



## Department of Environmental Protection

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# Using or Processing Asphalt Pavement, Brick & Concrete Rubble

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## Introduction

Asphalt pavement, brick and concrete (ABC) rubble, such as the rubble generated by the demolition of buildings, bridges or roadways, must be handled in accordance with the Massachusetts solid waste regulations. These regulations allow and MassDEP encourages the recycling/reuse of ABC rubble.

This web page answers commonly asked questions about ABC rubble and identifies the provisions of the following regulations that pertain to recycling it:

- [310 CMR 16.00: Site Assignment for Solid Waste Facilities](#)
- [310 CMR 19.00: Solid Waste Facility Regulations](#)

The response to Question A provides a limited summary of the regulatory requirements for conducting a small-scale project where rubble is crushed at the site of generation. If you are contemplating other types of crushing operations, you should refer to the sections of the regulations referenced in response to Question B. The required notification forms for such activities are covered in Question C.

## Conventions & Terminology

Asphalt pavement, brick and concrete (ABC) rubble means rubble that contains only weathered (cured) asphalt pavement, clay bricks and attached mortar normally used in construction, or concrete that may contain rebar. The rubble cannot be painted, coated or impregnated with any substance. The rubble cannot be mixed with or contaminated by any other wastes or debris.

## Questions & Answers

### A. What can I do with ABC Rubble?

1. Take ABC rubble to a place where it will be recycled, such as an asphalt batching plant where asphalt pavement is crushed and made into new asphalt or a crushing operation where ABC rubble is crushed to a size that makes it useful as a substitute for stone or aggregate in construction projects.

No permit or prior notification of MassDEP is required to take the rubble to such a recycling operation. Regulatory requirements for the operators of ABC recycling operation are discussed in response to Question B below.

2. Crush the ABC rubble at the site where it was generated. When the rubble is crushed in accordance with the conditions at 310 CMR 16.03(2)(b)5, the crushed rubble is no longer considered a solid waste and can be used as a construction material.

Although no MassDEP solid waste permits or approvals are required, MassDEP and the local board of health must be notified at least 30 days prior to starting the crushing operation, using: [Exempt Recycling and Organics Management Notification Form](#)

An example of how this "on-site crushing" might be applied arises in the case of replacing a road or driveway. The old pavement could be dug up, crushed to less than six inch (6") sized pieces and used as part of the base for the new road or driveway.

3. Obtain a [Beneficial Use Determination \(BUD\) Permit](#) to use rubble that does not qualify for one of the uses above. An example is rubble that is painted.

To obtain approval for the Beneficial Use of a Solid Waste, you must submit an application and application fee to MassDEP. There are several Beneficial Use Determination applications: SW 39, 40, 41 and 42. The specific application to submit will depend on the nature of the material to be used and the proposed use. The applications are contained in a single application package available at the link above. The application instructions explain how to determine which application to submit and also explain the application process and the fee for each application. Contact the Solid Waste Section at your MassDEP Regional Office for additional information about obtaining a BUD. [Find Your Region](#)

4. Per the [MassDEP waste ban regulations](#), ABC rubble is banned from disposal at solid waste facilities. Accordingly, it cannot be disposed at landfills or incinerators or taken to transfer stations for subsequent transfer to a solid waste disposal facility unless conditions for an exception are met. An exception to temporarily dispose of ABC at a solid waste facility may be granted under the following circumstances:

a) the material is contaminated or is otherwise not acceptable for recycling, provided that action is taken to prevent a recurrence of the condition that caused the material to become contaminated or otherwise unfit for recycling; or

b) the recycling operation that normally processes the material declines to accept the material or is prohibited from accepting the material and an alternative recycling operation cannot be found within a reasonable time. See 310 CMR 19.017.

## **B. Do I Need a Permit to Operate a Rubble Processing Operation?**

As indicated earlier, ABC rubble is considered a solid waste unless it is used or processed in such a way that it is exempt from regulation as a solid waste. Sections of the solid waste regulations that exempt certain types of ABC rubble processing operations from regulation as a solid waste facility are summarized below.

1. Asphalt Batching plants that reprocess ABC rubble are categorically exempt from the solid waste regulations. See 310 CMR 16.03(1)(j) .

2. Certain ABC rubble crushing operations are conditionally exempt from the solid waste regulations. (See 16.03(2)(b)5 of the Site Assignment Regulations.) Although no MassDEP solid waste permits or approvals are required for exempt operations, MassDEP and the local board of health must be notified at least 30 days prior to starting the crushing operations using: [Exempt Recycling and Organics Management Notification Form](#)
3. ABC rubble crushing operations that do not qualify for an exemption can operate either under:
  - a. [General Permit for Recycling, Composting & Digestion](#) (310 CMR 16.04) or
  - b. Site-specific [Permit for Recycling, Composting or Conversion](#) (310 CMR 16.05).

Refer to the regulation to understand the conditions under which a permit would be appropriate. Please note that neither the general permit nor the RCC permit require a site assignment or a solid waste management facility permit, provided the owner/operator complies with the General or RCC permit requirements.

### **C. What Do I Do if I Need to Make an Application to MassDEP?**

When the regulations require that an application be made to MassDEP, the application must be submitted on forms supplied by MassDEP. Application forms and information about completing and submitting the forms can be obtained here: [MassDEP Solid Waste Forms](#)

Please note the difference between an application and a notification. When the term "apply" or "application" is used, this means the process described in the preceding paragraph must be used and no action may be taken until the application has been approved by MassDEP.

When the term "notify" or "notification" is used, you must submit specific information about planned on-site rubble crushing to MassDEP and the local board of health, but their approval is not required. Please use the notification form linked at the bottom of this web page.

### **D. Where Do I Dispose of ABC Rubble?**

Check the MassDEP-supported RecyclingWorks in Massachusetts "[Find a Recycler](#)" lookup and search by material and location. A general search engine such as Google or Bing, or your local Yellow Pages directory also be helpful.

Asphalt batching plants may accept asphalt pavement. Active quarries and sand and gravel pits may crush ABC rubble.

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## Appendix: Conditional Exemption for On-Site ABC Rubble Crushing (310 CMR 16.03(2)(b)5): Summary of Requirements

*(NOTE: This is a paraphrase of the major requirements for on-site crushing. It is not an exact restatement of the regulations.)*

When the following conditions are observed, the ABC rubble may be crushed without obtaining any permit or other approval under Solid Waste Regulations.

- The only materials crushed are asphalt pavement, brick or concrete (ABC) rubble that are not contaminated, or painted, coated or impregnated with any substance and are not mixed with or contaminated by any waste.
- Best management practices are used to prevent an unpermitted discharge of pollutants to air, water or other natural resources of the Commonwealth; and the activity causes no public nuisance and no significant risk to public health, safety or the environment.
- All rubble is from the site where the rubble is being crushed (i.e., rubble cannot be brought in from other locations and crushed).
- The rubble is processed so the maximum length of the largest dimension of any piece of rubble is less than six inches.
- If the rubble contains rebar (metal reinforcing), all rebar is removed and is recycled or disposed in an approved solid waste management facility.
- The rubble should be crushed and reused or transported off-site within a reasonable time. It should not accumulate prior to or after processing for more than six (6) months.
- At least 30 days prior to crushing the rubble, you must notify the appropriate MassDEP regional office ([Find Your Region](#)) and the local board of health, using: [Exempt Recycling and Organics Management Notification Form](#)

ABC rubble that has been crushed in accordance with the above conditions is not a solid waste. Such crushed rubble may be used as a substitute for conventional materials. For example, the crushed rubble could be used for the base of a driveway or for fill.

While the crushed rubble is not a solid waste, its use is subject to restrictions imposed by other regulations, such as wetlands or stormwater regulations.