



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 29, 2016

Mr. Vincent Barletta
TLA-Holbrook, LLC
40 Shawmut Road
Canton, MA 02021

Town of Holbrook Board of Health
50 North Franklin Street
Holbrook, MA 02343

RE: **HOLBROOK**
TLA-Holbrook, LLC Municipal Solid Waste
Transfer Station 3 Phillips Road and
6 Phillips Road
**FINAL REPORT ON SUITABILITY FOR
SITE ASSIGNMENT AFTER
RECONSIDERATION**
Application # BWPSW01
Transmittal Number: #X254488
Facility No. 558260

Dear Mr. Barletta and Board of Health Members:

The Massachusetts Department of Environmental Protection, Bureau of Air and Waste, Solid Waste Management Section (“MassDEP” or the “Department”), has completed its review of the permit application (“Application”) listed above, the October 9, 2015, Motions for Reconsideration and to Reopen the Record (“Motions”), public comments on the Motions, and the December 7, 2015, response to MassDEP comments. The original Application was submitted on your behalf by Woodard & Curran of Dedham, Massachusetts, and received by MassDEP on June 18, 2014. MassDEP reviewed the original application and supplemental submittals under the provisions of 310 CMR 16.00, “Site Assignment Regulations for Solid Waste Facilities.” TLA-Holbrook, LLC proposes to construct and operate a 1,000 ton-per-day municipal solid waste (“MSW”) transfer station at 3 Phillips Road in Holbrook, Massachusetts and proposes to site assign property located at 3 Phillips Road and at 6 Phillips Road, Holbrook, Massachusetts.

The original Application consisted of the document entitled:

**Site Suitability Report For A New Site Assignment
3 Philips Road
Holbrook, Massachusetts
June 16, 2014**

Supplemental information was submitted in response to MassDEP’s Determination of Administrative Incompleteness issued on July 8, 2014, consisting of a document entitled:

Site Suitability Report For A New Site Assignment
3 Philips Road
Holbrook, Massachusetts
June 16, 2014
Revised September 22, 2014

Supplemental information prepared by Beveridge & Diamond_{PC} on behalf of the Applicant was received on May 18, 2015, June 4, 2015, June 24, 2015, July 13, 2015, August 7, 2015, and August 10, 2015.

MassDEP assigned Report Number 133-003-A to this permit Application.

On May 21, 2015, MassDEP determined the Application was Administratively Complete. Pursuant to the provisions M.G.L. c.111, §§150A & 150A1/2 and 310 CMR 16.00, Public Notice concerning the proposed solid waste site assignment was given and a twenty-one (21) day public comment period commenced on June 30, 2015, and ended on July 20, 2015.

During the public comment period, MassDEP received correspondence from interested parties. MassDEP reviewed these comments, provided copies of all comment correspondence received during the public comment period to the Applicant and the Holbrook Board of Health via electronic-mail. On July 27, 2015, MassDEP issued correspondence to the Applicant requesting a formal response to the public comments. On August 7, 2015, August 10, 2015, and August 19, 2015, the Applicant submitted responses to the public comments. On August 19, 2015, MassDEP requested an extension of the August 28, 2015, deadline for completion of the Application's review and issuance of the site suitability report until September 10, 2015. On August 20, 2015, the Applicant provided MassDEP with a written agreement to extend the Application review period until September 10, 2015.

On September 2, 2015, MassDEP's Commissioner and other MassDEP officials met with several state representatives and local officials, including the towns of Braintree, Randolph and Avon, in Holbrook during which the parties expressed their concerns regarding the proposed site assignment.

On September 3, 2015, Representative William C. Galvin (sixth Norfolk district) submitted correspondence reiterating the concerns raised at the September 2, 2015, meeting.

MassDEP continued to receive additional comment letters on the Application after the July 20, 2015 close of the comment period, which have been appended to the Record.

On September 10, 2015, MassDEP issued a Negative Report on Suitability for Site assignment. MassDEP determined that the Application, as submitted and supplemented, contained sufficient information for some criteria to allow the MassDEP to determine whether the site meets the criteria set forth in 310 CMR 16.00, but the Application, as submitted and supplemented, did not contain sufficient information on six criteria to allow MassDEP to make a determination on those criteria.

On September 15, 2015, Beverage & Diamond submitted Motions for Reconsideration and to Reopen Record ("Motions"). MassDEP reviewed the Motions and on October 9, 2015, determined that it is appropriate to reopen the Record and required that the Applicant provide public notice regarding the Motions. On October 28, 2015, MassDEP received documentation that public notice was published in the Canton Journal, the Holbrook Sun, the Randolph Herald and the Stoughton Journal on October 23,

2015, and that notice was published in the October 19, 2015, MEPA Environmental Monitor, and abutters were notified via U.S. Mail. Accordingly, the twenty-one day public comment period commenced on October 29, 2015, and ended on November 18, 2015.

MassDEP received correspondence from interested parties. MassDEP reviewed these comments, provided copies of all comment correspondence received to the Applicant and the Holbrook Board of Health via electronic-mail. Comments were received from Town of Holbrook residents, Town of Randolph residents, surrounding community residents, Town of Holbrook officials, Town of Randolph officials, other surrounding communities officials, Senator Brian Joyce, Representative William Galvin, Representative Walter Timilty, Representative Mark Cusack, Representative Ronald Mariano, and Representative Bruce Ayers.

With respect to Environmental Justice (“EJ”), MassDEP has determined that the proposed location to be site assigned is not directly located within an area with an Environmental Justice Population, but EJ Populations reside in areas of Randolph and Holbrook immediately adjacent to the proposed transfer station site. Pursuant to the “Environmental Justice Policy of the Executive Office of Environmental Affairs”, dated October 9, 2002, enhanced public participation is required for any project as it undergoes review in accordance with Massachusetts Environmental Policy Act (“MEPA”), if the project site is within one mile of an EJ Population and the project exceeds an Environmental Notification Form (“ENF”) threshold for solid waste. The proposed 1,000 ton per day project exceeds the ENF MEPA Review Threshold for solid waste storage, treatment or processing of 50 tons per day.

The Applicant provided copies of the Application, supplemental information, and the Motions for public review, which are located in the Holbrook Public Library and the Turner Free Library in Randolph, and published notification of the Application and the Motions in English and Spanish in the Canton Journal, the Holbrook Sun, the Randolph Herald and the Stoughton Journal. In addition, Application documents were made available via a link posted on the Holbrook Planning Board web site. Documents issued by MassDEP were made available on the MassDEP Southeast Regional office web site.

Pursuant to 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities," and as detailed in its “Final Negative Report on Suitability After Reconsideration” enclosed herein, the Department has determined that sufficient information exists to allow the Department to make a determination whether the Site meets all applicable criteria for site suitability for the proposed use. Attached is the Final Negative Report on Suitability after Reconsideration, Report #133-003-A prepared by the Department.

The Department hereby issues a Final Negative Report on Suitability After Reconsideration for the TLA Holbrook Transfer Station under the authority of M.G.L. c. 111, ss. 150A and 150A½, as amended and 310 CMR 16.00. Pursuant to 310 CMR 16.15(1), the site assignment process has been determined to be complete, and since this is a Negative Report the Holbrook Board of Health shall not hold a public hearing. Appeal rights are noted in the Report.

If you have any questions regarding this determination, please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 or at the letterhead address. In any correspondence regarding this application, please refer to Transmittal #X254488 and Report Number 133-003-A.

Yours Very Truly,

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

Mark Dakers, Chief
Bureau of Air and Waste
Solid Waste Management Section

D/DC/
TLA – HOLBROOK
CERTIFIED MAIL # 70142120 0003 6904

TOWN OF HOLBROOK
CERTIFIED MAIL # 7014 2120 0003 6904 0586

Attachment: FINAL NEGATIVE REPORT ON SUITABILITY AFTER RECONSIDERATION

cc: Massachusetts Department of Public Health
Bureau of Environmental Health Services
250 Washington Street, 7th Floor
Boston, MA 02108

Town of Holbrook Board of Health
50 N. Franklin Street
Holbrook, MA 02343

Town of Holbrook Board of Selectmen
50 N. Franklin Street
Holbrook, MA 02343

Town of Randolph Board of Health
41 South Main Street
Randolph, MA 02368

Town of Randolph Town Manager
41 South Main Street
Randolph, MA 02368

Avon Board of Selectmen
32 East Main Street
Avon, MA 02322

Avon Board of Health
32 East Main Street

Avon, MA 02322

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hsites@barlettaco.com

Beveridge & Diamond
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DEP/Boston
ATTN: R. Blanchet

DEP-Lakeville
M. Garcia-Serrano
M. Pinaud
M. Dakers
D. Connick



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Secretary

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Commissioner

FINAL NEGATIVE REPORT ON SUITABILITY AFTER RECONSIDERATION

REPORT #133-003-A

Prepared by:

**Department of Environmental Protection
Bureau of Air and Waste
Solid Waste Management Section
Southeast Regional Office
Lakeville, Massachusetts**

January 29, 2016

**FINAL NEGATIVE REPORT ON SUITABILITY
AFTER RECONSIDERATION**

APPLICANT

TLA-Holbrook LLC
40 Shawmut Road
Canton, Massachusetts 02021

Application Prepared by:
Woodard & Curran, Inc.
900 Washington Street, Suite 325
Dedham, Massachusetts 02026

and

Beveridge & Diamond_{PC}
15 Walnut Street, Suite 40
Wellesley, Massachusetts 02481

LOCATION OF PROPOSED FACILITY

3 Philips Road and 6 Phillips Road
Holbrook, Massachusetts

TYPE OF PROPOSED FACILITY

Solid Waste Handling Facility ("Facility")
for Municipal Solid Waste
(Maximum Capacity of 1,000 tons per day)

The Massachusetts Department of Environmental Protection, Bureau of Air and Waste, Solid Waste Management Section ("Department" or "MassDEP"), has prepared this report on the above referenced application ("Application") pursuant to the authority granted by Massachusetts General Laws, c. 111, §§ 150A & 150A1/2 and 310 CMR 16.00, *Site Assignment Regulations for Solid Waste Facilities*.

STATEMENT

MassDEP has determined that the Application, as submitted, supplemented and amended by information referenced in this report, contains sufficient information to allow the MassDEP to determine whether the site meets the criteria set forth in 310 CMR 16.00.

I. INTRODUCTION

TLA–Holbrook, LLC (“TLA” or the “Applicant”), 40 Shawmut Road, Canton, Massachusetts, 02021 proposes to construct and operate a 1,000 tons per day (“tpd”) Municipal Solid Waste (“MSW”) transfer station (“the Facility”) at 3 Phillips Road, Holbrook Massachusetts. Pursuant to M.G.L. c. 111, §§ 150A and 150A1/2 and 310 CMR 16.00, on June 18, 2014, TLA submitted an application to MassDEP for a determination of the suitability of the site, BWP SW 01 – “Site Suitability Report for a New Site Assignment”, Transmittal Number X254488, (the “Application”), for the proposed Facility. The Application includes reports, prepared by Woodard & Curran, 980 Washington Street, Suite 325, Dedham, Massachusetts, 02026, entitled “Site Suitability Report for a New Site Assignment – 3 Phillips Road, Holbrook, Massachusetts” (Records #1 & 31) and other supplemental information.

The property proposed to be site assigned (the “Site”) consists of two land parcels totaling 14.85 acres. The first parcel occupies 11.17 acres of land owned by the Town of Holbrook located at 3 Phillips Road and shown as Lot 3 on the Existing Conditions Plan. (Record #11). The land is leased by TLA pursuant to a Lease and Host Community Agreement and certain assignments of that Lease to TLA. An additional 3.68 acre parcel of land, owned by Six Phillips Road Trust and shown as Lot 12 on the Waste Handling Area Plan – Figure 13 (Record #40), is leased to TLA and is also proposed by TLA to be included in the site assignment. TLA states that the Six Phillips Road Trust parcel will only be used as an access road and not for any waste handling activity. (Record #60). The proposed Site is located in an industrial park in the Holbrook Industrial District.

The proposed Facility is intended to accept MSW delivered by truck for sorting and transfer onto rail cars and/or trucks for transport to various locations throughout the country for disposal and/or recycling. With the exception of a proposed solid waste and recyclable materials drop-off area for Holbrook residents, all unloading sorting and loading onto rail cars and/or trucks will occur within the interior of a 27,331 square foot building.

The “handling area” as defined by 310 CMR 16.02, on the Site will be limited to the designated area within the transfer station building and at the designated area at the residential drop off area. These waste handling areas are shown on the Waste Handling Area Plan – Figure 13. (Record #40).

As proposed, the facility will accept up to 1,000 tpd of MSW and will operate 6 days per week, Monday through Saturday. TLA proposes to accept waste deliveries between 6:00 AM and 6:00 PM, and operate until 9:00 PM.

Pursuant to the provisions of 310 CMR 11.00, an Expanded Environmental Notification Form (“EENF”) was submitted to the Executive Office of Energy and Environmental Affairs (“EEA”) and filing of the EENF was published in the Environmental Monitor on November 21, 2012. On January 25, 2013, EEA issued a Certificate of the Secretary of Energy and Environmental Affairs, stating that the proposed project does not require filing of an Environmental Impact Report. (Record #13).

II. STATEMENT OF FACTS AND FINDINGS

FACILITY-SPECIFIC SITE SUITABILITY CRITERIA **CRITERIA FOR SOLID WASTE HANDLING FACILITIES** **{310 CMR 16.40(3)(d)}**

1. **Criterion at 310 CMR 16.40(3)(d)(1) Zone I:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone I of a public water supply;

The Applicant states that the area proposed to be site assigned is not within the Zone I of a public water supply well. (Record #31). The Applicant submitted a Water Resources Site Plan illustrating the locations of community groundwater wells. (Record #32). MassDEP establishes Zone I areas as the area encompassed by a protective radius of 400 feet around a public water system well with a yield of 100,000 gallons per day or greater. Three wells are shown on the Water Resources Site Plan, the closest being approximately 1,100 feet from the Site.

MassDEP's Finding:

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone I of an existing water supply and the Site meets this criterion.

2. **Criterion at 310 CMR 16.40(3)(d)(2) Interim Wellhead Protection Areas and Zone II:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well or within a proposed drinking water source area.

The Applicant states that the area proposed to be site assigned is not within an Interim Wellhead Protection Areas or the Zone II of a public water supply well. (Record #31) The Applicant submitted correspondence from the MassDEP's Southeast Regional Office, Regional Director approving the Conceptual Zone II Delineation of the Randolph-Holbrook Joint Water Board's South Street Well #1, South Street Well #2, and South Street Well #3 (Record #27), and the Conceptual Zone II Delineation Plan. (Record #36). This delineation supersedes the Interim Wellhead Protection Areas previously established for these wells, as shown on MassGIS maps: Regulated Areas – Water Related data layer, which is to be updated.

MassDEP's Finding:

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone II or Interim Wellhead Protection Area (IWPA) of a proposed drinking water source area and the Site meets this criterion.

3. **Criterion at 310 CMR 16.40(3)(d)(3) Zone A of a Surface Water Drinking Supply:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone A of a surface drinking water supply.

The Applicant states that the proposed waste handling area is not within a Zone A of surface drinking water supply. (Record #31). The Applicant submitted a Water Resources Site Plan which depicts surface water supply watershed boundaries to illustrate that this criterion is met. (Record #32).

MassDEP's Finding:

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone A of a surface drinking water supply and the Site meets this criterion.

4. **Criterion at 310 CMR 16.40(3)(d)(4) Existing or Potential Private Water Supply Well:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application.

The Applicant states that there are no known existing private water supply wells within 500 feet of the proposed waste handling area. The Applicant states that the area in the vicinity of the Site is served by a public water supply system. (Record #31).

MassDEP's Finding:

MassDEP has determined that the waste handling areas proposed in the Application will not be located within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply and the Site meets this criterion.

5. **Criterion at 310 CMR 16.40(3)(d)(5)b Sensitive Receptors:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area of a transfer station that proposes to receive greater than 50 tons per day of solid waste is 500 feet from:
- i. an occupied residential dwelling; or
 - ii. a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center, excluding equipment storage or maintenance structures.

The Applicant states that there are no legally occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools, high schools, day care centers, or senior or youth centers within 500 feet of the proposed waste handling area. (Record #31). The Applicant submitted a Land Use Plan (Record #34), depicting the locations of sensitive receptors within ½ mile of the proposed Facility. The Applicant submitted a Site Layout Plan showing a 100 foot offset line from the waste handling areas, a 500 foot offset line from the waste handling areas and locations of the nearest residences. (Record #41). The Applicant stated that a “garage” located at “319” South Street, Randolph, Massachusetts is illegally occupied. (This building was subsequently verified to be located at 391 South Street, reflecting that the submission contained a typographical error.)

MassDEP's Finding:

MassDEP regulations do not define “occupied residential dwelling” but instead define “residential.” The term “residential” is defined at 310 CMR 16.02 as “a single, multi-family, or group home, residential unit or apartment complex”. For purposes of 310 CMR 16.00, a group home means an establishment, usually resembling a private home, for providing a small group of persons with special needs, such as handicapped or elderly persons or children, with lodging and supervised care.”

The purpose of this site assignment criterion that establishes a setback from occupied residential dwellings is to protect people who are living within a certain distance (500 feet) of a proposed facility from potential impacts of the facility such as airborne dust and particulates, noise, and odors created by, and vectors that may be attracted to, a solid waste handling facility. There is no provision in the regulation that restricts the application of this criterion only to persons living in a legally zoned or legally occupied residential dwelling. Therefore, MassDEP interprets the phrase “occupied residential dwelling” broadly to fulfill the purpose of the solid waste regulations. MassDEP does not, however, interpret this criterion as protecting persons who occupy a residential dwelling that is not legally zoned or legally occupied for the purpose of preventing the siting of a solid waste management facility.

In its application, the Applicant states that there are no legally occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools, high schools, day care centers, or senior or youth centers within 500 feet of the proposed waste handling area (Records #1 and 31). The Applicant submitted a Land Use Plan (Record #34), depicting the locations of sensitive receptors within ½ mile of the proposed Facility. The Applicant submitted a Waste Handling Area Plan showing a 100 foot offset line from the waste handling areas, a 500 foot offset line from the waste handling areas and locations of the nearest residences. (Record #40). The Applicant states that a “garage” located at “319” (correctly identified as 391) South Street, Randolph, Massachusetts is illegally occupied. (Records #1 and 31).

As part of the Motion for Reconsideration the Applicant submitted a detailed history of the property at 391 South Street (corrected address). (Record #74). This history indicates that the building in question was built in 1988 for office and garage space. At some later date, the owner converted the space to residential apartments. (Record #74). The Town Counsel for the Town of Randolph indicates in correspondence by email dated September 9, 2015, and letter dated October 2, 2015, that there were apartments in the building in use as residences since at least 1993 and this is not in dispute. (Records #72 and 81). In 2006, the owner applied for and the building inspector issued a permit to reroof the building. The permit stated the use of the building was residential and that the building was located in a residential zone. In 2007, the building inspector and health inspector conducted an inspection of the building with the owner, a resident of Randolph. Based on that inspection, the health inspector sent a letter to the owner indicating that 2 apartments in the building failed to meet the health code and that the apartments were not in a residential zone. As a consequence, the owner filed an application to remove 2 kitchens in the building. The building inspector issued a permit for a residential building in a residential zone to conduct this work. There was no mention of a need to remove the remaining 2 apartments in the building. In fact, counsel for the Town of Randolph states in comments submitted to MassDEP in a letter dated October 2, 2015, that the 2007 permit “served to notify the public of the residential uses there and of the enforcement activity with respect to some (but not all) of the apartments. In retrospect, the permit therefore should be recognized as having allowed the two upper-floor apartments to continue in use, and the Town has in fact treated those two units as permissible residential units since that time.”

Town Counsel’s position is consistent with other public records of the Town of Randolph. MassDEP viewed the public online database of the Town of Randolph Tax Assessor’s Office. (Record #67). The building the Applicant claims is a “garage,” has been classified a residence pursuant to M.G.L. c. 59 s. 2A based on the Randolph online tax assessment database (“Colonial Style, Residential Model” with 3 baths and 2 bedrooms). (Record #67). Per a conversation with

the tax assessor's office, the tax assessor's electronic database starts in 2001 and the property has been classified and taxed at the residential rate since at least 2001. (Record # 85).

Based on the occupancy of the building for over 20 years, the two permits for the building which indicate the residential use of the building, the tax assessor classification as a residential building for at least 14 years, and the letter from town counsel dated October 2, 2015, MassDEP has determined that the building qualifies as an "occupied residential dwelling" as that term is used in 310 CMR 16.40(3)(d)(5) and the Applicant has failed to meet its burden with respect to the sensitive receptor criterion. This building is located within the 500 foot setback from the proposed waste handling areas, as determined by MassDEP in its finding under General Criterion number 8. (Record #40). Thus, as currently configured, the waste handling area of the proposed facility fails to meet the sensitive receptor criterion.

6. **Criterion at 310 CMR 16.40(3)(d)(6) Riverfront Area:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Riverfront Area as defined at 310 CMR 10.00.

The Applicant states that the closest river to the Site is the Cochato River and that the waste handling area will not be within the 200-foot Riverfront Area of the Cochato River. (Records #31 & 60). The Applicant submitted a Waste Handling Area Plan which depicts the waste handling areas, the Cochato River and the 200 foot Riverfront Area that indicates the waste handling area is not within the Riverfront Area. (Record #40).

MassDEP's Finding:

The Riverfront Area delineation was considered by MassDEP during its review prior to issuance of a Superseding Order of Conditions and the Riverfront Area was established at that time. (Record #22). MassDEP has determined that the waste handling areas proposed in the Application will not be located within a Riverfront Area and the Site meets this criterion.

7. **Criterion at 310 CMR 16.40(3)(d)(7) Separation to Maximum High Groundwater:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the maximum high groundwater table would be within two feet of the ground surface in areas where waste handling is to occur unless it is demonstrated that a two foot separation can be designed to the satisfaction of the Department.

The Applicant states that the proposed facility will be designed to ensure that a 2-foot separation is maintained between the waste handling area and the maximum high groundwater on the Site. The Applicant submitted a Groundwater Contour Plan based on site work performed during Phase 1 and Phase 2 site investigations of the former Holbrook Chemical Plant (Release Tracking Number (RTN) #4-3024519). (Record #6). The groundwater contours shown on the plan were based on an arbitrary datum. These contours required an upward revision of approximately 30 feet based on the Applicant's observed high groundwater of 129 feet at Boring B-1, located in the vicinity of the proposed upper level of the transfer station to be used for rail car loading. The proposed upper level floor elevation of 136.12 feet, approximately, 7 feet above the observed high groundwater level in that area.

The Applicant states the proposed finish floor elevation in the lower waste handling area is 132.12 feet and an 8.62 foot separation will exist between the floor elevation and the high groundwater level observed in Test Pit T-7. Based on review of the Groundwater Contour Plan and the Site Layout Plan, the groundwater

contours range between approximately 123 to 128 feet, providing between 4 feet and 9 feet of separation. (Record #41).

The Applicant states that floor drains within and under the finished floor slab will be situated two feet above maximum high groundwater. (Record #60).

MassDEP's Finding:

Pursuant to 310 CMR 16.40(1)(c), site suitability applications shall be evaluated with the presumption that the proposed facility shall be designed and constructed to meet all relevant state and federal statutory, regulatory and policy requirements. The review of an application does not consider detailed facility design or operations except where:

- a) the Department determines that specific design or operation plans or data are necessary to determine whether potential discharges or emissions from the proposed facility could render the site not suitable and requires the applicant to submit such relevant and detailed information; or
- b) the applicant intends to alter the site or design the facility to meet specific site suitability criteria and submits such plans or other information as the Department deems necessary to determine if the criteria are satisfied.

MassDEP has determined that although specific design information for the waste transfer building construction, including the floor drains, has not been included in the Application, sufficient information has been submitted to determine that the building and floor drains can be designed to meet the requirement for a 2-foot separation between the waste handling area and the maximum high groundwater level. Had MassDEP found the site suitable and had the Holbrook Board of Health granted site assignment, the Applicant would have been required to submit an Authorization to Construct ("ATC") application to MassDEP. Prior to MassDEP approval, the ATC application must have contained specific design information including among other details, an updated determination of the maximum high groundwater contours in the vicinity of all waste handling areas, final building floor elevations, and final floor drain details including elevations.

MassDEP has determined that the proposed waste handling areas, transfer building, residential drop-off area and appurtenances can be designed to provide a two foot separation between the maximum high groundwater table and waste handling areas and that the Site meets this criterion.

GENERAL SITE SUITABILITY CRITERIA
CRITERIA FOR ALL TYPES OF SOLID WASTE MANAGEMENT FACILITIES
310 CMR 16.40(4)

1. **Criterion at 310 CMR 16.40(4)(a) Agricultural Lands:** No site shall be determined to be suitable or be assigned as a solid waste management facility where:
 1. the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or
 2. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and
 3. a 100 foot buffer would not be present between the facility and those lands as classified at 310 CMR 16.40(4)(a)1 or 2.

Pursuant to MassDEP's "Discussion Document – Proposed Modifications to 310 CMR 16.00," dated March, 1999, the Department of Environmental Protection proposed modifications to the Site Assignment Regulations for Solid Waste Management Facilities, 310 CMR 16.00 to modify the siting criteria for solid waste facilities, in general making them more stringent, and in addition proposing several new siting criteria. These modifications to 310 CMR 16.00 were finalized on June 8, 2001.

MassDEP noted that the existing siting regulations provided a setback only to active agricultural land and proposed to add a criterion to these regulations that not only provided a setback to active agricultural land, but also disallowed the siting of a solid waste facility on Prime Agricultural Land which is land of sufficient size (greater than five acres) and has soil and moisture properties that make the land particularly valuable for agriculture. This criterion was established to reduce development pressures upon high-quality agricultural lands from solid waste management facilities in order to protect this valuable and increasingly rare resource in Massachusetts. The Discussion Document noted that the soil classifications of land have been mapped by the U.S. Natural Resources Conservation Service and were being digitized for mapping purposes by the state's Geographic Information Service. (Record #56).

The Applicant states that the United States Department of Agriculture, Natural Resources Conservation Service (USDA, NRCS) Assistant State Soil Scientist recommended that TLA retain a certified soil scientist to ascertain the current accuracy of the historic USDA soil mapping information and accordingly TLA retained Apex Companies, LLC ("Apex"). Apex performed two site visits to characterize the soil mapping units and submitted a report that concluded that soil mapping units corresponding to Agricultural Land of Prime, Unique or of State or Local Importance do not occur within the survey area. (Record #48). The survey area included land at 3 Phillips Road and the adjacent Baird & McGuire Superfund site.

The Applicant further determined that the proposed site and adjacent property are not actively devoted to agricultural or horticultural use. (Records #31 and 48).

MassDEP's Finding:

The Site property is a state-listed Tier 2 disposal site assigned MassDEP RTN #4-3024519. The property will be remediated under the Massachusetts Contingency Plan 310 CMR 40.0000 as part of the development of the Facility.

MassDEP has determined that the proposed waste handling area will not be located on land on which the soils meet the requirements for classification as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or land is deemed Land Actively Devoted to Agricultural or Horticultural Uses. MassDEP determined that the Site meets this criterion.

2. **Criterion at 310 CMR 16.40(4)(b) Traffic and Access to the Site:** No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:
1. traffic congestion;
 2. pedestrian and vehicular safety;
 3. road configurations;
 4. alternate routes; and
 5. vehicle emissions.

1. Traffic Congestion: The Applicant submitted a Traffic Impact and Access Study (the “Traffic Study”) performed by Ron Muller & Associates (“RMA”), dated November 9, 2012. (Record #14). In response to comments on the traffic study by a consultant engaged by the Holbrook Planning Board, supplemental traffic study information was collected and reported. (July 9, 2013, “Response to Peer Review Comments” (Record #15); August 21, 2013, “Additional Accident Investigation”(Record #16); October 9, 2013, “Follow-up Traffic Counts/Analysis” (Record #17); November 12, 2015, “Additional Waste Transfer Station Counts” report (Record #18); August 7, 2015 response to Public Comments (Record #60); and, August 19, 2015 supplemental Traffic Level-of-Service Analysis Summary. (Record #63).

The Applicant based an initial traffic evaluation on the assumption that the Facility would operate at a maximum waste acceptance rate of 1,000 tons per day, accept waste in packer trucks ranging from 6 to 10 tons of waste per truck, and accept tractor trailers averaging 28 tons of waste per truck, with an overall estimated average incoming waste load of 12 tons. Accordingly, the proposed 1,000 tons of waste would require approximately 84 incoming trucks per day, or 7 trucks per hour over a 12 hour waste acceptance period. (Records #14 and 60).

The Applicant proposes to ship outgoing waste by either rail or trailer truck at the Applicant’s option at any time. Based on shipping outgoing waste in tractor trailers with a 28 ton capacity, 1,000 tons of waste per day would require approximately 36 trucks per day to transfer waste off-site, or 3 trucks per hour over a 12 hour period.

In its Motion for Reconsideration and to Reopen Record, the Applicant submitted two additional traffic evaluations based on an assumed estimated average waste load of 3.8 tons per vehicle, based on operations at the Allied Waste Systems’ Peabody (“Allied Peabody”) transfer station. One traffic evaluation assumed the original traffic distribution pattern based on existing traffic patterns. The second traffic study assumed all traffic would travel through Randolph to mimic a worst case scenario.

For the purpose of the initial Traffic Study peak traffic hour evaluations, the Applicant doubled the daily average number of incoming waste hauling vehicles to 14 trucks per hour. The Applicant assumed 28 vehicle trips per hour based on 14 trucks delivering solid waste, 6 vehicle trips per hour for 3 trucks removing solid waste, and 3 employee arrivals or departures during the weekday AM and PM peak hours. The Applicant assumed that all processed waste will be removed from the Site via trucks as opposed to rail resulting in the assumption of 37 total vehicle trips during the AM and PM peak hours. (Records #14 and 31).

At the request of the Holbrook Planning Board, the Applicant identified the Allied Peabody transfer station as being similar in operation to the proposed Facility. For the purpose of the supplemental traffic studies, the Applicant based peak hour traffic volume estimates on the Allied Peabody traffic count data. The traffic counts were then adjusted upward for a 1,000 ton per day operation. (Records #74 and 82).

The Applicant concluded that acceptable levels of services were predicted at all locations, except for the left-turn movement from South Street onto Route 37 in Braintree that currently operates at level-of-service F. (Record #31 and 74). The initial traffic study indicates that the proposed project will add 1 to 2 northbound vehicles per hour to the South Street/Route 37 intersection that currently has northbound AM and PM peak hour volumes of over 200 to 300 vehicles respectively. (Record #14). The supplemental traffic study based on the Allied Peabody facility traffic and the original distribution indicates that the project will add 3 to 5 vehicles per hour to the intersection. (Record #82).

The Applicant concluded that projected increases in traffic at all study locations are well within the daily fluctuation of peak hour traffic and will not have a noticeable effect on traffic operations. (Records #14, 15, 16, 17, 18, 31, 60, 63, 74 and 82).

The Applicant committed to restricting the use of the residential drop off area to non peak AM and PM traffic hours residents utilizing the residential drop-off area. (Record #74).

The Massachusetts Department of Transportation, District 5 Traffic Section (“MassDOT”) reviewed the Traffic Study and provided a summary of their review in correspondence to MassDEP dated January 4, 2016. (Record #84). MassDOT reviewed the study area limits, the suitability of the traffic modeling software utilized (SYNCHRO), and the model outputs. MassDOT stated its opinion that, based on the submitted information, the proposed transfer station will have minimal traffic impacts on the designated study area.

2. Pedestrian and Vehicular Safety: The Applicant states that pedestrians using the on-site residential drop-off area will park in a designated parking area at the drop-off residential drop-off area. The residential drop-off area will not be used by trucks delivering waste to, or removing waste from, the Facility.

The Applicant states that few pedestrians were observed at the intersection of Route 139 and Water Street/Center Street, where the facility traffic enters Route 139 from Water Street or at the intersection of Route 139 and Mill Street/Center Street which lies just beyond the commuter rail tracks to the west. For those pedestrians that do use these intersections, the intersection of Route 139 and Water Street/Center Street has painted cross walks and traffic lights with pedestrian control. Sidewalks are located on both sides of Route 139 heading west and on one side of Route 139 heading east. The intersection of Route 139 and Mill Street/Center Street has painted cross walks and traffic lights with pedestrian control. There are no schools or libraries within 4,000 feet of the Site. (Record #31).

The Applicant asserts that Facility operations will add less than 2 percent traffic to all intersections indicating that there would be minimal safety impact to pedestrians and other vehicles at these intersections.

The Applicant evaluated the crash rates at the study area intersections and determined that, based on the most recent available data, all crash rates approximate the state-wide average for similar type intersections. Since historical data indicated that the Route 139 and North Street/South Street intersection had a crash rate higher than the state wide average in 2008, a crash analysis was performed. The crash analysis indicated that most of the crashes documented were minor crashes that did not involve personal bodily injury and most occurred between vehicles traveling or turning in directions not anticipated to be used by Facility generated traffic. (Records #31 and 60).

3. Road Configuration: The Facility will be located in an industrial park directly accessible to Route 139 (Union Street). Specific delivery routes and alternative routes to the Facility have not been established.

The Applicant states that solid waste delivered to the Facility is expected to be brought in from the surrounding communities. The Applicant states that the distribution of Facility traffic on the area roadways is expected to follow existing travel patterns and travel routes to the Facility. Approximately 35 percent of the Facility traffic is expected to and from the east on Route 139 in Holbrook, 15 percent to and from the south on Center Street in Randolph, 5 percent to and from the north on Mill Street in Randolph, 35 percent to and from the west on Route 139/28 in Randolph, and 10 percent to/from the north on Center Street in Holbrook.

The Applicant stated that the proposed Facility will continue to utilize the existing entrance to the Site and that the sight distance at the main entrance, as well as the sight distance at the entrance to the resident drop-off area, meet minimum requirements for safe Facility operation. Any proposed landscaping or signs in the vicinity of the driveways will be kept low to the ground (less than 3 feet above street level) or set back sufficiently so as not to impede sight distances for drivers exiting the Site. (Records #14 and 31).

Pursuant to Special Condition 21 of the Holbrook Planning Board Amended Special Permit, the Holbrook Department of Public Works may require TLA to stripe the edges and centerlines of certain parts of Mear Road, Water Street and Phillips Road. (Record #24).

4. Alternate Routes: Specific delivery routes and alternative routes to the Facility have not been established. However, the Applicant states that waste materials delivery drivers will be prohibited from using the portion of Water Street that crosses the Cochato River to access Union Street and will be directed not to travel on smaller residential roads unless they are collecting solid waste as part of a municipal curb-side pickup program. The Facility will provide a phone number for the public to use to report any complaints regarding drivers using smaller residential roads or other traffic-related concerns. Drivers will be banned from delivering waste to the Facility should they travel on smaller residential roads or generate other complaints from the Town or other surrounding community residents. (Record #31).

5. Vehicular Emissions: The Applicant provided air quality results prepared by Tech Environmental based on air quality studies designed to determine whether the operation of the Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Records #19 and 74). Particulate matter (PM10 and PM2.5) generated at the Facility and diesel particulate matter (DPM) from the trucks entering and leaving the Facility were calculated using the U.S. Environmental Protection Agency (EPA) AERMOD dispersion model.

The highest 3 year (2012 through 2014) background PM10 concentration was estimated to be 37 ug/m³ (2014). The estimated maximum PM10 concentration with the Facility operating was calculated to be 80.0 ug/m³ as compared to the National Ambient Air Quality Standard (NAAQS) for PM10 of 150 ug/m³. (Record #74).

Tech Environmental indicated that 24-hour background PM2.5 concentration decreased between 2012 and 2014. The 3 year average (2012 through 2014) 24-hour background PM2.5 concentration was estimated to be 16.8 ug/m³. The estimated PM2.5 concentration with the facility operating was calculated to be 23.7 ug/m³ as compared to the 24-hour NAAQS for PM2.5 of 35 ug/m³. (Record #74).

Tech Environmental indicated that annual average background PM2.5 concentration decreased between 2012 and 2014. The 3 year annual average background PM2.5 concentration was estimated to be 6.7 ug/m³. The estimated annual average PM2.5 concentration with the facility operating was calculated to be 8.7 ug/m³ as compared to, the primary annual NAAQS of 12 ug/m³ and the secondary annual NAAQS of 15 ug/m³. (Records #19, 58 and 74).

The annual background DPM concentration was estimated to be 0.5 ug/m³. The calculated DPM concentration associated with the truck traffic at the Facility was calculated to be 0.8 ug/m³ as compared to the NAAQS for DPM of 5 ug/m³. (Record #74).

Tech Environmental stated that all diesel-powered non-road equipment used inside the MSW handling building will be purchased new and will comply with EPA's Tier IV emission standards for diesel engines, except for the street sweeper, which will comply with EPA's Tier I emissions standards. All diesel powered equipment will use ultra-low sulfur fuel or biodiesel fuel with a similar sulfur content. All rollup doors will be closed except when vehicles and equipment are entering or departing. The building will be equipped with water spray dust mitigation system and air filters for particulate removal will be installed on roof vents. (Record #19).

The Applicant concluded that the Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Records #19 and 74).

MassDEP's Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(b) Traffic and Access to the Site, and that operation of the Facility will not constitute a danger to the public health, safety, or the environment taking into consideration traffic and access to the Site.

3. **Criterion at 310 CMR 16.40(4)(c) Wildlife and Wildlife Habitat:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would:
1. have an adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database;
 2. have an adverse impact on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database; or
 3. have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

The Applicant provided an August 12, 2014, correspondence from the Commonwealth of Massachusetts, Division of Fisheries and Wildlife, which stated that based on the information provided by Woodard & Curran, the Natural Heritage and Endangered Species Program ("NHESP") of the Division of Fisheries and Wildlife has determined that, at that time, the Site was not mapped as a Priority or Estimated Habitat and that the NHESP database does not contain any state-listed species records in the immediate vicinity of the Site. (Record #42).

The Applicant submitted a "Rare Species Plan" (Figure 4, Record #7) and a "Wetlands Resources Site Plan" (Figure 2B, Record #33) indicating locations of NHESP Priority Habitats of Rare Species Habitat as recorded in the Massachusetts Office of Geographic Information ("MassGIS") database. These plans did not indicate any Rare Species Habitats in the vicinity of the Site.

The Applicant submitted a "Land Use Plan" (Figure 5A, Record #34) indicating locations of Wildlife Management Areas as recorded in the MassGIS database, which did not indicate any Wildlife Management Areas in the vicinity of the Site.

The Applicant states the siting of the Facility would have no adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database, on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database, or the wildlife habitat of any state Wildlife Management Area. (Record #31).

MassDEP's Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(c) Wildlife and Wildlife Habitat and that operation of the Facility will not have an adverse impact on wildlife and wildlife habitat.

4. Criterion at 310 CMR 16.40(4)(d) Areas of Critical Environmental Concern ("ACEC"):

No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting:

1. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or
2. would fail to protect the outstanding resources of an ACEC as identified in the Secretary's designation if the solid waste management facility is to be located outside, but adjacent to the ACEC.

The Applicant states the Site is not located in or adjacent to an Area of Critical Environmental Concern ("ACEC"). (Record #31). The Applicant submitted a plan depicting "Areas of Critical Environmental Concern", which indicates that there are no ACECs within one-half mile of the Site. (Record #9).

MassDEP's Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(d) Areas of Critical Environmental Concern and that operation of the Facility will not be located in or adjacent to an ACEC or fail to protect the outstanding resources of an ACEC.

5. Criterion at 310 CMR 16.40(4)(e) Protection of Open Space: No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would have an adverse impact on the physical environment of, or on the use and enjoyment of:

1. state forests;
 2. state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution;
 3. MDC reservations;
 4. lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs;
- or,
5. conservation land owned by private non-profit land conservation organizations and open to the public.

The Applicant states that there are no state forests, state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution, MDC reservations, lands with conservation, preservation, agricultural or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs, or conservation land owned by private non-profit land conservation organizations and open to the public within 500 feet of the proposed Facility. The Applicant states that siting of the Facility will have no adverse impact on the physical environment or the use and enjoyment of any of these resources. (Record #31).

The Applicant submitted a "Conservation Land Plan", which indicates that there are no Conservation Lands within 500 feet of the Site. (Record #10).

The Applicant submitted a “Land Use Plan” based on the MassGIS database, which indicates that there are no state forests, state or municipal parklands, Massachusetts Department of Conservation and Recreation (“DCR”) reservations, or conservation land within 500 feet of the proposed Facility. (Record #34).

MassDEP’s Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(e) Protection of Open Space and that operation of the Facility will not have an adverse impact on the physical environment of, or on the use and enjoyment of open space.

6. **Criterion at 310 CMR 16.40(4)(f) Potential Air Quality Impacts:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute a danger to the public health, safety or the environment, taking into consideration:
1. the concentration and dispersion of emissions;
 2. the number and proximity of sensitive receptors; and
 3. the attainment status of the area.

The Applicant states the Facility design proposes to enclose all handling activities within the waste transfer building in order to mitigate the concentration and dispersion of particulate emissions. A dust suppression system will be installed inside the building to minimize dust generation. (Records #19 & 31).

The Applicant provided air quality results prepared by Tech Environmental based on air quality studies designed to determine whether the operation of the Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Records# 19 and 74). Particulate matter (PM10 and PM2.5) generated at the Facility and diesel particulate matter (DPM) from the trucks entering and leaving the Facility were calculated using the EPA AERMOD dispersion model.

The highest 3 year (2012 through 2014) background PM10 concentration was estimated to be 37 ug/m³ (2014). The estimated maximum PM10 concentration with the Facility operating was calculated to be 80.0 ug/m³ as compared to the National Ambient Air Quality Standard (NAAQS) for PM10 of 150 ug/m³. (Record #74).

Tetra Tech indicated that 24-hour background PM2.5 concentration decreased between 2012 and 2014. The 3 year average (2012 through 2014) 24-hour background PM2.5 concentration was estimated to be 16.8 ug/m³. The estimated PM2.5 concentration with the facility operating was calculated to be 23.7 ug/m³ as compared to the 24-hour NAAQS for PM2.5 of 35 ug/m³. (Record #74)

Tetra Tech indicated that annual average background PM2.5 concentration decreased between 2012 and 2014. The 3 year annual average background PM2.5 concentration was estimated to be 6.7 ug/m³. The estimated annual average PM2.5 concentration with the facility operating was calculated to be 8.7 ug/m³ as compared to, the primary annual NAAQS of 12 ug/m³ and the secondary annual NAAQS of 15 ug/m³. (Records #19, 58 and 74).

The annual background DPM concentration was estimated to be 0.5 ug/m³. The calculated DPM concentration associated with the truck traffic at the Facility was calculated to be 0.8 ug/m³ as compared to the NAAQS for DPM of 5 ug/m³. (Record #74).

The Applicant concluded that the Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Record #19, 31, 60, 63, 74 and 82).

MassDEP review of EPA's listing of Current Non-Attainment Counties for All criteria Pollutants indicates that the only issue of non-attainment is the 8-hour Ozone standard. (Record #57).

MassDEP's Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(f) Potential Air Quality Impacts and that operation of the Facility will meet required state and federal air quality standards or criteria and will not otherwise constitute a danger to the public health, safety or the environment.

Had MassDEP found the site suitable then, in order to address the dust related concerns expressed by commenters during review of the Site Suitability Report, MassDEP would have recommended that the Holbrook Board of Health consider requiring the project proponent to perform periodic particulate monitoring as a condition of any Site Assignment approval.

7. **Criterion at 310 CMR 16.40(4)(g) Potential for the Creation of Nuisances:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors:

1. noise;
2. litter;
3. vermin such as rodents and insects;
4. odors;
5. bird hazards to air traffic; and
6. other nuisance problems.

1 Noise: The Applicant submitted a Sound Study prepared by Tech Environmental to determine whether the operation of the proposed Facility will comply with the MassDEP Noise Policy. (Record #20). Tech Environmental measured sound levels at locations near the Facility to document the existing acoustic environment prior to construction of the proposed project. Tech Environmental used the Cadna-A acoustic model, based on International Standard ISO 9613, to calculate the sound levels from facility operation and the Federal Highway Administration ("FHWA") Traffic Noise Model ("TNM"), Version 2.5 for truck deliveries to the Site.

Tech Environmental compared the calculated sounds levels at the Property lines and nearby receptors to the 10 decibels A-weighted (dBA) limit in the MassDEP Noise Policy for facility operation and with FHWA noise guidelines for truck deliveries.

The Applicant identified the potential sound sources at the Facility as mechanical equipment, waste unloading, truck deliveries, and the movement of rail cars and/or waste transfer trucks.

The MassDEP regulates sound from mechanical equipment operation on the Site. The Applicant states the Facility intends to operate with the roll-up doors closed except when it is necessary for a truck or rail car to enter or leave the building. The Applicant states a two-sided wall will be constructed around the waste compactor in the residential recycling area.

The Tech Environmental study determined the adjacent residential area daytime background levels exceeded 90 per cent of the time (“L90”) to range between 45 and 51 dBA. The maximum sound levels at the nearest receptors during Facility daytime operations were estimated to be 47.5 to 52.5 dBA. The maximum increase at any receptors was predicted to be 3.3 dBA at a local church and 2.5 dBA at a residence. The sound level increases at the north, west and south property lines were estimated to be 8.1, 6.3 and 3.2 dBA respectively. (Record #20, Table 5).

The maximum Facility evening sound at the nearest receptors were estimated be 46.1 to 50.6 dBA. The maximum increase at any receptors was predicted to be 3.7 dBA at a local church and 3.0 dBA at a residence. The sound level increases at the north, west and south property lines were estimated to be 3.1, 6.0 and 5.1 dBA respectively. (Record #20, Table 6).

Tech Environmental performed a supplementary sound study with one transfer station building door open during the day. The maximum sound levels at the nearest receptors during Facility daytime operations were estimated to be 47.5 to 52.5 dBA. The maximum increase at any receptors was predicted to be 3.5 dBA at a local church and 2.7 dBA at a residence. The sound level increases at the north, west, east and south property lines were estimated to be 8.1, 6.3, 7.4 and 9.3 dBA respectively. (Records #60 and 61).

2 Litter: The Applicant stated all commercial vehicles transporting materials either to or from the Facility will be required to be covered in order to prevent incidental littering. All waste handling, with the exception of the proposed residential drop-off area, will be restricted to inside the MSW Transfer Building. Litter within the residential drop-off area will be minimized by providing closed-top containers for the public to place any potentially litter-generating waste. Facility personnel will periodically police the Site to pick up any incidental litter that may result from operations. (Records #31 and 60).

3 Vermin: The Applicant states that vermin will be discouraged by containing the MSW handling operations to the inside of the MSW Transfer Building. The Applicant proposes to rapidly move waste material from the tipping floor to the rail cars or trucks, not allow any refuse to remain on the tipping floor overnight, and clean the tipping floor at the end of every operating day. The rail containers will have solid steel lids with a locking mechanism to provide a watertight seal. Containers in the residential drop-off area will be closed-topped and will be emptied regularly. The Applicant will retain a qualified rodent prevention and extermination service to address any issues. (Records #31 and 60).

The Applicant stated that the Facility will not result in nuisance conditions that would constitute a danger to public health, safety, or the environment taking into consideration vermin such as rodents and insects. (Records #31 and 60).

4 Odors: The Applicant states the proposed Facility has been designed to minimize the occurrence of detectable odors at the closest residences to the Facility. The waste transfer building will be operated with all of the doors closed, except when refuse trucks or rail cars are moving in and out of the building. The building will be equipped with a water mist spray system to reduce odor adhering particulate matter emissions from escaping the building. Refuse will not remain on the tipping floor overnight. The tipping floor will be cleaned by sweeping and/or by hosing with water at the end of every operating day. Residential waste drop-off area containers will be closed-topped and will be emptied regularly.

The rail containers will be intermodal-like and have solid steel lids with a locking mechanism to provide a watertight seal.

The Applicant submitted an Air Quality Study performed by Tech Environmental that included air quality dispersion modeling for the potential odors from the Facility and stated that the odor dispersion modeling analysis demonstrates the proposed Facility has been designed to minimize the occurrence of detectable odors at the closest residences to the Facility.

The Applicant states the proposed measures will prevent operation of the Facility from resulting in nuisance odor conditions that would constitute a danger to public health, safety, or the environment. (Records #31 and 60).

5 Bird Hazards to Air Traffic: The Applicant states the Facility will not attract a significant number of birds due to the operational measures cited above for odor control and vermin control. Any birds that are attracted to the Facility would not interfere with air traffic.

Based on the proposed control measures, the Applicant states the Facility will not constitute a danger to public health, safety, or the environment taking into consideration bird hazards to air traffic. (Record #31). The nearest major airport to the proposed Facility is the Norwood Memorial Airport located 8 miles to the northwest of the proposed Facility. (Record #66).

6 Other Nuisance Problems: Based on the proposed control measures cited regarding odor and vectors above, the Applicant states the Facility will not constitute a danger to public health, safety, or the environment due to other potential nuisance problems. (Record #31).

MassDEP's Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(g) Potential for the Creation of Nuisances and the establishment or operation of the Facility will not result in nuisance conditions which would constitute a danger to the public health, safety or the environment.

To minimize potential nuisances, the Proponent has limited the transfer station building design to two doors for waste hauling vehicles (excluding rail) to enter and exit the building and sized the building to allow all back-up movements of waste hauling vehicles to be performed within the building. The Proponent oriented the proposed transfer station such that the entrance and exit doors for the waste hauling vehicles do not face the nearest residences and are located at the furthest end of the building side wall from the nearest residences.

Pursuant to 310 CMR 16.40(1)(c)1, MassDEP evaluated the Application with the assumption that the proposed facility would be designed and constructed to meet all relevant state and federal statutory, regulatory, and policy requirements. Accordingly, complete building design details would have been required in the Authorization to Construct permit application had MassDEP found the site to be suitable and had the Board of Health granted a site assignment for the proposed Facility.

Had MassDEP found the site suitable then, in order to address the many noise related concerns expressed by commenters during review of the Site Suitability Report, MassDEP would have recommended that the Holbrook Board of Health consider requiring the project proponent to perform periodic noise surveys as a condition of any Site Assignment approval.

8. **Criterion at 310 CMR 16.40(4)(h) Size of Facility:** No site shall be determined to be suitable or be assigned as a solid waste management facility if the size of the proposed site is insufficient to properly operate and maintain the proposed facility. The minimum distance between the waste handling area or deposition area and the property boundary for the facility shall be 100 feet, provided that a shorter distance may be suitable for that portion of the waste handling or deposition area which borders a separate solid waste management facility.

The Applicant states the size of the Site is sufficient to properly operate and maintain the proposed Facility, submitted a Site Layout Plan of the proposed Facility (Record #41), and provided the following description of the Site. (Record #31).

The total proposed Site size is 14.85 acres including an 11.17-acre parcel, owned by the Town and leased by the Applicant, and an approximately 3.68-acre parcel owned by Six Phillips Road Trust leased by the Applicant. The Six Phillips Road Trust parcel was leased and is proposed to be site assigned to comply with the waste handling area to property line setback requirements. The Six Phillips Road Trust parcel will be used as an access road to the 3 Phillips Road property and will not include any waste handling area. As depicted on the Site Layout Plan, the Site will include access roads, scales, a MSW transfer building, a rail yard, usage of portions of an existing warehouse building and office building, a residential MSW, yard waste, and bulky waste drop-off area, a residential recycling area, and parking areas. (Records #31 & 60).

The waste handling areas on the Site will be limited to within the transfer station building and at the residential drop off area and are shown on the Waste Handling Area Plan – Figure 13. (Record #40).

The waste handling areas will be outside or raised above the 100 year flood plain. (Records #40 and 41).

The Site Layout Plan indicates on-site traffic routes. All incoming non-residential waste hauling vehicles will stop first at the incoming scales located adjacent to the eastern side of the proposed MSW transfer building. Approximately 900 feet of incoming access road is available for queuing up to approximately 10 large trucks prior to the incoming traffic scales and 25 large trucks waiting to enter the MSW transfer building.

The Applicant proposes to construct a 27,331± square foot MSW transfer building with all unloading, sorting, and loading onto rail cars and/or trucks occurring within the building interior.

Based on the assumption that incoming waste hauling vehicles will consist of packer trucks averaging 6 to 10 tons per truck and tractor trailers averaging 28 tons per truck, the Applicant's estimated average truck weight is 12 tons of waste per incoming load. The building can handle 30 trucks per hour based on the Applicant's assumptions that each large truck takes about ten minutes to unload and five trucks can access the building simultaneously. The Applicant determined the hourly operating capacity of the Facility, when MSW is being shipped out exclusively by rail, to be approximately 360 tons per hour, which the Applicant states is 36% of the Facility's proposed permitted capacity. (Records #31 & 59).

If the MSW is being shipped out by trailer truck, then incoming and outgoing trucks will be utilizing the MSW transfer building in a roughly 2:1 ratio, assuming the acceptance of packer trucks averaging 12 tons capacity and the Applicant's assumed hourly operating capacity of the station for incoming MSW is approximately 240 tons per hour, which is 24% of the Facility's proposed permitted capacity.

With an estimated average of 28 tons of waste per outgoing truck load, the assumed hourly operating capacity of the Facility for outgoing MSW by truck is approximately 280 tons, or 28% of the Facility's proposed permitted capacity.

With a proposed daily permitted capacity of 1,000 tons per day and a proposed 12-hour operating day, the average hourly permitted capacity is 83 tons per hour. The Applicant's estimated operating maximum capacity of 360 tons per hour when shipping out exclusively via rail and 240 tons per hour when shipping out via truck represents approximately a 4.3 and 2.9 times peaking factor above the average hourly permitted capacity, respectively. (Record #14).

The Applicant performed a supplemental traffic analysis based on traffic observations at the Allied Waste Systems Peabody transfer station which is permitted at 1,000 tons per day. That facility was reported to have accepted 94 vehicles averaging 3.8 tons and 358.9 total tons of material on the date of observation. The Applicant observed 17 entering trucks during the morning peak hour, which extrapolates to 47 incoming vehicles for a 1,000 tpd facility. The Applicant estimated that the building can handle 30 large trucks per hour based on the Applicant's assumptions that each large truck takes about ten minutes to unload and five large trucks can access the building simultaneously. (Records # 31, 74 and 82). Smaller trucks would take less time and space to maneuver and unload such that the building should have the capacity to handle greater than 30 small vehicles per hour.

310 CMR 16.40(4)(h) requires that the minimum distance between the waste handling area or deposition area and the property boundary be 100 feet. The Site Layout Plan illustrates that this criterion is met for waste handling within the MSW transfer building and at the residential drop off area. (Record #41). Pursuant to 310 CMR 16.02, the "handling area" does not include access roads.

MassDEP's Finding:

MassDEP has determined that the proposed Facility meets the requirements of 310 CMR 16.40(4)(h) Size of Facility. MassDEP has determined that the size of the proposed site is sufficient to properly operate and maintain the proposed facility.

MassDEP finds that the proposed 27,331 square foot (sf) size of the Facility building is consistent with the existing 1,000 tons per day (tpd) 20,700 sf Allied Waste System Fall River transfer station, the 1,600 tpd, 23,600 sf Braintree transfer station, and the 1,000 tpd, 23,400 sf Allied Peabody transfer station. MassDEP finds that the 900 foot queue space available at the Facility exceeds the approximate 500 feet of queue space available at the Braintree transfer station, and approximate 500 feet of queue space available at the Allied Peabody transfer station.

Regarding the limits of the Waste Handling Area, the Applicant has proposed to leave rail cars, loaded with solid waste, outside of the waste handling area. Such activity could potentially meet the waste handling area setback of 100 feet from the property boundary. "Handling area" is defined at 310 CMR 16.02 as "an area used for the processing, storage, transfer or treatment of solid waste, excluding weigh stations or access roads." This definition is intended to restrict location of waste handling activity that has the potential to create nuisance conditions. The temporary parking of rail cars loaded with solid waste is required by the nature of rail transport operations. Rail cars must be held until a locomotive is available and a sufficient number of rail cars are loaded and ready for rail transport. MassDEP believes any potential nuisance issues may be avoided by using enclosed intermodal-like containers (fully sealed, leak proof, metal containers) appropriate for the type of

waste being transported. Because rail cars being held solely because of the operational constraints of rail transport (i.e. rail cars cannot be individually and immediately driven off of the solid waste facility) and nuisance conditions will be avoided with the appropriate intermodal containers, MassDEP finds this activity is not waste handling.

9. **Criterion at 310 CMR 16.40(4)(i) Areas Previously Used for Solid Waste Disposal:** Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site:
1. the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the proposed site;
 2. the nature and extent to which the proposed site may impact the site previously used for solid waste disposal; and
 3. the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment; taking into consideration:
 - a. whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;
 - b. whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and
 - c. the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

The Applicant states that no portion of the Site or land adjacent to the Site has been previously used for solid waste disposal as listed on the MassDEP Solid Waste Facilities Master List. (Record #31).

The Baird & McGuire Superfund Site is located adjacent to and south of the proposed Facility and includes a capped landfill used for the disposal of approximately 1,500 cubic yards of treated contaminated sediment from the Cochato River and ash from approximately 248,000 cubic yards of treated soil at the Baird & McGuire Site.

The Applicant states the current limit of the Baird & McGuire Site is established by a chain-link fence erected by EPA to limit access to the Baird & McGuire Site while providing a means of access to the northern extent of the capped landfill. The current Baird & McGuire Site fence extends approximately 100 feet onto the Town-owned property as shown on the Site Layout Plan in an area where the proposed Facility access road is to be constructed. (Record #41). The Applicant submitted correspondence from MassDEP's Federal Superfund section stating that the fence could be relocated provided any contamination found on the redevelopment side of the relocated fence is addressed through the ongoing remediation activity and that groundwater monitoring wells are protected and remain functional. (Record #47).

The Applicant is currently discussing and finalizing the conditions under which the fence will be relocated with the Town of Holbrook, EPA and MassDEP. (Record #31).

The EPA issued correspondence on August 12, 2015, stating that EPA's Superfund program will continue to work with the Town of Holbrook to ensure that the remediation and redevelopment of the 3 Phillips Road property can be designed and implemented under conditions that do not interfere with or compromise the protectiveness of the Baird & Maguire site cleanup. (Record #62).

MassDEP's Finding:

MassDEP reviewed the proposed Facility with respect to the considerations listed at 310 CMR 16.40(4)(i) Areas Previously Used for Solid Waste Disposal. MassDEP has determined that:

1. No prior solid waste facility operated on any area adjacent to the proposed facility.
2. Contaminated soils exist on an adjacent site, but that contamination does not currently adversely impact or threaten to adversely impact the proposed site.
3. The proposed site use and the existing contamination on the site will not impact the adjacent contaminated site.
4. The combined impacts of the proposed site and the previously used adjacent site will not have any increased adverse impact on the public health, safety or the environment.
5. The proposed site is not an expansion of, nor does the proposed site constitute, a beneficial integration of, any solid waste activities with the adjacent site.
6. Construction of the proposed facility is related to the closure and/or remedial activities at the adjacent site in that a fence related to enclosure of the adjacent site will be relocated but this relocation will be performed as approved by MassDEP and result in no adverse impact.
7. Construction of the proposed facility will not affect existing or potential impacts from the adjacent site.

10. **Criterion at 310 CMR 16.40(4)(j) Existing Facilities:** In evaluating proposed sites for new solid waste management facilities the Department and the board of health shall give preferential consideration to sites located in municipalities in which no existing landfill or solid waste combustion facilities are located. This preference shall be applied only to new facilities which will not be for the exclusive use of the municipality in which the site is located. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community with an existing disposal facility:

1. the extent to which the municipality's or region's solid waste needs will be met by the proposed facility; and
2. the extent to which the proposed facility incorporates recycling, composting or waste diversion activities.

The Applicant states there are no active landfills or solid waste combustion facilities in Holbrook. The MassDEP Solid Waste Facilities Master List includes two inactive/closed landfills in Holbrook. The Cains Pit Landfill is listed as inactive, and the former unlined Holbrook Landfill is listed as closed and capped in 1996.

The Applicant proposes that the Facility be permitted at 1,000 tons per day of MSW acceptance. The Town currently generates about 15 tons per day of MSW such that the Facility will have ample capacity to provide a local MSW disposal option for waste generated in the surrounding municipalities.

The Applicant states that under the provisions of the Lease with the Town, the Applicant will provide for curbside recycling collection and disposal, every other week at no cost to the Town that will divert recyclable MSW from the municipal waste stream to a recycling facility.

The Facility will include a residential drop-off area that will provide recycling containers.

The Facility will be operated in compliance with the Massachusetts Waste Disposal Bans and a MassDEP-approved Waste Ban Compliance Plan. Load inspections of the MSW delivered to the Facility will be conducted in accordance with the MassDEP “Guidance for Solid Waste Handling and Disposal Facilities on Compliance with MassDEP’s Waste Bans” to ensure that waste ban materials are removed and/or diverted from disposal to the greatest extent possible. (Record #31).

MassDEP’s Finding:

MassDEP has determined that there are no existing active landfill or solid waste combustion facilities in the Town of Holbrook and the proposed Facility will not be for the exclusive use of the Town, and that according to 310 CMR 16.40, the Facility should be given preferential consideration.

11. **Criterion at 310 CMR 16.40(4)(k) Consideration of Other Sources of Contamination or Pollution:** Pursuant to 310 CMR 16.40(4)(k), MassDEP shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

The Site property is a state-listed Tier 2 disposal site assigned MassDEP RTN #4-3024519. The Applicant states the Lease and host Community Agreement provides that the property will be remediated under the Massachusetts Contingency Plan as part of the development of the Facility mitigating or reducing sources of pollution or contamination at the property. (Record #31).

The proposed Site is also adjacent to the Baird & McGuire Superfund Site. The Applicant states the redevelopment of the Site as a solid waste transfer station will have no impact on the ongoing long-term remediation efforts at the Baird & McGuire Site. (Record #31).

The EPA issued correspondence stating that EPA’s Superfund program will continue to work with the Town of Holbrook to ensure that the remediation and redevelopment of the 3 Phillips Road property can be designed and implemented under conditions that do not interfere with or compromise the protectiveness of the Baird & Maguire site cleanup. (Record #62).

MassDEP’s Finding:

MassDEP has determined that the projected impacts of the proposed Facility do not pose a threat to public health, safety, or the environment taking into consideration the impacts of existing sources of pollution or contamination. The majority of potential impacts of the Facility are very localized to the Facility and mitigated through design requirements. Tech Environmental has demonstrated that impacts from trucks entering and exiting the site are minimal and therefore MassDEP finds this criterion has been met.

12. **Criterion at 310 CMR 16.40(4)(l) Regional Participation:** Pursuant to 310 CMR 16.40(4)(l), the Department and the board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility.

Holbrook does not have an active existing solid waste disposal facility. Currently, solid waste generated within the Town is transported to Covanta SEMASS by truck under an annual contract between the Town and SEMASS. (Record #31).

MassDEP's Finding:

MassDEP has determined that the Town participates in a regional disposal facility and accordingly the Facility should not be given preferential consideration on this basis. The proposed project will provide for handling of municipal solid waste from a regional perspective and will incorporate recycling efforts and monitoring of waste materials to promote compliance with MassDEP's waste disposal ban regulations.

III. DETERMINATION

Pursuant to the authority granted by Massachusetts General Laws, c. 111, §§ 150A and 150A1/2, and 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities," the Massachusetts Department of Environmental Protection, Solid Waste Management Section, has determined that sufficient information exists to allow the MassDEP to make a determination that the 14.85 acre site, located at 3 Phillips Road and 6 Phillis Road, Holbrook, Massachusetts, does not meet all the site suitability criteria established in 310 CMR 16.40(3) Facility Specific Site Suitability Criteria and 310 CMR 16.40(4) General Site Suitability Criteria, for the purpose of establishing a solid waste handling and recycling facility.

The Department hereby issues this Negative Report on Suitability for the TLA Holbrook Transfer Station under the authority of M.G.L. c. 111, §§ 150A and 150A½, as amended, and 310 CMR 16.00. Pursuant to 310 CMR 16.15(1), the site assignment process has been determined to be complete, and the Holbrook Board of Health shall not hold a public hearing.

IV. NOTICE OF RIGHTS OF APPEAL

The Department's Final Negative Report of Suitability After Reconsideration constitutes final agency action as of the date of issuance of the Report. The Department's Negative Report on Suitability may be appealed pursuant to the provisions of M.G.L. c. 111, s. 150A. Any person aggrieved by the Department's Final Negative Report of Suitability After Reconsideration may file an appeal for judicial review in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A, § 14 no later than 30 days following the date of issuance of the Department's Final Negative Report of Suitability After Reconsideration. For the limited purposes of such an appeal, as provided in M.G.L. c. 111, § 150A, this site suitability decision shall be deemed to be a final decision in an adjudicatory proceeding.

The Department requests that any person intending to appeal the Department's Final Negative Report of Suitability After Reconsideration to Superior Court provide notice of such intention to Laura Swain, Office of General Counsel of the Department and Millie Garcia-Serrano, Regional Director of the Southeast Regional Office of the Department at least five days prior to the filing of an appeal.

V. RECORD

The Record for Site Assignment Report #133-003-A for a solid waste transfer station to be located at 3 Phillips Road, Holbrook, Massachusetts, consists of the following:

1. **Woodard & Curran** - "Site Suitability Report for a New Site Assignment", Solid Waste Application BWP SW 01 (the "Application"), Transmittal # X254488, dated June 16, 2014, submitted on behalf of TLA Holbrook LLC, received by the MassDEP on June 18, 2014. ("hereinafter referred to as the "June 18, 2014 Application")

2. **Town of Holbrook** – Lease and Host Community Agreement. Submitted in the June 18, 2014 Application (Record #1) Appendix A and in the September 23, 2014, Supplemental Submittal (Record # 1) Appendix A.
3. **TLA Holbrook LLC** – Technical Fee Payment. Submitted in the June 18, 2014 Application (Record #1) Appendix B and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix B.
4. **Woodard & Curran** – Figure 1, Site Locus dated Jan 2013. Submitted in the June 18, 2014 Application (Record #1) Appendix C and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
5. **Woodard & Curran** – Figure 2, Water Resources Site Plan dated June 2014. Submitted in the June 18, 2014 Application (Record #1) Appendix C. (superseded by Record #32)
6. **Woodard & Curran** – Figure 3, Groundwater Contour Plan dated Sept 2012. Submitted in the June 18, 2014 Application (Record #1) Appendix C and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
7. **Woodard & Curran** – Figure 4, Rare Species Plan dated June 2010. Submitted in the June 18, 2014 Application (Record #1) Appendix C and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
8. **Woodard & Curran** – Figure 5, Land Use Plan dated June 2014. Submitted in the June 18, 2014 Application (Record #1) Appendix C. (superseded by Record #34)
9. **Woodard & Curran** – Figure 6, Areas of Critical Environmental Concern dated June 2014. Submitted in the June 18, 2014, Application (Record #1) Appendix C and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
10. **Woodard & Curran** – Figure 7, Conservation Land dated June 2014. Submitted in Application (Record #1) Appendix C and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
11. **Woodard & Curran** – Drawing C-100 Existing Conditions Plan dated 3/12/10. Submitted in the June 18, 2014 Application Record #1) Appendix C and in the September 23, 2014, Supplemental Submittal (Record # 30) Appendix C.
12. **Woodard & Curran** – Drawing C-200 Site Layout Plan dated 11/19/13. Submitted in the June 18, 2014 Application (Record #1) Appendix C. (superseded by Record #40)
13. **Executive Office of Energy and Environmental Affairs ("EEA")**, - Certificate of the Secretary of Environmental Affairs, dated January 25, 2013, stating that the proposed project does not require filing of an Environmental Impact Report ("EIR"). Submitted in the June 18, 2014 Application (Record #1) Appendix D and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix D.
14. **Ron Muller & Associates** – Traffic Impact and Access Study dated November 9, 2012. Submitted in the June 18, 2014 Application (Record #1) Appendix E and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix E.
15. **Ron Muller & Associates** – Response to Peer Review Comments dated July 9, 2013. Submitted in the June 18, 2014 Application (Record #1) Appendix E and in the September 23, 2014, Supplemental Submittal (Record

#31) Appendix E.

16. **Ron Muller & Associates** – Additional Accident Investigation, dated August 21, 2013. Submitted in the June 18, 2014 Application (Record #1) Appendix E and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix E.
17. **Ron Muller & Associates** – Follow-Up Traffic Count Analysis, dated October 9, 2013. Submitted in the June 18, 2014 Application (Record #1) Appendix E and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix E.
18. **Ron Muller & Associates** – Additional Waste Transfer Station Counts, dated November 12, 2013. Submitted in the June 18, 2014 Application (Record #1) Appendix E and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix E.
19. **Tech Environmental** – Air Quality Study for the TLA Holbrook, LLC Transfer Station, Holbrook, Massachusetts, dated November 8, 2014. Submitted in the June 18, 2014 Application (Record #1) Appendix F and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix F.
20. **Tech Environmental** – Sound Study for the TLA Holbrook, LLC Transfer Station, Holbrook, Massachusetts, dated November 8, 2012. Submitted in the June 18, 2014 Application (Record #1) Appendix F and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix F.
21. **Woodard & Curran** – Stormwater Management Report, dated August 10, 2009. Submitted in the June 18, 2014, Application (Record #1) Appendix G and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix G.
22. **Massachusetts Department of Environmental Protection, Bureau of Resource Protection** – Superseding Order of Conditions dated January 13, 2014. Submitted in the June 18, 2014 Application (Record #1) Appendix H and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix H.
23. **Holbrook Planning Board** – Approval with Conditions of Special Permit under Site Review, dated August 4, 2010. Submitted in the June 18, 2014 Application (Record #1) Appendix I and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix I.
24. **Holbrook Planning Board** – Memo - Approval with Conditions of Amended Special Permit under Site Plan Review, dated September 10, 2013. Submitted in the June 18, 2014 Application (Record #1) Appendix I and in the September 23, 2014, Supplemental Submittal (Record # 30) Appendix I.
25. **Holbrook Zoning Board of Appeals**. – Special Permit, dated March 9, 2010. Submitted in the June 18, 2014 Application (Record #1) Appendix J and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix J.
26. **TLA Holbrook LLC** – Six Phillips Road Trust Lease. Submitted in the June 18, 2014 Application (Record #1) Appendix K and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix K.
27. **MassDEP, Southeast Region, Regional Director** – Approval of Conceptual Zone II Delineation for Randolph-Holbrook Joint Water Board’s South Street Well #1, South Street Well #2, and South Street Well #3,

dated June 10, 2014. Submitted in the June 18, 2014 Application (Record #1) Appendix L and in the September 23, 2014, Supplemental Submittal (Record #31) Appendix L.

28. **L. Rogers, MassDEP** - June 26, 2014 e-mail to D. Connick MassDEP – notification of fee payment and Application administrative review start date of June 24, 2014.
29. **MassDEP** - June 27, 2014 e-mail to H. Sites, TLA Holbrook LLC – notification of fee payment and Application administrative review start date of June 24, 2014.
30. **MassDEP** - "Determination of Administrative Incompleteness" notice for the proposed project issued to Applicant, dated July 8, 2014.
31. **Woodard & Curran** - "Site Suitability Report for a New Site Assignment", Solid Waste Application BWP SW 01 (the "Application"), Transmittal # X254488, dated September 22, 2014, submitted on behalf of TLA Holbrook LLC, received by the MassDEP on September 23, 2014. (hereinafter referred to as the "September 23, 2014, Supplemental Submittal")
32. **Woodard & Curran** – Figure 2A, Water Resources Site Plan dated July 2014. Submitted in the September 23, 2014, Supplemental Submittal (Record # 31) Appendix C (revision of Record #5).
33. **Woodard & Curran** – Figure 2B, Wetlands Resources Plan dated July 2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #31)
34. **Woodard & Curran** – Figure 5A, Land Use Plan dated August 2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C (revision of Record #8).
35. **Woodard & Curran** – Figure 8, Randolph-Holbrook Joint Water Board South Street Wells #1, #2, and #3, Zone 1 & Approved Conceptual Zone II Delineation USGS Topographic Plan, dated 7/29/2014. Submitted in the September 23, 2014, Supplemental Submittal (Record # 31) Appendix C.
36. **Woodard & Curran** – Figure 9, Randolph-Holbrook Joint Water Board South Street Wells #1, #2, and #3, Zone 1 & Approved Conceptual Zone II Delineation USGS Surficial Geology Plan, dated 7/29/2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
37. **Woodard & Curran** – Figure 10, MassGIS of Phillips Road, Showing Farmland Data, dated 9/10/2014. Submitted in the September 23, 2014, Supplemental Submittal (Record # 31) Appendix C.
38. **Woodard & Curran** – Figure 11, MassGIS Prime Farmland in Lake Holbrook Area, dated 9/10/2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #30) Appendix C.
39. **Woodard & Curran** – Figure 12, MassGIS Prime Forest Land, dated 9/10/2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
40. **Woodard & Curran** – Figure 13, Waste Handling Area Plan, dated Sept. 15, 2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.
41. **Woodard & Curran** – Drawing C-200A Site Layout Plan, dated August 2014, revised September 18, 2014. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix C.

42. **Commonwealth of Massachusetts, Division of Fisheries and Wildlife** - August 12, 2014, correspondence regarding Rare Species Priority or Estimated Habitat and state-listed species records. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix M.
43. **Woodard & Curran** – Table N-1 Summary of Groundwater Data Used to Develop Figure 3 Groundwater Contour Plan. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix N.
44. **Woodard & Curran** – Table N-2 Depth to Groundwater Summary. Submitted in the September 23, 2014, Supplemental Submittal (Record # 30) Appendix N.
45. **Woodard & Curran** – Boring Logs. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix N.
46. **Woodard & Curran** – Form 11- Soil Suitability Assessment for On-Site Sewage Disposal. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix N.
47. **Commonwealth of Massachusetts, Department of Environmental Protection, Federal Superfund Section** – May 17, 2010 correspondence to Woodard & Curran regarding assessment of soil at the Baird & McGuire site and relocation of a fence. Submitted in the September 23, 2014, Supplemental Submittal (Record #31) Appendix 0.
48. **Beveridge & Diamond** – Response to Determination of Administrative Incompleteness, dated May 14, 2015.
49. **MassDEP**- "Determination of Administrative Incompleteness" notice for the proposed project issued to Applicant, dated July 8, 2014.
(note this record is a repeat listing of record #30, in error)
50. **MassDEP** - "Determination of Administrative Completeness" notice for the proposed project issued to Applicant, dated May 21, 2015.
51. **Beveridge & Diamond** – June 1, 2015, letter regarding Notice of Filing of Site Suitability Application.
52. **Beveridge & Diamond** – June 24, 2015, letter regarding Notice of Completion of Public Notice, including a newspaper clipping, a copy of the June 10, 2014, MEPA Monitor, a certified list of abutters, and “green card” proof of mailings, and a copy of the Public Notice.
53. **Beveridge & Diamond** - July 9, 2015, letter regarding a supplement to Notice of Completion of Public Notice, and two unclaimed certified mailings.
54. **Public Comments** - received during Public Comment Period that commenced on June 30, 2015 and ended on July 20, 2015. All public comments received by MassDEP during the Public Comment period were scanned and sent via e-mail to the Applicant and to the Holbrook Board of Health.
55. **MassDEP** - July, 27, 2015, Request for Additional Information, requesting a response to public comments.
56. **MassDEP** - Discussion Document – Proposed Modifications to 310 CMR 16.00”, dated March, 1999.

57. **US EPA** – Current Nonattainment Counties for All Criteria Pollutants.
www.epa.gov/oaqps001/greenbk/ancl.html
58. **US EPA** – National Ambient Air Quality Standards (NAAQS) www.epa.gov/air/criteria.html
59. **UA EPA** - Health Assessment Document for Diesel Exhaust Page 2-113.
<http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29060#Download>
60. **Beveridge & Diamond** – August 7, 2015, Response to Public Comments (response to MassDEP July 27, 2015, Request for Additional Information).
61. **Beveridge & Diamond** – August 10, 2015 supplemental response to August 7, 2015 response to MassDEP July 27, 2015, Request for Additional Information.
62. **US EPA** - August 12, 2015, discussion of development of 3 Phillips Road property.
63. **Beveridge & Diamond** – August 19, 2015, back-up data for previous responses to public comments.
64. **MassDEP** – August 19, 2015 – Request for extension of Application review period until September 10, 2015.
65. **Beveridge & Diamond** – August 20, 2015, response to August 19, 2015, MassDEP request agreeing to review time extension.
66. **MassDEP** – MassGIS – USGS topographic map of TLA Holbrook and Norwood Airport area.
67. **Town of Randolph Assessor's Office** - database information for 391 South Street Randolph, MA property.
68. **MassDEP** – Memo regarding September 2, 2015, meeting with state representatives and Braintree, Randolph and Avon town officials.
69. **Representative William Galvin** - September 3, 2015, correspondence reiterating the concerns raised at the September 2, 2015.
70. **Public Comments** – received after the Public Comment Period that ended on July 20, 2015.
71. **Town of Avon** – Two electronic mail submittals received by MassDEP on September 4 and September 9, 2015.
72. **Town Counsel, Town of Randolph** - electronic mail submittal received by MassDEP on September 9, 2015.
73. **MassDEP** - "Site Suitability Report" for the proposed project, dated September 10, 2015.
74. **Beveridge & Diamond** – September 24, 2015, Motions for Reconsideration and to Reopen Record.
75. **MassDEP** – October 9, 2015, Response to Motions for Reconsideration and Motion to Reopen Record.
76. **Beveridge & Diamond** - October 15, 2015, letter providing a copy of the Public Notice of Filing a Motion for

Reconsideration and a Motion to Reopen the Record.

77. **Beverage & Diamond** - October 27, 2015, letter regarding Notice of Completion of Public Notice, including a newspaper clipping, a copy of the October 19, 2015, MEPA Monitor, a certified list of abutters, and “green card” proof of mailings, and a copy of the Public Notice, received by MassDEP on October 28, 2015.
78. **MassDEP** – November 10, 2015, Request for Additional Information on Motions for Reconsideration and to Reopen the Record.
79. **MassDEP** – October 26, 2015, correspondence and October 20, 2015 through December 11, 2015, e-mail transfer of TLA Holbrook traffic study related documents to the Massachusetts Department of Transportation (MassDOT).
80. **Public Comments** – received by MassDEP regarding the Motions for Reconsideration and Motion to Reopen Record. Comments were received from Town of Holbrook residents, Town of Randolph residents, surrounding community residents, Town of Holbrook officials, Town of Randolph officials, other surrounding communities officials, Senator Brian Joyce, Representative William Galvin, Representative Walter Timilty, Representative, Mark Cusack, Representative Ronald Mariano, and Representative Bruce Ayers.
81. **Town Counsel, Town of Randolph** – November 16, 2016, correspondence enclosing October 2, 2015 Town Counsel comments.
82. **Beverage & Diamond** - December 7, 2015, Response to MassDEP November 10, 2015, Request for Additional Information and public comments.
83. **MassDEP** - December 7, 2015, letter to TLA Holbrook LLC regarding the Schedule for MassDEP’s Report on Site Suitability for Site Assignment.
84. **MassDOT** - January 4, 2015, correspondence regarding MassDOT review of TLA Holbrook, LLC. Traffic Study.
85. **MassDEP** - January 19, 2016, Note to File regarding phone correspondence with the Town of Randolph tax assessor’s office.
86. **MassDEP** - Memo regarding October 13, 2015, meeting between the MassDEP Commissioner and staff and Senator Keenan and staff to discuss the status the proposed project.
87. **MassDEP** - Memo regarding December 2, 2015, meeting between the MassDEP Commissioner and staff , Representative Timilty and staff, Representative Galvin, Representative Cusack, Representative Ayers and the Randolph Town Manager and Public Health Director to listen to the concerns of the meeting attendees with regard to the proposed project.
88. **MassDEP** - Memo regarding October 2, 2015 and January 11, 2016, meetings between the MassDEP Commissioner and staff, Representative Mariano and staff, and Town of Holbrook officials to listen to the interests of the meeting attendees with regard to the proposed station project.