



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

BUREAU OF WASTE MANAGEMENT  
DIVISION OF MUNICIPAL and RESIDUAL WASTE

GENERAL PERMIT WMGM037

PROCESSING AND CONVERSION OF MUNICIPAL WASTE INTO A  
FUEL PRODUCT

**Issued: October 4, 2019**

**Expires: October 4, 2029**

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PROCESSING AND CONVERSION OF MUNICIPAL WASTE  
INTO A FUEL PRODUCT

**A. Description:**

This general permit authorizes the processing and conversion of municipal waste into a fuel product. The term “processing” under this permit does not include management of waste at a transfer facility, or the use of mechanical compaction as the sole processing method.

**B. Registration 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 registration from the appropriate Department of Environmental Protection (DEP) Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed application on forms provided by the DEP along with the application fee for a registration must be submitted to the appropriate DEP Regional Office. Checks shall be made payable to the “Commonwealth of Pennsylvania”. No activities shall commence unless approved, in writing, by the DEP.

**C. Operating Conditions:**

1. The facility shall not be located:
  - a. In the 100-year floodplain of waters of this Commonwealth, unless the DEP approves in the permit 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 Encroachment Act (32 P. S. § § 693.1—693.27);
  - b. In or within 300 feet of an exceptional value wetland;
  - c. Within 900 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 900 feet;
  - d. Within 50 feet of a property line unless the owner has provided a written waiver consenting to the facility being closer than 50 feet;
  - e. Within 100 feet of a perennial stream;
  - 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 of the following, if existing prior to the date the DEP received an administratively complete application, 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.
  - h. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
2. The waste receiving and processing area must be located within an enclosed building.
  3. The waste receiving and processing area shall be operated under negative pressure.
  4. The daily volume of municipal waste received at the facility shall not exceed 750 tons/day, unless a greater volume was previously permitted by the DEP in an existing solid waste management permit. The total daily volume of all waste may not exceed 750 tons/day or the amount previously approved in an existing solid waste management permit, whichever is greater.
  5. The maximum amount of municipal waste stored on-site prior to conversion into fuel is limited to 5,250 tons.
  6. The fuel product manufactured under the authority of this permit is not considered a waste as defined in 25 Pa. Code §271.1 when its use meets the conditions of this permit and it is marketed as a commodity in trade for use as a fuel in an air contamination source approved through an Air Quality authorization issued by the DEP pursuant to 25 Pa. Code, Chapter 127 (relating to construction, modification, reactivation, and operation of sources) or approved by air quality for use in a test burn. The manufactured fuel product must yield a net positive quantity of energy. Manufactured fuel may be stored outdoors if the fuel it is replacing is stored in a similar manner, and if such storage does not degrade the quality or the physical/chemical characteristics of the manufactured fuel. When stored outdoors the manufactured fuel product shall be stored in a manner that prevents harm to human health and the environment, and that is in compliance with the storm water management and leachate management provisions of Conditions C.6. and C.7, respectively, of this permit.
  7. All incoming waste shall be monitored in accordance with the DEP's *Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities*, Document Number 250-3100-001, or in a manner at least as protective of the environment, facility staff and public health and safety.
    - a. Radiation detector elements shall be as close as practical to the waste load and in an appropriate geometry to monitor the waste. The radiation monitoring system shall be set to alarm at a level no higher than 10 microrentgen per hour ( $\mu\text{R/hr}$ ) above the average background at the facility when any of the radiation detector elements are exposed to a cesium-137 gamma radiation field. Radiation detector elements shall be shielded to maintain the average background below 10  $\mu\text{R/hr}$ . If capable of energy discrimination, the radiation monitoring system shall be set to detect gamma rays of a 50 kiloelectron volt (keV) of energy and higher.

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- b. An operator shall have portable radiation monitors capable of determining the radiation dose rate and presence of contamination on a vehicle that has caused an alarm. Upon a confirmed exceedance of the alarm level in subsection (c), a radiological survey of the vehicle shall be performed.
  - c. An operator shall notify the DEP immediately and isolate the vehicle when radiation dose rates of 20  $\mu\text{Sv/hr}$  (2 mrem/hr) or greater are detected in the cab of a vehicle, 500  $\mu\text{Sv/hr}$  (50 mrem/hr) or greater are detected from any other surface, or contamination is detected on the outside of the vehicle.
  - d. Monitoring equipment shall be calibrated at a frequency specified by the manufacturer, but not less than once a year.
  - e. If radioactive material is detected, the vehicle containing the radioactive material may not leave the facility without written DEP approval and, if required, an authorized United States Department of Transportation exemption form.
8. Upon cessation of permitted operations at the facility, the permittee shall assure remove all wastes and provide for the processing, recycling, beneficial use, or disposal of wastes in accordance with the SWMA, the environmental protection acts and the regulations promulgated thereunder.
  9. The activities authorized by this permit shall not cause or allow conditions that are harmful to the environment, public health or safety, including but not limited to, odors, noise, or other public nuisances. The permittee shall not cause or allow the attraction, harborage, or breeding of vectors.
  10. The local police, fire department, or other appropriate state or local emergency response agencies shall be contacted immediately in the event of a fire, spill, or other hazard arising from the storage and processing of waste that threatens public health, safety, and welfare, or the environment, and whenever necessary in the event of personal injury related to such storage.
  11. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) that is consistent with the DEP's most recent guidelines.
  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 the permit states otherwise, the permittee shall utilize materials as described in the permit application.
  13. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to 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 25 Pa. Code §§123.1 and 123.2 (relating to prohibition of certain fugitive emissions and fugitive particulate matter).

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14. 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 (SWMA), 35 P.S. §§ 6018.101—6018.1001; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §§4000.101, et seq.
15. As a condition of this general permit and of the permittee's authority to conduct the activities authorized by this general permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the DEP, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to have access to and 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; take photographs; perform measurements, surveys, and other tests; inspect any monitoring equipment; inspect the methods of operation and inspect and/or copy documents, books, and papers required by the DEP to be maintained. This permit condition is referenced in accordance with Sections 6018.608 and 6018.610(7) of the SWMA, 35 P.S. §§ 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the SWMA.
16. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the DEP prior to performance of any activities, as specified by the SWMA.
17. 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 permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.
18. The 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 DEP may modify, suspend, revoke, and reissue the authorization granted in this general permit if it deems necessary to prevent harm or the threat of harm to the public health, and the environment or if they cannot be adequately regulated under the conditions of this general permit.
19. 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 DEP may require an individual permit be obtained if the permittee cannot comply 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 public or the environment of this Commonwealth.
20. This permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater, or runoff from the site of processing to the land or waters of the Commonwealth.

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21. Best Management Practices shall be implemented to divert storm water run-on from the storage area. 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.
22. The permittee shall maintain in force and affect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation of the facility and until the DEP issues a final closure certification.
23. The permittee shall maintain in force a bond in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation of the facility and until the DEP issues a final closure certification. The bond guarantees the removal and proper management of waste and manufactured fuel product before it is marketed as a commodity in trade. The amount of the bond shall be based upon the total estimated cost to the Commonwealth for removal and proper management of the maximum waste and produced fuel to be stored at the facility at any time. The DEP may require additional bonding for any other necessary measures to prevent adverse impacts upon public health, safety, welfare, and the environment.
24. Equipment used for the storage municipal waste shall be maintained in good operating condition. Daily inspections of each storage area and surrounding environs shall be conducted to determine compliance of the terms and conditions of this general permit and for evidence of failure.
25. Storage of municipal waste by the permittee shall be in a manner that complies with the requirements set forth in 25 Pa. Code, Chapter 285 (relating to storage, collection and transportation of municipal waste).
26. Leachate generated and stored at the facility shall be stored in a tank or container designed in accordance with 25 Pa. Code, Chapter 285 (relating to storage, collection and transportation of municipal waste) prior to reuse on-site, discharged to a Publicly Owned Treatment Works (POTW) or transported off-site for treatment and/or disposal. Leachate reuse on-site is limited to being used as part of the fuel manufacturing process.
27. The manufactured fuel product shall not be mixed with other solid wastes, including hazardous waste, municipal waste, special handling waste or residual waste unless approved by the DEP. However, the addition of residual waste to the processing and conversion process of municipal waste into a fuel product is authorized provided the residual waste in question has been designated a coproduct in accordance with 25 Pa. Code, §287.8 (relating to coproduct determinations), and the permittee maintains on-site 1) a copy of the coproduct determination, and 2) written approval from the DEP's Air Quality program to utilize the coproduct as a fuel product.

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28. Any waste generated from the processing and conversion activities authorized by this general permit shall be managed in accordance with the Solid Waste Management Act and the regulations promulgated thereunder.

#### **D. Recordkeeping Requirements:**

1. The permittee shall maintain records of all waste accepted by the facility, and records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years. Records of each source of incoming waste must include, at a minimum, the following: the name, address, and phone number of each source of incoming waste; the date of receipt; the quantity of waste received; the results of visual observations; the quantity of outgoing shipments of waste; and the name, address, and phone number of the destination of each outgoing shipment of waste. The permittee shall also maintain records of spills or releases that include, at a minimum, the following: the location, date, time, identification, and quantity of spilled or released material, and a description of how the material was cleaned up. The permittee shall also maintain records of all reports submitted to the Department or to the U.S. Environmental Protection Agency.
2. The permittee shall maintain records of the weight or volume of all outgoing manufactured fuel product, and the records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years. Records of each shipment of outgoing fuel must include, at a minimum, the following: the name, address, and phone number of the destination facility.

#### **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/or responsible officials of the company, compliance status, and the status of any permit issued by the Department or federal government under the environmental protection acts.
2. Persons operating under the provision of this general permit shall submit to the appropriate Department Regional Office (see attached list), an annual report on the beneficial use activities conducted under this permit by March 1 for the preceding calendar year. This report shall include records of each source of incoming waste including, at a minimum, the following: the name, address, and phone number of each source of incoming waste; the date of receipt; the quantity of waste received; the results of visual observations; the quantity of outgoing shipments of waste; and the name, address, and phone number of the destination of each outgoing shipment of waste. The report shall also include records of the weight or volume of each outgoing shipment of fuel product and the name, address, and phone number of each destination of the outgoing shipments of fuel product.

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3. The permittee shall immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the waste management program in the appropriate DEP regional office (see attached list) of any accidental spills and shall take appropriate immediate action to protect the health and safety of the public and the environment.

**F. Renewal:**

A permittee 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 applications shall be submitted to the appropriate DEP Regional Office (see attached list) and include, at a minimum, the following:

1. General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application),
2. Form B (Professional Certification),
3. Form 20 (Application for a Municipal or Residual Waste General Permit),
4. Form 27R (Acceptance of General Permit Conditions), and
5. A registration application fee in the amount identified in Section A (General Information) of the Form 20. A check shall be made payable to the "Commonwealth of Pennsylvania."

A copy of the renewal application shall also be sent to the Department's Bureau of Waste Management, Division of Municipal and Residual Waste, 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.



**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 3<sup>rd</sup> Street – Suite 101  
Williamsport, PA 17701  
Phone: (570) 327 – 3653

V. Allegheny, Beaver, Cambria, Fayette, Greene, Somerset, Washington, Westmoreland.

**Southwest Regional Office**

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Phone: (412) 442 – 4000

VI. Armstrong, Butler, Clarion, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

**Northwest Regional Office**

230 Chestnut Street  
Meadville, PA 16335-3481  
Phone: 814-332 – 6848