

SPECIAL CONDITIONS
GENERAL PERMIT NUMBER WMGR080

1. The approval herein granted is limited to the beneficial use of waste weak alkali liquor (WAL) from the neutralization of hydrotreated neutral oil in the production of white oils and petrolatum (NAICS Code 324199) as an alkaline material to treat acid mine drainage (AMD). The beneficial use of WAL is limited to treatment of AMD wastewater at coal washing plants, AMD at coal refuse or coal stockpiles, and AMD discharges at mine sites or near mine sites as a result of mining.
2. 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 operate the facility as described in the approved application.
3. WAL may be beneficially used provided none of the following levels are exceeded:

| <u>Constituent</u> | <u>Total (mg/L) *</u> |
|---------------------------|------------------------------|
| Cadmium | 0.125 |
| Chromium | 2.5 |
| Lead | 1.25 |
| Mercury | 0.05 |
| Oil & Grease | 500 |
| Zinc | 125 |

*This may be based on the 90 percent upper confidence level using *Test Methods for Evaluating Solid Waste* (EPA SW-846) as guidance for the statistical treatment of data.

Should WAL contain other constituents which do not meet the requirements of §288.623(a) (relating to minimum requirements for acceptable waste), other than those based upon Secondary Maximum Contaminant Levels (SMCL) or which pose a threat of harm to human health or the environment, WAL shall not be beneficially used.

4. Prior to the beneficial use of WAL, the permittee shall perform chemical analysis on a representative sample of WAL for the appropriate parameters listed in Condition 3. The permittee shall perform chemical analysis on additional representative samples of WAL and supply the results of the analysis to all persons or municipalities who beneficially use it and to the Waste Management Program at the appropriate Regional Office and to the appropriate District Mining Office as follows:
 - a. quarterly for all constituents in Condition 3; or
 - b. each time a new source WAL is received; or
 - c. each time there is a significant change in the process generating the WAL.

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5. The WAL shall not be hazardous waste under 40 CFR 261, as incorporated by reference at 25 Pa. Code 261a.1.
6. The WAL shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste.
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 processing to the land or waters of the Commonwealth.
8. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code Sections 123.1 and 123.2.
9. 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.
10. 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.
11. 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.
12. 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 Pennsylvania Solid Waste Management Act of 1980.

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13. 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.
14. Persons or municipalities that propose to operate under the terms and conditions of this general permit after the date of permit issuance must apply for a determination of applicability to the Department's Bureau of Land Recycling and Waste Management, Division of Municipal and Residual Waste, P.O. Box 8472, Harrisburg, PA 17105-8472. At a minimum, the following information must be provided on forms available from the Department's Bureau of Land Recycling and Waste Management:
- a. Name and street address of applicant;
 - b. A chemical and physical analysis, and description of the WAL which fully characterizes their composition and properties; the waste generation process; and a plan for screening, managing and rejecting waste.
 - c. Name and location of the generator(s) of the WAL;
 - d. Number and title of general permit;
 - e. Proof that the WAL and waste management activities will be consistent with the general permit;
 - f. Signed and notarized statement by the applicant who seeks to operate under the terms and conditions of this permit that states that the person accepts all conditions of this general permit;
 - g. A application fee in the amount specified in the residual waste regulations, payable to the "Commonwealth of Pennsylvania";
 - h. Proof that copies of the application have been submitted to the municipality, county, county planning agency and county health department in which the primary beneficial use activities will be conducted;
 - i. 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;
 - j. A list of all previous permits or licenses issued to the permittee by the Department or federal government under the environmental protection acts; the date of issuance and current status of those permits; and the permittee's compliance history concerning the environmental protection acts;
 - k. Proof that any independent contractors retained by the permittee to perform any activities authorized under this permit are in compliance with Department regulations as required in Condition 12;
 - l. Proof that the applicant has legal right to enter the land and operate the facilities approved under this permit;
 - m. An irrevocable written consent from the landowner giving the Department permission to enter upon the land where the applicant will be conducting waste management activities;
 - n. Additional information the Department believes is necessary to make a decision;

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15. Any person that operates under the provisions of this permit shall immediately notify the Department (see address in Condition 14) via certified mail of any changes in: the company name, address, owners, operators and responsible officials; the physical or chemical characteristics of the WAL; the generator(s) of the WAL; and the status of any permit issued by the Department or federal government under the environmental protection acts.
16. Prior to the transportation of WAL to any site where its beneficial use will occur, the permittee shall ensure that the user of WAL has obtained a permit or written approval from the Department covering the use of WAL at the site.
17. Storage of WAL by the permittee shall be in a manner that complies with 25 Pa. Code Chapter 299 (relating to the storage of residual waste).
18. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343, the appropriate DEP regional office, and the appropriate District Mining Office in the event of a discharge or spill WAL and shall take appropriate immediate action to protect the health and safety of the public and the environment. Spills of less 100 gallons of WAL need not be immediately reported, but should be recorded as specified in Condition 20.
19. Records of any analytical evaluations conducted on WAL pursuant to the residual waste regulations and this permit, shall be kept by the permittee at the permittee's place of business 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. This waste analysis information shall be retained by the permittee at the permittee's place of business for a minimum of 5 years after the analyses were performed.
20. The permittee shall maintain records that contain: the name, address, and phone number of each source of incoming WAL, the date of receipt and quantity of WAL received at each location, the results of analysis as required in Condition 4, and the name, address, and phone number, and quantity for each destination of outgoing shipment of WAL. The permittee shall also maintain records of all spills of WAL of 25 gallons or more and releases that contain: location, date, time, identification and quantity of spilled or released material, and a description of how the material was cleaned up. 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.
21. The permittee shall submit an annual report that summarizes the information maintained in Condition 20. This report shall be submitted yearly to the Waste Management Program at the Department's appropriate Regional Office and to the appropriate District Mining Office by January 31 of each year for the previous calendar year.

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22. 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.

23. The permittee shall inform all persons or municipalities which propose to beneficially use WAL covered under this permit of all the conditions and limitations imposed on the use of WAL by the Department of Environmental Protection. This notification shall be by providing a copy of the Appendix (Restrictions on Use of WAL as Alkaline Material to Treat Acid Mine Drainage) of this permit to the persons or municipalities. The conditions in the Appendix shall apply to any person who operates pursuant to this general permit, including persons who obtain a Determination of Applicability to conduct activities authorized by this permit.

APPENDIX
Restrictions on Use of WAL
As Alkaline Material to Treat Acid Mine Drainage
General Permit No. WMGR080

The following restrictions apply to the beneficial use of waste weak alkali liquor (WAL) from the neutralization of hydrotreated neutral oil in the production of white oils and petrolatum (NAICS Code 324199) as an alkaline material to treat acid mine drainage (AMD). Persons using WAL for beneficial use purposes are required to obtain a permit or written approval from the Department covering the use of WAL at the site. Persons receiving, storing, and/or using WAL for beneficial use purposes are required to comply with the following requirements:

STORAGE AND TRANSPORTATION

- A1. The storage and transportation of the WAL shall be in a manner which will not create a nuisance or be harmful to the public health, safety or the environment. The storage and transportation of WAL shall comply with the requirements of 25 PA Code Chapter 299 (relating to storage and transportation of residual waste).
- A2. The amount of WAL that may be stored at any site at any point in time is limited to that amount of WAL that is intended to be used, and can be practicably used, on the site for the next 30 days unless otherwise approved by the Department.
- A3. WAL shall not be transported to or stored at any site prior to obtaining all necessary permits or approvals from the Department's Bureau of District Mining Operations, Bureau of Abandoned Mine Reclamation, Water Quality Program, or other program for the site where the WAL is to be used.
- A4. The WAL user shall immediately notify the Department's Emergency Hotline at (717) 787-4343, the appropriate DEP regional office, and the appropriate District Mining Office in the event of a discharge or spill WAL and shall take appropriate immediate action to protect the health and safety of the public and the environment.

ACCEPTABLE USES:

- A5. Approval to use WAL as an alkaline material to treat acid mine drainage (AMD) is limited to treatment of AMD wastewater at coal washing plants, AMD at coal refuse or coal stockpiles, and AMD discharges at mine sites or near mine sites as a result of mining.

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USE RESTRICTIONS:

- A6. The amount of WAL beneficially used is limited to the amount necessary to achieve sufficient neutralization to be acceptable for discharge to the receiving body of water or entity or so that leachate reaching the ground from application to a pile shall have a pH between 6.0 and 9.0.
- A7. The amount of WAL beneficially used is limited to an amount that will not cause:
- a. the instream concentration of methylene blue active substances (MBAS) to exceed 2 mg/L at the point of discharge.
 - b. the concentration to exceed any appropriate criteria in 25 Pa. Code Chapters 16, 93 or 95.
- A8. The beneficial use of WAL shall be in a manner that will not create a nuisance or be harmful to the public health, safety or the environment.
- A9. Hazardous wastes, municipal waste, special handling waste, and other residual wastes may not be mixed and/or beneficially used with the WAL.
- A10. The beneficial use of the WAL shall be limited to sites that have any relevant routine monitoring required by the appropriate Department program and A6.