

**SPECIAL CONDITIONS
GENERAL PERMIT WMGM026**

1. The approval herein granted is limited to the beneficial use only of sewage sludge incinerator ash, hereinafter referred as “incinerator ash”, for wholesale purposes for use as an ingredient or a component in the production of a high quality topsoil or compost material.
2. The processing (i.e., blending, mixing) of incinerator ash with other waste, as defined in §§271 and 287 of the municipal and residual management regulations, shall be conducted at a processing facility permitted by the Department under the procedures and requirements of the Solid Waste Management Act, 35 P.S. §6018.101 et seq. and regulations promulgated thereunder.
3. The incinerator ash may be beneficially used if the chemical analysis of the incinerator ash does not exceed the concentration limits for any parameter specified in Table 1 below:

Table 1

Parameters	Total (mg/kg) ⁽¹⁾	Leachable⁽²⁾ (mg/l)
pH	5.5 – 12.0 Std Unit	-
Aluminum	-	5.0
Antimony	30	0.15
Arsenic	20	1.25
Barium	5,000	50.0
Boron	7,000	3.15
Cadmium	20	0.125
Total Chromium	500	2.5
Copper	1,500	32.5
Lead	300	1.25
Mercury	17	0.05
Molybdenum	75	-
Nickel	200	17.5
Nitrate Nitrogen	Monitor and Report	10.0
PCBs	4.0	-
Selenium	60	1.0
Silver	84	2.5
Zinc	2,800	125
Total Solids %	Monitor and Report	-
Phosphorous %	Monitor and Report	-
Potassium %	Monitor and Report	-
Total Kjeldahl Nitrogen	Monitor and Report	-
Copper-Molybdenum Ratio	Monitor and Report	-

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- (1) = Dry Weight Basis
- (2) = Leachability evaluations shall be conducted using the Toxicity Characteristic Leaching Procedure (EPA method 1311) or the Synthetic Precipitation Leaching Procedure (EPA method 1312).

The determination 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.

4. The beneficial use of finished topsoil material and/or finished compost using incinerator ash as a component or ingredient is contingent upon compliance with conditions of this general permit and, if sold, the applicable provisions of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law of the Pennsylvania Department of Agriculture. Information related to this law may be obtained from the Department of Agriculture by writing the Bureau of Plant Industry, Division of Agronomic Services, 230 North Cameron Street, Harrisburg, PA 17110-9408.
5. a. In compliance with the requirements specified in Condition 3 of this general permit, representative samples of the incinerator ash must be collected and analyzed. To obtain a representative sample of the incinerator ash, the sample must be taken from the correct locations and represent the entire amount of incinerator ash produced for beneficial use authorized in this general permit. More than one sample is usually necessary to accurately represent the incinerator ash produced and stored. Core samples at different locations and at various depths shall be collected and then composited to obtain a representative sample of the incinerator ash produced or stored. 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 quality of incinerator ash that is produced.

Should knowledge of the production of incinerator ash, visual observations, or analytical results indicate variability in the quality of the incinerator ash material, more frequent testing shall be conducted.

- b. At a minimum, the frequency of monitoring for the constituents required in Condition 3 shall be as follows:

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TABLE 2

Amount of Incinerator Ash Produced For Beneficial Use (Tons per 365 Day Period)	Frequency of Monitoring
Greater than 0 but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once every 6 months
Equal to or greater than 1,500 but less than 15,000	Once per 90 days
Equal to or greater than 15,000	Once per month

6. a. The permittee shall collect representative samples of the incinerator ash, and analyze for the total (mg/kg) and leachable (mg/L) levels for each parameter specified in Table 1 of Condition 3 of this general permit.
- b. Upon request by the Department, the permittee shall also collect and analyze representative samples of the incinerator ash material, as required in Condition 3 of this general permit, within 48 hours of the request.

The chemical analyses required in this Condition shall be performed by a laboratory accredited or registered for accreditation under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 25.

7. The incinerator ash that does not meet the requirements as specified in Condition 3, or that is not beneficially used in accordance with the Conditions in this general permit, or as described in the approved application shall be managed properly at a permitted disposal facility unless authorized by the Department, in writing, to do otherwise.
8. a. Except for the authorized activities as specified in Condition 1 of this general permit, the incinerator ash shall not be mixed with other types of residual waste, municipal waste, hazardous waste, or special handling waste.
- b. Unauthorized wastes shall be properly disposed of at a permitted municipal waste disposal facility. Any on-site storage shall comply with the requirements as specified in Pa. Code, Chapter 285.

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9. The beneficial use 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:
 - a. Modify, suspend, revoke or reissue the authorization granted in this general permit if the permittee cannot comply with the conditions of this general permit or if the authorized activities cannot be adequately regulated under the conditions of this general permit.
 - b. Require an individual permit be obtained if it is deemed necessary to prevent harm or the threat of harm to the public health, and the environment.
10.
 - a. Storm water run-on at the facility should be diverted away from the staging and storage areas of the incinerator ash material. Surface water controls shall be based on a 24-hour precipitation event to be expected once every 25 years. Proper drainage (i.e., dikes, diversions, drains, etc.) must be constructed and maintained to prevent ponding and excessive wetting.
 - b. Storm water runoff from the incinerator ash storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
 - c. Storm water runoff from the incinerator ash storage areas and leachate, if generated, shall be directed to:
 1. A properly sized vegetated filter area for treatment.
 2. A properly sized holding pond for later reuse, or
 3. A holding tank for later disposal.

The permittee shall not cause or allow a point or non-point source discharge of the storm water runoff or leachate or both in this Condition from the facility to the surface water of this Commonwealth. An NPDES (National Pollutant Discharge Elimination System) permit may be required if a point or non-point source discharge of the storm water runoff or leachate or both to the surface waters of the Commonwealth exists.

11. The incinerator ash shall not be used as a valley fill material, to fill open pits from coal or non-coal mining or other fills or to level an area or bring an area to grade.

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12. Incinerator ash under the authorization granted in this general permit shall be managed in accordance with the permittee's application. Except to the extent the permit states otherwise, the permittee shall utilize the incinerator ash for beneficial use purposes as described in the permit application.
13. 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 requirements as specified §§123.1 and 123.2.
14. 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 that said local law, ordinance, or regulation is not preempted by the Solid Waste Management Act, 35 P.S. §6018.101 et seq.; and/or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1989, 53 P.S. §4000.101 et seq.
15. As a condition of this general 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 §§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.
16. Failure of measures herein approved to perform as intended, or as designed, or failure to be compliance with the applicable laws, rules, and regulations and terms and conditions of this general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this general permit.
17. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the Department prior to performance as specified by the Solid Waste Management Act of 1980, as amended.

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18. 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 Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. No activities shall commence unless specifically authorized by the Department in writing.

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

- a. Name and street address of the applicant (General Information Form);
- b. A chemical and physical analysis of the incinerator ash material, which fully characterizes its composition and properties (Form 20M). The chemical analysis required in this Condition shall be performed by a laboratory accredited or registered for accreditation under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 25;
- c.
 - i. A description of the incinerator ash generation process; and a plan for screening and managing the incinerator ash material (Form 20M);
 - ii. A description of the incinerator ash that will be used in the production of higher quality topsoil and compost material (Form 20M).
- d. An evaluation plan for sampling, testing and monitoring the incinerator ash produced (Form 20M).
- e. Name and street address of facility where incinerator ash will be generated (General Information Form).
- f. A description of the method will be used to manage incinerator ash that is not acceptable for beneficial use.
- g. Description of the beneficial use of incinerator ash material.
- h. Number and title of the general permit (Form 27M);
- i. Evidence the incinerator ash and solid waste management activities are consistent with the general permit (Form 20M);

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- j. Signed and notarized statement by the person or municipality who seeks authorization to operate under the terms and conditions of this general permit that states the person accepts all conditions of this general permit (Form 27M);
- k. An application fee in the amount required under §271.842 (b) of the Municipal Waste Regulations made payable to the “Commonwealth of Pennsylvania”;
- l. 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 processing activities are or will be located (Form 20M);
- m. Proof that the applicant has legal right to enter upon the land and operate the facilities approved under this permit (Form E-GP).
- n. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting processing activities (Form E-GP).
- o. 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 (Form HW-C);
- p. 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 (Form HW-C);
- q. A copy of the facility’s Preparedness, Prevention and Contingency Plan (PPC) which is consistent with the Department’s most recent guidelines on the development and implementation of PPC plans (Form L).
- r. Proof that any independent contractors retained by the applicant to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 17;
- s. Total amount of the incinerator ash that will be generated and stored.
- t. A copy of the Storm Water Management Control Plan to address on-site runoff, run-on and leachate management at the facility must be submitted to the Department for its approval.

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- u. A map clearly showing the location of the incinerator, to be operated by the applicant under this general permit, including the following (Form 5):
 - 1. Boundaries and names of present owner(s) of record of land (surface and sub-surface), including easements, right-of-way, and other property interests for the proposed permit area and adjacent properties.
 - 2. Boundaries of land within the proposed permit area; description of title, deed, or usage restrictions.
 - 3. Location of access roads (include slopes, grades, dimensions) and gates in relation to public and private roads, wells, and property lines.
 - 4. Location of the staging and storage areas for the incinerator ash.
 - 5. Right-of-way: within 300 feet of the facility for high-tension power lines, pipelines, railroads, public and private roads, buildings (school, dwelling, etc.) currently in use.
 - 6. 100-year flood plain.
 - 7. Areas for which a bond will be posted (Chapter 271, Sub-Chapter D).
 - 8. All utilities installed at the facility (electrical, gas, water, sewer, telephone, etc.).
 - 9. Leachate and storm water runoff prevention and controls for the staging and storage areas for incinerator ash material.

 - v. Additional information the Department believes is necessary to make a decision.
19. The permittee shall immediately notify the Department (See address in Condition 18), in writing, of any changes in: the name, address, owners, operators and/or responsible officials of the company; changes in facility location; changes in land ownership or the right to operate on the land occupied; the physical or chemical characteristics of the incinerator ash material; the process which generates the incinerator ash; and the change in status of any permit issued by the Department or any state authority or federal government under the environmental protection acts.
20. The incinerator ash 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 seq. and the regulations promulgated therein.

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21. a. The permittee shall maintain records of unacceptable incinerator ash that is disposed by the permittee. The records shall include the name and address of the disposal location, date of disposal, volume or weight of the incinerator ash that is disposed.
- b. The permittee shall maintain records of volume or weight of the incinerator ash that is generated for beneficial use annually.
- c. The permittee shall maintain records of volume or weight and location of the incinerator ash for beneficial use that is stored.
- d. The permittee shall maintain records of chemical analyses for the incinerator ash for beneficial use as required in Condition 3 of this general permit.

The records required in this Condition shall be retained by the permittee for a minimum of 5 years and made available to the Department upon request.

22. The permittee and subsequent sellers of the incinerator ash material shall inform all persons or municipalities and other entities who purchase incinerator ash from the permittee, which propose to beneficially use the incinerator ash material covered under this general permit of the conditions and limitations imposed on the beneficial use of incinerator ash by the Department of Environmental Protection (Department). This notification shall be by providing a copy of Appendix A (Use Restrictions) of this general permit to all persons or municipalities which propose to beneficially use the incinerator ash. The conditions in Appendix A also apply to: (1) the permittee, (2) any municipality or person who obtains a determination of applicability to conduct activities authorized by this general permit, and (3) all subsequent end-users of the incinerator ash.

The permittee shall record the name and address of each person who is given or purchases the incinerator ash and shall record its intended use(s).

23. Equipment used for the collection, storage and transportation of the incinerator ash 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.
24. Upon cessation of operations or by the expiration date of this general permit or unless extended by the Department in writing, the permittee shall remove any remaining stored incinerator ash and any other residual wastes or other materials which contain or have been mixed with the incinerator ash and shall provide for the processing and disposal of the waste or material in accordance with the Solid

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Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.

25. This general permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from areas where solid waste management activities are conducted to the waters of the Commonwealth.
26. The storage of incinerator ash material shall be in a manner which prevents harborage or breeding of vectors (including mosquitoes) or creation of odor, dust, litter, noise and other nuisances which may be harmful to the public health, safety, welfare, and the environment. Storage shall be in a manner that prevents dispersal of incinerator ash material by wind or water erosion and shall comply with the requirements of Title 25 Pa Code, Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste).
27. Persons operating under the provisions of this general permit shall submit, within 30 days after the anniversary date of this permit, to the Department (See address in Condition 18) and the appropriate Department Regional Office, an annual report which contains the information outlined in Conditions 6, 7 and 21, and summarizes the following information:
 - a. Name and address of the generator of incinerator ash.
 - b. Weight or volume of the incinerator ash generated for beneficial use authorized under this general permit.
 - c. Weight or volume of the incinerator ash produced, stored, sold, traded or given away during the last 12 months ending on the anniversary date of the permit.
 - d. Laboratory reports for the parameters specified in Condition 3 of this general permit. The analysis data submitted in compliance with this requirement must be from samples of the incinerator ash material collected within the past 12 months.
28. Any person operating under the provisions of this general permit must notify the Department, in writing, if the incinerator facility is relocated or if new location(s) are to be included under this general permit. At least thirty (30) days prior to a permittee operating at a new location, two (2) copies of the information as required in: a, b, c, d, e, f, l, m, n, o, p, q, r, s, and u of Condition 18 of this general permit must be provided to the Department (see address in Condition 18), for review and approval.

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29. The incinerator ash shall not be staged or stored as follows:
- a. Within 100 feet or less of a perennial stream.
 - b. Within 33 feet of an intermittent stream.
 - c. Within 300 feet of a water supply source.
 - d. Within 300 feet of an exceptional value wetland.
 - e. Within 100 feet of a wetland other than an exceptional value wetland.
 - f. In a 100-year flood plain or below the 100-year flood plain.
 - g. Within 3.3 feet of a regional groundwater table.
 - h. Within 100 feet of the edge of a sinkhole or area drainage into a sinkhole.
 - i. Within 50 feet of a property line.
 - j. Within 300 feet of an occupied dwelling.
 - k. Within 300 feet of a school, park or playground.
30. Unless otherwise authorized by the Department in writing, the storage of incinerator ash shall comply with the following requirements:
- a. During the calendar year (commencing on January 1), incinerator ash shall not be stored for more than one (1) year, and at any one time the maximum amount stored may not exceed the total amount of 5,000 tons per year as described in the approved application.

APPENDIX A

USE RESTRICTIONS GENERAL PERMIT WMGM026

The following "Use Restrictions" apply to the beneficial use of sewage sludge incinerator ash, hereinafter referred as "incinerator ash", for use as an ingredient or a component in the production of a high quality topsoil or compost material. Persons or municipalities receiving, storing and/or using the incinerator ash as an ingredient or a component in the production of a high quality topsoil or compost material must be made aware of the following requirements:

USE RESTRICTIONS:

1. The beneficial use of incinerator ash as an ingredient or a component, in the production of a high quality topsoil or compost material, shall be equal to or less than 5% or 100 pounds (lb) of the incinerator ash per ton of topsoil or compost material in the production of high quality soil or compost material.
2. The incinerator ash shall not be placed in direct contact with surface water or ground water.
3. Hazardous waste, municipal waste, municipal special handling waste, and other residual waste may not be mixed, stored and/or beneficially used with the incinerator ash.
5. The incinerator ash shall be stored in a manner that prevents harborage or breeding of vectors or creation of odor, dust, litter, noise and other nuisances which may be harmful to the public health, safety, welfare, and the environment. Storage shall be in a manner that prevents dispersal of incinerator ash by wind or water erosion.
6. Storm water runoff from the incinerator ash storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
7. Unless otherwise authorized by the Department in writing, during the calendar year (commencing on January 1), incinerator ash shall not be stored for more than one (1) year, and at any one time the maximum amount stored may not exceed the total amount of materials as described in the approved application.