



RECLAIMED ASPHALT PAVEMENT (RAP) - REGULATORY STATUS UPDATE - NEW JERSEY AND PENNSYLVANIA

Reclaimed asphalt pavement (RAP) is the highest volume recycled material in the United States. Milling/RAP of roadways leads to significant cost and energy savings, as milled asphalt is returned to asphalt hot mix plants for reuse of aggregates and asphalt cement. The asphalt ingredients have significant value but inventories of the material vary substantially.

Depending on the designed asphalt mix, frequently influenced by state or local officials, anywhere from fifteen to thirty percent of millings/RAP are recycled into hot mix which is placed and rolled back on roads and parking lots. Millings/RAP are a secondary material and secondary materials are not uniformly regulated, which is the case in both New Jersey and Pennsylvania.

For many years in Pennsylvania, General Beneficial Use Permit WMGR090 was used throughout the state. However, at many larger construction sites, there is not only a hot mix asphalt plant, but there also may be a surface mine, concrete plant, and wood and mulch materials may also be processed. The Pennsylvania Department of Environmental Protection in the last year has dissuaded renewals of WMGR090, and an email was issued stating that a statewide available Co-Product Determination for RAP could be used instead.

The discontinuance of WMGR090 carries some risk to those processing and storing RAP/millings, but a number of the larger companies involved in asphalt mixing and production use other available General Permits and we at RT have a concern that not all of the RAP/millings storage and processing activities are clearly covered under the statewide Co-Product Determination for RAP and email summary. For those who continue to have substantial inventories of RAP/millings, or who process RAP/millings at jobsites or on properties they do not own, you should evaluate using one of the many other General Beneficial Use Permits which not only cover RAP/millings, but also other materials. The PA Asphalt Pavement Association will be updating its members on its Best Management Practices Plan for Highway and Earthwork Construction in the near future to keep the construction industry informed on key materials beneficial use options.

Inventories of RAP/millings can vary substantially from site to site, and from region to region, from month to month and from year to year. Transportation budgets and awarding of contracts can cause major changes in the production of RAP/millings, as sometimes when very large projects are awarded RAP/millings are produced in large quantities but the ability to reuse the material in the new hot mix asphalt being only a percentage of the material produced by millings, can produce substantial inventory stockpiles.

Asphalt plant operators in Pennsylvania have always been creative and it is also possible to use RAP/millings for such beneficial uses as subbase, or for use in shoulder construction, with appropriate additives mixed onto the shoulder material so that the shoulder material is a solid which will not move as a result of wind or water dispersal. Pennsylvania remains a state where waste and beneficial uses are tightly regulated, particularly as compared to other states like New Jersey, when it comes to stockpiling and reuse of the material.

In New Jersey, however with tightening up of the rules for Class B recycling centers and the

Remediation Program in April 2015, Site Remediation Program Guidance causes many sites to have RAP/millings areas of concern under DEP Site Remediation Programs. Historically, many recycled subbase materials were made of a crushed mix of RAP/millings and concrete, which placement unfortunately is now considered a discharge at any site in the state which may be undergoing remediation. Unfortunately, unless when a site is redeveloped or expanded and these types of subbase materials are encountered, presence of mixed crushed subbase by itself can cause a site to have to go through the remediation program to address polyaromatic hydrocarbons (PAHs) as an area of concern. PAHs are present in asphalt materials. Like any other area of concern, the extent of the material must be determined, and a Licensed Site Remediation Professional must be engaged to address the area of concern.

Such materials cannot be subject to wind and water dispersal like Pennsylvania, but unlike Pennsylvania, the area with the material must be Deed Noticed and a Permit obtained from NJDEP to leave the material in place. The same rules generally apply as those that apply to historic fill, which usually can be found in many areas, particularly coastline areas and urban areas in New Jersey. In New Jersey, when the material is left in place, financial assurance in the amount of \$30,000 is typically required, and the area of concern must be inspected every two years, to make sure that it is not disturbed and is maintained in an environmentally acceptable manner.

If you need assistance in evaluating your situation related to the use of RAP/millings, feel free to call Walter Hungarter or Gary Brown at 800-725-0593.

RT's NJ LSRPs have handled a substantial number of sites where the RAP/millings must be left in place because it is extensive and/or it is under buildings, and it is not practical to remove the material. *For any questions related to New Jersey sites, you can call Gary Brown or Chris Ward, RT's LSRPs, at 800-725-0593.*



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