



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**BUREAU OF WASTE MANAGEMENT**

**DIVISION OF MUNICIPAL and RESIDUAL WASTE**

**GENERAL PERMIT WMGR039**

**PROCESSING PRIOR TO BENEFICIAL USE OF WASTE OIL, WASTE  
OIL/WATER MIXTURES, AND ASPHALT CONDENSATE**

**Issued: 12/24/2017**

**Expires: 12/24/2027**

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**A. Description.**

This general permit authorizes the operation of transfer facilities and rail trans-loading facilities for the processing of waste oil (including waste oil mixed with hazardous waste in accordance with 25 Pa. Code, § 298.10(b)(2)(ii) and (iii) (relating to applicability)), waste oil/water mixtures, and asphalt condensate from the manufacturing of shingles prior to beneficial use. The approved processing is limited to collection, bulking, storage, and passive oil/water separation. The facilities operating under this general permit may accept the following waste from generators:

- a. Waste oil, waste oil/water mixtures, and asphalt condensate that are not hazardous waste as defined in 40 CFR Part 261, which is incorporated by reference at 25 Pa. Code, § 261a.1 (relating to incorporation by reference, purpose, scope and applicability).
- b. Waste oil and waste oil/water mixtures that qualify as hazardous wastes solely because they exhibit a hazardous waste characteristic under 40 CFR Part 261, Subpart C, which is incorporated by reference at 25 Pa. Code, § 261a.1 (relating to incorporation by reference, purpose, scope and applicability).
- c. Mixtures of waste oil and hazardous waste regulated under 25 Pa. Code, § 298.10(b)(2)(ii) and (iii) (relating to applicability).

Waste processed by the permittee in accordance with this general permit must be sent to a facility that reclaims, reuses, recycles or burns the processed oil for energy recovery.

**B. Determination of Applicability Requirements.**

A person or municipality that proposes to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a "Determination of Applicability" ("DOA") from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed application on forms provided by the Department along with the application fee for a DOA must be submitted to the appropriate Department Regional Office. Checks shall be made payable to the "Commonwealth of Pennsylvania". No activities shall commence unless approved, in writing, by the Department.

**C. Operating Requirements.**

1. Wastes that are accepted for processing at facilities operating under this general permit must be collected by the permittee at the site of generation, at a waste oil collection center pursuant to 25 Pa. Code, § 298.30 (relating to waste oil collection centers) or 40 CFR §§ 279.30-279.31 (relating to do-it-yourselfer used oil collection centers, and used oil collection centers, respectively), or a waste oil aggregation point pursuant to 25 Pa. Code, § 298.31 (relating to waste oil aggregation points owned by the generator) or 40 CFR § 279.32 (relating to used oil aggregation points owned by the generator).

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2. The permittee is not authorized by this permit to accept any waste oil, waste oil/water mixtures, or asphalt condensate for processing at facilities operating under this general permit unless the amount of recoverable oil in the waste is at least one percent (1.0%), and the processed waste is sent to a facility for beneficial use, where the oil is reclaimed, reused, recycled, or burned for energy recovery.
3. The permittee is not authorized by this permit to accept any waste oil or waste oil/water mixtures containing total PCBs at levels of 50 ppm or greater.
4. Any waste oil and waste oil/water emulsion rejected based on the analysis required in Condition D.2 shall be classified as a hazardous waste and shall be managed in accordance with Pennsylvania's Hazardous Waste Management Regulations, 25 Pa. Code, Chapters 261a - 270a.
5. Facilities operating under this general permit which manage waste oil that will be burned for energy recovery shall comply with the requirements of 25 Pa. Code, Chapter 298, Subchapter H (relating to waste oil fuel marketers).
6. Except as otherwise provided by this general permit, the waste oil, waste oil/water mixtures, and asphalt condensate managed under this general permit shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, other residual waste, or special handling waste, as the terms are defined in 25 Pa. Code § 287.1 (relating to definitions).
7. Storage of waste oil, waste oil/water mixtures, and asphalt condensate by the permittee shall be in a manner that complies with 25 Pa. Code, Chapters 298 and 299 (relating to management of waste oil, and storage and transportation of residual waste, respectively). Residues from passive oil/water separation shall be stored and managed in a manner that complies with 25 Pa. Code, Chapters 298, 299, or 262a (relating to management of waste oil, storage and transportation of residual waste, and requirements for generators of hazardous waste, respectively), whichever is applicable.
8. All storage tanks, secondary containment systems, and transfer lines shall be set up and operated in a manner that prevents spills, leaks, or other releases. All transfers to and from railcars will occur only at locations where fluid collection systems for railroad beds have been installed.
9. A facility operating under this general permit 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 floodplain of waters of this Commonwealth, unless the Department approves, in writing, a method of protecting the facility from a 100-year flood

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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 the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet.
  - e. Within 50 feet of a property line unless the permittee demonstrates that the actual processing of waste is not occurring within that distance or the owners of the occupied dwelling have provided a written waiver consenting to the facility being closer than 50 feet.
  - f. Within 100 feet of a perennial or intermittent stream, unless storage and processing will not occur within that distance.
  - g. Within 300 feet of a water source.
  - h. Within 4 feet of a seasonal high water table.
  - i. In or within 300 feet of an exceptional value wetland.
10. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) that is consistent with the Department's most recent guidelines.
11. 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 utilize materials as described in the permit application.
12. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to standards for contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, 35 P.S. §4005, and shall comply with all the applicable provisions of 25 Pa. Code §§ 123.1 and 123.2 (relating to prohibition of certain fugitive emissions and fugitive particulate matter).
13. 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, providing that said local law, ordinance, or regulation is not preempted by the Solid Waste Management Act (SWMA), 35 P.S. §§ 6018.101 – 6018.1001; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §§ 4000.101, et. seq.
14. As a condition of this general permit and of the permittee's authority to conduct the activities authorized by this general permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, the have access to and inspect all areas on which solid waste management activities are being, will be, or have been conducted. This authorization and consent shall include consent to collect samples of waste, soils, water, or gases; take photographs; perform measurements, surveys, and other tests; inspect any monitoring equipment; inspect the

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methods of operation and inspect and/or copy documents, books, and papers required by the Department to be maintained. This permit condition is referenced in accordance with Sections 6018.608 and 6018.610(7) of the SWMA, 35 P.S. §§ 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the SWMA.

15. Any independent contractors or agents retained by the permittee to conduct the activities authorized under this permit shall be subject to prior compliance history review by the Department prior to performance of any activities, as specified by the SWMA.
16. Failure of 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.
17. The activities authorized by this general 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.
18. 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 be obtained if the permittee cannot comply 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 public or the environment of this Commonwealth.
19. 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 to the land or waters of the Commonwealth.
20. The permittee shall maintain in force and effect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E (relating to bonding and insurance requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.
21. The permittee shall maintain a bond in the amount and with sufficient guarantees acceptable to the Department as provided by 25 Pa. Code, Chapter 287, Subchapter E (relating to 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.
22. Equipment used for the processing of waste oil, waste oil/water mixtures, and asphalt condensate shall be maintained in good operating condition. Daily inspections of equipment during waste processing activities shall be conducted to determine compliance with the terms and conditions of this general permit and for evidence of failure.

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**D. Sampling and Analysis.**

1. The following waste acceptance criteria apply to waste oil, waste oil/water mixtures, and asphalt condensate at facilities operating under this general permit:

- a. Prior to collection of waste oil, waste oil/water mixtures, and asphalt condensate from a generator, the permittee shall obtain a prequalification analysis provided by the generator or conduct a prequalification analysis. The prequalification analysis shall include the parameters identified in Table 1. The prequalification analysis shall be retained for one year after the permittee ceases accepting waste from the generator or until a new prequalification analysis is available for that generator's waste.

<b>Table 1</b>	
<b>Parameter</b>	<b>Allowable Level</b>
Total Halogens	1000 ppm maximum
Flash Point	100 degrees F minimum
PCBs	<50 ppm

- b. Each shipment collected from a generator shall be accompanied by a signed certification from the generator stating that the shipment has not been mixed, combined, or blended with materials containing regulated levels of PCBs (50 ppm or greater) or any hazardous waste that is regulated under 25 Pa. Code, § 298.10(b)(2)(ii) or (iii) (relating to applicability).
- c. A representative sample of each shipment containing waste oil, waste oil/water mixtures, and asphalt condensate shall be tested for the parameters listed in Table 2, at the indicated frequency, using "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA SW-846), other equivalent methods, or optional methods approved by the Department.

<b>Table 2</b>		
<b>Parameter</b>	<b>Allowable Level</b>	<b>Frequency</b>
Total Halogens	1000 ppm maximum	Every Pickup
PCBs	<50 ppm	Every Pickup (Transformer Oil, Oil from Capacitors, or Oil from Lighting Ballasts Only)
Flash Point	100 degrees F minimum	Every 6 Months or 6 <sup>th</sup> Pickup, whichever is later

- d. A sample of each shipment collected shall be taken and retained for purposes of tracing contaminated shipments, until the shipment represented by the sample has been accepted by another processing facility or beneficial use operation.

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- e. If any shipment of waste oil or waste oil/water mixture contains more than 1,000 ppm total halogens, the oil is presumed to have been mixed with hazardous waste. The permittee or generator must demonstrate that the waste oil or waste oil/water mixture does not contain halogenated hazardous waste listed under 40 CFR § 261.5, which is incorporated by reference by 25 Pa. Code, § 261a.1 (relating to incorporation by reference, purpose, scope and applicability), and as modified at 25 Pa. Code, 261a.5(a) (relating to special requirements for hazardous waste generated by conditionally exempt small quantity generators). This demonstration must be made prior to incorporation of the waste oil or waste oil/water mixture with other waste oil in the transportation vehicle.
  - f. If any shipment of waste oil or waste oil/water mixture possesses a flash point below 100 degrees F, a demonstration must be made that shows the low flash point is due to mixing the waste oil or waste oil/water mixture with hazardous waste in accordance with 25 Pa. Code, § 298.10(b)(2)(ii) or (iii) (relating to applicability).
2. Each container or tank of waste oil, waste oil/water mixtures, and asphalt condensate shall be analyzed for the parameters listed in Table 2 at the frequency listed. All samples shall be collected using the sampling protocol for containerized liquid waste – “COLIWASA” – as described in the most recent version of EPA’s “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods”, also known as EPA SW-846. If results of the analyses exceed the allowable levels in Table 2, the incoming waste oil, waste oil/water mixtures, and asphalt condensate shall be rejected unless, the presumption that the waste was mixed with halogenated hazardous waste listed under 40 CFR 261, Subpart D as incorporated by reference in 25 Pa. Code, § 261a (relating to incorporation by reference, purpose, scope and applicability) was successfully rebutted in accordance with Condition D(1)(e).
  3. A representative sample of each out-going load of waste oil destined for burning for energy recovery shall be analyzed for the parameters listed in Table 3 as determined by using “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA SW-846), other equivalent methods, or optional methods approved by the Department. Waste oil which exceeds the allowable levels in Table 3 shall be deemed “off-specification” and shall only be beneficially used as fuel for industrial boilers or industrial furnaces. In lieu of testing for allowable levels in Table 3, the waste oil may be classified as off-specification in accordance with 25 Pa. Code, § 298.11 (relating to waste oil specifications) and 40 CFR § 761.20(e) (relating to prohibitions and exceptions).

<b>Table 3</b>	
<b>Parameters</b>	<b>Allowable Level</b>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Total Halogens	1000 ppm maximum (residential and commercial uses)
Flash Point	100 degrees F minimum
PCBs	<2 ppm

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4. Analytical testing required by this general permit shall be performed by a laboratory accredited under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, 27 Pa. C.S.A §§ 4101-4113.

**E. Recordkeeping.**

1. The permittee shall maintain records of all analytical evaluations conducted in accordance with this permit, including all analysis conducted in accordance with Section D of this general permit. Required records shall be retained for a minimum of 5 years and be made available to the Department upon request. Records of analytical evaluations must include, at a minimum, the following for each sample: the dates of sampling and testing, sampling procedures utilized, name of the individual who collected the sample, the volume or weight of the sample, each parameter tested, the analytical results, the name of the analytical laboratory used, and the analytical methodologies employed.
2. The permittee shall maintain records of all incoming and outgoing waste at the facility, and records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years. Records of each source of incoming waste must include, at a minimum, the following: the name, address, and phone number of each source of incoming waste; the date of receipt; the quantity of waste received; the results of visual observations; and the name, address, and phone number of the destination of each outgoing shipment of waste.
3. The permittee shall maintain records of spills or releases that include, at a minimum, the following: the location, date, time, identification, and quantity of spilled or released material, and a description of how the material was cleaned up.
4. The permittee shall maintain records of all reports submitted to the Department or to the U.S. Environmental Protection Agency.

**F. Reporting Requirements.**

1. Any person that operates under the provisions of this permit shall immediately notify the appropriate Department Regional Office via certified mail of any changes in: the company name, address, owners, operators, and/or responsible officials of the company, compliance status, and the status of any permit issued by the Department or federal government under the environmental protection acts.
2. The permittee shall immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the waste management program in the appropriate DEP Regional Office (see attached list) of any accidental spills and shall take appropriate action to protect the health and safety of the public and the environment. Spills of less than 5 gallons of waste oil, waste oil/water mixtures, or asphalt condensate need not be immediately reported, but should be recorded as specified in Condition E.2. Spills containing any oil capable of reaching surface water must be immediately reported and should be recorded as specified in Condition E.2.



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**G. Renewal.**

A person or municipality that plans to continue the operations authorized under this general permit, after the expiration date indicated on the approval for coverage page, shall file a complete application for permit renewal at least 180 days before the expiration date of this general permit unless permission has been granted by the Department for submission at a later date. The renewal applications shall be submitted to the appropriate DEP Regional Office (see attached list) and include, at a minimum, the following:

- a. General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application),
- b. Form B (Professional Certification),
- c. Form 20 (Application for a Municipal or Residual Waste General Permit),
- d. Form 27R (Acceptance of General Permit Conditions), and
- e. Renewal application fee in the amount identified in Section A (General Information) of the Form 20. A check shall be made payable to the "Commonwealth of Pennsylvania."

A copy of the renewal application shall also be sent to the Department's Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson Office Building, 400 Market Street, P.O. Box 69170, Harrisburg, PA 17106-9170.

In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.

**Department of Environmental Protection  
Regional Offices  
(and Counties Served)**

- I. Bucks, Chester, Delaware, Montgomery, Philadelphia.

**Southeast Regional Office**

2 East Main Street  
Norristown, PA 19401  
Phone: (484) 250 - 5960

- II. Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming.

**Northeast Regional Office**

2 Public Square  
Wilkes-Barre, PA 18711-0790  
Phone: (570) 826 – 2516

- III. Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York.

**Southcentral Regional Office**

909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
Phone: (717) 705 – 4706

- IV. Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union.

**Northcentral Regional Office**

208 West 3<sup>rd</sup> Street - Suite 101  
Williamsport, PA 17701  
Phone: (570) 327 – 3653

- V. Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

**Southwest Regional Office**

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Phone: (412) 442 – 4000

- VI. Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

**Northwest Regional Office**

230 Chestnut Street  
Meadville, PA 16335-3481  
Phone: 814-332-6848