



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

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

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November 22, 2013

Bob Berman, President
Urban Green Technologies Renewable Energy 7 LLC
111 E. Wacker Drive, Suite 2400
Chicago, Illinois 60601

RE: BILLERICA – Solid Waste/COR
209 Pond Street
Shaffer Landfill
FMF No. 39087
Solar – Photovoltaic (PV) Facility
Modified Layout
Approval
Transmittal No. X258163

Dear Mr. Berman:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Waste Prevention, Solid Waste Section ("MassDEP ") has reviewed Urban Green Technologies Renewable Energy 7 LLC ("UGT7") application for modification of the post-closure use of the closed Shaffer Landfill (the "Landfill") located at 209 Pond Street in Billerica, Massachusetts. The application, category BWPSW45, *Any Facility – Alternate Review*, Transmittal Number X2258163, was prepared and submitted to MassDEP on behalf of UGT7 by Geosyntec Consultants, Inc. ("Geosyntec") of Acton, Massachusetts. The application includes plans, consisting of seven (7) sheets, revised through November 21, 2013, titled:

Shaffer Landfill Solar Development
Pond Street
Billerica, Massachusetts
November 2012
Updated November 2013

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In response to requirements of project investors, UGT7 has revised the layout of the solar array to accommodate panels of greater wattage (increase from 218 watts per panel to 305 watts per panel) and increase the total power production of the facility (increase from 4.363 MW DC to 5.999 MW DC¹). The revised layout will decrease the number of panels (from 20,016 to 19,668). The revised layout will increase the spacing of the panels from the existing gas venting wells, improving facility access.

Per the approved design the array will be placed only on slopes with a maximum gradient of twenty percent (20%).

The revised layout will require electrical conduits to cross the facility access driveway. To cross the driveway the conduit will be placed on the existing ground surface and covered by twenty (20) inches of gravel. The gravel will be tapered to blend to the existing grade, forming a gentle ramp over the conduit. The landfill is covered by a designed cap (the “Remedy”) installed pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA). Pursuant to the Remedy, the soil of the landfill cap was compacted during placement. The updated solar development plans identify this existing compacted soil as “compacted subgrade”. No additional compaction of the existing soil will be made to construct the crossing.

Reinforced concrete pads will be placed to support inverters and transformers. Common borrow will be placed on the existing ground surface as needed to level the surface. The existing topsoil will be left in place. A layer of gravel will be placed over the common borrow as foundation for the pad.

MassDEP has determined the post-closure use proposed by UGT7, as modified by this application, subject to the terms and conditions of this decision, complies with applicable requirements of 310 CMR 19.000, and the application demonstrates pursuant to 310 CMR 19.143(3) that the installation of the solar PV arrays 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.

¹ Maximum allowable per 225 CMR 14.05(4)(a).

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- Provides for a FAM for the decommissioning and removal of the PV Facility, and restoration of the Site; in addition to the Performing Settling Defendants' existing financial security obligations under the Consent Decree, for O&M and environmental monitoring.

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:

1. UGT7's compliance with all terms and conditions as established pursuant to MassDEP's approval dated September 7, 2012.
2. Where common borrow is placed to create a level surface, the edges of the common borrow shall be covered by topsoil with an organic content² of not less than 8% so as to produce a finished slope where practical of no greater than 3 horizontal to 1 vertical, but in no case greater than 2 horizontal to 1 vertical. The topsoil shall be not less than 6 inches in depth.

NOTICE OF RIGHT TO APPEAL

Urban Green Technologies Renewable Energy 7 LLC (UGT7) 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 19.037(4)(b), by submitting a written statement of the basis on which UGT7 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 UGT7 to exercise the right provided in this section shall constitute a waiver of UGT7's right to appeal.

Appeal. Any person aggrieved by the issuance of this decision 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

² As determined by loss on ignition.

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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. The appropriate addresses to which to send such notices are:

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

Regional Director
Massachusetts Department of Environmental Protection
Northeast Regional Office
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.

If you have any questions regarding this matter, please contact David Adams at 978-694-3295.

Sincerely,

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.*

DCA

David C. Adams
Environmental Engineer
Solid Waste Management

JAC

John A. Carrigan
Section Chief
Solid Waste Management

JAC/DCA/dca

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CC:

Billerica Board of Health
365 Boston Road
Billerica, MA 01821

Billerica Conservation Commission
365 Boston Road
Billerica, MA 01821

Billerica Planning Board
365 Boston Road
Billerica, MA 01821

David J. Bonnett
Geosyntec Consultants, Inc.
289 Great Road, Suite # 105
Acton, Massachusetts 01720

USEPA, attn: Donald McElroy
MassDEP, attn: Janet Waldron/BWSC/Boston, Andrew Cohen/OGC/Boston