



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

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FACT SHEET
Triumvirate Environmental (Merrimack), Inc.
263 Howard St
Lowell, MA 01852
MAD047075734
Draft Hazardous Waste Facility License (renewal)

May 31, 2019

This fact sheet summarizes the content of the Draft Hazardous Waste Facility License (Draft License) prepared by the Department of Environmental Protection ("Department") for Triumvirate Environmental (Merrimack), Inc. ("Triumvirate" or the "Facility"), pursuant to M.G.L. c. 21C and 310 CMR 30.000. This Fact Sheet was prepared in accordance with the provisions of 310 CMR 30.832, "Draft Facility License."

I. Purpose of the Licensing Process

The purpose of the licensing process is to afford the Department, the U.S. Environmental Protection Agency (EPA), local government, and citizens the opportunity to evaluate the ability of a license applicant to comply with the applicable hazardous waste management regulations promulgated under M.G.L. c. 21C and 310 CMR 30.000.

Facilities which treat, store and/or dispose of hazardous waste must be designed and safely operated to protect the people of Massachusetts from the dangers of improperly handled hazardous waste. Stringent licensing requirements are intended to ensure that those who accept hazardous waste are qualified to do so. Before issuing a hazardous waste facility license, pursuant to M.G.L. c. 21C and 310 CMR 30.000, the Department is required to prepare a draft license. The draft license sets forth in one document all the applicable requirements that a licensee is required to comply with during the 5-year duration of its facility license. Triumvirate is proposing a third location to stage roll-off containers. Triumvirate is not proposing any storage increases or operational changes.

II. Procedures for Reaching a Final Decision

Massachusetts Hazardous Waste Regulation, 310 CMR 30.833, requires that the Department shall provide a public notice of the Draft License and allow at least a forty-five (45) day public comment period. The public comment period for this draft license will begin with publication of the public notice in the Lowell Sun on May 31, 2019 and will end on July xx, 2019 , 5 p.m. Any person interested in commenting on the Draft License must do so within this comment period. Submit comments in writing to the:

Massachusetts Department of Environmental Protection
Bureau of Air & Waste
Business Compliance Division
One Winter Street, 7th Floor
Boston, Massachusetts 02108
Attention: Marrassus Henry

The Department will schedule an informal public hearing on the proposed Draft License if, during the comment period or within 15 days of the close of the comment period, the Department receives written notice requesting a public hearing, or if the Department determines on its own that there is significant public interest in the draft license. Written and oral comments will be accepted at the public hearing.

In making a final decision, the Department will consider all written comments received during the comment period, all verbal comments received at a public hearing, if held, and the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000. The Department will then make a final determination to issue or deny a hazardous waste license to Triumvirate.

The Department will give notice of its final license decision to Triumvirate and each person who has submitted written comments or has requested notice of the final license decision. A final license decision becomes effective 21 days after the date of the notice of the final license decision. The final license decision will be postponed if a request for an adjudicatory hearing before the Department is made within the 21-day period.

III. Facility Description and History

A. Site History

The Facility has been operating at the present location since 1981 under prior issued agency licenses.

The Facility is presently operating under License 34B and subsequent Department-authorized modifications to that license.

B. Site Description

The Facility is located at 263 Howard Street, Lowell, Massachusetts, approximately 25 miles northwest of Boston, and 1.5 miles north of U.S. Route 495.

C. General Description

Triumvirate is a commercial hazardous waste storage facility. Triumvirate's business involves receiving hazardous waste in containers, storing the hazardous waste in the original containers or consolidating the hazardous waste containers in drums and/or roll-offs, and shipping the drums and roll-offs off-site to other hazardous waste facilities for disposal or recycling. Triumvirate is also engaged in similar activities for non-hazardous wastes. No disposal, treatment or storage in tanks takes place at the Facility.

D. Wastes That May Be Accepted

Triumvirate is seeking to renew its authorization to accept and store the hazardous wastes listed in its RCRA Part A EPA Notification Form. This Form, found in Volume II, Appendix A of Triumvirate's license describes the hazardous wastes that the Licensee is authorized to receive and store in 55-gallon drums and various other containers, including roll-offs. This list includes but is not limited to the following hazardous wastes:

<u>Waste Code</u>	<u>Description</u>	<u>Regulatory Citation</u>
D001 ¹	Ignitable wastes	310 CMR 30.122
D002	Corrosive wastes	310 CMR 30.123
D003 ²	Reactive wastes	310 CMR 30.124
D004-D043	Toxicity Characteristic wastes	310 CMR 30.125
MA01	Waste Oil	310 CMR 30.131
MA02	Wastes which contain PCBs in concentrations equal to or greater than 50 ppm (proposed)	310 CMR 30.131
MA04	Waste generated in the manufacture of paint	310 CMR 30.131
MA95	Universal waste shipped on a hazardous waste manifest	310 CMR 30.130
MA97	Specification used oil fuel	310 CMR 30.130
MA98	Off-specification used oil fuel	310 CMR 30.130
"F" ³	F listed wastes from non-specific sources	310 CMR 30.131
"K" ³	Specific sources	310 CMR 30.132
"U" ³	Listed wastes – Commercial Chemical Products	310 CMR 30.133
"P" ³	Listed wastes – Acutely Hazardous Wastes	310 CMR 30.136

¹ Including Class 1A flammable liquids (liquids with flash point below 73°F and boiling point below 100°F) in lab packs with inner liners that do not exceed one gallon.

² Except those that have any of the explosive properties described in the Reactivity Characteristic (D003) at 310 CMR 30.124(1)(c),(f), (g) and (h), or any reactive hazardous wastes that meet the definition of explosive at 49 CFR 173.54 or a Division 1.1, 1.2, or 1.3 explosive as defined in 49 CFR 173.50(b)(1)-(3).

³ The specific wastes from these categories are listed in the Part A application (see Appendix A).

E. Storage Schedule for Hazardous Waste

THE COMBINED MAXIMUM STORAGE OF ALL AUTHORIZED WASTE IN CONTAINERS AND ROLL-OFFS SHALL NOT EXCEED 24,970 GALLONS AT ANY ONE TIME.

(a) Container Storage

<u>Container Storage Area</u>	<u>Maximum Storage Capacity</u>
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Building 1

Area 1I	5,280 gallons
Area 1A	4,840 gallons
Area 1B	4,840 gallons

Building 2

Area 2A	5,280 gallons
Area 2B	7,920 gallons
Area 2C	7,920 gallons

(b) Roll-off(s)

All wastes received at the Facility must be packaged in an acceptable US Department of Transportation (DOT) approved shipping container. Examples of the types of containers utilized for storage are roll-off containers, large containers with a capacity of 95 gallons up to 330 gallons, boxes and bags up to a maximum capacity of two (2) cubic yards, and steel, plastic and fiberboard containers up to 95-gallons. All drums are sealed and placed on pallets for storage. Palletizing containers keeps the bottoms of drums off the containment floor. Each container is labeled with the name of the waste, and with the date received.

A roll-off container shall remain on-site for no longer than five business days counting from the moment when hazardous waste or non-hazardous waste is first placed in the roll-off container; otherwise the waste in the roll-off container will be counted towards the Facility's storage capacity.

F. Ground Water Assessment and Monitoring Activity

In the event of any future spills or releases at the Facility, the licensee shall comply with the applicable requirements of 310 CMR 30.000 and 310 CMR 40.0000, including but not limited to the notification requirements of 310 CMR 40.0300.

IV. Summary of License Conditions

In order to operate a hazardous waste facility in Massachusetts, a licensee must comply with the requirements of the Massachusetts Hazardous Waste Regulations, 310 CMR 30.000, and all other applicable State and Federal statutes and regulations. These requirements are clearly stated in the terms and conditions of the license, and failure to comply with them will result in suspension or revocation of the license or other enforcement actions by the Department and/or the Office of the Attorney General.

The licensee must properly operate and maintain the Facility to prevent any actual or potential threat to the public health, safety, or welfare, or to the environment. In addition, the licensee shall act to prevent all actual and potential adverse impacts to persons and the environment resulting from non-compliance and will be responsible to pay for all damages caused by such non-compliance.

The licensee must provide records of activities to the Department, allow inspections, and inform the Department of any changes in activities or to the Facility. In all cases, it will be the obligation of the licensee to meet the burden of proof to persuade the Department that the applicant is competent with respect to hazardous waste activities. All documents submitted to the Department must be certified under penalty of law. In the event of an emergency, which could threaten public health, safety, welfare or the environment, the emergency response coordinator will invoke the Facility contingency plan, which includes notification to the Department's Northeast Regional Office in Wilmington.

V. License Organization

The License includes several management plans specifically designed and implemented to ensure public safety and protection of the environment. All the plans work collectively to ensure safe waste management. The draft license is organized into two parts. Volume I includes general and specific license conditions and sections that describe facility management requirements for:

- Record Keeping and Reporting
- Ignitable, Reactive and Incompatible wastes
- General waste analysis plan and procedures
- Site Security Plan
- Facility Inspection Plan
- Personnel Training
- Hazardous Waste Contingency Plan and Preparedness and Prevention Plan
- Closure Plan and Cost Estimate, and
- Corrective Action

Volume II is comprised of various plans, diagrams and maps, including but not limited to, the following:

- Part A License Application

- Truck Management Plan
- Training Records
- Financial Statements
- Certificate of Liability Insurance
- Estimate of Closure Costs
- Site Plan
- Contingency Plan Notification Letters and
- Guidance for Clean Closure of Licensed RCRA Waste Management Units

VI. Location of Available Information

Electronic or hard copies of the Triumvirate draft license and additional copies of this Fact Sheet will be available for review at:

Lowell Health Department
 275 Merrimack St.
 Lowell, MA 01852
 508-970-4141

Lowell Public Library
 401 Merrimack St.
 Lowell, MA 01852
 (508) 970-4120

Department of Environmental Protection
 Business Compliance Division
 Bureau of Air & Waste
 One Winter Street, 7th Floor
 Boston, MA 02108
 Marrcus Henry
 (617) 292-5576

Department of Environmental Protection
 Northeast Regional Office
 205B Lowell Street
 Wilmington, MA 01887
 Mathew Barber
 (978) 694-3277

USEPA Region 1
 5 Post Office Square, Suite 1100 OSRR07-1
 Boston, MA 02109-3912
 Ms. Sharon Leitch
 (617) 918-1647

This Fact Sheet is also available on the MassDEP web site at:

<https://www.mass.gov/files/documents/2016/08/uy/trium12.pdf>

VI. Appeal Procedures

Pursuant to Massachusetts General Law (MGL) Chapter 21C, Section 11, any person aggrieved by a determination by the Department to issue or deny a license and has legal standing to do so, may request an adjudicatory hearing before the Department. For the purposes of 310 CMR 30.000, an “aggrieved person” shall be deemed to be any person who is or may become a “party” or “intervener” pursuant to 310 CMR 1.00. A person aggrieved by a final decision in any adjudicatory proceeding may obtain judicial review thereof pursuant to the provisions of M.G.L. c. 30A. This license is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the Notice of Final License Decision.

CONTENTS OF HEARING REQUEST

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

FILING FEE AND ADDRESS

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA. 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXCEPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

This Fact Sheet was prepared by the MassDEP, Business Compliance Division, Bureau of Air & Waste. For additional information contact Marrcus Henry at 617 292-5576.