

DRAFT Conditions for Devens Recycling LLC Minor Site Assignment Modification and Unified Permit Amendment – 2-3-26

1. All conditions in the original and modified Decisions (Site Assignment and Unified Permit) shall apply unless otherwise modified herein or in a proceeding whereby the DEC approves the modification. In the event of any conflict between the conditions of this Modified Decision and the conditions of the current Site Assignment, the conditions of this Modified Decision shall prevail.
2. The Applicant shall continue to operate security video cameras at the Facility and preserve their images for a minimum of 30 days and shall allow the DEC to view these images at the Facility and/or obtain from the Applicant copies of same upon request.
3. and The Applicant shall continue to use a first in/first out system of inventory control for MSW to ensure that each delivery of MSW is moved through the Facility as quickly as possible and make available to DEC the associated records
4. The Applicant shall continue to require haulers to use the Devens Designated Truck route by providing them with maps and periodically corresponding with them. For trucks coming from Route 2, they shall travel Jackson Road to Patton Road to Saratoga Boulevard to Independence Drive. For those instances when truck trips originate in the surrounding communities and utilize Verbeck Gate, the route shall be Jackson Road to Barnum Road to Saratoga Boulevard to Independence Drive. An alternative route from the Ayer Traffic Circle is Barnum Road to Saratoga to Independence. The Applicant shall continue to require its haulers to stay out of the residential areas of Devens unless making pickups on those residential streets.
5. The Applicant shall continue to provide a designated phone line (888-399-1322) on a 24-hour basis, seven days a week, for any concerns of either customers and/or Devens residents and take immediate corrective action to address any concerns within one business day. All calls and subsequent actions to resolve shall be recorded in a phone log, maintained by the Applicant. Such phone log shall be made available for inspection by the DEC.
6. This Modified Decision shall take effect when executed by all signatories and recorded in the Middlesex County Registry of Deeds and after a certified copy of the same from the Registry of Deeds is provided to the DEC, with all recording fees and charges paid by the Applicant. This Modified Decision may only be transferred if advance (at least thirty days) written notice is first provided to the DEC and the DEC approves of the transfer.
7. The DEC may modify, suspend or terminate this Modified Decision in accordance with the provisions of M.G.L. c. 111, Section 150 A, and 310 CMR 16.22, any other

applicable law and further, in its discretion and may take any other enforcement or remedial action available in law or equity.

8. Applicant shall commit to a Traffic Monitoring Program (TMP), approximately 6 to 12 months post hours expansion at a timeframe coordinated with and accepted by DEC staff. TMP should include collecting automatic traffic recorder (ATR) counts, turning movement counts (TMC), and providing traffic operations analysis consistent with methodology presented in the Applicant's Traffic Impact Study dated October 2025. TMP should include comparisons of TMC and traffic operations analysis for the purpose of confirming the information stated in the Traffic Impact Study. If the TMC and traffic operations analysis differ significantly from what is stated in the Traffic Impact Study, the DEC may request the Applicant perform additional mitigation to the satisfaction of the DEC. Mitigation may include, but is not limited to: providing additional traffic signal phasing and/or timing modifications, and installing, repairing, or replacing existing signage and roadway pavement markings. Mitigation shall not include major roadway or intersection reconstruction, or equipment replacement attributable to normal wear and tear.
9. Applicant shall install signage and roadway pavement markings approved by the DEC at the Site Driveway at Independence Drive for the purposes for providing clear instruction regarding vehicle entry, exit, and circulation.
10. Applicant shall trim existing and proposed vegetation and clearing snow for the purposes of maintaining proper sight lines, consistent with guidance from the American Association of State and Highway Transportation Officials (AASHTO) or other guidance approved by the DEC.
11. Within three months of the date of this Decision, the facility shall develop a sound wall design for the full length of the elevated parking lot from the building up to the driveway to access to the northern part of the building. The DEC's staff and peer review consultant shall review and approve the sound wall design. The design shall be for a solid wall, with no gaps or holes, and be constructed of a solid material to obtain significant density to be claimed as a "noise barrier" (i.e., 2 to 4+ pounds per square feet). It shall have absorptive material with a minimum estimated Noise Reduction Criteria (NRC) rating of 0.75, or higher, on the north-facing side to prevent any increase in railcar activity sound (i.e., possible doubling of sound via reflection). The sound wall height shall be determined by the height that the doors will be open. The total height of the wall shall be a minimum of two (2) feet taller than the highest elevation that the applicant desires to open the garage doors after 5 PM, and prior to 7 AM. The Operator shall adjust its operations to comply with the door height limitation associate with the wall height.
12. Within three months of DEC's approval of the sound wall, the facility shall install the sound wall. The sound wall is an integral part of the decision to allow the extended hours both before and after normal business hours. If the sound wall is not installed

within this timeframe, or if the DEC finds any installation extension requests to be unreasonable, the hours shall revert back to the original hours of 7 AM to 5 PM on weekdays and 7 AM to 1 PM on Saturdays and shall not thereafter be changed without the prior approval of the DEC.

13. Until the sound wall is designed, installed, and approved, the following restrictions will be placed on the extended operating hours (5 AM to 7 AM and 5 PM to 9 PM Monday through Friday):

- a. Door 6 shall remain closed at all times during the extended hours.
- b. Doors 3, 4, and 5 shall remain fully closed at all times except for up to 16 total deliveries between 5 AM and 7 AM, and 16 total deliveries between 5 PM and 9 PM.
- c. At no time shall more than one of the receiving doors (3,4, or 5) be open to allow access to load or unload.
- d. The truck dumping procedure for extended operating hours will require:
 - i. the door to be opened, to no more than 18 feet from grade.
 - ii. the truck to enter the building completely
 - iii. the door to close behind the truck upon entering,
 - iv. the door to remain closed while the truck is dumping the waste,
 - v. the truck to lower its trailer completely before the door is opened,
 - vi. The door will open to allow the truck to exit, and
 - vii. The door will be closed after each load, unless another truck is waiting and will enter within one minute.
- e. At no time shall there be more than one truck idling outside in the loading or access area, and for no more than 5 minutes per MassDEP idling rules.
- f. The rail car access doors shall remain closed at all times during the extended hours. Railcar loading activity can begin immediately within the building with the doors closed during the extended hours.
- g. No pre-processing of construction wastes (such as, but not limited to, asphalt shingles, scrap metal, etc.) shall occur outside of the building. All preprocessing dumpsters shall remain inside the building.
- h. Doors 1 and 2 shall be closed at all times.

14. After the sound wall is designed, installed, and approved by the DEC staff and consultants, restrictions will be reduced during the extended hours (5 AM to 7 AM and 5 PM to 9 PM Monday through Friday) to the following:

- a. Door 6 can be opened to allow for maintenance and housekeeping up to the maximum height proposed up to 6 PM. It should remain closed if there is no maintenance and housekeeping.
- b. Door 6 can be opened to the maximum height proposed up to 6 PM for removal of full packer dumpsters until 6 PM.

- c. Beginning at 6 AM, Door 6 can be opened if a packer dumpster was filled during normal or extended hours for removal. The door shall remain closed for any other access until normal hours beginning at 7 AM.
- d. Doors 1,2 3, 4, and 5 shall remain fully closed at all times except for deliveries.
- e. At no time shall more than two of the receiving doors (1,2 3, 4, and 5) be open to allow access to dump.
- f. The truck dumping procedure for extended hours will require:
 - i. the door to be opened, to no more than 2 feet below the minimum new top-of-wall grade proposed during the wall design and installation.
 - ii. the door to be closed after each load, unless another truck is waiting and will enter within one minute.
- g. Idling trucks shall remain between the sound wall and a direct line to nearest neighbors behind the sound wall and for no more than 5 minutes per MassDEP idling rules.

15. Once the sound wall is in place and approved by the DEC and consultants, and the facility notifies the DEC that it would like to start moving rail cars during the extended operational hours of 5PM-Midnight, on occasion, a 6-month trial period will begin. At any time during that trial period if the DEC determines that nuisance complaints for air, odor, noise or dust are the result of the railcar doors being open in combination with the receiving doors open or by in isolation, then the DEC can restrict railcar door access back to the normal (pre-extended) hours of 7 AM to 5 PM. Railcar loading activity can begin immediately within the building with the doors closed during the extended hours.

16. The Applicant shall come back to DEC after the 6-month railcar trial period to present findings and request the change to operating hours becomes permanent or they will revert back to the normal (pre-extended) hours of 7 AM to 5 PM. Such request will take place at a duly noticed public hearing. Any DEC approval will apply to this minor modification to the Site Assignment as well as the Unified permit.

17. The rail car access doors shall remain closed except for when moving rail cars into and out of the building. Interior equipment shall shut down when railcar doors are open outside of 7AM-5PM.

18. Within 60 days of this approval, the facility shall design a year-round recirculating dust mitigation system. Such a system may include a wet scrubber or a dry particulate control system. This new system shall replace the existing mist system or function as a seasonal system in conjunction with the mist system. This new system shall be installed by August 15, 2026. In the interim, during the months of April to October, the existing misting system shall be employed for particulate

control. Applicant shall maintain ongoing service records for the air handling and ventilation system and the DEC shall receive copies if requested.

19. The Applicant shall continue to take all measures necessary to control odor from Facility operations to ensure compliance with 974 CMR 4. and all other applicable law, including, but not limited to augmenting the existing misting system to include odor control solutions, manual shutdown of the Facility doors and ventilation system in the event of an odorous incoming load, and maintaining a supply of odor control liquids and crystals on-site at all times for manual application. The facility is required to install a recirculating odor control system if the DEC finds there are confirmed odor complaints. Such system shall be reviewed and approved by DEC Staff and consultants.
20. The existing wall separating the C&D materials and MSW shall be monitored to ensure material separation. Should the DEC find the material piles repeatedly extending past the existing wall length and height, the DEC reserves the right to require the Applicant extend the wall length and height as necessary to maintain ongoing separation.
21. Within 60 days of approval, wall vent fans shall be equipped with a coarse filter that will remove at least 99% of airborne particulate matter and shall be surrounded with an air-tight shroud to ensure all discharge air passes through the filter directly and that there is no air flow short circuiting. The fans currently have very little backpressure the facility shall upgrade the fans and/or motors to provide sufficient power to overcome filter pressure drop and to maintain the existing design airflow or improved designed airflow necessary for heat relief. Details to be reviewed and approved by DEC and consultants prior to installation. Contact DEC for inspection.
22. The original and modified Unified Permits and original and modified Site Assignments are hereby amended to change the C&D and waste acceptance hours from 7:00AM to 5:00PM Monday through Friday, to 5:00AM to 9:00PM Monday through Friday and maintain Saturday's waste acceptance hours at 7:00AM to 1:00PM. Internal processing of materials is permitted from 5:00AM to midnight subject to the preceding conditions of approval. Periodic internal facility and equipment maintenance is authorized 24/6, with the exception of early mornings on Monday and the caveat that ALL facility doors must be closed during any such maintenance activities after 9PM and before 7AM. Maintenance activities associated with any of the doors or exterior building elements shall be scheduled during normal daytime hours [7:00AM to 5:00PM weekdays as per 974 CMR 4.05(3)(d)3.] where feasible.
23. Future internal processing equipment modifications may be reviewed administratively if such modifications will result in more efficient and quieter operations. Prior to the addition of any new or retrofitted equipment, the Applicant shall conduct a sound study to ensure all proposed modifications will comply with

974 CMR 4.05 and any other applicable laws. Within 90 days of installation and operation, confirmatory sound measurements shall be taken to verify any sound modelling assumptions. The sound study and any confirmatory sound measurements shall be subject to the approval of the DEC's consultants. The DEC may commission its own sound study at the expense of the Applicant.

24. The Applicant shall perform a site assessment and amend their existing vector control plan to eliminate the use of anti-coagulant rodenticides both outside and inside the facility to avoid and minimize unintentional impacts to wildlife. The Plan shall be reviewed and approved by DEC Staff and implemented by the Applicant prior to the change in operating hours.
25. The Applicant shall submit for review, comment, and approval by DEC Staff, an updated Operations and Maintenance Plan that specifically addresses all operations and conditions in this Minor Site Assignment Modification and Unified Permit amendment.
26. Community Commitments in this condition. **Would recycling drop-off days be open to employees of Devens businesses as well as residents?**