

GENERAL PERMIT NUMBER WMGM039

Pre- and Post-Consumer Asphalt Shingles

A. Description:

The approval herein granted is limited to the processing and beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles (i.e., imperfections, tabs, trimming scraps, etc., generated in the manufacturing of new asphalt shingles and damaged, unused shingles) as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of electricity or steam. The processing is limited to transferring, screening, shredding, grinding, sorting and magnetic removal of ferrous metal.

The activities authorized by this permit shall not harm or present a threat of harm to the health, safety, or welfare of the people or environment of this Commonwealth. The Department may modify, suspend, revoke, or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, the environment, or if the activities cannot be adequately regulated under the conditions of this permit.

B. Determination of Applicability Requirements:

Persons or municipalities that propose to operate processing facilities under the terms and conditions of this general permit after the date of permit issuance must apply for and obtain a "Determination of Applicability" ("DOA") from the Department prior to commencing authorized activities under the general permit. The request shall be sent to the appropriate Regional Office of the Department that has jurisdiction for waste-related activities in the county where the processing facility will be located. A completed Form 20 (Application for a Municipal or Residual Waste General Permit), completed Bonding Worksheets A and E (Waste Processing Decontamination and Summary Cost Worksheet), along with a DOA application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Regional Office. Checks shall be made payable to the "Commonwealth of Pennsylvania."

C. Operating Conditions

1. Permittees are not authorized by this general permit to accept or process:
 - a. pre- and post-consumer asphalt shingles containing asbestos.
 - b. other construction and demolition waste, other than that which may be incidentally associated with post-consumer asphalt shingles, such as tarpaper, wood, metal, nails, etc.

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- c. cementitious shingles, shake shingles and transite siding.
- 2. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall operate the facility as described in the approved application.
- 3a. The permittee shall visually inspect each incoming truckload or container of pre- and post-consumer asphalt shingles for signs of asbestos or other unacceptable wastes. The permittee shall conduct sampling for asbestos at the rate of one (1) in every ten (10) truckloads or containers of pre- and post-consumer asphalt shingles as received at the facility. In addition, the permittee shall sample all loads suspected of containing asbestos. Loads made up solely of any of the following are not required to be sampled for asbestos and shall not be counted toward the 1 in 10 sampling frequency:
 - i. pre-consumer asphalt shingles that have been certified by the manufacturer as containing no asbestos.
 - ii. pre- and post-consumer asphalt shingles that have been tested prior to acceptance by a laboratory accredited to make asbestos determinations and are accompanied with documented test results.
 - iii. post-consumer asphalt shingles generated from a residential home that is documented by the contractor or generator to have been constructed after 1975.
- b. All samples shall be analyzed using EPA Method 600/R-93-116, OSHA Method Number ID-191, or another polarized light microscopy method approved by the Department.
- c. Asbestos analyses required by this condition shall be performed by a laboratory that is in compliance with the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 90, 27 Pa C.S. §4101 et. seq.
- 4. Pre- and post-consumer asphalt shingles shall not be hazardous waste.
- 5. Pre- and post-consumer asphalt shingles shall not be mixed with other types of solid wastes, including hazardous waste, other municipal waste, special handling waste, or other residual waste.

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6. This permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater, or runoff from the site of processing or use of pre- and post-consumer asphalt shingles to the land or waters of the Commonwealth. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code Sections 123.1 and 123.2.
7. This permit does not authorize the discharge of air emissions. The permittee shall comply with the applicable requirements of the Air Pollution Control Act and Title 25, Subchapter C, Article III (relating to air resources), including odor emissions, contained in 25 Pa. Code Section 123.31 (relating to limitations).
8. The facility may be subject to the plan approval and operating requirements of 25 Pa. Code Chapter 127. If plan approval is required, the permittee may not construct, assemble, install, modify, or operate the facility prior to obtaining a plan approval from the Department's Air Quality Program.
9. Nothing in this permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable local law, ordinance, or regulation, provided that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.
10. As a condition of this permit, the permittee shall obtain from all landowners of his place of business where processing activities will occur, on a form provided by the Department, the authority to conduct the activities authorized by this permit and consent to allow authorized employees or agents of the Department to enter the permit area. This authorization and consent shall be obtained prior to the occurrence of processing at a location and be submitted to the appropriate Regional Office of the Department that has jurisdiction for waste-related activities in the county where the facility is located via certified mail.

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11. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to have access and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste, water, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Sec. 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 6018.608 and 6018.610(7).) This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.
12. Failure of the measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules and regulations and terms and conditions of this permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.
13. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Pennsylvania Solid Waste Management Act of 1980, as amended.
14. The activities authorized by this permit shall not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department may modify, suspend, revoke or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, or the environment.
15. Any person that operates under the provisions of this permit shall immediately notify the appropriate Regional Office of the Department that has jurisdiction for waste-related activities in the county where the facility is located via certified mail of any changes in: the company name, address, owners, operators and responsible officials; land ownership and the right to enter and operate on any land occupied by a facility; bonding and insurance status; the system used to process the pre- and post-consumer asphalt shingles; and the status of any permit issued by the Department or federal government under the environmental protection acts.

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16. Permittees may not operate a facility at a new location without obtaining written authorization from the Department. Requests for authorization should be submitted to the Waste Management Program at appropriate Regional Office of the Department that has jurisdiction for waste-related activities in the county where the facility will be located at least thirty (30) days prior to a permittee's intended operating date. The request should include a completed Form 20 (Application for a Municipal or Residual Waste General Permit) and completed Bonding Worksheets A and E (Waste Processing Decontamination and Summary Cost Worksheet).
17. Equipment used for the processing of pre- and post-consumer asphalt shingles shall be maintained in good operating condition. Daily inspections of equipment during waste processing activities shall be conducted to ensure that equipment will operate properly and to examine for evidence of equipment failure.
18. The processing unit(s) shall be set up and operated in a manner that prevents spills, leaks, or other releases.
19. The permittee shall remove tarpaper and metal flashing prior to mechanical processing of post consumer asphalt shingles.
20. Wood waste shall be removed from post consumer asphalt shingles by hand sorting, floatation, or other method.
21. During processing, water shall be injected into the grinding chamber or shredder for dust suppression unless a pneumatic dust control system has been installed on the grinder or shredder.
22. Incoming pre- and post-consumer asphalt shingles and residues from processing must be stored in accordance to the requirements of 25 Pa. Code 299, Subchapter A (Standards for Storage of Residual Waste) and shall be stored in a manner that prevents nuisances which may be harmful to public health, safety, welfare, or the environment. Storage shall be in a manner that prevents dispersal of pre- and post-consumer asphalt shingles by wind or water erosion or a risk of fire or explosion or causes groundwater or surface water contamination.
23. Pre- and post-consumer asphalt shingles, processed pre- and post-consumer asphalt shingles, and residues from processing shall not be accumulated speculatively.
24. Residues from processing, including tarpaper, wood, ferrous metal and metal flashing, and unacceptable waste shall be transported to a recycling facility or a permitted disposal facility.

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25. The permittee shall maintain a bond in an amount and with sufficient guarantees acceptable to the Department as provided by 25 Pa. Code 287, Subchapter E (Bonding and Insurance Requirements). The bond shall continue in effect for the operational life of the facility, and for up to 10 years after final closure of the facility, unless released in whole or in part by the Department, in writing.
26. The permittee shall maintain in force and effect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E (Bonding and Insurance Requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.
27. Facilities that process pre- and post-consumer asphalt shingles shall not be located:
 - a. within 300 yards of a building owned by a school district or parochial school used for instructional purposes, existing prior to the date the Department received an administratively complete application, unless a written waiver is obtained from the current property owner of the school.
 - b. within 300 yards of a park or playground, existing prior to the date the Department received an administratively complete application, unless a written waiver is obtained from the current property owner of the park.
 - c. in a 100 year flood plain of waters of this Commonwealth, unless the Department approves, in writing, a method of protecting the facility from a 100-year flood consistent with the Flood Plain Management Act (32 P.S. §§ 679.101-679.601) and the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27).
 - d. within 300 feet measured horizontally from an occupied dwelling, unless one the of the following conditions is satisfied:
 - (i) The owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
 - (ii) The facility only transfers and manually sorts pre- and post consumer asphalt shingles, all operations and storage take place in an enclosed facility, the permittee demonstrates that the location and operation of the facility does not conflict with local land use or local zoning, and the permittee has provided written notice to owners of all occupied dwellings within 300 feet measured horizontally from the facility.

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28. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP regional office in the event of a discharge or spill of pre- and post-consumer asphalt shingles or any residue from processing and shall take appropriate immediate action to protect the health and safety of the public and the environment. Spills of less than 1000 pounds of pre- and post-consumer asphalt shingles or any residue from the processing need not be immediately reported, but should be recorded as specified in Condition 30.
29. Records of any asbestos determinations conducted on pre- and post-consumer asphalt shingles pursuant to Condition 3 shall be kept by the permittee at the permittee's place of business for a minimum of 5 years and shall be available to the Department for inspection. At a minimum, these records shall include information on the dates of testing, the results, the laboratory, sampling procedures, analytical methodology, and person collecting the sample.
30. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming pre- and post-consumer asphalt shingles, the date of receipt and quantity of pre- and post-consumer asphalt shingles processed at each location, and the name, address, and phone number, and quantity for each destination of outgoing shipment of processed pre- and post-consumer asphalt shingles and residues from processing. In addition, the permittee shall maintain records of the name, address, and phone number of each source of rejected loads of pre- and post-consumer asphalt shingles and the reason the loads were rejected. The permittee shall also maintain records of all spills and releases that contain: location, date, time, identification and quantity of spilled or released material, a description of how the material was cleaned up, and the destination of clean-up wastes. These records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated and shall be available to the Department for inspection.
31. The permittee shall maintain at the permitted facility an updated copy of a Preparedness, Prevention, and Contingency (PPC) plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans". The PPC plan shall be updated every 5 years or more frequently if necessary (e.g., if changes in phone numbers, equipment, or regulatory requirements occur).
32. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if the activities were covered by an individual permit. The Department may require an individual permit if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the people or the environment.

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33. The permittee shall inform all persons or municipalities which propose to beneficially use the processed pre- or post-consumer asphalt shingles covered under this permit of all the conditions and limitations imposed on the use of pre- and post-consumer asphalt shingles by the Department of Environmental Protection. This notification shall be by providing a copy of Appendix A (Restrictions on Pre- and Post-Consumer Asphalt Shingles). The conditions in Appendix A apply to any permittee, including one who obtains a Determination of Applicability to conduct activities authorized by this permit, and to any user of the pre- and post-consumer asphalt shingles.
34. Should the permittee become aware that any of its customers or purchasers have used the processed pre- or post-consumer asphalt shingles not in compliance with the requirements identified in Appendix A, then the permittee shall immediately report such non-compliance to the Department.
35. Upon cessation of operations at the facility, the permittee shall comply with any applicable closure requirements in 25 Pa. Code § 297.272.

APPENDIX A
Use Restrictions for Processed Pre- and Post-Consumer Asphalt Shingles
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Only processed pre- and post-consumer asphalt shingles are approved to be beneficially used under General Permit Number WMGM039. Pre- and post-consumer asphalt shingles are considered processed when they have had any wood waste, tar paper, metal flashing and ferrous metal, including nails, removed, and ground or shredded to meet any size gradation requirements for the intended use.

The following restrictions apply to the beneficial use of processed pre- and post-consumer asphalt shingles. Persons receiving, storing, and/or using the processed pre- and post-consumer asphalt shingles for beneficial use purposes are required to comply with the following requirements:

Acceptable Uses:

- A1. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles is limited only to use as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, an as a component or ingredient in fuel used in cement manufacturing or in the generation of electricity or steam.
- A2. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles as a roadway construction material is limited to and must comply with the following technical standards developed by the Pennsylvania Department of Transportation (PennDOT), as outlined in their Publication 408, *Specifications*:
 - (a) 300 (Base Courses)
 - (b) 400 (Flexible Pavements)
 - (c) 703 (Aggregate, excluding 703.4 anti-skid material)
- A3. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles as an ingredient or component of hot mix or cold mix asphalt paving material shall conform with the applicable material standards as set forth in the following American Society of Testing Material (ASTM) standards and American Association of State Highway and Transportation Officials (AASHTO) standards or other applicable national, state or industry standard or specification for which the processed pre- and post-consumer asphalt shingles are being substituted.
 - (a) ASTM D 242 Standard Specification for Mineral Filler for Bituminous Paving Material
 - (b) ASTM D 692 Standard Specification for Coarse Aggregate for Bituminous Paving Material
 - (c) ASTM D 693 Standard Specification for Crushed Aggregate for Macadam Pavements

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- (d) ASTM D 979 Standard Practice for Sampling Bituminous Paving Mixtures
- (e) ASTM D1073 Standard Specification for Fine Aggregate for Bituminous Paving Material
- (f) ASTM D 1241 Standard Specification for Materials for Soil-Aggregate Sub-Base, Base and Surface Courses
- (g) ASTM D 2940 Standard Specification for Graded Aggregate Materials for Bases or Sub-Bases for Highways or Airports
- (h) AASHTO MP 15 Standard Specification for Use of Reclaimed Asphalt Shingle as an Additive in Hot Mix Asphalt

A4. Processed pre- and post-consumer asphalt shingles may be utilized as fuel in cement kilns, lime kilns, coal-fired power plants and fluidized bed cogeneration plants provided their air quality permits or approvals cover use of the processed pre- and post-consumer asphalt shingles as fuel.

A5. The amount of processed pre- and post-consumer asphalt shingles when applied with a binder and used for dust control on rural roads shall not exceed the customary amount required by standard engineering practices.

Use Restrictions:

A6. Processed pre- and post-consumer asphalt shingles shall not be stored in direct contact with, or applied within 4 feet of the seasonal high water table, perched water table, or within 4 feet of bedrock unless otherwise authorized in writing by the Department.

A7. The storage, transportation or use of the processed pre- and post-consumer asphalt shingles shall be in a manner which will not create a nuisance or be harmful to the public health, safety or the environment.

A8. Runoff from the processed pre- and post-consumer asphalt shingles storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.

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- A9. Processed pre- and post-consumer asphalt shingles or materials manufactured using processed pre- and post-consumer asphalt shingles as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or other fills, or to level an area or bring an area to grade where a roadway construction activity is not completed within 3 months after placement of the processed pre- and post-consumer asphalt shingles or materials derived from the processed pre- and post-consumer asphalt shingles.

**DEP Regional Offices
(and Counties Served)**

Southeast Regional Office

Bucks, Chester, Delaware, Montgomery, Philadelphia
2 East Main Street
Norristown, PA 19401
Phone: 484-250-5960
Fax: 484- 250-5961

Northeast Regional Office

**Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill,
Susquehanna, Wayne, Wyoming**
2 Public Square
Wilkes-Barre, PA 18711-0790
Phone: 570-826-2516
Fax: 570-826-5448

Southcentral Regional Office

**Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton,
Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York**
909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone: 717-705-4706
Fax: 717-705-4930

Northcentral Regional Office

**Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour,
Northumberland, Potter, Snyder, Sullivan, Tioga, Union**
208 West 3rd Street, Suite 101
Williamsport, PA 17701
Phone: 570-327-3653
Fax: 570-327-3420

Southwest Regional Office

**Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset,
Washington, Westmoreland**
400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: 412-442-4000
Fax: 412-442-4194

Northwest Regional Office

**Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer,
Venango, Warren**
230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6848
Fax: 814-332-6117