



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

October 9, 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
**RESPONSE TO MOTION FOR
RECONSIDERATION AND MOTION TO
REOPEN RECORD REGARDING
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 ("Department" or "MassDEP"), is in receipt of a September 24, 2015, letter prepared by Beverage & Diamond on behalf of TLA-Holbrook, LLC ("TLA"). The letter served as TLA's Motion for Reconsideration under 310 CMR 16.14 and Motion to Reopen Record in response to the Department's September 10, 2015, Negative Report on Suitability for Site Assignment.

The Department has reviewed the Motion for Reconsideration and the Motion to Reopen the Record. Although, the Department has not performed a comprehensive review of the information submitted in the Motion to Reopen the Record, it has determined that it is appropriate to reopen the Record, comprehensively review the information submitted on September 24, 2015, and provide the public the opportunity to review and comment upon this information. After reviewing any additional information submitted to the Department, the Department will issue a decision on the suitability of the site for the proposed facility in accordance with the schedule set forth below.

The Department has noted that copies of the September 24, 2015, letter were sent to all the entities listed at 310 CMR 16.08(2) and that all attachments have been posted online and are available for review via the link posted on the Department's web site and the Holbrook Planning Board website. Accordingly, the Department is requiring that TLA publish Public Notice to reopen the Record for public comment on the information that has been submitted. TLA shall conduct Public Notice in accordance with the provisions of 310 CMR 16.10(4).

In accordance with 310 CMR 16.10(4) you must provide public notice that the **Motion for Reconsideration and Motion to Reopen the Record** for the site suitability application has been filed with the Holbrook Board of Health. You must notify all parties identified at 310 CMR 16.08(2) and abutters to the site by certified mail. In addition you must publish a Public Notice in at least one newspaper that has general circulation within the Town of Holbrook and in the Massachusetts Environmental Policy Act (MEPA) Monitor. If the Town of Holbrook has a population of greater than 15% of residents who do not speak English as their primary language, then you must publish an additional notice in a daily or weekly newspaper(s) circulated in that community written in the primary language(s) of these residents.

The Department's Review Period shall commence when you have provided proof that the Public Notice requirement as set forth in 310 CMR 16.10(4) has been satisfied. Proof may be in the form of a copy of the public notice in the publication. In addition, you shall submit a certified abutters list from the Town of Holbrook, copies of all certified mail return receipts, and a copy of the notice in the MEPA Monitor.

The Department will accept written comments from all interested persons for a period of twenty-one (21) days following receipt of proof of publication of the notice and commencement of the Review Period. Please be advised that comments received by the Department during the public comment period could require that additional information be submitted and/or the application be modified. During the initial 40 days of the Review Period, you may modify the application provided that said modifications, when taken in their totality, do not constitute a major modification. In addition, the Department may require you to provide additional information as MassDEP deems necessary to fully evaluate if the site is suitable. The Department will provide TLA with scanned copies of all Public Comments, at or prior to the end of the 21 day public comment period. The Department will complete a review of all the submitted information and make a final written determination.

If you have any questions regarding this letter, 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

\\holbrook\TLA Proposed TS\site suitability docs\Response to 9-24-15 Motions 10-6-15 .docx

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

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