



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

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

Broadway Renewable Strategies, LLC  
295 Freeport Street  
Dorchester, MA 02122-3592  
Attention: Jonathan Wienslaw

March 1, 2013

RE: Lee-DSWM- Landfill  
201 Woodland Road  
Post Closure Use – Solar Power  
**Permit Approval**  
BWPSW36  
Transmittal #X240539  
SWM File #13-150-001

Dear Mr. Wienslaw:

The Massachusetts Department of Environmental Protection (the MassDEP) is issuing this permit to Broadway Renewable Strategies, LLC (“Permittee” and “Applicant”) approving the post closure use of the Town of Lee’s capped landfill (the “Landfill”) as a solar power farm (Solar Farm). The Landfill is located at 201 Woodland Road in Lee, Massachusetts.

On February 1, 2012, MassDEP received the BWPSW36 Major Post Closure Use permit application, under transmittal #X240539 (the “Application”). The Application was prepared by your consultant, Lynnfield Engineering, Inc. On March 23, 2012, MassDEP sent, by electronic mail, a list of questions and concerns regarding the Application to your consultant. The project was placed on hold pending receipt of a response.

On September 27, 2012, MassDEP received a Supplemental Submittal prepared by your consultant dated September 26, 2012. On October 15, 2012 MassDEP issued a letter of Technical Deficiency that required the Applicant to respond and submit additional information addressing the deficiencies, questions and concerns listed in the letter.

On December 27, 2012, MassDEP received Supplemental Submittal No. 2 dated December 21, 2012, also prepared by your consultant.

On January 25, 2013, MassDEP sent by electronic mail a list of questions regarding the Application to the Applicant and to your consultant. The project was placed on hold pending receipt of a response. On February 26, 2013, MassDEP received Supplemental Submittal No. 3, dated February 25, 2013, also prepared by your consultant.

The Application and Supplemental Submittals were prepared by your consultant, Lynnfield Engineering, Inc. The Application bears your certification and was prepared under the supervision of and bears the signature and seal of Richard Barthelmes, Massachusetts Registered Professional Sanitary Engineer # 33017.

Supplemental Submittal No. 3 replaced and superseded the previously submittals. The Permit Application Form and Transmittal Form were included in the initial submittal. MassDEP issuance of this Permit is based on the information included in the Application Form, the Transmittal Form and Supplemental No.3 and the specific responses to questions and concerns responded to in Supplemental Submittals No. 1 and No 2. Supplemental Submittal No. 3 included a bound submittal and a set of Plans consisting of seven engineering plan sheets. The bound submittal included responses to previous questions and concerns, text describing the proposed post-closure use, engineering calculations; geotechnical evaluations; and post-closure monitoring.

The Geotechnical evaluations were prepared by and bear the seal and certification of Alfred A. Taney, Massachusetts Registered Professional Civil Engineer #41218. The electrical plans bear the seal and signature of Lawrence A. Farrer, Massachusetts Registered Electrical Engineer # 30388.

#### Summary of Proposal

The Town of Lee (the “Town” or “Owner”) completed Final Closure (capping) of the Landfill in 1995, in accordance with engineering plans approved by MassDEP. The cap consists of (from bottom to top) six (6) inches of sand gas vent layer, a geocomposite clay liner (GCL) geomembrane, 12 inches of sand drainage layer, and 12 inches of vegetative support layer. On July 2, 1997, MassDEP issued a Closure Certification Permit for the Landfill. This Permit requires post closure environmental monitoring and maintenance of the Landfill.

An Environmental Notification Form for the proposed Solar Farm was submitted pursuant to the Massachusetts Environmental Policy Act (“MEPA”). On August 24, 2012, the project received a Certificate from MEPA determining that no further review is required.

The application proposes the construction and maintenance of a 0.46 megawatt (MW) DC photovoltaic solar farm on approximately 2.5 acres of the capped landfill, as follows:

- The solar array will be placed on the landfill cap, on the flatter top portion of the Landfill, with the solar panels tilted at 30 degrees from horizontal, facing south;
- A total of 1606 Suntech solar panel modules, mounted on a rack system and attached to concrete ballast blocks will be placed on the vegetative support layer of the cap;
- Nine (9) combiner boxes with disconnects will be mounted on separate rack systems located to the west of the solar panels;
- Concrete ballast blocks will be pre-cast and placed either directly on top of the existing landfill cap or additional borrow of asphalt millings, or crushed asphalt, brick or concrete will be placed if leveling is required for the placement of the blocks.
- Transformers, switches, and inverter will be installed on concrete pads located beyond the limits of the landfill cap;
- Electrical conduits installed within the limits of the landfill cap are proposed to be 1.5 inch

diameter with six inches of soil cover. The conduits will be placed entirely within the existing vegetative support layer of the cap;

- Excavation into the cap is limited to the installation of the conduits;
- An existing access road from Woodland Road is proposed to be upgraded from the property line to the east to the south end of the Landfill. The road will be constructed by the placement of six inch thickness of processed gravel. A portion of this road that is presently located above the landfill cap will be relocated southerly off of the limits of the cap;
- A permanent access road will be built on the south slope landfill cap for vehicle access for construction and maintenance activities. This road will connect the existing road to the top of the south slope;
- Light displacement equipment will transport all materials from the end of the permanent road to the installation locations;
- It is proposed that if the operation of light displacement equipment on the landfill cap is detrimental or may be detrimental that operating the equipment will temporarily stop and a layer of woven geotextile will be placed directly over the vegetative support layer of the landfill cap, and six inches of gravel will be placed over the geotextile;
- A construction staging area is proposed to be located off the access road, at the southwest end of the Landfill. The staging area will be located off of the landfill cap;
- A six-foot tall, chain-link fence will be installed around the entire perimeter of the solar farm and will be located outside the limits of the existing landfill cap;
- Locking gates will be provided at the access road entrance to the Landfill and at gates installed to allow access to environmental monitoring locations; and
- The solar array will be grounded as required by electrical code, No grounding wires or rods will extend down into the vegetative support layer of the cap.

Calculations are provided showing the potential ground pressure on the cover from the weight of the ballasts, racks, panels, as well as snow and wind loads. They indicate that the maximum ground pressure will be about 6.3 pounds per square inch (psi).

Geotechnical calculations (included in Appendix D) for the proposed roadway on the south slope of the landfill were performed and submitted to determine the thickness and design of the road base above the existing landfill cap.

Stormwater analyses for changes to stormwater runoff from the proposed roadway construction on the south slope are included in Appendix E. These calculations were used to design the culvert under the proposed roadway. The only proposed change to stormwater management at the landfill is the proposed installation of an 18-inch culvert at the south end of the proposed access road, where it crosses the perimeter stormwater swale.

There are no proposed changes to the existing, long-term monitoring program for the landfill. The Town will continue to maintain and mow the landfill areas located outside the limits of the lease as delineated on the Plans. The Applicant proposes to maintain and mow areas located within the lease limits.

### **MassDEP Determinations**

Personnel of MassDEP have reviewed the Post-Closure Use permit application for the 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.

Note that this document is a permit issued pursuant to MGL Chapter 111 Section 150A and the regulations promulgated hereunder at 310 CMR 16.00 and 310 CMR 19.000.

### **GENERAL PERMIT CONDITIONS**

1. Broadway Renewable Strategies, LLC ("Broadway") is the Permittee and Operator for this post-closure use permit for the construction and operation of the solar farm on the landfill, and is responsible to comply with the conditions of this permit, as the permittee and the Operator.
2. The Town of Lee (the "Town"), as the owner of the landfill, is also responsible for continued maintenance of the landfill, and for continued monitoring of the landfill in accordance with the requirements of the July 2, 1997 Closure Certification Permit and this Permit.
3. The Permittee shall install the solar panels and modify the landfill only in accordance with the Application referenced above, except as modified by this permit or otherwise approved by the MassDEP in writing.
4. A minimum of seven (7) days prior to the start of construction, the Permittee shall submit a detailed schedule for the project to MassDEP.
5. A minimum of seven (7) days prior to the start of construction, the Permittee shall submit a list of project personnel and their contact information. The Permittee shall advise MassDEP in writing of any changes in the project personnel list.
6. Construction Oversight:
  - a. A third-party, independent Massachusetts-registered professional engineer knowledgeable in landfill design and construction (the "Construction Engineer") shall supervise the overall construction of the Solar Farm. The Construction Engineer and/or a qualified QA/QC officer shall be present at the site at all times during construction of the road, fence installation, and installation of the electrical equipment, ballast blocks, and rack/panel installation, and when any construction equipment is operating on the landfill cap. The QA/QC officer shall work under the direct supervision of the Construction Engineer.

- b. The Construction 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 and the Town, which shall summarize the work performed during the month.
  - c. The Construction Engineer shall inspect the site at least once per week during periods when daily oversight is unnecessary. The Construction Engineer may contact MassDEP for guidance if the need for daily engineering oversight is unclear in a given circumstance.
  - d. The Construction Engineer shall have sufficient staff onsite to provide quality assurance/quality control (QA/QC) oversight for all construction work at the site, and shall submit monthly construction progress reports to MassDEP summarizing the work performed during the month.
  - e. Within 60 days following the completion of construction, the Construction Engineer shall submit a completion report, signed and stamped by a Massachusetts-registered P.E., either certifying that the work was completed in accordance with the approved plans and specifications and the conditions of this permit or detailing any and all deviations from this approval.
  - f. MassDEP reserves the right to require greater or more frequent oversight by the Construction Engineer than specified herein if it believes such increased oversight is necessary to protect the landfill cover or appurtenances, public health, safety, or the environment.
7. The Construction Engineer's monthly construction report shall include at a minimum the following:
- a. Updated schedule;
  - b. Copies of daily field inspection reports;
  - c. Summary of any and all deviations from compliance with requirements approved or set forth in this Permit or subsequent MassDEP approvals;
  - d. Any actions taken to correct such deviations, as required by MassDEP or recommended by the Engineer;
  - e. Schedules to correct identified problems;
  - f. Review of quality assurance/quality control (QA/QC) testing data generated, and documentation for construction and QA/QC activities;
  - g. The construction report shall be signed, sealed and certified by the Engineer in accordance with 310 CMR 19.011 (1&2); and
  - h. The Engineer shall submit one copy of the monthly report to the MassDEP and one copy to the Town no later than seven (7) days following the end of the previous month.

### **SPECIFIC PERMIT CONDITIONS**

8. The Permittee, owner, operators 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.

9. 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.
10. Prior to the commencement of construction activities, the entire solar array area including access roads shall be mowed.
11. Prior to the commencement of construction activities, all landfill gas vents and interconnecting pipes, 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 vehicles accessing the cap area.
12. 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 (except for conduit installation) or sand drainage layer of the cap without separate written approval from the MassDEP.
  - a. All concrete blocks placed on the cap shall be placed on top of, or above, the vegetative support layer of the cap, unless otherwise approved by the MassDEP in writing.
  - b. Excavation approved by this Permit is the limited excavation required for the installation of the electrical conduits as detailed on the design plans.
  - c. Survey and control stakes shall not be driven into the landfill cap.
  - d. Erosion control devices within the limits of the cap shall not be installed using stakes.
  - e. Staples less than 12 inches total length may be used to hold erosion control devices
13. The Permittee (Broadway) and their contractor(s) are responsible to ensure that the inverter and transformer cabinets will not accumulate landfill gas during the construction and operation of the solar system. 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. Additional requirements for the enclosures include the following:
  - a. All conduits and conduit trenches shall be sealed at all ends.
  - b. The Permittee shall ensure that the design of any transformers, inverters, and any other electrical cabinets/equipment shall not allow the entry of landfill gas, and in

- the event that gas does enter, the equipment shall be designed to prevent the ignition of the gas.
- c. 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.
  - d. If the Permittee intends to install any other equipment on the surface of the landfill or in proximity of the landfill (i.e. equipment not specifically identified in the application or subsequent correspondence), it shall submit documentation and specifications for such equipment prior to construction so that MassDEP can review it in relation to potential landfill gas impacts.
14. All photovoltaic rack assemblies and above-ground wiring shall be kept at least 10 feet from any landfill gas vents.
15. The Permittee is responsible to ensure that the proposed work complies with all applicable local, state and federal regulations, including local building permits and electrical permits, as may be required.
16. 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 structures, landfill monitoring wells, or landfill gas venting wells. If any damage occurs to any of the above-listed landfill components, The Permittee shall notify MassDEP (within 24 hours maximum), a written plan for repair of the components shall be submitted to MassDEP within 48 hours, and any repair work shall be completed on the schedule approved by MassDEP.
17. Construction work along the top ridge of the landfill shall not interfere with, or damage in anyway, the landfill gas (LFG) vents and venting trench located between the gas vents.
18. Prior to the start of construction, the Permittee shall determine the actual ground pressure of all equipment to be used on the cap, at fully loaded capacity (i.e. including full loads of grading materials or concrete ballast), and document that the loaded ground pressure is less than 7 PSI.
19. Vehicles operating on the landfill cap shall only operate on the designated access roads, except for low-pressure construction equipment (with loaded ground pressures of 7 psi or less) which may operate off the access road, in accordance with the conditions of this permit. All operators of vehicles entering the cap 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 cap components. Low-pressure construction equipment operating off the access road 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.

20. MassDEP specifically reserves the right to restrict or prohibit heavy vehicular loads from the access road on the landfill cap, either as a weight restriction or a usage restriction, should inspections or other information reveal the potential for damage to the cap beneath the road from heavy vehicle loads. MassDEP also specifically reserves the right to impose, at any time deemed necessary by MassDEP, additional requirements for construction of the access road on the cap, including the addition of a geo-grid to the base of the access road.
21. If MassDEP determines that the use of equipment is creating the potential for damage to, or is damaging, the landfill cap, the usage of such equipment shall cease immediately upon discovery or upon notification by MassDEP, and alternative work practices for operation of equipment of the cap (i.e. placement of geotextile and gravel, as proposed) in the affected area(s) shall be instituted.
22. Prior to the start of construction, the Permittee shall submit to MassDEP a written protocol for determining wheel loadings for the actual vehicles using the gravel service road and entrance road. Wheel loadings shall not exceed the proposed loadings identified in Appendix D of Supplemental Submittal No. 3.
23. If the Permittee modifies the design and intends to use different solar panels, panel racks, ladder racks, or electrical equipment other than that detailed in the application, the Permittee shall notify MassDEP and provide documentation that the alternative equipment does not increase calculated ground pressures or decrease calculated Factors of Safety for solar array stability.
24. Clean, crushed asphalt, brick and concrete (ABC rubble) may be used for leveling beneath ballast blocks, as proposed. The maximum size of the crushed ABC shall not exceed 1.5 inches in its maximum dimension and shall meet the gradation requirements specified for Process Gravel included in the submitted specifications.
25. Compaction of the leveling materials or clean ABC must not damage the geomembrane of the cap, and shall not be compacted more than 6 inches into the vegetative support layer.
26. Coated (painted or stained) ABC rubble shall **not** be used in the Solar Farm construction.
27. The Permittee 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”.
28. All grounding of the solar array shall be performed in accordance with the applicable portions of the NEC and state/local electrical codes. Grounding and electrical equipment shall not penetrate the landfill cap, unless specifically approved by MassDEP.
29. The Permittee and the Town are responsible to ensure that the access entrance from the landfill onto Woodland Road complies with applicable local and state regulations for traffic safety, and that any applicable permits for these entrances are gained prior to construction.



30. All areas disturbed during construction shall be repaired. Additional vegetative support material placed as required, seeded and acceptable grass shall be established except for gravel road surfaces.

### **OPERATIONS AND MAINTENANCE CONDITIONS**

31. The following conditions apply to the minimum required maintenance of the landfill:

- a. The landfill surface within the solar system lease limits shall be mowed at least twice per year.
- b. The condition of the fence and access gates shall be inspected at least once a month. Any damage to the fence or gates shall be repaired.
- c. Any erosion problems, settlement problems, or other issues observed on the landfill cap (inside or outside of the limits of the Solar Farm) shall be reported to MassDEP, stabilized immediately and repaired within 30 days of discovery.
- d. The condition of access roads shall be inspected at least twice a year.

32. Following completion of the installation, inspections of the Solar Farm shall be performed on a quarterly basis by a qualified, independent third-party inspector working under the direction and supervision of a Massachusetts registered professional engineer. After one year of quarterly inspections, the Permittee may petition MassDEP in writing to reduce the frequency of inspections. The following conditions shall apply:

- a. The entire landfill cap and access roads shall be walked and any problems with the landfill cap, erosion, unusual or excessive settlement, stressed vegetation, damage to landfill gas monitoring wells, vents, and other appurtenances, and any other problems with the landfill cap shall be identified.
- b. Preparation and submittal of an inspection report summarizing the inspection.
- c. Identification of any problems with access controls such as damaged gates and/or fences, as well as any evidence that unauthorized access to the solar array area that may have occurred.
- d. Any damage to landfill gas monitoring wells or other monitoring points, landfill gas vents, or other landfill appurtenances.
- e. A description of actions taken to correct any problems.
- f. A signed and certified copy of the Inspection Report shall be submitted to MassDEP and to the Board of Health within 30 days of the date of the inspection.

33. The Permittee shall ensure that any erosion, unusual or excessive settlement, stressed vegetation, damage to landfill gas monitoring wells, vents, and other appurtenances, and any other problems with the landfill cap identified during any inspection or site visit are reported to MassDEP within 24 hours of discovery. Such problems shall be evaluated and appropriately repaired within 7 days of discovery or in accordance with an alternative schedule approved by MassDEP.

34. At the completion of the use of the solar farm the following actions shall be taken:
- a. All panels, racks, concrete blocks located on the landfill cap, and exposed conduits shall be removed and sealed.
  - b. Buried conduits may remain provide they are cut off below grade and permanently plugged.
  - c. Landfill grades shall be restored and vegetative support layer shall be replaced/repairs as necessary.
  - d. All disturbed areas except for gravel road surfaces shall be reseeded.
  - e. Vegetation shall be established and maintained.

### **STANDARD CONDITIONS**

35. 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.
36. If construction of the solar panel installation has not been completed within three years of the date of issuance of this Permit, this Permit shall expire. The Permittee, owner or operator may apply to the MassDEP for an extension of the Permit at any time prior to or after it expires.
37. If the Permittee intends to operate the Solar Farm after the expiration of this permit, the Permittee is required to submit a request for a renewal of the permit at least 90 days prior to the expiration of the permit.
38. If the Permittee intends 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.
39. If the permittee or operator discontinues operation of the Solar Farm, the Town, the permittee and the operator are responsible to perform decommissioning activities as outlined in the permit application, including removal of the solar array equipment, ballasts, and associated leveling pads.
40. This permit is issued subject to the conditions of joint liability of the permittee, the owner and the operator in accordance with 310 CMR 19.043(3).
41. The Permittee, their contractors and subcontractors and the Construction Engineer shall be considered Operators with respect to the construction of the Solar Farm and compliance with plans and specifications. The Permittee 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 The Permittee or the Construction 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 the Permittee or the Engineer were, or should have been, aware. 310 CMR 19.006, defines "Operator" as:

*“Operator means any person who has care, charge or control of a facility subject to 310 CMR 19.000, including without limitation, an agent, lessee of the owner or an independent contractor.”*

42. The Permittee, the Town, the Contractor(s), and subcontractors shall comply with 310 CMR 19.015 Compliance, which states:

*“No person shall construct, modify, operate or maintain a facility except in compliance with a site assignment, permit or plan approved by the board of health or MassDEP, as applicable, and any authorizations issued by MassDEP and all conditions included in a permit, approval or authorization for said facility.”*

43. The Applicant in this permit application seeks no variances from any applicable regulations.
44. 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, 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 owners, operators or otherwise legally responsible parties from any other applicable laws, statutes or regulations now or in the future.
45. Environmental monitoring shall continue to be performed at the landfill by the owner (the Town) as detailed in previous correspondence to the Town from MassDEP.
46. MassDEP and its agents and employees shall have the right to enter upon the Landfill at all reasonable times, 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. 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 Permittee and MassDEP.
47. 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 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.
48. Unless otherwise directed herein, all submissions required pursuant to this permit shall be sent to:

Section Chief, Solid Waste Management  
Department of Environmental Protection  
436 Dwight Street  
Springfield, MA 01103

49. Compliance with submissions required pursuant to this approval shall be determined by the date of receipt by MassDEP or by the postmarked date, whichever is earlier.

50. All verbal notifications shall be followed by written notification within 48 hours of discovery.

Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance or denial of this permit decision, except as provided for under 310 CMR 19.037(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 (13-150-001) 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 Charles Clines of this office at 413-755-2120.

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

DH/CAC/cac

1501modsolar.0113

Certified Mail 7007 0710 003 2181 0465, Return Receipt

cc: Town Administrator, 32 Main Street, Lee, Massachusetts 01238  
Board of Health, Town of Lee, 32 Main Street, Lee, Massachusetts 01238  
Lee Planning Dept., 32 Main Street, Lee, Massachusetts 01238  
Chris Pompei, Director, DPW, 32 Main Street, Lee, Massachusetts 01238  
Lynfield Engineering, Inc., 199 Newbury St., Suite 115, Danvers, MA 01923