



Natural Disaster Debris Technical Guidance Document SW 09-02

When a large amount of waste results from a natural disaster (e.g. storms, tornadoes, floods, and fires) the Kansas Department of Health and Environment (KDHE) can grant flexibility concerning the management of this disaster debris. This document describes what flexibility is allowed and how to request a variance in operating procedures, authorization for storage or disposal without a permit, or an exemption from the tonnage fee.

Alternate operating procedures at existing, permitted disposal facilities

The large amount of solid waste resulting from a natural disaster may require that the disposal facility receiving the debris deviate from the approved operation plan. To request a temporary change to operating procedures while managing disaster debris please contact the KDHE Bureau of Waste Management (BWM) Solid Waste Permits Section.*

Exemption from the tonnage fee

The Secretary of KDHE is granted authority under KSA 65-3415b to waive the state solid waste tonnage fee of \$1.00 per ton when large quantities of solid waste are generated due to a major natural disaster. ¹ To request a waiver of the tonnage fee please contact the BWM Regulations and Data Unit.* The application form, "Request for Waiver of the State Solid Waste Tonnage Fee," can be found on the BWM website.

Solid waste consisting solely of vegetation from storm-related clean-up is exempt from the tonnage fee without a specific waiver from KDHE, and should be reported on the Tonnage Report as construction and demolition (C/D) waste.

Storage or disposal without a permit

KSA 65-3407c allows the Secretary of KDHE to authorize temporary storage and/or the disposal of disaster debris at sites that have not been issued a permit by KDHE. The following conditions apply:

- The request must be made by the local government authority having jurisdiction over the area.
- Authorization may be granted only if failure to act quickly could jeopardize human health or the environment.
- Written approval must be obtained from the landowner.
- Written approval must be obtained from the local government or zoning authority having jurisdiction over the site.
- The local government must agree to provide proper closure of the site, and post-closure maintenance of disposal sites.

KSA 65-3407c further describes the factors that the Secretary must consider when determining eligibility for storage or disposal without a permit.

To request authorization for storage or disposal without a permit please contact the BWM Solid Waste Permits Section.* The application forms, "Storage and/or Transfer of Solid Waste without a Permit" and "Disposal of Solid Waste Resulting from Natural Disasters," can be found on the BWM website.

Waste that is authorized for disposal without a permit is not subject to the state solid waste tonnage fee, but the amount of waste disposed of at the site must be reported to the department.

***You may contact BWM at (785) 296-1600, <http://www.kdheks.gov/waste/>, or the address above.**

¹KSA 65-3415b(e) states that the secretary may waive the fee unless the fee can be recovered from the federal government. However, FEMA #322, Public Assistance Guide, states "...normal procedures must not be altered because of the potential for reimbursement from Federal funds." Since the normal procedure in a disaster is to waive the fee, the Federal government does not consider the fee eligible for reimbursement.