

Industry-Wide Coproduct #1

RECLAIMED ASPHALT PAVEMENT (RAP) INDUSTRY-WIDE COPRODUCT DETERMINATION

Note

Prior to operation under this Industry-Wide Coproduct Determination, the user of the RAP or mixtures of RAP and clean fill from the milling of edge of roadway shoulder as a coproduct must be in compliance with the requirements and limitations that are specified in this document. The Department of Environmental Protection (Department) reserves the right to inspect all areas where RAP or mixtures of RAP and clean fill from the milling of edge of roadway shoulder will be used or stored under this Industry-Wide Coproduct Determination.

Definition

For the purpose of this Industry-Wide Coproduct Determination and in accordance with 25 Pa Code, Chapter 287.9 (relating to industry-wide coproduct determinations), RAP is formed of small particles, typically up to less than an inch in size, of bitumen and inorganic materials produced by the mechanical grinding of bituminous pavement surfaces that have not been subject to a spill or release of regulated substances or mixed with other solid waste. RAP is not the equivalent of used asphalt, which is typically in the form of chunks, typically greater than one inch in size, and thus is not considered to be clean fill under the Department's Management of Fill Policy.

Determination

The Department has determined on an industry-wide basis that RAP, including mixtures of RAP and clean fill from the milling of the edge of roadway shoulders, is a coproduct in accordance with 25 Pa Code, Chapter 287.9 when used as follows:

- a. As an aggregate, a sub-grade or a sub-base material for roadway construction, when used alone or blended with other materials in a manner that complies with PennDOT Specifications as outlined in Publication #408 for roadway construction directly beneath, and contained by a road surface paved with Portland cement concrete or bituminous pavement;
- b. As a construction material for compacted roadway shoulder applications, including compacted shoulder pothole patching material in roadway or driveway apron applications as long as the material is covered with a thin bituminous coating (sealer) prior to the end of the construction season that placement occurred. The bituminous coating must comply with PennDOT Specifications as outlined in Publication #408;
- c. As a construction material for compacted shoulder backup applications (the compacted area adjacent to the shoulder);

- d. As a construction material to construct or repave needed roadway or vehicle use areas such as parking lots or driveways if such application is performed when the RAP contains enough asphalt or additional binder to keep the material in place after compaction by mechanized rolling;
- e. As a hot or cold mix product meeting applicable industry hot or cold mix product specifications;

As a coproduct in accordance with the Department's determination, the use of RAP, including mixtures of RAP and clean fill from the milling of edge of roadway shoulders, shall be managed according to the conditions specified below. The use of RAP includes its transportation, placement, and storage incidental to use.

- a. In a manner that complies with the Solid Waste Management Act, 35 P.S. 6018.101 – 6018.1003, the Air Pollution Control Act (35 P.S. §§4001 – 4015), Clean Streams Law (35 P.S. §§691.1 – 691.1001), the residual waste regulations, 25 Pa. Code, Article IX, Chapters 287 – 299 and any other applicable environmental laws and regulations promulgated thereunder;
- b. In a manner that does not create a nuisance or is harmful or presents a threat of harm to the public health, safety or the environment.
- c. In a manner that prevents wind and water dispersal.
- d. In a manner that does not involve storage of RAP for more than two construction seasons prior to use.

Revocation

The Department may revoke its determination that RAP and mixtures of RAP and clean fill from the milling of edge of roadway shoulders are coproducts for the uses specified in this determination if it finds that one or more of the criteria used as a basis for the Department's determination was incorrect, or new information has become available that invalidates the determination.