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October 25, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Daniels Recycling Company, Inc.
PROJECT MUNICIPALITY : Orleans
PROJECT WATERSHED : Cape Cod
EEA NUMBER : 14104
PROJECT PROPONENT : Daniels Recycling Company, Inc.
DATE NOTICED IN MONITOR : September 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (G. L. c. 30, ss. 61-62H) and Section 11.03 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

As described in the Environmental Notification Form (ENF), the project consists of the expansion of an existing construction and demolition (C&D)/wood waste processing/recycling facility from less than 50 tons per day (tpd) of C&D and 40 tpd for "exemptable" wood waste material to 250 tpd of C&D/wood waste in aggregate. The expansion in capacity will be accompanied by an expansion of the on-site structure from 9,800 square feet (sf) to 19,400 sf. Expansion of the facility will allow for processing to be carried out indoors. The proposed facility is located at 29 Giddiah Hill Road in Orleans, within an industrially zoned area. Waste transfer will occur on-site inside a 19,400 sf building where waste will be separated and sorted and transferred off-site to appropriate disposal facilities. Waste will be transferred to and from the site using trucks.

The project is undergoing review pursuant to Section 11.03(9)(b)(1) because the project requires a State Agency action and will result in the new capacity for the storage, treatment or processing of 50 or more tons per day of solid waste. The project will require several permits including: Modification of a Large Handling Facility to allow for modification of existing authorizations to construct and operate permits; and an Underground Injection Control (UIC) permit from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require a modification of the existing Site Assignment from the Orleans Board of Health. The project will require review by the Cape Cod Commission. Finally, the project may require a new or modified National Pollutant Discharge Elimination System (NPDES) Permit from the United States Environmental Protection Agency (U.S. EPA).

Because the proponent is not seeking financial assistance from the Commonwealth for the current phase of the project, MEPA jurisdiction extends to those aspects of the project that may have significant environmental impacts and that are within the subject matter of required or potentially required state permits. In this case, MEPA jurisdiction exists over solid waste and stormwater.

Solid Waste

The project will be permitted to transfer up to 250 tpd of C&D and wood waste in aggregate. The project will require several solid waste related permits/approvals from MassDEP and the Orleans Board of Health. The proponent has indicated that the facility will maintain existing operating hours; six days a week with traditional business hours.

MassDEP has indicated in its comment letter that after obtaining a site assignment modification from the Orleans Board of Health, the proponent will need to file a Modification of a Large Handling Facility permit application with MassDEP. Prior to obtaining approval to operate an expanded facility, the proponent will be required to address all operational changes to the site/facility, and must sufficiently document and certify that all of the required physical changes to the site/facility have been properly constructed. The application must include a detailed standard operating procedure (SOP) regarding the manner by which the facility will comply with MassDEP's waste ban and recycling criteria.

Comments received on the project focused primarily on the ongoing (and possible increase of) noise and dust associated with facility operations. The proponent indicated in the ENF that as part of the facility's expansion, the building and its overhead doors will be reconfigured to eliminate doors on the northeast and southeast sides of the building, limiting impacts to neighbors in those directions. Furthermore, the ENF indicated that operations will take place inside the facility and when overhead doors cannot be shut, "freezer strips" will be installed to reduce noise and dust pollution. The ENF states that a ventilation system and a dust suppression misting system will be used to reduce air/dust pollution. The proponent should commit to a comprehensive operation and maintenance plan and demonstrate to the Town of Orleans and MassDEP that appropriate noise and dust pollution mitigation measures will be implemented on-site. Additionally, I encourage the proponent to consider a "re-evaluation" component within its operation and maintenance plan to re-evaluate the effectiveness of its

operation and maintenance plan in reducing noise and dust pollution within the project vicinity upon completion of facility expansion and a period of operations.

Stormwater

The project will create 0.19 new acres of impervious area on site. The project may require the preparation of a new or modified Stormwater Pollution Prevention Plan (SWPPP) in accordance with the NPDES program requirements. The ENF has outlined a system of catch basins with sweeps, asphalt pavement, grit and oil/water separator tanks, and leach pits to treat stormwater quality and quantities on-site. The proponent has prepared an operations and maintenance plan which addresses maintenance of the stormwater system. Additionally, the project will convey roof stormwater runoff to leaching basins, and will therefore require a UIC permit from MassDEP.


Traffic

The project will result in an increase in truck trips to and from the site in comparison to existing conditions. The Traffic Impact and Assessment Study included in the ENF concluded that traffic in and out of the facility will increase by approximately 64 trips per day, 50 of which are transport truck trips entering and leaving the site (25 trucks total). The project site is located in an industrial area; where truck trips for numerous types of commercial facilities are frequent. Additionally, while the project use is consistent with zoning, it is proximate to residential neighborhoods, sometimes resulting in a conflict of commercial and residential uses.

The project itself does not trigger a MEPA threshold related to traffic, nor does it require mitigation improvements at State jurisdictional intersections or roadways that would necessitate the issuance of a State highway permit. However, given the requirement to meet appropriate traffic and access related Site Suitability Criteria during the MassDEP Modification of a Large Handling Facility permitting process, I strongly encourage the proponent to work with the Town of Orleans to mitigate potential truck traffic impacts directly associated with the facility's expansion. These mitigation measures may include, but not be limited to, the reconfiguration of the Giddiah Hill Road intersection to allow for the safe movement of large trucks. The proponent should confirm during the local and MassDEP permitting processes that all intersections along the designated truck travel routes have sufficient turning radii and queue lengths to accommodate trucks. This analysis should consider intersections in both their existing and future configurations, as two intersections along travel routes are subject to improvements under previously approved projects by the State/town.

Based on the information in the ENF and after consultation with relevant public agencies, I find that no further MEPA review is required at this time. The project may proceed with obtaining required State permits.

October 25, 2007
Date



Ian A. Bowles

Comments received:

- 10/10/2007 Ben Gilbert Merritt
- 10/12/2007 **Massachusetts Department of Environmental Protection – SERO**
- 10/12/2007 Town of Orleans – Board of Selectmen
- 10/13/2007 Byrdie L. Jackson

IAB/HSJ/hsj