Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
Western Regional Office • 436 Dwight Street, Springfield MA 01103 • 413-784-1100

Syncarpha Bondsville, LLC
250 West 57th St., Suite 701
New York, NY
10107
Attention: Clifford Chapman, Manager

June 3, 2016

RE: Palmer-DSWM-16-227-001
Palmer – Emery St. Landfill
Post Closure Use – Solar Power
Permit Approval (Amended)
BWPSW36
Transmittal #X270900

Dear Mr. Chapman:

The Massachusetts Department of Environmental Protection (MassDEP) is issuing this permit approval to Syncarpha Bondsville, LLC (Syncarpha) for the post closure use of the Town of Palmer's capped landfill (the landfill) located off Emery Street, as a solar power farm (Solar Farm). On August 11, 2015 MassDEP issued to Syncarpha its approval of the Major Post Closure Use permit application (transmittal #X266019) for the Solar Farm. On May 25, 2016, MassDEP received from Syncarpha a revised BWPSW36 Major Post Closure Use permit application, under transmittal #X270900 (the application), for construction and operation of the Solar Farm. The application was completed on behalf of Syncarpha by Tighe & Bond, Inc. (T&B). The application form was signed by Clifford Chapman, Manager of Syncarpha, and was also signed and stamped by Brian S. Huntley, Massachusetts-registered Professional Engineer (P.E.) #46273, of T&B.

The application includes a completed transmittal form, application form, text describing the proposed use, engineering calculations, and eleven engineering drawings. The civil engineering calculations of the application were signed and stamped by Brian S. Huntley, and structural engineering calculations for the ballasts and racking system were signed by Mohamed A. Aly, Massachusetts-registered P.E. #46847, of RBI Solar. The civil engineering drawings of the application were signed and stamped by either Brian Huntley or Francis J. Hoey III, Massachusetts-registered P.E. #40111; and the Electrical Engineering drawings of the application were signed and stamped by David J. Colombo, Massachusetts-registered P.E. #40426 (Electrical). The application included a letter of support for the Solar Farm project from the Town, signed by Charles

Blanchard, Palmer Town Manager.

Summary of Proposal

The Town completed Final Closure (capping) of seven acres of the northern portion of the landfill in 1988, with the cap consisting of (from bottom to top) 6 inches of common soil fill, 12 inches of re-compacted glacial clay till, and 6 inches of topsoil (this area is referred to as the Northern Soil Cap Area). In 1997, the Town completed capping of the remaining 12 acres of the landfill in accordance with engineering plans approved by MassDEP, with a cap consisting of (from bottom to top) 6 inches of sand gas vent layer, a 40-mil textured high-density polyethylene (HDPE) geomembrane, 12 inches of sand drainage layer, and 12 inches of topsoil (this area is referred to as the HDPE Cap Area). As required, the Town performs post-closure maintenance and monitoring at the landfill, including monitoring of groundwater, surface water, and landfill gas (LFG) during the 30-year post-closure maintenance and monitoring period.

The application proposes the construction and maintenance of a 4 megawatt (AC) photovoltaic solar farm on approximately 27 acres of the landfill property, including 19 acres on the capped landfill, and 8 acres on the western portion of the parcel, off the landfill cap. The proposed changes from the initial, 2015 Post-Closure use permit application are as follows:

- Racks will not be installed within 10 feet of drainage swales;
- The electrical equipment pads, and the equipment on them, has been modified;
- The rack ballast size has been modified;
- The location of electrical interconnection poles has been modified;
- Additional electrical duct banks will be installed over drainage swales;
- Another, temporary construction entrance has been added to the northwest corner of the property; and
- String inverters will replace central inverters.

The Solar Farm work will include:

- Prior to construction, erosion control measures (biodegradable compost filter tubes) will be placed and secured with sandbags, around the entire limit of work.
- Selective tree-clearing will be completed along the southern, northern and western perimeters of the project site. All tree-clearing will occur outside of the 50-foot No Disturb buffer zone specified by the Palmer Wetlands Protection Ordinance.
- In the northern (Soil Cap) portion of the landfill, the existing perimeter chain link fence will be removed and relocated as a driven fence outside of the perimeter of the landfill, within the limit of tree clearing. The holes from the removed posts will be backfilled with bentonite, flush with existing grade.
- A permanent access road will be built off the western perimeter of the landfill cap, which will extend approximately 300 feet onto the landfill cap, for vehicle access for construction and maintenance activities.
- A 6-inch thick, crushed stone construction path for low-ground pressure equipment will be

installed around much of the perimeter of the solar array, within the perimeter of the landfill cap.

- Construction staging and stockpiling of solar array materials will be located off the landfill cap, in the northwest portion of the landfill property.
- The solar array will be placed on slopes not exceeding 10% (on the landfill) and 20% (off the landfill), with the solar panels tilted at 25 degrees from horizontal, facing south.
- Pre-cast concrete foundation footings will be placed on the vegetative support layer of the cap. Panel racks located off the cap will be installed with driven piles.
- Photovoltaic panel racks (manufactured by RBI) will be installed on the foundation footings on the landfill, and on driven piles off the cap.
- 10,476 solar panels will be installed on the panel racks on the landfill, and 4,500 solar panels will be installed on the racks off the landfill.
- Four concrete equipment pads will be installed - one on the vegetative support layer of the HDPE Cap, and three outside the cap, off the western and northern perimeter. The equipment pads will hold electrical equipment, including combiner boxes, switchboxes, transformers, and a switchgear box, where electrical power from the solar panels will be conveyed.
- The photovoltaic panel racks will feed DC power from the panel strings to 66 string inverters located on rack ballasts, where DC power will be converted to AC power, and the low-voltage AC power will be conveyed via above-ground electrical cables, strung on the panel racks and also on aluminum ladder-type cable trays between the panel racks.
- AC power will be conveyed across stone drainage swales to three of the electrical equipment pads via the low-voltage cable trays.
- The switchgear box of the electrical equipment pads will convey medium-voltage electrical power off the landfill via an electrical cable buried in a conduit ductbank beneath the permanent access road, for transmission of electricity to the National Grid utility grid at new utility poles to be installed on the east side of Emery Street, at the northern access road entrance.

A permanent, 16-foot wide access road will be constructed from the existing southern property entrance on Emery Street, located 100 to 200 feet west of the landfill perimeter, to the existing northern property entrance on Emery Street. One spur road from the access road will lead to an equipment pad to be located off the western perimeter of the landfill, the second spur road will extend 300 feet across the Northern Soil Cap, terminating on the HDPE cap at a turnaround and equipment pad. Two, additional equipment pads will be located off the cap, one by the northern property entrance, and one off the northern perimeter of the cap, along the spur road.

The access road and turnaround on the cap will be constructed by the placement of a woven geotextile directly over the vegetative support layer of the HDPE cap, and addition of 12 inches of processed gravel and 6 inches of dense graded crushed stone over the geotextile. A 14-inch thick concrete duct bank will be installed within the processed gravel layer of the permanent road from the northern property entrance to the electrical equipment pads, with multiple 4-inch diameter PVC conduits within the duct bank; conduits will carry the electrical transmission line from the electrical equipment pads to the utility poles on Emery Street, communication lines, and at least one conduit

will be a spare. Construction entry pads will be installed at both entrances of the access roads at Emery Street, consisting of a 6-inch thick, crushed stone pad, 18-feet wide by 50-feet long, to avoid dirt tracking onto Emery Street during construction.

The concrete foundations (ballasts) for the photovoltaic racks will be pre-cast off-site, and will be 9.5 feet long, 1.5 feet thick, and either 2.0 feet wide (interior array area), or 2.92 feet wide (exterior array area). T&B proposes to use either crushed stone or crushed, clean asphalt, brick and concrete (ABC) material, as fill beneath each footing, to provide a planar surface for the footings, at a maximum slope of 5 degrees slope from horizontal, in the North-South direction. The photovoltaic racks will be bolted to the footings. The electrical transmission wiring from the racks to the electrical equipment pad will be run on aluminum-ladder type cable trays on the landfill surface. All photovoltaic rack assemblies and above-ground wiring will be kept at least 10 feet from any landfill gas vents.

The concrete electrical equipment pad constructed on the landfill cap will be at the end of the access road, and will be 40-feet long by 26-feet wide by 1.0 to 1.5-feet thick. A minimum of 1.3 feet of compacted soil fill will be placed on the top of the vegetative support layer, beneath the pad for leveling purposes, and the concrete pad will be poured in place, from concrete trucks operating from the access road. Three transformers, one switchgear box and ancillary equipment will be placed on the concrete pad. The electrical lines from the transformers and switchgear will run from the base of these boxes down through the concrete pad and the compacted fill below, due to electrical code requirements, however none of these electrical lines will penetrate the vegetative support layer. The electrical equipment, including the transformers, will be metal boxes with no opportunity for worker entry. A separate fence will not be installed around the electrical equipment pad, as a six-foot tall, chain-link fence currently exists around the entire landfill property; new locking gates will be provided at the two entrances along Emery Street.

The solar array will be grounded as required by electrical codes, including grounding to ballast blocks and the electrical equipment pad. No grounding wires or rods will extend down into the vegetative support layer of the cap.

Only low-ground pressure equipment, 7 pounds per square inch (PSI) or less, will operate off the permanent access road on the landfill cap, and will be operated to minimize turning during operations and to minimize repeated travel over the same areas. A 10-foot wide construction access path will be constructed around much of the perimeter of the solar array, consisting of 6 inches of dense-graded crushed stone over a woven geotextile; this path will be used only for low-ground pressure (less than 7 PSI) equipment. If use of equipment is determined to be detrimental to the cap vegetative support layer surface, a geotextile and a 6-inch layer of crushed stone will be placed on the vegetative support layer surface in problem areas for equipment use.

T&B and RBI performed geotechnical analyses for the solar array as follows:

- Loadings (increased ground pressure) from the foundations, racks and panels (including wind and snow loads) were calculated at the top of the sand drainage layer of the plastic cap and at the top of the low-permeable soil of the soil cap, and the calculated ground

pressures were compared to a maximum standard of 7 PSI. T&B's calculations showed that ground pressures from the solar arrays at the ballast blocks (including the inverter loadings) ranged from 2.4 PSI to 3.1 PSI, and the ground pressure from the electrical equipment pad on the cap would be 2.4 PSI.

- Settlement of the ballast blocks and equipment pad was calculated to be less than 0.5 inches.
- RBI states that the Factors–of-Safety (FOS) for sliding, overturning, and uplift of the ballasts/racks/panels from wind were acceptable, ranging from 1.35 to 2.38; RBI states that the minimum acceptable FOS is 1.0 (wind analysis based on a maximum wind of 95 mph);
- RBI states that seismic stability was calculated to be acceptable for the solar array;
- T&B concluded that all analyses, for the foundations and the roads, showed minimal loading and settlement, and no stresses or settlement which would damage the impermeable layer of the landfill cap.

T&B performed updated stormwater analyses for changes to stormwater runoff from the proposed work and concluded that there will only be small changes in stormwater runoff, and the existing stormwater control system can handle the flows. The only proposed change to stormwater management at the landfill is the proposed installation of one 12-inch culvert at the low point of the northern access road onto the landfill cap. A National Pollutant Discharge Elimination System (NPDES) General Construction Permit (CGP) for stormwater control will be obtained from USEPA prior to construction, as the acreage of site work exceeds one acre.

T&B states that the proposed construction and operation of the Solar Farm will not alter the conclusions of the previous Qualitative Risk Assessment for the landfill (completed as part of the Comprehensive Site Assessment); i.e. that there are no significant risks to human health and the environment posed by the landfill, or by the presence of the Solar Farm on the landfill. An Order of Conditions was previously by the Palmer Conservation Commission for the work, as a portion of the work will be within a 100-foot wetland buffer, and a portion of the work will also be within the Riverfront Area of the perennial stream on the southern end of the Town property. In addition, a Massachusetts Endangered Species Act (MESA) Checklist/Request for Determination of Take will be submitted to the Massachusetts Natural Heritage and Endangered Species Program (NHESP) for a portion of the work in the northeast corner of the project.

There are no proposed changes to the existing, long-term monitoring program for the landfill. Syncarpha will be responsible for maintenance within the boundaries of the Solar Farm, including mowing, pruning, weed control and pest control. The landfill will continue to be inspected and mowed annually, at a minimum. If erosion is observed, the surface will be stabilized.

The Town has signed a 25-year lease agreement with Syncarpha, with options to renew for an additional 10 years. At the end of the lease, Syncarpha will be responsible for decommissioning of the Solar Farm, which would consist of removal of all structures, including foundations and associated crushed stone, and restoration of the landfill cap to its original condition. T&B states that construction of the Solar Farm will begin in June of 2016, and will be completed by January

of 2017.

MassDEP Determinations

Personnel of MassDEP have reviewed the Post-Closure Use permit application for the Palmer Emery Street Landfill in accordance with MGL c. 111 s. 150A, MGL c. 30A, 310 CMR 19.000, and MassDEP's publication Landfill Technical Guidance Manual (the LAC), revised in May, 1997. MassDEP has determined that the application is approved in accordance with MGL c. 111, s. 150A and MGL c. 30A, subject to the conditions outlined below.

1. The Town of Palmer (the Town) is the owner of the landfill, and Syncarpha Bondsville, LLC (Syncarpha) is the permittee for the Solar Farm construction and operation.

2. A third-party, independent Massachusetts-registered professional engineer knowledgeable in landfill design and construction (the "Engineer") shall supervise the overall construction of the Solar Farm. The Engineer and/or a qualified QA/QC officer shall be present at the site at all times during road building, fence installation, ballast delivery and placement, installation of the electrical equipment pad, and rack/panel construction, when construction equipment is operating on the landfill. The QA/QC officer shall work under the direct supervision of the Engineer.

3. The Engineer's duties shall include, but not be limited to: oversee installation and construction of the components of the Solar Farm as outlined above; oversee quality assurance/quality control (QA/QC) testing and verify all data generated through the testing program; document all construction and QA/QC activities; and submit monthly construction progress reports to the MassDEP and the Town, which shall summarize the work performed during the month.

4. The Engineer's monthly construction report shall include at a minimum the following:

   (A) Any deviation from compliance with requirements approved or set forth in this Permit;
   (B) Any actions taken to correct such deviations, as required by MassDEP or recommended by the Engineer;
   (C) Schedules to correct identified problems;
   (D) Review of quality assurance/quality control (QA/QC) testing data generated, and documentation for construction and QA/QC activities;
   (E) The inspection report shall be signed and dated by the Engineer certifying that to the best of his/her knowledge all information is accurate and complete; and
   (F) The Engineer shall submit one copy of the monthly report to the MassDEP and one copy to the Town no later than seven (7) days following the end of the previous month.

5. Upon completion of the Solar Farm installation, the Engineer shall submit to MassDEP a

completion report, signed and sealed by a Massachusetts-registered P.E., certifying that the work was completed in accordance with the application and the conditions of this permit.

6. Syncarpha and the Engineer shall be considered operators with respect to the construction of the Solar Farm and compliance with plans and specifications. Syncarpha shall also be considered an operator during the operational life and decommissioning of the Solar Farm. As such, the Department may take enforcement action against Syncarpha or the Engineer, consistent with its authority under applicable Massachusetts law and regulation, for any failure to construct the Solar Farm in accordance with approved plans and specifications of which Syncarpha or the Engineer were, or should have been, aware.

7. Syncarpha and their contractor(s) are responsible to ensure that all necessary precautions are taken to protect the health and safety of workers and the general public during both construction and maintenance of the solar farm, and that work at the site complies with the site-specific Health & Safety Plan submitted as part of the 2105 application to the MassDEP. Monitoring of landfill gas as needed, and protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable.

8. Prior to the start of construction of the solar array, the Engineer shall submit documentation that the minimum acceptable Factor of Safety (FOS) of 1.0, as stated by RBI in the application, is valid for this construction and operation scenario, based on standard engineering practice and protocols concerning the applicability of minimum FOS standards.

9. All disturbance of the landfill cap shall be limited to the proposed installations on top of the vegetative support layer of the cap, i.e. - no excavations or other penetrations shall be performed into the vegetative support layer or sand drainage layer of the cap without separate written approval from the MassDEP. All concrete footings on the cap shall be placed on top of, or above, the vegetative support layer of the cap, unless otherwise approved by the MassDEP. There shall be no penetrations (utility, conduit or other) at the base of any rack ballasts on the landfill cap. <u>There shall be no penetrations of any kind of the impermeable layer of the cap.</u>

10. Syncarpha and their contractor(s) are responsible to ensure that the inverter and transformer boxes on the landfill cap area will not accumulate landfill gas within the boxes during the construction and operation of the solar farm. Any landfill gas levels exceeding 10% of the Lower Explosive Limit (% LEL) within any electrical equipment box shall trigger the requirements of 310 CMR 19.132(5)(g), for notification and action. The additional requirements for the electrical equipment pad include the following:

    A. Each transformer box shall be ventilated and the floor of each box shall be solid, with no openings for landfill gas to enter at the floor level, except for box penetrations required by the manufacturer or electrical codes;
    B. Any utility, conduit or any other penetrations through the base of the electrical equipment concrete pad penetrations shall be fully sealed (both outside and within

each conduit) against landfill gas entry, and the conduit/wiring shall not extend down into the vegetative support layer of the cap;

C. The transformer boxes shall not include a heater;

D. If MassDEP determines that nuisance noise conditions (i.e. 10 dB above background at the property line or nearest receptor) are being created by any of the electrical equipment, MassDEP reserves the right to require noise studies and/or the installation of noise mitigation measures; and

E. At least one operable landfill gas monitor shall be in use at all times during construction work on the landfill cap.

11. All necessary precautions shall be taken to ensure that the proposed construction and maintenance work associated with the Solar Farm shall not in any way damage the impermeable layer of the landfill cap, landfill stormwater control structures, landfill monitoring wells, landfill gas venting wells, or the landfill gas venting trench on the western landfill perimeter. If any damage occurs to any of the above-listed landfill components, Syncarpha or the Engineer shall notify MassDEP immediately (within 24 hours maximum), a written plan for repair of the components shall be submitted to MassDEP within 48 hours, and any repair work shall be completed on the schedule determined by MassDEP.

12. Prior to the commencement of construction activities, all landfill gas vents, landfill gas monitoring wells, groundwater monitoring wells, and other existing, above-ground structures of the landfill cap and appurtenances shall be flagged for visibility, and protective barriers shall be placed around such structures as needed to prevent damage by vehicles accessing the cap area, including the landfill gas monitoring wells located north of the landfill.

13. Construction work along the western landfill perimeter shall not interfere with, or damage in any way, the landfill gas (LFG) venting trench located outside the landfill cap in that area. As proposed, driven piles shall not be used within 10 feet of the LFG trench.

14. Vehicles operating on the landfill cap shall only operate on the designated permanent access roads, except for low-pressure construction equipment (with ground pressures of 7 psi or less) which may operate off the access roads, in accordance with the remaining conditions of this permit. All operators of vehicles entering the cap area shall be clearly instructed by the on-site engineer and/or the contractor of the requirements of this permit prior to arrival, to avoid damage to the landfill cap components. Low-pressure construction equipment operating off the access roads shall limit turning by tracks on the vegetative support layer as much as possible.

15. In no case shall rutting or other disturbance extend more than 6 inches down into the vegetative support layer (i.e. to the sand drain age layer). If MassDEP determines that the use of excavation equipment is creating the potential for damage to the sand drainage layer or the impermeable layer, the usage of such equipment shall cease immediately upon notification by MassDEP, and alternative work practices for operation of equipment of the

cap (i.e. placement of geotextile and crushed stone, as proposed) in the affected area(s) shall be instituted.

16. MassDEP specifically reserves the right to restrict or prohibit heavy vehicular loads from the permanent access road on the landfill cap, either as a weight restriction or a usage restriction, should inspections or other information reveal the potential for damage to the cap beneath the road from heavy vehicle loads. MassDEP also specifically reserves the right to impose, at any time deemed necessary by MassDEP, additional requirements for construction of the access road on the cap, including the addition of a geogrid to the base of the access road.

17. Prior to the start of construction, Syncarpha shall submit to MassDEP a written protocol for the use of concrete pumpers, concrete delivery trucks or cranes on the cap, including restriction of use only to the permanent access road, and a restriction on the use of outriggers or stabilizers unless specifically approved by MassDEP. The protocol shall also include procedures for the use of outriggers or stabilizers by tracked excavators working anywhere on the cap (i.e. either no use of outriggers/stabilizers on the cap, or sufficiently large pads placed beneath outriggers/stabilizers to avoid damage to the cap).

18. Clean, crushed asphalt, brick and concrete (ABC rubble), crushed to 3" diameter or less, may be substituted for crushed stone beneath ballast blocks, as proposed. Coated (painted or stained) ABC rubble shall **not** be used in the Solar Farm construction. Compaction of the crushed stone or clean ABC must not damage the geomembrane of the cap, and crushed stone or ABC shall not be compacted more than 6 inches into the vegetative support layer.

19. The 6-inch thick construction paths, for use by low-ground pressure equipment, shall be constructed by one of the following methods:

    A. As proposed, 6 inches of dense-graded crushed stone over a woven geotextile fabric, with the uphill side of the construction path graded into the vegetative support layer, so that there is positive pitch at all areas across the construction path, i.e. graded so that stormwater will not pond along the uphill side;
    B. 6 inches of washed, crushed stone over a geotextile fabric, so that stormwater may pass through the crushed stone; or
    C. Placement of culvert pipes as needed, to ensure that stormwater does not pond along the uphill side of the construction path.

20. Syncarpha and their contractor(s) are responsible to ensure that the proposed work complies with all applicable local, state and federal electrical codes and permits, including the National Electrical Code (NEC), 2011 Edition, Article 690 –"Solar Photovoltaic (PV) Systems". Syncarpha and their contractor(s) are also responsible to ensure that the proposed work complies with all other applicable local, state and federal regulations.

21. Syncarpha is responsible to ensure that the access entrances from the landfill onto Emery Street comply with applicable local and state regulations and requirements for traffic safety,

and that any applicable traffic or construction permits for these entrances are gained prior to construction. Syncarpha is also responsible to ensure that the solar farm work complies with applicable Town zoning regulations.

22. Herbicides shall not be used on the landfill property during the construction or the operational life of the solar array.

23. Following completion of installation, inspections of the Solar Farm shall be performed on a quarterly basis by a qualified engineering consultant, and quarterly Solar Farm inspection reports shall be submitted to MassDEP. After one year of quarterly Solar Farm inspections, Syncarpha may petition MassDEP in writing to reduce the frequency of such inspections.

24. Prior to the solar array feeding power to the grid, a Financial Assurance Mechanism (FAM) shall be established and in place for the Solar Farm, in accordance with the requirements at 310 CMR 19.051. The FAM shall be established in the amount of $90,000.00 per megawatt AC, in accordance with MassDEP protocol.

25. Environmental monitoring shall continue to be performed at the landfill by the Town as outlined in existing correspondence to the Town from MassDEP. Certified, third-party operations & maintenance (O&M) inspections of the entire landfill shall be completed on an annual basis, in accordance with 310 CMR 19.018, and third-party inspection reports shall be submitted to MassDEP within 30 days of the date of the inspection. The entire landfill shall continue to be maintained (mowed) at a minimum on an annual basis. Any erosion problems, settlement problems, or other issues observed on the landfill cap (inside or outside of the fenced Solar Farm) shall be reported to MassDEP and repaired immediately.

26. This post-closure use permit shall be valid for a period of 30 years from the date of this permit, provided that MassDEP may amend the term of the permit in accordance with an approved modification pursuant to either 310 CMR 19.039 or 19.040. This permit is issued to Syncarpha for the Solar Farm construction, operation, and decommissioning. If Syncarpha intends to transfer this permit to any other entity for operation of the Solar Farm, the requirements at 310 CMR 19.044, Transfer of Permits, shall be satisfactorily completed; if such requirements are not fulfilled, Syncarpha will remain as the permittee.

    If the permittee or operator discontinues operation of the Solar Farm, the permittee or operator is responsible to perform decommissioning activities as outlined in the permit application, including removal of the solar array equipment and ballasts. If the operator intends to operate the Solar Farm after the expiration of this permit, the operator is required to submit a request for a renewal of the permit at least 90 days prior to the expiration of the permit.

27. MassDEP and its agents and employees shall have the right to enter upon the landfill at all reasonable times, to inspect the landfill and any equipment, structure or land located

thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this Permit and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and states laws and regulations, as well as any permits or other agreements between the Permittee and MassDEP.

28. MassDEP reserves the right to require additional or increased monitoring or maintenance activities in the event that the post-closure use is or may be having a detrimental effect on the landfill cap or appurtenances. MassDEP reserves all rights to suspend, modify or rescind this permit, should the conditions of this permit not be met, should the Solar Farm create nuisance conditions or threats to public health, safety or the environment, or should MassDEP otherwise determine that continued post-closure use is negatively impacting the landfill cap or appurtenances.

Pursuant to 310 CMR 19.033(5), any person aggrieved by the issuance or denial of this permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A and c. 30A not later than thirty [30] days following the receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30 A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the 30 day period.

Any aggrieved person intending to appeal the decision to the superior court shall provide notice to MassDEP of said intention to commence such action. Said Notice of Intention shall include the MassDEP File Number (16-227-001) and shall identify with particularity the issues and reason(s) why it is believed the approval decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which made the decision. The appropriate addresses to which to send such notices are:

General Counsel
Department of Environmental Protection
One Winter Street-Third floor
Boston, 02108

Regional Director
Department of Environmental Protection
436 Dwight Street - Fifth Floor
Springfield, MA 01103

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter

sought to be raised is of critical importance to the public health or environmental impact of the permitted activity. This approval pertains only to the Solid Waste Management aspects of the proposal and does not negate the responsibilities of the owners or operators to comply with any other local, state or federal laws and regulations now or in the future.

If you have any questions about this matter, please contact Larry Hanson of this office at 413-755-2287.

Sincerely,

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

Daniel Hall
Section Chief, Solid Waste Management

cc: Charlie Blanchard – Palmer Town Manager
Palmer Board of Health
Palmer Planning Dept.
Palmer Conservation Commission
Palmer Electrical Inspector
Palmer Building Inspector
Tighe & Bond – Brian Huntley, P.E.
Borrego Solar – Michael Klug