

Annex A

TITLE 25. ENVIRONMENTAL PROTECTION

PART I. DEPARTMENT OF ENVIRONMENTAL PROTECTION

Subpart D. ENVIRONMENTAL HEALTH AND SAFETY

ARTICLE VII. HAZARDOUS WASTE MANAGEMENT

CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Subchapter D. LISTS OF HAZARDOUS WASTES

APPENDIX IXa. WASTES EXCLUDED UNDER 25 PA. CODE § 260a.20 AND 40 CFR 260.20 AND 260.22

Table Ia. Wastes Excluded from Nonspecific Sources

(Editor's Note: The following provisions are proposed to be added and printed in regular type to enhance readability.)

Facility	Address	Waste Description
MAX Environmental Technologies, Inc. Bulger Facility	200 MAX Drive Bulger, PA 15109	Wastewater treatment sludge from former landfill operations (EPA Hazardous Waste No. F039), REFERRED TO AS FILTER CAKE IN THIS SECTION , generated at an estimated annual rate of 600 cubic yards, after _____ (Editor's Note: The blank refers to the effective date of this proposed rulemaking, when published as a final-form rulemaking), and disposed in the MAX Yukon Landfill or other Subtitle D landfill permitted in this Commonwealth. The exclusion covers the filter cake resulting from the treatment of hazardous waste leachate derived from the MAX Environmental Technologies, Inc. Bulger facility (MAX or MAX Bulger). MAX shall meet the following conditions for the exclusion to be valid AND FOR THE FILTER CAKE TO BE DISPOSED IN A SUBTITLE D LANDFILL PERMITTED IN THIS COMMONWEALTH: (1) Delisting Levels: All leachable concentrations for the following constituents measured using the ANALYTICAL METHODOLOGIES IN THE MOST RECENT EDITION OF THE EPA'S "TEST METHODS FOR EVALUATING SOLID WASTE" (SW-846), TOXICITY CHARACTERISTIC LEACHING PROCEDURE, SW-846 Method 1311 (the TCLP),

must be below the following levels (mg/L):

Constituent	Maximum Allowable: Leachate Concentration ⁽¹⁾
Arsenic	0.30
Barium	100
Cadmium	1.0
Chromium	5.0
Lead	5.0
Mercury	0.2
Selenium	1.0
Silver	5.0

^{1.} *The delisting levels are based on precedent for delisted PA F039 waste (arsenic), and Toxicity Criteria per 40 CFR 261.24.*

(2) *Verification Testing Schedule:* MAX Environmental shall collect and analyze representative samples of the ~~treatment sludge~~ **FILTER CAKE** at a frequency of one sample per every 20 cubic yards of material to be **DISPOSED IN THE MAX YUKON LANDFILL OR** shipped, using SW-846 Method 1311 with appropriate detection levels and quality control procedures. Shipments shall not exceed 150 cubic yards per 3-month period.

(i) *Sample Collection:* Representative samples of the ~~waste~~ **FILTER CAKE** shall be collected. Composite samples shall be collected at a rate of one composite per every 20 cubic yards and shall be generated from four grab samples (one grab sample from each quadrant of the vessel). Sampling shall be completed in accordance with the approved Sampling and Analysis Plan (~~dated October 2017~~), **CONSISTENT WITH 40 CFR 261.3 (RELATING TO DEFINITION OF HAZARDOUS WASTE)**, used for the purposes of this delisting petition. Each sample collection event shall include all necessary QA/QC samples and a duplicate.

(ii) *Sample Analysis:* Each composite sample shall be analyzed for all of the constituents listed in paragraph (1). If the level of any constituent measured in the sample of the ~~sludge~~ **FILTER CAKE** equals or exceeds the levels set forth in paragraph (1), then the waste is hazardous and shall be managed in accordance with Subtitle C of RCRA. The analytical data **FROM EACH COMPOSITE SAMPLE, REGARDLESS OF WHETHER THE SAMPLE IS LESS THAN, MEETS OR EXCEEDS THE LEVELS SET IN PARAGRAPH (1)**, shall be submitted to the PENNSYLVANIA Department of Environmental Protection, Southwest Regional Office, Waste Management Program, 400

Waterfront Drive, Pittsburgh, PA 15222. **MAX ENVIRONMENTAL SHALL SUBMIT SAMPLE RESULTS TO THE DEPARTMENT WITHIN 15 DAYS OF RECEIPT FROM A LABORATORY ACCREDITED UNDER THE PENNSYLVANIA ENVIRONMENTAL LABORATORY ACCREDITATION ACT, 27 Pa.C.S. §§ 4101—4113.** All data shall be accompanied by a signed copy of the statement set forth in 40 CFR 260.22(i)(12) (**RELATING TO PETITIONS TO AMEND PART 261 TO EXCLUDE A WASTE PRODUCED AT A PARTICULAR FACILITY**) to certify to the truth and accuracy of the data submitted. Records of operating conditions and analytical data shall be compiled, summarized, and maintained onsite for a minimum of 3 years and shall be furnished upon request by any employee or representative of the **DEP DEPARTMENT**, and made available for inspection.

(iii) *Management of ~~Sludge~~ **FILTER CAKE** Pending Verification Analyses:* ~~The treated, dewatered sludge shall be stored and managed as hazardous until the verification analyses are completed. This includes storage in containers that are to remain covered, except when sludge is being added or removed.~~ **THE TREATED, DEWATERED FILTER CAKE SHALL BE STORED IN CONTAINERS THAT MUST REMAIN COVERED, EXCEPT WHEN FILTER CAKE IS BEING ADDED OR REMOVED, AND SHALL BE MANAGED IN ACCORDANCE WITH SUBTITLE C OF RCRA UNTIL VERIFICATION TESTING CONFIRMS COMPLIANCE WITH THIS DELISTING.**

(3) *Changes in Operating Conditions:* If MAX significantly changes the treatment process described in the petition, the ~~treatment sludge~~ **FILTER CAKE** generated from the new process may not be managed under this exclusion until it has met the following conditions: (i) MAX shall demonstrate that the new waste meets the delisting levels set forth in paragraph (1); (ii) MAX shall demonstrate that no new hazardous constituents listed in Appendix VIII of 40 CFR Part 261 (**RELATING TO HAZARDOUS CONSTITUENTS**) have been introduced into the treatment process; (iii) MAX shall obtain written approval from the Department to manage the waste under this exclusion.

(4) *Reopener:*

(i) If MAX discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was

modeled or predicted in the petition does not occur as modeled or predicted, then MAX shall report any information relevant to that condition, in writing, to the Regional Director of the Department of Environmental Protection Southwest Region within 10 days of the discovery of that condition.

(ii) Upon receiving information described in subparagraph (i) of this section, regardless of its source, the Department shall determine whether the reported condition requires further action. Further action may include repealing the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment.

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Environmental
Technologies,
Inc.
Yukon Facility
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MAX
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Yukon,
PA
15698

Wastewater treatment sludge from former landfill operations (EPA Hazardous Waste No. F039), **REFERRED TO AS FILTER CAKE IN THIS SECTION**, generated at an estimated annual rate of 80 cubic yards, after _____ (*Editor's Note: The blank refers to the effective date of this proposed rulemaking, when published as a final-form rulemaking*), ~~and disposed in the MAX Yukon Landfill or other Subtitle D landfill permitted in this Commonwealth.~~ The exclusion covers the filter cake resulting from the treatment of hazardous waste leachate derived from the MAX Environmental Technologies, Inc. Yukon facility (MAX or MAX Yukon). MAX shall meet the following conditions for the exclusion to be valid **AND FOR THE FILTER CAKE TO BE DISPOSED IN A SUBTITLE D LANDFILL PERMITTED IN THIS COMMONWEALTH:**

(1) *Delisting Levels:* All leachable concentrations for the following constituents measured using the SW-846 Method 1311 (the ~~TCLP~~ **TOXICITY CHARACTERISTIC LEACHING PROCEDURE**) must be below the following levels (mg/L):

Constituent	Maximum Allowable: Leachate Concentration ⁽¹⁾
Arsenic	0.30
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(i) *Sample Collection:* Representative samples of the ~~waste~~ **FILTER CAKE** shall be collected. Composite samples shall be collected at a rate of one composite per every 20 cubic yards and shall be generated from four grab samples (one grab sample from each quadrant of the vessel). Sampling shall be completed in accordance with the approved Sampling and Analysis Plan (~~dated October 2017~~), **CONSISTENT WITH 40 CFR 261.3**, used for the purposes of this delisting petition. Each sample collection event shall include all necessary QA/QC samples and a duplicate.

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(iii) *Management of ~~Sludge~~ FILTER CAKE Pending Verification Analyses:* ~~The treated, dewatered sludge shall be stored and managed as hazardous until the verification analyses are completed. This includes storage in containers that are to remain covered, except when sludge is being added or removed.~~

THE TREATED, DEWATERED FILTER CAKE SHALL BE STORED IN CONTAINERS THAT MUST REMAIN COVERED, EXCEPT WHEN FILTER CAKE IS BEING ADDED OR REMOVED, AND SHALL BE MANAGED IN ACCORDANCE WITH SUBTITLE C OF RCRA UNTIL VERIFICATION TESTING CONFIRMS COMPLIANCE WITH THIS DELISTING.

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