

3 December 2021

Mr. Carl Brown – Zoning Enforcement Officer
Town of Lisbon
1 Newent Road
Lisbon, Connecticut 06351

RECEIVED
JUL - 5 2022
BY:

RE: Today's Realty, LLC – 240 Paper Mill Road - Lisbon, Connecticut

Dear Mr. Brown:

As part of the application process for the proposed development at 240 Paper Mill Road in Lisbon, Michael Murphy as the Town Planner advised we clarify the designation of the materials to be processed by the applicant with you under your authority as the town zoning enforcement officer.

Keith Mackin as Today's Realty, LLC has applied for a commercial building and site improvements with the Lisbon Planning & Zoning Commission. As a part of the proposed development and in conjunction with his ongoing construction firm, Mr. Mackin is proposing to intake construction debris in the form of concrete, asphalt pavement, woody limbs and tree stumps for processing into usable construction materials to be returned to the market. This business function is limited to the construction trade as a wholesale operation and not directed to the general public.

Construction and demolition (C&D) waste is generated from construction, renovation, repair, and demolition of houses, large building structures, roads, bridges, piers, and dams. C&D waste can be made up of wood, steel, concrete, gypsum, masonry, plaster, metal, and asphalt. Estimates vary, but a commonly accepted estimate is that between 15% and 20% of municipal solid waste comes from construction and demolition projects. As proposed, Mr. Mackin is seeking to redirect a segment of the C&D waste stream through a reclamation process by crushing or grinding, as appropriate, and to return the processed material back into the construction market as a recycled product. Through recycling, these materials would be returned to use as opposed to being sent to a municipal landfill or passing through a Connecticut permitted waste facility.

The following table summarizes the type of waste, legal classification, and examples as identified by the Connecticut Department of Energy and Environmental Protection (CT DEEP):

Type of Waste	Legal Classification In Connecticut	Examples
Land clearing debris	Bulky waste	Tree stumps, tree tops
Demolition waste (from buildings)	Bulky waste	Concrete, wood, brick, plaster, roofing materials, wallboard, metals, carpeting, insulation
Highway construction and site demolition waste	Bulky waste, municipal solid waste	Asphalt, concrete, steel, related construction and demolition wastes, utility poles, railroad ties, brick, block, rock

In the table above, the materials proposed to be recycled at this facility have been highlighted for reference.

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Connecticut General Statute Governing C & D Waste

The controlling statute concerning the management of construction and demolition waste in Connecticut is in Title 22a, Chapter 446d - specifically Section [Sec. 22a-208x](#). This statute reads as follows:

Sec. 208x. Disposal options for certain types of bulky waste. (a) As used in this section and section 22a-208y, (1) "*construction and demolition waste*" means waste building materials and packaging resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures, excluding asbestos, clean fill, as defined in regulations adopted under section 22a-209, or solid waste containing greater than de minimis quantities, as determined by the Commissioner of Environmental Protection, of (A) radioactive material regulated pursuant to section 22a-148, (B) hazardous waste as defined in section 22a-115, and (C) liquid and semiliquid materials, including, but not limited to, adhesives, paints, coatings, sealants, preservatives, strippers, cleaning agents, oils and tars; and (2) "*processed construction and demolition wood*" means the wood portion of construction and demolition waste which has been sorted to remove plastics, plaster, gypsum wallboard, asbestos, asphalt shingles, regulated wood fuel as defined in section 22a-209a and wood which contains creosote or to which pesticides have been applied or which contains substances defined as hazardous waste under section 22a-115.

(b) Construction and demolition waste which does not constitute processed construction and demolition wood may be disposed of at (1) any solid waste disposal area for which a permit has been issued for the disposal of bulky waste or (2) a municipal solid waste landfill. Processed construction and demolition wood may be disposed of at a resources recovery facility in accordance with section 22a-208y or at a permitted municipal solid waste landfill or any solid waste disposal area for which a permit has been issued for the disposal of bulky waste.

(c) Construction or demolition wood generated at a residence, other than wood that has been pressure-treated or that otherwise contains arsenic, furniture, mattresses and rugs or any such waste which has been crushed, chopped, shredded or otherwise processed shall be considered municipal solid waste and may be disposed of at any solid waste disposal area for which a solid waste permit has been issued for the disposal of bulky waste, or at a resources recovery facility or municipal solid waste landfill.

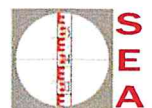
Connecticut Department of Energy and Environmental Protection. (2020, February 5). *What is Construction and Demolition Waste*. <https://portal.ct.gov/DEEP/Waste-Management-and-Disposal/Construction-and-Demolition-Waste/What-is-CD-Waste>

As indicated, Mr. Mackin does not expect to intake materials during the normal course of business which are classified as a hazardous waste material. The wastes that are classified as "hazardous wastes" are defined in Section 101 of the Connecticut Hazardous Waste Management Regulation, which in turn incorporate the federal definition for hazardous wastes found in Section 40 of the Code of Federal Regulations, Part 261. Hazardous wastes are divided into two basic groups: "characteristically hazardous wastes" and "listed hazardous wastes" which are defined further as follows:

Characteristically Hazardous Wastes

These are wastes that are hazardous because they exhibit a certain physical property or *characteristic*. There are four characteristics that can make a waste hazardous: ignitability, corrosivity, reactivity, and toxicity. A simplified description of each of these four characteristics is provided below.

- **Ignitable Wastes.** A waste is *ignitable* if: (1) it is liquid and has a flash point below 140 degrees Fahrenheit; (2) it is a flammable solid; (3) it is an ignitable compressed gas; or, (4) it is classified by the U.S. Department of Transportation as an oxidizer.
- **Corrosive Wastes.** A waste is *corrosive* if: (1) it is aqueous (i.e., water-based) and has a pH of 2.0 or lower (i.e., a strong acid) or 12.5 or more (i.e., a strong alkali); or (2) it can corrode steel at a rate of greater than 1/4 inch per year.
- **Reactive Wastes.** There are many ways that a waste may be defined as a *reactive* waste. To briefly summarize, reactive wastes include wastes that are unstable, react with water or form hazardous mixtures with water, are capable of releasing toxic cyanide or sulfide gases under certain conditions, are explosive, or are capable of detonating under certain conditions.
- **Toxic Wastes.** A waste is *toxic* if it contains any of 40 different hazardous constituents at a concentration equal to or greater than a certain amount. These 40 constituents include 8 metals, 6 pesticides, 2 herbicides, 10 volatile organic compounds (VOCs), and 14 semi-volatile organic compounds (SVOCs).



Listed Hazardous Wastes

These are wastes that are hazardous because they are listed on one or more of four different particular lists of wastes:

- **F-Listed Wastes.** This list of wastes includes 28 different wastes, including certain spent solvents, metal finishing wastes, dioxin-containing wastes, chemical manufacturing wastes, wood preserving wastes, petroleum manufacturing wastes, and hazardous waste landfill leachate.
- **K-Listed Wastes.** This list of wastes includes over 100 wastes from specific industrial processes. The specific processes are in the industries of wood preserving, petroleum refining, primary and secondary metals manufacturing, and the manufacturing of industrial chemicals, inks, pigments, pesticides, explosives, and veterinary pharmaceuticals.
- **U-Listed Wastes.** This list of wastes includes several hundred different commercial chemical products. Wastes that fall under this listing include only those products that contain the listed constituent as the sole active ingredient. These wastes include old or off-specification virgin materials that are being discarded, as well as container residues and spill residues of these materials.
- **P-Listed Wastes.** This list of wastes includes about 200 different commercial chemical products that are defined as *acutely hazardous*. This means that the wastes are especially toxic. Wastes that fall under this listing include only those products that contain the listed constituent as the sole active ingredient. These wastes include old or off-specification virgin materials that are being discarded, as well as container residues and spill residues of these materials.

By every definition the proposed intake materials for Mr. Mackin's development are not considered to be a "hazardous waste". The CT DEEP and Connecticut State Statutes define these material as "bulky waste" or "municipal solid waste" for which neither classification requires special handling nor storage requirements. The recycling of these materials is beneficial in that it preserves municipal landfill space, removes these materials from the waste streams passing through a Connecticut permitted transfer facility, and returns a useful product back into the construction materials market.

We appreciate the opportunity to submit this information for your review, and trust that we have provided an adequate clarification as to the classification of these materials for the above reference development. We look forward to your favorable review of our information and the opportunity to respond to any comments, or questions that you may have.

Respectfully Submitted,
Stadia Engineering Associates, Inc.



James V. Rossman, P.L.S.
President – Professional Land Surveyor