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Environmental Program Guidance Document

Guidance for Disruption Activities, Closure Activities, and/or Post-Closure Use at Solid Waste Disposal Areas

Purpose

This guidance document is designed to answer general questions and provide basic information for use when the Commissioner determines that a disruption authorization is required, or a closure/post-closure-use plan must be submitted. The information provided below addresses the requirements applicable to activities associated with the excavation, disruption, or removal of deposited material (including cover material) at an active, inactive, or closed solid waste disposal area. It is the responsibility of the individual or individuals engaged in these activities to comply with all applicable laws and regulations and obtain all applicable approvals, including any necessary permits or permit modifications.

What is a solid waste disposal area?

Pursuant to Section 22a-207 of the Connecticut General Statutes (CGS), "solid waste disposal area" is defined as "any location, including a landfill or other land disposal site, used for the disposal of **more than ten cubic yards of solid waste**. For the purposes of this subdivision, 'disposal' means placement of material at a location with the intent to leave it at such location indefinitely, or to fail to remove material from a location within forty-five days." Disposal does not necessarily mean that the solid waste has been buried on site; it also includes surficial dumping of solid waste. This definition is **not** limited to facilities that have received solid waste permits pursuant to CGS Section 22a-208a but applies to **any** area that meets the above referenced definition, even if it pre-dates the existence of the Department's permit program (i.e., no grandfather clause).

DISRUPTION: refer to Section 22a-209-7(u) of the Regulations of Connecticut State Agencies (RCSA)

What constitutes disruption of a solid waste disposal area?

Disruption is considered as any disturbance (e.g., excavation, boring, re-grading, consolidation of waste, routine maintenance of environmental controls, etc.) or removal of deposited material, including the removal of cover material at an active, inactive or closed solid waste disposal area. Consolidation of waste(s) (i.e., any activity that combines waste types of similar nature for on-site disposal) is a form of disruption. Exploratory investigations (e.g., test pits, bore holes, etc.) that are being conducted at a solid waste disposal area to obtain additional information on the types of waste, the vertical or horizontal limits of the waste and other such information are **not** considered a disruption.

What is a disruption authorization?

A disruption authorization is written approval from the Commissioner that allows the excavation, disruption or removal of deposited material at a solid waste disposal area. As stated above, this is not limited to sites permitted by the Department to receive solid waste but can include many different situations, such as historical landfills that pre-date the Department's solid waste management regulations, farm dumps, areas at industrial sites used for the disposal of manufacturing wastes, areas used for the disposal of landclearing debris (i.e., brush, stumps, etc.), areas used for the disposal of construction and demolition wastes, etc.

What is the process for obtaining a disruption authorization?

RCSA Section 22a-209-7(u) outlines the requirements for the excavation, disruption, or removal of deposited material at an active, inactive or closed solid waste disposal area. An *Authorization Application for Disruption of a Solid Waste Disposal Area* form describing the proposed activities must be submitted to the Department for review and written approval. The information provided with the application must include a full description of the excavation process including, but not limited to: operational plans detailing the area involved; depth of excavation; final grades; volume of material to be excavated or disrupted; where material will be placed or disposed; construction schedule; as well as measures taken to protect the public health and the environment (i.e., a site-specific health and safety plan, a personnel health monitoring plan, dust control measures, and an erosion and sedimentation control plan).

When is a disruption authorization not required?

As stated previously, an exploratory investigation being conducted to obtain information on a disposal area is not considered a disruption, therefore a disruption authorization is not required. This is contingent on the requirement that any materials excavated during the investigation are replaced and the immediate area restored promptly after completing such activities. Typically, a disruption authorization would not be required at a permitted solid waste disposal area undergoing routine maintenance activities (e.g., installation of additional gas recovery system components, restoring eroded cover materials and vegetation, etc.) unless warranted by the magnitude of the situation, which is assessed on a case-by-case basis. Disruption authorizations are not required when the material being managed is limited to clean fill and/or soil.

CLOSURE: refer to RCSA Section 22a-209-13

What constitutes closure of a solid waste disposal area?

Closure is considered as the establishment of final grades (top and sideslopes) and installation of final cover material, including vegetative cover, on a solid waste disposal area. RCSA Section 22a-209-13 outlines the requirements for closing solid waste disposal areas. The Department requires that the facility owner or permittee submit a closure plan for the Commissioner's review and written approval. At some historic sites (pre-dating solid waste management regulations), the Department has not required any additional grading or cover material especially if the site is well stabilized and there are no erosion problems. These projects are reviewed on a case-by-case basis and, at a minimum, would require the submittal of an as-built drawing (certified by a Professional Engineer licensed to practice in Connecticut) and the recording of a detailed description of the solid waste disposal area on the local municipal land records.

What information is included in a closure plan?

A closure plan should include, but is not limited to the following: detailed engineering drawings depicting final contours; technical specifications on final cover materials; erosion and sedimentation controls; decomposition gas controls (as necessary); post-closure water quality monitoring and maintenance; site specific health and safety plan; proposed use of the site after closure; etc. There is also a fee assessed for closure plan review and approval. A fee is assessed for the review and approval of a closure plan for an active site that has been permitted pursuant to CGS Section 22a-208a. After the closure is completed, a complete set of as-built drawings must be submitted to the Commissioner. Additionally, a detailed description of the disposal area is required to be filed on the local municipal land records and a copy of that information must be submitted to the Commissioner.

When would a closure plan and a disruption authorization both be required?

When extensive relocation of waste is necessary to complete closure of the solid waste disposal area prior to capping, both an authorization for the disruption activity and a closure plan for capping are necessary.

POST-CLOSURE USE: refer to RCSA Section 22a-209-13(d)

What is post-closure use?


Post-closure use is considered as any activity at a closed solid waste disposal area. Post-closure use requires approval of the Commissioner prior to the redevelopment or re-use to ensure that the use is protective of human health and the environment. Unless properly managed, post-closure uses have the potential to create environmental or human health concerns through exposure to wastes, decomposition gases, leachate, and erosion of the disposal area's cap. For the purposes of this section, closed does not necessarily mean that the Department has issued a closure approval; it could be a site that is historic (i.e., that pre-dates the Department's solid waste management regulations) and has been inactive.

What is the process for obtaining post-closure use approval?

Department regulations require that a plan for post-closure use be submitted to the Commissioner for review and written approval as part of a closure plan or whenever a change in an approved post-closure use is sought. The plan must identify the proposed redevelopment or post-closure uses and what controls will be used to minimize exposures during redevelopment to protect human health and the environment. Regulations applicable to closure of solid waste disposal areas also apply to post-closure activities, such as grading, disruption, final cover and seeding, management of decomposition gases, etc.

This document is designed to answer general questions and provide basic information. You should refer to the appropriate statutes and regulations for the specific language. It is your responsibility to comply with all applicable laws. The information contained in this guidance document is intended only to acquaint you with certain aspects of the solid waste program. For further information, please contact the Waste Engineering and Enforcement Division at 860-424-3366

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