



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

DAVID W. CASH  
Commissioner

Chicopee Granby Road Solar LLC  
88 Black Falcon Ave., Center Lobby, Suite 342  
Boston, MA 02210  
Attention: Emma Kosciak, Manager

June 9, 2014

&

Chicopee Lodge of Elks #1849  
431 Granby Road  
Chicopee, MA, 01013  
Attention: Edward W. Lingner, President

RE: Chicopee-DSWM-14-061-013  
Chicopee Elks Landfill  
Post Closure Use – Solar Power  
**Permit Approval**  
BWPSW36  
Transmittal #X259593

Dear Ms. Kosciak & Mr. Lingner:

The Massachusetts Department of Environmental Protection (the MassDEP) is issuing this permit approval to Chicopee Granby Road Solar LLC (CGR Solar) and the Chicopee Lodge of Elks #1849 (the Elks) for the post closure use of the Chicopee Elks capped landfill (the landfill) located off 431 Granby Road, Chicopee, MA, as a solar power farm (Solar Farm). On April 8, 2014 the MassDEP received from CGR Solar the BWPSW36 Major Post Closure Use permit application, under transmittal #X259593 (the application). The application was completed on behalf of CGR Solar by Tighe & Bond, Inc. (T&B), of Westfield, MA, in accordance with the MassDEP Solid Waste Regulations at 310 CMR 19.000. CGR Solar is wholly-owned by Citizens Enterprises Corporation (Citizens), which is wholly-owned by Citizens Energy, 88 Black Falcon Ave., Boston, MA. The application form was signed by Emma Kosciak, Manager of Solar Development for CGR Solar, and was also signed and stamped by Brian S. Huntley, Massachusetts-registered Professional Engineer (P.E.) #46273, of T&B.

The application consists of the completed transmittal form, application form, text describing the

proposed use, engineering calculations, and seven engineering drawings. The Civil Engineering calculations of the application were signed and stamped by either James A. Clancy, Massachusetts-registered P.E. #46775 or Brian S. Huntley, Massachusetts-registered P.E. #46273. The Civil Engineering drawings of the application were signed and stamped by Brian S. Huntley or Francis J. Hoey III, Massachusetts-registered P.E. #40111. The Electrical Engineering One-Line Diagram of the application was signed and stamped by Dallas L. Olson, Massachusetts-registered P.E. #47883.

The application includes a copy of a letter dated April 2, 2014, signed by Edward Lingner, president of Elks Lodge 1849, stating that Elks Lodge 1849 supports the application by CGR Solar for construction of the Solar Farm on the landfill. The application also includes a copy of a letter dated May 16, 2014 signed by John Krzeminski, Vice President of Partyka Resource Management, Inc. (PRM), stating that PRM conditionally supports the application by CGR Solar for construction of the Solar Farm on the landfill.

### Summary of Proposal

PRM completed Final Closure (capping) of the landfill in 2006, in accordance with engineering plans approved by MassDEP. The landfill cap in the “plateau” area of the proposed Solar Farm (6.4 acres) consists of, from bottom to top, 6 inches of sand gas vent layer, a 40-mil textured linear low-density polyethylene (LLDPE) impermeable geomembrane, 18 inches of sand drainage layer, and nine inches of vegetative support material (topsoil). The landfill cap in the “sideslope” area of the proposed Solar Farm (3.2 acres) consists of 6 inches of sand gas vent layer, a 40-mil textured LLDPE geomembrane, a geocomposite drainage layer (geonet), 9 inches of sand drainage layer, and 9 inches of vegetative support material (topsoil). PRM performs the required post-closure maintenance and monitoring at the landfill, including monitoring of groundwater, surface water, sediment and landfill gas (LFG) during the post-closure maintenance and monitoring period.

The application proposes the construction and maintenance of a 2.3 megawatt (MW) photovoltaic solar farm on approximately 9.6 acres of the capped landfill, as follows:

- The solar array will be placed on the upper, flatter portion of the landfill, on slopes not exceeding 6 degrees, with the solar panels tilted at 25 degrees from horizontal, facing south;
- A total of approximately 1,880 concrete foundation footings (ballasts) will be cast in-place on the vegetative support layer of the cap;
- Approximately 1,880 photovoltaic panel racks will be installed on the foundation ballasts;
- Approximately 7,600 Yingli YL300 P-35b Solar Panels will be installed on the panel racks;
- A concrete pad will be installed outside the perimeter of the landfill cap, west of the landfill and north of the Elks parking lot, which will hold electrical equipment, including combiner boxes, inverters, switchboxes, transformers, and a switchgear box, where electrical power from the solar panels will be conveyed. T&B states that the electrical equipment will not create nuisance sound conditions for abutting properties;
- The photovoltaic panel racks will be connected to the electrical equipment pad via above-ground electrical cables, strung on the panel racks and also on aluminum ladder-type racks between the panel racks;
- The switchgear box of the electrical equipment pad will convey electrical power via an electrical cable to two new utility poles to be installed on the Elks property, and power will

then be conveyed by overhead lines to the Chicopee Electric Light Department (CELD) utility grid on Granby Road near the Elks entrance; and

- A six-foot tall, chain-link fence will be installed around the entire perimeter of the Solar Farm.

All construction activities and long-term maintenance for the Solar Farm will be accessed via the back portion of the Elks parking lot, and a portion of the Elks parking lot adjacent to the landfill will be used as a temporary, construction lay-down area during construction of the Solar Farm. The application proposes that no access roads will be built on the cap for vehicular access. Only low-ground pressure equipment, 7 pounds per square inch (PSI) or less, will operate on the landfill cap, and will be operated to minimize turning during operations and to minimize repeated travel over the same areas. If use of the equipment is determined to be detrimental to the cap vegetative support layer surface, a geotextile and a 6-inch layer of crushed stone will be placed on the vegetative support layer surface in problem areas for equipment use. Construction of the solar array will begin at the eastern end of the upper portion of the landfill, and will generally proceed from east to west.

The concrete foundations (ballasts) for the photovoltaic racks will be cast in-place “Game Change” HDPE plastic tubs on the landfill cap, filled with concrete using low-ground pressure equipment (Bobcats) for concrete delivery, or concrete pumping trucks located off the landfill cap. Concrete pumper trucks will not operate on any portion of the landfill cap. The ballasts will be 21 inches wide, 13 inches thick, and 81 inches long, and will be cast with two, upright, galvanized steel posts for the solar panel racks. T&B proposes to use either crushed stone or crushed, clean asphalt, brick and concrete (ABC) material, as fill beneath each ballast, to provide a planar surface for the ballasts, with a maximum 5 degree finished slope beneath each ballast in the North-South direction. T&B proposes two alternative methods for placement of the crushed stone/ABC fill: placement of crushed stone/ABC fill only under each ballast; or, if muddy conditions cause rutting of the vegetative support material, placement of a geotextile fabric strip and crushed stone (not ABC) along the entire length of each panel rack line.

The photovoltaic racks will be bolted to the upright posts of the ballasts, and the solar panels will be attached to the racks in groups of four. The panels will be installed in East-West rows, with rows spaced approximately 7 feet apart, with the panels at a 25 degree angle from horizontal, facing South. The lower edge of the panels will be either 2 feet or 3 feet above ground surface, and the upper edge of the panels will be either 5 feet or 6 feet above the ground surface. The electrical transmission wiring from the racks to the electrical equipment pad will be run on aluminum-ladder type cable trays on the landfill surface. All photovoltaic rack assemblies and above-ground wiring will be kept at least 10 feet from any landfill gas vents.

A six-foot tall, chain-link fence will be installed around the entire perimeter of the Solar Farm, consisting of a driven-post, chain link fence to be installed just outside the southeastern perimeter of the landfill, and a ballasted-post, chain link fence to be installed on the landfill cap, around the remaining perimeter of the solar array. The fence ballasts will be pre-cast concrete blocks, of unspecified size, with less than 7 PSI loading, with the fence post fitting into a sleeve in the ballast. Crushed stone/clean ABC will be used to level the fence post ballast blocks. A locking gate will be provided at the access entrance to the landfill from the Elks parking lot.

The solar array will be grounded as required by electrical codes, including grounding to ballast blocks and the electrical equipment pad. No grounding wires or rods will extend down into the vegetative support layer of the cap.

T&B performed geotechnical analyses for the solar array as follows:

- Ballast blocks weigh 2100 pounds (lbs) each for the 2-foot ground clearance panels, and 2300 lbs each for the 3-foot ground clearance panels;
- All loadings (increased ground pressure) due to the ballast blocks and solar array were compared to a guideline of a maximum additional 7 PSI loading on the impermeable geomembrane (or top of sand drainage layer) of the landfill cap;
- Loadings from the ballasts, racks and panels, including weight loads, wind loads, and snow loads were calculated at the top of the sand drainage layer of the cap (wind loads were calculated at a maximum wind velocity of 100 MPH). T&B's calculations showed that total ground pressures from the solar arrays at the ballast blocks ranged from 2.7 to 3.4 PSI, below the guideline of 7 PSI.
- Settlement of the ballast blocks was calculated to be in the range of 0.032 inches to 0.040 inches, and the strain on the geomembrane liner for this amount of settlement equates to approximately 0.01 %, significantly below the 5% maximum industry standard for strain on the geomembrane liner.
- T&B calculated that there are adequate Factors of Safety (FOS) to document that there will not be: uplift due to wind; sliding due to wind; sliding due to slope (including snow-covered ground); or seismic stability issues.
- T&B concluded that all analyses, for the solar panels, racks and foundations, showed minimal loading and settlement, no stresses or settlement which would damage the impermeable layer of the landfill cap, and adequate Factors of Safety.

T&B states that there will be no significant changes in stormwater runoff at the landfill due to the Solar Farm installation, as all stormwater will flow off the panels onto the existing vegetative support layer, then to the existing landfill stormwater control system. The existing stormwater control system was designed to handle 24-hour, 25-year storm events.

T&B states that the project will not impact jurisdictional wetland resource areas, but that this will be confirmed through the local permitting process. The application included a figure showing current Massachusetts Endangered Species Act (MESA) mapping, which shows no endangered species habitats at the landfill or in the immediate vicinity. T&B states that the project does not exceed any Massachusetts Environmental Protection Act (MEPA) thresholds, and therefore, no MEPA review is required. The application states that a USEPA National Pollution Discharge Elimination System (NPDES) General Construction stormwater permit will be required, as the project is more than one acre in size. CGR Solar will obtain a building permit and an electrical

permit for the Solar Farm from the City of Chicopee, as needed. T&B states that the existing Financial Assurance Mechanism (FAM) for the landfill, established by PRM as part of Closure Certification for the landfill, will not need to be amended due to the Solar Farm installation.

T&B states that the proposed construction and operation of the Solar Farm will not create any risks to human health and the environment.

There are no proposed changes to the existing, annual monitoring program for the landfill. CGR will be responsible for all landfill maintenance issues within the Solar Farm perimeter (the Solar Farm fenceline), including semi-annual mowing of grass, inspections, and repair of any erosion or other maintenance issues. PRM and the Elks will continue to be responsible for environmental monitoring, annual inspections, maintenance and mowing of the remainder of the landfill (outside the Solar Farm perimeter).

CGR Solar has signed a 20-year lease (with options to renew) with the Elks for the use of the landfill property, and will complete a Power Purchase Agreement (PPA) with the Chicopee Electric Light Department. If, at the end of the lease, the option to renew is not exercised, CGR Solar will be responsible for decommissioning of the Solar Farm, which would consist of removal of all structures, including solar panels, racks, foundations and associated crushed stone, and electrical equipment, and restoration of the landfill cap to its original condition.

T&B states that construction of the Solar Farm will begin in the Fall of 2014, and will be completed by July of 2015.

### **MassDEP Determinations**

Personnel of MassDEP have reviewed the Post-Closure Use permit application for the Chicopee Elks Landfill in accordance with MGL c. 111 s. 150A, MGL c. 30A, 310 CMR 19.000, and MassDEP's publication Landfill Technical Guidance Manual (the LAC), revised in May, 1997. MassDEP has determined that the application is approved in accordance with MGL c. 111, s. 150A and MGL c. 30A, subject to the conditions outlined below.

1. CGR Solar and the Elks are the Permittees for the Solar Farm construction and operation.
2. A third-party, independent Massachusetts-registered professional engineer knowledgeable in landfill design and construction (the "Engineer") shall supervise the overall construction of the Solar Farm. The Engineer and/or a qualified QA/QC officer shall be present at the site at all times during: fence installation; ballast delivery and placement; installation of the electrical equipment pad; rack/panel construction; and when construction equipment (including small, off-road vehicles) is operating on the landfill. The Engineer or QA/QC officer does not need to be on-site when construction equipment has ceased operating on the landfill, i.e. for wiring and electrical work performed without construction equipment. The QA/QC officer shall work under the direct supervision of the Engineer.
3. The Engineer's duties shall include, but not be limited to: oversee installation and construction of the components of the Solar Farm as outlined above; oversee quality

assurance/quality control (QA/QC) testing and verify all data generated through the testing program; document all construction and QA/QC activities; and submit monthly construction progress reports to the MassDEP, which shall summarize the work performed during the month.

4. The Engineer's monthly construction report shall include at a minimum the following:
  - (A) Any deviation from compliance with requirements approved or set forth in this Permit;
  - (B) Any actions taken to correct such deviations, as required by MassDEP or recommended by the Engineer;
  - (C) Schedules to correct identified problems;
  - (D) Review of quality assurance/quality control (QA/QC) testing data generated, and documentation for construction and QA/QC activities;
  - (E) The inspection report shall be signed and dated by the Engineer certifying that to the best of his/her knowledge all information is accurate and complete; and
  - (F) The Engineer shall submit one copy of the monthly report to the MassDEP no later than seven (7) days following the end of the previous month.
5. Upon completion of the Solar Farm installation, the Engineer shall submit to MassDEP a completion report, signed and sealed by a Massachusetts-registered P.E., certifying that the work was completed in accordance with the application and the conditions of this permit.
6. CGR Solar and the Engineer shall be considered operators with respect to the construction of the Solar Farm and compliance with plans and specifications. CGR Solar shall also be considered an operator during the operational life and decommissioning of the Solar Farm. As such, the MassDEP may take enforcement action against CGR Solar or the Engineer, consistent with its authority under applicable Massachusetts law and regulation, for any failure to construct the Solar Farm in accordance with approved plans and specifications of which CGR Solar or the Engineer were, or should have been, aware.
7. The Permittees and their contractor(s) are responsible to ensure that all necessary precautions are taken to protect the health and safety of workers and the general public during both construction and maintenance of the Solar Farm. A copy of the site-specific Health & Safety Plan for the construction and maintenance of the Solar Farm shall be submitted to the MassDEP prior to the beginning of any construction work, which shall include protocols for monitoring of landfill gas as needed, and protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable.
8. All disturbance of the landfill cap shall be limited to the proposed installations on top of the vegetative support layer of the cap, i.e. - no excavations or other penetrations shall be performed into the vegetative support layer or sand drainage layer of the cap without separate written approval from the MassDEP. All concrete footings (ballasts) on the cap shall be placed on top of the vegetative support layer of the cap, unless otherwise approved by the MassDEP. There shall be no penetrations (utility, conduit or other) at the base of any rack ballasts. There shall be no penetrations of any kind of the impermeable layer of the

cap.

9. The Permittees and their contractor(s) are responsible to ensure that the inverter and transformer boxes of the electrical equipment pad will not accumulate landfill gas within the boxes during the construction and operation of the solar farm. Any landfill gas levels exceeding 10% of the Lower Explosive Limit (% LEL) within any electrical equipment box shall trigger the requirements of 310 CMR 19.132(4)(g), for notification and action. A chain-link fence with locking gate shall be installed surrounding the electrical equipment pad, and shall be equipped, at a minimum, with solid, plastic slats within the matrix of the chain-link fence. If MassDEP receives nuisance noise complaints or is concerned that noise conditions created by the electrical equipment are not in compliance with MassDEP's Noise Policy #90-001 (i.e. greater than 10 dB above background at the property line and the nearest residence) MassDEP reserves the right to require noise studies and/or the installation of additional noise mitigation measures.
10. Prior to the start of construction, CGR Solar shall submit to MassDEP the following information for MassDEP review and approval:
  - A. The specific dimensions of the electrical equipment pad, documentation that the equipment pad will not be located over any portion of the landfill cap, and the specific location and construction details of the electrical power lines entering and exiting the electrical equipment pad;
  - B. Revised loading and settlement calculations for the portion of the solar array which will be located over the "sideslope" portion of the cap, i.e. that portion of the cap containing a geonet, 9 inches of drainage sand layer, and 9 inches of vegetative layer above the geomembrane;
  - C. A written protocol for landfill gas monitoring during maintenance of the inverters/transformers, and for regular calibration and maintenance of landfill gas monitors used by workers on the site.
  - D. A proposal for the establishment by CGR Solar of a Financial Assurance Mechanism (FAM) in accordance with 310 CMR 19.051 for the Solar Farm portion of the landfill, which shall cover the costs of decommissioning of the Solar Farm, and the costs of repair of any potential damage to the cap in the Solar Farm area due to the installation or maintenance of the Solar Farm. A proposal for the FAM shall be submitted by CGR to MassDEP within 30 days of the date of this permit approval, and the FAM shall be established and approved by MassDEP prior to the start of construction of the Solar Farm.
11. All necessary precautions shall be taken to ensure that the proposed construction and maintenance work associated with the Solar Farm shall not in any way damage the impermeable layer of the landfill cap, landfill stormwater control swales and structures, landfill monitoring wells, or landfill gas venting wells. If any damage occurs to any of the above-listed landfill components due to the installation or maintenance of the Solar Farm, CGR Solar shall notify MassDEP immediately (within 24 hours maximum), CGR Solar shall submit a written plan for repair of the components to MassDEP within 48 hours, and any repair work shall be completed by CGR Solar on the schedule determined by

MassDEP. CGR Solar and the Elks are solely responsible for the repair of any damage to the landfill cap or landfill cap components which may be caused by the installation or maintenance of the Solar Farm.

12. Prior to the commencement of construction activities, all landfill gas vents, landfill gas monitoring wells, groundwater monitoring wells, and other existing, above-ground structures of 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 low ground pressure equipment accessing the cap area. Any landfill gas vents which are damaged shall be repaired prior to the completion of the Solar Farm installation.
13. **Only low ground pressure construction equipment (with ground pressures of 7 PSI or less) may operate on the landfill cap, and only in accordance with the remaining conditions of this permit.** Prior to use of any specific equipment on the cap, the Engineer shall submit documentation to MassDEP that the equipment, fully loaded, will have a ground pressure of less than 7 PSI. A non-woven geotextile and a 6-inch layer of crushed stone, 10 feet wide, shall be added to the entire East-West length of the top of the landfill, to mitigate disturbance to the cap by repeated trips along the length of the landfill by low-ground pressure equipment.

The Site Contractor shall be clearly instructed by the Engineer and CGR Solar of the requirements of this permit prior to the start of construction, to avoid damage to the landfill cap components. Low ground -pressure construction equipment shall limit turning by tracks on the vegetative support layer as much as possible. In no case shall rutting or other disturbance extend more than 6 inches down into the vegetative support layer. If MassDEP determines that the use of equipment is creating the potential for rutting greater than 6 inches in depth, or damage to the sand drainage layer or the impermeable layer, the usage of such equipment shall cease immediately upon notification by MassDEP, and alternative work practices for operation of equipment of the cap (i.e. placement of geotextile and crushed stone, as proposed) in the affected area(s) shall be instituted.

14. If CGR Solar intends to use different ballasts, solar panels, panel racks, or ladder racks other than that detailed in the application, CGR Solar shall submit to MassDEP, for review and approval, documentation that the alternative equipment does not increase calculated ground pressures or decrease calculated Factors of Safety for solar array stability.
15. Only clean, crushed asphalt, brick and concrete (ABC rubble), crushed to 3" diameter or less, which fully complies with the requirements at 310 CMR 16.03(2)(b)(5), may be substituted for crushed stone beneath ballast blocks, as proposed. Coated (painted or stained) ABC rubble, or ABC rubble containing any rebar, wire or other waste material shall **not** be used in the Solar Farm construction. Compaction of the crushed stone or clean ABC must not damage the geomembrane of the cap, and crushed stone or ABC shall not be compacted more than 6 inches into the vegetative support layer.
16. CGR Solar and their contractor(s) are responsible to ensure that the proposed work complies with all applicable local, state and federal electrical codes and permits, including the



National Electrical Code (NEC), 2011 Edition, Article 690 –“Solar Photovoltaic (PV) Systems”.

17. The fence surrounding the Solar Farm shall be installed with fenceposts that are plumb, and the ballasts for the fenceposts shall be either shimmed level in a structurally sound fashion, or the ballasts shall allow for the fenceposts to attach to the ballasts at an angle, so that the fenceposts are plumb and sound.
18. CGR Solar is responsible to ensure that the proposed work complies with all other applicable local, state and federal regulations, including applicable building and electrical permits from the City of Chicopee. This permit does not in any way supersede applicable regulations or ordinances of the City of Chicopee.
19. The Permittees are responsible to ensure that the use of the Elks entrance onto Granby Road by construction equipment during construction of the Solar Farm complies with applicable City of Chicopee regulations for traffic safety.
20. Following completion of installation, inspections of the Solar Farm shall be performed on a quarterly basis by a qualified, third-party inspector, and quarterly inspection reports shall be submitted to MassDEP. After one year of quarterly inspections, CGR Solar may petition MassDEP in writing to reduce the frequency of inspections. Environmental monitoring shall continue to be performed at the landfill by PRM and the Elks as outlined in the June 3, 2009 Closure Certification permit approval from MassDEP. The entire landfill shall continue to be maintained (inspected and mowed) semi-annually. Any erosion problems, settlement problems, or other issues observed on the landfill cap (inside or outside of the fenced Solar Farm) shall be reported to MassDEP and repaired immediately.
21. This post-closure use permit shall be valid for a period of 30 years from the date of this permit, provided that MassDEP may amend the term of the permit in accordance with an approved modification pursuant to 310 CMR 19.033. This permit is issued to CGR Solar and the Elks (the permittees) for the Solar Farm construction and operation. If the Permittees intend to transfer this permit to any other entity for operation of the Solar Farm, the requirements at 310 CMR 19.044, Transfer of Permits, shall be satisfactorily completed. If the Permittees discontinue operation of the Solar Farm, the Permittees are responsible to perform decommissioning activities as outlined in the permit application, including removal of the solar array equipment, ballasts, and associated crushed stone. A plan for such decommissioning shall be submitted to MassDEP for review and approval at least 90 days prior to the start of decommissioning. If the Permittees intend to operate the Solar Farm after the expiration of this permit, the Permittees are required to submit a request for a renewal of the permit at least 90 days prior to the expiration of the permit.
22. MassDEP and its agents and employees shall have the right to enter upon the landfill (including the Solar Farm) at all reasonable times, to inspect the landfill (including the Solar Farm) 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. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and states laws and regulations, as well as any permits or other agreements between the Permittees and MassDEP.

23. MasDEP reserves the right to require additional or increased monitoring or maintenance activities in the event that the post-closure use is or may be having a detrimental effect on the landfill cap or appurtenances. MassDEP reserves all rights to suspend, modify or rescind this permit, should the conditions of this permit not be met, should the Solar Farm create nuisance conditions or threats to public health, safety or the environment, or should MassDEP otherwise determine that continued post-closure use is negatively impacting the landfill cap or appurtenances.

Pursuant to 310 CMR 19.033(5), any person aggrieved by the issuance or denial of this permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A and c. 30A not later than thirty [30] days following the receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30 A. 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 30 day period.

Any aggrieved person intending to appeal the decision to the superior court shall provide notice to MassDEP of said intention to commence such action. Said Notice of Intention shall include the MassDEP File Number (14-061-013) and shall identify with particularity the issues and reason(s) why it is believed the approval decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which made the decision. The appropriate addresses to which to send such notices are:

General Counsel  
Department of Environmental Protection  
One Winter Street-Third floor  
Boston, 02108

Regional Director  
Department of Environmental Protection  
436 Dwight Street - Fifth Floor  
Springfield, MA 01103

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that 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 public health or environmental impact of the permitted activity. This approval pertains only to the Solid Waste Management aspects of the proposal and does not negate the responsibilities of the owners or operators to comply with any

other local, state or federal laws and regulations now or in the future.

If you have any questions about this matter, please contact Larry Hanson of this office at 413-755-2287.

Sincerely,

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

Daniel Hall  
Section Chief, Solid Waste Management

cc: Chicopee Health Dept. – Lisa Sanders, Director  
Chicopee Planning Dept.  
Chicopee Building Inspector  
Chicopee Electric Light Department  
Chicopee Electrical Inspector  
Tighe & Bond, Inc. – Brian Huntley, P.E.  
Partyka Resource Management – John Krzeminski, Jr. Vice President  
Kleinfelder, Inc. – Stephen Wright, P.E.