

**SPECIAL CONDITIONS  
PERMIT NO. WMGM017  
ON-FARM SOURCE SEPARATED COMPOSTING**

**I. STANDARDS:**

1. The approval herein granted is limited to the composting process and beneficial use of the processed compost produced per the terms and conditions of this permit. The waste streams accepted for composting shall be non-liquid waste<sup>1</sup> and limited to the following categories of uncontaminated wastes: manure, yard waste, source separated food scraps from food markets, grocery stores, food banks, food distribution centers, school cafeterias and institutions, source-separated newspaper, and source-separated corrugated paper (cardboard). The beneficial uses of finished compost approved in this permit are for the marketing or distribution as soil substitute, soil conditioner, soil amendment, fertilizer or mulch.
2. The approval herein allows for composting activities to be conducted at sites that meet the definition of a normal farming operation.
3. The beneficial use(s) of the compost, as listed in Condition I (1) above, is contingent upon compliance with this permit and if sold, the Pennsylvania Soil and Plant Amendment Act of December 3, 2001. Information related to this law can be obtained from the Department of Agriculture by writing to the Bureau of Plant Industry, Division of Agronomic Services, 230 North Cameron Street, Harrisburg, PA 17110-9408.
4. The permittee shall comply with the fugitive emissions regulations under 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 and 123.2.
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 regulation, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania 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.
6. 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 are being, will be, or have been conducted. This authorization and consent shall include consent to collect

<sup>1</sup> EPA Method 9095 (Paint Filter Liquid Test) as described in the EPA Publication No. SW-846

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samples of waste materials, compost material, 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 Sections 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Sections 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the Solid Waste Management Act.

7. The activities authorized by this permit shall not harm or present a threat of harm to the health, safety or welfare of the public or environment of this Commonwealth. The Department may modify, suspend, revoke and reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, and the environment or if they cannot be adequately regulated under the conditions of this permit.
8. 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 be obtained if the permittee cannot comply with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, creates a nuisance, safety or welfare of the public or the environment.
9. 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 permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.
10. Hazardous waste, municipal waste, special handling waste, and other waste may not be mixed and/or stored or beneficially used with the raw materials.
11. Wastes that are not authorized under this general permit are not allowed to be received, mixed, stored or beneficially used with the raw materials for composting.
12. Persons or municipalities which 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 Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. No activities shall commence unless specifically authorized by the Department in writing.

A "Determination of Applicability" under this general permit is not required for the composting of agricultural waste used in normal farming operations.

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At a minimum, the following information must be provided on the attached forms:

- a. Name and street address of applicant and include location and directions to the compost site;
- b. Name and facility address of off-site waste generators or haulers including types and quantities in terms of weight or volume of the waste received;
- c. A site plan of the compost facility to include locations of all storage, composting, and curing areas, access roads, property lines, etc.
- d. A detailed operating plan that describes the composting activities including types and volumes of on-site and off-site generated waste that will be used for composting, screening of incoming wastes for acceptance or rejection, and procedures to be used to assure the compost quality;
- e. Signed and notarized statement by the person who seeks "Determination of Applicability" which states that the person accepts all conditions of this general permit;
- f. A non-refundable application fee in the amount required under Section 271.821 of the Municipal Waste Regulations made payable to the "Commonwealth of Pennsylvania";
- g. Proof that copies of the "Determination of Applicability" application have been submitted to each municipality in which composting activities are or will be located;
- h. Proof that the applicant has legal right to enter the land and operate the composting facility activities approved under this permit;
- i. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting composting activities;
- j. A copy of the facilities Preparedness Prevention and Contingency Plan (PPC) which is consistent with the Department's most recent guidelines on the development and implementation of the PPC plans;

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13. All activities conducted under the authorization granted in this general permit shall be conducted in accordance with the permittee's application. Except to the extent that permit states otherwise, the permittee shall operate as described in the approved application.
14. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to compliance history review by the Department prior to performance of any activities, as specified by the Solid Waste Management Act of 1980.
15. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from areas where solid waste management activities are to the waters of the Commonwealth.
16. Upon cessation of operations at the composting facilities, the operator shall remove any wastes and structures or other materials which 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.
17. Any waste generated from the composting process shall be managed in accordance with the Solid Waste Management Act of July 7, 1980, as amended, P.L. 380, No. 97, 35 P.S. §§6018.101 et seq. and the regulations promulgated thereunder.

**II. OPERATIONS:**

1. The compost facility shall be operated in a manner which results in the active biological decomposition of the organic materials received.
2. This permit requires the use of windrows, aerated static piles, or in-vessel methods for composting. The temperature of the compost during the composting phase of the operation shall be maintained at a minimum of 55 degree Celsius (131°F) or greater for at least 15 days for the windrow method and for at least 72 consecutive hours for the static aerated pile or in-vessel method. For the windrow method, turning shall be consistent with currently accepted science-based composting technology. In addition, the compost shall be cured for a minimum of 30 days.
3. Approval to operate under this general permit is limited to composting facilities which meet all three of the following criteria:
  - (i) Do not exceed five (5) acres.

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- (ii) Do not exceed 500 tons or 1,000 cubic yards per year of source separated food waste.
- (iii) Do not exceed 3,000 cubic yards per acre of total materials.

The composting facility shall include all raw materials and waste storage areas, the composting and curing areas, and the finished compost storage areas.

4. Incorporation or mixing of incoming food waste must occur within 24 hours of receipt of the waste at the compost facility. Incorporation of all other materials must occur within one week of receipt.
5. Use of food processing sludge, spent mushroom substrate and materials other than the wastes specified in Condition I (1) of this general permit in the composting are prohibited.
6. A financial bond as specified in Chapter 287, Subchapter E is not required for composting facilities that do not exceed the criteria specified in Condition II (2) above.
7. The composting area shall be constructed in a well-drained area with a workable surface and slope of 2 – 4 percent to prevent ponding and control surface water. All storm water should be diverted away from the composting area. The working surface should be firm, uniformly graded and dry. Compost pad options include: (1) A compacted mixture of select granular material with adequate fine-grained particles to bind it together and reduce permeability, (2) using lime stabilized soil blends and (3) paving with concrete, asphalt or geosynthetics.
8. The finished compost produced under the terms and conditions of this general permit shall cease to be a waste when the compost: (a) is used, sold, or distributed as soil substitute, soil conditioner, soil amendment, fertilizer, or mulch; (b) does not present a greater harm or threat of harm than the use of wastes which the compost is replacing; and (c) is not abandoned or disposed.
9. Rejected wastes and non-compostable materials shall be segregated from the incoming wastes, intended for composting, and shall be managed properly at a permitted disposal facility or recycled on a weekly basis.
10. An operational plan must be developed and implemented at the facility. The operational plan must include the following information:
  - a. A general site plan must be included which contains the following information for on-farm composting sites:

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- (i) Access road
  - (ii) Tipping area
  - (iii) Surface water and storm water controls for all compost related areas
  - (iv) Farm Soil Conservation Plan
  - (v) Nutrient Management Plan if available
- b. The operational narrative must include the operational hours for receiving waste.
  - c. Volume of waste processed during the previous year or expected to be processed during the first year of operation.
  - d. Provide a detailed description of the compost system.
11. The operator of compost facility shall not cause or allow conditions that are harmful to the environment or public health, or which create safety hazards, odors, noise, or other public nuisances cause or allow the attraction, harborage, or breeding of vectors.
12. Adequate space shall be maintained between windrows and at the site to allow the unobstructed movement of emergency personnel and equipment.

**III. SITE MANAGEMENT:**

- 1. A copy of an approved conservation plan by the County Conservation District must be maintained at the facility at all the time. The conservation plan must be implemented during all phases of operation of the facility. Copy of the approved conservation plan must be provided to the Department with the application.
- 2. Surface water runoff from the compost process, curing materials, finished compost storage area(s) shall be controlled and not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder and Chapter 102.
- 3. Nothing in this permit shall be construed to supersede, amend, or authorize to discharge any industrial waste, wastewater, leachate or runoff from the waste storage areas, composting windrows, curing areas, or enclosed vessels to the waters of the Commonwealth.

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4. Areas at the permitted facility where incoming materials or waste and finished compost are stored, composted, or cured shall not be located:
  - a. In the 100-year floodplain of waters of this Commonwealth;
  - b. In or within 300 feet of an exceptional value wetland;
  - c. In or within 100 feet of a wetland other than an exceptional value wetland;
  - d. Within 100 feet of a sinkhole or area draining into a sinkhole;
  - e. Within 300 feet measured horizontally from an occupied dwelling unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;
  - f. Within 50 feet of a property line unless the owner has provided a written waiver consenting to the facility being closer than 50 feet;
  - g. Within 100 feet of a perennial stream;
  - h. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet.
  - i. Within 3.3 feet of a perched, seasonal or regional ground water table.

**IV. STORAGE:**

1. Unless authorized by the Department in writing, the maximum amount of the finished compost shall not be stored for more than one (1) year, and at any one time may not exceed 3,000 cubic yards per acre specified in Condition II (2) of this permit.
2. Active compost, curing materials, and finished compost shall be stored in a manner that prevents harborage or breeding of vectors or creation of odor, litter and other nuisances which may be harmful to the public health, safety, welfare, and the environment. Storage shall be in a manner that prevents dispersal of waste or compost by wind or water erosion or a risk of fire or explosion. Waste may not be stored in a manner that causes groundwater and surface water contamination.
3. Putrescible waste, other than manure, must be stored in closed, leak-proof containers. Putrescible waste may not be held in closed containers for more than 24 hours prior to being incorporated into the composting process. In addition, non-putrescible waste and

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compost may not be stored for more than one (1) year at the permitted facility. Manure must be stored at the composting site in accordance with the Department's document entitled "Manure Management Manual".

4. Nothing in this permit shall be construed to supersede, amend, or authorize to discharge any industrial waste, wastewater, leachate or runoff from the waste storage areas, composting windrows, curing areas, or enclosed vessels to the waters of the Commonwealth.
5. Equipment used for the compost process, storage and transportation of the finished compost shall be maintained in good operating condition to prevent the finished compost from being unintentionally conveyed out of the storage area(s). Weekly inspections of each storage area and their surrounding environs are to be conducted to determine compliance of the terms and conditions of this general permit, and for evidence of failure.

**V. EMERGENCY RESPONSE:**

1. The operator of each yard waste composting facility shall immediately contact local police or fire departments or other appropriate state or local emergency response agencies in the event of fire, spill, or other hazards that threaten public health, safety, and welfare, or the environment, and whenever necessary in the event of personal injury.

**VI. NOTIFICATIONS:**

1. Any person operating under the provisions of this general permit must notify the Department, in writing, if the composting facility is relocated or if new location(s) are to be included under this general permit. The information is to be submitted on a form provided by the Department 60 days prior to relocation. This notice is to be sent to:

Department of Environmental Protection,  
Waste Minimization and Planning Division  
14<sup>th</sup> Floor  
400 Market Street  
Harrisburg, PA 17109

**VII. RECORDKEEPING AND REPORTING:**

1. The compost facility operator shall maintain records to demonstrate the compost produced by the facility meets the time and temperature standards of Condition II(2). above. The records shall be provided to the Department upon request.



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2. The compost facility operator shall maintain records of all feedstock received at the facility. The records shall include the source of feedstock, volume or weight and description of the accepted materials on-site.
3. The compost facility operator shall maintain records of unacceptable wastes that are disposed of from the facility. The records shall include the disposal location, volume or weight of the waste that is disposed.
4. Records shall be maintained on site for five years and made available to the Department and it's representatives upon request.

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**IX. DEFINITIONS:**

**“Composting”**

The process by which organic solid waste is biologically decomposed under a controlled anaerobic or aerobic to yield a humus-like product.

**“Composting Facility”**

A facility for processing solid waste by composting.

**“Composting Pad”**

An area within a composting facility where compost or solid waste is processed, stored, loaded or unloaded.

**“Curing”**

The final stage of the composting process in which stabilization of the compost continues but the rate of decomposition has slowed to a point where turning or forced aeration is no longer necessary.

**“General Permit”**

Except as provided in Subchapter J (relating to beneficial use of sewage sludge by land application), a regional or Statewide permit issued by the Department for a specified category of beneficial use or processing of solid waste, the terms and conditions of which allow an original applicant, a registrant and a person or municipality that obtains a determination of applicability, to operate under the permit if the terms and conditions of the permit and certain requirements of this article are met.

**“Institutional establishment”**

An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

**“Landowner”**

The person or municipality in whom legal title to the surface of the land is vested.

**“Leaf Waste”**

Leaves, garden residues, shrubbery and tree trimmings, and similar material, but not including grass clippings.

**“Manure”**

Waste that is produced by animals at the farms.

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**“Non-Liquid Waste”**

Wastes that do not pass the paint filter liquid test (EPA Method 9095) as described in the EPA Publication No. SW-846.

**“Normal Farming Operations”**

The customary and generally accepted activities, practices and procedures that farms adopt, use or engage in year after year in the production and preparation for market of poultry, livestock and their products; and in the production, harvesting and preparation for market of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities, if the operations are conducted in compliance with applicable laws, and if the use or disposal of these materials will not pollute the air, water or other natural resources of this Commonwealth. The term includes the storage and utilization of agricultural and food processing wastes, screenings and sludges on land where the materials will improve the condition of soil, the growth of crops or in the restoration of the land for the same purposes.

**“Permit Area”**

The area of land and water within the boundaries of the permit which is designated on the permit application maps as approved by the Department. The term includes areas which are or will be used or affected by the residual waste processing or disposal facility.

**“Source Separated Recyclable Materials”**

Materials that are separated from municipal waste at the point of origin for the purpose of recycling. The term is limited to clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper (cardboard), plastics and other marketable grades of paper.

**“Source Separated Food Scraps”**

Pre-consumer food wastes that are separated from municipal waste at the point of origin for the purpose of recycling and composting.

**“Storage”**

The containment of waste on a temporary basis in a manner that does not constitute disposal of the waste. It shall be presumed that containment of waste in excess of 1 year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

**“Yard Waste”**

Leaves, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material.

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**“Yard Waste Composting Facility”**

A facility that is used to compost leaf waste, or leaf waste and grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The term includes land affected during the lifetime of the operation, including, but not limited to, areas where compost actually occurs, support facilities, borrow areas, offices, access roads, associated onsite or contiguous collection and transportation activities, and other activities in which the annual surface has been disturbed as a result of or incidental to operation of the facility.