



Environmental Permitting Fact Sheet

Use of Beneficially Reclaimed Materials in Large-Scale Filling Pilot Projects (Large-Scale Beneficial Filling Pilot Program)

Pilot Program Overview

The pilot program, administered by the Bureau of Materials Management and Compliance Assurance and established pursuant to [Connecticut General Statutes \(“CGS”\)](#) section 22a-209f(c), provides the Commissioner the authority to establish a pilot program to allow for the placement of large volumes of [beneficially reclaimed materials](#) at locations that have been identified as having redevelopment potential. In reviewing a permit application, the Waste Engineering and Enforcement Division (“WEED”), considers various factors, including, a proposed location’s environmental setting and condition, the quality of the proposed fill materials, the proposed future use of a location and an evaluation of the potential impacts to human health and the environment based on the proposal. The authorizations will allow compatible beneficially reclaimed materials to be used as fill at a location when there is a need for such materials to facilitate the redevelopment of environmentally impaired or underutilized properties.

Potential placement locations will have to meet specific siting and eligibility criteria including, but not limited to: 1. Not located in an aquifer protection area; 2. Located in an area where the groundwaters of the state are classified as either “GB” or “GC” and served by a public drinking water supply; 3. The location requires no less than 100,000 cubic yards (cy) of suitable fill to redevelop; 4. Prior to the submission of an application for approval of a placement location, each municipality, in which beneficially reclaimed materials will be used as fill, has issued all the necessary approvals for the proposed redevelopment of the site; and 5. The applicant has completed the components of the Environmental Justice Law identified in [CGS section 22a-20a\(b\)](#).

Individual authorizations are issued directly to an applicant. In reviewing an application, WEED ensures that all proposed Large-Scale Beneficial Filling

Pilot Program projects provide for proper planning, design, construction, use of beneficially reclaimed materials, monitoring, post-placement activity plans and post-placement maintenance so that health and safety are safeguarded, and the environment is protected.

[Guidelines](#) were developed pursuant to CGS section 22a-209f(c)(3). The guidance provides considerations for selecting a site, a description of the actions on the part of the applicant prior to submitting an application and the components of the applications.

Authorizing Statutes

[CGS section 22a-209f](#)

Regulations

Regulations of Connecticut State Agencies (RCSA) section 22a-209.

Who Must Apply

Any person seeking: 1. An authorization to receive and place beneficially reclaimed materials at an impaired or underutilized property that requires at least 100,000 cy of fill materials to redevelop the site; and 2. A person seeking to renew or modify an existing authorization for a pilot project.

Transfer

An authorization may not be transferred without prior approval from DEEP. Any person proposing to transfer a DEEP authorization must submit a completed [License Transfer Form](#) (DEEP-APP-006) and transfer fee to DEEP. The *License Transfer Form* may be used for changes in owners and operators of the licensed activity; if other changes are proposed to the site, and/or to site operations, the proposed transferee must also request an authorization modification. For further information concerning authorization transfers or to obtain a *License Transfer Form*, please contact the Office of Innovative Partnerships and Planning (IPP) at DEEP.OPPD@ct.gov.

Required Application Documents

[Application for Large-Scale Beneficial Filling Pilot Program \(DEEP-WEED-APP-800\)](#) and all supporting documents; and the application fee of \$25,000.00. Please complete the application form in accordance with the Instructions and [Checklist for Completing the Application Form for Large-Scale Beneficial Filling Pilot Program \(DEEP-WEED-APP-801\)](#).

Fees

The application fees are specific to the authorized activity and are set forth in CGS section 22a-209f(c)(5)(H). The application fee is \$25,000.00 and must be submitted with the application. The fee shall be non-refundable, paid by check or money order, made payable to the “Department of Energy and Environmental Protection”. DEEP will not process an application unless the required fees have been paid. Please note that an annual fee (i.e., \$4,000.00) is assessed once your permit has been issued.

Review and Processing

Upon receipt of the complete application package, all supporting documents, the application fee, a preliminary review of the application is conducted for sufficiency and general consistency with applicable standards and criteria. A detailed technical review is then conducted to determine compliance with the

Solid Waste Management Regulations, the extent of any potential adverse impacts to the environment, and where required by statute, a determination of need. Upon completion of this technical review, a Notice of Intent to Issue to grant or deny the authorization application will be made by the Commissioner. A Notice of Intent to Issue will be published on the Department of Energy and Environmental Protection's (DEEP's) Internet public notices web site. There shall be a public comment period of thirty (30) days following the publication of such notice during which interested persons may submit written comments to the Commissioner, to which responses to any comments received shall be posted to DEEP's Internet web site. After completion of the technical review and consideration of any public comments, DEEP will issue a final decision on the authorization application.

Unique Processing Features

All proposed Large-Scale Beneficial Filling Pilot Projects, regardless of whether the location of the filling site is within an environmental justice area, must be consistent with [CGS section 22a-20a subsection \(b\)](#). As available, all required local approvals shall be obtained from the municipality or municipalities in which the placement site is located *prior* to submitting any application documents. Once you have obtained the required local approvals, submit each such approval to the Environmental Justice Program with the Environmental Justice Public Participation Plan for review. The applicant shall provide a list of each required local approval and a written copy of each such approval shall be submitted with the application as an attachment.

Each application must include a copy of the NDDB Determination response letter that has not expired, if applicable. Include a copy of any mitigation measures developed for this activity and approved by NDDB. Do *not* submit any NDDB Preliminary Site Assessments with your application. Be aware that you must renew your NDDB Determination if it expires before project work commences.

The applicant must retain a Connecticut licensed Professional Engineer ("CT P.E.") to review and certify site plans. The applicant must retain a Connecticut P.E., Connecticut Licensed Environmental Professional ("LEP"), Massachusetts Licensed Site Professional ("MA LSP") or comparable licensed professional to certify the supporting documentation for the subject site, to assist in preparing the application and oversee all applicable aspects of the proposed filling activities. According to [CGS section 22a-209f\(c\)\(5\)](#) the application supporting documents must include the following: 8 1/2" x 11" copy of the relevant portion or full sized original of a United States Geological Survey map; a [Coastal Consistency Review Form \(DEEP-APP-004\)](#) if applicable; a copy of the Natural Diversity Data Base Determination response letter that has not expired; Conservation of Preservation Restriction Information, if applicable; a copy of the written approval of the final report documenting the implementation of the Environmental Justice Public Participation Plan; a list of each municipal approval required for the proposed placement of beneficially reclaimed materials and a written copy of such approval; a copy of valid certificate of zoning approval, special permit, special exception or variance, or other documentation, from each municipality in which beneficially reclaimed materials will be used as fill; a copy of wetland, aquifer protection, coastal site

plan and any other required approval from each municipality in which beneficially reclaimed materials will be used as fill; an Executive Summary; the qualifications of the environmental professionals (e.g. CT PE, CT LEP, or other comparable licensed professional) intended to exercise oversight of all aspects of the proposed activities; a Material Acceptability Protocol, a fill placement plan for the beneficially reclaimed materials, a redevelopment plan for the site once filling is complete; a water quality monitoring plan for the duration of not less than thirty years after filling is complete; a completed Checklist for the Use of Beneficially Reclaimed Materials in Large-Scale Filling Pilot Projects form and all supporting maps, plans and reports associated within the Checklist; a completed [Background Information \(DEEP-SW-APP-101\)](#); a completed [Applicant Compliance Information Form \(DEEP-APP-002\)](#); and a completed [Business Information Form \(DEEP-SW-APP-003\)](#).

Public Participation

Upon completion of this technical review, a Notice of Intent to Issue or deny the authorization application will be made by the Commissioner. A Notice of Intent to Issue will be published on the Department of Energy and Environmental Protection (DEEP) Internet public notice web site. There shall be a public comment period of thirty days following the publication of such notice during which interested persons may submit written comments to the Commissioner, to which responses to any comments received shall be posted to DEEP's Internet web site. After completion of the technical review and consideration of any public comments, DEEP will issue a final decision on the authorization application.

Environmental Justice Public Participation

Pursuant to CGS section 22a-20a(b)(1)(B), the applicant shall consult with the chief elected official(s) of the municipality or municipalities in which the placement site is located to evaluate the need for a community environmental benefit agreement (“CEBA”) in accordance with subsection (d) of CGS 22a-20a(b)(1)(B). As available, all required municipal approvals shall be obtained from the municipality or municipalities in which the placement site is located *prior* to submitting the Environmental Justice Meaningful Public Participation Plan to the Environmental Justice Program for review. Applicants shall submit the required Environmental Justice Meaningful Public Participation Plan (“EJPPP”) to the Environmental Justice Program, receive written approval of the final report detailing the implementation of your approved EJMPPP and the CEBA (if applicable) *prior* to submitting their application package.

Average Processing Time

For this permit program, processing time for a typical application for a new site or a modification to a site, based upon recent experience is 12 (twelve) months at a minimum. For renewal applications, processing time is less than 12 (twelve) months. In order to increase the efficiency of application processing, we recommend that you utilize the [Department's Pre-Application Guidance](#) process, assure that your application package is properly completed at the time of submittal, and that you promptly reply to any requests for information.

Large-Scale Beneficial Filling Pilot Program: 10 (ten) years.

Authorization Duration

Authorization requires that the permittee must also comply with maintenance and monitoring requirements for not less than thirty years after filling is complete.

Contact Information

Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127
860-424-3366

This overview is designed to answer general questions and provide basic information. You should refer to the appropriate statutes and regulations for the specific regulatory language of the different permit programs. This document should not be relied upon to determine whether or not an environmental permit is required. It is *your* responsibility to obtain and comply with all required permits.

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