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

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September 9, 2011

Al Bangert, Director of Public Works
Town of Scituate
600 Chief Justice Cushing Way
Scituate, Massachusetts 02066

RE: Approval with Conditions
Application for: BWP SW 36 Post-Closure Use - Major
Solar Photovoltaic Array
Transmittal #: X238383

AT: Scituate Landfill
280 Driftway Road
Scituate, Massachusetts
Facility ID#: 132276, Regulated Object#: 274361

Dear Mr. Bangert:

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 Scituate landfill (the "Landfill"). The Application was prepared and submitted on behalf of the Town of Scituate (the "Applicant") by MACTEC Engineering and Consulting, Incorporated ("MACTEC" or "Engineer") of Portland, Maine.

MassDEP has determined the Application is administratively and technically complete and hereby **Approves** the Post-Closure Use of the Landfill for a 3 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, application forms for Post-Closure Use - Major (BWP SW 36), narrative describing the proposed use, engineering calculations, engineering drawings and documents received by MassDEP on May 24, 2011.

B. Supplemental Application information, prepared by MACTEC, consisting of a report dated July 21, 2011, revised permit transmittal and application forms, a response to MassDEP comments e-mailed on June 15 and July 5, 2011, engineering calculations, engineering drawings and documents received by MassDEP on July 25, 2011.

C. Supplemental application information received by e-mail from Scituate Solar I on August 5, 2011 consisting of a response to MassDEP comments e-mailed on August 3, 2005.

The Application is signed and stamped by Mark A. Peters, Massachusetts Professional Engineer No. 35251 who is "… assuming responsibility for calculations in the Application with the exception of the rack loading calculations in Appendix D." The calculations in Appendix D bear the signature and seal of Ronald H. Schneider Massachusetts Professional Structural Engineer No. 45127.

II. POST-CLOSURE USE PROPOSAL SUMMARY:

The Town of Scituate (the "Town") is the owner of the Landfill and has entered into a lease agreement with Scituate Solar I, LLC to develop a 3 MW solar photovoltaic installation on the Landfill. According to the Applicant, Scituate Solar I, LLC is the project developer ("Developer") and is a wholly owned subsidiary of Brightfield Development, LLC ("Brightfields"). Hereinafter, Brightfields, Scituate Solar I, LLC and all construction and maintenance personnel associated with the Town's Landfill shall be referred to as the "Applicant's Contractors". Brightfields in conjunction with the Town is proposing to construct and maintain a PV array on the capped Landfill, consisting of the following components:

- Approximately 1,176 precast concrete foundations (136 inches x 38 inches by 18 inches thick) will be placed within the vegetative support layer;
- Approximately 12,936 PV modules installed on 588 support racks placed on the concrete foundations;
- Two inverter/transformer skids each with three inverters (500 kVa each) and one transformer 1500 KW mounted on precast concrete pads;
- Modules interconnected using above grade cables, except for cables traversing the existing landfill access roads and or where at grade crossings are required for ongoing maintenance and construction designed to be installed within the roadway or vegetative support layer;
- Two pads mounted switching gears.

The ground mounted PV array is to be constructed on areas of the Landfill with a maximum slope of 11% (approximately 7 degrees) for ballast oriented parallel to the slope and 9.5% for ballast oriented perpendicular to the slope. The proposed solar array will encompass approximately 6.2 acres of the Landfill. The solar array will utilize PV modules (3.26-foot by 6.4-foot) mounted on aluminum framed racks attached to the precast concrete foundations. The PV array will use polycrystalline PV modules laid out in panels, 2 modules high and 11 modules

long (panel layout 2 x 11), mounted on racks of 22 modules each with two ballasts per rack. At some locations the ballasts will be laid out parallel with the slope to avoid excess cutting and filling required for the level ballasts bench. Each panel support rack or assembly will utilize a fully ballasted mounting system with no penetrations of the low permeability layer of the final cover system. The modules and the associated racking will be approximately 10'10" in height in the rear and 4'5" in the front. The rows of solar panels will be oriented east-west with approximately 12'5" between each row (north-south measurement).

The racking system will hold the panels at a fixed tilt of 20 degrees from horizontal. As stated above, the foundations for the array will be a precast concrete block foundation system that increases the total impervious area on the Landfill by approximately 4 percent. The racks will be placed to avoid interference with access roads, the active landfill gas collection extraction wells and all storm water control features. The existing elevation and grade of the Landfill will not be altered. The proposed design will impact limited portions of the vegetative layer of the final cover system. The impacts result from rack ballasts installations and below grade cable installations.

The panels will be supported by aluminum framed racks on concrete ballasts. To install the precast concrete ballast perpendicular to the slope, the vegetation and organic topsoil below each of the array ballast will be removed. The excavations will not extend to a depth beyond 8 inches, which is the average thickness of the vegetative support layer. There is a potential for limited modifications to the upper several inches of the drainage layer where the vegetative support layer is not 8 inches thick.

Upon construction, a layer of geotextile will be placed onto the existing final cover systems sand drainage layer and then a layer of leveling stone will be placed and compacted in preparation for the placement of the concrete ballasts. Once this is accomplished, the vegetative cover surrounding each ballast will be restored.

The site design breaks the 12,936 PV modules into two large sub-arrays each supplying DC power to a separate inverter/transformer power station. The low voltage cable conduits will be mounted on the rack assemblies of each array. As the conduits run between arrays and traverse the Landfill to the inverters/transformer skids, they will be installed above grade, mounted to the back of the array ballasts. As the conduits run from the inverters/transformer skids along the access road to the switching gear pads, they will be supported by pedestals. In the event that below grade cables are necessary, all transitions from above ground to below ground conduit will utilize connections that will be suitable for anticipated settlement. Medium voltage cable conduits will run in accordance with local inspector and National Electrical Code (NEC) code (**refer to condition #2**).

Two inverters/transformer skids within enclosures ("powerstations") are proposed and will be located along the edge of the access road on two concrete pads, approximately 500 square-feet in dimension. Each pad will be 12 inches thick, reinforced concrete. Each concrete slab will extend 4 inches above grade with 8 inches buried into the vegetative support layer. Conduits with flexible connections will enter the slab above grade. Additionally, combustible gas alarms will be provided in the inverter/transformer skids powerstations.

Two pad mounted switchgears will be the same design as the pad for the transformers. Final pad design (dimensions) for both the inverter/transformer pad and the switchgear pad will be determined based on the final equipment selection and approval by electrical inspector and/or utility representative. The switchgear pad will be designed such the conduits feeding the switches will enter the pad above grade. In any location where the conduit penetrates the ground surface, explosion proof fittings will be utilized. (**refer to condition #9**).

The active landfill gas extraction system has header lines and laterals constructed above the geomembrane of the capping system. Within the permit application it is stated that the landfill gas extraction system header lines/laterals will be located in the field prior to construction. Field locating will be performed using proper equipment to ensure protection of the flexible membrane liner. **(refer to condition #11 and #12)**.

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 modules, ballasts, and footings will not exceed maximum landfill gas pipe loading constraints.

The anticipated maximum loading scenario (ballasts, racking system, and modules) on the Landfill surface will result in a bearing pressure ranges between 300 and 828 pounds per square foot. The Engineer stated the allowable bearing pressure was calculated to be 1000 pounds per square foot.

Settlement analysis was also performed for the foundations bearing on the low permeability layer of the final cover system. The result of these calculations included in the Application indicate the estimated strain in the HDPE membrane would be approximately 0.1 percent which is below the typical published elongation at yield for textured 40 mil HDPE geomembrane material of 12 percent .

A sliding stability evaluation was performed for the ballasts. A minimum acceptable factor of safety of 1.5 was assumed. It was stated;

> "Based on a horizontal geometry and the loading of the ballasts the minimum estimated factor of safety by evaluating the likely failure plain below the ballast (slip surface in the sand drainage sand for 11% slope) was found to be approximately 3."
>
> "Based on an inclined geometry and loading of the ballast using the steepest slope of 11% the minimum estimated factor of safety by evaluating the likely failure plane along the

base of the ballast was found to be approximately 1.9 which is greater than the minimum acceptable factor of safety of 1.5."

Storm Water: The existing storm water design was calculated as part of the closure of the Landfill by using TR-55 methodology. The Engineer used the TR-55 methology to check the original storm water calculations and then again for the proposed post-closure use, then performed calculations using Hydro CAD modeling software. It was concluded that the impervious area for the post-closure use amounts to approximately 4% of the affected catchment area. The Applicant's Engineer stated the proposed post-closure use does not significantly increase the storm water flow; therefore there is no need to modify the existing storm water management system.

Post Closure and Post-Closure Use Operations and Maintenance: Currently the Landfill is mowed at least twice annually with quarterly cover system inspections. The sediment buildup in the retention basin is also monitored annually and dredged if it exceeds a threshold level set in the final Corrective Action Design report. There are no proposed changes to the post closure operation and maintenance plan for the area to be maintained by the town of Scituate and not used for the PV array. MassDEP is requiring a health and safety plan and personnel training for employees who access the areas of the Landfill (**refer to conditions #6 and #7**).

The post-closure use operation and maintenance plan for the post-closure use area used for the PV array will continue on the same interval as they were performed prior to the PV system installation. Therefore the area will be mowed twice annually with quarterly cover system inspections. The post closure and post-closure use cover system inspections include at a minimum;

- evaluating site soil conditions,
- site erosion (including any erosion associated with lower edge runoff from each panel array),
- drainage,
- site vegetation, and
- security fencing.

Additionally, MassDEP is requiring that 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 (**refer to condition #13**).

Site Security: Site security will include a continuous chain link fence supplemented by cameras and motion sensor lighting. At any locations where the chain link fence is within the limits of the FML, the installation of fence post will be ballasted to prevent puncturing of the FML. The Town proposes to provide final layout and equipment specifications prior to the start of construction. (**Refer to conditions #1 and #13**).

Decommissioning Plan: The current lease agreement, between the Town of Scituate and Brightfields includes a decommissioning plan. The lessee is required: "… after the termination date of the lease to decommission the solar energy facility, remove the permitted improvements

from the premises and appurtenant areas, and return the premises and appurtenant areas to approximately the original condition" (**refer to condition #14**).

III. SITE DESCRIPTION & INVESTIGATIONS:

The Scituate landfill is located on a 57 acre parcel of Town-owned land (the "Site"). The closed Landfill occupies approximately 29 acres and a Town operated transfer station has been constructed on approximately 10.5 acres. The Landfill operations began in 1976 and ceased in 1999. Materials accepted at the Landfill included municipal solid waste, construction and demolition debris and wastewater treatment residuals. Groundwater flow is southerly toward the Herring River and tidal marsh. The Landfill is abutted by residential and commercial properties on its north and northwest sides; to the east by a golf course; to the south by Driftway Road and of the Herring River and a tidal Marsh; and to the west by the transfer station.

Existing Final Cover System Design: On February 1, 2000, MassDEP approved closure plans for the Landfill. The final cover system was substantially complete in July 2001. The final cover was installed with a minimum top slope of 5% and side-slopes no greater than 3:1.

The cap was constructed of the following components from bottom to top:

- a twelve-inch (12") thick intermediate cover layer, overlain by
- a six-inch subgrade layer with a maximum stone size of 3/8 inch, overlain by
- a 40-mil High Density Polyethylene (HDPE) flexible membrane liner material, overlain by
- an eighteen inch (18") thick sand drainage layer with a maximum stone size of 3/8-inch and a minimum hydraulic conductivity of 1x10-3 cm/sec., overlain by
- a eight inch (8") thick loam layer with a minimum organic content of 8 percent, and
- A Hydro-seeded vegetative layer.

On December 21, 2001, MassDEP received a Landfill Closure and Capping Construction Certification report prepared by CEI. On September 9, 2011, MassDEP issued an approval with conditions for the construction certification report.

In May 2010, Brightfields conducted additional investigations to verify the existing conditions of the Landfill final cover system for the proposed PV array. The investigations included a site survey and subsurface soil exploration. Based on these additional investigations, Brightfield determined the average depth to the FML was 1.9 feet compared to the original design thickness of 2 feet. The average thickness of the sand drainage layer was 7.2 inches compared to the design thickness of 8 inches. Brightfields concluded that the "… landfill is stable and does not exhibit any characteristics that would be unfavorable to the project."

Landfill Gas Extraction System: The Landfill has an active landfill gas collection and control system consisting of gas extraction wells drilled vertically into the solid waste and a piping system of headers and laterals for transmission of the gas to a flare, and condensate to a 2000 gallon double walled storage tank. Collected landfill gas is conveyed to an open flare located on

the southeastern footprint of the Landfill. Prefabricated fiberglass manholes were installed around each gas extraction well. A Non-major Comprehensive Plan Permit Application (#W013131) for the open flame flare was approved by MassDEP on September 28, 2000. Twenty-nine gas extraction wells constructed of 8 inch diameter perforated PVC pipe were installed in 36 inch diameter borings and back filled with 1-1/2 inch washed stone. Additionally, the active gas extraction system includes: 3 condensate drainage structures, 23 isolation valves, 23 main header line access ports, one 9 gallon per minute condensate sump station, and approximately 8,960 linear feet of HDPE gas header pipe with associated fittings. The flare is operated on a timer which allows it to operate for 18 hours, shut down for six hours, and restart automatically at the end of the 24-hour cycle. The gas header pipes were installed within the 18 inch sand drainage layer overlying the 40 mil HDPE flexible membrane liner (**refer to condition#11, #12, and #16**).

The Application did not include a Health and Safety Plan for the construction and, the operation and maintenance of the proposed PV array (**refer to condition #6**).

Post-Closure Environmental Monitoring: An Initial Site Assessment (ISA) for the landfill was prepared by SEA Consultants in March 1993. A Comprehensive Site Assessment was completed by Comprehensive Environmental Inc. (CEI) in August 1994 and approved by MassDEP on August 23, 1994.

On June 8, 1999, CEI submitted a Draft Design Report for a final cover system. On July 7, 1999, MassDEP issued Technical Review comments. In October 12, 1999, CEI submitted a Corrective Action Design ("CAD") application including a detailed response to the Department's comments. CEI submitted supplemental information on December 28, 1999.

Post-closure environmental monitoring (groundwater and soil-gas monitoring) is currently conducted by the Town. The Town has 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 Scituate 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 Scituate landfill as detailed in the Application and does not relieve the Applicant 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. 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 Applicant, 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. Notification of Construction: The Applicant shall notify MassDEP in writing (e-mail is acceptable) when the post-closure use construction commences and is completed.

4. 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.

5. Preconstruction Work: Prior to commencement of construction activities, the entire Landfill shall be mowed and all Landfill gas extraction wells, 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.

6. Health and Safety: The Applicant, 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 copy of the site specific health and safety plan for the post-closure use, shall be submitted to MassDEP (for its files) prior to the beginning of any construction work. The 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 PV array including electrical hazards.

7. Personnel Training: The Applicant, Engineers and Applicant's Contractors shall instruct all 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.

8. Enclosures and Combustible Gas Alarms: There shall be no penetrations (utility, conduits or other) at the base of the inverter foundation (the transformer and switchgear pad have conduits that enter the pad above grade). The enclosures shall have a landfill gas monitor that is fully operational at all times. The monitor shall be calibrated to a methane standard; have an audible and a lighted beacon. At a minimum, the alarm shall be set to sound when the concentration of explosive gases exceeds 10% of the Lower Explosive Limit (LEL).

9. Two Proposed Inverter/Transformer Pad (Powerstations) and Interconnection Equipment: A copy of the proposed final design for the inverter/transformer pad and its 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.

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

10. 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.

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 within the sand drainage layer shall be limited to the top 6 inches

of this layer except for work associated with locating the landfill gas extraction header and lateral piping. No excavations shall penetrate the HDPE flexible membrane 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 and the Landfill gas extraction wells. 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. Prior to the commencement of construction activities, all Landfill gas extraction wells located in close proximity to the proposed array shall be flagged for visibility to prevent potential damage by vehicles during construction. If any damage occurs to the any Landfill components, the Applicant's Engineer shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.

13. 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 Applicant, Engineers and Applicant's Contractors shall monitor the effectiveness of 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.

14. 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.

15. 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.

16. Landfill Gas Extraction System Operation and Maintenance: The Applicant, Engineers and Applicant's Contractors shall ensure that the landfill gas extraction system is operated in a manner to protect their contractors, abutters, site workers, and general public from landfill gas migration and emissions.

    If landfill gas collection system becomes inoperable and the flare cannot be restarted within a 24-hour period, all PV array construction and maintenance activities shall cease and MassDEP shall be notified as soon as possible. Prior to re-commencing PV array construction and maintenance activities, the Applicant shall determine that landfill gas emissions do not pose a threat to worker health, safety and the environment. The Applicant shall continue to comply with the Non-Point Major Comprehensive Plan application approval issued for the flare by MassDEP on September 28, 2000.

17. 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 Department transmittal number X238383 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 Department 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

David Johnston, Acting Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 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) 946-2833 or to Mark Dakers at (508) 946-2847, or Dan Connick (508) 946-2884 or write to the letterhead address.

Very truly yours,

David B. Ellis, Chief
Solid Waste Management Section

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