

PERMIT TO CONSTRUCT AND OPERATE

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PERMITTEE: Covanta Bristol, Inc.
FACILITY ADDRESS: 170 Enterprise Drive, Bristol, CT 06010
PERMIT No. Permit No. 0170----

Pursuant to Section 22a-208a of the Connecticut General Statutes (“CGS”) and Section 22a-209-4 and 22a-209-15 of the Regulations of Connecticut State Agencies (“RCSA”), a MODIFIED PERMIT TO OPERATE IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to Covanta Bristol, Inc. (“Permittee”) to OPERATE the Resources Recovery Facility and (“Facility”) and to CONSTRUCT AND OPERATE a Biomedical Waste Treatment Facility (“Permit”) located 170 Enterprise Drive Bristol, Connecticut. Subsequently, Permit to Construct No. 017-3WP issued on September 12, 1985, Minor Amendment No. 0170314 issued on August 17, 1998, the Permit to Operate No. 01701072-PO issued on November 20, 2013, and letter approvals dated December 27, 2012, March 20, 2015, and May 15, 2017 are no longer in effect and are replaced by this Permit.

A. GENERAL TERMS AND CONDITIONS

1. a. This Permit is based on and incorporates by reference pertinent and appropriate sections of documents and specifications submitted as part of Application No. 202103504 to modify the Resources Recovery Facility Permit to Operate No. 01701072-PO, Application No. 202107639 to establish and operate a Biomedical Waste Treatment Facility, and Application No. 202305513 to renew Permit No. 0170172-PO including:
 - i. Application form received on March 3, 2021 to modify Permit to Operate No. 01701072-PO and to Construct a Biomedical Waste Facility;
 - ii. Application form received on July 25, 2023 to renew Permit to Operate No. 01701072-PO updated on June 12, 2024.
 - ii. Operations and Management Plan (O&MP) dated February 2021, and updated on January 25, 2023, June 11, 2024.
 - iii. A Site Plan prepared by CHA Consultants dated January 2021, and revised April 2022(“Site Plan”); and
 - iv. Engineering Drawings prepared by CHA Consultants, including but not limited to drawings labeled C-100, S-100, S-104, S-200, S-201, A-101, A-102 and REF-100 which were included in Covanta’s January 27, 2023, correspondence to the Department.
- 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 Nos. 202103504 and 202107639 and any document submitted in support of said applications for the life of this Permit; and

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- 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:

"Ash Residue" means bottom ash, air pollution control residue, or other residues from the combustion control process.

"Biomedical waste" or "BMW" means untreated solid waste, any disposable container thereof and any reusable container thereof which has not been decontaminated, generated during the administration of medical care or the performance of medical research involving humans or animals, including infectious waste, pathological waste and chemotherapy waste, but excluding (1) any solid waste which is a hazardous waste pursuant to Section 22a-115 of the General Statutes or a radioactive material regulated pursuant to Section 22a-148 of the General Statutes; (2) untreated solid waste generated during the administration of medical care in a single or multiple family residence by a resident thereof; (3) discarded materials used for personal hygiene, such as diapers, facial tissues, and sanitary napkins, unless such materials are isolation waste; (4) syringes, hypodermic needles and other medical equipment used by farmers for the treatment of their livestock in the course of conducting farming, provided that such equipment is not excluded when used by a veterinarian or at the direction of a veterinarian; (5) samples of biomedical waste collected and transported by Department personnel for enforcement purposes; and (6) human fetal tissue, human remains, bulk pathological wastes, bulk chemotherapeutic wastes, formaldehyde, iodine, other preservatives and free flowing Biomedical liquid wastes.

"Biomedical waste transporter" or "transporter" as defined in Section 22a-209-15(a) of the RCSA means a person engaged in the transportation of biomedical waste by air, rail, highway, or water.

"Biomedical waste treatment facility" as defined in Section 22a-207(21) of the CGS means a solid waste facility capable of storing, treating or disposing of any amount of biomedical waste, excluding any facility where the only biomedical waste treated, stored or disposed of is biomedical waste generated at the site and any licensed acute care facility or licensed regional household hazardous waste collection facility accepting untreated solid waste generated during the administration of medical care in a single or multiple family household by a resident of such household.

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“Bypass Waste” means any solid waste, contractually defined as Acceptable Waste destined for, or received at the Facility, but not processed at the Facility for any reason and which must be disposed of by other means.

“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 Sections 22a-209-6 and 22a-231-1 of the RCSA.

“CFR” means the Code of Federal Regulations in effect the date this Permit is issued.

“Chemotherapy waste” as defined in Section 22a-209b(6) of the CGS means waste that has come in contact with an antineoplastic agent during the preparation, handling or administration of such an agent. A container which is or has been used to contain such an agent shall be deemed chemotherapy waste even if such container is empty.

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

“Day” means calendar Day.

“Decontaminate” as defined in Section 22a-209b(7) of the CGS means to substantially reduce or eliminate, by disinfection or other means, any biological hazard that is or may be associated with biomedical waste.

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

“Designated Recyclable Item” means an item designated for recycling by the Commissioner in regulations adopted pursuant to subsection (a) of Section 22a-241b or designated for recycling pursuant to Section 22a-256 or 22a-208v of the CGS.

“Generator of biomedical waste” as defined in Section 22a-207(20) of the CGS means any person who owns or operates a facility that produces biomedical waste in any quantity, including, but not limited to the following: General hospitals, skilled nursing facilities or convalescent hospitals, intermediate care facilities, chronic dialysis clinics, free clinics, health maintenance organizations, surgical clinics, acute psychiatric hospitals, laboratories, medical buildings, physicians’ offices, veterinarians, dental offices and funeral homes. Where more than one generator is located in the same building, each individual business entity shall be considered a separate generator.

“Infectious waste” means waste which is capable of causing an infectious disease, is one of the wastes listed below, or is waste identified as infectious by a licensed health care provider. Waste shall be deemed capable of causing an infectious disease if there is reason to believe that it has been contaminated by an organism that is known or suspected to be pathogenic to humans and if

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such organism may be present in sufficient quantities and with sufficient virulence to transmit disease. The following are listed as infectious waste:

- (1) Any discarded culture or stock of infectious agents and associated biologicals, including human and animal cell cultures from clinical, hospital, public health, research and industrial laboratories; any waste from the production of biologicals; any discarded etiologic agent; any discarded live or attenuated vaccine or serum; and any discarded culture dish or device used to transfer, inoculate, or mix cell cultures.
- (2) Any body fluid, waste human blood, or waste blood product, any container of any of the foregoing, and any disposable item that is saturated or dripping with a body fluid or that was saturated or dripping with a body fluid and has since caked with dried body fluid.
- (3) Any discarded used sharp and any residual substance therein.
- (4) Any discarded unused hypodermic needle, scalpel blade, suture needle or syringe.
- (5) Any discarded animal carcass, animal body part or animal bedding, when such carcass, part or bedding is known to be contaminated with or to have been exposed to an infectious agent.
- (6) Isolation waste.
- (7) Any material collected during or resulting from the cleanup of a spill of infectious or chemotherapy waste.
- (8) Any waste which is neither a hazardous waste pursuant to Section 22a-115 of the General Statutes nor a radioactive material subject to Section 22a-148 of the General Statutes and which is mixed with infectious waste.

“Isolation waste” means discarded material contaminated with body fluids from (A) humans who are isolated to protect others from a highly communicable disease, and (B) animals which are isolated because they are known to be infected with an infectious agent capable of causing a highly communicable disease. A highly communicable disease is one listed in Biosafety Level 4 of the Centers for Disease Control/National Institutes of Health Guidelines entitled Biosafety in Microbiological and Biomedical Laboratories and dated May, 1988

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

“Non-ash residue” means any solid waste including but not limited to, bulky items too large for processing, ferrous material and/or other materials which does not constitute resource derived fuel and must be disposed of or marketed delivered to the Facility but determined by the Permittee to be unsuitable for burning and must be disposed of.

“Non-Processible Waste” means non-processible waste as defined in the Operations and Management Plan, which is incorporated herein by reference.

“Pathological waste” as defined in Section 22a-209b(12) of the CGS means any human tissue, organ or body part, except teeth and the contiguous structures of bone and gum, removed during surgery, autopsy or other medical procedure. Pathological waste does not include formaldehyde or

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other preservative agent, or a human corpse or part thereof regulated pursuant to section 7-64 or chapter 368i, 368j or 368k.

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

“Processing” or “Processed” means the reduction in volume of municipal solid waste (MSW) through the Conversion thereof into resource derived fuel through combustion.

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

“Residue” means bottom ash, air pollution residue or other residues resulting from the combustion control process.

“Sharps” as defined in Section 22a-209b(13) of the CGS means discarded sharps that have been used in animal or human patient care or treatment or in medical, research or industrial laboratories, including hypodermic needles; syringes, with or without attached needle; scalpel blades; glass blood vials; suture needles; needles with attached tubing; glass culture dishes and pasteur pipettes, provided such glassware is known to have been in contact with an infectious agent; anesthetic carpules used in dental offices; and unused, discarded hypodermic needles, suture needles, syringes and scalpel blades.

“Tracking form” as defined in Section 22a-209-15(a) of the RCSA means the tracking form as described pursuant to described Section 22a-209-15(h) of the RCSA.

“Transport vehicle” or “vehicle” as defined in Section 22a-209-15(a) of the RCSA means any conveyance used for the transportation of biomedical waste. Each cargo-carrying compartment of a vehicle, such as a truck trailer or railroad freight car, is a separate vehicle.

“Special Waste” means the following wastes, so long as they are not hazardous waste pursuant to Section 22a-115 of the CGS or radioactive material subject to Section 22a-148 of the CGS: (1) water treatment, sewage treatment or industrial sludges, liquid, solids and contained gases, fly ash and casting sands or slag, and contaminated dredge spoils; (2) scrap tires; (3) bulky waste, as defined in RCSA Section 22a-209-1; (4) asbestos; (5) residue; and (6) treated biomedical waste.

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.

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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. The Permittee shall submit for the Commissioner's review and written approval all necessary documentation supporting any proposed physical/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/operational upgrades, improvements and/or minor 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 Section 22a-208 of the CGS.

B. AUTHORIZATION TO CONSTRUCT AND MAINTAIN

1. Permit to Construct No. 017-3WP issued on September 12, 1985, authorized the construction of a solid waste resources recovery facility for the receipt and Processing of municipal solid wastes. Permit No. 017-3WP authorized the construction of a process/main building housing a receiving area storage pit, refuse crane, stokers, boilers and other ancillary equipment, control room, maintenance shop, employee facility, lunchroom and a first aid room; Heated and Ventilation turbine generator building housing the turbine generator and ancillary equipment; residue building; scalper building; scale house; guard house and; cooling tower and stack.
2. A minor amendment of Permit to Construct No. 017-3WP and modification to the Permit to Operate No. 017-RR-5 issued on August 17, 1998, as Minor Amendment No. 0170314 authorized the construction of a dolomitic lime silo and two (2) lime delivery systems.
3. A December 27, 2012, letter authorizing the installation of a mobile eddy current system to recover non-ferrous metal in the ash building.
4. A March 20, 2015, letter authorizing the installation of an enclosed pneumatic fly ash conveyance piping system running parallel to the outdoor conveyor to the ash building and the installation of a dustmizer in the ash building for treatment of fly ash.
5. A May 15, 2017, letter authorizing the installation of equipment to recover ferrous metals from ash.

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6. Facility consists of the following: two (2) incinerator/boiler systems, including various ancillary equipment; a turbine generator; an ash residue handling building equipped with a dustmizer; a lime silo; two (2) lime delivery and ash conditioning systems; a mobile eddy current system to recover non-ferrous metal in the ash building; ferrous metal recovery system, an enclosed pneumatic fly ash conveyance piping system; and a receiving building incorporating a storage pit and a tipping floor (TF) consisting of various areas for unloading, storage and re-loading activities.

7. In addition to the facility description contained in Condition No. B.6. the Permittee is authorized to construct the Facility in accordance with all applicable law, including this Permit. Authorized construction activities shall result in:
 - a. A BMW Storage Annex Building located on the eastern side of the building;
 - b. Three 10 foot overhead doors;
 - c. Unloading dock on the west side of the building;
 - d. BMW Truck staging area;
 - e. Construction of an Automated Feed System consisting of:
 - i. Three-sided Waste Feed System Bins for management of palletized BMW;
 - ii. Four-sided Waste Feed System Bins
 - iii. Waste Feed System Bin Tipping floor supply conveyor;
 - iv. Waste Feed System Bin Vertical lift;
 - v. Two Waste Feed System Charging Deck Transfer Conveyors;
 - vi. Waste Feed System Bin Dumper Mechanism; and
 - vii. Waste Feed System Bin Tipping Floor Return Conveyor.

8. The Permittee is authorized to maintain the Facility as described in Conditions No. B.6 and B.7. of this Permit.

9. 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.

10. The Permittee shall, within thirty (30) Days from the completion of the construction as described in Condition(s) No B.7. of this Permit, or any maintenance undertaken pursuant to Condition No. B.8., 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.

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C. AUTHORIZATION TO OPERATE

1. The Permittee is authorized to operate the Facility as described in Condition No. B.6. of this Permit in accordance with all applicable laws. Unless otherwise approved in writing by the Commissioner or limited by local authorities, the Permittee is authorized to operate as follows: twenty-four (24) hours per day seven (7) days a week.
2. The Permittee shall receive and process at the Facility the following types of solid waste: (a) municipal solid waste (MSW); and (b) Special Waste including BMW and/or Processed Construction and Demolition Wood in accordance with a plan approved by the Commissioner pursuant to Section 22a-208y of the CGS. The Permittee shall not exceed the processing and storage limits established by this Permit. Solid waste, other than those listed herein, shall not be received, Processed, treated, stored, transported or disposed off-site, or otherwise managed at the Facility without prior written approval of the Commissioner. Any solid waste determined to be unsuitable for incineration shall be segregated for proper disposal.
3. The Permittee shall limit the Facility's processing capacity as described below, based on the combusted waste having a design higher heating value ("HHV") indexed at 4,500 BTU/lb:
 - a. The maximum daily tonnage of solid waste combusted at the Facility shall not exceed an average, determined quarterly, of 716 tons per day ("TPD") (358 TPD per incinerator/boiler unit), based on a twenty (24) hour day. As necessary, and/or to demonstrate operational compliance, such amount can be further adjusted based on other related operational parameters (e.g. steam flow rate; etc.) specified in the permits issued by the Bureau of Air Management.
 - b. In accordance with Section 22a-213(a) of the CGS and RCSA Section 22a-209-5, all contracts made between the Permittee and any city, town, borough or regional authority to provide for processing, storage and disposal outside of their boundaries of solid waste generated within its boundaries shall be submitted for the Commissioner's review pursuant to Section 22a-213(b) of the CGS. The Permittee shall ensure that the cumulative volume of such contracts does not exceed the annual combusted throughput specified in Condition No. C.3.c.
 - c. The maximum annual tonnage of solid waste combusted at the Facility shall not exceed a total of 261,340 tons per year of solid waste accounted as received over the scale, subsequently adjusted for pit and tipping floor storage inventories and other solid waste amounts not combusted (waste unsuitable for combustion; waste transferred off-site, pre and post combustion metals recovered for recycling; etc.), and measured on a calendar year basis.
 - d. The processing capacities specified in Condition No. C.3.a. may be adjusted upward or downward based on the ratio of design higher heating value of 4,500 BTU/lb of solid

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waste to the measured heating value (BTU/lb) of the incinerated solid waste or as may be specified in selected sections of the Service Agreement between the Permittee and the serviced towns.

- e. The Permittee shall process the Ash residue generated at the Facility in order to reclaim both ferrous and non-ferrous metals that cannot be combusted through the waste to energy activities authorized by this Permit. The Permittee shall process Ash Residue by magnetic separation to reclaim ferrous metals. Ash residue shall be processed by a fixed Eddy Current System to reclaim non-ferrous metals and a mobile Eddy Current System to reprocess Ash residue to reclaim additional non-ferrous metal. The Permittee shall transfer both ferrous and non-ferrous metals to markets or recycling facilities authorized to accept and process such metals.

- 4. On-site handling and storage activities for specific waste streams shall be conducted in the authorized areas as identified in the storage table. BMW handling and storage activities shall be confined to the BMW Annex, BMW Trailers and in the BMW Annex Tipping floor and shall comply with the following limits and specifications:

STORAGE TABLE

Waste Type	Storage Specifications	Cubic Yards	Estimated Tons
Municipal Solid Waste	In piles in pit and piles on the tipping floor in two (2) dedicated areas	16,900	3,380
Municipal Solid Waste	In piles on tipping floor; and containers on the tipping floor loaded for off-site transfer	2,330	466
Non-Ash residue	Sorted and stored in containers on tipping floor	60	20
Incinerated Scrap Metal	Piles and containers in Ash building	500	165
Incinerated Scrap Metal (non-ferrous)	Two (2), 30 cubic yard containers along exterior wall of Ash building	60	20
Ash Residue	Piles in the Ash building	1,600	1,200
Ash Residue	Containers in the tipping Floor	240	180
Ash Residue	Containers in the Ash Building	80	60
Biomedical Waste	Tipping Floor in Containers	267	22.2
Biomedical Waste	Annex	56	4.6
Biomedical Waste	Trailers	1040	86.3
TOTAL ON-SITE STORAGE:		23,133	5,604

- a. **Management of MSW** On-site MSW handling & storage activities on the tipping floor shall comply with the specifications noted in Storage Table above, including the following:
 - i. MSW shall be stored: in the pit; in piles on two (2) dedicated areas of the tipping floor (max. height:14 ft. height; 270 square yard area); and in containers (designed to prevent leakage and spillage) loaded for off-site transfer;

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- ii. All MSW unloading and loading and storage activities shall be confined to the tipping floor area;
- iii. All containers loaded with MSW shall be staged within the tipping floor area and shall be covered before transfer from the Facility;
- iv. MSW transfer shall only occur in the event of: scheduled shutdowns for maintenance of equipment or Facility cleaning; unscheduled shutdowns of the Facility; or lack of capacity at the Facility. MSW loading and off-site transfer activities shall occur before, during or after the receiving hours, provided that they will not have any impact on the regular tipping floor operation and safety;
- v. The amount of MSW transferred from the Facility shall be limited to 325 TPD during scheduled shutdowns of the Facility and 716 TPD during unscheduled shutdowns of Facility operations;
- vi. All tipping floor areas, not dedicated for MSW loading and storage activities, shall be maintained clean and be used for unloading, truck maneuvering, non-ferrous metal reprocessing and for other related activities (i.e.: temporary parking of heavy equipment; storage of miscellaneous items and equipment utilized for the operation of the Facility; temporary storage in containers of unacceptable solid waste inadvertently delivered, sorted and managed in accordance with Condition No. C.9.c. of this Permit); and
- vii. No MSW shall be stored at the Facility for longer than one hundred and twenty (120) hours.

b. **BMW Management**
RECEIPT

- i. The Facility shall only accept BMW as authorized by this permit.
- ii. The Permittee shall ensure no more than 114 TPD of Special Waste, including BMW, are received at the Facility unless otherwise approved in writing by the Commissioner.
- iii. Biomedical waste accepted at the Facility shall be properly packaged in accordance with Section 22a-209-15(f)(1) of the RCSA. Properly packaged BMW shall be clearly labeled with the biohazard symbol, waste classification labels, relevant information, such as waste type, generator name, and any other relevant information.
- iv. Tracking form documentation must accompany all shipments of BMW received at the Facility as required by Section 22a-209-15(f)(2) of the RCSA.
- v. BMW shall only be received in the designated BMW receiving and staging area. BMW shall be immediately processed or transferred to the Waste Feed System Tipping Floor, Biomedical Waste Annex, or stored in trailers in accordance with the storage conditions below.

STORAGE

- vi. BMW storage shall be conducted in accordance with the requirements of Section 22a-209-15(c) of the RCSA.
- vii. BMW waste shall be stored only in a non-putrescent state. To maintain a non-putrescent state BMW may be refrigerated during storage at a temperature of no greater than 45°F

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(7°C). BMW storage shall be limited to no more than forty-eight (48) hours from when such BMW first entered the Facility, with the exception of legal holiday weekends, unless authorized in writing by the Commissioner.

- viii. The Permittee shall store at the Facility no more than 1,363 cubic yards of Special Waste, including BMW, at any one time, unless otherwise approved in writing by the Commissioner.
- ix. BMW shall be segregated from MSW received at the Facility.

PROCESSING

- x. Personnel handling BMW shall receive appropriate training on safety procedures, waste handling protocols, and emergency response measures.
 - xi. Personal protective equipment (PPE) shall be provided and used as necessary to minimize the risk of exposure to BMW or its constituents.
 - xii. The Permittee shall ensure that a feed ratio of 8% Special Waste, including BMW, to 92% other authorized MSW is maintained when Special Waste is processed through the boiler(s). In no event shall the Permittee process greater than 57 TPD through the boilers.
 - xiii. The Permittee shall clean and sanitize the Waste Feed System Bins on a monthly basis or more frequently as needed.
- c. Management and storage activities related to residues generated at the Facility (i.e., ash residue; non-ash residue; incinerated scrap metal fragments), shall comply with the specifications noted in the storage table above, including the following:
- i. All ash management and loading activities shall be confined to the ash residue building with the exception of non-ferrous metal reprocessing;
 - ii. Ash residue shall be stored and consolidated in piles in the ash building and/or in watertight, sealed containers in the ash building and on the tipping floor;
 - iii. All loaded watertight, sealed containers shall be staged in dedicated areas located within the Facility in the ash residue building and on the tipping floor and shall be covered with impervious covers before and during transfer from the Facility;
 - iv. No Ash Residue shall be stored at the Facility for longer than seventy-two (72) hours;
 - v. Reprocessing of Ash residue to reclaim non-ferrous metal shall be conducted on the tipping floor and shall be limited to Saturdays and Sundays between the hours of 6:00 PM and 5:00 AM;
 - vi. No solid waste deliveries shall be scheduled for the hours of operation of the mobile Eddy Current System non-ferrous metal recovery equipment; and
 - vii. The reprocessing of Ash residue to reclaim non-ferrous metals shall cease and the mobile Eddy Current System non-ferrous recovery equipment shall be removed from the tipping floor in the event that a delivery of solid waste to the Facility must be accepted and deposited on to the tipping floor.

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5. Within thirty (30) days from the issuance date of this Permit, the Permittee shall submit to the Commissioner for review either:
 - a. A contract for the disposal or recycling of all recovered metals, ash residue, non-ash residue, and bypass solid waste estimated to be generated at the Facility during the September 2024 through September 2029 period; or
 - b. A plan which demonstrates to the satisfaction of the Commissioner that all ash residue, non-ash residue, and bypass waste generated at the Facility during the September 2024 through September 2029 period will be disposed of at a solid waste disposal area which the Permittee owns or operates or exclusively controls for purposes of access and allocation of disposal capacity and which has all authorizations required by law to accept such ash residue, non-ash residue and bypass waste.

6. The Permittee shall at all times dispose of or recycle all recovered metals, residue, non-ash residue, and bypass waste generated by the Facility in accordance with the most recent contract or plan approved by the Commissioner under Condition No. C.5 or Condition No. C.6, as applicable. If at any time the Permittee is unable to dispose of or recycle recovered metals, residue, non-ash residue, and/or bypass waste in accordance with said contract or plan, the Permittee shall store such recovered metals, residue, non-ash residue, and bypass waste in accordance with an alternate management plan submitted for the Commissioner's review and written approval within sixty (60) days prior to such storage taking place.

7. If at any time during the operation of the Facility, the available capacity for the disposal of ash residue, non-ash residue, and/or bypass waste at a designated permitted solid waste facility is less than three (3) years, the Permittee within forty-five (45) days of this determination, shall submit for the Commissioner's review and written approval a plan for uninterrupted disposal of such ash residue, non-ash residue and bypass waste, including a schedule for the implementation of such plan.

8. The Permittee shall:
 - a. Store solid waste on-site in conformance with proper fire control measures. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with manufacturer's specifications.

 - b. Ensure that all solid waste accepted at the Facility is properly managed on-site, processed, stored and transported to markets or other solid waste processing or disposal facilities authorized to receive such solid waste.

 - c. Ensure that any unacceptable solid waste inadvertently received, or solid waste which is unsuitable for processing at the Facility is: (i) immediately sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded and reported in the quarterly report required by Condition No. C.15. of this Permit; and (iii) disposed at a facility lawfully authorized to accept such solid waste. The Permittee shall ensure provisions are in place to have a spare container delivered to the Facility within four (4)

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hours of any storage emergency.

- d. 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 DEEP.WEEDNotification@ct.gov; (ii) followed by a written report no later than the fifth business day after the emergency incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; and (iii) recorded in a log of emergency incidents. In addition to the notification requirements above, the Permittee shall comply with all other applicable reporting or notification requirements regarding the emergency incident including but not limited to, reporting required by Section 22a-450 of the CGS;

- e. Prevent the spillage of solid waste from transfer containers during solid waste management and storage activities at the Facility and transfer of solid waste from the Facility. Each loaded container shall be covered before transfer from the Facility and the haulers shall be instructed to keep the containers covered during transportation.
- f. 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 in accordance with the following requirements:
 - i. Any litter and debris shall be removed from the Facility premises on a daily basis in which MSW is received;
 - ii. All storm drains shall be inspected and all debris removed twice a day when MSW is received;
 - iii. Any leachate from truck loads and run-off from the Facility is contained and cleaned up on days in which MSW is received; and
 - iv. All solid waste is removed from the waste storage pit on a monthly basis;
- g. Have available for review by the Commissioner, the manufacturer's operation and maintenance manuals for each major piece of fixed processing equipment, (which may include, but not be limited to, balers, conveyors, compactors, and storage tanks) installed at the Facility.

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- h. Manage recyclable solid wastes in such a manner that will not cause contamination or degradation of the recyclable product, or result in any negative impact on the recyclability of such material;
- i. Determine through observation that incoming loads do not contain greater than ten percent (10%) by volume of designated recyclable items.
- j. Conduct periodic unannounced inspections of truck loads delivered to the Facility, pursuant to Section 22a-220c(b) of the CGS. The inspections shall be performed for a minimum of five percent (5%) of the directly hauled (i.e., trucks of wastes having already been processed at a Connecticut permitted facility may be excluded from this requirement) monthly truck loads received and shall be representative of the types of solid waste loads received at the Facility. The inspections and supporting documentation shall consist of at a minimum:
 - i. Photographs of each load inspected;
 - ii. Origin of each load (municipality; regional facility and whether commercial or residential); waste transporter company name;
 - iii. Estimated percentage of designated recyclable items by volume (cardboard, plastic Nos. 1 and 2, glass and metal food containers, leaves, newspaper, office paper, boxboard, magazines, residential high-grade white paper, colored ledger, scrap metal, storage batteries and used oil) and identification of each type; and
 - iv. Immediate written notifications to the hauler, monthly notification to municipality in which the waste was generated and/or regional facility for each load that contains greater than ten percent (10%) designated recyclable items; and
 - v. Maintain records of inspections for the life of the Permit or such other timeframe specified in writing by the Commissioner.
- k. Ensure compliance with the following ash residue related issues:
 - i. Best management practices are continuously used for on-site handling of ash residue generated at the Facility.
 - ii. Ash residue characterization tests are done annually for the term of this Permit in accordance with the Environmental Protection Agency (EPA) protocol.
 - iii. The annual ash characterization test results are kept on site available for review by the Commissioner.
 - iv. Within thirty (30) days of receiving any annual ash characterization test results that exceed limits established by the EPA, the Permittee shall submit for the Commissioner's review and written approval a plan to address such exceedances. The Permittee shall ensure that any such plan is developed by a professional engineer licensed in the State of Connecticut. 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.

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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 Operate No. 0170xxxxx- PCO) issuance date and expiration date. Such sign shall also include a phone number that provides the general public the ability to register questions or complaints twenty-four (24) hours per day. The Permittee shall maintain a log of all calls received and how such calls were addressed or resolved.
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 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 Section 22a-174-18(b)(3) of the RCSA and make best efforts to ensure that trucks are off-loaded on a first-in/ first-out basis; and (c) prominently post and maintain signs limiting such truck idling time within the Facility (e.g. at the scale; unloading areas).
11. 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 take proper action in handling such solid waste.
12. The Permittee shall:
 - a. Obtain a Connecticut Compliance Agreement with the Connecticut Agricultural Experiment Station ("CAES") before receiving for disposal any loads of clean wood generated within the state of Connecticut that are infested or are suspected of being infested with the Emerald Ash Borer and/or Asian Longhorn Beetle;
 - b. Obtain a Compliance Agreement with the Animal Plant Health Inspection Service before receiving any loads of clean wood for disposal that have been generated outside of the State of Connecticut and are infested or are suspected of being infested with the Emerald Ash Borer and/or Asian Longhorn Beetle;
 - c. Ensure that any loads of clean wood accepted for disposal as a result of being infested or suspected of being infested with the Emerald Ash Borer and/or Asian Longhorn Beetle are accompanied with a Certificate of Transport from the generator; and
 - d. Ensure that any loads of clean wood received at the Facility for disposal that are infested or suspected of being infested with the Emerald Ash Borer and/or Asian Longhorn Beetle are immediately processed upon receipt during the active emergent months of June, July, and August

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13. The Permittee shall maintain daily records as required by Section 22a-209-10(13) and Section 22a-209-15(i) of the RCSA and Sections 22a-208e and 22a-220 of the CGS. Based on such records, the Permittee shall prepare monthly summaries including, but not limited to, the following information as it pertains to solid waste:
 - a. Type and quantity of solid waste and BMW received at the Facility;
 - b. Origin of received solid waste : (i) CT municipality (direct delivery); (ii) CT regional facility (consolidating solid waste from more than one municipality); (iii) CT spot-market waste; (iv) out-of-state regional facility (where out-of-state spot-market solid waste was consolidated); (v) state (for out-of-state spot-market solid waste directly delivered without passing through a CT facility); (vi) any source of Special Waste as defined in Section 22a-209-1 of the RCSA authorized to be received;
 - c. Origin of BMW received at the Facility, including all tracking documents required by Condition No. C.4.b.iv. of this Permit.
 - d. Destination, type and quantities of Facility generated solid waste: (i) ash residue; (ii) pre-combustion sorted solid waste materials (scrap metal; etc.); and (iii) post-combustion recovered solid waste material (scrap metal); (iv) bypass MSW (transferred from the Facility daily, or during emergencies);
 - e. 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; and
 - f. Gross and net amount of steam and electrical energy produced and sold.

The monthly summaries required pursuant this condition shall be submitted on a quarterly basis, no later than January 31, April 30, July 31, October 31, of each year on forms prescribed by the Commissioner (as may be amended from time to time) directly to the 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.

14. Nothing herein authorizes any person, municipality or authority to hinder municipal or regional solid waste recycling efforts. All activities conducted by the Permittee at the Facility shall be in accordance with this Permit and consistent with the state-wide Solid Waste Management Plan, a.k.a. Connecticut's 2016 *Comprehensive Materials Management Strategy* pursuant to Sections 22a-228 and 229 of the CGS.
15. The Permittee shall, no later than sixty (60) days after the effective date of this Permit establish for the Commissioner's benefit an acceptable initial financial assurance instrument and post the financial assurance with the Department in the amount of five hundred and eighty thousand dollars (\$580,000), as required by Section 22a-6(a)(7) of the CGS in conjunction with the general requirements of Section 22a-209-4(i) of the RCSA.
16. The Permittee shall acknowledge and accept 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

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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 instruments shall follow 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. In addition, the following documents are also required to be submitted with the instrument:
 - i. A cover letter signed by the Permittee shall be submitted along with an Irrevocable Standby Letter of Credit, in accordance with Section 40 CFR 264.143(d)(4).
 - ii. A “Standby Trust Agreement” shall be submitted along with either an Irrevocable Standby Letter of Credit, Financial Guarantee “Payment” Bond, or Performance Bond.
 - iii. A “Certification of Acknowledgement” shall be submitted along with a Trust Fund.
 - 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 website [www.ct.gov/DEEP/financialassurance].
 - e. The financial assurance instrument shall be adjusted annually for inflation within the sixty (60) days prior to the anniversary date of the instrument as well as whenever there is a change in operations that affects the cost of closing the facility in accordance with the requirements of 40 CFR 264.142(b) as incorporated in the Section 22a-449(c)-104 of the RCSA.
17. 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

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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 shall be required to prepare and submit to the Commissioner the 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;
- 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; and
- v. Within ten (10) days after retaining any P.E. or consultant other than the one originally identified pursuant to this condition, notify the Commissioner in writing of the identity of such other P.E. or consultant by submitting the information and documentation specified in this condition. 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; and
- 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.

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d. Compliance Audit Report

The results of each compliance audit shall be summarized in a Compliance Audit report.

At a minimum such report shall include:

- i. The names of those individuals who conducted the compliance audit;
- ii. The areas of the Facility inspected;
- iii. The records reviewed to determine compliance;
- iv. An evaluation and detailed description of the Permittee's compliance with this Permit and applicable regulations;
- v. The identification of all violations of this Permit and applicable regulations;
- vi. A description of the actions taken by the Permittee to correct patterns of loads received that exceed the threshold contaminant percentages specified in Condition No. C.7.j. of this Permit for loads that are representative of the waste types authorized for receipt at the Facility;
- vii. The findings of the compliance auditor regarding the audits conducted in accordance with Condition No. C.17. 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 and the P.E. or consultant 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
- vi. The Permittee shall ensure that no later than fifteen (15) Days after a compliance audit, a compliance audit report that meets the requirements of Condition No. C.17.d. 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

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the plan and schedule required by Condition No. C.16.[verify number].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.18. of this Permit

18. Unless otherwise specified in writing by the Commissioner, any reports required to be submitted under this Permit shall be directed to:

Solid Waste Program
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
Or via email to DEEP.Solid&HazWasteReports@ct.gov

19. 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.

20. 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 or action which is due or

