DEPARTMENT OF ENVIRONMENTAL PROTECTION
Bureau of Waste Management

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**TITLE:** Residual Waste and Special Handling Waste Streams

**EFFECTIVE DATE:** Upon Publication as final in the *Pennsylvania Bulletin*

**AUTHORITY:** This document is established in accordance with Section 301 of the Solid Waste Management Act (35 P.S. Section 6018.301) and 25 *Pa. Code* Sections 271.601-.613, 287.51-.55 and 287.131-.134.

**POLICY:** *25 Pa. Code***,** Sections 271.613 and 287.134 state that all permitted waste processing facilities and waste disposal facilities in the Commonwealth must have an approved Waste Analysis and Classification Plan (WACP) from the Pennsylvania Department of Environmental Protection (“Department” or “DEP”). This guidance identifies and describes the applicable procedures that must be adhered to by permitted waste management facilities in order to submit a WACP to the Department. The guidance also addresses requirements and necessary forms that must be filed by permitted waste facilities to accept residual waste and special handling waste for processing or disposal.

**PURPOSE:** This policy identifies and describes procedures for the disposal of residual waste and special handling wastes at permitted waste processing facilities and waste disposal facilities in the Commonwealth.

**APPLICABILITY:** This technical guidance applies to all persons and municipalities owning or operating permitted waste processing facilities and waste disposal facilities that need to file appropriate forms in order to receive Department approval to accept residual waste or special handling waste for processing or disposal.

**DISCLAIMER**: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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**LOCATION:** Volume 06, Tab 34

**DEFINITIONS, TERMS AND ABBREVIATIONS:**

Form R: Waste analysis and classification plan (2540-PM-LRWM0396).

Form 25R: Source Reduction Strategy (2540-PM-LRWM0349).

Form 26R: Chemical Analysis of Residual Waste Annual Report by the Generator

(2540-PM-LRWM0347).

Form U: Request to Process or Dispose Residual Waste (2540-PM-LRWM0395).

Form U-CS: Request to Process or Dispose of Contaminated Soil [other than fuel-contaminated soil] (2540-PM-BWM0399).

Form FC-1: Notification of Intent to Dispose of Soil Contaminated by Virgin Petroleum Fuel (2540-PM-BWM0244).

Form 35: Request for Approval to Process or Dispose of Processed Regulated Medical or Chemotherapeutic Waste Stream(s) (2540-PM-LRWM0157).

Form 36: Request for Approval to Dispose of Municipal Incinerator Ash Residue (2540-PM-BWM0155).

Form 43: Request for Approval to Process or Dispose of Sewage Sludge (2540-PM-LRWM0199).

**GENERAL PROCEDURE**

Sections 271.613 and 287.134 state that all permitted waste processing facilities and waste disposal facilities in the Commonwealth must have a Department approved WACP. The WACP, which is prepared and submitted for approval on Form R, must include procedures the facility will use for accepting or rejecting each waste stream received for processing or disposal. The WACP must identify the chemical constituents and their limits in the waste stream, acceptable sampling and testing procedures (Sections 271.611 and 287.132), frequency of analyses and the screening and management of incoming waste (271.613 and 287.134). Facilities which are not commercial and only process and/or dispose of their own waste streams shall have a WACP limited in scope which shall include the type(s) of waste managed, methods and frequency of sampling and testing, testing parameters and parameter limits and quality assurance/quality control procedures used to characterize the waste streams.

In addition to Form R, all permitted waste processing and waste disposal facilities must submit to the Department the following forms, which are waste stream-specific, prior to accepting the waste: Form U, Form U-CS, Form FC-1, Form 35, Form 36 and Form 43. Form 25R accompanies Form U for residual waste and is prepared by the waste generator for each waste stream that is generated in quantities, that on an average monthly basis, exceed 2,200 pounds per month, per waste generating location.

**A. Procedure for reviewing requests for accepting waste streams with approved Form R.**

***Waste analysis and classification plan***: For facilities that plan to accept residual waste or special handling waste, their Form R must contain specific chemical parameters and acceptable concentration limits for these parameters in waste streams they plan to accept for processing or disposal. Chemical parameters and their acceptable concentration limits in the waste stream will depend on the disposal facility's leachate treatability and liner compatibility. Also the permitted facility must ensure that each waste stream does not fail the Toxicity Characteristics Leaching Procedure (TCLP) limits promulgated under the hazardous waste management regulations at 40 CFR 261.24 (relating to identification and listing of hazardous waste), to the extent incorporated by reference at 25 *Pa Code* 261.a.1 (relating to incorporation by reference, purpose and scope). An approved Form R will allow a facility operator to receive all types of residual wastes, if the chemical constituents in the waste fall within specific limits. Exceptions can be made for excluded hazardous waste, provided the waste streams meet the facility’s approved maximum concentration limit for chemical parameters. The operator can also select, by choice, not to accept certain waste streams at the permitted facility. Once a Form R is approved, the facility can accept residual waste streams and special handling wastes by submitting the appropriate forms listed in the "General Procedure" section of this policy. Pursuant to Department approval, Form R can be amended if a facility elects to accept waste streams with chemical constituents not previously approved or at levels not previously approved in the approved Form R. Form R modification, requiring the inclusion of new waste streams, will always require a major permit modification.

In approving a Form R, the Department will condition the facility permit by requiring the operator to ensure that wastes accepted for processing or disposal are consistent with Form R. At a minimum, a waste stream will not be accepted unless the operator has done all the following:

(a) Prepared or received from the waste generator the appropriate form for the waste stream to be processed or disposed. For residual waste, Form 25R (source reduction strategy) must accompany Form U. Form 25R is not required for the disposal of cleanup waste or waste streams that are generated on a one-time basis. The operator must make sure that these documents are, at a minimum, administratively complete.

(b) Submitted the form appropriate for the waste stream to the Department regional office by certified mail with return signature card or hand delivery at least 15 calendar days before receiving the waste. The form must be submitted to the host municipality and host county at the same time. If the Department does not object during the 15-day period, the operator may receive the waste if the requirements of paragraph (a) above have been met. All Form U’s should be submitted electronically through the Department’s GreenPort system. For special handling waste streams, a facility may submit the appropriate form electronically if procedures for accepting and approving or denying the submission have been established by the Department. Electronic submissions may be approved before the 15-day waiting period. The regional office staff will track all form submissions for recordkeeping and enforcement purposes. If receipt of the waste described in the form is consistent with the permit (Form R), no permit modification is necessary.

(c) The Department may waive one or more of the above requirements in (a) and/or (b) for specific waste streams if such waiver has been designated in the facility’s approved WACP or waste permit. Requirements that can be waived include: Form U submission; waste volume information if Form U is required; and the 15-day time limit. It is important to stress here that this waiver option is valid only for specific waste streams and only when designated in the facility’s approved WACP and/or permit issued by the Department.

In completing a Form R, an operator must include all chemical constituents and their concentration limits for approval.

**B. Procedure for reviewing requests for accepting residual waste or special handling wastes without an approved Form R.**

Facilities that do not have an approved Form R must submit a waste stream-specific form (Form U, 43, 35 and so on) as a major permit modification of their existing waste permit. Once a waste stream is approved by the Department through a major permit modification, future acceptances of that waste stream will be managed as minor permit modifications. A facility that accepts waste streams covered by Form U should post a bond as required by Section 271.301 (Scope) of Chapter 271, Subchapter D.

**C. Procedure for accepting waste streams where chemical analysis of waste is not warranted.**

Sections 271.611(a)(4) and 287.132(a)(4) state that the Department may, in writing, waive or modify the evaluation required by that section for waste under certain conditions. The conditions to be met are: a description of how the waste is generated; a physical description of the waste: certification that it is not hazardous waste; and a demonstration that the waste can be received at the facility without additional chemical analysis. The categories of waste that qualify for this waiver are listed in Section D4 of Form U and may also be listed in Form R for Department approval.

The operator may select to maintain all Form Us received under the chemical analysis waiver onsite, in lieu of submitting them to the Department. In this case, the facility operator will be required to provide a list of Form Us as well as all other residual and municipal special handling wastes forms to the Department on a monthly basis or based on the frequency specified in the permit. This can be accomplished by amending the facility's permit.

**D. Procedures for accepting waste streams from small quantity residual waste generators.**

The waste from a generator that produces less than 2,200 pounds of total waste per month, on an average annual basis, per generating location, may be processed or disposed at a permitted facility (Class I or II residual waste landfill or impoundment or a municipal waste landfill) provided the generator certifies to the Department that the waste is not a listed or a characteristics hazardous waste based on testing, or based on the generator knowledge, or a combination of testing and generator knowledge. The procedures that delineate acceptance and recording of the small quantity generator waste are part of the operator’s WACP included in Form R.

**E. Procedures for accepting small quantity residual waste from large waste generators.**

For large waste generators that generate some residual waste streams in quantities of less than 2,200 pounds per generating location in any single month, the Department may waive or modify the chemical analysis requirements. Therefore, the processing or disposal facility should include in its Form R (Waste Classification and Acceptance Plan) procedures it will use in accepting small quantity waste stream(s) from large quantity waste generators.

**F. Annual chemical analysis of residual waste streams.**

Section 287.54 requires residual waste generators to submit information annually to the Department, for every waste stream they produce. This information is submitted using Form 26R. Form 26R is a detailed physical characteristics and chemical analysis report for each residual waste stream and requires information on the process that generates the waste. The processing or disposal facility must include procedures for accepting special handling wastes in their waste acceptance plan approved under Form R.

The generator is required to submit a copy of Form 26R for each waste stream to the solid waste management facility where the waste is sent for processing or disposal in Pennsylvania. After initial submission of a detailed chemical analysis for a waste stream, the waste generator may select to certify annually by providing sufficient documentation that the chemical and physical characteristics of the waste and the processes by which the waste was generated have not changed from the previous year submission, in lieu of annually performing the chemical analysis. The waste will have to be fully characterized every 5 years even if no changes in the process generating the waste or the characteristics in the waste have occurred. For the categories of residual wastes that are covered in Section D of Form U, the chemical analysis waiver can be extended beyond the five year period as long as there are no changes in the manufacturing process or ingredients that may result in changes to the waste characterization or chemical composition of the waste.

**REFERENCES:**

SWMA, 35 P.S. Section 6018.101 et seq., 25 *Pa. Code* Chapters 271-285, Chapters 287-299 and Chapter 101.