

COMMONWEALTH OF MASSACHUSETTS  
THE TRIAL COURT  
SUFFOLK SUPERIOR COURT

Suffolk, ss

COMMONWEALTH OF MASSACHUSETTS,  
Plaintiff

V.

NEW VENTURES ASSOCIATES, LLC,  
Defendant

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CA # SUCV2006-00790

**EXHIBIT "C"**

certified that the MSE berm along the Phase I and Phase II areas of the Landfill has been completed in accordance with the design and construction requirements of the Department approved MSE berm design modification plan, the \$30,000 Sixth Installment shall be waived.

10. If by no later than two hundred ten (210) days after entry of Final Judgment, New Ventures' Engineer of Record has certified that New Ventures has fully and timely completed construction of the final flexible membrane liner ("FML") cap for the entire Landfill as required by paragraph 11(g) of this Settlement Agreement, in accordance with the Final CAD attached as Exhibit 2, \$30,000 of the Seventh Installment shall be waived.

*Injunctive Relief: Landfill Closure Deadlines*

11. New Ventures shall:

- a. (i) by no later than fifteen (15) days after entry of Final Judgment, complete the field work for the geotechnical investigation of the perimeter berm along the Phase I and Phase II Areas of the Landfill in accordance with all terms, conditions and requirements of Section I, "Field Work," of Appendix A;
- (ii) within 5 (five) days of completion of all requirements of Section I, Field Work, of Appendix A, the parties and their technical consultants will meet to review the results;
- (iii) by no later than twenty-seven (27) days after completion of all requirements of Section I, Field Work, of Appendix A, New Ventures shall submit for Department approval the "Geotechnical Report" prepared by Geocomp Corporation of Boxborough Massachusetts ("Geocomp"), or other qualified consultant, required by Section III, "Design Verification and Geotechnical Report." of Appendix A, including, without limitation, a determination of whether or not any modification to the MSE berm design plan in the Final CAD is necessary based on the standards set forth in the

“Design Verification” section of Exhibit 1 to Appendix A;

(iv) in the event that the Department approved Geotechnical Report does not require modification of the MSE berm design, New Ventures shall complete construction of the MSE berm along the Phase I and Phase II areas of the Landfill by no later than ninety (90) days after the Department’s approval of the Geotechnical Report, and New Ventures shall not begin construction of the MSE berm along the Phase I and Phase II areas of the Landfill until the Depart has approved the Geotechnical Report;

(v) in the event that the Department approved Geotechnical Report finds that a MSE berm design modification is necessary, New Ventures shall, within twenty-five (25) days of the Department’s notice approving the Geotechnical Report, submit for Department approval a MSE berm design modification plan with a safety factor no less than 1.30, including a reasonable construction schedule;

(vi) the Department will with reasonable promptness notify New Ventures of any deficiencies in the MSE berm design modification plan proposal and New Ventures shall within fifteen (15) days of the Department’s deficiency notice submit for Department approval a revised MSE berm design modification plan with a safety factor no less than 1.30 that remedies all deficiencies noted by the Department;

- b. by no later than forty-five (45) days after entry of Final Judgment, fabricate a forty (40) cubic yard tank (the “New Vessel”) to house the media for the landfill gas pre-treatment system (the “LFG Pre-treatment System”). The parties understand that the New Vessel will be fabricated to be similar in design to systems such as the pre-treatment system at the South Hadley landfill in South Hadley, Massachusetts, and, further, that the two (2) other vessels currently in-use at the Site to house the LFG Pre-treatment System