

Waste Transportation Safety Program

Background

Act 90 of 2002 contains provisions for the establishment of a Waste Transportation Safety Program (WTSP) in Pennsylvania. The program requires owners of waste transportation vehicles (trucks registered for more than 17,000 pounds and trailers registered for more than 10,000 pounds) that regularly transport municipal or residual waste to a processing or disposal facility in the state to obtain written authorization from the Department of Environmental Protection (DEP). Act 90 also prohibits municipal or residual waste processing or disposal facilities from accepting waste from vehicles that do not have a valid authorization sticker. It also establishes fees and provides DEP with the authority to deny or revoke transporter authorizations.

Definitions

Motor Carrier Vehicle – A truck or truck tractor having a registered gross weight in excess of 17,000 pounds.

Owner – A person other than the lienholder having the property right in or title to a vehicle.

Transportation – The offsite removal of municipal and/or residual waste any time after generation.

Transporter – The owner of a public or private waste transportation vehicle.

Waste Trailer – A vehicle having a registered weight in excess of 10,000 pounds used to carry waste and designed to be towed by a motor vehicle.

Waste Transportation Vehicle – Public and private motor carrier vehicles and waste trailers regularly used in transporting municipal or residual waste to a processing or disposal facility in Pennsylvania.

Regularly Used – A motor carrier vehicle and waste trailer are regularly used to transport municipal and residual waste if the transportation is being done for commercial purposes or in furtherance of a business. Publicly owned motor carrier vehicles and waste trailers are regularly used if the transportation is being done for the collection and transportation of municipal or residual waste.

Exclusions

WTSP authorization is not applicable to: vehicles currently registered by DEP to transport residential septage to a publicly owned wastewater treatment facility or for nutrient management; waste transportation vehicles passing through Pennsylvania or only picking up waste in Pennsylvania; waste transportation vehicles used only to transport captive waste within a captive waste facility that do not drive on public roads; and infectious and chemotherapeutic waste and hazardous waste transportation vehicles licensed by Pennsylvania and used only to transport infectious and chemotherapeutic waste or hazardous waste.

Waste Transportation Safety Authorization Process

Written Authorizations: Waste transportation vehicle owners that would like to transport waste to processing or disposal facilities in Pennsylvania must submit an application form to DEP for an authorization. The application must include vehicle information, insurance information, compliance history information, and a fee of \$100 per truck, \$50 per truck tractor, and \$50 per trailer. Upon receipt of an administratively complete application and evaluation of the compliance history contained therein, DEP will either issue an authorization, along with a sticker showing the authorization number, or deny the authorization. Authorizations are valid for one year, unless otherwise suspended or revoked. Authorizations can be amended to add or delete waste transportation vehicles.

Renewal Requests: At least 90 days prior to expiration of their authorization, waste transporters must submit a renewal application form to DEP. The application must include vehicle information, insurance information, compliance history information, and a fee of \$100 per truck, \$50 per truck tractor, and \$50 per trailer. DEP will review the renewal application in the same manner as a new application for written authorization.

Transfer of Authorized Waste Transportation Vehicles

Authorized transporters are required to notify DEP if they sell or lose possession or control of authorized waste transportation vehicles. New owners who do not have a waste transporter authorization must apply for a new final authorization for the previously authorized vehicles. New owners that have a valid waste transporter authorization must add the previously authorized vehicles to their existing final authorization. The fee for adding vehicles to an existing authorization is \$100 per truck, \$50 per truck tractor, and \$50 per trailer.

Authorization Sticker Replacement

Applications for replacing authorization stickers will be reviewed for valid reasons for replacement. Valid reasons may be a vehicular accident that damaged or destroyed the sticker, vehicle repair that otherwise damaged or destroyed the sticker, or correction of an incorrect vehicle identification number. The fee for replacement stickers is \$100 per truck, \$50 per truck tractor, and \$50 per trailer.

Compliance

DEP has the authority to deny, suspend, modify, or revoke authorizations where the agency finds that the transporter has failed or continues to fail to comply with applicable laws and regulations. Findings may be received from the Pennsylvania State Police or the Department of Transportation. Authorizations may also be denied, suspended, modified, or revoked if a transporter has shown a lack of ability or intention to comply with applicable laws and regulations. Transporters must also comply with any order of DEP and any condition of any permit, license, or other written authorization issued by DEP.

Miscellaneous

After publishing notice, DEP may modify waste transporter authorization fees, not to exceed \$200 per truck, \$100 per truck tractor, and/or \$100 per trailer, based on the actual costs to DEP, the Pennsylvania State Police and the Department of Transportation in implementing and enforcing the WTSP. The program also provides for criminal penalties, civil penalties, enforcement orders, injunctions, forfeiture of waste transportation vehicles, and a restricted account for all fees, fines, and penalties paid.

Application forms can be downloaded from DEP's Waste Transportation website, www.dep.pa.gov/wtsp or forms can be requested from DEP, Bureau of Waste Management, P.O. Box 8550, Harrisburg, PA 17105-8550; by phone at 717-783-9258; by fax at 717-772-5739; or by email at ra-wtsp@pa.gov.