



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

October 12, 2018

Daniel R. Hoort  
Town Administrator  
300 Main Street  
Wellfleet, MA 02667

RE: Approval with Conditions  
Application for: BWP SW 36 Post-Closure Use - Major  
Solar Photovoltaic Array  
Transmittal #: X281006

AT: Town of Wellfleet Landfill  
370 Coles Neck Road  
Wellfleet, Massachusetts  
Facility ID#: 39862, Regulated Object#: 173058

Dear Mr. Hoort;

The Massachusetts Department of Environmental Protection, Solid Waste Management Section (the "MassDEP"), has completed its Administrative Review and Technical Review of the referenced Post-Closure Use permit application (the "Application") for the Town of Wellfleet Landfill (the "Landfill").

MassDEP has determined the Application is administratively and technically complete and hereby **Approves** the Post-Closure Use of the Landfill for a 0.905 megawatt ("MW") DC solar photovoltaic ("PV") array subject to conditions as specified herein.

### **I. APPLICANT:**

The Town of Wellfleet (the "Town" or the "Applicant") is the owner of the Landfill. The Application was prepared by AMEC Massachusetts Inc. of Chelmsford, MA (the "Engineer"). Coles Neck Solar LLC ("Coles Neck") will construct and install an approximately 905 kW DC (480 kW AC) solar array on two areas of the Landfill on behalf of the Town. The Applicant and all construction and maintenance personnel associated with construction and operation of the PV array, referred hereinafter as the "Applicant's Contractors" will be responsible for maintenance of the Landfill cap during the construction.

## **II. SUBMITTALS:**

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

- A. A permit transmittal form assigned No. X281006, an application form for Post-Closure Use - Major (BWP SW 36), a narrative describing the proposed use, engineering calculations, engineering drawings, received by MassDEP on August 29, 2018.

The Application was signed by Daniel R. Hoort for Town of Wellfleet and by Robert J. Bukowski, Massachusetts Professional Civil Engineer ("PE") No. 41492.

## **III. APPLICATION REVIEW AND DECISION PROCESS:**

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): *Applicable Permit Procedures* and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval*. According to these review procedures, MassDEP's decision regarding the proposed activities shall be either: a "Provisional Decision" pursuant to 310 CMR 19.033(4)(a); or a non-provisional decision pursuant to 310 CMR 19.033(4)(b). MassDEP has determined that a non-provisional decision is appropriate for this Application.

## **IV. POST-CLOSURE USE PROPOSAL SUMMARY:**

The Applicant has proposed to develop a 905 kW DC solar photovoltaic installation on the Landfill consisting of the following components:

- Approximately 2,448 JA Solar – JAM72S01-370/PR 72 cell PV modules that will be mounted on racks supported by concrete ballast foundation blocks;
- Each foundation block will be placed on a gravel pad installed on the landfill surface;
- Solar panels will be extended approximately six feet above ground;
- 10 Solectrica PVI 60TL (60kW) Inverters and 2 Solectrica PVI 50TL (50kW) Inverters;
- One ABB-750 kVA transformer;
- One Electro Industries Shark 100 Utility grade electric meter; and
- One Pole mounted gang-operated PV disconnect switch.

The preliminary design will utilize 2,448 PV modules with 18 modules per string. The design consist total of 142 racks with two ballast per support rack for total of 284 ballasts. The panels will be oriented towards southern sky at a 12° angle. The solar PV array will be connected through one AC electrical combiner panel and transformer. Line voltage (600V AC) power from the inverters will run through approximately 600 feet of above ground conduits from the inverters to the proposed transformer within the fenced area. Approximately 175 feet of underground electric conduit will be installed to connect the solar PV array from the transformer to the first utility pole (outside the limit of waste). Six new utility poles and 110 feet of overhead wiring will be installed overhead (on utility poles) to the proposed interconnection point at the existing pole (Refer to Conditions 11 & 12).

Two sizes of precast concrete will be used. Larger ballasts will be used around the perimeter of the array due to higher wind loads while smaller ballasts will be used within the interior of the array. The larger ballasts will measure 11 feet in length, 4 feet in width and 1.25 feet in thickness and the smaller ballasts will measure 9 feet in length, 3 feet in width and 1.25 feet in thickness. The panel support rack will be manufactured by Solar FlexRack.

Low voltage cable trays will be mounted on the rack assemblies of each array for routing DC conductors under each rack. Low voltage cable trays will be mounted on the rack assemblies of each array for routing of DC conductors under each rack. As the conductors run between arrays and traverse the Landfill to the string inverters, they will be installed above grade in conduit, mounted to the array ballasts and on concrete and Unistrut-type supports as applicable. Between rows, low and medium voltage conduit will be fastened to pre-cast concrete ballasted supports above ground. Ballasted conduit supports will be pre-cast concrete blocks. Upon leaving the string inverters, the low voltage conductors will be routed to a transformer mounted on a concrete pad. From the transformer pad, the conductors will run to a riser pole where they will proceed overhead via 5 additional poles to the existing Eversource utility pole. The final electrical design must be prepared by a Massachusetts Professional Registered Electrical Engineer and electrical drawings sealed and signed by the Massachusetts Professional Registered Electrical Engineer must be submitted prior to commencement of installation. (Refer to Conditions 11 and 12)

The ballasts will be placed on a dense graded aggregate material (gravel base). This material will be placed in a minimum layer thickness of 6-inches and will be in direct contact with the ballast blocks. This material will consist of hard, durable crushed rock or crushed gravel stone, free from loam and clay and deleterious material and no more than 10 percent passing the U.S. No. 200 sieve.

The Applicant has proposed to enclose the 2.2 acre solar array with a fence. The fence will be 7 feet high. The racks will be oriented linearly across the Landfill in an east/west direction. The north/south distance between each edge of linear set of racks will be approximately 7 feet.

The proposed design will not impact the final cover system and the existing elevation and grade of the Landfill will not be altered. Any damaged vegetation will be replanted and any ruts will be repaired. As a condition of this permit the Landfill must be inspected prior to construction and all settled areas and uneven areas regraded as required to promote stormwater flow (Refer to Condition 8). Only low ground pressure equipment (<7 psi) is proposed to be use on the Landfill final cover system, except on the access road (Refer to Condition 14).

The racking system will hold the panels at a fixed tilt of 12 degrees from horizontal. The racks will be placed to avoid interference with access roads and the passive landfill gas venting wells. A minimum 10 foot setback from the existing landfill gas vents will be maintained to minimize the potential for adverse impacts due to landfill gas emissions (Refer to Condition 10).

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

between the ballast blocks and ballast support material including ballast weight, snow loads, wind loads and panel dead loads was calculated to be 3.2 psi bearing pressure for exterior ballast, 2.8 psi for interior ballast. All the bearing pressures are less than the allowed pressure requirement of 1000 psf (7 psi) as specified by the Engineer. Settlement analysis performed by Engineer showed total settlement as, 1.6-inches for interior ballast, 1.5-inches for exterior ballasts.

Uplift, tipping and sliding stability evaluations were performed for the concrete ballasts by Amec Foster Wheeler and signed and stamped by Robert Bukowski, a Massachusetts registered Professional Civil Engineer.

Access Road: A proposed access road will be constructed to support the installation and maintenance of the solar array. The final design of the proposed access road will be provided to MassDEP before commencement of construction. All operators of vehicles entering the area should be clearly instructed by the on-site engineer and/or the Applicant's Contractor of the permit requirements to avoid damage to the Landfill components. Hand dug test pits will be conducted to find the extent of the Landfill cap for the access road. The on-site engineer shall observe the extent of each excavation performed on the Landfill capping system. If any damage occurs to any Landfill components, the Applicant's Engineer shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs. The access road will be constructed with following criteria:

- Landfill surface vegetation, under the proposed alignment will be removed or cut as short as possible.
- A woven geotextile fabric will be installed above the prepared subgrade.
- The road material will consist of a minimum of 12 inches of dense graded crushed stone placed in 6-inch loose lifts and will be compacted with 3 passes, in both directions by a medium size smooth drum compactor.

Storm Water: Stormwater from the property is collected in perimeter swales and runs into two stormwater basins at the southern side of the Landfill which then will flow offsite. Currently there are two perimeter swales and a straight swale that drain to a stormwater basin.

The stormwater pattern from existing conditions to proposed conditions will generally stay the same. The Engineer has concluded that the net difference in peak runoff rate and volume is negligible for proposed conditions and the existing storm water controls will be adequate.

Post Closure and Post-Closure Use Operations and Maintenance: Town of Wellfleet with Coles Neck will develop the solar array on the Landfill. The Town is the owner and manages the Landfill. There will be no change to current post closure environmental monitoring.

MassDEP is requiring that during the first year of operation of the PV array inspections of the Landfill final cover system be performed on a quarterly basis and thereafter annually, at a minimum (refer to Condition #15).

Site Security: For security purposes, a 7-foot tall ballasted chain link fence will be installed around the solar array. An 8-foot tall gate will be installed on chain link fence which will enclose the solar array.

Decommissioning Plan: Under the terms of both the Purchase Power Agreement (“PPA”) and Sublicense Agreement between Coles Neck and the Town, Coles Neck is required to remove the PV system within 180 days after expiring or earlier termination of the PPA, and return the site to its original condition, normal wear and tear excluded (refer to Condition #20).

Financial Assurance: MassDEP is also requiring that, at any time the Applicant for this project do not include a municipal entity, the Applicant provide a financial assurance mechanism, in accordance with 310 CMR 19.051, for the costs of decommissioning and site restoration activities.

## **V. SITE DESCRIPTION & INVESTIGATIONS:**

The Landfill is located on Coles Neck Road in Wellfleet, Massachusetts (Barnstable County) on a Town-owned parcel as shown on Assessor’s Map 7 as Lot 28 in Zoning District C2 (Commercial 2). The Landfill is located to the east of Whitetail Lane, northwest of Coles Neck Road and northeast of Pheasant Run, south of the Truro-Wellfleet town line and west of the Cape Cod National Sea Shore lands. The geographic coordinates of the site are 41° 57’ 4” and -70° 2’48.”

The Landfill footprint encompasses approximately 7.4 acres of the 8.74 acres of Town-owned land (the “Site”). The fenced area of the Project will occupy approximately 7.2 acres of the landfill footprint. From 1938 until approximately 1992, the Site was operated as a landfill for disposal of municipal and commercial solid waste, construction and demolition debris, bulky waste, and yard waste. Based on available information, there is no history of industrial or hazardous waste disposal at the landfill. The Landfill started as an “open dump”, with the burning of trash until the early 1970s when an incinerator was operated at the Landfill for the burning of refuse. The Town completed the closure process and submitted the Landfill Closure Completion Certification Report in April 22, 2008.

Existing Final Cover System: The final cover system of the Landfill consists of the following:

- Prepared subgrade that consists of waste and compacted common borrow.
- 6 inches gas venting/bedding layer consisting of sand with a minimum hydraulic conductivity of  $1.0 \times 10^{-3}$  cm/sec.
- Impermeable 40-mil linear low-density polyethylene.
- 14 inches sand drainage layer with a minimum hydraulic conductivity of  $2.0 \times 10^{-2}$  cm/sec.

Landfill Gas Extraction System: The Landfill has passive landfill gas control system consisting of, 10 four-inch diameter barrier wall vents installed at the inside edge of the barrier wall, and a horizontal gas collection system comprised of perforated horizontal piping with valves and rise stubs long the mid-slope of the landfill. As part of the landfill gas control system, 18 landfill gas

monitoring points were abandoned and 20 new points were installed to a depth that exceeded the bottom of the waste.

Post-Closure Environmental Monitoring: The Town completed the closure process and submitted the Landfill Closure Completion Certification Report to the MassDEP on April 22, 2008, and continues to manage the landfill environmental monitoring program. Post-Closure environmental monitoring was initiated in 2006, which includes the sampling of nine groundwater monitoring wells and 20 landfill gas monitoring probes located along the Landfill perimeter.

## **VI. PERMIT DECISION:**

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

## **VII. PERMIT CONDITIONS:**

1. Permit Limitations: The issuance of this approval is limited to the proposed Solar Photovoltaic Array at the Wellfleet Landfill as detailed in the Application and does not relieve the Applicant from the responsibility to comply with all other regulatory or permitting requirements. Post-Closure Use construction shall proceed in complete compliance with the approved plans, MassDEP's regulations and requirements, the Manual or as required by this Approval. There shall be no deviation from this Approval without prior consent from MassDEP. MassDEP shall be consulted prior to any deviation from the approved design. MassDEP may require a permit modification application for significant design modifications.
2. Regulatory Compliance: The Applicant, Engineer and Applicant's Contractors shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. This includes but is not limited to, 310 CMR 19.142: *Post-Closure Requirements*, 310 CMR 19.143: *Post-Closure Use of Landfills*, and 310 CMR 19.043: *Standard Conditions*. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace and all applicable local, state and federal electrical codes and permits, including National Electrical Code (NEC), 2011 Edition, Article 690-"Solar Photovoltaic (PV) Systems".
3. Construction Precautions: All construction shall be supervised by a Massachusetts Registered Professional Engineer. All necessary precautions shall be taken to protect the Landfill final cover system, storm water control system, environmental monitoring network and the Landfill gas extraction wells. All operators of vehicles entering the area should be clearly instructed by the on-site engineer and/or the Applicant's Contractors of the permit requirements to avoid damage to the Landfill components. Prior to the commencement of construction activities, all Landfill gas vents located in close proximity to the proposed array shall be flagged for visibility to minimize the potential for damage by vehicles during construction. If any damage occurs to the any Landfill components, the Applicant shall notify MassDEP within 24 hours and provide a written plan with a schedule for repairs.

4. Notification of Construction: The Applicant shall notify MassDEP in writing (e-mail to the solid waste section chief is acceptable, (mark.dakers@mass.gov) when the post-closure use construction commences and is completed.

The copy of Power Purchase Agreement involving the Town will be submitted to MassDEP before the commencement of the work.

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

A site specific Solar Array Construction Period Health and Safety Plan should be kept on site and submitted to MassDEP before any commencement of construction activity. The plan should include at minimum;

- protocols for monitoring of landfill gas as needed,
- protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
- training for all workers including town workers conducting construction activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.

A site specific Post Closure Operations and Maintenance Health and Safety Plan for the post-closure use period, shall be developed and submitted to MassDEP (for its files) prior to commencement of operation of the PV array. The Post Closure Operations and Maintenance Health and Safety Plan shall include as a minimum;

- protocols for monitoring of landfill gas as needed,
- protocols for modifying work practices if landfill gas is detected at levels deemed unsuitable, and
- training for all workers including town workers conducting maintenance activities at the Landfill regarding hazards associated with the landfill gas and the PV array, including electrical hazards.

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

7. Landfill Gas Notification Requirements:

- a. As specified in solid waste management regulations at 310 CMR 19.132 (5) (g),

*"When, at any time, the concentration of explosive gases exceeds 10% of the lower explosive limit (LEL) in any building, structure, or underground utility conduit,*

*excluding gas control, gas recovery and leachate collection system components, the owner/operator shall:*

- 1. take immediate action to protect human health and safety;*
- 2. notify the Department's regional Office that covers the municipality in which the facility is located within two hours of the findings; and*
- 3. undertake the actions specified under 310 CMR 19.150, Landfill Assessment Requirements and 310 CMR 19.151: Corrective Action Requirements, as required by the Department."*

b. If at any time monitoring detects the presence of any combustible gases at or in excess of 10% of the lower explosive limit at any location within a building or within any utility conduits on site or off-site, the Applicant shall notify MassDEP's Bureau of Waste Site Cleanup-Emergency Response Section (508) 946-2850 within two (2) hours of the exceedance as per 310 CMR 40.0321(1) (a) of the regulations.

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

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

1. Strip off the final cover soils above the low permeability layer, inspect and repair the low permeability layer if/as necessary, place low permeability soil as necessary to promote runoff, replace final cover soils; or
2. Expose the low permeability soil or geomembrane in a trench around the perimeter of the settled area. Fill the area with soil to form slopes promoting runoff. Cap the area with a new low permeability membrane, geosynthetic clay liner (GCL), or low permeability soil layer that ties into the existing low permeability layer at the identified perimeter. Place new drainage sand and vegetative support material over the new cap area.



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

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

9. Integrity of the Final Cover System: No excavation of the Landfill final cover system has been proposed except for the hand dug test pits to identify the Landfill cap extent and depth. No excavation of the Landfill final cover system except hand dug test pits shall be performed without a prior proposal and written MassDEP approval. All PV array installation work shall be as depicted and described within the Application and approved plans. Manufacturer's recommendations for standard construction practices **shall not be followed** if the practice may lead to damage to the final cover system.
10. Array Setbacks: The Applicant shall maintain a minimum 10 foot radius buffer between the closest edge of the PV array modules and all Landfill gas vents and a 10 foot radius buffer between the pad mounted electrical equipment and all Landfill gas vents.
11. Proposed Electrical Equipment: A copy of the proposed final design for the any electrical equipment and support pads proposed on-site shall be submitted to MassDEP for review and approval prior to installation. The Applicant, Engineer and Applicant's Contractors are responsible to ensure that utilities/structures will not accumulate landfill gas during construction and operation. Appropriate electrical plans shall be stamped by a Massachusetts Registered Electrical Engineer. The electrical design, including the complete grounding design shall meet applicable NEC and local electrical code requirements including the locations and details of new utility poles.

If any grounding rods are installed as part of the grounding system, the rods shall only be driven into the ground outside the limits of the Landfill final cover system. The location of any such grounding rods shall be clearly depicted on a site plan. All utility trenches shall be designed so they do not act as a conduit for landfill soil-gas migration.
12. Electrical Equipment Pad: The Applicant shall construct the equipment pad and sub-base to eliminate the potential for subsurface landfill gas to impact the electrical equipment. All subsurface wires and cables and conduits shall be explosion proof.
13. Enclosures and Combustible Gas Alarms: There shall be no penetrations (utility, conduits or other) at the base of the electrical equipment support concrete slab. Any enclosures shall have a landfill gas monitor that is fully operational at all times. The monitor shall be calibrated to a methane standard; have an audible and a lighted beacon. At a minimum, the alarm shall be set to sound when the concentration of explosive gases exceeds 10% of the Lower Explosive Limit (LEL).

14. Vehicles Operating on the Landfill Assess Road and above the Final Cover System:

Vehicles operating on the Landfill final cover system shall only operate on the designated permanent and temporary access roads, except for low-pressure construction equipment (with ground pressures of **7 psi** or less) in accordance with the remaining conditions of this permit. Low-pressure construction equipment operating off the access road shall limit turning on the vegetative support layer as much as possible. If MassDEP determines the use of any equipment is creating the potential for damage to the FML, the usage of such equipment shall immediately cease upon notification by MassDEP. All operators of the vehicles entering the final cover system area shall be clearly instructed by the on-site engineer and/or the contractor of the requirements of this permit prior to arrival, to avoid damage to the Landfill final cover system components. A list of low ground pressure equipment used and the pressure rating of each vehicle shall be indicated in the certification report required in Condition #17.

15. Post-closure Use Operation and Maintenance Plan: During the first year of operation of the PV

array, inspections of the Landfill final cover system shall be performed on a quarterly basis. Monthly inspection reports shall be submitted to MassDEP within 14 days of completion. Following the first year of operation of the PV array, inspections of the Landfill shall be performed on an annual basis and shall be submitted to MassDEP within 14 days of completion. Inspections shall be conducted by a third-party consulting Massachusetts Registered Professional Engineer, or other qualified solid waste professional. The Applicant, Engineer and Applicant's Contractors shall monitor the effectiveness of the storm water management system which should include; swales, structures and any and all conveyance systems. MassDEP shall be consulted prior to any deviation from the approved storm water control design. MassDEP may require a permit modification application for significant design modifications. Any erosion problems, settlement problems, security or other issues observed at the Landfill shall be reported to MassDEP within 24 hours. The notification must include a written plan with a schedule for repairs and repaired immediately.

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

17. Certification Report: Within ninety (90) days of completing the installation of the solar photovoltaic array, MassDEP shall be provided with a certification report for MassDEP's records. All construction work shall be completed under the supervision of a Massachusetts Registered Professional Engineer who shall have sufficient staff on-site to provide quality assurance/quality control (QA/QC) oversight for all construction work at the Landfill. The report shall be signed and stamped by a Massachusetts-registered professional engineer and include, at a minimum, written certification from the supervising engineer that the project was performed in accordance with MassDEP regulations, requirements and the approved Post Closure Use permit application. The report shall include a project narrative, as-built drawings depicting all pertinent site features and photographs representative of the construction processes and completed work. A list of equipment used on the Landfill, the Landfill area accessed by the vehicle, and the pressure rating of each vehicle shall be indicated in the

certification report. Should the Applicant desire a formal review and written approval of the certification report, the Applicant must submit a formal BWP SW 43, Landfill Closure Completion permit application.

18. Ongoing Landfill Maintenance: During installation and operation of the PV array, the Applicant shall not impede the inspection and maintenance of the Landfill.
19. Entries and Inspections: In accordance with *310 CMR 19.043: Standard Conditions*, MassDEP and its agents and employees shall have the right to inspect the Landfill and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this permit and all environmental laws and regulations.
20. Decommissioning Plan: If the proposed project is abandoned, during or after completion of construction, the Applicant shall submit a detailed written decommissioning plan. The decommissioning and site restoration plan should include, at a minimum; dismantling and removal of all panels and supporting equipment, transformers, overhead cables, slabs, foundations and buildings and restoration of the roads to restore the site to substantially the same physical condition that existed prior to post-closure use construction. The plan should describe the methods and equipment proposed to be use during decommissioning and to ensure the integrity of the landfill final cover system is maintained.
21. Permit Transfer: Pursuant to 310 CMR 19.044, no sale, assignment, or transfer of the rights or privileges, or effective control of such rights or privileges, granted under a permit to establish, expand, construct, operate or maintain a facility shall be valid until a responsible official of the transferee submits a transfer certification, using a BWP SW 49 application form, in accordance with 310 CMR 19.011(1) to MassDEP. Accordingly the Applicant are jointly and severably liable for maintaining the landfill and PV array as specified in this permit and for adhering to the permit conditions, unless and until a properly completed BWP SW49 application is submitted to MassDEP. The Applicant should refer to 310 CMR 19.044 and the BWP SW 49 application form for the complete permit transfer requirements.
22. Reservation of Rights: MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain an environment free from objectionable nuisance conditions, dangers or threats to public health, safety and the environment. MassDEP reserves all rights to suspend, modify or rescind this permit if it determines the solar array compromises the integrity of the final cover system and/or results in a threat to public health, safety or the environment.

This approval pertains only to the Solid Waste Management aspects of the proposal does not negate the responsibility of the owners or operators to comply with any other local, state or federal laws, statutes and regulations or enforcement actions, including orders issued by another agency now or in the future. Nor does this approval limit the liability of the owners or otherwise legally responsible parties from any other applicable laws, statutes or regulations now or in the future.

## **VI. REVIEW OF DECISION:**

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(2): *Applicable Permit Procedures* and 310 CMR 19.033: *Permit Procedure for an Application for a Permit Modification or Other Approval* and MassDEP is issuing a non-provisional decision

Review of Decision: Pursuant to 310 CMR 19.033(4)(b), if the Applicant is aggrieved by MassDEP's decision to issue this decision, it may within twenty-one days of the date of issuance file a written request that the decision be deemed provisional, 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 decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final decision on the effective date. Failure by the Applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute waiver of the Applicant's right to appeal.

Right to Appeal: This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.033(5), 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 decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days following the date of issuance of the final permit decision to the Applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

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 MassDEP Transmittal No. X281006 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, if applicable at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

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

Millie Garcia-Serrano, Regional Director  
Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02347

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 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.

If you have any questions or comments regarding this approval letter, please contact me at (508) 946-2847 or Hersh Thakor at (508) 946-2715 or at the letterhead address. In any correspondence regarding this approval, please reference permit Transmittal No. X281006.

Very truly yours,  
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.  
Mark Dakers, Chief  
Solid Waste Management Section

D/HT

W:\BAW\Solid Waste\Wellfleet\Wellfleet Solar\Wellfleet LF PCU Solar X281006 V1.doc

fc: Wellfleet Board of Health  
(508) 349-0308

Ec: AMEC Massachusetts Inc.  
Rob Bukowski  
rob.bukowski@woodplc.com

DOER  
[Seth.Pickering@state.ma.us](mailto:Seth.Pickering@state.ma.us)

DEP-Boston  
ATTN: R. Blanchet  
T. Higgins  
J. Doucett

DEP- Lakeville  
ATTN: M. Pinaud  
L. Ramos  
M. Dakers