

SPECIAL CONDITIONS
GENERAL PERMIT NO. WMGM028

A. Description:

The approval granted herein is limited to the processing and beneficial use of landfill gas (LFG) generated by the landfill disposal of municipal waste or residual waste co-disposal.

- a. The approved processing is limited to nitrogen, water and particulates removal, filtration, temperature adjustment, compression, and, if needed, excess hydrogen sulfide and carbon dioxide removal.
- b. The approved beneficial use of processed LFG is limited as follows:
 - i. Beneficially used as a substitute high or medium British Thermal Units (Btu) LFG for natural gas or other fuel.
 - ii. Beneficially used as a substitute for natural gas or other fuel that will be:
 - a. Transported in a pipeline to be interconnected with another pipeline for consumer use.
 - b. Transported in a pipeline to be directly interconnected with a near-by industrial facility.
 - c. Used by the landfill operator for the landfill's daily needs.
 - iii. Beneficially used as an alternative fuel for the electric generators to produce electricity that will be:
 - a. Used by the landfill operator for the landfill's daily needs.
 - b. Transmitted to the local electric utility grid for consumer use.
 - c. Distributed for direct consumer use.

B. Determination of Applicability Requirements:

A person or municipality that proposes 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 Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. A completed Determination of Applicability (DOA) application, along with an application fee, made payable to the "Commonwealth of Pennsylvania", as specified in Condition C (21) below must be submitted for our

review. No activity shall commence unless specially authorized by the Department in writing.

At a minimum, the following information must be provided on Forms available from the Department's Bureau of Waste Management:

1. Name and street address of applicant;
2. Name and street address of facility where the LFG will be processed;
3. A description of: (a) the method of processing, (b) beneficial use(s), (c) total amount of the LFG to be processed, (d) BTU value of the processed LFG, and (e) electrical power produced at the facility.
4. A chemical and physical analysis of the LFG, which fully characterizes its composition and properties of LFG. The chemical analysis required in this Condition shall be performed by a laboratory accredited or registered for accreditation under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No.25.
5. Number and title of this general permit;
6. Proof the waste management activities are consistent with the general permit;
7. Signed and notarized statement by the person who seeks authorization to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit;
8. An application fee in the amount required under §271.842(b) of the Municipal Waste Regulations, made payable to the "Commonwealth of Pennsylvania";
9. Proof that copies of the application have been submitted to each municipality,
10. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit;
11. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities;
12. Information that identifies the applicant (i.e., individual, corporation, partnership, government agency, association, etc.), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company;
13. A list of all previous permits or licenses issued by the Department or federal

- government under the environmental protection acts; the dates issued, status and compliance history concerning environmental protection acts;
14. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition C (8);
 15. Proof of bonding and insurance, if required, for the LFG processing facility of sufficient amounts as determined by calculation worksheets supplied by the Department and provided by the applicant;
 16. A copy of the facility's Preparedness, Prevention, and Contingency (PPC) Plan for the LFG processing facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans".
 17. A map clearly showing the location of any processing facility to be operated by the applicant under this general permit, including the following:
 - a. Boundaries and names of present owner(s) of record of land (surface and sub-surface), including easements, right-of-way, and other property interests for the proposed permit area and adjacent properties.
 - b. Boundaries of land within the proposed permit area; description of title, deed, or usage restrictions.
 - c. Public and private water supplies within ½ mile radius of facility.
 - d. Location of access roads (include slopes, grades, dimensions) and gates in relation to public and private roads, wells, and property lines.
 - e. Location of the processing facility.
 - f. Within 300 feet of the facility: right-of-way for high-tension power lines, pipelines, railroads, public and private roads, buildings (school, dwelling, etc.) currently in use.
 - g. 100-year flood plain.
 - h. Areas for which a bond will be posted (Chapter 271, Sub-Chapter D).
 - i. All utilities installed at the facility (electrical, gas, water, sewer, telephone, etc.).
 18. A copy of the lease agreement between the permittee and the landfill owner/operator.

19. Additional information the Department believes is necessary to make a decision.

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 utilize the processed LFG for beneficial use purposes as described in the approved permit application.
2.
 - a. For each LFG stream, prior to the processing for beneficial use as authorized in Condition A of this general permit, the permittee shall collect samples and analyze for: temperature, moisture content, particulate content, and hydrogen sulfide, if needed. Thereafter, each LFG stream shall be managed in a manner that meets applicable Federal and/ or State regulatory requirements. Re-analyzing of these LFG streams shall be performed on an annual basis or when a change in the LFG processing occurs or the quality of incoming LFG varies significantly.
 - b. The chemical analyses required in this Condition shall be performed by a laboratory accredited or registered for accreditation under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 25.
 - c. Upon request by the Department, the permittee shall collect and analyze a sample(s) of the LFG stream(s) within 48 hours.
3. This general permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from the processing and storage areas where solid waste management activities are conducted to the waters of the Commonwealth. Any treatment of wastes or wastewater shall be managed at a treatment facility that is operated and in compliance with the Clean Streams Law and the regulations promulgated thereunder.
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 §§123.1 and 123.2, as they apply to the permittee's operations.
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 regulations, 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.

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 by the permittee. This authorization and consent shall include consent to collect samples of wastes, 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.
7. Failure of the design, equipment, and/or methods 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.
8. Any independent contractors or agents retained by the permittee to conduct processing activities authorized under this permit shall be subject to a compliance history review by the Department as specified by the Solid Waste Management Act of 1980 prior to conducting operations under this permit.
9. The processing and beneficial use of LFG authorized by this general permit shall be in a matter that will not create a nuisance or be harmful or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department may:
 - 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 of LFG cannot be adequately regulated under the conditions of this general permit.
 - b. Require an individual permit be obtained if it is deemed necessary to prevent harm or the threat of harm to the public health, and/or the environment.
10. Any person operating under the provisions of this permit shall immediately notify the Department's Bureau of Waste Management (see address in Condition B (1), in writing, of any changes in: the company name, address, ownership, operators and responsible officials; the location of the facilities; land ownership and the right to enter and operate on any land occupied; the status of any bond or insurance

required by this permit; and the status of any permit issued by the Department or federal government under the environmental protection acts.

11. Any person operating under the provisions of this general permit must notify the Department (see address in Condition B (1), in writing, if the processing facility is relocated or if a new location(s) is to be included under this general permit.
12. 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.
13. The permittee shall immediately notify the appropriate DEP regional office in the event of a discharge or spill of liquid waste to soil in the amount of 5 gallons or more and shall take appropriate immediate action to protect the health and safety of the public and the environment.
14. The following records shall be retained by the permittee and shall be available to the Department upon request: analytical evaluations conducted on the LFG which shall include, at a minimum, the dates of testing, each parameter tested, the results, the laboratory name, sampling procedures, analytical methodologies and person analyzing the sample; BTU value and amount of LFG processed daily; documentation that the processed LFG meets each users specifications; amount of LFG generated by the permittee and the disposition of that LFG; records of inspections of the facility by facility personnel. The records required in this Condition shall be retained by the permittee at the permittee's processing facility, for a minimum of 5 years, and made available to the Department upon request.
15. The permittee shall submit to the Department's Bureau of Waste Management (see address in Condition B (1), an annual report that summarizes the information outlined in Conditions C (10) and C (13) for the preceding 12 months. The annual report is due 30 days after the anniversary date that the permit became applicable to a permittee.
16. The permittee shall maintain at the permitted facility an updated copy of a Preparedness, Prevention, and Contingency (PPC) plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans". The PPC plan shall be updated at least once every 5 years.
17. LFG shall not be processed within these minimum isolation distances:
 - a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves, in writing, a method of 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 300 feet of an exceptional value wetland;
 - c. Within 300 feet measured horizontally from an occupied dwelling, unless the current owner has provided a written waiver consenting to the activities being closer than 300 feet;
 - d. Within 100 feet of an intermittent or perennial stream, unless storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result;
 - e. Within 50 feet of a property line unless the operator demonstrates that actual processing of waste is not occurring within that distance, or that the current owners of occupied dwellings within that distance have provided written waivers 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;
 - f. Except for areas that were subject to a Department-issued permit prior to September 26, 1988, within 300 yards of a park or playground or building that is owned by a school district or a parochial school and used for instructional purposes unless the current property owner has provided a written waiver to the prohibition.
18. The permittee shall maintain a bond, unless operated as part of a permitted facility's gas management plan, in an amount and with sufficient guarantees as provided by 25 Pa. Code, Chapter 271, Subchapter D (Bonding and Insurance Requirements).
19. The bond filed with the Department under Condition C (18) 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).
20. 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.
21. Any person operating under the provisions of this general permit must notify the Department (see address in Condition B), in writing, if the processing facility is relocated or if a new location(s) is to be included under this general permit. At least thirty (30) days prior to a permittee operating at a new location, two (2) copies of the information as required in: 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Condition B of this general permit must be provided to the Department for review and approval.

22. A person or municipality that plans to continue the processing and beneficial use activities 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. 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