

# **SPECIAL CONDITIONS GENERAL PERMIT WMGM030**

## **I. AUTHORIZATION**

The approval herein granted is limited to the composting of yard waste and beneficial use of the compost so produced at compost sites. The waste streams accepted for composting shall be non-liquid waste<sup>1</sup> and limited to the following categories of municipal waste: yard waste, leaf waste, grass clippings, garden residue, tree trimmings, chipped shrubbery and other vegetative material. The beneficial uses of the finished compost approved in this permit are for the marketing or distribution as soil substitute, soil conditioner, soil amendment, fertilizer, or mulch.

1. Yard waste composting facilities under 5 acres are exempt from this general permit if they are eligible for operation under the permit by rule permit provisions of 25 Pa. Code Section 271.103(a-c) & (h).
2. Approval to operate under this permit is limited to composting facilities which do not exceed fifteen (15) acres. The composting facility shall include all raw materials and waste storage areas, support structures to include buildings, access roads, stormwater devices, the composting and curing areas, and the finished compost storage area (other than areas storing bagged product for retail sales).

## **II. GENERAL REQUIREMENTS**

1. Storage of incoming yard waste, curing materials, building materials and finished compost shall be consistent with Storage Requirements - Chapter 285 of the municipal waste regulations.
2. A person, municipality, or county operating a yard waste composting facility shall, for the duration of yard waste composting activities, identify the operation by posting and maintaining signs that are clearly visible at the junction of each access road and public road. The signs shall be easily seen and read. They should be constructed of a durable, weather-resistant material. The sign wording shall include the name, address, and telephone number of the person(s), municipality (ies), or county (ies) operating the facility, the operating hours, and the materials that can be received by the facility.
3. 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 Solid Waste Management Act, 35 PS §6018.101 et seq.; and the Municipal Waste Planning, Recycling and Waste reduction Act of 1988, 53 P.S. §4000.101 etseq.
4. As a condition of this permit and 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

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<sup>1</sup> EPA method 9095 (paint filter liquid test) as described in the EPA Publication No. SW-846

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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 samples of waste, soils, water, or gases; to take photographs; to perform measurements, surveys, and other tests; 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 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the Solid Waste Management Act.

5. 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.
6. 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, the environment, or if the activities cannot be adequately regulated under the conditions of this permit.
7. Any person that operates under the provisions of this permit shall immediately notify, in writing, the waste program operations manager of the appropriate regional office of the Department (address in attached list) of any changes in: the name, address, owners, operators, and/or responsible officials of the company; the generator(s) of the waste; the status of any permit issued by the state or federal government under the environmental protection acts; and the land ownership and the right to enter and operate on the land where the facility is located.
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 the permittee to apply for, and obtain, an individual permit or cease operation 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.
9. Upon cessation of operations at the composting facilities, the operator shall remove any yard waste and structures or other materials which contain or have been contaminated with other 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 hereunder.

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10. 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 hereunder.
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 the permit states otherwise, the permittee shall operate as described in the approved application.
12. Each permitted facility operating under this general permit must have a certified compost operator on staff. This certification can be the Compost Specialization Certificate from the Professional Recyclers of Pennsylvania (PROP), or other Dep approved certification courses.

### **III. SUBMISSION OF APPLICATION**

1. 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 **Department's Central Office**. No activities shall commence unless specifically authorized in writing by the Department.

At a minimum, the following information must be provided on forms available from the Department's Bureau of land Recycling and Waste management:

- a. Name, address and telephone number of the applicant;
- c. A description of yard waste types to be composted;
- d. Number and title of the general permit;
- e. The location of the compost facility, including identification of the site by outlying perimeter site boundaries on a United States Geological survey 7½ minute topographic map;
- f. A separate map of a general site plan drawn to scale of 1 inch equals 400' for the facility indicating the following:
  1. The location of access roads and gates in relation to public and private roads, wells, and property lines.
  2. The location of the tipping area.
  3. The location of the processing area, including compost piles and windrows.
  4. The location of storage and curing areas.

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5. Surface water controls.
6. All support structures associated with the operation
7. The operational narrative shall describe the following:
  - a. The yard waste collection methods.
  - b. The methods that will be utilized at the facility to construct compost piles.
  - c. The proposed dimensions of compost piles and windrows at the facility;
  - d. The source of supplemental water that will be used to maintain an optimal 50 percent moisture content of compost piles or windrows at the facility.
  - e. The proposed method of turning windrows, the turning frequency for composting at the facility and the method for determining that frequency.
  - f. The proposed duration of the composting process, including curing time, storage time, and the proposed term of compost distribution.
  - g. A plan for the marketing and distribution of the finished compost.
  - h. A residue disposal plan including the location of disposal sites.
  - i. Provisions for emergency response.
  - j. A public information and education program
  - k. The projected volume of material that will be process by the facility during the calendar year.
  - l. A description of how leachate is generated and collected will be managed.
  - m. Proof that waste and waste management activities are consistent with the general permit.
  - n. Signed and notarized statement by the person who seeks “Determination of applicability” to accept all conditions and operate under the terms and conditions of this general permit.
  - o. An application fee in the amount of \$500, payable to the “Commonwealth of Pennsylvania”.
  - p. Proof that copies of the Determination of Applicability application have been submitted to each municipality, county, county planning agency, and

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county health department, if one exists, in which composting activities are or will be located.

- q. Proof that the applicant has legal right to enter the land and perform the composting facility activities approved under this permit.
- r. A Preparedness, Prevention and Contingency (PPC) Plan prepared in accordance with the most recent edition of the Department's, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans".
- r. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities.
- s. Information that identifies the applicant (i.e. individual, corporation, partnership, government agency, association, etc.) and related parties, including the names and addresses of every officer who has a financial interest in or controls the facility operation.
- t. A list of all-previous permits or licenses issued to the applicant or related parties by the Department or federal government under the environmental protection acts; the dates issued status and compliance history concerning environmental protection acts.
- u. Proof that any independent contractors retained by the applicant to perform any activities authorized under this permit are in compliance with state and federal laws and regulations relating to environmental protection.
- v. For compost facilities operating under this general permit other than a municipal compost facility, a financial bond is **required** guaranteeing the operation of the entire facility.
- w. Storm Water Management Control Plan to address on-site runoff and leachate management at the facility must be submitted as part of this application.
- x. A description of the method used to maintain the optimal moisture and oxygen level of the windrows and temperatures of the piles or windrows in the production of mulch and compost.

### IV. SITING REQUIREMENTS

- 1. Areas at the permitted facility where incoming materials or waste and finished compost are stored, composted, or cured shall not be located:

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- a. In or below 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; or
- i. Within 3.3 feet of the regional groundwater table;
- j. Within **900 feet** of the following, if existing prior to the date the Department received an administratively complete application, unless a written waiver is obtained from the current property owner of:
  1. A building owned by a school district or parochial school and used for instructional purposes.
  2. A park.
  3. A playground.

### **V. OPERATIONAL REQUIREMENTS**

1. Windrows (yard waste compost piles or windrows) shall be constructed and maintained as follows:
  - a. The compost area shall be constructed in a well-drained area with a workable surface and sloped to prevent ponding and to direct and control surface water. The windrows shall be placed to promote drainage away from the windrows.
  - b. The size of the compost piles or windrows should not exceed eight feet in height or sixteen feet in width unless the composting technology and or equipment can adequately manage the compost piles, and is approved by the Department.

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- c. Compost piles or windrows shall be constructed within one week following receipt of organic waste materials at the facility.
- d. The facility shall provide adequate space to be maintained between the aerated piles, static piles or windrows to allow the unobstructive movement of emergency personnel and equipment unless other configurations are approved by the Department.
- e. During the active composting process, the optimal moisture content of the windrows or compost piles shall range from 40 to 65 percent and the oxygen level during the composting process shall be maintained at a level greater than 5%.
- f. Incoming materials or waste, 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 public health, public safety or 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 contamination.
- g. The operators shall maintain records to demonstrate that all compost produced by the facility meets the time/temperature standards of **45C – 65C (113F – 140F) for at least 72 consecutive hours.**
- h. To promote decomposition, compost piles and windrows shall be turned and reconstructed at least once every three (3) months. A higher turning frequency may be required, depending on the composting technology unless the composting technology requires more intensive management.

### **VI. Compost Pad Construction**

- 1. The working surface (i.e. processing and storage areas) of the compost should be firm, uniformly graded, dry and as follows:
  - a. A compacted mixture of soil or soil like material of at least four feet thick, or select granular material with adequate of fine grained particles to bind it together and provide a stable working surface.
  - b. The pad shall be constructed to allow for operations to continue during all types seasonal weather conditions.
  - c. The pad shall be constructed to promote the direction of leachate into the leachate management system.

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- d. The pad shall be accessible at all times for inspection purposes to evaluate the condition of the pad and shall be made of a material that is repairable if damage is incurred during operations.

### **VII. Stormwater Management**

1. Stormwater runoff at the facility should be diverted away from the processing area, tipping, staging, curing and storage areas of the compost material. Surface water controls shall be based on a 24-hour precipitation event to be expected every 25 years. Proper drainage controls such as diversions, dikes and drains must be constructed and maintained to prevent ponding and excessive wetting.
2. Runoff from the from the processing, tipping, staging, curing and storage areas of the compost material , finished mulch material, and finished compost storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated hereunder.
3. Storm water runoff shall be directed to a properly sized vegetated filter area for treatment.

### **VIII. Air Quality**

1. No person, municipality, or count shall cause or allow open burning at the facility.
2. Based on the facility composting volume capacity, the composting facility may be subject to the plan approval and operating requirements of 25 Pa. Code Chapter 127. If plan approval is required, the permittee may not construct, assemble, install, or modify the facility prior to obtaining a plan approval from the Department's Bureau of Air Quality.

### **IX. Waste Management**

1. The operator shall not allow non-combustible residues or solid waste other than yard waste to accumulate at the facility, and shall provide for proper disposal or processing. The operator shall submit a waste management plan addressing the disposal options selected. Yard waste and other municipal waste received at the facility that are not suitable for composting shall be removed weekly and disposed or processed at a permitted municipal waste facility.
2. Plastic bags, food waste, food processing sludge, spent mushroom substrate, manure, dewatered dredge waste, non-compostable residues, waste materials not identified in Condition 1 above, etc., are not authorized under this general permit.
3. Rejected and other wastes, that are not authorized under this general permit, shall be separated from the incoming waste materials intended for beneficial use in the production of compost material.



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### **X. Storage**

1. Incoming materials , 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 public health, safety, welfare, or the environment. Storage shall be in a manner that prevents dispersal of incoming materials or compost by wind or water erosion or prevents a risk of fire or explosion.
2. Storage of incoming yard waste, curing materials, building materials and finished compost shall be consistent with Storage Requirements - Chapter 285 of the municipal waste regulations

### **XI. Erosion and Sedimentation Controls**

1. Surface water management and erosion/sedimentation control shall be provided during all phases of construction and operation of the facility, to meet applicable requirements of 25 Pa. Code, Chapter 102 (relating to erosion control). In addition, a storm water management system shall be designed to meet federal and state storm water regulations and managed accordingly. Surface water controls shall be based on the most significant 24-hour precipitation event to occur based on a once in 25 years frequency. The application must contain an approved County Conservation Erosion and Sedimentation control plan.

### **XII. Feedstock Requirements**

1. The operator shall establish a plan for monitoring at an adequate frequency for inspecting the facility to detect hot spots in any composting, curing or storage areas, dust or litter accumulation, surface water accumulation, erosion or sedimentation, vectors, odors, and other problems. The operator shall take prompt, necessary corrective actions to preclude combustion.
2. The Department may prohibit the use of grass clippings at a yard waste composting facility if the grass clippings cause or contribute to nuisances, or if the site is adversely affecting, or has potential to adversely affect, the citizens or environment of the commonwealth. Grass clippings shall not be brought to or received at a yard waste composting facility unless:
  - a. Grass clippings delivered to the yard waste composting facility in non-compostable bulk, bags or other collection containers are emptied of all grass clippings.
  - b. Grass clippings are incorporated into the windrows of partially composted leaves or other yard waste within twenty-four (24) hours of delivery to the facility.

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- c. Grass clippings are incorporated into the partially composted windrows of partially composted leaves or other yard waste at a ratio not to exceed one part grass to 3 parts leaves or active compost or other carbon source.
  - d. Plastic bags are not approved to be accepted for processing, only decomposable or Kraft style paper bags are approved to be accepted for processing.
3. The access road to the facility shall be paved or surfaced with asphalt, gravel, and cinder or equivalent material and be capable of withstanding the load limits. The access road shall be maintained to control dust and to prevent or control the tracking of mud onsite or offsite.
  4. Each yard waste composting facility shall be operated in a manner, which results in the active biological decomposition of the yardwaste material received.

### **XIII. RECORD KEEPING**

1. The operator shall maintain records to demonstrate that all compost produced by the facility has achieved the thermophilic stage. Records of the weights or volumes and types of incoming yard waste; finished compost shall be maintained on the premises or at another location with the approval of the Department for at least 5 years. These records shall be made available for inspection by the Department staff upon request. The records shall contain: the date of receipt and quantity of incoming materials processed at the site. In addition the following must also be recorded: composting temperatures, and turning frequencies
2. Persons operating under the provisions of this general permit must submit to the appropriate regional waste program of the Department (address in attached list) a summary of volumes of yard waste received at the facility and of compost generated and distributed annually. The annual report is due on March 1<sup>st</sup> of each year.
3. A copy of a Preparedness, Prevention and Contingency Plan (PPC), that is consistent with the Department's most recent guidelines, "Guidelines for the Development and Implementation of Environmental Emergency Response Plans" shall be maintained at each composting facility and updated at least every 3 years or sooner if information changes. 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.
4. The permittee shall maintain records of rejected, unacceptable and unauthorized wastes that are disposed by the permittee. The records shall include the name and address of the disposal location, date of disposal, type of waste volume or weight of the waste that is disposed.
5. The permittee shall maintain records of volume or weight of the finished compost materials that are generated, sold, given away and stored on site.

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### **XIV. FINISHED COMPOST SPECIFICATIONS**

1. The beneficial uses of the compost, as listed in condition 1 above, are contingent upon compliance with this permit and if sold, the *Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance law* of the Pennsylvania Department of Agriculture. Information related to this law and the necessary registration, labeling, marketing, and other related requirements 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*.
2. The finished compost generated under the terms and conditions of this general permit shall cease to be waste when the compost:
  - a. Is used, sold, or distributed as soil substitute, soil conditioner, soil amendment, fertilizer, or mulch for landscaping applications or composting; this provision applies to the finished mulch material or finished compost that is sold, traded, distributed, given away or used for landscaping applications or composting locations other than the processing facility where the material is produced
  - b. Does not present a greater harm or threat of harm than the use of products which the compost is replacing; and
  - c. Is not abandoned or disposed.

### **XV. NUISANCE CONTROL**

1. The operator shall not cause or allow the attraction, harborage or breeding of vectors
2. The operator 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

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## **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.

### **“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.

### **“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.

### **“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.

### **“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.

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### **“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.