

SPECIAL CONDITIONS
GENERAL PERMIT NUMBER WMGR101

1. The approval herein granted is limited to the processing and beneficial use of steel slag, iron slag, and refractory bricks that were co-disposed with slag (“slag”), reclaimed asphalt pavement materials (RAP) in quantities greater than 10 cubic yards and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material. Slag, RAP, uncontaminated brick, block and concrete are referred to as “waste” in this general permit.

Brick, block and concrete are considered to be uncontaminated under this permit if it is shown, through due diligence, to satisfy the requirements for clean fill under the Department’s policy “Management of Fill” (258-2182-773).

The authorized processing of slag and uncontaminated brick, block and concrete from sidewalk and highway projects is limited to magnetic separation of metallics and mechanical sizing and separation. Uses of slag as a construction material under this permit are limited to the following: as an ingredient in bituminous concrete; as aggregate; as base course; as subbase; as antiskid material and as an ingredient in the production of building block materials. The approval herein granted to beneficially use slag and uncontaminated brick, block and concrete from sidewalk and highway projects as a construction material is limited to the uses that meet the applicable Pennsylvania Department of Transportation (PennDOT) standards set forth in the Appendix A, Condition A7 or Appendix C, Condition A1.

The authorized processing of RAP is limited to the fixed or portable processing (i.e., grinding and screening). Uses of RAP as a construction material under this permit are limited to the following: as an ingredient in bituminous concrete; as aggregate; as base course; as subbase; for compacted roadway shoulder applications covered with a sealer (i.e., a thin bituminous coating intended to limit the reclaimed asphalt pavement materials from washing and leaching). The approval herein granted to beneficially use RAP as a construction material is limited to the uses that meet the applicable PennDOT standards set forth in Publication No. 408 (Specifications). RAP used as an ingredient or a component in the production of hot or cold mix asphalt-paving material must meet the applicable requirements of the American Society for Testing and Materials (ASTM) Standard, or other National, state, or industry standard for which it is being used.

2. All metallics separated from the slag during processing shall be shipped to a metals recycler for reclamation or reuse.
3. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall operate the facility as described in the approved application.

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4a. Slag shall not be placed directly into the environment if any of the following levels are exceeded:

<u>Constituent</u>	<u>Total (mg/kg)¹</u>	<u>Leachable (mg/L)²</u>
Antimony	30	0.15
Arsenic	41	1.25
Cadmium	39	0.25
Chromium (total)	2500	1.25
Chromium (VI)	30	
Copper	1500	32.5
Iron		7.5
Lead	200/450 ³	1.25
Manganese		15
Nickel	420	2.5
PCBs (for landfilled slag only)		
Non-residential uses	2 ⁴	
Residential uses	1 ⁴	
Thallium	6	0.0125
Zinc	2800	125

Should the slag contain other constituents which do not meet the requirements of §288.623(a) (relating to minimum requirements for acceptable waste) or which pose a threat of harm to human health or the environment, the slag shall not be placed directly into the environment.

¹On a dry weight basis

²The toxicity characteristic leaching procedure (EPA Method 1311) or the synthetic precipitation leaching procedure (EPA Method 1312) or other leaching procedure approved by the Department shall be used for all leaching analyses.

³For uses where slag will be promptly covered by concrete or bituminous concrete, the total lead limit is 450 mg/kg. For all other placement directly into the environment, the total lead limit is 200 mg/kg.

⁴The sample preparation for PCB determinations shall be EPA Method 3545.

b. In addition to the limitations in 4a, slag shall not be placed directly into the environment for use as antiskid or other surface application if the pH of the slag is less than 5.5 or greater than 10.0.

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- c. Slag shall not be used as an ingredient in bituminous concrete if the leachable levels in 4a are exceeded in the slag, unless the following levels are not exceeded in the bituminous concrete:

<u>Constituent</u>	<u>Leachable (mg/L)*</u>
Antimony	0.15
Arsenic	1.25
Cadmium	0.25
Chromium (Total)	1.25
Copper	32.5
Lead	1.25
Nickel	2.5
Thallium	0.0125
Zinc	125

*The toxicity characteristic leaching procedure (EPA Method 1311) or the synthetic precipitation leaching procedure (EPA Method 1312) or other leaching procedure approved by the Department shall be used for all leaching analyses.

Once chemical analysis of the bituminous concrete demonstrates that these levels are not exceeded, reanalysis of the bituminous concrete is not required as long as:

- i. constituent levels in the slag do not exceed those in the waste used to prepare the bituminous concrete analyzed for this demonstration.
 - ii. the quantity of slag per ton of bituminous concrete is not greater than the quantity used for this demonstration.
- d. Slag shall not be used as an ingredient in bituminous concrete if the total PCB level in 4a is exceeded.
5. Prior to the beneficial use of the processed slag, the permittee shall perform chemical analysis on a representative sample of processed slag for the appropriate parameters listed in Condition 4. The chemical analyses required in this Condition shall be performed by a laboratory that is in compliance with the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No. 90, 27 Pa C.S. §4101 et. seq. The permittee shall perform chemical analysis on additional representative samples of processed slag as follows:
- a. annually, for slag obtained directly from the generator and produced on an ongoing basis. In addition, each time there is a significant change in the process generating the slag.
 - b. each time a new source of slag is received; or

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- c. quarterly, for slag which has previously been disposed and is being mined (either on-site or off-site). One grab sample of slag shall be taken each week, of the slag that was processed during that week. These weekly grab samples shall be composited to make up the quarterly sample. No samples need to be taken in quarters where slag is not mined or processed.
- d. Should the level of any constituent equal or exceeding 90 percent of the limit in Condition 4a, future chemical analyses for the constituent shall be based on monthly samples until such time as levels of the constituent in three consecutive monthly samples are below 90 percent of the limit in Condition 4a. The monthly samples shall also be made up of composites of the weekly grab samples.
- e. Should the level of any constituent exceed the limit in Condition 4a, a sampling plan for future chemical analyses for the constituent shall be submitted to the Department for approval. Slag shall not be beneficially used until the sampling plan is approved by the Department and adhered to by the permittee.

Should knowledge of the generation process, visual observations, or analytical results indicate variability in the quality of the slag, more frequent analysis may be required.

- 6. Prior to the beneficial use of waste or distribution of the waste prior to beneficial use, the permittee shall visually inspect the waste for unusual coloration, stains, or any other indication of contamination or the presence of other wastes or materials. If the presence of other wastes are indicated, as a result of visual observation or testing in compliance with Condition 4, the waste shall not be beneficially used unless the other wastes have been removed from the waste to the greatest extent practical or the use of the other waste(s) has been approved by the Department, under a beneficial use general permit, for the same beneficial use(s) as the waste will be utilized under this permit. In addition, slag, where the presence of other wastes are indicated, may not be beneficially used unless the slag is retested and found to be in compliance with Condition 4.
- 7. The waste shall not be hazardous waste.
- 8. The waste shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste.
- 9. The waste and metallics shall not be accumulated speculatively.
- 10. 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.
- 11. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code Sections 123.1 and 123.2.

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12. In addition to the requirements of this general permit, a noncoal/industrial minerals permit approved by the appropriate District Mining Office is required to reprocess slag under this authorization or approval under 25 Pa. Code Chapter 77 prior to excavation of any previously disposed slag.
13. Nothing in this 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, provided that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.
14. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby 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 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 waste, water, 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 Sec. 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 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.
15. Failure of the 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.
16. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Pennsylvania Solid Waste Management Act of 1980.
17. The activities 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.

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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 apply for a determination of applicability to the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. At a minimum, the following information must be provided on forms available from the Department's Bureau of Land Recycling and Waste Management:
- a. Name and street address of applicant;
 - b. Number and title of general permit;
 - c. A chemical and physical analysis, and description of the slag which fully characterizes their composition and properties; the waste generation process; and a plan for screening, managing and rejecting waste.
 - d. Name and location of the generator(s) of the waste;
 - e. A description of the processing operations, including a detailed site drawing showing the permit boundary, processing equipment, placement of storage piles, and other significant features;
 - f. A Preparedness, Prevention, and Contingency (PPC) plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans";
 - g. Proof that copies of the notification have been submitted to the municipality, county, county planning agency and county health department in which the processing activities will be conducted;
 - h. Proof that the slag and waste management activities will be consistent with the general permit;
 - i. Signed and notarized statement by the applicant who seeks to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit;
 - j. A application fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania";
 - k. Proof that copies of the application have been submitted to the municipality, county, county planning agency and county health department in which the primary beneficial use activities will be conducted;
 - i. 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;
 - j. A list of all previous permits or licenses issued to the permittee by the Department or federal government under the environmental protection acts; the date of issuance and current status of those permits; and the permittee's compliance history concerning the environmental protection acts;
 - k. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition 16;
 - l. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit;
 - m. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities;
 - n. Additional information the Department believes is necessary to make a decision;

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19. Any person that operates under the provisions of this permit shall immediately notify the Department (see address in Condition 18) via certified mail of any changes in: the company name, address, owners, operators and responsible officials; land ownership and the right to enter and operate on any land occupied by a facility; the system used to process waste; and the status of any permit issued by the Department or federal government under the environmental protection acts.

At least sixty (60) days prior to a permittee operating a processing facility at a new location, two (2) copies of the following must be supplied to the Department (see address in Condition 18), in writing:

- a. Name, address, phone number, and contact person for the new facility;
 - b. A description of the processing operations, including a detailed site drawing showing placement of storage units and their capacities, containment areas, and other significant features, and a map showing the facility placement;
 - c. Proof that copies of the notification have been submitted to the municipality, county, county planning agency and county health department in which the processing activities will be conducted;
 - d. A Preparedness, Prevention, and Contingency (PPC) plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans";
 - e. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit;
 - f. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities;
 - g. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition 16.
20. Daily inspections of equipment during waste processing activities shall be conducted to ensure that equipment will operate properly and to examine for evidence of equipment failure.
21. At least fifteen (15) days prior to the permittee steel slag or iron slag from a new source, two (2) copies of the following must be supplied to the Department (see address in Condition 18), in writing:
- a. Name, address, phone number, and contact person for the source of the slag;
 - b. A description of the type of slag and how it was generated;
 - c. Identify the slag as freshly produced or mined (previously landfilled);
 - d. The results of chemical analyses required under Condition 5.
22. Unless otherwise authorized by the Department, in writing,
- a. slag, uncontaminated brick, block and concrete may not be accumulated speculatively as defined in 25 Pa. Code § 287.1.

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- b. RAP shall not be stored for more than two (2) consecutive construction seasons and the following apply:
- i. RAP is not accumulated before being beneficially used unless the operator shows that the RAP has the potential to be beneficially used and has a feasible means of being beneficially used; and
 - ii. During the biennial construction season (commencing on April 1), the amount of RAP that is beneficially used or transferred to a different site for beneficial use, equals at least 75% by weight or volume of the RAP accumulated at the beginning of the period. In calculating the percentage of turnover, the 75% requirement is to be applied to each RAP of the same type (i.e., milled asphalt pavement, etc.) 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).
23. The permittee shall maintain at the permitted facility an updated copy of a Preparedness, Prevention, and Contingency (PPC) plan for the facility prepared in accordance with the most recent edition of the Department's "Guidelines for the Development and Implementation of Environmental Emergency Response Plans". The PPC plan shall be updated every 5 years or more frequently if necessary (e.g., if changes in phone numbers, equipment, or regulatory requirements occur).
24. Storage of waste by the permittee shall be in a manner that complies with 25 Pa. Code Chapter 299 (relating to the storage of residual waste). Leachate and runoff produced from the storage of waste shall be managed in accordance with The Clean Streams Law. Storage of residues from the processing of waste or other wastes discovered during the mining of slag shall be in a manner that complies with 25 Pa. Code Chapter 299 or 40 CFR Part 262, Subpart C (relating to pre-transport requirements for hazardous waste), as incorporated by reference in 25 Pa. Code 262a.10, whichever is applicable.
25. Any residues from the processing of waste or other wastes discovered during the mining of slag not approved for placement on-site in the reclamation plan under a non-coal mining permit shall be transported off-site, within 90 days, to a facility authorized to manage the waste in a manner that complies with 25 Pa. Code Chapter 299 (relating to the transportation of residual waste) or 40 CFR Part 263 (relating to transportation of hazardous waste), as incorporated by reference in 25 Pa. Code 262a.10, whichever is applicable.
26. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP regional office in the event of a discharge or spill of waste and shall take appropriate immediate action to protect the health and safety of the public and the environment. Spills of less 1000 pounds of waste need not be reported.

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27. Records of any analytical evaluations conducted on waste pursuant to the residual waste regulations and this permit, 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 shall include information on the dates of testing, each parameter tested, the results, the laboratory, sampling procedures, analytical methodologies, 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.
28. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming waste, the date of receipt and quantity of waste received at each location, the results of analysis as required in Condition 5, results of testing to show waste satisfies the requirements of the applicable Pennsylvania Department of Transportation (PennDOT) specifications, as outlined in their Publication 408, Specifications, and the name, address, and phone number, and quantity for each destination of outgoing shipment of waste. Records of any analytical evaluations conducted on the slag shall include information on the dates of testing, each parameter tested, the results, the laboratory, sampling procedures, analytical methodologies and person collecting the sample. The permittee shall also maintain records of all spills of 1000 pounds or greater and releases that contain: location, date, time, identification and quantity of spilled or released material, and a description of how the material was cleaned up. These records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated and shall be available to the Department for inspection.
29. The permittee shall submit an annual report to the Department's office in the region where the permittee is located. This report shall contain a summary of all the information required in Conditions 5 and 28, and shall be submitted by the anniversary date on which the permittee was covered under this permit.
30. 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 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.
31. Upon cessation of operations at the facility, the permittee shall comply with any applicable closure requirements in 25 Pa. Code § 297.272.
32. Prior to the beneficial use of slag as an aggregate or supplying slag for use as an aggregate, the permittee shall hydrate the slag as described in Section 703.2(a)(4) of the Pennsylvania Department of Transportation (PennDOT) as outlined in their Publication 408, Specifications. This requirement does not apply to slag that has previously been disposed and is being mined that was properly hydrated prior to disposal. Leachate and runoff produced from the hydration of slag shall be managed in accordance with The Clean Streams Law.

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33. The permittee shall inform all persons or municipalities that propose to beneficially use waste covered under this permit of all the conditions and limitations imposed on the use of waste by the Department of Environmental Protection. This notification shall be by providing a copy of the appropriate appendices of this permit to the persons or municipalities. In addition, the permittee shall inform all persons or municipalities that propose to beneficially use slag covered under this permit of the acceptable uses of the slag being supplied based on the limitations in Condition 4. The conditions in the Appendices shall apply to any person who operates pursuant to this general permit, including persons who obtain a Determination of Applicability to conduct activities authorized by this permit.

APPENDIX A
Restrictions on Use of Slag
As Construction Material
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The following restrictions apply to the beneficial use of slag from the production of steel or iron as construction material.. Persons receiving, storing, and/or using slag for beneficial use purposes are required to comply with the following requirements:

STORAGE AND TRANSPORTATION

- A1. Slag shall not be stored in direct contact with ground water.
- A2. The amount of slag that may be stored at any site at any point in time is limited to that amount of slag that is intended to be used, and can be practicably used, on the site for the next 365 days, but in no case shall more than 5000 tons of unused slag be stored on any one site unless otherwise approved by the Department.
- A3. Runoff from slag 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.
- A4. Slag shall not be stored within these minimum isolation distances:
 - (a) 100 feet of an intermittent or perennial stream;
 - (b) 300 feet of a water source, unless otherwise approved by the Department, in writing;
 - (c) 50 feet of a property line, unless the current owner has provided a written waiver consenting to the activities being closer than 50 feet;
 - (d) 300 feet of an occupied dwelling, unless the current owner has provided a written waiver consenting to the activities being closer than 300 feet;
 - (e) 100 feet of a sinkhole or area draining into a sinkhole;
 - (f) 1,000 feet upgradient of a surface water source, unless otherwise approved by the Department, in writing;
 - (g) 25 feet of the perimeter of an undrained depression
 - (h) 300 feet of an exceptional value wetland
- A5. The storage and transportation of the slag shall be in a manner that will not create a nuisance or be harmful to the public health, safety or the environment. The storage and transportation of slag shall comply with the requirements of 25 PA Code Chapter 299 (relating to storage and transportation of residual waste).
- A6. Slag shall not be transported to or stored at any site prior to obtaining all necessary zoning and planning approvals for the proposed development project, prior to having an end use contract in place for the site where the slag are to be used, and prior to having financing in place for the proposed development project.

APPENDIX A
Restrictions on Use of Slag
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ACCEPTABLE USES:

A7. Approval to use slag as a construction material is limited to the following activities and must comply with the following technical standards developed by the Pennsylvania Department of Transportation (PennDOT) as outlined in their Publication 408, Specifications.

- (a) 206 (Embankment)
- (b) 210 (Subgrade)
- (c) 350 (Subbase)
- (d) 600 (Incidental Construction)
- (e) 703 (Aggregate)

USE RESTRICTIONS:

- A8. Slag shall not be placed in direct contact with surface water or groundwater or used in any construction activity within 100 feet of a perennial stream, 300 feet of an exceptional value wetland or 300 feet of a private or public water source.
- A9. Slag shall not be used as a valley fill material, to fill open pits from coal or other fills; or to level an area or bring an area to grade where the construction activity is not completed promptly after the placement of the solid waste.
- A10. Use of slag as fill material in landfill closure and site remediation is not authorized under this general permit.
- A11. Hazardous wastes, municipal waste, special handling waste, and other residual wastes may not be mixed and/or beneficially used with the slag.
- A12. The beneficial use of slag shall be in a manner which will not create a nuisance or be harmful to the public health, safety or the environment.
- A13. Placement of slag on any one project shall not continue for longer than 365 days without written authorization from the Department.

APPENDIX B
Restrictions on Use of RAP
As Construction Material
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The following “Acceptable Uses and Use Restrictions” apply to persons or municipalities that receive and/or use the reclaimed asphalt pavement (RAP) materials for beneficial use purposes, hereinafter referred to as “end-user”, without submitting a registration to the Department to operate under the term and conditions of this general permit.

ACCEPTABLE USES:

- A1. RAP received may be beneficially used if the following quality requirements are met:
- a. Where RAP will be beneficially used as an aggregate, a sub-grade, a sub-base or blended with other aggregate as a roadway construction material, the RAP must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT).
 - b. Where RAP will be beneficially used as a construction material for shoulder applications, the RAP must be compacted, and covered with a sealer which complies with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications);
 - c. Where RAP will be beneficially used under a project contract, the contract must specifically address the engineering qualities and characteristics that must be met for completion of the job or project. The contract must specifically indicate that the RAP satisfies the engineering requirements and the specifications for the job or project;
 - d. The RAP must conform to the applicable engineering properties as the raw material it is being substituted for.
- A2. Unless otherwise authorized by the Department, in writing, the end-user shall not store RAP at any location along a roadway construction project, as part of an “in-progress” project, for more than 2 weeks after its receipt.

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USE RESTRICTIONS

- B1. The RAP received shall not be placed in direct contact with surface water or groundwater.
- B2. The RAP received shall not be placed in a wetland or within 300 feet of a private or public water source.
- B3. The RAP received shall not be used as a valley fill material, to fill open pits from coal or other fills; or to level an area or bring an area to grade, except as authorized in this general permit.
- B4. Hazardous waste, municipal waste, special handling waste, and other residual wastes may not be mixed and/or stored or beneficially used with the RAP received.
- B5. Transportation, transferring or conveying of the RAP received to another municipality or person is prohibited.
- B6. Upon cessation of construction activities, the RAP shall be removed any other materials or other residual or municipal waste which contain or have been mixed with RAP shall be provided for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.
- B7. The beneficial use of the RAP received shall be in a manner which shall not create a nuisance or be harmful to the public health, safety or the environment.
- B8. Runoff from the received RAP 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.

APPENDIX C
Restrictions on Use of Uncontaminated Brick, Block
and Concrete from Sidewalk and Highway Projects
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The following restrictions apply to the beneficial use of uncontaminated brick, block and concrete from sidewalk and highway projects as construction materials. Persons storing and/or using uncontaminated brick, block and concrete from sidewalk and highway projects for beneficial use purposes must comply with the following requirements:

- A1. Approval to use uncontaminated brick, block and concrete from sidewalk and highway projects 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) c. 300 (Base Courses)
 - b. 210 (Subgrade) d. 400 (Flexible Pavements)
 - e. 703 (Aggregate, excluding 703.4 anti-skid material)
- A2. As specified in §271.811 (g) of the municipal waste management regulations, uncontaminated brick, block and concrete from sidewalk and highway projects or materials manufactured using uncontaminated brick, block and concrete from sidewalk and highway projects as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or other fills or to level an area or bring an area to grade where a roadway construction activity is not completed within 3 months after the placement of the uncontaminated brick, block and concrete from sidewalk and highway projects or materials derived from uncontaminated brick, block and concrete from sidewalk and highway projects..
- A3. The uncontaminated brick, block and concrete from sidewalk and highway projects or materials manufactured using uncontaminated brick, block and concrete from sidewalk and highway projects as a component or ingredient shall not be placed in direct contact with surface water or groundwater or in a wetland or within 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 uncontaminated brick, block and concrete from sidewalk and highway projects.

APPENDIX C
Restrictions on Use of Uncontaminated Brick, Block
and Concrete from Sidewalk and Highway Projects
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- A5. Unless authorized by the Department in writing, uncontaminated brick, block and concrete from sidewalk and highway projects shall not be stored for more than one (1) year, unless the following apply:
- i. The uncontaminated brick, block and concrete from sidewalk and highway projects are not accumulated before being beneficially used unless the operator shows that the uncontaminated brick, block and concrete from sidewalk and highway projects are potentially beneficially used and have a feasible means of being beneficially used; and
 - ii. During the calendar year (commencing on January 1), the amount of uncontaminated brick, block and concrete from sidewalk and highway projects that is beneficially used or transferred to a different site for beneficial use, equals at least 75% by weight or volume of the uncontaminated brick, block and concrete from sidewalk and highway projects 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., uncontaminated brick, block and concrete from sidewalk and highway projects, etc.) 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. Unless otherwise authorized by the Department, in writing, the end-user shall not store uncontaminated brick, block and concrete from sidewalk and highway projects at any location along a roadway construction project, as part of an “in-progress” project, for more than 2 weeks after its receipt.
- A7. The storage, transportation or use of the uncontaminated brick, block and concrete from sidewalk and highway projects 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 uncontaminated brick, block and concrete from sidewalk and highway projects shall comply with the requirements of 25 Pa Code Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste).
- A8. Runoff from the uncontaminated brick, block and concrete from sidewalk and highway projects 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.
- A9. 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 uncontaminated brick, block and concrete from sidewalk and highway projects and manage the roadway excavation waste in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.

APPENDIX C
Restrictions on Use of Uncontaminated Brick, Block
and Concrete from Sidewalk and Highway Projects
As Construction Material
General Permit No. WMGR101

A10. Approval to use uncontaminated brick, block and concrete from sidewalk and highway projects 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 uncontaminated brick, block and concrete from sidewalk and highway projects are being substituted.