

GENERAL PERMIT WMGR130

BENEFICIAL USE OF ALTERNATIVE FUEL FROM RESIDUAL WASTE

A. Description:

The approval herein granted is limited to the beneficial use of alternative fuels produced from the processing of residual wastes. The processing of residual waste needs to occur at a processing facility permitted under 25 Pa. Code Chapter 297 and be limited to shredding, mixing, and solidification.

B. Registration Requirements:

A person or municipality permitted under 25 Pa. Code Chapter 297 that proposes to operate under the terms and conditions of this general permit after the date of permit issuance must register its use with the Department of Environmental Protection at least 30 days prior to commencing beneficial use activities and provide proof that notification was provided to the municipality and county in which the activities will be conducted. A completed registration form along with the registration fee identified on the form must be submitted to the Waste Management Program at the appropriate Department Regional Office. Checks shall be made payable to the Commonwealth of Pennsylvania. No activities shall commence unless approved, in writing, by the Department.

C. Operating Conditions:

1. 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 its facilities covered by the general permit as described in the approved application.
2. This permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater, contaminated precipitation, or runoff from the site of beneficial use to the land or waters of the Commonwealth. Collected precipitation shall be promptly removed from the secondary containment area.
3. The permittee shall comply with the applicable provisions of 25 Pa. Code, Chapter 123 (Standards for Contaminants) issued under the Air Pollution Control Act, 35 P.S. §§ 4001-4005 and shall comply with all applicable provisions of the Fugitive Emissions Sections 123.1, 123.2, and 123.31.
4. 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, provided that said local law, ordinance, or regulation is not preempted by state or federal law. Nothing in this general permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid state or federal law or regulation.

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5. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby 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 and to inspect all areas and permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste, water, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect documents, books, and papers required by the Department to be maintained or produced. (See Sec. 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 to the Department under the Solid Waste Management Act.
6. 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.
7. Any independent contractors or agents retained by the permittee to conduct the activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Pennsylvania Solid Waste Management Act of 1980. Notwithstanding the permittee obligations, the Department reserves the right to take appropriate compliance action against any contractor or agent of the permittee for site operations.
8. 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 threat of harm to public health or the environment.
9. Upon cessation of operations or by the expiration date of this general permit or unless extended by the Department in writing, the permittee shall remove any remaining waste(s) material authorized under the general permit in the production of alternative fuels and any residual wastes or other materials which contain or have been in contact with the waste material authorized under this general permit, 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.

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10. The permittee must ensure the waste materials being beneficially used as alternative fuel are not hazardous wastes as defined in the federal definition of hazardous waste in 40 CFR Part 261 § 261.3, as incorporated by reference at 25 Pa. Code § 261a.1.
11. The permittee shall receive a list of all waste streams used to prepare each shipment of alternative fuel and what beneficial properties each waste contributes to the mix.
12. The alternative fuel produced may be beneficially used if it has a thermal heat value of equal to or greater than 5,000 BTU/lb and be used as a fuel in an air contamination source approved through an Air Quality authorization issued by the Department pursuant to 25 Pa. Code, Chapter 127 (relating to construction, modification, reactivation, and operation of sources) or approved by air quality or use in a test burn.
13. The permittee shall obtain or perform a prequalification analysis, provided by the generator or conducted by the permittee, prior to accepting a shipment of waste from a generator or facility. The prequalification analysis shall consist of a chemical analysis of the waste for antimony, arsenic, barium, beryllium, cadmium, total chromium, cobalt, copper, lead, manganese, mercury, nickel, phosphorus, selenium, silver, thallium, zinc, sulfur, halides, hexavalent chromium, and cyanide-containing compounds and a demonstration that the waste will contribute meaningful heating value to the alternative fuel or a property beneficial to the intended use of the alternative fuel. The prequalification analysis shall be retained for one year after the permittee ceases accepting waste from the generator or until a new prequalification analysis is available for that generator's waste. The prequalification analysis shall be redone at a minimum every five (5) years or the permittee shall cease collecting waste from that generator.
14. The alternative fuel must be stored in accordance with 25 Pa. Code, Chapter 299 until marketed in good faith as a valuable commodity. At a minimum:
 - a. The alternative fuel may not be accumulated speculatively prior to use.
 - b. If the alternative fuel is used in place of a traditional fuel, it must be managed in a manner consistent with the traditional fuel or otherwise be adequately contained to prevent releases to the environment.
15. The alternative fuel must contain contaminants at levels comparable in concentration to or lower than those in the traditional fuels which the combustion unit is designed to burn. Such comparison is to be based on a direct comparison of the contaminant levels in the alternative fuel to the traditional fuel itself.
16. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code, Chapter 287, Subchapter E to provide continuous

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coverage during operation of the facility and until the Department issues a final closure certification as provided by 25 Pa. Code § 287.342.

17. Equipment used for the storage and transportation of the alternative fuel shall be maintained in good operating condition to prevent the alternative fuel from being unintentionally conveyed out of the storage areas. Daily inspections of each storage area and their surrounding environs are to be conducted to determine: (i) the risk of fire or explosion, (ii) dispersal of waste material by wind, (iii) water erosion is prevented, (iv) compliance of the terms and conditions of this general permit, and (v) for evidence of failure.
 18. The alternative fuel authorized under the terms and conditions of this general permit shall cease to be a waste if the following requirements are met:
 - a. The alternative fuel produced does not present a greater threat of harm to human health and the environment than the use of an intentionally manufactured product or produced raw material.
 - b. The alternative fuel is sold, traded, distributed, or given away for beneficial use activities authorized under this general permit. This provision applies to the alternative fuel that is sold, traded, distributed, or given away for beneficial use activities at locations other than the processing facility where the material is produced.
 - c. The alternative fuel must be comparable to that of a traditional fuel in which the air contamination sources are designed to burn. The fuel must contain contaminants at levels comparable in concentration to or lower than those in the traditional fuels used in fuel in an air contamination source
 - d. The alternative fuel is not abandoned, disposed, or accumulated speculatively as defined in 25 Pa. Code § 287.1 and must be stored in a manner to prevent releases to the environment..
- D. **Record Keeping:**1. The permittee shall maintain actual laboratory reports to demonstrate that the alternative fuel produced complies with the requirements for the specified beneficial use by the combustion unit for which the fuel is designed. The permittee shall define the end user's chemical criteria within 15 days of the air quality approval at the end use site.
2. Records of all analytical evaluations conducted on the outbound engineered fuel shall be retained for a minimum of five (5) years at the permittee's place of business and shall be made available to the Department upon request.

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3. Chemical analysis performed to comply with the requirements of this general permit must be performed by a laboratory accredited or registered for accreditation under the Environmental Laboratory Accreditation Act, 27 Pa. C.S.A. §§ 4101-4113.

E. Reporting Requirements:

1. The permittee shall immediately notify the appropriate Department's Regional Office, in writing, of any changes in: the name, address, owners, operators and/or responsible officials of the company; changes in facility location; changes in land ownership or the right to operate on the land occupied; the physical or chemical characteristics of the mixture of various waste materials, used as an ingredient or a component, in the production of alternative fuel; the manufacturing process which produces the alternative fuel; the change in status of bond and insurance; and the status of the permit issued by the Department or any state authority or federal government under the environmental protection acts.
2. Persons operating under the provisions of this general permit shall submit, if requested by the Department, to the appropriate Department's regional Office, an annual report which contains and summarizes the following information:
 - a. Weight or volume of the alternative fuel received under this general permit including the date, place of origin, waste materials comprising the alternative fuel.
 - b. Laboratory reports of the analyses for the alternative fuel material for the thermal value as specified in Condition C (12) of this general permit. The analysis data submitted in compliance with this requirement must be from samples of the alternative fuels collected within the last 12 months.

F. Renewal:

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)". The renewal shall be sent to the attention of the Department's Bureau of Waste Management, Rachel Carson State Office Building, 400 Market Street, P.O. Box 69170, Harrisburg, PA 17106-9170.

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

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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.