

**CHAPTER 299. STORAGE AND TRANSPORTATION OF RESIDUAL WASTE**

<b>Subchap.</b>		<b>Sec.</b>
<b>A.</b>	<b>STANDARDS FOR STORAGE OF RESIDUAL WASTE .....</b>	<b>299.101</b>
<b>B.</b>	<b>STANDARDS FOR COLLECTING AND TRANSPORTING OF RESIDUAL WASTE .....</b>	<b>299.201</b>

**Authority**

The provisions of this Chapter 299 issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Pennsylvania Used Oil Recycling Act (58 P. S. §§ 471—480); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); amended under sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 408(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 408(e)); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); section 105(4) of the Waste Tire Recycling Act (35 P. S. § 6029.105(4)); sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the act of July 13, 1988 (P. L. 525, No. 93), known as the Infectious and Chemotherapeutic Waste Disposal Law; and the Vehicle Code, 75 Pa.C.S. § 4909(e), unless otherwise noted.

**Source**

The provisions of this Chapter 299 adopted July 2, 1992, effective July 4, 1992, 22 Pa.B. 3389, unless otherwise noted.

**Cross References**

This chapter cited in 25 Pa. Code 261a.2 (relating to definition of “solid waste”); 25 Pa. Code § 245.561 (relating to permanent closure or change-in-service); 25 Pa. Code § 245.614 (relating to requirements for closure); 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 287.101 (relating to general requirements for permit); 25 Pa. Code § 287.102 (relating to permit-by-rule); 25 Pa. Code § 287.504 (relating to operating requirements); 25 Pa. Code § 287.601 (relating to scope); 25 Pa. Code § 288.219 (relating to salvaging); 25 Pa. Code § 293.220 (relating to salvaging); 25 Pa. Code § 295.219 (relating to salvaging); and 25 Pa. Code § 297.220 (relating to salvaging).

**Subchapter A. STANDARDS FOR STORAGE OF RESIDUAL WASTE**

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**Cross References**

This subchapter cited in 25 Pa. Code § 245.308 (relating to onsite storage of contaminated soil); 25 Pa. Code § 245.432 (relating to operation and maintenance including corrosion protection); 25 Pa. Code § 245.451 (relating to temporary closure (out-of-service)); 25 Pa. Code § 245.561 (relating to permanent closure or change-in-service); 25 Pa. Code § 245.614 (relating to requirements for closure); 25 Pa. Code § 287.112 (relating to storage impoundments and storage facilities); 25 Pa. Code § 288.281 (relating to daily operational records); 25 Pa. Code § 289.301 (relating to daily operational records); 25 Pa. Code § 291.204 (relating to storage of residual waste); 25 Pa. Code § 291.414 (relating to weather); 25 Pa. Code § 293.251 (relating to daily operational records); 25 Pa. Code § 295.271 (relating to daily operational records); and 25 Pa. Code § 297.261 (relating to daily operational records).

**SCOPE**

**§ 299.101. Scope.**

(a) A person or municipality that stores residual waste shall comply with §§ 299.111—299.117 (relating to general).

(b) In addition to the requirements of subsection (a), the following requirements shall be met:

(1) A person or municipality that stores residual waste in the manner identified in §§ 299.121, 299.122, 299.131—299.133 and 299.141—299.145 shall store the waste under the applicable provisions of those sections.

(2) A person or municipality that stores the types of waste identified in §§ 299.151—299.163 (relating to types of waste) shall store the waste under the applicable provisions of those sections.

(c) This subchapter applies to residual waste storage at impoundments that are permitted for industrial waste water, pretreatment or storage and discharge under The Clean Streams Law.

**Source**

The provisions of this § 299.101 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (255124) and (256691).

**Notes of Decisions**

*Waste*

Discarded tires which are stored on property are considered “waste” and subject to regulation even though the tires may have value. *Starr v. Department of Environmental Resources*, 607 A.2d 321 (Pa. Cmwlth. 1992).

**GENERAL**

**§ 299.111. General requirements.**

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

- (1) Mix the waste with hazardous waste that is regulated under Article VII (relating to hazardous waste management), except for purposes of treatment at permitted hazardous waste management facilities.
- (2) Mix the waste with, or store the waste in 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.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope).

### § 299.112. Design and operation.

- (a) A person or municipality storing residual waste shall employ best engineering design and construction practices for all phases of construction and operation.
- (b) A person or municipality may not store residual waste in a manner that exceeds the design capacity of the storage facility.
- (c) A person or municipality storing residual 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 the inspections and corrective actions that were taken, and shall make the records available to the Department upon request.
- (d) A person or municipality may not store putrescible waste in piles.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.155 (relating to storage of whole and processed waste).

### § 299.113. Duration of storage.

- (a) A person or municipality may not store residual waste for more than 1 year unless:
  - (1) For waste that is reusable or reclaimable, the Department has approved in writing a longer period prior to the end of 1 year of storage based on a rate of use or reclamation of stored waste that is reasonably proportional to the rate of accumulation for storage.
  - (2) For other residual waste, the Department has approved in writing a longer period prior to the end of 1 year of storage.
- (b) It shall be presumed that a person or municipality storing residual waste contrary to subsection (a) is operating a residual waste disposal facility and is subject to the applicable requirements of the act and the regulations thereunder for residual waste disposal.

(c) A person or municipality that stores residual waste shall maintain accurate operational records that are sufficiently detailed to clearly and convincingly demonstrate to the Department that residual waste is being stored in accordance with 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.

#### Cross References

This section cited in 25 Pa. Code § 287.111 (relating to notice by impoundments and unpermitted processing or disposal facilities); 25 Pa. Code § 287.113 (relating to permitting procedure for unpermitted processing or disposal facilities); and 25 Pa. Code § 299.101 (relating to scope).

### § 299.114. Equipment.

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

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

(c) 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 § 299.101 (relating to scope).

### § 299.115. Nuisance minimization and control.

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

(1) Control and minimize the harborage, breeding or attraction of vectors.

(2) Take other measures necessary to control and minimize the presence of vectors.

(3) Immediately take measures necessary to exterminate vectors.

(b) A person or municipality storing residual 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 § 299.115 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226895).

**Cross References**

This section cited in 25 Pa. Code § 245.308 (relating to onsite storage of contaminated soil); and 25 Pa. Code § 299.101 (relating to scope).

**§ 299.116. Surface and groundwater protection.**

- (a) Surface water runoff from storage areas shall be minimized. Collection of surface runoff shall be managed in accordance with The Clean Streams Law and the regulations promulgated thereunder.
- (b) Surface water run-on to storage areas shall be minimized.
- (c) Waste may not be stored to cause groundwater degradation.

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope).

**§ 299.117. 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 residual 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 as defined in § 287.103 (relating to emergency disposal or processing). 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 or § 287.222 (relating to permit modification; and permit modification) to allow the disposal or processing of the waste at the facility.

**Cross References**

This section cited in 25 Pa. Code § 287.103 (relating to emergency disposal or processing); 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.218 (relating to wastes from accidents and spills).

**TYPES OF STORAGE CONTAINERS AND TANKS****§ 299.121. Containers.**

(a) A person or municipality storing residual waste in containers shall provide a sufficient number of containers to contain solid waste generated during periods between regularly scheduled collections.

(b) An individual container or bulk container used for the storage of residual 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 designed to prevent leaks.

(c) Putrescible waste shall be stored in an individual container or bulk container that has the following characteristics:

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

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

(d) All containers shall be clearly labeled as “residual waste” or as the specific type of residual waste.

(e) The total container height of a group of containers may not exceed 9 feet. The maximum width and depth of a group of containers shall provide a configuration and aisle space which ensures access for purposes of inspection, containment and remedial action with emergency vehicles and equipment.

**Source**

The provisions of this § 299.121 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226896).

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope).

**§ 299.122. Storage tanks.**

(a) Residual waste storage tanks shall meet the design and performance standards established by this section. A storage tank shall be clearly labeled as “residual waste” and the type of residual waste shall be identified.

(b) Aboveground residual waste storage tanks shall be designed and operated as follows, unless an alternative design is demonstrated to perform at a level equivalent to the requirements of this section and is otherwise approved by the Department:

(1) Tanks shall be designed and constructed in accordance with an appropriate current code of practice developed by Nationally recognized associations such as UL, ACI, API, ASME, ASTM or NACE.

(2) Tanks shall have a stable foundation, capable of supporting the total weight of the tank when full of waste without movement, rolling or unacceptable settling. The foundation shall minimize corrosion of the tank bottom and meet or exceed the specifications of the tank manufacturer. The foundation design and construction shall be based on sound engineering practices.

(3) Newly installed or repaired tanks shall be tested for tightness in accordance with current codes of practice developed by Nationally recognized associations and manufacturer's specifications. If a pneumatic test is used for manufactured (shop built) tanks, the fittings, welds, joints and connections shall be coated with a soap solution and checked for leaks. Deficiencies shall be remedied prior to tanks being placed into service. Hydrostatic test fluids shall be discharged or disposed of in accordance with State and Federal requirements.

(4) Tank connections through which waste can flow shall be equipped with an operating valve adjacent to the tank to control flow of waste. Appropriate valves shall be installed to meet or exceed current codes of practice and jurisdictional requirements. Valves shall be designed, installed and maintained according to current codes of practice.

(5) The exterior surfaces of aboveground tanks and piping shall be protected by a suitable coating, which prevents corrosion and deterioration. The coating system shall be maintained throughout the entire operational life of the tank.

(6) Owners and operators shall ensure that releases from overfills do not occur. Transfer of stored waste may not exceed the volume available in receiving tank and the transfer shall be adequately monitored. Immediate action shall be taken to stop the flow of waste prior to exceeding tank capacity or in the event that an equipment failure occurs.

(7) Tanks shall be installed with the following:

(i) A gauge or monitoring device which accurately indicates the level or volume in the tank and is visible to the individual responsible for the transfer of waste. The monitoring device shall be installed, calibrated and maintained in accordance with manufacturer's specifications.

(ii) A high-level alarm and an automatic high-level cut-off device or a high-level alarm and a manned operator shutdown procedure in operation.

(8) Containment structures shall be compatible with the wastes stored and minimize deterioration to the storage tank system.

(9) Containment areas shall be designed, maintained and constructed in accordance with sound engineering practices adhering to Nationally recognized codes of practice, such as NFPS, NACE, ACI or API and in compliance with State and Federal requirements.

(10) Secondary containment under the tank bottom and around underground piping shall be designed to direct any release to a monitoring point.



(11) Permeability of the secondary containment shall be less than  $1 \times 10^{-7}$  cm/sec at anticipated hydrostatic head.

(12) Aboveground tanks shall have emergency containment structures, such as dike fields, curbing and containment collection systems, which contain releases from overfills, leaks and spills.

(13) Permeability of emergency containment structures shall be less than  $1 \times 10^{-6}$  cm/sec at anticipated hydrostatic head and be of sufficient thickness to prevent the released waste from penetrating the containment structure for a minimum of 72 hours and until the release can be detected and recovered.

(14) Emergency containment areas, such as dike fields, shall be able to contain 110% of the capacity of the largest tank in the containment area.

(15) Stormwater shall be removed from the emergency containment area as soon as possible or when the water is in contact with the tank or piping and prior to the capacity of containment being reduced by 10% or more. Manually operated pumps or siphons and manually operated gravity drains may be used to empty the containment. If drain valves are used, they shall be secured in the closed position when not in use. Discharge or disposal of wastes from the containment structure shall comply with applicable State and Federal requirements.

(16) Aboveground tank systems shall provide method of leak detection capable of detecting a release. The leak detection method shall be monitored at least monthly and shall be installed, calibrated, operated and maintained in accordance with industry practices and manufacturer's specifications.

(i) The area beneath the tank bottom shall be monitored for leakage by visual, mechanical or electronic leak detection methods.

(ii) Observation wells outside of the secondary containment structure do not satisfy the leak detection requirements.

(c) Underground residual waste storage tanks shall be designed and operated as follows, unless an alternative design is demonstrated to perform at a level equivalent to the requirements of this section and is otherwise approved by the Department:

(1) *Corrosion protection.*

(i) Parts of the system that routinely contain waste shall be protected from deterioration. Parts that are in contact with the ground shall be properly designed, constructed and protected from corrosion in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory.

(ii) System components constructed of metal do not need additional corrosion protection measures if:

(A) The site is determined by a corrosion expert to not be corrosive enough to cause a release due to corrosion during the systems operating life.

(B) Owners and operators maintain records that demonstrate compliance with clause (A) for the remaining life of the tank system including removal and closure.

(2) *Spill and overfill prevention equipment.*

(i) Except as provided in subparagraph (ii), to prevent spilling and overfilling associated with waste transfer to the underground storage tank system, owners and operators shall ensure that their systems have the following spill and overfill prevention equipment:

(A) Spill prevention equipment that will prevent release of waste to the environment when the transfer hose is detached from the fill pipe.

(B) Overfill prevention equipment that will do one or more of the following:

(I) Automatically shut off flow into the tank before the fittings on the top of the tank are touched by waste.

(II) Restrict the flow into the tank before it is 90% full or 30 minutes before it would be full.

(III) Activate an audible and visible high level alarm before the tank is 90% full or 30 minutes before it would be full.

(ii) Owners and operators are not required to use overfill prevention equipment if the underground storage tank system is filled by transfers of no more than 25 gallons at one time.

(3) *Installation.* Tanks and piping shall be properly installed and system integrity tested in accordance with a code of practice developed by a Nationally recognized association or independent testing laboratory such as API 1615 and PEI RP 100, and in accordance with the manufacturer's instructions.

(4) *Releases due to corrosion.* To ensure that releases due to corrosion are prevented for as long as the underground storage tank system is used to store waste, the owner and operator shall comply with the following requirements:

(i) Corrosion protection systems shall be operated and maintained to continuously provide corrosion protection to the metal components of that portion of the tank and piping that routinely contain wastes and is in contact with the ground.

(ii) Underground storage tank systems equipped with cathodic protection systems shall be inspected for proper operation by a qualified cathodic protection tester in accordance with the following requirements:

(A) *Frequency.* Cathodic protection systems shall be tested within 6 months of installation and at least every 3 years thereafter.

(B) *Inspection criteria.* The criteria that are used to determine that cathodic protection is adequate as required by this section shall be in accordance with a code of practice developed by a Nationally recognized association.

(iii) Underground storage tank systems with impressed current cathodic protection systems shall be checked every 60 days to ensure the equipment is operating properly.

(iv) For underground storage tank systems using cathodic protection, records of the operation of the cathodic protection shall be maintained. These records shall provide the following:

(A) The results of the last three system checks required in paragraph (4)(iii).

(B) The results of testing from the last two inspections required in paragraph (4)(ii).

(5) *Unauthorized or accidental access.* Monitoring and observation wells shall be clearly identified using industry codes and standards and caps shall be secured to prevent unauthorized or accidental access.

(6) *Maintenance.* Sumps, release detection equipment, corrosion protection, spill prevention, overfill prevention and other appurtenances whose failure could contribute to a release of waste, shall be maintained in a good state of repair and shall function as designed.

(7) *Tightness testing.* Systems shall be precision tightness tested after installation and major repairs.

(8) *Monitoring for releases.* Portions of the tank and underground piping that routinely contain waste shall be monitored at least monthly for releases.

(9) *Method evaluation.* The method or combination of methods used shall have been evaluated by an independent third party and shown to be effective in detecting releases.

(10) *Records.* Records documenting the operation of the release detection method shall be made each month and kept for at least 1 year.

#### Source

The provisions of this § 299.122 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226896).

#### Cross References

This section cited in 25 Pa. Code § 288.455 (relating to leachate collection and storage); 25 Pa. Code § 288.555 (relating to leachate collection and storage); 25 Pa. Code § 289.455 (relating to leachate collection and storage); 25 Pa. Code § 298.22 (relating to waste oil storage); 25 Pa. Code § 298.45 (relating to waste oil storage at transfer facility); 25 Pa. Code § 298.54 (relating to waste oil management); 25 Pa. Code § 298.64 (relating to waste oil storage); 25 Pa. Code § 289.555 (relating to leachate collection and storage); and 25 Pa. Code § 299.101 (relating to scope).

## STORAGE PILES

### § 299.131. General requirements.

(a) A person or municipality storing residual waste in piles shall prevent the dispersal of residual waste by wind or water erosion.

(b) A person or municipality may not store liquid waste in a residual waste pile.

(c) Unless the storage pile requires a liner system or storage pad under § 299.132 (relating to storage pad or liner system), the residual waste being stored shall be separated from the seasonal high water table by at least 4 feet without the use of a groundwater pumping system. The Department may, in writing, waive this requirement.

(d) A person or municipality storing residual waste in a pile shall design, install and maintain berms around the storage area and other structures or facilities to collect and, when necessary, treat runoff or leachate, or both, from the storage area. The Department may, in writing, waive the berm requirement when other collection methods are in place.

(e) For storage piles without a liner system or storage pad, the Department may require the person or municipality to install a water quality monitoring system in accordance with §§ 288.251—288.255 (relating to water quality monitoring).

#### Source

The provisions of this § 299.131 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (226897).

#### Cross References

This section cited in 25 Pa. Code § 245.308 (relating to onsite storage of contaminated soil); and 25 Pa. Code § 299.101 (relating to scope).

### § 299.132. Storage pad or liner system.

(a) A person or municipality that installs a storage pad or liner system to prevent groundwater degradation shall meet the requirements of this section. This section does not preclude a person or municipality from using other means to prevent groundwater degradation, such as enclosure in a building.

(b) The storage pad or liner system shall meet the following requirements:

(1) The storage pad or liner system shall prevent the migration of leachate through the storage pad or liner system.

(2) The effectiveness of the storage pad or liner system in preventing the migration of leachate may not be adversely affected by the physical or chemical characteristics of solid waste, solid waste constituents or leachate from the facility.

(3) The storage pad or liner system shall be designed, constructed and maintained to protect the integrity of the pad or liner during the projected life of the facility.

(4) The storage pad or liner shall be constructed of earthen or nonearthen material.

(5) The storage pad or liner system may be no less permeable than  $1 \times 10^{-7}$  cm/sec., as demonstrated by field and laboratory testing.

(6) Residual waste may not be stored where continuous or intermittent contact could occur between the waste and groundwater or surface water.

- (7) The operator shall install and operate a monitoring system capable of verifying whether residual waste or leachate has penetrated the pad or liner, if required by the Department.
- (8) The storage pad or liner shall be inspected for uniformity, damage and imperfections during construction and installation.
- (9) The storage pad or liner shall be designed to collect leachate and runoff.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.131 (relating to general requirements); and 25 Pa. Code § 299.133 (relating to leachate and runoff control).

### § 299.133. Leachate and runoff control.

- (a) A person or municipality required to install and maintain a storage pad or liner system under § 299.132 (relating to storage pad or liner system) shall collect leachate and runoff from the residual waste pile and divert it into a leachate storage system.
- (b) A leachate storage system shall consist of a collection tank or surface impoundment. The tank or impoundment shall be:
  - (1) Sized for the anticipated leachate and runoff flow, including a 30-day reserve capacity.
  - (2) Chemically compatible with the leachate.
  - (3) Of sufficient strength to withstand expected loads.
  - (4) Equipped with cleanouts, if necessary.
  - (5) Sealed to prevent the loss of leachate and runoff.
- (c) Collected leachate shall be treated or disposed in a manner that complies with the act, The Clean Streams Law, and the regulations promulgated thereunder.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope).

## IMPOUNDMENTS

### § 299.141. Scope.

- (a) Sections 299.142—299.145 apply to persons or municipalities that store residual waste in surface impoundments.
- (b) Sections 299.142—299.145 do not apply to the following:
  - (1) Storage impoundments that are used to store non-contact cooling water.
  - (2) Storage impoundments which are designed for the express purpose of storing stormwater runoff and which store runoff composed entirely of stormwater. Impoundments which store stormwater runoff shall comply with the applicable requirements of The Clean Streams Law (35 P. S. §§ 691.308 and

691.402), section 13 of the Stormwater Management Act (32 P. S. § 680.13), Chapter 92 (relating to National Pollutant Discharge Elimination System Permitting, Monitoring and Compliance), Chapter 102 (relating to erosion and sediment control) and Chapter 105 (relating to dam safety and waterway management).

(c) For purposes of this section, “stormwater” means drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope).

### § 299.142. General requirements.

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

(1) Hold a valid permit from the Department for the storage under sections 308 and 402 and other applicable provisions of The Clean Streams Law (35 P. S. §§ 691.308 and 691.402), Chapter 91 (relating to general provisions) and other applicable regulations promulgated thereunder, and shall comply with the permit.

(2) Comply with Chapter 105 (relating to dam safety and waterway management).

#### Cross References

This section cited in 25 Pa. Code § 288.455 (relating to leachate collection and storage); 25 Pa. Code § 288.555 (relating to leachate collection and storage); 25 Pa. Code § 289.455 (relating to leachate collection and storage); 25 Pa. Code § 289.555 (relating to leachate collection and storage); 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.141 (relating to scope).

### § 299.143. Application requirements.

(a) As part of the application for a permit for a residual waste storage impoundment, the applicant shall comply, at a minimum, with the application requirements of Chapter 289 (relating to residual waste disposal impoundments) that correspond to the operating requirements in § 299.144 (relating to operating requirements).

(b) These application requirements shall include, but not be limited to, § 289.152 (relating to water quality monitoring plan) and one of the following:

(1) Section 289.412 (relating to liner system and leachate control plan) if the waste to be stored meets the requirements of § 289.523(a) (relating to minimum requirements for acceptable waste).

(2) Section 289.512 (relating to liner system and leachate control plan) if the waste to be stored does not meet the requirements of § 289.523(a).

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.141 (relating to scope).

**§ 299.144. Operating requirements.**

(a) A person or municipality that stores residual waste in a surface impoundment shall design, operate and maintain the impoundment in accordance, at a minimum, with the following:

- (1) Section 289.202 (relating to certification).
- (2) Section 289.223 (relating to access roads).
- (3) Sections 289.227 and 289.228 (relating to air resources protection; and nuisance minimization and control).
- (4) Section 289.255 (relating to water supply replacement).
- (5) Sections 289.261—289.268 (relating to water quality monitoring).
- (6) Sections 289.271(a) and 289.272—289.274 (relating to impoundments).
- (7) Section 289.312 (relating to closure).
- (8) Section 289.522(a)(2), (6) and (7) (relating to areas where Class II residual waste disposal impoundments are prohibited).
- (9) Notwithstanding the references to “disposal,” § 289.423(a)(1)—(3), (5) and (6) (relating to minimum requirements for acceptable waste) or § 289.523(a)(1)—(8) and (11) (relating to minimum requirements for acceptable waste).
- (10) Notwithstanding the references to “disposal,” if the residual waste to be stored meets the requirements of § 289.523(a), the following shall be met:
  - (i) Section 289.532(a)—(c) (relating to general limitations).
  - (ii) Section 289.533 (relating to subbase).
  - (iii) Section 289.534 (relating to leachate detection zone).
  - (iv) Section 289.535 (relating to liner).
  - (v) Section 289.536 (a)(1) and (b)(1), (2) and (4) (relating to protective cover), except that the protective cover material may be up to 1 inch in diameter.
- (11) Notwithstanding the references to “disposal,” if the residual waste to be stored does not meet the requirements of § 289.523(a), the following shall be met:
  - (i) Section 289.432(a)—(c) (relating to general limitations).
  - (ii) Section 289.433 (relating to subbase).
  - (iii) Section 289.434 (relating to secondary liner).
  - (iv) Section 289.435 (relating to leachate detection zone).
  - (v) Section 289.436 (relating to primary liner).
  - (vi) Section 289.437(a)(1) and (b)(1), (2) and (4) (relating to protective cover), except that the protective cover material may be up to 1 inch in diameter.

(b) A person or municipality that stores residual waste in a surface impoundment shall remove waste from the impoundment as follows:

- (1) Waste removal may not damage the impoundment.
- (2) The liner shall be inspected to ensure its integrity, and necessary repairs shall be made prior to returning the impoundment to service.
- (3) The person or municipality shall provide for the disposal or processing of the removed waste in accordance with this article.
- (4) Waste shall be removed in accordance with the permit.
- (5) If the removal frequency is greater than once per year, the removal frequency shall be stated in the permit.
- (6) If the removal frequency is less than or equal to once per year, or if no removal frequency is stated in the permit, waste shall be removed from the impoundment annually.

#### Source

The provisions of this § 299.144 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (266354) and (226901).

#### Cross References

This section cited in 25 Pa. Code § 287.111 (relating to notice by impoundments and unpermitted processing or disposal facilities); 25 Pa. Code § 287.112 (relating to storage impoundments and storage facilities); 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.141 (relating to scope); and 25 Pa. Code § 299.143 (relating to application requirements).

### § 299.145. Failure.

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

- (1) Stop adding waste to the impoundment.
- (2) Contain any 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 conditions 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 is satisfactory to the Department, the impoundment shall be closed and bonded as a residual waste disposal impoundment under Chapter 289 (relating to residual waste disposal impoundments).



**Cross References**

This section cited in 25 Pa. Code § 288.455 (relating to leachate collection and storage); 25 Pa. Code § 288.555 (relating to leachate collection and storage); 25 Pa. Code § 289.455 (relating to leachate collection and storage); 25 Pa. Code § 289.555 (relating to leachate collection and storage); 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.141 (relating to scope).

**TYPES OF WASTE****§ 299.151. Storage and containment of ash residue from residual waste incineration.**

Ash residue from residual waste incineration shall be stored as follows:

- (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  $1 \times 10^{-7}$  cm/sec.
- (3) In a manner that prevents the release, dispersal or discharge of ash residue into the air, water or onto land.

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope).

**§ 299.152. Storage and containment of friable asbestos containing waste.**

(a) Friable asbestos containing waste shall be sealed in leak proof containers while wet. The containers shall meet one of the following:

- (1) The containers shall be multiple plastic bags with a cumulative thickness of 12 mils or more. The containers are not required to be sealed in steel or heavy duty fiberboard drums.
- (2) The containers shall be single or multiple plastic bags with a cumulative thickness of 6 mils or more, and shall be sealed in steel or heavy duty fiberboard drums.
- (3) If the waste quantity or physical form does not lend itself to the storage methods in paragraphs (1) and (2), the containers shall comply with an alternate storage method approved by the Department that does not result in visible emissions.

(b) Storage containers shall be labeled with an identification and warning label under 40 CFR 61.140—61.156 (relating to National emission standard for asbestos).

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.232 (relating to transportation of friable asbestos containing waste).

**§ 299.153. [Reserved].****Authority**

The provisions of this § 299.153 reserved under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)).

**Source**

The provisions of this § 299.153 reserved December 10, 2010, effective December 11, 2010, 40 Pa.B. 7062. Immediately preceding text appears at serial pages (273866) to (273867).

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope).

**§ 299.154. Storage of PCB containing waste material.**

(a) Except as provided in subsections (b) and (c), PCB containing waste material shall be stored as follows:

(1) The storage facility shall have adequate roof and walls to prevent rain water from reaching stored PCB containing waste materials.

(2) The floor of the storage facility shall be constructed of continuous smooth and impervious materials, such as Portland cement, concrete or steel, to prevent or minimize penetration of PCBs.

(3) The floor of the facility shall have continuous curbing at least 6 inches high. The curbing shall be made of the same type of materials as are required for the floor.

(4) The storage facility may not contain drain valves, floor drains, expansion joints, sewer lines or other openings that would permit liquids to flow from the curbed area.

(5) The storage facility may not be located in the 100 year flood plain of a water of this Commonwealth.

(6) The person or municipality operating the storage facility shall maintain sufficient records to demonstrate compliance with the requirements of this subchapter.

(b) Nonliquid PCB containing waste material may be temporarily stored for up to 6 months, if the wastes are stored as follows:

(1) The waste shall be stored in a container which adequately contains the waste to prevent dispersal into the air and prevent rain water from reaching the waste.

(2) The container used to store the waste shall be labeled, indicating the date that the waste was first placed in temporary storage.

(3) The container used to store the waste may not be located in the 100-year floodplain of the waters of this Commonwealth.

- (4) The person or municipality operating the temporary storage facility shall establish and maintain sufficient records to demonstrate compliance with this subchapter.
- (c) The Department may, in writing, approve an alternate storage facility design for nonleaking electrical equipment. The equipment may not be stored for more than 6 months.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope).

### § 299.155. Storage of whole and processed waste tires.

- (a) This section and §§ 299.156—299.163 do not apply to persons or municipalities who store less than 500 waste tires in open storage or who store less than 1,500 waste tires in enclosed storage unless the open or enclosed storage threatens or causes harm to the public health, safety, welfare or the environment.
- (b) The requirements of this section and §§ 299.156—299.163 may be waived or modified for small piles at the location of waste tire generators.
- (c) A person or municipality may not accumulate whole and processed waste tires speculatively or store for longer than 1 year. The actual tons of waste tires removed from a facility shall be verified through weight receipts.
- (d) A person or municipality storing whole and processed waste tires shall maintain operational records that provide detailed information in accordance with § 299.112 (relating to design and operation).

#### Source

The provisions of this § 299.155 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.156 (relating to notice by waste tire storage sites operators).

### § 299.156. Notice by waste tire storage sites operators.

- (a) By January 13, 2001, each operator of a waste tire storage site shall file a notice on a form prepared by the Department which includes the following:
- (1) A brief description of the type and number of whole waste tires and the type and weight or volume of processed waste tires being stored at the waste tire storage site.
  - (2) A brief description of the physical design and layout of the waste tire storage site, including a description of structures used for storing whole and processed waste tires and their locations at the storage site, a diagram of the

locations and approximate sizes of any piles of whole and processed waste tires at the storage site and a description of the location of emergency equipment at the storage site.

(3) The approximate date upon which the operator began to store 500 or more waste tires in open storage or 1,500 or more waste tires in enclosed storage.

(4) Information showing how the operator will comply with § 299.155(c) (relating to storage of whole and processed waste tires).

- (5) The address of the storage site and the individual responsible for operating the storage site.
- (6) Verification of landowner consent to operate a waste tire storage site.
- (b) An operator of a waste tire storage site that is not subject to the requirements of this section, §§ 299.155 and 299.157—299.163 on January 13, 2001, based on § 299.155(a), shall file the notice required by subsection (a) if the waste tire storage site becomes subject to the requirements of this section, §§ 299.155 and 299.157—299.163 after that date.
- (c) As of January 13, 2001, no person or municipality operating a waste tire storage site may store whole and processed waste tires at the storage site unless the person or municipality has filed with the Department a notice that is consistent with this section.

#### Source

The provisions of this § 299.156 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); and 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires).

### § 299.157. General limitations on storage of whole and processed waste tires.

- (a) Indoor storage of whole and processed waste tires shall be consistent with “*The Standard for the Storage of Rubber Tires*,” National Fire Protection Association Standard 231D, (NFPA 231D), as amended.
- (b) When whole and processed waste tires are stored outdoors, each whole and processed waste tire pile shall:
- (1) Cover a surface area not greater than 2,500 square feet.
  - (2) Have a vertical height not greater than 15 feet.
  - (3) Maintain corridors as firebreaks on all sides of a tire pile of at least 50 feet. Corridors shall be maintained free from obstructions that could limit access in the event of an emergency.
  - (4) For shredded or chipped tires stored in piles, cover a surface area of no more than 2,500 square feet, and be no more than 15 feet high. Thirty-five foot wide corridors shall be maintained for firebreaks on all sides of a pile with no point in a pile being more than 25 feet from a firebreak. Corridors shall be kept free from obstructions that could limit access in the event of an emergency.
  - (5) For baled tires stored in stockpiles, cover a surface area of no more than 5,000 square feet, and may be no more than 15 feet high. Thirty-five foot wide corridors shall be maintained for firebreaks on all sides of a pile with no point in a pile being more than 25 feet from a firebreak. Corridors shall be kept free from obstructions that could limit access in the event of an emergency.

(6) The firebreaks shall be free of waste, equipment and structures, and vegetation shall be maintained below 6 inches in length at all times.

(7) Outdoor storage of whole and processed waste tires shall be conducted to prevent the discharge of fire-generated oils and liquids into the surface water and groundwater of this Commonwealth.

(8) Outdoor storage of whole and processed waste tires shall be conducted to control mosquito propagation during warm weather. Controls may include use of tarps, indoor storage screens or spraying.

(9) A copy of a Preparedness, Prevention and Contingency (PPC) plan, that is consistent with the Department's most recent guidelines, shall be prepared and maintained at the waste tire storage facility and be updated annually. The applicable provisions of the Department approved PPC plan shall be immediately implemented for any emergency that affects or threatens public health, safety, welfare or the environment.

(c) Storage of whole and processed waste tires which occurs at a permitted processing or disposal facility shall be covered under the permit, and is limited to the total number or amount of whole and processed waste tires which can be processed or disposed by the permitted facility during a year. The processing or disposal permit shall incorporate the requirements of this subchapter.

(d) A waste tire storage site may not be greater than 5 acres in total area.

(e) Owners or operators of waste tire storage sites may not maintain additional storage areas on contiguous property.

#### Source

The provisions of this § 299.157 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and 25 Pa. Code § 299.156 (relating to notice by waste tire storage sites operators).

### **§ 299.158. Areas where storage of whole and processed waste tires prohibited.**

A person or municipality may not store whole and processed waste tires:

(1) In the 100 year floodplain of any waters of this Commonwealth, unless the Department approves 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), the Stormwater Management Act (32 P. S. §§ 680.1—680.17) and the Dam Safety and Encroachment Act (32 P. S. §§ 693.1—693.27).

(2) In or within 300 feet of an exceptional value wetland.

(3) In or within 100 feet of a wetland other than an exceptional value wetland.

- (4) Within 300 feet measured horizontally from an occupied dwelling, unless the owner thereof has provided a written waiver consenting to the activities being closer than 300 feet.
- (5) Within 100 feet of a sinkhole or area draining into a sinkhole.
- (6) Within 100 feet of a perennial stream.
- (7) Within 300 feet of a water source.
- (8) Within 50 feet of a property line unless the owner has provided a written waiver consenting to the facility being closer than 50 feet.

**Source**

The provisions of this § 299.158 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and 25 Pa. Code § 299.156 (relating to notice by waste tire storage sites operators).

**§ 299.159. Access control.**

- (a) A gate or other barrier shall be maintained at all potential vehicular access points to block unauthorized access to the site when an attendant is not on duty.
- (b) The operator shall construct and maintain a fence or other suitable barrier around the area sufficient to prevent unauthorized access.
- (c) Access to the site shall be limited to those times when an attendant is on duty.

**Source**

The provisions of this § 299.159 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and 25 Pa. Code § 299.156 (relating to notice by waste tire storage sites operators).

**§ 299.160. Hazard prevention.**

- (a) Persons or municipalities storing whole and processed waste tires shall design, construct, maintain and operate the storage site to prevent and minimize the potential for fire, explosion or release of solid waste constituents to the air, water or soil of this Commonwealth or threaten public health or safety, public welfare or the environment.
- (b) A person or municipality may not cause or allow the open burning of whole and processed waste tires.
- (c) Each person or municipality storing whole and processed waste tires shall have available in proper working condition equipment that will control, contain

and suppress fires or other hazards. The equipment shall include the following at the storage site unless otherwise approved by the Department in writing:

- (1) An internal communications or alarm system capable of providing immediate emergency instructions 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 and suitable fire control equipment.
- (4) Available water, at sufficient volume and pressure and suitable foam agent (3%—6% mixture) and application equipment at the storage site (or an agreement with the local fire Department to provide the equipment) to temporarily contain a fire at the facility until emergency personnel arrive.
- (5) Equipment sufficient in size and design to provide timely movement of tires and tire derived materials in case of an emergency.
- (6) For indoor tire storage, an active fire suppression system in the building.

(d) The operator of a waste tire storage site shall immediately implement the applicable provisions of the Preparedness, Prevention and Contingency (PPC) plan if there is a fire or other event that threatens public health, safety, welfare or the environment or threatens personal injury. In addition, the operator shall immediately:

- (1) Assess actual or potential hazards to public health, safety, welfare or the environment that are occurring or may occur.
- (2) Ensure that fires or other hazards do not occur, reoccur or spread to other solid waste at the storage site.
- (3) 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 and address of the storage site.
  - (iii) The date, time and location of the fire or other event that threatens the public health, safety, welfare or the environment.
  - (iv) A brief description of the event being reported, the type of solid waste involved and what dangers to public health, safety, welfare or the environment exist or may occur.
  - (v) The nature of any injuries.
  - (vi) Parts of the PPC plan being implemented to alleviate the situation.
- (3) After a fire or other emergency, the operator of a waste tire storage site shall:
  - (i) Remediate 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.



- (ii) Prevent disposal, processing, storage or treatment of solid waste in the area affected by the emergency until the operator has remediated the area, and the Department has inspected and approved the remediation.

**Source**

The provisions of this § 299.160 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and 25 Pa. Code § 299.156 (relating to notice by waste tire storage sites operators).

**§ 299.161. Soil and water 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 and the regulations thereunder.
- (b) Surface water run-on to storage areas shall be minimized.
- (c) Whole and processed waste tires may not be stored so as to cause adverse affects on groundwater.
- (d) The Department may require a person or municipality that stores whole and processed waste tires to conduct soil or groundwater monitoring, or both.

**Source**

The provisions of this § 299.161 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**Cross References**

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and 25 Pa. Code § 299.156 (relating to notice by waste tire storage sites operators).

**§ 299.162. Annual report for waste tire storage sites.**

- (a) Each person or municipality that stores whole and processed waste tires shall submit to the Department an annual operation report on or before June 30 of each year. The report shall include:
  - (1) The weight and approximate number of whole and processed waste tires that were being stored at the storage site on January 1 of the preceding calendar year, and the approximate number of whole and processed waste tires that were being stored at the storage site on December 31 of the preceding calendar year.
  - (2) The weight and approximate number of whole and processed waste tires that were received at the storage site in the preceding calendar year, the person and location from which they were shipped and the name of the transporter.

- (3) The weight and approximate number of whole and processed waste tires that were shipped from the site in the preceding calendar year, the person and location to which they were shipped and the end use for which they were shipped.
- (b) The annual report shall be based on a daily operational record, which shall be maintained by the person or municipality storing waste tires for each day that waste tires are received or transported off the storage site.
- (c) All numbers and weights shall be reported in Passenger Tire Equivalents (PTE), with 1 PTE equal to 20 pounds.

#### Source

The provisions of this § 299.162 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and § 299.156 (relating to notice by waste tire storage sites operators).

### § 299.163. Cessation of operations.

Upon cessation of whole and processed waste tire storage activities, the operator shall immediately remove all whole and processed waste tires from the storage site, and provide for the processing or disposal of the waste in accordance with the act, the environmental protection acts and this title.

#### Source

The provisions of this § 299.163 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

#### Cross References

This section cited in 25 Pa. Code § 299.101 (relating to scope); 25 Pa. Code § 299.155 (relating to storage of whole and processed waste tires); and § 299.156 (relating to notice by waste tire storage sites operators).

## Subchapter B. STANDARDS FOR COLLECTING AND TRANSPORTING OF RESIDUAL WASTE

### SCOPE

Sec.  
299.201. Scope.

299-26

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### GENERAL PROVISIONS

- 299.211. General requirements.
- 299.212. Transportation.
- 299.213. Transportation equipment.
- 299.214. Transportation equipment cleaning areas.
- 299.215. Transportation to permitted facilities.
- 299.216. Accident prevention and contingency planning.
- 299.217. Emergencies.
- 299.218. Wastes from accidents and spills.
- 299.219. Recordkeeping and reporting.
- 299.220. Signs on vehicles.
- 299.221. Transporting foodstuffs and feedstuffs in vehicles used to transport waste.

### TYPES OF WASTE

- 299.231. Transportation of ash residue from residual waste incineration.
- 299.232. Transportation of friable asbestos-containing waste.

### SCOPE

#### § 299.201. Scope.

(a) A person or municipality that transports residual waste that is not mixed with waste that is regulated under Article VIII (relating to municipal waste) shall comply with §§ 299.211—299.221 (relating to general provisions). In addition, a person or municipality that transports waste referred to in §§ 299.231 and 299.232 (relating to types of waste) shall transport the waste in accordance with the applicable provisions of these sections, and may not mix the waste with other types of waste.

(b) A person or municipality that transports residual waste that is mixed with waste that is regulated under Article VIII shall comply with §§ 285.211—285.219 (relating to general provisions).

#### Source

The provisions of this § 299.201 amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial page (255127).

### GENERAL PROVISIONS

#### § 299.211. General requirements.

(a) Residual waste shall be completely enclosed or covered during transportation, including parking, unless the waste cannot be dispersed.

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

- (1) Hazardous waste that is regulated under Article VII (relating to hazardous waste management).
- (2) 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.

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.212. Transportation.**

- (a) A person or municipality that is responsible for transporting residual waste from the point of generation shall remove the waste with sufficient frequency to prevent a nuisance or hazard to public health, safety or welfare.
- (b) A person or municipality that generates residual waste that is processed or disposed offsite shall schedule removal of the waste with sufficient frequency to prevent a nuisance.
- (c) A person or municipality may not park a residual waste transportation vehicle in a manner that causes a nuisance or a hazard to public health, safety and welfare.
- (d) A person or municipality may not store putrescible residual waste in transportation vehicles for more than 24 hours. A person or municipality may not store nonputrescible residual waste in transportation vehicles for more than 5 days.

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.213. Transportation equipment.**

- (a) Equipment used to transport residual waste shall comply with the following, unless otherwise approved by the Department in writing:
  - (1) Transportation equipment shall be:
    - (i) Cleaned as frequently as necessary to prevent odors, vectors and other nuisances.
    - (ii) Constructed to prevent littering and the ingress or egress of vectors.
    - (iii) Equipped with fire extinguishing equipment.
  - (2) Load compartments in transportation equipment shall be:
    - (i) Constructed to be easily cleaned.
    - (ii) Constructed in a manner that provides easy access for the application of odor masking agents and for the performance of required maintenance.
    - (iii) Provided with drain plugs or valves at their lowest points.
    - (iv) Fireproof, if the waste is combustible.
- (b) Roll-off containers shall be:
  - (1) 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.
  - (4) Fireproof, if the waste is combustible.
- (c) Equipment used to transport residual waste shall be routinely tested, inspected and maintained by the operator to ensure that there is no release or leakage of waste during transportation.

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.214. Transportation equipment cleaning areas.**

Transportation equipment cleaning areas shall meet the following requirements:

- (1) Drainage from equipment cleaning areas shall be managed to prevent water 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.

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.215. Transportation to permitted facilities.**

- (a) Residual waste shall be transported to prevent a nuisance or hazard to public health, safety or welfare.
- (b) A person or municipality may not transport residual waste to solid waste processing or disposal facility in this Commonwealth unless the facility has a permit or written approval from the Department that expressly allows processing or disposal of the particular residual waste being transported.
- (c) A person or municipality may not transport residual waste in a manner that is 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 § 299.201 (relating to scope).

**§ 299.216. Accident prevention and contingency planning.**

- (a) A person or municipality that transports residual waste shall have safety equipment available in the vehicle for use during discharges, fires and other emergencies. The equipment shall include protective clothing and equipment and first-aid supplies.

(b) Personnel operating transportation equipment shall be capable of operating the equipment in compliance with the act and this article and applicable public safety laws.

(c) Vehicles for the transportation of liquid residual waste shall be equipped with absorbent mats and material to absorb liquids that might leak from a damaged container during transportation.

(d) A person or municipality that transports residual waste shall have a contingency plan to minimize and abate a discharge of residual waste during transportation. A copy of the plan shall be kept in the cab of each transportation vehicle.

#### **Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

### **§ 299.217. Emergencies.**

In the event of a discharge or release of residual waste during transportation, the transporter shall immediately:

- (1) Telephone the Department 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 telephone number of the transporter.
  - (iii) The date, time and location of the incident.
  - (iv) The mode of transportation and the type of vehicle.
  - (v) A brief description of the nature of the incident, and what dangers to public health and safety, public welfare and the environment exist or may occur.
  - (vi) The nature of any injuries.
  - (vii) For each waste involved in the incident:
    - (A) The name and address of the generator of the waste.
    - (B) The estimated weight or volume of waste discharged or released.
- (2) Notify the State or local police and the county emergency management official of the incident and the nature of the discharge or release.
- (3) Clean up the residual waste and take other action as may be required or approved by the Department so that the discharge presents no threat to public health, safety, welfare and the environment.

#### **Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

### **§ 299.218. Wastes from accidents and spills.**

(a) A person or municipality that generates or releases residual waste as a result of an accident, spill or emergency shall notify the Department prior to the

disposal or processing of the waste. Processing or disposal shall be under § 287.103 (relating to emergency disposal or processing).

(b) The Department may immediately approve emergency storage or transportation methods necessary to prevent or mitigate harm to the public health, safety or the environment. Storage may be at the site of the emergency, at a permitted processing or disposal facility under § 299.117 (relating to emergency storage) or at a site approved by the Department.

(c) After a release or other emergency, the transporter shall decontaminate equipment used to handle residual waste, including storage containers, processing equipment, trucks and loaders, before returning the equipment to service. Contaminated wash water, waste solutions and residues generated from washing or decontaminating equipment are deemed to be a residual waste, and shall be collected and disposed or processed in compliance with applicable laws and regulations.

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

#### Cross References

This section cited in 25 Pa. Code § 299.201 (relating to scope).

### § 299.219. Recordkeeping and reporting.

(a) A person or municipality that transports residual waste shall make and maintain an operational record for each day that residual 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 types or classifications of residual waste transported.
- (2) The weight or volume of the types of wastes transported.
- (3) The name, mailing address, telephone number, county and state of each generator of transported waste.
- (4) The name and location of a transfer facility that has received, or will receive, the waste.
- (5) The name and location of the solid waste processing or disposal facility where the waste will be ultimately disposed or processed.
- (6) A description of handling problems or emergency disposal activities.
- (7) The name and address of the person or municipality collecting or transporting the waste.
- (8) The license plate number of the trailer transporting the waste.

(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.

**Authority**

The provisions of this § 299.219 issued under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Pennsylvania Used Oil Recycling Act (58 P. S. §§ 471—480); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); amended under sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 408(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 408(e)); sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); section 105(4) of the Waste Tire Recycling Act (35 P. S. § 6029.105(4)); sections 301 and 302 of the Radiation Protection Act (35 P. S. §§ 7110.301 and 7110.302); the Infectious and Chemotherapeutic Waste Law (35 P. S. §§ 6019.1—6019.6); and the Vehicle Code, 75 Pa.C.S. § 4909(e).

**Source**

The provisions of this § 299.219 amended November 28, 1997, effective November 29, 1997, 27 Pa.B. 6190; amended January 12, 2001, effective January 13, 2001, 31 Pa.B. 235. Immediately preceding text appears at serial pages (239049) to (239050).

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.220. 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 § 299.220 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235; amended November 7, 2014, effective November 8, 2014, 44 Pa.B. 7021. Immediately preceding text appears at serial pages (273880) to (273881).

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.221. 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 meanings:

(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 aquacultural 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 aquacultural crops and commodities.

**Source**

The provisions of this § 299.221 adopted January 12, 2001, effective January 13, 2001, 31 Pa.B. 235.

**TYPES OF WASTE****§ 299.231. Transportation of ash residue from residual waste incineration.**

Ash residue from residual waste incineration shall be transported in an enclosed or covered vehicle that prevents the dispersal of ash residue.

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

**§ 299.232. Transportation of friable asbestos-containing waste.**

(a) Friable asbestos-containing waste shall be transported in a vehicle without compaction and in a manner that will not create visible emissions to the outside air.

(b) If it is not feasible to enclose the waste in one or more plastic bags or drums as provided in § 299.152(a)(1) or (2) (relating to storage and containment of friable asbestos-containing waste), the transportation vehicle shall be covered with a tarp and the waste shall be wetted prior to transportation.

**Cross References**

This section cited in 25 Pa. Code § 299.201 (relating to scope).

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