



Instructions for Completing the Application Form for a Beneficial Use Determination (BUD) Approval

Use these instructions to complete the application form for a Beneficial Use Determination (BUD) Approval (DEP-RCY-REG-014). These instructions are not a substitute for the requirements of any relevant statutes or regulations. You should review all applicable laws prior to completing the application form. Remember, it is your responsibility to comply with all applicable laws.

A completed application form must be submitted for each Beneficial Use Determination (BUD) Approval. Incomplete applications will not be processed. The burden of demonstrating the beneficial use of the solid waste is the responsibility of the applicant.

Introduction

Section 22a-209f(b)(1) of the Connecticut General Statutes (CGS) states the commissioner of Environmental Protection may issue individual authorizations for the beneficial use of solid waste in a manufacturing process to make a product or as an effective substitute for a commercial product provided (A) such authorization does not allow an activity for which an individual or general permit has been issued, (B) such authorization is not inconsistent with the requirements of the federal Resource Conservation and Recovery Act (42 USC 6901 et seq.), and (C) the commissioner finds that such solid waste can be reused without harming or presenting a threat of harm to public health, safety or the environment.

Any questions that you may have regarding Beneficial Use Determination (BUD) Approvals should be directed to the Solid Waste Permitting Program at 860-424-3372.

Who Must Apply?

Any generator of a solid waste material that wants to provide such material to others for beneficial use or any facility that wants to accept and process solid waste materials for beneficial use.

If an existing permitted facility wants to accept and process solid waste materials for beneficial use, a modification to their existing permit must be requested. Contact the Waste Engineering &

Enforcement Division at 860-424-3372 with any questions.

This activity is authorized only on or after the date the commissioner issues a written approval with respect to such activity.

How To Apply

Your Beneficial Use Determination (BUD) Approval application must include the following:

- An *Application Form for Beneficial Use Determination (BUD) Approval (DEP-RCY-APP-014)*, and all supporting documents;
- One copy of the application package;
- The applicable fee, paid by check or money order, made payable to the "Department of Environmental Protection".

You must submit the above materials together as a package to:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

When submitting your application, label your supporting documents as directed on your form and always include, on each document, the applicant's name as indicated on the application form. When additional space is necessary to answer a question stated in the application,

please insert additional sheets by the appropriate question. Label each sheet with the applicant's name as indicated on the application form, along with the corresponding part number and question number indicated on the application form. You should retain a copy of all documents for your files.

An application may be considered insufficient if information requested herein is not provided.

Part I: Application Type

Check the appropriate box to specify if the application is for a *new* BUD Approval, a *renewal* of an existing BUD Approval or a *modification* of an existing BUD Approval. If your activity has been formerly licensed by an individual permit, registration or other authorization, or if you are applying for a renewal of an existing authorization, please identify the previous or existing authorization or approval number and expiration date in the space provided.

Part II: Fee

For an approval of solid wastes generated at a rate of more than 120 tons per year, a fee of \$5,000 for a ten year term or a renewal/modification fee of \$2,500 must be submitted for each approval you are requesting. For an approval of solid wastes generated at a rate between 12 and 120 tons per year, a fee of \$2,500 for a ten year term or a renewal/modification fee of \$1,250 must be submitted for each approval you are requesting. For an approval of solid waste material generated at a rate of less than or equal to 12 tons per year, a fee of \$1000 for a ten year term or a renewal/modification fee of \$500 must be submitted for each approval you are requesting. The application will not be processed without the fee. The payment should be in the form of a check or money order made payable to "Department of Environmental Protection".

If the applicant is a municipality, there is no fee in accordance with section 22a-209f(b)(3) CGS.

Check the appropriate box to specify the fee submitted with this application.

Part III: Applicant Information

When completing this part, please use the following standards:

- *Name* - Provide the full, legal *company/firm* name. (If identifying an entity registered with the Secretary of the State, fill in the name exactly as it is shown on the registration.) If identifying an *individual*, provide the full legal name (include title and suffix) in the following format: Title (Ms, Dr, etc.); First Name; Middle Initial; Last Name; Suffix (Jr, PE, PhD, etc.).
 - *Contact Person* - Provide the name of the specific individual whom DEP may contact.
 - *Phone* - Unless otherwise indicated, the phone number provided should be the number where the above individual can be contacted during the daytime business hours.
 - *E-Mail* – Applicants must provide an accurate company email address when completing their application form. The email address may be used for future correspondence from the DEP to your business.
1. *Applicant* - Fill in the applicant's information. Check the box to specify any co-applicant's and attach the required information to the application.
 2. *Billing Contact* – Complete the information concerning the applicant's billing contact, if different than the applicant.
 3. *Primary Contact* - If you have authorized a consultant, engineer, attorney or other individual to act for you during the processing of this application, complete this section. DEP will direct copies of all correspondence and inquiries to this primary contact.

4. *Attorney* - It is not required that an applicant be represented by an attorney or any other agent. If you do have an attorney acting for you during this application, complete this section.
5. *Facility Operator* – If applicable, identify the operator of the facility.
6. *Property Owner(s)* – Identify the owners of property where the activity will occur.
7. *Engineers or Consultants* - List any engineers or other consultants employed or retained to assist in preparing the application or to design, construct or operate the proposed activity. Be sure to identify the service that is being provided by each.

**Part IV: Site/Facility Information
(if applicable)**

Complete this Part only if the Applicant plans to operate a specific site for the processing, storage and/or distribution of a solid waste material or byproduct.

1. Facility Location

The facility name, if applicable, should be the name by which the facility is commonly known and/or uniquely identified.

The information given as the location address should be the address of the property at which the proposed activity will take place. Include the street address and municipality. If the property does not have a street number, describe the location in terms of the distance and direction from an obvious landmark such as an intersection with another roadway, a bridge, or a river. For example, “... on River Street, approximately 1000 feet north of its intersection with Bear Swamp Road.”

Provide the latitude and longitude, in degrees, minutes and seconds, of the exact location of the proposed activity. In addition, please indicate the method used to determine

the latitude and longitude coordinates. There are a variety of methods of deriving latitude and longitude coordinates with the Global Positioning System (GPS) being the most accurate.

2. Indian Lands

Check the appropriate box to specify if the premise is or will be located on federally recognized Indian lands.

DEP strongly encourages all applicants to conduct a review of the following Coastal, Natural Diversity Data Base, and Aquifer Protection information as soon as possible and to resolve any outstanding issues, where feasible, before submitting their application to DEP to ensure a more timely and efficient review of their application.

3. Coastal Management Act Consistency

Activities within the state's coastal area must be consistent with the Connecticut Coastal Management Act, i.e., sections 22a-90 through 22a-112 of the Connecticut General Statutes (CGS). You may be required to complete a *Coastal Consistency Review Form* (DEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. To determine whether this requirement pertains to you, you must first decide if your activity is, or is proposed to be, located in either the coastal area or the coastal boundary.

The *coastal area*, as defined in CGS section 22a-94 (a), includes the land and water within the following towns:

Branford	Guilford	Old Saybrook
Bridgeport	Hamden	Orange
Chester	Ledyard	Preston
Clinton	Lyme	Shelton
Darien	Madison	Stamford
Deep River	Milford	Stonington (Borough and Town of)
East Haven	Montville	Stratford
East Lyme	New London	Waterford
Essex	New Haven	West Haven
Fairfield	North Haven	Westbrook
Greenwich	Norwalk	Westport
Groton (City and Town of)	Norwich	
	Old Lyme	

The *coastal boundary*, as defined in CGS section 22a-94(b), is a designated region within the coastal area. It is delineated on DEP-approved coastal boundary maps which are available for review at the DEP Office of Long Island Sound Programs (OLISP), the DEP File Room, and municipal offices of towns located in the coastal area. Copies of these maps may also be purchased from DEP Maps and Publications.

Activities within the coastal boundary:

If your activity is, or is proposed to be, located in the coastal boundary, and you are applying for either a new authorization or a modification to an existing authorization, you must complete a *Coastal Consistency Review Form* (DEP-APP-004) and submit it with your application as Attachment C.

For renewals of existing authorizations for activities located within the coastal boundary, you are not required to submit a *Coastal Consistency Review Form* with your initial application materials. However, DEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

Activities outside the coastal boundary but within the coastal area:

For applications for activities located outside of the coastal boundary, but within a town in the coastal area, you are not required to submit a *Coastal Consistency Review Form* with your initial application materials. However, DEP may notify you that submission of this form is required to process your application depending upon the specific activities to be conducted and their potential impact on coastal resources.

If you need copies of the *Coastal Consistency Review Form*, refer to the Available Resources Section at the end of these instructions. For assistance in

completing the form, or if you have questions on this process, call OLISP at 860-424-3034.

4. *Natural Diversity Data Base -Endangered or Threatened Species*

Section 26-310 (a) of the Connecticut General Statutes states that each state agency, in consultation with the DEP commissioner, shall conserve endangered and threatened species and their essential habitats, and shall ensure that any activity authorized, funded or performed by such agency does not threaten the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat designated as essential to such species.

Please refer to the “*Connecticut Natural Diversity Data Base- (NDDDB) Review of Endangered or Threatened Species*” located on the DEP website at: www.ct.gov/dep/endangeredspecies (Review/Data Requests) to determine if your activity is located within or near an area identified as a habitat for endangered, threatened or special concern species. If applicable, include copies of any correspondence to and from the NDDDB, including a copy of the completed *CT NDDDB Review Request Form* with your application as Attachment D.

5. *Aquifer Protection Areas*

Aquifer protection areas are defined in CGS section 22a-354a through bb and are the areas that contribute water to public water supply wells. Many towns within the state are required to establish Aquifer Protection Areas. Level A areas are final, regulated areas under the aquifer protection program. Level B areas are preliminary approximations of aquifer protection areas that have not yet been mapped to final standards, so the shape of the area may change when final mapping is completed. Level B maps provide an approximation of

the Aquifer Protection Areas. Please review the list of towns, available on the DEP website, to determine if your site location is within one of these towns and, if yes, check the appropriate map, also available on the DEP website, to see if the site is within the area identified on a Level A or Level B map. If your site location is within an area identified in a Level A or Level B map, you must determine if your activity may be regulated either by the local aquifer protection agency or the DEP aquifer protection program.

The following DEP website, www.ct.gov/dep/aquiferprotection, provides the list of towns and maps and information to determine if your activity may be regulated either by the local aquifer protection agency or the DEP Aquifer Protection Program. For further assistance, you may call the Aquifer Protection Program at 860-424-3020.

6. *Conservation or Preservation Restriction*

If the subject site has a conservation or preservation restriction, proof of written notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction, must be submitted as Attachment E.

7. *Environmental Justice Communities*

If the subject application includes an activity which will occur at an *existing affecting* facility and is located in an environmental justice community, the applicant shall submit an Environmental Justice Public Participation Plan, **PRIOR to filing the subject application with the DEP**, and adhere to the requirements of section 22a-20a CGS. Refer to the Environmental Justice Public Participation Guidelines (DEP-EJ-GUID-001) for more information, (www.ct.gov/dep/environmentaljustice).

An environmental justice community is

defined as:

- a. a United States census block group, as determined in accordance with the most recent United States census, for which thirty percent or more of the population consists of low income persons who are not institutionalized and have an income below two hundred percent of the federal poverty level, or
- b. a distressed municipality.

A facility or activity must be located directly in the defined census block or the distressed municipality in order to be subject to the requirement of holding an informal public meeting. A list of current environmental justice communities can be found on the DEP website at www.ct.gov/dep/environmentaljustice. The list of distressed municipalities can also be found on the DECD website at www.ct.gov/ecd/cwp/view.asp?a=1105&q=251248

8. *Facility/O&M Plans*

Check the appropriate box(es) to specify if the Facility has a current Facility Plan and/or Operation & Management Plan located on-site.

The Department could request copies of these Plans during their review and approval of this application or require a applicant that does not currently have these Plans to prepare them.

Part V: Beneficial Use Information

The following information should be included as Attachment A.

1. Describe how this proposed BUD provides reuse of the subject solid waste material without harming or presenting a threat of harm to public health, safety, or the environment;
2. Identify the type of solid waste material proposed to be beneficially used, how it is

- generated and the quantities (tons) generated annually.
3. Describe historically (or up to this point) how and where this solid waste material has been disposed of and/or managed.
 4. Describe specifically how this solid waste material will be beneficially used. Describe the proposed testing/monitoring that will be conducted on this solid waste material. As a beneficial use, describe the proposed reuse to demonstrate the ability of this solid waste material to be effectively used in a manufacturing process or to be used as an effective substitute in a commercial product.
 5. Provide a summary of information available that serves as the rationale for the material being suitable for beneficial use. Specifically, identify any chemical constituents that are present in the solid waste material that you are proposing to reuse, including life cycles and potential environmental or health impacts. Submit any solid waste characterization studies that have been conducted. Is it similar to the analogous raw material or product? Does it contain constituents not found in the analogous raw material/product (or at higher concentrations)? Does it exhibit hazardous characteristics that the analogous raw material/product does not? Are there any toxic constituents that would be inherent in the final product? Does it contain levels of recoverable material similar to the analogous raw material/product? Is it as effective as the raw material or product it replaces? Identify the proposed mixing ratios for this specific BUD. Describe any differences in amounts used for the process between the raw material/product and the solid waste that is the subject of this BUD request. Does the solid waste that is the subject of this BUD request require any processing prior to this proposed beneficial use? What degree of processing is required to produce the final product?
 6. Does the solid waste material have economic value comparable to the raw material/product that normally enters the process? What are the economics of the recycling/reuse process? Does most of the revenue come from charging the generator of the solid waste material or from the sale of the final product?
 7. List any approvals, individual permits and/or general permits that you have applied for or received from CT DEP or from any other state for this specific type of beneficial use.
 8. Provide documentation of a market for the final product. Submit any contracts and/or letters of agreement/commitment/interest from others willing to purchase/use the final product. Is the final product a recognized commodity? Are there industry-recognized quality specifications for the final product?
 9. Any other pertinent data in support of this BUD application.

Part VI: Supporting Documents

Please check the box by the attachments being submitted as verification that *all* applicable attachments have been submitted with this application form. When submitting any supporting documents, please label the documents as indicated in this part (e.g., Attachment A, etc.) and be sure to include the applicant's name as indicated on the application form.

Attachment A: Beneficial Use Information

All applicants must submit the Beneficial Use Information as instructed under Part V of these instructions, as Attachment A.

Attachment B: USGS Map

*United States Geological Survey (USGS)
Topographic Map*

Attach an 8-1/2" x 11" copy or original of a USGS topographic quadrangle map, at a scale of 1:24,000, indicating the exact location of the

facility as described below. DEP will use this map to enter your project location into its Geographic Information System (GIS). It is important that you accurately locate the project site and proposed activities because the GIS generates natural resource information relevant to your site. An inaccurate description of the project location will delay processing of your application.

The quadrangle name should be noted on the copy of the map submitted. The boundary of the site must be outlined and the location of the proposed activity must be labeled. See Figure A, at the end of these instructions, for examples of how a USGS Map must be labeled when submitted.

Attachment C: Coastal Consistency Review Form

Activities within the state's coastal area which includes the coastal boundary must be consistent with the Connecticut Coastal Management Act (Sections 22a-90 through 22a-112 CGS). You may be required to complete a *Coastal Consistency Review Form* (DEP-APP-004) to demonstrate that the activity is consistent with the standards and policies of the Connecticut Coastal Management Act. Please refer to the instructions in Part IV, item 3, to determine if this requirement pertains to you.

Attachment D: CT NDDB Information

Submit copies of any correspondence provided to or received from the CT NDDB program, including a copy of a *completed CT NDDB Request Form* (DEP-APP-007) as Attachment D, as explained in Part IV, item 4 of these instructions.

Attachment E: Conservation or Preservation Restriction

If the property is subject to a conservation or preservation restriction, submit proof of written notice of this application to the holder of such restriction or a letter from the holder of such restriction verifying that this application is in compliance with the terms of the restriction, as

Attachment E.

Attachment F: Environmental Justice

Submit a copy of the written Plan approval as Attachment F. Please refer to the instructions in Part IV, item 7, to determine if this requirement pertains to you.

Part VII: Applicant Certification

After the application has been completed it must be reviewed and signed by both the applicant and the individual(s) who actually prepared the application and any part thereof required by the application. This includes consultants, professional engineers, surveyors, soil scientists, etc. By their signature, they certify that, to the best of their knowledge and belief, the information contained in the application, including all attachments, is true, accurate and complete.

The certification of the application package shall be signed as follows:

1. For an individual(s) or sole proprietorship: by the individual(s) or proprietor, respectively;
2. For a corporation: by a principal executive officer of at least the level of vice president;
3. For a limited liability company (LLC): a manager, if management of the LLC is vested in a manager(s) in accordance with the company's "Articles of Organization", or a member of the LLC if no authority is vested in a manager(s);
4. For a partnership: by a general partner;
5. For a municipal, state, or federal agency or department: by either a principal executive officer, a ranking elected official, or by other representatives of such applicant authorized by law.

An application will be considered insufficient unless all required signatures are provided.

Available Resources

Below is a list of possible resources for specific information required for this application. Be sure to also check the DEP website, www.ct.gov/dep and your local town hall or library for maps and other reference materials.

Both the DEP Maps and Publications 860-424-3555 and the DEP File Room 860-424-4180 are located on the store level at 79 Elm Street, Hartford, CT. Please call the appropriate office in advance for hours of operation.

For general assistance regarding the subject application, contact the Solid Waste Permitting Program at 860-424-3372.

For the subject application form, instructions and other required documents visit the DEP website at: www.ct.gov/dep/permits&licenses (Air, Waste and Land Use/Waste and Materials Management Permits and General Permits)

- Coastal Boundary Areas: Town Hall and/or DEP Maps and Publications; "Coastal Boundary Map". Additional information: Office of Long Island Sound Programs: 860-424-3034
- Coastal Resource Maps: Town Hall and/or DEP Maps and Publications 860-424-3555
- Reference Guide to Coastal Policies and Definitions (www.ct.gov/dep/permits&licenses)
- USGS Topographic Quadrangle Map: (www.ct.gov/dep/gis) DEP Maps and Publications, 860-424-3555, or USGS Office, 303-202-4700, or US Geological Survey, Western Distribution Branch, Box 25286, Denver Federal Center, Denver, CO 80225 (sells USGS maps and publications) www.usgs.gov

- Endangered or Threatened Species Areas: DEP File Room; "State and Federal Listed Species and Natural Communities"; www.ct.gov/dep/endangeredspecies
 - Aquifer Protection Area Maps: www.ct.gov/dep/aquiferprotection
 - Pollution Prevention: A variety of pollution prevention publications are available from DEP's Office of Pollution Prevention 860-424-3297
 - DEP's Environmental Equity Policy, Environmental Justice Program and Environmental Justice Public Participation Guidelines: 860-424-3044 (www.ct.gov/dep/environmentaljustice)
 - Wetlands of Connecticut: DEP Maps and Publications 860-424-3555
 - 2002 Connecticut Guidelines for Soil Erosion and Sediment Control (www.ct.gov/dep/soilerosionsedimentcontrol)
 - Drainage Basins: DEP Maps and Publications, "Natural Drainage Basins in Connecticut", 1988; www.ct.gov/dep/gis
- Archeological or Historical Landmarks: Town Hall or Connecticut Historical Commission or Connecticut Historical Aerial Photography (Map & Geographic Information Center at UCONN) magic.lib.uconn.edu
- Land Conservation Areas: Town Hall and/or DEP Maps and Publications; "Open Space Map"

- State and federal statutes and regulations are available for review at various locations:
On the web:
 - State Statutes
www.cga.ct.gov/asp/menu/Statutes.asp
 - DEP website for Statutes and Regulations: www.ct.gov/dep/laws-regs
 - US EPA website for Federal Laws, Regulations (Code of Federal Regulations; CFR), Policy Guidance and Legislation: www.epa.gov/lawsregs

Book Format:

- State Library (Hartford)
- University Law Schools (UCONN-Hartford, Yale)
- Superior Courthouse Libraries (located throughout the state)
- Town Halls and Libraries (statutes)

Figure A: Waste Example

USGS Quadrangle Map: Clinton
Map Scale: 1:24, 000 (1"=2, 000')

Please include Latitude and Longitude in your application.

Facility with Structures

Facility without Structures

Location of activity *

Center of activity *

Boundary of site

Boundary of activity *

