



## Department of Environmental Protection

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

Charles D. Baker  
Governor

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Secretary

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Commissioner

### **BWP SW 36 POST-CLOSURE USE – MAJOR Greenwood Street Landfill, Worcester, Massachusetts Solar Project**

Permit Issuance Date: February 25, 2016

Name of Permittee: The City of Worcester (“Applicant” or “Permittee”)  
20 East Worcester Street  
Worcester, MA 01604

Name of Facility: Greenwood Street Landfill (the “Landfill” or “Facility”)  
30 Nipp Napp Trail  
Worcester, MA 01607

MassDEP Region: Department of Environmental Protection (the “Department” or  
“MassDEP”)  
Central Regional Office (CERO), Worcester  
Solid Waste Management Program

Permit No.: X266536 (Transmittal No.)

Facility Number: 39932

MassDEP Classification: CLF

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

##### **A. Facility**

1. Owner: City of Worcester  
20 East Worcester Street  
Worcester, MA 01604
2. Operator: City of Worcester  
20 East Worcester Street  
Worcester, MA 01604

3. Description: The Landfill footprint occupies approximately 52 acres of the approximately 100-acre City of Worcester owned parcel (Parcel ID 29-047-00006) located at Greenwood Street, Worcester, MA. The Landfill was capped in three stages in accordance with Massachusetts Solid Waste Regulations at 310 CMR 19.000.

**B. Prior Reviews and Approvals**

1. MEPA: Phase I waiver granted in a Final Record of Decision (FROD) issued on October 23, 2015.
2. Site Suitability Report: Not Applicable
3. Site Assignment: The Landfill was site assigned January 23, 1970
4. Title/Description of Approvals/Permits:

Calculations to Estimate Quantity of Fill Required for Phase I Cap Repair  
Of Greenwood Street Landfill Site

Prepared by: CDM

Dated May 12, 2004

Received by MassDEP-CERO: May 17, 2004

Use of Asphalt, Brick and Concrete Rubble as Road Base Material at Greenwood  
Street Landfill Beneficial Use Determination (BUD) BWP SW 13

Transmittal No. W060012

Approved by MassDEP-CERO: February 22, 2005

Greenwood Street Landfill Cap Repair Project Corrective Action Design (CAD)  
BWP SW 25

Transmittal No. W056147

Approved by MassDEP-CERO: April 26, 2005

Use of Channel Dredgings-Greenwood Street Landfill-Special Waste  
Determination-Major BWP SW 14

Transmittal No. W88185

Approved by MassDEP- CERO: September 28, 2006

Advisory Opinion EOEEA # 13350, dated July 6, 2007

Received by MassDEP-CERO: July 12, 2007

Minor Modification BWP SW 22, Use of Alternate Materials for Shaping and  
Grading at the Greenwood Street Landfill

Transmittal No. W118149

Approved by MassDEP-CERO: July 17, 2007

BWP SW 22 – Minor Modification Application for Solid Waste Management Facility.

Greenwood Street Landfill Pre-Load Grading Plan, Worcester, Massachusetts

Transmittal Number: W208847

Approved by MassDEP-CERO: February 25, 2008

BWP SW 40 – Regulated System BUD

Foundry Sand

Applicant: City of Worcester

Transmittal Number: X225026

Dated: October 17, 2008

Approved by MassDEP - CERO: January 23, 2009

BWP SW 40 – Regulated System BUD

Dry Scrubber Material

Applicant: Peregrine Environmental Services, Inc

Transmittal Number: X225003

Approved by MassDEP-CERO: January 23, 2009

BWP SW 22 – Minor Modification Application for Solid Waste Management Facility.

Greenwood Street Landfill Acceptance of Foundry Sand and Dry Scrubber Material, Worcester, Massachusetts

Transmittal Number: 51008239

Approved by MassDEP-CERO: January 23, 2009

BWP SW 23 – Comprehensive Site Assessment

Greenwood Street Landfill, Worcester, Massachusetts

Transmittal Number: W219100

Approved by MassDEP-CERO: February 4, 2009

BWP SW 25 – Revised Corrective Action Design

Greenwood Street Landfill, Worcester, Massachusetts

Transmittal Number: X226476

Approved by MassDEP-CERO: April 29, 2009

BWP SW 22 – Minor Modification Application for Solid Waste Management Facility

Greenwood Street Landfill Grading and Shaping Materials, Worcester, Massachusetts

Transmittal Number: X235564

Approved by MassDEP-CERO: January 18, 2011 and revised January 25, 2011

BWP SW 45 – Alternative Review

Greenwood Street Landfill Construction and Demolition Residual Materials for Roadbase

Worcester, Massachusetts

Transmittal Number: X236054

Approved by MassDEP-CERO: January 19, 2011

BWP SW 22 – Minor Modification Application for Solid Waste Management Facility

Greenwood Street Landfill Cap Restoration – Elevation Adjustment

Worcester, Massachusetts

Transmittal Number: X236177

Approved by MassDEP-CERO: February 25, 2011

BWP SW 44 – Beneficial Use Determination

Greenwood Street Landfill Cap Restoration – Coated/Painted Concrete

Worcester, Massachusetts

Transmittal Number: X241703

Approved by MassDEP-CERO: March 16, 2012

BWP SW 45 – Solid Waste Management Facility Modification – Alternative Review

Greenwood Street Sanitary Landfill – Increase in Grading and Shaping Volume

Worcester, Massachusetts

Transmittal Number: X252908

Approved by MassDEP-CERO: December 28, 2012

BWP SW 11 – Landfill Major Modification Application for Solid Waste Management Facility

Greenwood Street Sanitary Landfill – Landfill Cap Repair

Worcester, Massachusetts

Transmittal Number: X253823

Approved by MassDEP-CERO: May 17, 2013

BWP SW 45 – Solid Waste Management Facility Modification – Alternative Review

Greenwood Street Sanitary Landfill – Acceptance of Contaminated Soils from the East Park Construction Project

Worcester, Massachusetts

Transmittal Number: X257983

Approved by MassDEP-CERO: October 21, 2013

BWP SW 11 – Landfill Major Modification Application for Solid Waste Management Facility

Greenwood Street Sanitary Landfill – Landfill Cap Repair  
Worcester, Massachusetts  
Transmittal Number: X262930  
Approved by MassDEP-CERO: September 9, 2014

BRP WP 44 - Permit to Modify –Sludge Ash landfill, Upper Blackstone Water  
Pollution Abatement District Sludge Ash Landfill  
Transmittal Number: X258670  
Approved by MassDEP-CERO: September 11, 2014

BWP SW 43 – Landfill Closure Completion, Stage II  
Greenwood Street Landfill, Worcester, MA  
Transmittal Number: X237753  
Approved by MassDEP-CERO: September 21, 2015

BWP SW 43 – Landfill Closure Completion, Stage I and III  
Greenwood Street Landfill, Worcester, MA  
Transmittal Number: X268251  
Approved by MassDEP-CERO: February 25, 2016

5. Administrative Orders

ACOP-CE-15-4005  
Greenwood Street Sanitary Landfill – Landfill Cap Repair  
Height Exceedence  
Effective: March 20, 2015

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

1. Applicant Name: City of Worcester
2. Transmittal Number: X266536 (Permit No.)
3. Start Date of Application: October 26, 2016
4. Consulting Registered Professional Engineer:  
  
Brian Huntley, P.E.  
Tighe & Bond, Inc.  
53 Southampton Street  
Westfield, MA 01085
5. Title of Plans & Reports Submission to MassDEP-CERO:

“Greenwood Street Landfill Solar Project, Worcester MA, Transmittal  
Number X266536, Major Post-Closure Use Permit Application”

Prepared by: Tighe & Bond, Inc.

For: City of Worcester

Dated: October 2015

Received by MassDEP-CERO: October 23, 2015

6. Project Description: The post-closure use request is for the installation and operation of a 5.6 MW<sub>(AC)</sub>/8.16 MW<sub>(DC)</sub> solar photovoltaic (PV) array (“Solar Panel Array”) on 26 acres of the Landfill’s 52-acre footprint. The solar panels will encompass most of the Landfill’s plateau. In the Application, the Applicant proposes to construct and maintain the Solar Panel Array, which will consist of the following components:
- Approximately 29,128 photovoltaic (PV) modules on panels supported by mounted racking systems on concrete ballast blocks underlain by gravel and uncoated asphalt, brick and concrete installed above the existing surface of the capped Landfill cover system. The surface-mounted ballast blocks will not penetrate the Landfill cover system;
  - Cable trays and conduit lines from the panels mounted mostly on the racking systems and/or on above-grade pre-cast concrete ballasts which will not impact the Landfill cap. Conduits between the inverter stations and interconnection points will be installed above-grade mounted to the array ballasts. Between rows, low and medium voltage conduit or cable trays will be fastened to pre-cast concrete ballasts above ground or DURA-BLOKS (or similar) per detail 6 of sheet E-5.1 of the Application. Medium voltage conduit will be placed in a trench to run under and/or along the edge of the access road within a concrete duct bank to the utility interconnection point, per sheet E-5.1 of the Application;
  - Approximately seven, 800-kW SMA 800CP-US inverters, on four reinforced concrete electrical equipment pads located adjacent to the south side of the proposed access road on the Landfill cap;
  - One 600 kVA transformer and three 800 kVA transformers on four reinforced concrete electrical equipment pads. In addition to the transformers, each electrical equipment pad will also contain electrical panels, inverters and associated interconnect equipment. Concrete encased conduits will convey power from the equipment pads to a proposed riser pole and new transmission lines. The conduit will run beneath the access road and will travel southwest to the proposed riser pole located at the southwest corner of the Landfill footprint;
  - One utility riser pole will be installed beyond the limits of waste to allow connection to the existing local utility grid;

- A 6 foot fence with 1 foot barbed wire, for a total height of 7', that will be placed around the perimeter of the Landfill footprint; and
- An access road onto the Landfill to provide equipment access during construction, as well as for long- term maintenance of the array. Additional temporary access roads and staging areas may be required for contractor use during construction. These roads and staging areas would be constructed the same as the permanent access road shown on S-1.0 of the application plans. The locations of the additional temporary access roads and staging areas will be shown on the Issued for Construction drawings that will be submitted to MassDEP prior to the start of construction.

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

The post-closure use application complies with the application requirements set forth at 310 CMR 19.030: Application for a Solid Waste Management Facility Permit and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, and was reviewed in accordance with 310 CMR 19.038: Review Criteria for a New or Expanded Facility Permit or Permit Modification, 310 CMR 19.143: Post-closure Use of Landfills, and MassDEP's Landfill Technical Guidance Manual (May 1997). Based on the information presented in the plans and reports referenced in Section I. C. 5. above, MassDEP approves the Applicant's request for a post-closure use permit at the Greenwood Street Landfill.

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

## **III. GENERAL PERMIT CONDITIONS**

- A. Compliance with Plans** - The Permittee shall conduct operations in accordance with approved plans, reports, and other submissions described in Section I of this Permit, except as may be modified by the conditions set forth in Section IV. No material changes in the design or activities described in the approved documents shall be performed without prior written Department approval.
- B. Compliance with Other Laws and Regulations** - The Permittees shall comply with all other applicable local, state and federal laws, regulations, bylaws and ordinances, including but not limited to compliance with MEPA and 301 CMR 11.00.
- C. Standard Conditions** - The Permittees shall maintain the Facility in accordance with the conditions set forth at 310 CMR 19.007-19.011 and 19.043(5).

- D. Joint Liability** - This Permit is issued subject to the conditions of joint liability of the Permittees in accordance with 310 CMR 19.043(3).
- E. Right of Access** - MassDEP and its agents and employees shall have the right to enter upon the Facility site at all reasonable times and without notice, to inspect the Facility and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and copy records, to perform tests and to otherwise monitor compliance with this approval, or any and all permits relative to the operation of the Facility, and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and state laws and regulations, as well as any permits or other agreements between the Permittee(s) and MassDEP.
- F. Transfer** - No transfer of this permit shall be permitted except in accordance with the requirements of 310 CMR 19.044.
- G. Permit Modification** - MassDEP reserves the right to rescind, suspend or modify this Permit by the imposition of additional conditions based upon a determination of actual, or the threat of, adverse impacts from the construction, operation, maintenance or closure of the facility.
- H. Other MassDEP Permits or Approvals** - In the event this Permit conflicts with all or parts of prior plan approvals or permits issued pursuant to Chapter 111, Section 150A, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals.
- I. Notice of Landfill Operation** – Within 60 days of the date of this approval, the City of Worcester shall provide MassDEP with written proof that it has recorded in the Worcester District Registry of Deeds a Notice of Landfill Operation for the Facility, in compliance with 310 CMR 19.141.

#### IV. SPECIFIC PERMIT CONDITIONS

- A. Criteria for Post-Closure Use** - This approval for post-closure use of the Greenwood Street Landfill shall be accomplished such that the Permittee ensures that no activity associated with the Facility, or with the Solar Panel Array and appurtenances thereto as described in the Application, shall in any way alter the integrity of the Landfill cover system or any of the site environmental monitoring systems located on the site-assigned land.
- B. Other Post-Closure Use** - The Permittee shall not use the Landfill for any post-closure activity other than that approved by this permit without submittal and Department approval of a Post-Closure Use Permit Application in accordance with 310 CMR 19.143: Post-Closure Use of Landfills.



- C. Inspection and Repair of Settlement Areas** - Prior to constructing the Solar Panel Array, the Permittee shall survey any suspect settlement areas on the Landfill to determine the lowest spot. The Permittee shall then survey the surrounding area to find the “relief point” defined as the lowest surrounding area where ponded water would flow out. The elevation difference is defined as the “pond value”. For purposes of this permit, minor settlement shall be defined as a pond value of less than 12 inches. Prior to constructing the Solar Panel Array, the Permittee shall correct any area that has undergone minor settlement by the placement of additional vegetative support soil to promote runoff and shall reseed the area. The Permittee shall survey any area repaired and mark the location on a plan with the pond value. Any future settlement shall be recorded cumulatively.

If/when the total settlement reaches 12 inches the area will be considered to have suffered major settlement and the Permittee must undertake appropriate repairs to eliminate ponding. Any minor settlement repair may be done as routine maintenance, provided that the owner and/or operator reports the settlement to MassDEP and states its intent to perform repairs, and provides MassDEP with final survey (as-built) results and a summary write-up.

Major settlement is defined as a pond value of greater than 12 inches. When this occurs, the Permittee must repair the final cover system subject to MassDEP approval to prevent surface water ponding. The Permittee must submit any proposal to remedy a major settlement repair within a Corrective Action Design (BWP SW 25) permit application since disruption of the final Landfill cover system will take place and repair details must be submitted to and approved by MassDEP.

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

- D. Additional Inspections and Monitoring** - During the first year of operation of the Solar Panel Array, the Permittee shall perform inspections of the Landfill and the Landfill cover system beneath the Solar Panel Array on a monthly basis and also following major storm events. After the first year of the Solar Panel Array’s operation, these additional inspections may be incorporated into the existing Landfill inspection and monitoring program subject to MassDEP approval. In accordance with 310 CMR 19.018 and 310 CMR 19.142(6), the inspections shall be performed by a Third-Party Inspector who is registered with the Department. The Permittee shall ensure that the inspection reports are submitted to MassDEP-CERO within fourteen (14) days of the inspection.

- E. Vehicles Operating on the Landfill Final Cover System** - Vehicles operating on the Landfill final cover system shall only operate on the proposed access

road(s), except for low ground pressure construction equipment in accordance with the conditions of this permit. Low-pressure construction equipment operating off the proposed access road(s) shall limit turning on the vegetative support layer as much as possible. If MassDEP determines that the use of excavation equipment is creating the potential for damage to the Landfill's liner system, the usage of such equipment shall immediately cease upon notification by MassDEP. All operators of the vehicles entering the final cover system area shall be clearly instructed by the on-site engineer regarding the requirements of this permit prior to arrival, to avoid damage to the Landfill final cover system components. A list of low ground pressure equipment used and the pressure rating of each vehicle shall be included in the certification report required by Specific Permit Condition IV.K below.

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

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

**G. Integrity of the Final Cover System -** The Permittee shall limit all disturbances of the Landfill to the proposed installations on top of the vegetative cover of the capped Landfill that are described in the Application. No significant excavations or other penetrations shall be performed into the final cover system during construction or during operation and maintenance of the Solar Panel Array without prior MassDEP approval. The Permittee shall ensure that vehicles operating on the Landfill do not damage or compromise the Landfill final cover system integrity and that there are no penetrations of any kind of the Landfill final cover system.

**H. Construction Precautions –**

1. The Permittee shall take all necessary precautions to ensure that the proposed construction and maintenance work associated with the Solar Panel Array does not damage the environmental monitoring network at the Landfill. Prior to the commencement of construction activities, the Permittee shall ensure that environmental monitoring locations are flagged for visibility and protective barriers are placed around such structures, as needed, to prevent damage by vehicles accessing the area. If any damage occurs to the environmental monitoring network components, the Permittee or their contractor(s) shall notify James McQuade, Section Chief, MassDEP - CERO at 508 767-2759 within 24 hours and provide a written plan for repairs, including a schedule.

2. The Permittee shall take all necessary precautions to protect the Landfill storm water control system, including but not limited to swales, structures, and any and

all conveyance systems. If any damage occurs to the storm water control system, the Permittee or their contractor(s) shall notify James McQuade, Section Chief, MassDEP - CERO at 508 767-2759 within 24 hours and provide a written plan for repairs, including a schedule.

3. This Permit requires that any inverter/ transformer pad or appurtenances must be designed so as not to create a potential fire safety hazard. Potential design features may include but are not limited to the installation of fully sealed conduits, explosion proof connections, and fittings. The Permittee shall also ensure that utility trenches are designed so they do not act as a conduit for landfill gas migration.

4. All excavations and construction shall be supervised by a Massachusetts Registered Professional Engineer who shall have sufficient staff on-site to provide quality assurance/quality control (QA/QC) oversight for all construction work associated with the project. The Permittee shall report any erosion problems, settlement problems, security or other issues observed at the Landfill to James McQuade, Section Chief, MassDEP-CERO at 508 767-2759 and repair them immediately.

- I. Array Setbacks:** The Permittee shall maintain a minimum ten (10) foot radius buffer between the closest edge of the Solar Panel Array and all landfill gas vents.
- J. Notification of Construction** - The Applicant shall notify MassDEP in writing when the post-closure use construction authorized by this permit commences and is completed.
- K. Certification Report** - Within ninety (90) days of completing the installation of the Solar Panel Array, the Permittee shall provide MassDEP with a certification report. All construction work shall be completed under the supervision of a Massachusetts Registered Professional Engineer who shall have sufficient staff on-site to provide quality assurance/quality control (QA/QC) oversight for all construction work associated with the project. The certification report shall be signed and stamped by a Massachusetts Registered Professional Engineer and include, at a minimum, written certification from the supervising engineer that the project was performed in accordance with MassDEP regulations, applicable requirements and this Permit. The certification report shall include as-built drawings depicting all pertinent site features and the extent of the Facility, Solar Panel Array and appurtenances thereto.
- L. Personnel Training** - The Permittee and its contractor(s) shall instruct all Solar Panel Array construction and maintenance personnel regarding the potential hazards associated with landfill gas and shall instruct or give on-the-job training to all personnel involved in any activity authorized by this Permit. Such instruction or on-the-job training shall teach personnel how to comply with the

conditions of this Permit to carry out the authorized activity in a manner that is not hazardous to public health, safety, welfare or the environment. Training shall be provided to workers conducting monitoring and maintenance activities for the Landfill regarding potential hazards associated with the Solar Panel Array, including but not limited to electrical hazards.

- M. Health and Safety** - The Permittee and its contractor(s) are responsible for ensuring that all necessary precautions are taken to protect the health and safety of workers and the general public during construction, operation, and maintenance of the Solar Panel Array.
- N. Proposed Inverter/Transformer Pad and Interconnection Equipment** - The Permittee shall ensure that a copy of the final design for the transformer pad and any other electrical and protective switchgear (interconnection equipment) for the Solar Panel Array project is submitted to MassDEP for its files within 15 days of construction. The Permittee and its contractor(s) are responsible for ensuring that utilities/structures will not accumulate landfill gas during construction and operation of the Solar Panel Array.
- O. Electrical Design Plans** - The Permittee shall submit construction electrical design plans stamped by a Registered Massachusetts Electrical Engineer to MassDEP for its files within 15 days of construction. The electrical design, including the grounding design, shall meet applicable National Electrical Code (NEC) and local electrical code requirements including but not limited to Article 690 – “Solar Photovoltaic (PV) Systems” of the NEC (2011 Edition). If any grounding rods are installed as part of the grounding system, the rods shall not be driven through the Landfill final cover system.
- P. Landfill Gas Notification Requirements –**
1. As specified in solid waste management regulations at 310 CMR 19.132 (5) (g): Gas Monitoring,
- 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 at the Facility, excluding gas control, gas recovery and leachate collection system components, the Permittee shall:
- a) take immediate action to protect human health and safety;
  - b) notify the Department’s Solid Waste Section Chief, James McQuade at 508 767-2759 within two hours of the finding; and
  - c) 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.

2. Pursuant to 310 CMR 40.0321(1)(a), if at any time, monitoring detects the presence of any combustible gases at or in excess of 10% of the LEL at any location within a building or within any utility conduits at the Facility, the owner/operator of the Facility shall notify the local fire department and MassDEP's Bureau of Waste Site Cleanup-Emergency Response Section at 888-304-1133 within two (2) hours of the exceedance.

- Q. Post-Closure Environmental Monitoring** - The Permittee shall maintain the existing and/or any future environmental control or monitoring systems, including the monitoring of the Landfill settlement plates, in accordance with 310 CMR 19.133: Maintenance of Environmental Control and Monitoring Systems.
- R. Site Security** - The Permittee is required to provide sufficient fences or other barriers to prevent unauthorized access to the Landfill. The owner/operator must continually monitor and evaluate the potential for unauthorized access to the Landfill and institute all appropriate measures to prevent unauthorized access during the post-closure period.
- S. Decommissioning Plan** - If the proposed Solar Panel Array project is abandoned, during or after completion of construction, the Applicant shall submit to MassDEP for review and prior approval a detailed decommissioning and site restoration plan, which includes, at a minimum: dismantling and removal of all panels and supporting equipment, transformers, overhead cables, foundations and buildings; and restoration of the roads to restore the Landfill to substantially the same physical condition that existed prior to post-closure use construction.
- T. Stormwater Management** - Stormwater shall be managed in a manner to prevent erosion and flooding both on-site and off-site. Any modifications to the existing stormwater controls shall require prior MassDEP approval.
- U. Other Requirements** - The Permittee and its contractor(s) are responsible to ensure that the proposed work complies with all applicable local, state and federal codes, requirements, conditions, determinations, regulations and permits.

## **V. RIGHT OF APPEAL**

- A. Review of Decision** - Pursuant to 310 CMR 19.033(4)(b), if an Applicant is aggrieved by MassDEP's decision to issue this Permit, it may within twenty-one (21) days of the date of issuance of MassDEP's permit decision file a written request, with the appropriate regional office of MassDEP, that the permit decision be deemed a provisional decision, and a written statement of the basis on which the Applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the permit decision shall be deemed a provisional decision. Such a request shall reopen the administrative record, and MassDEP shall issue a final permit decision after the end of the comment period.

**Failure by an applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute a waiver of the applicant's right to appeal.**

- B. Right to Appeal** - Any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said permit decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A not later than thirty (30) days following the date of issuance of the final Permit decision to the Applicant. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the final permit decision by a court of competent jurisdiction, the final permit decision shall be effective in accordance with 310 CMR 19.033(3).
- C. Notice of Appeal** - Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP file number (Transmittal No. X266536) 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 that processed the permit application at least five (5) days prior to the filing of an appeal.

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

and

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

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

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.

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James A. McQuade  
Section Chief  
Solid Waste Management Program