



Department of Environmental Protection

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Memorandum

To: Interested Persons

From: MassDEP – Northeast Regional Office, Bureau of Air and Waste

Date: May 5, 2017

Re: Wheelabrator Saugus, Inc. Solid Waste Applications –
Public Review and Comment Opportunities

Wheelabrator Saugus, Inc. (WSI) submitted the following two (2) applications to the Massachusetts Department of Environmental Protection (MassDEP) on April 20, 2017, concerning WSI's ash landfill in Saugus, Massachusetts:

- 1. Major Modification of the Ash Landfill in Saugus; and**
- 2. Minor Permit Modification for Ash Staging and Transport**

MassDEP is providing this memorandum to the public to describe opportunities for public review and comment.

WSI's proposed Major Modification involves placing some additional fill in two valleys on the landfill and is referred to as the valley fill project (Valley Fill Project or Project). The Project was more fully described in an Environmental Notification Form (ENF) published in the Environmental Monitor on June 8, 2016, and the Secretary of Energy and Environmental Affairs issued a certificate on the ENF pursuant to the Massachusetts Environmental Policy Act on August 5, 2016.

WSI's application for a Minor Permit Modification for Ash Staging and Transport seeks approval to stage ash residue within the limits of the landfill, to enable off-site transport of ash to off-site ash management facilities.

1. Major Modification of the Ash Landfill in Saugus

a. Regulatory Framework

The proposed Valley Fill Project falls within the designation of a major modification to a landfill under the Solid Waste Regulations. Therefore, WSI is required to file a major modification application (permit category BWPS11). MassDEP's review of the Project will be conducted pursuant to 310 CMR 19.033. This regulation sets forth the procedure for MassDEP's review of an application for a solid waste landfill permit modification. The procedure allows MassDEP either to issue its permit decision directly or to issue a provisional decision, which would provide the opportunity for any interested person to submit written comments on MassDEP's provisional decision.

b. Summary of Key Public Review and Comment Opportunities

Recognizing that there is significant public interest and concern about the Valley Fill Project, MassDEP plans to:

1. Establish a MassDEP web page, to allow the public web access to WSI's application and related documents, such as any decision, if and when issued.
 - a. Establish a list of interested persons so that MassDEP can email information and updates to them.
2. Issue any decision on WSI's Major Modification of a Landfill application as provisional, to provide the public opportunity to review and comment on the provisional decision, before it would become effective.
3. Hold a public hearing solely for the purpose of accepting oral as well as written comments on any provisional decision. This hearing will be held in Saugus.

MassDEP will issue an announcement of the availability of any provisional decision and will establish the dates of the public comment period, the hearing date and time, as well as the specific location in Saugus where the hearing will be held. Both the announcement and the provisional decision will be posted on the MassDEP website. The comment period will be at least twenty-one (21) days from issuance of the provisional decision. In addition, MassDEP will also send an email announcement to inform people who are on the interested persons list.

c. Procedural Process for Review of Application and Issuance of any Decision

WSI filed its Valley Fill Project application on April 20, 2017. WSI simultaneously provided a copy of the application to the Saugus Board of Health. MassDEP has (or will soon) establish a WSI permitting web page in connection with the applications and will inform interested persons

by email. The web page will provide information on how to access the applications, a copy of this memo, and any future relevant documents.

MassDEP's Timely Action and Fee regulations at 310 CMR 4.00 set forth the applicable timelines for processing various permit application types. Subject to various provisions in those regulations, the **general timelines** for processing a major modification of a landfill permit (category BWPSW11) are as follows:

- a. Within 24 days of receipt of an application and payment of fee, complete administrative completeness review;
- b. Within 72 days of the administrative completeness determination, complete technical review;
- c. If MassDEP issues a technical deficiency letter, the applicant has up to 180 days to respond; and
- d. Within 72 days of receipt of the response, complete supplemental technical review.

The foregoing deadlines may shift or be expanded for a variety of reasons, as allowed pursuant to the regulations.

As noted above, MassDEP plans to issue any decision on WSI's application as provisional, to allow for public review and comment for a period of at least 21 days. MassDEP plans to hold a public hearing to accept oral and written testimony of the provisional decision. MassDEP will inform the applicant, the Town of Saugus, elected officials and other interested persons of the availability of the provisional decision, the dates of the public comment period and the hearing date, time and location.

Following the public hearing and close of the public comment period, MassDEP will review and consider all relevant comments and issue a Response to Comments (RTC) summary that summarizes the significant comments received and any significant changes made to the provisional decision. MassDEP will post the RTC and final decision on the web page and inform interested persons by email.

2. Minor Permit Modification for Ash Staging and Transport

On April 20, 2017, WSI filed with MassDEP a Minor Permit Modification relating to Ash Staging and Transport (permit category BWP SW 22) (Ash Staging Operation). This Minor Permit Modification proposal is a separate and distinct permitting proceeding, independent of the permitting for the proposed Valley Fill Project. MassDEP plans to issue any decision on this application as a provisional decision and will provide at least a 21-day comment period. MassDEP will post any information or documents related to the Ash Staging Operation permitting on the website, as well as inform interested persons by email.

3. How to Join the Interested Person List

MassDEP has established a list of interested persons based on the 2016 MEPA process for the Valley Fill Project and earlier direct contacts with MassDEP. If you are on this list, you should receive an email from MassDEP on May 5, 2017, about WSI's proposed permit modifications, with a link to the MassDEP web page.

In addition, any other person interested in being placed on MassDEP's interested person list for WSI's current applications may send a request to the following dedicated email address: WheelabratorSaugus.MassDEP@state.ma.us.

MassDEP's web page for the WSI permit applications can be accessed through the following link: <http://www.mass.gov/eea/agencies/massdep/news/comment/>. Any future announcements, provisional decisions, etc. will be posted on the MassDEP project web page, in addition to being emailed to interested persons.