Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

DEVAL L. PATRICK
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Commissioner

September 13, 2012

Peter S. O'Connell, Chairman
Brookfield Board of Selectmen
6 Central Street
Brookfield, MA 01506

and

Robert Babcock
EPG Solar, LLC
5425 Wisconsin Avenue, Suite 600
Chevy Chase, MD 20815

RE: Approval with Conditions
Application for: BWP SW 36 Post-Closure Use - Major
Solar Photovoltaic Array
Transmittal #: X251742

AT: Brookfield Landfill
Quaboag Street
Brookfield, Massachusetts
Facility ID#: 39129, Regulated Object#: 172383

Dear Mr. O'Connell and Mr. Babcock:

The Massachusetts Department of Environmental Protection, Solid Waste Management Section (the "MassDEP"), has completed its Administrative and Technical review of the referenced Post-Closure Use permit application (the "Application") for the Brookfield Landfill (the "Landfill"). The Application was prepared and submitted on behalf of EPG Solar, LLC ("EPG Solar") by Sanborn, Head and Associates, Inc., Westford, MA ("Sanborn Head" or "Engineer").

MassDEP has determined the Application is administratively and technically complete and hereby **Approves** the Post-Closure Use of the Landfill for a 575 kilowatt ("MW") solar photovoltaic ("PV") array subject to conditions as specified herein.

## I. SUBMITTALS:

MassDEP has reviewed the Application pursuant to 310 CMR 19.000: *Solid Waste Regulations*, 310 CMR 19.143: *Post-Closure Use of Landfills* and MassDEP's *Landfill Technical Guidance Manual, May 1997* (the "Manual"). The Application consists of the following:

A. The permit transmittal and application forms for Post-Closure Use - Major (BWP SW 36), a narrative describing the proposed use, engineering calculations performed by Sanborn Head and seven engineering drawings received by MassDEP on April 13, 2012.

B. Supplemental Application information prepared by Sanborn Head, consisting of response to MassDEP's July 27, 2012 comments, dated August 10, 2012 and received by MassDEP via e-mail on August 10, 2012.

The Application and design drawings are signed and stamped by Timothy W. Reed, Massachusetts Registered Professional Civil Engineer No. 49465.

## II. POST-CLOSURE USE SOLAR ARRAY PROPOSAL SUMMARY:

The Town is the owner of the Landfill and has entered into a lease agreement with EPG Solar authorizing EPG Solar to submit the Application and to develop a 575 kW solar photovoltaic installation on the Landfill. Hereinafter, EPG Solar and the Town shall be referred to as the "Applicants". EPG Solar and all construction and maintenance personnel associated with the Town's Landfill shall be referred to as the "Applicant's Contractors". The Applicants are proposing to construct and maintain a PV array on the capped Landfill, consisting of the following components:

- Approximately 240 precast concrete foundations (ballast blocks: 11.5 foot x 3.5 foot by 1.25 foot concrete blocks) will be placed on leveling stone after removal of the vegetative support layer and placement of a nonwoven geotextile to support the leveling stone;
- Approximately 2,447 PV modules (approximate weight 44.1 lbs each) will be installed on approximately 114 support racks placed on precast concrete foundations;
- One concrete pad will be installed on the vegetative support layer, which will hold a 500 kW inverter;
- One concrete pad located outside the limits of the final cover will hold a 500 kW transformer and metering point;
- Conduits for low voltage DC cables will be mounted on the rack assemblies of each array. Conduits between arrays will be mounted to the backs of the array ballasts;
- Medium voltage cables will be housed in 4-inch (maximum) diameter galvanized rigid metal conduit with weather type fittings. These conduits will be mounted every ten feet on concrete pads.
- Conduits will be installed below grade at three road crossings in an eight inch corrugated polyethylene pipe sleeve designed to accommodate vehicular traffic;
- A below ground conduit is proposed to be installed between the transformer and the existing utility pole. The proposed underground conduit is to be located immediately adjacent to the edge of waste and there are no soil-gas probes located between the edge of

waste and the proposed underground conduit. MassDEP advises the Applicants consider relocating the underground conduit further from the edge of waste (**refer to condition #1 and #16**).

The ground mounted PV array is to be constructed on areas of the Landfill with a maximum slope of 12% (approximately 6.8 degrees). The proposed PV array will encompass approximately 4 acres of the Landfill. The solar array will utilize PV modules (5.33-foot by 3.25-foot) mounted on framed racks attached to the precast concrete foundations. The PV array will use PV modules laid out in panels, 2 modules high and 11 modules long (panel layout 2x11) mounted on racks of 22 modules each. The rack foundation will consists of two precast concrete ballast blocks, each with one post to support the rack. Each panel support rack or assembly will utilize a fully ballasted mounting system with no penetrations of the low permeability layer of the final cover system. The modules and the associated racking will be approximately 7 feet-6 inches in height in the rear and 3 feet in the front.

The racking system will hold the panels at a fixed tilt of 25 degrees from horizontal. The racks will be placed to avoid interference with access roads, the passive landfill gas collection extraction vents and all storm water control features. The existing elevation and grade of the Landfill will not be altered. The proposed design will impact limited portions of the vegetative layer of the final cover system. The impacts result from rack ballasts installations and below grade cable installations. The Applicants propose to use crushed stone as fill beneath each ballast to provide a level surface for the ballast.

The Applicants stated the grounding design will meet applicable NEC and local electrical code requirements and that if any grounding rods are installed as part of the grounding system; the rods will be driven into the ground outside the limits of the Landfill final cover system. The Applicants have not submitted grounding electrical design plans, but have committed to provide prior to commencing construction activities (**refer to condition #17**).

A new proposed access road will be constructed from the vicinity of the Landfill entrance at the existing transfer station located off Quaboag Street to the Landfill top and then extend north and south along the Landfill crest to the ends of the proposed PV array. The new proposed road design includes a woven roadway stabilization fabric placed above the existing final cover system, overlain by an eighteen inch thick layer of crushed gravel.

<u>Bearing Capacity, Settlement, and Stability:</u> The Application included a geotechnical evaluation for the installation of the PV array and supporting structures.

The Application included an analysis of the foundations for the PV array that will bear directly on the final cover system and has considered the dead load, snow load and wind loading. The results of the geotechnical evaluation are as follows;

- The modules, ballasts, and footings do not exceed loading criteria for the Landfill.
- The PV array will not cause adverse landfill settlement.

The anticipated maximum loading scenario (ballasts, racking system, and modules and stone pad) on the Landfill surface will result in a maximum transient bearing pressure of 455 pounds

per square foot (psf) (approximately 3.1 psi). The anticipated maximum loading at the equipment pad on the Landfill surface will result in a bearing pressure of 234 psf (1.6 psi). Settlement analysis was also performed for the ballasts on the of the final cover system. The result of these calculations estimated the secondary settlement as 6 inches with an additional 3 inches of secondary settlement due to construction of the solar PV array.

A sliding stability evaluation was performed for the ballasts located on Landfill areas with a 12 percent (6.8 degree) slope. A safety factor of 1.7 was calculated and deemed to be acceptable.

Storm Water: The Engineer used the HydroCAD methodology to evaluate the suitability of the existing storm water management system for the proposed post-closure use for the 25 and 100 year, 24 hour storm events. It was determined that the impervious area for the post-closure use amounts to approximately 3.9 percent of the Landfill area. The Engineer stated the existing drainage features will support the modified runoff from the proposed solar PV system.

Post Closure and Post-Closure Use Operations and Maintenance: There are no proposed changes to the post closure operation and maintenance plan for the area to be maintained by the Town of Brookfield and not used for the PV array. MassDEP is requiring that a Solar Array Construction Health and Safety Plan and a Post Closure Operations and Maintenance Health and Safety Plan be submitted and that personnel training be provided for employees who access the PV array areas of the Landfill (**refer to conditions #7 and #8**).

The proposed post-closure use operation and maintenance plan for the post-closure use area used for the PV array consists of the following:

- Remote monitoring of the energy production;
- Regular panel washing, using water;
- Regular vegetation maintenance;
- Quarterly inspection of system components;
- Quarterly inspections of the landfill cover system; and
- Preventative maintenance on system meters and other mechanical components.

Additionally, MassDEP is requiring that during the first year of operation of the PV array inspections of the Landfill final cover system be performed on a monthly basis and thereafter quarterly, at a minimum. MassDEP is also requiring that inspections include the condition of the security fencing (**refer to condition #18 & #19**).

Site Security: Site security will include a continuous 6-foot tall chain link fence. The proposed chain link fence lies outside the limits of the final cover system. Drawing 4 of the Application indicate that the fence crosses the above ground conduit in the area between the inverter and transformer. The Applicants must coordinate the final installation of these two elements of construction and certify that final construction meets applicable NEC and local electrical code requirements.

Decommissioning Plan: The current lease agreement, between the Town and EPG Solar includes operation of the solar array for 20 years, and includes a decommissioning plan. At the end of the

contract, EPG Solar is required to remove the PV system and restore the Landfill to its original condition.

## III. SITE DESCRIPTION & INVESTIGATIONS:

The Brookfield Landfill is located on a 15.7 acre parcel of Town-owned land (the "Site"). Approximately 7 acres were used for waste disposal. The Landfill operations began in 1933 for the acceptance of municipal solid waste and ceased in 1998. The Landfill was capped with a high density polyethylene (HDPE) membrane based final cover system approved by MassDEP. On December 28, 2001, MassDEP issued a determination that the capping construction at the landfill has been carried out in compliance with MassDEP regulations and the approved plans and specifications.

The cap was constructed of the following components from bottom to top:

- a 6-inch thick intermediate cover soil layer, overlain by;
- a 6-inch sand gas venting layer, overlain by;
- a 40-mil High Density Polyethylene (HDPE) textured flexible membrane liner material, overlain by;
- a 6-inch thick sand drainage layer, overlain by;
- a 12 inch thick loam layer, and
- final vegetation.

Existing Final Cover System Design: Site assessment activities were conducted by Sanborn Head in 2011 to evaluate the Landfill final cover conditions. The average and minimum thicknesses of the soil cap materials observed with four hand borings was as follows:

- Topsoil (vegetative support layer): average: 10.2 inches, minimum: 6 inches
- Sand (drainage layer): average 11.4 inches, minimum 5 inches

The minimum overall cover soil thickness measured was 15 inches.

Post-Closure Environmental Monitoring: The post-closure environmental monitoring plan for the Landfill consists of groundwater, surface water and soil-gas monitoring which is currently implemented by the Town. The Applicants are not proposing to change the number of environmental monitoring locations or the frequency of existing monitoring.

Transfer Station: The Town of Brookfield operates a transfer station on the east side of the Landfill off of Quaboag Street. The Applicants have committed to establishing a construction materials lay down area that will not disrupt existing transfer station operations.

## IV. PERMIT DECISION:

MassDEP, having determined the information in the Application is satisfactory and in accordance with its authority granted pursuant to M.G.L. c.111, s. 150A, and 310 CMR 19.000, hereby **APPROVES** the Post-Closure Use of the Brookfield Landfill for a Solar Photovoltaic Array subject to the conditions identified herein.

## V. GENERAL PERMIT CONDITIONS:

1. Permit Limitations: The issuance of this approval is limited to the proposed Solar Photovoltaic Array at the Brookfield Landfill as detailed in the Application and does not relieve the Applicants from the responsibility to comply with all other regulatory or permitting requirements. Post-Closure Use construction shall proceed in complete compliance with the approved plans, MassDEP's regulations and requirements, the Manual or as required by this Approval. This approval does not relieve the Town, as the owner of the Landfill, from its responsibility to comply with all post closure monitoring and maintenance requirements for the entire Landfill. There shall be no deviation from this Approval without prior consent from MassDEP. MassDEP shall be consulted prior to any deviation from the approved design. MassDEP may require a permit modification application for significant design modifications.

2. Regulatory Compliance: The Applicants, Engineers and Applicant's Contractors shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. This includes but is not limited to, 310 CMR 19.142: *Post-Closure Requirements*, 310 CMR 19.143: *Post-Closure Use of Landfills*, and 310 CMR 19.043: *Standard Conditions*. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace and all applicable local, state and federal electrical codes and permits, including National Electrical Code (NEC), 2011 Edition, Article 690-"Solar Photovoltaic (PV) Systems".

3. Inspection and Repair of Settlement Areas: Prior to construction of the PV array, any suspect settlement areas on the Landfill project area shall be surveyed to determine the lowest spot. The surrounding area should be then surveyed to find the "relief point" defined as the lowest surrounding area where ponded water would flow off the cap. The elevation difference is defined as the "pond value". Minor settlement shall be defined as less than a 12 inch pond value. Any Landfill project area that has undergone minor settlement shall be corrected by the placement of additional vegetative support soil to promote runoff and the area shall be reseeded. Any area repaired should be surveyed and the location marked on a plan with the pond value. Any future settlement should be recorded cumulatively. If/when the total settlement reaches 12-inches, the area will be considered to have suffered major settlement and appropriate repairs to eliminate ponding shall be performed.

   Major settlement is defined as a pond value of 12 inches or more. When this occurs, the final cover system must be repaired to prevent water from ponding above the low permeability layer. The Applicants may either:

   1. Strip off the final cover soils above the low permeability layer, inspect and repair the low permeability layer if/as necessary, place low permeability soil as necessary to promote runoff, replace final cover soils; or

   2. Expose the low permeability soil or geomembrane in a trench around the perimeter of the settled area. Fill the area with soil to form slopes promoting runoff. Cap the area with a new low permeability membrane, geosynthetic clay liner (GCL), or low

permeability soil layer that ties into the existing low permeability layer at the identified perimeter. Place new drainage sand and vegetative support material over the new cap area.

Any proposal to repair minor settlement may be done as routine maintenance, provided that the Applicants report the settlement to MassDEP and state their intent to perform repairs and provides MassDEP with final survey results and a summary write up.

Any proposal to do major settlement repair must be submitted within a Corrective Action Design (BWP SW 25) permit application since disruption of the final cover system will take place and repair details must be submitted and approved.

4. Notification of Construction: The Applicants shall notify MassDEP in writing (e-mail is acceptable) when the post-closure use construction commences and is completed.

5. Certification Report: Within ninety (90) days of completing the installation of solar photovoltaic array, MassDEP shall be provided with a certification report. All construction work shall be completed under the supervision of a Massachusetts Registered Professional Engineer who shall have sufficient staff on-site to provide quality assurance/quality control (QA/QC) oversight for all construction work at the Landfill. The report shall be signed and stamped by a Massachusetts-registered professional engineer and include, at a minimum, written certification from the supervising engineer that the project was performed in accordance with MassDEP regulations, requirements and the approved Post Closure Use permit application. The report shall include as-built drawings depicting all pertinent site features.

6. Preconstruction Work: Prior to commencement of construction activities, all Landfill gas vents, Landfill soil-gas monitoring wells, groundwater monitoring wells and other existing above ground structures on the Landfill cap and appurtenances shall be flagged for visibility, and protective barriers shall be placed around such structures, as needed, to prevent damage by vehicles accessing the area.

7. Health and Safety: The Applicants, Engineers and Applicant's Contractors are responsible to ensure all necessary precautions are taken to protect the health and safety of workers and the general public during both the construction phase and during the operation and maintenance phase of the post-closure use.

   A site specific PV Array Construction Health and Safety Plan shall be developed and submitted to MassDEP (for its files) prior to the beginning of any construction work. The Solar Array Construction Health and Safety Plan shall include as a minimum;
   - protocols for monitoring of landfill gas as needed,
   - protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
   - training for all workers including town workers conducting construction activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.

A site specific Post Closure Operations and Maintenance Health and Safety Plan for the post-closure use period, shall be developed and submitted to MassDEP (for its files) prior to the operation of the PV array. The Post Closure Operations and Maintenance Health and Safety Plan shall include as a minimum;

- protocols for monitoring of landfill gas as needed,
- protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
- training for all workers including town workers conducting maintenance activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.
- the plan shall specifically address work related to maintenance of vegetation beneath the array and in the stormwater swales located in the array area.

8. Personnel Training: The Applicants, Engineers and Applicant's Contractors shall instruct all construction and maintenance personnel regarding the potential hazards associated with landfill gas and shall give on-the-job training involving in any activity authorized by this permit. Such instruction and on-the-job training shall teach personnel how to comply with the conditions of the permit to carry out the authorized activity in a manner that is not hazardous to public health, safety, welfare or the environment.

9. Landfill Gas Notification Requirements:

   a. As specified in solid waste management regulations at 310 CMR 19.132 (4) (g),

      *"When, at any time, the concentration of explosive gases exceeds 10% of the lower explosive limit (LEL) in any building, structure, or underground utility conduits, excluding gas control, gas recovery and leachate collection system components, the owner/operator shall:*

      1. *Take immediate action to protect human health and safety;*
      2. *Notify the Department within two hours of the findings; and*
      3. *undertake the actions specified under 310 CMR 19.150, Landfill Assessment and 310 CMR 19.151: Corrective Action, as required by the Department."*

   b. If at any time monitoring detects the presence of any combustible gases at or in excess of 10% of the lower explosive limit at any location within a building or within any utility conduits on site or off-site, the Town shall notify MassDEP's Bureau of Waste Site Cleanup-Emergency Response Section **(1-888-304-1133)** within two (2) hours of the exceedance as per 310 CMR 40.0321(1) (a) of the regulations.

10. Vehicles Operating on the Landfill Final Cover System: Vehicles operating on the Landfill final cover system shall only operate on the designated permanent and temporary access roads, except for low-pressure construction equipment (with ground pressures of **7 psi** or less) in accordance with the remaining conditions of this permit. Low-pressure construction equipment operating off the access road shall limit turning on the vegetative support layer as

much as possible. If MassDEP determines the use of excavation equipment is creating the potential for damage to the final cover system, the usage of such equipment shall immediately cease upon notification by MassDEP. All operators of the vehicles entering the final cover system area shall be clearly instructed by the on-site engineer and/or the contractor of the requirements of this permit approval prior to arrival, to avoid damage to the Landfill final cover system components. A list of low ground pressure equipment used and the pressure rating of each vehicle shall be indicated in the certification report required in Condition #5.

11. Permanent and Temporary Roads and Low Ground Pressure Equipment: Low ground pressure equipment shall not access the final cover system from permanent and temporary roads where the transition will result in excessive pressure and wear on the Landfill vegetative service. The on-site engineer may construct ramps as necessary.

12. Integrity of the Final Cover System: All disturbances of the Landfill shall be limited to the proposed excavations and installations as depicted and described within the Application and approved plans. Excavations shall be limited to the topsoil layer. No excavations shall penetrate the sand drainage layer or the HDPE layer without written approval by MassDEP. The Engineer and Applicant's Contractors shall ensure that vehicles operating on the Landfill surface do not compromise the integrity of the Landfill final cover system.

13. Construction Precautions: All excavations and construction shall be supervised by a Massachusetts Registered Professional Engineer. All necessary precautions shall be taken to protect the Landfill storm water control system, environmental monitoring network and the Landfill gas vents and other on site structures. All operators of vehicles entering the area should be clearly instructed by the on-site engineer and/or the Applicant's Contractor of the permit requirements to avoid damage to the Landfill components. The on-site engineer shall observe the extent of each excavation performed on the Landfill capping system. If any damage occurs to any Landfill components, the Applicant's Engineer shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.

14. Array Setbacks: The Applicants shall maintain a minimum 8 foot radius buffer between the closest edge of the solar array and all landfill gas vents and stormwater drains.

15. Proposed Inverter/Transformer Pad and Interconnection Equipment: A copy of the proposed final design for the inverter/transformer pad and its enclosure and any other electrical and protective switchgear (interconnection equipment) proposed on-site shall be submitted to MassDEP for review and approval. The Applicant, Engineers and Applicant's Contractors are responsible to ensure that utilities/structures will not accumulate landfill gas during construction and operation. There shall be no penetrations (utility, conduits or other) at the base of the inverter foundation (the transformer and switchgear pad have conduits that enter the pad above grade). Appropriate electrical plans shall be stamped by a Massachusetts registered Electrical Engineer.

16. Subsurface Underground Cable from Transformer to Utility Pole: The subsurface underground conduits/cables shall be designed for an environment with potentially elevated

concentrations of methane (i.e. concentrations of methane shall be assumed to be greater than Lower Explosive Limit). All utility trenches shall be designed so they do not act as a conduit for landfill soil-gas migration.

17. Electrical Design Plans: The Applicants shall submit electrical design plans, stamped by a Registered Massachusetts Electrical Engineer prior to commencing construction activities. The electrical design, including the grounding design, shall meet applicable NEC and local electrical code requirements. If any grounding rods are installed as part of the grounding system, the rods shall only be driven into the ground outside the limits of the Landfill final cover system.

18. Post-closure Use Operation and Maintenance Plan: During the first year of operation of the PV array, inspections of the Landfill final cover system shall be performed on a monthly basis. Monthly inspection reports shall be submitted to MassDEP within fourteen (14) days of completion. Following the first year of operation of the PV array, inspections of the Landfill shall be performed on a quarterly basis and shall be submitted to MassDEP within fourteen (14) days of completion. Pursuant to 310 CMR 19.142(6) inspections shall be conducted by a third-party consulting Massachusetts Registered Professional Engineer, or other qualified solid waste professional. The Applicants, Engineers and Applicant's Contractors shall monitor the effectiveness of the site security system and the storm water management system which should include; swales, structures and any and all conveyance systems. MassDEP shall be consulted prior to any deviation from the approved storm water design. MassDEP may require a permit modification application for significant design modifications. Any erosion problems, settlement problems, security or other issues observed at the Landfill shall be reported to MassDEP and repaired immediately.

19. Site Security: Pursuant to 310 CMR 19.130(23) the Town is required to provide sufficient fences or other barriers to prevent unauthorized access to the Landfill. The Town must continually monitor and evaluate the potential for unauthorized access and institute all appropriate measures to prevent unauthorized access during the closure and post-closure period. The Applicants must also coordinate the final installation of the fence with all electrical elements of construction and certify that final construction meets applicable NEC and local electrical code requirements.

20. National Heritage and Endangered Species Program Condition: Pursuant to the June 12, 2012, Commonwealth of Massachusetts, Division of Fisheries & Wildlife correspondence to Robert Babcock, ( regarding the Massachusetts Endangered Species Act – state listed species and their habitat, as it relates to the Brookfield Landfill solar project) to avoid a prohibited "take" of state-listed species, the following condition must be met:

    "No work shall be conducted between April 1 – July 31 of any given year to avoid disturbance during the breeding and nesting period of American Bittern (Botaurus lentiginosus)."

21. Decommissioning Plan: If the proposed project is abandoned, during or after completion of construction, the Applicant shall submit a decommissioning plan. The decommissioning and site restoration plan should include, at a minimum; dismantling and removal of all panels and

supporting equipment, transformers, overhead cables, foundations and buildings and restoration of the roads to restore the site to substantially the same physical condition that existed prior to post-closure use construction.

22. Entries and Inspections: In accordance with *310 CMR 19.043: Standard Conditions*, MassDEP and its agents and employees shall have the right to inspect the Landfill and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this permit and all environmental laws and regulations.

23. Reservation of Rights: MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain an environment free from objectionable nuisance conditions, dangers or threats to public health, safety and the environment. MassDEP reserves all rights to suspend, modify or rescind this permit if it determines the PV array compromises the integrity of the final cover system and/or results in a threat to public health, safety or the environment.

    This approval pertains only to the Solid Waste Management aspects of the proposal does not negate the responsibility of the owners or operators to comply with any other local, state or federal laws, statutes and regulations or enforcement actions, including orders issued by another agency now or in the future. Nor does this approval limit the liability of the owners or otherwise legally responsible parties from any other applicable laws, statutes or regulations now or in the future.

**RIGHT OF APPEAL**

**Right to Appeal** – This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.037: Review Procedures for Permit Modifications, Permit Renewals and other Approvals, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance of this determination may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A not later than thirty (30) days following receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such an 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 permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the thirty (30) day period.

**Notice of Appeal** - Any aggrieved person intending to appeal a grant of a permit to the Superior Court shall first provide notice of intention to commence such action. Said notice of intention shall include the MassDEP transmittal number X251742 and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of the MassDEP and the Regional Director for the regional office which processed the permit application at least five days prior to the filing of an appeal.

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Martin Suuberg, Acting Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, Massachusetts 02347

No allegation shall be made in any judicial appeal of a permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, 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.

Please direct any questions regarding this matter to me at (508) 946-2847 or Dan Connick (508) 946-2884 or write to the letterhead address.

Very truly yours,



Mark Dakers, Acting Chief
Solid Waste Management Section

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