

**The Oregon Administrative Rules contain OARs filed through September 15,
2009**

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION 97

SOLID WASTE: PERMIT FEES

340-097-0001

Applicability

OAR Chapter 340, Division 97 applies to persons owning or operating, or applying to the Department 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 or any other solid waste disposal site required to obtain a solid waste permit from the Department. It also applies to persons who transport solid waste out of Oregon to a disposal site that receives domestic solid waste.

Stat. Auth.: [ORS 459.045](#), [ORS 459A.100](#) - [ORS 459A.120](#) & [ORS 468.020](#)

Stats. Implemented: [ORS 459.235](#)

Hist.: DEQ 5-1993, f. & cert. ef. 3-10-93; DEQ 10-1994, f. & cert. ef. 5-4-94

340-097-0110

Solid Waste Permit and Disposal Fees

(1) Each person required to have a Solid Waste Disposal Permit shall be subject to the following fees:

(a) An application processing fee for new facilities which shall be submitted with the application for a new permit or registration as specified in OAR 340-097-0120(2);

(b) A solid waste permit or registration compliance fee as listed in OAR 340-097-0120(3); and

(c) The 1991 Recycling Act permit fee as listed in OAR 340-097-0120(4).

(2) Each disposal site receiving domestic solid waste shall be subject to the per-ton solid waste disposal fees on domestic solid waste as specified in OAR 340-097-0120(5).

(3) Out-of-state solid waste. Each disposal site or regional disposal site receiving solid waste generated out-of-state shall pay a per-ton solid waste disposal fee as specified in OAR 340-097-0120(5).

(4) Oregon waste disposed of out-of-state. A person who transports solid waste that is generated in Oregon to a disposal site located outside of Oregon that receives domestic solid waste shall pay the per-ton solid waste disposal fees as specified in OAR 340-097-0120(5):

(a) For purposes of this rule and OAR 340-097-0120(5), a person is the transporter if the person transports or arranges for the transport of solid waste out of Oregon for final disposal at a disposal site that receives domestic solid waste, 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 disposal;

(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 out of the State of Oregon to a disposal site that receives domestic solid waste, a person shall notify the Department in writing on a form provided by the Department. The persons identified in subsection (4)(a) of this rule are subject to this notification requirement;

(B) The notification shall include a statement of whether the person will transport the waste on an on-going basis. If the transport is on-going, the person shall re-notify the Department by January 1 of each year of his or her intention to continue to transport waste out-of-state for disposal.

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

(5) Fees. The solid waste permit or registration compliance fee must be paid for each year a disposal site is in operation or under permit. The 1991 Recycling Act permit fee, if applicable,

must be paid for each year the disposal site is in active operation. The fee period shall be prospective and is as follows:

(a) New sites:

(A) Any new disposal site shall owe a solid waste permit or registration compliance fee and 1991 Recycling Act permit fee, if applicable, 30 days after the end of the calendar quarter in which solid waste is received at the facility, except as specified in paragraph (5)(a)(B), (C) or (D) of this rule;

(B) For a new disposal site receiving less than 1,000 tons of solid waste a year. For the first year's operation, the entire permit compliance fee shall apply if the facility is placed into operation on or before September 1. Any new facility placed into operation after September 1 shall 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 shall include the applicable permit compliance fee for the first year of operation;

(C) For 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. These facilities shall owe a solid waste permit compliance fee and 1991 Recycling Act permit fee, if applicable, on January 31 following the calendar year in which the facility is placed into operation;

(D) For a new transfer station, material recovery facility or composting facility. For the first fiscal year's operation, the entire permit compliance fee shall apply if the facility is placed into operation on or before April 1. Any new facility placed into operation after April 1 shall not owe a permit compliance fee until the Department's annual billing for the next fiscal year. An application for a new transfer station, material recovery facility or composting facility shall include the applicable permit or registration compliance fee for the first year of operation.

(b) Existing permitted sites. Any existing disposal site that is in operation, is permitted to receive or receives solid waste in a calendar year must pay the solid waste permit or registration compliance fee and 1991 Recycling Act permit fee, if applicable, for that year as specified in OAR 340-097-0120(3)(a), (b), (c) and (4). A facility shall be deemed to be an "existing permitted site" from the time of permit issuance;

(c) 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, the permittee shall pay the solid waste permit or registration compliance fee for the "year of closure" as specified in OAR 340-097-0120(3)(d)(A) as well as the permit compliance fee paid quarterly by the permittee 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 shall pay the solid waste permit compliance fee for closed sites as specified in OAR 340-097-0120(3)(d);

(d) The Director may alter the due date for the solid waste permit or registration compliance fee and, if applicable, the 1991 Recycling Act permit fee upon receipt of a justifiable request from a permittee.

(6) Tonnage reporting. The permit or registration compliance fee, 1991 Recycling Act permit fee if applicable, and per-ton solid waste disposal fees, if applicable, shall be submitted together with a form approved by the Department. Information reported shall include the amount and type of solid waste and any other information required by the Department to substantiate the tonnage or to calculate the state material recovery rate.

(7) Calculation of tonnage. Permittees and registrants are responsible for accurate calculation of solid waste tonnage. For purposes of determining appropriate fees under OAR 340-097-0120(3) through (5), annual tonnage of solid waste received shall 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 shall be based on weight from certified scales. When certified scales are required, all solid waste received at the facility for disposal shall be weighed at the facility's scales, except as otherwise approved by the Department in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility shall 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) of this section shall be used;

(b) Industrial facilities. Annual tonnage of solid waste received at industrial facilities receiving 50,000 or more tons annually shall be based on weight from certified scales. When certified scales are required, all solid waste received at the facility shall be weighed at the facility's scales, except as otherwise approved by the Department in writing. If certified scales are required but are temporarily not functioning, all solid waste received at the facility shall either use other certified scales in the area or estimate tonnage as specified in this section. If certified scales are not required, industrial sites shall use the following conversion factors to determine tonnage of solid waste disposed. Composting facilities shall 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 landclearing wastes: 1,100 pounds per cubic yard;

(D) Wood waste:

(i) Wood waste, mixed (as defined in OAR 340-093-0030(94)): 1,200 pounds per cubic yard;

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

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

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

(v) 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) Food waste, manure, sludge, septage, grits, screenings and other wet wastes: 1,600 pounds per cubic yard;

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

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

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

(J) For wastes other than the above, the permittee or registrant shall determine the density of the wastes subject to approval by the Department in writing;

(K) As an alternative to the above conversion factors, the permittee or registrant may determine the density of their own waste, subject to approval by the Department in writing.

(8) The application processing fee may be refunded in whole or in part, after taking into consideration any costs the Department may have incurred in processing the application, when submitted with an application if either of the following conditions exists:

(a) The Department determines that no permit or registration will be required;

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

(9) Exemptions:

(a) Persons treating petroleum contaminated soils shall be 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) The Department and the applicant for the Letter Authorization have entered into a written agreement under which costs incurred by the Department for oversight of the cleanup and for processing of the Letter Authorization must be paid by the applicant.

(b) Persons to whom a Letter Authorization has been issued are not subject to the solid waste permit compliance fee or the 1991 Recycling Act permit fee.

(10) All fees shall be made payable to the Department of Environmental Quality.

(11) Submittal schedule:

(a) The solid waste permit or registration compliance fee shall be billed by the Department to the holder of the following permits: transfer station, material recovery facility, composting facility and closed solid waste disposal site. The fee period shall be 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 shall be billed to the permittee of a closed site together with the site's first regular billing as a closed site;

(b) For holders of solid waste disposal site permits other than those in subsection (9)(a) of this rule, the solid waste permit or registration compliance fee and the 1991 Recycling Act permit fee, if applicable, are not billed to the permittee by the Department. These fees shall be self-reported by the permittee to the Department, pursuant to sections (5) and (6) of this rule. The fee period shall be either the calendar quarter or the calendar year, and the fees are due to the Department as follows:

(A) For municipal solid waste disposal sites (including incinerators and energy recovery facilities) and construction and demolition landfills: on the same schedule as specified in subsection (11)(c) of this rule;

(B) For industrial solid waste disposal sites, sludge or land application disposal sites and solid waste treatment facilities:

(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 less than 20,000 tons of waste a year: annually, on the 31st day of January beginning on January 31, 1995;

(iii) A site which has received less than 20,000 tons of waste in past years but exceeds that amount in a given year, will in general be granted a one-year delay from the Department 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 the Department will require the site to report tonnage and submit applicable permit fees on a quarterly basis.

(c) The per-ton solid waste disposal fees on domestic solid waste and the Orphan Site Account fee are not billed by the Department. They are due 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 beginning in 1995, for holders of solid waste disposal site permits 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 are due to the Department 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(5)(e)(C). The fees shall be submitted together with a form approved by the Department, which shall 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.

Stat. Auth.: [ORS 459.045](#), [ORS 459.235](#), [ORS 459.236](#), [ORS 459A.025](#), [ORS 459A.110](#), [ORS 459A.115](#) & [ORS 468.065](#)

Stats. Implemented: [ORS 459.235](#), [ORS 459.236](#), [ORS 459A.110](#) & ORS 459A.115

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

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.

(2) Application Processing Fee. An application processing fee shall be submitted with each application for a new facility, including application for preliminary approval pursuant to OAR 340-093-0090. The amount of the fee shall depend 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 less than 7,500 tons 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 between 10,000 and 50,000 tons of solid waste per year: \$200;

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

(d) Letter Authorization (pursuant to OAR 340-093-0060):

(A) New site: \$500;

(B) Renewal: \$500.

(e) A new composting facility (pursuant to OAR 340-096-0024):

(A) Composting facility registration: \$100;

(B) Composting facility general permit: \$500;

(C) Composting facility full permit. For facilities utilizing feedstocks for composting:

(i) Over 20 tons and less than or equal to 7,500 tons per year: \$1,000;

(ii) More than 7,500 tons per year: \$5,000.

(f) Permit Exemption Determination (pursuant to OAR 340-093-0080(2)): \$500.

(g) Beneficial use of solid waste application and reporting fees (pursuant to OAR 340-093-0260 through 340-093-0290):

(A) The review of an annual or other report required under a beneficial use determination: \$500;

(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.

(3) Solid Waste Permit and Registration Compliance Fee. The Commission establishes the following fee schedule including base per-ton rates to be used to determine the solid waste permit compliance fee beginning with fiscal year 1993. The per-ton rates are based on the estimated solid waste to be received at all permitted solid waste disposal sites and on the Department's Legislatively Approved Budget. The Department will review annually the amount of revenue generated by this fee schedule. To determine the solid waste permit compliance fee, the Department may use the base per-ton rates, or any lower rates if the rates would generate more revenue than provided in the Department's Legislatively Approved Budget. Any increase in the base rates must be fixed by rule by the Commission. (In any case where a facility fits into more than one category, the permittee shall pay only the highest fee):

(a) All facilities accepting or permitted to accept solid waste except transfer stations, material recovery facilities and composting facilities:

(A) \$200, if the facility receives less than 1,000 tons of solid waste a year; 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, off-site industrial facilities, sludge disposal facilities, incinerators and solid waste treatment facilities: \$.21 per ton;

(ii) Captive industrial facilities: \$.21 per ton;

(iii) Energy recovery facilities. \$.13 per ton.

(C) If a disposal site (other than a municipal solid waste facility) is not required by the Department 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.

(b) Transfer stations and material recovery facilities:

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

(B) Facilities accepting between 10,000 and 50,000 tons of solid waste per year: \$500;

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

(c) Composting facilities:

(A) Facilities with a registration: \$100;

(B) Facilities with a general permit:

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

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

(iii) Utilizing less than or equal to 7,500 tons of feedstocks for composting per year: \$500.

(C) Facilities with a full permit:

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

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

(iii) Utilizing less than or equal to 7,500 tons of feedstocks for composting per year: \$500.

(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, the Department shall 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 shall be based on the calculation in paragraph (B) of this subsection;

(B) Each land disposal site which 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 shall not exceed \$2,500.

(4) 1991 Recycling Act permit fee:

(a) A 1991 Recycling Act permit fee shall be submitted by each solid waste permittee which received solid waste in the previous calendar quarter or year, as applicable, except transfer stations, material recovery facilities, composting facilities and captive industrial facilities. The Commission establishes the 1991 Recycling Act permit fee as \$.09 per ton for each ton of solid waste received in the subject calendar quarter or year;

(b) The \$.09 per-ton rate is based on the estimated solid waste received at all permitted solid waste disposal sites subject to this fee and on the Department's Legislatively Approved Budget.

The Department will review annually the amount of revenue generated by this rate. To determine the 1991 Recycling Act permit fee, the Department may use this rate, or any lower rate if the rate would generate more revenue than provided in the Department's Legislatively Approved Budget. Any increase in the rate must be fixed by rule by the Commission;

(c) This fee is in addition to any other permit fee and per-ton fee which may be assessed by the Department.

(5) Per-ton solid waste disposal fees on domestic solid waste. Each solid waste disposal site that receives domestic solid waste (except transfer stations, material recovery facilities, solid waste treatment facilities and composting facilities), 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(4)(c), shall submit to the Department of Environmental Quality the following fees for each ton of domestic solid waste received at the disposal site:

(a) A per-ton fee of 50 cents;

(b) An additional per-ton fee of 31 cents;

(c) Beginning January 1, 1993, an additional per-ton fee of 13 cents for the Orphan Site Account;

(d) Submittal schedule:

(A) These per-ton fees shall be submitted to the Department quarterly. Quarterly remittals shall be 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 shall submit the fees annually on January 31. If the disposal site is not required by the Department to monitor and report volumes of solid waste collected, the fees shall be accompanied by an estimate of the population served by the disposal site;

(C) For solid waste transported out of state for disposal, the per-ton fees shall be paid to the Department quarterly. Quarterly remittals shall be 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 shall be paid to the Department within 60 days after the disposal occurs.

(e) As used in this rule and in OAR 340-097-0110, the term "domestic solid waste" does not include source separated recyclable material, or material recovered at the disposal site;

(f) Solid waste that is used as daily cover at a landfill in place of virgin soil shall not be 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 final approval from the Department 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.

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

Stat. Auth.: [ORS 459.045](#), [ORS 459.235](#) & [ORS 468.065](#)

Stats. Implemented: [ORS 459.235](#), [ORS 459.236](#), [ORS 459A.110](#) & [ORS 459A.115](#)

Hist.: DEQ 3-1984, f. & ef. 3-7-84; DEQ 12-1988, f. & cert. ef. 6-14-88; DEQ 14-1990, f. & cert. ef. 3-22-90; DEQ 45-1990, f. & cert. ef. 12-26-90; DEQ 12-1991(Temp), f. & cert. ef. 8-2-91; DEQ 28-1991, f. & cert. ef. 12-18-91; DEQ 8-1992, f. & cert. ef. 4-30-92; DEQ 5-1993, f. & cert. ef. 3-10-93; Renumbered from 340-061-0120; DEQ 23-1993, f. 12-16-93, cert. ef. 1-1-94; DEQ 10-1994, f. & cert. ef. 5-4-94; DEQ 9-1996, f. & cert. ef. 7-10-96; DEQ 17-1997, f. & cert. ef. 8-14-97; DEQ 27-1998, f. & cert. ef. 11-13-98

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