



# HELPFUL GUIDELINES TO ENVIRONMENTAL ACTIVITIES IN YOUR NEIGHBORHOOD

- CLEAN FILL
- WASTE BURNING
- WASTE TRANSPORTATION
- WORKING IN WETLANDS, WATERWAYS

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## WHAT IS SOLID WASTE?

*Solid Waste*—“Garbage, refuse, construction and demolition waste, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from the operation of a residential, municipal, commercial or institutional establishment and from community services.”

**What does all that mean? If it is man-made and it has served its originally intended purpose or if it is to be discarded, it is now most likely a “waste” that is regulated.**

## WHAT IS CLEAN FILL?

The following materials may be used to level an area or bring an area to grade, provided they are separate from other waste and not placed into or on waters of the Commonwealth of Pennsylvania: **uncontaminated, non-water soluble, non-decomposable inert solid material including soil, rock, stone, dredged material, gravel, used chunks of asphalt and brick, block and concrete from construction and demolition activities.**

Clean fill cannot contain the following: processed and unprocessed construction/demolition waste (including, but not limited to, lumber, siding, insulation, flooring, wallboard, roofing material, glass, plastic, and metal); historic fill; and, regulated fill. **These materials need to be disposed of at a permitted facility. PLEASE NOTE: A person using a material as clean fill has the burden of proof to demonstrate that a material is clean fill. This can be accomplished by generator knowledge or by environmental testing.**

## HOW DO I HANDLE TREE STUMPS AND VEGETATIVE WASTE?

The “waste” from Land Clearing, Grubbing and Excavation (LCGE), including trees, brush, stumps and vegetative material should not be used as clean fill. An occasional tree stump or limb dumped at a clean fill site does not pose an environmental threat, but dump sites with mostly vegetative material can create public nuisances, health hazards, safety and environmental problems. Anybody that generates LCGE waste should be following the Department’s manual titled “Best Management Practices (BMP) for the Management of Waste From Land Clearing, Grubbing, and Excavation” (Department Document ID# 254-5400-001). Tree waste is 100% recyclable.

## CAN I BURN WASTE?

No, you should not burn waste. Pennsylvania’s Solid Waste Management Act and many local municipalities prohibit the open burning of waste. There are many recycling opportunities and alternative disposal methods that can be used in lieu of burning.

## CAN I BURN A DEMOLISHED BUILDING?

No, it is illegal! Waste resulting from the razing or remodeling of a building is called “demolition waste” and it is illegal to burn this waste. **PLEASE NOTE: Even if your local municipality or fire department grants you a “burning permit”, it is still unlawful to burn construction and demolition waste for disposal purposes.**

## **WHAT DO I NEED TO DO TO DEMOLISH A BUILDING?**

- The Department's Air Quality Program requires that a written notification be submitted to the Department at least 10 days prior to the demolition of any commercial structure or residential building with five or more housing units. This form is called "ASBESTOS ABATEMENT AND DEMOLITION/RENOVATION NOTIFICATION FORM" (2700-FM-AQ0021)
- All recyclable materials should be separated at the site where the structure is being demolished. Mixed loads should not be brought to other properties for separation and any waste generated needs to be properly disposed of.

## **CAN I TRANSPORT WASTE?**

Act 90, passed by the Legislature and signed into law by the Governor on June 29, 2002, contains provisions for the establishment of a Waste Transportation Safety Program (WTSP). The WTSP requires waste haulers to obtain written authorization in order to transport and dispose of waste at Pennsylvania disposal or processing facilities. The definition of a waste hauler may include contractors generating wastes from construction and demolition activities. **PLEASE NOTE:** **Any waste hauling vehicle over 17,000 pounds needs to be authorized.**

## **CAN I WORK IN A WATERWAY, FLOODWAY OR WETLAND?**

Most activities in Pennsylvania water courses, water bodies or wetlands such as earth moving, filling, encroachments require some type of authorization or permit from the Department to protect public health, safety and the environment. Activities that change, expand or diminish the course, current or cross section of a watercourse, floodway or waterbody are termed encroachments (obstructions in certain cases) and are regulated by Chapter 105 regulations. Many of these projects qualify for a simple general permit if they are designed and implemented in accordance with the criteria in the general permit. The applicant needs to complete and submit a registration form available from delegated county conservation districts or the Northeast Regional Office. The local municipality and county must be notified of the applicant's intent to use the general permit. There is no fee for registering a general permit.

There are 12 different general permits, each corresponding to a particular activity. Prior to registration, an applicant must review the appropriate general permit and determine if the proposed project can be constructed in accordance with the conditions, restrictions and performance criteria identified for that specific permit.

Most projects in Commonwealth waters and wetlands also require federal authorization that is usually granted in the form of a Pennsylvania State Programmatic General Permit (PASPGP-3). In most instances, PASPGP-3 is attached by the DEP or a county conservation district along with a registered general permit. When applicable, PASPGP-3 eliminates the need for redundant federal reviews and processing for projects.

## **CAN I CONDUCT MAINTENANCE, TESTING, OR REPLACEMENT OF WATER OBSTRUCTIONS & ENCROACHMENTS?**

To encourage smart growth through the revitalization of existing infrastructure, the DEP has developed a General Permit 11 that will allow for the maintenance, testing, repair, rehabilitation and replacement of existing water obstructions and encroachments.

The proposed user of a GP-11 should carefully review all of its requirements to determine if the project can qualify for authorization. If you are unsure if your project qualifies for GP-11, you should contact the Northeast Regional Office to discuss permitting requirements.

## **FOR FURTHER INFORMATION:**

Look for the Department of Environmental Protection Fact Sheets concerning Solid Waste Regulations, Dam Safety & Encroachments Act and related Air Quality topics found at the Department's Website: <http://www.depweb.state.pa.us>. To help you find more information on our Web page, you can search under the Keywords of "Solid Waste", "Demolition", "Asbestos" "Wetland" or "Open Burning".

These enclosed guidelines do not contain all of the regulations or examples that may apply to the activities you maybe conducting. Other information may be obtained by contacting the Department at:

### **Northeast Regional Office**

2 Public Square

Wilkes-Barre, PA 18711-0790

Phone: **1-866-255-5158 then press "2"**

Covering: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Pike, Northampton, Schuylkill, Susquehanna, Wayne and Wyoming Counties



**Before you do any work,  
do you know you could  
be in violation of the  
Department of  
Environmental  
Protection's Regulations?**

**If you are unsure whether you need a permit, approval or if your activity would be in violation of the Department's Regulations, STOP and contact the Northeast Regional Office for assistance at 1-866-255-5158 ext 2.**

**Don't Fill in Floodway**

**Don't Burn**

**Don't Demo**

**Don't Bury**

**Don't Dump**

**Don't Fill in Wetlands**

**These are just some issues that you need to know about.**

**DEP - Northeast Regional Office**

**2 Public Square**  
**Wilkes-Barre, PA 18711-0790**  
January 18, 2008

**Northeast Regional Office**

1-866-255-5158 ext. 2  
Fax 570-830-3051

Re: Illegal Disposal of Municipal Waste  
Demolition of Buildings/Structures  
Floodways, Watercourses & Wetlands

To Whom It May Concern:

The Department of Environmental Protection (Department) has been increasingly receiving complaints of persons illegally disposing of municipal and demolition waste by dumping, burning or burying. We have also seen an increase in the number of complaints regarding the demolition of commercial buildings/structures without notifying the Department as well as illegal activities pertaining to floodways, watercourses and wetlands.

The documents being provided to you contain information on the Department's Rules and Regulations as well as enforcement actions that may result against the responsible party. You are receiving these documents because your project may have involvement with some of these activities and you may need to contact the Department for further information.

1. **Municipal Waste:** Municipal waste is required to be disposed of at a permitted solid waste landfill or delivered to a permitted transfer/processing facility. Burning, burying, dumping, and stockpiling of wastes is illegal and should not be conducted. All waste materials generated by your project should be placed in a container for transport to a permitted landfill or transfer station. Transportation of waste in a vehicle weighing greater than 17,000 pounds requires a license from the Department. Improper and inadequate solid waste disposal and storage practices may create public health hazards, environmental pollution, economic loss, attraction of vectors and cause lasting harm to the public health, safety and welfare and the environment.
2. **Demolition:** The Department has noticed an increase in the number of structure demolitions and fire training exercises being conducted without the proper notifications or approvals. The Department's Bureau of Air Quality enforces a Federal Regulation pertaining to asbestos abatement projects and demolitions. The demolition of any structure used for commercial reasons or any residential structure containing five or more dwelling units cannot commence prior to the submittal of a notification to the Department. This notification must be postmarked at least 10 days prior to the start of the demolition and contains among other things proof that an asbestos inspection of the structure was conducted.

Purposely burning a structure or debris from the demolition of a structure is illegal. Should you be involved in a fire training exercise, your local fire department is required to obtain approval for the fire training exercise from the Department and the State Fire Academy.

3. **Floodway, Watercourses and Wetlands:** Activities within a floodway, watercourse or wetlands almost always need a permit or approval from the Department. In some cases no approval would be given because the activity being conducted would be protected according to the Department's Rules and Regulations. Improper work being done has the potential to cause immeasurable damage to public property and the safety and welfare of the environment. Prior to any earth moving activities or earth disturbances you should contact the Department to see what type of permit may be required.

If you have any questions please feel free to contact me at toll free telephone number 1-866-255-5158 extension "2".

Sincerely,

Maribeth T. Nestor  
Service Representative  
Northeast Regional Office

**2 Public Square**  
**Wilkes-Barre, PA 18711-0790**  
January 18, 2008

**Northeast Regional Office**

1-866-255-5158 ext. 2  
Fax 570-830-3051

Re: Illegal Disposal of Municipal Waste  
Demolition of Buildings/Structures  
Floodways, Watercourses & Wetlands

Dear Secretary:

**Please ensure the appropriate municipal official receives this information.**

The Department of Environmental Protection (Department) has been increasingly receiving complaints involving the above-mentioned activities that are overseen by the Department. We are writing to obtain the assistance of your municipality. The Department responds to complaints involving illegal disposal and storage of wastes, the demolition of commercial buildings/structures without notifying the Department and earthmoving and earth disturbances in floodways, watercourses, and wetlands. The amount of complaints involving these activities have required extended into an immense amount of Departmental Staff time. This is the reason for this letter.

The Department requests your assistance through the distribution of the enclosed letter and guidelines when issuing a local building permit or other related permits. These documents contain information on the Department's Rules and Regulations as well as enforcement actions that may result against the responsible party. Please distribute the enclosed information to your constituents that may inquire about any of the above activities. Two of the enclosures are notices that the Department is requesting to be displayed in a common area for public viewing.

Municipal waste is required to be disposed of at a permitted solid waste landfill or delivered to a permitted transfer/processing facility but unfortunately this does not always happen and waste is still being illegally dumped and burned. All waste materials generated by a construction or demolition project should be placed in a container for proper transport. The Department is seeking to diminish this type of illegal disposal activity with your cooperation. Most of this illegal disposal activity occurs in remote areas of municipalities/counties not in close proximity to the Department's Offices, which makes it difficult at times for a timely response. The Department may request the assistance of your representative in responding to or investigating complaints on the illegal management of waste. As you know, improper and inadequate solid waste disposal and storage practices may create public health hazards, environmental pollution, economic loss, attraction of vectors and cause lasting harm to the public health, safety and welfare and the environment.

The Department has noticed an increase in the number of structure demolitions and fire training exercises being conducted without the proper notifications or approvals. Purposely burning a structure or debris from the demolition of a structure is illegal. The Department's Bureau of Air Quality enforces a Federal Regulation pertaining to asbestos abatement projects and demolitions. The demolition of any structure used for commercial reasons or any residential structure containing five or

more dwelling units cannot commence prior to the submittal of a notification to the Department. This notification must be postmarked at least 10 days prior to the start of the demolition and contains among other things proof that an asbestos inspection of the structure was conducted. Fire training exercises involving structure burns need to be approved through the State Fire Academy and the Department.

Earthmoving activities or earth disturbance including filling activities within a floodway, watercourse or wetlands almost always require a permit or approval from the Department. Prior to any earth moving activities or earth disturbances you should contact the Department to see what type of permit may be required.

Thank you in advance for your cooperation. If you have any questions please feel free to contact me at the above listed phone number. Environmental complaints can be reported to the Department by calling the toll free telephone number 1-866-255-5158 extension "2".

Sincerely,

Maribeth T. Nestor  
Service Representative  
Northeast Regional Office

Enclosures

**2 Public Square**  
**Wilkes-Barre, PA 18711-0790**  
January 18, 2008

**Northeast Regional Office**

1-866-255-5158 ext. 2  
Fax 570-830-3051

Re: Illegal Disposal of Municipal Waste  
Demolition of Buildings/Structures  
Floodways, Watercourses & Wetlands

Dear County Commissioners:

The Department of Environmental Protection (Department) has been increasingly receiving complaints involving the above-mentioned activities that are overseen by the Department. We are writing to obtain the assistance of your county. The Department responds to complaints involving illegal disposal and storage of wastes, the demolition of commercial buildings/structures without notifying the Department and earthmoving and earth disturbances in floodways, watercourses, and wetlands. The amount of complaints involving these activities have extended into an immense amount of Departmental Staff time. This is the reason for this letter.

The enclosed letter and guidelines have been sent to local municipalities within your county. These documents contain information on the Department's Rules and Regulations as well as enforcement actions that may result against the responsible party. Please distribute the enclosed information to your County Emergency Management Coordinator and County 911 Coordinator so they too can become aware of the problems the Department is encountering. Primary situations that they may encounter would be the receipt of a call that a controlled burn will be taking place in your county. They should inquire as to what type of debris is going to be burned. If they find it is debris that is not acceptable by the Department they should inform the constituent of such. Also, if it is a local fire department contacting them that they are having fire-training exercises involving construction and demolition debris or structure burns they should check to see that they have prior approval through the State Fire Academy and the Department.

The Department would like to try and meet with your county and local municipal officials to discuss the enclosed information and possibly come up with ways to improve on managing these environmental problems. If we all work together to protect our environment we can make it a much cleaner and healthier place for our residents to live.

Thank you in advance for your cooperation. If you have any questions please feel free to contact me at the above listed phone number. Environmental complaints can be reported to the Department by calling toll free telephone number 1-866-255-5158 extension "2".

Sincerely,

Maribeth T. Nestor  
Service Representative  
Northeast Regional Office