



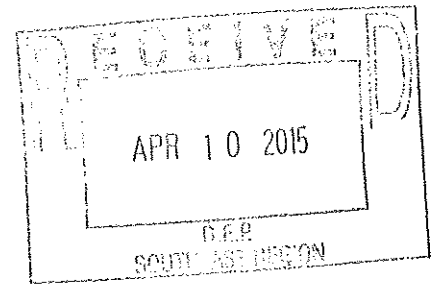
# TOWN OF NORTON

## BOARD OF SELECTMEN

70 EAST MAIN STREET

MUNICIPAL CENTER, NORTON, MASS. 02766

TELEPHONE (508) 285-0210



April 3, 2015

Mr. Mark Dakers, Chief  
Solid Waste Management Section  
Massachusetts Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02347

Re: Attleboro Landfill

Dear Mr. Dakers:

The Norton Board of Selectmen is providing this letter for inclusion in the record concerning the "Conceptual Alternative Closure Plan, Attleboro Landfill, Attleboro, MA" dated December 2, 2014, prepared by Enviro-Cycle, LLC. The Board understands that the presentation is conceptual and also understands that some of its concerns will be addressed in the final plan. The Board of Selectmen's comments are divided into three segments: the closure process itself, the transportation of C & D fines through the streets of Norton, and post closure concerns.

### Closure Process

The Board of Selectmen does realize that the landfill itself is located in Attleboro and falls under the jurisdiction of the City of Attleboro. That being said, the location of the landfill on the Town line has an impact on the residents of Norton that live in the area as well as those that live downstream from the facility. The Board of Selectmen, on behalf of the residents of Norton, requests documentation from MassDEP supporting the need for the closure of the Attleboro Landfill and assurance that the closure process will be closely monitored by MassDEP.

1. Prior to the onset or acceptance of this proposal, at the Proponent's expense, a hydrological study should be performed and analyzed by an independent consultant selected by MassDEP in consultation with Attleboro and Norton Officials to assess the current leachates exclusively generated by Phase B of the Attleboro Landfill, Inc. This study will prove the need for the extensive capping process and serve as a baseline to measure improved water quality after the completion of the process.

2. Throughout the capping process, the water in the wetlands surrounding the site should be monitored to detect any increase in pollutants caused by disturbance of the currently dormant site. Any indication of increased contaminants detected through this monitoring of the surrounding water will result in the issuance of an immediate cease and desist order. Any continuation of the capping process will require review by Norton Conservation, Norton Board of Health, and MassDEP. Any required further review and amended plan will include community involvement in the form of public hearings and comment.

3. No C & D fines should be stored or stockpiled in the open air on the ALI site unless they have been incorporated into the "Re-Crete" material. All C & D fines on site must be mixed into the "Re-Crete" and used in the capping process by the end of the day they are delivered to the site.

4. The landfill capping site should be secured by whatever means necessary (i.e. fences, security system, guard, etc.) to prevent unauthorized access to any materials on the site, both new and existing, that may present a potential risk to the health of the public or wildlife.

5. MassDEP should, for the health, safety, and reassurance of the landfill's neighbors, require air quality monitoring during the entire "Re-Crete phase" of the landfill capping. Additionally, MassDEP, or a contracted monitoring consultant, should make unannounced inspection visits to monitor the air quality. Any uncontrolled material found as a result of the air testing will result in the issuance of an immediate cease and desist order.

6. All monitoring and testing should be performed by independent consultant(s)/testing laboratories as directed by MassDEP and/or Community Agencies responsible for oversight. The costs associated with testing will be the responsibility of the contractor assigned to the closure project.

7. The transfer of C & D fines should be performed in an enclosed controlled environment. The transfer of C & D fines from the enclosed trailers as part of the Re-Crete process should be done using a vacuum transfer system. The Re-Crete process should be conducted in an enclosed environment.

8. The Board seeks clarification on the description of a multi-layered cover system and the cross-section provided. The description indicates that the gas vent layer is the 6" subgrade layer. The cross-section shows that this layer is above the grading and shaping layer. Will the gas vents be above the Re-Crete?

9. The Board of Selectmen requests that a storm water plan be put in place that will ensure that all runoff from the entire ALI site will be controlled and will not flow onto Peckham Street and Union Road.

10. Will there be any need for a burn off of methane gas occurring on the site?

11. The Board of Selectmen supports using the minimum amount of material necessary to develop a slope no greater than 5:1.

12. A bond should be required to ensure that the closure process is completed.

### **Transportation through Norton**

The City of Attleboro in 1992 received approval of a Heavy Commercial Vehicle Exclusion (Over 2½ ton capacity) for a section of Pike Avenue (Pleasant Street to Bishop Street). The designated alternate route for trucks to circumvent this restriction in Attleboro is Pleasant Street, Park Street, Emory Street, and Bishop Street.

The Bearcroft Station Bridge on Pike Avenue was rebuilt in 1993. According to MassDOT, there are no weight restrictions on the bridge. The Town of Norton believes there is no longer a justifiable reason for the weight restriction on Pike Avenue. It can only be assumed that this restriction exists so that trucks will not travel past residential homes while closing a landfill in their City. Instead, the current proposal expects Norton residents to bear all the burden of truck traffic past their homes so that the residents in Attleboro can have their peace and quiet. This convenience will need to come with remediation for the Town of Norton.

The Board of Selectmen requests that any approval of a closure plan should require a Memorandum of Agreement (MOA) between the Proponent and the Town of Norton to memorialize the terms and conditions for the transportation of materials through Norton, including, but not limited to, the following:

1. The financial compensation to be paid per ton to the Town of Norton.
2. Complete reconstruction of Union Road to MassDOT standards prior to commencing any work at the landfill site. The Proponent will post a bond with the Town of Norton prior to construction. The reconstruction will include all drainage improvements and the installation of two box culverts. The Proponent will be responsible for all filings with the Town of Norton, including the Norton Conservation Commission. The roadway will be inspected after completion of the project. Any necessary repairs will need to be completed to the Town's satisfaction before the bond is released.
3. The Town of Norton will require that all materials traveling through Norton be transported in enclosed containers.
4. The Town of Norton will require a Traffic Management Plan approved by the Norton Police Department.
5. The MOA will contain provisions for fines and suspension of the project for violation of any terms.
6. The MOA will establish testing guidelines that will be followed at the recycling facility and prior to transport to assure that no hazardous materials are being transported.

If it is determined that all transportation will be through the City of Attleboro exclusively, Norton officials will be involved in drafting any MOA to ensure that a process is in place to stop and fine any vehicles travelling through the Town of Norton.

#### **Post Closure**

1. The Town of Norton requests that it be provided with the name and contact information of the owner and responsible party that will be maintaining the property after closure.

Mr. Mark Dakers, Chief

Page 5

April 3, 2015

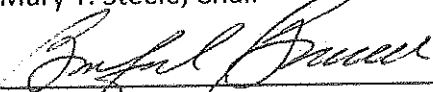
2. The Town requests information on the solar facility to be placed on the landfill, including all financial information.


Thank you for the opportunity to provide these comments. The Town of Norton looks forward to continued discussions concerning this project as more definitive plans are developed. The Board of Selectmen requests that MassDEP and the Proponent attend a Selectmen's meeting when you have these plans developed.

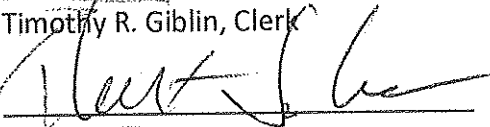
Sincerely,

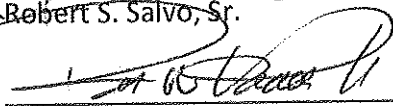
TOWN OF NORTON,  
By its Board of Selectmen:

  
Mary T. Steele, Chair

  
Bradford K. Bramwell, Vice Chair

  
Timothy R. Giblin, Clerk

  
Robert S. Salvo, Sr.

  
Robert W. Kimball, Jr.

pc: Michael D. Yunits, Town Manager  
Conservation Commission  
Keith Silver, Highway Superintendent  
Christian Zahner, IV, Health Agent  
Ralph Stefanelli, SRPEDD Representative  
SRPEDD  
Philip Weinberg, Regional Director MassDEP  
Mayor Dumas, City of Attleboro  
Senator James E. Timilty  
Representative Steven S. Howitt  
Representative F. Jay Barrows

# TOWN OF NORTON

Commonwealth of Massachusetts

## Board of Health

70 East Main Street, Norton, MA 02766

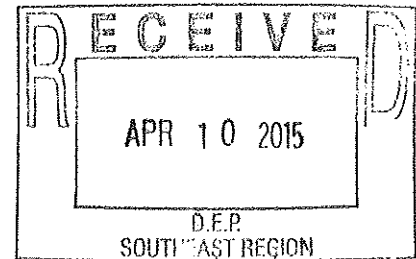


RECEIVED  
BY  
PRIORITY MAIL

April 9, 2015

Mr. Mark Dakers, Chief  
Solid Waste Management Section  
MA Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02347

Re: Attleboro Landfill Project 2015



Dear Mr. Dakers:

This letter addresses some of the public health concerns of the Norton Board of Health regarding the proposed installation of Re-Crete to cap the Phase B of the Attleboro Landfill.

Material Handling and Testing: The recycled material, crushed gypsum board, used to manufacture the Re-Crete proposed for reshaping the landfill at the ALI, Phase B Parcel is categorized as a potential hazardous material due to the particles that can be released into the air. The Norton Board of Health is requesting that a "Chemical Quality Management Plan" be prepared and submitted to the Board. The Board also requests that a detailed Health & Safety Plan including air testing be prepared for this site. The Board requests that this plan include a section describing how the air quality at the site will be monitored. It is the Board's request that if air quality becomes an issue all material handling including unloading trucks and mixing of the final product be conducted in an enclosed environment in order to protect any abutters to the site.

The Board requests that the contractor, as previously proposed in the August 14, 2012, public information session in Norton, ensure that: *"Site workers will also visually inspect loads brought to the site to be sure that there are no obvious unacceptable materials."* The Board requests that Mass DEP designate a qualified individual to perform visual inspections of the material. The Board requests that Mass DEP ensure that any individual assigned to the project has the credentials that are required to perform this important task.

Air and Noise Pollution: The ALI proposers indicated that the proposed project involves a minimum of 10 truck trips per day, and up to as many as 20 truck trips per day. Diesel

emissions from trucks are known to be detrimental to air quality. Additionally, trucks and other equipment may emit other contaminants. Due to the nature of this gypsum material, the Board requests that all trucks hauling the materials be totally enclosed in accordance with State regulations. The Board also requests that all trucks be washed before leaving the loading site and after discharging that material at the landfill. The Board requests that Mass DEP require inspection of cleaning procedures to ensure adherence to this requirement. Mass DEP should also prepare a program for inspecting the truck route and if necessary requiring the contractor to clean any debris from the streets.

Noise caused by trucks during transit and at the Parcel B site (e.g., truck back-up signals (beeping), hydraulic lifts on truck beds, noise from bulldozers, is also a concern. The Board has not seen the contractors proposed delivery schedule but requests that material delivery be limited to 8:00 a.m. through 4:30 p.m., Monday through Friday. Even this limited schedule could result in virtually non-stop noise and truck traffic, severely impacting many residents living along the truck route in Norton. The Board requests that Mass DEP not grant a permit for six days.

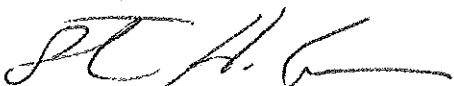
M.G.L 310 CMR 7.11 restricts idling of vehicles to five minutes. The Department should ensure that there are sufficient controls in place to prevent excessive idling at the landfill.

The Board requests that Mass DEP seriously investigate alternative routes other than Union St, Norton. The section of Union Street has a narrow right of way, and the houses are close to the roadway. The abutters will be subjected to a noise impact and exhaust from the trucking operation. The Board requests that the Mass DEP further evaluate routes thru Attleboro.

Additional Comments: To our knowledge, the Re-Crete mixture has not been used for capping a landfill. The Board requests that Mass DEP conduct a detailed evaluation of the proposed capping operation to include a limited pilot test prior to approving this project.

The Board appreciates the Department of Environmental Protection's consideration of our legitimate concerns. It is quite obvious that Mass DEP approval of this project could have a range of negative effects on Norton residents especially those living on Union Street. We would be pleased to meet with you to discuss this issue and other related concerns.

Sincerely,

A handwritten signature in black ink, appearing to read 'S.H. Corr', with a stylized flourish at the end.

Steven H. Corr, P.E.

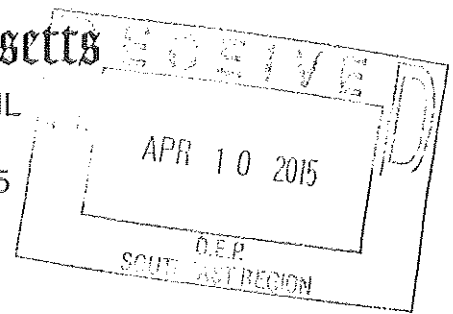
Chairman, Board of Health

Town of Norton



# City Of Attleboro, Massachusetts

OFFICE OF THE MUNICIPAL COUNCIL  
Government Center, 77 Park Street  
Attleboro, Massachusetts 02703-2355  
508-223-2222 • FAX: 508-222-3046



## ATTLEBORO MUNICIPAL COUNCIL RESOLUTION OF CONCERN FOR THE PLANNED CAPPING OF ATTLEBORO LANDFILL, INC.

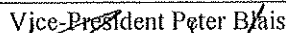
- WHEREAS:** Attleboro Landfill, Inc., a privately owned business, is under an enforcement order from the Massachusetts Department of Environmental Protection (MassDEP) to cap the Phase B portion of the former city dump, an expanse of 9+-acres in which solid waste material was dumped prior to 1975, and;
- WHEREAS:** The closure project proposed by Enviro-Cycle, LLC "will consist of bringing in material to grade and shape the landfill and place capping over the grading material to prevent storm water from running through the solid waste and into the groundwater," and;
- WHEREAS:** Enviro-Cycle, LLC proposal includes using their new product Re-crete. This new technology (Re-crete) has never been applied in the use of capping a landfill and thus unproven technology and;
- WHEREAS:** The material proposed by Enviro-Cycle, LLC to complete the capping process in accordance with MassDEP standards consists of Construction and Demolition fines, primarily from crushed wallboard/Gypsum which contains Crystalline Silica, a known carcinogen. Concerns have been raised by residents of Attleboro in support of Norton regarding the quality of the proposed fill material {Construction and Demolition fines} with respect to health hazards and;
- WHEREAS:** The Attleboro Municipal Council and the residents of the City of Attleboro wish to express their concern that the plan did not include a project narrative, geotechnical analysis, Storm Water Pollution Prevention Plan, detail specifications and plans, and a qualitative environmental health and risk assessment and;
- WHEREAS:** The Attleboro Municipal Council may support an alternative to that proposal which would utilize a greener quality of material for shaping and grading and;
- WHEREAS:** Attleboro Landfill, Inc. reportedly lacks the financing necessary for capping their site.

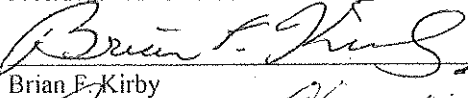
**NOW, THEREFORE BE IT RESOLVED** that the Municipal Council of the City of Attleboro strongly urges MassDEP and Enviro-Cycle, LLC to develop an alternative plan which reduces the amount of Construction and Demolition fines allowed to cap the site and explore green energy opportunities to offset the 30 year closure plan, thereby minimizing the impact on the residents of Attleboro and Norton and covering our carbon footprint.

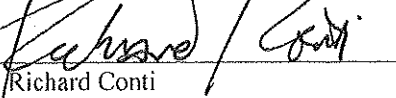
Signed and Sealed this 7<sup>th</sup> Day of  
April, 2015

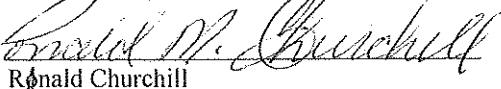


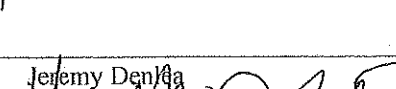
President Frank B. Cook

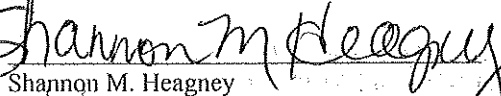
  
Vice-President Peter Blais

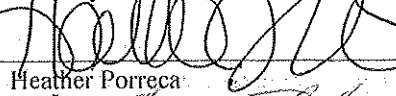
  
Brian F. Kirby

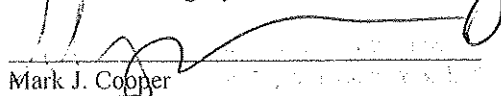
  
Richard Conti

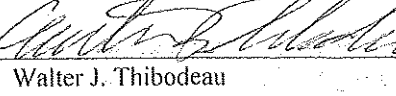
  
Ronald Churchill

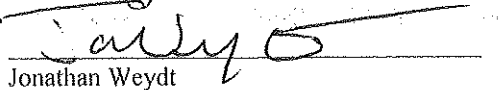
  
Jeremy Denha

  
Shannon M. Heagney

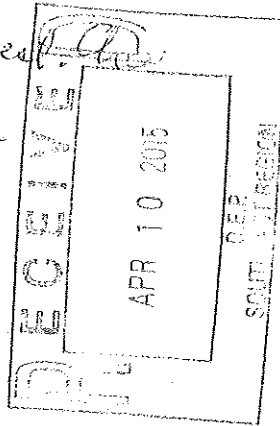
  
Heather Porreca

  
Mark J. Cooper

  
Walter J. Thibodeau

  
Jonathan Weydt

Mark Dahers, Solid Waste Sect. Chief  
MA Dept Env Protection  
Southeast Reg Off  
20 Riverside Dr.  
Lakeville MA 02347



Mr Dahers:

I am writing to express my  
opposition to the Enviro-Cycle  
proposal for Capping of the  
Attleboro Landfill two (AL1)

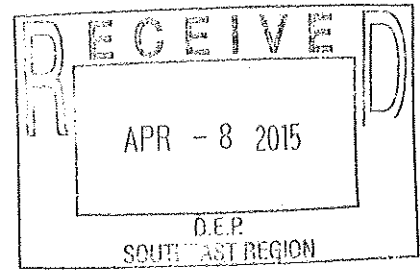
I want myself & my family  
to stay healthy and do not  
want to have many trucks  
going by our house.

Why don't you bring this stuff  
to Lakeville or where you live?

Judith M. Leroux  
174 John Scott Blvd  
Norfolk MA 02766

\* Form Ltr.  
multiple Copies  
Received.

Mark Dakers, Solid Waste Section Chief  
Massachusetts Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347



Mark.Dakers@state.ma.us

Mr. Dakers,

I am writing to express my adamant opposition to the Enviro-Cycle proposal for Capping of the Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of contaminated materials to bail out a Private, For Profit Enterprise is beyond reason.

The proposal to haul Tons of C & D Fines (Primarily Crushed Wallboard) in huge transfer trailers through Norton to reach a site in Attleboro is insulting to the residents of that community.

This 'Conceptual Plan' to manufacture Re-Crete On Site and use 201,000 Tons as Grading and Shaping Material is totally unacceptable for residents of both Norton and Attleboro. Re-Crete is a new untested product whose suitability in a landfill closure has never been demonstrated.

The proposal which would extend the existing noxious ALI Mound closer to our neighborhoods and the Shpack Superfund Site cannot be tolerated.

It is difficult to understand why the Massachusetts Department of Environmental Protection would even consider this dangerous experiment.

Is the Department's name an oxymoron?

Last we heard 'Pigs Can't Fly'.

And neither should this dangerous Guinea Pig.

**Deadline for Comments is: Friday April 10<sup>th</sup>.**

**PLEASE Do Not Delay Sending.**

*Deborah A. Sallee*

Deborah A. Sallee

234 N. WORCESTER ST. NORTON, MA 02766



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766  
508-285-0275  
508-285-0277 fax  
[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

March 26, 2015

Mark Dakers  
DEP-SERO  
20 Riverside Dr  
Lakeville MA 02347

Dear Mr. Dakers,

The Norton Conservation Commission is providing this letter as a follow-up to its December 16, 2014 letter regarding the "Conceptual Alternative Closure Plan, Attleboro Landfill, Attleboro MA" dated December 2, 2014 prepared by Enviro-Cycle, LLC. Conservation Commission members and I did attend the public hearing of March 10, 2015 and a number of the questions in the December 16, 2014 letter were briefly addressed. I offer the following supplemental comments.

1. At the public hearing there were several comments regarding the transport and mixing process for the Re-Crete. It appears that under the Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites (dated July 6, 2001, revised on September 4, 2007), the Department may require use of BMPs to address noise, odor, dust, erosion etc. concerns. Under this provision, we request that the Department require that the transport and mixing of Re-Crete be done in a closed system with appropriate ventilation to limit the potential for dust rather than an open-air environment.
  - a. While not in the same capacity, the proponent stated that the Re-Crete materials are being used in California and Pennsylvania. Is there a video or photographic documentation of the material being transported to the site and removed from the containers for us to view how effective the water method is for preventing the particulates from becoming airborne, as well as grading and shaping the product, including wet weather and fair weather applications?
  - b. Rather than on open truck with netting or screens, is there an option for the material to be transported in a closed container?
  - c. Are there concerns about the particulates becoming airborne at the recycling facility as it is being loaded onto the trucks for transport to Attleboro?
  - d. The proposal for use of a fire hose to "mist" the load is not practical. Is there an opportunity to mix the materials at the recycling plant?
2. Is it possible for the proponent to conduct a small-scale demonstration or pilot project to document the transport, mixing process, and application of the mixed materials? This would



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

be an efficient method of identifying potential problems with airborne particulates, control of water used for dust control, control of construction-term storm water, and any sedimentation issues prior to being used in a larger-scale operation.

3. It is too soon to look in depth at the proposed post-construction storm water program, but the description given during the public meeting, doesn't appear to meet all of the Storm Water Standards. In future submittals the proponent should address potential for storm water to break out at the toe of slope and how it will be controlled and prevented from washing over the proposed access road. Storm water BMPS and proposed detention basins should not pose risk to wildlife by functioning as biological sinks.
4. The Conservation Commission supports using the minimum amount of material necessary to bring landfill closure to the 5% slope.
5. The Conservation Commission supports the reconstruction of Union Rd in the initial stages of project to include a minimum of two upgraded box culverts to prevent wildlife from being killed by traffic and storm water management to enhance water quality. Chartley Pond has been listed as a potential source of pollution for the Wading River on the Section 303(d) list and is within the MS4 regulated area. We request that the timing and reconstruction of Union Rd with upgraded box culverts and storm water management BMPs be included in the Administrative Consent Order (ACO).
6. We request that the landfill assessment include a detailed wildlife habitat evaluation that particularly includes investigations into existing and potential turtle nesting on the site, potential for nesting the new cap or drainage layer, and potential for creating new nesting habitat with a restrictive barrier to prevent turtles from altering the closed landfill. We request that this be included in the Administrative Consent Order (ACO) and completed prior to grading and shaping activities. The maintenance of a created turtle nesting habitat should be included in the post-closure operation and maintenance plan.
7. We request that the landfill assessment also include evaluation of known ALI leachate into Shpack and include any potential opportunities for using Re-crete to provide a permanent barrier to prevent further leachate onto Town of Norton land.
8. We request that the post-closure landfill plan include a provision for the proponent to provide physical barriers to unauthorized motorized vehicles entering from the powerline easement.
9. We request a more detailed evaluation of the logistical considerations of mixing and grading with Re-crete. If Re-crete takes a day or two to cure, we request that the Department require Re-Crete not be mixed or spread in wet weather. Does backblading at the end provide for the best cohesion or would backblading in between each layer provide a rougher surface and better overall cohesion.



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766  
508-285-0275  
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[conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

10. The Conservation Commission requests the opportunity to provide comments that may be incorporated into the ACO regarding construction means/methods, sediment controls, construction-term and post construction storm water management and maintenance, and the temporary and permanent site stabilization.

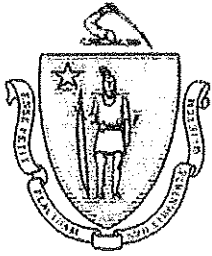
Thank you for the opportunity to provide these follow-up comments. I look forward to continuing our discussions about this project and finding solutions to reduce the environmental contamination issues at the site.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jennifer Carlino".

Jennifer Carlino  
Conservation Agent

CC: Michael Yunits, Town Manager  
Mary Steele, Chairman, Board of Selectmen  
Heather Graf, CAST Coordinator  
Keith Silver, Highway Superintendent  
Ralph Stefanelli, SRPEDD representative  
SRPEDD  
Mayor Dumas, City of Attleboro  
Senator Timilty  
Representative Howitt



*The Commonwealth of Massachusetts*  
**MASSACHUSETTS SENATE**

**SENATOR JAMES E. TIMILTY**  
*Bristol and Norfolk*

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*Chairman*  
PUBLIC SAFETY AND  
HOMELAND SECURITY  
*Vice Chairman*  
REVENUE

SENATE WAYS AND MEANS  
PUBLIC HEALTH  
CONSUMER PROTECTION AND  
PROFESSIONAL LICENSURE  
MUNICIPALITIES AND  
REGIONAL GOVERNMENT

April 7, 2015

Mr. Martin Suuberg, Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Dear Commissioner Suuberg,

I am writing with my strong opposition to the proposal submitted by Enviro-Cycle LLC to cap and close the 9.9-acre "Phase B" parcel of the Attleboro Landfill. As I am sure you are aware, Enviro-Cycle presented its Conceptual Alternative Closure Plan at a public informational meeting in Norton on March 10, 2015. After years of involvement with this issue, I remain deeply concerned with the plan's components and urge the Department of Environmental Protection to reject this reckless proposal.

By way of some background, the Attleboro Landfill is a 55-acre facility near the Norton town line that had been used for solid waste disposal since the 1940s. From 1975 to 1995, Attleboro Landfill, Inc. (ALI) operated a sanitary landfill on 32 of the property's 55 acres (Phase A), which have since been closed and capped. Of the remaining area, 9.9 acres still need to be capped (Phase B), however ALI does not have the funds to complete the closure of the site. In 2004, ALI had entered into an agreement with End Cap Technologies to close the site. The agreement however was terminated in 2013 because their proposal did not adequately consider public health, safety or environmental concerns. Two years later, Enviro-Cycle's submission has become just the latest in a series of poorly-conceived, careless proposals to cap and close the property.

Many residents of Norton with professional expertise in environmental matters strongly disagree with Enviro-Cycle's current plan and I wholeheartedly share their concerns. The Commonwealth has a moral obligation to ensure that its residents are able to live and raise their families in safe and clean neighborhoods. Massachusetts has long been a leader in environmental stewardship and I believe the proposal presented by Enviro-Cycle is inconsistent with MassDEP's stated goal to move toward a greener future. MassDEP should

affirm its commitment to this promise by ensuring the restoration of the Attleboro Landfill site without compromising the safety or quality of life of the surrounding neighborhoods.

Although Enviro-Cycle has offered to resurface Union Road and contribute a nominal fee to the host community, DEP should be mindful of the stress this proposal will place on other local roadways and the potential impact it will have on the local quality of life. The plan calls for more than 9,000 large transfer trailer trucks and an additional 3,000 dump trucks to haul construction materials to-and-from the site. The route includes transportation on East Main Street, West Main Street and South Worcester Road through the center of Norton and residential neighborhoods. In a small town of 18,000 residents with only one traffic light, the increased volume will no doubt have an impact on traffic, not to mention the wear and tear it will have on municipal roadways.

Even more concerning is Enviro-Cycle's proposal to use the Attleboro Landfill as an experimental test site for the Re-Crete capping material and the manner with which they propose to mix it. Re-Crete is a combination of cement and recycled materials that will be mixed on-site in an uncontrolled, open air environment. As you no doubt are aware, Re-Crete has not yet been used in any other states nor any other capping sites in Massachusetts. There are also still many outstanding questions that need to be addressed with respect to the source of the water that Enviro-Cycle is proposing to use, the amount that will be required, and the measures that Enviro-Cycle will take to prevent discharge from running into the groundwater.

Given so many outstanding questions and concerns, I respectfully request that the Department of Environmental Protection reject the Conceptual Alternative Closure Plan offered by Enviro-Cycle. Any plan to cap the remaining parcel of the Attleboro Landfill should be attentive to these concerns and focus on improving environmental quality consistent with the standards of MassDEP.

Thank you for your attention to this very important matter. I look forward to working with you and your administration to resolve this issue in a way that appropriately protects the residents of Norton and Attleboro. Should you have any questions or require additional information, please do not hesitate to contact me directly at any time.

With every good wish,



**James E. Timilty**  
State Senator  
Bristol & Norfolk District

CC: Mary T. Steele, Chairman; Norton Board of Selectmen  
Michael Yunits, Norton Town Administrator  
Mark Dakers, MassDEP

Attleboro Landfill Inc. Project - 2015

Comments from Heather Graf

Re: Proposal Submitted By: Enviro-Cycle, LLC

'Conceptual Alternative Closure Plan' (Dated December 2, 2014)

APR - 6 2015

The Enviro-Cycle proposal for Attleboro Landfill Inc. was submitted to MassDEP in November 2013: Less than 12 months after an EndCap Plan for the same ALI parcel was withdrawn due to overwhelming opposition.

There should be a Statute of Limitations on Proposals for the same Landfill being accepted by the Department and thrown back out to the public.

This Enviro-Cycle document presented to the public in December 2014 had already been revised based on discussions with the Department (MassDEP). I shutter to think what the original proposal looked like if this is a 'revised' edition.

The fact that this plan, being considered by MassDEP, comes so close on the heels of the other ill-advised scheme for ALI: adds insult to injury.

Let me make perfectly clear at the outset: This proposal is **not** superior to the 2012 EndCap Plan.

In many respects the Enviro-Cycle proposal is more threatening.

Anyone who believes this is a viable alternative for closure of ALI is in need of a reality check.

It is a dangerous **Experiment**.

And although this is being billed as a 'Conceptual' Alternative Closure Plan, it is obvious that officials at MassDEP, SE Region have already bought into the 'Concept'.

Unfortunately, the Department's commitment to provide a thorough and objective evaluation of the proposal is in question.

It's no secret that representatives at the South East Regional Office in Lakeville, and certain officials in the City of Attleboro - are anxious to get this project done. But the fact that they are seriously considering yet another ludicrous plan for ALI is alarming.

Would the Department be entertaining this experimental concept (from a new company for manufacture of its unproven product) at other landfills in Massachusetts? I doubt it.

According to their massgov website: There are 259 landfills in the state whose closure status is 'Incomplete', 44 of them in the SE Region.  
Interestingly: Attleboro Landfill's status is listed as 'Capped'. (Ref. June 2013).

The project proponent and MassDEP seemed to think if they reduced the number of trucks hauling waste through Norton, or eliminated the words 'somewhat contaminated' – we would fall for this plan (which they hoped might (?) sound a bit better than the 2012 scheme for ALI).

Obviously they don't get it. It wasn't just about the **number of trucks**.  
With this proposal 9,136 of the Inbound Loaded Trucks and 9,136 Outbound Trucks have grown significantly LARGER in Size: Huge Transfer Trailers.  
Unlike the 2012 Plan, **ALL** Trucking (Inbound & Outbound) Is **Through Norton**.

We are also still talking about Huge Volumes of **Contaminated** Materials (Crushed Wallboard) being transported on Norton Roads.  
Gypsum materials have been banned at many landfills and where still allowed – dumping is cost prohibitive.  
What then to do with this waste?

Bright Idea: Take those C & D Fines of drywall and create a **New Solid Waste Product** which has not (yet) been banned.

What the Project Proponent and the Department DO Get: If NONE of the trucks are proposed to travel through the City of Attleboro (as they were in 2012) officials and residents there may not be as upset.  
That should ensure the support of Attleboro Mayor Dumas.

By what right does MassDEP feel they are justified inflicting the hardships for an ALI project on the Town of Norton, which had absolutely nothing to do with creating or fostering the problem?

Attleboro Landfill Inc. is, as the name implies, located in Attleboro. It was a private, for profit business which accepted (among other dump materials) municipal waste from the City of Attleboro.

It is worth repeating that our community had no part in the creation or fostering of this mess.

It IS our town's misfortune to be an abutter to the ALI menace and again (for inexplicable reasons) the beneficiaries expected to pay the piper for it. As one Norton resident put it: 'They must think we are idiots!'

For any ALI Project - the City of Attleboro must shoulder the burden.

The proposal boasts that Robert Cummings is familiar with the Attleboro Landfill. True. By Mr. Cummings' own admission – since 1975.

He has been behind ALI capping schemes for over a decade, none of which were acceptable.

Those are the project proponent's credentials: He's familiar with ALI...

'Bob Cummings is very familiar with the site and is confident that the project can be completed with minimal to no impact'.

There is absolutely no evidence or even credible data to support his claim.

What is MassDEP's Vetting Process for -

The Project Proponents: Robert S. Cummings and Paul G. Chukran?

Their New Company: Enviro-Cycle, LLC (March 10, 2011)?

Their New Product: Re-Crete (October 19, 2010)

What is Enviro-Cycle's history/credentials with regard to landfill closure projects?

What is the net worth of Enviro-Cycle, LLC?

What is Re-Crete's history/track record for use in landfill closure projects?

What is the history/track record of Robert Cummings and Paul Chukran with other ventures and companies, owned individually or in partnership?

[See Attachment A]

Who are Enviro-Cycle's 'Site Personnel': Their knowledge, training and experience?

Who is the 'Engineer of Record'?

What are the qualifications of the Enviro-Cycle owners and workers to effectively and safely manage this Huge, Complicated, Experimental Construction Project?

The Site:

ALI 'Phase B' consists of 23 acres, less than half of which – 9.9 require capping. This 'Phase B' parcel – identified in the proposal as 'The Site' is located behind ALI 'Phase A' (The Mound).

When most people hear Attleboro Landfill:

They incorrectly assume the 180 Foot Mound they see on Union Rd., Norton & Peckham St., Attleboro is the focus of a capping plan. WRONG.

That Mound was certified by MassDEP capped and closed in 2002.

'The Site' for the proposal is a relatively small, low, level and benign portion of ALI which was not utilized much in Dumont's dump operations.

In the 40+ years that it has lay dormant Mother Nature has reclaimed this land.

The Site backs up to Maple St, Norton and Slater St., Attleboro

where (in its current state) onlookers are not even aware the 23 acre benign parcel is part of Attleboro Landfill.

It is not visible from Union Rd. or Peckham St. over which the ALI Mound looms.

Tom Stevens whose 12 acre property at 39 Maple Street backs up the high tension power line easement and ALI 'Phase B' Parcel takes his grandchildren hiking in the area to observe abundant wildlife: Deer, Red Fox, Owls, Turtles: Spotted, Painted and Snapping. He even has a documented sighting of a bobcat there.

Tom also suffers from COPD. [See Comments Submitted By Tom Stevens]

Before proceeding any further, MassDEP needs to address some very fundamental issues relative to this ALI 'Phase B' parcel:

What are the existing conditions – topography and elevation?

What is the type, limit and depth of solid waste dumped there?

What is the current rate and direction of storm water runoff?

What information has been obtained from monitoring of groundwater, surface water and sediment?

What leachate (if any) has been detected specifically from this 'Phase B' parcel?  
Is there confirmation of any existing environmental contamination at the 'Phase B' Site?

What risks (if any) are posed by the ALI 'Phase B' Site in its current state?  
There is no gas. There is no odor.

Has there been a Habitat Assessment of the site?

Turtles in need of protection were moved off the abutting Shpack Superfund Site and blocked from returning during construction there.

Answers to these questions should prove that the ALI 'Phase B' Site is Benign.

But also demonstrate that the proposed trucking, experimental manufacturing, and construction activities associated with the Enviro-Cycle Plan are far more threatening.

Let us also be clear – there is nothing in this closure proposal which deals with existing problems at ALI 'Phase A' (The 180 Foot Mound):

Where the cap is insufficient and allowing dangerous contaminants to leach out.  
[See Attachment B]

The Attleboro Landfill has a long history of non-compliance, which DEP has been unable to remedy.

No wonder the Department eagerly anticipates and engages yet another plan (even if it is dangerous folly) to hopefully get the site de-listed.

More than a closure proposal, this is a plan to Reactivate the Benign 'Phase B' portion of Attleboro Landfill for a Two Year

**Experimental Manufacturing Operation:**

To produce a New Solid Waste material (Re-Crete).

**201,000 Tons of Re-Crete to be Dumped on This Parcel.**

The New Solid Waste – Re-Crete:

A light weight concrete material produced by mixing C & D Fines (small particles of debris primarily from crushed wallboard) with dry cement and water.

For the Manufacture of this product On Site. Enviro-Cycle Proposes:

To haul in Tons of Construction and Demolition Fines (primarily Gypsum) using huge transfer trailers.

Trucking/Traffic Issues:

9,136 Huge Transfer Trailer Trucks Each Hauling 22 Tons of **C & D Gypsum Fines**  
All of these Transfer Trailer Trucks would access and exit the Attleboro Landfill Project Site In Attleboro using Norton roads:

Inbound Delivery Route:

To reach an ALI access road off Peckham St. In Attleboro.

The Proposed Delivery Route has changed several times.

The original inbound delivery route chosen by Enviro-Cycle was from the Interstate 495 Exit in Norton onto Route 123 (East Main St.) through the Center of Town, continuing on West Main St. to South Worcester and then Union Rd.

After I publicized the route (along with everything that was wrong with it) and the Norton Board of Selectmen objected, Bob Cummings found another way – essentially the original route I had advocated, using back streets from Taunton to Union Rd. in Norton.

Note: A left turn from S. Worcester St. onto Union Rd. will be unmanageable for the transfer trailer rigs.

Union Rd. also has insufficient width to handle the huge trucks.

And widening is not practical due to the lack of frontage most homes have.

Whatever the Norton roads used, there are no guarantees that some of the C & D Gypsum Fines from drywall will not escape as airborne particles from the transfer trailers along the trucking route.

These back roads run through densely populated residential areas with young children.

Additional Trucks: [Numbers Reflect One Way Trips]

In addition to 9,136 Huge Transfer Trailers Loaded with C & D Fines

1,745 Dump Trucks Each Loaded with 22 Tons of Sand

1,163 Dump Trucks Each Loaded with 22 Tons of Soil

482 Cement Tanker Trucks Each Loaded with 25 Tons of Cement

For a Total of: 12,526 Inbound Loaded Trucks

Assume the same number – another 12,526 Trucks Outbound

ALL Through the Town of Norton

Why should a sizable population of Norton be forced to endure noise, vibration and safety risks from this unacceptable truck traffic?

Why should the Town of Norton be stuck with the wear and tear of their roads for an Attleboro Project?

Mitigation:

Enviro-Cycle's offer to 'Re-Surface Union Road' is NO comfort.

Principals for remediation of the Shpack Superfund Site recently completed a project there with berms and culverts etc. to alleviate flooding on Union Rd.

Any new work in that area would need to be coordinated - not just with Norton Highway and Conservation Departments (Chartley Pond & Swamp), but also: The US Environmental Protection Agency, Attorney for the Shpack Steering Committee, and the PRP Group's Contractor.

There is also the issue of the CSX freight tracks on Union Rd.

Union Road would need to be totally reconstructed **prior to any ALI Project trucking.**

[See Attachment G. March 10, 2015 ALI Public Information Meeting]

What is the proposed mitigation to repair the other roadways in Norton?

Section 2.1 Description of Closure Method (Proposal):

'An impact mitigation fee will be provided to the Town of Norton at a rate of \$1.00 per ton of material brought to the Site'.

Based on that – the total mitigation fee for the entire life of the project would be \$201,000. A pretty pitiful offering...

Mitigation fees such as this one deal solely with transport routes – tipping for the use of roads.

Certainly those along the Delivery Route would be faced with additional public safety issues. They could also expect exposure to Noise, Vibration and Fumes emitted by huge transfer trailer trucks, dump trucks, and cement tanker trucks. In this particular case – there is also the potential risk of **Gypsum Dust** blowing from the transfer trailers on route to the site.

All transfer trailers would need to be tightly contained bodies, not just covered with cloth or other light weight material.

Still there is legitimate concern with the potential for an accident, even a rollover with load spill (Gypsum Fines which also contain lead paint and asbestos) and the risk to residents, first responders and the environment.

#### **Of Even Greater Concern:**

The mitigation plan completely ignores impacts of the **Experimental Manufacturing and Construction Phase of the Project**

On residents of Maple St., Norton and Slater St., Attleboro whose properties back up to the 'Phase B' Site,

Or others living in close proximity to the Dump near Union Rd., Norton and Peckham St., Attleboro.

These include numerous densely populated side streets and new residential developments.

The scenario for those living near the Experimental Manufacturing/Construction Site is even **More Threatening**. There is NO Compensation offered to offset this. And how could one arrive at an appropriate dollar amount for risk to public health?

MANUFACTURE: Once dumped at ALI 'Phase B'

The dry components (Tons of Gypsum Fines) would be Compacted, then Mixed with 12,050 Tons of Dry Cement and Water ON Site to Fabricate 201,000 Tons of New Solid Waste (Re-Crete).

If this manufacturing process were considered at all: It needs to be within an enclosed metal fabricating building to eliminate escape of dust. This 'temporary' facility must be dependable for the life of the project (two years).

And all of the contained transfer trailers must be capable of unloading the C & D Fines directly into that building without dumping material on the ground.

I was told by a representative at MassDEP, SE Region that because (quote) "Re-Crete is considered a solid waste, no specific permit is required other than the review and approval process associated with the proper landfill closure and cap."

The problem here lies in the fact that this plan does not simply call for acceptance and disposal of an existing solid waste, but the Experimental Manufacture of a New Solid Waste Product (Re-Crete) On Site.

**This Huge Processing Operation would be carried out in an Open Air Uncontrolled Environment.**

**Particulate Matter from Gypsum Dust is a Critical Concern.**

According to the project proposal: 'Re-Crete can be used to reclaim areas where excavation for sand, gravel and/or rock has created Significant Depressions in the ground surface.' There is NO Depression at ALL that requires filling.

The Suitability, Dependability, and Sustainability of Re-Crete for use as a subgrade material in landfills has never been demonstrated.

MassDEP policy states: Landfill closure plans should employ 'cost effective technologies which have been proven effective at other landfills'.

'Testing of materials (chemical, physical etc.) may be required to determine whether it is suitable for use as grading and shaping material.'

It appears **ALI** is expected to be the Department's Experimental Test Site (**Guinea Pig**) for Re-Crete!

Most alarming is the process of Fabricating Re-Crete On Site:  
Compacting tons of dry gypsum fines, then mixing with dry cement in an uncontrolled open air environment.

Dust particles from Gypsum (Crystalline Silica) identified as a human carcinogen if inhaled. (Ref. International Agency for Research on Cancer)

Additional Contaminating Properties of Wallboard:

'Drywall Debris coming from Construction and Demolition Sites will contain other materials besides gypsum and paper – joint compound, skim coats, and paint products with Lead & Asbestos.'

'A significant percent of wallboard systems contain asbestos.' (Ref. Environmental Consultancy, Austin TX)

From Section 2.3 of the Proposal: 'Re-Crete Mixing and Placement':

As C & D Fines are unloaded from transfer trailers, 'site personnel will use a fire hose connected to a water truck to spray **MIST** on the load. This will **Minimize Any Dust** from unloading operations and prevent the material from blowing while it is staged for mixing.' (Sound Dumb? FRIGHTENING!).

Who are the 'Site Personnel'? What are their Qualifications for Manufacture of Re-Crete in Huge Volume (201,000 Tons), and the pouring of this New Solid Waste cement mixture over a 10 acre parcel?

Section 2.3 Continued: 'Water to mix the cement and for dust control will be obtained from the on-site well.'

Where is the well located, on which ALI site (A or B)?

Is the water free of contaminants?

How many gallons per day (gpd) will be needed, and does the source have adequate volume to accommodate the entire project?

How will runoff from excess water be controlled to prevent discharge into the groundwater?

The portion of the 2.3 section relative to bucket trucks and mixing operations is even more **Disturbing**. It sounds Unprofessional – even JUVENILE!

Section 2.3 Stormwater Controls – Detention basins, perimeter road will be built by operational staff who will be onsite during the mixing and placing.’  
Who are the operational staff? What are their qualifications, training, experience?

Section 2.5 Final Cover Placement – ‘Once the entire site has achieved subgrade...’  
201,000 Tons of Re-Crete poured over 9.9 acres achieves what grade/height?

How much tree and old growth (40 + year) vegetation removal would be necessary at this Overgrown Benign ‘Phase B’ parcel?  
What excavation/earth movement is anticipated to prepare for the dumping of 201,000 Tons of Re-Crete flowable fill?  
Currently there is NO Depression at the site that needs filling.

And why should citizens of Norton and Attleboro be subjected to the Noise, Vibration and Potentially Carcinogenic Dust Particulate from the On Site Fabrication of Re-Crete in an Open Air Uncontrolled Environment?  
Residents of Maple St., Norton, Slater Street, Attleboro, Union Rd., Norton Peckham St., Attleboro and adjoining residential roads (including new subdivisions) would be most vulnerable to this dangerous experiment.

For DEP to even entertain this proposal makes their name sound like an Oxymoron.

NOTE: The End Result of this ‘Closure’ plan would be the Creation of a **New 140 Foot Mound of more undesirable properties** to loom as a twin brother with the existing 180 foot ALI Noxious Mound.

Initial Credibility Issues:

I received an e-mail from Norton's Town Manager Friday December 5, 2014 advising me there was a new proposal for an Attleboro Landfill Project.

A notice appeared in our local paper on Monday December 8<sup>th</sup> for a public information meeting scheduled for Monday December 15<sup>th</sup>.

How's that for timing? Keep the plan and public meeting announcement under wraps until the last minute, and schedule the meeting 10 days before Christmas.

The thirty day comment period would run from Dec. 15<sup>th</sup> to Jan. 15<sup>th</sup>. Brilliant!

Can you say 'STEAMROLL'?

No time to read the proposal, much less review, research and discuss.

And likely: Very few people in attendance for the 'Public Information Meeting'.

Norton's Conservation Agent (also caught by surprise) joined me in requesting a postponement from MassDEP - which Philip Weinberg (Regional Director of the SE Regional Office) wisely granted.

I was subsequently advised by representatives at MassDEP, Lakeville of a new meeting date: January 14, 2015.

Unfortunately – No One Informed Officials in either Norton or Attleboro.

An e-mail I sent to Norton Town Manager Mike Yunits on January 6, 2015 was the first town officials had heard of the January 14<sup>th</sup> meeting.

A curt response from Project Proponent Robert Cummings notified Mike Yunits and Mayor Dumas that the new meeting had been advertised in the Sun Chronicle. No apology for inadequate communication.

This spoke volumes with regard to Mr. Cummings' professionalism, respect, and regard for acceptable public process.

It should have been a huge red flag for Norton & Attleboro officials.

Again Philip Weinberg needed to intervene and a new (third) meeting date of February 17, 2015 was set.

Still not the appropriate time for a public information meeting:

School vacation, the worst winter in memory. Even the most concerned citizens would hesitate to come out in these adverse conditions, particularly at night. And many residents do not get home from work until after the meeting's start time.

But it became obvious from the scheduling of the first meeting for December 15, 2014: Neither the Project Proponent nor MassDEP wanted much in the way of public participation. It's an age old strategy and practice by those who fear allowing persons with knowledge of a project time to prepare and **Object**.

Besides the fiasco of scheduling the public meeting, the first thing I noticed reading the proposal on the MassDEP website was a glaring contradiction:

The massgov cover page had the wrong numbers for acreage of ALI. A few pages later in the proposal - under Section 1.0 'Background and Purpose' the first paragraph correctly describes the Attleboro Landfill.  
[See Attachment C]

It appears someone at DEP was asleep at the wheel from the very onset of this proposal.

The Enviro-Cycle plan states that their Re-Crete product is being evaluated for use in several other states, citing a permitting process in Penn. to possibly utilize the material in restoration of a 700 acre coal strip mine.

Coal and other metal mines have very low acidic soils. Mixing a concrete type material (especially with wallboard in it) would change the PH to a more 'basic' level, buffering the soils to minimize acidic runoff from a mine.

This is NOT an issue with the ALI 'Phase B' Site.

In fact there is NO Common Ground that can be found between the 9.9 acres of ALI 'Phase B' (The Site) proposed for the Experimental Manufacture and Dumping of this Re-Crete product and 700 acres of coal mine depression that needs filling. It is however interesting to note that Penn. has a permitting process even for coal mines.

The statement from MassDEP SE Regional Office that because Re-Crete is considered a solid waste - no specific permit is required, does not fly here.

This proposal does not simply call for 'disposal of an existing solid waste' at ALI. It is in fact – the Experimental Manufacture of a New Solid Waste Product On Site from two other components, one of which – Gypsum (containing Crystalline Silica) has potentially carcinogenic properties.

It is this On-Site Fabrication Process which dictates MassDEP MUST Require a much more rigorous physical and environmental approval process for the Enviro-Cycle Plan, if considering it at all.

Many landfill sites have banned the dumping of drywall, and where still accepted it can be cost prohibitive.

'C & D processors spend significant effort to remove wallboard from incoming waste stream due to the negative environmental effects of gypsum from drywall materials causes when reused or disposed of in landfills'.

The operation is a financial win for the new Enviro-Cycle Company, which would be generously compensated for accepting Tons of Undesirable C & D Fines.

The proposal states there would be no more than four C & D Waste Haulers.

What companies plan to dispose of their Gypsum Waste for Manufacture and Dumping at ALI?

Where are they located? [See Attachment G]

If allowed by MassDEP this Project would prove to be an endorsement for a New Venture, Unproven Product, and the On Site Manufacture of a New Solid Waste – Setting a Dangerous Precedent for Other Landfills.

The Department appears to have sunk to a new Low in expecting this **Guinea Pig** To Fly at ALI.

The Enviro-Cycle testing of their new product involved cylinders.

According to the proposal: Tests on these prefabricated Re-Crete cylinders indicated this new solid waste product posed 'no environmental threats'.

Measurements of Crystalline Silica and Asbestos were NOT tested.  
Also the size of the cylinders was not specified.

The entire Science behind these experiments and their relevance is **Suspect**.

It does not take a rocket scientist to recognize there is a huge difference in amounts and proportions between the tested cylinder pieces and the proposed volume (201,000 tons of material) to be manufactured at the ALI 'Phase B' Site and dumped there.

Comparing this ALI Project to the Shpack Superfund Site Remediation: **Absurd**.  
For the Shpack Superfund Site – Trucks were accepted through Norton because: They were hauling AWAY radioactive and chemical contaminants, providing RELIEF in a much sought after remedy to clean up a toxic waste dump IN Norton.

For this Attleboro Landfill Project: The huge Transfer Trailers proposed to haul materials through Norton (from one end of town to the other) would be accomplishing quite the OPPOSITE: Importing and Dumping Tons of Additional Solid Waste material on a 9.9 acre parcel whose character is currently benign.

The differences between the Shpack effort and this proposed ALI project are Profound:

Putting some numbers in perspective...

The Army Corps of Engineers shipped a total of 50,908 Cubic Yards of contaminated waste material FROM the Shpack Site.

The volume of contaminated waste material that Enviro-Cycle proposes to HAUL IN (201,000 Cubic Yards) is FOUR Times the Volume trucked out by the ACOE at the abutting Shpack Site.

Work at the Shpack Superfund Site was managed by the US Army Corps of Engineers and the US Environmental Protection Agency, with their own personnel who are trained, experienced and qualified for such specific projects.  
Both government agencies are known for their high standards, transparency and record of accomplishment in remediation of Superfund Sites.

ACOE and US EPA engineers and their contractors understood and respected the input and concerns of officials and citizens to minimize impacts, from the project's inception to its completion. They were responsive to our needs and worked professionally in achieving a shared and admirable goal.

The proponents of the latest ALI proposal have done nothing to demonstrate the characteristics which are CRITICAL for acceptance of this massive project under their direction.

At a January 26, 2015 update meeting arranged by me for principals involved in the Shpack cleanup, I was relieved to learn that the Enviro-Cycle plan is on everyone's radar screen.

And the consensus: Gypsum Dust was a primary concern.

Should it become necessary: We will enlist the assistance of the US Environmental Protection Agency, the Shpack Steering Committee (PRP Group), and Congressman Joe Kennedy - to protect our interests at the abutting Superfund Site. [See Attachment D. Hard Copy Only. Letter from Congressman Barney Frank]

If MassDEP expects a proposal for Closure of the Attleboro Landfill to be seriously considered, they must:

Present a plan from proponents with a proven track record for similar landfill projects – a company which has demonstrated dependability and accountability in this field.

Present a plan which employs the use of grading and shaping material that has been tested for suitability, dependability and sustainability in similar landfill closures.

Present a plan which does not include importing obscene volumes of undesirable materials.

Present a plan which does not hoist all of the insidious burdens of an ALI (Attleboro) Project on the Town of Norton.

Present a plan with credible estimates of Post closure Costs, reflecting cumulative increases due to inflation. [See Comments Submitted by Ron O'Reilly]

Present a plan which would not compromise the integrity of remediation at the Shpack Superfund Site.

Present a plan which does not reopen the ALI 'Phase B' parcel as an Experimental Open Air Fabricating Plant, whose generation of dust will constitute a serious health risk for humans and wildlife.

Present a plan which does not take a low, level, and benign parcel and build it up to create a new 140 foot mound of potentially dangerous properties.

Present a plan which would improve environmental quality, not compromise it.

A Standard Landfill Cap: (Ref. MassDEP)

NON – Contaminated Grading and Shaping Materials of Demonstrated Suitability.

6" gas venting layer of clean soils.

A textured 40 mil high density polyethylene impermeable geomembrane cap.

10" of drainage sand.

12" of plantable soil with appropriate seed application for vegetative growth.

Note. Re-Crete cannot be defined as a Non-contaminated Material OR of Demonstrated Suitability.

'The Material Re-Crete is similar to typical concrete with respect to its degree of imperviousness therefore, water flow through the material would be minimal.'

The geomembrane layer (still required on this project by DEP) provides the impervious layer. It is NOT the role of Grading and Shaping materials to provide an Impermeable surface.

When alternative analyses are conducted for landfill closures - A standard cap with Minimal Site Grading ranks highest in all categories:

Protectiveness, Compliance, Effectiveness & Implementability.

The Enviro-Cycle proposal is at the other end of the spectrum:

Failing at every level of these measuring criteria.

According to the 'State Solid Waste Master Plan':

The goal is to institute corrective actions which reduce threats to public health, safety and the environment.

'Use of materials during closure shall not significantly add to the actual or potential risk to public health, safety or environmental concerns, significantly increase nuisance conditions such as Noise, Dust or odor at the site.'

As for 'discussions' of a possible solar farm being installed on this site, MassDEP admits: It 'Is NOT a Component of this Conceptual Proposal'.

Mention of a 'solar farm' appears to be a lame attempt to make a Pig's Ear sound like a 'Green' Silk Purse.

I fail to see how revisions: clarification or modification to this plan can allow its implementation, so long as the basic premise is the Experimental Manufacture of Re-Crete on Site, and its Unprecedented Use as Grading and Shaping Material.

If MassDEP is going to adhere to its own policies, the Department must reject the Enviro-Cycle proposal NOW.

Allowing this 'conceptual' plan to proceed in greater detail for further review is pure folly, and would set a **dangerous precedent** for closure of landfills in Mass.

For DEP to live up to its name, this state agency needs to demonstrate greater scrutiny of the proposals they entertain, and provide assurance of **Environmental Protection** at a much higher level than evidenced here.

Personally, I think the Department should be embarrassed for wasting our time by even considering this ill-advised, threatening and potentially disastrous plan.

Credibility and trust issues abound across the board not only with the Project Proponents, but also MassDEP.

[See Attachment E]

[Attachment F – Hard Copy Only]

[Attachment G]

If DEP continues to insult us in pursuit of the Enviro-Cycle Proposal:

CAST guarantees a spirited campaign.

Our group has the experience, resources, tools, resolve, and demonstrated perseverance.

Media outlets which have been sympathetic in previous battles will be contacted.

Elected officials at the local, state and federal level of government will be engaged.

And yard signs with giant pink guinea pigs will be posted all across Norton.

**Last I Heard - 'Pigs Can't Fly'  
And Neither Should This Dangerous Guinea Pig!**

Please Also See Attachments A through ~~H~~ I

Submitted By:

Heather Graf, Coordinator

'Citizens Advisory Shpack Team' (CAST)

229 N. Worcester Street, Norton MA 02766

Phone: (508) 226 – 0898

E-mail: [heathergraf1@comcast.net](mailto:heathergraf1@comcast.net)

Cc:

Norton Board of Selectmen

Norton Conservation Commission

Norton Board of Health

Norton Fire and Rescue

Norton Police Department

Norton Highway

Ronald O'Reilly & Tom Stevens, Norton

Congressman Joe Kennedy

Senator Jim Timilty

Representative Jay Barrows

Representative Steven Howitt

Representative Paul Heroux

Melissa Taylor, US EPA

Scott Acone, ACOE

Michael Last Esq., Shpack Steering Committee

John D'Agostino & Jason Flattery, ERM - Shpack

Garry Waldeck & David Buckley, MassDEP Boston

Jonathan Weydt & Richard Conti – Attleboro City Council

George Spatcher Esq. & Roxanne Houghton, Attleboro

Sylvia Broude, Toxics Action Center

If the project does in fact require the landfill to remain open for a longer period, this is unfair to property owners and residents in the surrounding area who have made a decision to live there based on the existing state of the landfill.

Furthermore, I am concerned about the mixing of various components in an open-air environment. We lack a thorough analysis of potential hazard to nearby residents. Re-Crete has not yet been used in a landfill capping project.'

[\*\*\* The early information provided to our State Legislators has since been corrected. Inbound Delivery Trucks through Norton: 9,000+ huge transfer trailers hauling C & D Fines, plus 3,000 dump trucks each carrying 22 tons of sand or soil, plus 482 cement tankers each carrying 25 tons of dry cement. These numbers reflect one way trips.]

Comments from Mass. Representative Steven Howitt:

This project is not only unfair to the individuals living near the landfill but for the whole town with the trucks running through. Who is to say the material – Gypsum is not going to go into the air? This is a new untried process that would expand an existing problem of another city – making it much bigger and worse.

Maybe the State should take responsibility to cap it, because this particular project is not in the best interest of the town.

Comments from Mass. Senator Jim Timilty:

I am beyond skeptical of this conceptual plan. If this is the first time it's ever been done, I can't tell you how much I'd be opposed to that.

What I remember about the last time we were here to discuss an Attleboro Landfill closure project – the proponent saying: 'You would not want the material in your back yard'. To which a neighbor replied: 'It is my backyard'. Three years later we need to go well beyond that, and bring any closure attempt to the very highest standards humanly possible to protect our citizens regardless of cost. There is too much cost to our health care system that relate to toxins left behind from past generations.

Graf: Bravo State Legislators!

## Attachment I

### MassDEP SE Office and Enviro-Cycle Proposal: Problem With The Facts

Three weeks after the Public Meeting, I finally received a phone message relative to a change in the proposed delivery route, which MassDEP was not aware of the night of the Public Information Meeting. I was told that DEP had stayed with what had been in the Conceptual Proposal (then and apparently still). That in itself was bad enough. Total lack of communication between the Project Proponent and MassDEP, and the Department not feeling it necessary to (even this late in the game) present some basic information.

What is worse: The Delivery Route printed out in MassDEP's 'Fact Sheet' dated February 2015, mixed up the roads so badly it appeared the Transfer Trailer Trucks would be exiting I – 495 onto Rte. 140 in Mansfield.

It was suggested that perhaps I consider a number of different route options...

Also on the MassDEP 'Fact Sheet' First page, Last paragraph, Last sentence:

**'RECRETE™ will be the base layer for the cap'** (in bold print). RECRETE is a product which has been around since 2000 made from cement and recycled concrete. It was not invented or trade marked by Bob Cummings. Mr. Cummings added a hyphen to the product name and changed the formula to use C & D Fines (primarily Gypsum) instead of recycled concrete. They are two distinctly different animals.

Finally, as has already been stated in my Attachment C relative to credibility: MassDEP could not get their facts straight on the size of the Attleboro Landfill: First Page, First Paragraph in red ink – wrong. Even though the correct acreage is stated on page 4 of the same Fact Sheet (this information copied from the proposal). What is worse – when MassDEP tried to correct these basic 'Facts' at the Public Information Meeting, they still got it wrong.

This goes beyond sloppiness. It is incompetence. For the Department responsible with reviewing the Enviro-Cycle Proposal to be so misinformed is alarming. That they felt the need for a Promo Fact Sheet spoke volumes about MassDEP's confidence in the plan. But, the Fact Is: the Project Proponent at least got some basic information presented correctly, while DEP messed it up.

Facts? Credibility? Totally lacking.

Comments from Mark Dakers at the Public Meeting indicated he had very little knowledge of the Attleboro Landfill, even though it was Mr. Dakers who reviewed the previous plan from EndCap in 2012.

Zero confidence in DEP SE Office personnel's ability to evaluate this proposal.

Attachment A Heather Graf's Comments

Robert S. Cummings/Paul G. Chukran  
Company History:

Robert Cummings

2002 – 2014 Engineering and Management Services, Inc.

Originally - Rochester MA. Currently - Murietta CA.

Owner, Registering Agent, President, Treasurer, Secretary, Director

Robert Cummings & Paul Chukran

2011 Enviro-Cycle, LLC – Bridgewater, MA

Chukran – Registering Agent (Bridgewater MA)

Cummings – Partner (Murietta CA)

Robert Cummings & Paul Chukran

2010 Eternal Memories LLC – Rochester MA

Cummings – Registering Agent

Chukran – President, Principal

Paul Chukran

2009 Elliptical Holdings, LLC – Bridgewater MA

Robert Cummings

1993 – 2002 East Coast Engineering

Marion MA.

Robert Cummings & Paul Chukran

1999 Asset Restoration Management Inc.

Bridgewater MA

Chukran – President & Secretary, Bridgewater MA

Cummings – Treasurer, Rochester MA

Involuntary Dissolution by Court Order

Paul Chukran

1997 Albina Ltd. – Bridgewater MA

**ALI Phase A (Certified by MassDEP as Capped):**

Contaminants Identified at Attleboro Landfill 'Phase A' Site

The Existing 180 Foot Mound

Looming Over Union Rd., Norton & Peckham St., Attleboro

Which According to MassDEP Is 'Certified as Capped' and was Closed in 2002

US EPA Sampling of Residential Wells (2001 – 2003) On Peckham St., Attleboro,  
Union Rd. and Maple St., Norton:

Volatile Organic Compounds (VOCs) were detected in 4 out of 6 wells tested.

Highest levels of MBTE (methyl-tert-butyl-ether) found at House #2 on Peckham.

GHR Engineers of New Bedford, MA March 1980 Report:

Volatile Organic Compounds (VOCs) were detected in ground water samples  
taken from ALI (Phase A).

GHR Report March 25, 1980:

In samples collected from 10 observation wells on ALI (Phase A) Property

15 Volatile Chemicals were detected in one or more observation wells.

8 of the volatile organics Exceed Human Health Criteria:

Vinyl Chloride, Methylene Chloride, Chloroform, 1,2 Dichloroethylene,  
Bromodichloromethane, Trichloroethylene, Benzene & Tetrachloroethylene'.

'These volatile organic compounds are considered to be potential carcinogens if  
consumed in drinking water, fish or shellfish.'

'If a chemical is suspected of being a human carcinogen, there is NO recognized  
Safe Concentration in drinking water or food which will provide absolute  
protection for human health except ZERO.'

Keep in mind: This report is from 35 years ago. Science has advanced since then in  
sounding alarms for many more contaminants at much lower concentration  
levels.

Sylvia Broude (Executive Director of Toxics Action Center in Boston):

'There is no such thing as Slightly Contaminated'

Crystalline Silica dust particles are so tiny they can only be detected by microscope.

Crystalline Silica particles cannot be dissolved by the body's immune system or disposed of. Even the tiniest inhaled particle will become dangerously lodged in the lung.

While risks are cited primarily for occupational hazards, where workers may be subjected to contamination in larger doses for a prolonged period of time, IARC did indicate there was evidence that Crystalline Silica was carcinogenic to animals.

Unfortunately little research has been conducted into the dangers/risk to persons living in close proximity to activities which produce Gypsum Dust who may come in contact with some airborne particulate matter.

And the science of exactly how much of a contaminant poses a risk is constantly evolving.

Gypsum Information: 'Short term exposure to dry wall dust may not pose a serious health risk to Healthy Individuals.' What exactly is short term?

Outspoken opponents of the Enviro-Cycle Proposal include:

A resident of Maple Street whose property backs up to the Phase B Site. Tom suffers from COPD.

A resident of Union Rd. whose home is closest to the Attleboro Landfill. Ron is undergoing experimental chemotherapy treatments for multiple myeloma.

Neither of these individuals could be considered 'healthy'.

Tom's lung disease is one already mentioned in discussion of Crystalline Silica.

Ron's cancer and compromised immune system also make him extremely vulnerable.

A resident of Attleboro who lives in the Slater St. area who spoke at the public meeting also suffers from a respiratory ailment.

And another who resides near the dump complained about the incredibly high incidence of cancer in his neighborhood.

What reassurance can MassDEP offer these people?

Just that the project proponent 'is confident that the project can be completed with minimal to no impact.'

## Attachment C Heather Graf's Comments

### Initial Credibility Issues:

MassDEP Website Cover Page for 'Attleboro Landfill Inc. Capping Project' 12/14  
And MassDEP 'Fact Sheet' 2/15

Description of ALL: Wrong Information

'The former Attleboro Dump (Landfill), located on Peckham Street, near the Norton town line, consists of two areas:  
the closed (unlined) and capped **23-Acre Phase A**,  
and the (unlined) and uncapped 11-acre Phase B.'

Two Pages Later On Both the MassDEP Website  
'Conceptual Alternative Closure Plan, Attleboro Landfill'  
'Background and Purpose'  
And Their 'Fact Sheet'

'Attleboro Landfill – Background Information'  
Description of ALL: Correct Information

'The Attleboro Landfill is a **55-acre** site....'  
'Attleboro Landfill, Inc. operated a landfill on **32 of the 55 acres (Phase A)**'

At first read – I caught the error by MassDEP on their website.  
Even if I had not already been familiar with actual the size of the landfill,  
when basic information two pages apart is contradictory – someone isn't  
paying attention.

I also take exception to some additional wording in the DEP 'Fact Sheet'  
which was not written into the same information paragraph in the proposal:  
Fact Sheet - 'Attleboro Landfill – Background Information':  
'The unlined Phase A portion of the landfill has been capped and **Properly Closed**'  
**[See Attachment B: Contaminants Identified at Attleboro Landfill 'Phase A' Site]**

Attachment D

Heather Graf's Comments

BARNEY FRANK  
4TH DISTRICT MASSACHUSETTS

2252 RAYBURN HOUSE OFFICE BUILDING  
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29 CRAFT STREET  
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Congress of the United States  
House of Representatives  
Washington, DC

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(508) 999-6462  
THE JONES BUILDING  
28 BROADWAY  
SUITE 310  
TAUNTON, MA 02780  
(508) 822-4796

(2 Pages)

September 27, 2012

Mr. Kenneth L. Kimmell  
Commissioner  
Massachusetts Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Dear Commissioner Kimmell:

I am writing in support of the town of Norton and its elected town and state officials in their opposition to the capping proposal submitted to the Department of Environmental Protection by EndCap Technology that would transport 650,000 Cubic Yards of "slightly contaminated" material by truck over the course of four years in order to complete the required capping of the Attleboro Landfill. While I am appreciative of your letter of August 30<sup>th</sup> that extended public comment on this proposal and states in part that "MassDEP will require that the owner/proponent, Albert Dumont and EndCap Technology LLC (ECT), address the comments received from the community by modifying the proposal for capping the ALI landfill," I remain concerned that the nature of this proposal, to provide a funding source for the required cap, will trump the potential harm to area residents and the integrity of ongoing remediation efforts at the Shpack Superfund site which is in the final stages of a costly and exhaustive effort by local, state and federal partners.

As you are undoubtedly aware, for many years, I have been directly involved in the ongoing efforts of both the Army Corps of Engineers and the Environmental Protection Agency in their combined cleanup of radiological and chemical waste at the Shpack site. Through the tireless efforts of these two federal agencies, committed local leaders and the Citizens Advisory Shpack Team (CAST), that cleanup is finally nearing its completion. However, the uncertain nature of the Attleboro Landfill and its proximity to the Shpack site has always been an underlying concern to those who have dedicated so much time and effort to the remediation efforts of this Superfund site. This proposal has validated those fears.

According to the comment letter from the town of Norton's Board of Selectmen, the required soil to cap the Attleboro Landfill is a fraction of EndCap's proposal. While a viable revenue source may be necessary to help fund this cap, DEP should be mindful of the transportation stress on local roadways, potential harm to area residents and the negative impact the importing of even slightly contaminated and excessive materials may have on the abutting Superfund site.

Attachment D Heather Graf's Comments Pg. 2

September 27, 2012

Page 2

While every effort may be made to ensure the integrity of the capped material, no one can predict the effect such a large amount of material would have on either the Shpack site or local residents, and I strongly urge you to fully consider responsible alternatives to properly capping the Attleboro Landfill.

Sincerely,

A handwritten signature in cursive script, appearing to read "Barney Frank".

BARNEY FRANK  
Member of Congress

BF/gpp

Reply To: 29 Broadway, Suite 310  
Taunton, MA 02780

Additional Credibility Issues: MassDEP 'Fact Sheet' - February 2015

On February 12, 2015: I received an e-mail from the MassDEP SE Regional Office with an attached 'Fact Sheet'.

This same document was also sent to Norton Town Manager Mike Yunits.

It would appear DEP staff felt the actual Enviro-Cycle Proposal for the Attleboro Landfill Project was so inadequate, it was necessary to draft an additional seven page handout for circulation prior to/and at the upcoming public meeting.

While portions of the DEP data sheet may provide some information of interest (relative to Department Policy and Landfill Closures in general): A key part with 'Facts' specific to the Attleboro Landfill Project is – just plain wrong.

Beginning with the very first paragraph in red ink: A description of ALL is incorrect.

This misinformation obviously copied from MassDEP's Cover Page for the plan found on their website (same and wrong).

On the DEP website and again on their 'Fact Sheet' – the correct information for the Attleboro Landfill can be found just a few pages later in the actual Proposal under Background Information. [See Attachment C.]

This blatant oversight error set a negative tone for the entire process and project review by MassDEP at the outset. Is anyone at the Department actually paying attention?

DEP FACT SHEET: What Is A Landfill Cap?

Beige and gray diagram: 'Final Cover System Cross Section'

Does NOT provide a measurement for the Base Level of 'Approved Grading and Shaping Materials' (Re-Crete). States the diagram is 'NOT TO SCALE'.

The other layers with measurements are per: A Standard Cap.

According to this diagram, it would appear the Grading & Shaping Layer is 8".

Actual thickness of 201,000 Tons of Re-Crete Poured Over 9.9 Acres???

Proposed depth of the Re-Crete Material is the primary factor relevant to this specific project of interest, and should be depicted correctly on the diagram. [According to the Enviro-Cycle Proposal there would be 201,000 Tons of Re-Crete Manufactured and Poured onto the 9.9 Acres that (according to DEP) require capping.]

Also of note: With the Geomembrane Impermeable Layer, and 6" Gas Venting Layer still required by the Department for this project, there is NO Justification for using Grading and Shaping Materials like Re-Crete that may be impermeable.

Next under: 'Attleboro Landfill – Background Information'

The 'Fact Sheet' states that in November **2014** an ALI representative, Enviro-Cycle submitted a conceptual proposal...'

This contradicts information in the actual Proposal which states:

In November **2013** ALI submitted to MassDEP a Conceptual Alternative Closure Plan.'

Fact Sheet: 'Traffic Associated With The Proposed Project'

'The main delivery route will use Interstate 495'. OK.

But then: 'Vehicles would travel through Norton via Route 140 TO Route 123...'

If one were to believe this: The incoming loaded delivery transfer trailer trucks would be exiting I - 495 into Mansfield!

I thought it more likely the Routes 140 and 123 were juxtaposed on the 'Fact Sheet':

That the correct main delivery route using I – 495 would exit onto Rte. 123 (East Main St.) in Norton, travel through the center of town From Rte. 123 TO Rte. 140 South (Taunton Ave.)

Proceed on Taunton Ave. almost to end. Then take Eddy St., John Scott Blvd., South Worcester St. and Union Rd. to finally reach a private ALI Access Road off Peckham St. in Attleboro.

This was not an unreasonable approach (it had been considered before) as it would avoid passing 4 Norton Public Schools and a large Elderly Housing Complex.

The actual Proposal had been very vague on the Route: Mentioning use of Norton roads: I- 495, South Worcester St. and Union Rd., but nothing specific between the Eastern most end of Town and the Western End.

Then DEP's 'Fact Sheet' created total confusion.

On February 24<sup>th</sup> Ellie Donovan in MassDEP's SE Regional Office who contacted Project Proponent – Bob Cummings finally confirmed for me the Correct Proposed Delivery Route.\*\*\*

[See Attachment G March 10, 2015 ALI Public Information Meeting]

That most basic element of the plan should have been clearly spelled out in the Enviro-Cycle Proposal dated December 2, 2014.

If there was more than one route being considered, all should have been identified with Route and Street Names.

Whether the obscene volume of C & D Fines being hauled in transfer trailers, the sand & soil in large dump trucks, or concrete in tanker trucks – these materials are not being transported to the 'Site' by Train, Boat or Helicopter.

DEP 'Fact Sheet' (Traffic Section):

'Enviro-Cycle HAS met with Norton town officials to discuss delivery routes'.  
This was FALSE.

Upon questioning, I was first told by MassDEP that such a meeting had in fact occurred between Bob Cummings (Enviro-Cycle) and Mike Yunits (Norton Town Manager). WRONG.

The Proposal states: 'Enviro-Cycle' WILL meet with Norton town officials to develop delivery SCHEDULES. Not Necessarily to Establish A Route.

As of the end of February, there had been NO meetings between Enviro-Cycle and Norton town officials to discuss delivery routes OR schedules.

'Fact Sheet' (Traffic Section Continued):

'Project Proposal Comparison Table' on 'Fact Sheet' does not match the same table in Section 2.1 of the Proposal's 'General Description of Closure Method'.

In the Re-Crete Closure columns relative to Truck Deliveries - Discrepancies

Cement Trucks – Proposal: 482

Cement Trucks – Fact Sheet: 450

The Fact Sheet also fails to provide a Total of ALL Truck Deliveries

Proposal: 12,526. Total Truck Trip Ends

MassDEP's Fact Sheet:

In Fact - A seven page Promo Piece for this ludicrous plan, with errors and inconsistencies

Demonstrates: Not only a lack of objectivity on the part of the Department.

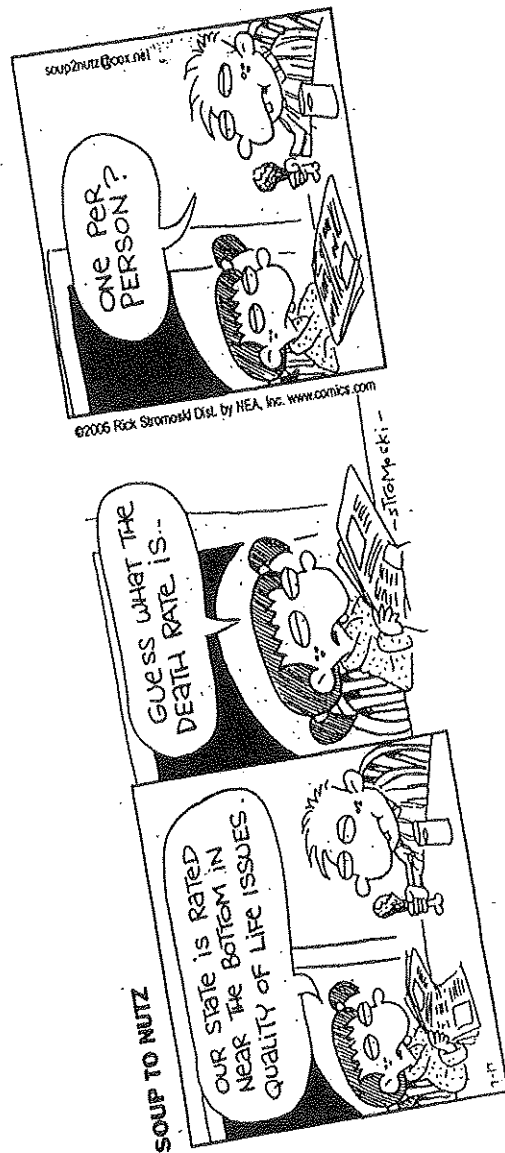
But also indicates that staff members spent little time trying to grasp basic details relative to the Attleboro Landfill and this ALI Proposal.

The Department should be embarrassed for entertaining such an ill-conceived plan, chided for promoting it, and slapped for their sloppy handling of the project.

Credibility and trust issues abound here: Not just for the Project Proponent, but also MassDEP:

Charged with reviewing, understanding and (on their website and subsequent 'Fact Sheet') – correctly presenting the critical elements specific to this Enviro-Cycle Proposal.

Attachment F Heather Graf's Comments



MassDEP: For the purposes of this meeting DEP is a neutral party.  
Consensus from Attendees: DEP did not appear neutral at all.

DEP: Purpose of this meeting - ensuring communities have a say and an important role in the projects coming before DEP.

DEP: Attempting to correct misinformation on their Fact Sheet – First paragraph relative to the size of the entire landfill. DEP states at meeting it is actually 32 acres total not 23.

Graf: The correct number of total acres is 55. Phase A – 32 acres.  
Phase B – 23 acres (with 9.9 acres of the B parcel said to require capping). This accurate information can be found in the 'Conceptual Plan' Section 1.0 – Background and Purpose.

#### Source of C & D Fines and Delivery Route

Bob Cummings: The C & D Fines would be coming from G. Lopes Construction in Taunton.

This determined the most recently proposed Delivery Route - using back roads from Taunton through Norton: Route 140 (Taunton Ave.), Eddy St, John Scott Blvd., South Worcester St., Union Rd., to a private ALI Access Road off Peckham St. in Attleboro.

MassDEP: Two weeks after the ALI Public Information Meeting, in spite of repeated attempts – I could not get any response from DEP confirming this basic piece of information provided at the 'Public Information Meeting'.

Cummings: We could form a traffic sub-committee to work out delivery schedules.

Graf: Scheduling will be somewhat difficult considering the manufacturing aspect of the project, and the fact that the process needs to be fluid and kept moving.

Cummings: We may need to hire a third party engineer for the project, maybe (?) with some input from the town.

In response to a question regarding any problems that would be detected (proponent had suggested a two week site monitoring program)

DEP: We would shut it down.

Graf: Would it not be a bit late for that?

In response to Norton expecting more basic information on the plan

DEP: Compared this process to that for remediation of the Shpack Superfund Site and an alternatives analysis conducted there.

Graf: There are no alternatives being offered to this Enviro-Cycle Plan.

Norton fought long and hard for the very best alternative possible at the Shpack Superfund Site, we got it. We will not settle for a Project on the abutting ALL property that puts that successful remediation in jeopardy.

In response to a question from a member of the Norton Finance Committee about Enviro-Cycle's financial stability. What if the new company could not complete the project?

DEP: The State would take it over.

Graf: Why don't we just start there now?!

[See Attachment H]

It was interesting to note that although there were five employees of MassDEP at the Public Meeting, no one other than Bob Cummings attended for Enviro-Cycle. Partner Paul Chukran of Bridgewater MA did not make an appearance, nor did any personnel employed by the company (if they exist).

In fact the slide presentation had to be managed by Michelle O'Brien – the attorney for Attleboro Landfill Inc.

This was the worst 'Dog and Pony Show' many of us had witnessed. The Project Proponent seemed confused about his own plan, and all over the place on a 'moving target'.

DEP: We have not made a final decision on this project.

DEP Fact Sheet: 'MassDEP has determined that Enviro-Cycle's Conceptual Proposal is consistent with MassDEP's landfill closure requirements.'

Graf: HOW?

WICKED  
LOCAL.com

Attachment #

Heather Graf's Comments

By Dana Forsythe

April 08, 2011 12:01AM

Print Page

## Hobomock Landfill scheduled to be capped next month

This week, the Pembroke Board of Selectmen awarded the contract to cap and close the Hobomock Street landfill to G. Lopes Construction out of Taunton.

This week, the Pembroke Board of Selectmen awarded the contract to cap and close the Hobomock Street landfill to G. Lopes Construction out of Taunton.

"It's certainly been a long process," Town Administrator Ed Thorne said. "But, we're finally here."

Thorne said that the project will take about six months to finish and would likely start on May 1.

As for future plans for the site, Thorne said, that nothing is certain.

"Let's just get it capped first and then we can think about our options," he said.

The town is under an administrative consent order with the state DEP to have the old landfill, which closed in 1989, sealed off by the end of 2011.

In October of last year, residents voted at Town Meeting to allocate \$2.8 million for the project.

Thorne said that money would be borrowed through a low-interest loan through the state revolving fund.

At Town Meeting in October, Selectman Dan Trabucco told residents that the town was offered a special 2% interest rate in paying back the loan for the landfill cap.

The Board of Selectmen as well as residents have asked on numerous occasions if those designing the landfill cap would consider ways to reuse the land in the future.

According to Thorne, the landfill's look would remain similar to the way it looks today, with the addition of a three-foot cap of light clay, soil and DEP-approved fill material to seal off the landfill's contents, including street sweepings and other materials currently stored at the Department of Public Works' Monroe Street gravel pit.

Studies have shown the contents of the landfill are not hazardous.

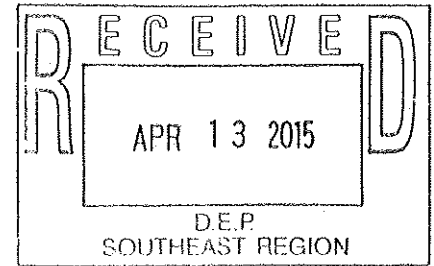
According to plans, when construction starts workers will have to close the access road from Hobomock Street to the recycling center for a period of time to cap the land underneath before replacing the road.

In previous meetings with the selectmen, Environmental Partners engineer Mark White said the town may be able to designate three to four acres of level land, possibly near the front of the site, for future field use.

<http://www.wickedlocal.com/article/20110408/NEWS/304089297>

Print Page

Ronald O'Reilly  
29 Union Road  
Norton MA  
508-622-1500



## COMMENTS ON CONCEPTUAL ALTERNATIVE CLOSURE PLAN

### ATTLEBORO LANDFILL

#### ATTLEBORO, MA

#### 1.0 Background and Purpose - Paragraph 4

"Robert S. Cummings, (Cummings) who is a co-inventor of Re-Crete, is also a principal in Engineering and Management Services, Inc., who consulted on the project before his relocation to California in 2010. As a result, he is very familiar with the requirements and conditions at the site and is confident that the project can be completed with minimal to no impact."

Messrs. Cummings and Paul G. Chuckran (Chuckran) are listed in the 2014 Annual Report of Enviro-Cycle, LLC filed with the Secretary of the Commonwealth of Massachusetts as managers of Enviro-Cycle, LLC. The United States Patent for Re-Crete identifies Cummings and Chuckran as the co-inventors of Re-Crete. Cummings has a personal financial interest in the outcome of this project. He is not independent and his professional opinion should be disregarded in its entirety.

The author of the CONCEPTUAL ALTERNATIVE CLOSURE PLAN ATTLEBORO LANDFILL ATTLEBORO, MA, (THE PLAN) has not been identified. The qualifications and experience of the professionals who will supervise this project have not been disclosed. Proposals of this nature are prepared by independent engineers on the firm's letterhead. The signature and resumes of the preparer and principals of the responsible engineering firm should appear on the last page of the text to identify the professionals who will participate in this project. There is no indication that the unknown author of this proposal consulted with wetland a scientist to address the effect the proposed work

would have on the surrounding environment and wetlands. The three pages of plans identified as Attachment 1 – Conceptual Layout shows plans apparently prepared by Engineering & Management Services, Inc. with a Murrietta, California address. The three plans do not indicate they were signed by a professional engineer licensed in the state of Massachusetts. Filings with the Secretary of the Commonwealth of Massachusetts list Cummings as president, treasurer, secretary and director of Engineering & Management Services, Inc.

## 2.1 General Description of Closure Method

“The site will be closed by utilizing the Re-Crete to regrade the site in support of a cap for the previously placed material.”

Re-Crete has not been used in the capping of a landfill. There is no indication that it is licensed for use in the Commonwealth of Massachusetts. The only other proposed use of Re-Crete has been to close strip mining operations in two other states. There is no reason for Attleboro Landfill, Inc. (ALI) to be used as an experiment for the possible development of uses for Re-Crete.

“Since the Re-Crete is manufactured with a combination of cement and recycled materials, it will be mixed on-site using a small pug mill. Water to mix the cement and for dust control will be obtained from the on-site well.”

This process should be conducted in a building with negative air pressure to prevent the Construction and Demolition Fines (C&D Fines) dust from escaping into the atmosphere. C&D Fines are ground gypsum. Gypsum contains Crystalline Silica a known carcinogen. The Material Safety Data Sheet for ground gypsum discusses the chronic effects/carcinogenicity of Crystalline Silica. “Prolonged and repeated exposure to airborne free respirable Crystalline Silica can result in lung disease, silicosis, or lung cancer. In 1997, the International Agency for Research on Cancer classified Crystalline Silica as a human carcinogen.”

“An impact mitigation fee will be provided to the Town of Norton at a rate of one dollar per ton of material brought to the site.”

There is no indication as to the reasonableness of the one dollar per ton mitigation fee to be paid to the Town of Norton. There is also no indication as to whether the fee is for the C&D Fines or also includes the tons of cement, sand and the twelve inch thick "plantable" soil layer being brought to ALI over Norton roads.

## 2.1 General Description of the Closure Method – Paragraph 7

"The project team expects a final component of the project will be to construct a solar farm on the newly capped area as well as on other portions of the property where solar construction is feasible." The site is owned by ALI. There is no indication the property owner, ALI, has agreed to an irrevocable contract forfeiting potential revenue from the sale of electricity in perpetuity.

## 2.2 Material Delivery – Paragraph 1

"One advantage of using Re-Crete for the site closure is that the material delivery to the project site can be strictly controlled. The project will deal with no more than four C&D recycler's; therefore, delivery times can be assigned for each recycler." There is no mention in the plan of a provision for a truck staging area when backups occur due to scheduling delays to avoid school bus schedules or equipment breakdowns at ALI.

There is no indication that the C&D Fines will be tested on site for hazardous materials. If the load is determined to contain hazardous materials, how will it be handled? The individual doing the testing should be independent of Enviro-Cycle, LLC to avoid a conflict of interest.

## 2.2 Material Delivery – Paragraph 2

"The main delivery route for recyclers bringing material to the site presently under discussion is from Interstate 495. This means that vehicles will travel through Norton in order to get to the Attleboro landfill site." There is no reason the delivery route cannot be entirely through the City of Attleboro. There is no indication as to how the proposed 20 mph speed restriction will be enforced. Obviously, no thought has been given to this issue, a consistent problem with the plan.

## 2.2 Material Delivery – Paragraph 3 Page 4

“It is anticipated that delivery vehicles will use the same truck routes that vehicles hauling material to and from the Shack Site used during the recently completed cleanup activities.” The Shack Site was a Norton problem using Norton roads. ALI is an Attleboro problem and should use Attleboro roads. If the route to be used by trucks going and coming to ALI is the same as that used for the Shpack Site, trucks containing Crystalline Silica will pass by two preschools and through the Wheaton College campus and the four cross walks connecting both sides of the campus.

Another indication of the lack of planning and thought in The Plan is the Fact Sheet dated February 2015, published by DEP in an attempt to improve the poorly written proponent’s Plan. The fact sheet indicates that the proposed truck route would be Interstate 495 in Mansfield to Route 140 south to Route 123 to South Worcester St. and on to Union Road. This contradicts the aforementioned route proposed in The Plan. The route proposed by DEP would have had more than 9,000 truck trips going by four schools in Norton located on Route 123. Apparently DEP had no concern for the safety of the children who walk to the four schools and cross Route 123 every school day. Now according to DEP, the aforementioned route through Mansfield is no longer being considered.

The latest proposed way, that I am aware of, is for the trucks to travel on Route 140 from Taunton to Norton’s Eddy Street, John Scott Boulevard, South Worcester Street, Union Road and a short distance on Peckham Street Attleboro to ALI. The Norton residents on Eddy Street and John Scott Boulevard were not informed about the truck route going by their homes. There would have been many more Norton residents opposed to The Plan at the “Information Meeting” on March 10, 2015 if they had been aware of the this proposed route.

## 2.3 Re-Crete Mixing and Placement - Paragraphs 1 and 2 Page 4

“As stated above, the C&D fines will be delivered to the site in transfer trailers. As the trailers are unloaded, site personnel will use a fire hose connected to a

water truck to spray a mist on the load. This will minimize any dust from unloading operations and will prevent the material from blowing while it is staged for mixing.” This process should be performed in a building with negative air pressure to reduce the likelihood of C&D Fines, gypsum dust containing Crystalline Silica, from being blown into the surrounding wetlands and neighborhoods.

There is no way spraying a “mist on the load” will prevent dust from escaping into the atmosphere “when using a bucket loader to load the fines into a mixing device.” The mixing device will also generate dust. The process should be done in a closed, negative atmosphere building with a filtering system that will prevent dust from the operation to escape into the atmosphere.

DEP should require the proponents to have a truck washing station on site to prevent the gypsum dust and Crystalline Silica from being spread on the streets of Norton as the trucks leave the site.

#### 2.3 Re-Crete Mixing and Placement - Paragraph 3 Page 4

“The conceptual plan shows in a general fashion storm water controls.” There is no mention of a Storm Water Pollution Prevention Plan, which is the responsibility of the contractor, Enviro-Cycle, LLC.

#### 2.4 Re-Crete Background - Paragraph 2 Page 4 Sentence 2

“A significant component of the C&D Fines is gypsum that originates from wallboard.” The plan refers to gypsum in several places but never mentions that gypsum wall board contains a small amount of Crystalline Silica, a known carcinogen. There is no indication that C&D Fines will be tested as to the percentage of Crystalline Silica in the ground gypsum. Wall board from older homes may have been painted with lead based paint but there is no mention of this hazardous chemical in The Plan or how it is to be handled at ALI.

#### 2.4 Re-Crete Background - Paragraph 3 Page 5 Sentence 3

“Many of the landfill's currently accepting C&D fines will be closed within two to five years and will longer be accepting these types of materials.” If other

landfills will “no longer be accepting these types of materials”, what is the justification of reopening ALI to accept “these types of materials”?

#### 2.4 Re-Crete Background - Paragraph 6 page 5

“Finally Re-Crete has an environmental/product liability insurance policy in the amount of \$25 million issued by a major insurance carrier as evidence of the market confidence in the product.” There is no indication as to the term of the policy. The Town of Norton should be listed on the insurance certificate as an insured party. The term should be for the duration of The Plan including the 30 year monitoring period. The Policy should be non-cancelable and the premium for this coverage should be paid for in advance.

#### 2.6 Solar Farm Construction - Paragraphs 1 and 2 Page 5

The proposed Solar Farm construction and operation lacks details. There is no indication that ALI has agreed to the perpetual use of the revenue from the solar Farm as proposed by the plan.

#### 2.8 - Post Closure Estimate - Paragraph 1 Page 6

Table 1 Summary of Post Closure Costs Attleboro Landfill Closure is unrealistic and deceptive. The amounts for years 2 through 30 do not reflect any cost increases due to inflation for 28 years. Only a grossly incompetent individual would prepare a proposal for a 30 year time span without adjusting the costs for the cumulative effects of inflation. Apparently, that is the type of people behind The Plan which is being advocated by DEP.

Using a conservative inflation rate of 3% would increase the cost of The Plan over 30 years by \$348,000. A more realistic inflation factor for professional services and the required laboratory testing is 5% which would increase the cost by \$728,000. It is safe to assume The Plan projected cost of \$508,000 to monitor the project for 30 years is woefully inadequate and is being used in a deceptive attempt to show the project is economically feasible which it is not. A realistic cost to monitor the project for 30 years is most likely between \$856,000 and \$1,236,000 and possibly more depending on the inflation rate for the next 30 years.

## 2.7 Financial Analysis – Page 7

Another example of how poorly The Plan has been put together is the fact that item 2.8 appears on page 6 and item 2.7 is on page 7. One can understand why the proponents would not want to put their names on the plan. It is so defectively put together no one would want to be discredited with preparing such a document. One has to wonder why DEP is so strongly advocating the Enviro-Cycle, LLC project.

The proponent's Post Closure Fund is \$508,000. Monitoring costs for the project over 30 years will most likely be between \$348,000 and \$729,000 greater than the Post closure fund proposed by the proponents. It is very possible that the increased costs will be significantly higher. Who will be responsible for the deficiency in monitoring costs?

The town Norton should be the beneficiary of an irrevocable letter of credit in the amount that is projected to be due the Town for both tipping fees and reconstruction of all the roads that will require reconstruction as a result of 9,000 truck trips.

There is no indication as to the net worth of Enviro-Cycle, LLC or that the company has sufficient funds if the financial projections prove to be inadequate to complete the project.

The plan should be disregarded in its entirety due to numerous inconsistencies and a lack of details. One has to wonder if the purpose of having a public meeting on The Plan was to discourage people from attending the next public meeting on a detailed proposed plan.

The plan is so inadequately written that DEP found it necessary to put out a document "Attleboro Landfill, Peckham Street, Attleboro Proposed Closure Project - Fact Sheet - February 2015" to justify the project on behalf of The Plan proponents. The Fact Sheet can be found at:

<http://www.mass.gov/eea/docs/dep/about/region/alcp15.pdf>

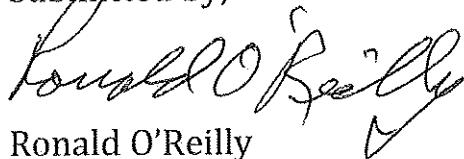
The next plan should include a project narrative, geotechnical analysis, Storm Water Pollution Prevention Plan, detail specifications and plans, and a

qualitative environmental health and risk assessment. All engineer design work should be stamped by a Massachusetts Registered Professional Engineer. A report from a wetland scientist should be part of the plan to determine if any endangered species inhabit the site and the procedures necessary to preserve the existing biodiversity of the site especially during the spring when amphibians from the surrounding swamps will be reproducing.

DEP South Eastern Regional Office is a proponent of The Plan put forth by a private contractor to benefit a private landowner. DEP has become dysfunctional in regards to The Plan and cannot make an unbiased decision that will protect the health and welfare of the neighbors and all other parties who might be affected by the potentially hazardous waste to be brought to the site. I request that all future discussion, consideration and decisions on The Plan be made by DEP Boston or another Regional Office.

DEP Southeastern Regional Office failed to properly supervise and inspect ALI for the twenty years that it was a commercial, regional landfill. DEP's failure is the reason that the funds necessary to monitor Phase A are not available to monitor the site. The Plan indicates the results of reopening ALI to "cap" Phase B will have a result no different than the debacle at Phase A.

Submitted by,

A handwritten signature in cursive script, appearing to read "Ronald O'Reilly", with a checkmark at the end.

Ronald O'Reilly

**Donovan, Ellie (DEP)**

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**From:** heathergraf1@comcast.net  
**Sent:** Wednesday, March 18, 2015 9:39 AM  
**To:** Donovan, Ellie (DEP)  
**Cc:** Mary Steele; Bramwell, Brad; Giblin, Tim; Kimball, Bob ; Bob Salvo  
**Subject:** Fwd: ALI Public Meeting

Ellie,

Sending this again.

I hope Mr. Cummings can supply/confirm some critical information relative to his project.  
See Below.

Also - Clarification:

Does G. Lopes Construction actually produce the C & D Fines at a recycling plant in Taunton, or would they be picking up and hauling the material from other facilities?

The Norton Board of Selectmen will be discussing the ALI Proposal at their meeting this week.

Obviously it is important (not just so Heather Graf can complete her Comment Letter) but for interested parties in Norton (particularly our Executive Governing Board) to have the correct information on the ALI Project before addressing the subject.

Thank you,  
Heather

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**From:** heathergraf1@comcast.net  
**To:** "Ellie Donovan (DEP)" <ellie.donovan@state.ma.us>  
**Cc:** "Brad Bramwell" <bbram53@yahoo.com>, "Tim Giblin" <timgiblin@comcast.net>, "Bob Kimball" <selectbob@aol.com>, "Bob Salvo" <rssal28@yahoo.com>, "Mary Steele" <steele3@comcast.net>  
**Sent:** Friday, March 13, 2015 1:31:54 PM  
**Subject:** ALI Public Meeting

Ellie,

Would please contact Bob Cummings to confirm some statements he made at the March 10, 2015 ALI Public Meeting:

All of the C & D Fines for the Enviro-Cycle Project would be coming from the G. Lopes Construction Company in Taunton.

If Lopes has more than one facility that would be supplying the Fines, what are their locations?

What are the exact roads proposed for the transfer trailer trucks from Point A (Lopes) to Point B (Union

Road in Norton).  
Cummings mentioned Bay Road...

Residents who attended the meeting, as well as those viewing the information on your website have complained that the vague map with a red marker line is insufficient.

Thank you,  
Heather

**Donovan, Ellie (DEP)**

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**From:** sassiemin@comcast.net  
**Sent:** Wednesday, April 08, 2015 6:55 AM  
**To:** Dakers, Mark (DEP)  
**Subject:** Enviro-Cycle proposal for Capping of Attleboro Land Fill

Dear Mr. Dakers:

We are writing to express our adamant opposition to the Enviro-Cycle proposal for Capping the Attleboro Landfill, Inc. (ALI). The plan to import excessive amounts of contaminated materials to bail out a private, for profit enterprise is beyond reason. It is my understanding that Re-Crete has never been used for a landfill closure project. Its suitability, dependability and sustainability has never been demonstrated.

The proposal to haul tons of C & D Fines (primarily crushed wallboard) in huge transfer trailers through the Town of Norton to reach a site located in the City of Attleboro is insulting to the residents of our community. This conceptual plan to manufacture Re-Crete on site and use 201,000 tons as grading and shaping material is totally unacceptable for residents of both Norton and Attleboro. The proposal, which would extend the existing noxious ALI mound closer to our neighborhoods and the Shpack Superfund Site cannot be tolerated. It is difficult to understand why the Mass. Dept. of Environmental Protection would even consider this dangerous experiment. Please do not approve this project!!!

Susan and Douglas Weilding  
31 Richardson Avenue  
Norton, MA

**Donovan, Ellie (DEP)**

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**From:** Karen Gariepy [capecodescape.kg@gmail.com]  
**Sent:** Tuesday, April 07, 2015 12:30 PM  
**To:** Dakers, Mark (DEP)  
**Subject:** Opposition to the Enviro-Cycle Proposal for Capping of the Attleboro Landfill, Inc. (ALI)

Dear Mr. Dakers,

I am a land owner in Attleboro and Norton, MA, as well as having been born and raised in Attleboro, MA.

I love this area, and I want to respectfully submit ***my opposition to the Enviro-Cycle Proposal for capping of the Attleboro Landfill, Inc. (ALI).***

Do not make us, the citizens of Attleboro and Norton pay with our health for such an untested, and possibly harmful capping of the landfill. And to ask the citizens of Norton to put up with all the truck traffic for 2-3 years is absurd.

Count myself and my husband as **"against"** this proposal.

Sincerely,

Phillip and Karen Gariepy  
(508) 889-3721

**Donovan, Ellie (DEP)**

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**From:** dhemmings4@verizon.net  
**Sent:** Wednesday, April 08, 2015 12:30 PM  
**To:** Dakers, Mark (DEP)  
**Subject:** Opposed to Capping of the Attleboro Landfill by Enviro-Cycle

Mark Dakers, Solid Waste Section Chief

Massachusetts Department of Environmental Protection

Southeast Regional Office

20 Riverside Drive

Lakeville, MA 02347

Dear Mr. Dakers,

I am writing to express my adamant opposition to the Enviro-Cycle proposal for Capping of the Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of contaminated materials to bail out a Private, For Profit Enterprise is beyond reason.

The proposal to haul Tons of C & D Fines (Primarily Crushed Wallboard) in huge transfer trailers through Norton to reach a site in Attleboro is insulting to the residents of both communities.

This 'Conceptual Plan' to manufacture Re-Crete on-site and use 201,000 tons as grading and shaping material is totally unacceptable for residents of both Norton and Attleboro. Re-Crete is a new untested product whose suitability in a landfill closure has never been demonstrated.

The proposal which would extend the existing noxious ALI Mound closer to our neighborhoods and the Shpack Superfund Site cannot be tolerated.

I find it difficult to understand why the Massachusetts Department of Environmental Protection would even consider this dangerous experiment? Your job is to protect our environments - not open them up to new hazards.

Please do not make our communities 'guinea pigs' for an untested project with potentially hazardous impact.

Sincerely,

Daria Hemmings

361 Richardson Ave

Attleboro, MA 02703

**Donovan, Ellie (DEP)**

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**From:** Gretchen Robinson [whistling.girl2910@gmail.com]  
**Sent:** Thursday, April 09, 2015 6:10 PM  
**To:** Dakers, Mark (DEP)  
**Subject:** Enviro-cycle proposal in Norton/Shcpak Superfund Site.

Dear Mr. Dakers:

I am writing to express my support for the Enviro-Cyce proposal for the capping of the Attleboro Landfill, Inc. I am an activist in Attleboro and an environmentalist all my life. I think the proposal for capping ALI is a good solution to this ongoing problem. I think the "fines" are pretty much inert and will be rendered more so by the addition of the concrete and water. I was at the hearing at the Solomonese School, Norton and what I heard of the proposal sounds workable. I liked that the trucks bringing the material in would go 20 mph and there would be ongoing monitoring.

I am friends with at least one critic but I disagree with the shrill, emotional tactics of the opposition. I disagree with their description of the project. That's neither here-nor-there but I cite it because I think that decisions need to be based on reason, critical thinking, and scientific parameters. When the bags of fines were passed around, I saw the kind of thing I had to sweep up in my basement after some work there recently: plaster dust, splinters of wood, and tiny pieces of concrete. We have it in our houses so how can it be harmful on top of a landfill that needs capping? The fear tactics don't make sense to me.

No proposal is perfect but this one is good and solid and I support it. Let's stop searching for the perfect solution and get this done before another generation has to fight over this again.

Thank you for your time.

Gretchen Robinson  
1 Wood Street  
Attleboro, MA 02703  
(508) 226-2910

**Donovan, Ellie (DEP)**

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**From:** john sull [jwsull@yahoo.com]  
**Sent:** Friday, April 10, 2015 9:07 AM  
**To:** Dakers, Mark (DEP)  
**Cc:** paul.heroux@mahouse.gov; Lisa Nelson; Jonathan D. Orent  
**Subject:** Attleboro Landfill Environmental Discrimination

Mr. Daker: Below is an expanded explanation as to why I see the DEP's actions as discriminatory against a specific and unique group of individuals.

The DEP's Phase B plan is a classic case of predatory, environmental discrimination. A unique and specific group of individuals known as the Shpack Superfund survivor cohort are being selectively targeted. The DEP is of the institutional belief that individuals residing near the Shpack site have become accustomed to living in a degraded environment and won't object to additional hazardous material exposure. Discrimination is defined as the failure to provide equal treatment or protection under the law to an individual or group based on specific characteristics of the group or individual.

The specific and unique characteristic of the Shpack Superfund survivor cohort is that they lived in close proximity to the largest radioactive waste dump in Massachusetts. One third of the radioactive waste shipped from Massachusetts in the last twenty five years came from the Shpack site. The Shpack site's radiological PRP (principally responsible party) is Texas Instruments. Both the Texas Instruments facility in Attleboro and the Shpack dump are designated Massachusetts sites under the Energy Employees Occupational Illness Compensation Program Act. More than two thousand former employees of Texas Instruments with cancer have applied for compensation under this act. The DEP plan to discriminate against the Shpack Superfund survivor cohort is no different than a health insurance company discriminating against former Texas Instruments employees or their families based on their association with a designated Energy Employee Compensation Act site. The Shpack site is 1,600 feet N/NE of the Phase B area.

All the Best to you. This should clarify my comments on how the DEP is engaged in environmental discrimination.

John Sullivan

**SPATCHER LAW OFFICES**

Bronson Building

8 North Main Street, Suite 403, Post Office Box 2348

Attleboro, Massachusetts 02703-0040

Tel: 508-222-9166 Fax: 508-222-0336

Email: [gis@spatcherlaw.com](mailto:gis@spatcherlaw.com)

DATE: April 10, 2015

TO: Mark Dakers, Solid Waste Section Chief  
Mass DEP, SE Region  
20 Riverside Drive  
Lakeville, MA 02347  
[Mark.Dakers@state.ma.us](mailto:Mark.Dakers@state.ma.us)

FROM: George I. Spatcher, Jr., Esq.

RE: Attleboro Landfill, Inc. (ALI)  
Phase B Capping Proposal  
Enviro-Cycle, LLC

Dear Mr. Dakers:

Please be advised that this is my personal comment letter based upon my own knowledge, experience and opinion, and does not reflect or represent the views or positions of any of my clients.

I am a lifelong resident of Ward 4, Attleboro, Massachusetts 02703, having grown up at the corner of 959 Pleasant Street (SR 123) and Pike Avenue, and now residing at 172 Pike Avenue, midway, between Pleasant Street and the bridge over the secondary railroad line. Consequently, I am very familiar with the Attleboro Landfill, formerly known as the Attleboro City Dump, which is also located in Ward 4.

**1. ENVIRONMENTAL**

I understand that a closed and unlined landfill should be capped in an effort to prevent any contaminants and hazardous materials from leaching into the groundwater. We know that Phase A, which fronts on Peckham Street, has been closed and capped for sometime, but also was never lined because it was apparently not required when either the dump or the landfill was established. However, while the capping process is a preventive measure, it is not totally impermeable for an indefinite period of time. There is concern now that Phase A is leaching something that may constitute contaminants and hazardous materials into the adjacent Shpack Superfund Site, the cleanup of which has consumed tens of millions of dollars of Federal funds in an effort to restore and protect the environment.

Mark Dakers  
Re: ALI Phase B  
Page 2

It has been represented that the monitoring of Phase B, which abuts Phase A, has "tested nicely", without revealing anything that is presently a threat to public health, safety and welfare. To me that means that while the findings may be above the reportable limits, there is no requirement for remediation at this time. Therefore, the Mass DEP has not found it necessary to take any on-site action to cap that portion of the landfill because ALI has failed to take any such action and apparently is not in compliance with the applicable state regulations.

However, we must remember that Phase A was an active bury and decompose landfill for the disposal of solid waste from the mid 1970's to the mid 1990's, having previously been a burn and bury dump for the disposal of solid waste. The process of biodegradation is ongoing and continues to produce methane gas that powers the two (2) generators located at Peckham Street which produce electricity that is sold to National Grid. While Phase A is closed and capped, it is definitely still quite active below the surface of the ground.

Conversely, to my knowledge Phase B was never actively used as a bury and decompose landfill for the disposal of solid waste. It was, however, part of the original burn and bury dump for the disposal of solid waste. Thus, the drastic difference in grade elevation, with Phase A being represented to be approximately 65 feet higher than Phase B. While the Phase B dump operated from the 1940's, it was closed in the 1970's and has been inactive ever since. As a practical matter it would seem that it should be left in its present condition, which I am sure that Mother Nature has significantly reclaimed, but should continue to be monitored to be certain that nothing has changed for the worse. To disturb Phase B now with a lot of excavation could activate that which is long dormant and thereby cause more problems than it will solve. Presumably, the worst of the contaminants and hazardous materials in Phase B were consumed by fire and went up in smoke. What remains now should be the resulting ash and non-combustibles, which ought to be mostly benign materials. As stated previously, the capping of an unlined landfill is not a guarantee that contaminants and hazardous materials will not leach into the groundwater, and it will not last indefinitely anyway.

## 2. PROCESS

The proponent, Enviro-Cycle, LLC, is proposing to utilize a new product and process called Re-Crete (TM), which is composed of construction and demolition (C & D) fines. Much of the material involved is drywall debris that contains gypsum, lead and asbestos, all of which is considered to be hazardous material. In addition, the gypsum contains crystalline silica, a known human carcinogen. The material would be transported to the ALI site by trucks over the open road, and then dumped onsite to be mixed with water to create the Re-Crete (TM). Consequently, there will be the opportunity for air borne particles of hazardous materials and carcinogens to be released in the atmosphere both along the roadside during transportation and at the ALI Site during processing. In addition, sand, soil and cement must be hauled onto the site as the other raw materials. It is anticipated that water will be available at the site, either from an existing well or from Attleboro's municipal supply system. Re-Crete (TM) and Enviro-Cycle, LLC are both unproven and untested for the purpose of capping an unlined landfill in Massachusetts, or anywhere else to my knowledge for any other purpose.

### 3. TRANSPORTATION

In order to transport the various proposed solid raw materials onto the AL1 site, which consist of the C & D fines, sand, soil and cement, it is estimated that it will require more than 12,500 loaded inbound tractor trailer trucks, dump trucks and cement tanker trucks to haul more than 277,000 tons of materials. While the actual travel route to be utilized has some variables, it has been disclosed by the proponent that except for actually entering the AL1 site located in the City of Attleboro, access to the site will be exclusively through the Town of Norton. Therefore, interstate highways, state highways and local roadways would be involved. Likewise, the same more than 12,500 large heavy trucks once unloaded at the site would reverse the travel route to exit the immediate area. The capping project is estimated to take approximately two (2) years to complete.

This would create a tremendous and an inordinate amount of stress and strain on our aged and already overworked roadway infrastructure, as well as the equally aged and vulnerable underground utilities, particularly after enduring the worst Winter in memory. Prior information has estimated that a fraction of the planned material, perhaps 30,000 to 60,000 cubic yards of clean material, is all that would be required for the actual capping. While the dramatically excessive amount of material could be necessary to generate the funds required for the proposed capping and ongoing monitoring, it will undoubtedly also generate some significant profits for the proponent. In addition it would create an unacceptable risk to the public safety of other drivers or passengers in motor vehicles, pedestrians, cyclists and children entering, exiting and riding on school buses, as well as the anticipated damage to private property along the travelled routes.

### 4. INFORMATION

I attended the public information meeting organized by Mass DEP for the proponent, Enviro-Cycle, LLC, on March 10, 2015 at the Solmonese School in Norton, MA. The project proposal was very preliminary and conceptual with many questions being raised by the attendees and few definitive answers being offered by the proponent and DEP. It became evident at that time that this latest plan to cap Phase B of AL1 was no where near ready for prime time. However, the meeting was well attended by public officials and private citizens who offered a variety of very intelligent questions, comments and concerns regarding this latest capping proposal.

### 5. CONCLUSION

Based upon the foregoing, Mass DEP should reject the current proposal to cap and close Phase B of the Attleboro Landfill. The preliminary concept presented by Enviro-Cycle, LLC is too vague and experimental with the planned utilization of Re-Crete (TM), an unproven product and process. In addition, the risk to human health, safety and welfare, the transportation infrastructure, the environment and public and private property is significantly greater than leaving a dormant site in the capable hands of Mother Nature for continuing reclamation.

Mark Dakers  
Re: AL1 Phase B  
Page 4

As with the previous proposal by End Cap Technologies, LLC, this proposal by Enviro-Cycle, LLC amounts to a plan to create a new landfill operation and not just a capping plan. AL1 should then be compelled to comply with all applicable local, state and federal requirements to obtain the necessary approvals and permits for such an operation. Presumably, one of the primary requirements, if such approvals and permits could even be obtained today for a landfill site located in the Chartley Swamp, would be to remove the existing material from Phase B and line it appropriately. Even if it could be done, it probably would be prohibitively expensive as well as environmentally dangerous. Therefore, to quote the age old adage, ---- "If it looks like a duck, and walks like a duck and quacks like a duck, then it must be a duck!" A landfill is a landfill is a landfill, and by any other name it is still a landfill.

Please consider this comment letter together with all of the others submitted during the review and decision process. Thank you for your attention and consideration.

Sincerely,

**SPATCHER LAW OFFICES**



George I. Spatcher, Jr.  
Attorney at Law

cc: Subject File

**Donovan, Ellie (DEP)**

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**From:** john sull [jwsull@yahoo.com]  
**Sent:** Friday, April 10, 2015 1:11 AM  
**To:** Dakers, Mark (DEP)  
**Cc:** John Sull; Jonathan D. Orent; paul.heroux@mahouse.gov; Lisa Nelson; Daniel Shaughnessy; Dan Murray; Jon Boothroyd  
**Subject:** Revised Comments Attleboro Landfill Phase B Capping  
**Attachments:** IMG\_4774.JPG; IMG\_4782.JPG; IMG\_4744.JPG; IMG\_4755.JPG; IMG\_4760.JPG; IMG\_4784.JPG

Dear Mr. Dakers:

I find the proposal to Cap the Phase B area of Attleboro Landfill with construction and demolition debris mixed with concrete unacceptable. The plan to use flow able sludge as fill is nothing more than an attempt to create a new C&D landfill under the guise of a fake capping project. The DEP assertion that 11 acres of uncapped solid waste exists in the Phase B area is completely untrue. The Phase B area has never been used as a landfill or for the disposal of solid waste. The one exception is a wood frame building from Texas Instruments that was buried in the extreme northeast quadrant of the Phase B area. The building formerly located at the corner of Forest and Horton Streets was demolished and buried in 1979. It was potentially contaminated with radium. Luminous, radium tipped switches contaminating the uncapped Finberg Field town dump and Shpack Superfund site were manufactured by the Metals & Controls division of Texas Instruments during the 1940s and 1950s. Seven (7) curies of radium were removed from the Shpack site. The uncapped and unlined Finberg Field town dump in Attleboro remains unremediated. Finberg Field is used as a childrens recreation area and deserves a higher priority for capping than the unused Phase B area. Perhaps you could investigate capping Finberg Field?

Case law has established Attleboro Landfill was a non-conforming use in a single residence zoning tract. Under court order Attleboro Landfill was required to obtain special permits from the City of Attleboro so it could operate in a single residence zone. Every special permit issued after 1979 was for the closed and capped Phase A portion of the landfill. Phase B was approved by DEP in late 1987, but it was never issued or applied for a special permit. Phase B never accepted solid waste. Attleboro officials agree Phase B was never used. Topographic analysis and comparison of aerial photos from 1978 to current aerial photos prove solid wastes weren't discarded in the Phase B area. The attached field survey photos taken last week of the Phase B area prove the point. It should be noted the DEP Phase B capping plan would constitute a non-conforming use in a single residence area. Is anyone in your neighborhood disposing of 200,000 tons of C&D debris in their backyard or taking in \$6,500,000?

Page four of the DEP publication "Basics of Landfill Gas" gives an excellent summary of C&D landfills and hydrogen sulfide production by gypsum ( $\text{CaSO}_4$ ) wall board. Hydrogen sulfide generation is the reason Massachusetts and many other states have banned gypsum from landfills. Your letter of August 25, 2014 to Mr. Michael Toomey regarding implementation of a gypsum control plan at the Dartmouth Landfill is noted. Also noted is Massachusetts doesn't have any C&D landfills.

The DEP plan to bring wastes with a significant gypsum content to Attleboro for the purpose of capping a landfill that doesn't have any solid waste buried there is a sham. Acidic drainage produced by the sulfur in gypsum will increase the solubility and mobility of heavy metals buried in the closed Phase A area. Phase B is up gradient of Phase A.

The DEP's Phase B plan is a classic case of predatory, environmental discrimination. A unique and specific group of individuals known as the Shpack Superfund survivor cohort are being selectively targeted. The DEP is of the institutional belief that individuals residing near the Shpack site have become accustomed to living in a degraded environment and won't object to additional hazardous material exposure. Discrimination is defined as the failure to provide equal treatment or protection under the law to an individual or group based on specific characteristics of the group or individual. The specific and unique characteristic of the Shpack Superfund survivor cohort is they lived in close proximity to the largest radioactive waste dump in Massachusetts. One third of the radioactive waste shipped from Massachusetts in the last twenty five years came from the Shpack site. The Shpack site is 1,600 feet N/NE of the Phase B area. In 1978 before federal authorities took control of the Shpack site, the DEP had ordered the town of Norton to clear its surface and cover it with two feet of clean fill.

The obvious DEP motivation for preying upon the Shpack Superfund survivor cohort is to conceal the cause of any future public health problems that should arise from the ill conceived Phase B capping plan. If future public health issues develop the DEP could claim contaminants from the Shpack site or Attleboro Landfill Phase A were the causative agents. Validity is added to this conclusion by the DEP plan to collect \$6,500,000 for disposal of 200,000 tons of C&D waste that will be used to cap 11 acres of solid waste that doesn't exist. Far from reassuring is the Phase B area at the rear of Attleboro Landfill isn't visible from the road. Phase B is out of sight, remotely located in a wooded area and bounded on three sides by impenetrable swamp.

Maybe I was born at night, but it wasn't last night. Best wishes.

John Sullivan  
33 Chartley Brook Lane  
Attleboro Ma 02703

**Donovan, Ellie (DEP)**

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**From:** john sull [jwsull@yahoo.com]  
**Sent:** Thursday, April 09, 2015 7:17 PM  
**To:** Dakers, Mark (DEP)  
**Cc:** John Sull; paul.heroux@mahouse.gov; Lisa Nelson  
**Subject:** Attleboro Landfill Capping  
**Attachments:** IMG\_4757.JPG; IMG\_4744.JPG; IMG\_4761.JPG; IMG\_4774.JPG; IMG\_4782.JPG

Dear Mr. Dakers: I find the proposal to Cap the Phase B area of Attleboro Landfill with Construction and Demolition debris mixed with concrete unacceptable. The plan to use flow able sludge as fill is nothing more than an attempt to create a new C&D landfill under the guise of a fake capping project. The DEP assertion that there are 11 acres of uncapped solid waste in the Phase B area is a flat out lie. The Phase B area has never been used as a landfill or for the disposal of solid waste. The one exception is a wood frame building from Texas Instruments that was buried on acre in the extreme northeast quadrant of the Phase B area. The building was buried in 1979 and was potentially contaminated with radium. Luminous, radium tipped switches buried at the uncapped Finberg Field Town Dump and Shpack Superfund site in the 1940s and 1950s originated Seven (7) curies of radium were removed from the Shpack site. The uncapped Finberg Field town dump site in Attleboro remains unremediated.

Finberg Field should rank as a higher priority capping and closure project.

Case law has already determined that Attleboro Landfill constitutes a non-conforming use in an area zoned for single residence use. Under court order Attleboro Landfill had to obtain special permits from the city of Attleboro so that it could operate in a single residence zone. Every special permit issued after 1979 was for the closed and capped Phase A area. Phase B which was approved in late 1987 was never issued a special permit and never accepted solid waste. Attleboro officials agree Phase B was never used. The attached photos of the Phase B area taken last week prove the point.

The DEP publication "Basics of Landfill Gas" gives an excellent summary of the problem C&D landfills have with hydrogen sulfide gas emanating from the gypsum component of C&D waste. The DEP plan to bring wastes with significant amounts of gypsum to cap and close a landfill that doesn't have any solid waste buried there is nothing more than a shameful deception. The acidic drainage produced by the sulfur in gypsum will also increase the solubility and mobilize of heavy metals buried in the Phase A area. Phase B is up gradient of Phase A.. The proposed Phase B capping plan is not in the public's best interest.

The DEP is viewed as predatory discrimination where a unique and specific cohort known as the Shpack Superfund survivor cohort are being selectively targeted. The DEP is apparently of the institutional belief that Those living near the Shpack site have become accustomed to living in a degraded environment and won't object to additional hazardous material exposure. Discrimination is defined as the failure to provide equal treatment or the protection of guaranteed rights under the law based on specific characteristics of the group or individual.

The DEP motivation for selectively discriminating against the Shpack Superfund survivor cohort is to conceal the cause of any future public health problems that should arise from the ill conceived Phase B capping plan. If future public health issues develop the DEP could claim contaminants from the Shpack site or Phase A of Attleboro landfill were the causative agents. Based on this scenario its less than reassuring the Phase B area at the rear of Attleboro Landfill is not visible from the road. Phase B is remotely located in a wooded area bounded on three sides by impenetrable swamp. The DEP plan involves collecting \$6,500,000 for the disposal of 200,000 tons of C&D waste that will be used to cap 11 acres of solid waste that doesn't exist. I was born at night, but it wasn't last night.

John Sullivan

33 Chartley Brook Lane  
Attleboro Ma 02703

**Donovan, Ellie (DEP)**

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**From:** John Sull [jwsull@yahoo.com]  
**Sent:** Friday, April 10, 2015 1:11 AM  
**To:** Dakers, Mark (DEP)  
**Cc:** John Sull; Jonathan D. Orent; paul.heroux@mahouse.gov; Lisa Nelson; Daniel Shaughnessy; Dan Murray; Jon Boothroyd  
**Subject:** Revised Comments Attleboro Landfill Phase B Capping  
**Attachments:** IMG\_4774.JPG; IMG\_4782.JPG; IMG\_4744.JPG; IMG\_4755.JPG; IMG\_4760.JPG; IMG\_4784.JPG

Dear Mr. Dakers:

I find the proposal to Cap the Phase B area of Attleboro Landfill with construction and demolition debris mixed with concrete unacceptable. The plan to use flow able sludge as fill is nothing more than an attempt to create a new C&D landfill under the guise of a fake capping project. The DEP assertion that 11 acres of uncapped solid waste exists in the Phase B area is completely untrue. The Phase B area has never been used as a landfill or for the disposal of solid waste. The one exception is a wood frame building from Texas Instruments that was buried in the extreme northeast quadrant of the Phase B area. The building formerly located at the corner of Forest and Horton Streets was demolished and buried in 1979. It was potentially contaminated with radium. Luminous, radium tipped switches contaminating the uncapped Finberg Field town dump and Shpack Superfund site were manufactured by the Metals & Controls division of Texas Instruments during the 1940s and 1950s. Seven (7) curies of radium were removed from the Shpack site. The uncapped and unlined Finberg Field town dump in Attleboro remains unremediated. Finberg Field is used as a childrens recreation area and deserves a higher priority for capping than the unused Phase B area. Perhaps you could investigate capping Finberg Field?

Case law has established Attleboro Landfill was a non-conforming use in a single residence zoning tract. Under court order Attleboro Landfill was required to obtain special permits from the City of Attleboro so it could operate in a single residence zone. Every special permit issued after 1979 was for the closed and capped Phase A portion of the landfill. Phase B was approved by DEP in late 1987, but it was never issued or applied for a special permit. Phase B never accepted solid waste. Attleboro officials agree Phase B was never used. Topographic analysis and comparison of aerial photos from 1978 to current aerial photos prove solid wastes weren't discarded in the Phase B area. The attached field survey photos taken last week of the Phase B area prove the point. It should be noted the DEP Phase B capping plan would constitute a non-conforming use in a single residence area. Is anyone in your neighborhood disposing of 200,000 tons of C&D debris in their backyard or taking in \$6,500,000?

Page four of the DEP publication "Basics of Landfill Gas" gives an excellent summary of C&D landfills and hydrogen sulfide production by gypsum ( $\text{CaSO}_4$ ) wall board. Hydrogen sulfide generation is the reason Massachusetts and many other states have banned gypsum from landfills. Your letter of August 25, 2014 to Mr. Michael Toomey regarding implementation of a gypsum control plan at the Dartmouth Landfill is noted. Also noted is Massachusetts doesn't have any C&D landfills.

The DEP plan to bring wastes with a significant gypsum content to Attleboro for the purpose of capping a landfill that doesn't have any solid waste buried there is a sham. Acidic drainage produced by the sulfur in gypsum will increase the solubility and mobility of heavy metals buried in the closed Phase A area. Phase B is up gradient of Phase A.

The DEP's Phase B plan is a classic case of predatory, environmental discrimination. A unique and specific group of individuals known as the Shpack Superfund survivor cohort are being selectively targeted. The DEP is of the institutional belief that individuals residing near the Shpack site have become accustomed to living in a degraded environment and won't object to additional hazardous material exposure. Discrimination is defined as the failure to provide equal treatment or protection under the law to an individual or group based on specific characteristics of the group or individual. The specific and unique characteristic of the Shpack Superfund survivor cohort is they lived in close proximity to the largest radioactive waste dump in Massachusetts. One third of the radioactive waste shipped from Massachusetts in the last twenty five years came from the Shpack site. The Shpack site is 1,600 feet N/NE of the Phase B area. In 1978 before federal authorities took control of the Shpack site, the DEP had ordered the town of Norton to clear its surface and cover it with two feet of clean fill.

The obvious DEP motivation for preying upon the Shpack Superfund survivor cohort is to conceal the cause of any future public health problems that should arise from the ill conceived Phase B capping plan. If future public health issues develop the DEP could claim contaminants from the Shpack site or Attleboro Landfill Phase A were the causative agents. Validity is added to this conclusion by the DEP plan to collect \$6,500,000 for disposal of 200,000 tons of C&D waste that will be used to cap 11 acres of solid waste that doesn't exist. Far from reassuring is the Phase B area at the rear of Attleboro Landfill isn't visible from the road. Phase B is out of sight, remotely located in a wooded area and bounded on three sides by impenetrable swamp.

Maybe I was born at night, but it wasn't last night. Best wishes.

John Sullivan  
3 Chartley Brook Lane  
Attleboro Ma 02703

From: Monica Rutkovskis [mailto:mrutkovskis@verizon.net]

Sent: Wednesday, March 11, 2015 1:24 PM

To: Dakers, Mark (DEP)

Subject: Attleboro Landfill Cap

Hello,

I am on Maple Street which is close to the Attleboro Landfill site which was the subject of a recent meeting at the JCS School in Norton.

While I think recycling construction debris into concrete material is an interesting idea my main concern lies in the type of debris being recycled and what oversight exists to make sure hazardous material is not used. Everyone know that corners are cut to save money and while we all say it won't be used I am skeptical that the resources would be in place to make sure this doesn't happen.

In addition – I also object to the noise that would be generated by the process. The factory nearby on John Scott Blvd just doubled in size and the noise from that is already deafening so to add additional noise from trucks and manufacturing of the “fines” would be unbearable.

Thank you.

Monica Rutkovskis

15 Maple Street

Norton, MA

**Donovan, Ellie (DEP)**

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**From:** john sull [jwsull@yahoo.com]  
**Sent:** Friday, April 10, 2015 9:07 AM  
**To:** Dakers, Mark (DEP)  
**Cc:** paul.heroux@mahouse.gov; Lisa Nelson; Jonathan D. Orent  
**Subject:** Attleboro Landfill Environmental Discrimination

Mr. Daker: Below is an expanded explanation as to why I see the DEP's actions as discriminatory against a specific and unique group of individuals.

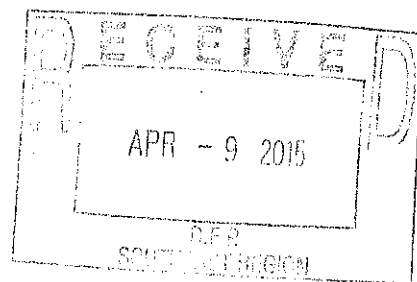
The DEP's Phase B plan is a classic case of predatory, environmental discrimination. A unique and specific group of individuals known as the Shpack Superfund survivor cohort are being selectively targeted. The DEP is of the institutional belief that individuals residing near the Shpack site have become accustomed to living in a degraded environment and won't object to additional hazardous material exposure. Discrimination is defined as the failure to provide equal treatment or protection under the law to an individual or group based on specific characteristics of the group or individual.

The specific and unique characteristic of the Shpack Superfund survivor cohort is that they lived in close proximity to the largest radioactive waste dump in Massachusetts. One third of the radioactive waste shipped from Massachusetts in the last twenty five years came from the Shpack site. The Shpack site's radiological PRP (principally responsible party) is Texas Instruments. Both the Texas Instruments facility in Attleboro and the Shpack dump are designated Massachusetts sites under the Energy Employees Occupational Illness Compensation Program Act. More than two thousand former employees of Texas Instruments with cancer have applied for compensation under this act. The DEP plan to discriminate against the Shpack Superfund survivor cohort is no different than a health insurance company discriminating against former Texas Instruments employees or their families based on their association with a designated Energy Employee Compensation Act site. The Shpack site is 1,600 feet N/NE of the Phase B area.

All the Best to you. This should clarify my comments on how the DEP is engaged in environmental discrimination.

John Sullivan

Mark Dakers, Solid Waste Section Chief  
Massachusetts Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347



Mark.Dakers@state.ma.us

Mr. Dakers,

I am writing to express my adamant opposition to the Enviro-Cycle proposal for Capping of the Attleboro Landfill Inc. (ALI).

The plan to import excessive amounts of contaminated materials to bail out a Private, For Profit Enterprise is beyond reason.

The proposal to haul Tons of C & D Fines (Primarily Crushed Wallboard) in huge transfer trailers through Norton to reach a site in Attleboro is insulting to the residents of that community.

This 'Conceptual Plan' to manufacture Re-Crete On Site and use 201,000 Tons as Grading and Shaping Material is totally unacceptable for residents of both Norton and Attleboro. Re-Crete is a new untested product whose suitability in a landfill closure has never been demonstrated.

The proposal which would extend the existing noxious ALI Mound closer to our neighborhoods and the Shpack Superfund Site cannot be tolerated.

It is difficult to understand why the Massachusetts Department of Environmental Protection would even consider this dangerous experiment.  
Is the Department's name an oxymoron?

Last we heard 'Pigs Can't Fly'.  
And neither should this dangerous Guinea Pig.

Edward Hallahan  
Susan Hallahan  
118 South Worcester Street  
Norton, MA 02766-2101

From: roxanne-h21@verizon.net [mailto:roxanne-h21@verizon.net]

Sent: Friday, April 10, 2015 9:58 PM

To: Dakers, Mark (DEP)

Cc: Weinberg, Philip (DEP)

Subject: ALI comments

Mr. Dakers

My name is Roxanne Houghton. I live in Attleboro and have grave concerns regarding the newly proposed plans for the capping of Phase 3 of the Attleboro Landfill.

I am not going to go into all the technical reasons for my opposition, as many others, with more expertise than I on this subject, have already done so.

The night of the Public Hearing, in Norton, Mr. Cummings made the statement that this dumping of 200K tons of a contaminated material into an environmentally sensitive area "will have no environmental impact at all." That this statement would go unchallenged by the members of DEP who were present, was just stunning to me. His statement was frightening. How can DEP allow such a project to go forward, under the direction of a company with such little understanding of environmental impacts?

I moved to Attleboro about 18 years ago and have had many many conversations with members of the Southeastern DEP. As I am involved with many environmental issues, I came to trust the people from DEP and often sought their advice. I found them to be open and forthcoming on the issues that we spoke about. The apparent supportive stance of DEP on the issue of ALI and its latest capping proposal has left me shaken. If the residents of Attleboro can not look to DEP for environmental protection - where can we go?

Not long ago, the Attleboro Sun Chronicle printed an article which mentioned the 10 "dirtiest cities" in our area - Attleboro made the top 10!

Attleboro has a long and sorted history of environmental negligence, and there are many now, who are working very hard to change this.

The new proposal for the capping of ALI is just plain reckless - and not something that I would expect DEP to support.

Neither Attleboro or Norton deserve to be "experimental project sites" - we are all deserving of better. I urge you to reject this dangerous and outrageous plan and urge you to find a much "greener" solution to this issue. That is what we depend on you to do.

Roxanne Houghton  
13 Eisenhower St  
Attleboro, MA