

**SPECIAL CONDITIONS  
GENERAL PERMIT NO. WMGR070**

1. The approval herein granted is limited to the beneficial use of baghouse fines (i.e., waste) from air pollution devices generated by “hot mix asphalt plants” (Standard Industrial Classification Code 2951) for use as construction material as levee core impermeable fill and pipe bedding, provided the following requirements are met:
  - a. The waste does not exceed the chemical limitations of Condition 2 of this general permit;
  - b. The waste conforms to the applicable engineering properties as the raw material it is being substituted for;
  - c. The waste meets the requirements of the American Society of Testing and Material (ASTM) standards under which it is being used as indicated in Appendix A; and
  - d. Where the waste will be used under a project contract, the contract must specifically address the engineering qualities and characteristics that must be met for completion of the job or project. The contract must specifically indicate that the waste satisfies the engineering requirements and the specifications for the job or project.
  
2. The waste shall not be used in construction projects or otherwise placed directly into the environment, if the analysis of the waste exceeds the total and leachable levels of any of the parameters listed in Table 1 below:

**Table 1**

<u>Parameters</u>	<u>Total Levels (mg/kg)</u>	<u>Leachable Level<sup>(1)</sup> (mg/l)</u>
pH	5.5 to 9.5	---
Arsenic	20	1.25
Barium	5,000	50.0
Cadmium	20	0.125
Chromium (Total)	1,000	2.5
Copper	700	32.5
Lead	200	1.25
Nickel	200	2.5
TPH*	500	---
Zinc	1,000	125.0

\* Total Petroleum Hydrocarbons

**SPECIAL CONDITIONS**  
**GENERAL PERMIT NO. WMGR070**

(1) Leachability evaluations shall be conducted using the Toxic Characteristics Leaching Procedures (TCLP) using EPA Method 1311 of the Synthetic Precipitation Leaching Procedures EPA Method 1312.

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

3. Prior to the first beneficial use of the waste and for every 5,000 cubic yards utilized thereafter, a representative sample of the waste shall be collected and analyzed, 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 representative sample of the waste, the sample must be taken from the correct locations and represent the entire amount of waste or in the batch process. More than one sample is usually necessary to accurately represent a particular batch or a storage pile of 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 waste and because the pollutant limits pertain to the quality of the waste that will be beneficially used, samples must be collected after the final waste general process.

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 waste that is stored in a pile or a bin, core samples at different locations and at various depths shall be collected and then composited to obtain a representative sample of the stored waste.
  - b/. When sampling of the 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 processed waste.
  - c/. When sampling of the waste in a batch process, samples from the discharge point of the waste generation process and prior to storage shall be collected and then composited to obtain a representative sample of the processed waste.
4. The permittee shall inform all persons or municipalities that propose to beneficially use the waste under the provisions of this general permit of all the limitations imposed on the use of the waste by the Department of Environmental Protection. This notification shall be by providing a copy of Appendix "A" (Use Restrictions On the Baghouse Fines) of this general permit. The conditions in Appendix "A" shall apply to any person who operates

**SPECIAL CONDITIONS**  
**GENERAL PERMIT NO. WMGR070**

pursuant to this general permit, including persons who obtain a Determination of Applicability to conduct activities authorized by this general permit. The permittee shall record the name and address of each person who obtains the waste and shall record its intended use. This information shall be included in the annual report required in Condition 10.

5. The waste shall not be hazardous, and shall not be mixed with any municipal waste, special handling waste or other residual waste prior to beneficial use.
6. Equipment used for the storage and transportation of the waste shall be maintained in good operating condition to prevent the waste from being unintentionally conveyed out of its storage area. Weekly inspections of each storage area and their surrounding environs are to be conducted to confirm stability. The storage and transportation of waste shall be in a manner, which does not create a nuisance or be harmful to the public health, safety or the environment. Storage and transportation of the residual waste shall comply with the requirements of 25 Pa Code Chapter 299 (relating to storage and transportation of residual waste).
7. Upon completion of activities authorized by this general permit, the permittee shall remove any remaining waste and any other materials which contain or have been contaminated by the 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.
8. The permittee shall immediately notify the Department, in writing, of any changes in: the name, address, owners, operators and responsible officials of the company, changes in facility location; changes in land ownership or the right to operate on the land occupied; the raw source, or physical and chemical characteristics of the waste; the manufacturing process which generates the waste; and the change in status of any permit issued to the permittee by the Department or federal government under the environmental protection acts.
9. Records of all analytical evaluations conducted on the waste shall be retained by the permittee at the plant site and shall be made available to the Department on request. Analytical information on the waste shall be retained for minimum of 5 years from the date it was obtained and is to include: the dates of sampling and testing, sampling procedures, person collecting the sample, the volume or weight of the sample, each parameter tested, the analytical results, the laboratory used, and analytical methodologies.
10. Persons operating under the provisions of this general permit shall submit, by the anniversary date of this general permit, to the Department's Bureau of Land Recycling and Waste Management (See address in Condition 16), an annual report which contains the information outlined in Conditions 4, and 8, and summarizes the weight or volume of the

**SPECIAL CONDITIONS**  
**GENERAL PERMIT NO. WMGR070**

waste sold, traded or given away for beneficial purposes during the last 12 months. The annual report must also include an analysis on a representative sample of the waste for all parameters listed in Table 1 of Condition 2 of this general permit or a signed statement from the generator of the waste that the physical and chemical properties of the waste have not changed. Analysis data submitted in compliance with this requirement must be from samples of the waste collected within six (6) months prior to the submission of the annual report. Signed statements may be used for a maximum of two (2) years, from the date of last analysis, after which time, the waste must be re-analyzed.

11. The permittee shall comply with the fugitive emissions regulations under Title 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 Sections 123.1 and 123.2
12. Nothing in this general 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 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 1988, 53 P.S. §4000.101 et seq.
13. As a condition of this general 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 to 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; to perform measurements, surveys, and other tests; 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. This permit condition is referenced in accordance with §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 under the Solid Waste Management Act.
14. 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 and reissue the authorization granted in this general permit if it deems necessary to prevent harm or the threat of harm to the public health, and the environment or if they cannot be adequately regulated under the conditions of this general permit.
15. 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

**SPECIAL CONDITIONS**  
**GENERAL PERMIT NO. WMGR070**

individual permit. The Department may require an individual permit be obtained if the permittee cannot comply 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 public or the environment.

16. 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" 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 activities shall commence unless specifically 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.
  - a. Name and street address of applicant.
  - b. A chemical and physical analysis, and description of the waste which fully characterizes its composition and properties; the waste generation process; and a plan for screening, managing and rejecting unacceptable waste.
  - c. Name and location of the generator of the waste.
  - d. Description of method of processing and/or beneficial use.
  - e. Number and title of the general permit.
  - f. Proof of the waste and waste management activities are consistent with the general permit.
  - g. Signed and notarized statement by the person operating the facility which states that the person accepts all conditions of this general permit.
  - h. An application fee in the amount specified in 25 Pa Code §287.642(b) of the Residual Waste Regulations, made payable to the "Commonwealth of Pennsylvania".
  - i. Proof that copies of the application have been submitted to each municipality, county, county planning agency and county health department in which beneficial use activities are or will be located.
  - j. Proof that the applicant has legal right to enter the land and operate the facilities approved under this general permit.
  - k. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities.

**SPECIAL CONDITIONS**  
**GENERAL PERMIT NO. WMGR070**

- l. Information which identifies the applicant (i.e. individual, corporation, partnership, government agency, association, etc.), including the names and addresses of every officer which 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 dates issued, status and compliance history concerning environmental protection acts.
  - n. A copy of the facilities Pollution Prevention and Contingency (PPC), which is consistent with the Department's most recent guidelines on the development and implementation of PPC plans.
  - o. Proof that independent contractors retained by the permittee to perform any activities authorized under this general permit are in compliance with the Department's regulations as required in Condition 17.
17. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the Department prior to performance of any activities, as specified by the Pennsylvania Solid Waste Management Act of 1980.
18. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent the permit states otherwise, the permittee shall utilize the baghouse fines from air pollution devices generated by "hot mix asphalt plants" as described in the permit application.

## GENERAL PERMIT NO. WMGR070

### APPENDIX "A" USE RESTRICTIONS ON THE BAGHOUSE FINES

The following restrictions apply to the beneficial use of the baghouse fines generated by "hot-mix asphalt plants (Standard Industrial Classification Code 2951) when designated for use as construction material as levee core impermeable fill and pipe bedding. Persons receiving, storing and/or using the baghouse fines for beneficial use purposes are to comply with the following requirements:

- A1. Approval to use the baghouse fines as a construction material, is limited to and must comply with the materials standards, as set forth in the following American Society of Testing and Material (ASTM) standards for which the baghouse fines are being substituted.
- (a) D 422 – Standard Specifications for Particle-Size Analysis of Soil.
  - (b) D 698 – Standard Specification for Laboratory Compaction Characteristics of Soil Using Standard Effort.
  - (c) D 854 – Standard Specification for Specific Gravity of Soil.
  - (d) D 1241 – Standard Specifications for Materials for Soil-Aggregate Subbase, Base and Surface Courses.
  - (e) D 1556 – Standard Specification for Density and Unit Weight of Soil in Place by the Sand-Cone Method.
  - (f) D 2216 – Standard Specification for Laboratory Determination of Water (Moisture) Content of Soil and Rock by Mass.
  - (g) D 2487 – Standard Specification for Classification of Soils for Engineering Purposes (Unifies Soil Classification System).
  - (h) D 2922 – Standard Specification for Density of Soil and Soil-Aggregate in Place by Nuclear Methods.
  - (i) D 2940 – Standard Specification for Graded Aggregate Material for Bases or Subbases for Highways or Airports.
  - (j) D 3017 – Standard Specification for Water Content of Soil and Rock in Place by Nuclear Methods (Shallow Depth).
  - (k) D 4318 – Standard Specification for Liquid Limit, Plastic Limit, and Plasticity Index of Soils.

**GENERAL PERMIT NO. WMGR070**

**APPENDIX "A"  
USE RESTRICTIONS ON THE BAGHOUSE FINES**

- A2. The baghouse fines shall not be placed in direct contact with surface water or groundwater or used in any construction activity within 300 feet of an exceptional value wetland, and or 300 feet of a private or public water source.
- A3. The baghouse fines shall not be used as valley fill material, to fill open pits, or to level an area or bring an area to grade where the construction activity is not completed promptly after the placement of the solid waste.
- A4. Hazardous wastes, municipal waste, special handling waste, and other residual wastes may not be mixed and/or stored or beneficially used with the baghouse fines from air pollution devices.
- A5. The baghouse fines shall not be stored for more than one (1) year unless specifically approved by the Department in writing.
- A6. The storage, transportation or use of the baghouse fines shall be in a manner, which will not create a nuisance or be harmful to the public health, safety or the environment. The storage and transportation of baghouse fines shall comply with the requirements of 25 Pa Code, Chapter 299 (relating to storage and transportation of residual waste).
- A7. Runoff from the baghouse fines storage areas shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with the Clean Streams Law and regulations promulgated thereunder.