

GENERAL PERMIT WMGM043

PROCESSING OF CONSTRUCTION AND DEMOLITION WASTE FOR RECYCLING

A. Description:

The approval herein granted is for the acceptance, transfer, and processing prior to beneficial use of construction and demolition waste materials as follows:

- a. Processing by sorting, screening, and/or shredding of unpainted and untreated natural wood waste prior to delivery to a permitted processing or recycling facility;
- b. Processing by sorting, screening, and/or crushing of stone, brick, block, and concrete prior to delivery to a permitted processing or recycling facility;
- c. Processing by sorting and screening prior to delivery to a permitted processing or recycling facility of cardboard, gypsum board, asphalt shingles, particle board, plastic, scrap metal, and glass.

Sorting of construction and demolition waste is authorized using manual labor and heavy equipment for movement of materials.

B. Determination of Applicability Requirements:

A person or municipality that proposed to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a "Determination of Applicability" ("DOA") from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed (i) General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application), (ii) Form B (Professional Certification), (iii) Form 20 (Application for a Municipal or Residual Waste General Permit), (iv) Form 27R (Acceptance of General Permit Conditions), (v) Form HW-C (Compliance History), (vi) Form E-GP (Contractual Consent of Landowner), (vii) bonding worksheets, and (viii) a DOA application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Department Regional Office. A check in the amount of \$500 shall be made payable to the "Commonwealth of Pennsylvania".

The Department recommends conducting a pre-application meeting with the appropriate regional office prior to submitting an application for "determination of applicability." Additional forms and information required will be determined at this meeting. No activities shall commence unless approved, in writing, by the Department.

C. Operating Conditions:

1. 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.

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2. 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, provided that said local law, ordinance, or regulation is not preempted by state or federal law. Nothing in this general permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid state or federal law or regulation.
3. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Pennsylvania Solid Waste Management Act of 1980.
4. The activities authorized by this 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 or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, or the environment.
5. Failure of the 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.
6. 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 if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the people or the environment.
7. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby 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 and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste, water, and gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Section 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Sections 6018.608 and 6018.610(7).) This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.

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8. 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.
9. The permittee shall comply with the Air Pollution Control Act, 35 P.S. §§4001-4016, and the regulations promulgated under the Act, including Chapter 123, Standards for Contaminants, Fugitive Emissions at 25 Pa. Code §§123.1 and 123.2 and Odor Emissions at 25 Pa. Code §123.31.
10. The operator of the facility must develop and implement a nuisance minimization plan that will manage any circumstances that are harmful to the environment or public health. The operator shall control and minimize conditions that will attract, harbor, or breed vectors, create safety hazards, odors, dust, noise, or unsightliness and other public nuisances.
11. The facility shall not be located:
 - a. In the 100-year floodplain of waters of this Commonwealth;
 - 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. Within 300 yards measured horizontally from an occupied dwelling unless one of the following applies:
 - i. the owner has provided a written waiver consenting to the facility being closer than 300 yards;
 - ii. all loading, unloading, processing and storage of waste at the facility occurs in an enclosed building.
 - e. unless one of the following applies:
 - i. The actual processing of waste is not occurring within 50 feet of a property line;
 - ii. all loading, unloading, processing and storage of waste at the facility occurs in an enclosed building;
 - iii. the owner has provided a written waiver consenting to the facility being closer than 50 feet.
 - f. Within 100 feet of a perennial stream

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- g. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;
 - h. Within 300 yards (900 feet) unless a written waiver is obtained from the current property owner of:
 - i. A building owned by a school district or parochial school and used for instructional purposes;
 - ii. A park;
 - iii. A playground;
 - i. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
12. Best Management Practices shall be implemented to divert storm water run-on from the facility. 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.
13. A Preparedness, Prevention and Contingency (PPC) plan that is consistent with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" shall be developed and maintained at the facility. The PPC plan shall be updated as needed or at least every five years. The permittee shall immediately implement the applicable provisions of the Department-approved PPC plan for any emergency that affects or threatens public health, safety, welfare, or the environment.
14. The operator of the facility must develop and maintain a plan for the alternative management of materials during periods when the facility is not in operation. At least 75% of the total volume of accumulated material onsite from the previous calendar year must be recycled unless otherwise approved by the Department.
15. This permit does not authorize the acceptance of liquid waste, putrescible waste, hazardous waste materials, and asbestos-containing wastes.
16. The permittee must implement and maintain a plan and procedure for identifying and rejecting unacceptable loads at the processing facility.
17. The access road to the facility shall be paved or surfaced with asphalt, gravel, cinder or equivalent material and capable of withstanding vehicular traffic. The access road shall be compacted and maintained in order to control dust and to prevent or minimize the tracking

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- of mud onsite or offsite. A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when the facility is not in operation.
18. The loading and unloading areas shall be constructed of impervious material that is capable of being cleaned by high-pressure water spray and shall be equipped with drains or sumps connected to a sanitary sewer system or treatment facility to facilitate removal of water. In facilities where the loading and unloading areas are located under a roof without the potential for waste materials containing free liquids, brooms, shovels, or mechanical sweeping shall be used for cleaning purposes.
 19. Any residues from processing of municipal waste materials shall be transported, within 90 days, to a permitted waste processing or disposal facility authorized to manage the waste in a manner that complies with 25 Pa. Code Chapter 285 (relating to the transportation of municipal waste), 2 Pa. Code Chapter 299 (relating to the transportation of residual waste), or 40 CFR Part 263 (relating to transportation of hazardous waste), as incorporated by reference in 25 Pa. Code 262a.10, whichever is applicable.
 20. The processing and storage of construction and demolition waste for recycling shall be conducted in a manner that prevents harborage or breeding of vectors or creation of dust, litter, noise, and other nuisances which may be harmful to the public health, safety, welfare, and the environment. Storage shall be in a manner that prevents dispersal of unprocessed and processed construction and demolition waste by wind or water erosion.
 21. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code Chapter 217, Subchapter D (relating to Financial Assurances Requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification as provided by 25 Pa. Code § 271.342 (relating to Final Closure Certification).
 22. The permittee shall maintain a bond in an amount and with sufficient guarantees as provided by 25 Pa. Code, Chapter 271, Subchapter D (relating to Financial Assurances Requirements).
 23. The bond filed with the Department under Condition 21 shall continue for the operational life of the facility, until 10 years after final closure of the facility, unless released in whole or in part by the Department, in writing, prior thereto as provided by 25 Pa. Code § 271.341 (relating to Release of Bonds).
 24. The bond obtained by the permittee shall be reviewed on an annual basis. The adequacy of the bond amount shall be reviewed and adjusted as necessary to support activities performed at the facility.

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25. Processing prior to beneficial use of engineered, stained, and laminated wood waste, fire retardant and moisture resistant gypsum wallboard, asbestos-containing waste, and hazardous waste are not authorized under this general permit.
26. Wastes, other than the wastes specified in the description of this general permit, may not be received, mixed, stored, or beneficially used with the wastes intended for beneficial use. Unauthorized waste shall be separated from the waste intended for beneficial use and transported to a permitted municipal waste disposal facility.
27. The unprocessed and processed construction and demolition waste shall not be mixed with other types of municipal or residual waste, hazardous waste, or special handling waste.
28. Equipment used for the processing and transportation of the unprocessed and processed waste shall be maintained in good operating condition. Weekly inspections of processing areas and their surrounding environs are to be conducted to determine compliance of the terms and conditions of this general permit, and for evidence of failure.
29. A copy of the Department approved Radiation Protection Action Plan (RPAP) for the facility must be maintained by the permittee at the facility at all times. The RPAP must address the management of construction and demolition wastes generated that may contain radioactive material. The plan must be implemented during all phases of operations at the facility.

D. Record Keeping:

1. The permittee shall maintain records that contain the following: the generator name, address, phone number, date of receipt, and weight of incoming waste, the in-out going transporter name and address, the driver signature, the name, destination address, phone number, and weight for each outgoing shipment of material and waste. These records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated and shall be available to the Department for inspection.
2. The permittee shall maintain training records that contain the following: employees who received training, date training occurred, and instructor. Records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated and available for review at the Department's request.

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 including: the company name, address,

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owners, operators and responsible officials; and the status of any permit issued by the Department or federal government under the environmental protection acts.

2. An annual report must be submitted to the appropriate Regional Office including a recertification of the bond amount, recertification of liability insurance, a summary of waste received, and amounts of waste beneficially used and disposed for the year.

F. Renewal:

A person or municipality 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 application shall be made using the "Form 20 (Application For a Municipal or Residual Waste General Permit)". The renewal shall be sent to the attention of the Department's Bureau of Waste Management, 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.