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1 COMMONWEALTH OF MASSACHUSETTS
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 3
 4 FITCHBURG BOARD OF HEALTH
 5
 6 IN RE: SITE ASSIGNMENT PUBLIC HEARING
 7
 8 BEFORE: HEARING OFFICER JOHN F. SHEA, ESQ.
 9
 10 A P P E A R A N C E S:
 11 FITCHBURG BOARD OF HEALTH MEMBERS:
 12 DOCTOR JOHN BOGDASARIAN, CHAIRMAN OF THE BOARD
 13 STEPHEN D. CURRY, HEALTH DIRECTOR
 14 IAN MURRAY; Suite 1001
 15
 16 JOHN F. SHEA, ESQ., HEARING OFFICER
 17 MACKIE, SHEA, DURNING, P.C.
 18 20 Park Plaza, Suite 1001
 19 Boston, Massachusetts 02116
 20
 21 ALSO PRESENT:
 22 ALTON STONE, REGISTERED PROFESSIONAL ENGINEER
 23 ALTON ENGINEERING
 24 10 Rugg Road
 Sterling, Massachusetts
 25
 26 APPLICANT: CHRISTOPHER KARRAS
 27
 28 166 Boulder Drive
 29 Fitchburg, MA. 01420
 30 February, 6, 2020
 31 TIME: 5:06 P.M.
 32
 33
 34 _____
 35 TERESA ROSE WOOD

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1 PROCEEDINGS
 2
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 4 CHAIRMAN BOGDASARIAN: Good evening.
 5 I'm John Bogdasarian. I'm the Chairman of the
 6 Fitchburg Board Of Health. I call to order this
 7 public hearing on AKS Recycling, Inc.'s proposed
 8 minor modification of its existing site
 9 assignment of a solid waste handling and transfer
 10 facility.
 11 The other Board members who will
 12 evaluate AKS's application and testimony are
 13 Ian Murray to my right and Sandra Knipe who,
 14 unfortunately, is not feeling well and won't be
 15 here tonight; Stephen D. Curry is the exemplary
 16 Director of Public Health, is the Board's advisor
 17 on this proposed facility.
 18 AKS has requested a minor modification
 19 of a site assignment from the Board under General
 20 Mass. Laws, Chapter 111, Section 150A for its
 21 solid waste processing and handling facility at
 22 15-35 Cobbler Drive and 41 Blueberry Lane in
 23 Fitchburg.
 24 AKS proposes to install a municipal

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1 solid waste MSW baler to reduce the bulk volume.
 2 The baled waste will be sealed in plastic bags.
 3 Bales will be stored in an existing building
 4 and/or a new pre-fabricated tent building. The
 5 2,000 pound bales will be transported by trucks
 6 for off-site disposal. AKS is not seeking an
 7 increase in its permitted tonnage or hours of
 8 operation.
 9 The public hearing notice on the site
 10 assignment application for modification was
 11 published in the Fitchburg-Leominster Sentinel
 12 and Enterprise on December 31st, 2019. The
 13 hearing was continued on January 23rd, 2020 to
 14 February 6th, 2020 in order to comply with the
 15 Open Meeting Law.
 16 The MassDEP Site Assignment
 17 Regulations at 310 CMR 16.00 set out the
 18 procedures for reviewing site assignment
 19 applications and for conducting public hearings.
 20 Under the regulations, the Board of Health
 21 selects a hearing officer who is responsible for
 22 conducting the public hearing.
 23 The Board of Health has the sole
 24 responsibility and authority to evaluate evidence

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1 received during the public hearing, to vote on
 2 whether to grant a site assignment, and to issue
 3 a written decision.
 4 It is my pleasure to introduce our
 5 Hearing Officer, John F. Shea, of the Boston
 6 Environmental Law Firm Mackie, Shea, Durning.
 7 Attorney Shea has acted as hearing officer in 30
 8 site-assignment applications throughout
 9 Massachusetts. He has previously acted as
 10 hearing officer to this Board.
 11 Attorney Shea has practiced
 12 environmental law for over 40 years. He is
 13 recognized annually for environmental law and
 14 litigation by Best Lawyers, Chambers Lawyers for
 15 Business, Martindale-Hubbell and SuperLawyers.
 16 The Board welcomes Attorney John Shea.
 17 I turn this public hearing over to him.
 18 HEARING OFFICER SHEA: Thank you,
 19 Doctor --
 20 CHAIRMAN BOGDASARIAN: You're welcome.
 21 HEARING OFFICER SHEA: -- and thank you
 22 to the Board and to Steve for retaining me to act
 23 as hearing officer.
 24 I performed hearing-officer duties

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1 just last night up in Middleton for a medical
 2 waste processing facility so I'm juiced to go.
 3 As you mentioned, I acted as hearing
 4 officer to this Board in 2003, 2004 on the AKS
 5 project, and in 2012 I was hearing officer to
 6 this Board on the Recycle America Recycling
 7 Facility and Transfer Station and the Fitchburg
 8 Recycle Transfer Station so that's three
 9 different engagements.
 10 I've had the privilege of performing
 11 hearing-officer duties throughout Massachusetts
 12 from Cape Cod out to the Connecticut River Valley
 13 on landfill expansions, transfer stations,
 14 recycling facilities and solid waste processing
 15 facilities.
 16 I'd like to welcome you all here
 17 tonight to participate in and witness this public
 18 hearing on the AKS site assignment minor
 19 modification application.
 20 I have three preliminary observations,
 21 first, I ask that you all silence your phones. I
 22 left mine in the car. Second, I offer my thanks
 23 to Steve Curry who since about June of 2019
 24 provided me with publicly available background

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1 information as it was being developed, and he
 2 asked certain questions of me about the hearing
 3 process, and the site-assignment regulations to
 4 make sure it was done efficiently and correctly.
 5 Steve has closely worked with the
 6 Applicant's team. He, Steve discovered the Open
 7 Meeting Law hiccup, which would have been a fatal
 8 flaw that fortunately resulted only in a delay
 9 until tonight rather than a false start and an
 10 expensive do-over later on. Third thing I'd
 11 observe is that based upon the documents I've
 12 reviewed and our early start time tonight, I
 13 don't see any reason why the public hearing can't
 14 be completed this evening.
 15 The Board and I are very fortunate
 16 that the participants tonight are seasoned
 17 professionals. In addition to Steve, I've worked
 18 previously with Alton Stone as a solid-waste
 19 engineer and an LSP.
 20 I'm going to offer some introductory
 21 remarks, and then ask Mr. Stone to present his
 22 case. After all the evidence is received, I will
 23 provide some closing instructions to the Board.
 24 So I'm going to talk about three things, explain

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1 what my role is as the hearing officer. I'm going
 2 to describe the site assignment regulatory
 3 process, and I'm going to deal with some
 4 preliminary legal matters.
 5 It's my responsibility to ensure a
 6 full and fair hearing on AKS's application for a
 7 minor modification of site assignment, and that
 8 the Board of Health considers all relevant and
 9 material evidence on whether the site is suitable
 10 for the proposed solid waste baling and storage
 11 facility.
 12 I'm like a judge in a civil jury trial
 13 ruling on the admissibility of evidence and on
 14 procedural issues. I am charged with making sure
 15 there's an orderly presentation of evidence and
 16 argument. I may also question witnesses to help
 17 produce a clear and comprehensive record of the
 18 hearing. But unlike a civil judge, I can't
 19 dismiss the application or decide the site
 20 assignment on a motion for summary judgment.
 21 MassDEP site-assignment regulations
 22 prescribe the scope of my authority and powers at
 23 310 CMR 16.2011. So if I'm like a superior court
 24 judge, then the Board of Health is the jury

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1 charged with making a final decision on the
 2 site-assignment application.
 3 As we're moving into pitchers and
 4 catchers reporting to Florida without a team or a
 5 manager, I'm merely a home-plate umpire calling
 6 balls, strikes and outs. I will conduct a hearing
 7 impartially. I am not related to any Board
 8 member. I have no financial interest in the
 9 Board's decision, and I'm not an employee or
 10 agent of the Applicant.
 11 So the public hearing, the public
 12 hearing is being conducted under Mass. General
 13 Laws, Chapter 111, Sections 150A and 150A 1/2,
 14 which governs site assignments for solid-waste
 15 facilities, and under the MassDEP site-assignment
 16 regulations at 310 CMR 16, which established the
 17 procedures and the criteria for submission and
 18 review of site-assignment applications.
 19 It's a formal process, very different
 20 from typical meetings before local boards and
 21 commissions. Given the small group, it's not
 22 going to be as formal as some of them are, like
 23 the one that I just had up in Middleton, but I'll
 24 give you some examples in how they're different.

1 I conduct the hearing instead of the Chairman who
2 can now focus solely on the testimonial evidence
3 and on asking questions. I am retained by the
4 Board, but the Applicant pays for my services.
5 witnesses are sworn and testify under oath, and
6 they're subject to cross-examination.

7 The hearing is recorded by a
8 stenographer. Tonight we are fortunate to have
9 Terri from McCarthy Reporting Service.

10 If you need anyone to speak more
11 clearly, or if a witness uses an unusual term of
12 art, please speak up. And if I forget to take a
13 break, please remind me, and I will call for a
14 recess.

15 Last night in the hearing, I wasn't
16 paying attention until three quarters of the way
17 through the night, and the stenographer's hands
18 were cramping up. We called for a recess until
19 she was ready to go again.

20 General participation from an audience
21 is not allowed under the MassDEP regulations. We
22 can only hear testimony from parties who are
23 participants who are identified in the
24 regulations. This limitation was referenced in

1 your published notice of hearing.

2 This restriction is designed to
3 prevent free-for-all chaos and to focus the
4 presentation on the relative issues and the
5 siting criteria. I have relaxed this limitation
6 in other cases under special circumstances, and
7 at the request or with the assent of the board. I
8 don't think that's going to be an issue here
9 tonight.

10 So what is the site-assignment process
11 like. Many Boards of Health have not been
12 involved in site-assignment reviews, and although
13 this Board has significant site assignment
14 experienced individual sitting members might not
15 have been involved in prior reviews, and perhaps
16 may benefit from some historic perspective on the
17 process. So this is my site assignment 101
18 lecture.

19 In the broadest sense, local control
20 over the siting of solid-waste facilities dates
21 back to Colonial times. Boards of Health have
22 traditionally had statutory authority to assign
23 certain places for activities that are deemed
24 potentially dangerous to the public, what are

1 referred to as the so-called noisome trades. For
2 example, piggeries, turkey-and-chicken farms, a
3 fish gurney processing plant, anything with an
4 offensive stink or loud noise is a candidate for
5 a site assignment from the Board of Health.

6 In 1955 the legislature identified
7 solid-waste facilities as needing special siting
8 procedures, and they enacted Chapter 111, Section
9 150A, which required solid-waste facilities to
10 receive an assignment by the Board of Health with
11 conditions as may be necessary to protect the
12 public health comfort and convenience.

13 This early law was deficient in a
14 number of respects, not the least of which was
15 the failure to provide objective siting criteria.
16 The law also did not involve Mass. Department of
17 Public Health and the DEQE, now the MassDEP, they
18 weren't sufficiently involved in the siting
19 process. Another big thing was that the boards
20 of health didn't have the sufficient resources
21 for a proper site review. And lastly there was
22 two little formality in the process, which often
23 resulted in virtually unreviewable and
24 unenforceable decisions. I recall one site

1 assignment for a landfill that was just a
2 single-sentence letter stating the land is site
3 assigned.

4 In 1987 150A was substantially
5 rewritten to address these problems, and they
6 strengthened the role played by the MassDEP; they
7 required the proponent to pay substantial fees to
8 aid the board in its analysis of the proposal and
9 in conducting the public hearing. It directed
10 review under the Massachusetts Environmental
11 Policy Act, also known as MEPA, at the
12 site-assignment stage rather than at the later
13 MassDEP permitting stage. And it required greater
14 procedural safeguards during the site-assignment
15 hearing itself.

16 Section 150A 1/2 directed MassDEP to
17 formulate objective siting criteria which are now
18 codified at 310 CMR 16.40. So under the improved
19 and current law, solid-waste facilities, like the
20 AKS facility, requires MEPA review, a MassDEP
21 site-suitability evaluation, and a Board of
22 Health site assignment. But all those things
23 aren't required in this case because it's a minor
24 modification.

13

1 You might be able to help me on the
 2 history here. I sort of figured it out, but AKS
 3 received a certificate from the Secretary of the
 4 Executive Office of Environmental Affairs on
 5 April 14th, 2003 that approved a final
 6 environmental impact report for the solid waste
 7 transfer station. MEPA review was not required
 8 for the 2008 minor modification, and it appears
 9 that the current proposal before you does not
 10 trigger further review under MEPA because it does
 11 not include an expansion of capacity for storage
 12 and processing.

13 Am I right on this?

14 MR. STONE: There is, the minor
 15 modification, one phase of it includes
 16 installation of an industrial-type building that
 17 would provide some additional overflow storage
 18 for the baled solid waste.

19 CHAIRMAN BOGDASARIAN: Can I interrupt
 20 a second. Could you introduce yourself for the
 21 record?

22 MR. STONE: Yeah, for the record, Alton
 23 Stone, registered, professional engineer in
 24 Massachusetts with Alton Engineering, 10 Rugg

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1 Road, Sterling, Massachusetts, and I'm the
 2 engineer assisting and representing AKS and
 3 Charles George Trucking, if you will.

4 CHAIRMAN BOGDASARIAN: Thank you.

5 HEARING OFFICER SHEA: But essentially
 6 the tonnage remains the same, the hours of
 7 operation remain the same. There's just a
 8 proposal for this pre-fab building for storage,
 9 but it doesn't deal with an increase in their
 10 volume of material coming in and out.

11 MR. STONE: I will describe the
 12 building when Attorney Shea is completed and I
 13 give my discussion, presentation.

14 HEARING OFFICER SHEA: So by letter
 15 dated October 23rd, 2019, MassDEP's central
 16 regional office extended the time for its review
 17 of AKS's August 11th application for modification
 18 of an existing large handling facility permit
 19 "pending the outcome of the City of Fitchburg
 20 Board of Health's determination on whether the
 21 proposed baling operation is consistent with the
 22 conditions in the site assignment."
 23 The Board determined that the proposed
 24 changes required a minor modification of the

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1 prior site assignment and the modification to
 2 that site assignment. So tonight the Applicant is
 3 undertaking the necessary final step in the
 4 site-assignment process, the public hearing, and
 5 review by this Board, which must decide whether
 6 the site-assignment modification would constitute
 7 a danger to the public health, safety of the
 8 environment using the siting criteria in the
 9 MassDEP regulations.

10 The Applicant is going to present
 11 documentary and testimonial evidence on
 12 compliance with the relevant siting criteria. If
 13 the Board grants the site-assignment
 14 modification, AKS must still obtain I think two
 15 permits from MassDEP and authorization to
 16 construct, which reviews the specific design, and
 17 an authorization to operate. If it chooses to do
 18 so, the Board can participate in those reviews.

19 So last for me, preliminary legal
 20 matters, commencement of the public hearing.
 21 Because there was not a site-suitability report
 22 required from MassDEP for this minor
 23 modification, the 30 days to commence the public
 24 hearing from receipt of a report is not

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1 applicable. The Board and AKS selected a
 2 mutually-convenient day to commence this public
 3 hearing.

4 With respect to notice of the hearing,
 5 I've reviewed the newspaper notice published in
 6 English and in Spanish, the MassDEP regulatory
 7 notifications, and the recent Open Meeting Law
 8 posting, and I find all the notices of this
 9 hearing are now properly made.

10 Rulings on evidence, under the MassDEP
 11 regulations, the administrative record consists
 12 of the documents reviewed by DEP, and the
 13 documents received by the Board during the public
 14 hearing. I will prepare an exhibit history of
 15 admitted evidence to guide the review of the
 16 record. I will rule on proposed exhibits as they
 17 are offered tonight. Even though some things,
 18 plans and some written materials have been
 19 submitted to you, they need to be formally
 20 admitted into evidence.

21 Minor modification, as I mentioned,
 22 the change from the solid waste processing and
 23 operation approved in the original site
 24 assignment in 2004, as modified by the 2008 minor

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1 modification to the presently proposed baling,
 2 bagging, storage and transfer for the disposal of
 3 baled municipal solid waste is a minor
 4 modification under 310 CMR 16.223 for which a
 5 site-suitability report by MassDEP is not
 6 required.

7 I haven't received any registration
 8 statements required by the site-assignment
 9 regulations from persons seeking to intervene as
 10 a party or a participant in this public hearing.

11 The order on presentation, the
 12 Applicant will present its case with
 13 demonstrative evidence, plans, written materials,
 14 and so on, and testimony from our esteemed
 15 engineer here, and perhaps even the Applicant at
 16 some point may be asked to clarify certain things
 17 as well. The witnesses can be questioned by the
 18 Board, by Steve, and by me to clarify any
 19 questions you might have.

20 So at this point we can turn it over
 21 to you to present your case. In the interest of
 22 time, I'd ask to swear both you and the
 23 Applicant, Mr. Karras, in. I'll ask you to
 24 raise your right hands.

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1 (Alton Stone, Christopher Karras, Sworn.)
 2 HEARING OFFICER SHEA: Mr. Stone?
 3 MR. STONE: Again, for the record,
 4 Alton Stone, professional engineer, representing
 5 AKS.

6 First, in the site-assignment process,
 7 several documents were submitted to the Board of
 8 Health and to the, in particular, the Department
 9 of Environmental Protection and Solid Waste
 10 Division, and they're the ones, along with
 11 Mr. Curry, made the determination that the minor
 12 modification would require this site-assignment
 13 application and hearing.

14 So the first was the form right here,
 15 Massachusetts Department of Environmental
 16 Protection, BWPSW07, modification of a large
 17 handling facility. And a large handling is a
 18 definition, depending on the amount of solid
 19 waste you are processing per day, and the amount
 20 for AKS puts them in at a large handling capacity
 21 for which they had original site assignment, and
 22 they have all the operating permits from the
 23 Department. That was a key form, along with that,
 24 which was submitted, was an application report.

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1 This report that I've prepared, and
 2 again if the Board would like copies of these --
 3 HEARING OFFICER SHEA: Well, I need to
 4 admit them into evidence. I don't know if you
 5 have, those copies can be taken from you --
 6 MR. STONE: Yes, they're fine. I have
 7 them otherwise.

8 BOARD MEMBER CURRY: I probably have
 9 them, too.

10 MR. STONE: You look a little concerned
 11 here, Steve.

12 BOARD MEMBER CURRY: No, I probably
 13 have them, too.

14 MR. STONE: All right.
 15 The second was an application report
 16 that went with the form that gave a further
 17 description of the questions and criteria within
 18 the application, and this was dated June 20th,
 19 2019, that was prepared by myself and my company
 20 and submitted to the Department and submitted to
 21 Board of Health.

22 HEARING OFFICER SHEA: What was the
 23 date of the application itself?
 24 MR. STONE: It's probably the same,

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1 does it have a date on it, oh, July 1st, 2019,
 2 the date it was signed by Mr. Karras, president,
 3 and that's the formal submittal date.

4 HEARING OFFICER SHEA: All right.
 5 MR. STONE: This was prepared earlier,
 6 but submitted probably at the same time. So those
 7 are the two major documents, two of the three
 8 major documents that went in. Another document
 9 was, and I will get to this very shortly, is the
 10 baling, it's a sketch plan of the solid waste
 11 baler operation, which was submitted, and there's
 12 copies here, a copy I can provide to the Board.
 13 Oh, you have a copy, the Board members, very
 14 good.

15 CHAIRMAN BOGDASARIAN: Thanks.
 16 MR. STONE: And the final major
 17 document was what we can call the site plan
 18 showing the entire AKS facility and the
 19 applicable parts where the site assigned or the
 20 proposed activities will take place, and most of
 21 my focus will be on this plan here.

22 CHAIRMAN BOGDASARIAN: I think we have
 23 a copy of that as well.
 24 MR. STONE: Right. And the Board of

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1 Health has a copy of that or copies of that as
 2 well.

3 Following through on what
 4 Attorney Shea mentioned, operations will in
 5 general remain largely the same from the
 6 standpoint of the public, or any effects on
 7 environment or neighborhood. There's no increase
 8 in tonnage. Vehicles will enter and leave the
 9 same way. We're not changing the types of solid
 10 waste. We're not changing hours of operation,
 11 nothing that really should have any impact or
 12 effect on the environment or surrounding area, in
 13 fact, all of our proposed modifications except
 14 the construction of the new building are all
 15 going to be performed inside the two existing
 16 buildings.

17 There's three phases to this minor
 18 modification. The first is the baling operation
 19 itself, the second is the installation of a new
 20 industrial building for storage capacity, as
 21 needed; the third is the reassignment of one of
 22 the buildings at the AKS facility. So I'll begin
 23 with the baling operation first, as is shown
 24 here. Oh, secondly a very important point that I

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1 want to make is that all of the proposed
 2 modifications will occur on the three parcels
 3 that are owned by AKS, nothing will occur on the
 4 lease holdings that AKS, I should say no changes,
 5 none of the modification will occur on the lease
 6 holdings held by AKS from the City of Fitchburg.

7 BOARD MEMBER CURRY: If I may clarify
 8 that, just so the Board is aware, the City leases
 9 land behind AKS, it's actually airport land that
 10 is actually an old landfill, which operated from
 11 1968 to 1971.

12 MR. STONE: Yes, and that's the major
 13 lease, Lease A it's termed, and I believe the
 14 Board is aware that that is under consideration
 15 by the City for a new lease that's ongoing, the
 16 AKS new lease.

17 CHAIRMAN BOGDASARIAN: That's Lease A?
 18 MR. STONE: That's Lease A. There's
 19 also a Lease C and a Lease B which are small
 20 ones, those two together here, I'll turn the
 21 plans so the Board members can see it better, and
 22 those are just small corners that facilitated
 23 logistics of vehicles coming in and out of the
 24 facility, B and C. That was so that the trucks

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1 could come in and not cue on Cobbler Drive or
 2 Blueberry Lane, if you will, which is a major
 3 consideration of the original site assignment.
 4 But, again, none of the operations are going to
 5 occur on those properties. Everything is going to
 6 happen on the three parcels owned by AKS.

7 Proceeding to the first one, which was
 8 really the heart of this operation is that AKS
 9 intends to install, or would like to install a
 10 solid-waste baler, and that's simply, what
 11 happens is as solid waste is dropped on a
 12 conveyor belt, it goes up into a hopper, it goes
 13 down, (sound effects) it's hydraulically rammed,
 14 and out comes --

15 CHAIRMAN BOGDASARIAN: Does it sound
 16 like that?

17 MR. STONE: Yes, (sound effects),
 18 anyway it's a hydraulic system, it will compress
 19 it into a cube roughly four feet by four feet by
 20 four feet, which will weigh somewhere between
 21 2,000 and 2,500 pounds. After it is compressed it
 22 will come out of the building through an existing
 23 doorway, and there it will be bagged, and by that
 24 we mean, think of the shrink wrapping that goes

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1 around things, it basically goes into a big
 2 polythene bag such in it is sealed, and the waste
 3 itself won't be distributed, you know, or --

4 MR. KARRAS: It won't be a mess.
 5 MR. STONE: -- it won't be a mess, very
 6 well, very good, and it will keep it vermin free,
 7 if you will, vermin can't get in.

8 CHAIRMAN BOGDASARIAN: I have a
 9 question. Is that happening in the solid-waste
 10 building, the baling, or which building is it in?

11 MR. STONE: Yeah, the baling is
 12 happening in the solid-waste building, and that's
 13 the building which always has been operationally,
 14 when all the trucks come in, they go across the
 15 scale, up here, just for the record, they're
 16 ingoing here by the scale house, they swing
 17 around down through the property, they go into
 18 the solid-waste building, and there they dump on
 19 the tipping floor.

20 That's the site-assigned area where
 21 the trash can be dumped, within that one
 22 building, and nowhere else can it be, municipal
 23 solid waste and construction and demolition waste
 24 be dumped, that's the distinction between the

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1 two, and then the trucks will pull out. Then
 2 trucks will come in after the sorting and any
 3 processing that goes on here, the trucks back in,
 4 and there they are loaded, loose loaded we call
 5 it, for transportation to ultimate disposal
 6 facility, whatever that may be.
 7 HEARING OFFICER SHEA: So there's
 8 still going to be a C&D operation within the
 9 building?
 10 MR. STONE: Yes, right, the original
 11 site assignment allowed a certain tonnage of
 12 municipal solid waste --
 13 THE COURT REPORTER: I'm sorry, can
 14 you just slow it down a little bit, please?
 15 MR. STONE: Yes, that's right, I
 16 forget.
 17 MR. KARRAS: Christopher Karras from
 18 AKS Recycling, the permit, the current permit is
 19 500 tons per day, C&D, or MSW, the way it is
 20 written today, that's current. So we'll still be
 21 taking in a mix of product.
 22 BOARD MEMBER CURRY: C&D being
 23 construction and demolition material.
 24 MR. STONE: And MSW, municipal solid

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1 waste, trash as you think of it. And for the
 2 record, there is a rather strong distinction
 3 between the two in the State of Massachusetts by
 4 the Department of Environmental Protection and
 5 associated laws and regulations. So all the waste
 6 again traditionally comes in, it's dumped on the
 7 floor, it's separated, it's processed, however it
 8 might be, it's inspected, and then trucks, big
 9 trucks, these are big container trucks we call
 10 them like, what, a hundred yard --
 11 MR. KARRAS: A hundred trailers.
 12 MR. STONE: -- yeah, a hundred yard
 13 trailers will come in, and they're loose loaded,
 14 which means the stuff is just picked up, and it's
 15 not compacted in any fashion, which is an
 16 inefficient way of traveling. Because what you
 17 can carry on a road is typically determined by
 18 the tonnage that you are transporting, not by the
 19 volume, assuming your vehicle is in compliance
 20 with highway dimensions, if you will. And
 21 different states have different roadways. But
 22 the idea in this is to maximize the amount you're
 23 moving. Because if we bale it and squash it, we
 24 can get a lot more on a flatbed truck than you

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1 can by loose loading. So that we'll be reducing
 2 both transportation trips, we're gonna be getting
 3 more per load, if you will. So there's less
 4 trucking going on, which improves the environment
 5 to an extent, and there's a financial component
 6 there, too, to AKS to reduce transportation cost,
 7 which is a major part of the operation.
 8 CHAIRMAN BOGDASARIAN: So currently
 9 when it's just loosely put in the trucks, you're
 10 not getting adequate tonnage per truck; is that
 11 the idea?
 12 MR. STONE: Correct.
 13 CHAIRMAN BOGDASARIAN: So by baling it
 14 you'll concentrate --
 15 MR. KARRAS: I can add something to
 16 that, too. The baling opens up more options for
 17 us to be able to ship out of state, Ohio,
 18 Kentucky. Because the overweight laws are not the
 19 same throughout the United States. Connecticut
 20 and New York are 80,000 pounds gross with the
 21 tractor and trailer. So unless they're prepared,
 22 baled and bagged, you can't find the
 23 transportation to get them out of state. So
 24 that's the primary reason.

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1 The Commonwealth of Mass. has only got
 2 a few sites left that actually have landfills,
 3 and I think Fitchburg will be the last one, '24
 4 it closes. So the state produces seven-million
 5 tons of waste a year of which the burners have
 6 the capacity to process three-million tons. So
 7 four-million tons have to leave the Commonwealth.
 8 So we need to bale it and bag it to get it on
 9 trucks and trains, whatever it may be, to get it
 10 to the various states that are taking it, Ohio,
 11 Virginia, some Pennsylvania, some upstate
 12 New York.
 13 CHAIRMAN BOGDASARIAN: Are there
 14 landfills there, is that it, in those places, to
 15 landfills or to burning facilities?
 16 MR. KARRAS: We use Ohio, for an
 17 example, there's several landfills in Ohio that
 18 have got a hundred year capacity whereas
 19 Massachusetts we're looking at 36 months.
 20 MR. STONE: In addition,
 21 construction-and-demolition waste cannot be
 22 disposed of in-state; it has to go somewhere
 23 else, and that has been a difficulty as well,
 24 obviously some of that is not suitable for

29

1 boiler, two by four's and such, you know, sheet
 2 rock and stuff, that has to be separated out
 3 separately. C&D again is its own item, if you
 4 will, its own waste stream, as we term it, that
 5 has to be handled specifically.

6 CHAIRMAN BOGDASARIAN: And I hate to
 7 keep interrupting --

8 HEARING OFFICER SHEA: No, this is
 9 good.

10 CHAIRMAN BOGDASARIAN: -- but when the
 11 trucks come in and dump all this waste in the
 12 solid-waste building, and it has to be sorted
 13 out, are there actually people in there sorting
 14 it out, or is that done by --

15 MR. STONE: No, there's people.

16 CHAIRMAN BOGDASARIAN: So it's not
 17 done by machine?

18 MR. STONE: Well, there's machines
 19 helping as well to pick up and move, you've got
 20 maybe a Skid-Steer or Bobcat moving material
 21 around; there's a big excavator which has like a
 22 claw on it, (sound effects), give you more of
 23 those sound effects, anyway a big claw, that type
 24 of operation.

30

1 MR. KARRAS: The industry term for
 2 that would be kick sorted inside the building.
 3 The machine pushes the recyclables, the big wood
 4 and metal products aside and --

5 CHAIRMAN BOGDASARIAN: But there's
 6 actually people pointing to this goes here or
 7 that goes there --

8 MR. KARRAS: There's usually two
 9 people on the floor all the time.

10 MR. STONE: So they would then be
 11 directing stuff, materials that look suitable for
 12 the baler because obviously not everything is
 13 suitable for the baler.

14 The baling would happen again in the
 15 building compressing, the cubes would be then, as
 16 we show on the smaller diagram, exit the side of
 17 the building, and there they would go and be
 18 bagged. Because we're proposing to build a small
 19 shed there for which the bagging operation would
 20 occur. And then they would be transported to
 21 what's called the recycling building.

22 Now, this is the second part of the
 23 modification. This building was site assigned
 24 for operations originally, but it was site

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1 assigned only for recycling operations, which
 2 would have been the separation of commingles. In
 3 the past they've used it for disassembling of
 4 Coca-Cola machines and beverage machines, and
 5 other items to recycle.

6 That recycling operation is not being
 7 conducted currently. Mr. Karras can discuss that,
 8 the future of it better than I can. But this
 9 building is now vacant, if you will, so this
 10 building is part of this site assignment
 11 permitted for the storage of these baled, bagged
 12 cubes within the interior. And basically I would
 13 say it has to be approved for solid-waste
 14 storage, or however you want to maybe put
 15 something about the bags or the cubes in there,
 16 too. I don't know if there's a general term,
 17 contained or --

18 HEARING OFFICER SHEA: Baled MSW.

19 MR. STONE: Baled MSW will be placed in
 20 this building. So that's the first operation. So
 21 those are the first two facets of the
 22 site-assignment modification. The third is
 23 building a, I show on the plan here, a 100 by 100
 24 square foot what we call light industrial

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1 building, which is one of the big aluminum steel
 2 tents, so to speak, you see the Mass. Highway
 3 uses it, a lot of groups use them now, they're
 4 very efficient, relatively inexpensive and easily
 5 constructed. It would be on a concrete pad, and
 6 the purpose of that would be for overflow if this
 7 building, for whatever reason, exceeds its
 8 capacity.

9 I will mention that this building will
 10 be retrofitted for sprinkler system, fire
 11 protection, let's put it that way, whichever is
 12 decided would be the most efficient because it
 13 doesn't currently have that. So all of this will
 14 obviously go through -- when the site assignment
 15 is successfully completed, as we mentioned, then
 16 there's a permit to construct, which is basically
 17 the design of what's going to happen in there,
 18 and there a whole detail will be given by a
 19 fire-suppression engineer on how fire suppression
 20 is going to be. It's very detailed what goes to
 21 the DEP. They'll want to know all the
 22 specifications of, let's say of the baler, and
 23 this type of thing.

24 BOARD MEMBER CURRY: What's the size

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1 of that building, if I might ask?

2 MR. STONE: It was a hundred square

3 feet by a hundred square feet.

4 BOARD MEMBER CURRY: The new one, but

5 what's the present size?

6 MR. STONE: Oh --

7 BOARD MEMBER CURRY: That's okay.

8 MR. STONE: I can get it. You know,

9 here I am an engineer, and I didn't bring a

10 scale.

11 BOARD MEMBER CURRY: I've got a scale.

12 MR. STONE: Off the record for the

13 moment.

14 CHAIRMAN BOGDASARIAN: That third

15 building is going to go on the current storage

16 area, right there in that triangle that you show;

17 is that where it's going to go, right there?

18 MR. STONE: Here it is, yeah, it's

19 right here. It's got a heavy green line around

20 it.

21 CHAIRMAN BOGDASARIAN: Oh, I see, okay.

22 MR. STONE: You see, here's the

23 processing building, this is the recycling

24 building, and this would be the new storage

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1 building, somewhere in here, but it has to be on

2 this lot here because that's owned by AKS.

3 CHAIRMAN BOGDASARIAN: Okay.

4 MR. STONE: There we go, thank you.

5 That building there I have 80 feet by 80 feet, I

6 have it, 80 feet by 80 feet. Does that sound

7 about right to you?

8 MR. KARRAS: The recycle building?

9 MR. STONE: Yes.

10 MR. KARRAS: Yes.

11 MR. STONE: Yeah, 80 feet by 80 feet.

12 CHAIRMAN BOGDASARIAN: Okay, you

13 actually showed the overflow building there.

14 MR. STONE: Yeah, okay. So that's the

15 three major components of the application for

16 site assignment, the real changes that are going

17 to occur on the property.

18 CHAIRMAN BOGDASARIAN: Well, as I

19 said, I'd like to thank you all for clarifying

20 things because you have brought considerable

21 clarity, at least to my understanding of it.

22 Thank you all. The background is very helpful.

23 HEARING OFFICER SHEA: So what else do

24 you have? That's it?

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1 MR. STONE: That's what we're planning

2 to do.

3 HEARING OFFICER SHEA: No more sound

4 effects? Can we slam a book shut?

5 MR. STONE: No, I'm open for questions

6 now and considerations by Board members or by

7 you, sir.

8 CHAIRMAN BOGDASARIAN: Well, no, I was

9 just going to ask you, you said there won't be a

10 change in tonnage, but currently you're handling

11 the waste that comes in in essentially one

12 building, right, I mean only one building is

13 being used, the other one is empty, and the third

14 one is to be built. So how will you keep the

15 same tonnage and have a need for these buildings,

16 or why do you have a need?

17 MR. KARRAS: So the recycling building

18 has got loading docks, and it's raised up so it's

19 to dock height so. Once the cubes, once the

20 bales come out and they're bagged, we don't want

21 the bags disturbed, to get picked up with a clamp

22 forklift, we don't want them to get disturbed by

23 unprocessed material inside that building. So

24 we'll take them out with trailer trucks to load

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1 them off. That's why we want to use that recycle

2 building so they can back up, they won't

3 interfere with the existing traffic flow, it's

4 isolated, they can be loaded out and not

5 interfere with the traffic flow and the pattern

6 and not cause any tie ups.

7 CHAIRMAN BOGDASARIAN: Got you, okay.

8 Thanks.

9 Then the third building would be

10 required on occasion, is that weather or

11 something --

12 MR. KARRAS: Right.

13 CHAIRMAN BOGDASARIAN: Yeah, so in

14 those times, the tonnage might go up, I suppose?

15 well, you probably wouldn't be taking it in as

16 much if there is bad weather.

17 MR. KARRAS: well, the incoming

18 tonnage on a daily basis will still be 500

19 maximum so that's not going to increase or

20 decrease. But if there was weather like today,

21 for example, or a holiday, and you had a couple

22 days' worth of build-up, all of a sudden, then

23 you would have to have additional storage. we

24 don't want to store this outside.

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1 CHAIRMAN BOGDASARIAN: Okay, so the
 2 storage tonnage might go up a little bit
 3 temporarily, but the amount coming in would
 4 remain the same?
 5 MR. KARRAS: Correct, yes, no increase
 6 in the daily tonnage.
 7 CHAIRMAN BOGDASARIAN: Got you.
 8 BOARD MEMBER CURRY: Any estimation of
 9 how many bales you could store in those two
 10 buildings?
 11 MR. KARRAS: I haven't done it. OSHA
 12 regulations is five high.
 13 BOARD MEMBER CURRY: You can go five
 14 high?
 15 MR. KARRAS: You can go five high. I
 16 would have to do the Math to see --
 17 MR. STONE: We said 80 feet, I assume
 18 60 feet of that makes dimensions livable so 600
 19 square feet divided by 16 --
 20 MR. KARRAS: My experience tells me,
 21 because we have a baling operation for cardboard
 22 recyclables in Billerica, a 30,000 square foot
 23 building, and we can store in that space
 24 approximately 400 bales, in that area. Because

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1 you need room to be able to maneuver a forklift
 2 in and out so 4 to 500 bales-ish without doing
 3 the engineering on it, it's got to be in that
 4 ball park.
 5 BOARD MEMBER CURRY: That would be
 6 including both buildings?
 7 MR. KARRAS: In just the recycling
 8 building.
 9 BOARD MEMBER CURRY: In just the
 10 recycling building?
 11 MR. KARRAS: Yeah.
 12 BOARD MEMBER CURRY: so you'd probably
 13 have something, a bigger number in the tent
 14 structure --
 15 MR. KARRAS: So even if we store it
 16 in the tent structure it will still bring it back
 17 to the recycle building to get it out because --
 18 BOARD MEMBER CURRY: what I'm getting
 19 at is the \$10,000.00 question here is you could
 20 potentially have a thousand bales on site?
 21 MR. KARRAS: Yes.
 22 MR. STONE: And there's certain
 23 restrictions, Chris indicated five high, but from
 24 a logistics standpoint and a fire standpoint, you

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1 have to have a certain amount of separation now
 2 and again; you just can't have it totally cram
 3 full of bales, if I'm not mistaken, I would
 4 assume when we put a final plan together to the
 5 fire, they're gonna say well, we at least want to
 6 be able to have a row to drive up and go in kind
 7 of thing so we can get to the back if that's
 8 where the fire is or whatever. Now, that's all
 9 pending the design that goes to DEP, Board of
 10 Health, and then from the Board of Health you
 11 submit copies around I assume to everyone like
 12 you did before to fire, police, whoever.
 13 CHAIRMAN BOGDASARIAN: And you
 14 mentioned certain things that aren't allowed,
 15 like certain construction materials, I guess we
 16 can't keep it here, if I understood that, but are
 17 there restrictions in terms of other hazardous
 18 materials, I mean you can't have old bombs and
 19 dynamite, and that sort of thing?
 20 MR. STONE: Yes, there's a whole, well,
 21 first of all, on a larger scale, we have solid
 22 waste in Massachusetts that has its own set of
 23 regulations on handling, and that's, well, that's
 24 310 CMR, what are we, 19 I think for the

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1 facility, but then there's a whole set of
 2 regulations for hazardous waste under RCRA, and
 3 this facility is not approved as what we'd call a
 4 treatment storage or disposal facility, TSD, it
 5 is not approved so no hazardous waste comes in.
 6 Furthermore, there's also the third said in
 7 Massachusetts which is oil and hazardous
 8 materials in general, RCRA involves if you're
 9 producing a certain waste, you have to manage the
 10 transportation, handling and disposal of that
 11 waste under Federal laws, it has to go to an
 12 approved facility, etcetera, waste, oil, anything
 13 else.
 14 Under MGL Chapter 21E, that is for any
 15 waste, any hazardous waste as it is so defined
 16 that is improperly stored, handled, used or
 17 spilled. So that's another set of regulations
 18 that prohibits what can come into this facility,
 19 if you will. So this is assigned only for the
 20 municipal solid waste, which in general is the
 21 trash you put out on your curb once a week and or
 22 you come up, there's operations here for I think
 23 residents can bring material up from Leominster
 24 or Fitchburg, is it, you know, they can bring up

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1 a carload of stuff if they're working at the home
 2 cleaning out the basement, and there's a series
 3 of roll-off containers, they can throw commingles
 4 in, cardboard in, wood in, metals in, general
 5 refuse in, so that facilitates residents when you
 6 have a larger load, let's say you can't put out
 7 on the curb.

8 CHAIRMAN BOGDASARIAN: This is
 9 probably an off-the-wall question, but old tires,
 10 for instance --

11 MR. STONE: No.

12 CHAIRMAN BOGDASARIAN: No, you can't
 13 put that --

14 MR. STONE: Well, I should let Chris,
 15 let me step back. There's another thing under
 16 the whole solid-waste regulations, which are
 17 called waistband materials, they are not allowed
 18 at a transfer station or a disposal facility
 19 unless under special permit, and that includes
 20 electronics, TVs, I think it's white goods aren't
 21 permitted; there's a number of others there that
 22 are not permitted to come in here unless you have
 23 a specific what we call --

24 MR. KARRAS: So we recycle those. So

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1 we bring in waistband items, okay, for a fee for
 2 the residents for them to bring them in, it's
 3 mostly residents; they're not allowed to throw
 4 them on the curbside to throw them out: tires,
 5 any kind of screen, air conditioners, that sort
 6 of thing, so we collect them, we sort them, and
 7 then we send them to their respective markets.

8 HEARING OFFICER SHEA: And some of the
 9 white goods, for example, the refrigerators can
 10 be recycled here in Massachusetts at metal
 11 recycling facilities.

12 MR. KARRAS: Right.

13 MR. STONE: But you can't throw
 14 microwaves and all kinds of stuff in there.

15 MR. KARRAS: People try very hard,
 16 though.

17 MR. STONE: I know.

18 MR. KARRAS: They put them in trash
 19 bags, and then they might put trash on top of
 20 them, but we sort through them, about 400 tires a
 21 month come through.

22 MR. STONE: And then another, just so
 23 you're aware of it, what goes on here, AKS has
 24 something called an ABC, asphalt brick and

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1 concrete recycling permit. So those materials
 2 come in, they can be crushed, generally asphalt
 3 and brick, if the brick is good it's recycled,
 4 the asphalt is ground to make what we call wrap,
 5 reprocess asphalt product, the concrete is
 6 crushed; that's a whole separate piece of
 7 permitting that allows them to do those
 8 operations here, and they can bring wood in.
 9 Wood is not, as I know, in any way restricted.

10 MR. KARRAS: That's correct.

11 MR. STONE: The only people restricted
 12 are the fire department. If you started to have a
 13 mountain of wood out there, they're gonna say
 14 whoa, whoa, whoa, wait a minute, you know,
 15 because actually public health, besides the Board
 16 of Health, fire department, police, anyone else
 17 have the right to look at operations, too.

18 Then another one that cannot come
 19 here, unless Chris corrects me, are like asphalt
 20 shingles, no, they got to go to their own special
 21 recycling facility and, of course, there's no
 22 asbestos permitted or allowed here or even wanted
 23 on this facility, asbestos again is its own
 24 processing material.

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1 CHAIRMAN BOGDASARIAN: I understand.
 2 Thanks a lot.

3 MR. STONE: It's a rather complex
 4 operation managing waste in any state now.

5 CHAIRMAN BOGDASARIAN: Well, good for
 6 the environment I suppose.

7 MR. STONE: It is, as best as it can
 8 be.

9 BOARD MEMBER CURRY: If you were to
 10 put 500 bales into one of these buildings what
 11 would be a reasonable amount of period of time
 12 that all of these bales would be removed and
 13 disposed of? And secondly, what type of system in
 14 place would there be for those bales that are
 15 deeply buried behind, I mean obviously you fill
 16 the building; what stops a bale from being there
 17 for three years in the back?

18 MR. STONE: Were you thinking of
 19 garbage or something, and it was potentially
 20 rotting --

21 MR. KARRAS: Well, it's the same as
 22 what we have in the building, okay, you try to,
 23 you rotate, it's like being in a grocery store,
 24 you need to rotate the oldest material out first.

1 We do that on an every day basis up in Billerica.
2 We take the oldest material and send it out
3 first, okay, first in, first out.

4 CHAIRMAN BOGDASARIAN: And
5 economically it must be good for AKS to get the
6 stuff out, right?

7 MR. KARRAS: We don't want it sitting
8 around. This is just a, we have this contingency
9 plan, and it's in case of the worst-case scenario
10 because nothing works perfectly ever. So we
11 like to move it every day. We bring 400 in, bring
12 400 out, pretty consistent.

13 BOARD MEMBER CURRY: So the goal is
14 daily, but ultimately that doesn't always happen
15 in the grand scheme of things?

16 MR. KARRAS: No, it would be up to the
17 management to make sure that they continue to
18 rotate the stock, so to speak.

19 BOARD MEMBER CURRY: So if a bale were
20 to come in today, what would be the longest it
21 would stay there?

22 MR. KARRAS: If it hit on a Friday,
23 and it had to stay Saturday, Sunday and get
24 picked up on Monday, I'm thinking that's like an

1 outside window, three days.

2 CHAIRMAN BOGDASARIAN: Are there any
3 regulations as to who does the construction or
4 the revision of these buildings, or can
5 anybody --

6 MR. KARRAS: Building code, the State,
7 and it has to be submitted to the State, the
8 plans have to be submitted to the state, has to
9 be approved by the City, the fire department.

10 CHAIRMAN BOGDASARIAN: Okay, but no
11 particular company has to be specializing in that
12 sort of thing?

13 MR. STONE: No. Well, the sprinkler
14 system, they'll be a fire suppression, I use
15 sprinkler, it may not, it might be a dry system,
16 there's a number of types of systems, that will
17 be determined by us and a fire-suppression
18 engineer and the fire department looking at it
19 via fire prevention, but that whole detail plan,
20 this building will have to go, this building
21 we're going to use for the, excuse me, this one
22 for additional storage, that was previously
23 detailed when we did the original application to
24 DEP. And that will be detailed again, and then

1 the construction changes in there, if you will,
2 architectural, however you want to phrase it, so
3 that the material can be properly managed, as
4 well as the sprinkler, the fire-suppression
5 system, that whole design will be going to the
6 DEP, as well as then to the Board of Health who
7 then circulates it to the other applicable
8 departments within the Town, police, fire
9 suppression, well, conservation this one doesn't
10 really involve, but you know who you'll have to,
11 I don't know, City fire, whatever, but that will
12 happen. And so all of that will be submitted,
13 all the construction details of this building
14 will be submitted.

15 It's a pre-fab building, and that's
16 like all done by the company, you know, they just
17 send you the packet, and here's what it looks
18 like, and here's all the engineering
19 specifications, it's a standard concrete slab so
20 myself or anybody can design that thing, but that
21 may even be in there, you know, it will probably
22 be, what do you think, eight inches --

23 MR. KARRAS: Eight-to-ten inches.

24 MR. STONE: -- yeah, eight-to-ten

1 inches, concrete slab, you know, with rebar and
2 mesh in it and that type of thing. So that's not
3 a big problem. And then the baler itself, all the
4 details will be that, and the reconfiguration of
5 this building and the design of the shed, and
6 then it would be manufacturer's cut sheets we
7 call it or diagrams of the equipment that will be
8 used there will go to the DEP, and I don't know,
9 they might want what we call a flow chart.

10 Steve was talking about, okay, it
11 comes in, you know, a flow of how much waste
12 comes in a day, how much is going to get baled a
13 day, how much of that is going to come out, how
14 much is going to go into this building a day, how
15 long it's going to be there, and then how much is
16 going out on a day. So that's called a materials
17 flow chart, if you will, or materials balance
18 sheet, and that attempts to answer the question
19 Steve brought up, and for the DEP, it's how this
20 stuff is actually going to happen, you know, how
21 we're going to manage it and make sure the
22 materials are processed appropriately and on the
23 schedule that is suitable.

24 Now, that reminds me on one thing,

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1 Steve, you brought up, there were, as I recall,
 2 in the original site assignment terms on how long
 3 solid waste could remain on the --
 4 BOARD MEMBER CURRY: Tipping floor.
 5 MR. STONE: Well, okay, the tipping
 6 floor maybe, that's less of a problem to me, it
 7 would be in the storage operation, if we have the
 8 storage building and this, what the time frame
 9 is, maybe Chris knows it --
 10 MR. KARRAS: That's part of this
 11 application, I believe we extended it out to, I
 12 think we put 72 hours on there I believe. I'll
 13 have to confirm that, but we did address that.
 14 MR. STONE: Yes, you did. So that's
 15 actually the fourth phase of this minor
 16 modification, I gave you the other three; we've
 17 been over the fourth part of it, which is less
 18 for me actually, it's less of an engineering
 19 question, it's a logistics question: Is the
 20 extension and time that this material could
 21 remain on the facility, you know, barring the
 22 acts of God kind of thing.
 23 MR. KARRAS: The cubed material is
 24 far easier to manage and far less of a nuisance

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1 than loose material.
 2 BOARD MEMBER CURRY: It's a hundred
 3 percent sealed?
 4 MR. STONE: Yes.
 5 MR. KARRAS: Yes, they're sealed in
 6 bags and that's why --
 7 BOARD MEMBER CURRY: I've read a lot
 8 of documents that all it does, the only moisture
 9 that comes from it is condensation inside of it.
 10 Because I thought maybe floor drains would
 11 probably be necessary, but there is no juice
 12 produced by it.
 13 MR. KARRAS: By the time that it is
 14 baled, everything is squeezed out of the -- any
 15 kind of moisture is squeezed out of the trash.
 16 CHAIRMAN BOGDASARIAN: Do you guys
 17 mind coming to our other meetings? We can use
 18 some sound effects.
 19 MR. STONE: Actually there's other
 20 things you may be around that you may be seeing
 21 me in a bit.
 22 BOARD MEMBER MURRAY: I just have a
 23 clarifying question. Mr. Curry seemed to be
 24 reading it right, a little bit concerned about

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1 the amount of waste that could potentially be
 2 stored on site, but that 72 hour window in the
 3 modification, that's the amount of time the waste
 4 coming in can be kept, or is that just the amount
 5 of time it can be kept on the tipping floor?
 6 BOARD MEMBER CURRY: Right now our
 7 requirements make them or force them to remove
 8 all the --
 9 MR. KARRAS: It's going to sit there
 10 for 24 hours so we have to rotate it through.
 11 BOARD MEMBER MURRAY: Okay.
 12 BOARD MEMBER CURRY: So we need to come
 13 up with something, quite frankly, I think that,
 14 and I'm no expert, but I think that is a little
 15 bit aggressive, and it's an ideal situation, but
 16 not sure it's a hundred percent possible.
 17 MR. KARRAS: Is there material on the
 18 floor as we speak, yes, because everything that
 19 came in today after one, two o'clock is going to
 20 be on the floor until tomorrow when they start
 21 picking it up so there's material there, it's
 22 that twenty-four-hour flow. And then, you know,
 23 I'm being realistic about it, okay, if you have a
 24 holiday on a Monday, and the truckers don't want

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1 to show up or the incinerators are closed, when
 2 we put this permit together, there was also
 3 another six landfills in the State that were all
 4 hungry to take material all the time. So they're
 5 very dependent right now on burn plants and
 6 out-of-state transportation.
 7 If the burn plant has an outage, and
 8 they're down to one burner rather than two, and a
 9 truck waits five hours in line, he can only get
 10 one job done and not three, well, of course, you
 11 have a surplus of material, that's a fact, we've
 12 talked about this a hundred times, okay. So the
 13 reality is that that 72 hour window is pretty
 14 realistic for life. It's like a real-life number
 15 without creating a nuisance.
 16 CHAIRMAN BOGDASARIAN: In the
 17 department are they working on Saturday and
 18 Sunday anyway?
 19 MR. KARRAS: We take material in on
 20 Saturdays until noon, not Sundays.
 21 CHAIRMAN BOGDASARIAN: But not
 22 Sundays. So there are going to be probably every
 23 week things that stay there for 48 hours anyway
 24 or --

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1 MR. KARRAS: By default. Because all
 2 the incinerators and or landfills in the State
 3 close at noon on Saturdays. I don't know any
 4 that stay open, unless it's a holiday week, then
 5 they might let things stay open an extra couple
 6 of hours to get the material in off the streets,
 7 so to speak, but 48 weeks a year, they close at
 8 noon so you have residual that sits there.
 9 CHAIRMAN BOGDASARIAN: It's amazing
 10 the volume that you guys must deal with, I mean,
 11 as you say, to stay open extra on a holiday
 12 weekend just because an extra couple hours makes
 13 a huge difference I'm sure across the state in
 14 terms of the amount of garbage that gets
 15 produced.
 16 MR. KARRAS: If it's a Monday holiday,
 17 and your regular trash schedule at your house
 18 starts on Tuesday, and they're going to finish it
 19 on Saturday or so, it either goes back to the
 20 yard and sits in the garbage trucks, if they have
 21 enough time on Saturday, or they dump it at the
 22 facility and don't bring that, a lot of yards
 23 aren't allowed to bring full trucks back. So the
 24 laws are really, they need to be updated I guess,

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1 but I think 72 hours is a very realistic window
 2 to have the material flow in and flow out.
 3 MR. STONE: It makes you think if
 4 you're there during a day of operation when this
 5 thing is humming along, and this is one small 500
 6 ton a day transfer station, and you watch the
 7 trucks coming in and dumping in these big a
 8 hundred yarders backing in and boom, boom, being
 9 loaded up and hauling out, and it's just one
 10 coming in and one being loaded every so often
 11 afterwards, and you're checking, this is one
 12 small facility.
 13 MR. KARRAS: It is small.
 14 MR. STONE: You know, 500 tons a day
 15 is not a lot, I mean it is a lot, but not in
 16 terms of what big facilities do.
 17 CHAIRMAN BOGDASARIAN: Compared to
 18 others, yeah. And the baling that's used is
 19 plastic material, I mean it's pretty tough stuff?
 20 MR. KARRAS: Tyvek, tight material.
 21 That's the thing I can compare it to the most. It
 22 looks like, it feels like Tyvek.
 23 CHAIRMAN BOGDASARIAN: Okay.
 24 MR. STONE: It's the suits we wear in

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1 hazardous waste clean-up, and then it's what they
 2 put on homes now to make them airtight.
 3 MR. KARRAS: Yeah, that's what I see.
 4 MR. STONE: It's a very tough cloth,
 5 generally waterproof, if you will.
 6 HEARING OFFICER SHEA: Questions,
 7 anymore questions?
 8 BOARD MEMBER CURRY: Can the rats chew
 9 through it?
 10 MR. STONE: Well, hopefully if it's in
 11 the building, there won't be any rats. I have
 12 spent a lot of time at AKS, and surprisingly, I
 13 could say surprising have been to other dumps and
 14 landfills in my history --
 15 BOARD MEMBER CURRY: How about
 16 seagulls can they peck through it?
 17 MR. STONE: There's no -- no, there's
 18 no rats there, and I think we have our own rat
 19 patrol --
 20 MR. KARRAS: We do. So we're on that
 21 15 acres out back, and there's a large wildlife,
 22 there is fox, and there is coyotes back there,
 23 and we do not have a vermin problem at all. And
 24 we do all the steps that are required by a permit

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1 with the traps and everything else; we don't have
 2 a problem.
 3 MR. STONE: No, I've never seen, you
 4 know, and I walk through there, and I've never
 5 seen a rat scurrying around.
 6 CHAIRMAN BOGDASARIAN: Fox and coyotes
 7 take care of it all.
 8 MR. STONE: They take care of them
 9 all.
 10 CHAIRMAN BOGDASARIAN: That's
 11 interesting, cats and so on --
 12 BOARD MEMBER CURRY: The only thing I
 13 did hear is when you had a fire, the fire
 14 department commented they did see rats when they
 15 went in to put out the fire in the transfer
 16 station.
 17 MR. KARRAS: They might have been
 18 sleeping.
 19 BOARD MEMBER CURRY: But, of course,
 20 if you've seen one, you've seen a hundred, right?
 21 MR. STONE: Well, not necessarily,
 22 yeah, where there's trash, there's going to be
 23 some rats. The point is are they at a point
 24 where they become a vector or not. And I think

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1 it's fair to say that they are not a vector here,
 2 that they're kept under control.
 3 BOARD MEMBER CURRY: So you don't
 4 project any odors as far as the baled waste goes?
 5 MR. STONE: I'd say there will be less
 6 odor than there is otherwise because it's
 7 Tyvek --
 8 BOARD MEMBER CURRY: That's kind of
 9 what I was hoping. Summer months can be tough.
 10 CHAIRMAN BOGDASARIAN: You've pretty
 11 much answered my questions, unless you can tell
 12 me what Tom Brady is going to do.
 13 HEARING OFFICER SHEA: For purposes of
 14 just to make sure your record is okay, although
 15 the actual exhibits won't be maintained by you,
 16 they'll be maintained by the Board, so we have
 17 Exhibit 1, the July 1, 2019 Application to DEP;
 18 Exhibit 2 is the June 20th Report that
 19 accompanied that Application; Exhibit 3 is the
 20 Sketch Plan; Exhibit 4 is the Site Plan. And I
 21 guess we'll keep the larger one for the record as
 22 opposed to the smaller one.
 23 MR. STONE: Yeah, this never got any
 24 bigger, this guy, this is a full-size one.

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1 HEARING OFFICER SHEA: Is that the
 2 sketch?
 3 MR. STONE: That's the sketch. You
 4 have a ticket on there. These have been
 5 identified 1, 2 --
 6 HEARING OFFICER SHEA: So the big one
 7 is Exhibit 4 or is it, yeah, the big one will be
 8 submitted.
 9 MR. STONE: That's really the key to
 10 it.
 11 HEARING OFFICER SHEA: The Public
 12 Notice, I took my copy of the Public Notice, and
 13 that will be Exhibit 5 in the record. I think
 14 that's all the exhibits that we need.
 15 I'm ready to give some closing
 16 instructions for you guys. So the Board of Health
 17 has 45 days from -- well, we commenced the
 18 hearing today so it's from the commencement of
 19 the hearing to issue a Modified Site Assignment
 20 decision or a written finding that the proposed
 21 baling, bagging, storage and transfer station
 22 would constitute danger to the public health,
 23 safety and the environment. By my calculation, I
 24 think 45 days ends on March 22nd, that day is a

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1 Sunday, so by operation of law, the date for
 2 issuance would be Monday, March 23rd.
 3 The Board may or may not know, but you
 4 can impose conditions on any grant of a site
 5 assignment to ensure that it won't present a
 6 threat to the public health, safety or the
 7 environment. The Board's decision is based upon
 8 the evidence in the record, and the live
 9 testimony that you heard tonight.
 10 The administrative record of the
 11 proceeding consists of all the admitted exhibits,
 12 the stenographic transcript, and the decision
 13 itself so that's the package called the
 14 administrative record. Each Board member should
 15 review the record and at a public meeting, not a
 16 public hearing, a regular public meeting of the
 17 Board, or a special one convened just to deal
 18 with this subject matter.
 19 You need to deliberate in an open
 20 session and vote on the Site Assignment
 21 Application. No new evidence can be submitted at
 22 that public meeting. The final decision has to be
 23 in writing and signed by the Board. The decision
 24 needs to contain a statement of reasons and a

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1 determination of facts pertaining to the site
 2 suitability criteria, and any special conditions
 3 you believe are necessary and appropriate.
 4 In most cases, the Applicant can
 5 provide a proposed decision for your
 6 consideration but, of course, the city solicitor
 7 can also help craft the decision. You have a
 8 model decision, and I don't know how it was
 9 crafted before, but back in 2008 you did a minor
 10 modification decision, and you could use that as
 11 a template for what this should all look like.
 12 CHAIRMAN BOGDASARIAN: Could I
 13 interrupt? You said the final decision is due in
 14 45 days so the deliberation takes place before
 15 that at some point?
 16 HEARING OFFICER SHEA: Beforehand,
 17 yes, whenever you want to schedule it, whatever
 18 is convenient for you.
 19 BOARD MEMBER CURRY: We already have a
 20 meeting scheduled March 2nd.
 21 HEARING OFFICER SHEA: It would be good
 22 to have a draft of the Site Assignment and
 23 conditions to discuss at that meeting so not only
 24 are you looking at this very modest set of

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1 documents and plans, you can review the
 2 transcript as well. You really ought to have
 3 something in front of you in terms of a draft
 4 decision.
 5 The last point is notice of the
 6 decision must be published in the newspaper
 7 within seven days of issuance. So if you wait
 8 until the last day -- you can issue it before
 9 that last day, if you're ready, a notice of the
 10 decision is published in the paper. It's not the
 11 decision. The decision is not published. It's
 12 the Board has granted a Site Assignment, pretty
 13 standard stuff. You must have done it before.
 14 BOARD MEMBER CURRY: Yes.
 15 CHAIRMAN BOGDASARIAN: So by March 30th
 16 that would be then?
 17 HEARING OFFICER SHEA: If you waited
 18 until the last day. And again you don't have to
 19 wait until the last day. If for some reason
 20 there's an appeal of the decision, and the
 21 Applicant could appeal if you put some really
 22 crazy conditions on the operation, he can't live
 23 with them, that could be a reason for an appeal,
 24 but if you work together on the draft of the

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1 decision before you guys deliberate, that's very
 2 unlikely. And because this hasn't had any
 3 intense public scrutiny or participation, it's
 4 unlikely a group of people are going to get
 5 together and file an appeal, but that appeal goes
 6 to the Superior Court. And The Court reviews only
 7 the same information that you reviewed. There's
 8 no trial with new witnesses or anything. It's
 9 just what was before this Board.
 10 Are there any questions on
 11 post-hearing process?
 12 BOARD MEMBER CURRY: I do not.
 13 HEARING OFFICER SHEA: So we're at an
 14 end. I want to thank the Board and Steve and
 15 Alton, Mr. Karras, and our stenographer. You've
 16 been very attentive, and your questions were
 17 really appropriate and helpful.
 18 CHAIRMAN BOGDASARIAN: Thanks.
 19 HEARING OFFICER SHEA: You all did a
 20 great job. And although you're listed as the
 21 Chairman, he's been running it tonight as the
 22 Acting Chair I guess.
 23 It's now time for you to call for a
 24 motion to close the public hearing and to vote on

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1 that motion.
 2 CHAIRMAN BOGDASARIAN: I'll make a
 3 motion then to close the public hearing and to
 4 make a vote or ask for a vote on that motion.
 5 Did I say that properly?
 6 HEARING OFFICER SHEA: Yes.
 7 BOARD MEMBER MURRAY: I second the
 8 motion to close this public hearing.
 9 HEARING OFFICER SHEA: All in favor?
 10 (All agree.)
 11 HEARING OFFICER SHEA: This public
 12 hearing is closed.
 13 I will prepare for you just a one
 14 sheet of paper that says exhibits and lay it out,
 15 and that will be part of the record.
 16
 17 (The hearing then adjourned, 6:21 P.M.)
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CERTIFICATION

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 5 I, TERESA ROSE WOOD, hereby certify the
 6 foregoing to be a true and complete transcript of
 7 the oral evidence presented at the subject
 8 hearing.
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 16 DATED: _____
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