

SPECIAL CONDITIONS
GENERAL PERMIT NUMBER WMGR133
PROCESSING LAMP PHOSPHORS

Rev. 1/2013

A. Description:

This permit authorizes the processing by physical separation of end of life lamp phosphors to remove crushed glass and other lamp components from the phosphor powder. Following the glass removal sifting process, the remaining phosphor powder ceases to be a waste if it will be used as a substitute for raw rare earth bearing materials to recover rare earth elements and compounds.

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 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), and (v) 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 shall be made payable to the "Commonwealth of Pennsylvania". 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 the permit states otherwise, the permittee shall utilize the processed material as described in the permit application.
2. The permittee shall comply with the fugitive emissions regulations under Title 25 Pa. Code, Chapter 123 (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 the Fugitive Emissions Sections 123.1 and 123.2.
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 regulation, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq; and the Municipal

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Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.

4. 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 to 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; to perform measurements, surveys, and other tests; 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. 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). This condition in no way limits any other powers granted under the Solid Waste Management Act.
5. 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 of any activities, as specified by the Pennsylvania Solid Waste Management Act of 1980.
6. 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.
7. 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.

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8. All storage tanks, secondary containment systems, and transfer lines shall be set up and operated in a manner that prevents spills, leaks, and other releases.
9. The permittee shall maintain at the permitted facility an updated copy of a Preparedness, Prevention, and Contingency (PPC) Plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans". The PPC Plan shall be updated every 5 years or more frequently as necessary (e.g., if changes in phone numbers, equipment, or regulatory requirements occur).
10. The waste shall not be hazardous, and shall not be mixed with any municipal waste, special handling waste, or other residual waste prior to beneficial use.
11. The facility shall not be located:
 - a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the permit a method for protecting the facility from a 100-year flood consistent with the Flood Plain Management Act (32 P.S. §§ 679.101 – 679.601) and the Dam Safety and Encroachment Act (32 P.S. §§ 693.1 – 693.27).
 - b. In or within 300 feet of an exceptional value wetland.
 - c. Within 300 feet measured horizontally from an occupied dwelling unless one of the following conditions are satisfied:
 - i. The owner of the dwelling has provided a written waiver consenting to the facility 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, or
 - ii. The operations take place in an enclosed facility, the applicant demonstrates that the location and operations of the facility does not conflict with local land use or local zoning and the applicant has provided written notice to owners of all occupied dwellings within 300 feet measured horizontally from the facility.
 - d. Within 50 feet of a property line unless the owner demonstrates one of the following:

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- i. That storage takes place in an enclosed facility.
 - ii. That the owner of the adjacent property has provided a written waiver consenting to the facility being closer than 50 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 perennial stream unless the storage will not occur within that distance and no adverse hydrologic or water quality impacts will result.
- f. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet.
- g. Within 900 feet measured horizontally from the property line, 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.
- h. In an area where the facility would adversely affect a habitat of a known or endangered or threatened species.
12. Any waste received or produced during the processing shall not be accumulated speculatively as defined in 25 Pa. Code 287.1 without written authorization by the Department.
13. Equipment used for the storage and transportation of the waste shall be maintained in good operating condition to prevent the waste from being unintentionally conveyed out of its storage area. Weekly inspections of each storage area and their surrounding environs are to be conducted to confirm stability. The storage and transportation of waste shall be in a manner, which does not create a nuisance or be harmful to the public health, safety, or the environment. Storage and transportation of the residual waste shall comply with the requirements of 25 Pa. Code Chapter 299 (relating to storage and transportation of residual waste).
14. Upon completion of activities authorized by this general permit, the

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permittee shall remove any remaining waste and any other materials which contain or have been contaminated by the waste and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts, and the regulations promulgated thereunder.

D. Record Keeping:

1. The permittee shall maintain records of the beneficial use of all processed rare earth metal precipitates:
 - a. Names of the generators and locations where the waste material is generated.
 - b. The dates and volumes of incoming materials received by the facility.
 - c. The dates, volumes, and locations, including the names of the facilities to which the processed material is transported for beneficial use, disposal, storage, transfer, or treatment.
2. Records of all analytical evaluations conducted on the waste shall be retained by the permittee at the plant site and shall be made available to the Department on request. Analytical information on the waste shall be retained for a minimum of 5 years from the date it was obtained and is to include: The dates of sampling and testing, sampling procedures, person collecting the sample, the volume or weight of the sample, each parameter tested, the analytical results, the laboratory used, and analytical methodologies.

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, facility managers or operators and responsible officials, land ownership and the right to enter and operate on any land occupied by a facility, the raw source or physical and chemical characteristics of the waste, the manufacturing process which generates the waste, and the change in status of any permit issued to the permittee by the Department or federal government under the environmental protection acts.
2. The permittee shall immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the appropriate DEP regional

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office waste management program in the event of a discharge or spill of any quantity capable of reaching surface water, and shall take appropriate action to protect the health and safety of the public and the environment.

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)".

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 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