



**BUREAU OF WASTE MANAGEMENT**  
**DIVISION OF MUNICIPAL AND RESIDUAL WASTE**

**GENERAL PERMIT WMGM064**

**2500-PM-BWM0064 Rev. 3/2020**

**PROCESSING OF OYSTER SHELLS FOR ECOLOGICAL ENHANCEMENT  
PROJECTS WITHIN THE DELAWARE ESTUARY OR OTHER SHORELINE AND  
SUBTIDAL AREAS**

**Issued: March 21, 2020**

**Expires: March 21, 2030**

**GENERAL PERMIT NO. WMGM064**  
**PROCESSING OF OYSTER SHELLS FOR ECOLOGICAL ENHANCEMENT**  
**PROJECTS WITHIN THE DELAWARE ESTUARY**

**A. Description:**

The approval herein granted is limited to processing of post-consumer oyster shells prior to beneficial use in natural habitat restoration projects in the Delaware Estuary or other shoreline and subtidal areas. (by shell planting, reef construction, and living shoreline stabilization or enhancement).

**B. Registration Requirements:**

A person or municipality that proposes to process post-consumer oyster shells prior to beneficial use in natural habitat restoration projects in the Delaware Estuary or other shoreline and subtidal areas 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 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."

**C. Operating Conditions:**

1. The beneficial use of cured post-consumer oyster shells in natural habitat restoration projects is contingent upon the permittee meeting all requirements from applicable State and Federal Agencies that oversee any aspect of the project(s).
2. The permittee shall not operate a facility that processes post-consumer oyster shells within the following minimum isolation distances:
  - a. In the 100-year floodplain of waters of this Commonwealth, unless DEP 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 the following:
    - i. 300 feet of an exceptional value wetland as defined in 25 Pa. Code §105.17 (relating to wetland), and
    - ii. 100 feet of a wetland other than an exceptional value wetland, unless storage and processing will not occur within that distance or storage and processing take place in an enclosed facility and one of the following applies:
      - a. If the operation is in or along the wetland, the operator has received a permit from DEP under Chapter 105 (relating to dam safety and waterway management).
      - b. If the operation is not in or along the wetland, no adverse hydrologic or water quality impacts will result.

- c. Within 300 yards measured horizontally from an occupied dwelling, unless the current owner has provided a written waiver consenting to the activities being closer than 300 yards. 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.
  - 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. Within 300 yards of a park, a playground, or a building, which is owned by a school district or school and used for instructional purposes.
  - 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.
- 3. 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 - 6018.1003; or the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§4000.101 - 4000.1904.
  - 4. Upon cessation of permitted operations at the facility, the permittee shall ensure removal of 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.
  - 5. 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, other public nuisances or the attraction, harborage, or breeding of vectors.
  - 6. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) that is consistent with DEP's most recent guidelines.
  - 7. 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.
  - 8. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to standards for contaminants) issued under Section 5 of the Air Pollution Control Act, 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).
  - 9. 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 SWMA; or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §§4000.101, et seq.

10. 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 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 copy documents, books, and papers required by DEP to be maintained. This permit condition is referenced in accordance with Sections 608 and 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.
11. 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 DEP prior to performance of any activities, as specified by the SWMA.
12. 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.
13. 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. 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 health, safety or welfare of the people or the environment of this Commonwealth, or if the operation cannot be adequately regulated under the conditions of this general permit.
14. 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. DEP may require that 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 people or the environment of this Commonwealth.
15. This permit does not authorize the discharge of, 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.
16. Best Management Practices (BMPs) 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 (35 P.S. §§ 691.1—691.1001) and regulations promulgated thereunder. Prior to beginning operations at the facility, the operator must obtain all necessary storm water management permits.
17. The permittee will ensure that the post-consumer oyster shell storage area is constructed so as to be capable of maintaining zero discharge from the curing and storage area in the event of a 100-year flood.
18. The storage pad must be firm, uniformly graded, and constructed so as to prevent storm water flows from flowing into the post-consumer oyster shell storage area. Storage pad options are:
  - a. A compacted mixture of select granular material with adequate fine-grained particles to bind the mixture together and reduce permeability,

- b. Using lime stabilized soil blends, or
  - c. Paving with concrete, asphalt or geosynthetics.
19. The processing of oyster shells shall occur on a pad of concrete, asphalt or remolded asphalt and shall be constructed as follows:
- a. In a well-drained area;
  - b. Firm and uniformly graded with a slope of 2-4 percent to prevent ponding and control surface water; and
  - c. At least four (4) feet above the seasonal high-water table.
20. The permittee shall inspect the oyster shell processing pad for uniformity, damage and imperfection during construction, installation and operation and shall be capable of:
- a. Maintaining structural integrity under normal operating conditions;
  - b. Collecting all liquids and solids generated by oyster shell processing; and
  - c. Supporting vehicular traffic on the pad.
21. Ponding of run-on or runoff is prohibited. The permittee shall regrade or otherwise correct any undrained depressions accumulating run-on or runoff within the permitted site boundaries within 24 hours of detection.
22. Windrows shall be used for active biological decomposition of the organic material on the oyster shells. The oyster shells shall be cured for a minimum of six (6) months, and the windrows must be turned at least once every six (6) months.
23. The windrows shall not exceed 50 feet wide by 20 feet high.
24. The access road to the processing facility shall be constructed, paved or surfaced with gravel, cinder, asphalt, be capable of withstanding the vehicular traffic, and shall be compacted and maintained in good condition in order to control dust or minimize the tracking of mud onsite or offsite. Equivalent material demonstrated to be capable of withstanding the vehicular traffic and being compacted and maintained in order to control dust and minimize the tracking of mud onsite or offsite can be used if approved by DEP. A gate or other barrier shall be installed and maintained at potential vehicular access points to prevent unauthorized access to the facility when it is not in operation.
25. The permittee shall maintain in force and effect 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 DEP issues a final closure certification.
26. The permittee shall maintain in good operating condition the equipment used for the storage and transportation of post-consumer oyster shells. During active operations, the permittee shall conduct weekly inspections of each storage area, processing area, and surrounding environs to determine compliance with the terms and conditions of this general permit and for evidence of failure. The permittee shall conduct weekly inspections of transportation equipment to determine compliance with the terms and conditions of this general permit.

27. Storage of post-consumer oyster shells 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.)
28. The post-consumer oyster shells shall not be mixed with another type of solid waste, including hazardous waste, residual waste, special handling waste, or other municipal waste, as the terms are defined in 25 Pa. Code § 271.1.
29. The cured oyster shells produced in accordance with the terms and conditions of this general permit shall cease to be a waste when all of the following have occurred:
  - a. The cured oyster shells have been cured for 6 months.
  - b. The cured oyster shells have been rotated at least once, as specified in Condition C.22.
  - c. The cured oyster shells are sold, given away, distributed, or used for beneficial use activities authorized in Condition A and Condition C.1 of this general permit.
  - d. The cured oyster shells do not present a greater harm or threat of harm than the use of products that the cured oyster shells are replacing.

**D. Recordkeeping:**

1. The permittee shall maintain records to demonstrate the oyster shells produced by the facility satisfy the time and turning requirements of Condition C.22. The records shall be maintained on-site or, if there is not an office or building located on-site where the records can be maintained, at the permittee's office for five (5) years and be provided to DEP upon request.
2. The permittee shall maintain records that include, at a minimum, the following:
  - a. The name, address, and phone number of each source of incoming oyster shells;
  - b. The date of receipt of incoming oyster shells;
  - c. The quantity in volume or weight of oyster shells received; and
  - d. The results of visual observations.

The records shall be maintained on-site or, if there is not an office or building located on-site where the records can be maintained, at the permittee's office for five (5) years and be provided to DEP upon request.

3. The permittee shall maintain records of where the cured oyster shells are sold, given away, distributed, or beneficially used, including the name, address, and phone number of the destination of each outgoing shipment of cured oyster shells. The records shall be maintained on-site for five (5) years and be provided to DEP upon request.
4. The permittee shall maintain records of materials rejected by end users who intended to beneficially use the cured oyster shells. The records shall include information regarding the volume of rejected material, the final location of rejected material, and the date that the rejected material reached its final location.

5. The permittee shall maintain records of spills and 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 DEP or to the U.S. Environmental Protection Agency regarding spills and releases.
6. The permittee shall maintain all records required by this general permit on-site for five (5) years. If there is not an office or building located on-site where the records can be maintained, then the permittee shall maintain the records at the permittee's office. The records shall be made available to DEP upon request.

**E. Reporting Requirements:**

1. Any person that operates under the provisions of this permit shall immediately notify DEP by certified mail of any changes in:
  - a. The permittee name, address, owners, operators, or responsible officials,
  - b. Compliance status, and
  - c. The status of any permit issued by DEP or federal government under the environmental protection acts.
2. The permittee shall immediately notify DEP'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 spill and shall take appropriate immediate action to protect the health and safety of the public and the environment.
3. Persons operating under the provision of this general permit shall submit to the appropriate DEP Regional Office (see attached list), an annual report on the processing activities conducted under this permit by March 1 for the preceding calendar year. This report shall include the information required to be maintained in Conditions D.1-5.

**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 in writing by DEP 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. Registration application fee in the amount identified in Section A (General Information) of Form 20. A check shall be made payable to the "Commonwealth of Pennsylvania."

A copy of the renewal application shall also be sent to DEP'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 properly submitted and DEP 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 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