

## PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: New Milford Connecticut Farms, LLC  
FACILITY ADDRESS: 60 Boardman Road, New Milford, Connecticut 06776  
PERMIT No. 096-----PCO

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 PERMIT TO CONSTRUCT AND OPERATE (“Permit”) IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to New Milford Connecticut Farms, LLC. (“Permittee”) to construct and operate a solid waste volume reduction plant (“Facility”) located at 60 Boardman Road, New Milford, Connecticut. Subsequently, Permit to Construct No. SW-0960128 issued on October 12, 1992, Modification to Permit to Construct No. 0960128 issued on June 1, 1995, Minor Permit Amendment issued June 25, 1996, Minor Permit Amendment No.0960433-MA/Modification PC issued on August 6, 1999 and Permit to Operate No. 09601147-PO issued on January 7, 2014 are no longer in effect and are replaced by this Permit.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. 201813231, to renew the Permit to Operate, including:
    - i. Application form received on November 5, 2018.
    - ii. Operation and Management Plan (O&MP) dated July 12, 2019.
    - iii. A Site Plan prepared by Gannett Fleming dated April 8, 2008 and revised July 1, 2013 (“Site Plan”)
  - 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. 20181323 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.

“Clean Wood” as defined in Section 22a-208a-1 of the RCSA means any wood which is derived from such products as pallets, skids, spools, packaging materials, bulky wood waste, or scraps from newly built wood products, provided such wood is not Treated Wood as defined in Section 22a-209a(a)(2) or Demolition Wood waste. For the purposes of this Permit, Clean Wood may also include Land Clearing Debris.

“Commissioner” means the Commissioner of Energy and Environmental Protection.

“Compostable Material” means pre and post consumer food residuals, clean wood, yard waste, and for the purposes of this Permit shall include: soiled paper, compostable plastics and coatings meeting ASTM D6400 and ASTM D6868 specifications and certified by the Biodegradable Products Institute (BPI), ground yard and clean wood waste, livestock manure and stable bedding excluding from primates, liquid or slurried food residuals, drinking water residuals, waxed corrugated paper and cardboard manufacturing by-products.

“Construction and Demolition Waste” or “C&D Waste” means waste from construction and demolition activities as defined in Section 22a-208x of the CGS.

“Day” means calendar Day.

“Demolition Wood” for the purposes of this Permit means the wood portion of solid waste generated as a result of demolition activities.

“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.

“Final Products” means Processed solid wastes, which are ultimately delivered to a market or other solid waste facility.

“Hydrolyzed Plant Protein” or “HPP” means residue generated from the manufacture of food ingredients at the former Food Ingredients Specialties, Inc., a subsidiary of Nestle USA, Inc.

“Land Clearing Debris” as defined in Section 22a-208a-1(19) means trees, stumps, branches or other wood generated from clearing land for commercial or residential development, road construction, routine landscaping, agricultural land clearing, storms, or natural disasters.

“Mixed Paper” means recyclable solid waste which is a combination of differing grades of source-separated recyclable paper including corrugated cardboard.

“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.

“Processed Wood” means Recycled Wood or Treated Wood or any combination thereof, which has been Processed at a facility, authorized to Process or generate such materials.

“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.

“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.

“Source Separated Organic Material” or “SSOM” means organic material, including, but not limited to, food scraps, food processing residue and soiled or unrecyclable paper that has been separated at the point or source of generation from nonorganic material.

“Treated Wood” as defined in Section 22a-209a(a)(2) of the CGS means wood which contains an adhesive, paint, stain, fire retardant, pesticide or preservative.

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 No. SW-0960128 issued on October 12, 1990 authorized the construction of a Volume Reduction Facility for the receipt and Processing of Source Separated Organic Material. Permit No. SW-0960128 authorized the construction of a 14,000 foot building divided into a receiving/storage area and a mixing/turning area; an aeration system with two 10HP exhaust fans; a soil filter/odor control pit; a central office/visitor center; and a building for curing the finished compost.
2. A modification to the Permit to Construct No. SW-0960128 was issued on June 1, 1995 and authorized the construction of an additional enclosed composting Facility; an additional receiving building; a vegetative waste processing center; an additional finished goods storage building; a vegetative waste processing center; an additional finished goods storage building; a packaging building; and two in-ground truck scales.
3. A modification to the Permit to Construct No. SW-0960128 was issued on June 25, 1996 and authorized the construction of a roof comprising approximately 20,000 square feet over the area between composting buildings.
4. A modification to the Permit to Construct No. SW-0960128 was issued on August 6, 1999 as Permit No. 0960433-MA/Modification PC and authorized the modification of the: In-Vessel Composting building by enlarging the three doorways, removing the Okada compost turner and removing three compost bay walls; the Finished Compost Building by removing a portion of the east wall and replacing the wall with a concrete push wall; the Enclosed Compost Building by enlarging the two existing receiving pits by six feet in width to better accommodate truck receiving operations.
5. The existing Facility consists of: Two (2) truck weigh stations; an office with a connecting greenhouse and lab; a material receiving area within the material processing building that is equipped with a bio-filter; a vegetative waste storage building; a composting curing building equipped with a bio-filter; a finished compost shelter; a finished goods warehouse; a packaging area; a maintenance shop; a covered roof area located between the process building and the finished compost shelter.
6. The Permittee is authorized to maintain the Facility as described in Condition No. B.5. of this Permit.
7. 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.
8. The Permittee shall, within thirty (30) Days from the completion of the construction 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 Condition No. C.2. of this Permit.

### C. AUTHORIZATION TO OPERATE

1. 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.
2. 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: 5:00 a.m. to 6:00 p.m. Monday through Saturday. The Permittee may operate the Facility from 5:00 a.m. to 3:00 p.m. on Sundays between October 1<sup>st</sup> and November 30<sup>th</sup>.
3. The Permittee is authorized to receive for Processing at the Facility no more than a total of the following types of solid wastes listed below:

<b>Material</b>	<b>Daily Limit (Tons)</b>	<b>Annual Limit (Tons)</b>
Clean Wood	192	50,000
Yard Trimmings	96	25,000
Mined Hydrolyzed Plant Protein (HPP)	88	23,000
Compostable Material and SSOM	207	53,865
<b>TOTAL MATERIAL</b>	<b>583</b>	<b>151,865</b>

4. The Permittee shall perform all composting operations within the material processing building and composting curing building as identified in Condition No. B.5. of this Permit. Composting operations within the material processing building shall be limited to 53,865 tons per year of Compostable Material and SSOM. All composting shall be conducted using windrows.
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. of this Permit and in accordance with the specifications/table below. Fully loaded containers of solid waste shall be transferred from the Facility within two (2) business days.

Storage Table					
Storage Area	Materials	Storage Specifications	Volume cubic yards ("CY")	Density Tons/cubic yard ("t/cy")	Tons
A	Yard trimmings	Outdoors in piles and/or containers	8,000 CY	0.20 t/cy	1,600
	Clean Wood	Outdoors in piles			
B	Unprocessed and Processed - Clean Wood.	Outdoors in piles	4,500 CY	0.25 t/cy	1,125
	Sand, aggregate clay, aggregate stone	Outdoors in piles and/or containers			
C	Clean Wood – Processed (coarse chips and logs), Clean Wood – Unprocessed logs and large wood/finish compost	Outdoors in piles	8,500 CY	0.31 t/cy	2,635
I	SSOM and Compostable Material (Clean Wood, Yard trimmings, ground pallets, aggregate clay, compost, and sand)	Inside vegetative waste storage building in piles	3,000 CY	0.21 t/cy	630
Total Material			24,000 CY	-----	5,990

- a. The Permittee shall ensure that all SSOM and Compostable Material delivered to the Facility are kept indoors and added to composting windrows within forty-eight (48) hours of receipt of such materials.
- b. **Storage of Clean wood** shall take place in piles located on the ground:
 

Piles of unprocessed clean wood shall: have a minimum of a twenty-five (25) foot emergency access maintained around each; not contain treated wood; be processed and transferred on a first-in/first-out basis; not exceed eight thousand (8,000) cubic yards; and have a maximum height of twenty-five (25) feet.

Piles of processed clean wood chips shall: not exceed thirteen thousand (13,000) cubic yards; have a minimum of a twenty-five (25) foot emergency access maintained around each, have a maximum height of fifteen (15) feet; be stored on base pads constructed of compacted and well drained material that can support heavy equipment during all seasons; minimize dust and prevent ponding of water; be shaped to allow adequate stormwater run-off; be oriented (for elongated piles) perpendicular to the contours of the ground surface; be located in a clearly marked area equipped with stormwater run-on/run-off controls which comply with all existing permits and/or any applicable stormwater management requirements of Section 22a-430b of the RCSA.
- c. **Wood chipping** activities shall comply with the requirements of Sections 22a-174-18, 22a-174-23 and 22a-174-29 of the RCSA; and shall not generate noise, dust, fumes, smoke, vibrations and odors that exceed background levels thereof at any boundary of the property on which the Facility is located.
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.16. of this Permit; and (iii) disposed at a facility authorized to accept such solid waste. No more than ten (10) cubic yards 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 facsimile at (860) 424-4059; (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. 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;
  - i. Determine through observation that incoming loads of Compostable Material and SSOM do not contain greater than two percent (2%) by volume ("threshold contaminant percentages") of non-compostable 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.j of this Permit.
  - j. 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 inspected that exceeds the threshold contaminant percentages as specified in Condition No. C.7.i. of this Permit;
    - 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.7.i 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 Section 22a-209-10(3) of the RCSA that includes the Facility's name and the Department Permit number (Permit to Construct and Operate No. 096-----PCO.) 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. The Permittee shall also comply with all applicable recordkeeping requirements of Sections 22a-208e and 22a-220 of 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 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. The Permittee shall ensure that all Clean Wood received at the Facility is 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 Department's webpage: <http://www.ct.gov/deep/alb>  
Signs indicating possible Emerald Ash Borer infestation can be found at the Department's webpage: <http://www.ct.gov/deep/eab>

- a. The Permittee shall ensure each load of Clean Wood is visually assessed for possible pest infestation as part of the on-site routine inspections.
- b. Any Clean Wood suspected of being infested by either the Asian Longhorn Beetle or the Emerald Ash Borer should be identified at the source of generation and managed in accordance with existing quarantine agreements.
- c. If signs of infestation are observed:  
Digital photos and careful identification notes must be provided to the [Connecticut Agricultural Experiment Station](#) (Deputy State Entomologist direct phone line: 203-974-8474; and e-mail [CAES.StateEntomologist@ct.gov](mailto:CAES.StateEntomologist@ct.gov)).
  - i. The infested Clean Wood shall be: segregated from other Clean Wood; marked as segregated; securely stored and kept reasonably intact.
  - ii. Any handling activities (e.g. chipping and moving) shall be postponed until an investigator from, or designated by, the Connecticut Agricultural Experiment Station, has examined the potentially infested Clean Wood.
  - iii. Any truck load tickets and other documentation of deliveries shall note whether a pest infestation assessment has been conducted.

12. 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 and consistent with the state-wide Solid Waste Management Plan, pursuant to Sections 22a-228 and 229 of the CGS.
13. 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 \$221,893 as required by Section 22a-6(a)(7) of the CGS.
  14. 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. 14. 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 Section 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](http://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.
  15. 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 any outreach efforts conducted by the Permittee to initiate pay-as-you-throw ("PAYT") programs also known as unit based pricing or variable-rate pricing and shall include names of waste haulers and municipalities that are participating in such programs.
- iii. Describe the Compliance Auditor's participation in and the results of inspections conducted at the Facility on the loads of SSOM and Compostable Material received at the Facility during the compliance audit. The purpose of such inspections is to determine whether such loads are being received that contain greater than two percent (2%) by volume of material other than SSOM and Compostable Material; 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.7.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.16. 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.17. 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.16.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.16. of this Permit.

16. Unless otherwise specified in writing by the Commissioner, any documents 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 email to [DEEP.Solid&HazWasteReports@ct.gov](mailto:DEEP.Solid&HazWasteReports@ct.gov)

17. 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.

18. 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.
19. 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.
20. 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.
21. Nothing in this Permit shall relieve the Permittee of other obligations under applicable federal, state and local laws.
22. Permit to Construct No. 0960128 issued on October 12, 1990 is no longer in effect and replaced by this Permit.

23. Modification to Permit to Construct No. 0960128 issued on June 1, 1995 is no longer in effect and replaced by this Permit.
24. Minor Permit Amendment issued June 25, 1996 is no longer in effect and replaced by this Permit.
25. Minor Permit Amendment No.0960433-MA/Modification PC issued on August 6, 1999 is no longer in effect and replaced by this Permit.
26. Permit to Construct and Operate No 09601147-PO issued on January 7, 2014 is no longer in effect and is replaced by this Permit.
27. This Permit shall expire ten (10) years from the date of issuance and may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws.

Issued on this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

By \_\_\_\_\_

Yvonne Bolton, Chief  
Bureau of Materials Management and  
Compliance Assurance

Application No. 201813231  
Permit to Construct and Operate No.  
Permittee - e-Certified  
City/Town Clerk - e-Certified