



RT ENVIRONMENTAL SERVICES, INC.

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RECLAMATION FILL CRITERIA FINALIZED

Long-awaited Guidance on Reclamation Fill was published in the Pennsylvania Bulletin last Saturday. It was recognized in 2004, for a number of reasons, that DEP's Management of Fill Guidance Document (also known as the "Clean Fill Guidance Document") would not work at surface mines, due to an inability to make decisions on materials to be placed below the recovered water table, among other reasons. Although it took many years to finalize a workable document, PACA's Environmental Committee believes that the final document, based on key input from PACA members who manage reclamation materials coming from offsite daily, is an important achievement.

A realistic Reclamation Fill Guidance Document is considered important to surface mine operators, for to the following reasons:

- Many surface mines, which have been in operation for decades, do not have material set aside for reclamation and are not permitted to close without restoring the site to original pre-mining land contours.
- Those who wish to receive reclamation fill, which comes from offsite, cannot compete with non-mining sites, if material fill receipt limit parameters are set too low.
- There are a substantial number of sites where the only hope of proper reclamation rests on the ability to receive reclamation fill, a category which includes abandoned sites, as well as, older sections of currently operated surface mine sites.
- There has always been a sensitivity that the regulatory community does not want to see surface mines be considered as "landfills", and there are regulatory differences in Pennsylvania between three programs, all of which may regulate individual projects, when it comes to moving materials between sites. The programs include:
 - o DEP's Waste Program, under which the Management of Fill Policy was issued, but the Fill Policy does not allow materials to be placed in "waters of the Commonwealth", which includes placing materials below a recovered water table in a surface mine.
 - o The Award-Winning Act 2 Land Recycling Program, which sets residential and non-residential limits for materials being moved from or to Brownfields Sites.
 - o The Mining Program, under which the Reclamation Fill Guidance is now being issued.

The Guidance document contains important provisions, which are somewhat technically complicated, but, which are also flexible, when it comes to completing due diligence on, and evaluating, potential incoming materials. Some decisions regarding incoming materials can be made directly by the surface mine operator, while, in other instances, for larger volumes of potential incoming materials from sending sites, DEP approval will still be required.

Here are key highlights of the recently issued Reclamation Fill Guidance Document:

- Where facilities plan to receive 3,000 cubic yards of material or less, preapproved by the Department is not necessary as long as the permittee provides suitable due diligence AND notification to the Department.

- Where there are small volume sending site projects, due diligence may be focused on the sending site, and a complete Phase I Environmental Site Assessment, may not be required, at the mine operator's discretion.
- When materials are subject to testing, "leachability" testing will frequently be needed for key parameters, to show that material will not leach into the recovered groundwater table.
- Incidental asphalt must be uncontaminated and cannot constitute the bulk of the material (over 50%) in any truck or overall from a source.

Facilities which plan to regularly receive reclamation fill materials, will need a Permit Modification, and will need to set up a routine due diligence testing program, and inspect incoming loads. A substantial number of PACA surface mine operator members in the Eastern part of Pennsylvania already have operated such programs, for a number of years. Their experience, was used by the Association, during the period when the Guidance Document was formulated and finalized.

The regulatory situation in Pennsylvania makes it difficult to permit new surface mines. Therefore, extending mines deeper than originally contemplated and using reclamation fill is a very positive environmental development. The changes in the Guidance Document are advantageous not only for PACA members who are surface mine operators, but also for highway and earthwork contractors, and all Pennsylvanians. When materials which are considered suitable for reclamation fill are brought back to a quarry, in the same trucks that have delivered materials to a project, very large amounts of fuel can be saved, and demolition and construction operations, become more efficient, and environmentally appropriate. "Green" construction techniques, can maximize beneficial use of materials, and truck trips to construction sites, are appreciably reduced.

RT Environmental Services was selected by the Pennsylvania Aggregates and Concrete Association, to work with the Pennsylvania Department of Environmental Protection, to provide a workable document, a goal which is now realized. Our President, Gary R. Brown, P.E., has worked with the construction industry since 1996, on the Clean Fill Guidance Document finalization (which occurred in 2004), wherein the DEP would not make a decision on placing materials into "waters of the Commonwealth". The Final Guidance Document for Reclamation Fill, was based on sound science used in other DEP regulatory programs, including under the Waste Program, and, under the Act 2 Land Recycling Program.

Having a workable Guidance Document is critical to reclamation operations at surface mines, and, surface mines need to be properly reclaimed, to avoid loss of life as has occurred at many abandoned mines, when trespassers unexpectedly encounter quarry walls, and without realizing the danger in time, fall over the edge. Other situations occur when teenagers or young adults attempt to swim in very cold quarries, and there is no easy way to exit the quarry. It is anticipated, that in the future, reclamation fill can also be used at abandoned mines, helping to address one of Pennsylvania's long term problems.

Finalization of the Reclamation Fill Guidance Document now allows surface mine operators to receive clean materials, and take to continue ongoing mining operations cost effectively. RT is very proud to have the opportunity to assist the Pennsylvania Aggregates and Concrete Association on achieving this important milestone.

RT Environmental Services' President, Gary Brown, is the consultant to PACA for Reclamation Fill Guidance Document work. He is being retained to complete Spring 2014 training for PACA members. RT salutes PACA on this important milestone. RT thinks that surface mine operators who are not PACA members should join PACA so that they can take advantage of reclamation options under the new Guidance.



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