



PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: USA Hauling & Recycling, Inc.
FACILITY ADDRESS: 185 Torrington Road (accessed via 23 Lanson Drive), Winchester, CT
PERMIT No. 1620xxxx-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 USA Hauling & Recycling, Inc. (“Permittee”) to construct and operate a solid waste Volume Reduction Plant (“VRP”) and Transfer Station (“Facility”) located at 185 Torrington Road (accessed via 23 Lanson Drive), Winchester, Connecticut. Subsequently, the Permit to Construct and Operate No. 16201175-PCO issued on October 27, 2014 is no longer in effect and is replaced by this Permit.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. 201908106, to renew the Permit to Construct and Operate, including:
 - i. Application form received on June 28, 2019.
 - ii. Operation and Management Plan (O&MP) revised October 29, 2013 and October 17, 2019.

The following, prepared by Mark M. Zessin, P.E., Anchor Engineering Services, collectively, “Site Plans”:

- iii. Site Plans dated January 27, 2011, November 25, 2011 and revised May 8, 2014.
- iv. Site Plan dated June 4, 2014.
- v. Site Plan received on November 28, 2011.
- vi. Site Plan received on June 4, 2014 pertaining to Phase 1 modification.
- vii. Site Plan received on July 15, 2014 pertaining to Phase 2 modification; and
- viii. Letter submittals dated October 29, 2013; March 10, 2014; June 4, 2014; and November 6, 2019.

The following certified by Mark M. Zessin, P.E., Barton & Loguidice:

- ix. Letter submittals dated July 29, 2022 and October 18, 2022; and
- x. As-Built Site Plan entitled “Phase 1 Record Drawing” revised October 13, 2022.

- 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. 201908106 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; 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:
- “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.
- “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.
- “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.
- “Final Products” means Processed solid wastes, which are ultimately delivered to a market or other solid waste facility.
- “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.

“Universal Waste” as defined in Section 22a-449(c)-113 of the RCSA incorporating 40 CFR 273 means the following hazardous wastes:

- a. Spent mixed batteries, including but not limited to, nickel-cadmium and small sealed lead-acid batteries;
- b. Mercury-containing equipment;
- c. Mercury-containing lamps that contain mercury in any amount; and
- d. Used electronics.

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. After consultation with the Department and the Department has determined 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 minor physical or minor operational changes at the Facility. Such changes may include replacement of existing equipment, reallocation of storage volumes for authorized waste or relocation of storage areas at the Facility. Written approval, pursuant to this condition, will be issued if in the Commissioner's judgment, the proposed minor physical or minor operational changes: (a) are deemed necessary to allow the Facility to continue authorized operations; (b) do not increase the size of the facility building; (c) do not introduce new waste streams or increase Facility receipt, processing or storage capacities; and (d) do not result in additional equipment and processes not currently authorized at the Facility.

B. AUTHORIZATION TO CONSTRUCT AND MAINTAIN

1. The existing Facility, as repurposed for Phase 1 operations, consists of: (a) a truck scale; (b) office space; (c) an access road; (d) a vehicle maintenance garage repurposed as a processing building with a tipping floor and an eight (8)-foot concrete sectional barrier, a concrete retaining wall and overhead doors to establish separate receiving and storage areas for the receiving, consolidating and transfer of MSW and Recyclable Items; (e) a truck wash bay, and (f) various outdoor areas dedicated to the managing and storage of loaded containers.
2. The Permittee continues to be authorized to construct the following Facility improvements and new operating areas to be used for Phase 2 operations in accordance with all applicable law, including this Permit, as follows.
 - a. Construct (east of, and adjacent to, the vehicle maintenance garage) a 130-foot by 165-foot (47 feet 11 inches maximum height) Processing building for the receiving, consolidating and transfer of C&D Waste including MSW, OMSW and Recyclable Items;
 - b. Construct concrete push walls within the Processing building to establish six (6) separate areas for the receiving, staging and off-site transfer of C&D Waste including MSW, OMSW and Recyclable Items;
 - c. Install a canopy-covered concrete pad for the storage of scrap appliances containing chlorofluorocarbons (CFCs) and a four (4)-foot high retaining wall to separate the load-out bay from the concrete pad;
 - d. Install mechanical equipment (baler, bale wrapper, and conveyor) designed for various loads of solid wastes and Recyclable Items Processing; and
 - e. After completion of the construction aforementioned in Condition Nos. B.2.a. through d. of this Permit, the Permittee shall repurpose the building used for Phase 1 operations back for use as a vehicle maintenance garage.
3. The Permittee is authorized to construct the Facility for the purpose of Processing no more than a total of 500 tons per day (TPD) during Phase 1 operations and no more than a total 800 TPD during Phase 2 of waste types specified in Section C. of this Permit.
4. The Permittee shall maintain the Facility as described in Condition Nos. B.2. and B.3. of this Permit.

5. 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.
6. The Permittee shall, within thirty (30) Days from the completion of the construction as described in Condition No. B.2. of this Permit for Phase 2 operations, or any maintenance undertaken pursuant to Condition No. B.4. 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 Condition No. C.5. of this Permit.

C. AUTHORIZATION TO OPERATE

1. The Permittee is authorized to continue to operate the Facility as specified in Condition No. B.1. of this Permit. The Permittee is authorized to operate any or all of the components specified in Condition No. B.2. and Section C. of this Permit upon written approval granted by the Commissioner, as follows.
 - a. For Phase 1 operations, the Permittee is authorized to operate at the Processing capacity outlined in Condition Nos. C.4.b. and C.5., Table 1 – Phase 1, of this Permit; and
 - b. For Phase 2 operations, the Permittee is authorized to operate at the Processing capacity outlined in Condition Nos. C.4.c. and C.5., Table 2 – Phase 2, of this Permit.

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.6. 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 – Friday 7:00 a.m. – 4:30 p.m.
Saturday 7:00 a.m. – 12:00 noon
4. The Permittee is authorized to receive for Processing at the Facility no more than the following:
 - a. **Phase 1 operations:** a total of 500 TPD of the following types of solid waste: (i) putrescible MSW; (ii) C&D Waste including OMSW; (iii) Recyclable Items; (iv) scrap metal including appliances containing CFC liquid; (v) cardboard; (vi) Clean Wood; and (vii) scrap tires.

- b. **Phase 2 operations:** Upon written approval of the Commissioner in accordance with Condition No. B.6. of this Permit the Permittee is authorized to operate at Phase 2 capacities and shall receive and Process at the Facility no more than a total of 800 TPD of the following types of solid waste: (i) putrescible MSW; (ii) C&D Waste including OMSW; (iii) Recyclable Items; (iv) scrap metal including appliances containing CFC liquid; (v) cardboard; (vi) Clean Wood; and (vii) scrap tires.
5. The Permittee shall store and manage solid waste at the Facility only in the designated areas as identified in the drawings referenced in the following Conditions of this Permit and in accordance with the specifications below.

Phase 1 operations: Condition Nos. A.1.a.vi. and C.5., Table 1 of this Permit
Phase 2 operations: Condition Nos. A.1.a.vii. and C.5., Table 2 of this Permit

Unless otherwise specified herein, fully loaded containers of solid waste shall be transferred from the Facility within two (2) business days.

Table 1 – Phase 1, Storage Capacity

Solid waste types	Maximum Storage (cubic yards, cy unless otherwise noted)	Storage specifications
unprocessed putrescible MSW	600	Indoor, area B, on tipping floor in piles and containers
Processed (compacted) putrescible MSW	1,000	Indoor, 1 container Outdoor, 9 trailers
unprocessed C&D Waste including OMSW	550	Outdoor, in piles or containers/trailers
Recyclable Items	500	Indoor, area D, on tipping floor in piles and containers
	1,000	Indoor, 1 trailer Outdoor, 9 trailers
scrap metal	100	Outdoor, containers
scrap metal: appliances containing CFCs; propane tanks without valves	60 units	Outdoor, on impervious pad
cardboard	100	Indoor, area D, on tipping floor in piles and containers
		Outdoor, 1 trailer
Clean Wood	50	Outdoor, in piles or containers
scrap tires	50	Outdoor, in piles or containers/trailers
TOTAL	3,950	

Table 2 – Phase 2, Storage Capacity

Solid waste types	Maximum Storage, cy (unless otherwise noted)	Storage specifications
unprocessed putrescible MSW	600	Indoor, MSW receiving area, in piles
Processed putrescible MSW, compacted	600	Indoor, area B, MSW staging area in piles or containers
	1,200	Indoor, 1 trailer Outdoor, 11 trailers
Processed putrescible MSW, encapsulated bales	200	Area B, loading dock 1 (bale storage)
unprocessed C&D Waste including OMSW	400	Indoor, C&D Waste receiving area, in piles or containers
Processed C&D Waste including OMSW, compacted	500	Indoor, area A, C&D Waste staging area, in piles or containers
Processed C&D Waste including OMSW, compacted	150	Indoor, area E (adjacent to C&D Waste staging area), in piles or containers
Processed C&D Waste including OMSW, compacted	100	Indoor, area E, 1 trailer (south area)
Processed C&D Waste including OMSW, compacted	300	Outdoor, area E, up to 3 trailers
	600	Indoor, Recyclable Items receiving area
	300	Indoor, area D, Recyclable Items staging area
scrap metal	450	Outdoor, 6 trailers or 9 containers
	100	Indoor, area D, Recyclable Items staging area
scrap metal: appliances containing CFCs; propane tanks without valves	60 units	Outdoor, on impervious pad
cardboard	100	Indoor, area D, Recyclable Items staging area
Clean Wood	50	Outdoor, area E, in piles or containers
scrap tires	50	Outdoor, area D, in piles or containers/ trailers
TOTAL	5,700	

a. **Storage and Management of putrescible MSW:**

Phase 1 – shall be stored in piles and/or watertight containers/trailers and shall not exceed 1,600 cy. Indoor storage shall be located in a separate area of the tipping floor dedicated to receiving, consolidating and transferring putrescible MSW. Putrescible MSW shall be stored: loose in piles and containers in area B within the Facility building and shall not exceed 600 cy; and compacted in area B within the Facility building. Putrescible MSW on the tipping floor and all indoor areas shall be containerized by the end of the business day and the floors of those areas shall be swept clean at the end of each operating day. Outdoor storage of compacted putrescible MSW for same-day shipment shall not exceed nine (9) trailers, which shall be kept closed at all times except

when the trailers are being filled. Total storage of Processed putrescible MSW shall not exceed 1,000 cy.

Phase 2 – shall be stored in piles indoors, in encapsulated bales and/or watertight containers/trailers and shall not exceed 2,600 cy. Indoor storage shall be located in a separate area of the tipping floor dedicated to receiving, consolidating and transferring putrescible MSW. Storage of unprocessed putrescible MSW shall not exceed 600 cy. Processed putrescible MSW shall be stored: indoors in area B in piles, bales (not exceeding 200 cy, on loading dock 1 only) and/or containers or an indoor trailer. Indoor storage of compacted putrescible MSW shall not exceed 600 cy. Putrescible MSW on the tipping floor and all indoor areas including, but not limited to baler feed piles, shall be containerized by the end of the business day and the floors of those areas shall be swept clean at the end of each operating day. Outdoor storage of compacted putrescible MSW for same-day shipment shall not exceed 1,200 cy in eleven (11) trailers, which shall be kept closed at all times except when the trailers are being filled.

Storage of putrescible MSW 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. Absolutely no manual sorting or handling of putrescible MSW shall be conducted at the Facility.

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 building such that the total volume of putrescible MSW stored indoors overnight does not exceed 1,600 cy (Phase 1) or 2,600 cy (Phase 2).

b. **Storage and Processing of C&D Waste and OMSW:**

Phase 1 – outdoor storage shall not exceed 550 cy of unprocessed C&D Waste and OMSW and shall be conducted on the concrete pad east of the maintenance garage, in containers/trailers which shall be watertight and covered at all times except when material is being actively placed in or removed from the container or trailer.

Phase 2 – 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 Facility building shall be equipped with adequate ventilation, fire protection systems and an impervious floor. Storage within the Facility building shall not exceed 1,150 cy, including in the one (1) indoor trailer. Outdoor storage shall not exceed 300 cy and shall be confined to three (3) trailers which shall be watertight and closed at all times except when material is being actively placed in or removed from the trailer(s).

Containers and trailers of C&D Waste and OMSW shall not be stored on-site for greater than thirty (30) Days from when the waste first entered the Facility.

c. **Storage of Recyclable Items.** Processing of Recyclable Items shall be conducted only on the tipping floor within the Facility building, and Processed on a first in/first out basis, as follows:

Phase 1 – Storage within the Facility building shall not exceed 1,500 cy and shall be confined to the tipping floor and/or containers/trailers. Outdoor storage of Recyclable Items shall not exceed nine (9) trailers.

Phase 2 – Storage within the Facility building shall not exceed 1,350 cy and shall be confined to the tipping floor and/or containers/trailers. Outdoor storage of Recyclable Items shall not exceed six (6) trailers or nine (9) containers.

The storage containers/trailers shall be kept covered at all times except when material is being actively placed in or removed from the container or trailer.

- d. **Storage of scrap metal** (including appliances which have had CFC liquid removed and propane tanks without valves) shall: not exceed one hundred (100) cy; and 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 CFC liquid.** Storage of appliances containing CFCs shall be limited to no more than sixty (60) 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 and Processing of cardboard.** Processing of cardboard shall be conducted only on the tipping floor within the Facility building, and Processed on a first in/first out basis.
Phase 1 – storage shall not exceed one hundred (100) cy and shall be confined to the indoor tipping floor and/or outdoor designated containers.

Phase 2 – storage shall not exceed one hundred (100) cy and shall be confined to the Recyclable Items staging area.

Storage containers shall be kept covered at all times except when material is being actively placed in or removed from the container(s).

- g. **Storage of Clean Wood (brush; land clearing debris, pallets)** shall take place in either container(s) or in piles located on the ground.

Piles of unprocessed Clean Wood shall: have a minimum of a twenty-five (25) foot emergency access maintained around them; not contain Treated Wood; be Processed and transferred on a first-in/first-out basis; and have a maximum height of twenty-five (25) feet.

Piles of Processed Clean Wood chips shall: not exceed fifty (50) cy; have a maximum height of fifteen (15) feet; be stored on base pads constructed of compacted and well drained material that can support heavy equipment during all seasons; minimize dust and prevent ponding of water; be shaped to allow adequate stormwater run-off; be oriented

- 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 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;

- 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;
- l. 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 maintain at least a forty percent (40%) rate of recovery of Recyclable Items not designated pursuant to Section 22a-241 of CGS ("non-designated Recyclable Items"). The Permittee shall make continuing efforts to increase the non-designated recycling rate during the term of this Permit.

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 Section 22a-209-10(3) of the RCSA that includes the Facility's name and the Department Permit number (Permit to Construct and Operate No. 1620xxxx-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 the 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 to 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 or Spotted Lanternfly (SLF). Signs indicating possible Asian Longhorn Beetle infestation can be found at the Department's webpage: <http://www.ct.gov/deep/alb>. Connecticut has a state-wide quarantine for SLF with regulated areas defined as towns with established populations as updated at <https://portal.ct.gov/CAES/CAPS/CAPS/Spotted-Lanternfly---SLF>.
- 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 the Asian Longhorn Beetle or Spotted Lanternfly should be identified at the source of generation and managed in accordance with quarantine agreements that may exist, i.e., wood from the State of Massachusetts that enters Connecticut for receipt and processing.
 - 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, or for SLF ReportSLF@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 **\$107,015**, as required by Section 22a-6(a)(7) of the CGS. The Permittee shall, no later than sixty (60) Days after the issuance date of the written authorization to operate pursuant to Condition No. B.6. of this Permit for Phase 2 operations, establish for the Commissioner's benefit an acceptable financial assurance instrument and post the financial assurance with the Department in the amount of **\$ 163,403.50**, 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 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.17. 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 and Operate No. 16201175-PCO, issued on October 27, 2014 is no longer in effect and is replaced by this Permit.
24. This Permit shall expire ten (10) 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 _____, 202____.

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

Application No. 201908106
Permit to Construct and Operate No. 1620xxxx-PCO
Permittee – e-Certified
City/Town Clerk – e-Certified

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