). Wastes containing polychlorinated biphenyls shall be disposed of pursuant to OAR 340, division 110.

(4) Waste tires.

(a) Waste tires may be disposed of at a solid waste disposal site if the waste tires meet the following criteria:

(A) The volume of 100 unprepared randomly selected whole tires in one continuous test period must be reduced by at least 65 percent of the original volume. No single void space greater than 125 cubic inches may remain in the randomly placed processed tires. The test to comply with this subsection is follows:

(i) Unprocessed whole tire volume shall be calculated by randomly placing the 100 unprepared randomly selected whole tires in a rectangular container and multiplying the depth of unprocessed tires by the bottom area of the container;

(ii) Processed tire volume shall be determined by randomly placing the processed tire test quantity in a rectangular container and leveling the surface. It shall be calculated by multiplying the depth of processed tires by the bottom area of the container.

(B) The tires shall be reduced to an average chip size of no greater than 64 square inches in any randomly selected sample of ten tires or more. No more than 40 percent of the chips may exceed 64 square inches.

(b) Waste tires that cannot meet the processing criteria in this rule may be disposed unprocessed with written approval from the Department.

Statutory/Other Authority: ORS 459.045, 459.046, 459A.025, 468.020, ORS 459.770 & 459.785
Statutes/Other Implemented: ORS 459.015, 459.205-245, 459.411-405 & ORS 459.710

History:

DEQ 12-2020, minor correction filed 04/30/2020, effective 04/30/2020

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 6-1994, f. & cert. ef. 3-22-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0060

DEQ 24-1990, f. & cert. ef. 7-6-90

DEQ 14-1990, f. & cert. ef. 3-22-90

DEQ 6-1989, f. 4-24-89, cert. ef. 5-4-89

DEQ 30-1988(Temp), f. & cert. ef. 11-17-88

DEQ 41, f. 4-5-72, ef. 4-15-72

Chapter 340 Division 96

SOLID WASTE: PERMITS SPECIAL RULES FOR SELECTED SOLID WASTE DISPOSAL SITES, WASTE TIRE STORAGE SITES AND WASTE TIRE CARRIERS

340-096-0001 Applicability

(1) OAR Chapter 340, Division 96 applies to energy recovery facilities and incinerators receiving solid waste delivered by the public or by a solid waste collection service, composting facilities, conversion technology facilities, sludge disposal sites, land application disposal sites, transfer stations, material recovery facilities and, solid waste treatment facilities. Such facilities are disposal sites as defined by ORS Chapter 459, and are also subject to the requirements of OAR chapter 340, division 93, financial assurance requirements as set forth in division 95 at OAR 340-095-0090 and 340-095-0095, and division 97. The Department may tailor the financial assurance requirements to the nature of the facility and may exempt low risk facilities from the financial assurance requirements. For purposes of these division 96 rules, a low risk facility is one the Department determines is not likely to generate significant amounts of residual waste materials or contamination from the operation of the facility that will remain at closure.

(2) OAR Chapter 340 Division 96 also applies to waste tire storage sites and waste tire carriers. Waste tire storage sites and waste tire carriers are both subject to financial assurance requirements. The Department will modify active permits for any waste tire storage site or waste tire carrier in operation upon the effective date of these rules and issue permits to be consistent with OAR 340, Divisions 93, 96 and 97, at no additional application fee to the permittee. The Department will modify active permits for any combined tire carrier/storage site in operation upon the effective date of these rules and issue separate waste tire carrier and waste tire storage permits. The Department will modify active permits for any beneficial use waste tire storage site in operation upon the effective date of these rules and issue waste tire storage permits.

Statutory/Other Authority: ORS 459.005 - 459.418, 459A.100 - 459A.120 & 459.785

Statutes/Other Implemented: ORS 459.015 & 459.045

History:

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 5-1993, f. & cert. ef. 3-10-93

340-096-0210

Waste Tire Storage Sites

Applicability: The purpose of OAR 340-096-0210 through 340-096-0240 is to prescribe requirements, limitations and procedures for storage, collection, and disposal of waste tires.

Active waste tire storage permits, beneficial use waste tire storage permits and combined tire carrier/storage permits in operation upon the effective date of these rules will remain in effect and remain enforceable until the Department issues new permits under these rules.

(1) Except as provided by OAR 340-096-0210(2), no person shall establish, operate, maintain or expand a waste tire storage site until the person owning or controlling the waste tire storage site obtains a permit.

(2) Persons owning or controlling the following are exempted from the application and permit requirements of OAR 340-093-0070 unless the Department determines the waste tire storage site may adversely affect human health or the environment:

- (a) A person who stores not more than 100 waste tires;
 - (b) A person who stores not more than 200 cubic yards of tire-derived materials;
 - (c) A tire retailer who stores not more than 1,500 waste tires for each retail business location;
 - (d) A tire retreader who stores not more than 3,000 waste tires for each individual retread operation so long as the waste tires are of the type the retreader is actively retreading;
 - (e) Storage of tire-derived materials packaged in closed plastic bags;
 - (f) Landfills, material recovery facilities, transfer stations and other Department-permitted solid waste disposal sites storing more than 100 waste tires, as long as the Department approved plans and specifications in the permit describe compliance with waste tire storage standards in OAR 340-096-0230;
 - (g) Using and storing waste tires as a ballast to maintain covers on agricultural materials or at a construction site.
- (3) All waste tire storage sites shall comply with technical and operational standards in OAR 340-096-0230.
- (4) All waste tire storage sites shall maintain financial assurance as required by ORS 459.720 in amounts determined by the Department.
- (5) All waste tire storage sites shall comply with compliance requirements in OAR 340-096-0240.

Statutory/Other Authority: ORS 459.785

Statutes/Other Implemented: ORS 459.710, 459.712, 459.715, 459.720, 459.775 & 459.780, ORS 459.705, 459.708, 459.710 & 457.715

History:

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 15-1988, f. & cert. ef. 7-12-88

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 9-1996, f. & cert. ef. 7-10-96

DEQ 7-1989, f. & cert. ef. 4-24-89

340-096-0220

Financial Assurance

(1) The Department shall determine for each applicant the amount of financial assurance required for waste tire storage sites. The Department shall base the amount on the estimated cost of cleanup for the maximum number of waste passenger tire equivalents and/or tire-derived materials allowed by the permit to be stored at the storage site.

(2) The Department will only accept financial assurance mechanisms listed in and complying with applicable requirements in OAR 340-095-0095.

(3) The financial assurance mechanism shall be filed with the Department and provide that the Department or a party approved by the Department is the beneficiary of the financial assurance.

(4) The Department shall make any claim on the financial assurance within one year of any notice of proposed cancellation of the financial assurance.

Statutory/Other Authority: ORS 459.785

Statutes/Other Implemented: ORS 459.720

History:

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 9-1996, f. & cert. ef. 7-10-96

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-096-0230

Standards for Waste Tire Storage Sites

(1) The holder of a waste tire storage permit shall comply with the technical and operational standards in OAR 340-096-0230.

(2) A waste tire storage site shall not be constructed or operated in a wetland, waterway, floodway, 25-year floodplain, or any area where it may be subjected to submersion in water.

(3) Operation. A waste tire storage site shall be operated in compliance with the following standards:

(a) An outdoor waste tire pile and a tire-derived material pile shall have no greater than the following maximum dimensions:

(A) Volume: 50,000 cubic feet;

(B) Area: 5,000 square feet;

(C) Height: 10 feet.

(b) Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders. Access roadways shall be within 150 feet of any point in the storage yard where waste tire piles and tire-derived material piles are located, not less than 20 feet from any waste tire pile and tire-derived material pile;

(c) Waste tire piles and tire-derived material piles shall be located at least 50 feet from buildings and lot lines;

(d) Waste tire storage piles and tire-derived material piles shall be separated by a clear space of at least 40 feet from other waste tire piles or tire-derived material piles;

(e) Waste tires to be stored for one month or longer must be ricked or horizontally stacked securely by overlapping so that the center of a tire fits over the edge of the tire below it;

(f) The permittee shall operate and maintain the site in a manner that minimizes vector attraction and nuisance conditions;

(g) A sign shall be posted at the entrance of the storage site stating operating hours, cost of disposal and site rules if the site receives tires from persons other than the operator of the site;

(h) No operations involving the use of open flames or blow torches shall be conducted within 25 feet of a waste tire storage pile or tire-derived material piles;

(i) An approach and access road to the waste tire storage site shall be maintained passable for any vehicle at all times. Access to the site shall be controlled through the use of fences, gates, or other means of controlling access;

(j) If required by the Department, the site shall be screened from public view;

(k) An attendant shall be present at all times the waste tire storage site is open for business, if the site receives tires from persons other than the operator of the site;

(l) The site shall be bermed or given other adequate protection to keep any liquid runoff from potential tire fires from entering waterways;

(m) If pyrolytic oil is released at the waste tire storage site, the permittee shall remove contaminated soil in accordance with applicable rules governing the removal, transportation and disposal of the material;

(n) In the case of waste tires stored for seasonal agricultural uses: During the annual period(s) during which the waste tires are not being used for seasonal agricultural uses, they shall be stored to meet the standards in this rule.

(4) The Department may impose additional storage requirements for an individual site which are necessary to protect the public health or the environment.

(5) The Department may approve exceptions to OAR 340-096-0230(3) if the Department determines that a waste tire storage site is not likely to adversely impact the waters of the State or public health, or be a fire hazard the department may waive any of the requirements of OAR 340-096-0230(3). In making this judgment, the Department may consider the size and location of the waste tire storage site, the volume of waste tires received, distance to surface water, and any other relevant factors. The applicant must submit any information the Department deems necessary to determine that the proposed waste tire storage site and site operation will comply with all pertinent rules of the Department.

(6) The director may grant a variance to the technical and operational standards in this rule or the requirements of OAR 340-096-0240(3) for a waste tire storage site in existence on or before January 1, 1988. This may include certain requirements of these technical and operational standards when circumstances of the waste tire storage site location, operating procedures, and fire control protection indicate that the purpose and intent of these rules can be achieved without strict adherence to all of the requirements, or when the site is not receiving additional tires and is under a closure schedule approved by the Department.

Statutory/Other Authority: ORS 459.785

Statutes/Other Implemented: ORS 459.268, 459.710, 459.715 & 459.720

History:

DEQ 13-2019, amend filed 05/16/2019, effective 05/16/2019

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-096-0240

Waste Tire Storage Site Permittee Obligations

(1) Each person who is required by ORS 459.715, and OAR 340-096-0210, to obtain a permit shall:

(a) Comply with the provisions of ORS 459.705 to 459.790, OAR 340-096-0240, and any other applicable Department requirements;

(b) Inform the Department in writing within 30 days of changes that affect the permit, including but not limited to business name change, address change of the permittee and change in the form of ownership (such as from individual to partnership or corporation);

(c) Allow the Department access to the site and the permittee's records, including records required by other public agencies, for inspection by the Department.

(2) Each person who is required by ORS 459.715 and OAR 340-096-0210 to obtain a permit shall submit to the Department an annual compliance fee for the coming calendar year. The

permittee shall submit evidence of required financial assurance when the annual compliance fee is submitted.

(3) Each waste tire storage site permittee shall do the following as a condition to holding the permit:

(a) Maintain records on approximate numbers of waste tires received and shipped, and tire carriers transporting the tires to fulfill the reporting requirements in OAR 340-096-0240(3)(c). The permittee shall issue receipts upon receiving loads of waste tires. Quantities may be measured by aggregate loads or cubic yards, if the permittee documents the approximate number of tires included in each. These records shall be maintained for a minimum of five years, and shall be available for inspection by the Department after reasonable notice;

(b) Maintain a record of the name (and the carrier permit number, if applicable) of the tire carriers not exempted by OAR 340-096-0260 who deliver waste tires to the site and ship waste tires from the site, together with the quantity of waste tires shipped with those carriers;

(c) Submit a report containing the following information annually:

(A) Number of waste tires received at the site during the year covered by the report;

(B) Number of waste tires shipped from the site during the year covered by the report;

(C) A list (and tire carrier permit number, if applicable) of the tire carriers not exempted by OAR 340-096-0260 delivering waste tires to the site and shipping waste tires from the site;

(D) The number of waste tires and amount of tire-derived materials located at the site at the time of the report.

(d) Notify the Department within one month of the vehicle license plate number and name, if possible, of any unpermitted tire carrier (who is not exempt under OAR 340-096-0260) who delivers waste tires to the site;

(e) If required by the Department, prepare for approval by the Department and implement:

(A) A site closure plan to remove some or all waste tires or tire-derived materials stored at the site, as required in OAR 340-093-0070(3)(j)(C)(v);

(B) A plan to process some or all waste tires stored at the site. The plan shall comply with ORS 459.705 through 459.790 and OAR 340-096-230.

(f) Maintain the financial assurance required under OAR 340-096-0220;

(g) Maintain any other plans and exhibits pertaining to the site and its operation as determined by the Department to be reasonably necessary to protect the public health, welfare or safety or the environment.

Statutory/Other Authority: ORS 459.785

Statutes/Other Implemented: ORS 459.705, 459.710, 459.720 & 459.750

History:

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-096-0260

Waste Tire Carrier Permit Required

(1) Any person engaged in picking up, collecting or transporting waste tires for the purpose of storage, processing or disposal must obtain a waste tire carrier permit from the Department.

(2) No person shall collect or haul waste tires or advertise or represent themselves as being in the business of a waste tire carrier without first obtaining a waste tire carrier permit from the Department. Active waste tire carrier permits and combined tire carrier/storage permits in operation upon the effective date of these rules will remain in effect and remain enforceable until the Department issues new permits under these rules.

(3) The following persons are exempt from the requirement to obtain a waste tire carrier permit:

(a) Solid waste collection service operating under a license or franchise from any local government unit;

(b) A person transporting their own waste tires to a processor or for proper disposal;

(d) Persons transporting tire-derived materials to a market;

(e) Persons transporting waste tires that meet the processed standards in OAR 340-093-0190;

(f) The United States, the State of Oregon, any county, city, town or municipality in this state or any agency of the United States, the State of Oregon or a county, city, town or municipality of this state;

(g) Persons possessing an automobile dismantler certificate issued under ORS 822.110 and transporting only tires generated from vehicles accepted for dismantling activities;

(h) Tire retailer and tire retreaders transporting waste tires generated from their business operation.

(4) In order to transport waste tires for the purpose of storage, processing or disposal, a person must apply to the Department for a waste tire carrier permit at least 90 days before beginning to transport the tires.

(5) Applications shall be made on a form provided by the Department. The application shall include information as required by the Department, including but not be limited to:

(a) The license number and registered vehicle owner for each vehicle used for transporting waste tires;

(b) Where the waste tires will be stored, processed and disposed of; and

(c) Any additional information required by the Department.

(6) A person with more than one separate business location may submit one waste tire carrier permit application which includes all the locations. All the information required in OAR 340-096-0260(5) shall be supplied by location for each individual location. That person shall be responsible for amending the application whenever any of the required information changes at any of the covered locations, including changes to vehicles used for transporting waste tires.

(7) An application for a tire carrier permit shall include the applicable application fee and an annual compliance fee as listed in OAR 340 Division 97.

(8) The application for a waste tire carrier permit shall also include a bond in the sum of \$5,000 in favor of the State of Oregon. In lieu of the bond, the applicant may submit financial assurance acceptable to the Department. The Department will accept as financial assurance only those financial assurance mechanisms listed in and complying with applicable requirements in OAR 340-095-0095.

(9) The bond or other financial assurance mechanism shall be filed with the Department and shall provide that:

(a) In performing services as a waste tire carrier, the applicant shall comply with the provisions of ORS 459.705 through 459.790 and of OAR 340-096-0260 and OAR 340-096-0270; and

(b) Any person injured by the failure of the applicant to comply with the provisions of ORS 459.705 through 459.790 or OAR 340-096-0260 and OAR 340-096-0270 shall have a right of action on the bond or other financial assurance in the name of the person. Such right of action shall be made to the principal or the surety company within two years after the injury.

(c) The permittee's bond or other financial assurance required under OAR 340-096-0260(8) must provide that, in performing services as a waste tire carrier, the operator of a vehicle leased by the permittee shall comply with the provisions of ORS 459.705 through 459.790, OAR 340-096-0260 and OAR 340-096-0270;

(10) Any financial assurance mechanisms submitted under OAR 340-096-0260 sections (8) and (9) shall remain in effect for not less than two years following termination of the waste tire carrier permit.

(11) A waste tire carrier permit may be issued for a period not to exceed 10 years, to be determined by the Department and specified in the permit.

Statutory/Other Authority: ORS 468.020, 459.045, 459.705 to 459.760 & 459.785

Statutes/Other Implemented: ORS 459.708

History:

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 3-1997, f. & cert. ef. 3-7-97

DEQ 9-1996, f. & cert. ef. 7-10-96

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 41-1990, f. & cert. ef. 11-15-90

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-096-0270

Waste Tire Carrier Permittee Obligations

(1) Each person required to obtain a waste tire carrier permit shall:

(a) Comply with ORS 459.705 to 459.790, OAR 340-096-0260 through 340-096-0290, and any other applicable requirements;

(b) Inform the Department in writing within 30 days of changes that affect the permit, including but not limited to business name change, address change of the permittee, change from in the form of ownership (such as from individual to partnership or corporation);

(c) Allow the Department access to the site and the permittee's records, including records required by other public agencies, for inspection by the Department;

(d) Maintain a copy of permittee's waste tire carrier permit in each vehicle used to transport waste tires;

(e) Maintain the financial assurance required under OAR 340-096-0260;

(f) Maintain a daily record of all vehicles used to transport waste tires, with beginning and ending dates used, license numbers and person who owns the vehicles. The daily record shall be kept current at all times. The daily record shall be made available to Department staff when requested and be submitted to the Department each year as part of the permittee's annual report.

(2) A waste tire carrier shall deliver waste tires for storage or disposal at a Department permitted waste tire storage site, at a disposal site permitted by the Department to store waste tires, or at another site approved by the Department, such as a site authorized to accept waste tires under the laws or regulations of another state.

(3) The Department may allow a waste tire carrier permittee to use up to two covered containers to collect waste tires. A maximum of 2,000 tires may be so collected at any one time, and for no longer than 90 days in each container, beginning with the date when a waste tire is first placed in a container. The containers must be located at the permittee's main place of business.

(4) Waste tire carrier permittees shall record and maintain for a minimum of five years, except as otherwise specified in this section, the following information regarding their activities for each month of operation:

(a) The approximate quantity of waste tires collected. Quantities may be measured by aggregate loads or cubic yards, if the carrier documents the approximate number included in each load;

(b) Where or from whom the waste tires were collected, and whether the waste tires are from the cleanup of a waste tire pile;

(c) Where the waste tires were deposited. The waste tire carrier shall keep receipts or other written materials documenting where all tires were stored or disposed of.

(d) The daily record identified in OAR 340-096-0270(1)(f), of all vehicles used to transport waste tires.

(e) Any additional information required by the Department.

(5) Waste tire carrier permittees shall submit to the Department an annual report that summarizes the information collected under OAR 340-096-0270(4). The information shall be broken down by quarters. This report shall be submitted to the Department annually as a condition of holding a permit together with the annual compliance fee.

Statutory/Other Authority: ORS 459.775, 459.780 & 459.785

Statutes/Other Implemented: ORS 459.705, 459.712, 459.730 & 459.750

History:

DEQ 64-2018, minor correction filed 04/04/2018, effective 04/04/2018

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 26-1991, f. & cert. ef. 11-14-91

DEQ 41-1990, f. & cert. ef. 11-15-90

DEQ 3-1990, f. & cert. ef. 1-24-90

DEQ 7-1989, f. & cert. ef. 4-24-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-096-0280

Department Review of Waste Tire Carrier Permit Applications

(1) Applications for waste tire carrier permits shall be processed in accordance with the Procedures for Issuance, Denial, Modification and Revocation of Permits as set forth in OAR 340, Division 93, except as otherwise provided in this division.

(2) Applications for waste tire carrier permits shall be complete only if they:

(a) Are submitted on forms provided by the Department, accompanied by all required exhibits, and the forms are completed in full and are signed by the applicant(s);

(b) Include the appropriate application fee pursuant to OAR 340 Division 97; and

(c) Include acceptable financial assurance pursuant to OAR 340-096-0260.

Statutory/Other Authority: ORS 459

Statutes/Other Implemented: ORS 459.745, 459.750 & 459.755

History:

DEQ 28-1989, f. & cert. ef. 10-30-89

DEQ 15-1988, f. & cert. ef. 7-12-88

340-096-0290

Proper Disposition of Waste Tires and Documentation Required of Generators of Waste Tires

(1) Any person who generates or handles more than 100 waste tires a year shall keep a log of the amount of waste tires they generated or handled.

(2) Any person who generates waste tires shall either:

(a) Have the waste tires transported by a waste tire carrier operating under a permit issued by the Department under ORS 459.705 to 459.790; or

(b) Transport the waste tires generated by the person to a waste tire storage site operating under a permit issued by the Department or to another site authorized by the Department;

(c) Transport any waste tires which are also retreadable casings to a tire retreader for the purposes of retreading.

(3) The written record in OAR 340-096-0290 shall document the approximate amount of waste tires generated by the person or under that person's control and documented in the log as required under OAR 340-096-0290(1).

(4) The information maintained under OAR 340-096-0290 sections (1), (2) and (3) shall be made available to the Department upon request of the Department.

Statutory/Other Authority: ORS 459.785

Statutes/Other Implemented: ORS 459.708

History:

DEQ 26-1991, f. & cert. ef. 11-14-91

Chapter 340
Division 97
SOLID WASTE: PERMIT FEES

340-097-0001

Applicability

This division applies to persons owning or operating or applying to DEQ to own or operate, a municipal solid waste landfill, a non-municipal land disposal site, an energy recovery facility or an incinerator receiving solid waste delivered by the public or by a solid waste collection service, a composting facility, a sludge disposal site, a land application disposal site, a transfer station, a material recovery facility, a solid waste treatment facility, a solid waste conversion technology facility or any other solid waste disposal site required to obtain a solid waste permit from DEQ. It also applies to persons who transport solid waste out of Oregon for final disposal or destruction at a disposal site that receives domestic solid waste, construction and demolition waste, land clearing debris, or waste tires for final disposal or destruction. This division also applies to persons engaged in or applying to DEQ to collect waste tires, transport waste tires, or collect and transport waste tires for the purpose of storage, processing or disposal and to waste tire storage sites requiring a permit from DEQ.

Statutory/Other Authority: ORS 459.045, 459A.100 - 459A.120 & 468.020

Statutes/Other Implemented: ORS 459.235 & 459.730

History:

DEQ 2-2016, f. & cert. ef. 2-4-16

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 5-1993, f. & cert. ef. 3-10-93

340-097-0110

Solid Waste Permit and Disposal Fees

(1) Each person required to have a solid waste disposal permit, waste tire storage or waste tire carrier permit is subject to the following fees:

(a) An application processing fee for new facilities and new waste tire carriers which must be submitted with the application for a new permit as specified in OAR 340-097-0120(2); and

(b) A solid waste permit compliance fee as listed in OAR 340-097-0120(6).

(2) Each disposal site receiving domestic solid waste for final disposal or destruction must pay the per-ton solid waste disposal fees on solid waste as specified in OAR 340-097-0120(7).

Beginning April 1, 2019, and first payable beginning July 1, 2019, land disposal sites receiving construction and demolition wastes, land clearing debris, or tires for final disposal or destruction must also pay this fee.

(3) Oregon solid waste disposed of out-of-state. A person who transports solid waste, generated in Oregon, for final disposal or destruction at a disposal site located outside of Oregon that receives domestic solid waste, or beginning April 1, 2019, a land disposal site that receives construction and demolition waste, land clearing debris, or waste tires for final disposal or destruction, must pay the per-ton solid waste disposal fees as specified in OAR 340-097-0120(7).

(a) For purposes of OAR 340-097-0110 and 340-097-0120(7), a person is the transporter if the person transports or arranges for the transport of solid waste out of Oregon for final disposal or destruction at a disposal site that receives domestic solid waste, or beginning April 1, 2019, a land disposal site that receives construction and demolition waste, land clearing debris, or waste tires for final disposal or destruction, and is:

(A) A solid waste collection service or any other person who hauls, under an agreement, solid waste out of Oregon;

(B) A person who hauls his or her own industrial, commercial or institutional waste or other waste such as cleanup materials contaminated with hazardous substances;

(C) An operator of a transfer station, when Oregon waste is delivered to a transfer station located in Oregon and from there is transported out of Oregon for final disposal or destruction;

(D) A person who authorizes or retains the services of another person for disposal of cleanup materials contaminated with hazardous substances; or

(E) A person who transports infectious waste.

(b) Notification requirement:

(A) Before transporting or arranging for transport of solid waste for final disposal or destruction out of Oregon to a disposal site that receives domestic solid waste, or beginning April 1, 2019, to a land disposal site that receives construction and demolition wastes, land clearing debris, or waste tires, the person identified in subsection (3)(a) must notify DEQ in writing on a form DEQ provides.

(B) The notification must state whether the person will transport the waste on an on-going basis.

(c) As used in this section, "person" does not include an individual transporting only the individual's own residential solid waste to a disposal site located out of the state.

(4) Fees. The solid waste permit compliance fee must be paid for each year a disposal site, waste tire carrier or waste tire storage site requiring a solid waste permit is in operation or under permit. The fee period is prospective and is as follows:

(a) New sites requiring a solid waste permit:

(A) Any new disposal site must pay a solid waste permit compliance fee 30 days after the end of the calendar quarter in which solid waste is received at the facility, except as specified in paragraph (4)(a)(B), (C) and (D);

(B) A new disposal site that receives less than 1,000 tons of solid waste per year, other than a transfer station, material recovery facility or composting facility, must pay the entire permit compliance fee for the first year's operation if the facility is placed into operation on or before September 1. A new facility placed into operation after September 1 will not owe a permit compliance fee until the following January 31. An application for a new disposal site receiving less than 1,000 tons of solid waste a year must include the applicable permit compliance fee for the first year of operation;

(C) A new industrial solid waste disposal site, sludge or land application disposal site or solid waste treatment facility receiving more than 1,000 but less than 20,000 tons of solid waste a year must pay a solid waste permit compliance fee on January 31 following the calendar year in which the facility is placed into operation;

(D) A new transfer station, material recovery facility or composting facility must pay the entire permit compliance fee for the first fiscal year's operation, based on the state's fiscal year, if the facility is placed into operation on or before April 1. Any new facility placed into operation after April 1 will not owe a permit compliance fee until DEQ's annual billing for the next fiscal year. An application for a new transfer station, material recovery facility or composting facility must include the applicable permit compliance fee for the first year of operation.

(b) New waste tire carriers and waste tire storage sites shall pay the entire permit compliance fee for the first fiscal year's operation, based on the state's fiscal year, if the facility is placed into operation on or before April 1. Any new facility or carrier placed into operation after April 1 will not owe a permit compliance fee until DEQ's annual billing for the next fiscal year. An application for a new waste carrier or waste tire storage site shall include the applicable permit compliance fee for the first year of operation.

(c) Existing permitted sites. Any existing disposal site or waste tire storage site that is in operation and is permitted to receive or receives solid waste in a calendar year must pay the solid waste permit compliance fee for that year as specified in OAR 340-097-0120(6)(a), (b), and (c). A facility is deemed to be an "existing permitted site" from the time of permit issuance;

(d) Existing permitted waste tire carriers. Any existing waste tire carrier that is permitted to collect and transport waste tires in a calendar year shall pay the waste tire carrier permit compliance fees for that year as specified in OAR 340-097-0120(6). A waste tire carrier is deemed to be an "existing waste tire carrier" from the time of permit issuance;

(e) Closed sites. If a land disposal site stops receiving waste before April 1 of the fiscal year in which the site permanently ceases active operations, based on the state's fiscal year, the permittee must pay the solid waste permit compliance fee for the "year of closure" OAR 340-097-0120(6)(d)(A) specifies as well as the permit compliance fee the permittee pays quarterly based on the waste received in the previous calendar quarters. If a land disposal site has permanently

ceased receiving waste and the site is closed, a solid waste permittee must pay the solid waste permit compliance fee for closed sites as specified in OAR 340-097-0120(6)(d);

(f) DEQ may alter the due date for the solid waste permit compliance fee upon receipt of a justifiable request from a permittee.

(5) Tonnage reporting. The permit compliance fee and per-ton solid waste disposal fees, if applicable, must be submitted together with a form DEQ approves. Information reported must include the amount and type of solid waste and any other information DEQ requires to substantiate the tonnage or to calculate the state material recovery rate.

(6) Calculation of tonnage. Permittees and registrants are responsible for accurately calculating solid waste tonnage. For purposes of determining appropriate fees under OAR 340-097-0120(6) and (7), annual tonnage of solid waste received must be calculated as follows:

(a) Municipal solid waste facilities. Annual tonnage of solid waste received at municipal solid waste facilities, including construction and demolition sites and municipal solid waste composting facilities, receiving 50,000 or more tons annually must be based on weight from certified scales. When certified scales are required, all solid waste received at the facility for disposal must be weighed at the facility's scales, except as DEQ otherwise approves in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility must either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, estimated annual tonnage for municipal solid waste, including that at municipal solid waste composting facilities, will be based upon 300 pounds per cubic yard of uncompacted waste received, and 700 pounds per cubic yard of compacted waste received. If yardage is not known, the solid waste facility may use one ton per resident in the service area of the disposal site, unless the permittee demonstrates a more accurate estimate. For other types of wastes received at municipal solid waste sites and where certified scales are not required or not available, the conversions and provisions in subsection (b) must be used;

(b) Industrial facilities. Annual tonnage of solid waste received at industrial facilities receiving 50,000 or more tons annually must be based on weight from certified scales. When certified scales are required, all solid waste received at the facility must be weighed at the facility's scales, except as DEQ otherwise approves in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility must either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, industrial sites must use the following conversion factors to determine tonnage of solid waste disposed. Composting facilities must use the following conversion factors for those materials appropriate for composting:

(A) Asbestos: 500 pounds per cubic yard;

(B) Pulp and paper waste other than sludge: 1,000 pounds per cubic yard;

(C) Construction, demolition and land clearing wastes: 1,100 pounds per cubic yard;

(D) Wood waste:

(i) Wood waste, mixed, including log sort waste (as defined in OAR 340-093-0030): 1,200 pounds per cubic yard;

(ii) Wood waste including scrap lumber, pallets, wood from construction and demolition activities: 250 pounds per cubic yard;

(iii) Wood chips, green: 473 pounds per cubic yard;

(iv) Wood chips, dry: 243 pounds per cubic yard;

(v) Sawdust, wet: 530 pounds per cubic yard;

(vi) Sawdust, bone dry: 275 pounds per cubic yard.

(E) Yard debris:

(i) Grass clippings: 950 pounds per cubic yard;

(ii) Leaves: 375 pounds per cubic yard;

(iii) Compacted yard debris: 640 pounds per cubic yard; and

(iv) Uncompacted yard debris: 250 pounds per cubic yard.

(F) Manure, sludge, septage, grits, screenings and other wet wastes: 1,600 pounds per cubic yard;

(G) Food waste: 700 pounds per cubic yard;

(H) Ash and slag: 2,000 pounds per cubic yard;

(I) Contaminated soils: 2,400 pounds per cubic yard;

(J) Asphalt, mining and milling wastes, foundry sand, silica: 2,500 pounds per cubic yard;

(K) For wastes other than the above, the permittee or registrant must determine the density of the wastes subject to DEQ's written approval;

(L) As an alternative to the above conversion factors, the permittee or registrant may determine the density of their own waste, subject to DEQ's written approval.

(7) DEQ may refund the application processing fee, in whole or in part, after taking into consideration any costs DEQ may have incurred in processing the application, when submitted with an application if either of the following conditions exists:

(a) DEQ determines that no permit is required;

(b) The applicant withdraws the application before DEQ has granted or denied preliminary approval or, if no preliminary approval has been granted or denied, DEQ has approved or denied the application.

(8) Exemptions:

(a) Persons treating petroleum contaminated soils are exempt from the application processing and renewal fees for a Letter Authorization if the following conditions are met:

(A) The soil is being treated as part of a site cleanup authorized under ORS Chapters 465 or 466; and

(B) DEQ and the applicant for the Letter Authorization have entered into a written agreement under which the applicant must pay for costs DEQ incurred for oversight of the cleanup and for processing of the Letter Authorization.

(b) Persons to whom a Letter Authorization has been issued are not subject to the solid waste permit compliance fee.

(9) All fees must be made payable to the Department of Environmental Quality.

(10) Submittal schedule:

(a) DEQ bills the solid waste permit compliance fee to the holder of the following permits: transfer station, material recovery facility, composting facility, waste tire storage site, waste tire carrier and closed solid waste disposal site. The fee period is the state's fiscal year, July 1 through June 30, and the fee is due annually by the date indicated on the invoice. Any "year of closure" pro-rated fee will be billed to the permittee of a closed site together with the site's first regular billing as a closed site;

(b) For solid waste disposal site permit holders other than those in subsection (10)(a), DEQ does not bill the solid waste permit compliance fee to the permittee. The permittee must self-report these fees to DEQ, under sections (4) and (5). The fee period is either the calendar quarter or the calendar year, and the fees are due to DEQ as follows:

(A) For any disposal site required to pay the per-ton fee on any solid waste as specified in OAR 340-097-0120(7) (e.g., landfills, municipal waste incinerators, municipal energy recovery facilities, conversion technology facilities, and solid waste treatment facilities that receive domestic solid waste for final disposal or destruction), plus construction and demolition and tire landfills: on the same schedule as specified in subsection (10)(c);

(B) For industrial solid waste disposal sites, sludge or land application disposal sites and other disposal sites not required to pay the per-ton fee on solid waste as specified in OAR 340-097-0120(7), except construction and demolition and tire landfills:

- (i) For sites receiving over 20,000 tons of waste a year: quarterly, on the 30th day of the month following the end of the calendar quarter; or
 - (ii) For sites receiving 20,000 tons of waste a year or less: annually, on the 31st day of January;
 - (iii) For a site that has received less than 20,000 tons of waste in past years but exceeds that amount in a given year, DEQ will in general grant a one-year delay before the site is required to begin submitting permit fees on a quarterly basis. If the site appears likely to continue to exceed the 20,000 annual ton limit, then DEQ will require the site to report tonnage and submit applicable permit fees on a quarterly basis.
- (c) DEQ does not bill the per-ton solid waste disposal fees on solid waste and the Orphan Site Account fee. They must be paid on the following schedule:
- (A) Quarterly, on the 30th day of the month following the end of the calendar quarter; or
 - (B) Annually, on the 31st day of January, for solid waste disposal site permit holders for sites receiving less than 1,000 tons of solid waste a year.
- (d) The fees on Oregon solid waste disposed of out-of-state must be paid to DEQ quarterly on the 30th day of the month following the end of the calendar quarter or on the schedule specified in OAR 340-097-0120(7)(d)(C). The fees must be submitted together with a form DEQ approves, which must include the amount of solid waste, type, county of origin of the solid waste, and state to which the solid waste is being transported for final disposal.

Statutory/Other Authority: ORS 459.045, 459.235, 459.236, 459A.025, 459A.110, 459A.115 & 468.065

Statutes/Other Implemented: ORS 459.235, 459.236, 459A.110 & 459A.115

History:

- DEQ 2-2016, f. & cert. ef. 2-4-16
- DEQ 7-2013, f. & cert. ef. 8-29-13
- DEQ 6-2009, f. & cert. ef. 9-14-09
- DEQ 27-1998, f. & cert. ef. 11-13-98
- DEQ 17-1997, f. & cert. ef. 8-14-97
- DEQ 9-1996, f. & cert. ef. 7-10-96
- DEQ 10-1994, f. & cert. ef. 5-4-94
- DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94
- DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0115
- DEQ 8-1992, f. & cert. ef. 4-30-92
- DEQ 28-1991, f. & cert. ef. 12-18-91
- DEQ 12-1991(Temp), f. & cert. ef. 8-2-91
- DEQ 45-1990, f. & cert. ef. 12-26-90
- DEQ 3-1984, f. & ef. 3-7-84

340-097-0120

Permit/Registration Categories and Fee Schedule

(1) For purposes of OAR chapter 340, division 97:

(a) A "new facility" means a facility at a location not previously used or permitted, and does not include an expansion to an existing permitted site;

(b) An "off-site industrial facility" means all industrial solid waste disposal sites other than a "captive industrial facility;"

(c) A "captive industrial facility" means an industrial solid waste disposal site where the permittee is the owner and operator of the site and is the generator of all the solid waste received at the site.

(d) As used in this rule, the term "mixed solid waste" means solid wastes that include paper, plastic, and other materials at least partly made up of domestic waste, where the materials have not been separated from each other.

(2) Application Processing Fee. Except as provided in sections (3), (4), and (5) with respect to composting facilities, an application processing fee must be submitted with each application for a new facility, or waste tire carrier permit, including application for preliminary approval pursuant to OAR 340-093-0090. The amount of the fee depends on the type of facility and the required action as follows:

(a) A new municipal solid waste landfill facility, construction and demolition landfill, incinerator, energy recovery facility, solid waste treatment facility, off-site industrial facility or sludge disposal facility:

(A) Designed to receive over 7,500 tons of solid waste per year: \$10,000;

(B) Designed to receive 7,500 tons and less of solid waste per year: \$5,000.

(b) A new captive industrial facility, other than a transfer station or material recovery facility: \$1,000;

(c) A new transfer station or material recovery facility:

(A) Receiving over 50,000 tons of solid waste per year: \$500;

(B) Receiving over 10,000 and less than or equal to 50,000 tons of solid waste per year: \$200;

(C) Receiving 10,000 tons and less of solid waste per year: \$100.

(d) Letter Authorization under OAR 340-093-0060:

(A) New site: \$500;

(B) Renewal: \$500.

(e) Permit Exemption Determination under OAR 340-093-0080(2): \$500.

(f) Beneficial use of solid waste application and reporting fees under OAR 340-093-0260 through 340-093-0290:

(A) The review of an annual or other report required under a beneficial use determination: \$250;

(B) A Tier One beneficial use determination: \$1,000;

(C) A Tier Two beneficial use determination: \$2,000;

(D) A Tier Three beneficial use determination: \$5,000;

(E) Annual extension to a demonstration project authorization: \$1,000.

(g) A new conversion technology facility:

(A) Designed to receive over 7,500 tons of feedstocks per year: \$2,000;

(B) Designed to receive 7,500 tons or less of feedstocks per year: \$1,500.

(h) A new waste tire storage permit: \$250.

(i) A new waste tire carrier permit: \$25

(3) Composting Facility Screening Fee. Every composting facility that is required to comply with OAR 340-096-0080 must pay a screening fee of \$150. The fee must be submitted with the application for screening, as provided in OAR 340-096-0080(1).

(4) Facility Plan Review and Approval Fee.

(a) Every composting facility that is required to comply with OAR 340-096-0090 must pay an Operations Plan Approval fee as provided below. The fee must be submitted with the proposed Operations Plan, as provided in OAR 340-096-0090(1). Agricultural composting facilities for which the Oregon Department of Agriculture is providing facility plan review and approval are not required to pay this fee.

(A) For facilities composting over 100 tons and less than or equal to 3,500 tons of feedstocks per year: \$500;

(B) For facilities composting over 3,500 tons and less than or equal to 7,500 tons of feedstocks per year: \$750;

(C) For facilities composting over 7,500 tons and less than or equal to 10,000 tons of feedstocks per year: \$1000;

(D) For facilities composting over 10,000 tons and less than or equal to 50,000 tons of feedstocks per year: \$2,000;

(E) For facilities composting over 50,000 tons of feedstocks per year: \$5,000.

(b) Every conversion technology facility that is required to comply with OAR 340-096-0180 must pay a fee as provided below. The fee must be submitted with the proposed Operations Plan, as provided in OAR 340-096-0180.

(A) For facilities designed to receive 3,500 tons of feedstocks or less per year: \$1,000;

(B) For facilities designed to receive over 3,500 tons but no more than 7,500 tons of feedstocks per year: \$1,500;

(C) For facilities designed to receive over 7,500 tons but no more than 20,000 tons of feedstocks per year: \$2,200;

(D) For facilities designed to receive over 20,000 tons but no more than 50,000 tons of feedstocks per year: \$3,000;

(E) For facilities designed to receive over 50,000 tons of feedstocks per year: \$5,000.

(5) Composting Facility Engineering Review Fee. Every composting facility that requires DEQ review of engineering plans and specifications under OAR 340-096-0130 must pay a fee of \$500. This fee is in addition to the fee required by section (4). Agricultural composting facilities for which the Oregon Department of Agriculture provides review of engineering plans and specifications are not required to pay this fee.

(6) Solid Waste Permit Compliance Fee. The following is the fee schedule including base per-ton rates to be used to determine the solid waste permit compliance fee. The per-ton rates are based on the estimated solid waste to be received at all permitted solid waste disposal sites and on DEQ's Legislatively Approved Budget. DEQ reviews annually the amount of revenue generated by this fee schedule. To determine the solid waste permit compliance fee, DEQ may use the base per-ton rates or any lower rates if the rates generate more revenue than provided in DEQ's Legislatively Approved Budget. Any increase in the base rates must be established by rule. In any case where a facility fits into more than one category, the permittee must pay only the highest fee:

(a) All facilities accepting or permitted to accept solid waste for final disposal or destruction, excluding transfer stations, material recovery facilities and composting facilities:

(A) The greater of \$200; or

(B) A solid waste permit compliance fee based on the total amount of solid waste received at the facility in the previous calendar quarter or year, as applicable, at the following rate:

(i) All municipal landfills, construction and demolition landfills, industrial landfills, sludge disposal facilities, incinerators and solid waste treatment facilities: \$.21 per ton through June 30, 2016, and \$.58 per ton beginning July 1, 2016;

(ii) Energy recovery facilities. \$.13 per ton through June 30, 2016, and \$.58 per ton beginning July 1, 2016; and

(iii) Conversion technology facilities: \$.10 per ton through June 30, 2016, and \$.58 per ton beginning July 1, 2016.

(C) If DEQ does not require a disposal site, other than a municipal solid waste facility, to monitor and report volumes of solid waste collected, the solid waste permit compliance fee may be based on the estimated tonnage received in the previous quarter or year.

(D) Ash or residue received by a landfill from an energy recovery facility, incinerator, or conversion technology facility is not subject to the solid waste permit compliance fee paid on a per-ton basis under paragraph (B) if the energy recovery facility, incinerator, or conversion technology facility has paid this fee on all incoming waste. Alternatively, DEQ can make arrangements to split this fee between a landfill and an energy recovery facility, incinerator, or conversion technology facility, based on the proportion by weight of the ash and residue received by the landfill and the total weight of incoming waste received by the energy recovery facility, incinerator, or conversion technology facility.

(b) Transfer stations and material recovery facilities:

(A) Facilities accepting over 50,000 tons of solid waste per year: \$1,000;

(B) Facilities accepting over 10,000 and less than or equal to 50,000 tons of solid waste per year: \$500;

(C) Facilities accepting 10,000 tons or less of solid waste per year: \$50.

(c) Composting facilities with a composting permit, except agricultural composting facilities for which the Oregon Department of Agriculture is providing facility oversight:

(A) Utilizing over 50,000 tons of feedstocks for composting per year: \$5,000;

(B) Utilizing over 7,500 and less than or equal to 50,000 tons of feedstocks for composting per year: \$1,000;

(C) Utilizing over 3,500 and less than or equal to 7,500 tons of feedstocks for composting per year: \$500;

(D) Utilizing over 100 tons and less than or equal to 3,500 tons of feedstocks for composting per year: \$100.

(d) Closed Disposal Sites:

(A) Year of closure. If a land disposal site stops receiving waste before April 1 of the fiscal year in which the site permanently ceases active operations, DEQ will determine a pro-rated permit compliance fee for those quarters of the fiscal year not covered by the permit compliance fee paid on solid waste received at the site. The pro-rated fee for the quarters the site was closed is based on the calculation in paragraph (B);

(B) Each land disposal site that closes after July 1, 1984: \$150 or the average tonnage of solid waste received in the three most active years of site operation multiplied by \$.025 per ton, whichever is greater; but the maximum permit compliance fee is \$2,500.

(e) Waste tire storage sites: \$250.

(f) Waste tire carrier: \$200.

(7) Per-ton solid waste disposal fees on solid waste. Each solid waste disposal site that receives domestic solid waste for final disposal or destruction, and each person transporting solid waste out of Oregon for disposal at a disposal site that receives domestic solid waste, except as excluded under OAR 340-097-0110(3)(c), must submit fees to DEQ for solid waste received at the disposal site or transported out of Oregon. Beginning April 1, 2019, each solid waste land disposal site that receives construction or demolition waste, land clearing debris, or tires for final disposal or destruction, and each person transporting solid waste out of Oregon for disposal at a land disposal site that receives construction or demolition waste, land clearing debris, or tires for final disposal or destruction, except as excluded under OAR 340-097-0110(3)(c), must also submit fees to DEQ for solid waste received at the disposal site or transported out of Oregon.

(a) These fees include:

(A) A fee of \$.81 per ton through March 31, 2016, raised to \$1.11 per ton beginning April 1, 2016, through March 31, 2019, and raised to \$1.18 per ton beginning April 1, 2019;

(B) An additional per-ton fee of \$.13 for the Orphan Site Account.

(b) Tons subject to these fees include:

(A) All solid wastes landfilled, incinerated without energy recovery or treated for disposal by an Oregon disposal site that receives domestic solid waste, except as excluded in subsections (c) and (f);

(B) All Oregon solid wastes that are transported out-of-state for disposal or destruction at a disposal site that receives domestic solid waste, except as excluded under OAR 340-097-0110(3)(c) and subsections (c) and (f);

(C) Mixed solid wastes that are processed by a conversion technology facility, burned for energy recovery, or composted by an Oregon disposal site that receives domestic waste;

(D) Mixed solid waste that includes at least some domestic solid waste, that has been processed into refuse-derived fuel to be burned for energy recovery by a facility that does not have a solid waste permit, or that does not pay per-ton fees as specified in this section;

(E) Beginning April 1, 2019, all solid wastes landfilled at an Oregon land disposal site that receives construction or demolition waste, land clearing debris, or tires for final disposal or destruction, except as excluded in subsections (c) and (f); and

(F) Beginning April 1, 2019, all Oregon solid wastes that are transported out-of-state for disposal at a land disposal site that receives construction or demolition waste, land clearing debris, or tires for final disposal or destruction, except as excluded in subsections (c) and (f).

(c) Tons not subject to these fees include:

(A) Through March 31, 2019, all solid wastes received at a facility that does not receive domestic solid waste;

(B) Beginning April 1, 2019, all solid wastes received at a facility that does not receive domestic solid waste or construction or demolition waste, land clearing debris, or tires;

(C) Source-separated recyclables or other materials separated and recycled from mixed solid waste, including separated organics that are composted;

(D) Construction and demolition wastes and industrial wastes that are processed by a material recovery facility or a conversion technology facility to make a fuel to be burned off-site for energy recovery (e.g., in a wood fuel boiler);

(E) All solid wastes sent by a disposal site to another disposal site, where the per-ton fees are paid by a disposal site that subsequently receives that waste;

(F) Solid waste used as daily cover at a landfill as described in subsection (f);

(G) Ash from an energy recovery facility or incinerator that has paid these fees; and

(H) Sewage sludge or septic tank and cesspool pumpings.

(d) Submittal schedule:

(A) These per-ton fees must be submitted to DEQ quarterly. Quarterly remittals are due on the 30th day of the month following the end of the calendar quarter;

(B) Disposal sites receiving less than 1,000 tons of solid waste per year must submit the fees annually on January 31. If DEQ does not require the disposal site to monitor and report volumes of solid waste collected, the disposal site must submit with the fees an estimate of the population the disposal site serves;

(C) For solid waste transported out-of-state for disposal, the per-ton fees must be paid to DEQ quarterly. Quarterly remittals are due on the 30th day of the month following the end of the calendar quarter in which the disposal occurred. If the transportation is not on-going, the fee must be paid to DEQ within 60 days after the disposal occurs.

(e) Solid waste that is used as daily cover at a landfill in place of virgin soil is not subject to the per-ton solid waste fees in this section, provided that:

(A) The amount of solid waste used as daily cover does not exceed the amount needed to provide the equivalent of six inches of soil used as daily cover;

(B) If disposed of in Oregon, the solid waste is not being used on a trial basis, but instead has received necessary approvals from DEQ for use as daily cover; and

(C) If disposed of in a landfill outside of Oregon, the solid waste has received final approval from the appropriate state or local regulatory agency that regulates the landfill.

(f) For solid waste delivered to disposal facilities owned or operated by a Metropolitan Service District, the fees established in this section are levied on the district, not on the disposal site.

Statutory/Other Authority: ORS 459.045, 459.235 & 468.065

Statutes/Other Implemented: ORS 459.235, 459.236, 459A.110 & 459A.115

History:

DEQ 86-2018, minor correction filed 04/09/2018, effective 04/09/2018

DEQ 2-2016, f. & cert. ef. 2-4-16

DEQ 7-2013, f. & cert. ef. 8-29-13

DEQ 4-2010, f. & cert. ef. 5-14-10

DEQ 6-2009, f. & cert. ef. 9-14-09

DEQ 27-1998, f. & cert. ef. 11-13-98

DEQ 17-1997, f. & cert. ef. 8-14-97

DEQ 9-1996, f. & cert. ef. 7-10-96

DEQ 10-1994, f. & cert. ef. 5-4-94

DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94

DEQ 5-1993, f. & cert. ef. 3-10-93, Renumbered from 340-061-0120

DEQ 8-1992, f. & cert. ef. 4-30-92

DEQ 28-1991, f. & cert. ef. 12-18-91

DEQ 12-1991(Temp), f. & cert. ef. 8-2-91

DEQ 45-1990, f. & cert. ef. 12-26-90
DEQ 14-1990, f. & cert. ef. 3-22-90
DEQ 12-1988, f. & cert. ef. 6-14-88
DEQ 3-1984, f. & ef. 3-7-84