

SCHEDULE A PROJECT NARRATIVE

The applicant, Murphy Road Recycling LLC (“MRR” or the “Applicant”), requests Site Plan Review approval, and a modification of its existing Special Permit and Coastal Site Plan approvals (CPC 1511-03 & 1511-05), to permit the transfer and volume reduction of a limited amount of putrescible MSW at its existing solid waste facility at 19 Wheeler Street a/k/a MBL 082/0974/02001, New Haven, Connecticut (the “Property”).¹ As detailed herein, the Property’s existing approved infrastructure will not change, and the maximum permitted facility capacity of 967 tons per day will not change; only minor modifications are proposed to the existing facility’s operations and to the floor plan of the existing transfer/volume reduction building, out of an abundance of caution, to ensure that there are no adverse impacts on abutting uses as a result of the transfer and volume reduction of putrescible MSW.

Detailed herein is a summary of: (1) the Property; (2) MRR’s existing operations; (3) MRR’s proposed change in use; (4) required State permits and their status; (5) the critical role that transfer stations serve to the State, local communities and the environment; (6) Environmental Justice Plan and community outreach; (7) how the project will undergo extensive scrutiny by DEEP in order to receive DEEP permit to operate; (8) compliance with §§ 46(h) and 64 of the Zoning Regulations; and (9) waiver requests.

I. The Property

The Property is 15.02± acres and is zoned Heavy Industry (“IH”). The Property and existing buildings and infrastructure are owned by Airline Avenue Realty, LLC (the “Property Owner”). The Property is a mixed use industrial site, and there are three separate businesses operating on the site today: (1) a waste hauling collection business operated by All American Waste LLC (“AAW”); (2) a compressed natural gas (“CNG”) fuel station² operated by the Property Owner; and (3) a solid waste transfer and volume reduction facility operated by MRR (the “Solid Waste Facility” of “Facility”), which is the subject of this application. The Property Owner leases the site and infrastructure to MRR, which subleases the waste hauling infrastructure to AAW. The Property is accessed from the corner of Wheeler Street and Goodwin Street by way of an easement over adjacent property. The Property is adjacent to the Quinnipiac River and north of the I-95 Pearl Harbor Memorial Bridge.

The Property is currently improved with a 22,324 SF³ building used for solid waste transfer and volume reduction (the “Transfer Building”). A 16-foot high vertical push-wall is located inside the Transfer Building along the eastern portion of the tipping floor. Two transfer trailer loadout tunnels are located adjacent to the tipping floor: one on the north side and one on the south side. The collection vehicle maneuvering yard area is located adjacent to the west side of the Transfer Building. There are seven doors located along the west side of the Transfer Building. Five doors are used for truck access to the tipping floor and two doors are used for trailer access to the loadout tunnels.

¹19 Wheeler Street is the Property’s mailing address, however it is identified by the New Haven Tax Assessor as “Fairmont Av” or MBL 082/0974/02001.

²The CNG fuel station received a Certificate of Approval of Location on January 15, 2014 (1488-05) and Site Plan and Coastal Site Plan approval on April 16, 2014 (1488-02). No special permit approval was required because this use is separate and distinct from the solid waste facility operations.

³According to the Tax Assessor records for the City of New Haven.

In addition to the Transfer Building, the Property is improved with: MRR's "scale house," containing two scales for weight collection and transfer vehicles (one inbound scale, one outbound scale); an 82,228 SF³ building used by AAW for vehicle storage and maintenance, container repair, and for office space for AAW; container staging and storage areas by AAW; and asphalt-paved roadways and parking areas.

The Property has been a heavy industrial site since the early 1800s. A summary of the Property's industrial history and recent City Plan permitting history for the Facility is included as **Schedule F**, detailing the historical uses of the site from acid and fertilizer manufacturing, to shipbuilding, to steel production, and finally to a solid waste facility circa 1997. Due to contamination caused by previous businesses, the Property was remediated (including capping with asphalt) in 2009 under DEEP's supervision and pursuant to Site Plan and Coastal Site Plan approval from the Commission (CPC 1429-06). As part of the soil remediation process, and in accordance with DEEP's regulations, an Environmental Land Use Restriction will be placed on the site restricting utilization of the site, prohibiting residential activity, and prohibiting the disturbance of the soil below the remediation cover.

A myriad of uses are adjacent to the Property, ranging from residential to commercial to heavy industrial: immediately northwest of the site is used for asphalt collection and storage, and a "tank farm" used for bulk storage and transfer of petroleum products to its south (eighteen large capacity tanks are within 1500 feet of the MRR facility, and more than 30 large capacity tanks are located within 2500 feet of the facility). Nearby businesses include: HD Supply, a commercial and industrial supply company; a freight trucking firm; aggregate suppliers and distributors, and an environmental remediation contractor. A single-family home is located on Fairmont Avenue about 340 feet southeast of Transfer Building and a multi-family residential property is located approximately 380 feet northeast of the Transfer Building. Both residential buildings are screened from the Property with trees.

II. MRR's Existing Use

MRR has operated the existing Solid Waste Facility since 2007 (CPC 1409-02). The current operations are conducted under a Permit to Construct and Operate (No. 09301310-PCO) issued by the Connecticut Department of Energy & Environmental Protection ("DEEP") on April 8, 2019 (the "DEEP Permit"). The DEEP Permit allows MRR to receive and process no more than 967 tons per day of material.⁴ The DEEP Permit limits include:

- Non-Putrescible Municipal Solid Waste ("MSW") not to exceed (<) 500 tons per day;
- Non-Putrescible MSW and Construction and Demolition Waste⁵ not to exceed (<) 900 tons per day;

⁴The permit allows MRR to receive and process no more than 967 tons per day of the following types of solid waste: (a) construction and demolition waste (C&D waste), (b) non-putrescible MSW; (c) oversized municipal solid waste (OMSW); (d) scrap metal including appliances containing chlorofluorocarbon liquid; (e) propane tanks without valves; (f) cardboard; (g) paper; (h) commingled recyclables (i) gypsum wallboard; (j) scrap tires; (k) clean wood; (l) creosoted wood; (m) asphalt roofing shingle waste; and (n) street sweepings and catch basin cleanings.

⁵Construction and Demolition (C&D) waste includes waste materials and packaging resulting from construction, remodeling, and repair and demolition operations on houses, commercial buildings and other structures. Examples of C&D waste include bricks, concrete, and non-asbestos insulation or roofing shingles, asphaltic pavement, glass, plastic, electrical wiring, wood, scrap metals, and land clearing debris. Most of the incoming C&D waste originates from commercial businesses and industrial sources. A small amount of the C&D waste originates from population based (residential) sources, but such C&D waste is not delivered by residents.

- Total waste and recyclable materials not to exceed (<) 967 tons per day.

Most of the received material is generated in towns that are located within 10 miles of the Facility, and most of the received material is transferred to facilities in towns that are located more than 20 miles from the Facility. Almost all of the material is currently delivered by AAW, a customer of MRR.

MRR is operating the Facility in compliance with its current DEEP permit and all City permits. Neither DEEP nor the City of New Haven has issued a citation or warning to MRR regarding nuisance odor, noise, traffic, vectors, litter, or emissions.

III. MRR's Proposed Change of Use to Include the Transfer and Volume Reduction of Putrescible MSW

An application is currently pending before DEEP to modify the DEEP Permit to permit the transfer of up to 500 tons per day of MSW (putrescible and non-putrescible), with a maximum daily limit of all materials remaining at 967 tons per day.⁶ The proposed modification would not increase the permitted volume capacity of the facility. Specifically, if approved, the proposed permit modification will allow MRR to:

- Accept MSW (Putrescible and Non-Putrescible) not to exceed (<) 500 tons per day;
- Accept MSW and C & D Waste not to exceed (<) 900 tons per day;
- Total waste and recyclable materials not to exceed (<) 967 tons per day; and
- Modify the locations and volumes of stored materials, particularly MSW.

Please see **Schedule H**, O&M Plan, at Section 7.0, for particulars and additional details. The only changes proposed to the Property's existing buildings and infrastructure are minor modifications to the floor plan of the existing Transfer Building – namely, the reorganization of internal walls – in order to provide a dedicated area for transfer of putrescible MSW.

AAW will continue to deliver the vast majority of the material, and most material will continue to originate within ten (10) miles of the Facility. The Property will not receive MSW generated within the City's boundaries as required by local ordinances. The change in use does not necessitate any changes in the Facility's hours of operation, in the types of vehicles servicing the Facility, to the currently permitted equipment, or to the current designated routes for all drivers as required as a condition of the last Special Permit approval (the "Designated Routes"). In addition, MRR will continue to receive permitted non-putrescible MSW, and therefore, MRR will not exclusively receive 500 tpd of residential putrescible MSW. MRR's experience with other facilities confirms that the putrescible MSW loads generally will only include small amounts of organic material and compostable paper.⁷

⁶The facility is not expected to operate at its maximum capacity each day. MRR will continue to accept non-putrescible MSW but also will accept some putrescible MSW. DEEP requires operators of facilities to operate within the permit maximum each day of the year. MRR has requested the permit limit of 967 tons per day to accommodate expected seasonal and economic variations. The weeks in which holidays occur also result in peak days to accommodate the shortened work week. These fluctuations are accommodated by the 967 ton per day limit.

⁷The 2015 Statewide Waste Characterization Study commissioned by DEEP determined that a load of putrescible MSW typically includes 40% or less, by weight, of organic materials, including compostable papers.

IV. State Permits & Their Status

The proposed facility will require the following State permits to operate:

- Permit to Construct and Operate (No. 09301310-PCO) issued by DEEP (application for modification pending);
- Registration Permit No. GSI 001986 under the DEEP General Permit of Stormwater Associated with Industrial Activity for all activities on the parcel. This General Permit Registration expires on September 30, 2021 unless extended by DEEP⁸;
- The existing Stormwater Pollution Prevention Plan (SPPP) will be updated and approved by DEEP to reflect the proposed activities (post approval).
- Vehicle Maintenance Wastewater Registration Number GVM001015 issued March 4, 2011 and valid to July 23, 2021.

V. Transfer Stations Provide a Critical State and Local Service

Waste transfer stations like this Solid Waste Facility provide a critical state and local service and minimize adverse impacts of waste, collection and disposal on communities and the environment. Connecticut has and will continue to have insufficient capacity to process all MSW generated in the State.⁹ The State has no capacity for the disposal of C&D. The addition of putrescible MSW will enable MRR to improve services provided to its customers because local haulers, including AAW, will be able to deliver their loads to the Facility, and MRR will aggregate the loads and transfer the material to in-state waste-to-energy facilities and recycling facilities, when economically and environmentally practicable. The permits will allow MRR to provide an efficient aggregation point for AAW and other local haulers. By aggregating and transferring the loads, MRR will help minimize wear and tear on roads, decrease emissions, and decrease traffic to the waste-to-energy sites and disposed facilities. These are just examples of the many reasons why Connecticut and the Comprehensive Materials and Management Strategy (CMMS) support the development of transfer stations and VRFs.

For example, in New Haven, the NHSW&RA has a transfer station in New Haven that receives MSW for consolidation and transfer. Almost all MSW received at that site is created by residents and businesses located in the City. The City of New Haven generates almost 80,000 tons per year of MSW

DEEP classifies a load that contains more than a minimal amount of putrescible MSW as entirely a putrescible load. For example, if a hypothetical load contains 20% putrescible MSW, MRR must classify the entire load as putrescible MSW; therefore, the total weight of the load must be identified as putrescible MSW although only 8% of the entire hypothetical load is organic material and/or compostable paper. Therefore, if the requested permits are issued, assuming 50% of the received MSW is generated by MRR's current customers and 50% by new customers generating putrescible loads, then 20% of all the loads by weight consists of organic waste and/or compostable papers. Non-putrescible MSW is typical of the MSW generated by "big box" home supply and electronics department stores that often contain substantially all or a very large majority of what some in the industry call "dry waste." This non-putrescible MSW typically contains non-mandated recyclable material such as pallets, boxboard, cardboard, styrofoam, film and packing paper which can be processed and sorted to recover material.

⁸The registration can be verified at the following internet location, as DEEP no longer issues certificates for this type of registration: https://www.depdata.ct.gov/permit/Industrial_Stormwater_Reg_Report.pdf.

⁹This is acknowledged in New Haven's Plan of Conservation and Development. *See* New Haven Vision 2025 at p. VII-12 ("There is virtually no landfill space left in the state. For this reason, resource recovery is vital, as it both reduces the landfill burden and saves money.").

(including about 37,000 tons per year of residential MWS). All of that MSW is transported across the borders of many towns for final disposal in towns such as Berlin, Bridgeport, Bristol, Lisbon, Preston, and from time to time, in other states. In other words, the City is not self-sufficient and relies on other towns to manage New Haven's waste. Waste management in Connecticut is not local but rather dependent upon an intricate web of interdependent facilities, strategically located statewide and heavily regulated by DEEP to operate not only efficiently but in a manner that minimizes any adverse impacts on the environment and communities.¹⁰

VI. Environmental Justice Participation Plan & Community Outreach

MRR's Environmental Justice Participation Plan was approved prior to filing its application with DEEP, as required. Specifically, the Environmental Equity Work Plan for a Solid Waste Volume Reduction Facility for this project was submitted to DEEP on January 9, 2018, and approved by Edith Pestana, MPH, Environmental Equity Program Administrator of DEEP, in a February 14, 2018 letter.

In addition, MRR presented and discussed the proposed addition of putrescible MSW at five public meetings in the City of New Haven. MRR hosted two DEEP preapproved public informational meetings on January 27, 2018 and March 8, 2018, at the Facility. As part of these informational meetings, MRR provided tours of the facility, presented the proposed modification to accept putrescible MSW, and provided time for comments, questions, answers and general discussion. As part of ongoing communications with New Haven officials and DEEP, the project also was presented to the public at a September 5, 2018 New Haven Environmental Advisory Council Meeting held at City Hall. To provide additional opportunity for public outreach and discussion, the project also was presented, at Ms. Pestana's request, to the public on December 4, 2018 at a Quinnipiac East Community Management Team meeting held in the library of the Ross/Woodward School. Finally, MRR appeared on May 21, 2019 before the "Joint City Services and Environmental Policy/Public Safety Committee" to explain the application and to answer and respond to the committee members' questions and comments.

At the meetings, some members of the public expressed concern about MRR's original plan to expand the building by approximately 38,000 square feet and to add recycling equipment to the building expansion. The expansion and addition of equipment was an \$8 to \$10 million commitment by MRR to the City. MRR listened to these concerns, and as a result, withdrew the planned expansion of the facility and the addition of the equipment. MRR also revised its DEEP application by withdrawing its requests to "chip" wood on site and to store street sweepings and catch basin cleanings on site. This resulting application is now a significantly pared down proposal adapted in response to community input.

VII. Project Will Undergo Extensive Scrutiny by DEEP in Order to Receive DEEP Permit to Operate

Staff at DEEP's Waste Engineering & Enforcement Division will conduct a lengthy, thorough and extensive technical review of MRR's pending application. This is because the preservation and protection of the State's air, land, and water resources is DEEP's statutory responsibility.¹¹ The statutes

¹⁰It is for this reason that the Connecticut General Assembly passed General Statutes § 22a-208b(b) to limit local zoning authority over solid waste facilities.

¹¹General Statutes § 22a-2.

specific to the management of solid waste are part of a comprehensive compilation of laws that enable DEEP to fulfill its duties and responsibilities to protect our natural resources.¹² Before permitting the transfer of putrescible MSW at this facility, DEEP must necessarily conclude the proposed operations comply with all relevant statutory and regulatory criteria and will not unreasonably pollute or impair our air, water, or other natural resources.

To protect the health, safety and general welfare of the people and the environment, the General Assembly has entrusted DEEP with the exclusive State authority over the design, construction, operation, and maintenance of solid waste facilities. DEEP ensures that material, such as MSW, recyclables, and C&D, is managed in an efficient, equitable, and environmentally protective manner. DEEP strives to protect the public health and safety and to conserve and improve Connecticut's natural resources and the environment by minimizing adverse effects from the generation, treatment, storage, disposal, and transportation of solid waste. DEEP uses its technical review and the Permit to Operate to fulfill its mission. DEEP strives to achieve the highest level of environmental compliance with relevant statutes, regulations, and the Comprehensive Materials Management Strategy (CMMS).

Specifically, DEEP performs a lengthy evaluation to determine if an application meets the criteria set forth in General Statutes §§ 22a-208 and 22a-208a, as well as the corresponding Regulations of Connecticut State Agencies (RCSA), §§ 22a-209-1 through 22a-209-17. General Statutes §22a-208 provides that the DEEP Commissioner shall provide for the proper planning, design, construction, operation, monitoring, closure, and post closure maintenance of a solid waste facility. Also, the DEEP Commissioner evaluates the suitability of the area near a facility and the impacts of traffic and potential odor, noise, and emissions resulting from the operation of a facility on the area in the vicinity of the facility.¹³ As such, in issuing its permit for the transfer of putrescible MSW at this facility, DEEP must determine that the operations are consistent with the character of the neighborhood, and that the facility will not create noise, dust, malodors, traffic, or emissions inimical to residents. It must conclude that the terms of its permit and the provided O&M Plan safeguard the safety, health, and welfare of the citizens of New Haven and the State.

In addition, DEEP uses several enforcement tools to ensure compliance by solid waste facilities. The tools include: warning notices and letters, notices of violations, consent orders with or without penalties, unilateral orders, civil action through the Attorney General's Office, and criminal action through the State Attorney's Office and/or EPA. Among the remedies DEEP may seek for a

¹²General Statutes § 22a-207 *et seq.*

¹³Two key regulations are RCSA §§22a-209-9, "Solid Waste Transfer Stations," and 22a-209-10, "Resource Recovery Facilities and Other Volume Reductions Plants." There are 17 criteria in §22a-209-9 and 14 criteria in §22a-209-10 that MRR must satisfy. These regulations have 12 similar or identical criteria (one of which, Temporary Facilities, is irrelevant to these proceedings). The 12 criteria are: (1) An applicant must comply with the permit requirements of § 22a-209-4; (2) Access; (3) Certified operator; (4) Storage; (5) Working area; (6) Litter control; (7) Restrictions on certain wastes; (8) Air quality; (9) Fire control; (10) Shutdown; (11) Measuring procedures; and (12) Temporary facilities. RCSA §22a-209-9 includes the following criteria that are not found in §22a-209-10: (1) If a public haul way contract exists, a copy shall be attached to the application; (2) Enclosure; (3) Screening; (4) Storage (a minimum of 24 hours storage capacity is required if the facility's design capacity is for more than 100 tons of solid waste per 8 hour day); (5) Air quality (no open burning shall be conducted except upon compliance with the applicable regulations of the Department for the Abatement of Air Pollution); (6) Fire control (burning waste, highly flammable or explosive waste shall not be accepted); (7) Vector control; and (8) Maintenance. RCSA §22a-209-10 includes two criteria that are not found in §22a-209-9: (1) An application shall include the specifications for all process equipment, and (2) Explosion.

violation of its permits are revocation of the permit and a civil penalty up to \$25,000.00 per day for each violation of the permit.

VIII. Facility Will Continue to Comply with Sections 46(h) and 64 of the Zoning Regulations

As reflected in these application materials, this facility complies will comply with all applicable regulations created by the City of New Haven to protect the health, safety and welfare of New Haven's citizens. Specifically:

- Enclosed as **Schedule B** is a detailed summary of the Solid Waste Facility's continued compliance with Section 46(h) governing solid waste facilities;
- Enclosed as **Schedule C** is a detailed response to all questions on the application form for Coastal Site Plan Review;
- Enclosed as **Schedule D** are specific Special Permit Findings detailing that the Facility will continue to comply with the provisions of Section 46(h)(3)(h) and Section 64(e) after the acceptable of putrescible MSW and that there will be no adverse impacts on adjacent uses or public health, safety and welfare;
- Enclosed as **Schedule E** is a summary of the existing building Floor Area, as well as Reflective Heat Area calculations.
- Enclosed as **Schedule F** is a summary of the Property's industrial history;
- Enclosed as **Schedule G** are maps of the approved Designated Routes for truck traffic to/from the Facility;
- Enclosed as **Schedule H** is a detailed Operations & Management Plan, prepared by Murphy Road Recycling LLC, dated July 7, 2020, which notably proposes operational, management and oversight practices that are *more stringent than those required by DEEP* for the proposed use. Included therein are a list of Best Management Practices ("BMPs") recommended by the EPA to control potential nuisance dust, odor, noise and vectors, and eighteen (18) proposed Special Conditions of approval;
- Enclosed as **Schedule I** is the Stormwater Management Plan, prepared by Anchor Engineering Services, Inc., dated July 13, 2020, and including therein a detailed Stormwater Pollution Prevention Plan, prepared by Anchor Engineering Services, Inc., dated March 2020;
- Enclosed as **Schedule J** is a traffic impact analysis, titled "Wheeler Street Traffic Report," prepared by Anchor Engineering Services, Inc., dated June 24, 2020, concluding therein that the inclusion of putrescible waste will *reduce* the traffic flow at permitted capacity and will not significantly change the overall traffic flow or traffic patterns from the facility or its impact on the roadway network;
- Enclosed as **Schedule K** is an odor impact analysis, titled "Murphy Road Recycling LLC (19 Wheeler Street) Proposal to Accept Putrescible Municipal Solid Waste Review of Engineered and Operational Odor Control Measures," prepared by Patrick J. Fennell, P.E., of TRC Environmental Corporation, dated December 2019, concluding in part that, if the facility implements the recommendations listed therein, the facility will not create an odor nuisance;
- Enclosed as **Schedule L** is a noise impact summary, prepared by Marc Wallace of Tech Environmental, dated July 9, 2020, concluding that the change in sound level from equipment will be imperceptible, and the anticipated reduction in traffic will result in a corresponding decrease in sound level from traffic.

IX. Waiver Requests

The Property's century-old history as a fully developed industrial site renders compliance with two provisions of the Zoning Regulations unfeasible:

- **Section 60(e)(6): Stormwater Management**

The Applicant requests a waiver from Section 60(e)(6), which requires the following: "Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil, and litter." The existing stormwater retention system (which does not retain the first inch of rain on-site) has been previously approved by the Commission in connection with MRR's existing (and historic) approvals to operate the existing facility. This is because it is not advisable to infiltrate additional water through a capped contamination field. *See e.g. Letter from D. Scott Atkin, Licensed Environmental Professional, dated June 6, 2019, appended to Schedule I, Stormwater Management Plan* ("It is my professional opinion that increased groundwater volume would lead to mobilization of the soil pollutants leading to higher concentrations and a larger pollution plume area."). However, MRR is now proposing to install more sophisticated catch basin inserts to trap additional floating material, oil, and litter, thereby improving existing conditions and furthering the goals of this Section with less risk to the environment. *See Schedule I, Stormwater Management Plan*, for full details.

- **Section 60.2: Reflective Heat Impact:**

The Applicant requests a waiver from Section 60.2 because it cannot achieve a 50% level using reasonable methods. This application pertains to a change of use (with no changes to existing infrastructure) on a fully developed and permitted industrial site, with an existing asphalt cap resulting from environmental remediation. Unfortunately, using of high SRI value material on flat roof surfaces will not achieve 50%; *see Schedule E*; and it is not feasible to use special material on the existing asphalt as such material cannot support the site's truck traffic and would quickly erode.