



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

BUREAU OF WASTE MANAGEMENT

DIVISION OF MUNICIPAL and RESIDUAL WASTE

GENERAL PERMIT WMGM063

**PROCESSING BY AEROBIC DIGESTION
OF DIVERTED GROCERY PRODUCTS
FOR BENEFICIAL USE AS COMMERCIAL FEED, SOIL ADDITIVE OR
FERTILIZER**

Issued: December 21, 2018

Expires: December 21, 2028

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A. Authorization:

No processing or beneficial use activities shall commence unless approved, in writing, by the Department.

This general permit authorizes the aerobic digestion of diverted bakery, produce, dairy, meat, meat trimmings, bone, and seafood products that are diverted from disposal by food markets, grocery stores, food banks, food processing plants, whole food distributors, school cafeterias and institutions, restaurants, and commercial farms (“diverted grocery products”), for beneficial use, and beneficial use of the aerobically digested diverted grocery products as follows:

- a. A soil additive or fertilizer for agricultural purposes. If fats, oils, and grease are added to the digester, the aerobically digested diverted grocery products may not be beneficially used as a soil additive or fertilizer unless the concentration of fats, oils and grease is less than or equal to 15,000 mg/l (milligram per liter).
- b. A replacement for, or ingredient in the production of, dry feed for swine, poultry, and pets.

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 of Environmental Protection ("Department") Regional Office (see attached list). The appropriate Department Regional Office will provide a checklist, either at a pre-application meeting or by mail or email, that indicates the forms needed for the application. A completed application on forms provided by the Department, along with the application fee for a DOA in the amount identified in Section A (General Information) of the Form 20 (Application for a Municipal or Residual General Permit), must be included with the application. Checks shall be made payable to the "Commonwealth of Pennsylvania."

C. Operating Conditions:

1. The beneficial use of aerobically digested diverted grocery products as a commercial feed, ingredient for the production of commercial feed, a soil additive or fertilizer is contingent upon compliance with this general permit and, if distributed, the Pennsylvania Commercial Feed Act, the Pennsylvania Fertilizer Act, and the Pennsylvania Soil and Plant Amendment Act of the Pennsylvania Department of Agriculture, as applicable. (Information relating to these laws may be obtained from the Department of Agriculture by writing the Bureau of Plant Industry, Division of Agronomic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408.)
2. The beneficial use of aerobically digested diverted grocery products as a commercial feed is contingent upon the permittee meeting all requirements from applicable State and Federal Agencies that oversee the manufacturing and distribution of commercial feed.

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3. Prior to the beneficial use of aerobically digested diverted grocery products as a commercial feed, the permittee must obtain a license to operate a domestic animal garbage feeding establishment and heat the aerobically digested diverted grocery products to a temperature of at least 212°F for a period of at least 30 minutes as required by Act 100, as approved July 11, 1996, and the regulations promulgated thereunder by the Pennsylvania Department of Agriculture, unless the Pennsylvania Department of Agriculture determines that the operation does not require a license and the garbage has been effectively treated in another manner approved by the Pennsylvania Department of Agriculture.
4. Prior to the beneficial use of the aerobically digested diverted grocery products as a commercial feed for swine, the operator, after obtaining a valid license or permit for the treatment of garbage, must ensure that the beneficial use materials are heated at a boiling temperature (212°F or 100°C at sea level) for at least 30 minutes in accordance with 9 C.F.R. § 166.2 (relating to general restrictions) and § 166.7 (relating to cooking standards) unless the United States Department of Agriculture determines that the operation does not require a license and the aerobically digested diverted grocery products have been subjected to an industrial process demonstrated to provide an equivalent level of inactivation of disease organisms.
5. Aerobically digested diverted grocery products derived from mammalian tissue shall not be used in feeds for ruminant animals, in accordance with 21 C.F.R. §§ 589.2000 and 589.2001. Aerobically digested diverted grocery products containing mammalian tissue that is used as a commercial feed, and any commercial feed or feed ingredient this material comes in contact with shall contain the following statement, "CAUTION: Do not feed to cattle or other Ruminants".
6. Different types of diverted grocery products shall be collected in separate bins. All bins used for the collection of diverted grocery products shall be insulated and shall have a lid to reduce any spillage or displacement of material from the bins.
7. The permittee shall weigh each bin received and sort and remove any materials that are not authorized for beneficial use (i.e. plastics, metals). Any waste generated from the processing and beneficial use activity authorized by this general permit shall be managed in accordance with the Solid Waste Management Act, 35 P.S. §§6018.101 - 6018.1003 and the regulations promulgated thereunder.
8. The permittee shall maintain in force and effect a bond in sufficient guarantees in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation the processing facility and until the Department issues a final closure certification.
9. The aerobically digested diverted grocery products that are beneficially used shall be managed and stored as either a commercial feed, commercial feed ingredient, fertilizer, or soil amendment once it is processed from the digester in accordance with standard industry practice. The areas of the facility where incoming diverted grocery products are stored prior to placement in the digester, areas where diverted grocery products are processed, or areas where aerobically digested diverted grocery products are stored at the

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facility before being beneficially used shall not be located:

- a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves in the permit a method for 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 300 feet of an exceptional value wetland.
 - c. Within 300 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 300 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.
 - d. Within 100 feet of a property line unless the owner demonstrates one of the following:
 - i. That actual processing of diverted grocery products is not occurring within 100 feet of a property line.
 - ii. That storage and processing take place in an enclosed facility or container.
 - iii. That the owner of the adjacent property has provided a written waiver 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.
 - e. Within 100 feet of a perennial stream unless the storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result.
 - f. Within 300 feet of a private or public water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet.
 - g. Within 900 feet measured horizontally from the property line, 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.
 - h. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
10. The aerobically digested diverted grocery products that comply with the terms and conditions of this general permit shall cease to be a waste when both of the following conditions are satisfied:

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- a. The aerobically digested diverted grocery products are ready for use, marketing or distribution as a soil additive; fertilizer; or a replacement for, or ingredient in the production of, dry feed for swine, poultry and pets.
 - b. The aerobically digested diverted grocery products do not present a greater harm or threat of harm than the use of the product or ingredient which the aerobically digested diverted grocery products are replacing.
11. 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.
 12. Best Management Practices shall be implemented to divert storm water run-on from the storage area at the facility. Storm water runoff 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. Nothing in this general 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—6018.1001; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §§4000.101, et seq.
 14. 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. The Department 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 public health, and the environment or if they cannot be adequately regulated under the conditions of this general permit.
 15. Equipment used for the storage of waste or diverted grocery products at the facility shall be maintained in good operating condition. Daily inspections of each storage area at the facility and surrounding environs shall be conducted to determine compliance of the terms and conditions of this general permit and for evidence of failure.
 16. The incoming diverted grocery products shall be stored at the facility in accordance with 25 Pa. Code Chapter 285 (relating to storage, collection and transportation). The Department may waive the requirement in 25 Pa. Code 285.121(b)(3) that the storage container have a tight-fitting lid or cover or be otherwise sealed provided the applicant demonstrates as part of the permit application that the container provides equivalent storage performance and prevents leaks, odors and vector attraction.
 17. 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 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

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public or the environment of this Commonwealth.

18. Wastes not authorized under this general permit shall be removed weekly from the processing area and properly disposed of at a permitted municipal waste disposal facility unless authorized by the Department, in writing, to do otherwise. Incidental or temporary on-site storage of wastes not authorized in this general permit shall comply with the requirements as specified in 25 Pa. Code Chapter 285 (relating to storage, collection and transportation).
19. The diverted grocery products that are processed for beneficial use under the authorization of this general permit shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste, as the terms are defined in 25 Pa. Code § 271.1.
20. 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, or other public nuisances. The permittee shall not cause or allow the attraction, harborage, or breeding of vectors.
21. Diverted grocery products may be stored at the processing facility for up to 7 days from the date received provided all other conditions of this permit are met. If the diverted grocery products are not added to the digester within 7 days, they must be removed from the site for proper management at a permitted facility.
22. 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 the Department, 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/or copy documents, books, and papers required by the Department to be maintained. This permit condition is referenced in accordance with Sections 6018.608 and 6018.610(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.
23. 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.
24. Any waste generated from the processing and beneficial use activity authorized by this general permit shall be managed in accordance with the SWMA, 35 P.S. §§6018.101 - 6018.1003 and the regulations promulgated thereunder.
25. 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.

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26. Any independent contractors or agents retained by the permittee in the completion activities authorized under this general permit shall be subject to a compliance history review by the Department prior to performance of any activities as specified by the SWMA.
27. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) that is consistent with the Department's most recent guidelines.
28. Upon cessation of permitted operations at the facility, the permittee shall remove all wastes or diverted grocery products and provide for the processing, recycling, beneficial use, or disposal of wastes or diverted grocery products in accordance with the SWMA, the environmental protection acts, and the regulations promulgated thereunder.
29. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to standards for contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, 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).
30. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code, Chapter 271, Subchapter D (Bonding and Insurance) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification.

D. Recordkeeping Requirements for All Permittees Authorized by this General Permit.

1. The permittee shall maintain records of all analytical evaluations conducted in accordance with this permit, and records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years. Records of analytical evaluations must include, at a minimum, the following for each sample: the dates of sampling and testing, sampling procedures utilized, name of the individual who collected the sample, the volume or weight of the sample, each parameter tested, the analytical results, the name of the analytical laboratory used, and the analytical methodologies employed.
2. The permittee shall maintain records of all diverted grocery products accepted by the facility, and records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years. Records of each source of incoming diverted grocery products must include, at a minimum, the following: the name, address, and phone number of each source of incoming diverted grocery products; the date of receipt; the quantity of diverted grocery product received; the results of visual observations; and the name, address, and phone number of the destination of each outgoing shipment of waste or diverted grocery product. The permittee shall also maintain records of spills or 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

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also maintain records of all reports submitted to the Department or to the U.S. Environmental Protection Agency.

3. The permittee shall maintain records demonstrating that the aerobically digested diverted grocery products to be beneficially used after their removal from the digester meet the requirements of the general permit, and records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years.
4. The permittee shall develop a log system documenting inspections of the facility that have been conducted by facility personnel and maintain records of the inspections. The records shall be made available to the Department upon request. Required records shall be retained for a minimum of 5 years.

E. Reporting Requirements for All Permittees Authorized by this General Permit

1. Any person that operates under the provisions of this permit shall immediately notify the Department via certified mail of any changes in: the company name, address, owners, operators, and/or responsible officials of the company, compliance status, and the status of any permit issued by the Department or federal government under the environmental protection acts.
2. The permittee shall immediately notify the Department'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 spills and shall take appropriate immediate action to protect the health and safety of the public and the environment.
3. For each new diverted grocery product that is proposed to be aerobically digested under the authorization of this general permit, the permittee shall:
 - a. Submit a written request to the appropriate Department Regional Office to conduct a short-term trial project for a new diverted grocery product in a limited volume for a period of 1 year or less to determine the feasibility for the beneficial use of new diverted grocery product material under this general permit. The proposed trial project shall not be commenced, unless a written approval from the Department has been obtained.

At a minimum, the following information shall be provided for our review and consideration:

- i. Name of the generator and location where the new diverted grocery product is generated.
- ii. Name and address of the facility or location that the proposed new beneficial use activity, if appropriate, will be tried.
- iii. A description of the proposed new beneficial use activity, if appropriate.

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- iv. Weight, amount, or volume and frequency of use of the new diverted grocery product that will be used, and the new beneficial use material produced in the test trial project.
 - v. A determination that the new diverted grocery product is not hazardous.
 - vi. The duration proposed for this test trial project.
 - vii. Descriptions of the processing method(s) in the production of new beneficial use material in this test trial project.
 - viii. Descriptions of the storage of (1) new diverted grocery product material received, and (2) new beneficial use material produced in this test trial project.
- b. Notify the appropriate Department Regional Office of any changes, to the information provided in the request to the Department, during the duration of this test trial project.
- c. Upon the completion of the test trial project:
- i. Submit a project report to the appropriate Department Regional Office. The project report shall include all records and analytical results performed for the test trial project.
 - ii. Submit a written request to the appropriate Department Regional Office, for a minor modification to the existing general permit for the inclusion of new diverted grocery product in the beneficial use activities authorized in the general permit.
- d. The beneficial use of new material produced in the test trial project, as authorized in the general permit, shall not be commenced unless the existing general permit has been modified by the Department.

F. Renewal

A generator or supplier 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 Department 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),

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3. Form 20 (Application for a Municipal or Residual Waste General Permit),
4. Form 27R (Acceptance of General Permit Conditions), and
5. DOA application fee in the amount identified in Section A (General Information) of the Form 20. A check shall be made payable to the "Commonwealth of Pennsylvania."

A copy of the renewal application shall also be sent to the Department'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 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.

**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 3rd 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