

GENERAL PERMIT WMGR139

PROCESSING PRIOR TO BENEFICIAL USE OF POST-INDUSTRIAL
(PRE-CONSUMER) WASTE TO BE USED AS FUEL CUBES

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

January 2013

Expires: 1/3/2023

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PROCESSING OF POST INDUSTRIAL WASTE INTO FUEL CUBES

A. Description:

The approval herein granted is for the processing prior to beneficial use of raw materials from pre-consumer manufacturing operations to produce fuel cubes. The pre-consumer raw materials are limited to paper products (paper, laminated paper, cardboard), waste grain (animal feed, feed supplements), textiles, non-halogenated plastics (polyethylene, polyurethane, other non-halogenated plastics), wood (scrap lumber, pallets, particle board, sawdust, wood shavings), paper mill sludge, and packaging materials. The processing is limited to shredding, sizing, and compaction of residual waste into fuel cubes.

B. Determination of Applicability Requirements:

A person or municipality that proposed to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a "Determination of Applicability" ("DOA") from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed (i) General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application), (ii) Form B (Professional Certification), (iii) Form 20 (Application for a Municipal or Residual Waste General Permit), (iv) Form 27R (Acceptance of General Permit Conditions), (v) Form HW-C (Compliance History), (vi) Form E-GP (Contractual Consent of Landowner), (vii) bonding worksheets and (viii) a DOA application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Department Regional Office. A check shall be made payable to the "Commonwealth of Pennsylvania".

The Department recommends conducting a pre-applications meeting with the appropriate regional office prior to submitting an application for "Determination of Applicability." Additional forms and information required will be determined at this meeting. 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 request to operate under this general permit. Except to the extent that the permit states otherwise, the permittee shall operate the facility as described in the approved application.
2. 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 Pennsylvania Solid Waste Management Act, 35 P.S. §§ 6018.101 – 6018.1003; the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§ 4000.101 – 4000.1904; Air Pollution Control Act, 35 P.S. §§ 4001-4005; Waste Transportation Safety Act, 27 Pa. C.S. §§ 6201 - 6209; and the Clean Streams Law, 35 P.S. §§ 691.1 - 691.1001.

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3. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Solid Waste Management Act.
4. 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 or the environment.
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 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 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.
7. 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 or 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, and 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 and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Section 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 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.
8. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff to the waters of the Commonwealth.
9. The permittee shall comply with the Air Pollution Control Act, 35 P.S. §§ 4001-4016, 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.

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10. The operator of the facility must develop and implement a nuisance minimization plan that will manage any circumstances that are harmful to the environment or public health. The operator shall control and minimize conditions that will attract, harbor, or breed vectors, create safety hazards, odors, dust, noise, or unsightliness and other public nuisances.

11. The facility 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 300 yards measured horizontally from an occupied dwelling unless one of the following applies:
 - i. the owner has provided a written waiver consenting to the facility being closer than 300 yards;
 - ii. all loading, unloading, processing, and storage of waste at the facility occurs in an enclosed building;
- e. Within 50 feet of a property line unless one of the following applies:
 - i. the actual processing of waste is not occurring within 50 feet of a property line;
 - ii. all loading, unloading, storage, and processing of waste at the facility occurs in an enclosed building;
 - iii. the owner has provided a written waiver consenting to the facility being closer than 50 feet;
- f. Within 100 feet of a perennial stream
- g. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;
- h. Within 300 yards (900 feet) 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;

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- iii. A playground;
 - i. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
- 12. Best Management Practices shall be implemented to divert storm water run-on from the facility. Storm water runoff shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder. Prior to beginning operations at the facility, the operator must obtain all necessary storm water management permits.
- 13. All waste stored at the facility shall be managed in accordance with Chapter 299 of the residual waste regulations. Materials no longer considered waste stored at the facility shall be stored in a manner that prevents harborage or breeding of vectors or creation of odor, litter and other nuisances that may be harmful to public health, safety, welfare, or the environment and shall not be accumulated speculatively.
- 14. The operator of the facility must develop and maintain a plan for the alternative management of materials during periods when the facility is not in operation. Waste may not be stored for more than one year at the permitted facility.
- 15. The permittee shall maintain a bond in an amount and with sufficient guarantees as provided by 25 Pa. Code, Chapter 271, Subchapter D (relating to Financial Assurances Requirements).
- 16. The bond filed with the Department under Condition 25 shall continue for the operational life 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 Release of Bonds).
- 17. Upon request by the Department, the permittee shall collect and analyze representative samples of the mixture of waste materials used as an ingredient or a component in the alternative fuel as required in Condition C.18. The analyses required shall be performed by a laboratory accredited under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 25.
- 18. The alternative fuel may be beneficially used if it has a thermal heat value of equal to or greater than 5,000 BTU/lb. Beneficial use of the alternative fuel at a facility or an industry must be permitted or approved by the appropriate Regional Office's Air Quality Program.
- 19. Wastes, other than the waste materials authorized under this general permit in the production of alternative fuel, may not be received, mixed, stored, or beneficially used with the waste materials authorized under this general permit.

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20. Unauthorized wastes shall either be rejected or returned with the delivering vehicle or shall be removed weekly from the site and properly disposed of at a permitted municipal or residual waste disposal facility. Incidental or temporary on-site storage of wastes not authorized in this general permit shall comply with the requirements as specified in Pa. Code, Chapter 299.
21. The waste receiving and processing area must be located within an enclosed building and maintained under negative pressure.
22. The alternative fuel produced at the facility shall be stored under a permanent roof or other structure that prevents the alternative fuel from coming into contact with precipitation and the waters of the Commonwealth.
23. Equipment used for the storage and transportation of the alternative fuel shall be maintained in good operating conditions 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(s) by wind, (iii) water erosion is prevented, (iv) compliance of the terms and conditions of this general permit, and (v) for evidence of failure.
24. 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 material(s) authorized under this general permit in the production of alternative fuel 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.
25. Unless specifically approved by the Department in writing, storage of waste material received, partially processed materials, and alternative fuel shall be as follows:
 - a. The waste material received, partially processed materials and alternative fuel shall not be accumulated before being beneficially used unless the operator shows that the waste material received, partially processed materials, and alternative fuel have the potential to be beneficially used and have a feasible way of being beneficially used.
 - b. During the calendar year commencing on January 1, waste material received, partially processed material, and alternative fuel shall not be stored for more than one (1) year, and at any one time the maximum amount stored may not exceed the total amount of materials as described in the approved application.

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- c. During the calendar year commencing on January 1, the waste material received and alternative fuel that is beneficially used or transferred to a different site for beneficial use equals at least 75% by weight or volume of the waste material received and accumulated at the beginning of the period.
26. For each new waste source of waste material authorized under this general permit for the production of alternative fuels, the permittee shall notify the appropriate Department Regional Office, in writing, no less than 15 working days prior to acceptance and beneficial use of the waste material from a new source. The permittee may beneficially use the waste material from a new source in accordance with the conditions of this general permit after the aforementioned 15-day period unless otherwise instructed by the Department.
27. For each new waste type that is proposed for use in the production of alternative fuel, the permittee shall:
- a. Submit a written request to the appropriate Department Regional Office to conduct a limited and short-term research and development (R&D) project to determine the feasibility for the beneficial use of the new waste type in the production of alternative fuel authorized under this general permit.

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 industry or facility that desires to beneficially use;
 - iii. A description of the proposed use of alternative fuel;
 - iv. Weight or volume and frequency of use of the new waste type that will be used;
 - v. If the R&D project will include a test burn at an industry or facility, the permittee shall contact the Air Quality Program of the appropriate Department Regional Office for an authorization to conduct a test burn.
- b. The beneficial use of alternative fuel produced, using the new waste type material, as authorized in this general permit, shall not commence unless the existing general permit has been modified.
28. The alternative fuel shall cease to be a waste if the following requirements are met:
- a. The alternative fuel is sold, traded, distributed, or given away for beneficial use activities authorized under this general permit. This provision applies to the

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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.

- b. The alternative fuel is not abandoned or disposed.
- c. The alternative fuel complies with the requirements of Condition C.19 of this general permit.

D. Record Keeping:

- 1. All records maintained on incoming materials shall be retained by the permittee at the permittee's place of business for a minimum of 5 years after the analyses were performed.
- 2. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming waste, the date of receipt and quantity of waste received at each location, the results of analysis as required by this general permit, and the name, address, and phone number, and quantity for each destination of outgoing shipment of material. These records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated and shall be available to the Department for inspection.
- 3. Records of actual laboratory reports to demonstrate the alternative fuel produced meets the requirements specified in Condition C.18 shall be maintained. These records shall be provided to the Department upon request, and shall be maintained onsite for a minimum of five years.

E. Reporting Requirements:

- 1. Any person that operates under the provisions of this permit shall immediately notify the Department via certified mail of any changes in: the company name, address, owners, operators and responsible officials; and the status of any permit issued by the Department or federal government under the environmental protection acts.
- 2. Any person operating under the provisions of this general permit must notify the Department, 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 operating at a new location.

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

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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 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.