



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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April 9, 2015

Emma Kosciak
Hunt Road Solar, LLC
88 Black Falcon Avenue, Suite 342
Boston, MA 02210

RE: AMESBURY - Solid Waste/COR
56 South Hunt Road
Hunt Road Landfill
FMF# 230257
Post Closure Use - Solar Power Facility
Approval
Transmittal # X263173

Dear Ms. Kosciak:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air and Waste, Solid Waste Section ("MassDEP") has reviewed your application for post closure use of the Hunt Road Landfill in Amesbury, Massachusetts. The application (category BWPSW36, *Major Post-Closure Use*, Transmittal Number X263173) was prepared on your behalf by Tighe & Bond, Inc., Westfield, Massachusetts, and includes plans titled:

Hunt Road Landfill Solar Project
Post Closure Use Permit Application Set
Not for Construction
Amesbury, Massachusetts
November 2014
Revised March 2015

Hunt Road Solar, LLC proposes to install a 5.96 MW DC photovoltaic (solar) electric power generating facility on the former Hunt Road Landfill. Hunt Road Solar, LLC has leased the site for the array from Waste Management of Massachusetts ("WMMA") and will be responsible for mowing and related routine maintenance of the site within the array area. WMMA will retain responsibility for maintenance of the remainder of the site and conducting environmental monitoring of the landfill. WMMA will retain responsibility for maintenance and operation of the landfill gas vents and the leachate management system.

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The Landfill occupies approximately 65 acres within a 172 acre parcel of land off South Hunt Road within the City of Amesbury, Massachusetts (the “City”). The proposed array will consist of approximately 19,224 modules, placed over approximately 28 acres of the landfill. The array will be placed so as to not interfere with the existing leachate management located on the landfill or the existing landfill gas vents.

The array’s panels will be supported on cast in place concrete ballast blocks placed (typically) on the existing ground surface. Minor filling of undulations in the ground surface may be made to level the surface in preparation for pouring of the ballast blocks. Six (6) inverters and three (3) transformers will convert the power from DC to AC for connection to the regional power grid. The array will connect to the regional power grid at South Hunt Road.

MassDEP has determined that the application is administratively and technically complete and that, subject to the terms and conditions of this decision and permit, the proposed post-closure use complies with the applicable requirements of 310 CMR 19.000, the Massachusetts Solid Waste Regulations (the “Solid Waste Regulations”),. The application demonstrates pursuant to 310 CMR 19.143(3) that the installation and operation of the solar PV facility as proposed and approved by this decision:

- Will not result in a disturbance of the Landfill cap that could cause an adverse impact to public health, safety or the environment;
- Will not impair the integrity or functioning of the final cover, the components of the containment system, the landfill gas control system, and the environmental monitoring systems; and
- Provides for the maintenance of the Landfill cap’s storm water drainage facilities, basins, swales, and other erosion/sedimentation controls.

Therefore, in accordance with M.G.L. Chapter 111, § 150A and 310 CMR 19.143, MassDEP approves the application and issues this Post-Closure Use Permit subject to Hunt Road Solar, LLC’s compliance with 310 CMR 19.000 and the following conditions, imposed by MassDEP pursuant to 310 CMR 19.043(1), *Items Subject to Conditions*, and 310 CMR 19.142(7), *Additional Measures*. This decision is a Post-Closure Use Permit pursuant to 310 CMR 19.143, *Post-Closure Use of Landfills*.

1. Hunt Road Solar, LLC shall comply with this permit and the requirements of 310 CMR 19.000, including, but not limited to, the requirements established at 310 CMR 19.043(5), *Standard Conditions*.
2. Hunt Road Solar, LLC shall assure persons conducting activities¹ at the PV Facility and Landfill are familiar with the applicable provisions of this permit and the approved plans, and that all work performed at the Landfill complies with 310 CMR 19.000 and the applicable requirements of this permit.
3. Pursuant to 310 CMR 19.043(5)(a), *Duty to Comply*, this decision does not relieve Hunt Road Solar, LLC, or others, from their obligations to comply with all other applicable federal and state laws and regulations including, but not limited acquiring applicable permits and approvals, including local permits.

¹ Activities include, but are not limited to, the construction, installation, operation, and maintenance of the PV Facility and the Landfill.

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4. Not less than seven (7) days prior to commencing construction pursuant to the application and this permit, Hunt Road Solar, LLC shall notify MassDEP in writing of the scheduled date of the commencement of construction at the site. In addition, the notification shall include:
 - a. The projected schedule for completion of the major construction milestones and the PV Facility;
 - b. The name and contact information of an on-site contact for the construction; and
 - c. A health and safety plan for MassDEP's files.
5. All construction work shall be completed and conducted under the supervision of an independent Massachusetts Registered Professional Engineer ("Engineer of Record") who shall have sufficient qualified staff on-site to provide field supervision and quality assurance/quality control for all construction activities.
6. Hunt Road Solar, LLC, and the appertaining Engineer of Record, are responsible to ensure that all necessary precautions are taken to protect the health and safety of workers and the general public during the construction and operation of the PV Facility and during its decommissioning.
7. All disturbance of the Landfill shall be limited to the proposed excavations and installations as depicted and described in the application and the approved plans and this permit. Hunt Road Solar, LLC and any other contractors performing work at the Landfill shall without delay notify the Engineer of Record or his/her on-site representative upon encountering or damaging the flexible membrane layer (FML) of the landfill cap.
8. If the FML of the cap is damaged Hunt Road Solar, LLC shall notify MassDEP and WMMA without delay and in no case later than the close of business of the next business day after it becomes aware of the incident. This notification requirement is in addition to any other notification requirements required by statute or regulation including, but not limited to, 310 CMR 19.000 and 310 CMR 40.0000.
9. Hunt Road Solar, LLC shall maintain copies of this decision and permit, the application, the health and safety plan, and documentation that site personnel have been trained pursuant to the health and safety plan at the site during construction of the PV Facility.
10. Pursuant to 310 CMR 19.043(5), *Standard Conditions*, MassDEP and its agents and employees shall have the right to inspect the Landfill, any equipment, structure or land located thereon, to take samples, to perform tests, and have access to and photocopy records, and to otherwise monitor compliance with this permit and all environmental laws and regulations administered by MassDEP.
11. Notice of the landfill located on this site, including this approval, shall be recorded in the applicable Registry of Deeds and/or the Registry Section of the Land, as appropriate, pursuant to the requirements of M.G.L. Chapter 111, § 150A and 310 CMR 19.141.
12. Prior to commencing operation of the PV Facility, and in no event on or before ninety (90) days after the date of completion of the construction of the PV Facility, Hunt Road Solar, LLC shall submit for review and approval by MassDEP a construction certification report, as an application category BWP SW45 Alternative Review Process, that includes, but is not limited to:
 - a. As-built plans for the final as constructed PV Facility amended to incorporate all modifications and alterations, if any, made during construction;

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- b. A narrative, prepared by the Engineer of Record that discusses in part, any modifications made to the design of the PV Facility; and
 - c. Certifications by Hunt Road Solar, LLC and the Engineer of Record pursuant to 310 CMR 19.011.
13. Not later than thirty (30) days after the date the PV Facility ceases operation, Hunt Road Solar, LLC shall submit to MassDEP an application pursuant to 310 CMR 4.00 and 310 CMR 19.000 for the decommissioning of the PV Facility and the restoration of the landfill cap and appurtenances thereto. The application shall include, but not be limited to, a narrative, plans and schedule for the decommissioning of the PV Facility and the restoration of the Landfill's cap and appurtenances².
14. MassDEP reserves the right to amend, modify, suspend or revoke this permit pursuant to 310 CMR 19.036, *Department's Modification, Suspension, or Revocation of a Permit*. This does not limit or restrict MassDEP from implementing any other applicable authority at the Landfill including, but not limited to, authority pursuant to 310 CMR 40.0000.
15. This permit is effective on the date signed by MassDEP below, except as provided by the Notice of Appeal Rights below.
16. This permit shall expire on December 31, 2035, provided that MassDEP may amend the term of the permit in accordance with a modification pursuant to 310 CMR 19.033 or 310 CMR 19.034. Hunt Road Solar, LLC shall submit to MassDEP on or before August 30, 2035 either an application to renew the permit or notice of its intent to close the PV Facility. Wherein Hunt Road Solar, LLC elects to close the facility, Hunt Road Solar, LLC shall submit an application for the decommissioning of the PV Facility and the restoration of the landfill cap and appurtenances thereto pursuant to paragraph 13, above.
17. Hunt Road Solar, LLC shall not deviate from this permit and the approved design plans. Hunt Road Solar, LLC shall notify MassDEP prior to any modification(s) of the design and of any significant changes in the project schedule. MassDEP may, at its sole discretion, require Hunt Road Solar, LLC to submit an application to MassDEP for review and approval for any modification/alteration to the design. In the event that MassDEP determines that a permit application is required for a modification; Hunt Road Solar, LLC shall submit such application to the MassDEP in accordance with the schedule specified by MassDEP.
18. Hunt Road Solar, LLC and WMMA shall continue to perform post-closure activities at the Landfill pursuant to 310 CMR 19.142, *Landfill Post-closure Requirements*, including, but not limited to, maintenance of the Landfill's cap to prevent growth of vegetation with root systems that could be detrimental to the cap, and to prevent erosion of the cap.

NOTICE OF RIGHT TO APPEAL

Hunt Road Solar, LLC is hereby notified that it may within twenty-one (21) days file a request that this decision be deemed a provisional decision under 310 CMR 19.033(4)(b), by submitting a written

² Appurtenances include, but are not limited to storm water controls, landfill gas control structures, landfill gas and groundwater monitoring wells.

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statement of the basis on which Hunt Road Solar, LLC believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the Department's receipt of the request. Such a request shall reopen the administrative record, and the Department may rescind, supplement, modify, or reaffirm its decision. Failure by Hunt Road Solar, LLC to exercise the right provided in this section shall constitute a waiver of Hunt Road Solar, LLC's right to appeal.

Appeal. Any person aggrieved by the issuance of this decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, not later than thirty (30) days following the receipt of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

Notice of Action. Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to the Department of their intention to commence such action. Said notice of intention shall include the Department file number and shall identify with particularity the issues and reasons why it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the application, if applicable, at least five (5) days prior to the filing of an appeal. The appropriate addresses to which to send such notices are:

General Counsel
Department of Environmental Protection
One Winter Street - 3rd Floor
Boston, MA 02108

Eric Worrall
Regional Director
Department of Environmental Protection
205b Lowell Street
Wilmington, MA 01887

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

Should you have any questions relative to this application, please contact David Adams at phone number 978-694-3295.

Sincerely,

David C. Adams
Environmental Engineer
Solid Waste Management

Sincerely,

*This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.*

John A. Carrigan
Section Chief
Solid Waste Management

Hunt Road Solar, LLC
Hunt Road Landfill Post Closure Use – Solar Power Facility

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Cc:

Amesbury Board of Health
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Amesbury, MA 01913

Brian Huntley
Tighe & Bond, Inc.
53 Southampton Road
Westfield, MA 01085

Mark DeVine
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