

## Appendix D

New Ventures may accept for placement as final grading material at the Crow Lane landfill C & D Fines and Residuals (“C&D Material”) that has been accepted at Wood Waste of Boston, Inc. (“Wood Waste”) and processed within 8 weeks prior to the date of the Preliminary Injunction entered by the Suffolk Superior Court on October 20, 2006 in *Commonwealth of Massachusetts v. New Ventures LLC*, C.A. No. 06-0790 C (the “Order”) provided that:

1. the C & D Material was processed in accordance with the January 2006 gypsum removal protocol New Ventures provided to the City of Newburyport Health Department, a true and complete copy of which is appended to this Appendix D as “Attachment 1”;
2. corporate officers authorized to sign and bind New Ventures and Wood Waste certify in writing in accordance with 310 CMR 19.011(1) that the C & D Material was processed and will be shipped in accordance with the provisions of this Appendix D;
3. any and all C&D Material that either contains any visible gypsum wallboard or emits hydrogen sulfide odors verified by Jerome Meter readings shall not be sent to or accepted by the Crow Lane landfill for placement as shaping or grading material but shall instead be segregated by Wood Waste for shipment to another, appropriately licensed facility; and
4. all C & D Materials received and processed by Wood Waste after the date of the Order in accordance with the Gypsum Removal Protocol in Appendix C of the Order shall be segregated and stored at Wood Waste separately from and not mixed with any C & D Material accepted by Wood Waste and processed prior to the date of the Order.