



DEPARTMENT OF ENVIRONMENTAL RESOURCES

3800 Cornucopia Way, Suite C Modesto, CA 95358-9494
Phone: 209.525.6700 Fax: 209.525.6774

PERMIT REQUIREMENTS FOR THE USE OF FOOD PROCESSING BY-PRODUCTS

If you are planning to use food processing by-products in Stanislaus County, you must obtain a permit from the Department of Environmental Resources, Solid Waste Management Division (Stanislaus County Code, Title 9, Chapter 9.88).

Your proposed food processing by-product use site will be evaluated by the Solid Waste Management Division and other agencies. Those evaluations may be lengthy, so we recommend that you begin the application process as early as possible. To apply for a permit, follow these steps:

- Step 1: Answer questions 1-6 on the Application form. Be sure it is signed and dated.
- Step 2: Write a Plan of Operation. The Plan of Operation is a complete and comprehensive plan of how you are going to receive and utilize the inert wastes. The enclosed "Plan of Operation Guidelines" should be followed; address all items listed in the guidelines.
- Step 3: Submit the Application form and Plan of Operation to this office. Those documents will be reviewed by staff and an inspector will contact you to schedule a visit to your site.
- Step 4: Pursuant to environmental laws, your project may be subject to a rigorous environmental review. California law stipulates that such a review may require the payment of approximately \$2,010.25 to the California Department of Fish and Game. A County Clerk-Recorder filing fee of approximately \$57.00 will also be charged to file the environmental documents.
- Step 5: Your project may be considered at public hearings conducted by the Department of Environmental Resources.
- Step 6: If your application is approved, you must submit a bond or another form of security satisfactory to the Department, in an amount determined by the Department. (Note: If you plan to transport food processing by-products, vehicles must be inspected by staff for compliance with applicable sections of the County Code. You must also provide the Department with a certificate of current insurance on the vehicles.) Thereafter, your permit can be issued.

Payment of a permit application fee will be required prior to permit issuance. The fee is based on a weighted hourly labor rate for staff time spent on processing the application, reviewing your Plan of Operation, making site inspections, etc. Accuracy and completeness in your permit application and supporting documents will help to minimize your application fee.

PERMIT REQUIREMENTS FOR THE USE OF FOOD PROCESSING BY-PRODUCTS

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Once your permit is issued, the site will be inspected on a weekly basis by Department staff during the food processing by-product season, and on a monthly basis during off-season use when applicable. The monitoring program is funded through monthly inspection fees billed to the site operators.

If you have any questions concerning the application process or the Food Processing By-Product Use Program, please contact Wallace Low with the Solid Waste Management Division at (209) 525-6741.

Enclosures (Application, Guidelines)



FOOD PROCESSING BY-PRODUCT USE PERMIT OR HAULER PERMIT
FEES, BOND, INSURANCE & INSPECTIONS
Stanislaus County Code, Title 9

A permit is required of anyone in the business of collecting, transporting or using food processing by-products or refuse in the unincorporated areas of the county. A person proposing one or more of these activities shall submit an application annually to this department along with the following:

FEES

- * Permit Fee: Do not send at this time. The Department will request payment for the permit application fee at permit issuance. The fee is based on a weighted labor rate (WLR) for staff time spent on processing the application, reviewing the plan of operation, etc.
- * Food processing by-product site permit holders will receive a monthly bill for inspections performed during the cannery season. During the off-season, sites that continue to receive by-products will be billed on a quarterly basis for routine site inspections. The monitoring fee for inspections, program administration, and travel time is based on WLR and subject to change without prior notice

BOND

- * Each permit holder must submit and keep in place a current cash bond, certificate of deposit, irrevocable letter of credit, or a faithful performance bond in favor of the County of Stanislaus. The Department will determine the amount required. If submitting a faithful performance bond, please complete the enclosed performance bond form. For more information on meeting this requirement, contact the Department.

INSURANCE

- * Provide certificate of current insurance policy for each vehicle and site, containing the state required minimum coverage limits, or higher, for liability and property damage, extending through the permit period. Vehicle license numbers shall be indicated on the forms.
- * Worker's Compensation coverage verification is also required if you employ anyone in addition to yourself. If you are exempt, a Worker's Compensation Exemption Form is included for you to fill out and return.

INSPECTION

- * This department will perform routine inspections regularly.
- * Vehicles that collect and/or transport refuse or food processing by-products must be inspected annually and an identification sticker issued to complete the permitting procedure. Verification of an inspection is required at time of permit renewal. Please contact our office if you have any questions.



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PERMIT APPLICATION

FOR PERMIT TO USE FOOD PROCESSING BY-PRODUCTS
REF: STANISLAUS COUNTY CODE, TITLE 9, CHAPTER 9.88

Please complete all applicable questions. (IF ADDITIONAL SPACE IS NEEDED TO COMPLETE ANSWERS, USE THE SPACE PROVIDED ON PAGE 2). **A PLAN OF OPERATION MUST ACCOMPANY THIS APPLICATION.**

1. Address of site(s) _____

2. Name of applicant(s) _____
E-mail _____ Phone _____ Fax _____
3. Home and business address _____
4. Mailing address (if different than above) _____
5. Trade and/or firm name(s) _____
6. If the applicant is not an individual, the name and address of the applicant's agent who is authorized to receive notice of actions pertaining to the proposal:

If the applicant is in one of the following categories, additional information must be submitted with the application for that category:

- A. If the applicant is a **State or local government agency**, a copy of the authorization under which the proposal is made.
- B. If the applicant is a **public corporation**, the statute or other authority under which it was organized.
- C. If the applicant is a **Federal government agency**, the title of the agency official delegated the authority to file the proposal.
- D. If the applicant is a **private corporation**, evidence of incorporation and its current good standing.
- E. If the applicant **does not own the premises** where the permit operations will occur, the applicant must provide a notarized letter from the owner that states that applicant has the owner's consent to conduct the proposed project on that parcel, that the owner has approved the proposed Plan of Operation, and that the landowner acknowledges that the landowner could be held responsible for clean-up and abatement of any condition resulting from the permitted operations.

I UNDERSTAND AND AGREE TO COMPLY WITH ALL PROVISIONS OF THE STANISLAUS COUNTY CODE, TITLE 9, CHAPTER 9.88. FURTHERMORE I HAVE THE ABILITY TO COMPLY WITH ALL LAWS REGULATING BUSINESSES IN THE STATE OF CALIFORNIA FOR THE TERM OF THE PERMIT. I CERTIFY UNDER PENALTY OF PERJURY THAT ALL INFORMATION, STATEMENTS AND REPRESENTATIONS SET FORTH IN THE APPLICATION ARE TRUE AND CORRECT.

SIGNATURE

TITLE

DATE

SIGNATURE

TITLE

DATE

Additional Information:



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**PLAN OF OPERATION GUIDELINES
FOR
FOOD PROCESSING BY-PRODUCT USE SITES**

ALL APPLICANTS SHALL SUBMIT A "PLAN OF OPERATION"

In order for your Application and Plan of Operation to be considered COMPLETE, please answer all applicable questions on the following pages and provide all applicable information. All sites shall operate in accordance with the Stanislaus County Code, Title 9.

It may be necessary for you to provide additional information and/or meet with DER staff to discuss the application. Pre-application meetings are not required, but are highly recommended. An incomplete application will be placed on hold until all necessary information is provided to the satisfaction of the DER. An application will not be accepted or approved without all of the information identified being provided.

1. List the owner of the site. If different from the permit applicant, list the property owner's name, mailing address and phone number. If the parcel is under a different ownership, the applicant must provide a notarized letter from the landowner that states: the applicant has been granted consent from the landowner to conduct the proposed project on the subject parcel(s), the owner approves of the proposed Plan of Operation, and the owner acknowledges the landowner could be held responsible for clean-up and abatement of conditions resulting from permitted operations.
2. List the address and the assessor's parcel number(s) of the site(s).
3. List the general plan and zoning designation of the site(s).
4. List the current use of the site(s).
5. List the soil types of the project site(s). List their approximate absorption/water holding capacities.
6. List the approximate depth to groundwater at the site(s). State how the depth was determined, and the month and year the depth was determined.
7. Provide a vicinity map showing the location of the site(s) and all proposed delivery routes.
8. Provide a plot plan drawn to a legible scale that clearly shows the intended project. The map must contain the following physical data:

- Sufficient description to define the location, date, north arrow, scale and boundaries; (full width of all public and private road ways bordering the property must be shown);
 - Name and address of recorded owner(s);
 - Name and address of person(s) preparing the map;
 - Acreage to the nearest acre;
 - Location and size of all waterways, drainage courses, pipelines, existing irrigation and drainage facilities, irrigation and drainage patterns, existing or proposed water wells, septic tanks and drainage (leach) fields, sewage lines and structures used in connecting therewith, slope of the land; and
 - Outline of existing buildings and other structures to remain in place within the project area, showing the distance to existing or proposed public and private roadways.
9. Provide an 8½" x 11" reproducible, to scale, legible area map showing specific land uses (crops, houses, buildings, parcel lines and parcel sizes, etc.) for the adjacent two parcels in each direction from the subject property.
 10. Provide a list of names, addresses and assessment numbers of all properties located within ¼ mile (1,320 feet) and/or two parcels in each direction of applicant's project. Said information must be taken from the latest assessment roll of the subject county. A written notice of the permit application to operate a Food Processing By-Product Use Site will be sent by the applicant to those property owners located within ¼ mile (1,320 feet) and/or two parcels in each direction of the subject site. The notice will include a description of your project approved by DER staff. Documentation of the notice must then be submitted to DER staff.
 11. Name the site manager, provide a mailing address and list a 24-hour contact phone number.
 12. List the types of by-product you plan to accept at the site(s), and describe how the by-product will be ultimately utilized.
 13. List the names, addresses, phone numbers and contact persons for the food processing plant(s) that will provide the by-product to your site(s).
 14. List the names, addresses, phone numbers and contact persons of the hauler(s) who will haul the by-product to your site(s).
 15. State how many tons per day of by-product will be delivered to your site(s). List the total tons for the season.
 16. If more than one type of by-product will be delivered, estimate the tons per day of each type of by-product that will be delivered to the site(s).
 17. State how many truckloads per day will be delivered to your site(s).
 18. Give the date that by-product deliveries will start and the date they will stop each season or indicate if you will accept the by-product year-round. Estimate how many days per year the site will accept by-product.
 19. List the days of the week, and the approximate times that by-product will be delivered to your site(s).

20. Explain in a detailed, step-by-step manner, how you will use or process the by-products. Applicants for direct feed operations shall also contain the following information:
- A. Indicate what type of livestock or poultry will be fed.
 - B. List the percentage (by dry weight) of the feed ration at which this by-product will be used.
 - C. List the number of lactating and non-lactating animals.
 - D. List the number of livestock or poultry that will consume the by-product, or a list of purchasers and their intended use.
21. Explain in detail, the methodology to be used for tracking, receiving, storing, and depositing by-products. This tracking procedure must include records of when by-product is received, where it is received, and the location of the by-product when it is used at the site(s).
22. List the types of the equipment you will use to manage the by-products. Indicate if that equipment is under your ownership. List stand-by equipment available in case of equipment breakdown.
23. Explain in detail how you will prevent the following conditions from occurring, and provide contingency plans in the event these conditions occur:
- Excessive liquid accumulation and excess moisture.
 - Excessive dust.
 - Excessive noise.
 - Excessive objectionable odors.
 - Excessive fly, mosquito and/or vector nuisance.
 - Inclement weather.
24. Describe how the by-products will be contained on the site(s) and not allowed to flow or otherwise be deposited on other surrounding properties or waterways.
25. Applicant shall provide DER staff with written verification from the food processing by-product processor(s), that all by-products deposited on permitted sites in Stanislaus County will not pose a risk to land, air, water, to human and animal health or the environment and that utilization of the by-product as direct feed or as a soil amendment is an acceptable use of said by-product.
26. Where applicable, the site operator shall demonstrate compliance with the Central Valley Regional Water Quality Control Board's Irrigated Lands Conditional Waiver Program (Resolution No. R5-2018-0085)



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**PERFORMANCE BOND
DEHYDRATION SITE**

Bond Number _____

The premium for this bond is \$ _____
payable in advance and subject to adjustment at
current annual rates.

KNOW ALL MEN BY THESE PRESENTS: That we, as Principal, and a corporation organized under the laws of the State of _____ and duly authorized under the laws of the State of _____ to become sole surety on bonds and undertaking as Surety, are held and firmly bound unto

COUNTY OF STANISLAUS
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as Obligee in the full and just sum of **Ten Thousand Dollars (\$ 10,000)**, lawful money of the United States of America to be paid to the said Obligee, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents.

The condition of the above Obligation is such that the Principal has been awarded a permit to engage in the business of collecting, transporting, disposing, processing, or using refuse, or a combination of these functions, in the COUNTY OF STANISLAUS, and the above principal has agreed and is obligated to perform such business in conformity with the provisions of such permit, the Ordinance Code of STANISLAUS COUNTY and the rules and regulations of the STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES.

Now, therefore, if the above Principal shall well and faithfully perform each and all of the requirements and conditions of such permit, ordinances, and regulations then this obligation is void; otherwise to remain in full force and effect.

This bond may be canceled by giving thirty (30) days written notice to the Obligee, the Surety, however will remain liable for any subsequent default in payment of fees incurred during the period up to the expiration of thirty (30) days notice.

No right of action shall accrue under this bond to or for the use of any persons other than the Obligee named herein.

Sealed with our seals and dates this _____ day of _____, _____.

Principal

Surety

By Attorney-in-fact



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**PERFORMANCE BOND
DIRECT FEED FACILITY**

Bond Number _____

The premium for this bond is \$ _____
payable in advance and subject to adjustment at
current annual rates.

KNOW ALL MEN BY THESE PRESENTS: That we, as Principal, and a corporation organized under the laws of the State of _____ and duly authorized under the laws of the State of _____ to become sole surety on bonds and undertaking as Surety, are held and firmly bound unto

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as Obligee in the full and just sum of **Two Thousand Five Hundred Dollars (\$ 2,500)**, lawful money of the United States of America to be paid to the said Obligee, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents.

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Sealed with our seals and dates this _____ day of _____, _____.

Principal

Surety

By Attorney-in-fact



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**PERFORMANCE BOND
LAND APPLICATION SITE**

Bond Number _____

The premium for this bond is \$ _____
payable in advance and subject to adjustment at
current annual rates.

KNOW ALL MEN BY THESE PRESENTS: That we, as Principal, and a corporation organized under the laws of the State of _____ and duly authorized under the laws of the State of _____ to become sole surety on bonds and undertaking as Surety, are held and firmly bound unto

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as Obligee in the full and just sum of **Ten Thousand Dollars (\$ 10,000)**, lawful money of the United States of America to be paid to the said Obligee, successors or assigns; for which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, administrators and assigns, jointly and severally, firmly by these presents.

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Principal

Surety

By Attorney-in-fact



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**WORKER'S COMPENSATION
EXEMPTION DECLARATION**

I, _____

DBA: _____

certify that in the performance of the work for which this permit is issued, I shall not employ any person in any manner so as to become subject to the Worker's Compensation laws of California.

Date: _____

Applicant: _____

Signature

Notice to Applicant: If, after making this Certificate of Exemption, you should become subject to the Worker's Compensation provisions of the Labor Code, you must forthwith comply with such provisions or this permit shall be deemed revoked.