

DEQ Guidance on Out-of-State Waste Disposal Plans

Regulatory Reference: OAC 252:515-19-34(c) and (d)

Applicability. All disposal facilities accepting more than 200 tons of waste per day from outside the State of Oklahoma.

Purpose. To provide guidance in preparation of out-of-state waste (OSW) disposal plans required by OAC 252:515-19-34(c) and (d).¹

Technical Discussion. This rule implements the statutory requirements of 27A O.S. §2-10-801(D) and (E). To receive in excess of 200 tons per day of OSW, a solid waste disposal facility must:

- be a landfill constructed with an approved composite liner and leachate collection system meeting the requirements of OAC 252:515, Subchapters 11 and 13; or
- be a non-landfill facility designed and constructed in accordance with all applicable requirements of OAC 252:515; and
- have an approved OSW disposal plan; and
- be operated in full compliance with all applicable requirements of OAC 252:515.

Because solid waste disposal regulations vary from state to state, the OSW disposal plan requirement is intended to ensure that when Oklahoma disposal facilities receive large quantities of waste from outside the State of Oklahoma, there is a reasonable assurance that the waste received meets the same standards for disposal as solid waste generated in Oklahoma. For instance, some states allow hazardous waste generated by conditionally exempt small quantity generators (CESQG) to be disposed in a MSWLF. Oklahoma statutes specifically prohibit any quantity of hazardous waste from being disposed at an Oklahoma solid waste disposal facility. Thus, without a comprehensive OSW disposal plan, there is a very real possibility that an out-of-state CESQG could dispose of its hazardous waste at an Oklahoma MSWLF, an option prohibited by state statute.

The OSW disposal plan must include comprehensive reviews of solid waste regulatory requirements and waste management practices in the state of origin as well as a thorough review of waste handling practices at the disposal facility.

OSW Disposal Plan Contents

At a minimum, the following should be identified in an OSW disposal plan. Based on the information provided, the DEQ may request additional information.

Amount and source of waste

Identify the approximate amount of OSW expected to be received per day and the source(s) of the waste (e.g. communities from which waste will be imported).

Waste composition

Identify the approximate composition of the waste. For instance, identify the expected percentages of residential, commercial, NHIW, and construction/demolition waste expected to be received. If friable asbestos will be received, an approximate percentage must be specifically identified.

¹ DEQ encourages those who will submit a disposal plan to review plans already approved.

Waste transporters

Identify the name(s) of transporters who will be transporting waste to the disposal facility and how the waste will be transported to ensure compliance with OAC 252:515-33-4 (Adequate enclosure) (e.g. fully-enclosed trailers, roll-off containers, packer trucks, etc.). Include copies of any waste transportation contracts.

Waste handling prior to delivery

Identify waste handling procedures prior to delivery to the disposal facility. Include:

- procedures to minimize or eliminate commingling of acceptable and unacceptable wastes prior to transport and delivery;
- a comprehensive discussion of recycling programs (yard waste, tires, white goods, paper, plastic, glass, etc.) instituted in those areas from which waste will be imported;²
- a comprehensive discussion of how household hazardous wastes are managed in those areas from which waste will be imported;
- a comprehensive discussion of how wastewater and industrial sludges are managed in those areas from which waste will be imported;
- a discussion of how wastes will be transported to the Oklahoma disposal facility (e.g. direct haul to the landfill on packer trucks or consolidation at a transfer station for transport to the disposal facility via fully-enclosed trailers).

If waste is imported from a transfer station, then the transfer station must also be identified and a comprehensive description of waste handling procedures at the transfer station included. In addition to the information described above, the discussion must:

- identify the area served by the transfer station;
- include the applicable rules of the state of origin and operational procedures at the out-of-state transfer station that will meet the requirements of OAC 252:515-19-31 (Prohibited wastes), 19-32 (Public access control), 19-39 (Salvage and recycling), and 19-93 (Residue management); and
- identify procedures to be implemented to ensure no free liquids are transported to an Oklahoma landfill.

A copy of the transfer station permit must also be included in the disposal plan.

Waste handling at the Oklahoma disposal facility

Identify how the OSW will be handled after being received at the disposal facility. If friable asbestos is to be received, specific handling procedures for it must also be identified to ensure compliance with OAC 252:515-19-36(d).

The plan must demonstrate that adequate personnel, equipment, and cover soil are available to properly manage the additional amounts of waste received. If necessary, the plan must discuss how shortages will be addressed.

² For instance, a copy of a county-wide solid waste management plan in effect for the areas from which waste will be received may be included with the disposal plan if that plan includes recycling activities.

NHIW management

The plan must identify all out-of-state NHIW generators who will have their waste disposed at the Oklahoma disposal facility and demonstrate each generator is in compliance with the applicable requirements of OAC 252:515, Subchapter 31 (NHIW Management). Furthermore, the plan must identify procedures to be implemented by the disposal facility to ensure its compliance with OAC 252:515, Subchapter 31.

Specifically excluded wastes³

The plan must identify any OSW that will be specifically excluded from the Oklahoma disposal facility and what procedures will be implemented both prior to and upon delivery to ensure those wastes are excluded. For instance, if the state of origin allows CESQG hazardous wastes to be disposed in a MSWLF, identify procedures to be implemented by affected entities in the state of origin to ensure those wastes do not come to an Oklahoma disposal facility, and procedures to be implemented at the Oklahoma facility to ensure such wastes are not disposed.

The plan must identify those actions to be taken by the Oklahoma disposal facility if an excluded waste is received from an out-of-state source.

Identification of hazardous waste generators

The disposal plan must identify each hazardous waste generator within the area from which the OSW will come, the types and quantities of hazardous wastes generated by each, and a comprehensive review of how each manages its hazardous waste.⁴

Procedures for non-compliant waste

The disposal plan must identify procedures to be implemented to ensure compliance with OAC 252:515-19-34(e) and (f).⁵

Cost estimates and financial assurance

If a disposal facility begins accepting large quantities of OSW, this can dramatically affect the life of site and cost estimates. Therefore, the disposal plan must also include revised life of site calculations in accordance with OAC 252:515-27-8, as well as revised cost estimates. Financial assurance mechanisms and payments must be updated prior to receiving the OSW to reflect any revisions needed based on the revised life of site or cost estimates.

Plan updates

In accordance with OAC 252:515-19-34(d)(3), the DEQ must be notified of any updates to the plan within five working days before any changes are implemented.

³ Compliance with this section may require an update of the WEP for the Oklahoma facility.

⁴ Much of this information may be obtained from the most recent Biennial Report required by 40 CFR 262.41.

⁵ 19-34(e) states: "[s]hipments of waste received at the facility shall be rejected if the requirements of [OAC 252:515-19-34] are not met." 19-34(f) states: "[a]ll waste entering the State of Oklahoma that is subsequently rejected...shall be removed from the State by those persons who transported such waste into the State."