

SPECIAL CONDITIONS
GENERAL PERMIT WMGM014

1. The approval herein granted is limited to the beneficial use of roadway excavation materials (i.e., used asphalt, sub-base, sub-grade, and bituminous concrete road materials), hereinafter referred to as “roadway excavation waste or excavation waste”, as construction materials.
2. The roadway excavation waste may be beneficially used if the following quality criteria requirements are met:
 - a. Where the roadway excavation waste will be beneficially used, as a sub-grade or sub-base for roadway construction material, the excavation waste must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications;
 - b. Where the roadway excavation waste will be beneficially used as a construction material for shoulder applications, the roadway excavation waste must be compacted and covered with a seal coat which complies with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications);
 - c. The excavation waste conforms to the applicable engineering properties as the raw material it is being substituted for;
 - d. Where the roadway excavation waste will be beneficially used under a project contract, the contract must specially address the engineering qualities and characteristics that must be met for completion of the job or project. The contract must specifically indicate that the roadway excavation waste satisfies the engineering requirements and the specifications for the job or project.
 - e. The chemical concentration of any constituent in the excavation waste does not exceed the chemical limitations specified in Table 1 below. The chemical analyses required in this Condition shall be performed by a laboratory that is in compliance with the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No.90, 27 Pa C.S. §4101 et. seq.

Table 1

Parameter	Total Level (mg/kg)	Leachate Level (mg/L)*
pH	5.5 to 9.5 (std. unit)	---
Arsenic	41	1.25
Barium	5000	50.0
Cadmium	20	0.125
Chromium	1000	2.5

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Table 1 (Continued)

Parameter	Total Level (mg/kg)	Leachate Level (mg/L)*
Copper	700	32.5
Lead	200	1.25
Mercury	20	0.05
Molybdenum	75.0	---
Zinc	1000	125
Nickel	200	2.5
Selenium	60	1.0
Silver	5.0	2.5
Benzene	0.8	0.005
Ethylbenzene	-	1.8
Xylene	-	10
Toluene	-	25

- * Leachability evaluations in compliance with the permit requirement shall be conducted on a representative sample of the roadway excavation waste using the Toxicity Characteristic Leaching Procedure (EPA method 1311) or the Synthetic Precipitation Leaching Procedure (EPA method 1312).

The analytical methodologies used to meet the requirements in this section shall be those in the most recent edition of the EPA’s “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods” (EPA SW-846), “Methods for Chemical Analysis of Water and Wastes” (EPA 600/4-79-020), “Standard Methods for Examination of Water and Wastewater” (prepared and published jointly by the American Public Health Association, American Waterworks Association, and Water Pollution Control Federation), or a comparable method subsequently approved by the EPA or the Department of Environmental Protection (Department).

The determinations of compliance with Table 1 may be based on the 90 percent upper confidence level for each metal and organic constituent or the 80 percent confidence interval for pH using the Test Methods for Evaluating Solid Waste (EPA SW-846) as guidance for the statistical treatment of data.

- Roadway excavation waste that does not meet the requirements as specified in Condition 2 of this general permit shall be managed properly at a permitted disposal facility unless authorized by the Department, in writing, to do otherwise.

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4. In compliance with the requirements specified in Condition 2 of this general permit, the roadway excavation waste must be monitored prior to the first beneficial use of the roadway excavation waste and for every 5,000 tons utilized thereafter. Representative samples of the excavation waste shall be collected and analyzed for total (mg/kg) and leachate (mg/L) levels, for each parameter listed in Table 1 of Condition 2 as specified below.

Representative sampling is one of the most difficult aspects of monitoring. To obtain a representative sample of the roadway excavation waste, the samples must be taken from the correct locations and represent the entire amount of excavation waste. In the batch process, more than one sample is usually necessary to accurately represent a particular batch or a storage pile of roadway excavation waste. The key is to obtain a representative sample. In general, the more samples taken, the greater the chance that the sampling results will be

representative of the excavation waste and because the pollutant limits pertain to the quality of the roadway excavation waste that will be beneficially used, samples must be collected after the final excavation waste is generated.

The analytical methodologies used shall be those set forth in the most recent edition of the EPA's Test Methods for Evaluating Solid Waste (EPA SW-846) or an equivalent method approved by EPA or the Department.

- a. When sampling of the roadway excavation waste that is stored in a pile or a bin, at a minimum, 15 – 20 core samples at different locations and at various depths shall be collected and then composited to obtain a representative sample of the stored excavation waste.
- b. When sampling of the roadway excavation waste that moves on a conveyor, samples at equal intervals during the time the units operate in a day, prior to storage, shall be collected and then composited to obtain a representative sample of the excavation waste.
- c. When sampling of the roadway excavation waste in a batch process, samples from the discharge point of the roadway excavation waste generation and prior to storage shall be collected and then composited to obtain a representative sample of the excavation waste.

Should knowledge of the roadway excavation waste generation, visual observations, or analytical results indicate variability in the quality of the roadway excavation waste, more frequent testing shall be conducted.

5. All roadway excavation waste under the authorization granted in this general permit shall be managed in accordance with the permittee's application. Except to the extent the permit

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states otherwise, the permittee shall utilize the roadway excavation waste for beneficial use purposes as described in the permit application.

6. The roadway excavation waste shall not be mixed with other types of residual waste or municipal waste, including hazardous waste or special handling waste.
7. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (Standards for Contaminants) issued under the Air Pollution Control Act, the Act of January 8, 1960, P.L. 2119, 35 P.S. §4005 and shall comply with all the applicable provisions of the Fugitive Emissions §§123.1 and 123.2.
8. Nothing in this permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable law, ordinance, or regulations, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq.; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1989, 53 P.S. §4000.101 et seq.
9. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby authorizes and consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credential and without delay, to have access and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of wastes, waters, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Sections 608 and 610 (7) of the Solid Waste Management Act, 35 P.S. §§6018.608 and 6018.610 (7).) This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.
10. Failure of 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.
11. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to compliance history review by the Department prior to performance as specified by the Pennsylvania Solid Waste Management Act of 1980.
12. The roadway excavation waste 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

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Commonwealth. The Department may modify, suspend, revoke or reissue the authorization granted in this general permit if it deems necessary to prevent harm or the threat of harm to the public health, or the environment.

13. Persons or municipalities that propose to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a “Determination of Applicability (DOA)” from the Department’s Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. No roadway excavation waste shall be used unless specially authorized by the Department in writing.

At a minimum, the following information must be provided on forms available from the Department’s Bureau of Land Recycling and Waste Management (See address above):

- a. Name and street address of applicant;
- b. A chemical and physical analysis, and description of roadway excavation waste that fully characterizes its composition and properties; the roadway excavation waste generation process; a hazardous waste determination; and a plan for screening and managing the excavation waste. The chemical analyses required in this Condition shall be performed by a laboratory that is in compliance with the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, No.90, 27 Pa C.S. §4101 et. seq.
- c. Location where the roadway excavation waste will be generated;
- d. Description of method of beneficial use;
- e. Number and title of general permit;
- f. Proof the roadway excavation waste and solid waste management activities are consistent with the general permit;
- g. Signed and notarized statement by the person who seeks authorization to operate under the terms and conditions of this general permit that states that the person accepts all conditions of this general permit;
- h. An application fee in the amount required under §271.842 (b) of the Municipal Waste Regulations made payable to the “Commonwealth of Pennsylvania”;

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- i. Proof that copies of the application have been submitted to each municipality, county, county planning agency and county health department, if one exists, in which beneficial use activities are or will be located;
 - j. Proof that the applicant has legal right to enter the land and perform the activities approved under this permit;
 - k. An irrevocable written consent from the private landowner giving the Department permission to enter upon land where the applicant will be conducting solid waste management activities;
 - l. 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;
 - m. A list of all previous permits or licenses issued by the Department or federal government under the environmental protection acts; the date issued, status and compliance history concerning environmental protection acts;
 - n. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 11;
 - o. Total amount of the roadway excavation waste to be generated and to be stored.
 - p. Additional information the Department believes is necessary to make a decision.
14. Any person that operates under the provisions of this permit shall immediately notify the Department's Bureau of Land Recycling and Waste Management (See address in Condition 13), in writing, of any changes in: the company name, address, owners, operators and responsible officials; changes in the ownership of private land and the right to enter and operate on any land where the roadway excavation waste is generated; the physical or chemical characteristics of the roadway excavation waste; the process which generates the roadway excavation waste; and the status of any permit issued by the Department or federal government under the environmental protection acts.
15. The roadway excavation waste shall be managed in accordance with the Solid Waste Management Act, the act July 7, 1980, as amended, P.L. 380, 35 P.S. §§ 6018.101 et seq. and the regulations promulgated therein.

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16. a. The permittee shall maintain records to demonstrate that the roadway excavation waste generated for beneficial use meets the concentration limits listed in Table 1 of Condition 2 of this general permit. The records shall include information on the dates of testing, each parameter tested, the results, the laboratory used, sampling procedures, analytical methodologies, the volume or weight of the sample and person collecting the sample.
- b. The permittee shall maintain records of rejected, unacceptable and unauthorized wastes, during the generation of roadway excavation wastes, that are disposed by the permittee. The records shall include the name and address of the disposal location, date of disposal, volume or weight of the waste that is disposed.
- c. The permittee shall maintain records of volume or weight of the roadway excavation waste that is generated.
- d. The permittee shall maintain records of volume or weight and location of the roadway excavation waste that is stored.

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

17. 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 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 of this Commonwealth.
18. The permittee shall submit to the Department's Bureau of Land Recycling and Waste Management (See address in Condition 13) and the appropriate Department Regional Office, an annual report that contains the information outlined in Conditions 4, 14 and 17, and identifies the name of persons who used the waste and the location of all sites where the roadway excavation waste was utilized for beneficial use purposes during the past 12 months ending thirty (30) days prior to the permit anniversary date. The annual report must also include the actual laboratory reports for the "total" and "leaching" analyses for the roadway excavation waste for all parameters listed in Table 1 of Condition 2 of this general permit. Analysis data submitted in compliance with this requirement must be from samples of the roadway excavation waste collected within the past 12 months.
19. The permittee and subsequent sellers of the roadway excavation waste shall inform all persons or municipalities and other entities who purchase excavation waste from the permittee, which propose to beneficially use the roadway excavation waste covered under this general permit of all conditions and limitations imposed on the beneficial use of roadway excavation waste by the Department of Environmental Protection (Department).

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This notification shall be by providing a copy of Appendix "A" (Use Restrictions) of this permit to all persons or municipalities which propose to beneficially use the roadway excavation waste. The conditions in Appendix "A" also apply to: (1) the permittee, (2) any municipality or person who obtains a Determination of Applicability to conduct activities authorized by this general permit, and (3) all subsequent end-users of the roadway excavation waste.

The permittee shall record the name and address of each person who is given or purchases the roadway excavation waste and shall record its intended use(s). This information shall be included in the annual report required in Condition 18 of this general permit.

20. Equipment used for the collection, storage and transportation of the roadway excavation waste shall be maintained in good operating condition. Weekly inspections of collection and storage areas and their surrounding environs are to be conducted to determine compliance of the terms and conditions of this general permit, and for evidence of failure.
21. Upon cessation of operations or by the expiration date of this general permit or unless extended by the Department in writing, the permittee shall remove any remaining roadway excavation waste that has not been beneficially used and any other residual wastes or other materials which contain or have been contaminated by the roadway excavation waste and shall provide for the processing and disposal of the waste or material in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.
22. Runoff from the roadway excavation waste storage area(s) shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
23. This general permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from areas where solid waste management activities are conducted to the waters of the Commonwealth.
24. The storage and transportation of roadway excavation waste shall be in a manner which does not create a nuisance or be harmful to the public health, safety or the environment and shall comply with the requirements of Title 25 Pa Code, Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste).

APPENDIX "A"

USE RESTRICTIONS GENERAL PERMIT WMGM014

The following restrictions apply to the beneficial use of roadway excavation materials (i.e., used asphalt, sub-base, sub-grade, and bituminous concrete road materials), hereinafter referred to as “roadway excavation waste or excavation waste”, as construction materials. Persons storing and/or using the roadway excavation waste for beneficial use purposes must comply with the following requirements:

- A1. Approval to use the roadway excavation waste as an aggregate in concrete or asphalt mixtures for construction purposes is limited to the following and must meet the technical standards developed by the Pennsylvania Department of Transportation for these uses as outlined in their Publication 408, Specifications.
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| a. 206 (Embankment) | c. 300 (Base Courses) |
| b. 210 (Subgrade) | d. 400 (Flexible Pavements) |
| e. 703 (Aggregate, excluding 703.4 anti-skid material) | |
- A2. As specified in §271.811 (g) of the municipal waste management regulations, the roadway excavation waste or materials manufactured using excavation waste as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or other fills or to level an area or bring an area to grade where a roadway construction activity is not completed within 3 months after the placement of the excavation waste or materials derived from the roadway excavation waste..
- A3. The roadway excavation waste or materials manufactured using excavation waste as a component or ingredient shall not be placed in direct contact with surface water or groundwater or in a wetland or within 300 feet of a private or public water source.
- A4. Hazardous waste, municipal waste, municipal special handling waste, and other residual waste may not be mixed, stored and/or beneficially used with the roadway excavation waste.
- A5. Unless authorized by the Department in writing, the roadway excavation waste shall not be stored for more than one (1) year, unless the following apply:
- The roadway excavation waste is not accumulated before being beneficially used unless the operator shows that the roadway excavation waste is potentially beneficially used and has a feasible means of being beneficially used; and
 - During the calendar year (commencing on January 1), the amount of roadway excavation waste that is beneficially used or transferred to a different site for beneficial use, equals at least 75% by weight or volume of the roadway excavation waste

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accumulated at the beginning of the period. In calculating the percentage of turnover, the 75% requirement is to be applied to each waste of the same type (i.e., used asphalt, bituminous concrete, etc.) that is beneficially used in the same way (that is, from which the same material is recovered or that is used in the same way).

- A6. The storage, transportation or use of the roadway excavation waste shall be in a manner, which will not create a nuisance or be harmful to the public health, safety or the environment of this Commonwealth. The storage and transportation of roadway excavation waste shall comply with the requirements of 25 Pa Code Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste).
- A7. Runoff from the roadway excavation waste storage area(s) shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.
- A8. Upon completion of beneficial use activities or by the expiration date of this permit, unless extended by the Department, the permittee shall remove any remaining stored roadway excavation waste and manage the roadway excavation waste in accordance with the Solid Waste Management Act, the environmental protection acts and the regulations promulgated thereunder.
- A9. Approval to use the roadway excavation waste as an aggregate used as a component or ingredient in the manufacture of concrete or asphalt materials shall conform with the applicable material standards as set forth in the following American Society of Testing and Material (ASTM) standards or other applicable National, state or industry standard or specification for which the waste is being substituted.