DEQ	RESOURCE MANAGEMENT DIVISION POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Original Effective Date: February 22, 1989	**Subject:** Permitting of Transfer Stations		**Category:** ☒ Internal/Administrative ☐ External/Noninterpretive ☐ External/Interpretive
Revised Date: October 31, 2001	**Division/Office and Program Names:** RMD-Solid Waste and Land Application Section		
Reformatted Date: July 11, 2012	**Number:** RMD-115-4	Page: 1 of 4	

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INTRODUCTION, PURPOSE, OR ISSUE:

The purpose of this policy and procedure is to help staff determine the appropriate actions for the permitting of transfer stations.

AUTHORITY:

Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

STAKEHOLDER INVOLVEMENT: N/A.

DEFINITIONS:

Section 11506(5) defines solid waste transfer facility as "a tract of land, a building and any appurtenances, or a container, or any combination of land, buildings, or containers that is used or intended for use in the **rehandling** or storage of solid waste incidental to the transportation of the solid waste, but is not located at the site of generation or the site of disposal of the solid waste." (Emphasis added.)

POLICY:

A facility that receives waste containers and moves them from one transportation vehicle or mode to another (such as from rail to truck) but where no actual handling of the waste itself occurs is not considered a transfer facility. Containers at such a facility must remain in transit and may not be placed into storage. A short delay in making a transfer between one type of transportation vehicle and another will not be considered storage provided that delay is brief and is the result of and consistent with the type of vehicles and containers employed and involves essentially continuous movement of the container.

Section 11529(1) of Part 115 states, in part, the following:

(1) A disposal area that is a solid waste transfer facility is not subject to the construction permit and operating license requirements of this act if **either** of the following circumstances exists:

(a)The solid waste transfer facility is not designed to accept wastes from vehicles with mechanical compaction devices.

(b)The solid waste transfer facility accepts less than 200 uncompacted cubic yards per day.

(2) A solid waste transfer facility that is exempt from the construction permit and operating license requirements of this part under subsection (1) shall comply with the operating requirements of this part and the rules promulgated under this part.

This section exempts certain transfer facilities from the requirement to obtain a permit or license. These facilities are still required to operate in compliance with the rules.

Section 11509(1) reads in part:

Except as otherwise provided in section 11529, a person otherwise allowed under this part to own or operate a solid waste disposal area shall not establish a disposal area except as authorized by a construction permit from the department, contrary to an approved solid waste management plan, or contrary to a permit, license, or final order issued pursuant to this part.

This section requires all transfer facilities to be consistent and comply with the applicable county solid waste management plan or final orders of the Department of Environmental Quality regardless of whether they are subject to permitting/licensing or not.

R 299.4501(3), (a) and (b) state the following:

(3) Based on design and type of refuse received, solid waste transfer facilities are classified as follows:

(a) A Type A facility is a facility designed and operated to receive solid waste primarily from mechanically unloaded vehicles.

(b) A Type B facility is a facility designed and operated to receive domestic and commercial solid waste from vehicles unloaded by hand.

These classifications define site construction requirements applicable to each and do not establish a categorization for permit/license requirements (i.e., nothing in this rule says that Type A facilities need a permit and Type B facilities do not). The rule language does not conform to the exemption language in Part 115. That is, a facility designed to accept waste from vehicles with mechanical compaction is not the same as a facility designed and operated to receive waste primarily from mechanically unloaded vehicles.

PROCEDURES:

In order to properly carry out the provisions of Section 11529 of Part 115, the following procedures shall be followed:

I. NEW FACILITIES

A. Determine if the proposed facility is subject to the permit/license requirements of Part 115 under Section 11529(1). A facility that is not designed to receive wastes from vehicles with mechanical compaction devices is not subject to the permit/license requirements regardless of the amount of waste they receive. However, such facilities may still be Type A transfer stations and subject to the design and operational requirements of R 299.4501.

B. A facility is "designed" to accept waste from vehicles with mechanical compaction, if the developer proposed acceptance of waste from such vehicles as part of the construction permit, the design is consistent with facilities that typically accept waste from vehicles with mechanical compaction or, if already existing, the facility is known to accept waste from vehicles with mechanical compaction.

Next determine if the transfer facility meets the definition of a Type A or Type B facility as defined in Part 5 of the Part 115 administrative rules.

Even if no permit is required, a Type A facility is required to have walls and be enclosed. It will generally have a tipping floor where waste is dumped and then pushed or loaded into some component of a transporting vehicle. A Type A transfer facility that is **both** designed to accept waste from vehicles with mechanical compaction devices **and** accepts more than 200 cubic yards or more of "equivalent" uncompacted waste per day, must be permitted and licensed. The daily volume of "equivalent" uncompacted waste is determined as follows:

Daily volume of equivalent uncompacted waste = total volume of uncompacted waste received per day, (yd^3/day) + 2 [total volume of compacted waste received per day (yd^3/day)].

A Type B facility generally consists of a ramp or concrete pad type operation, not

necessarily closed, but where waste is taken generally uncompacted from one vehicle and loaded directly onto another vehicle or container by hand for transporting purposes. It is unlikely that any Type B facilities will require permits or licenses.

The permit requirements are summarized in the following table:

Table 1

	Type A	Type B
	Designed to accept waste from vehicles with mechanical compaction	Not designed to accept waste from vehicles with mechanical compaction
<200yd^3/dyEU*	Exempt	Exempt
>200yd^3/dyEU*	Permit Required	Exempt

* EU = Equivalent Uncompacted

II. EXISTING FACILITIES

Upon receipt of a renewal license application for a transfer facility, a letter should be sent to the owner/operator informing them that in accordance with Part 115, an operating license for their facility is no longer required if the facility is not designed to accept waste from vehicles with mechanical compaction devices or accepts less than 200 yd^3/day of equivalent uncompacted waste. State in the letter that if the owner certifies either of these conditions and requests license termination and return of their bond, the request will be processed.

DIVISION CHIEF APPROVAL:

Liane J. Shekter Smith, Chief
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7/11/2012
Date