

**DEVENS ENTERPRISE COMMISSION
SERVING AS THE DEVENS BOARD OF HEALTH
AND UNIFIED PERMIT GRANTING AUTHORITY**

In the matter of:)	
)	
DEVENS RECYCLING CENTER, LLC)	Minor Modification
45 Independence Drive,)	To Site Assignment
Devens, Massachusetts 01434)	& Unified Permit
)	

DECISION¹

INTRODUCTION

The Devens Enterprise Commission acting as the Board of Health, Planning Board, and Unified Permit Granting Authority of the Devens Regional Enterprise Zone (the "DEC") held a public hearing, upon due notice, on the application of Devens Recycling Center, LLC ("Applicant"), 45 Independence Drive, Devens, MA 01434, for a Minor Modification to its existing Site Assignment and Unified Permit to change its current operations at 45 Independence Drive, Devens, Massachusetts in the West Rail Industrial Park (the "Site") as described herein.

At a duly noticed meeting of the DEC on February 24, 2026, after due deliberation and consideration of the record, the DEC voted to approve the Minor modification to the Site Assignment and Unified Permit amendment applications, subject to the conditions set forth below.

THE PROPOSED MODIFICATION

The Applicant sought:

- A. to change its hours of operation for waste acceptance to 5:00 a.m. to 9:00 p.m. Monday through Friday and maintain Saturday's waste acceptance hours from 7:00 a.m. to 1:00 p.m.
- B. to allow internal processing of waste materials and equipment maintenance within the confines of the building Monday through Saturday until midnight. The Facility will continue to remain closed on Sundays.
- C. to allow internal facility maintenance (doors closed condition) twenty-four hours a day, Monday through Saturday, to perform on-going maintenance, when necessary.

¹ This Decision relates to the Minor Modification of the existing Site Assignment and the existing Unified Permit. The hearing held on January 6, 2026 jointly addressed both the Minor Modification to the Site Assignment and the Minor Modification to the Unified Permit.

PROCEDURES

Minor modifications of a Site Assignment are permitted pursuant to 310 CMR 22.(3). Minor modifications are requests for modifications that do not fall under 310 CMR 22.(1) or (2), which deal with modifications as a result of a threat to public safety, certain specific modifications (not pertinent here), requests to expand a site, seek alternative uses of the site or waive certain criteria. As the Application does not seek to modify the site for the foregoing, it is deemed a minor modification. Minor modifications are still important and must only be permitted in accordance with applicable law.

The Massachusetts Department of Environmental Protection has concurred and advised that this request is a minor modification. Therefore, the DEC, acting as the Local Board of Health for Devens, Massachusetts, may modify the Site Assignment provided it holds a public hearing and gives proper notice of the hearing. [310 CMR 16.22(3)]. The hearing and the actions of the DEC must be in accordance with applicable law, including 310 CMR 16 and the specific DEC Site Assignment regulations, namely 374 CMR 8.04. Similarly, the Applicant seeks to modify the existing Unified Permit in accordance with 974 CMR 1.12(4) to be consistent with the changes to the Site Assignment.

The DEC hired John F. Shea, Esq. as the Hearing Officer for this matter and caused the hearing notice to be duly posted and published in accordance with 310 CMR 16.20(7)(b) and (c) and all other applicable law, including the Open Meeting Law. The hearing commenced on January 6, 2026 and concluded that same day when the Hearing Officer closed the hearing.

A Site Visit was conducted on January 6, 2026 prior to the hearing. A summary of the Site Visit was presented by the applicant and DEC staff at the hearing. The DEC heard testimony from the Applicant and its consultants, and from the DEC's consultants. The DEC also heard testimony from Neil Angus, FAICP CEP, LFA, LEED AP, Director/Land Use Administrator of the DEC. No members of the public sought to present testimony or speak at the hearing.

Twenty-seven documents were admitted as exhibits in this matter and are reflected in the Administrative Record, the index of which is attached as Attachment A to this Decision. The Administrative Record and Index are deemed incorporated by reference into this decision.

On January 6, 2026, January 27, 2026, February 5, 2026 and February 24, 2026, at duly posted meetings, the DEC deliberated on the Application and evidence. It then voted on February 24, 2026 to approve the requested Minor Modifications to the Site Assignment and Unified Permit with conditions, as further described in this Decision.

STANDARD FOR DECISION

As set forth in 310 CMR16.22(3) any request to modify a site assignment that is not subject to 310 CMR 16.22(1) (“due to a threat to Public Health, Safety, or the Environment”) or (2) (“at the request of the Facility Owner or Operator”), including any request to modify conditions established by the DEC in the site assignment, are deemed to be “Minor Modifications.” The DEC may modify a site assignment to address a minor modification, at the request of the facility owner or operator, without requiring the filing of a new application to MassDEP by the applicant or site suitability report by MassDEP, provided the DEC gives public notice and holds a public hearing in accordance with the requirements of 310 CMR 16.00 prior to deciding on the minor modification. As the Application is seeking a minor modification of the existing Site Assignment, the usual issue of whether the site is suitable is not an issue in this matter as the site has already been approved, except to the extent that the modifications would make the site no longer a suitable site.

As with any decision of this nature, key considerations are the relation between the operation of the facility if the modifications are approved in terms of the health, public safety, and the environment.

Generally, the DEC is to determine that the site is suitable for the operation with the modifications unless it makes a finding supported by the record of the hearing, that the modifications would constitute a danger to the public health, safety or environment, based on the siting criteria set forth and established under 310 CMR 16.40, 974 CMR 8.03(2) and G.L. c. 111, sections 150A, 150A1/2 and any other applicable law..

In accordance with 974 CMR 1.12(4), the criteria for amending the Unified Permit for this Facility are as follows:

- (a) The Applicant may request an Amendment during the time period the Unified Permit remains in effect. The DEC shall review the request in accordance with the level of review conducted for the original. The DEC shall render its decision on the Amendment within the time periods specified in 974 CMR 1.08.
- (b) Any plan prepared or submitted subsequent to the approval of an Amendment shall include appropriate references to the Amendment. An Amendment to the Permit may require commensurate revisions to the performance guarantee.
- (c) The DEC shall not approve the Amendment unless the Review Criteria for the component are satisfied.

FINDINGS CONCERNING SITE SUITABILITY CRITERIA AND UNIFIED PERMIT REVIEW CRITERIA

In the following section, the DEC sets forth its findings, based upon the Application and the evidence in the Record of this proceeding, with respect to the compliance of the operation of the facility as proposed to be modified with the relevant suitability criteria for a solid waste handling facility set forth in 310

CMR 16.40(3)(d), the general site suitability criteria set forth in 310 CMR 16.40(4) and the DEC siting criteria set forth at 974 CMR 8.04(2), applicable Unified Permit Review Criteria under 974 CMR 1.12(4), 974 CMR 3.03(2), and G.L. c. 111, sections 150A and 150A1/2. The DEC's findings have been reached on the basis of the record evidence, and are subject to the conditions listed below.

The previous findings from the original Site Assignment and Unified Permit, as modified, are incorporated by reference unless specifically modified in this decision.

I. Compliance with Applicable General Site Suitability Criteria for Solid Waste Management Facilities (310 CMR 16.40(4))

- (b). Traffic and Access to the Site. No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:
1. traffic congestion;
 2. pedestrian and vehicular safety;
 3. road configurations;
 4. alternate routes; and
 5. vehicle emissions

The Record contains evidence demonstrating that the Site and this Minor Modification, with conditions, will not create traffic impacts that will constitute a danger to the public health, safety, or the environment taking into consideration each of the factors listed above. The Applicant has agreed to take certain measures to continue monitoring and controlling traffic coming to and from the Facility - see, e.g., GPI Updated Traffic Impact Report, dated 12-15-25. (Exhibit 8). The Record contains evidence of an analysis of traffic impacts from the proposed minor modification that identifies no significant concerns with traffic congestion, pedestrian or vehicular safety, road configurations, haul routes, and vehicle emissions. Both the Applicant and DEC's consultant agree that some traffic monitoring will be required, but in general, the Site meets this criterion. As a result, the DEC finds that, with conditions, the Site will comply with this siting criterion.

- (f). Potential Air Quality Impacts. No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute a danger to the public health, safety or the environment, taking into consideration:
1. the concentration and dispersion of emissions
 2. the number and proximity of sensitive receptors; and
 3. the attainment status of the area.

The Record contains evidence demonstrating that the anticipated emissions from the Site will meet state and federal air quality standards or criteria, taking into account each of the factors listed above. Both the Applicant

and the DEC's consultant agree that, with conditions, the anticipated emissions from the Facility will meet applicable standards and will not constitute a danger to public health, safety, or the environment. See e.g. Unified Permit Supplemental Information, prepared by Gregory Wirsen, Green Seal Environmental (Exhibit 9) and Prefiled Testimony of Gregory Wirsen on Responses to Neil Angus' Comments (Exhibit 14) and Pre-Filed Direct Testimony of Michael Lannan, PE, with Tech Environmental (Exhibit #18) As a result, the DEC finds that, with conditions, the Site complies with this siting criterion.

- (g). Potential for the Creation of Nuisances. No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors:
1. noise;
 2. litter;
 3. vermin such as rodents and insects;
 4. odors;
 5. bird hazards to air traffic; and
 6. other nuisance problems.

The Record contains evidence demonstrating that neither the establishment nor operation of the Facility, with conditions, will result in nuisance conditions that would constitute a danger to the public health, safety, or the environment taking into the factors detailed above. More specifically:

1. Noise: The DEC's consultant stated that so long as specific measures were put in place to control the operation of the doors, outside activity, and install a sound barrier, the Facility will not cause a nuisance that would constitute a danger to the public health, safety, or the environment with respect to noise. See e.g. Pre-Filed Direct Testimony of Michael Lannan, PE, with Tech Environmental (Exhibit #18) As a result, the DEC finds that, with conditions, the Site complies with this siting criterion.
2. Litter: The Applicant has committed to continuing to control litter by ensuring all trucks are covered until just before they enter the Facility, all waste handling to be conducted within the Building, daily litter patrol of Facility grounds and MSW to be unloaded sufficiently far enough into the building from the Facility doors to ensure materials unloaded shall not leave the Building. The Applicant has also agreed to continue conducting regular trash pick-up along the Devens designated truck Route (Patton, Barnum, Saratoga, and Independence Drive). See e.g. Prefiled Testimony of Gregory Wirsen on Responses to Neil Angus' Comments (Exhibit 14). As a result, the DEC finds that, with conditions, the Site complies with this siting criterion.

3. Vermin: The Applicant has agreed to update their facility Operations and Maintenance Plan to alter the type and level of pest control for the Facility to eliminate the use of anti-coagulant rodenticides. See e.g. Prefiled Testimony of Gregory Wirsen on Responses to Neil Angus' Comments (Exhibit 14). As a result, the DEC finds that, with conditions, the Site complies with this siting criterion.
4. Odors: The Applicant has committed to controlling odor by augmenting the existing misting system to include odor control solutions, manual shutdown of the Facility doors and ventilation system in the event of an odorous incoming load, and maintaining a supply of odor control liquids and crystals on-site at all times for manual application. The facility shall install a recirculating odor control system if the DEC finds there are confirmed odor complaints. As a result, the DEC finds that, with conditions, the Site complies with this siting criterion.
5. Bird hazards to air traffic: The Applicant shall commit to conducting all waste handling within the Building. As a result, the DEC finds that, with conditions, the Site complies with this siting criterion.
6. Other nuisance problems: The Applicant has committed to a number of community commitments to help further reduce the potential for any off-site nuisance issues. See e.g. Prefiled Testimony of Gregory Wirsen on Responses to Neil Angus' Comments (Exhibit 14).

Both the Applicant and the DEC's consultant have determined that with respect to these factors the Facility will not result in nuisance conditions that constitute a danger to the public health, safety, or environment. As a result, the DEC finds that, with conditions, the Site complies with these siting criterion.

- (k). Consideration of Other Sources of Contamination or Pollution. The determination of whether a site is suitable and should be assigned as a solid waste management facility shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

The Record contains evidence that the projected impacts from the proposed Minor Modification to the existing Facility will not pose a threat to public health, safety, or the environment, taking into consideration the impacts of existing operations and sources of pollution or contamination and as long as certain improvements, operational restrictions, and measures are updated and implemented. Both the Applicant and the DEC's consultant agree that impacts from the Minor Modification to the Facility will not pose a threat to public health, safety, or the environment, taking into consideration the impacts of existing sources of pollution or contamination. As a result, the DEC finds that, with

conditions, the projected impacts of the Minor Modification to the Facility do not pose a threat to public health, safety, or the environment taking into consideration the impacts of existing sources of pollution or contamination and that the Site meets this siting criterion.

II. Compliance with Applicable DEC Siting Criteria [974 CMR 8.04(2)]

- A. If the DEC finds that topography, vegetation, or other natural features, or existing structures do not produce sufficiently protective conditions, including visual screening and/or necessary environmental mitigation, the DEC may require separation (from the solid waste facility to sensitive receptors) or other dimensional requirements that are more stringent than those set forth in 310 CMR 16.00.

The Record contains evidence that there are potential concerns with noise impacts during early morning and late evening hours for residential areas to the north of the Facility. See e.g. Pre-Filed Direct Testimony of Michael Lannan, PE, with Tech Environmental (Exhibit #18). While there is no direct visual line of sight, previous after-hours activity at the site has generated creditable noise complaints. The Applicant has agreed to limit requested extended hour operations and install a sound barrier to reduce the potential for nuisance conditions from noise (see Conditions below). As a result, the DEC finds that, with conditions, the Site will comply with this siting criterion so long as the Facility is operated and maintained as set forth in the Conditions below and the commitments made by the Applicant during the course of the public hearing.

III. Compliance with DEC Unified Permit Review and Amendment Criteria [974 CMR 1.12(4), 974 CMR 3.03(2)]

The Record contains evidence that the Unified Permit Amendment Criteria in 974 CMR 1.12(4) have been met and the following Review Criteria have also been met:

- (a) The Minor Modification complies with 974 CMR 3.00 and with the applicable provisions of the By-Laws.
- (b) The development lies on a lot that is recorded at the Registry of Deeds.
- (c) The Submission is Complete.
- (d) All Streets and Roads, driveways, parking lots, loading areas, paths, and sidewalks, are designed to provide for safe multi-modal travel in accordance with 974 CMR 2.07, the Americans with Disabilities Act of 1990 (ADA) and the MA Architectural Access Board Regulations (521 CMR).
- (e) Access and site circulation enables prompt fire, police, and emergency response.
- (f) Adequate capture and discharge of stormwater and surface water runoff and compliance with applicable portions of the "Devens Stormwater Pollution Prevention Plan" has been achieved.
- (g) Connections with utility, power and communication systems available in the abutting infrastructure have been made.
- (h) Applicable facilities required under the Water Resources Protection By-Law and the related Design Standards exist on-site.

- (i) There are no changes to the existing Landscape Treatment Design
- (j) A wetlands Order of Conditions is not required.
- (k) With conditions below, the applicable Industrial Performance Standards have been adhered to.
- (l) Sufficient parking for current needs exists.
- (m) Adequate traffic mitigation and control measures have been proposed, with conditions below.
- (n) The Applicant agrees to continue to participate in the Devens Transportation Management Initiative and join the Transportation Management Association when one is formed.
- (o) Adequate water supply exists in terms of quantity, quality, and water pressure for commercial and/or domestic needs and fire protection and the use of potable water for irrigation has been minimized to the maximum extent feasible.
- (p) Connection to sanitary sewers has been made.
- (q) Building design is not changing and meets the minimum standards as established by MassDevelopment for the district in which the lot is located.
- (r) Previous Soil testing verifies the soils are capable of supporting the existing development.
- (s) The development has been designed with due consideration for public health.
- (t) Adequate climate change mitigation, adaptation and greenhouse gas emissions mitigation measures have been incorporated in accordance with 974 CMR 4.11 (anti-idling signage, enforcement, use of rail).

As a result, the DEC finds that, with conditions, the Site complies with these siting criterion.

CONDITIONS

All conditions and agreements relating to any prior Site Assignment or proceedings and the Unified Permit or proceedings remain applicable unless and until specifically referenced in a decision as being changed or modified. All conditions are related and removal or change of any condition may affect other conditions, which may require a further amendment to the Site Assignment or Unified Permit.

Nothing contained in this Decision shall be construed to be an explicit and specific assurances of safety or assistance.

As used in this Minor Modification to the Site Assignment and Unified Permit, the words below are defined as follows:

"Applicant" means Devens Recycling LLC, its successors and assigns. Applicant also includes a designee, so that a condition that requires that the Applicant perform, means that the Applicant, while retaining responsibility for that performance, may cause someone else to perform it.

"C&D" means Construction and Demolition waste as defined in 310 CMR 16.02 (waste building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and demolition waste includes but is not limited to, concrete, bricks, lumber, masonry, road paving materials, rebar and plaster.)

"DEC" means the Devens Enterprise Commission, and its successors.

"Decision" means the original and modified Site Assignment and Unified Permit Decisions as further modified in this Decision.

"Facility" means the Devens Recycling Center, including the site, the buildings and all other improvements.

"Modified Decision" means this Minor Modification to Site Assignment, as amended and Minor Modification to the Unified Permit, as amended.

"MSW" means useless, unwanted or discarded solid, liquid or contained gaseous material resulting from industrial, commercial, municipal or household activities that is abandoned by being disposed or incinerated or is stored, treated or transferred pending such disposal, incineration or other treatment, but does not include:

- (a) hazardous wastes as defined and regulated pursuant to 310 CMR 30.000;
- (b) sludge or septage which is land applied in compliance with 310 CMR 32.00;
- (c) wastewater treatment facility residuals and sludge ash from either publicly or privately owned wastewater treatment facilities that treat only sewage, which is treated and/or disposed at a site regulated pursuant to M.G.L. c. 83, §§ 6 & 7 and/or M.G.L. c. 21, §§ 26 through 53 and the regulations promulgated thereunder, unless the waste-water treatment residuals and/or sludge ash are codisposed with solid waste;
- (d) septage and sewage as defined and regulated pursuant to 314 CMR 5.00, as may be amended, and regulated pursuant to either M.G.L. c. 21, §§ 26 through 53 or 310 CMR 15.00, as may be amended, provided that 310 CMR 16.00 does apply to solid waste management facilities which co-dispose septage and sewage with solid waste;
- (e) ash produced from the combustion of coal when reused as prescribed pursuant to M.G.L. c. 111, § 150A;
- (f) solid or dissolved materials in irrigation return flows;
- (g) source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended;
- (h) those materials and by-products generated from and reused within an original manufacturing process;
- (i) compostable or recyclable materials when composted or recycled in an operation not required to be assigned pursuant to 310 CMR 16.05(2) through (6); and

(j) waste from restaurants and grocery stores and wastes containing large concentrations of food waste from other businesses.

1. All conditions in the original and modified Decisions (Site Assignment and Unified Permit) shall apply unless otherwise modified herein or in a proceeding whereby the DEC approves the modification. In the event of any conflict between the conditions of this Modified Decision and the conditions of the current Site Assignment, the conditions of this Modified Decision shall prevail.
2. The Applicant shall continue to operate security video cameras at the Facility and preserve their images for a minimum of 30 days and shall allow the DEC to view these images at the Facility and/or obtain from the Applicant copies of same upon request.
3. The Applicant shall continue to use a first in/first out system of inventory control for MSW to ensure that each delivery of MSW is moved through the Facility as quickly as possible and make available to DEC the associated records.
4. The Applicant shall continue to require haulers to use the Devens Designated Truck route by providing them with maps and periodically corresponding with them. For trucks coming from Route 2, they shall travel Jackson Road to Patton Road to Saratoga Boulevard to Independence Drive. For those instances when truck trips originate in the surrounding communities and utilize Verbeck Gate, the route shall be Jackson Road to Barnum Road to Saratoga Boulevard to Independence Drive. An alternative route from the Ayer Traffic Circle is Barnum Road to Saratoga to Independence. The Applicant shall continue to require its haulers to stay out of the residential areas of Devens unless making pickups on those residential streets.
5. The Applicant shall continue to provide a designated phone line on a 24-hour basis, seven days a week, for any concerns of either customers and/or Devens residents and take immediate corrective action to address any concerns within one business day. All calls and subsequent actions to resolve shall be recorded in a phone log, maintained by the Applicant. Such phone number shall be provided to the DEC and phone logs shall be made available for inspection by the DEC. The Applicant shall publicize to the Devens community the phone number and any changes to same.
6. This Modified Decision shall take effect when executed by all signatories and recorded in the Middlesex County Registry of Deeds and after a certified copy of the same from the Registry of Deeds is provided to the DEC, with all recording fees and charges paid by the Applicant. This Modified Decision may only be transferred if advance (at least thirty days) written notice is first provided to the DEC and the DEC approves of the transfer.
7. The DEC may modify, suspend or terminate this Modified Decision in accordance with the provisions of M.G.L. c. 111, Sections 150 A and 150A1/2, and 310 CMR 16.22, any other applicable law and further, in its discretion may take any other enforcement or remedial action available in law, equity or otherwise.

8. The Applicant shall prepare a post-occupancy Traffic Monitoring Program (TMP), approximately 6 to 12 months following the start of the expanded hours of operation, on a date coordinated with and accepted by DEC staff. The TMP shall include automatic traffic recorder (ATR) counts on the site driveway over a one week (7-day) period to confirm the site-generated trips do not exceed those estimated within the October 2025 Traffic Impact Study (TIS) prepared by Greenman-Pedersen, Inc. In addition, the TMP shall include the collection of turning movement counts (TMCs) during the weekday morning and weekday evening peak periods at the Jackson Road / Patton Road / Lake George Street intersection, and completion of capacity and queue analysis at the intersection to verify the operations of the intersection. Should the results of the analysis indicate that any movements passing through the intersection operate over capacity (Volume-to-capacity ratio greater than 1.00) or at level of service (LOS) F, the Applicant shall develop and implement an optimal signal timing plan to optimize the intersection traffic operations for the corresponding analysis time period (weekday AM or PM peak period). Should the site-generated vehicle trips exceed the trip generation estimates contained in the October 2025 TIS by more than 10 percent on a daily basis or during the weekday AM, weekday PM, or Saturday midday peak hours, the Applicant may be required to conduct additional analysis of the study area intersections to determine whether additional mitigation is required to offset the additional impacts generated by the proposed development. Additional mitigation may include signal timing modifications to optimize intersection operations during additional time periods or at additional intersections within the study area, or the implementation of traffic management strategies to reduce site-generated trips during a particular time period. Mitigation shall not include major roadway or intersection reconstruction, or equipment replacement attributable to normal wear and tear.
9. Applicant shall install signage and roadway pavement markings at the Site Driveway at Independence Drive, subject to DEC approval of the final signage and roadway pavement marking design and layout. The Applicant shall install a STOP line and STOP sign, as well as 100 feet of driveway centerline on the site driveway approaching Independence Drive.
10. The Applicant shall prepare a sight line diagram depicting the clear zone required to achieve AASHTO's minimum required intersection sight distance looking west exiting the site driveway. The Applicant shall maintain, with DEC approval, vegetation and avoid snow storage within this area to ensure that no obstructions occur between 3 feet and 7 ft in height within the required clear zone.
11. Within three months of the date of this Decision, the facility shall develop a sound wall design for the full length of the elevated parking lot from the building up to the driveway to access to the northern part of the building. The DEC's staff and peer review consultant shall review and approve the sound wall design. The design shall be for a solid wall, with no gaps or holes, and be constructed of a solid material to obtain significant density to be claimed as a "noise barrier" (i.e., 2 to 4+ pounds per square feet). It shall have absorptive material with a minimum estimated Noise Reduction Criteria (NRC) rating of 0.75, or higher, on

the north-facing side to prevent any increase in railcar activity sound (i.e., possible doubling of sound via reflection). The sound wall height shall be determined by the height that the doors will be open. The total height of the wall shall be 15' and the Operator shall adjust its operations to comply with the door height limitation associated with the wall height. Within three months of DEC's approval of the sound wall, the facility shall install the sound wall. The sound wall is an integral part of the decision to allow the extended hours both before and after normal business hours. If the sound wall is not installed within this timeframe, or if the DEC finds any installation extension requests to be unreasonable, the hours shall revert back to the original hours of 7 AM to 5 PM on weekdays and 7 AM to 1 PM on Saturdays and shall not thereafter be changed without the prior approval of the DEC.

12. Until the sound wall is designed, installed, and approved, the following restrictions will be placed on the extended operating hours (5 AM to 7 AM and 5 PM to 9 PM Monday through Friday):
 - a. Door 6 shall remain closed at all times during the extended hours.
 - b. Doors 3, 4, and 5 shall remain fully closed at all times except for up to 16 total receiving truck trips between 5 AM and 7 AM, and 16 total receiving truck trips between 5 PM and 9 PM
 - c. One (1) of doors 3, 4, or 5 at a time may be opened during the extended hours to allow a truck to discharge C&D material. The height of the one (1) open door shall be limited to the following based on the type of delivery vehicle to allow the truck to safely enter and exit the facility:
 - i. For live floor trailers 5 AM to 7 AM: By the end of each operating day, C&D material within the tipping bay shall be processed and packaged, or otherwise repositioned, to ensure that a live-floor trailer (minus the hitch/cab) can advance sufficiently into the building to discharge with the door at 14 feet. This will allow all trailers arriving between 5 AM and 7 AM to unload without requiring the door to be raised more than 14 feet above grade, at maximum.
 - ii. For live floor trailers 5 PM to 9 PM: The door shall normally be limited to a maximum height of 14 feet above grade as per item 1 above. However, during the 5 PM to 9 PM extended operating hours, depending on the volume of material previously delivered that day, a live-floor trailer may not be able to advance sufficiently into the building to discharge its load with the trailer entirely within the structure.
 - iii. For roll-off containers: 20-feet above grade during all extended hours.
 - d. The door will be closed after each load, unless another truck is waiting and will enter within one minute
 - e. At no time shall there be more than one truck idling outside in the loading or access area, and for no more than 5 minutes per MassDEP idling rules.
 - f. The rail car access doors shall remain closed at all times during the extended hours. Railcar loading activity can begin immediately within the building with the doors closed during the extended hours.

- g. No pre-processing of construction wastes (such as, but not limited to, asphalt shingles, scrap metal, etc.) shall occur outside of the building. All preprocessing dumpsters shall remain inside the building.
 - h. Doors 1 and 2 shall be closed at all times.
13. After the sound wall is designed, installed, and approved by the DEC staff and consultants, restrictions will be reduced during the extended hours (5 AM to 7 AM and 5 PM to 9 PM Monday through Friday) to the following:
- a. Door 6 can be opened to allow for maintenance and housekeeping up to the maximum height proposed up to 6 PM. It should remain closed if there is no maintenance and housekeeping.
 - b. Door 6 can be opened to the maximum height proposed up to 6 PM for removal of full packer dumpsters until 6 PM.
 - c. Beginning at 6 AM, Door 6 can be opened if a packer dumpster was filled during normal or extended hours for removal. The door shall remain closed for any other access until normal hours beginning at 7 AM.
 - d. Doors 1, 2, 3, 4, and 5 shall remain fully closed at all times except for deliveries.
 - e. At no time shall more than two of the receiving doors (1, 2, 3, 4, and 5) be open for deliveries.
 - f. The truck dumping procedure for extended hours will require:
 - i. the door to be opened, to no more than 2 feet below the minimum new top-of-wall grade proposed during the wall design and installation.
 - ii. the door to be closed after each delivery, unless another truck is waiting and will enter within one minute.
 - g. Idling trucks shall remain between the sound wall and a direct line to nearest neighbors behind the sound wall and for no more than 5 minutes per MassDEP idling rules.
14. Once the sound wall is in place and approved by the DEC and consultants, and the facility notifies the DEC that it would like to start moving rail cars during the extended operational hours of 5PM-Midnight, on occasion, a 6-month trial period will begin. At any time during that trial period if the DEC determines that nuisance complaints for air, odor, noise or dust are the result of the railcar doors being open in combination with the receiving doors open or by in isolation, then the DEC can restrict railcar door access back to the normal (pre-extended) hours of 7 AM to 5 PM. Railcar loading activity can begin immediately within the building with the doors closed during the extended hours.
15. The Applicant shall come back to DEC after the 6-month railcar trial period to present findings and request the change to operating hours becomes permanent or they will revert back to the normal (pre-extended) hours of 7 AM to 5 PM. Such request will take place at a duly noticed public hearing. Any DEC approval will apply to this minor modification to the Site Assignment as well as the Unified permit.

16. The rail car access doors shall remain closed except for when moving rail cars into and out of the building. Interior equipment shall shut down when railcar doors are open outside of 7AM-5PM.
17. Within 60 days of this approval, the facility shall design a year-round recirculating dust mitigation system. Such a system may include a wet scrubber or a dry particulate control system. This new system shall replace the existing mist system or function as a seasonal system in conjunction with the mist system. Both systems are not required to run simultaneously. This new system shall be installed by August 15, 2026. In the interim, during the months of April to October, the existing misting system shall be employed for particulate control. Applicant shall maintain ongoing service records for the air handling and ventilation system and the DEC shall receive copies if requested. The facility shall retain discretion to implement appropriate control measures based on operational conditions.
18. The Applicant shall continue to take all measures necessary to control odor from Facility operations to ensure compliance with 974 CMR 4. and all other applicable law, including, but not limited to augmenting the existing misting system to include odor control solutions, manual shutdown of the Facility doors and ventilation system in the event of an odorous incoming load, and maintaining a supply of odor control liquids and crystals on-site at all times for manual application. The facility is required to install a recirculating odor control system if the DEC finds there are confirmed odor complaints. Such system shall be reviewed and approved by DEC Staff and consultants.
19. The existing wall separating the C&D materials and MSW shall be monitored to ensure material separation. Should the DEC find the material piles repeatedly extending past the existing wall length and height, the DEC reserves the right to require the Applicant extend the wall length and height as necessary to maintain ongoing separation.
20. Within 60 days of approval, wall vent fans shall be equipped with a coarse filter (minimum MERV rating of 5) that will remove at least 99% of total suspended particulate matter (greater than 10 microns) and shall be surrounded with an air-tight shroud to ensure all discharge air passes through the filter directly and that there is no air flow short circuiting. The fans currently have very little backpressure the facility shall upgrade the fans and/or motors to provide sufficient power to overcome filter pressure drop and to maintain the existing design airflow or improved designed airflow necessary for heat relief. Details to be reviewed and approved by DEC and consultants prior to installation. Contact DEC for inspection.
21. The original and modified Unified Permits and original and modified Site Assignments are hereby amended to change the C&D and waste acceptance hours from 7:00AM to 5:00PM Monday through Friday, to 5:00AM to 9:00PM Monday through Friday and maintain Saturday's waste acceptance hours at 7:00AM to 1:00PM. Internal processing of materials is permitted from 5:00AM to midnight subject to the preceding conditions of approval. Periodic internal facility and equipment maintenance is authorized 24/6, with the exception of early

mornings on Monday and the caveat that ALL facility doors must be closed during any such maintenance activities after 9PM and before 7AM. Maintenance activities associated with any of the doors or exterior building elements shall be scheduled during normal daytime hours [7:00AM to 5:00PM weekdays as per 974 CMR 4.05(3)(d)3.] where feasible.

22. Future internal processing equipment modifications may be reviewed administratively if such modifications will result in more efficient and quieter operations. Prior to the addition of any new or retrofitted equipment, the Applicant shall conduct a sound study to ensure all proposed modifications will comply with 974 CMR 4.05 and any other applicable laws. Within 90 days of installation and operation, confirmatory sound measurements shall be taken to verify any sound modelling assumptions. The sound study and any confirmatory sound measurements shall be subject to the approval of the DEC's consultants. The DEC may commission its own sound study at the expense of the Applicant.
23. The Applicant shall perform a site assessment within 90 days following snowmelt or prior to July 1, 2026 and amend their existing vector control plan to eliminate the use of anti-coagulant rodenticides both outside and inside the facility to avoid and minimize unintentional impacts to wildlife. The Plan shall be reviewed and approved by DEC Staff and implemented by the Applicant
24. The Applicant shall submit for review, comment, and approval by DEC Staff, an updated Operations and Maintenance Plan that specifically addresses all operations and conditions in this Minor Site Assignment Modification and Unified Permit amendment.
25. The facility shall continue to offer recycling drop-off days restricted to C&D materials only, with no MSW accepted. Total material accepted under this program would not exceed 1 ton per year. This program will be open to Devens residents and employees of Devens businesses.

The failure of the DEC to insist on compliance with any condition or law shall not constitute a waiver of that condition or law or any other condition or law.

RIGHT OF APPEAL

Any person aggrieved by this decision may, within thirty (30) days of publication of the Notice of Decision, appeal under the provisions of G.L. c. 30A, § 14 and under any other applicable law.

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The following commissioners of the DEVENS ENTERPRISE COMMISSION,
voted to APPROVE the Minor Modification to Site Assignment:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

The following commissioners of the DEVENS ENTERPRISE COMMISSION
voted to DENY the Minor Modification to Site Assignment:
[insert signature lines]

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Dated this 24th day of February, 2026