

### BUREAU OF WASTE MANAGEMENT

### DIVISION OF MUNICIPAL and RESIDUAL WASTE

### **GENERAL PERMIT WMGM044**

PROCESSING AND BENEFICIAL USE OF UNPAINTED AND UNTREATED WOOD WASTE, GYPSUM BOARD, BRICK, BLOCK AND CONCRETE WASTE FOR USE AS: MULCH FOR LANDSCAPING PUROSES, SOIL EROSION CONTROL MATERIAL, AGGREGATE MATERIAL IN CONSTRUCTION, ANIMAL BEDDING AND ALTERNATIVE FUEL DISTRIBUTED TO WHOLESALE OUTLIFTS

Issued: September 24, 2022

Expires: September 24, 2032

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### A. Description:

This general permit authorizes:

- 1. Processing by sorting, screening, crushing, grinding and shredding of unpainted and untreated tree stumps, limbs, pallets, skids, saw dust, wooden boxes or containers, wood shavings or slab wood from sawmills, packing crates, dimensional wood scraps, and construction wood scraps from new residential home construction activities, hereinafter referred to as "wood waste", to produce wood chips for wholesale purposes to be utilized off-site as mulch material or for further processing in the production of mulch material.
- 2. Processing by crushing and screening, of uncontaminated, clean rock, stone, brick, gravel, block, and concrete for beneficial use as an aggregate material in roadway construction.
- 3. Processing by grinding, shredding, and screening of untreated and unpainted standard gypsum wallboard, commonly known as Type X, generated at residential homes and commercial construction sites, or manufacturing facilities for beneficial uses as:
  - a. land application of the ground gypsum as a soil amendment or soil conditioner for agricultural purposes, and
  - b. utilization of the backing paper as an animal bedding material.
- 4. Processing by grinding, shredding, screening, and blending of the following wastes for beneficial use of as an alternative fuel material:
  - a. Engineered, stained, and laminated scrap wood, composite scrap wood, sawdust, wood shaving, slab wood, and wood scraps with applied finishes from industrial operations;
  - b. Textile wastes (i.e., scrap carpet, scrap diaper fiber, scrap burlap bags, soiled rags);
  - c. Pre-consumer plastic waste, rubber waste, elastomer waste, and latex materials;
  - d. Source segregated packaging materials, standard and laminated paper, newspaper, and wax coated cardboard;
  - e. Construction and demolition wastes from residential and commercial structures segregated by type of waste such as wood, concrete, block;
  - f. Waste tires and discarded conveyor belts;
  - g. Segregated post-consumer plastic waste with the plastic recycling codes of 4 through 7;
  - h. Roofing felt materials;

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- i. Non-asbestos waste asphalt shingles; and
- j. Recyclable wood waste materials (i.e., pallets, skids, saw dust, wood boxes or containers, wood shavings or slab wood, dimensional wood scraps, construction wood scraps) and construction debris that have not been subject to a spill or release of regulated substance.
- 5. Sorting and screening prior to distribution for beneficial use, without further processing, of plastic waste (i.e., 5-gallon buckets and lids; HDPE geothermal pipe; HDPE storm pipe; HDPE, LDPE, and PP plastic film such as shrink wraps; PVC pipe; vinyl siding, and planter pots).
- 6. Sorting and screening of the following recyclable wastes separated from other processed waste or segregated by type of waste listed below, prior to being reused on-site, sold, donated, or distributed to wholesale outlets for beneficial use without further processing:
  - a. Reusable structurally sound pieces of lumber
  - b. Unused or reusable building materials
  - c. Architectural elements (i.e., windows, doors, sinks, skyscraper glass, vinyl siding).
  - d. Reusable stone and bricks
  - e. Pallets and crates
  - f. Office furniture and equipment
- 7. Processing by baling of source segregated paper, cardboard, and newspaper for transportation to a cardboard mill or a recycling facility.
- 8. Shredding, grinding, and screening at the point of waste generation, by a mobile processing unit, and beneficial use of untreated and unpainted standard gypsum wallboard commonly known as Type X for a one-time land application to the soil as: (a) a soil amendment, and/or (b) distributed to wholesale outlets.
- 9. Temporary storage of scrap metal (i.e., nails, screws, bolts, steel, aluminum flashing) and metal piping separated from other processed waste for transportation to a recycling facility or to a permitted processing or disposal facility.
- 10. Incidental materials or wastes that are not readily recyclable (i.e., waste tire, fluorescent light bulb, ballast, e-waste, pentachlorophenol-treated and creosote-treated wood waste, and paint) shall be segregated, gathered, and temporarily stored at the facility for (i) distribution to a wholesale outlet, (ii) transportation to a recycling facility for further processing, or (iii) donation to a charitable organization.

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11. Non-recyclable waste materials shall be transported to a permitted waste processing or disposal facility.

#### B. Determination of Applicability Requirements:

A person or municipality that proposes to process or beneficially use 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. The crushed brick, block and/or concrete may be beneficially used as a roadway construction material if the following quality criteria requirements are met:
  - a. Where the crushed brick, block and/or concrete will be beneficially used as a sub-grade in roadway construction, in the preparation of a roadbed and/or prior to the final asphalt placement, the crushed brick, block or concrete must comply with the requirements in Section 210 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in its Publication No. 408 (Specifications).
  - b. Where the crushed brick, block and/or concrete will be beneficially used as an aggregate or blended with other aggregate as a roadway construction material, the crushed brick, block and/or concrete must comply with the requirements in Sections 702 and/or 703 of the PennDOT specifications as outlined in its Publication No. 408 (Specifications).
  - c. The beneficial use of crushed brick, block and/or concrete must conform to the applicable engineering properties as the raw material it is being substituted for.
- 2. The ground gypsum may be beneficially used, for a one-time on-site land application to the soil, at new residential and commercial construction sites owned or contracted by the permittee if all following requirements are met:
  - a. Equal to or greater than 98% of the ground gypsum (dry weight basis) passes a screen with a 1-inch opening.
  - b. The ground gypsum that is beneficially used shall be tilled or incorporated into 4 12 inches of soil within 24 hours of its land application.

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c. The one-time application rate of ground gypsum must not exceed the application rates specified in Table 1 below.

Table 1

Application Rates for Ground Gypsum Waste

Region	Application Rate
Piedmont, Mountain, and Ridge and Valley	250 lbs/1000 ft <sup>2</sup>
Coastal Plain	50 lbs/1000 ft <sup>2</sup>

d. The minimum area of land (Step 1) needed for land application of ground gypsum must not exceed the existing land (Step 2) available as determined by using Worksheet 1 below.

### Worksheet 1

### Size of Land Needed to Land Apply Ground Gypsum Waste

Step 1 - Area of land needed to apply processed gypsum:	
Size of the house (ft²) x 0.70 (lb/ft²)  Formula: x 1000  Recommended Application Rate (lb/ft²) in Table 1	
Step 2 – Existing land available:	
Formula: Size of the lot (ft2) - Size of impervious area (ft2) (Driveway, etc.)	
Your Numbers: (ft <sup>2</sup> ) (ft <sup>2</sup> ) = (ft <sup>2</sup> )	

- 3. Biological decomposition, with or without the use of water, of the wood waste is not authorized under this general permit.
- 4. The processing and beneficial use of fire retardant and moisture resistant gypsum wallboard and demolition wastes are not authorized under this general permit.

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- 5. Wastes, other than the wastes specified in Section A of this general permit, may not be received, mixed, stored or beneficially used with the wastes authorized under this general permit. Unauthorized waste shall be:
  - a. separated from the waste intended for beneficial use,
  - b. removed weekly from the processing facility, and
  - c. transported to a recycling facility or properly processed or disposed of at a permitted waste processing or disposal facility.
- 6. Unless otherwise authorized by the Department in writing, on-site storage of incoming and processed wastes authorized in Section A of this general permit shall comply with the following:
  - a. The wastes authorized in Section A of this general permit shall not be accumulated before being beneficially used unless the operator shows that the wastes have the potential to be beneficially used and has a feasible means of being beneficially used.
  - b. Crushed brick, block and concrete materials shall not be stored for more than two (2) consecutive construction seasons (commencing on April 1), and at any one time the maximum amount stored may not exceed the total amount of materials as described in the approved application.
  - c. During the calendar year (commencing on January 1), wood waste, waste gypsum wallboard, and waste asphalt shingles shall not be stored for more than one (1) year, and at any one time the maximum amount stored may not exceed the total amount of materials as described in the approved application.
  - d. During the calendar year for wood waste and waste gypsum materials, or during the biennial construction season for crushed brick, block, and concrete materials, the amount of materials that are beneficially used or transferred to a different site for beneficial use, must equal at least 75% by weight or volume of the wood waste, or crushed brick, block and concrete materials accumulated at the beginning of the period. In calculating the percentage of turnover, the 75% requirement is to be applied to <u>each</u> waste of the same type (i.e., wood waste, finished mulch, crushed brick, block, and concrete, etc.) that is beneficially used in the same way (that is, from which the same material is recovered or that is used in the same way).
- 7. The gypsum wallboard received, ground gypsum, and backing paper shall be stored in a structure with a permanent roof or be covered with a waterproof tarp to prevent storm water from being contacted with the unprocessed or processed gypsum wallboard materials. The integrity of the tarp must be maintained at all times.
- 8. The alternative fuel material produced under the authority of this general permit is not considered a waste as defined in 25 Pa. Code § 271.1 when it meets the conditions of this permit and is marketed as a commodity in trade for use as a

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fuel in an air contamination source approved through an air quality authorization issued by the department pursuant to 25 Pa. Code Chapter 127 (relating to construction, modification, reactivation, and operation of sources) or approved by Air Quality for use in a test burn, or approved by the appropriate regulatory authority where the alternative fuel will be burned outside of the Commonwealth of Pennsylvania. The alternative fuel material must possess the heat content (BTU/pound) required by the combustion device in which it will be utilized as fuel. Alternative fuel material may be stored outdoors if the fuel it is replacing is stored in a similar manner, and if such storage does not degrade the quality or the physical/chemical characteristics of the alternative fuel material. When stored outdoors, the alternative fuel material shall be stored in a manner that prevents harm to human health and the environment, and that is in compliance with the storm water management and leachate management provisions of Conditions C.12 and C.24 of this general permit. Alternative fuel mixtures that are comprised primarily of processed waste tires shall be managed as a waste until they are beneficially used.

- 9. If the maximum volume of waste materials received, processed, and stored onsite exceeds 500 cubic yards at any one time, the permittee shall maintain in force and effect a bond in sufficient guarantees in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation of the processing facility and until the Department issues a final closure certification. The financial bond amount shall be estimated to guarantee the removal and proper management of pre- and post-processed waste-derived materials at the facility. The amount of the bond shall be based upon the total estimated cost to the Commonwealth for decontamination, transportation, removal, and disposal of the wastes found at the facility. The Department may require additional bonding for any other necessary measures to prevent adverse impacts upon public health, safety, welfare, and the environment.
- 10. 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.
- 11. The unprocessed or processed waste shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste, as the terms are defined in 25 Pa. Code § 287.1.
- 12. 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.
- 13. 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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- 14. 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.
- 15. 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.
- 16. 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.
- 17. 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 as specified by the SWMA.
- 18. 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.
- 19. The processed waste shall be managed in accordance with the Solid Waste Management Act, the act July 7, 1980, as amended, P.L. 380, 35 P.S. §§ 6018.101 et seq. and the regulations promulgated therein.
- 20. 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.

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- 21. Storage prior to beneficial use of unprocessed and processed 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), or 25 Pa. Code, Chapter 299 (relating to storage and transportation of residual waste), whichever is applicable.
- 22. 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.
- 23. Waste materials authorized under this general permit shall not be stored or placed in direct contact with surface water or groundwater of the Commonwealth, except as approved otherwise by the Department.
- 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 processing facility cannot be located in an area where the facility would adversely affect a habitat of a known endangered or threatened species.
- 26. The processing and storage of waste materials authorized under this general permit shall not occur:
  - a. Within 100 feet of a perennial stream;
  - b. Within 33 feet of an intermittent stream;
  - c. Within 300 feet of a private or public water source;
  - d. Within 300 feet of an exceptional value wetland;
  - e. Within 100 feet of a wetland other than an exceptional value wetland;
  - f. Within the 100-year floodplain of a water of this Commonwealth;
  - g. Within 3.3 feet of a regional groundwater table;
  - h. Within 100 feet of a sinkhole or area draining into a sinkhole;
  - i. Within 300 yards of the following:
    - i. A building owned by a school district or parochial school and used for instructional purposes;

ii. A park;

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#### iii. A playground.

The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.

- 27. 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 Department issues a final closure certification.
- 28. 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. Storage of the produced mulch shall be covered to prevent dispersal by wind or water erosion and in a manner that prevents fire or explosion. The produced mulch may not be stored in a manner that causes ground or surface water contamination.
- 29. 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 curing of produced mulch that threatens public health, safety, and welfare, or the environment, and whenever necessary in the event of personal injury related to such storage.
- 30. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) that is consistent with the Department's most recent guidelines.
- 31. Equipment used for the storage of unprocessed and processed waste shall be maintained in good operating condition. Weekly inspections of each storage area and surrounding environs shall be conducted to determine compliance of the terms and conditions of this general permit and for evidence of failure.
- 32. 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.

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- 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 a 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. Records for new residential and construction sites where ground gypsum was land applied for beneficial use shall include the location and size of the site and the application rate, as required by Worksheet 1 and Table 1 of Condition C.2.
- 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:

- 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.27.; and updated bonding worksheets for the bond required by Condition C.9. (if applicable).
- 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.

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### **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