

OFFICE OF ADJUDICATIONS

IN THE MATTER OF : **APPLICATION NO. 200301708**

CIRO ASSOCIATES, LLC : **JUNE 1, 2006**

PROPOSED FINAL DECISION

I

SUMMARY

Ciro Associates, LLC (applicant) has filed an application with the Department of Environmental Protection (DEP) to modify its existing permit to operate a solid waste facility in North Branford. General Statutes §22a-208a. The applicant seeks to increase the hours of operation, and processing and storage capacities of its volume reduction facility. The DEP has made a tentative determination to approve the applicant's request provided it is implemented in two Phases. Phase I of the modification authorizes the increase in the applicant's processing capacity. Phase II, which would authorize the applicant to increase its hours of operation and storage capacities, requires prior approval by the Town of North Branford and additional authorization by the Commissioner.

The applicant and DEP Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division (staff) have submitted the attached *Agreed Draft Decision* for consideration as my proposed final decision in this matter. Staff has prepared a revised draft permit that would authorize the applicant's proposed activities, which is appended to this agreement as Exhibit A. This draft permit incorporates special terms and conditions, including the requirements for the additional approvals before Phase II may be implemented. Testimony and public comment on the

application were received during a hearing on March 30, 2006, at the DEP Headquarters in Hartford. The record closed on April 13, 2006.

I find that the proposed modifications to the permit to operate comply with all relevant statutes and regulations. The *Agreed Draft Decision*, as supplemented herein, satisfactorily conveys the findings of fact and conclusions of law necessary to support this conclusion. I adopt this *Agreed Draft Decision* as part of my proposed final decision and recommend issuance of the draft permit.

II

DECISION

A

ADDITIONAL FINDINGS OF FACT

I have reviewed the record, public comments and the *Agreed Draft Decision*. I adopt the findings of fact set forth in the *Agreed Draft Decision* and make the following additional findings of fact.

1. The facility is located on Ciro Road, which intersects Route 80 (Foxon Road) in North Branford. The applicant's existing permit to operate was issued on March 11, 2002, pursuant to applicable statutes and regulations and based on the applicant's February 13, 2001 permit to construct. The existing permit terms and conditions include requirements to prevent spillage of waste, remove litter, and control fire, noise, odors, vectors and dust emissions. The applicant currently receives and processes construction demolition debris, clean wood, scrap metal, scrap tires and cardboard. (Ex. DEP-10, ex. App-2; test. R. Jones, 3/30/06¹.)

2. The draft permit provides for the immediate implementation of Phase I of the proposed modifications. Phase I is limited to increasing the applicant's maximum processing capacity of 200 tons per day (tpd) to 325 tpd, which is consistent with the rate

¹ All testimony was heard at the hearing on March 30, 2006. The testimony was recorded; no written transcript was prepared. Accordingly, references to testimony will only list the name of the witness.

approved by the Town of North Branford Planning and Zoning Commission. All other existing permit terms and conditions will remain in effect during Phase I. Phase II provides for two and one-half hours of additional weekday operating time and one additional hour on Saturdays. Phase II also authorizes increased onsite storage capacity and clean wood storing and chipping operations. The revised draft permit terms require the applicant to obtain written approval from the Town of North Branford for these operational changes and, if granted, request approval from the Commissioner before implementing Phase II. (Ex. DEP-13; exs. APP-1, 2; test. R. Jones.)

3. The proposed modifications will not require structural changes to the existing facility. The modifications will not alter the type or composition of waste materials accepted or processed at the facility, or effect its basic methods of operation. The facility will not receive unacceptable or hazardous waste. The number of on site storage containers will remain the same in both phases. A mobile wood chipper will be the only additional equipment necessary to implement Phase II. (Ex. DEP-13, ex. APP-2; test. R. Jones.)

4. The proposed increase in processing capacity (tonnage) will result in incremental increases (approximately one percent) in traffic in the vicinity of the site, but will not significantly impact traffic conditions on Ciro Road or Route 80, or pose additional safety hazards. (Exs. APP-1, 2, 4, test. R. Jones, 3/3006.)

5. The applicant's environmental controls include interior and exterior misting systems to control dust during operating hours, incoming load inspections for unacceptable items such as household trash to control odors and vectors, and spill control procedures. A commercial sweeper and pest control company maintain the site. Sixteen cameras are located around and in the facility to review activities on site. Experienced employees are trained and responsible for maintaining a clean and safe workplace. Waste materials that arrive at a temperature likely to cause a fire or are of a highly flammable or explosive nature will not be accepted at the facility. A dry fire suppression system and fire extinguishers are also available for fire protection on site. (Ex. APP-2; test. P. Scott.)

6. The applicant has implemented a series of controls and protocols to ensure that the total daily tonnage received at the facility does not exceed permit limits. For example, the cost of incoming waste has been increased to deter smaller carriers. The applicant has made arrangements with transfer facilities throughout the state. Daily and weekly meetings are held to ensure proper monitoring of tonnage coming into the facility. Notices have been posted in the scale house to increase awareness that the facility will not accept waste in excess of the daily tonnage limits. Once the daily tonnage reaches a level close to the permit limit, the scale house is shut down and employees poll incoming transporters to identify loads that will not result in an excess of the daily permit limit. (Test. P. Scott.)

7. Staff has reviewed the applicant's compliance history. All outstanding notices of violation have been resolved; a consent order has been executed to settle an issue concerning permit limits. Staff has determined that all outstanding violations regarding tonnage overages have been rectified to the department's satisfaction and recommends issuance of the modified permit to operate. (Ex. DEP-14; test. C. Tanovici.)

B

CONCLUSIONS OF LAW

The Commissioner's authority to regulate solid waste facilities is set forth in the Solid Waste Management Act. General Statutes §§22a-207 through 22a-256ee. A permit to operate a solid waste facility is issued after the Commissioner has determined that the facility was constructed in accordance with the terms and conditions of a permit to construct and that the owner/operator has demonstrated that the facility will be operated in accordance with all applicable laws and regulations. General Statutes §22a-208a(c); Regs., Conn. State Agencies §22a-209-4(c)(2). The Commissioner may modify a permit for an existing plant without regard for its location. §22a-208a. Specifically, an owner/operator must demonstrate that operation of the facility will ensure against water pollution, prevent fire, explosion and the harboring of vectors, and minimize the emission of objectionable odors, dust or other air pollutants to safeguard the health, safety and

welfare of the people and protect and improve the natural resources of the state. General Statutes §22a-208; Regs., Conn. State Agencies §22a-209-10.

At the time the existing permit was issued, the applicant satisfactorily demonstrated that the facility would be operated in compliance with the requirements of §§22a-208 and 22a-209-10. Therefore, the issue before me is whether the proposed modifications to the existing permit will impact the applicant's ability to operate the facility in accordance with these statutory and regulatory requirements.

The record shows that the proposed permit modification will not alter the physical structure of the facility or the number of storage containers located on site. The type and composition of waste received at the facility will remain the same. The applicant's environmental controls, including spill containment, pest, odor and dust control, will not change. The facility will continue to refuse unacceptable or hazardous waste. The increase in traffic resulting from implementing Phase I and II will not significantly impact traffic conditions in the area. Fire and explosion protection measures will remain the same. This evidence shows that the proposed permit modifications will not adversely impact the health, safety and welfare of the people or natural resources of the state.

The applicant has demonstrated that the facility will continue to be operated in accordance with applicable statutes and regulations with the implementation of the Phase I and II modifications. In addition, staff has determined that the applicant's compliance history did not warrant denial of the modifications to the existing permit. The proposed permit modifications are therefore consistent with and satisfy the applicable provisions of all relevant statutes and regulations.

III
RECOMMENDATION

The applicant has demonstrated that the proposed permit modifications, if implemented in accordance with the terms and conditions of the revised draft permit, will ensure the public's health, safety and welfare and protect the natural resources of the state. I therefore recommend that the permit be issued.

June 1, 2006
Date

/s/ Jean F. Dellamarggio
Jean F. Dellamarggio, Hearing Officer

Appendix A

P A R T Y L I S T

Proposed Final Decision In the matter of CIRO Associates
Application No. 200301708

PARTY

REPRESENTED BY

The Applicant

CIRO Associates, LLC

Gregory Sachs, Esq.
420 East Main Street
Building 2, Suite 4
Branford, CT 06405

Department of Environmental Protection

Waste Management Bureau
79 Elm Street
Hartford, CT 06106

Calin Tanovici

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

OFFICE OF ADJUDICATIONS

IN THE MATTER OF

APPLICATION NO. 200301708

CIRO ASSOCIATES, LLC

MAY 15, 2006

AGREED DRAFT DECISION

Introduction

Ciro Associates, LLC operates a solid waste volume reduction facility on approximately 6.5 acres of land in an industrial I-2 zone of North Branford. The facility consists of administrative offices, along with a processing/tipping floor with two (2) loading bays and a stationary baler. The facility also has two (2) truck scales and various indoor/outdoor processing and storage areas. In addition to the solid waste facility, the site is also used as a hauling business for construction activities, including truck maintenance and handling and storage of construction materials. The dedicated hauling business and construction activities do not fall within the jurisdiction of the Department of Environmental Protection and are not within the scope of the permit modification. A site development plan for the facility was approved by the Town of North Branford on March 4, 1999. On March 11, 2002, a five (5) year permit to operate (Exhibit DEP-10) the facility was issued by the Department of Environmental Protection.

A Permit Modification Application to adjust the processing capacity from 200 tons per day (TPD) to 325 tons per day (TPD) to match the rate previously approved by the Town of North Branford was submitted to the Department of Environmental Protection in June, 2003. The Application further requested approval from the Department of Environmental Protection to increase the maximum on-site storage of waste materials, establish a separate outdoor area for unprocessed/processed clean wood storage and processing with a mobile grinder, and specific changes in the days/hours of operation.

The Operation and Management Plan was updated and revised in August, 2003 and the site plan was updated and revised in September, 2004 in response to Department

of Environmental Protection technical review comments. As drafted, the new permit to operate includes a Phase II operation proposing that changes in outdoor storage amounts, processing of clean wood and an increase in the hours of operation be contingent upon approval obtained from the North Branford Planning and Zoning Commission and DEP. On June 2, 2005, a Notice of Tentative Determination was issued by the Department of Environmental Protection in support of its approval of the proposed permit modification.

As a result of an intervention and request for hearing filed by George Beermuender, an initial status conference was held on September 12, 2005. Subsequently, a prehearing issues conference was scheduled for September 29, 2005 at which it was determined that the intervenor's issues would be limited to traffic and hours of operation of the facility as only those issues are relevant to the pending application for modification.

Following additional status conferences at which evidentiary and procedural issues were resolved, the matter was scheduled for a public hearing on March 30, 2006.

Parties

The parties to the proceeding are: Ciro Associates, LLC (Applicant) and the Department of Environmental Protection. Mr. George Beermuender was initially granted intervenor status on behalf of 58 resident signatories on a petition. However, having failed to timely provide the parties with the required prehearing information and documents, and to appear at the prehearing conference held on March 13, 2006, Mr. Beermuender was precluded from full participation in the hearing.

Findings of Fact

Prior to the March 30, 2006 Public Hearing, the parties stipulated to the admission of exhibits in support of the application for permit modification. The applicant presented live testimony in support of its application.

Richard Jones of Fuss & O'Neill, Inc., Engineers, discussed the changes proposed in the application for modification and the effect, if any, those changes would have on the operation of the facility, as more specifically set forth in Exhibit DEP-13, Proposed Permit to Operate. Mr. Jones also addressed the issue of an increase in truck traffic and presented those findings specifically set forth in Exhibit APP-4. He also spoke of the

concerns raised by the Town of North Branford and the manner in which the Applicant intended to address each issue.

Paul Scott, operations manager at the Applicant's facility, spoke of the day to day operation of the facility. He further outlined all corrective action taken in response to the Notices of Violation issued by DEP on October 31, 2005 and November 23, 2005. Mr. Scott further testified regarding the institution of protocols which would ensure continuing compliance with the Permit to Operate.

The DEP also presented testimony in support of its approval. Calin Tanovici, Sanitary Engineer in the Waste Engineering and Enforcement Division, provided an overview of the permitting process and summarized DEP Exhibits 1 through 13, documentation used in ascertaining that the required steps in the permitting process were properly followed and accomplished.

The record remained open pursuant to the order of the hearing officer to allow for additional public comment and additional evidence from the parties, specifically Exhibit DEP-14, an executed enforcement memorandum which was submitted in accordance with a stipulation on April 12, 2006.

Conclusions

The Application #200301708 should be approved and that the Permit to Operate should be issued as drafted in Exhibit DEP-13, along with the following noted revisions, which are incorporated in the attached as Exhibit A (Revised Draft Permit dated March 30, 2006):

Condition No. 8.f.:

The steps necessary to have the Phase II operation (adding outdoor clean wood processing; increasing on-site storage limits) approved by the Department are more accurately explained and identified.

The missing Phase I "unprocessed wood" storage (150 cy) has been added to the Storage Table.

The three (3) "total" lines are specifying total storage amounts (cy; tons) and the related surety bonds for both Phase I & II.

Condition No. 9.c.:

"... No. C.10..." is replaced by "... No. 14..."

Condition No. 19:

The first statement is revised in order to accommodate information regarding both surety bond amounts for the distinct (i) Phase I and (ii) Phase II operations.

Agreement

Based on the foregoing, the undersigned hereby agree to the granting of a modified permit to operate subject to various terms and conditions including, but not limited to, the following:

1. The new (modified) Permit to Operate will incorporate two (2) operational phases as specified in the attached Exhibit A.
2. With the exception of a limited increase in the processing capacity from 200 TPD to 325 TPD (consistent with the previous approval granted by the Town of North Branford), the Phase I operation will be limited to the same permitted activities and specifications described in current permit (DEP-10).
3. The processing capacity increase will not result in an increase of the previously permitted outdoor/indoor storage (identified as Phase I in the Storage Table incorporated in condition No. 8 of Exhibit A).
4. The Phase I or Phase II operation of the Facility will always be limited to the days/hours approved by the Town of North Branford (which may be more restrictive than the specification noted in condition No. 5 of Exhibit A).
5. The size of outdoor areas dedicated for staging of empty/loaded containers (Phase I or Phase II) and/or of storage of unprocessed/processed clean wood in piles (Phase II), will always be in compliance with any restrictions established by the Town of North Branford.
6. Phase II operation (as detailed in the attached Exhibit A) will only be triggered after separate approvals are obtained from North Branford Planning and Zoning Commission and DEP (as specified in conditions No. 6.c. and No. 8.f. noted in the attached Exhibit A).

Department of Environmental Protection

Applicant, Ciro Associates, LLC

By: /s/ Calin Tanovici
Calin Tanovici, Sanitary Engineer
Waste Engineering & Enforcement Division
Bureau of Waste Management
79 Elm Street
Hartford, CT 06106-5127

By /s/ Gregory J. Sachs
Gregory J. Sachs, Its Attorney
Law Offices of Gregory J. Sachs
420 E. Main Street
Building 2, Suite 4
Branford, CT 06405

PERMIT TO OPERATE

PERMITTEE: **Ciro Associates, LLC**
FACILITY ADDRESS: **51 - 59 Ciro Road, North Branford, CT**
PERMIT No.: **0990709 - PO**

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 OPERATE IS HEREBY ISSUED by the Commissioner of Environmental Protection ("Commissioner") to Ciro Associates, LLC ("Permittee") for the operation of the existing solid waste facility located at 51-59 Ciro Road, North Branford, CT. ("Facility").

Subsequently, the Permit to Operate No. 0990589 issued on 3/11/02 is hereby revoked for administrative purposes.

TERMS AND CONDITIONS

1. As used in this permit, the following definitions apply:

"Commissioner" means the Commissioner of the Department of Environmental Protection or the Commissioner's designee.

"Clean Wood" means wood, which does not constitute treated wood as defined below.

"Construction and Demolition" waste" or "C&D" waste, means waste from construction and demolition activities as defined in CGS Section 22a-208x. Such waste stream may include oversized municipal solid waste (MSW) such as furniture, mattresses and rugs.

"Day" means calendar day.

"Department" means the Department of Environmental Protection.

"Processing" means the practice by which either the physical characteristics or the volume of solid waste accepted at the Facility is being altered through, including but not limited to separating, sorting, baling, shredding, crushing, grinding, compacting, consolidation, transfer or reworking as part of the volume reduction, recycling and transfer operations.

"Treated Wood" means wood which contains an adhesive, paint, stain, fire retardant, pesticide or preservative.

2. The Permittee is authorized to operate the Facility in accordance with all submitted documents and specifications including the following documents incorporated herein by reference:
 - a. Application Form, dated 6/2/03.
 - b. A letter dated 9/3/03 from Fuss & O'Neill, Inc. (F&O) to the Department with various attachments, including an updated Operation and Management Plan, revised 8/2003.
 - c. A letter dated 10/1/04 from F&O to the Department submitted along with an updated Site Plan drawing, revised 9/2004 prepared/certified by F&O.

The Permittee shall maintain records of all documents comprising and all data pertaining to the applications mentioned in this condition, as well as any supplemental information submitted to the Department in connection with such applications. 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.

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 is subject to enforcement action pursuant to, including, but not limited to, CGS Sections 22a-6, 22a-208, 22a-225 and 22a-226.
4. The Permittee shall make no changes to the specifications and requirements of this permit, except in accordance with law or provision of this permit.
5. The Permittee shall submit for Commissioner's review and written approval all appropriate supporting documentation for any proposed physical/operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. A written approval may be issued only if, in the Commissioner's judgment, such proposed upgrades, improvements and/or changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) are not significantly changing the nature of the Facility, or its impact on the environment; and (c) does not warrant the issuance of a permit or authorization pursuant to CGS Section 22a-208.
6. The Permittee:
 - (a) Is authorized to operate the Facility in accordance with all applicable law, including this permit.
 - (b) The Permittee shall limit the operation of the Facility to the following Phase I specifications:

Phase I (as previously permitted)

Monday through Friday:	7:00 a.m. -4:30 p.m.
Saturday:	7:00 a.m. - 12:00 noon
 - (c) May be authorized to change the operation of the Facility to the following Phase II specifications only if: (i) an approval for such change is obtained from the Town of North Branford and submitted to the Department; and (ii) a written approval is subsequently issued by the Commissioner for the Phase II operation:

Phase II

Monday through Friday: 6:00 a.m. - 6:00 p.m.
Saturday: 6:00 a.m. - 12:00 noon

- 7. The Permittee shall:
 - a. Receive and process at the Facility a no more than a total of **325 tons/day (TPD)** of C&D waste, unprocessed clean wood (brush; landclearing debris; pallets; stumps/logs); wood chips; scrap tires; loose/baled cardboard; scrap metal; oversized MSW (furniture; mattresses; rugs).
 - b. 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 off-site, or otherwise processed at the Facility without prior written approval of the Commissioner.

- 8. The Permittee shall store/handle solid waste at the Facility in accordance with the following specifications:
 - a. Storage, handling, processing, and off-site shipment of processed/consolidated solid waste shall be accomplished on a first-in first-out basis.
 - b. On-site storage activities shall be confined in the processing/storage areas noted on the Site Plan drawing identified in condition No. 2.
 - c. Fully loaded storage containers shall be removed from the Facility within 2 business days.
 - d. Ensure that, at the end of any operational day, the maneuvering area of the tipping floor is free of waste and cleaned of any litter.
 - e. On-site storage shall be limited only to the previously permitted specifications (Phase I) noted in the following Storage Table.
 - f. Additional outdoor clean wood processing and the increased (Phase II) storage limits specified in the following table, can be made available to the Permittee only after:
 - (i) The Town of North Branford specifically approves in writing such additional activities.
 - (ii) Such written approval issued by the town is submitted by the Permittee for Department's evaluation.
 - (iii) The Phase II surety bond is posted, as specified in condition No. 19 of this permit.
 - (iv) A "letter of approval" to start Phase II operation is issued by the Department.

STORAGE TABLE

Type of Waste	Phase I	Phase II	Storage Specifications
---------------	---------	----------	------------------------

C&D waste (cy)	*800	2,100	12 ft. piles / containers (indoors)
C&D waste (cy)	*640	640	only in containers in areas A & B
(outdoors)			
Loose/baled cardboard (cy)	*40	100	only in covered containers in areas
A&B (outdoor)			
Scrap metal (cy)	*40	250	only in containers in areas A & B
(outdoors)			
Scrap tires (cy)	*45	130	only in covered containers in areas
A&B (outdoor)			
Unprocessed clean wood (cy)	*150	500	pile(s) in area C (outdoors)
Clean wood chips (cy)	--	500	pile(s) in area D (outdoors)

Total (cy):	*1,715	4,220	
Total (tons)	* 800	1,435	
Total surety bond (\$)	*60,000	107,625	@ rate = \$75/ton

Notes: (*) Previously permitted storage volumes (cy; tons) and established surety bond.

- e. **Storage and handling of clean wood** shall comply with the following specifications: The piles shall: have a minimum of a 25 foot emergency access maintained around them; not contain treated wood; be processed/transferred on a first-in/first-out basis; not exceed the volumes specified in condition No. 8.a. and the maximum heights of 25 feet (unprocessed clean wood) and 15 feet (processed clean wood chips); 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 and oriented (for elongated piles) perpendicular to the contours of the ground surface to allow adequate stormwater run-off; 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 RCSA Section 22a-430. Wood chipping activities shall: comply with the requirements of RCSA Section 22a-174-3; minimize noise, dust, fumes, smoke, vibrations and odors that exceed background levels thereof at any boundary of the property on which the Facility is located.
- f. **Storage and handling of scrap metal.** Storage shall be confined to containers only. Appliances containing CFC liquid shall not be received at the Facility. Any scrap metal that contains used oil shall be managed in accordance with the applicable used oil regulations as specified in RCSA Section 22a-449(c)-119, 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.
- g. **Storage / handling of C&D waste.** The received C&D waste: (a) shall be unloaded only on the tipping floor inside the processing building; (b) can be stored outdoors only in covered containers located in the dedicated staging areas; and (c) shall be processed only indoors on a first-in first-out basis.

9. 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 handled on-site, processed, stored and transported to markets or other solid waste processing or disposal facilities permitted to accept such solid waste.
 - c. Ensure that any unacceptable\incidental solid waste inadvertently received, sorted residue or solid waste which is unsuitable for processing at the Facility is: (1) promptly sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (2) recorded and reported in the quarterly report required by condition No. 14. of this permit; and (3) disposed at a facility lawfully authorized to accept such waste. A spare container shall be available for any storage emergency.
 - d. Provide expeditious notification about any emergency incident (explosion, accident, fire, release, or other significant disruptive occurrence) which: (1) significantly damaged equipment or structures; (2) interrupts the operation of the Facility for greater than 24 hours; (3) results in an unscheduled Facility shutdown or forced diversion of solid waste to other solid waste facilities; (4) could reasonably create a source of pollution to the waters of the state; or (5) otherwise threatens public health. Such notification required under this condition shall: (a) be within 24 hours of the emergency incident; (b) be verified to the Solid Waste Program in the Waste Engineering and Enforcement Division of the Bureau of Waste Management 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; (c) be followed by a written report within 30 days of the emergency

incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; (d) be recorded in a log of emergency incidents reportable or not under this condition. 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.

- e. Prevent the spillage of solid waste from transfer containers during on-site maneuvering/storage and off-site transport, cover each loaded container before transportation off-site and instruct the haulers to keep the containers covered during off-site transportation. Remove any litter from the Facility's premises and the surrounding properties on a daily basis.
- f. Operate the Facility in a safe manner and control fire, odor, noise, spills, vectors, litter and dust emissions levels in continuous compliance with all applicable requirements, including OSHA.
- g. Process, store or otherwise handle at the Facility all solid waste received in such a manner as to avoid any spillage, nuisance and protect the public health and the environment.
- h. Maintain at the Facility's premises, and have available for review by the Commissioner, the manufacturer's operation and maintenance manuals for each

major piece of fixed processing equipment (e.g. balers; conveyors; compactors; storage tanks) installed at the Facility.

10. The Permittee shall: (a) control all traffic related with the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the Facility is located; and (b) ensure that, pursuant to RCSA Section 22a-174-18(b)(3)(C), trucks shall not be left idling for more than three (3) consecutive minutes.

11. The Permittee shall monitor and control airborne lead and asbestos within the enclosed processing area of the facility in accordance with the following:

a. Sampling. During the first year of operation, and beginning no later than 30 days after the date of issuance of this permit, the Permittee shall conduct quarterly air sampling for asbestos and lead. All samples shall be analyzed by a laboratory approved by the Connecticut Department of Public Health to perform such analyses. All samples for asbestos shall be: (i) collected by a person licensed by the Connecticut Department of Public Health as an Asbestos Consultant-Project Monitor; and (ii) analyzed using the method specified in 29 CFR 1910.1001 Appendix A or equivalent method approved in writing by the Commissioner. All samples for lead shall be: (i) collected by a person licensed by the Connecticut Department of Public Health as a Lead Inspector; and (ii) analyzed using a method of monitoring or analysis which has an accuracy (to a confidence level of 95 percent) of not less than plus or minus 20 percent for airborne concentrations of lead equal to or greater than 30 ug/m^3 .

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 30 days after becoming aware of such exceedance, submit for the Commissioner's review and written approval a plan to ensure that such levels will not be exceeded. The Permittee shall ensure that any such plan is developed by a professional engineer licensed to practice in the State of Connecticut for the design and installation of a ventilation/filtration/capture system or implementation of additional operational procedures to control airborne asbestos and lead. At a minimum, such plan shall include: (a) the results of all quarterly sampling; (b) plans and specifications of any proposed system or new operational

procedures; (c) a layout drawing for the installation of any such system; (d) an operating and preventative maintenance schedule of any such system; (e) an engineering evaluation demonstrating the effectiveness of the proposed system or proposed operational procedure; and (f) 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 to carry out the purposes of this paragraph.

12. The Permittee shall have an operator, certified pursuant to Section 22a-209-6 of RCSA, present at all times during Facility operation. All individuals under the supervision of such certified operator shall have sufficient training to identify waste received at the Facility which is not permitted to be received, or is unsuitable for processing, and take proper action in handling such waste.
13. The Permittee shall ensure that all recyclable wastes accepted are segregated so that no wastes are commingled which would or could potentially contaminate the recyclables, thereby rendering the recyclables unmarketable. Processing of wastes shall be conducted in such a manner that will not cause contamination of the recyclable product.
14. The Permittee shall maintain daily records as required by Section 22a-209-10(13) of RCSA and Sections 22a-208e and 22a-220 of CGS. Based on such records, the Permittee shall prepare monthly summaries including, but not limited to, the following information:
 - a. Origin, type and quantity of solid waste received.
 - b. Destination to which solid waste including any unacceptable waste were delivered from the Facility for disposal or recycling, including quantities delivered to each destination.

The monthly summaries required pursuant this condition shall be submitted quarterly directly to **Waste Planning and Standards Division** of the Bureau of Waste Management no later than January 31, April 30, July 31, October 31, of each year on forms prescribed by the Commissioner.

15. Nothing in this permit: (i) 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; (ii) shall relieve the Permittee of other obligations under applicable federal, state and local laws; and (iii) 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 the documents submitted as part of the application and in compliance with the current State Solid Waste Management Plan.
16. 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 days after it is mailed by the Commissioner, whichever is earlier. Any document or action which is due or required on a Saturday, Sunday or a legal state/federal holiday shall be submitted or performed by the next business day thereafter.
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. 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. The Permittee shall, [as required by CGS Section 22a-6(a)(7) in conjunction with the general requirements of RCSA Section 22a-209-4(i)], ensure that, to the Commissioner's satisfaction, either one of the following closure surety bond amounts are posted, as appropriate:
 - (i) Phase I \$60,000 Same as noted in the previously issued Permit to Operate.
The new documents must specify the No. and date of this new permit.
Must be posted within 30 days after the issuance date of this permit.
 - (ii) Phase II \$107,625 Must specify the No. and date of the current permit to operate.
Must be posted before the issuance of the Department's approval letter
specified in condition No 8.f.(iv). of this permit.

The Permittee shall acknowledge and accept the following:

- a. The purpose of the financial assurance instrument is to cover the 3rd party cost for handling, transportation and disposal of the maximum amount of unprocessed and processed solid waste proposed to be stored at the Facility, as authorized by this permit and any additional cost of equipment rental, site clean-up, and decontamination/disposal of equipment and of all processing storage areas, if necessary.
- b. The surety documents shall follow the requirements of Section 22a-209-4(i) of the RCSA, Federal Regulation 40 CFR 264.141 to 264.143 inclusive, and 40 CFR Section 264.151, as referenced therein. Appropriate language changes shall be made to reference the handling, transportation and disposal of such stored solid waste, instead of landfill closure and monitoring.
- c. The Department accepts only four (4) types of financial assurance documents: (a) Trust Agreement; (b) Guarantee Bond; (c) Performance Bond; and (d) Letter of Credit.
Note: A "Stand-By Trust Agreement" is needed with (a), (b), and (c).
A "Certification of Acknowledgement" is needed with (a).
- d. The financial assurance instruments shall: (a) be valid for, and be appropriately maintained during, the term of this permit; (b) specify the Permittee's name, the Facility's address and the No. and issuance date of this permit; (c) use the format

language specified in the forms provided by the Department (as modified from Title 40 of the Code of Federal Regulations, sections 264.151).

- e. The surety bond amount: (a) shall be adjusted within thirty (30) days after each anniversary date of the surety to reflect inflation, any storage capacity increases or changes in the cost of closure [in accordance with the requirements of 40 CFR Section 264.142(b) and/or (c) as revised through [March 21, 1990](#)].
20. The Permittee, no later than ninety (90) days after the issuance date of this permit, shall ensure that periodic compliance audits are performed for the life of this permit. Such compliance audits shall be subject to the following conditions:
- a. The compliance audits shall consist of a thorough and complete assessment of the Permittee's compliance with the Regulations of Connecticut State Agencies Sections 22a-209-1 through 22a-209-17 and with the terms and conditions of this permit to operate.
 - b. The compliance audits shall be performed by a P.E. ("consultant") approved in writing by the Commissioner. The Permittee shall, prior to the Commissioner's approval of the named consultant, certify to the Commissioner that such consultant: (i) is not a subsidiary or affiliated corporation; (ii) does not own stock in 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.
 - c. The results of each compliance audits shall be summarized in a report which shall be submitted for the Commissioner's review and written approval no later than fifteen (15) days after the completion date of the compliance audit. Each such report shall describe in detail Permittee's compliance with this permit and the regulations specified in paragraph above, shall identify all violations of this permit and the referenced regulations, and shall describe actions taken by the Permittee to correct violations identified in each compliance audit report. Each such report shall also include Permittee's certification of compliance with the regulations and documentation demonstrating such compliance. In cases where multiple counts of the same violation are discovered, the report shall include a listing of the multiple counts. The report shall also include a detailed description of the compliance audit, including but not limited to:
 - (i) the names of those individuals who conducted the compliance audit;
 - (ii) the areas of the site inspected; and
 - (iii) the records reviewed to determine compliance.
 - d. Site inspection and reporting conducted as part of the compliance audit shall comply with the following specifications:
 - Frequency: Semi-annual (for the first 2 years)
Annual (for each subsequent year)
 - Recording/Reporting: Within 15 days from the inspection date, the compliance audit

report shall be finalized by the Consultant and submitted for Department's evaluation. A copy shall be kept on-site available for further review.

- e. The Permittee shall, upon becoming aware of any violation(s) of this permit or applicable statute(s) and regulation(s), immediately correct such violation(s). If the Permittee is not able to correct the violation(s) within seven (7) days of becoming aware of such violation(s), the Permittee shall **notify in writing** the Commissioner and, within seven (7) days, submit for the Commissioner's review and written approval, a detailed plan and schedule to correct such violation(s). If the Permittee: (1) fails to submit such plan and schedule within seven (7) days of becoming aware of such violation(s); or (2) fails to correct the violation(s) in accordance with such approved plan and schedule, the Permittee shall cease accepting solid waste at the Facility until such violation(s) are corrected to the satisfaction of the Commissioner.

- 21. The documents required to be submitted under conditions No. 18 and No. 19 of this permit, shall be directed to Calin Tanovici of the Solid Waste Program, Waste Engineering and Enforcement Division, Bureau of Waste Management, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127. As necessary, these documents will be routed to the appropriate enforcement, financial and/or legal staff for final evaluation.

- 22. 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 previously issued for this Facility or with any specifications contained in the application or any other documents incorporated by reference in this permit, the terms and conditions of this permit shall control and remain enforceable against the Permittee.

- 23. This Permit shall expire five (5) 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 , 2006

By _____
Gina McCarthy
Commissioner

Administrative Note

Application No. 200301708

Permit to Operate No. 0990589 issued on 3/11/02 is revoked for administrative purposes

Permittee - Certified Mail # _____