

GENERAL PERMIT WMGR138

TRANSFER, BENEFICIAL USE, AND THE FOLLOWING:

- a. PROCESSING OF YARD WASTE FOR BENEFICIAL USE AS FINISHED MULCH FOR LANDSCAPING PURPOSES.
- b. PROCESSING OF LAND CLEARING AND GRUBBING WASTE FOR BENEFICIAL USE AS COMPOST FOR LANDSCAPING PURPOSES.
- c. PROCESSING BY CRUSHING, GRINDING, AND SCREENING CONCRETE AND ASPHALT WASTE FOR BENEFICIAL USE AS A CONSTRUCTION MATERIAL IN ROADWAY AND PARKING AREA CONSTRUCTION
- d. PROCESSING, INCLUDING SORTING AND SCREENING ONLY, FOR RECYCLING OF RESIDENTIAL CONSTRUCTION AND DEMOLITION WASTE INCLUDING CLEAN WOOD, GYPSUM BOARD, STONE, BRICK, CONCRETE BLOCK, CARDBOARD, PARTICLE BOARD, DRYWALL, SCRAP METAL, PLASTIC WASTE, AND GLASS.
- e. PROCESSING OF PRE-CONSUMER (I.E., IMPERFECTIONS, TABS, TRIMMING SCRAPS, ETC. GENERATED IN THE MANUFACTURING OF NEW ASPHALT SHINGLES AND DAMAGED, UNUSED SHINGLES) AND POST-CONSUMER (TEAR-OFFS) ASPHALT SHINGLES FOR BENEFICIAL USE WHEN ADDED TO MATERIALS IN CONDITION A (C) ABOVE. THE PROCESSING IS LIMITED TO SORTING, SCREENING, GRINDING, AND MAGNETIC REMOVAL OF FERROUS METAL.

DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF WASTE MANAGEMENT DIVISION OF MUNICIPAL and RESIDUAL WASTE

July 2013

Expires: 7/23/2023

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PROCESSING OF RESIDUAL WASTE FOR BENEFICIAL USE

A. Description:

The approval herein granted is for the transfer, beneficial use and the following:

- a. Processing of yard waste for beneficial use as finished mulch for landscaping purposes.
- b. Processing of land clearing and grubbing waste for beneficial use as compost for landscaping purposes.
- c. Processing by crushing, grinding, and screening concrete and asphalt waste for beneficial use as a construction material in roadway and parking area construction
- d. Processing, including sorting and screening only, for recycling of residential construction and demolition waste including clean wood, gypsum board, stone, brick, concrete block, cardboard, particle board, drywall, scrap metal, plastic waste, and glass.
- e. Processing of pre-consumer (i.e., imperfections, tabs, trimming scraps, etc. generated in the manufacturing of new asphalt shingles and damaged, unused shingles) and post-consumer (tear-offs) asphalt shingles for beneficial use when added to materials in Condition A (c) above. The processing is limited to sorting, screening, grinding, and magnetic removal of ferrous metal.

B. Determination of Applicability Requirements:

A person or municipality that proposed 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), (v) bonding worksheets and (vi) 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.

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C. Operating Conditions:

1. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee's request to operate under this general permit. Except to the extent that the permit states otherwise, the permittee shall operate the facility as described in the approved application.
2. 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 regulations, providing that said local law, ordinance, or regulation is not preempted by the Pennsylvania Solid Waste Management Act, 35 P.S. §§ 6018.101 – 6018.1003; and the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §§ 4000.101 – 4000.1904.
3. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this permit shall be subject to prior compliance history review by the Department as specified by the Solid Waste Management Act.
4. 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.
5. 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.
6. 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.
7. 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, and gases; to take photographs; to perform measurements, surveys, and other tests; to inspect any monitoring equipment; to inspect the methods of operation; and

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to inspect and/or copy documents, books, and papers required by the Department to be maintained or produced. (See Section 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.

8. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff to the waters of the Commonwealth.
9. The permittee shall comply with the Air Pollution Control Act, 35 P.S. §§ 4001-4016, and the regulations promulgated under the Act, including Chapter 123, Standards for Contaminants, Fugitive Emissions at 25 Pa. Code §§ 123.1 and 123.2 and Odor Emissions at 25 Pa. Code § 123.31.
10. The operator of the facility must develop and implement a nuisance minimization plan that will manage any circumstances that are harmful to the environment or public health. The operator shall control and minimize conditions that will attract, harbor, or breed vectors, create safety hazards, odors, dust, noise, or unsightliness and other public nuisances.
11. The facility shall not be located:
 - a. In the 100-year floodplain of waters of this Commonwealth;
 - b. In or within 300 feet of an exceptional value wetland;
 - c. In or within 100 feet of a wetland other than an exceptional value wetland;
 - d. Within 300 feet measured horizontally from an occupied dwelling unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;
 - e. Within 50 feet of a property line unless the owner has provided a written waiver consenting to the facility being closer than 50 feet;
 - f. Within 100 feet of a perennial stream
 - g. Within 300 feet of a water source unless the owner has provided a written waiver consenting to the facility being closer than 300 feet;
 - h. Within 300 yards (900 feet) unless a written waiver is obtained from the current property owner of:
 - i. A building owned by a school district or parochial school and used for instructional purposes;
 - ii. A park;
 - iii. A playground;

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- i. In an area where the facility would adversely affect a habitat of a known endangered or threatened species.
12. Best Management Practices shall be implemented to divert storm water run-on from the facility. Storm water runoff shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder. Prior to beginning operations at the facility, the operator must obtain all necessary storm water management permits.
13. All waste stored at the facility shall be managed in accordance with Chapter 299 of the residual waste regulations. Materials no longer considered waste stored at the facility shall be stored in a manner that prevents harborage or breeding of vectors or creation of odor, litter and other nuisances that may be harmful to public health, safety, welfare, or the environment and shall not be accumulated speculatively.
14. The operator of the facility must develop and maintain a plan for the alternative management of materials during periods when the facility is not in operation. Waste may not be stored for more than one year at the permitted facility.
15. Leachate generated shall be stored in a tank, container, or impoundment designed in accordance with 25 Pa. Code Chapter 299 prior to treatment or reuse on-site, discharged to a POTW or hauled 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 composting operations.
16. The access road to the facility shall be paved or surfaced with asphalt, gravel, cinder or equivalent material and capable of withstanding the vehicular traffic. The access road shall be compacted and maintained in order to control dust and to prevent or minimize the tracking of mud onsite or offsite. A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when the facility is not in operation.
17. The following requirements must be met for the composting operation of land clearing and grubbing waste:
 - a. No more than 15,000 cubic yards of land clearing and grubbing waste shall be placed, stored, or processed at the facility where composting activity occurs or is planned to occur.
 - b. The compost pad for composting the land clearing and grubbing waste shall be constructed in a well-drained area with a workable surface and slope of 2-4 percent to prevent ponding and control surface water.

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- c. The size of the compost piles or windrows should not exceed eight feet in height or sixteen feet in width unless the composting technology can adequately manage the compost piles, and is approved by the Department.
 - d. The temperature of the compost during composting operations must be maintained at a minimum of 55 degrees Celsius (131°F) or greater for at least 15 days, and the windrows shall be turned a minimum of five times.
 - e. Compost piles or windrows shall be constructed within one week following receipt of compostable material at the facility.
 - f. During the active composting process, the optimal moisture content of the windrows or compost piles shall range from 40 to 60 percent to promote decomposition.
 - g. All surface water shall be diverted away from tipping, processing, composting, curing, and storage areas. Surface water controls shall be based on a 24-hour precipitation event to be expected once every 25 years. Proper drainage must be maintained to prevent ponding and excessive moisture.
 - h. To promote decomposition, compost piles and windrows shall be turned and reconstructed at least once every three (3) months. A higher turning frequency may be required, depending on the composting technology unless the composting technology requires more intensive management.
 - i. At a minimum, 20 feet of space shall be maintained between windrows to allow the unobstructed movement of emergency personnel and equipment.
 - j. The minimum curing time for the compost shall be at least 30 days after the composting processing is finished.
18. The crushed concrete and asphalt materials may be beneficially used if the following criteria are met:
- a. The crushed concrete and asphalt material must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications outlined in their Publication No. 408 (Specifications).
 - b. The crushed concrete and asphalt materials must conform to the applicable engineering properties as the raw material it is being substituted for.
 - c. 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

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use the crushed concrete and asphalt materials covered under this general permit of the conditions and limitations imposed on the beneficial use of crushed concrete and asphalt materials by the Department of Environmental Protection. 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.

- d. 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. The materials shall not be stored for more than two (2) consecutive construction seasons, and, at any one time, the maximum amount stored may not exceed the total amount of materials as described in the approved application.
19. The permittee shall visually inspect each incoming truckload or container of pre- and post-consumer asphalt shingles for signs of asbestos or other unacceptable wastes. The permittee shall conduct sampling for asbestos at the rate of one (1) in every ten (10) truckloads or containers received at the facility. In addition, the permittee shall sample all loads suspected of containing asbestos. Loads made solely of any of the following are not required to be sampled for asbestos and shall not be counted toward the 1 in 10 sampling frequency:
- a. Pre-consumer asphalt shingles that have been certified by the manufacturer as containing no asbestos;
 - b. Pre- and post-consumer asphalt shingles that have been tested prior to acceptance by a laboratory accredited to make asbestos determinations and are accompanied with documented test results;
 - c. Post-consumer asphalt shingles generated from a residential home that is documented by the contractor or generator to have been constructed after 1975.

All samples shall be analyzed using EPA Method 600/R-93-116, OSHA Method Number ID-191, or another polarized light microscopy method approved by the Department. Asbestos analyses 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.

20. Any residues from processing of residual waste materials and unacceptable waste shall be transported, within 90 days, to a recycling facility or a permitted disposal facility authorized to manage the waste in a manner that complies with 25 Pa. Code Chapter 299 (relating to

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the transportation of residual waste) or 40 CFR Part 263 (relating to transportation of hazardous waste), as incorporated by reference in 25 Pa. Code 262a.10, whichever is applicable.

21. The permittee shall inform all persons or municipalities which propose to beneficially use the processed pre- and post-consumer asphalt shingles covered under this permit of all the conditions and limitations imposed on the use of pre- and post-consumer asphalt shingles by the Department of Environmental Protection. This notification shall be by providing a copy of Appendix C (Restrictions on Pre- and Post-Consumer Asphalt Shingles). The conditions in Appendix C apply to any permittee including one who obtains a Determination of Applicability to conduct activities authorized by this permit, and to any user of the pre- and post- consumer asphalt shingles.
22. The processing and storage of construction and demolition waste for recycling shall be conducted 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 unprocessed and processed construction and demolition waste by wind or water erosion and shall comply with the requirements of Title 25 Pa. Code, Chapter 285.
23. 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).
24. 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).
25. The beneficial use of finished mulch material or finished compost 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.
26. The finished mulch material and finished compost authorized under the terms and conditions of this general permit shall cease to be a waste if the following requirements are met:
 - a. The finished mulch material or finished compost is sold, traded, distributed, or given away for landscaping activities. This provision applies to the finished mulch material or finished compost that is sold, traded, distributed, or given away for landscaping

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activities at locations other than the processing facility where the material is produced.

- b. The finished mulch material or finished compost is not abandoned or disposed.
- c. The finished mulch material or finished compost shall not be used as 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.

D. Record Keeping:

- 1. All records maintained on incoming materials shall be retained by the permittee at the permittee's place of business for a minimum of 5 years after the analyses were performed.
- 2. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming waste, the date of receipt and quantity of waste received at each location, the results of analysis as required by this general permit, and the name, address, and phone number, and quantity for each destination of outgoing shipment of material. 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.
- 3. Records for composting operations shall be maintained to ensure that all compost produced by the facility meets the time and temperature requirements of the permit. These records shall be provided to the Department upon request, and shall be maintained onsite for a minimum of five years.
- 4. Records of any asbestos determinations conducted on pre- and post-consumer asphalt shingles pursuant to Condition 20 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, the results, the laboratory, sampling procedures, analytical methodology, and person collecting the sample.

E. Reporting Requirements:

- 1. Any person that operates under the provisions of this permit shall immediately notify the Department via certified mail of any changes in: the company name, address, owners, operators and responsible officials; and the status of any permit issued by the Department or federal government under the environmental protection acts.

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F. Renewal:

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)". The renewal shall be sent to the attention of the Department's Bureau of Waste Management, Rachel Carson State Office Building, 400 Market Street, P.O. Box 69170, Harrisburg, PA 17106-9170.

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 A
RESTRICTIONS OF USE OF CONCRETE AND ASPHALT MATERIALS AS A ROADWAY
CONSTRUCTION MATERIAL

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 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 minimizes 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 minimizes dispersal of crushed concrete and asphalt materials by wind or water erosion.
- 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.

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APPENDIX B

RESTRICTIONS OF USE OF FINISHED MULCH AND FINISHED COMPOST AS A LANDSCAPING MATERIAL

The following "Use Restrictions" apply to the beneficial use of finished mulch as a landscaping material and/or finished compost. Persons or municipalities receiving, storing, and/or using the finished mulch material or finished compost for beneficial use purposes must comply with the following requirements:

USE RESTRICTIONS:

- B1. The finished mulch material or finished compost shall not be placed in direct contact with surface or ground water.
- B2. The finished mulch material or finished compost 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.
- B3. Hazardous waste, municipal waste, municipal special handling waste, and other residual waste may not be mixed, stored, and/or beneficially used with the finished mulch material or finished compost.
- B4. The finished mulch material or finished compost shall be stored in a manner that minimizes 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 minimizes dispersal of mulch or compost by wind or water erosion. The storage of mulch or compost shall comply with the requirements as specified in Pa. Code, Chapter 285 (relating to Storage, Collection, and Transportation of Municipal Waste).
- B5. Runoff from the finished mulch material or finished compost shall not cause surface water pollution or groundwater degradation and shall be managed in accordance with The Clean Streams Law and regulations promulgated thereunder.

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APPENDIX C

RESTRICTIONS FOR PRE- AND POST-CONSUMER ASPHALT SHINGLES

The following "Use Restrictions" apply to the beneficial use of pre- and post-consumer asphalt shingles. Pre- and post-consumer asphalt shingles are considered processed when they have had any wood waste, tar paper, metal flashing and ferrous metal, including nails, removed, and ground or shredded to meet any size gradation requirements for the intended use.

Persons receiving, storing, and/or using the processed pre- and post-consumer asphalt shingles for beneficial use purposes are required to comply with the following requirements:

ACCEPTABLE USES:

- C1. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles is limited only to use as an ingredient in hot-mix and cold-mix asphalt paving material, a component of sub-base material, as dust control on rural roads when applied with a binder, as a component or ingredient in fuel used in cement manufacturing or in the generation of electricity or steam.

- C2. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles as a roadway construction material is limited to and must comply with the following technical standards developed by the Pennsylvania Department of Transportation (PennDOT), as outlined in their Publication 408, *Specifications*:
 - (a) 300 (Base Courses)
 - (b) 400 (Flexible Pavements)
 - (c) 703 (Aggregate, excluding 703.4 anti-skid material)

- C3. Approval for the beneficial use of processed pre- and post-consumer asphalt shingles as an ingredient or component of hot-mix or cold-mix asphalt paving material shall conform with the applicable material standards as set forth in the following American Society of Testing Material (ASTM) standards and the American Association of State Highway and Transportation Officials (AASHTO) standards or other applicable national, state, or industry standard or specification for which the processed pre- and post-consumer asphalt shingles are being submitted.
 - (a) ASTM D 242 Standard Specification for Mineral Filler for Bituminous Paving Material
 - (b) ASTM D 692 Standard Specification for Coarse Aggregate for Bituminous Paving Material
 - (c) ASTM D 693 Standard Specification for Crushed Aggregate for Macadam Pavements
 - (d) ASTM D 979 Standard Practice for Sampling Bituminous Paving Mixtures

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- (e) ASTM D 1073 Standard Specification for Fine Aggregate for Bituminous Paving Material
- (f) ASTM D 1241 Standard Specification for Materials for Soil-Aggregate Sub-Base, Base and Surface Courses
- (g) ASTM D 2940 Standard Specification for Graded Aggregate Materials for Bases or Sub-Bases for Highways or Airports
- (h) AASHTO MP 15 Standard Specification for Use of Reclaimed Asphalt Shingle as an Additive in Hot Mix Asphalt

- C4. Processed pre- and post-consumer asphalt shingles may be utilized as fuel in cement kilns, lime kilns, coal-fired power plants and fluidized bed cogeneration plants provided their air quality permits or approvals cover use of the processed pre- and post-consumer asphalt shingles as fuel.
- C5. The amount of processed pre- and post-consumer asphalt shingles when applied with a binder and used for dust control on rural roads shall not exceed the customary amount required by standard engineering practices.

USE RESTRICTIONS:

- C6. Processed pre- and post-consumer asphalt shingles shall not be stored in direct contact with, or applied within 4 feet of the seasonal high water table, perched water table, or within 4 feet of bedrock unless otherwise authorized by the Department.
- C7. The storage, transportation or use of the processed pre- and post-consumer asphalt shingles shall be in a manner which will not create a nuisance or be harmful to the public health, safety or the environment.
- C8. Runoff from the processed pre- and post-consumer asphalt shingles 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.
- C9. Processed pre- and post-consumer asphalt shingles or materials manufactured using processed pre- and post- consumer asphalt shingles as a component or ingredient shall not be used as a valley fill material, to fill open pits from coal or other fills, or to level an area or bring an area to grade where a roadway construction activity is not completed within 3 months after placement

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of the processed pre- and post- consumer asphalt shingles or materials derived from the processed pre- and post-consumer asphalt shingles.

