

February 28, 2019

Ms. Elaine Rakovan
Borough Secretary
Baden Borough
149 State Street
Baden, PA 15005

Dear Ms. Rakovan:

The Department (DEP) has completed its review of Baden Borough's request to conduct a door-to-door household hazardous waste (HHW) collection program through an agreement with WM Curbside, LLC. Approval is granted from February 28, 2019 to December 31, 2020. Approval is based upon the program operating in accordance with the registration materials submitted to the DEP and the following conditions being met:

Items Not Accepted:

1. Hazardous waste from a commercial generator, conditionally exempt small quantity generator, very small quantity generator, small quantity generator or large quantity generator.
2. Radioactive, explosive, regulated medical and/or chemotherapeutic waste including sharps.

Transportation:

1. HHW must be collected by the sponsor/program operator who must be a licensed hazardous waste transporter in Pennsylvania.
2. At least one person collecting the HHW must be 40-hour OSHA certified.
3. A bill of lading shall be maintained during transportation from households to the approved collection facility (301 Stanhope Street, Pittsburgh, PA) to record an estimate of the quantity or volume of HHW being collected. These records shall be maintained onsite for three years from the date of collection and made available to the DEP upon request.
4. A licensed hazardous waste transporter must be used to transport all HHW from the collection facility. HHW shall be manifested from the facility on a manifest in

accordance with 40 CFR Part 262, Subpart B (relating to standards applicable to generators of hazardous waste, the manifest) to a facility which is permitted to handle the hazardous waste described on the manifest. In accordance with 40 CFR 262.40 (relating to record keeping), the manifests must be kept on site for three years.

5. All HHW collected from households must be taken directly to a DEP-approved collection facility at the end of each day and be secured in accordance with the safety plan of the facility and in accordance with all Federal and State regulations.
6. All collected waste must be removed from the collection vehicle within 48 hours at a DEP-approved facility.
7. All hazardous waste, except for universal waste, must be manifested offsite as a hazardous waste within 30 days of the receipt of the hazardous waste at the storage facility, with the collection facility listed as the generator and utilizing the generator identification number obtained from the DEP for the facility.
8. Universal waste must be managed in accordance with 40 CFR 273 and PA Code Title 25 Chapter 266b.
9. All non-hazardous wastes must be managed in accordance with the Solid Waste Management Act, 35 P.S. §§ 6018.101-6018.1003 and the regulations promulgated thereunder.

Containers:

1. All HHW shall be placed in a DEP-approved secondary container while awaiting pick-up at the household. The minimum approvable standard is a 6-mil bag.
2. Containers used to transfer HHW from the collection facility shall meet the requirements of 40 CFR Part 262, Subpart C (relating to standards applicable to hazardous waste generators, pre-Transport requirements).

Facility Design and Operation:

1. The collection facility must obtain a hazardous waste generator identification number (EPA identification number) from the DEP in accordance with 40 CFR § 262.12 prior to beginning operation.
2. The collection facility must provide subsequent notification to the DEP if there is a change in location, contact person, ownership, regulated activity, generator status that is not temporary, or facility name as listed in 25 Pa. Code § 262a.12(1)(i)-(vi).

3. The collection facility must provide proof that local zoning ordinances and fire requirements are met.
4. The collection facility will handle all HHW that has been collected from participating households as hazardous waste and will take full responsibility, both environmentally and financially, for all materials stored at the collection facility. The facility operator will be deemed the generator of the hazardous waste at the time the waste is collected.
5. There shall be no treatment, disposal, or recovery of any kind at such a facility without a proper permit. Only pouring and consolidation of various non-hazardous materials such as latex paint and motor oil may occur without a permit. If tanks are utilized, all applicable laws and regulations shall be followed.
6. With the exception of Condition 6, hazardous waste may be consolidated at the collection facility into 55-gallon drums provided the conditions in 40 CFR § 262.34 and 25 Pa. Code § 262a.34 (relating to accumulation time) are satisfied, particularly 40 CFR Part 265, Subpart I and 25 Pa. Code Chapter 265a, Subchapter I (relating to use and management of containers).
7. Secondary containment must be provided for all HHW collected from participating households and being managed as hazardous waste at the collection facility in accordance with 25 Pa. Code § 265a.179.
8. Areas where hazardous wastes are accumulated at the collection facility must meet the generator accumulation provisions contained in or required by 40 CFR § 262.34 and 25 Pa. Code § 262a.34 (relating to accumulation time).
9. All hazardous waste, except universal waste, must be transported offsite within 30 days of the date that it was collected. An extension request for an additional 15 days may be filed by the collection facility with the DEP. Such extensions are granted on a case-by-case basis for specific waste streams going to identified RCRA-permitted facilities.
10. The collection facility shall have a Preparedness, Prevention and Contingency Plan that has been approved by the DEP and meets the requirements of 25 Pa. Code § 272.514 (relating to contingency plan) and the Contingency Plan and Emergency Procedures requirements of 40 CFR Part 265, Subparts C and D and 25 Pa. Code Chapter 265a, Subchapter D.
11. The collection facility must be secured if unattended.

12. The collection facility must maintain liability insurance in accordance with 25 Pa. Code § 272.534 (relating to liability insurance).
13. Employees handling any waste at a collection facility shall be 24-hour OSHA certified. Employees manifesting, categorizing, or pouring any waste shall be 40-hour OSHA certified.
14. The collection facility will be subject to inspections by the DEP and must meet the requirements of the registration. Failure to meet the requirements may result in notices of violation or enforcement actions including but not limited to civil penalties, orders, suspension of operations, closure of facility or revocation of registration.

Additional:

1. Hazardous waste collected through door-to-door collection programs shall be taken by a licensed hazardous waste hauler, in this case, WM Curbside, LLC, directly to their facility at 301 Stanhope St., Pittsburgh, PA, where the hazardous waste may be stored for up to 30 days before being delivered to a properly permitted TSD facility approved in the registration.
2. Hazardous waste shall be considered the property and responsibility of WM Curbside, LLC once it is picked up from a residence and it shall be handled according to its appropriate waste categorization until it reaches the Pittsburgh facility. WM Curbside, LLC shall be considered the generator of the waste at the Pittsburgh facility. All labeling, storage, and handling shall be in accordance with all state and federal residual and hazardous waste regulations.
3. If WM Curbside, LLC finds, at the time of pick-up, waste leakage from a plastic bag that is likely to create an emergency, likely to negatively impact human health or safety, or likely to create some other emergency situation, it shall be the responsibility of WM Curbside, LLC or one of its subcontractors, to assist the resident, county, or other parties and assume responsibility for the emergency as necessary until the situation is resolved.
4. Residents may not be charged for the collection of covered devices as defined in the Covered Device Recycling Act, Act 108 of 2010. Section 504 of the Act prohibits a manufacturer or retailer from charging a fee to the consumer for the collection, transportation, or recycling of a covered device unless a DEP-approved financial incentive for equal or greater value is provided to the consumer. All electronic waste collected in this program will be delivered to a DEP-approved recycling facility.

5. The manufacturers are not providing financial incentives, and consumers are not being charged directly or indirectly for the collection of the covered devices by transporters.
6. Hazardous waste shall not be stored at the Pittsburgh facility for longer than 30 days. In less than 30 days, the waste will be sent to a properly permitted facility as detailed under "Terms and Conditions" above for processing, treating, fuel blending, incineration and/or recycling of waste.
7. Universal waste must be managed in accordance with 40 CFR 273 and PA Code Title 25 Chapter 266b. Universal waste can be stored for a maximum length of one year before being shipped offsite to an approved facility processing, treating, fuel blending, incineration and/or recycling of waste.
8. Latex paint collected through the WM Curbside, LLC HHW program can be stored at a collection facility for a maximum length of one year or until the facility has accumulated 40 pallets, whichever comes first. When the facility reaches one year or 40 pallets it must ship the latex paint within 30 days to an approved facility processing, treating, fuel blending, incineration and/or recycling of waste. If the facility reaches either one year or 40 pallets it can no longer accept latex paint until that material has been shipped offsite for proper handling.
9. Only facilities listed in the approved plan, or that have been approved in writing by the DEP, may be used for processing, treating, fuel blending, incineration and/or recycling of waste collected through this program.
10. The collection facility shall complete a quarterly report on a form prepared by the DEP on or before the 20th day of April, July, October, and January for the three previous months. These reports shall be maintained onsite for three years and made available to the DEP upon request.
11. WM Curbside, LLC, and/or the program applicant, shall provide residents with notice of the HHW collection program at least once every six months in both online and print formats in accordance with Section 1501 (5)(d) of the Municipal Waste Planning, Recycling and Waste Reduction Act, Act of Jul. 28, 1988, P.L. 556.
12. Providing residents with notice of the HHW collection program, online and in print at least once every six months, shall commence by the first day of this approval.

The DEP reserves the right to make changes to this approval in order to protect the environment of the Commonwealth and the health of its citizens. Any changes or revisions made to the program by the contractor, WM Curbside, LLC, or Baden Borough must be approved in advance by the DEP. The approval expires on December 31, 2020. If you wish to continue operations, you may request a renewal at least 60 days prior to the expiration of the existing term.

The DEP has the authority to approve, deny, revoke, and modify any approval or the conditions of the approval at any time. If you have any questions concerning this approval letter or the DEP's HHW program, please contact me by telephone at 717.783.8973 or by e-mail at jorhoover@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hoover', with a stylized flourish extending to the right.

Jordan Hoover
Environmental Program Compliance Specialist
Division of Waste Minimization & Planning

cc: Sandra DiSalvo, Environmental Protection Manager, WM Curbside, LLC
Joy Smallwood, Allegheny County Recycling Coordinator
Sharon Svitek, DEP Southwest Regional Office
Tim Gilbert, DEP Central Office
Charles Scheidler, DEP Central Office