

PERMIT TO CONSTRUCT AND OPERATE

PERMITTEE: Lakin Tire East, Inc.
FACILITY ADDRESS: 240 Frontage Road, West Haven, CT
PERMIT No. 1560-----M/PCO

Pursuant to Section 22a-208a of the Connecticut General Statutes (“CGS”) and Section 22a-209-4 of the Regulations of Connecticut State Agencies (“RCSA”), a PERMIT TO CONSTRUCT AND OPERATE (“Permit”) IS HEREBY ISSUED by the Commissioner of Energy and Environmental Protection (“Commissioner”) to Lakin Tire East, Inc. (“Permittee”) to operate the solid waste Volume Reduction Facility (“Facility”) located on 240 Frontage Road, West Haven, Connecticut. Subsequently, the Permit to Construct and Operate No. 15601183-PCO issued on November 27, 2015 is HEREBY AMENDED. This Permit supersedes and replaces Permit to Construct and Operate No. 15601183-PCO issued on November 27, 2015.

A. GENERAL TERMS AND CONDITIONS

1. a. This Permit is based on and incorporates by reference pertinent and appropriate sections of documents and specifications submitted as part of Application No. 201600928 to modify the Permit to Construct and Operate, including:
 - i. Application form received on February 3, 2016.
 - ii. Operation and Management Plan (O&MP) dated May 29, 2015 updated January 21, 2016.
 - iii. A Site Plan prepared by GZA GeoEnvironmental, Inc. dated January 21, 2016.
- b. The Permittee shall maintain at the Facility and have available for reference by Facility staff and inspection by the Commissioner:
 - i. All documents or copies of such documents submitted as Application No. 201600928 and any document submitted in support of said application for the life of this Permit; and
 - ii. A copy of this Permit and the Facility’s Facility Plan which consists of the Operation and Management Plan and the engineered drawings which describe the Facility and its operations; and
- c. The Permittee shall for the life of this Permit, provide to the Department notification within thirty (30) days of any changes in the information provided as part or in support of the application on which this Permit was based. Any inaccuracies found in the information submitted by the Permittee may result in revocation, reissuance, or modification of this Permit and civil or criminal enforcement actions.

2. As used in this Permit, the following definitions apply:

“Certified Operator” means the solid waste facility operator or an employee of such operator who is present at the facility and oversees or carries out the daily operations

authorized through this Permit, and whose qualifications are currently certified in accordance with Section 22a-209-6 of the RCSA.

“Commissioner” means the Commissioner of Energy and Environmental Protection.

“CFR” means the Code of Federal Regulations in effect the date this Permit is issued.

“Day” means calendar day.

“Department” means the Department of Energy and Environmental Protection.

“P.E.” means Professional Engineer licensed in the state of Connecticut.

“Processing” means the practice by which either the physical characteristics or the volume of solid waste accepted at the Facility is being altered through separating, sorting, baling, shredding, crushing, grinding, chipping, compacting, consolidation, transfer or reworking as part of recycling and/or volume reduction operations.

“Recyclable Items” are materials which are designated for recycling pursuant to Section 22a-241b of the CGS or Sections 22a-241b-1 to 22a-241b-4 of the RCSA or which may be recovered from the solid waste stream and for which there is a demonstrated market for reuse or that may be beneficially used in the production of other products.

3. The Permittee shall comply with all terms and conditions of this Permit. This Permit consists of the conditions contained herein and the specifications contained in the application documents, except where such specifications are superseded by the more stringent conditions contained herein. Violation of any provision of this Permit may be subject to enforcement action pursuant, but not limited, to Sections 22a-6, 22a-208, 22a-225 and 22a-226 of the CGS.
4. The Permittee shall make no changes to the specifications and requirements of this Permit, except in accordance with law.
5. To the extent that any term or condition of this Permit is deemed to be inconsistent or in conflict, with any term or condition of any Permit previously issued for this Facility, including any modifications thereto, or with any data or information contained in the application, or any other documents incorporated by reference in this Permit, the term or condition of this Permit shall control and remain enforceable against the Permittee.
6. The Permittee shall submit for the Commissioner’s review and written approval all necessary documentation supporting any proposed physical and/or operational upgrades, improvements and/or minor changes in the Facility design, practices or equipment. The Commissioner may issue a written approval only if, in the Commissioner’s judgment, the proposed physical and/or operational upgrades, improvements and/or minor changes: (a) are deemed necessary for a better and more efficient operation of the Facility; (b) do not significantly change the nature of the Facility, or its impact on the environment; and (c) do not warrant the issuance of a permit or authorization pursuant to Section 22a-208 et seq. of the CGS.

B. AUTHORIZATION TO CONSTRUCT AND MAINTAIN

1. Permit to Construct No. 1560347-PC issued on November 18, 1996 authorized the construction of a Volume Reduction Plant for the receipt and processing of scrap tires. Permit No. 1560347-PC authorized the construction of an enclosed building provided with storage areas, offices, and a dedicated scrap tire processing area equipped with a shredder and/or conveyor system and a paint booth; and dedicated outdoor truck docking and staging areas for loaded and/or empty transfer containers.
2. A modification to the Permit to Construct No. 1560347-PC was issued on March 27, 2015 as Permit No. 15601183-MPCO. Permit No. 15601183-MPCO authorized the replacement of an obsolete Barclay two (2) inch chip shredder with a new two (2) inch chip shredder with an action classifier screen and magnetic separator and conveyor.
3. The existing Facility consists of an enclosed building with storage areas, offices and dedicated scrap tire processing area equipped with a shredder and conveyor system and a paint booth; and dedicated outdoor truck docking and staging areas for loaded and/or empty transfer containers.
4. The Permittee continues to be authorized to construct the Facility in accordance with all applicable law, including this Permit. The Permittee is authorized to construct the following: a magnetic separator and conveyor.
5. The Permittee is authorized to construct the following Facility improvements in accordance with applicable law, including this Permit: a secondary backup two (2) inch shredder and associated conveyor system consisting of an action classifier/screen and magnetic separator.
6. The Permittee is authorized to maintain the Facility as described in Condition No. B.3, B.4 and B.5.
7. The Permittee shall control dust, odors, water discharges and noise resulting from the construction and maintenance of the Facility at all times to assure compliance with applicable requirements of the RCSA, and any other applicable laws, including OSHA.
8. The Permittee shall, within thirty (30) Days from the completion of the construction, as described in Condition B.4. and B.5. above, submit a written notification for the Commissioner's review and written approval. Such notification shall include at a minimum:
 - a. P.E. certified statement that the construction of the Facility improvements has been completed as approved;
 - b. P.E. certified as-built drawings; and
 - c. A request for written authorization from the Commissioner to operate in accordance with Condition No. C.3. of this Permit.

C. AUTHORIZATION TO OPERATE

1. The Permittee is authorized to operate any or all of the components specified in Condition No. B.4. and B.5. upon written approval granted by the Commissioner. Such written approval shall be issued after the Permittee is deemed in full compliance with, but not limited to, the requirements of Condition No. B.8. of this Permit.
2. The Permittee shall not exceed the processing and storage limits established by this Permit. Solid waste, other than those listed herein, shall not be accepted, processed, treated, stored, transported or disposed on-site, or otherwise managed at the Facility without prior written approval of the Commissioner.
3. The Permittee is authorized to operate the Facility in accordance with all applicable law, including this Permit. Unless otherwise approved in writing by the Commissioner or limited by local authorities, the Permittee is authorized to operate as follows: Monday through Friday 6:00 a.m. to 11:30p.m. and Saturday and Sunday 6:00 a.m. to 12:00 p.m. Administrative activities may be conducted Monday through Sunday 6:00 a.m. to 7:00 p.m.
4. The Permittee is authorized to receive and process at the Facility on any one Day, no more than a total of four hundred (400) tons/Day (TPD) of scrap tires while ensuring that the average receipt of tires at the Facility does not exceed two hundred fifty (250) TPD. The two hundred and fifty (250) TPD of scrap tires shall be averaged over time periods of six (6) months, specifically, December 1st through May 31st and June 1st through November 30th of the year per a seven (7) Day work week.
5. The Permittee shall store and manage solid waste at the Facility only in the designated areas as identified in the drawings referenced in Condition No. A.1.iii of this Permit and in accordance with the specifications and table below. Fully loaded containers of solid waste shall be transferred from the Facility within two (2) business days.

Storage Table

Tire/Rim Storage Areas	Storage Quantity (Tons)	Storage Quantity (Cubic Yards)	Maximum Quantity of Tires	Storage Method
No. 1	0	0	0	0
No. 2	96.44	918	9,185	167 Pallets
No. 3	109.75	1,045	10,450	190 Pallets
No. 4	43.89	418	4,180	76 Pallets
No. 5	107.99	1,028	10,285	187 Pallets
No. 6	31.19	297	2,970	54 Pallets
No. 7	23.10	220	2,200	40 Pallets
No. 8	26.57	253	2,530	46 Pallets
Sort Area	31.19	297	2,970	54 Pallets
Alloy Rim Storage Area	1	4	0	4 cy Dumpster
Scrap Metal/Rim Area	3	20	0	20 cy Roll-off Container
Totals	474.12	4,500	44,770	814 Pallets and 2 Containers (as listed above)

- a. **Storage of scrap tires and rims** shall be limited to four thousand, five hundred (4,500) cubic yards; confined to a covered storage area; placed in the designated area at the end of each operational day; and removed from the Facility within two (2) business days once the area is full.
6. The Permittee shall:
- a. Store solid waste on-site in conformance with proper fire control measures. Routine maintenance and inspections of all fire control equipment shall be conducted in accordance with manufacturer's specifications;
 - b. Ensure that all solid waste accepted at the Facility is properly managed on-site, processed, stored and transported to markets or other solid waste processing or disposal facilities authorized to accept such solid waste;
 - c. Ensure that any unauthorized solid waste inadvertently received, or solid waste which is unsuitable for processing at the Facility is: (i) immediately sorted, separated, isolated and temporarily stored in a safe manner prior to off-site transport; (ii) recorded and reported in the quarterly report required by Condition No. C.10. of this Permit; and (iii) disposed at a facility authorized to accept such solid waste. No more than ten (10) cubic yards of unacceptable solid waste shall be stored on-site unless authorized in writing by the Commissioner. A spare container may be made available for any storage emergency at the Facility;
 - d. Provide expeditious notification regarding any emergency incident (explosion, accident, fire, release, or other significant disruptive occurrence) which: (i) significantly damaged equipment or structures; (ii) interrupts the operation of the Facility for greater than twenty-four (24) hours; (iii) results in an unscheduled Facility shutdown or forced diversion of solid waste to other solid waste facilities; (iv) could reasonably create a source of pollution to the waters of the state; or (v) otherwise threatens public health.

Such notification shall be: (i) be immediately conveyed to the Commissioner using the 24-hour emergency response number (860) 424-3338 or the alternate number (860) 424-3333 and in no event later than twenty-four (24) hours after the emergency incident; (ii) verified to the Solid Waste Program in the Waste Engineering and Enforcement Division of the Bureau of Materials Management and Compliance Assurance by phone at (860) 424-3366, or at another current publicly published number for the Solid Waste Program, or by facsimile at (860) 424-4059; (iii) followed by a written report no later than the fifth business day after the emergency incident detailing the cause and effect of the incident, remedial steps taken and emergency backup used or proposed to be implemented; and (iv) be recorded in a log of emergency incidents. In addition to the notification requirements above, the Permittee shall comply with all other applicable reporting or notification requirements regarding the emergency incident including but not limited to, reporting required by Section 22a-450 of the CGS;
 - e. Prevent the spillage of solid waste from transfer containers during on-site management, storage and off-site transfer. Each loaded container shall be

covered before transfer off-site and the haulers shall be instructed to keep the containers covered during off-site transportation;

- f. Operate the Facility in a safe manner so as to control fire, odor, noise, spills, vectors, litter and dust emission levels in continuous compliance with all applicable requirements, including OSHA. The Facility's premises shall be maintained and any litter shall be removed on a daily basis;
 - g. Ensure that the manufacturer's operation and maintenance manuals for each major piece of fixed or mobile processing equipment, (which may include, but not be limited to, balers; conveyors; compactors; and storage tanks) installed or used at the Facility are available for review by the Commissioner;
7. The Permittee shall have an operator, certified pursuant to Section 22a-209-6 of the RCSA, present at all times during Facility operation. All individuals under the supervision of such certified operator shall have sufficient training to identify solid waste received at the Facility which is not permitted to be received, or is unsuitable for processing, and shall take proper action in managing such solid waste.
 8. The Permittee shall prominently post and maintain a sign at the Facility entrance pursuant to 22a-209-10(3) of the RCSA that includes the Facility's name and the Department Permit number (Permit to Construct and Operate No. 1560---M/PCO) issuance date and expiration date. Such sign shall also include a phone number that provides the general public the ability to register questions or complaints twenty-four (24) hours per day. The Permittee shall maintain a log of all calls received and how such calls were addressed or resolved.
 9. The Permittee shall: (a) control all traffic related to the operation of the Facility in such a way as to mitigate queuing of vehicles off-site and any excessive or unsafe traffic impact in the area where the Facility is located; (b) unless otherwise exempted, ensure that vehicles are not left idling for more than three (3) consecutive minutes pursuant to Section 22a-174-18(b)(3) of the RCSA; (c) prominently post and maintain signs limiting such vehicle idling time within the Facility.
 10. The Permittee shall maintain daily records as required by Section 22a-209-10(13) of the RCSA and Sections 22a-208e and 22a-220 of the CGS. Based on such records, the Permittee shall prepare monthly summaries including, but not limited to, the following information as it pertains to solid waste:
 - a. Type and quantity of solid waste received, including all recyclable items, unauthorized solid waste and/or universal waste;
 - b. Origin of waste load (municipality name; regional facility name) and waste hauler name;
 - c. Destination to which solid wastes, including all recyclable items, unauthorized solid waste and/or universal waste from the Facility were delivered for disposal or recycling, including quantities delivered to each destination; and
 - d. All daily logs (including documentation related to the unannounced inspections of truck loads) shall be maintained for the life of this Permit or such other timeframe specified in writing by the Commissioner.

The monthly summaries required pursuant this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, of each year on up-to-date forms prescribed by the Commissioner directly to the Solid Waste Program, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.

11. Nothing herein authorizes any person, municipality or authority to hinder municipal or regional solid waste recycling efforts. All activities conducted by the Permittee at the Facility shall be in accordance with this Permit and consistent with the state-wide Solid Waste Management Plan, pursuant to Sections 22a-228 and 229 of the CGS.
12. The Permittee shall, no later than sixty (60) Days after the effective date of this Permit establish for the Commissioner's benefit an acceptable initial financial assurance instrument and post the financial assurance with the Department in the amount of (forty six thousand, five hundred and two dollars (**\$46,502.00**) as required by Section 22a-6(a)(7) of the CGS in conjunction with the general requirements of Section 22a-209-4(i) of the RCSA.
13. The Permittee shall acknowledge and accept the following:
 - a. The purpose of the financial assurance is to cover the third party costs for handling, removing, transporting and disposing the maximum Permitted amount of unprocessed and processed solid waste at the Facility, and any additional cost(s) to ensure the proper closure of storage areas including, but not limited to, equipment rental, site clean-up, the decontamination and disposal of all equipment and processing and storage areas, and a fifteen percent (15%) contingency to cover unforeseen events or activities that may increase the overall cost to close the Facility.
 - b. The financial assurance instruments shall follow the requirements of Section 22a-209-4(i) of the RCSA, and 40 CFR 264.141 to 264.143 inclusive and 40 CFR 264.151, as referenced therein. The Permittee shall ensure that the financial assurance instrument is established in a format specified by the Commissioner for closure or post-closure maintenance and care, as appropriate.
 - c. The Department accepts five (5) types of financial assurance instruments, they are: (a) Trust Fund; (b) Irrevocable Standby Letter of Credit; (c) Financial Guarantee "Payment" Bond; (d) Performance Bond; and (e) Certificate of Insurance. The following documents are also required to be submitted:
 - i. A cover letter signed by the Permittee shall be submitted along with the Irrevocable Standby Letter of Credit, in accordance with Section 40 CFR 264.143(d)(4).
 - ii. A "Standby Trust Agreement" shall be submitted along with either a Irrevocable Standby Letter of Credit; Financial Guarantee "Payment" Bond; or Performance Bond; and
 - iii. A "Certification of Acknowledgement" shall be submitted along with the Trust Fund instrument.
 - d. The financial assurance shall:
 - i. Be valid for and appropriately maintained during the term of this Permit;

- ii. Specify the Permittee's name, the Facility's address, the number and issuance date of this Permit; and
 - iii. Be established in one or more of, the instrument formats found on the Department's website [www.ct.gov/DEEP/financialassurance].
- e. The financial assurance instrument shall be adjusted annually for inflation within the sixty (60) days prior to the anniversary date of the financial assurance instrument, and whenever there is a change in operations that affects the cost of closing the Facility in accordance with the requirements of 40 CFR 264.142(b) as incorporated in the Section 22a-449(c)-104 of the RCSA.
14. The Permittee shall, no later than sixty (60) Days from the issuance date of this Permit perform quarterly compliance audits for the life of this Permit.
- a. The compliance audits required by this condition shall consist of a thorough and complete assessment of the Permittee's compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit.
 - b. Compliance Auditor
The compliance audits required by this condition shall be performed by an engineer licensed to practice in Connecticut ("P.E.") or consultant. Such P.E. or consultant shall be approved in writing by the Commissioner and will be required to prepare and submit to the Commissioner quarterly compliance audit reports.

The Permittee shall, prior to the Commissioner's approval of the P.E. or consultant: (a) submit for the Commissioner's evaluation a detailed description of the P.E. or consultant's credentials (education; experience; training) which are relevant to the work required under this condition; and (b) certify to the Commissioner that such P.E. or consultant:
 - i. Is not a subsidiary of or affiliated corporation to the Permittee or Permitted Facility;
 - ii. Does not own stock in the Permittee or any parent, subsidiary, or affiliated corporation;
 - iii. Has no other direct financial stake in the outcome of the compliance audit(s) outlined in this Permit;
 - iv. Has expertise and competence in environmental auditing and the regulatory programs being addressed through this Permit, including evaluation of compliance with requirements specified in Sections 22a-209-1 through 22a-209-17 of the RCSA and with the terms and conditions of this Permit; and
 - v. Within ten (10) days after retaining any P.E. or consultant other than the one originally identified pursuant to this condition, notify the Commissioner in writing of the identity of such other P.E. or consultant by submitting the information and documentation specified in this condition. Nothing in this condition shall preclude the Commissioner from finding a previously acceptable P.E. or consultant unacceptable.
 - c. Scope of Compliance Audits
Compliance audits shall:

- i. Detail the Permittee's compliance with the requirements of this Permit and all applicable provisions of Sections 22a-209-1 through 22a-209-17 of the RCSA.
- d. Compliance Audit Report
The results of each compliance audit shall be summarized in a Compliance Audit report. At a minimum such report shall include:
 - i. The names of those individuals who conducted the compliance audit;
 - ii. The areas of the Facility inspected;
 - iii. The records reviewed to determine compliance;
 - iv. A detailed description of the Permittee's compliance with this Permit and applicable regulations;
 - v. The identification of all violations of this Permit and applicable regulations;
 - vi. The findings regarding the inspections conducted in accordance with this condition during the day of the compliance audit.
 - vii. A description of the actions taken by the Permittee to correct the violation(s) identified in each compliance audit; and
 - viii. The Permittee's certification of compliance with the regulations and documentation demonstrating such compliance pursuant to this Permit. In cases where multiple counts of the same violation are discovered, the report shall include a listing of each count.
- e. Permittee's Responses to Compliance Audit
The Permittee and P.E. or consultant shall comply with the following:
 - i. The inspection frequency shall be quarterly for the remaining life of the Permit;
 - ii. All violations shall immediately be brought to the attention of the Permittee by the P.E. or consultant. The P.E. or consultant shall also notify the Department within five (5) days of the inspection of all violations noted during the inspection;
 - iii. The Permittee shall correct all violations immediately. Should the Permittee be unable to immediately correct the violation, the Permittee within seven (7) days of the notification date, shall submit for the review and written approval of the Commissioner, a detailed plan to correct all violations noted. Such plan shall also include a schedule for implementation of the corrective actions required or recommended; and
 - iv. Within fifteen (15) days from the inspection date the P.E. or consultant shall submit, to the Department and the Permittee, the compliance audit report. A copy of the compliance audit report, shall be maintained at the Facility for the life of the Permit or for such other timeframe specified by the Commissioner.
- f. The Permittee shall cease accepting solid waste at the Facility in the event that the Permittee fails to submit in a timely manner the plan and schedule required by Condition No. C.14.e. of this Permit or fails to correct the violations noted by the inspection(s) in accordance with the approved plan and schedule.

g. **Documentation Submittal Deadlines**

The documents required to be submitted pursuant to this condition shall be submitted quarterly no later than January 31, April 30, July 31, October 31, directly to the Solid Waste Enforcement Program, Waste Engineering and Enforcement Division, Bureau of Materials Management and Compliance Assurance, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127.

15. Unless otherwise specified in writing by the Commissioner, any documents required to be submitted under this Permit shall be directed to:

Solid Waste Program
Waste Engineering and Enforcement Division
Bureau of Materials Management and Compliance Assurance
Department of Energy and Environmental Protection
79 Elm Street, Hartford, CT 06106-5127

16. Any document, including, but not limited to any notice, which is required to be submitted to the Commissioner under this Permit shall be signed by a duly authorized representative of the Permittee, as defined in Section 22a-430-3(b)(2) of the RCSA, and by the individual or individuals responsible for actually preparing such documents, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement in the submitted information may be punishable as a criminal offense.”

Any false statement in any document submitted pursuant to this Permit may be punishable as a criminal offense in accordance with Section 22a-6 of the CGS, pursuant to Section 53a-157 of the CGS, and in accordance with any other applicable statute.

17. The date of submission to the Commissioner of any document required by this Permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Permit, including but not limited to, notice of approval or disapproval of any document or other action shall be the date such notice is personally delivered or the date three (3) days after it is mailed by the Commissioner, whichever is earlier. Any document or action which is due or required on a weekend or a legal state or federal holiday shall be submitted or performed by the next business day thereafter.
18. This Permit is subject to and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to, any and all public and private rights and to any federal, state or local laws or regulations pertinent to the Facility or activity affected thereby.

19. Nothing in this Permit shall affect the Commissioner's authority to institute any proceeding or to take any actions to prevent violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.
20. Nothing in this Permit shall relieve the Permittee of other obligations under applicable federal, state and local laws.
21. Permit to Construct and Operate No. 15601189-PCO issued on November 27, 2015, is no longer in effect and is replaced by this Permit.
22. This Permit shall expire on November 27, 2020 and may be revoked, suspended, modified, renewed, or transferred in accordance with applicable laws.

Issued on this _____ day of _____, 2016.

By _____

Michael Sullivan
Commissioner

Application No. 201600928
Permit to Construct and Operate No. 1560---M/PCO
Permittee - e-Certified
City/Town Clerk - e-Certified