

New York State Department of Environmental Conservation

Division of Environmental Permits, Region 5

232 Hudson Street – P. O. Box 220, Warrensburg, New York 12885-0220

Phone: (518) 623-1281 • FAX: (518) 623-3603

Website: www.dec.state.ny.us



June 4, 2004

Mr. Kenneth A. Foley
CTI Agri-Cycle, LLC
95 State Street, Suite 812
Springfield, MA 01103

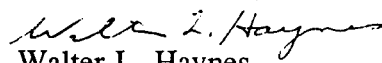
**RE: Solid Waste Management Permit Renewal
Agri-Cycle Composting Facility (Buskirk)
Town of Cambridge, Washington County
DEC Permit #5-5322-00022/00003**

Dear Mr. Foley:

Enclosed is the Part 360 permit renewal to operate the above solid waste management facility, issued in accordance with the applicable provisions of the Environmental Conservation Law. Please carefully review all general and special permit conditions.

If you have questions regarding the terms and conditions of the permit, please contact Kevin Wood of our Office of Environmental Quality in Warrensburg, telephone (518) 623-1233.

Sincerely,



Walter L. Haynes

Deputy Regional Permit Administrator

Enclosure

c: Kevin Wood
Christopher Lacombe - Ray Brook
Sally Rowland - DSHM, Albany (7253)
ECO Lt. Florence (by e-mail)
JoAnn Trinkle - Supervisor, Town of Cambridge

DEC PERMIT NUMBER 5-5322-00022/00003
FACILITY/PROGRAM NUMBER(S) 58C01



PERMIT

Under the Environmental Conservation Law (ECL)

EFFECTIVE DATE
June 4, 2004

EXPIRATION DATE
June 4, 2009

TYPE OF PERMIT (Check all Applicable Boxes)

New **Renewal** Modification Permit to Construct **Permit to Operate**

Article 15, Title 5:
Protection of Water

Article 17, Titles 7, 8:
SPDES

Article 27, Title 9; 6 NYCRR 373:
Hazardous Waste Management

Article 15, Title 15:
Water Supply

Article 19:
Air Pollution Control

Article 34:
Coastal Erosion Management

Article 15, Title 15:
Water Transport

Article 23, Title 27:
Mined Land Reclamation

Article 36:
Floodplain Management

Article 15, Title 15:
Long Island Wells

Article 24:
Freshwater Wetlands

Articles 1, 3, 17, 19, 27, 37;
6 NYCRR 380, Radiation Control

Article 15, Title 27:
Wild, Scenic and Recreational Rivers

Article 25:
Tidal Wetlands

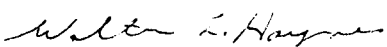
Other: _____

6 NYCRR 608:
Water Quality Certification

Article 27, Title 7; 6 NYCRR 360:
Solid Waste Management

PERMIT ISSUED TO CTI Agri-Cycle, LLC		TELEPHONE NUMBER (413) 734-3688	
ADDRESS OF PERMITTEE 95 State Street, Suite 812, Springfield, Massachusetts 01103			
CONTACT PERSON FOR PERMITTED WORK Kenneth Foley, Manager		TELEPHONE NUMBER (413) 734-3688	
NAME AND ADDRESS OF PROJECT/FACILITY Agri-Cycle of Washington County, Inc. Box 89, Belle Road, Buskirk, NY 12028			
LOCATION OF PROJECT/FACILITY Belle Road, Buskirk, NY 12028			
COUNTY Washington	TOWN Cambridge	WATERCOURSE/WETLAND NO.	NYTM COORDINATES E: <u>627.8</u> N: <u>4760.2</u>
DESCRIPTION OF AUTHORIZED ACTIVITY Operation of a solid waste composting facility, in accordance with 6 NYCRR 360 and the attached special conditions.			

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified (See Reverse Side) and any Special Conditions included as part of this permit.

DEPUTY REGIONAL PERMIT ADMINISTRATOR Walter L. Haynes	ADDRESS 232 Hudson Street Ext., PO Box 220, Warrensburg, NY 12885-0220
AUTHORIZED SIGNATURE 	DATE June 4, 2004
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NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions and damages, to the extent attributable to the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or noncompliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions or damages to the extent attributable to DEC's own negligent acts.

Item B: Permittee to Require it's Contractors to Comply with Permit

The permittee shall require its independent contractors, employees, agents and assigns to read, understand and comply with this permit, including all special conditions, and such persons shall be subject to the same sanctions for violations of this permit as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required for this project.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

GENERAL CONDITIONS**General Condition 1: Facility Inspection by the Department**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when written or verbal notification is provided by the Department at least 24 hours prior to such inspection.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

General Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

General Condition 3: Applications for Permit Renewals or Modifications

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

The permittee must submit a renewal application at least:

- a) 180 days before expiration of permits for State Pollutant Discharge Elimination System (SPDES), Hazardous Waste Management Facilities (HWMF), major Air Pollution Control (APC) and Solid Waste Management Facilities (SWMF); and
- b) 30 days before expiration of all other permit types.

Submission of applications for permit renewal or modification are to be submitted to:

NYSDEC, Deputy Regional Permit Administrator, Region 5
232 Hudson Street, PO Box 220, Warrensburg, NY 12885-0220 telephone (518) 623-1281

General Condition 4: Permit Modifications, Suspensions and Revocations by the Department

The Department reserves the right to modify, suspend or revoke this permit in accordance with 6 NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permit activity.

DEC PERMIT NUMBER

5-5322-00022/00003

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SPECIAL CONDITIONS

For Article 27 (Title 7: 6NYCRR 360: Solid Waste Management)

1. Unless otherwise specified, all submissions required by this permit shall be made in duplicate to the Region 5 office of the Department of Environmental Conservation (P.O. Box 220, Warrensburg, New York 12885), to the attention of the Solid Waste office. All requests for modification and/or renewal of this permit shall be made in writing to the Division of Environmental Permits office at the same address.
2. The operation of the facility shall be in accordance with the provisions of this permit, 6 NYCRR Part 360, and the approved plans and report (dated November 6, 1991 - amended November 21, 1992 and February 27, 1992) prepared by Miller Associates.
3. All manuals, plans, reports and logs required by Part 360 and this permit must be maintained and available for reference and inspection at the facility. These manuals, plans, etc. must be updated, at a minimum, upon each renewal of the permit to operate or when procedures change.
4. A quarterly report shall be submitted by the permittee within 45 days of the end of the reporting period. For the purposes of this permit, the reporting periods shall be the quarters ending December 31, March 31, June 30 and September 30. Included in the report shall be a complete listing of all waste sources and approximate quantities of waste. Permittee shall use the form provided by the Department (copy attached).
5. Types of waste processed at this facility shall be limited to:
 - poultry manure
 - yard waste/clean wood chips
 - unadulterated, uncontaminated wood
 - paper mill sludge (see condition #7)
 - mixed organic waste (see condition #8)
 - composted sewage sludge (see condition #10)
6. Unadulterated, uncontaminated wood shall be accepted at the facility exclusively for processing into the composting activity at the Agri-Cycle facility.
7. The permittee is currently authorized to accept paper mill sludge from:
 - Kimberly-Clark Corp. Mill in Ancram, New York
 - Cottrell Paper Co., Inc. Mill in Rock City Falls, New York
 - Mead Specialty Paper Division Mill in Lee, Massachusetts
 - Mohawk Paper Mills in Waterford, New York
 - Scott Paper Company's Mill in Fort Edward, New York

Prior to accepting sludge from other paper mills, written approval is required from the Department's Solid Waste office.

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SPECIAL CONDITIONS**For Article 27 (Title 7: 6 NYCRR 360: Solid Waste Management)**

8. Mixed organic waste shall be limited to source separated organic materials collected at schools, restaurants and hospitals. Waste from hospitals shall be limited to kitchen and cafeteria waste.

Mixed organic waste from additional sources must receive prior written approval from the Department's Region 5 Solid Waste office.

9. Any institution or establishment delivering mixed organic waste to the facility must have an active recyclables collection program designed to remove inorganic materials from the waste stream. In addition, efforts should be made to recycle organic materials such as newsprint, office paper and cardboard.
10. a. The partially composted material from Springfield, MA must meet the following criteria prior to acceptance at AgriCycle:
- the biosolids were treated by a Class A pathogen reduction process and meet one of the of the first eight vector attraction reduction methods outlined in 40 CFR Part 503. Sufficient operating data must be available to demonstrate compliance.
 - the material must meet the quality criteria outlined in Table 7 of 6 NYCRR Part 360-5.10. At a minimum, one analysis is required for each 1000 cubic yards of material accepted at AgriCycle.
- b. The resultant compost product generated at AgriCycle must be labeled as outlined in Part 360-5.
- c. The resultant compost generated at AgriCycle must be analyzed for Salmonella sp. or fecal coliform at the time of use or disposal. The frequency of analysis is outlined in Table 9 of Part 360-5.10. Samples must be representative and sample management and analytical methods must be consistent with Table 12 of Part 360-5.10.
11. Temperature monitoring records must be sufficient to demonstrate compliance with the pathogen and vector attraction reduction requirements of 6 NYCRR 360-5.5(b) for mixed organic waste.
12. The permittee must not accept solid waste that originates from a municipality that has not completed a comprehensive recycling analysis (CRA) satisfying the requirements of subdivision 360-1.9(f) unless, either another municipality prepares an approved CRA and the CRA addresses the waste stream of that municipality, or a local solid waste management plan which addressed 360-1.9(f) has been approved. This requirement only applies to sources of solid waste within New York State municipalities.
13. Municipalities from which solid waste is received at the facility must implement the recyclables recovery program as detailed in an approved CRA and which meets the requirements of subdivision 360-1.9(f)(5).

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SPECIAL CONDITIONS**For Article 27 (Title 7: 6 NYCRR 360: Solid Waste Management)**

14. The Department may direct the permittee to refuse to accept solid waste from any municipality that is not complying with the provisions of condition number 13.
15. All incoming waste must be processed into windrows within seven days of acceptance at the facility.
16. Groundwater and surface water sampling and analysis shall be conducted twice a year (spring and fall). Analytes for the first round of sampling shall be the baseline parameters of 360-2.11(d)(6), with subsequent sampling for the routine parameters of 360-2.11(d)(6). Sampling points shall be those specified in the approved project narrative. Sample collection, handling and analysis shall be performed as specified in 360-2.11.
17. The retention pond shall be sampled twice a year for the routine parameters of 360-2.11(d)(6). Sample collection must occur concurrently with sampling required per SPDES Permit No. NY-0265276 (DEC permit # 5-5322-00022/00005). Sample collection, handling and analysis shall be performed as specified in 360-2.11.
18. The permittee shall establish a trust account in the amount of \$47,369 to provide financial assurance for facility closure, as specified in Consent Order R5-20030529-356. The facility's annual report shall include an assessment of the adequacy of the current surety amount.
19. Yearly capacity is limited to 63,000 cubic yards of solid waste entering the facility per year.
20. This permit is for operation of Phase I of the facility only. Operation of Phases II and III must be preceded by Department approval and a modification of this permit.

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