

MODIFICATION
BENEFICIAL USE DETERMINATION AUTHORIZATION
Ernest Joly & Sons, Inc.
Drinking Water Treatment Residuals
Authorization No.: BUD-003-M

I. AUTHORIZATION INFORMATION

- A. Licensee Name: Ernest Joly & Sons, Inc.
- B. Mailing/Facility Address: 32 Beatrice Avenue, Danielson, CT 06239
- C. Application No.: 201910691
- D. Received: September 9, 2019
- E. Expiration date: September 22, 2021

II. BENEFICIAL USE DETERMINATION

- A. Pursuant to Connecticut General Statutes (CGS) Section 22a-209f, the Commissioner of Energy and Environmental Protection (“Commissioner”) hereby issues this Beneficial Use Determination Authorization (“BUD Authorization”) to Ernest Joly & Sons, Inc. (“Authorization Holder” or “Licensee”) for their business located at 32 Beatrice Avenue, Danielson, Connecticut (“Facility”). Subsequently, BUD-003 issued on September 22, 2011 for a ten (10) year term is no longer in effect and is replaced by this BUD Authorization.
- B. This BUD Authorization is effective on the date it is signed by the Commissioner (the date of issuance) and expires on September 22, 2021.
- C. This BUD Authorization is consistent with the goals of the state-wide Solid Waste Management Plan a.k.a. Connecticut’s 2016 *Comprehensive Materials Management Strategy*, does not pose a significant risk to human health or the environment and is not inconsistent with the federal Water Pollution Control Act, the federal Rivers and Harbors Act, the federal Clean Air Act, or the federal Resource Conservation and Recovery Act.
- D. All activities authorized through this BUD Authorization shall be conducted in accordance with: (i) the BUD application received from the Licensee on September 9, 2019, as adopted or amended through the terms and conditions of this BUD Authorization and (ii) the letter dated May 1, 2020 from Dawn M. McKay, DEEP, Bureau of Natural Resources, Division of Wildlife, Natural Diversity Data Base Program to Normand Thibeault, Jr., Killingly Engineering Associates, LLC outlining additional actions that the Licensee needs to carry out regarding known extant populations of State Endangered eastern spadefoot (*Scaphiopus holbrookii*) and State Special Concern low frostweed (*Crocianthemum propinquum*), included as Attachment

A to this BUD Authorization. Where the conditions contained herein are in conflict with the BUD application, the more stringent conditions shall apply.

III. AUTHORIZATION

- A. The Licensee is authorized to receive drinking water treatment residual(s), which for the purpose of this BUD Authorization is defined as the waste product generated from the removal of suspended solids by chemical coagulation during the treatment of raw water at a water treatment plant. Drinking water treatment residual(s) include aluminum based residual (alum residual) and iron based residual (ferric residual) hereinafter referred to as "Residuals". The volume of Residuals received at the Facility shall not exceed 25,000 tons per year.
- B. The Licensee is authorized to process Residuals through use as a soil amendment and blend with compost, loam and other soils at the Facility to produce a topsoil product ("Finished Product").
- C. The Licensee is authorized to distribute the Finished Product and shall instruct recipients that the Finished Product is not to be placed: (i) in waters of the state; (ii) below the water table; or (iii) in an area that is subject to erosion.

IV. CONDITIONS

- A. The beneficial use of Residuals and the use of the Finished Product shall be conducted in compliance with any applicable state, local and federal laws and regulations.
- B. The Residuals and the Finished Product shall not be used except as authorized by this BUD Authorization.
- C. The Licensee shall notify the Commissioner in writing of any proposed changes in its process that may alter the physical or chemical characteristics of the Finished Product. A change in the type of Residuals, the supplier of or the supplier's processes generating the Residuals, the use of the Residuals and the Finished Product other than as specified in Condition Nos. III.B. and III.C. of this BUD Authorization shall require additional review and written approval by the Commissioner, which may include additional analytical characterization of the Residuals and/or the Finished Product.
- D. The Licensee shall not accept Residuals with a solids content less than fifteen percent (<15%) or that fails a Liquid Paint Filter Test.
- E. The blending of Residuals with compost, loam and other borrow soils to produce a Finished Product shall not exceed a mixture containing greater than fifty percent (50%) Residuals.

- F. At all times reasonable precautions shall be taken to control fugitive dust emissions and odors in accordance with RCSA Sections 22a-174-18 and 22a-174-23, respectively.
- G. Proper sedimentation and erosion controls shall be implemented and maintained at all times during activities associated with this BUD Authorization. The Licensee shall adhere to *Connecticut's Guidelines for Soil Erosion and Sediment Control*, dated May 2002, as amended.
- H. The Licensee shall: (a) control all traffic related to operation of the Facility in such a way as to mitigate the queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that trucks are not left idling for more than three (3) consecutive minutes pursuant to RCSA Section 22a-174-18(b)(3); and (c) prominently post and maintain signs limiting such truck idling time within the Facility.
- I. The Licensee shall ensure that any unacceptable solid waste inadvertently received is: (i) promptly sorted, separated, isolated and temporarily stored in a safe manner prior to transfer from the Facility; (ii) recorded in Facility operating records; and (iii) transferred to a solid waste facility lawfully authorized to receive and process such waste. No more than ten (10) cubic yards of unacceptable waste shall be stored on-site unless authorized in writing by the Commissioner. A spare container shall be available for any storage emergency.
- J. The Licensee shall operate the Facility in a safe manner and control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including those of the Occupational Safety and Health Administration ("OSHA"). The premises shall be maintained and any litter shall be removed on a daily basis.
- K. The Licensee shall ensure employees have sufficient training to identify solid waste received at the Facility which is not permitted to be received, or is unsuitable for processing, and take proper action in managing such waste.
- L. The Licensee shall evaluate the adequacy of the Facility's current Stormwater Pollution Prevention Plan relative to all activities associated with the receipt and storage of Residuals and as necessary revise said plan.
- M. The Licensee shall visually inspect all incoming loads of Residuals delivered to the Facility. For any loads identified that contain greater than twenty-five percent (25%) of non-Residuals material by dry weight or volume, the Licensee shall immediately notify the supplier of the Residuals and maintain records of such loads at the Facility for the life of this BUD Authorization or such other timeframe specified in writing by the Commissioner.

V. TESTING, RECORD KEEPING AND REPORTING REQUIREMENTS

A. Visual Inspection and Analytical Testing Requirements

- 1) The Licensee shall visually inspect each incoming load of Residuals and record in a daily log the following:
 - a. The type and tonnage of Residuals received;
 - b. The origin/generator (i.e., name/location of water treatment plant) of each load;
 - c. The volume of unacceptable solid waste and/or non-Residuals material contained in each load.
- 2) The Licensee shall ensure that all Residuals delivered to the Facility do not contain constituents which would render such material hazardous waste as defined in Section 22a-449(c)-101(a)(1) of the Regulations of Connecticut State Agencies (RCSA), incorporating 40 CFR 261.3.
- 3) Prior to initiating receipt of any Residuals, the Licensee shall, or require the generator of Residuals to, characterize for acceptability such Residuals. In addition, the Licensee shall, or require the generator of Residuals to, characterize for acceptability such Residuals whenever there is any change in the generator's processes generating the Residuals. The characterization of Residuals shall be conducted in accordance with the protocol contained in the application specified in Condition No. II.D.
- 4) Prior to initiating the distribution of any Finished Product, the Licensee shall characterize for acceptability such Finished Product. The characterization of Finished Product shall be conducted on an annual basis in accordance with the protocol contained in the application specified in Condition No. II.D.
- 5) The Licensee, upon request by the recipient, shall provide a copy of the most recent analytical testing results of the Finished Product.

B. Record Keeping Requirements

- 1) The Licensee shall maintain records of all load inspections conducted at the Facility for the life of this BUD Authorization or such other time frame specified in writing by the Commissioner.
- 2) The Licensee shall maintain records regarding the loads of Residuals received and processed at the Facility and such records shall be maintained for the life of this BUD Authorization or such other timeframe specified in writing by the Commissioner. Based on such records, the Licensee shall prepare quarterly summaries including, but not limited to, the following information as it pertains to the loads of Residuals received:
 - a. Type and tonnage;
 - b. Origin/generator (i.e., name/location of water treatment plant) of each load;
 - c. Volume of unacceptable material and/or non-Residuals material;
 - d. Quantities and mixing ratios of Residuals blended with other materials to produce the Finished Product; and

- e. Tonnage of Finished Product produced and the name and location of the recipients of Finished Product.
- 3) Copies of all analytical testing results shall be maintained for a minimum period of ten (10) years at the Licensee's main office at the Facility.
- 4) Records of all recipients of Finished Product shall be maintained for a minimum period of ten (10) years at the Licensee's main office at the Facility.

C. Reporting Requirements

- 1) The Licensee shall submit quarterly reports no later than January 31, April 30, July 31, and October 31 of each year on forms prescribed by the Commissioner. Such reports shall, at a minimum, include:
 - a. Tonnage and origin/generator of Residuals received at the Facility
 - b. Tonnage of unacceptable material received at the Facility; and
 - c. Tonnage of Residuals processed at the Facility and blended into the Finished Product.
- 2) Upon written request from the Commissioner, analytical testing results and records identifying all recipients of the Finished Product shall be submitted to the Bureau of Materials Management and Compliance Assurance, Solid Waste Program as specified in Condition VI.B.

VI. GENERAL CONDITIONS

- A. This BUD Authorization is non-transferable.
- B. Unless otherwise specified in writing by the Commissioner, any documents required to be submitted under this BUD Authorization 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

- C. Any document, including, but not limited to any notice, which is required to be submitted to the Commissioner under this BUD Authorization shall be signed by a duly authorized representative of the Licensee, as defined in RCSA Section 22a-430-3(b)(2), 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 BUD Authorization 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.

- D. If at any time the Commissioner determines that any activities authorized herein can reasonably be expected to cause pollution to the waters of the state or otherwise adversely impact human health or the environment, the Commissioner has the sole discretion to terminate such activities. Such activities shall cease and a closure plan shall be submitted to the Commissioner on or before ten (10) days from the date of written notice from the Department.
- E. This Authorization 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 location or activity affected thereby.
- F. The Commissioner reserves the right to revoke, suspend or modify this Bud Authorization by the imposition of additional conditions based upon a situation of significant odor, dust, other nuisance, or a determination of actual, or the threat of, adverse impacts from the beneficial use of the Residuals and/or the Finished Product.
- G. Nothing in this BUD Authorization shall relieve the Licensee of other obligations under applicable federal, state and local laws.
- H. The Licensee shall provide the Commissioner, within seven (7) days or an alternative period prescribed by the Commissioner, any information that the Commissioner may request and which is deemed by the Commissioner to be relevant in determining whether a cause exists to modify, revoke, or suspend this BUD Authorization or to determine whether the Licensee is complying with the terms and conditions of this BUD Authorization.
- I. The Licensee shall comply with all terms and conditions of this BUD Authorization. This BUD Authorization 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 BUD Authorization may be subject to enforcement action pursuant, but not limited to, Sections 22a-6, 22a-208, 22a-225 and 22a-226 of the CGS.

- J. The Licensee shall submit for the Commissioner's review and written approval all necessary documentation supporting any proposed operational upgrades, improvements and/or minor changes to the activities authorized herein. The Commissioner may issue a written approval only if, in the Commissioner's judgment, the proposed operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation and (b) do not significantly change the nature of the activities authorized herein, or their impact on the environment.
- K. Nothing in this BUD Authorization shall affect the Commissioner's authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution or natural resource damages, recover costs and to impose penalties for violations of law.
- L. The Licensee shall, within 120 days of the Commissioner's written notification or an alternate timeframe specified in such notification, implement a waste analysis plan to include representative sampling and characterization of authorized Residuals received at the Facility and Finished Product marketed by the Facility. The waste analysis plan shall include but not be limited to Per and Polyfluoroalkyl Substances (PFAS) and any other parameter specified by the Commissioner, using analytical methods and Quality Assurance/Quality Control (QA/QC) requirements acceptable to the Commissioner.
- M. This BUD Authorization shall expire on September 22, 2021 and may be revoked, suspended, modified, or renewed in accordance with applicable laws.

Date

Betsey Wingfield
Deputy Commissioner

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Licensee - e-Certified ☐