

**CHAPTER 279. TRANSFER FACILITIES**

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**Authority**

The provisions of this Chapter 279 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); and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20); amended under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); 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 104(a) of the Land Recycling and Environmental Remediation Standards Act (35 P. S. § 6026.104(a)); sections 2(b) and 4(b) of the Infectious and Chemotherapeutic Wastes 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); and sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302), unless otherwise noted.

**Source**

The provisions of this Chapter 279 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 § 271.121 (relating to application contents); 25 Pa. Code § 271.504 (relating to operating requirements); and 25 Pa. Code § 271.801 (relating to scope).

**Subchapter A. GENERAL**

Sec.  
279.1. Scope.

**Cross References**

This subchapter cited in 25 Pa. Code § 284.220 (relating to operating requirements).

**§ 279.1. Scope.**

(a) This chapter sets forth application and operating requirements for a person or municipality that operates a transfer facility. The requirements in this chapter are in addition to the applicable requirements in Chapter 271 (relating to municipal waste management—general provisions).

(b) The Department may waive or modify a requirement of this chapter for permitted transfer facilities at which no actual loading, unloading or transferring of municipal waste occurs, if the absence of loading, unloading or transferring activity renders the requirement unnecessary.

**Source**

The provisions of this § 279.1 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226327).

**Subchapter B. APPLICATION REQUIREMENTS FOR  
TRANSFER FACILITIES****GENERAL**

Sec.

- 279.101. General requirements.
- 279.102. Operating plan.
- 279.103. Maps and related information.
- 279.104. Plan for access roads.
- 279.105. Soil erosion and sedimentation control plan.
- 279.106. Soil and groundwater monitoring plan.
- 279.107. Nuisance control plan.
- 279.108. Litter control plan.
- 279.109. Contingency plan.
- 279.110. Radiation protection action plan.
- 279.111. Daily volume.
- 279.112. Notification of proximity to airport.

**RECYCLING**

- 279.121. Recycling plan.
- 279.122. Plan for recycled materials collection center.

**GENERAL****§ 279.101. General requirements.**

- (a) An application to operate a transfer facility shall:
  - (1) Comply with the requirements of 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 in which 1 inch equals no more than 50 feet with 2-foot maximum contour intervals unless otherwise approved by the Department.

**Source**

The provisions of this § 279.101 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226328).

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.102. Operating plan.**

(a) An application to operate a transfer facility shall contain 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 received 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.

(b) An application shall contain 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.

(c) An application shall contain a plan for training equipment operators and other personnel concerning the operation and approved design of the facility, including safety measures to prevent injuries.

(d) An application shall contain a plan for assuring that solid waste received at the facility is consistent with § 279.201 (relating to basic limitations).

(e) An application shall contain the proposed operating hours of the proposed facility.

(f) An application shall contain a narrative describing the procedures for inspection and monitoring of incoming waste.

**Source**

The provisions of this § 279.102 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226328) and (266313).

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.103. Maps and related information.**

(a) An application shall contain a topographic map of the proposed permit area and adjacent area, including necessary narrative descriptions, which shows 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 facility.
- (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 the 1/4-mile radius.
- (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 by a person 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 § 279.202 (relating to areas where transfer facilities are prohibited).
- (9) The municipalities in which the permit area is proposed to be located.
- (10) The location of the 100-year floodplain boundaries.
- (11) The location of access roads to and within the proposed permit area, including slopes, grades and lengths of the roads.
- (12) The location of barriers, fences and similar facilities required by § 279.212 (relating to access control).
- (13) The water diversion, collection, conveyance, erosion and sedimentation control, treatment, storage and discharge facilities to be used.
- (14) The solid waste storage or loading/unloading areas.
- (15) The areas of land for which a bond will be posted under Chapter 271, Subchapter D (relating to financial assurances requirements).
- (16) The location and use of buildings and related facilities which will be used in the operation, including their horizontal and vertical dimensions.
- (17) The location of scales and weigh stations to be used in the operation.
- (18) 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*," Docu-

ment Number 250-3100-001, describes various factors to consider in determining an appropriate designated area.

(b) The applicant shall also show the location of a permanent benchmark for horizontal and vertical control.

**Source**

The provisions of this § 279.103 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (266313) to (266314).

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.104. Plan for access roads.**

The application shall contain designs, cross sections and specifications for access roads, including load limits, under § 279.213 (relating to access roads).

**Source**

The provisions of this § 279.104 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266314).

**Cross References**

This section cited in 25 Pa. Code § 279.213 (relating to access roads); and 25 Pa. Code § 284.210 (relating to application requirements).

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

(a) The applicant shall submit a plan to manage surface water and control erosion during the phases of construction and operation on the permit area. The plan shall be based on the requirements of Chapter 102 (relating to erosion and sediment control), § 279.232 (relating to soil erosion and sedimentation 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. Calculations which are necessary to support design and siting shall be included in the plan.

**Source**

The provisions of this § 279.105 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266314).

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.106. 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, capable of detecting soil contamination from the facility.

**Source**

The provisions of this § 279.106 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266314).

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.107. Nuisance control plan.**

The application shall contain a plan under § 279.219 (relating to nuisance control) to prevent and control hazards or nuisances from vectors, odors, noise, dust 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 § 284.210 (relating to application requirements).

**§ 279.108. Litter control plan.**

The application shall contain a plan under § 279.221 (relating to litter) to control litter.

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.109. Contingency plan.**

An application shall contain a contingency plan consistent with §§ 279.241—279.243 (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.

**Source**

The provisions of this § 279.109 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226331).

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.110. 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 § 279.110 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**Cross References**

This section cited in 25 Pa. Code § 279.222 (relating to radiation monitoring and response); and 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.111. 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 § 279.111 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**Cross References**

This section cited in 25 Pa. Code § 284.210 (relating to application requirements).

**§ 279.112. Notification of proximity to airport.**

An applicant shall notify the Bureau of Aviation of the Department of Transportation, the Federal Aviation Administration and the airport if a proposed transfer facility or expansion is within 6 miles of an airport runway. The application must include a copy of each notification and each response to each notification received by the applicant.

**Source**

The provisions of this § 279.112 adopted March 21, 2008, effective March 22, 2008, 38 Pa.B. 1357.

**RECYCLING****§ 279.121. 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 § 279.271 (relating to salvaging of materials).

#### Source

The provisions of this § 279.121 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 page (226331).

#### Cross References

This section cited in 25 Pa. Code § 279.271 (relating to salvaging of materials).

### § 279.122. 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 recycling materials collection center).

#### Source

The provisions of this § 279.122 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

## Subchapter C. OPERATING REQUIREMENTS FOR TRANSFER FACILITIES

### GENERAL PROVISIONS

Sec.

- 279.201. Basic limitations.
- 279.202. Areas where transfer facilities are prohibited.

### DAILY OPERATIONS

- 279.211. Signs and markers.
- 279.212. Access control.
- 279.213. Access roads.
- 279.214. Measurement and inspection of waste.
- 279.215. Operations and equipment.
- 279.216. Unloading area.
- 279.217. Cleaning and maintenance.
- 279.218. Air resources protection.
- 279.219. Nuisance minimization and control.
- 279.220. Salvaging.
- 279.221. Litter.
- 279.222. Radiation monitoring and response.
- 279.223. Daily volume.

**SOIL AND WATER PROTECTION**

- 279.231. General requirements.
- 279.232. Soil erosion and sedimentation control.
- 279.233. Soil and groundwater monitoring.
- 279.234. Water supply replacement.

**EMERGENCY PROCEDURES**

- 279.241. Hazard prevention.
- 279.242. Emergency equipment.
- 279.243. Implementation of contingency plan.

**RECORDKEEPING AND REPORTING**

- 279.251. Daily operational records.
- 279.252. Annual operation report.

**CESSATION AND CLOSURE**

- 279.261. Temporary shutdown.
- 279.262. Cessation of operations.

**RECYCLING**

- 279.271. Salvaging of materials.
- 279.272. Recycled materials collection center.

**Cross References**

This subchapter cited in 25 Pa. Code § 284.220 (relating to operating requirements).

**GENERAL PROVISIONS**

**§ 279.201. Basic limitations.**

(a) A person or municipality may not own or operate a transfer 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 transfer station 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 transfer facility may not allow residual waste or special handling waste to be received or handled at the facility unless the Department has specifically approved handling that waste in the permit.
- (d) A person or municipality that operates a transfer facility may not:
- (1) Mix solid waste with, or store solid waste in such close proximity to other solid waste to create a risk of fire or explosion, or a risk to the accumulation of poisonous or otherwise harmful vapors or gases.
  - (2) Allow explosive waste to be stored or processed at the facility.
- (e) Hazardous waste subject to Article VII (relating to hazardous waste management) may not be disposed, processed or stored at transfer facilities.
- (f) A person or municipality may not allow solid waste to be received, disposed or otherwise managed at the facility if the transportation to, or processing 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.
- (g) The Department may waive or modify a requirement of this chapter for permitted transfer facilities at which no actual loading, unloading or transferring of municipal waste occurs, if the absence of loading, unloading and transferring activity renders the requirement unnecessary.
- (h) 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.
- (i) 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.
- (j) 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.

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

#### Source

The provisions of this § 279.201 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 January 24, 1997, effective January 25, 1997, 27 Pa.B. 521; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (255079) to (255080).

#### Cross References

This section cited in 25 Pa. Code § 279.102 (relating to operating plan).

### § 279.202. Areas where transfer facilities are prohibited.

(a) Except for areas that were permitted prior to April 9, 1988, a transfer facility may not be operated as follows:

(1) *Floodplain.* In the 100-year floodplain of waters in 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) *Wetland.*

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

(ii) For a transfer facility permitted on or after December 23, 2000, other than an expansion of a transfer facility that was permitted prior to December 23, 2000, 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 storage and processing take place in an enclosed facility and one of the following applies:

(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.* Within 300 feet measured horizontally from an occupied dwelling, unless the owner 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.

(4) *Perennial stream.* Within 100 feet of a perennial stream, unless one of the following applies:

(i) Storage and processing will not occur within 100 feet of a perennial stream and no adverse hydrologic or water quality impacts will result.

- (ii) Storage and processing take place in an enclosed facility and no adverse impacts to the perennial stream will result.
  - (iii) The facility transfers containerized waste to barges at the transfer facility location.
- (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 occurring within 50 feet of a property line 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 municipal waste transfer facility permit issued on or after December 23, 2000, except an expansion of a municipal waste transfer facility permitted prior to December 23, 2000, 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 transfer facility 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 § 279.202 amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 521; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (255080) and (226335).

**Cross References**

This section cited in 25 Pa. Code § 279.103 (relating to maps and related information).

**DAILY OPERATIONS****§ 279.211. Signs and markers.**

(a) A person or municipality that operates a transfer facility shall identify the facility and the recycling drop-off center required under § 279.272 (relating to recycled materials collection center) for the duration of operations by posting and maintaining a sign which will be 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 that operates 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 benchmark for horizontal and vertical control 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.

**Source**

The provisions of this § 279.211 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226335).

**§ 279.212. 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 times when an attendant is on duty.

**Source**

The provisions of this § 279.212 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226335).

**Cross References**

This section cited in 25 Pa. Code § 279.103 (relating to maps and related information).

**§ 279.213. 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 25-year, 24-hour precipitation event. The drainage system shall also comply with Chapter 102 (relating to erosion 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 § 279.104 (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 unloading areas, treatment facilities or impoundments.

(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 and control the tracking of mud on and off the site.

**Source**

The provisions of this § 279.213 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226336).

**Cross References**

This section cited in 25 Pa. Code § 279.104 (relating to plan for access roads).

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

(a) Solid waste delivered to the facility shall be accurately weighed or otherwise accurately measured prior to unloading.

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

(c) An operator of a transfer 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.

**Source**

The provisions of this § 279.214 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226336).

**§ 279.215. Operations and equipment.**

(a) Loading, unloading, storage, compaction and related activities shall be conducted in an enclosed building, unless otherwise approved by the Department in the permit.

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

(c) 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.

(d) Equipment shall be operated and maintained to prevent solid waste from being unintentionally removed from the storage area.

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

**Source**

The provisions of this § 279.215 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226336) and (270911).

**§ 279.216. Unloading area.**

(a) The approach and unloading area shall be adequate in size and design to facilitate the rapid unloading of solid waste from the 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 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 and 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 and the approved storage areas.

#### Source

The provisions of this § 279.216 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (270911).

### § 279.217. Cleaning and maintenance.

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

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

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

(d) Macerators, hammer mills and grinders shall be cleanable and shall be equipped with drains that connect to a sanitary sewer system or treatment facility. 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.

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

#### Source

The provisions of this § 279.217 amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 521; amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (270911) to (270912).

### § 279.218. Air resources protection.

(a) The operator shall implement fugitive air contaminant control measures, and shall otherwise prevent and control air pollution in accordance with the Air Pollution Control Act (35 P. S. §§ 4001—4014), Article III (relating to air resources) and § 279.219 (relating to nuisance control).

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

**Source**

The provisions of this § 279.218 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (270912).

**§ 279.219. 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 § 279.219 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (270912).

**Cross References**

This section cited in 25 Pa. Code § 279.107 (relating to nuisance control plan); and 25 Pa. Code § 279.218 (relating to air resources protection).

**§ 279.220. Salvaging.**

(a) Salvaging of materials may not be 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 285 (relating to storage, collection and transportation of municipal waste) or transported offsite.

**§ 279.221. 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 unloading area, unless operations are conducted within an enclosed building or the solid waste being transferred 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 regulations thereunder, unless a greater frequency is set forth in the permit.

**Source**

The provisions of this § 279.221 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (270912).

**Cross References**

This section cited in 25 Pa. Code § 279.108 (relating to litter control plan).

**§ 279.222. Radiation monitoring and response.**

(a) An operator shall implement the action plan approved under § 279.110 (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 § 279.222 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**§ 279.223. Daily volume.**

A person or municipality operating a transfer 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 § 279.223 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**SOIL AND WATER PROTECTION****§ 279.231. 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 transfer 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) The operator may not cause water pollution on or off the site.

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

**Source**

The provisions of this § 279.231 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266315).

**§ 279.232. 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 comply with Chapter 102 (relating to erosion control 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 where possible, using revegetation.

**Source**

The provisions of this § 279.232 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266315).

**Cross References**

This section cited in 25 Pa. Code § 279.105 (relating to soil plan).

**§ 279.233. 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, as required by the Department, and the

terms and conditions of the permit, and shall continue for the period specified in § 279.262 (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 “transfer facility.”
- (3) The term “disposed” shall be substituted with “stored or processed.”

#### Source

The provisions of this § 279.233 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266315).

#### Cross References

This section cited in 25 Pa. Code § 279.262 (relating to cessation of operations).

### § 279.234. Water supply replacement.

(a) A person or municipality operating a transfer facility 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 no 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 § 279.234 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

**EMERGENCY PROCEDURES****§ 279.241. Hazard prevention.**

A transfer facility shall be designed, constructed, maintained and operated to prevent and minimize the potential for fire, explosion or 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 § 279.109 (relating to contingency plan).

**§ 279.242. Emergency equipment.**

(a) Except as provided in subsection (b), a person or municipality operating a transfer 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, fire departments, emergency medical services and from State and local emergency response agencies.

(3) Portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment. 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 the requirements in subsection (a) 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 operating areas of the facility.

**Source**

The provisions of this § 279.242 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (266316).

**Cross References**

This section cited in 25 Pa. Code § 279.109 (relating to contingency plan).

**§ 279.243. Implementation of contingency plan.**

(a) The operator of a transfer facility shall immediately implement the applicable provisions of the approved contingency plan whenever there is an emergency. For the 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) 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 or storage 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 § 279.243 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (266316) and (238989).

#### Cross References

This section cited in 25 Pa. Code § 279.109 (relating to contingency plan).

### RECORDKEEPING AND REPORTING

#### § 279.251. Daily operational records.

- (a) A person or municipality that operates a transfer facility 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 destination of the solid waste, including the facility name, the county and state in which it is located, and the type and weight or volume of waste transported.
  - (5) The type and weight or volume of materials which are recycled.
  - (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 § 279.252 (relating to annual operation report).
  - (9) A report 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.
- (c) The operator shall maintain accurate operational records sufficient to determine whether municipal waste is being stored in accordance with 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. These records shall be made available to the Department upon request.

#### Source

The provisions of this § 279.251 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 (238989) to (238990).

#### § 279.252. Annual operation report.

- (a) A person or municipality that operates a transfer facility shall submit to the Department an annual operation report on or before June 30 of each year.
- (b) The annual operating 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 lands.
  - (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 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.
  - (6) A record of detected radioactive materials.
- (c) The annual operation report shall be accompanied by a nonrefundable annual permit administration fee of \$700 in the form of a check payable to the "Commonwealth of Pennsylvania."

#### Source

The provisions of this § 279.252 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 (238990) to (238991).

#### Cross References

This section cited in 25 Pa. Code § 279.251 (relating to daily operational records).

### CESSATION AND CLOSURE

#### § 279.261. 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 transfer station is out-of-service for a longer period than the storage capacity of the site will allow, solid waste shall be removed from the site.

**§ 279.262. 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 act, the environmental protection acts and this title.

(b) An operator required under § 279.233 (relating to soil and groundwater monitoring) to conduct soil monitoring may discontinue soil monitoring upon cessation of processing operations with the Department's approval. 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 § 279.233 to conduct groundwater monitoring may discontinue groundwater monitoring after cessation of processing 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 § 279.262 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (238991) to (238992).

**Cross References**

This section cited in 25 Pa. Code § 279.233 (relating to soil and groundwater monitoring).

**RECYCLING****§ 279.271. Salvaging of materials.**

(a) After September 26, 1990, the operator shall salvage and recycle waste materials received at the facility for which recycling is cost effective, in accordance with the plan approved under § 279.121 (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 § 279.271 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

**Cross References**

This section cited in 25 Pa. Code § 279.121 (relating to recycling plan).

**§ 279.272. Recycled materials collection center.**

(a) After September 26, 1990, a person or municipality may not operate a transfer 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 the requirements of section 304(f) of the Municipal Waste Planning, Recycling and Waste Reduction Act (35 P. S. § 4000.304(f)).

**Source**

The provisions of this § 279.272 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105.

**Cross References**

This section cited in 25 Pa. Code § 279.211 (relating to signs and markers).

[Next page is 281-1.]