

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

**General Permit
For
Processing/Beneficial Use of Residual Waste**

Permit No. WMGR038

Date Amended August 10, 2006

Date Issued August 10, 2006

Date Expires August 10, 2016

The Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste hereby approves the:

Beneficial Use Processing prior to Beneficial Use Other

of: Waste Tires, Tire Derived Material, and Tire Derived Fuel

for use as: Fuel in boilers or other combustion units, civil engineering practices, recapping and as an ingredient in or as a commercial product.

This approval is granted to: Eligible persons or municipalities qualifying for the general permit.

subject to the attached conditions and may be revoked or suspended for any project which the Department of Environmental Protection determines to have a substantial risk to public health, the environment, or cannot be adequately regulated under the provisions of this permit.

The processing of wastes not specifically identified in the documentation submitted for this approval, or the beneficial use of wastes not approved in this permit, is prohibited without the written permission of the Department.

This permit is issued under the authority of the Solid Waste Management Act (35 P.S. §§6018.101-6018.1003), The Waste Tire Recycling Act (35 P.S. §§6029.101-6029.1116, The Clean Streams Law (35 P.S. §§691.1-691.1001), Sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929 (71 P.S. §§510-5, 510-17 and 510-20) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§4000.101-4000.1904).

This approval is granted:

By:

Statewide Regional

Title: Environmental Program Manager

GENERAL PERMIT NUMBER WMGR038

PROCESSING OF WASTE TIRES FOR THE PRODUCTION OF TIRE DERIVED MATERIAL AND TIRE DERIVED FUEL

A. Description:

This permit authorizes the processing, reuse and beneficial use of waste tires, which include whole tires, tire chips, baled tires, tire shreds and crumb rubber. The permitted processing is limited to the collection, sorting, storage, recapping, cleaning, shredding, chipping, grinding, crumbing, cutting and baling of waste tires. The permitted beneficial use of whole tires, tire chips, baled tires, tire shreds and crumb rubber is limited to use in recapping, as fuel in boilers or other combustion units, in civil engineering practices and as an ingredient in or as a commercial product.

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 the environment of the Commonwealth. The Department may modify, suspend, or revoke the authorization granted in this general permit if it deems it necessary to prevent harm or a threat of harm to the public health, the environment, or if the activities cannot be adequately regulated under the conditions of this general permit.

B. Determination of Applicability Requirements:

Persons or municipalities that propose to operate under the terms and conditions of this general permit must apply for and obtain a Determination of Applicability from the appropriate Department Regional Office. See Appendix A for a list of regional offices. No activities shall commence unless specifically authorized by the Department in writing. At a minimum, the following information must be provided on forms available from the Department's appropriate Regional Office:

1. Name, street address and phone number of applicant and the facility location.
2. Number and title of general permit.
3. A detailed site plan and map of the waste facility that identifies, at a minimum, processing areas, storage areas, roads, property lines, contours, wells, utilities, spill/leak controls to address potential fire or generation of liquids by the process and, if necessary, waste washing facilities, water discharge and erosion and sedimentation controls. The site plan should also identify the permit area and setback distances.
4. A detailed description of the operation to show that the operation will be consistent with the general permit, the location of controls that will be used to prevent vandalism, hours of operation and detailed directions to the site

5. Signed and notarized statement by the person who seeks authorization to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit.
6. A fee in the amount specified in the residual waste regulations payable to the **“Commonwealth of Pennsylvania.”**
7. Proof that copies of the application have been submitted to each municipality, county, planning agency, Emergency Management Agency and county health department, if one exists, in which processing or storage activities are or will be located.
8. Proof that the applicant has a legal right to enter the land and perform the activities approved under this permit and an irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste processing and/or storage activities.
9. 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.”
10. Information that identifies the applicant (i.e. individual, corporation, partnership, government agency, association, etc.) and related parties, the names and addresses of every officer or person who otherwise controls the operation of the company.
11. A list of all previous permits or licenses issued to the applicant or any related parties by the Department or federal government under the environmental protection acts, the dates issued, status and compliance history as it relates to the environmental protection acts and regulations promulgated thereunder.
12. An estimate of the number of waste tires in passenger tire equivalent (PTE) units or tons (one ton = 100 PTE), that are or will be stored or processed onsite at any time prior to closure to determine the required bond amount and a copy of the bonding worksheets.
13. A statement that the processing facility does not violate the siting restrictions of Condition C. (21).
14. Additional information the Department believes is necessary to make a permit decision.

C. Operating Conditions:

1. Storage of waste tires shall not exceed the limitations on storage of waste tires in the Department's Residual Waste Regulations at 25 Pa. Code §299.157, as follows:
 - a. Outdoor piles of whole waste tires stored under this permit shall not be more than 15 feet high and shall not cover a surface area greater than 2,500 square feet. The corridors between these waste tire piles shall be a minimum of fifty (50) feet wide and are to be maintained as fire breaks on all sides of the storage piles. All corridors are to be maintained free from obstructions that could limit access in the event of an emergency.
 - b. Outdoor piles of shredded, chipped or crumbed waste tires stored under this permit shall not be more than 15 feet in height and shall not cover a surface area greater than 2,500 square feet. The corridors between these waste tire piles shall be a minimum of thirty-five (35) feet and are to be maintained as fire breaks on all sides of the storage piles, with no point being more than twenty-five (25) feet from a fire break. All corridors are to be maintained free from obstructions that could limit access in the event of an emergency.
 - c. Outdoor piles of baled waste tires stored under this permit shall not cover a surface area of more than 5,000 square feet and may be no more than fifteen (15) feet high. The corridors between the baled waste tire piles shall be a minimum of thirty-five (35) feet and are to be maintained as fire breaks on all sides of the storage piles, with no point being more than twenty-five (25) feet from a fire break. All corridors shall be kept free from obstructions that could limit access in the event of an emergency.
 - d. Outdoor storage areas used for the storage of waste tires shall be designed to prevent the discharge of fire-generated oils and liquids into the surface water and groundwater of the Commonwealth should a fire occur.
 - e. Outdoor storage areas used for the storage of waste tires shall not exceed five acres.
 - f. Appropriate control measures must be taken to control mosquito propagation during warm weather. Controls may include the use of tarps, indoor storage, screens or spraying.
2. All activities conducted under that authorization granted in this general 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 and conduct all activities as described in the approved application.
3. The waste tires managed under this general permit shall not be hazardous waste.

4. The waste tires managed under this general permit shall not be mixed with other types of solid waste, including hazardous waste, municipal waste, special handling waste or other residual waste.
5. 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 regulations, providing that said local law, ordinance or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §§6018.11 – 6018.1003, the Waste Tire Recycling Act (35 P.S. §§6029.101-6029.1116) or the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§4000.101 – 4000.1904.
6. This general 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 storage to the land or waters of the Commonwealth.
7. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee and all land owners shall authorize and consent 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 permitted controlled adjacent areas where waste tire management activities are being, will be, or have been conducted. This authorization shall include consent to collect samples of soil, water and processed material, take photographs, perform surveys and measurements, inspect the operation and inspect and/or copy documents, books and papers required by the Department to be maintained. This authorization and consent shall be obtained prior to the occurrence of processing or storage at a location and be submitted to the Department (see address in Appendix A) via certified mail in accordance with condition B. (8). This permit condition is referenced in accordance with §§608 and 610(7) of the Solid Waste Management Act, 35 P.S. §§6018.608 and 6018.610(7) and §287.123 of the Residual Waste Regulations.
8. The permittee shall comply with any appropriate requirements in 25 Pa. Code, Chapter 127, Subchapters B (§127.11) and F (§127.402) concerning Plan Approval Requirements and Operating Permit Conditions.
9. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code §§123.1 and 123.2.
10. If activities are to take place on a permitted mining site, the activities must be specifically authorized by the Department's Bureau of Mining and Reclamation. If activities will take place at an abandoned mine site, the Department's Bureau of Abandoned Mine Reclamation must be notified.

11. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to prior compliance history review by the Department as specified by the Solid Waste Management Act, 35 P.S. §§6018.101 – 6018.1003.
12. 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.
13. Stormwater runoff at the facility shall be diverted away from the outside processing operation and storage areas for waste tires and processed materials. Surface water controls shall be based on a 24-hour precipitation event to be expected every 25 years. Proper drainage (i.e. diversions drains, dikes, etc.) must be constructed and maintained to prevent ponding and excessive wetting. Onsite stormwater runoff must be directed to either a properly sized vegetated filter area for treatment or a properly sized holding pond or tank for later reuse or disposal. These requirements are in addition to the requirements in §299.161 of the Department's Residual Waste Regulations.
14. The following hazard prevention methods shall be used to provide protection against fire, explosion or release of solid waste constituents into the air, water or soil of the Commonwealth. These requirements are in addition to the requirements in the Department's Residual Waste Regulations in §299.160.
 - a. A sign shall be posted and maintained at the entrance of the facility, which includes the company name, permit number, emergency contact numbers and normal hours of operation (§297.211).
 - b. Gates shall be installed at each access point and shall have 20 feet open width and remain unobstructed at all times. Electric gates shall not be used unless default capabilities are installed. All vertical clearance shall be a minimum of 14 feet or as needed to provide access to large firefighting equipment.
 - c. Each storage or processing facility shall be enclosed with fencing at a minimum of six feet in height.
 - d. Emergency vehicle access routes shall be established so that no portion of a storage pile is more than 25 feet from an access road or firebreak. All access routes shall have a minimum unobstructed width of at least 60 feet.
 - e. All roads and bridges shall be designed to support the loads of firefighting equipment. A minimum turning radius of 45 feet shall be required for all dead-end access roads. All access roads in excess of 150 feet long shall have a turnaround area.

- f. An area extending 200 feet from the outside perimeter of the waste tires must be devoid of vegetation over six (6) inches in height.
 - g. All delivery vehicles or flammable materials shall be at least 200 feet away from any waste tires piles.
 - h. If water is to be obtained from a lake or pond in the vicinity of the waste tires, a fire department drafting connection must be provided in accordance with the fire department's requirements. The water supply system must be approved by the local fire department.
 - i. All equipment operating at the processing or storage facility shall have at least one 2A, 10 BC-rated or *higher* portable fire extinguisher in operating condition.
15. Any final operational, design or other plan developed subsequently to permit issuance which exhibits changes in structure, location specification or other changes of substance shall not be implemented before first obtaining a permit amendment or written approval from the Department.
16. Waste tires may not be accumulated speculatively or stored for more than one (1) year. The amount of waste tires stored in the permitted area at any time may not exceed the amount of bond required for the site.
17. Any person that operates under the provisions of this permit shall immediately notify the Waste Program Manager of the appropriate regional office of the Department, via certified mail, of any changes in the company name, address, owners, operators or responsible officials; bonding and insurance status; sources of waste tires; the beneficial end-use of the waste tires; status of any permit issued by the state or federal government under the environmental protection acts and land ownership and the right to enter and operate on the land where the facility is located. See Appendix A for the location of the Department's Regional Offices.
18. Any person or municipality permitted to operate under the provisions of this general permit must notify the Department in writing, via certified mail, prior to relocating a processing facility covered under this general permit or when a new location(s) is to be covered under this general permit. At a minimum, the information required in B. (1) through B. (14) of the application requirements must be submitted for each new location or relocation. The Department will approve or deny in writing each new location or relocation within 90 days of receipt of such notification.
19. A Preparedness, Prevention and Contingency (PPC) Plan, that is consistent with the Department's most recent guidelines, shall be maintained at each processing or storage facility and updated in accordance with the PPC Guidelines. The PPC Plan shall be updated annually or more frequently, if necessary (e.g., if changes in phone numbers, equipment or regulatory requirements occur). Copies of the PPC Plan must

be provided to the local fire department, county emergency coordinator and host municipality.

20. The permittee shall immediately implement the applicable provisions of the PPC Plan that was approved by the Department for any emergency that affects or threatens public health, safety, welfare or the environment.

21. Areas at the permitted facility where waste tires are stored or processed shall not be located as follows:

- a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the general permit, 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), the Dam Safety and Encroachment Act (32 P.S. §§693.1 – 693.27) and the Stormwater Management Act (32 P.S. §§680.1 – 680.17).
- b. In or within 300 feet of an exceptional value wetland.
- c. In or within 100 feet of a wetland other than an exceptional value wetland.
- d. In or within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the activities 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.
- e. Within 100 feet of a sinkhole or area draining into a sinkhole.
- f. Within 100 feet of a perennial stream.
- g. Within 50 feet of a property line, unless the owner has provided a written waiver consenting to the facility being closer than 50 feet.
- h. Within 300 feet of a water source.
- i. Except for areas that were permitted prior to September 26, 1988, processing facilities that commercially process waste tires may not be operated within 300 yards of the following:
 - i. A building that is owned by a school district or a parochial school and used for instructional purposes;
 - ii. A park; and
 - iii. A playground.

22. The permittee shall ensure that all waste tires are removed from the facility (except those recycled or beneficially reused) and are transported by an authorized waste tire hauler for beneficial use or to a processing or disposal facility. If the processing or disposal facility is located within the Commonwealth, the facility must have a permit that has been issued by the Department expressly allowing for the processing or disposal of waste tires.
23. The open burning of waste tires or the use of waste tires as clean fill is not authorized under this general permit.
24. The permittee shall maintain a bond in an amount and with sufficient guarantees acceptable to the Department as provided for in 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.
 - a. At sites where a tire stockpile exists for which the Department does not hold the permittee liable, bonding will not be required for waste tires already on site on the date of approval to operate under the General Permit.
 - b. The amount of the bond required for the facility will be based upon the maximum number of waste tires, which will be brought onto the site and accumulated by the permittee at any one time.
 - c. The bonding amount will be reviewed annually as part of the annual report and adjusted according to the prevailing minimum cost of remediation.
 - d. The bond will be calculated at the current prevailing minimum cost for processing, transportation and disposal at a permitted facility.
 - e. Bonding will not be required at facilities where the waste tires are beneficially used, such as recapping operations, cement kilns, steel manufacturing plants, waste-to-energy incinerators, power utilities or paper/pulp manufacturing facilities.
 - f. When multiple sites are involved, bonding amounts are additive and will be determined individually for each site.

25. 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. Copies of the current insurance policies must be provided to the appropriate Department Regional Office.
26. The permittee shall maintain daily operational records at the facility. These records shall be maintained using a format approved by the Department with quantities stated in tons or PTEs. The daily operational records shall be maintained on the premises and available for inspection by Department personnel upon request and shall include the following:
 - a. The source and quantities of waste tires received at the facility.
 - b. The number of waste tires processed with any waste tires initially on the site distinguished from those subsequently brought onsite (i.e., after the permit was issued).
 - c. The quantities, end use and destination of waste tires shipped from the processing, storage or beneficial use facility.
27. The permittee shall submit an annual report by June 30 for the previous calendar year for each facility to the appropriate Department Regional Office and to the county and municipality where the facility is located. The report, at a minimum, shall include the following:
 - a. The amount and sources of waste tires received at the facility.
 - b. The amount of waste tires processed, recycled, reused, disposed of or shipped offsite from the facility during the previous year and end user or disposal facility where the materials were shipped.
 - c. Annual review of the bond and update when necessary.
 - d. Proof of general liability insurance.
28. Upon cessation of operations, the operator shall immediately remove all whole or processed waste tires from the facility and provide for the processing or disposal at a facility permitted by the Department.

APPENDIX A
GENERAL PERMIT WMGR038
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
 Fax: 484-250-5961

Regional Solid Waste Manager:
 Facilities Manager:
 Operations Manager:
 RW Coordinator:

Ronald Furlan
 James Wentzel
 Robert France
 Calvin Ligons

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
 Fax: 570-826-5448

Regional Solid Waste Manager:
 Facilities Manager:
 Operations Manager:
 RW Coordinator:

William Tomayko
 Bob Wallace
 John Leskosky
 Chris Fritz

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
 Fax: 717-705-4930

Regional Solid Waste Manager:
 Facilities Manager:
 Operations Manager:
 RW Coordinator:

John Krueger
 John Oren
 Sam Sloan

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

Northcentral Regional Office

208 West 3rd Street, Suite 101
 Williamsport, PA 17701
 Phone: 570-327-3653
 Fax: 570-327-3420

Regional Solid Waste Manager:
 Facilities Manager:
 Operations Manager:
 RW Coordinator:

Jim Miller
 Dave Garg

 Pat Brennan

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
 Fax: 412-442-4194

Regional Solid Waste Manager:
 Facilities Manager:
 Operations Manager:
 RW Coordinator:

Mike Forbeck
 Dave Eberle
 Fred DeNorscia
 Bob Popichak

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
 Fax: 814-332-6117

Regional Solid Waste Manager:
 Facilities Manager:
 Operations Manager:
 RW Coordinator:

Todd Carlson
 John Holden
 Anita Stainbrook
 Guy McUmbur