Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

December 30, 2010

William Friel
Town of Canton
801 Washington Street (Memorial Hall)
Canton, Massachusetts 02021

and

Frances McMahon, Esq.
Southern Sky Renewable Energy, LLC
40 Court Street, Suite 1110
Boston, MA 02108

RE: Approval with Conditions
Application for: BWP SW 36 Post-Closure Use - Major
Solar Photovoltaic Array
Transmittal #: X235567

AT: Canton Landfill
Pine Street
Canton, Massachusetts
Facility ID#: 39139

Dear Mr. Friel:

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 Canton landfill (the "Landfill"). The Application was prepared and submitted on behalf of the Town of Canton and Southern Sky Renewable Energy, LLC (SSRE) (collectively the "Applicants") by GZA Geo-Environmental, Incorporated (the "Consultant") of Providence, Rhode Island. MassDEP has determined the Application is administratively and technically complete and hereby approves the Post-Closure Use of the Landfill for a 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, application forms for Post-Closure Use - Major (BWP SW 36), narrative describing the proposed use, engineering calculations, six engineering drawings and documents received by MassDEP on November 26, 2010.

B. Supplemental Application information, prepared by GZA GeoEnvironmental, Incorporated, consisting of a letter report dated December 20, 2010, engineering calculations, three engineering drawings and documents received by MassDEP on December 21, 2010.

II. POST-CLOSURE USE PROPOSAL SUMMARY:

The Town of Canton (the "Town") on the behalf of Southern Sky Renewable Energy, LLC (SSRE) is proposing to construct and maintain a solar photovoltaic array (the "array") on the capped Landfill, consisting of the following components:

- Approximately 13,800 precast concrete foundations (12 inches x 15 inches in plan view) will be placed within the vegetative support layer;
- Approximately 24,000 PV modules installed on support racks placed on the concrete foundations;
- Approximately 51 inverters placed on concrete foundations (3 feet x 5 feet) are to be located along the eastern end of the arrays rows;
- The panels are to be connected to the inverters using above ground wiring that will run through electrical conduit;
- A 1,200 square-foot pad for electrical equipment;
- A 14-feet wide plywood or Dura-Mat temporary road to avoid damage to the final cover system.

The ground mounted solar array is to be constructed on areas of the Landfill with slopes less than 5 percent. The proposed solar array will encompass approximately 12.5 acres of the Landfill. The solar array will utilize PV modules (3.25-foot by 5.5-foot) mounted on steel framed racks attached to the precast concrete foundations. The modules will be laid out in panels, 6 modules high and 14 modules long (panel layout 6 X 14). 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. There will be 23 rows of solar panels that will be oriented east-west with approximately 5.5-7.5 feet between each row (north-south measurement). The panel layout and number of panels per row and spacing between rows will vary according to topography and property limits as depicted and described in the Application. Approximately, 51 inverters will be located at the eastern end of these rows.

The racking system will hold the panels at a fixed tilt of 2 degrees from horizontal. As stated above, the foundations for the array will be a precast concrete block foundation system that increases the total impervious area on the Landfill by approximately 1 percent. The proposed array development will not require any design changes to the existing grading over the majority

of the Landfill. Areas of existing Landfill settlement will be repaired prior to construction (**refer to condition #3**). The existing driveway and paved parking area for the Landfill will be used for access to the array.

The panels will be supported by uni-strut posts on top of precast concrete foundations that will be 7-feet on center in a north-south direction and 6-feet on center in an East-West direction. The foundation and racking system details dimensions for the array will vary with location. Arrays on the northern and extreme western portions of the Landfill will have taller posts. The foundation system will consist of precast concrete foundations that are 12-inches by 15-inches, in plan view, and vary in height from 6 to 18-inches. Prior to placement of the precast concrete foundations, 2 to 3-inches of the vegetative support layer will be excavated, ensuring not to damage the integrity of the existing cap. The subgrade will be compacted and a layer of geotextile will be placed onto this subgrade followed by placement of 2 or 3-inches of compacted 3/4-inch crushed stone. The 6 to 18-inch tall precast concrete foundations will be placed on the crushed stone. The panels will then be set on the racking system. The panels will vary in height from 3-feet above grade to no greater than 17-feet. Approximately, 80 percent of the solar array will be less than 6-feet above the ground surface. The electrical wiring will run through above ground conduit along the racking system to the inverters (DC side). The wiring will run through above ground conduits from the inverters to the transformer/load center (AC side) on low pedestals. The transformer will be raised approximately 2 to 3-feet above grade to accommodate the 90 degree bends necessary for conduits to reach the pad-mounted transformer.

Fifty-one (3-foot x 5-foot) foundation pads are proposed for the inverters and one cast in place 1,200 square-foot pad for electrical equipment (i.e. transformer, etc.). To accommodate utility connections and to avoid disturbance of the existing landfill clay cap, an additional 2 to 3-feet of fill is proposed to be placed under the 1,200 square-foot equipment pad. The elevated pad will be constructed by stripping the existing vegetation and topsoil and then compacting the subgrade surface with a hand operated compactor. An impermeable HDPE liner will then be placed on the subgrade surface and extend to the edges of the prepared base. A crushed stone base course (14 - 24 inches) will be placed and compacted prior to the placement of the proposed cast concrete pad. Appropriate explosion-proof conduit and fittings will be used wherever the conduit is within the transformer mound. No permanent structures, other than the referenced concrete inverter pads and the one cast in place electrical equipment pad are proposed to be constructed as part of this Application (**refer to condition #9**).

A small number of the proposed panels may be placed directly above some of the existing passive vents. The existing passive vents range from 3-feet above grade to approximately 6-feet above grade. The Applicants propose to extend the passive vents latterly up and over the North edge of the panels (to avoid shading of the 6 panel wide rows).

The Application included a geotechnical analysis for the installation of the array and supporting structures. GZA recommended unsuitable soils and organic material be removed from the foundation footprint prior to foundation construction. The remaining subgrade soil is proposed to be compacted with a small plate or jumping jack type compactor (**refer to condition #9**).

GZA performed an analysis of the foundations for the array that will bear directly on the final cover system and has considered the dead load, snow load and wind loading. GZA concluded that "… the existing low permeability layer is more than adequate to support the proposed foundations".

Settlement analysis was also performed for the foundations bearing on the low permeability layer of the final cover system. GZA concluded the maximum local settlements are "… expected to be less than 1/2 inch, with differential settlement between adjacent columns of the array due to local settlement expected to be less than 1/2 inch." GZA stated that general landfill settlement is likely to be greater and more irregular than any settlement due to the weight of the solar array.

GZA has evaluated the existing and proposed drainage conditions at the site. The consultant stated the results of the analysis indicated that there is no significant increase in peak discharge rates between pre- and post-development conditions for the 2, 10, 25 and 100 year storm events. Also, the consultant stated because the discharge rates do not increase, the existing storm water management system for the site is adequate, and no changes to the management system are necessary.

The Application included an operation and maintenance plan for the solar array that described the roles and responsibilities of SSRE and the Town of Canton. Operation and maintenance of the solar array and other system components are the responsibility of SSRE. Site maintenance related to erosion, grass cutting, settlement mitigation, drainage, etc. will be the responsibility of SSRE within the land leased area and the Town's responsibility outside of the leased area. The land lease area will comprise the area of the solar array and extend to approximately 20-feet beyond the array and appurtenances. Please note that MassDEP will hold the Town of Canton, as the Landfill owner, responsible for Landfill final cover system maintenance should the post closure use solar facility operator (SSRE) fail to do so. The Applicants will prepare a plan showing the land lease area at the completion of the project as an as-built drawings (**refer to condition #5**).

The post-closure use operation and maintenance plan for the land lease area specifies inspections every six months. The inspections include; evaluating sites soil conditions, site erosion, drainage, site vegetation, and security fencing. MassDEP is requiring that during the first year of operation of the array inspections of the Landfill final cover system shall be performed on a monthly basis and thereafter annually, at a minimum (**refer to condition #11**).

Currently the Landfill is mowed at least once a year by the Town and inspections are conducted annually by a third-party pursuant to 310 CMR 19.142. MassDEP is not requiring any changes to the post-closure operation and maintenance plan for those areas outside the leased area. However, MassDEP is requiring a health and safety plan and personnel training for employees who access the Landfill (**refer to conditions #6 and #7**).

The Landfill is fenced and gated along Bridge Street. The Town currently uses the front portion of the Landfill property for Department of Public Works materials handling. The Applicants do not propose to install additional fencing for the solar array. The Applicants are proposing to evaluate additional security measures while the project is under construction. Additionally, the

Application includes the following statement "any security measures added at that time will be included in the as-built" (**refer to conditions #1 and #9**).

The permit application did not include a decommissioning plan (**refer to condition #12**).

III. SITE DESCRIPTION & INVESTIGATIONS:

The Pine Street landfill occupies approximately 20-acres of land near the corners of Pine Street and Bailey Street in Canton Massachusetts. The Town owns and is responsible for the maintenance of the Landfill. The Landfill operated for solid waste disposal from circa 1930 through 1987. From circa 1937 to 1967 the Landfill was operated as a burn dump. The Town stopped accepting waste at the Landfill in 1987.

The Landfill is bordered to the north by a residential condominium complex and to the east by a Town owned building used by the Recreational Department (87 Pine St.). The Landfill is bordered to the west by wooded areas and wetlands. The Landfill is bordered to the southeast by Pine Street and to the southwest by commercial/industrial properties buildings (located off Bailey Street). There is a chain link security fence and locking access gate (for post-closure use leaf and yard waste drop-off) along Pine Street.

Existing Final Cover System Design: On September 16, 1987, MassDEP approved closure plans for the Landfill. The final cover system was constructed in 1988. The cover was designed to consist of a 12-inch thick lift of compacted glacial till or other low permeability soil having an in-place permeability of 1x10-7 cm/sec or less overlain by a minimum of 6-inches of vegetative support material. GEI Consultant's Inc. was engaged to provide field and laboratory testing services during placement and compaction of the impervious soil. GEI reported that 31 permeability tests were performed and the compaction and permeabilities of the impervious cover satisfied the intent of the project specifications.

The closure plans did not include passive gas vents within the interior of the Landfill. The final cover system incorporated 35 landfill gas vents at 50-foot intervals along the southern perimeter (Pine Street) and western perimeter of the site. The passive gas vents were constructed in 36-inch diameter borings. The passive gas vents were constructed with 6-inch schedule 40 PVC pipe. Perforated PVC screen extends from 2-feet below the ground surface to 15-feet below the ground surface or to groundwater, whichever is shallower. Crushed stone extends to 2-feet below the bottom of the PVC screen.

Installation of Additional Passive Gas Vents: MassDEP approved two permit applications for the installation of additional passive landfill gas vents on August 29, 2006 and December 12, 2007 to control subsurface soil gas migrating east and south of the Landfill. Condition #11 of the August 29, 2006 application approval required the Town demonstrate that landfill gas emissions do not constitute a health risk to the worker/users of the post-closure use areas. Woodward and Curran, the Town's consultant, submitted correspondence on December 13, 2006 stating: "ambient air downwind of the vents did not pose a risk to human health or the environment". On April 13, 2010, Woodward and Curran submitted supplemental information for the post-closure use application stating: "the previous evaluation (December 13, 2006) was sufficient to determine the risk for the revised post-closure use area [the yard waste drop-off]".

Existing Post Closure Uses: On March 17, 1995, MassDEP approved the post-closure use of the driveway entrance for the Landfill as a drop-off and staging area to deliver yard waste for transfer to an off-site composting facility. Approximately 0.20 acres of the landfill vegetative support layer was replaced with gravel and pavement with appropriate storm water controls. In 2009 MassDEP inspected the Landfill and determined the Town had expanded the leaf and yard waste operation beyond the approved limits. The Town and MassDEP entered into an Administrative Consent Order in March 2010 that required the Town cease operations in the unapproved areas, assess the area and submit an application for any proposed post-closure use of the Landfill. In April 2010, MassDEP received a post-closure use application from the Town seeking approval to operate and expanded leaf and yard waste stockpile operation on a temporary basis while the Town developed an application and documentation necessary for permanent expansion of the leaf and yard waste area. On May 6, 2010 MassDEP approved the temporary leaf and yard waste drop-off and staging area at the Landfill.

Risk Assessment: GZA concluded that the potential exposure risks (inhalation of landfill gas) associated with construction and maintenance of the array would be no different than the current post-closure use area (leaf and yard waste) potential exposure risks. Prior to construction the Applicants have proposed to conduct near surface methane monitoring following the protocols established at 40 CFR 60. The near surface methane monitoring sweep is not a risk-based standard but is effective in identifying areas that require maintenance or additional testing. Once the surface methane monitoring is performed a report will be drafted for MassDEP (**refer to condition #14**). The Application includes a statement that a Health and Safety Plan for the construction and, the operation and maintenance of the proposed array will be developed (**refer to condition #6**).

Post-Closure Environmental Monitoring: Initial hydrogeologic investigations were completed at the site in 1987, prior to the final closure and capping of the landfill. The results indicated groundwater flows in a westerly direction towards Bolivar Pond. Post-closure environmental monitoring (groundwater, surface water and soil gas monitoring) is currently conducted by the Town. The Applicants have not proposed any changes to the post-closure environmental monitoring plan based on the proposed post-closure use.

MassDEP is not requiring any changes to the environmental monitoring plan due to the proposed post-closure use at this time.

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 Canton 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 Canton 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. 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 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.

3. Inspection and Repair of Settlement Areas: Prior to construction of the solar 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 out. 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 addition 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 Applicant 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, 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 Town reports the settlement to MassDEP and states the intent to perform repairs and provides MassDEP with final survey results and a summary write-up.

   Any proposal to do a major settlement repair must be submitted within a Corrective Action Design (BWP SW 25) 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 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 and the extent of the lease area.

6. Health and Safety: The Applicants and their contractor(s) 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 solar array. A copy of the site-specific health and safety plan for the construction and operation and maintenance of the solar array shall be submitted to MassDEP (for its files) prior to the beginning of any construction work which shall include 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 array including electrical hazards.

7. Personnel Training: The Applicants and their contractors shall be instructed regarding the potential hazards associated with landfill gas and shall instruct or give on-the-job training to all personnel involved in any activity authorized by this permit. Such instruction or 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. Solar array construction and operation and maintenance shall not include any excavations or penetrations of the clay low permeability layer of the final cover system.

8. 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 (508) 946-2714 within two (2) hours of the exceedance as per 310 CMR 40.0321(1)(a) of the regulations.

9. Integrity of the Final Cover System: All disturbances of the Landfill shall be limited to the proposed excavations and installations within and above the vegetative support layer of the final cover system. No excavations or other penetration, including stakes for concrete forms, shall be performed into the clay low permeability layer without written approval by MassDEP. The Applicant shall ensure that vehicles operating on the Landfill do not damage or compromise the Landfill final cover system integrity. There shall be no penetrations of any kind into the low permeability layer of the final cover system.

10. Construction Precautions: All necessary precautions shall be taken to ensure that the proposed construction and maintenance work associated with the solar array does not damage the low permeability layer of the final cover system, including the Landfill storm water control structures, environmental monitoring network and the Landfill gas vents. Prior to the commencement of construction activities, all Landfill gas vents located in close proximity to the proposed array shall be flagged for visibility to prevent damage by vehicles during construction. If any damage occurs to the above listed Landfill components, the Applicants for and its contractors shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.

11. Post-closure Use Operation and Maintenance Plan: During the first year of operation of the solar 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 solar array, inspections of the Landfill shall be performed on an annual basis and shall be submitted to MassDEP within fourteen (14) days of completion. The Applicant shall monitor the effectiveness of the storm water management system which would 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.

12. Decommissioning Plan: If the proposed project is abandoned, during or after completion of construction, the Applicants shall submit a decommissioning plan. The decommissioning and site restoration plan should include 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. Disturbed earth shall be graded and seeded.

13. 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.

14. Near Surface Methane Monitoring: The Applicants shall conduct near surface methane monitoring prior to construction.

    a) Near surface methane monitoring should be conducted when the average when speed is less than 10 mph. Wind speeds greater than 10 mph can result in significant dilution of samples.
    b) Near surface methane monitoring should be conducted when the landfill is dry and no rainfall is occurring. Ideally, there should be no rain seventy-two (72) hours prior to sampling and in no case within twenty-four (24) hours of sampling.

    Prior to the commencement of construction, the Applicants shall submit a report to MassDEP for review that presents the results of the near surface methane monitoring, and include a statement regarding; (1) whether or not the near surface methane monitoring is consistent with background concentrations, (2) whether or not near surface methane monitoring results indicate that exposures to the general public and workers at the proposed post-closure use facility will constitute a significant risk to public safety, health and welfare, and (3) whether maintenance/repairs to final cover system and/or passive landfill gas control system and/or additional testing are recommended based on monitoring results.

15. 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 solar array compromises the integrity of the final cover system and/or results in a threat to public health, safety or the environment.

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 Department transmittal number X235567 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 Department 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

David Johnston, Acting Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 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) 946-2833 or to Mark Dakers at (508) 946-2847, or Dan Connick (508) 946-2884 or write to the letterhead address.

Very truly yours,

David B. Ellis, Chief
Solid Waste Management Section

E/MD/DC
\\dep-fp-lak-001\Home$\mdakers\Canton\postclosure use\Post closure use x 235567 12 30 10.doc

ec: Canton Board of Health, jciccotelli@town.canton.ma.us

David R. Carchedi, PhD., P.E., GZA GeoEnvironmental, Incorporated, david.carchedi@gza.com

Talmage Solar Engineering, Incorporated, Matthew Randall, PE, matthewrandall@gmail.com

Vanasse Hangen Brustlin, Incorporated, Jonathan, Stabach, PE, jstabach@vhb.com

Southern Sky Global Energy, LLC, Francis X. McMahon, Esq. fmcmahon@southernskyrenewable.com

Woodard and Curran, J. Shea, jshea@woodwardcurran.com

DOER, Seth Pickering, Seth.Pickering@state.ma.us

DEP-Boston, ATTN: J. Doucett