

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

DOCUMENT NUMBER: 254-2100-103

EFFECTIVE DATE: February 7, 1997

TITLE: Process for evaluating daily volume

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 will evaluate existing facilities, applications for new facilities, applications for expansions of existing facilities and applications for increases in daily volume at existing facilities, to determine whether the waste volumes permitted or requested have an adverse effect on the public health, safety, or welfare, or on the environment, and to determine whether the daily volume is or will be in compliance with environmental protection and transportation safety laws.

PURPOSE: This policy provides guidance to determine whether the daily volumes authorized at existing facilities or requested in municipal waste permit applications or modifications should be reduced in order to eliminate or reduce public health and safety hazards and public nuisances, and to be in compliance with environmental protection and traffic safety laws.

APPLICABILITY: This policy applies to existing facilities, pending and future applications for expansions to existing facilities, pending and future applications for increases in maximum daily waste volume, pending and future applications for major modifications that may affect or be affected by daily volumes, and pending and future applications for new facility permits, for municipal waste disposal or processing permits specified in 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 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: 4 pages

LOCATION: Volume 7, Tab 51

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.

Daily volume - average daily volume (ADV) and maximum daily volume (MDV)

TECHNICAL GUIDANCE:

DAILY VOLUMES IN EXISTING PERMITS

Permits for existing municipal waste facilities include daily volume limits. For municipal waste landfills, the daily volume limits include a maximum daily volume (MDV) and average daily volume (ADV). Transfer facility and resource recovery facility permits normally include only an MDV.

At a frequency not to exceed five years, the Department will evaluate existing facilities to determine whether the daily waste volumes authorized in the permits are contributing to public health or safety hazards, public nuisances, or other threats or problems to the environment, and to ensure that the facilities are in compliance with environmental protection and transportation safety laws. This evaluation will include consideration of input from local municipalities and the Pennsylvania Department of Transportation (PennDOT). Under the Solid Waste Management Act (SWMA), the Department may require modification of a permit when necessary to carry out the purposes of the environmental protection acts.

Current daily volumes should be evaluated under this review to determine if they may be contributing to public health or safety hazards, such as causing or contributing to traffic concerns or nuisances, on or off-site, including odors, dust, litter and noise, congestion or otherwise violating environmental protection or transportation safety laws. As part of its evaluation, the Department will contact the local municipalities to determine if daily operations at the facility or if traffic along the approach routes are causing nuisances, including dust, odors, noise or litter, or are in any other way contributing to public health and safety hazards, including traffic hazards, or other threats to the environment or the transportation system.

Concurrently, the Department will evaluate the traffic information submitted with the original permit application to determine whether it remains sufficient, especially in light of the Traffic Analysis Policy. If it appears that the traffic information in the original permit is inadequate, the Department will attempt to obtain whatever additional information is necessary. The Department will forward a copy of the original traffic analysis to the appropriate Reviewers for review and comment on the potential effects of the daily volume(s) on traffic safety and the transportation system. If it appears that the daily volume limits are directly or indirectly, in whole or in part, responsible for causing nuisances, or other threats or problems to the public health or safety or to the environment, or if the Reviewers advise that a daily volume is causing or has the potential to cause traffic hazards, unsafe conditions, or damage to the transportation system, the Department will arrange a meeting with the operator to discuss reductions in the daily volume limits, or other options which will address the concerns.

The Department will reduce the daily volumes whenever appropriate to prevent nuisances, traffic hazards, or any other problem or threat to the public health or safety, or to the environment or the transportation system. If a proposed mitigation measure designed to eliminate nuisances, traffic hazards, or any other problem or threat to the public health or safety, or to the environment will not be implemented in a timely manner, the Department

may reduce daily volumes at a facility or limit the volume of specific waste streams to alleviate or minimize the problem(s) until final measures are in place. The nexus between facility traffic and the nuisance or hazard will be taken into consideration.

For example, unpleasant odors emanating from the working face of a landfill may be addressed by reducing the amount of waste that may be disposed on a daily basis. Similarly, unsafe or burdensome traffic congestion on approach routes caused by facility traffic may be alleviated by reducing the amount of waste that may be transported to a facility in a day.

The operation of the facility will be evaluated no later than six months after modification to a daily volume to determine if nuisances, traffic problems or other problems have arisen or continue to exist. If problems are identified, additional reductions in the daily volume(s) or other operational modifications may be necessary.

After the evaluation has been completed and modifications, if necessary, have been made, an operator of a municipal waste facility may apply to increase the ADV to levels at or below the MDV through the permit modification process. As part of this process, local municipalities should be contacted prior to issuance of the permit modification to ensure that the current ADV is not creating a nuisance or contributing to any other problem.

DAILY VOLUMES FOR NEW FACILITY PERMIT APPLICATIONS OR MODIFICATIONS TO EXISTING FACILITIES

For new facilities or expansions of existing facilities, the daily volume(s) will be established in the permit to prevent the operation of the facility from (1) causing or contributing to any public nuisance in the local municipalities from odors, noises, dust, litter, truck traffic or other causes, and (2) causing or contributing to any violations of the SWMA, the Vehicle Code, or other applicable statutes and regulations.

The justification submitted by applicants for new facilities, expansions of existing facilities, or modification of the MDV at existing facilities, will be evaluated during the permit application review process in accordance with the current regulations and the Environmental Assessment Policy, the Traffic Analysis Policy and the Local Municipalities Involvement Process, to ensure that the approved daily volume will not cause or contribute to public health or safety hazards, public nuisances, or other threats or problems to the environment or the transportation system and to ensure that the daily volume is in compliance with applicable environmental protection and transportation and safety laws.