

Memo

To: Waste Engineering and Enforcement Division Staff
Patrick Bowe, Director, Remediation Division

From: Robert C. Isner, Director, Waste Engineering and Enforcement Division



Date: October 2, 2006

Subject: **Regulatory Clarification:**
Asphalt Millings are not Clean Fill

Recent citizen and municipal inquiries about the regulatory status of asphalt millings suggest that it is important to distinguish asphalt fragments that must be managed as solid waste from asphalt fragments that may be managed as clean fill. Even if this is simply a refresher for you, please review this information. Also, I encourage you to share this information with staff in other divisions and hope it helps you when speaking with municipalities and other helpline callers.

"Clean fill" is defined within the DEP's Solid Waste Management Regulations (see Regulations of Connecticut State Agencies Section 22a-209-1) to include several materials including asphalt paving fragments. Specifically, the definition includes asphalt paving fragments which are "virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard..."

To help evaluate how to manage asphalt fragments it is important to consider the size of the fragments.

- The general rule of thumb used by the DEP solid waste program and remediation program are "bigger fragments are better," that is, typically fist-size or greater than 4-inch chunks ARE fragments and may be exempt from regulation as a solid waste.
- Asphalt pieces that are smaller than 4 inches [millings, shavings, dust and the like], are typically NOT considered to meet the definition of clean fill. The reason for focusing on the size is that as the surface area of the asphalt increases (smaller pieces will have greater collective surface area), the likelihood for contaminated leachate and mobilization of pollutants also increases.

I hope this helps. Anyone may contact the Solid Waste Program at DEP (860)-424-3366 for further clarification. We do have someone assigned each day to help provide this type of technical assistance.