

**FACT SHEET SUMMARY
PA DEP FILL PROGRAM**

In 1996, the DEP issued a "Clean Fill Guidance Document" which determined when soils, are considered so contaminated as to become wastes. The levels of contaminants were set too low in this document, in many instances, below background. It has been impossible to tell what is and is not "Contaminated". The "Clean Fill Guidance" limits have been selectively enforced, sometimes with disastrous financial results for site owners and for earthwork contractors.

A final Fill Policy Guidance Document, issued on April 13, 2004 now requires demolition materials to be separated from other wastes. The proposed takes a revised approach for determining what is CLEAN FILL AND REGULATED FILL based on numerical limits derived from the Act 2 Land Recycling Statewide Health Standards (SWHS).

New requirements will be:

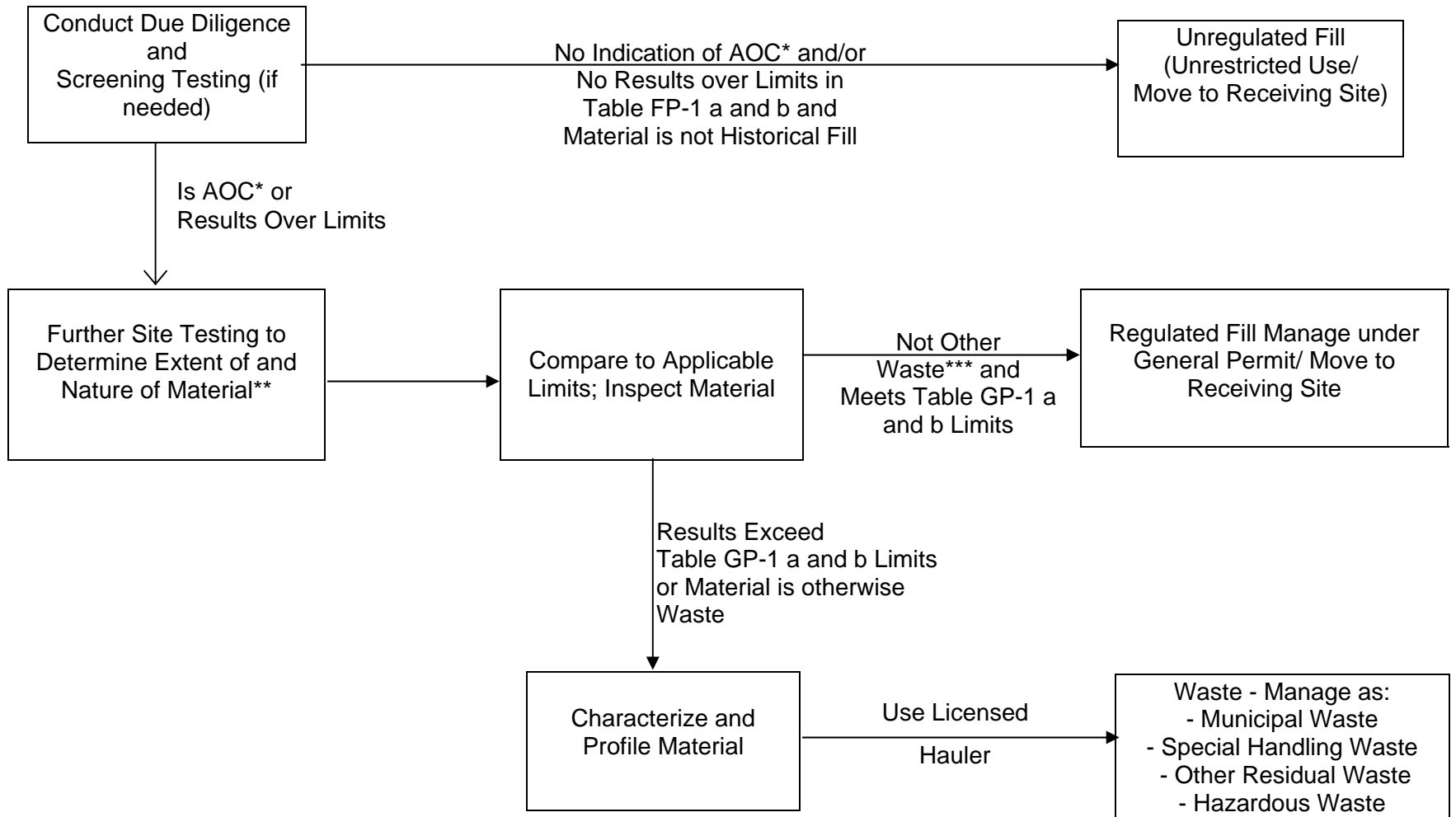
- Due Diligence will be required at most sites to check historical and other information to see if the soils at a site might be contaminated. Contamination can come from:
 - tank and other spills
 - historic use of herbicides/pesticides
 - historic coal burning in the area
 - historic use of leaded gasoline.
- At some sites, HISTORIC FILL is present (coal ash or industrial waste was used to create land from former wetland and stream areas). There is a new definition for historic fill, which had to be placed before 1988.
- Most sites will require due diligence and at least "screening testing" before it is determined whether or not the soil is or is not "contaminated".
- There are several new material classifications:
 - Material which is "CLEAN FILL" (unrestricted), is material which has not been mixed and meets Unregulated Fill Concentration Limits.
 - Material which is REGULATED FILL, is contaminated includes material impacted by a spill or release and HISTORIC FILL; this cannot exceed non-residential SWHS limits.
- The attached Flow Chart shows the process.
- A Best Management Practices Manual is being prepared by RT to help Contractors implement the program in the field.
- A General Permit is also available to move REGULATED FILL. It will be necessary to apply to the DEP to use the General Permit and complete testing. A Registration Application and fee will need to be submitted to DEP and a Deed Notice will need to be placed on the receiving site. There will be restrictions on which sites the materials can and cannot be placed.
- It is also now necessary to track fill materials received at sites as to origin DEP has included the form in the Policy Document.
- Those found by DEP to be illegally moving or receiving site owners using waste can be subject to major liabilities, including, potentially, criminal penalties. RT is advising all of those involved in earthwork contracting and construction to follow this new program, which is effective during this 2004 construction season.

See the Fill Policy Flow Chart on the following page! For more information, call Gary Brown at 800-725-0593, Ext. 34.

4/19/04

FIGURE 1

FILL POLICY FLOW CHART



* Area of Concern

** If Construction Materials, follow Best Management Practices Plan

*** The Policy cannot be used for materials other than those listed in the Policy.