

**GENERAL PERMIT WMGR113
BENEFICIAL USE OF NON-HAZARDOUS COAL TAR AND OIL-
CONTAMINATED WASTE AND THE RESULTING ASH**

A. Description:

This general permit authorizes the beneficial use of non-hazardous coal tar and oil-contaminated waste as alternate fuels to be combined with waste coal/coal to produce specification fuel for circulating fluidized bed boilers (CFB). This general permit also authorizes the beneficial use of the resulting ash generated by co-firing the approved alternative fuels with waste coal/coal, hereinafter referred to as "ash", for the beneficial uses authorized for coal ash in accordance with 25 Pa. Code, §§287.661-666 (relating to beneficial use of coal ash).

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) that has jurisdiction for waste-related activities in the county where the facility will be located. A completed Determination of Applicability Form (see attached form), along with the application fee as specified in the residual waste regulations, must be submitted to the Waste Management Program at the Department's appropriate Regional Office. No activities shall commence unless authorized, in writing, by the Department.

C. Fuel and Ash Management:

1. Non-hazardous coal tar and oil-contaminated waste may be beneficially used, individually or in combination, as alternative fuels blended with waste coal/coal to produce fuel for circulating fluidized bed boilers if all of the following conditions are met:

- a. The blended fuel has a heating value of no less than 5000 BTU/lb.
- b. The blended fuel contains no more than 50%, by weight, of the listed alternative fuels.
- c. The blended fuel meets the requirements of the air quality permit for the facility.
- d. The ash may be beneficially used as a soil additive to facilitate revegetation at permitted mine sites and abandoned mine sites under contract if all the following are met:

1. The maximum lifetime metal loading does not exceed any of the following:

<u>Constituent</u>	<u>Limit (lbs./acre)</u>
Arsenic	41
Cadmium	39
Chromium	3000
Copper	1500
Lead	300
Nickel	420
Selenium	100
Zinc	2800

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2. Leaching analysis, using the Toxicity Characteristic Leaching Procedure (EPA Method 1311) or the Synthetic Leaching Procedure (EPA Method 1312), on a representative sample of the ash indicates that none of the following are exceeded:

<u>Constituent</u>	<u>Leachable (mg/L)*</u>
Arsenic	1.250
Cadmium	0.125
Chromium	2.500
Copper	32.500
Lead	1.250
Manganese	1.250
Nickel	2.500
Selenium	1.000
Zinc	125.000

* These determinations may be based upon the 90 percent upper confidence level using "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods"(EPA SW-846) as a guidance for statistical treatment of data.

2. For each new source of alternative fuel, the permittee shall submit an analysis of a representative sample of the resulting ash from the burning of said fuel to the Department's Bureau of Waste Management (address in attached list), that conforms to the requirements of the Bureau of Mining and Reclamation's Module 25A – Coal Ash Beneficial Use Approval Form, no less than fifteen (15) days prior to beneficial use of the waste. The permittee may beneficially use the alternative fuel in accordance with the conditions of this permit after the aforementioned fifteen-day period, provided approval from the Department's Bureau of Air Quality Control has been obtained, unless otherwise instructed by the Department.
3. This permit does not authorize and shall not be construed as an approval to discharge any industrial wastes, wastewater, leachate or runoff from the mine reclamation sites to the waters of the Commonwealth.
4. Ash shall not be stored in direct contact with, or applied directly into, the waters of the Commonwealth, except as specifically approved by the Department in a reclamation plan.
5. Runoff from the ash 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.
6. The permittee shall manage surface water and control erosion and sedimentation to meet the applicable requirements of 25 Pa. Code, Chapter 102 (relating to erosion control).
7. The permittee shall comply with the fugitive emissions standards adopted under 25 Pa. Code, Sections 123.1 and 123.2.

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8. The storage, transportation, or use of the ash shall be in a manner that will not create a nuisance or be harmful to the public health, safety, or the environment, and shall be in a manner that prevents the dispersal of ash by wind or water erosion.
9. The amount of ash that may be stored on a mine reclamation site at any point in time is limited to the amount that is intended to be beneficially used, and can be practicably beneficially used, on the site within the next 365 days.
10. The ash produced from the co-firing of the alternative fuels approved in this general permit with waste coal/coal may be used for the beneficial uses of coal ash set forth in 25 Pa. Code, §§287.661-287.666, subject to the conditions set forth in the regulations and this general permit:
 - a. The use of ash as structural fill is authorized subject to satisfying all the notice and regulatory conditions required for the use of coal ash as structural fill under 25 Pa. Code, §287.661 (relating to use of coal ash as structural fill);
 - b. The use of ash as a soil substitute or soil additive is authorized subject to satisfying all the notice and regulatory conditions required for the use of coal ash, as set forth at 25 Pa. Code, §287.662 (relating to use of coal ash as a soil substitute or soil additive);
 - c. The use of ash at mining activity sites is authorized subject to all the conditions and operating requirements for coal ash set forth at 25 Pa. Code, §287.663 (relating to beneficial use of coal ash at coal mining activity sites as coal mining activities are defined in §86.1), or pursuant to an approved mining reclamation plan;
 - d. The use of ash at abandoned coal and non-coal surface mining sites is authorized subject to all the conditions and operating requirements for coal ash set forth at 25 Pa. Code, §287.664 (relating to coal ash beneficial use at abandoned coal and abandoned non coal surface mine sites);
 - e. Other beneficial uses of ash are authorized subject to satisfaction of all the conditions for similar uses of coal ash set forth in 25 Pa. Code, §287.665 (relating to other beneficial uses of coal ash).
11. The facility operators comply with requests for information as set forth in 25 Pa. Code, §287.666 (relating to requests for information).

D. Operating Conditions:

1. When beneficially used as a soil additive, ash loading rates shall be determined by the pH of the existing soil at the site where beneficial use will take place, as follows:

<u>pH of Existing Soil</u>	<u>Application Rate</u>
4.5 - 5.5	10 – 15 tons/acre
5.5 - 6.5	5 – 10 tons/acre

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6.5 - 7.5
>7.5

2 – 5 tons/acre
No Application

2. When used as a soil additive, ash shall be incorporated into the soil within forty-eight (48) hours of application, except when application is to lands that already support substantial volunteer growth, or when ash is applied to sloped areas that, if plowed, would cause soil displacement.
3. Equipment used for mine reclamation activities, including storage and application, shall be maintained in good operating condition. Daily inspections of equipment during reclamation activities are to be conducted to ensure that equipment will operate properly and examine for evidence of equipment failure.

E. Special Wastes:

1. The ash shall not be mixed with other solid wastes, including hazardous waste, municipal waste, or special handling waste, except as set forth in the application or as specifically approved in a reclamation plan.

F. Record Keeping:

1. Records of any analytical evaluations conducted on the ash pursuant to the residual waste regulations shall be kept by the permittee at the permittee's place of business for a minimum of five (5) years after the analyses were performed, and shall be available to the Department for inspection. At a minimum, these records are to include information on the dates of testing, each parameter tested, the results, the laboratory, sampling procedures, analytical methodologies and person collecting the sample.
2. The permittee shall submit to the Department's Bureau of Waste Management, (address in attached list), an annual report that summarizes the information outlined in Conditions F1 and G6, and identifies the location of all mine sites where ash was beneficially used during the past 12 months, and identifies all landowners who were notified that waste was to be placed upon their land. The annual report shall also identify for each site: the weight or volume of ash beneficially used, remaining weight or volume of ash intended to be beneficially used to complete the reclamation; the ash application rate; when used as a soil additive, a determination of the current metal loading rate and when the maximum metal loading rate will be exceeded; and the date beneficial use activities were completed or are estimated to be completed. The annual report shall also include an evaluation at completed sites of the success or failure of efforts to promote vegetation. Standards for successful revegetation on a permitted mine reclamation site shall be consistent with standards promulgated by the Department's Bureau of Mining and Reclamation at 25 Pa. Code, Sec. 77.618 and Sec. 87.155. Standards for successful revegetation on an abandoned mine reclamation site shall be consistent with the standards for successful revegetation as specified in the permittee's contract with the Bureau of Abandoned Mine Reclamation or other governmental agency.

For persons that operate under the provisions of this permit on permitted mine sites, the above annual report must also be provided to the appropriate District Mining Office of the Department's Bureau of Mining and Reclamation.

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For persons that operate under the provisions of this permit on abandoned mine sites that are under contract, the above annual report must also be provided to the appropriate District Office of the Department's Bureau of Abandoned Mine Reclamation and any other governmental agency that is party to the contract.

The annual report, due 30 days after the anniversary date that the permit became applicable to a permittee, must also include one (1) of the following:

- a. For each source of alternative fuel and ash produced, an analysis performed within the last year that has been conducted on a representative sample of the ash for all of the parameters listed in Condition C1(d)(2);
- b. For each source of alternative fuel and ash produced, a copy of the generator's waste analysis that includes the parameters required for the specified beneficial use and as listed in Condition C1(d)(2) and that is not more than one (1) year old;
- c. For each source of alternative fuel and ash produced that has been analyzed by the generator of the waste for the parameters required for the specified beneficial use and as listed in Condition C1(d)(2), a signed certification that is not more than one (1) year old and states that the physical and chemical properties of the ash have not changed. A signed certification may be used for a maximum of three (3) years, after which the ash must be re-analyzed.

G. Standard Operating Conditions:

1. 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, 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.; the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §4000.101 et seq.; the Surface Mining Conservation and Reclamation Act, 52 P.S. §1396.1 et seq.; or the Noncoal Surface Mining Conservation and Reclamation Act, 52 P.S. §3301 et seq.
2. As a condition of this 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 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.

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3. 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.
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 the 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, the environment, or if the activities cannot be adequately regulated under the conditions of this permit.
5. The permittee shall inform all persons or municipalities that propose to beneficially use the ash covered under this permit of all conditions and limitations imposed upon the use of the ash by the Department of Environmental Protection. This notification shall be by providing a copy of this permit to each user of the waste. It is incumbent upon the permittee to see that all uses of ash approved under this permit comply with all conditions of this permit.
6. Any person who operates under the provisions of this permit shall immediately notify, in writing, the Solid Waste Manager of the appropriate regional office of the Department (address in attached list) of any changes in: the name, address, owners, operators, and/or responsible officials of the company; the location of mine reclamation sites; land ownership and the right to enter and operate on mine reclamation sites; the physical or chemical characteristics of the ash; the generator(s) of the ash; and the status of any permit issued by the Department or federal government under the environmental protection acts.
 - a. For persons that operate under the provisions of this permit on permitted mine sites, the above notification must also be provided to the appropriate District Mining Office of the Department's Bureau of Mining and Reclamation.
 - b. For persons that operate under the provisions of this permit on abandoned mine sites that are under contract, the above notification must also be provided to the appropriate District Office of the Department's Bureau of Abandoned Mine Reclamation and any other governmental agency that is party to the contract.
7. 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 conflicts with the regulations or governing statutes.
8. 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 prior to performance of activities, as specified by the Solid Waste Management Act of 1980.
9. The permittee shall immediately notify the Department's Emergency Hotline by telephone at 800-541-2050 and the appropriate DEP regional office in the event of a

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discharge or spill of ash, and shall take appropriate immediate action to protect the health and safety of the public and the environment.

10. 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, the environment, or if the activities cannot be adequately regulated under the conditions of this permit.
11. The permittee shall submit to the Department's Bureau of Waste Management, the appropriate regional office of the Waste Management program, and the appropriate county, county planning agency, and county health department, if one exists, notice of intention to revise the revegetation plan for each permitted and abandoned mine site at which ash is intended to be beneficially used. For permitted mine sites, the above notification must also be provided to the appropriate District Mining Office of the Department's Bureau of Mining and Reclamation. For abandoned mine sites, the above notification must also be provided to the appropriate District Office of the Department's Bureau of Abandoned Mine Reclamation or contracting governmental agency.

For permitted mine sites, the revision process shall comply with all requirements for revising revegetation plans at permitted mine sites as promulgated by the Department's Bureau of Mining and Reclamation at 25 Pa. Code, Sec. 77.618 and Sec. 87.155. For abandoned mine sites, the revision procedure shall be that specified in the permittee's contract with the Bureau of Abandoned Mine Reclamation or other contracting governmental agency.

12. Reclamation activities may not commence on permitted mine sites unless specifically authorized by the Department's Bureau of Mining and Reclamation. Reclamation activities may not commence on abandoned mine sites unless specifically authorized by the Department's Bureau of Abandoned Mine Reclamation or other contracting governmental agency.

**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

Regional Solid Waste Manager:
Facilities Manager:
Operations Manager:

Ronald Furlan
James Wentzel
Robert

France

Fax: 484- 250-5961

RW Coordinator:

Calvin Ligons

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
Fax: 570-826-5448

Regional Solid Waste Manager:
Facilities Manager:
Operations Manager:
RW Coordinator:

Bill Tomayko
Bob Wallace
John Leskosky
Chris Fritz

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
Fax: 717-705-4930

Regional Solid Waste Manager:
Facilities Manager:
Operations Manager:
RW Coordinator:

Tony Rathfon
John Oren
Sam Sloan

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
Fax: 570-327-3420

Regional Solid Waste Manager:
Facilities Manager:
Operations Manager:
RW Coordinator:

Jim Miller
Dave Garg

Pat Brennan

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
Fax: 412-442-4194

Regional Solid Waste Manager:
Facilities Manager:
Operations Manager:
RW Coordinator:

Mike Forbeck
Dave Eberle
Fred DeNorscia
Bob Popichak

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
Fax: 814-332-6117

Regional Solid Waste Manager:
Facilities Manager:
Operations Manager:
RW Coordinator:

Todd Carlson
Joel Fair
Anita Stainbrook
Guy McUmber