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June 16, 2006

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS ON THE DRAFT ENVIRONMENTAL IMPACTS REPORT

PROJECT NAME : Recycle America Enterprises Facilities Expansion
PROJECT MUNICIPALITY : Fitchburg
PROJECT WATERSHED : Nashua
EOEA NUMBER : 13621
PROJECT PROPONENT : Recycle America Enterprises, In.
DATE NOTICED IN MONITOR: May 10, 2006

As Secretary of Environmental Affairs, I hereby determine that the Draft Environmental Impact Report (DEIR) submitted on this project **adequately and properly complies** with the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and with its implementing regulations (301 CMR 11.00). The proponent has addressed the substantive issues outlined in the scope and there are no substantive issues that remain to be addressed in a Final EIR. Therefore, I am allowing the DEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2). The notice of the availability of the Final EIR, will appear in the *Environmental Monitor* on June 21, 2006, and will be subject to a 30-day comment period.

Background:

In 2004, the proponent received a Determination of Need (DON) permit from the Department of Environmental Protection (DEP) to construct an asphalt shingle recycling facility, including a 37,500 square foot (sf) metal processing building, and approximately four acres of paved surface area that provides employee/visitor parking, delivery truck parking, and an uncovered materials storage area for finished product (ground asphalt shingles, recyclable wood and plastic), and related stormwater management and utilities infrastructure, on a 14.97-acre site located off Stevens Road within the Montachusett Industrial Park in Fitchburg.

Under DEP's DON permit authorization, the existing facility is approved to process up to 500 tons per day (tpd) of asphalt roofing shingles. The existing facility is currently recycling approximately 50 tpd of asphalt roofing shingles. According to DEP, the asphalt shingle recycling process is exempt from DEP's site assignment requirements, and therefore the existing facility was not required to undergo MEPA review. The facility is accessed from Route 2A via Industrial Road and Stevens Road. The proponent proposes to expand the existing asphalt shingle recycling facility to include the processing of an additional 250 tons per day (tpd) of construction and demolition (C&D) waste material.

The project is subject to review and mandatory preparation of an EIR pursuant to section 11.03(9)(a) of the MEPA regulations because the project involves the new capacity of 150 or more tons per day (tpd) of solid waste for storage, treatment, processing, combustion, or disposal. It will require a Site Suitability and an Authorization to Operate Permit from DEP (310 CMR 16.00). The project will be subject to a three-tiered review process including: 1) MEPA review; 2) the site assignment process administered jointly by the Fitchburg Board of Health, DEP and the Department of Public Health (DPH); and 3) the solid waste management facility permit review process administered by DEP. This project may require an Order of Conditions from the Fitchburg Conservation Commission, and hence a Superseding Order from the Department of Environmental Protection (DEP) if the local Order is appealed. The proponent should apply to DEP for an Industrial Waste Water Permit for the proposed wastewater collection system. No other state permits will be required for the project, nor is the proponent seeking financial assistance from the Commonwealth for the project.

The Certificate on the ENF required the proponent to provide additional information regarding stormwater management, and project impacts to transportation, noise, and odor.

Stormwater/Drainage:

According to the information provided in the DEIR, the Recycle America Enterprises facility is operating under an existing Multi-Sector General Permit and Storm Water Pollution Prevention Plan (SWPPP) from DEP. The facility's existing stormwater management system has been designed in accordance with DEP's Stormwater Management Guidelines, and incorporates a closed drainage system comprised of approximately five deep sump catch basins, which collect and convey stormwater from the project site to an existing off-site detention pond located on an abutting parcel of property. Roof-top runoff from the existing metal processing building is collected and conveyed to a wetland resource area located in the western portion of the project site, and is also piped to the stormwater collection system serving the paved area of the facility which eventually discharges to the municipal stormwater drainage system located in the Arbor Way right-of-way.

The proponent has proposed to install a trench drain and oil/water separator within the enclosed processing building to collect drainage and runoff from incoming wet load material, snow melt, and the water misting dust suppression system prior to discharge to the municipal sewer system.

Transportation:

According to the information provided in the DEIR, the asphalt shingle recycling facility currently recycles approximately 50 tons per day (tpd) of material and generates approximately 15 average daily vehicle (car and truck) trips (adt). Under DEP's DON permit authorization, the facility is approved to process up to 500 tpd of asphalt roofing shingles and is expected to generate a total of approximately 330 vtd. The proposed C&D materials processing operation (250 tpd of C&D waste) is expected to generate an additional 115 vtd, and at full capacity, the Recycle America Enterprises facility will generate approximately 445 vtd. The primary access route to the site is expected to be via Route 2. As described in the DEIR, the proponent anticipates that less than five percent of the total trips generated by the facility, at full capacity, will be orientated along Route 2A and Route 31.

I ask that DEP incorporate as part of the Site Suitability permitting process a review of the proponent's materials hauler education/notification plan including proposed specific truck haul route(s) to and from the facility to avoid, to the maximum extent practicable, residential neighborhoods and open space recreational areas, haul route road signage, hauler truck speed and weight restrictions, and truck queuing and idling requirements. DEP should also specify the shingle recycling and C&D processing facility's operating hours in its permit to minimize, to the maximum extent possible, disturbances from the facility to the surrounding project area.

Noise Impact:

The DEIR contains an evaluation of the noise and vibration effects that may be detectable off-site from the proposed project, particularly by any adjacent or nearby residential developments and residentially-zoned land areas. Operation of the asphalt shingle and C&D waste processing facility at full capacity will generate continuous noise from both indoor sources (stationary machinery located within the processing building) and outdoor sources (onsite truck deliveries and loading operations). According to the proponent, at full capacity the Recycle America facility will generate increased noise levels below DEP's 10 decibels (10 dBA) noise impact criteria (DEP Noise Policy 90-001) at the project site property lines (approximately 6dba above ambient levels), and at the nearest residences located approximately 650 feet west of the project site (less than 2 dba above ambient sound levels).

I note that the proponent has committed to plant trees along the northern and western borders of the project site to provide a visual screen and additional noise attenuation between the project site and nearby residential areas. The proponent should work with the City of Fitchburg to develop a noise monitoring program to ensure the effectiveness of its mitigation measures at or near the facility's full capacity operations. This monitoring program should outline the actual monitoring operations, schedule, responsible parties, and back-up systems. The proponent should forward a copy of the noise monitoring program plan to the MEPA Office for the project file.

Odor/Vectors/Litter:

Uncontrolled dust, odors, vectors and litter are byproducts of this type of facility. As described in the DEIR, the existing processing building is equipped with a spray mist dust prevention system and two exhaust fans designed to minimize impacts to air quality. I strongly encourage the proponent to consider the use of additional available technologies, including but not limited to the installation of a negative air pressure system with appropriate air pollution controls, to control dust and odor emissions from the proposed facility.

According to the proponent, waste materials such as ground asphalt shingles, C&D wood waste and bailed recyclable plastics will be stored on the project site out side of the processing building without cover. I am concerned that direct exposure of finished C&D wood waste to precipitation and sunlight may create odor emissions and otherwise avoidable air quality impacts. I ask that DEP's Site Suitability permitting process should include a review of the proponent's outdoor waste storage plan, and the potential benefits of providing cover to waste materials stored on the project site to further control odor emissions from the proposed facility.

Mitigation:

The DEIR includes a separate chapter on mitigation measures and Draft Section 61 Findings for all state permits. According to the information provided in the DEIR, the proponent is committed to the following mitigation measures:

- Expand the existing water mist dust suppression system to accommodate C&D material;
- Install trench drain and oil/water separator within the enclosed processing building to collect drainage and runoff from incoming wet load material, snow melt, and the water misting dust suppression system;
- Plant trees along the northern and western borders of the project site to provide a visual screen and noise attenuation between the project site and residential areas located approximately 650 linear feet from the project site;
- Install a removable concrete barrier within the enclosed waste handling facility to separate incoming C&D waste material and asphalt shingles; and,

- Payment of \$.50 per ton of incoming C&D waste material to the City of Fitchburg to mitigate the facility's increased use of municipal services.

Based on a review of the DEIR, a review of comments submitted on the project and consultation with public agencies, I find that the DEIR has provided a reasonably complete description and analysis of the project and its potential impacts, has adequately addressed the issues within MEPA jurisdiction, and has committed to measures that will avoid, minimize and mitigate adverse impacts. I am satisfied that any outstanding issues can be addressed through the state and local permit and review process. I am allowing the DEIR to be reviewed as a Final EIR in accordance with 301 CMR 11.08(8)(b)(2).

June 16, 2006
Date


Stephen R. Pritchard, Secretary

Comments received:

05/08/06	Durand & Anastas Environmental Strategies, Inc.
05/16/06	Massachusetts Department of Environmental Protection – CERO
06/06/06	Montachusett Regional Planning Commission
06/08/06	Dan and Barbara Tocci
06/12/06	Watchdogs for an Environmentally Safe Town (WEST)
06/15/06	City of Fitchburg, Mayor's Office
06/15/06	City of Fitchburg, Board of Health

DEIR #13621
SRP/NCZ/ncz