

**CHAPTER 285. STORAGE, COLLECTION AND
TRANSPORTATION OF MUNICIPAL WASTE**

Subchap.	Sec.
A.	STORAGE OF MUNICIPAL WASTE 285.101
B.	COLLECTION AND TRANSPORTATION OF MUNICIPAL WASTE 285.201
C.	[Reserved] 285.301
D.	[Reserved] 285.401

Authority

The provisions of this Chapter 285 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 Vehicle Code, 75 Pa.C.S. § 4909(e); 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 285 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 § 271.103 (relating to permit-by-rule for municipal waste processing facilities other than for regulated medical or chemotherapeutic waste; qualifying facilities; general requirements); 25 Pa. Code § 271.801 (relating to scope); 25 Pa. Code § 271.915 (relating to management practices); 25 Pa. Code § 273.331 (relating to salvaging of materials); 25 Pa. Code § 277.219 (relating to recycling); 25 Pa. Code § 279.220 (relating to salvaging); 25 Pa. Code § 279.271 (relating to salvaging of materials); 25 Pa. Code § 281.219 (relating to salvaging); 25 Pa. Code § 283.281 (relating to salvaging of materials); 25 Pa. Code § 284.1 (relating to scope); 25 Pa. Code § 284.2 (relating to permits-by-rule for regulated medical or chemotherapeutic waste processing facilities; qualifying facilities; general requirements); and 28 Pa. Code § 1151.40 (relating to management and disposal of medical marijuana waste).

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Subchapter A. STORAGE OF MUNICIPAL WASTE**SCOPE**

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- 285.141—285.145. [Reserved].
285.146. [Reserved].
285.147. [Reserved].
285.148. [Reserved].

Cross References

This subchapter cited in 25 Pa. Code § 273.311 (relating to daily operational records); 25 Pa. Code § 275.204 (relating to storage of sewage sludge); 25 Pa. Code § 275.414 (relating to weather); 25 Pa. Code § 277.311 (relating to daily operational records); 25 Pa. Code § 279.251 (relating to daily operational records); 25 Pa. Code § 281.271 (relating to daily operational records); and 25 Pa. Code § 283.261 (relating to daily operational records).

SCOPE**§ 285.101. Scope.**

(a) A person or municipality that stores municipal waste shall comply with §§ 285.111—285.117 (relating to general).

(b) In addition to the requirements of subsection (a):

(1) A person or municipality that stores municipal waste in the manner identified in §§ 285.121—285.124 (relating to types of storage) shall store the waste under the applicable provisions of those sections.

(2) A person or municipality that stores the type of municipal waste referred to in §§ 285.131 and 285.134 (relating to additional requirements for certain types of waste) shall store the waste under the applicable provisions of those sections.

Source

The provisions of this § 285.101 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (250860) and (255087).

GENERAL**§ 285.111. General requirements.**

A person or municipality that stores municipal waste may not do the following:

(1) Mix the waste with hazardous waste that is regulated under Article VII (relating to hazardous waste management).

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

(3) Mix the waste with special handling waste.

(4) Allow waste or constituents of waste to be blown or otherwise deposited outside of the storage area.

Source

The provisions of this § 285.111 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (255087).

Cross References

This section cited in 25 Pa. Code § 284.401 (relating to scope); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.112. Design and operation.

(a) A person or municipality storing municipal waste shall employ best engineering design and construction practices for all phases of construction and operation.

(b) A person or municipality may not store municipal waste in a manner that exceeds the design capacity of the storage facility.

(c) The Department may require a person or municipality to install a water quality monitoring system in accordance with §§ 273.281—273.285 if storage of the waste has the potential to cause groundwater degradation. In all cases, a groundwater monitoring system is required for sewage sludge storage impoundments constructed after January 25, 1997, and leachate storage impoundments under § 285.123 (relating to impoundments—general).

(d) A person or municipality storing municipal waste shall routinely inspect the facility, its equipment and the surrounding area for evidence of failure and shall immediately take necessary corrective actions. The person or municipality shall maintain records of inspections and corrective actions that were taken, and shall make the records available to the Department upon request.

(e) A person or municipality may not store putrescible waste in piles, except for sewage sludge that has been stabilized, dried to 20% or greater solids content by weight, and stored under this chapter.

Source

The provisions of this § 285.112 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (255087).

Cross References

This section cited in 25 Pa. Code § 284.401 (relating to scope); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.113. Duration of storage.

(a) A person or municipality may not store municipal waste for more than 1 year unless:

(1) For waste that is recyclable or resalable, the Department has approved, in writing, a longer period, prior to the end of 1 year of storage based on a rate of recycling or resale of stored waste that is reasonably proportional to the rate of accumulation for storage.

(2) For other municipal waste, the Department has approved, in writing, a longer period prior to the end of 1 year of storage.

(b) The Department will presume that a person or municipality storing municipal waste contrary to the provisions of subsection (a) is operating a

municipal waste disposal facility and is subject to the applicable requirements of the act and regulations thereunder for municipal waste disposal.

(c) A person or municipality that stores municipal waste shall maintain accurate operational records that are sufficiently detailed to clearly and convincingly demonstrate to the Department that municipal waste is being stored under subsection (a). The records shall be made available to the Department upon request. The presumption in subsection (b) may be overcome by the operational records required by this subsection.

(d) Nothing in this section supersedes a regulation, permit condition or other requirement providing for a storage period of less than 1 year.

Notes of Decisions

Since the property owner never obtained authorization to store waste tires on his property and more than 1 year had passed since the tires were placed on the property, he was unlawfully operating a storage facility even though the tires were there less than 1 year before the date he was first cited. *Booher v. Department of Environmental Resources*, 612 A.2d 1098 (Pa. Cmwlth. 1992).

Cross References

This section cited in 25 Pa. Code § 284.201 (relating to scope); 25 Pa. Code § 284.401 (relating to scope); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.114. Equipment.

(a) A person or municipality that stores municipal waste shall maintain at the storage facility equipment necessary for the storage of municipal waste under this subchapter. The equipment shall be maintained in an operable condition.

(b) Standby equipment shall be located onsite or at a place where it can be available within 24 hours. If a breakdown of the equipment occurs, the person or municipality that stores municipal waste shall utilize standby equipment as necessary to comply with the act and regulations thereunder.

(c) Equipment shall be operated and maintained to prevent solid waste from being unintentionally conveyed out of the storage area.

(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 based on scheduled or emergency maintenance periods.

Cross References

This section cited in 25 Pa. Code § 284.401 (relating to scope); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.115. Nuisance minimization and control.

(a) A person or municipality that stores municipal waste shall:

(1) Eliminate conditions conducive to the harborage, breeding or attraction of vectors.

- (2) Take other measures necessary to minimize and control the presence of vectors.
- (3) If vectors are present, immediately take measures necessary to exterminate them.
- (b) A person or municipality storing municipal waste shall also minimize and control conditions not otherwise prohibited by this subchapter that are harmful to the public health, public safety or the environment, or which create safety hazards, odors, dust, unsightliness or other public nuisances.

Source

The provisions of this § 285.115 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226411).

Cross References

This section cited in 5 Pa. Code § 284.401 (relating to scope); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.116. Surface and groundwater protection.

- (a) Surface water runoff from storage areas shall be minimized. Collection of surface water runoff shall be managed in accordance with The Clean Streams Law (35 P. S., §§ 691.1—691.1001) and the regulations promulgated thereunder.
- (b) Surface water run-on to storage areas shall be minimized.
- (c) Waste may not be stored in a manner that causes groundwater degradation.

Source

The provisions of this § 285.116 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

Cross References

This section cited in 25 Pa. Code § 285.101 (relating to scope).

§ 285.117. Emergency storage.

Notwithstanding a provision of this article or term or condition of a permit for a solid waste processing or disposal facility, the Department may allow the storage of municipal waste at a permitted facility if the following conditions are met:

- (1) The waste was created, spilled or released during or as a result of an emergency. The waste may also be created as a result of adverse effects on groundwater from a solid waste management facility, materials storage tank or similar source.
- (2) The permitted facility includes the following:
 - (i) A designated waste storage area.

(ii) An approved storage and handling plan that will allow storage of the waste without any adverse effect on public health, safety, welfare or the environment.

(iii) Plans for prompt removal of the waste and disposal or processing at another permitted facility if the Department denies the application for permit modification under paragraph (3).

(3) Within 5 working days after storage begins, the Department has received an application for permit modification under § 271.222 (relating to permit modification) to allow the disposal or processing of the waste at the facility.

Source

The provisions of this § 285.117 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685.

Cross References

This section cited in 25 Pa. Code § 285.101 (relating to scope); and 25 Pa. Code § 285.216 (relating to wastes from accidents and spills).

TYPES OF STORAGE

§ 285.121. Containers.

(a) A person or municipality storing municipal waste shall provide a sufficient number of containers to prevent leaks, odors and vector attraction and to contain solid waste generated during periods between regularly scheduled collections.

(b) An individual container or bulk container used for the storage of municipal waste shall have the following characteristics:

(1) The container shall be constructed to be easily handled for collection.

(2) The container shall be constructed of rust resistant and corrosion resistant materials.

(3) The container shall be equipped with a tight fitting lid or cover, or otherwise sealed.

(4) The container shall be watertight, leak proof, insect proof and rodent proof.

(5) The container shall be clearly labeled as "municipal waste" or a specific type of municipal waste.

(c) A person or municipality that stores municipal waste outside of containers shall tie the wastes securely in bundles of a size that can be readily handled for collection, and in a manner that minimizes litter, safety hazards and fire hazards.

Source

The provisions of this § 285.121 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226411) to (226412).

Cross References

This section cited in 25 Pa. Code § 284.401 (relating to scope); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.122. Storage tanks.

(a) Municipal waste storage tanks shall have sufficient shell strength to ensure that they do not collapse or rupture. Municipal waste may not be placed in a tank if the waste could cause the tank or its inner liner to rupture, leak, corrode or otherwise fail.

(b) A person or municipality that stores municipal waste in a tank shall inspect the tank during construction or installation for uniformity, damage and imperfections.

(c) If there is evidence of failure of a municipal waste storage tank, the tank shall be immediately removed from service. A tank may not be restored to service unless it has been repaired. The repairs shall be supervised by a registered professional engineer and certified, in writing, to the Department, unless otherwise approved by the Department.

(d) A person or municipality that maintains an uncovered municipal waste storage tank shall provide at least 2 feet of freeboard unless the tank is equipped with one of the following:

- (1) A secondary containment system.
- (2) An automatic feed cutoff system or an overflow warning system and an overflow device to a standby tank with a capacity equal to or exceeding the volume of the top 2 feet of the uncovered tank.

(e) Subsurface tanks used for liquid waste storage shall be hydrostatically tested annually and when there is evidence of a leak. Other methods of tank testing may be approved by the Department, in writing.

(f) A person or municipality that stores liquid municipal waste in aboveground tanks or partially aboveground tanks shall build and maintain a containment structure which is designed and located so that it is capable of holding a volume that does the following:

- (1) Equals or exceeds the largest aboveground tank volume.
- (2) Has reasonable allowance for precipitation based on local weather conditions.

(g) A person or municipality storing municipal waste in an enclosed tank utilizing a continuous or direct-feed mechanism shall maintain an automatic feed cutoff system or an overflow warning system.

Cross References

This section cited in 25 Pa. Code § 273.275 (relating to leachate collection and storage); 25 Pa. Code § 277.275 (relating to leachate collection and storage); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.123. Impoundments—general.

A person or municipality storing municipal waste in a surface impoundment shall:

- (1) Comply with Chapter 105 (relating to dam safety and waterway management).
- (2) Design and maintain the impoundment to prevent the dispersal of municipal waste by wind and water erosion, and to prevent odors.
- (3) Design and maintain sufficient freeboard to prevent overtopping. There shall be at least 2 feet of freeboard unless otherwise approved by the Department, in writing.
- (4) Construct and maintain a protective cover sufficient to minimize wind and water erosion and preserve structural integrity, including, but not limited to, suitable vegetation, rock riprap or nonerrodible material.
- (5) Design and maintain sufficient structural integrity to prevent failure.
- (6) Design and maintain dikes or berms so that the outside slope does not exceed 33% unless otherwise approved by the Department, in writing.
- (7) Design and maintain structures around impoundments sufficient to prevent surface runoff from entering the impoundment, based on the maximum surface runoff from a 25-year, 24-hour precipitation event.
- (8) Design and maintain dikes or berms to be free of burrowing mammals and plants with root systems capable of displacing earthen materials upon which the structural integrity of the dikes or berms is dependent.
- (9) For leachate storage:
 - (i) Install and maintain a liner that meets the requirements of Chapter 273 (relating to municipal waste landfills).
 - (ii) Design, install and operate a groundwater monitoring system that meets the requirements of Chapter 273.
- (10) For sewage sludge storage impoundments constructed after January 25, 1997:
 - (i) Install and maintain a liner system that meets the requirements of §§ 273.253—273.257, unless otherwise approved by the Department in a permit.
 - (ii) Install and operate a groundwater monitoring system that meets the requirements in §§ 273.281—273.288 (relating to water quality monitoring), unless otherwise approved by the Department in a permit.

Source

The provisions of this § 285.123 amended January 24, 1997, effective January 25, 1997, 27 Pa.B. 521. Immediately preceding text appears at serial page (176657).

Cross References

This section cited in 25 Pa. Code § 273.275 (relating to leachate collection and storage); 25 Pa. Code § 277.275 (relating to leachate collection and storage); 25 Pa. Code § 285.101 (relating to scope); and 25 Pa. Code § 285.112 (relating to design and operation).

§ 285.124. Impoundments—failure.

(a) If a surface impoundment fails, the person or municipality storing municipal waste shall immediately:

- (1) Stop adding waste to the impoundment.
- (2) Contain a discharge that has occurred or is occurring.
- (3) Empty the impoundment in a manner approved by the Department if leaks cannot be stopped.
- (4) Notify the Department of the failure of the impoundment and the measures taken to remedy the failure.

(b) A surface impoundment that has been removed from service due to failure may not be restored to service unless the following requirements are met:

- (1) The impoundment has been repaired.
- (2) The repair has been certified to the Department, in writing, by a registered professional engineer.
- (3) The Department has approved, in writing, the restoration of the impoundment to service.

(c) If a storage impoundment fails and the impoundment or surrounding area cannot be cleaned up in a manner that will protect public health, safety and the environment and that is satisfactory to the Department, the operator shall submit a closure plan to the Department that meets one of the following and, upon Department approval, implement the closure plan:

- (1) *Removal of waste.*
 - (i) The closure plan provides for removal of the waste and structures or other materials which contain or are contaminated with solid waste.
 - (ii) The closure plan provides for the processing or disposal of the waste and material under the environmental protection acts and this title.
 - (iii) If required by the Department, the closure plan includes a soil and groundwater monitoring plan to assess the impact of the failure on groundwater consistent with § 273.286 (relating to groundwater assessment plan).
 - (iv) If the groundwater assessment shows the presence of groundwater degradation at one of the monitoring wells, the operator shall comply with § 273.287 (relating to abatement plan).

(2) *Waste remaining in place.* If the closure plan provides for leaving the waste in place, the operator shall comply with § 271.113 (relating to closure plan).

Source

The provisions of this § 285.124 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226414).

Cross References

This section cited in 25 Pa. Code § 273.275 (relating to leachate collection and storage); 25 Pa. Code § 277.275 (relating to leachate collection and storage); and 25 Pa. Code § 285.101 (relating to scope).

**ADDITIONAL REQUIREMENTS FOR CERTAIN
TYPES OF WASTE****§ 285.131. Storage and containment of ash residue from municipal waste incineration, including from regulated medical or chemotherapeutic waste incineration.**

(a) Ash residue from municipal waste incineration, including from regulated medical or chemotherapeutic waste incineration, shall be stored in accordance with the following:

- (1) In an enclosed container, which may include a properly tarped container, or in an enclosed area, which may include an adequately ventilated building.
- (2) On a pad that is no more permeable than 1×10^{-7} cm./sec.
- (3) To prevent the release, dispersal or discharge of ash residue into the air, water or onto land.

(b) Ash residue from a regulated medical or chemotherapeutic waste incinerator may be commingled with other municipal waste if the commingled waste is from one generator and if storage of the commingled waste is in accordance with subsection (a).

Authority

The provisions of this § 285.131 amended under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6), known as the Infections and Chemotherapeutic Waste Disposal Law; and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904).

Source

The provisions of this § 285.131 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 November 7, 2014, effective November 8, 2014, 44 Pa.B. 7021. Immediately preceding text appears at serial page (273349).

Cross References

This section cited in 25 Pa. Code § 283.403 (relating to ash residue from municipal waste incineration); and 25 Pa. Code § 285.101 (relating to scope).

§ 285.132. [Reserved].**Source**

The provisions of this § 285.132 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 pages (226415) to (226416).

§ 285.133. [Reserved].**Source**

The provisions of this § 285.133 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; reserved August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185. Immediately preceding text appears at serial pages (126423) to (126424).

§ 285.134. Storage of sewage sludge in piles.

A person or municipality storing sewage sludge in a pile shall:

- (1) Store the sludge under a permit issued by the Department.
- (2) Design, install and maintain berms around the storage area and other structures or facilities to collect and, when necessary, treat runoff or leachate from the storage area.
- (3) Not store sewage sludge in an area where the land application of sewage sludge is prohibited by §§ 275.202 and 275.312(3) (relating to areas where the land application of sewage sludge is prohibited; and site characteristics).
- (4) Not store sewage sludge for more than 1 week unless approved by the Department in writing.
- (5) Not store sewage sludge on slopes greater than 3% unless approved by the Department in writing.

Cross References

This section cited in 25 Pa. Code § 285.101 (relating to scope).

**ADDITIONAL REQUIREMENTS FOR REGULATED MEDICAL AND
CHEMOTHERAPEUTIC WASTE****§§ 285.141—285.145. [Reserved].****Source**

The provisions of these §§ 285.141—285.145 adopted 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 (273350).

§ 285.146. [Reserved].**Source**

The provisions of this § 285.146 adopted August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1794; reserved and renumbered December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (228344) to (228345).

§ 285.147. [Reserved].**Source**

The provisions of this § 285.147 adopted August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1794; reserved and renumbered December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (228345) to (228346).

§ 285.148. [Reserved].**Source**

The provisions of this § 285.148 adopted 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 (228346) and (255089).

**Subchapter B. COLLECTION AND TRANSPORTATION OF
MUNICIPAL WASTE****SCOPE**

Sec.
285.201. Scope.

GENERAL PROVISIONS

285.211. General requirements.
285.212. Collection and transportation.
285.213. Collection and transportation equipment.
285.214. Transportation equipment cleaning areas and securing loads in vehicles.
285.215. Transportation to permitted facilities.
285.216. Wastes from accidents and spills.
285.217. Recordkeeping and reporting.
285.218. Signs on vehicles.
285.219. Transporting foodstuffs and feedstuffs in vehicles used to transport waste.

TYPES OF WASTE

- 285.221. Transportation of ash residue from municipal waste incineration and from regulated medical or chemotherapeutic waste incineration.
- 285.222. [Reserved].
- 285.223. [Reserved].
- 285.224. [Reserved].
- 285.225. Transportation of residential septage.

SCOPE**§ 285.201. Scope.**

A person or municipality that collects or transports municipal waste shall comply with §§ 285.211—285.219 (relating to general provisions). A person or municipality that transports the types of municipal waste referred to in §§ 284.512, 285.221 and 285.225 (relating to transportation of infectious and chemotherapeutic waste; general provisions transportation of ash residue from municipal waste incineration and from infectious or chemotherapeutic waste incineration; and transportation of residential septage) shall transport the waste under the applicable provisions of those sections.

Source

The provisions of this § 285.201 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 page (255090).

GENERAL PROVISIONS**§ 285.211. General requirements.**

(a) Municipal waste, including ash residue from municipal waste incineration and infectious or chemotherapeutic waste incineration, shall be completely covered during transportation and parking with a cover that meets the following requirements. The cover shall:

- (1) Be water resistant.
- (2) Be securely fastened.
- (3) Eliminate the potential for roadside littering, dust, leakage, discharge, attraction or harboring of vectors, or other nuisances.

(b) A person or municipality that collects or transports municipal waste may not mix the waste with:

- (1) Hazardous waste regulated under Article VII (relating to hazardous waste management).
- (2) Other solid waste to create a risk of fire or explosions, or a risk of the accumulation of poisonous or otherwise harmful vapors or gases.
- (3) Special handling waste.

(c) A person or municipality that collects or transports source separated recyclable materials may not combine waste with the source separated recyclable materials in the collection or transportation vehicle.

Source

The provisions of this § 285.211 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 (255090) and (226425).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.212. Collection and transportation.

(a) A person or municipality that is responsible for the collection of municipal waste shall make collection services available with sufficient frequency to prevent a nuisance or hazard to public health, safety or welfare.

(b) A person or municipality that generates municipal waste shall schedule collection of waste with sufficient frequency to prevent a nuisance.

(c) A person or municipality may not park a municipal waste collection or transportation vehicle to cause a nuisance or a hazard to public health, safety and welfare. A person or municipality may not allow a municipal waste collection or transportation vehicle to remain in a residential area for more than 4 hours.

Source

The provisions of this § 285.212 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 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 page (226425).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.213. Collection and transportation equipment.

(a) Equipment used to collect and transport municipal waste shall comply with the following, unless otherwise approved by the Department in writing:

(1) Collection and transportation equipment shall be:

(i) Equipped with a fire extinguisher having an Underwriters' Laboratories rating of 5 B:C or more, or two fire extinguishers, each of which has an Underwriters' Laboratories rating of 4 B:C or more. The fire extinguishers shall be:

- (A) Labeled or marked with its Underwriters' Laboratories rating.
- (B) Securely mounted and readily accessible to the driver.

- (C) Designed, constructed and maintained to permit visual determination of whether they are fully charged.
- (ii) Cleaned as frequently as necessary to prevent odors, vectors and other nuisances.
- (iii) Constructed to prevent the potential for littering, leakage, dust and the ingress or egress of vectors.
- (2) Load compartments in collection and transportation equipment shall be:
 - (i) Fireproof, leakproof and constructed so as to be easily cleaned.
 - (ii) Constructed to provide easy access for the application of odor masking agents and for the performance of required maintenance.
 - (iii) Provided with drain plugs or valves at the lowest point.
- (b) Roll-off containers shall be:
 - (1) Fireproof, leakproof and constructed to be easily cleaned.
 - (2) Cleaned as frequently as necessary to prevent odors, vectors and other nuisances.
 - (3) Constructed to prevent littering and the ingress or egress of vectors.
- (c) Equipment used to transport municipal waste shall be tested, inspected and maintained by the operator to ensure that there is no release or leakage of waste during transportation.

Authority

The provisions of this § 285.213 amended under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); the act of July 13, 1988 (P. L. 525, No. 93) (35 P. S. §§ 6019.1—6019.6); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904).

Source

The provisions of this § 285.213 adopted April 8, 1988, effective April 9, 1988, 18 Pa.B. 1681; amended August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185. Immediately preceding text appears at serial pages (170648) to (170649).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.214. Transportation equipment cleaning areas and securing loads in vehicles.

- (a) Transportation equipment cleaning areas shall meet the following requirements:
 - (1) Drainage from equipment cleaning areas shall be managed to prevent surface water pollution or groundwater pollution.
 - (2) Drainage shall be discharged to a sanitary sewer system or other treatment facility.

(3) The surface of the equipment cleaning area shall be constructed of impervious material that can be easily cleaned and is well drained.

(4) Windborne drift of steam or atomized water shall be controlled.

(b) Loads in vehicles shall be secured in the following manner:

(1) *Load of loose garbage.* Every load of loose nonbaled municipal waste being transported through or within this Commonwealth shall be transported in a vehicle with four solid sides and with a cover or top of a type to prevent any of the load from escaping. The cover or top shall remain tightly in place going to a disposal site. The load shall be no higher than the solid sides of the vehicle. It is imperative that municipal waste be removed from the vehicle at the disposal site to prevent scattering of litter on the highway during the return trip. A truck, trailer or semitrailer with an open body or stake body may not be used for these purposes. This subsection does not apply to vehicles engaged in the systematic collection of garbage or refuse and which are designed to be open in the rear for the loading of municipal waste.

(2) *Load of baled garbage.* Municipal waste in a tightly compacted and baled form being transported through or within this Commonwealth shall be securely fastened to the vehicle and covered over exposed areas with a canvas cover or cover of a comparable type which shall be securely attached to the under sides of the sides of the truck, trailer or semitrailer to prevent material from the bales from escaping. No part of a bale may be uncovered, except for inspection, during transportation within or through this Commonwealth until arrival at the disposal site.

Source

The provisions of this § 285.214 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 (226426) and (239003).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.215. Transportation to permitted facilities.

(a) Municipal waste shall be transported to prevent a nuisance or hazard to public health, safety or welfare.

(b) No person or municipality may transport municipal waste to a solid waste processing or disposal facility in this Commonwealth, unless the facility has a permit from the Department that expressly allows processing or disposal of the type of municipal waste being transported.

(c) No person or municipality may transport municipal waste in a manner contrary to the terms and conditions of a permit, an order issued by the Department or requirements in the act, the environmental protection acts or this title.

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.216. Wastes from accidents and spills.

(a) A person or municipality that generates or discharges municipal waste or other material as a result of an accident, spill or emergency shall notify the Department prior to the disposal of the waste.

(b) The Department may immediately approve emergency storage, transportation, processing or disposal methods necessary to mitigate harm to the public health, safety or the environment. Storage may be at the site of emergency at a permitted processing or disposal facility under § 285.117 (relating to emergency storage) or at a site approved by the Department.

(c) Compliance with this section does not relieve a person from liability, either criminal or civil, under the act, the environmental protection acts or this title.

Source

The provisions of this § 285.216 amended December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (239004).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.217. Recordkeeping and reporting.

(a) *General.* A person or municipality that collects or transports municipal waste other than infectious and chemotherapeutic waste shall make and maintain an operational record each day that municipal waste is collected or transported, or both. The daily operational record shall be kept in the cab of each transportation vehicle on the date of collection or transportation. The record shall include the following;

(1) The county and state where the waste was originally collected.

(2) The name, mailing address and telephone number of the person or municipality collecting or transporting the waste.

(3) The name and location of a transfer facility that has received, or will receive, the waste.

(4) The name and location of the solid waste processing or disposal facility where the waste will be ultimately disposed or processed.

(5) The weight or volume of the types of municipal waste transported.

(6) A description of handling problems or emergency disposal activities.

(b) The records required in subsection (a) shall be made available to the Department upon request and shall be retained for at least 5 years.

Source

The provisions of this § 285.217 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 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 (239004) to (239005).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.218. Signs on vehicles.

A vehicle or conveyance that is ordinarily or primarily used for the transportation of solid waste shall bear a sign that meets the following:

- (1) The sign shall include the name and business address of the person or municipality that owns the vehicle or conveyance.
 - (i) The name shall be the actually and commonly recognized name of the person or municipality. Abbreviations or acronyms are permissible if they do not obscure the meaning.
 - (ii) The address shall include the city, state and five digit zip code for the principal place of business for the person or municipality.
- (2) The sign shall include the specific type of solid waste transported by the vehicle or conveyance.
 - (i) Regulated medical or chemotherapeutic waste shall be designated: Regulated Medical/Chemotherapeutic Waste.
 - (ii) Other municipal waste shall be designated: Municipal Waste.
 - (iii) Residual waste shall be designated: Residual Waste.
 - (iv) Mixed municipal and residual waste shall be designated: Municipal/Residual Waste.
- (3) The sign shall have lettering that is 6 inches in height. The lettering shall be placed on the roll-off box or trailer. If available space for lettering on the trailer or roll-off box is so limited that all letters cannot be 6 inches in height, the lettering shall be as close to 6 inches as possible. The required information shall be clearly visible and easily readable.
- (4) The sign may be permanent or detachable.

Source

The provisions of this § 285.218 adopted October 9, 1992, effective October 10, 1992, 22 Pa.B. 5105; amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7021. Immediately preceding text appears at serial page (273357).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

§ 285.219. Transporting foodstuffs and feedstuffs in vehicles used to transport waste.

(a) A person or municipality may not transport, or knowingly provide a vehicle for the transportation of, a food product or produce intended for human or livestock consumption, in a vehicle which has been used to transport municipal, residual or hazardous waste, or, chemical or liquid, in bulk, which is not a food product or produce.

(b) A person or municipality may not knowingly accept a food product or produce from, or provide a food product or produce to, a vehicle used to transport municipal, residual or hazardous waste, or, chemical or liquid, in bulk, which is not a food product or produce.

(c) As used in this section, the following words and phrases have the following meaning:

(1) *Food product or produce*—A raw, cooked or processed edible substance, beverage or ingredient used or intended for use or for sale, in whole or in part, for human consumption.

(2) *In bulk*—Not divided into parts or packaged in separate units.

(3) *Chemical or liquid*—The term includes any chemical or liquid, including any pesticide or herbicide regardless of its use or intended use. The term does not include the following:

(i) A chemical or liquid food product or produce.

(ii) A chemical or liquid being transported for use directly in the production and preparation for market of poultry, livestock and their products or in the production, harvesting or preparation for market of agricultural, agronomic, horticultural, silvicultural or aquicultural crops and commodities.

(iii) A chemical or liquid being transported for use as an ingredient in a product used in the production and preparation for market of poultry, livestock and their products or in the production, harvesting or preparation for market of agricultural, agronomic, horticultural, silvicultural or aquicultural crops and commodities.

Authority

The provisions of this § 285.219 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. § 4000.301); 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 Waste 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); 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 4909(e) of the Vehicle Code, 75 Pa.C.S. § 4909(e).

Source

The provisions of this § 285.219 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 (239006).

Cross References

This section cited in 25 Pa. Code § 284.501 (relating to scope); 25 Pa. Code § 285.201 (relating to scope); and 25 Pa. Code § 299.201 (relating to scope).

TYPES OF WASTE**§ 285.221. Transportation of ash residue from municipal waste incineration and from regulated medical or chemotherapeutic waste incineration.**

(a) Ash residue from municipal waste incineration and from regulated medical or chemotherapeutic waste incineration shall be wetted immediately prior to loading, and shall remain wetted during transportation and unloading at a municipal waste landfill, to prevent the dispersal of ash residue.

(b) Ash residue from regulated medical or chemotherapeutic waste incineration shall be transported in an enclosed or covered vehicle to prevent dispersal of the residue.

(c) A transporter shall transport separately each generator's ash residue from regulated medical or chemotherapeutic waste.

(d) A transporter may transport ash residue from a regulated medical or chemotherapeutic waste incinerator that is commingled with other municipal waste if the commingled waste is from one generator and the waste is transported separately from another generator's waste.

Source

The provisions of this § 285.221 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 November 7, 2014, effective November 8, 2014, 44 Pa.B. 7021. Immediately preceding text appears at serial page (273359).

Cross References

This section cited in 25 Pa. Code § 283.403 (relating to ash residue from municipal waste incineration); and 25 Pa. Code § 285.201 (relating to scope).

§ 285.222. [Reserved].**Source**

The provisions of this § 285.222 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 December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial page (226431).

§ 285.223. [Reserved].**Source**

The provisions of this § 285.223 adopted August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; reserved December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226433) to (226434).

§ 285.224. [Reserved].**Source**

The provisions of this § 285.224 adopted August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; reserved December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (226434) to (226435).

§ 285.225. Transportation of residential septage.

(a) By July 25, 1997, or upon beginning operations, whichever occurs later, a person or municipality that transports residential septage shall notify the Department that the person or municipality transports residential septage. The notification shall:

- (1) Be prepared on a form provided by the Department.
- (2) State the name, address and telephone number of the transporter.
- (3) State the name, address and telephone number of a person who will act as a contact with the Department.

(b) Upon receipt of the notification, the Department will issue a transporter number to the person or municipality transporting residential septage.

(c) The number provided to the transporter under subsection (b) shall be displayed on the sides and rear of each vehicle the transporter uses to transport the residential septage, in numbers at least 3 inches high in a color contrasting to the background.

Source

The provisions of this § 285.225 adopted January 24, 1997, effective January 25, 1997, 27 Pa.B. 521.

Cross References

This section cited in 25 Pa. Code § 271.413 (relating to assessment of penalties—minimum penalties); and 25 Pa. Code § 285.201 (relating to scope).

Subchapter C. [Reserved]**§§ 285.301—285.303. [Reserved].****Source**

The provisions of these §§ 285.301—285.303 adopted 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 (226437) to (226438).

§§ 285.311 and 285.312. [Reserved].**Source**

The provisions of these §§ 285.311 and 285.312 adopted 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 (226438) to (226440).

§§ 285.321—285.325. [Reserved].**Source**

The provisions of these §§ 285.321—285.325 adopted 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 (226440) to (226441).

§§ 285.331—285.333. [Reserved].**Source**

The provisions of these §§ 285.331—285.333 adopted 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 (226441) to (226442) and (239007).

§ 285.334. [Reserved].**Source**

The provisions of this § 285.334 adopted August 7, 1992, effective August 8, 1992, 22 Pa.B. 4185; amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6190; reserved and renumbered December 22, 2000, effective December 23, 2000, 30 Pa.B. 6685. Immediately preceding text appears at serial pages (239007) to (239008).

§§ 285.341—285.345. [Reserved].**Source**

The provisions of these §§ 285.341—285.345 adopted 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 (239008) and (226445) to (226447).

Subchapter D. [Reserved].**§§ 285.401—285.403. [Reserved].****Source**

The provisions of these §§ 285.401—285.403 adopted 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 (226448) to (226450).

§§ 285.411—285.414. [Reserved].**Source**

The provisions of these §§ 285.411—285.414 adopted 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 (226451) to (226454).

§§ 285.421—285.424. [Reserved].**Source**

The provisions of these §§ 285.421—285.424 adopted 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 (226454) to (226456).

§§ 285.431—285.434. [Reserved].**Source**

The provisions of these §§ 285.431—285.434 adopted 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 (226456) to (226458).

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