

**SPECIAL CONDITIONS
GENERAL PERMIT WMGM035**

A. Description.

This general permit authorizes:

1. Crushing, grinding, and screening of uncontaminated waste concrete, unpainted brick, unpainted block, waste asphalt and reclaimed asphalt pavement (RAP) from roadways, curbs, sidewalks for beneficial use as follows:
 - a. As an aggregate, a sub-grade or a sub-base material for roadway or parking lot construction.
 - b. 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).
 - c. Blending with other virgin aggregate as a roadway sub-base for roadway construction use.
2. Shredding, grinding and screening of timber waste (i.e., tree stumps, limbs, roots, grubbing materials, and shrubs) for beneficial use as: (i) a mulch material for landscaping purposes, (ii) wholesale purposes, and/or (iii) further processing off-site in the production of mulch material.

B. Determination of Applicability Requirements.

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 appropriate Department Regional Office (see attached list). A completed Form 20 (Application For A Municipal Waste General Permit), along with a DOA application fee in the amount identified in Section A (General Information) of the Form 20 must be submitted to the appropriate Department Regional Office. Checks shall be made payable to the "Commonwealth of Pennsylvania". No activities shall commence unless specially authorized by the Department in writing.

C. Operating Requirements.

1. The finished mulch may be beneficially used if the chemical concentrations of finished mulch material do not exceed the concentration limits, for any constituent, as specified in Table 1 below. After the chemical analysis of representative samples of the finished mulch material has been conducted at the frequency specified in Condition E. of this general permit for a two year period and has met the concentration limits specified in Table 1 of this Condition, the Department may reduce the required frequency of monitoring if a written request for the reduction of sampling frequency is submitted by the permittee. However, the frequency of monitoring may not be less than once per year. A written approval from the Department must be obtained before commencing a reduced sampling frequency.

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Table 1

Finished Mulch Material

Parameters	Total (mg/kg) ^(a)
pH	6.0 – 9.0 Std Unit
Arsenic	29
Cadmium	2.5
Chromium (Total)	50
Copper	1,500
Lead	112.5
Mercury	1
Molybdenum	18
Nickel	50
Selenium	25
Zinc	1,000
Polychlorinated Biphenyls (PCBs)	1.0

(a) = Dry Weight Basis.

2. 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). The crushed concrete and asphalt materials shall be beneficially used only in the preparation of a roadbed and/or prior to the final asphalt placement.
3. 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).
4. 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, 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).
5. Where the crushed concrete and asphalt materials will be beneficially used under a project contract for the roadway construction activities authorized in Condition A.1., 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.

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6. 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.
7. The crushed concrete and asphalt materials shall conform to the applicable engineering properties as the raw material it is being substituted for.
8. This general permit authorizes the use of aerated piles, static piles or windrows to produce the mulch material as follows:
 - a. The aerated or static piles of mulch material or windrows shall be constructed parallel to slopes of the site.
 - b. The aerated or static piles of mulch material, during the processing operation, shall not exceed 50 feet wide by 20 feet high.
 - c. At a minimum, the temperature of the aerated or static piles of mulch material, during the processing operation, shall be maintained in the range of 45°C – 60°C (113°F - 140°F) for at least 72 consecutive hours.
 - d. The aerated piles, static piles or windrows shall be turned and the turning frequency shall be consistent with currently accepted science-based technology.
 - e. The finished mulch material shall be cured for a minimum of 30 days prior to beneficial use.
 - f. The storage of finished mulch material shall not exceed 100 feet wide and 35 feet high.
 - g. At a minimum, 20 feet of space shall be maintained between the aerated piles, static piles or windrows to allow the unobstructed movement of emergency personnel and equipment.
 - h. Any un-drained depressions accumulating storm water run-on or run-off shall be re-graded or otherwise corrected within 24 hours of detection.
9. The use of vegetable or non-toxic and biodegradable dyes to color the finished mulch material is authorized under this general permit. Other additives may only be utilized if approved in writing by the Department.
10. The beneficial use of finished mulch material is contingent upon compliance with conditions of this general permit and, if sold, the applicable provisions of the Pennsylvania Fertilizer, Soil Conditioner and Plant Growth Substance Law of the Pennsylvania Department of Agriculture. Information related to this law may be obtained from the Department of Agriculture by writing the Bureau of Plant Industry, Division of Agronomic Services, 230 North Cameron Street, Harrisburg, PA 17110-9408.

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11. Waste materials used in the production of a mulch material that does not meet the requirements as specified in Condition C.8., finished mulch, crushed concrete and asphalt that are not beneficially used in accordance with this general permit and as described in the approved application shall be managed properly at a permitted disposal facility unless authorized by the Department, in writing, to do otherwise.
12. Leachate, including contaminated storm water, generated at the facility shall be stored in a tank, container or impoundment designed in accordance with 25 Pa. Code, Chapter 285 (relating to Storage, Collection and Transportation of Municipal Waste) prior to treatment or reuse on-site, discharge to a POTW or hauling off-site for treatment and/or disposal. The leachate shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder. All necessary permits for the management of leachate at the facility must be obtained prior to beginning operations under this general permit.
13. 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.
14. Best Management Practices (BMPs) shall be implemented to divert storm water run-on from the facility. A copy of the Storm Water Management Control Plan, to address run-on and run-off at the facility, shall be maintained at the sites at all times and shall be provided to the Department upon request. The Storm Water Management Control Plan shall be consistent with the Department's most recent guidelines on the development and implementation of the Preparedness, Prevention and Contingency Plan (PPC) Plan.
15. Storm water runoff from the processing and storage area(s) of crushed concrete and asphalt, and finished mulch shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder. Prior to starting operation under this general permit, all permits required under The Clean Streams Law and the regulations promulgated thereunder shall be obtained from DEP.
16. 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, 123.2, and 123.31.
17. Unless the permit states otherwise, 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 application conflicts with the regulations or governing statutes.
18. Failure of 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 general permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.

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19. Nothing in this general permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable local law, ordinance, or regulation, providing that said local law, ordinance, or regulation is not preempted by the 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.
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 waste material(s) authorized under the general permit in the production of (i) finished mulch, (ii) crushed concrete and asphalt material, and any (iii) other materials which contain or have been in contact with the waste material authorized under this general permit, 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. 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.
22. 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.
23. 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.
24. Any person that operates under the provisions of this permit shall immediately notify the appropriate Department Regional Office (See attached list), 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 crushed concrete and asphalt material, and finished mulch; 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.

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25. 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.
26. 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.
27. The storage of timber waste, unprocessed and processed concrete and asphalt, and finished mulch 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 timber waste, unprocessed and processed concrete and asphalt, and finished mulch 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).
28. Unless otherwise authorized by the Department in writing, the storage of timber waste, unprocessed and processed concrete and asphalt material, and finished mulch shall comply with the following requirements:
 - a. The crushed concrete and asphalt material, and finished mulch shall not be accumulated before being beneficially used unless the operator shows that the crushed concrete and asphalt material, and finished mulch have the potential to be beneficially used and has a feasible means of being beneficially used.
 - b. The unprocessed and processed concrete and asphalt 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.
 - c. The timber waste and finished mulch 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.
 - d. During the biennial construction season for crushed concrete and asphalt material, and during the calendar year for finished mulch, 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 material, and finished mulch 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., aggregate, brick, crushed concrete and asphalt, finished mulch, 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. 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).

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30. The bond filed with the Department under Condition C.29. 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).
31. 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).
32. Any person operating under the provisions of this general permit shall notify the appropriate Department Regional Office, in writing, if the processing facility is relocated or if new location(s) are to be included under this general permit. The notification required in this Condition must be provided to the appropriate Department Regional Office, for review and approval, at least thirty (30) days prior to a permittee operating at a new location.
33. 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).
 - f. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
34. The (i) finished mulch, and/or (ii) crushed concrete and asphalt authorized under the terms and conditions of this general permit shall cease to be a waste if the following requirements are met:
 - a. The (i) finished mulch, or (ii) crushed concrete and asphalt complies with the requirements as specified in Conditions C.1., and C.2. through C.7. of this general permit.
 - b. The (i) finished mulch, or (ii) crushed concrete and asphalt is sold, traded, distributed or given away for beneficial use activities authorized in this general permit. This provision applies to the (i) finished mulch, or (ii) crushed concrete and asphalt that is

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sold, traded, distributed or given away for beneficial use activities at locations other than the processing facility where the material is produced.

- c. The (i) finished mulch, or (ii) crushed concrete and asphalt is not abandoned or disposed.
35. A person or municipality that plans to continue the beneficial use of waste concrete, unpainted brick, unpainted block, waste asphalt and reclaimed asphalt pavement (RAP), and timber waste (i.e., tree stumps, limbs, roots, grubbing materials, and shrubs) authorized under this general permit, after the expiration date indicated on the approval for coverage page, shall file a complete application for permit renewal at least 180 days before the expiration date of this general permit unless permission has been granted by the Department for submission at a later date. The renewal application shall be made using the "Form 20 (Application For A Municipal Waste General Permit)".

In the event that a timely and complete application for renewal has been submitted and the Department is unable, through no fault of the permittee, to reissue the general permit or approval for coverage before its current coverage expiration date, the terms and conditions of the approved coverage will automatically continue and will remain fully effective and enforceable pending the issuance or denial of the renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.

D. Sampling and Analysis.

- 1. Representative samples of the finished mulch shall be collected and analyzed. To obtain a representative sample, the samples must be taken from the correct locations and represent the entire amount of finished mulch. More than one sample is usually necessary to accurately represent the finished mulch produced and stored. Core samples at different locations and at various depths shall be collected and then composited to obtain a representative sample of the finished mulch produced or stored. The key is to obtain a representative sample. In general, the more samples taken, the greater the chance that the sampling results will be representative of the quality of the finished mulch that is produced. Should knowledge of the production of finished mulch, visual observations, or analytical results indicate variability in the quality of the finished mulch, more frequent testing shall be conducted.
- 2. The chemical analyses required in this Condition C.1. 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.
- 3. 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

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comparable method subsequently approved by the EPA or the Department of Environmental Protection (Department).

4. The determination of compliance with Table 1 of Condition C.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.
5. Upon request by the Department, the permittee shall also collect for analysis representative samples of the finished mulch as required in Condition C.1. of this general permit within 48 hours of the request.

E. Frequency of Monitoring.

The frequency of monitoring for the constituents required in Table 1 of Condition C.1. shall be as follows:

TABLE 2

Compliance Monitoring

Amount of Finished Mulch Produced (Tons per 365 Day Period)	Frequency of Monitoring
Greater than 0 but less than 290	Once per year
Equal to or greater than 290 but less than 1,500	Once every 6 months
Equal to or greater than 1,500 but less than 15,000	Once per 90 days
Equal to or greater than 15,000	Once per month

F. Recordkeeping.

The permittee shall:

1. Maintain actual laboratory reports of the analytical evaluations conducted on: (i) finished mulch, or (ii) performed upon request by the Department. The analytical information shall include the following on each sample: the location and dates of sampling and testing, sampling procedures, person collecting the sample, the volume or weight of the sample, each parameter tested, the analytical results, the laboratory used, and analytical methodologies.

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2. Develop and maintain records to demonstrate that the finished mulch meets the requirements specified in Condition C.8.c. of this general permit.
3. 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.
4. Maintain records of volume or weight of the crushed concrete and asphalt material, and finished mulch that are produced.
5. Maintain records of volume or weight and location of the unprocessed and processed timber waste, waste concrete and asphalt material, and finished mulch that are stored at the facility, sold, traded and/or given away.
6. Retain analytical reports and operational (i.e., time, temperature, turning frequency, etc.) records, required in this general permit, for a minimum of 5 years and made available to the Department upon request.

G. Reporting requirements.

1. Persons operating under the provisions of this general permit shall submit, within 30 days after the anniversary date of this permit, to the appropriate Department Regional Office, an annual report which contains the information outlined in Conditions C.1., C.8.c., and D, and summarizes the following information:
 - a. Weight or volume of: (i) brick, block, waste concrete and asphalt used in the production of aggregate and construction material, and (ii) timber waste used in the production of finished mulch.
 - b. Weight or volume of: (i) crushed concrete and asphalt material, and (ii) finished mulch produced, stored, sold, traded or given away, where appropriate, during the last 12 months ending on the anniversary date of the permit.

The annual report must also include laboratory reports for "total" levels performed on a representative sample of the finished mulch for all the constituents listed in Table 1, Condition C.1. of this general permit. The analysis data submitted in compliance with this requirement must be from samples of the finished mulch collected within the past six (6) months.

**Department of Environmental Protection
Regional Offices
(and Counties Served)**

- I. Bucks, Chester, Delaware, Montgomery, Philadelphia.

Southeast Regional Office

2 East Main Street
Norristown, PA 19401
Phone: (484) 250 - 5960

- II. Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, Wyoming.

Northeast Regional Office

2 Public Square
Wilkes-Barre, PA 18711-0790
Phone: (570) 826 – 2516

- III. Adams, Bedford, Berks, Blair, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Mifflin, Perry, York.

Southcentral Regional Office

909 Elmerton Avenue
Harrisburg, PA 17110-8200
Phone: (717) 705 – 4706

- IV. Bradford, Cameron, Centre, Clearfield, Clinton, Columbia, Lycoming, Montour, Northumberland, Potter, Snyder, Sullivan, Tioga, Union.

Northcentral Regional Office

208 West 3rd Street - Suite 101
Williamsport, PA 17701
Phone: (570) 327 – 3653

- V. Allegheny, Armstrong, Beaver, Cambria, Fayette, Greene, Indiana, Somerset, Washington, Westmoreland.

Southwest Regional Office

400 Waterfront Drive
Pittsburgh, PA 15222-4745
Phone: (412) 442 – 4000

- VI. Butler, Clarion, Crawford, Elk, Erie, Forest, Jefferson, Lawrence, McKean, Mercer, Venango, Warren.

Northwest Regional Office

230 Chestnut Street
Meadville, PA 16335-3481
Phone: 814-332-6848