Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection
Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

October 2, 2012

Alan Chiocca, Town Administrator
Town of Rockland
242 Union Street
Rockland, MA 02370

and

Jakob Laskin
NextSun Energy Rockland, LLC.
8 Boylston Street, Suite 1
Boston, MA 02130

RE: Approval with Conditions
Application for: BWP SW 36 Post-Closure Use - Major
Solar Photovoltaic Array
Transmittal #: X251391

AT: Beech Street Landfill
Beech Street
Rockland, Massachusetts
Facility ID#: 39668 Regulated Object#: 172880

Dear Mr. Chiocca and Mr. Laskin:

The Massachusetts Department of Environmental Protection, Solid Waste Management Section (the "MassDEP"), has completed its Administrative and Technical review of the referenced Post-Closure Use permit application (the "Application") for the Beech Street Landfill (the "Landfill"). The Application was prepared and submitted on behalf of the Town of Rockland (the "Town) and NextSun Energy Rockland, LLC. ("NextSun Energy Rockland") by URS Corporation, Salem, New Hampshire. ("URS" or "Engineer").

MassDEP has determined the Application is administratively and technically complete and hereby **Approves** the Post-Closure Use of the Landfill for a 2.1 megawatt ("MW") solar photovoltaic ("PV") array subject to conditions as specified herein.

I. SUBMITTALS:

MassDEP has reviewed the Application pursuant to 310 CMR 19.000: *Solid Waste Regulations*, 310 CMR 19.143: *Post-Closure Use of Landfills* and MassDEP's *Landfill Technical Guidance Manual, May 1997* (the "Manual"). The Application consists of the following:

A. The permit transmittal and application forms for Post-Closure Use - Major (BWP SW 36), a narrative describing the proposed use, engineering calculations performed by URS and ten engineering drawings received by MassDEP on May 2, 2012.

B. Supplemental Application information prepared by URS, consisting of response to MassDEP's May 15, 2012, and June 13, 2012 comments, dated July 16, 2012, and received by MassDEP on July 16, 2012.

C. Supplemental Application information, prepared by URS, consisting of response to MassDEP's May 15, 2012 comments, dated July 17, 2012, and received by MassDEP via e-mail on July 17, 2012, and via mail on August 3, 2012.

D. Supplemental Application information, prepared by URS, consisting of response to MassDEP's July 20, 2012 comments, received by MassDEP via e-mail on August 2, 2012.

E. Supplemental Application information regarding revised ballast requirements, prepared by URS and Panel Claw, consisting of a response to MassDEP's August 28, 2012 comment, and received by MassDEP via e-mail on August 31, 2012.

The Application and design drawings are signed and stamped by Gary M. Garfield, Massachusetts Registered Professional Civil Engineer No. 35232.

II. POST-CLOSURE USE SOLAR ARRAY PROPOSAL SUMMARY:

The Town is the owner of the Landfill and has entered into a lease agreement with NextSun Energy Rockland to develop a 2.1 MW solar photovoltaic installation on the Landfill. Hereinafter, EPG Solar and the Town shall be referred to as the "Applicants". NextSun Energy Rockland and all construction and maintenance personnel associated with the Town's Landfill shall be referred to as the "Applicant's Contractors". The Applicants are proposing to construct and maintain a PV array on the capped Landfill, consisting of the following components:

- Approximately 7,502 PV modules (2,706 in Area A-1 and 4,796 in Area A-2) (Suntech modelSTP290-24/VD or Canadian Solar CS6X) will be installed on approximately 8250 support racks with metal trays (Panel Claw Bear Claw);
- Three concrete pads will be installed outside the limit of the final cover in Area A-1. Each pad will hold one piece of electrical equipment (two inverters - (Solectria, or equal) and one transformer (ABB));

- Six concrete pads will be installed in the upper 4 to 6 inches of the vegetative support layer in Area A-2. Each pad will each hold one piece of electrical equipment (four inverters, two transformers);
- The PV modules will be connected together is strings of 11 modules that lead to 15 combiner boxes in Area A-1 and 27 combiner boxes in Area A-2.
- Electrical power will be conveyed from the combiner boxes to the transformers via above ground conduit mounted on concrete blocks;
- Electrical power will be conveyed from the transformers to new utility poles via above ground conduit mounted on concrete blocks;
- Where required, conduits will be installed below grade at road crossings, housed in 300 psi conduit designed to accommodate vehicular traffic;
- Eleven new utility poles will be located along the eastern or southern edge of the existing paved access road, outside the limit of the final cover system.
- In Area A-2, two new utility poles will be located at the western toe of Landfill slope, and may be within the limits of waste.

The ground mounted PV array is to be constructed on areas of the Landfill with a maximum slope of 6.6 percent in Area A-1 and 9.4 percent in Area A-2. The proposed solar array will encompass approximately 2.9 acres of the Area A-1 and 4.6 acres of Area A-2. The solar array will utilize PV modules (77 inches by 39 inches) racks with base trays. The PV array will use polycrystalline PV modules laid out in panels, 1 module high and 10 modules long (panel layout 1x10). Seven concrete blocks (71 pounds each) will be placed in each metal tray in the northernmost row of solar panels. Four or five (alternating) concrete blocks will be placed in each metal tray in all other rows. There will be no penetrations of the final cover system. The modules and the associated racking will be approximately 1’-5” in height in the front and 2’ - 6” in the rear.

The racking system will hold the panels at a fixed tilt of 10 degrees from horizontal. The racks will be placed to avoid interference with access roads, the passive landfill gas collection extraction vents and all storm water control features. The existing elevation and grade of the Landfill will not be altered.

At two locations in Area A-2, two transformers will be connected to an inverter via above ground conduit mounted on concrete blocks. Rigid conduit will enter the blocks horizontally through the sides of the concrete pads. Above ground conduit will then run from each inverter to one of two new utility poles located at the eastern toe of slope. The utility lines will turn up at the poles and cross over the paved access road via overhead lines. These lines will be connected to power poles supporting three phase utility lines. Electrical output will be connected to the grid at the NSTAR interconnection point located at the southern end of the Landfill in the vicinity of the transfer station.

Electrical grounding for Area A-1 will occur off the Landfill in the immediate vicinity of the transformer and inverters. Grounding for Area A-2 will be conducted by either placing grounding equipment in the vegetative support layer or by extending the grounding cable off of the Landfill (**refer to condition #17**).

All electrical work will be designed in accordance with the most recent versions of the Massachusetts Electrical Code and electrical permits will be secured from the local building official.

Bearing Capacity, Settlement, and Stability: The Application included a geotechnical evaluation for the installation of the array and supporting structures.

The Application included an analysis of the foundations for the PV array that will bear directly on the final cover system and has considered the dead load, snow load and wind loading. The results of the geotechnical evaluation are as follows;

- The modules, ballasts, and footings do not exceed loading criteria for the Landfill.
- The solar array will not cause adverse landfill settlement.

The anticipated maximum loading scenario (ballasts, racking system, modules and snow) on the Landfill surface will result in a maximum bearing pressure of 355 pounds per square foot (psf) (approximately 2.5 psi). The anticipated maximum loading at the equipment pad on the Landfill surface will result in a bearing of 2.2 psi.

Settlement analysis was also performed for the ballasts bearing on the of the final cover system. The result of these calculations estimated the settlement as less than one inch.

A sliding stability evaluation was performed for the ballasts. A safety factor of greater than 1.5 was calculated and deemed to be acceptable.

There are no existing access roads on either area of the Landfill. New access roads will be constructed if the gross vehicle weight of construction vehicles needs to exceed 21,000 pounds in Area A-2, which was closed with a soil based final cover system. The Engineer has determined that vehicles weighing less than 21,000 pounds may traverse Area A-2 without adverse impact to the final cover system.

Area A-1was closed with a flexible membrane liner final cover system. If the existing soils above the flexible membrane do not provide adequate protection for proposed construction vehicle loading in Area A-1, as determined by the soil thicknesses listed in Condition 10 of this Approval, then temporary access roads are required to be installed with the soil thicknesses detailed in Condition 10.

Storm Water: The Engineer used the hydrologic Evaluation of Landfill Performance Model methodology to evaluate the suitability of the existing storm water management system for the proposed post-closure use for the 2 year, 24 hour storm event. It was determined that, due to the relatively low permeability of the sand drainage layer, the total head of water above the low permeability layer would exceed the height of cover materials in the flat top areas of the Landfill under both the existing and proposed conditions. The Engineer concluded that the modifications to the final cover system required for the solar array are unlikely to alter the current significantly and the final cover will remain stable.

Post Closure and Post-Closure Use Operations and Maintenance: The maintenance of the Landfill is to be shared by NextSun Energy Rockland, LLC and the Town. NextSun Energy

Rockland, LLC is responsible for the maintenance in the immediate vicinity of the PV array, aboveground electrical conduits and equipment pads and the Town is responsible for mowing and maintaining the side slopes and gas venting system. The Town will continue to plow the paved access road and perform other routine maintenance activities. The Applicant state a health and safety plan will be developed by the contractor awarded to construct the PV array and the existing health and safety plan used by the Town's consultant will be updated to address risks associated with operation and maintenance, and monitoring of the PV system (**refer to conditions #7 and #8**).

During the first year of operation of the PV array inspections of the Landfill final cover system be performed on a monthly basis and thereafter quarterly, at a minimum. MassDEP is also requiring that inspections include the condition of the security fencing (**refer to condition #18**).

Site Security: In Area A-1, a chain link fence is currently located along the eastern property boundary adjacent to a residential neighborhood. A 6 foot high chain link fence will be installed on the north, south, and western sides of the Landfill. A 6 foot fence will be installed around the array area in Area A-2. Where the fence is proposed to be installed in the area of the final cover system, the fence will be supported by concrete slabs installed in the vegetative support layer. The slabs will not penetrate the clay layer (**refer to condition #18**)

Decommissioning Plan: The current lease agreement, between the Town and NextSun Energy Rockland includes operation of the solar array for 20 years, with an option for a 10 year extension, and includes a decommissioning plan. At the end of the contract, NextSun Energy Rockland is required to remove the solar system from the Landfill and restore the Landfill.

III. SITE DESCRIPTION & INVESTIGATIONS:

The Beech Street Landfill is located on a Town-owned parcel of land (the "Site") covering approximately 97.84 acres. Approximately 24 acres were used for waste disposal and were divided into 2 areas described as Area A-1 (approximately 6.7 acres) and Area A-2 (approximately 17.3 acres). The Landfill operated for the acceptance of municipal solid waste until July 1995. A small transfer station was constructed at the west end of the Site near Beech Street. An active composting operation is located south of Area A-2

The Area A-1 final cover system was constructed in 1997 through 1998 and consisted of the following components from bottom to top:

- 6 inch gas venting layer;
- 40 mil high density polyethylene (HDPE) flexible membrane liner barrier layer;
- 6 inch sand drainage layer; and
- 12 inch loam vegetative support layer.

Area A-2 was capped in 1995 with a final cover system design consisting of the following components from bottom to top:

- 6 inch gas venting layer;
- 15 inch compacted clay layer;
- 6 inch sand drainage layer; and
- 12 inch loam vegetative support layer.

Area A-1 and Area A-2 closure designs incorporate a passive gas venting system. Additionally a landfill gas trench was installed along the eastern property line in Area A-1 of the Landfill to intercept landfill soil-gas migrating towards residential properties. The approximately 300 foot long trench was filled with stone, lateral collection pipes and vertical gooseneck vent pipes. The surface of the trench is covered with an impermeable liner.

Post-Closure Environmental Monitoring: Post-closure environmental monitoring (groundwater, surface water and soil-gas monitoring) is currently conducted by the Town. The Applicants have not proposed any changes to the post-closure environmental monitoring plan based on the proposed post-closure use.

IV. PERMIT DECISION:

MassDEP, having determined the information in the Application is satisfactory and in accordance with its authority granted pursuant to M.G.L. c.111, s. 150A, and 310 CMR 19.000, hereby **APPROVES** the Post-Closure Use of the Beech Street Landfill for a Solar Photovoltaic Array subject to the conditions identified herein.

V. GENERAL PERMIT CONDITIONS:

1. Permit Limitations: The issuance of this approval is limited to the proposed Solar Photovoltaic Array at the Beech Street Landfill as detailed in the Application and does not relieve the Applicants from the responsibility to comply with all other regulatory or permitting requirements. Post-Closure Use construction shall proceed in complete compliance with the approved plans, MassDEP's regulations and requirements, the Manual or as required by this Approval. This approval does not relieve the Town, as the owner of the Landfill, from its responsibility to comply with all post closure monitoring and maintenance requirements for the entire Landfill. There shall be no deviation from this Approval without prior consent from MassDEP. MassDEP shall be consulted prior to any deviation from the approved design. MassDEP may require a permit modification application for significant design modifications.

2. Regulatory Compliance: The Applicants, Engineers and Applicant's Contractors shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. This includes but is not limited to, 310 CMR 19.142: *Post-Closure Requirements*, 310 CMR 19.143: *Post-Closure Use of Landfills*, and 310 CMR 19.043: *Standard Conditions*. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace and all applicable local, state and federal electrical codes and permits, including National Electrical Code (NEC), 2011 Edition, Article 690-"Solar Photovoltaic (PV) Systems".

3. Inspection and Repair of Settlement Areas: Prior to construction of the PV array, any suspect settlement areas on the Landfill project area shall be surveyed to determine the lowest spot. The surrounding area should be then surveyed to find the "relief point" defined as the lowest surrounding area where ponded water would flow off the cap. The elevation difference is defined as the "pond value". Minor settlement shall be defined as less than a 12 inch pond value. Any Landfill project area that has undergone minor settlement shall be corrected by the placement of additional vegetative support soil to promote runoff and the area shall be reseeded. Any area repaired should be surveyed and the location marked on a plan with the pond value. Any future settlement should be recorded cumulatively. If/when the total settlement reaches 12-inches, the area will be considered to have suffered major settlement and appropriate repairs to eliminate ponding shall be performed.

   Major settlement is defined as a pond value of 12 inches or more. When this occurs, the final cover system must be repaired to prevent water from ponding above the low permeability layer. The Applicants may either:

   1. Strip off the final cover soils above the low permeability layer, inspect and repair the low permeability layer if/as necessary, place low permeability soil as necessary to promote runoff, replace final cover soils; or

   2. Expose the low permeability soil or geomembrane in a trench around the perimeter of the settled area. Fill the area with soil to form slopes promoting runoff. Cap the area with a new low permeability membrane, geosynthetic clay liner (GCL), or low permeability soil layer that ties into the existing low permeability layer at the identified perimeter. Place new drainage sand and vegetative support material over the new cap area.

   Any proposal to repair minor settlement may be done as routine maintenance, provided that the Applicants report the settlement to MassDEP and state their intent to perform repairs and provides MassDEP with final survey results and a summary write up.

   Any proposal to do major settlement repair must be submitted within a Corrective Action Design (BWP SW 25) permit application since disruption of the final cover system will take place and repair details must be submitted and approved.

4. Notification of Construction: The Applicants shall notify MassDEP in writing (e-mail is acceptable) when the post-closure use construction commences and is completed.

5. Certification Report: Within ninety (90) days of completing the installation of solar photovoltaic array, MassDEP shall be provided with a certification report. All construction work shall be completed under the supervision of a Massachusetts Registered Professional Engineer who shall have sufficient staff on-site to provide quality assurance/quality control (QA/QC) oversight for all construction work at the Landfill. The report shall be signed and stamped by a Massachusetts-registered professional engineer and include, at a minimum, written certification from the supervising engineer that the project was performed in accordance with MassDEP regulations, requirements and the approved Post Closure Use

permit application. The report shall include as-built drawings depicting all pertinent site features.

6. Preconstruction Work: Prior to commencement of construction activities, all Landfill gas vents, Landfill soil-gas monitoring wells, groundwater monitoring wells and other existing above ground structures on the Landfill cap and appurtenances shall be flagged for visibility, and protective barriers shall be placed around such structures, as needed, to prevent damage by vehicles accessing the area.

7. Health and Safety: The Applicants, Engineers and Applicant's Contractors are responsible to ensure all necessary precautions are taken to protect the health and safety of workers and the general public during both the construction phase and during the operation and maintenance phase of the post-closure use.

   A site specific Solar Array Construction Health and Safety Plan shall be developed and submitted to MassDEP (for its files) prior to the beginning of any construction work. The Solar Array Construction Health and Safety Plan shall include at a minimum;
   - protocols for monitoring of landfill gas as needed,
   - protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
   - training for all workers including town workers conducting construction activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.

   A site specific Post Closure Operations and Maintenance Health and Safety Plan for the post-closure use period, shall be developed and submitted to MassDEP (for its files) prior to the operation of the PV array. The Post Closure Operations and Maintenance Health and Safety Plan shall include as a minimum;
   - protocols for monitoring of landfill gas as needed,
   - protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
   - training for all workers including town workers conducting maintenance activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.

8. Personnel Training: The Applicants, Engineers and Applicant's Contractors shall instruct all construction and maintenance personnel regarding the potential hazards associated with landfill gas and shall give on-the-job training involving in any activity authorized by this permit. Such instruction and on-the-job training shall teach personnel how to comply with the conditions of the permit to carry out the authorized activity in a manner that is not hazardous to public health, safety, welfare or the environment.

Landfill Gas Notification Requirements:

a. As specified in solid waste management regulations at 310 CMR 19.132 (4) (g),

"When, at any time, the concentration of explosive gases exceeds 10% of the lower explosive limit (LEL) in any building, structure, or underground utility conduits, excluding gas control, gas recovery and leachate collection system components, the owner/operator shall:

1. *Take immediate action to protect human health and safety;*
2. *Notify the Department within two hours of the findings; and*
3. *undertake the actions specified under 310 CMR 19.150, Landfill Assessment and 310 CMR 19.151: Corrective Action, as required by the Department."*

b. If at any time monitoring detects the presence of any combustible gases at or in excess of 10% of the lower explosive limit at any location within a building or within any utility conduits on site or off-site, the Town shall notify MassDEP's Bureau of Waste Site Cleanup-Emergency Response Section (508) 946-2714 within two (2) hours of the exceedance as per 310 CMR 40.0321(1) (a) of the regulations.

9. Vehicles Operating on the Landfill Final Cover System: Vehicles operating on the Area A-1 Landfill final cover system (flexible membrane liner (FML) area) shall only operate on access roads, except for low-pressure construction equipment (with ground pressures of **7 psi** or less) in accordance with the remaining conditions of this permit.

Vehicles operating on Area A-1 access roads shall be limited to the following ground pressures based on soil thickness above the FML.

Soil < 24 inches	no vehicles
Soil >/= 24 inches	<10 psi
Soil 24 to 36 inches	<20 psi
Soil >36 inches	>20 psi

Vehicles operating on the Area A-2 Landfill final cover system (clay area) shall only operate on access roads, except for construction equipment with a gross vehicle weight of less than 21,000 pounds, and in dry surface conditions, in accordance with the geotechnical analysis performed for this project.

Construction equipment operating off the access road shall limit turning on the vegetative support layer as much as possible. If MassDEP determines the use of any equipment is creating the potential for damage to the final cover system, the usage of such equipment shall immediately cease upon notification by MassDEP. All operators of the vehicles entering the final cover system area shall be clearly instructed by the on-site engineer and/or the contractor of the requirements of this permit prior to arrival, to avoid damage to the Landfill final cover system components.

A list of equipment used on the Landfill, the Landfill area accessed by the vehicle, and the pressure rating of each vehicle shall be indicated in the certification report required in Condition #5.

10. Permanent and Temporary Roads: Equipment shall not access the final cover system from permanent and temporary roads where the transition will result in excessive pressure and wear on the Landfill vegetative service. The on-site engineer may construct ramps as necessary.

11. Integrity of the Final Cover System: All disturbances of the Landfill shall be limited to the proposed excavations and installations as depicted and described within the Application and approved plans. Excavations shall be limited to the topsoil layer. No excavations shall penetrate the sand drainage layer without written approval by MassDEP. The Engineer and Applicant's Contractors shall ensure that vehicles operating on the Landfill surface do not compromise the integrity of the Landfill final cover system.

12. Construction Precautions: All excavations and construction shall be supervised by a Massachusetts Registered Professional Engineer. All necessary precautions shall be taken to protect the Landfill storm water control system, environmental monitoring network, gas vents, and the landfill gas trench, and other on site structures. All operators of vehicles entering the area should be clearly instructed by the on-site engineer and/or the Applicant's Contractor of the permit requirements to avoid damage to the Landfill components. The on-site engineer shall observe the extent of each excavation performed on the Landfill capping system. If any damage occurs to any Landfill components, the Applicant's Engineer shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.

13. Array Setbacks; The Applicants shall maintain a minimum 10 foot radius buffer between the closest edge of the solar array and all landfill gas vents.

14. Proposed Inverter/Transformer Pad and Interconnection Equipment: A copy of the proposed final design for the inverter/transformer pad and any enclosure and any other electrical and protective switchgear (interconnection equipment) proposed on-site shall be submitted to MassDEP for review and approval. The Applicant, Engineers and Applicant's Contractors are responsible to ensure that utilities/structures will not accumulate landfill gas during construction and operation. There shall be no penetrations (utility, conduits or other) at the base of the inverter/transformer and switchgear pads. All pads with enclosures shall require combustible gas alarms. Final electrical plans shall be stamped by a Massachusetts registered Electrical Engineer.

    All utility trenches shall be designed so they do not act as a conduit for landfill soil-gas migration.

15. Electrical Design Plans: The Applicants shall submit final electrical design plans, stamped by a Registered Massachusetts Electrical Engineer prior to commencing construction activities. The electrical design, including the complete grounding design, shall meet applicable NEC and local electrical code requirements. Grounding rods shall not be driven through the final cover system low permeability layer. The location of any such grounding rods shall be clearly depicted on a site plan.

16. Post-closure Use Operation and Maintenance Plan: During the first year of operation of the PV array, inspections of the Landfill final cover system shall be performed on a monthly basis. Monthly inspection reports shall be submitted to MassDEP within fourteen (14) days of

completion. Following the first year of operation of the PV array, inspections of the Landfill shall be performed on a quarterly basis and shall be submitted to MassDEP within fourteen (14) days of completion. Pursuant to 310 CMR 19.142(6) inspections shall be conducted by a third-party consulting Massachusetts Registered Professional Engineer, or other qualified solid waste professional. The Applicants, Engineers and Applicant's Contractors shall monitor the effectiveness of the site security system and the storm water management system which should include; swales, structures and any and all conveyance systems. MassDEP shall be consulted prior to any deviation from the approved storm water design. MassDEP may require a permit modification application for significant design modifications. Any erosion problems, settlement problems, security or other issues observed at the Landfill shall be reported to MassDEP and repaired immediately.

17. Site Security: Pursuant to 310 CMR 19.130(23) the Town is required to provide sufficient fences or other barriers to prevent unauthorized access to the Landfill. The Town must continually monitor and evaluate the potential for unauthorized access and institute all appropriate measures to prevent unauthorized access during the closure and post-closure period.

    Prior to commencement of the proposed chain link fence installation, the Applicants shall submit, for MassDEP review and approval, a detailed fence location drawing and details of the proposed concrete supports showing all dimensions. The submittal should address the relative locations of the fence and array components and ensure that setbacks meet electrical code separation or grounding requirements. If the fence crosses above ground conduits at any location, a detail for that area should be provided.

18. Decommissioning Plan: If the proposed project is abandoned, during or after completion of construction, the Applicant shall submit a decommissioning plan. The decommissioning and site restoration plan should include, at a minimum; dismantling and removal of all panels and supporting equipment, transformers, overhead cables, foundations and buildings and restoration of the roads to restore the site to substantially the same physical condition that existed prior to post-closure use construction.

19. Entries and Inspections: In accordance with *310 CMR 19.043: Standard Conditions*, MassDEP and its agents and employees shall have the right to inspect the Landfill and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this permit and all environmental laws and regulations.

20. Reservation of Rights: MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain an environment free from objectionable nuisance conditions, dangers or threats to public health, safety and the environment. MassDEP reserves all rights to suspend, modify or rescind this permit if it determines the solar array compromises the integrity of the final cover system and/or results in a threat to public health, safety or the environment.

    This approval pertains only to the Solid Waste Management aspects of the proposal does not negate the responsibility of the owners or operators to comply with any other local, state or

federal laws, statutes and regulations or enforcement actions, including orders issued by another agency now or in the future. Nor does this approval limit the liability of the owners or otherwise legally responsible parties from any other applicable laws, statutes or regulations now or in the future.

RIGHT OF APPEAL

Right to Appeal – This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.037: Review Procedures for Permit Modifications, Permit Renewals and other Approvals, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance of this determination may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A not later than thirty (30) days following receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the thirty (30) day period.

Notice of Appeal - Any aggrieved person intending to appeal a grant of a permit to the Superior Court shall first provide notice of intention to commence such action. Said notice of intention shall include the MassDEP transmittal number X251391 and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of the MassDEP and the Regional Director for the regional office which processed the permit application at least five days prior to the filing of an appeal.

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

Philip Weinberg, Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, Massachusetts 02347

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

Please direct any questions regarding this matter to me at (508) 946-2847 or Dan Connick (508) 946-2884 or write to the letterhead address.

Very truly yours,

Mark Dakers, Acting Chief

Solid Waste Management Section

ec: Rockland Board of Selectmen
exasstselectmen@rockland-ma.gov

Rockland Board of Health
Janice McCarthy
healthagent@rockland-ma.gov
pdonnelly@rockland-ma.gov

Rockland Inspector of Buildings
Thomas Ruble
buildinginspector@rockland-ma.gov

URS Corporation, Gary Garfield P.E.
Gary_Garfield@urscorp.com

DOER, Seth Pickering
Seth.Pickering@state.ma.us

DEP-Boston
ATTN: J. Doucett
S. Weinstein
P. Emond
C. Finneran
T. Higgins (word version)

DEP- SERO
M. Pinuad
L. Black
J. Viverios