



State of Oregon
Department of
Environmental
Quality

Directive

Title:	Permit Required for Transfer of Solid Waste in Shrink-Wrapped Bales	FORM C
Original Author:	Judy Henderson	Pages:2
Approval Date:	April 15, 2008	
Approval:	<i>Wmoly wife 2/11/08</i>	

Scope:

Are shrink-wrapped bales of solid waste considered "containers"? If they are not considered containers, a transfer station permit is required when the bales are transferred from one mode of transport to another.

Purpose/Need:

Solid waste facilities in Oregon may handle waste collected at one location and shipped to another for final disposal. In most cases, this activity requires a transfer station permit. These facilities may be exempt from permit requirements if they transfer waste within 72 hours of receiving it, they keep it in its original containers or vehicles and the facility is not open to the public. Some waste may be shipped to Oregon in shrink-wrapped bales and transferred from barges to rail cars, trucks or other transportation modes for disposal in Oregon landfills or other disposal sites outside Oregon. If the shrink-wrapped bales are considered containers, then these facilities would be exempt from solid waste transfer station permit.

Legal Authority:

OAR 340-093-0050:

Permit Required

(3) 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 shall comply with all other provisions of OAR Chapter 340, Divisions 93 through 97 and other applicable laws, rules, and regulations regarding solid waste disposal: ...

(g) A site used to transfer 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:

- (A) The container or vehicle is not available for direct use by the general public;
- (B) The waste is not removed from the original container or vehicle; and
- (C) The original container or vehicle does not stay in one location longer than 72 hours, unless otherwise authorized by the Department.

Discussion:

In the past several years, several disposal facility operators have asked DEQ staff if a permit is required to transfer waste in Oregon, specifically out-of-state waste coming by sea and transferred from barge to rail cars or trucks for transport to a final disposal site. This waste would be baled, then shrink-wrapped using equipment that compresses the bales and wraps them tightly. The bales are handled with forklifts having vertical plates. The intention is to transfer the bales in Oregon from their shipping source to other means of transport to a final disposal facility, in Oregon or other nearby states. If these bales are considered "containers" and the permittee meets the other requirements of OAR 340-093-0050, this activity may be exempt from solid waste permit requirements.

DEQ solid waste staff asked the Oregon Dept. of Justice for a legal opinion about whether shrink-wrapped solid waste should be considered containers. Advice from Larry Edelman suggests that the program use a narrow definition of "container" that would not include shrink wrap.

This directive summarizes SW PMT meeting notes for 1/19/05 and e-mails among SW managers in April 2008, including e-mail of 4-3-08 from Lissa Druback to SW PMT containing advice from Larry Edelman suggesting use a narrow definition of "container" that would not include shrink wrap.

Directive:

Shrink-wrapped bales of solid waste are not considered containers under OAR 340-093-0050. Because shrink-wrapped bales of solid waste may break open, with potential for leachate or waste releases, facilities handling this material must obtain a solid waste transfer station permit and comply with all other provisions of OAR Chapter 340, Division 93 through 97 and other applicable laws, rules, and regulations regarding solid waste disposal.

Implementation:

Permit writers in regional offices will issue transfer station permits to Oregon facilities handling solid waste in shrink-wrapped bales.

Review Schedule:

The periodic review schedule will apply.

Contact Person:

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Disclaimer:

This directive is not rulemaking by the Environmental Quality Commission and may not be relied upon to create an enforceable right or benefit. This directive does not deal with the issue of what kinds of waste materials may be in shrink-wrapped bales that will not be visible when handled or disposed of.