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April 15, 2022

Holliston Board of Health
Attn: Scott Moles, Health Director
703 Washington Street, Room 005
Holliston, MA 01746
VIA EMAIL moless@holliston.k12.ma.us
and CERTIFIED MAIL
#7019 1120 0001 4457 7946
RETURN RECEIPT REQUESTED and
FIRST-CLASS MAIL

Massachusetts Department of Environmental
Protections
Attn: James McQuade Solid Waste
Management Program
1 Winter Street
Boston, MA 02108
VIA EMAIL james.mcquade@mass.gov
and CERTIFIED MAIL
#7019 1120 0001 4457 7939
RETURN RECEIPT REQUESTED and
FIRST-CLASS MAIL

**RE: NOTICE OF TRANSFER OF RECYCLING, COMPOSTING OR
CONVERSION PERMIT FMF NUMBER: 526217 TRANSMITTAL NUMBER
X267053 LOCATED AT 157 AND 165 LOWLAND STREET, HOLLISTON, MA
01746 ISSUED TO AMERICAN RECYCLED MATERIALS, INC.**

Dear Messrs. Moles and McQuade:

We write as counsel to M&M Estates LLC (the “**Real Estate Buyer**”) and Holliston Asphalt & Concrete Inc. (the “**Operating Entity**,” with the Real Estate Buyer, the “**Buyers**”) the Buyers of the above referenced property containing approximately 7.07 acres of land on 157 and 165 Lowland Street, Holliston, Massachusetts (the “**Property**”) and business asset Buyers of American Recycled Materials, Inc. (the “**Seller**”) regarding the transfer of the Recycling, Composting or Conversion (“**RCC**”) permit issued the Seller, FMF Number 526217, transmittal number X267053, with an effective date of June 6, 2018 and an expiration date of June 6, 2023. See Exhibit A for a copy of the issued RCC permit.

This notice is sent pursuant to 310 CMR 16.05(7) which requires the Buyer to notify the Massachusetts Department of Environmental Protection and the Town of Holliston Board of Health of proposed changes in design or operation where the design and/or management of the operation is altered.

The current RCC Permit to the current operator and Seller, American Recycled Materials, Inc. allows for the solid waste recycling operation of asphalt pavement, brick and concrete rubble

in the amount of 400 tons per day on average, and not to exceed 500 tons per day maximum segregated into individual product stockpiles for use in off-site construction projects with operating hours from Monday through Saturday from 7:00AM to 7:00PM.

The Buyers' proposed plan is to continue the same operations as were previously carried out by the prior owner permit holder and Seller prior to the transfer of title and purchase of business assets. The Buyers plan to continue offering solid waste recycling of asphalt pavement and concrete rubble, however, do not plan on offering services related to the recycling of brick. Furthermore, the Buyers will continue to accept 400 tons per day on average of material, and not to exceed 500 tons per day maximum to be segregated into individual product stockpiles for use in off-site construction projects with the same operating hours of Monday through Saturday from 7:00AM to 7:00PM. The Buyers also agree to comply with the General and Specific Conditions as set forth in the permit.

As such, the only factors different from the operation of the permit through the Seller, American Recycled Materials, Inc. and the Operating Entity is related to the new operating entity and the lack of recycling brick material as allowed in the current RCC permit issued to the Seller. The new operators do not intent to recycle any additional material not included in the current RCC permit and they do not plan to increase the volume or quantity of materials established by the RCC permit.

Should you have any questions, please do not hesitate to contact the office.

Thank you.

Sincerely,



Mayara J. Cordeiro, Esq.
Counsel to M&M Estates LLC and
Holliston Asphalt & Concrete Inc.

Cc: Anne Blackman via email at anne.blackman@state.ma.us
Bernadette Hayes via email at bernadette.m.hayes@state.ma.us
Rebecca Tobin via email at rebecca.tobin@state.ma.us
Henrique Oliveira via email at info@maspaving.com
Thiago Xavier via email at sales@middlesexasphaltservices.com



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01608 • 508-792-7650

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

FINAL PERMIT

RECYCLING, COMPOSTING OR CONVERSION (RCC) OPERATION – BWP SW 47

American Recycled Materials, Inc.

Asphalt Pavement, Brick, and Concrete Rubble Recycling Operation

Effective Date: June 6, 2018

MassDEP Region: Central

FMF Number: 526217

Expiration Date: June 6, 2023

Transmittal Number: X267053

I. OPERATION DESCRIPTION

Applicant/Permittee: American Recycled Materials, Inc. ("Applicant" or "Permittee")
Mailing Address: 157-165 Lowland Street
Holliston, MA 01746

Operator: American Recycled Materials, Inc.
Operation Address: 157-165 Lowland Street
Holliston, MA 01746

Type of Operation: Solid Waste Recycling Operation

Type of Material Handled: Source Separated Asphalt Pavement, Brick, and Concrete Rubble

Amount of Recyclable
Material Accepted: 400 tons per day average not to exceed 500 tons per day maximum

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

Application: Renewal of a Recycling, Composting or Conversion Operation – BWP SW 47

Transmittal Number: X267053

Received by MassDEP: January 19, 2017

Submitted By: George F. Connors
Counselor At Law
10 Southwest Cutoff
Northboro, MA 01532

Supplemental Information: Revised Cover Sheet dated May 31, 2017.

Supplemental Information: Response to Administrative Deficiency Notice dated August 7, 2017.

Supplemental Information: Response to MassDEP Technical Deficiency Notice dated January 17, 2018, Includes Updated Site Plan (Jan 15, 2018).

Supplemental Information: Response to Request for Information during Public Comment Review Period dated May 31 2018, Includes Updated Site Plan (May 31, 2018).

II. DESCRIPTION OF PERMIT APPLICATION AND OPERATION

Application

On January 19, 2017, the Massachusetts Department of Environmental Protection, Central Regional Office, Bureau of Air and Waste, Solid Waste Management Section ("MassDEP"), received the category BWP SW 47, *Renewal of a Recycling, Composting or Conversion (RCC) Operation Permit*, application ("Application") from American Recycled Materials, Inc. ("Applicant" or "Permittee"). The Application was submitted by George F. Connors, Counselor At Law. All forms, plans, and other papers pertaining to design and construction of the Operation were completed under the supervision of Carlton D. Boardman, Massachusetts Registered Professional Engineer (P.E. # 29630), Boardman Engineering.

The Applicant is seeking MassDEP approval of the Application (#X267053) to continue its asphalt pavement, brick, and concrete ("ABC") rubble recycling operation that had previously been regulated under a Determination of Need ("DON") Permit (#X238790) originally issued by MassDEP on March 20, 2012 to Michael Brumber. Mr. Brumber serves as the President of American Recycled Materials, Inc., which was incorporated in Massachusetts in 2014 and which took over the ABC rubble recycling operation regulated by the DON Permit. The 157-165 Lowland Street property consists of two parcels containing a total of approximately 7.07 acres and is owned by Michael L. Brumber as trustee of DCA Realty Trust. The Application does not propose any modifications to the Applicant's existing operations.

The submission of the Application to continue its current operation that was previously approved under the DON permit is due to regulatory changes to the MassDEP Solid Waste Site Assignment Regulations at 310 CMR 16.00 that were put in effect on November 23, 2012. Specifically, the changes promulgated in November 2012 removed the DON permit from the regulations and added a new framework for regulating recycling, composting and conversion activities. This change in regulation requires American Recycled Materials, Inc. to transition from the current DON permit issued to Mr. Brumber to a RCC permit.

Facility Operation

On August 11, 2011, the town of Holliston Planning Board issued a Special Permit and Site Plan Certification of Action to Michael Brumber for the use of the 7.07-acre property identified as 157 Lowland Street in Holliston, Massachusetts, as a place to process and recycle asphalt and concrete rubble material to produce recycled aggregate materials. The property is located on Lowland Street within the Lowland Industrial Park which is within an industrial zoning district. The Special Permit requires that Michael Brumber obtain a DON Permit from MassDEP for the intended use of the property prior to the commencement of processing and recycling operations.

The 2012 DON permit allows the acceptance of up to 400 tons per day on average, not to exceed 500 tons per day maximum, of source separated ABC rubble for recycling (the "Operation") at 157-165 Lowland Street in Holliston, Massachusetts (the "Site"). Under the DON, the Permittee is responsible for ensuring that the ABC rubble accepted at the Operation consists only of weathered ("cured") asphalt pavement, clay bricks, and attached mortar normally used in construction, or concrete that may contain rebar. The rubble shall not be painted, coated or impregnated with any substance and not mixed with or contaminated by any other waste or debris. The incoming ABC rubble material is processed using a mobile crusher and then sorted with a screener to produce aggregate products of various gradations suitable for specific engineering applications. Once processed, the material is segregated into individual product stockpiles for use in off-site construction related applications.

The Applicant has implemented several measures to prevent potential noise nuisances associated with the processing and recycling operation, including: the installation of a twenty-seven (27) foot earthen berm at the rear of the property; re-routing the customer trucking driveway to avoid trucks from ascending a hill near the rear of the Site; installation of new mufflers on heavy equipment; installation of new self-adjusting back-up alarms on all American Recycled Materials, Inc. mobile equipment; and keeping the processing and screening equipment surrounded by the unprocessed and processed ABC material, which are approximately twenty-five feet high, for the attenuation of noise.

The DON permit restricts the amount of material accepted at the Site and the amount of material allowed to be stored on Site and limits the operating hours to Monday through Saturday 7:00 AM to 7:00 PM. This final RCC Permit contains the same restrictions.

III. DEFINITIONS

Unless indicated otherwise, the following terms in this Permit shall mean as follows:

Application means and/or refers to the BWP SW 47 – Permit for a Recycling, Composting, or Conversion ("RCC") Operation, Transmittal Number: X267053 that was submitted to MassDEP on January 19, 2017, for the source separated asphalt pavement, brick, and concrete rubble recycling operation at 157-165 Lowland Street in Holliston, Massachusetts, inclusive of supplemental submittals.

Applicant means and/or refers to, for purposes of this Permit, American Recycled Materials, Inc. ("Applicant" or "Permittee").

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 asphalt pavement, brick, and concrete rubble recycling operation as performed by American Recycled Materials, Inc., 157-165 Lowland Street, Holliston, Massachusetts 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 American Recycled Materials, Inc.

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 Michael L. Brumber as trustee of DCA Realty Trust.

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 (e.g. 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 corporation: a president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function who has been duly authorized to bind the corporation pursuant to a corporate vote, or a representative of the corporation who has been duly authorized to bind the corporation pursuant to a vote provided the representative is responsible for the overall operation of the facility or operation.

Site means, for the purpose of this Permit, the property at 157-165 Lowland Street, Holliston, 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. Asphalt Pavement, Brick and Concrete are waste ban items.

IV. MEPA COMPLIANCE

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

V. GENERAL CONDITIONS

A. Materials Received: The Operation shall not accept materials except as provided in Section VI. of this Permit.

B. Compliance:

1. The Operation shall, at all times, be in compliance with applicable provisions of 310 CMR 16.00 including, but not limited to: 310 CMR 16.01: *General Requirements*.
2. The Operation shall, at all times, be 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 Operation shall, at all times, ensure 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 Operation shall, at all times, 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 Operation shall, at all times, ensure the proper and timely management and disposal of all residual 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 constitute a solid waste management facility, solid waste storage facility, or 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 Applicant shall provide for the routine maintenance and general cleanliness of the Operation and Site.
 9. The Applicant 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 recycled, stored, or shipped at the Site by the Operator or received from others with incoming loads.
 - c. A monthly assessment including, without limitation, inspection of the overall condition of the Site and its material storage and environmental control systems.
 - d. Documentation 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), 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), MassDEP may, whenever it has cause to believe that a violation has occurred, without limitation, rescind, suspend, revoke, or modify this Permit and/or initiate an enforcement action in accordance with applicable statutes or regulations as deemed appropriate. Pursuant to 310 CMR 16.01(8)(b)2., where a permit is rescinded, suspended or revoked by MassDEP, the owner or operator shall cease operations until:
 - a. the owner or operator corrects the violation to the satisfaction of the MassDEP; or
 - b. the owner or operator applies for and obtains a site assignment and solid waste management facility permit.
- C. Compliance with Other Regulations:** This Permit does not relieve the Owner and/or Operator from the obligation or requirement to comply with all applicable laws and regulations (whether local, state, or federal). This Permit shall not supersede, nor otherwise diminish, the Owner and/or Operator's requirement to comply with other permit(s) issued by the Town of Holliston.
- D. Access:** Pursuant to the provisions of 310 CMR 16.01(5): *Access to Facilities and Properties*, the Operation shall be subject to periodic inspections by MassDEP 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 Operation and Site for purpose of conducting such inspections, with the purpose being to determine 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 deemed 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 or recyclable materials, MassDEP may request and the Operator 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 Operator shall notify MassDEP and the Holliston Board of Health of any proposed changes in design or Operation 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. as otherwise 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 Holliston Board of Health, for review.
- H. **Operations:** The Operator shall conduct all materials management activities (i.e. receiving, handling, recycling 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, promptly and in a timely manner, notify MassDEP of the interruption/discontinuation, and as deemed necessary, remove, recycle, or dispose of any/all remaining materials, waste materials and products from the Operation and/or Site in accordance with all applicable regulations, including, but not limited to: 310 CMR 16.00 and 310 CMR 19.000.

VI. SPECIFIC CONDITIONS

- A. **Amount of Material Accepted:** The Operation may accept an average of four hundred (400) tons per day of source separated ABC rubble not to exceed five hundred (500) tons per day maximum. The maximum tonnage of source separated ABC rubble accepted at the Operation per calendar year shall not exceed one hundred twenty-four thousand eight hundred (124,800) tons (400 tons per day x 312 days per year). For purposes of complying with the tonnage limits in this permit, the Permittee shall calculate the tonnage of accepted material using a conversion factor of 1.5 tons per cubic yard of ABC rubble accepted. The quantity of residuals generated through the processing of ABC rubble, including rejects, shall not exceed 5% by weight of the materials handled during any calendar quarter in accordance with 310 CMR 16.05(3)(b)5.b.
- B. **Amount of Material Stored:** The Operation shall not store more than the following amounts of material at the Site at any given time:
1. Processed Material: The quantity of processed ABC rubble material stored on site shall not exceed ten thousand (10,000) tons.
 2. Unprocessed Material: The quantity of unprocessed ABC rubble material stored on site shall not exceed ten thousand (10,000) tons.
 3. In-process Material: The quantity of ABC rubble material stored while "in-process" shall not exceed two thousand (2,000) tons.
 4. Waste Material: The quantity of waste (all residuals and off-specification product) stored on site shall not exceed forty (40) tons. The quantity of commingled non-hazardous waste (e.g., wood, plastic) shall not exceed one (1) percent by weight.

The amount of unprocessed and processed ABC material at the Site may not interfere with the safety of the Operation and/or have the potential to impact public health, safety, or the environment. Pursuant to 310 CMR 16.05(3)(b)4., materials, whether in their as-received, in-process, or processed condition, shall not be stored for more than one year from the date of their receipt at the Operation.

Nothing in the above conditions VI. A. and B. shall limit MassDEP's right to require removal of material from the Operation if MassDEP has cause to believe that the continued storage of material:

- i. results in an unpermitted discharge to air, water, land or other natural resources;
 - ii. presents a threat to public health, safety or the environment; or
 - iii. causes or contributes to a condition of public nuisance, including, without limitation, odors.
- C. **Hours of Operation:** The operating hours for receipt and handling of ABC rubble material shall be limited to Monday through Saturday 7:00 AM to 7:00 PM.
- D. **Unloading:** The Operator shall limit access to the Operation to such periods of time as a trained attendant is on duty. The Operator shall provide for continuous supervised unloading of materials received only from authorized waste material generators, vehicles, and users. The Operator shall ensure that authorized users shall unload

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

E. Inspection of Incoming Material:

1. The Operator shall visually inspect all incoming loads to determine the presence of unacceptable materials, including but not limited to asbestos-containing waste materials and non-recyclable solid waste.
2. The Operator shall handle and manage all loads that contain unacceptable materials in accordance with all applicable state laws and regulations including without limitation, 310 CMR 19.000, 310 CMR 7.00, 310 CMR 30.000, and 310 CMR 40.0000 and as set forth in this Permit.

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

1. Ensure that no materials are placed, stored, or maintained in such a manner as to pose a fire or chemical hazard.
2. Maintain appropriate fire control and spill control equipment in working order and in all applicable areas of the Site.
3. Engage fire-fighting or spill-control assistance, in the event that a fire or spill occurs.

G. Record Keeping and Reporting: The Operator shall, at all times, maintain at the Site, copies of all permits, approvals, records, reports and other operational information, as deemed necessary, in order to maintain and demonstrate compliance with 310 CMR 16.00 and this Permit. These records shall be maintained on a continuous basis, for at least three (3) years. The Operator shall, upon request, make all such records and information available to authorized representatives of MassDEP and all appropriate municipal authorities. These records shall include but shall not be limited to the following:

1. Copy of Permits & Approvals – The Operator shall maintain, at the Site, and shall upon request, make available to authorized representatives of MassDEP and all applicable municipal authorities for review, a complete copy of this Permit and all approved plans, appendices, protocols and attachments, as well as all records, logs and reports as required to be maintained by this Permit.
2. Operational Records & Daily Log – The Operator 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 recycling, re-use or disposal, including but not limited to the amount of residuals generated and/or shipped for 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(s) 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 Operator 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 Owner or Operator is required to submit an annual report regarding the Operation to the MassDEP by February 15th of 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-roc-operations.html>
4. Special Reporting —The Operator shall notify MassDEP, in writing; no later than by the close of the next business day, if not sooner (as deemed required or applicable), 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, environment, or the conduct of the Operation in accordance with regulatory and permit requirements; 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"); or
 - d. Other notification requirement(s) pursuant to other applicable laws or regulations albeit state, local, or federal.

Such notification shall be made to MassDEP's Central Regional Office, 8 New Bond Street, Worcester, Massachusetts 01606, telephone number (508) 767-2759, FAX number (508) 792-7621. Such notification by telephone or FAX shall be followed up by a certified letter within twenty-four (24) hours. This notice shall, at a minimum, provide a description of the incident, the impact on the Operations, and a description of the actions the Operator has taken or intends to take to institute corrective measures and/or resume operations.

- H. **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 Operator's responsibility to comply with all other applicable federal, state and local statutes, regulations or bylaws as a pre-requisite to conducting the 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.

- I. **Financial Assurance Mechanism:** The Owner shall revise the estimate of the cost of closure of the Site every year and every second year submit the revised estimate to MassDEP on or before June 1 of the year to which the revised estimate relates.
- J. **Third-party Inspections:** The Operation shall be inspected by a third-party inspector registered with MassDEP according to 310 CMR 19.018(5)(b) once every calendar year, with at least six months between consecutive inspections. For each inspection, the inspector shall prepare an inspection report that describes and reports in detail the results of his or her inspection of the Operation's compliance with all applicable requirements, as follows:

1. The inspection shall assess the Operation's operation and maintenance practices and procedures to determine whether the Operation is in compliance with applicable requirements, including, but not limited to, requirements set forth in:

- a. 310 CMR 16.00;
- b. orders or other enforcement documents issued by MassDEP to the Operator; and
- c. this Permit, other permits, approvals, determinations and authorizations issued to the Operation by the Department.

2. Prior to conducting the inspection, the inspector shall identify and review all requirements applicable to the operation and maintenance of the Operation, including but not limited to those requirements identified in this Permit and in 310 CMR 16.05.

3. During each inspection the inspector shall examine and evaluate the Operation's recycling activity, equipment, operations, practices, procedures, and records that shall include without limitation:

- a. The status and condition of operating and monitoring equipment, structures, appurtenances and devices related to the recycling activities carried out at the Operation;

- b. Each operational aspect of the Operation related to material handling, processing, recycling, storage and disposal, including but not limited to:

- i. procedures for vehicle weighing and recording of data;
- ii. tipping areas and the unloading of incoming materials;
- iii. inspection and handling of incoming and outgoing waste and other materials regulated by the Department, including but not limited to the rejection of unsuitable material and the handling of residuals;
- iv. estimate of processed and unprocessed materials stored on-site to determine compliance with section VI.B. of this Permit; and
- v. types and quantities of materials received and shipped;

- c. The status of all Operation record keeping;
 - d. Material handling areas and equipment; and
 - e. The condition of the Operation, including evidence of dust, litter, odors, and other nuisance conditions, security measures such as fencing and gates, access roads marked and maintained, storm water management controls and any management system(s).
4. Where an inspector observes that the operation or maintenance of the Operation deviates from the aforementioned applicable requirements, he or she shall document all such deviations and recommend corrective actions for the Operation to take to return to compliance with such requirements.
5. The inspection shall be unannounced and randomly timed during the Operation's normal operating hours.
6. Each inspection report shall be signed and certified by the inspector in accordance with the requirements of 310 CMR 16.07: *Certification*. Copies of the inspection reports shall be submitted to MassDEP, Solid Waste Management Program, 8 New Bond Street, Worcester, MA 01606, and the Holliston Board of Health within 30 days of the date of completion of the inspection.
- K. **Air Quality/Noise Control:** The Permittee shall comply with the following:
- 1. The Permittee shall prevent the occurrence of dust or odor conditions which cause or contribute to a condition of air pollution as defined in Regulation 310 CMR 7.01 and 7.09.
 - 2. Visible emissions from receiving, handling, and processing of the approved material shall not exceed 5% opacity at all times. The Permittee shall ensure no visible emissions from the storage of approved material.
 - 3. The Permittee shall comply with 310 CMR 7.06 and take all necessary action to minimize visible emissions from vehicular traffic entering and leaving the Site. Such action may include but is not limited to sweeping, water treatment and truck tire washing.
 - 4. Noise from the Operation during routine operation shall not cause a condition of air pollution as defined in Regulation 310 CMR 7.01 and 7.10.
 - 5. All vehicles entering, waiting and leaving the Site shall comply with the requirements at 310 CMR 7.11 for exhaust and sound emissions, including unnecessary idling.
 - 6. Grinding or processing of approved material shall be done only with a portable unit meeting the definition of "non-road engine" as defined in 40 CFR 89 as it may be amended. See Attachment A for the current definition from 40 CFR 89.

VII. 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 shall be governed by M.G.L. c. 30A, §14.

VIII. DURATION OF THIS DECISION

This Permit shall terminate five (5) years after the date on which the Department's RCC permit decision regarding this Application becomes final, as described in section VII. above. In the event that the Permittee submits an application to MassDEP prior to the Termination Date of this Permit to continue operating, the Termination Date of this Permit is extended to such time as MassDEP issues a final decision on the Permittee's application to continue operating.

In matters of noncompliance at the Site/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 statutes and regulations should such be deemed necessary.

IX. REQUEST FOR ADJUDICATORY HEARING

Request for Adjudicatory Hearing: Any one or more of the following persons may request an adjudicatory hearing of the RCC Permit Decision in accordance with 310 CMR 16.05: 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 the RCC Permit Decision.

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 is contained in the "cc" list in the cover letter accompanying 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), 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, or district of the Commonwealth of Massachusetts, a 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, or an intervenor, 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.

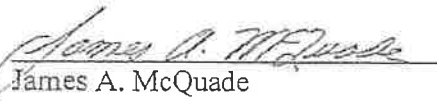
The Notice of Claim for adjudicatory appeal shall be dated and signed by the person on whose behalf the filing is made or by the person's authorized representative, shall comply with all of the requirements of 310 CMR 1.01 and 310 CMR 16.05, and shall contain the following information:

- (1) The Department File Number (#X267053);
- (2) The name, address, telephone and facsimile number and email address 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 address of the attorney;

- (4) If the person is a municipality, a statement indicating the status of the person filing the request as an authorized representative of a majority of the board of selectmen or mayor of a municipality wherein the proposed operation that is the subject of the Permit Decision is located, provided that the municipality has submitted written comments in accordance with 310 CMR 16.05(5)(b) ;
- (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 address of the authorized representative, if any, and of 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 RCC Permit Decision being appealed; and
- (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 RCC Permit Decision to the Department, a list of whom is contained in the "cc" list of the cover letter accompanying this RCC Permit Decision.

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.

06/06/18
Date


James A. McQuade
Section Chief
Solid Waste Management Program

ATTACHMENT A
40 CFR 89 Definition of Non-Road Engine

Under 40 CFR 89, "*Non-road engine*" means:

(1) Except as discussed in paragraph (2) of this definition, a non-road engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An internal combustion engine is not a non-road engine if:

(i) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Act; or

(ii) the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the Act; or

(iii) the engine otherwise included in paragraph (1)(iii) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.