

General Permit for the Addition of Grass Clippings at Registered Leaf Composting Facilities

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General Permit for the Addition of Grass Clippings at Registered Leaf Composting Facilities

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Section 1. Authority

This general permit is issued under the authority of section 22a-208a(i) of the General Statutes.

Section 2. Definitions

As used in this general permit:

“Aerated static pile” means the forced aeration method of composting in which a free-standing pile of organic material is aerated by a blower which moves air through perforated pipes located beneath the pile.

“Approval of registration” means an approval of registration issued under Section 4 of this general permit.

“Authorized activity” means any activity authorized by this general permit.

“Commissioner” means commissioner as defined by section 22a-2(b) of the General Statutes.

“Day” means the calendar day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

“Department” means the department of energy and environmental protection.

“Grass clippings” means plant material produced as a result of mowing a lawn.

“Growing season” means April 1 through September 31, inclusive.

“Individual permit” means a permit issued to a named Permittee under section 22a-208a of the General Statutes.

“Leaf” or “leaves” means the foliage of trees.

“Leaf composting” or “composting of leaves” means the accelerated aerobic biodegradation and stabilization of leaves under controlled conditions.

“Leaf composting facility” means land, including structures and appurtenances thereon, other than home composting areas, where leaf composting takes place.

“Municipality” means a city, town or borough of the state.

“Operator” means the person with ultimate responsibility for managing a Leaf composting

facility.

“*Owner*” means a person that owns a Leaf composting facility.

“*Permittee*” means any person or municipality to whom or which the commissioner has issued an approval of registration under this general permit.

“*Person*” means person as defined by section 22a-2(b) of the General Statutes.

“*Registrant*” means a person who or municipality which files a registration pursuant to Section 4 of this general permit.

“*Registration*” means a registration form filed with the commissioner pursuant to Section 4 of this general permit.

“*Site*” means geographically contiguous land or water on which an authorized activity takes place or on which an activity for which authorization is sought under this general permit is proposed to take place. Non-contiguous land or water owned by the same person and connected by a right-of-way which such person controls and to which the public does not have access shall be deemed the same site.

“*Surface water*” means surface water as defined in section 22a-430-3(a) of the Regulations of Connecticut State Agencies (“RCSA”).

“*Turned windrow*” means a composting operation which uses a bucket loader or specially designed turning machine to mix and agitate a windrow.

“*Watercourse*” means watercourse as defined in section 22a-38 of the General Statutes.

“*Windrow*” means an elongated pile of leaves formed for the purpose of composting.

Section 3. Authorization Under This General Permit

(a) *Eligible Activities*

Provided the requirements of Section 3(b) of this general permit are satisfied, this general permit authorizes the: addition of Grass clippings at Leaf composting facilities registered pursuant to section 22a-208i(a)-1 of the RCSA.

(b) *Requirements for Authorization*

This general permit authorizes the activity specified in Section 3(a) of this general permit provided:

(1) Registration

A completed registration with respect to such activity has been filed with the commissioner and the commissioner has issued an Approval of registration with respect to such activity.

(2) Coastal Area Management and Permitting

Such activity is consistent with all applicable goals and policies in section 22a-92 of the General Statutes, and will not cause adverse impacts to coastal resources as defined in section 22a-93 of the General Statutes or if such activity is located, wholly or in part, waterward of the coastal jurisdiction line in tidal, coastal or navigable waters of the State or in tidal wetlands, the activity is authorized pursuant to sections 22a-359 through 22a-363f, inclusive, or 22a-28 through 22a-35, inclusive.

(3) Endangered and Threatened Species

Such activity does not threaten the continued existence of any species listed pursuant to section 26-306 of the General Statutes and will not result in the destruction of adverse modification of habitat designated as essential to such species.

(4) Aquifer Protection

Such activity, if located within an aquifer protection area as mapped under section 22a-354b of the General Statutes, complies with regulations adopted pursuant to section 22a-354i of the General Statutes.

(5) Conservation and Preservation Restrictions

Such activity, if located within a conservation or preservation restriction area, complies with section 47-42d of the Connecticut General Statutes, by providing the following documentation to the commissioner: proof of written notice to the holder of such restriction of the proposed activity's registration pursuant to this general permit or a letter from the holder of such restriction verifying that the proposed activity is in compliance with the terms of the restriction.

(6) Flood Management

Such activity shall be consistent with all applicable standards and criteria established in sections 25-68d(b) of the General Statutes and sections 25-68h-1 through 25-68h-3, inclusive, of the RCSA.

(7) Other Requirements

(A) Such activity is conducted at a Leaf composting facility registered under section 22a-208i(a)-1 of the RCSA.

(B) Such activity is conducted at a Site that, at a minimum, meets the requirements of section 22a-208i(a)-1(d) of the RCSA including:

(i) There are at least 100 foot between the staging, processing, curing, and storage areas of the facility and the boundaries of the site;

(ii) There are at least 250 foot between the staging, processing, curing, and storage areas of the facility and any occupied building

other than an owner occupied building on the property at which the facility is located;

(iii) There are at least five feet between the ground surface of the property at which the facility is located and the seasonal high groundwater table;

(iv) There are at least five feet between the ground surface of the site and the bedrock; and

(v) There are at least 250 foot between the staging, processing, curing, and storage areas of the facility and any drinking water supply well.

(vi) Such activity takes place at least 250 foot away from any surface water.

(c) *Geographic Area*

This general permit applies throughout the State of Connecticut.

(d) *Effective Date and Expiration Date of this General Permit*

This general permit is effective on the date it is issued by the commissioner and expires five (5) years from such date of issuance.

(e) *Effective Date of Authorization*

An activity is authorized by this general permit on the date the commissioner issues a written approval of registration with respect to such activity.

(f) *Transition to and from an Individual Permit*

No person shall operate or conduct an activity authorized by both an Individual permit and this general permit. The requirements for transitioning authorization are as follows:

- (1) *Transition from an individual permit to authorization under this general permit.*
If an activity meets the requirements of authorization of this general permit and such operation or activity is presently authorized by an individual permit, the Registrant may, if the operation or activity is the sole operation or activity authorized by such permit, surrender its permit in writing to the commissioner. Such Registrant's individual permit shall continue to apply and remain in effect until authorization of such operation or activity under this general permit takes effect.
- (2) *Transition from authorization under this general permit to an individual permit.*
If an activity or operation is authorized under this general permit and the commissioner subsequently issues an individual permit for the same activity, then on the date any such individual permit is issued by the commissioner, the authorization issued under this general permit shall automatically expire.

Section 4. Registration Requirements

(a) Who Must File a Registration

Any person or municipality seeking, under the authority of this general permit, to add Grass clippings to a Leaf composting facility registered under section 22a-208i(a)-1 of the RCSA shall file with the commissioner:

- (1) A Registration form which meets the requirements of Section 4 of this general permit; and
- (2) The applicable fee.

(b) Scope of Registration

A Registrant shall register each activity for which the Registrant seeks authorization under this general permit on a separate registration form.

(c) Contents of Registration

(1) Fees

- (A) A Registration shall not be deemed complete and no activity shall be authorized by this general permit unless the Registration fee has been paid in full. A Registration fee of \$500 shall be submitted with the required Registration form. The Registration fee for a municipality shall be \$250.
- (B) The Registration fee shall be paid by check or money order payable to the **Department of Energy and Environmental Protection**.
- (C) The Registration fee is non-refundable.

(2) Registration Form

A Registration shall be filed on forms prescribed and provided by the commissioner and shall include, but may not be limited to, the following:

- (A) Legal name, address, and telephone number of the Registrant. If the registrant is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State.
- (B) Legal name, address, and telephone number of the owner of the property on which the subject activity is to take place.
- (C) Legal name, address, and telephone number of the Registrant's attorney or other representative, if applicable.
- (D) Legal name, address, and telephone number of any consultant(s) or

engineer(s) retained by the Registrant to prepare the Registration or to design or construct the subject activity.

- (E) Location address of the Site where the authorized activities will be conducted and the Registration number of the leaf composting facility.
- (F) The estimated date on which activity authorized by this general permit will begin.
- (G) The total quantity of leaves (in cubic yards) received at the subject leaf composting facility over the past twelve (12) months.
- (H) The authorized capacity (in cubic yards) of the subject Leaf composting facility as registered under section 22a-208i(a)-1 of the RCSA.
- (I) Distance (in feet) from the subject leaf composting facility to any building(s) within 250 feet of such facility and the use of such building(s).
- (J) Certification that the registrant has, in accordance with section 22a-208i(a)-1(c)(2)(H) and (I) of the RCSA, prepared a site plan and an operations and management plan for the subject leaf composting facility to which Grass clippings will be added.
- (K) A detailed description of how the addition of grass clippings to the subject leaf composting facility will be conducted.
- (L) An 8 1/2" by 11" copy of the relevant portion or a full-sized original of a United States Geological Survey (USGS) quadrangle map, with a scale of 1:24,000, showing the exact location of the Site and the area within a one mile radius of the Site. Identify the quadrangle name and number on such copy.
- (M) The signature of the Registrant and of the individual or individuals responsible for actually preparing the Registration, each of whom shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments hereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I certify that this general permit Registration is on complete and accurate forms as prescribed by the commissioner without alteration of their text. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

I also certify that a both a Site plan and operation and management plan

for the leaf composting facility to which Grass clippings will be added have been prepared in accordance with section 22a-208i(a)-1(c)(2)(H) and (I) of the Regulations of Connecticut State Agencies.”

AND

“I certify that I have read General Permit for the Addition of Grass Clippings at Registered Leaf Composting Facilities issued by the Commissioner of the Connecticut Department of Energy and Environmental Protection; and that the Addition of Grass Clippings to a Registered Leaf Composting Facility which is the subject of this registration is eligible for authorization under such permit; that if such Addition of Grass Clippings to a Registered Leaf Composting Facility commenced prior to the issuance of such permit, all applicable requirements of such permit are being met; and that a functioning and effective system is in place to assure that all such requirements are met so long as the Addition of Grass Clippings to a Registered Leaf Composting Facility which is the subject of this Registration continues.”

(d) *Where to File a Registration and Other Related Documents*

A registration shall be filed with the commissioner at the following address:

CENTRAL PERMIT PROCESSING UNIT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
79 ELM STREET
HARTFORD, CT 06106-5127

(e) *Additional Information*

The commissioner may require a Registrant to submit additional information, which the commissioner reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under this general permit.

(f) *Action by Commissioner*

- (1) The commissioner may reject a Registration if the registration is not accompanied by the required fee or the commissioner determines that the registration does not include the information required in Section 4(c) of this general permit. Any Registration refiled after such a rejection shall be accompanied by the fee specified in Section 4(c)(1) of this general permit.
- (2) The commissioner may deny a Registration if it is found that the subject activity is inconsistent with the requirements for authorization under Section 3 of this general permit, or for any other reason provided by law.
- (3) Denial of a Registration under this subsection shall constitute notice to the Registrant that the subject activity may not lawfully be conducted or maintained without the issuance of an Individual permit.
- (4) The commissioner may approve a Registration with reasonable conditions. If the commissioner approves a Registration with conditions, the Registrant shall be

bound by such conditions as if they were a part of this general permit.

- (5) Rejection, denial, or approval of a Registration shall be in writing.

Section 5. Conditions of This General Permit

The Registrant shall at all times continue to meet the requirements for authorization set forth in Section 3 of this general permit. In addition, a Registrant shall ensure that activities authorized by this general permit are conducted in accordance with the following conditions:

(a) Operating Conditions

- (1) Grass clippings shall be accepted for composting only at a Leaf composting facility registered under section 22a-208i(a)-1 of the RCSA.
- (2) Delivery, handling, and composting of grass clippings shall take place at least 250 feet away from any occupied building other than an owner occupied building on the site at which the facility is located.
- (3) Delivery, handling, and composting of grass clippings shall take place at least 250 feet away from any surface water.
- (4) A Leaf composting facility at which Grass clippings are to be accepted shall employ a turned windrow or aerated static pile method of composting.
- (5) Grass clippings delivered to the Leaf composting facility in plastic bags, including but not limited to biodegradable plastic bags, shall be emptied from such bags upon delivery.
- (6) Grass clippings shall be thoroughly blended with leaves on the Day of arrival in a ratio by volume of one-part Grass clippings to not less than three parts leaves.
- (7) Grass clippings shall not be stockpiled longer than twenty four (24) hours.
- (8) Acceptance of Grass clippings shall immediately cease when there is an insufficient supply of leaves to maintain the ratio by volume of one-part Grass clippings to not less than three parts leaves.
- (9) The addition of Grass clippings shall not cause the subject Leaf composting facility to exceed its annual operational design capacity as registered under section 22a-208i(a)-1 of the RCSA.
- (10) The addition of Grass clippings shall not interfere with the operation and maintenance of the subject Leaf composting facility.
- (11) The addition of Grass clippings shall not cause a nuisance odor as defined in section 22a-174-23 of the RCSA. Upon detection of any nuisance odor

emanating from the site, the Registrant shall immediately take steps to mitigate odors (Ex. turning the windrows to aerate the piles, ensuring moisture content is within an acceptable range of 50-60%). Registrant shall promptly comply with the requirements of Condition 6(b) and 6(d) of this General Permit upon detection of any nuisance odors.

(12) The Registrant shall maintain the following documents at the subject facility at all times and make them available to the commissioner upon request:

- (A) A copy of the Registration form with all required attachments, site plan and operation and management plan developed for the subject Leaf composting facility in accordance with section 22a-208i(a)-1(c)(2)(H) and (I) of the RCSA;
- (B) A copy of this general permit and the commissioner's written approval of Registration;
- (C) A copy of the registration form required under this general permit and all associated Attachments of said registration provided to the commissioner under such Registration.

(13) The Registrant shall comply with all the applicable law, including without limitation the following RCSA:

- (A) With respect to turned windrow operations:
 - (1) Section 22a-208i(a)-1 Composting of Leaves:
 - Subsection (c) - Registration
 - Subsection (d) - Siting: subparagraphs (1)(B), (D), (E), (F), and (G)
 - Subsection (e) - Operation
 - Subsection (f) - Reporting
- (B) With respect to aerated static pile operations:
 - (1) Section 22a-208i(a)-1 Composting of Leaves:
 - Subsection (c) - Registration
 - Subsection (d) - Siting: subparagraphs (1)(B), (D), (E), (F), and (G)
 - Subsection (e) - Operation; excluding paragraph (10)
 - Subsection (f) - Reporting

(b) *Monitoring Requirements*

The Registrant shall inspect the site at least one time each week to determine whether the requirements of this general permit are being complied with.

(c) *Reporting and Record Keeping Requirements*

- (1) The Registrant shall comply with the reporting requirements for volume reduction facilities pursuant to section 22a-209-10(13) of the RCSA.
- (2) At the subject Leaf composting facility, the Registrant shall make and retain

the following records:

- (A) Monthly and annual quantities (in cubic yards) of Grass clippings delivered to the subject Leaf composting facility.
 - (B) Monthly and annual quantities (in cubic yards) of leaves delivered to the subject Leaf composting facility.
 - (C) The Registrant shall prominently post and maintain a sign at the entrance to the site that includes a phone number that provides the general public the ability to register questions or complaints twenty-four (24) hours per day. The Registrant shall maintain a log of every complaint, whether oral or in writing, received by the Registrant from any person. The log shall include the complainant's name, address, daytime phone number, subject of complaint, time of day during which the event or condition complained of took place or existed, and a description of any actions taken by the Registrant in response to the complaint.
- (3) The Registrant shall retain at the facility each record required by this subsection for five years after the date such record is made. The Registrant shall promptly provide any such record, or copy thereof, to the commissioner upon request.

Section 6. General Conditions

(a) *Reliance on Registration*

When evaluating a Registration, the commissioner relies on information provided by the Registrant. If such information proves to be false or incomplete, the authorization issued under this general permit may be suspended or revoked in accordance with law, and the commissioner may take any other legal action provided by law.

(b) *Duty to Correct and Report Violations*

Upon learning of a violation of a condition of this general permit, a Registrant shall immediately take all reasonable action to determine the cause of such violation, correct such violation and mitigate its results, prevent any such future violation, and report in writing the violation and subsequent corrective action to the commissioner within five (5) days] of the Registrant's learning of such violation. Such report shall be certified in accordance with Section 6(d) of this general permit.

(c) *Duty to Provide Information*

If the commissioner requests any information pertinent to the authorized activity or to determine compliance with this general permit, or with the Registrant's approval of registration, the Registrant shall provide such information in writing within thirty (30) days of such request. Such information shall be certified in accordance with Section 6(d) of this general permit.

(d) *Certification of Documents*

Any document, including but not limited to any notice, which is submitted to the commissioner under this general permit shall be signed by, as applicable, the registrant or the Registrant in accordance with section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments hereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.”

(e) *Date of Filing*

For purposes of this general permit, the date of filing with the commissioner of any document is the date such document is received by the commissioner. The word “Day” as used in this general permit means the calendar Day; if any date specified in the general permit falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business Day thereafter.

(f) *False Statements*

Any false statement in any information submitted pursuant to this general permit may be punishable as a criminal offense, in accordance with section 22a-6 of the General Statutes, pursuant to section 53a-157b of the General Statutes, and in accordance with any other applicable statute.

(g) *Correction of Inaccuracies*

Within fifteen (15) days after the date a Registrant becomes aware of a change in any of the information submitted pursuant to this general permit, becomes aware that any such information is inaccurate or misleading, or that any relevant information has been omitted, such Registrant shall correct the inaccurate or misleading information or supply the omitted information in writing to the commissioner. Such information shall be certified in accordance with Section 6(d) of this general permit. The provisions of this subsection shall apply both while a request for approval of Registration is pending and after the commissioner has approved such request.

(h) *Transfer of Authorization*

An approval of Registration under this general permit is transferable only in accordance with the provisions of section 22a-60 of the General Statutes. Any person or municipality proposing to transfer an approval of Registration shall submit a license transfer form to the commissioner to transfer the previous permit authorization to a new Registrant. The new Registrant is not authorized by this general permit until the transfer is approved by the commissioner. The new Registrant may adopt by

reference the Plan developed by the previous Registrant. The new Registrant shall amend the Plan in accordance with subsections 6.(g) “Correction of Inaccuracies” and 6.(c) “Duty to Provide Information” of this General Permit.

(i) *Other Applicable Law*

Nothing in this general permit shall relieve the Registrant of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(j) *Other Rights*

This general permit is subject to and does not derogate any present or future rights or powers of the State of Connecticut and conveys no rights in real or personal property nor any exclusive privileges, and is subject to all public and private rights and to any federal, state, and local laws pertinent to the property or activity affected by such general permit. In conducting any activity authorized hereunder, the Registrant may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this state. The issuance of this general permit shall not create any presumption that this general permit should or will be renewed.

Section 7. Commissioner's Powers

(a) *Abatement of Violations*

The commissioner may take any action provided by law to abate a violation of this general permit, including the commencement of proceedings to collect penalties for such violation. The commissioner may, by summary proceedings or otherwise and for any reason provided by law, including violation of this general permit, revoke a Registrant's authorization hereunder in accordance with sections 22a-3a-2 through 22a-3a-6, inclusive, of the Regulations of Connecticut State Agencies. Nothing herein shall be construed to limit any remedy available to the commissioner by law.

(b) *General Permit Revocation, Suspension, or Modification*

The commissioner may, for any reason provided by law, by summary proceedings or otherwise, revoke or suspend this general permit or modify it to establish any appropriate conditions, schedules of compliance, or other provisions which may be necessary to protect human health or the environment.

(c) *Filing of an Individual Permit Application*

If the commissioner notifies a Registrant in writing that such Registrant must obtain an individual permit to continue lawfully conducting the activity authorized by this general permit, the Registrant may continue conducting such activity only if the Registrant files an application for an individual permit within sixty (60) days of receiving the commissioner's notice. While such application is pending before the commissioner, the Registrant shall comply with the terms and conditions of this general permit and the subject approval of Registration. Nothing herein shall affect the commissioner's power to revoke a Registrant's authorization under this general permit at any time.

Issued: June 30, 2017
Dated

/S/ Robert E. Kaliszewski
Robert E. Kaliszewski
Deputy Commissioner