

SPECIAL CONDITIONS
GENERAL PERMIT WMGM024

1. The approval herein granted is limited to the processing (i.e., crushing, grinding, screening) and beneficial use of concrete and asphalt waste, hereinafter referred as “reclaimed concrete and asphalt”, as follows:
 - a. As an aggregate, a sub-grade or a sub-base material for the roadway construction.
 - b. As a cold-mix and hot-mix construction material for compacted roadway applications covered with a pavement.
 - c. As a construction material for compacted roadway shoulder applications covered with a sealer (i.e., a thin bituminous coating intended to limit the material from washing and leaching).
 - d. Being blended with other virgin aggregate as a roadway sub-base for roadway construction use.

2. The crushed concrete and asphalt materials may be beneficially used if the following quality criteria requirements are met:
 - a. Where the crushed concrete and asphalt materials will be beneficially used as a sub-grade in roadway construction, the crushed concrete and asphalt materials must comply with the requirements in Section 210 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).
 - b. Where the crushed concrete and asphalt materials will be beneficially used as a sub-base, in the preparation of a roadbed and/or prior to the final asphalt placement, the crushed concrete and asphalt materials 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 crushed concrete and asphalt materials will be beneficially used as an aggregate or blended with other virgin aggregate as a roadway construction material, the crushed concrete and asphalt materials must comply with the requirements in Sections 702 and/or 703 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications).
 - d. Where the crushed concrete and asphalt materials will be beneficially used as a construction material for shoulder applications, the crushed concrete and asphalt materials must be compacted, paved or covered with a sealer which complies with the requirements in Sections 469 and/or 523 of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408 (Specifications);

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- e. Where the crushed concrete and asphalt materials 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 crushed concrete and asphalt materials satisfy the engineering requirements and the specifications for the job or project;
 - f. Where the crushed concrete and asphalt materials 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.
 - g. The crushed concrete and asphalt materials must conform to the applicable engineering properties as the raw material it is being substituted for.
3. Should knowledge of the reclaimed concrete and asphalt or visual observations indicate variability in the quality of the reclaimed concrete and asphalt, a chemical analysis of the reclaimed concrete and asphalt, for the constituents listed in Table 1 below, shall be conducted.

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
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

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- * 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 concentration of any constituent in the reclaimed concrete and asphalt shall not exceed the chemical limitations specified in Table 1 above.
 - b. 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. 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).
 - d. The analytical results required in this Condition shall be submitted to the Department for our review, prior to, the beneficial use of reclaimed concrete and asphalt.
4. Rejected and other wastes, other than the reclaimed concrete and asphalt materials specified in Condition 1 of this general permit, that are not authorized under this general permit, shall be separated from the incoming waste intended for beneficial use in the production of crushed concrete and asphalt roadway construction materials.
5. Wastes, other than the reclaimed concrete and asphalt materials specified in Condition 1 of this general permit, may not be received, mixed, stored or beneficially used with the crushed concrete and asphalt authorized under the general permit in the production of construction material. The unauthorized wastes in this Condition shall either be rejected and returned with the delivering vehicle or shall be removed weekly from the site and properly disposed of at a permitted municipal waste disposal facility.
6. 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.

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- 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.
- 7.
- a. Storm water run-on at the facility should be diverted away from the processing and storage areas of the crushed concrete and asphalt materials. 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.
 - b. Storm water runoff from the crushed concrete and asphalt materials, processing and 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.
 - c. Storm water runoff from the processing and storage areas of the concrete and asphalt materials shall be directed to:
 - 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.

Another storm water best management practice or control measure described in the Storm Water Management Control Plan (Plan) may be implemented, at the facility, if the plan was approved by the Department as part of the permit application.

The permittee shall not cause or allow a point or non-point source discharge of the combined storm water runoff and leachate in this Condition from the facility to the surface water of this Commonwealth. An NPDES (National Pollutant Discharge Eliminate System) permit may be required if a point or non-point source discharge of the combined storm water runoff and leachate to the surface waters of the Commonwealth exists.

- 8. The construction materials manufactured using crushed concrete and asphalt materials 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.
- 9. Crushed concrete and asphalt materials 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 crushed concrete and asphalt materials for beneficial use purposes as described in the permit application.

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10. Except for the authorized activities in Condition 1 of this general permit, the crushed concrete and asphalt materials shall not be mixed with other types of residual waste, municipal waste, hazardous waste, or special handling waste.
11. 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.
12. 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.
13. 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.
14. Failure of measures herein approved to perform as intended, or as designed, or failure to be 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.
15. 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 as specified by the Solid Waste Management Act of 1980, as amended.
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.

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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. A description of the crushed concrete and asphalt materials that fully characterizes its composition and properties; crushed concrete and asphalt materials generation process; and a plan for screening and managing the crushed concrete and asphalt materials;
- c. Location where the crushed concrete and asphalt materials will be generated;
- d. Name and street address of facility where the crushed concrete and asphalt materials will be processed and stored.
- e. Description of the beneficial use of crushed concrete and asphalt materials;
- f. Number and title of this general permit;
- g. Evidence the crushed concrete and asphalt materials and solid waste management activities are consistent with the general permit;
- h. 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;
- i. An application fee in the amount required under §271.842 (b) of the Municipal Waste Regulations made payable to the "Commonwealth of Pennsylvania";
- j. 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;
- k. Proof that the applicant has legal right to enter upon the land and operate the facilities approved under this permit.
- l. An irrevocable written consent from the landowner giving the Department permission to enter upon land where the applicant will be conducting processing activities.
- m. 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;

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- n. 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;
- o. A copy of the facility's Preparedness, Prevention and Contingency Plan (PPC) which is consistent with the Department's most recent guidelines on the development and implementation of PPC plans.
- p. 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 15;
- q. Total amount of the crushed concrete and asphalt materials that will be generated and stored. The location of the storage areas must also be provided.
- r. A copy of the Storm Water Management Control Plan to address on-site runoff, run-on and leachate management at the facility must be submitted to the Department for its approval.
- s. Bonding and insurance in an amount acceptable to the Department with supporting documents.
- t. 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. Right-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.

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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 and storm water runoff prevention and controls for the processing and storage areas.
 - u. Additional information the Department believes is necessary to make a decision.
17. Any person that operates under the provisions of this permit shall immediately notify the Department (See address in Condition 16), in writing, of any changes in: the name, address, owners, 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 manufacturing process which generates the crushed concrete and asphalt, the change in status of bonding and insurance of the facility; and the change in status of any permit issued by the Department or any state authority or federal government under the environmental protection acts.
 18. The crushed concrete and asphalt materials 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.
 19.
 - 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 crushed concrete and asphalt materials that are generated.
 - c. The permittee shall maintain records of volume or weight and location of the crushed concrete and asphalt materials that are stored.
 - d. If appropriate, the permittee shall maintain records to demonstrate that the crushed concrete and asphalt materials intended for beneficial use meets the concentration limits listed in Table 1 of Condition 3 of this general permit.

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.
 20. The permittee and subsequent sellers of the crushed concrete and asphalt materials shall inform all persons or municipalities and other entities who purchase crushed concrete and asphalt materials from the permittee, which propose to beneficially use the crushed concrete and asphalt materials covered under this general permit of the conditions and limitations

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imposed on the beneficial use of crushed concrete and asphalt materials by the Department of Environmental Protection (Department). 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 crushed concrete and asphalt materials. 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 crushed concrete and asphalt materials.

The permittee shall record the name and address of each person who is given or purchases the crushed concrete and asphalt materials and shall record its intended use(s).

21. Equipment used for the collection, storage and transportation of the crushed concrete and asphalt materials 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.
22. 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 crushed concrete and asphalt materials and any other residual wastes or other materials which contain or have been mixed with the crushed concrete and asphalt materials 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.
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 transportation of crushed concrete and asphalt materials 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).
25. The storage of crushed concrete and asphalt materials shall be in a manner which 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 crushed concrete and asphalt materials 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).

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26. 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 16) and the appropriate Department Regional Office, an annual report which contains the information outlined in Conditions 3, 4, 5, 19 and 20, and summarizes the following information:
 - a. Weight or volume of the crushed concrete and asphalt used in the production of construction material.
 - b. Weight or volume of the crushed concrete and asphalt materials produced, stored, sold, traded or given away during the last 12 months ending on the anniversary date of the permit.
27. Any person operating under the provisions of this general permit must notify the Department, in writing, if the processing facility is relocated or if new location(s) are to be included under this general permit. At least thirty (30) days prior to a permittee operating at a new location, two (2) copies of the information as required in: a, b, c, d, e, k, l, m, n, q, r, s, and t of Condition 16 of this general permit must be provided to the Department (see address in Condition 16), for review and approval.
28. 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).
29. The bond filed with the Department under Condition 28 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).
30. 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).
31. Unless otherwise authorized by the Department in writing, storage of the crushed concrete and asphalt materials shall comply with the following:
 - a. The crushed concrete and asphalt shall not be accumulated before being beneficially used unless the operator shows that the crushed concrete and asphalt materials have the potential to be beneficially used and has a feasible means of being beneficially used;

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- b. The crushed concrete and asphalt materials 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.

- c. During the biennial construction season for crushed concrete and asphalt materials, 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 crushed concrete and asphalt materials 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., crushed concrete, asphalt, 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).

APPENDIX A

USE RESTRICTIONS GENERAL PERMIT WMGM024

The following “Use Restrictions” apply to the beneficial use of the crushed concrete and asphalt as a roadway construction material. Persons or municipalities receiving, storing and/or using the crushed concrete and crushed asphalt for beneficial use purposes must comply with the following requirements:

USE RESTRICTIONS:

- A1. The crushed concrete and asphalt materials shall not be placed in direct contact with surface water or ground water.
- A2. The crushed concrete and asphalt materials or construction material manufactured using crushed concrete and asphalt materials 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.
- A3. Hazardous waste, municipal waste, municipal special handling waste, and other residual waste may not be mixed, stored and/or beneficially used with the crushed concrete and asphalt materials.
- A4. The crushed concrete and asphalt materials shall be stored in a manner that prevents harborage or breeding of vectors 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 crushed concrete and asphalt materials by wind or water erosion. The storage of crushed concrete and asphalt materials shall comply with the requirements as specified in Pa. Code, Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste).
- A5. Runoff from the crushed concrete and asphalt 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.