

**CHAPTER 283. RESOURCE RECOVERY AND OTHER PROCESSING FACILITIES**

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**Authority**

The provisions of this Chapter 283 issued under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); sections 5(a), 304 and 402 of The Clean Streams Law (35 P. S. §§ 691.5(a), 691.304 and 691.402); and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); amended under the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); section 104(a) of the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.104(a)); the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infectious and Chemotherapeutic Waste Disposal Law (35 P. S. §§ 6019.2(b) and 6019.4(b)); sections 1905-A, 1917-A, 1920-A and 1937-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17, 510-20 and 510-37); section 207 of the Small Business and Household Pollution Prevention Program Act (35 P. S. § 6029.207); section 15(a) of the act of November 26, 1997 (P. L. 530, No. 57); the Environmental Stewardship and Watershed Protection Act, 27 Pa.C.S. § 6105(g); sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); and section 4(a) of the Household Hazardous Waste Funding Act (35 P. S. § 6025.4(a)), unless otherwise noted.

**Source**

The provisions of this Chapter 283 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681, unless otherwise noted.

**Cross References**

This chapter cited in 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 266b.11 (relating to waste management for universal waste mercury-containing devices); 25 Pa. Code § 271.2 (relating to scope); 25 Pa. Code § 271.101 (relating to permit requirement); 25 Pa. Code § 271.121 (relating to application contents); 25 Pa. Code § 271.504 (relating to operating requirements); 25 Pa. Code § 271.801 (relating to scope); 25 Pa. Code § 273.512 (relating to chemotherapeutic waste); 25 Pa. Code § 284.1 (relating to scope); and 25 Pa. Code § 284.101 (relating to authorization for general permits).

**Subchapter A. GENERAL**

Sec.  
283.1. Scope.

**§ 283.1. Scope.**

This chapter sets forth application and operating requirements for a person or municipality that operates a municipal waste processing facility other than a transfer or composting facility, including a resource recovery facility as well as an incinerator other than an incinerator operating under a permit-by-rule under § 271.103(f) (relating to permit-by-rule for municipal waste processing facilities other than for infectious or chemotherapeutic waste; qualifying facilities; general requirements). The requirements in this chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

**Source**

The provisions of this § 283.1 amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 521. Immediately preceding text appears at serial page (194477).

**Subchapter B. APPLICATION REQUIREMENTS****GENERAL PROVISIONS**

Sec.  
283.101. General requirements.  
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**RECYCLING**

283.121. Recycling plan.  
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283.123. Plan for removal of hazardous materials.

**Cross References**

This subchapter cited in 25 § 283.301 (relating to scope).

**GENERAL PROVISIONS****§ 283.101. General requirements.**

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

- (1) Comply with this subchapter.
- (2) Comply with the applicable requirements of Chapter 271 (relating to municipal 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.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.102. 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 municipal 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 § 283.201 (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 study that documents the short-term and long-term effects that the facility will have on the public and private water supply. The study shall include, but not be limited to, effects of pollution, contamination, diminution and alternative sources of water adequate in quantity and quality for the purposes served by the public and private water supply.
- (8) An explanation of how the applicant intends to comply with § 283.214 (relating to measuring and inspection of waste).

**Source**

The provisions of this § 283.102 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; amended October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226373).

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.103. 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, and 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 the proposed permit area and adjacent area.
- (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 currently 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 § 283.202 (relating to areas where resource recovery facilities and other processing facilities are prohibited).
- (9) The location of underground mine shafts on the permit area and the 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 § 283.212 (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 271, Subchapter D (relating to financial assurances 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) 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 § 283.103 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226374).

#### Cross References

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

### § 283.104. 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) Plans and designs 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.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.105. Plan for access roads.**

The application shall contain designs, cross sections and specifications for access roads, including load limits, to demonstrate compliance with § 283.213 (relating to access roads).

**Cross References**

This section cited in 25 Pa. Code § 283.213 (relating to access roads); and 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.106. 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 the requirements of § 283.232 (relating to soil erosion and sedimentation control), Chapter 102 (relating to erosion and sediment control) 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.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

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

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

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

**Source**

The provisions of this § 283.107 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266322).

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.108. Nuisance control plan.**

The application shall contain a plan under § 283.219 (relating to nuisance 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.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.109. Litter control plan.**

The application shall contain a plan to comply with § 283.221 (relating to litter) to control litter.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.110. Contingency plan.**

An application shall contain a contingency plan consistent with §§ 283.251—283.253 (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.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.111. Plan for protection of capacity.**

(a) *Application information.*

- (1) Except as provided in paragraph (2), an application for one of the following resource recovery facilities shall contain the information required by this section:
- (i) A new resource recovery facility.
  - (ii) Additional capacity for a resource recovery facility.
  - (iii) A permit modification that would result in an increase in the average or maximum daily volume of waste that may be received for processing at a resource recovery facility.
- (2) This section does not apply to an applicant for a resource recovery facility financed by the host municipality or municipal authority. A copy of the relevant documents shall be included with the application if this exemption is sought.
- (b) *Additional requirements.* If the application meets the criteria in subsection (a), the application shall:
- (1) Include a statement that the applicant notified the host county and host municipality in writing of its ability to negotiate for protection of capacity under section 1111 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.1111). A copy of the notification letters shall be included.
  - (2) For the host municipalities:
    - (i) Identify the host municipalities.
    - (ii) Describe the weight or volume of municipal waste generated within the host municipality that will be delivered to the proposed facility, and the period over which the waste will be delivered.
    - (iii) Describe the rates, terms or conditions of the agreement or arbitration award allowing the waste to be delivered. In lieu of a description, a copy of the agreement or arbitration award may be attached.
    - (iv) Include a detailed description of the current status of negotiations under section 1111 of the Municipal Waste Planning, Recycling and Waste Reduction Act, including a projected date by which an agreement or arbitration award will be reached, if there is no agreement or arbitration award between the host municipality and the applicant.
  - (3) For the host counties:
    - (i) Identify the host counties.
    - (ii) Describe the weight or volume of municipal waste generated within the host county that will be delivered to the proposed facility, and the period of time over which the waste will be delivered.
    - (iii) Describe the rates, terms or conditions of the agreement or arbitration award allowing the waste to be delivered. In lieu of a description, a copy of the agreement or arbitration award may be attached.
    - (iv) Include a detailed description of the current status of negotiations under section 1111 of the Municipal Waste Planning, Recycling and Waste Reduction Act, including a projected date by which an agreement or arbitra-



tion award will be reached if there is no agreement or arbitration award between the host county and the applicant.

**Source**

The provisions of this § 283.111 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

**Cross References**

This section cited in 25 Pa. Code § 283.222 (relating to protection of capacity); and 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.112. Relationship to county plans.**

(a) This section requires the submission of certain information in the permit application when the Department has given final approval to a municipal waste management plan for the county in which the proposed facility, or proposed additional capacity for a facility, would be located, and the county has submitted to the Department legal documents necessary to implement the plan under § 272.245 (relating to submission of implementing documents).

(b) An application shall contain the following:

(1) An explanation of whether the proposed facility is provided for in the approved plan for the host county. A facility is “provided for” if it is designated by the host county to provide capacity assurance in the approved host county plan. A facility analyzed as part of a planning process, but not designated, will not be considered “provided for.”

(2) If the proposed facility is not provided for in the approved host county plan:

(i) A detailed explanation of whether the proposed facility will interfere with implementation of the approved host county plan.

(ii) A detailed explanation of whether the proposed facility will interfere with municipal waste collection, storage, transportation, processing or disposal in the host county.

(iii) A detailed response to objection, if any, filed by the governing body of the host county within 60 days of the written notice under section 504 of the act (35 P. S. § 6018.504).

**Source**

The provisions of this § 283.112 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226378) to (226379).

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.113. Radiation protection action plan.**

(a) An application 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 § 271.613 (relating to waste analysis plan).

**Source**

The provisions of this § 283.113 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**Cross References**

This section cited in 25 Pa. Code § 283.220 (relating to radiation monitoring and response); and 25 Pa. Code § 284.310 (relating to application requirements).

**§ 283.114. Daily volume.**

The application shall contain a proposed maximum daily volume for the facility, and a detailed justification for the volume, based on §§ 271.126 and 271.127 (relating to requirement for environmental assessment; and environmental assessment).

**Source**

The provisions of this § 283.114 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**Cross References**

This section cited in 25 Pa. Code § 284.310 (relating to application requirements).

**RECYCLING****§ 283.121. Recycling plan.**

An application shall contain a plan for salvaging and recycling waste materials received at the facility for which recycling is cost effective, including proposed salvage areas, salvaging methods and anticipated markets for salvaged materials under § 283.281 (relating to salvaging of materials).

**Source**

The provisions of this § 283.121 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226379) to (226380).

**Cross References**

This section cited in 25 Pa. Code § 283.201 (relating to basic limitations); and 25 Pa. Code § 283.281 (relating to salvaging of materials).

**§ 283.122. Plan for recycled materials collection center.**

An application for a facility that will be receiving waste after September 26, 1990, including the expansion of an existing facility, shall include a plan consistent with § 283.282 (relating to recycled materials collection center).

**Source**

The provisions of this § 283.122 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

**Cross References**

This section cited in 25 Pa. Code § 283.201 (relating to basic limitations).

**§ 283.123. Plan for removal of hazardous materials.**

(a) An application for a facility that will be receiving waste after September 26, 1990, including the expansion of an existing facility, shall include a plan consistent with § 283.283 (relating to removal of hazardous materials). The plan shall include a screening and inspection program at the facility and one or more of the following methods of removing hazardous materials from the waste to be processed:

(1) Sponsorship by the operator of the household hazardous waste collection programs under Chapter 272, Subchapter F (relating to household hazardous waste collection, transportation and management).

(2) Municipal sponsorship of household hazardous waste collection programs under Chapter 272, Subchapter F.

(b) For purposes of this section, hazardous materials include plastics if appropriate, corrosive materials, batteries, pressurized cans and household hazardous waste.

**Source**

The provisions of this § 283.123 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B.

5105; amended October 5, 2001, effective October 6, 2001, 31 Pa.B. 5547. Immediately preceding text appears at serial pages (276359) to (276360).

**Cross References**

This section cited in 25 Pa. Code § 283.201 (relating to basic limitations); and 25 Pa. Code § 283.283 (relating to removal of hazardous materials).

**Subchapter C. OPERATING REQUIREMENTS**

**GENERAL PROVISIONS**

Sec.

- 283.201. Basic limitations.
- 283.202. Areas where resource recovery facilities and other processing facilities are prohibited.

**DAILY OPERATIONS**

- 283.211. Signs and markers.
- 283.212. Access control.
- 283.213. Access roads.
- 283.214. Measurement and inspection of waste.
- 283.215. Equipment.
- 283.216. Unloading area.
- 283.217. Cleaning and maintenance.
- 283.218. Air resources protection.
- 283.219. Nuisance minimization and control
- 283.220. Radiation monitoring and response.
- 283.221. Litter.
- 283.222. Protection of capacity.
- 283.223. Daily volume.

**SOIL AND WATER PROTECTION**

- 283.231. General requirements.
- 283.232. Soil erosion and sedimentation control.
- 283.233. Soil and groundwater monitoring.
- 283.234. Water supply replacement.

**SAFETY AND OPERATIONS**

- 283.241. Safety.
- 283.242. Availability of engineering and operational plans.

**EMERGENCY PROCEDURES**

- 283.251. Hazard prevention.
- 283.252. Emergency equipment.
- 283.253. Implementation of contingency plan.

**RECORDKEEPING AND REPORTING**

- 283.261. Daily operational records.
- 283.262. Annual operation report.
- 283.263. Host municipality benefit fee.
- 283.264. Recycling fee.

**CESSATION AND CLOSURE**

- 283.271. Temporary shutdown.
- 283.272. Cessation of operations.

**RECYCLING AND WASTE REMOVAL**

- 283.281. Salvaging of materials.
- 283.282. Recycled materials collection center.
- 283.283. Removal of hazardous materials.

**Cross References**

This subchapter cited in 25 Pa. Code § 283.401 (relating to scope); and 25 Pa. Code § 284.320 (relating to operating requirements).

**GENERAL PROVISIONS****§ 283.201. Basic limitations.**

(a) A person or municipality may not own or operate a municipal waste processing facility other than a transfer facility or composting facility, unless the Department has first issued a permit to the person or municipality for the facility under this chapter.

(b) A person or municipality that operates a municipal waste processing facility other than a transfer or composting facility shall comply with the following:

(1) The operating requirements of the act, this subchapter and the applicable requirements of Chapter 271 (relating to municipal 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 facility subject to this chapter may not allow residual waste or special handling 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 facility subject to this subchapter may not:

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

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

(e) Hazardous waste subject to Article VII (relating to hazardous waste management) may not be disposed, processed or stored at municipal waste processing facilities subject to this subchapter.

(f) Lead acid batteries may not be processed at the facility except for purposes of removal for recycling or disposal.

(g) On and after September 26, 1990, loads composed primarily of leaf waste may not be processed at the facility except for purposes of composting.

(h) A person or municipality may not allow solid waste generated outside the host county for a facility to be received, disposed or otherwise managed at the facility if the transportation to, or disposal or management at, the facility would violate applicable laws in effect in the county or state in which the waste was generated, or state or local solid waste management plans in effect where the waste was generated.

(i) Sections 283.121—283.123 (relating to recycling) also apply.

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

(k) 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 restrictions 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.

(l) 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) Short lived radioactive material from a patient having undergone a medical procedure.
- (2) TENORM.
- (3) Consumer products containing radioactive material.

(m) The limitations in subsections (k) and (l) do not apply to radioactive material as found in the undisturbed natural environment of this Commonwealth.

#### Source

The provisions of this § 283.201 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; amended October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (255083) to (255084).

#### Cross References

This section cited in 25 Pa. Code § 283.102 (relating to operating plan); and 25 Pa. Code § 284.111 (relating to application for general permit).

### § 283.202. Areas where resource recovery facilities and other processing facilities are prohibited.

(a) Except for areas that were permitted prior to April 9, 1988, a municipal waste processing facility subject to this chapter may not be operated as follows:

- (1) *Floodplain*. 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 Encroachment Act (32 P. S. §§ 693.1—693.27).

(2) *Wetlands.*

(i) In or within 300 feet of an exceptional value wetland as defined in § 105.17 (relating to wetlands).

(ii) For a processing facility permit issued on or after December 23, 2000, other than an expansion of a processing facility that was permitted prior to December 23, 2000, in or within 100 feet of a wetland other than an exceptional value wetland, unless for a processing facility other than a resource recovery facility storage and processing will not occur within that distance or storage and processing take place in an enclosed facility and one of the following is true:

(A) If the operation is in or along the wetland, the operator has received a permit from the Department under Chapter 105 (relating to dam safety and waterway management).

(B) If the operation is not in or along the wetland, no adverse hydrologic or water quality impacts will result.

(3) *Occupied dwelling.*

(i) For a processing facility permit issued prior to December 23, 2000, or for an expansion of a resource recovery facility or other processing facility that was permitted prior to December 23, 2000, 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. 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. This siting limitation does not apply to onsite infectious and chemotherapeutic waste incineration facilities which are not commercial facilities.

(ii) For a processing facility permit issued on or after December 23, 2000, within 300 yards 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 yards. 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.

(4) *Perennial stream.* Within 100 feet of a perennial stream unless the storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result.

(5) *Property line.* Within 50 feet of a property line unless the operator demonstrates one of the following:

(i) That actual processing of waste is not occurring within 50 feet of a property line.



- (ii) That storage and processing take place in an enclosed facility.
  - (iii) That the owner of the adjacent property has provided a written waiver consenting to the facility being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
- (6) *School, park or playground.*
- (i) For a resource recovery facility permit issued on or after September 26, 1988, except an expansion of a resource recovery facility permitted prior to September 26, 1988, within 300 yards of the following:
    - (A) A building which is owned by a school district or school and used for instructional purposes.
    - (B) A park.
    - (C) A playground.
  - (ii) The current property owner of a school building, park or playground may waive the 300-yard prohibition by signing a written waiver. Upon receipt of the waiver, the Department will waive the 300-yard prohibition and will not use the prohibition as the basis for the denial of a new permit.
  - (b) Except as provided in subsection (c), this section does not apply to a feature that may come into existence after the date of the first newspaper notice under § 271.141 (relating to public notice by applicant).
  - (c) 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 municipal waste processing permit. The notice, which is separate from the newspaper notice required by § 271.141, 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 § 271.202 (relating to receipt of application and completeness review) with the Department within 1 year from the date of the first newspaper notice under this subsection.

#### Source

The provisions of this § 283.202 adopted April 7, 1988, effective April 8, 1988, 18 Pa.B. 1681; amended August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; amended October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 521; amended December 22, 2000, effective December 23, 2000, 30 Pa. 6685. Immediately preceding text appears at serial pages (255084) and (226385).

**Cross References**

This section cited in 25 Pa. Code § 283.103 (relating to maps and related information); and 25 Pa. Code § 284.311 (relating to plan for monitoring).

**DAILY OPERATIONS****§ 283.211. Signs and markers.**

(a) A person or municipality that operates a facility subject to this subchapter shall identify the facility and the recycling drop-off center required under § 283.282 (relating to recycled materials collection center) for the duration of municipal 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. 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 to which they pertain.
- (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 § 283.211 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226386).

**§ 283.212. 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 § 283.212 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226386).

**Cross References**

This section cited in 25 Pa. Code § 283.103 (relating to maps and related information).

**§ 283.213. Access roads.**

(a) An access road 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 control 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 § 283.105 (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) A road 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) An access road shall be maintained to control dust and to prevent or control the tracking of mud on or off site.

(i) An access road 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.

**Source**

The provisions of this § 283.213 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226386) to (226387).

**Cross References**

This section cited in 25 Pa. Code § 283.105 (relating to plan for access roads).

**§ 283.214. Measurement and inspection of waste.**

(a) An operator of a municipal waste processing facility that has received, is receiving or will receive 30,000 or more cubic yards of solid waste in a calendar year shall weigh solid waste when it is received. The scale used to weigh solid 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 insure that the receipt of waste is consistent with this article.

**Source**

The provisions of this § 283.214 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226387).

**Cross References**

This section cited in 25 Pa. Code § 283.102 (relating to operating plan).

**§ 283.215. 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 used to handle putrescible solid waste with which operations personnel are in direct contact shall be cleaned at the end of each working day or every 24 hours. Other equipment shall be cleaned at frequencies specified in the permit based on scheduled or emergency maintenance periods.

**Source**

The provisions of this § 283.215 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226387) to (226388).

**§ 283.216. Unloading area.**

(a) The approach and unloading area shall be adequate in size and design to facilitate the rapid unloading of municipal 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 treatment 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 sludge treatment plant operator and the operator finds that the treatment plant can fully treat the waste stream. Leachate may be collected in holding tanks prior to its transport to the sewage treatment facility.

(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) Solid 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 § 283.216 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226388).

**§ 283.217. 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. Drains or treatment systems may be connected in a sanitary sewer system if a waste characterization is submitted to the sewage sludge treatment plant operator and the operator finds that the treatment plant can fully treat the waste stream. Leachate may be collected in holding tanks prior to its transport to the sewage 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 area, dust accumulation, vectors, litter and other problems, and promptly take necessary corrective actions.

#### Source

The provisions of this § 283.217 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226388) to (226389).

### § 283.218. Air resources protection.

(a) Emissions from a facility subject to this chapter shall meet the requirements of the Air Pollution Control Act (35 P. S. §§ 4001—4014), Article III (relating to air resources), the terms or conditions of its permit and other applicable Department guidelines.

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

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

(d) In addition to the requirements of subsections (a)—(c) emissions from a facility subject to this chapter shall be, at a minimum, subject to the following:

(1) For new infectious or chemotherapeutic waste incinerators, best available technology standards for air quality control for the facilities, defined at §§ 121.1 and 127.12(a)(5) (relating to definitions; and content of applications).

(2) For existing infectious or chemotherapeutic waste incinerators, reasonably available technology control standards for the facilities, as required by section 2(b) of the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. § 6019.2(b)), known as the Infectious and Chemotherapeutic Waste Law and Department regulations.

(3) For new incinerators for waste other than infectious or chemotherapeutic waste, best available technology standards for the facilities defined at §§ 121.1 and 127.12(a)(5).

(4) For existing incinerators for waste other than infectious or chemotherapeutic waste, reasonably available technology control standards for the facilities, as required by Department regulations.

#### Source

The provisions of this § 283.218 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; amended August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226389) to (226390).

#### Cross References

This section cited in 25 Pa. Code § 283.241 (relating to safety).

### § 283.219. 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 § 283.219 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226390).

#### Cross References

This section cited in 25 Pa. Code § 283.108 (relating to nuisance control plan).

### § 283.220. Radiation monitoring and response.

(a) An operator shall implement the action plan approved under § 283.113 (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, facility staff and 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 ( $\mu\text{R/hr}$ ) 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  $\mu\text{R/hr}$ . 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  $\mu\text{Sv/hr}$  (2 mrem/hr) or greater are detected in the cab of a vehicle, 500  $\mu\text{Sv/hr}$  (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 United States Department of Transportation exemption form.

#### Source

The provisions of this § 283.220 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; reserved October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226390).

#### § 283.221. 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) 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.

#### Cross References

This section cited in 25 Pa. Code § 283.109 (relating to litter control plan).



**§ 283.222. Protection of capacity.**

A person or municipality operating a resource recovery facility may not receive solid waste at the facility contrary to the terms and conditions approved by the Department under § 283.111 (relating to plan for protection of capacity).

**Source**

The provisions of this § 283.222 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 521. Immediately preceding text appears at serial page (176644).

**§ 283.223. Daily volume.**

A person or municipality operating a resource recovery or other 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 § 283.223 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**SOIL AND WATER PROTECTION****§ 283.231. General requirements.**

(a) The operator may not cause or allow a point or nonpoint source discharge in violation of The Clean Streams Law (35 P. S. §§ 691.1—691.1001) from or on the facility to surface waters of this Commonwealth.

(b) A municipal 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 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.

**Source**

The provisions of this § 283.231 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266323).

**§ 283.232. 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, 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 § 283.232 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266323).

**Cross References**

This section cited in 25 Pa. Code § 283.213 (relating to access roads).

**§ 283.233. 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 monitoring shall be in accordance with §§ 273.282—273.288 (relating to water quality monitoring), as required by the Department, and the terms and conditions of the permit, and shall continue for the period specified in § 283.272 (relating to cessation of operations).

(b) For purposes of interfacing with §§ 273.282—273.288, the following terms apply:

- (1) The term “disposal area” shall be substituted with “area where storage and processing occur.”
- (2) The term “municipal waste landfill” shall be substituted with “resource recovery facility or other processing facility.”
- (3) The term “disposed” shall be substituted with “stored or processed.”

**Source**

The provisions of this § 283.233 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266323).

**Cross References**

This section cited in 25 Pa. Code § 283.272 (relating to cessation of operations).

**§ 283.234. Water supply replacement.**

(a) A person or municipality operating a municipal waste processing facility subject to this chapter which adversely affects a water supply by degradation, pollution or other means shall restore 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 § 283.234 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**SAFETY AND OPERATIONS****§ 283.241. Safety.**

(a) The operator shall establish an accident prevention and safety plan sufficient to protect employes at the facility and patrons of the facility. If infectious or chemotherapeutic waste is processed at the facility, the plan shall include specific provisions relating to the handling of the waste.

- (b) The accident prevention and safety plan shall be distributed as follows:
- (1) An employe safety handbook shall be issued to each employe.
  - (2) Special operating procedures for potentially dangerous activities shall be issued to each employe 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 § 283.218 (relating to air resources protection).

#### Source

The provisions of this § 283.241 adopted April 7, 1988, effective April 8, 1988, 18 Pa.B. 1681; amended August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185. Immediately preceding text appears at serial page (126405).

### § 283.242. 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 the 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.

## EMERGENCY PROCEDURES

### § 283.251. Hazard prevention.

A facility subject to this chapter 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 § 283.110 (relating to contingency plan).

### § 283.252. Emergency equipment.

- (a) Except as provided in subsection (b), a facility subject to this subchapter 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 requirements in 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 § 283.110 (relating to contingency plan).

### § 283.253. 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, an emergency shall include 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.

(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 do the following:
  - (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 § 283.253 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (238999) to (239000).

#### Cross References

This section cited in 25 Pa. Code § 283.110 (relating to contingency plan).

## RECORDKEEPING AND REPORTING

### § 283.261. Daily operational records.

- (a) The operator of a facility subject to this chapter shall make and maintain an operational record for each day that municipal 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 county in which the solid waste originated, or if the waste originated outside of this Commonwealth, the state.
  - (3) The transporters of the solid waste.
  - (4) The weight or volume of each material recycled or marketed as a result of the process.
  - (5) For bypassed wastes and waste products, the name and county or state of the facility where the solid waste is ultimately disposed and the weight or volume of waste disposed.
  - (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 in order to comply with the annual operation report required in § 283.262 (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) 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 resource recovery facilities, 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, business 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, unless the content clearly indicates otherwise:
    - (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 municipal waste is being stored under Chapter 285, Subchapter A (relating to storage of municipal 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, but in no case less than 5 years. These records shall be made available to the Department upon request.

**Source**

The provisions of this § 283.261 amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6190; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (239000) to (239001).

**§ 283.262. Annual operation report.**

(a) An operator of a facility subject to this chapter 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) A current certificate of insurance, as specified in § 271.374(a) (relating to proof of insurance coverage), evidencing continuous coverage for public liability insurance as required by § 271.371 (relating to insurance requirement).

(2) Changes in the previous year concerning the information required by §§ 271.124 and 271.125 (relating to identification of interests; and compliance information). The report shall state if no changes have occurred.

(3) 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.

(4) A written update of the total bond liability for the facility under § 271.331 (relating to bond and trust 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.

(5) Certification that the operator has received all analyses required by § 287.54 (relating to chemical analysis of waste) for each type of residual waste or special handling waste received at the facility during the calendar year.

(6) 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) Seven hundred dollars for facilities that incinerate municipal waste.

(2) Seven hundred dollars for other municipal waste processing facilities subject to this chapter.



**Source**

The provisions of this § 283.262 adopted April 8, 1988, effective April 9, 1988, 18 Pa. B. 1681; amended July 2, 1992, effective July 4, 1992, 22 Pa. B. 3389; amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6190; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (239001) to (239002).

**Cross References**

This section cited in 25 Pa. Code § 283.261 (relating to daily operational records).

**§ 283.263. Host municipality benefit fee.**

(a) *Definition of act.* For purposes of this section, the term “act” means the Municipal Waste Planning, Recycling and Waste Reduction Act.

(b) *Host municipality benefit fee.* On and after September 26, 1988, the operator of a resource recovery facility shall pay the host municipality benefit fee to the host municipality, in accordance with Chapter 13 of the act (53 P. S. §§ 4000.1301—4000.1305). If the facility is located in more than one municipality, the fee shall be apportioned according to the percentage of the permitted area located in each municipality, as determined by the Department.

(c) *Quarterly payment.* Each operator of a resource recovery facility shall pay the host municipality benefit fee on a quarterly basis. The fee shall be paid on or before the 20th day of April, July, October and January for the 3 months ending the last day of March, June, September and December respectively.

(d) *Quarterly reports.* Each host municipality benefit fee payment shall be accompanied by a form prepared and furnished by the Department and completed by the operator. The form shall state the weight or volume of solid waste received by the facility during the payment period and provide other information deemed necessary by the Department to carry out the purposes of the act. The form shall be signed by the operator. A copy of the completed form shall be sent to the Department at the same time that the fee and form are sent to the host municipality.

(e) *Timeliness of payment.* An operator shall be deemed to have made a timely payment of the host municipality benefit fee if the following are met:

- (1) The enclosed payment is for the full amount owed under this section, and no further host municipality action is required for collection.
- (2) The payment is accompanied by the required form and the form is complete and accurate.
- (3) The letter transmitting the payment that is received by the host municipality is postmarked by the United States Postal Service on or prior to the final day on which the payment is to be received.

(f) *Discount.* An operator that makes a timely payment of the host municipality benefit fee as provided in this section shall be entitled to credit and may apply against the fee payable by him a discount of 1% of the amount of the fee collected by him.

(g) *Alternate proof.* For purposes of this section, presentation of a receipt indicating that the payment was mailed by registered or certified mail on or before the due date shall be evidence of timely payment.

(h) *Interest.* If an operator fails to make a timely payment of the host municipality benefit fee, the operator shall pay interest on the unpaid amount due at the rate established under section 806 of The Fiscal Code (72 P. S. § 806) from the last day for timely payment to the date paid.

(i) *Additional penalty.* In addition to the interest provided in section 1303(a) of the act (53 P. S. § 4000.1303(a)), if an operator fails to make timely payment of the host municipality benefit fee, there shall be added to the amount of fee actually due 5% of the amount of the fee, if the failure to file a timely payment is for not more than 1 month, with an additional 5% for each additional month, or fraction thereof, during which the failure continues, not exceeding 25% in the aggregate.

(j) *Assessment notices.* If the host municipality determines that an operator of a resource recovery facility has not made a timely payment of the host municipality benefit fee, it will send a written notice for the amount of the deficiency to the operator within 30 days from the date of determining the deficiency. When the operator has not provided a complete and accurate statement of the weight or volume of solid waste received at the facility for the payment period, the host municipality may estimate the weight or volume of its deficiency notice.

(k) *Constructive trust.* Host municipality benefit fees collected by an operator and held by the operator prior to payment to the host municipality shall constitute a trust fund for the host municipality. The trust shall be enforceable against the operator, its representatives and a person receiving any part of the fund without consideration or with knowledge that the operator is committing a breach of the trust. A person receiving payment of lawful obligation of the operator from the fund shall be presumed to have received the same in good faith and without knowledge of the breach of trust.

(l) *Manner of collection.* The amount due and owing under section 1301 of the act (53 P. S. § 4000.1301) shall be collectible by the host municipality in the manner provided in section 1709 of the act (53 P. S. § 1709).

(m) *Remedies cumulative.* The remedies provided to host municipalities in this section are in addition to other remedies provided at law or in equity.

(n) *Records.* Each operator that is required to pay the host municipality benefit fee shall keep daily records of deliveries of solid waste to the facility, as

required by the host municipality, including, but not limited to, the name and address of the hauler, the source of the waste, the kind of waste received and the weight or volume of the waste. The records shall be maintained in this Commonwealth by the operator for at least 5 years and shall be made available to the host municipality for inspection upon request.

(o) *Surcharge.* The provisions of any law to the contrary notwithstanding, the operator of a resource recovery facility subject to Chapter 13 of the act may collect the host municipality benefit fee as a surcharge on a fee schedule established under law, ordinance, resolution or contract for solid waste disposal or processing operations at the facility. In addition, a person who collects or transports solid waste subject to the host municipality benefit fee to a resource recovery facility subject to Chapter 13 of the act may impose a surcharge on a fee schedule established under law, ordinance, resolution or contract for solid waste disposal or processing operations at the facility. In addition, a person who collects or transports solid waste subject to the host municipality benefit fee to a resource recovery facility subject to Chapter 13 of the act may impose a surcharge on a fee schedule established under law, ordinance, resolution or contract for the collection or transportation of solid waste to the facility. The surcharge shall be equal to the increase in processing or disposal fees at the facility attributable to the host municipality benefit fee. Interest and penalties on the fee under section 1303(a) and (b) of the act may not be collected as a surcharge.

(p) It is the duty of the operator of a resource recovery facility to fully cooperate with a host municipality inspector in the performance of the inspector's duties.

#### Source

The provisions of this § 283.263 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

### § 283.264. Recycling fee.

(a) On and after October 26, 1988, the operator of a resource recovery facility shall pay the recycling fee, in the form of a check payable to the "Commonwealth of Pennsylvania, Recycling Fund," in accordance with Chapter 7 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.701—4000.706). This fee shall terminate in accordance with law.

(1) The recycling fee shall be paid on a quarterly basis, on or before the 20th day of April, July, October and January for the 3 months ending the last day of March, June, September and December respectively.

(2) A recycling fee payment shall be accompanied by a form provided by the Department and completed according to its instructions and hand signed by the operator.

(b) The fee shall be paid for solid waste received and processed at the facility on and after October 26, 1988, including, but not limited to, residual waste, special handling wastes, waste tires and other solid waste received at the facility. The fee does not apply to the following:

(1) Recyclable or reusable material received and separated from other waste at a collection, transfer, composting or processing facility associated with the facility, and which are marketed in accordance with subsection (d).

(2) Nonprocessable waste received at the facility and disposed at a landfill.

(c) The fee shall be \$2 per ton of weighed waste which is received and processed at the facility.

(d) The operator shall maintain complete and accurate records of the weight of materials which are salvaged and recycled from mixed waste after it has been received at the facility, the market where the materials were sent for recycling or reuse, the date that the materials were marketed and the weight of materials actually marketed for recycling. The operator may deduct the weight of materials salvaged and recycled from the facility from the weight of waste for which the fee payment is made, but only for the quarter in which the materials were actually marketed for recycling. These records shall be kept by the operator for 5 years for audit purposes, and shall be made available to the Department or its auditors, or both, on request.

#### Source

The provisions of this § 283.264 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226399).

## CESSATION AND CLOSURE

### § 283.271. 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 removed from the site.

**§ 283.272. Cessation of operations.**

(a) Upon cessation of processing operations at the facility, the operator shall immediately 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 environmental protection acts and this title.

(b) An operator required under § 283.233 (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 § 283.233 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 § 271.342(b)(4) (relating to final closure certification) are met and maintained and other relevant factors.

**Source**

The provisions of this § 283.272 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226400).

**Cross References**

This section cited in 25 Pa. Code § 283.233 (relating to soil and groundwater monitoring); and 25 Pa. Code § 284.111 (relating to application for general permit).

**RECYCLING AND WASTE REMOVAL****§ 283.281. Salvaging of materials.**

(a) A person or municipality may not operate a resource recovery facility unless the operator has developed and is implementing a program to recycle waste materials received at the facility for which recycling is cost effective, in accordance with the plan approval under § 283.121 (relating to recycling plan).

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

(c) Salvaged materials shall be promptly moved from the unloading area and stored in an approved area under Chapter 285 (relating to storage, collection and transportation of municipal waste) or transported offsite.

#### Source

The provisions of this § 283.281 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226440) to (226441).

#### Cross References

This section cited in 25 Pa. Code § 283.121 (relating to recycling plan).

### § 283.282. Recycled materials collection center.

(a) After September 26, 1990, a person or municipality may not operate a resource recovery facility unless the operator has established at least one drop-off center for the collection and sale of at least three recyclable materials. The three materials shall be chosen from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper and plastics.

(b) The center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility.

(c) A drop-off center shall contain bins or containers where recyclable materials may be placed and temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least 8 hours per week, including 4 hours during evenings or weekends.

(d) At least 30 days prior to the initiation of the drop-off center program and at least once every 6 months thereafter, the operator shall provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the municipality or provide notice in another manner approved by the Department in writing.

(e) On or before January 15 of each year, the operator shall inform the host municipality in writing, of the weight and type of materials that were recycled in the previous calendar year, so that the host municipality may comply with section 304(f) of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.304(f)).

#### Source

The provisions of this § 283.282 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

**Cross References**

This section cited in 25 Pa. Code § 279.122 (relating to plan for recycled materials collection center); 25 Pa. Code § 283.122 (relating to plan for recycled materials collection center); and 25 Pa. Code § 283.211 (relating to signs and markers).

**§ 283.283. Removal of hazardous materials.**

After September 26, 1990, a person or municipality may not operate a resource recovery facility unless the operator has developed, as specified in section 1502(d) of the act (35 P. S. § 6018.1502(d)), and is implementing a program for the removal of hazardous materials from the waste to be processed to the greatest extent practicable. The materials may include, but are not limited to, plastics, corrosive materials, batteries, pressurized cans and household hazardous waste. The program shall be in accordance with the plan approved by the Department under § 283.123 (relating to plan for removal of hazardous materials).

**Source**

The provisions of this § 283.283 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

**Cross References**

This section cited in 25 Pa. Code § 283.123 (relating to plan for removal of hazardous materials).

**Subchapter D. ADDITIONAL APPLICATION REQUIREMENTS FOR  
SPECIAL HANDLING WASTES**

Sec.

283.301. Scope.

283.302. [Reserved].

283.303. Application requirements for incineration of municipal waste.

**§ 283.301. Scope.**

A person or municipality that operates or proposes to operate a municipal waste processing facility under this chapter shall comply with the applicable requirements of this subchapter if the person or municipality proposes to process certain special handling wastes at the facility. The requirements of this subchapter are in addition to the application requirements in Subchapter B (relating to application requirements).

**§ 283.302. [Reserved].****Source**

The provisions of this § 283.302 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; amended August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; reserved and renumbered December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226403).

**§ 283.303. Application requirements for incineration of municipal waste.**

An application for an incineration facility for municipal waste shall contain a plan, including necessary designs, procedures and test protocols, for meeting the requirements of § 283.403 (relating to ash residue from municipal waste incineration).

**Subchapter E. ADDITIONAL OPERATING REQUIREMENTS FOR  
SPECIAL HANDLING WASTES**

Sec.

283.401. Scope.

283.402. [Reserved].

283.403. Ash residue from municipal waste incineration.

**§ 283.401. Scope.**

A person or municipality that operates a municipal waste processing facility under this chapter shall comply with the applicable requirements of this subchapter if the person or municipality processes certain special handling waste at the facility. The requirements of this subchapter are in addition to the operating requirements in Subchapter C (relating to operating requirements).

**§ 283.402. [Reserved].****Source**

The provisions of this § 283.402 adopted April 7, 1988, effective April 8, 1988, 18 Pa.B. 1681; amended August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; reserved and renumbered December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226404) and (255085).

**§ 283.403. Ash residue from municipal waste incineration.**

(a) If the facility incinerates waste other than infectious waste, the operator shall submit to the Department a chemical analysis of composite samples of the ash residue on forms provided by the Department:



- (1) Prior to the disposal of ash or residue from a facility.
  - (2) At a minimum, monthly for the first 6 months of incineration operations at the facility, and quarterly during the remaining life of the facility.
- (b) Ash residue from municipal waste incineration shall be sampled and analyzed as follows:
- (1) If fly ash and bottom ash are generated separately, they shall be sampled and analyzed separately.
  - (2) If fly ash and bottom ash are combined as part of the incineration process, or mixed as part of a totally enclosed treatment system which is an integral part of the facility, fly ash and bottom ash may be sampled and analyzed as combined.
- (c) Ash residue from a facility subject to this chapter that is not hazardous under Article VII (relating to hazardous waste management) shall be disposed as a special handling waste under Chapter 273 (relating to municipal waste landfills). Ash residue from a facility subject to this chapter that is hazardous under Article VII shall be managed under applicable laws pertaining to hazardous waste.
- (d) Ash or residue shall be stored under § 285.131 (relating to storage and containment of ash residue from municipal waste incineration, including from infectious or chemotherapeutic waste incineration).
- (e) Ash or residue shall be transported under § 285.221 (relating to transportation of ash residue from municipal waste incineration and from infectious or chemotherapeutic waste incineration).

#### Cross References

This section cited in 25 Pa. Code § 283.303 (relating to application requirements for incineration of municipal waste).

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(374836) No. 483 Feb. 15

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