



Metro Solid Waste Regulatory Guidance Bulletin

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Management of Dredged Material at Solid Waste Disposal Sites

Due to the closing of traditional in-water disposal areas, some dredged material is being managed at Subtitle D solid waste facilities. This *Metro Solid Waste Regulatory Guidance Bulletin* (the "Bulletin") is for dredged material generated within the Metro boundary and managed at Subtitle D solid waste facilities. This regulatory guidance document does not apply to dredged material managed at open-water disposal areas, confined in-water disposal facilities, or for beneficial uses as determined by the Army Corps of Engineers (ACE) Portland District, the Oregon Division of State Lands (DSL) or the Oregon Department of Environmental Quality (DEQ). Additionally, this guidance does not apply to dredged material determined by the DEQ to be clean-fill and exempt from solid waste permitting.

The proper classification and responsible management of dredged material are important factors for Metro in regulating disposal of dredged material at solid waste disposal sites. To determine if Metro fees and taxes are required on dredged material you must first determine if the material qualifies as "useful material" or "Cleanup Material Contaminated by Hazardous Substances" as defined in Metro Code.

Definitions

The following definitions will be useful in understanding and applying the concepts in the Bulletin. All but two of these definitions are from Metro Code Section 5.01.010. The entire Metro Code can be accessed at www.oregonmetro.gov.

Beneficial Use means placement or use of dredged material for some productive use (definition from ACE/EPA Dredged Material Evaluation Framework Lower Columbia River Management Area 1998. This definition is not currently part of the Metro Code).

Cleanup Material Contaminated by Hazardous Substances means solid waste resulting from the cleanup of releases of hazardous substances into the environment, including petroleum-contaminated soils and sandbags from chemical spills. Cleanup Material Contaminated by Hazardous Substances does not mean solid waste generated by manufacturing or industrial processes.

Dredged Material means material excavated from inland or ocean waters (definition from ACE/EPA Dredged Material Evaluation Framework Lower Columbia River Management Area 1998. This definition is not currently part of the Metro Code).

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 water of the state or public health.

License means the permission given by the Council or Chief Operating Officer to operate a solid waste facility not exempted or requiring a Franchise under Metro Code Chapter 5.01 that transfers, and processes solid waste, and may perform other authorized activities.

Processed, Processing or Processed means a method or system of altering the form, condition or content of wastes, including but not limited to composting, vermiprocessing and other controlled methods of biological decomposition; classifying; separating; shredding, milling, pulverizing, or hydropulping; but excluding incineration or mechanical volume reduction techniques such as baling and compaction.

Solid waste means all putrescible and non-putrescible wastes, including without limitation, garbage, rubbish, refuse, ashes, waste paper and cardboard; discarded or abandoned vehicles or parts thereof; sewage sludge, septic tank and cesspool pumpings or other sludges; commercial, industrial, demolition and construction waste; discarded home and industrial appliances; asphalt, broken concrete and bricks; manure, vegetable or animal solid and semi-solid wastes, dead animals; infectious waste as defined in ORS 459.386; and other such wastes, including without limitation cleanup materials contaminated with hazardous substances, commingled recyclable material, petroleum contaminated soil, special waste, source-separated recyclable material, land clearing debris and yard debris; but the term does not include:

1. Hazardous wastes as defined in ORS 466.005;
2. Radioactive wastes as defined in ORS 469.300;
3. 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
4. Explosives.

Useful Material means material that still has or retains useful physical, chemical or biological properties after serving its original purpose(s) or function(s), and which, when separated from solid waste, is suitable for use in the same or other purpose(s). Types of Useful Materials are: material that can be reused; recyclable material; organic material(s) suitable for controlled biological decomposition such as for making compost; material used in the preparation of fuel; material intended to be used, and which is in fact used, for construction or land reclamation such as inert material for fill; and material intended to be used, and which is in fact used, productively in the operation of landfills such as roadbeds or alternative daily cover. For purposes of the Metro Code, Cleanup Materials Contaminated by Hazardous Substances are not Useful Materials.

Waste means any material considered to be useless, unwanted or discarded by the person who last used the material for its intended and original purpose.

General Discussion

Until recently, dredged material was not routinely disposed of in Subtitle D solid waste facilities nor was dredged material routinely subject to DEQ solid waste rules. Due to changing federal and state rules for management of dredged material and the closing of traditional in-water disposal areas, some dredged material is being managed at Subtitle D solid waste facilities.

Dredged material that is generated within the Metro boundary and is disposed of as solid waste at a landfill is subject to regional system fees and excise taxes. Dredged material is considered to have been generated within the Metro region if it originates at a location within the Metro boundary or it is processed at a facility located within the region. Residue(s) from treated dredged material that was originally generated inside the Metro boundary and is disposed of as solid waste at a landfill is also subject to these fees and taxes.

Metro Code requires generators and haulers of solid waste, whether they are collectors, private businesses, or individuals, to deliver all waste that is generated within the Metro region to either:

- An authorized solid waste facility or disposal site that is designated by Metro; or
- Another facility under authority of a Non-System License issued by Metro.

Qualification for Reduced Metro Fees and Taxes

Dredged material that qualifies as Cleanup Material Contaminated by Hazardous Substances, as defined in Metro Code, is subject to reduced fees and taxes. Specifically, the regional system fee associated with such material is \$2.50 per ton and the excise tax is \$1.00 per ton.

Exemption from Metro Fees and Taxes for Dredged Material

Fees and taxes do **not** apply to dredged material that:

- Is disposed at a facility that is not a disposal site, as defined by the DEQ (OAR 459.005(8)), such as construction fills (soil, rock or concrete) (including material that would have been disposed at a disposal site, but has been treated such that it no longer must be disposed at a disposal site). For example, DEQ currently evaluates dredged material for upland placement on a case-by-case basis under the solid waste permit exemption process. Dredged material that meets this exemption is considered inert and stable, and does not require a solid waste permit; or
- Meets the Metro definition of inert material and is managed as inert material; or
- Is accepted at a landfill at no charge, is useful material, and is used as useful material at a landfill; or
- Is generated outside of the Metro region or is processed for disposal at a location outside of the Metro region.

Examples

Example 1: A waterfront facility within the Metro district secures a 404/401 permit from ACE, DSL and DEQ to dredge 4,000 cubic yards of material. The dredging is required to maintain adequate navigational depth for vessels to berth at their dock. After adequate testing, the dredged material is determined by ACE, DSL and DEQ, to be suitable for use in a beach nourishment project. The dredged material is NOT subject to Metro fees and taxes.

Example 2: A waterfront facility within the Metro district secures a 404/401 permit from ACE, DSL and DEQ to dredge 4,000 cubic yards of material. The dredging is required to maintain adequate navigational depth for vessels to berth at their dock. After adequate testing, the dredged material is determined by ACE, DSL and DEQ not to be suitable for a beneficial use project or a suitable beneficial use project is not available and an open water disposal option is not available. The dredged material will be disposed of at a Subtitle D landfill. The dredged material is subject to Metro fees and taxes.

Example 3: Same basic facts as Example 2, but a treatment facility is identified that will treat the contaminated material until it meets applicable DEQ standards for clean fill, with some residual waste that must be disposed in a Subtitle D landfill. Provided that the clean fill is not disposed in a Subtitle D landfill, it is NOT subject to Metro fees and taxes. The residual solid waste disposed of in a Subtitle D landfill is subject to Metro fees and taxes.

Example 4: Same basic facts as Example 2, but the residual material that is accepted at a Subtitle D landfill for no charge and is either used as road base at the landfill, or approved by DEQ as an Alternative Daily Cover (ADC) material and is actually used as ADC at the landfill, then the material is NOT subject to Metro fees and taxes.

Example 5: A waterfront facility within the Metro district secures a 404/401 permit from ACE, DSL and DEQ to dredge 4,000 cubic yards of material. The dredging is required as part of an independent cleanup action (without DEQ oversight) or a DEQ supervised cleanup activity either through the voluntary cleanup program or under a consent order. After adequate testing, the dredged material is determined not to be suitable for a beneficial use project and is not suitable for open water disposal. The dredged material is cleanup material contaminated by hazardous substances and will be managed at a Subtitle D landfill. The dredged material by definition is not useful material. The dredged material is subject to reduced Metro fees and taxes. If the dredged material was disposed of in a confined in-water disposal facility, the dredged material would NOT be subject to Metro fees and taxes.

If you have any questions about managing dredged material at solid waste disposal sites, please call Metro's Solid Waste Compliance & Cleanup Division at (503) 797-1835.

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