

**WASTE OIL, OIL/WATER MIXTURES, AND ASPHALT CONDENSATE
TRANSFER FACILITIES AND RAIL TRANSLOADING FACILITIES**

Rev. 12/2007

A. Description:

This approval authorizes the operation of transfer facilities and rail transloading facilities for the processing of waste oil (including waste oil mixed with waste in accordance with 25 Pa. Code, § 298.10(b)(2)(ii) or (iii)), waste oil/water mixtures, and asphalt condensate from the manufacture of shingles prior to beneficial use. The approved processing is limited to collection, bulking, storage, and passive oil/water separation. The facilities operating under this general permit may accept from generators:

- a. waste oil, waste oil/water mixtures, and asphalt condensate that are not hazardous waste as defined in 40 CFR 261, as incorporated by reference in 25 Pa. Code, Chapter 261a.1.
- b. waste oil and waste oil/water mixtures that qualify as hazardous wastes solely because they exhibit a hazardous waste characteristic under 40 CFR 261, Subpart C, as incorporated by reference in 25 Pa. Code, § 261a.1.
- c. mixtures of waste oil and hazardous waste regulated under 25 Pa. Code, § 298.10(b)(2)(ii) or (iii).

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, the environment, or if the activities cannot be adequately regulated under the conditions of this permit.

B. Determination of Applicability Requirements:

Persons or municipalities that propose to operate transfer facilities and rail transloading facilities 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 Department prior to commencing authorized activities under the general permit. The request shall be sent to the appropriate Regional Office of the Department that has jurisdiction for waste-related activities in the county where the transfer facilities and rail transloading facilities will be located. A completed Form 20 (Application for a Municipal or Residual Waste General Permit), completed Bonding Worksheets A and E (Waste Processing Decontamination and Summary Cost Worksheet), along with a DOA application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Regional Office. Checks shall be made payable to the "Commonwealth of Pennsylvania."

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C. Operating Conditions

1. Only waste oil (including waste oil mixed with waste in accordance with 25 Pa. Code, § 298.10(b)(2)(ii) or (iii)), waste oil/water mixtures, and asphalt condensate from the manufacture of shingles collected by the permittee at the site of generation, at a waste oil collection point under 25 Pa. Code, § 298.30 or 40 CFR 279.30-279.31, or a waste oil aggregation point under 25 Pa. Code, § 298.31 or 40 CFR 279.32, may be accepted for processing at facilities operating under this general permit
2. The permittee is not authorized by this permit to accept any waste oil, waste oil/water mixtures, and asphalt condensate for processing at facilities operating under this general permit unless the amount of recoverable oil in the waste is at least one percent (1.0%) and it is sent to a facility where the oil is reclaimed, reused, recycled, or burned for energy recovery.
3. The permittee is not authorized by this permit to accept any waste oil or waste oil/water mixtures containing PCBs at levels of 50 ppm or greater.
4. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application, except to the extent that the permit states otherwise or the application conflicts with the regulations or governing statutes.
5. The following waste acceptance criteria apply to waste oil, waste oil/water mixtures, and asphalt condensate at facilities operating under this general permit.
 - a. The permittee shall obtain or perform a prequalification analysis, provided by the generator or conducted by the permittee, prior to collection of waste oil, waste oil/water mixtures, and asphalt condensate from a generator. The prequalification analysis shall include the parameters identified in Table 1. The prequalification analysis shall be retained for one year after the permittee ceases accepting waste from the generator or until a new prequalification analysis is available for that generator's waste.

Table 1

<u>Parameter</u>	<u>Allowable Level</u>
Total Halogens	1000 ppm maximum
Flash Point	100 degrees F minimum
PCBs	<50 ppm

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- b. Each shipment collected from a generator shall be accompanied by a signed certification from the generator stating that the shipment has not been mixed, combined, or blended with materials containing regulated levels of PCBs (50 ppm or greater) or any hazardous waste, other than hazardous waste that is regulated under 25 Pa. Code, § 298.10(b)(2)(ii) or (iii). This certification shall be retained for five years.
- c. A representative sample of each shipment containing waste oil, waste oil/water mixtures, and asphalt condensate shall be tested for the parameters listed in Table 2, at the indicated frequency, using "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA SW-846) or other equivalent methods or optional methods approved by the Department.

Table 2

<u>Parameter</u>	<u>Allowable Level</u>	<u>Frequency</u>
Total Halogens PCBs	1000 ppm maximum <50 ppm	Every Pickup Every Pickup (Transformer Oil, Oil From Capacitors, or Oil From Lighting Ballasts Only)
Flash Point	100 degrees F minimum	Every 6 Months or 6 th Pickup Whichever is Later

- d. A sample of each shipment collected shall be taken and retained, for purposes of tracing contaminated shipments, until the shipment represented by the sample has been accepted by another processing facility or beneficial use operation.
- e. If any shipment of waste oil or waste oil/water mixture contains more than 1000 ppm total halogens, the presumption that the waste oil or waste oil/water mixture was mixed with hazardous waste must be rebutted. The rebuttal shall consist of a demonstration showing that the waste oil or waste oil/water mixture does not contain halogenated hazardous waste listed under 40 CFR 261.5, as incorporated by reference in 25 Pa. Code, § 261a.1 as modified at 25 Pa. Code, 261a.5(a). This rebuttal must be made prior to incorporation of the waste oil or waste oil/water mixture with other waste oil in the transportation vehicle. Documentation supporting this demonstration must be retained for five years.

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- f. If any shipment of waste oil or waste oil/water mixture possesses a flash point below 100 degrees F, a demonstration must be made that shows that the low flash point is due to mixing in accordance with 25 PA Code, 298.10(b)(2)(ii) or (iii) of hazardous waste regulated under 40 CFR 261.5, as incorporated by reference in 25 Pa. Code, § 261a.1 as modified at 25 Pa. Code, 261a.5(a) with the waste oil or waste oil/water mixture by the generator. Documentation supporting this demonstration must be retained for five years.
6. Each container or tank of waste oil, waste oil/water mixtures, and asphalt condensate shall be analyzed for the parameters listed in Table 2 at the frequency listed. All samples shall be collected using the sampling protocol for containerized liquid waste - "COLIWASA"- as described in by "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846. If results of the analyses exceed the allowable levels in Table 2, the incoming waste oil, waste oil/water mixtures, and asphalt condensate shall be rejected unless, for halogens, the presumption that the waste was mixed with halogenated hazardous waste listed under 40 CFR 261, Subpart D as incorporated by reference in 25 Pa. Code, § 261a was successfully rebutted in accordance with Condition C5.
7. The chemical analyses required in this general permit shall be performed by a laboratory that is in compliance with the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 90, 27 Pa C.S. §4101 et. seq.
8. Any waste oil and waste oil/water emulsion rejected as provided for in Condition C6 of its halogen content shall be classified as a hazardous waste and shall be managed in accordance with the requirements of 25 Pa. Code, Chapters 261a through 270a.
9. A representative sample of each out-going load of waste oil destined for burning for energy recovery shall be analyzed for the parameters listed in Table 3 as determined by using "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"(EPA SW-846) or other equivalent methods or optional methods approved by the Department. Waste oil, which exceeds the allowable levels in Table 3, shall be deemed "off-specification" and shall only be beneficially used as fuel for industrial boilers or industrial furnaces. In lieu of testing for allowable levels in Table 3, the waste oil may be classified as off-specification in accordance with 25 Pa. Code, § 298.11 and 40 CFR §761.20(e).

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Table 3

<u>Parameters</u>	<u>Allowable Level</u>
Arsenic	5 ppm maximum
Cadmium	2 ppm maximum
Chromium	10 ppm maximum
Lead	100 ppm maximum
Total Halogens	1000 ppm maximum (residential and commercial use) 4000 ppm maximum (industrial use)
Flash Point	100 degrees F minimum
PCBs	<2 ppm

10. Facilities operating under this general permit which manage waste oil destined for burning for energy recovery shall comply with the requirements of 25 Pa. Code, § 298, Subchapter H (relating to waste oil fuel marketers).
11. Except as otherwise provided by this general permit, the waste oil, waste oil/water mixtures, and asphalt condensate managed under this general permit shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, other residual waste, or special handling waste.
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 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, 123.2, and 123.31.
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, provided that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.

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15. As a condition of this permit, the permittee shall obtain from all landowners of his place of business where processing activities will occur, on a form provided by the Department, the authority to conduct the activities authorized by this permit and consent to allow authorized employees or agents of the Department to enter the permit area. This authorization and consent shall be obtained prior to the occurrence of processing at each location and be submitted to the appropriate regional office of the Department via certified mail.
16. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby 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 and to inspect all areas and permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste, water, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect documents, books, and papers required by the Department to be maintained or produced. (See Sec. 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 6018.608 and 6018.610(7).) This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.
17. Failure of the 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.
18. Any independent contractors or agents retained by the permittee to conduct the 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.
19. Any person that operates under the provisions of this permit shall immediately notify the appropriate regional office of the Department via certified mail of any changes in: the company name, address, owners, operators and responsible officials; the location of any facility; land ownership and the right to enter and operate on any land occupied by a facility; bonding and insurance status; the system used to process waste oil, waste oil/water mixtures, and asphalt condensate; and the status of any permit issued by the Department or federal government under the environmental protection acts.
20. Equipment used for the processing of waste oil, waste oil/water mixtures, and asphalt condensate shall be maintained in good operating condition. Daily inspections of equipment during waste processing activities shall be conducted to ensure that equipment will operate properly and to examine for evidence of equipment failure.
21. All storage tanks, secondary containment systems, and transfer lines shall be set up and operated in a manner that prevents spills, leaks, or other releases. All transfers to and from

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railcars will occur only at locations where fluid collection systems for railroad beds have been installed.

22. Storage of waste oil, waste oil/water mixtures, and asphalt condensate by the permittee shall be in a manner that complies with 25 Pa. Code, Chapters 298 and 299. Residues from passive oil/water separation shall be stored and managed in a manner that complies with 25 Pa. Code, Chapters 298, 299 or 262a (relating to requirements for generators of hazardous waste), whichever is applicable.
23. A facility operating under this general permit shall not be located:
 - a. within 300 yards of a building owned by a school district or parochial school used for instructional purposes, existing prior to the date the Department received an administratively complete application, unless a written waiver is obtained from the current property owner of the school.
 - b. within 300 yards of a park or playground, existing prior to the date the Department received an administratively complete application, unless a written waiver is obtained from the current property owner of the park.
 - c. in a 100 year flood plain of waters of this Commonwealth, unless the Department approves, in writing, 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) and the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27).
 - d. within 300 feet measured horizontally from an occupied dwelling unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet.
 - e. within 50 feet of a property line unless the permittee demonstrates that the actual processing of waste is not occurring within that distance or the owners of the occupied dwelling has provided a written waiver consenting to the facility being closer than 50 feet.
 - f. within 100 feet of a perennial or intermittent stream, unless storage and processing will not occur within that distance.
 - g. within 300 feet of a water source.
 - h. within 4 feet of a seasonal high water table.
 - i. in or within 300 feet of an exceptional value wetland.
24. The permittee shall maintain a bond in an amount and with sufficient guarantees acceptable to the Department as provided by 25 Pa. Code, 287, Subchapter E (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.

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25. The permittee shall maintain in force and effect a general liability insurance policy in accordance with 25 Pa. Code., Chapter 287, Subchapter E (Bonding and Insurance Requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.
26. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP regional office in the event of a discharge or spill of waste oil, waste oil/water mixtures, and asphalt condensate or any residue from processing and shall take appropriate immediate action to protect the health and safety of the public and the environment. Spills of less than 5 gallons waste oil, waste oil/water mixtures, or asphalt condensate need not be immediately reported, but should be recorded as specified in Condition C28. Spills containing any oil capable of reaching surface water must be immediately reported and should be recorded as specified in Condition C28.
27. Records of any analytical evaluations conducted on the waste oil, waste oil/water mixtures, and asphalt condensate required by the residual waste regulations and this permit shall be kept by the permittee at the permittee's place of business and shall be available to the Department for inspection. At a minimum, these records shall include information on the dates of testing, each parameter tested, the results, the laboratory, sampling procedures, analytical methodologies and person collecting the sample. This waste analysis information shall be retained by the permittee at the permittee's place of business for a minimum of 5 years after the analyses were performed.
28. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming waste, the date of receipt and quantity of waste oil, waste oil/water mixtures, and asphalt condensate transferred at each location, the results of the visual observations, the estimation of oil content, flashpoint, and PCB concentration as required in Condition C5 for each batch transferred, and the name, address, and phone number of the destination of each outgoing shipment of waste. The permittee shall also maintain records of all spills and releases that contain: 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 retained by the permittee at the permittee's place of business for a minimum of five years from the date the records were generated and shall be available to the Department for inspection.
29. 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 if necessary (e.g., if changes in phone numbers, equipment, or regulatory requirements occur).
30. The beneficial use 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:

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- a. Modify, suspend, revoke, or reissue the authorization granted in this general permit if the permittee cannot comply with the conditions of this general permit or if the authorized activities cannot be adequately regulated under the conditions of this general permit.
 - b. Require an individual permit be obtained if it is deemed necessary to prevent harm or the threat of harm to public health and the environment.
31. A person or municipality that plans to continue the beneficial use of residual waste 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 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.

**DEP Regional Offices
(and Counties Served)**

Southeast Regional Office

Bucks, Chester, Delaware, Montgomery, Philadelphia

2 East Main Street
Norristown, PA 19401
Phone: 484-250-5960
Fax: 484-250-5961

Northeast Regional Office

**Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne,
Wyoming**

2 Public Square
Wilkes-Barre, PA 18711-0790
Phone: 570-826-2516
Fax: 570-826-5448

Southcentral Regional Office

**Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata,
Lancaster, Lebanon, Mifflin, Perry, York**

909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone: 717-705-4706
Fax: 717-705-4930

Northcentral Regional Office

**Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland,
Potter, Snyder, Sullivan, Tioga, Union**

208 West 3rd Street, Suite 101
Williamsport, PA 17701
Phone: 570-327-3653
Fax: 570-327-3420

Southwest Regional Office

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland

400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: 412-442-4000
Fax: 412-442-4194

Northwest Regional Office

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

230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6848
Fax: 814-332-6117