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**TOWN OF BERLIN
TOWN COUNCIL MEETING
Wednesday, January 15, 2025
Town Council Chambers (in person)
Remote Meeting
6:00 P.M.**

A. CALL TO ORDER:

Mayor Kaczynski called the Town Council Meeting to order at 6:35 p.m. due to technical issues with Zoom meeting link.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL:

Those in attendance were: Councilor Sandra Coppola
 Mayor Mark Kaczynski
 Councilor Charles Paonessa
 Councilor Mark Pruzin
 Councilor Peter Rosso
 Councilor Donna Veach

Absent: Councilor Kate Atkinson

Also in attendance: Town Manager Ryan Curley
 Corporation Counsel Jeffrey Donofrio

D. NEW BUSINESS:

1. **Topic re: Presentations concerning Bright Feeds.**
 - a. **Mayor Kaczynski and State Representative Veach will provide updates.**
 - b. **DEEP will provide an update.**
 - c. **Attorney Donofrio will comment on any legal matters.**

PUBLIC WILL BE INVITED TO ADDRESS THE TOWN COUNCIL WITH QUESTIONS AND CONCERNS AFTER THE PRESENTATIONS.

1a) Mayor Kaczynski provided the following updates

- Bright Feeds provided a letter to the Town Council regarding an update on their odor and noise mitigation efforts. The letter stated that the thermal oxidizer equipment is on schedule to be delivered in late February and installed in early March. They are continuing to push the manufacturer for an expediated arrival and installation, and Bright Feeds is working with them on details regarding site and utility needs.

Bright Feeds is confident that this custom-designed system will provide a permanent odor solution as it is the highest-level solution available and eliminates offensive smells by destroying 98% of all organic compounds in exhaust flows.

Bright Feeds stated that they sought to increase the height of the plant's stack as an interim measure to minimize potential impacts from their operations however that request was denied by the Zoning Board of Appeals. Per subsequent discussions with DEEP, as of this morning Bright Feeds is discontinuing overnight operation as a significant interim measure as they prepare for the installation of the thermal oxidizer.

Bright Feeds will continue to work with a sound consultant to ensure that when the thermal oxidizer is installed it will be consistent with a permanent sound solution.

- The Fire Department was dispatched to the area on Sunday after the report of an odor by six residents, but the Fire Department was unable to detect anything when they arrived.
- A sound engineer was hired to review the previous sound report that was collected. He will be conducting his own sound study and Mayor Kaczynski asked Corporation Counsel Donofrio to speak on that. Attorney Donofrio stated that a third-party consultant was hired to evaluate compliance with the Town's noise ordinance. Steve Haas of HS Acoustics was provided the data that had been obtained by Berlin Police Department however there are too many variables with that data therefore HS Acoustics will take their own sound measurements in accordance with their internal standards and will provide a report on their findings.

1b) DEEP Update and Audience Questions

Director of the Air Enforcement Division for DEEP, Jake Felton stated that several complaints have been received over the past year and a half related to the Bright Feeds facility and as a result multiple inspections of the site and surrounding areas were made in 2023 and 2024. During the May 15 and 16, 2024 inspection staff documented nuisance odors and violation notice 20311 was issued. DEEP continues to document nuisance odors at the facility and their investigation remains open and active.

Bright Feeds has stated that they will be installing a regenerative thermal oxidizer (RTO) to replace the current odor neutralizing system that the facility currently operates. An RTO is a highly robust air pollution control device and is generally considered more effective than other odor mitigation technology. Given that the RTO is a custom designed system, DEEP believes that the February/March installation estimate is a reasonable if not aggressive timeframe.

Regarding Bright Feeds' request for a variance to increase their stack height that was denied by Berlin's Zoning Board of Appeals (ZBA) due to resident opposition, Mr. Felton stated that DEEP believes that increasing the stack height could have reduced odors. Dispersion enhancements are effective in reducing ground level pollutant concentrations however commentors at the ZBA meeting expressed concern that making the proposed dispersion enhancements would have only pushed the odors downwind and this is an improbable scenario due to atmospheric dilution.

On November 4, 2024 DEEP issued a test requirement letter to Bright Feeds requiring them to test their dryer stack for several pollutants. Bright Feeds complied with the requirement to submit a test protocol within 15 days and DEEP provided feedback on the test protocol to ensure testing would be occur under representative operating conditions and that the proper EPA test methods would be utilized. In general, testing is performed by a third-party contractor and audited by DEEP staff. This testing occurred on Friday January 10th and was monitored by five DEEP staff members who were monitoring both the process and the testing.

Currently DEEP has very preliminary results for total volatile organic compounds. Results for speciation and particulate matter are not yet available as these require laboratory analysis which is ongoing. The preliminary results indicate that Bright Feeds' emissions will likely exceed the 15 ton per year permitting threshold under DEEP's regulations. Bright Feeds will be required to report all test results within 60 days of the testing. DEEP will make the test results available to the public once they are received.

Based on those preliminary test results, the DEEP met with Bright Feeds, and they have agreed to implement interim measures pending installation of the RTO. These measures include reducing operating hours by 50% by eliminating night operations, reducing the capacity of materials processed, and rejecting certain feed stocks like raw dough and fresh pasta which may give rise to odor when processed.

Mr. Felton added that Bright Feeds operates under a sold waste authorization issued by DEEP's Waste Engineering and Enforcement Division. DEEP's clean air permitting programs are based on the potential emissions of regulated air pollutants from a facility. The ownness is on the project owner or operator to apply for a Clean Air Act permit and Bright Feeds did not do so. DEEP is now investigating whether a Clean Air Act permit is required and based on the preliminary stack test data DEEP believes that one is required. The stack test results will yield emission factors that can be used to make this determination.

There was discussion at a previous meeting about how a similar facility in Massachusetts was able to be shut down due to similar issues. Mr. Felton stated that that facility was processing lobster shells and fish products which Bright Feeds is not.

DEEP has communicated extensively with the Connecticut Attorney General's Office but the content of those conversations is subject to attorney client privilege. DEEP has been working with Berlin's local health district, the Central Connecticut Health District, as well as the Connecticut Department of Public Health.

As the investigation of this matter remains open and active DEEP will not be commenting on enforcement strategies however if at any point DEEP does not believe that Bright Feeds is making honest and diligent progress towards compliance their enforcement will be adjusted accordingly. Mr. Felton added that DEEP is committed to seeing to the full resolution of this issue.

Mayor Kaczynski asked for members of the audience to speak or ask questions at this time.

Ryan Malloy, Juniper Lane – Mr. Malloy stated that he wanted to clarify that citizens were opposed to the stack height increase at the ZBA meeting because Bright Feeds did an independent study but left that out during the meeting. The first data received was during tonight's meeting. Citizens weren't opposed to the height increase but were opposed to approving it without data. Citizens also want more data from the local and State health districts.

Mr. Malloy expressed concern that Bright Feeds was able to prepare for the testing that was done which could have allowed them to refrain from burning certain items which would allow for more favorable readings. He believes random checks should be performed if that is allowed.

James Ostroski, Tasca Ford – Mr. Ostroski thanked DEEP for moving forward with the testing and inquired about Bright Feeds meeting the requirement for the Clean Air Act permit and the feasibility of a cease-and-desist order until that permit is obtained as it could be ten weeks before the RTO is fully functional.

Mary Kathryn LaRose, 26 Woodruff Lane – Ms. LaRose stated she attended the ZBA meeting in which the stack height variance was denied and wanted to clarify that if residents had the information that DEEP presented this evening about atmospheric dispersion they might not have been opposed. Ms. LaRose added that the ZBA had their own reasons for not granting the variance adding that once the variance was in place it would allow other businesses the ability to also raise their stack heights.

June Daly, 67 Homecrest Drive – Ms. Daly asked for more understanding about DEEP's Solid Waste Management division after Mr. Felton stated that Bright Feeds is releasing waste at a higher level. Ms. Daly also asked for a better understanding of what the Health Department has been doing to assist with this process.

Tyler Ciaffaglione, 520 Worthington Ridge – Mr. Ciaffaglione stated that people are still getting sick. He agrees with Mr. Malloy that random tests should be performed by DEEP at the facility because believes Bright Feeds is also burning plastic and Styrofoam.

Jake Felton, DEEP – Mr. Felton stated that he was not trying to be critical of the ZBA’s decision or public comments at that meeting and added that he wanted to address some of the concerns brought forward this evening.

Regarding concerns that Bright Feeds was running at 50% capacity during the testing or that feed stocks at that time were different than usual, Bright Feeds was required to submit records of feed stocks, supplies, and process rates prior to the test so that on the day of the test DEEP would be reasonably assured that they were running at near maximum capacity and using representative feed stocks. DEEP’s assessment was that both were true. The required Clean Air Act permit that will now be required will allow DEEP much more insight, and monitoring and record keeping will be required.

Mr. Felton wanted to clarify that Bright Feeds is not burning anything. Their system works more like a dryer. Regarding the comment about burning plastic and Styrofoam, the facility does have de-packaging system to remove the packaging and DEEP has never observed any packaging being processed with the food.

Mr. Felton stated that just because a company does not have a permit does not fit the criteria for a cease-and-desist order which has a certain and very high evidentiary burden under state statute. The voluntary measures being implemented by Bright Feeds are the fastest way to reduce emissions and those measures are being monitored by DEEP.

Stack testing is performed by a third-party and therefore test scheduling, as opposed to random testing, is required to allow for all involved parties to participate. However, measures are taken to make sure that the testing is done representatively and correctly, and there are very experienced auditors present.

Mr. Felton clarified that the feed stock he has been mentioning is the food items that go into the dryer to make their product and include bakery items with packaging being removed upstream of the drying process.

When asked why Bright Feeds did not have the Clean Air Act permit from the beginning, he explained that permitting is based on potential emissions. To calculate potential emissions, emissions factors are needed however there were none for this type of facility as it is unique and the first of its kind in the state. Emissions factors are now being obtained from the stack testing results which can then be used for permit applicability determination. Mr. Felton added that the ownness is for the project owner or operator to apply for the permit and Bright Feeds did not do that and that is why DEEP continues to investigate permit applicability under the Clean Air Act.

Mr. Felton stated that this category of source is not subject to any Federal regulations requiring stack testing therefore DEEP took a unique step of requiring stack testing under State Regulation 22A-174-5 which provides DEEP the authority to require that testing when there is no other regulatory requirement to test. The establishment of emission factors is generally a years-long process carried out by the Federal Government.

Ryan Malloy, Juniper Lane – Mr. Malloy stated that he still believes that Bright Feeds was operating at a reduced rate during the testing. He added that he believes that they will increase their operations during the day to make up for shutting down their overnight operations, and residents will still be breathing in contaminated air. He believes they should be shut down.

Jim Phelps, 177 Windy Knoll Drive – Mr. Phelps asked DEEP to explain their correlation with the Attorney General’s Office as Bright Feeds received \$1 million from the State so there should be something in that agreement that ties in with enforcement on DEEP’s end.

Mr. Felton stated that the Attorney General’s Office is the attorney for DEEP and DEEP is in constant contact with them. FOIA requests can be made to the Attorney General’s Office but the records being requested could be subject to attorney client privilege.

Gabriele Frigon, Director of Waste Engineering and Enforcement for DEEP – Ms. Frigon stated that the one permit that Bright Feeds holds under the name Smart Feeds is a beneficial use determination. The Beneficial Use Statute is 22a-209f and that allows a manufacturing facility to seek a beneficial use determination authorization from the department if they are using solid waste as a feed stock. The authorization was issued in February of 2022 with the first phase allowing Bright Feeds to receive material, aggregate it, and then ship it off to a processing facility while constructing their facility. Phase two was operating as the processing facility with criteria that needed to be met regarding their feed stock and how they operate according to standard conditions for any facility managing solid waste.

As a result of discussions at the previous Bright Feeds meetings Ms. Frigon’s division determined that they needed to do an inspection to see how the facility was operating. Inspectors conducted an unannounced inspection in December 2024 to evaluate their compliance with each of the conditions in the beneficial use determination authorization. There were some housekeeping issues both inside and outside of the facility and DEEP will be abiding by their enforcement response policy.

Although Bright Feeds is the first of its kind facility in Connecticut that does not mean that the years and decades of expertise that permit writers and enforcement staff have are not applicable to them. There are aspects of other facilities that are comparable to Bright Feeds which are brought to bear on an application. Bright Feeds is not under regulated.

Charles Brown, Central Connecticut Health District (CCHD) Director – Mr. Brown stated that that CCHD has been working with DEEP and the Connecticut Department of Public Health (DPH) to exam current data and the potential to gather additional data to address the health concerns of the community. He hopes to be able to address this at the next meeting.

When asked what the hours of operation will now be at Bright Feeds since they will be ceasing overnight production Mr. Felton stated he does not have the specifics at this time but that will be verified this week. Mayor Kaczynski stated that the information will be shared via the Town’s website.

Ryan Malloy wanted to clarify a statement made earlier that Bright Feeds is processing plastics, etc which was based on an image associated with their Google account. Mr. Malloy stated that Bright

Feeds deleted their Google account, and someone created a fake account and posted stock images not associated with them.

Mr. Malloy added that Bright Feeds has stated that it is solving a Connecticut waste problem, but he has learned that 95% of the waste that is processed is coming from Massachusetts and New Jersey.

Ms. Frigon stated that DEEP cannot regulate where the material comes from as the business is not required to reveal specifically who their clients, they are only required to disclose their downstream clients. The product is also regulated by the Connecticut Department of Agriculture as they are processing animal feed.

Ms. Frigon also wanted to reiterate that Bright Feeds is not combusting anything, they are driving off the moisture in the feed stock which is creating the odors. Certain levels of criteria need to be met, and they need to make sure there are no non-organic materials such as plastics in the process.

CCHD Director Charles Brown addressed concerns that came up again about health risks. The CCHD has been actively working with DPH and DEEP to determine what the path forward is to obtain actionable data which is acquired over time. Unfortunately, DPH was not able to attend tonight's meeting to describe that process in more detail as they are the experts on it. He will work to get them to attend the next meeting.

Mayor Kaczynski stated that this was a very informative meeting, and updates will continue to be posted as they are received. Information obtained will be put out in a written update in February.

The next meeting will be held on Wednesday March 19th at 6:00 p.m.

E. ADJOURNMENT:

Councilor Rosso moved to adjourn at 7:53 p.m.

Seconded by Councilor Paonessa.

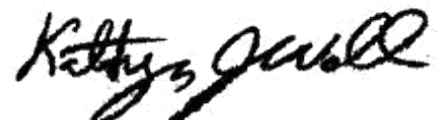
Those voting in favor: Councilor Coppola, Councilor Paonessa, Councilor Pruzin, Councilor Rosso, Councilor Veach, Mayor Kaczynski.

Vote being 6-0 (MOTION CARRIED)

Submitted by,

Kathryn J. Wall
Clerk of the Meeting

RECEIVED FOR RECORD
BERLIN TOWN CLERK



1/17/2025 , 11:32:20 AM



TO: Berlin Town Council and the Berlin Community
FROM: Bright Feeds
DATE: January 15, 2025
RE: Update on Odor and Noise Mitigation Efforts

To the Berlin Town Council and Berlin Community,

Bright Feeds appreciates the opportunity to provide you with an update on our efforts since the previous public update meetings in October and November, as well as the town's online update in December. We are pleased to report that the thermal oxidizer equipment we previously discussed with the town and the community remains on schedule to be delivered in late February and installed in early March.

We have pushed and continue to push the manufacturer for an expedited arrival and installation, and are currently working with them on the details regarding site and utility needs. We will continue to keep everyone updated on the planning conversations and installation process.

As we previously mentioned, we are confident that this custom-designed solution, typically used in large manufacturing plants that are many times bigger than the Bright Feeds plant, will be a permanent odor solution. It is the highest-level solution available in the marketplace, and according to its manufacturer, it eliminates offensive smells by destroying 98% of all organic compounds in exhaust flows.

As we work towards installation of the RTO, and per discussions with DEEP, we also sought to increase the height of the plant's stack as an interim measure to minimize potential impacts from our operations. However, as many are aware, the Zoning Board of Appeals has denied our request for permission to raise the stack height. Per subsequent discussions with DEEP, Bright Feeds is discontinuing overnight operation as a significant interim measure as we prepare for the RTO installation. These changes took effect this morning.

Additionally, we are continuing to work with a sound consultant to ensure that when we install the thermal oxidizer, it will be consistent with a permanent sound solution.

We appreciate the community's patience and remain 100% committed to listening to and working with community members, the town, the Mayor and Town Council, Representative Veach, Senator Lopes, CT DEEP, and others to address all concerns.

Thank you,
The Bright Feeds Team