pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

June 20, 2017

CERTIFIED MAIL NO.: 7015 3010 0001 5266 8041

Mr. John O. Roderique
UNICOR Federal Prison Industries
Route 81 and 901W, Box 0727
Minersville, PA 17954-0727

Re: UNICOR Schuylkill
General Permit Number WMGR081NE001

Dear Mr. Roderique:

Enclosed is General Permit Number WMGR081NE001 for processing electronic materials. The approved processing is limited to sorting, disassembling, and mechanical processing of uncontaminated source separated electronics equipment.

The approval granted under this permit is contingent on UNICOR Federal Prison Industries operating as described in the approved application, complying with the enclosed permit conditions, and complying with the applicable provisions of the Residual Waste Management Regulations.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board. Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro-bono representation. Call the secretary of the Board (717-787-3483) for more information.

If you have any questions regarding this matter, please contact David Matcho at (570) 830-3111.

Sincerely,

Roger Bellas
Program Manager
Waste Management Program

Enclosure

cc: Mr. John Motyka (UNICOR w/enc.)
Butler Township (w/ enc.)
Schuylkill County (w/ enc.)

bcc: R. Bellas: email PDF/WM File
D. Matcho: email PDF
T. McGurk: email PDF
E. Bloxham: email PDF
D. Fisher: email PDF

DM:ms
WP: W2-0094.doc
H: 6/20/17; T(65/20/17)

MR. JOHN O. RODERIQUE
RECYC BUSINESS GROUP
FEDERAL PRISON INDUSTRIES INC.
400 FIRST STREET, N.W., ROOM 8037
WASHINGTON, DC 20534

MR. JOHN MOTYKA
UNICOR FEDERAL PRISON INDUSTRIES
ROUTE 81 AND 901 W
BOX 0727
MINERSVILLE, PA 17954-0727

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

General Permit
For
Processing/Beneficial Use of Residual Waste

Permit No. WMGR081NE001 **Date Amended** _____

Date Issued 04/21/2014 **Date Expires** 04/21/2024

The Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste hereby approves the:

☐ Beneficial Use ☒ Processing prior to Beneficial Use ☐ Other

of: Uncontaminated and source separated electronics and equipment and components by sorting, dis-assembling or mechanical processing (sizing, shaping, separating and volume reduction only).

for use as: reuse or recycling by salvaging metals, plastics, glass, electronic or mechanical components

This approval is granted to: UNICOR Federal Prison Industries, Route 81 and 901W, Box 0727, Minersville, PA 17954-0727

subject to the attached conditions and may be revoked or suspended for any project which the Department of Environmental Protection determines to have a substantial risk to public health, the environment, or cannot be adequately regulated under the provisions of this permit.

The processing of wastes not specifically identified in the documentation submitted for this approval, or the beneficial use of wastes not approved in this permit, is prohibited without the written permission of the Department.

This permit is issued under the authority of 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).

This approval is granted: By: _____

☒ Statewide ☐ Regional Title: Environmental Program Manager

THIS PERMIT IS NON-TRANSFERABLE

A. Description.

1. The approval herein granted is limited to the processing by disassembling, mechanical processing (by sizing, shaping, separating and volume reduction only), and associated storage prior to reuse or recycling at the processing or transfer facility, of uncontaminated and source-separated electronic devices.

   Cathode Ray Tubes (CRTs) are subject to the requirements included in the federal hazardous waste regulations at 40 CFR §§ 261.4(a)(22), 40 CFR §§ 261.39 – 261.41 and Pennsylvania's hazardous waste regulations at 25 Pa. Code § 261a.39. CRTs are not eligible for management under this general permit once segregated from other electronic waste for separate management.

   Electronic devices that may be processed under this general permit are computer, telecommunication, radio, television, and electro-acoustic equipment, associated peripherals, computer components such as printed circuit boards and disk drives, CD-ROMs, CD-Rs, CD-RWs, monitors, printers, mice, keyboards, wires, cables, laptop computers, notebook computers, notepad computers, copying equipment, electronic typewriters, calculators, telephones, facsimile machines, answering machines, satellite descramblers/receivers, video cameras, video cassette recorders, tape recorders, audio amplifiers, cassette players, record players, CD players, DVD players, vacuum cleaners, toasters, electric pencil sharpeners, blenders, small fans, desk lamps, mixers, electric grills, deep fryers, clocks/radios, curling irons, waffle makers, food processors, irons, humidifiers, microwaves, electric carving knives, electric popcorn makers, toaster ovens, power tools, crock pots, electric scales, electronic toys and games, coffee machines, blow dryers, electric shavers and any and all components of the above ("waste electronics").

   Electronic devices containing refrigerants that may be processed under this general permit are air conditioners, refrigerators, freezers and dehumidifiers provided the permittee has the certifications required under 40 CFR Part 82, Subpart F.

   Other electronic or electrical devices may be accepted for processing under this general permit if approved by the Department in writing.

   The above-listed equipment may also be accepted from municipal and residual waste facilities if salvaged, source-separated, and uncontaminated prior to arrival at the site.

2. For the purpose of this permit:

   a. "Recycling" includes the salvaging of clean and uncontaminated metals, plastics and glass for use as raw materials for an industrial process; salvaging of precious metals via separation and shipment to a precious metals recycler; salvaging of uncontaminated electronic or mechanical components for re-use in their original function; and the salvaging of any potentially leachable materials/components (including CRTs that are sent to specialty recycling facilities for additional recycling or other beneficial use per separate Department approval).

   b. "Temporary collection event" is a collection event of less than 14 days where the public can drop off electronic devices for shipment to a permitted recycler.

   c. "Commercial or municipal collection site" is a retail store, electronic device repair shop or a site operated by a municipality that provides drop-off services for electronic devices to the general public on an ongoing basis for shipment to a permitted recycler and whose primary purpose is not recycling.

3. The Covered Device Recycling Act, 35 P.S. §§ 6031.101 – 6031.702 ("CDRA") is referenced in this permit and applies to "covered devices." The CDRA defines a "covered device" as a covered computer device and covered television device marketed and intended for use by a consumer. There are a list of exclusions to this definition that are set forth more specifically in the CDRA at 35 P.S. § 6031.102 (relating to definitions). The CDRA also defines "covered computer device" and "covered television device" as follows:

   a. "Covered computer device" - A desktop or notebook computer or computer monitor or peripheral, marketed and intended for use by a consumer. The term does not include a covered television device.

   b. "Covered television device" - An electronic device that contains a tuner that locks on to a selected carrier frequency and is capable of receiving and displaying television or video programming via broadcast, cable or satellite, including, without limitation, any direct view or projection television with a viewable screen of four inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode or similar technology marketed and intended for use by a consumer primarily for personal purposes. The term does not include a covered computer device or a mobile telephone.

The CDRA also defines several terms that are included within the definition of "covered device," "covered computer device," and "covered television device." A full listing of these terms and their definitions can be found in the CDRA.

4. This permit does not authorize the extraction of metals from components of the above equipment by chemical means.

5. This permit is not applicable to:

   a. Temporary collection events provided no recycling occurs at the site, all electronic devices are shipped off the site within 48 hours after the collection event ends, and the electronic devices are shipped to a permitted recycler.

   b. Commercial or municipal collection sites provided no recycling occurs at the site, the electronic devices are not accumulated speculatively as defined in 25 Pa. Code § 287.1, and the electronic devices are shipped to a permitted recycler on a regular basis.

B. Permitting Requirements.

1. Determination of Applicability Requirements

A person or municipality that proposes to operate under the terms and conditions of this general permit after the date of permit issuance and will have greater than five (5) tons of electronic devices on site at any one time must obtain a Determination of Applicability from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed application on forms available from the Department must be submitted to the appropriate Department Regional Office. Prior to submitting the application, it is recommended that a pre-application meeting or other contact be made with the appropriate Department Regional Office to identify the forms and other information required to be part of the application. Facilities that have obtained third-party certification referenced in the CDRA should submit proof of certification as part of the application. A check shall be made payable to the "Commonwealth of Pennsylvania." No activities shall commence unless approved, in writing, by the Department.

2. Registration Requirements

A person or municipality that proposes to operate under the terms and conditions of this general permit after the date of permit issuance and will have no greater than five (5) tons of electronic devices on site at any one time must register with the appropriate Department Regional Office (see attached list) prior to

commencing authorized activities under this general permit. A completed application on forms available from the Department must be submitted to the appropriate Department Regional Office. Prior to submitting the application, it is recommended that a pre-application meeting or other contact be made with the appropriate Department Regional Office to identify the forms and other information required to be part of the application. Facilities that have obtained third-party certification referenced in the CDRA should submit proof of certification as part of the application. A check shall be made payable to the "Commonwealth of Pennsylvania." No activities shall commence unless approved, in writing, by the Department.

C. Certification under the Covered Device Recycling Act.

1. All permittees accepting covered devices that are required to have certification by the CDRA must achieve and have maintained, within 18 months of issuance of coverage under this general permit, third-party accredited certification from the Responsible Recycling (R2) Practices Standard or the e-Stewards Standard, or an internationally accredited third-party environmental management standard that is acceptable to the Department for the safe and responsible handling of covered devices. Should certification not be achieved within 18 months of issuance of coverage under this general permit, the permittee shall cease accepting covered devices unless an extension is granted, in writing, by the Department based on the permittee's demonstration of good cause as to why the permittee was not able to obtain certification in that time frame.

2. All permittees accepting covered devices shall maintain and renew certification as required.

3. For facilities accepting covered devices that are not certified under CDRA at the time coverage under this general permit is issued:

    a. Within 30 days of coverage of the facility under this general permit, the permittee shall submit to the Department's appropriate Regional Office and the Division of Waste Minimization and Planning at PO Box 8472 Harrisburg PA 17105-8472, a copy of a signed agreement with a certification body accredited by the ANSI-ASQ National Accreditation Board (ANAB) to demonstrate the permittee's intent to meet the certification requirements under CDRA and Condition C1 of this permit.

    b. Within 30 days of obtaining certification, the permittee shall submit to the Department's appropriate Regional Office and the Division of Waste Minimization and Planning at PO Box 8472 Harrisburg PA 17105-8472 proof of certification with a certification body accredited by the ANSI-ASQ National Accreditation Board (ANAB).

D. Operating Conditions.

1. Waste authorized for acceptance granted by this permit that is accumulated speculatively, as defined in 25 Pa. Code § 287.1, is specifically prohibited. A waste is accumulated speculatively if it is accumulated before being recycled. However, a waste is not accumulated speculatively if the person accumulating the waste can show that the waste is potentially recyclable and has a feasible means of being recycled; and that during the calendar year (commencing on January 1) the amount of material that is recycled, or transferred to a site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type that is recycled in the same way (i.e., from which the same material is recovered that is used in the same way).

2. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff to the waters of the Commonwealth.

3. This permit does not authorize the acceptance of hazardous waste.

4. The permittee shall comply with the Air Pollution Control Act, 35 P.S. §§ 4001 – 4106, and the regulations promulgated under the Act, including Chapter 123, Standards for Contaminants, Fugitive Emissions at 25 Pa, Code §§ 123.1 and 123.2 and Odor Emissions at 25 Pa. Code § 123.31. Permittees accepting electronic devices containing refrigerants shall comply with 40 CFR Part 82, Subpart F and the Clean Air Act as amended, 42 USC § 7671g.

5. Nothing in this permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable local law, ordinance, or regulations, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §§ 6018.101 – 6018.1003; Waste Transportation Safety Act, 27 Pa. C.S. §§ 6201 - 6209; and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§ 4000.101 – 4000.1904.

6. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee herby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to have access and to inspect all areas or permittee-controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect

samples of waste, water or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See §§ 608 and 610(7) of the Solid Waste Management Act, 35 P.S. §§ 6018.608 and 6018.610 (7)). This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.

7. Failure of the measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules, and regulations and terms and conditions of this permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.

8. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Solid Waste Management Act.

9. The activities authorized by this permit shall not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department may modify, suspend, revoke or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health or the environment.

10. Equipment used for the activities authorized under this permit shall be maintained in good operating condition. Daily inspections of equipment during waste recycling activities are to be conducted to ensure that equipment will operate properly and be examined for evidence of equipment failure. A plan for the alternative storage and processing of residual waste during periods of equipment breakdown or emergencies shall be developed and retained at the processing facility.

11. Waste and recycled materials shall not be mixed with hazardous wastes or any special handling wastes; or mixed or stored in any manner that creates a risk of fire, explosion, or the accumulation of poisonous gases or harmful vapors.

12. The storage and transportation of waste and recycled materials shall be in a manner that will not create a nuisance or be harmful to public health, safety, or the environment. Waste shall be stored and managed in a manner that complies with 25 Pa. Code, Chapter 299 (relating to the storage of residual waste). If the processing facility is out of service, waste stored in excess of the facility's storage capacity shall be promptly removed from the site. In addition, the facility shall be in compliance with federal and state statutes, rules and regulations relating to

transportation, including 25 Pa. Code, Chapter 299 and the Waste Transportation Safety Act, 27 Pa. C.S. §§ 6201 – 6209.

13. Residual wastes are not to be stored for more than one (1) year at any facility unless specifically approved by the Department in writing.

14. In accordance with the Preparedness, Prevention and Contingency (PPC) plan, the permittee shall immediately notify the Department's Environmental Emergency Response Program by telephone at (717) 787-4343 and the appropriate DEP Regional Office in the event of a discharge or spill of waste that occurs outside the enclosed facility or escapes outside the enclosed facility through doors, window, drains or other openings, and shall take appropriate immediate action to protect the health and safety of the public and the environment.

15. Runoff from the facility shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law, 35 P.S. §§ 691.1-691.1001, and regulations promulgated thereunder.

16. All processing activities and storage areas shall be located in an enclosed facility.

17. A facility operating under the authority granted in this permit shall not be operated within the following isolation distances:

    a. *Floodplain.* In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the permit 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) and the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27).

    b. *Wetlands.*

        (1) In or within 300 feet of an exceptional value wetland as defined in 25 Pa. Code § 105.17 (relating to wetlands).

        (2) In or within 100 feet of a wetland other than an exceptional value wetland unless storage and processing will not occur within this distance, or storage and processing take place in an enclosed facility and one of the following applies:

            (i) If the operation is in or along the wetland, the operator has received a permit from the Department under Chapter 105 (relating to dam safety and waterway management).

(ii) If the operation is not in or along the wetland, no adverse hydrologic or water quality impacts will result.

c. *Occupied dwelling.* Within 300 feet measured horizontally from an occupied dwelling, unless one of the following is satisfied:

(1) The owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

(2) The operations take place in an enclosed facility, the applicant demonstrates that the location and operation of the facility do not conflict with local land use or local zoning, and the applicant has provided written notice to owners of all occupied dwellings within 300 feet measured horizontally from the facility.

d. *Perennial Stream.* Within 100 feet of a perennial stream unless the storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result.

e. *Property line.* Within 50 feet of a property line unless the operator demonstrates one of the following:

(1) That actual processing of waste is not occurring within 50 feet of a property line.

(2) That storage and processing take place in an enclosed facility.

(3) That the owner of the adjacent property has provided a written waiver consenting to the facility being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

18. Any waiver or modification to the isolation distance in Condition D17 granted for facilities prior to the effective date of this amended general permit remains in effect.

19. The permittee shall immediately implement the applicable provisions of the PPC Plan for any emergency that threatens the public health, safety, welfare or the environment.

20. A copy of the PPC plan that is consistent with the Department's most recent guidelines shall be maintained at the processing facility and updated at least every 5 years.

21. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if the activities were covered by an individual permit. The Department may require an individual permit if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the people or the environment.

22. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's request to operate under this general permit. Except to the extent that the permit states otherwise, the permittee shall operate as described in the approved application.

23. Upon cessation of operations at the permittee's facility, the operator shall remove any wastes, recycled materials, and structures or other materials that contain or have been contaminated with waste and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.

E. Bonding and Insurance.

1. For facilities that have greater than five (5) tons of electronic devices on site at any one time, the permittee shall maintain a bond in an amount and with sufficient guarantees acceptable to the Department as provided by 25 Pa. Code, Chapter 287, Subchapter E (Bonding and Insurance Requirements). The bond filed with the Department shall continue in effect for the operational life of the facility, and up to 10 years after final closure of the facility, unless released in whole or in part by the Department, in writing, prior thereto as provided by 25 Pa. Code, Chapter 287, Subchapter E (Bonding and Insurance Requirements).

2. The permittee shall maintain in force and effect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.

F. Record Keeping.

The following records shall be retained by the permittee and shall be available to the Department upon request: daily records identifying the origin and quantity (by weight or volume) of each load of waste accepted at the facility, including bills of lading or manifests for all incoming waste shipments; records of inspections of

the facility by facility personnel; records identifying the final disposition of all waste accepted at the facility, including amounts of waste processed, amounts of processed waste shipped off-site, and names and addresses to whom the waste was shipped. In addition, separate records shall be retained for the weight of covered devices accepted as part of an original equipment manufacturer's plan. These records shall be retained by the permittee at the permittee's processing facility for a minimum of 5 years from the date of execution of each record.

G. Reporting Requirements.

1. The permittee shall submit, to the Department's appropriate Regional Office and the Division of Waste Minimization and Planning at PO Box 8472 Harrisburg PA 17105-8472 for each site where the permittee operates under this permit, an annual report that identifies the following for the preceding 12 months: the weight or volume of each type of waste received at the permittee's facility; the weight or volume of each type of waste processed at the permittee's facility; the generator of the waste; the weight or volume of each type of material reclaimed from the accepted waste; the final disposition of all waste, including the dates of shipment, quantities, and name and address of the party to which the processed waste was shipped. For permittees accepting the covered devices as part of an original equipment manufacturer's plan, the annual report shall also include the manufacturer's name and the weight of covered devices accepted under that plan. If applicable, the annual report shall also contain updated bonding calculations in accordance with 25 Pa. Code, Chapter 287, Subchapter E. The reporting period for the annual report is based on the calendar year and must be received by the Department by March 1 for the preceding calendar year.

2. Any person that operates under the provisions of this permit shall immediately notify the Department's appropriate Regional Office, in writing, of any changes in the company name, address, owners, operators and responsible officials; status of certification under CDRA; the generator(s) of the waste where known; changes in the processing of the waste; the current status of any permit issued by the Department or federal government under the environmental protections acts; bonding and/or insurance status; or change in land ownership and the right to enter and operate on the land where the facility operates.

3. For expansion of an existing site, submission of a revised site drawing, PPC plan and bonding worksheets is mandatory. A new Form E-GP is required only when the information on land ownership by the permittee has changed. The expanded operations may not commence until adequate bonding has been submitted to the Department and approved.

H. New Location.

Any person or municipality who plans to operate under the provisions of this general permit at a new location shall submit a new Determination of Applicability or registration for that location.

I. Permit Renewal.

A person or municipality that plans to continue the operations authorized under this general permit, after the expiration date indicated on the approval for coverage page, shall file a complete application for permit renewal at least 180 days before the expiration date of this general permit unless permission has been granted by the Department for submission at a later date. The renewal application shall be made using the "Form 20 (Application For a Municipal or Residual Waste General Permit)."

In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or grant approval for coverage before its expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.