



## **RENEWAL AUTHORIZATION PERMIT TO OPERATE**

PERMITTEE: New Milford Connecticut Farms, LLC  
FACILITY ADDRESS: 60 Boardman Road, New Milford, Connecticut  
PERMIT No. 09601094-RPO-2024

Pursuant to Section 22a-208a of the Connecticut General Statutes (“CGS”) and Section 22a-209-4 of the Regulations of Connecticut State Agencies (“RCSA”), a PERMIT TO OPERATE (“Permit”) IS HEREBY REISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to New Milford Connecticut Farms, LLC (“Permittee”) to continue to excavate the solid waste disposal area located at 60 Boardman Road, New Milford, Connecticut (“Facility”) in accordance with the disruption of a solid waste provision in Section 22a-209-7(u) of the RCSA. The contents of the solid waste disposal area [i.e. hydrolyzed plant protein (“HPP”) residue and associated soil] will be screened, as necessary, to remove gravel and cobbles and beneficially used as a component in the production of compost or as soil amendment blended with the finished compost product at the New Milford Connecticut Farms, LLC permitted compost facility. The letter approval amending the existing permit issued on September 24, 2020 is incorporated herein and is no longer in effect. The Permittee shall comply with all conditions of Permit No. 09601094-PO issued on October 19, 2012 and the following amendments:

### **A. GENERAL TERMS AND CONDITIONS**

1. a. This Renewal Authorization is based on and incorporates by reference pertinent and appropriate sections of documents and specifications submitted as part of Application No. 202207172, to renew the Permit to Operate, including:
  - i. Application form received on June 17, 2022.
  - ii. Operation and Management Plan (“O&MP”) dated November 18, 2022, revised March 1, 2023;
  - iii. A Landfill Mining Contour Plan prepared by Gannett Fleming Engineers and Planners, dated August 1998, revised November 2021 (“Site Plan”); and
  - iv. Approval of increased amount of HPP mined, dated September 24, 2020.
- 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. 202207172 and any document submitted in support of said application, as well as other application(s) on which the Permit No. 09601094-PO was based, for the life of this Permit; and
  - ii. A copy of this Renewal Authorization, Permit No. 09601094-PO and the Facility’s Facility Plan which consists of the Operation and Management Plan and the engineered drawings which accurately describe the Facility and its operations.

**2. Condition No. A.6. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

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. OPERATING CONDITIONS**

**1. Condition No. B.1. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

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, the Permittee shall conduct excavation activities ("mining") at the Facility between the hours of 7:00 a.m. and 3:00 p.m., Monday through Friday.

**2. Condition No. B.4. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

The Permittee shall ensure that the maximum amount of HPP waste and associated soil mined annually shall not exceed 40,000 tons. The Permittee shall not exceed the limits established by this permit. Solid waste, other than that listed herein, shall not be accepted, processed, treated, stored, transported or disposed off-site, or otherwise processed at the Facility without prior written approval by the Commissioner.

**3. Condition No. B.5. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

As necessary, the HPP residue and associated soil resulting from mining activities may be stockpiled at the landfill. The stockpile of material shall not exceed 2,000 cubic yards at any given time and shall be limited to a period of three (3) months prior to transporting the material to the New Milford Connecticut Farms, LLC compost facility. The stockpile of material shall be provided with appropriate cover material to minimize the generation of odors and the infiltration of storm water through the stockpile.

**4. Condition No. B.7.a. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

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;

**5. Condition No. B.8. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

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.

**6. Condition No. B.10. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to Section 22a-209-7(d) of the RCSA that includes the Facility's name, permit numbers (Permit to Operate No. 09601094-PO and Permit to Operate No. XXXXXXXXXXXX), issuance dates and expiration dates. 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.

**7. Condition No. B.12. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

The Permittee shall, no later than sixty (60) Days from the issuance date of this Permit perform annual 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. Discuss the site excavation and operation and its conformance with approved engineering plans, site stabilization, erosion and storm water runoff controls, impacts on surface waste, sequence of mining activities, tonnage of materials mined, approximate remaining volume to be mined, etc.
- iii. Furnish an updated topographical map of the site that provides information on site contours and the rate of excavation compared to permitted contours.

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 Renewal Authorization and Permit to Operate No. 09601094-PO and applicable regulations;
- v. The identification of all violations of this Renewal Authorization, Permit to Operate No. 09601094-PO and applicable regulations;
- vi. The findings of the compliance auditor regarding the audits conducted in accordance with this condition during the day of the compliance audit;
- vii. A detailed description of all actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
- viii. The Permittee's certification of compliance with the regulations and documentation demonstrating such compliance pursuant to this Renewal Authorization and Permit to Operate No. 09601094-PO. 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 annually for the remaining life of this Renewal Authorization and Permit to Operate No. 09601094-PO;
- 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. B.7. of this Renewal Authorization, 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 mining activities at the Facility in the event that the Permittee fails to submit in a timely manner the plan and schedule required by Condition No. B.7.e. of this Renewal Authorization 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 annually no later than January 30, directly to the Solid Waste Enforcement Program, in accordance with Condition No. B.8. of this Renewal Authorization.

**8. Condition No. B.13. of Permit to Operate No. 09601094-PO is no longer in effect and is replaced by the following:**

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](mailto:DEEP.Solid&HazWasteReports@ct.gov)

9. Permit to Operate No. 09601094-PO, as amended herein, shall expire ten (10) years from the issuance date of this Renewal Authorization and may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws.

Issued on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

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Jennifer L. Perry, P.E., Chief  
Bureau of Materials Management and  
Compliance Assurance

Application No. 202207172  
Permit to Operate No. 09601094-RPO-2024  
Permittee - e-Certified