

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

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SOUTHBRIDGE SANITARY LANDFILL
(BWP SW 22)
MINOR MODIFICATION OF EXISTING LANDFILL
Revised Waste Ban Compliance Plan

Provisional Permit Issuance Date: December 9, 2011

Name of Permittee: Southbridge Recycling and Disposal Park, Inc. (SRDP)
Mailing Address: 165 Barefoot Road
Southbridge, Massachusetts 01550

Name of Facility: Southbridge Sanitary Landfill ("Landfill" or "Facility")
Facility Address: Barefoot Road
Southbridge, MA 01550

DEP Region: Central Regional Office (CERO), Worcester
Solid Waste Management Program

Permit No.: X238160 (Transmittal No.)

Facility No.: 39743

MassDEP Classification: LF

I. FACILITY DESCRIPTION AND OUTSTANDING APPROVAL STATUS

A. Facility

1. Owner: Town of Southbridge
41 Elm Street
Southbridge, Massachusetts 01550
2. Operator: Southbridge Recycling and Disposal Park, Inc. (SRDP)
165 Barefoot Road
Southbridge, Massachusetts 01550

3. Description:

(a) Type(s) of Waste Accepted: Municipal Solid Waste (MSW) from residential, commercial and industrial sources, residuals from Construction & Demolition waste processing facilities (C&D residuals), and bulky waste.

(b) Method of Management: Landfilling.

(c) Approved Amount of Waste Acceptance: Based on six (6) operating days per week, the Facility is authorized to accept an average of one thousand (1,000) tons per day (tpd) of waste comprised of any combination of C&D residuals and MSW from residential, commercial and industrial sources, and bulky waste. To allow for seasonal and other fluctuations in the waste stream, the Facility is allowed to accept up to one thousand five hundred (1,500) tons of such waste on any one day during an operational week. The Facility can accept no more than three hundred thousand (300,000) tons per calendar year of such wastes.

B. Reviews and Approvals Affecting Current or Planned Operation.

1. MEPA

EIR (Environmental Impact Report): Certificate of the Secretary of Environmental Affairs on the Draft EIR for the Southbridge Environmental Industrial Park issued July 31, 1998. The Certificate allows permitting of BWP SW 26 Authorization to Construct, Major Expansion of Landfill, to go forward with issuance of Draft EIR.

SEIR (Supplemental Environmental Impact Report): Certificate of the Secretary of Energy and Environmental Affairs on the Supplemental Environmental Impact Report for the Southbridge Environmental Industrial Park Notice of Project Change issued November 15, 2007. The Certificate states that the Supplemental Environmental Impact Report submitted for the project adequately and properly complies with the Massachusetts Environmental Policy Act and with its implementing regulations, and that no further MEPA review is required.

2. Site Suitability Report: Positive Determination of Suitability issued by MassDEP – CERO on February 8, 1999 (Transmittal # 123919)

3. Site Assignment: Issued by Southbridge Board of Health April 15, 1999 (the “1999 Site Assignment”), and modified June 9, 2008 (the “2008 Site Assignment Modification”)

4. Title/Description(s) of Approved Plan/Permit and Approval Dates:

Permit for BWP SW 26, Permit for a Major Landfill Expansion, Transmittal # 203080 (Permit No.), Authorization for Phase VII Landfill Expansion, Southbridge Sanitary Landfill, Barefoot Road, Southbridge, Massachusetts Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: June 27, 2000

Permit for BWP SW 08, Authorization to Construct New Phase in an Existing Landfill, Transmittal # 51005393 (Permit No.), Authorization for Phase VII – Cells 7.1 & 7.2, Southbridge Sanitary Landfill, Barefoot Road, Southbridge, Massachusetts - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: April 26, 2002

Permit for BWP SW 22, Minor Modification of Existing Landfill, Southbridge Landfill, Waste Ban Compliance Plan, Transmittal No. W076736 (Permit No.), Including Plans, Report and Supplemental documents.
Final Permit issued by MassDEP-CERO: May 20, 2006.

Permit for BWP SW 10, Authorization to Operate a Landfill, Southbridge Sanitary Landfill, Phase VII – Cell 7.2B, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # W148135 (Permit No.) - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: September 28, 2007

Permit for BWP SW 22, Minor Modification of Existing Landfill, Waste Reallocation, Southbridge Sanitary Landfill, Phase VII – Cell 7.2B, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # X006296 (Permit No.) - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: June 1, 2010

Permit for BWP SW 10, Authorization to Operate a Landfill, Southbridge Sanitary Landfill, Phase VII – Cell 7.1B', 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # X239229 (Permit No.) - Including Plans, Report and Supplemental Documents (the "2011 ATO").
Permit Issued by MassDEP-CERO: September 23, 2011

Permit for BWP SW 22, Minor Modification of Existing Landfill, Waste Volume Increase, Southbridge Sanitary Landfill, Phase VII – Cell 7.1B', 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # X239694 (Permit No.) - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: December 9, 2011

5. Administrative Orders:

Administrative Consent Order issued to the Town of Southbridge and Wood Recycling, Inc., # ACO-CE-04-9001-246A (the "2004 ACO")
Date Issued by MassDEP-CERO: January 29, 2004

Administrative Consent Order with Penalty issued to Southbridge Recycling and Disposal Park, Inc., # ACOP-CE-09-4010 (the 2009 ACOP)
Date Issued by MassDEP-CERO: November 12, 2009

C. Landfills – Minor Modification (BWP SW 22), Waste Ban Compliance Plan

1. Applicant Name:

Southbridge Recycling and Disposal Park, Inc.
165 Barefoot Road
Southbridge, MA 01550

2. Transmittal No: X238160 (Permit No.)

3. Date of Fee Receipt: April 29, 2011

4. Start Date of Application: May 3, 2011

5. Registered Professional Engineer:

Richard Spieler, P.E.
Southbridge Recycling and Disposal Park, Inc.
165 Barefoot Road
Southbridge, MA 01550
Tel: 508-207-6478

6. Title of Plans and Reports Submission:

"BWP SW 22 – Landfills - Minor Modification (Waste Ban Compliance),
Southbridge Sanitary Landfill, 165 Barefoot Road, Southbridge, Massachusetts,
Transmittal No. X238160",
Dated: October 11, 2011
Received by MassDEP-CERO: October 12, 2011

Supplemental Information – “Revised Waste Ban Compliance Plan, Southbridge Sanitary Landfill, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal No. X238160”

Dated: November 9, 2011

Received by MassDEP-CERO: November 16, 2011

7. Project Description:

As required by 310 CMR 19.017(5): Waste Ban Plan Submissions, SRDP has updated the Facility’s existing waste ban compliance plan, which was approved in Permit No. W076736 issued by MassDEP-CERO on May 20, 2006, to include material, including clean gypsum wallboard, for which a ban on disposal or transfer for disposal at landfills took effect on July 1, 2011. The revised waste ban compliance plan (WBCP) addresses ongoing waste stream monitoring of all incoming loads, comprehensive load inspections, Facility response to failed loads, and other required waste ban compliance plan elements, as well as any changes the Facility will undertake if necessary to ensure compliance with the waste ban requirements.

II. PERMIT APPLICATION REVIEW AND APPROVAL

This application for a Minor Modification of an Existing Landfill Permit complies with the requirements set forth at 310 CMR 19.039: Applicant’s Request to Modify a Permit and 310 CMR 19.017(5): Waste Ban Plan Submissions, and it was reviewed in accordance with the provisions of 310 CMR 19.037: Review Procedure for Permit Modifications, Permit Renewals and Other Approvals and 310 CMR 19.038: Applicability and Review Criteria for a Permit or Permit Modification. MassDEP approves the Permittee’s request to update its waste ban compliance plan based on the information presented in the application referenced in Section I. C. 6. above.

This document is a Permit, issued pursuant to M.G.L. c. 111, Section 150A, and 310 CMR 19.000 *et seq.*, the "Solid Waste Management Regulations", and it is subject to the conditions set forth below. In the event this Permit conflicts with all or parts of prior approvals or permits issued pursuant to M.G.L. c. 111, Section 150A or solid waste regulations in effect prior to July 1, 1990, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals. This Permit does not convey property rights of any sort or any exclusive privilege.

III. GENERAL PERMIT CONDITIONS

- A. **Amount of Waste** - The Facility shall not accept wastes except as provided in "Section IV - Specific Permit Conditions".

- B. Compliance with Plans** - SRDP shall conduct operations in accordance with approved plans, reports, and other submissions described in Section I, except as may be modified by the conditions set forth in Section IV. No material changes in the design or activities described in the approved documents shall be performed without prior written Department approval.
- C. Compliance with Other Requirements** - The construction, operation, maintenance and closure of this Facility shall be performed in compliance with all other applicable local, state and federal laws and regulations. SRDP shall fully comply with the conditions imposed by the Southbridge Board of Health described in Section VI. of the 2008 Site Assignment Modification Decision dated June 9, 2008 and permits issued by MassDEP.
- D. Standard Conditions** - The owner (and the operator) shall operate the Facility in accordance with the conditions at 310 CMR 19.007-19.011 and 19.043(5).
- E. Joint Liability** - This Permit is issued subject to the conditions of joint liability of the Permittee and Owner in accordance with 310 CMR 19.043(3).
- F. Right of Access** - MassDEP and its agents and employees shall have the right to enter upon the Facility site at all reasonable times and without notice, to inspect the Facility and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and copy records, to perform tests and to otherwise monitor compliance with this approval, or any and all permits relative to the operation of the Facility, and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and state laws and regulations, as well as any permits or other agreements between the Permittee and MassDEP.
- G. Transfer** - No transfer of this Permit shall be permitted except in accordance with 310 CMR 19.044.
- H. Permit Modification** - The Department reserves the right to rescind, suspend or modify this Permit by the imposition of additional conditions based upon a determination of actual or the threat of adverse impacts from the construction, operation, maintenance or closure of the Facility.
- I. Other MassDEP Permits or Approvals** - In the event this Permit conflicts with all or parts of prior plan approvals or permits issued pursuant to Chapter 111, Section 150A or Solid Waste regulations in effect prior to July 1, 1990, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals. This Permit does not convey property rights of

any sort or any exclusive privilege.

- J. Relationship of Permit to Underlying Site Assignment.** In accordance with subparagraph (3)(e) of 310 CMR 19.030: Application for a Solid Waste Management Facility Permit, SRDP has provided sufficient documentation that the Facility will be located within the boundaries of a valid site assignment. Should the Facility's site assignment be rescinded, suspended, or modified subsequent to the issuance of this Permit by a decision of the Southbridge Board of Health or by order of a court of competent jurisdiction, the terms and conditions of such decision or order will supersede the terms and conditions of this Permit, and the Department may rescind, suspend, or modify this Permit in accordance with the provisions of 310 CMR 19.040.
- K. Effective Date** – This Permit takes effect upon its issuance and will remain effective unless (1) MassDEP deems it a provisional permit pursuant to 310 CMR 19.037(4)(b), (2) a court of competent jurisdiction grants a stay of the terms and conditions of the Permit pursuant to 310 CMR 19.037(5), or (3) MassDEP rescinds, suspends, or modifies the Permit pursuant to 310 CMR 19.040.
- L. Permit Expiration** - This Permit-Transmittal No. X238160 is valid for five years from its issuance date. The request for a renewal of the Permit shall include the request to renew the WBCP. MassDEP reserves the right to require modification of the WBCP at any time.
- M. Duty to Comply** - The Permittee shall, at all times, fully comply with its WCBP, as well as all the terms, descriptions, and conditions detailed herein.
- N. Failure to Comply** – If the Permittee fails to comply the waste ban requirements at 310 CMR 19.017 or the conditions of this WBCP approval, noncompliance may result in enforcement action, or suspension, modification or revocation of this Permit as deemed necessary.

IV. SPECIFIC PERMIT CONDITIONS

- A. Amount of Waste** - Based on six (6) operating days per week, the Facility may accept an average of one thousand (1,000) tons per day (tpd) of waste comprised of any combination of C&D residuals and MSW from residential, commercial and industrial sources, and bulky waste without regard to geographic origin. To allow for seasonal and other fluctuations in the waste stream, the Facility may accept up to one thousand five hundred (1,500) tons of such waste on any one day during an operational week. The Facility may accept no more than three hundred thousand (300,000) tons per calendar year of such wastes.

In its June 9, 2008 site assignment modification decision, the Southbridge Board of Health stated that completion and start of operation of a Gas to Energy Facility was a precondition that SRDP must meet in order to obtain authorization for an increase in the amount of waste that the Landfill may accept on an annual basis to 300,000 tons per year (tpy). SRDP has satisfied this precondition by completing and starting the operation of a Gas to Energy Facility.

In the same decision, the Southbridge Board of Health imposed a further restriction on the Landfill's 300,000 tpy annual limit by making the amount of waste that may be accepted at the Landfill contingent, in part, on the amount of waste that is received at the Southbridge Recycling and Disposal Park Processing Facility, a construction and demolition debris processing facility adjacent to the Landfill that is owned and operated by SRDP (the "Processing Facility"). Specifically, in Condition # 12 of its June 9, 2008 site assignment modification decision, the Southbridge Board of Health specified that "if the amount of waste received at the Processing Facility exceeds 192,960 tpy, the 300,000 tpy permitted at the Landfill Facility shall be decreased correspondingly by the amount of tons received at the Processing Facility in excess of 192,960 tons." In other words, if the Processing Facility receives an amount of waste in excess of 192,960 tpy, the Southbridge Board of Health's decision requires SRDP to reduce the annual amount of waste accepted at the Landfill by an equal amount.

B. Types of Acceptable Wastes - The Facility may accept and handle only the following categories of waste:

- municipal solid waste (MSW)
- construction & demolition residuals – Category 2 C&D Waste that is accepted only from C&D waste processing facilities that have MassDEP approved Gypsum Removal Plans
- bulky waste – Category 3 C&D Waste

In addition, waste acceptance is also subject to the following provisions:

1. Any restrictions on acceptable waste contained in the local site assignment or MEPA; and
2. Any further restrictions imposed under approved waste control plans in accordance with the requirements of 310 CMR 19.017, or, if applicable, the provisions of 310 CMR 19.061, regulating the handling and disposal of special waste.

C. Waste Ban Compliance Plan Definitions - For the purposes of this WBCP the terms herein shall have the following meaning:

Action Level: Levels or amounts of waste ban materials that when met or exceeded in a waste load for disposal or transfer for disposal constitute a Failed Load. The Action Levels for the Facility are as follows:

- For any waste load with more than 0% by volume of the following Zero Tolerance Waste Ban Materials: tires, lead batteries, cathode ray tubes (CRTs), and Chlorofluorocarbons (CFCs)white goods¹;
- For any waste load with 10% or more by volume of leaves and yard waste;
- For any waste load with 20% or more by volume of recyclable paper (including corrugated cardboard²);
- For any waste load with 20% or more by volume of single polymer plastic, metal and glass containers; or
- For any waste load, excluding Category 1 C&D Waste loads as described below, with 20% or more by volume of combined asphalt pavement, brick, concrete, wood, metal and clean gypsum wallboard³.

1. *If any waste load is identified by the hauler prior to tipping as containing source separated (e.g. on top of the load) tires, white goods, CRTs, and/or lead batteries, the Facility may remove these materials from the waste load prior to tipping. Under this circumstance, the waste load is not a Failed Load.*
2. *Corrugated cardboard at a quantity accepted above 20% by volume is a Failed Load.*
3. *Category 1 C&D Waste loads with any level of wood, metal, and clean gypsum wallboard may be accepted and the load is not a Failed Load.*

Bulky Waste: Waste items resulting from commercial or residential activities with low potential for recovering recyclable materials. In general, these materials are generated during commercial and residential building cleanouts and include items not generally accepted during pickup of the typical daily waste stream generated by commercial and residential activities. Examples of bulky waste include but are not limited to, furniture such as tables, chairs, desks, carpets, temporary partitions such as cubicle walls and toys.

Categories of Construction and Demolition Waste Material:

- Category 1 - Construction and Demolition Waste (defined below) and partially picked C&D waste. Partially picked C&D waste may include,

but is not limited to, materials that may have been previously kicksorted off-site for the removal of metal, large pieces of wood, bulky waste, and Zero Tolerance Items

- Category 2 - Construction and Demolition Residuals (defined below)
- Category 3 - Bulky Waste

Construction & Demolition Fines (C&D Fines): C&D waste processed through an initial size reduction and screening process in accordance with a MassDEP Beneficial Use Determination (BUD) and **prior to grinding** which is: (a) three inches or less (3" minus) in size; (b) consists primarily of soil and other inert materials, and (c) in no case shall exceed 35% organic content by volume.

Construction & Demolition Residuals (C&D Residuals): C&D material that remains after recyclable materials (asphalt pavement, brick, concrete, metals, wood, clean gypsum wallboard, etc.) have been removed from C&D waste to the greatest extent possible, which may include the C&D fines if not separated out from C&D waste. C&D residuals consist primarily of non-recyclable material.

Construction & Demolition Waste (C&D Waste): Building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and Demolition waste includes, but is not limited to: metal, concrete, bricks, lumber, masonry, road paving materials, rebar, gypsum wallboard and plaster.

Failed Load: A waste load which, when delivered to and inspected at a handling or disposal facility is determined to contain a quantity of a material banned from disposal, or transfer for disposal, at or above an Action Level defined herein.

Kicksorting: Partial separation of waste material which may include, but is not limited to, the removal of metal, large pieces of wood, bulky waste, Zero Tolerance Items (i.e. cathode ray tubes, tires, lead batteries and white goods).

Municipal Solid Waste (MSW): Any residential or commercial solid waste, but not including C&D Waste.

Rejected Load: A waste load which has been determined by the waste handling or disposal facility operator to be a Failed Load, and which the operator elects to refuse acceptance for handling or disposal, and which the operator must reload in the hauler's original delivery vehicle or container and return to the hauler.

Waste Ban Materials: Materials expressly prohibited from disposal, or transfer for disposal, listed in 310 CMR 19.017 (see definitions in Attachment 1).

Zero Tolerance Waste Ban Materials: Materials expressly prohibited from disposal or transfer for disposal listed in 310 CMR 19.017 where MassDEP has made an Action Level determination of zero. This includes cathode ray tubes (CRT), tires, (tires may be disposed at solid waste combustion facilities and shredded tires may be disposed at landfills) lead batteries, and white goods

D. Waste Ban Compliance Plan Provisions

1. This Permit supersedes MassDEP's previous Waste Ban Compliance Plan approval for this Facility (Transmittal # W076736) issued on May 20, 2006 and replaces in its entirety any previous waste ban compliance plan approvals issued to the Facility. The currently effective Authorization to Operate Permit X239229 for the Facility was issued on September 23, 2011 and modified under Transmittal # X239694 on December 9, 2011. All terms and conditions of that Permit shall remain in full force and effect except as may be modified by this approval.
2. All activities at the Facility conducted to comply with the waste ban requirements at 310 CMR 19.017 shall be in strict accordance with the Facility's submitted WBCP application and this Permit-Transmittal No. X238160.
3. The Facility is required to obtain prior written approval from MassDEP before any changes or modifications can be made to the WBCP.
4. MassDEP reserves the right to modify, suspend or revoke this WBCP approval upon written notification to the Applicant.
5. Failure to comply with the waste ban requirements at 310 CMR 19.017 may result in enforcement action, potentially including a notice of non-compliance or enforcement order and/or penalty.
6. The Facility shall remove and divert from disposal all waste ban materials from every waste load accepted by the facility for disposal, or transfer for disposal, to the greatest extent possible, unless waste ban materials cannot be recycled because doing so would endanger workers or substantially disrupt facility operations. Failure to remove waste ban materials to the greatest extent possible may result in enforcement action by MassDEP.
7. Waste loads that meet or exceed an Action Level (Failed Loads) that are accepted by the Facility for disposal, or transfer for disposal, must have all waste ban materials removed to the greatest extent possible, unless waste ban

materials cannot be removed because doing so would endanger workers or substantially disrupt facility operations. The reason for accepting a Failed Load at the Facility must be included in periodic reporting submitted to MassDEP. MassDEP intends to take enforcement action against facilities that fail to remove waste ban materials to the greatest extent possible from Failed Loads.

8. The Permittee is advised that MassDEP is evaluating banning the disposal, and transfer for disposal, of additional components of construction and demolition materials and municipal solid waste. If and when the new regulations are promulgated, the Permittee shall adhere to the regulations as promulgated, and to any associated guidance.

E. Waste Ban Materials Handling and Operating Procedures

Southbridge Recycling and Disposal Park, Inc. shall:

1. Post on-site signage clearly listing all Waste Ban Materials;
2. Maintain containers at the active face for storing removed banned materials;
3. Conduct load inspections in a manner that does not endanger the safety of facility or hauler personnel;
4. Inspect all waste loads for banned materials:
 - a. prior to tipping/dumping;
 - b. as load is tipping/dumped; and
 - c. after tipping/dumping;
5. Spread all accepted waste loads out in a manner that allows the identification of all Waste Ban Materials and, following the preferred hierarchy below;
 - a. remove to the **greatest extent possible** all Waste Ban Materials from each waste load accepted at the Facility prior to disposal;
 - b. reject the waste load, including reloading into the hauler's vehicle, if it is safe to do so;
 - c. transfer to a facility that has an approved WBCP that includes separation and recycling of the banned materials or will transfer to such a facility; or
 - d. dispose the load because recycling or reloading the waste would endanger workers or substantially disrupt facility operations. (The specifics must be reported to MassDEP in periodic reports.)
6. Record as a Failed Load any waste load that contains an amount of Waste Ban Materials in excess of any Action Level, as defined herein.
7. Maintain records of all Failed Loads including justification for disposal of banned items as required in the WBCP.
8. Perform Failed Load communication as follows:

- a. notify drivers of the type and amount of banned material found in the load;
- b. notify haulers by letter within 45 days of the type and amount of banned material found in the load and encourage haulers to work with their customers to separate banned materials to prevent recurrences of Failed Loads.
- c. notify municipalities by letter within 45 days of the type and amounts of banned material found in waste loads from their communities and encourage those communities to contact MassDEP for technical assistance.

F. Waste Ban Compliance Plan Procedures

Pursuant to the procedures, sample record forms and notification letters provided in the Facility's Waste Ban Compliance Plan Update, SRDP shall implement and maintain the following procedures:

1. Inspections

- a. In accordance with the current Authorization to Operate Permit X239229, the Facility is required to be inspected quarterly (every three months) by a licensed professional engineer, or other qualified environmental professional as determined by MassDEP. The qualifications of any inspectors that are not registered professional engineers must be submitted to MassDEP for approval prior to that party being employed to conduct inspections at the facility.
- b. SRDP shall conduct inspections of all incoming materials in accordance with the procedures contained in Attachment G - Part C. and Part D. of SRDP's Waste Ban Compliance Plan Update, including the completion of the daily record form with failed load information as provided as part of the above referenced Plan Update.
- c. In addition, SRDP shall conduct a minimum of 20 random, comprehensive load inspections per calendar month, using the procedures described in Attachment G - Part D. of SRDP's Waste Ban Compliance Plan Update and complete the Comprehensive Load Inspection Reporting Sheet as provided as part of the above referenced Plan Update.

2. Recordkeeping

- a. SRDP shall create and maintain records of all loads delivered to the Facility including all accepted loads, Failed Loads and Rejected Loads.
- b. SRDP shall identify and record the waste generator information for each Failed and Rejected Load whenever possible.

- c. SRDP shall maintain copies of Failed Load letters sent to waste haulers whenever SRDP identifies a Failed Load.
- d. SRDP shall provide MassDEP access to, and copies of, all records upon request.

3. Reporting

- a. In accordance with this permit and the current Authorization to Operate Permit, SRDP shall prepare a quarterly inspection report by a licensed professional engineer, or other qualified environmental professional as determined by MassDEP. A copy of the inspection report shall be submitted to MassDEP and the Southbridge Board of Health within fourteen (14) days of the date of the inspection. The MassDEP report may be submitted electronically to lynne.welsh@state.ma.us. The report shall meet the requirements of 310 CMR 19.207(25), and shall include a summary of waste ban compliance activities, list of loads containing greater than the Action Levels of Waste Ban materials that could not be sorted because doing so would endanger workers or substantially disrupt facility operations, and a determination as to whether the waste ban compliance activities comply with the approved WBCP, as observed by the inspector.
- b. In accordance with this permit and the current Authorization to Operate Permit, SRDP shall submit to MassDEP, not later than February 15th of each calendar year, an annual report on the Annual Solid Waste Report form provided by the Department summarizing the Facility's operations, including WBCP activities, for the previous calendar year.

- G. Notification** - MassDEP shall be notified within twenty-four (24) hours of any incidents or disruptions which occur at the Facility that could affect the public health, safety, environment, or operation of the Facility. Written 24 hour notification shall be faxed to D. Lynne Welsh, Acting Solid Waste Section Chief at 508-792-7621 in the MassDEP Central Regional Office. During emergency incidents at the Facility, immediate notification shall be provided to the Department by telephone to D. Lynne Welsh, Acting Solid Waste Section Chief at 508-849-4007 in the MassDEP Central Regional Office.

V. RIGHT OF APPEAL

- A. Review of Decision** - MassDEP has deferred the effective date of this provisional Permit for the purpose of obtaining and reviewing comments prior to a final decision. The effective date is deferred for forty-five (45) days from the date of issuance to accommodate a public comment period and time for MassDEP to review any comments received. A thirty (30) day comment period shall begin on

December 12, 2011 and end on January 11, 2012. At the close of the public comment period, MassDEP will review the comments received and will rescind or modify the provisional Permit in writing, if necessary. If no modification is necessary, then the effective date of the provisional Permit is January 11, 2012, and the Permit shall become a final Permit on that date.

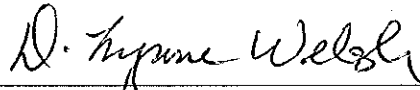
- B. Right to Appeal** - This Permit has been issued pursuant to Massachusetts General Laws (MGL), Chapter 111, Section 150A and 310 CMR 19.039: Applicant's Request to Modify a Permit, of the "Solid Waste Management Regulations". Any person aggrieved by the issuance or denial of this Permit, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A not later than thirty (30) days after receipt of notice of the final Permit. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the final Permit by a court of competent jurisdiction, the final Permit shall remain effective at the conclusion of the 30 day period.
- C. Notice of Action** - Any aggrieved person intending to appeal the issuance of this Permit to the Superior Court shall first provide notice of intention to commence such action. Said notice of intention shall include the file number [Transmittal No. X238160] and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office that processed the permit application at least five (5) days prior to the filing of an appeal.

Office of General Counsel
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

and

Martin Suuberg, Regional Director
Massachusetts Department of Environmental Protection
627 Main Street
Worcester, MA 01608

No allegation shall be made in any judicial appeal of this Permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.



D. Lynne Welsh
Acting Section Chief
Solid Waste Management Program

ATTACHMENT 1

DEFINITIONS OF MATERIALS BANNED BY 310 CMR 19.017

Asphalt Pavement, Brick, and Concrete: asphalt pavement, brick and concrete from construction activities and demolition of buildings, roads and bridges and similar sources.

Cathode Ray Tubes: any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

Glass Containers: glass bottles and jars (soda-lime glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

Clean Gypsum Wallboard: gypsum wallboard that is not contaminated with paint, wallpaper, joint compound, adhesives, nails, or other substances after manufacture. Gypsum wallboard means a panel (also known as drywall) with a gypsum core and faced with a heavy paper or other material on both sides. Pieces of clean gypsum wallboard 2 square feet or less in size are exempt.

Lead Batteries: lead-acid batteries used in motor vehicles or stationary applications.

Leaves: deciduous and coniferous leaf deposition.

Metal: ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.

Metal Containers: aluminum, steel or bi-metal beverage and food containers.

Recyclable Paper: all paper, corrugated cardboard, and paperboard products, except tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products.

Single Polymer Plastics: all narrow-neck plastic containers where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer plastic containers labeled 1 – 6.

Tires: a continuous solid or pneumatic rubber covering intended for use on a motor vehicle.¹

White Goods: appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items; or to cool or to heat air or

¹ Shredded tires, defined as tires that have been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated, can be landfilled.

² "Wood waste" is defined in the solid waste regulations as follows: Wood waste means discarded material consisting of trees, stumps, and brush, including but not limited to sawdust, chips, shavings and bark. Wood waste does not include new or used lumber or wood from construction and demolition waste and does not include wood pieces or particles containing or likely to contain asbestos, chemical preservatives such as creosote or pentachlorophenol, or paints, stains or other coatings.

water. For purposes of the waste bans, white goods include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.

Wood: treated and untreated wood, including wood waste.²

Yard Waste: deciduous and coniferous seasonal depositions (e.g., leaves), grass clippings, weeds, hedge clippings, garden materials, and brush 1 (one) inch or less in diameter (excluding diseased plants).

² "Wood waste" is defined in the solid waste regulations as follows: Wood waste means discarded material consisting of trees, stumps, and brush, including but not limited to sawdust, chips, shavings and bark. Wood waste does not include new or used lumber or wood from construction and demolition waste and does not include wood pieces or particles containing or likely to contain asbestos, chemical preservatives such as creosote or pentachlorophenol, or paints, stains or other coatings.