



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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July 24 , 2012

David T. Hickox, Director of Public Works
Town of Dartmouth
759 Russells Mills Road
Dartmouth, Massachusetts 02748

and

Mr. Scott Sargent
Borrego Solar Systems, Inc.
1115 Westford Street, 2nd Floor
Lowell, Massachusetts 01851

RE: Approval with Conditions
Application for: BWP SW 36 Post-Closure Use - Major
Solar Photovoltaic Array
Transmittal #: X239763

AT: Russells Mills Landfill
Russells Mills Road
Dartmouth, Massachusetts
Facility ID#: 31918, Regulated Object#: 172449

Dear Mr. Hickox:

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 Russells Mill Landfill (the "Landfill"). The Application was prepared and submitted on behalf of the Town of Dartmouth (the "Town") by Tighe & Bond, Inc. ("T&B" or "Engineer") of Portsmouth, New Hampshire.

MassDEP has determined the Application is administratively and technically complete and hereby **Approves** the Post-Closure Use of the Landfill for a 1.4 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 performed by Tighe & Bond and by Borrego Solar Systems, Inc., and twenty engineering drawings received by MassDEP on October 3, 2011.
- B. Supplemental Application information prepared by Tighe & Bond, consisting of a response to MassDEP's November 2, 2011, November 4, 2011, and November 8, 2011 comments, dated May 14, 2012 and received by MassDEP on May 16, 2012.
- C. Supplemental Application information, prepared by Tighe & Bond, consisting of a response to MassDEP's June 14, 2012 comments, dated June 19, 2012 and received by MassDEP on June 21, 2012.
- D. Supplemental Application information, prepared by Tighe & Bond, consisting of a summary of issues discussed on July 3, 2012, received via e-mail by MassDEP on July 5, 2012.

The Application is signed and stamped by David A. Murphy, Massachusetts Professional Engineer No. 35482. The calculations in the supplemental submittal bear the signature and seal of Brian S. Huntley, Massachusetts Professional Civil Engineer No. 46273. Project Drawings PV-1 through PV-2.4 are stamped by James Edward Trent, Massachusetts Professional Engineer No. 28556. The structural drawings S-1 through S-2.4 bear the signature and seal of David A. Dutil, Massachusetts Professional Structural Engineer No. 47373. The electrical grounding detail bears the signature and seal of David J. Colombo, Massachusetts Professional Electrical Engineer No. 40462.

II. POST-CLOSURE USE PROPOSAL SUMMARY:

The Town is the owner of the Landfill and has entered into a lease agreement with Borrego Solar Systems, Inc. ("Borrego") to develop a 1.4 MW solar photovoltaic installation on the Landfill. Hereinafter, Borrego and the Town shall be referred to as the "Applicants". Borrego and all construction and maintenance personnel associated with the Town's Landfill shall be referred to as the "Applicant's Contractors". The Applicants are proposing to construct and maintain a PV array on the capped Landfill, consisting of the following components:

- Approximately 602 precast concrete foundations (ballast blocks 9 foot x 3 foot by 13.25 inch thick or 12 foot by 3.5 foot by 16 inch thick blocks) will be placed directly on the vegetative support layer;
- Approximately 6,019 PV modules (Yingli Solar Modules) installed on approximately 301 support racks (Solar Flex Rack) placed on precast concrete foundations (i.e. ballast blocks);

- A concrete pad will be installed on the vegetative support layer, which will hold electrical equipment, including inverters, transformer, switchboard and switchgear;
- The photovoltaic panel racks will be connected to the electrical equipment pad by aboveground electrical cables, strung on the panel racks and also on ladder-cable trays between the panel racks, except for cables traversing the existing landfill access roads;
- The switchgear box of the electrical equipment pad will convey electrical power from the Landfill via electrical cable buried in a conduit duct bank beneath the existing gravel road to the composting area. In the composting area the subsurface conduit will transition to overhead wiring for transmission of electricity to the NSTAR utility grid at a utility pole on Russells Mills Road;
- The Existing access road from the base of the Landfill to the crest of the Landfill will be improved for vehicle access for construction and maintenance activities.

The ground mounted PV array is to be constructed on areas of the Landfill with a maximum slope of 10% (approximately 6 degrees). The proposed solar array will encompass approximately 6.3 acres of the Landfill. The solar array will utilize PV modules (3.25-foot by 5.4-foot) mounted on framed racks attached to the precast concrete ballast blocks. The PV array will use multicrystalline PV modules laid out in panels, 4 modules high and 5 modules long (panel layout 4 x 5), mounted on racks of 20 modules each. The rack foundation will consist of two precast concrete ballast blocks, each with one post to support the rack. Each panel support rack or assembly will utilize a fully ballasted mounting system with no penetrations of the low permeability layer of the final cover system. The modules and the associated racking will be approximately 8'-0" in height in the rear and 2' - 6" in the front. The rows of solar panels will be oriented east-west with approximately 13 feet between each row (north-south measurement).

The racking system will hold the panels at a fixed tilt of 25 degrees from horizontal. The ballast blocks, access roads and electrical equipment pad will increase the total impervious area on the Landfill by approximately 4.5 percent. The racks will be placed to avoid interference with access roads, the passive landfill gas collection extraction vents and all storm water control features. The existing elevation and grade of the Landfill will not be altered. All photovoltaic rack assemblies and above-ground wiring will be kept at least 10 feet from any landfill gas vents (**refer to condition #2**). The proposed design will impact limited portions of the vegetative layer of the final cover system. The impacts result from rack ballasts installations and below grade cable installations.

The Applicants propose to place the ballast blocks on either crushed stone or crushed uncoated asphalt, brick and concrete (ABC) as needed to fill in low areas under the ballasts. The crushed stone or crushed ABC will either be placed directly on the existing grass or on a geotextile fabric that will be placed directly on the existing grass, at a maximum slope of 6 degrees (10 percent) from horizontal, in a north-south direction.

One concrete electrical pad will be located where the access road to the top of the landfill meets the proposed access road across the crest of the landfill, and will be approximately 25 feet wide, 1 foot thick, and approximately 34 feet long. The location beneath the pad will be prepared by the placement of a minimum of 6 inches of compacted graded gravel and an additional 6 inches (minimum) of crushed stone. The electrical lines from the transformer and switchgear will run

from the base of the boxes down through the concrete equipment pad and into the crushed stone below. Electrical lines with conduits will be sealed into the concrete pad to prevent landfill gas from entering the electrical equipment and none of the electrical lines will penetrate the vegetative support layer.

The photovoltaic racks will be bolted to the ballast blocks. The electrical wiring on the photovoltaic racks will be run in the Solar Flex racks integrated wire tray, and aluminum ladder-type cable trays will be used to support the conduit above the landfill surface from the arrays to the electrical equipment pad. At proposed road crossings electrical wiring will be run below ground. The electrical wiring will be placed below the roads in 4 inch conduits within a reinforced concrete duct bank. From the electrical equipment pad the medium voltage electrical wiring will be placed in 4 inch concrete duct bank along the proposed permanent access road to the composting area.

Array grounding details (PV modules, racking system and concrete ballasts) are provided on drawing E-5.0 Electrical Details (revised 050212). None of the rebar or wiring encased in the concrete ballast blocks will be in contact with the soil. The grounding ballast blocks have been designed as concrete encased electrodes. The electrical equipment pad grounding detail depicts a copper ground ring and copper ground plates located in the soils to be placed over the existing final cover system. All grounding conductors that will be connected to the ground ring and ground plates will be set in place before fill is placed and the concrete equipment pad is poured. No electrical/grounding equipment shall penetrate the HDPE flexible membrane layer or compromise the integrity of the final cover system (**refer to condition #12**).

The existing access road from the base of the Landfill to the top will be improved to handle expected construction loads. The new proposed permanent access road will continue from the existing access road to the crest of the Landfill and run the length of the crest. The new proposed road design (improvements to existing and new proposed) will result in greater than 3 foot separation between the FML to allow use of the access road by all construction vehicles. The new proposed road will be constructed by placing a geotextile fabric on the existing 6 inch loam vegetative support layer, overlain by 18 inches of processed gravel, overlain by 6 inches of dense graded crushed stone or dense graded crushed, clean ABC.

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

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

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

The anticipated maximum loading scenario (ballasts, racking system, and modules and 6" gravel pad) on the Landfill surface will result in a bearing pressure of 1.9 pounds per square inch (psi).

The anticipated maximum loading at the equipment pad on the Landfill surface will result in a bearing of 3.7 psi. The Engineer stated the allowable bearing pressure was 5 psi.

Settlement analysis was also performed for the ballasts bearing on the low permeability layer of the final cover system. The result of these calculations estimated the settlement as 0.052 inches.

A sliding stability evaluation was performed for the ballasts located on landfill areas with a 3 degree slope. A minimum acceptable factor of safety of 1.3 was assumed. A safety factor of 1.7 was calculated and deemed to be acceptable. The Applicant's Contractors determined that the 3 degree slope area represented the worst case sliding scenario since the wind shielding effect on other steeper (6 degree slope) downwind areas significantly reduces the uplift and lateral forces that control sliding.

Storm Water: The Engineer used the HydroCAD methodology to evaluate the suitability of the existing storm water management system for the proposed post-closure use for the 2, 10, 25, and 100 year, 24 hour storm events. It was concluded that the impervious area for the post-closure use amounts to approximately 4.5% of the affected catchment area. The Engineer determined that the time of concentration would also increase providing a reduced peak rate of discharge in most storm events. The Engineer stated the stormwater management system features onsite, including the swales and culverts appear to be adequately sized to handle the proposed solar array system.

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

The post-closure use operation and maintenance plan for the post-closure use area used for the PV array will continue on the same interval as they were performed prior to the PV system installation. Therefore the area will be mowed twice annually. The post closure and Post-Closure Use cover system inspections include at a minimum:

- evaluating site soil conditions;
- site erosion (including any erosion associated with lower edge runoff from each panel array);
- drainage;
- site vegetation; and
- security fencing.

Additionally, MassDEP is requiring that during the first year of operation of the PV array inspections of the Landfill final cover system be performed on a monthly basis and thereafter quarterly, at a minimum (**refer to condition # 15**).

Site Security: Site security will include a continuous chain link fence that is 7 feet in height. The proposed chain link fence is not within the limits of the FML.

Decommissioning Plan: The current lease agreement, between the Town and Borrego includes operation of the solar array for 40 years and includes a decommissioning plan. At the end of the contract, Borrego is required to decommission and remove the solar system from the Landfill.

III. SITE DESCRIPTION & INVESTIGATIONS:

The Russells Mills - Dartmouth Landfill is located on a 115 acre parcel of Town-owned land (the "Site"). The closed Landfill occupies approximately 28 acres. The Landfill operations began in the mid 1940's for the acceptance of municipal solid waste and ceased in 1994. The Landfill was capped in 1996. The Landfill is abutted by the Paskamansett River to the east, the Dartmouth Fire Department and wetlands to the west, wetlands to the south, and the Dartmouth Department of Public Works to the north. The nearest residence is located on Russells Mills Road approximately 120 feet from the base of the Landfill.

Existing Final Cover System Design: On August 29, 1995, MassDEP approved closure plans for the Landfill. A revised plan was approved on October 8, 1996. The final cover system was Certified Closed on May 22, 1997 and MassDEP approved the Certification Report on November 12, 1997. The final cover was installed with a minimum top slope of 5% and side-slopes no greater than 3:1.

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

- a 6-inch coarse sand gas venting layer subgrade with a minimum hydraulic conductivity of 1×10^{-3} cm/sec.; overlain by
- a 40-mil High Density Polyethylene (HDPE) flexible membrane liner material; overlain by
- a 12-inch thick coarse sand drainage layer with a minimum hydraulic conductivity of 1×10^{-3} cm/sec.; overlain by
- a geotextile filter fabric; overlain by
- a 6-six inch thick loam layer; and
- final vegetation.

Post-Closure Environmental Monitoring: A Comprehensive Site Assessment was completed by Camp, Dresser, & McKee in August 1995 and approved by MassDEP on August April 30, 1996.

Post-closure environmental monitoring (groundwater and soil-gas monitoring) is currently conducted by the Town. The Town has not proposed 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 Russells Mills – Dartmouth 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 Russells Mills – Dartmouth Landfill as detailed in the Application and does not relieve the Applicants from the responsibility to comply with all other regulatory or permitting requirements. Post-Closure Use construction shall proceed in complete compliance with the approved plans, MassDEP's regulations and requirements, the Manual or as required by this Approval. This approval does not relieve the Town, as the owner of the Landfill, from its responsibility to comply with all post closure monitoring and maintenance requirements for the entire Landfill. There shall be no deviation from this Approval without prior consent from MassDEP. MassDEP shall be consulted prior to any deviation from the approved design. MassDEP may require a permit modification application for significant design modifications.
2. Regulatory Compliance: The Applicants, Engineers and Applicant's Contractors shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. This includes but is not limited to, 310 CMR 19.142: *Post-Closure Requirements*, 310 CMR 19.143: *Post-Closure Use of Landfills*, and 310 CMR 19.043: *Standard Conditions*. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace and all applicable local, state and federal electrical codes and permits, including National Electrical Code (NEC), 2011 Edition, Article 690-"Solar Photovoltaic (PV) Systems".
3. Inspection and Repair of Settlement Areas: Prior to construction of the PV array, any suspect settlement areas on the Landfill project area shall be surveyed to determine the lowest spot. The surrounding area should be then surveyed to find the "relief point", defined as the lowest surrounding area where ponded water would flow off the cap. The elevation difference is defined as the "pond value". Minor settlement shall be defined as less than a 12 inch pond value. Any Landfill project area that has undergone minor settlement shall be corrected by the placement of additional vegetative support soil to promote runoff and the area shall be reseeded. Any area repaired should be surveyed and the location marked on a plan with the pond value. Any future settlement should be recorded cumulatively. If/when the total settlement reaches 12-inches, the area will be considered to have suffered major settlement and appropriate repairs to eliminate ponding shall be performed.

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

1. Strip off the final cover soils above the low permeability layer, inspect and repair the low permeability layer if/as necessary, place low permeability soil as necessary to promote runoff, replace final cover soils; or
2. Expose the low permeability soil or geomembrane in a trench around the perimeter of the settled area. Fill the area with soil to form slopes promoting runoff. Cap the area with a new low permeability membrane, geosynthetic clay liner (GCL), or low

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

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

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

4. Notification of Construction: The Applicants shall notify MassDEP in writing (e-mail is acceptable) when the post-closure use construction commences and is completed.
5. Certification Report: Within ninety (90) days of completing the installation of solar photovoltaic array, MassDEP shall be provided with a certification report. All construction work shall be completed under the supervision of a Massachusetts Registered Professional Engineer who shall have sufficient staff on-site to provide quality assurance/quality control (QA/QC) oversight for all construction work at the Landfill. The report shall be signed and stamped by a Massachusetts Registered Professional Engineer and include, at a minimum, written certification from the supervising engineer that the project was performed in accordance with MassDEP regulations, requirements and the approved Post Closure Use permit application. The report shall also include Borrego's pertinent results on their testing of ballast blocks sliding on different materials, as identified in the July 5, 2012 response to comments.
6. Preconstruction Work: Prior to commencement of construction activities, all Landfill gas vents, Landfill soil-gas monitoring wells, groundwater monitoring wells and other existing above ground structures on the Landfill cap and appurtenances shall be flagged for visibility, and protective barriers shall be placed around such structures, as needed, to prevent damage by vehicles accessing the area.
7. Health and Safety: The Applicants, Engineers and Applicant's Contractors are responsible to ensure all necessary precautions are taken to protect the health and safety of workers and the general public during both the construction phase and during the operation and maintenance phase of the post-closure use.

A copy of the site specific Health and Safety Plan for the Post-Closure use, 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 including town workers conducting maintenance activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.
8. Personnel Training: The Applicants, Engineers and Applicant's Contractors shall instruct all personnel regarding the potential hazards associated with landfill gas and shall give on-the-job training involving in any activity authorized by this permit. Such instruction and on-the-job training shall teach personnel how to comply with the conditions of the permit to carry out the authorized activity in a manner that is not hazardous to public health, safety, welfare or the environment.
9. Landfill Gas Notification Requirements:
- a. As specified in solid waste management regulations at 310 CMR 19.132 (4) (g),
- "When, at any time, the concentration of explosive gases exceeds 10% of the lower explosive limit (LEL) in any building, structure, or underground utility conduits, excluding gas control, gas recovery and leachate collection system components, the owner/operator shall:*
- 1. Take immediate action to protect human health and safety;*
2. Notify the Department within two hours of the findings; and
3. Undertake the actions specified under 310 CMR 19.150, Landfill Assessment and 310 CMR 19.151: Corrective Action, as required by the Department."
- b. If at any time monitoring detects the presence of any combustible gases at or in excess of 10% of the lower explosive limit at any location within a building or within any utility conduits on site or off-site, the Town shall notify MassDEP's Bureau of Waste Site Cleanup-Emergency Response Section (508) 946-2714 within two (2) hours of the exceedance as per 310 CMR 40.0321(1) (a) of the regulations.
10. Vehicles Operating on the Landfill Final Cover System: Vehicles operating on the Landfill final cover system shall only operate on the designated permanent and temporary access roads, except for low-pressure construction equipment (with ground pressures of **7 psi** or less) in accordance with the remaining conditions of this permit. Low-pressure construction equipment operating off the access road shall limit turning on the vegetative support layer as much as possible. If MassDEP determines the use of excavation equipment is creating the potential for damage to the 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 #5.
11. Permanent and Temporary Roads and Low Ground Pressure Equipment: Low ground pressure equipment shall not access the final cover system from permanent and temporary roads where

the transition will result in excessive pressure and wear on the Landfill vegetative service. The on-site engineer may construct ramps as necessary.

12. Integrity of the Final Cover System: All disturbances of the Landfill shall be limited to the proposed excavations (i.e. existing access road investigations) 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 12-inch sand drainage layer or the HDPE flexible membrane layer without written approval by MassDEP. The Engineer and Applicant's Contractors shall ensure that vehicles operating on the Landfill surface do not compromise the integrity of the Landfill final cover system.
13. Construction Precautions: All excavations and construction shall be supervised by a Massachusetts Registered Professional Engineer. All necessary precautions shall be taken to protect the Landfill storm water control system, environmental monitoring network and the Landfill gas vents and other on site structures. All operators of vehicles entering the area should be clearly instructed by the on-site engineer and/or the Applicant's Contractor of the permit requirements to avoid damage to the Landfill components. The on-site engineer shall observe the extent of each excavation performed on the Landfill capping system. If any damage occurs to any Landfill components, the Applicant's Engineer shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.
14. Landfill Gas and Inverter/Transformer Pad and Interconnection Equipment: The Applicant, Engineers and Applicant's Contractors are responsible to ensure that utilities/structures will not accumulate landfill gas during construction and operation. All utility trenches shall be designed so they do not act as a conduit for landfill soil-gas migration.
15. Post-closure Use Operation and Maintenance Plan: During the first year of operation of the PV array, inspections of the Landfill final cover system shall be performed on a monthly basis. Monthly inspection reports shall be submitted to MassDEP within fourteen (14) days of completion. Following the first year of operation of the PV array, inspections of the Landfill shall be performed on a quarterly basis and shall be submitted to MassDEP within fourteen (14) days of completion. Pursuant to 310 CMR 19.142(6) inspections shall be conducted by a third-party consulting Massachusetts Registered Professional Engineer, or other qualified solid waste professional. The Applicants, Engineers and Applicant's Contractors shall monitor the effectiveness of the storm water management system which should include; swales, structures and any and all conveyance systems. MassDEP shall be consulted prior to any deviation from the approved storm water design. MassDEP may require a permit modification application for significant design modifications. Any erosion problems, settlement problems, security or other issues observed at the Landfill shall be reported to MassDEP and repaired immediately.
16. Site Security: The Applicants and Applicant's 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.
17. 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, at a minimum; dismantling and removal of all panels and supporting equipment, transformers, overhead cables, foundations and buildings and restoration of the roads to restore the site to substantially the same physical condition that existed prior to Post-Closure use construction.

18. 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.
19. 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 MassDEP transmittal number X239763 and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of the MassDEP and the Regional Director for the

regional office which processed the permit application at least five days prior to the filing of an appeal.

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

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

No allegation shall be made in any judicial appeal of a permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

Please direct any questions regarding this matter to me at (508) 946-2847 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, Acting Chief
Solid Waste Management Section

D/DC/rr

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fc: Dartmouth Board of Selectmen
(508) 910-1839

Dartmouth Board of Health
(508) 910-1893

Dartmouth Building Department
[Paul Murphy](#), Director of Inspectional Services
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