



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

Dalton Solar LLC/ Warren Farms Solar LLC  
88 Black Falcon Ave., Center Lobby, Suite 342  
Boston, MA 02210  
Attention: Emma Kosciak, Manager of Solar Development

June 30, 2014

&

Town of Dalton  
Town Hall, 462 Main St.  
Dalton, MA 01226-1601  
Attention: Kenneth Walto, Town Manager

RE: Dalton-DSWM-14-070-001/002  
Dalton and Warren Farms Landfills  
Post Closure Use – Solar Power  
**Permit Approval**  
BWPSW36  
Transmittal #X259693

Dear Ms. Kosciak and Mr. Walto:

The Massachusetts Department of Environmental Protection (the MassDEP) is issuing this permit approval to Dalton Solar LLC/ Warren Farms Solar LLC (Dalton/Warren Solar) and the Town of Dalton (the Town) for the post closure use of the Dalton and Warren Farms capped landfills (the landfills) located off Park St. Extension, Dalton, MA, as solar power farms (the Solar Farms). On April 18, 2014 the MassDEP received the combined BWPSW36 Major Post Closure Use permit application, under transmittal #X259693 (the application). The application was completed on behalf of Dalton/Warren Solar and the Town by Tighe & Bond, Inc. (T&B), of Westfield, MA, in accordance with the MassDEP Solid Waste Regulations at 310 CMR 19.000. Dalton/Warren 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 Citizens, 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 eight 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 Diagrams of the application were signed and stamped by John P. Turner, Massachusetts-registered P.E. #37508.

The application includes a copy of a letter dated April 10, 2014, signed by Kenneth Walto, Dalton Town Manager, stating that the Town supports the application for construction of the Solar Farms on the landfills. The application also includes a copy of a letter dated April 9, 2014 signed by Linda Warren of the Warren Company (owner of the Warren Landfill) stating that the Warren Company supports the application for construction of the Solar Farm on the Warren Landfill.

### Summary of Proposal

The Town completed Final Closure (capping) of the Dalton Landfill in 1996, and the Warren Farms Landfill in 1998, in accordance with engineering plans approved by MassDEP. The landfill cap on the Dalton Landfill is an alternative soil cap consisting of 2 feet of low-permeability soil, of which the upper 6 inches is vegetative support material. The landfill cap on the Warren Farms Landfill consists of (from bottom to top) 6 inches of sand gas vent layer, a geocomposite clay liner (GCL) impermeable layer, 12 inches of sand drainage layer, and 12 inches of vegetative support material. The Town performs the required post-closure maintenance and monitoring at both landfills, including monitoring of groundwater, surface water and landfill gas (LFG) during the post-closure maintenance and monitoring period.

The application proposes the construction and maintenance of a 1.2 megawatt (MW) photovoltaic solar farm on approximately 5 acres of the Dalton Landfill, and a 2.0 megawatt (MW) photovoltaic solar farm on approximately 8.5 acres of the Warren Farms Landfill as follows:

- The solar array will be placed on the upper, flatter portions of the landfills, on slopes not exceeding 6 degrees, with the solar panels tilted at 25 degrees from horizontal, facing south;
- A total of approximately 2,635 concrete foundation footings (ballasts) will be cast in-place on the vegetative support layer of the landfill caps;
- Approximately 2,635 photovoltaic panel racks will be installed on the foundation ballasts;
- Approximately 10,540 Yingli YL300 P-35b Solar Panels (or equivalent) will be installed on the panel racks;
- One concrete pad will be installed within the perimeter of the Dalton landfill cap, and two concrete pads will be installed within the perimeter of the Warren Farms landfill cap, which will hold electrical equipment, including combiner boxes, inverters, switchboxes, transformers, and switchgear boxes, where electrical power from the solar panels will be conveyed;
- The photovoltaic panel racks will be connected to the electrical equipment pads via above-ground electrical cables, strung on the panel racks and also on aluminum ladder-type racks between the panel racks. Each photovoltaic panel row will have a combiner box and disconnect switch for the panel wiring;
- The switchgear box of the electrical equipment pad will convey electrical power via

electrical cables in either above-ground conduits or reinforced concrete ductbanks to the Western Mass. Electric Co. (WMECO) utility grid on Gulf Road near the landfills' entrance;

- A six-foot tall, chain-link fence will be installed around the entire perimeter of the Solar Farm on each of the landfills; and
- Approximately 5 acres of treed area will be cleared along the southern, southwestern, and southeastern perimeter of the Dalton Landfill, to prohibit shading of the solar arrays.

Construction activities on the Dalton landfill will be accessed via the Dalton Highway Dept. yard on Gulf Road. Construction activities on the Warren Farms Landfill and long-term maintenance for both Solar Farms will be accessed via the landfill entrance near the Dalton Transfer Station. The former gravel pit area north of the Dalton Landfill will be used as a temporary, construction lay-down area during construction of the Solar Farms. A new, permanent access road for vehicular access will be constructed onto the Warren Farms Landfill from the existing gravel road between the landfills, consisting of a woven geotextile fabric, 18 inches of processed gravel, and 6 inches of dense graded crushed stone. The existing gravel road on the Dalton Landfill is proposed to be improved by adding a woven geotextile fabric and 6 inches of dense graded crushed stone.

Only low-ground pressure equipment, 7 pounds per square inch (PSI) or less, will operate off the access roads on the landfill caps, 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 vegetative support layer, a geotextile and a 6-inch layer of crushed stone will be placed on the vegetative support layer in problem areas for equipment use. Construction of the solar array will generally proceed from north to south at both landfills.

The concrete foundations (ballasts) for the photovoltaic racks will be cast in-place "Game Change" HDPE plastic tubs, filled with concrete using low-ground pressure equipment (Bobcats) for concrete delivery, or from concrete pumpers which will only operate on the gravel access roads of the landfill cap. The ballasts will be 20 inches wide, 13 inches thick, and 80 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.

Each of the three concrete equipment pads will be poured-in place from the gravel access roads, and will be 32 feet long, 20 feet wide, with a thickness of 12 inches in the center slab portion, and 18 inches on the perimeter. Gravel fill of 16-inch thickness will be placed beneath each pad, on top of the vegetative support layer of the cap. Each equipment pad will include two combiner boxes, two inverters, two transformers, and a switchgear box. T&B calculated that the loading from the equipment pads will be 3.6 to 3.9 PSI, below the guideline of 7 PSI. The application states that the details of the electrical equipment, and the electrical power conveyance cable installation from the pads to the WMECO grid will be supplied prior to construction. T&B states that the electrical equipment will not create nuisance sound conditions for abutting properties.

A six-foot tall, chain-link fence will be provided around the entire perimeter of the Solar Farms, utilizing either existing fence or new fence. The new fencing will consist of a driven-post, chain link fence to be installed outside the perimeter of the landfills, and a ballasted-post, chain link fence to be installed on the landfill cap. 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.

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.

Approximately 3.5 acres of treed area will be cleared from the Dalton Landfill, east of the 1996 cap, but within the former 1977 soil cap area. The application proposes that the existing trees will be cut, but no improvements to the existing soil cap be made. Approximately 2 acres of treed area will be cleared between the Dalton landfill perimeter and the western Town property boundary (boundary with the National Parks Service, Appalachian National Scenic Trail).

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) 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 2.3 to 3.7 PSI, below the guideline of 7 PSI.
- Settlement of the ballast blocks was calculated to be less than 0.5 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.

The existing stormwater control system at the landfills was designed to handle 24-hour, 25-year storm events. T&B states that there will be no significant changes in stormwater runoff at the Dalton 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. T&B performed a HydroCad stormwater evaluation for the Warren Farms Landfill, due to the proposed construction of the permanent access road, which will alter stormwater flow directions. Based on the stormwater analysis, T&B proposes two 12-inch culverts to carry stormwater from the existing drainage swales under the access road, and one, 8-inch culvert to carry additional stormwater flow under the access road.

T&B states that the project will not impact jurisdictional wetland resource areas. 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. Dalton/Warren Solar will obtain a Special Permit, Building Permit and an Electrical Permit for the Solar Farms from the Town, as needed.

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

There are no proposed changes to the existing annual monitoring program for the landfills. Dalton/Warren Solar will be responsible for landfill maintenance issues within the Solar Farm perimeters, including semi-annual mowing of grass, inspections, and repair of any erosion or other maintenance issues. The Town will continue to be responsible for annual inspections, maintenance and mowing of the remainder of the landfills, and environmental monitoring for both landfills.

Dalton/Warren Solar will sign long-term leases (with options to renew) with the Town and the Warren Company for the use of the landfill properties, and will complete: a Net-Metering Agreement with the Town; and a Power Purchase Agreement (PPA) with WMECO. If, at the end of the leases, the option to renew is not exercised, Dalton/Warren Solar will be responsible for decommissioning of the Solar Farm, which would consist of removal of all structures,

including solar panels, racks, foundations, and electrical equipment, and restoration of the landfill cap to its original condition. T&B states that a Financial Assurance Mechanism (FAM) is not needed for the Solar Farms, as the operation and decommissioning of the Solar Farms will be covered by the lease agreements between Dalton/Warren Solar, the Town and the Warren Company.

T&B states that construction of the Solar Farms 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 Dalton and Warren Farms 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. Dalton/Warren Solar and the Town are the permittees for the construction and operation of the Solar Farms.
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 Farms. The Engineer and/or a qualified QA/QC officer shall be present at the site at all times during: fence installation; ballast construction; installation of the electrical equipment pad; rack/panel construction; and when construction equipment (including small, off-road vehicles) is operating on the landfills. The Engineer or QA/QC officer does not need to be on-site when construction equipment has ceased operating on the landfills, 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 Farms 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 installation of the Solar Farms, 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. Dalton/Warren Solar and the Engineer shall be considered operators with respect to the construction of the Solar Farms and compliance with plans and specifications. Dalton/Warren 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 Dalton/Warren Solar or the Engineer, consistent with its authority under applicable Massachusetts law and regulation, for any failure to construct the Solar Farms in accordance with approved plans and specifications of which Dalton/Warren 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 Farms 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 caps shall be limited to the proposed installations on top of the vegetative support layer of the caps, 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 caps shall be placed on top of the vegetative support layer of the caps, 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 Warren Farms Landfill cap.
  9. The access road at the Dalton landfill shall be improved by the addition of a woven geotextile fabric, 6 inches of gravel, and 6 inches of dense graded crushed stone. The access road between the two landfills shall either be similarly improved, or shall be documented by test-pits to contain at least 12 inches of gravel surface.
  10. As part of the construction of the Dalton Solar Farm, the following shall be completed for the area of the Dalton Landfill, 1977 soil cap, which is to be cleared of trees:
    - A. All stumps shall be cut as close to the ground as feasible;
    - B. All woodchips from grinding of the trees and brush from this area shall be spread

- between the stumps;
- C. The Town is responsible to ensure that this area of the Dalton Landfill, 1977 soil cap, is returned to the specifications required by the MassDEP's 1971 Solid Waste Regulations (i.e. a minimum of 2 feet of soil cover over all solid waste), and such that regular maintenance of the area can be performed, including mowing on an annual basis. A plan shall be submitted by the Town to MassDEP prior to the start of construction of the Solar Farms, for the completion of such work in this area of the landfill.
11. The Permittees and their contractor(s) are responsible to ensure that the inverter and transformer boxes of the electrical equipment pads 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.
12. The additional requirements for the electrical equipment pads include the following:
- A. Prior to construction, the Engineer shall submit to MassDEP the following: a cross-section showing the specific construction details of the equipment pads, and documentation that electrical lines or conduits will not extend greater than 6 inches into the vegetative support layer beneath the equipment pads;
  - B. A diagram and text describing the specific location and construction details of the electrical power lines entering and exiting the electrical equipment pads, the concrete ductbank for the power lines in the Warren Farms Landfill, and the connection details to the WMECO grid;
  - C. A chain-link fence with locking gate shall be installed surrounding each electrical equipment pad, and at a minimum, shall be equipped with solid, plastic slats within the matrix of the chain-link fence. If MassDEP determines 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; and
  - D. As part of the site-specific H&S Plan, a written protocol shall be prepared and submitted for the maintenance of the inverters/transformers, and for regular calibration and maintenance of landfill gas monitors used by workers on the site.
13. All necessary precautions shall be taken to ensure that the proposed construction and maintenance work associated with the Solar Farms 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 Farms, Dalton/Warren Solar shall notify MassDEP immediately (within 24 hours maximum), Dalton/Warren Solar shall submit a written plan for repair of the components to MassDEP within 48 hours, and any repair work shall be completed by Dalton/Warren Solar on the schedule determined by MassDEP. Dalton/Warren Solar and the Town are solely responsible for the repair of any damage to the landfill caps or landfill cap



components which may be caused by the installation or maintenance of the Solar Farms.

14. 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.
15. As part of this construction project, any damaged LFG vents on the landfill shall be repaired, and the area of the Warren Farms Landfill cap, south of the Solar Farm, which collects ponded stormwater, shall be repaired by adding vegetative support material to the area to promote positive drainage.
16. **Only low ground pressure construction equipment (with ground pressures of 7 PSI or less) may operate on the landfill caps off the access roads, 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 (including concrete to be poured in-place by Bobcats), 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 length of the three North-South travel corridors of the Warren Farms Landfill solar array, to mitigate disturbance to the cap by repeated trips along these corridors by low-ground pressure equipment.

The Site Contractor shall be clearly instructed by the Engineer and Dalton/Warren 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.

17. If Dalton/Warren Solar intends to use different ballasts, solar panels, panel racks, or ladder racks other than that detailed in the application, Dalton/Warren 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.
18. Clean, crushed asphalt, brick and concrete (ABC rubble), crushed to 3" diameter or less, may be substituted for crushed stone beneath ballast blocks, or in the travel corridors. Coated (painted or stained) ABC rubble 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.

19. Dalton/Warren 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”.
20. The ballasted fence surrounding the Solar Farms 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. As proposed, locking gates shall be provided at the access entrances to the landfills
21. Dalton/Warren 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 Town. This permit does not in any way supersede applicable regulations or ordinances of the Town.
22. The Permittees are responsible to ensure that the use of the entrance road between the landfills by construction equipment during construction of the Solar Farms complies with applicable Town regulations for traffic safety, and does not interfere or cause traffic/safety issues with operation of the Town transfer station or Town compost area.
23. 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, Dalton/Warren Solar may petition MassDEP in writing to reduce the frequency of inspections. Environmental monitoring shall continue to be performed at the landfills by the Town as outlined in the Closure Certification permit approvals from MassDEP. Both landfills 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.
24. This post-closure use permit shall be valid for a period of 20 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 either 310 CMR 19.039 or 19.040. This permit is issued to Dalton/Warren Solar and the Town (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 and concrete ballasts. 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. The Permittees shall submit copies of the Solar Farm lease agreements to MassDEP prior to the start of construction of the

Solar Farms.

25. MassDEP and its agents and employees shall have the right to enter upon the landfills (including the Solar Farms) at all reasonable times, to inspect the landfills (including the Solar Farms) 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.
26. MassDEP 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 caps 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 Farms 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 caps 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 (14-070-001/002) 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: Dalton Board of Health  
Dalton Planning Dept.  
Dalton Building Inspector  
Dalton Electrical Inspector  
Dalton Highway Dept.  
Tighe & Bond – Brian Huntley, P.E.  
Warren Company – Linda Warren  
National Park Service – Appalachian National Scenic Trail