

2 More to CD's
Final

Condition C-8 in relevant part states:

Clean Fill Requirements

Any person placing clean fill that has been affected by a spill or release of a regulated substance must use Department Form FP-001 (Certification of Clean Fill) to certify the origin of the fill material and the results of the analytical testing to qualify the materials as clean fill. The form must be retained by the owner of the property receiving the fill. Fill material not qualifying as clean fill is regulated fill and must be managed in accordance with the Department's municipal or residual waste regulations based on 25 Pa. Code Chapters 271 or 287, whichever is applicable.

Proposed Special Condition:

1. Management of Fill

In addition to the requirements of Condition C-8:

(a). <Permittee>, or a representative working on the behalf of <Permittee>, shall conduct soil sampling, when due diligence dictates, in accordance with the Pennsylvania Department of Environmental Protection ("Department") Management of Fill Policy, Document Number 258-2182-773, *as amended*, ("Fill Policy") and associated appendices. This includes utilizing established and acceptable media sampling techniques in accordance with EPA guidance. Soils should not be mixed and blended prior to the sampling event.

(b). Prior to accepting any clean fill from a single source, <Permittee> shall submit to the Department's Waste Management Program the following documents:

1. A location and background description of the fill generation site including a site map.
2. A description of the Environmental Due Diligence performed at the fill generation site.
3. A table summarizing the soil sampling performed at the fill generation site and a copy of the analytical results.
4. A complete copy of Form FP-001 (Certification of Origin of Clean Fill).
5. A certification that the material is clean fill and uncontaminated as set forth in the Fill Policy. This certification shall be signed by the:
 - a. Individual supplying <Permittee> with the material;
 - b. Individual who brokered and/or arranged to deliver the material to <Permittee>;
 - c. Individual whose responsibility it is to review the Environmental Due Diligence and the sampling/analysis for the <Permittee>; and
 - d. A representative of <Permittee>.

(c). Complete FP-001 submittals to the Department's Waste Management program shall be addressed to:

Pa Dept of Environmental Protection
Waste Management Program
Technical Services Section – FP-001
2 Public Square
Wilkes-Barre, Pa 18702

(d). <Permittee> shall retain all shipping documentation (manifests, bills-of-lading, scale tickets, etc.) and due diligence records (on-site and off-site testing, FP-001 forms, etc.) on site for at least one (1) year. <Permittee> shall maintain a copy of these records for at least five (5) years. These records shall be made available to the Department or Conservation District for review upon request.

(e). Proposed clean fill shall not contain any hazardous materials and/or waste defined under any applicable laws or any federal rule or regulation or any rule or regulation of the Department.