

**SPECIAL CONDITIONS**  
**BENEFICIAL USE PERMIT NO. WMGR108**

1. The approval herein granted is limited to beneficial use of chocolate confectionary residuals (CCR) and cocoa bean shells (CBS) as ingredients in fertilizer and incorporation into mushroom soil and CBS as mulch.
2. 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 or determination of applicability request.
3. Prior to beneficial use of CCR or CBS by the permittee or providing CCR or CBS to others for beneficial use, the permittee shall visually inspect the CCR or CBS for unusual coloration, odor, or any other indication of contamination or the presence of other waste. If the presence of other waste is indicated, the CCR or CBS shall not be beneficially used or provided for beneficial use unless the other waste has been removed.
4. The CCR or CBS shall not be hazardous waste.
5. The CCR or CBS shall not be mixed with other types of solid waste, including hazardous waste, special handling waste, or residual or municipal waste other than those approved in this permit.
6. The CCR or CBS shall not be accumulated speculatively.
7. This permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater, or runoff to the land or waters of the Commonwealth.
8. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code Sections 123.1 and 123.2.
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, provided that said local law, ordinance, or regulation is not preempted by the Solid Waste Management Act, 35 P.S. § 6018.101 et seq., or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. § 4000.101 et seq.

**SPECIAL CONDITIONS**  
**BENEFICIAL USE PERMIT NUMBER WMGR108**

10. 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 all areas or permittee controlled adjacent areas where CCR or CBS management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of CCR or CBS, water, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Sec. 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 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, as amended.
11. 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 the revocation or suspension of the permittee's approval to operate under this permit.
12. 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 Solid Waste Management Act of 1980, as amended.
13. The activities authorized by this 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 Department may modify, suspend, revoke or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, or the environment.
14. Persons or municipalities that propose to operate under the terms and conditions of this general permit after the date of permit issuance must apply for a determination of applicability to the Department's Bureau of Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. At a minimum, the following information must be provided on forms available from the Department's Bureau of Waste Management:
  - a. Name and street address of applicant;
  - b. Number and title of general permit;
  - c. A description of the CCR or CBS which fully characterizes their composition and properties; the CCR or CBS generation process; and a plan for screening, managing and rejecting CCR or CBS.
  - d. Name and location of the generator(s) of the CCR or CBS;
  - e. Proof that copies of the notification have been submitted to the principle municipality, county, county planning agency and county health department in which the beneficial use activities will be conducted;

**SPECIAL CONDITIONS**  
**BENEFICIAL USE PERMIT NUMBER WMGR108**

- f. Proof that the CCR or CBS and waste management activities will be consistent with the general permit;
  - g. Signed and notarized statement by the applicant who seeks to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit;
  - h. An application fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania";
  - i. Information that identifies the applicant (i.e., individual, corporation, partnership, government agency, association, etc.), including the names and addresses of every officer that has a beneficial interest in or otherwise controls the operation of the company;
  - j. A list of all previous permits or licenses issued to the permittee by the Department or federal government under the environmental protection acts; the date of issuance and current status of those permits; and the permittee's compliance history concerning the environmental protection acts;
  - k. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition 12;
  - l. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities;
  - m. Additional information the Department believes is necessary to make a decision.
15. Any person that operates under the provisions of this permit shall immediately notify the Department (see address in Condition 14) via certified mail of any changes in: the company name, address, owners, operators and responsible officials; and the status of any permit issued by the Department or federal government under the environmental protection acts.
16. Storage of CCR or CBS by the permittee shall be in a manner that complies with 25 Pa. Code Chapter 299 (relating to the storage of residual waste). Leachate and runoff produced from the storage of CCR or CBS shall be managed in accordance with The Clean Streams Law.
17. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP regional office in the event of a discharge or spill of CCR or CBS that exceeds 1000 pounds and shall take appropriate immediate action to protect the health and safety of the public and the environment.

**SPECIAL CONDITIONS**  
**BENEFICIAL USE PERMIT NUMBER WMGR108**

18. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming CCR or CBS, the date of receipt and quantity of CCR or CBS received at each location, and the name, address, and phone number, and quantity for each destination of outgoing shipment of CCR or CBS. The permittee shall also maintain records of all spills and releases of 1000 pounds or greater that contain: location, date, time, identification and quantity of spilled or released material, and a description of how the material was cleaned up and managed. 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.
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 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 or the environment.
20. CCR or CBS used by the permittee or marketed for use as an ingredient in fertilizer or for incorporation into mushroom soil or CBS used or marketed as mulch is no longer a waste provided it is actually used and not abandoned or disposed.
21. The permittee shall inform all persons or municipalities that propose to beneficially use CBS as mulch of the warning contained in Appendix A. This notification shall be accomplished by either providing a copy of Appendix A or another notice containing, at a minimum, the content found in Appendix A.

**APPENDIX A**  
**WARNING**  
**BENEFICIAL USE PERMIT NUMBER WMGR108**

**WARNING – NOT FOR HUMAN OR ANIMAL CONSUMPTION**

Consumption of cocoa shell mulch may be harmful to dogs and other pets.

Like chocolate, cocoa shell mulch contains small quantities of a naturally occurring substance, called theobromine, produced by the cacao plant. If ingested in sufficient quantity, this substance is known to cause toxicity in some animal species. Diligent application of cocoa shell mulch and supervision of house pets can effectively eliminate the possibility of animal consumption in quantities sufficient to cause adverse effects. Contact your veterinarian if you suspect consumption of large quantities of freshly applied cocoa shell mulch.