

**SPECIAL CONDITIONS
GENERAL PERMIT NO. WMGR094**

1. The approval granted herein is limited to the beneficial use of cement kiln dust (CKD) in road construction applications for the stabilization of road subgrade, and for embankment and backfill construction. All such beneficial uses shall be in accordance with the "Acceptable Uses" and "Use Restrictions" found in the Appendix to this permit. CKD shall be approved for each use by the Pennsylvania Department of Transportation's (PennDOT) Product Evaluation Board.

The permittee is also authorized to beneficially use CKD at the site where the CKD is generated. This authorization is not contingent upon approval of the CKD by the PennDOT Product Evaluation Board. All beneficial uses of CKD at the CKD generation site shall be engineered uses, where the use of the material is designed for a specific purpose and used in accordance with the requirements contained within this general permit and its Appendix A.

2. The CKD may be beneficially used in accordance with authorization granted within this permit provided that none of the following levels are exceeded:

<u>Constituent</u>	<u>Total (mg/kg)¹</u>	<u>Leachable (mg/L)^{1, 2, 3}</u>
Antimony	30	0.15
Arsenic	41	1.25
Barium	5000	50
Beryllium	1.0	0.1
Cadmium	39	0.125
Chromium		
Total	2500	2.5
Hexavalent	30	-----
Copper	1500	32.5
Iron	---	7.5
Lead	200	1.25
Manganese	400	15
Mercury	20	0.05
Nickel	420	2.5
Selenium	60	1.0
Thallium	6	0.0125
Zinc	2800	125

The chemical analyses required in this Condition shall be performed by a laboratory that is in compliance with the Pennsylvania Environmental Laboratory Accreditation Act of 2002, No. 90, 27 Pa. C.S. §4101 et. seq.

¹These determinations may be based upon the 90 percent upper confidence level using *Test Methods for Evaluating Solid Waste* (EPA SW-846) as guidance for statistical treatment of data.

²The leaching analysis shall be conducted using the Toxicity Characteristic Leaching Procedure (EPA Method 1311) or the Synthetic Precipitation Leaching Procedure (EPA Method 1312), or other procedure approved by the Department.

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³Should the results of total analysis for a particular constituent in a sample be non-detect, a leaching determination of that particular constituent in that particular sample is not required. Should the CKD waste contain other constituents which do not meet the requirements of §288.623(a) (relating to minimum requirements for acceptable waste) or which pose a threat of harm to human health or the environment, the CKD waste shall not be placed directly into the environment. The pH limitations in §288.623(a)(11) do not apply to the CKD waste.

3. Prior to the beneficial use of the CKD, the permittee shall perform chemical analysis on a representative sample of CKD for the appropriate parameters listed in Condition 2. The permittee shall perform chemical analysis on additional representative samples of CKD as follows:
 - a. For each source of CKD waste that has previously been generated and is being mined i.e., retrieved from an existing stockpile on which no previous chemical analyses in accordance with Condition 2 have been conducted: every 2000 tons;
 - b. For each source of CKD waste that is generated by the permittee (but not mined as described in Item a): annually or every 15,000 tons, whichever comes first;
 - c. For each source of CKD waste generated by an outside source (but not mined as described in Item a) and procured by the permittee: annually or every 15,000 tons, whichever comes first;
 - d. The first time the permittee uses or receives CKD waste from a new source;
 - e. Each time there is a significant change in the process generating the CKD waste from any source.
4. The CKD waste may not be mixed with other types of solid wastes, including hazardous waste, municipal waste, other residual waste, or special handling waste.
5. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff to the waters of the Commonwealth.
6. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code, Sections 123.1 and 123.2, all Bureau of Air Quality Control permitting requirements, and all local air quality requirements and regulations.
7. 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 regulations, providing that said local law, ordinance, or regulation is not preempted by the 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.
8. 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 credentials and without delay, to have access and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste, water, or gases; to take photographs; to perform measurements,

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surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Sec. 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 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.

9. 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.
10. 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 Solid Waste Management Act of 1980.
11. The activities authorized by this 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, or the environment.
12. 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 (See address above):

- a. Name and street address of applicant;
- b. For each waste source, a chemical and physical analysis, and description of the CKD waste that fully characterizes its composition and properties;
- c. Name and location of the generator of the CKD waste;
- d. Number and title of general permit;
- e. Proof the CKD waste and waste management activities are consistent with the general permit;
- f. Signed and notarized statement by the person who seeks authorization to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit;
- g. An application fee in the amount as specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania";
- h. 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;
- i. Proof that the applicant has legal right to enter the land and perform the activities approved under this permit;
- j. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting waste management activities;

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- k. 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;
 - l. 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;
 - m. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required under Condition 10.
13. 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 12), in writing, of any changes in: the company name, address, owners, operators and responsible officials; the physical or chemical characteristics of the waste; the generator(s) of the CKD waste; the in status of any permit issued by the Department or federal government under the environmental protections acts; or changes land ownership and the right to enter and operate on the land where the facility operates.
14. Equipment used for the management of the waste shall be maintained in good operating condition. Daily inspections of equipment during CKD waste management activities are to be conducted to ensure that equipment will operate properly and examine for evidence of equipment failure.
15. All CKD waste shall be stored, transported, and managed in a manner that complies with 25 Pa. Code, Chapter 299 of the residual waste regulations (Storage and Transportation). However, the storage provisions of Chapter 299 do not apply for temporary waste storage at sites where beneficial use of the waste is taking place under the authority granted by this permit. Such temporary storage is limited to the amount of waste needed for use at the beneficial use site.
16. The permittee shall immediately notify the Department's Emergency Hotline by telephone at (717) 787-4343 and the appropriate DEP regional office in the event of a discharge or spill of CKD waste, and shall take appropriate immediate action to protect the health and safety of the public and the environment.
17. Records of any analytical evaluations conducted on the CKD waste pursuant to the residual waste regulations shall be kept by the permittee at the permittee's place of business and shall be available to the Department for inspection. At a minimum, these records are to include information on the dates of testing, each parameter tested, the results, the laboratory, sampling procedures, analytical methodologies and person collecting the sample. This waste analysis information shall be retained by the permittee at the permittee's place of business for a minimum of 5 years after the analyses were performed.
18. The permittee shall maintain records that contain: the name, address, type of beneficial use, and quantity of CKD waste for each person beneficially using the CKD waste. The permittee shall also maintain records that contain: the name, address, for each incoming source of CKD waste, the date of receipt and quantity of CKD waste received. This information must also be maintained for persons who acquire CKD waste from the permittee with the intention of later transferring the waste to another party for beneficial use. These records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated.

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19. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall operate as described in the approved application.
20. The permittee shall submit to the Department's Bureau of Land Recycling and Waste Management, (see address in Condition 12), an annual report that summarizes the information outlined in Conditions 13 and 18.

The annual report, due 30 days after the anniversary date that the permit became applicable to a permittee, must also include one of the following:

- a. An analysis performed within the last year that has been conducted on representative samples of all sources of CKD waste utilized under the authority of this permit in the last year for all of the parameters listed in Condition 2;
 - b. A signed certification from each waste generator that is not more than one year old and states that the physical and chemical properties of the CKD waste have not changed. A signed certification may be used for a maximum of 3 years, after which the waste must be re-analyzed.
21. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall operate as described in the approved application.
 22. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if the activities were covered by an individual permit. The Department may require an individual permit if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the people or the environment.
 23. The permittee shall inform all persons or municipalities that propose to beneficially use CKD waste covered under this permit of all the conditions and limitations imposed on the use of CKD waste by the Department of Environmental Protection. This notification shall be by providing a copy of Appendix A of this permit to the persons or municipalities that will be beneficially using the CKD waste. In addition, the permittee shall inform all persons or municipalities that propose to beneficially use CKD waste covered under this permit of the acceptable uses of the CKD waste being supplied based on the limitations in Condition 2. The conditions in Appendix A shall apply to any person who operates pursuant to this general permit, including persons who obtain a Determination of Applicability to conduct activities authorized by this permit.

**APPENDIX A
USE RESTRICTIONS
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The following restrictions apply to the beneficial use of CKD waste as authorized under this general permit. Persons receiving, storing, and/or using CKD waste for beneficial use purposes shall comply with the following requirements.

ACCEPTABLE USES

A1. Approval to use CKD waste in road construction is limited to the following activities and must comply with the following technical standards developed by the Pennsylvania Department of Transportation (PennDOT) as outlined in their Publication 408, Specifications.

- a. 206 (Embankment)
- b. 210 (Subgrade)
- c. 350 (Subbase)

Approval to use CKD for roadway subbase stabilization and conditioning shall comply with common engineering practices for this use. The maximum quantity of CKD used for roadway subbase stabilization and conditioning shall be determined using the test method in the appendix to American Society for Testing and Materials (ASTM) C997, D6276, or other appropriate engineering testing procedure.

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- A2. CKD waste shall not be beneficially used or stored in direct contact with groundwater.
- A3. The maximum amount of CKD waste that may be stored at a job site is limited to that amount that needed to complete the project.
- A4. Runoff from CKD waste storage areas shall not cause surface water pollution or groundwater degradation.
- A5. The storage and transportation of the CKD shall be in a manner that will not create a nuisance or be harmful to the public health, safety or the environment.
- A6. CKD waste shall not be used as a valley fill material, to fill open pits from coal or other fills. CKD waste shall not be used to close boreholes or seal water wells that penetrate into groundwater. CKD waste shall not be used in any construction activity along or within a wetland, except when the permittee or enduser has received a permit from the Department under Chapter 105 (relating to Dam Safety and Waterway Management).
- A7. CKD waste shall not be mixed and/or stored or beneficially used with hazardous waste, municipal waste, any other residual waste, or special handling waste.
- A8. The storage, transportation, or use of CKD waste shall be in a manner that will not create a nuisance or be harmful to the public health, safety or the environment, and shall be in a manner that prevents the dispersal of the CKD waste by wind or water erosion.

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- A9. CKD waste shall not be stored within 300 feet of a water source, unless otherwise approved by the Department, in writing.

- A10. CKD waste shall not be beneficially used within 100 feet of a sinkhole or area draining into a sinkhole.