



Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

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BWP SW 06 – AUTHORIZATION TO OPERATE/RENEWAL Hudson Transfer Station Authorization to Operate Renewal

Permit Issuance Date: December 12, 2022

Name of Permittee: Town of Hudson (the “Permittee,” “Applicant,” or “Town”)
1 Municipal Drive
Hudson, MA 01749

Name of Facility: Hudson Solid Waste Transfer Station (the “Facility”)
300 Cox Street
Hudson, MA 01749

MassDEP Region: Department of Environmental Protection
 (“Department” or “MassDEP”)
Central Regional Office (CERO), Worcester
Solid Waste Management Program

Permit Application No.: 22-SW06-0003-APP

Authorization No.: SW06-0000013

I. FACILITY DESCRIPTION AND OUTSTANDING APPROVAL STATUS

A. Facility

1. Owner: Town of Hudson
1 Municipal Drive
Hudson, MA 01749

Operator: B-P Trucking, Inc. (the “Operator”)
P.O. Box 386
47-65 Nickerson Road
Ashland, MA 01721

Facility ID: 280115

MassDEP Classification: LGTRAN

2. Description:

(a) Type(s) of Waste Accepted: construction and demolition (“C&D”) waste, bulky waste, and municipal solid waste (“MSW”) as defined in 310 CMR 19.006.

(b) Method of Management: consolidation for transfer and recycling.

(c) Approved Amount of Waste Acceptance: average daily maximum (“ADM”) limit of three hundred fifty (350) tons per day of C&D waste, bulky waste, and MSW combined.

B. Reviews and Approvals Affecting Current or Planned Operations

1. MEPA: MEPA review not required for this project.

2. Site Suitability Report: Not Applicable

3. Site Assignment: Hudson Board of Health granted a site assignment on January 7, 1986

4. Approvals/Permits:

BWP SW 06 Authorization to Operate Permit, Large Handling Facility
Transmittal No. 114544
Approved by MassDEP-CERO: August 30, 1996

BWP SW 07 Modification of a Large Handling Facility
Throughput increase from 140 to 350 tons per day
Transmittal No. 015198
Approved by MassDEP-CERO: April 13, 2001

BWP SW 07 Modification of a Large Handling Facility with Variance
Addition of separate residential solid-waste drop-off area
Transmittal No. 027307
Approved by MassDEP-CERO: August 30, 2002

BWP SW 07 Modification of a Large Handling Facility
Revised Waste Ban Compliance Plan
Transmittal No. 077592
Approved by MassDEP-CERO: June 13, 2006

BWP SW 21 Modification of a Large Handling Facility with an
Existing Waste Ban Compliance Plan
Transmittal No. X256421
Approved by MassDEP-CERO: December 1, 2014

BWP SW45 Any Facility – Alternative Review
Revised Waste Ban Compliance Plan
Authorization No. SW45-0000165
Approved by MassDEP-CERO: October 15, 2022

C. Renewal of Authorization to Operate Application (SW06)

1. Applicant Name: Town of Hudson
2. Permittee: Town of Hudson
3. Application No: 22-SW06-0003-APP
4. Consulting Registered Professional Engineer:

Stephen Wright, P.E. (License No. 39515)
Sanborn, Head & Associates, Inc.
1 Technology Park Drive
Westford, MA 01888

5. Title of Plans and Reports Submission:

Permit Application BWP SW 06 Renewal of Authorization to Operate
Hudson Transfer Station
Hudson, Massachusetts
Dated: October 14, 2022
Filed on ePLACE (Received by MassDEP-CERO): October 15, 2022

D. Project Description:

The BWP SW 06 - Authorization to Operate a Large Handling Facility (Transmittal No. 114544), issued to the Town on August 30, 1996, did not include a permit expiration date. The BWP SW 21 - Modification of a Large Handling Facility with an Existing Waste Ban Compliance Plan permit (Permit No. X256421), issued on December 1, 2014 (“2014 permit”), included a permit expiration date five years from date of issuance. As required by 310 CMR

19.042(5): Renewal of an Authorization to Operate, the Town has submitted a BWP SW 06 - Renewal of Authorization to Operate permit application to continue to operate the Facility and address the lapse in Waste Ban Compliance Plan permit coverage since the 2014 permit expired on December 1, 2019.

This permit also includes, in Attachment B, additional waste ban compliance requirements. The Applicant and Operator are required to comply with these requirements as well as the Waste Ban Compliance Plan for the Facility approved by MassDEP on October 15, 2022 and any Waste Ban Compliance Plan for the Facility that may be approved by MassDEP in the future.

II. FACILITY PERMIT AND RENEWAL OF AN AUTHORIZATION TO OPERATE APPLICATION REVIEW AND APPROVAL

The permit application described in section I.C. above (“Application”) complies with the application requirements set forth at 310 CMR 19.042(5): Renewal of Authorization to Operate. MassDEP has determined that the Permittee’s Application shall be approved based on the information provided in the plans, reports, and supplemental material described in section I.C.5. above. MassDEP hereby approves the Permittee’s request for a Renewal of an Authorization to Operate a large handling facility pursuant to the permit review and decision issuance process set forth in 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval.

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 Facility 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, 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. Compliance with Other Approvals, Laws and Regulations: The Permittee and Operator shall conduct activities and operations of the Facility authorized under this Permit subject to any restrictions contained in the Facility’s site assignment and in compliance with applicable local, state and federal laws and regulations.

B. Compliance with Plans: The Permittee and Operator shall conduct the operation, maintenance, and closure of the Facility 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 below. The Permittee and Operator shall not implement any material changes in the Facility design or activities described in the approved documents without prior written MassDEP approval.

C. Standard Conditions: The Permittee and Operator shall conduct all activities at the Facility in accordance with the provisions of 310 CMR 19.007-19.011 and 19.043(5).

D. Joint Liability: This Permit is issued subject to the conditions of joint liability of the Permittee and Operator in accordance with 310 CMR 19.043(3).

E. 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.

F. Permit Modification: MassDEP 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.

G. Transfer: No transfer of this permit shall be permitted except in accordance with the requirements of 310 CMR 19.044.

IV. SPECIFIC PERMIT CONDITIONS

A. Type(s) of Waste Accepted:

1. Category 1 - Construction and Demolition ("C&D") Waste
2. Category 3 - Bulky Waste
3. Municipal Solid Waste ("MSW")

The Permittee and Operator shall operate the Facility as necessary to maintain compliance with MassDEP's waste ban regulations at 310 CMR 19.017, the Facility's approved Waste Ban Compliance Plan, and the material acceptance limits specified in this approval. Since the Town is approved to accept Category 1 C&D waste materials, the Permittee and Operator shall comply with the C&D Minimum Performance Standard set forth at: <https://www.mass.gov/doc/minimum-performance-standard-for-construction-demolition-handling-facilities/download> and shall achieve a minimum process separation rate (PSR) of fifteen per cent (15%) of all inbound material accepted, less any MSW accepted. The process separation rate is defined as the ratio of the quantity (by weight) of materials recycled as feedstock, recycled as biomass fuel, or diverted as determined by the Department, compared to the quantity (by weight) of the total inbound material accepted. Diversion of a material means separation from the waste stream of a specific type of C&D material (e.g., C&D wood) that is then transferred for further processing

(i.e., sent and received as a separated material; not as mixed C&D waste). Diverted material does **NOT** include material separated for any landfill-dependent uses (e.g., alternative daily cover, road-base stabilization and shaping & grading). MassDEP reserves the right to modify this approval should the Permittee and Operator not achieve this minimum process separation rate at the Facility. The Town is further advised that MassDEP is reviewing the process separation rate data for all C&D handling and processing facilities. MassDEP reserves the right to modify this approval to increase the required minimum process separation rate for the Facility based on the results of MassDEP's review. The Permittee and Operator are also required to comply with all other waste ban requirements applicable to the Facility including the separation of all waste ban materials to the greatest extent possible.

B. Method of Management:

The Permittee and Operator shall ensure that recycling and processing through compaction and sorting at the Facility take place as described in the 1996 BWP SW 06 Authorization to Operate Permit, as subsequently modified, that is referenced in section I.B.4. The Permittee and Operator shall handle Waste Ban Materials according to the most current Waste Ban Compliance Plan for the Facility that has been approved by MassDEP, as well as Attachment B of this Permit.

C. Approved Amount of Waste Acceptance: The Permittee and Operator are authorized to accept at the Facility an average daily maximum (ADM) limit of three hundred fifty (350) tons per day of the solid waste materials identified in section IV.A. above, combined. ADM is based on a five and a half-day work week (with five holidays) and shall be determined by a twelve (12) operating-day rolling average. The ADM rate shall be calculated daily by adding the tonnage of the materials accepted for separation and transfer for disposal on that date and the total tonnage of materials accepted on the previous eleven (11) operating days and dividing that total tonnage of materials by twelve (12).

D. Monitoring: The Permittee and Operator shall provide routine daily monitoring of the Facility to ensure compliance with this Permit and applicable laws, regulations and bylaws. The Permittee and Operator shall maintain records documenting the operations of the Facility. These records shall include, but not be limited to:

- (a) A description of any operational problems or difficulties encountered or other deviations from the approved plans and operating procedures; and
- (b) A description of actions taken, or to be taken, to mitigate and/or correct operational problems or difficulties encountered or other deviations from the approved plans and operating procedures.

The Permittee and Operator shall maintain these records at the Facility for a minimum of two (2) years and shall make them available to MassDEP personnel for review upon request.

E. Inspections: In accordance with the third-party inspection requirements at 310 CMR 19.018, the Permittee shall ensure that inspections are performed by a Third-Party Inspector who is registered with MassDEP in accordance with 310 CMR 19.018 at the Facility at least 20 days between consecutive inspections. The Permittee shall ensure that copies of the inspection reports are submitted to MassDEP-CERO, Solid Waste Section Chief, and the Town of Hudson Board of Health within 30 days of the date of completion of the quarterly inspection. The inspection reports shall be submitted electronically to MassDEP at james.mcquade@mass.gov.

F. Compliance with Waste Bans: The Permittee and Operator shall comply with the provisions of 310 CMR 19.207(8) and 310 CMR 19.017 as well as the terms and conditions of MassDEP's Revised Guidance for Solid Waste Handling and Disposal Facilities on Compliance with Waste Bans (<https://www.mass.gov/doc/waste-ban-guidance-for-operators-of-solid-waste-facilities-october-2021/download>), Solid Waste Management Facility Regulations (including but not limited to the 310 CMR 19.017 Waste Bans revised April 2014), the Waste Ban Compliance Plan approvals referenced in section I.B.4. above, as well as Attachment B of this Permit.

G. Asbestos Inspection Protocol: The Permittee and Operator shall comply with the provisions of the Asbestos Inspection Protocol attached to this Permit as Attachment A at the Facility at all times.

H. Notification: The Permittee and Operator shall notify MassDEP in writing 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 sent via email to Solid Waste Section Chief James McQuade at james.mcquade@mass.gov. During emergency incidents at the Facility, the Permittee and Operator shall provide immediate notification to the Department by telephone to James McQuade, Solid Waste Section Chief at 508-767-2759 or Douglas Fine, Deputy Regional Director at 508-767-2757 in the MassDEP Central Regional Office. At any other time, the Permittee and Operator shall call MassDEP's Emergency Hotline at (888) 304-1133.

I. Record Keeping: The Permittee and Operator shall maintain the following operating records:

- (a) The total daily tonnage of material accepted at the Facility for processing each calendar month;
- (b) The daily tonnage of material sent off-site from the Facility for disposal; and
- (c) The daily tonnage of material sent off-site for recycling or further processing.

The Permittee and Operator shall maintain these records at the Facility for a minimum of two (2) years and shall make them available to MassDEP personnel for review upon request.

J. Financial Assurance Mechanism (FAM): By April 1, 2025, the Permittee shall submit to the Department for approval a closure plan and financial assurance mechanism cost estimate for the anticipated or unanticipated closure of the Hudson Transfer Station. The amount of an approved FAM shall be no less than the estimate to close the Facility in accordance with the requirements of 310 CMR 19.00. The Permittee shall ensure that all submitted estimates are certified by a Massachusetts registered professional engineer. Once the cost estimate has been approved by the Department, the Permittee shall meet the financial assurance obligation by using any of the methods authorized in 310 CMR 19.051 (an approved financial assurance mechanism) and shall file with the Department and maintain in current form approved documents constituting or evidencing compliance with this obligation.

K. Permit Expiration and Renewal:

1. This Permit shall be valid only for a fixed term of ten (10) years from the Permit Issuance Date, provided that MassDEP may amend the term as follows:

- (a) In accordance with an approved modification in response to a permit modification application submitted by the Permittee pursuant to 310 CMR 19.033;
- (b) In accordance with the presumptive approval provisions set forth at 310 CMR 19.034;
- (c) Unilaterally, pursuant to 310 CMR 19.036, after an adjudicatory hearing conducted in accordance with M.G.L. c. 30A, § 11; or
- (d) In order to coincide with the termination or renewal date of other MassDEP permits issued for the solid waste processing, treatment, or pollution control equipment located at the Facility.

2. The Permittee shall apply for a renewal of this Permit at least 180 days prior to the date of expiration, in accordance with 310 CMR 19.042(5)(a).

V. RIGHT OF APPEAL

A. Request for Provisional Decision: An applicant aggrieved by the Department's permit decision, within 21 days of the issuance of the Department's permit decision to the applicant, may file a written request, with the appropriate regional office of the Department, that the permit decision be deemed a provisional decision, and a written statement of the basis on which the applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the permit decision shall be deemed a provisional decision. Such a request shall reopen the administrative record, and the Department shall issue a final permit decision after the end of the comment period. **Failure by an applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute a waiver of the applicant's right to appeal.**

B. Right to Appeal: Any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(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 no later than thirty (30) days following the date of issuance of the final permit decision to the applicant. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the final permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with 310 CMR 19.033(3).

C. Notice of Appeal: Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include the Department file number (Authorization No. SW06-0000013) and shall identify with particularity the issues and reason why it is believed the final 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 which 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

Mary Jude Pigsley, Regional Director
Department of Environmental Protection
8 New Bond Street
Worcester, MA 01606

No allegation shall be made in any judicial appeal of a final 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.


James A. McQuade
Section Chief
Solid Waste Management Program

ATTACHMENT A

Asbestos Inspection Protocol for Construction & Demolition Debris Processing Facilities and Large Construction and Demolition Debris Transfer Station Facilities

(1) APPLICABILITY

This Asbestos Inspection Protocol (“Protocol”) is applicable to all Construction & Demolition Debris Processing Facilities and to Large Construction and Demolition Debris Transfer Station Facilities that are permitted pursuant to 310 CMR 19.000 (Large Handling Facility or Facilities) to accept greater than fifty (50) tons per day of construction and demolition debris.

The Hudson Solid Waste Transfer Station (the “Facility”) located at 300 Cox Street, Hudson, Massachusetts is a Large Construction and Demolition Debris Transfer Station and therefore shall comply with all the requirements of this Protocol.

The Town of Hudson (the “Permittee”, “Applicant” or “Owner”) and B-P Trucking, Inc. (the “Operator”) shall not grind, cut, shred, crush, abrade and/or sand any loads of construction and demolition debris that contain friable or non-friable asbestos containing material (“ACM”). The Permittee and Operator shall be fully responsible for compliance with all the requirements of this Protocol including any requirements delegated to other persons pursuant to the Protocol. To be in compliance with this Protocol and the handling facility operation and maintenance requirements at 310 CMR 19.207(1) (General) and 310 CMR 19.207(7) (Special Waste), the Applicant and Operator shall inspect and test incoming construction and demolition debris to prevent the acceptance, improper handling, or processing of ACM at the Facility.
(<http://www.mass.gov/eea/agencies/massdep/recycle/regulations/310-cmr-19-00.html>).

For the purposes of this Protocol, the materials listed within Section (4)(a)2. of this Protocol shall be considered “suspect asbestos containing material” (“suspect ACM”). All suspect ACM observed within a waste load at the Facility shall either be tested for the presence of asbestos by an asbestos analytical laboratory certified by the Massachusetts Department of Labor Standards (DLS) and deemed “confirmed ACM” if the test results are positive for asbestos, or if not tested, the material shall be deemed “suspect ACM”. For the purposes of this Protocol, “suspect ACM” shall mean all commercial products that have a reasonable likelihood of containing asbestos based on their appearance, composition and/or use, and that have not been tested for the presence of asbestos.

Note: This Protocol contains several deadlines pertaining to the sampling and storage of confirmed and suspect ACM. The Facility must adhere to these deadlines unless otherwise approved by the Massachusetts Department of Environmental Protection (MassDEP) on a case-by-case basis.

(2) C&D HANDLING FACILITY ASBESTOS INSPECTOR QUALIFICATIONS

As required herein, the Applicant and Operator shall engage the services of a qualified “C&D Handling Facility (“CDHF”) Asbestos Inspector” to inspect inbound waste loads at the Facility for the presence of suspect ACM.

For each CDHF Asbestos Inspector whose job description includes inspecting inbound C&D waste loads to prevent the acceptance, improper handling, or processing of ACM at the C&D Handling Facility, the following documentation shall be maintained at the Facility and be readily available for inspection:

- a) A Certificate of Completion issued by a DLS certified Asbestos Training Provider for having successfully completed the Initial Asbestos Inspector training as specified in 453 CMR 6.10(4)(d);
- b) A Certificate of Completion for the current 12-month period issued by a DLS certified Asbestos Training Provider for having successfully completed the Annual Refresher Asbestos Inspector training as specified in 453 CMR 6.10(5); and
- c) A record of having completed 40 hours of On-the-Job (“OTJ”) training under an experienced incoming C&D waste load inspector at the C&D Handling Facility that covers (1) how to identify ACM and suspect ACM in incoming C&D waste loads, and (2) what actions must be taken under the facility-specific Asbestos Inspection Protocol after a Suspect ACM or ACM is identified.

(3) NOTIFICATION REQUIREMENTS

Unless exempted pursuant to Section (5) of this Protocol, for each load that is accepted at the Facility where ACM is suspected to be present or the load is rejected due to the presence of suspect ACM, the Applicant and Operator shall notify the MassDEP Central Regional Office, Solid Waste Management Section, by telephone (508-767-2759) within two (2) hours after identifying the load as containing suspect ACM.

The Applicant and Operator shall also complete a Suspect Asbestos Containing Material Form (see Attachment 1) that identifies:

- Facility name and address,
- asbestos inspector,
- hauler name,

- hauler's vehicle license number,
- generator name and address (if known),
- type and quantity of suspect ACM, and
- disposition of ACM.

The Applicant and Operator must submit the completed form to the MassDEP Central Regional Office, Solid Waste Management Section via email (James.McQuade@state.ma.us) within two (2) hours of observing the suspect ACM. If email is not available, the Applicant and Operator shall notify the MassDEP Central Regional Office, Solid Waste Management Section via telephone within two (2) hours (508-767-2759), and mail a completed Suspect ACM Form within twenty-four (24) hours of observing the suspect ACM.

In the circumstances identified below, the Applicant and Operator or their retained licensed asbestos contractor must also call the MassDEP Central Regional Office Asbestos Program (508-792-7650) to obtain an emergency approval and waiver number to manage the load and to waive the 310 CMR 7.15 requirement for 10 working day advance notification prior to handling asbestos-containing material. The Applicant and Operator or their retained licensed asbestos contractor will be required to file an Asbestos Notification Form (ANF-001) with MassDEP.

(<http://www.mass.gov/eea/agencies/massdep/service/approvals/bwp-aq-04-anf-001.html>).

For each load accepted at the Facility where ACM is suspected and such load is subsequently rejected due to the presence of suspect ACM, the on-site CDHF asbestos inspector or the Applicant and Operator shall inform the driver that the Applicant and Operator will notify MassDEP that the load has been rejected. Further, the Applicant and Operator shall inform the driver that, before such rejected load leaves the Facility, the suspect ACM must be properly abated and removed from the load or the entire load must be wetted, and the top of the container must be securely sealed with double 6-mil polyethylene sheeting and duct tape and labeled with applicable asbestos warnings before transport. The Applicant and Operator shall inform the driver that MassDEP recommends that the rejected load be returned to the site of generation for inspection, testing and abatement and that the hauling company should contact the MassDEP Central Regional Office Asbestos Program (508-792-7650) to discuss appropriate load handling options.

For each rejected load where samples are collected and tested for asbestos content, the Applicant and Operator shall notify MassDEP (508-792-7650) of the test results within two (2) hours of receiving confirmation that the sample does or does not contain asbestos.

(4) INCOMING LOAD ASBESTOS INSPECTION AND HANDLING REQUIREMENTS

a) Pre-tipping

1. The Applicant and Operator shall ensure that a sign is posted at the entrance to the Facility identifying materials that are acceptable and unacceptable at the Facility. The sign must clearly state that Asbestos Containing Material (“ACM”) is not accepted at the Facility.
2. A CDHF Asbestos Inspector shall visually examine the contents of each waste load container brought to the Facility for the presence of suspect ACM. Whenever practical, the CDHF Asbestos Inspector shall visually examine the contents from above the container and with the container’s door open. The CDHF Asbestos Inspector shall make a best effort to identify all “suspect ACM” in the load. For the purposes of this Protocol, “suspect ACM” shall include, but not be limited to, the following materials that may contain asbestos:

a. Suspect Friable ACM

- i. All non-fiberglass thermal insulation (e.g., pipe, boiler, duct work etc.);
- ii. Ceiling tiles (1’x1’, 2’x2’, 2’x4’);
- iii. Plaster; and
- iv. Spray-on fire proofing.

b. Suspect Non-Friable ACM (Note: non-friable material that is broken or in a deteriorated condition may become friable)

- i. Asphalt roofing or siding materials (shingles, roofing felts, tars, etc.);
- ii. Cement sheets (corrugated, decorative);
- iii. Cement/transite pipes;
- iv. Cement/transite shingles;
- v. Cloth vibration dampers or ductwork;
- vi. Mastic (flooring or cove base adhesive or damp proofing);
- vii. Vinyl floor and wall tiles; and
- viii. Vinyl sheet flooring.

Note 1: Restricted materials that are banned from disposal, pursuant to 310 CMR 19.017: Waste Bans, should be culled from the load and properly handled, whenever this separation can be performed without causing a threat to worker safety and/or result in a release of asbestos to the environment. Restricted materials that are likely to be contaminated by exposure to asbestos containing materials do not need to be culled and may be sent for disposal in accordance with Sections (4)(c)3a. of this protocol and 310 CMR 19.017(5): Exceptions.

3. If any material in the load is suspect ACM, the Applicant and Operator must complete a Suspect ACM Form, provide notification to the driver and MassDEP (pursuant to Section 3), and take one of the actions in Sections (4)(a)3.a., b., c., or d. below.
 - a. If non-friable suspect ACM is identified and it is not commingled throughout the load, remove and properly manage the non-friable suspect ACM in accordance with 310 CMR 7.15 and 310 CMR 19.000;
 - b. Isolate the load, sample all suspect ACM materials, and conduct confirmatory analysis using a DOS licensed asbestos analytical laboratory to confirm there is no ACM;
 - c. Isolate and properly manage the entire load as ACM in accordance with 310 CMR 7.15 and 310 CMR 19.000; or
 - d. Reject the load.

(See Sections (4)(b), (4)(c) and (4)(d) of this Protocol for additional requirements.)

b) Tipped material

1. The Applicant and Operator shall ensure that every load that is tipped at the Facility is tipped in the presence of the CDHF Asbestos Inspector.
2. Once tipped, the load shall be spread to a height no greater than two (2) feet.
3. The CDHF Asbestos Inspector shall thoroughly inspect the contents of each tipped load to determine the presence of suspect ACM.
4. If the CDHF Asbestos Inspector determines that a load of specific waste materials (e.g., asphalt shingles or gypsum wallboard cut-offs) has been generated by a new construction project with no demolition waste, and does not otherwise contain suspect ACM, then the CDHF Asbestos Inspector may elect not to conduct confirmatory asbestos sampling.

c) Non-friable ACM in tipped loads

If a CDHF Asbestos Inspector observes non-friable suspect ACM (e.g. transite shingles, transite pipes and panels, mastics, etc.) that has not qualified as exempt in Section (5) in a tipped load, the Applicant and Operator shall take one or more of the following actions. (If friable suspect ACM is observed in the load, then Section (4)(d) of this Protocol must be followed.)

1. **Segregate Load and Sample Suspect Material(s):** If suspect non-friable ACM is identified in the load, the Applicant and Operator may choose to isolate the load and conduct confirmatory sampling and analysis of each suspect ACM, using a DLS certified asbestos analytical laboratory, to determine if the suspect material contains asbestos. Loads awaiting sampling results must be segregated from other waste materials and wetted, covered with 6-mil polyethylene sheet, and asbestos warning signs/barrier tape must be posted around them, which may be performed by a CDHF Asbestos Inspector. The Applicant and Operator must ensure that storage at the Facility of loads awaiting sampling does not exceed five (5) calendar days. The Applicant and

Operator must ensure that storage at the Facility of loads that have been determined to be ACM by sampling do not exceed thirty (30) calendar days.

If analytical results confirm the presence of ACM, then either the entire load must be deemed “asbestos containing waste material” (“ACWM”) and managed in accordance with Sections (4)(c)3.a. or (4)(c)3.b. below or, if the non-friable ACM is intact and not mixed throughout the load and there is no friable ACM in the load, the non-friable ACM may be culled out in accordance with paragraph (4)(c)2. below. If analytical results indicate no asbestos is present, then the load may be processed or transferred to another appropriate solid waste facility. If the material is friable and analytical results indicate asbestos is present, then the Applicant and Operator must ensure that Section (4)(d)2 of this Protocol is followed.

Note: A CDHF Asbestos Inspector may isolate the load, cover the load, and sample the load. A CDHF Asbestos Inspector may cull suspect ACM from the load if only intact non-friable suspect ACM is present and no friable suspect ACM is present.

2. **Cull Load:** Provided that the non-friable suspect ACM is intact and not mixed throughout the load, and there is no friable suspect ACM in the load, the Applicant and Operator may arrange for a CDHF Asbestos Inspector to pull out intact non-friable suspect ACM from loads received at the Facility. The Applicant and Operator must ensure that non-friable suspect ACM is wetted prior to being culled and immediately placed while wet in leak-tight containers or packaging as required by 310 CMR 7.15 (i.e., placed while wet in leak tight containers and labeled with applicable asbestos warnings). Each container/package of culled non-friable ACM and non-friable suspect ACM shall be labeled with the date on which the material was culled.
 - a. **Storage of culled non-friable suspect ACM at the Facility:**
The Applicant and Operator shall ensure that:
 - i. The Facility shall maintain a designated asbestos waste storage area for non-friable ACM and suspect non-friable ACM that has been culled from incoming waste loads.
 - ii. Storage of culled non-friable ACM and suspect non-friable ACM at the Facility must not exceed thirty (30) calendar days.
 - iii. The designated asbestos waste storage area at the Facility shall be secured at all times and be posted at all entrances with an asbestos warning sign and shall comply with all applicable federal, state, and local laws and regulations regarding these activities.
 - iv. Culled material must be disposed of in accordance with 310 CMR 7.15 and 310 CMR 19.000.

The Applicant and Operator shall ensure that loads waiting culling are segregated from other waste materials at the Facility and wetted and covered with 6-mil poly and asbestos warning signs/barrier tape shall be posted around them, which may be

performed by a CDHF Asbestos Inspector. **Storage of loads waiting culling at the Facility shall not exceed five (5) calendar days.**

The Applicant and Operator shall ensure that appropriate personal protective equipment ("PPE"), as determined by state and federal worker protection regulations (including DLS and OSHA), is worn during this process, since the workers will be handling presumed or confirmed ACM. If all non-friable suspect ACM is culled, the load may only be processed at the Facility after a complete inspection for suspect friable and non-friable asbestos containing material and a determination that these materials are not present.

3. **Co-mingled non-friable suspect ACM:** If non-friable suspect ACM is co-mingled throughout the load and cannot therefore be reasonably culled, the entire load shall be deemed suspect ACWM. The Applicant and Operator shall ensure that the load is segregated, wetted, covered in 6-mil polyethylene, and access restricted by the use of asbestos warning signs/barrier tape, which may be performed by a CDHF Asbestos Inspector. The Applicant or Operator shall also either conduct confirmatory sampling and analysis pursuant to Paragraph (4)(c)1. above or either:
 - a. **Manage the Load as ACWM:** Immediately contact a DLS licensed asbestos contractor to remove the entire load from the Facility as asbestos contaminated waste material. The Applicant or Operator or its retained DLS licensed asbestos contractor shall also immediately call the MassDEP Central Regional Office Asbestos Program (508-792-7650) to obtain an emergency waiver number to manage the load and shall file with MassDEP an Asbestos Notification Form (ANF-001). The Applicant or Operator shall ensure that the ACWM is properly removed from the Facility within thirty (30) calendar days and disposed of in accordance with all local, state and federal regulations including 310 CMR 7.15 (<http://www.mass.gov/eea/agencies/massdep/air/programs/asbestos.html#4>) and 310 CMR 19.061(3) or;
 - b. **Reject and not Process the Load.** If the Applicant or Operator elects to reject the load, the Applicant or Operator shall thoroughly wet and reload the material in a manner that does not result in further breakage or dust generation, securely seal the top of the container with double 6-mil polyethylene plastic sheeting and duct tape, and label with applicable asbestos warnings before transport from the Facility. A CDHF Asbestos Inspector must oversee the handling and reloading and covering of the non-friable suspect waste material. Storage at the Facility of loads waiting transfer must not exceed thirty (30) calendar days.
- d) **Friable ACM in tipped loads**
If the CDHF Asbestos Inspector discovers friable suspect ACM in the load after it is tipped, the Applicant or Operator shall take one of the following actions:

1. **Conduct Confirmatory Sampling:** Isolate the load and conduct confirmatory sampling and analysis of each suspect ACM, using a DLS certified asbestos analytical laboratory, to determine if the suspect material is asbestos containing. Loads awaiting analytical results must be segregated, wetted, and covered with 6-mil polyethylene, and asbestos warning signs/barrier tape must be posted around them. If sampling results confirm the presence of ACM, then the entire load is deemed ACWM and shall be managed in accordance with paragraph (4)(d)2. below. If sampling results indicate no asbestos is present, the load may be processed or transferred to an appropriate solid waste facility. Storage of loads at the Facility awaiting sampling must not exceed five (5) calendar days of being received. **Storage of loads at the Facility awaiting friable ACM sample results shall not exceed ten (10) working days from the date of being received.**
2. **Manage the Load as ACWM:** The Applicant or Operator may assume that friable suspect ACM is asbestos containing material and designate the entire load ACWM. Such designation shall require that the load be segregated, wetted, covered in 6-mil polyethylene sheeting, and posted with asbestos warning signs/barrier tape. The Applicant or Operator shall immediately retain the services of a DLS licensed asbestos contractor to properly handle, package, label and dispose of the load as ACWM in accordance with 310 CMR 7.15. The Applicant or Operator or its retained asbestos contractor shall also immediately call the MassDEP Central Regional Office Asbestos Program (508-792-7650) to obtain an emergency waiver number to manage the load and shall file with MassDEP an Asbestos Notification Form (ANF-001). The Applicant or Operator shall ensure that the ACWM is properly removed from the Facility within thirty (30) calendar days and disposed of in accordance with all local, state and federal regulations including 310 CMR 7.15 and 310 CMR 19.061(3).

(5) ACTIVITIES EXEMPT FROM NOTIFICATION AND INCOMING LOAD AND HANDLING REQUIREMENTS

The following activities at the Facility are exempt from the notification and incoming load asbestos handling requirements of this Protocol:

- a) Waste loads in which no suspect ACM is identified by a CDHF Asbestos Inspector are exempt from the sampling and analysis and notification requirements of this Protocol.
- b) If a CDHF Asbestos Inspector determines that the only suspect ACM within a waste load is **intact** and **unbroken** vinyl asbestos tile, asphalt based asbestos-containing siding products or asphalt based asbestos-containing roofing materials, then the entire load may be disposed at a permitted solid waste landfill, in accordance with 310 CMR 19.061: Special Waste, using best management practices to prevent emissions, and the load is exempt from the remainder of this Protocol, and does not require testing or notification to MassDEP. The load shall not be culled, compacted or otherwise handled in a manner that causes breakage of the suspect ACM material.

- c) Asphalt roofing materials that are accepted, stored, not processed (i.e. ground, cut, shredded, crushed, abraded or sanded), and
 - i. transferred to a permitted asphalt shingle recycling facility that will conduct asbestos sampling and analysis testing of the asphalt roofing materials prior to processing; or
 - ii. transferred to a permitted solid waste facility for disposal in accordance with 310 CMR 19.061: Special Waste,

are exempt from the sampling and analysis and notification requirements of this protocol.

- d) When suspect ACM is observed within a waste load, the Facility may be exempt from conducting asbestos sampling and analysis and the notification requirements of this Protocol, if **all** the following conditions are met and **all** documentation in Sections (5)(d)iii and (5)(d)iv below is received and retained by the Facility for at least three (3) years for each load for which the Facility does not conduct asbestos sampling:
 - i. Every waste load delivered to the Facility is thoroughly inspected for suspect ACM by an on-site CDHF Asbestos Inspector;
 - ii. Each suspect ACM identified in the waste load has been inspected at the point of generation by a DLS Certified Asbestos Inspector and has been determined, by sampling and asbestos analytical testing, to be non-asbestos containing;
 - iii. The Facility receives, with the incoming load, an appropriate Bill of Lading which: identifies the owner(s) of the site where the material was generated, provides the site of generation address, and confirms there is no ACM in the load: and
 - iv. There is a Certification Statement (e.g. Pre-Demo/Reno Asbestos Inspection Report/Survey) with the Bill of Lading, signed by the DLS Certified Asbestos Inspector, who performed the asbestos inspection at the site of generation that includes:
 - 1. the DLS certified asbestos inspector's name and certification number;
 - 2. a statement that an inspection for the presence of asbestos of the area of the building from which the waste load was removed was completed in accordance with MassDEP regulations at 310 CMR 7.15(4);
 - 3. a statement as to whether any suspect ACM was identified at the site of generation and, for all such suspect ACM identified, that it was determined to be non-asbestos containing through sampling and asbestos analytical testing, or that it was determined to be asbestos containing and was abated at the site of generation; and

4. a statement that any required asbestos abatement activities at the site of generation were completed in accordance with all applicable federal, state and local asbestos laws and regulations. When the site of generation of any waste load is in Massachusetts the MassDEP Asbestos Notification Form (ANF-001) project number for the asbestos abatement activity conducted at the site, shall be submitted with the Certification Statement and retained by the Facility.

(6) RECORD KEEPING

The Applicant and Operator shall ensure that all asbestos records and personnel training records are kept on file at the Facility for at least three (3) years and shall be made available for MassDEP staff upon request. Records that shall be kept include, but are not limited to:

- a) Suspect Asbestos-Containing Material Forms (see Attachment 1);
- b) Asbestos sampling laboratory analysis results;
- c) Personnel Certification and Training Records;
- d) Waste Shipment Records (“WSR”) for all ACM, and confirmed ACWM, and suspect ACWM transported offsite. (signed by Facility, transporter and receiving landfill); and
- e) Documentation of asbestos surveys/abatements received pursuant to the Section (5)(d) of this protocol.

For each calendar year, a report describing the number of samples collected, type of materials sampled, and the number of positive results for asbestos shall be submitted by the Applicant and Operator of the Facility to the MassDEP Central Regional Office by February 15 of each calendar year.

ATTACHMENT 1 OF ATTACHMENT A
SUSPECT ASBESTOS CONTAINING MATERIAL FORM

Facility Name: _____

Facility Address: _____

Facility Telephone Number: _____

CDHF Asbestos Inspector: _____

Signature

Printed Name

DLS Certification No. _____

Hauler Name _____ **Telephone Number:** _____

Driver Name: _____

Vehicle License Number: _____ **Vehicle Type:** _____

Generator Name: _____

Address: _____

Telephone Number _____

Type(s) and Quantity of Suspect Asbestos Containing Material Identified: (Circle one)

Type: _____ Quantity: _____ friable/non-friable.

Type: _____ Quantity: _____ friable/non-friable.

Type: _____ Quantity: _____ friable/non-friable.

Type: _____ Quantity: _____ friable/non-friable.

Initial disposition of suspect asbestos containing material waste load: (select one and provide date.)

- 1) Notified driver and MassDEP - rejected load - Sections (4)(a)(3)(d) or (4)(c)(3)(b) _____
- 2) Notified driver and MassDEP - segregated load – sample(s) collected - Sections (4)(c)(1) or (4)(d)(1)

- 3) Notified driver and MassDEP- segregated to be culled load – sample(s) collected - Section (4)(c)(2)

Final Disposition of waste load: (select one and provide date.)

- 1) Sample results negative – handled load processed as solid waste _____
Sections (4)(c)(1) or (4)(c) (2) or (4)(d)(1)
- 2) Sample results positive – culled non-friable asbestos _____
Stored and disposed of in accordance with Section (4)(c)(2)
- 3) Sample results positive – called contractor _____
Section (4)(c)(1) and (4)(c)(3)(a) or Sections (4)(d)(1)

ATTACHMENT B
WASTE BAN COMPLIANCE PLAN APPROVAL

The Town of Hudson (“Applicant”) and B-P Trucking, Inc. (the “Operator”) shall operate the Hudson Solid Waste Transfer Station (the “Facility”) in accordance with operations and equipment described in the Applicant’s Waste Ban Compliance Plan (“WBCP”) approved by MassDEP on October 15, 2022 and referenced in section I.B.4. above, and in compliance with this Attachment B of this Permit.

A. Facility Background

The Facility is located at 300 Cox Street in Hudson, Massachusetts. The Facility is authorized to accept an average daily maximum (ADM) limit of three hundred fifty (350) tons per day of C&D MSW, and Bulky Waste.

The Applicant stated in its WBCP application that the Facility Processing Operation includes:

- a. MSW is dumped on the right side of the tipping floor into its dedicated area whereas C&D is dumped on the left side of the tipping floor into its dedicated area.
- b. The removal of zero tolerance materials in MSW and C&D is handled identically, however in addition to zero tolerance items, the remaining waste ban items listed in 310 CMR 19.017 are also removed from MSW loads to the greatest extent possible.
- c. A front-end loader (CAT 938K) and a tracked excavator (CAT 320DL) separate zero tolerance materials from the C&D waste stream and separate waste banned materials from the MSW waste stream.
- d. Separation will be performed to the greatest extent possible and to the extent that such separation can be performed safely. Once separated, the banned materials will be transported by the front-end loader to the appropriate recycling storage containers.
- e. The banned materials are stored in containers located in the residential recycling area or other banned material storage areas.
- f. Loads that contain lead acid batteries and loads that contain asphalt pavement, brick and concrete (ABC) are rejected and reloaded (if dumped onto the tipping floor) back onto the hauler’s truck. Additionally, if a generator produces more than one ton of commercial organic matter per week (0.5 tons per week beginning November 1, 2022), and delivers a load containing 10% or more by volume of commercial organic material (i.e. a failed load) the load is rejected.
- g. If the failed load is dumped on the tipping floor by a vehicle that cannot be reloaded (i.e. compaction container, packer truck, or similar closed storage system) the load will be transferred into an MSW trailer for disposal.

The Applicant and Operator shall provide equipment in adequate numbers and of appropriate type and size for the proper operation of the Facility in accordance with 310 CMR 19.205(2).

B. Definitions

For the purpose 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 Applicant and Operator are as follows:

- For any MSW waste load with more than 0% by volume of the following Zero Tolerance Waste Ban Materials; tires, lead batteries, cathode ray tubes (CRTs), and white goods;
- For any non MSW waste load with more than 0% by volume of the following Zero Tolerance Waste Ban Materials: lead batteries, cathode ray tubes (CRTs), and Chlorofluorocarbon (CFC) containing white goods¹;
- For any waste load with 10% or more by volume of leaves and yard waste;
- For any MSW waste load with 10% or more by volume of recyclable paper (including corrugated cardboard);
- For any non-MSW waste load with 10% or more by volume of recyclable paper (excluding corrugated cardboard²);
- For any waste load with 10% or more by volume of single polymer plastic, metal and glass containers;
- For any waste load with 10% or more by volume of commercial organic material;
- 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.
- For any waste load with 30% or more of cumulative banned materials.

¹ If any non MSW waste load is identified by the hauler prior to tipping as containing source separated (e.g. on top of the load) CFC containing 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 accepted in any quantity in any non MSW load is not a Failed Load if the corrugated cardboard will be separated and diverted from disposal in the Facility's processing operation.

³Category 1 C&D Waste loads with any level of wood, metal, and clean gypsum wallboard, and the following Zero Tolerance Items: tires and non-CFC white goods, may be accepted and the load is not a Failed Load, if these materials will be separated and diverted from disposal in the Facility's processing operation.

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 and desks; carpets; temporary partitions such as cubicle walls; and toys.

Categories of Construction and Demolition Waste Material

- Category 1 - Construction and Demolition Waste (see definition 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
- 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. C&D Residuals include the materials that remain unpicked during Positive Pick Processing Operations and the non recyclable materials that are picked from the mixed waste stream during Negative Pick Processing Operations.

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 C&D 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).

Layout Plan: Plan submitted by the Applicant within its WBCP application documents entitled “Waste Ban Compliance Plan Site Plan” (dated July 2022), depicting tipping and storage areas for C&D and MSW.

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

Negative Pick Processing Operations: Methodology including manpower and equipment to process waste materials by the direct removal of non-Waste Ban Materials from mixed C&D Waste loads. Materials remaining unpicked from Negative Pick Processing Operations generally contain mostly Waste Ban Materials but may contain some residual non-waste ban materials. The non recyclable materials that are picked from the mixed waste stream during negative pick operations are considered herein as C&D Residuals.

Positive Pick Processing Operations: Methodology including manpower and equipment to process C&D Waste by the direct removal of Waste Ban Materials to the greatest extent possible from mixed waste loads. Materials remaining unpicked from positive pick processing operations are considered herein as C&D Residuals.

Process Separation Rate (PSR): the ratio of the quantity (by weight) of materials recycled as feedstock, recycled as biomass fuel, or diverted as determined by MassDEP, compared to the quantity (by weight) of the total inbound material accepted. Note:

- i. Diverted material means separation of a specific type of C&D material (e.g. C&D wood) that is then transferred for further processing (i.e. sent and received as a separated material; not mixed C&D waste).
- ii. Diverted material does NOT include any landfill dependent uses (e.g. alternative daily cover, road-base stabilization and shaping & grading).
- iii. The quantity of total inbound material accepted includes ALL materials accepted by the facility (e.g. mixed C&D waste, source separated materials and bulky waste); it excludes any C&D fines and residuals received from a Minimum Performance Standard compliant C&D Handling Facility or any municipal solid waste if acceptance of such materials are allowed by the facility operating permit.

Processing Operation: Methodology proposed by the Applicant including manpower and equipment to process waste materials for the removal of Waste Ban Materials to the greatest extent possible.

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.

Tipping Area: Area inside building designated by the Applicant on the Layout Plan for the tipping, spreading, and inspection of tipped C&D and MSW loads and the removal of Waste Ban Materials.

Waste Ban Materials: Materials expressly prohibited from disposal, or transfer for disposal, listed in 310 CMR 19.017.

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.

C. Duty to Comply

The Applicant and Operator shall, at all times, fully comply with the Facility's WBCP, as well as all the terms, descriptions, and conditions detailed herein.

D. Waste Materials Acceptance and Processing Limits

1. In accordance with this Authorization to Operate ("ATO") Permit, the Applicant and Operator shall ensure that the Facility's waste acceptance does not exceed 350 tons per day.
2. The Applicant and Operator may accept and handle only the following types of waste material:
 - Category 1 - Construction and Demolition Waste
 - Category 3- Bulky Waste
 - Municipal Solid Waste
3. The Applicant and Operator shall adjust the Facility's actual daily intake of MSW and Category 1 and 3 Waste as necessary to maintain compliance with MassDEP's waste ban regulations, the Facility's WBCP, and, if any, the materials storage limits specified in this Permit.
4. The Applicant and Operator shall, at all times, staff and equip the area where waste is tipped with an adequate number of manual pickers and equipment as stated in the WBCP, to ensure all categories of Waste Ban Materials as listed in 310 CMR 19.017(3) are removed to the **greatest extent possible** from all waste **prior to shipment for processing or disposal**. At a minimum, Applicant and Operator shall limit the amount of waste accepted on any given day based on the availability of staff to pick the waste on that day in accordance with Table 1 below.

Table 1

Category 1 C&D (tons per day)	Minimum number of manual pickers
1-100	1
101-200	2
201-300	3

301-400	4
401-500	5
501-600	6
Greater than 600	7

5. The Applicant and Operator shall not include unprocessed Category 1 C&D Waste transferred to another C&D Handling Facility in the Facility's calculation of the daily intake of Category 1 C&D Waste for the purpose of complying with the Maximum Average Waste Acceptance Rate in Table 1.
6. The Applicant and Operator shall ensure that unprocessed Category 1 C&D Waste transferred to another C&D Handling Facility is included in the calculation of the daily intake of Category 1 C&D Waste for the purpose of complying with the Facility's daily permitted waste acceptance rate and as total inbound material accepted in the calculation of the Process Separation Rate.
7. The Applicant and Operator shall fail loads when required herein but shall not re-designate Category 3 Bulky Waste as Category 1 C&D waste loads where only Zero Tolerance Items are identified and removed, provided that the load meets the Action Levels for all other Waste Ban Materials.

E. Facility Handling and Operating Procedures

The Applicant and Operator shall comply with the following:

1. Post onsite signage clearly listing all Waste Ban Materials.
2. Conduct load inspections in a manner that does not endanger the safety of Facility or hauler personnel.
3. Only manage waste in the appropriate areas designated for tipping and inspection, separation, interior storage, and loading as depicted on the Layout Plan.
4. Inspect all waste loads for banned materials:
 - a. prior to tipping;
 - b. as load is tipped; and
 - c. after tipping.
5. Inspect all loads for suspect asbestos-containing materials and manage any suspect asbestos-containing materials in a manner consistent with the Facility's ATO permit.

6. Spread all accepted waste loads (inclusive of both C&D and MSW loads) out in a manner that allows for the inspection and identification of all Waste Ban Materials and follow 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 or transfer for disposal by employing both manual pickers and available equipment (if required)
 - 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.
7. The Applicant and Operator shall comply with the following asbestos-related procedures:
 - a. Any asbestos-containing material brought to the site shall be managed in accordance with all applicable local, state, and federal regulations, including but not limited to 310 CMR 19.000, 310 CMR 7.00, and requirements of the Massachusetts Department of Labor Standards ("MDLS").
 - b. The Facility shall employ a sufficient number of MDLS-certified Asbestos Inspectors so that all incoming loads can be inspected whenever the Facility is operating.
 - c. Any work involving asbestos, including but not limited to handling, sampling, segregating, and containerizing, shall be performed only by individuals who possess the proper level of certification to perform that work. The Applicant and Operator shall hire a qualified and properly certified asbestos contractor to do any and all work beyond the qualifications and certifications of Facility employees.
8. Loads that contain clean gypsum wallboard must be sorted to remove clean gypsum wallboard to the greatest extent possible prior to transferring or processing C&D loads.
9. Record any waste load that contains an amount of Waste Ban Materials in excess of any Action Level as defined herein as a Failed Load.
10. Maintain records of all Failed Loads including justification for disposal of banned items.
11. Perform Failed Load communication as follows:
 - a. The Applicant and Operator shall notify drivers of the type and amount of banned material found in the waste load;
 - b. The Applicant and Operator shall notify haulers by letter within 45 days of the type and amount of banned material found in the waste load and encourage haulers to work with their customers to separate banned materials to prevent recurrences of Failed Loads. However, when the waste load is delivered in a vehicle with a capacity

- of 5 cubic yards or less the Facility only needs to notify the driver in accordance with a. above;
- c. The Applicant and Operator shall notify generators by letter within 45 days of type and amounts of banned material found in waste loads, if any, and encourage those generators to contact MassDEP for technical assistance; and
 - d. These notification procedures shall be followed whenever waste ban materials are found in a load in a quantity greater than the applicable Action Level, UNLESS: (1) the waste ban material(s) are segregated from the rest of the load (i.e., placed on the top or back of the load) and (2) the driver declares the material(s) before the load is dumped.

F. Waste Ban Plan Compliance Procedures

In accordance with the procedures, sample record forms and notification letters provided in the WBCP, the Applicant and Operator shall implement and maintain the following:

1. Inspections
 - a. The Facility is required to be inspected for both Operation and Maintenance and Waste Ban compliance criteria on a quarterly (every three months) basis by an independent third-party inspector, registered in accordance with 310 CMR 19.018. The inspections shall be performed in accordance with 310 CMR 19.207(25) and 19.018.
 - b. The Applicant and Operator shall conduct inspections of all incoming materials in accordance with the procedures contained in the WBCP, including the completion of the daily record form with Failed Load information.
 - c. In addition, the Applicant and Operator shall conduct a minimum of twelve (12) random comprehensive load inspections per month using the procedures described in the WBCP and complete the Comprehensive Load Inspection Reporting Sheet. Comprehensive load inspections shall only be conducted on vehicles with a capacity of 5 cubic yards or more. Each load under inspection shall be spread out in a manner allowing easy identification of banned materials, and the inspector shall walk around the full perimeter of the pile.
2. Recordkeeping
 - a. The Applicant and Operator shall create and maintain records of all loads delivered to the Facility including all accepted loads, Failed Loads and Rejected Loads.
 - b. The Applicant and Operator shall identify and record the waste generator information for each Failed and Rejected Load whenever possible.
 - c. On any day on which the Applicant and/or Operator conducts kicksorting of C&D waste, the Applicant and Operator shall maintain a daily log that lists the date, the number of personnel performing Waste Ban Materials picking for the day and the

number of hours each picker worked, and the tonnage of C&D Waste and MSW accepted.

- d. The Applicant and Operator shall maintain copies all Failed Load letters sent to waste haulers, and generators if applicable, whenever the Applicant and/or Operator identifies a Failed Load.
- e. The Applicant and Operator shall provide MassDEP access to, and copies of, all records upon request.

3. Reporting

- a. The Applicant and Operator shall submit quarterly independent third-party inspection reports to MassDEP and to the Board of Health no later than 30 days following the date of the third-party inspection. The inspection shall be performed and the report shall be prepared in accordance with 310 CMR 19.207(25) and 19.018. The Report shall clearly demonstrate the status of compliance with 310 CMR 16.00 and 310 CMR 19.000, the Site Assignment, the ATO permit, this Waste Ban Control Plan Approval and any Order or other requirement of MassDEP.
- b. The Applicant and Operator shall submit a quarterly operations report, summarizing the results of each calendar quarter, to MassDEP by no later than the 45th day following the end of the quarter. The Department, in its sole discretion, may consider suspending or reducing the frequency of this reporting requirement if it has been persuaded by the Applicant or Operator in writing that the quarterly operations report is no longer necessary (for example, due to changes in market conditions). The operations reports shall detail the following information:
 - (1) A summary of waste ban compliance activities as required in this Waste Ban Compliance Plan Approval. Reports shall include a summary of waste ban activities including all loads rejected from receipt at the facility on the basis of non-conformance with waste bans, recycling criteria, or waste classification (i.e., special wastes or hazardous wastes). The summary shall include the date of all nonconforming loads, source of load, type of nonconformance and action taken, as well as the name of the waste hauler, truck number or driver's identification/name.
 - (2) A summary of the quantity (in tons) of all solid waste for the Facility received and shipped during each day of the previous calendar month and the total quantity of solid waste received to date during the current calendar year. The quantities of solid waste accepted shall be itemized as MSW, non-MSW, C&D, recycling residuals and if applicable, special wastes. Where applicable, each type and source of special wastes shall be identified. The identification of the disposal facility where the materials were shipped shall also be included.
 - (3) A calculation of the Process Separation Rate ("PSR"), according to the formula and notes stated in Section B, Definitions, of this Permit.

- (4) A summary of the quantity (in tons) of recyclables received and shipped during the previous calendar month and the total quantity received to date during the calendar year. The quantity of recyclables shall be itemized by category and the identification of the recycling facility where the materials were shipped shall also be included.
 - (5) A summary of all activities related to asbestos or other unacceptable waste materials (special wastes or hazardous waste), including but not limited to the receipt, handling, sampling, testing, and disposal of suspected and/or confirmed asbestos-containing material or other unacceptable waste materials; and
 - (6) A summary of any complaints received regarding the Facility.
- c. The Applicant and Operator shall submit an annual report to MassDEP not later than February 15th of the following calendar year, on forms designated by MassDEP, summarizing the Facility's operation for the previous calendar year.
 - d. The Applicant and Operator shall submit via email to MassDEP any changes to the WBCP Attachment G, Part E. 3. Materials Management identifying the name and location of proposed receiving facilities. Alternatively, the Applicant and Operator may provide notice to MassDEP of any proposed receiving facilities in the quarterly operations report required above in paragraph 3.b. The Applicant and Operator may only provide notice of any proposed receiving facility in the quarterly operations report if providing notice in this manner will result in MassDEP being informed of any proposed facility at least 45 days prior to the expected date that the Applicant and Operator will commence use of the proposed facility. Regardless of the method by which the Applicant and Operator identify a proposed receiving facility for MassDEP, prior to utilizing any new receiving facility, the Applicant and Operator shall wait for written approval from MassDEP.

G. General

1. All activities at the Facility conducted to comply with the waste ban requirements at 310 CMR 19.017 by the Applicant and Operator shall comply with this Permit and the WBCP. In the event there is a conflict with the provisions between the Applicant and Operator's WBCP and this Permit, this Permit shall control.
2. This Permit and the WBCP approved by MassDEP on October 15, 2022 supersede and replace in their entirety any previous WBCP permits/approvals issued for the Facility.
3. The Facility shall meet the two Minimum Performance Standard ("MPS") criteria stated in the MassDEP guidance titled Minimum Performance Standard For Construction And Demolition Handling Facilities to Comply with MassDEP's Waste Ban Regulations and Waste Ban Compliance Plans (February 2020) and other applicable requirements as follows:

- a. Criterion 1: The Facility shall meet a threshold Process Separation Rate (“PSR”) of 15% or greater. The PSR shall be calculated in accordance with the formula and notes stated in Section B, Definitions, of this Permit. In accordance with the MPS guidance, MassDEP may increase the minimum PSR in the future, for all subject facilities, in order to improve performance.
 - b. Criterion 2: The Facility shall demonstrate that all banned materials are being separated to the greatest extent possible. This shall include separation of all C&D Waste Ban Materials (i.e. ABC, metal, wood, clean gypsum wallboard), OCC, and any other waste ban materials received by the Facility.
4. The Applicant and Operator shall fully comply with the Facility’s site assignment and all applicable local, state and federal laws, regulations and policies, bylaws, ordinances and agreements.
5. The Applicant or Operator’s failure to comply with the waste ban requirements at 310 CMR 19.017 or the conditions of this Attachment B may result in enforcement action, or suspension, modification or revocation of this Permit as deemed necessary.
6. The Applicant and Operator 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. MassDEP intends to take enforcement action against facilities that fail to remove waste ban materials to the greatest extent possible.
7. MassDEP and its agents and employees shall have the right to enter the Facility 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. The right of entry and inspection shall be in addition to the MassDEP’s access authorities and rights under applicable federal and state laws and regulations, as well as any permits or other agreements between the Applicant and Operator and MassDEP.
8. The Applicant and Operator are required to obtain prior written approval from MassDEP before any changes or modifications can be made to a WBCP or Processing Operation as described in the WBCP and the Authorization to Operate Permit.
9. Pursuant to the provisions of 310 CMR 19.036, MassDEP reserves the right to modify, suspend or revoke this WBCP approval upon written notification to the Applicant and Operator.
10. The request for a renewal of the ATO shall include the request to renew the WBCP. MassDEP reserves the right to require modification of the WBCP at that time.

11. The Applicant and Operator are 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 new regulations are promulgated, the Applicant and Operator shall adhere to the regulations as promulgated, and to any associated guidance.