

## PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: Nutmeg Road Recycling, LLC  
FACILITY ADDRESS: 600 Nutmeg Road North, South Windsor, CT 06074  
PERMIT No. 13201202-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 MODIFICATION PERMIT TO CONSTRUCT AND OPERATE (“Permit”) IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to Nutmeg Road Recycling, LLC (“Permittee”) to construct and operate a solid waste volume reduction plant (“Facility”) located at 600 Nutmeg Road North, South Windsor, Connecticut. Subsequently, the Permit to Construct and Operate No. 13201202-PCO issued on July 25, 2016 is no longer in effect and is replaced by this Permit.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. 201910684, to modify the Permit to Construct and Operate, including:
    - i. Application form received on September 9, 2019 and revised November 16, 2020.
    - ii. Operation and Management Plan (O&MP) dated August 30, 2019 and revised February 26, 2021.
    - iii. A Site Plan prepared by Mark M. Zessin, P.E., Anchor Engineering Services, dated August 14, 2019 and revised November 13, 2020 (“Site Plan”); and
    - iv. A Floor Plan prepared by Mark M. Zessin, P.E., dated August 16, 2019 and revised February 18, 2021 (“Floor Plan”); and
  - 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. 201910684 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.

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

“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.

“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 of the RCSA or designated for recycling pursuant to Section 22a-256 or 22a-208v of the CGS.

“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.

“Oversized Municipal Solid Waste” or “OMSW” means large solid waste items from residential, commercial and industrial sources, which may include but is not limited to such items as furniture, carpets, mattresses, and rugs.

“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.

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

“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.

“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. 13201202-PCO issued on July 25, 2016 authorized the construction of a volume reduction plant for the receipt and Processing of C&D Waste, OMSW, MSW, scrap metal including appliances containing chlorofluorocarbon (CFC) liquid, Commingled Recyclable Items, paper and cardboard, scrap tires, clean wood and Used Electronics. Such PCO authorized the construction and/or maintenance of: a truck scale; offices; a metal shed; outdoor areas dedicated for storage and Processing of clean wood and for staging of loaded storage containers; a Processing building provided with two (2) access bays, three (3) loading docks, a container load-out bay, and a tipping floor (TF) provided with

specific areas dedicated for separate management of putrescible MSW, sorted Recyclable Items, and/or any other solid waste permitted to be received indoors.

2. The existing Facility consists of: a truck scale; offices; a metal shed; outdoor areas dedicated for storage and Processing of clean wood and for staging of empty or loaded storage containers; a Processing building provided with two (2) access bays, three (3) loading docks, a container load-out bay, and a TF provided with specific areas dedicated for separate management of putrescible MSW, sorted Recyclable Items, and/or any other solid waste permitted to be received indoors.
3. The Permittee continues to be authorized to construct the Facility in accordance with all applicable law, including this Permit. The Permittee is authorized to construct the following: compaction equipment and a new hopper; conveyor; baler; and a wrapper system that is authorized to be installed indoors on a dedicated TF area.
4. The Permittee is authorized to maintain the Facility as described in Conditions No. B.2. and B.3. of this Permit.
5. 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.
6. The Permittee shall, within thirty (30) Days from the completion of the construction as described in Condition No. B.3. of this Permit, or any maintenance undertaken pursuant to Condition No. B.4. 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 the Facility as specified in Condition No. B.2. of this Permit. The Permittee is authorized to operate any or all of the components specified in Conditions No. B.3. and Section C. 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.6. 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 – Friday	5:00 a.m. – 10:00 p.m.
Saturday	6:00 a.m. – 3:00 p.m.

As necessary, maintenance and Facility housekeeping hours may extend a total of three hours per day beyond these hours to account for the time necessary for daily preparation and end-of-the-day maintenance and clean-up activities. Similarly, as necessary, major and/or emergency maintenance may also take place on Sundays from 7:00 a.m. to 7:00 p.m.

4. The Permittee is authorized to receive for Processing at the Facility no more than a total of 900 tons/day (TPD) of the following types of solid waste: (a) MSW; (b) C&D Waste; (c) OMSW; (d) scrap metal including appliances containing CFC liquid; (e) Commingled Recyclable Items; (f) paper and cardboard; and (g) scrap tires. No sorting from the putrescible MSW stream shall occur. The Permittee shall process authorized solid waste using equipment described in Condition No. B.3. of this Permit upon issuance of the Commissioner's written authorization pursuant to Condition No. B.6. of this Permit.
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.

**Storage Table**

Material	Maximum Storage Cubic yards (unless otherwise noted)	Location and/or comments
Unprocessed MSW	130	Area A – indoor receiving temporary piles
Unprocessed MSW or C&D Waste/OMSW	130	Area B – indoor receiving temporary piles
Unprocessed MSW	725	Area C1 – indoor baler feed piles
Unprocessed MSW or C&D Waste/OMSW	725	Area C2 – indoor baler feed piles
Processed MSW	500	Area D1 – indoor bales or compacted piles
Processed MSW, or C&D Waste/OMSW	500	Area D2 – Processed MSW – indoor bales or compacted piles; C&D Waste/OMSW – indoor piles
Processed MSW, C&D Waste/OMSW, or sorted Recyclable Items	120	Area D3 – Processed MSW – indoor bales or compacted piles; C&D Waste/OMSW, sorted Recyclable Items – indoor piles
Processed MSW	120	Area E – indoor loaded trailer, truck slot
Processed MSW	240	Area F – 2 loaded trailers outdoors at dock
Processed MSW	800	Area G – outdoors, watertight containers or encapsulated bales
Processed MSW, ready for same-day shipment	2,520	Area H – outdoors, up to 21 loaded and watertight trailers
Recyclable Items	1,140	Area H – outdoors, watertight containers or up to 11 watertight trailers
<b>T O T A L</b>	<b>7,650</b>	

- a. **Storage and Management of non-putrescible MSW** shall be in containers or confined to the compactors, hopper and/or container systems, and shall not exceed 6,510 cy. The

storage container(s) shall be kept covered at all times except when the container(s) are being filled.

- b. **Storage and Management of putrescible MSW** shall be in watertight containers or confined to the compactors' hopper and/or container systems, shall not exceed 6,510 cy, and shall be limited to no more than forty-eight (48) hours from when such putrescible MSW entered the Facility, with the exception of legal holiday weekends. The storage container(s) shall be kept covered at all times except when the container(s) are being filled. Putrescible MSW shall be stored: loose in areas A, B, C1 and C2 within the Facility building and shall not exceed 1,710 cy; and baled or in compacted piles in areas D1, D2, D3, and E within the Facility building with a maximum volume of 1,240 cy. Putrescible MSW on the tipping floor shall be containerized by the end of the business day and the tipping floor shall be swept clean at the end of each operating day. Outside storage of putrescible MSW shall only be in watertight containers or encapsulated bales that are waterproof and leak-proof within area G and loaded and watertight trailers in areas F and H and shall not exceed 3,560 cy. Outdoor storage of putrescible MSW shall only be conducted during daytime outbound shipping hours. No outdoor storage of any kind, of putrescible MSW shall be conducted overnight. Loaded outbound containers of putrescible MSW may be parked overnight inside of the Facility building such that the total volume of putrescible MSW stored indoors overnight does not exceed 6,510 cy.
- c. **Storage and Processing of C&D Waste and/or OMSW:** Receipt and Processing shall be conducted only on the tipping floor within the Facility building and Processed on a first in/first out basis. Loads of C&D Waste shall be sorted to recover Recyclable Items. The VRP shall be equipped with adequate ventilation, fire protection systems and an impervious floor. Storage within the Facility building shall not exceed 1,475 cy.
- d. **Storage of scrap metal** (including appliances which have had CFC liquid removed and propane tanks without valves) shall: not exceed 1,260 cy; and be placed in containers at the end of each operational day. Any scrap metal that contains used oil shall be managed in accordance with the applicable used oil regulations as specified in Section 22a-449(c)-119 of the RCSA, until the used oil is drained or otherwise removed from the scrap metal. At a minimum, such removed used oil shall be managed in accordance with the above regulation.
- e. **Storage of scrap metal containing CFC liquid.** Storage of appliances containing CFCs shall be limited to no more than sixty (60) units stored upright, on a surface sufficiently impervious to prevent or minimize infiltration. Only a contractor certified in accordance with 40 CFR 82.150 through 166 shall remove the CFC liquid. Appliances in which the CFCs have been removed shall be consolidated with the scrap metal.
- f. **Storage of scrap tires** shall be: limited to 1,260 cy; placed in container(s) or trailer at the end of each operational day; and removed from the Facility within two (2) business days once the container or trailer is full. Container(s) of scrap tires shall be kept dry by being covered at all times except when the container or trailer is being filled or emptied.
- g. **Storage and Processing of cardboard and paper:** Processing of cardboard and paper shall be conducted only on the tipping floor within the Facility building and Processed on a first in/first out basis. Storage within the Facility building shall not exceed 1,260 cy and shall be confined to the tipping floor and containers. Outdoor storage of cardboard



- d. Ensure that contingent storage of incidental mixed batteries, mercury-containing lamps, Used Electronics, and 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 email at [DEEP.Solid&HazWasteReports@ct.gov](mailto:DEEP.Solid&HazWasteReports@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. 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. i. Determine through observation that incoming loads of solid waste, other than loads of source separated Recyclable Items, do not contain greater than ten percent (10%) by volume ("threshold contaminant percentages") of Designated Recyclable Items. 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.k.v. of this Permit; and

- ii. Determine through observation that incoming loads of source separated 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.k.v. of this Permit.
- j. Manage solid wastes in such a manner that all 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;
- k. 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.i. 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.i. of this Permit;
- m. Process loads of C&D waste and non-putrescible MSW that are not source separated loads of Recyclable Items. The Processing authorized through this Permit at the Facility shall consist of sorting and segregating for transfer from the Facility to recycling markets, Recyclable Items received (including inadvertently received Designated Recyclable Items) in loads of C&D and non-putrescible MSW. The Permittee shall achieve at least a forty percent (40%) rate of recovery of Recyclable Items not designated pursuant to Section 22a-241 of the CGS (“non-Designated Recyclable Items”) per year for the life of the Permit.

As part of the quarterly reports required to be submitted by Condition No. C.11. of this Permit the Permittee shall document the percent recovery rate by weight of non-Designated Recyclable Items and of Designated Recyclable Items achieved during the reporting period. Each year on or before sixty (60) Days after the anniversary date of this

Permit, the Permittee shall submit to the Commissioner a report providing the percent recovery rate, by weight achieved during the previous year (year-end report).

In the event the percent recovery rate of non-Designated Recyclable Items achieved is below 40%, the Permittee shall document in the quarterly report and the year-end report the circumstances which resulted in the Permittee's inability to achieve such recovery rate. The year-end report shall also identify the measures the Permittee shall take and the actions the Permittee shall institute to achieve such recovery rate.

7. The Permittee shall monitor and control airborne lead and asbestos within the enclosed Processing area(s) of the Facility in accordance with the following:
- a. **Sampling:** During the first (1<sup>st</sup>) and second (2<sup>nd</sup>) year of operation under this Permit, the Permittee shall conduct quarterly air sampling. Unless otherwise determined and notified in writing by the Commissioner, air sampling shall be performed during the second quarter on an annual basis thereafter for the remainder of this Permit. Sampling shall begin no later than thirty (30) Days after the date of issuance of this Permit and the analysis of all samples shall be conducted by a laboratory certified by the State of Connecticut Department of Public Health ("CT DPH") to perform such analyses.

All samples for asbestos shall be:

- i. Collected by a person licensed by the CT DPH as an Asbestos Consultant – Project Monitor;
- ii. Collected indoors at any enclosed Processing area(s) and analyzed using the method specified in 29 CFR 1910.1001 Appendix A or equivalent method approved in writing by the Commissioner. The Permittee shall ensure that the time-weighted average permissible exposure limit of 0.1 fibers per cubic centimeter is not exceeded.

All samples for lead shall be:

- iii. Collected by a person licensed by the CT DPH as a Lead Inspector;
  - iv. Collected indoors at any enclosed Processing area(s) and analyzed using a method of monitoring or analysis which has an accuracy [to a confidence level of ninety five percent (95%)] of not less than twenty percent (20%) for airborne concentrations equal to or greater than thirty (30) micrograms per cubic meter.
- b. **Exceedances:** If the analysis determines that the limits for airborne asbestos set forth in 29 CFR 1910.1001(c) or the action level for airborne lead as defined in 29 CFR 1910.1025(b) were exceeded, the Permittee shall, no later than thirty (30) Days after becoming aware of such exceedance, submit for the Commissioner's review and written approval, a plan to address exceedances. The Permittee shall ensure that any such plan is developed by a P.E. for the design and installation of a ventilation, filtration, or capture system or implementation of additional operational procedures to control airborne asbestos and lead. At a minimum, such plan shall include:
- i. The results of all previous quarterly or annual sampling;
  - ii. Plans and specifications of any proposed system or new operational procedures;
  - iii. A layout drawing for the installation of any such system;
  - iv. An operating and preventative maintenance schedule of any such system;

- v. An engineering evaluation demonstrating the effectiveness of the proposed system or proposed operational procedure; and
- vi. A schedule for the design, installation and operation of the system or the implementation of new operating procedures.

The Permittee shall implement the plan as approved by the Commissioner. In approving any such plan, the Commissioner may approve the plan with such conditions or modifications, as the Commissioner deems necessary.

- 8. 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.
- 9. 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. 13201202-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.
- 10. 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.
- 11. The Permittee shall maintain daily records as required by 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 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.16. of this Permit.

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, 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.

The Permittee shall:

- a. Conduct ongoing outreach in an effort to promote pay-as-you-throw ("PAYT" or unit based pricing) for waste disposal programs;
- b. Establish a process (that shall include a frequency) by which the Permittee or his Certified Operator will determine if sufficient capacity exists at any waste to energy facility(ies) (aka Resource Recovery Facility(ies), or RRFs) the Permittee identifies as suitably located, whether such facility is located in-state or out-of-state;
- c. Record in the daily log and maintain as part of the operating records for the Facility each time the Permittee or his Certified Operator selects a Landfill as the destination facility for the disposal of solid waste, the criteria that were used for the selection; and
- d. Document the selected destination facility and the volume of solid waste transferred to the destination facility, per shipment.

The Permittee shall also for the life of this Permit maintain such records and shall, upon request, make the records available for review by the Commissioner.

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 \$ **602,230**, 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 40 CFR 264.143(d)(4);
    - ii. A "Standby Trust Agreement" shall be submitted along with either an 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 solid waste 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 ten percent (10%) by volume Designated Recyclable Items; 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.i. 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.15. 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.15. 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.15.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 and Operate No. 13201202-PCO, issued on July 25, 2016 is no longer in effect and is replaced by this Permit.
23. This Permit shall expire on **July 25, 2021**.

Issued on this \_\_\_\_\_ day of [insert month](#), 2021.

By \_\_\_\_\_  
Betsey Wingfield  
Deputy Commissioner

Application No. 201910684  
Permit to Construct and Operate No. 13201202-MPCO  
Permittee - e-Certified  
City/Town Clerk - e-Certified