

**Standard Operating Procedure (SOP)¹ for District Mining Operations
Storage of Reclaimed Asphalt Product (RAP) on Mining Permits
SOP No. BMP-002**

May 25, 2016

This SOP describes the methods by which the Bureau of District Mining Operations (BDMO) will conduct reviews of permit revisions that request storage of reclaimed asphalt pavement material (RAP) on mine sites. RAP consists of particles, typically less than 1 inch in size, of bitumen and inorganic materials produced by the mechanical grinding of bituminous pavement surfaces that have not been subject to a spill or release of regulated substances or mixed with other solid waste. It is commonly stockpiled near asphalt plants where it is added to the asphalt feed stock to produce new asphalt or road sub-base, shoulder and patch material. RAP was designated as an industry-wide coproduct on May 5, 2006. The specific coproduct designation can be found in Volume 36, Number 18 of the *Pennsylvania Bulletin* [36 PA.B. 2223]. The Solid Waste Management Act and Title 25, Chapter 290 of the Pennsylvania Code requires that a designated coproduct such as RAP must be used *in a manner that, among other requirements, does not create a nuisance or is harmful or presents a threat of harm to the public health, safety or the environment*. Used asphalt, waste asphalt shingles, and possibly other materials under a Bureau of Waste Management (BWM) General Permit for Residual Waste Beneficial Use, may also be recycled with RAP into the asphalt feed stock. The process outlined in this SOP applies to the storage of those approved blends as well, provided that an operator complies with the terms of conditions of the approved General Permit.

COMPLETENESS REVIEW

The BDMO office will conduct a completeness review on the submission as described in Mining Program Standard Operating Procedures for Permit Application Review. The following items should be included in the request for use of RAP:

- Application Module 1 (facesheet and checklist)
- Module 9 (Operations Map)
- Module 10 revisions and an addendum

¹The process and procedures outlined in this Standard Operating Procedure (SOP) are intended to supplement existing requirements. Nothing in the SOP shall affect regulatory requirements. The process, procedures and interpretations herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in this SOP that weigh or deference. This document establishes the framework within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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- Any other Modules that will be revised as part of this request.
- Copy of the applicant's air quality permit.
- Copy of any BWM General Permit registration or approval for beneficial use of RAP or blend of RAP and like materials. Any used asphalt must be designated as "fill" (clean or regulated) pursuant to DEP's Management of Fill Policy (258-2182-773).
- Fee (for either minor or major permit revision as determined in Item #1 below)

TECHNICAL REVIEW

The BDMO will conduct a technical review of the application which includes the following considerations:

1. Permit Revision Type

- a. DEP considers RAP storage and processing areas, except those listed in 1.b, a minor permit revision. This includes short-term storage approvals (Item #5).
- b. DEP considers RAP storage and processing areas that involve adding treatment facilities or NPDES discharge points a major permit revision.

2. RAP storage area

- a. The proposed RAP storage area should be on a mine site that has an existing asphalt plant, or is adjacent to or in reasonable proximity to an asphalt plant.
- b. The RAP storage area should be located on bonded area and designated on the Module 9 Operations Map.
- c. RAP should be stored on low-permeability surfaces above the water table and in areas that do not collect free-standing water.
- d. The operator should make provisions for controlling fugitive dust from RAP storage area.

3. Stockpiling and processing

- a. Review of a narrative provided by the operator as an addendum to the operational information in Module 10. The narrative should describe the method in which the RAP (and/or other materials authorized to be used in the asphalt plant) will be stockpiled and/or processed and should include the volume/weight of the proposed stockpile.
- b. The volume/weight of the proposed stockpile should not exceed twice the yearly consumption capacity of the asphalt plant and a minimum 75% of the RAP stockpiled on-site be consumed by the asphalt plant within a two year period.

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- c. The maximum volume of the proposed stockpile should be consistent with the volume authorized by the operator's air quality permit.

4. Effluent Requirements

- a. All runoff from RAP stockpile areas should be contained on-site or directed to appropriate and adequately designed, constructed and maintained erosion and sediment pollution controls and treatment facilities. If new erosion and sedimentation controls or treatment facilities are needed, revisions to Modules 12 and 13 will be necessary.
- b. Changes to the NPDES permit Part A Effluent Limits and Monitoring Requirements may be necessary to add parameters that are expected to be present in waters that will receive discharge and/or runoff from RAP storage areas, such as benzene and oil and grease.

5. Short-term storage

- a. DEP can authorize short-term storage (not exceeding one year) of small quantities of RAP which will occupy less than one acre, unrelated to an asphalt plant (e.g. storage for onsite haul road construction), provided that there is no risk of pollutorial runoff.

The permit reviewer will assess if additional considerations may be necessary in light of any unique circumstances. The reviewer has discretion to request additional information from the applicant to ensure all regulatory requirements are met.

PERMIT DEVELOPMENT

Authorization of RAP storage will consist of a notice of permit correction or revised permit attached to a set of permit conditions titled Permit Conditions for Storage of RAP (See attached addendum: Sample Permit Conditions for Storage of RAP). The conditions can also include any special, site-specific requirements related to this operation.

TRACKING

Each authorization for storage of RAP is to be tracked in eFACTs under "Operational Characteristics".

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SAMPLE PERMIT CONDITIONS FOR STORAGE OF RAP

This Noncoal Surface Mining Permit No. _____ is authorized for the [temporary] storage of reclaimed asphalt paving material (RAP) as defined in the PA DEP Reclaimed Asphalt Pavement (RAP) Industry-Wide Coproduct Determination [and (include any GP or fill materials such as used asphalt or asphalt shingles)]. The following associated conditions apply:

1. RAP shall be stockpiled only in areas designated on the most current Operations Map.
2. All runoff from RAP stockpile areas shall be contained on-site or directed to adequately designed, constructed and maintained erosion and sediment pollution controls.
3. The maximum volume/weight of RAP stockpiled on-site at any given time shall not exceed _____.
4. At a minimum, 75% of the RAP stockpiled on-site at the beginning of every two (2) year reporting period must be consumed by the asphalt plant within that two (2) year period.

Or

All RAP material that has been authorized for short-term storage must be removed no later than 1 year after the date of this authorization unless the operator files for a permit revision at least 90 days prior to this 1 year date.

5. The permittee will maintain monthly records and make readily available on-site for DEP inspection a log of the following:
 - a. Total amount of RAP stockpiled on-site at the beginning and end of each month
 - b. Amount of RAP brought on site and stockpiled
 - c. Amount of RAP consumed by the asphalt plant or otherwise removed from the site.
6. The operator will submit to the _____ District Mining Office's Monitoring and Compliance Manager by January 31 of the following year an annual report consisting of:
 - a. Monthly RAP storage records
 - b. Annual quantity of RAP processed and removed from the site.
7. All reports and records pertaining to RAP authorization shall contain the name of the permittee, Surface Mining Permit No. _____, the municipality and county where the site is located and the time period for which it applies.