

**SPECIAL CONDITIONS**  
**GENERAL PERMIT NUMBER WMGR085**

1. The approval herein granted is limited to the processing of freshwater, brackish and marine dredge material, cement kiln dust (CKD), lime kiln dust (LKD), coal ash, and cogeneration ash (collectively referred to as “waste”) and beneficial use of the processed waste in coal mine reclamation to level an area or to bring an area to an approved grade. The authorized processing is limited to screening, mechanical blending and compaction.
2. Prior to acceptance of any waste by the permittee, the permittee shall have coverage for the processing and beneficial use operations under a surface mining permit or a signed contractual agreement with the Department for reclamation of an abandoned mine.
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.
- 4a. Waste shall not be accepted by the permittee for processing if:
  - i. the coal ash does not meet the Coal Ash Certification Guidelines developed under 25 Pa. Code § 287.663.

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- ii. the calcium carbonate equivalency (CCE) is less than 50 percent or any of the following levels are exceeded in the CKD or LKD:

Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Inorganics</b>		
Antimony	30	0.15
Arsenic	41	1.25
Barium	5000	50
Beryllium	6.0	0.1
Cadmium	39	0.125
Chromium		
Total	2500	2.5
Hexavalent	30	NEL
Copper	1500	32.5
Iron	NEL	7.5
Lead	200	1.25
Manganese	---	15
Mercury	20	0.05
Nickel	420	2.5
Selenium	60	1.0
Thallium	6	0.0125
Zinc	2800	125

<sup>†</sup>On a dry weight basis

<sup>\*</sup>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.

<sup>√</sup>NEL indicates no level has been established

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iii. any of the following levels are exceeded in freshwater, brackish and marine dredge material:

Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Volatiles</b>		
Chloromethane	NEL <sup>‡</sup>	0.1
Bromomethane	1.0	4.9x10 <sup>-2</sup>
Vinyl Chloride	2.0	0.02
Chloroethane	3.0	NEL
Methylene Chloride	0.2	5.0x10 <sup>-3</sup>
Acetone	1000	3.5
Carbon Disulfide	410	NEL
1,1-Dichloroethene	1.0	0.007
1,1-Dichloroethane	1.1	NEL
1,2-Dichloroethene (total)		
cis-1,2-Dichloroethene	7.0	0.07
trans-1,2-Dichloroethene	10.0	0.1
Chloroform	7.2	0.1
1,2-Dichloroethane	0.3	0.005
2-Butanone(MEK)	580	21
1,1,1-Trichloroethane	20	0.2
Carbon Tetrachloride	0.5	0.05
Bromodichloromethane	0.55	0.1
1,2-Dichloropropane	0.5	0.005
cis-1,3-Dichloropropene	0.26	0.0105
Trichloroethene	2.0	0.005
Dibromochloromethane	6.1	0.1
1,1,2-Trichloroethane	0.5	0.003
Benzene	0.8	0.005
1,3-Dichloropropene	0.26	0.0105
Bromoform	10	0.1
4-Methyl-2-pentanone(MIBK)	41	NEL
2-Hexanone	NEL	NEL
Tetrachloroethene	2.0	0.005
1,1,2,2-Tetrachloroethane	0.03	NEL
Toluene	4.0	1.0
Chlorobenzene	10	0.1
Ethylbenzene	70	0.7
Styrene	10	0.1
Xylenes(total)	500	10

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Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Semivolatiles</b>		
Phenol	400	21
bis-(2-Chloroethyl)ether	NEL	3.18x10 <sup>-5</sup>
2-Chlorophenol	NEL	0.175
1,3-Dichlorobenzene	60	NEL
1,4-Dichlorobenzene	7.0	0.075
1,2-Dichlorobenzene	7.0	0.6
2-Methylphenol	0.5	NEL
2,2'-oxybis(1-Chloropropane)	NEL	NEL
4-Methylphenol	0.4	NEL
N-Nitroso-di-n-propylamine	NEL	5.0x10 <sup>-6</sup>
Hexachloroethane	30	0.035
Nitrobenzene	NEL	0.0175
Isophorone	NEL	7.0
2-Nitrophenol	82	NEL
2,4-Dimethylphenol	NEL	0.7
bis(2-Chloroethoxy)methane	NEL	NEL
2,4-Dichlorophenol	1.9	0.105
1,2,4-Trichlorobenzene	20	0.07
Naphthalene	8.0	NEL
4-Chloroaniline	NEL	0.14
Hexachlorobutadiene	1.2	NEL
4-Chloro-3-methylphenol	NEL	NEL
2-Methylnaphthalene	20	NEL
Hexachlorocyclopentadiene	NEL	0.05
2,4,6-Trichlorophenol	NEL	0.00318
2,4,5-Trichlorophenol	NEL	3.5
2-Chloronaphthalene	NEL	2.8
2-Nitroaniline	0.58	NEL
Dimethylphthalate	NEL	NEL
Acenaphthylene	8.0	NEL
2,6-Dinitrotoluene	0.084	NEL
3-Nitroaniline	0.58	NEL
Acenaphthene	380	2.1
2,4-Dinitrophenol	NEL	0.07
4-Nitrophenol	0.5	NEL
Dibenzofuran	NEL	NEL
2,4-Dinitrotoluene	NEL	0.07
Diethylphthalate	3.0	28
4-Chlorophenyl-phenyl ether	NEL	NEL
Fluorene	40	1.4
4-Nitroaniline	0.58	NEL
4,6-Dinitro-2-methylphenol	NEL	NEL
N-Nitrosodiphenylamine	NEL	0.00714
4-Bromophenyl-phenyl ether	NEL	NEL
Hexachlorobenzene	3.0	0.001

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Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Semivolatiles (Continued)</b>		
Pentachlorophenol	NEL	0.001
Phenanthrene	80	NEL
Anthracene	70	10.5
Carbazole	1.3	NEL
Di-n-butylphthalate	NEL	3.5
Fluoranthene	400	1.4
Pyrene	300	1.05
Butylbenzylphthalate	100	7.0
3,3'-Dichlorobenzidine	NEL	7.78x10 <sup>-5</sup>
Benzo(a)anthracene	6.0	NEL
Chrysene	500	NEL
bis(2-Ethylhexyl)phthalate	300	0.006
Di-n-octylphthalate	500	NEL
Benzo(b)fluoranthene	6.0	NEL
Benzo(k)fluoranthene	60	NEL
Benzo(a)pyrene	1.8	0.0002
Indeno(1,2,3-cd)pyrene	6.0	NEL
Dibenzo(a,h)anthracene	0.6	NEL
Benzo(g,h,i)perylene	500	NEL
<b>Pesticides/Aroclors</b>		
alpha-BHC	0.71	5.56x10 <sup>-6</sup>
beta-BHC	40	NEL
delta-BHC	30	NEL
gamma-BHC (Lindane)	3.0	NEL
Heptachlor	1.0	0.0004
Aldrin	0.04	2.06 x10 <sup>-6</sup>
Heptachlor epoxide	0.5	0.0002
Endosulfan I	60	0.21
Dieldrin	0.3	2.19x10 <sup>-6</sup>
4,4'-DDE	10	1.03x10 <sup>-4</sup>
Endrin	20	0.02
Endosulfan II	60	0.21
4,4'-DDD	20	1.46x10 <sup>-4</sup>
4,4'-DDT	10	1.03x10 <sup>-4</sup>
Methoxychlor	200	0.0004
Endrin ketone	NEL	NEL
Endrin aldehyde	NEL	NEL
alpha-Chlordane	NEL	0.02
gamma-Chlordane	NEL	0.02
Toxaphene	4.0	0.002
PCBs (Total) <sup>‡</sup>	4.0	NEL

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Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Inorganics</b>		
Aluminum	NEL	5.0
Antimony	30	0.15
Arsenic	41	1.25
Barium	5000	50.0
Beryllium	6.0	0.1
Boron	60	3.15
Cadmium	39	0.125
Calcium	NEL	NEL
Chromium		
Total	2500	2.5
Hexavalent	30	NEL
Cobalt	NEL	17.5
Copper	1500	32.5
Iron	NEL	7.5
Lead	200	1.25
Magnesium	NEL	NEL
Manganese	---	1.25
Mercury	20	0.05
Molybdenum	NEL	4.375
Nickel	420	17.5
Potassium	NEL	NEL
Selenium	60	1.0
Silver	5.0	2.5
Sodium	NEL	NEL
Thallium	6.0	0.0125
Vanadium	72	NEL
Zinc	2800	125
Chloride	NEL	2500
Cyanide (Free)	20	0.2
Sulfate	NEL	2500
Sulfide	500	NEL

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Constituents	Total (ng/kg) <sup>†</sup>	Leachable (ng/L) <sup>*</sup>
Dioxins and Furans (TEQ)	53	NEL

<sup>†</sup>On a dry weight basis

<sup>\*</sup>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.

<sup>√</sup>NEL indicates no level has been established

<sup>‡</sup>The sample preparation for PCB determinations shall be EPA Method 3545.

- b. Other than screening to remove large pieces of debris and other recognizable wastes, freshwater, brackish and marine dredge material shall not be processed by the permittee if any level in Condition 4a iii is exceeded or if it contains other recognizable waste.
- c. Processed waste shall not be beneficially used if the pH is below 7.0 or any of the following levels are exceeded:

Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Volatiles</b>		
Chloromethane	NEL <sup>√</sup>	0.1
Bromomethane	1.0	4.9x10 <sup>-2</sup>
Vinyl Chloride	2.0	0.02
Chloroethane	3.0	NEL
Methylene Chloride	0.2	5.0x10 <sup>-3</sup>
Acetone	1000	3.5
Carbon Disulfide	410	NEL
1,1-Dichloroethene	1.0	0.007
1,1-Dichloroethane	1.1	NEL
1,2-Dichloroethene (total)		
cis-1,2-Dichloroethene	7.0	0.07
trans-1,2-Dichloroethene	10.0	0.1
Chloroform	7.2	0.1
1,2-Dichloroethane	0.3	0.005
2-Butanone (MEK)	580	21
1,1,1-Trichloroethane	20	0.2
Carbon Tetrachloride	0.5	0.05
Bromodichloromethane	0.55	0.1
1,2-Dichloropropane	0.5	0.005

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Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Volatiles (Continued)</b>		
cis-1,3-Dichloropropene	0.26	0.0105
Trichloroethene	2.0	0.005
Dibromochloromethane	6.1	0.1
1,1,2-Trichloroethane	0.5	0.003
Benzene	0.8	0.005
1,3-Dichloropropene	0.26	0.0105
Bromoform	10	0.1
4-Methyl-2-pentanone (MIBK)	41	NEL
2-Hexanone	NEL	NEL
Tetrachloroethene	2.0	0.005
1,1,2,2-Tetrachloroethane	0.03	NEL
Toluene	4.0	1.0
Chlorobenzene	10	0.1
Ethylbenzene	70	0.7
Styrene	10	0.1
Xylenes(total)	500	10
<b>Semivolatiles</b>		
Phenol	400	21
bis-(2-Chloroethyl)ether	NEL	3.18x10 <sup>-5</sup>
2-Chlorophenol	NEL	0.175
1,3-Dichlorobenzene	60	NEL
1,4-Dichlorobenzene	7.0	0.075
1,2-Dichlorobenzene	7.0	0.6
2-Methylphenol	0.5	NEL
2,2'-oxybis(1-Chloropropane)	NEL	NEL
4-Methylphenol	0.4	NEL
N-Nitroso-di-n-propylamine	NEL	5.0x10 <sup>-6</sup>
Hexachloroethane	30	0.035
Nitrobenzene	NEL	0.0175
Isophorone	NEL	7.0
2-Nitrophenol	82	NEL
2,4-Dimethylphenol	NEL	0.7
bis(2-Chloroethoxy)methane	NEL	NEL
2,4-Dichlorophenol	1.9	0.105
1,2,4-Trichlorobenzene	20	0.07
Naphthalene	8.0	NEL
4-Chloroaniline	NEL	0.14
Hexachlorobutadiene	1.2	NEL
4-Chloro-3-methylphenol	NEL	NEL
2-Methylnaphthalene	20	NEL
Hexachlorocyclopentadiene	NEL	0.05
2,4,6-Trichlorophenol	NEL	0.00318
2,4,5-Trichlorophenol	NEL	3.5
2-Chloronaphthalene	NEL	2.8



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Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Semivolatiles (Continued)</b>		
2-Nitroaniline	0.58	NEL
Dimethylphthalate	NEL	NEL
Acenaphthylene	8.0	NEL
2,6-Dinitrotoluene	0.084	NEL
3-Nitroaniline	0.58	NEL
Acenaphthene	380	2.1
2,4-Dinitrophenol	NEL	0.07
4-Nitrophenol	0.5	NEL
Dibenzofuran	NEL	NEL
2,4-Dinitrotoluene	NEL	0.07
Diethylphthalate	3.0	28
4-Chlorophenyl-phenyl ether	NEL	NEL
Fluorene	40	1.4
4-Nitroaniline	0.58	NEL
4,6-Dinitro-2-methylphenol	NEL	NEL
N-Nitrosodiphenylamine	NEL	0.00714
4-Bromophenyl-phenyl ether	NEL	NEL
Hexachlorobenzene	3.0	0.001
Pentachlorophenol	NEL	0.001
Phenanthrene	80	NEL
Anthracene	70	10.5
Carbazole	1.3	NEL
Di-n-butylphthalate	NEL	3.5
Fluoranthene	400	1.4
Pyrene	300	1.05
Butylbenzylphthalate	100	7.0
3,3'-Dichlorobenzidine	NEL	7.78x10 <sup>-5</sup>
Benzo(a)anthracene	6.0	NEL
Chrysene	500	NEL
bis(2-Ethylhexyl)phthalate	300	0.006
Di-n-octylphthalate	500	NEL
Benzo(b)fluoranthene	6.0	NEL
Benzo(k)fluoranthene	60	NEL
Benzo(a)pyrene	1.8	0.0002
Indeno(1,2,3-cd)pyrene	6.0	NEL
Dibenzo(a,h)anthracene	0.6	NEL
Benzo(g,h,i)perylene	500	NEL

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<b>Pesticides/Aroclors</b>		
alpha-BHC	0.71	5.56x10 <sup>-6</sup>
beta-BHC	40	NEL
delta-BHC	30	NEL
gamma-BHC (Lindane)	3.0	NEL
Heptachlor	1.0	0.0004
Aldrin	0.04	2.06 x10 <sup>-6</sup>
Heptachlor epoxide	0.5	0.0002
Endosulfan I	60	0.21
Dieldrin	0.3	2.19x10 <sup>-6</sup>
4,4'-DDE	10	1.03x10 <sup>-4</sup>
Endrin	20	0.02
Endosulfan II	60	0.21
4,4'-DDD	20	1.46x10 <sup>-4</sup>
4,4'-DDT	10	1.03x10 <sup>-4</sup>
Methoxychlor	200	0.0004
Endrin ketone	NEL	NEL
Endrin aldehyde	NEL	NEL
alpha-Chlordane	NEL	0.02
gamma-Chlordane	NEL	0.02
Toxaphene	4.0	0.002
PCBs (Total) <sup>‡</sup>	4.0	NEL
<b>Inorganics</b>		
Aluminum	NEL	5.0
Antimony	30	0.15
Arsenic	41	1.25
Barium	5000	50.0
Beryllium	6.0	0.1
Boron	60	3.15
Cadmium	39	0.125
Calcium	NEL	NEL
Chromium		
Total	2500	2.5
Hexavalent	30	NEL
Cobalt	NEL	17.5
Copper	1500	32.5
Iron	NEL	7.5
Lead	200	1.25
Magnesium	NEL	NEL
Manganese	---	1.25
Mercury	20	0.05
Molybdenum	NEL	4.375
Nickel	420	17.5
Potassium	NEL	NEL
Selenium	60	1.0

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Constituent	Total (mg/kg) <sup>†</sup>	Leachable (mg/L) <sup>*</sup>
<b>Inorganics (Continued)</b>		
Silver	5.0	2.5
Sodium	NEL	NEL
Thallium	6.0	0.0125
Vanadium	72	NEL
Zinc	2800	125
Chloride	NEL	2500
Cyanide (Free)	20	0.2
Sulfate	NEL	2500
Sulfide	500	NEL

Constituents	Total (ng/kg) <sup>†</sup>	Leachable (ng/L) <sup>*</sup>
Dioxins and Furans (TEQ)	53	NEL

<sup>†</sup>On a dry weight basis

<sup>\*</sup>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.

<sup>√</sup>NEL indicates no level has been established

<sup>#</sup>The sample preparation for PCB determinations shall be EPA Method 3545.

Indicator Organism Type	MPN
Fecal Coliform	2x10 <sup>6</sup>

Should the waste 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 waste shall not be placed directly into the environment.

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5. Freshwater, brackish and marine dredge material that contains radioactivity may not be used for remediation unless exempted by the Department in accordance with 25 Pa. Code §§ 297.201(g) – (h). Gamma spectroscopy analysis of all representative freshwater, brackish and marine dredge material will be performed at the same frequency as the chemical analysis sampling requirements of Condition 6a iii. The lower threshold of the gamma energy spectrum shall be no more than 50 kiloelectron volts (keV). Minimum detectable activity (MDA) shall be comparable to environmental background concentrations, and in all cases the MDA will be less than Exempt Concentrations provided in Table 1 of 25 Pa. Code Chapter 217 and 10 CFR Part 30, Schedule A, Column II.

The gamma analysis data will be forwarded to the Department's Bureau of Radiation Protection, P.O. Box 8469, Harrisburg, PA 17105-8469 for review. The results of this testing will be known before freshwater, brackish and marine dredge material is transported to the site.

The frequency of sampling required for gamma spectroscopy analysis for dredge material from a specific source may be modified or eliminated by the Department depending on the results obtained. The permittee shall obtain this change in writing from Department's Bureau of Radiation Protection. The Department will not reduce or eliminate sampling and testing of dredge material for gamma spectroscopy until two years after the permittee begins accepting dredge material or results of gamma spectroscopy analysis on at least 25 samples of the dredge material from the specific source have been submitted by the permittee to the Department, whichever comes later.

- 6a. Stage 1 Testing: Prior to shipment of a waste to the permittee's site, chemical analysis on a representative sample of the waste shall be performed by the generator of the waste, a processor of the waste, or the permittee for the appropriate parameters listed in Condition 4a. The chemical analysis on additional representative samples of waste shall be performed as follows:
- i. Coal ash: at a frequency consistent with the Coal Ash Certification Guidelines developed under 25 Pa, Code § 287.663.
  - ii. LKD or CKD:
    - A. annually or once per 10,000 cubic yards shipped, whichever occurs first, for LKD or CKD obtained directly from the generator and produced on an ongoing basis. In addition, each time there is a significant change in the raw materials used in the kiln or in the process generating the waste could likely change the chemical or physical properties of the LKD or CKD.
    - B. each time a new source of LKD or CKD is received.

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- C. quarterly or once per 5000 cubic yards shipped, whichever occurs first, for LKD or CKD which has previously been disposed and is being mined. One grab sample of waste shall be taken each week, of the waste that was mined during that week. These weekly grab samples shall be composited to make up the quarterly sample. Should the level of any constituent equal or exceed 90 percent of the limit in Condition 4a ii, future chemical analyses for the constituent shall be based on monthly samples or once per 2000 cubic yards shipped, whichever occurs first, until such time as levels of the constituent in three consecutive monthly samples are below 90 percent of the limit in Condition 4a ii. The monthly samples shall also be made up of composites of the weekly grab samples.
- iii. Freshwater, brackish and marine dredge material:
    - A. For an ongoing dredge project 100,000 cubic yards or less, one composite sample per 10,000 cubic yards shipped. In addition, one grab sample per 10,000 cubic yards shipped will be used for determination of volatile organic compounds.
    - B. For ongoing dredge projects over 100,000 cubic yards, a different frequency than the frequency specified in A may be approved in writing by the Department's Bureau of Land Recycling and Waste Management or the Regional Waste Management Program.
    - C. For dredge material removed from surface impoundments, disposal areas, or facilities that mix dredge material from more than one dredging project, one composite sample per 10,000 cubic yards shipped. In addition, one grab sample per 10,000 cubic yards shipped will be used for determination of volatile organic compounds.
  - iv. Should knowledge of the generation process, visual observations, or analytical results indicate variability in the quality of any of the above wastes, more frequent analysis may be required.

For each new source of waste, at least 21 days prior to accepting the waste at the site, the permittee shall submit to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office results of Stage 1 testing, a hazardous waste determination, the location where the waste was generated, the quantity of waste, and the contact name, company name, address, email and phone number, of the generator, a detailed description of any pre-processing of the waste, and, if the source of the waste is not the generator, a contact name, company name, address, email and phone number, of the source. Provided the waste is acceptable under the terms of this general permit and the Department does not otherwise object within the 21 days, the waste may be accepted by the permittee.

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- b. Stage 2 Testing: Prior to processing of freshwater, brackish and marine dredge material that is transported to the permittee's site, the permittee shall submit a representative sample of the dredge material for chemical analysis for the appropriate parameters listed in Condition 4a iii. The chemical analysis on representative samples of waste shall be performed on one composite sample every 50,000 cubic yards. In addition, one grab sample per 50,000 cubic yards shipped will be used for determination of volatile organic compounds.

Should the level of any constituent exceed the limit in Condition 4a iii, a more rigorous sampling plan for future chemical analyses for dredge material shall be submitted to the Department for approval. Waste shall not be beneficially used until the sampling plan is approved by the Department and adhered to by the permittee.

- c. Stage 3 Testing: Prior to the beneficial use, the permittee shall perform chemical analysis on a representative sample of processed waste for the appropriate parameters listed in Condition 4c.
- i. The chemical analysis on representative samples of waste shall be performed on one composite sample every 50,000 cubic yards. In addition, one grab sample per 50,000 cubic yards shipped will be used for determination of volatile organic compounds. The processed waste may not be beneficially used until the results of the chemical analysis are obtained and demonstrate that the processed waste does not exceed any level in Condition 4c. In lieu of waiting until results of chemical analysis under Condition 6c i are available, the permittee may use the waste provided all requirements in Condition 6c ii are met.
  - ii. The permittee may use the processed waste prior to obtaining the results in Condition 6c i by performing field analytical testing on representative samples of the processed waste provided the following are met:
    - A. The permittee submits a detailed plan for the field analytical testing to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office for approval by the Department's Bureau of Land Recycling and Waste Management or the Regional Waste Management Program. The plan must contain, at a minimum, the methods and equipment to be employed, the frequency of sampling, the qualifications of those performing the testing, the constituents to be tested, and the acceptance/rejection criteria.
    - B. The permittee receives written approval of their plan for the field analytical testing from the Department's Bureau of Land Recycling and Waste Management or the Regional Waste Management Program.

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- C. The permittee receives written approval of their detailed plan for the identifying the location of waste after placement for beneficial use to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office for approval by the Department.
- D. The permittee adheres to its approved plans.
- E. Should the results of the chemical analysis obtained under Condition 6c i indicate any constituent exceeds an acceptable level in Condition 4c, the permittee shall:
  - 1. remove all processed waste that the sample represents from the site of use and transport it off-site to a disposal facility permitted to accept the waste within 7 days of the receipt of the results of the chemical analysis.
  - 2. notify the Department within 14 days at address in Condition 21, the Waste Management Program at appropriate Regional Office and the appropriate District Mining Office of the actions.
  - 3. if the results of the chemical analysis obtained under Condition 6c i indicate any constituent exceeds an acceptable level in Condition 4c more than one time in any 365 day period, no processed waste shall be used prior to obtaining the results of the chemical analysis obtained under Condition 6c i until the permittee's plan for the field analytical testing is revised to address the cause(s) of the discrepancy between the field testing and laboratory results and the revised plan has been approved by the Department's Bureau of Land Recycling and Waste Management or the Regional Waste Management Program.
- 7. Prior to the beneficial use of waste or distribution of the waste prior to beneficial use, the permittee shall visually inspect all incoming waste and the processed waste for unusual coloration, stain, 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 and the waste is retested and found to be in compliance with Condition 4 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.
- 8. The waste shall not be hazardous waste under 40 CFR Part 261, as incorporated by reference at 25 Pa. Code § 261a.1 as modified in Chapter 261a.
- 9. The waste shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste.

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10. Prior to acceptance of any waste by the permittee and construction of any waste handling and processing areas, the permittee shall submit to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office for approval by the Department's Bureau of Land Recycling and Waste Management or the Regional Waste Management Program, a detailed engineering design drawing(s) of the proposed transfer, storage and processing areas, containment, and equipment. Upon completion of construction of the facility, the permittee shall submit to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office for approval, a certification of facility construction. This certification is to be submitted on a form provided by the Department and sealed by a professional engineer who is registered in Pennsylvania.
11. Prior to acceptance of any waste by the permittee, the permittee shall maintain a bond for the facility, either with a stand-alone bond or by increasing the bond under the permittee's surface mining permit, in an amount acceptable to the Department's Waste Management Program and with sufficient guarantees acceptable to the Department as provided by 25 Pa. Code 287, Subchapter E (Bonding and Insurance Requirements). If covered under a bond for the surface mining permit, any adjustments for inflation and any administrative or contingency fees shall be handled in a manner consistent with the bond requirements under the surface mining permit. In addition, the amount must be sufficient to cover removal of any wastes beneficially used at the minesite prior to obtaining Stage 3 testing result in the event that testing determines the waste to be unsatisfactory under this general permit. The bond shall continue in effect for the operational life of the facility, and for up to 10 years after final closure of the facility, unless released in whole or in part by the Department, in writing.
12. Prior to acceptance of any waste by the permittee, the permittee shall submit to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office for approval, a detailed 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." Waste may not be brought to the facility under this general permit until the PPC plan is approved by the Department's Bureau of Land Recycling and Waste Management or the Regional Waste Management Program.



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13. Prior to beneficial use under this permit of any waste at any site, the permittee shall submit a sampling and analysis plan for monitoring groundwater and surface water at the proposed site(s) to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office for approval by the District Mining Office. At a minimum, the plan shall include provisions for at least six (6) months of monitoring prior to beneficial use of waste under this permit and quarterly monitoring after beneficial use begins. In addition to constituents required by the mining program, the permittee shall monitor groundwater and surface water samples for all constituents in Condition 4c that have been detected in the processed waste that was beneficially used at the site. The permittee shall also add and sample for any constituent(s) of concern that are not already being analyzed for, should they be detected and/or found to be present in any of the waste beneficially used at the site. The permittee shall increase the monitoring frequency from quarterly to monthly and immediately notify the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office if the concentration of any constituent being analyzed for by the requirements of this condition increases in concentration for two consecutive quarters, in any groundwater or surface water sample obtained from a monitoring point at the site.
14. 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.
15. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code Sections 123.1 and 123.2.
16. 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.
17. 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. Sections 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.

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18. 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.
19. 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.
20. The activities authorized by this permit shall not harm or present a public nuisance, 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 a public nuisance, harm or the threat of harm to the public health, safety or welfare of the people or the environment.
21. 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. Copies of the application should also be submitted to the Department's Waste Management Program at the appropriate Regional Office and the appropriate District Mining Office. 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, street address and telephone number of applicant;
  - b. Number and title of general permit;
  - c. A chemical and physical analysis, and description of the wastes 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. Location of processing facility and name, address, telephone number and contact person for the processing facility;
  - f. An environmental assessment for the processing facility and related transportation issues;
  - g. A dust emissions estimate and control plan;
  - h. 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;
  - i. 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";
  - j. Location of reclamation site, and name, address, telephone number and contact person for the reclamation site;
  - k. 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;
  - l. Proof that the waste and waste management activities will be consistent with the general permit;

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- m. 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;
  - n. An application fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania";
  - o. 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;
  - p. 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;
  - q. 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;
  - r. 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 19;
  - s. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit;
  - t. 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;
  - u. Bonding and insurance in an amount acceptable to the Department with supporting documentation;
  - v. Certification of the application by a Pennsylvania registered professional engineer;
  - w. Additional information the Department believes is necessary to make a decision;
22. Any person that operates under the provisions of this permit shall immediately notify the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office 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; bonding status; the physical or chemical characteristics of the waste; 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 or a new placement area, copies of the following must be supplied to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office, in writing:

- a. Location of processing facility and 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. An environmental assessment for the processing facility and related transportation issues;
- d. A dust emissions estimate and control plan;

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- e. 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;
  - 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 the applicant has legal right to enter the land and operate the facilities approved under this permit;
  - h. 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;
  - i. Bonding and insurance in an amount acceptable to the Department with supporting documentation;
  - j. 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 19.
23. Processing of waste by the permittee shall be carried out in an enclosed pug mill(s) or other similar enclosed equipment, if approved in writing by the Department. The equipment shall be sized and operated in a manner to thoroughly blend the wastes and produce a uniform mixture.
24. Unloading, loading and processing areas not located in the placement area shall be constructed and/or operated in a manner that complies with the appropriate requirements in 25 Pa. Code Chapter 297 (relating to incinerators and other processing facilities).
25. The wastes processed at any one time shall contain no more than 90 percent by weight of freshwater, brackish and marine dredge material. If the coal ash being utilized has a CCE of less than 80 percent, a minimum of five (5) percent of LKD or CKD must be utilized.
26. Only fully processed waste shall be beneficially used under this general permit. This general permit does not authorize placement of the individual wastes found in Condition 1.
27. All material processed under this general permit and conveyed or hauled to the final placement area must be conditioned to within 90% (percent) of the optimum moisture content; as determined by the required Modified or Standard Proctor Density tests.
28. Modified Proctor or Standard Proctor Density tests shall be conducted on representative samples of processed waste to be beneficially used under this general permit on a semiannual basis or upon request by the Department, to determine the optimum moisture content and the acceptable moisture range needed to achieve a minimum compaction of 90% of the maximum dry density as determined by the Modified Proctor Test or 95% of the maximum dry density as determined by the Standard Proctor Test. These tests are to be conducted by an independent, certified testing lab, and the results of these tests are to be submitted to Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office within fifteen (15) days of receipt of the test results.

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Additionally, Modified or Standard Proctor Density tests are to be performed on all processed waste under the general permit whenever the final mixture of processed waste changes due to a change in the percentage of individual wastes processed or a change of source of waste occurs, and whenever waste is initially processed under the general permit.

29. All processed waste must be compacted in layers of no more than two (2) feet to achieve, upon setting, a minimum unconfined compressive strength of 40 psi by ASTM D1633 and a maximum permeability of  $10^{-5}$  cm/sec. The permittee shall also perform semiannual, or upon request by the Department, field density tests (minimum of one test per acre of active processed waste placement areas) to insure that proper field compaction is being achieved within the placement area. These tests are to be conducted by a certified testing lab at random locations specified by the Department within the processed waste placement area. The results of these tests are to be submitted to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office within fifteen (15) days of receipt of the test results.
30. This permit does not authorize placement of waste into the waters of the Commonwealth.
31. The permittee shall develop and utilize a location grid system or other system capable of identifying the location of each day's placement of processed waste for beneficial use at the minesite. The grid system or other system shall be available to the Department upon request and be maintained on-site through final closure of the site.
32. 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. During periods of extended equipment failure or shutdown, waste may be stored for no more than 90 days from the time the equipment failure or shutdown occurred. The permittee shall maintain at the permitted facility an updated copy of a 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).
33. 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 unloading or storing of waste 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.
34. The total quantity of processed and unprocessed waste stored at the site in storage units, such as tanks, bins and piles, plus the quantity in processing units shall at no time exceed the quantity of waste used in the calculations that were used to establish the bond under Condition 11.

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35. The total quantity of processed and unprocessed waste stored at the site in storage units, in processing units, and in trucks and railcars at the site shall at no time exceed the quantity of waste that can be processed at the facility and beneficially used within one week.
36. The permittee shall install and maintain truck wheel washing stations at each exit from the processing facility and reclamation site to public roads. The truck washing stations shall be used to wash all truck wheels and tires prior to leaving the permittee's site.
37. All trucks and railcars entering and exiting from the permittee's site shall be adequately covered with fitted tarps or otherwise covered to prevent waste or waste residue from being dispersed during transport.
38. The permittee shall use trucks with a water spray device and stationary water spray devices or other method approved by the Department to control dispersion of dust due to waste unloading, processing and other handling, wind, and vehicular traffic. The permittee shall maintain these devices in working order and have a sufficient number available at all times to control dust dispersion.
39. Any residues from the processing of waste or other wastes discovered during the unloading or storing of waste not approved for placement on-site in the reclamation plan under a coal mining permit or contractual agreement with the Department for abandoned mine reclamation 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.
40. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343, the appropriate DEP regional office and the appropriate District Mining 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 than 1000 pounds of waste need not be reported.
41. 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.

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42. 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 and testing as required in Conditions 5, 6 13, 27 and 28, results of testing to show the waste satisfies the requirements of Condition 29, and the name, address, and phone number, and quantity for each destination of outgoing shipment of waste, a copy of the location grid system or other system identifying the location where of processed waste was placed at the minesite, the quantity of waste placed an a minesite and the remaining capacity at the minesite. Records of any analytical evaluations conducted on the waste 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.
43. The permittee shall submit an quarterly reports to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office. These reports shall contain a summary of all the information required in Conditions 5, 6 and 42 for incoming waste, and shall be submitted by the last business day of the month in January, April, July, and October of every year which the permittee was covered under this permit.
44. The permittee shall submit an annual report to the Department at the address in Condition 21, the Waste Management Program at the appropriate Regional Office, and the appropriate District Mining Office. This report shall contain a summary of all the information required in Conditions 6 and 42 for processed waste, and spills of any waste. The annual report shall be submitted by the last business day of the month in January.
45. The chemical analyses required in this permit 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.
46. 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.
47. Upon cessation of operations at the facility, the permittee shall comply with any applicable closure requirements in 25 Pa. Code § 297.272.