| Logo for the Virginia Department of Environmental Quality | Emergency Permit Application FormOff-Site Animal Mortality Composting |
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This is an application for an emergency permit to manage animal mortalities through composting off-site from the farm of generation, at a facility that is not already permitted to compost animal mortality. The emergency permit request may be oral or written. If oral, it shall be followed within five days by a written emergency permit application. Oral responses can only be given if the applicant is fully aware of the siting, design, and operational requirements outlined in this application, otherwise a written request must be provided using this application. Send the written request to the Department.

*Emergency Permits are valid for 90 days from the time they are issued.*

*All associated waste activities must be inclusive in the 90-day period.*

# ****INSTRUCTIONS:****

Read all sections carefully. Fill in all of the information on DEQ Form AMC-01 and all applicable information on DEQ Form AMC-02. Public notice information required by the applicant is found on AMC-03 and a certification signature is required on AMC-04. Note that a site map, flood map, US Fish and Wildlife Service National Wetlands Inventory Map and a list of wastes to be received, and the manner and location of their treatment, storage and disposal must accompany this application. The site may either be selected prior to the emergency or immediately after the emergency. The Department encourages pre-selection. Follow the applicable guidelines below.

## Pre-Selected Sites:

If the site is pre-selected, public participation must be held in accordance with the Virginia Solid Waste Management Regulations **(VSWMR) § 9 VAC 20-81-410.B.4**. Pre-selected sites, if approved, will be granted an emergency permit upon request at the time of the emergency. The applicant needs only to contact the Department, either orally or in writing, and provide public notice that a pre-selected site will be used for the present emergency. The notice shall include, as a minimum, the applicants name and contact information, the nature of the emergency, and the location of the site and owners name. Oral requests shall be followed with a written request within five days. A copy of the public notice per § 9 VAC 20-81-410.B.4 must accompany the written notification. DEQ Form AMC-01 and DEQ Form AMC-02 must be on file with the Department prior to the emergency for all pre-selected sites. The public notice form is found on form AMC-03.

## Post Emergency Sites:

In the case of selecting a site immediately after an emergency, the Department may grant a temporary emergency permit through oral or written requests. The applicant may verbally relate the information requested on DEQ Form AMC-01 and DEQ Form AMC-02 but must provide written copies within five days or as soon as the infrastructure support will allow. In addition, a public notice as per **§ 9 VAC 20-81-410.B.4** shall be published, by the applicant, within five days of the request, or as soon as practicable, in order for the emergency permit to become effective. A copy of the advertisement shall be sent to the Department once it is published. Disposal of waste may commence upon verbal approval but all waste activities must cease after 90 days. In addition, closure activities must be completed by the expiration of the 90-day period.

Emergency Permit Application Form

Animal Mortality Composting

DEQ Form AMC-01

**Please indicate the type of application:**

[ ]  Pre-Selected Site Application

[ ]  Post-Emergency Site Application, Specify Emergency:

## Emergency Permit - Applicant Information

**Business / Farm Name:**

**Mailing Address:**

**City, State, Zip:**

**Primary Contact Person:**       **Contact Title:**

**Contact Phone:**       **Contact E-mail:**

**Secondary Contact Person:**       **Contact Title:**

**Contact Phone:**       **Contact E-mail:**

## Emergency Permit - Site Information

**Emergency Site Name:**

**Emergency Site Location:**

**Latitude:**       Deg       Min      Sec North **Longitude:**       Deg       Min      Sec West

**Approximate size:**       acres

**Owner of Site:**

**Owner’s Address:**

**City, State, Zip:**

**Owner’s Phone:**

**Types of waste to be managed** *(Specify approximate quantity and type of mortality, as well as source of carbon for composting. See Attachment C for more information regarding acceptable waste limitations):*

**Planned treatment, storage, and disposal methods** *(See Attachment C for more information. Additional sheets may be used)*:

**Planned engineering controls** *(See Question 7 on AMC-02 – If any of the site characteristics exist, please briefly describe engineering controls to avoid impacts)*:

DEQ Form AMC-02

## Emergency Permit - Siting Criteria

Please answer the following questions to indicate whether the features outlined in the Siting Criteria table below are present at the proposed emergency permit site. Additional information is provided in Attachments A-D to support these questions. Please read each criterion carefully – bold answers correspond with sites eligible for emergency off-site animal mortality composting. **Be sure to sign the certification on DEQ Form AMC-04.**

| Q# | Siting Criteria | Response  |
| --- | --- | --- |
| 1 | Does the site have direct access to roads that are paved or surfaced (can be gravel) and capable of withstanding anticipated load limits? | [ ]  **Yes** [ ]  No |
| 2 | Is the area for composting activity prone to base floods (100 year flood plain, coastal flooding) or inundation? | [ ]  Yes [ ]  **No** |
| 3 | Is the area for composting activity geologically stable (see Attachment A)? | [ ]  **Yes** [ ]  No |
| 4 | Is the area for composting activity:  |  |
| 4a | > 100 feet to its property boundary? | [ ]  **Yes** [ ]  No |
| 4b | > 200 feet to any off-property residence, health care facility, school, recreational park area, or similar type public institution? | [ ]  **Yes** [ ]  No |
| 4c | > 100 feet from any surface water, such as perennial (regularly flowing) stream or river? | [ ]  **Yes** [ ]  No |
| 4d | > 200 feet from any well, spring, or other groundwater source of drinking water? | [ ]  **Yes** [ ]  No |
| 4e | > 50 ft to any wetland (see Attachment B)? | [ ]  **Yes** [ ]  No |
| 4f | > 50 ft to any caves, sinkholes, and rock outcrops? | [ ]  **Yes** [ ]  No |
| 4g | If no to 4f, is area > 25 ft from caves, sinkholes, and rock outcrops? [ ]  **Yes** [ ]  No |  |
| 5 | Does the site have adequate room to minimize traffic congestion and allow for safe operation? | [ ]  **Yes** [ ]  No |
| 6 | Does the site have adequate berm area and terrain to manage run-on, run-off and leachate (based on a rainfall intensity of one hour duration and a 10 year return period)? | [ ]  **Yes** [ ]  No |
| 7 | Does the site for composting activity contain any of the following site characteristics: * Springs, seeps, or other groundwater intrusions?
* Gas, water, sewage, or other transmission lines under the site?
* Electrical transmission lines above or below the proposed composting area?
* Prior existence of an open dump, unpermitted landfill, lagoon, or similar facility?

If Yes, please describe engineering controls to avoid impacts on AMC-01. | [ ]  Yes [ ]  **No** |
| 8 | Can at least 5 feet of separation be maintained between the bottom of the compost pile and the seasonal high groundwater table and bedrock? | [ ]  **Yes** [ ]  No |
| 8a | If no, can at least 2 feet of separation be maintained? [ ]  **Yes** [ ]  No |  |
| 9 | Can a 50-ft firebreak between composting area(s), piles of carbon material, and all tree lines be maintained? | [ ]  **Yes** [ ]  No |
| 10 | Does the site for composting activity contain any cemeteries (public, private, pet) or culturally sensitive areas? | [ ]  Yes [ ]  **No** |
| 11 | Is sufficient carbon source available to compost anticipated quantity of mortality? | [ ]  **Yes** [ ]  No |
| 12 | Can the site be closed in accordance with Department standards (see Attachment D)? | [ ]  **Yes** [ ]  No |

## Siting Criteria Attachments

Be sure to include the following attachments with DEQ Form AMC-02 to support the answers to the above questions.

[ ]  Site Location Map

[ ]  FEMA Map or Equivalent showing site relative to floodplains

[ ]  US Fish and Wildlife Service National Wetlands Inventory Map

DEQ Form AMC-03

## Public Notice for Emergency Permits

VSWMR 9 VAC 20-81-410.B.4 requires a public notice to be accompanied with the written permit. The **Applicant** will modify the template provided and send it to a newspaper in the largest circulation for that municipality. The template contains the required information. A copy of the advertisement from the newspaper must be submitted to the Department within 24 hours after submitting the contact information and siting checklist. Once the Department receives the required permit application and a copy of the advertisement from the applicant the permit will be signed and issued. The actual publication date of the advertisement should be the soonest date possible depending on the soonest newspaper publication date.

The following template is provided for use by applicants to satisfy the public notice requirements. The blue italicized words should be replaced with information specific to the applicant, emergency, and composting site. Additional modifications to the template can be made so long as the following minimum required information is included:

* Name and address of the office granting the emergency authorization;
* Name and location of the facility so permitted;
* A brief description of the wastes involved;
* A brief description of the action authorized and reasons for authorizing it; and
* Duration of the emergency permit.

## Public Notice Template

PUBLIC NOTICE FOR A TEMPORARY EMERGENCY PERMIT TO TREAT AND STORE SOLID WASTE DUE TO *(named emergency)* FOR *(city, town, county)*, VA

Due to the recent emergency from *(named emergency)*, and pursuant to the requirements of 9 VAC 20-81-410.B.4 of the Virginia Solid Waste Management Regulations (VSWMR), Permitting of Solid Waste Management Facilities, The Virginia Department of Environmental Quality (DEQ), *(specify Regional Office and address)*, hereby authorizes *(Facility or Property Owner)* to operate a temporary emergency animal mortality composting site located at *(site address or location description)*.

The site will receive the following solid wastes: *(list wastes to be managed)*.

Typical treatment, storage, and disposal options will include: *(brief description of waste management activities to occur)*.

The site meets the minimum siting requirements deemed necessary for environmental protection and public safety. Groundwater monitoring is not required but leachate management and run-off control are required. The permit will expire 90 days from the date of verbal or written authorization given on *(insert date of verbal or written permit issuance)*.

Closure shall include the removal of wastes, waste constituents, and all temporary features used in support of the waste activities associated with composting, environmental protection, maintenance, and operation. Final closure should return the site to as near as natural condition as possible prior to the composting of waste. If there are any questions or concerns regarding the issuance of the temporary emergency permit, please contact the DEQ at *(DEQ Regional Office phone number (XXX) XXX-XXXX)* or at the above address.

DEQ Form AMC-04

## Certification

I hereby affirm that the information provided on this application is accurate and complete to the best of my knowledge. I fully understand the requirements of the siting criteria and that an emergency permit is valid for 90 days from the time of issuance. All activities must be inclusive in the 90-day period. Failure to provide accurate and complete information or follow the requirements and conditions of this application may result in permit denial or revocation. I have enclosed a copy of the advertisement that was published in the local newspaper.

SIGNATURE: DATE:

NAME:

TITLE:

The following items must be returned to the Department to complete the Emergency Animal Mortality Composting permit application:

[ ]  Contact Information (AMC-01)

[ ]  Siting Checklist (AMC-02) with attachments

[ ]  Copy of Advertised Public Notice

[ ]  Certification (AMC-04)

**Permit Application Fees:** In addition to the above, applicants for an Emergency Permit are required to pay a permit application fee. The fee must be paid within 60 days of submitting an application (9VAC20-90-60.A.3.). The fee for emergency permit applications is $2,310. (9VAC20-90-120, Table 3.1-1).

The fee must be paid by check or money order payable to "**Treasurer of Virginia**" and should be mailed to:

Department of Environmental Quality

Receipts Control

P.O. Box 1104

Richmond, VA 23218

## ATTACHMENT A: GEOLOGY

Emergency animal mortality composting areas shall not be sited in geologically unstable areas where inadequate foundation support for the structural components of the compost pile exists. Factors to be considered when determining unstable areas shall include:

1. Soil conditions that may result in differential settling and subsequent failure of containment berms;

EXAMPLES: highly compressible clays; liquefiable soil; expansive soils; peat; collapsible soils; frost-susceptible soil; soils susceptible to hydrocompaction; or other conditions not explicitly listed

1. Geologic or geomorphologic features that may result in sudden or non‑sudden events and subsequent failure of containment berms;

EXAMPLES: landslide prone areas; abandoned river channels and lakes; highly erosion-prone areas; over sole source aquifer; highly karstic areas; groundwater seeps; structural discontinuities such as extreme folding, faulting, fracturing and jointing; or other conditions not explicitly listed

1. Man‑made features or events (both surface and subsurface) that may result in sudden or non‑sudden events and subsequent failure of containment berms;

EXAMPLES: emergency routes; unpermitted landfills; sludge lagoons; unsuitable fill; adjacent to highly explosive products such as chemical, petroleum, or fertilizer storage bins; downstream of weakened or damaged dams or other water retention structures; over underground excavations such as storage tanks, sewer, and traffic tunnels, mine shafts; or other conditions not explicitly listed

1. Presence of sink holes within the disposal area.

## ATTACHMENT B: WETLANDS

Wetlands shall be avoided at all times. Existing wetland delineation maps prepared the US Fish and Wildlife Service shall be used to determine prohibited areas. *Attach an applicable Wetlands Inventory Map with this application*. Wetlands that are encountered on the site yet are not covered by the map shall not be used unless the U.S. Army Corps of Engineers provides an approval letter and it is attached to this application.

## ATTACHMENT C: WASTE & OPERATIONS

### **C.1. Acceptable Waste**

Acceptable wastes include animal carcasses; small amounts of manure, feed, straw and hay; vegetative wastes, including but not limited to clean wood, wood chips, bark, and leaves; leaves, carbon sources such as clean waste paper, and other organic materials associated with the agricultural operation that are not classified as a hazardous waste.

No other wastes are authorized for composting, including hazardous waste; treated or painted wood; municipal wastewater treatment sludge, biosolids, or septage; agricultural waste containing herbicide or pesticide residues; or any other material prohibited by the Virginia Solid Waste Management Regulations.

### **C.2. Composting Method**

Composting will typically employ windrow or aerated static pile methods (Type B compost facilities)

Compost piles shall be constructed, maintained and sheltered such that the compost materials cannot be dispersed by wind and rain, and combustion and fire are prevented.

Composting windrows or piles should be constructed and managed per the following guidelines:

* Poultry: [USDA Mortality Composting Protocol for Avian Influenza Infected Flocks](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/hpai/mortalitycompostingprotocol.pdf)
* Livestock: [USDA Livestock Mortality Composting Protocol](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/nahems_guidelines/livestock-mortality-compost-sop.pdf)

A composting facility will be required to obtain a stormwater discharge permit if they are deemed a significant source under the provisions of 9VAC25-31-120 A.1.c.

Compost shall be adequately cured to destroy all soft animal tissues to eliminate odors, destroy pathogens, and protect human health and environment. Pathogen destruction can be confirmed by documenting that the interior of the compost pile achieves a temperature of 131 degrees Fahrenheit for three (3) consecutive days.

### **C.3. Above-Ground Burial**

Above-ground burial is considered a form of passive composting. If performing above-ground burial, a shallow trench or depression (between 20 and 24 inches deep) may be dug before placing the mortality. The mortality shall be covered with carbon material and soil to prevent odors and vectors. Above-ground burial sites shall be constructed and managed per the [USDA APHIS Guidelines for the Emergency Use of Above Ground Burial to Manage Catastrophic Livestock Mortality](https://www.aphis.usda.gov/animal_health/emergency_management/downloads/agb-emergency-policy.pdf). Note: above-ground burial may be considered for certain livestock on a case-by-case basis when options for active composting are limited; however, above-ground burial should not be utilized for poultry.

### **C.4. PPE and Delivery Vehicle Cleaning**

* Personnel involved in the composting activities should wear boot covers (or spray boots with Virkon-S) and N-95 masks. PPE should be bagged for disposal prior to leaving the composting site. Bagged PPE can be disposed of as normal solid waste.
* Vehicles delivering animal carcasses to an approved composting site, should go through the closest truck wash after leaving the site.
* After the truck wash, the truck’s tires and wheel well surfaces should be sprayed with Virkon-S.

## ATTACHMENT D: CLOSURE

Closure shall include the removal of finished compost, any remaining wastes, waste constituents and all temporary features used in support of the waste activities associated with composting, environmental protection, maintenance and operation. Final closure should return the site to as near as natural condition as possible prior to the disposal of waste.

Compost generated from management of poultry mortality is considered poultry waste. Users of poultry waste compost as soil amendment or fertilizer are subject to poultry waste end user requirements of [9 VAC 25-630-80](https://law.lis.virginia.gov/admincode/title9/agency25/chapter630/section80/).

Compost generated from management of livestock mortality is considered animal waste. Users of animal waste compost as soil amendment or fertilizer are subject to animal waste end user requirements of [9 VAC 25-192-90](https://law.lis.virginia.gov/admincode/title9/agency25/chapter192/section90/).