

## **Pennsylvania Industry-Wide Coproduct #1 Reclaimed Asphalt Pavement (RAP)**

Under the regulatory authority of 25 Pa. Code § 287.9 (relating to industry-wide coproduct determinations) of the residual waste regulations and the statutory authority of the Solid Waste Management Act (35 P. S. §§ 6018.101--6018.1003), the Department of Environmental Protection (Department) is authorized to establish a list of classes of materials as industry-wide coproducts for specific uses. On November 19, 2005, at 35 Pa.B. 6382, the Department provided public notice and an opportunity for public comment concerning its proposal to establish reclaimed asphalt pavement (RAP), including mixtures of RAP and clean fill from the milling of the edge of roadway shoulders, as an industry-wide coproduct. Provision for a 30-day public comment period on the Department's proposal was provided, and written comments were received. The Department prepared a comment and response document, which summarizes the comments received and the changes made to the RAP Industry-Wide Coproduct Determination (Determination).

For the purposes of the Department's Determination and in accordance with Chapter 287.9, RAP is formed of small particles, typically up to less than an inch in size, of bitumen and inorganic materials produced by the mechanical grinding of bituminous pavement surfaces that have not been subject to a spill or release of regulated substances or mixed with other solid waste. RAP is not the equivalent of used asphalt, which is typically in the form of chunks, typically greater than one inch in size, and thus is not considered to be clean fill under the Department's Management of Fill Policy.

The Department has now approved the Determination and RAP, including mixtures of RAP and clean fill from the milling of the edge of roadway shoulders, is a coproduct on an industry-wide basis for the specific uses listed below:

- a. As an aggregate, a sub-grade or a sub-base material for roadway construction, when used alone or blended with other materials in a manner that complies with PennDOT Specifications as outlined in Publication #408 for roadway construction directly beneath, and contained by a road surface paved with Portland cement concrete or bituminous pavement;
- b. As a construction material for compacted roadway shoulder applications, including compacted shoulder pothole patching material in roadway or driveway apron applications as long as the material is covered with a thin bituminous coating (sealer) prior to the end of the construction season that placement occurred. The bituminous coating must comply with PennDOT Specification as outlined in Publication #408;
- c. As a construction material for compacted shoulder backup applications (the compacted area adjacent to the shoulder);
- d. As a construction material to construct or repave needed roadway or vehicle use areas such as parking lots or driveways if such application is performed when the RAP contains

enough asphalt or additional binder to keep the material in place after compaction by mechanized rolling;

- e. As a hot or cold mix product meeting applicable industry hot or cold mix product specifications.

As a coproduct in accordance with the Department's Determination, the use of RAP, including mixtures of RAP and clean fill from the milling of edge of roadway shoulders, shall be managed according to the conditions specified below. The use of RAP includes its transportation, placement, and storage incidental to use.

- a. In a manner that complies with the Solid Waste Management Act, 35 P.S. 6018.101 – 6018.1003, the Air Pollution Control Act (35 P.S. §§4001 – 4015), Clean Streams Law (35 P.S. §§691.1 – 691.1001), the residual waste regulations, 25 Pa. Code, Article IX, Chapters 287 – 299 and any other applicable environmental laws and regulations promulgated thereunder;
- b. In a manner that does not create a nuisance or is harmful or presents a threat of harm to the public health, safety or the environment.
- c. In a manner that prevents wind and water dispersal.
- d. In a manner that does not involve storage of RAP for more than two construction seasons prior to use.

The Department's final Determination document is available by contacting Daniel Lapato, Division of Municipal and Residual Waste, Bureau of Waste Management, Rachel Carson State Office Building, P.O. Box 8472, Harrisburg, PA 17105-8472, (717) 787-7381, [dlapato@state.pa.us](mailto:dlapato@state.pa.us). TDD users may contact the Department through the Pennsylvania Relay Service at (800) 654-5984. The final Determination document is also accessible on the Department's website at <http://www.depweb.state.pa.us> (DEP Keywords "Public Participation, Participate"; then "Other Proposals" or DEP Keywords "Residual Waste").

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Secretary