

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF LAND RECYCLING AND WASTE MANAGEMENT**

**DOCUMENT NUMBER:** 254-2100-102

**EFFECTIVE DATE:** February 7, 1997

**TITLE:** Municipal Waste Facility Review - Traffic Analysis.

**AUTHORITY:** Act of July 7, 1980 (P.L. 380, No. 97), as amended, known as the Solid Waste Management Act ("SWMA"), 35 P.S. §6018.101 et seq; Act of July 28, 1988 (P.L. 556, No. 101), known as the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 et seq; Section 1917-A of the Administrative Code, Act of April 9, 1929, as amended, 71 P.S. §510-17; Act of June 17, 1976 (P.L. 162, No. 81), as amended, known as the Vehicle Code, 75 Pa. C.S.A. §101 et seq; Act of June 1, 1945 (p.L. 1242, No. 428), as amended, known as the State Highway Law, 36 P.S. §760-101 et seq; and the rules and regulations promulgated thereunder.

**POLICY:** The Department of Environmental Protection, in cooperation with the Pennsylvania Department of Transportation (PennDOT), will review the existing or potential impact of waste vehicles on the public health and safety, and on the environment, including the impact upon Commonwealth highways and bridges.

**PURPOSE:** The purpose of this policy is to provide guidance on determining the impact waste vehicles have on the conditions of highways and bridges leading to applicable municipal waste disposal or processing facilities.

**APPLICABILITY:** This policy applies to existing facilities, pending and future applications for new facility permits, and pending and future applications for permit modifications that would result in additional waste volumes or capacity, for municipal waste disposal or processing permits specified in 25 Pa. Code §271.126 (relating to requirement for environmental assessment).

**DISCLAIMER:** The policies and procedures outlined in this guidance document are intended to supplement existing requirements. Nothing in the policies or procedures shall affect more stringent regulatory requirements.

The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of the Department to give these rules that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

**PAGE LENGTH:** 3 Pages

**LOCATION:** Volume 6, Tab 50

## **DEFINITIONS:**

**Local municipalities** Include the following: the host municipality, the host county, municipalities adjacent to the host municipality or municipalities, municipalities located within one mile of the permitted or proposed area, other municipalities that demonstrate that they may be adversely impacted by the proposed project, and municipalities located along the approach routes.

**Approach routes:** routes from the nearest limited access (or major) highway used by vehicles traveling to and from the facility.

**Reviewer:** PennDOT, an entity designated by PennDOT, local municipal entity responsible for road safety, the Department or an entity designated by the Department.

## **TECHNICAL GUIDANCE:**

### **Existing Facilities**

For existing facilities, 25 Pa. Code §271.211 requires the Department of Environmental Protection (“the Department”) from time to time, but at intervals not to exceed 5 years, to review the permit to ensure that it reflects currently applicable operating requirements as well as current technology and management practices. With assistance from the appropriate Reviewers, this evaluation may include the review of existing engineering and traffic conditions to determine whether the information submitted with the original permit application should be revised based upon changes to highway, bridge or traffic conditions caused by operation of the facility or other factors not associated with the facility. The Department may require modification, suspension, or revocation of the permit when necessary to carry out the purposes of the SWMA, or the other environmental protection acts.

The Department, in cooperation with the Reviewers, will evaluate existing facilities to determine whether the vehicles or traffic associated with the operation of the facility are causing or contributing to nuisances, unsafe conditions or damage to the transportation system. To complete the evaluation, the Department will review the operation of all existing facilities to determine whether they have obtained a Highway Occupancy Permit, whether complaints have been received about their operations or vehicle traffic, and whether operational problems exist or have occurred that may be attributable to facility traffic on approach routes or the permit area. This will include implementation of the Local Municipality Involvement Process and other local input, as appropriate, to determine if traffic or related problems exist in local municipalities.

If it is determined that the operation of the facility may have the potential to cause, or is causing, a nuisance or hazard related to traffic or damage to the transportation system, the Department may request that the permittee submit additional information to the Department. In particular, the Department may request in writing updated information specified on the revised Form D. The Department will forward the updated information to the Reviewers for review and recommendations. Based upon these recommendations, as well as input from local municipalities, the Department may require the applicant to provide further information and/or analyses, including performing an Environmental and Transportation Impact Study. The nexus between the facility traffic and the nuisance, hazard or damage will be taken into consideration.

When all pertinent analyses have been performed and information has been received, the Department may modify, suspend or revoke the permit, or impose other requirements as necessary, to alleviate a hazard, nuisance or other problem. For example, the Department may reduce daily volumes of waste to be received at the facility or modify operating hours. Further permit modifications may be necessary if PennDOT or another authority posts roads or bridges for weight, size or other restrictions, imposes excess maintenance agreements or requires roadway improvements or other measures.

## **New Facilities, Expansion of Existing Facilities**

As part of a permit application for a new facility or for expansion of an existing facility, the Department receives information on approach routes and the expected impact that the increased waste vehicle traffic may have on existing roadway conditions. This information may be further reviewed by the appropriate Reviewers for use by the Department in making its permit decision. The information is used in the environmental assessment process. If a permit is issued, the information is also used to determine the daily waste volumes and any other conditions that may be included in the permit to prevent nuisances including noise, odor, dust or litter, and to prevent other violations to the Solid Waste Management Act (SWMA) or other statutes administered by the Department. Independent of the permit decision, the information may be used by PennDOT and local municipalities to help in establishing weight, size or other restrictions upon Commonwealth highways and bridges.

Applicants for new facilities, expansions to existing facilities, or increases in the Maximum Daily Volume (MDV) of existing facilities will generally be required to complete the revised Form D and comply with the Environmental Assessment Policy and other pertinent requirements. The applicant need not submit information already accurately submitted with the previous permit application.

The Department will forward the traffic information received as part of the permit application to the appropriate Reviewers for review and comment. The Department will solicit input from the local municipalities in accordance with the Local Municipality Involvement Process. Based upon recommendations from the Reviewers and the local municipalities, the Department will determine whether further traffic information or analysis is required by the applicant to determine whether the proposed facility operation will have an impact on public health, safety or the environment. The additional traffic information requested may include the completion of an Environmental and Transportation Impact Study in accordance with guidelines and criteria developed by PennDOT and the Department. These guidelines and criteria may call for the applicant or operator to submit an approach route operational assessment, a level of service analysis, accident analysis, approach route design feature review, pavement structural analysis, or other analyses on all approach routes to the facility. The permit, if issued, will be conditioned as appropriate. The applicant will be expected to implement improvements that will mitigate potential adverse impacts on the transportation system, traffic safety, or traffic flow and operations.

## **Vehicle Inspections**

The Department, in cooperation with other State agencies, will continue to perform inspections of vehicles hauling solid waste.