



RECORD OF MODIFICATION TO SOLID WASTE MANAGEMENT FACILITY PERMIT

Issued by the NH Department of Environmental Services, Waste Management Division (DES) pursuant to RSA 149-M and Part Env-Sw 315 of the New Hampshire Solid Waste Rules (Rules)

I. PERMIT/FACILITY IDENTIFICATION:

Permit No.: DES-SW-SP-005-002

Permittee: Blow Bros. dba Bestway Disposal Services

Facility Name: Bestway Disposal Construction & Demolition Debris Processing and Single Stream Recycling Transfer Facility

Facility Location: 43 Industrial Drive, Belmont, NH

Facility Type: Collection/Storage/Transfer

Permit Modification Type: I-A, per Env-Sw 315.02(b)

II. FILE REFERENCE/RECORD OF APPLICATION:

WMD Document Log #s: #15637 rec'd 01/09/15 (initial app) with #17326 rec'd 07/01/15 (page 4 replacement & compliance report); #15913 rec'd 01/09/15, superceded by #16042 & 16043 rec'd 03/19/15 (closure cost estimate & plan); #16044 rec'd 03/19/15, superceded by #17222 rec'd 10/19/15 (operating plan); #16045 rec'd 03/19/15 (revised site plan); #17191 rec'd 10/08/15 (supplemental info-PSA); #15888 & #16020 (cert. mail receipts); and #16116 & #16117 (public hearing record).

III. MODIFICATION: This permit modification authorizes the facility to receive municipal solid waste (MSW) and increases by 350 tons per day (TPD) the average daily throughput rate of the facility for management of municipal solid waste (MSW). See IV(6)(c) and IV(8), attached. Also, for administrative purposes to update citations and provide clarity, this Record of Permit Modification also consolidates into one document all provisions of the permit, including all permit modifications and related approvals that have occurred since the permit was first issued on June 20, 2005. See IV (1) on page 2, attached.

IV. TERMS AND CONDITIONS: See pages 2 – 5, attached.

V. EFFECTIVE DATE: Date of signature below.

VI. AUTHORIZING SIGNATURE: The permit identified in Section I above is hereby modified as specified in Section III above. This authorization is based on information provided to the DES by the Permittee in documents referenced in Section II above. If the information is false, misleading or incomplete, the modification may be revoked or suspended in accordance with Part Env-Sw 306 of the New Hampshire Solid Waste Rules. **BY EXERCISING ANY RIGHTS UNDER THIS PERMIT, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THE PERMIT.** Failure to comply with the terms and conditions of the permit could result in administrative, civil or criminal enforcement action and penalties, and suspension or revocation of the permit. No liability is incurred by the State of New Hampshire by reason of any approval of this solid waste facility. No warranty/guarantee is intended or implied by reason of any advice given by the DES or its staff. This permit shall not eliminate the Permittee's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility.


Michael J. Wimsatt, P.G., Director
Waste Management Division

December 4, 2015
Date



Section IV---TERMS & CONDITIONS

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- (1) **Status:** This document is a re-issuance of Permit #DES-SW-05-002 and incorporates by reference all provisions of the permit issued on June 20, 2005 and all subsequent modifications and approvals issued as of this date (December 4, 2015), such modifications and approvals being:
 - (a) Construction Approval dated November 9, 2006 (ref. WMD document log #2863);
 - (b) Operating Approval dated April 27, 2007 (ref. WMD document log #2862);
 - (c) Type I-B permit modification issued January 6, 2009, authorizing receipt of single-stream recyclable materials;
 - (c) Type IV permit modification issued January 21, 2014, transferring the permit from Blow Bros. (d/b/a BBI Waste Industries and Bestway Disposal Services) to Blow Bros. (d/b/a Bestway Disposal Services); and
 - (d) Type I-A permit modification issued herein, authorizing an increase in throughput and storage capacity (see condition (8) below) and allowing receipt of municipal solid waste (see condition (6)(c) below), as described in Section III on page one of this Record of Permit Modification.
- (2) **Citation and Definitions:** This permit has been prepared on the basis of the New Hampshire Solid Waste Rules (Rules), Env-100 through Env-Sw 2000, effective July 1, 2014. The meanings of specific terms are as defined in the Rules.
- (3) **Regulatory Requirements:** This facility shall comply with the requirements of RSA 149-M, the Rules, and the terms and conditions of this permit, as each may be amended from time to time.
- (4) **Facility Type:** This facility is permitted to operate as a collection, storage, and transfer facility pursuant to the Rules.
- (5) **Service Type and Area:** This facility is permitted to operate as a commercial facility with an unlimited service area, subject to providing capacity for New Hampshire generators as specified by condition (11) herein.
- (6) **Authorized Wastes:** This facility is permitted to accept the following types of solid waste, subject to the prohibitions in condition (7) below:
 - (a) Construction and demolition debris (C&D);
 - (b) Select recyclable materials; and
 - (c) Municipal solid waste (MSW).
- (7) **Unauthorized Wastes:**
 - (a) Hazardous waste;
 - (b) Sludge or septage waste;
 - (c) Liquid wastes;
 - (d) Asbestos waste;
 - (e) Contained gaseous waste;
 - (f) Infectious waste;
 - (g) Ash;
 - (h) Contaminated Soils;
 - (i) Explosives;
 - (j) Waste that the facility is not designed to accept;
 - (k) Waste that may be detrimental or hazardous to the facility, its operators or its users; and
 - (l) Waste for which the facility has not established provisions for removal to an authorized facility or marketplace for reuse.



- (8) **Facility Capacity:** The approved capacity limits of this facility are as follows:
- (a) The average daily throughput rate of authorized waste shall not exceed 503 tons per day (TPD);
 - (b) The throughput rate on any given day shall not exceed 600 tons;
 - (c) The throughput rate in any calendar week (Sunday – Saturday) shall not exceed 3,018 tons per week.
 - (b) Total waste storage capacity is 655 cubic yards, limited as follows:
 - (i) 450 cubic yards of construction and demolition debris and municipal solid waste, combined; and
 - (ii) 205 cubic yards of single-stream select recyclable materials.
- (9) **Facility Operating Requirements:**
- (a) The facility shall operate in compliance with the following requirements in effect on the issue date of this permit and as amended:
 - (i) RSA 149-M;
 - (ii) The Rules;
 - (iii) The terms and conditions of this permit;
 - (iv) The most recent DES Approved Operating Plan of Record (“Approved Operating Plan”), which on the date of this permit modification is the Revised Operation and Maintenance Plan dated October 2015 (ref. WMD Document Log # 17222) submitted to DES as part of the application for permit modification identified in condition (1)(d) above, with the revisions to be made by the Permittee pursuant to condition (16) below.
 - (b) To the extent there may be provisions in the Approved Operating Plan that are inconsistent with complying with (a)(i) – (a)(iii) above or that do not provide sufficient detail as required by Env-Sw 1105.11(a) to allow certified operators and other trained personnel to operate the facility in compliance with (a)(i) – (a)(iii) above, the inconsistent provision(s) of the Approved Operating Plan shall not apply and none of the deficiencies or inconsistencies shall provide a basis for appealing any enforcement action related thereto. Further, the Permittee shall revise the Approved Operating Plan to eliminate any such inconsistency or deficiency and submit the revised plan to DES for approval.
- (10) **Recordkeeping and Reporting:** The Permittee shall keep records and report information as required by the most current Rules, which on the effective date of this permit modification include but are not limited to the following requirements:
- (a) The Permittee shall keep records and report information in accordance with Env-Sw 1105.06, Env-Sw 1105.07, and Section 8 of the most recent DES Approved Operating Plan;
 - (b) Each year by March 31, the Permittee shall submit an annual facility report to DES for the prior calendar year in which the facility operated, the content of which shall be as specified in Env-Sw 1105.13;
 - (c) The Permittee shall report groundwater monitoring data in accordance with the groundwater monitoring plan approved by DES pursuant to condition (15) below; and
 - (d) The Permittee shall report to DES incidents or situations at the facility that involve an imminent and substantial risk to human health, safety or the environment or that violate the Rules or the facility permit; as well as complaints by abutters or other third parties as specified in Env-Sw 1005.09.
- (11) **Public Benefit:** This facility shall meet its obligation to provide a substantial public benefit pursuant to RSA 149-M:11,XI by operating in conformance with Env-Sw 405.04, as the Permittee indicated in the application for this permit modification, such provisions restated as follows:
- (a) The total quantity of waste transferred by the facility on an annual basis to New Hampshire landfills and New Hampshire incinerators shall not exceed the total quantity of waste received by the facility from New Hampshire generators, figured in tons;
 - (b) During each calendar year that the facility receives waste, facility operations shall involve practices that cause or support efforts to separate and divert recyclable materials to authorized facilities for reuse and avoid disposal of recyclable materials in a lined landfill with a leachate collection system; and
 - (c) During each calendar year that the facility receives waste, the Permittee shall communicate with the host solid waste district as specified in Env-Sw 1105.12.



- (12) **Closure Requirements:** This facility is subject to closure in accordance with the following requirements, as amended:
- RSA 149-M;
 - The Rules;
 - The terms and conditions of this permit; and
 - The most recent DES Approved Closure Plan of Record ("Approved Closure Plan"), which on the date of this permit modification is the closure plan received by DES from the Permittee on March 20, 2015 as part of the application for permit modification identified in condition (1)(d) above.
- (13) **Financial Assurance:**
- The Permittee shall provide and continually maintain financial assurance as specified in Env-Sw 1400.
 - Prior to operating at the increased modified throughput and storage rates allowed by condition (8) above, the Permittee shall provide the additional financial assurance required by Env-Sw 1400, file a Notice of Intent to Operate (NIO) pursuant to Env-Sw 1105.02, and obtain a receipt stamped copy of the NIO per Env-Sw 1105.03.
- (14) **Containment Pad Required:** The Permittee shall construct and operate a containment pad at the facility as follows.
- Within 45 days of the effective date of this permit modification, the Permittee shall submit a complete application for a Type I-B permit modification per Env-Sw 315 seeking approval for plans and specifications to construct and operate a containment pad for: random load inspections; temporary parking for leaking vehicles/containers; and discharging, containing, and extinguishing hot loads. The containment pad shall consist of an impervious surface designed to support vehicle loads and contain those liquids and wastes expected to be generated by having to extinguish a fire. As part of the Type I-B application, the Permittee shall submit proposed revisions to the Approved Operating Plan to incorporate procedures for use of the pad, including procedures for properly managing potential contaminated wastewater generated within the containment pad area and provisions to prevent pad or other associated containment system overflows.
 - Following submittal of the application for Type I-B permit modification, the Permittee shall respond in a timely manner to DES requests for additional information or revisions.
 - The Permittee shall construct the pad within 90 days of DES approval of the plans and specifications.
- (15) **Groundwater Monitoring Required:** The Permittee shall establish, maintain, and operate a groundwater monitoring system at the facility, as follows.
- Within 120 days of the effective date of this permit modification, the Permittee shall perform necessary hydrogeologic work for and submit a proposed plan to establish and operate a groundwater monitoring system at the facility, such plan to include the information specified in (b) and (c) below. The Permittee shall submit the proposed plan for DES approval, in the form of a Type IB application for permit modification pursuant to Env-Sw 315.
 - The proposed plan for establishing the groundwater monitoring system shall include the proposed locations and specifications for a network of groundwater monitoring wells (existing and/or additional) designed to monitor groundwater quality at appropriate up gradient and down gradient locations relative to the facility, with all supporting hydrogeologic and other information needed to support DES approval of the system.
 - The proposed plan for operation of the system shall include a proposed schedule for monitoring and reporting groundwater quality data no less than semi-annually, such data to include quality assurance/quality control and analytical test results for the following.
 - The chemicals listed in the New Hampshire Department of Environmental Services Waste Management Division Full List of Analytes for Volatile Organics (including low level 1,4-Dioxane and EDB) provided in a document dated February 28, 2008, which is available on-line at http://des.nh.gov/organization/divisions/waste/hwrb/documents/voc_changes.pdf;

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- (ii) Acid/Base/Neutral/Extractables (for at least the two initial sampling events);
 - (iii) The following metals: Antimony, Arsenic, Barium, Beryllium, Cadmium, Chromium, Lead, Manganese, Mercury, Nickel, Selenium, Silver and Thallium; and
 - (iv) Specific conductance, iron, chloride, pH, temperature, turbidity, nitrate, and total kjeldahl nitrogen (TKN).
- (d) The monitoring wells shall be designed, installed, developed, maintained and decommissioned in conformance with Env-Or 610.04.
 - (e) Water quality sampling, analysis, and reporting shall be performed in conformance with Env-Or 610.02 and Env-Or 610.03.
 - (f) The Permittee shall install the groundwater monitoring wells in accordance with the plan, specifications, and schedule approved by DES.
 - (g) The Permittee shall perform groundwater sampling, testing, and reporting in accordance with the plan and schedule approved by DES.
 - (h) Future modifications of the approved groundwater monitoring requirements, if any, shall be administered by DES in accordance with Env-Sw 315 as a modification of the Approved Operating Plan.
- (16) **Operating Plan Revisions and Resubmittal Requirements:** Pursuant to condition 9(a) (iv) above, the Permittee shall revise the Operating and Maintenance Plan dated October 2015 to include the changes listed in (a) – (c) below and by January 15, 2015, submit a .pdf copy of the same to DES with a signed statement indicating that no other changes were made to the .pdf copy. Following receipt of that submittal, DES shall place the .pdf copy on record as the Approved Operating Plan and it shall remain the Approved Operating Plan unless and until it is modified in accordance with Env-Sw 315.
- (a) Update Section 7.0, Employee Training Program, to reflect the current Env-Sw 1600 rules and nomenclature.
 - (b) In Section 6.0, Contingency Plan, clarify that a verbal report shall be made to DES as soon as practicable, followed by a written report within 5 working days, pursuant to Env-Sw 1005.09.
 - (c) Change all references to “Waste Management Division Compliance Section,” “DES Solid Waste Compliance Section” and others to “DES Solid Waste Management Bureau.”
- (17) **Verification of Lot Line Adjustment Required:** This permit modification is issued based on pending local approval of a lot line adjustment, enabled by the acquisition of property as described in a Purchase Agreement dated October 2, 2015 (ref. WMD Document Log #17191 received October 8, 2015). Following approval, the Permittee shall promptly submit to DES written verification of the lot line adjustment and acquisition of the property. Failure to obtain timely approval of the lot line adjustment shall provide grounds for DES to suspend the provisions of the permit modification granted herein (reference condition (1)(d)) until such time as the Permittee satisfies the setback requirements in Env-Sw 403.02(b).