

**MATERIALS MANAGEMENT
PLAN**

**NEW SALTWATER PUMP HOUSE
GREENPOINT ENERGY CENTER
287 MASPETH AVENUE
BROOKLYN, NEW YORK**

Prepared for:

National Grid NY
2 Hanson Place
Brooklyn, NY 11243

Prepared by:

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On Behalf of:

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September 19, 2024

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Figure 1 Regional Site Location Plan

Appendices

- Appendix A – Project Design Drawing Site Plan
- Appendix B – Permits for Clean Water of New York
- Appendix C – Permit for Clean Earth Claremont Dredged Material Processing (DMPF)
- Appendix D – Permit for Waste Management Fairless Landfill
- Appendix E – Permit for Clean Earth of Bethlehem (CEB)
- Appendix F – Permit for Clean Earth of North Jersey (CENJ)
- Appendix G – Permit for Clean Earth of Southeast Pennsylvania (CESP)

1.0 INTRODUCTION

TRC Engineers, Inc. (TRC), under contract to Bond Civil & Utility Construction, Inc (BCU), has prepared this Materials Management Plan for the National Grid (NGRID) Greenpoint Energy Center Saltwater Pump House (SWPH) project. The location of the Greenpoint Energy Center site location is shown on Figure 1. The project includes construction activities that will take place within Newtown Creek which is a USEPA National Priority List (NPL) Superfund site. This plan was prepared to comply with requirements specified in NYSDEC Permit No. 2-6101-00071/00025 issued for the SWPH project. Specifically, the permit requires the preparation of a Materials Management Plan that is consistent with the permit document titled “Newtown Creek Permit Applicants: Sediment Sampling, Materials Management & Disposal, and BMP Requirements for Construction Projects in Newtown Creek, New York City,” (hereafter referred to as the “Newtown Creek Guide to Permit Applicants”) dated June 13, 2024. The project design Site Plan drawing C-002 in Appendix A shows the planned location of the new SWPH and associated intake scour pad. As indicated by drawing C-002, the new SWPH project site is located over 200 feet outside of the navigation channel in the Creek.

This plan presents the waste management practices that will be implemented for the SWPH project dredging activities. In addition, this plan provides the Community Air Monitoring Plan that will be implemented during the dredging activities.

1.1 SWPH Project Overview

The BCU project scope includes all engineering design, procurement, construction, testing, startup supervision, commissioning and other work necessary to provide a complete new operating SWPH including a new intake pump structure at the National Grid Greenpoint Liquefied Natural Gas (LNG) facility located in Greenpoint, Brooklyn, New York. The work includes the construction of a scour pad in the Creek in the area adjacent to the new SWPH intake structure. The scour pad has been designed as a permanent structure; however, it is intended to be installed as a temporary measure pending the final Newtown Creek remedy selected by USEPA.

The construction of the new SWPH intake structure and scour pad will require the dredging of sediments from each location in the Creek. The work includes the installation/driving of steel piles into the sediments to support the intake structure and SWPH building. The scour pad construction will include the placement of stone riprap/concrete block surcharge, sand, AquaBlok®, sand, articulated concrete mat, and stone riprap ramp at the location.

The new SWPH is being constructed to replace the existing SWPH structure. The new SWPH will be a storm-resilient elevated one-story structure constructed to the northwest of the existing SWPH, to the southeast of the Warehouse Building, and to the south of the New York City Fire Department (FDNY) fire boat manifold on the LNG facility.

2.0 WASTE MANAGEMENT

The following presents the waste management practices planned for the dredging activities associated with the SWPH project.

2.1 Decant Water

Once the hopper barge is loaded with the dredged sediment, the decant water accumulated on top of the sediment in the hopper will be pumped from the hopper barge via a pump and hose into a weir-type frac tank and/or tanker located on the shoreline of the adjacent Greenpoint Energy Center facility for temporary storage. Decontamination water from the cleaning of the dredge bucket will also be collected with the decant water. After sediment dredging and barge filling is completed, the barge will sit at least overnight to allow for settling and water to separate from the dredge materials before the decant water is removed from the barge. A silt filter bag will be used over the intake hose end to restrict the pumping of dredge solids with the water from the hopper barge. The water collected in the frac tank or tanker will be sampled and tested for proper off-site transport and treatment/disposal. The proposed off-site water treatment/disposal facility is the following:

Clean Water of New York
3249 Richmond Terrace
Staten Island, NY 10303

The results of the wastewater testing will be submitted to the facility with a completed waste profile for preapproval prior to any off-site shipment. A completed manifest will accompany each decant water shipment from the project site to the facility. Copies of the decant water facility and transporter permits are provided in Appendix B.

2.2 Dredge Material

The dredging contractor will continually oversee the filling of the hopper barges during the dredging to ensure the material is distributed across the hoppers. Prior to departure of filled barges from the project site, the dredging contractor will take draft measurements from each corner of the hopper to verify that the material is well distributed.

Once decanting is complete, a third party tugboat towing company will move the barge with the raw dredged material (DM) to the Clean Earth Dredging Technologies LLC (CEDT) Claremont Dredged Material Processing Facility (DMPF) at 1 Linden Ave East, Jersey City, New Jersey. The facility permit for the DMPF is included as Appendix C. Prior to departure from the project site and upon arrival at the DMPF, the hopper barges will be inspected and photographed by the dredging contractor and CEDT, respectively, to confirm no damage to the hopper barges during third party transit. Following the receipt of the sediment sample waste characterization test data laboratory reports, the sample data and a completed waste profile will be forwarded to CEDT for review and approval prior to off-site transport. A completed manifest will accompany each barge load shipment from the project site to the DMPF. The dredging contractor will notify BCU when barge shipments arrive at the DMPF.

If the sediment waste characterization testing conducted prior to the dredging finds that the dredged sediments would be RCRA characteristic hazardous waste or TSCA regulated material with PCB

concentrations greater than 50 parts per million (ppm), the DM will not be processed at the CEDT since it is not permitted to treat these wastes. Instead, the barged DM will be offloaded at the Clean Earth's Jersey City docks directly into lined licensed waste transporter trucks for shipment to Clean Earth's North Jersey facility located in Kearny, New Jersey. The Clean Earth North Jersey facility is permitted to receive and treat RCRA hazardous and TSCA regulated material.

To accomplish the project requirements for offloading, processing and stabilization of dredge material from this project, CEDT operates two "fixed base" dredged material processing and transfer facilities at the DMPF. This facility has been developed to provide sediment offloading, debris removal, sediment processing/stabilization, offloading and disposal of processed dredge material (PDM).

At the DMPF, non-RCRA, non-TSCA raw (unprocessed) dredged materials are stevedored from loaded barges directly into a material processing system with proven capability to stabilize in excess of 4,000 cubic yards of dredged material daily. The stabilized or PDM are stable, engineered materials similar in nature to moist natural earthen soils. These manufactured fill materials can be used for beneficial uses such as structural or non-structural fill or are stable for long-distance highway or rail transport for secure disposal.

All raw sediment and processed/stabilized sediment from the SWPH project will be kept separate and distinct and will not be commingled with other project sediments or treated sediments at the DMPF facility.

The following provides a summary of the dredge material management process at the CEDT DMPF.

2.2.1 Receipt of Scows

Upon arrival at the DMPF, each loaded work scow is moored securely against the dock of the DMPF facility using a series of winches and cables. A spill protection (spill plate) is a permanent part of the process system that reaches between the work barge and the offloading platform, under the excavator bucket and is tilted toward the barge so that any material spilled during offloading will flow back into the barge. The spill plate will be scraped and washed routinely to prevent buildup of material.

The CEDT facility is permitted and able to receive delivery of scows 24 hours a day, 7 days per week with appropriate notice.

2.2.2 Dewatering/Decanting

The loaded scows of dredged material received at the treatment facility should not contain excess free water/decant water which will be removed from the barges by the dredging contractor prior to delivery of the barged sediments to the DMPF. However, the initial step in processing of raw sediments from this project is the inspection of the incoming barges for any residual excess free water from the dredged sediments at the DMPF. The loaded scows of dredged material received at the treatment facility will likely contain minimal excess free water which will be re-entrained in the raw dredged material during off-loading. In the event large amounts of excess water are present, this water must be removed from the barges prior to offloading of the raw sediments. This decanting operation is accomplished by first providing an adequate period of mooring to allow solids to settle in the barge.

After the initial barge settling period, portable pumps will be utilized to pump the water to land based tanks (i.e., frac tanks and/or holding scows) for temporary storage.

Barge dewatering (decanting) equipment will consist of portable sumps, hoses, and pumps, and storage/settling tanks (frac tanks), and a particulate (bag) filter. Water decanted from the barges will be pumped using hydraulic and centrifugal pumping systems through a quick connect hose piping system into a 21,000-gallon portable storage/settling tank. The stored decant water will be removed via vacuum tankers supplied by the dredging contractor's retained licensed waste transporter subcontractor for off-site transport and disposal.

2.2.3 Dredge Material Stabilization

CEDT uses proven material handling and solidification/stabilization (S/S) treatment processes to produce engineered fill products from dredged material. CEDT's proposed technology for treatment of this project is based upon a combination of physical and chemical stabilization that will render the material safe and stable during transportation and will serve to increase predictability and workability upon arrival at the disposal location to avoid the possibility of rejection of loads after long-haul transportation. The process proposed herein will use common treatment reagents (Portland cement) to form the target treatment characteristics.

2.2.4 Debris Removal

It is generally necessary to remove oversize debris (e.g., vegetative matter, pilings, scrap metal, tires, etc.) from the dredge material prior to processing. CEDT's process removes additional oversize debris from the dredge material delivered to the facility. Screening is accomplished by a 4-deck cascading vibratory mechanical screen mounted to the feed hopper of the processing plant. Debris and oversize material greater than 4 inches in diameter will be removed from the dredged material. Any debris sorted at the processing facility will also be placed into the designated storage area or containerized for future off-site transport and disposal.

2.2.5 Raw Dredged Material Processing

During dredge material processing, loaded barges are moored firmly to the bulkhead of the DMPF, and off-loading equipment is located on the dock platform. A long-reach hydraulic "material handler" excavator, equipped with a 4.5 to 5 cubic yard closed clamshell bucket, is used to stevedore material from the hopper scows into the feed hopper of each plant. The feed hopper discharges material to the screening plant and into the pugmill-blending chamber via the feed conveyor system.

Within the pugmill-blending chamber, the raw sediment is thoroughly mixed with additives supplied to the pugmill from the attached dry-bulk additive silos at pre-determined mix ratios (based on chosen project mix design). Based on the requirements of the New Jersey Department of Environmental Protection (NJDEP) issued Acceptable Use Determination (AUD), a minimum of 8% Portland cement additive is required within the stabilization process. For the project, an average 8% mixture by weight, of dry Portland cement to the raw sediment as received at the DMPF (by wet weight after decanting operations) will be utilized for this project to achieve solidification and stabilization needed for transport. The programmable logic control (PLC) on the DMPF processing system will ensure that the mix design recipe for proper S/S of the DM is applied on a continuous basis.

The silos are equipped with required air pollution control devices including a dust control baghouse. The pugmill system contains counter-rotating twin augers, driven by electric powered 150 HP motors, with a throughput ranging from 250 to 800 tons per hour of PDM. From the pugmill, the stabilized material is discharged to a radial-stacking conveyor that deposits the PDM into paved “product” stockpile/storage bins. The system will involve no storage of raw dredged material other than in barge prior to processing.

The additives (Portland cement) used to stabilize the dredge material will be delivered to the facility by truck transport. The materials will be stored in conventional storage horizontal and/or vertical pneumatic silos/tanks.

The DMPF is permitted to operate 24 hours per day, 7 days per week. It is anticipated that for this project, material processing operations will occur over a single 8-hour shift work day.

2.2.6 Stabilized Dredged Material Storage

The processed dredged material will be contained within the stockpile/storage area at the DMPF. This will be the primary storage and staging area for PDM after processing and prior to shipment off site from DMPF for disposal.

2.2.7 Processed Dredge Material Loading Operations

The PDM is anticipated to be stockpiled for a limited time at the DMPF (up to 96 hours) until subsequent re-loading onto commercial transport trucks. The PDM will then be trans-loaded by loaders or hydraulic excavators into transport vehicles for over-the-road transportation to one or more off-site disposal facilities in accordance with the Specifications.

To mitigate the potential for cross-contamination and/or tracking of processed dredged materials onto roadways, vehicles will be loaded adjacent to the temporary staging area. All vehicles will be inspected to ensure that tires are clean (and cleaned as necessary) before they are allowed to exit the facility. Additionally, soil erosion and sediment control (SESC) measures are in place at the facility including improved roadways and tracking pads.

CEDT has the capability to load up to 4,000 tons per day of PDM onto the vehicles per work day at the DMPF facility, assuming a single shift operation, given appropriate advance notice and scheduling.

Loading will take place from 6:00 a.m. to 3:00 pm, Monday to Saturday, each week. Sundays and night hours are possible with advance scheduling and notice.

3.0 DISPOSAL FACILITIES

Based upon the existing sediment analytical results for nearby locations in Newtown Creek, all dredged material generated from the SWPH project can be managed through the Clean Earth Claremont DMPF processing site. Upon receipt of the sediment data for the planned sediment waste disposal characterization sample testing, the data will be reviewed by Clean Earth to confirm that the proposed facilities can accept the dredge material.

At least 30 days prior to the start of the dredging, National Grid will notify NYSDEC of the intended location for dredge material off-site processing and disposal. Notification will be sent to NYSDEC Division of Marine Resources via email at DMR.R2@dec.ny.gov (Attention: Justin Falls).

Sorted debris will be segregated to the extent practicable at the DMPF and shipped off site as non-hazardous waste to the following disposal facility:

- Waste Management, Inc. Fairless Landfill
1000 New Ford Mill Road
Morrisville, PA 19067
Permit ID#101699
(215) 736-1700

The permit for the debris disposal facility is included as Appendix D.

Dredged sediment will be disposed of at one of the following Clean Earth facilities depending on the final sediment sample waste characterization results:

- PA Clean Fill Sediment– Clean Earth of Bethlehem, Bethlehem, PA:
 - Non-TSCA, Non-RCRA regulated material meeting PA Clean Fill Concentration Limits (CFCLs) allowing permitted beneficial use in PA. Facility permit for the Clean Earth of Bethlehem site is included as Appendix E.
- PA Regulated Fill Sediment –Clean Earth of Bethlehem, Bethlehem, PA:
 - Non-TSCA, Non-RCRA regulated material meeting PA Regulated Fill Concentration Limits (RFCLs) allowing permitted beneficial use in PA.
- RCRA Lead/TSCA Sediment – Clean Earth of North Jersey, Kearny, NJ:
 - RCRA/TSCA regulated sediment must be <1,000 ppm PCB's; No Underlying Hazardous Constituents (UHC's) >10X treatment standard. Facility permit for the Clean Earth of North Jersey site is included as Appendix F.
- RCRA Metals Sediment (non-TSCA) – Clean Earth of North Jersey, Kearny, NJ:
 - Disposal Code ST-S-02-4, Characteristic metals (D004-D011 not including Hg D009), TCLP >50 mg/L and <100 mg/L; No UHC's >10X treatment standard.
 - Disposal Code ST-S-02, Characteristic metals (D004-D011 not including Hg D009), TCLP <25 mg/L; No UHC's >10X treatment standard.

- Thermal Treatment of MGP Impacted Sediment - Clean Earth of Southeast Pennsylvania, Morrisville, PA:
 - MGP Impacted Material and Urban Fill for thermal treatment and beneficial use as daily landfill cover. Facility permit for the Clean Earth of Southeast Pennsylvania is included as Appendix G.

General Note: Should the analytical results from waste characterization testing of the sediment indicate the material is not acceptable at any of the listed proposed facilities, an alternate National Grid environmentally approved facility will be proposed at that time.

4.0 LOADING AND TRANSPORTATION

CEDT will load trucks directly from the stockpiled materials. Transportation services will be provided by Clean Earth using its third-party fleet of transportation companies. Permitted/licensed waste transporters/haulers will be used to transport processed dredged material and segregated debris from the DMPF to the intended disposal facility. All processed material and debris will be shipped directly from the DMPF to the disposition facilities described in Section 3.0.

Loading and transportation procedures are as follows:

- Trucks shall be inspected upon arrival to the DMPF to ensure that they are arriving clean and have current New Jersey Department of Transportation (NJDOT) permits.
- The hauler will secure the cover after loading is complete and prior to leaving the loading site. The cover will be secured and remain in place until the container has reached the disposal facility.
- Prior to leaving the Site, trucks shall be inspected to assure that excess material has not adhered to the outside of the truck. If needed, trucks will be cleaned, including washing tires and undercarriages to remove any excess adhered soil/sediment prior to leaving the DMPF.
- Movement of the material by the transporter will be performed Monday through Friday during normal daytime business hours to the approved disposal facilities only.
- Transporters will use approved truck routes to transport the materials from the DMPF to the expressways. In route, transporters will use interstate or officially approved truck routes to the maximum extent possible. To the extent possible and in conformance with all applicable regulations, all vehicles will be routed away from residential and environmentally sensitive areas.
- Each disposal facility gate/weight ticket (billing document/manifest) shall include the following information:
 - Disposal facility name, address, and phone number
 - Site of material source
 - Scale ticket number
 - Associated manifest number
 - Truck license plate number
 - Trailer license plate number
 - Transporters name (Company Name)
 - Gross, net and tare weight of the load
- A copy of the manifest/ticket form for each load, and copies of all disposal facility scale tickets will be submitted to the dredging contractor, BCU, and National Grid on a bi-weekly basis.

5.0 COMMUNITY AIR MONITORING PLAN

The following Community Air Monitoring Plan (CAMP) will be implemented during excavations and material handling on the Greenpoint Energy Center Site to facilitate sediment intrusive activities. Sediment intrusive activities include, but are not limited to, sediment dredging, sediment handling, and the hopper barge collection of sediment. The following presents the planned air monitoring and response activities.

5.1 Volatile Organic Compounds

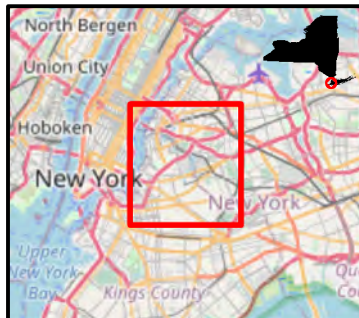
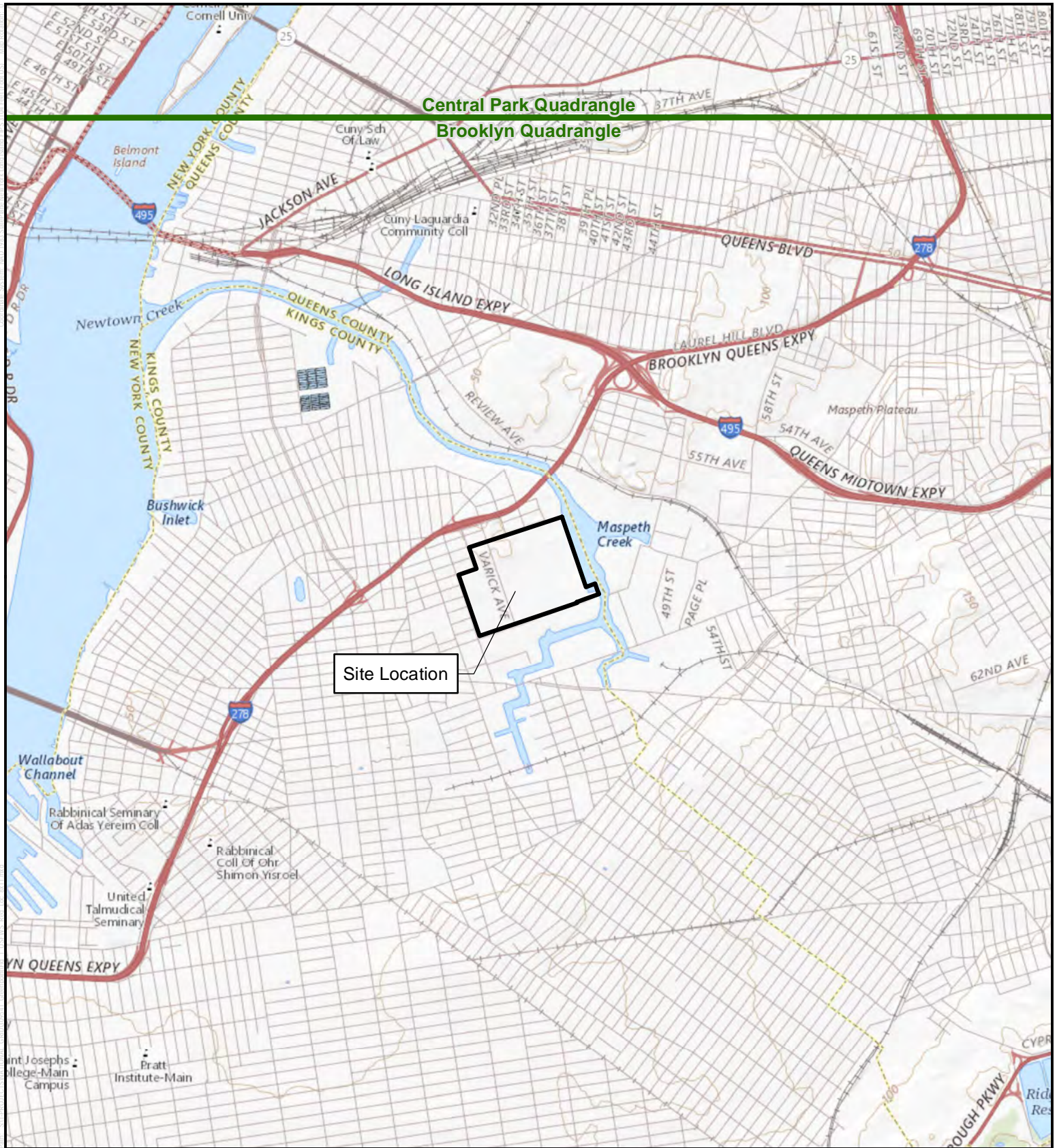
Volatile organic compounds (VOCs) must be monitored by National Grid at the downwind perimeter of the immediate work area on the Greenpoint Energy Center Site (i.e., the exclusion zone) on a continuous basis or as otherwise specified. Upwind concentrations should be measured at the start of each workday and periodically thereafter to establish background conditions, particularly if wind direction changes. The monitoring work should be performed using equipment appropriate to measure the types of contaminants known or suspected to be present. The equipment should be calibrated at least daily for the contaminant(s) of concern or for an appropriate surrogate and throughout the day as deemed necessary. The equipment should be capable of calculating 15-minute running average concentrations, which will be compared to the levels specified below.

- If the ambient air concentration of total organic vapors at the downwind perimeter of the work area or exclusion zone exceeds 5 parts per million (ppm) above background for the 15-minute average, work activities must be temporarily halted and monitoring continued. If the total organic vapor level readily decreases (per instantaneous readings) below 5 ppm over background, work activities can resume with continued monitoring.
- If total organic vapor levels at the downwind perimeter of the work area or exclusion zone persist at levels in excess of 5 ppm over background but less than 25 ppm, work activities must be halted, the source of vapors identified, corrective actions taken to abate emissions, and monitoring continued. After these steps, work activities can resume provided that the total organic vapor level 200 feet downwind of the exclusion zone or half the distance to the nearest potential receptor or residential/commercial structure, whichever is less – but in no case less than 20 feet, is below 5 ppm over background for the 15-minute average.
- If the organic vapor level is above 25 ppm at the perimeter of the work area, activities must be shutdown.
- All 15-minute readings must be recorded and be available for State (NYSDEC and NYSDOH) personnel to review. Instantaneous readings, if any, used for decision purposes, should also be recorded.

The location of air sampling stations will be based on generally prevailing wind conditions and will be task specific. These locations will be adjusted on a daily or more frequent basis based on actual wind directions to provide an upwind and at least one downwind monitoring stations. Additional downwind stations will be added as necessary based on the size of the project.

Exceedances of total organic vapor action levels listed will be reported by National Grid to NYSDEC.

Figures



LEGEND

- SITE BOUNDARY
- USGS 24K QUADRANGLE

1. BASEMAP FROM USGS TOPOGRAPHIC QUADS, THE NATIONAL MAP GIS SERVICE

0 1,500 3,000
1" = 3,000'

PROJECT: **GREENPOINT ENERGY CENTER
NEW SALT WATER PUMP HOUSE PROJECT
BROOKLYN, KINGS COUNTY, NEW YORK**

TITLE: **REGIONAL SITE LOCATION MAP**

DRAWN BY: D. SWEENEY	PROJ NO.: 309641.0000
CHECKED BY: V. MITCHELL	
APPROVED BY: K. MCCORMICK	
DATE: JUNE 2020	

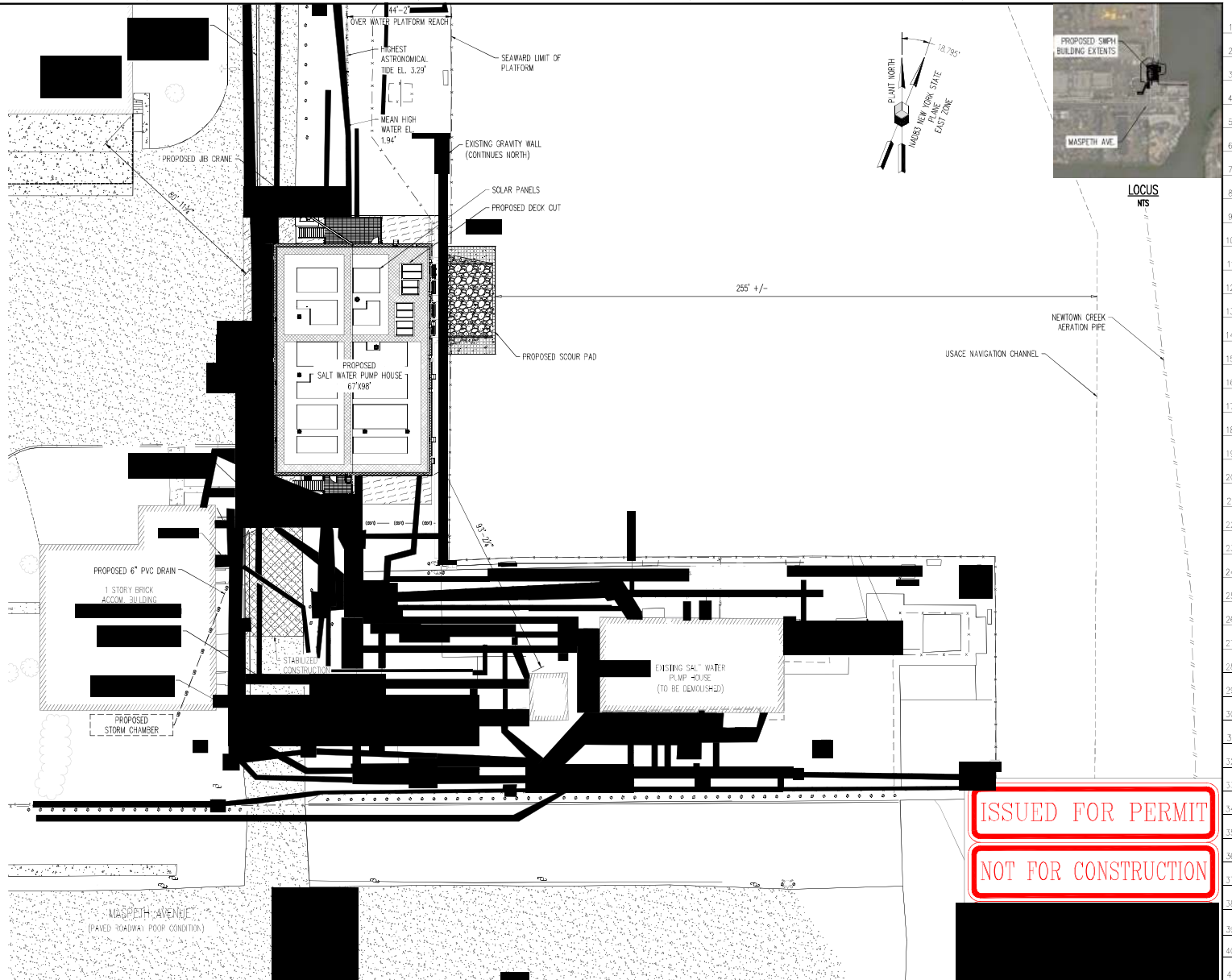
FIGURE 1

1090 UNION ROAD
WEST SENeca, NY 14224

Appendices

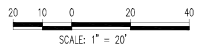
Appendix A

- GENERAL NOTES:
- COORDINATES AND BEARINGS SHOWN ARE IN REFERENCE TO THE NEW YORK STATE PLANE COORDINATE SYSTEM, EAST ZONE NAD83. ELEVATIONS ARE IN REFERENCE TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
 - FINISHED GRADE WITHIN BUILDING EXTENTS WILL BE TOPPED WITH CRUSHED STONE.
 - PAVEMENT REMOVED FOR THE PLACEMENT OF THE STABILIZED CONSTRUCTION ENTRANCE SHALL BE RESTORED UPON PROJECT COMPLETION.
 - REFER TO SHEETS A-100 THROUGH A-103 FOR EXTERIOR ELEVATION VIEWS.



This document has been redacted for Critical Energy/Electric Infrastructure Information (CEII) in accordance with 18 CFR 388.113, Date 12/6/23

ISSUED FOR PERMIT
NOT FOR CONSTRUCTION



COMPANY	DWG. NO.	REFERENCE DRAWINGS	NO.	DATE	REVISIONS	BY	CHKD.	APP.
CORNERSTONE ENERGY SERVICES	20186-A-100	E) TERIOR ELEVATION - NORTH	A	09/21/23	ISSUED FOR 30% REVIEW	RMS	SDM	DAT
CORNERSTONE ENERGY SERVICES	20186-A-101	E) TERIOR ELEVATION - SOUTH	B	11/20/23	ISSUED FOR PERMIT	JCT	PWS	DAT
CORNERSTONE ENERGY SERVICES	20186-A-102	E) TERIOR ELEVATION - EAST	C	11/20/23	ISSUED FOR PERMIT	DML	PWS	DAT
CORNERSTONE ENERGY SERVICES	20186-A-103	E) TERIOR ELEVATION - WEST	D	12/07/23	ISSUED FOR PERMIT	DML	PWS	DAT
			E	01/12/24	ISSUED FOR 60% REVIEW	JSM	PWS	DAT
			F	05/20/24	ISSUED FOR PERMIT	DML	PWS	DAT
			G	03/18/22	ISSUED FOR 60% REVIEW	DML	MAM	DAT
			H	06/19/22	ISSUED FOR PERMIT	DML	MAM	DAT

PROFESSIONAL ENGINEERING SERVICES IN NYS SUPPLIED BY ENERGY INFRASTRUCTURE ENGINEERING, DPC

NATIONAL GRID
GREENPOINT SALTWATER PUMP HOUSE
SITE PLAN

BROOKLYN, NY

DWG. NO. 20186-C-002.00

SCALE: 1" = 30'

Appendix B



PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
CLEAN WATER OF NEW YORK INC

3249 RICHMOND TER
PO BOX 030312
STATEN ISLAND, NY 10303-0312
(718) 981-4600

Facility:
CLEAN WATER OF NEW YORK WASTE OIL
REPROCESSING AND STORAGE FACILITY
3249 RICHMOND TER
STATEN ISLAND, NY 10303-0312

Facility Location: in RICHMOND COUNTY **Village:** Staten Island
Facility Principal Reference Point: NYTM-E: 570.505 NYTM-N: 4499.215
Latitude: 40°38'26.8" Longitude: 74°09'58.3"

Project Location: 3249 Richmond Terrace, Staten Island, NY 10303-0312

Authorized Activity: Operation of a waste oil reprocessing and storage facility with the following throughput limits:

- 1) Reprocessed recovered fuel oil: 9,000,000 gallons per year;
- 2) Tank bottom sludge and treatment residuals: 1,000 cubic yards per year; and
- 3) Effluent discharges from treatment of tank-cleaning and other oily wastewaters: 250 gallons per minute.

Permit Authorizations

Solid Waste Management - Under Article 27, Title 7

Permit ID 2-6401-00065/00003

Renewal

Effective Date: 5/23/2023

Expiration Date: 5/22/2028

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: STEPHEN A WATTS, Regional Permit Administrator

Address: NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY 11101 -5401

Authorized Signature: _____

Date 05 / 23 / 2023

Stephen A Watts III

Digitally signed by Stephen A
Watts III
Date: 2023.05.25 13:09:29 -04'00'



Permit Components

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

SOLID WASTE MANAGEMENT PERMIT CONDITIONS

1. Applicable DEC Regulations All work and activities authorized by this permit shall comply with all of the applicable provisions of 6 NYCRR Part 360 (Solid Waste Management Regulations) and 6NYCRR Subpart 374-2 (Standards for the Management of Used Oil). By acceptance of this permit, the Permittee agrees that this permit is contingent upon strict compliance with the ECL, all applicable regulations, and the General Conditions and Special Conditions included herein.

2. Conformance With Plans All activities authorized by this permit must be in strict conformance with the permit application, plans and materials prepared by D&B Engineers and Architects consulting engineers for Clean Water of NY, Inc. on the dates as specified in permit condition "Conformance with Plans - Addenda".

3. Conformance with Plans - Addenda In addition to plans referenced in the Condition titled "Conformance with Plans," the activities authorized by this permit must be in strict conformance with the following approved plans and/or submissions made as part of the permit application:

Clean Water of NY Oil Reprocessing and Storage Facility Staten Island, New York
Application For Renewal of 6 NYCRR Part 360 Permit to Operate, dated as revised December 2022, including:

- a. Clean Water of New York, Integrated Contingency Plan, dated July 2022.
- b. Clean Water of New York Vessel Response Plan Tank Barges, dated as Revised July 2022

However, if any portion of such documents conflict with any permit provision, that contrary portion shall not supersede the permit provision.

4. Minor Permit Modifications (Facility Alterations not Requiring Permit Modifications)

- a. Except as provided in subparagraph (b) and (c) of this Special Condition, any proposed change, including but not limited to one that would: (i) affect the hours of facility operation; or (ii) increase the volume(s) or vary the type(s) of any waste accepted at the facility; or (iii) increase the parking or queuing of vehicles associated with the subject facility; or (iv) increase the physical extent of the facility; or (v) increase the transportation, noise, odor, dust, or other impact of the facility, requires prior written authorization from the Department in the form of a new permit or modification of the existing permit. No such change is to be initiated unless and until first obtaining such permit or permit modification.



- b. Any proposal for a change that would be a minor alteration of the facility's physical plant or its operation may be submitted to the Department in accordance with the procedure in 3c. below. All proposals are subject to Department approval before their initiation.
- c. No less than 30 days before the Permittee's proposed initiation of any minor physical or operational change(s) to the subject facility, the Permittee must provide written notice, in duplicate, to the Regional Solid Materials Engineer (the DEC Engineer) and the Regional Permit Administrator. Such notice must include the following: (i) a revised facility site plan, process flow diagram, or other detailed drawing(s), as appropriate, specifically illustrating such change(s) and (ii) a letter which (a) details such change(s); (b) amends the Permittee's Engineering Report or other material, as appropriate; and (c) identifies the Permittee's proposed date to initiate such change(s). The Permittee must not initiate any such change(s) prior to obtaining written approval from the Department. notwithstanding the foregoing, the Department reserves the right to deny or modify the Permittee's requested change or to require that it be subjected to a full permit application or permit modification process.

5. Financial Assurance For the duration of this active permit, the Permittee must maintain a surety bond or letter of credit for \$1,000,000.00, acceptable to the Department (NYSDEC) in accordance with 6NYCRR § 360-22, as periodically amended by the Permittee at the direction of the Department. This surety bond or letter of credit for the amount and form determined acceptable to the Department must be executed and submitted to the Regional Materials Management Engineer within forty-five (45) days of this permit issuance date.

As per Part 373-2.8(d)(2)(iii) and (3)(iii), the acceptable financial instrument ultimately shall be held in a standby trust account. The standby trust account must be maintained for the duration of this permit. Therefore, the Permittee shall, also within forty-five (45) days of this permit issuance date, submit an acceptable and executed Standby Trust Agreement to the Regional Materials Management Engineer.

6. Solid Waste Disposal Except as specified below, the Permittee must send solid waste only to the solid waste disposal facilities identified in the document(s) cited in Special Condition Conformance with Plans - Addenda, above.

Each such disposal facility must have the state permit required to dispose of solid waste. Within 10 days following the issuance of a new, renewed, or modified state permit required to operate any such disposal facility, the Permittee must submit to the DEC Engineer, in duplicate, a complete copy of the renewal or extension of such permit. If the Permittee fails to submit such copy, or if, for any reason, any such disposal facility loses any governmental authorization required for its operation (including but not limited to failure to renew permit, permit suspension, permit revocation, facility closure, cessation of operations, or facility abandonment), the Permittee must immediately cease sending solid waste to such facility, and must notify the DEC Engineer of such cessation and the reason(s) for same.



For each additional disposal facility, to which the Permittee seeks to send solid waste, the Permittee must submit the following data to the DEC Engineer: (a) a complete copy of each state authorization required to operate the disposal facility and (b) a letter from the operator of the disposal facility stating the amount of solid waste it would accept from the Permittee, and any conditions it places on such acceptance. Each such additional disposal facility must be approved by the DEC Engineer in writing. For each disposal facility, to which the Permittee seeks to stop sending solid waste, the Permittee must submit written notification to the DEC Engineer.

7. Monitor Provision

- a. The Permittee must fund the environmental monitoring services performed by the Department related to the operation of the subject facility. These monitoring services and associated requirements include, but are not limited to inspections, compliance monitoring, enforcement, preparation for and attendance at meetings, preparation and analysis of documents, and the equipment and supplies used to support these monitoring services.
- b. Funds necessary to support the subject monitoring services must be provided to the Department by the Permittee on an annual basis. The sum to be provided must be based on the cost of the Department's annual environmental monitoring services of the subject facility, and is subject to annual revision. Said annual payments must be made by the Permittee as long as the subject facility is being constructed or operated under the terms of this permit, or until the monitoring requirement no longer exists, whichever comes first.
- c. The Permittee shall be billed for the subject environmental monitoring services annually, each fiscal year, beginning on April 1. If this permit is effective subsequent to April 1, the Permittee may be billed for an amount sufficient to meet the anticipated cost of monitoring the subject facility through the end of the current fiscal year.
- d. The Department may revise the subject required payment on an annual basis to include all of the Department's costs associated with monitoring services. The annual revision may take into account such factors as inflation, salary increases, changes in operating hours and procedures, and an increase or decrease in the amount of monitoring necessary. Upon written request by the Permittee, the Department shall provide the Permittee with a written explanation of the basis for any such revision. If such a revision is required, the Department will notify the Permittee of the pending revision no less than 60 days in advance of the effective date of the revision.
- e. Prior to making its annual payment, the Permittee will receive, and have an opportunity to review, an annual work plan of the monitoring services that the Department will undertake during the following year.
- f. Payments must be in advance of the period in which they will be expended, and must be made within 30 days of receiving a bill from the Department. Payments shall be addressed to: NYS DEC, Bureau of Revenue Accounting (10th Floor), 625 Broadway, Albany, NY 12233-5012, Attn: Bureau Chief of Revenue Accounting.
- g. Failure to make the required payments shall be a violation of this Permit. The State reserves all rights to take appropriate action to enforce the above-described payment provisions.



8. Allowable Waste Materials Permittee may accept the following wastes delivered by barge, truck and drums.

Category A – Oil/Water mixture and its residue from the cleaning, by the Butterworth method, of virgin oil tank barges.

Category B – The bilge/ballast water and oil mixtures, as well as the residue of such, from ships or vessels.

Category D – Non-hazardous; used engine lubricating oil, contaminated fuel oil, lube/hydraulic oil, transmission fluid, gear oil, non-PCB dielectric fluid, emulsified cutting oil, non-emulsified cutting oil, distressed oil, tank bottoms – fuel oil, tank bottoms – other, vegetable oil from industrial sources, mineral oil from industrial sources, water contaminated with oil, tar and asphalt originating from the vessel/tank cleaning operations and synthetic lube oils and castor oil.

Category E – Under this category, permittee may accept nonhazardous oil-soaked debris. If this material is directly related to Category A, B, or D material that is being delivered to the facility and the same waste has undergone pre-qualification analysis, additional testing is not required. In other cases pre-qualification analysis testing consisting of total halogens, RCRA metals (arsenic, cadmium, chromium, lead) must be conducted prior to the acceptance of the material. In addition, if the waste shipment originates from a utility, it must be screened for PCBs. Category E waste must be sent to any of the department approved disposal facilities. A record of how the hazardous waste determinations were made and who made them must be maintained for at least seven (7) years at the facility office.

Before any of the waste Categories A, B or D may be accepted, permittee must have a representative sample tested by the Clor-D-Tect Kit Test for total halogens. The same sample must also be tested by the Pensky-Martens Closed Cup Tester, Materials Standard D-93-79 or D-93-80, for flash point. Each separate chamber of every multi-compartmented truck must be sampled, tested and analyzed separately. All strata of a vertical column within each tank or compartment must be sampled into a container using a coliwasa or other acceptable method in accordance with 6 NYCRR Part 370.1 (e): Samples obtained from each compartment or tank must not be mixed for the purposes of determining total halogens and flash point. Mixing of samples is allowed if they are obtained from a single truck or vessel and will be used in the 5% independent analysis as specified below, unless screening tests indicate that one or more compartments has halogens in excess of 1,000 ppm or a flash point less than 100 deg F. If the level of halogens is found to be in excess of 1,000 ppm, the waste must not be accepted, and permittee must follow the procedures for unauthorized material. Permittee may choose to rebut the presumption of hazardous waste by following the procedures described in 6 NYCRR Part 374.2. If the flash point is below 100°F, the load must be rejected by permittee. In the event permittee or employees of permittee have knowledge that a waste oil load or a portion of a waste oil load originates from a utility, such load must be pre-screened for hazardous concentrations of PCBs before it may be accepted into the facility. Copies of said pre-screening test results must be maintained at the facility as part of permittee's operational records.

Because the screening or analysis for halogens for Category A, B, and D wastes will not be routinely conducted by an independent testing laboratory licensed by New York State (ELAP lab) and found acceptable by DEC, random samples must be taken, and tests made, on a minimum of five (5) percent of all incoming loads. The frequency of such testing must be as follows:



SAMPLING & TESTING OF INCOMING LOADS BY A DEPARTMENT ACCEPTABLE LABORATORY (ELAP)

	Total Halogens	Flash Point	TCLP Metals	PCBs
CATEGORY A	5%	5%	—	—
CATEGORY B	5%	5%	—	—
CATEGORY D	5%	5%	5% As, Pb, Cd, Cr	5%

Aside from the allowable solid waste materials described in Category A, B, D and E, permittee is strictly prohibited from accepting, storing, and processing any other types of solid waste.

9. Record Keeping Permittee must maintain and have available for inspection at all times an operating record of incoming and outgoing loads of used oil and all other waste materials. This record must, at a minimum, include the name and addresses of each originating facility, vessel, and vessel owner, date of shipment, quantity shipped, and pre-screening test results. Copies of all invoices and manifests must be, maintained at the facility by permittee for a minimum of seven (7) years. In addition, records of inspections by DEC or any other government agency, and records of spills or other emergencies, and remedial actions taken, must be maintained by permittee at the facility office.

Permittee must maintain a log for each sludge storage drum at the facility recording the time and date of the filling of each drum with sludge. Permittee must also record the time, date, hauler, quantity, and final disposal facility of the sludge in each drum or other container when it is hauled away from the facility.

10. Oil Tank Sludge Sampling At least twice per year, random samples must be taken by permittee of sludge intended for disposal. Such sludge shall be tested by an independent testing laboratory licensed by New York State and acceptable to DEC for hazardous waste characteristics and the results sent to the DEC Region 2 Solid Materials Engineer. Such laboratory must be ELAP certified.

11. Unauthorized Waste

- a. If, during the course of performing the screening tests or analyses, the permittee finds that an inbound load is unacceptable due to findings of less than 100°F flashpoint, greater than 1,000 ppm total halogens, greater than 2 ppm PCB's, or if the load is determined to be a characteristic hazardous waste, then the permittee must make a record of that incident including, at a minimum, the time and date of the incident, the screening test results, the quantity of material, location of material, and how the responsible party stated it would properly dispose of the unacceptable material.
- b. If, unauthorized material is received at the facility the Permittee shall, within 72-hours of receipt, contact the Regional Solid Materials Engineer with a notice (including but not limited to email) detailing (a) the date and time such unauthorized waste was discovered, (b) where and how such waste is secured, (c) the amount of such waste, (d) the identification of such waste (if known), (e) if applicable why such waste cannot be so removed from the facility within the 72-hour deadline, and (f) when and how such waste shall be so removed from the facility.

12. Rebuttal Process If the level of total halogens is found to be in excess of 1,000 ppm, the waste may be accepted by permittee only as stipulated in NYCRR 374-2.2(a)(2)(i)(b) and the permittee receives notification from DEC that the analytical results indicate the waste is not considered to be hazardous.

13. Waste Unloading Locations Acceptable waste which is delivered by truck may only be off-loaded at the Storage Warehouse or Load/Unload areas as outlined in the facility's site plan (Figure 2-3) of the Engineering Report cited in Special Condition Conformance with Plans - Addenda above.



14. Loading and Unloading Operations The Storage Warehouse or Load/Unload areas as shown on the facility's site plan, Figure 2-3, of the Engineering Report cited in permit condition Conformance with Plans - Addenda, above, must be continuously inspected by permittee. If any liquids are found in the Storage Warehouse or Load/Unload areas, caused by either rain or spillage, they must be collected, and the Storage Warehouse or Load/Unload areas cleaned during the same day such liquid is observed. Permittee must either dispose of the material recovered from the Storage Warehouse or Load/Unload areas or put such material into the facility's processing system for treatment. Permittee must keep at least ten (10) bags of absorbent within close proximity of these areas.

15. Marketing of Recovered Used Oil The Permittee's outgoing reprocessed used fuel oil must be determined to be on-specification as per 374-2.2(b) before it can be marketed as on-specification used fuel oil. Otherwise, permittee may only market its reprocessed oil as off-specification oil to duly authorized industrial users.

16. Sludge Storage Any sludge removed from waste oil tanks/barges, must be stored in sealed drums or the leak proof dumpster placed at the Load/Unload area or in the storage warehouse as outlined in the facility's site plan (Figure 2-3) of the Engineering Report cited in permit condition Conformance with Plans - Addenda above. No more than sixty (60) cubic yards of such sludge may be stored at the facility at any time. Within ninety (90) days of its placement in the storage warehouse area, sludge must be shipped to one or more of the pre-approved disposal facilities.

17. Best Management Practices The permittee shall employ the industry's most current Best Management Practices for conducting operations at the facility, and must get approval from the Department whenever any new procedure is to be adopted.

18. TSCA Used oil containing any quantifiable level of PCB's may be subject to the requirements of 40 CFR 761.20(e).

19. PCB Sampling of Cargo Hold Tanks PCB Sampling of Cargo Hold Tanks Prior to emptying into on-site storage vessels the contents of each cargo hold tank are to be analyzed for PCB's. The contents of each cargo hold tank will only be transferred for further processing and blending, if the PCB content is less than 2 ppm.

20. Identifying Originating Sources Permittee shall identify the originating sources, of each truck load, that is brought to the facility before unloading for processing.

21. Submission Requirements Unless otherwise accepted by the DEC Engineer, the Permittee's submission to the Department must conform to 6 NYCRR Part 360.6(a) and to the following requirements. Each submission must comprise a "hard copy" and a digital version. In addition, the hard copy must be accompanied by an electronic version of the document in a searchable PDF format. Engineering Reports should include a sleeve containing a searchable PDF copy of the report and related documents on a CD/USB.

The CD/USB must contain a searchable PDF file for each separately bound volume of the report, each large-format drawing, and any cover letter. For those documents prepared by a professional engineer, appropriate portions of the document must display the engineer's seal and signature (e.g., the report's cover and the report's large-format drawings). The engineer's seal and signature must be reflected on the applicable searchable PDF files located on the CD/USB. In addition, each searchable PDF file on the CD/USB should be named to reflect its content (e.g., "Facility Name" Engineering Report, "Site Plan" Drawing No 1, Cover Letter, etc.).



22. Separate Submission Renewal applications shall be submitted separately from permit modification applications. The Permittee must submit a renewal application at least 180 days before permit expiration for Solid Waste Management Facilities.

23. Facility Operator Change The Permittee must not change facility operator unless and until the Permittee: (a) submits a request to the Department; (b) submits any additional information requested by the Department as it pertains to the proposed new operator; and (c) receives the Department's written approval of such change.

24. Emergency Event Notification In the case of each of the following events: (i) a fatality or injury on-site; (ii) a fire, explosion, or other significant event which affects facility operation; (iii) the activation of the facility's alarm system; or (iv) an unscheduled closure of the subject facility exceeding 24 hours, the Permittee must take the following steps, as appropriate. The Permittee must, within one hour following such event, send the DEC Engineer a telephone message (at 718-482-4996) and an e-mail message (to r2dmm@dec.ny.gov) with the following information:

(a) the name and address of the facility where the event occurred; (b) the date, time, and nature of the event; and (c) the name and phone number of a facility staff person the Department can contact regarding such event.

Regardless of the time of the event, before noon on the first business day following the event, the Permittee must, in addition, e-mail a statement to the DEC Engineer with the following information: (a) the name and address of the facility where the event occurred, (b) the date, time, and specific location of the event; (c) the circumstances leading up to the event, (d) an adequately detailed description of the subject event; (e) an explanation of how the event was handled; (f) an explanation of the steps that the Permittee shall take to avoid and/or better handle such an event; and (g) the name and phone number of a facility staff person the Department can contact regarding such event.

25. Control Site Access Access to and use of the facility shall be controlled by fencing, gates, and signs. A sign posted at all access points shall state the hours of operation and the types of waste accepted by the facility.

26. Compliance with Other Regulatory Requirements The Permittee is responsible for obtaining any other permits, approvals, lands, easements, and rights-of-way that may be required for the subject work. The Permittee and its independent contractors, employees, agents, and assigns must comply with all applicable local, State, and federal statutory, regulatory, and legal requirements.

27. NYC Waterfront Revitalization Program If not otherwise certified in accordance with Title 19, Part 600.4 (c) of the New York Code of Rules and Regulations, the Department hereby certifies that the action described and approved in this permit, if located within the Coastal Zone, is consistent to the maximum extent practicable with the policies and purposes of the New York City Waterfront Revitalization Program.

28. Wetland Protection All necessary precautions must be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate, or any other environmentally deleterious materials associated with the project. The use of creosote-treated lumber to construct or maintain the physical plant of the subject facility is prohibited.



GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. Facility Inspection by The Department The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. Relationship of this Permit to Other Department Orders and Determinations Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. Applications For Permit Renewals, Modifications or Transfers The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 2 Headquarters
47-40 21st St
Long Island City, NY11101 -5401

4. Submission of Renewal Application The permittee must submit a renewal application at least 180 days before permit expiration for the following permit authorizations: Solid Waste Management.

5. Permit Modifications, Suspensions and Revocations by the Department The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;



- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. Permit Transfer Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT

PART 364
WASTE TRANSPORTER PERMIT NO. 2A-531

Pursuant to Article 27 ,Titles 3 and 15 of the Environmental Conservation Law and 6 NYCRR 364

PERMIT ISSUED TO:

WILLIAM J. LAUER CORPORATION
3249 RICHMOND TERRACE
STATEN ISLAND, NY 10303

PERMIT TYPE:

NEW
 RENEWAL
 MODIFICATION

CONTACT NAME: RALPH DUCA/JAKE SEVERINI
COUNTY: RICHMOND
TELEPHONE NO: (718)981-8500

EFFECTIVE DATE: 01/24/2024
EXPIRATION DATE: 01/23/2025
US EPA ID NUMBER: NYR000157644

AUTHORIZED WASTE TYPES BY DESTINATION FACILITY:

The Permittee is Authorized to Transport the Following Waste Type(s) to the Destination Facility listed :

Destination Facility	Location	Waste Type(s)	Note
ADVANCED DISPOSAL GREENTREE LANDFILL, LLC	KERSEY , PA	Non-Hazardous Industrial/Commercial Petroleum Contaminated Soil	
ADVANCED ENVIRONMENTAL RECYCLING ALLENTOWN , PA CO, LLC.		Non-Hazardous Industrial/Commercial Hazardous Industrial/Commercial	
BAYSHORE RECYCLING	WOODBRIIDGE , NJ	Non-Hazardous Industrial/Commercial Petroleum Contaminated Soil	
CLEAN EARTH OF NORTH JERSEY	KEARNY , NJ	Non-Hazardous Industrial/Commercial Asbestos Petroleum Contaminated Soil Hazardous Industrial/Commercial	
Clean Water of New York Inc	Staten Island , NY	Non-Hazardous Industrial/Commercial Petroleum Contaminated Soil Waste Oil	
Clear Flo Technologies Inc	Lindenhurst , NY	Non-Hazardous Industrial/Commercial	
CYCLE CHEM (NJ)	ELIZABETH , NJ	Non-Hazardous Industrial/Commercial Hazardous Industrial/Commercial Waste Oil	
FAIRLESS LANDFILL (PA DEP 101699)	MORRISVILLE , PA	Non-Hazardous Industrial/Commercial	
MILLER ENVIRONMENTAL GROUP	WOODSTOWN , NJ	Non-Hazardous Industrial/Commercial Hazardous Industrial/Commercial	

*** AUTHORIZED WASTE TYPES BY DESTINATION FACILITY LISTING (continued on next page) ***

NOTE: By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the Environmental Conservation Law, all applicable regulations, and the General Conditions printed on the back of this page.

ADDRESS:

New York State Department of Environmental Conservation
Division of Materials Management - Waste Transporter Program
625 Broadway, 9th Floor
Albany, NY 12233-7251

AUTHORIZED SIGNATURE: Laura Stevens Digitally signed by Laura Stevens
Date: 2023.10.30 13:27:03 -04'00' Date: ____/____/____

WASTE TRANSPORTER PERMIT

GENERAL CONDITIONS

The permittee must:

1. Carry a copy of this waste transporter permit in each vehicle to transport waste. Failure to produce a copy of the permit upon request is a violation of the permit.
2. Display the full name of the transporter on both sides of each vehicle and display the waste transporter permit number on both sides and rear of each vehicle containing waste. The displayed name and permit number must be in characters at least three inches high and of a color that contrasts sharply with the background.
3. Transport waste only in authorized vehicles. An authorized vehicle is one that is listed on this permit.
4. Submit to the Department a modification application for additions/deletions to the authorized fleet of vehicles. The permittee must wait for a modified permit before operating the vehicles identified in the modification application.
5. Submit to the Department a modification application to add a new waste category or a new destination facility, or to change the current waste or destination facility category. The permittee must wait for a modified permit before transporting new waste types or transporting to new destination facilities.
6. Submit to the Department a modification application for change of address or company name.
7. Comply with requirements for placarding and packaging as set forth in New York State Transportation Law as well as any applicable federal rules and regulations.
8. Contain all wastes in the vehicle so there is no leaking, blowing, or other discharge of waste.
9. Use vehicles to transport only materials not intended for human or animal consumption unless the vehicle is properly cleaned.
10. Comply with requirements for manifesting hazardous waste, regulated medical waste, or low-level radioactive waste as set forth in the New York State Environmental Conservation Law and the implementing regulations. Transporters who provide a pre-printed manifest to a generator/shipper/offeror of regulated waste shall ensure that all information is correct and clearly legible on all copies of the manifest.
11. Deliver waste only to transfer, storage.. treatment and disposal facilities authorized to accept such waste. Permittee must demonstrate that facilities are so authorized if requested to do so.
12. Maintain liability insurance as required by New York State Environmental Conservation Law.
13. Maintain records of the amount of each waste type transported to each destination facility on a calendar-year basis. The transporter is obligated to provide a report of this information to the Department at the time of permit renewal, or to any law enforcement officer, if requested to do so.
14. Pay regulatory fees on an annual basis. Non-payment may be cause for revocation or suspension of permit.
15. This permit is not transferrable. A change of ownership will invalidate this permit.
16. This permit does not relieve the permittee from the obligation to obtain any other approvals or permits, or from complying with any other applicable federal, state, or local requirement.
17. Renewal applications must be submitted no less than 30 days prior to the expiration date of the permit to:

New York State Department of Environmental Conservation
Division of Materials Management, Waste Transporter Program
625 Broadway, 9th Floor
Albany, NY 12233-7251

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
DIVISION OF MATERIALS MANAGEMENT

PART 364
WASTE TRANSPORTER PERMIT NO. 2A-531

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PERMIT ISSUED TO:

WILLIAM J. LAUER CORPORATION
3249 RICHMOND TERRACE
STATEN ISLAND, NY 10303

PERMIT TYPE:

- NEW
 RENEWAL
 MODIFICATION

CONTACT NAME: RALPH DUCA/JAKE SEVERINI
COUNTY: RICHMOND
TELEPHONE NO: (718)981-8500

EFFECTIVE DATE: 01/24/2024
EXPIRATION DATE: **01/23/2025**
US EPA ID NUMBER: NYR000157644

AUTHORIZED WASTE TYPES BY DESTINATION FACILITY: (Continued)

The Permittee is Authorized to Transport the Following Waste Type(s) to the Destination Facility listed :

Destination Facility	Location	Waste Type(s)	Note
NORLITE, LLC	COHOES , NY	Hazardous Industrial/Commercial	
OIL ENERGY RECOVERY, INC.	ROLLINSFORD , NH	Non-Hazardous Industrial/Commercial Waste Oil	
REPUBLIC ENVIRONMENTAL SYSTEMS (PA) INC.	HATFIELD , PA	Non-Hazardous Industrial/Commercial Hazardous Industrial/Commercial	
SOLVENTS & PETROLEUM SERVICE	SYRACUSE , NY	Non-Hazardous Industrial/Commercial Hazardous Industrial/Commercial Waste Oil	
Tully Environmental Inc d/b/a Clearbrook	Deer Park , NY	Non-Hazardous Industrial/Commercial	

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
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AUTHORIZED VEHICLES:

The Permittee is Authorized to Operate the Following Vehicles to Transport Waste:

(Vehicles enclosed in <>'s are authorized to haul Residential Raw Sewage and/or Septage only)

35 (Thirty Five) Permitted Vehicle(s)

ME 2457168
ME 2644291
NY 16970PC
NY 17393MG
NY 40507PC
NY 44067PC
NY 62027PC
NY 67625PA
NY 69589PA
NY 72190PC
NY 72519PA
NY 77152PC
NY 77153PC
NY 97108PA
NY AM83437
NY AM83560
NY AP30144
NY AP30145
NY AR15932
NY AT74332
NY BA94661
NY BB82331
NY BC73767
NY BC73768
NY BD34357
NY BD34359
NY BD35821
NY BD35822
NY BD35828
NY BD35829
NY BK32557
NY BR10812
NY CA73271
NY CE66599
NY CF97672
End of List

Appendix C



State of New Jersey

Christine Todd Whitman
Governor

Department of Environmental Protection
Site Remediation Program
Office of Dredging and Sediment Technology
P.O. Box 028
Trenton, NJ 08625
(609) 292-1250
FAX (609) 777-1914

Robert C. Shinn, Jr.
Commissioner

Mr. Craig Schantz
Senior Project Director
Consolidated Technologies, Inc.
1717 Swede Road, Suite 109
Blue Bell, PA 19422

May 10, 1999

RE: Waterfront Development Permit/Water Quality Certificate
Application No: 0906-96-0001.6
Project: Consolidated Technologies, Inc. (CTI) Dredged Material Processing Facility
City of Jersey City, Hudson County

Dear Mr. Schantz:

Enclosed, please find an approved Waterfront Development Permit/Water Quality Certificate/Acceptable Use Determination (AUD) for the above referenced project. Please review this permit and note any conditions which may have been imposed, and have the applicant promptly complete and return the enclosed "Acceptance of Revocable Construction Permit/s" form to the Department at the above address. This approval is valid for five years from the date of the permit and all terms and conditions of the permit/s are detailed therein. Please note that the permittee must give notice of initiation of construction using the enclosed "Construction Report" form. Notice must be given at least 14 days prior to initiation of construction. Upon completion of construction, the "Completion Report" form must also be completed and submitted to the above address.

Any person who considers himself and herself aggrieved by this permit decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection, P.O. Box 402, Trenton, New Jersey 08625-0402, Attention Adjudicatory Hearing Requests. This written request must include a completed copy of the attached Administrative Hearing Request Checklist and all information identified in Section III of that list.

In order to promote inter-governmental cooperation in the management of our natural resources, a copy of this decision shall be shared with appropriate local and federal agencies. Should you have any questions in this regard, please do not hesitate to contact Suzanne Dietrick at (609) 292-9203.

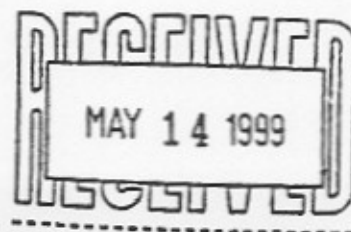
Sincerely,

Lawrence J. Baier, Chief
Office of Dredging and Sediment Technology
Site Remediation Program

Enclosures

C: New York District Corps of Engineers
Scott Douglas, NJ Maritime Resources

Robert Byrne - City Clerk
City of Jersey City
280 Grove Street
Jersey City, New Jersey 07302



FILE COPY



98-311-19
Permitting

June 16, 1999

Mr. Lawrence Baier, Chief
New Jersey Department of Environmental Protection
Site Remediation Program
Office of Dredging and Sediment Technology
401 East State Street, 6th Floor
Trenton, NJ 08625

RE: CONSOLIDATED TECHNOLOGIES, INC.
DREDGE MATERIAL PROCESSING FACILITY
BLOCK 1507, LOT 10C
JERSEY CITY, HUDSON COUNTY, NEW JERSEY
WATERFRONT DEVELOPMENT PERMIT NO. 0906-96-0001.6
CTI PROJECT NO. 98-311-19

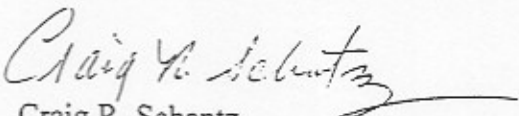
Dear Mr. Baier:

Enclosed is a photocopy of the recorded Waterfront Development Permit (WDP) No. 0906-96-0001.6 issued by the Department on May 10, 1999.

Please direct any questions and/or comments to my attention. I can be reached at 610-278-9678.
Thank you!

Sincerely,

CONSOLIDATED TECHNOLOGIES, INC.


Craig R. Schantz
Senior Project Director

Enclosure

cc. Larry Magler HNSE





4747

(See Issuing Division below)

PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 0906-96-0001.6 Application No. 0906-96--0001.6

Issuance Date MAY 10, 1999 Effective Date MAY 10, 1999 Expiration Date MAY 10, 2004

Name and Address of Applicant: Consolidated Technologies, Inc. 1717 Swede Road, Suite 109 Blue Bell, PA 19422
Name and Address of Owner: Hugo Neu Schnitzer East One Jersey Avenue Jersey City, NJ 07302
Name and Address of Operator: Consolidated Technologies, Inc. 1717 Swede Road, Suite 109 Blue Bell, PA 19422

Location of Activity/Facility (Street Address): Consolidated Technologies, Inc. Dredged Material Processing Facility One Linden Avenue East City of Jersey City, Hudson County Lot: 10C Block: 1507
Issuing Division: Office of Dredging and Sediment Technology

ORIGINAL

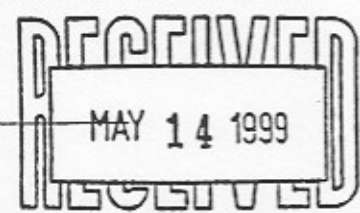
Type of Permit: Waterfront Development Permit/ Water Quality Certificate/Acceptable Use Determination (AUD) Maximum, if applicable

This permit grants permission to: Construct and operate a dredged material off-loading and processing facility located on the Hugo Neu Schnitzer East (HNSE) property on Claremont Terminal Channel. The processing facility will be located on the northwest corner of the HNSE property that is bisected by a rail line. The applicant proposes to construct approximately 1,200 feet of additional rail siding. The entire dredged material processing facility will be contained within a bituminous concrete paved area surrounded by a minimum of 6" of rolled concrete curb. The permittee proposes to utilize two types of dredged material processing operations depending on the volume of material to be processed at the facility. The processes consist of the following:

- Barge mixing operations - The dredged material will be transported via scows to the off-loading platform. Oversized debris will be removed utilizing a long reach excavator with rake. The debris will be placed directly into roll off containers, or on a temporary storage area for subsequent transport to an approved disposal or recycling facility. Decant water from within the scow will be pumped via a dewatering sump to a series of portable frac tanks for settling. The decant water will then be discharged to either Claremont Channel under the terms of a NJDPES/DSW Permit, or into a return water scow for transport and discharge back at the dredging site under a Water Quality Certificate issued for the individual dredging project. The dewatered scow will then be moved down the platform to the mixing area consisting of up to a maximum of four low profile admixture storage silos, two vertical admixture storage silos, and two long reach excavators with mounted mixing units. The additive will be introduced into the dredged material using a radial stacking additive feed conveyor. After sufficient mixing, the stabilized dredged material will be off-loaded using a clamshell crane, and placed into a surge hopper and radial stacking conveyor which will transfer the stabilized material into rail cars or trucks for transport to the final use site. A temporary stockpile area for amended dredged material will be located adjacent to the off-loading crane conveyor. This area will be contained by jersey barriers.

(Project Description continued on page 3 of 7 pages)

Prepared By: Suzanne U. Dietrick Date: 5/10/99
(See Page 7 of 7 pages for Chief's signature.)



Revised Date Approved by the Department of Environmental Protection
Name (Print or Type) Title
Signature Date

*The word permit means "approval, certification, registration, etc." (General Conditions are on Page Two)

04-007
permits



State of New Jersey

Department of Environmental Protection
Office of Dredging and Sediment Technology
P.O. Box 028
Trenton, NJ 08625
(609) 292-1250 (609) 777-1914

Bradley M. Campbell
Commissioner

James E. McGreevey
Governor

July 8, 2004

Mr. Dan Morrow
Clean Earth Dredging Technologies, Inc.
334 South Warminster Road
Hatboro, Pa. 19040

RE: Waterfront Development Permit/Water Quality Certificate
Application No(s): 0906-04-0004.1 WFD 040001 18 Upland
Project: Clean Earth Dredging Technologies, Inc.

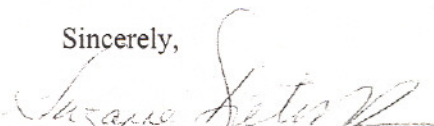
Dear Mr. Morrow:

Enclosed, please find an approved Waterfront Development Permit/Water Quality Certificate for the above referenced project. Please review this permit and note any conditions which may have been imposed, and promptly complete and return the enclosed "Acceptance of Revocable Construction Permit/s" form to the Department at the above address. This approval is valid for five years from the date of the permit and all terms and conditions of the permit/s are detailed therein. Please note that the permittee must give notice of initiation of construction using the enclosed "Construction Report" form. Notice must be given at least 14 days prior to initiation of construction. Upon completion of construction, the "Completion Report" form must also be completed and submitted to the above address.

Any person who considers himself and herself aggrieved by this permit decision may request a hearing by addressing a written request for such hearing to the following address: Office of Legal Affairs, Department of Environmental Protection, P.O. Box 402, Trenton, New Jersey 08625-0402, Attention Adjudicatory Hearing Requests. This written request must include a completed copy of the attached Administrative Hearing Request Checklist and all information identified in Section III of that list.

In order to promote inter-governmental cooperation in the management of our natural resources, a copy of this decision shall be shared with appropriate local and federal agencies. Should you have any questions in this regard, please do not hesitate to contact Richard DeWan at (609) 984-4426.

Sincerely,


Suzanne Dietrick, Chief
Office of Dredging and Sediment Technology
Site Remediation Program

Enclosures

- C: Bureau of Coastal and Land Use Enforcement – Toms River Office
NY District, US Army Corps of Engineers, Regulatory Branch
Robert Byrne, City Clerk, City of Jersey City



STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION



(See Issuing Division below)

PERMIT*

The New Jersey Department of Environmental Protection grants this permit in accordance with your application, attachments accompanying same application, and applicable laws and regulations. This permit is also subject to the further conditions and stipulations enumerated in the supporting documents which are agreed to by the permittee upon acceptance of the permit.

Permit No. 0906-04-0004.1 WFD 040001		Application No. 0906-04-0004.1 WFD 040001	
Issuance Date: July 8, 2004		Effective Date: July 8, 2004	
Expiration Date: July 8, 2009			
Name and Address of Applicant Clean Earth Dredging Technologies, Inc. (CEDTI) 334 South Warminster Road Hatboro, Pa. 19040		Name and Address of Owner Hugo Neu Schnitzer East One Jersey Avenue Jersey City, NJ. 07302	
Name and Address of Operator Clean Earth Dredging Technologies, Inc. 334 South Warminster Road Hatboro, Pa. 19040			
Location of Activity/Facility (Street Address) Clean Earth Dredging Technologies, Inc Dredged Material Processing Facility One Linden Avenue East City of Jersey City, Hudson County Lot: <u>10C</u> Block: <u>1507</u>		Issuing Division Office of Dredging and Sediment Technology	
Statute(s) NJSA 58:10A NJSA 12:5-3			
Type of Permit: Waterfront Development Permit Water Quality Certificate/Acceptable Use Determination (AUD)		Maximum Approved Capacity, if applicable	
<p>This permit grants permission to: On May 10, 1999, a Waterfront Development Permit, Water Quality Certificate and Acceptable Use Determination (AUD) was issued to the above referenced facility. This is a renewal of that permit action. CEDTI constructed and operates a dredged material off-loading and processing facility located on the Hugo Neu Schnitzer East (HNSE) property on Claremont Terminal Channel. The processing facility is located on the northwest corner of the HNSE property that is bisected by a rail line. The applicant constructed an approximately 1,200 feet of additional rail siding. The entire dredged material processing facility is contained within a bituminous concrete paved area surrounded by a minimum of 6" of rolled concrete curb. The permittee has the ability to utilize two types of dredged material processing operations depending on the volume of material to be processed at the facility. The 2 processes consist of the following:</p> <ul style="list-style-type: none"> Barge mixing operations – The dredged material will be transported via scows to the off-loading platform. Oversized debris will be removed utilizing a long reach excavator with rake. The debris is placed directly into roll off containers, or on a temporary storage area for subsequent transport to an approved disposal or recycling facility. Decant water from within the scow is pumped via a dewatering sump to a series of portable frac tanks for settling. The decant water is then be discharged to either Claremont Channel under the terms of a NJDPES/DSW Permit, or into a return water scow for transport and discharge back at the dredging site under a Water Quality Certificate issued for the individual dredging project. The dewatered scow is then be moved down the platform to the mixing area consisting of up to a maximum of four low profile admixture storage silos, two vertical admixture storage silos, and two long reach excavators with mounted mixing units. The additive will be introduced into the dredged material using a radial stacking additive feed conveyor. After sufficient mixing, the stabilized dredged material will be off-loaded using a clamshell crane, and placed into a surge hopper and radial stacking conveyor which will transfer the stabilized material into rail cars or trucks for transport to the final use site. A temporary stockpile area for amended dredged material will be located adjacent to the off-loading crane conveyor. This area will be contained by jersey barriers. <p>(Project Description continued on page 3 of 7 pages)</p> <p>Prepared By: <u>Richard DeWan</u> <u>July 8, 2004</u> Richard DeWan Date (See Page 7 of 7 pages for Chief's signature.)</p>			
Revised Date	Approved by the Department of Environmental Protection		
	Name (Print or Type) _____		Title _____
	Signature _____		Date _____

*The word permit means "approval, certification, registration, etc." (General Conditions are on Page Two)

This permit is subject to the following general conditions:

1. This permit is revocable, or subject to modification or change at any time, pursuant to the applicable regulations, when in the judgement of the Department of Environmental Protection of the State of New Jersey such revocation, modification or change shall be necessary.
2. The issuance of the permit shall not be deemed to affect in any way action by the Department of Environmental Protection of the State of New Jersey on any future application.
3. The works, facilities, and/or activities shown by plans and/or other engineering data, which are this day approved, subject to the conditions herewith established, shall be constructed and/or executed in conformity with such plans and/or engineering data and the said conditions.
4. No change in plans or specifications shall be made except with the prior written permission of the Department of Environmental Protection of the State of New Jersey.
5. The granting of this permit shall not be construed to in any way affect the title or ownership of property, and shall not make the Department of Environmental Protection or the State a party in any suit or question of ownership.
6. This permit does not waive the obtaining of Federal or other State or local government consent when necessary. This permit is not valid and no work shall be undertaken until such time as all other required approvals and permits have been obtained.
7. A copy of this permit shall be kept at the work site, and shall be exhibited upon request of any person.
8. In cases of conflict, the conditions of this permit shall supersede the plans and/or engineering data.

Pugmill Mixing Operations – This operation utilizes the same type of equipment as the barge mixing operation with the exception of the use of a pugmill feed hopper and radial stacking conveyor in the mixing area. The dewatered dredged material off-loaded using a clamshell crane and placed into a hopper and fed into the pugmill for processing and then loaded onto rail cars/trucks using another radial stacking conveyor. The permittee also proposes to utilize a bulk additive receiving hopper for use when amending dredged material with Propat® and Meadowlife® biosolids or other approved bulk additives.

Stormwater runoff from the active portions of the facility is directed via site gradient to a sedimentation basin located on the southern end of the property. The stormwater basin has been designed to handle a 1 year, 24 hour design storm event. The discharge from the sedimentation basin will be to Claremont Channel.

The project is shown on plans consisting of two sheets entitled "Consolidated Technologies, Inc., Dredged Material Processing Facility, Jersey City, Hudson County, NJ" dated December 1998, last revised March 23, 2004, and prepared by Matthew M. Seng of Earth Res Group, Inc. Sheet 1 of 2 (98-311-001) entitled "Existing Site Plan," and Sheet 2 of 2 (98-311-002A) entitled "Facility Operations-Site Plan."

This permit is authorized under, and in compliance with, the Rules on Coastal Zone Management (N.J.A.C. 7:7E) governing; Navigational Channels (7:7E-3.7), Ports (7:7E-3.11), Dredged Material Disposal on Land (7:7E-7.12), Water Quality (N.J.A.C. 7:7E-8.4), and Stormwater Management (7:7E-8.7).

This permit is approved subject to, and in accordance with, all applicable Tidelands Grants issued to Hugo Neu Schnitzer East, Liber V, Page 219, dated February 19, 1917. Issuance of this permit does not in any way relinquish the State's ownership interest in the property, if any exists.

This permit is issued subject to and provided that the following conditions can be met to the satisfaction of the New Jersey Department of Environmental Protection (NJDEP) Office of Dredging and Sediment Technology. Compliance with Administrative conditions shall be determined once copies of all specified permits, certifications, plans, agreements, etc. have been received, not less than 30 days prior to construction, and approved by the NJDEP Office of Dredging and Sediment Technology. All Physical Conditions are subject to on-site compliance inspection by the NJDEP Bureau of Coastal and Land Use Enforcement. As per N.J.A.C. 7:7-1.4, you must notify the NJDEP Bureau of Coastal and Land Use Enforcement, (1510 Hooper Avenue, Toms River, NJ 08753), in writing at least 3 days prior to commencement of construction or site preparation.

This permit shall be RECORDED in the office of the County Clerk (the REGISTRAR OF DEEDS AND MORTGAGES in the applicable counties) in the county wherein the lands included in the permit are located within ten (10) days after the receipt of the permit by the applicant and verified notice shall be forwarded to the NJDEP Office of Dredging and Sediment Technology immediately thereafter.

This permit is NOT VALID until the permit acceptance form has been signed by the applicant, accepting and agreeing to adhere to all permit conditions, and returned to the NJDEP Office of Dredging and Sediment Technology, 6th floor P.O. Box 028, Trenton, New Jersey 08625.

ADMINISTRATIVE CONDITIONS

1. The permittee shall allow an authorized representative of the NJDEP the right to inspect construction pursuant to N.J.A.C. 7:7-1.5.
2. The permittee shall obtain all required local, state and federal approvals.
3. Prior to bringing any additives to the site, with the exception of Lime, Lime Kiln Dust, Portland Cement, Slag Cement (GranCem®) Kiln Dust and Meadowlife® biosolids from MCUA, the permittee must receive a Beneficial Use Determination (BUD) from the NJDEP's Division of Solid Waste pursuant to N.J.A.C. 7:26-1.7(g). Should you have any questions regarding this certificate, please contact the Bureau of Resource Recovery and Technical Programs at (609) 984-6984. Further conditions regarding these additives are imposed in the AUD discussed below.

4. The permittee received a NJPDES Discharge to Surface Water (DSW) permit for the discharge of the decant water into the Claremont Channel effective August, 1, 1999 with an expiration date of August 31, 2004. A NJPDES DSW renewal application shall be submitted prior to the expiration date.
5. Prior to bringing Meadowlife® biosolids to the site, the permittee must obtain an instruction manual from MCOA for the use of biosolids in the processing facility. Conditions specified in the instruction manual regarding the handling of this additive on site shall be incorporated into the Environmental Protection Plan/Health and Safety Plan for the facility. Further conditions regarding this additive are imposed in the AUD discussed below.

Physical Conditions

1. All debris sifted from the dredged material shall be disposed of properly.
2. The spill plate between the work barge and the off-loading platform shall be maintained at all times to ensure that any dredged material that falls on the spill plate is directed back into the barge.
3. Any raw or processed dredged material accidentally spilled on the processing area shall be immediately cleaned up and reintroduced into the product stream.
4. Processed dredged material shall not be stored on site other than in the designated storage area adjacent to the off-loading crane as identified in the referenced Site Plans. Any additional storage areas must first obtain written authorization from this Office prior to processed dredged material storage. Any additional storage areas may also include containment measures.
5. All temporary storage areas shall be maintained in such a manner to prevent air borne release of the material.
6. All rail cars or trucks used to transport the processed dredged material shall be tarped pursuant to the applicable State DOT requirements or applicable regulatory agency requirements.

Acceptable Use Determination Special Conditions

1. All dredged material processed at the CEDTI facility shall have a written Acceptable Use Determination (AUD) from the NJDEP, prior to being accepted at the CEDTI facility for processing.
2. Any dredged material from New Jersey that is processed at the CEDTI facility to be utilized at a location out of state shall receive written authorization from the applicable State agency and/or the receiving facility for transport and use at that out of state location.
3. This AUD authorizes the use of the following admixtures:

Coal Ash
Lime
Lime kiln dust
Portland cement
Slag Cement (GranCem®)
Cement kiln dust
Alkali activators
Propat®
Municipal solid waste incinerator ash (MSH ash)
Meadowlife® biosolids supplied by Middlesex County Utilities Authority

4. If the CEDTI facility proposes to use a different admixture other those specified above, the permittee shall amend this AUD prior to the use of the new additive. That application for amendment of the AUD must specify the proposed new additive and must include all appropriate chemical testing of that new additive.

The following conditions apply to the intended use of the processed dredged material:

Mine reclamation/remediation

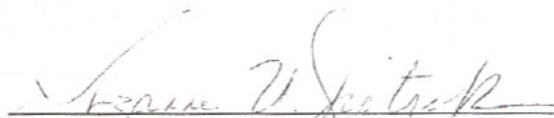
5. All dredged material to be processed at the CEDTI facility for transport and use at the Bark Camp Mine Reclamation site located in Huston Township, Clearfield County, PA shall be analyzed according to the attached document entitled "Analytical Testing Requirements for Dredged Material to be Processed at the Consolidated Technologies, Inc. Dredged Material Processing Facility."
6. In addition to the testing requirements specified in Item 5, all dredged material to be processed at the CEDTI facility for shipment to Pennsylvania shall comply with the sampling plan and analytical testing requirements specified in the Amended Beneficial Use Order No. 40300, dated June 7, 1997, approved by the Pennsylvania Department of Environmental Protection (PADEP).
7. No raw dredged material intended for use in PA mine reclamation shall be transported to the CEDTI facility for processing until the dredging project receives approval from the PADEP for use of the material at the Bark Camp Mine Reclamation site.
8. All processed dredged material transported to the Bark Camp Mine Reclamation site shall comply with all conditions specified in the "Final Operating Plan for Dredge Stabilization Mine Reclamation Project at the Bark Camp Mine Facility, Huston Township, Clearfield County, Pennsylvania" dated May 21, 1998 including any amendments thereto.
 - **Landfill cover/cap material**
 - **Site remediation material (i.e. capping/grading material)**
9. This AUD only authorizes the use of processed dredged material at a landfill or remediation site that is under NJDEP regulatory oversight.
10. No dredged material may be transported to the CEDTI facility for processing and use at a landfill or remediation site until such time as a NJDEP regulatory oversight document has been issued which specifically authorizes the use of processed dredged material on the site. This regulatory document shall also include the physical and engineering placement criteria, including chemical specifications for placement.
11. All dredged material proposed for use at these locations shall be tested in accordance with the attached protocol entitled "Analytical Testing Requirements for Dredged Material to be Processed at the Consolidated Technologies, Inc. Dredged Material Processing Facility." Additional testing of the material may be required to meet other NJDEP regulatory requirements for placement of the material at these use locations.
12. The placement of processed dredged material at the use locations shall comply with the conditions specified in the NJDEP oversight document, as well as all Land Use Regulation Program (LURP) permits/authorizations issued for the use location, if applicable.
 - **Structural fill material**
 - **Manufactured top soil**
13. All dredged material to be processed at the CEDTI facility shall be analyzed according to the attached protocol for testing of the raw dredged material.
14. Any processed dredged material that is proposed for transport to a use location, other than a landfill/ remediation site or mine reclamation site, to be used as structural fill material or manufactured top soil, shall be stockpiled on the temporary amended dredged material storage area for further analyses after processing of the material.
15. All end product shall be analyzed according to the attached protocol entitled "Testing of the End Product." The results shall be submitted to the NJDEP, Office of Dredging and Sediment Technology for approval, prior to transport from the CEDTI facility to the use location.

16. Any end product that is intended to be used as structural fill material that meets the Residential Soil Cleanup Criteria (RSCC) as specified in Appendix A of the NJDEP's dredging technical manual, including any promulgated revisions to those criteria, is considered below regulatory concern. Therefore, the NJDEP will allow unrestricted use of any structural fill end product that meets the RSCC.
17. Any dredged material blended with Meadowlark to produce a manufactured topsoil shall not contain greater than 50% biosolids in the blended material. The manufactured topsoil shall meet RSCC, and shall be placed at the use location according to the conditions specified in the MCUA instruction manual. No manufactured topsoil may be utilized at a use location to bring a site to grade, as material covered by another material, or at depths greater than 2 feet.
18. Any end product that is above the RSCC shall not be removed from the CEDTI facility until such time as a use location that will accept the material has been identified to and approved by the NJDEP by CEDTI. At such time, the NJDEP may require additional testing of the end product to meet other regulatory requirements for placement of the material on the identified use site.
19. No end product may remain at the CEDTI facility for more than 120 calendar days.

Additional AUD Conditions

20. Any major accidental release of dredged material, admixture, or end product in non-processing areas (i.e., surface waters of the state, interstate roadways, etc.) shall be immediately reported to the DEP Emergency Response 24-Hour Hotline at (609) 292-7172. The report must specify the type of substance discharged in estimated quantity, the nature of the discharge, the location of the discharge, any action being taken to mitigate the discharge, and any other information the Department may request at the time of notification.
21. This condition applies only to processed dredged material that is intended for use as structural fill material or as manufactured topsoil. The CEDTI facility shall submit a semiannual report which details the following information for the preceding six months of operation of the facility:
 - Source and volume of each dredging project accepted for processing at the CEDTI facility;
 - The location (i.e. lot, block and municipality) of the use site of the end product from each dredging project, and the volume of end product transported to each use site(s), and the intended use of the material at that location;
 - The admixture type and quantity used in the processing of the dredged material from the specific dredging project;
 - The results of the bulk sediment chemistry analyses of the end product associated with the individual dredging project generator as per the attached protocol if required.
22. CEDTI shall also maintain daily records noting the transportation vehicle identification number, material quantity, source, and designation of all dredge material and admixtures entering and leaving the facility. The daily records shall be compiled into standard reports, which shall be maintained at the facility for review at any time..
23. The Department reserves the right to revise or terminate this authorization at any time as a response to any: complaints, violations of this authorization or its conditions, any persons violation of any related permit and their conditions, and/or modifications of the Department's acceptable use criteria.

7/3/04
DATE


Suzanne U Dietrick, Chief
Office of Dredging and Sediment Technology

Renee Dumas

From: Kristin Foldes
Sent: Monday, July 31, 2017 2:18 PM
To: Renee Dumas
Subject: FW: NJDEP Permit Extension Act Expiration - CEDT Claremont

Here you go!

Kristin Foldes
Project Manager, Compliance

Clean Earth, Inc.
T 215.734.1400 x 256 | C 610.425.7774

From: Nickerson, Gary [mailto:Gary.Nickerson@dep.nj.gov]
Sent: Tuesday, April 26, 2016 10:58 AM
To: Kristin Foldes
Subject: RE: NJDEP Permit Extension Act Expiration - CEDT Claremont

Hello Kristin,

No action is needed. Waterfront Development Permit 0906-04-0004.1 WFD140001 approved the construction of the processing facility. As long as nothing has changed on the site that would warrant a modification of the permit, you are fine. The ability to operate the processing facility is not tied to the expiration date of the permit. This ability does not expire.

-gary nickerson

From: Kristin Foldes [mailto:kfoldes@cleanearthinc.com]
Sent: Monday, April 18, 2016 3:21 PM
To: Nickerson, Gary
Subject: NJDEP Permit Extension Act Expiration - CEDT Claremont

Hi Gary,

Attached is the Waterfront Development Permit/Water Quality Certificate Permit which is married with the AUD for dredge processing operations at our CEDT Claremont Dredge Processing Facility. This permit has a listed expiration date of July 8, 2009. Also attached is an email from Suzanne Dietrick referencing that the WFD/AUD was automatically extended under the Permit Extension Act of 2008, which was subsequently amended in 2010, 2011, and most recently in 2014 resulting in the extended life of this permit through June 2016.

At this time the Permit Extension Act is set to expire as of June 30, 2016. Per our discussion, you had indicated that CEDT did not have to submit a permit renewal. Please let me know what action, if any, is required to extend/renew the WFD/AUD for the Claremont Facility.

Thank you,
Kristin Foldes
Project Manager, Compliance

Clean Earth, Inc.
334 S. Warminster Road, Hatboro, PA 19040
T 215.734.1400 x 256 | C 610.425.7774 | F 215.734.1416
kfoldes@cleanearthinc.com | www.cleanearthinc.com

Please consider the environment before printing this email.

This e-mail and any files transmitted with it may be confidential and are the property of Clean Earth. If you are not the intended recipient of this communication, please notify the sender as soon as possible and delete the email. Thank you (any other use, retention, dissemination, forwarding, or printing of this email is not ethical and should be prohibited)

Appendix D

March 30, 2016

Mr. Brian P. Bolvin, P.E.
Waste Management of Fairless, LLC
1000 New Ford Mill Road
Morrisville, PA 19067

Re: Fairless Landfill
Falls Township
Bucks County
Application No. 101699
APS No. 688905, AUTH No. 785826

Dear Mr. Bolvin:

The Department of Environmental Protection (DEP) has reviewed your application for the Fairless Landfill, a new municipal waste landfill, to be constructed on a brownfield site at the Keystone Industrial Port Complex (KIPC) – the former U.S. Steel Fairless Works, located in Falls Township, Bucks County. The Fairless Landfill consists of 330.5 acres of permit area, of which 197 acres will be for waste disposal with an estimated disposal capacity of 47,300,000 bank cubic yards. DEP has determined that you have satisfied all applicable requirements necessary to perform these activities. Therefore, we have issued the enclosed permit in accordance with Article V of the Solid Waste Management Act, 35 P.S. Sections 6018.101 et seq.

Compliance with the terms and conditions set forth in the permit is mandatory. You have the right to file an appeal as to these terms and conditions.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

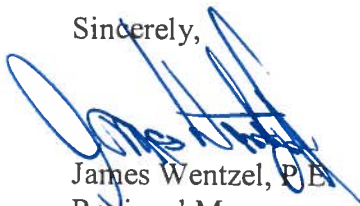
IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions about the enclosed permit or requirements of the Solid Waste Management Act, please contact Dr. Mohamad Mazid, Chief, Technical Services, at 484.250.5768.

Thank you for your cooperation.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management

Enclosure: Fairless Landfill Permit

cc w/enc: Mr. Gray - Falls Township
Ms. Kostick - Bucks County Health Department
Mr. Adams - Golder Associates, Inc.
Re 30 (eh16wm)070

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

**Permit
For
Solid Waste Disposal and/or Processing Facility
FORM NO. 8**

Permit No. 101699
Date Issued March 30, 2016
Date Expired March 30, 2026

Under the provisions of the Pennsylvania Solid Waste Management Act of July 7, 1980, Act 97, a permit for a solid waste disposal and/or processing facility at (municipality) Falls Township in the County of Bucks is granted to (applicant) Waste Management of Fairless, LLC
(address) 1000 New Ford Mill Road
Morrisville, PA 19067

This permit is applicable to the facility named as Fairless Landfill and described as:

Latitude - 40° 09', 11"

Longitude - 74° 45', 33"

This permit is subject to modification, amendment, and supplement by the Department of Environmental Protection (DEP) and is further subject to revocation or suspension by DEP for any violation of the applicable laws or the rules and regulations adopted thereunder, for failure to comply in whole or in part with the conditions of this permit and the provisions set forth in the application No. 101699 which is made a part hereof, or for causing any condition inimical to the public health, safety, or welfare.

See Attachment for waste limitations and/or special conditions.


**FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

THIS PERMIT IS NON - TRANSFERABLE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

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AUTHORIZATION

1. This solid waste management permit is issued based upon Phase I/Phase II application No. 101699 (APS No. 688905, AUTH No. 785826) that was received in the Southeast Regional Office of the Pennsylvania Department of Environmental Protection (DEP). The initial Phase I submission was received on March 23, 2009, and the initial Phase II submission was received on February 5, 2014. This permit is for the Fairless Landfill, a new municipal waste landfill, to be constructed on a brownfield site at the Keystone Industrial Port Complex (KIPC) – the former U.S. Steel Fairless Works, located in Falls Township, Bucks County. Any and all approvals granted under this permit are limited to Fairless Landfill, unless otherwise noted.

The Fairless Landfill is a new municipal waste landfill, consisting of 330.5 acres of permit area of which 197 acres is waste disposal area. The landfill consists of 14 cells, with a total disposal capacity of 47,300,000 bank cubic yards (bcy). Based on a permitted average daily volume (ADV) of 18,333 tons per day and 306 operating days per year, the landfill will have an operational life ranging from 6.9 to 8.6 years. The construction of the landfill is divided into five Phases. Phase 1 consists of cells 1 to 6 construction without a Mechanically Stabilized Earth (MSE) Wall. Phases 2 through 5 consist of the construction of cells 7 through 14 with a MSE Wall and the expansion of the MSE wall to cells 1 to 6. The maximum height of the landfill will be at elevation 294.00 feet above sea level.

The approved application consists of the following documents (unless otherwise noted, received and revised refer to the dates documents were received by DEP and not necessarily the dates of the documents themselves):

Phase I

General Information Form (GIF) received on December 22, 2008, and revised on May 17, 2011
Form A received on December 22, 2008, revised on May 19, 2014, and September 1, 2015
Form B received on December 22, 2008, revised on May 17, 2011, and May 7, 2012
Form B1 received December 22, 2008, revised on May 17, 2011, and May 7, 2012
Form HW-C received on December 22, 2008, and revised on May 17, 2011
Form D received on December 22, 2008, and revised on May 17, 2011
Form E received on December 22, 2008, revised on May 17, 2011, May 19, 2014 and September 1, 2015
Form F received on December 22, 2008, and revised on May 17, 2011
Form I received on December 22, 2008, and revised on May 17, 2011

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Form 2 received on December 22, 2008, revised on May 17, 2011 and May 7, 2012
 Form 6 received on December 22, 2008
 Form 7 received on December 22, 2008, revised on May 17, 2011, May 7, 2012, and October 1, 2012
 Form 8 received on December 22, 2008, and revised on May 17, 2011
 Form 11 received on December 22, 2008
 Form 12 received on December 22, 2008
 Figure D.B-1 to Figure D.B-3, and Figure J.D-1 received on December 22, 2008, and Figure D.B-2 and
 Figure J.D-1 revised on May 17, 2011, Figure D.B-2 revised on May 7, 2012, and Figure D.B-1 and
 D.B-2 revised on May 19, 2014
 Figure 1.B-1 to Figure 1.B-2 received on December 22, 2008, revised on May 17, 2011, and
 May 19, 2014
 Figure 2.B-1 to Figure 2.B-4 received on December 22, 2008, revised on May 17, 2011, and
 May 7, 2012, Figure 2.B-4 revised on May 19, 2014
 Figure 6.B-1 to Figure 6.B-11 received on December 22, 2008
 Figure 7.B-1 to Figure 6.B-13 received on December 22, 2008, and Figure 7.B-10 and Figure 7.B-12
 revised on May 17, 2011, Figure 7.B-12 and Figure 7.B-13 revised on May 7, 2012
 Figure 11.B-1 received on December 22, 2008
 Figure 12.B-1 received on December 22, 2008, and revised on May 19, 2014
 Figure E-1 and E-2 received on September 1, 2015

The Phase I application includes the May 17, 2011, May 7, 2012, October 1, 2012, and May 22, 2014, responses to DEP's comments sent on December 23, 2010 (via e-mail), February 13, 2012, June 22, 2012 (via e-mail), and November 28, 2012, respectively.

Phase II

General Information Form (GIF) received on February 5, 2014
 Form B received on February 5, 2014
 Form B1 received on February 5, 2014
 Form G (A) received on February 5, 2014
 Form G (B) received on February 5, 2014
 Form H received on February 5, 2014
 Form I received on February 5, 2014, and revised on March 12, 2015
 Form J received on February 5, 2014, revised on June 22, 2015, September 1, 2015,
 and February 17, 2016

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Form K received on February 5, 2014
 Form L received on February 5, 2014
 Form Q (Form Q1 to Q5) received on February 5, 2014, revised on March 12, 2015, and September 1, 2015
 Form R received on February 5, 2014, revised on March 12, 2015, September 1, 2015, February 17, 2016, and February 25, 2016
 Form X received on February 5, 2014, and revised on March 12, 2015
 Form 3 received on February 5, 2014
 Form 14 received on February 5, 2014, revised on March 12, 2015, June 22, 2015, September 1, 2015, and February 17, 2016
 Form 18 received on February 5, 2014, and revised on March 12, 2015
 Form 24 received on February 5, 2014, revised on March 12, 2015, June 22, 2015, and September 1, 2015
 Form 25 received on February 5, 2014, revised on March 12, 2015, and September 1, 2015
 Form 28 received on February 5, 2014
 Bonding worksheets received on February 5, 2014, revised on March 12, 2015, and September 1, 2015
 Form 45 received on February 5, 2014, and revised on March 12, 2015
 Form 46 received on February 5, 2014
 Drawing Numbers 86086B-00 to 86086B-49 received February 5, 2014
 Drawing Numbers 86086B-22, 23, 24, 25, 26 and 46 revised on June 22, 2015
 Figure 14-1 to 14-7 received on February 5, 2014, and Figures 14-1, 14-2, and 14-3 revised on September 1, 2015
 Table 14-1, Airspace and Life Expectancy Estimate, received on February 5, 2014
 Figure I-1 and I-2 received on February 5, 2014
 Figure 18-1 and 18-2 received on February 5, 2014
 Figure X-1 received on February 5, 2014, revised on March 12, 2015, and February 25, 2016
 Final Drawings 86086B-00 to 86086B-49 and 86086B-10A, 14A, 14B, and 14C. Drawing 86086B-15 is deleted from the application. Total of 53 drawings received on September 1, 2015
 Drawing 86086B-01, Rev. dated August 27, 2015, indicating the property area and permitted area.

The Phase II application includes the March 11, 2015, and September 1, 2015, responses to DEP's comments sent on January 27, 2015 (via e-mail), and comments discussed in meetings on June 24, 2015, and July 22, 2015. Also included are the March 11, 2015, September 1, 2015, February 17,

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2016, and February 25, 2016, responses received on DEP's Form R comments sent on January 27, 2015, June 15, 2015, February 2, 2016, and February 23, 2016.

The contents of all the above listed documents are hereby incorporated in the permit as conditions with which the permittee must comply. Where the terms or conditions of this permit differ from the documents incorporated by reference, the terms or conditions of this permit shall govern.

2. Nothing in this permit shall be construed to supersede, amend, or authorize violation 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, the Act of July 7, 1980, Act 97, 35 P.S. 6018.101 et seq. and Act 101, the Municipal Waste Planning, Recycling, and Waste Reduction Act.
3. 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 DEP, without advanced notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas on which solid waste management activities are being or will be conducted. The 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, or papers required by DEP to be maintained. This permit condition is referenced in accordance with Section 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Sections 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the Solid Waste Management Act.
4. Form 37, Certification of Facility Construction Activity, is to be submitted to the Regional Solid Waste Manager in DEP's Southeast Regional Office for review after each cell of the landfill is constructed, including the subbase preparation (includes MSE wall construction and structural fill placement to establish grades in advance of construction of the subbase itself), preparation of the witness zone, installation of the primary liner, installation of the leachate collection pipes, and the preparation of the protective layer for the primary liner prior to the start of landfilling operations. Waste disposal operations may not commence in a cell until DEP has accepted, in writing, the certification report(s) for all of that cell's components. All certification reports shall identify and explain deviations from the design approved in this permit.

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5. Form 37, Certification of Facility Construction Activity, including as-built reports for all construction and closure activities related to the landfill, is to be submitted to the Regional Solid Waste Manager in DEP's Southeast Regional Office for review after the construction of the following major construction activities as these activities are completed in part or in total, including the installation of the groundwater monitoring systems, landfill liner systems, leachate management systems, landfill final cover, landfill gas management systems, major access roads, stormwater management structures, and closure and final closure activities. All certification reports shall identify and explain deviations from the design approved in this permit. Systems and structures that are the subject of the certification submittal shall not be utilized until DEP has accepted, in writing, the certification submittal.

OPERATIONS AND REPORTING

6. A daily operational record is to be maintained in accordance with Section 273.311 of the Municipal Waste Rules and Regulations.
7. A quarterly operations report is to be submitted on or before the 20th day of April, July, October, and January for the three-month period ending the last day of March, June, September, and December in accordance with Section 273.312 of the Municipal Waste Rules and Regulations.
8. An Annual Operations Report is to be submitted to DEP's Southeast Regional Office on or before June 30 of each year in accordance with the format indicated in Chapter 273.312 of the Municipal Waste Rules and Regulations. The annual report submitted to DEP is to be accompanied by the annual permit administrative fee.
9. An annual topographic survey is to be conducted and is to be submitted to the Southeast Regional Office concerning the elevation and total volume of area that has been filled. This is due as part of the Annual Operations Report due on June 30 of each year.
10. After both the GROWS North and the Tullytown Resource Recovery Facility Landfills have permanently ceased waste acceptance, no more than 20,000 tons of solid waste may be received at the Fairless Landfill for disposal on any single operating day. This figure represents the maximum daily volume (MDV) of the facility, set pursuant to Section 1112 of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. Section 1112 (Act 101 of 1988) and the regulation of DEP. The permittee is advised that this section also provides that a mandatory civil penalty of \$100 per ton applies

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to any excess volume received for disposal at this facility for any reason. When the Fairless Landfill, the GROWS North Landfill, and/or the Tullytown Resource Recovery Facility Landfill, or any combination thereof, accept waste on a given day, the 20,000 tons per day MDV shall be shared amongst the operating landfills and the MDV of each individual landfill, when totaled together for that day, shall not exceed 20,000 tons in total for that day.

11. After both the GROWS North and the Tullytown Resource Recovery Facility Landfills have permanently ceased waste acceptance, no more than an average of 18,333 tons of solid waste may be received at the Fairless Landfill for disposal per operating day during the standard calendar year quarter. This figure represents the ADV of the facility, set pursuant to Section 1112 of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. Section 1112 (Act 101 of 1988) and the regulation of DEP. The permittee is advised that this section also provides that a mandatory civil penalty of \$100 per ton applies to any excess volume received for disposal at this facility for any reason. When the Fairless Landfill, the GROWS North Landfill, and/or the Tullytown Resource Recovery Facility Landfill, or any combination thereof, accept waste during a calendar quarter, the 18,333 tons per day ADV shall be shared amongst the operating landfills for that quarter and the ADV of each individual landfill, when totaled together for that quarter, shall not exceed 18,333 tons in total for that quarter.
12. After both the GROWS North and the Tullytown Resource Recovery Facility Landfills have permanently ceased waste acceptance, compliance with Condition 11, above, shall be calculated by taking the total tons of solid waste received for disposal at the Fairless Landfill during a standard calendar year quarter, divided by the number of days during the quarter that the facility was permitted to operate, including partial days. In the event Condition 11 is modified, compliance during the quarter, when the permit condition is modified, shall be calculated by dividing the total tons of solid waste received during the partial quarter by the number of permitted operating days within that partial quarter. When the Fairless Landfill, the GROWS North Landfill, and/or the Tullytown Resource Recovery Facility Landfill, or any combination thereof, accept waste during a calendar quarter, compliance with Condition 11, above, shall be calculated by taking the total tons of solid waste received for disposal at each of the landfills that accepted waste during the standard calendar year quarter, divided by the largest number of days during the quarter that any of the facilities were permitted to operate, including partial days.
13. The Fairless Landfill is permitted to accept waste for disposal Monday through Saturday from 2 a.m. to 8 p.m. (scale gate hours). Operations other than waste acceptance, construction operations in particular, shall be conducted and/or scheduled to minimize nuisances to the greatest extent possible.

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Operations may be extended due to extreme weather conditions in accordance with the following procedure. Prior to extending operations, justification for such an extension must be mailed or faxed to the Waste Management Program Manager or his designee. Written concurrence that the extension is justifiable needs to be received by the permittee from the manager or his designee before extended operations may be implemented. All other requests to extend operating hours must be requested in advance of need and be approved, in writing, in advance by DEP. Records documenting the compliance with the above-approved hours shall be provided in the facility's daily, quarterly, and annual reports.

- 14. Except to the extent this permit provides otherwise, the permittee shall conduct solid waste management activities as described in the approved application. The permittee shall file an application for a permit modification with DEP and shall receive approval from DEP prior to receiving any waste volumes in excess of the maximum or average daily volume stated in the permit.
- 15A. This facility may not operate to receive waste unless the operator has established at least one drop-off center for the collection or sale of at least three recyclable materials chosen from the following: clear glass, colored glass, aluminum, steel and bimetallic cans, high-grade office paper, newsprint, corrugated paper, and plastics. The drop-off center must be located at the facility or at a location that is easily accessible to substantial numbers of persons generating municipal waste that is processed or disposed of at the facility. The drop-off center shall be operated in compliance with Section 1502(b) of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. Section 4000.1502(b).
- 15B. The drop-off center shall be located at the facility or in a place that is easily accessible to persons generating municipal waste that is processed or disposed at the facility.
- 15C. The drop-off center shall contain bins or containers where recyclable materials may be placed and temporarily stored. If the operation of the drop-off center requires attendants, the center shall be open at least eight hours per week, including four hours during evenings or weekends.
- 15D. Once every six months, the operator shall provide public notice of the availability of the drop-off center. The operator shall place an advertisement in a newspaper circulating in the municipality or provide notice in another manner approved by DEP in writing.
- 15E. On or before February 15 of each year, the operator shall inform the host municipality, in writing, of the weight and type of materials that were recycled in the previous calendar year, so that the host

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municipality may comply with the requirements of Section 304(f) of the Municipal Waste Planning, Recycling, and Waste Reduction Act.

16. The permittee shall not act in a manner contrary to any Municipal Waste Management Plan approval by DEP pursuant to the Municipal Waste Planning, Recycling, and Waste Reduction Act, nor shall the permittee fail to act in a manner that is consistent with any Municipal Waste Plan approved by DEP pursuant to that Act.
17. The permittee shall not violate, or cause or assist in the violation of any provision of the Municipal Waste Planning, Recycling, and Waste Reduction Act, 53 P.S. Sections 4000.101 et seq., or the terms or conditions of any Municipal Waste Management Plan approved by DEP under that Act.
18. The permittee shall not allow solid waste generated outside the host county of the permitted facility to be received, disposed, or otherwise managed at the facility if the transportation to, or management at, the facility would violate applicable laws in affect in the county or state in which the waste was generated, or state or local solid waste management plan in effect where the waste was generated.
19. This facility may not accept for disposal, or for processing, truckloads composed primarily of leaf waste.
20. No lead acid batteries shall be placed into mixed waste or be disposed of at this facility.
21. Form 19, Quarterly and Annual Groundwater Analysis Form, must be submitted in duplicate for the quarterly and annual testing of monitoring well numbers: GFD-1S, GFD-2S, GFD-3S, GFD-4S, GFD-5S, GFU-6S, GFU-7S, GFU-8S, GFD-9S, GFD-10S, GFD-11S, GFD-12S, GFD-13S, GFU-6D, GFD-1DR, and GFD-4D. The sampling is to be performed on a quarterly basis for analysis, and the analytical data for all parameters shall be submitted to DEP within 60 days of the date the last well is sampled for each quarterly sampling event, which end on March 31, June 30, September 30, and December 31, respectively. Monitoring well data is to be submitted to the Lower Bucks Joint Municipal Water Authority and Aqua PA at the same time the data is submitted to DEP. Two quarters of overlapping sampling events shall be conducted with respect to all monitoring well replacements at the site. After achievement of two quarters of sampling, an evaluation report shall be submitted to DEP for review and approval to abandon the wells being replaced. A revised Form 18 and Form 37 Certification shall be submitted to DEP after completion of the work.

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The quarterly monitoring program shall include testing of stormwater runoff samples from the major drainage areas. One sample shall be collected from the main swale leading to each of the sedimentation basins and tested for inorganic leachate indicator parameters. These include: Total Alkalinity, Ammonia-Nitrogen, Chemical Oxygen Demand, Chloride, pH, Potassium, Specific Conductivity, Sodium, Sulfate, and Total Organic Carbon. The analytical results should be reported on Form 19 and be submitted to DEP at the same time as the quarterly groundwater results.

The annual monitoring program shall include the collection of surface water samples from the outfalls of each sedimentation basins or, if no discharge is occurring, from the impounded water in basin. Surface water sampling shall be scheduled as necessary to acquire an appropriate sample from each basin's outfall or impounded water. Failure to collect a sample because the basin(s) is (are) dry at the time that annual groundwater sampling is being conducted during the calendar quarter shall be considered a violation of this condition unless the permittee can demonstrate that the basins were dry throughout the entire calendar quarter. In addition to the parameters listed on Form 19, each groundwater and surface water monitoring point shall be sampled for Tritium as part of the annual water quality analyses, as a minimum.

22. A report on the sampling of the influent leachate for all parameters on Form 19 shall be presented in tabular form and on a graph, and shall be submitted to DEP quarterly and annually with the monitoring well data.
23. The witness zone between the primary and secondary liner must be monitored on a weekly basis to determine the rate of flow, if any. These results must be submitted to the Southeast Regional Office.
24. All mixed loads of residual waste and municipal waste are to be managed as municipal waste in accordance with 25 Pa. Code 299.201(b).
25. Removal or reuse of daily cover from a cell is prohibited.
26. The capping of the landfill must follow the "Cap as you Go" practice. The construction sequence of the landfill must be followed closely, to ensure this practice and to minimize open areas waiting to be capped. No settlement accommodation plan (SAP) is approved for the landfill and disposal or capping operations above final permitted elevations, whether temporary or otherwise, are not authorized under this permit.

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27. The construction of the landfill shall follow the construction sequence described in Form 14, Table 14-3, which is incorporated into this permit pursuant to Condition No. 1, above.
28. Sediment Basins 1 and 2 and any temporary basins must be constructed and operational prior to the commencement of disposal in their respective phase of the Fairless Landfill construction schedule, which is incorporated into this permit by reference pursuant to Condition No. 1 above.
29. Borrow Pit 20 (BP-20) shall be clean closed during waste disposal operations in cells 7/8 and prior to construction of cells 9/10. See Note No. 7 in Drawing 86086B-10, above.
30. Any substitution of an equivalent material, which is not specifically approved by DEP in the permit application for the landfill construction or closure activities, shall be provided to DEP for approval prior to its use.
31. Progress reports, including work performed, deviations from approved design and future work for construction, filling, and capping activities, shall be submitted to DEP at no less a frequency than bi-weekly (i.e., every two weeks).
32. This permit does not authorize the discharge of air emissions unless the Bureau of Air Quality has approved the discharge of these emissions.
33. Failure to obtain other necessary permits may result in the suspension or revocation of this waste management permit.
34. The permittee shall submit a permit modification application, no later than one year from the date of issuance of this permit, for changes necessary to permanently cease the recirculation of brine (Reverse Osmosis concentrate from the Landfill Treatment Plant, both prior to or subsequent to evaporation and crystallization) including, but not limited to, establishment of a permanent off-site transportation strategy to authorized wastewater treatment plants or solidification of the brine such that it may be disposed as a solid (nonliquid) waste. Upon DEP approval of the modification application, recirculation of brine shall cease in accordance with the schedule contained in the DEP approval. Until prohibited in accordance with the aforementioned schedule, no more than 20,000 gallons per day of brine may be recirculated at Fairless Landfill, provided that brine is sprayed on the landfill waste disposal area at least 75 feet from the outside slope of the landfill. The recirculation of raw leachate is not authorized as part of this permit.

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35. Leachate seep occurrences and repairs shall be reported in writing to DEP at no less a frequency than bi-weekly (i.e., every two weeks) and recorded in the facility's daily operational record.
36. Fairless Landfill shall utilize site-specific meteorological data as part of its approved nuisance minimization and control plan. The weather station shall collect time, temperature, wind speed, wind direction, and humidity readings and shall provide this information in real time via publicly available internet access as well as via recorded data maintained by the landfill operator. This weather station may be repositioned as needed based on operational conditions but shall provide weather data representative of conditions at the Fairless Landfill. A third-party vendor shall perform instrument audits and calibration for the weather station at six-month intervals. The permittee shall submit the vendor's report to DEP for review. The weather station located at the permittee's offices on New Ford Mill Road and currently used by both the GROWS North and Tullytown Resource Recovery Facility Landfills may be utilized if it can be shown, through the aforementioned audit and calibration requirements, that the weather station is functional, accurate, and representative of conditions at the Fairless Landfill.
37. The utilization of a scale house, laboratory, public convenience center, and radiation staging area (Scale Facility Complex) is authorized to be utilized jointly between the GROWS North Landfill, the Tullytown Resource Recovery Facility Landfill, and the Fairless Landfill subject to the following conditions:
- a. Pursuant to this permit, the Scale Facility Complex is hereby incorporated in the permit area of the Fairless Landfill and shall be the responsibility and liability of Waste Management of Fairless, LLC to operate and maintain in accordance with this permit and the applicable rules and regulations of DEP. The Scale Facility Complex may be open from 2 a.m. to 8 p.m. and only utilized at those hours by Fairless Landfill and GROWS North Landfill. Operating hours of the Scale Facility Complex for vehicles utilizing the Tullytown Resource Recovery Facility Landfill shall be governed by the more restrictive operating hours contained in the Tullytown Resource Recovery Facility Landfill permit. Use of the scale shall at all times comply with all applicable requirements of the Solid Waste Management Act, the Municipal Waste Regulations, and the applicable terms and conditions of the permits of the authorized facilities utilizing the Scale Facility Complex.
 - b. The use of the Scale Facility Complex shall not modify any other permitted operational activities at Fairless Landfill.

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- c. The use of the Scale Facility Complex by Tullytown Resource Recovery Facility, GROWS North, and Fairless Landfills shall be managed to prevent traffic congestion at the intersections or the approach routes leading to the respective landfill facilities.
 - d. The special waste laboratory shall serve Tullytown Resource Recovery Facility, GROWS North, and Fairless Landfills. However, the operational procedures and waste acceptance/screening plan requirements contained in each facility's permit shall govern the required operations for each respective facility.
 - e. The Scale Facility Complex is incorporated by this permit into the Fairless Landfill permit area and Waste Management of Fairless, LLC, as the permittee, shall be responsible for ensuring that the Scale Facility Complex is routinely cleaned and maintained using sweepers and laborers.
 - f. If the Scale Facility Complex opens before 6 a.m. pursuant to either the GROWS North or the Fairless Landfill permit, all vehicles shall be directed to the appropriate landfill, unless restricted by manifest to Tullytown Resource Recovery Facility Landfill. Those vehicles restricted to Tullytown Resource Recovery Facility Landfill shall be directed to wait along the private entrance road located on Waste Management property (the scale house access roadway) until such time that they may be processed through the scale facility in compliance with the permitted hours of operation of Tullytown Resource Recovery Facility Landfill.
 - g. When waste from Fairless Landfill, GROWS North Landfill, or Tullytown Resource Recovery Facility Landfill is directed through the Scale Facility Complex, individual site access control shall be managed and electronically verified by a card reader system. All recordkeeping shall be maintained separately for each facility. The form of the recordkeeping shall not be changed without written approval from DEP.
38. Operation of the Public Convenience Center (PCC) at the Scale Facility Complex is further subject to the following conditions:
- a. The PCC shall consist of a designated area that allows the public to drop-off their household MSW and C&D waste into roll-offs, which will then be hauled to the working face of the appropriate operating landfill, thereby eliminating residential vehicular traffic from the working face with associated safety improvements.

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- b. The use of this PCC by the GROWS North Landfill, the Tullytown Resource Recovery Facility Landfill, and the Fairless Landfill shall not cause traffic congestion at the intersections or the approach routes leading to either facility.
- c. The use of this PCC by the GROWS North Landfill, the Tullytown Resource Recovery Facility Landfill, and the Fairless Landfill shall not cause nuisance, odor, or dust.
- d. Roll-off containers that are staged at the PCC shall be watertight so that no leachate leakage occurs and shall be covered when not in use. Roll-off containers that contain waste shall be removed and emptied daily.
- e. This PCC shall serve the GROWS North Landfill, the Tullytown Resource Recovery Facility Landfill, and the Fairless Landfill. However, the operational procedures and waste acceptance/screening plan requirements contained in each facility's permit shall govern the required waste acceptance/screening criteria for the PCC.
- f. This PCC facility is located at the shared Scale Facility Complex. The operator of the landfill whose permit area is designated as containing the Scale Facility Complex shall be responsible for ensuring that the PCC is routinely cleaned and maintained using sweepers and laborers as specified the associated operation plan.
- g. Operation hours for the PCC shall be between the hours of 5 a.m. to 6 p.m., Monday through Saturday, irrespective of the operation hours for the Scale Facility Complex. The PCC shall be closed on Sunday.
39. Revisions or controls authorized under this permit, or future modifications must also be consistent with the applicable requirements of the Federal Clean Air Act or the Pennsylvania Air Pollution Control Act and any permit(s) issued thereunder.
40. The Nuisance Minimization and Control Plan, incorporated into this permit by reference pursuant to Condition No. 1, above, includes the following operational techniques designed to minimize and control odors and shall be implemented as part of routine operations except as further modified by this permit:
- a. Accelerated installation of gas collection wells and infrastructure, including the use of horizontal gas collection trenches as interim control measures in the platform of the tipping areas.

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- b. Use of a temporary cap to cover open areas, where waste disposal is not expected to occur for some time, in order to minimize leachate generation and odors. When used, the temporary cap shall be placed over intermediate soil cover. Removal of the temporary cap shall be minimized to the greatest extent practicable in order to minimize the exposed area of previously disposed waste.
- c. Use of odor control and odor neutralization chemicals via direct application to the working face, fixed misting lines, and portable sprayers. Both misting and vapor systems may be utilized, with the vapor systems used during cold weather months when the regular misting systems may freeze. MSDS sheets on the odor control chemicals used shall be provided to DEP when new odor control products are utilized.
- d. Daily cover, whether soil, ADCM, or a mixture thereof, shall not be removed or reused.
- e. Tonal back-up alarms on landfill equipment shall be replaced with white noise back-up alarms meeting OSHA requirements to mitigate noise nuisances related to landfill operations if needed to address noise complaints.
41. The Quality Assurance and Guidance Document for the Installation of Lining Systems (QAGD) as an attachment to Form 24 for use for quality assurance procedures during the construction of geosynthetic lining systems at the facility is incorporated by reference. The QAGD is a technical reference and DEP may rely on it as a reference in the course of permit application and construction certification reviews. DEP reserves the right to question specifics on the site or case-specific quality assurance plans during the course of its review.
42. Inclinometer shall be installed to monitor deformation of the mechanically stabilized earthen (MSE) berm. The inclinometers shall be located in the MSE berm at a spacing of no less than one per disposal cell. The permittee shall provide DEP with the proposed installation location of each inclinometer and shall obtain DEP concurrence of each location prior to installation. While the inclinometer(s) cannot be installed until after the pertinent portion of the MSE berm has been constructed, waste disposal operations in the proximate cell may not commence until the inclinometer(s) has(have) been installed and made operational.

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43. Sediment elevations in the sedimentation basins shall be surveyed on an annual (calendar year) basis and the basins clean out as needed to restore the basins to required design capacity. The results of the annual sediment survey(s) shall be submitted as part of the Annual Operation Report submittal that is due on or before June 30 of each year.

WASTE ACCEPTANCE AND CLASSIFICATION PLAN

44. a. The approved waste acceptance and classification plan allows Fairless Landfill to accept the following categories of residual waste requiring chemical analysis, residual wastes with chemical analysis waived, and municipal waste requiring special handling:

Residual Waste Requiring Chemical Analysis (Including the Residual Waste Code):

000 - Combustion Residues

- 001 - Coal-Derived Bottom Ash
- 002 - Coal-Derived Fly Ash
- 003 - Flue Gas Desulfurization Residue (FGD)
- 004 - Incinerator Bottom Ash
- 005 - Incinerator Fly Ash
- 006 - Incinerator Mixed Ash
- 007 - Other Ash

100 - Metallurgical Process Residues

- 101 - Foundry Sand
- 102 - Slag
- 103 - Refractory Material
- 104 - Grindings, Shavings
- 105 - Ferrous Baghouse Dust
- 106 - Nonferrous Baghouse Dust
- 107 - Ferrous Scrap, including Auto Recycle
- 108 - Nonferrous Scrap
- 109 - Sandblast Abrasive and Residue

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- 110 - Air Emission Control Dust
- 111 - Lubricating Soaps
- 112 - Mill Scales, Heat Treat Scales
- 113 - Dross, Skims

- 200 - Sludges, Scales

- 201 - Water Treatment Plant Sludge/Sediment
- 203 - Industrial Wastewater Treatment Sludge/Sediment including Acid Mine Drainage Sludge
- 204 - Metallurgical Sludge
- 205 - Food Processing Sludge
- 206 - Paint, Coating Sludge, and Scale
- 207 - Tank Bottoms
- 208 - Still Bottoms
- 209 - Oily Sludge, Petroleum Derived
- 210 - Air Emission Control Sludge (excluding FGD Sludge and Gypsum)
- 211 - Other Industrial Sludge
- 212 - Lime/Cement Kiln Scale, Residue
- 213 - Lime-Stabilized Spent Pickle Liquor
- 214 - Cooling Tower Sediment/Sludge
- 215 - Flue Gas Desulfurization (FGD) Sludge (including FGD Gypsum)
- 216 - Filter Socks from Erosion and Sedimentation Controls

- 300 - Chemical Wastes - (Wastewaters Containing Chemicals, Cleaning Agents, Detergents, etc. are reported as 420)

- 301 - Acidic Chemicals (pH <6)
- 302 - Basic Chemicals (pH >8)
- 303 - Combustible Chemicals, Nonhazardous
- 304 - Chemical Salts
- 305 - Spent Activated Carbon
- 306 - Surface Coatings (e.g., Solid, Semi-Solid Paints, Polishes, Adhesives, and Inks)
- 307 - Filter Media/Aids (e.g., Diatomaceous Earth, Ion Exchanging Resins, and Silica Gels)

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- 308 - Spent Dyes
 310 - Detergents, Cleaning Agents
 311 - Off-Specifications Products, Intermediates
 312 - Pharmaceutical, Biological (Mfg. and Lab Wastes)
 313 - Wax, Paraffin
 314 - Alcohols (Nonhazardous)
 315 - Solvents (Nonaqueous, Nonhazardous)
 316 - Solvents (Aqueous, Nonhazardous)
 317 - Glycols/Antifreeze, Machine Coolants
 318 - Photographic Chemicals (Nonhazardous)
 320 - Spent Plating Baths (Nonhazardous)
 399 - Other Chemical Wastes
- 400 - Generic Wastes
- 401 - Leather Wastes
 402 - Rubber, Elastomer Wastes
 403 - Wood Wastes (Scrap Lumber, Pallets, Particle Board)
 404 - Paper, Laminated Paper, Cardboard Wastes
 405 - Textile Wastes (Yarn, Fabric, Fiber, Elastic)
 406 - Glass Wastes (Cullet)
 407 - Polyethylene, Polystyrene, Polyurethane, Other Nonhalogenated Plastics
 408 - Glass Reinforced Plastics
 409 - PVC, Teflon, CPE, Other Halogenated Plastics
 410 - Electronic Component Wastes (Off-Spec Semi-Conductors, Circuit Boards)
 411 - Agricultural Wastes (Fertilizers, Pesticides, Feed, Feed Supplements)
 412 - Photographic Wastes (Film and Photographic Paper)
 413 - Asphalt (Bituminous), Asphalt Shingles
 414 - Ceramic Wastes
 415 - Linoleum Wastes
 416 - Thermal Insulation Waste (Cellulose, Glass, Wool)
 417 - Wiring, Conduit, Electrical Insulation
 418 - Sawdust, Wood Shavings/Turnings
 419 - Empty Containers (Metallic, Nonmetallic Drums, Pails)
 424 - Treated Wood, Railroad Ties

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- 430 - Food Waste (Excluding Wastewater Treatment Sludge)
 440 - Resins
 450 - Polymers (Other Than 407, 409)
 460 - Vinyl (Sheet, Upholstery)
 470 - Spent Filters (Air/Gas)
 471 - Spent Filters (Aqueous)
 472 - Spent Filters (Nonhazardous Fuel, Oil, Solvent)
 473 - Paint Filters, Other Cloth/Paper Filters, Supersacs
 474 - Grease
 480 - Refractory (Furnace, Boiler other than 103)
 481 - Carbon/Graphite Residue/Scrap
 482 - Baghouse Dust (Other than 105, 106)
 483 - Blasting Abrasive/Residue (Other than 109)
 484 - Gypsum Plaster Molds, Drywall
 499 - Other Generic Waste
- 500 - Special Handling Residual Wastes
- 501 - Asbestos-Containing Waste (Friable Asbestos Containing Waste, Insulation, Brake Lining, etc.)
 502 - PCB Containing Waste (as defined in 25 Pa. Code 287.1)
 503 - Oil-Contaminated Waste (Absorbents, Rags)
 504 - Paints (Liquid)
 505 - Spent Catalysts
 506 - Contaminated Soil/Debris/Spill Residue and Near-Surface Horizontal Directional Drill (HDD) Cuttings (Nonpetroleum) (Dredge Material, Water Intake Debris and Sediment, Coal Mill Rejects)
 507 - Waste Petroleum Material Contaminated Soil/Debris
 508 - Virgin Petroleum Fuel-Contaminated Soil and Debris
 509 - Waste Oil that is not Hazardous Waste Oil (automotive, machining, cutting, etc.)
 510 - Waste Tires
- 700 - Industrial Equipment, Maintenance Waste/Scrap
- 701 - Pumping, Piping, Vessels, Instruments, Storage Tanks

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- 702 - Scrap from Maintenance and Product Turnaround
- 703 - Batteries (Nonhazardous)
- 704 - Grinding Wheels, Sanding Disks, Polishing Belts, Welding Rods, Broken Tools
- 710 - Plant Trash
- 799 - Other Maintenance Waste

- 800 - Noncoal Mining, Oil and Gas, and Other Well Drilling Wastes

- 801 - Nonoil and Gas Well Drilling Waste - includes residuals, and drill cuttings from monitoring well and drinking water well construction. For this facility, does not include drilling fluids.

- 900 - Miscellaneous

- 901 - Auto Shredder Fluff
- 902 - Nonhazardous Residue from Treatment of Hazardous Waste (Other than 203)
- 999 - Other

Residual Wastes with Chemical Analysis Waived

The categories of residual wastes that qualify for the waiving of chemical analysis by DEP are limited to those listed below.

- 499 Animal Droppings (Manure)
- 413 Cured Asphalt (Solidified)
- 405 Carpet or Fabric Scrap Waste
- 414 Ceramic Insulation Waste
- 499 Cured Resin Waste
- 402 Cured Rubber, Elastomer waste
- 499 Dead Animals (Nonexperimental)
- 419 Empty Container Waste (RCRA Empty)
- 499 Empty (Dried) Commercial Paint Can Waste
- 499 Fencing (Chain-Link and Barbed)
- 407 Foam Type Wastes (Rigid Plastic Foam, Expanded Polystyrene Foam, and Polyurethane)
- 430 Food Waste (Excluding Treatment Sludges)

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470	Fresh Air Intake Filters waste
499	Gaskets - Unused (Rubber and Cork)
408	Glass Reinforces Plastics (Fiberglass)
406	Glass Waste (excluding Specialty Glass and Glass Sludges)
409	Halogenated Plastics (PVC, CPE, and Teflon)
406	Incandescent Light Tubes/Bulbs
499	Labels/Packaging Waste
401	Leather Scraps
415	Linoleum Waste
499	Metal Scrap (Excluding Powdered Grindings or if Contaminated with Fluids or Oils)
407	Nonhalogenated Plastics
403	Nontreated Wood Waste
405	Nylon Materials
472	Oil Filters, Used (Hot Drained and Nonterne Plated)
499	Packing/Shipping Material
404	Paper and Cardboard Waste
499	Personal Protective Equipment Waste
499	Screen Waste
499	Shingle Scrap
416	Thermal Insulation Waste (Cellulose, Glass, and Wool)
417	Wire and Wire Scrap (Conduit and Electrical Insulation)
403	Wood Wastes (Excluding Treated Wood)

Municipal Waste Requiring Special Handling:

- Municipal Sewage Sludge
- Processed Infectious Waste
- Chemotherapeutic Waste (after being processed by incineration)
- Nonhazardous Ash Residue from Municipal Waste Incineration

- b. The maximum total concentrations for non-TCLP organics in residual waste, municipal waste, and municipal waste requiring special handling are not to exceed the following limits: 2,500 ppm for aromatic halogenated hydrocarbons; 5,000 ppm for aliphatic halogenated hydrocarbons; 10,000 ppm for aromatic hydrocarbons; and 50,000 ppm for volatile and semi-volatile organics.

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- c. For acceptance of virgin petroleum contaminated soil and debris, Form U is to be substituted for Form FC-1 if the TPH concentration exceeds one percent. See also 44.v(v) for acceptance procedures for TPH concentrations less than one percent (10,000 ppm).
- d. The permittee shall not accept any residual waste or municipal waste requiring special handling whose chemical constituents are not included or are in excess of the maximum acceptance concentrations as delineated in the waste analysis and classification plan, unless a major permit modification is submitted and approved by DEP. Any new waste request not approved in this plan must be submitted as a major permit modification.
- e. The permittee shall not accept, receive, dump, discharge, process, or dispose hazardous waste as defined in 25 Pa. Code Chapter 261a or 40 CFR Part 261.
- f. All residual and municipal waste requiring special handling from new generators must be consistent with the requirements stated in the waste analysis and classification plan incorporated by reference pursuant to Condition 1.
- g. The permittee must submit a waste disposal request and source reduction strategy from each individual large quantity residual waste generator. The permittee must submit a waste disposal request from each individual generator of municipal waste requiring special handling. Proof of submission to DEP would be dated certified mail return receipt cards, signed, dated, acceptance receipts for hand-delivered requests, signed, dated receipt from overnight mail/federal express deliveries, or some other means, such as electronic submission, acceptable to DEP. Except for disposal requests including residual waste code 999 (Other), the wastes indicated on Forms U, 35, 36, or 43 may be accepted for disposal by the permittee 15 days after proof of submittal to DEP, unless otherwise notified by DEP in writing. Wastes identified as 999 (Other), may not be accepted until specific written approval is received from DEP. If, at any time, it is determined by DEP that the waste included in the disposal request is not consistent with the waste analysis and classification plan or the design of the landfill or waste reduction strategy, the permittee shall be notified and acceptance of this waste may be prohibited until deficiencies have been corrected. The permittee may be subject to any and all applicable enforcement action to the Solid Waste Management Act and the Rules and Regulations promulgated thereunder, if waste is accepted not consistent with the waste analysis and classification plan. This subcondition is not

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applicable to those Residual Wastes with Chemical Analysis Waived as listed in Condition 44.a, above.

- h. All submissions covered by Condition 44.g must be sent to the host municipality and the host county at the same time they are submitted to DEP, unless the host municipality/county specifically notifies both the permittee and DEP in writing that they do not wish to receive the submissions and affirmatively waives their right to receive the submissions. An alternative submittal or notification process for the individual disposal request submittal process that is acceptable to the host municipality/county may be substituted, upon written notification to DEP, in the event the municipality/county does not wish to completely waive their rights under this subcondition.
- i. The permittee shall submit, to DEP's Southeast Regional Office, an amended appendix to the permit that lists all residual waste and municipal waste requiring special handling accepted for disposal at the facility. This amended appendix shall be submitted for the calendar quarter by April 20, July 20, October 20, and January 20 for the January – March, April – June, July – September, and October – December quarters, respectively. This amended appendix shall include the information by generator, including the waste type, approved quantity, quantity accepted, generator identification number, and the identification number for each Form U, Form 35, Form 36, and Form 43 for all waste accepted at the landfill during the calendar quarter covered by the report. The appendix must include the anniversary acceptance date for each generator of residual waste and municipal waste requiring special handling.
- j. Form 26R, the annual analysis report and annual analysis data from generators of municipal waste requiring special handling (Forms 35, 36, and 43) is to be kept on file for each waste generator at the landfill site. This is due at Fairless Landfill from the generator one year after DEP receives Forms U, 35, 36, or 43 submissions. For small quantity residual waste generators, analysis data and/or certification pertaining to hazardous waste determination criteria is to be kept on file. The waste cannot continue being accepted if the landfill does not have an annual submission of Form 26R or annual analytical data from generators of municipal waste requiring special handling on file.
- k. Any new large quantity generator of Residual Wastes with Chemical Analysis Waived, as listed in Condition 44.a, above, that proposes to use the landfill must submit Forms U and 25R to the landfill.

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- l. The landfill must keep certification documents from all small quantity generators on file indicating that their waste streams are not hazardous.
- m. The landfill's annual report, submitted by June 30 of each year, must include documentation that the analysis or certification required under Section 273.313 for chemical analysis of waste for each waste stream from each individual generator utilizing the landfill for disposal is on file.
- n. All Forms U, 35, 36, 43, and FC-1 documents must be kept on file and each assigned a sequential identification number which is to be recorded on all forms submitted to DEP.
- o. Hazardous waste, as defined under 25 Pa. Code 261a, may not be accepted at the facility for disposal. Any residual waste generator whose analysis reaches 85 percent of the hazardous waste limit shall provide additional analysis and documentation to justify that the waste is below the hazardous waste limit.
- p. No residual waste is to be accepted from any facility bulking/mixing different categories of residual (Form U) waste, unless such facility is permitted by DEP for this purpose.
- q. Form U's from individual generators of friable asbestos containing waste do not have to be submitted.
- r. New sources of incinerator residue from resource recovery incinerators shall be tested in accordance with the following procedure. The analysis data shall be submitted to the Southeast Regional Office. Analyses data generated by resource recovery incineration permit requirements can be submitted to comply with the following conditions:
 - i. A grab sample of resource recovery incinerator residue is to be taken from each incoming load of ash residue to be tested for pH. All of this sampling data shall be submitted with the data from the composite sampling below.
 - ii. For a minimum of the first eight weeks of incinerator operation, testing shall be done on a weekly composite sample comprised of at a minimum daily grab sample. Each grab sample shall be tested for pH. The weekly composite sample shall be tested for pH, lead, chromium, and cadmium. Also, for the initial sampling period, an analysis for all Form 41 parameters shall be run on each fourth week composite sample. All data from

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this sampling period shall be submitted to DEP at the conclusion of the eight-week period.

- iii. Upon receiving written approval from DEP, testing shall be done on a monthly basis for all Form 41 parameters and reserve alkalinity for a minimum of six months. The monthly composite sample is comprised of a minimum of one random grab sample from each day of operation. All grab samples shall be of an equal amount. Data from this sampling period is to be submitted to DEP on a monthly basis.
- iv. Upon receiving written approval from DEP, testing shall be done on a quarterly basis for all Form 41 parameters and reserve alkalinity. The quarterly composite sample is comprised of weekly random grab samples. All grab samples shall be of an equal amount. Data from this sampling is to be submitted to DEP on a quarterly basis.
- s. Infectious and chemotherapeutic incinerator ash must contain less than five percent volatile solids. Incinerator ash from other sources has no volatile solids limit.
- t. Wastes for quantity increase requests for previously approved waste streams from specific generators may be accepted for disposal immediately. Each request must include the most recent generator's annual report and analytical data for submissions more than 12 months old.
- u. RCRA empty containers can be accepted as Residual Wastes with Chemical Analysis Waived.
- v. i. All solid wastes excluded under 25 Pa. Code 261a.4(b) and 40 CFR 261.4(b) may be accepted for disposal except for waste categories listed under Sections 261.4(a)(4), (6), (8), (10), (18), and (20). The unacceptable waste includes:
 - (I) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954.
 - (II) Household hazardous waste collected by a collection contractor under Section 1512 of Act 101.
 - (III) Coal refuse as defined in the Coal Refuse Disposal Control Act.

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- (IV) Treatment sludges from coal mine drainage treatment facilities.
 - (V) Pulping liquors (black liquor) that are reclaimed in a pulping liquor furnace and then re-used in the pulping process.
 - (VI) Spent sulfuric acid used to produce virgin sulfuric acid.
- ii. Corrosivity and Ignitability, as defined in 40 CFR 261.21 and 261.22, will replace pH and flashpoint, respectively, as acceptance criteria for disposal.
 - iii. If a specific waste stream has been found to be consistent based on 25 standard fingerprint analyses, then the frequency can be reduced to one standard fingerprint analysis per day for each specific waste stream from a specific generator.
 - iv. Sampling frequencies for oil contaminated waste, contaminated soils, site cleanup waste, oil washing material, thermally treated soil, and bioremediated soil must satisfy the requirements of SW-846 (or equivalent). If the sampling frequency does not meet the requirements of SW-846 (or equivalent), then the sampling frequency must be at least one sample per 500 cubic yards.
 - v. A Form FC-1 is to be submitted for virgin petroleum contaminated soil and debris containing less than one percent total petroleum hydrocarbons (10,000 ppm). A Form U is to be submitted for virgin petroleum contaminated soil and debris containing greater than one percent total petroleum hydrocarbons. For virgin petroleum contaminated soil and debris of containing less than one percent total petroleum hydrocarbons, the facility is permitted to accept the waste without written approval from DEP pursuant to, and consistent with, the provisions of Appendix V of the Waste Acceptance Plan.
- w. Prior to commencement of disposal operations at Fairless, the permittee shall certify, by providing a list in writing, as to which previously approved residual wastes and municipal wastes requiring special handling from current generators approved for waste acceptance at GROWS North and/or TRRF Landfills are consistent with the Form R Waste Acceptance and Classification Plan approved herein for Fairless. Waste streams from generators so certified may then be transitioned to, and accepted at, Fairless when disposal operations commence. After the

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commencement of disposal operations at Fairless, any new or modified disposal requests must be submitted to Fairless pursuant to Condition 44, herein.

45. All approved sources of residual waste and municipal waste requiring special handling are to be analyzed on an annual basis for parameters included in the approved Form U, Module 1, Form 35, Form 36, or Form 43 submissions.

LEACHATE MANAGEMENT

46. Two leachate storage tanks, each 1.42 million gallons (101' dia. and 25' high) shall be utilized for on-site storage of leachate. The first tank shall be constructed and available for use prior to the commencement of acceptance of waste for disposal, and the second tank shall be constructed and available for use prior to commencement of waste disposal operations in Cell 7 or 8, whichever cell is constructed first. Leachate shall be discharged directly to the Leachate Treatment Plant (LTP) for treatment and discharge in accordance with Condition 48 of this permit.
47. a. Secondary containment, consistent with the requirements of 25 Pa. Code 285.122, shall be provided for each tank and/or tank farm.
- b. All stormwater collected within the secondary containment area(s), shall be inspected. If there is evidence of leachate present within the containment area(s), stormwater shall be conveyed to the Leachate Treatment Plant before it is discharged to the environment. If there is no evidence of leachate present in the secondary containment area(s), the stormwater may be directed to an adjacent stormwater management channel in accordance with, and subject to, any procedures, practices or requirements as may be specified by DEP's Clean Water Program. Standard erosion and sedimentation control measures shall be implemented to control run-off from the disturbed area during and after the construction of leachate storage facilities.
- c. The vehicular transportation of leachate is not an approved leachate treatment method for the Fairless Landfill until such a change in method, as may be authorized under Act 45, is authorized through the submission and approval of a major permit modification to address the change in method. In the event that vehicular transportation of leachate becomes necessary, the permittee shall notify DEP in writing of its intent and basis for implementing vehicular transportation of leachate. The notice shall include the commencement date of the transportation, the specific

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conditions requiring the vehicular transportation of leachate, and the anticipated duration. Written notification shall be provided by the permittee within forty-eight (48) hours of the commencement of the vehicular transportation of leachate. Written updates shall be provided every two weeks during the duration of vehicular transportation (when the event exceeds two weeks) and upon the cessation of vehicular transportation. These written updates shall include the total duration of the event as of the date of the update, the total amount of leachate transported as of the date of the update and the incremental amount of leachate transported since the previous written update, and the available storage capacity in gallons and percent of available storage. Nothing in this permit condition shall be construed as authorizing a change in the facility's approved leachate treatment method.

48. a. Leachate generated by the Fairless Landfill shall be conveyed to the Leachate Treatment Plant, incorporated herein as part of the Fairless Landfill permit area, for processing prior to discharge, via NPDES permit, to the Delaware River and/or via piped discharge to an approved off-site Publically Owned Treatment Works (POTW).
- b. The generic concept of piped discharge to an off-site POTW is incorporated into the Fairless leachate management plan. However, the only actual POTW discharge alternative approved at this time is discharge to the Morrisville Pollution Control Facility (Morrisville Plant), owned and operated by the Municipal Authority of the Borough of Morrisville (Authority). This discharge alternative is further subject to any restrictions or limitations that may be placed upon the alternative by DEP or the Delaware River Basin Commission. Any other off-site POTW direct discharge alternative(s) will require further modification of the Fairless Landfill's leachate management plan prior to implementation. The type(s) of further modification(s) is(are) to be governed by the specifics of each individual request. However, a request to discharge directly to a POTW other than the Authority's shall not be construed, in and of itself, as requiring a major modification to the Fairless Landfill leachate management plan because of the concept approval contained herein unless the specifics of the request would otherwise require the submission of a major modification application.
- c. Title 25 Pa. Code 273.275(b) requires an on-site leachate storage system to have sufficient capacity at least equal to the maximum expected production of leachate for any 30-day period for the life of the facility as estimated pursuant to 25 Pa. Code 273.162. Fairless Landfill may not rely on storage capacity available at GROWS Landfill, GROWS North Landfill, or

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Tullytown Resource Recovery Facility Landfill for the purpose of complying with 25 Pa. Code 273.275(b), as noted above.

GAS MANAGEMENT

49. The permittee shall install and operate its Gas Management Plan for the facility as an active gas management system in accordance with approved plans and designs. Additional wells may be installed, if warranted by site conditions, subject to DEP approval via either the construction certification or permit modification process, the choice of which is at DEP's discretion. There are 259 gas wells shown on drawing 86086B-40 and Gas Extraction Well Schedule shown on drawing 86086B-42.
- a. Provision for the direct sale of landfill gas to PECO Energy (PECO), or its successor, to utilize the landfill gas either at the Pennsbury Power Plant or at the boilers at the United States Steel – Fairless Works facility is authorized under this permit provided that the permittee may not implement changes to the landfill gas agreement with PECO or its successor that result in modifications to the landfill gas design or system without DEP's prior approval. It shall be DEP's decision to determine if the changes constitute a major modification to the landfill gas management plan.
 - b. The Fairless Landfill gas compressor station and conveyance pipeline are hereby incorporated into the Fairless Landfill gas management plan.
 - c. The landfill gas flare system located at the Fairless Landfill may be used only for emergency situations as described in the application documents incorporated into this permit by Condition No. 1, above, or as may be authorized by applicable air permits.

EQUIVALENCIES (Form Q)

50. a. Alternate Subbase material. A proposed alternative to the 6-inch thick low permeability soil subbase layer is a Geosynthetic Clay Liner (GCL) consisting of bentonite encapsulated between two layers of nonwoven geotextile. GCL will be installed on the prepared subgrade of which the upper one foot will have maximum particle size of one inch.

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- b. Leachate Detection Zone. A geocomposite drainage layer (HDPE geonet core with a needle punch nonwoven geotextile heat bonded to both sides) in lieu of the 12-inch granular layer.
- c. i. Final Cover Grading. A design configuration of at least a 16 foot-wide terrace (bench) for every 40 feet maximum rise in elevation on the slope is proposed instead of a terrace at least 15 feet wide on slope of every 25 feet maximum rise in elevation. The benches will be graded at minimum of inward slope 12.5%.
- ii. Final cover system configuration 1. A 10 oz/sy nonwoven geotextile, 40 mil textured on both sides geomembrane, and geocomposite drainage layer as shown in drawing 86086B-35, detail 1.
- iii. Final cover system configuration 2. A combination of geomembrane/drainage layer and 10 oz/sy nonwoven geotextile as shown in drawing 86086B-35, detail 1A.
- d. Alternate Daily Cover Material (ADCM) as described in Condition 51, below.
- e. The facility is permitted to use two specific aggregate gradation materials for the protective cover as provided in Table J-2(2). The protective cover material shall have a maximum particle size of 1.5 inches, shall be classified as GW, GP, or SP as defined by USCS and shall be used as follows:
- i. Coarse aggregate No.1 (modified AASHTO No. 8) may be used with geocomposite.
- ii. Coarse aggregate No. 2 (modified AASTHO No. 57) shall be used with a geocomposite as per Note 1 of Details 1A and 2A of Drawing 86086B-22.

Additionally, Protective Cover shall meet the minimum permeability of 0.20 cm/sec. If less than 0.20 cm/sec, then leachate collection laterals shall be installed as shown in Drawing 86086B-08.

- f. The facility is permitted for the use of glass cullet material as gas extraction well backfill, gas system header backfill, leachate force main backfill, use in construction of landfill access road subgrades, the use as a general fill material, and utilization of glass cullet beneath the final cap in areas of settlement and in the cap drainage layer subject to the following sub-conditions:

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- i. Temporary landfill access road subgrades and subbases will utilize no more than a forty percent (40%) glass cullet/mixture.
- ii. Final landfill access roads depicted on final development plans, including subgrades and subbases, will utilize no more than a ten percent (10%) glass cullet/soil mixture.
- iii. For road construction utilizing glass cullet and soil, the ratio of cullet to soil will be done by the use of individual loads during road construction. For a 40% mixture, three loads of soil must be mixed with two loads of glass cullet utilizing a bulldozer to incorporate the two materials. For a 10% mixture, nine loads of soil will be mixed with one load of glass cullet utilizing a bulldozer to incorporate the two materials.
- iv. For use of glass cullet in the landfill cap drainage layer, engineering test must be performed to determine suitability including the permeability and grain size as required by the cap design criteria. As built, documentation must be submitted with Form 37 pertaining to the use of glass cullet in the landfill cap drainage area.

ALTERNATE DAILY COVER MATERIAL (ADCM)

51. An equivalency to use alternate daily cover materials (ADCM) in lieu of the soil material composition required in section 273.232. The following materials are approved for use as ADCM at Fairless Landfill. The following ADCM have been previously approved by DEP for statewide use.

- Municipal Incinerator ash
- Fly ash conditioned with cement kiln dust
- Recycled paper deinking sludge
- USDA clay loam soil texture classification
- Coal ash, as subject to waste placement within 24 hours

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- Sanifoam
- RUSMAR AC-645 Long Duration Foam
- No. 3ML-9791 Foam
- Processed construction and demolition waste
- Propat (patented processed auto shred material produced by Polarized Schiabo Neu Company)
- Posi-shell
- Nonpetroleum contaminated soil
- Fairo-Cover (shredded auto fluff produced by Fairless Iron and Metal, LLC)

The following subconditions a. through f., apply to all approved ADCM at the facility:

- a. All stormwater runoff from ADCM applied at the working face or from ADCM stockpiles must be managed as leachate, unless otherwise approved in writing by DEP. Stormwater runoff from uncontaminated soil from nonspecific borrows area and clay loam soils applied as daily cover will not have to be managed as leachate.
- b. No ADCM is to be utilized on a side slope, unless runoff from the ADCM is directed into the leachate collection system. Uncontaminated soils from nonspecific off-site borrow areas and clay loam soils can be placed on side slopes without directing runoff into the leachate collection system.
- c. DEP is to be notified one week prior to making any changes in types of ADCM utilized at the site.
- d. All processed or unprocessed materials consisting of solid waste(s) utilized as ADCM under approvals granted in this permit or subsequent modifications, are wastes and not

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recyclable materials, and count towards the ADV of the facility. The wastes are subject to the host municipality benefit fee(s) of Act 101.

- e. All categories of ADCM approved under this permit are to be only utilized as daily cover, unless otherwise indicated.
- f. Neither soil nor ADCM, whether used in place of or in addition to soil, are to be removed from the previous day's working face or cell prior to starting operations the following day, nor may soil or ADCM be reused.

The above referenced ADCM have received separate approvals for use as ADCM, and are included on the statewide-approved equivalency list. Based upon DEP's Policy and Procedure for Municipal Waste Facility Equivalency Approvals, the permittee is authorized to utilize these materials, subject to the terms and conditions of their individual approvals, at the Fairless Landfill. Failure of any of these materials to perform satisfactorily at the Fairless Landfill, or failure of the permittee to comply with the terms and conditions upon which the original reviewing region based its approval, shall be grounds for revocation of the approval herein granted. The details of each ADCM are provided in Attachment-I, below.

NONSITE SPECIFIC OFF-SITE SOURCES SOIL AND AGGREGATE MATERIAL

52. The facility is permitted to utilize nonsite specific off-site sources of soil for construction material and cover material subject to the following subconditions:
- a. For the use of dredged material, chemical analysis data of the dredged material must be submitted to DEP for approval in accordance with sampling protocol outlined below for each dredge disposal area, or replenished dredge disposal area, at least thirty (30) days prior to excavation:
 - i. Dredge Sampling Protocol:

Procedures:

 - The dredge deposits will be subdivided into 50,000 cubic yard sections.

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- For all inorganic parameters: One composite sample will be collected from each 50,000 cubic yard section. Each composite sample will be taken from five locations within each 50,000 cubic yard section.
- For Volatile Organic Compounds (VOCs): Each of the 50,000 cubic yard sections (identified above) will be screened with a Photoionization Detector (PID). The material will be extracted from ground surface to the total depth of dredge pile using a hand auger or other method acceptable to DEP. Once extracted, the materials will be scanned with a PID at one-foot intervals. Field screening will be performed at a location shielded from the wind, and away from gas tanks, or gas-powered equipment. One sample discrete location will be selected and a sample will be collected from each 50,000 cubic yard section. The sample interval with the highest PID reading will be collected for analysis. If the materials are all nondetect (i.e., do not exceed background PID readings), a minimum of one sample for the 50,000 cubic yard section will be collected.

Laboratory Analysis:

Samples that are collected according to the above sampling procedure shall be analyzed for the following parameters:

- Volatile Organics (EPA Method 8260B)
- Total Metals and TCLP: AG, AS, Ba, Cd, Cr, Cu, Hg, Ni, Pb, Sb, Se, and Zn
- Pesticides (EPA Method 8081A/8082), plus Lindane and Methoxychlor
- Total Petroleum Hydrocarbons (TPH)
- Cyanide
- Sulfide
- pH

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- Total PCBs (Method 608 GC/ECD), PCBs, 209 congeners (Method 1668A GC/ECD)
- Radioactivity: Radium 226 (EPA 903.1), Gross Alpha (EPA 900.0), Gross Beta (EPA 900.0), Radium 228 (EPA RA-05), Radium Total (EPA RA-05)

ii. For the use of dredged material, Physical Test Data of the dredged material consisting of one composite sample in accordance with the sampling protocol outlined in the EPA SW846 Manual for every 10,000 yards of dredge material demonstrating that the dredged material will satisfy the performance standards of DEP, thirty (30) days prior to excavation of any dredge disposal site or replenished dredge disposal site.

iii. Unless dewatered pursuant to Chapter 287.7 or otherwise determined by DEP not to be a waste (based upon the data provided pursuant to Subconditions 52(a)(i) and 52(a)(ii), above), dredged material is regulated as residual waste, is not a recyclable material, and counts towards the daily volume of the facility. These wastes are subject to the host municipality benefit fee(s) of Act 101.

Unless determined by DEP not to be a waste, use of dredged material pursuant to this Condition (52) is limited to alternative daily or intermediate cover uses, or structural fill uses located within lined areas of the landfill, subject to the acceptability of the physical and chemical analyses required in Subconditions 52(a)(i) and 52(a)(ii), above. If determined not to be a waste, use of dredge material shall be consistent with the dewatering determination.

- b. Uncontaminated soil material other than dredge material from nonsite-specific off-site sources (soil material that meets clean fill requirements) shall have no use restriction at the landfill other than the requirements listed below, provided that the material is not placed in or on waters of the Commonwealth:
- i. Uncontaminated soil may be used as a source of daily, intermediate, and final cover soils as well as structural fill and subgrade fill based on the chemical and physical suitability of the soils for each designated purpose.

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- ii. Uncontaminated soil is further subject to the approved Quality Assurance Program and Testing Protocol for Nonsynthetic Material of Form J. Use of uncontaminated soil from nonsite specific off-site sources pursuant to this condition shall be adequately described in accordance with Chapter 273.117(a)(2) and (b).
- iii. Determinations that soil from nonsite specific off-site sources is suitable for use at the landfill pursuant to this Subcondition 52(b) shall also be consistent with DEP's Management of Fill Policy and shall be kept on file by the permittee for the duration of the facility's bond. These records shall be made available to DEP upon request.
- c. Contaminated soil from nonsite-specific off-site sources shall be utilized pursuant to this subcondition:
 - i. Soil material that does not meet clean fill requirements shall be considered a waste and not a recyclable material, and shall be used only as daily or intermediate cover pursuant to Attachment – I, below, except as otherwise allowed pursuant to Subcondition 52(c)(ii) below. Material subject to this Subcondition 52(c)(i) shall be subject to applicable fees and shall be counted against the facility's daily volume.
 - ii. If the soil material does not meet the clean fill requirements but does meet the regulated fill requirements, then it may be used as structural or subgrade fill at the landfill provided that said soil is chemically and physically suitable for each designated purpose and provided that said use is further authorized by a DEP approval pursuant to General Permit No. WMGR096 for the beneficial use of regulated fill. Soil utilized under this Subcondition (52(c)(ii)) shall not be considered a waste for the purposes of fee and daily volume determinations.
- d. No material other than soil meeting clean fill requirements or dewatered dredge material, if authorized pursuant to a dewatering determination, shall be utilized in the construction of the final cover at the landfill.

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RADIATION MONITORING ACTION PLAN

53. This permit also approves the Radiation Protection Action Plan for Solid Waste (RPAP), consisting of approval of a radiation monitoring, detection and action plan received on February 5, 2014, and revised on March 12, 2015.
- a. Pursuant to Section 613 of the Solid Waste Management Act, 35 P.S. Section 6018.613, DEP may recover its costs to abate a public nuisance related to radioactive waste including its costs of management, transport, and disposal of the radioactive waste processed, stored, disposed, or rejected at the facility.
 - b. Approval of this permit modification does not guarantee operational effectiveness. Failure to operate this equipment to perform as intended or designed, and implement the Action Plan according to the application documents herein approved, for any reason, shall be sufficient grounds for revocation or suspension of the facility's waste permit in part or in its entirety.

FINANCIAL ASSURANCE

54. A valid and current certificate of liability insurance shall be maintained at the facility. A copy of the current certificate, listing DEP as a certificate holder and providing a 60-day notice period prior to cancellation or termination, shall be submitted to DEP's Southeast Regional Office, Waste Management Program, as required by 25 Pa. Code Section 271.374 of the municipal waste regulations.
55. The bond between Waste Management of Fairless, LLC and DEP for the Fairless Landfill in the amount of \$52,815,089 is hereby incorporated as part of this permit. Upon receipt of written notice from DEP, this bond will have to be updated within 90 days in accordance with Chapter 271 of the municipal waste regulations.

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ATTACHMENT-I

- I. Municipal incinerator ash as ADCM subject to the following conditions:
 - a. pH of the ash must be less than 12.5 standard units.
 - b. Moisture content must be within the range of 10 to 30 percent.
 - c. Ash for use as an ADCM must originate from generators with functioning metal recovery operations and shall not contain large metal pieces.
 - d. The thickness of the ash layer applied as ADCM must be sufficient to provide adequate coverage of waste to meet the daily cover performance standards, but shall be no more than six inches in depth. Where a six-inch depth is not sufficient to provide adequate coverage, better waste compaction shall be practiced or other approved daily cover materials shall be utilized in place of ash.
 - e. Storage of ash shall be within the working area such that any runoff from the ash shall be contained within the landfill's leachate collection system.
 - f. Testing of incoming ash, whether for disposal or use as an ADCM, shall comply with approved waste acceptance procedures as contained in this permit.
 - g. This approval is restricted to municipal incinerator ash. The permittee shall provide written notification to DEP of the generator(s) ash being utilized as ADCM. Said notification shall be provided prior to the use of the ash as an ADCM.

- II. The following materials have received previous approvals (approving region noted in parentheses) for use as ADCM, and are included on the statewide-approved equivalency list. Based upon the DEP's Policy and Procedure for Municipal Waste Facility Equivalency Approvals, the permittee is authorized to utilize these materials, subject to the terms and conditions of their individual approvals, at the Fairless Landfill. Failure of any of these materials to perform satisfactorily at the Fairless

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Landfill, or failure of the permittee to comply with the terms and conditions upon which the original reviewing region based its approval, shall be grounds for revocation of the approval herein granted:

- Fly ash conditioned with cement kiln dust (SERO).
- USDA clay loam soil texture classification (NWRO).
- Sanifoam (SERO).
- RUSMAR AC-6454 Long Duration Foam (SWRO).
- 3ML-9791 Foam (SWRO).

III. Recycled paper deinking sludge (RPDS) subject to the following conditions:

- a. Approval for use of RPDS as alternate daily cover is limited to the RPDS generated by Hagerstown Fiber Limited and Marcal Paper Mills, Inc. (KAOFIN), at this time. Other sources of RPDS may not be used as alternate daily cover without first obtaining written approval from DEP.
- b. If DEP determines, upon inspection that the RPDS is not meeting the daily cover performance standards specified in Section 273.232(b), the permittee must:
 - i. Upon notification from DEP, immediately cease the use of RPDS as landfill alternate daily cover. Notification can be in the form of an inspection report.
 - ii. Submit to DEP a report, which explains why the RPDS is not adequately meeting the performance standard(s), as well as what steps will be taken to improve the quality of the alternate daily cover and prevent noncompliance with Section 273.232(b).

Under the above circumstances, the RPDS may not be utilized until DEP is satisfied that the continued use of RPDS will not result in noncompliance with Section 273.232(b). In the event the alternate daily cover cannot meet the required performance standards, DEP reserves the right to revoke approval.

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- c. A five-day supply of daily cover soil material shall also be maintained on the site as required by Section 273.232(d), in the event that the RPDS does not comply with the performance standards as outlined in Attachment-I(III)(b), above.
- d. RPDS may not be applied as alternate daily cover within forty (40) linear feet of an exterior side slope. If in the judgment of DEP, the RPDS is determined to be a causative agent in the generation of leachate seeps, DEP may suspend the use of RPDS as landfill daily cover.
- e. The RPDS material should be dewatered to thirty-five percent (35%) to sixty percent (60%) solids contents. The permittee must verify the solids content of incoming RPDS.
- f. RPDS may not be stored/stockpiled at the landfill for greater than twenty- four (24) hours; i.e., this material is intended to be utilized for daily cover purpose as it is generated on a daily basis. All RPDS must be stored/stockpiled on the lined landfill area.

IV. Coal Ash, as subject to waste placement within 24 hours and as subject to the following conditions:

- a. The testing of incoming ash, whether for disposal or use as ADCM, shall comply with approved waste acceptance procedures and the Form U approved by DEP for that source of coal ash.
- b. Coal ash is not to be utilized as ADCM under adverse weather conditions, including periods of rain, snow or excessive wind.
- c. Coal ash is to be used as ADCM only when it is covered by additional solid waste the next day.
- d. Storage of coal ash shall be within the working area, including the establishment of a berm, such that any runoff from coal ash storage is contained within the landfill's leachate collection system.
- e. If, at any time, the coal ash presents a problem related to erosion, dust off-site tracking or traffic ability, its use as ADCM shall be discontinued until such time as the problem(s) are resolved to the satisfaction of DEP.

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- f. Coal ash approved for use as ADCM shall be analyzed quarterly or when the coal ash source is changed, whichever occurs first, using the chemical parameters contained in the Bureau of Mining and Reclamation Module 25. DEP will consider a reduction in analytical frequency to once annually if, after a minimum of four quarterly analyses, the coal ash demonstrates no significant differences in the analysis of variance (ANOVA) of the total concentrations (mg/kg) for each of the Module 25 metals analyzed, including boron and sodium, and the coal ash's pH shows no significant variances.
- g. Coal ash produced at the U.S. Gen New England, Inc. Brayton Point Station, Somerset, Massachusetts, is approved for use as ADCM conditioned upon continued compliance with this sub-condition. New sources may be approved by DEP in writing based upon sufficient demonstration by the permittee that the physical and chemical properties of the coal ash from the new source is suitable for both (1) disposal at this landfill and (2) use as ADCM consistent with this sub-condition.
- V. Processed construction and demolition waste material: The source of processed C&D material approved in this permit modification will be the STAR ADC materials (sized at two-inch minus material) produced at STAR's Vorick II facility in Brooklyn, NY; Recovermat, Waste Management of New Jersey, Inc., Amboy Facility; Karta Industries, Inc., in Peekskill, New York; the Gun Hill Facility located at 620-636 Truxton Street, Bronx, New York; the Mercer Group International of New Jersey Material Recovery Facility, Mercer County, New Jersey; and the Eagle Recycling of New Jersey Materials Recycling Facility, Hudson County, New Jersey subject to the following conditions:
- a. Areas upon which processed C&D material has been used must be covered with either conventional daily cover (soil) or additional waste within seven (7) days.
- b. Storage or stockpiling of any approved processed C&D alternate daily cover, as approved by this permit modification, shall not occur off the lined area of the landfill without obtaining written DEP approval. In addition, the stockpile areas must have appropriate erosion and sedimentation controls in place before stockpiling is initiated.
- c. If DEP inspections indicate an alternate daily cover approved by this permit modification is not meeting the daily cover performance standards specified in 25 Pa. Code Section 273.232, the permittee must:

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- i. Upon notification by DEP, immediately cease the use of the alternate daily cover. Notification can be in the form of an inspection report.
- ii. Submit a report to DEP which explains why the alternate cover material is not meeting the applicable performance standards, and what steps will be implemented to improve the quality of the alternate daily cover and prevent noncompliance with 25 Pa. Code Section 273.232.

Under the above circumstances, the alternate daily cover may not be utilized until DEP is satisfied that the continued use of the alternate daily cover will not result in noncompliance with 25 Pa. Code Section 273.232. In the event the alternate daily cover cannot meet the required performance standards, DEP reserves the right to revoke approval.

- d. Each source of the processed construction and demolition material must be pre-approved in writing by DEP.
 - e. Testing of incoming C&D materials, whether for disposal or use as an ADCM, shall comply with approved waste acceptance procedures.
 - f. The thickness of processed C&D layer applied as ADCM must be sufficient to provide adequate coverage of waste to meet the daily cover performance standards, and shall be between six (6) to twelve (12) inches in depth. Where a 12-inch depth is not sufficient to provide adequate coverage, better waste compaction shall be practiced or other approved daily cover materials shall be utilized in place of processed C&D.
- VI. Propat (patented processed Auto Shred Material produced by Prolerized Schiabo Neu Company) and Fairo Cover (shredded auto fluff produced by Fairless Iron and Metal, LLC) as an ADCM subject to the following conditions:
- a. This approval is limited to the Propat material produced by Prolerized Schiabo Neu Company and Fairo Cover produced by Fairless Iron and Metal, LLC. Failure of either of these products to perform satisfactorily at the Fairless Landfill, or failure of the permittee to comply with the terms and conditions upon which the original issuing region based its approval, shall be grounds for revocation of the approval here in granted.

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- b. The ADCM as received must have a moisture content, and contain cementitious material, as described in the manufacturer's process information, sufficient at all times to allow the material to meet the daily cover performance standards, but at no time shall the moisture content be below fifteen percent (15%).
- c. The ADCM as received must be shredded to particle size no greater than two (2) inches.
- d. Prior to utilizing the ADCM, the permittee shall obtain, and keep available at the site for DEP review, copies of the applicable permit approvals from the original issuing region. The permittee is responsible for demonstrating compliance with the terms and conditions of the original approval of the ADCM.
- e. Areas upon which the material has been used as an ADCM must be covered with either conventional daily cover (soil) or additional waste within seven (7) days. The material may also be used as an ADCM on the leading edge of the fluff lift layer of waste in newly constructed cells. The ADCM is considered waste received and disposed.
- f. The stormwater from this ADCM shall be treated as leachate and be diverted into the landfill's leachate collection system.

VII. Posi-Shell as an ADCM subject to the following conditions:

- a. This approval is limited to the Posi-Shell material that received approval as an ADCM and is listed on the statewide approved equivalency list. Based upon DEP's Policy and Procedure for Municipal Waste Facility Equivalency Approvals, the permittee is authorized to utilize this product, subject to the terms and conditions of its original approval, at GROWS North Landfill. Failure of this product to perform satisfactorily at GROWS North Landfill or failure of the permittee to comply with the terms and conditions upon which the original issuing region based its approval shall be grounds for revocation of the approval herein granted.
- b. Areas where Posi-Shell has been used must be broken up (cracked) before additional waste is placed on top.
- c. Posi-Shell may not be used as an alternate daily cover in the following areas:

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- i. Each partial lift for which the operator intends to place no additional waste for three (3) days.
- ii. Each partial or completed lift that represents final permitted elevations for that part of the facility.

VIII. Nonpetroleum Contaminated Soil as an ADCM subject to the following conditions:

- a. This approval is limited to the Nonpetroleum Contaminated Soil that received approval as an ADCM from the South Central Regional Office and is listed on the statewide approval equivalency list. Based upon DEP's policy and procedure for municipal waste facility equivalency approvals, this ADCM may be approved via a minor modification for use at GROWS North Landfill. Failure of this material to perform satisfactorily at GROWS North Landfill or failure of the permittee to comply with the terms and conditions upon which the original issuing region based its approval shall be grounds for revocation of the approval herein granted.
- b. All ADCM that does not meet DEP's current Management of Fill policy must be managed and stored on a lined area of the landfill.
- c. Soil contaminated with residual waste listed in Attachment-II, below, qualifies for use as daily cover, under the following conditions:
 - i. The primary source of soil contamination is approved for disposal in accordance with the facility's Form R, Waste Analysis and Classification Plan, approval criteria.
 - ii. It can be demonstrated that the soil meets the performance standards and design requirements of Section 273.232 of the Solid Waste Regulations.
 - iii. ADCM consists primarily of soil, meeting the approximate maximum percentage of contaminants listed on Attachment-1. Percentage may be calculated if actual quantities are known, or estimated using any available data.

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- d. In addition to the residual waste contaminated soils listed in Attachment-II, soils containing approximately twenty-five percent (25%) or less of Construction and Demolition Waste may be used as daily cover, provided that the daily cover is composed of materials that are primarily six (6) inches in diameter or smaller.
- e. All Nonpetroleum Contaminated Soil used as an ADCM is a waste and not a recyclable material, and counts towards the ADV of the facility. This waste is subject to the host municipality benefit fee(s) of Act 101.
- f. The stormwater from this ADCM shall be treated as leachate and be diverted into the landfill's leachate collection system.

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ATTACHMENT-II

(Refer to Condition 51 and Attachment-I (VIII))

<u>RWC</u>	<u>Description</u>	<u>Max. Allowable Percent in Soil</u>
001	Coal-derived Bottom Ash	25 Percent
002	Coal-derived Fly Ash	25 Percent
004	Incinerator Bottom Ash	25 Percent
006	Incinerator Mixed Ash	25 Percent
101	Foundry Sand	25 Percent
102	Slag	25 Percent
103	Refractory Material	25 Percent
107	Ferrous Scrap, including Auto Recycle	10 Percent
206	Paint, Coating Sludge, and Scale	10 Percent
306	Surface Coatings (to be individually requested with waste approval)	25 Percent
313	Wax, Paraffin	25 Percent
406	Class Wastes excluding Industrial Refractory Material	25 Percent
413	Asphalt (Bituminous)	25 Percent
414	Ceramic Wastes	25 Percent
504	Paints (liquids)	10 Percent
506	Nonhazardous Metals Contaminated Soils	25 Percent
902	Nonhazardous Residual from Treatment of D002-D008 Hazardous Waste	

Re 30 (eh16wm)077

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Appendix E

General Permit For Processing/Beneficial Use of Residual Waste

Permit No. WMGR096-NE004

Date Amended June 28, 2022

Date Issued July 31, 2006

Date Expires June 28, 2027

The Department of Environmental Protection, Bureau of Waste Management, Division of Municipal and Residual Waste hereby approves the:

Beneficial Use Processing prior to Beneficial Use Other

of: regulated fill as defined in Guidance Document 258-2182-773 (Management of Fill)

for use as: a construction material

This approval is granted to: Bethlehem Earth, LP

Office: 491 Old York Rd Site: South Easton Road

Jenkinstown, PA 19046 Bethlehem, PA, 18015

subject to the attached conditions and may be revoked or suspended for any project which the Department of Environmental Protection determines to have a substantial risk to public health, the environment, or cannot be adequately regulated under the provisions of this permit.

The processing of wastes not specifically identified in the documentation submitted for this approval, or the beneficial use of wastes not approved in this permit, is prohibited without the written permission of the Department.

This permit is issued under the authority of the Solid Waste Management Act (35 P.S. §§6018.101-6018.1003), The Pennsylvania Used Oil Recycling Act (58 P.S. §§471-480), The Clean Streams Law (35 P.S. §§691.1-691.1001), Sections 1905-A, 1917-A and 1920-A of the Administrative Code of 1929 (71 P.S. §§510-5, 510-17 and 510-20) and the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P.S. §§4000.101-4000.1904).

This approval is granted:

By: *Roger Bellas*

Statewide Regional

Title: Environmental Program Manager

GENERAL PERMIT WMGR096 BENEFICIAL USE OF REGULATED FILL

A. Description:

This general permit authorizes the beneficial use of regulated fill, as the term is defined in the Department's Management of Fill Policy (MoFP), Document No. 258-2182-773, as a construction material when moved to a receiving site for use in a construction project. Regulated fill may only be moved to a receiving site, as the term is defined in the MoFP, that meets the following criteria:

1. The site is approved for construction.
2. The site is zoned and used exclusively for commercial and industrial uses, or if un-zoned, is exclusively used for commercial and industrial uses.

Regulated fill may not be moved to a receiving site that is zoned for residential uses (including parks, playgrounds, nursing homes, childcare facilities, schools or other residential-style facilities or recreation areas). Regulated fill does not include fill that has been blended, mixed or treated with the purpose of meeting the definition of "regulated fill" and that without being blended, mixed or treated would fail to meet the regulated fill concentration limits, as the term is defined in MoFP.

This permit does not apply to mine land reclamation activities subject to a permit or regulated fill used within the same project area or project right-of-way. Excavation, movement, or reuse of regulated fill within a project area or right-of-way of a project is not an activity that requires a SWMA permit. Regulated fill may not be used outside of a project area or right-of-way of a project unless a permit has been issued to the person using the regulated fill. This general permit does not apply to regulated fill that has been determined to be regulated fill or authorized for beneficial use under this general permit prior to the effective date of this general permit unless the regulated fill is moved to a new receiving site or off the project area or project right-of-way after the effective date of this general permit. This general permit does not apply to regulated fill that has been determined to be regulated fill prior to the implementation of revised regulated fill concentration limits, unless the regulated fill is moved to a new receiving site or off the project area or project right-of-way after the effective date of the revised limits.

B. Definitions:

This general permit functions as a companion document to the MoFP, and in addition to the following defined terms, the terms already defined in the MoFP are incorporated here by reference. The following terms, when used in this permit, have the following meanings:

Approved for Construction – A receiving site is demonstrated to be approved for construction when the following criteria have been satisfied:

1. An appropriate representative of the municipality or county where the receiving site is located has issued approval of a preliminary or final subdivision and land development plan for the development of the site, which may include conditions of approval that would require the permittee to obtain other necessary local or state permits or approvals, such as a permit under the National Pollutant Discharge Elimination System or a permit for earth disturbance activities.
2. If the municipality or county where the receiving site is located does not have subdivision and land development regulations in effect, the permittee must obtain other necessary local or state permits or approvals, such as a permit under the National Pollutant Discharge Elimination

System or a permit for earth disturbance activities, and a valid permit or approval issued by the municipality or county demonstrating one of the following:

- a. The applicant is authorized to place regulated fill at the receiving site and conduct subsequent construction activities for development of the site;
- b. The municipality or county has reviewed the proposed regulated fill placement activities and subsequent construction activities for development of the site and issued a zoning consistency letter confirming that the applicant's proposed use of regulated fill and subsequent site development is consistent with the municipality's zoning code; or
- c. The municipality or county has reviewed the proposed regulated fill placement activities and subsequent construction activities for development of the site and issues a letter of support.

Construction material – The engineered use of regulated fill as a substitute for a raw material or a commercial product in a construction activity if the regulated fill has the same engineering characteristics as the raw material or commercial product for which it is replacing. The term includes the use of regulated fill as a road-bed material, for pipe bedding and in similar operations. The term does not include valley fills, the use of regulated fill to fill open pits from coal or other fills, or the use of regulated fill solely to level an area or bring the area to grade when a construction activity is not completed promptly after the placement of the regulated fill.

Earth disturbance activity – A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, road maintenance activities, oil and gas activities, well drilling, mineral extraction, and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.

Promptly (regarding the timeframe by which construction activities must occur on a receiving site where regulated fill is placed) – Construction that begins within one-year following the completion of regulated fill placement at the receiving site, unless the permittee provides adequate justification to DEP for a longer timeframe, and the longer timeframe is authorized, in writing, by DEP.

C. Determination of Applicability Requirements:

A person or municipality that proposes to beneficially use regulated fill by operating under the terms and conditions of this general permit after the date of permit issuance must apply for and obtain a "Determination of Applicability" ("DOA") from the appropriate Department of Environmental Protection (Department, or DEP) Regional Office (see attached list) prior to commencing authorized activities under this general permit. The Department recommends conducting a pre-application meeting with the appropriate Regional Office prior to submitting an application. Additional forms and information required will be determined at this meeting. No activities shall commence unless approved, in writing, by the Department. At a minimum, a complete application shall include the following:

1. General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application).
2. Form B (Professional Certification).
3. Form B1 (Application for Certification).
4. Form E-GP (Consent of Landowner).

5. Form HW-C (Compliance History).
6. Form L (Contingency Plan).
7. Form 20RF (Application for a Municipal or Residual Waste General Permit).
8. Form 27R (Acceptance of General Permit Conditions).
9. An application fee in the amount identified in Section B (Fee) of Form 20RF, made payable to the "Commonwealth of Pennsylvania."
10. Names, addresses, and locations of known or potential donor sites of regulated fill and estimates of the weights or volumes of regulated fill at the donor sites.
11. Proof that the beneficial use management activities are consistent with the general permit, and documentation, including laboratory analytical results, and certification by the applicant that the regulated fill meets the conditions of this general permit.
12. A detailed description of the proposed construction activity at the receiving site and the intended use of the site including:
 - a. An explanation of how regulated fill will be beneficially used as construction material;
 - b. The engineering properties required for the construction project and the plan to ensure that, with the placement of regulated fill, these properties are met;
 - c. A schedule for the completion of placement of regulated fill at the site; and
 - d. A demonstration that the site meets the definition of "approved for construction." Permittees authorized under WMGR096 prior to June 28, 2022, will have one year (until June 28, 2023) to satisfy the requirements for demonstrating that their operation has met the definition of being approved for construction. This time frame may be extended if the permittee provides an adequate justification, in writing, for a longer timeframe and DEP authorizes the longer timeframe, in writing.
13. If the size of the receiving site is greater than or equal to one acre, proof that a Pennsylvania Natural Diversity Inventory (PNDI) review at the site has been completed. This review should be in accordance with the Department's "Policy for Pennsylvania Natural Diversity Inventory Coordination During Permit Review and Evaluation" (Jan. 18, 2003), Document No. 400-0200-001, and all known occurrences must be resolved with the jurisdictional agency. If a PNDI review has been completed at the receiving site under another Department program, the report of that review and approval may be submitted to the Department to satisfy this permit application requirement.
14. Proof that copies of the DOA have been submitted, a minimum of 30 days prior to initiating operations, to each municipality, county, county planning agency and county health department in which the receiving site is located.
15. A Waste Transportation Safety Plan that includes, at a minimum, standard operating procedures designed to dis-incentivize overweight trucks and identify designated truck routes, and how such plans will be implemented.

16. For activities authorized under this general permit that are proposed to last for longer than 1-year in duration, proof that traffic impacts for the operation have been adequately assessed. As part of the assessment, the applicant shall consult with the municipality in which the receiving site is located, along with neighboring municipalities (including municipalities along approach route(s) from limited access highways) and the Pennsylvania Department of Transportation (PennDOT), regarding appropriate transportation routes, and provide documentation that shows the consultation occurred. The assessment shall:

- a. Identify all streets and roads which are proposed to be utilized for means of access to and from the site, including the projected volume of traffic that is expected to be generated in relation to the projected daily volume of waste transported to the site;
- b. Describe how anticipated traffic on the streets and roads that are proposed for utilization will not create traffic congestion, hazardous traffic conditions, or excessive traffic volumes; and
- c. Describe how adequate considerations has been given to traffic safety and road capacities for the routes that will be used for vehicles coming to and departing from the site.

For existing permittees who intend to operate beyond June 28, 2023, proof that traffic impacts for the operation have been adequately assessed in accordance with this condition, and proof of consultation with the municipality in which the receiving site is located, neighboring municipalities (including municipalities along approach route(s) from limited access highways) and PennDOT, shall be provided to the appropriate Department Regional Office by December 28, 2022.

D. Operating Conditions:

1. Regulated fill may be beneficially used at the permitted receiving site provided all the following criteria are met:
 - a. Concentrations of regulated substances do not exceed the regulated fill concentration limits (RFCL).
 - b. For construction projects, the structural load specifications for the regulated fill are met. The regulated fill shall satisfy the engineering requirements and the specifications for the construction project. At a minimum, the permittee shall document the final engineering design of the project and the calculations of the maximum load bearing capacity for the regulated fill. Where regulated fill is used under a project contract, the contract must specify the engineering qualities and characteristics of the regulated fill that must be met for completion of the job or project. The purpose of this information is to demonstrate that the construction/development occurring after regulated fill placement is legitimate and is being considered during filling operations so that the final construction activity can safely occur on the site.
 - c. The permittee tracks and documents the placement location for each source of regulated fill placed at the receiving site.
 - d. In construction of a sub-grade, a sub-base or use as a roadway construction material, regulated fill must comply with the requirements of the Pennsylvania Department of Transportation (PennDOT) specifications as outlined in their Publication No. 408

- e. (Specifications). For non-PennDOT uses, regulated fill must comply with applicable standards or requirements for the intended use.
 - f. Upon completion of regulated fill placement at the receiving site, the permittee shall immediately notify the Department of the date that regulated fill placement was completed and provide the Department with a copy of the approved plan or construction permit issued by the applicable state, county or municipal authority that has jurisdiction for the property that shows that the property is approved for construction.
 - g. The permittee begins construction promptly, as the term is defined in this general permit, after the completion of regulated fill placement at the receiving site, unless the permittee provides an adequate justification, in writing, for a longer timeframe and DEP authorizes the longer timeframe, in writing.
2. Regulated fill containing concentrations of regulated substances that exceed the RFCLs may not be moved under the provisions of this general permit and must be managed as a residual waste in accordance with the residual waste regulations, unless a successful background demonstration and equivalent site evaluation is performed in accordance with the MoFP. The background demonstration and equivalent site evaluation must show that 1) any exceedance is due to background at the donor site; 2) no new regulated substance is placed on the receiving site other than a regulated substance already determined to be present; and 3) the concentration(s) of regulated substance(s) in the donor fill has been compared to the concentration(s) of the same regulated substance(s) at the receiving site in accordance with Appendix A of the MoFP.
 3. Regulated fill shall not contain any free liquids based on visual inspection and cannot create a public nuisance (such as an objectionable odor) to users of the receiving site or adjacent properties.
 4. The use of regulated fill must also comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to standards for contaminants) issued under the Air Pollution Control Act, 35 P.S. §4001, and shall comply with all the applicable provisions of 25 Pa. Code §§123.1 and 123.2 (relating to prohibition of certain fugitive emissions and fugitive particulate matter). The use of regulated fill may be regulated under other environmental laws and regulations.
 5. Regulated fill must meet the eligibility criteria as provided in Section B.1 of the MoFP.
 6. The regulated fill shall not be mixed with other types of solid wastes, including hazardous waste, municipal waste, special handling waste, or other residual waste, as the terms are defined in 25 Pa. Code § 287.1, unless otherwise authorized under another permit issued by the Department.
 7. If the placement of the regulated fill will expand beyond the permitted placement area on the same site, the permittee shall apply for a permit modification, in writing, to the appropriate Regional Office by submitting information in accordance with Section C. of this general permit. The application shall include a description of the proposed changes, proof that the proposed expansion area is approved for construction, and the volume necessary to complete this additional construction.
 8. Regulated fill beneficially used in accordance with this general permit shall not be:
 - a. Placed in waters of the Commonwealth.
 - b. Placed in the 100-year floodplain, unless regulated fill is being placed at an Act 2 site (a site as defined in Section 103 of Act 2, 35 P.S. § 6026.103, for which a notice of intent to

- remediate has been submitted to the DEP) provided the placement is in accordance with all other applicable requirements.
- c. Placed within 100 feet of a sinkhole or area draining into a sinkhole.
 - d. Placed within 50 feet of a dwelling, unless the owner has provided a written waiver consenting to the beneficial use being closer than 50 feet.
 - e. Placed within 100 feet of a perennial stream.
 - f. Placed within 300 feet of a water source, unless the owner has provided a written waiver consenting to the beneficial use being closer than 300 feet.
 - g. Placed within 300 feet of an exceptional value wetland, an exceptional value water or a high-quality water.
9. Regulated fill that meets all terms and conditions of this permit and does not exceed the RFCLs shall cease to be waste (“dewasted”) when the regulated fill is placed. If dewasted upon placement and the regulated fill is subsequently excavated and moved beyond the area permitted for regulated fill placement, it must be recertified under the provisions of the Management of Fill Policy and this general permit, and it is subject to applicable requirements for the beneficial use of regulated fill. Regulated fill that is beneficially used under this general permit and then subsequently excavated and moved beyond the area permitted for regulated fill placement or to another receiving site shall require the permittee or new user of the regulated fill to apply for and obtain modified or new coverage under this general permit. A new receiving site must obtain coverage under this general permit in order to receive regulated fill for placement.
10. Upon completion of earth disturbance activities or any stages or phases of activity at the receiving site, the permittee shall meet the site stabilization requirements in 25 Pa. Code § 102.22 (relating to site stabilization).
11. An erosion and sedimentation control plan and stormwater management plan shall be implemented that is consistent with the applicable requirements of The Clean Streams Law and the regulations promulgated thereunder, including 25 Pa. Code, Chapter 102 (relating to erosion and sedimentation control). A copy of the approved stormwater management plan and erosion and sedimentation control plan shall be maintained onsite during construction activities. Applicants must disclose the intended use of regulated fill when submitting an erosion and sedimentation control and stormwater management plans for review, as well as for any approvals or permits sought from municipalities.
12. Prior to beginning operations at the facility, the operator must obtain all necessary storm water management permits.
13. The permittee shall develop and implement a Preparedness, Prevention and Contingency (PPC) Plan that is consistent with current Department guidelines.
14. All activities conducted under the authorization granted in this permit shall be conducted in accordance with the permittee’s application. Except to the extent the permit states otherwise, the permittee shall utilize regulated fill as described in the permit application.
15. 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 Solid Waste Management Act (SWMA), 35 P.S. §§ 6018.101—6018.1001; and the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988, 53 P.S. §§4000.101, et seq.

16. The permittee shall comply with the fugitive emissions regulations under 25 Pa. Code, Chapter 123 (relating to 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 25 Pa. Code, §§123.1 and 123.2 (relating to prohibition of certain fugitive emissions; and fugitive particulate matter).
17. As a condition of this general permit and of the permittee's authority to conduct the activities authorized by this general 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 to and inspect all areas on which solid waste management activities are being, will be, or have been conducted. This authorization and consent shall include consent to collect samples of waste, soils, water, or gases; take photographs; perform measurements, surveys, and other tests; inspect any monitoring equipment; inspect the methods of operation and inspect and/or copy documents, books, and papers required by the Department to be maintained. This permit condition is referenced in accordance with Sections 6018.608 and 6018.610(7) of the SWMA, 35 P.S. §§ 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the SWMA.
18. Any independent contractors or agents retained by the permittee in the completion of activities authorized under this general permit shall be subject to compliance history review by the Department prior to performance of any activities, as specified by the SWMA.
19. 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 permit, for any reason, shall be grounds for the revocation or suspension of the permittee's approval to operate under this permit.
20. The 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. The Department may:
 - a. Modify, suspend, revoke, or reissue the authorization granted in this general permit if the permittee does not comply with the conditions of this general permit or applicable laws and regulations, or if the authorized activities are not adequately regulated under the conditions of this general permit.
 - b. Require an individual permit to be obtained if it is deemed necessary to prevent harm or the threat of harm to the health, safety, or welfare of the public or the environment.
21. 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 to be obtained if the permittee cannot comply 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 public or the environment of this Commonwealth.
22. 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.
23. The permittee shall maintain in force and affect a general liability insurance policy in accordance with 25 Pa. Code, Chapter 287, Subchapter E (relating to bonding and insurance requirements) to provide continuous coverage during operation of the facility and until the permittee submits a completed Form 19R (Certification of Facility Construction Activity) to the Department, and the Department reviews and approves the completed Form.

24. Equipment used for the storage of regulated fill shall be maintained in good operating condition. Daily inspections of each storage area and surrounding environs shall be conducted to determine compliance of the terms and conditions of this general permit and for evidence of failure.
25. Storage of regulated fill by the permittee shall be in a manner that complies with the requirements set forth in 25 Pa. Code, Chapter 299 (relating to storage and transportation of residual waste).

E. Sampling and Analysis:

1. Analytical testing required by this general permit shall be performed by a laboratory accredited under the Pennsylvania Environmental Laboratory Accreditation Act, Act of 2002, 27 Pa. C.S.A. §§ 4101-4113.
2. The permittee shall collect representative samples of the regulated fill and determine compliance with the RFCLs. Samples shall be collected and analyzed in accordance with Appendix A of the Management of Fill Policy.
3. Regulated fill containing a concentration of total PCBs greater than 2 ppm may be subject to regulation under the Toxic Substances Control Act (TSCA), 15 U.S.C. Section 2601 et seq., and 40 C.F.R. Part 761, which is administered and implemented by the Environmental Protection Agency (EPA). EPA's TSCA requirements are independent of any use of regulated fill that is otherwise in accordance with the Department's policy and regulations. An applicant should be aware that its characterization and handling of any soils through the guidance of the Management of Fill policy does not necessarily satisfy a potential EPA TSCA inquiry, and that an applicant may need a separate approval from EPA should EPA require it. For all such material, DEP recommends that you contact the PCB Coordinator for EPA Region 3 by email at R3_PCB_Coor@epa.gov to determine whether PCB-containing regulated fill may be used and to obtain information relating to the associated EPA procedures for collecting and analyzing samples.
4. The permittee shall conduct more frequent testing if variability in the quality of the regulated fill is indicated through visual observation or analytical testing during the production of the regulated fill.
5. If new sources of regulated fill from a new or existing donor site are to be used at an approved beneficial use location, the permittee shall do the following:
 - a. Perform "environmental due diligence" in accordance with the MoFP as the term is defined in the MoFP and collect and analyze a representative sample of the regulated fill in accordance with the MoFP to determine compliance with this general permit.
 - b. Submit a request to the Department by providing the following information:
 - i. The name, address, and location of the regulated fill donor site, as well as an estimated weight or volume of the regulated fill at the donor site.
 - ii. Documentation, including laboratory analytical results, and certification by the permittee that the regulated fill meets the conditions of this general permit and guidance provided in the MoFP.
 - c. The permittee must certify that the information contained in the new source submittal is true and correct by including a statement that precedes a signature stating "I, the undersigned, certify under penalty of law (18 Pa. C.S.A. §4904) that the information provided is true and correct to the best of my knowledge, information and belief."

- d. The permittee may commence beneficial use of the new source of regulated fill after fifteen (15) business days from the date the new source submittal was received, unless otherwise notified by the Department that the submittal is deficient or that additional information is required. If it is determined after the fifteen (15) business day period that the regulated fill was not consistent with the conditions of this general permit, the permittee shall be subject to any and all applicable enforcement actions of the SWMA or the Department's rules and regulations promulgated thereunder. The absence of an action by DEP during or after the fifteen-business day timeframe does not constitute an approval or final action of the Department. New source submittals found to be deficient during Department review must be addressed to the satisfaction of the Department prior to acceptance by the receiving site.

F. Recordkeeping:

1. Daily records of the weight or volume of regulated fill received, the name, address and telephone number of donor sites where the regulated fill originated, the placement locations of each source of fill, approved construction plans, and estimated weights or volumes of regulated fill at the donor sites shall be retained by the permittee for a minimum of five (5) years, onsite and at the permittee's place of business. These records shall be made available to the Department upon request.
2. The permittee shall maintain records of all physical and analytical evaluations conducted in accordance with Section E of this general permit. Records of physical and analytical evaluations must include, at a minimum, the following for each sample:
 - a. The dates of sampling and testing.
 - b. Sampling procedures utilized.
 - c. The name of the individual who collected the sample.
 - d. The volume or weight of the sample.
 - e. Each parameter tested.
 - f. The analytical results.
 - g. The name of the analytical laboratory used.
 - h. The analytical methodologies employed.
3. The permittee shall also maintain records of all spills or releases of one (1) ton or greater that include, at a minimum, the following: the location, date, time, identification and quantity of spilled or released material, and a description of how the regulated fill or other waste was cleaned up. These records shall be retained by the permittee, for a minimum of five (5) years, onsite and at the permittee's place of business and shall be made available to the Department upon request.

G. Reporting Requirements:

1. After initial coverage under this general permit has been issued, but prior to commencing activities authorized under this general permit, the permittee shall update the recorded deed notice to convey that regulated fill is being utilized on the site and to state that anyone reviewing the recorded deed notice may contact the Department for more information about the site.. The permittee shall provide

2. this initial updated deed notice as part of the first fourth quarter report submitted to the Department as required by Condition G.4 of this general permit.
3. Upon completion of filling activities at the site, the permittee shall update the recorded deed notice to include the exact location of the regulated fill placed on the receiving site, including longitude and latitude descriptions, and shall continue to include language stating that anyone reviewing the recorded deed notice may contact the Department for more information about the site. The location and coordinates shall be made a part of the deed for all future conveyances or transfers of the subject property. The permittee shall provide this final updated deed notice as part of the next fourth quarter report submitted after filling activities at the site have been completed, as required by Condition G.4 of this general permit.
4. The permittee shall immediately notify the Solid Waste Manager at the appropriate Department Regional Office (see attached list) within 30 days, in writing, of any changes in the following:
 - a. The name, address, owners, operators and/or responsible officials of the company.
 - b. Changes in land ownership or the right to operate on the land occupied.
 - c. The compliance status (e.g., violations) of any permit issued by the Department or federal government under the environmental protection acts.
5. Permittees operating under the provisions of this general permit shall submit a quarterly report, by the 20th day of each month following the close of each calendar quarter, to the appropriate Department Regional Office (see attached list) for the previous calendar quarter. Quarterly reports must include the following:
 - a. A summary of the weight and volume of regulated fill received from each donor site during each month of the quarter.
 - b. A summary of total volume of regulated fill received at the facility from the date of permit issuance through the end of the quarter being reported as compared to the volume of regulated fill required to complete the construction project.
 - c. The fourth quarter report will serve as the annual report. In addition to the information identified in subparagraphs a and b of this condition, the annual report shall include the following:
 - i. The placement locations of regulated fill beneficially used in the preceding calendar year;
 - ii. The names, addresses and telephone numbers of the donor sites that supplied regulated fill for beneficial use;
 - iii. The date that the regulated fill was generated;
 - iv. The date that the regulated fill was received;
 - v. The weight in tons, or volume, of the regulated fill received; and
 - vi. For the first fourth quarter report after authorized activities have commenced, and the fourth quarter report after filling activities have concluded, proof of an updated recorded deed notice in accordance with Conditions G.1. and G.2., respectively.

6. By March 1st of each year, the permittee shall submit to the appropriate Department Regional Office (see attached list) a topographic survey map of the same scale, contour interval and grid system as the original site plans that show the contours at the beginning and the end of the previous calendar year, the completed areas of the site, and areas partially filled but not active during the previous calendar year; the permittee will ensure that they are not exceeding the boundaries of the permitted placement area(s).
7. The permittee shall notify the Solid Waste Manager at the appropriate Department Regional Office (see attached list), within 72 hours of any evidence that the regulated fill does not meet the RFCLs, physical or engineering property requirements in this general permit or that there is a variability in the quality or chemical characteristics of the regulated fill that has been indicated through visual observation or analytical testing of the regulated fill previously approved under a new source submittal.
8. The permittee shall immediately notify the Department's Emergency Hotline at (717) 787-4343 and the appropriate DEP Regional Office in the event of a discharge or spill of regulated fill or other waste and shall take appropriate immediate action to protect the health and safety of the public and the environment. Spills of less than 1 ton need not be reported.

H. Renewal:

1. A person or municipality that plans to continue operating under this general permit, after the expiration date approved coverage (indicated on the permittee's permit cover page that is provided to the permittee upon issuance of coverage under this general permit), 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 applications shall be submitted to the appropriate DEP Regional Office (see attached list) and include, at a minimum, the following:
 - a. General Information Form (Authorization Application for a Residual or Municipal Waste General Permit Application).
 - b. Form B (Professional Certification).
 - c. Form 20RF (Application for a Municipal or Residual Waste General Permit), which shall include information to show that the construction project is still on schedule.
 - d. Form 27R (Acceptance of General Permit Conditions).
 - e. DOA application fee in the amount identified in Section B (Fee) of the Form 20. A check shall be made payable to the "Commonwealth of Pennsylvania."
2. A copy of the renewal application shall also be sent to the Department's Bureau of Waste Management, Division of Municipal and Residual Waste, Rachel Carson State Office Building, 400 Market Street, P.O. Box 69170, Harrisburg, PA 17106-9170.
3. 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 application for renewal for permit coverage, provided the permittee is, and has been, operating in compliance with the terms and conditions of the general permit.

**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, Beaver, Cambria, Fayette, Greene, Somerset, Washington, Westmoreland.

Southwest Regional Office

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

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

Northwest Regional Office

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

Appendix F



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BUREAU OF SOLID WASTE PERMITTING

401 East State Street

P.O. Box 420, Mail Code 401-02C

Trenton, New Jersey 08625-0420

Tel. (609) 292-9880 • Fax (609) 777-1951

www.nj.gov/dep/dshw

PHILIP D. MURPHY

Governor

SHEILA Y. OLIVER

Lt. Governor

CATHERINE R. McCABE

Commissioner

SOLID WASTE FACILITY PERMIT

Under the provisions of N.J.S.A. 13:1E *et seq.* known as the Solid Waste Management Act, this permit is hereby issued to:

CLEAN EARTH OF NORTH JERSEY

Facility Type:	Solid Waste Transfer Station / Material Recovery Facility
Block & Lot Nos:	Block 289, Lots 14, 14.01, and 14.02
Municipality:	Kearny Town
County:	Hudson
Facility ID No.:	230216
Permit No.:	TRP190001

This permit is subject to compliance with all conditions specified herein and all regulations promulgated by the Department of Environmental Protection.

This permit shall not prejudice any claim the State may have to riparian land nor does it allow the registrant to fill or alter, or allow to be filled or altered, in any way, lands that are deemed to be riparian, wetlands, floodway or flood hazard area, or within the Coastal Area Facility Review Act (CAFRA) zone or are subject to the Pinelands Protection Act of 1979 or the Highlands Water Protection and Planning Act of 2004, nor shall it allow the discharge of pollutants to waters of this State without prior acquisition of the necessary grants, permits, or approvals from the Department of Environmental Protection.

October 29, 2020

Issuance Date

Anthony Fontana, Chief

Bureau of Solid Waste Permitting

October 29, 2025

Expiration Date

CLEAN EARTH OF NORTH JERSEY

230216 TRP190001 SW Transfer Station Permit – Permit Renewal

Scope of the Permit

This Permit, along with the referenced application documents herein specified, shall constitute the sole approval of solid waste facility operations for waste types 10 (Municipal waste – household hazardous waste only), 13, 13C, 27, 27A, and 72 by **CLEAN EARTH OF NORTH JERSEY** located in Kearny Town, Hudson County, New Jersey. Any registration, approval or permit previously issued by the Division of Solid & Hazardous Waste, or its predecessor agencies, for the specific activities described below and as conditioned herein, is hereby superseded.

Facility Description

The facility is a public solid waste transfer station/material recovery facility (TS/MRF) owned and operated by Clean Earth of North Jersey. The facility is located at 105 Jacobus Avenue on Block 289, Lots 14, 14.01, and 14.02 in Kearny Town, Hudson County. The facility is authorized to accept solid waste types 10 (Municipal waste – household hazardous waste only), 27 (Dry Industrial Waste), 27A (Dry Industrial Waste – Friable and Non-friable Asbestos), and 72 (Non-hazardous Liquid Waste), seven days per week, 24 hours per day and waste types 13 (Bulky waste) and 13C (Construction & Demolition waste) Monday through Friday, 6:00 am to 8:00 pm. The facility can process all of the authorized waste types seven days per week, 24 hours per day. The facility is authorized to accept and process a maximum of 2,810 tons of approved solid waste types and/or recyclable materials per day, consisting of 2,660 tons per day of ID 10, 13, 13C, 27 and 72 and 150 tons per day of ID 27A.

Solid waste tipping, processing, and loading operations occur in two enclosed buildings: the 8,780 square foot Containment Building Unit and the proposed 7,360 square foot Solid Waste Transfer Station building which has not been constructed as of the date of issuance of this permit. The enclosed Asbestos Transfer Pad may receive, store, and transfer ID27A (friable and non-friable) waste. Wastes are also stored on-site in containers and tanks, treated or managed in containers, tanks, and process equipment, or transferred off-site in containers. Incoming collection vehicles will enter the facility via Jacobus Avenue and will proceed to the inbound scale and then to either the Containment Building Unit or the proposed Solid Waste Transfer Station building to tip the load of solid waste, to a container storage area for the unloading of containers, or to a tank storage area for bulk liquids. Collection vehicles will then proceed to the outbound scale. Recyclable materials will be recovered from the waste stream and all residue will be loaded into trucks, transfer trailers, or railcars for shipment to authorized disposal facilities.

The facility is also permitted as a commercial hazardous waste treatment, storage, and transfer facility (NJDEP Program Interest number NJD991291105, Hazardous Waste Permit number HWP190001, expires May 5, 2024). The facility receives waste streams consisting of various hazardous waste types from off-site generators. The wastes are stored on-site in containers and tanks, treated on-site in containers, tanks, and process equipment, or transferred off-site in containers. Existing waste treatment activities at the facility include the blending of wastes in tanks and tankers to meet the specifications of off-site authorized industrial boilers or furnaces, solvent

CLEAN EARTH OF NORTH JERSEY

230216 TRP190001 SW Transfer Station Permit – Permit Renewal

reclamation facilities, hazardous waste incinerators, marketers of hazardous waste fuel and treatment facilities. Additional waste treatment activities include the solidification/stabilization of waste solids, slurries and sludge in concrete cells, containers and containment building, container repackaging and the homogenization of waste in containers. The permitted hazardous waste container storage areas may also be used to store and/or manage solid waste per the Hazardous Waste Facility Permit.

This permit does not convey any property rights of any sort, or any exclusive privilege. Failure to comply with all of the conditions specified may result in revocation of this permit and/or may result in such other regulatory or legal actions, which the Department is authorized by law to institute.

Approved Permit Application and Associated Documents

The registrant shall construct and operate the facility in accordance with N.J.A.C. 7:26-1 *et seq.*, the conditions of this permit, and the following documents:

1. "Traffic Evaluation and Impact Study for Clean Earth of North Jersey, Inc.," prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated September 2008, revised October 2010.
2. "Noise Survey Report for Clean Earth of North Jersey, Inc.," prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated September 2008.
3. "Waste Analysis Plan," prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated May 2011.
4. Contingency Plan and Emergency Plan, prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated March 2016 and last revised May 19, 2017.
5. Procedures Manual for Management of Asbestos Containing Waste Material, prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated June 2017.
6. "Supplemental Information for the Solid Waste Facility Permit Modification Request for Asbestos Waste Transfer Activities," prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated June 2017.
7. E-mail from John Castner, PE, PP of Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated July 25, 2017, providing an updated asbestos disposal facility list and an updated asbestos transporter list.
8. Operations and Maintenance Manual for Clean Earth of North Jersey, Inc., prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated July 2019.

CLEAN EARTH OF NORTH JERSEY

230216 TRP190001 SW Transfer Station Permit – Permit Renewal

9. Submission of updated Solid Waste Facility Permit Application information related to a change in the Parent Company for Clean Earth of North Jersey, prepared by Compliance Plus Services, Inc., Horsham, Pennsylvania, dated July 15, 2019.
10. Response document to NJDEP's Technical Notice of Deficiency issued on August 7, 2019, prepared by Compliance Plus Services, Inc., Horsham, Pennsylvania, dated November 6, 2019.
11. "Solid Waste Permit Renewal Application" for Clean Earth of North Jersey, Inc. (including updates to the Solid Waste Facility Permit Application Form, Engineering Design Report, Environmental and Health Impact Statement, and Operations and Maintenance Manual), prepared by Compliance Plus Services, Inc., Horsham, Pennsylvania, dated February 2019 and updated November 2019.
12. Modifications to Existing Tank Farm, Clean Earth of New Jersey, Job Number 86038-040-03 (CENJ-21), signed and sealed by Lahbib Chibani, PhD, PE of Sadat Associates, Inc., Princeton, New Jersey, Rev. 2 dated February 19, 1999.
13. The following engineering drawings prepared for Clean Earth of North Jersey, Inc., signed and sealed by Bradley J. Cunningham, PE, of Compliance Plus Services, Hatboro, Pennsylvania, dated March 2, 2011.
 - i. Site Features Plan – Clean Earth of North Jersey, Drawing Number SP-01 (CENJ-02), dated July 5, 2016.
 - ii. Alternate Configuration – Material Recovery Facility (MRF) Operations, Clean Earth of North Jersey, Inc., Drawing Number A1-A (CENJ-28), dated March 2, 2011.
14. Site Survey Plan, "As-Built Site Improvements 2016," Clean Earth of North Jersey, Inc., Application Job Number 2509 (CENJ-01), dated 7/19/2016, signed and sealed by Arthur A. Swallow, PLS, Arthur A. Swallow Associates, Allentown, Pennsylvania, July 28, 2016.
15. The following engineering drawings prepared for Clean Earth of North Jersey, Inc., signed and sealed by Ahmed Hamidi, PhD, PE, PH of Sadat Associates of Princeton, New Jersey:
 - i. Quality Control Dock Modification Plan and Details for Clean Earth of North Jersey, Inc., Drawing Number 7 of 14 (CENJ-22), Rev. 1, dated May 7, 1993.
 - ii. Existing and Proposed Loading/Unloading Areas for Clean Earth of North Jersey, Inc., Drawing Number 13 of 14 (CENJ-23), Rev. 1, dated April 22, 1993.

CLEAN EARTH OF NORTH JERSEY

230216 TRP190001 SW Transfer Station Permit – Permit Renewal

16. The following engineering drawings prepared for Clean Earth of North Jersey, Inc., signed and sealed by Thomas G. Pullar, PE of EarthRes Group, Inc., Pipersville, Pennsylvania:
 - i. Traffic Plan, Clean Earth of North Jersey, Inc., Drawing Number E-002 (CENJ-03), Rev. 1 dated April 30, 2007.
 - ii. Site Location Plan, Clean Earth of North Jersey, Inc., Drawing Number D-005 (CENJ-04), Rev. 1, dated February 27, 2007.

17. The following engineering drawings prepared for Clean Earth of North Jersey, Inc., signed and sealed by Robert Busch, PE of Leonard Busch Associates of Trenton, New Jersey:
 - i. New Containment Area for Clean Earth of North Jersey, Inc. – Foundation Plan Sections and Details, Drawing Number S1 (CENJ-06), Rev. 3, dated July 20, 2016.
 - ii. New Containment Building and Rail Access for Clean Earth of North Jersey, Inc. Site Plan, Drawing Number SP1 (CENJ-07), Rev. 13, dated January 5, 2007.
 - iii. New Containment Building and Rail Access for Clean Earth of North Jersey, Inc. Various Areas, Plans, Sections, and Details, Drawing Number SP2 (CENJ-08), Rev. 5, dated May 5, 2006.
 - iv. New Containment Building and Rail Access for Clean Earth of North Jersey, Inc. Various Areas, Plans, Sections, and Details, Drawing Number SP3 (CENJ-09), Rev. 5, dated February 12, 2007.
 - v. New Containment Building for Clean Earth of North Jersey, Inc. Plans and Details, Drawing Number A1 (CENJ-10), Rev. 6, dated January 5, 2007.
 - vi. New Containment Building for Clean Earth of North Jersey, Inc. Elevations, Drawing Number A2 (CENJ-11), Rev. 4, dated January 5, 2007.
 - vii. New Containment Building for Clean Earth of North Jersey, Inc. Screening Operation Plan, Drawing Number A3 (CENJ-12), Rev. 5, dated January 5, 2007.
 - viii. New Containment Building for Clean Earth of North Jersey, Inc. Sections, Drawing Number A4 (CENJ-13), Rev. 2, dated January 5, 2007.
 - ix. New Containment Building for Clean Earth of North Jersey, Inc., Foundation Plan Sections and Details, Drawing Number S1 (CENJ-14), Rev. 7, dated January 5, 2007.

CLEAN EARTH OF NORTH JERSEY

230216 TRP190001 SW Transfer Station Permit – Permit Renewal

- x. New Containment Building for Clean Earth of North Jersey, Inc. Sections and Details, Drawing Number S2 (CENJ-15), Rev. 3, dated January 5, 2007.
 - xi. New Containment Building for Clean Earth of North Jersey, Inc. Roof Framing Plans Sections and Details, Drawing Number S3 (CENJ-16), Rev. 4, dated January 5, 2007.
 - xii. New Containment Building and Rail Access for Clean Earth of North Jersey, Inc. Rail Car Position Layout, Drawing Number R1 (CENJ-17), Rev. 1, dated November 2, 2005.
 - xiii. New Containment Building and Rail Access for Clean Earth of North Jersey, Inc. Rail Car Position Layout, Drawing Number R2 (CENJ-18), Rev. 1, dated November 2, 2005.
 - xiv. New Containment Building and Rail Access for Clean Earth of North Jersey, Inc. Traffic Flow Diagram, Drawing Number T1 (CENJ-19), Rev. 2, dated September 28, 2006.
 - xv. New Transfer Station for Clean Earth of North Jersey, Inc., Floor Plan Sections and Details, Drawing Number A1 (CENJ-24), dated October 14, 2010.
 - xvi. New Transfer Station for Clean Earth of North Jersey, Inc., Elevations, Drawing Number A2 (CENJ-25), dated October 14, 2010.
 - xvii. New Transfer Station for Clean Earth of North Jersey, Inc., Foundation Plan Sections and Details, Drawing Number S1 (CENJ-26), dated October 14, 2010.
 - xviii. New Transfer Station for Clean Earth of North Jersey, Inc., Sections and Details, Drawing Number S2 (CENJ-27), dated October 14, 2010.
 - xix. Loading Dock Modifications for Clean Earth North Jersey, Inc., Drawing Number S1 (CENJ-29), dated August 14, 2015.
18. “Solid Waste Facility Permit Modification Request: Addition of New Storage Tanks, Revisions to Existing Loading/Unloading Dock and Reinstatement of Previously Approved Transfer Activities” (includes an updated Registration Form, Operations and Maintenance Manual, and site drawings) prepared by Compliance Plus Services, Inc., Hatboro, Pennsylvania, dated November 2015.
19. Letter from the Bureau of Solid Waste Permitting to Christopher Dods, President, Clean Earth of North Jersey, dated June 16, 2016, approving the installation of two new storage tanks (ST-6 and ST-7) and modifications to the Loading Dock.

CLEAN EARTH OF NORTH JERSEY
230216 TRP190001 SW Transfer Station Permit – Permit Renewal

In case of conflict, the provisions of N.J.A.C. 7:26-1 *et seq.* shall have precedence over the conditions of this permit, and the conditions of this permit shall have precedence over plans and specifications listed above.

Attachment

The conditions of this permit are found in the attached document entitled “Clean Earth of North Jersey, 230216, TRP190001, SW Transfer Station Permit – Permit Renewal, Requirements Report.”

CLEAN EARTH OF NORTH JERSEY
230216 TRP190001 SW Transfer Station Permit -Permit Renewal
Requirements Report

Subject Item: PI 230216 -

1. The permittee shall operate the facility in compliance with the requirements of N.J.A.C. 7:26-2.11. N.J.A.C. 7:26-2.11(b) shall only apply to the operations conducted in the Containment Building Unit (CBU) and the Solid Waste Transfer Station (SWTS) Building. [N.J.A.C. 7:26- 2.8(i)]
2. The permittee shall operate the facility in conformance with all of the conditions, restrictions, requirements and any other provisions set forth in this permit. [N.J.A.C. 7:26- 2.8(j)]
3. Except for minor modifications as set forth at N.J.A.C. 7:26-2.6(d), the permittee shall not modify, revise or otherwise change any condition of this permit without prior written approval of the Department. [N.J.A.C. 7:26- 2.8(k)]
4. If the permittee wishes to continue the operation of this facility after the expiration date of this permit, the permittee shall apply for permit renewal at least 90 days prior to the expiration date of this permit, and the facility must be included in the District Solid Waste Management Plan at the time of such application. [N.J.A.C. 7:26- 2.7(b)1]
5. The conditions of this permit shall continue in force beyond the expiration date of this permit pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-11, until the effective date of a new permit if the permittee has submitted a timely and complete application for a renewal permit at least 90 days prior to the expiration of this permit and the Department, through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of this permit, due to time or resource constraints. [N.J.A.C. 7:26- 2.7(c)]
6. Permits continued under the Administrative Procedure Act remain fully effective and enforceable. If the Permittee is not in compliance with any one of the conditions of the expiring or expired permit, the Department may choose to: Initiate enforcement action based on the permit which has been continued; Issue a notice of intent to deny the new permit under N.J.A.C. 7:26-2.4. If the permit is denied, the permittee would then be required to cease activities and operations authorized by the continued permit or be subject to an enforcement action for operating without a permit; Issue a new permit under N.J.A.C. 7:26-2.4 with appropriate conditions; or take such other actions as are authorized by N.J.A.C. 7:26-1 et seq. or the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq. [N.J.A.C. 7:26- 2.7(d)]
7. Should the Department determine that the facility is operating in an environmentally unsound manner in accordance with N.J.A.C. 7:26-2.8(p) the permittee shall: Within 90 days of notification by the Department, submit a plan to close or environmentally upgrade the facility in conformance with the applicable standards, as determined by the Department and set forth in N.J.A.C. 7:26-1 et seq.; Within 90 days of receipt of written approval by the Department of the submitted plan, begin to close or construct the environmental upgrading at the facility; and Within one year of receipt of written approval by the Department of the submitted plan, complete closure or construction of the environmental upgrading at the facility. [N.J.A.C. 7:26- 2.8(p)]
8. A one time extension of the compliance schedule established by N.J.A.C. 7:26-2.8(p) shall be granted by the Department provided the permittee demonstrates that it has made a good faith effort to meet the schedule. [N.J.A.C. 7:26- 2.8(q)]

CLEAN EARTH OF NORTH JERSEY
230216 TRP190001 SW Transfer Station Permit -Permit Renewal
Requirements Report

Subject Item: PI 230216 -

9. Should the environmental upgrading required pursuant to N.J.A.C. 7:26-2.8(p) not be completed or should continued operations be determined by the Department to be environmentally unsound despite the implementation of the plan approved pursuant to N.J.A.C. 7:26-2.8(p), the facility shall temporarily or permanently cease operations and close or enter into receivership, as provided for in N.J.S.A. 13:1E-9, for that period of time necessary to rectify the environmentally unsound conditions. [N.J.A.C. 7:26- 2.8(r)]
10. If cause exists, the Department may modify, or revoke and reissue this permit, subject to the limitations of N.J.A.C. 7:26-2.6, and may require the permittee to submit an updated or new application in accordance with N.J.A.C. 7:26-2.6(e), if appropriate. [N.J.A.C. 7:26- 2.6(a)1]
11. The Department may modify or, alternatively, revoke and reissue this permit if cause exists for termination under N.J.A.C. 7:26-2.6(c) and the Department determines that modification or revocation and reissuance is appropriate. [N.J.A.C. 7:26- 2.6(b)]
12. Upon the request of the permittee, an interested party or for good cause, the Department may make certain minor modifications to a permit without issuing a tentative approval, providing public notice thereof or holding a public hearing thereon. [N.J.A.C. 7:26- 2.6(d)]
13. Where the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit such facts or information. [N.J.A.C. 7:26- 2]
14. All completed registration statements submitted by the permittee shall be signed as specified at N.J.A.C. 7:26-2.4(e)1. [N.J.A.C. 7:26- 2.4(e)1]
15. All engineering designs and reports, the environmental and health impact statement, other information requested as "Addendums" by the Department pursuant to N.J.A.C. 7:26-2.4(f) and (g)4 and documents required to be submitted pursuant to N.J.A.C. 7:26-2.9 and 2.10, submitted on behalf of the permittee, shall be signed by a person described in N.J.A.C. 7:26-2.4(e)1 or by a duly authorized representative of that person, as specified at N.J.A.C. 7:26-2.4(e)2. [N.J.A.C. 7:26- 2.4(e)2]
16. Any person signing a registration statement, engineering design or report, environmental and health impact statement or addendum mentioned in N.J.A.C. 7:26-2.4(e)1 or (e)2, submitted on behalf of the permittee, shall make the certification specified at N.J.A.C. 7:26-2.4(e)3. [N.J.A.C. 7:26- 2.4(e)3]
17. The permittee shall not transfer ownership of the permit without receiving prior written approval of the Department, in accordance with N.J.A.C. 7:26-2.7(e). [N.J.A.C. 7:26- 2.8(l)]
18. A written request for permission to allow any transfer of ownership or operational control of the facility must be received by the Department at least 180 days in advance of the proposed transfer. The request for approval shall include all of the information required by N.J.A.C. 7:26-2.7(e)1i-iv. [N.J.A.C. 7:26- 2.7(e)1]
19. A new owner or operator may commence operations at the facility only after the existing permit has been revoked and a permit is issued pursuant to N.J.A.C. 7:26-2.4. [N.J.A.C. 7:26- 2.7(e)2]
20. During a transfer of ownership, the permittee of record remains liable for ensuring compliance with all conditions of the permit unless and until the existing permit is revoked and a new permit is issued in the name of the new owner or operator. [N.J.A.C. 7:26- 2.7(e)3]

CLEAN EARTH OF NORTH JERSEY
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21. Compliance with the transfer requirements set forth in N.J.A.C. 7:26-2.7 shall not relieve the permittee from the separate responsibility of providing notice of such transfer pursuant to the requirements of any other statutory or regulatory provision. [N.J.A.C. 7:26- 2.7(e)4]
22. Prior to May 1 of each calendar year the permittee shall submit to the Department a statement updating the information contained in the permittee's initial registration statement. This update shall be on forms furnished by the Department. In no case shall submission of an updated statement alter conditions of this permit. [N.J.A.C. 7:26- 2.8(b)]
23. The permittee shall notify the Department in writing within 30 days of any change in the information set forth in the permittee's current registration statement. [N.J.A.C. 7:26- 2.8(c)]
24. Failure of the permittee to submit an updated registration statement and to submit all applicable fees, required by N.J.A.C. 7:26-4, on or before July 1 of each calendar year shall be sufficient cause for the Department to revoke this permit or take such other enforcement action as is appropriate. [N.J.A.C. 7:26- 2.8(d)]
25. The permittee shall maintain a daily record of wastes received. The record shall include the information specified at N.J.A.C. 7:26-2.13(a). [N.J.A.C. 7:26- 2.13(a)]
26. The daily record shall be maintained, shall be kept, and shall be available for inspection in accordance with N.J.A.C. 7:26-2.13(b). [N.J.A.C. 7:26- 2.13(b)]
27. The permittee shall verify, retain and make available for inspection a waste origin/disposal (O and D) form for each load of solid waste received in accordance with N.J.A.C. 7:26-2.13(c). [N.J.A.C. 7:26- 2.13(c)]
28. The permittee shall submit monthly summaries of wastes received to the Division of Solid and Hazardous Waste, Bureau of Planning and Licensing and the Solid Waste Coordinator for the District where the facility is located, on forms provided by the Department (or duplication of same), no later than 20 days after the last day of each month. The monthly summaries shall include the information specified at N.J.A.C. 7:26-2.13(e). [N.J.A.C. 7:26- 2.13(e)]
29. Upon request by the Department, the permittee shall submit, in such form as the Department may deem appropriate, information concerning the sources of wastes received and the transportation or disposal patterns associated with such wastes. [N.J.A.C. 7:26- 6.4]
30. The permittee shall operate the facility in compliance with any applicable district solid waste management plan(s) as well as any amendments to and/or approved administrative actions concerning such plan(s). Should the permittee fail to comply with any applicable district solid waste management plan(s) as well as any amendment to or approved administrative actions concerning such plan(s), the permittee shall be deemed in violation of N.J.S.A. 13:1E-1 et seq. and N.J.A.C. 7:26-1 et seq. and shall be subject to applicable penalties provided thereunder, and any other applicable laws or regulations. [N.J.A.C. 7:26- 6.12(b)]
31. The permittee and/or facility operator shall report to the Department and the Attorney General within 30 days any changes or additions in the information required to be included in the disclosure statement, as specified at N.J.A.C. 7:26-16.6 [N.J.A.C. 7:26-16.6(b)]
32. The permittee and/or facility operator shall report any other changes in the information contained in the permittee's disclosure statement currently on file with the Department and the Attorney General in an annual update to be filed with the Department at the time of the permittee's annual renewal of its registration with the Department, as specified at N.J.A.C. 7:26-16.6 [N.J.A.C. 7:26-16.6(c)]

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33. The issuance of this permit shall not exempt the permittee from obtaining all other permits or approvals required by law or regulations. [N.J.A.C. 7:26- 2.8(h)]
34. The permittee shall inspect each incoming waste load in accordance with the Waste Control, Inspection, and Recyclables Plan included as part of the approved final operations and maintenance manual, or in accordance with any other approved facility operating plan as appropriate. Such inspections shall be performed to identify the incidence of designated recyclable materials that may be mandated to be source separated by the District Recycling Plan applicable to the point of origin of the waste load. The permittee shall consult with each county recycling coordinator for the facility's service area on a quarterly basis to review those recyclable materials that are designated by each county to be source separated pursuant to N.J.S.A. 13:1E-99.13(b)2. The Waste Control, Inspection, and Recyclables Plan or other approved facility operating plan as appropriate, shall be updated accordingly. Should any designated recyclable materials be detected in a delivered waste load, the appropriate county recycling coordinator shall be notified in writing. The permittee shall maintain a copy of each such notification at the facility. Whenever possible, the generator who failed to source separate the recyclable materials shall also be identified and reported to the county recycling coordinator. [N.J.A.C. 7:26- 2.10(b)9vii]
35. Upon notification from the Department that a State of Emergency, which may impact the facility's operations, has been declared by the Governor pursuant to the New Jersey Disaster Control Act at N.J.S.A. App. A:9-30 et seq., the permittee shall provide to the Division of Solid and Hazardous Waste a daily report on the operational status of the facility and the quantity of wastes received during the previous operating day or any other relevant information requested pursuant to N.J.S.A. App. A:9-36. The status report shall be submitted electronically, or as otherwise directed by the Department, to solidwasteemergencies@dep.nj.gov on forms, or in the format, provided by the Department and in compliance with the time frames established by the Department after the State of Emergency declaration. The status reports shall be submitted daily until the permittee is informed by the Department that the reports are no longer required for that State of Emergency. [N.J.A.C. 7:26- 2.11(b)9]

Subject Item: SWTG950026 - TS/MRF Operations Requirements

36. The permittee shall operate the facility, and construct or install associated appurtenances thereto, in accordance with the provisions of N.J.A.C. 7:26-1 et seq., the conditions of this permit, and the referenced permit application documents. [N.J.A.C. 7:26-2.11(b)9]
37. The facility shall comply with the additional operational, maintenance, inspection and monitoring requirements for transfer stations and material recovery facilities as provided at N.J.A.C. 7:26-2B.9. [N.J.A.C. 7:26-2B.9]
38. In case of conflict, the provisions N.J.A.C. 7:26-1 et seq. shall have precedence over the conditions of this permit, the conditions of this permit shall have precedence over the SWF permit application documents, and the most recent revisions and supplemental information approved by the Department shall prevail over prior submittals and designs. [N.J.A.C. 7:26-2.11(b)9]
39. One complete set of the approved referenced permit application documents, this Solid Waste Facility Permit, and all records, reports and plans as may be required pursuant to this permit shall be kept on-site and shall be available for inspection by authorized representatives of the Department upon presentation of credentials. [N.J.A.C. 7:26-2.11(b)9]

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40. The permittee is authorized to accept waste types:

ID 10 (Municipal household hazardous waste only);
ID 13 (Bulky waste);
ID 13C (Construction and Demolition waste);
ID 27 (Dry Industrial Waste - non-asbestos);
ID 27A (friable and non-friable asbestos);
ID 72 (non-hazardous liquid waste).

The permittee is not authorized to accept any other type or description of solid waste as defined at N.J.A.C. 7:26-2.13(g) and (h) or regulated medical waste as defined at N.J.A.C. 7:26-3A.6(a). [N.J.A.C. 7:26- 2.11(b)9]

41. The permittee may accept a maximum of 2,810 tons of material, consisting of 2,660 tons per day of ID 10, 13, 13C, 27, and 72 and 150 tons per day of ID 27A on Monday through Friday, and 2,660 tons per day of ID 10, 27, and 72 and 150 tons per day of ID 27A on Saturday and Sunday. Materials for acceptance shall include solid waste and/or recyclable materials and shall be deposited only in those areas that have been specifically identified in the approved design drawings for such purposes.

All solid waste material accepted at the facility shall be either tipped and managed through the Containment Building Unit (CBU) or the proposed Solid Waste Transfer Station (SWTS) Building (upon compliance with Conditions 52-54) or placed within a container storage unit, a tank storage unit, a bunker within the CBU or proposed SWTS Building, or the Asbestos Transfer Pad (ID 27A only) within 24 hours of receipt. Within each 24 hour period the operator shall clean the tipping floor of the Containment Building Unit (CBU) and the proposed SWTS Building in which waste has been deposited in accordance with N.J.A.C. 7:26-2.11(b)1.

Solid waste material placed within the bunkers of the CBU or the proposed SWTS Building shall be removed by the end of the next working day after receiving analytical results. The removed material must be placed either in a container storage area or removed off-site to an appropriate end-market. [N.J.A.C. 7:26- 2.11(b)10]

42. The permittee shall comply with the waste analysis requirements for ID 10, 13, 13C, 27, and 27A solid waste materials contained in Section 5.3 of the approved Waste Analysis Plan. [N.J.A.C. 7:26-2.11(b)11]

43. The permittee shall accept waste at the facility in accordance with the following schedule: waste types ID 10, 27, 27A, and 72, Sunday through Saturday, 24 hours per day and waste types ID 13 and 13C, Monday through Friday, 6:00 am to 8:00 pm.

The permittee shall process waste at the facility in accordance with the following schedule: all waste types, Sunday through Saturday, 24 hours per day. [N.J.A.C. 7:26- 2.10(b)9i]

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44. The permittee shall store all solid waste (except ID72 and ID27A) in containers in approved solid or hazardous waste containment storage areas as specified on the approved site plans, specifically Areas A through G, Main Processing Pad and Loading/Unloading Dock, Tank Farm Loading and Unloading Pad, QC Dock, East and West Pads of QC Dock, Hockmeyer Area, Non-hazardous Container Storage Pad, Containment Building Unit, and proposed SWTS Building. Containers shall remain closed except when treating waste, adding or removing waste, or sampling waste in accordance with the Waste Analysis Plan. A minimum of 18 inches of aisle space shall be maintained between double rows of containers; and containers 110 gallons or less shall be stacked no greater than two high. Containers greater than 110 gallons shall not be stacked, unless palletized. Containers shall be labeled as "non-hazardous solid waste." Containers shall be in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking (no visible leaks) and inspected daily.

The total time to manage waste material through the facility (inclusive of the initial 24 hour time frame) shall not exceed the following limits:

ID 13 and 13C waste received in bulk containers- 5 day maximum

ID 13 and 13C waste received in non-bulk containers- 10 day maximum

ID 10 (HHW only) and ID 27 received in bulk and non-bulk containers- 90 day maximum

Bulk containers are containers with a total capacity of 500 gallons or more (e.g. cargo tanks, roll-off boxes, dump trucks, etc). Non-bulk containers are containers with a total capacity of less than 500 gallons (e.g. drums, totes, cubic yard boxes, etc). [N.J.A.C. 7:26- 2.10(b)9i]

45. The permittee shall schedule the waste deliveries to the facility in such a manner as to minimize truck queuing on the facility property. The permittee shall stage vehicles in accordance with the queuing plan provided in the permit application. [N.J.A.C. 7:26-2B.9(e)]
46. Under no circumstances shall delivery trucks and/or transfer trailers accessing or exiting the facility be allowed to park or queue on any public road. The permittee shall post at the facility, and provide to users of the facility, a copy of the traffic routes identified in the May 12, 2011 Administrative Action to the Hudson County District Solid Waste Management Plan. [N.J.A.C. 7:26-2B.9(d)]
47. In the event of a facility outage or other significant malfunction which would result in the facility's inability to process waste at a rate equal to or exceeding the rate of incoming waste, the operator shall immediately report such situation or event to the Department's Hotline at 1-877-927-6337. [N.J.A.C. 7:26-2.10(b)9v]
48. The permittee may conduct materials recovery operations as follows. The permittee shall only extract recyclable materials including metal, tires, wood, concrete, brick, block, and stone in accordance with the referenced permit application documents. All recovered materials shall be stored in containers as depicted on the referenced drawings of the permit application documents, pending transportation to a recycling center or final market destination.

The permittee may stabilize and solidify solid waste with the reagents specified in the approved documents. The permittee may also consolidate, repackage, and transfer waste in the approved container management areas and may decant, blend, filter, and homogenize ID 72 waste. [N.J.A.C. 7:26-2B.5(d)4]

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49. The permittee shall maintain contracts or letters of agreement with end markets, manufacturers and approved recycling centers for the disposition of all recovered materials. The permittee shall notify the Department within one week of changes in the status of existing contracts or the addition of any new contracts or letters for the disposition of recovered materials. Such notice shall include documentation of the changed status or a copy of the new contract or letter of agreement. [N.J.A.C. 7:26-2.9(c)4iii]
50. The permittee shall maintain the air pollution control equipment for the facility. The air pollution control system's filters shall be replaced in accordance with the manufacturer's standard operating procedures. The air pollution control system shall be turned on and functioning properly when solid waste is stored and/or processed within the building. [N.J.A.C. 7:26-2.11(b)6]
51. The permittee is authorized to construct a 92 foot wide by 80 foot long Solid Waste Transfer Station Building as detailed in the engineering designs referenced in the permit application documents. Prior to initiating any construction activity, the permittee shall obtain all necessary permits and approvals required for construction. [N.J.A.C. 7:26-2.11(b)11]
52. Within thirty (30) days of completion of the construction project, the permittee shall submit to the Department, by Certified Mail or hand delivery, written certification from both the permittee and a licensed professional engineer registered in the State of New Jersey, that the construction has been completed in accordance with the approved designs. The written certifications shall be in conformance with the required N.J.A.C. 7:26-2.4(e), and shall be accompanied with a set of "as built" construction drawings signed and sealed by the licensed professional engineer. [N.J.A.C. 7:26-2.11(b)9]
53. A final Operations and Maintenance Manual shall be submitted to the Department subsequent to the completion of the construction phase of the proposed Solid Waste Transfer Station Building, but at least sixty (60) days prior to initiating operations in the proposed Solid Waste Transfer Station Building. Operations in the proposed Solid Waste Transfer Station Building shall not be initiated before obtaining approval of the final O and M Manual from the Department and a revised Solid Waste Facility Permit and, if required, a Certificate of Occupancy from Kearny Town. [N.J.A.C. 7:26-2.10(b)10]
54. The permittee shall submit to the Bureau of New Source Review, Division of Air Quality, an application for an air pollution control permit for the proposed Solid Waste Transfer Station Building. All air pollution control equipment must be installed and certified to be fully operational prior to the commencement of transfer station/material recovery operations within the Solid Waste Transfer Station Building. [N.J.A.C. 7:26-2.11(b)9]
55. The permittee is authorized to conduct construction activities to shorten the Loading Dock in the Main Processing Area to accommodate more access space on the Main Processing Pad in accordance with the Department's approval letter dated June 16, 2016. Within thirty (30) days of completion of the construction project, the permittee shall submit to the Department, by Certified Mail or hand delivery, written certification from both the permittee and a licensed professional engineer registered in the State of New Jersey, that the construction has been completed in accordance with the approved designs. The written certifications shall be in conformance with the required N.J.A.C. 7:26-2.4(e), and shall be accompanied with a set of "as built" construction drawings signed and sealed by the licensed professional engineer. [N.J.A.C. 7:26- 2.11(b)9]

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Subject Item: SWTG950026 - TS/MRF Operations Requirements

56. The permittee shall construct, operate, and maintain the facility to prevent washout of any waste by a 100-year flood, as required by 40 CFR 264.18(b)(1), N.J.A.C. 7:26-2.9(c)5ii(1), and N.J.A.C. 7:26-2.11(b)9. Specifically, the permittee shall implement the interim Flood Action Plan that includes Drawing FP-01: Temporary Flood Isolation Barriers; and Drawing FP-02: Site Elevation Plans. The interim flood plan involves constructing a temporary barrier of sandbags, moving waste to areas outside of the flood areas, and/or shipping of waste off-site to authorized facilities. [N.J.A.C. 7:26- 2.11(b)9]
57. The permittee shall construct, operate, and maintain the facility to prevent washout of any waste by a 100-year flood, as required by 40 CFR 264.18(b)(1), N.J.A.C. 7:26-2.9(c)5ii(1), and N.J.A.C. 7:26-2.11(b)9. Specifically, the permittee shall submit a permit modification request for the purposes of implementing the approved long-term Flood Emergency Action Plan, including the construction of berms, walls and/or flood diversion systems. The permit modification shall be submitted within 60 days of the issuance of the Land Use Permit authorizing the long-term emergency flood plan, in accordance with the permittee's Flood Regulation Compliance Schedule. [N.J.A.C. 7:26- 2.11(b)9]
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Subject Item: SWTG1334230 - ID 72 Conditions

58. The permittee is authorized to manage ID 72 liquid waste in containers in the following areas in accordance with the referenced permit application documents: Areas A through Area G, Main Processing Pad & Loading/Unloading Dock, Tank Farm Loading and Unloading Pad, QC Dock, East Pad of QC Dock, West Pad of QC Dock, Containment Building Unit, Hockmeyer Area, Non-hazardous Container Storage Pad, and proposed SWTS Building. [N.J.A.C. 7:26- 2.11(b)11]
59. The permittee is authorized to manage ID 72 liquid waste in the following tanks in accordance with the referenced permit application documents: ST-1, ST-2, ST-3, ST-4, ST-5, ST-6, and ST-7 in the Tank Farm Storage Area. [N.J.A.C. 7:26- 2.11(b)11]
60. All units used to store or treat ID 72 liquid waste shall be labeled or marked clearly with the words "ID 72 Waste." [N.J.A.C. 7:26- 2B.9(g)1]
61. All piping used to transfer ID 72 liquid waste shall be labeled or marked clearly with the words "ID 72 Waste." [N.J.A.C. 7:26- 2B.9(g)1]
62. All units containing ID 72 liquid waste shall be in good condition (no severe rusting, apparent structural defects or deterioration) and not leaking (no visible leaks). [N.J.A.C. 7:26- 2B.5(h)3]
63. All units containing ID 72 liquid waste shall be equipped with a secondary containment system that is sufficiently impervious to waste materials to prevent any waste materials released into the containment system from migrating out of the system to the soil, groundwater or surface water. [N.J.A.C. 7:26- 2B.5(h)4]
64. The permittee shall comply with the waste analysis requirements for ID 72 liquid waste contained in Section 5.3 of the approved Waste Analysis Plan. [N.J.A.C. 7:26- 2B.9(g)2]
65. The permittee shall inspect any containers holding ID 72 liquid waste on a daily basis to ensure the containers comply with Condition 60 above. [N.J.A.C. 7:26- 2.10(b)9]
66. The permittee shall inspect any tanks holding ID 72 liquid waste on a daily basis to ensure the tanks comply with Condition 60 above. [N.J.A.C. 7:26- 2.10(b)9]

CLEAN EARTH OF NORTH JERSEY
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Subject Item: SWTG1334230 - ID 72 Conditions

67. Upon detection of a release of ID 72 liquid waste, the permittee shall stop the release; contain the released materials; clean up and properly manage the released materials; and, if necessary, repair or replace any leaking units prior to returning them to service in accordance with the plans reference in the permit application documents. [N.J.A.C. 7:26- 2B.9(g)4]
 68. ID 72 liquid waste transfer stations are subject to all applicable Spill Prevention, Control and Countermeasure requirements found at 40 CFR Part 112 and all applicable discharge prevention, containment and countermeasure and discharge cleanup and removal requirements found at N.J.A.C. 7:1E. [N.J.A.C. 7:26- 2B.5(h)1]
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Subject Item: SWTG1334231 - Asbestos Conditions

69. The permittee shall receive, store, and transfer ID 27A friable asbestos only in the Asbestos Transfer Pad. The permittee shall receive, store, and transfer ID 27A non-friable asbestos only in the Containment Building Unit, Asbestos Transfer Pad, or the proposed SWTS Building. [N.J.A.C. 7:26- 2.11(b)9]
70. All asbestos transfer operations must be directly managed and supervised by the permittee. [N.J.A.C. 7:26- 2.11(b)9]
71. ID 27A (asbestos containing waste) shall be managed in accordance with the requirements of this permit and the approved Procedures Manual for the Management of Asbestos Containing Waste Material. [N.J.A.C. 7:26- 2.11(b)9]
72. All facility personnel conducting asbestos transfer operations shall be trained in accordance with the Training and Certification procedures set forth in Section 7 of the Procedures Manual for the Management of Asbestos Containing Waste Material. [N.J.A.C. 7:26- 2.11(b)9]
73. Individual containers of ID 27A friable asbestos containing waste shall remain closed at all times. The permittee is authorized to re-package and re-label containers that are damaged. Containers of ID27A non-friable asbestos containing waste shall remain closed except during sampling, treatment, and/or consolidation within the Containment Building Unit or the proposed Solid Waste Transfer Station, in accordance with the procedures set forth in the approved Procedures Manual for the Management of Asbestos Containing Waste Material. [N.J.A.C. 7:26- 2.11(b)9]
74. All ID 27A (asbestos containing waste) shall only be transferred to facilities authorized to receive, transfer, and dispose of asbestos containing waste material. [N.J.A.C. 7:26- 2.11(b)9]

Appendix G



pennsylvania
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

July 19, 2017

Ms. Cheryl L. Coffee
Clean Earth of Southeast Pennsylvania, LLC
7 Steel Road
Morrisville, PA 19067

Re: Permit Renewal
Clean Earth of Southeast Pennsylvania, LLC
Falls Township
Bucks County
Permit Application No. 301254
APS No. 755912, AUTH No. 1134411

Dear Ms. Coffee:

The Pennsylvania Department of Environmental Protection (DEP) has reviewed your permit application received on April 22, 2016, for a ten (10) year permit renewal to continue operation of the Clean Earth of Southeast Pennsylvania (CESP) facility, a residual waste processing facility located at 7 Steel Road in Falls Township, Bucks County. We have determined that you have satisfied all applicable requirements necessary to perform these activities. Therefore, we have issued the enclosed permit in accordance with Article V of the Solid Waste Management Act, 35 P.S. Sections 6018.101 et seq.

Compliance with the limitations and stipulations that have been set forth on your permit is mandatory.

Any person aggrieved by this action may appeal, pursuant to Section 4 of the Environmental Hearing Board Act, 35 P.S. Section 7514, and the Administrative Agency Law, 2 Pa.C.S. Chapter 5A, to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, 717.787.3483. TDD users may contact the Board through the Pennsylvania Relay Service, 800.654.5984. Appeals must be filed with the Environmental Hearing Board within 30 days of receipt of written notice of this action unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in braille or on audiotape from the Secretary to the Board at 717.787.3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decisional law.

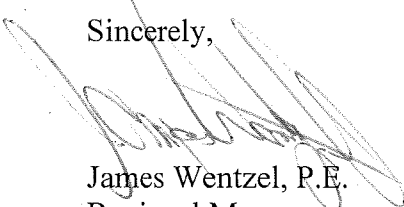
IF YOU WANT TO CHALLENGE THIS ACTION, YOUR APPEAL MUST REACH THE BOARD WITHIN 30 DAYS. YOU DO NOT NEED A LAWYER TO FILE AN APPEAL WITH THE BOARD.

IMPORTANT LEGAL RIGHTS ARE AT STAKE, HOWEVER, SO YOU SHOULD SHOW THIS DOCUMENT TO A LAWYER AT ONCE. IF YOU CANNOT AFFORD A LAWYER, YOU MAY QUALIFY FOR FREE PRO BONO REPRESENTATION. CALL THE SECRETARY TO THE BOARD (717.787.3483) FOR MORE INFORMATION.

If you have any questions about the enclosed permit or requirements of the Solid Waste Management Act, please contact Dr. Mohamad Mazid, P.E., Chief, Technical Services, by email at mmazid@pa.gov or by telephone at 484.250.5768.

Thank you for your cooperation.

Sincerely,



James Wentzel, P.E.
Regional Manager
Waste Management

Enclosure: Permit Renewal

cc: Mr. Gray - Falls Township (w/enclosure)
Ms. Kostick - Bucks County Health Department (w/enclosure)
Mr. Logan - Compliance Plus Services, Inc. (w/enclosure)
Re 30 (rc17wm) 200.2

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

**Permit
For
Solid Waste Disposal and/or Processing Facility
FORM NO. 8**

Permit No. 301254
Date Issued July 19, 2017
Date Expired July 19, 2017

Under the provisions of the Pennsylvania Solid Waste Management Act of July 7, 1980, Act 97, a permit for a solid waste disposal and/or processing facility at (municipality) Falls Township in the County of Bucks is granted to

(applicant) Clean Earth of Southeast Pennsylvania, LLC

(address) 7 Steel Road East

Morrisville, PA 19067

This permit is applicable to the facility named as Clean Earth of Southeast Pennsylvania, LLC and described as: a residual waste processing facility

Latitude - 40°, 10', 45"

Longitude - 74°, 45', 55"

This permit is subject to modification, amendment, and supplement by the Department of Environmental Protection (DEP) and is further subject to revocation or suspension by DEP for any violation of the applicable laws or the rules and regulations adopted thereunder, for failure to comply in whole or in part with the conditions of this permit and the provisions set forth in the application No. 301254 which is made a part hereof, or for causing any condition inimical to the public health, safety, or welfare.

See Attachment for waste limitations and/or Special Conditions.



**FOR THE DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

THIS PERMIT IS NON - TRANSFERABLE

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT

**Permit
For
Solid Waste Disposal and/or Processing Facility
FORM NO. 8**

Permit No.	301254
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Date Expired	July 19, 2027

1. This Waste Management Permit is renewed based upon application No. 301254 (APS No. 755912, AUTH No. 1134411), which was received at the Southeast Regional Office of the Pennsylvania Department of Environmental Protection (DEP) on April 22, 2016 for the ten-year renewal application to continue operations for the processing and thermal treatment of contaminated soil at the Clean Earth of Southeast Pennsylvania (CESP) facility, a residual waste processing facility located at 7 Steel Road, Morrisville, PA 19067 in Falls Township, Bucks County.

This approved application consists of the following documents (unless otherwise noted, received and revised refer to the dates documents were received by DEP and not necessarily the dates of the documents themselves):

Form A received on April 22, 2016
 Form B received on April 22, 2016
 Form B1 received on April 22, 2016
 Form HW-C received on April 22, 2016
 Form D received on April 22, 2016
 Form E received on April 22, 2016, and revised on February 10, 2017
 Form G(A) received on February 10, 2017
 Form I received on April 22, 2016, and revised on February 10, 2017
 Form L and the PPC Plan received on April 22, 2016, revised on February 10, 2017, and April 24, 2017
 Form P received on April 22, 2016, and revised on June 19, 2017
 Form R received on April 22, 2016
 Form X received on April 22, 2016
 Form 5R received on April 22, 2016
 Bonding Worksheet received on April 22, 2016, revised on November 28, 2016, February 10, 2017, and April 24, 2017
 Figure 1, titled "Soil Drying Agent Storage Locations" dated November 1, 2010 received on February 10, 2017
 Drawing D-001, titled "Site Plan," dated October 30, 2006, received on February 10, 2017
 Drawing GU-01, titled "Grading & Utility Plan" dated December 13, 2016, received on February 10, 2017 and revised on April 3, 2017, received on April 24, 2017

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Drawing SL-01, titled "Site Layout Plan" dated December 16, 2016, received on February 10, 2017, and revised on April 3, 2017, received on April 24, 2017, and again revised on May 4, 2017, and received on June 19, 2017

Drawing SL-02, titled "Sections & Details" dated April 3, 2017, received on April 24, 2017, and revised on May 4, 2017, received on June 19, 2017

This approved application also includes the documents received on May 12, 2016, February 10, 2017, April 24, 2017, and June 19, 2017, in response to DEP's review comments sent on April 29, 2016, October 21, 2016, March 15, 2017, via email, and April 27, 2017, via email, respectively.

2. Nothing in this permit shall be construed to supersede, amend, or authorize violation of, the provisions of any valid and applicable local law, ordinance, or regulation, provided that said local law, ordinance, or regulation is not pre-empted by the Pennsylvania Solid Waste Management Act, the Act of July 7, 1980, Act 97, 35 P.S. 6018.101 et seq.

3. 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 DEP, without advanced notice or a search warrant, upon presentation of appropriate credentials, and without delay, to have access to and to inspect all areas on which solid waste management activities are being or will be conducted. The 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, or papers required by the DEP to be maintained. This permit condition is referenced in accordance with Sections 608 and 610(7) of the Solid Waste Management Act, 35 P.S. Sections 6018.608 and 6018.610(7). This condition in no way limits any other powers granted under the Solid Waste Management Act.

4.
 - a. This facility may not accept residual waste unless DEP has specifically approved the processing and management of the waste as a part of this permit.

 - b. Hazardous waste may not be stored, processed, or disposed at the facility.

 - c. Municipal waste, including construction/demolition waste and sewage sludge, may not be stored, processed, or disposed at the facility.

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- d. Other special handling wastes may not be stored, processed, or disposed at the facility unless DEP has specifically approved the processing and management of the waste as a part of the permit.
- e. Sewage sludge that has been processed pursuant to a General Permit issued by the DEP's Bureau of Safe Drinking Water and Wastewater Management pursuant to 25 Pa. Code Chapter 271, Subchapter J, and that meets a Class A or Class B pathogen requirement (i.e., biosolids) may be accepted and further processed at this facility provided that said acceptance and processing is also conducted pursuant to a Bureau of Waste Management General Permit issued pursuant to 25 Pa. Code Chapter 271, Subchapter I, or Chapter 287, Subchapter H, subject to any additional limitations or restrictions as may be contained in this permit. The permittee shall submit to the Southeast Regional Office, Waste Management, an analysis of the terms and conditions of any such General Permit that may be issued along with an evaluation of the impact of the General Permit on the terms and conditions of this individual permit.
The DEO will review this analysis to determine if this permit requires revision or modification to adequately incorporate the processing and beneficial use requirements of the General Permit. The Permittee shall not conduct processing or beneficial use operations under the General Permit until or unless written approval is obtained from the DEP's review pursuant to this subcondition.
- f. No waste with free petroleum product or other liquids, as determined by USEPA SW-846, Method 9095, shall be accepted at the facility.
- g. Pursuant to Form P, Attachment A, Material Profile Sheet, Section C, the facility shall check the incoming waste for any chemical compound that is used to suppress the odor of the waste or to make it drier, and shall also check for any chemical compound that is not included in the manifest for the incoming waste.
5. The permitted days and hours for acceptance of waste are Monday through Saturday from 6 a.m. to 6 p.m. The facility's permitted days and hours of on-site operations are 24 hours per day, seven days per week. Waste acceptance and/or operations may be extended due to extreme weather conditions in accordance with the following procedure. Prior to extending operations, justification for such an extension must be mailed or faxed to the Waste Management Manager or his designee. Written concurrence that the extension is justifiable needs to be received by the permittee from the manager, or

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his designee, before extended operations may be implemented. All other requests to extend operating hours must be requested in advance of need and be approved, in writing, in advance by DEP.

6. The maximum amount of solid waste (including any sewage sludge/biosolids accepted pursuant to Condition 4, above) that may be accepted for processing shall not exceed 2,400 tons per day (tpd). Clean fill, as that material is defined by the DEP's Management of Fill policy (Document No. 258-2182-773), shall only be managed at the facility pursuant to Section 2.5 of Form P and the amounts of clean fill received at the facility each day shall be counted against the facility's 2,400 tpd daily volume limitation until or unless a revised traffic impact study is submitted to and approved by the DEP to address additional traffic associated with clean fill operations. Other than being counted towards the facility's daily volume limitation as described above and being included in the facility's recordkeeping requirements described in Conditions 8 and 9 of this permit, clean fill is not otherwise subject to regulation pursuant to this permit unless its management at the facility creates or contributes to on- or off-site nuisances.
7. The operator shall inspect each load in accordance with its approved plan under 25 Pa. Code Section 287.134 of the Residual Waste Regulations, to ensure compliance with that section and Section 297.201.
8. All analyses (including, but not limited to, pre-approval, pre-acceptance, and post treatment) of solid waste that is accepted at the facility and all documentation regarding environmental due diligence determinations for clean fill managed at the facility shall be maintained by the operator on-site for a minimum of 5 years after the analyses/determinations are performed, unless the permittee's application specifies a longer retention time frame. These records must be made available to representatives of the DEP upon request.
9. Daily operational records must be kept in a format outlined in Section 297.261 of the Residual Waste Rules and Regulations. This must include the type and amount of material (solid waste, clean fill) accepted each day, the source or generator of the material, the amount of material processed each day, the type and amount of material added to the processed material storage pile each day, the type and amount of material (solid waste and clean fill) transported off-site each day, and the use and destination of the material that is transported off-site each day.

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10. An annual operations report is to be submitted on or before June 30 of each year to the DEP's Southeast Regional Office in accordance with the format outlined in Section 297.262 of the Residual Waste Rules and Regulations. This must be accompanied by the annual permit administration fee.
11. The facility is permitted to accept and to process by physical means (screening, mixing, or blending) and/or by thermal remediation the following contaminated materials: naturally-occurring soils and aggregates composed of clay, silt, sand, natural organic matter, gravel, rock, and stone that are removed from the ground after becoming contaminated to nonhazardous levels by hydrocarbon contaminants. For the purposes of this permit, hydrocarbon contaminants shall consist of virgin and nonvirgin petroleum hydrocarbons (gasoline; jet fuel; kerosene; diesel fuel; No. 2-6 fuel oil; asphalt; petroleum and coal tars; greases; crude oil; heating oil; and lubricating oil) and oxygenated hydrocarbons (alcohols, ethers, organic acids, and ethylene glycol). The descriptions and listings contained herein are intended to be limiting. When used in this permit, the terms "contaminated material," "contaminated materials," "hydrocarbon contaminant," and "hydrocarbon contaminants" shall be restricted to the descriptions and listings contained above. For contaminated materials or hydrocarbon contaminants that are not specifically described above, the permittee must submit a Form U disposal request for DEP review and approval prior to acceptance and processing, and might be required to submit a permit modification if the request is deemed to be for a type of waste not approved in this permit.
12. a. Incoming contaminated material that is being sampled as part of the on-site waste acceptance and screening process shall be staged in the truck at the designated staging area (identified as the staging area for detected RAM loads) while awaiting review and acceptance of analytical results prior to being placed inside the contaminated material storage building (building). Incoming contaminated material that is not being sampled shall be visually inspected for compliance with the requirements of Form R, Section 3.2 prior to being placed inside the building. Incoming contaminated material from a particular job or from a particular job that is received during the operating day (in cases material receipt for a job extends beyond a single day) shall be segregated from other materials when initially placed inside the building until all on-site waste acceptance screening samples collected for that job, or for the batch of material received from that job during the operating day, have been analyzed and found acceptable. Should any screening sample collected for that job, or for the batch of material received from that job during the operating day, fail to meet acceptance criteria for any parameter analyzed, the segregated material shall be rejected (returned to the generator or sent to an acceptable processing or disposal facility) or else the entire quantity of segregated material shall be resampled by

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collecting and analyzing samples that are representative of the entire quantity of segregated material in the number specified by Condition 15 for that quantity of material. If the resampling demonstrates compliance with the facility's waste acceptance criteria, then the material may remain at the facility for processing. If the resampling indicates that all or a portion of the material does not meet waste acceptance criteria, then all or that portion of the material that is unacceptable shall be rejected. No blending of the material with other material inside the building shall occur until this procedure has been satisfied.

- b. Incoming contaminated material shall be staged or stored in Areas 1 to 6, as indicated on Drawing No. SL-01, except that nonrecyclable oversized material may also be stored in Area 7 pursuant to Condition 19. Each storage area measures 28' wide by 130' deep as measured from the back wall of the building. All contaminated material must be stored inside the building and said storage shall be limited to the footprint defined by these six areas (168' wide by 130' deep), thereby maintaining a 20' clear zone between the edge of the permitted storage area and the front wall (overhead door side) of the building for unimpeded vehicle and equipment movement inside the building. Pile height must not be higher than the roof frame and shall be sufficiently below the roof frame to allow equipment to maneuver on and within the pile(s) without the possibility of the equipment damaging the roof or its supporting structure.
- c. Areas 1 and 2 shall be used for the staging or storage of only regulated fill material or material intended for direct reuse without thermal remediation. In addition to any temporary segregation required pursuant to Condition 12a, above, relating to segregation of material as part of the on-site waste acceptance screening procedures, regulated fill material and direct reuse material staged or stored in Areas 1 and/or 2 at the same time are to be segregated from each other by physical barriers. No mixing or blending of regulated fill material with direct reuse material is allowed at any time. Incoming contaminated material requiring thermal remediation shall be staged or stored only in Areas 3 to 6. However, any or all of Areas 3 to 6 may be used to stage or store regulated fill material and/or direct reuse material provided that:
- i. All material intended for thermal remediation is first removed from the area(s) and the area(s) are cleaned to the greatest extent practical.
 - ii. Regulated fill material and direct reuse material stored in the area(s) shall be physically segregated from each other as specified in Condition 12.c, above.

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- iii. The area(s) being used for staging or storage of regulated fill material and/or direct reuse material shall be clearly marked, including visual markings, to prevent the placement of contaminated material intended for thermal remediation in the area(s).
- d. Except as may be allowed pursuant to Condition 19, relating to nonrecyclable, oversized material storage, Area 7, as indicated on Drawing No. SL-01, shall be used only for blending and/or physical processing preparation of contaminated material removed from storage from Areas 1 to 6. This use may entail staging of material removed from Areas 1 to 6 prior to, and/or after, blending or physical processing in preparation for being thermally remediated or moved to outside storage in the case of regulated fill or direct reuse materials not requiring thermal remediation. Incoming material shall not be directed to Area 7 for staging or storage. Further, Area 7 shall be used to stage and process either soil intended for thermal remediation or regulated fill/direct reuse materials, but not both at the same time. Regulated fill material and direct reuse material shall be segregated from each other at all times, including contact in processing equipment, when in Area 7. No regulated fill and/or direct reuse material may be in Area 7 at any time when material intended for thermal remediation is present, and vice versa. Area 7, including processing equipment, shall be appropriately decontaminated when switching between the management of regulated fill, direct reuse materials, or materials intended for thermal remediation so that cross-contamination between material types does not occur.
- e. At no time may the amount of contaminated material inside the building (Areas 1 through 7 inclusive) exceed 11,667 cubic yards or 17,500 tons. The permittee shall maintain adequate records of incoming and outgoing materials and material processed to determine the amount of contaminated material contained inside the building at any given time. Said determination must be provided to the DEP upon request and shall be recorded in the facility's operational records on at least a daily basis. In addition, the permittee shall accurately measure the volume of all the contaminated material inside the building at least once per calendar quarter and compare the measured volume determination to the volume determination based on facility recordkeeping. Results of this determination shall be recorded as part of the facility's daily operation record. If the permittee, through its recordkeeping and quarterly measurement comparisons, is unable to document the amount of contaminated material inside the building to the DEP's satisfaction, the permittee shall conduct pile volume measurements or surveys to determine the amount of contaminated material present upon written request from DEP.

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13. Processed sewage sludge (i.e., biosolids) accepted pursuant to Condition 4, above, shall be stored in a 35' by 70' area within Area 7 as indicated on Drawing No. SL-01. No more than 1,000 tons of this material may be store on-site at any time, not counting material that may be contained in processed soil blends stored in the outside processed soil stockpile area. When not used for biosolids storage, the 35' by 70' area may be used for activities approved for Area 7 in Condition 12, above. The permittee shall keep a Biosolids Evaluation and Certification Form, including all supporting documentation, for each generator on file at the facility for a minimum of 5 years.
14. a. Waste characterization shall be conducted in accordance with Section 2 of Form R, relating to types of contaminated wastes, site characterization, waste approval, characterization, and approval for biosolids, and shipment of approved waste material. Each sample required for site characterization (Form R, Section 2.2 and Soil Profile Sheet, Tables B and C) shall be a discrete grab sample when analyzing for total petroleum hydrocarbons (TPH) and total organic halides (TOX) and a composite of at least three discrete and representative grab samples when analyzing for Total Metals, Polychlorinated Biphenyl (PCBs), ignitability, reactivity, and corrosivity, and each sample (grab or composite consisting of three grabs) shall be collected at the frequency specified in Table 1 of Form R, Section 2.3. The acceptance limits contained in Table 1, Form R, Section 2.3 are absolute maximum concentrations. TCLP is required when metals are 20 times the Remedial Action Completion Report (RACR) limits. When a project is not the result of a virgin petroleum fuel spill or tank pull, TCLP for RCRA organics is required.
- b. An exception to the maximum total metals waste acceptance limits contained in Table 1 of Section 2.3 of the Form R may be made provided that (1) end use approval has been secured for the soil at the higher metal concentrations, (2) all other procedures pertaining to preacceptance, screening and processing of waste are met, and (3) Section 2.3.2 of the Form R, entitled "Special Acceptance Procedures for Certain Beneficial Reuse" is followed. In addition, a Form U must be submitted in accordance with Condition 16 of this permit for each total metals waste acceptance limitation waiver request along with a cover sheet (Special Acceptance Form) identifying it as soil with metal level exceedances and accompanied by the end use approval or authorization documentation. Waste subject to a Form U waste processing request submitted pursuant to this subcondition (14b) may not be accepted for processing until specifically approved by DEP in writing (i.e., the automatic fifteen calendar day approval period provided by Condition 16f of this permit is not applicable).

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c. No blending of soils with elevated metal concentrations accepted pursuant to Condition 14.b may be performed to meet any end use criteria metal levels, and the soil shall be kept segregated from other soils unless earmarked for same end use project.

15. On-site waste acceptance shall be conducted in accordance with Section 3 of Form R relating to screening of incoming loads, rejection of loads, and oversize material. All incoming contaminated material shall be screened on-site for TPH, TOX, and PCBs. One grab sample per 60 tons of contaminated material containing the following (virgin or nonvirgin) hydrocarbon contaminants shall be taken and analyzed for TPH, TOX and PCBs: gasoline; jet fuel; kerosene; diesel fuel; No. 2-4 fuel oil; heating oil; alcohols; ethers; organic acids; and ethylene glycol. One grab sample per 250 tons of contaminated material containing the following (virgin or nonvirgin) hydrocarbon contaminants shall be taken and analyzed for TPH, TOX, and PCBs: The Nos. 5-6 fuel oil; asphalt; petroleum and coal tars; greases; crude oil; and lubricating oil. The maximum allowable concentration of TPH for incoming contaminated material may not exceed 45,000 mg/kg using a portable photo ionization detector (PID). The maximum allowable concentration of TOX for incoming contaminated material may not exceed 1,000 mg/kg using a Dexsil L 2000 or equivalent. The maximum allowable concentration of PCBs for incoming contaminated material may not exceed 4 mg/kg using Dexsil extraction method or equivalent.

16. A Form U document must be submitted to the DEP in accordance with the following procedures prior to the acceptance of (1) virgin and oxygenated hydrocarbon contaminated material with TPH concentrations between 10,000 and 45,000 mg/kg and (2) any nonvirgin hydrocarbon contaminated material:

- a. All solid waste must be consistent with the requirements stated in the waste analysis and classification plan contained in Form R, as incorporated in Condition 1 of this permit, except to the extent that the requirements of Form R are superseded by the terms and conditions of this permit.
- b. The permittee shall not accept any solid waste not included in the Form Resubmission unless a permit modification is submitted to, and approved by, DEP.
- c. The permittee shall not accept, receive or process hazardous waste as defined in 25 Pa. Code Chapter 261a or 40 CFR Part 261.

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- d. Virgin hydrocarbon contaminated material with TPH concentrations less than 10,000 mg/kg and contaminated material from small quantity residual waste generators do not need to have Form U documents submitted to DEP prior to their acceptance at the facility and, consequently, are not subject to the submittal and review requirements described in Condition 16f provided that they do not also involve a total metals waste acceptance limitation waiver request pursuant to Condition 14b, above. For those waste streams subject to the Form U submittal waiver of this subcondition, the permittee must keep waste characterization documents, including a Form U, on file at the facility to demonstrate that the waste streams accepted pursuant to this subcondition are not hazardous, comply with the facility's waste characterization requirements as outlined in Condition 14a, and comply with the requirements of this condition (other than 16f). A quarterly report, to be submitted within thirty (30) days of the end of the calendar quarter (January–March, April–June, July–September, and October–December), shall be submitted to the DEP's Southeast Regional Office listing information by generator, including the waste type, approved quantity, quantity accepted, generator identification number, the identification number for each Form U document, and the end use category that governed the level of remediation (see Condition 16g) for all waste received during the calendar quarter that did not require the submittal of a Form U to DEP.
- e. All Form U documents must be kept on file and are to be available for inspection by the DEP. Each Form U document shall be assigned a sequential identification number that is to be recorded on all forms submitted to DEP.
- f. The permittee must submit a Form U waste processing request for each waste stream not exempted from the submission requirement pursuant to Condition 16d, above. Proof of submission to the DEP shall be dated certified mail return receipt cards; signed dated, acceptance receipts for hand delivered requests; signed dated receipts for overnight mail/federal express delivery; or some other delivery/receipt mechanism as may be approved by DEP. The waste indicated on Form U may be accepted for processing by the permittee after fifteen (15) calendar days, unless also subject to the requirements of Condition 14b, above, in which case the waste shall not be accepted for processing until written DEP approval is obtained. If, at any time after the fifteen (15) calendar day period, it is determined by DEP that the waste accepted for processing is not consistent with the waste analysis and classification plan or the design of the facility, the permittee shall be subjected to all and any applicable enforcement action of the Solid

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Waste Management Act or the DEP's rules and regulations promulgated thereunder. Absence of disapproval by the DEP before and after the waiting period does not constitute an approval or final action of the DEP.

- g. All Form U documents shall indicate the intended end use mechanism for the material that is to be processed as well as the end use category (Categories 1–5, refer to Form P, Section 4.6) that will govern the level of remediation.
17. a. After exiting the thermal treatment unit, processed material shall be conveyed by radial stacker to the Remediated Product stockpile area, as indicated on Drawing No. 1A. This area, also known as the temporary stockpile area, measures approximately 50' by 36' by 20' high and shall be limited to no more than 1,333 cubic yards or 2,000 tons at any time. Material shall remain at this location until post treatment testing and analysis have been conducted to verify the effectiveness of the thermal remediation process. At a minimum, one grab sample per 50 tons of thermally processed material shall be collected and analyzed for TPH and volatile organic compounds (VOCs).

Effective thermal remediation shall be based upon none of the TPH concentrations of the grab samples exceeding the applicable category limitation and none of the VOCs concentrations exceeding 2 ppm or the individual organic compound limitations specified by the implementing mechanism for the intended end use, with the latter not to exceed 250 ppm (see Form P, Section 4.6 and Table 4). Material meeting the effective remediation standards shall be moved and stored in the processed material storage area, pursuant to Condition 18, below. Material not meeting the effective thermal remediation standards shall be moved inside the building for storage in Areas 3–6 pending reprocessing, or for staging in Area 7 for immediate reprocessing. Material returned to the building for reprocessing shall be managed as contaminated material and shall be included as part of the 17,500-ton storage limitation contained in Condition 12, above.

- b. Regulated fill and direct reuse material meeting end use requirements without thermal processing but only requiring physical processing shall be moved and stored in the outside processed material storage area, pursuant to Condition 18, after physical processing.

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- c. Processed material, after being blended with biosolids as a soil amendment, shall be tested for the parameters and at the frequency specified in the General Permit authorizing said processing and beneficial use.
18. a. Material meeting the effective thermal remediation standards shall be moved from the temporary stockpile area and shall be stored in the processed material stockpile area, which is a kidney-shaped area approximately 200' by 350', as shown on Drawing No. SL-01. In addition, regulated fill and direct reuse material shall be moved from Area 7 after physical processing and shall be stored in this processed material stockpile area. Within this area, processed material may be stored in any configuration within the area so long as no more than 7,407 cubic yards or 11,100 tons of material is stored at any time and so that pile height does not exceed 20'. Piles shall be adequately segregated and marked (including batch numbers as well as narrative descriptors – regulated fill, Categories 1-5 fill, etc.) according to end use requirements. All material placed in the processed material stockpile area shall meet the Category 1 effective remediation limit unless an agreement is in place with a defined end user for an end use allowing for a different effective remediation limit that also specifies a time frame for, and quantity of, the material needed (see Form P, Section 4.6 and Table 4).
- b. Once each operating day, the permittee shall monitor each new pile, or each existing pile to which additional material has been added, that contains regulated fill or direct reuse material. The pile(s) shall be monitored for VOCs in accordance with Section 4.6 of Form P. If any reading for a pile exceeds 100 ppm, that pile shall immediately be covered with a tarp or cover to minimize fugitive emissions, in accordance with Section 4.7.1 of Form P. If any reading for a pile exceeds 250 ppm, that pile shall immediately be relocated back into the building for storage in an appropriate area of the building (Areas 3–6) to be managed as soil intended for thermal remediation pending reprocessing, in accordance with Section 4.7.2 of Form P. A record shall be kept of the daily VOC readings, the TPH category of the each pile(s) corresponding to the daily VOC readings (and/or actual TPH values for each pile, if known), and each incident of implementation of the control measures required pursuant to Section 4.7 of Form P (cover or tarp placement, movement of material back into the building). Material returned to the building for reprocessing shall be managed as contaminated material and shall be included as part of the 17,500-ton storage limitation contained in Condition 12, above.

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- c. Pursuant to Condition 6 of this permit, and as indicated on Drawing SL-01, clean fill may be stored in a portion of the processed material stockpile area to the extent that said storage does not interfere with the permittee's ability to abide by, or comply with, the terms and conditions of this permit. Clean fill shall be segregated from processed material by a physical barrier, which may be adjusted to suit operational needs.
- d. The permittee shall maintain adequate records of incoming and outgoing materials and material processed to determine the amount of processed material contained outside the building (in areas described in Conditions 17 and 18 of this permit) at any given time. Said determination must be provided to DEP upon request and shall be recorded in the facility's operational records on at least a daily basis. If the permittee, through its recordkeeping, is unable to determine the amount of contaminated material outside the building to the DEP's satisfaction, upon written request from the DEP, the permittee shall configure the processed material outside the building in such a manner as to allow for pile volume measurements or surveys to be conducted to determine the amount of processed material present.
- e. The storage of processed material and clean fill shall be in a manner that will not create a nuisance or be harmful to public health, safety, or the environment, and shall be in a manner that prevents the dispersal of processed material by wind or water erosion.
- f. Runoff from the processed material storage area, including runoff from processed material and/or clean fill 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. Runoff from the processed material storage area shall be diverted or otherwise controlled so that runoff, including runoff-laden sediment, does not flow onto or through the clean fill storage area(s) or come in contact with clean fill material.
- g. At a minimum of once per calendar quarter, the permittee shall collect a sample of stormwater runoff from the processed material storage area and analyze the sample for TPH, total suspended solids, and the thirteen priority pollutant metals (total and dissolved), unless the permittee certifies that there was insufficient rainfall to generate runoff capable of being sampled in that calendar quarter. The sample shall be collected during the initial 30 minutes of the discharge from the processed material storage area, or as soon as practicable thereafter, and shall be collected prior to discharge to the sedimentation basin. Quarterly sample results shall be

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submitted to the DEP's Southeast Region Waste Management Manager no later than 30 days after the end of the calendar quarter for which the sample was to be taken. After obtaining four quarters of actual sample results, the permittee shall submit a report evaluating (1) the quality of the stormwater runoff; (2) the effectiveness of runoff controls; and (3) the need for continued or additional surface water and/or groundwater monitoring, pursuant to 25 Pa. Code 297.233. As a part of the evaluation, the permittee may request a reduction or elimination of the runoff-sampling program if it believes the data results support such a request. The quarterly sampling program shall remain in effect until modified or eliminated by DEP, in writing, pursuant to this condition.

19. Oversized material shall be limited to contaminated material approved for waste acceptance that fails to pass a 2-inch or larger screen. Recyclable oversized material shall be oversized material as described above that is determined to be uncontaminated based on both visual inspection and portable PID testing. Recyclable oversized material may be stored either inside the building or outside the building in the treated material stockpile area described in Condition 18, above, and may be marketed for a suitable use, pending any additional testing that may be required for said use.

The recyclable oversized material must be weighed or measured prior to placement outside the building and shall be counted as part of the 7,407 cubic yard or 11,100-ton storage limitation contained in Condition 18, above, to prevent unacceptable amounts of "recyclable" material from being accumulated outside of coverage of the facility's bond. Nonrecyclable oversized material shall be oversized material as described above that is determined to be contaminated based on either visual inspection or portable PID testing. Nonrecyclable oversized material shall be stored inside the building in Areas 1-7 until it can be transported to an approved off-site disposal or processing facility. The amount of nonrecyclable oversized material stored in this manner, and the amount of recyclable oversized material not stored outside the building, shall be counted as part of the 17,500-ton storage limitation contained in Condition 12, above.

20. The facility is not approved to accept or process wastes other than those authorized pursuant to Conditions 11, 13, and 19 above, relating to contaminated materials, biosolids, and oversized materials, respectively, as those terms are defined or used in this permit. While it is acknowledged that there may be some unavoidable amounts of unacceptable material received, the amounts should be minimal and incidental. While the permittee has a plan to dissuade generators from sending loads containing unacceptable material by assessing a billable surcharge rate if unacceptable material of over 5 percent by

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volume is received, issuance of this permit shall in no way be construed as acceptance of that 5 percent figure as constituting a standard for minimal or incidental as neither 120 tpd (5 percent of 2,400 tpd maximum daily volume) nor 875 tons total storage of unacceptable waste (5 percent of 17,500 tons maximum waste storage) is considered minimal or incidental.

21. The permittee shall control and minimize conditions that are harmful to the environment or public health, or which create safety hazards, odors, dust, noise, unsightliness, and other public nuisances. With regard to transportation of waste to the facility, the permittee may implement a waste transport vehicle compliance plan (see page 10 of Form R, referenced in Condition 1, above) whereby noncompliant vehicles will be subject to a "time out" to encourage compliance, subject to the following additional requirements:
- a. The "time out" shall be for at least a one-hour period commencing after the vehicle would normally be allowed to tip its waste. The time required for waste pre-acceptance screening (i.e., visual inspection, sampling, analysis, analytical review, issuance of a weight ticket and signed manifest) shall not be included in the "time out." Records of "time out" occurrences (date, transporter identification, time vehicle in, time vehicle out, reason for occurrence, etc.) shall be kept as part of the daily operational record.
 - b. Pursuant to Section 6206(a) of Act 2002-90, the permittee may not accept a waste transportation vehicle without a current authorization sticker issued by DEP. Vehicles without the required current authorization sticker must be rejected and may not be subject to the "time out" provisions of the waste transport vehicle compliance plan.
 - c. Waste transportation vehicles leaving the facility shall be in compliance with the transporter requirements of Chapter 299 of the residual waste regulations as well as the requirements of Act 2002-90, when applicable.
 - d. The permittee shall keep a record of overweight vehicles in accordance with 25 Pa. Code 297.261(b)(12), relating to daily operational records.
 - e. Where repeat occurrences for a transporter indicates that the waste transport vehicle compliance plan is not effective in minimizing harms, hazards, or nuisances, it is the permittee's responsibility to take additional steps to obtain more effective compliance. This may require modification of the waste transport vehicle compliance plan. Continued reliance upon the waste

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transport vehicle compliance plan in the face of evidence indicating a failure achieve compliance will not shield the permittee against appropriate enforcement action on the part of the DEP.

22. The TPH concentration of contaminated material entering the primary thermal unit (PTU) shall be 10,000 mg/kg or less, based on blending calculations as presented on the Soil Storage and Chemistry Summary spreadsheets appended to Form P. The permittee may request to demonstrate the facility's capability to effectively remediate contaminated material at a higher concentration by submitting to the DEP's Waste Management a protocol for such a demonstration. If said protocol is approved by the DEP, or approved with modifications, the permittee may conduct the demonstration and may utilize the results of the demonstration to seek a modification of the limitation contained herein. In such an event, the permittee may submit a permit application to the DEP to modify the subject limitation. Provided that the application seeks nothing other than to modify the 10,000 mg/kg limitation based upon the results of an approved demonstration protocol, the permit application may be processed as a minor modification to this Solid Waste Permit. Should the application contain additional modification requests, then those additional modification requests will dictate the form of the application. Nothing in this condition shall be construed as indicating a commitment on the part of the DEP to approve any such application.
23. The carbon adsorption system shall operate at all times when the PTU is not operating and hydrocarbon contaminated material is present in the building.
24. The approved Radiation Protection Action Plan (RPAP) for the Facility, included as a part of the application in Form X referenced in Condition No. 1, above, is hereby incorporated into this permit subject to the following conditions:
- a. Pursuant to Section 613 of the Solid Waste Management Act, 35 P.S. Section 6018.613, DEP may recover its costs to abate a public nuisance related to radioactive waste, including its costs of management, transport, and disposal of the radioactive waste processed, stored, disposed, or rejected at the facility.
 - b. Approval of the RPAP does not guarantee operational effectiveness. Failure to operate this equipment to perform as intended or designed, and implement the RPAP according to the application documents herein approved, for any reason, shall be sufficient grounds for revocation or suspension of the facility's waste permit in part or in its entirety.

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25. a. Contaminated material shall be processed, thermally remediated, and tested to the extent necessary to allow the processed waste to be used lawfully and consistent with the applicable standards for the intended uses. The testing frequencies and acceptance criteria for incoming contaminated material approved in this permit are intended to allow for a hazardous waste determination and to provide sufficient data to establish blending ratios and production run concentrations for the purpose of physically processing and/or thermally remediating hydrocarbon contaminated material. The post production testing approved in this permit is intended for determining the effective remediation of TPH and VOCs as a process control. The testing frequencies, parameters, and criteria approved in this permit are not intended to be, and shall not be construed as, a substitute for the need to satisfy the testing frequencies, parameters, and criteria of the implementing regulatory mechanism under which a particular production run or batch of processed material is intended to be used. The permittee remains responsible for conducting any and all necessary testing, beyond the minimum requirements contained in this permit that may be required to satisfy the implementing mechanism for off-site use or disposal of processed contaminated material. The permittee shall, as part of the daily operation record, maintain adequate documentation to demonstrate compliance with this requirement.
- b. Any material intended for use as regulated fill shall have been determined to be regulated fill in accordance with the requirements of the DEP's Management of Fill policy (Document No. 258-2182-773) prior to receipt and acceptance at this facility. Processing of regulated fill at this facility shall be limited to physical processing of regulated fill and/or blending of regulated fill only with other regulated fill. Approval for the beneficial use of the regulated fill material pursuant to General Permit No. WMGR096 shall be obtained for each processed batch pile and the application must include the results of this facility's waste acceptance testing, blending calculations, and post-process testing requirements. This facility shall not be considered a "source" of regulated fill, but may generate a processed batch pile of material that is suitable for use as regulated fill, subject to each batch pile qualifying for, and obtaining coverage under, General Permit No. WMGR096.
- c. In cases where the implementing regulatory mechanism specifies end use parameters but does not specify testing frequencies to demonstrate compliance with those parameters, the permittee shall, at a minimum, obtain either pre- or post-testing data at the frequencies specified in Form R, Table 1, for any end use parameter not included in Table 1.

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26. In the event that generator data is used to demonstrate compliance with end use inorganic requirements, the permittee shall collect a minimum of one grab sample per 250 tons (or increment thereof) of a production run for the purpose of conducting inorganic analysis confirmation testing. The grab samples so collected for a production run may be composited such that one composite is made for every 5,000 tons (or increment thereof) of each production run, and the composite(s) shall be analyzed for inorganics. The results of the inorganic analysis/analyses shall be compared to the blending calculation estimates to verify the accuracy of the blending procedures. Should a composite analysis differ from the blending calculation estimate by more than 10 percent, then actual post processing test results must be used if greater than the blending estimate for that production run. The permittee shall keep records of the inorganic confirmation testing as part of the daily operation record and shall submit quarterly reports to the DEP's Southeast Regional Office (Waste Management Manager) detailing the results of the confirmation testing and describing any steps taken to explain and/or correct the inadequacies of the blending procedures.
27. In the event that actual post processing test data is used to demonstrate compliance with end use inorganic requirements, the results of the post processing inorganic analysis/analyses shall be compared to the pertinent blending calculation estimates to verify the accuracy of the blending procedures, and a record of the results of each comparison shall be made part of the daily operation record. Should the analysis/analyses differ from the blending calculation estimate by more than 10 percent, the permittee shall investigate the reason for the deviation and shall note in the daily operation record any steps taken to explain and/or correct the inadequacies of the blending procedures.
28. No waste may be stored at this facility for a period of more than one year. All processed material shall be managed as waste while at the facility. When being transported from the facility for off-site use, processed material shall be managed in accordance with the implementing regulatory mechanism under which it is intended to be utilized.
29. Revisions to the DEP's Management of Fill policy (Document No. 258-2182-773) dated August 7, 2010, shall constitute grounds for reopening this permit to make any necessary modifications as may be warranted by the revisions.

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Soil Drying Agents:

30. Only the following, commercially-available drying agents may be utilized to reduce the contaminated soil's moisture content and to condition the contaminated soil to improve screening performance and/or rate of transfer through the thermal treatment, and only for contaminated soils that have excess moisture content (10 to 30 percent):

- A. Diatomaceous Earth
- B. Sand
- C. Clay
- D. Vermiculite
- E. Lime
- F. Lime Kiln Dust (LKD)
- G. Cement Kiln Dust (CKD)
- H. Portland Cement (PC)

For the purpose of this permit modification, the commercially-available drying agents listed in Condition No. 30A-E shall consist of virgin-source materials not otherwise contaminated by use or by the addition or introduction of other materials, either pre or post-mining and/or manufacturing. These drying agents shall also meet the acceptance concentration limits for non-LKD/CKD/PC drying agents, as contained in Form R. Soils not otherwise captured by the list of commercially-available drying agents listed in Condition No. 30A-E shall not be mixed or blended with contaminated soils except to the extent that contaminated soils removed from storage from Areas 1 to 6 may be blended in Area 7 to modify consistency or improve material handling characteristics (i.e., adding drier contaminated soils to wet contaminated soils) pursuant to the blending procedures previously authorized in Sections 3.1 and 4.3 of Form P.

Any soil mixtures resulting from the use of the commercially-available drying agents listed in Condition No. 30F-H shall be managed as a waste. Additionally, each new source of LKD/CKD/PC shall meet, and be accepted in accordance with, the preacceptance procedures for drying agents specified in Form R, unless the material is a "coproduct." If the LKD/CKD/PC has been determined to be a "coproduct" pursuant to the requirements specified in 25 Pa. Code 287.8 or 287.9, a notification by the permittee to that effect shall be submitted for approval by the DEP for each source of LKD/CKD/PC proposed to be used as a drying agent. Each notification shall include supporting documentation that the permittee's use

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of the material is consistent with the original coproduct determination.

31. On an annual basis, the suppliers/manufacturers of each drying agent utilized by the permittee must provide, or the permittee shall otherwise obtain, an analysis for total metals to ensure compliance with the limits referenced in Table FP-1b of the DEP's August 7, 2010, Management of Fill Policy.
32. A drying agent listed in Condition No. 30A-E, above, may be used as a conditioner prior to soil processing only if the drying agent first meets the DEP's clean fill numerical limits as specified in the Tables FP-1a and FP-1b of the DEP's August 7, 2010, Management of Fill policy prior to mixing or blending with any other material.
33. The maximum amount of drying agent, either singly or in combination with other drying agents, which may be applied to contaminated soil as a conditioner prior to processing shall not exceed 7.0 percent, by weight, of the contaminated soil to be processed.
34. Storage areas for the drying agents listed in Condition No. 30A-E, above, are designated on Figure 1, "Soil Drying Agent Storage Location." The drying agents listed in Condition No. 30F-H, above, shall either be stored inside the processing building, in the same manner as a waste, or outside the building in closed containers or a closed storage unit, as shown in Figure 1.
35. Processed soils resulting from the processing of mixtures of contaminated soil and a drying agent listed in Condition No. 30A-E, above, shall be considered dewasted pursuant to 25 Pa. Code 287.7(b), provided that the following terms are satisfied:
 - A. The processed soil/drying agent mixture meets the clean fill numerical limits as specified in the Tables FP-1a and FP-1b of the DEP's August 7, 2010, Management of Fill policy.
 - B. The use of the processed soil is limited to use as a daily cover at a permitted landfill, provided that the use is also authorized pursuant to the receiving landfill's permit.

If either Condition 35A or 35B are not met, then the processed soil shall be managed as a waste pursuant to 25 Pa. Code 287.7(c) and this permit, unless some end use mechanism or approval, outside of this permit, provides for or otherwise authorizes the use of the specific soil/drying agent mixture in a

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different manner. In the latter case, the soil/drying agent mixture may be managed in accordance with the end use mechanism or approval once removed from this facility.

36. Processed soils resulting from the processing of mixtures of contaminated soil and a drying agent listed in Condition No. 30F-H, above, shall be managed as a waste pursuant to this permit, unless some end use mechanism or approval, outside of this permit, provides for or otherwise authorizes the use of the specific soil/drying agent mixture in a different manner. In the latter case, the soil/drying agent mixture may be managed in accordance with the end use mechanism or approval once removed from this facility.
37. Material accepted at the facility shall not contain free liquids and shall pass the paint filter liquids test.
38. No approval conveyed pursuant to this permit modification is intended to be, nor shall be it be in any way construed as, a warrantee or guarantee of the suitability of a processed soil/drying agent mixture to meet or otherwise satisfy any physical, chemical, or structural performance specification for the selected end use of said mixture. Any such determination is solely the responsibility of the permittee and/or the end user.
39. A valid and current certificate of liability insurance shall be maintained at the Facility. A copy of the current certificate, listing DEP as a certificate holder and providing a 60-day notice period prior to cancellation or termination, shall be submitted to DEP's Southeast Regional Office, Waste Management Program, as required by 25 Pa. Code Section 271.374 of the regulations.
40. The bond between the permittee and DEP in the current amount of \$1,930,000.00 is hereby approved as part of this permit. Upon receipt of written notice from DEP, this bond will have to be updated within 90 days, in accordance with 25 Pa. Code Section 287 of the Residual Waste Regulations.

Re 30 (rc17wm) 200.1

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