

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Office of Adjudications

IN THE MATTER OF

:

***APPLICATION NO.
200501617***

***WASTE MANAGEMENT OF
CONNECTICUT, INC.***

:

MAY 6, 2011

PROPOSED FINAL DECISION

I

SUMMARY

Waste Management of Connecticut, Inc. (Waste Management/applicant) has applied to the Department of Environmental Protection (DEP/departement) for the renewal of its permit to operate a solid waste volume reduction and recycling facility on Meadow Street in Norwalk. The requested renewal would allow the continued operation of the facility under the current tonnage limitation of 500 tons per day, including receipt of a maximum 250 tons per day of municipal solid waste.

The department published its notice of tentative determination to approve the requested renewal on July 8, 2010. A timely petition for a hearing was received on August 9, 2010. City Carting, Inc. and the Connecticut Coalition for Environmental Justice intervened as parties in the hearing. The hearing was conducted over five days. An evening hearing was held at Norwalk City Hall on November 8, 2010 and the hearing was completed and the record closed in Hartford on December 13, 2010.

I have reviewed the entire record in this matter, including the documentary evidence, oral testimony, and public comment. Following this review, I conclude that the applicant, through the presentation of substantial evidence, has demonstrated that the proposed activity, if conducted in accordance with the proposed draft permit, complies with the relevant statutory and regulatory requirements. General Statutes §22a-208a; Regs., Conn. State Agencies §22a-209-1 through 16. In addition, the operation of the facility, if performed in compliance with the permit terms and conditions, is consistent with the applicable portions of the Coastal Management Act. General Statutes §§ 22a-90 through 22a-111. Finally, intervening party, the Connecticut Coalition for Environmental Justice, did not make a prima facie showing that the proposed activity will or is reasonably likely to cause unreasonable pollution, impairment, or destruction of the state's air, water, or other natural resources. General Statutes §22a-19(a). Therefore, I recommend that the Commissioner grant the requested permit renewal.

II

DECISION

A

FINIDINGS OF FACT

1

PROCEDURAL HISTORY

1. Waste Management of Connecticut, Inc. (Waste Management/applicant) submitted an application to renew its permit to operate a solid waste volume reduction and recycling facility to the DEP on June 15, 2005 and it was received by the DEP on June 17, 2005. Waste Management's application to renew its permit was filed more than 120 days before its permit was due to expire. Notice of the application was published on July 1, 2005. (Exs. DEP-1A, 2; test. 11/15/10, P. Richer, p. 72.)

2. DEP staff deemed the application sufficient on August 4, 2005 and performed a technical review of the application. During the technical review, DEP was developing boilerplate

language to be included in all permits for solid waste facilities and waited to complete the technical review while this permit language was finalized. After it was finalized, DEP requested additional information from the applicant on January 30, 2009. On March 5, 2009, in response to this request, the applicant provided more current information on Waste Management and the site operator and its affiliates for the compliance review, an updated site plan, and an updated operations and management plan. (Exs. DEP-4, 7, 8; test. 11/15/10, P. Richer, pp. 74-78, 11/22/10, E. Coelho, pp. 36, 45, G. Frigon, p.112.)

3. DEP issued a notice of tentative determination to approve the renewal of the permit on July 7, 2010. A timely petition requesting a hearing signed by more than twenty-five people was submitted to the department and received on August 9, 2010. City Carting, Inc. (CCI) requested to intervene as a party under Regs., Conn. State Agencies §22a-3a-6(k)(2) on September 9, 2010 to protect its interests as the operator of the facility. CCI was granted status as a party on September 16, 2010. A status conference was held on September 15, 2010. Representatives from Waste Management, City Carting, and DEP staff and a board member from the Connecticut Coalition for Environmental Justice (CCEJ) attended the status conference. At the status conference the schedule for the hearing was discussed and established. As part of this schedule, any party was required to submit prehearing information and exchange it with other parties by October 20, 2010. This information was to include lists of witnesses, summaries of testimony, credentials for expert witnesses, lists of exhibits, and copies of actual exhibits. A status conference summary issued on September 21, 2010 informed the parties and the board member from CCEJ that failure to meet the deadline for the prehearing information exchange could result in the exclusion of evidence. No one in attendance at the status conference asked for an extension of that deadline. Waste Management, CCI, and DEP staff all filed prehearing information on or before October 20, 2010. CCEJ filed a request to intervene as a party on October 28, 2010 under General Statutes §22a-19. CCEJ was granted party status on November 5, 2010. CCEJ did not provide prehearing information by October 20, 2010 or with its request to intervene on October 28, 2010.¹ CCEJ first presented documents for admission as evidence on

¹ All documents pertaining to the procedural history that are not specifically cited as exhibits are contained in the docket file maintained by the Office of Adjudications and are part of the administrative record in this matter. General Statutes §4-177(d).

November 22, 2010. (Ex. DEP-15; test. 11/22/10, E. Coelho, p. 50, 53, Statements of M. Mitchell, pp. 129-132.)

4. Public notice of the hearing was published on October 7, 2010 in *The Hour* and in *LaVoz*, a Spanish language publication and republished on October 21, 2010 in these same publications. An evening hearing session was held in Norwalk on November 8, 2010. At the evening session, members of the public were provided an opportunity to provide comment on the record after brief presentations by the parties. The parties presented testimony and documentary evidence at the continued hearing sessions on November 15, 22, and 30 and December 13, 2010. (Ex. DEP-18; test. 11/22/10, E. Coelho, p. 53.)

2

FACILITY PERMIT HISTORY

5. Waste Management currently holds the permit to operate a solid waste volume reduction facility (VRF) at 8-18 Meadow Street and a recycling facility at 30-32 Meadow Street in Norwalk. The current permit refers to the VRF and the recycling facility collectively as the facility. The VRF at 8-18 Meadow Street has operated under a DEP permit since 1989. NRS Carting developed the VRF in 1985. In 1989, Waste Management acquired the assets of NRS Carting. The DEP permit was transferred to Waste Management in 1990. In 1993, DEP issued Waste Management a permit to construct a recycling facility at 30-32 Meadow Street. In 1995, Waste Management was permitted to receive municipal solid waste (MSW) at the VRF. In October 2000, the permit to operate the facility was renewed by Waste Management. Waste Management filed an application to renew the permit again on June 17, 2005. Waste Management sold the real estate underlying the facility to Meadow Street Partners, LLC, an affiliate of CCI, in 2006. In December 2008, Waste Management entered into an operating agreement through which CCI would operate the facility for Waste Management. Waste Management remains responsible for compliance with all permit conditions, including providing the financial assurances required under the permit. (Exs. DEP-6, 13, APP-11; test. 11/15/10, P. Richer, pp. 42, 48, 50, 74, 75-77, 127, 11/22/10, G. Frigon, p. 110.)

FACILITY DESCRIPTION AND LOCATION

6. The facility consists of two buildings, the VRF at 8-18 Meadow Street and the recycling facility at 30-32 Meadow Street, and is located in an industrial zoned area of South Norwalk. The two properties directly abut each other on the south side of Meadow Street. A Federal Express distribution and trucking facility is located to the west of the facility. Two auto storage and salvage yards are located south, southeast, and east of the facility. Two residences lie across Meadow Street to the northwest of the facility. A separate maintenance garage and refueling facility is located adjacent to the facility to the east. It is operated by CCI or its affiliates but is not the subject of the permit application. Finally, a separate container storage and repair operation is located adjacent to the southwest of the VRF; it too is not affiliated with the transfer station operation but is operated by CCI. Groundwater underneath the facility is classified as GB. Groundwater classified as GB cannot be used as a source of drinking water without treatment. (Exs. DEP-1C, 1F, 8, APP-15, 16, 17, HO-1, 2; test. 11/15/10, P. Richer, pp. 43-47, 52-56, E. Desmolieres, pp. 147, 149, 152-153, 174, 11/22/10, G. Frigon, p. 115.)

FACILITY OPERATIONS AND MANAGEMENT***a******Volume Reduction Facility***

7. The VRF is permitted to receive a maximum of 250 tons per day (tpd) of MSW and 500 tpd of construction and demolition (C&D) waste; oversized MSW, including furniture, mattresses, carpets, scrap metal, appliances containing CFCs, propane tanks with valves, paper and cardboard; and wood and land-clearing debris (collectively C&D waste etc.). The total tonnage limit at the VRF is 500 tpd and can be any combination of MSW and C&D waste etc. as long as the amount of MSW does not exceed 250 tpd. The recycling facility is permitted to receive a maximum 200 tpd of recyclable paper, cardboard, and commingled glass, plastic and

metal containers. The recycling facility is not currently operating but is still authorized to operate by the current and proposed draft permit. The collective permitted capacity at the entire facility encompassing the VRF and the recycling facility is 500 tpd. Therefore, the combined tonnage of all types of waste at both locations may not exceed 500 tpd with no more than 250 tpd of it allowed to be MSW. The proposed draft permit makes no alteration to these tonnage limitations. (Exs. DEP-6, 8, 17, HO-1; test. 11/15/10, P. Richer, pp. 67-68, 11/22/10, E. Coelho, pp. 53-54.)

8. The hours of operation at the site are from 7:00 am until 5:00 pm Monday through Friday and 8:00 am until 2:00 pm on Saturday. Loads of waste are only received until 3:00 pm Monday through Friday and until 12:00 pm on Saturday. The remaining time of operation is used for site cleaning and maintenance until the facility closes for the day. The facility does not operate on Sundays or legal holidays. The proposed draft permit does not alter these operating hours. (Exs. DEP-6, 8, 17, HO-1; test. 11/15/10, E. Desmolieres, pp. 163-64, 11/22/10, E. Coelho, pp. 40-41.)

9. All trucks entering the facility are weighed. Loads are inspected regularly to ensure that only permitted wastes enter the facility. Trucks are queued inside the fence of the facility on the southwest side of the property. The queuing of vehicles on-site is limited. Vehicle operators are made aware of limitations on idling through facility signage and by operation personnel. Operating personnel who observe violations of idling limitations instruct vehicle operators to cease idling. (Exs. DEP-8, 17, HO-1; test. 11/15/10, P. Richer, pp. 59-61, E. Desmolieres, pp. 164, 184-85.)

10. After being weighed, trucks back into designated bays at the VRF depending on the type of waste they are unloading. There are ten bays at the VRF. Bays 3 through 5 accept MSW and Bays 6 through 8 accept C&D, wood and land clearing debris, and oversized MSW. Bays 1, 2, 9 and 10 are used to load trailers with the deposited MSW and C&D waste respectively. Any trailer being loaded in Bay 1 or 10 is weighed to ensure it is filled to maximum capacity but not overloaded. (Exs. DEP-8, HO-1; test. 11/15/10, P. Richer, pp. 59-61, 65-66, E. Desmolieres, p. 154.)

11. Trucks entering the bays back in as far as they can go to keep waste away from the open bay doors. Waste is dumped onto the tipping floor where it is inspected to ensure the material is consistent with the permit limitations. If larger recyclable items such as scrap metal or large deposits of cardboard are observed within the MSW, that material is removed and placed with other similar recyclables and stored for later removal. Waste Management does not open individual garbage bags or otherwise sort MSW. No MSW is stored on the tipping floor. Waste is loaded into large trailers so it can be trucked off-site for final disposal. All waste trailers are covered for removal or temporary on-site storage. (Exs. DEP-8, 17; test. 11/15/10, P. Richer, pp. 59-62, 91-92, 136, E. Desmolieres, 154-55, 158.)

12. The applicant may store MSW on-site for no more than forty-eight hours from when it enters the facility unless it is a holiday weekend. All effort is made to remove MSW from the site before the facility closes on Saturday during a holiday weekend to avoid storage of MSW longer than forty-eight hours. Processed C&D waste and oversized MSW may be stored on the tipping floor in piles or in containers inside or outside of the VRF building. C&D materials, oversized MSW, and recyclables may be stored for a maximum of 30 days. Outside storage must be in closed, covered, and watertight containers. Full containers of C&D materials, oversized MSW, or recyclables must be removed within two days. Storage of all materials on-site at the VRF is limited to 700 tons. Unrecyclable MSW is sent to the Wheelabrator trash to energy facility in Bridgeport. (Exs. DEP-6, 8, 17, HO-1; test. 11/15/10, P. Richer pp. 136, E. Desmolieres, pp. 159-61, 11/22/10, E. Coelho, pp. 51, 98.)

13. A sign is posted on-site indicating the operator of the facility and the operating hours. Access to the site is controlled by an 8-foot chain link fence and locking gates. A certified operator is present at all time on-site during business hours. Gates remain locked until the facility officially opens and are locked at closing time. (Ex. DEP-8; test. 11/15/10, E. Desmolieres, pp. 163-64, 167.)

14. The operator controls odors by applying odor counteractant directly to a load on the tipping floor and through the use of a masking agent in the facility's misting system. The misting system is also used to control dust from C&D waste. The misting system operates continuously on five minute intervals during warmer months. The operating personnel can increase the frequency of the misting system or adjust the amount of counteractant for warmer days or when loads with stronger odors are present. The odorous loads are quickly transferred into a covered trailer and sent off site for final disposal. During winter months, the misting system is not used to avoid freezing. The operator directly applies odor counteractant and water to control odor and dust in the winter if necessary. The main operations at the VRF occur on a paved surface which limits the potential for dust. A road sweeper service removes dust and debris three times a week except during inclement weather. (Ex. DEP-8; test. 11/15/10, P. Richer pp. 62-63, 68, 125, E. Desmolieres, pp. 151, 155-56, 160-61.)

15. The facility is equipped with a building sprinkler system that is supplied with water by the City of Norwalk. The facility has necessary fire extinguishers. Fire hydrants are in close proximity and the fire department is located across the street from the facility. Personnel are trained to contact appropriate emergency personnel. Emergency preparedness and response is incorporated into the Facility's operations and management (O&M) plan. (Ex. DEP-8, 17; test. 11/15/10, P. Richer, p. 80, E. Desmolieres p. 168.)

16. The inside and outside of the VRF are swept clean on a daily basis at the end of each operating day. No water is used to clean the tipping floor. No incoming trucks are cleaned at the facility. Storage trailers may be washed at the facility using the separately permitted wash bay. Facility employees clean the yard and remove litter three times a day. Excess liquid in loads of MSW is absorbed by other MSW. If liquid spills from loads of MSW are not absorbed, remaining liquids would stay inside the building to be cleaned up with absorbent material or mixed with the next load of MSW. The tipping floor is impervious and there are no floor drains that would allow the discharge of any liquid waste. (Ex. DEP-8; test. 11/15/10, P. Richer, p. 58, E. Desmolieres, pp. 181-82, 190.)

17. All unloading and loading operations are conducted indoors to control noise. The VRF and the recycling facility are located in fully enclosed buildings with a full roof and four walls. Heavy equipment used to scoop up waste from the tipping floor is equipped with rubber on the blades of the bucket to facilitate efficient removal of waste and reduce noise from the loading operation. Trained, experienced operators reduce noise by avoiding contact with trailers during loading process. (Ex. DEP-8; test. 11/15/10, P. Richer, pp. 68-69, E. Desmolieres pp. 157, 162.)

18. The facility has received one official complaint from a neighboring commercial property in the last two years. An investigation of the complaint by local officials revealed that the facility operator handles odorous loads as swiftly and efficiently as possible. The facility operator and personnel have an interest in removing odorous material from the site as swiftly as possible. Air monitoring is conducted for lead and asbestos. There are no reports of violations of air quality standards. Any failure to provide required air quality monitoring reports would be a violation of the permit. There are no violations for failure to provide monitoring reports. (Exs. DEP-8, 10, 17; test. 11/15/10, E. Desmolieres, pp. 150-53, 161, 11/22/10, E. Coelho, p. 86.)

b

Recycling Facility

19. The recycling facility is not currently operating but is allowed to operate under the current permit and the proposed draft permit. If it began operating as authorized under the proposed permit, it would receive source separated recyclables, including paper, cardboard, and comingled containers. These materials would be deposited on a concrete tipping floor and processed and baled so they could be transported to markets for recycling. (Exs. DEP-6, 12, 17; test. 11/15/10, P. Richer, pp. 64-65.)

20. The recycling facility may store up to 300 tons of processed and unprocessed material either inside the building or outside in covered and enclosed containers. These materials are typically shipped out to market for further processing the next business day. Unrecyclable

materials are loaded into trash compactor trailers and transferred to a permitted solid waste facility. (Exs. DEP-8, 17; test. 11/15/10, P. Richer, pp. 64-65.)

c

Stormwater

21. Processing activities are conducted inside the VRF and the recycling facility. Any waste stored outside is covered in watertight containers to prevent stormwater from coming into contact with any solid waste or recyclables. The facility's stormwater is conveyed to on-site catch basins that are then routed to the City of Norwalk's municipal stormwater system. The city's stormwater system also receives stormwater from neighboring commercial and industrial facilities in addition to Waste Management's VRF and recycling facility before it discharges to nearby surface waters. The facility is registered under the existing DEP General Permit for Discharge of Stormwater Associated with Industrial Activities (General Permit). The facility will be required to register under the modified General Permit, which has more stringent requirements for monitoring, institutional controls, and water quality-based benchmark criteria. Under its existing registration, the Facility has a stormwater pollution prevention plan. Registration under the modified General Permit will require submission and approval of a new plan, including a period for public comment on the plan. (Exs. DEP-8, HO-2; test. 11/15/10, P. Richer, pp. 57-58, 11/22/10, E. Coelho, pp. 54-55, 12/13/10, T. Gregory, 213-15, 218-20.)

5

COASTAL MANAGEMENT ACT

22. The facility operations were reviewed for consistency with the Coastal Management Act. The review included an examination of the facility's location in relation to coastal resources appearing on various mapping resources. The applicant had not identified specific coastal resources in the vicinity of the facility on the coastal consistency review form supplied with the application materials. The Office of Long Island Sound Programs (OLISP) does not rely solely on the information on this form in performing a review of proposed activity for consistency with

the policies of Coastal Management Act. The assigned reviewer used the form to confirm the location of the proposed activity and then turned to trusted mapping resources to determine proximity to coastal resources. (Ex. DEP-1-G, 5; test. M. Balint, 11/30/10, pp. 154-188.)

23. The coastal resources in the vicinity of the site include tidal wetlands, shell fish beds, and water dependent uses. The site activity does not interfere with these resources. The proposed draft permit is consistent with the Coastal Management Act. (Ex. INT-7 (Map only); test. 11/30/10, M. Balint, pp. 154-55.)

6

SOLID WASTE MANAGEMENT PLAN

24. The facility receives and processes waste from residential and commercial sources throughout greater Fairfield County. The MSW is volume-reduced, consolidated, and transferred for final disposal to the trash to energy facility in Bridgeport. C&D wastes are sorted and sent to landfills for final disposal. Recyclables, such as white goods, propane tanks, asphalt, brick, concrete, and landclearing debris are sorted and sent to appropriate locations for recycling. The Facility's sorting capability maximizes recycling within all waste streams and works to help achieve the statewide goal of 58% recycling rate by 2024. This sorting and recycling effort is consistent with the Connecticut Solid Waste Management Plan as it diverts recyclable materials from the waste stream that would otherwise be disposed of in landfills. (Exs. DEP-8, 9, HO-1; test. 11/15/10, P. Richer, 11/22/10, pp. 77-78, 128-132, E. Coelho, pp. 47, 102.)

7

COMPLIANCE HISTORY

25. The applicant has not received any enforcement orders or civil actions from DEP, the U.S. Environmental Protection Agency or any other authority with jurisdiction over the Facility. The one Notice of Violation (NOV) received by the Facility was in 1997 and related to litter and dust control. The NOV was closed and no further NOVs have been issued to the Facility. The

applicant received nine NOVs related to recycling but it is not clear whether they related to operations at the facility. CCI has received no orders or NOVs overall or related to its operation of the facility in the last five years. Other entities affiliated with CCI such as Meadow Street Partners and City Carting Holding Company, Inc. have received no enforcement orders or NOVs. No citations have been received by this facility from the City of Norwalk. DEP's own compliance review regarding Waste Management, CCI and its affiliates of any enforcement history revealed no issues that would prevent Waste Management from being issued the proposed permit with CCI as the operator. (Exs. DEP-1-D, 8, 10; test. 11/15/10, P. Richer, pp. 75, 79-80, E. Desmolieres p. 166. 11/22/10, E. Coelho p. 49.)

26. No formal complaints have been received by CCI regarding the facility from residents in the last two years since CCI has been operating the facility; the only formal complaints were from Federal Express, a neighboring business and they were resolved. (Test. 11/15/10, E. Desmolieres, pp. 149-54, 166.)

8

PROPOSED DRAFT PERMIT

27. The conditions of the proposed draft permit meet current statewide policies for solid waste facilities. The proposed draft permit places necessary restrictions and limits on the type and amount of waste that can be received at the facility. The requirements for independent auditing and unannounced inspections of 5% of all loads provide additional protection of the environment. The current permit does not modify any of the essential operating conditions, including tonnage limits, operating hours, or waste storage. (Ex. DEP-17; test. 11/22/10, E. Coelho, pp. 40-41, 99-100, G. Frigon. p. 112.)

28. The applicant and the current operator have the necessary experience operating the facility and will continue to operate in compliance with applicable statutes and regulations and the conditions of the proposed draft permit. (Ex. DEP-8; test. 11/15/10, E. Desmolieres, p. 170.)

UNREASONABLE POLLUTION CLAIM

29. CCEJ presented two witnesses that did not collect or review data specific to the applicant's operation. Neither witness presented information sufficient to support their purported expertise on technical issues pertinent to this application or to indicate that they had any knowledge peculiar to this operation that would qualify them as experts on this or other solid waste facilities. One witness presented evidence on impacts in general from odors, noise, and diesel exhaust on urban populations with no specific evidence on the operation of the applicant's facility, including no direct observation of the facility in operation. The other witness provided limited factual evidence based on personal observation and testified to potential impacts from the facility without any data or scientific evidence from the actual operation. Out of twenty visits to the property, the witness detected an odor on one occasion. (Test. 11/22/10, M. Mitchell, pp. 176-206, 11/30/10, M. Mitchell, pp. 61-62, 12/13/10, D. Lauricella, pp. 54, 71-73, 94-95, 160, 196-198.)

ENVIRONMENTAL JUSTICE CLAIM

30. Norwalk is not currently a distressed municipality as designated by the Department of Economic and Community Development and was not in 2005. The area of Norwalk where the facility is located falls within a census block that qualifies as an environmental justice community. DEP's waste engineering and enforcement division required applicants for new permits and for facility expansions in distressed municipalities to undertake additional steps in the application process to comply with the Environmental Equity Policy of 1993. (Ex. INT-3; test. 11/22/10, E. Coelho pp. 34-35, 58-59, 62-63.)

B
CONCLUSIONS OF LAW

In order to renew its permit to operate the existing solid waste facility, the applicant must submit a complete application with the information necessary for the Commissioner to determine if the proposed activity can be conducted in compliance with applicable statutes and regulations. Regs., Conn. State Agencies § 22a-208a(b). This application must be filed no later than 120 days before the expiration of the existing permit. Regs., Conn. State Agencies §22a-3a-5(c). Upon receipt of satisfactory evidence that the existing operation has complied with and will continue to comply with all applicable statutes and regulations; that the proposed facility is consistent with the state's Solid Waste Management Plan; and that the applicant has not repeatedly violated pertinent statutes, regulations, orders, or permit terms or conditions at any solid waste facility, the Commissioner shall issue a permit to construct or operate the solid waste facility. Regs., Conn. State Agencies §22a-209-4(d).

I
REGS., CONN. STATE AGENCIES § 22a-209-4

The applicant provided the information required by Section 22a-209-4 as supported by the DEP's determination that the application was sufficient. The evidence is clear that Waste Management is the current permit holder. As the permit holder, Waste Management filed its application more than 120 days before its current permit expired and is therefore by law entitled to have its application reviewed as a renewal of the existing permit. Regs., Conn. State Agencies §22a-3a-5(c)(1). DEP staff clearly reviewed the application in accordance with current standards and incorporated current and more protective language in the proposed permit.

The applicant, the site operator, and affiliates have had no history of repeated non-compliance at other solid waste facilities. The facility has been operated consistently with pertinent statutes, regulations, and policies, including the applicable solid waste statutes and

regulations, the state Solid Waste Management Plan and the Connecticut Water Quality Standards.

2

REGS., CONN. STATE AGENCIES §§ 22a-209-9 and 22a-209-10

As a transfer station and a volume reduction facility, the facility must comply with the regulations applicable to both of these facility types. The application materials, the proposed draft permit, and all other materials and testimony in the record demonstrate the facility's compliance with the following requirements:

A sign that is visible from the street is posted at the entrance to the facility and states the name of the permittee/operator, the hours of operation, the authorized users and required safety precautions. The sign also includes the phone number of the operator. §§22a-209-9(c)(1) and 22a-209-10(3)(A).

Access to the facility is controlled through the use of a chain link fence, locking gates, and signs to prevent unauthorized use. §§22a-209-9(c)(2) and 22a-209-10(3)(B).

The buildings are roofed and enclosed on all sides to satisfactorily control dust, noise, and odor. §§ 22a-209-9(d) and 22a-209-10(5).

A landscaped area is provided along the entrance to the facility to screen the facility from the view of residences within 500 feet of the facility. 22a-209-9(e).

The facility operator is certified by DEP and present at all times during working hours. §§ 22a-209-9(f) and 22a-209-10(7).

MSW must be removed from the site within 48 hours of receipt unless it is a holiday weekend. C&D debris, oversized MSW, and recyclables may be stored in covered, watertight

containers for up to 30 days. Full containers must be removed within two days. Total storage of any solid waste is limited on a volume basis by the proposed draft permit. §§ 22a-209-9(g) and 22a-209-10(4).

Unloading and processing of solid waste only takes place within the enclosed structures and is stored in designated areas in covered watertight containers. §§ 22a-209-9(h) and 22a-209-10(5).

The facility and adjacent areas are maintained on a regular basis and are kept clean and reasonably free of litter. §§ 22a-209-9(i) and (n) and 22a-209-10(6).

Hazardous wastes will be excluded from the facility. Regular inspection of loads prior to and during processing ensure that only permitted wastes are processed. Unpermitted items are segregated and removed from facility. §§ 22a-209-9(j) and 22a-209-10(8).

Air emissions, dust, and odors will be controlled to ensure compliance with department regulations regarding the abatement of air pollution. §§ 22a-209-9(k) and 22a-209-10(9).

A sprinkler system with a dependable water supply is maintained on site and is regularly inspected and kept in working order. The facility is equipped and adequately prepared as part of its O&M plan in case of a fire. §§ 22a-209-9(l) and 22a-209-10(10).

Effective active and passive vector controls are employed on-site to control and deter rodents and nuisance birds. §22a-209-9(m).

A proper plan for redirecting waste in the event the facility has to shut down and notifying necessary authorities, including DEP, is in place at the facility. §§ 22a-209-9(o) and 22a-209-10(12).

The facility conducts appropriate measuring and record-keeping for waste received and processed at the facility and reports the information to DEP on a regular basis in compliance with permitting requirements. §§ 22a-209-9(p) and 22a-209-10(13).

2

UNREASONABLE POLLUTION CLAIM

CCEJ sought to intervene as a party in this proceeding based on its allegation that the issuance of a renewed permit to the facility would or is reasonably likely to cause unreasonable pollution, impairment, or destruction of the state's air, water, or other natural resources. General Statutes §22a-19, Connecticut Environmental Protection Act (CEPA). As support for its request for intervening party status under CEPA, CCEJ alleged that the facility is not operated in compliance with the applicable statutes and regulations or the terms of its permit. Under CEPA, CCEJ has the burden of establishing a prima facie case that, if the proposed conduct is authorized, unreasonable pollution and impairment will likely result. *Manchester Env'tl. Coalition v. Stockton*, 184 Conn. 51, 57-58 (1981). Where the legislature has created a statutory and regulatory scheme that specifically governs the proposed conduct, the question of whether it is unreasonable "must be evaluated through the lens of [that] entire statutory scheme" *City of Waterbury v. Town of Washington*, 260 Conn. 506, 549-551 (2002). *Id.* at 557. In this matter, there are implementing regulations that provide clear requirements that must be met to receive a permit to operate a solid waste transfer station and volume reduction facility. Regs., Conn. State Agencies §22a-209-4, -9, and -10. Therefore, to demonstrate that the proposed activity will cause unreasonable pollution, CCEJ was required to show that the proposed activity does not comply with the provisions outlined in these regulations and any other provisions that govern the proposed permit.

CCEJ failed to meet its burden to prove its allegations and failed to provide sufficient evidence to counter the applicant's substantial evidence that the facility is operated and will continue to be operated in full compliance with the permit terms and conditions and applicable statutes and regulations. It not only failed to prove these allegations, but also failed to make a

prima facie case that the proposed activity as authorized and controlled by the proposed draft permits would have or is “reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.” General Statutes §22a-19(a). CCEJ failed to provide sufficient specific evidence to support its allegations. The evidence it did present was of a general nature and did not focus on the operation of the facility and the specific impacts from that operation.

For example, CCEJ provided limited testimony about the demographics of the neighborhood, asthma rates, and pollution from diesel exhaust. This evidence did not amount to proof that any violations have occurred or that the applicant’s activities will result in unreasonable pollution. This testimony was limited by CCEJ’s admitted lack of specific knowledge about the facility and a lack of expertise demonstrated during *voir dire*.² CCEJ was not permitted to testify about stormwater impacts because it demonstrated no expertise in stormwater and could provide no factual basis for any allegations about stormwater impacts from the operation of the facility. Instead, its testimony would only be based on conjecture and general assumptions about solid waste facilities. Such conjecture and assumption is immaterial and is to be excluded from evidence. General Statutes § 4-178, Regs., Conn. State Agencies §22a-3a-6(s)(1). Furthermore, CEPA requires proof that unreasonable pollution and impairment will *likely* result. Therefore, the mere possibility of such a result is not enough to meet one’s burden under CEPA.

Unlike a newly-proposed facility, this facility exists and is currently operating as it will under the proposed draft permit. Its operations can be observed and monitored scientifically to provide evidence that it fails to comply with the statutory and regulatory standards or the conditions of the current permit. As part of this permit or its registration under a separate stormwater permit, the applicant and operator are required to provide DEP with air monitoring data, waste records, and stormwater data. These all could have been reviewed for violations yet CCEJ failed to gather any specific evidence necessary to prove its claim.

² Dr. Mitchell’s only visit to the facility was outside of the facility’s operating hours.

CCEJ appeared frustrated throughout the process by objections to its proposed evidence and the claimed expertise of its witnesses. A fair administrative process requires that all parties have equal opportunity to be involved in the process. However, the concept of fairness also requires that all parties are held equally accountable for their actions or inaction throughout the hearing process. CCEJ was provided the opportunity to be involved from the very beginning of this hearing process but failed to take advantage of it to its detriment. CCEJ filed its intervention request on October 28, 2010, over a month after the initial status conference, which one of its board members attended and did not present any of its intended evidence to the parties until November 22, 2010. CCEJ, on the other hand, had the benefit of proposed evidence from the other parties on October 20, 2010. This failure to be timely, courteous, and fair to fellow parties is disruptive and a clear violation of the rules of practice whether intended or not. CCEJ could provide no reason for its delay that would support a finding of good cause to allow this evidence. Regs., Conn. State Agencies §22a-3a-6(q)(3).

The applicant and CCI are entitled to exercise their rights to object to proposed evidence based on the agency's rules of practice and the standards of evidence governing administrative hearings. Admittedly, these standards are more relaxed than a courtroom proceeding. However, parties must still be held accountable for failure to meet their obligations and immaterial documents should not be freely admitted into evidence. The standards may be more relaxed but they do exist and require exclusion of irrelevant, immaterial, unduly repetitive or untrustworthy evidence. General Statutes § 4-178; Regs., Conn. State Agencies §22a-3a-6(s)(1).

The evidence offered by CCEJ lacked the focus on the applicant's specific activities necessary to prove that the proposed renewal of the applicant's permit and therefore continued operation of the facility causes unreasonable pollution.³ The documents were not only submitted well beyond the deadline for submission of evidence but also were largely immaterial or irrelevant and therefore properly objected to and excluded.

³ Throughout its opportunity for testimony, CCEJ continued to introduce legal argument into the record regarding facts that were not in dispute. CCEJ's witnesses were instructed to reserve such argument for its post-hearing filings and to limit testimony to factual matters within their direct knowledge or to matters on which they maintained some level of expertise.

The law requires me to collect evidence on the specific permit application and the proposed activity as conditioned by the proposed draft permit. CCEJ's experts raised an interesting legal argument about the application of the department's environmental justice policies to the permit application. However, CCEJ provided no specific evidence about the facility and its operation that can lead to any conclusion that the facility has violated the statutory scheme or will be unable able to comply with the conditions of the proposed draft permit. In fact one of its experts did not even view the facility in operation yet professed to be able to testify about the facility's noise, odor, and diesel exhaust and the impacts to neighboring residents. I cannot base such a conclusion on suspicion or possible impacts unsubstantiated by fact or expert testimony or documentary evidence. See *Riverbend Associates v. Conservation and Inland Wetlands Commission*, 269 Conn. 71 (2004) (evidence of general environmental impacts, mere speculation or general concerns do not qualify as substantial evidence.)

CCEJ's other purported expert also lacked true expertise on solid waste management or other relevant issues such as coastal resources or stormwater and could provide no detailed factual testimony about the impacts of the facility.⁴ There was factual testimony regarding one instance when an odor was detected while visiting a residence near the facility. This one instance is not sufficient to demonstrate a violation of statutory standards related to odors. There was no data or empirical evidence on odor that would be required to show a violation of DEP's air regulations regarding odors. Likewise, CCEJ presented no concrete evidence of violations of standards related to noise levels, stormwater, general nuisance, or water quality.

3

APPLICATION OF ENVIRONMENTAL EQUITY POLICY

CCEJ presented evidence about the characteristics of the neighborhood within one-half of a mile from this facility. This factual information is apparently intended to support CCEJ's

⁴ The lack of specific evidence is more telling because even if CCEJ's witness was allowed to testify as an expert, she admittedly had conducted no specific detailed analysis of the facility in operation and could offer no evidence of conduct that would violate specific provisions of the regulatory scheme or the permit terms. This is the type of evidence necessary to refute the substantial evidence presented by the applicant and to meet the intervening party's burden under CEPA.

arguments that the department's Environmental Equity Policy of 1993 should apply to this permit application. As a result of this policy's application, CCEJ argues that the Commissioner is empowered to impose stricter permit terms and conditions in the draft permit. DEP staff argues that the policy does not apply because this is not a new permit application or an application for an expansion. Further, staff argues that Norwalk was not identified as a distressed municipality at the time the renewal application was filed. These requirements are outlined as part of the guidelines on the Environmental Equity Policy provided to solid waste applicants and in effect in 2005. Although the original 1993 policy referenced by CCEJ does not specifically state these factors as requirements, this is how the department implemented its own policy. Regardless, there is no evidence that the steps taken in this permitting process violated the generally applicable policy from 1993.

Upon further examination, the Environmental Equity Policy does not present the Commissioner with an opportunity to impose operating conditions outside the scope of his authority or beyond what is contemplated in the statutes and regulations. The DEP is charged with the duty to protect the environment and safeguard human health, safety, and the general welfare. Protection of the health, safety and general welfare of citizens of the state is inherent in its Environmental Equity Policy that "no segment of the population should, because of its racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution...."

The statutory and regulatory standards set out in the environmental laws of this State guide this agency in meeting its responsibility to the State's citizens while conserving, protecting, and preserving the state's natural resources. These environmental laws are, by their very nature, protective of the public's health, safety, and general welfare. The applicant has demonstrated that it has complied with and will continue to comply with the laws and regulations applicable to this facility. The Commissioner is not required to take action to further restrict or condition the currently permitted operation because the public is adequately protected by the proposed draft permit and its new terms. Further, CCEJ did not justify an exploration of its suggested alternatives by demonstrating a reasonable likelihood of unreasonable pollution or

impairment from the facility's operation under the proposed permit. General Statutes §22a-19(b). As stated above, CCEJ presented little to no evidence or testimony about the facility's actual operation and its alleged impacts.

4

APPLICATION OF THE ENVIRONMENTAL JUSTICE LAW

CCEJ also urges that the requirements of General Statutes §22a-20a be considered in the review of this application. Section 22a-20a, effective January 1, 2009, provides that potential permit applicants proposing projects of a certain scale or type in environmental justice communities must file a public participation plan for DEP review and approval prior to filing any application with the department. The plan must include measures to ensure the demographic within the community is on notice of the proposed project and provided with an opportunity to participate in public discussions about the proposal. Here, the application was clearly filed prior to the effective date of the law. Any application of this law to this permit application would go beyond the department's authority as the law does not provide the Commissioner with any authority to impose the law's requirements on applications filed prior to its enactment. Any such application would be arbitrary, capricious, and an abuse of discretion. The law's intent would not be well served by randomly picking projects on which to unfairly and illegally impose a retroactive application of its requirements.

5

COASTAL MANAGEMENT ACT

The application materials and supplemental information presented during the course of the hearing provided the information necessary for DEP staff to determine that the facility's operation is consistent with the applicable policies of the Coastal Management Act. CCEJ's focus on the content of the form is a red herring. Ms. Balint of the DEP clearly stated what the scope of her review on this application was and explained that the form plays a limited role in her review of a project. There are no physical changes proposed to the property. Therefore, she

relied on resource mapping tools given the nature of this application. There was no legal support for any argument that she was required to do otherwise. Ms. Balint reviewed current controls on stormwater and the proposed draft permit and was satisfied that the facility's operation remains consistent with the Coastal Management Act.⁵

C

PUBLIC COMMENT

The evening hearing session was well-attended and several individuals got up to speak or provided written comments during the available period. Of note were several descriptions of activities that would appear to constitute violations of the current permit conditions. This included allegations of operating outside of the permitted hours or conducting operations not allowed under the permit. The testimony revealed that the facility subject to the current and proposed permit from DEP is part of a group of activities operated by CCI or its affiliates. Notably, there was a description given of a dispatch center for CCI's waste management vehicles. Although some or all of these vehicles may return to unload at the VRF or the recycling facility, the testimony was clear that this would only be done during the permitted operating hours. CCI also provides solid waste containers such as dumpsters and roll-offs to businesses and from time to time stores and repairs these containers on property adjacent to the VRF. The existence of these additional operations does not change the fact that the VRF and recycling facility are the only activities subject to the proposed permit to operate a solid waste facility and therefore the only activities to be considered during the course of the hearing.

I understand that the public may have concerns or may be impacted by the operation of these additional facilities, but they are not part of my deliberations in this matter. Those

⁵DEP staff states in its posthearing brief that it interprets §22a-98 of the Coastal Management Act as not requiring coastal consistency review for a permit renewal. However, it provides no legal support for this interpretation. Its interpretation attempts to address the duty of the Commissioner stated in one sentence but seems to ignore the subsequent requirement that *applicants* must demonstrate that the proposed activity is consistent with the statute and that any impacts to coastal resources and water dependent uses are minimized. This requirement makes no clear exception for renewal applications. For purposes of this matter, the point is moot because a department coastal management expert did review the available materials provided by the applicant and used this information and other resources available to her to ensure the project is consistent with the statute and that any impact is minimized.

concerned about stormwater runoff from these additional operations can monitor their compliance with DEP's General Permit for the Discharge of Stormwater Associated with Industrial Activity. The testimony indicates that CCI's operations are all subject to this general permit, including the modified permit under which CCI must register in the near future. Those concerned about noise and odor impacts should contact DEP's air bureau or local officials that may have jurisdiction and authority to address these concerns at these types of facilities.

Other commenters expressed procedural concerns about the permit renewal similar to those of CCEJ. These questions concerned the consideration of this application as a renewal application and the lapse in time between the initial application in 2005 and the notice of tentative determination in 2010. Waste Management was required to file its application for a renewal of this permit more than 120 days before its current permit expired. It did, allowing Waste Management to continue to operate under the current permit until the renewal is issued. Testimony from staff revealed that the lapse in time was due in part to ensure that the renewal permit had the latest permit language regarding inspection of loads and independent compliance auditing. Once this language was finalized, Waste Management was required to update its application to include additional information for the compliance evaluation that included the operator, CCI, and its affiliates and to clarify the application's consistency with the State's 2006 Solid Waste Management Plan.


This addresses a key concern articulated in the public comment. Many viewed the renewal as providing a permit identical to the previous permit and argued that Waste Management and CCI should be subject to current standards. Waste Management's application was in fact subject to a review under current standards. It is allowed to renew its permit because it was not allowed any modification to key provisions such as tonnage limits or operating hours. Other updated conditions imposed, including the independent auditing and the inspection of incoming loads, are indicative of a more protective permit. The lapse in time allowed numerous permit improvements to be incorporated and worked to the environment's advantage.

D
CONCLUSION

The applicant has met its burden of proof and demonstrated through the presentation of substantial evidence that the continued operation of the facility will be conducted in compliance with the applicable statutes and regulations, including the Costal Management Act and the terms of the proposed draft permit. As an intervening party under CEPA, CCEJ failed to make a prime facie case of unreasonable pollution.

III
RECOMMENDATION

Based on the record before me, I recommend that the Commissioner approve the application for a renewal of the permit and issue the proposed draft permit (Attachment A).



Kenneth M. Collette, Hearing Officer

SERVICE LIST

In the matter of Waste Management of CT, Inc.
Application No. 200501617

PARTY

The Applicant

Waste Management of CT, Inc.

Department of Environmental Protection

Bureau of Materials Management
and Compliance Assurance
Waste Engineering and Enforcement Division
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Intervening Parties

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Connecticut Coalition for
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Attachment A

PERMIT TO OPERATE

PERMITTEE: Waste Management of Connecticut, Inc.
FACILITY ADDRESS: 8-18 and 30-32 Meadow Street, Norwalk, CT
PERMIT No.: Permit No. 1030914-PO

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 IS HEREBY ISSUED by the Commissioner of Environmental Protection ("Commissioner") to Waste Management of Connecticut, Inc. ("Permittee") to operate the solid waste volume reduction, transfer station and recycling facility ("Facility") located at 8-18 and 30-32 Meadow Street, Norwalk Connecticut. Subsequently, the Permit to Operate No. 1030538-MA/PO issued on June 29, 2001 IS HEREBY REVOKED for administrative purposes.

TERMS AND CONDITIONS

1. As used in this permit, the following definitions apply:

"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 below or demolition wood.

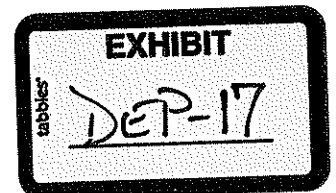
"Commingled" means a combination of source separated recyclable metal, glass, plastic, or a combination of source separated recyclable paper grades.

"Commissioner" means the Commissioner of the Department of Environmental Protection or the Commissioner's designee.

"Construction and Demolition Waste" as defined in Section 22a-208x of the CGS means waste building materials and packaging resulting from construction, remodeling, repair and demolition operations on houses, commercial buildings and other structures, excluding asbestos, clean fill, as defined in regulations adopted under section 22a-209, or solid waste containing greater than de minimis quantities, as determined by the Commissioner of Environmental Protection, of (A) radioactive material regulated pursuant to section 22a-148, (B) hazardous waste as defined in section 22a-115, and (C) liquid and semiliquid materials, including, but not limited to, adhesives, paints, coatings, sealants, preservatives, strippers, cleaning agents, oils and tars; and (2) "processed construction and demolition wood" means the wood portion of construction and demolition waste which has been sorted to remove plastics, plaster, gypsum wallboard, asbestos, asphalt shingles, regulated wood fuel as defined in section 22a-209a and wood which contains creosote or to which pesticides have been applied or which contains substances defined as hazardous waste under section 22a-115.

"Day" means calendar day.

"Department" means the Department of Environmental Protection.



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“Designated Recyclable Item” means an item designated for recycling by the Commissioner of Environmental Protection in regulations adopted pursuant to subsection (a) of section 22a-241b, as amended by Public Act No. 10-87, or designated for recycling pursuant to CGS section 22a-256 or 22a-208v.

“Inadvertently broken” or “Inadvertently damaged” means small quantities of universal wastes that have been unintentionally broken or damaged during the course of transportation or proper handling. Universal wastes that are intentionally broken or damaged, or broken or damaged due to improper handling or management are subject to the requirements of the hazardous waste management regulations (Sections 22a-449(c)-100 through 119 of the RCSA).

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

“Municipality” as defined in Section 22a-207 of the CGS means any town, city or borough within the state.

“Municipal solid waste” means solid waste from residential, commercial and industrial sources, excluding solid waste consisting of significant quantities of hazardous waste as defined in section 22a-115, land-clearing debris, demolition debris, biomedical waste, sewage sludge and scrap metal.

“P.E.” means Professional Engineer licensed in the state of Connecticut.

“Processing” 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.

“Regional solid waste facility” means a facility that serves two or more municipalities.

“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” refers to certain common hazardous wastes regulated by special standards found in Section 22a-449(c)-113 of the RCSA. The following universal wastes can be accepted under this permit:

- a. Lead-acid (vehicle) batteries.
- b. Batteries, such as nickel-cadmium and small sealed lead-acid batteries, which are found in many common items in the business and home setting, including electronic equipment, mobile phones, portable computers and emergency backup lighting.
- c. Mercury-containing thermometers and thermostats.
- d. Mercury-containing lamps that contain mercury and sometimes lead, such as fluorescent, high intensity discharge (HID), neon, high-pressure sodium, metal halide and mercury vapor lamps.
- e. Used electronics, or used electronic device (see definition below).
See the Code of Federal Regulations: 40 CFR 273.2 for definitions of batteries; 40CFR 273.3 for pesticides; 40 CFR273.4 for thermostats; 40 CFR 273.5 and Section 22a-209-17 of the RCSA for lamps; and Section 22a-449(c)-113(b) of the RCSA for used electronics.

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2. The Permittee is authorized to operate the Facility in accordance with Application No. 200501617 submitted to the Department of Environmental Protection ("the Department"), including but not limited to, the documents and specifications incorporated herein by reference:
 - a. Application forms dated June 15, 2005, (with attachments) for renewal of the permit to operate;
 - b. Operation and Management Plan (O&MP) dated June 15, 2005 updated February 2009 by Cornerstone Engineering Group, LLC;
 - c. A Site Plan prepared and stamped by Patrick G. Gillespie, P.E., Shaw Environmental, Inc. titled "Waste Management of Connecticut, Inc., Volume Reduction Transfer Station and Recycling Facility, Norwalk, Connecticut:" dated May 24, 2005.
 - d. Letter including attachments to Elaine Coelho of the Department from Peter J. Richer, Environmental Engineering Manager, Waste Management of Connecticut, Inc., dated March 5, 2009, responding to review comments.
 - e. An updated Site Plan prepared and stamped by Richard A. Peluso, P.E., Cornerstone Engineering Group, LLC, titled "Waste Management of Connecticut, Inc., Solid Waste Volume Reduction, Transfer Station and Recycling Facility, Norwalk Connecticut" dated March 2, 2009.

The Permittee shall maintain records of all documents comprising and all data pertaining to the application mentioned in this condition, as well as any supplemental information submitted to the Department in connection with such application. 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.

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 is 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. The Permittee shall submit for the Commissioner's review and written approval all necessary documentation supporting any proposed physical/operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. The Commissioner may issue a written approval only if, in the Commissioner's judgment, the proposed physical/operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) are not significantly changing the nature of the Facility, or its impact on the environment; and (c) does not warrant the issuance of a permit or authorization pursuant to Section 22a-208 of the CGS.
6. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to, notice of approval or disapproval of any document or other action shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Any document or action which is due or required on a Saturday, Sunday or a legal state/federal holiday shall be submitted or performed by the next business day thereafter.

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7. 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.
8. 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 is authorized to operate as follows: Monday through Friday, 7:00 am to 5:00 pm and Saturdays 8:00 am to 2:00 pm.
9. **Waste types and processing capacity.** The Permittee shall receive and process for the combined operations conducted in two (2) buildings located at 8-18 and 30-32 Meadow Street no more than five hundred (500) tons per day (Facility's Cumulative Design Capacity) in compliance with the following:

8-18 Meadow Street (Volume Reduction and Transfer)

Waste types that may be received and processed at this building are:

Waste Type	Maximum Tons Per Day
Municipal Solid Waste (MSW)	250
<ul style="list-style-type: none">• Construction and demolition (C&D) waste• Oversized MSW items such as furniture mattresses, and carpets• Scrap metal including appliances containing chlorofluorocarbon (CFC) liquid• Propane tanks with valves• Mixed paper• Cardboard• Commingled glass, plastic and metal containers• Scrap tires• Clean wood (land clearing debris, brush and stumps)	*

* Amount received per day is dependent on MSW received at this building and recyclables received at 30-32 Meadow Street.

Total amount of MSW received and processed at this building shall not exceed two hundred and fifty (250) tons per day (TPD).

In the event that no recyclables are received at 30-32 Meadow Street only then can 8-18 Meadow Street received up to five hundred (500) TPD of MSW and Recyclables, however, MSW shall never exceed two hundred and fifty (250) TPD.

30-32 Meadow Street (Recycling)

Recyclables that may be received for processing at this building are mixed paper, cardboard and commingled glass, plastic and metal containers. The recyclables received for processing at this building may be received source separated or commingled.

The Total amount of recyclables received at this building shall not exceed two hundred (200) TPD. At no time shall the cumulative wastes and recyclables received per day at both buildings exceed five hundred (500) TPD which is the Facility's Cumulative Design Capacity.

The Permittee shall not exceed the processing and storage limits established by this permit. Such processing and storage limits are as specified in Condition No. 10 of this permit. Solid waste, other than those listed herein, shall not be accepted, processed, treated, stored, transported or disposed off-site, or otherwise processed at the Facility without prior written approval of the Commissioner.

10. **Waste handling, processing and storage volume limits and specifications.** The Permittee shall store and handle solid waste at the Facility only in the designated areas as identified in the drawings referenced in Condition No. 2 of this permit, in accordance with, but not limited to the following specifications:

8-18 Meadow Street (Volume Reduction and Transfer)

- a. **Storage and Processing of MSW.** Unprocessed (loose) MSW shall be processed on the tipping floor within the volume reduction building and shall not exceed two thousand two hundred-sixty (2260) cubic yards on the tipping floor and/or containers. Processed (consolidated) MSW shall be in containers within the volume reduction building; or outside in covered containers for off-site transfer and shall not exceed six hundred (600) cubic yards. MSW shall be cleared from the tipping floor and containerized by the end of each operational day. Operations shall be continually monitored to ensure that transfer trailers are available for consolidation of all received loads of MSW. Storage of MSW shall be limited to no more than forty-eight (48) hours, from when the waste entered the Facility, with the exception of legal holiday weekends. The storage containers shall be watertight and covered at all times except when material is being actively placed in or removed from the container. The volume reduction building shall be closed and locked at the end of each operational day.
- b. **Storage and processing of C&D waste including oversized MSW items.** Processing shall be conducted only on the tipping floor within the volume reduction building, and processed on a first in/first out basis. The Facility shall be equipped with adequate ventilation, fire protection systems and an impervious floor. Storage of unprocessed and processed C&D waste within the building shall not exceed 450 cubic yards and it shall be in piles on the tipping floor or in containers, which are 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. Outdoor storage of processed C&D shall not exceed 400 cubic yards and it shall be in containers, which are watertight and covered at all times; and shall not be stored on-site for greater than thirty (30) days from when the waste first entered the facility. Full containers within the Facility or stored outdoors shall be removed from the Facility within two (2) business days.

8-18 Meadow Street (continued)

- c. **Storage of clean wood (brush; land clearing debris, stumps)** shall be in containers and not exceed one hundred (100) cubic yards. Full containers shall be removed from the Facility within two (2) business days.
- d. **Storage of scrap metal** (including appliances which have had chlorofluorocarbon (CFC) liquid removed and propane tanks without valves) shall: not exceed forty (40) cubic yards; be placed in containers at the end of each operational day; and be removed from the Facility within two (2) business days once the containers are full. 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 than forty (40) 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.
- f. **Storage of propane tanks with valves** shall not exceed forty (40) units, or as may be limited by the Fire Marshal's approval. The storage and handling shall be performed in accordance with the National Fire Protection Association (NFPA) 58-1995 "Standard for the Storage and Handling of Liquefied Petroleum Gases" Section 29-331-5 of the RCSA.
 - (i) **Management Procedures:** The handling and storage of propane tanks shall be performed in compliance with a written plan that includes but is not limited to (leaking tanks, propane extraction, inspections etc.). The plan shall be:
 - a. Reviewed and approved annually by the local Fire Marshal;
 - b. Available for review at the facility by facility operators and the Department.
 - c. The Fire Marshal's approval shall be available for review by the Department.
 - (ii) **Handling:** Tanks shall be handled as follows:
 - a. Storage area(s) shall be located at least 50 feet from any buildings and public access.
 - b. Tanks must be stored outdoors in well ventilated areas surrounded by a fence and a secured gate. The enclosure must protect the cylinders against extreme temperatures, tipping over, physical damage, and tampering.
 - c. Tanks shall be stored upright in the designated area(s).
 - d. Valves shall be kept closed.
 - e. Storage area(s) shall contain at least one approved portable fire extinguisher having a minimum capacity of 18 lbs (8.2kg) dry chemical with a B:C rating. Facility staff shall have the appropriate training to operate such fire extinguisher.
 - (iii) **Signage:** Tank storage area(s) shall display signs that state "No Smoking/Flammable Gas/No Open Flames Permitted", posted in English and any other language typically spoken by users, with minimum two inch high lettering, or that convey no smoking/no flames by a suitable graphic.

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8-18 Meadow Street (continued)

- f. **Storage of propane tanks with valves (continued)**
 - (iv) **Propane Extraction:** Only a person trained according to the requirements of the NFPA with appropriate equipment shall devalue the tanks, extract the remaining propane, and load or transfer off-site propane tanks with valves.
 - (v) **Leaking Tanks:** Any leaking tank shall be immediately removed for safe handling.
 - (vi) **Containerized:** After propane is extracted, tanks shall be containerized.

- g. **Storage of other solid waste** shall be confined to storage containers. The total storage volumes shall not exceed the following: one hundred-twenty (120) cubic yards for mixed paper and cardboard. The containers for cardboard and mixed paper shall be kept covered at all times except when the containers are being filled. Full containers shall be removed from the Facility within two (2) business days.

- h. **Storage of scrap tires** shall be: limited to fifty (50) cubic yards; placed in the container 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.

30-32 Meadow Street (Recycling)

- i. **Storage and processing of cardboard and paper:** Processing shall be conducted only on the tipping floor within the recycling building, and processed on a first in/first out basis. Unprocessed (loose) paper and cardboard shall be stored within the recycling building and/or covered containers and shall not exceed six hundred (600) cubic yards for mixed paper and cardboard. Processed (baled) paper and cardboard is stored only within the recycling building and shall not exceed one hundred (100) cubic yards for paper and sixty (60) cubic yards for cardboard. The storage containers shall be kept covered at all times except when material is being actively placed in or removed from the container. Full containers shall be removed from the Facility within two (2) business days.

 - j. **Storage and processing of commingled or source separated containers (glass, plastic and metal).** Processing shall be conducted only on the tipping floor within the recycling building. Processed (baled) and unprocessed (loose) shall be stored on the tipping floor and/or covered containers. Unprocessed containers shall not exceed five hundred (500) cubic yards for commingled glass, plastic, and metal; thirty (30) cubic yards for glass; thirty (30) cubic yards for plastic; and fifty (50) cubic yards for metal. Processed containers shall not exceed thirty (30) cubic yards for plastic and sixty (60) cubic yards for metal. The storage containers shall be kept covered at all times except when material is being actively placed in or removed from the container. Full containers shall be removed from the Facility within two (2) business days.
11. **General operating conditions.** The Permittee shall comply with the following general operating conditions:
- 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.

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- b. Ensure that all solid waste accepted at the Facility is properly handled on-site, processed, stored and transported to markets or other solid waste processing or disposal facilities permitted to accept such solid waste.
- c. Ensure that any unacceptable/incidental solid waste inadvertently received, or solid waste which is unsuitable for processing at the Facility is: (i) promptly 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. 18. of this permit; and (iii) disposed at a facility lawfully authorized to accept such waste. No more than thirty (30) cubic yards of unacceptable waste shall be stored on-site unless authorized by the Commissioner. A spare container shall be available for any storage emergency.
- d. Ensure that contingent storage of incidental mixed batteries, mercury-containing lamps, used electronics, thermometers and thermostats 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) be immediately conveyed 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; (ii) verified 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; (iii) 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 (iv) be 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 maneuvering/storage and off-site transport. Each loaded container shall be covered before transportation 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 and 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.

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- h. Have available for review by the Commissioner, the manufacturer's operation and maintenance manuals for each major piece of fixed processing equipment, (which may include, but not be limited to, balers; conveyors; compactors; and storage tanks) installed at the Facility.
12. The Permittee shall monitor and control airborne lead and asbestos within the enclosed processing area(s) of the Facility (8-18 Meadow Street) 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 for lead and asbestos. Unless otherwise determined and notified in writing by the Commissioner, air sampling shall be performed 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 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 inside the enclosed processing area(s), outside the processing area(s) and at the exhaust of the Facility's HEPA filtration and ventilation system(s); and
 - (iii) 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 (TWA) permissible exposure limit of 0.1 fibers per cubic centimeter is not exceeded.
- All samples for lead shall be:
- (i) collected by a person licensed by the CT DPH as a Lead Inspector; and
 - (ii) analyzed using a method of monitoring or analysis which has an accuracy (to a confidence level of 95 percent) of not less than 20 percent 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 such exceedances. The Permittee shall ensure that any such plan is developed by a professional engineer licensed in the State of Connecticut for the design and installation of a ventilation/filtration/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 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.

13. The Permittee shall:
- a. Ensure that all recyclable wastes accepted are segregated so that no other wastes are commingled with recyclables which would or could potentially contaminate the recyclables, thereby rendering the recyclables unmarketable.
 - b. Ensure through observation that incoming loads of MSW, oversized MSW or C&D do not contain greater than ten (10) percent of designated recyclable items. For those loads that do contain greater than 10% of designated recyclable items perform step 13.d.(v) below and record as detailed in condition No. 18 of this permit.
 - c. Process wastes in such a manner that will not cause contamination of the recyclable product.
 - d. 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. The inspections and supporting documentation shall consist of at a minimum:
 - (i) photographs of each load inspected;
 - (ii) origin of each load (municipality; regional facility and whether commercial or residential);
 - (iii) waste transporter company name;
 - (iv) estimated percentage of designated recyclable items (cardboard, plastic Nos. 1 and 2, glass and metal food containers, leaves, newspaper, office paper, boxboard, magazines, residential high-grade white paper, colored ledger, scrap metal, storage batteries and used oil) and identification of each type; and
 - (v) immediate written notifications to the hauler, municipality in which the waste was generated and/or regional facility for each load that contains greater than 10% designated recyclable items.Maintain records of inspections for the life of the permit or such other timeframe specified in writing by the Commissioner.
14. The Permittee shall ensure that all waste deliveries intended for this Facility are not diverted to any other solid waste transfer station or volume reduction plant within the City of Norwalk unless such diversion has received prior written authorization from the Commissioner.
15. 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 waste received at the Facility which is not permitted to be received, or is unsuitable for processing, and take proper action in handling such waste.
16. The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to Sections 22a-209-9(c) and 22a-209-10(3) of the RCSA that includes the Facility's DEP permit number (Permit to Operate No. 1030914-PO).
17. The Permittee shall: (a) control all traffic related with the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that trucks are not left idling for more

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than three (3) consecutive minutes pursuant to Section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such truck idling time within the Facility (i.e. scale etc...).

18. The Permittee shall maintain daily records as required by Section 22a-209-9(p) of RCSA Section 22a-209-10(13) of the RCSA and Sections 22a-208e and 22a-220 of CGS. Based on such records, the Permittee shall prepare monthly summaries including, but not limited to, the following information as it pertains to solid waste:
 - a. Type and quantity of solid waste received, including recyclables, unacceptable waste and/or universal waste.
 - b. Origin of waste load (municipality name; regional facility name) and waste hauler name.
 - c. Destination to which solid wastes, including recyclables, unacceptable waste and/or universal waste from the Facility were delivered for disposal or recycling, including quantities delivered to each destination.
 - d. 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.

The monthly summaries required pursuant this condition shall be submitted on forms provided by the Commissioner, that may be amended from time-to-time quarterly and no later than January 31, April 30, July 31, October 31, of each year on forms prescribed by the Commissioner directly to:

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

19. 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 the documents submitted as part of the application and in compliance with the adopted Connecticut State Solid Waste Management Plan.
20. The Permittee shall adjust the amount of the existing financial assurance instrument (\$137,117.00) within sixty (60) days prior to each anniversary date of the instrument, and whenever there is a change in operations that affects the cost of closing the Facility in accordance with the requirements of 40 CFR 264.142(b).

As required by Section 22a-6(a)(7) of CGS in conjunction with the general requirements of Section 22a-209-4(i) of RCSA the Permittee shall acknowledge and accept the following:

 - a. The purpose of the financial assurance is to cover the third party costs for handling, transportation and disposal of the maximum permitted amount of unprocessed and processed solid waste at the Facility, and any additional cost(s) of equipment rental, site clean-up, and the decontamination/disposal of all equipment and processing/storage areas.
 - b. The surety documents shall follow the requirements of Section 22a-209-4(i) of the RCSA, and 40 CFR 264.141 to 264.143 inclusive and 40 CFR 264.151, as referenced therein. Appropriate language changes shall be made to reference the handling, transportation and disposal of such stored solid waste, instead of landfill closure and monitoring.
 - c. The Department accepts only four (4) types of financial assurance documents: (a) Trust Agreement; (b) Guarantee Bond; (c) Performance Bond; and (d) Letter of Credit.
Note: A "Stand-By Trust Agreement" is needed with (a), (b), and (c).

A "Certification of Acknowledgement" is needed with (a).

- d. The financial assurance instrument 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 permit number, and issuance date of this permit; and
 - (iii) use the format language specified by the Commissioner (as modified from 40 CFR 264.151)

The documents required to be submitted pursuant this condition shall be directed to:

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

21. **Compliance Audits**

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 consultant: (a) submit for the Commissioner's evaluation a detailed description of the consultant's credentials (education; experience; training) which are relevant to the work required under this condition; and (b) certify to the Commissioner that such consultant:

- (i) Is not a subsidiary of or affiliated corporation to the Permittee or Permitted Facility;
- (ii) Does not own stock in the Permittee or any parent, subsidiary, or affiliated corporation;
- (iii) Has no other direct financial stake in the outcome of the compliance audit(s) outlined in this permit;
- (iv) Has expertise and competence in environmental auditing and the regulatory programs being addressed through this permit, including evaluation of compliance with requirements specified in Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this permit; and
- (v) Within ten (10) days after retaining any consultant other than the one originally identified pursuant to this condition, notify the Commissioner in writing of the identity of such other consultant by submitting the information and documentation specified in this condition. Nothing in this condition shall preclude the Commissioner from finding a previously acceptable 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) The compliance auditor shall include in the compliance audit on-site inspections of the waste received at the Facility. The purpose of such inspections is to determine whether loads are being received that contain greater than 10% designated recyclable items and to detect patterns associated with such loads. Unless otherwise approved by the Commissioner, the compliance auditor shall inspect wastes unloaded from a minimum of ten 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) Describe in detail the Permittee's compliance with this permit and applicable regulations;
- (v) Identify all violations of this permit and applicable regulations;
- (vi) Include findings regarding the inspections conducted in accordance with this condition during the day of the compliance audit.
- (vii) Describe the actions taken by the Permittee to correct patterns of loads received that contain greater than 10% designated recyclable items;
- (viii) Describe the actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
- (ix) The Permittee's certification of compliance with the regulations and documentation demonstrating such compliance pursuant to this permit. In cases where multiple counts of the same violation are discovered, the report shall include a listing of each count.

e. **Permittee's Responses to Compliance Audit**

The Permittee and consultant shall comply with the following:

- (i) The inspection 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 consultant. The consultant shall also notify the Department within five (5) days of the inspection of all violations noted during the inspection;
- (iii) The Permittee shall correct all violations immediately. Should the Permittee be unable to immediately correct the violation, the Permittee shall submit within seven (7) days of the notification date, 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

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- (iv) Within fifteen (15) days from the inspection date the consultant shall submit, to the Department and the Permittee, the compliance audit report. 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. 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 21.e. of this permit or fails to correct the violations noted by the inspection(s) in accordance with the approved plan and schedule.
 - 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 Section, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.
22. Unless otherwise specified in writing by the Commissioner, any documents required to be submitted under this permit shall be directed to:
Elaine Coelho
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Environmental Protection
79 Elm Street, Hartford, CT 06106-5127
23. 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.
24. 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.

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25. 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.
26. Nothing in this permit shall relieve the Permittee of other obligations under applicable federal, state and local laws.
27. 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 _____ 2010.

By _____
Yvonne Bolton, Chief
Bureau of Materials Management
and Compliance Assurance

Application No. 200501617
Permit to Operate No. 1030914-PO, Permittee - Certified Mail #