

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT
DIVISION OF MUNICIPAL and RESIDUAL WASTE

GENERAL PERMIT WMGR038

PROCESSING, REUSE AND BENEFICIAL USE OF WASTE TIRES, WHICH INCLUDE
WHOLE TIRES, TIRE CHIPS, BALED TIRES, TIRE SHREDS, AND CRUMB RUBBER.

Issued: August 10, 2016
Expires: August 10, 2026

A. Description.

This permit authorizes the processing, reuse and beneficial use of waste tires, which include whole tires, tire chips, baled tires, tire shreds, and crumb rubber. The permitted processing is limited to collection, sorting, storage, recapping, cleaning, shredding, chipping, grinding, crumbing, cutting and baling of waste tires. The permitted beneficial use of whole waste tires, tire chips, baled tires, tire shreds, and crumb rubber is limited to use in recapping, as fuel in boilers or other combustion units, in civil engineering practices, and as an ingredient in or as a commercial product.

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 appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed application on forms available from the Department must be submitted to the appropriate Department Regional Office. A check in the amount identified on Form 20 (Application for a Municipal or Residual Waste General Permit) 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 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 the environment of the Commonwealth. The Department may modify, suspend, or revoke the authorization granted in this general permit if it deems necessary to prevent harm, or a threat of harm to the public health, the environment, or if the activities cannot be adequately regulated under the conditions of this general permit.
2. All activities conducted under the authorization granted in this general 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 and conduct all activities as described in the approved application.
3. 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 regulations, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §§6018.101–6018.1003, the Waste Tire Recycling Act (35 P.S. §§6029.101–6029.1116) or the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§4000.101 – 4000.1904.
4. This general permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater or runoff from the site of processing or storage to the land or waters of the Commonwealth.
5. As a condition of this permit and of the permittee's authority to conduct the activities

authorized by this permit, the permittee and all land owners shall authorize and consent 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 permitted controlled adjacent areas where waste tire management activities are being, will be, or have been conducted. This authorization shall include consent to collect samples of soil, water and processed material, take photographs, perform surveys and measurements, inspect the operation and inspect and/or copy documents, books and papers required by the Department to be maintained. This authorization and consent shall be obtained prior to the occurrence of processing or storage at a location and be submitted to the Department (see address in Appendix A) via certified mail in accordance with condition B.(8). This permit condition is referenced in accordance with §§608 and 610(7) of the Solid Waste Management Act, 35 P.S. §§6018.608 and 6018.610(7) and §287.123 of the Residual Waste Regulations.

6. The permittee shall comply with any appropriate requirements in 25 Pa. Code, Chapter 127, Subchapters B (§127.11) and F (§127.402) concerning Plan Approval Requirements and Operating Permit Conditions.
7. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code §§123.1 and 123.2.
8. If activities are to take place on a permitted mining site, the activities must be specifically authorized by the Department's Bureau of Mining and Reclamation. If activities will take place at an abandoned mine site, the Department's Bureau of Abandoned Mine Reclamation must be notified.
9. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to prior compliance history review by the Department as specified by the Solid Waste Management Act, 35 P.S. §§6018.101–6018.1003.
10. 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.
11. Stormwater runoff at the facility shall be diverted away from the outside processing operation and storage areas for waste tires and processed materials. Surface water controls shall be based on a 24-hour precipitation event to be expected every 25 years. Proper drainage (i.e., diversions drains, dikes, etc.) must be constructed and maintained to prevent ponding and excessive wetting. Onsite stormwater runoff must be directed to either a properly sized vegetated filter area for treatment or a properly sized holding pond or tank for later reuse or disposal. These requirements are in addition to the requirements in §299.161 of the Department's Residual Waste Regulations.
12. Storage of waste tires shall not exceed the limitations on storage of waste tires in the Department's Residual Waste Regulations at 25 Pa. Code §299.157, as follows:
 - a. Outdoor piles of whole waste tires stored under this permit shall not be more

than 15 feet high and shall not cover a surface area greater than 2,500 square feet. The corridors between these waste tire piles shall be a minimum of fifty (50) feet wide and are to be maintained as fire breaks on all sides of the storage piles. All corridors are to be maintained free from obstructions that could limit access in the event of an emergency.

- b. Outdoor piles of shredded, chipped, or crumbed waste tires stored under this permit shall not be more than 15 feet in height and shall not cover a surface area greater than 2,500 square feet. The corridors between these waste tire piles shall be a minimum of thirty-five (35) feet wide and are to be maintained as fire breaks on all sides of the storage piles, with no point being more than twenty-five (25) feet from a fire break. All corridors are to be maintained free from obstructions that could limit access in the event of an emergency.
- c. Outdoor piles of baled waste tires stored under this permit shall not cover a surface area of more than 5,000 square feet and may be no more than fifteen (15) feet high. The corridors between baled waste tire piles shall be a minimum of thirty-five (35) feet and are to be maintained as fire breaks on all sides of the storage piles, with no point being more than twenty-five (25) feet from a fire break. All corridors shall be kept free from obstructions that could limit access in the event of an emergency.
- d. Outdoor storage areas used for the storage of waste tires shall be designed to prevent the discharge of fire-generated oils and liquids into the surface water and groundwater of the Commonwealth should a fire occur.
- e. Outdoor storage areas used for the storage of waste tires shall not exceed five acres.
- f. Appropriate control measures must be taken to control mosquito propagation during warm weather. Controls may include the use of tarps, indoor storage, screens or spraying.

13. The waste tires managed under this general permit shall not be hazardous waste.

14. The waste tires managed under this general permit shall not be mixed with other types of solid waste, including hazardous waste, municipal waste, special handling waste or other residual waste.

15. The following hazard prevention methods shall be used to provide protection against fire, explosion or release of solid waste constituents into the air, water or soil of the Commonwealth. These requirements are in addition to the requirements in Department's Residual Waste Regulations in §299.160.

- a. A sign shall be posted and maintained at the entrance of the facility, which includes the company name, permit number, emergency contact numbers and normal hours of operation (§297.211).
- b. Gates shall be installed at each access point and shall have 20 feet open width and remain unobstructed at all times. Electric gates shall not be used unless

- default capabilities are installed. All vertical clearance shall be a minimum of 14 feet or as needed to provide access to large firefighting equipment.
- c. Each storage or processing facility shall be enclosed with fencing at a minimum of six feet in height.
 - d. Emergency vehicle access routes shall be established so that no portion of a storage pile is more than 25 feet from an access road or fire break. All access routes shall have a minimum unobstructed width of at least 60 feet.
 - e. All roads and bridges shall be designed to support the loads of firefighting equipment. A minimum turning radius of 45 feet shall be required for all dead-end access roads. All access roads in excess of 150 feet long shall have a turnaround area.
 - f. An area extending 200 feet from the outside perimeter of the waste tires must be devoid of vegetation over six (6) inches in height.
 - g. All delivery vehicles or flammable materials shall be at least 200 feet away from any waste tire piles.
 - h. If water is to be obtained from a lake or pond in the vicinity of the waste tires, a fire department drafting connection must be provided in accordance with the fire department's requirements. The water supply system must be approved by the local fire department.
 - i. All equipment operating at the processing or storage facility shall have at least one 2A, 10 BC-rated or higher portable fire extinguisher in operating condition.
16. Any final operational, design or other plan developed subsequently to permit issuance which exhibits changes in structure, location specification or other changes of substance shall not be implemented before first obtaining a permit amendment or written approval from the Department.
17. Waste tires may not be accumulated speculatively or stored for more than one (1) year. The amount of waste tires stored in the permitted area at any time may not exceed the amount of bond required for the site.
18. A Preparedness, Prevention and Contingency (PPC) Plan, that is consistent with the Department's most recent guidelines, shall be maintained at each processing or storage facility and updated in accordance with the PPC Guidelines. The PPC Plan shall be updated annually or more frequently, if necessary (e.g., if changes in phone numbers, equipment, or regulatory requirements occur). Copies of the PPC Plan must be provided to the local fire department, county emergency coordinator and host municipality.
19. The permittee shall immediately implement the applicable provisions of the PPC Plan that was approved by the Department for any emergency that affects or threatens public health, safety, welfare or the environment.

20. Crumb rubber authorized for beneficial use under the terms and conditions of this general permit shall cease to be a waste at the facility where it was generated provided the following requirements are met:
- a. The crumb rubber produced does not present a greater threat of harm to human health and the environment than the use of an intentionally manufactured product or produced raw material.
 - b. The facility generating the crumb rubber must be ISO-9001:2015 certified.
 - c. The crumb rubber shall meet an appropriate ASTM standard and be shown to be sold prior to waste tire processing and generation of the crumb rubber or sold after generation of the crumb rubber, and ultimately packaged in supersacks for storage prior to beneficial use activities authorized under this general permit.
 - d. Finished crumb rubber shall be stored by the permittee in a manner that complies with the requirements set forth in 25 Pa. Code, Chapter 299.157 (relating to general limitations on storage of whole and processed waste tires). It shall be presumed that containment of crumb rubber in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.
 - e. The crumb rubber is not abandoned, disposed, or accumulated speculatively as defined in 25 Pa. Code § 287.1.
21. Areas at the permitted facility where waste tires are stored or processed shall not be located as follows:
- a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the general permit, a method of protecting the facility from a 100-year flood consistent with the Flood Plain Management Act (32 P.S. §§679.101–679.601), the Dam Safety and Encroachment Act (32 P.S. §§693.1–693.27) and the Stormwater Management Act (32 P.S. §§680.1–680.17).
 - 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. In or within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the activities 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.
 - e. Within 100 feet of a sinkhole or area draining into a sinkhole.
 - f. Within 100 feet of a perennial stream.
 - g. Within 50 feet of a property line, unless the owner has provided a written waiver

- consenting to the facility being closer than 50 feet.
- h. Within 300 feet of a water source.
 - i. Except for areas that were permitted prior to September 26, 1988, processing facilities that commercially process waste tires may not be operated within 300 yards of the following:
 - i. A building that is owned by a school district or a parochial school and used for instructional purposes;
 - ii. A park; and
 - iii. A playground.
22. The permittee shall ensure that all waste tires are removed from the facility (except those recycled or beneficially reused) and are transported by an authorized waste tire hauler for beneficial use or to a processing or disposal facility. If the processing or disposal facility is located within the Commonwealth, the facility must have a permit that has been issued by the Department expressly allowing for the processing or disposal of waste tires.
23. The open burning of waste tires or the use of waste tires as clean fill is not authorized under this general permit.
24. The permittee shall maintain a bond in an amount and with sufficient guarantees acceptable to the Department as provided for in 25 Pa. Code, Chapter 287, Subchapter E (relating to bonding and insurance requirements). 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.
- a. At sites where a tire stockpile exists for which the Department does not hold the permittee liable, bonding will not be required for waste tires already on site on the date of approval to operate under the General Permit.
 - b. The amount of the bond required for the facility will be based upon the maximum number of waste tires, which will be brought onto the site and accumulated by the permittee at any one time.
 - c. The bonding amount will be reviewed annually as part of the annual report and adjusted according to the prevailing minimum cost of remediation.
 - d. The bond will be calculated at the current prevailing minimum cost for processing, transportation and disposal at a permitted facility.
 - e. Bonding will not be required at facilities where the waste tires are beneficially used, such as recapping operations, cement kilns, steel manufacturing plants, waste-to-energy incinerators, power utilities or paper/pulp manufacturing facilities.
 - f. When multiple sites are involved, bonding amounts are additive and will be

determined individually for each site.

25. The permittee shall maintain in force and effect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E (relating to bonding and insurance requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification. Copies of the current insurance policies must be provided to the appropriate Department Regional Office.
26. Upon cession of operations, the operator shall immediately remove all whole or processed waste tires from the facility and provide for the processing or disposal at a facility permitted by the Department.

D. Recordkeeping:

The permittee shall maintain daily operational records at the facility. These records shall be maintained using a format approved by the Department with quantities stated in tons or PTEs. The daily operational records shall be maintained on the premises and available for inspection by Department personnel upon request and shall include the following:

- a. The source and quantities of waste tires received at the facility.
- b. The number of waste tires processed with any waste tires initially on the site distinguished from those subsequently brought on site (i.e., after the permit was issued).
- c. The quantities, end use and destination of waste tires shipped from the processing, storage or beneficial use facility.

E. Reporting Requirements:

1. Any person that operates under the provisions of this permit shall immediately notify the Waste Program Manager of the appropriate regional office of the Department, via certified mail, of any changes in the company name, address, owners, operators, or responsible officials; bonding and insurance status; sources of waste tires; the beneficial end-use of the waste tires; status of any permit issued by the state or federal government under the environmental protection acts and land ownership and the right to enter and operate on the land where the facility is located. See Appendix A for the location of the Department's Regional Offices.
2. Any person or municipality permitted to operate under the provisions of this general permit must notify the Department in writing, via certified mail, prior to relocating a processing facility covered under this general permit or when a new location(s) is to be covered under this general permit. At a minimum, the information required in Section B "Determination of Applicability Requirements" must be submitted for each new location or relocation. The Department will approve or deny, in writing, each new location or relocation within 90 days of receipt of such notification.
3. The permittee shall submit an annual report by June 30 for the previous calendar year for each facility to the appropriate Department Regional Office and to the county

and municipality where the facility is located. The report, at a minimum, shall include the following:

- a. The amount and sources of waste tires received at the facility.
- b. The amount of waste tires processed, recycled, reused, disposed of or shipped offsite from the facility during the previous year and end user or disposal facility where the materials were shipped.
- c. Annual review of the bond and update when necessary.
- d. Proof of general liability insurance.

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 include 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 27 (Acceptance of General Permit Conditions), (v) Form HW-C (Compliance History), (vi) Form E-GP (Contractual Consent of Landowner, and (vii) a renewal 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 shall be made payable to the "Commonwealth of Pennsylvania." A copy of the renewal application shall also be sent to the attention of 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.

**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) 826-2511

- 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, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

Southwest Regional Office
400 Waterfront Drive
Pittsburgh, Pa 15222-4745
Phone: (412) 442-4000

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

Northwest Regional Office
230 Chestnut Street
Meadville, PA 16335-3481
Phone: (814) 332-6848