



**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

**BUREAU OF WASTE MANAGEMENT**  
**DIVISION OF MUNICIPAL and RESIDUAL WASTE**

**GENERAL PERMIT WMGM061**

**PROCESSING OF BULK ASH RESIDUE OR  
METAL COATED WITH ASH RESIDUE  
FROM RESOURCE RECOVERY FACILITIES  
TO RECOVER METALS OR AGGREGATE  
FOR USE AS A CONSTRUCTION MATERIAL**

**Issued: July 14, 2017**

**Amended: March 23, 2018**

**Expires: July 14, 2027**

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**A. Description:**

The approval herein granted is limited to the following:

1. Salvaging, storage and processing of ferrous/non-ferrous metal that is coated with ash residue from resource recovery facilities to recover recyclable metals.
2. Storage and processing of bulk ash residue from resource recovery facilities to recover recyclable metals or coarse or fine aggregate for use as a construction material.
3. Beneficial use of coarse or fine aggregate as a construction material that has been processed for this use in accordance with a permit issued by the Department.

The processing authorized by this general permit is limited to the following methods or combination thereof:

- Shaking;
- Scraping;
- Impacting;
- Magnetic separation;
- Classification;
- Drying;
- Eddy current separation
- Crushing or grinding;
- Size reduction
- Washing; and/or
- Screening.

**B. Determination of Applicability Requirements**

A person or municipality that proposes to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a "Determination of Applicability" ("DOA") from the appropriate Department of Environmental Protection ("Department") Regional Office (see attached list). The appropriate Department Regional Office will provide a checklist, either at a pre-application meeting or by mail or email, that indicates the forms needed for the application. A completed

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application on forms provided by the Department, along with the application fee for a DOA in the amount identified in Section A (General Information) of the Form 20 (Application for a Municipal or Residual General Permit), must be included with the application. Checks shall be made payable to the "Commonwealth of Pennsylvania." No activities shall commence unless approved, in writing, by the Department.

**C. Operating Conditions for All Permittees and Activities Authorized by this General Permit**

1. The permittee shall not operate a facility that processes ferrous/non-ferrous metals coated with ash residue or bulk ash residue for the recovery of recyclable metals or coarse or fine aggregate within the following minimum isolation distances:
  - a. In the 100-year floodplain of waters of this Commonwealth, unless the Department approves, in writing, a method of protecting the facility from a 100-year flood consistent with the Flood Plain Management Act (32 P.S. §§ 679.101-679.601) and the Dam Safety and Encroachments Act (32 P.S. §§ 693.1-693.27).
  - b. In or within the following:
    - i. 300 feet of an exceptional value wetland as defined in 25 Pa. Code §105.17 (relating to wetland), and
    - ii. 100 feet of a wetland other than an exceptional value wetland, unless storage and processing will not occur within that distance or storage and processing take place in an enclosed facility and one of the following applies:
      - A. If the operation is in or along the wetland, the operator has received a permit from the Department under Chapter 105 (relating to dam safety and waterway management).
      - B. If the operation is not in or along the wetland, no adverse hydrologic or water quality impacts will result.
  - c. Within 300 yards measured horizontally from an occupied dwelling, unless the current owner has provided a written waiver consenting to the activities being closer than 300 yards. The waiver shall be knowingly

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made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.

- d. Within 100 feet of an intermittent or perennial stream, unless storage and processing will not occur within that distance and no adverse hydrologic or water quality impacts will result.
  - e. Within 50 feet of a property line, unless the operator demonstrates that actual processing of waste is not occurring within that distance, or that the current owners of occupied dwellings within that distance have provided written waivers consenting to the facility being closer than 50 feet. The waiver shall be knowingly made and separate from a lease or deed unless the lease or deed contains an explicit waiver from the owner.
  - f. Within 300 yards of a park, a playground, or a building which is owned by a school district or school and used for instructional purposes.
2. The permittee shall store bulk ash residue or ferrous/non-ferrous metals coated with ash residue in an enclosed container, which may include a properly tarped container, an enclosed area, or adequately ventilated building. Leachate, if generated, from bulk ash residue or ferrous/non-ferrous metals coated with ash residue shall be collected and managed in a manner that complies with the Solid Waste Management Act (SWMA), 35 P.S. §§6018.101-6018.1001; the Clean Streams Law (35 P.S. §§ 691.1 – 691.1001); or the regulations promulgated thereunder, as applicable.
  3. The permittee shall process bulk ash residue or ferrous/non-ferrous metals covered in ash residue in an enclosed structure.
  4. Unless otherwise approved in writing by the Department, storage of ferrous/non-ferrous metals or coarse or fine aggregate by the permittee shall be as follows:
    - a. The ferrous/non-ferrous metals or coarse or fine aggregate shall not be accumulated speculatively, as the term is defined at 25 Pa. Code § 287.1, before being beneficially used.
    - b. Generated ferrous/non-ferrous metals or coarse or fine aggregate shall not be stored for more than one (1) year, and at any one time, the maximum amount stored may not exceed the total amount specified in the permittee's approved application.

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5. If the facility operating under this general permit is located on a site that has or is undergoing remediation pursuant to the Land Recycling and Environmental Remediation Standards Act (35 P.S. §§ 6026.104(a), 6026.301(c) and 6026.303(a)), Act 2 of 1995), the permittee must ensure that the remediation will not be adversely impacted by activity authorized under this general permit. Remedial actions may have included the use of institutional and/or engineering controls to prevent exposure to or mitigation of contaminants which remain in soil and/or groundwater at the site. Any earth disturbance or development activities at the site must ensure that such engineering and institutional controls remain intact and effective.
6. Upon cessation of permitted operations at the processing facility, the permittee shall remove all wastes and provide for the processing, recycling, beneficial use, or disposal of wastes in accordance with the SWMA and other applicable statutes, and the regulations promulgated thereunder.
7. The activities authorized by this permit shall not cause or allow conditions that are harmful to the environment, public health or safety, including but not limited to, odors, noise, or other public nuisances. The permittee shall not cause or allow the attraction, harborage, or breeding of vectors.
8. The permittee shall develop and implement a Preparedness, Prevention and Contingency Plan (PPC) for the processing facility that is consistent with the Department's most recent guidelines.
9. All activities conducted under the authorization granted in this general permit shall be performed in accordance with the permittee's application, except to the extent the permit states otherwise.
10. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to standards for contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, as amended, P.L. 2119, 35 P.S. §4005, and shall comply with all applicable provisions of 25 Pa. Code §§123.1 and 123.2 (relating to prohibition of certain fugitive emissions and fugitive particulate matter).
11. 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 providing that said local law, ordinance, or regulation

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is not preempted by the SWMA and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §§4000.101 et seq.

12. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this general permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to have access to and inspect all areas on which solid waste management activities are being, will be, or have been conducted. This authorization and consent shall include consent to collect samples of waste, soils, water, or gases; take photographs; perform measurements, surveys and other tests; inspect any monitoring equipment; inspect the methods of operation; and inspect and/or copy documents, books, and papers required by the Department to be maintained. This permit condition is referenced in accordance with Sections 6018.608 and 6018.610(7) of the SWMA, 35 P.S. §§ 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the SWMA.
13. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to a compliance history review by the Department prior to performance of any activities, as specified by the SWMA.
14. 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.
15. The activities authorized by this general permit shall not harm or present a threat of harm to the health, safety, or welfare of the people or environment of this Commonwealth. The Department may 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, the environment, or if the activities cannot be adequately regulated under the conditions of this general permit.
16. The permittee shall comply with the terms and conditions of this general permit, the approved permit application documents 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 cannot comply with the conditions of this general permit or is conducting an activity that harms or

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presents a threat of harm to the health, safety, or welfare of the people or the environment of this Commonwealth.

17. This general permit does not authorize and shall not be construed as an approval to discharge any wastes, wastewater, leachate or runoff from areas where solid waste management activities are conducted to the waters of the Commonwealth. A NPDES (National Pollutant Discharge Elimination System) permit may be required if a point or non-point source discharge of any industrial wastes, wastewater, a combined storm water run-off and leachate, if generated, or run-off from staging, and/or storage areas of coarse or fine aggregate and/or other waste to the surface waters of the Commonwealth exists.
18. Best Management Practices (BMPs) shall be implemented to divert storm water run-on from the processing facility and storage areas. Storm water runoff from the facility shall not cause groundwater or surface water degradation and shall be managed in accordance with the Clean Streams Law (35 P.S. §§ 691.1 – 691.1001) and regulations promulgated thereunder. Prior to beginning operations at the facility, the operator must obtain all necessary storm water management permits.
19. The permittee shall maintain in force and effect a general liability insurance policy and a bond in sufficient guarantees in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to financial assurances requirements) to provide continuous coverage during operation the processing facility and until the Department issues a final closure certification.
20. Equipment used for the storage and processing of bulk ash residue, ferrous/non-ferrous metals coated with ash residue, ferrous/non-ferrous metals, or coarse or fine aggregate shall be maintained in good operating condition. Weekly inspections of the storage areas, processing equipment and surrounding areas shall be conducted to determine compliance of the terms and conditions of this general permit and for evidence of failure, unless the permitted facility requests a reduced inspection frequency that is approved in writing by the Department.
21. The storage and transportation of bulk ash residue and ferrous/non-ferrous metals coated with ash residue shall be in a manner that complies with the requirements set forth in 25 Pa Code, Chapter 285 (relating to storage, collection and transportation of municipal waste).

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22. The ferrous/non-ferrous metals or coarse or fine aggregate shall not be mixed with other types of solid wastes, including hazardous waste, residual waste, special handling waste, or other municipal waste, as the terms are defined in 25 Pa. Code § 287.1.

23. Analytical testing required by this general permit shall be performed by a laboratory accredited under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, 27 Pa. C.S.A. §§ 4101-4113.

24. Any documentation required under this general permit shall be made available to the Department upon request.

**D. Operating Conditions for Permittees Authorized only to Process Metal Coated with Ash Residue from Resource Recovery Facilities for Metals Recovery**

1. A permittee operating a facility that is solely authorized to process ferrous/non-ferrous metal coated with ash residue shall not accept bulk ash residue at the facility.
2. Recovered recyclable metal that is processed and stored in accordance with the terms and conditions of this general permit shall not be considered a waste, as the term is defined in 25 Pa. Code § 271.1 (i.e., de-wasted).

**E. Operating Conditions for Permittees Authorized to Store and Process Bulk Ash Residue from Resource Recovery Facilities for Beneficial Use of Coarse or Fine Aggregate as a Construction Material**

1. Coarse or fine aggregate 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 wetland, or 300 feet of a private or public water source.
2. Coarse or fine aggregate shall not be used as a valley fill material; to fill open pits from coal or non-coal mining; or to level or bring an area to grade, unless it is used for a multi-phase construction project (such as development of a commercial/industrial park), and the coarse or fine aggregate is covered (including, but not limited to soil, concrete, or asphalt) within 60 days of the completion of fill placement. Coarse or fine aggregate may subsequently be



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uncovered if it is necessary as a requirement of ongoing active phase construction in accordance with a documented project timeline.

3. Coarse or fine aggregate shall not be used in the creation or restoration of a wetland, aquatic or island habitat unless an approval, a permit or other applicable requirements, as appropriate, under Section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. §1341 (a)), the Dam Safety and Encroachments Act (32 P.S. §§693.1 – 693.27), and/or the Clean Streams Law (35 P.S. §§ 691.1 – 691.1001), and regulations promulgated thereunder, is obtained or met.
4. Coarse or fine aggregate that is not encapsulated as a constituent of asphalt, concrete or block shall not be sold, given away or otherwise distributed for residential use. Asphalt, concrete or block produced using aggregate meeting Condition E.15 of this general permit may be used in residential applications.
5. The permittee shall notify all persons or municipalities that propose to beneficially use the coarse or fine aggregate produced in accordance with this general permit of the terms, conditions and limitations imposed by the Department. The notification shall be made by providing a copy of Appendix A (relating to acceptable uses & restrictions) of this general permit to end users.
6. Where used as an aggregate in pipe bedding, duct bank construction, a sub-grade, a sub-base or in roadway construction material, the coarse or fine aggregate must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications), or in accordance with the requirements specified by the jurisdictional authority in the state where it will be used. For non-PennDOT uses, including pavement or construction of local roads, driveways, sidewalks, walkways, curbs and parking lots, the coarse or fine aggregate must comply with applicable standards or requirements for the intended use.
7. Where used as a component or ingredient in the manufacturing of concrete or asphalt products, the coarse or fine aggregate shall conform with the applicable material standards as set forth in the American Society of Testing and Material (ASTM) under which it is being used; or other applicable national, state or industry standard; or specifications for which the coarse or fine aggregate is being substituted.
8. Where used under a project contract, the contract must specify the engineering qualities and characteristics of the coarse or fine aggregate that must be met for completion of the job or project.

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9. Where used in the construction of small structures on shallow foundations, pedestrian walkways, access roads for light vehicular traffic, parking lots, equipment lay-down areas, etc., the compacted coarse or fine aggregate shall exhibit a minimum bearing capacity of 1,000 lb/ft<sup>2</sup>.
10. Where used in construction projects with large structural loads (i.e., petroleum storage tanks), the permittee must, at a minimum, document the final engineering design of the project and the calculations of the maximum bearing capacity for the compacted coarse or fine aggregate and structural loads.
11. The coarse or fine aggregate must provide equivalent performance to the commercially available or raw material it is replacing. The engineering qualities and characteristics of the coarse or fine aggregate shall be documented for compliance with the project specifications.
12. The permittee shall visually inspect each load of bulk ash residue for compliance with the terms and conditions of this general permit, including unusual coloration, stain, foreign objects, unburnt items, wastes or materials not authorized for acceptance under this general permit, or other indication that the facility cannot accept the load of bulk ash residue for processing. If visual inspection reveals the presence of unauthorized wastes, the load shall be rejected by the permittee, unless the unauthorized wastes are removed.
13. A permittee that accepts bulk ash from out of state facilities shall develop, maintain and implement a Radiation Protection Action Plan (RPAP) for the processing facility, in accordance with the Department's *Guidance Document on Radioactivity Monitoring at Solid Waste Facilities*, Doc. No. 250-3100-001. The RPAP must be approved in writing by the Department, maintained at the processing facility and implemented during all phases of operations at the facility.
14. The permittee shall collect representative samples of the coarse or fine aggregate and determine its quality before the material may be beneficially used. Samples shall be collected and analyzed as follows:
  - a. To obtain a representative sample of the coarse or fine aggregate, samples must be taken from multiple locations in the batch and represent the entire amount of coarse or fine aggregate being sampled. In the batch process, more than one sample is necessary to accurately represent a particular batch. In general, the more samples taken, the

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greater the chance that the sampling results will be representative. The pollutant limits specified in this condition pertain to the quality of the aggregate that will be beneficially used, and therefore, samples must be collected after the final stage of processing and prior to storage of the produced aggregate. Should knowledge of the processing operation, visual observations, or analytical results indicate variability in the quality of the material, more frequent testing shall be conducted.

- b. At initial process startup and prior to the first beneficial use of any coarse or fine aggregate under the provisions of this permit, the permittee shall collect a representative sample of the first 1,000 tons of aggregate and analyze for the following:
  - i. The total and, if applicable, leachable levels for each parameter listed in Table 1 of this condition, and
  - ii. Physical properties consistent with construction application specifications and end use by utilizing ASTM test methods and/or DOT specifications.
- c. The permittee may beneficially use coarse or fine aggregate upon receipt of results indicating compliance with subparagraph a. above.
- d. A subsequent sampling and analysis event shall be conducted in accordance with subparagraph b. above for every 1,000 tons of aggregate produced and continue until at least 10,000 tons of aggregate have been produced, and the permittee has demonstrated that ten consecutive samples comply with subparagraph b. above. Once the results of ten consecutive samples are shown to comply with subparagraph b. above, the permittee may collect and analyze one representative sample for each 10,000 tons of aggregate to confirm compliance with subparagraph b. on a rolling basis. Coarse or fine aggregate may be beneficially used until knowledge of the processing operation, visual observations, or analytical results fail to comply with subparagraph b. If a sample collected in accordance with this subparagraph fails to comply with subparagraph b., the permittee shall return to collecting and analyzing one sample for each 1,000 tons of aggregate produced until at least 10,000 tons of aggregate have been produced, and the permittee has demonstrated that ten consecutive samples comply with subparagraph b. above.

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- e. The permittee may request a reduction in the required frequency of sampling/testing by submitting a written request to the appropriate Department regional office (see attached list) if the following criteria are met:
  - i. Five 10,000-ton sampling events have been conducted in accordance with subparagraph b., above; and
  - ii. The analyses from the sampling events show that the limits specified in Table 1 of this Condition have been satisfied; or
  - iii. The permittee may also request that individual constituents be eliminated from the testing requirement if after five 10,000-ton sampling events, the results show that the constituent(s) is not detected in the analytical results.

Written approval from the Department must be obtained prior to implementing a reduced sampling/testing frequency.

- f. The determination of compliance with Table 1 may be based on the 90% upper confidence level for each inorganic constituent, or the 80% confidence interval for pH, using the EPA's Test Methods for Evaluating Solid Waste (EPA SW-846) as guidance for the statistical treatment of data.
- g. The permittee shall select one of the following analytical options to determine whether coarse or fine aggregate can be beneficially used. Options 1 and 2 may be used in combination on a constituent-specific basis.
  - i. **Option 1** – Analyze for Total Constituent Concentration (with Attenuating Soil)
    - A. To utilize Option 1, there must be at least four (4) feet of attenuating soil between the lowest area where coarse or fine aggregate is placed and the seasonal high water table, perched water table or bedrock unless otherwise authorized in writing by the Department.
    - B. If a constituent does not have a limit under Option 1, then testing for that constituent must be conducted under Option 2.

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- ii. **Option 2** – Analyze for Total Constituent Concentration and Perform Leachability Evaluation (with Attenuating Soil unless coarse or fine aggregate will be used as a Component or Ingredient in Concrete or Asphalt Construction Material)

To utilize Option 2, the following must be satisfied:

- A. The total and leachable levels must be met. There must be at least four (4) feet of attenuating soil between the lowest area where coarse or fine aggregate is placed and the seasonal high water table, perched water table or bedrock, unless otherwise authorized in writing by the Department. If the aggregate is encapsulated in concrete or asphalt, no attenuating soil is required;
- B. Leachability evaluations shall be conducted using the Toxicity Characteristic Leaching Procedure (TCLP) as described in EPA Method 1311, or the Synthetic Precipitation Leaching Procedure (SPLP) as described in EPA Method 1312.

- iii. **Option 3** – Analyze for Total Constituent Concentration and Perform Leachability Evaluation (no Attenuating Soil)

To utilize Option 3, the following must be satisfied:

- A. The total and leachable levels must be met (attenuating soil is not required);
- B. Leachability evaluations shall be conducted using TCLP as described in EPA Method 1311, or SPLP as described in EPA Method 1312.

**Table 1**

<b>Inorganics</b>					
<b>Constituents</b>	<b>Option 1</b>	<b>Option 2</b>		<b>Option 3<sup>(2)</sup></b>	
	Total (mg/kg)	Total (mg/kg)	Leachable (mg/L)	Total (mg/kg)	Leachable (mg/L)
Aluminum	190,000	190,000	5.0	190,000	0.1
Antimony	6.75	88	0.15	88	0.006

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<b>Inorganics</b>					
<b>Constituents</b>	<b>Option 1</b>	<b>Option 2</b>		<b>Option 3<sup>(2)</sup></b>	
	Total (mg/kg)	Total (mg/kg)	Leachable (mg/L)	Total (mg/kg)	Leachable (mg/L)
Arsenic	29	29	0.25	29	0.05
Barium	1,000	15,000	50	15,000	2
Beryllium	2.3	440	0.1	440	0.004
Cadmium	2.5	47	0.125	47	0.005
Chromium	50	94	2.5	94	0.1
Chloride	--	--	250	--	250
Copper	8,200	8,200	25	1,500	1
Fluoride	See <sup>(1)</sup>	-	4	-	4
Iron	66,000	66,000	7.5	66,000	0.3
Lead	112.5	500	0.375	500	0.015
Manganese	31,000	31,000	2.5	31,000	0.1
Mercury	1	66	0.05	66	0.002
Nickel	50	4,400	2.5	4,400	0.1
Nitrate	--	--	10	--	10
Nitrite	--	---	1	--	1
Selenium	25	1,100	1	1,100	0.05
Silver	50	1,100	2.5	1,100	0.01
Sulfate	--	--	500	--	500
Thallium	2.2	15	0.0125	15	0.002
Zinc	1,000	66,000	50	66,000	2
pH (standard units)	5.5 – 11.5	5.5 – 11.5	--	5.5 – 11.5	--

<b>Organics</b>					
<b>Constituents</b>	<b>Option 1</b>	<b>Option 2</b>		<b>Option 3<sup>(2)</sup></b>	
	Total (mg/kg)	Total (mg/kg)	Leachable (mg/L)	Total (mg/kg)	Leachable (mg/L)
Benzene	1.7	41	0.005	41	0.005
Carbon Tetrachloride	2.1	21	0.005	21	0.005
O-Dichlorobenzene	2.7	260	0.6	260	0.6
para- Dichlorobenzene	1.8	210	0.075	210	0.075
1,2-Dichloroethane	2.8	12	0.005	12	0.005
1,1-Dichloroethene	3.1	200	0.027	200	0.027

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<b>Organics</b>					
<b>Constituents</b>	<b>Option 1</b>	<b>Option 2</b>		<b>Option 3<sup>(2)</sup></b>	
	Total (mg/kg)	Total (mg/kg)	Leachable (mg/L)	Total (mg/kg)	Leachable (mg/L)
Cis-1,2-Dichloroethylene	2.5	670	0.007	670	0.007
Trans-1,2-Dichloroethylene	3.4	1,300	0.07	1,300	0.07
Dichloromethane	2.6	680	0.005	680	0.005
1,2-Dichloropropane	1.9	31	0.005	31	0.005
Ethylbenzene	2.1	180	0.7	180	0.7
Monochlorobenzene	2.3	490	0.1	490	0.1
Styrene	5	1,400	0.1	1,400	0.1
Tetrachloroethene	1.5	240	0.005	240	0.005
Toluene	2.4	350	1.0	350	1.0
1,2,4-Trichlorobenzene	2.8	340	0.07	340	0.07
1,1,1-Trichloroethane	2.7	750	0.2	750	0.2
1,1,2-Trichloroethane	3	20	0.003	20	0.003
Trichloroethene	1.8	190	0.005	190	0.005
Vinyl Chloride	0.69	12	0.002	12	0.002
Xylenes	19	310	10	310	10
Atrazine	0.56	46	0.003	46	0.003
Benzo(a)pyrene	1.3	2.5	0.0002	2.5	0.0002
Chlordane	1.8	28	0.002	28	0.002
2,4-D (Dichloro-phenoxyacetic acid)	1.2	200	0.07	200	0.07
Dalapon	39	2,000	0.2	2,000	0.2
Dibromo-chloropropane	0.47	3.8	0.0002	3.8	0.0002
Di (2-ethylhexyl) Adipate	10,000	10,000	0.4	10,000	0.4
Dinoseb	0.47	30	0.007	30	0.007
Endrin	0.58	13	0.002	13	0.002
Ethylene Dibromide	0.14	0.21	0.00005	0.21	0.00005
Heptachlor	0.27	4	0.0004	4	0.0004
Heptachlor Epoxide	0.37	2	0.0002	2	0.0002
Hexachlorobenzene	0.055	0.15	0.001	0.15	0.001
Hexachloro-cyclopentadiene	2.9	66	0.05	66	0.05

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<b>Organics</b>					
<b>Constituents</b>	<b>Option 1</b>	<b>Option 2</b>		<b>Option 3<sup>(2)</sup></b>	
	Total (mg/kg)	Total (mg/kg)	Leachable (mg/L)	Total (mg/kg)	Leachable (mg/L)
Lindane	0.34	14	0.0002	14	0.0002
Methoxychlor	13	15	0.0004	15	0.0004
PCBs <sup>(3)</sup>	2	2	-	2	-
Pentachlorophenol	2.1	150	0.001	150	0.001
Toxaphene	0.53	16	0.002	16	0.002
2,4,5-TP	4.9	1,200	0.05	1,200	0.05

(1) Coarse or fine aggregate must meet the limit 80 mg/kg for fluoride which is calculated from the 4 mg/L leachable limit using the 20:1 rule (see EPA Method 1311). If the calculated concentration of fluoride exceeds 80 mg/kg, then TCLP or SPLP analysis shall be performed to determine the concentration of fluoride that leaches from the sample.

(2) The four (4) foot distance from the water table does not apply. The coarse or fine aggregate must contain a minimum of 0.5% organic carbon excluding the organic compounds in the above table, unless it is beneficially used as an ingredient in a manufactured asphalt or concrete product.

(3) The preparation for PCB determinations shall be in accordance with EPA Method 3545.

15. Coarse or fine aggregate produced in accordance with the terms and conditions of this general permit shall not be considered a waste, as the term is defined in 25 Pa. Code § 271.1 (i.e., de-wasted), when it is incorporated into a manufactured asphalt or concrete product and one of the following occurs:

- a. The permittee demonstrates that the coarse or fine aggregate meets the leachable limits in Table 1 using either Option 2 or 3. The sampling methodology used for collecting samples of the coarse and fine aggregate shall be consistent with the requirements of Condition E.14.a.;
- b. The permittee demonstrates that the asphalt or concrete produced using the coarse or fine aggregate meets the leachable limits in Table 1 using either Option 2 or 3. The sampling methodology used for collecting samples of asphalt or concrete shall be consistent with the requirements of Condition E.14.a.; or



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- c. The permittee compares a TCLP or SPLP analysis of asphalt or concrete produced using the coarse or fine aggregate (“test sample”) to an identical analysis of the same asphalt or concrete produced without the use of the coarse or fine aggregate (“control sample”) and demonstrates that any observed exceedances of a leachable limit in Table 1 using either Option 2 or 3 is no worse in the test sample than observed in the control sample. The sampling methodology used for collecting samples of asphalt or concrete shall be consistent with the requirements of Condition E.14.a.
16. Coarse or fine aggregate that does not meet the requirements as specified in Condition E.14 of this general permit shall be disposed at a permitted disposal facility or may be beneficially used at locations outside the Commonwealth, provided the coarse or fine aggregate is authorized for beneficial use in accordance with the state, federal or other requirements of the jurisdiction where it will be used.
17. Coarse or fine aggregate must be stored in an enclosed container, properly tarped container, enclosed area, or adequately ventilated building. Coarse or fine aggregate may be stored in outdoor storage piles if subparagraph a. or b. below is met:
- a. Coarse or fine aggregate is stored on a storage pad or liner that complies with the following:
    - i. All leachate or runoff generated from the storage pile is collected and directed to a permitted treatment facility,
    - ii. The pad or liner exhibits a maximum permeability of  $1 \times 10^{-7}$  cm/sec,
    - iii. The physical and chemical characteristics of the coarse or fine aggregate and associated leachate, if generated, will not adversely affect the physical or chemical characteristics of the storage pad or liner, and
    - iv. Stormwater run-on is diverted from coming into contact with the coarse or fine aggregate.
  - b. Coarse or fine aggregate may be stored on the ground provided that the storage area complies with the following:
    - i. Attenuating soil requirements for the analytical option chosen pursuant to Condition E.14 are satisfied at the storage site,

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- ii. Coarse or fine aggregate is not mixed with or stored in close proximity to other solid waste that may cause a risk of fire or explosion, or accumulation of poisonous or otherwise harmful vapors or gases.
- iii. BMPs are installed or implemented to prevent coarse or fine aggregate from being blown or otherwise deposited outside of the storage area by wind or water.
- iv. BMPs are implemented to divert stormwater run-on in accordance with Condition C.18 of this general permit.

18. The transportation of coarse or fine aggregate shall comply with the following:

- a. Coarse or fine aggregate shall be completely covered during transportation and parking with a cover that is water resistant, securely fastened and eliminates the potential for roadside littering, dust, leakage, discharge, attraction or harboring of vectors or other nuisances.
- b. Coarse or fine aggregate shall not be mixed or transported with other solid waste that may cause a risk of fire or explosion, or accumulation of poisonous or otherwise harmful vapors or gases.
- c. Equipment used to transport coarse or fine aggregate must be equipped with a fire extinguisher that is readily accessible to the driver.
- d. Equipment used to transport coarse or fine aggregate must be leakproof, fireproof and constructed to prevent the potential for littering, leakage, and dispersal of dust.
- e. Equipment used to transport coarse or fine aggregate shall be tested, inspected and maintained by the operator to ensure that there is not release or leakage during transportation.
- f. Vehicles or conveyances used to transport coarse or fine aggregate shall bear a sign that includes the name and business address of the person that owns the vehicle or conveyance and be labeled "municipal waste," unless the material is no longer a waste in accordance with Condition E.15 of General Permit No. WMGM061.

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**F. Recordkeeping Requirements for All Permittees Authorized by this General Permit.**

1. The permittee shall maintain records of all physical and analytical evaluations conducted in accordance with Condition E.14 of this general permit to demonstrate that coarse or fine aggregate meets the applicable engineering specifications required by the beneficial use and the concentration limits listed in Table 1 of Condition E.14 of this general permit. Records of physical and analytical evaluations must include, at a minimum, the following for each sample: the dates of sampling and testing; sampling procedures utilized; the name of the individual who collected the sample; the volume or weight of the sample; each parameter tested; the analytical results; the name of the analytical laboratory used; and the analytical methodologies employed.
2. The permittee shall maintain records of all waste accepted by the facility, including ferrous/nonferrous metals coated with ash residue and bulk ash residue. Records must be maintained for each source of incoming waste and include, at a minimum, the following: the name, address, and phone number of each source of incoming waste; the date of receipt; the quantity of waste received; the results of visual observations (for permittees accepting bulk ash residue); the results of radioactivity monitoring, if conducted, including the measured radioactivity of the load and whether or not the load was accepted or rejected by the permittee; the name, address and phone number of the destination receiving loads of bulk ash residue rejected by the permittee, and the reason for the rejection; the name, address and phone number of the destination of each outgoing shipment; and the quantities of each outgoing shipment.
3. The permittee shall maintain records of all spills or releases that include, at a minimum, the following: the location, date, time, identification, and quantity of spilled or released material; and a description of how the material was cleaned up.
4. The permittee shall maintain records of all reports submitted to the Department or to the U.S. Environmental Protection Agency.
5. The permittee shall maintain records of all unacceptable or unauthorized wastes that are disposed of or returned to the generator. Records for each source of unacceptable and/or unauthorized wastes must include, at a minimum, the following: the name and address of the disposal/generator location;

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documentation of approval from out-of-state authorities (if applicable); the date of disposal/return; and the volume or weight of the wastes disposed/returned.

6. All records required by this general permit shall be retained for a minimum of five years and made available to the Department upon request.

**G. Reporting Requirements.**

1. The permittee shall notify the Department by certified mail within 15 calendar days of any changes to the following information: the name, address, owners, operators, and/or responsible officials of the company; compliance status; land ownership; the right to enter, process waste or beneficially use ferrous/non-ferrous metals or coarse or fine aggregate on the land where the facility is located; the processes which generate the coarse or fine aggregate or ferrous/non-ferrous metals; and the status of any permit issued by the Department or federal government under the environmental protection acts.
2. For each new source of bulk ash residue, other than the sources identified in the application, that is intended for processing and beneficial use of coarse or fine aggregate, the permittee shall notify the appropriate Department regional office (see attached list) in writing no less than 15 working days prior to the acceptance of the bulk ash residue and beneficial use of the coarse or fine aggregate from a new source. The permittee may beneficially use the coarse or fine aggregate from a new source in accordance with the conditions of this permit after the aforementioned 15-day period unless otherwise instructed by the Department.
3. If the facility is relocated, the permittee must submit to the Department a new DOA in accordance with Section B of this general permit no less than 86 business days prior to operating at the new location. The new location must be approved in writing by the Department prior to operating the new facility.
4. The permittee shall submit to the appropriate Department Regional Office (see attached list), a quarterly report due 30 days after the end of each calendar quarter, starting from the commencement of operations, unless a less frequent timeframe is approved by the Department. The quarterly report shall contain the address and phone number of the destination and quantity of each outgoing shipment of ferrous/non-ferrous metals or coarse or fine aggregate.
5. The permittee shall submit to the appropriate Department Regional Office (see attached list), an annual report on the beneficial use activities conducted under

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this permit by March 1 of each year, for the preceding calendar year. This report shall include the information required in Condition E.14 and Section F of this general permit, along with the following: a summary of the weight or volume of coarse or fine aggregate beneficially used during the prior year and any changes in the location of beneficial use. Analysis data submitted in the annual report must be from representative samples of the coarse or fine aggregate analyzed within the last six months of the reporting period.

6. The permittee shall immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the waste management program in the appropriate Department regional office (see attached list) of any accidental spills and shall take appropriate immediate action to protect the health and safety of the public and the environment.

**H. Renewal:**

A person that plans to continue the operations authorized under this general permit, after the expiration date indicated on the approval for coverage page, shall file a completed renewal application at least 180 days before the expiration date of this general permit unless permission has been granted by the Department for submission at a later date. The renewal applications shall be submitted to the appropriate Department Regional Office (see attached list) and include, at a minimum, the following:

1. General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application),
2. Form B (Professional Certification),
3. Form 20 (Application for a Municipal or Residual Waste General Permit),
4. Form 27R (Acceptance of General Permit Conditions), and
5. DOA application fee in the amount identified in Section A (General Information) of the Form 20. Checks shall be made payable to the "Commonwealth of Pennsylvania."

A copy of the renewal application shall also be sent to the Department's Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building, 400 Market Street, P.O. Box 69170, Harrisburg, PA 17106-9170.

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In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.

## APPENDIX A

### ACCEPTABLE USES AND RESTRICTIONS FOR THE BENEFICIAL USE OF COARSE OR FINE AGGREGATE

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The beneficial use of coarse or fine aggregate produced in accordance with General Permit No. WMGM061 is limited to beneficial use as a construction material and must comply with the acceptable uses and use restrictions below.

#### A. ACCEPTABLE USES:

1. Where used as an aggregate in pipe bedding, duct bank construction, a sub-grade, a sub-base or in roadway construction, the coarse or fine aggregate must comply with the requirements of the Pennsylvania Department of Transportation's (PennDOT) specifications as outlined in their Publication No. 408 (Specifications), or in accordance with the requirements specified by the jurisdictional authority in the state where it will be used and conform with applicable engineering, other professional, or industry practices and procedures as the raw material for which it is being substituted. For non-PennDOT uses, including pavement or construction of local roads, driveways, sidewalks, walkways, curbs and parking lots, the coarse or fine aggregate must comply with applicable standards or requirements for the intended use.
2. Where used as a component or ingredient in the manufacturing of concrete or asphalt products, the coarse or fine aggregate shall conform with the applicable material standards as set forth in the American Society of Testing and Materials (ASTM) under which it is being used; or other applicable national, state, or industry standard; or specifications for which the coarse or fine aggregate is being substituted.
3. Where used under a project contract, the contract must specify the engineering qualities and characteristics of the coarse or fine aggregate that must be met for completion of the job or project.
4. Where used in the construction of small structures on shallow foundations, pedestrian walkways, access roads for light vehicular traffic, parking lots, equipment lay-down areas, etc., the compacted coarse or fine aggregate shall exhibit a minimum bearing capacity of 1,000 lb/ft<sup>2</sup>.
5. Where used in construction projects with large structural loads (i.e., petroleum storage tanks), the final engineering design of the project and the calculations of the maximum bearing capacity for the compacted coarse or fine aggregate and structural loads must be documented.
6. The coarse or fine aggregate must provide equivalent performance to the commercially available or raw material it is replacing. The engineering qualities

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and characteristics of the coarse or fine aggregate shall be documented for compliance with the project specifications.

#### **B. USE RESTRICTIONS:**

1. Coarse or fine aggregate 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 wetland, or 300 feet of a private or public water source.
2. Coarse or fine aggregate shall not be used as a valley fill material, to fill open pits from coal or non-coal mining, or to level or bring an area to grade, unless it is used for a multi-phase construction project (such as development of a commercial/industrial park), and the coarse or fine aggregate is covered (including, but not limited to soil, concrete, or asphalt) within 60 days of completion of the fill placement. Coarse or fine aggregate may subsequently be uncovered if it is necessary as a requirement of ongoing active phase construction in accordance with a documented project timeline.
3. The coarse or fine aggregate shall not be mixed, stored or beneficially used with other types of solid wastes, including hazardous waste, residual waste, special handling waste, or other municipal waste, as the terms are defined in 25 Pa. Code § 287.1.
4. Coarse or fine aggregate must be beneficially used in accordance with the attenuating soil requirements for the analytical option used by the producer of the aggregate pursuant to Condition E.14 of General Permit No. WMGM061.
5. The transportation of coarse or fine aggregate shall be in a manner which will not create a nuisance or be harmful to the public health, safety or the environment, and comply with the following requirements:
  - a. Coarse or fine aggregate shall be completely covered during transportation and parking with a cover that is water resistant, securely fastened and eliminates the potential for roadside littering, dust, leakage, discharge, attraction or harboring of vectors or other nuisances.



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- b. Coarse or fine aggregate shall not be mixed or transported with other solid waste that may cause a risk of fire or explosion, or accumulation of poisonous or otherwise harmful vapors or gases.
  - c. Equipment used to transport coarse or fine aggregate must be equipped with a fire extinguisher that is readily accessible to the driver.
  - d. Equipment used to transport coarse or fine aggregate must be leakproof, fireproof and constructed to prevent the potential for littering, leakage, and dispersal of dust.
  - e. Equipment used to transport coarse or fine aggregate shall be tested, inspected and maintained by the operator to ensure that there is not release or leakage during transportation.
  - f. Vehicles or conveyances used to transport coarse or fine aggregate shall bear a sign that includes the name and business address of the person that owns the vehicle or conveyance and be labeled "municipal waste," unless the material is no longer a waste in accordance with Condition E.15 of General Permit No. WMGM061.
6. Coarse or fine aggregate may be stored on the ground provided that the outdoor storage area complies with the following:
- a. Attenuating soil requirements for the analytical option used by the producer of the aggregate pursuant to Condition E.14 of General Permit No. WMGM061 are satisfied at the storage site.
  - b. Coarse or fine aggregate is not mixed with or stored in close proximity to other solid waste that may cause a risk of fire or explosion, or accumulation of poisonous or otherwise harmful vapors or gases.
  - c. Best Management Practices (BMPs) are implemented to divert storm water run-on from storage areas. Storm water runoff shall not cause groundwater or surface water degradation and shall be managed in accordance with the Clean Streams Law (35 P.S. §§ 691.1 – 691.1001) and regulations promulgated thereunder. Prior to storage all necessary storm water management permits must be obtained.

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### ACCEPTABLE USES AND RESTRICTIONS FOR THE BENEFICIAL USE OF COARSE OR FINE AGGREGATE

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- d. BMPs are installed or implemented to prevent coarse or fine aggregate from being blown or otherwise deposited outside of the storage area by wind or water.
7. Persons storing, transporting or beneficially using the coarse or fine aggregate must immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the waste management program in the appropriate DEP regional office (see attached list) of any accidental spills and shall take appropriate immediate action to protect the health and safety of the public and the environment.

**Department of Environmental Protection  
Regional Offices  
(and Counties Served)**

- I. Bucks, Chester, Delaware, Montgomery, Philadelphia.

**Southeast Regional Office**

2 East Main Street  
Norristown, PA 19401  
Phone: (484) 250 - 5960

- II. Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming.

**Northeast Regional Office**

2 Public Square  
Wilkes-Barre, PA 18711-0790 Phone:  
(570) 826 – 2516

- III. Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York.

**Southcentral Regional Office**

909 Elmerton Avenue  
Harrisburg, PA 17110-8200 Phone:  
(717) 705 – 4706

- IV. Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union.

**Northcentral Regional Office**

208 West 3<sup>rd</sup> Street - Suite 101 Williamsport,  
PA 17701  
Phone: (570) 327 – 3653

- V. Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

**Southwest Regional Office**

400 Waterfront Drive  
Pittsburgh, PA 15222-4745  
Phone: (412) 442 – 4000

- VI. Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

**Northwest Regional Office**

230 Chestnut Street  
Meadville, PA 16335-3481  
Phone: 814-332-6848