

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



BENEFICIAL USE DETERMINATION AUTHORIZATION

Yankee Gas Service Company

Reuse of Excess Soil

Authorization #: BUD - 002

I. AUTHORIZATION INFORMATION

- A. Name: **Yankee Gas Service Company**
- B. Mailing Address: 107 Selden Street
Berlin, Connecticut 06037
- C. Application No.: 201006520
- D. Received: May 24, 2010
- E. Expiration Date: February 16, 2021

II. BENEFICIAL USE DETERMINATION

- A. Pursuant to section 22a-209f of the CGS the Commissioner of Environmental Protection ("commissioner") hereby issues this Beneficial Use Determination ("BUD") Authorization to Yankee Gas Service Company ("Licensee").
- B. This Beneficial Use Determination is effective on the date it is signed by the commissioner (the date of issuance) and expires ten (10) years from such date of issuance.
- C. This Beneficial Use Determination is consistent with the goals of the State *Solid Waste Management Plan*, does not pose a significant risk to human health or the environment and is not inconsistent with the federal Water Pollution Control Act, the federal Rivers and Harbors Act, the federal Clean Air Act, or the federal Resource Conservation and Recovery Act.
- D. Based on the Beneficial Use Determination application form received from Yankee Gas Service Company ("Yankee Gas") on May 24, 2010, under this Beneficial Use Determination Authorization;
 - 1) The Licensee is authorized to reuse excess soils generated as a result of its maintenance and construction operations for beneficial use as fill material in pipeline trenches. For this Beneficial Use Determination Authorization, excess soils are defined as soils generated only as a result of Yankee Gas maintenance and construction operations within each Yankee Gas local service territory as specified in the application. Local service territory is defined as any one of the nine discrete geographic areas within Connecticut that are served by Yankee Gas. Prior to reuse, excess soils may be

mechanically processed to separate the soil from rock, concrete and asphalt and render the soil more suitable for its intended use. Excess soils shall only be processed and reused within the same local service territory from which they were generated.

- 2) The following beneficial use applications are authorized for the reuse of excess soils:
 - a) as fill material in gas pipeline trenches located beneath asphalt pavement within the same local service territory from which it was generated; and
 - b) as a compactable aggregate in road sub-base systems beneath asphalt pavement within the same local service territory from which it was generated.

III. CONDITIONS

A. Material Conditions

- 1) The beneficial use of this material shall be in compliance with any applicable state, local and federal laws and regulations.
- 2) The beneficially used excess soil must not present a greater threat of harm to public health or the environment than the use of the fill materials that the screened soil is replacing.
- 3) Screened excess soils shall not be used except as authorized by this Authorization.
- 4) The Licensee must notify the Department of any changes in its process that may modify the physical or chemical nature of the material. A change in supply of the material and processing or use of the material other than specified in the beneficial use determination application shall require additional review and approval.

B. Operating Conditions

- 1) The Licensee shall ensure that any unacceptable solid waste inadvertently received, or solid waste which is unsuitable for processing at any one of its nine Area Work Centers ("the Site") is: (i) promptly sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded in on-site records; and (iii) disposed at a facility lawfully authorized to accept such waste. No more than ten (10) cubic yards of unacceptable waste shall be stored at an Area Work Center unless authorized by the commissioner. A spare container shall be available for any storage emergency.
- 2) The Licensee shall have sufficient training to identify waste received at the Site which is not permitted to be received, or is unsuitable for processing, and take proper action in handling such waste.

- 3) The Licensee shall operate the Site in a safe manner and control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including those of the Occupational Safety and Health Administration ("OSHA"). The premises shall be maintained and any litter shall be removed on a daily basis.
- 4) The Licensee shall: (a) control all traffic related to the operation of all Area Work Centers in such a way as to mitigate queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the Area Work Center is located; (b) unless otherwise exempted, ensure that trucks are not left idling for more than three (3) consecutive minutes pursuant to section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such truck idling time within the Area Work Center.
- 5) The Licensee shall prominently post and maintain a sign at the Site entrance pursuant to Section 22a-209-9(c)(1) of the RCSA that includes the Site's Beneficial Use Determination Authorization number.

IV. MATERIAL TESTING, RECORD KEEPING, AND REPORTING REQUIREMENTS

A. Analytical Testing Requirements

- 1) The Licensee shall characterize the excess soils to demonstrate that they do not contain hazardous waste.
- 2) The Licensee shall, at a minimum, perform the following analytical testing on the excess soils in order to determine its suitability for reuse under this Beneficial Use Determination Authorization:

- VOCs (Method 8260)	- SVOCs (Method 8270)
- ETPH	- CT RSR Metals (mass & TCLP)
- Reactivity	- Ignitability
- Corrosivity	- PCBs (mass & TCLP)
- Toxicity Characteristic	
- 3) The Licensee shall collect soil samples and characterize them using the analytical testing required by this Authorization. Soil samples shall be collected using one of the following methodologies:
 - a) Ex-situ characterization (for characterization of stockpiled excess soils) shall be conducted using a frequency of no less than one composite sample per 500 cubic yards of excess soils. Composite samples shall be obtained from a minimum of 10 representative locations from each 500 cubic yards of excess soil.
 - b) In-situ characterization (for characterization of soils within proposed trenching routes) shall be conducted by advancing test borings along a proposed trenching route and collecting samples. Test borings shall be

advanced at a spacing interval of no less than one boring per every 750 feet in rural areas, 500 feet in residential areas, and 250 feet in areas of industrial or commercial use. For each boring, samples shall be prepared by collecting soil at one foot intervals along the entire depth of the boring and combining the soils into a one composite sample.

- 4) The Licensee shall sufficiently isolate stockpiled excess soils that have been sampled previously to prevent additions of uncharacterized excess soil to that stockpile.

B. Record Keeping Requirements

- 1) A written record describing the locations where the excess soils have been reused shall be maintained at the Licensee's primary business office for the ten (10) year period of this Authorization or for such time period as may be specified in writing by the commissioner.
- 2) Copies of the analytical testing results shall be maintained at the Licensee's primary business office for a minimum period of five (5) years or for such time period as may be specified in writing by the commissioner.

A. Reporting Requirements

- 1) Quarterly tonnage reports shall be sent to: Solid Waste Program, Bureau of Materials Management and Compliance Assurance, CT Department of Environmental Protection, 79 Elm Street, Hartford, Connecticut 06106-5127, no later than January 31, April 30, July 31, and October 31 of each year on forms prescribed by the commissioner.
- 2) Upon written request from the commissioner, the Licensee shall submit documentation of the locations where excess soils have been reused to the Bureau of Materials Management and Compliance Assurance, Solid Waste Program
- 3) Analytical testing results shall be submitted only when requested to the Bureau of Materials Management and Compliance Assurance, Solid Waste Program.
- 4) Any spills shall be reported immediately to the Bureau of Materials Management and Compliance Assurance, Emergency Response and Spill Prevention Division at (860) 424-3338.
- 5) Any hazardous waste or significant environmental hazard shall be reported immediately to the Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division at (860) 424-3023.

V. GENERAL CONDITIONS

- A. A Beneficial Use Determination Authorization is non-transferable.
- B. Unless otherwise specified in writing by the commissioner, any documents required to be submitted under this Authorization shall be directed to:

Solid Waste Program
Bureau of Materials Management and Compliance Assurance
CT Department of Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

- C. Any document, including, but not limited to any notice, which is required to be submitted to the commissioner under this Authorization shall be signed by a duly authorized representative of the Licensee, as defined in section 22a-430-3(b)(2) of the RCSA, and by the individual or individuals responsible for actually preparing such documents, each of whom shall certify in writing as follows:


“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement in the submitted information may be punishable as a criminal offense.”

Any false statement in any document submitted pursuant to this Authorization may be punishable as a criminal offense in accordance with section 22a-6 of the CGS, pursuant to section 53a-157 of the CGS, and in accordance with any other applicable statute.

- D. This Authorization is subject to, and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut and conveys no property rights in real estate or material, nor any exclusive privileges, and is further subject to, any and all public and private rights and to any federal, state or local laws or regulations pertinent to the location or activity affected thereby.
- E. Nothing in this Authorization shall affect the commissioner's authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.
- F. Nothing in this Authorization shall relieve the Licensee of other obligations under applicable federal, state and local laws.

- G. The Licensee shall provide the Department, within seven (7) days or an alternative period prescribed by the Department, any information that the Department may request and which is deemed by the Department to be relevant in determining whether a cause exists to modify, revoke, or suspend this Beneficial Use Determination, or to determine whether the Licensee is complying with the terms and conditions of this Authorization.
- H. The Licensee shall comply with all terms and conditions of this Authorization. This Authorization consists of the conditions contained herein and the specifications contained in the application documents, except where such specifications are superseded by the more stringent conditions contained herein. Violation of any provision of this permit is subject to enforcement action pursuant, but not limited to, sections 22a-6, 22a-208, 22a-225 and 22a-226 of the CGS.
- I. The Licensee shall submit for the commissioner's review and written approval all necessary documentation supporting any proposed physical/operational upgrades, improvements and/or minor changes in this Authorization. The commissioner may issue a written approval only if, in the commissioner's judgment, the proposed physical/operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation; (b) are not significantly changing the nature of this Authorization, or its impact on the environment.
- J. The commissioner reserves the right to revoke, suspend or modify this Authorization by the imposition of additional conditions based upon a situation of significant odor, dust, other nuisance, or a determination of actual, or the threat of, adverse impacts from the beneficial use of this material.
- K. This Authorization shall expire ten (10) years from the date of issuance and may be revoked, suspended, modified, or renewed in accordance with applicable laws.
- L. The commissioner may extend the duration of this Authorization and provide written notification of such upon written request by the Licensee for a time frame to be determined by the commissioner in accordance with section 22a-209f(4) of the CGS.

2/16/11
Date


Amey W. Marrella
Commissioner