

**STANDARD CONDITIONS
GENERAL PERMIT WMGM042**

A. Authorization:

This general permit authorizes the processing (mixing or blending) of (i) animal manure, (ii) grease trap waste (collected from restaurants, grocery stores, and/or facility preparing cleaning up from food service), (iii) pre-consumer food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and (iv) wastewater from a dairy parlor/farm, hereinafter referred to as a "mixture of wastes", for beneficial use as follows:

1. The methane gas generated by an anaerobic digestion of mixture of wastes may be beneficially used as an alternative fuel for the electric generator to produce electricity that will be:
 - a. Used by the permittee for daily needs at the farm.
 - b. Transmitted to the local electric utility grid for consumer use.
 - c. Distributed for direct consumer use.
2. The waste solids removed from the digester may be beneficially used as an animal bedding material at the farm; and
3. The liquid wastewater removed from the digester may be beneficially used as a soil additive for agricultural purposes if the wastewater does not exceed 15,000 mg/l (milligram per liter) of fats, oil and grease.

B. Determination of Applicability Requirements:

Persons or municipalities that propose to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a "Determination of Applicability" from the appropriate Department Regional Office (see attached list). A completed Determination of Applicability (DOA) application, bonding amount calculated with supporting documents, along with a DOA application fee in the amount identified on the application forms must be submitted to the appropriate Department Regional Office. Checks shall be made payable to the "Commonwealth of Pennsylvania". No activities shall commence unless authorized by the Department in writing.

C. Standard Requirements:

1. This general permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or run-off from the staging, processing, and storage areas where solid waste management activities are conducted to the waters of the Commonwealth.
2. Nothing in this general 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 regulation, providing that said local law, ordinance, or regulation is not preempted by the Solid Waste Management Act, 35 P.S. §6018.101 et seq; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.

3. Failure of 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 general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this general permit.
4. Wastes not authorized under this general permit shall be removed weekly from the processing area and properly disposed of at a permitted municipal waste disposal facility unless authorized by the Department, in writing, to do otherwise. Incidental or temporary on-site storage of wastes not authorized in this general permit shall comply with the requirements as specified in 25 Pa. Code Chapter 285 (relating to storage, collection and transportation).
5. The **wastes that are** processed for beneficial use under the authorization of this general permit shall not be mixed with other types of waste materials, including hazardous waste, municipal waste, special handling waste, or other residual waste, unless otherwise approved by the Department in writing.
6. The processing, storage and transportation of the mixture of wastes and any other wastes that are generated shall be conducted in a manner that will not create a nuisance or be harmful to the public health, safety or the environment of this Commonwealth.
7. Mixture of wastes and other residues generated by the operation shall not be accumulated speculatively as defined in 25 Pa. Code §287.1.
8. The mixture of wastes and all other wastes generated by the operation shall be stored and transported in accordance with 25 Pa. Code Chapter 285 (relating to storage, collection and transportation) and the Waste Transportation Safety Act, 27 Pa. C.S. §§6201 - 6209. In addition, the facility shall be in compliance with federal and state statutes, rules and regulations relating to transportation.
9. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby 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 to and to inspect all areas on which solid waste management activities required of the permittee are being, will be, or have been conducted. This authorization and consent shall include consent to collect samples of waste, soils, water, or gases; take photographs; to perform measurements, surveys, and other tests; 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. This permit condition is referenced in accordance with §§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 under the Solid Waste Management Act.
10. Any waste generated from the processing and beneficial use activity authorized by this general permit shall be managed in accordance with the Solid Waste Management Act, 35 P.S. §§6018.101 - 6018.1003 and the regulations promulgated thereunder.
11. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application, except to the extent that there is a conflict with the regulations or governing statutes.
12. Any independent contractors or agents retained by the permittee in the completion of processing and beneficial use activity authorized under this permit shall be subject to a

compliance history review by the Department prior to performance of activities under this general permit, as specified by the Solid Waste Management Act.

13. A Preparedness, Prevention and Contingency (PPC) plan that is consistent with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" shall be developed and maintained at the facility. The PPC plan shall be updated as needed or at least every five years. The permittee shall immediately implement the applicable provisions of the Department-approved PPC plan for any emergency that affects or threatens public health, safety, welfare, or the environment.
14. Upon cessation of operations at the facilities operating under the authorization granted in this permit, the operator shall clean and/or remove any municipal waste, storage tanks and structures or other materials that contain or have been contaminated with municipal waste and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, other environmental protection acts and the regulations promulgated thereunder.
15. Runoff from processing areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
16. The permittee shall comply with the applicable provisions of 25 Pa. Code, Chapter 123 (Standards for Contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, 35 P.S. §4005 and shall comply with all the applicable provisions of the Fugitive Emissions Sections 123.1, 123.2, and 123.31.
17. A financial bond, which guarantees the removal and proper management of the maximum volume of mixture of wastes and other wastes at the facility, at any one time, is required. The amount of the bond shall be based upon the total estimated cost (i.e., off-site disposal, transportation cost, decontamination cost) to the Commonwealth for removal and proper management of the wastes. The Department may require additional bonding for any other necessary measures to prevent adverse impacts upon public health, safety, welfare, and environment.
18. The bond filed with the Department under Condition C(17) of this general permit shall continue for the period of operations of the facility, until 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 §271.341 (relating to Bond Release).
19. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code, Chapter 271, Subchapter D (Financial Assurances Requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.
20. The facility shall not be located:
 - a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the permit a method for 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 Encroachment Act (32 P.S. §§693.1 - 693.27).
 - b. In or within 300 feet of an exceptional value wetland.

- c. Within 300 feet measured horizontally from an occupied dwelling unless 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.
- d. Within 50 feet of a property line unless the owner demonstrates one of the following:
 - i. That actual processing of waste is not occurring within 50 feet of a property line.
 - ii. That storage and processing take place in an enclosed facility.
 - iii. 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.
- e. 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.
- f. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet.
- g. Within 900 feet measured horizontally from the property line, unless a written waiver is obtained from the current property owner of:
 - i. A building owned by a school district or parochial school and used for instructional purposes;
 - ii. A park;
 - iii. A playground.
- h. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.

D. Sampling, Analysis and Frequency of Monitoring.

1. Representative samples of the entire mixture of wastes must be collected and analyzed. More than one sample is usually necessary to accurately represent the mixture of wastes produced or stored. Core samples at different locations and at various depths shall be collected and then composited to obtain a representative sample of the mixture of wastes produced and stored. The key is to obtain a representative sample. In general, the more samples taken, the greater the chance that the sampling results will be representative of the quality of the mixture of wastes produced.

Should knowledge of the processing, production or quality of the mixture of wastes produced, visual observations, or analytical results indicate variability in the quality of the mixture of waste produced, more frequent testing shall be conducted.

2. The chemical analysis required in Conditions A(1) and A(3) of this general permit shall be performed by a laboratory accredited or registered for accreditation under the Pennsylvania Environmental Laboratory Accreditation Act, Act 25 of 2002 (27 Pa.C.S. §§4101-4113).

3. The analytical methodologies used to meet the requirements as specified in Conditions A(1) and A(3) of this general permit shall be those in the most recent edition of the EPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA SW-846), "Methods for Chemical Analysis of Water and Wastes" (EPA 600/4-79-020), "Standard Methods for Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation), the Department's "Sampling Manual for Pollutant Limits, Pathogens and Vector Attraction Reductions in Sewage Sludge" or a comparable method subsequently approved by the EPA or the Department.
4. Upon request by the Department, the permittee shall collect and analyze representative samples of the mixture of wastes as required in Conditions A(1) and A(3) of this general permit, within 48 hours of the request.
5. The frequency of monitoring for the (i) methane gas produced and (ii) fats, oil and grease contained in the watery wastewater shall be on a batch basis and prior to its land application.

E. Recordkeeping.

1. The permittee shall maintain records to demonstrate that the watery wastewater removed from the digester met the requirements as specified in Condition A(3) of the general permit.
2. The permittee shall develop a log system documenting inspections of the facility by facility personnel.
3. Records of all analytical evaluations conducted on the mixture of wastes produced or effluent wastewater removed shall include the following on each sample: the dates of sampling and testing, sampling procedures, person collecting the sample, each parameter tested, name and address of the sample location, date and time, the analytical results, the laboratory used, and analytical methodologies.
4. The records required in this Condition E shall be retained at the facility for a minimum of 5 years and made available to the Department upon request.

F. Reporting.

1. The permittee shall immediately notify the appropriate Department Regional Office (see attached list), in writing, of any changes in: the name, address, owners, operators and/or responsible officials of the company; changes in processing area location; changes in land ownership or the right to operate on the land occupied; the physical or chemical characteristics of the mixture of wastes produced; the blending process that produces mixture of wastes; and the change in status of any permit issued by the Department or federal government under the environmental protection acts.
2. The permittee shall submit, by March 1st of the following year, to the appropriate Department Regional Office, an annual report which contains the information outlined in Conditions A(1), A(3), C(4) and summarizes the (i) total volume of methane gas and electricity produced for beneficial use, (ii) volume or percentage of methane gas produced that was beneficially used, (iii) amount of waste solids beneficially used as an animal bedding material, and (iv) amount of watery wastewater beneficially used, during the last 12 months, as a soil additive. The annual report must also include the laboratory reports performed on a representative sample of the mixture of wastes and effluent wastewater as

required in Conditions A(1) and A(2) of this general permit. The analysis data submitted in compliance with this requirement must be from samples of the mixture of wastes collected within the past twelve (12) months.

3. In the event of a spill or release of animal manure, grease trap waste, or any other materials resulting from the operation, the permittee shall take appropriate immediate action to protect the health and safety of the public and the environment of this Commonwealth. The following spills or releases of animal manure, grease trap waste, or any residue from the operation must immediately be reported to the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP Regional Office:
 - a. A discharge where the spilled or released amount of animal manure, grease trap waste, or any residue from the operation exceeds five gallons, or
 - b. A discharge of animal manure, grease trap waste, or any residue from the operation, regardless of the volume where the discharge may reach a surface water of the Commonwealth.
4. For each new pre-consumer food waste type that is proposed to be anaerobically digested under the authorization of this general permit, the permittee shall:
 - a. Submit a written request to the appropriate Department Regional Office to conduct a limited volume or amount of new waste type and short term trial project of 1 year or less to determine the feasibility for the beneficial use of new waste type material under this general permit. The proposed trial project shall not be commenced, unless a written approval from the Department has been obtained.

At a minimum, the following information shall be provided for our review and consideration:

- i. Name of the generator and location where the new waste type is generated.
- ii. Name and address of the facility or location that the proposed new beneficial use activity, if appropriate, will be tried out.
- iii. A description of the proposed new beneficial use activity, if appropriate.
- iv. Weight, amount, or volume and frequency of use of the new waste type that will be used, and the new beneficial use material produced in the test trial project.
- v. Actual laboratory report shows the new waste type is not hazardous.
- vi. The duration proposed for this test trial project.
- vii. Descriptions of the processing method(s) in the production of new beneficial use material in this test trial project.
- viii. Descriptions of the storage of (1) new waste type material received, and (2) new beneficial use material produced in this test trial project.
- ix. If the test trial project will include a test burn at an industry or a facility, the permittee shall contact the Air Quality Program of the appropriate Department Regional Office for an authorization to conduct a test burn.

- b. Notify the appropriate Department Regional Office of any changes, to the information provided in the request to the Department, during the duration of this test trial project.
- c. Upon the completion of the test trial project:
 - i. Submit a project report to the appropriate Department Regional Office. The project report shall include all records and analytical results performed for the test trial project.
 - ii. Submit a written request to the appropriate Department Regional Office, for a minor modification to the existing general permit for the inclusion of new waste type in the beneficial use activity authorized in the general permit.
- d. The beneficial use of new beneficial use material produced in the test trial project, as authorized in the general permit, shall not be commenced unless the existing general permit has been modified by the Department.

G. Permit Renewal Requirement.

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 approval for coverage before its current coverage 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.

**Department of Environmental Protection
Regional Offices
(and Counties Served)**

- I. Bucks, Chester, Delaware, Montgomery, Philadelphia.

Southeast Regional Office

2 East Main Street
Norristown, PA 19401
Phone: (484) 250 - 5960

- II. Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming.

Northeast Regional Office

2 Public Square
Wilkes-Barre, PA 18711-0790
Phone: (570) 826 – 2516

- III. Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York.

Southcentral Regional Office

909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone: (717) 705 – 4706

- IV. Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union.

Northcentral Regional Office

208 West 3rd Street - Suite 101
Williamsport, PA 17701
Phone: (570) 327 – 3653

- V. Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

Southwest Regional Office

400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: (412) 442 – 4000

- VI. Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

Northwest Regional Office

230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6848