



Disposal without a Permit Application for Off-site Disposal of Demolition Waste

Technical Guidance Document SW-2013-G1

This Technical Guidance Document identifies the additional information that must be submitted with an application for disposal without a permit (DWOP) when demolition waste is proposed to be disposed of off-site, i.e. at a property other than the property where the waste was generated.

Disposal without a permit

Under KSA 65-3407c, the Kansas Department of Health and Environment (KDHE) may authorize disposal, without a solid waste permit, of waste resulting from the demolition of an entire building or structure if the waste is disposed of at, adjacent to, or near the site where the building or structure is located. Any person who wants to dispose of demolition waste without a permit must submit an application to the Bureau of Waste Management (BWM).

All applicants for DWOP of demolition waste must obtain consent from the property owner and approval from the local governmental or zoning authority having jurisdiction over the site. In addition, if the structure being demolished is a commercial building, or if more than one residential property is being demolished in a city block by the same owner/operator, the applicant must submit an asbestos demolition notification form (ASB10) to the Bureau of Environmental Health (BEH) and include a copy of the ASB10 form with their DWOP application.

KSA 65-3407c requires KDHE to consider the following factors when evaluating a DWOP application:

- Potential impacts to human health and the environment;
- Urgency to perform necessary work;
- Costs and impacts of alternative waste handling methods;

- Local land use restrictions;
- Financial resources of responsible parties;
- Technical feasibility of proposed project; and
- Technical capabilities of persons performing proposed work.

Off-site disposal without a permit

In 2011, the Kansas legislature amended KSA 65-3407c to allow off-site disposal of the waste resulting from the demolition of an entire building or structure. The purpose of this change in the law was to address the situation where a small town which has a building or structure which needs to be demolished, but:

- 1) The town cannot dispose of the waste on-site because it would impact redevelopment of the site; and
- 2) The waste cannot be disposed of in a nearby permitted construction and demolition (C&D) or municipal solid waste (MSW) landfill due to inadequate funds or lack of disposal capacity.

For off-site DWOP of demolition waste, KSA 65-3407c(a)(3) requires KDHE to consider the following additional factors:

- Public safety concerns;
- Proposed plans to redevelop the site which would be impacted by on-site disposal of the waste; and
- The disposal capacity of any nearby permitted landfill.

Off-site DWOP application

In addition to the standard DWOP application, each applicant for off-site DWOP of demolition waste must submit the following items:

1. A letter from the local government (City Council or County Commission) requesting approval of off-site disposal of the demolition waste. The letter should support the request by including:
 - A statement addressing public safety concerns associated with the building or structure to be demolished;
 - A description of the proposed plans to redevelop the site, and how the redevelopment would be impacted if the demolition waste were disposed of on-site rather than off-site; and
 - A statement concerning the ability of the local government to pay for disposal of the demolition waste in a permitted C&D or MSW landfill.

2. An estimate of hauling and disposal costs associated with taking the demolition waste to a permitted C&D or MSW landfill.
3. An estimate from the permitted landfill of its disposal capacity and the possible negative impact of the volume of demolition waste on that remaining capacity.
4. An estimate of hauling and disposal costs associated with taking the demolition waste to a nearby off-site location and filing a restrictive covenant for this location.

Upon receipt and review of this information, BWM will determine whether to authorize off-site disposal.

For additional information regarding proper management of solid or hazardous waste in Kansas, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau's website at <http://www.kdheks.gov/waste/>.