



REMEDIATION ROUNDTABLE

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Connecticut Department of Energy and Environmental Protection

www.ct.gov/deep/remediationroundtable

DRAFT Beneficial Use Regulations

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BENEFICIAL USE REGULATIONS

- 1) Background / LEAN event
- 2) Categories of Exempt Materials
- 3) Classes of Exempt Recycling Facilities
 - » Presentation focus: soil and sediment



BACKGROUND

- 2008: previous regulations proposal and stakeholder dialogue
- Proposed regulations were packaged with RSR regs changes that were not adopted
- LEAN event in January 2013



LEAN Opportunities

- Safely reuse low-level polluted soil material from construction projects, which generate excess materials
- DEEP's current reuse process in RSRs not often used
- Reduce, reuse, recycle
- Savings from reduced transport and disposal costs
- Provide clear direction to contractors and others managing excess materials



INFRASTRUCTURE SAVINGS

- Examples:
 - DOT: \$35 million+ saved with staging and reuse
 - NU/Yankee Gas estimates significant savings
 - MDC - similar savings when reused
 - DPW/DCS saved \$3 million from demonstrating reusability of materials



Current Definition of “Clean Fill”

- (1) **natural soil**
- (2) **brick, ceramics, concrete, and asphalt paving fragments** which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard
- (3) **polluted soil** as defined in subdivision (45) of subsection (a) of Section 22a-133k-1 of the Regulations of Connecticut State Agencies which soil has been treated to reduce the concentration of pollutants to levels which do not exceed the applicable pollutant mobility criteria and direct exposure criteria established in Sections 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies and which soil is reused in accordance with R.C.S.A. subdivision (3) of Subsection (h) of section 22a-133k-2 of such Regulations.



Good news!!

- DOT: 70 % of excavated soil tests as below residential DEC AND GA PMC
- Opportunity: lots of easily reusable soil



LEAN Results

- Develop Beneficial Use regulations for the reuse and management of certain materials
 1. Create exemption* for materials used according to the regulations
 - * Material would not be considered solid waste
 2. Create exemption* for facilities managing exempt materials
 - * Facility would not need solid waste permit
- Not tied to current RSR regulations package



LEAN Results (cont'd)

- Beneficial Use regulations could largely replace the RSR process for off-site polluted soil management
- Self-implementing categorization
- Clarify how materials can be legally and safely reused
 - Define categories of soil quality by concentrations of substances to identify its proper reuse
 - Separate soil and sediment from asphalt, brick, concrete



CATEGORIES OF EXEMPT MATERIALS

- CGS 22a-209d – Commissioner may:
 - Adopt regulations
 - establish **categories** of materials that would not be considered solid waste – IF...
 - the materials are **used** in accordance with the regulations



MATERIAL CATEGORIES AND USES

- Examples:
 - Excavated soil and sediment
 - ✓ used in accord with soil quality category
 - Asphalt materials
 - ✓ used in pavement structure or asphalt production
 - Clean wood
 - ✓ used in landscaping



DRAFT REGULATIONS LANGUAGE

- Example material category definition:
 - “Asphalt materials” means bituminous concrete, asphalt pavement, asphalt millings, asphalt roofing shingles, or soil containing asphalt materials or substances associated with asphalt
- More material category definitions....



DRAFT REGULATIONS LANGUAGE

- Material use language example:

Categories of materials. The following categories of materials used in accordance with the standards in this section shall not be considered solid waste:

- List materials and standards for their use



MATERIAL USE EXAMPLE

- **Asphalt materials** reused in asphalt pavement structures or as an ingredient in asphalt production. Any person reusing or recycling asphalt materials or any mixture or combination of only such materials may use, reuse, or recycle such materials as sub-base under asphalt or in asphalt production in accordance with industrial standards. Any person reusing or recycling asphalt materials, shall ensure that such materials are reused as bituminous concrete, reused in an **asphalt pavement structure, such as driveways, parking lots or roads**, or are recycled by being added as an ingredient to asphalt mix. **Asphalt materials are not authorized for use as fill or to contour the land.**



SOIL CATEGORIES OR QUALITY GRADES

- March 2013 Outreach:
 - March 15 : CBIA
 - March 20 : Utility Contractors Assoc. of CT
 - March 22 : CT Construction Industry Assoc.
 - March 28 : Open informational meeting at DEEP



DRAFT QUALITY CATEGORIES

Grade	Standard	Reuse
A+ [Res 1]	Tested and not > : <ul style="list-style-type: none">• 50% Residential DEC• 50% GA PMC• no PCBs	<ul style="list-style-type: none">• use as fill anywhere , except• Not authorized for<ul style="list-style-type: none">➤ gardening or topsoil
A [Res 2]	Tested or knowledge of origin, not > : <ul style="list-style-type: none">• Residential DEC• GA PMC• no PCBs	<ul style="list-style-type: none">• use as fill anywhere, except• Not authorized for<ul style="list-style-type: none">➤ gardening or topsoil➤ below water table➤ within 75' of drinking water well



DRAFT QUALITY CATEGORIES

Grade	Standard	Reuse
B [Res 3 & I/C]	Tested and not > : <ul style="list-style-type: none">• GB PMC• Res DEC or I/C DEC• no ELUR if not > Res DEC• ELUR for > Res and not > I/C DEC• no PCBs	“Conditional fill” <ul style="list-style-type: none">• use as fill in GB areas only• Not authorized for<ul style="list-style-type: none">➤ use in gardening or as topsoil➤ below water table➤ within 75’ of drinking water well



DRAFT QUALITY CATEGORIES

Grade	Standard	Reuse
C	<p>Tested or originates from transportation or utility corridor</p> <ul style="list-style-type: none">• “like to like”; i.e.<ul style="list-style-type: none">➤ Rail to rail➤ road to road➤ utility to utility• not > GB PMC and I/C DEC• PCBs below Res DEC	<p>“Corridor fill”</p> <ul style="list-style-type: none">• reuse in corridors, provided: no contamination from a release not associated with the corridor



DRAFT QUALITY CATEGORIES

Grade	Standard	Reuse
DF	Freshwater Dredged Materials	<ul style="list-style-type: none">• Managed like soil (characterization guidance needed)<ul style="list-style-type: none">➤ If associated with dam removal, reuse on site within area of the historic impoundment, and - either consistent with applicable DEC, or - as approved by the Commissioner as a condition of the Dam Safety Permit
DM	Marine Dredged Materials	<ul style="list-style-type: none">• Managed like soil after treatment/processing as needed (characterization guidance and treatment/processing requirements needed)• Upland placement along bank according to regulation



GETTING WHAT YOU PAY FOR

- Self-implementing: Match the quality category with the specified types of use and no DEEP approval or involvement is needed
- Seller certification: seller or distributor of soil is responsible for:
 - Identifying the soil quality category
 - Maintaining records of that determination for 3 years
 - If requested within 3 years, must provide documentation to:
 - Landowner soil was placed on, Commissioner, municipality



CLASSES OF EXEMPT RECYCLING FACILITIES

- CGS 22a-208i - Commissioner may:
 - Adopt regulations
 - Establish **classes** of facilities that are exempt from solid waste permitting requirement
 - **IF** facility
 - Register with DEEP
 - follows requirements in the regulations

(“conditionally exempt registered recycling facility”)



CONDITIONALLY EXEMPT RECYCLERS

- Examples of Exempt Facility Classes
 - Asphalt manufacturers
 - Clean wood processors
 - Soil Management Facilities
 - Excavation site (no registration required)
 - Staging area (registration)
 - Soil Processing facility (register and report)



CONDITIONALLY EXEMPT RECYCLERS

- Soil recycling facilities exemption:
 - All materials handled must be < GB PMC and I/C DEC
 - Does not allow treatment
 - Allows blending for making a product
 - Reporting is material tonnages annually to DEEP for recycling goals tracking



NEXT STEPS

- **May 14 : DEEP Remediation Roundtable**
- June: open informational meeting TBA
- Public comment period summer 2013
- Adopt regulations winter 2013



QUESTIONS FOR YOU

- What are you already doing that can be copied so we keep things simple and workable?
- Does every person selling or distributing have to maintain records, or just the “last one” (last seller to the user/landowner)?



Questions?

Comments?

Ideas?

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