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

ForeFront Power, LLC
12 East 49th Street, 11th Floor
New York, New York 10017
Attention: Ed Switzer, Project Manager

July 6, 2018

RE: Ware-DSWM-Landfill
Robbins Road
Town of Ware Capped Landfill
Post Closure Use – Solar Power
Permit Approval
BWPSW36
Accela ID #18-SW36-000005-APP
SW File #18-309-001

Dear Mr. Switzer:

On May 9, 2018, the Massachusetts Department of Environmental Protection (the Department), Solid Waste Section, received the BWPSW36 Major Post Closure Use permit application (the application) for the construction and operation of a Solar Farm at the closed and capped Town of Ware Landfill (the landfill), located off Robbins Road in Ware, MA. The application was prepared and submitted by TRC Engineers, Inc. (TRC) on behalf of the applicant, ForeFront Power, LLC (ForeFront Power). The application was signed and stamped by Stephen F. Loss, Massachusetts-registered Professional Engineer (P.E.) #53021, of TRC, and the application was also signed and certified by Ed Switzer, Project Manager of ForeFront Power. The engineering drawings were signed and stamped by Stephen F. Loss or Michael Spurrier, Massachusetts-registered P.E. #46612.

On behalf of the Town, Tighe & Bond (T&B) completed a peer review of the application, dated June 15, 2018. On June 29, 2018 MassDEP received an Addendum containing additional supporting information from TRC, dated June 26, 2018, including responses and modifications addressing the T&B peer review. The application consists of the completed transmittal form, application form, the Addendum, text describing the proposed use, engineering calculations, and sixteen engineering drawings.

Summary of Proposal

The Town of Ware (the Town) is the owner of the landfill. The applicant and permittee for the Solar Farm Post-Closure use permit is ForeFront Power, LLC (ForeFront Power), which will construct and operate the Solar Farm.

The landfill was closed and capped in 1997 in accordance with MassDEP regulations and requirements, and the cap consists of (bottom to top) a six-inch sand gas vent layer, a 40-mil impermeable textured HDPE geomembrane, a 6-inch sand drainage layer, and a 12-inch topsoil layer. As part of closure, a passive, perimeter landfill gas (LFG) venting trench was constructed along the northwest perimeter of the landfill to prevent landfill gas from migrating off-site towards Robbins Road. MassDEP approved the Closure Certification for the landfill on July 24, 1998. A Comprehensive Site Assessment (CSA) was completed for the landfill in 1995, and post-closure groundwater and landfill gas (LFG) monitoring has been completed on a minimum of an annual basis for the landfill since 1995.

The application proposes the construction and maintenance of a 0.99 megawatt (MW) AC photovoltaic solar farm on approximately 4.6 acres of the capped landfill. Massachusetts Environmental Policy Act (MEPA) review is not required, as no MEPA thresholds are triggered. There are no endangered Species habitats mapped on-site, according to the Massachusetts National Heritage and Endangered Species Program (NHESP). No work will be conducted in wetlands or waterbodies, however a portion of the work will be conducted within the 100-foot wetland buffer area and the 100-year floodplain area.

The Solar Farm will be constructed as follows:

- The existing, landfill-cap access road at the landfill entrance (northwest corner of landfill, at Robbins Road) will be improved by the addition of a woven geotextile and 18 inches of gravel;
- Within the landfill cap area, pre-cast concrete foundation footings (ballasts) will be placed on the vegetative support layer (VSL), on the topslope area of the cap, in areas less than 10 % grade;
- Approximately 340 Photovoltaic (PV) panel racks will be installed on the ballasts;
- Approximately 3,400 solar panels (PV modules) will be installed on the panel racks;
- Approximately 18 string inverters will be installed on the panel racks, where DC electrical power from the solar panels will be converted to AC power;
- One electrical equipment (transformer) pad will be installed on the landfill cap, where electrical power from the string inverters will be conveyed, and stepped up to the line voltage of the utility grid;
- Low-voltage electrical power output from the solar panels will be conveyed to the transformer pads via above-ground electrical cables on cable trays or directly on the panel racks;
- Medium–voltage electrical power will be conveyed off the landfill from the transformer pad via above-ground electrical cables in steel conduit on cable trays, in accordance with

electrical code, to the National Grid utility connection at new utility poles to be installed off Robbins Road, near the landfill entrance.

Erosion and sediment barriers will be placed around the entire work zone of the Solar Farm prior to construction. As part of Solar Farm construction, three areas of the existing cap will be remediated, as follows:

- Erosion of the topsoil and drainage sand of the cap along the edge of the rip-rap stone downchute swale in the northwest corner of the landfill cap will be repaired by replacement of the drainage sand and topsoil, and repair of the cross-slope swale/downchute swale intersection;
- The same repair work will be completed for the rip-rap stone downchute swale in the southwest corner of the landfill cap;
- TRC states that specific repair plans for the two eroded areas, including a revised limit of disturbance and erosion control measures, will be submitted prior to the start of construction; and
- The settled area in the southeast corner of the landfill cap will be repaired by addition of soil fill, graded to ensure stormwater flow along positive pitch to the northwest inside the perimeter berm, and seeded with grass. Sheet C-102 of the Addendum depicts this grading plan.

The existing access road entrance off Robbins Road will be used for delivery of materials, including photovoltaic panels, panel racks, precast footings, and electrical equipment. A woven geotextile and 18 inches of gravel will be placed over the existing access road on the cap. The improved access road will extend approximately 500 feet into the center of the landfill, terminating at a turnaround area; the access road will also extend to the equipment pad area. Details of the entrance area show that all penetrations (utility poles, grounding rods, and fenceposts/gateposts) will be outside the edge of the landfill cap, and outside of the LFG perimeter venting trench. The existing 8-inch pipe in the road carrying stormwater from the rock-lined swale will be replaced by three 12-inch pipes. Engineering calculations show that the 18 inches of gravel of the access road is sufficient to prevent pipe crushing of the LFG vent trench piping and the upgraded stormwater swale crossing piping, for a 50-ton vehicle weight, with a Factor-of-Safety (FOS) of 2.6 and 4.9, respectively.

Only low-ground pressure equipment, 7 pounds per square inch (PSI) or less will be used on the landfill cap. Field personnel from TRC will be on-site during all construction activities on the cap, to oversee construction activities and monitor for potential damage to the cap. Ballasts/solar panels will not be placed over the rock-lined stormwater swale on the landfill. Grounding of the array will include stripping of the VSL soil to a depth of approximately 2-3 inches (no more than 6 inches maximum) beneath the equipment pad and selected ballast blocks, and installation of grounding rods off the landfill cap. A timber mat will be installed over the northern end of the rock-lined swale, to allow access for low-ground pressure equipment to the northern part of the array, and will consist of 12-inch by 12-inch wooden timbers, 16-feet long, bolted together for an unspecified length. TRC states that loading calculations and additional details for the timber mat will be submitted prior to the start of construction.

The concrete foundations (ballasts) for the photovoltaic racks on the landfill cap will be pre-cast off-site. At each ballast location, the ballast will be placed directly on the VSL, and crushed stone will be used in levelling the ballast. Ballasts on the northern and western perimeters of the array will be 3 feet 10 inches wide, 1.0 feet thick, and 9.5 feet long; ballasts on the southern and eastern perimeters of the array will be 3.5 feet wide, 1.0 feet thick, and 9.5 feet long; and ballasts on the interior of the array will be 2 feet 8 inches wide, 1.0 feet thick, and 9 feet long.

The panel racks will be bolted to the footings, and the photovoltaic panels will be mounted to the racks. The photovoltaic panels will be installed at a tilt angle of 20 degrees, with the lower edge approximately 3feet above ground level, and the upper edge approximately 7.5 feet above ground level. DC electrical transmission wiring from the racks will run in cable trays on the racks to 18 string inverters, where DC power will be converted to AC power. Each string inverter will be mounted on a concrete ballast 3 feet long, 3 feet wide, and 1 foot thick, placed on 6 inches of gravel and 6 inches of dense graded crushed stone at the top of the VSL. All photovoltaic rack assemblies and above-ground wiring will be kept at least 10 feet from any landfill gas vents.

AC power from the string inverters will be conveyed via the cable trays to one transformer pad, located on the landfill cap adjacent to the improved access road. The concrete transformer pad will be 10 feet wide, 20 feet long, and 1.5 feet thick, poured over a base of 18 inches of crushed stone and 6 inches of gravel. The surface grade of the pad area is approximately 10%, and the crushed stone and gravel will be used to level the pad. A 20-mil HDPE geomembrane and 16-oz non-woven geotextile will be placed above the VSL and below the crushed stone of the transformer pad base. The transformer pad will include a 1,000 kVA transformer, DC recombiner, switches, a neutral grounding reactor and additional equipment; the total weight of equipment is estimated to be 10,000 pounds. All conduits and utilities entering the base of any equipment will only be placed in the crushed stone and gravel, they will not penetrate the VSL. Concrete delivery trucks and crane trucks will access the pad area from the improved, 18-inch gravel road.

TRC performed geotechnical analyses for the loading of the pre-cast ballasts on the landfill cap, settlement of the ballasts, and overturning and sliding stability of the ballasts. The maximum surface slope on which ballasts will be placed will be 10 % grade. Uplift, overturning and

sliding calculations were based on a modeled wind velocity of 110 miles per hour, and snow load was assumed to be 40 pounds/square foot. TRC concluded that:

- The maximum loading (bearing pressure) of the ballasts on the VSL is 3.1 pounds per square inch (PSI);
- The maximum loading of the ballasts and the underlying crushed stone on the cap geomembrane is 1.1 PSI;
- The maximum loading of the equipment pad on the VSL is 3.9 PSI;
- The maximum loading of the equipment pad and the underlying crushed stone on the cap geomembrane is 2.6 PSI;
- A maximum total weight of 100,000 pounds for equipment and snow load, in addition to the equipment pad weight, would yield a loading on the VSL of 7.0 PSI;
- The maximum settlement of the ballasts and equipment pad is approximately 0.25 inches;
- The maximum settlement estimate would produce a strain on the geomembrane liner of the landfill cap of 0.01%, below the industry standard of 5% allowable strain;
- The FOS for the worst-case ballast sliding scenario (southwest corner, uplift) is 1.51, above the minimum recommended FOS of 1.5.
- The FOS range for worst-case ballast overturning is 1.67, above the minimum recommended FOS of 1.5.
- The FOS for the sliding scenario for the equipment pad is 8.52, above the minimum recommended FOS of 1.5.
- All analyses showed minimal loading and settlement, no stresses or settlement which would damage the impermeable layer of the landfill cap, and acceptable FOS for overturning and sliding.

As part of the Addendum, TRC performed updated stormwater analyses for changes to stormwater runoff from the proposed work, for the 2-year, 10-year, 25-year and 100-year storm events; TRC concluded that there will only be small changes in stormwater runoff, and the stormwater control system (as revised) can handle the flows. TRC states that the proposed construction and operation of the Solar Farm will not alter the conclusions of the previous Qualitative Risk Assessment for the landfill (completed as part of the Comprehensive Site Assessment); i.e. that there are no significant risks to human health and the environment posed by the landfill, or by the presence of the Solar Farm on the landfill.

There are no proposed changes to the existing, long-term maintenance and monitoring program for the landfill. Annual groundwater and LFG monitoring, and annual third-party O&M inspections of the entire landfill will continue as required by MassDEP. The area within the Solar Farm will be mowed semi-annually (twice per year), and the Solar Farm will be inspected quarterly. If erosion is observed, the surface will be repaired, stabilized and reseeded with grass. The Addendum included a Long-Term Pollution Prevention Plan for the landfill.

The landfill perimeter is currently surrounded by existing 6-foot chain-link fence on its entire perimeter; barbed wire will be added to the top of the fence, and a new security gate will be

installed at the access road entrance. Decommissioning of the solar farm, if required in the future, would consist of removal of all structures, including foundations, and restoration of the landfill cap to its original condition. Forefront Power will submit to MassDEP a draft Financial Assurance Mechanism (FAM) for decommissioning of the solar farm, in the amount of $90,000 per megawatt AC, and the FAM will be established prior to the start of construction of the Solar Farm.

TRC states that construction of the solar farm will begin in April of 2019 and will be completed by August of 2019.

MassDEP Determinations

Personnel of MassDEP have reviewed the Post-Closure Use permit application for the Town of Ware Landfill (the 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. Forefront Power, LLC (Forefront Power) is the permittee for the Solar Farm construction and operation. The Town of Ware (the Town) is the owner and operator of the landfill.

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 Farm. The Engineer and/or a qualified QA/QC officer shall be present at the site at all times during road building, fence installation, ballast delivery and placement, installation of the electrical equipment pads, and rack/panel construction, when construction equipment is operating on the landfill. 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 Farm 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, the Town and ForeFront Power, 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 the Solar Farm installation, 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. ForeFront Power and the Engineer shall be considered operators with respect to the construction of the Solar Farm and compliance with plans and specifications. ForeFront Power shall also be considered an operator during the operational life and decommissioning of the Solar Farm. As such, the Department may take enforcement action against ForeFront Power 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 ForeFront Power or the Engineer were, or should have been, aware.

7. Construction work for the Solar Farm on the landfill cap shall not commence until a Financial Assurance Mechanism (FAM) for the Solar Farm project is in place, in the amount of $90,000 per megawatt AC, and in accordance with 310 CMR 19.051. Forefront Power shall submit to MassDEP by January 1, 2019 a draft FAM for decommissioning of the solar farm.

8. The permittee 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 (**a minimum of one landfill gas monitor shall be present and in use during all construction activities on the cap)**, and protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable. All electrical equipment, including the inverters and transformers, shall have no opportunity for worker entry into the equipment cabinets.

9. Either prior to, or as part of, the Solar Farm construction, the three areas of the cap requiring repair shall be remediated by ForeFront Power as outlined in the June 26, 2018 Addendum, namely:

   A. Erosion of the topsoil and drainage sand of the cap along the edge of the rip-rap stone downchute swales in the northwest and southwest corners of the landfill cap shall be repaired, including repair of the eroded areas and the cross-slope swale/downchute swale intersections at these locations. A detailed plan for these repairs shall be submitted to MassDEP for review and approval prior to the start of

construction work;

B. The settled area in the southeast corner of the landfill cap shall be repaired by addition of soil fill, seeded with grass, and graded to ensure stormwater flow along positive pitch to the northwest inside the perimeter berm as outlined on the revised Sheet C-102 of the Addendum.

MassDEP reserves the right to require, as may be deemed necessary, remediation of any other eroded or ponded areas on the landfill cap, during or following Solar Farm construction.

10. All disturbance of the landfill cap shall be limited to the proposed installations on the vegetative support layer of the cap, i.e. - no excavations shall be performed into the vegetative support layer without prior approval of MassDEP, and there shall be no excavations, disturbances or penetrations of any kind into the sand drainage layer of the cap. Stripping of soil for grounding purposes shall not exceed 6 inches in depth at any location on the cap. All concrete footings (ballasts) on the cap shall be placed on the vegetative support layer of the cap. There shall be no penetrations (utility, conduit or other) at the base of any rack ballasts. All penetrations (utility poles, grounding rods, and fenceposts/gateposts) shall only be located outside the edge of the landfill cap, and outside of the LFG perimeter venting trench. There shall be no penetrations of any kind of the impermeable layer of the cap.

11. The permittee and their contractor(s) are responsible to ensure that the transformer box and other equipment on 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. All utility penetrations of the boxes shall be fully sealed (both outside and within each conduit) against landfill gas entry. All conduits and utilities entering the base of any equipment shall only be placed in the crushed stone and gravel, they shall not penetrate the VSL.

12. The following documentation shall be submitted to MassDEP for review (and approval, as necessary) prior to the start of construction of the Solar Farm:

    A. A detailed plan for the repairs of the two eroded areas of the cap, as outlined at Condition 9.A;
    B. Loading calculations and cross-section details for the timber mat crossing of the rock-lined swale, including gravel or crushed stone fill as needed at the bearing points of the mat;
    C. A description of the type and weight of equipment to be placed on the equipment pad; and
    D. The completed and established FAM, as outlined at Condition 7.

13. If MassDEP determines that nuisance noise conditions are being created off the landfill

property by the electrical equipment of the Solar Farm, MassDEP reserves the right to require noise studies and/or the installation of noise mitigation measures.

14. 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 impermeable layer of the landfill cap, landfill stormwater control structures, landfill monitoring wells, landfill gas venting wells, the passive landfill gas vents located within the landfill cap, or the perimeter landfill gas venting trench. If any damage occurs to any of the above-listed landfill components, TRC or ForeFront Power shall notify MassDEP immediately (within 24 hours maximum), a written plan for repair of the components shall be submitted to MassDEP within 48 hours, and any repair work shall be completed on the schedule determined by MassDEP.

15. Prior to the commencement of construction activities, all landfill gas vents, landfill gas monitoring wells, landfill gas piping, groundwater monitoring wells, and other existing, above-ground structures of 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 cap area, including the landfill gas monitoring wells located north of the landfill.

16. **Vehicles operating on the landfill cap, off the access road, shall only be low-pressure construction equipment (with ground pressures of 7 PSI or less)** which shall operate in accordance with the remaining conditions of this permit. All operators of vehicles entering the cap area shall be clearly instructed by the on-site engineer and/or the contractor of the requirements of this permit prior to arrival, to avoid damage to the landfill cap components.

17. Low-pressure construction equipment operating off the access road shall limit turning by tracks on the vegetative support layer and repeated passes over the same areas as much as possible. In no case shall rutting or other disturbance extend more than 6 inches down into the vegetative support layer, or to the sand drainage layer. If MassDEP determines that the use of equipment is creating the potential for damage to the sand drainage layer or the impermeable 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. Construction of the Solar Farm shall not create areas of ponded stormwater on the landfill cap, and any such ponded areas shall be remediated as part of the Solar Farm construction or operation.

18. If ForeFront Power intends to use different solar panels, panel racks, ladder racks, or electrical equipment other than that detailed in the application, ForeFront Power shall notify MassDEP and provide documentation that the alternative equipment does not increase calculated ground pressures or decrease calculated Factors of Safety for solar array stability.

19. ForeFront Power 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". ForeFront Power and their contractor(s) are also responsible to ensure that the proposed work complies with all other applicable local, state and federal regulations.

20. Herbicides shall not be used on the landfill property during the construction or operational life of the solar array, except with written permission from MassDEP.

21. Following completion of installation, ForeFront Power shall ensure that inspections of the Solar Farm are 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, ForeFront Power may petition MassDEP in writing to reduce the frequency of inspections. ForeFront Power shall ensure that: certified, third-party inspections of the Solar Farm portion of the landfill are performed on an annual basis; the Solar Farm portion of the landfill is maintained (mowed) on a minimum of an annual basis; and any erosion problems, settlement problems, or other issues observed on the Solar Farm portion of the landfill cap are reported to MassDEP and repaired immediately.

22. Environmental monitoring and maintenance of the remainder of the landfill outside the Solar Farm shall be performed as outlined in existing correspondence to the Town from MassDEP, including mowing on a minimum of an annual basis.

23. This post-closure use permit shall be valid for a period of 30 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 19.039 or 19.040. This permit is issued to ForeFront Power for the Solar Farm construction and operation. **If ForeFront Power intends 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 permittee, owner or operator discontinues operation of the Solar Farm, the permittee, owner or operator is responsible to perform decommissioning activities as outlined in the permit application, including removal of the solar array equipment, ballasts, and associated crushed stone. If ForeFront Power intends to operate the Solar Farm after the expiration of this permit, ForeFront Power is required to submit a request for a renewal of the permit at least 90 days prior to the expiration of the permit.

24. MassDEP and its agents and employees shall have the right to enter upon the landfill at all reasonable times, 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. 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 Permittee and MassDEP.

25. 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 cap 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 19.033(5), any person aggrieved by the issuance or denial of this permit decision, except as provided for under 310 CMR 19.033(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 (18-309-001) 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,

Daniel Hall
Section Chief, Solid Waste Management

cc: Ware Board of Health – Judy Metcalf, Health Director
Ware – Board of Selectmen
Ware – Conservation Commission
TRC – Susie Gifford, Amanda Wade, P.E.
Tighe & Bond – Jean Christy, P.E.