



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

BUREAU OF WASTE MANAGEMENT
DIVISION OF MUNICIPAL and RESIDUAL WASTE

GENERAL PERMIT WMGM039

PRE- AND POST-CONSUMER ASPHALT SHINGLES

Issued: October 28, 2019

Expires: October 28, 2029

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PRE- AND POST-CONSUMER ASPHALT SHINGLES

A. Description:

This general permit authorizes the processing and beneficial use of post-consumer asphalt shingles (tear-offs) and pre-consumer asphalt shingles (i.e., imperfections, tabs, trimming scraps, etc., generated in the manufacturing of new asphalt shingles and damaged, unused shingles) as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, and as a component or ingredient in fuel used in cement or manufacturing or in the generation of electricity or steam. The processing is limited to transferring, screening, shredding, grinding, sorting and magnetic removal of ferrous metal.

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 apply for and obtain a "Determination of Applicability" ("DOA") from the Department prior to commencing authorized activities under the 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 Conditions:

1. Permittees are not authorized by this general permit to accept or process the following:
 - a. Pre- and post-consumer asphalt shingles containing asbestos;
 - b. Other construction and demolition waste, other than that which may be incidentally associated with post-consumer asphalt shingles, such as tarpaper, wood, metal, nails, etc.; or
 - c. Cementitious shingles, shake shingles and transite siding.
2. The processing unit(s) shall be set up and operated in a manner that prevents spills, leaks, or other releases.
3. The permittee shall remove tarpaper and metal flashing prior to mechanical processing of post-consumer asphalt shingles.
4. Wood waste shall be removed from post-consumer asphalt shingles by hand sorting, floatation, or other method.

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5. During processing, water shall be injected into the grinding chamber or shredder for dust suppression unless a pneumatic dust control system has been installed on the grinder or shredder.
6. The permittee shall visually inspect each incoming truckload or container of pre- and post-consumer asphalt shingles for signs of asbestos or other unacceptable wastes. The permittee shall conduct sampling for asbestos at the rate of one (1) in every ten (10) truckloads or containers of pre- and post-consumer asphalt shingles as received at the facility. In addition, the permittee shall sample all loads suspected of containing asbestos. Loads made up solely of any of the following are not required to be sampled for asbestos and shall not be counted toward the 1 in 10 sampling frequency:
 - a. pre-consumer asphalt shingles that have been certified by the manufacturer as containing no asbestos.
 - b. pre- and post-consumer asphalt shingles that have been tested prior to acceptance by a laboratory accredited to make asbestos determinations and are accompanied with documented test results.
 - c. post-consumer asphalt shingles generated from a residential home that is documented by the contractor or generator to have been constructed after 1975.
 - d. b. All samples shall be analyzed using EPA Method 600/R-93-116, OSHA Method Number ID-191, or another polarized light microscopy method approved by the Department.
7. Pre- and post-consumer asphalt shingles, processed pre- and post-consumer asphalt shingles, and residues from processing shall not be accumulated speculatively.
8. Residues from processing, including tarpaper, wood, ferrous metal and metal flashing, and unacceptable waste shall be transported to a recycling facility or a permitted disposal facility.
9. Facilities that process pre- and post-consumer asphalt shingles 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 flood plain of waters of this Commonwealth, unless the Department approves, in writing, a method of protecting the facility from a 100-year flood consistent with the Flood Plain Management Act (32 P.S. §§ 679.101-

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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 one the of the following conditions is satisfied:
 - i. The owner of the dwelling has provided a written waiver consenting to the facility 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.
 - ii. The facility only transfers and manually sorts pre- and post consumer asphalt shingles, all operations and storage take place in an enclosed facility, the permittee demonstrates that the location and operation of the facility does not conflict with local land use or local zoning, and the permittee has provided written notice to owners of all occupied dwellings within 300 feet measured horizontally from the facility.
10. Upon cessation of permitted operations at the facility, the permittee shall assure remove all wastes and provide for the processing, recycling, beneficial use, or disposal of wastes in accordance with the SWMA, the environmental protection acts and the regulations promulgated thereunder.
11. The activities authorized by this permit shall not cause or allow conditions that are harmful to the environment, public health or safety, including but not limited to, odors, noise, or other public nuisances. The permittee shall not cause or allow the attraction, harborage, or breeding of vectors.
12. The local police, fire department, or other appropriate state or local emergency response agencies shall be contacted immediately in the event of a fire, spill, or other hazard arising from the storage and processing of pre- and post-consumer asphalt shingles that threatens public health, safety, and welfare, or the environment, and whenever necessary in the event of personal injury related to such storage.
13. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) that is consistent with the Department's most recent guidelines.
14. 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 operate the facility as described in the approved application.
15. 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).

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16. The facility may be subject to the plan approval and operating requirements of 25 Pa. Code Chapter 127. If plan approval is required, the permittee may not construct, assemble, install, modify, or operate the facility prior to obtaining a plan approval from the Department's Air Quality Program.
17. 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.
18. 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, to 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 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.
19. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the Department prior to performance of any activities, as specified by the SWMA.
20. 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.
21. 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, and reissue the authorization granted in this general permit if it deems necessary to prevent harm or the threat of harm to the public health, and the environment or if they cannot be adequately regulated under the conditions of this general permit.
22. 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

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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.

23. 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.
24. Best Management Practices shall be implemented to divert storm water run-on from the storage area. Storm water runoff shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder. Prior to beginning operations at the facility, the operator must obtain all necessary storm water management permits.
25. The permittee shall maintain in force and affect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation of the facility and until the DEP issues a final closure certification.
26. The permittee shall maintain in force a bond in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation of the facility and until the DEP issues a final closure certification. 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.
27. Equipment used for the processing and storage of pre- and post-consumer asphalt shingles shall be maintained in good operating condition. Daily inspections of equipment during waste processing activities shall be conducted to ensure that equipment will operate properly and to examine for evidence of equipment failure.
28. Storage of pre- and post-consumer asphalt shingles by the permittee shall be in a manner that complies with the requirements set forth in 25 Pa. Code, Chapter 285 (relating to storage, collection and transportation of municipal waste).
29. Pre- and post-consumer asphalt shingles shall not be mixed with other types of solid wastes, including hazardous waste, other municipal waste, special handling waste, or other residual waste as the terms are defined in 25 Pa. Code § 287.1.
30. Pre- and post-consumer asphalt shingles shall not be hazardous waste.
31. 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.

D. Recordkeeping:

1. The permittee shall maintain records of all analytical evaluations conducted in accordance with this permit, and records shall be made available to the Department

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upon request. Required records shall be retained for a minimum of 5 years. 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 pre- and post-consumer asphalt shingles accepted by 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 pre- and post-consumer asphalt shingles must include, at a minimum, the following: the name, address, and phone number of each source; the date of receipt; the quantity received; the quantity processed; the results of visual observations; the name, address, and phone number of the destination of each outgoing shipment of waste, and the quantity of each outgoing shipment of waste. In addition, the permittee shall maintain records of the name, address, and phone number of each source of rejected loads of pre- and post-consumer asphalt shingles and the reason the loads were rejected. The permittee shall also 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. The permittee shall also maintain records of all reports submitted to the DEP or to the U.S. Environmental Protection Agency.

E. Reporting Requirements:

1. Any person that operates under the provisions of this permit shall immediately notify the Department 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. Persons operating under the provision of this general permit shall submit to the appropriate Department Regional Office (see attached list), an annual report on the beneficial use activities conducted under this permit by March 1 for the preceding calendar year. This report shall include the name, address, and phone number of each source of incoming waste; the date of receipt; the quantity received; the quantity processed; the results of visual observations; the name, address, and phone number of the destination of each outgoing shipment of waste, and the quantity of each outgoing shipment of waste.
3. 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 immediate action to protect the health and safety of the public and the environment. Spills of less than 1000 pounds of pre- and post-consumer asphalt shingles or any residue from the processing need not be immediately reported, but should be recorded as specified in Condition D.2.

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4. The permittee shall inform all persons or municipalities which propose to beneficially use the processed pre- or post-consumer asphalt shingles covered under this permit of all the conditions and limitations imposed on the use of pre- and post-consumer asphalt shingles by the DEP. This notification shall be by providing a copy of Appendix A (Restrictions on Pre- and Post-Consumer Asphalt Shingles). The conditions in Appendix A apply to any permittee, including one who obtains a Determination of Applicability to conduct activities authorized by this permit, and to any user of the pre- and post-consumer asphalt shingles.
5. Should the permittee become aware that any of its customers or purchasers have used the processed pre- or post-consumer asphalt shingles not in compliance with the requirements identified in Appendix A, then the permittee shall immediately report such non-compliance to the DEP.

F. Renewal:

A generator or supplier 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:

1. General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application),
2. Form B (Professional Certification),
3. Form 20 (Application for a Municipal or Residual Waste General Permit),
4. Form 27R (Acceptance of General Permit Conditions), and
5. DOA 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 State 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.

APPENDIX A
Use Restrictions for Processed Pre- and Post-Consumer Asphalt Shingles
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Only processed pre- and post-consumer asphalt shingles are approved to be beneficially used under General Permit Number WMGM039. Pre- and post-consumer asphalt shingles are considered processed when any wood waste, tar paper, metal flashing and ferrous metal, including nails, have been removed, and ground or shredded to meet any size gradation requirements for the intended use.

The following restrictions apply to the beneficial use of processed pre- and post-consumer asphalt shingles. Persons receiving, storing, and/or using the processed pre- and post-consumer asphalt shingles for beneficial use purposes are required to comply with the following:

Acceptable Uses:

- A1. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles is limited only to use as an ingredient in hot-mix and cold-mix asphalt paving material, a component of a sub-base material, as dust control on rural roads when applied with a binder, an as a component or ingredient in fuel used in cement manufacturing or in the generation of electricity or steam.

- A2. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles as a roadway construction material is limited to and must comply with the following technical standards developed by the Pennsylvania Department of Transportation (PennDOT), as outlined in their Publication 408, *Specifications*:
 - a. 300 (Base Courses)
 - b. 400 (Flexible Pavements)
 - c. 703 (Aggregate, excluding 703.4 anti-skid material)

- A3. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles as an ingredient or component of hot mix or cold mix asphalt paving material shall conform with the applicable material standards as set forth in the following American Society of Testing Material (ASTM) standards and American Association of State Highway and Transportation Officials (AASHTO) standards or other applicable national, state or industry standard or specification for which the processed pre- and post-consumer asphalt shingles are being substituted.
 - a. ASTM D 242 Standard Specification for Mineral Filler for Bituminous Paving Material
 - b. ASTM D 692 Standard Specification for Coarse Aggregate for Bituminous Paving Material

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- c. ASTM D 693 Standard Specification for Crushed Aggregate for Macadam Pavements
 - d. ASTM D 979 Standard Practice for Sampling Bituminous Paving Mixtures
 - e. ASTM D1073 Standard Specification for Fine Aggregate for Bituminous Paving Material
 - f. ASTM D 1241 Standard Specification for Materials for Soil-Aggregate Sub-Base, Base and Surface Courses
 - g. ASTM D 2940 Standard Specification for Graded Aggregate Materials for Bases or Sub-Bases for Highways or Airports
 - h. AASHTO MP 15 Standard Specification for Use of Reclaimed Asphalt Shingle as an Additive in Hot Mix Asphalt
- A4. Processed pre- and post-consumer asphalt shingles may be utilized as fuel in cement kilns, lime kilns, coal-fired power plants and fluidized bed cogeneration plants provided their air quality permits or approvals cover use of the processed pre- and post-consumer asphalt shingles as fuel.
- A5. The amount of processed pre- and post-consumer asphalt shingles when applied with a binder and used for dust control on rural roads shall not exceed the customary amount required by standard engineering practices.
- A6. Processed pre- and post-consumer asphalt shingles shall not be stored in direct contact with, or applied within 4 feet of, the seasonal high-water table, perched water table, or within 4 feet of bedrock unless otherwise authorized in writing by the Department.
- A7. The storage, transportation or use of the processed pre- and post-consumer asphalt shingles shall be in a manner which will not create a nuisance or be harmful to the public health, safety or the environment.
- A8. Runoff from the processed pre- and post-consumer asphalt shingles storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
- A9. Processed pre- and post-consumer asphalt shingles or materials manufactured using processed pre- and post-consumer asphalt shingles as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or other fills, or to level an area or bring an area to grade where a roadway construction activity is not completed within 3 months after placement of the processed pre- and post-consumer asphalt shingles or materials derived from the processed pre- and post-consumer asphalt shingles.

**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 3rd Street – Suite 101
Williamsport, PA 17701
Phone: (570) 327 – 3653

V. Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, Westmoreland.

Southwest Regional Office

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

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

Northwest Regional Office

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