



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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Lieutenant Governor

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Secretary

LAURIE BURT
Commissioner

Provisional Decision Date: August 25, 2009

Fred Confalone
Wheelabrator Millbury, Inc.
331 Southwest Cutoff Road
Millbury, MA 01527

RE: PERMIT MODIFICATION APPROVAL- PROVISIONAL DECISION
Application for: BWP SW 16
CLASS II RECYCLING PROGRAM

AT: Wheelabrator Millbury, Inc.
331 Southwest Cutoff Road
Millbury, MA 01527
Facility ID# 132293

Transmittal Number: X228987

Dear Mr. Confalone:

The Massachusetts Department of Environmental Protection, ("MassDEP"), has completed its review of the Permit Modification application ("Application") listed above in regard to participation in the Class II Recycling Program and determined the Application is administratively and technically complete.

MassDEP has decided to defer the effective date of this decision for the purpose of obtaining comments prior to a final decision. The proposed effective date of this decision will be October 1, 2009. A twenty-one (21) day comment period shall begin on August 25, 2009 and end on September 15, 2009. Written comments may be submitted to MassDEP during this public comment period. Written comments should be submitted to:

Tina Klein
MassDEP
One Winter Street
Boston, MA 02108

At the close of the public comment period, MassDEP will review the comments received and may rescind, supplement or modify the provisional permit in writing. When MassDEP issues a final permit decision after the close of the public comment period, MassDEP will set a final effective date.

APPLICATION SUMMARY

Permit Application: BWP SW 16 – Permit Modification - Class II Recycling Program
 Transmittal No.: X228987
 Applicant Name: Wheelabrator Millbury Inc.
 Date: July 28, 2009
 Application Prepared By: Fred Confalone,
 Wheelabrator Millbury, Inc.
 331 Southwest Cutoff Road
 Millbury, MA 01527
 Title of Submission: Class II Recycling Program Application

PROJECT BACKGROUND

Wheelabrator Millbury owns and operates a municipal solid waste (MSW) combustion facility (the “Facility”) in Millbury, MA. The Facility is permitted to combust 1,500 tons per day (TPD) of MSW. The Facility uses MSW as fuel and produces electricity. The Facility operates pursuant to permits issued by MassDEP, most notable the solid waste (310 CMR 19.000) and air quality (310 CMR 7.08(2)) regulations. The Facility was permitted and in operation prior to December 31, 1997.

PROJECT DESCRIPTION

The Green Communities Act (Chapter 169 of the Acts of 2008) identifies a waste-to-energy facility in commercial operation prior to December 31, 1997 that uses conventional municipal solid waste technology to generate electricity as a Class II renewable energy generating source if it “operates or contracts for one or more recycling programs approved by the department of environmental protection.” MassDEP regulations at 310 CMR 19.300 et seq. require a solid waste facility permit modification for a waste-to-energy facility to qualify as a Class II Waste Energy Generation Unit under the Department of Energy Resources Renewable Energy Portfolio Standards at 225 CMR 15.00.

APPROVAL AND CONDITIONS

This Application complies with the application requirements at 310 CMR 19.030(4) [permits], 310 CMR 19.039 [request to modify permit] and was reviewed in accordance with 310 CMR 19.037, Review Procedure for Existing Facility Permits, Permit Modifications, Permit Renewals, and other Approvals. The information contained in the application establish that the facility complies with the criteria at 310 CMR 19.038(2)(a) 1-12.

This document is a permit issued pursuant to Massachusetts General Laws Chapter 111, Section 150A and 310 CMR 19.000, subject to the conditions set forth below. This permit does not convey property rights of any sort or any exclusive privilege.

1. Air Quality Regulations: The owner, operator and permittee shall comply with all applicable state (310 CMR 7.08(2) Air Pollution Control Regulations) and federal air pollution control regulations.
2. Solid Waste Regulations: The owner, operator and permittee shall comply with all applicable state regulations concerning solid waste facilities at 310 CMR 19.000.
3. Duration: This permit modification expires on October 1, 2014. To request a renewal of this permit, the permittee shall submit a BWP SW 16 permit modification application no later than 120 days prior to the date of expiration of this permit to avoid an interruption in qualification as a Waste Energy Generation Unit pursuant to 225 CMR 15.00.
4. Conditions of Permits and Authorizations: The owner, operator and permittee of the Facility shall comply with the provisions of 310 CMR 19.043, which standard conditions are already conditions of permittee's facility permit and are not modified by this permit decision in any way.
5. Permit Limitations: This permit modification is limited to the issues as described herein concerning the Class II Recycling Program and does not relieve the Facility and its owners and operators of the need to comply with all other applicable local, state or federal laws, regulations, permits and requirements.
6. Nothing in this permit decision shall modify any term, condition or requirement of the permittee's facility permit or other permits and the permittee shall fully comply with such permits, except and unless this permit modification approval conflicts with all or parts of prior permits in which case this permit modification shall supersede the conflicting provisions of the prior permit approvals.
7. Electronic Tracking System: The permittee's electronic tracking system (described in 310 CMR 19.303) shall be capable of populating the fields and data values as indicated in Attachment 1 – Electronic Tracking System Data Specifications. The permittee shall have an electronic tracking system running and tracking all incoming loads at the Facility by October 1, 2009. The permittee shall populate the electronic tracking system for incoming loads and all failed loads documented by the waste ban compliance professional and through the Facility's own waste ban compliance plan. The permittee shall revise or change the electronic tracking system as instructed by MassDEP to account for changes in the list of waste ban materials or other values deemed critical by MassDEP to ensure proper waste ban compliance information
8. Reporting and Recordkeeping: The owner, operator and permittee of the Facility shall comply with the provisions of 310 CMR 19.303(4) reporting and 19.303(5) recordkeeping.
9. Revenue from Sale of Attributes: In accordance with M.G.L. c. 25A, Section 11F(d) and 310 CMR 19.303(2)(b) and as elected by the permittee, the permittee shall place 50% of the revenue from the sale of any RPS Class II Waste Energy Generation Attribute into the

Sustainable Materials Recovery Program Expendable Trust no later than 30 days after the receipt of funds from any such sale. "Revenue" shall mean gross income not deducting any expenses from such sales.

10. Waste Ban Compliance Professional (WBCP):

- A. The permittee shall contract with an independent third party in accordance with 310 CMR 19.303(1)(c) to act as its WBCP by no later than October 1, 2009. The permittee shall send MassDEP evidence of this contract and resumes of the independent third party contractors. Should the permittee need to contract with a different WBCP in the future, the permittee shall, in accordance with 310 CMR 19.039(6), submit a list of qualified WBCP candidates for MassDEP's approval with a BWP SW 45 permit application, at least 30 days prior to using any person on the revised list of WBCPs.
- B. Attachment 2 – Quarterly Comparative Analysis Report is the report template that the WBCP shall complete using the electronic tracking system and other relevant data when conducting his/her quarterly comparative analysis pursuant to 310 CMR 19.303(1)(c)(3). MassDEP reserves the right to modify this report template for subsequent quarters if necessary.
- C. The first quarter of inspections by the WBCP shall begin October 1, 2009 and end December 31, 2009. The permittee shall not allow any WBCP contracted by the permittee to begin monitoring incoming loads at the Facility until such WBCP has attended MassDEP's training for waste ban compliance professionals. MassDEP intends to hold such training no later than October 15, 2009. (Additional training for other WBCPs or permittee staff may be held at a later date.) Any new WBCP shall attend such training.
- D. The WBCP shall monitor all incoming loads for 10 inspection days every quarter. The WBCP's inspection days shall be determined using a random number generator application for selecting 10 dates from the planned operating days of the Facility for each quarter. The WBCP shall ensure that the permittee is not aware of the dates selected for inspection until the WBCP's arrival at the Facility but shall inform MassDEP's Regional Solid Waste Section Chief of the days selected for inspection at the beginning of each quarter. The permittee shall advise MassDEP if it learns of the dates that the WBCP will monitor incoming loads prior to his/her arrival at the Facility. The permittee's WBCP shall address routine conflicts between the days generated by the random number generator and the workdays of the WBCP (such as, but not limited to, vacation, holidays, sick or personal days) by using additional trained and contracted WBCPs. If the WBCP can not otherwise conduct the inspection on the scheduled day due to Facility constraints, the WBCP shall select another day in the quarter using the random number generator application.

11. Waste Characterization Study: MassDEP intends to prepare waste characterization methodology guidance for all waste-to-energy facilities participating in the Class II Recycling Program on or about September 1, 2009. The permittee shall submit a waste characterization methodology based on MassDEP's guidance by October 1, 2009 or 30 days after MassDEP prepares its guidance, whichever is later. The permittee shall begin

to conduct and perform its first waste characterization study beginning on or about January 1, 2010 or within 60 days of MassDEP's approval of the Facility's waste characterization methodology, whichever is later. Subsequent waste characterization studies shall be conducted every 3 years thereafter. MassDEP may revise the waste characterization methodology for such subsequent studies at any time 120 days prior to the permittee conducting such study. The first waste characterization study report shall be submitted with the permittee's annual Facility report on February 15, 2011. If the waste characterization study report is not complete at the time the permittee's annual report is submitted to MassDEP, the permittee shall submit a status report of its waste characterization study with the appropriate facility annual report and submit a final waste characterization study report within 30 days after such status report.

12. If you have any questions or comments regarding this approval letter, feel free to contact me at (617) 292-5988.

Sincerely,

Greg Cooper
Deputy Division Director
BWP - Consumer & Transportation Programs

- cc. Lynne Welsh, Solid Waste Section Chief, DEP/CERO
Thomas Brown, Chairman, Millbury Board of Health

ATTACHMENT 1 – ELECTRONIC TRACKING SYSTEM DATA SPECIFICATIONS

Specification for electronic record source

1 Data Requirements

1.1 Data File Format – data recorded in the electronic tracking system must be made available to the MassDEP in comma separated value format, CSV.

1.2 Data Fields – data recorded in the electronic tracking system must meet the field names and data types, and be stored in the following order:

Field Order	Field Type	Field Name	Description	Data Format
1	F	FAC_NAME	Name of the solid waste facility where loads are observed	text
2	F	FAC_DATE	Date of Receipt	mm/dd/yyyy
3	F	SCALETICK_NUM	Scale House Ticket Number, also known as the Tare sheet, a receipt recording the vehicle's weight upon entering and departing the solid waste facility.	integer value number, #####
4	F	TIME_IN	Time of arrival at Facility	hh:mm:ss
5	F	TIME_OUT	Time of departure from Facility	hh:mm:ss
6	F	HAULER_ACCT_NUM	Account number of the waste hauler delivering load	number
7	F	HAULER_NAME	Name of the waste hauler delivering load	text
8	F	TRUCK_TYPE	Description of the Truck Type delivering waste, to be assigned by the solid waste facility	text; values must include the following: "Roll-off - open top", "Roll-off - closed top", "Roll-off - compactor", "Rear loading packer", "Front loading packer", or "Transfer Trailer".
9	F	FAC_TRUCK_NUM	Number of the hauler vehicle, as assigned by the solid waste facility. This number usually is assigned for account management purposes such as billing.	number
10	F	FAC_TRAILER_NUM	Number of the container, if any, with materials being transported for disposal, as assigned by the solid waste facility	number
11	F	FAC_GEN	Name of the generator that has contracted for the disposal of materials, as identified by the facility, if available	text
12	F	FAC_GEN_ID	Customer number, if any, specified by facility	number
13	F	WASTE_TYPE	Type of waste delivered, to be assigned by the solid waste facility	text
14	F	WASTE_TON	Tonnage of waste delivered (short tons)	decimal

15	W	FAC_INSP_FNAME	First Name - either the Waste Ban Compliance Professional or Facility observer	text
16	W	FAC_INSP_LNAME	Last Name - either the Waste Ban Compliance Professional or Facility observer	text
17	W	HAUL_TRUCK_NUM	Number of the hauler vehicle, as assigned by the hauler dispatch location. This number is usually located on the front quarter panel, door, over the cab, and is the hauler's vehicle number on record	number
18	W	HAUL_CONTAIN_NUM	Number of the roll-off container (if any), with materials being transported for disposal, as assigned by the hauler dispatch location or container lessor	number
19	W	WB_BATT	Number of lead acid batteries observed in the load	count
20	W	WB_CRT	Number of CRTs observed in the load	count
21	W	WB_WHITEGOOD	Number of white goods observed in the load	count
22	W	WB_RECYC_PAPER	<p>volume of paper or cardboard observed in the load, as a percentage of the total volume of the load</p> <p>*note: field order number 28, "COMMENTS" contains provisions for clarification of values recorded in this field</p>	percentage
23	W	WB_GMP_CONT	<p>volume of Glass (G), Metal (M), and/or Plastic (P) containers observed in the load, as a percentage of the total volume of the load</p> <p>*note: field order number 28, "COMMENTS" contains provisions for clarification of values recorded in this field</p>	percentage
24	W	WB_LEAFYARD	<p>volume of leaf and yard waste observed in the load, as a percentage of the total volume of the load</p>	percentage
25	W	WB_ABCM	<p>volume of asphalt pavement, brick, concrete, and metal observed in the load, as a percentage of the total volume of the load</p> <p>*note: field order number 28, "COMMENTS" contains provisions for clarification of values recorded in this field</p>	percentage
26	W	WB_PHOTOS	<p>Number of pictures taken documenting the failed load, to be formatted as number.</p> <p>***Note: WBCP must record all pictures with a filename that must include first the value from the SCALETICK_NUM field (see above) and then the numerical order in which the photo was taken, separated by an hyphen, "-". e.g., SCALETICK_NUM 234567 was a failed load, and the WBCP took 4 pictures of that load. The WBCP would then save each picture as filenames 234567-1, 234567-2, 234567-3, 234567-4. The WBCP must provide a digital copy of all photos in a format to be approved by MassDEP</p> <p>Failed loads observed through the Facility's Waste Ban Monitoring Plan need not include photos.</p>	number

27	W	COMMENTS	<p>Comments: General comments, if any, with respect to the failed load observed.</p> <p>***Note: If a value is recorded in either field order number 22, 23 or 25, ("WB_RECYC_PAPER", "WB_GMP_CONT" or "WB_ABCM", respectively) the comments field must specify the predominant material observed for each field.</p> <p>For example, text saved in the "COMMENTS" field would indicate a failed load for 40% plastic containers and 10% glass containers as: Plastic. The percentage value in field "WB_GMP_CONT" in this example would be 50. The same rule applies to the fields, "WB_RECYC_PAPER" and "WB_ABCM".</p> <p>In cases with multiple reasons for failure, the predominant material for each field with percentage values recorded shall be specified.</p>	text
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NOTE: Should MassDEP add new materials to the existing list of materials under 310 CMR 19.017 these materials types will be incorporated into the electronic tracking system and be documented accordingly.

ATTACHMENT 2 – QUARTERLY COMPARATIVE ANALYSIS REPORT

This document describes the Comparative Analysis to be reported to the MassDEP pursuant to 310 CMR 19.300 for the first quarter of Waste Ban Compliance Professional Activity (October 1, 2009-December 31, 2009) and subsequent quarters unless otherwise modified by MassDEP.

A	B	C	D	E
1	Facility Name			
2	Date			
3	Prepared by			
4				
5	Total Loads			
6		Total Number of Loads	Number of Failed Loads	%
7	On-going monitoring	Total number of loads received by the facility on days when the WBCP was not present	Number of failed loads observed by the on-going monitoring process observed on days when the WBCP was not present	=C7/D7
8	WBCP	Total number of loads received by the facility on the 10 quarterly inspections when the WBCP was present	Number of failed loads observed by the WBCP	=C8/D8
9	TOTAL	=C7+C8 This will equal the total of all loads received by the facility during the reporting period	=D7+D8 This will equal the total number of failed loads received by the facility during the reporting period	
10				
11	Analysis by Truck Type			
12		Total Number of Loads	Number of Failed Loads	%
13	On-going monitoring	[Note: all values in C14 through C20 should be a subset of C7]	[Note: all values in D14 through D20 should be a subset of D7]	
14	Roll-off open top			=C14/D14
15	Roll-off closed top			=C15/D15
16	Roll-off compactor			=C16/D16
17	Rear loading packer			=C17/D17
18	Front loading packer			=C18/D18
19	Transfer Trailer			=C19/D19
20	Unknown??			=C20/D20
21	TOTAL	Sum of C14 thru C20. This total should be the same as C7	Sum of D14 thru D20. This total should be the same as D7	
22				

23	WBCP	[Note: all values in C24 through C29 should be a subset of C8]	[Note: all values in D24 through D29 should be a subset of D8]	
24	Roll-off open top			=C24/D24
25	Roll-off closed top			=C25/D25
26	Roll-off compactor			=C26/D26
27	Rear loading packer			=C27/D27
28	Front loading packer			=C28/D28
29	Transfer Trailer			=C29/D29
30	TOTAL	Sum of C24 thru C29. This total should be the same as C8	Sum of D24 thru D29. This total should be the same as D8	