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September 21, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS  
 ON THE  
 NOTICE OF PROJECT CHANGE

PROJECT NAME :ABC&D Material Processing Facility (formerly  
 C&D Material Processing Facility)  
 PROJECT MUNICIPALITY :Ware  
 PROJECT WATERSHED :Chicopee  
 EOE NUMBER :12699  
 PROJECT PROPONENT :ABC&D Recycling Inc.  
 DATE NOTICED IN MONITOR :August 22, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted for this project and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR).

Project History

As described in the original Environmental Notification Form (ENF) filed with the MEPA Office in January 2002, the project involved the redevelopment of an existing auto salvage yard into a 750 tons per day (tpd) construction and demolition (C&D) material processing facility located on a 21-acre site on East Street in Ware adjacent to the Ware River. The facility has a designed capacity of 750 tons per day. Most of the existing buildings were reused by the C&D processing facility. A new 21,600 square foot (sf) building was constructed to provide cover for tipping, processing, and loading activities. Clean materials, including asphalt, brick, concrete and wood, will also be sorted and processed in designated outdoor areas. The facility is served by both rail and truck. The facility's processing includes rough screening, picking and sorting of recyclable materials.

Unwanted materials removed in the initial screening process, together with other un-recyclable fed through the facility's grinder process, are transported by rail and truck for landfill disposal. Reclaimed materials and processed residuals are also transported from the proposed project site by rail and trucks.

The project as originally proposed required the mandatory preparation of an EIR pursuant to section 11.03 (9)(a) of the MEPA regulations because it involved the construction of a new solid waste transfer facility with a capacity of 150 or more tpd (750 tpd total) for the storage and processing of solid waste. The project received an Order of Conditions from the Ware Conservation Commission. The project required a new curb cut permit from the Massachusetts Highway Department (MHD). The use of rail and trucks to transport both raw construction & demolition debris and recycled and processed residual materials will have potential impacts on local traffic patterns. The project was subject to a three-tiered review process including: 1) MEPA review; 2) the site assignment process administered jointly by the Ware Board of Health, the Department of Environmental Protection (MassDEP) and the Department of Public Health (DPH); and 3) the solid waste management facility permit review process administered by MassDEP. A Secretary's Certificate on the FEIR was issued on August 30, 2002 and determined that the FEIR responded adequately and resolved many of the remaining issues outlined in the Certificate in the DEIR.

#### Notice of Project Change

As described in this NPC, the proponent is proposing to expand the list of acceptable materials that may be processed within the proponent's facility to include the processing of 50 tpd or more of municipal solid waste (MSW) within the facility's permitted tonnage of 750 tpd. According to the comments received from MassDEP, the proposed addition of MSW processing will require modifications to the existing facility's Site Assignment Permit, Authorization to Construct Permit and Authorization to Operate (ATO) permit previously issued to the proponent for the acceptance and processing of C&D material. The proponent should consult with the Town of Ware officials, and local residents located within the project area, to develop a MSW materials hauler education/notification plan to include: haul route restrictions, haul route road signage, hauler truck speed and weight restrictions, and truck queuing and idling.

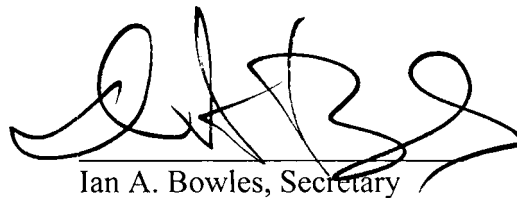
Odor/Vectors/Litter

The proposed MSW processing activities will be conducted within the existing enclosed processing building. According to the proponent, C&D and MSW waste materials will be stored on the project site. The processing building is equipped with a spray-mist dust prevention system and two exhaust fans designed to minimize impacts to air quality. I continue to 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 MassDEP, the acceptance and processing MSW at the facility will also require the proponent to modify the facility's existing maintenance and operation plan to address the Solid Waste Management requirements specified for Cover Material, Vector, Dust and Odor Control, and Litter Control pursuant to 310 CMR 19.130, 15-17. MassDEP may require the proponent to install and operate additional odor control equipment within the processing building. The proponent has proposed to temporarily store MSW in railcars to be located outside the process building within the project site. I anticipate that MassDEP's Site Suitability permit modification review process will include a review of the proponent's waste storage plan, and the potential benefits of limiting the amount of rail cars used for on-site MSW storage and/or limiting the amount of time MSW-filled rail cars may remain on site to further control odor emissions from the facility. MassDEP has indicated that the proponent will be required to design and implement a bird-control plan for the facility.

I am satisfied that the project has avoided and mitigated environmental impacts to the greatest feasible extent, and that the state permitting agencies have adequate information to base their permit decisions, and sufficient permitting authority to ensure that any remaining issues are adequately addressed.

September 21, 2007  
DATE



Ian A. Bowles, Secretary

EEA #12699

NPC Certificate

09/21/07

Comments received:

09/13/07 Massachusetts Department of Environmental Protection – WERO  
09/10/07 Natural Heritage and Endangered Species Program (NHESP)  
09/06/07 Department of Conservation and Recreation (DCR)

NPC #12699  
IAB/NCZ/ncz

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