



RT ENVIRONMENTAL SERVICES, INC.
Your Solution-Oriented Environmental Services Firm

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION ISSUES UPDATED MANAGEMENT OF FILL POLICY

Last Saturday the Pennsylvania Department of Environmental Protection issued an updated Management of Fill Policy. The Policy provides DEP's procedures for determining whether material is "Clean Fill" or "Regulated Fill". The Policy has been in effect since 2004 and this current update is the first major revision since the Policy was implemented. There continue to be provisions for using the General Permit for "Regulated Fill" which generally consists of materials with low level impacts (below the non-residential Statewide Health Standards of the Act 2 Program). The Policy does not apply to mined land reclamation activities nor fill used within the same project area or right of way. Further, the Policy does not apply to "the use of Clean Fill or Regulated Fill prior to January 1, 2020, unless the fill is moved to another receiving site, project area or off the project right-of-way after January 1, 2020."

Some key highlights of the updated Management of Fill Policy include:

- The effective date of the Policy will be January 1, 2020.
- The prior Clean Fill and Regulated Fill numeric limits have been updated and are now consistent with the residential and non-residential Statewide Health Standards of the Act 2 Program, respectively.
- New definitions have been added to the Policy for clarification purposes as well as to provide the procedures for the establishment of background concentrations of constituents which may be used as Clean Fill.
- Historic Fill may be used as Clean Fill under certain circumstances and with appropriate testing; a specific screening list is provided by the Department.
- Environmental Due Diligence is further defined in the Policy and the policy provides the minimum level of due diligence to be completed in making Clean Fill determinations.
- Total PCBs (although as a group are not regulated under the Act 2 Program) are a key focus as there will be circumstances where US EPA will have a say in determining if they can be reused or not.
- The Department provides guidance on sampling plans for sites where analytical testing may be necessary to include in-situ testing and stockpile testing.

RT is conducting an in-depth review of the new Management of Fill Policy and will provide an evaluation of the Policy, including new and revised provisions and a comparison of the previous numeric concentration limits with the new numeric concentration limits to be used after January 1 2020.

A copy of the Policy can be found [here](#).

We look forward to comments on the updated Management of Fill Policy, as we have been following the

Management of Fill Program since 2004 and RT Review readers, and contractors and redevelopers always want to know the latest options to implement, particularly at Pennsylvania Brownfields sites, the most cost effective means to manage excess fill material both on and off of a project site. Keep in mind that as of January 1, 2020, Clean Fill concentration limits for many compounds will be reduced from the current Clean Fill concentration limits and there could be implications to project budgets going forward.

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