



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

October 10, 2012

Willard Rhodes
Ravenbrook Farms, Inc.
714 South Bennett Street
Southern Pines, NC 28387

and

Mike Harrington
SSRE Ravenbrook, LLC
Managing Director, EPC Services
40 Court Street, Suite 1000
Boston, MA 02108

RE: Approval with Conditions
Application for: BWP SW 36 Post-Closure Use - Major
6.0 Megawatt Solar Photovoltaic Array
Transmittal #: X241368

AT: Ravenbrook Farms Landfill
Plymouth Street
Carver, Massachusetts
Facility ID#: 39143, RO#: 172379

Dear Mr. Rhodes and Mr. Harrington:

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 Ravenbrook Farms Landfill (the "Landfill"). The Application was prepared and submitted on behalf of Ravenbrook Farms, Inc. and SSRE Ravenbrook, LLC. (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 6.0 megawatt ("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, application forms for Post-Closure Use - Major (BWP SW 36), narrative describing the proposed use, engineering calculations, engineering drawings, and other documents received by MassDEP on July 31, 2012.
- B. Supplemental Application information, prepared by GZA GeoEnvironmental, Incorporated, in response to MassDEP's August 2, 2012 comments, consisting of a letter report dated September 6, 2012 received by MassDEP via e-mail on September 6, 2012.
- C. Supplemental Application information, prepared by GZA GeoEnvironmental, Incorporated, in response to MassDEP's September 11, 2012 comments, consisting of a letter report dated September 17, 2012 received by MassDEP via e-mail on September 17, 2012.

The Application is signed and stamped by Thomas E. Billups, Massachusetts Professional Civil Engineer No. 32836.

II. POST-CLOSURE USE PROPOSAL SUMMARY:

The Applicants propose to develop solar photovoltaic installation on the Landfill. Hereinafter, the Applicants and all construction and maintenance personnel associated with the Landfill shall be referred to as the "Applicants' Contractors".

The Applicants are proposing to construct and maintain a solar photovoltaic array consisting of the following components:

- Approximately 21,000 PV modules installed on support posts with ballast trays placed on the vegetative support layer;
- Five – four hundred square foot concrete pads with one inverter and one transformer mounted on each pad;
- Panels connected to the inverters using above ground wiring running through electrical conduit.

The proposed solar array will encompass approximately 14 acres on the top plateau area of the Landfill. The layout will be roughly triangular shaped with base legs of approximately 944 feet east to west and 1,190 feet north to south. Solar panels will be oriented east-west with approximately 3 feet between each row (north-south measurement). The panel layout and

number of panels per row will vary according to topography as depicted on the Application drawings.

The solar array will utilize Optimus Series: OPT 60 Cell Modules PV modules (approximately 39 inches by 65 inches, 41 pounds each) mounted individually on galvanized steel post with 9-inch by 48-inch ballast trays supporting 16-inch by 8-inch by 6-inch precast concrete ballast blocks (32 pounds each). Panel trays will be placed on the existing vegetative cover soil with no penetrations of the vegetative cover soils, the sand drainage layer or low permeability layer of the final cover system. The trays will be placed on a 2 to 3 inch bed of crushed stone leveling base underlain by a filter fabric laid directly on top of the existing vegetative support layer, at a spacing of approximately 6.5 feet on center. The panels will vary in height from 3 feet above grade to 6 feet above grade. The rows of solar panels will be oriented east-west with approximately 3 feet 5 inches between each row (north-south measurement). The number of ballast blocks installed at each panel location will be either 13, 15 or 17 blocks dependent upon the location of the panel and the weight required to resist wind effects.

The support system will hold the panels at a fixed tilt of 5 degrees from horizontal. The PV array supports will increase the total impervious area on the affected area of the Landfill by approximately 11 percent. The proposed PV 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 #4**). The existing driveway for the Landfill will be used for access to the PV array.

Five concrete foundation pads are proposed for the inverters and transformers. Each pad will support one inverter and one transformer. A 12-inch sand/stone layer will support the equipment pads. A 20 mil HDPE liner will be placed on the existing vegetative support material, overlain by 2 inches of concrete sand and 10 inches of crushed stone.

Two landfill gas vents were installed at the Landfill during final cover construction, one located at the northern end of the Landfill and one located at the southern end. The vents consist of 24-inch corrugated metal piping and extend approximately 10 feet above grade. A clearance distance of approximately 20 feet will be maintained between the solar panels and the vent pipes.

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. Electrical conduits will enter the concrete pads from the sides and not from below the pads (**refer to conditions #2 and #14**).

Construction traffic will be limited to small vehicles including pickup trucks and low ground pressure rubber tire or rubber tracked hydraulic equipment with a maximum ground pressure of 7 psi. If necessary, temporary roads consisting of mats or woven fabric and a layer of gravel or ¾-inch crushed stone will be placed to protect the final cover system. Concrete for the inverter/transformer pads will be pumped from trucks located off the landfill final cover system (**refer to condition #11**).

Geotechnical Evaluation: The Consultant 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.

The anticipated maximum loading scenario (ballasts, racking system, and modules, snow load and wind load) on the Landfill surface will result in a bearing pressure of 241 pounds per square foot (psf) (<2 psi). The anticipated maximum loading at the equipment pad on the Landfill surface will result in a bearing pressure of 335 psf (<3 psi). The Consultant concluded that the final cover system has suitable bearing capacity.

Settlement analysis was also performed for the foundations bearing on the final cover system. The Consultant 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." The Consultant stated that general landfill settlement is likely to be greater and more irregular than any settlement due to the weight of the PV array.

The Consultant evaluated the existing and proposed drainage conditions at the site and stated the results of the analysis indicated that there is no significant increase in peak discharge rates and volumes 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 PV array that described the roles and responsibilities of SSRE as the operator of the Ravenbrook Landfill Solar facility and Ravenbrook Farms, Inc. as owner of the Ravenbrook Landfill. Operation and maintenance of the PV 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. Site maintenance will be Ravenbrook Farms, Inc.'s responsibility outside of the leased area. The land lease area is shown on Drawing C-3 of the September 17, 2012 Application response to comments. Please note that MassDEP will hold Ravenbrook Farms, Inc., responsible for Landfill final cover system maintenance should the post closure use solar facility operator (SSRE) fail to do so.

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 PV array inspections of the Landfill final cover system shall be performed on a monthly basis and thereafter annually, at a minimum (**refer to condition #16**).

Pursuant to 310 CMR 19.142, Landfill inspections are required to be conducted and Ravenbrook Farms is required to submit biennial reports prepared by a third-party to MassDEP. MassDEP is not requiring any changes to the post-closure operation and maintenance plan, or inspection or reporting requirements for those Landfill areas outside the leased area. However, MassDEP is requiring health and safety plans and personnel training for employees who access the Landfill

during construction of the PV array and during post construction operation (**refer to conditions #8 and #9**).

The entrance area at the northeast corner of the Landfill will be landscaped with a variety of trees and shrubs to mitigate any visual quality concerns. The Landfill is fenced around the entire perimeter with a 6-foot high chain link fence (**refer to conditions #1 and #17**).

The permit application included an evaluation of the proposed post closure use on the existing Financial Assurance Mechanism ("FAM") for the Landfill. The evaluation did not include a cost for decommissioning the PV array (**refer to condition #18 and #19**).

III. SITE DESCRIPTION & INVESTIGATIONS:

The Ravenbrook Farms Landfill is located on a 31 acre parcel of land located off of Plymouth Street in Carver, Massachusetts. Approximately, 25 acres were used for waste disposal. The Landfill operated for construction and demolition debris disposal from 1975 through 1993. The final cover system construction was completed in 1999. Ravenbrook Farms, Inc. owns and is responsible for the maintenance of the Landfill.

The Landfill is bordered to the north by Plymouth Street, to the west and east by wooded areas and cranberry bogs, and to the south by cranberry bogs and Capeway Rovers Motorcycle Club.

Existing Final Cover System Design: On August 18, 1997, MassDEP approved closure plans for the Landfill. On the top of Landfill plateau areas where the PV array is proposed to be installed the final cover system consists of:

- a 6 inch gas venting layer, overlain by
- a 40 mil high density polyethylene (HDPE) geomembrane; overlain by
- a 6 to 12 inch sand drainage layer; overlain by
- 12 inches of topsoil (vegetative support material).

One area in the central portion of the plateau also included low permeability soils beneath the geomembrane. The plateau was graded to a minimum slope of 3 percent.

Landfill gas collection trenches, consisting of 6 inch diameter perforated pipe installed within crushed stone filled trenches, were constructed 18 inches below the bottom of the low permeability layer and run radially to two passive vents located at peak areas of the final cover system. The gas vents are 24 inch diameter, wind-driven rotary vents.

Post-Closure Environmental Monitoring: A post closure monitoring and maintenance plan for the Landfill was developed by East Coast Engineering and approved by MassDEP on March 27, 2009. The monitoring network includes a groundwater monitoring well network consisting of 14 groundwater monitoring wells, from which samples are collected semi-annually (7 wells) or groundwater elevations are recorded semi-annually (7 wells), and a soil gas monitoring well network consisting of 9 soil gas monitoring wells, monitored semi-annually.

The Applicant has not proposed and MassDEP is not requiring any changes to the post-closure environmental monitoring plan based on the proposed post-closure use.

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 Ravenbrook Farms 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 Ravenbrook Farms 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. Construction shall incorporate all the recommendations of the design engineers, including but not limited to the recommended material type and compaction requirements for fill material.
2. Preconstruction Requirements: Final layout and equipment specifications made as part of the final design shall be submitted to MassDEP for review, prior to the start of site construction. MassDEP reserves the right to request additional information and require design modifications based on submitted information. At a minimum, submitted information shall include:
 - 1) Manufacturer's catalog cuts for all final equipment;
 - 2) Revised geotechnical calculations if changes in equipment selection change the design assumptions in the previously submitted design calculations;
 - 3) Electrical Design Plans;
 - 4) Health and Safety Plan for Construction.
3. Regulatory Compliance: The Applicants, Engineers and Applicants' 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".
4. 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 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 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 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 owner 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.

5. Notification of Construction: The Applicants shall notify MassDEP in writing (e-mail is acceptable) when the post-closure use construction commences and is completed.
6. 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.
7. Preconstruction Work: Prior to commencement of construction activities all landfill gas passive vents, 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.

8. Health and Safety: The Applicants and the Applicants' 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 PV array. A copy of the site-specific health and safety plan for the CONSTRUCTION phase of the PV array shall be submitted to MassDEP (for its files) prior to the beginning of any construction work. The health and safety plan shall include at 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 conducting maintenance activities at the Landfill regarding hazards associated with the PV array including electrical hazards.

A Post Closure Operation and Maintenance Health and Safety Plan for the post closure use period, shall be developed and submitted to MassDEP (for its files) prior to operation of the PV array.

9. Personnel Training: The Applicants and the Applicants' Contractors shall instruct all construction and maintenance personnel 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 and carry out the authorized activity in a manner that is not hazardous to public health, safety, welfare or the environment. PV array construction and operation and maintenance shall not include any excavations or penetrations of the low permeability layers of the final cover system.

10. 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 Applicants 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.

11. 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.

Vehicles operating on temporary or permanent access roads above the HDPE final cover system access roads shall be limited to the following ground pressures based on soil thickness above the FML.

Soil < 24 inches	no vehicles
Soil >= 24 inches	<10 psi
Soil 24 to 36 inches	<20 psi
Soil >36 inches	>20 psi

If MassDEP determines the use of any equipment is creating the potential for damage to the FML, 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 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 #6.

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 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 who shall have sufficient staff on-site to provide oversight for all construction work. All necessary precautions shall be taken to protect the Landfill storm water control system, environmental monitoring network, 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 Applicants' 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 Applicants' Engineer shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.
14. Proposed Inverter/Transformer Pad and Interconnection Equipment: If the Applicants or Applicants' Contractors propose to change the electrical equipment a copy of the final design

for the inverter/transformer pad and any other electrical pads and protective switchgear (interconnection equipment) proposed on-site shall be submitted to MassDEP for review and approval. The Applicant, Engineers and Applicants' 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 any concrete pads or foundations. There shall be no penetration of any kind of the impermeable layer of the final cover system.

15. Electrical Design Plans: The Applicants shall submit final electrical design plans, stamped by a Registered Massachusetts Electrical Engineer prior to commencing construction activities. The electrical design, including the complete ground design, shall meet applicable NEC and local electrical code requirements. Grounding rods shall not be driven through the final cover system low permeability layer. The location of grounding rods shall be clearly depicted on the site plan submitted with the Certification Report.
16. 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 an annual 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 Applicants' Contractors 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. Any erosion, settlement, security problems or other issues observed at the Landfill shall be reported to MassDEP and repaired immediately.
17. Site Security: Pursuant to 310 CMR 19.130(23) the Applicants are required to provide sufficient fences or other barriers to prevent unauthorized access to the Landfill. The Applicants and Applicants' Contractors must continually monitor and evaluate the potential for unauthorized access and institute all appropriate measures to prevent unauthorized access during construction and operation of the Solar Photovoltaic Array.
18. Financial Assurance: Within **30 days** of the date of this approval the Applicants shall submit a revised estimate of the cost of post closure maintenance of the Landfill to the MassDEP pursuant to the provisions of *310 CMR 19.051(6) Revision of Estimates of Closure and Post Closure Costs (c)* for MassDEP review. The revised estimate shall include a cost estimate to properly decommission the described PV array and all its appurtenant structures and features, and to properly restore the Landfill/Site to its original condition. Based on MassDEP review/comments, the Applicants' shall revise/establish a FAM to cover the cost of properly decommissioning the PV array.

19. 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.
20. 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.
21. 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.

This approval pertains only to the Solid Waste Management aspects of the proposal and 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 Department transmittal number X241368 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
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Philip Weinberg, Regional Director
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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,

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.

Mark Dakers, Chief
Solid Waste Management Section

D/DC

cc: Robert J Mather, Esquire
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