



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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

September 10, 2015

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
**NEGATIVE REPORT ON SUITABILITY FOR SITE
ASSIGNMENT**
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 Technical Review of the permit application listed above. The application was submitted on your behalf by Woodard & Curran of Dedham, Massachusetts, and received by MassDEP on June 18, 2014. MassDEP reviewed the application under the provisions of 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities." TLA-Holbrook, LLC proposes to construct and operate a 1000 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 application consists of the document entitled:

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

And supplemental information 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**

And supplemental information prepared by Beveridge & Diamond ^{PC} on behalf of the Applicant 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 was required to be given concerning the proposed solid waste site assignment, in order to initiate and provide a twenty-one (21) day public comment period for any concerned or interested persons regarding the proposed site assignment. According to the provisions of 310 CMR 16.00, the public comment period would commence on the date by which "proof" of public notice was submitted to MassDEP. On June 29, 2015, MassDEP received documentation that public notice was published in English and Spanish in the *Canton Journal*, the *Holbrook Sun*, the *Randolph Herald* and the *Stoughton Journal* on June 5, 2015, and that notice was published in the June 10, 2015, MEPA Environmental Monitor, and that abutters were notified via U.S. Mail. Accordingly, the 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 including state officials, local officials and private citizens. 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 had been appended to the Record.

With respect to Environmental Justice, MassDEP has determined that the proposed location to be site assigned is not directly located within an area with an Environmental Justice ("EJ") 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 1000 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 for public review, which are located in the Holbrook Public Library and the Turner Free Library in Randolph, and published notification of the Application in English and Spanish in the *Canton Journal*, the *Holbrook Sun*, the *Randolph Herald* and the *Stoughton Journal*.

Pursuant to 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities," and as detailed in its Negative Report on Suitability enclosed herein, the Department has determined that insufficient information

exists to allow the Department to make a determination that the Site meets all applicable criteria for site suitability for the proposed use. Attached is the "Negative Report on Suitability", Report #133-003-A prepared by the Department.

The Department hereby issues a Negative Report on Suitability 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. The Applicant has a right to request reconsideration, which is described in more detail in the Department's Report. Appeal rights are also 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/lg

TLA – HOLBROOK
CERTIFIED MAIL # 7014 2120 0003 6904 2597

TOWN OF HOLBROOK
CERTIFIED MAIL # 7014 2120 0003 6904 2580

Attachment: **NEGATIVE REPORT ON SUITABILITY**

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

ec: TLA Holbrook, LLC
hsites@barlettaco.com

Beveridge & Diamond
MGoldstein@bdlaw.com
BLEvey@bdlaw.com

DEP/Boston
ATTN: R. Blanchet

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



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NEGATIVE REPORT ON SUITABILITY

REPORT #133-003-A

Prepared by:

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

September 10, 2015

NEGATIVE REPORT ON SUITABILITY**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 1000 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 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 does not contain sufficient information on six criteria to allow MassDEP to make a determination on those criteria. A proposed site must meet all criteria in order for MassDEP to issue a Positive Report of Suitability.

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 1:** 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 1 of a public water supply well. (Record #31) The Applicant submitted a Water Resources Site Plan illustrating the locations of community groundwater wells. (Record #5) 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 1 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 #5)

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) 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.

MassDEP’s Finding:

MassDEP has determined that the Applicant has not submitted sufficient information to determine that the waste handling areas proposed in the Application will not be located within 500 feet of an occupied residential dwelling.

MassDEP has determined that the correct address for the location of the “garage” in question is 391 South Street. Although the Applicant stated that a “garage” located at “319” South Street, Randolph, Massachusetts is illegally occupied and thus does not constitute a residential dwelling. This “garage” building is within the 500 foot setback that would exist from the proposed waste handling area, as determined by MassDEP in its finding under General Criteria number 8 (pp. 21-22).

The Town of Randolph submitted comments in the record on the Application and stated that the residential use of the property is “long-standing (possibly beyond enforcement) and was not adopted to ‘disrupt’ permitting of the propose project.” (Record #54)

MassDEP viewed the public records of the Town of Randolph Tax Assessor’s Office. (Record # 67). The building stated to be a “garage” by the Applicant is listed by the Town of Randolph Assessor’s office as a Colonial Style, Residential Model, with 3 baths and 2 bedrooms, the property has been assessed as residential, and the property owner has paid taxes on this basis for at least 3 years.¹

Therefore, given the above information in the Record and in easily available public records, the MassDEP has determined that the Applicant has not provided sufficient information for MassDEP to make a determination as to whether the proposed Site meets the 500 foot setback criterion to sensitive receptors.

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

¹ In addition, the Town Counsel for the Town of Randolph has delivered a legal opinion to MassDEP on September 9, 2015, which MassDEP has added to the record but has not considered in reaching its final determination, which indicates that the Town Building Inspector issued a building permit for the building at the rear of 391 South Street as a “residential” property for renovations to that property. This information further casts doubt upon the contention by the Application that the property is not a legally occupied residence. See Record #71

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) #3025419). (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 #61).

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 application to MassDEP. Prior to MassDEP approval, that 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 40.000 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 the traffic evaluation on the assumption that the Facility would operate at a maximum waste acceptance rate of 1000 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 1000 tons of waste would require approximately 84 incoming trucks per day, or 7 trucks per hour over a 12 hour waste acceptance period.

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, 1000 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.

For the purpose of the Traffic Study peak traffic hour evaluation, 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).

Based on the traffic study, the Applicant concluded that traffic volume increases on study area roadways are expected to be minimal, ranging from 2 to 13 additional vehicles during the peak hours, and traffic at the study area intersections will have a minimal impact on peak hour traffic operations. 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). The 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 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, and 63).

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 4000 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 an air quality study prepared by Tech Environmental 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, 59, and 60). In that study, particulate matter (PM10 and PM2.5) and diesel particulate matter ("DPM") generated at the Facility during waste handling inside the building and emissions from the trucks entering and leaving the Facility were calculated using the U.S. Environmental Protection Agency (EPA) AERMOD dispersion model.

The 24 hour background PM10 concentration was estimated to be 41 ug/m^3 . The estimated maximum 24 hour average PM10 concentration with the Facility operating was calculated to be 57.1 ug/m^3 as compared to the National Ambient Air Quality Standard (NAAQS) 24 hour standard for PM10 of 150 ug/m^3 . (Record #19).

The 24 hour average background PM2.5 concentration was estimated to be 21.2 ug/m^3 . The estimated maximum, 24-hour average PM 2.5 concentration with the Facility operating was calculated to be 24.1 ug/m^3 as compared to the 24-hour NAAQS for PM2.5 of 35 ug/m^3 . The annual average background PM2.5 concentration was estimated to be 9.1 ug/m^3 . The estimated annual average PM2.5 concentration with the facility operating was calculated to be 9.9 ug/m^3 as compared to, the primary annual NAAQS of 12 ug/m^3 and the secondary annual NAAQS of 15 ug/m^3 . (Records #19 & 58).

The annual average background DPM concentration was determined by Tech Environmental to be 0.5 ug/m^3 . The annual average DPM concentration including the truck traffic at the Facility was calculated to be 0.59 ug/m^3 as compared to the EPA Reference Concentration for DPM of 5 ug/m^3 . (Record #19).

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.

Tech Environmental concluded that the Facility would fully comply with air quality standards and not adversely affect public health or air quality.

MassDEP's Finding:

As detailed below, MassDEP has determined that the Application does not include sufficient information for MassDEP to determine 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.

MassDEP has determined that the Applicant's Traffic Study fails to adequately estimate the potential traffic generated by the proposed Facility, fails to adequately analyze all traffic distribution scenarios that may occur, and fails to properly account for pedestrian and train crossing delays.

The Applicant doubled the estimated volume of vehicles hauling waste to the Facility during the AM and PM peak hours to compensate for uncertainties regarding the normal hourly fluctuation in deliveries, the variation in vehicle sizes that may utilize the proposed Facility, the potential for facility

traffic to follow a distribution pattern other than that assumed in the Traffic Study, residential vehicles accessing the proposed facility, and non-waste delivery trucks accessing the proposed facility. MassDEP finds that doubling estimated volume of vehicles hauling waste to the Facility is insufficient to account for all these factors.

The Applicant has not identified typical hourly variations in traffic volume although the data submitted by the Applicant and the Town of Randolph consultant for a similar facility indicates that traffic volumes vary throughout the work day.

The Applicant stated it is their intent to accept packer trucks and transfer trailers at the proposed Facility but also indicated they would accept smaller vehicles. The Applicant has not proposed to limiting the size or number of smaller vehicles, accordingly the Applicant has not adequately determined the average waste delivery truck capacity and the resultant truck traffic volume on the average truck capacity basis.

The Applicant's traffic study analysis included only one traffic distribution scenario based on existing traffic patterns whereas, depending upon the amount of local traffic versus the amount of non-local traffic generated by the Facility, the traffic distribution pattern could vary particularly with outgoing transfer trailers and incoming transfer trailers using preferential access routes to local highways.

The Applicant did not provide an estimate of the potential number of residents utilizing the residential drop-off area. The Applicant has not identified any municipalities operating a residential drop off area, that also offer curb side pick-up of municipal solid waste, recyclable materials and bulky waste, and their residential drop-off area usage rate to indicate that usage of the residential drop-off area would be minimal.

The Applicant did not include the traffic light delay caused by pedestrians using the crosswalk signal in the peak morning traffic analysis at two intersections. Given that these intersections are located adjacent to a commuter rail station, MassDEP finds omission of a traffic light pedestrian phase inappropriate. The Applicant indicated that although 2 to 3 commuter train crossings occur during the peak hours, the traffic model does not provide for inclusion of the train crossing related phase. MassDEP finds that when included in the traffic study, the traffic delay caused by use of the cross walk signal could potentially be used to evaluate the traffic delay that may be caused by commuter rail crossings. The Applicant did not include this evaluation for the afternoon peak hour when the pedestrian phase was included in the traffic study and could not make the argument for the morning peak hour when the pedestrian phase was not included in the traffic study.

The Applicant did not provide an estimate of non-waste delivery vehicles potentially accessing the Facility.

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 an air quality study prepared by Tech Environmental 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. (Record #19). 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 background PM10 concentration was estimated to be $41\text{ug}/\text{m}^3$. The estimated maximum PM10 concentration with the Facility operating was calculated to be $57.1\text{ ug}/\text{m}^3$ as compared to the National Ambient Air Quality Standard (NAAQS) for PM10 of $150\text{ ug}/\text{m}^3$.

The 24 hour background PM2.5 concentration was estimated to be 21.2 ug/m³. The estimated PM2.5 concentration with the facility operating was calculated to be 24.1 ug/m³ as compared to the 24-hour NAAQS for PM2.5 of 35 ug/m³. The annual average background PM2.5 concentration was estimated to be 9.1 ug/m³. The estimated annual average PM2.5 concentration with the facility operating was calculated to be 9.9 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)

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 0.59 ug/m³ as compared to the NAAQS for DPM of 5 ug/m³.

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, 58, 61, and 64).

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 in the analysis of 310 CMR 16.40(4)(b) Traffic and Access to the Site, that the traffic study contains insufficient traffic volume information. Since one basis for the Applicant's assumptions for the Air Quality Impacts is on-site traffic volume, MassDEP finds that it does not have sufficient information to make a determination on this criterion.

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 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 L90 background levels 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. (Record #60).

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 #31and 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 #31and 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 odor 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 in the analysis of 310 CMR 16.40(4)(b) Traffic and Access to the Site, that the traffic study contains insufficient traffic volume information. Since one basis for the Applicant's assumptions for the potential noise impacts is on-site traffic volume, MassDEP finds that it does not have sufficient information make a determination on this criterion.

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 trucks prior to the incoming traffic scales and 25 vehicles 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.

The building can handle 30 trucks per hour based on the Applicant's assumptions that each truck takes about ten minutes to unload and five trucks can access the building simultaneously. 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 estimated average truck weight is 12 tons of waste per incoming load. 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 & 60).

If the MSW is being shipped out by truck, then incoming and outgoing trucks will be utilizing the MSW transfer building in a roughly 2:1 ratio 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.

The Traffic Impact and Access Study estimates an average of 7 incoming waste hauling trucks per hour and a peak of 14 incoming waste hauling vehicles per hour such that the proposed Facility, with a handling capacity of 30 trucks per hour, is capable of handling approximately double the anticipated hourly peak incoming vehicle rate. (Record #14).

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 with the MSW transfer building and at the residential drop off area. Pursuant to 310 CMR 16.02, the "handling area" does not include access roads.

MassDEP's Finding:

MassDEP has determined in the analysis of 310 CMR 16.40(4)(b) Traffic and Access to the Site, that the traffic study contains insufficient traffic volume information. Since one basis for the Applicant's assumptions for the building size and queue lengths is on-site traffic volume, MassDEP finds that it does not have sufficient information to make a determination on this criterion.

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. **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 & McGuire 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. **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 1000 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 & McGuire site cleanup. (Record #62).

MassDEP's Finding:

MassDEP has determined in the analysis of 310 CMR 16.40(4)(b) Traffic and Access to the Site, that the traffic study contains insufficient traffic volume information. Since one basis for the Applicant's determination that the projected impacts of the proposed facility will not pose a threat to public health, safety or the environment is the volume of on-site traffic, MassDEP finds that it does not have sufficient information make a determination on this criterion.

12. **310 CMR 16.40(4)(I) Regional Participation:** Pursuant to 310 CMR 16.40(4)(I), 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.

MassDEP's Finding:

MassDEP has determined that the Town participates in a regional disposal facility and accordingly 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 insufficient information exists to allow the Department to make a

determination that the 14.85 acre site, located at 3 Phillips Road and 6 Phillis Road, Holbrook, Massachusetts, meets 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 FOR RECONSIDERATION AND APPEAL

Motion for Reconsideration. Pursuant to 310 CMR 16.14, the Applicant may file a written motion for reconsideration within fourteen (14) days of the date of issuance of this Report. The motion for reconsideration shall state the fact(s) which it is contended the Department overlooked or misapprehended and shall contain such argument in support of the motion as desired. Action on any such motion is at the discretion of the Department. Any motion for reconsideration shall be sent to :

Millie Garcia-Serrano
Acting Regional Director
MassDEP
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Opportunity for Comment. The Department may allow comment from the boards of health, the Department of Public Health and the general public for a specific time period if it decides to reconsider its findings.

In the event that the Applicant does not timely file a motion for reconsideration, the Department's Negative Report of Suitability will constitute 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.

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 ("MassDEP"), 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. **D. Connick, 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 O.
48. **Beveridge & Diamond** – Response to Determination of Administrative Incompleteness, dated May 14, 2015.
49. **Commonwealth of Massachusetts, Department of Environmental Protection** - "Determination of Administrative Incompleteness" notice for the proposed project issued to Applicant, dated July 8, 2014.
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 Randolph 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/oagps001/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 Holbrook** -electronic mail submittal received by MassDEP on September 9, 2015
73. **MassDEP** - "Site Suitability Report" for the proposed project, dated September 10, 2015.