

Solid Waste Management Program
Vermont Department of Environmental Conservation
Agency of Natural Resources

**POLICY ON MANAGEMENT
OF ASPHALT, BRICK AND CONCRETE**

November 2019

I. Introduction:

Asphalt, brick and concrete (ABC) are solid wastes generated during road construction, site work, and building construction and demolition. ABC waste is dense, difficult to transport, prone to improper disposal, and expensive to landfill. Improper management can result in problems of noise, dust, odor and unsightliness. ABC coated with lead-based paint or impregnated with contaminants may be a risk to human health or the environment.

When processed, bituminous concrete (“asphalt”) is readily reusable and valuable as aggregate or feedstock for new bituminous concrete. Uncontaminated waste brick and concrete also can be processed into aggregate. Because of the relatively benign nature of the material and the large volumes of these wastes generated in Vermont each year, the Agency strongly encourages the reuse and recycling of ABC waste in circumstances where it will not be a threat to human health or the environment, or create a nuisance.

II. Applicability:

Based on the asphalt, concrete, brick, or masonry being clean and uncontaminated, i.e, not painted with lead-based paint, impregnated with potentially harmful substances, or mixed with other debris, is eligible for:

1. Disposal in a Categorical Disposal Facility (Solid Waste Management Rule §6-309);

https://dec.vermont.gov/sites/dec/files/wmp/documents/solidwaste/Cat_disposal_appform.pdf

2. Disposal as an Insignificant Waste Management Event (SWMR §6-301(c));

https://anronline.vermont.gov/app/#/formversion/987b4a04-404e-43ce-b994-1d0d4b334eb7?FormTag=SW_IWMEA-Disposal

3. Crushing and screening at the site of generation to a specification where it can be legitimately used as an aggregate substitute, (< 12” or smaller), no permit or approval for either the crushing or the use of the material is required. Regulatorily, the material is never “discarded” by the generator, and is made into a “processed recyclable,” which is not regulated by the Program.
4. Transportation to an off-site facility for recycling. Such a facility must have a certification from the Program, and the resulting product would be an unregulated “processed recyclable,” as in (3) above.
5. Transportation to an off-project location, e.g., the contractor’s place of business, for short term storage and processing. That entity must have an Insignificant Waste Management Event Approval (see 2, above) to allow storage and processing for a limited duration of time. The resulting product would be an unregulated “processed recyclable,” as in (3) above.

III. Criteria for the Evaluation of Painted, Coated, or Impregnated ABC Waste:

The Agency will find that painted or surface coated ABC waste will cause no threat to human health or the environment if:

1. a. Evidence is presented that the ABC was not painted prior to 1979, the year after lead was eliminated from paint; or
b. Evidence is presented that the paint does not contain lead in excess of 1.0mg/cm² (or 0.5% by weight) or a lower level for “Lead based Paint” as may be established by the U.S. Housing and Urban Development Agency or the U.S. Environmental Protection Agency. Representative paint chip samples should be collected and tested from all similar ABC components that have similar paint histories; and
2. It can be reasonably demonstrated that the paint, surface coating on the ABC contains no other contaminants in appreciable concentrations and quantities.

Other methods of demonstrating material risk from an ABC waste may be accepted by the Program on a case by case basis.