



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**BUREAU OF WASTE MANAGEMENT**

**DIVISION OF MUNICIPAL and RESIDUAL WASTE**

**GENERAL PERMIT WMGM043**

**PROCESSING OF CONSTRUCTION AND DEMOLITION WASTE  
FOR RECYCLING**

**Issued: December 8, 2022**

**Expires: December 8, 2032**

GENERAL PERMIT NO. WMGM043  
PROCESSING OF CONSTRUCTION AND DEMOLITION WASTE FOR RECYCLING

**A. Description:**

This general permit authorizes 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 proposes to process construction and demolition waste 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 application on forms provided by the Department for a DOA must be submitted electronically to the appropriate Department Regional Office. Additionally, the application fee should 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. 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.
2. 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.
3. The unprocessed and processed construction and demolition waste shall not be mixed with other types of solid wastes, including hazardous waste, other types of municipal waste, special handling waste, or residual waste, as the terms are defined in 25 Pa. Code § 271.1.

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4. 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.
5. 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.
6. 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.
7. 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. 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 or safety.
8. 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), 25 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.
9. 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 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.
10. 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.

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11. 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.
12. Storage of construction and demolition waste by the permittee shall be in a manner that complies with the requirements set forth in 25 Pa. Code, Chapter 285 (relating to storage and transportation of municipal waste).
13. 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.
14. The permittee must implement and maintain a plan and procedure for identifying and rejecting unacceptable loads at the processing facility.
15. This permit does not authorize the acceptance of liquid waste, putrescible waste, hazardous waste materials, and asbestos-containing wastes.
16. The processing and storage of waste materials authorized under this general permit shall not occur:
  - a. Within the 100-year floodplain of a water of this Commonwealth;
  - b. Within 300 feet of an exceptional value wetland;
  - c. Within 100 feet of a wetland other than an exceptional value wetland;
  - d. In direct contact with surface or ground water;
  - e. Within 100 feet of a perennial stream;
  - f. Within 300 feet of a private or public water source, unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;
  - g. Within 300 yards (900 feet) 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, or
    - ii. All loading, unloading, processing and storage of waste at the facility occurs in an enclosed building.
  - h. Within 50 feet of a property line unless the permittee demonstrates one of the following:

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- 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; or
    - iii. The owner has provided a written waiver consenting to the facility being closer than 50 feet.
  - i. 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; or
    - iii. A playground
  - j. In an area where the facility would adversely affect habitat of a known endangered or threatened species.
17. 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.
18. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent the permit states otherwise, the permittee shall utilize materials as described in the permit application.
19. 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.
20. 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.
21. 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.

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22. 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.
23. 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 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.
24. 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.
25. 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.
26. 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).
27. Upon cessation of permitted operations at the facility, the permittee shall assure removal of 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.
28. 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 construction and demolition waste that threatens public health, safety, and welfare, or the environment, and whenever necessary in the event of personal injury related to such storage.

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29. The permittee shall maintain in force and effect 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 Department issues a final closure certification as provided by 25 Pa. Code § 271.342 (relating to Final Closure Certification).
30. 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).
31. The bond filed with the Department under Condition 30 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).
32. 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.
33. 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 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 waste 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 waste must include, at a minimum, the following: the name, address, and phone number of each source of incoming waste; the date of receipt; the quantity of waste received and the results of visual observations.
3. The permittee shall maintain records of all processed waste materials distributed from the facility for beneficial use, 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 person or municipality that received the processed waste materials for further processing or beneficial use activity authorized under this general permit shall include the name, address, telephone number, the date of shipment, and the volume in cubic yards or the weight in dry tons for each waste material

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4. 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. These records shall be made available to the Department upon request and shall be retained for a minimum of 5 years. The permittee shall also maintain records of all reports submitted to the Department 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, electronically, 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 records required to be kept by Conditions D.1. - D.3.; proof of insurance, as required by Condition C.29.; and updated bonding worksheets for the bond required by Condition C.30.
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.



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**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, electronically, 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 27M (Acceptance of General Permit Conditions), and
5. Updated bond calculation worksheets, if applicable.

Additionally, a renewal application fee in the amount identified in Section A (General Information) of the Form 20 must be sent to the appropriate DEP Regional Office. A check shall be made payable to the "Commonwealth of Pennsylvania."

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.

**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 3<sup>rd</sup> 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