



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
Governor

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Secretary

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## **BWP SW 36 POST-CLOSURE USE – MAJOR**

Solar Panel Array Facility

Phases III and IV - Capped Landfill

Shrewsbury Landfill, Shrewsbury, Massachusetts

Permit Issuance Date: January 22, 2018

Name of Permittees: Town of Shrewsbury (“Permittee”, “Applicant” or “Town”)  
100 Maple Avenue  
Shrewsbury, MA 01545

Shrewsbury Electric and Cable Operations (SELCO)  
100 Maple Avenue  
Shrewsbury, MA 01545

Name of Facility: Shrewsbury Landfill (“Facility” or “Landfill”)  
Facility Address: 620 Hartford Turnpike (Route 20)  
Shrewsbury, Massachusetts 01545

MassDEP Region: Central Regional Office (CERO), Worcester  
Solid Waste Management Program

Permit Number: X277417 (Transmittal No.)

Facility ID: 132546

MassDEP Classification: LF

## **I. FACILITY DESCRIPTION AND OUTSTANDING APPROVAL STATUS**

### **A. Facility**

1. Landfill Owner: Town of Shrewsbury  
100 Maple Avenue  
Shrewsbury, MA 01545

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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2. Solar Array Operator: Shrewsbury Electric and Cable Operations (SELCO)  
100 Maple Avenue  
Shrewsbury, MA 01545
3. Description: The Phases III and IV area of the capped Landfill occupies approximately 28 acres within a 172-acre site-assigned parcel of land in Shrewsbury, Massachusetts. The Phases III and IV Landfill area was capped and closed from 2010 to 2013. MassDEP issued a closure certification approval for the Phases III and IV capped Landfill area on July 2, 2014.

The proposed post-closure use plan for the Shrewsbury Landfill involves construction of a solar panel array facility on the Phases III and IV area of the capped and closed Landfill. The proposed solar array project, including solar panels and the rack/rail systems, will encompass approximately 10 of the 12.6 acres comprising the Phases III and IV capped Landfill area.

**B. Title of Approved Plans/Permits Affecting Proposed Operation.**

Permit for BWP SW 43, Landfill Closure Completion, Phases III and IV.  
Permit No.: X257378  
Permit issued by MassDEP-CERO: July 3, 2014

Permit for BWP SW 36, Major Post-Closure Use Permit, Shrewsbury Landfill – Phase III/IV Soil Placement.  
Permit No.: X263066  
Permit Issued by MassDEP-CERO: February 6, 2015

Permit for BWP SW 36, Major Post-Closure Use Permit Application – Shrewsbury Phases III and IV Capped Landfill, Phase 1 and Phase 2 Solar Panel Array Facility.  
Permit No.: X264778  
Permit Issued by MassDEP-CERO: February 4, 2016

Permit for BWP SW 36, Major Post-Closure Use Permit Application – Shrewsbury Phases III and IV Capped Landfill, Phase 1 and Phase 2 Solar Panel Array Facility.  
Permit No.: X275645  
Permit Issued by MassDEP-CERO: October 5, 2017

**C. Permit Application Information for BWP SW 36 Post-Closure Use – Major**

1. Applicant Names:

Town of Shrewsbury  
100 Maple Avenue  
Shrewsbury, MA 01545

Shrewsbury Electric and Cable Operations (SELCO)  
100 Maple Avenue  
Shrewsbury, MA 01545

2. Transmittal Number: X277417 (Permit No.)

3. Consulting Registered Professional Engineer:

Whitman & Bingham Associates, LLC.  
510 Mechanic Street  
Leominster, MA 01453  
Brian Milisci, P.E.

4. Title of Plans & Reports Submission:

BWP SW 22, Post-Closure Use Permit Application “Shrewsbury Landfill  
– Construction of Solar Panel Array Application for Landfills – Minor  
Modification” Transmittal No. X277417  
Prepared by: Town of Shrewsbury Engineering Department  
Dated: January 12, 2018  
Received by MassDEP-CERO: January 12, 2018

5. Project Description:

The proposed post-closure use request is for the installation and operation of an approximately 4.4 megawatt (DC) ground mounted solar photovoltaic (PV) array (“Landfill Array”) on the Phases III and IV area of the capped Landfill owned by the town of Shrewsbury. The solar panels will encompass most of the top of the Phase III and IV area of the closed and capped Landfill. The Application states that the Landfill Array will not require any penetration of the final Landfill cover.

In the Application, the Applicants propose to construct and maintain the Landfill Array, which will consist of the following:

- Approximately 10,566 solar panels will be installed, each producing 400 watts of power, supported on rails secured to “interior and exterior” type cast in place and/or precast concrete ballast foundation blocks to be placed on gravel installed above the existing surface of the capped Landfill cover system. The surface-mounted ballast blocks will not penetrate the Landfill cover system;
- Cable and transmission lines from the solar panels mounted mostly on the mounting systems above grade which will not adversely impact the Landfill cover system;
- String inverters will be pad mounted on the racking system and installed at the end of the solar panel rows throughout the Landfill Array system and installed under the solar panels within the rail mounting systems;
- Two concrete transformer and switchboard equipment pads will be constructed on the ground surface in locations on the Landfill as indicated in the Application on Sheet S4 of S7, “Proposed Site & Grading Plan”;
- Conduits between the transformer and switchboard equipment pads will be buried at least twelve (12) inches below grade to meet the National Electric Code for safety, to prevent damage during mowing of the vegetative layer of the Landfill cap, and potential safety hazards. Excavation for the burial of the conduits shall not exceed twelve (12) inches below grade where the Landfill cap system is less than three (3) feet deep and/or no more than twenty four (24) inches below grade where the Landfill cap system is more than three (3) feet deep;
- Electrical utilities from the transformer and switch pads to the utility riser poles will be installed at a minimal depth so as not to penetrate the Landfill cap. The two proposed riser and meter utility poles will be located outside the perimeter of the capped Landfill;
- A perimeter security fence will be installed on ballast blocks on top of the Landfill cover a minimum of fifteen (15) feet from the existing top of slope along the outside edge of the Landfill Array; and
- A temporary construction entrance on the existing access driveway, a gravel access driveway, and a temporary construction laydown/staging area, as depicted on the Application plans, are also proposed within the Landfill area to facilitate the project.

This post-closure use permit authorizes the installation and maintenance of the proposed Landfill Array on Phases III and IV of the capped Landfill and appurtenances thereto subject to the conditions of this permit.

Shrewsbury Electric and Cable Operations (“SELCO”), a Massachusetts municipal light plant organized and operating pursuant to MGL c. 164, will be the operator of the Solar Panel Array System, pursuant to the following. SELCO is a member of the Massachusetts Municipal Wholesale Electric Company (“MMWEC”), a body politic and corporate and a political subdivision of the commonwealth established under Chapter 775 of the Acts of 1975, as amended. MMWEC will enter into an agreement with the Town of Shrewsbury to permit MMWEC to construct the Solar Panel Array Facility on a portion of the capped disposal cell at the Shrewsbury Landfill. The Solar Panel Array Facility will be a “Qualified Utility Asset”, pursuant to and in accordance with MMWEC’s Pooled Loan Program. SELCO will lease the Solar Panel Array Facility (and related facilities) constructed on the Shrewsbury Landfill from MMWEC pursuant to a tax-exempt lease agreement and other supporting documents entered in accordance with the Pooled Loan Program. SELCO will operate and maintain the Solar Panel Array Facility pursuant to the tax-exempt lease agreement. SELCO will acquire title to the Solar Panel Array Facility on the date of termination of said lease agreement, in accordance with the terms therein.

## **II. POST-CLOSURE USE – MAJOR, APPLICATION REVIEW AND APPROVAL**

The post-closure use application complies with the application requirements set forth at 310 CMR 19.030: Application for a Solid Waste Management Facility Permit and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, and was reviewed in accordance with 310 CMR 19.038: Review Criteria for a New or Expanded Facility Permit or Permit Modification, 310 CMR 19.143: Post-closure Use of Landfills, and MassDEP’s Landfill Technical Guidance Manual (May 1997). Based on the information presented in the plans, reports and correspondence referenced in Section I.C.4. above, MassDEP approves the Applicant’s request for a post-closure use permit at the Facility.

This Major Post-Closure Use Permit Number: X277417 (“Permit”) for the Shrewsbury Landfill Solar Panel Array Facility supersedes in its entirety the original Major Post-Closure Use Solar Panel Array Permit Number: X275645 issued by MassDEP on October 5, 2017. The Permit was modified by a SW 22 Minor Modification Permit Application to reflect a change in operators.

The Application was signed on behalf of the Town of Shrewsbury by Jeffrey Howland, Town Engineer and Kevin J. Mizikar, Town Manager. On January 12, 2018, MassDEP

received a request to change one co-applicant from Kenyon Energy MA Solar 1, LLC to Shrewsbury Electric and Cable Operations (SELCO). The Town remains a co-applicant and has acknowledged the proposed co-applicant transfer in the January 12, 2018 correspondence submitted to MassDEP. Hereinafter, the Town and SELCO shall be referred to as the "Applicants".

This document is a Permit, issued pursuant to M.G.L. c. 111, Section 150A, and 310 CMR 19.000 *et seq.*, the "Solid Waste Management Facility Regulations", and it is subject to the conditions set forth below.

### III. GENERAL PERMIT CONDITIONS

- A. **Compliance with Plans** - The Permittees shall conduct operations in accordance with approved plans, reports, and other submissions described in Section I.C.4. above, except as may be modified by the conditions set forth in Section IV. No material changes in the design or activities described in the approved documents shall be performed without prior written Department approval.
- B. **Compliance with Other Laws and Regulations** - The construction, operation, maintenance, closure and post-closure use of this Facility shall be performed in compliance with other applicable local, state and federal laws, regulations, and bylaws.
- C. **Standard Conditions** - The Permittees shall maintain the Facility in accordance with the conditions set forth at 310 CMR 19.007-19.011 and 19.043(5).
- D. **Joint Liability** - This Permit is issued subject to the conditions of joint liability of the Facility owner and operator in accordance with 310 CMR 19.043(3).
- E. **Right of Access** - MassDEP and its agents and employees shall have the right to enter upon the Facility site at all reasonable times and without notice, to inspect the Facility and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and copy records, to perform tests and to otherwise monitor compliance with this approval, or any and all permits relative to the operation of the Facility, and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and state laws and regulations, as well as any permits or other agreements between one or both Permittees and MassDEP.
- F. **Transfer** - No transfer of this permit shall be permitted except in accordance with the requirements of 310 CMR 19.044.

- G. Permit Modification** - The Department reserves the right to rescind, suspend or modify this Permit by the imposition of additional conditions based upon a determination of actual or the threat of adverse impacts from the construction, operation, maintenance, closure or post-closure use of the Facility.
- H. Other MassDEP Permits or Approvals** - In the event this Permit conflicts with all or parts of prior plan approvals or permits issued pursuant to Chapter 111, Section 150A, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals. This Permit does not convey property rights of any sort or any exclusive privilege.
- I. Notice of Landfill Operation** – Pursuant to 310 CMR 19.141, at the time of formal final closure certification of the entire Landfill, the Permittees shall record a notice that a landfill has been operated on the site at the appropriate Registry of Deeds or, if the site is registered land, in the registry section of the land court for the district wherein the land lies.

#### **IV. SPECIFIC PERMIT CONDITIONS**

- A. Criteria for Post-Closure Use** - This approval for post-closure use of the Shrewsbury Landfill shall be accomplished such that the Permittees ensure that no activity associated with the Facility, or with the Landfill Array and appurtenances thereto as described in the Application, shall in any way alter the integrity of the Landfill cover system or any of the Facility environmental monitoring systems.
- B. Other Post-Closure Use** - The Permittees shall not use the Landfill for any post-closure activity other than that approved by this permit without submittal and Department approval of a Post-Closure Use Permit Application in accordance with 310 CMR 19.143: Post-closure Use of Landfills.
- C. Inspection and Repair of Settlement Areas** - Prior to constructing the Landfill Array, the Permittees shall survey any suspect settlement areas on the Landfill to determine the lowest spot. The Permittees shall then survey the surrounding area to find the “relief point” defined as the lowest surrounding area where ponded water would flow out. The elevation difference is defined as the “pond value”. For purposes of this permit, minor settlement shall be defined as a pond value of less than 12 inches. Prior to constructing the Landfill Array, the Permittees shall correct any area that has undergone minor settlement by the placement of additional vegetative support soil to promote runoff and shall reseed the area. The Permittees shall survey any area repaired and mark the location on a plan with the pond value. Any future settlement shall be recorded cumulatively.

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

If/when the total settlement reaches greater than 12 inches in an area of the Landfill, the area will be considered to have suffered major settlement and the Permittees must undertake appropriate repairs to eliminate ponding. Major settlement is defined as a pond value of greater than 12 inches. When this occurs, the Permittees must repair the final cover system subject to MassDEP approval to prevent surface water ponding. The Permittees must submit to MassDEP any proposal to remedy a major settlement repair within a Corrective Action Design (BWP SW 25) permit application since disruption of the final Landfill cover system will take place and repair details must be submitted to and approved by MassDEP.

The Permittees shall provide for continued monitoring for potential differential settlement due to the Landfill Array during operations along with established provisions for addressing and adjusting for such settlement within the Landfill cover system and/or the Landfill Array system.

- D. Additional Inspections and Monitoring** - During the first year of operation of the Landfill Array, the Permittees shall perform inspections of the Landfill and the Landfill cover system beneath the solar array on a monthly basis and also following major storm events. After the first year of the Landfill Array's operation, these additional inspections may be incorporated into the existing Landfill inspection and monitoring program subject to MassDEP written approval. In accordance with 310 CMR 19.018 and 310 CMR 19.142(6), the inspections shall be performed by a Third-Party Inspector who is registered with the Department. The Permittees shall ensure that the inspection reports are submitted to James McQuade, Section Chief, MassDEP-CERO at [james.mcquade@state.ma.us](mailto:james.mcquade@state.ma.us) within thirty (30) days of the inspection.
- E. Vehicles Operating on the Landfill Final Cover System** - Vehicles operating on the Landfill final cover system shall only operate on the existing access road, except for low ground pressure construction equipment in accordance with the conditions of this permit. Low ground pressure construction equipment operating off the existing access road shall limit turning on the vegetative support layer as much as possible. If MassDEP determines that the use of excavation equipment is creating the potential for damage to the Landfill's 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 regarding the requirements of this permit prior to arrival, to avoid damage to the Landfill final cover system components. A list of low



ground pressure equipment used and the pressure rating of each vehicle shall be included in the certification report required by Specific Permit Condition IV.J.

**F. Permanent and Temporary Roads and Low Ground Pressure Equipment -**

The Permittees shall ensure that low ground pressure equipment shall not access the Landfill final cover system from permanent and temporary roads where the transition will result in excessive pressure and wear on the Landfill vegetative surface. The on-site engineer may construct ramps as necessary to accommodate the low ground pressure equipment.

**G. Integrity of the Final Cap and Cover System -** The Permittees shall limit all disturbances of the Landfill to the proposed solar array installations on top of the capped Landfill that are described in the Application or as otherwise provided herein. No significant excavations or other penetrations into the final Landfill cover system shall be performed during construction or during operation and maintenance of the Landfill Array without prior MassDEP written approval. The Permittees shall ensure that there are no significant penetrations of any kind of the Landfill final cover system by taking, at a minimum, the following measures:

The Permittees shall place cast in place and/or precast concrete ballast foundation blocks on the finished surface of the Landfill above the existing surface of the capped Landfill cover system and shall ensure that the blocks do not penetrate the Landfill cover system;

The Permittees shall place concrete pads for the transformer and switchboard on the Landfill ground surface. If excavation on the Landfill for concrete pads or similar structures is necessary, the Permittees shall ensure that the excavation does not exceed twelve (12) inches below grade;

The Permittees shall ensure that the excavation for the burial of utility conduits does not exceed twelve (12) inches below grade where the Landfill cap system is less than three (3) feet deep and/or no more than twenty four (24) inches below grade where the Landfill cap system is more than three (3) feet deep;

The Permittees shall construct a proposed solar array perimeter security fence installed a minimum of fifteen (15) feet from the existing top of slope on a ballasted post system and shall not allow the fence to penetrate the Landfill cap and cover system; and

The Permittees shall ensure that vehicles operating on the Landfill do not damage or compromise the integrity of the Landfill final cover and capping system.

**H. Construction Precautions**

1. The Permittees shall take all necessary precautions to ensure that the proposed construction and maintenance work associated with the Landfill Array does not damage the environmental monitoring network at the Landfill. At a minimum, prior to the commencement of construction activities, the Permittees shall ensure that environmental monitoring locations are flagged for visibility and protective barriers are placed around such structures, as needed, to prevent damage by vehicles accessing the area. If any damage occurs to the environmental monitoring network components, the Permittees or their contractor(s) shall notify James McQuade, Section Chief, MassDEP-CERO at 508-767-2759 within 24 hours and provide a written plan for repairs, including a schedule, at [james.mcquade@state.ma.us](mailto:james.mcquade@state.ma.us).
2. The Permittees shall take all necessary precautions to protect the Landfill storm water control system, including but not limited to maintaining and regularly cleaning out swales, structures, and any and all storm water conveyance systems. If any damage occurs to the storm water control system, the Permittees or their contractor(s) shall notify James McQuade, Section Chief, MassDEP- CERO at 508-767-2759 within 24 hours and provide a written plan for repairs, including a schedule, at [james.mcquade@state.ma.us](mailto:james.mcquade@state.ma.us).
3. The Permittees shall ensure that any inverter/ transformer pad or appurtenances are designed so as not to create a potential safety hazard. Potential design features may include but are not limited to the installation of fully sealed conduits, explosion proof connections, and fittings.
4. The Permittees shall ensure that all excavations and construction work related to the Landfill Array project are 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 associated with the project. The Permittees shall report any erosion problems, settlement problems, security or other issues observed at the Landfill to James McQuade, Section Chief, MassDEP-CERO at 508-767-2759 and repair them immediately.

- I. Notification of Construction** - The Permittees shall notify James McQuade, Section Chief, MassDEP-CERO in writing at [james.mcquade@state.ma.us](mailto:james.mcquade@state.ma.us) when the post-closure use construction authorized by this permit commences and when it is completed.
- J. Certification Report** - Within ninety (90) days of completing the installation of the Landfill Array, the Permittees shall provide James McQuade, Section Chief, MassDEP-CERO 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 associated with the project. The certification 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, applicable requirements and this Permit. The certification report shall include as-built drawings depicting all pertinent site features and the extent of the Facility, Landfill Array and appurtenances thereto.

- K. Personnel Training** - The Permittees and their contractor(s) shall instruct all Landfill Array construction and maintenance personnel regarding the potential hazards associated with the construction of the Landfill Array and shall instruct or give on-the-job training to all personnel involved in any activity authorized by this Permit. Such instruction or on-the-job training shall teach personnel how to comply with the conditions of this Permit to carry out the authorized activity in a manner that is not hazardous to public health, safety, welfare or the environment. The Permittees and their contractor(s) shall provide training to workers conducting monitoring and maintenance activities for the Landfill regarding potential hazards associated with the Landfill Array, including but not limited to electrical hazards.
- L. Health and Safety** - The Permittees and their contractor(s) are responsible for ensuring that all necessary precautions are taken to protect the health and safety of workers and the general public during construction, operation, and maintenance of the Landfill Array.
- M. Construction Plans** - The Permittees shall ensure that Final Construction Plans stamped by a Massachusetts Registered Professional Engineer, including a copy of the final design for the transformer pads and any other electrical and protective switchgear (interconnection equipment) for the Landfill Array project are submitted to James McQuade, Section Chief, MassDEP-CERO within 15 days of the completion of construction.
- N. Electrical Design Plans** - The Permittees shall submit electrical design plans stamped by a Registered Massachusetts Electrical Engineer to James McQuade, Section Chief, MassDEP-CERO within 15 days of completion of construction. The electrical design, including the grounding design, shall meet applicable National Electrical Code (NEC) and local electrical code requirements including but not limited to Article 690 – “Solar Photovoltaic (PV) Systems” of the NEC (2011 Edition). If any grounding rods are installed as part of the grounding system, the rods shall not be driven through nor penetrate the Landfill final capping system.

- O. Landfill Inspection** - Pursuant to 310 CMR 19.142(6), Inspection Requirements, and in accordance with 310 CMR 19.018, Third Party Inspections, the Town shall have the Landfill inspected by a registered third-party inspector. Copies of the inspection reports shall be submitted to MassDEP-CERO and the Shrewsbury Board of Health within thirty (30) days of the date of completion of the inspection. The MassDEP inspection reports may be submitted electronically to [james.mcquade@state.ma.us](mailto:james.mcquade@state.ma.us).
- P. Stormwater Management and Wetlands Protection** - The Permittees shall implement and maintain Best Management Practices (BMPs) for erosion and sedimentation control to adequately handle stormwater runoff and protect surface water adjacent to the Facility, including but not limited to complying with the MassDEP Storm Water Management Policy, the NPDES Storm Water Pollution Prevention Plan (SPPP) developed for the site, and any conditions or requirements issued by the Shrewsbury Conservation Commission.
- Q. Environmental Monitoring** – The Town shall implement and maintain the existing Facility environmental monitoring plan of groundwater, surface water and landfill gas. Copies of the environmental monitoring results shall be submitted to James McQuade, Section Chief, MassDEP-CERO and the Shrewsbury Board of Health within sixty (60) days of the date of completion of the monitoring event.
- R. Site Security** - The Permittees are required to provide sufficient fences or other barriers to prevent unauthorized access to the Landfill. The Permittees must continually monitor and evaluate the potential for unauthorized access to the Landfill and institute all appropriate measures to prevent unauthorized access during the post-closure period.
- S. Financial Assurance Mechanism** - The Town shall maintain adequate closure and post-closure financial assurance for the Landfill utilizing an established Financial Assurance Mechanism (FAM) in accordance with the requirements set forth at 310 CMR 19.051.
- T. Decommissioning Plan** – If the proposed Landfill Array is abandoned, during or after completion of construction, the Applicants shall submit to MassDEP for review and prior approval a detailed decommissioning and site restoration plan, which includes, 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 Landfill to substantially the same physical condition that existed prior to post-closure use construction.

**V. RIGHT OF APPEAL**

- A. Request for Provisional Decision** - An applicant aggrieved by the Department's permit decision, within twenty-one (21) days of the issuance of the Department's permit decision to the applicant, may file a written request, with the appropriate regional office of the Department, that the permit decision be deemed a provisional decision, and a written statement of the basis on which the applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the permit decision shall be deemed a provisional decision. Such a request shall reopen the administrative record, and the Department shall issue a final permit decision after the end of the comment period. **Failure by an applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute a waiver of the applicant's right to appeal.**
- B. Right to Appeal** - Any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said permit decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A no later than thirty (30) days following the date of issuance of the final permit decision to the applicant. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the final permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with 310 CMR 19.033(3).
- C. Notice of Appeal** - Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include the Department file number (Transmittal No. X277417) and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application at least five (5) days prior to the filing of an appeal:

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

and

Mary Jude Pigsley, Regional Director  
Department of Environmental Protection  
8 New Bond Street  
Worcester, MA 01606

No allegation shall be made in any judicial appeal of a final 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.

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James A. McQuade  
Section Chief  
Solid Waste Management Program