



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

November 13, 2018

Mr. Robert Cummings
Enviro Cycle, LLC
50 Homers Wharf
New Bedford, MA 02740

RE: PROVISIONAL DECISION FOR PUBLIC COMMENT
APPROVAL WITH CONDITIONS
Application for: BWPSW25
CORRECTIVE ACTION DESIGN (CAD)
Transmittal No. X280902

AT: Attleboro Landfill Inc. Landfill
179 Peckham Street
Attleboro, MA
Facility No. 132263 R.O. No. 172303

Dear Mr. Cummings,

The Massachusetts Department of Environmental Protection (“MassDEP”) has completed its technical review of the Corrective Action Design (“CAD”) permit application (the “Application”) listed above regarding final grading and construction of a final cover system in order to close the Attleboro Landfill Inc. (“ALI”) Landfill (“Landfill”). MassDEP determined that the Application is technically complete. MassDEP hereby issues the enclosed “Provisional Decision for Public Comment” to approve the Application, subject to the conditions therein.

The Application was submitted by Enviro-Cycle, LLC and reviewed by MassDEP pursuant to the provisions of 310 CMR 19.029(2): Applicable Permit Procedures and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP’s decision regarding the proposed activities shall be either: a “Provisional Decision” pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b).

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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MassDEP has determined that a "Provisional Decision", is appropriate for purposes of obtaining public comments.

MassDEP will review and consider all comments received during the public comment period prior to making its final decision on the Application. Please be advised that additional information may be required to be submitted by Enviro-Cycle, LLC and/or the proposed design of the project may be required to be modified by Enviro-Cycle, LLC in order to address the comments. Should any of the above be deemed necessary, MassDEP will advise Enviro-Cycle, LLC accordingly, prior to rendering its final decision on the Application.

In accordance with 310 CMR 19.033(4)(a), MassDEP is providing notice within the Provisional Decision for Public Comment that MassDEP will accept written comment on the Provisional Decision for Public Comment for a period of twenty-eight (28) days from November 13, 2018, through the close of business on December 11, 2018.

Comments may be sent via mail to:

Massachusetts Department of Environment Protection
Southeast Regional Office,
20 Riverside Drive, 20347
ATTN: Mark Dakers, Chief of Solid Waste Section

or via e-mail to: sero.solidwaste.mass.gov

E-mailed comments should use the term "ALI Landfill comments" in the subject block.

After the completion of the 28-day public comment period and MassDEP's review of the public comments and any subsequent additional information provided by Enviro-Cycle, LLC to address the public comments, MassDEP will issue its final decision on the Application.

Please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 if you have any questions. In all written responses please reference Transmittal #X280902.

Very Truly Yours,

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

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

D/DC

cc: Michelle N. O'Brien, Esq.
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MassDEP - Boston
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MassDEP - Lakeville
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M. Dakers



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Dear Mr. Cummings,

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its review of the permit application ("Application") listed above for the closure and capping of Phase B of the Attleboro Landfill Inc. ("Landfill"), that includes acceptance of Re-Crete™ for grading and shaping and construction of a final cover system at Phase B of the Landfill. MassDEP has determined the Application to be administratively and technically complete. Accordingly, MassDEP hereby issues this approval of the Corrective Action Design submitted by Enviro-Cycle, LLC ("Applicant" or Enviro- Cycle").

SUBMITTALS

The following submittals represent the complete application.

- A. One bound document entitled "Corrective Action design, Attleboro Landfill – Phase B, 179 Peckham Street, Attleboro, Massachusetts", dated July 27, 2018, and received by MassDEP on August 1, 2018; and
- B. A set of five 24" x 36" design drawings entitled "Attleboro Landfill Phase B Closure Plan", dated June 20, 2018, and received by MassDEP on August 1, 2018.

On August 27, 2018, MassDEP issued a Determination of Administrative Completeness with Technical Comments to Enviro-Cycle. On September 13, 2018, Enviro-Cycle responded with a supplemental application submittal consisting of the following:

- C. One bound document entitled "Corrective Action design, Attleboro Landfill – Phase B, 179 Peckham Street, Attleboro, Massachusetts", dated July 27, 2018, and revised September 12, 2018; and
- D. A set of six 24" x 36" design drawings entitled "Attleboro Landfill Phase B Closure Plan", dated June 20, 2018, and revised on September 2, 2018.

Additionally, on October 1, 2018, Enviro-Cycle responded with a second supplemental application submittal consisting of the following:

- E. One bound document entitled "Corrective Action design, Attleboro Landfill – Phase B, 179 Peckham Street, Attleboro, Massachusetts", dated July 27, 2018, revised September 24, 2018; and
- F. A set of six 24" x 36" design drawings entitled "Attleboro Landfill Phase B Closure Plan", dated June 20, 2018, and revised on September 24, 2018.

APPLICATION REVIEW AND DECISION PROCESS:

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): Applicable Permit Procedures and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's decision regarding the proposed activities shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b). MassDEP has determined that a provisional decision is appropriate for this Application. Accordingly, MassDEP is establishing a twenty-eight day public comment period.

MassDEP has reviewed the Application pursuant to 310 CMR 19.000: *Solid Waste Regulations* and MassDEP's *Landfill Technical Guidance Manual, May 1997* (the "Manual").

FACILITY DESCRIPTION

The Landfill consists of approximately 55 acres of land that have been divided into two areas; Phase A and Phase B. Phase A of the Landfill consists of approximately 32 acres and Phase B of the Landfill consists of approximately 23 of acres. Solid waste has been disposed of in Phase A and also in approximately 7.7 acres of Phase B. Phase A is unlined and capped. The disposal area of Phase B is unlined and uncapped.

The Landfill was operated as an open dump by the City of Attleboro from approximately 1942 to 1975. In 1975, the solid waste disposal operation at the Landfill (i.e., Phase A) was converted to a solid waste sanitary landfill under the terms and conditions of a plan approval issued by MassDEP. Attleboro Landfill Inc. operated Phase A from 1975 to 1994.

On December 30, 1992, MassDEP issued an approval for partial closure of the Landfill and the capping of Phase A. The approval was based on proposed plans to develop and operate the Phase B area as a lined, lateral expansion of the solid waste Landfill. As proposed, the liner of Phase B would serve as the cap for the rear side-slope of Phase A.

In December 1993, ALI advised MassDEP that ALI was not going to pursue plans for the development of Phase B. In June 1994, ALI ceased accepting solid waste in Phase A and on June 16, 1995, MassDEP issued a provisional permit to ALI to complete the capping of Phase A.

From 2002 to 2012 ALI and its consultants submitted several conceptual proposals/plans to MassDEP under the MassDEP's "Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites" dated July 6, 2001 ("Closure Guidelines"). The purpose of these conceptual proposals/plans was to provide a means to generate revenue to fund the Phase B closure and Landfill monitoring and maintenance through the use of grading and shaping materials to reshape Phase B to meet the regulatory requirements for a proper landfill cap. None of these proposed plans was implemented.

In 2013, ALI retained Enviro-Cycle to develop a closure plan for Phase B. Enviro-Cycle is a Massachusetts Limited Liability Company established to market a recycled material known as "Re-Crete™" used in various construction applications.

In November 2013, Enviro-Cycle submitted to MassDEP a conceptual closure proposal, on behalf of ALI, to grade and shape Phase B with Re-Crete™, which is a mixture of Portland cement and construction and demolition ("C&D") fines produced at C&D material processing facilities. The use of C&D fines will provide the necessary funding to cover expenses associated with the Phase B grading and shaping activities, Phase B final cover system construction, and 30-year post closure monitoring and maintenance of the Landfill.

Enviro-Cycle prepared and submitted to MassDEP a "Conceptual Closure Proposal" for Phase B, dated December 2, 2014, in accordance with the Closure Guidelines. Grading and shaping of Phase B would include overlaying approximately 2.2 acres of Phase A, bringing the total area to be capped to 9.9 acres. (Note: During development of the Corrective Action Design Application,

Enviro-Cycle proposed to re-locate approximately 0.8 acres of Phase B waste material, reducing the total area to be capped to about 9 acres.)

On March 10, 2015, pursuant to the Closure Guidelines, ALI and Enviro-Cycle sponsored a public information session to describe the Phase B Conceptual Closure Proposal. On March 10, 2015, MassDEP also established a formal thirty-day Public Comment Period that ended on April 11, 2015.

ALI, Enviro-Cycle and MassDEP prepared responses to the comments received on the conceptual closure proposal and held several meetings to discuss the proposal with state and local officials. Enviro-Cycle developed a Draft Traffic Control Plan and met with City of Attleboro and Town of Norton officials on July 26, 2016 to review the Draft Traffic Control Plan.

On February 16, 2017, Enviro-Cycle prepared and submitted to MassDEP a document entitled “Attleboro Landfill Inc. Response to Public Comments on the Attleboro Conceptual Closure Project” (“Response to Comments”) and a separate Traffic Control Plan with revised haul routes.

On July 13, 2018, MassDEP entered into two enforceable agreements on the assessment and closure of Phase B. The first document, Administrative Consent Order (ACO-SE-0002500), executed with Attleboro Landfill Inc. (“ALI”) and Albert Dumont (owner of ALI), settles an appeal of a previous enforcement order and penalty dating to 2005. ACO-SE-0002500 resolves past violations and stipulates penalties for future noncompliance. The second Administrative Consent Order executed with ALI and Enviro-Cycle (ACO-SE-0002501), sets the terms and conditions, as well as a three-year compliance schedule, for assessing and capping the Landfill. The agreement also establishes that revenue from the acceptance and use of approved grading and shaping materials will be used to pay for the Landfill closure and to establish a 30-year post-closure ground water monitoring and site maintenance fund to be administered by an independent third party. ACO-SE-0002501 stipulates penalties for noncompliance.

Pursuant to the terms of ACO-SE-0002501, Enviro-Cycle submitted the CAD application that is the subject of this permit.

SOLID WASTE SITE ASSIGNMENT

The Landfill has been granted a solid waste site assignment in accordance with M.G.L. c. 111, §§ 150A and 150A1/2, by the City of Attleboro as a solid waste disposal facility.

LANDFILL GRADING AND SHAPING

Phase B will be closed by utilizing approximately 230,000 cubic yards of Re-Crete™ to regrade the Phase B area. Enviro-Cycle has an agreement with New Bedford Waste Services (“NBWS”) to provide all of the C&D fines necessary to make Re-Crete™ and to conduct all Re-Crete™ mixing operations at the NBWS C&D processing facility located in New Bedford, Massachusetts. The Re-Crete™ will be transported in wet, uncured form to Phase B for placement to minimize the potential for dust generation, both during Re-Crete™ transport and during placement.

A third party Massachusetts registered professional engineer (“Engineer”) will oversee all Landfill shaping and grading and final cover system construction activities. The design and installation of mechanical processing equipment for the mixing of Re-Crete™ at NBWS’ New Bedford facility will be the subject of a related permit application by NBWS to modify the existing C&D processing facility. The Engineer’s trained staff will monitor the mixing of Re-Crete™ at NBWS and the placement of Re-Crete™ in Phase B to ensure compliance with the approved design plans.

Prior to placement of Re-Crete™ on the lower lifts, existing surface soil will be rearranged to form a swale and a berm on the exterior portion of Phase B. This berm will control runoff from the placement area and will serve to define the exterior portions of the Phase B area to be capped.

Mixed Re-Crete™ will be delivered by truck to the designated work area in Phase B and then spread and compacted in lifts not greater than 12 inches and compacted by multiple passes with a CAT D6 or similar equipment with a minimum weight of 25 tons. Placement and grading will be conducted in a manner to bring approximately one third of the site (approximately 200 feet wide in an east to west direction) to finish grades before moving to the next segment in a westerly direction.

During placement of Re-Crete™, the Engineer’s representative will conduct daily site visits to observe on-site activities, including monitoring for odors and sampling the ambient air for potential hydrogen sulfide emissions.

TRUCK ROUTES AND SITE ACCESS

To transport the approximately 230,000 tons of Re-Crete™, Transfer trailers with a payload of between 28 and 35 tons per load will be utilized. Between 400 and 600 tons of Re-Crete™ will be delivered per working day, requiring between 30 and 40 truck trips per day (total inbound and outbound) and about 400 working days. Re-Crete™ deliveries will be limited to five days per week (Monday-Friday) from 7:00 a.m. to 4:00 p.m. The placement and grading of Re-Crete™ may continue beyond 4 PM as necessary.

In consultation with City of Attleboro and Town of Norton representatives, a traffic management plan was developed. All traffic will access the Landfill through Attleboro and return to the NBWS facility through Norton. The Attleboro inbound route will originate at the NBWS facility, travel to Route 195 west, then to Route 118 north and follow Route 118 into Attleboro. Incoming, loaded trucks will then turn right on Bishop Street, right on Pike Avenue and left onto Peckham Street to the Landfill.

The Norton outbound route will originate at the Landfill. Outgoing, empty trucks will travel easterly on Peckham Street, North Attleboro, which turns into Union Road in Norton; turn right on South Worcester Street, which merges with John Scott Boulevard, which changes to Eddy Street. Outgoing trucks will then turn right onto Route 140 then left onto Harvey Street, which leads into the Taunton Industrial Park, then turn left onto Bay Road, then right onto Route 495 and continue to NBWS in New Bedford.

WASTE CONSOLIDATION

Existing waste located in an area of approximately 36,000 square feet on the eastern side of Phase B will be excavated and relocated within the Phase B disposal area. Test pit observations indicated buried materials consist of waste wood, logs, stumps, tires, and minor amounts of wire and cable. During the excavation process the Engineer will examine the excavated material for the presence of any restricted materials or odorous materials. Restricted materials will be removed for proper re-use or disposal. Odorous materials will be relocated and immediately covered to prevent nuisance conditions. Following the excavation and relocation of waste and prior to backfilling the excavation, confirmatory sampling and analysis of the soils that remain in the excavation area will be conducted to confirm that no unacceptable levels of common contaminants remain in the excavated areas. Disturbed areas will be backfilled with clean soils from on site and covered with top soil and seeded.

FINAL COVER SYSTEM

The final cover system is designed in compliance with 310 CMR 19.112: *Landfill Final Cover Systems*, and 310 CMR 19.140: *Landfill Closure Requirements* of the Solid Waste Management Facility Regulations. The proposed final cover system will have a landfill gas management system, a geomembrane barrier and stormwater run-off control devices designed to maintain the integrity of the final cover and will be comprised of the components as described below:

- Gas Venting/Geomembrane Support Layer – Consisting of granular sand with a maximum particle size of 3/8 inches and a minimum hydraulic conductivity of 1×10^{-3} cm/sec placed above the Re-Crete™ in a minimum 6-inch thick layer; overlain by
- Geomembrane Barrier – Textured geomembrane barrier made of 40-mil thick, high-density polyethylene (HDPE) placed in direct contact with the surface of the geomembrane subgrade layer; overlain by
- Sand Drainage Layer – Consisting of a minimum 12-inch thick layer of sand with a maximum particle size of 3/8 inches and a minimum hydraulic conductivity of 1×10^{-2} cm/sec; overlain by
- Vegetative Support/Protection Layer – Consisting of a minimum of 9 inches of top soil with minimum organic content of 8%.

LANDFILL GAS VENTING SYSTEMS

Existing Waste Venting:

Based on the results of test pit excavations, existing on-site waste in Phase B was determined to consist mainly of inert material (tires, cables, light stanchions, and concrete) and wooden material that is highly decomposed. Although it is unlikely that there will be any significant landfill gas generation from this material, any gas generated will be collected and passively vented. Four landfill gas collection wells will be installed in the existing waste prior to placing any Re-Crete™. Each well will consist of a 4-inch diameter, perforated poly vinyl chloride (“PVC”) pipe installed in a 36-inch diameter boring drilled down to the groundwater table and backfilled with crushed stone. A solid PVC pipe will be extended as Re-Crete™ placement progresses and terminate approximately three feet above the final cover system grade with a

goose-neck outlet venting to the ambient air. The four wells will be connected by a 4-inch diameter high density polyethylene (“HDPE”) pipe header system. A “tee” connection with a blind flange will be installed at one of the interconnected wells to provide for future connection to the existing Phase A active gas collection system. Should significant landfill gas be produced at any time, a header pipe will be installed at the time and the collected landfill gas will be combusted.

Re-Crete™ Venting:

Although Enviro-Cycle states that it is unlikely that there will be any significant landfill gas generation from the Re-Crete™, any gas generated will be collected and passively vented. The gas venting system for the gas generated by or passing through the Re-Crete™ materials from the existing waste materials will consist of the 6-inch gas venting layer of the final cover system and a series of interconnected, 4-inch diameter perforated HDPE pipes installed within the gas venting layer. Solid vertical PVC pipes will be installed in five locations and pass through the final cover system with a booted seal through the geomembrane. The vents will terminate approximately three feet above the final cover system grade with a goose-neck outlet venting to the ambient air. A “tee” connection with a blind flange will be installed at one on the interconnected vents to provide for future connection to the existing, Phase A active gas collection system, should significant landfill gas be collected.

STORMWATER CONTROL

In addition to the components listed above, the final cover system will include storm water run-off/run-on control features designed to maintain the integrity of the final cover and prevent ponding of water on the areas furnished with final cover. The storm water control system will include:

Surface Water:

- Earthen diversion berms: To be constructed of top soil and lined with rip-rap, located above the vegetative layer to direct stormwater run-off to a side slope downspout;
- Side slope downspout: To be constructed with corrugated 18 inch diameter HDPE pipe, to convey slope run-off to the storm water detention basin;
- Storm water retention basin: To be constructed on the west side of Phase B with a storage capacity of approximately 204,000 cubic feet, designed to manage the 100-year, 24-hour storm event stormwater runoff from Phase B, and used to capture sediment and recharge the stormwater into the ground.

Subsurface Water:

- Top 5% slope area sub-drains: To be installed to minimize pore pressure in the final cover sand drainage layer, consisting of 4-inch diameter perforated HDPE pipes located approximately 70 feet on center across the 5% plateau, draining to the side slope perimeter swale or to the stormwater basin.
- 3:1 grade sideslope areas sub-drains: To be installed to minimize pore pressure in the final cover sand drainage layer, consisting of 4-inch diameter perforated HDPE pipes located approximately 60 feet down slope from the break from the 5% slope to the 3:1 side slope,

where the slopes exceed 60 feet in length, and along the east and west intersections of the Phase A and Phase B 3:1 side slopes.

PERMIT LIMITATIONS

The issuance of this approval is limited to the Phase B grading and shaping and final cover system construction as shown on the Plans submitted in the Application and does not relieve the Applicant from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or remedial action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health, safety, and the environment.

APPROVAL WITH CONDITIONS

As a result of its review, MassDEP has determined that the application is satisfactory and in accordance with the authority granted pursuant to M.G.L., C. 111, §150A hereby approves the Phase B final grading and shaping and installation of the final cover system in the area designated on the Landfill final cover plans submitted by Enviro-Cycle October 1, 2018, subject to the following conditions.

1. Notification: The Applicant shall notify MassDEP upon the commencement of acceptance of Re-Crete™ in order that periodic inspections can be scheduled. Notifications should be made via e-mail to the MassDEP SERO solid waste section chief (Mark.Dakers@mass.gov).

Pursuant to 310 CMR 19.130(31), two weeks prior to commencement of construction of the final cover, the Applicant shall notify MassDEP, in writing, of pending commencement of construction of the final cover system and shall notify MassDEP again two weeks prior to completion of construction of the final cover system.

2. Financial Assurance Mechanism: Prior to accepting any grading and shaping materials at the Landfill, the Applicant shall, in accordance with the provisions of 310 CMR 19.051, and Paragraphs 12J and 12K of ACO-SE-0002501, establish and maintain a Financial Assurance Mechanism (“FAM”) in order to ensure that there is sufficient funding to perform all closure/post-closure monitoring and maintenance activities throughout the closure process and the 30-year post-closure period.

A. Prior to accepting any grading and shaping materials the Applicant shall provide MassDEP with documentation that a FAM in the amount of approximately One Million Nine Hundred Eighty Thousand Dollars (\$1,980,000.00) has been established by the Applicant in accordance with the provisions of 310 CMR 19.051 for Landfill closure.

B. The FAM shall also include provisions for the establishment of a separate “Post-Closure Monitoring and Maintenance Account”, in the amount of approximately Five Hundred Thousand (\$500,000.00) dollars regarding the 30-year monitoring, maintenance and care of the Landfill after the Landfill has been certified capped and closed in accordance with the provisions of 310 CMR 19.051. Prior to the acceptance of grading and shaping material, twenty-five percent (25%) of the “Post Closure Monitoring and Maintenance

Account” shall be funded. The remaining seventy-five percent (75%) of the “Post-Closure Monitoring and Maintenance” account shall be funded through a portion of the proceeds from the delivery and use of the approved landfill closure grading and shaping materials (Re-Crete™) during the Landfill closure project within one year of Applicants’ commencement of acceptance of Re-Crete™ at the Landfill. The Post-Closure Monitoring and Maintenance account shall be managed by a third party for the performance of all required post-closure monitoring and maintenance activities associated with the Landfill during the “post-closure period” (30-years) after the Landfill has been certified closed/capped.

3. Complaint Line: Prior to acceptance of grading and shaping material at the Landfill, the Applicant shall provide MassDEP and the Attleboro and Norton Boards of Health the telephone number for the Applicant’s Complaint Line established for intake of complaints. The Applicant’s Complaint Line shall accept and log complaints regarding odor, dust, noise, traffic or any other nuisance or concern regarding project activities. The Applicant shall investigate any complaint received and take all necessary measures to mitigate the conditions causing any public nuisance condition.
4. Traffic: The Applicant shall implement the Traffic Mitigation Plan submitted in Appendix C of the Application. The Applicant shall ensure that delivery vehicles utilize the truck routes identified in the Application. All truck traffic shall access the Landfill through Attleboro and return to the NBWS facility through Norton. A maximum of 36 trucks per day shall deliver Re-Crete™ to the Landfill.

Incoming loaded trucks shall travel to Route 195 west, then to Route 118 north and follow Route 118 into Attleboro. Incoming, loaded trucks shall then turn right on Bishop Street, right on Pike Avenue and left onto Peckham Street to the Landfill.

Outgoing, empty trucks shall travel easterly on Peckham Street, North Attleboro, which turns into Union Road in Norton; turn right on South Worcester Street, which merges with John Scott Boulevard, which changes to Eddy Street. Outgoing trucks shall then turn right onto Route 140 then left onto Harvey Street, which leads into the Taunton Industrial Park, then turn left onto Bay Road, then right onto Route 495 and continue to NBWS.

5. Hours of Operation: Re-Crete™ shall only be delivered to the Landfill between the hours of 700 AM and 4:00 PM, Monday through Friday. Empty outgoing trucks shall leave the Landfill by 5:00 PM. Equipment and site maintenance (excluding grading and shaping activities), such as erosion control work, may occur outside of those times and on Saturday, with no activities on Sunday.

The Applicant shall adhere to any reasonable request by the City of Attleboro and/or Town of Norton to revise the days and/or hours of truck traffic due to unanticipated, unusual circumstances.

6. Phase B Closure Period: In accordance with Paragraph 12M of ACO-SE-0002501 and the Application, unless the timeframe is otherwise extended by MassDEP, Re-Crete™ may only be delivered and placed during a two (2)-year period from the date of initial placement of Re-Crete™, in order to achieve proper Landfill closure grades/configuration. The Landfill's final capping system shall be installed during the third and final year.

If, after consultation with the Applicant, MassDEP determines that the closure activities have caused nuisance conditions or an adverse impact to the environment, placement of materials shall be suspended until the nuisance conditions are addressed and all necessary measures are taken to prevent reoccurrence of nuisance conditions from the identified cause.

7. Re-Crete™ Production and Shipment Records: Enviro-Cycle shall maintain daily records of the amount of Re-Crete™ delivered to the Landfill each day, the number of trucks delivering Re-Crete™ each day, and any issues that arise with the production, delivery, placement or maintenance of the Re-Crete™. On a weekly basis, Enviro-Cycle shall obtain the data generated by New Bedford Waste Services ("NBWS") construction and demolition material processing facility pertaining to maintaining the minimum 6 percent cement content of Re-Crete™.
8. Health and Safety Plan: The Applicant is responsible to ensure all necessary precautions are taken to protect the health and safety of workers and the general public during construction activities. As a supplement to the Health and Safety Plan submitted in Appendix E of the Application, a revised site specific Health and Safety Plan shall be developed and submitted to MassDEP (for its records) prior to the beginning of any construction work and any on-site excavations for waste relocation. Individual Health and Safety Plans may be developed by each subcontractor as stated in the Application. The Health and Safety Plan(s) shall include at a minimum;
- protocols for monitoring of landfill gas as needed,
 - protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable,
 - protocol for inspection of excavated waste material, and
 - training for all workers conducting construction activities at the Landfill regarding hazards associated with landfill gas or the handling of unacceptable materials (refer to Condition #9).
9. Waste Consolidation: Should any unacceptable materials, including but not limited to: suspect asbestos containing waste and/or hazardous waste, be discovered in the waste material excavated for relocation, the unacceptable material shall be properly removed, handled, disposed and/or abated (as deemed necessary). At a minimum, all/any such unacceptable material shall be disposed of at an approved disposal facility in accordance with all applicable requirements. In the event that unacceptable material is discovered, the Applicant shall follow the Health and Safety Plan submitted pursuant to Condition #8, notify the MassDEP and the Attleboro Board of Health as soon as possible, but no later than within 24 hours of the situation(s), and state the actions taken or the actions that will be taken to address the situation(s).

10. Final Cover Construction: The final closure construction shall proceed in compliance with MassDEP's regulations, requirements, MassDEP's Landfill Technical Guidance Manual, revised May 1997, or as required by this permit. There shall be **no** deviation from the approved plan without prior written approval from MassDEP.
11. Interface Friction Testing: One interface friction test shall be performed in accordance with ASTM D5321 on the interface between the gas venting layer sand and the 40-mil textured geomembrane and between the sand drainage layer sand and the 40-mil textured geomembrane for each source of sand to be installed in these two layers. One direct shear test shall be performed in accordance with ASTM D-3080 for each source of gas venting layer sand and each source of drainage sand. Within the Closure Certification Report, the Engineer shall certify that the interface friction angle and direct shear test results were suitable to provide a stable final cover system based on the results of the interface friction angle test results and the stability calculations submitted in the Application. (refer to Condition No. 18)
12. Final Cover Construction Precautions: During construction of the sand drainage layer above the low permeability flexible membrane liner ("FML") layer, the Applicant shall take precautions to protect the FML from damage due to puncture or stress. Wherever possible, the Applicant shall place the drainage material beginning at the toe of slope and progress up-slope. Should site conditions prevent this method of construction, the Applicant shall develop and submit a written protocol for MassDEP review and approval that ensures that the FML is not punctured or strained. The protocol shall include the requirement that the Applicants' quality assurance/quality control engineer continually observes installation of the drainage layer over the FML.
13. Landfill Gas Collection System: During the closure/capping process, in the event that MassDEP determines that offensive or harmful gases generated from the Landfill closure/capping operation constitute a public nuisance condition and/or a condition of air pollution, the Applicant shall convert the passive gas system to an active gas control system within 10 days of written notification from MassDEP.
14. Landfill Gas Venting: The Applicant shall provide adequate venting of landfill gas during the final cover installation. In particular, the permanent gas vents must be operating or temporary venting must be provided during placement of the Re-Crete™ material and the final cover system layers.
15. Nuisance Conditions: During the closure construction the Applicant shall continue to comply with the applicable items in 310 CMR 19.130 *Operation and Maintenance Requirements* and 310 CMR 19.043 *Standard Conditions*. During the construction process, odors, dust, erosion, noise or other nuisance conditions shall be kept to a minimum and shall be prevented from creating a threat to human health and safety and the environment. In the event a nuisance condition develops, abatement measures shall be implemented immediately.

The Applicant shall take all necessary measures to control fugitive landfill gas emissions and landfill gas subsurface migration during construction. Temporary controls shall be

implemented as necessary to prevent nuisance odor conditions or a threat to public health or safety.

16. Engineering Oversight: A third party Massachusetts Registered Professional Engineer shall oversee the production of Re-Crete™ at NBWS to ensure the Re-Crete™ is suitable for grading and shaping material at the Landfill and to ensure a minimum 6 per cent cement content by dry weight.

A third party Massachusetts Registered Professional Engineer (“Engineer”) shall also oversee all operations at the Landfill including, but not limited to: site preparation, the acceptance and placement of Re-Crete™, maintenance of the Landfill during final grading, maintenance of stormwater and erosion controls, and construction of the final cover system including quality assurance/quality control. The Engineer or their designee shall be on-site at all times that Re-Crete™ is delivered to the Landfill. The Engineer shall inspect the Landfill daily and report any required maintenance work to Enviro-Cycle and its appropriate contractors.

17. Registry of Deeds: Pursuant to 310 CMR 19.141, the Applicant shall record notification in the Registry of Deeds that a landfill has been operated on the site and the date when it stopped accepting the waste. A copy of the recorded notification shall be forwarded to MassDEP within the closure certification report (refer to Condition No. 18).
18. Certification Report: In accordance with Paragraph 12T of ACO-SE-0002501, within one hundred and twenty (120) days of completion of the final cover construction in each phase, a Construction Certification Report shall be submitted to MassDEP in accordance with 310 CMR 19.106 with a BWP SW43A permit application. The Report shall include all Re-Crete™ delivery records, as-built drawings, quality assurance/quality control data, and written certification from the supervising engineer demonstrating that the construction was performed in accordance with Department regulations, requirements, the Manual, and the approved design. The Applicant should review the Manual, Table 2-2, "Elements of Construction Documentation Report" and Chapter 2 Section IV. C regarding the geomembrane and refer to Condition 11 above.
19. Local, State, and Federal Requirements: The Applicant shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.

RESERVATION OF RIGHTS:

MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain an environment free from objectionable nuisance conditions, dangers or threats to public health, safety and the environment. MassDEP reserves all rights to suspend, modify or rescind this permit if it determines the project results in a threat to public health, safety or the environment.

PERMIT LIMITATIONS:

The issuance of the Provisional Permit Decision is limited to the final closure of Phase B of the Attleboro Landfill, Inc. Landfill and does not relieve the Applicant from the responsibility to comply with all other regulatory or permitting requirements.

RIGHT TO APPEAL

Public Review of Provisional Decision: MassDEP has deferred the effective date of this Provisional Permit Decision for the purpose of obtaining and reviewing public comments prior to issuing a final decision. The effective date is deferred to accommodate a public comment period and time for MassDEP to review any comments received. In accordance with 310 CMR 19.033(4)(a), notice is hereby given that MassDEP will accept written comment on the Provisional Permit Decision for a period of twenty-eight (28) days from November 13, 2018, through the close of business on December 11, 2018. Comments can be submitted in writing to the letterhead address in care of Mark Dakers, Chief, Solid Waste Management Section, or by electronic mail to Mark.Dakers@state.ma.us. At the close of the public comment period, MassDEP will review the comments received, rescind or modify the Provisional Permit Decision in writing, if necessary, and issue a final permit decision.

Be advised that additional information may be required to be submitted by the Applicant and/or the proposed design of the project may be required to be modified by the Applicant in order to address the public comments. Should any of the above be deemed necessary, MassDEP will advise the Applicant accordingly, prior to rendering its final decision on the Application.

Right to Appeal: The final permit decision will be issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval, of the "Solid Waste Management Regulations*. Pursuant to 310 CMR 19.033(5), any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said permit decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days following the date of issuance of the final permit decision to the applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal: Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Transmittal No. X280902 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application, if applicable, at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

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

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

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

If you have any questions or comments regarding this approval letter, please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 or at the letterhead address.

Very truly yours,

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

Mark Dakers, Section Chief
Solid Waste Management Section

D/DC

cc: Michelle N. O'Brien, Esq.
Pierce Atwood LLP
100 Summer Street, 22nd Floor
Boston, MA 02110

ec: Mayor Paul Heroux
City of Attleboro
paulheroux@cityofattleboro.us
mayorssecretary@cityofattleboro.us

Attleboro Board of Health
health@cityofattleboro.us

Michael Units, Norton Town Manager
MYunits@nortonmaus.com

Norton Board of Health
health@nortonmaus.com
healthagent@nortonmaus.com

MassDEP - Boston
ATTN: R. Blanchet

MassDEP - Lakeville
ATTN M. Pinaud
M. Dakers



Massachusetts Department of Environmental Protection
One Winter Street, Boston MA 02108 • Phone: 617-292-5751
Communication For Non-English Speaking Parties - 310 CMR 1.03(5)(a)



1 English:

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



2 Español (Spanish):

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



3 Português (Portuguese):

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



4(a) 中國（傳統）(Chinese (Traditional)):

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。



4(b) 中国（简体中文）(Chinese (Simplified)):

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。



5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



6 Việt (Vietnamese):

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាមៗ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងជាមួយក្រុមការងារ MassDEP នៅលេខទូរស័ព្ទដែលបានរាយនាមខាងក្រោម។



8 Kriolu Kabuverdianu (Cape Verdean):

Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Diretor de Diversidade na MassDEP's pa es numero indicode li d'boche.



9 Русский язык (Russian):

Этот документ должен быть немедленно. Если вам нужна помощь при переводе, свяжитесь пожалуйста с директором по этике и разнообразию в MassDEP по телефону указанному ниже.



10 العربية (Arabic):

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.



11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.



12 հայերեն (Armenian):

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորև.



13 فارسی (Farsi [Persian]):

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.



14 Français (French):

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.



15 Deutsch (German):

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.



16 Ελληνική (Greek):

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.



17 Italiano (Italian):

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.



18 Język Polski (Polish):

Dokument ten jest ważny i powinien być natychmiast przetłumaczony. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.



19 हिन्दी (Hindi):

यह दस्तावेज़ महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.