



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

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Mr. Timothy A. Kaiser, Director
Department of Public Works
675 Simonds Road
Williamstown, MA 01267

November 10, 2015

RE: Williamstown-DSWM- Phase I Landfill
671 Simonds Road
Post Closure Use – Solar Power
Permit Approval
BWPSW36
Transmittal #X266333
SWM File #15-341-001
FMF # 39986

Dear Mr. Kaiser:

The Massachusetts Department of Environmental Protection (the MassDEP) is issuing this permit to the Town of Williamstown (“Permittee” and “Applicant”) approving the post closure use of the Town of Williamstown Phase I Landfill (the “Landfill”) located north of 671 Simonds Road as a solar power farm (Solar Farm).

On August 7, 2015, MassDEP received the BWPSW36 Major Post Closure Use permit application, under transmittal #X266333 (the “Application”). The Application was prepared by your consultant, Weston & Sampson.

On October 26, 2015, MassDEP received a Supplemental Submittal prepared by Weston & Sampson that included a revised set of design plans; clarification/modifications to the original submittals and additional engineering calculations.

On October 27, 2015, MassDEP received a second Supplemental Submittal that included a set of electrical design plans signed and sealed by the electrical engineer.

On October 29, 2015, MassDEP received a third Supplemental Submittal, a revised Plan Sheet E-1-Single-Line drawing revision 2 dated 10-26-15.

On November 4, 2015, MassDEP received a fourth Supplemental Submittal prepared by Weston & Sampson that included revised design plan sheets C-4, C-5, E-4-3 and E-5-1.

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TTY# MassRelay Service 1-800-439-2370
MassDEP Website: www.mass.gov/dep

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The Supplemental Submittals were prepared, in part, in response to questions contained in emails from MassDEP dated August 31, 2015 and October 26, 2015.

The Application bears your certification and was prepared under the supervision of and bears the signature and seal of Duane C. Himes, Massachusetts Registered Professional Civil Engineer # 32336.

Design Plans (except for electrical) bear the seal and signature of Duane C. Himes, Massachusetts Registered Professional Civil Engineer # 32336.

The Electrical Design Plans bears the seal and signature of David J. Colombo, Massachusetts Registered Professional Electrical Engineer #40428.

Existing Facilities

The Town operated the Phase I landfill between 1973 and 1995 on an 18.8 acre parcel of land owned by the Town of Williamstown. The town's transfer station is also located on this parcel. The property was also used earlier in the 1960s as a landfill referred to as the Moore Farm.

The Phase 1 Landfill was closed in two stages. Stage 1 closure was completed in 1987 with an 18 inch thick low permeability soil cap. Stage 2 closure was completed in 1996 consisting of a 6 inch thick sand gas vent layer with gas vents, 40 mil HDPE, 12 inch thick sand drainage layer, an 8 oz, filter fabric, and 10 inch thick topsoil vegetative support layer.

On October 27, 1995, MassDEP issued a permit to the Town approving the Stage 2 closure design consisting of a 6 inch thick sand gas vent layer with gas vents, a 40 mil thick HDPE liner, a 9 inch thick drainage layer, filter fabric and a 9 inch thick layer of topsoil.

On August 7, 1996, MassDEP issued a letter approving the July 1996 Closure Certification Report. This letter required post-closure maintenance and environmental monitoring in accordance with plans approved as part of the October 27, 1995 Permit.

On August 5, 2015, MassDEP issued a Permit approving the modification of environmental monitoring and post closure maintenance of the Phase 1 Landfill.

Summary of Proposal

The Application and Supplemental Submittal proposes the construction and maintenance of a 1902 KW DC (1500 KW AC) photovoltaic solar farm on portions of landfill, as follows:

- Installation of solar array on the flatter top portions of the landfill and a second smaller area located to the northwest. The solar panels will be tilted at 25 degrees from horizontal, facing south.
- Removal of approximately 3 to 4 inch thickness of the existing vegetative layer and replacement with crush stone in areas where the array will be installed.

- Improvement of the existing access road to the top of the landfill including installation of a woven geotextile fabric and compacted gravel.
- Construction of a new access road to the northwest area.
- Installation of 6,138 Trinia TSM14-72P panel modules mounted on a rack system with concrete ballast blocks.
- Installation of two (2) Solectria 750XTM central inverters.
- Installation of transformers, switches, and inverters on a concrete electrical equipment pad located above the landfill cap on compacted crushed stone.
- Installation of a second equipment pad located off of the landfill for switchgear and other equipment.
- Installation of electrical conduits at the panels above the existing landfill cap;
- Installation of electrical conduits at road crossings within the limits of the landfill cap are proposed to be installed above the existing cap.
- Excavation into the cap is limited to the excavation required to bury the conduits along the main access roadway outside of the fence and of test pits to confirm the thickness of the vegetative support layer.
- The existing access road from the west side of the Landfill will be used for construction access and future maintenance. The access road will be improved to provide a minimum 36 inch thickness of materials above the HDPE.
- Conduits along access road.
- Light displacement equipment will transport all materials from the road, across the cap and to the installation locations; and
- Installation of a fence and gate to control access. The fence will be installed using ballast blocks placed on the existing cap.

Electrical transmission wiring from the panels will be mounted on the rack assemblies and will run above-ground in conduits or cable trays to the inverters at the electrical equipment pad. It is proposed that all photovoltaic rack assemblies and above-ground wiring will be kept at least 10 feet from any landfill gas vents.

The electrical equipment pad will be located on the Stage 2 landfill. The concrete equipment pad will be constructed on top of a crushed stone pad placed on top of the existing landfill cap. No additional excavation is proposed for the construction of the equipment pad. Conduits entering equipment on the pad will be installed above the existing landfill cap.

Calculations are provided showing the potential ground pressure on the cover from the weight of the racks, panels, as well as snow and wind loads. The calculations indicate that the maximum ground pressure on the cap will be less than 7.0 pounds per square inch (psi).

The Application proposed the use of low ground pressure equipment directly upon the landfill cap.

There are no proposed changes to the existing, long-term monitoring program for the landfills.

An Environmental Notification Form for the proposed Solar Farm was not submitted pursuant to the Massachusetts Environmental Policy Act ("MEPA"). The Application in section 7.2

states:

“A review of the MEPA thresholds to the proposed post-closure use of the Site was performed. The installation of the solar array will not exceed any MEPA thresholds and therefore, MEPA review is not required, and a Environmental Notification Form is not required.”

MassDEP DETERMINATIONS

Personnel of MassDEP have reviewed the Post-Closure Use permit application for 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, MGL c. 30A and the regulations promulgated thereunder, subject to the conditions outlined below.

REGULATORY AUTHORITY

This document is a permit issued pursuant to Massachusetts General Laws Chapter 111, Section 150A and the regulations promulgated thereunder at 310 CMR 19.000, subject to the conditions set forth at 310 CMR 19.043(5). This permit is subject to the standard conditions of 310 CMR 19.000 and the conditions presented herein. This permit does not convey property rights of any sort or any exclusive privilege.

A.

GENERAL PERMIT CONDITIONS

1. The Town of Williamstown (the “Town”), is the Applicant and Permittee for this Post-Closure Use Permit and is also the Owner and Operator of the landfill as defined by 310 CMR 19.00. The Town is responsible for continued maintenance and environmental monitoring of the landfill in accordance with the requirements of 310 CMR 19.000, and the Permit issued by MassDEP on August 7, 2015 and this Permit.
2. Brightfields Development, LLC and Solarcity, Inc. are considered Operators for the solar farm construction approved under this Permit, and are responsible to comply with the conditions of this permit in accordance with 310 CMR 19.000, as Operators.
3. Prior to the commencement of construction, a copy of the Request for Determination and the Williamston Conservation Commissions determination shall be submitted to MassDEP as proposed.
4. Not later than 30 days prior to the commencement of construction, revised plans and design information shall be submitted to MassDEP that identifies any and all changes made through the review process consistent with this Permit. All changes or revisions shall be clearly summarized in a cover letter or report signed and sealed by a Massachusetts Professional Engineer in accordance with 310 CMR 19.011(2).

5. The Permittee, Operator(s), Contractor(s) and subcontractors shall install the solar panels and appurtenances and modify the landfill only in accordance with the Application and the Supplemental Submittal referenced above, except as modified by this permit or otherwise approved by the MassDEP in writing.
6. A minimum of seven (7) days prior to the start of construction, the Permittee shall submit a detailed construction schedule for the project to MassDEP.
7. A minimum of seven (7) days prior to the start of construction, the Permittee shall submit a list of project personnel and their contact information. The Permittee shall advise MassDEP in writing of any changes in the project personnel list.
8. A Quality Assurance/Quality Control (QA/QC) program shall be implemented during construction. The responsibilities described in the *Landfill Technical Guidance Manual - Revised May 1997* ("LAC Manual"), pp. 2-1 to 2-3 are hereby incorporated by reference into this permit.
9. Construction Oversight:
 - a. A third-party, independent Massachusetts-registered professional engineer knowledgeable in landfill design and construction (the "Construction Engineer") shall supervise the overall construction of the Solar Farm. The Construction Engineer and/or a qualified QA/QC officer shall be present at the site at all times during construction of the road, fence installation, and installation of the electrical equipment, ballast blocks, and rack/panel installation, and when any construction equipment is operating on the landfill cap. The QA/QC officer shall work under the direct supervision of the Construction Engineer.
 - b. The Construction 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 and the Town, which shall summarize the work performed during the month.
 - c. The Construction Engineer shall inspect the site at least once per week during periods of construction when daily oversight is unnecessary. The Construction Engineer may contact MassDEP for guidance if the need for daily engineering oversight is unclear in a given circumstance.
 - d. The Construction Engineer shall have sufficient staff onsite to provide quality assurance/quality control (QA/QC) oversight for all construction work at the site, and shall submit monthly construction progress reports to MassDEP summarizing the work performed during the month.
 - e. Within 60 days following the completion of construction, the Construction Engineer shall submit a completion report, signed and stamped by a Massachusetts-registered P.E., either certifying that the work was completed in accordance with the approved plans and specifications and the conditions of this permit or detailing any and all deviations from this approval.
 - f. MassDEP reserves the right to require greater or more frequent oversight by the Construction Engineer than specified herein if it believes such increased oversight is

necessary to protect the landfill cover or appurtenances, public health, safety, or the environment.

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

- a. Updated schedule;
- b. Copies of daily field inspection reports;
- c. Summary of any and all deviations from compliance with requirements approved or set forth in this Permit or subsequent MassDEP approvals;
- d. Any actions taken to correct such deviations, as required by MassDEP or recommended by the Engineer;
- e. Proposed schedules to correct identified problems;
- f. Review of quality assurance/quality control (QA/QC) testing data generated, and documentation for construction and QA/QC activities;
- g. The construction report shall be signed, sealed and certified by the Engineer in accordance with 310 CMR 19.011 (1&2); and
- h. The Engineer shall submit one copy of the monthly report to the MassDEP and one copy to the Town no later than seven (7) days following the end of the previous month.

B. SPECIFIC PERMIT CONDITIONS

11. The Permittee, Owner(s), Operator(s) and their Contractor(s) and subcontractors 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.

12. 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 impermeable layer of the landfill cap, landfill monitoring wells, or the landfill gas venting wells.

- a. Prior to the commencement of construction activities, all landfill gas vents, landfill gas monitoring wells, 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 and construction on the cap area.
- b. Prior to the commencement of construction activities, all areas previously eroded or damaged shall be filled and reshaped to prior grades.
- c. Prior to the installation of any control stakes, erosion control stakes, fence posts, grounding systems, duct banks, power poles, guide wires or any construction requiring excavation

within 10 feet horizontally of the landfill cap, test pits shall be excavated to confirm the location and depth of the landfill cap components, including sand thickness and elevation of the HDPE.

- d. All test pits shall be witnessed by the Construction Engineer or their QA/QC officer.
- e. Excavation equipment with teeth (on the bucket or shovel) shall not be used within 10 feet of the limits of the landfill cap.
- f. If any damage occurs to any of landfill components, the Contractor 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.

14. The proposed removal of the exiting vegetative cover and topsoil shall be limited to a maximum thickness of 4 inch depth. Removal shall be staged in several areas that will allow for placement of stone prior to any significant predicted rainfall. No large areas, over 1000 square feet shall be left disturbed without stone for predicted rainfall greater than 1 inch in a 24 hour period.

15. Prior to the start of construction, the Town shall submit to MassDEP a written protocol for the operation of concrete delivery trucks and of concrete pumps on the cap, including restriction of use only to the access roads, and a restriction on the use of outriggers or stabilizers unless specifically approved by MassDEP. The protocol shall also include procedures for the use of outriggers or stabilizers by the tracked excavators working anywhere on the cap (i.e. either no use of outriggers/stabilizers for concrete pumps or excavators on the cap, or sufficiently large pads placed beneath outriggers/stabilizers to avoid damage to the cap).

16. Disturbance of the landfill caps shall be limited to the proposed removal of a maximum of 4 inch thickness 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 (except for test pits and conduits along entrance roadway) without separate written approval from the MassDEP.

- a. A geotextile fabric and a minimum of 4 inch thick layer of crush stone shall be placed where the vegetative layer was removed.
- b. All equipment supports, pads and concrete blocks placed on the cap shall be placed on top of, or above, the crush stone layer above the cap, unless otherwise approved by the MassDEP in writing.
- c. Excavation approved by this Permit is limited to the removal of a maximum of a 4 inch thickness of the vegetative support layer, excavation required for test pits, and the installation of conduits and equipment located beyond the limits of the landfill cap as detailed in the Application.
- d. Survey and control stakes shall not be driven into the landfill cap unless the stakes are clearly marked and installed, as proposed, to protect the impervious layer of the landfill cap.
- e. Stakes used for erosion control devices within the limits of the cap shall not be driven into the landfill cap unless the stakes are clearly marked and installed, as proposed, to protect the impervious layer of the landfill cap.
- f. Staples less than 12 inches total length may be used to hold erosion control devices.
- g. There shall be no penetrations of any kind of the sand drainage layer of the landfill cap.

17. The vegetative support layer may be excavated for the installation of conduits along the

entrance roadway located outside of the fenced enclosure. The sand drainage layer may not be excavated and existing geotextile layer shall be repaired if damaged. A minimum of 24 inch thickness of soil cover shall be placed over the conduits in all directions including horizontally. Additional soil cover shall be used if required by applicable electrical codes.

18. The Owners, Operators and Contractors are responsible to ensure that the inverter, transformer and other electrical equipment boxes on the landfill cap area 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(5)(g), for notification and action. The requirements for the electrical equipment area include the following:

- a. The maximum size of the electrical equipment concrete pad shall not exceed the dimensions proposed in the Application;
- b. All photovoltaic rack assemblies and above-ground wiring shall be kept at least 10 feet from any landfill gas vents;
- c. The design of any transformers, inverters, and any other electrical cabinets/equipment shall not allow the entry of landfill gas, and in the event that gas does enter, the equipment shall be designed to prevent the ignition of the gas;
- d. Any required electrical line penetrations through the bottom of the concrete pad shall be sealed to prevent landfill gas entry into the electrical boxes. Electrical lines and conduits associated with these penetrations shall not extend down into the vegetative support layer of the cap;
- e. The installation of electrical equipment boxes and equipment shall meet all electrical code requirements, including any requirements for fencing;
- f. The site-specific H&S Plan, shall be submitted for the maintenance of the electrical equipment area, including provisions for landfill gas monitoring during maintenance of any electrical equipment box, and for regular calibration and maintenance of the landfill gas monitors used by maintenance workers on the site; and
- g. No additional equipment may be installed on the surface of the landfill or in proximity of the landfill (i.e. equipment not specifically identified in the application), unless documentation and specifications for such equipment prior to construction are submitted to MassDEP for review and approval of it in relation to potential landfill gas impacts.

19. The Permittee, Construction Engineer, Operators, and the Contractor(s) are responsible to ensure that there is no significant rutting or other damage to the vegetative support layer of the cap. MassDEP shall be notified immediately of rutting or other damage and steps shall be taken to eliminate or avoid such damage. In no case shall rutting or other damage greater than 6 inches deep into the crushed stone or vegetative support layer be allowed to occur. Low-pressure construction equipment shall limit turning on the vegetative support layer as much as possible. If MassDEP determines that the use of any equipment is creating the potential for damage to the impermeable cap layer, the usage of such equipment shall cease immediately upon notification by MassDEP, or be modified as required by MassDEP.

20. MassDEP specifically reserves the right to restrict or prohibit heavy vehicular loads from operating on the landfill cap or roadways, either as a weight restriction or a usage restriction, should inspections or other information reveal the potential for damage to the cap from heavy vehicle

loads. MassDEP also specifically reserves the right to impose, at any time deemed necessary by MassDEP, additional requirements for construction on the cap, should construction activities pose a danger to the integrity of the landfill cap or appurtenances.

21. If MassDEP determines that the use of equipment is creating the potential for damage to, or is damaging, the landfill cap, the usage of such equipment shall cease immediately upon discovery or upon notification by MassDEP, and alternative work practices for operation of equipment of the cap in the affected area(s) shall be instituted.

22. The proposed location(s) of any additional roadways shall be submitted to MassDEP for review and approval, prior to construction.

23. In areas where light displacement equipment will transport material/equipment from the access road, the sideslope of the access road shall be increased to a minimum slope of 5 feet horizontal to one foot vertical. Any grassed areas between the side slope of the road and the proposed crushed stone areas shall be also covered with a minimum of woven geotextile filter fabric and a 4 inch thick layer of crushed stone.

24. Finish grades shall be a minimum of 5 percent for drainage. If fill for access roads or elsewhere concentrates surface water runoff, permanent erosion control devices shall be installed to prevent erosion.

25. The Town 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 Massachusetts Electrical Code, National Electrical Code (NEC), 2014 Edition, Article 690 –“Solar Photovoltaic (PV) Systems”. MassDEP notes that Article 690.31(a) – “Wiring Systems” of the NEC states that “Where PV source output circuits operating at maximum system voltage greater than 30 volts are installed in readily accessible locations, circuit conductors shall be installed in a raceway”. The Town and their contractor(s) are also responsible to ensure that the proposed work complies with all other applicable local, state and federal regulations.

26. In accordance with 310 CMR 19.130(23) the Town shall provide sufficient fencing and other barriers to prevent access to the facility except at designated points of entry and all points of entry shall be equipped with locking gates that are secured when the operator is not onsite. The fence shall be constructed and in place prior to the initial generation of electricity.

27. Prior to commencement of construction, design plans shall be submitted to the Town’s electrical Inspector for approval and any required permits/approvals shall be obtained.

28. The construction staging area(s) shall be located off of the landfill cap. No equipment or materials shall be stockpiled on the landfill cap.

29. All grounding of the solar array and interconnecting wiring shall be performed in accordance with the applicable portions of the NEC and state/local electrical codes. Grounding and electrical equipment shall not penetrate the landfill cap, or otherwise damage the cap.

30. If the Permittee, Owner, Operators or their Contractor(s) modify the design and intends to use different solar panels, panel racks, ladder racks, or electrical equipment other than that detailed in the application, the Permittee 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.

31. All areas disturbed during construction shall be repaired. Additional vegetative support material shall be placed as required, seeded and acceptable grass shall be established except for within the limits of the gravel road surfaces and stoned areas.

C. OPERATIONS AND MAINTENANCE CONDITIONS-SOLAR FARM

32. The following conditions apply to the minimum required maintenance of the landfill:

- a. The entire landfill grass surface shall be mowed/cut at least once per year.
- b. Vegetation that has been established in areas where stone or gravel surfaces exist shall be trimmed once per year to avoid the establishment of woody vegetation.
- c. Herbicides may not be used to control vegetation.
- d. The condition of the fences and access gate(s) shall be inspected at least once a month. Any damage to the fence or gates shall be repaired within 24 hours of discovery unless other temporary methods of controlling access can be established.
- e. Any erosion problems, settlement problems, or other issues observed on the landfill cap (inside or outside of the limits of the Solar Farm) shall be reported to MassDEP, stabilized immediately and repaired within 30 days of discovery.

33. Following completion of the installation, inspections of the Solar Farm shall be performed on a quarterly basis for the first year and annually thereafter by a qualified, independent third-party inspector in accordance with 310 CMR 19.018. The following conditions shall apply:

- a. The entire landfill cap and access roads shall be walked and any problems with the landfill cap, erosion, unusual or excessive settlement, stressed vegetation, damage to landfill gas monitoring wells, vents, and other appurtenances, and any other problems with the landfill cap shall be identified.
- b. Preparation and submittal of an inspection report summarizing the inspection.
- c. Identification of any problems with security/access controls such as damaged gates and/or fences, as well as any evidence that unauthorized access to the solar array area that may have occurred.
- d. Any damage to monitoring wells or other monitoring points, landfill gas vents, or other landfill appurtenances.
- e. A description of actions taken to correct any problems.
- f. A signed and certified copy of the Inspection Report shall be submitted to MassDEP and to the Board of Health within 30 days of the date of the inspection.

34. The Permittee, Owners, and Operators shall ensure that any erosion, unusual or excessive settlement, stressed vegetation, damage to landfill gas monitoring wells, vents, and other appurtenances, and any other problems with the landfill cap identified during any inspection or site

visit are reported to MassDEP within 24 hours of discovery. Such problems shall be evaluated and appropriately repaired within 7 days of discovery or in accordance with an alternative schedule approved by MassDEP.

35. At the completion of the use of the solar farm the following actions shall be taken.
 - a. All panels, racks, concrete blocks located on the landfill cap, and exposed conduits shall be removed and sealed.
 - b. Buried conduits may remain provide they are cut off below grade and permanently plugged.
 - c. Landfill grades shall be restored and vegetative support layer shall be replaced/ repaired as necessary.
 - d. All disturbed areas except for gravel road and crushed stone surfaces shall be reseeded.
 - e. Vegetation shall be established and maintained.

D. SUBMITTALS

36. Submittals required by this Permit include but are not limited to the following:
 - a. Revised Design Plans in accordance with condition 5 of this Permit;
 - b. The Construction Engineer's monthly construction report required by condition 11 of this Permit;
 - c. Construction schedule as required by condition 7 of this Permit;
 - d. Project personnel list and their contact information and changes in accordance with condition 8 of this Permit;
 - e. Construction Completion Report in accordance with condition 10e of this Permit and 310 CMR 19.107;
 - f. Revised Health and Safety plan in accordance with condition 12 & 13 of this Permit.
 - g. Landfill/solar farm inspection reports in accordance with 310 CMR 19.018 and condition 34 of this Permit.
37. All submittals to MassDEP shall be certified in accordance with 310 CMR 19.011 Certification and Engineer's Supervision which requires:

(1) Signatories and General Certification. Any application for a permit, authorization to construct, authorization to operate, permit modification, and any determination, certification, report and any other document submitted to the Department pursuant to 310 CMR 19.000, shall be signed by the appropriate responsible official. Any person required by 310 CMR 19.000 or any order or other enforcement document issued by the Department, to submit any document to the Department shall identify himself or herself by name, profession, and relationship to the applicant and legal interest in the facility, and make the following statements:

I, [name of responsible official], attest under the pains and penalties of perjury that:

- (a) I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;*
- (b) based on my inquiry of those persons responsible for obtaining the information, the information contained in this submittal is, to the best of my knowledge, true, accurate, and complete;*
- (c) I am fully authorized to bind the entity required to submit these documents and to make this attestation on behalf of such entity; and*

(d) I am aware that there are significant penalties, including, but not limited to, possible administrative and civil penalties for submitting false, inaccurate, or incomplete information and possible fines and imprisonment for knowingly submitting false, inaccurate, or incomplete information; and

(e) (for a responsible official submitting a third-party inspection report pursuant to 310 CMR 19.018(8)(b)1.) The facility [name of facility] provided any information required by 310 CMR 19.018 and requested by the third-party inspector in a timely fashion and any employee or contractor of [name of facility] did not unduly influence the third-party inspector; and

(f) (for a responsible official submitting a transfer station certification pursuant to 19.035(4)):

1. I have accurately stated whether the transfer station is in compliance with its permit and all other applicable requirements in 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities and 19.000 including, but not limited to, 310 CMR 19.043;

2. I have accurately identified any and all violations of 310 CMR 16.00: Site Assignment Regulations for Solid Waste Facilities or 19.000 or the terms and conditions of any permits or other approvals issued thereunder by the Department;

3. If the transfer station is not in compliance, I have stated what the owner and operator will do to return the transfer station to compliance and the date by which compliance will be achieved; and,

4. Plans and procedures to maintain compliance are in place at the transfer station and will be maintained even if processes or operating procedures are changed.

(2) Engineering Supervision. 310 CMR 19.011(2) does not apply to any documents submitted to the Department pursuant to 310 CMR 19.018. All papers pertaining to design, construction, operation, maintenance, or engineering of a site or a facility shall be completed under the supervision of a Massachusetts registered professional engineer knowledgeable in solid waste facility design, construction and operation and shall bear the seal, signature and discipline of said engineer. The soils, geology, air modeling, air monitoring and groundwater sections of an application or monitoring report shall be completed by competent professionals experienced in the fields of soil science and soil engineering, geology, air modeling, air monitoring and groundwater, respectively, under the supervision of a Massachusetts registered professional engineer. All mapping and surveying shall be completed by a registered surveyor.

38. Unless otherwise directed herein, all submissions required pursuant to this permit shall be sent to:

Section Chief, Solid Waste Management
Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

E. STANDARD CONDITIONS

39. This post-closure use permit shall be valid for a period of thirty (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 19.032 or 19.033.

40. If construction of the solar panel installation has not been completed within three years of the date of issuance of this Permit, this Permit shall expire. The Permittee may apply to the MassDEP for an extension of the Permit at any time prior to or after it expires.

41. If the Operator intends to operate the Solar Farm after the expiration of this permit, the Permittee is required to submit a request for a renewal of the permit at least 90 days prior to the expiration of the permit.

42. If the Permittee intends to transfer this permit to any other entity, the requirements at 310 CMR 19.044, Transfer of Permits, shall be satisfactorily completed. The notification shall be submitted on an application form for a BWPSW49 Permit Transfer Certification with transmittal form and the applicable filing fee. Prior to a change in the Owner or Operator of the solar farm, MassDEP must be notified and approve a Permit Application for a Post Closure Use-Minor BWP-SW 37.

43. If the Permittee or Operator discontinues operation of the Solar Farm, the Permittee and the Operator are responsible to perform decommissioning activities as outlined in the permit application, including removal of the solar array equipment, ballasts, and associated leveling pads.

44. This permit is issued subject to the conditions of joint liability of the Permittee, the Owner(s) and the Operator(s) in accordance with 310 CMR 19.043(3).

45. The Permittee, Owner(s), Developers, Operator(s) their contractors and subcontractors and the Construction Engineer shall be considered Operators with respect to the construction of the Solar Farm and compliance with plans and specifications. The Permittee shall also be considered an operator during the operational life and decommissioning of the Solar Farm. As such, MassDEP may take enforcement action against the Permittee, Owners, Operators or the Construction 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 the Permittee or the Engineer were, or should have been, aware. 310 CMR 19.006, defines "Operator" as:

"Operator means any person who has care, charge or control of a facility subject to 310 CMR 19.000, including without limitation, an agent, lessee of the owner or an independent contractor."

46. The Permittee, the Owners, the Developers, the Operators, the Contractor(s), and subcontractors shall comply with 310 CMR 19.015 Compliance, which states:

"No person shall construct, modify, operate or maintain a facility except in compliance with a site assignment, permit or plan approved by the board of health or the Department, as

applicable, and any authorizations issued by the Department and all conditions included in a permit, approval or authorization for said facility.”

47. The Applicant in this permit application seeks no variances from any applicable regulations.
48. This approval pertains only to the Solid Waste Management aspects of the proposal and does not negate the responsibilities of the Permittee, Owners, Operators or Contractors 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 owners, operators or otherwise legally responsible parties from any other applicable laws, statutes or regulations now or in the future.
49. 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.
50. MassDEP 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.
51. Compliance with submissions required pursuant to this approval shall be determined by the date of receipt by MassDEP or by the postmarked date, whichever is earlier.
52. All verbal notifications shall be followed by written notification within 48 hours.

This Permit is being issued as a Final Permit. Pursuant to 310 CMR 19.033(5):

- (a) Appeal. Any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said permit decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A no later than 30 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 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 final permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with 310 CMR 19.033(3).*
- (b) Notice of Action. Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include the Department file number 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 the Department and the Regional Director for the regional office which processed the permit application, if applicable, at least five days prior to the filing of an appeal.

(c) No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

The MassDEP File Number for this Permit is 15-341-001B. The appropriate addresses to which to send such notices are:

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

Michael J. Gorski
Regional Director
Department of Environmental Protection
436 Dwight Street
Springfield, MA 01103

If you have any questions about this matter, please contact Charles Clines of this office at 413-755-2120.

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

DH/CAC/cac
3411modsolar.0915

Certified Mail 7015 0640 0005 9429 2075, Return Receipt

cc: Board of Health, Town Hall, 31 North Street, Williamstown, MA 01267
Duane C. Himes, PE, Weston & Sampson, 5 Centennial Dr., Peabody, MA 01960
Michael E. Singer, Brightfields Development, LLC, 48 Walnut St., Suite 301,
Wellesley, MA 02481
SolarCity, Inc., 35 Medford Street, Suite 306, Somerville, MA 02143