

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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FINAL APPROVAL

RECYCLING, COMPOSTING OR CONVERSION (RCC) OPERATION BWP SW 46

Massachusetts Natural Fertilizer Company, Inc.
Westminster, Massachusetts
Composting Facility

Issuance Date: October 6, 2020

MassDEP Region: Central

Effective Date: October 27, 2020

Facility Number: 137739

Expiration Date: October 27, 2025

Authorization No.: SW46B/47B-0000053

I. OPERATION DESCRIPTION

Applicant:	Massachusetts Natural Fertilizer Company, Inc. ("Permittee") 65 Bean Porridge Hill Road Westminster, Massachusetts 01473
Operator:	Massachusetts Natural Fertilizer Company, Inc. 65 Bean Porridge Hill Road Westminster, Massachusetts 01473
Property Owner:	George D. Jones III Otter Farm Inc./ Seaman Paper 35 Wilkins Road Gardner, Massachusetts 01440
Types of Materials Handled:	Source-Separated Organic Material, including Organics, Manure, and other Compostable Material (See Section VII. A.)

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

Amount of	No more than 294 tons per day, calendar yearly average
Materials	No more than 91,775 tons in any calendar year
Accepted:	(See Section VII. A.)

**Application for Permit for Recycling, Composting or
Conversion (RCC) Operation**

Application: BWP SW 46: Permit for Recycling,
Composting or Conversion (RCC)
Operation
Number: 19-SW46B47B-000004-APP

Prepared by: Massachusetts Natural Fertilizer Company,
Inc.
Application and Site Plans Stamped by:
Christopher J. Stoddard, P.E.
Stoddard Engineering
1863 Old Keene Road
Athol, MA 01331

Dated: July 25, 2019
Filed on ePLACE (Received by MassDEP-
CERO): July 31, 2019

Revised: August 28, November 18,
December 8, and December 16, 2019, and
February 21, 2020
Filed on ePLACE (Received by MassDEP-
CERO): August 28, November 28,
December 9, and December 18, 2019

II. DESCRIPTION OF PERMIT APPLICATION AND OPERATION

On July 31, 2019, the Massachusetts Department of Environmental Protection, Central Regional Office, Bureau of Air and Waste, Solid Waste Management Section ("MassDEP"), received the category BWP SW 46, *Permit for Recycling, Composting or Conversion (RCC) Operation*, Application: 19-SW46B47B-000004-APP ("Application"), through the Commonwealth of Massachusetts ePLACE online portal from Massachusetts Natural Fertilizer Company, Inc. ("Applicant", "Permittee", and/or "Mass. Natural") for the Massachusetts Natural Fertilizer Company Composting Facility ("Operation") located at 65 Bean Porridge Hill Road, Westminister, Massachusetts (the "Facility" or "Site"). The Application and plans pertaining to the Facility and Operation were completed under the supervision of Christopher J. Stoddard, P.E. of Stoddard Engineering, Athol, Massachusetts.

Mass. Natural leases a former egg farm property in Westminister, Massachusetts and operates a composting operation on approximately 30 acres of the property. Up until

2016, Mass. Natural was a registered food waste composter with the Massachusetts Department of Agricultural Resources (MDAR), which registration was subsequently discontinued at the request of MDAR based upon regulatory oversight of the composting operation by MassDEP. The Operation accepts and utilizes source separated organics ("SSO") from various sources and suppliers and other compostable material to compost and produce marketable compost materials.

III. DEFINITIONS

Unless indicated otherwise, the terms in this Permit shall be as defined in 310 CMR 16.00, including but not limited as follows:

Application means and/or refers to the BWP SW 46--Permit for a Recycling, Composting, or Conversion ("RCC") Operation, Application Number: 19-SW46B47B-000004 that was submitted to MassDEP on July 31, 2019, and subsequently updated several times, for the source separated organics composting operation at 65 Bean Porridge Hill Road, Westminster, Massachusetts, inclusive of supplemental submittals.

Applicant means and/or refers to, for purposes of this Permit, Massachusetts Natural Fertilizer Company, Inc.

Composting or Composted means a process of accelerated biodegradation of organic materials using microorganisms under controlled conditions in the presence of oxygen using windrows or piles including, but not limited to, covered aerated piles or bays. For the purposes of 310 CMR 16.00, composting is not aerobic digestion or conversion.

Disposal means the final dumping, landfilling or placement of solid waste into or on any land or water or the combustion of solid waste.

Facility means a site or works, and other appurtenances thereto, which is, has been or will be used for the handling, storage, transfer, processing, treatment or disposal of solid waste including all land, structures and improvements which are directly related to solid waste activities.

Handling means processing, storing, transferring, or treating a material or solid waste.

Hazardous Material means, pursuant to 310 CMR 19.000, that material as defined in 310 CMR 40.0000: *Massachusetts Contingency Plan*. As of October 7, 2005, hazardous material is defined at 310 CMR 40.0000 as follows: material, including, but not limited to, any material in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. The term shall also include, but is not limited to, material regulated as hazardous waste or recyclable material under 310 CMR 30.000: *Hazardous Waste*.

Hazardous Waste means any waste that is defined and regulated under 310 CMR 30.000: *Hazardous Waste*.

MassDEP and/or the Department means and/or refers to the Massachusetts Department of Environmental Protection.

Municipal Solid Waste means, pursuant to 310 CMR 19.000, any residential or commercial waste.

Operation means and/or refers to the source separated organics composting operation as performed, controlled, or overseen by Massachusetts Natural Fertilizer Company, Inc. at 65 Bean Porridge Hill Road in Westminister, Massachusetts, and includes composting and storage activities conducted in compliance with the requirements of this permit and applicable laws and regulations.

Operator means, pursuant to 310 CMR 16.02, any person who has care, charge or control of a facility, operation or activity subject to 310 CMR 16.00, including without limitation, an agent or lessee of the owner or an independent contractor. The "Operator" for the purpose of this Permit is Massachusetts Natural Fertilizer Company, Inc.

Organic Material means any of the following source-separated materials: vegetative material; food material; agricultural material; biodegradable products; biodegradable paper; clean wood; or yard waste. It does not include sanitary wastewater treatment facility residuals.

Owner means any person who alone or in conjunction with others has legal ownership, a leasehold interest, or effective control over real property upon which a facility or operation is located, or the air space above said real property. The "Owner" for the purpose of this Permit is Massachusetts Natural Fertilizer Company, Inc.

Pre-Sort means to separate from solid waste and to keep separate from solid waste. Pre-sorting does not require the separation of components that are integral to the material (i.e. insulation or electronic components in white goods).

Processing means the use of any method, technique or process to reduce the volume or alter the physical characteristics of solid waste or recyclable or compostable materials through any means, including, without limitation, separating, baling, shredding, crushing or reworking.

Recyclable or Recyclable Material means material that is pre-sorted and has the potential to be recycled. Recyclable material includes biodegradable paper but does not include:

- a) organic materials that will be composted or converted, or
- b) construction and demolition waste unless it has been separated, and kept separate, into the following categories: asphalt pavement, brick, and concrete; ceiling tiles; wood; metals; plaster and wallboard; roofing materials; and carpet.

Recycle or Recycled means to recover materials or by-products which will be: (a) reused, (b) used as an ingredient or a feedstock in an industrial or manufacturing process to make a marketable product, or (c) used in a particular function or application or as an effective substitute for a commercial product or commodity.

Residual means all waste remaining after treatment or processing. Residual remaining after treatment or processing is not pre-sorted material. Air and water discharges managed in accordance with applicable regulations are not residuals.

Responsible Official means, for the purpose of this Permit, for a Limited Liability Company: a person authorized pursuant to M.G.L. c. 156C, § 24 and the limited liability company's operating agreement to bind the company and all the members.

Site means, for the purpose of this Permit, the property at 65 Bean Porridge Hill Road in Westminister, Massachusetts where the Operation is located, as indicated in the Application.

Solid Waste means, any useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, mining, agricultural, municipal or household activities that is disposed or is stored, treated, processed or transferred pending such disposal, but does not include:

- (a) hazardous waste as defined and regulated pursuant to 310 CMR 30.000: *Hazardous Waste*;

- (b) sludge or septage which is land applied in compliance with 310 CMR 32.00: *Land Application of Sludge and Septage*;
 - (c) waste-water treatment facility residuals and sludge ash from either publicly or privately owned waste-water treatment facilities that treat only sewage and which is treated and/or disposed at a site regulated pursuant to M.G.L. c.83, §§ 6 and 7 and/or M.G.L. c.21, §§ 26 through 53 and the regulations promulgated thereunder, unless the waste-water treatment residuals and/or sludge ash are co-disposed with solid waste;
 - (d) septage and sewage as defined and regulated pursuant to 314 CMR 5.00; *Ground Water Discharge Permit Program*, and regulated pursuant to M.G.L. c.21, §§ 26 through 53 or 310 CMR 15.00: *The State Environmental Code, Title 5: Standard Requirements for the Siting, Construction, Inspection, Upgrade and Expansion of On-site Sewage Treatment and Disposal Systems and/or for the Transport and Disposal of Septage*, provided that 310 CMR 16.00 does not apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
 - (e) ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c.111, § 150A;
 - (f) solid or dissolved materials in irrigation return flows;
 - (g) source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954;
 - (h) materials and by-products generated from and reused within an original manufacturing process;
 - (i) materials which are recycled, composted, or converted in compliance with 310 CMR 16.03, 16.04 or 16.05; and
 - (j) organic material when handled at a Publicly Owned Treatment Works as defined in 314 CMR 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers* and as approved by the Department pursuant to 314 CMR 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*.
- Source Separated means separated from solid waste at the point of generation and kept separate from solid waste. Source separated does not require the separation of components that are integral to that material.
- Storage means the temporary containment of a material or solid waste in a manner which does not constitute disposal.
- Waste Ban Items means items banned from disposal or transfer for disposal pursuant to 310 CMR 19.017.

IV. MASSDEP DETERMINATIONS

On August 3, 2020, MassDEP issued a Draft Permit Approval for the Operation. On August 15, 2020, Mass. Natural provided public notice of the Draft Permit Approval pursuant to 310 CMR 16.05(5)(a). A thirty-day (30) Public Comment Period began on August 15, 2020 and ended on September 14, 2020, during which MassDEP accepted written comments on the Draft Permit Approval.

During the public comment period, the Department received comments from the Applicant along with supporting correspondence from the Westminster Board of Health regarding the approved operating hours and days of operation. In response, MassDEP adjusted the hours

and days of operation and the average amount of material that the Operation is allowed to accept per calendar day (expressed in tons per day), but did not change the approved amount of material that the Operation is allowed to accept per calendar year.

MassDEP, as a result of its review of the Application, has determined that the proposed conversion operation constitutes a Recycling, Composting or Conversion ("RCC") Operation, and has determined that the subject Application complies with the application requirements set forth at 310 CMR 16.05(2): *RCC Permit Application*. MassDEP has reviewed the Application in accordance with the criteria set forth in 310 CMR 16.05(3): *Review Criteria*, and it has determined that the Application is approved based on the information contained therein.

Provided that the Operation is conducted in accordance with the applicable regulatory requirements set forth at 310 CMR 16.05, and criteria and procedures as described in the Application, and provided that the Owner/Operator complies with the terms and conditions in this Permit as imposed by MassDEP pursuant to 310 CMR 16.05(4): *RCC Permit Conditions*, the Operation will not require a solid waste site assignment pursuant to 310 CMR 16.00 or a solid waste management facility permit pursuant to 310 CMR 19.000.

Please also be advised that if this Permit is violated, suspended or rescinded, the Operation shall be regulated under applicable sections of Massachusetts General Laws (MGL) Chapter 111, Section 150A, and the regulations promulgated thereunder at 310 CMR 16.00: *Site Assignment Regulations for Solid Waste Facilities*, and 310 CMR 19.000: *Solid Waste Management*. Failure to comply with these requirements could also lead to legal action that could include but not be limited to criminal prosecution, court imposed civil penalties, or civil administrative penalties assessed by MassDEP.

MassDEP hereby issues this FINAL decision (hereinafter referred to as the "Permit") pursuant to the provisions and requirements established at 310 CMR 16.05, and the conditions and requirements outlined below.

V. MEPA COMPLIANCE

The Operation is not subject to the Massachusetts Environmental Policy Act review process under the provisions of 301 CMR 11.03(9)(b)1. for solid waste activities that are categorically exempt from Site Assignment.

VI. GENERAL CONDITIONS

A. Materials Received: The Operation shall not accept materials except as provided in the Application, as provided in Section VII, or as may be modified by this Permit. No material changes in the design or activities described in the Application shall be made without prior written MassDEP approval.

B. Compliance Provisions:

1. The Permittee shall ensure that the Operation, at all times, is in compliance with 310 CMR 16.00 including, but not limited to: 310 CMR 16.01: *General Requirements* and 310 CMR 16.05(4): *RCC Permit Conditions*.
2. The Permittee shall ensure that the Operation, at all times, is conducted in a manner that prevents an unpermitted discharge of pollutants to air, water, land or other natural resources, does not present a significant threat to public health, safety or the environment, and does not cause or contribute to a condition of public nuisance.
3. The Permittee shall ensure that the Operation, at all times, ensures the quality of the incoming materials, including but not limited to ensuring that the incoming materials are not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment, and that the type and quality of the incoming materials is sufficient for the Operation.
4. The Permittee shall ensure that the Operation, at all times, does not accumulate or store or handle materials of a nature or in quantities so as to cause or pose a threat to the public health, safety, welfare or the environment.
5. The Permittee shall ensure that the Operation shall, at all times, ensure the proper and timely management and disposal of all residual, non-compostable and/or non-recyclable waste materials from the Operation.
6. The Operation shall, at all times, not be conducted in such a manner that would render the Facility a solid waste management facility, solid waste storage facility, solid waste transfer facility or solid waste processing facility, for which a solid waste site assignment pursuant to 310 CMR 16.00 would be required.
7. The Operation shall, at all times, be conducted or shall operate in accordance with this Permit, good management practices, and the approved plans, reports, and other submissions described in this Permit.
8. The Operator shall be jointly liable for providing for the routine maintenance and general cleanliness of the Operation and Site.
9. The Operator shall perform routine monitoring of the Operation and Site in accordance with the requirements of this Section and the approved plans to ensure compliance with this Permit and the approved plans. The routine monitoring shall include, without limitation, the following:
 - a. A daily assessment including, without limitation, inspection of the status and condition of the Operation, structures, equipment, devices, environmental control systems, paved surfaces, fencing, gates, and the general cleanliness of the Site;
 - b. A daily materials management records tracking system, documenting all materials managed at the Site by the Operator, including but not limited to materials received in incoming loads. A monthly assessment including, without limitation, inspection of the overall condition of the Site and its material storage and environmental control systems; and
 - c. Documentation of all of the results of the routine monitoring, and any corrective actions, repairs, or maintenance in the Operation's Daily Log required by this Permit.

10. Pursuant to 310 CMR 16.01(8)(a), failure to comply fully with the applicable provisions of 310 CMR 16.00, this Permit, or any other applicable MassDEP permits or approvals shall be a violation of 310 CMR 16.00.

11. Pursuant to 310 CMR 16.01(8)(b), MassDEP may, whenever it has cause to believe that a violation of a local, state, or federal law, regulation or approval has occurred, without limitation, rescind, suspend, revoke, or modify this Permit and/or initiate an enforcement action in accordance with applicable statutes or regulations. Pursuant to 310 CMR 16.01(8)(b)2., where a permit is rescinded, suspended or revoked by MassDEP, the Operator shall cease operations until:

- a. the Operator corrects the violation to the satisfaction of MassDEP; or
- b. the Operator applies for and obtains a site assignment and solid waste management facility permit.

C. Compliance with Other Requirements: This Permit does not relieve the Permittee from the obligation to comply with all applicable state, federal and local laws and regulations, including but not limited to the Department's air quality regulations at 310 CMR 7.00. This Permit shall not supersede, nor otherwise diminish, the Permittee's requirement to obtain and comply with other local, state, or federal approvals or permit(s), including, but not limited to, those issued by the Town of Westminster and the Westminster Board of Health ("BOH").

D. Access: Pursuant to the provisions of 310 CMR 16.01(5): *Access to Facilities and Properties*, the Operation shall be subject to inspections by MassDEP, the Town of Westminster and/or the Westminster Board of Health without prior notice. The Operator shall, upon request, provide to MassDEP full access to all relevant information and records, as well as access to the Site and Operation to conduct such inspections, with the purpose being to determining compliance with all applicable regulations and the terms and conditions of this Permit.

E. Request for Information: Pursuant to the provisions of 310 CMR 16.01(5)(c): *Access to Information*, when/where MassDEP deems it necessary to ascertain facts relevant to determining compliance or to actual or potential harm to public health or safety, actual or potential public nuisances, or actual or potential damage to the environment that may be caused by the handling, management, placement, storage, processing, treatment, reuse, transfer, use or disposal of solid waste, compostable or recyclable materials, MassDEP may request and any person shall furnish, within a reasonable time, any such requested information, and shall allow MassDEP personnel or authorized representatives thereto, to have access to, copy, or take images of, any such records relating to determining compliance.

F. Liability: Pursuant to the provisions of 310 CMR 16.01(6): *Joint and Several Liability*, this Permit is hereby issued and is subject to the conditions of joint and several liability of the Owner and Operator.

G. Permit Modifications:

1. Pursuant to 310 CMR 16.05(7)(a): *RCC Permit Modifications*, the Permittee shall notify MassDEP and the Westminister Board of Health of proposed changes in design or operations where:
 - a. the Operator intends to recycle, compost or convert materials substantially different from those materials for which this Permit has been granted;
 - b. the design and/or management of the Operation is to be altered;
 - c. the Operator proposes to increase the volume or quantity of materials to be handled by the Operation above that volume or quantity established in the Permit; or
 - d. the Operator proposes to operate the Operation in a manner different than that specified in this Permit.
2. Pursuant to 310 CMR 16.05(7)(b): *RCC Permit Modifications*, where MassDEP determines that the change in design or operation is significant, MassDEP may require the submittal of a revised RCC permit application, pursuant to 310 CMR 16.00 and 310 CMR 4.00, with a copy submitted to the Westminister Board of Health, for review. Review of such revised RCC permit application shall be as if it were an initial RCC permit application.

H. Operations: The Operator shall conduct all materials management activities (i.e. receiving, handling, composting and storage) involved in the Operation within the designated areas, as described in the Application and as depicted on the submitted plans/drawings as contained therein, as well as in accordance with the applicable regulations set forth at 310 CMR 16.00. All such material management/storage areas of the Operation at the Site (including proximate surrounding areas) shall be maintained in a clean, orderly and sanitary condition in order to protect the public health, safety, welfare and the environment.

I. Operation Interruption: In the event the Operation is temporarily or permanently interrupted or discontinued for any reason, the Operator shall, within 24 hours, notify MassDEP of the interruption/discontinuation, and as deemed necessary, remove, recycle, or dispose of any/all remaining waste materials and products from the Site/Operation in accordance with all applicable regulations, including, but not limited to: 310 CMR 16.00 and 310 CMR 19.000.

VII. SPECIFIC CONDITIONS

A. Acceptable Materials: Receipt of compostable material at the Operation shall only occur as follows:

1. Amount and Type of Materials Accepted: The Operation shall only accept the compostable materials as proposed in the Application, and as outlined in Table 1

below. The Operation shall not accept more than 91,775 tons of these materials in any calendar year (i.e., an average of 294 tons per day over 312 operating days per calendar year) and may only receive compostable material Monday through Saturday consistent with Table 1:

Table 1: Approved Amount and Type of Material

<u>Type of Material</u>	<u>Approved tons per year (tpy)</u>	<u>Source</u>
Short Paper Fiber	44,658 tpy	Previously approved sources, various paper production mills and sources identified in the Application
Food Waste	10,000 tpy	Previously approved and various <u>food waste</u> sources identified in the Application. Additional material sources, such as digestate from aerobic or anerobic digestion operations, may be acceptable subject to future MassDEP approval
Animal Manure	4,375 tpy	Various Farms
Biosolids	2,160 tpy	Type I beneficial use sludge product from various Wastewater Treatment Plants that have a valid MassDEP Approval of Suitability (AOS) pursuant to 310 CMR 32.00
Leaf and Yard Waste	8,050 tpy	Various sources
Stumps, brush, clean wood	9,344 tpy	Various sources
Cannabis stalks and root balls	8,188 tpy	Medical and recreational marijuana growers

Other compostable material approved by MassDEP	5,000 tpy of water treatment plant (WTP) residuals previously approved by MassDEP	Previously approved sources. Various additional water treatment plant residual sources and other sources, to be determined based upon future need, subject to MassDEP approval
Total amount of compostable materials approved for acceptance per calendar year	<u>91,775</u> tons per year <u>294</u> tons per day average based upon <u>312</u> operating days per year (Monday through Saturday)	

Tonnages of all incoming loads shall be documented by:

1. A scale weigh slip, including tare weight of truck; or
2. The volume of compostable material, using the following factors to convert volume (cubic yards) to weight (tons): *(or using a conversion factor of 1,000 lbs/cubic yard (0.5 tons/cy, 2 cy/ton) if a factor is undetermined):*

Leaves	Brush	Grass	Food Waste
5 cy/ton	4 cy/ton	3 cy/ton	1.33 cy/ton

The maximum total acceptance of material shall not exceed a (calendar) yearly average of 294 tons per day over 312 operating days.

The Operation shall not accept any municipal or sanitary wastewater or sludge, hazardous waste, hazardous materials, materials contaminated by toxic substances at levels which may pose a threat to public health, safety or the environment or feedstocks that are not compatible with the composting operation. The Permittee and Operator must ensure that all feedstock materials meet the requirements of this permit. Any proposed increases in future throughput tonnages and/or changes in types of acceptable material would require modifications to the Operation's RCC Permit.

The Permittee shall only accept as inputs to the Operation the feedstocks identified in the Application. MassDEP reserves the right to modify, at any time

deemed necessary, the requirements for the acceptance of feedstocks based on information received by other regulatory agencies.

2. As defined in 310 CMR 16.02, Organic Material means any of the following source-separated materials: vegetative material; food material; agricultural material; biodegradable products; biodegradable paper; clean wood; or yard waste. It does not include sanitary wastewater treatment facility residuals. All terms appearing in this definition shall be as defined in 310 CMR 16.02, where applicable. Group 2 organic material shall be defined as organic material that has a carbon to nitrogen ("C:N") ratio less than 30:1. Group 1 organic material shall be defined as organic material that has a C:N ratio greater than 30:1. In the absence of individual data sets on compost feedstocks, materials shall be assigned as Group 1 or Group 2 organic materials consistent with Table 1 at 310 CMR 16.04 (3).
3. Group 2 Organic Material: The Permittee shall not accept for the Operation more than **73.5 tons** (25 percent by volume of the 294 tons per day calendar yearly average of material accepted) of Group 2 organic material per operating day. The Permittee and Operator shall accept or provide sufficient quantities and types of Group 1 organic material to ensure that: the composting mixture shall at all times have sufficient carbon in accordance with scientific composting principals; windrow porosity is maintained; excessive pile moisture is prevented; and odorous material is capped with high-carbon material as necessary to prevent or mitigate nuisance conditions.
4. Animal manures shall be considered Group 2 organic materials unless shown by laboratory analysis to have a C:N ratio greater than 30. Any laboratory analysis used to classify an organic material as Group 1 or Group 2 shall be limited to the specific generating source of that material.
5. The Permittee shall ensure that the total amount of organic material accumulating onsite does not exceed the amount that can be accommodated within the designated areas shown on the Application Plans. The Permittee and Operator shall ensure that windrows are not constructed to a larger height or width than can be thoroughly mixed and turned. The Permittee and Operator shall ensure that sufficient space is provided between windrows so that they can be fully accessed and turned, and any saturated materials between the rows can be collected and reincorporated into the windrows. The Permittee and Operator shall ensure that materials will not be stockpiled before or during the active composting process to create storage space and that stockpiles are created only after the composting material has reached the curing stage or later.
6. The Permittee shall notify MassDEP in writing a minimum of 30 days before accepting any material that does not meet the regulatory definition of Organic Material at 310 CMR 16.02 (as currently defined, or as may be amended in the future), so that MassDEP can determine the regulatory status of the material. MassDEP reserves the right to require submission of an additional permit

application for any potentially compostable material not meeting the definition of Organic Material, as that term is interpreted by MassDEP.

7. The Permittee shall ensure that compostable material is sampled as proposed in the Application, including but not limited to the following requirements:
 - a. Short paper fiber, biosolids, (WTP residuals) as well as other industrial by-products shall be tested in accordance with the MassDEP Land Application of Septage and Sludge provisions established for Type I sludge in Table 310 CMR 32.12 (2)(a), and as may also be modified in consideration of other contaminants of concern ("CoCs") and/or emerging CoCs determined by MassDEP. No paper fiber waste or any other waste material that has contacted sanitary wastewater, or in any way results from a sanitary wastewater treatment process, may be accepted at the Site. Acceptance of any such material would require additional review pursuant to 310 CMR 32.00.
 - b. Finished Compost Product shall also be tested, in accordance with the MassDEP Land Application of Septage and Sludge provisions established for Type I sludge at 310 CMR 32.12(5)(a), and as may also be modified in consideration of other CoCs and/or emerging CoCs determined by MassDEP.

B. Accumulation and Storage of Materials:

1. The Permittee shall ensure that the quantity of material stored or in process at any one time at the Operation is limited to the Areas noted in the Application and specified below.

Operation Area	Activity
Area 1	raw materials holding
Area 2	curing, composting, screening and storage
Area 3	active composting and storage
Area 4	material storage

2. The Permittee shall ensure that no residual solid waste or off-specification material is stored, used or processed at the Property, except for storage and removal of solid waste as outlined in Condition VII. B. 5. below.
3. The Permittee shall ensure that the incoming loads of Group 2 materials are processed as described in the Application and distributed into windrows on the same day the material is received.
4. Nothing in the above conditions shall limit MassDEP's right to require removal of material from the Site and/or Operation if MassDEP has cause to believe that the continued storage or use of the material:

- a. results in an unpermitted discharge to air, water, land or other natural resources;
 - b. presents a threat to public health, safety or the environment; or
 - c. causes or contributes to a condition of public nuisance, including, without limitation, odors.
5. The Permittee shall manage all solid matter removed from the composting process in a manner that does not create nuisance conditions or an actual threat to public health, safety, welfare or the environment. The Permittee shall ensure that all residual plastics and other waste materials removed from the Operation are properly disposed or recycled at off-site facilities. The Permittee shall store all waste materials (plastics, trash, other non-compostable solid waste) on-site only in covered containers (10-cubic yard maximum size) and shall remove them for proper offsite disposal, so as not to create nuisance conditions (i.e., odors and vectors). The Permittee shall regularly collect any litter generated by the Operation and shall not allow wind-blown litter to leave the Site.
 6. In accordance with 310 CMR 16.05(3)(b)5., The Permittee shall ensure that during any calendar quarter the average quantity of residuals generated by the Operation does not exceed 5% by weight of the total quantity of materials accepted for processing.
 7. MassDEP reserves the right to require the Operator to perform analytical testing of any materials received for composting as well as any materials and/or wastes resulting from the Operation, at any time deemed necessary by MassDEP. The parameters for testing and the frequency of testing shall be at MassDEP's discretion, after consultation with the Operator.
- C. **Hours of Operation:** The Permittee may receive authorized compostable materials at the Operation 312 days per calendar year. The hours of Operation for the receipt of authorized compostable materials shall be Monday through Friday 7:00 AM – 4:00 PM and Saturday 8:00 AM – 12:00 PM. The Permittee may also conduct business at the Facility on Sundays from 8:00 AM – 12:00 PM for outgoing shipments of composted products only. The receipt/acceptance of raw material for composting is limited to the Monday to Saturday hours listed above (Monday through Friday 7:00 AM – 4:00 PM and Saturday 8:00 AM-12:00 PM).
- D. **Residuals Storage:** The Permittee shall ensure that the amount of "Residuals", including but not limited to plastics, trash, and other non-compostable solid waste, shall not exceed two 10 cubic yard roll-off containers at the Site at any one time. The Permittee shall only accept Residuals in incidental amounts (not to exceed 5% by weight of the materials handled at the Site during any calendar quarter) in source separated loads. The Permittee shall transfer all Residuals to a permitted solid waste facility for recycling or disposal, as appropriate, pursuant to MassDEP regulations.
- E. **Unloading:** The Permittee shall limit vehicle access to the Operation to such periods of time as a trained attendant is on duty. The Permittee shall provide for continuous supervised unloading of materials received only from authorized waste material generators, vehicles, and users. The Permittee shall ensure that authorized users shall unload material

only at the direction of Operation staff and only at the Operation's designated off-loading areas.

The Permittee shall provide and maintain an adequate number of trained staff at the Operation to ensure that the Operation is operated and maintained as designed, in accordance with good management practices. Trained staff shall be knowledgeable of:

1. the applicable requirements of 310 CMR 16.00 and 310 CMR 19.000; and
2. the procedures and plans for the proper operation and maintenance of the Operation, including, without limitation, the conditions set forth in this Permit.

F. Inspection, Handling and Storage of compostable materials:

1. The Permittee shall ensure that all incoming loads of compostable material at the Operation are inspected by Mass. Natural personnel to determine the presence of unacceptable materials, including but not limited to, hazardous waste and universal waste subject to 310 CMR 30.0000, oil or hazardous materials subject to 310 CMR 40.0000, municipal solid waste, non-compostable recyclable materials, and asbestos-containing materials and asbestos-containing waste materials. To the greatest extent practicable, Mass Natural personnel shall identify, and prevent processing of, materials that may threaten or cause harm to public health, safety, and the environmental and/or generate nuisance conditions.

2. The Permittee shall ensure that all incoming loads that contain materials not listed in the table provided in Section VII.A. of this Permit or that contain unacceptable materials, as well as any products contaminated with unacceptable materials, are handled and managed in accordance with all applicable state laws and regulations including without limitation, 310 CMR 16.00, 310 CMR 19.000, 310 CMR 7.00, 310 CMR 30.000, and 310 CMR 40.0000. The Permittee shall ensure that the quality of the incoming materials and the final product is not contaminated by toxic substances at levels which may pose a threat to public health, safety or the environment.

3. The Permittee shall ensure that all loads of off-site material accepted at the Operation are only from approved feedstock sources that have been tested and meet the standards of this Permit, and shall ensure that all incoming loads are accompanied by the appropriate records and shipping documentation as required by this Permit.

G. Fire Protection and Spill Control: The Permittee shall take suitable measures for the prevention and control of fires and spills at the Operation and Site by complying with at least the following:

1. Ensuring that no materials are placed, stored, or maintained in such a manner as to pose a fire or chemical hazard. The Permittee shall monitor stockpiles of organic materials and finished compost for signs of fires. The Permittee shall minimize the possibility of auto ignition fires by limiting the size of stockpiles, monitoring stockpile temperatures, and breaking down/moving stockpiles if excessively high temperatures are observed.

2. Maintaining appropriate fire control and spill control equipment and supplies in working order and in all applicable areas of the Site.
3. Ensuring that there is an adequate supply of water for firefighting.
4. Calling for fire-fighting or spill-control assistance, if such an event occurs.

The Permittee shall prepare a Fire and Spill Control Contingency Plan if required to do so by the Westminster Fire Department.

- H. Nuisance Control:** The Permittee shall comply with all applicable requirements of the MassDEP's Air Quality Regulations including but not limited to those regarding dust, odor, noise and nuisance conditions (at 310 CMR 7.09 and 310 CMR 7.10), and MassDEP's Air Quality Noise Policy # DAQC 90-001

The Permittee and Operator shall always maintain provisions for monitoring, preventing, mitigating and responding to nuisance odors and odor-generating compounds or conditions according to the "Odor Control Plan" included in the Application for the Operation pursuant to 310 CMR 16.05(2)(c)3.c.iii.

I. Vector Control:

1. The Permittee shall conduct operations promptly in a systematic manner and shall take preventative measures to maintain conditions unfavorable for the attraction or production of insects, birds, rodents and other vectors and shall, at a minimum, operate in accordance with the provisions of the "Vector Control Plan" included in the Application for the Operation pursuant to 310 CMR 16.05(2)(c)3.c.iv.
2. The Permittee shall implement a routine program for the control and elimination of insects and rodents and other vectors at the Site, and when necessary, shall cause supplemental control measures, including but not limited to the use of effective insecticides and rodenticides, to be implemented.
3. The application of pesticides shall be made only by a pesticide operator licensed by the Massachusetts Pesticide Board.

- J. Record Keeping and Reporting:** The Permittee shall, at all times, maintain at the Site, copies of all permits, approvals, records, reports, logs and other operational information, as deemed necessary, in order to maintain and demonstrate compliance with 310 CMR 16.00 and this Permit. The Permittee shall maintain such records and information for at least three (3) years and shall make such records and information available at the Site upon request to authorized representatives of MassDEP and the Town of Westminster and the Westminster Board of Health. The Permittee shall maintain records and provide reports/certifications to MassDEP in compliance with 310 CMR 16.00, including but not limited to, the following:

1. Copy of Permits & Approvals – The Permittee shall maintain, at the Site, and, upon request, make available to authorized representatives of MassDEP and the Town of

Westminster and the Westminster Board of Health for review, a complete copy of this Permit and all approved plans, appendices, protocols and attachments, and all records, logs, feedstock sampling results, and reports required to be maintained by this Permit.

2. Operational Records & Daily Log – The Permittee shall develop and maintain at the Site, at all times, a daily log that shall at a minimum include:

- a. The date the log was completed;
- b. A daily summary of all materials (itemized by material type and point of generation) received, stored, and/or shipped for composting, recycling, re-use or disposal;
- c. Documentation and description of the routine Site/Operation monitoring, including any corrective actions, repairs, or maintenance activities;
- d. A description of any deviations from the approved plans and operating procedures; and
- e. A log of any complaints received regarding the Operation including but not limited to a description of the complaint, a description of the findings of the complaint investigation, and a description of the actions taken and/or intended to be taken to address the complaint.

3. Annual Compliance Certification with Reporting – In order to validate that the Operation is in compliance with all applicable regulatory requirements and the terms and conditions of this Permit, the Permittee shall, on an annual basis, submit to MassDEP, no later than February 15th of each year, an annual compliance certification pursuant to the provisions and requirements of 310 CMR 16.06(1): *Compliance Certification Requirements*. Additionally, the Operator shall be required to submit an annual report to MassDEP by February 15th each year. The annual compliance certification and the annual report must be submitted jointly via the Re-Trac Connect online filing system that is currently accessible via this link:

<http://www.mass.gov/eea/agencies/massdep/service/approvals/annual-report-and-certification-permitted-rcc-operations.html>

4. Special Reporting – The Permittee shall notify MassDEP and the Westminster Board of Health in writing by no later than the close of the next business day, if not otherwise required to do so sooner, of the following:

- a. The discovery of any Special Waste pursuant to 310 CMR 19.000, or Hazardous Waste pursuant to 310 CMR 30.000; or Spill Incident pursuant to 310 CMR 40.0000 (the Massachusetts Contingency Plan; “MCP”); or
- b. Any incidents or disruptions which occur at the Operation that could affect the public health, safety, or the environment, or the integrity of the Operation; or
- c. Any response to the Operation from other agencies, including without limitation, local authorities, the Massachusetts Department of Labor and Work Force Development (“MassDLWD”), or the United States Occupational Health and Safety Administration (“OSHA”).

The Permittee shall provide such notification to MassDEP's Central Regional Office, 8 New Bond Street, Worcester, Massachusetts 01606, attention Solid Waste Management Section Chief, telephone number 508-767-2759, FAX number 508-792-7621. The Permittee shall follow up such notification by telephone or FAX with a certified letter within twenty-four (24) hours. This notice shall, at a minimum, provide a description of the incident, the impact on the Operation, and a description of the actions the Permittee has taken or intends to take to institute corrective measures and/or resume operations. The Permittee shall make written notification via email to James.McQuade@mass.gov, MassDEP's Solid Waste Management Section Chief, Central Regional Office and shall follow up such notification by telephone or email with a certified letter within 24 hours. This notice shall, at a minimum, provide to MassDEP a description of the incident, the impact on the Operation, and a description of the actions the Permittee intends to take to resume operations.

The Permittee shall comply with all other notification requirement(s) pursuant to other applicable laws or regulations whether state, local, or federal.

K. Contingency Planning: The Permittee shall maintain a contingency plan that describes corrective actions to be taken for management of all unprocessed and processed materials and residuals in the event of equipment breakdowns, delivery of unacceptable material, spills, fires, extreme weather events or other events, including but not limited to the failure of the odor or vector control plan.

L. Permit Modification by MassDEP: MassDEP reserves the right to rescind, suspend or modify this Permit by the imposition or amendment of conditions based on determinations of any actual or potential adverse impacts from the Operation. It is the Permittee's responsibility to comply with all other applicable federal, state and local statutes or regulations as a pre-requisite to conducting the permitted Operation. Please be advised that if this Permit is rescinded or suspended, this Operation shall be regulated under all applicable sections of Massachusetts General Laws (MGL), Chapter 111, Section 150A, and the regulations promulgated thereunder at 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities", and 310 CMR 19.000, "Solid Waste Management Facility Regulations". Failure to comply with these requirements may lead to legal action including but not limited to, criminal prosecution, court imposed civil penalties, or civil administrative penalties assessed by MassDEP.

M. Financial Assurance Mechanism: The Permittee shall provide and maintain a sufficient financial assurance mechanism, similar to the types of financial assurance approved in 310 CMR 19.051: *Financial Assurance Requirements*, as required by the Department, to pay for the removal and proper management of materials and restoration or remediation of the buildings, equipment or land at the Site should the Operation be terminated.

VIII. EFFECTIVE DATE

Pursuant to the provisions of 310 CMR 16.05(5)(e), this RCC permit decision is final after the 21st day following its date of issuance unless, if a person files a request for an adjudicatory hearing in a timely manner, then the RCC permit decision is not final until the

Commissioner of the Department issues a final decision pursuant to 310 CMR 1.01(14): *Decisions*. Once the RCC permit decision is final, any stay of the RCC permit would be governed by M.G.L. c. 30A, §14.

IX. DURATION OF THIS DECISION

This Permit shall terminate five years after the date on which an RCC permit decision regarding this Application becomes final, as described in section VIII. above. In the event that the Permittee submits an application to MassDEP, in compliance with the provisions of this section, before the termination date of the Permit to continue operating, the Termination Date is extended to such time as MassDEP issues a final decision on the Permittee's application to continue operating. If MassDEP denies the application, then the Permittee shall cease the operations authorized by this Permit, in compliance with 310 CMR 16.00, within ninety (90) days of the date of MassDEP's denial of the application.

In matters of noncompliance at the Site and/or Operation, nothing in this section shall limit MassDEP's authority to require the Permittee or Operator to cease operations as authorized by this Permit pursuant to applicable statute and regulations.

X. REQUEST FOR ADJUDICATORY HEARING

Request for Adjudicatory Hearing: Any one or more of the following persons may request an adjudicatory hearing of this RCC Permit Decision in accordance with 310 CMR 16.05(6): the Applicant; any aggrieved person as defined at 310 CMR 16.02; the municipality wherein the proposed Operation is to be located; or a group of ten persons that has properly intervened pursuant to the requirements of 310 CMR 16.05(5)(c). Such request for an adjudicatory hearing shall be in writing and filed or postmarked within 21 days from the date of issuance of this RCC Permit Decision.

Intervention in Adjudicatory Hearing: Any motion to intervene pursuant to 310 CMR 1.01(7): *Intervention and Participation* shall be filed within 21 days from the date the first request for an adjudicatory hearing is filed with MassDEP.

Notice of Claim Procedure and Deadlines: The adjudicatory hearing request shall be in the form of a Notice of Claim and shall comply with all the requirements of 310 CMR 1.01: *Adjudicatory Proceeding Rules for the Department of Environmental Protection*. (See also "Content of Notice of Claim" below). The request must be sent to the Case Administrator at the following address:

Case Administrator
Office of Appeals and Dispute Resolution
Massachusetts Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, Massachusetts 02108

with a copy to the issuing office of the Department at the address below:

Regional Director
Massachusetts Department of Environmental Protection
Central Regional Office
8 New Bond Street
Worcester, MA 01606

The person requesting the adjudicatory hearing shall also send a copy of the request for the adjudicatory hearing by first class mail or hand delivery to the Applicant and to any person who has submitted an electronic or mailing address with timely written comments on the RCC Permit Decision to the Department. A list of such persons will be contained in the "cc" list of the RCC Permit Decision.

Filing Fee: A copy of the "Notice of Claim" and a MassDEP "Adjudicatory Hearing Fee Transmittal Form" (available through the Department website at <https://www.mass.gov/doc/adjudicatory-hearing-fee-transmittal-form>), along with a valid check or money order in the amount of \$100.00 payable to the Commonwealth of Massachusetts, must also be sent to the Department Lockbox at the following address:

Massachusetts Department of Environmental Protection
Box 4062
Boston, MA 02211

The Notice of Claim will be dismissed if the filing fee is not paid, unless the person filing the Notice of Claim is exempt or granted a waiver.

Filing-Fee Exemptions: A filing fee is not required from a city, town (or municipal agency), county, district of the Commonwealth of Massachusetts, municipal housing authority, a federally recognized Indian tribe or the MBTA.

Filing-Fee Waivers: The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who demonstrates that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship along with the Notice of Claim as provided above.

Content of Notice of Claim: Pursuant to 310 CMR 16.05(6)(c), the matters that may be raised in a request for an adjudicatory hearing by a person who has the right to request an adjudicatory hearing are limited to the matters raised during the public comment period; provided, however, that a matter may be raised upon a showing that it was not reasonably possible with due diligence to have raised such matter during the public comment process or for good cause shown.

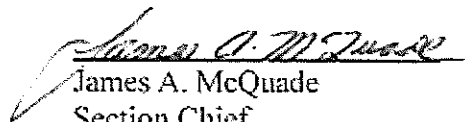
The Notice of Claim for adjudicatory appeal shall be dated and signed by the person on whose behalf the filing is made or by the person's authorized representative, shall comply with all of the requirements of 310 CMR 1.01 and 310 CMR 16.05, and shall contain the following information:

- (1) The Department Authorization Number: SW46B/47B-0000053
- (2) The name, address, telephone and facsimile number and email of the person filing the Notice of Claim. If the person is the Applicant, please indicate if the name, address or other information has changed since the date of the application;
- (3) If represented by counsel, the name, address, telephone and facsimile number and email of the attorney;
- (4) If the person is a municipality, a statement indicating the status of the person filing the request as a board of selectmen or mayor of a municipality wherein the proposed operation that is the subject of the Permit Decision is located and a demonstration of appropriate participation by the municipality in the permit proceedings;
- (5) If the person is an aggrieved person, a demonstration of aggrievement;
- (6) If the person is a 10-person group, a demonstration of appropriate intervention in the permit proceedings, affidavits from each group member stating his/her intent to be a part of the group and to be represented by its authorized representative, if any, and the name, address, telephone and facsimile number and email of the authorized representative, if any, and each group member;
- (7) A clear and concise statement of the facts which are grounds for the appeal, the relief sought and any additional information required by applicable law or regulation;
- (8) A copy of the Permit Decision being appealed;
- (9) A statement that a copy of the Notice of Claim has been sent to the Applicant, the Department's issuing office and all persons who submitted an electronic or mailing address with timely written comments on the draft Permit Decision to the Department; and
- (10) If the matter is major or complex, a request to the Presiding Officer to deem the matter major or complex in accordance with 310 CMR 16.05(6)(e) i.e. setting forth specific reasons supporting that request.

When the contents of a Notice of Claim do not meet the requirements of 310 CMR 1.01 or any other applicable regulations, the Presiding Officer may dismiss the appeal.

10/06/2020

Date


James A. McQuade
Section Chief
Solid Waste Management Program

Ecc: Anne Loree, Interim Health Agent, Westminster Board of Health, 11 South Street,
Westminster, MA 01473