

**GENERAL PERMIT WMGM042
ANAEROBIC DIGESTER**

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**DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT
DIVISION of MUNICIPAL and RESIDUAL WASTE**

August 18, 2012

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A. Authorization:

This general permit authorizes the anaerobic digestion of animal manure on a farm mixed with (i) grease trap waste (collected from restaurants or grocery stores) and (ii) pre-consumer and post-consumer food waste from commercial or institutional establishments, hereinafter referred as a “waste”, and the beneficial use of:

1. The methane gas produced by the anaerobic digestion as fuel, including in the production of electricity.
2. The waste solids removed from the digester as animal bedding material at the farm; and
3. The liquid waste and solids removed from the digester as a soil additive for agricultural purposes. If fats, oils, and grease are added to the digester, the liquid waste and solids may not be beneficially used as a soil additive if the concentration of fats, oils and grease exceeds 15,000 mg/l (milligram per liter).

B. Registration 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 registration from the appropriate Department Regional Office (see attached list). A completed registration along with a registration 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. Operating Conditions.

1. The permittee shall not cause or allow a point or non-point source discharge of any of the following: residual wastes; liquid waste; combined stormwater runoff and leachate, if generated; or runoff from the staging, processing, and storage areas where solid waste management activities are conducted; to the surface waters of the Commonwealth, unless permitted by the Department. All such runoff shall be managed in accordance with The Clean Streams Law.
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. §§6018.101-6018.1003; Clean Streams Law, 35 P.S. §§ 691.1-691.1001; Air Pollution Control Act, 35 P.S. §§ 4001-4106 and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101-4000.1904.
3. The processing and beneficial use activities authorized by this general 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:

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- a. Modify, suspend, revoke, or reissue the authorization granted in this general permit if the permittee cannot comply with the conditions of this general permit or if the authorized processing and beneficial use activities cannot be adequately regulated under the conditions of this general permit.
 - b. Require a person or municipality authorized by a general permit to apply for, and obtain, an individual permit when the person or municipality is not in compliance with the conditions of the 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 of this Commonwealth.
4. The incoming waste shall be stored in accordance with 25 Pa. Code Chapter 285 (relating to storage, collection and transportation). The Department may waive the requirement in 25 Pa. Code 285.121(b)(3) that the storage container have a tight fitting lid or cover or be otherwise sealed provided the applicant demonstrates as part of the permit application that the container provides equivalent storage performance and prevents leaks, odors and vector attraction.
 5. 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.
 6. 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).
 7. 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.
 8. 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 minimize and control nuisances and not be harmful to the public health, safety or the environment of this Commonwealth.
 9. Municipal waste may be stored up to 7 days provided it meets all other conditions of this permit. If the municipal waste is not added to the digester within 7 days, it must be removed from the site for proper management at a permitted facility.

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10. As a condition of this permit, the permittee authorizes the Department to access and inspect all areas of the facility where activities related to this permit are taking place, or have taken place in the past. 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.
11. 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.
12. 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.
13. Any independent contractors or agents retained by the permittee in the completion of the processing and beneficial use activities 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, 35 P.S. §6018.503.
14. 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.
15. 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.
16. 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.
17. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code, Chapter 271, Subchapter D (Bonding and Insurance) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.
18. The liquid and solid waste that is beneficially used shall be managed as manure once it is removed from the digester.

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19. The areas of the facility where incoming waste is stored prior to placement in the digester or areas where waste generated from the digester is stored before being beneficially used 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 Encroachments Act, 32 P.S. §§693.1 - 693.27.
 - b. In or within 100 feet of a 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.

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D. Recordkeeping.

1. The permittee shall maintain records to demonstrate that the liquid waste or solids to be beneficially used after their removal from the digester meet the requirements of the general permit.
2. The permittee shall develop a log system documenting inspections of the facility that have been conducted by facility personnel.
3. Records of all analytical evaluations conducted on the mixture of wastes produced or effluent liquid waste removed shall include the following on each sample: the dates of sampling and testing, sampling procedures, person collecting the sample, each parameter tested, address of the sample location, date and time, the analytical results, the laboratory used, and analytical methodologies.
4. The records shall be retained at the facility for a minimum of 5 years and made available to the Department upon request.

E. Reporting.

1. The permittee shall immediately notify the appropriate Department's 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; liquid and solid waste that is or will be beneficially used exceeds the fats, oils and grease maximum concentration and the change in status of any permit issued by the Department or federal government under the environmental protection acts.
2. Any person currently operating under the provisions of this general permit must notify the Department's Regional Office having jurisdiction over the new processing facility, in writing, if the existing processing facility will be relocated to a new location, or if an additional processing facility owned and/or operated by the permittee, will be added for coverage under this general permit.

In addition to the notice, the following must be submitted for the Department's approval:

- a. A completed Form 20 (Application for a Municipal or Residual Waste General Permit);
- b. An application fee in the amount identified in Section A (General Information) of Form 20 made payable to the "Commonwealth of Pennsylvania."
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. Discharges of animal manure, municipal wastes or other residue from the operation, in any volume, prior to beneficial use must immediately be reported to the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP Regional Office where the discharge may reach a surface water of the Commonwealth.

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F. Wastes Other than Grease Trap Waste (collected from restaurants or grocery stores) and Pre-consumer and Post-consumer Food Waste from Commercial or Institutional Establishments.

1. For each new 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 short term trial project for a new waste type in a limited volume for a period 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.
 - 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. A determination that 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.
- 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 activities authorized in the general permit.

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2. The beneficial use of new 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 – 2511

- 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