

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VIII. MUNICIPAL WASTE

CHAPTER 271. MUNICIPAL WASTE MANAGEMENT—GENERAL PROVISIONS

Subchapter B. GENERAL REQUIREMENTS FOR PERMITS AND PERMIT APPLICATIONS

REQUIREMENT

§ 271.103. Permit-by rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements.

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(h) *Yard waste composting facility.* A person or municipality that operates a yard waste composting facility that is less than 5 acres, other than an individual backyard composting facility, shall be deemed to have a municipal waste processing permit-by-rule if the person or municipality meets the requirements of subsections (a)—(c), the facility is operated in accordance with the Department's guidelines on yard waste composting and the operator submits a written notice to the Department that includes the name, address and telephone number of the facility, the individual responsible for operating the facility and a brief description of the facility.

(i) Rural transfer facility. The following apply to a facility that provides publicly available municipal waste processing and collection of source separated recyclable materials:

(1) A processing facility shall be deemed to have a municipal waste transfer facility permit under this article if, in addition to subsections (a)—(c), the following conditions are met:

(i) No processing other than the transfer of residential municipal waste, construction/demolition waste and yard waste takes place at the facility.

(ii) The facility provides for the collection of, at a minimum, steel and bimetallic cans, corrugated cardboard and aluminum for the purpose of recycling.

(iii) The facility does not collect or process any liquid, special handling waste, residual waste or hazardous waste.

(iv) Except as provided in paragraphs (2) and (3), the volume of municipal waste stored at the facility prior to transfer does not exceed 80 cubic yards stored in a maximum of 4 containers.

(v) Municipal waste is transferred to a permitted processing or disposal facility at least once every 10 days and the total volume of municipal waste managed at the facility does not exceed 160 cubic yards during the same 10 days. A full container must be transferred to a permitted processing or disposal facility within 72 hours of the container being filled.

(vi) Records of pick up dates for all containers at the facility shall be kept onsite for 5 years and made available to the Department upon request.

(vii) The facility does not cause or allow a point or nonpoint source discharge in violation of The Clean Streams Law (35 P.S. §§ 691.1—691.1001) from or on the facility to surface waters of this Commonwealth.

(viii) The facility is not located in any of the following:

(A) A populated area as described in § 272.411(a) and (b) (relating to affected municipalities) and section 1501(a) and (b) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.1501(a) and (b)).

(B) A municipality with a population density over 300 people per square mile.

(C) An area that is zoned as residential, unless otherwise approved in writing by the municipality.

(ix) The facility does not store waste, yard waste or source separated recyclable materials outside of a container.

(x) The facility does not accept waste transported by a truck, tractor or combination having a gross vehicle weight rating, gross combination weight rating, registered gross weight, registered combination weight or actual gross weight of 17,001 pounds or more.

(xi) The facility is operated in a manner to minimize and control nuisances and vectors.

(xii) Source separated recyclable materials are stored in a manner which preserves their marketability.

(xiii) The operator submits written notice to the Department as follows:

(A) Within 30 days of _____ (*Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking*), and by January 31 every 5 years after the initial notice.

(B) The operator of a rural transfer facility constructed after _____ (Editor's Note: The blank refers to the effective date of adoption of this proposed rulemaking when published as a final-form rulemaking) shall submit written notice to the Department at least 30 days before beginning operation and by January 31 every 5 years after the initial notice.

(C) The written notice shall contain the following:

(I) The name, address and telephone number of the facility.

(II) Proposed hours of operation for the facility.

(III) The name, address and telephone number of the person or municipality responsible for operating the facility.

(IV) A brief description of the facility.

(V) The name and address of the facilities to which the rural transfer facility transfers municipal waste. The rural transfer facility shall notify the Department in writing of any changes to the facilities to which it transfers waste within 15 days of the change.

(xiv) The operator posts and maintains signs that include the following information:

(A) Facility name.

(B) Hours of operation.

(C) A list of accepted materials.

(D) The name, business address, and telephone number of the facility operator.

(2) A rural transfer facility may provide for collection of construction/demolition waste, in addition to the volumes permitted in (i)(1)(iv), if the following conditions are both met:

(i) The volume of construction/demolition waste stored at the facility prior to transfer does not exceed 40 cubic yards, stored in a maximum of 2 containers.

(ii) The containers are removed and taken to a permitted processing or disposal facility at least once every 10 days.

(3) A rural transfer facility may provide for collection of yard waste, in addition to the volumes permitted in (i)(1)(iv), if the following conditions are both met:

(i) The volume of yard waste stored at the facility prior to transfer does not exceed 40 cubic yards, stored in a maximum of 2 containers.

(ii) The containers are removed at least every 10 days and taken to a composting facility, land application site or other facility permitted for the beneficial use of yard waste.

CHAPTER 279. TRANSFER FACILITIES

Subchapter A. GENERAL

§ 279.1. Scope.

(a) This chapter sets forth application and operating requirements for a person or municipality that operates a transfer facility, **other than a rural transfer facility operating under a permit-by-rule under § 271.103(i) (relating to permit-by rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements)**. The requirements in this chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

(b) The Department may waive or modify a requirement of this chapter for permitted transfer facilities at which no actual loading, unloading or transferring of municipal waste occurs, if the absence of loading, unloading or transferring activity renders the requirement unnecessary.