

PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: Murphy Road Recycling, LLC
FACILITY ADDRESS: 90 Industrial Park Road, Middletown, Connecticut
PERMIT No. Permit No. 08301333-PCO

Pursuant to Section 22a-208a of the Connecticut General Statutes (“CGS”) and Section 22a-209-4 of the Regulations of Connecticut State Agencies (“RCSA”), a PERMIT TO CONSTRUCT AND OPERATE (“Permit”) IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to Murphy Road Recycling, LLC (“Permittee”) to construct and operate a solid waste volume reduction facility (“Facility”) located at 90 Industrial Park Road, Middletown, Connecticut. Subsequently, the Permit to Construct No. SW-083-1-C issued on May 7, 1987, Permit to Construct No. SW-083-1-C issued on September 19, 1994, Modification to Permit to Construct No. SW-083-1-C issued on June 16, 1997, Minor amendment to the Permit to Construct No. SW-083-1-C, issued on June 24, 1999 as Permit No. 0830425-MA/PC and Temporary Authorization No. 20202077-TA issued on February 14, 2020 are no longer in effect and are replaced by this Permit.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. 202008028, to establish the Permit to Construct and Operate including:
 - i. Application form received on July 2, 2020.
 - ii. Operation and Management Plan (O&MP) dated June 2020, revised July 2020.
 - iii. A Site Plan prepared by Anchor Engineering Service, Inc., P.E., dated February 26, 2020, and revised May 21, 2020, June 16, 2020, and July 15, 2020 (“Site Plan”).
 - b. The Permittee shall maintain at the Facility and have available for reference by Facility staff and inspection by the Commissioner:
 - i. All documents or copies of such documents submitted as Application No. 202008028 and any document submitted in support of said application for the life of this Permit; and
 - ii. A copy of this Permit and the Facility’s Facility Plan which consists of the Operation and Management Plan and the engineered drawings which describe the Facility and its operations.
 - c. The Permittee shall for the life of this Permit, provide to the Department notification within thirty (30) Days of any changes in the information provided as part or in support of the application on which this Permit was based. Any inaccuracies found in the information submitted by the Permittee may result in revocation, reissuance, or modification of this Permit and civil or criminal enforcement actions.
2. As used in this Permit, the following definitions apply:

“Certified Operator” means the solid waste facility operator or an employee of such operator who is present at the facility and oversees or carries out the daily operations authorized through this Permit, and whose qualifications are currently certified in accordance with Section 22a-209-6 of the RCSA.

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

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

“Commingled Recyclable Items” means a combination of metal, glass, and plastic containers, or Mixed Paper.

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

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

“Day” means calendar Day.

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

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

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

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

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

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

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

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

“Processing” or “Process(ed)” means the practice by which either the physical characteristics or the volume of solid waste accepted at the Facility is being altered through separating, sorting, baling, shredding, crushing, grinding, chipping, compacting, consolidation, transfer or reworking as part of recycling and/or volume reduction operations.

“Recovered Materials” means Processed solid wastes that are ultimately delivered to a market or other permitted recycling or reclamation facility.

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

“Residue” means all solid waste that remains after the Recovered Materials have been extracted from the solid waste authorized for Processing at the Facility.

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

3. The Permittee shall comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein and the specifications contained in the application documents, except where such specifications are superseded by the more stringent conditions contained herein. Violation of any provision of this Permit may be subject to enforcement action pursuant, but not limited, to Sections 22a-6, 22a-208, 22a-225 and 22a-226 of the CGS.
4. The Permittee shall make no changes to the specifications and requirements of this Permit, except in accordance with law.
5. To the extent that any term or condition of this Permit is deemed to be inconsistent or in conflict, with any term or condition of any Permit previously issued for this Facility, including any modifications thereto, or with any data or information contained in the application, or any other documents incorporated by reference in this Permit, the term or condition of this Permit shall control and remain enforceable against the Permittee.
6. Provided a permit modification is not required pursuant to Sections 22a-208a(d)(1) or 22a-208a(e) of the CGS, the Permittee shall submit for the Commissioner’s review and written approval all necessary documentation supporting any proposed physical and/or operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. The Commissioner may issue a written approval only if, in the Commissioner’s judgment, the proposed physical and/or operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) do not significantly change the nature of the Facility, or its impact on the environment; and (c) do not warrant the issuance of a permit or authorization pursuant to Section 22a-208 et seq. of the CGS.

B. AUTHORIZATION TO CONSTRUCT AND MAINTAIN

1. Permit to Construct No. SW-083-1-C issued on May 7, 1987 to Dainty Rubbish Service Inc. authorized the construction of a solid waste transfer station.
2. A minor amendment to the Permit to Construct No. SW-083-1-C was issued on September 19, 1994 authorizing the construction of a building, forty-five (45) feet by seventy (70) feet,

- to house transfer and loading operations, modification of the incoming and outgoing truck ramps, and the addition of a truck scale.
3. A modification to the Permit to Construct No. SW-083-1-C issued on June 16, 1997 approved the expansion of the existing building from three thousand one hundred fifty (3,150) square feet to five thousand four hundred (5,400) square feet. This modification approved an increased capacity to two hundred fifty (250) tons per day of Municipal Solid Waste.
 4. A minor amendment to the Permit to Construct No. SW-083-1-C was issued on June 24, 1999 as Permit No. 0830425-MA/PC and authorized the installation and operation of a fully enclosed processing system, which included a conveyor, hopper and compactor (baler), for no more than three (3) tons per day of source separated cardboard. The facility ceased operating shortly after February 2010 due to that fact that Dainty Rubbish Service Inc. was not able to renew their lease at 90 Industrial Park Road.
 5. The existing Facility consists of: two (2) tipping areas, one for the receipt, Processing and transfer (“transfer station”) of no more than 250 tons/day (“TPD”) of Municipal Solid Waste (MSW), of which up to 250 TPD may be putrescible MSW, and one for the receipt, Processing and transfer (“volume reduction plant”) of no more than 125 TPD of Construction and Demolition waste including Oversized MSW; no more than twenty (20) propane tanks with valves; scrap metal, no more than twenty-five (25) appliances containing chlorofluorocarbon (CFC) liquids; scrap tires; mixed paper/cardboard; and Clean Wood including Land Clearing Debris. The Facility has a site access gate; paved access road and parking area; concrete tipping floors; concrete push walls and retaining walls; truck ramp; a hopper, conveyer, baler system; a one thousand (1,000) gallon oil/water separator; a truck scale; outdoor paved and caged storage area for propane tanks; and outdoor paved storage area for empty trailers or trailers staged for transport. An additional truck scale and scale house are located at 80 Industrial Park Road, a permitted solid waste facility on a parcel contiguous to the Site which is also controlled by the Permittee, and will be used by the Facility.
 6. The Permittee is authorized to maintain the Facility as described in Condition No. B.5 of this Permit.
 7. The Permittee shall control dust, odors, water discharges and noise resulting from the construction and maintenance of the Facility at all times to assure compliance with applicable requirements of the RCSA, and any other applicable laws, including OSHA.
 8. The Permittee shall, within thirty (30) Days from the completion of any maintenance undertaken pursuant to Condition No. B.5. of this Permit, submit a written notification for the Commissioner’s review and written approval. Such notification shall include at a minimum:
 - a. P.E. certified statement that the construction of the Facility improvements has been completed as approved;
 - b. P.E. certified as-built drawings; and
 - c. A request for written authorization from the Commissioner to operate in accordance with Section C of this Permit.

C. AUTHORIZATION TO OPERATE

1. The Permittee is authorized to operate the Facility as specified in Condition No. B.5 of this Permit. The Permittee is authorized to operate any or all of the components specified in

- Conditions No. B.5 and Section C. of this Permit upon written approval granted by the Commissioner. Such written approval shall be issued after the Permittee is deemed in full compliance with, but not limited to, the requirements of Condition No. B.8 of this Permit.
2. The Permittee shall not exceed the Processing and storage limits established by this Permit. Solid waste, other than those listed herein, shall not be accepted, Processed, treated, stored, transported or disposed on-site, or otherwise managed at the Facility without prior written approval of the Commissioner.
 3. The Permittee is authorized to operate the Facility in accordance with all applicable law, including this Permit. Unless otherwise approved in writing by the Commissioner or limited by local authorities, the Permittee is authorized to operate as follows: Monday through Friday 6:00 a.m. to 5:00 p.m. and Saturday 7:00 a.m. to 12:00 p.m.
 4. The Permittee is authorized for the receipt, Processing and transfer at the transfer station (“TS”) area of the Facility no more than a total of 250 tons/day (TPD) of the following types of solid waste: (a) Municipal Solid Waste (MSW), of which up to 250 TPD may be putrescible MSW. The Permittee is authorized for the receipt, Processing and transfer at the volume reduction plant (“VRP”) area of the Facility no more than a total of 125 TPD of the following types of solid waste: (a) Construction and Demolition (C&D) Waste including Oversized MSW; (b) no more than twenty (20) propane tanks with valves (c) scrap metal; (d) no more than twenty-five (25) appliances containing chlorofluorocarbon (CFC) liquids; (e) scrap tires; (f) mixed paper/cardboard; and (g) Clean Wood including Land Clearing Debris.
 5. The Permittee shall store and manage solid waste at the Facility only in the designated areas as identified in the drawings referenced in Condition No. A.1. of this Permit and in accordance with the specifications and table below. Fully loaded containers of solid waste shall be transferred from the Facility within two (2) business days.

Material	Volume – cubic yards (cy), unless otherwise specified	Storage Area	Storage Specifications
Municipal Solid Waste (MSW)	420 cy	A	Unprocessed within the TS processing area on the tipping floor (indoors)
Municipal Solid Waste (MSW)	90 cy	F	Baled within the TS processing area on the tipping floor (indoors)
Municipal Solid Waste (MSW)	400 cy	E	Compacted within trailers (outdoor covered trailers)
Construction and Demolition Waste/ Oversized MSW	260 cy	B	Unprocessed within the VRP processing area in piles on the tipping floor and covered containers (indoors)
Construction and Demolition Waste/ Oversized MSW	700 cy	D	Processed within trailers (outdoor covered trailers)
Propane Tanks with valves	20 units	G	Designated caged area (outdoors)
Scrap metal	18 cy	C	Within the VRP processing building in containers or piles (indoors)
Appliances containing CFC liquids	25 units	C	Within the VRP processing area on impervious floor (indoors)
Scrap tires	20 cy	C	Within the VRP processing area in containers or piles (indoors)
Mixed Paper /cardboard	25 cy	C	Within the VRP processing area in containers or piles (indoors)
Clean Wood, including Land Clearing Debris	30 cy	C	Within the VRP processing area in containers or piles (indoors)
Total	1,963 cy		

- a. **Storage and Management of putrescible MSW** shall be confined to containers on the transfer station (“TS”) tipping floor or to the compactors hopper and/or container systems and shall be limited to no more than forty-eight (48) hours from when such putrescible MSW entered the Facility, with the exception of legal holiday weekends. The storage container(s) shall be kept covered at all times except when the container(s) are being filled. Putrescible MSW shall be stored indoors in Area A and Area F and outdoors in Area E and shall not exceed nine hundred ten (910) CY. Outdoor storage of putrescible MSW shall only be conducted during daytime outbound shipping hours. No outdoor

storage of putrescible MSW shall be conducted overnight. Loaded outbound containers of putrescible MSW may be parked overnight inside of the Facility such that the total volume of putrescible MSW stored indoors overnight does not exceed nine hundred ten (910) CY.

- b. **Storage and Management of MSW residue.** MSW residue means any unauthorized putrescible MSW that is inadvertently delivered to the Facility as part of a load of non-putrescible MSW. As soon as it is discovered, MSW residue shall immediately be segregated from other solid waste and placed in a dedicated container with a maximum capacity of ten (10) cubic yards. The dedicated container shall be located in an area of the Facility that will not interfere with other permitted activities, shall be kept covered at all times except when it is being filled, and shall be removed from the Facility within forty-eight (48) hours of receipt. Such MSW residue shall be consolidated, stored, and transferred to Area A of the TS portion of the Facility or from the Facility to a facility authorized to receive and manage such waste. Details pertaining to each truck which contains MSW residue in excess of two percent (2%) by volume shall be recorded in the daily log, and reported to the Department in the quarterly reports required by this Permit.
- c. **Storage of Clean Wood (brush; Land Clearing Debris, pallets)** shall take place in a dedicated container or pile within the VRP; have a minimum of twenty-five (25) foot emergency access maintained around them; not contain Treated Wood; be Processed and transferred on a first-in/first-out basis; not exceed thirty (30) cubic yards; and have a maximum height of twenty-five (25) feet.
- d. **Storage of scrap metal** (including appliances which have had chlorofluorocarbon (“CFC”) liquid removed and propane tanks without valves) shall: not exceed eighteen (18) cubic yards; be placed in containers at the end of each operational day. Any scrap metal that contains used oil shall be managed in accordance with the applicable used oil regulations as specified in Section 22a-449(c)-119 of the RCSA, until the used oil is drained or otherwise removed from the scrap metal. At a minimum, such removed used oil shall be managed in accordance with the above regulation.
- e. **Storage of scrap metal containing chlorofluorocarbon (CFC) liquid.** Storage of appliances containing CFCs shall be limited to no more that twenty-five (25) units stored upright, on a surface sufficiently impervious to prevent or minimize infiltration. Only a contractor certified in accordance with 40 CFR 82.150 through 166 shall remove the CFC liquid. Appliances in which the CFCs have been removed shall be consolidated with the scrap metal.
- f. **Storage of propane tanks** shall not exceed twenty (20) units. The tanks shall be: stored upright on a surface sufficiently impervious to prevent or minimize infiltration; segregated from public access; provided with a non-combustible peripheral fence and a secured gate; and have open ventilation and proper signage in accordance with National Fire Protection Association (“NFPA”) 58-1995 “Standard for the Storage and Handling of Liquefied Petroleum Gases” and Section 29-331-5 of the RCSA. The Permittee shall hire a licensed contractor to extract the existing propane liquid, dismantle the valves and/or transport intact propane tanks off-site. Any leaking propane tank shall immediately be removed for safe and proper handling. Empty propane tanks without valves shall be consolidated with the scrap metal.
- g. **Storage of scrap tires** shall be: limited to twenty (20) cubic yards; placed in container(s) or trailer at the end of each operational day; and removed from the Facility within two (2)

business days once the container or trailer is full. Container(s) of scrap tires shall be kept dry by being covered at all times except when the container is being filled or emptied.

- h. Storage and Processing of Construction and Demolition (C&D) Waste including Oversized Municipal Solid Waste (OMSW):** Receipt and Processing shall be conducted only on the tipping floor within the Facility building, and Processed on a first-in/first-out basis. The VRP shall be equipped with adequate ventilation, fire protection systems and an impervious floor. Storage within the VRP and out of doors in trailers shall not exceed two hundred sixty (260) cubic yards for unprocessed C&D Waste and OMSW and seven hundred (700) cubic yards for Processed C&D waste and OMSW. Out of doors storage of Processed and unprocessed C&D waste and OMSW shall be in containers, which shall be watertight and covered at all times except when material is being actively placed in or removed from the container and shall not be stored on-site for greater than thirty (30) Days from when the waste first entered the Facility.
 - i. Storage and Processing of cardboard and mixed paper:** Processing of cardboard and mixed paper shall be conducted only on the tipping floor within the Facility building, and Processed on a first in/first out basis. Storage within the VRP shall not exceed twenty-five (25) cubic yards and shall be confined to the tipping floor and containers. The storage containers shall be kept covered at all times except when material is being actively placed in or removed from the container.
6. The Permittee shall:
- a. Store solid waste on-site in conformance with proper fire control measures. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with manufacturer's specifications;
 - b. Ensure that all solid waste accepted at the Facility is properly managed on-site, Processed, stored and transported to markets or other solid waste Processing or disposal facilities authorized to accept such solid waste;
 - c. Ensure that any unauthorized solid waste inadvertently received, or solid waste which is unsuitable for Processing at the Facility is: (i) immediately sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded and reported in the quarterly report required by Condition No. C.11 of this Permit; and (iii) disposed at a facility authorized to accept such solid waste. No more than ten (10) yards of unacceptable solid waste shall be stored on-site unless authorized in writing by the Commissioner. A spare container may be made available for any storage emergency at the Facility;
 - d. Ensure that contingent storage of incidental mixed batteries, Mercury-Containing Lamps, Used Electronics, Mercury-Containing Equipment classified as Universal Wastes that is inadvertently delivered to the Facility as part of a load is conducted in accordance with the requirements of the Universal Waste Management Regulations (Sections 22a-449(c)-113 and 22a-209-17 of the RCSA). The storage container(s) shall be located in an area of the Facility that will not interfere with other permitted activities;
 - e. Provide expeditious notification regarding any emergency incident (explosion, accident, fire, release, or other significant disruptive occurrence) which: (i) significantly damaged equipment or structures; (ii) interrupts the operation of the Facility for greater than twenty-four (24) hours; (iii) results in an unscheduled Facility shutdown or forced

diversion of solid waste to other solid waste facilities; (iv) could reasonably create a source of pollution to the waters of the state; or (v) otherwise threatens public health.

Such notification shall be: (i) immediately provided to the Commissioner using the 24-hour emergency response number (860) 424-3338 or the alternate number (860) 424-3333 and, in no event later than twenty-four (24) hours after the emergency incident, provided to the Solid Waste Program in the Waste Engineering and Enforcement Division of the Bureau of Materials Management and Compliance Assurance by phone at (860) 424-3366, or at another current publicly published number for the Solid Waste Program, or by facsimile at (860) 424-4059; (ii) followed by a written report no later than the fifth business day after the emergency incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; and (iii) recorded in a log of emergency incidents. In addition to the notification requirements above, the Permittee shall comply with all other applicable reporting or notification requirements regarding the emergency incident including but not limited to, reporting required by Section 22a-450 of the CGS;

- f. Prevent the spillage of solid waste from transfer containers during on-site management, storage and off-site transfer. Each loaded container shall be covered before transfer off-site and the haulers shall be instructed to keep the containers covered during off-site transportation;
- g. Operate the Facility in a safe manner so as to control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including OSHA. The Facility's premises shall be maintained and any litter shall be removed on a daily basis;
- h. Ensure that the manufacturers' operation and maintenance manuals for each major piece of fixed or mobile Processing equipment, (which may include, but not be limited to, balers; conveyors; compactors; and storage tanks) installed or used at the Facility are available for review by the Commissioner;
- i.
 - i. Determine through observation that incoming loads of solid waste, other than loads of source separated Recyclable Items, do not contain greater than ten percent (10%) by volume ("threshold contaminant percentages") of Designated Recyclable Items. For any loads identified that exceed the threshold criteria for load contamination specified in this condition the Permittee shall document each load in the daily log and report those to the Department in the quarterly reports required by this Permit. The Permittee shall also provide notice to the hauler in accordance with Condition No. C.6.k.v. of this Permit; and
 - ii. Determine through observation that incoming loads of source separated Recyclable Items do not contain greater than two percent (2%) by volume ("threshold contaminant percentages") of non-recyclable wastes. For any loads identified that exceed the threshold criteria for load contamination specified in this condition the Permittee shall document each load in the daily log and report those to the Department in the quarterly reports required by this Permit. The Permittee shall also provide notice to the hauler in accordance with Condition No. C.6.k.v. of this Permit.

- j. Manage solid wastes in such a manner that all Recyclable Items are segregated so that no other solid waste may cause contamination or degradation of the recyclable product, or result in any negative impact on the recyclability of such material;
- k. Conduct periodic unannounced inspections of truck loads delivered to the Facility, pursuant to Section 22a-220c(b) of the CGS. The inspections shall be performed for a minimum of five percent (5%) of the monthly truck loads received that are representative of the waste types authorized for receipt at the Facility. Records of such inspections shall be maintained at the Facility for the life of the Permit or such other timeframe specified in writing by the Commissioner. The inspections and supporting documentation shall consist of at a minimum:
 - i. Photographs of each load other than loads of source separated Recyclable Items, inspected that exceeds the threshold contaminant percentages as specified in Condition No. C.6.i. of this Permit and each load of source separated Recyclable Items that exceeds five percent (5%) by volume of non-recyclable wastes;
 - ii. Origin of each load (municipality; regional facility and whether commercial or residential);
 - iii. Waste transporter company name;
 - iv. Estimated percentage of contaminant(s) present in each load and identification of each type; and
 - v. Immediate written notifications to the hauler, municipality in which the solid waste was generated and/or regional facility for each load that exceeds the threshold contaminant percentages specified in Condition No. C.6.i. of this Permit;
- m. Process loads of C&D waste and non-putrescible MSW that are not source separated loads of Recyclable Items. The Processing authorized through this Permit at the Facility shall consist of sorting and segregating for transfer from the Facility to recycling markets, Recyclable Items received (including inadvertently received Designated Recyclable Items) in loads of C&D and non-putrescible MSW. The Permittee shall achieve at least a ten percent (10%) rate of recovery of Recyclable Items not designated pursuant to Section 22a-241 of CGS (“non-Designated Recyclable Items”), during the first year. For each year the specific recovery rates shall be as follows:

Recovery rate for Non-Designated Recyclable Items (by weight)

<u>Year of the Permit</u>	<u>Percent of total waste received</u>
First year	10%
Second year	20%
Third year	30%
Fourth year	35%
Fifth year	40%

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

In the event the percent recovery rate of non-Designated Recyclable Items achieved is below that which is required, the Permittee shall document in the quarterly report and the year-end report the circumstances which resulted in the Permittee’s inability to achieve

the specific recovery rates listed in this condition. The year-end report shall also identify the measures the Permittee shall take and the actions the Permittee shall institute to achieve the specified recovery rates.

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

All samples for asbestos shall be:

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

All samples for lead shall be:

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

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

8. The Permittee shall have an operator, certified pursuant to Section 22a-209-6 of the RCSA, present at all times during Facility operation. All individuals under the supervision of such Certified Operator shall have sufficient training to identify solid waste received at the Facility which is not permitted to be received, or is unsuitable for Processing, and shall take proper action in managing such solid waste.
9. The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to 22a-209-10(3) of the RCSA that includes the Facility's name and the Department Permit number (Permit to Construct and Operate No. 08301333-PCO), issuance date and expiration date. Such sign shall also include a phone number that provides the general public the ability to register questions or complaints twenty-four (24) hours per day. The Permittee shall maintain a log of all calls received and how such calls were addressed or resolved. In the event that the Permittee is not a Covered Electronics Recycler or partnered with one, the Permittee shall also post a sign in accordance with Section 22a-636 of the CGS.
10. The Permittee shall: (a) control all traffic related to the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and any excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that vehicles are not left idling for more than three (3) consecutive minutes pursuant to Section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such vehicle idling time within the Facility.
11. The Permittee shall maintain daily records as required by Section 22a-209-10(13) of the RCSA. The Permittee shall also comply with all applicable recordkeeping requirements of Sections 22a-208e and 22a-220 of CGS. All daily logs (including documentation related to the unannounced inspections of truck loads) shall be maintained for the life of this Permit or such other timeframe specified in writing by the Commissioner. Based on such records, the Permittee shall prepare quarterly summaries including, but not limited to, the following information as it pertains to solid waste:
 - a. Type and quantity of solid waste received, including all Recyclable Items, unauthorized solid waste and/or Universal Waste;
 - b. Origin of waste load (municipality name; regional facility name) and waste hauler name; and
 - c. Destination to which solid wastes, including all Recyclable Items, unauthorized solid waste and/or Universal Waste from the Facility were delivered for disposal or recycling, including quantities delivered to each destination.

The summaries required pursuant this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, of each year on up-to-date forms prescribed by the Commissioner directly to the Solid Waste Program in accordance with Condition No. C.17. of this Permit.

12. The Permittee shall ensure that all Clean Wood received at the Facility is inspected for signs of the presence of the Asian Longhorn Beetle and the Emerald Ash Borer. Signs indicating possible Asian Longhorn Beetle infestation can be found at the Department's webpage: <http://www.ct.gov/deep/alb>

Signs indicating possible Emerald Ash Borer infestation can be found at the Department's webpage: <http://www.ct.gov/deep/eab>

- a. The Permittee shall ensure each load of Clean Wood is visually assessed for possible pest infestation as part of the on-site routine inspections.
 - b. Any Clean Wood suspected of being infested by either the Asian Longhorn Beetle or the Emerald Ash Borer should be identified at the source of generation and managed in accordance with existing quarantine agreements.
 - c. If signs of infestation are observed:
Digital photos and careful identification notes must be provided to the [Connecticut Agricultural Experiment Station](#) (Deputy State Entomologist direct phone line: 203-974-8474; and e-mail CAES.StateEntomologist@ct.gov).
 - i. The infested Clean Wood shall be: segregated from other Clean Wood; marked as segregated; securely stored and kept reasonably intact.
 - ii. Any handling activities (e.g. chipping and moving) shall be postponed until an investigator from, or designated by, the Connecticut Agricultural Experiment Station, has examined the potentially infested Clean Wood.
 - iii. Any truck load tickets and other documentation of deliveries shall note whether a pest infestation assessment has been conducted.
13. Nothing herein authorizes any person, municipality or authority to hinder municipal or regional solid waste recycling efforts. All activities conducted by the Permittee at the Facility shall be in accordance with this Permit, consistent with the state-wide Solid Waste Management Plan, a.k.a. Connecticut's 2016 Comprehensive Materials Management Strategy and with Sections 22a-228 and 229 of the CGS.

The Permittee shall:

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

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

14. The Permittee shall, no later than sixty (60) days after the issuance date of this Permit establish for the Commissioner's benefit an acceptable financial assurance instrument and post the financial assurance with the Department in the amount of \$58,929.00, as required by Section 22a-6(a)(7) of the CGS.
15. The Permittee acknowledges and shall ensure that it complies with the following:

- a. The purpose of the financial assurance is to cover the third party costs for handling, removing, transporting and disposing the maximum permitted amount of unprocessed and Processed solid waste at the Facility, and any additional cost(s) to ensure the proper closure of storage areas including, but not limited to, equipment rental, site clean-up, the decontamination and disposal of all equipment and Processing and storage areas, and a fifteen percent (15%) contingency to cover unforeseen events or activities that may increase the overall cost to close the Facility.
 - b. The financial assurance instrument used by the Permittee to comply with Condition No. C. 14. of this Permit shall comply with the requirements of Section 22a-209-4(i) of the RCSA, and 40 CFR 264.141 to 264.143 inclusive and 40 CFR 264.151, as referenced therein. The Permittee shall ensure that the financial assurance instrument is established in a format specified by the Commissioner for closure or post-closure maintenance and care, as appropriate.
 - c. The Department accepts five (5) types of financial assurance instruments, they are: (a) Trust Fund; (b) Irrevocable Standby Letter of Credit; (c) Financial Guarantee "Payment" Bond; (d) Performance Bond; and (e) Certificate of Insurance. The following documents are also required to be submitted:
 - i. A cover letter signed by the Permittee shall be submitted along with the Irrevocable Standby Letter of Credit, in accordance with Section 40 CFR 264.143(d)(4);
 - ii. A "Standby Trust Agreement" shall be submitted along with either a Irrevocable Standby Letter of Credit; Financial Guarantee "Payment" Bond; or Performance Bond; and
 - iii. A "Certification of Acknowledgement" shall be submitted along with the Trust Fund instrument.
 - d. The financial assurance shall:
 - i. Be valid for and appropriately maintained during the term of this Permit;
 - ii. Specify the Permittee's name, the Facility's address, the number and issuance date of this Permit; and
 - iii. Be established in one or more of, the instrument formats found on the Department's website [www.ct.gov/DEEP/financialassurance].
 - e. The financial assurance instrument shall be adjusted annually for inflation within the sixty (60) Days prior to the anniversary date of the establishment of the financial assurance instrument, and whenever there is a change in operations that affects the cost of closing the Facility in accordance with 40 CFR 264.142(b) as incorporated in Section 22a-449(c)-104 of the RCSA.
16. The Permittee shall, no later than sixty (60) Days from the issuance date of this Permit perform quarterly compliance audits for the life of this Permit.
- a. The compliance audits required by this condition shall consist of a thorough and complete assessment of the Permittee's compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit.
 - b. Compliance Auditor
The compliance audits required by this condition shall be performed by an engineer licensed to practice in Connecticut ("P.E.") or consultant. Such P.E. or consultant shall be approved in writing by the Commissioner and will be required to prepare and submit to the Commissioner quarterly compliance audit reports.

The Permittee shall, prior to the Commissioner's approval of the P.E. or consultant: (a) submit for the Commissioner's evaluation a detailed description of the P.E. or consultant's credentials (education; experience; training) which are relevant to the work required under this condition; and (b) certify to the Commissioner that such P.E. or consultant:

- i. Is not a subsidiary of or affiliated corporation to the Permittee or Permitted Facility;
- ii. Does not own stock in the Permittee or any parent, subsidiary, or affiliated corporation;
- iii. Has no other direct financial stake in the outcome of the compliance audit(s) outlined in this Permit; and
- iv. Has expertise and competence in environmental auditing and the regulatory programs being addressed through this Permit, including evaluation of compliance with requirements specified in Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit.

Within ten (10) Days after retaining any P.E. or consultant other than the one approved by the Commissioner ("compliance auditor") pursuant to this condition, the Permittee shall submit to the Commissioner for his review and written approval, the information and documentation specified in this condition regarding such other P.E. or consultant. Nothing in this condition shall preclude the Commissioner from finding a previously acceptable P.E. or consultant unacceptable.

c. Scope of Compliance Audits

Compliance audits shall:

- i. Detail the Permittee's compliance with the requirements of this Permit and all applicable provisions of Sections 22a-209-1 through 22a-209-17 of the RCSA.
- ii. Describe any outreach efforts conducted by the Permittee to initiate pay-as-you-throw ("PAYT") programs also known as unit based pricing or variable-rate pricing and shall include names of waste haulers and municipalities that are participating in such programs.
- iii. Describe the Compliance Auditor's participation in and the results of inspections conducted at the Facility on the loads of solid waste received at the Facility during the compliance audit. The purpose of such inspections is to determine whether such loads are being received that contain greater than ten percent (10%) by volume Designated Recyclable Items; whether loads of source separated Recyclable Items contain greater than two percent (2%) by volume of non-recyclable wastes; and to detect patterns associated with such loads. Unless otherwise approved by the Commissioner, the compliance auditor shall inspect solid wastes unloaded from a minimum of ten (10) trucks received during the day of the compliance audit. The Compliance Auditor shall document the actual number of truck loads inspected and the findings of such inspections.

d. Compliance Audit Report

The results of each compliance audit shall be summarized in a Compliance Audit report. At a minimum such report shall include:

- i. The names of those individuals who conducted the compliance audit;
- ii. The areas of the Facility inspected;
- iii. The records reviewed to determine compliance;
- iv. An evaluation and detailed description of the Permittee's compliance with this Permit and applicable regulations;
- v. The identification of all violations of this Permit and applicable regulations;

- vi. A description of the actions taken by the Permittee to correct patterns of loads received that exceed the threshold contaminant percentages specified in Condition No. C.6.i. of this Permit for loads that are representative of the waste types authorized for receipt at the Facility;
 - vii. The findings of the compliance auditor regarding the audits conducted in accordance with Condition No. C.16. of this Permit during the day of the compliance audit;
 - viii. A detailed description of all actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
 - ix. The Permittee's certification of compliance with the regulations and documentation demonstrating such compliance pursuant to this Permit. In cases where multiple counts of the same violation are discovered, the report shall include a listing of each count.
- e. **Permittee's Responses to Compliance Audit**
The Permittee shall comply with the following:
- i. The auditing frequency shall be quarterly for the remaining life of the Permit;
 - ii. All violations shall immediately be brought to the attention of the Permittee by the compliance auditor. The Permittee shall notify the Department within five (5) Days of the compliance audit of all violations noted during the compliance audit;
 - iii. The Permittee shall correct all violations immediately. Should the Permittee be unable to immediately correct the violation, within seven (7) Days of the date the Permittee became aware of the violation(s), the Permittee shall submit for the review and written approval of the Commissioner, a detailed plan to correct all violations noted. Such plan shall also include a schedule for implementation of the corrective actions required or recommended; and
 - iv. The Permittee shall ensure that no later than fifteen (15) Days after a compliance audit, a compliance audit report that meets the requirements of Condition No. C.16. of this Permit, is submitted to the Commissioner. A copy of the compliance audit report, shall be maintained at the Facility for the life of the Permit or for such other timeframe specified by the Commissioner.
- f. In addition to any other sanction authorized by law, the Permittee shall cease accepting solid waste at the Facility in the event that the Permittee fails to submit in a timely manner the plan and schedule required by Condition No. C.16.e. of this Permit or fails to correct the violations noted by the compliance audit(s) in accordance with the approved plan and schedule. The Commissioner may seek similar sanction for any violation of this Permit.
- g. **Documentation Submittal Deadlines**
The documents required to be submitted pursuant to this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, directly to the Solid Waste Enforcement Program, in accordance with Condition No. C.17. of this Permit.
17. Unless otherwise specified in writing by the Commissioner, any documents required to be submitted under this Permit shall be directed to:

Solid Waste Program
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127

Or via email to DEEP.Solid&HazWasteReports@ct.gov

18. 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.

19. The date of submission to the Commissioner of any document required by this Permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Permit, including but not limited to, notice of approval or disapproval of any document or other action shall be the date such notice is personally delivered or the date three (3) Days after it is mailed by the Commissioner, whichever is earlier. Any document which is due or required on a weekend or a legal state or federal holiday shall be submitted by the next business day thereafter.
20. 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.
21. Nothing in this Permit shall affect the Commissioner’s authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.
22. Nothing in this Permit shall relieve the Permittee of other obligations under applicable federal, state and local laws.
23. Permit to Construct No. SW-083-1-C issued on May 7, 1987, Permit to Construct No. SW-083-1-C issued on September 19, 1994, Modification to Permit to Construct No. SW-083-1-C issued on June 16, 1997, Minor amendment to the Permit to Construct No. SW-083-1-C, issued on June 24, 1999 as Permit No. 0830425-MA/PC and Temporary Authorization No. 20202077-TA issued on February 14, 2020 are no longer in effect and are replaced by this Permit.
24. 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 _____, 2020.

By: _____
Betsey Wingfield
Deputy Commissioner

Application No. 202008028
Permit to Construct and Operate No. 08301333-PCO
Permittee - e-Certified
City/Town Clerk - e-Certified

DRAFT