



May 13, 2014

**CERTIFIED MAIL NO.** 70032260000436896956

Mr. Robert Van Naarden  
Delta Thermo Energy A, LLC  
One Northbrook Drive  
1210 Northbrook Corporate Circle, Suite 100  
Trevose, PA 19053

**Re: General Permit Number WMGM047**

Dear Mr. Van Naarden:

Enclosed is General Permit Number WMGR047 for processing and beneficial use of municipal solid waste mixed with sewage sludge to be used as pulverized fuel for electricity generation. The approved processing is limited to size reduction and thermal treatment using hot pressurized steam.

The approval granted under this permit is contingent on Delta Thermo Energy A, LLC operating as described in the approved application, complying with the enclosed permit conditions, and complying with the applicable provisions of the Residual Waste Management Regulations.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717-787-3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800-654-5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717-787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

If you want to challenge this action, your appeal must reach the Board within 30 days. You do not need a lawyer to file an appeal with the Board.

Mr. Robert Van Naarden

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Important legal rights are at stake, however, so you should show this document to a lawyer at once. If you cannot afford a lawyer, you may qualify for free pro-bono representation. Call the secretary of the Board (717-787-3483) for more information.

Sincerely,



Stephen M. Socash, Chief  
Division of Municipal and Residual Waste

Enclosure

Mr. Robert Van Naarden

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bcc: Scott Walters  
Stacy Daugherty  
Bill Tomayko – NERO  
Tracey McGurk – NERO  
Regional Residual Waste Coordinators  
General Permit File  
File

SMS:SEW:pa

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE MANAGEMENT

**General Permit  
For  
Processing/Beneficial Use of Residual Waste**

Permit No. WMGM047

Date Amended \_\_\_\_\_

Date Issued May 13, 2014

Date Expires May 13, 2024

The Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste hereby approves the:

Beneficial Use       Processing prior to Beneficial Use       Other

of: municipal solid waste mixed with sewage sludge by size reduction and thermal treatment using hot pressurized steam

for use as: pulverized fuel for electricity generation

This approval is granted to: Delta Thermo Energy A, LLC

Mailing: One Northbrook Drive      Site: 112 West Union Street  
Treose, PA 19053      Allentown, PA 18102

subject to the attached conditions and may be revoked or suspended for any project which the Department of Environmental Protection determines to have a substantial risk to public health, the environment, or cannot be adequately regulated under the provisions of this permit.

The processing of wastes not specifically identified in the documentation submitted for this approval, or the beneficial use of wastes not approved in this permit, is prohibited without the written permission of the Department.

This permit is issued under the authority of the Solid Waste Management Act (35 P.S. §§6018.101-6018.1003), The Pennsylvania Used Oil Recycling Act (58 P.S. §§471-480), The Clean Streams Law (35 P.S. §§691.1-691.1001), Sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929 (71 P.S. §§510-5, 510-17 and 510-20) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§4000.101-4000.1904).

This approval is granted:

By: 

Statewide       Regional

Title: Environmental Program Manager

GENERAL PERMIT WMGM047  
PROCESSING AND CONVERSION OF MUNICIPAL WASTE AND SEWAGE SLUDGE  
INTO A FUEL PRODUCT FOR ELECTRICITY GENERATION

**A. Description:**

This general permit authorizes the processing, by size reduction and thermal treatment using hot pressurized steam, of municipal solid waste mixed with sewage sludge to produce a pulverized fuel for electricity generation.

**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" ("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. Include an application fee in the amount identified in Section A (General Information) of Form 20 made payable to the "Commonwealth of Pennsylvania."

The Department recommends conducting a pre-application 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 application. 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 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 on any valid state or federal law or regulation.

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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 Pennsylvania Solid Waste Management Act of 1980.
4. The activities authorized by this permit shall not harm or present a threat of harm to the health, safety, and 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 the harm or 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 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 of 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 as authorized under Pennsylvania's Solid Waste Management Act, 35 P.S. Section 6018.101 et seq., 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 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. 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.
8. 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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9. 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.
  
10. 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.
  
11. The facility shall not be located:
  - a. In the 100-year floodplain of waters of this Commonwealth, unless the Department 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 - 693.270);
  
  - 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 Department 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;
  
    - iii. A playground.

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- h. 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 run-off 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. 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.
  
- 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 producing a manufactured fuel product. If the facility is out-of-service for a longer period of time than the storage capacity of the site will allow, the solid waste shall be removed from the site.
  
- 15. The permittee must implement and maintain a plan and procedure for identifying and rejecting unacceptable loads at the processing facility.
  
- 16. This permit does not authorize the acceptance of liquid waste, putrescible waste, hazardous waste materials, and asbestos-containing materials.
  
- 17. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code Chapter 217, Subchapter D (relating to Financial Assurances Requirements) to provide continuous coverage during operation of the facility and until the Department issues final closure certification as provided by 25 Pa. Code §271.342 (relating to Final Closure Certification).
  
- 18. 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).



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19. The bond filed with the Department under Condition 17 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).
20. The bond obtained by the permittee shall be reviewed on an annual basis. The adequacy of the bond amount shall be reviewed and adjusted as necessary to support activities performed at the facility.
21. Wastes, other than the wastes specified in the description of this general permit, may not be received, mixed, stored, or beneficially used with the wastes intended for beneficial use. Unauthorized waste shall be separated from the waste intended for beneficial use and transported to a permitted municipal waste disposal facility.
22. Equipment used for the processing and transportation of the unprocessed and processed waste shall be maintained in good operating condition. Weekly inspections of processing areas and their surrounding environs are to be conducted to determine compliance of the terms and conditions of this general permit, and for evidence of failure.
23. The storage and transportation of municipal waste shall be in a manner that does not create a nuisance or is harmful to the public health, safety, or the environment, and shall comply with the requirements of 25 Pa. Code, Chapter 285 (relating to storage, collection, and transportation of municipal waste) unless otherwise indicated in this permit.
24. A copy of the Department approved Radiation Protection Action Plan (RPAP) for the facility must be maintained by the permittee at the facility at all times. The RPAP must address the management of waste generated that may contain a radioactive material. The plan must be implemented during all phases of operations at the facility.
25. The waste receiving and processing areas must be located within an enclosed building,
26. The waste receiving and processing area shall be operated under negative pressure.
27. The daily volume of municipal waste received at the facility shall not exceed 160 tons/day.

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28. The daily volume of sewage sludge received at the facility shall not exceed 62 tons/day, unless approved by the Department in an existing solid waste management permit.
29. The maximum volume of unprocessed waste, waste in process, and alternative fuel cannot exceed 770 tons at the facility at any one time.
30. The permittee must maintain inclusion and compliance with the local county plan prior to and during operations.
31. The alternative fuel must be stored as a valuable commodity based on the following:
  - a. The alternative fuel may not be accumulated speculatively.
  - 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.  
If the alternative fuel is not used in place of a traditional fuel, it must be adequately contained to prevent releases to the environment.
32. The alternative fuel must have a heat value of at least 5000 BTU/lb and be used in a combustion unit that recovers energy.
33. 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.
34. The fuel product manufactured under the authority of this permit must 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 for use in a test burn.
35. 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 and transportation of municipal waste) prior to being reused 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.

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36. Upon cessation of operations at the facility operating under the authorization granted in this permit, the operator shall clean or remove any waste and structures or other materials that contain or have been contaminated with 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.

**D. Sampling and Analysis.**

1. The permittee shall collect representative samples of manufactured fuel as follows:
  - a. A grab sample of manufactured fuel shall be obtained every shift that the facility is in operation.
  - b. For each 7 day period, the grab samples shall be composited into one sample.
2. The weekly composite sample shall be analyzed for the following:
  - a. metals (antimony, arsenic, beryllium, cadmium, chromium, cobalt, lead, manganese, mercury, nickel, and selenium);
  - b. chlorine;
  - c. fluorine;
  - d. nitrogen;
  - e. sulfur;
  - f. volatile organic compounds (specifically, benzene, toluene, ethylbenzene, xylenes and styrene);
  - g. semi-volatile organic compounds (polycyclic aromatic hydrocarbons, PAHs);
  - h. higher heating value (BTU/lb);
  - i. moisture; and
  - j. ash.
3. The analyses required in this general permit shall be performed by a laboratory accredited under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 25.

**E. Record Keeping:**

1. The permittee shall maintain records that contain the following: the generator name, address, phone number, date of receipt, origin and weight of incoming waste, the in-out going transporter name and address, the driver signature, the name, destination address, phone number, and weight of each outgoing shipment of material and waste. 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.

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2. The permittee shall maintain records of all analytical evaluations conducted on the manufactured fuel.
3. All records required in this general permit shall be maintained for the life of the facility (and maintained on site for a minimum of five (5) years from the date the records were generated) and shall be made available to the Department upon request.
4. The permittee shall maintain training records that contain the following: employees who received training, date training occurred, and instructor. 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 available for review at the Department's request.

**F. Reporting Requirements:**

1. Any person that operates under the provisions of this permit shall immediately notify the Department of any changes including:
  - a. the company name, address, owners, operators, and responsible officials;
  - b. the location of waste processing and conversion facilities;
  - c. land ownership and the right to enter and operate sites operated by the permittee;
  - d. the physical and chemical characteristics of the manufactured fuel product;
  - e. the generator of the waste;
  - f. the bonding status of the facilities authorized by this permit; and
  - g. the status of any permit issued by the Department or federal government under the environmental protection acts.
2. An annual report must be submitted to the appropriate Regional Office including a recertification of the bond amount, recertification of liability insurance, a summary of waste received, results of all chemical analysis on the manufactured fuel, and amounts of waste beneficially used and disposed for the year.
3. The permittee shall immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the appropriate DEP regional staff in the event of a discharge or spill of waste or manufactured fuel product, and shall take appropriate action to protect the health and safety of the public and the environment.

**G. Renewal:**

A person and 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

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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.

**DEP Regional Offices  
(and Counties Served)**

***Southeast Regional Office***

Bucks, Chester, Delaware, Montgomery, Philadelphia  
2 East Main Street  
Norristown, PA 19401  
Phone: 484-250-5960  
Fax: 484-250-5961

***Northeast Regional Office***

Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming  
2 Public Square  
Wilkes-Barre, PA 18711-0790  
Phone: 570-826-2516  
Fax: 570-826-5448

***South-central Regional Office***

Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon,  
Juniata, Lancaster, Lebanon, Mifflin, Perry, York  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200  
Phone: 717-705-4706  
Fax: 717-705-4930

***North-central Regional Office***

Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour,  
Northumberland, Potter, Snyder, Sullivan, Tioga, Union  
208 West 3<sup>rd</sup> Street, Suite 101  
Williamsport, PA 17701  
Phone: 570-327-3653  
Fax: 570-327-3420

***Southwest Regional Office***

Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington,  
Westmoreland  
400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Phone: 412-442-4000  
Fax: 412-442-4194

***Northwest Regional Office***

Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren  
230 Chestnut Street  
Meadville, PA 16335-3481  
Phone: 814-332-6848  
Fax: 814-332-61171