



Bureau of Waste Management

# Final Rulemaking: Municipal Waste Rural Transfer Facility Permit-By-Rule

Environmental Quality Board

July 12, 2022

Tom Wolf, Governor

Ramez Ziadeh, P.E., Acting Secretary

# Background

Many rural areas of the Commonwealth lack access to convenient and affordable waste disposal and recycling services. This leads to:

- Illegal dumping
- Open burning
- Long distance transportation of waste/recycling to appropriate facilities

# Background

This final rulemaking will create a permit-by-rule to authorize the construction and operation of municipal waste transfer facilities in rural areas where trash collection and recycling services are not economically feasible.

# Permit-By-Rule

- A permit-by-rule (PBR) is a mechanism that authorizes the operation of a permitted facility through compliance with the regulations.
- Using a PBR to authorize rural transfer facilities (RTF) will allow persons or municipalities more flexibility to obtain the necessary authorization to operate an RTF and require lower permitting costs while still providing the necessary and adequate environmental controls.

# Permit-By-Rule

The RTF PBR would not allow for operation of a facility in:

- A “populated area,” as defined in 25 Pa. Code § 272.411 and § 1501(a) and (b) of the Municipal Waste Planning, Recycling and Waste Reduction Act
- A municipality with a population density over 300 people per square mile
- A residential area, unless approved by the municipality

# Types of Waste

- The RTF PBR authorizes the collection of municipal, construction & demolition (C&D), and yard wastes.
- Recyclables must also be collected. This includes, at a minimum, corrugated cardboard, and aluminum, steel, and bimetallic cans.
- No liquid, special handling, residual or hazardous waste may be collected.

# Storage Limitations

- Municipal waste must be transferred to a permitted processing or disposal facility at least once every ten days.
- Total volume of municipal waste managed during that time may not exceed 160 cubic yards.
- No more than 80 cubic yards of municipal waste or 40 cubic yards each of C&D and yard waste may be stored onsite at any given time.

## Other Requirements

- Records of pick-up dates for all containers must be maintained onsite for 5 years.
- To use the RTF PBR, notice to the Department is required.
- A RTF cannot cause or allow any discharges to waters of the Commonwealth.
- A RTF shall be operated in a manner that minimizes vectors and nuisances.



# Outreach

- Since 2015, DEP worked with its Solid Waste Advisory Committee (SWAC) and Recycling Fund Advisory Committee (RFAC) to develop/implement a model for convenience centers (rural transfer facilities).
- In response to SWAC's feedback, DEP developed this rulemaking to authorize rural transfer facilities via a PBR.

# Public Comments

- The proposed rulemaking was published in the *Pa. Bulletin* on January 15, 2022, for a 30-day public comment period.
- DEP received no public comments, legislative comments, or comments from the Independent Regulatory Review Commission on the rulemaking.
- No changes were made to the regulation from proposed to final.

# Advisory Committee Feedback

SWAC was presented with the draft final regulation at its June 14, 2022, meeting, and SWAC adopted a motion to concur with the Department's recommendation to proceed with the final rulemaking.

# Recommendation

The Department recommends the Board adopt this final rulemaking for publication in the *Pennsylvania Bulletin* as a final-form regulation.



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