

## **SPECIAL CONDITIONS GENERAL PERMIT WMGM022**

1. The approval herein granted is limited to the following solid waste management activities:
  - a. Processing and beneficial use of the waste concrete (i.e., concrete from roadways, curbs, sidewalks, building footers, bridge demolition, concrete masonry units), brick, aggregate previously used as sub-grade or sub-base material in roadway construction, shot rock, roof ballast, and waste asphalt (i.e., reclaimed asphalt pavement (RAP)) to produce a roadway or parking lot construction material, and/or substitute for PennDOT approved aggregate. The approved processing is limited to size reduction (i.e., crushing, grinding, screening) of the brick, shot rock, roof ballast, used aggregate, waste concrete and asphalt, hereinafter referred to as “processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP”, prior to beneficial use as follows:
    - i. As an aggregate, a sub-grade or a sub-base material for roadway construction.
    - ii. As a construction material for compacted roadway shoulder applications covered with a sealer (i.e., a thin bituminous coating intended to limit the reclaimed asphalt pavement materials from washing and leaching).
    - iii. Being blended with other virgin aggregate as a roadway sub-base for roadway construction use.
  - b. Processing and beneficial use of timber waste (i.e., tree stumps, limbs, clean wood, untreated and unpainted lumber, shrubs, clean pallets, clean skids and packing crates), and leaf and yard waste (i.e., source segregated leaf and yard waste, grass clippings) to produce bedding material for livestock. The approved processing is limited to shredding and screening of the wood and yard waste, hereinafter referred to as “shredded wood, leaf and yard waste”, prior to beneficial use as an animal bedding material.
2. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP, and shredded wood, leaf and yard waste may be beneficially used if the following quality criteria requirements are met:
  - a. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as a sub-grade in roadway construction, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must comply with the requirements in Section 210 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications). The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material shall be beneficially used only in the preparation of a roadbed and/or prior to the final asphalt placement.

## **SPECIAL CONDITIONS GENERAL PERMIT WMGM022**

- b. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as a sub-base, in the preparation of a roadbed and/or prior to the final asphalt placement, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must comply with the requirements in Sections 305, 341 and/or 350 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).
  - c. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as a construction material for shoulder applications, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must be compacted, and covered with a sealer which complies with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).
  - d. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used under a project contract for the roadway construction activities authorized in Condition 1(a), 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 processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material satisfy the engineering requirements and the specifications for the job or project.
  - e. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as an ingredient or a component in the production of hot or cold mix asphalt-paving material, the asphalt-paving material must meet the applicable requirements of the American Society for Testing and Materials (ASTM) Standard, or other National, state, or industry standard for which it is being used.
  - f. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must conform to the applicable engineering properties as the raw material it is being substituted for.
  - g. The shredded wood, leaf and yard waste will be beneficially used only as a bedding material for the livestock. The leaf and yard waste used in the production of bedding material for the livestock shall not have been previously treated with herbicides (i.e., clorpyralid).
3. Should knowledge of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material or visual observations (i.e., painted, evidence of contamination) indicate variability in the quality of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, a chemical analysis of the processed shot rock, roof

**SPECIAL CONDITIONS  
GENERAL PERMIT WMGM022**

ballast, aggregate, brick, crushed concrete and RAP material shall be conducted and the chemical concentration limit for any constituent listed in Table 1 below shall not be exceeded:

**Table 1**

<b>Parameter</b>	<b>Total (mg/kg)</b>	<b>Leachate (mg/L) <sup>(1)</sup></b>
pH	5.5 to 9.5 (std. unit)	---
Arsenic	41	1.25
Barium	5000	50.0
Cadmium	20	0.125
Chromium	1000	2.5
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	70	0.7
Xylenes	500	10
Toluene	4.0	1.0

<sup>(1)</sup> = 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).

- a. 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.
- b. 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).

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

- c. The determination of compliance with Table 1 may be based on the 90 percent upper confidence level for each metal 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.
- 4.
- a. Wastes, other than the shot rock, roof ballast, used aggregate, waste concrete and asphalt, timber waste, and leaf and yard waste specified in Condition 1 of this general permit, may not be received, processed, stored or beneficially used with the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste authorized under the general permit in the production of roadway construction and animal bedding materials.
  - b. Rejected and other wastes, other than the shot rock, roof ballast, used aggregate, waste concrete and asphalt, timber waste, and leaf and yard waste specified in Condition 1 of this general permit, that are not authorized under this general permit, shall be separated from the incoming wastes intended for beneficial use in the production of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and livestock bedding materials. The unauthorized wastes in this Condition shall either be rejected and returned in the delivering vehicle or shall be removed weekly from the site and properly disposed of at a permitted municipal waste disposal facility. The rejected and other wastes, as indicated above, shall only be incidental in nature. Waste transfer activities are not authorized by this general permit.
5. The processing and beneficial use 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:
- a. Modify, suspend, revoke or reissue the authorization granted in this general permit if the permittee cannot comply with the conditions of this general permit or if the authorized activities cannot be adequately regulated under the conditions of this general permit.
  - b. Require an individual permit be obtained if it is deemed necessary to prevent harm or the threat of harm to the public health, and the environment.
- 6.
- a. Storm water run-on at the facility should be diverted away from the processing and storage areas of the incoming wastes, processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste. Surface water controls shall be based on a 24-hour precipitation event to be expected once every 25 years. Proper drainage (i.e., dikes, diversions, drains, etc.) must be constructed and maintained to prevent ponding and excessive wetting.

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

- b. Storm water runoff from the processing and storage area(s) of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP, and shredded wood, leaf and yard waste shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder, and shall be directed to one of the following:
  - 1. A properly sized vegetated filter area for treatment.
  - 2. A properly sized holding pond for later reuse, or
  - 3. A holding tank for later disposal.
- c. The permittee shall not cause or allow a point or non-point source discharge of the storm water runoff or leachate, if any, or a combination of both in this Condition from the facility to the surface water of this Commonwealth. An NPDES (National Pollutant Discharge Elimination System) permit may be required if a point or non-point source discharge of the storm water runoff or leachate or a combination of both to the surface waters of the Commonwealth exists.
- 7. The construction materials manufactured using processed shot rock, roof ballast, aggregate, crushed brick, concrete and RAP, as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or non-coal mining or other fills; or to level an area or bring an area to grade where the construction activity will not be completed within 90 days after the placement of processed shot rock, roof ballast, aggregate, brick, crushed concrete or RAP material.
- 8. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard 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 states otherwise, the permittee shall utilize the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste for beneficial use purposes as described in the permit application.
- 9. Except for the authorized activities in Condition 1 of this general permit, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste shall not be mixed with other types of residual waste, municipal waste, hazardous waste, or municipal special handling waste.
- 10. 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.

**SPECIAL CONDITIONS  
GENERAL PERMIT WMGM022**

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 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 1989, 53 P.S. §4000.101 et seq.
12. As a condition of this general 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 §§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.
13. Failure of measures herein approved to perform as intended, or as designed, or failure to be in compliance with the applicable laws, rules, and regulations and terms and conditions of this general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this general permit.
14. 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 as specified by the Solid Waste Management Act of 1980, as amended.
15. 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 the applicant;
- b. i. A description of the shot rock, roof ballast, used aggregate, brick, waste concrete and asphalt, timber waste, and leaf and yard waste generation process;

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

- ii. A description of the plan for screening and managing the timber waste and leaf and yard waste received; and
- iii. A description of how the livestock bedding material will be produced?
- iv. A description of how the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be produced?
- c. Name and street address of the facility where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste will be processed and stored.
- d. Description of the beneficial use of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste;
- e. Number and title of this general permit;
- f. Evidence that the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste and solid waste management activities are consistent with the general permit;
- g. Signed and notarized statement by the person or municipality who seeks authorization to operate under the terms and conditions of this general permit that states 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”;
- 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 processing activities are or will be located;
- j. Proof that the applicant has legal right to enter upon the land and operate the facilities approved under this permit.
- k. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting processing 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;

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

- 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. A copy of the facility's Preparedness, Prevention and Contingency Plan (PPC) which is consistent with the Department's most recent guidelines entitled "Guidelines for the Development and Implementation of Environmental Emergency Response Plans".
- o. Proof that any independent contractors retained by the applicant to perform any activities authorized under this permit are in compliance with the Department regulations as required in Condition 14;
- p. Total amount of the incoming wastes and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste that will be generated and stored. The location of the storage areas must also be provided.
- q. A copy of the Storm Water Management Control Plan to address on-site runoff, run-on and leachate management, if appropriate, at the facility must be submitted to the Department for its approval.
- r. Bonding and insurance in an amount acceptable to the Department with supporting documents.
- s. A map clearly showing the location of any processing facility to be operated by the applicant under this general permit, including the following:
  - 1. Boundaries and names of present owner(s) of record of land (surface and sub-surface), including easements, right-of-way, and other property interests for the proposed permit area and adjacent properties.
  - 2. Boundaries of land within the proposed permit area; description of title, deed, or usage restrictions.
  - 3. Location of access roads (include slopes, grades, dimensions) and gates in relation to public and private roads, wells, and property lines.
  - 4. Location of the processing and storage areas.
  - 5. Rights-of-way: within 300 feet of the facility for high-tension power lines, pipelines, railroads, public and private roads, buildings (school, dwelling, etc.) currently in use.
  - 6. 100-year flood plain.



**SPECIAL CONDITIONS  
GENERAL PERMIT WMGM022**

7. Areas for which a bond will be posted (Chapter 271, Sub-Chapter D).
  8. All utilities installed at the facility (electrical, gas, water, sewer, telephone, etc.).
  9. Leachate, if appropriate, and storm water runoff prevention and controls for the processing and storage areas.
  - t. Additional information the Department believes is necessary to make a decision.
16. Any person that operates under the provisions of this permit shall immediately notify the Department (See address in Condition 15), in writing, of any changes in: the name and address of the facility; changes in company's ownership; operators and/or responsible officials of the company; changes in facility location; changes in land ownership or the right to operate on the land occupied; the process which generates shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste; the change in status of bonding and insurance of the facility; changes in chemical or physical quality of the wastes; and the change in status of any permit issued by the Department or any state authority or federal government under the environmental protection acts.
17. The unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard 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.
18. a. The permittee shall maintain records of rejected, unacceptable and unauthorized 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.
- b. The permittee shall maintain records of volume or weight of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste that are produced.
- c. The permittee shall maintain records of volume or weight and location of the unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste that are stored at the facility, sold, traded and/or given away.
- d. If appropriate, the permittee shall maintain records to demonstrate that the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material intended for beneficial use meet the concentration limits listed in Table 1 of Condition 3 of this general permit.

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

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

19. Equipment used for the collection, storage and transportation of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard 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 with the terms and conditions of this general permit, and for evidence of failure.
20. 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 stored processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste and any other residual wastes or other materials which contain or have been mixed with the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard 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.
21. 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.
22. The transportation of unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard 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).
23. The storage of unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste shall be in a manner that prevents harborage or breeding of vectors (including mosquitoes) or creation of dust, litter, noise and other nuisances which may be harmful to the public health, safety, welfare, and the environment. Storage shall be in a manner that prevents dispersal of unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste by wind or water erosion and shall comply with the requirements of Title 25 Pa Code, Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste).
24. Persons operating under the provisions of this general permit shall submit, within 30 days after the anniversary date of this permit, to the Department (See address in Condition 15) and the appropriate Department Regional Office, an annual report which contains the

**SPECIAL CONDITIONS  
GENERAL PERMIT WMGM022**

information outlined in Conditions 3, 4(b) and 29(c), and summarizes the following information:

- a. Weight or volume of the shot rock, roof ballast, brick, waste concrete and asphalt, timber waste, and leaf and yard waste used in the production of construction material.
  - b. Weight or volume of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood and yard waste produced, stored, sold, traded or given away, where appropriate, during the last 12 months ending on the anniversary date of the permit.
25. The permittee shall maintain a bond in an amount and with sufficient guarantees as provided by 25 Pa. Code, Chapter 271, Subchapter D (relating to Financial Assurances Requirements).
26. The bond filed with the Department under Condition 25 shall continue for the operational life of the facility, until 10 years after final closure of the facility, unless released in whole or in part by the Department, in writing, prior thereto as provided by 25 Pa. Code §271.341 (relating to Release of Bonds).
27. The permittee shall maintain in force and effect a general liability insurance policy, in accordance with 25 Pa. Code, Chapter 271, Subchapter D (relating to Financial Assurances Requirements) to provide continuous coverage during operation of the facility and until the Department issues a final closure certification as provided by 25 Pa. Code §271.342 (relating to Final Closure Certification).
28. Unless otherwise authorized by the Department in writing, the storage of unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste shall comply with the following:
- a. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste shall not be accumulated before being beneficially used unless the operator shows that the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and shredded wood, leaf and yard waste have the potential to be beneficially used and has a feasible means of being beneficially used;
  - b. i. The unprocessed and processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material shall not be stored for more than two (2) consecutive construction seasons (commencing on April 1), and at any one time the maximum amount stored may not exceed the total amount of materials as described in the approved application.

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

- ii. The shredded wood, leaf and yard waste shall not be stored for more than one (1) calendar year, and at any one time the maximum amount stored may not exceed the total amount of materials as described in the approved application.
  - c. During the biennial construction season for processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material, and during the calendar year for shredded wood, leaf and yard waste, the amount of materials that are beneficially used or transferred to a different site for beneficial use, equals at least 75% by weight or volume of the processed shot rock, roof ballast, aggregate, crushed brick, concrete and RAP material, and shredded wood, leaf and yard waste 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., shot rock, roof ballast, used aggregate, brick, crushed concrete and RAP, shredded wood, leaf and leaf and yard waste, 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).
- 29.
- a. The shredded wood, leaf and yard waste under the authorization granted in this general permit is prohibited from being sold to wholesale outlets, given away or distributed for beneficial use by the permittee for commercial purposes.
  - b. The permittee may distribute or supply processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material to any person or municipality who desires to purchase the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material for beneficial use, hereinafter referred to as “end-user”, without the end-user needing to obtain a “Determination of Applicability” as required in Condition 15 of this general permit if the following requirements are met:
  - c. The permittee shall inform the end-users that propose to receive the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material for beneficial use, covered under this general permit, of all the conditions and limitations imposed on the beneficial use of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material by the Department. This notification shall be by providing a copy of Appendix A (Acceptable Uses and Use Restrictions) of this general permit. The permittee shall record the name and address of each person who is given or received the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material and shall record its intended use. It is incumbent upon the permittee to ensure that the end-user of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material approved under this general permit is aware of conditions of this permit.
  - d. The end-user shall provide the permittee with a signed statement that states the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material

**SPECIAL CONDITIONS**  
**GENERAL PERMIT WMGM022**

received will be beneficially used, within 2 weeks of the acceptance of the materials, in accordance with the Conditions as specified in Appendix A of this general permit.

30. Except where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used in a roadway construction project within 2 weeks of its generation, any person or municipality who is permitted to operate under the provisions of this general permit may process and/or store the shot rock, roof ballast, used aggregate, brick, crushed concrete and RAP material for beneficial use at any location along a roadway construction project as part of an “in-progress” project, at a new location or to expand the existing operation by providing a notification to the Department (See address in Condition 15). The notification shall contain the information required in items a, b, c, d, e, f, j, m, n, p and q of Condition 15 of this general permit above. The notification shall be submitted to the Department as follows:
- a. For a new operation at a new location, the required information must be submitted at least 45 days prior to starting the new operation.
  - b. For an expansion of the existing operation, the required information must be submitted at least 30 days prior to starting the new expanded operation.
  - c. For the storage of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material along the right-of-way of a roadway construction project, as specified in Condition 28 of this general permit, the required information must be submitted at least 30 days prior to commencing the storage.
31. The processing facility shall not be operated as follows:
- a. In the 100-year flood plain of waters of the Commonwealth.
  - b. In or within 300 feet measured horizontally from an occupied dwelling, unless the owner of the dwelling has provided a written waiver consenting to the facility being closer than 300 feet.
  - c. In or within 50 feet of a property line, unless the owner of the adjacent property has provided a written waiver consenting to the facility being closer than 50 feet.
  - d. In or within 300 feet from a private or public water supply source, unless the owner has provided a written waiver consenting to the facility being closer than 300 feet.
  - e. In or within 300 feet of an exceptional value wetland as defined in 25 Pa Code §105.17 (relating to wetlands).

## **APPENDIX A**

### **ACCEPTABLE USES AND RESTRICTIONS GENERAL PERMIT WMGM022**

The following “Acceptable Uses and Restrictions” apply to persons or municipalities that receive and/or use the processed shot rock, roof ballast, aggregate, brick, crushed concrete and reclaimed asphalt pavement (RAP) material as a roadway construction material, hereinafter referred to as “end-user”, without the end-user needing to obtain a determination of applicability from the Department to operate under the term and conditions of this general permit.

#### **A. ACCEPTABLE USES:**

1. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material received may be beneficially used if the following quality requirements are met:
  - a. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as a sub-grade in roadway construction, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must comply with the requirements in Section 210 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications). The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used only in the preparation of a roadbed and/or prior to the final asphalt placement.
  - b. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as a sub-base, in the preparation of a roadbed and/or prior to the final asphalt placement, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must comply with the requirements in Sections 305, 341 and/or 350 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).
  - c. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as a construction material for shoulder applications, the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must be compacted, and covered with a sealer which complies with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).
  - d. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially 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 processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material satisfy the engineering requirements and the specifications for the job or project.

## APPENDIX A

### ACCEPTABLE USES AND RESTRICTIONS GENERAL PERMIT WMGM022

- e. Where the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material will be beneficially used as an ingredient or a component in the production of hot or cold mix asphalt-paving material, the asphalt-paving material must meet the applicable requirements of the American Society for Testing and Materials (ASTM) Standard, or other National, state, or industry standard for which it is being used.
  - f. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material must conform to the applicable engineering properties as the raw material it is being substituted for.
2. Unless otherwise authorized by the Department, in writing, the end-user shall not store processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material at any location along a roadway construction project, as part of an “in-progress” project for more than two (2) weeks after its receipt.

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

1. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material shall not be placed in direct contact with surface water or ground water.
2. The processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material shall not be placed in a wetland or within 300 feet of a private or public water source.
3. The construction material manufactured using processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or non-coal mining or other fills; or to level an area or bring an area to grade where the construction activity will not be completed within 90 days after the placement of processed shot rock, roof ballast, aggregate, brick, crushed concrete or RAP material.
4. Hazardous waste, municipal waste, municipal special handling waste, and other residual waste may not be mixed, stored and/or beneficially used with the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material.
5. Transportation, transferring or conveying of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material received to another person or municipality is prohibited.
6. Upon cessation of construction activities, the excess of processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material shall be removed any other materials

or other residual or municipal waste which contain or have been mixed with the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material shall be provided 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.

7. The beneficial use of the processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material received shall be in a manner which shall not create a nuisance or be harmful to the public health, safety or the environment.
8. Runoff from the received processed shot rock, roof ballast, aggregate, brick, crushed concrete and RAP material 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.