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EMERGENCY AUTHORIZATION FOR MANAGEMENT OF SOLID WASTE RESULTING FROM:
THE SEVERE WEATHER ON JANUARY 20, 2019 - SNOW AND ICE STORM;
NATURAL DISASTERS ON MAY 15, 2018 - SEVERE STORMS, MICROBUSTS & TORNADOS
AND ON SEPTEMBER 25 & 26, 2018 - HEAVY RAINS AND FLOODING; AND
DEAD AND DYING TREES GENERATED BY RECENT PEST INFESTATIONS

EMERGENCY AUTHORIZATION NO. 20192073-EA AUTHORIZATION ISSUED TO: <u>All Municipalities, Political Subdivisions and Agencies of the</u> State of Connecticut

A. INTRODUCTION

Pursuant to Connecticut General Statutes Section 22a-6k, the Commissioner of the Department of Energy and Environmental Protection ("Commissioner") issues the following Emergency Authorization to address the imminent or immediate danger to the public health, safety and welfare of the citizens of the State of Connecticut including as a result of:

- 1. Clean wood waste and Green waste generated by the severe storms, microbursts and tornadoes that occurred on May 15, 2018;
- 2. Clean wood waste and Green waste generated as a result of the heavy rains and flooding event that occurred on September 25 and 26, 2018;
- 3. Clean wood waste and Green waste generated by the snow and ice storm that occurred on January 20, 2019;
- 4. Dead and dying trees resulting from Emerald Ash Borer (EAB) infestation that as of 2018 has affected 116 towns and all eight counties in Connecticut;
- 5. Severe Gypsy Moth outbreaks occurring in 2016 and 2017 resulting in tree branch dieback, and dead and dying trees in central and eastern Connecticut;
- 6. Several years of reduced seasonal precipitation creating drought related stress conditions further resulting in tree branch dieback, and dead and dying trees in central and eastern Connecticut.

The events are herein collectively referred to as the "subject events".

B. DEFINITIONS

For purposes of this Authorization only, the following definitions apply:

- 1. "Clean wood" means land clearing wood such as logs, stumps and tree branches with a diameter of greater than three (3) inches.
- 2. "Green waste" means vegetative matter resulting from the effects of the subject events, and includes uprooted vegetation, leaves, and tree branches with a diameter of three (3) inches or less.
- 3. "Processing" means transfer and storage, separation and segregation, chipping, grinding, shredding, and crushing. Processing does not include burning or incineration.

C. PARTIES

- The Department of Energy and Environmental Protection (the "Department"), a duly constituted administrative agency of the State of Connecticut, having its principal office at 79 Elm Street, Hartford, CT 06106; and
- 2. Connecticut cities, towns, boroughs, political subdivisions and government agencies, responsible for the management of Clean wood waste and Green waste generated as a result of the subject events.

D. STATEMENT OF FACTS AND LAW

- 1. The subject events have caused widespread damage to the trees in the state of Connecticut resulting in Clean wood waste, Green waste and dead and dying trees throughout the State. The affected area comprises the entire State of Connecticut and is referred to herein as the "Emergency Area."
- 2. By the Connecticut Governor's Declaration of Civil Preparedness Emergency issued on May 18, 2018, the Governor declared that a state of emergency existed in Connecticut, based upon the serious threat to the public health, safety and welfare posed by the May 15, 2018 event.
- 3. On August 20th, 2018, a presidential disaster declaration (DR-4385-CT for the May 2018 event) identified the counties of Fairfield and New Haven as disaster areas and eligible for FEMA public assistance funds.
- 4. On December 5, 2018, a presidential disaster declaration (DR-4410-CT for the September 2018 event) identified the counties of Middlesex and New London as disaster areas and eligible for FEMA public assistance funds.
- 5. Municipalities, political subdivisions, and state agencies continue to manage the Clean wood and Green wastes generated by the subject events in large volumes. The Department has determined that there is insufficient capacity at authorized facilities for the management of such Clean wood and Green waste within the State of Connecticut which presents an immediate hazard to public health, safety and welfare.
- 6. The Department finds that the subject events continue to foster conditions that present an immediate public hazard throughout the State. As a result of these circumstances, immediate action by Connecticut citizens and State and local government is necessary to manage Clean wood and Green wastes
- 7. The Department finds that immediate, strict compliance with the provisions of the statutes, regulations and/or authorizations required pursuant to Chapter 446d of the General Statutes would prevent, hinder, or delay necessary action in coping with the public hazards caused by the subject events, that the actions authorized herein are narrowly tailored to address the immediate need for action, and are procedurally fair under the circumstances.
- 8. Based on the above findings, the Department concludes that the public hazards caused by the subject events continue to pose an immediate danger to the public health, safety, welfare and requires an immediate action of the Commissioner.
- The Department finds that an emergency authorization is required to address the need for immediate
 action because normal procedures would not result in a sufficiently timely action to address the
 public hazards.

- 10. Pursuant to Section 22a-6k of the General Statutes, the Commissioner is authorized to issue this emergency authorization.
- 11. Suspension, flexibility and expediting certain statutes and rules noted within this emergency authorization and related to solid waste management is required so as to not prevent, hinder, or delay necessary action in coping with the public hazards.

E. SCOPE OF AUTHORIZATION

Each City, Town and Borough of the State of Connecticut, political subdivision, or government agency in the Emergency Area ("Authorization Holder") is hereby authorized, consistent with all terms and conditions of this emergency authorization, to conduct the activities described herein necessary to manage Clean wood and Green wastes for the subject events:

- 1. **Designate pre-identified debris management sites (DMSs) as official sites** for the storage and processing of Clean wood and Green wastes for ultimate disposal at permitted solid waste and recycling facilities. (See Attachment A for guidance in selecting and operating DMSs)
- 2. Operate pre-identified DMSs and/or continue to operate existing DMSs.
- 3. **Identify and operate new DMSs** on public and private lands, as may be needed for the management of Clean wood and Green Wastes, in the event that pre-identified DMSs are not serviceable (e.g. flooding, not accessible, etc.) due to disaster related impacts.
- 4. This emergency authorization is issued to the Authorization Holder to conduct authorized activities at:
 - A. For municipalities:
 - i. Any municipal facilities; and
 - ii. Any other properties owned, leased, or otherwise controlled by the municipality; and
 - B. For political subdivisions and government agencies:
 - Any property owned, leased, or otherwise controlled by that political subdivision and/or government agency.
- 5. The Authorization Holder shall document via photographs, or other similar, imagery the pre-subject events condition of the site(s) identified for the activities authorized by this emergency authorization.
- 6. Existing permitted solid waste and recycling facilities may continue to conduct authorized solid waste management activities with limited flexibility and suspension of solid waste permit conditions related to operating hours, temporary stockpiling, throughput volumes, separation of debris, etc., so as to not prevent, hinder, or delay necessary action in coping with the public hazards. Permitted Solid Waste Facilities shall notify the Commissioner of such suspensions within five (5) calendar days of the activities authorized herein being initiated.
- 7. Authorized activities at any DMS include the staging, processing, storing, and transferring of debris, generated as a result of the subject events, shall consist of the materials below:
 - A. Clean wood waste generated by the subject events and the response thereto; and
 - B. Green waste generated by the subject events and suitable for subsequent reuse, recycling or disposal at permitted solid waste facilities;

F. TERMS AND CONDITIONS

- 1. This emergency authorization is effective within the State of Connecticut.
- 2. This emergency authorization applies to facilities and activities, which are operated or conducted by a, government agency, political subdivision, regional authority, municipality, or a private entity on behalf of a municipality or government agency or political subdivision.
- 3. The Authorization Holder shall provide the name(s) and address(es) of all the sites at which the authorized activities will take place within forty eight (48) hours of selection or initial placement of waste at the site(s) or the on-going use of DMSs to:

The Department by contacting

DEEP.Debris@ct.gov and

Robert C. Isner at 860-424-3264 or Robert.isner@ct.gov;

Gabrielle Frigon at 860-424-3795 or Gabrielle Frigon@ct.gov; or

Frank Gagliardo at 860-424-3130 or frank.p.gagliardo@ct.gov;

AND

The Division of Emergency Management and Homeland Security through DEMHS.PA@ct.gov,

- 4. Authorization Holders shall manage the Clean wood and Green wastes generated by the May 2018 severe storms and tornados segregated from all other subject events-generated debris in order to maintain eligibility for FEMA public assistance reimbursement pursuant to presidential disaster declaration No. DR-4385-CT.
- 5. Authorization Holders shall manage the Clean wood and Green wastes generated by the September 2018 heavy rains and flooding event segregated from all other subject events-generated debris in order to maintain eligibility for FEMA public assistance reimbursement pursuant to presidential disaster declaration No. DR-4410-CT.
- 6. Authorization Holders shall manage the Clean wood and Green wastes generated by the January 2019 snow and ice storm event segregated from all other subject events-generated debris in order to maintain eligibility for FEMA public assistance reimbursement, should it be made available.
- 7. Uncontaminated Clean wood and Green wastes may be received, processed and transferred at any DMS site authorized by the Department to store and process Clean wood and/or Green wastes, or at any permitted Clean wood waste processing facility. Landfilling of Clean wood waste or Green waste is not permitted.
 - A. Any Clean wood and/or Green wastes received at an authorized facility in loads of wastes resulting from the subject events shall be inspected for signs of the presence of the Asian Longhorn Beetle and the Emerald Ash Borer.

 Signs indicating possible Asian Longhorn Beetle infestation can be found at the CT DEEP
 - webpage: http://www.ct.gov/dep/cwp/view.asp?a=2697&q=421754&depNav_GID=1631#signs
 - Signs indicating possible Emerald Ash Borer infestation can be found at the CT DEEP webpage: http://www.ct.gov/dep/cwp/view.asp?a=2697&q=464598&depNav_GID=1631
 - B. Any Clean wood and/or Green waste suspected of being infested by either the Asian Longhorn Beetle or the Emerald Ash Borer should be identified at the source of generation and handled in accordance with existing quarantine agreements. Such waste shall be handled separately from other types of waste generated as a result of the subject event and shall not be delivered to the authorized facilities.

- C. The Authorization Holder's designated project manager shall conduct a visual assessment for possible pest infestation as part of the on-site daily inspections.
- D. If signs of infestation are observed:
 - i. Digital photos and careful identification notes must be provided to the <u>Connecticut</u>
 <u>Agricultural Experiment Station</u> (Deputy State Entomologist direct phone line: 203-974-8474; and e-mail <u>CAES.StateEntomologist@ct.gov.</u>).
 - ii. The infested Clean wood and Green waste shall be: segregated from other Clean wood and Green waste; marked as segregated; securely stored and kept reasonably intact.
 - iii. Any handling activities (chipping; moving) must be postponed until an investigator from, or designated by, the Connecticut Agricultural Experiment Station, has examined the potentially infested Clean wood and Green waste.
 - iv. Any truck load tickets and other documentation of deliveries shall note whether a pest infestation assessment has occurred.
- 8. All other solid waste, not generated from activities related to the management of Clean wood and/or Green wastes generated by the subject events, must be disposed of in accordance with the provisions section 22a-208a of the General Statutes.
- 9. Permitted solid waste facilities, for which the permittee is a municipality, a political subdivision or a state agency, which accept Clean wood and/or Green wastes generated by the subject events may accept and manage such wastes in accordance with their facility permit and this emergency authorization. The permittee shall not be required to modify existing facility permits to allow for management of Clean wood and Green wastes generated by the subject events. If the Authorization Holder determines an alternate or additional authorization may be needed to facilitate clean-up of Clean wood and Green wastes generated by the subject events, requests for such authorization(s) shall be submitted to the Department for its review as soon as possible, but no later than ninety (90) days from the issuance date of this emergency authorization. No permit fee will be required for any authorizations necessitated solely to support clean-up activities related to the subject events.
- 10. Permittees, who are a municipality, a political subdivision or a government agency and have been adversely affected by the subject events may request on a case-by-case basis, an extension for any of the deadlines specified in their permits.
- 11. The Department issues this emergency authorization solely to address the public hazards created by the subject events. This emergency authorization shall not be construed to authorize any activity within the jurisdiction of the Department except in accordance with the express terms of this emergency authorization.
- 12. Any document required to be submitted to the Commissioner under this emergency authorization or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Robert C. Isner, Director
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
(860) 424-3264
FAX (860) 424-4059
robert.isner@ct.gov

- 13. The Authorization Holder shall allow any representatives of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this emergency authorization.
- 14. This emergency authorization shall not be transferred.
- 15. This emergency authorization is subject to and does not derogate any present or future property rights or powers of the state of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property affected or activity authorized hereby.
- 16. Nothing in this emergency authorization shall eliminate the obligation on the Authorization Holder to obtain any other federal, state, or local permits or other authorizations that may be required.
- 17. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this emergency authorization by the Authorization Holder shall be signed by a duly authorized representative or agent of the Authorization Holder and by the individual responsible for actually preparing such document, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

- 18. The Commissioner may order summary suspension of this emergency authorization in accordance with section 4-182 of the General Statutes. This emergency authorization may be revoked, reissued, modified or suspended in accordance with applicable law.
- 19. This emergency authorization shall take effect immediately and expire in one (1) year from the date of its issuance unless modified or extended by further written authorization issued by the Commissioner.
- 20. Municipalities that are or will be operating a DMS on municipally-owned property and that are expecting to manage Clean wood and/or Green Waste for a period extending beyond the 1 year life of this emergency authorization shall seek written authorization from the Commissioner to do so.

Issued on this A day of February, 2019

Yyonne Bolton, Chief

Bureau of Materials Management and

Compliance Assurance

(See Attachment A that follows.)

ATTACHMENT A

DMS Guidance from State of Connecticut State Disaster Debris Management Plan, September 2008 (taken from - CHAPTER 5)

5.2 Debris Management Sites (DMS)

5.2.1 Overview

The advanced identification and securing/acquisition of DMS is the responsibility of the State and local governments. Debris management guidance from the USACE and FEMA strongly recommends that both State and local governments be responsible for pre-identifying DMS, preferably on public property. This will allow post-disaster cleanup efforts to begin early and in an efficient manner. DMS must be approved by CTDEEP to protect public health and the environment, as well as to ensure that the owner/operator of the DMS be qualified to receive Public Assistance funds from FEMA.

5.2.2 Environmental Considerations

After a major natural disaster occurs, the emphasis is on rapid debris clearance from the public right-of-ways. The result is that DMS receive debris faster than can be reduced and ultimately disposed of. Consequently, these areas must be properly sited because of the potential of adversely impacting the land, water, and air of the State. These negative impacts could include: surface and ground water contamination, soil contamination, impacts to vegetation, odor, and dust. Therefore, the siting of DMS using the recommended criteria described in the following sections can greatly minimize potential impacts to the environment.

5.2.3 Site Selection Guidelines for Debris Management Sites

DMS are temporary locations that can be used for the duration under a CTDEEP Emergency Authorization and/or General Permit as authorized by CTDEEP. Consistent with FEMA guidance and State policy and programs, the CTDEEP has assembled the following guidelines for the selection of DMS:

- Pre-designated sites should preferably be on public property and generally consist of 10 acres or more, depending on anticipated needs. However, smaller sites may be appropriate based on the type of waste being managed and space constraints. Use public lands first to avoid costly leases. Use private land only if public sites are unavailable. If private lands are utilized for municipal debris management operations, they must have government (or its designated contractor) oversight and management.
- The required size of the site will depend on the expected volume of debris to be collected and planned volume reduction methods. As a general rule, larger sites mean fewer sites and, hence, easier site closeout. However, larger sites may create logistical problems.
- Large open sites are needed for any type of debris staging activity. Paved sites are best. Semi-paved or large parking lots paved in stone dust or gravel is the next best option. Meadows are least desirable because they may be inaccessible because of saturated soils after extended and heavy precipitation.
- If possible, per FEMA guidance, the soil, groundwater and/or surface water at and near a proposed staging area should be tested prior to receipt of disaster generated debris to establish pre-existing baseline conditions.
- DMS for debris other than Clean wood and Green waste should not be allowed in public source water protection areas including aquifer protection areas, public drinking water supply watersheds, and public well source areas.
- In no case should any DMS be located in or within 100 feet of a wetland area or watercourse.
- DMS for debris other than Clean wood and Green waste shall not be located within 200 feet of a watercourse, waterbody, or wetland, unless otherwise approved by CTDEEP. Impacts from noise, dust, and traffic that are tolerated by the public early in a disaster recovery, may have to be curtailed later. Avoid locating the DMS near residential areas, schools, and hospitals.
- Sites should not have critical habitat or rare ecosystems, threatened and/or endangered species, historic and/or archaeological sites.
- Sites should have good ingress/egress to accommodate heavy truck traffic and have a site configuration that will allow for an efficient layout.

5.2.4 Site Operation of a Debris Management Site

CTDEEP has assembled the following guidance for operating a DMS based on FEMA guidance. DMS should have:

- Visible, demarcated buffer areas at the 200-foot or 100-foot wetland setback line.
- Stormwater controls, such as silt fences, to prevent discharge of contaminated runoff into water bodies where such discharge may cause violations of CTDEEP regulations.
- Some method to control the off-site migration of dust, wood chips, or other debris residuals from vehicular traffic and from the handling of debris and ash.
- An adequate supply of water to ensure that the debris is adequately wet during the segregation, processing and/or packaging of the waste to prevent risk of fire and/or dust migration.
- Some type of access control to prevent unauthorized dumping and scavenging.
- Monitors to correctly identify and segregate waste types, especially hazardous waste from nonhazardous waste, for appropriate management.
- Oversight management for the site.
- When staging debris other than Clean wood and Green waste, if possible:
 - > install wells and perform groundwater sampling;
 - conduct spot soil sampling at "hot" areas such as household hazardous waste (HHW), ash, other waste types;
 - provide specific fuel storage areas;
 - > take videos, photos of the site before operations begin;
 - periodically sketch/map layout including "hot" areas; and
 - prepare quality assurance reports, spill reports, etc. as part of the overall project.

5.2.5 Site Remediation/Closure Checklist for Debris Management Sites

The testing and closure of DMS will be undertaken in accordance with all requirements of Connecticut statutes and regulations and federal laws. The following broad guidelines apply to the closure of DMS:

- Owner/operators of the DMS will be responsible for closure of the site in accordance with CTDEEP requirements, including environmental sampling, if needed.
- All disaster related debris must be removed by the expiration of the Emergency Authorization and/or General Permit, unless otherwise authorized by CTDEEP.
- Mulch and wood chips produced from processing uncontaminated Clean wood and Green waste may be left on-site if prior approval is obtained from CTDEEP. CTDEEP will consider these requests on a case-by-case basis.
- Areas that were only used to stage uncontaminated Clean wood and Green waste, or ash from authorized burning of solely vegetative debris, will not require any environmental sampling after the debris or ash is removed unless there is reason to believe that the area may have become contaminated (e.g., significant visible staining or known contaminant releases in the area).
- Areas that were used to stage mixed debris, or ash from burning mixed debris, will normally require environmental sampling after the debris or ash is removed, unless there is reason to believe that no contamination in the area occurred (e.g., the area is paved with asphalt or concrete and there is no visible evidence of staining or known contaminant releases).
- Areas that were used to stage household hazardous waste and hazardous waste will require environmental sampling after all material has been removed from the site. These sites may require possible remediation to meet the goals of the State's Remediation Standard Regulations, Regulations of Connecticut State Agencies (RCSA) 22a-133k-1 through 22a-133k-3.
- When sampling of soils and groundwater is needed, it should typically include at least four soil samples and one groundwater sample collected from a monitoring well or direct sampling method in areas showing significant visible staining or areas believed to be impacted by the staged waste or ash. Unless otherwise approved by CTDEEP, these samples should normally be analyzed for total RCRA metals, volatile organic compounds and semi-volatile organic compounds using approved EPA methods and CTDEEP protocols. CTDEEP may also require other approaches to conducting environmental sampling at staging areas on a case-by-case basis, such as requiring that the site meet the criteria of the Remediation Standard Regulations, RCSA Connecticut State Agencies (RCSA) 22a-133k-1 through 22a-133k-3.

5.2.6 Additional Testing Criteria

The following is additional testing criteria that may be required, at the discretion of the Commissioner, under certain debris staging situations:

5.2.6.1 Ash Testing

- All ash piles in mixed debris staging sites should be tested using the Toxicity Characteristic Leaching Procedure. One composite sample from each separate ash pile should be analyzed. A minimum of ten samples taken from different strata within the pile is appropriate to develop the composite sample, and if unacceptable contamination is not found, ash may be transported out-of-state to a permitted landfill or placed in a permitted Connecticut ash landfill
- If unacceptable levels of contamination are detected, the material should be further evaluated and placed in a permitted ash landfill (if contamination is within permit limits) or a hazardous waste landfill, as appropriate.

5.2.6.2 Soil Testing

- Soils should be tested for the presence of volatile hydrocarbon contamination. Samples should be taken immediately below the surface. This testing should be done if it is suspected that they were hazardous materials, such as oil or diesel fuel spills, dumped on the site. This phase of the testing should be done after the stockpiles are removed from the site.
- If burning is conducted, the entire burn site should be inspected for any areas of discoloration, odor, or obvious problems. Such areas should be identified and restored, as necessary.

5.2.6.3 Groundwater Testing

- Groundwater should be tested on selected sites to determine the probable effects of rainfall leaching through either the stockpile areas or ash areas if burning is conducted. Although every effort must be made to avoid siting DMS in areas important for public water supply (section 5.2.3), it is possible that DMS could of necessity be sited in areas where the groundwater used for drinking water, whether through public or private drinking water supply wells.
- Runoff from stockpiled debris within the storage areas has the potential to contaminate groundwater. Although the probability of contamination is considered low, testing is needed because of the importance of protecting water quality and assessing consistency with Connecticut's Water Quality Standards, particularly in an area served by private drinking water supply wells.
- Groundwater monitoring wells or temporary sampling points should be placed around the
 perimeter of the stockpiles (especially for stockpiles of things like white goods, electronics,
 HHW, etc) that have remained for an extended period of time prior to final disposal, and burn
 piles, to determine if there is any type of contamination.
- Testing should occur at selected sites after all debris is removed. Results of such testing will be compared to the criteria defined in the Remediation Standard Regulations, RCSA 22a-133k-1 through 22a-133k-3 for the applicable groundwater classification, as defined in the Connecticut's Quality Standards (authorized by Section 22a-426 of the General Statutes) and associated water quality classification maps.
- If applicable, results should also be compared to Drinking Water Action Levels as identified by the Drinking Water Section of the DPH.

5.2.6.4 Generic Checklist for Quality Assurance at Closeout

CTDEEP presents a generic checklist for Quality Assurance (QA) that should be considered at the close-out of each DMS. The Responsible Party for the site is responsible for closure in accordance with all applicable federal, State and local requirements. The generic checklist includes, but is not limited to, the following:

- Lease special conditions met?
- Debris stockpiles removed and disposed?
- Ash pile tested, removed, disposed?
- Illegally filled or disturbed wetlands restored and locations noted on appropriate State and municipal maps?
- Chain of custody records complete for the site?
- Location of storage area stockpiles marked on plans?

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- Contractor petroleum and HHW spills remediated?
- Perimeter berms leveled and topsoil restored?
- Existing groundwater monitoring wells identified on map, secured and restored?
- Environmental records submitted (contractor groundwater and air quality monitoring if any, chain of custody records for HHW, other state approvals)?
- Site secured wherever stockpiles (chips, tires, etc.) do remain, to discourage illegal dumping?
- All contractor equipment and temporary structures removed?
- Compare baseline data of the temporary site to conditions after the stockpile is removed and the contractor vacates the site.
- Use GPS to locate the sites for future reference needs.

5.2.7 Completing Closeout

CTDEEP should be informed in writing when all closure activities at the DMS area are completed. If environmental sampling was conducted as part of the closure activities, then the closure notice should include the results of this sampling, unless otherwise approved by CTDEEP.