

**GENERAL PERMIT WMGM053**

**BENEFICIAL USE OF UNPACKAGED BAKERY, PRODUCE AND DAIRY PRODUCTS,  
DIVERTED FROM DISPOSAL FOR CONSUMPTION BY LIVESTOCK AS A SUPPLEMENT  
TO DRY FEED**

**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BUREAU OF WASTE MANAGEMENT  
DIVISION OF MUNICIPAL AND RESIDUAL WASTE**

**Issued: October 20, 2015**

**Expires: October 20, 2025**

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**A. Description:**

- 1.) The approval herein granted is limited to providing unpackaged bakery, produce and dairy products that are diverted from disposal (diverted grocery products) for beneficial use as a replacement for dry feed for livestock per the terms and conditions of this permit.
- 2.) The permittee shall only deliver diverted grocery products for use as animal feed to persons beneficially using diverted grocery products in compliance with the terms of the general permit and whose locations and required information have been reviewed and approved by the Department.

**B. Determination of Applicability Requirements.**

Persons that propose to operate under the terms and conditions of this general permit, after the date of permit issuance, must obtain a "Registration" from the Department. A completed Registration, along with an application fee in the amount identified on the application forms must be submitted to the Department. Checks shall be made payable to the "Commonwealth of Pennsylvania".

The following information must be provided on forms

- 1.) Name and street address of applicant and a list of those animal feed facilities where diverted grocery products will be mixed with animal feed and fed to livestock;
- 2.) A detailed operating plan that describes the animal feed activities including types of diverted grocery products that will be used for animal feed, screening of incoming diverted grocery products for acceptance or rejection, and procedures to be used to assure the quality of the diverted grocery products;
- 3.) A signed and notarized statement by the person who seeks the Registration which states that the applicant accepts all conditions of this general permit;
- 4.) Proof of notification that the Registration was provided to each municipality where diverted grocery products to animal feeding will be taking place.

No activities shall commence unless and until approved, in writing, by the Department.

**C. Operating Conditions.**

- 1.) 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, 35 P.S. §§6018.101 - 6018.1003; or the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§4000.101 - 4000.1904.

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- 2.) As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the landowner doing business with the permittee hereby authorizes the Department to have access to and to inspect all areas where the storage of diverted grocery product occurs. This permit condition is referenced in accordance with Sections 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 under the Solid Waste Management Act.
- 3.) The activities authorized by this permit shall not harm or present a threat of harm to the health, safety or welfare of the public or environment of this Commonwealth. The Department may modify, suspend, revoke and reissue the authorization granted in this 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 permit.
- 4.) 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 permittee shall provide a copy of the general permit conditions to each landowner prior to initial delivery of diverted grocery products. The Department 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 that is otherwise subject to regulation under the Solid Waste Management Act.
- 5.) 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.
- 6.) Except as otherwise provided for or permitted by the Solid Waste Management Act or any other applicable law or regulation, hazardous waste, municipal waste, special handling waste, and other waste not referenced in section A(1) may not be received, mixed and/or stored or beneficially used with the diverted grocery products to animal feed.
- 7.) All activities conducted under the authorization granted in this general permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall operate as described in the approved application.
- 8.) Any independent contractors or agents retained by the permittee to perform the activities authorized under this permit shall be subject to compliance history review by the Department prior to performance of any activities, as specified by the Solid Waste Management Act.

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- 9.) 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 from areas where storage of diverted grocery products occurs.
- 10.) Upon cessation of permitted operations at a facility, the permittee shall assure that it removes and as necessary disposes of any diverted grocery products accumulated as a result of the activities permitted hereunder and permittee shall provide for the processing, recycling, beneficial use, or disposal of such materials in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.
- 11.) The permittee shall assure that at any time, waste generated by the permittee from the activities permitted hereunder shall be managed in accordance with the Solid Waste Management Act and the regulations promulgated thereunder.
- 12.) For purposes of inspection, the permittee shall inform the operator that the "facility" shall include all areas where diverted grocery products are stored prior to mixing and/or feeding.
- 13.) The permittee must assure that the operator of the facility incorporates or mixes incoming diverted grocery products with dry feed within 3 days of receipt of the diverted grocery products.
- 14.) The permittee will assure that the diverted grocery products to animal feed storage area shall be constructed and bermed so as to be capable of maintaining zero discharge from the mixing and storage area in of the event of a 100 year storm. The storage surface should be firm, uniformly graded, and constructed so as to prevent storm water flows from flowing into the diverted grocery products storage area. Storage pad options include: (1) A compacted mixture of select granular material with adequate fine-grained particles to bind it together and reduce permeability, (2) using lime stabilized soil blends and (3) paving with concrete, asphalt or geosynthetics.
- 15.) The permittee shall assure rejected product at each facility shall be segregated from the accepted diverted grocery products to animal feed stock and shall be managed by the permittee in accordance with the Solid Waste Management Act.
- 16.) The permittee shall implement the operational plan detailed in its permit application, and for each receiving facility shall provide the Department with the hours of operation that the facility will receive the diverted grocery products.
- 17.) The permittee shall assure that the operator of the facility shall not cause or allow conditions arising from the beneficial use permitted hereunder that are harmful to environment or public health or which create safety hazards, odors, noise, or other public nuisances, cause or allow the attraction, harborage, or breeding of vectors. Storage of the diverted grocery products shall be in a manner that prevents dispersal by wind or water erosion or a risk of fire or explosion. The diverted grocery products may

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not be stored in a manner that causes ground or surface water contamination.

- 18.) Equipment used by the permittee for transportation of the diverted grocery products shall be maintained in good operating condition. Weekly inspections of such equipment are to be conducted to determine compliance with the terms and conditions of this general permit.
- 19.) The permittee shall remind the operator of its obligations under the Solid Waste Management Act to immediately contact local police or fire departments or other appropriate state or local emergency response agencies in the event of fire, spill, or other hazards arising from the storage of diverted grocery products that threaten public health, safety, and welfare, or the environment, and whenever necessary in the event of personal injury related to such storage.
- 20.) The permittee must notify the Department, in writing, when any facility contracted to accept diverted grocery products to animal feed is closed, relocated or if the permittee contracts new location(s) which would be covered under this general permit. The information is to be submitted by the permittee on a form provided by the Department 60 days prior to the changes noted in this subsection to the appropriate Regional Office listed in Annex A.

**D. Recordkeeping.**

- 1.) The permittee shall maintain records of all diverted grocery products delivered to each facility .The records shall include a list of the source(s) of the diverted grocery products, and the approximate volume or weight of each delivery.
- 2.) The permittee shall as necessary generate and retain records of materials rejected by the persons beneficially using diverted grocery products. The records shall include information regarding the volume and ultimate disposition of such rejected material.
- 3.) Records required to be generated under this section shall be maintained at the permittee's place of business for five years and made available to the Department and its representatives upon request.

**F. Reporting Requirements.**

- 1.) The permittee shall notify the appropriate regional office in writing of any new facilities where diverted grocery products to animal feed will be delivered. At a minimum the following information must be submitted to and approved in writing by the Department before diverted grocery products to animal feed can be delivered:
  - Name and address of the receiving facility including township and county where the facility is located.
  - Name and address of the owner of the receiving facility.

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- A signed letter in a format approved by the Department and on the facility's letterhead acknowledging the contract with the permittee and allowing the Department access to the areas of the property where storage of diverted grocery products is conducted.
  - Proof of notification of diverted grocery products acceptance to the township and county where the facility is located.
- 2.) The permittee shall notify the appropriate regional office in writing when any approved facility is no longer under contract to accept diverted grocery products to animal feed. Notification will also include a statement from the permittee verifying that all unused diverted grocery products have been removed in accordance with this General Permit.

**G. Renewal.**

- 1.) A person that plans to continue the beneficial use of diverted grocery products 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 application shall be made on forms provided by the Department. The permittee seeking renewal shall also provide a check made payable to the "Commonwealth of Pennsylvania" for the renewal application fee in the amount identified in Section A (General Information) of the Form 20.
- 2.) 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.

## **Annex A**

### **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 – 2511

- 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, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

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

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

**Northwest Regional Office**  
230 Chestnut Street  
Meadville, PA 16335-3481  
Phone: (814) 332 – 6848