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November 13, 2006

Via Email and First Class Mail

Matthew C. Ireland, Esq.
Assistant Attorney General
Environmental Protection Division
Attorney General's Office
100 Cambridge Street, 10th Floor
Boston, MA 02108

**Re: Commonwealth of Massachusetts v. New Ventures Associates, LLC;
Suffolk Superior Court, Civil Action No. 06-0790-C;**

Dear Attorney Ireland:

This letter is in response to your letter dated November 8, 2006 alleging noncompliance of New Ventures Associates, LLC ("New Ventures") with the Preliminary Injunction (the "Order"). We respond to the allegations as follows:

A. Tarps.

The Department has alleged that New Ventures is out of compliance with Paragraph 1(j) of the Order due to the current configuration of the tarps. New Ventures covered the areas pursuant to this paragraph and Appendix B prior to the extraordinary wind conditions of the weekend of October 28 and 29, 2006. During that weekend tarps blew off the Landfill due to the high winds and others were damaged. A force majeure filing was presented by New Ventures to the Department dated October 31, 2006 and additional time to cover the designated areas was granted by the Department. Since that time we have replaced a significant number of the tarps.

The November 8, 2006 letter references a plan from the Department with four shaded areas: The below response reflects existing conditions and discussions between Landfill staff and Dave Adams on Thursday, November 9, 2006.

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Area 1 – Finger Extending Along Phase I:

As you are aware most of Phase I is in use with the installation of the gas extraction system, and final grading in preparation for geocomposite installation beginning Wednesday, November 15, 2006. The portion of the shaded area closest to the flare and the trailer is presently in use with the installation of the header pipe last week. The area has been raked and shaped constantly to prepare for the installation. The second portion of Area 1 closest to Phase II is where grading and shaping of materials is taking place. This area is under use and is scheduled to be finished by tomorrow, weather permitting.

Area 2 – Phase II:

This area has been tarped. Once Phase I is completed, material will be placed on Phase II to bring it to its final grade.

Area 3:

Area 3 is located below Phases I and II in the areas identified as Phases I.A. and II.A. At present this area is used as a staging area for trucks bringing the materials to Phase I. The area is in use. We have agreed to tarp this area once the Phase I grading and shaping is completed this week.

Area 4:

Area 4 is located at the southwest portion of the property. New Ventures has extended the tarps to the areas where there is C&D on this portion.

New Ventures' tarp placement on the Landfill was affected by weather conditions.

B. Flare.

New Ventures acknowledges that due to a mechanical malfunction, the open flare operated sporadically the weekend of November 4 and 5, 2006. New Ventures has confirmed through Highland Power that the shut off valve did not operate correctly when the flare went out. The system was fixed and operated last week. In addition, on Friday, November 10, 2006 a fire eye was replaced and the system's redundancy associated with the automatic shut off valve is functioning and has been tested. New Ventures promptly corrected the violation within 72 hours of written notice.

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C. Compliance Issues.

New Ventures' staff determined that one telephone line connected to the complaint line was not working the weekend of November 4, 2006 and was corrected on Monday, November 6, 2006. New Ventures also immediately corrected the improper date(s) placed by staff on the Collection System Monitoring forms. We understand that the data was reported correctly with the wrong dates. On this basis, New Ventures believes that it has taken the steps to be in compliance with the Order.

Please contact me if you have any questions.

Thank you.

Sincerely,

Richard A. Nylén, Jr.

RAN/kad

cc: Mr. John Carrigan
Mr. William Thibeault
Mr. Steven J. Trettel
Michael W. Dingle, Esq./DEP-NERO
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