

CHAPTER 297. INCINERATORS AND OTHER PROCESSING FACILITIES

Subchap. Sec.
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Authority

The provisions of this Chapter 297 issued under the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003); the Pennsylvania Used Oil Recycling Act (58 P.S. §§ 471—480); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§ 4000.101—4000.1904); amended under sections 5(b) and 402 of The Clean Streams Law (35 P.S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. § 4000.302); section 408(e) of the Pennsylvania Used Oil Recycling Act (58 P.S. 408(e)); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P.S. §§ 510-5, 510-17 and 510-20); section 105(4) of the Waste Tire Recycling Act (35 P.S. § 6029.105(4)); sections 301 and 302 of the Radiation Protection Act (35 P.S. §§ 7110.301 and 7110.302); and the Vehicle Code, 75 Pa.C.S. § 4909(e), unless otherwise noted.

Source

The provisions of this Chapter 297 adopted July 2, 1992, effective July 4, 1992, 22 Pa.B. 3389, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 245.437 (relating to periodic testing); 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 261a.2 (relating to definition of “solid waste”); 25 Pa. Code § 298.20 (relating to applicability); 25 Pa. Code § 298.50 (relating to applicability); 25 Pa. Code § 287.102 (relating to permit-by-rule); 25 Pa. Code § 287.121 (relating to application contents); 25 Pa. Code § 287.504 (relating to operating requirements); and 25 Pa. Code § 287.601 (relating to scope).

Subchapter A. GENERAL

Sec.
297.1. Scope.

§ 297.1. Scope.

(a) This chapter sets forth application and operating requirements for residual waste processing facilities other than transfer or composting facilities. The requirements in this chapter are in addition to the applicable requirements in Chapter 287 (relating to residual waste management—general provisions).

(b) This chapter does not apply to processing facilities that are authorized to operate under § 287.102 (relating to permit-by-rule) or §§ 287.611, 287.612, 287.621—287.625, 287.631, 287.632, 287.641—287.644, 287.651 and 287.652.

**Subchapter B. APPLICATION REQUIREMENTS FOR  
PROCESSING FACILITIES**

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- 297.113. Radiation protection action plan.

**§ 297.101. General requirements.**

(a) An application to operate a residual waste processing facility under this chapter shall:

- (1) Comply with this subchapter.
- (2) Comply with Chapter 287 (relating to residual waste management—general provisions).

(b) Maps, plans and cross sections submitted to comply with this subchapter shall be on a scale of 1 inch equals no more than 50 feet with 2-foot maximum contour intervals, unless otherwise approved by the Department.

**§ 297.102. Operating plan.**

An application shall contain:

- (1) A narrative description of the general operating plan for the proposed facility, including the origin, composition and weight or volume of solid waste that is proposed to be processed at the facility, the process to be used at the facility, the daily operational methodology of the proposed process, the loading rate, the proposed capacity of the facility and the expected life of the facility.
- (2) A plan for an alternative waste handling or disposal system during periods when the proposed facility is not in operation, including procedures to be followed in case of equipment breakdown. Procedures may include the use of standby equipment, extension of operating hours and contractual agreements for diversion of residual waste to other facilities.
- (3) An operational safety, fire prevention and emergency response plan that will adequately protect workers and patrons of the facility, prepared by an expert in the field of industrial hygiene and safety.
- (4) A plan for assuring that solid waste received at the facility is consistent with § 297.201 (relating to basic limitations).

- (5) A plan for training equipment operators and other personnel concerning the operation and approved design of the facility.
- (6) The proposed operating hours of the proposed facility.
- (7) A narrative describing the procedures for inspection and monitoring of incoming waste.

**Source**

The provisions of this § 297.102 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (226872) to (226873).

**§ 297.103. Maps and related information.**

An application shall contain a topographic map of the proposed permit area and adjacent area, including necessary narrative descriptions, which show the following:

- (1) The boundaries and names of present owners of record of land, both surface and subsurface, including easements, rights-of-way and other property interests, for the proposed permit area and adjacent area; the boundaries of the land within the proposed permit area; and a description of title, deed or usage restrictions affecting the proposed permit area.
- (2) The boundaries of the land to be affected over the estimated total life of the proposed operation.
- (3) The location and name of surface water bodies such as springs, streams, lakes, ponds, wetlands, constructed or natural drains and irrigation ditches that are located on or within 1/4 mile of the proposed facility.
- (4) The location and name of public and private water sources that are located on or within 1/4 mile of the proposed facility. If more than 50 wells are located within the 1/4 mile radius, the applicant may identify only the closest wells in each direction and generally describe the location and number of wells within 1/4 mile of the proposed facility.
- (5) The location of rights-of-way for high-tension power lines, pipelines, railroads and public and private roads within 300 feet of the proposed facility.
- (6) The location of buildings in use within 300 feet of the proposed facility.
- (7) The anticipated location of water quality monitoring points, if monitoring is required by the Department.
- (8) The boundaries of land within the proposed permit area or adjacent area identified in § 297.202 (relating to areas where incinerators and other processing facilities are prohibited).
- (9) The location of underground mine shafts on the permit area and adjacent area.
- (10) The municipalities in which the permit area is proposed to be located.
- (11) The location of the 100-year floodplain boundaries.

- (12) The location of access roads to and within the proposed permit area, including slopes, grades and lengths of the roads.
- (13) The location of barriers, fences and similar structures required by § 297.212 (relating to access control).
- (14) The water diversion, collection, conveyance, erosion and sedimentation control, treatment, storage and discharge facilities to be used.
- (15) The solid waste storage or loading/unloading areas.
- (16) The areas of land for which a bond will be posted under Chapter 287, Subchapter E (relating to bonding and insurance requirements).
- (17) The location, size and use of buildings and related facilities which will be used in the operation, including their horizontal and vertical dimensions.
- (18) The location of scales and weigh stations to be used in the operation.
- (19) Utilities to be installed at the facility.
- (20) For noncaptive residual waste processing facilities, a designated area for vehicles for use in the event of the detection of waste containing radioactive material. The designated area shall, by location or shielding, protect the environment, facility staff and public from radiation originating in the vehicle. The Department's "*Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities*," Document Number 250-3100-001, describes various factors to consider in determining an appropriate designated area.

#### Source

The provisions of this § 297.103 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (226873) to (226874).

#### Cross References

This section cited in 25 Pa. Code § 287.135 (relating to transition period for radiation monitoring).

### § 297.104. Design and related information.

The application shall contain a narrative description of:

- (1) The sources, types and weight or volume of solid waste to be processed, including data on the moisture content of the waste, and information concerning special environmental pollution or handling problems that may be created by the solid waste.
- (2) The methods to be used to control the flow of waste to the facility, including a flow chart with a materials balance depicting the processing of solid waste and mechanical components of the processing system.
- (3) The interior dimensions of the tipping floor, storage area and, when applicable, ingress and egress thereto.
- (4) The size, type, capacity and general specifications of equipment for the handling, processing and storage of the waste.
- (5) The anticipated recovery rate of marketable materials or energy.

- (6) The actual or expected physical and chemical composition of ash, residue or wash water produced by operation of the facility.
- (7) The proposed location and method for disposal, storage or processing of ash, residue or wash water produced by operation of the facility.
- (8) The plan for separation, storage and ultimate disposal of unmarketable waste generated by the process, including plans for the temporary storage of bulky waste.
- (9) The minimum and maximum volume or weight of the types of material or solid waste to be stored prior to sale, reuse or disposal, and the minimum and maximum time that material or waste is to be stored.
- (10) A plan for disposal or processing of waste if the facility or a processing line within the facility is closed or shut down.
- (11) Utilities to be installed at the facility.
- (12) The plans and design for operating and maintaining the proposed facility to prevent fires, explosions, the emission of noxious or toxic gases and other emergencies.
- (13) A plan for the repair or replacement of equipment in the event of equipment breakdown, including plans for obtaining spare parts.

**§ 297.105. Plan for access roads.**

The application shall contain designs, cross sections and specifications for access roads, including load limits, to demonstrate compliance with § 297.213 (relating to access roads).

**Cross References**

This section cited in 25 Pa. Code § 297.213 (relating to access roads).

**§ 297.106. Soil erosion and sedimentation control plan.**

(a) The applicant shall submit a plan to manage surface water and control erosion during all phases of construction and operation at the facility. The plan shall be based on § 297.232 (relating to soil erosion and sedimentation control), Chapter 102 (relating to soil and sediment erosion) and other applicable State and Federal requirements. Calculations indicating water quantities shall be based on the 24-hour precipitation event in inches to be expected once in 25 years.

(b) The plan shall include fully dimensioned diversion ditches, indicating length, gradient and cross section for configuration by reach, and capacities for ditch volume by reach. The calculations which are necessary to support design and siting shall be included in the plan.

**§ 297.107. Soil and groundwater monitoring plan.**

(a) If required by the Department, the applicant shall submit a groundwater monitoring plan to detect groundwater degradation from background levels at the facility.

(b) If required by the Department, the applicant shall submit a soil monitoring plan to detect soil contamination from the facility.

**§ 297.108. Nuisance control plan.**

The application shall contain a plan under § 297.219 (relating to nuisance minimization and control) to prevent and control hazards or nuisances from vectors, odors, dust, noise and other nuisances not otherwise provided for in the permit application. The plan shall provide for the routine assessment of vector infestation and shall also provide for countermeasures. The plan may include a control program involving a contractual arrangement for services with an exterminator.

**§ 297.109. Litter control plan.**

The application shall contain a plan under § 297.221 (relating to litter) to control litter.

**§ 297.110. Waste reclamation plan.**

If waste reclamation is proposed, an application shall contain a waste reclamation plan under § 297.243 (relating to waste reclamation) that includes the following information:

- (1) Quality control specifications for the waste to be received, including acceptable ranges of concentrations of active ingredients, useful constituents, and contaminants or deleterious ingredients.
- (2) Uses and markets for reclaimed materials, including quality specifications for the materials in the use or market.
- (3) How resulting materials that are not used or approved for beneficial use will be managed as waste.

**Cross References**

This section cited in 25 Pa. Code § 297.243 (relating to waste reclamation).

**§ 297.111. Contingency plan.**

An application shall contain a contingency plan consistent with §§ 297.251—297.253 (relating to emergency procedures). The plan shall include a Preparedness, Prevention and Contingency (PPC) Plan that is consistent with the Department's most recent guidelines for the development and implementation of PPC plans.

**§ 297.112. Daily volume.**

The application shall contain a proposed maximum daily volume for the facility, and a detailed justification for the volume, based on §§ 287.126 and 287.127 (relating to requirement for environmental assessment; and environmental assessment).

**Source**

The provisions of this § 297.112 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**§ 297.113. Radiation protection action plan.**

(a) An application for a noncaptive residual waste processing facility shall contain an action plan specifying procedures for monitoring for and responding to radioactive material entering the facility, as well as related procedures for training, notification, recordkeeping and reporting:

(b) The action plan shall be prepared in accordance with the Department's "Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities," Document Number 250-3100-001, or in a manner at least as protective of the environment, facility staff and public health and safety and which meets all statutory and regulatory requirements.

(c) The action plan shall be incorporated into the facility's approved waste analysis plan under § 287.134 (relating to waste analysis plan).

**Source**

The provisions of this § 297.113 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**Cross References**

This section cited in 25 Pa. Code § 287.135 (relating to transition period for radiation monitoring); and 25 Pa. Code § 297.233 (relating to radiation monitoring and response for noncaptive residual waste processing facilities).

**Subchapter C. OPERATING REQUIREMENTS FOR  
PROCESSING FACILITIES**

**GENERAL PROVISIONS**

Sec.

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- 297.271. Temporary shutdown.
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**GENERAL PROVISIONS****§ 297.201. Basic limitations.**

(a) A person or municipality may not own or operate a residual waste processing facility, unless the Department has first issued a permit to that person or municipality for the facility under this article.

(b) A person or municipality that operates a residual waste processing facility shall comply with the following:

(1) The operating requirements of the act, this subchapter and the applicable requirements of Chapter 287 (relating to residual waste management—general provisions).

(2) The plans and specifications in the permit, the terms and conditions of the permit, the environmental protection acts, this title and orders issued by the Department.

(c) A person or municipality that operates a residual waste processing facility may not allow residual waste to be handled at the facility unless the Department has specifically approved the processing of the waste as part of the permit.

(d) A person or municipality that operates a residual waste processing facility may not:

(1) Mix solid waste with, or store solid waste in close proximity to other solid waste as to create a risk of fire or explosion, or a risk of the accumulation of poisonous or otherwise harmful vapors of gases.

(2) Allow explosive waste to be stored, processed or disposed at the facility.

(3) Allow hazardous waste to be stored, processed or disposed at the facility.

(e) Municipal waste, including sewage sludge, may not be stored, processed or disposed at the facility. Other special handling municipal waste may not be stored, processed or disposed at the facility unless the Department has specifically approved the storage, processing or disposal of the waste as part of the permit.

(f) The approved mitigation measures identified in the permit application shall be completed before a facility may accept waste unless a later date is authorized in writing by the Department for technical reasons.

(g) The following radioactive material controlled under specific or general license or order authorized by any Federal, state or other government agency may not be processed at the facility, unless specifically exempted from disposal restriction by an applicable Pennsylvania or Federal statute or regulation:

(1) Naturally occurring and accelerator produced radioactive material.

(2) Byproduct material.

(3) Source material.

(4) Special nuclear material.

(5) Transuranic radioactive material.

- (6) Low-level radioactive waste.
- (h) The following radioactive material may not be processed at the facility unless approved in writing by the Department and the processing does not endanger the environment, facility staff or public health and safety:
  - (1) TENORM.
  - (2) Consumer products containing radioactive material.
  - (3) Short-lived radioactive material from a patient having undergone a medical procedure.
- (i) The limitations in subsections (g)—(h) do not apply to radioactive material as found in the undisturbed natural environment of this Commonwealth.

#### Source

The provisions of this § 297.201 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (248219) to (248220).

#### Cross References

This section cited in 25 Pa. Code § 297.102 (relating to operating plan); and 25 Pa. Code § 297.203 (relating to waste analysis).

### **§ 297.202. Areas where incinerators and other processing facilities are prohibited.**

- (a) Except for areas that were permitted prior to July 4, 1992, residual waste processing facilities subject to this chapter may not be operated:
  - (1) In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the 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) and the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27).
  - (2) In or within 300 feet of an exceptional value wetland.
  - (3) In or within 100 feet of a wetland other than an exceptional value wetland, unless storage and processing will not occur within that distance or the storage and processing take place in an enclosed facility and one of the following applies:
    - (i) The operation is in or along the wetland, and the operator has received a permit from the Department under Chapter 105 (relating to dam safety and waterway management).
    - (ii) The operation is not in or along the wetland, and no adverse hydrologic or water quality impacts will result.
  - (4) Within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof 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.

(5) Within 100 feet of a perennial stream, unless one of the following applies:

(i) The storage and processing take place in an enclosed facility and no adverse hydrologic or water quality impacts will result.

(ii) Storage and processing that is not enclosed will not occur within that distance and no adverse hydrologic or water quality impacts will result.

(6) Within 50 feet of a property line unless the operator demonstrates that actual processing of waste is not occurring within that distance, storage and processing take place in an enclosed facility, or that the owners of occupied dwellings within that distance have provided written waivers 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.

(b) Except for areas that were permitted prior to September 26, 1988, processing facilities that commercially treat residual waste may not be operated within 300 yards of the following:

(1) A building which is owned by a school district or parochial school and used for instructional purposes.

(2) A park.

(3) A playground.

(c) Except as provided in subsection (d), this section does not apply to a feature that may come into existence after the date of the first newspaper notice under § 287.151 (relating to public notice by applicant).

(d) This section does not apply to a feature that may come into existence after the date of the first newspaper notice under this subsection if the following apply:

(1) The person or municipality publishes a notice of intent to file an application for a residual waste processing permit. The notice, which is separate from the newspaper notice required by § 287.151, shall be published once a week for 3 consecutive weeks in a newspaper of general circulation in the area where the facility is proposed to be located. The notice shall include a brief description of the location and proposed operation of the facility.

(2) The person or municipality files an administratively complete application under § 287.202 (relating to completeness review) with the Department within 1 year from the date of the first newspaper notice under this subsection.

(e) The Department may waive the isolation distances in this section for areas that were included in the permit area of a permit application that was determined by the Department to be administratively complete before July 4, 1992.

#### Source

The provisions of this § 297.202 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (248220) to (248222).

**Cross References**

This section cited in 25 Pa. Code § 287.111 (relating to notice by impoundments and unpermitted processing or disposal facilities); and 25 Pa. Code § 297.103 (relating to maps and related information).

**§ 297.203. Waste analysis.**

(a) The operator shall inspect each load in accordance with its approved plan under § 287.134 (relating to waste analysis plan) to ensure compliance with that section and § 297.201 (relating to basic limitations).

(b) The operator shall maintain analyses of the waste under § 287.134 onsite for a minimum of 5 years after the analyses are performed. These records shall be made available to representatives of the Department upon request.

(c) A person or municipality shall immediately notify the Department if analyses under § 287.134 indicate that there is a significant change in the quality of the waste.

**DAILY OPERATIONS****§ 297.211. Signs and markers.**

(a) A person or municipality that operates a facility subject to this subchapter shall identify the operation for the duration of residual waste processing operations by posting and maintaining a sign which is clearly visible and can be easily seen and read at the junction of each access road and public road unless otherwise approved by the Department. The sign shall be constructed of a durable, weather-resistant material. The sign shall show the name, business address and telephone number of the person or municipality operating the facility, the operating hours of the facility and the number of the current permit authorizing operations at the facility.

(b) Permit area markers and the permanent physical markers for the grid coordinate system shall be:

- (1) Posted and maintained for the duration of the operation.
- (2) Clearly visible, readable and uniform throughout the operation.
- (3) Permanently fixed and made of a durable material.

(c) The perimeter of the site shall be clearly marked before the beginning of operations.

**Source**

The provisions of this § 297.211 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (248222).

**§ 297.212. Access control.**

(a) A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an attendant is not on duty.

(b) The operator shall maintain a fence or other suitable barrier around the site sufficient to prevent unauthorized access.

(c) Access to the site shall be limited to when an attendant is on duty.

**Source**

The provisions of this § 297.212 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (248222) to (248223).

**Cross References**

This section cited in 25 Pa. Code § 297.103 (relating to maps and related information).

**§ 297.213. Access roads.**

(a) Access roads shall be designed, constructed and maintained to prevent erosion to the maximum extent possible and to prevent contributions of sediment to streams or runoff outside the site.

(b) A crossing of a perennial or intermittent stream or a wetland shall be made using bridges, culverts or similar structures. Bridges, culverts or other encroachments or water obstructions shall meet the requirements of Chapter 105 (relating to dam safety and waterway management).

(c) An access road shall have a drainage system that is compatible with the natural drainage system, structurally stable and which will pass safely the peak flow from a 24-hour, 25-year precipitation event. The drainage system shall comply with Chapter 102 (relating to erosion and sediment control).

(d) An access road shall be paved or surfaced with asphalt, gravel, cinders or other equivalent material approved by the Department in the permit. An access road shall be capable of withstanding the load limits projected by the applicant under § 297.105 (relating to plan for access roads). The maximum sustained grade of an access road may not exceed 12%.

(e) An access road negotiable by loaded collection vehicles shall be provided from the entrance gate of the area to each unloading area, treatment facility or impoundment.

(f) Roads shall be constructed on a base that is capable of withstanding anticipated loads.

(g) Disturbed areas adjacent to a road shall be vegetated or otherwise stabilized to prevent erosion.

(h) Access roads shall be designed, constructed and maintained to allow the orderly egress and ingress of vehicular traffic when the facility is in operation, including during inclement weather.

(i) An access road shall be maintained to control dust and to prevent or control the tracking of mud on and off site.

**Source**

The provisions of this § 297.213 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (248223) and (226881).

**Cross References**

This section cited in 25 Pa. Code § 297.105 (relating to plan for access roads).

**§ 297.214. Measuring and inspection of waste.**

(a) An operator of a solid waste processing facility that has received, is receiving or will receive 30,000 or more cubic yards of residual waste in a calendar year shall weigh residual waste when it is received. The scale used to weigh residual waste shall conform to 3 Pa.C.S. Chapter 41 (relating to the Consolidated Weights and Measures Act) and 70 Pa. Code Part I (relating to weighmasters). The operator of the scale shall be a licensed public weighmaster under 3 Pa.C.S. Chapter 41 and 70 Pa. Code Part I.

(b) The operator of a facility that is not required by subsection (a) to weigh waste when it is received shall accurately measure waste by volume or weight prior to unloading.

(c) The operator of a facility shall inspect and monitor incoming waste to ensure that the receipt of waste is consistent with this article.

**Source**

The provisions of this § 297.214 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226881).

**§ 297.215. Equipment.**

(a) The operator shall maintain on the site equipment necessary for operation of the facility in accordance with the permit. The equipment shall be maintained in an operable condition.

(b) If a breakdown of the operator's equipment occurs, the operator shall utilize standby equipment as necessary to comply with the act, the environmental protection acts, this subchapter and its permit conditions.

(c) Equipment shall be operated and maintained to prevent solid waste from being unintentionally removed from the facility.

(d) Equipment shall be cleaned at frequencies specified in the permit based on scheduled or emergency maintenance periods.

**Source**

The provisions of this § 297.215 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (226881) to (226882).

**§ 297.216. Unloading area.**

(a) The approach and unloading area shall be adequate in size and design to facilitate the rapid unloading of residual waste from collection vehicles and the unobstructed maneuvering of the vehicles and other equipment.

(b) The loading areas and unloading areas shall be constructed of impervious material which is capable of being cleaned by high pressure water spray and shall be equipped with drains or sumps connected to a sanitary sewer system or treat-

ment facility to facilitate the removal of water. Drains or treatment systems may be connected to a sanitary sewer system if a waste characterization is submitted to the sewage treatment plant operator, and the operator finds that the treatment plant can fully treat the waste stream. Leachate may also be collected in holding tanks prior to its transport to the sewage treatment plant.

(c) If the facility has an unloading pit, the facility shall have in place truck wheel curbs or tie downs that are sufficient to prevent trucks from backing into the pit or falling into the pit while unloading.

(d) An attendant or clearly marked signs shall direct vehicles to the unloading area.

(e) The operator shall ensure that collection vehicles unload waste promptly in unloading areas.

(f) Residual waste shall be confined to the unloading area or a storage area approved as part of the operator's permit.

(g) If bulky waste is handled or processed at the facility, the operator shall remove the waste daily or take other action sufficient to prevent nuisances or unsightliness.

(h) The facility shall have a storage capacity for the scheduled or emergency shutdown of processing operations that is equivalent to the waste that can be processed at the facility in 3 days, unless otherwise specified by the Department in the permit.

#### Source

The provisions of this § 297.216 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226882).

#### § 297.217. Cleaning and maintenance.

(a) Areas within the building shall be kept clean.

(b) The operator may not allow putrescible waste to remain at the facility at the end of the day or for more than 24 hours except that putrescible waste may remain at the facility for any time period up to 72 hours over a weekend or 3-day weekend if provided for in the permit.

(c) Plumbing shall be properly maintained, and the floors shall be well drained.

(d) Processing equipment and areas that have contact with solid waste shall be capable of being cleaned by high-pressure water spray or other methods, and shall be located near drains that connect to a sanitary sewer system or treatment facility.

(e) Provision shall be made for the routine operational maintenance of the facility.

(f) The operator shall inspect the facility daily to detect hot spots in the storage areas, dust accumulation, vectors, litter and other problems, and promptly take necessary corrective actions.

**Source**

The provisions of this § 297.217 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (226882) and (266351).

**§ 297.218. Air resources protection.**

(a) Emissions from a residual waste processing facility shall be consistent with the Air Pollution Control Act (35 P. S. §§ 4001—4015), Article III (relating to air resources), the terms or conditions of its permit and, if applicable, the most recent edition of the Department's criteria for best available technology, and other applicable Departmental guidelines.

(b) The operator may not cause or contribute to an exceedance of any ambient air quality standard under § 131.3 (relating to ambient air quality standards).

(c) A person or municipality may not cause or allow open burning at the facility.

**Source**

The provisions of this § 297.218 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (266351).

**Cross References**

This section cited in 25 Pa. Code § 297.241 (relating to safety).

**§ 297.219. Nuisance minimization and control.**

(a) The operator shall control and minimize the attraction, harborage or breeding of vectors.

(b) The operator shall control and minimize conditions not otherwise prohibited by this subchapter that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness and other public nuisances.

**Source**

The provisions of this § 297.219 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (266351).

**Cross References**

This section cited in 25 Pa. Code § 297.108 (relating to nuisance control plan).

**§ 297.220. Salvaging.**

(a) Salvaging of materials may not be allowed or conducted unless salvaging is controlled by the operator to prevent interference with prompt and sanitary operations and is conducted to prevent a health hazard or nuisance.

(b) Salvaged materials shall be promptly removed from the unloading area and either stored in an approved area under Chapter 299 (relating to storage and transportation of residual waste) or transported offsite.

**§ 297.221. Litter.**

(a) The operator may not allow litter to be blown or otherwise deposited off-site.

(b) Fences or other barriers sufficient to control blowing litter shall be located in the area immediately downwind from the storage or processing area, unless operations are conducted within an enclosed building or the solid waste being processed cannot create blowing litter.

(c) Blown off or intercepted litter shall be collected at least weekly from fences, roadways, tree line barriers and other barriers and disposed or stored in accordance with the act and the regulations thereunder, unless a greater frequency is set forth in the permit.

**Source**

The provisions of this § 297.221 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (266351) to (266352).

**Cross References**

This section cited in 25 Pa. Code § 297.109 (relating to litter control plan).

**§ 297.222. Daily volume.**

A person or municipality operating a processing facility may not receive solid waste at the facility in excess of the maximum daily volume approved in the permit.

**Source**

The provisions of this § 297.222 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**§ 297.223. Radiation monitoring and response for noncaptive residual waste processing facilities.**

(a) An operator shall implement the action plan approved under § 297.113 (relating to radiation protection action plan).

(b) An operator shall monitor incoming waste in accordance with the Department's "*Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities*," Document Number 250-3100-001, or in a manner at least as protective of the environment, the facility staff and the public health and safety. Monitoring shall meet the requirements of this section and the facility's approved radiation protection action plan.

(c) Radiation detector elements shall be as close as practical to the waste load and in an appropriate geometry to monitor the waste. The radiation monitoring system shall be set to alarm at a level no higher than 10 microrentgen per hour (uR/hr) above the average background at the facility when any of the radiation detector elements is exposed to a Cesium-137 gamma radiation field. Radiation detector elements shall be shielded to maintain the average background below 10

uR/hr. If capable of energy discrimination, the radiation monitoring system shall be set to detect gamma rays of a 50 kiloelectron volt (keV) energy and higher.

(d) An operator shall have portable radiation monitors capable of determining the radiation dose rate and presence of contamination on a vehicle that has caused an alarm. Upon a confirmed exceedance of the alarm level in subsection (c), a radiological survey of the vehicle shall be performed.

(e) An operator shall notify the Department immediately and isolate the vehicle when radiation dose rates of 20  $\mu$ Sv/hr (2 mrem/hr ) or greater are detected in the cab of a vehicle, 500  $\mu$ Sv/hr (50 mrem/hr) or greater are detected from any other surface, or contamination is detected on the outside of the vehicle.

(f) Monitoring equipment shall be calibrated at a frequency specified by the manufacturer, but not less than once a year.

(g) If radioactive material is detected, the vehicle containing the radioactive material may not leave the facility without written Department approval and an authorized Federal Department of Transportation Exemption Form.

#### Source

The provisions of this § 297.223 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

## SOIL AND WATER PROTECTION

### § 297.231. General requirements.

(a) The operator may not cause or allow a point or nonpoint source discharge in violation of The Clean Streams Law from or on the facility to surface waters of this Commonwealth.

(b) A residual waste processing facility shall be operated to prevent and control water pollution. An operator shall operate and maintain necessary water pollution treatment facilities until water pollution from or on the facility has been permanently abated.

(c) A facility shall be operated to prevent or minimize contact by surface water or groundwater with solid waste or processed material.

(d) The operator may not cause or allow water pollution on or off the site.

(e) The operator may not cause contamination of the soil on or off the site.

### § 297.232. Soil erosion and sedimentation control.

The operator shall manage surface water and control erosion and sedimentation to:

(1) Divert surface water away from the storage area with measures and structures necessary to handle surface water flows, based on a 25-year, 24-hour precipitation event, and supported by written calculations and also in compliance with Chapter 102 (relating to erosion and sediment control).

- (2) Meet the requirements of Chapter 102 and Chapter 105 (relating to dam safety and waterway management).
- (3) Prevent erosion to the maximum extent possible, including if possible, using revegetation.

**Source**

The provisions of this § 297.232 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (266352).

**Cross References**

This section cited in 25 Pa. Code § 297.106 (relating to soil erosion and sedimentation control plan).

**§ 297.233. Soil and groundwater monitoring.**

(a) If required by the Department as part of the permit, the operator shall conduct soil or groundwater monitoring, or both. The groundwater monitoring shall be in accordance with §§ 288.252—288.258, as required by the Department, and the terms and conditions of the permit, and shall continue for the period specified in § 297.272 (relating to cessation of operations).

(b) For purposes of the interfacing with §§ 288.252—288.258, the following terms apply:

- (1) The term “disposal area” is substituted with “area where storage and processing occur.”
- (2) The term “residual waste landfill” is substituted with “incinerator or other processing facility.”
- (3) The term “disposed” is substituted with “stored or processed.”

**Source**

The provisions of this § 297.233 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (266352) and (226885).

**Cross References**

This section cited in 25 Pa. Code § 297.272 (relating to cessation of operations).

**§ 297.234. Water supply replacement.**

(a) An operator which adversely affects a water supply by degradation, pollution or other means shall restore the affected supply at no additional cost to the owner or replace the affected water supply with an alternate source that is of like quantity and quality to the original supply at no additional cost to the owner.

(b) A temporary water supply shall be provided as soon as practicable but not later than 48 hours after one of the following:

- (1) Receipt of information showing that the operator is responsible for adversely affecting the water supply.

- (2) Receipt of notice from the Department that the operator is responsible for adversely affecting the water supply.
- (c) A permanent water supply shall be provided as soon as practicable but not later than 90 days after one of the following:
  - (1) Receipt of information showing that the operator is responsible for adversely affecting the water supply.
  - (2) Receipt of notice from the Department that the operator is responsible for adversely affecting the water supply.
  - (d) Permanent water supplies include development of a new well with a distribution system, interconnection with a public water supply, or extension of a private water supply, but do not include provision of bottled water or a water tank supplied by a bulk water hauling system, which are temporary water supplies.

**Source**

The provisions of this § 297.234 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226885).

## SAFETY AND OPERATIONS

### § 297.241. Safety.

- (a) The operator shall establish an accident prevention and safety plan sufficient to protect employees at the facility and patrons of the facility.
- (b) The accident prevention and safety plan shall be distributed as follows:
  - (1) An employee safety handbook shall be issued to each employee.
  - (2) Special operating procedures for potentially dangerous activities shall be issued to each employee and shall be posted in the relevant operating area.
  - (3) Ongoing safety programs shall be conducted.
  - (4) Emergency telephone numbers and basic first aid procedures shall be posted throughout the facility.
- (c) The operator shall comply with applicable State or Federal laws pertaining to occupational safety and shall also implement the operation, safety and maintenance procedures recommended by the designers or manufacturers of equipment at the facility.
- (d) The facility shall be ventilated in a manner consistent with § 297.218 (relating to air resources protection).

### § 297.242. Availability of engineering and operational plans.

- (a) At least one set of up-to-date engineering drawings of the facility as constructed shall be available on the premises for reference by operation and maintenance personnel.
- (b) At least one set of up-to-date equipment operation and maintenance manuals shall be available on premises for reference by employees of the facility.

The manuals shall be submitted to the Department when they are updated and shall otherwise be submitted to the Department upon request.

**§ 297.243. Waste reclamation.**

If waste reclamation is conducted, the operator shall conduct waste reclamation in accordance with the plan approved under § 297.110 (relating to waste reclamation plan).

**Cross References**

This section cited in 25 Pa. Code § 297.110 (relating to waste reclamation plan).

**EMERGENCY PROCEDURES**

**§ 297.251. Hazard prevention.**

A residual waste processing facility shall be designed, constructed, maintained and operated to prevent and minimize the potential for fire, explosion or a release of solid waste constituents to the air, water or soil of this Commonwealth that could threaten public health or safety, public welfare or the environment.

**Cross References**

This section cited in 25 Pa. Code § 297.111 (relating to contingency plan).

**§ 297.252. Emergency equipment.**

(a) Except as provided in subsection (b), a residual waste processing facility shall have available in proper working condition the following equipment at the immediate operating area of the facility:

- (1) An internal communications or alarm system capable of providing immediate emergency instruction by voice or signal to facility personnel.
- (2) A communications system capable of summoning emergency assistance from local police and fire departments, emergency medical services and from State and local emergency response agencies.
- (3) Portable fire extinguishers, fire control equipment, spill control equipment, decontamination equipment and self-contained breathing apparatus. For fire control equipment requiring water, the facility shall have a water supply of adequate quantity and pressure to supply the equipment.

(b) The Department may waive or modify one or more of the requirements of subsection (a) in the permit if the operator demonstrates to the Department's satisfaction that the requirements are not necessary to protect public health and safety, public welfare and the environment.

(c) Equipment and material required by this section shall be tested and maintained so that it is operable in time of emergency.

(d) Adequate space shall be maintained to allow the unobstructed movement of emergency personnel and equipment to an operating area of the facility.

**Cross References**

This section cited in 25 Pa. Code § 297.111 (relating to contingency plan).

**§ 297.253. Implementation of contingency plan.**

(a) The operator of the facility shall immediately implement the applicable provisions of the approved contingency plan whenever there is an emergency. For purposes of this section, the term “emergency” includes a fire, spill or other hazard that threatens public health and safety, public welfare or the environment, and personal injury.

(b) During an emergency, the operator shall:

(1) Assess actual or potential hazards to public health and safety, public welfare and the environment that are occurring or may occur.

(2) Ensure that fires, spills or other hazards do not occur, reoccur or spread to other solid waste at the facility.

(3) Immediately telephone the Department and county emergency management agency, and report the following information:

(i) The name of the person reporting the incident and telephone number where that person can be reached.

(ii) The name, address and permit number of the facility.

(iii) The date, time and location of the emergency.

(iv) A brief description of the nature of the emergency, the type and quantity of the solid waste involved, and what dangers to public health and safety, public welfare and the environment exist or may occur.

(v) The nature of injuries.

(vi) The parts of the contingency plan being implemented to alleviate the emergency.

(c) After an emergency, the operator of the facility shall:

(1) Clean up the area affected by the emergency and treat, store or dispose of recovered solid waste, contaminated soil, contaminated water or other material in a manner approved by the Department.

(2) Prevent processing, storage or disposal of solid waste in the area affected by the emergency until the operator has cleaned up the area, and the Department has approved the resumption of operation after the cleanup.

**Source**

The provisions of this § 297.253 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (248225) to (248226).

**Cross References**

This section cited in 25 Pa. Code § 297.111 (relating to contingency plan).

**RECORDKEEPING AND REPORTING****§ 297.261. Daily operational records.**

(a) The operator of a residual waste processing facility shall make and maintain an operational record for each day that residual waste is received, processed or transported offsite.

- (b) The daily operational record shall include the following:
- (1) The type and weight or volume of the solid waste received.
  - (2) The name, mailing address, county and state of each generator of residual waste.
  - (3) The transporters of the solid waste.
  - (4) The weight or volume of each material used, reclaimed or marketed as a result of the process.
  - (5) The name and county or state of the facility where the solid waste is ultimately disposed and the weight or volume of waste disposed for bypass wastes and waste products.
  - (6) A description of waste handling problems or emergency disposal activities.
  - (7) A record of deviations from the approved design or operational plans.
  - (8) A record of activities for which entries are needed to comply with the annual operation report required in § 297.262 (relating to annual operation report).
  - (9) A record of actions taken to correct violations of the act, the environmental protection acts and this title.
  - (10) A record of rejected waste loads and the reasons for rejecting the loads.
  - (11) For noncaptive facilities, a record of each incident in which radioactive material is detected in waste loads. The record shall include:
    - (i) The date, time and location of the occurrence.
    - (ii) A brief narrative description of the occurrence.
    - (iii) Specific information on the origin of the material, if known.
    - (iv) A description of the radioactive material involved, if known.
    - (v) The name, address and telephone numbers of the supplier or handler of the radioactive material and the name of the driver.
    - (vi) The final disposition of the material.
  - (12) For noncaptive incinerators, a record of each vehicle, other than a combination, that exceeds 73,280 pounds gross weight and of each combination that exceeds 80,000 pounds gross weight.
    - (i) The record shall include:
      - (A) The gross weight of the vehicle when weighed at the facility.
      - (B) The registration plate number and home, or base state registration of the vehicle.
      - (C) The name, address and telephone number of the owner of the vehicle.
      - (D) The date and time when the vehicle was weighed at the facility.
      - (E) The date that the weight scale was last tested in accordance with 3 Pa.C.S. Chapter 41 (relating to the Consolidated Weights and Measures Act).
    - (ii) For purposes of this paragraph, the following terms have the following meanings:

(A) *Combination*—Two or more vehicles physically interconnected in tandem. An example of a combination is a truck tractor attached to a semi-trailer.

(B) *Gross weight*—The combined weight of a vehicle or combination of vehicles and its load excluding the driver's weight.

(C) *Registration*—The authority for a vehicle to operate on a highway as evidenced by the issuance of an identifying card and plate or plates.

(c) The operator shall maintain accurate operational records sufficient to determine whether residual waste is being stored under Chapter 299, Subchapter A (relating to standards for storage of residual waste).

(d) Daily operational records shall be retained for the life of the facility bond, or longer if determined by the Department to be necessary to meet the standards of the environmental protection acts. These records shall be made available to the Department upon request.

#### Authority

The provisions of this § 297.261 issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Pennsylvania Used Oil Recycling Act (58 P. S. §§ 471—480); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); amended under sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 408(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 408(e)); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); section 105(4) of the Waste Tire Recycling Act (35 P. S. § 6029.105(4)); sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6); and the Vehicle Code, 75 Pa.C.S. § 4909(e).

#### Source

The provisions of this § 297.261 amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6190; amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (248226).

### § 297.262. Annual operation report.

(a) An operator of a residual waste processing facility shall submit to the Department an annual operation report on or before June 30 of each year.

(b) The annual operation report, which shall be submitted on a form supplied by the Department, shall include the following:

(1) The weight or volume of each type of solid waste received.

(2) The type and weight or volume of solid waste received from each generator, including the name, mailing address, county and state of each generator.

(3) The weight or volume of each material marketed or disposed as a result of the process.

(4) A current certificate of insurance, as specified in § 287.373(a) (relating to proof of insurance coverage), evidencing continuous coverage for public liability insurance as required by § 287.371 (relating to insurance requirement).

(5) Changes in the previous year concerning the information required by §§ 287.124 and 287.125 (relating to identification of interests; and compliance information). The report shall also indicate if no changes have occurred.

(6) A change in the ownership of the land upon which the facility is located or a change in a lease agreement for the use of the land that may affect or alter the operator's rights upon the land.

(7) A written update of the total bond liability for the facility under § 287.331 (relating to bond amount determination). If additional bond is determined to be necessary, it shall be submitted to the Department within 90 days after the annual report is due.

(8) Certification that the operator has received the analysis or certification required by § 287.54 (relating to chemical analysis of waste) for each type of residual waste or special handling waste received at the facility, and that the residual waste or special handling waste that is received at the facility meets the conditions in the facility's permit.

(9) A record of detected radioactive materials.

(c) The annual operation report shall be accompanied by a nonrefundable annual permit administration fee in the form of a check payable to the "Commonwealth of Pennsylvania" for the following amounts:

(1) Six hundred fifty dollars for facilities that incinerate residual waste.

(2) Nine hundred dollars for other residual waste processing facilities subject to this subchapter.

#### Authority

The provisions of this § 297.262 issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Pennsylvania Used Oil Recycling Act (58 P. S. §§ 471—480); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); amended under sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 408(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 408(e)); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); section 105(4) of the Waste Tire Recycling Act (35 P. S. § 6029.105(4)); sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6); and the Vehicle Code, 75 Pa.C.S. § 4909(e).

#### Source

The provisions of this § 297.262 amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6190; amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (239047) to (239048).

#### Cross References

This section cited in 25 Pa. Code § 297.261 (relating to daily operational records).

**CESSATION AND CLOSURE****§ 297.271. Temporary shutdown.**

(a) An alternate permitted solid waste processing or disposal facility shall be available for use if the facility is shut down for a period that extends beyond the permitted storage capacity of the facility. The Department may waive this requirement if the facility has a second processing line that can be used if the first processing line is shut down.

(b) If the incinerators at the facility are out of service for a longer period than the storage capacity of the site will allow, solid waste shall be promptly removed from the site.

**§ 297.272. Cessation of operations.**

(a) Upon cessation of processing operations at the facility, the operator shall remove solid waste and structures or other materials which contain or are contaminated with solid waste, and shall provide for the processing or disposal of the waste or material in accordance with the act, the environmental protection acts and this title.

(b) An operator required under § 297.233 (relating to soil and groundwater monitoring) to conduct soil monitoring may discontinue soil monitoring upon cessation of processing operations only upon written approval of the Department. In deciding whether to allow discontinuance of monitoring, the Department will consider the operational history of the facility, the likelihood that soil contamination will manifest itself in the future and other factors.

(c) An operator required under § 297.233 to conduct groundwater monitoring may discontinue groundwater monitoring after cessation of operations and cleanup only upon written approval by the Department. In deciding whether to allow discontinuance of monitoring, the Department will consider the operational history of the facility, the likelihood that groundwater contamination will manifest itself in the future, whether the remediation standards in § 287.342(c) (relating to final closure certification) are met and maintained and other relevant factors.

**Source**

The provisions of this § 297.272 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (239048).

**Cross References**

This section cited in 25 Pa. Code § 297.233 (relating to soil and groundwater monitoring).

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