Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

DAVID W. CASH
Commissioner

Chicopee River Solar LLC June 20, 2014
88 Black Falcon Ave., Center Lobby, Suite 342
Boston, MA 02210
Attention: Emma Kosciak, Manager of Solar Development

&

WestMass Area Development Corp.
255 Padgette St.
Chicopee, MA 01022-1308
Attention: Kenneth Delude, President

RE: Springfield-DSWM-14-281-033
Delta Hills Landfill
Post Closure Use – Solar Power
Permit Approval
BWPSW36
Transmittal #X259634

Dear Ms. Kosciak and Mr. Delude:

The Massachusetts Department of Environmental Protection (the MassDEP) is issuing this permit approval to Chicopee River Solar LLC (CRSolar) and Westmass Area Development Corp. (Westmass) for the post closure use of the Delta Hills capped landfill (the Landfill) located in Springfield, as a solar power farm (the Solar Farm). On May 7, 2014 the MassDEP received the BWPSW36 Major Post Closure Use permit application, under transmittal #X259634 (the application). The application was completed on behalf of CR Solar and WestMass by Tighe & Bond, Inc. (T&B), of Westfield, MA, in accordance with the MassDEP Solid Waste Regulations at 310 CMR 19.000. CR Solar is wholly-owned by Citizens Enterprises Corporation (Citizens), which is wholly-owned by Citizens Energy, 88 Black Falcon Ave., Boston, MA. The application form was signed by Emma Kosciak, Manager of Solar Development for Citizens, and was also signed and stamped by Brian S. Huntley, Massachusetts-registered Professional Engineer (P.E.) #46273, of T&B.

The application consists of the completed transmittal form, application form, text describing the

proposed use, engineering calculations, and eleven engineering drawings. The Civil Engineering calculations of the application were signed and stamped by either James A. Clancy, Massachusetts-registered P.E. #46775 or Brian S. Huntley, Massachusetts-registered P.E. #46273. The Civil Engineering drawings of the application were signed and stamped by Brian S. Huntley or Francis J. Hoey III, Massachusetts-registered P.E. #40111. The Electrical Engineering One-Line Diagram of the application was signed and stamped by Dallas L. Olson, Massachusetts-registered P.E. #47883.

The application includes a copy of a letter dated May 6, 2014, signed by Eric Nelson, Vice-President of Westmass, stating that Westmass supports the application for construction of the Solar Farm on the Landfill.

Summary of Proposal

Westmass completed Final Closure (capping) of the Landfill in 1999, in accordance with engineering plans approved by MassDEP. The landfill cap is an alternative soil cap consisting of: 18 inches of low-permeability soil of a maximum 1×10^{-5} centimeters/second permeability; 6 inches of sand & gravel drainage layer; and 6 inches of vegetative support material (topsoil). Westmass is required to perform post-closure maintenance at the Landfill, during the 30-year post-closure maintenance and monitoring period.

The application proposes the construction and maintenance of a 2.6 megawatt (MW) photovoltaic solar farm on approximately 8 acres of the Landfill, as follows:

- The solar array will be placed on slopes not exceeding 6 degrees, with the solar panels tilted at 25 degrees from horizontal, facing south;
- A total of approximately 1,100 concrete foundation footings (ballasts) will be cast in-place on the vegetative support layer of the landfill cap;
- Approximately 1,100 photovoltaic panel racks will be installed on the foundation ballasts;
- Approximately 8,848 Yingli YL300 P-35b Solar Panels (or equivalent) will be installed on the panel racks;
- One concrete pad will be installed within the perimeter of the landfill cap, which will hold electrical equipment;
- The photovoltaic panel racks will be connected to the electrical equipment pads via above-ground electrical cables, strung on the panel racks and also on aluminum ladder-type racks between the panel racks. Each photovoltaic panel row will have a combiner box and disconnect switch for the panel wiring;
- The switchgear box of the electrical equipment pad will convey electrical power via electrical cables in a reinforced concrete ductbank to the Chicopee Electric Light Department (CELD) utility grid on Robbins Circle in the Westmass Industrial Park; and
- A six-foot tall, chain-link fence will be installed around the entire perimeter of the Solar Farm on the landfill.

Construction activities on the Landfill will be accessed via Robbins Circle of the Chicopee River Industrial Park, off Robbins Road in Chicopee. The existing, gravel access road from Robbins Circle to the Landfill will be improved by clearing a path 12 feet wide, and installation of a woven geotextile fabric, 6 inches of processed gravel, and 6 inches of dense graded crushed

stone. A short section of the access road will extend onto the landfill cap, ending in a 72-foot diameter turnaround on the landfill cap, as required by the Chicopee Fire Department. The access road on the cap, and the turnaround, will be constructed by installation of a woven geotextile fabric directly on the vegetative support layer of the cap, with 18 inches of processed gravel and 6 inches of dense graded crushed stone placed over the geotextile.

Only low-ground pressure equipment, 7 pounds per square inch (PSI) or less, will operate off the access road on the landfill cap, and will be operated to minimize turning during operations and to minimize repeated travel over the same areas. If use of the equipment is determined to be detrimental to the cap vegetative support layer surface, a geotextile and a 6-inch layer of crushed stone will be placed on the vegetative support layer surface in problem areas for equipment use. Construction of the solar array will generally proceed from east and west to the center of the landfill.

The concrete foundations (ballasts) for the photovoltaic racks will be cast in-place "Game Change" HDPE plastic tubs on the landfill cap, filled with concrete using low-ground pressure equipment (Bobcats) for concrete delivery, or from concrete pumping which will only operate on the gravel access roads of the landfill cap. The ballasts will be 21 inches wide, 13 inches thick, and 81 inches long, and will be cast with two, upright, galvanized steel posts for the solar panel racks. T&B proposes to use either crushed stone or crushed, clean asphalt, brick and concrete (ABC) material, as fill beneath each ballast, to provide a planar surface for the ballasts, with a maximum 5 degree finished slope beneath each ballast in the North-South direction. T&B proposes two alternative methods for placement of the crushed stone/ABC fill: placement of crushed stone/ABC fill only under each ballast; or, if muddy conditions cause rutting of the vegetative support material, placement of a geotextile fabric strip and crushed stone (not ABC) along the entire length of each panel rack line.

The photovoltaic racks will be bolted to the upright posts of the ballasts, and the solar panels will be attached to the racks in groups of four. The panels will be installed in East-West rows, with rows spaced approximately 7 feet apart, with the panels at a 25 degree angle from horizontal, facing South. The lower edge of the panels will be either 2 feet or 3 feet above ground surface, and the upper edge of the panels will be either 5 feet or 6 feet above the ground surface. The electrical transmission wiring from the racks to the electrical equipment pad will be run on aluminum-ladder type cable trays on the landfill surface. All photovoltaic rack assemblies and above-ground wiring will be kept at least 10 feet from any landfill gas vents.

One concrete equipment pad will be poured-in place just within the northern perimeter of the landfill, from the gravel access road. The pad will be 45 feet long, 16 feet wide, with a thickness of 12 inches in the center slab portion, and 18 inches on the perimeter. Gravel fill of 15-inch thickness will be placed beneath the pad, on top of the vegetative support layer of the cap. The equipment pad will include two combiner boxes, four inverters, two transformers, and a switchgear box. T&B calculated that the loading from the equipment pad will be 3.7 PSI, below the guideline of 7 PSI. The application states that the details of the electrical equipment, and the electrical power conveyance cable installation (ductbank) from the pad to the CELD grid will be supplied prior to construction. T&B states that the electrical equipment will not create nuisance sound conditions for abutting properties.

A six-foot tall, chain-link fence will be provided around the entire perimeter of the Solar Farms, utilizing either existing fence or new fence. The new fencing will consist of a driven–post, chain link fence to be installed outside the perimeter of the landfills, and a ballasted-post, chain link fence to be installed on the landfill cap. The fence ballasts will be pre-cast concrete blocks, of unspecified size, with less than 7 PSI loading, with the fence post fitting into a sleeve in the ballast. Crushed stone/clean ABC will be used to level the fence post ballast blocks.

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

Approximately ¾ of an acre of treed area will be cleared from the southern perimeter of the Landfill. Where trees have grown on the landfill cap, the application proposes that these trees will be cut, but that the stumps will not be removed.

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

- Ballast blocks weigh 2100 pounds (lbs) each for the 2-foot ground clearance panels, and 2300 lbs each for the 3-foot ground clearance panels;

- All loadings (increased ground pressure) were compared to a guideline of a maximum additional 7 PSI loading on the low-permeability layer (or top of sand drainage layer) of the landfill cap;

- Loadings from the ballasts, racks and panels, including weight loads, wind loads, and snow loads were calculated at the top of the sand drainage layer of the cap (wind loads were calculated at a maximum wind velocity of 100 MPH). T&B's calculations showed that total ground pressures from the solar arrays at the ballast blocks ranged from 3.2 to 3.9 PSI, below the guideline of 7 PSI.

- Settlement of the ballast blocks was calculated to be 0.046 inches, and the strain on the geomembrane liner for this amount of settlement equates to approximately 0.01 %, significantly below the 5% maximum industry standard for strain on the geomembrane liner.

- T&B calculated that there are adequate Factors of Safety (FOS) to document that there will not be: uplift due to wind; sliding due to wind; sliding due to slope (including snow-covered ground); or seismic stability issues.

- T&B concluded that all analyses, for the solar panels, racks and foundations, showed minimal loading and settlement, no stresses or settlement which would damage the impermeable layer of the landfill cap, and adequate Factors of Safety.

There is no existing stormwater control system at the landfill, other than sheet flow off the landfill. T&B states that there will be no significant changes in stormwater runoff at the Landfill

due to the Solar Farm installation, as all stormwater will flow off the panels onto the existing vegetative support layer, then off the landfill as sheet flow. T&B performed a HydroCad stormwater evaluation to determine whether the proposed construction of the permanent access road and turnaround would alter stormwater flow directions and create erosive stormwater velocities. Based on the stormwater analysis, T&B concluded that erosive velocities would not be created by the installation of the access road and turnaround.

T&B states that portions of the proposed work for the project, including portions of the access road improvement, solar array installation, tree clearing, and fence installation, will occur within jurisdictional wetland resource areas (wetland buffer zones), and therefore, a Notice-of-Intent (NOI) will be filed with the Springfield Conservation Commission. The application included a figure showing current Massachusetts Endangered Species Act (MESA) mapping, which shows no endangered species habitats at the landfill or in the immediate vicinity. T&B states that the project does not exceed any Massachusetts Environmental Protection Act (MEPA) thresholds, and therefore, no MEPA review is required.

The application states that a USEPA National Pollution Discharge Elimination System (NPDES) General Construction stormwater permit will be required, as the project is more than one acre in size. CR Solar will obtain a Building Permit and an Electrical Permit for the Solar Farm from the City of Springfield, and CRP will prepare an Emergency Response Plan (ERP) for the Springfield and Chicopee Fire Departments. The Westmass Board of Directors will issue a Review of the Project plan. The Solar Farm will be 8,500 feet from the southernmost end of the closest Westover Air Reserve Base (WARB) runway, however T&B determined that the Solar Farm installation will not require an Obstruction Evaluation/Airport Airspace Analysis (OE/AAA) per Federal Aviation Administration (FAA) guidelines, as the maximum elevation of the Solar Farm (205 feet above MSL) will be below the elevation of the runway (230 feet above MSL).

T&B states that the proposed construction and operation of the Solar Farm will not create any risks to human health and the environment.

CR Solar will be responsible for landfill maintenance issues within the Solar Farm perimeter (i.e., within the Landfill) , including semi-annual mowing of grass, inspections, and repair of any erosion or other maintenance issues.

CR Solar will sign a long-term, 35-year lease (with option to renew) with Westmass for the use of the landfill property, and will complete a Net-Metering Agreement and a Power Purchase Agreement (PPA) with CELD. If, at the end of the lease, the option to renew is not exercised, CR Solar will be responsible for decommissioning of the Solar Farm, which would consist of removal of all structures, including solar panels, racks, foundations, and electrical equipment, and restoration of the landfill cap to its original condition. T&B states that a Financial Assurance Mechanism (FAM) is not needed for the Solar Farm, as the operation and decommissioning of the Solar Farm will be covered by the lease agreements between CR Solar and Westmass.

T&B states that construction of the Solar Farms will begin in the Fall of 2014, and will be completed by July of 2015.

MassDEP Determinations

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

1. CR Solar and Westmass are the Permittees for the construction and operation of the Solar Farm.

2. A third-party, independent Massachusetts-registered professional engineer knowledgeable in landfill design and construction (the "Engineer") shall supervise the overall construction of the Solar Farms. The Engineer and/or a qualified QA/QC officer shall be present at the site at all times during: fence installation; ballast delivery and placement; installation of the electrical equipment pad; rack/panel construction; and when construction equipment (including small, off-road vehicles) is operating on the landfills. The Engineer or QA/QC officer does not need to be on-site when construction equipment has ceased operating on the landfills, i.e. for wiring and electrical work performed without construction equipment. The QA/QC officer shall work under the direct supervision of the Engineer.

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

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

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

5. Upon completion of installation of the Solar Farm, the Engineer shall submit to MassDEP a completion report, signed and sealed by a Massachusetts-registered P.E., certifying that the

work was completed in accordance with the application and the conditions of this permit.

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

7. The Permittees and their contractor(s) are responsible to ensure that all necessary precautions are taken to protect the health and safety of workers and the general public during both construction and maintenance of the Solar Farm. A copy of the site-specific Health & Safety Plan for the construction and maintenance of the Solar Farm shall be submitted to the MassDEP prior to the beginning of any construction work, which shall include protocols for monitoring of landfill gas as needed, and protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable.

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

9. Any portion of the access road which is within the landfill perimeter, and the turnaround, shall be constructed by the addition of <u>a woven geotextile fabric, 18 inches of gravel, and 6 inches of dense graded crushed stone</u>.

10. For any areas where trees are growing within the landfill perimeter, all such trees shall be cut, the stumps shall be removed, and any damage to the cap shall be repaired to original specifications. If removal of these stumps disturbs the low-permeability layer of the cap, low-permeability soil with a maximum permeability of 1×10^{-5} centimeters/second shall be replaced in these areas.

11. The Permittees and their contractor(s) are responsible to ensure that the inverter and transformer boxes of the electrical equipment pad will not accumulate landfill gas within the boxes during the construction and operation of the solar farm. Any landfill gas levels exceeding 10% of the Lower Explosive Limit (% LEL) within any electrical equipment box shall trigger the requirements of 310 CMR 19.132(4)(g), for notification and action.

12. The additional requirements for the electrical equipment pad include the following:

    A. Prior to construction, the Engineer shall submit to MassDEP the following: a cross-

section showing the specific construction details of the equipment pad, and documentation that electrical lines or conduits will not extend greater than 6 inches into the vegetative support layer beneath the equipment pad;

B. A diagram and text describing the specific location and construction details of the electrical power lines entering and exiting the electrical equipment pad, the concrete ductbank for the power line on the Landfill, and the connection details to the CELD grid;

C. A chain-link fence with locking gate shall be installed surrounding the electrical equipment pad. If MassDEP determines that noise conditions created by the electrical equipment are not in compliance with MassDEP's Noise Policy #90-001 (i.e. greater than 10 dB above background at the property line and the nearest residence) MassDEP reserves the right to require noise studies and/or the installation of noise mitigation measures; and

D. As part of the site-specific H&S Plan, a written protocol shall be prepared and submitted for the maintenance of the inverters/transformers, and for regular calibration and maintenance of landfill gas monitors used by workers on the site.

13. All necessary precautions shall be taken to ensure that the proposed construction and maintenance work associated with the Solar Farm shall not in any way damage the low permeability layer of the landfill cap or landfill monitoring wells. If any damage occurs to any of the above-listed landfill components due to the installation or maintenance of the Solar Farm, CR Solar shall notify MassDEP immediately (within 24 hours maximum), CR Solar shall submit a written plan for repair of the components to MassDEP within 48 hours, and any repair work shall be completed by CR Solar on the schedule determined by MassDEP. CR Solar and Westmass are solely responsible for the repair of any damage to the landfill cap or landfill cap components which may be caused by the installation or maintenance of the Solar Farm.

14. Prior to the commencement of construction activities, all existing groundwater monitoring wells shall be located and flagged for visibility, and protective barriers shall be placed around these wells as needed to prevent damage during construction activities.

15. **Only low ground pressure construction equipment (with ground pressures of 7 PSI or less) may operate on the landfill cap off the access road/turnaround, and only in accordance with the conditions of this permit**. Prior to use of any specific equipment on the cap, the Engineer shall submit documentation to MassDEP that the equipment, fully loaded (including concrete to be poured in-place by Bobcats), will have a ground pressure of less than 7 PSI. A non-woven geotextile and a 6 inch layer of crushed stone, 10 feet wide, shall be added to the entire length of the single, North-South travel corridor of the Landfill solar array, to mitigate disturbance to the cap by repeated trips along this corridor by low-ground pressure equipment.

16. The Site Contractor shall be clearly instructed by the Engineer and CR Solar of the requirements of this permit prior to the start of construction, to avoid damage to the landfill cap components. Low ground-pressure construction equipment shall limit turning by tracks on the vegetative support layer as much as possible. In no case shall rutting or other

disturbance extend more than 6 inches down into the vegetative support layer. If MassDEP determines that the use of equipment is creating the potential for rutting greater than 6 inches in depth, or damage to the sand & gravel drainage layer or the low-permeability layer, the usage of such equipment shall cease immediately upon notification by MassDEP, and alternative work practices for operation of equipment of the cap (i.e. placement of geotextile and crushed stone, as proposed) in the affected area(s) shall be instituted.

17. If CR Solar intends to use different ballasts, equipment pads, solar panels, panel racks, or ladder racks other than that detailed in the application, CR Solar shall submit to MassDEP, for review and approval, documentation that the alternative equipment does not increase calculated ground pressures or decrease calculated Factors of Safety for solar array stability.

18. Only clean, crushed asphalt, brick and concrete (ABC rubble), crushed to 3" diameter or less, which fully complies with the requirements at 310 CMR 16.03(2)(b)(5), may be substituted for crushed stone beneath ballast blocks or in the travel corridor. Coated (painted or stained) ABC rubble, or ABC rubble containing any rebar, wire or other waste material shall **not** be used in the Solar Farm construction. Compaction of the crushed stone or clean ABC must not damage the low-permeability layer of the cap, and crushed stone or ABC shall not be compacted more than 6 inches into the vegetative support layer.

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

20. The ballasted fence surrounding the Solar Farm shall be installed with fenceposts that are plumb, and the ballasts for the fenceposts shall be either shimmed level in a structurally sound fashion, or the ballasts shall allow for the fenceposts to attach to the ballasts at an angle, so that the fenceposts are plumb and sound. As proposed, a locking gate shall be provided at the access entrance to the Landfill.

21. CR Solar is responsible to ensure that the proposed work complies with all other applicable local, state and federal regulations, including applicable building and electrical permits from the City of Springfield (the City). <u>This permit does not in any way supersede applicable regulations or ordinances of the City.</u>

22. Following completion of installation, inspections of the Solar Farm shall be performed on a quarterly basis by a qualified, third-party inspector, and quarterly inspection reports shall be submitted to MassDEP. After one year of quarterly inspections, CR Solar may petition MassDEP in writing to reduce the frequency of inspections. Third-party inspections and annual reporting shall be performed at the Landfill as outlined in the Closure Certification permit approval from MassDEP and in accordance with 310 CMR 19.018.

23. The Landfill shall be maintained (inspected and mowed) semi-annually. Any erosion problems, settlement problems, or other issues observed on the landfill cap shall be

reported to MassDEP and repaired immediately.

24. CR Solar shall establish a Financial Assurance Mechanism (FAM) in accordance with 310 CMR 19.051 for the Solar Farm portion of the landfill, which shall cover the costs of decommissioning of the Solar Farm, and the costs of repair of any potential damage to the cap in the Solar Farm area due to the installation or maintenance of the Solar Farm. A proposal for the FAM shall be submitted by CR Solar to MassDEP within 30 days of the date of this permit approval, and the FAM shall be established and approved by MassDEP prior to the start of construction of the Solar Farm.

25. This post-closure use permit shall be valid for a period of 35 years from the date of this permit, provided that MassDEP may amend the term of the permit in accordance with an approved modification pursuant to either 310 CMR 19.033. This permit is issued to CR Solar and Westmass (the Permittees) for the Solar Farm construction and operation. If the Permittees intend to transfer this permit to any other entity for operation of the Solar Farm, the requirements at 310 CMR 19.044, Transfer of Permits, shall be satisfactorily completed. If the Permittees discontinue operation of the Solar Farm, the Permittees are responsible to perform decommissioning activities as outlined in the permit application, including removal of the solar array equipment and concrete ballasts. A plan for such decommissioning shall be submitted to MassDEP within 90 days of such decommissioning. If the Permittees intend to operate the Solar Farm after the expiration of this permit, the Permittees are required to submit a request for a renewal of the permit at least 90 days prior to the expiration of the permit.

26. MassDEP and its agents and employees shall have the right to enter upon the Landfill (including the Solar Farm) at all reasonable times, to inspect the Landfill (including the Solar Farm) and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this Permit and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and states laws and regulations, as well as any permits or other agreements between the Permittees and MassDEP.

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

Pursuant to 310 CMR 19.037(5), any person aggrieved by the issuance or denial of this permit decision, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A and c. 30A not later than thirty [30] days following the receipt of the final permit. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c.

30 A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the 30 day period.

Any aggrieved person intending to appeal the decision to the superior court shall provide notice to MassDEP of said intention to commence such action. Said Notice of Intention shall include the MassDEP File Number (14-281-033) and shall identify with particularity the issues and reason(s) why it is believed the approval decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which made the decision. The appropriate addresses to which to send such notices are:

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

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

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the public health or environmental impact of the permitted activity. This approval pertains only to the Solid Waste Management aspects of the proposal and does not negate the responsibilities of the owners or operators to comply with any other local, state or federal laws and regulations now or in the future.

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

Sincerely,

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

Daniel Hall
Section Chief, Solid Waste Management

cc: Springfield Health Dept.
Springfield Building Inspector/Electrical Inspector
Chicopee Health Dept.
Chicopee Electric Light Dept.
Chicopee Fire Dept.
Tighe & Bond – Brian Huntley, P.E.