

**GENERAL PERMIT WMGR065**  
**BENEFICIAL USE WASTE FROM IRON AND STEEL MAUFACTURING**  
**AS CONSTRUCTION MATERIAL**

Rev. 2/2011

**A. Description:**

1. This general permit authorizes the beneficial use of residual waste ("waste") from an Act 2 remediation site as construction fill at an adjacent Act 2 remediation site, where both sites were owned by the same owner at the time the Notice of Intent to Remediate under 25 Pa. Code 250.3 was submitted to the Department. The sites may currently be owned by different permittees.
2. Only beneficial use of the following types of residual wastes related to the manufacturing of iron and steel is authorized under this permit: refractories, foundry sands, slags, air emission control solids, manganese dioxide ore, chromium oxide ore, mill scale, and the media associated with their excavation. A list of individual wastes covered under each of these types of residual wastes is found in the Appendix.
3. The beneficial use of the waste under this permit is limited to areas covered by a "Notice of Intent to Remediate Under Act 2."
4. The beneficial use of the waste under this permit is limited to areas in the following counties: Carbon, Lackawanna, Lehigh, Luzerne, Monroe, Northampton, Pike, Schuylkill, Susquehanna, Wayne, and Wyoming.

**B. Determination of Applicability Requirements:**

A person or municipality that proposes to operate under the terms and conditions of this general permit after the date of permit issuance must obtain a "Determination of Applicability" ("DOA") from the appropriate Department Regional Office (see attached list) prior to commencing authorized activities under this general permit. A completed (i) General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application), (ii) Form B (Professional Certification), (iii) Form 20 (Application For A Municipal or Residual Waste General Permit), (iv) Form 27R (Acceptance of General Permit Conditions), and (v) 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. A check shall be made payable to the "Commonwealth of Pennsylvania". No activities shall commence unless approved, in writing, by the Department.

**C. Operating Conditions:**

1. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's application. Except to the extent that the permit states otherwise, the permittee shall conduct beneficial use activities as described in the approved application.

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2. Prior to beneficial use of a waste under this permit, the permittee shall submit to the Department's Northeast Regional Office, for approval, the results of detailed chemical analysis of a sufficient number of samples to be representative of the waste and a description of waste's physical properties. In lieu of analysis for specific parameters, the permittee may certify the absence of those parameters based upon the permittee's knowledge of the manufacturing or pollution control process.
  
3. As specified below, representative samples of each waste shall be obtained using sampling procedures in *Test Methods for Evaluating Solid Waste* (EPA SW-846) as guidance or in accordance with an appropriate standard from the American Society for Testing and Materials (ASTM). Determinations shall be made on each sample for the appropriate constituents to demonstrate beneficial use of the waste is consistent with the requirements of this condition. The waste may be beneficially used if representative samples of the waste taken from the site where the waste originated do not exceed any level in the standards under 25 Pa. Code 287.621(b)(5)(v), except those standards under 25 Pa. Code 287.621(b)(5)(v) based on secondary maximum contaminant levels (SMCLs). Should 1/20<sup>th</sup> of the total level for a constituent exceed the standard for that constituent under 25 Pa. Code 287.621(b)(5)(v), the toxicity characteristic leaching procedure (EPA Method 1311) or the synthetic precipitation leaching procedure (EPA Method 1312) shall be used to demonstrate that the standards is not exceeded. Should an individual sample of waste exceed the above standards, the waste may be resampled and the waste analysis determination may be based on the 90 percent upper confidence level for each constituent using *Test Methods for Evaluating Solid Waste* (EPA SW-846) as guidance for the statistical treatment of data. Other industry accepted methods may be used for the statistical treatment of data, if approved by the Department.
  - a. Should the quantity of any individual waste identified in the Appendix except iron or steel slag exceed 10,000 tons, a minimum of one grab sample shall be collected every 1000 tons of waste for determinations of inorganic and nonvolatile organic species and every 5000 tons of waste for determinations of volatile organic species, as the material is prepared for transport to the site of beneficial use. The grab samples may be used to prepare a composite sample representing a maximum of 10,000 tons of each waste for determinations of inorganic and nonvolatile organic species. Should visual observations of the grab samples indicate variability in the waste, determinations shall be made on the individual grab samples. Grab samples must be used for all determinations involving volatile organic species.

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- b. Should the quantity of any individual waste identified in the Appendix except iron or steel slag exceed twice the amount identified in the permittee's application, the waste shall be sampled as follow:
    - i. Should the quantity exceed 10,000 tons, Condition 3a applies.
    - ii. Should the quantity be between 1000 and 10,000 tons, a minimum of one grab sample shall be collected every 500 tons of waste for determinations of inorganic and nonvolatile organic species and every 2500 tons of waste for determinations of volatile organic species, as the material is prepared for transport to the site of beneficial use. The grab samples may be used to prepare a composite sample representing a maximum of 5000 tons of each waste for determinations of inorganic and nonvolatile organic species. Should visual observations of the grab samples indicate variability in the waste, determinations shall be made on the individual grab samples. Grab samples must be used for all determinations involving volatile organic species.
    - iii. Should the quantity be between 100 and 1000 tons, a minimum of one grab sample shall be collected every 100 tons of waste for determinations of inorganic and nonvolatile organic species and every 500 tons of waste for determinations of volatile organic species, as the material is prepared for transport to the site of beneficial use. The grab samples may be used to prepare a composite sample representing a maximum of 1000 tons of each waste for determinations of inorganic and nonvolatile organic species. Should visual observations of the grab samples indicate variability in the waste, determinations shall be made on the individual grab samples. Grab samples must be used for all determinations involving volatile organic species.
    - iv. Should the quantity be below 100 tons, a minimum of one grab sample shall be collected.
  - c. Should the quantity of iron or steel slag exceed 100,000 tons, a minimum of one grab sample shall be collected every 10,000 tons of waste for determinations of inorganic species as the material is prepared for transport to the site of beneficial use. The grab samples may be used to prepare a composite sample representing a maximum of 100,000 tons of each waste for determinations of inorganic. Should visual observations of the grab samples indicate variability in the waste, determinations shall be made on the individual grab samples.
4. The waste shall not be hazardous waste.

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5. The waste beneficially used under this permit shall not be comingled with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or residual waste other than those approved by permit.
6. The waste beneficially used under this permit shall not be placed in the waters of the Commonwealth.
7. This permit does not authorize and shall not be construed as an approval to discharge any waste, wastewater, or runoff from the site of use of waste to the land or waters of the Commonwealth. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code Sections 123.1 and 123.2.
8. Nothing in this permit shall be construed to supersede, amend, or authorize a violation of any of the provisions of any valid and applicable local law, ordinance, or regulation, provided that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §6018.101 et seq., or the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.
9. As a condition of this permit and of the permittee's authority to conduct the activities authorized by this permit, the permittee hereby consents to allow authorized employees or agents of the Department, without advance notice or search warrant, upon presentation of appropriate credentials and without delay, to have access and to inspect all areas or permittee controlled adjacent areas where solid waste management activities are being or will be conducted. This authorization and consent shall include consent to collect samples of waste, water, or gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Sec. 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Section 6018.608 and 6018.610(7).) This condition in no way limits any other powers granted to the Department under the Solid Waste Management Act.
10. Failure of the measures herein approved to perform as intended, or as designed, or in compliance with the applicable laws, rules and regulations and terms and conditions of this permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.
11. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to compliance history review by the Department, upon Department request, as specified by the Pennsylvania Solid Waste Management Act of 1980, as amended.

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12. The activities authorized by this permit shall not harm or present a threat of harm to the health, safety or welfare of the people or environment of this Commonwealth. The Department may modify, suspend, revoke or reissue the authorization granted in this permit if it deems necessary to prevent harm or the threat of harm to the public health, or the environment.
13. Any person that operates under the provisions of this permit shall immediately notify the Department's Northeast Regional Office via certified mail of any changes in: the company name, address, owners, operators and responsible officials; the location of the beneficial use; land ownership and the right to enter and operate on any land where waste is beneficially used under this permit; the physical or chemical characteristics of the waste; the site which is the source of the waste; and the status of any permit issued by the Department or federal government under the environmental protection acts.
14. Incoming waste shall be stored in a manner that prevents harm to public health, safety, welfare, or the environment. Storage shall be in a manner that prevents dispersal of waste by wind or water erosion or a risk of fire or explosion. Waste may not be stored in a manner that causes groundwater or surface water contamination.
15. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343 and the Department's Northeast Regional Office in the event of a discharge or spill of waste that reaches the waters of the Commonwealth and shall take appropriate immediate action to protect the health and safety of the public and the environment. Spills of less than 1000 pounds of waste that reach the waters of the Commonwealth need not be immediately reported, but should be recorded as specified in Condition 17.
16. Records of any analytical evaluations conducted on waste pursuant to the residual waste regulations and this permit shall be kept by the permittee at the permittee's place of business for a minimum of 5 years and shall be available to the Department for inspection. At a minimum, these records shall include information on the dates of testing, each parameter tested, the results, the laboratory, sampling procedures, analytical methodologies, and person collecting the sample.

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17. The permittee shall maintain records that contain: the type and source of incoming waste, the date and quantity of waste beneficially used at each location, and the results of analyses as required in Condition 2. The permittee shall also maintain records of all spills and releases as specified in Condition 15 or that equal or exceed any reportable quantity under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that contain: location, date, time, identification and quantity of spilled or released material, a description of how the material was cleaned up, and the destination of clean-up wastes. These records shall be retained by the permittee at the permittee's place of business for a minimum of 5 years from the date the records were generated and shall be available to the Department for inspection.
18. The permittee shall comply with the terms and conditions of this general permit and with the environmental protection acts to the same extent as if the activities were covered by an individual permit. The Department may require an individual permit if the permittee is not in compliance with the conditions of this general permit or is conducting an activity that harms or presents a threat of harm to the health, safety, or welfare of the people or the environment.
19. The waste approved and used for beneficial use under the terms and conditions of this permit shall cease to be a waste upon completion of the construction activity.
20. A person or municipality that plans to continue the operations 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 or Residual 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.

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**Appendix**

<b>Approved Residual Waste:</b>
Foundry Sand
Iron Foundry Knockout Sand
Brass Foundry Knockout Sand
Ingot Mold Foundry Sand
Steel Foundry Grey Sands
Slag
Iron Slag
Steel Slag
Refractory Material
Coke Oven Refractory
Ingot Mold Foundry Hot Metal Mixer Refractory
Steel Foundry Refractory
Soaking Pit Reline Refractory
Press Forge Refractory
Treatment Refractory
Boiler House Refractory
Bell Bung Furnace Refractory
Pilot Plant Annealing Furnace Refractory
Electric Furnace Melting Refractory
Rust Furnace Refractory
Steel Foundry Ladle Refractory
Tempering Refractory
Chrome Brick Pile
Basic Oxygen Furnace Carbon Refractory
Blast Furnace Refractory
Treatment Dust and Sediment
Blast Furnace Dirt
Blast Furnace Screened Flue Dirt/Filter Cake
Blast Furnace Unscreened Flue Dirt/Filter Cake
Blast Furnace Dropout Chamber Dust
Basic Oxygen Furnace Dropout Chamber Material
Basic Oxygen Furnace Precipitator Dusts
Basic Oxygen Furnace Pellets
Electric Furnace Melting Ferrous Baghouse Dust
Electric Furnace Melting Non-Ferrous Baghouse Dust
Non-Petroleum Contaminated Soil/Debris
Railroad Car Cleanout
Railroad Cleanup
Ores
Manganese Dioxide Ore
Chromium Oxide Ore
Miscellaneous
Mill Scale

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