

MODIFIED PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: Murphy Road Recycling, LLC
FACILITY ADDRESS: 655 Christian Lane, Berlin
PERMIT No. Permit No. 00701173-MPCO

Pursuant to Section 22a-208a of the Connecticut General Statutes (“CGS”) and Section 22a-209-4 of the Regulations of Connecticut State Agencies (“RCSA”), a MODIFIED PERMIT TO CONSTRUCT AND OPERATE (“Permit”) IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to Murphy Road Recycling, LLC (“Permittee”) to construct and operate a solid waste Intermediate Processing Center (“Facility”) located at 655 Christian Lane, Berlin, Connecticut. Subsequently, Permit to Construct and Operate No. 00701173-PCO for the facility issued on February 15, 2016 and an A.6. Approval dated May 23, 2016 are no longer in effect and are replaced by this Permit.

A. GENERAL TERMS AND CONDITIONS

1. a. This Permit is based on and incorporates by reference pertinent and appropriate sections of documents and specifications submitted as part of Application No.202103636, to modify the Permit to Construct and Operate, including:
 - i. Application forms received on March 8, 2021, revised April 23, 2021; May 24, 2021; August 2, 2021; September 10, 2021 and last revised on March 11, 2022; including:
 - a. Attachment A: Executive Summary, revised April 23, 2021 and last revised on August 23, 2021;
 - b. Attachment B: Compliance History, revised April 23, 2021 and last revised on August 2, 2021;
 - c. Attachment H: Background Information, revised August 2, 2021 and last revised on August 23, 2021;
 - d. Attachment I: Statement of Consistency, revised April 23, 2021, July 26, 2021 and last revised August 8, 2021; and
 - e. Attachment J: Business Information, revised July 26, 2021 and last revised August 2, 2021.
 - ii. Operation and Management Plan (O&MP) dated March 1, 2021, revised July 30, 2021, September 10, 2021 and last revised March 11, 2022;
 - iii. A site-wide facility engineered drawing P.E. Certified by Mark M. Zessin of Anchor a Barton & Loguidice Company, entitled “Solid Waste Plan prepared for Christian Lane Realty/Murphy Road Recycling Regional Recycling Facility 655 Christian Lane Kensington CT”, dated March 1, 2021 and last revised on March 11, 2022; and
 - iv. Engineering Drawings:
 - a. A set of seven (7) drawings prepared by Associated Builders, Inc. and P.E. stamped by Mark M. Zessin, P.E. with Anchor a Barton & Loguidice Company:
 - i. Sheet A1-1 Equipment Layout, dated 04-06-21;
 - ii. Sheet A1-2 Enlarged Addition Floor Plan, dated 04-06-21;
 - iii. Sheet A3.1 Exterior Elevations, dated 04-06-21;
 - iv. Sheet A3.2 Exterior Elevations (2), dated 04-06-21;

- v. Sheet A4.1 Building Sections (1), dated 04-06-21;
 - vi. Sheet A4.2 Exterior Elevations (2), dated 04-06-21; and
 - vii. Sheet A9.1 Roof Plan, dated 04-06-21;
- b. “Work Layout Project 006668”, prepared by Bollegraaf Recycling Solutions, dated 17-2-21 and P.E. stamped by Mark M. Zessin, P.E. with Anchor a Barton & Loguidice Company; and
 - c. “Equipment List Project 006668”, prepared by Bollegraaf Recycling Solutions, dated 17-2-21 and P.E. stamped by Mark M. Zessin, P.E. with Anchor a Barton & Loguidice Company.
- b. The Permittee shall maintain at the Facility and have available for reference by Facility staff and inspection by the Commissioner:
 - i. All documents or copies of such documents submitted as Application No. 202103636 and any document submitted in support of said application for the life of this Permit; and
 - ii. A copy of this Permit and the Facility’s Facility Plan which consists of the Operation and Management Plan and the engineered drawings which describe the Facility and its operations; and
 - c. The Permittee shall for the life of this Permit, provide to the Department notification within thirty (30) Days of any changes in the information provided as part or in support of the application on which this Permit was based. Any inaccuracies found in the information submitted by the Permittee may result in revocation, reissuance, or modification of this Permit and civil or criminal enforcement actions.
2. As used in this Permit, the following definitions apply:
- “Certified Operator” means the solid waste facility operator or an employee of such operator who is present at the facility and oversees or carries out the daily operations authorized through this Permit, and whose qualifications are currently certified in accordance with Section 22a-209-6 of the RCSA.
- “CFR” means the Code of Federal Regulations in effect the date this Permit is issued.
- “Commingled Recyclable Items” means a combination of metal, glass, and plastic containers, or Mixed Paper. For the purposes of this Permit, Commingled Recyclable Items shall include Recyclable Items collected in single-stream collection containers.
- “Commissioner” means the Commissioner of Energy and Environmental Protection.
- “Day” means calendar day.
- “Department” means the Department of Energy and Environmental Protection.
- “Designated Recyclable Item” means an item designated for recycling by the Commissioner in regulations adopted pursuant to subsection (a) of Section 22a-241b or designated for recycling pursuant to Section 22a-256 or 22a-208v of the CGS.

“Municipal Solid Waste” or “MSW” means Municipal Solid Waste as defined in Section 22a-207 of the CGS.

“Professional Engineer” or “P.E.” means an engineer licensed to practice in the state of Connecticut.

“Processing” or “Process(ed)” means the practice by which either the physical characteristics or the volume of solid waste accepted at the Facility is being altered through separating, sorting, baling, shredding, crushing, grinding, chipping, compacting, consolidation, transfer or reworking as part of recycling and/or volume reduction operations.

“Recovered Materials” means Processed solid wastes that are ultimately delivered to a market or other permitted recycling or reclamation facility.

“Recyclable Items” are materials which are designated for recycling pursuant to Section 22a-241b of the CGS or Sections 22a-241b-1 to 22a-241b-4 of the RCSA or which may be recovered from the solid waste stream and for which there is a demonstrated market for reuse or that may be beneficially used in the production of other products.

“Residue” means all solid waste that remains after the Recovered Materials have been extracted from the solid waste authorized for Processing at the Facility.

“Spent Mixed Batteries” means alkaline, magnesium and zinc-carbon cylindrical batteries, silver oxide, alkaline, and zinc-air button cell batteries and nickel-cadmium, small sealed lead-acid and nickel-metal hydride batteries.

“Universal Waste” as defined in Section 22a-449(c)-113 of the RCSA incorporating 40 CFR 273 means the following hazardous wastes:

- a. spent mixed batteries, including but not limited to, nickel-cadmium and small sealed lead-acid batteries;
- b. mercury-containing equipment;
- c. mercury-containing lamps that contain mercury in any amount; and
- d. Used Electronics.

“Used Electronics” incorporates the definition of Used Electronics as defined in Section 22a-449(c)-100(c)(34) of the RCSA, means a device or component thereof that contains one or more circuit boards or cathode ray tubes that is used primarily for data transfer or storage, communication, or entertainment purposes, including but not limited to, desk top and lap top computers, computer peripherals, monitors, copying machines, scanners, printers, radios, televisions, camcorders, video cassette recorders (“VCRs”), compact disk players, MP3 players, telephones, including cellular and portable phones and stereos. This includes any electronic device that is not included in the definition of a covered electronic device.

3. The Permittee shall comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein and the specifications contained in the application documents, except where such specifications are superseded by the more stringent conditions contained herein. Violation of any provision of this Permit may be subject to enforcement

- action pursuant, but not limited, to Sections 22a-6, 22a-208, 22a-225 and 22a-226 of the CGS.
4. The Permittee shall make no changes to the specifications and requirements of this Permit, except in accordance with law.
 5. To the extent that any term or condition of this Permit is deemed to be inconsistent or in conflict, with any term or condition of any Permit previously issued for this Facility, including any modifications thereto, or with any data or information contained in the application, or any other documents incorporated by reference in this Permit, the term or condition of this Permit shall control and remain enforceable against the Permittee.
 6. Provided a permit modification is not required pursuant to Sections 22a-208a(d)(1) or 22a-208a(e) of the CGS, the Permittee shall submit for the Commissioner's review and written approval all necessary documentation supporting any proposed physical and/or operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. The Commissioner may issue a written approval only if, in the Commissioner's judgment, the proposed physical and/or operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) do not significantly change the nature of the Facility, or its impact on the environment; and (c) do not warrant the issuance of a permit or authorization pursuant to Section 22a-208 et seq. of the CGS.

B. AUTHORIZATION TO CONSTRUCT AND MAINTAIN

1. Permit to Construct and Operate No. 00701173-PCO issued on February 5, 2016 authorized the Permittee to maintain the Facility, described as follows: a main building with a tipping floor for receipt of source separated fiber, Commingled Recyclable Items, processing area and processing equipment including three balers, conveyors, picking station, magnetic separator and screen separator; a document shredding building with a tipping floor for the overflow of Commingled Recyclable Items and source separated fiber, consumer electronic storage area and a recyclables bunker; offices; a vehicle equipment and maintenance building; a rail spur; two truck scales and a scale house; loading docks for trucks and railcars; a concrete block wall; and an outdoor canopy structure attached to the main building to be used for the tipping of source separated fiber; to receive and process Recyclable Items including paper and cardboard, commingled source separated food and beverage containers and plastic film, mercury-containing lamps and Used Electronics.
2. An A.6. Approval dated May 23, 2016 authorized the installation of a push wall in Area D towards Area T and the relocation of the drum feeder.
3. The existing Facility consists of the features described in Condition Nos. B.1 and B.2 of this Permit.
4. The Permittee is authorized to construct the following Facility improvements in accordance with applicable law, including this Permit: new sorting and processing equipment, including: removal of all existing Commingled Recyclable Items sort equipment; installation of new sorting equipment and ancillary support equipment, consisting of a variety of types of screens serving different functions and features, new optical sorting equipment to recover fibers,

plastics and non-fibers, as well as magnetic and eddy current devices to recover ferrous and non-ferrous metals, respectively; a new system of bins, conveyors, and baling equipment for subsequent transport of marketable materials; and a glass refining system to improve the quality and the recyclability of glass; overall building expansion of 36,900 square feet, which includes the removal of an existing canopy and replacement/reinforcement of building structures to accommodate the new equipment and anticipated snow-drift loads (due to varying roof heights); relocation and replacement of one of the site scales with a new scale house; and an increase in storage capacity from 10,559 cy to 19,490 cy.

5. The Permittee is authorized to maintain the Facility as described in Condition Nos. B.1. and B.4. of this Permit.
6. The Permittee shall control dust, odors, water discharges and noise resulting from the construction and maintenance of the Facility at all times to assure compliance with applicable requirements of the RCSA, and any other applicable laws, including OSHA.
7. The Permittee shall, within thirty (30) Days from the completion of the construction as described in Condition No. B.4. of this Permit, or any maintenance undertaken pursuant to Condition No. B.5. of this Permit, submit a written notification for the Commissioner's review and written approval. Such notification shall include at a minimum:
 - a. P.E. certified statement that the construction of the Facility improvements has been completed as approved;
 - b. P.E. certified as-built drawings; and
 - c. A request for written authorization from the Commissioner to operate in accordance with Section C. of this Permit.

C. AUTHORIZATION TO OPERATE

1. The Permittee is authorized to operate any or all of the components specified in Condition No. B.3. and Section C. of this Permit. The Permittee is authorized to operate any or all of the components specified in Condition No. B.4. of this Permit upon written approval granted by the Commissioner. Such written approval shall be issued after the Permittee is deemed in full compliance with, but not limited to, the requirements of Condition No. B.7. of this Permit.
2. The Permittee shall not exceed the Processing and storage limits established by this Permit. Solid waste, other than those listed herein, shall not be accepted, Processed, treated, stored, transported or disposed on-site, or otherwise managed at the Facility without prior written approval of the Commissioner.
3. The Permittee is authorized to operate the Facility in accordance with all applicable law, including this Permit. Unless otherwise approved in writing by the Commissioner or limited by local authorities, the Permittee is authorized to operate as follows:
Monday – Saturday 5:00 a.m.–11:00 p.m.
4. The Permittee is authorized to receive for Processing at the Facility no more than a total of 1,200 tons/day (TPD) of the following types of solid waste: a) source separated paper & cardboard; b) source separated food and beverage containers and Commingled Recyclable Items; c) mercury-containing lamps; d) Used Electronics; and e) plastic film.

5. The Permittee shall store and manage solid waste at the Facility only in the designated areas as identified in the drawings referenced in Condition No. A.1.a. of this Permit and in accordance with the table below. Fully loaded containers of solid waste shall be transferred from the Facility within two (2) business days.

Maximum Facility Storage			
Material Description	Volume (C.Y.)	Storage Area	Comments
Recyclable Items - Unprocessed	2,220	A	Indoor Tipping Areas
	1,330	B	Indoor Tipping Areas
Total unprocessed Recyclable Items	3,550		
Processed:			
Sorted Glass Aggregate	210	C	Indoor Bunkers/Outdoor Covered Container
Baled Recyclables/Baled Residue	8,156	D, E F	Indoor
Sorted Recyclables Items	1,124	G	Indoor Bunkers and Bins within Sort System
Recyclables Items,	4,700		100 CY Trailers: 7 trailers at dock & 40 trailers in rear lot
Recyclables Items,	1,500		250 CY Railcars – 6 rail cars
Mercury-Containing Lamps	25	H	Indoor
Used Electronics	25		Indoor
Residue	200		Two 100 CY Trailers (25 tons per trailer maximum)
Total Processed	15,940		
Total Unprocessed and Processed	19,490		

- a. **Storage and processing of Recyclable Items.** Source separated paper and cardboard shall be processed on a first in/first out basis and shall be conducted only on the tipping floor. Storage of unprocessed Recyclable Items within the facility, which includes paper and cardboard, shall not exceed 3,550 cubic yards (cy) and be confined to Areas A and B. Source separated paper and cardboard will not be mixed with other recyclables but rather will be delivered to a conveyor, compacted and baled. Bales of paper and cardboard are stored in Areas D, E and F and shall not exceed a cumulative total with other recycles of 8,156 cy. Bales of Recyclable Items could also be loaded into trailers (up to 4,700 cy) or railcars (up to 1,500 cy) for shipment off site. The storage containers shall be kept covered at all times except when material is being actively placed in or removed from the

container. Sorted glass aggregate shall be stored in bunkers and a covered container in Area C and is not to exceed 210 cy. Baled Recyclable Items and baled residue shall be stored in Areas D, E, and F and shall not exceed a cumulative total of 8,156 cy. Bales of Recyclable Items may also be loaded into trucks or railcars for shipment off site and shall not exceed a cumulative total of 6,200 cy. Loose sorted recyclables shall be stored in bunkers and bins within the sort system in Area G and are limited to 1,124 cy.

b. Management of Universal Waste: Mercury-Containing Lamps and Used Electronics

i. General Management Requirements:

- (A) The Permittee may accumulate up to a total fifty (50) cubic yards of Universal Wastes for no longer than one (1) year from the date such Universal Wastes were received. The Permittee is prohibited from disposing, diluting, treating, disassembling Universal Wastes and shall ensure that the transporter complies with the requirements of 40 CFR 273.
- (B) Universal wastes shall be managed and stored in a manner that maintains the reuse or recyclability of any such Universal Wastes or components thereof and managed in a way that prevents releases from any Universal Wastes or components to the environment.

All Universal Wastes shall be stored: inside a building provided with a roof and four walls that is locked; or in the cargo-carrying portion of a truck, such as in a trailer that is locked; and in a manner that prevents Universal Wastes from being exposed to the environment.

- (C) Containers of Universal Wastes shall be: kept closed; structurally sound; compatible with the contents of the waste; and shall lack evidence of leakage, spillage or damage that could cause leakage. Containers shall be marked and labeled in accordance with the specific requirements for Universal Wastes specified in Condition No. C.5.c.ii. of this Permit.
- (D) The Permittee shall be able to demonstrate the length of time that Universal Wastes have been accumulated from the date such wastes were received. This demonstration may be made by:
 - (1) Marking or labeling the container with the earliest date that any Universal Waste in the container was received; or
 - (2) Marking or labeling each individual item of Universal Waste (e.g., each device) with the date it was received; or
 - (3) Placing the waste in a specific accumulation area and identifying the earliest date that any Universal Waste in the area was received; or
 - (4) Any other method which clearly demonstrates the length of time that the Universal Waste has been accumulated from the date it is received.
- (E) The Permittee shall ensure that each employee who handles or has responsibility for managing Universal Wastes are informed of proper handling and emergency procedures appropriate to the type(s) of waste such employee handles or manages.

- (F) Any Universal Waste that is broken or shows evidence of leakage, spillage, or damage that could cause leakage, shall be placed in a container. Such container shall be: kept closed; structurally sound; compatible with the contents of the waste; and capable of preventing leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment.
- (G) The Permittee shall ensure that all releases of Universal Wastes, or residues from such wastes, shall be immediately contained. Other than inadvertent breakage of small quantities of Universal Wastes, the Permittee shall determine whether any material resulting from the release is hazardous waste, and if so, shall manage the hazardous waste in compliance with all applicable requirements of Sections 22a-449(c)-100 to 119, inclusive, of the RCSA. The Permittee is considered the generator of the material resulting from the release, and shall manage it in compliance with Section 22a-449(c)-102 of the RCSA.
- (H) The Permittee shall ensure that Universal Wastes are sent only to a facility authorized to store, treat or dispose of such waste; or to a person who handles such wastes in compliance with Section 22a-449(c)-113 of the RCSA.
- (I) If Universal Wastes being offered for off-site transportation meets the definition of hazardous materials under the Department of Transportation Regulations 49 CFR 171 to 180, inclusive, the Permittee shall package, label, mark and placard the shipment, and prepare the proper shipping papers in accordance with the applicable requirements.
- (J) If the Permittee receives a shipment containing hazardous waste that is not a Universal Waste, the Permittee shall immediately notify the Department of the illegal shipment, and provide the name, address and phone number of the originating shipper. The Department will provide instructions for managing the hazardous waste.
- (K) The Permittee shall keep a record of each shipment of Universal Wastes received at the Facility and transferred off-site for at least three (3) years from the date the waste was received. Such record may take the form of a log, invoice, manifest, bill of lading or other shipping document and shall include:
 - (1) The name and address of the business from which Universal Waste was received;
 - (2) the quantity of each type of Universal Waste received (e.g., batteries, lamps, mercury-containing device or Used Electronics); and
 - (3) the date the shipment was received or sent off-site.
- (L) The Permittee shall ensure that all areas used to store Universal Wastes shall be inspected, at a minimum on a weekly basis, for the following:
 - (1) The condition of Universal Waste or any container, package, trailer or building used to store such waste. If the Universal Waste or a container or package storing the Universal Waste is not in good condition, or

begins to leak, the Universal Waste shall be transferred to a container or package that is in good condition. Any deterioration or malfunction of trailers or buildings used to store Universal Waste shall be repaired on a schedule which ensures that the problem does not lead to a release to the environment. If a hazard is imminent, repairs shall be made immediately. If a release from a container, package, trailer or building used to store Universal Waste has occurred, remedial action shall be taken in accordance with the requirements in this Permit for response to releases;

- (2) The marking or labeling of all Universal Waste, or containers, packages, pallets, trailers or buildings used to store Universal Waste, with identifying words as required by the Universal Waste specific requirements in this Permit for marking and labeling wastes; and
- (3) The marking of all Universal Waste, or containers, packages, pallets, trailers or buildings used to store the waste, with the date upon which accumulation began, or maintenance of an inventory system or other accumulation tracking method as allowed by this Permit.

Inspections shall be recorded in a written inspection log that, at a minimum, includes: the date and time of the inspection; the name of the inspector; a notation of the observations made; and the date and nature of any repairs or other remedial actions. All inspection logs shall be kept at the Facility for at least three (3) years from the date of inspection.

ii. Waste Specific Management Requirements:

(A) **Mercury-Containing Lamps** shall be managed in accordance with the requirements of Condition No. C.5.c.i. of this Permit. Each Mercury-Containing Lamp or container(s) or package(s) containing lamps shall be labeled or marked clearly with one of the following phrases: "Waste Lamp(s)", or Used Lamp(s)".

(B) **Used Electronics** shall be managed in accordance with the requirements of Condition No. C.5.c.i. of this Permit and as follows:

- (1) Each Used Electronic device or container, package or pallet containing Used Electronics shall be clearly labeled or marked with one of the following phrases: "Waste Used Electronics," or "Used Electronics."
- (2) Any broken cathode ray tube(s) from a Used Electronic device shall be immediately cleaned up and placed in a container. Such container shall be: kept closed; structurally sound; and compatible with the cathode ray tube(s) and shall be capable of preventing leakage, spillage or releases of broken cathode ray tubes, glass particles or other hazardous constituents from such broken tubes to the environment.

The following condition is provided for unauthorized solid wastes inadvertently received at the Facility to ensure proper management of such wastes:

- c. **Storage of inadvertently received propane tanks with valves** shall not exceed thirty (30) units. The tanks shall be: stored upright on a surface sufficiently impervious to

prevent or minimize infiltration; segregated from public access; provided with a non-combustible peripheral fence and a secured gate; and have open ventilation and proper signage in accordance with National Fire Protection Association (“NFPA”) 58-1995 “Standard for the Storage and Handling of Liquefied Petroleum Gases”. The Permittee shall hire a licensed contractor to extract the existing propane liquid, dismantle the valves and/or transport intact propane tanks off-site. Any leaking propane tank shall immediately be removed for safe and proper handling. Empty propane tanks without valves shall be consolidated with the scrap metal.

- d. **Storage and Management of MSW residue.** MSW residue means any unauthorized putrescible MSW that is inadvertently delivered to the Facility as part of a load. As soon as it is discovered, MSW residue shall immediately be segregated from other solid waste and placed in a dedicated container with a maximum capacity of ten (10) cubic yards. The dedicated container shall be located in an area of the Facility that will not interfere with other permitted activities, shall be kept covered at all times except when it is being filled, and shall be removed from the Facility within forty-eight (48) hours of receipt. Such MSW residue shall be consolidated, stored, and transferred from the Facility to a facility authorized to receive and manage such waste. Details pertaining to each truck which contains MSW residue in excess of two percent (2%) by volume shall be recorded in the daily log, and reported to the Department in the quarterly reports required by this Permit.
6. The Permittee shall:
 - a. Store solid waste on-site in conformance with proper fire control measures. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with manufacturer’s specifications;
 - b. Ensure that all solid waste accepted at the Facility is properly managed on-site, Processed, stored and transported to markets or other solid waste Processing or disposal facilities authorized to accept such solid waste;
 - c. Ensure that any unauthorized solid waste inadvertently received, or solid waste which is unsuitable for Processing at the Facility is: (i) immediately sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded and reported in the quarterly report required by Condition No. C.10. of this Permit; and (iii) disposed at a facility authorized to accept such solid waste. No more than forty (40) cy of unacceptable solid waste shall be stored on-site unless authorized in writing by the Commissioner. A spare container may be made available for any storage emergency at the Facility;
 - d. Ensure that contingent storage of incidental mixed batteries, mercury-containing lamps, Used Electronics, mercury-containing equipment classified as Universal Wastes that is inadvertently delivered to the Facility as part of a load is conducted in accordance with the requirements of the Universal Waste Management Regulations (Sections 22a-449(c)-113 and 22a-209-17 of the RCSA). The storage container(s) shall be located in an area of the Facility that will not interfere with other permitted activities;
 - e. Provide expeditious notification regarding any emergency incident (explosion, accident, fire, release, or other significant disruptive occurrence) which: (i) significantly damaged

equipment or structures; (ii) interrupts the operation of the Facility for greater than twenty-four (24) hours; (iii) results in an unscheduled Facility shutdown or forced diversion of solid waste to other solid waste facilities; (iv) could reasonably create a source of pollution to the waters of the state; or (v) otherwise threatens public health.

Such notification shall be: (i) immediately provided to the Commissioner using the 24-hour emergency response number (860) 424-3338 or the alternate number (860) 424-3333 and, in no event later than twenty-four (24) hours after the emergency incident, provided to the Solid Waste Program in the Waste Engineering and Enforcement Division of the Bureau of Materials Management and Compliance Assurance by phone at (860) 424-3366, or at another current publicly published number for the Solid Waste Program or by e-mail at **DEEP.WEEDNotification@ct.gov**; (ii) followed by a written report no later than the fifth business day after the emergency incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; and (iii) recorded in a log of emergency incidents. In addition to the notification requirements above, the Permittee shall comply with all other applicable reporting or notification requirements regarding the emergency incident including but not limited to, reporting required by Section 22a-450 of the CGS;

- f. Prevent the spillage of solid waste from transfer containers during on-site management, storage and off-site transfer. Each loaded container shall be covered before transfer off-site and the haulers shall be instructed to keep the containers covered during off-site transportation;
- g. Operate the Facility in a safe manner so as to control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including OSHA. The Facility's premises shall be maintained and any litter shall be removed on a daily basis;
- h. Process, store or otherwise handle at the Facility all solid waste received including used oil and waste anti-freeze in such a manner as to avoid any spillage, nuisance and protect the public health and the environment;
- i. Ensure that the manufacturers' operation and maintenance manuals for each major piece of fixed or mobile Processing equipment, (which may include, but not be limited to, balers; conveyors; compactors; and storage tanks) installed or used at the Facility are available for review by the Commissioner;
- j. Determine through observation that incoming loads of source separated Commingled Recyclable Items do not contain greater than two percent (2%) by volume ("threshold contaminant percentages") of non-recyclable wastes. For any loads identified that exceed the threshold criteria for load contamination specified in this condition the Permittee shall document each load in the daily log and report those to the Department in the quarterly reports required by this Permit. The Permittee shall also provide notice to the hauler in accordance with Condition No. C.6.l.v. of this Permit.
- k. Manage solid wastes in such a manner that all Commingled Recyclable Items are segregated so that no other solid waste may cause contamination or degradation of the recyclable product, or result in any negative impact on the recyclability of such material;

1. Conduct periodic unannounced inspections of truck loads delivered to the Facility, pursuant to Section 22a-220c(b) of the CGS. The inspections shall be performed for a minimum of five percent (5%) of the monthly truck loads received that are representative of the waste types authorized for receipt at the Facility. Records of such inspections shall be maintained at the Facility for the life of the Permit or such other timeframe specified in writing by the Commissioner. The inspections and supporting documentation shall consist of at a minimum:
 - i. Photographs of each load other than loads of source separated Recyclable Items, inspected that exceeds the threshold contaminant percentages as specified in Condition No. C.6.j. of this Permit and each load of source separated Recyclable Items that exceeds five percent (5%) by volume of non-recyclable wastes;
 - ii. Origin of each load (municipality; regional facility and whether commercial or residential);
 - iii. Waste transporter company name;
 - iv. Estimated percentage of contaminant(s) present in each load and identification of each type; and
 - v. Immediate written notifications to the hauler, municipality in which the solid waste was generated and/or regional facility for each load that exceeds the threshold contaminant percentages specified in Condition No. C.6.j. of this Permit;
7. The Permittee shall have an operator, certified pursuant to Section 22a-209-6 of the RCSA, present at all times during Facility operation. All individuals under the supervision of such Certified Operator shall have sufficient training to identify solid waste received at the Facility which is not permitted to be received, or is unsuitable for Processing, and shall take proper action in managing such solid waste.
8. The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to Sections 22a-209-9(c) and 22a-209-10(3) of the RCSA that includes the Facility's name and the Department Permit number (Permit to Construct and Operate No. 00701173-MPCO) issuance date and expiration date. Such sign shall also include a phone number that provides the general public the ability to register questions or complaints twenty-four (24) hours per day. The Permittee shall maintain a log of all calls received and how such calls were addressed or resolved. In the event that the Permittee is not a Covered Electronics Recycler or partnered with one, the Permittee shall also post a sign in accordance with Section 22a-636 of the CGS.
9. The Permittee shall: (a) control all traffic related to the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and any excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that vehicles are not left idling for more than three (3) consecutive minutes pursuant to Section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such vehicle idling time within the Facility.
10. The Permittee shall maintain daily records as required by Section 22a-209-9(p) of the RCSA and Section 22a-209-10(13) of the RCSA. The Permittee shall also comply with all applicable recordkeeping requirements of Sections 22a-208e and 22a-220 of the CGS. All daily logs (including documentation related to the unannounced inspections of truck loads) shall be maintained for the life of this Permit or such other timeframe specified in writing by

the Commissioner. Based on such records, the Permittee shall prepare quarterly summaries including, but not limited to, the following information as it pertains to solid waste:

- a. Type and quantity of solid waste received, including all Recyclable Items, unauthorized solid waste and/or Universal Waste;
- b. Origin of waste load (municipality name; regional facility name) and waste hauler name; and
- c. Destination to which solid wastes, including all Recyclable Items, unauthorized solid waste and/or Universal Waste from the Facility were delivered for disposal or recycling, including quantities delivered to each destination.

The summaries required pursuant to this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, of each year on up-to-date forms prescribed by the Commissioner directly to the Solid Waste Program in accordance with Condition No. C.15. of this Permit.

11. Nothing herein authorizes any person, municipality or authority to hinder municipal or regional solid waste recycling efforts. All activities conducted by the Permittee at the Facility shall be in accordance with this Permit, consistent with the state-wide Solid Waste Management Plan, a.k.a. Connecticut's 2016 *Comprehensive Materials Management Strategy* and with Sections 22a-228 and 229 of the CGS.
12. The Permittee shall, no later than sixty (60) Days after the issuance date of this Permit, establish for the Commissioner's benefit an acceptable financial assurance instrument and post the financial assurance with the Department in the amount of **\$397,560** as required by Section 22a-6(a)(7) of the CGS. All financial assurance instruments and adjustments shall be hard mailed to the Department at the U.S. postal address provided in Condition No. C.15. Of this permit. No financial assurance-related documents shall be accepted via electronic mail.
13. The Permittee acknowledges and shall ensure that it complies with the following:
 - a. The purpose of the financial assurance is to cover the third party costs for handling, removing, transporting and disposing the maximum permitted amount of unprocessed and Processed solid waste at the Facility, and any additional cost(s) to ensure the proper closure of storage areas including, but not limited to, equipment rental, site clean-up, the decontamination and disposal of all equipment and Processing and storage areas, and a fifteen percent (15%) contingency to cover unforeseen events or activities that may increase the overall cost to close the Facility.
 - b. The financial assurance instrument used by the Permittee to comply with Condition No. C.12. of this Permit shall comply with the requirements of Section 22a-209-4(i) of the RCSA, and 40 CFR 264.141 to 264.143 inclusive and 40 CFR 264.151, as referenced therein. The Permittee shall ensure that the financial assurance instrument is established in a format specified by the Commissioner for closure or post-closure maintenance and care, as appropriate.
 - c. The Department accepts five (5) types of financial assurance instruments, they are: (a) Trust Fund; (b) Irrevocable Standby Letter of Credit; (c) Financial Guarantee "Payment"

Bond; (d) Performance Bond; and (e) Certificate of Insurance. The following documents are also required to be submitted:

- i. A cover letter signed by the Permittee shall be submitted along with the Irrevocable Standby Letter of Credit, in accordance with 40 CFR 264.143(d)(4);
 - ii. A “Standby Trust Agreement” shall be submitted along with either a Irrevocable Standby Letter of Credit; Financial Guarantee “Payment” Bond; or Performance Bond; and
 - iii. A “Certification of Acknowledgement” shall be submitted along with the Trust Fund instrument.
- d. The financial assurance shall:
- i. Be valid for and appropriately maintained during the term of this Permit;
 - ii. Specify the Permittee’s name, the Facility’s address, the number and issuance date of this Permit; and
 - iii. Be established in one or more of, the instrument formats found on the Department’s website (www.ct.gov/DEEP/financialassurance).
- e. The financial assurance instrument shall be adjusted annually for inflation within the sixty (60) Days prior to the anniversary date of the establishment of the financial assurance instrument, and whenever there is a change in operations that affects the cost of closing the Facility in accordance with 40 CFR 264.142(b) as incorporated in Section 22a-449(c)-104 of the RCSA.
14. The Permittee shall, no later than sixty (60) Days from the issuance date of this Permit perform quarterly compliance audits for the life of this Permit.
- a. The compliance audits required by this condition shall consist of a thorough and complete assessment of the Permittee’s compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit.
 - b. Compliance Auditor
The compliance audits required by this condition shall be performed by an engineer licensed to practice in Connecticut (“P.E.”) or consultant. Such P.E. or consultant shall be approved in writing by the Commissioner and will be required to prepare and submit to the Commissioner quarterly compliance audit reports.
- The Permittee shall, prior to the Commissioner’s approval of the P.E. or consultant: (a) submit for the Commissioner’s evaluation a detailed description of the P.E. or consultant’s credentials (education; experience; training) which are relevant to the work required under this condition; and (b) certify to the Commissioner that such P.E. or consultant:
- i. Is not a subsidiary of or affiliated corporation to the Permittee or Permitted Facility;
 - ii. Does not own stock in the Permittee or any parent, subsidiary, or affiliated corporation;
 - iii. Has no other direct financial stake in the outcome of the compliance audit(s) outlined in this Permit; and
 - iv. Has expertise and competence in environmental auditing and the regulatory programs being addressed through this Permit, including evaluation of compliance

with requirements specified in Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit.

Within ten (10) Days after retaining any P.E. or consultant other than the one approved by the Commissioner (“compliance auditor”) pursuant to this condition, the Permittee shall submit to the Commissioner for his review and written approval, the information and documentation specified in this condition regarding such other P.E. or consultant. Nothing in this condition shall preclude the Commissioner from finding a previously acceptable P.E. or consultant unacceptable.

c. Scope of Compliance Audits

Compliance audits shall:

- i. Detail the Permittee’s compliance with the requirements of this Permit and all applicable provisions of Sections 22a-209-1 through 22a-209-17 of the RCSA.
- ii. Describe the Compliance Auditor’s participation in and the results of inspections conducted at the Facility on the loads of solid waste received at the Facility during the compliance audit. The purpose of such inspections is to determine whether loads of source separated Recyclable Items contain greater than two percent (2%) by volume of non-recyclable wastes and to detect patterns associated with such loads. Unless otherwise approved by the Commissioner, the compliance auditor shall inspect solid wastes unloaded from a minimum of ten (10) trucks received during the day of the compliance audit. The Compliance Auditor shall document the actual number of truck loads inspected and the findings of such inspections.

d. Compliance Audit Report

The results of each compliance audit shall be summarized in a Compliance Audit report. At a minimum such report shall include:

- i. The names of those individuals who conducted the compliance audit;
- ii. The areas of the Facility inspected;
- iii. The records reviewed to determine compliance;
- iv. An evaluation and detailed description of the Permittee’s compliance with this Permit and applicable regulations;
- v. The identification of all violations of this Permit and applicable regulations;
- vi. A description of the actions taken by the Permittee to correct patterns of loads received that exceed the threshold contaminant percentages specified in Condition No. C.6.j. of this Permit for loads that are representative of the waste types authorized for receipt at the Facility;
- vii. The findings of the compliance auditor regarding the audits conducted in accordance with Condition No. C.14. of this Permit during the day of the compliance audit;
- viii. A detailed description of all actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
- ix. The Permittee’s certification of compliance with the regulations and documentation demonstrating such compliance pursuant to this Permit. In cases where multiple counts of the same violation are discovered, the report shall include a listing of each count.

e. Permittee’s Responses to Compliance Audit

The Permittee shall comply with the following:

- i. The auditing frequency shall be quarterly for the remaining life of the Permit;
 - ii. All violations shall immediately be brought to the attention of the Permittee by the compliance auditor. The Permittee shall notify the Department within five (5) Days of the compliance audit of all violations noted during the compliance audit;
 - iii. The Permittee shall correct all violations immediately. Should the Permittee be unable to immediately correct the violation, within seven (7) Days of the date the Permittee became aware of the violation(s), the Permittee shall submit for the review and written approval of the Commissioner, a detailed plan to correct all violations noted. Such plan shall also include a schedule for implementation of the corrective actions required or recommended; and
 - iv. The Permittee shall ensure that no later than fifteen (15) Days after a compliance audit, a compliance audit report that meets the requirements of Condition No. C.14. of this Permit, is submitted to the Commissioner. A copy of the compliance audit report shall be maintained at the Facility for the life of the Permit or for such other timeframe specified by the Commissioner.
 - f. In addition to any other sanction authorized by law, the Permittee shall cease accepting solid waste at the Facility in the event that the Permittee fails to submit in a timely manner the plan and schedule required by Condition No. C.14.e. of this Permit or fails to correct the violations noted by the compliance audit(s) in accordance with the approved plan and schedule. The Commissioner may seek similar sanction for any violation of this Permit.
 - g. **Documentation Submittal Deadlines**
The documents required to be submitted pursuant to this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, directly to the Solid Waste Enforcement Program, in accordance with Condition No. C.15. of this Permit.
15. Unless otherwise specified in writing by the Commissioner, any reports required to be submitted under this Permit shall be directed to:
- Solid Waste Program
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
Or via e-mail to DEEP.Solid&HazWasteReports@ct.gov.
16. Any document, including, but not limited to any notice, which is required to be submitted to the Commissioner under this Permit shall be signed by a duly authorized representative of the Permittee, as defined in Section 22a-430-3(b)(2) of the RCSA, and by the individual or individuals responsible for actually preparing such documents, 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 thereto, 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 in the submitted information may be punishable as a criminal offense.”

Any false statement in any document submitted pursuant to this Permit may be punishable as a criminal offense in accordance with Section 22a-6 of the CGS, pursuant to Section 53a-157 of the CGS, and in accordance with any other applicable statute.

17. The date of submission to the Commissioner of any document required by this Permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Permit, including but not limited to, notice of approval or disapproval of any document or other action shall be the date such notice is personally delivered or the date three (3) Days after it is mailed by the Commissioner, whichever is earlier. Any document which is due or required on a weekend or a legal state or federal holiday shall be submitted by the next business day thereafter.
18. This Permit is subject to and in no way derogates from any present or future property rights or other 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 Facility or activity affected thereby.
19. Nothing in this Permit shall affect the Commissioner’s authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.
20. Nothing in this Permit shall relieve the Permittee of other obligations under applicable federal, state and local laws.
21. Permit to Construct and Operate No. 00701173-PCO, issued on February 16, 2016, is no longer in effect and is replaced by this Permit.
22. An A.6. Approval dated May 23, 2016 is no longer in effect and is replaced by this Permit.
23. This Permit shall expire on February 16, 2026 and may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws.

Issued on this _____ day of _____, 2022.

By _____
Jennifer L. Perry, P.E., Bureau Chief
Materials Management and Compliance Assurance
Department of Energy and Environmental Protection