

GENERAL PERMIT NUMBER WMGR053
Processing of Consumer Commodity-Type
Materials in Recyclable Containers

Rev. 11/2007

A. Description:

This approval herein granted is limited to the following: 1) processing of off-specification or out-of-date consumer commodity-type materials in recyclable containers prior to beneficial use of the container materials; 2) processing of empty motor oil containers, 3) "mixed batch" waste from the manufacture of glass that is beneficially used as an agent by the permittee for the solidification/stabilization of container contents. "Mixed batch" waste consists of mixtures of sand, soda ash, dolomite, limestone, gypsum, iron oxide, titanium dioxide, and glass cullet. The approved processing is limited to container emptying, separation, shredding, grinding, cleaning, and solidification/stabilization of container contents. The types of containers are limited to recyclable plastics, glass, cardboard, paper, fiberboard, and metal.

Consumer commodity-type materials which may be processed under this permit are limited to off-specification or out-of-date beverage and food products, hair care and beauty products, soaps and detergents, and over-the-counter pharmaceutical and health care products. Empty motor oil containers which may be processed under this permit are limited to motor oil containers whose maximum capacity is five gallons and which have been emptied prior to receipt by the permittee such that no more than three percent (3%) of the original motor oil remains. Other materials, including waste oil, shall not have been placed into the empty motor oil containers.

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 process waste by operating 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 waste will be processed. 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. 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.
2. Prior to accepting shipments of consumer commodity-type materials ("waste"), the permittee shall perform a prequalification determination or obtain the prequalification information from the generator. The prequalification determination shall consist of the identity of the container material and material characterization of the contents of the container. At a minimum, this material characterization shall include a list of ingredients or material safety data sheet (MSDS), a description of the physical state, number of phases, solubility, a description of the odor, color, and pH (aqueous only). In addition, the permittee shall obtain a certification from the generator that the waste is not a hazardous waste under 40 CFR Part 261, as incorporated by reference in 25 Pa. Code, § 261a.1. The prequalification determination and generator certification shall be retained for one year after the permittee ceases accepting waste from the generator or until a new prequalification determination and generator certification is available for that generator's waste.

Prior to accepting shipments of "mixed batch" waste, the permittee shall perform a prequalification determination or obtain the prequalification information from the generator. The prequalification determination shall consist of a description of the physical consistency and color. In addition, the permittee shall obtain a certification from the generator that the waste is not a hazardous waste under 40 CFR Part 261, as incorporated by reference in 25 Pa. Code, § 261a.1. The prequalification determination and generator certification shall be retained for one year after the permittee ceases accepting "mixed batch" waste from the generator or until a new prequalification determination and generator certification is available for that generator's waste.

3. Each shipment of waste from a generator shall be accompanied by a signed certification from the generator stating that the contents of the containers or "mixed batch" waste have not been mixed, combined, or blended with waste, other than the original contents of the containers. This certification shall be retained for five years.
4. Prior to processing any shipment of waste, a representative number of containers and their contents shall be visually inspected. The results of this visual inspection shall be compared to the information on the prequalification determination. Should significant differences be found, the waste shall not be processed and shall be returned to the generator.

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5. The waste managed under this general permit shall not be hazardous waste.
6. The waste managed under this general permit shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste, unless the mixing is authorized under this permit.
7. 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.
8. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code, Sections 123.1 and 123.2.
9. 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 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.
10. As a condition of this permit, the permittee shall obtain from all landowners of his place of business where processing activities will occur under this general permit, 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 a location and be submitted to the appropriate Regional Office via certified mail.
11. 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 or 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 and/or copy 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.

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12. 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.
13. Any independent contractors or agents retained by the permittee in the completion of 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.
14. 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, or the environment.
15. Any person that operates under the provisions of this permit shall immediately notify the appropriate Regional Office 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 the waste; the physical or chemical characteristics of the waste; and the status of any permit issued by the Department or federal government under the environmental protection acts.
16. 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.
17. The processing unit shall be set up and operated in a manner that prevents spills, leaks, or other releases.
18. Prior to bulking any dissimilar contents from different containers, the permittee shall conduct a compatibility screening. This screening shall consist of mixing a small quantity of the dissimilar contents in a well ventilated area. Should any sign of incompatibility be observed, such as the generation of heat, splattering, or evolution of fumes or gases, the dissimilar wastes shall not be mixed.
19. Non-recyclable, non-pumpable, semi-liquid wastes may be solidified/stabilized by mixing with clay-type absorbents, and/or cement kiln dust, and/or "mixed batch" waste, and/or solid-phase consumer commodity-type waste materials. The solidification/stabilization processing will be complete when the semi-liquid waste no longer contains free liquids (as determined by EPA Method 9095, The Paint Filter Test).
20. Storage of waste by the permittee shall be in a manner that complies with 25 Pa. Code, Chapter 299 (relating to the storage of residual waste).

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21. Facilities that process waste 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 water 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.

22. 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 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 1000 pounds of waste or any residue from processing need not be immediately reported, but should be recorded as specified in Condition 24.

23. Records of prequalification determinations, generator certifications, and visual inspections, pursuant to 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. This information shall be retained by the permittee at the permittee's place of business for a minimum of 5 years.

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24. 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 processed at each location, and the name, address, and phone number, and quantity for each destination of outgoing shipment of waste and recyclable material. 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 5 years from the date the records were generated and shall be available to the Department for inspection.
25. The permittee shall submit an annual report, to the Department's office in the region where the permittee's facility is located, within 30 days of the anniversary of the date this permit was issued. This report shall consist of a summary of all the information required in Condition 24.
26. 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).
27. 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 if the permittee is not in compliance 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 people or the environment.
28. Process container material which meets a manufacturer's specifications may be beneficially used by the manufacturer as a raw material. Contents of containers which are returned to the generator and reprocessed or otherwise used to produce the same consumer commodity product, for which they were off-specification or out-of-date, are not waste.

**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: 814-332-61171