

DEQ Guidance on Requesting Fee Waivers for Recycling, Emergencies, or Special Events

Regulatory Reference: OAC 252:515-19-33(a)(4)(A) and (B)

Applicability. All commercial land disposal facilities.

Purpose. To provide guidance for submittal of requests for waivers of solid waste disposal fees for recycling activities or for emergencies or other special events.

Technical Discussion.

27A O.S. §2-10-802(B)(3) prohibits landfill owner/operators from assessing the state disposal fee on solid waste received that is productively reused or recovered in accordance with the landfill permit, and allows fee waivers for solid waste received from DEQ approved emergencies or other special events.

Recycling Activities

In general, fee exemptions may only be claimed for recycling activities that result in a reduction in the amount of waste actually being disposed at the landfill. While no specific DEQ approval is necessary to claim the recycling exemption, the owner/operator **must** have a DEQ approved recycling plan describing the activity before fee waivers can be claimed.

Examples

Activities that may qualify for the fee waiver, because they result in a reduction in the amount of material disposed in the landfill, include metal, plastic, or cardboard recovery when those items are sent offsite for recycling, on-site yard waste composting, chipping of wood when the chips are provided to the public rather than landfilled, accepting waste tires for off-site transport to a processing facility, etc.

Activities that would not qualify, because they do not ultimately reduce the amount of material disposed in the landfill, include the use of contaminated soil or other waste for daily cover, or chipping of wood to use for erosion control.

Recycling Plan

To obtain a recycling plan approval, owner/operators must complete the OPERATIONAL PLAN FOR CONDUCTING SALVAGE/RECYCLING ACTIVITIES AT A PERMITTED SOLID WASTE FACILITY and submit to the DEQ for approval. Once the plan is approved, fee waivers can be claimed for the recycling activity described.

Reporting

If recyclable materials are commingled with non-recyclable materials when received at the landfill, then the weight of the commingled waste must be included in the daily totals in column 1 (or 6 if applicable) of the monthly report. Once the recyclables are separated from the non-recyclable waste, the recyclables must then be weighed separately and reported in column 3 (or 8 if applicable) of the monthly report form.

If materials to be recycled are received and are source-separated (i.e. not commingled with non-recyclable materials), then the recyclable materials need not be weighed or reported in any fashion on the monthly report form.

Emergencies and Special Events

Before a fee waiver for an emergency or special event can be claimed, the owner/operator must have a letter from the DEQ approving the fee waiver. One general criteria necessary to qualify for such an exemption is that the waiver benefit the population served rather than an individual person or group. For instance, special events would include such things as city-wide cleanups, highway cleanups, or clean-up of roadside dumps because such events benefit the locality as a whole. A qualifying emergency would include floods, ice storms, tornadoes, or other such events that impact a relatively large area and generate a significant amount of waste.

To request a waiver for an emergency or special event, the landfill owner/operator should send a letter to the DEQ requesting the waiver. The request should answer the following:

- What is the event?
- How long will it last?
- Who will participate in the event (e.g. citizens of the City of Tulsa)?
- How will participants be documented (e.g. citizens will have to show a recent water bill)?
- If known, what is the estimated amount of waste to be received?
- Will landfill tipping fees also be waived?

Owner/operators must keep accurate records identifying how much waste was received for each emergency or special event, and submit those records with the quarterly return.