

SPECIAL CONDITIONS
GENERAL PERMIT WMGM011

1. The approval herein granted is limited to the beneficial use of separated and processed construction waste (i.e., fine particles of gypsum, soil, stone, brick, concrete block, cardboard, dimensional lumber, particle board, drywall, plywood and scrap metal), hereinafter referred to as “processed waste”, as follows:
 - a. Fine particles of gypsum, particle board, drywall, soil, dimensional lumber and plywood may be beneficially used, to produce mulch for use as a soil additive, provided the requirements in Condition 2 of this general permit are met.
 - b. Stone, brick and concrete block may be beneficially used, as an aggregate for use in concrete or asphalt mixtures for construction purposes, provided the requirements in Condition 2 of this general permit are met.
 - c. Cardboard and scrap metal (i.e., nails, screws, bolts, aluminum flashing, structural steel, etc.,) separated from the processed waste shall be transported to a recycling facility or to a permitted disposal facility.

2. The processed waste may be beneficially used if the following quality criteria requirements are met:
 - a. The operation of a construction waste processing facility is authorized under a Solid Waste Disposal and/or Processing Facility Permit issued by the Department;
 - b. The processed waste does not contain asbestos; and
 - c. The concentration of any constituent in the processed waste does not exceed the chemical limitations specified in Table 1 below.

Table 1

Parameter	Total Level (mg/kg)	Leachate Level (mg/L)*
pH	5.5 to 9.5 (std. unit)	---
Arsenic	41	1.25
Barium	5000	50.0
Cadmium	20	0.125
Chromium	1000	2.5
Copper	700	32.5
Lead	200	1.25
Mercury	20	0.05
Molybdenum	75.0	---

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Table 1 (Continued)

Parameter	Total Level (mg/kg)	Leachate Level (mg/L)*
Zinc	1000	125
Polychlorinated Biphenyls (PCBs)	4.0	0.005
Nickel	200	2.5
Selenium	60	1.0
Silver	5.0	2.5

- * Leachability evaluations in compliance with the permit requirement shall be conducted on a representative sample of the processed waste using the Toxicity Characteristic Leaching Procedure (EPA method 1311) or the Synthetic Precipitation Leaching Procedure (EPA method 1312).

The analytical methodologies used to meet the requirements in this section shall be those in the most recent edition of the EPA's "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (EPA SW-846), "Methods for Chemical Analysis of Water and Wastes" (EPA 600/4-79-020), "Standard Methods for Examination of Water and Wastewater" (prepared and published jointly by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation), or a comparable method subsequently approved by the EPA or the Department of Environmental Protection (Department).

The determinations of compliance with Table 1 may be based on the 90 percent upper confidence level for each metal or the 80 percent confidence interval for pH using the Test Methods for Evaluating Solid Waste (EPA SW-846) as guidance for the statistical treatment of data.

3. Except for cardboard and metal scrap, prior to the first beneficial use of the processed waste and for every 5,000 tons utilized thereafter, representative samples of the processed waste shall be collected and analyzed, for each parameter listed in Table 1 of Condition 2 as specified below.

Representative sampling is one of the most difficult aspects of monitoring. To obtain a representative sample of the processed waste, the sample must be taken from the correct locations and represent the entire amount of processed waste. In the batch process, more than one sample is usually necessary to accurately represent a particular batch or a storage pile of processed waste. The key is to obtain a representative sample. In general, the more samples taken, the greater the chance that the sampling results will be representative of the processed waste and because the pollutant limits pertain to the quality of the processed waste that will be beneficially used, samples must be collected after the final waste generation process.

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The analytical methodologies used shall be those set forth in the most recent edition of the EPA's Test Methods for Evaluating Solid Waste (EPA SW-846) or an equivalent method approved by EPA or the Department.

- a. When sampling of the processed waste that is stored in a pile or a bin, core samples at different locations and at various depths shall be collected and then composited to obtain a representative sample of the stored waste.
 - b. When sampling of the processed waste that moves on a conveyor, samples at equal intervals during the time the units operate in a day , prior to storage, shall be collected and then composited to obtain a representative sample of the processed waste.
 - c. When sampling of the processed waste in a batch process, samples from the discharge point of the processed waste generation and prior to storage shall be collected and then composited to obtain a representative sample of the processed waste.
4. All processed waste and materials derived from the processed waste under the authorization granted in this permit shall be managed in accordance with the permittee's application. Except to the extent the permit states otherwise, the permittee shall utilize the processed waste for beneficial use purposes as described in the permit application.
 5. The processed waste shall not be mixed with other types of residual waste or municipal waste, including hazardous waste or special handling waste.
 6. This general permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from the facility to the waters of the Commonwealth.
 7. The permittee shall inform all persons or municipalities which propose to beneficially use the processed waste covered under this permit of all the conditions and limitations imposed on the use of the processed waste by the Department. This notification shall be by providing a copy of Appendix "A" (Use Restrictions) of this permit. The conditions in Appendix "A" shall apply to any permittee including anyone who obtains a Determination of Applicability to conduct activities authorized by this permit. The permittee shall record the name, address and the proposed beneficial uses.
 8. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (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 the Fugitive Emissions §§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 law, ordinance, or regulations, providing

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that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq.; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1989, 53 P.S. §4000.101 et seq.

10. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this 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 credential and without delay, to have access and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of wastes, waters, 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 Sections 608 and 610 (7) of the Solid Waste Management Act, 35 P.S. §§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.
11. 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.
12. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to compliance history review by the Department prior to performance as specified by the Pennsylvania Solid Waste Management Act of 1980.
13. The processed waste 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 obtain a "Determination of Applicability" from the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. No processed waste shall be used unless specially authorized by the Department in writing.

At a minimum, the following information must be provided on forms available from the Department's Bureau of Land Recycling and Waste Management (See address above):

- a. Name and street address of applicant;

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- b. A chemical and physical analysis, and description of processed waste that fully characterizes its composition and properties; the processed waste generation process; a hazardous waste determination; and a plan for screening and managing the processed waste;
- c. Name and location of the generator of the processed waste;
- d. Description of method of beneficial use;
- e. Number and title of general permit;
- f. Proof the processed waste and solid waste management activities are consistent with the general permit;
- g. Signed and notarized statement by the person who seeks authorization 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 as specified in the residual waste regulations, payable to the “Commonwealth of Pennsylvania”;
- i. Proof that copies of the application have been submitted to each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located;
- j. Proof that the applicant has legal right to enter the land and perform the activities approved under this permit;
- k. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting solid waste management activities;
- l. 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;
- m. A list of all previous permits or licenses issued by the Department or federal government under the environmental protection acts; the date issued, status and compliance history concerning environmental protection acts;

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- n. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 12;
15. Any person that operates under the provisions of this permit shall immediately notify the Department's Bureau of Land Recycling and Waste Management (See address in Condition 14), in writing, of any changes in: the company name, address, owners, operators and responsible officials; changes in the land ownership and the right to enter and operate on any land where the processed waste is generated; the physical or chemical characteristics of the processed waste; and the status of any permit issued by the Department or federal government under the environmental protection acts.
16. Unless authorized by the Department in writing, storage of the processed waste at a permitted processing facility is not allowed except as part of the operation authorized under the Solid Waste Disposal and/or Processing Facility Permit.
17. The processed waste shall be managed in accordance with the Solid Waste Management Act, the act July 7, 1980, as amended, P.L. 380, 35 P.S. §§ 6018.101 et sep. and the regulations promulgated therein.
18. Any records pertaining to or any analytical evaluations conducted on the processed waste pursuant to the municipal waste regulations shall be kept by the permittee at the permittee's place of business and shall be available to the Department for inspection. At a minimum, these records are to include information on the dates of testing, each parameter tested, the results, the laboratory used, sampling procedures, analytical methodologies, the volume or weight of the sample and person collecting the sample. This waste analysis information shall be retained by the permittee at the permittee's place of business for a minimum of 5 years after the analyses were performed.
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 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 of this Commonwealth.
20. The permittee shall submit to the Department's Bureau of Land Recycling and Waste Management (See address in Condition 14) and the appropriate Department Regional Office, an annual report that summarizes the information outlined in Conditions 15 and 18, and identifies the location of all sites where the processed waste was utilized for beneficial use purposes during the past 12 months ending thirty (30) days prior to the permit anniversary date. The annual report, is due on the anniversary date that the permit became applicable to a permittee.

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21. The permittee shall provide a copy of the Appendix A to each user of processed waste approved under this permit. It is incumbent upon the permittee to see all users of the processed waste approved under this permit comply with all conditions of this permit.

22. Equipment used for the collection, storage and transportation of the processed waste shall be maintained in good operating condition. Weekly inspections of collection and storage areas and their surrounding environs are to be conducted to determine compliance of the terms and conditions of this general permit, and for evidence of failure.

APPENDIX "A"

USE RESTRICTIONS GENERAL PERMIT WMGM011

The following restrictions apply to the beneficial use of separated and processed construction waste (i.e., fine particles of gypsum, soil, stone, brick, concrete block, cardboard, dimensional lumber, particle board, drywall, plywood and scrap metal), hereinafter referred to as “processed waste”, to produce mulch for use as a soil additive and as an aggregate for use in concrete or asphalt mixtures for construction purposes. Cardboard and scrap metal (i.e., nails, screws, bolts, aluminum flashing, structural steel, etc.) separated from the processed waste shall be transported to a recycling facility or to a permitted disposal facility.

Persons storing and/or using the processed waste for beneficial use purposes must comply with the following requirements:

- A1. Approval to use the processed waste as an aggregate in concrete or asphalt mixtures for construction purposes is limited to the following and must meet the technical standards developed by the Pennsylvania Department of Transportation for these uses as outlined in their Publication 408, Specifications.
 - a. 206 (Embankment)
 - b. 210 (Subgrade)
 - c. 300 (Base Courses)
 - d. 703 (Aggregate, excluding 703.4 anti-skid material)
 - e. 500 (Rigid Pavement)
 - f. 600 (Incidental Construction)
 - g. 400 (Flexible Pavements)
- A2. The processed waste or materials manufactured using processed waste as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or other fills.
- A3. The processed waste or materials manufactured using processed waste as a component or ingredient shall not be placed in direct contact with surface water or groundwater or within 100 feet of a perennial stream, 300 feet of an exceptional value wetland or 300 feet of a private or public water source.
- A4. Hazardous waste, municipal waste, municipal special handling waste, and other residual waste may not be mixed, stored and/or beneficially used with the processed waste.
- A5. Storage of the processed waste shall be as follows:
 - a. Storage of the processed waste at a processing facility is not allowed except as part of the operation authorized under the Solid Waste Disposal and/or Processing Facility Permit, if the permit exists.
 - b. Otherwise, unless authorized by the Department in writing, the processed waste shall not be stored for more than one (1) year, and:

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- i. The processed waste is not accumulated before being beneficially used unless the operator shows that the processed waste is potentially use beneficially and has a feasible means of being beneficially used; and
 - ii. During the calendar year (commencing on January 1), the amount of processed waste that is beneficially used or transferred to a different site for beneficial use, equals at least 75% by weight or volume of the processed waste accumulated at the beginning of the period. In calculating the percentage of turnover, the 75% requirement is to be applied to each waste of the same type (i.e., dimensional lumber from the construction of new homes) that is beneficially used in the same way (that is, from which the same material is recovered or that is used in the same way).
- A6. The storage, transportation or use of the processed waste shall be in a manner, which will not create a nuisance or be harmful to the public health, safety or the environment of this Commonwealth. The storage and transportation of processed waste shall comply with the requirements of 25 Pa Code Chapter 285 (relating to storage, collection and transportation of municipal waste).
- A7. Runoff from the processed waste storage area(s) shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
- A8. Upon completion of beneficial use activities or by the expiration date of this permit, unless extended by the Department, the permittee shall remove any remaining stored processed waste and manage the processed waste in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.
- A9. Approval to use the processed waste as an aggregate used as a component or ingredient in the manufacture of concrete or asphalt materials shall conform with the applicable material standards as set forth in the following American Society of Testing and Material (ASTM) standards or other applicable National, state or industry standard or specification for which the waste is being substituted.
- (a) C 33 - Standard Specification for Concrete Aggregate.
 - (b) C 90 - Standard Specification for Load-Bearing Concrete Masonry Units.
 - (c) C 118 - Standard Specification for Concrete Pipe for Irrigation or Drainage.
 - (d) C 129 - Standard Specification for Non-Load-Bearing Concrete Masonry Units.

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- (e) C 144 - Standard Specification for Aggregate for Masonry Mortar.
- (f) C 330 - Standard Specification for Lightweight Aggregates for Structural Concrete.
- (g) C 331 - Standard Specification for Lightweight Aggregates for Concrete Masonry Units.
- (h) C 332 - Standard Specification for Lightweight Aggregates for Insulating Concrete
- (i) C 361 - Standard Specification for Reinforced Concrete Low-Head Pressure Pipe.
- (j) C 404 - Standard Specification for Aggregates for Masonry Grout.
- (k) C 412 - Standard Specification for Concrete Drain Tile.
- (l) C 478 - Standard Specification for Precast Reinforced Concrete Manhole Sections.
- (m) C 505 - Standard Specification for Nonreinforced Concrete Irrigation Pipe With Rubber Gasket Joints.
- (n) C 506 - Standard Specification for Reinforced Concrete Arch Culvert, Storm Drain, and Sewer Pipe.
- (o) C 507 - Standard Specification for Reinforced Concrete Elliptical Culvert, Storm Drain, and Sewer Pipe.
- (p) C 654 - Standard Specification for Porous Concrete Pipe.
- (q) C 655 - Standard Specification for Reinforced Concrete D-Load Culvert, Storm Drain, and Sewer Pipe.
- (r) C 789 - Standard Specification for Precast Reinforced Concrete Box Sections for Culverts, Storm Drains, and Sewers.
- (s) C 825 - Standard Specification for Precast Concrete Barrier.

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- (t) C 850 - Standard Specification for Precast Reinforced Concrete Box Sections for Culverts, Storm Drains, and Sewers with Less Than 2 ft. of Cover Subjected to Highway Loading.
- (u) C 858 - Standard Specification for Underground Precast Concrete Utilities Structures.
- (v) C 913 - Standard Specification for Precast Concrete Water and Wastewater Structures.
- (w) C 935 - Standard Specification for General Requirements for Prestressed Concrete Poles Statically Cast.
- (x) C 936 - Standard Specification for Solid Concrete Interlocking Paving Units.
- (y) C 985 - Standard Specification for Nonreinforced Concrete Specified Strength Culvert, Storm Darin, and Sewer Pipe.
- (aa) C 1089 - Standard Specification for Spun Cast Prestressed Concrete Poles.
- (bb) C 1092 - Standard Specification for Glass Reinforced Concrete D-Load Culvert, Storm Drain, and Sewer Pipe.
- (cc) D 1241 - Standard Specification for Materials for Soil-Aggregate Subbase, Base and Surface Courses.
- (dd) D 1863 - Standard Specification for Mineral Aggregate Used on Built-Up Roofs.
- (ee) D 2940 - Standard Specification for Graded Aggregate Material for Bases or Subbases for Highways or Airports.