



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

August 11, 2017

Mr. Vincent Barletta  
TLA-Holbrook, LLC  
40 Shawmut Road  
Canton, MA 02021

Town of Holbrook  
Board of Health  
50 North Franklin Street  
Holbrook, MA 02343

RE: **HOLBROOK**  
TLA-Holbrook, LLC Municipal Solid Waste  
Handling and Transfer Facility  
3 Phillips Road and 6 Phillips Road

**REPORT ON SUITABILITY  
FOR SITE ASSIGNMENT**  
Application # BWPSW01  
Transmittal Number: #X273727  
Facility No. 558260

Dear Mr. Barletta and Board of Health Members:

The Massachusetts Department of Environmental Protection, Bureau of Air and Waste, Solid Waste Management Section ("MassDEP" or the "Department"), has completed its Technical Review of the permit application ("Application") listed above. The Application was submitted on your behalf by Green Seal Environmental, Sagamore Beach, Massachusetts and received by MassDEP on April 25, 2017. MassDEP reviewed the Application under the provisions of 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities." TLA-Holbrook, LLC ("TLA" or the "Applicant"), proposes to construct and operate a 1,000 ton-per-day ("tpd") municipal solid waste ("MSW") handling and transfer facility at 3 Phillips Road and 6 Phillips Road in Holbrook, Massachusetts and proposes to site assign property located at 3 Phillips Road and at 6 Phillips Road, Holbrook, Massachusetts.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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The Application consists of the document entitled:

**TLA Holbrook, LLC  
Site Suitability Application – BWP SW-01  
MSW Handling and Transfer Facility  
3 & 6 Phillips Road  
Holbrook, Massachusetts  
April 2017**

MassDEP assigned Report Number 133-003-A to this permit Application.

On May 18, 2017, MassDEP determined the Application was Administratively Complete. Pursuant to the provisions of M.G.L. c.111, §§150A & 150A1/2 and 310 CMR 16.00, Public Notice was required to be given concerning the proposed solid waste site assignment, in order to initiate and provide a twenty-one (21) day public comment period for any concerned or interested persons regarding the proposed site assignment. According to the provisions of 310 CMR 16.00, the public comment period would commence on the date by which “proof” of public notice was submitted to MassDEP. On June 12, 2017, MassDEP received documentation that public notice was published in English and Spanish in the *Canton Journal*, the *Holbrook Sun*, the *Randolph Herald* and the *Stoughton Journal* on May 26, 2017, and that notice was published in the June 7, 2017, Massachusetts Environmental Policy Act (“MEPA”) Environmental Monitor, and that abutters were notified via US Mail. Accordingly, the public comment period commenced on June 12, and ended on July 3, 2017.

The Applicant provided copies of the Application for public review, which are located in the Holbrook Public Library and the Turner Free Library in Randolph, and published notification of the Application in English and Spanish in the *Canton Journal*, the *Holbrook Sun*, the *Randolph Herald* and the *Stoughton Journal*. MassDEP accepted public comments for a period of twenty-one days via US Mail and via electronic-mail.

During the public comment period, MassDEP received correspondence from interested parties including state officials, local officials and private citizens. MassDEP reviewed these comments, provided copies of all comment correspondence received during the public comment period to the Applicant and the Holbrook Board of Health via electronic-mail. On July 11, 2017, MassDEP issued correspondence to the Applicant requesting a formal response to the public comments. On July 24, 2017, and on August 4, 2017, the Applicant submitted responses to the public comments.

MassDEP continued to receive additional public comment letters, which have been appended to the Record, after the July 3, 2017 close of the comment period.

With respect to Environmental Justice (“EJ”), MassDEP has determined that the proposed location to be site assigned is not directly located within an area with an EJ Population, but EJ Populations reside in areas of Randolph and Holbrook immediately adjacent to the proposed Site. In addition, the Randolph Board of Health requested that public notice of the Application be

published in additional foreign languages. Given that the 2017 Application was the subject of additional MEPA review and MassDEP received hundreds of public comments on the original 2014 site suitability application in 2014 and hundreds of additional comments on the 2017 Application, MassDEP is of the opinion that knowledge of the proposed Facility among residents within the Towns of Holbrook and Randolph is adequate. In deference to the Town of Randolph's request, and given the requirement to commence its public hearing within 30 days, MassDEP recommends that the Holbrook Board of Health publish public notice of the required public hearing in English and in applicable foreign languages (Vietnamese and Haitian Creole as suggested by the Town of Randolph and Spanish and Mandarin as indicated by the 2011-2015 American Communities Survey) and publish public notice in available foreign language newspapers circulated in these communities to advise all residents in the Towns of Randolph and Holbrook of the public hearing.

In addition, MassDEP will post notice of its issuance of this Site Suitability Report and information regarding the required Holbrook Board of Health public hearing on its Environmental Justice web site (refer to web page link at <http://www.mass.gov/eea/agencies/massdep/service/justice/>) and MassDEP's Southeast Regional Office's web site (refer to web page link at <http://www.mass.gov/eea/agencies/massdep/about/contacts/tla-holbrook-llc.html>), and provide all community groups, news outlets, and alternative media outlets identified by the Towns of Randolph, Holbrook, Avon and Braintree, other public officials, civic groups, and the general public with an electronic copy of MassDEP's "Report on Suitability, Report #133-003-A" and information regarding the Holbrook Board of Health public hearing upon request.

On September 2, 2015, MassDEP's Commissioner and other MassDEP officials met with several state representatives and local officials, including the towns of Braintree, Randolph and Avon, in Holbrook during which the parties expressed their concerns regarding the proposed 2014 site suitability report application. MassDEP's Commissioner held a second meeting with public officials regarding the 2017 Application on August 8, 2017.

Pursuant to 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities," and as detailed in its Report on Suitability, Report #133-003-A enclosed herein, MassDEP has determined that sufficient information exists to allow MassDEP to make a determination that the Site meets all applicable criteria for site suitability for the proposed use. Attached is the Report on Suitability, Report #133-003-A, prepared by MassDEP.

MassDEP has made a positive determination of suitability and hereby issues the Report on Suitability, Report #133-003-A for the proposed TLA-Holbrook, LLC MSW Handling and Transfer Facility under the authority of M.G.L. c. 111, ss. 150A and 150A½, as amended and 310 CMR 16.00. Pursuant to 310 CMR 16.15(2), the Holbrook Board of Health shall hold a public hearing on the Application pursuant to 310 CMR 16.20; *Public Hearing Rules*.

If you have any questions regarding this determination, please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 or at the letterhead address. In any correspondence regarding this Application, please refer to Transmittal #X273727 and Report Number 133-003-A.

Yours Very Truly,

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  
Bureau of Air and Waste  
Solid Waste Management Section

D/DC/

CERTIFIED MAIL # 7016 0750 0000 1748 6697 Holbrook Board of Health  
CERTIFIED MAIL # 7016 0750 0000 9313 0965 TLA Holbrook, LLC.

Attachment: **REPORT ON SUITABILITY, REPORT #133-003-A**

cc: Massachusetts Department of Public Health  
Bureau of Environmental Health Services  
250 Washington Street, 7th Floor  
Boston, MA 02108

Town of Holbrook Board of Selectmen  
50 N. Franklin Street  
Holbrook, MA 02343

Town of Randolph Board of Health  
41 South Main Street  
Randolph, MA 02368

Town of Randolph Town Manager  
41 South Main Street  
Randolph, MA 02368

Avon Board of Selectmen  
32 East Main Street  
Avon, MA 02322

Avon Board of Health  
32 East Main Street  
Avon, MA 02322

cc: Daniel R. Deutsch, Esq.  
Deutsch/Williams  
One Design Center Place  
Boston, MA 02210

Holbrook Public Library  
2 Plymouth Street  
Holbrook, MA 02343

Turner Free Library  
2 North Main Street  
Randolph, MA 02368

ec: TLA Holbrook, LLC  
[hsites@barlettaco.com](mailto:hsites@barlettaco.com)

Beveridge & Diamond<sub>PC</sub>  
[MGoldstein@bdlaw.com](mailto:MGoldstein@bdlaw.com)  
[BLevey@bdlaw.com](mailto:BLevey@bdlaw.com)

DEP/Boston  
ATTN: R. Blanchet

DEP-Lakeville  
M. Garcia-Serrano  
M. Pinaud  
M. Dakers  
D. Connick





**Massachusetts Department of Environmental Protection**  
**One Winter Street, Boston MA 02108 • Phone: 617-292-5751**

**Communication For Non-English Speaking Parties** - 310 CMR 1.03(5)(a)



**1 English:**

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



**2 Español (Spanish):**

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, por favor póngase en contacto con el Director de Diversidad MassDEP a los números de teléfono que aparecen más abajo.



**3 Português (Portuguese):**

Este documento é importante e deve ser traduzida imediatamente. Se você precisa deste documento traduzido, por favor, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



**4(a) 中國（傳統）(Chinese (Traditional)):**

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與MassDEP的多樣性總監聯繫。



**4(b) 中国（简体中文）(Chinese (Simplified)):**

本文件非常重要，应立即翻译。如果您需要翻译这份文件，请用下面列出的电话号码与MassDEP的多样性总监联系。



**5 Ayisyen (franse kreyòl) (Haitian) (French Creole):**

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



**6 Việt (Vietnamese):**

Tài liệu này là rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc MassDEP đa dạng tại các số điện thoại được liệt kê dưới đây.



**7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):**

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងភ្នាក់ងារជាតិរបស់ MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



**8 Kriolu Kabuverdianu (Cape Verdean):**

*Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Diretor de Diversidade na MassDEP's pa es numero indicode li d'boche.*



**9 Русский язык (Russian):**

Этот документ должен быть немедленно. Если вам нужна помощь при переводе, свяжитесь пожалуйста с директором по этике и разнообразию в MassDEP по телефону указанному ниже.

Contact Michelle Waters-Ekanem, Diversity Director/Civil Rights: 617-292-5751 TTY# MassRelay Service 1-800-439-2370. <http://www.mass.gov/eea/agencies/massdep/service/justice/>  
 (Version 1.9.17)



**10 العربية (Arabic):**

هذه الوثيقة الهامة وينبغي أن تترجم على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال مدير التنوع في MassDEP على أرقام الهواتف المدرجة أدناه.

**11 한국어 (Korean):**

이 문서는 중요하고 즉시 번역해야 합니다. 당신이 번역이 문서가 필요하다면 아래의 전화 번호로 MassDEP의 다양성 감독에 문의하시기 바랍니다.

**12 հայերեն (Armenian):**

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորև.

**13 فارسی (Farsi [Persian]):**

این سند مهم است و باید فوراً ترجمه شده است.

اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر MassDEP در شماره تلفن های ذکر شده در زیر.

**14 Français (French):**

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.

**15 Deutsch (German):**

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Wenn Sie dieses Dokument übersetzt benötigen, wenden Sie sich bitte Diversity Director MassDEP die in den unten aufgeführten Telefonnummern.

**16 Ελληνική (Greek):**

Το έγγραφο αυτό είναι σημαντικό και θα πρέπει να μεταφραστούν αμέσως. Αν χρειάζεστε αυτό το έγγραφο μεταφράζεται, παρακαλούμε επικοινωνήστε Diversity Director MassDEP κατά τους αριθμούς τηλεφώνου που αναγράφεται πιο κάτω.

**17 Italiano (Italian):**

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare la diversità Direttore di MassDEP ai numeri di telefono elencati di seguito.

**18 Język Polski (Polish):**

Dokument ten jest ważny i powinien być natychmiast przetłumaczone. Jeśli potrzebujesz tego dokumentu tłumaczone, prosimy o kontakt z Dyrektorem MassDEP w różnorodności na numery telefonów wymienionych poniżej.

**19 हिन्दी (Hindi):**

यह दस्तावेज़ महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. आप अनुवाद इस दस्तावेज़ की जरूरत है, नीचे सूचीबद्ध फोन नंबरों पर MassDEP की विविधता निदेशक से संपर्क करें.



**REPORT ON SUITABILITY**

**REPORT #133-003-A**

**Prepared by:**

**Massachusetts Department of Environmental Protection  
Bureau of Air and Waste  
Solid Waste Management Section  
Southeast Regional Office  
Lakeville, Massachusetts**

**August 11, 2017**

## **REPORT ON SUITABILITY**

### **APPLICANT**

TLA-Holbrook LLC  
40 Shawmut Road  
Canton, Massachusetts 02021

#### **Application Prepared by:**

Green Seal Environmental  
114 State Road, Building B  
Sagamore Beach, Massachusetts 02562

and

Beveridge & Diamond<sub>PC</sub>  
15 Walnut Street, Suite 40  
Wellesley, Massachusetts 02481

### **LOCATION OF PROPOSED FACILITY**

3 Phillips Road and 6 Phillips Road  
Holbrook, Massachusetts

### **TYPE OF PROPOSED FACILITY**

Solid Waste Handling Facility ("Facility")  
for Municipal Solid Waste  
(Maximum Capacity of 1,000 tons per day)

The Massachusetts Department of Environmental Protection, Bureau of Air and Waste, Solid Waste Management Section ("Department" or "MassDEP"), has prepared this report on the above referenced application ("Application") pursuant to the authority granted by Massachusetts General Laws, c. 111, §§ 150A & 150A1/2 and 310 CMR 16.00, *Site Assignment Regulations for Solid Waste Facilities*.

MassDEP has determined that the Application, as submitted, supplemented and amended by information referenced in this report, contains sufficient information to allow the MassDEP to determine whether the Site meets the criteria set forth in 310 CMR 16.00.

## **I. INTRODUCTION**

TLA-Holbrook, LLC (“TLA” or the “Applicant”), 40 Shawmut Road, Canton, Massachusetts, 02021 proposes to construct and operate a 1,000 tons per day (“tpd”) Municipal Solid Waste (“MSW”) handling and transfer facility (“the “Facility”) at 3 Phillips Road and 6 Phillips Road, Holbrook Massachusetts. Pursuant to M.G.L. c. 111, §§ 150A and 150A1/2 and 310 CMR 16.00, on April 25, 2017, TLA submitted an application to MassDEP for a determination of the suitability of the site, BWP SW 01 – “Site Suitability Report for a New Site Assignment”, Transmittal Number X273727, (the “Application”), for the proposed Facility. The Application includes reports, prepared by Green Seal Environmental, entitled “TLA-Holbrook, LLC Site Suitability Application-BWP SW-01” (Record #1) and other supplemental information.

The property proposed to be site assigned (the “Site”) consists of two land parcels totaling 14.85 acres. The first parcel occupies 11.17 acres of land owned by the Town of Holbrook located at 3 Phillips Road and shown as Parcel A on the proposed Conditions Plan - Exterior. (Record #34). The land is leased by TLA pursuant to a Lease and Host Community Agreement and certain assignments of that Lease to TLA. (Records #1 and 2). An additional 3.68 acre parcel of land, owned by Six Phillips Road Trust and shown as Parcel B on the proposed Conditions Plan - Exterior (Record #34), is leased to TLA (Records #1 and 3) and is also proposed by TLA to be included in the site assignment. TLA states that the Six Phillips Road Trust parcel will only be used as an access road and not for any waste handling activity. (Record #15). The proposed Site is located in an industrial park in the Holbrook Industrial District. (Record #31).

The Applicant intends for the proposed Facility to accept MSW delivered by truck for sorting and transfer onto rail cars and/or transfer trailer for transport to various locations throughout the country for disposal and/or recycling. With the exception of a proposed solid waste and recyclable materials drop-off area for Holbrook residents, all unloading sorting and loading onto rail cars and/or trucks will occur within the interior of a 22,300 square foot building.

The “handling area” as defined by 310 CMR 16.02, on the Site will be limited to the designated area within the proposed Facility waste transfer building and at the designated area at the residential drop off area. These waste handling areas are shown on the proposed Conditions Plan - Exterior. (Record #34)

As proposed, the Facility will accept up to 1,000 tpd of MSW and will operate 6 days per week, Monday through Saturday. TLA proposes to accept waste deliveries between 6:00 AM and 6:00 PM Monday through Friday and 6:00 AM and 1:00 PM on Saturday. On-Site activities other than the receipt of waste (e.g., outbound loading, clean-up, and maintenance) are proposed until 9:00 PM. (Record #1).

Part of the 3 Phillips Road property, including part of the waste transfer building location, is a state-listed Tier 2 disposal site assigned MassDEP Release Tracking Number (“RTN”) 4-3024519, which will be remediated under the Massachusetts Contingency Plan (“MCP”) 310 CMR 40.0000 as part of the redevelopment of the Site for the proposed Facility. (Record #1).

Approximately 2.1 acres of the 3 Phillips Road property is part of the Baird & McGuire Superfund Site. (Record #1). In an August 12, 2015 correspondence copied to MassDEP, the United States Environmental Protection Agency ("US EPA") committed to work with the Town of Holbrook and TLA Holbrook, LLC to ensure that redevelopment at the 3 Phillips Road property will not interfere with or compromise the remediation and cleanup of the Baird & McGuire Superfund Site. (Record #56).

Pursuant to the provisions of 310 CMR 11.00, an Expanded Environmental Notification Form ("EENF") was submitted to the Executive Office of Energy and Environmental Affairs ("EEA") and filing of the EENF was published in the Environmental Monitor on November 21, 2012. On January 25, 2013, EEA issued a Certificate of the Secretary of Energy and Environmental Affairs stating that the proposed project does not require filing of an Environmental Impact Report. (Record #5). On April 14, 2017, EEA issued correspondence regarding a Request for Advisory Opinion stating that additional MEPA review was not warranted. (Record #6).

The Applicant previously submitted an application for Site Suitability on June 14, 2014. Due to the Applicant's revisions to the proposed Facility design, the Applicant withdrew that original application and submitted the current Application on April 25, 2017. The Applicant has included original application information, revised information, and responses to comments on the original application in the current Application. MassDEP has noted that some of the responses to comments on the original application are not applicable to the current Application due to the design changes in the Application.

## **II. STATEMENT OF FACTS AND FINDINGS**

### **FACILITY-SPECIFIC SITE SUITABILITY CRITERIA** **CRITERIA FOR SOLID WASTE HANDLING FACILITIES** **{310 CMR 16.40(3)(d)}**

1. **Criterion at 310 CMR 16.40(3)(d)(1) Zone 1:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone I of a public water supply;

The Applicant states that the area proposed to be site assigned is not within the Zone 1 of a public water supply well. (Record #1). The Applicant submitted a Water Resources Plan illustrating the Zone 1 areas within one-half mile of the Site. (Record #29). MassDEP establishes Zone I areas as the area encompassed by a protective radius of 400 feet around a public water system well with a yield of 100,000 gallons per day or greater. The Water Resources Plan indicates there are no Zone 1 areas within the proposed waste handling area or in the proposed site assigned area. Three public water supply wells are shown on the Water Resources Plan, the closest being approximately 920 feet from the Site.

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone 1 of an existing water supply and the Site meets this criterion.

2. **Criterion at 310 CMR 16.40(3)(d)(2) Interim Wellhead Protection Areas and Zone II:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well or within a proposed drinking water source area.

The Applicant states that the area proposed to be site assigned is not within an Interim Wellhead Protection Areas or the Zone II of a public water supply well. (Record #1). The Applicant submitted a June 10, 2014, correspondence from the MassDEP's Southeast Regional Office, Regional Director approving the Conceptual Zone II Delineation of the Randolph-Holbrook Joint Water Board's South Street Well #1, South Street Well #2, and South Street Well #3 (Record #24) and a Zone I and Conceptual Zone II Delineation Plan. (Record #32). This delineation supersedes the Interim Wellhead Protection Areas previously established for these wells, as shown on Massachusetts Geographic Information Systems ("MassGIS") maps: Regulated Areas – Water Related data layer, which is to be updated.

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone II or Interim Wellhead Protection Area (IWPA) of an existing public water supply well or within a proposed drinking water source area and the Site meets this criterion.

3. **Criterion at 310 CMR 16.40(3)(d)(3) Zone A of a Surface Water Drinking Supply:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Zone A of a surface drinking water supply.

The Applicant states that the proposed waste handling area is not within a Zone A of surface drinking water supply. (Record #1). The Applicant submitted a Water Resources Plan which depicts surface water supply watershed boundaries to illustrate that this criterion is met. (Record #29).

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within the Zone A of a surface drinking water supply and the Site meets this criterion.

4. **Criterion at 310 CMR 16.40(3)(d)(4) Existing or Potential Private Water Supply Well:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application.

The Applicant states that there are no known existing private water supply wells within 500 feet of the proposed waste handling area (Record #1), as indicated on the Water Resources Plan. (Record #29). The Applicant states that the area in the vicinity of the Site is served by a public water supply system. (Record #1).

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within 500 feet upgradient, and where not upgradient, within 250 feet, of either an existing or potential private water supply well that is existing or established as a Potential Private Water Supply, and the Site meets this criterion.

5. **Criterion at 310 CMR 16.40(3)(d)(5)(b) Sensitive Receptors:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area of a transfer facility that proposes to receive greater than 50 tons per day of solid waste is 500 feet from:
- i. an occupied residential dwelling; or
  - ii. a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center, excluding equipment storage or maintenance structures.

The Applicant states that there are no occupied residential dwellings, prisons, health care facilities, elementary schools, middle schools, high schools, day care centers, or senior or youth centers within 500 feet of the proposed waste handling area. (Record #1). The Applicant submitted a Land Use Plan depicting the locations of sensitive receptors within ½ mile of the proposed Facility. (Record #30). The Applicant submitted a Property Identification and Zoning Map showing a 100 foot offset line from the waste handling areas, a 500 foot offset line from the waste handling areas and locations of the nearest residences. (Record #31). The Applicant also submitted a proposed Conditions Plan – Exterior, depicting the waste handling areas and the 500 foot residential setback. (Record #34).

**MassDEP's Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within 500 feet from an occupied residential dwelling, prison, health care facility, elementary school, middle school, high school, children's preschool, licensed day care center, senior center or youth center and the Site meets this criterion.



6. **Criterion at 310 CMR 16.40(3)(d)(6) Riverfront Area:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the waste handling area would be within the Riverfront Area as defined at 310 CMR 10.00.

The Applicant states the proposed waste handling areas are not within the Riverfront Area as defined at 310 CMR 10.00. The Applicant states that the closest river shown on the current United States Geological Survey (“USGS”) map is the Cochato River, which abuts the eastern boundary of the Site. (Record #1). The Applicant submitted a proposed Conditions Plan – Exterior, depicting the waste handling areas and the Riverfront Area of the Cochato River. (Record #34). As indicated on this Plan, the waste transfer building lies approximately 50 feet outside the Riverfront Area and the residential waste handling area lies immediately adjacent to, but outside, the Riverfront Area. Some access roads and parking areas, which are not restricted from the Riverfront Area, lie within the Riverfront Area.

**MassDEP’s Finding:**

MassDEP has determined that the waste handling areas proposed in the Application will not be located within a Riverfront Area and the Site meets this criterion.

7. **Criterion at 310 CMR 16.40(3)(d)(7) Separation to Maximum High Groundwater:** No site shall be determined to be suitable or be assigned as a solid waste handling facility where the maximum high groundwater table would be within two feet of the ground surface in areas where waste handling is to occur unless it is demonstrated that a two foot separation can be designed to the satisfaction of the Department.

The Applicant states that the proposed Facility will maintain at least a two-foot separation between the maximum high groundwater elevation and the waste handling area. The Applicant developed a ground water contour map using data from historical on-Site investigations and well gauging data from the adjacent Baird & McGuire Superfund Site and determined the estimated maximum groundwater elevation slopes easterly from a high value of 128 feet at the southwest corner of the building to a low of 124 feet at the northeast corner of the building. (Records #8, 44, and 45).

As shown on the Applicant’s proposed Conditions Plan – Interior, the proposed slab elevations where railcars and live floor trailers will enter the waste transfer building for waste loading has a proposed slab elevation of 131 feet and the remainder of the building has a proposed slab elevation of 134 feet. (Record #35). The Applicant states these slab elevations provide for a minimum groundwater separation of greater than the required minimum two feet.

Residual liquid waste will be collected in a trench drain system that will be installed in front of the ingress and egress doorways and pumped into an above-ground holding tank. The Applicant states that the trench drain system will have an invert at the northeast corner at an elevation of 130.5 feet, approximately three feet above the relevant

maximum high groundwater level in that area. The lowest point of the trench drain system is the midpoint of the north wall where a trench drain catch basin and sump pump will be installed. The invert elevation of the catch basin will be approximately 129.3 feet, which is 3.1 feet above the relevant maximum water table elevation of 126.2 feet in that area. (Record #45).

The Applicant estimated the groundwater elevation under the proposed residential drop-off area slab as approximately 121 feet compared to a proposed surface elevation of approximately 132 feet and stated the area will meet the required two-foot separation of the waste handling area. (Record #45).

**MassDEP's Finding:**

Pursuant to 310 CMR 16.40(1)(c), site suitability applications shall be evaluated with the presumption that the proposed facility shall be designed and constructed to meet all relevant state and federal statutory, regulatory and policy requirements. The review of an application does not consider detailed facility design or operations except where:

- a) the Department determines that specific design or operation plans or data are necessary to determine whether potential discharges or emissions from the proposed facility could render the site not suitable and requires the applicant to submit such relevant and detailed information; or
- b) the applicant intends to alter the site or design the facility to meet specific site suitability criteria and submits such plans or other information as the Department deems necessary to determine if the criteria are satisfied.

MassDEP has determined that although specific design information for the waste transfer building construction, including the floor drains, has not been included in the Application, sufficient information has been submitted to determine that the waste transfer building, including the floor drains, and the residential drop-off area can be designed to meet the requirement for a two-foot separation between the waste handling areas and the maximum high groundwater level.

MassDEP has determined that the proposed waste handling areas at the transfer building and residential drop-off area and appurtenances can be designed to provide a two-foot separation between the maximum high groundwater table and waste handling areas and that the Site meets this criterion.

**GENERAL SITE SUITABILITY CRITERIA**  
**CRITERIA FOR ALL TYPES OF SOLID WASTE MANAGEMENT FACILITIES**  
**310 CMR 16.40(4)**

1. **Criterion at 310 CMR 16.40(4)(a) Agricultural Lands:** No site shall be determined to be suitable or be assigned as a solid waste management facility where:
  1. the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or
  2. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and
  3. a 100 foot buffer would not be present between the facility and those lands as classified at 310 CMR 16.40(4)(a)1 or 2.

United States Department of Agriculture (“USDA”), Natural Resources Conservation Service (“NRCS”) mapping shows the presence of soil types associated with Prime, Unique, or State and Local Importance farmland designations in the MassGIS on portions of the Site and the 100-foot buffer. (Record #30). TLA retained Apex Companies, LLC (“Apex”), as a certified soil scientist to ascertain the current accuracy of the historic USDA soil mapping information. (Records #1, 25, 44, and 47).

Apex, assisted by Eco Tech, Inc., performed two site visits to characterize the soil mapping units and submitted a report. The survey area included land at 3 Phillips Road, 6 Phillips Road and portions of the adjacent Baird & McGuire Superfund Site.

The soil scientist conducted onsite surveys and generated a report including two figures and photographs. (Record #26). The first figure entitled “Existing Conditions Site Plan - Detailed Soil Survey Results” presents a plan of the Detailed Soil Survey findings. The second figure entitled “Overlay of Detailed Soil Survey Results on Prior NCS Soil Survey” provides an overlay of Apex’s findings on the NRCS survey. The Apex report concludes that no Agricultural Land of Prime, Unique, or of State or Local Importance exists on the Site or within a 100-foot buffer of the property line of the Site.

The Applicant further determined that the proposed Site and adjacent property are not actively devoted to agricultural or horticultural use. (Records #1 and 25).

The Applicant stated that part of the Site is a state-listed Tier 2 disposal site assigned MassDEP RTN 4-3024519. The Tier 2 disposal site will be remediated under the Massachusetts Contingency Plan 310 CMR 40.0000. (Record #1).

**MassDEP’s Finding:**

MassDEP has determined that the proposed Site meets this criterion. MassDEP’s finding is based on a number of factors: First, the presence of the Baird & McGuire Superfund Site and associated contamination and site remediation render the Site inappropriate for most agricultural uses. Second, the report of the soil

scientists describes extensive disturbance of the area from remediation activities, a rail line (now abandoned), construction of a soil berm, and historic soil removal. The report of the soil scientists also indicates the disturbed areas contain urban fill not typical of prime farmland soils or of Unique, State or Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service. Finally, the general vicinity of the proposed Site is generally a built-up area in which one is not likely to encounter commercial agriculture or horticulture activity described in M.G.L. 61A, section 3 (from which the phrase “land actively devoted to agricultural or horticultural uses” is derived).

2. **Criterion at 310 CMR 16.40(4)(b) Traffic and Access to the Site:** No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:

1. traffic congestion;
2. pedestrian and vehicular safety;
3. road configurations;
4. alternate routes; and
5. vehicle emissions.

1. **Traffic Congestion:** The Applicant submitted a Traffic Impact and Access Study (the “Traffic Study”) performed by Ron Muller & Associates (“RMA”), dated November 9, 2012. (Record #10). In response to comments on the Traffic Study by a consultant engaged by the Holbrook Planning Board, supplemental traffic study information was collected and reported including: a July 9, 2013, “Response to Peer Review Comments” (Record #11); an August 21, 2013, “Additional Accident Investigation”(Record #12); an October 9, 2013, “Follow-up Traffic Counts/Analysis” (Record #13); and a November 12, 2015, “Additional Waste Transfer Station Counts” report (Record #14). In response to MassDEP comments, the Applicant submitted an August 7, 2015, Response to Public Comments (Record #15); an August 10, 2015 “Supplemental Response to Public Comments” (Record #16); and an August 19, 2015 supplemental Traffic Level-of-Service Analysis Summary. (Record #17).

The Applicant based an initial traffic evaluation on the assumption that the proposed Facility would operate at a maximum waste acceptance rate of 1,000 tons per day, accept waste in packer trucks ranging from 6 to 10 tons of waste per truck, and accept tractor trailers averaging 28 tons of waste per truck, with an overall estimated average incoming waste load of 12 tons. Accordingly, the proposed acceptance of 1,000 tons of waste would require approximately 84 incoming trucks per day or 7 trucks per hour over a 12 hour waste acceptance period. (Records #10 and 15).

The Applicant proposes to transport outgoing waste primarily by rail and by trailer truck if there is a disruption in rail service or short term economics dictate the use of trucks. (Record #49). Based on transporting outgoing waste in tractor trailers with a 28 ton

capacity, 1,000 tons of waste per day would require approximately 36 trucks per day to transfer waste off-site, or 3 trucks per hour over a 12-hour period.

For the purpose of the initial Traffic Study peak traffic hour evaluations, the Applicant doubled the daily average number of incoming waste hauling vehicles to 14 trucks per hour. The Applicant assumed 28 vehicle trips per hour based on 14 trucks delivering solid waste, 6 vehicle trips per hour for 3 trucks removing solid waste, and 3 employee arrivals or departures during the weekday morning (“AM”) and afternoon (“PM”) peak hours. For the purpose of the traffic study, the Applicant assumed that all processed waste will be removed from the Site via trucks as opposed to rail resulting in the assumption of 37 total vehicle trips during the AM and PM peak hours. (Records # 1 and 10).

At the request of the Holbrook Planning Board, the Applicant identified the Allied Waste Systems’ Peabody (“Allied Peabody”) waste transfer facility as being similar in operation to the proposed Facility and prepared supplemental traffic studies. For the purpose of the supplemental traffic studies, the Applicant based peak hour traffic volume estimates on the Allied Peabody traffic count data. The traffic counts were then adjusted upward for a 1,000 ton per day operation. (Records #18 and 19). The Applicant also included estimated traffic generated by the Old English Square project in its revised traffic study. (Record #11).

The Applicant concluded that acceptable levels of services were predicted at all locations, except for the stop sign-controlled left turn movement from South Street onto Route 37 in Braintree that currently operates at level-of-service “F”. (Records #1 and 18). The initial Traffic Study indicates that the proposed project will add 1 to 2 northbound vehicles per hour to the South Street/Route 37 intersection that currently has northbound AM and PM peak hour volumes of over 200 to 300 vehicles respectively. (Record #10). The supplemental traffic study based on the Allied Peabody facility traffic and the original distribution indicates that the project will add 3 to 5 vehicles per hour to the intersection. The Applicant concluded that the limited number of vehicles at the South Street/Route 37 intersection would have minimal impact on the intersection. (Record #18).

In its Motion for Reconsideration and to Reopen Record on the original application, the Applicant submitted two additional traffic evaluations assuming an estimated average waste load of 3.8 tons per vehicle, based on operations at the Allied Peabody transfer facility. (Record #18).

One traffic evaluation assumed the original traffic distribution pattern based on existing traffic patterns with increased proposed Facility generated traffic estimates. Based on the Allied Peabody traffic counts, the Applicant utilized 103 trips for the AM peak hours (approximately 7 times the Applicant’s actual estimated Facility hourly average vehicle trips) in its supplemental traffic evaluation, and 59 trips for the PM peak hours. The Applicant noted that these vehicle trip values were for sensitivity analysis only and are not deemed representative of the Applicant’s actual anticipated Facility operation.

The second traffic study assumed all traffic would travel through Randolph on Route 139, Center Street or Mill Street. The Applicant again noted that this traffic study with increased traffic counts and Randolph only traffic distribution was for sensitivity analysis only and is not representative of the Applicant's actual anticipated Facility operation.

The Applicant concluded that projected increases in traffic at all study locations are well within the daily fluctuation of peak hour traffic and will not have a noticeable effect on traffic operations. (Records #10, 11, 12, 13, 14, 15, 17, 18, 19 and 49).

The Applicant stated that they anticipate minimal residential trips to the residential drop-off area given that the Town of Holbrook provides free curbside pickup. To minimize traffic during peak hours, the Applicant committed to restricting the use of the residential drop off area to non-peak AM and PM traffic hours. (Record #18).

The Massachusetts Department of Transportation, District 5 Traffic Section ("MassDOT") was provided with copies of the traffic study information provided by the Applicant and specific traffic related comments provided by the public. (Record #50). MassDOT provided a summary of their review in a correspondence to MassDEP dated January 4, 2016. (Record #51). MassDOT reviewed the study area limits, the suitability of the traffic modeling software utilized (SYNCHRO), and the model outputs. MassDOT stated its opinion that, based on the submitted information, the proposed transfer facility will have minimal traffic impacts on the designated study area.

In response to public comments regarding the suitability of the background traffic counts reported in the November 9, 2012 Traffic Study performed for the original application (Record #10), the Applicant provided annual traffic data from MassDOT for the years 2007 through 2016 for Union Street (Route 139) at the Randolph Town Line between Center Street and the Water Street/Centre Street intersection. The MassDOT data indicates that traffic volume peaked at levels above 16,000 vehicles per day in 2011, 2012 and 2013 and that the traffic volume was below 14,000 vehicles per day in 2014, 2015, and 2016. The Applicant concluded that traffic volume in the project area is currently lower than traffic volume counted in 2012 and incorporated into the Traffic Study. (Record #49).

2. Pedestrian and Vehicular Safety: The Applicant states that pedestrians using the on-Site residential drop-off area will park in a designated parking area at the residential drop-off area. The residential drop-off area will not be used by trucks delivering waste to the proposed Facility or removing waste from the proposed Facility. (Record #1).

The Applicant anticipates that visitors to the proposed Facility will arrive at and depart from the proposed Facility in vehicles, not on foot and there should be little pedestrian access to the proposed Facility via Water Street and Phillips Road, with the possible exception of an employee who utilizes the commuter rail service. (Record #1).

The Applicant states that few pedestrians were observed at the intersection of Route 139 and Water Street/Center Street, where the proposed Facility traffic enters Route 139 from



Water Street or at the intersection of Route 139 and Mill Street/Center Street which lies just beyond the commuter rail tracks to the west. For those pedestrians that do use these intersections, the intersection of Route 139 and Water Street/Center Street has visible painted cross walks and traffic lights with pedestrian control. Sidewalks are located on both sides of Route 139 heading west and on one side of Route 139 heading east. The intersection of Route 139 and Mill Street/Center Street has visible painted cross walks and traffic lights with pedestrian control. There are no schools or libraries within 4,000 feet of the Site. (Record #1).

The Applicant evaluated the crash rates at the study area intersections and determined that all crash rates approximate the state-wide average for similar type intersections. Since historical data indicated that the Route 139 and North Street/South Main Street intersection had a crash rate higher than the state wide average in 2008, a crash analysis was performed. The crash analysis indicated that most of the crashes documented were minor crashes that did not involve personal bodily injury and most occurred between vehicles traveling or turning in directions not anticipated to be used by the proposed Facility-generated traffic. (Records #1, 10, 57 and 58).

3. Road Configuration: The proposed Facility will be located in an industrial park directly accessible to Route 139 (Union Street). Specific delivery routes and alternative routes to the proposed Facility have not been established.

The Applicant states that solid waste delivered to the proposed Facility is expected to be brought in from the surrounding communities. The Applicant states that the distribution of proposed Facility traffic on the area roadways is expected to follow existing travel patterns and travel routes to the proposed Facility. Approximately 35 percent of the proposed Facility traffic is expected to and from the east on Route 139 in the Town of Holbrook, 15 percent to and from the south on Center Street in the Town of Randolph, 5 percent to and from the north on Mill Street in Randolph, 35 percent to and from the west on Route 139/28 in the Town of Randolph, and 10 percent to and from the north on Center Street in the Town of Holbrook.

The Applicant stated that the proposed Facility will continue to utilize the existing entrance to the Site and that the sight distance at the main entrance, as well as the sight distance at the entrance to the resident drop-off area, meet minimum requirements for safe Facility operation. Any proposed landscaping or signs in the vicinity of the driveways will be kept low to the ground (less than 3 feet above street level) or set back sufficiently so as not to impede sight distances for drivers exiting the Site. (Records #1 and 10).

4. Alternate Routes: The proposed Facility will be located in an industrial park directly accessible to Route 139 (Union Street). The Applicant states that solid waste delivered to the proposed Facility is expected to be brought in from the surrounding communities using the roadways as described in Section 3 “Road Configurations” above. No traffic is expected on South Main Street approaching Route 139 as these vehicles will use Center Street instead. Similarly, no traffic is expected on North Street approaching Route 139 as

the Applicant assumes these vehicles will use Mill Street and no traffic is expected on Route 37 approaching South Street from the south, as these vehicles will use Route 139. Drivers will be directed not to travel on smaller residential roads unless they are collecting solid waste as part of a municipal curb-side pickup program.

The Applicant stated the proposed Facility will provide a phone number for the public to use to report any complaints regarding drivers using smaller residential roads or other traffic-related concerns and that drivers will be banned from delivering to the proposed Facility should they travel on smaller residential roads or generate other complaints from the Town or other surrounding community residents.

Although the Applicant performed a traffic study that assumed all traffic would travel through Randolph on Route 139, Center Street or Mill Street, the Applicant noted that this traffic study with increased traffic counts and Randolph only traffic distribution was for sensitivity analysis only and is not representative of the Applicant's actual anticipated proposed Facility operation.

**5 Vehicular Emissions:** The Applicant provided an air quality study prepared by Tech Environmental designed to determine whether the operation of the proposed Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Records #1 and 22). In that study, particulate matter (PM10 and PM2.5) and diesel particulate matter ("DPM") generated at the proposed Facility during waste handling inside the building and emissions from the trucks entering and leaving the proposed Facility were calculated using the US EPA AERMOD dispersion model. Tech Environmental stated that all diesel-powered non-road equipment used inside the MSW handling building will be purchased new and will comply with US EPA's Tier IV emission standards for diesel engines, except for the street sweeper, which will comply with US EPA's Tier I emissions standards. All diesel-powered non-road equipment will also use ultra-low sulfur fuel or biodiesel fuel with similar sulfur content. All rollup doors will be closed except when vehicles and equipment are entering or departing. The building will be equipped with water spray dust mitigation system and air filters for particulate removal will be installed on roof vents. (Record #22).

Particulate Matter (PM10) pollution consists of very small liquid and solid particulates floating in the air with a diameter of 10 microns or smaller. The 24-hour background PM10 concentration was estimated to be 61 microgram per cubic meter ( $\text{ug}/\text{m}^3$ ) based on 2013, 2014 and 2015 background data. The estimated maximum 24 hour average PM10 concentration with the proposed Facility operating was calculated to be  $74.6 \text{ ug}/\text{m}^3$  as compared to the National Ambient Air Quality Standard (NAAQS) 24 hour standard for PM10 of  $150 \text{ ug}/\text{m}^3$ . (Record #22).

Particulate Matter (PM2.5) pollution consists of very small liquid and solid particulates floating in the air with a diameter of 2.5 microns or smaller. The 24-hour average background PM2.5 concentration was estimated to be  $15.7 \text{ ug}/\text{m}^3$ . The estimated maximum, 24-hour average PM2.5 concentration with the proposed Facility operating was calculated

to be 24.4 ug/m<sup>3</sup> as compared to the 24-hour NAAQS for PM2.5 of 35 ug/m<sup>3</sup>. The annual average background PM2.5 concentration was estimated to be 5.8 ug/m<sup>3</sup>. The estimated annual average PM2.5 concentration with the proposed Facility operating was calculated to be 8.4 ug/m<sup>3</sup> as compared to, the primary annual NAAQS of 12 ug/m<sup>3</sup> and the secondary annual NAAQS of 15 ug/m<sup>3</sup>. (Records #22 and 37).

The annual average background DPM concentration was determined by Tech Environmental to be 0.5 ug/m<sup>3</sup>. The annual average DPM concentration including the truck traffic at the proposed Facility was calculated to be 3.2 ug/m<sup>3</sup> as compared to the US EPA Reference Concentration for DPM of 5 ug/m<sup>3</sup>. (Record #22).

Tech Environmental concluded that the proposed Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Record #22).

**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(b) Traffic and Access to the Site, and that traffic impacts from the proposed Facility operation will not constitute a danger to the public health, safety, or the environment taking into consideration traffic congestion; pedestrian and vehicular safety; road configurations; alternate routes; and vehicle emissions.

In order to address the traffic concerns expressed by commenters, MassDEP is incorporating the Secretary of the Executive Office of Energy and Environmental Affairs January 25, 2013 request that the Holbrook Board of Health consider requiring the project proponent to monitor traffic levels on a weekday basis with an annual traffic generation report to Holbrook officials and officials of neighboring communities for three years upon completion of the project, as a condition of the Site Assignment approval.

Although the Applicant proposes to utilize transfer trailers when “economics dictate”, to minimize traffic on area roadways, MassDEP recommends that the Applicant prioritize the use of use rail service for the transport of solid waste from the proposed Facility and only use transfer trailers to transport waste when rail cars are unavailable.

3. **Criterion at 310 CMR 16.40(4)(c) Wildlife and Wildlife Habitat:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would:
  1. have an adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database;
  2. have an adverse impact on an Ecologically Significant Natural Community as

documented by the Natural Heritage and Endangered Species Program in its database; or

3. have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

The Applicant provided a March 2, 2017, correspondence from the Commonwealth of Massachusetts, Division of Fisheries and Wildlife, which stated that based on the information provided by Woodard & Curran, the Natural Heritage and Endangered Species Program (“NHESP”) of the Division of Fisheries and Wildlife has determined that, at that time, the Site was not mapped as a Priority or Estimated Habitat and that the NHESP database does not contain any state-listed species records in the immediate vicinity of the Site. (Record #21).

The Applicant provided a “Land Use Plan” depicting land uses within ½ mile of the Site based on the MassGIS database. (Record #30). The Land Use Plan does not indicate any Wildlife Management Areas.

The Applicant states the siting of the proposed Facility would have no adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database, on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database, or the wildlife habitat of any state Wildlife Management Area. (Record #1).

**MassDEP’s Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(c) Wildlife and Wildlife Habitat.

4. **Criterion at 310 CMR 16.40(4)(d) Areas of Critical Environmental Concern “ACEC”:**

No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting:

1. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or
2. would fail to protect the outstanding resources of an ACEC as identified in the Secretary's designation if the solid waste management facility is to be located outside, but adjacent to the ACEC.

The Applicant states the Site is not located in or adjacent to an Area of Critical Environmental Concern (“ACEC”). (Record #1). The Applicant provided a “Land Use Plan” depicting land uses within ½ mile of the Site based on the MassGIS database.

(Record #30). The Land Use Plan indicates there are no ACECs within one-half mile of the Site.

**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(d) Areas of Critical Environmental Concern and that operation of the proposed Facility will not be located in or adjacent to an ACEC.

5. **Criterion at 310 CMR 16.40(4)(e) Protection of Open Space:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would have an adverse impact on the physical environment of, or on the use and enjoyment of:

1. state forests;
2. state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution;
3. MDC reservations;
4. lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs; or,
5. conservation land owned by private non-profit land conservation organizations and open to the public.

The Applicant stated that the proposed Facility will not have an adverse impact on the each of these open spaces identified in the criterion.

1. State Forests: Based on a review of the Massachusetts Department of Conservation and Recreation ("DCR") website for information regarding State Forests, the Applicant determined that there are no State-owned or operated forests within ½ mile of the Site. (Record #1). The Applicant provided a "Land Use Plan" depicting land uses within ½ mile of the Site based on the MassGIS database. (Record #30). The Land Use Plan indicates there are no State Forests within one-half mile of the Site.

2. State or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution: Based on a review of the MassGIS and the Executive Office of Energy and Environmental Affairs websites for information regarding State parklands, the Applicant did not identify any State parklands within ½ mile of the Site boundary.

The Applicant identified the following municipal parklands or conservation land, or other open space held for natural resource purposes in the vicinity of the Site: (Record #1).

- The Sylvan Lake Conservation Area located north of the Site across Route 139 and separated from the Site by commercially developed properties that abut Phillips Road and Mear Road.
- Union Cemetery located east of the Site off of Route 139 and separated from the Site by commercially developed properties that abut Route 139 and Mear Road.
- Lake Holbrook located approximately 2200 feet southeast from the waste handling areas and on site traffic southeast of the Site and is separated from the Site by the South Street Wellfield.
- Conservation land located approximately 0.38 miles south of the Site and separated from the Site by commercially developed property and residential dwellings that abut South Street.
- The South Randolph Conservation Area located southwest of the Site and separated from the Site by residential dwellings located on the opposite side of the commuter rail.

3. MDC Reservations: Based on a review of the DCR website for information regarding MDC Reservations, the Applicant determined that there are no MDC Reservations within ½ mile of the Site. (Record #1). The Applicant provided a “Land Use Plan” depicting land uses within ½ mile of the Site based on the MassGIS database. (Record #30). The Land Use Plan indicates there are no MDC Reservations within on-half mile of the Site.

4. Lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Energy and Environmental Affairs: Based on a review of the Executive Office of Energy and Environmental Affairs website for information regarding lands with conservation, preservation, agricultural, or watershed protection restrictions, the Applicant determined that there are no such lands within ½ mile of the Site.

5. Conservation land owned by private non-profit land conservation organizations and open to the public: Based on a review of the MassGIS website and the Executive Office of Energy and Environmental Affairs website for any privately owned public access conservation lands in close proximity to the subject Site, the Applicant did not identify any privately owned public access conservation lands in close proximity to the subject Site.



**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(e) Protection of Open Space and that operation of the proposed Facility will not have an adverse impact on the physical environment of, or on the use and enjoyment of open space identified in the criterion.

6. **Criterion at 310 CMR 16.40(4)(f) Potential Air Quality Impacts:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute a danger to the public health, safety or the environment, taking into consideration:

1. the concentration and dispersion of emissions;
2. the number and proximity of sensitive receptors; and
3. the attainment status of the area.

1. The concentration and dispersion of emissions: The Applicant states the proposed Facility design will enclose all handling activities within the waste transfer building in order to mitigate the concentration and dispersion of particulate emissions. The building will use an atomized water misting system and the roof top vents will have air filters to control fugitive dust from waste handling. (Records #1 and 22). Tech Environmental stated that all diesel-powered non-road equipment used inside the MSW handling building will be purchased new and will comply with US EPA's Tier IV emission standards for diesel engines, except for the street sweeper, which will comply with US EPA's Tier I emissions standards. All non-road diesel powered equipment will use ultra-low sulfur fuel or biodiesel fuel with a similar sulfur content. All rollup doors, including the three doors for truck access and one door for rail access, will be closed except when vehicles and equipment are entering or departing. The building will be equipped with water spray dust mitigation system and air filters for particulate removal will be installed on roof vents. (Record #22).

The Applicant provided an air quality study prepared by Tech Environmental designed to determine whether the operation of the proposed Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Record #22). Particulate matter (PM10 and PM2.5) generated at the proposed Facility and DPM from the trucks entering and leaving the proposed Facility were calculated using the US EPA AERMOD dispersion model.

The 24-hour background PM10 concentration was estimated to be 61 ug/m<sup>3</sup> based on 2013, 2014 and 2015 background data. The estimated maximum 24-hour average PM10 concentration with the proposed Facility operating was calculated to be 74.6 ug/m<sup>3</sup> as compared to the NAAQS 24-hour standard for PM10 of 150 ug/m<sup>3</sup>. (Record #22).

The 24-hour average background PM<sub>2.5</sub> concentration was estimated to be 15.7 ug/m<sup>3</sup>. The estimated maximum, 24-hour average PM<sub>2.5</sub> concentration with the proposed Facility operating was calculated to be 24.4 ug/m<sup>3</sup> as compared to the 24-hour NAAQS for PM<sub>2.5</sub> of 35 ug/m<sup>3</sup>. The annual average background PM<sub>2.5</sub> concentration was estimated to be 5.8 ug/m<sup>3</sup>. The estimated annual average PM<sub>2.5</sub> concentration with the proposed Facility operating was calculated to be 8.4 ug/m<sup>3</sup> as compared to, the primary annual NAAQS of 12 ug/m<sup>3</sup> and the secondary annual NAAQS of 15 ug/m<sup>3</sup>. (Records #22 and 52).

The annual average background DPM concentration was determined by Tech Environmental to be 0.5 ug/m<sup>3</sup>. The annual average DPM concentration including the truck traffic at the proposed Facility was calculated to be 3.2 ug/m<sup>3</sup> as compared to the US EPA Reference Concentration for DPM of 5 ug/m<sup>3</sup>. (Record #22).

Tech Environmental concluded that the proposed Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Record #22).

2. The number and proximity of sensitive receptors: The Applicant submitted a Land Use Plan based on an aerial photograph depicting the area within on-half mile of the Site. (Record #30) Residential dwellings and other sensitive receptors defined in 310 CMR 16.40(3)(d)(5) (prisons, health care facilities, elementary schools, middle schools or high schools, children's preschools, licensed day care centers, and senior centers or youth centers) are depicted on the Land Use Plan where they exist. Based on its Air Quality Study, Tech Environmental concluded that the proposed Facility would fully comply with air quality standards and not adversely affect public health or air quality. (Record #22).

3. The attainment status of the area: MassDEP review of US EPA's listing of Current Non-Attainment Counties for All Criteria Pollutants indicates that there are no issues of non-attainment in Norfolk County. (Record #53)

**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(f) Potential Air Quality Impacts and that operation of the proposed Facility will meet required state and federal air quality standards or criteria and will not otherwise constitute a danger to the public health, safety or the environment.

7. **Criterion at 310 CMR 16.40(4)(g) Potential for the Creation of Nuisances**: No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors:

1. noise;
2. litter;
3. vermin such as rodents and insects;
4. odors;
5. bird hazards to air traffic; and

## 6. other nuisance problems.

1. Noise: The Applicant submitted a Sound Study prepared by Tech Environmental to predict whether the operation of the proposed Facility will comply with the MassDEP's Division of Air Quality Control Policy DAQC 90-001, dated February 1, 1990 ("MassDEP Noise Policy"). (Record #23). Tech Environmental measured sound levels at locations near the proposed Facility to document the existing ambient sound levels prior to construction of the proposed Facility. Tech Environmental used the Cadna-A acoustic model, based on International Standard ISO 9613, to estimate the sound levels from the proposed Facility operation and the Federal Highway Administration ("FHWA") Traffic Noise Model ("TNM"), Version 2.5 for truck deliveries to the Site.

The unit used for sound pressure measurement is the decibel ("dB"). The A-weighted sound level ("dBA") is used to approximate the frequency response of the human ear. Tech Environmental compared the calculated sounds levels at the property lines and nearby receptors to the 10 dBA above ambient limit in the MassDEP Noise Policy for proposed Facility operation and with FHWA noise guidelines for truck deliveries.

The Applicant identified the potential sound sources at the proposed Facility as mechanical equipment, waste unloading, truck deliveries, and the movement of rail cars and/or waste transfer live floor trailers and listed the following equipment as potential sound sources included as part of the acoustical modeling analysis:

- A skid steer, front-end loader and excavator operating inside the building to move materials, operating continuously;
- Track mobile rail car mover outside the building to move rail cars in the rail yard;
- Street sweeper outside the building for sweeping the paved site access road;
- Building roof top ventilation fans;
- Waste compactor located at the residential recycling area; and
- Haul truck idling inside the building.

The Applicant states the proposed Facility intends to operate with all the roll-up doors closed except when it is necessary for a truck or rail car to enter or leave the building. The Applicant states a two-sided wall will be constructed around the waste compactor in the residential recycling area. Tech Environmental summed all interior sound sources from the proposed waste handling building and calculated the transmission of sound through the closed doors and building walls. (Record #23). Tech Environmental stated it is difficult to simulate various doors opening and closing for short periods of time in the acoustical model, therefore the sound study assumed that one building door would remain open throughout the workday to allow a truck or rail car to enter or leave the building. (Record #46).

The Canda-A acoustic model, based on ISO 9613, was used to calculate propagation and attenuation of sound energy by hemispherical divergence with distance, surface reflection,

ground, and shielding effects by barrier, buildings, and ground topography. The Applicant submitted a proposed Conditions Plan (Exterior) that depicts a berm partially along the west side of the Site. (Record #34). The Applicant stated that redevelopment of the Site necessitates the removal of trees along the western boundary of the Site and the Applicant has proposed a screening berm that ranges from 5 to 10 feet from north to south for a portion of the Site impacted by the tree removal. The air quality, odor and noise modeling analyses by Tech Environmental were based on the proposed Site layout for the proposed Facility taking into account tree removal and berm construction. (Record #15).

MassDEP considers background (ambient) sound to be the sound from all sources other than the source of interest. To establish background ambient sound levels, MassDEP uses the L90 metric, which is defined as the sound level exceeded 90 percent of the time. (Record #54). The Tech Environmental study determined the adjacent residential area daytime L90 background levels to range between 45 and 51 dBA. The maximum sound levels at the nearest receptors during proposed Facility daytime operations were estimated to be 49.8 to 55 dBA. The maximum increase at any receptors was predicted to be 6 dBA at a local church and 5 dBA at a residence on Water Street, Holbrook. The sound level increases at the west, east, north, and south property lines were estimated to be 9, 8, 8 and 4 dBA respectively. (Record #23, Table 5).

The maximum proposed Facility evening sound levels at the nearest receptors were estimated to be 47.2 to 51.9 dBA. The maximum increase at any receptors was predicted to be 5 dBA at a local church and at a residence on Center Street in Randolph. The sound level increases at the west, east, north and south property lines were estimated to be 9, 10, 8, and 6 dBA respectively. The east property boundary abuts the Cochato River and the industrial park on Mear Road in Holbrook. (Record #23 Table 6).

Tech Environmental performed an off-Site truck traffic noise impact analysis for Water Street and concluded that the Federal Highway Administration residential noise abatement criterion of 66 dBA will be met along the truck route at all except at 48 Water Street, Holbrook and that, due to existing truck traffic, there will be no incremental increase in the existing noise level at that location.

Tech Environmental evaluated the sound levels from truck and equipment backup alarms on Site and predicted a maximum 1 dBA increase above the existing daytime and evening L90 sound levels.

The noise modeling analyses by Tech Environmental was based on the proposed site layout for the proposed Facility taking into account tree removal and construction of a screening berm. (Record #15).

Tech Environmental concluded that, based on the modeling predictions, the proposed Facility will comply with state standards and will not cause adverse impacts to health safety or the environment with respect to noise. (Record #23). The Applicant concluded that the

cumulative noise impacts from the proposed Facility operations will meet both the federal and MassDEP noise regulations. (Record # 49).

2. Litter: The Applicant stated all commercial vehicles transporting materials either to or from the proposed Facility will be required to be covered in order to prevent incidental littering. All waste handling, with the exception of the proposed residential drop-off area, will be restricted to inside the MSW Transfer Building. Litter within the residential drop-off area will be minimized by providing closed-top containers for the public to place any potentially litter-generating waste. Facility personnel will implement a daily inspection program as part of the operations and maintenance program. The proposed Facility will provide a phone number for the public to report any proposed Facility-related complaints, including, but not limited to litter issues. (Record #1).

3. Vermin: The Applicant states that vermin will be discouraged by containing the MSW handling operations to the inside of the MSW Transfer Building. The Applicant proposes to rapidly move waste material from the tipping floor to the rail cars or trucks. The rail containers will have solid steel lids with a locking mechanism to provide a watertight seal. The rail car containers will be cleaned after every unloading process to prevent buildup of waste material that could cause odors and/or attract vermin and rodents. Containers in the residential drop-off area will be closed-topped and will be emptied regularly. The Applicant will retain a qualified rodent prevention and extermination service to address any issues. (Record #1). MSW will not be allowed to remain on the tipping floor overnight to the extent operationally practical and the tipping floor will be cleaned by sweeping and/or hosing with water at the end of every operational day. (Record #15).

The Applicant stated that the proposed Facility will not result in nuisance conditions that would constitute a danger to public health, safety, or the environment taking vermin, such as rodents and insects, into consideration. (Record #1).

4. Odors: The Applicant states the waste transfer building will be operated with all of the doors closed, except when refuse trucks or rail cars are moving in and out of the building. The building will be equipped with a water mist spray system and odor agents to reduce odor emissions from escaping the building. The tipping floor will be cleaned at the end of every operational day as needed by sweeping and/or by hosing with water. Residential waste drop-off area containers will be closed-topped and will be emptied regularly.

The rail containers will have solid steel lids with a locking mechanism to provide a watertight seal. The rail car containers will be cleaned after every unloading process to prevent buildup of waste material that could cause odors and/or attract vermin and rodents.

The Applicant submitted an Air Quality Study performed by Tech Environmental that included air quality dispersion modeling for the potential odor from the proposed Facility and stated that the odor dispersion modeling analysis demonstrates the proposed Facility can be to minimize the occurrence of detectable odors at the closest residences to the

proposed Facility. (Record #22).

The Applicant states that operation of the proposed Facility will not results in nuisance conditions that would constitute a danger to public health, safety, or the environment taking odors into consideration. (Record #1).

5. Bird Hazards to Air Traffic: The Applicant states the proposed Facility will not attract a significant number of birds due to the operational measures cited above for odor control and vermin control. The nearest major airport to the proposed Facility is the Norwood Memorial Airport located 8 miles to the northwest of the proposed Facility.

Based on the proposed control measures, the Applicant states the proposed Facility will not constitute a danger to public health, safety, or the environment taking bird hazards to air traffic into consideration. (Record #1).

6. Other Nuisance Problems: The Applicant states that other nuisance conditions are not likely to exist during the construction and operations of the proposed Facility. (Record #1).

**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(g) Potential for the Creation of Nuisances and the establishment or operation of the proposed Facility will not result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors: noise; litter; vermin such as rodents and insects; odors; bird hazards to air traffic; and other nuisance problems.

To minimize potential nuisances, the Applicant has limited the transfer facility building design to three doors for waste hauling vehicles to enter and exit the building, all located on the same side of the building. One additional door has been proposed for rail car access. This design minimizes cross ventilation and potential emissions.

The Applicant has oriented the proposed transfer facility such that the entrance and exit doors for the waste hauling vehicles do not face the nearest residences and are located at the furthest end of the building side wall from the nearest residences.

The Applicant states the proposed Facility intends to operate with the roll-up doors closed except when it is necessary for a truck or rail car to enter or leave the building. In its emissions modeling, Tech Environmental assumed only one building door would be open at any time to allow a truck or rail car to enter or leave the building.

The Applicant stated that some sources of sound were exempt from MassDEP regulation (Air Pollution Control Regulations, 310 CMR 7.00) and did not include in the Sound Study sounds attributable to on-Site vehicles moving or idling outside on



Site. On June 21, 2017, MassDEP issued a written Request for Information to the Applicant and included in that document a clarification in this regard. MassDEP advised the Applicant that, pursuant to 310 CMR 7.00 *Air Pollution Control* Section 7.10: *U Noise*, MassDEP regulates all sounds emanating from a solid waste facility operation including the operation of: waste handling equipment inside and outside the building; waste delivery vehicles on-Site inside and outside the building; and fixed mechanical equipment such as the proposed roof ventilators.

MassDEP also advised the Applicant that MassDEP monitors sound levels for the maximum sound level. MassDEP uses the 1 second Lmax dBA sound level as a metric to determine compliance with its regulations. MassDEP only uses long term averaging of sounds when evaluating steady state noise sources, which is not applicable to the proposed Facility operations.

In its July 14, 2017, response, the Applicant stated that all sounds emanating from proposed Facility operations will comply with MassDEP regulations. (Record #45).

Pursuant to 310 CMR 16.40(1)(c)1, MassDEP evaluated the Application with the assumption that the proposed Facility would be designed and constructed to meet all relevant state and federal statutory, regulatory and policy requirements. Accordingly, complete proposed Facility operational and design details, inclusive of Best Management Practices to minimize potential nuisance conditions, will be required in the Authorization to Construct permit application submitted to MassDEP, if the Holbrook Board of Health grants a site assignment for the proposed Facility.

In order to address the noise-related concerns expressed by the commenters during review of the Site Suitability Report, MassDEP recommends that the Holbrook Board of Health consider requiring the project proponent to perform periodic sound surveys as a condition of any Site Assignment approval and require a pre-submittal of the sound survey protocol for review and approval by the Holbrook Board of Health and MassDEP.

MassDEP also recommends that the Holbrook Board of Health consider restricting the proposed early morning and late evening operational hours until the Applicant demonstrates that the proposed Facility meets the requirements of MassDEP's noise regulations and applicable policy and the Town of Holbrook noise ordinance.

8. **Criterion at 310 CMR 16.40(4)(h) Size of Facility:** No site shall be determined to be suitable or be assigned as a solid waste management facility if the size of the proposed site is insufficient to properly operate and maintain the proposed facility. The minimum distance between the waste handling area or deposition area and the property boundary for the facility shall be 100 feet, provided that a shorter distance may be suitable for that portion of the waste handling or deposition area which borders a separate solid waste management facility.

The Applicant states the size of the Site is sufficient to properly operate and maintain the proposed Facility and provided the following description of the Site. (Record #1).

The total proposed Site size is 14.85 acres including an 11.17-acre parcel, owned by the Town and leased by the Applicant, and an approximately 3.68-acre parcel owned by Six Phillips Road Trust leased by the Applicant. The Six Phillips Road Trust parcel was leased and is proposed to be site assigned to comply with the waste handling area to property line setback requirements. The Six Phillips Road Trust parcel will be used as an access road to the 3 Phillips Road property and will not include any waste handling area.

As depicted on the proposed Conditions Plan (Exterior), the Site will include access roads, scales, a MSW transfer building, a rail yard, usage of portions of an existing warehouse building and office building, a residential municipal solid waste, yard waste, and bulky waste drop-off area, a residential recycling area, and parking areas. (Records #1 and 34).

The waste handling areas on the Site will be limited to within the transfer facility building and at the residential drop off area as shown on the proposed Conditions Plan (Exterior), and will meet the 100-foot property line setback requirement and the 500 foot sensitive receptor setback requirement. Pursuant to 310 CMR 16.02, the “handling area” does not include access roads. (Record #34).

The Applicant depicted the 100-year flood plain of the Cochato River on the Existing Conditions Plan. (Record #33). The waste handling areas will be located outside or raised above the 100 year flood plain as shown of the proposed Conditions Plan (Exterior). (Record #34). The Applicant proposes to partially fill the existing flood plain area and create a compensatory flood storage area. The 100-year flood plain elevation is 127 feet and the minimum transfer facility floor elevation will be 131 feet. The waste handling areas will also be located outside the Riverfront Area. The Applicant obtained an Order of Conditions from the Holbrook Conservation Commission and a Superseding Order of Conditions from MassDEP for the proposed Facility design in the original application. The Applicant stated they will address updating local permits at the conclusion of the Site Assignment process. (Record #1).

The proposed Conditions Plan (Exterior) indicates on-Site traffic routes. The Applicant states the Site provides space for 37 packer trucks to be queued on Site at one time and that the Applicant will have the capacity to contact vehicles via radio and control vehicle arrival times at the proposed Facility to avoid unnecessary queuing. (Record #1).

The Applicant proposes to construct a 22,300 square foot municipal solid waste transfer building with all unloading, sorting, and loading onto rail cars and/or trucks occurring within the building interior. The proposed waste transfer building will be 194 feet (north to south) by 115 feet (east to west). The building length will provide adequate space for two rail cars inside the building. Designated areas within the building will be used for waste tipping and inspection, temporary storage, outbound loading and rail car staging.

(Record #1).

The waste handling building can handle 18 trucks per hour based on the Applicant's assumptions that each truck takes about ten minutes to unload and three trucks can access the building simultaneously. Based on the assumption that incoming waste hauling vehicles will consist of 12 ton waste load packer trucks, the Applicant determined the hourly operating capacity of the proposed Facility to be 216 tons per hour. With a proposed daily permitted capacity of 1,000 tons per day and a proposed 12-hour operating day, the average hourly permitted capacity is 83 tons per hour. The Applicant's estimated operating maximum capacity of 216 tons per hour represents approximately a 2.57 times peaking factor above the average hourly permitted capacity. Although some packer trucks may have waste loads of less than 12 tons, the Applicant intends to also accept live floor trailers with a typical capacity of 26 tons. (Record #1).

**MassDEP's Finding:**

MassDEP has determined that the Site meets the requirements of 310 CMR 16.40(4)(h) Size of Facility. MassDEP has determined that the size of the proposed site is sufficient to properly operate and maintain the proposed facility.

Regarding the limits of the Waste Handling Area, the Applicant has proposed to leave rail cars, loaded with solid waste, outside of the waste handling area. Such activity could potentially meet the waste handling area setback of 100 feet from the property boundary. "Handling area" is defined at 310 CMR 16.02 as "an area used for the processing, storage, transfer or treatment of solid waste, excluding weigh stations or access roads." This definition is intended to restrict location of waste handling activity that has the potential to create nuisance conditions. The temporary parking of rail cars loaded with solid waste is required by the nature of rail transport operations. Rail cars must be held until a locomotive is available and a sufficient number of rail cars are loaded and ready for rail transport. MassDEP believes any potential nuisance issues may be avoided by using enclosed intermodal-like containers (fully sealed, leak proof, metal containers) appropriate for the type of waste being transported. Because rail cars being held solely because of the operational constraints of rail transport (i.e., rail cars cannot be individually and immediately driven off of the solid waste facility) and nuisance conditions will be avoided with the appropriate intermodal containers, MassDEP finds this activity is not waste handling.

9. **310 CMR 16.40(4)(i) Areas Previously Used for Solid Waste Disposal:** Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site:

1. the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the

proposed site;

2. the nature and extent to which the proposed site may impact the site previously used for solid waste disposal; and
3. the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment; taking into consideration:
  - a. whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;
  - b. whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and
  - c. the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

The Applicant states that no land adjacent to the Site was identified as having been previously used for solid waste disposal and no portion of the Site has been previously used for solid waste disposal as listed on the MassDEP Solid Waste Facilities Master List. (Record #1).

The Baird & McGuire Superfund Site is located partially on the 3 Phillips Road property and adjacent to and south of the proposed Facility and includes a capped landfill used for the disposal of approximately 1,500 cubic yards of treated contaminated sediment from the Cochato River and ash from approximately 248,000 cubic yards of treated soil at the Baird & McGuire Superfund Site. (Record #1).

Part of the 3 Phillips Road property is a state-listed Tier 2 disposal site that contains contamination under MassDEP RTN 4-3024519. The Applicant states the site will be remediated under the Massachusetts Contingency Plan as part of the redevelopment of the proposed Facility, which will improve existing environmental and pollution conditions by addressing long-standing contamination. (Records #1, 2 and 15).

**MassDEP's Finding:**

MassDEP reviewed the Site of the proposed Facility with respect to the considerations listed at 310 CMR 16.40(4)(i) Areas Previously Used for Solid Waste Disposal. MassDEP has determined that:

1. No prior solid waste facility operated on any area adjacent to the proposed Site.
2. Contaminated soils exist on an adjacent site, but that contamination does not currently adversely impact or threaten to adversely impact the proposed Site.
3. The proposed site use and the existing contamination on the Site will not impact the adjacent contaminated site.
4. The combined impacts of the proposed Site and the previously used adjacent site will not have any increased adverse impact on the public health, safety or the environment.
5. The proposed Site is not an expansion of, nor does the proposed site

- constitute, a beneficial integration of, any solid waste activities with the adjacent site.
6. The proposed Facility will not impact remedial activities at the Baird & McGuire Superfund Site.
  7. Construction and operation of the proposed Facility will not affect existing or potential impacts from the Baird & McGuire Superfund Site.
10. **310 CMR 16.40(4)(j) Existing Facilities:** In evaluating proposed sites for new solid waste management facilities the Department and the board of health shall give preferential consideration to sites located in municipalities in which no existing landfill or solid waste combustion facilities are located. This preference shall be applied only to new facilities which will not be for the exclusive use of the municipality in which the site is located. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community with an existing disposal facility:
1. the extent to which the municipality's or region's solid waste needs will be met by the proposed facility; and
  2. the extent to which the proposed facility incorporates recycling, composting or waste diversion activities.

The Applicant states there are no active landfills or solid waste combustion facilities in Holbrook. The MassDEP Solid Waste Facilities Master List includes two landfills in Holbrook. The Cains Pit Landfill is listed as inactive, and the former unlined Holbrook Landfill is listed as closed and capped in 1996. (Record #1).

The Applicant proposes that the proposed Facility be permitted for acceptance of 1,000 tons per day of MSW. The Town currently generates about 15 tons per day of MSW such that the proposed Facility will have ample capacity to provide a local MSW disposal option for waste generated in the surrounding municipalities. (Record #1).

Under the provisions of Section 6.8 of the Lease and Host Community Agreement between the Applicant and the Town of Holbrook, the Applicant is required to provide for curbside municipal solid waste collection and recycling collection, every other week, at no cost to the Town. (Record #2).

The proposed Facility will include a residential drop-off area that will provide recycling containers for Town of Holbrook residents. (Record #1).

Pursuant to 310 CMR 19.017, *Waste Bans*, the proposed Facility will be required to be operated in compliance with the Massachusetts Waste Disposal Bans and a MassDEP-approved Waste Ban Compliance Plan. Load inspections of the MSW delivered to the proposed Facility must be conducted in accordance with the MassDEP "Guidance for Solid Waste Handling and Disposal Facilities on Compliance with MassDEP's Waste

Bans” to ensure that waste ban materials are removed and/or diverted from disposal to the greatest extent possible.

**MassDEP’s Finding:**

MassDEP has determined that there are no existing active landfills or solid waste combustion facilities in the Town of Holbrook and the proposed Facility will not be for the exclusive use of the Town of Holbrook. The proposed project will provide for handling of municipal solid waste from a regional perspective and will incorporate recycling efforts and monitoring of waste materials to promote compliance with MassDEP’s waste disposal ban regulations. In accordance with CMR 16.40(4)(j), the proposed Facility should be given preferential consideration on the basis of Existing Facilities.

11. **Criterion at 310 CMR 16.40(4)(k) Consideration of Other Sources of Contamination or Pollution:**

Pursuant to 310 CMR 16.40(4)(k), MassDEP shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by MassDEP, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

Part of the 3 Phillips Road property, including part of the waste transfer building location, is a state-listed Tier 2 disposal site assigned MassDEP RTN 4-3024519. The Applicant states the property will be remediated under the Massachusetts Contingency Plan as part of the redevelopment of the Site by mitigating or reducing sources of pollution or contamination at the property. (Record #1). Soil disturbance as a result of remediation of the Site will be conducted in accordance with the MCP, in consultation with MassDEP and the US EPA Region 1, and under the oversight of a Licensed Site Professional. (Record #49).

Approximately 2.1 acres of the 3 Phillips Road property is part of the Baird & McGuire Superfund Site. (Record #1). The Applicant states the redevelopment of the property as a solid waste transfer facility will have no impact on the ongoing long-term remediation efforts at the Baird & McGuire Superfund Site. (Records #1 and 49).

The United States Environmental Protection Agency issued correspondence on August 12, 2015, stating that US EPA’s Superfund program will continue to work with the Town of Holbrook to ensure that redevelopment at the 3 Phillips Road property will not interfere with or compromise the remediation and cleanup of the Baird & McGuire Superfund Site. (Record #56).

**MassDEP’s Finding:** MassDEP has determined that the projected impacts of the proposed Facility do not pose a threat to public health, safety, or the environment taking into consideration the impacts of existing sources of pollution or contamination

Should the Holbrook Board of Health grant site assignment, then any future Authorization to Construct permit for the proposed Facility issued by MassDEP will require the Applicant to ensure that the construction and operation of the proposed Facility will not interfere or compromise the remediation of the state-listed Tier 2 disposal site in compliance with the requirements of the Massachusetts Contingency Plan or the cleanup of the adjacent Baird & McGuire Superfund Site under the federal program.

12. **310 CMR 16.40(4)(I) Regional Participation:** Pursuant to 310 CMR 16.40(4)(I), the Department and the board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility.

The Town of Holbrook does not have an active existing solid waste disposal facility. The Applicant states that solid waste generated within the Town of Holbrook is currently transported to Covanta SEMASS by truck under an annual contract between the Town and SEMASS.

**MassDEP's Finding:**

MassDEP has determined that the Town of Holbrook participates in a regional disposal facility and accordingly should not be given preferential consideration on the basis of Regional Participation.

### **III. DETERMINATION**

Pursuant to the authority granted by Massachusetts General Laws, c. 111, §§ 150A and 150A1/2, and 310 CMR 16.00, "Site Assignment Regulations for Solid Waste Facilities," the Massachusetts Department of Environmental Protection, Solid Waste Management Section, has determined that sufficient information exists to allow the MassDEP to make a positive determination that the 14.85 acre site, located at 3 Phillips Road and 6 Phillips Road, Holbrook, Massachusetts, meets all the site suitability criteria established in 310 CMR 16.40(3) Facility Specific Site Suitability Criteria and 310 CMR 16.40(4) General Site Suitability Criteria, for the purpose of establishing a solid waste handling and recycling facility.

The Department hereby issues this Report on Suitability for the proposed Site for the proposed TLA Holbrook MSW Handling and Transfer Facility under the authority of M.G.L. c. 111, §§ 150A and 150A½, as amended, and 310 CMR 16.00. Pursuant to 310 CMR 16.15(2), the Holbrook Board of Health shall hold a public hearing pursuant to 310 CMR 16.20; *Public Hearing Rules*.

#### **IV. RECORD**

The Record for Site Assignment Report #133-003-A for a solid waste transfer facility to be located at 3 Phillips Road and 6 Phillips Road, Holbrook, Massachusetts, consists of the following:

1. **Green Seal Environmental** - "Site Suitability Report for a New Site Assignment", Solid Waste Application BWP SW 01 (the "Application"), Transmittal # X273727, signed by TLA Holbrook, LLC on April 24, 2017, and received by the MassDEP on April 25, 2017.
2. **Town of Holbrook** – February 19, 2009, Lease and Host Community Agreement. Submitted in the Application (Record #1) as Attachment 1.
3. **Six Phillips Road Trust** – February 6, 2014, Commercial Land Lease. Submitted in the Application (Record #1) as Attachment 2.
4. **TLA Holbrook LLC** – June 6, 2014, Technical Fee Payment – TLC Holbrook, LLC check for Technical Fee. Submitted in the Application (Record #1) as Attachment 3.
5. **Executive Office of Energy and Environmental Affairs ("EEA")**, - January 25, 2013, Certificate of the Secretary of Environmental Affairs, stating that the proposed project does not require filing of an Environmental Impact Report ("EIR"). Submitted in the Application (Record #1) in Attachment 4.
6. **Executive Office of Energy and Environmental Affairs ("EEA")**, - April 14, 2017, Correspondence by the Secretary of Environmental Affairs, stating that additional MEPA review is not warranted. Submitted in the Application (Record #1) in Attachment 4.
7. **Green Seal Environmental** - February 1, 2017, Memorandum regarding maximum high groundwater levels at the Site. Submitted in the Application (Record #1) in Attachment 5.
8. **Green Seal Environmental** - Groundwater Elevation Tables. Submitted in the Application (Record #1) in Attachment 5, Appendix A.
9. **Green Seal Environmental** - January 5, 2017, Groundwater Contour Plan. Submitted in the Application (Record #1) in Attachment 5, Appendix B.
10. **Ron Muller & Associates** – November 9, 2012, Traffic Impact and Access Study. Submitted in the Application (Record #1) as Attachment 6, Appendix A.
11. **Ron Muller & Associates** – July 9, 2013, Response to Peer Review Comments. Submitted in the Application (Record #1) in Attachment 6, Appendix B.
12. **Ron Muller & Associates** – August 21, 2013, Additional Accident Investigation. Submitted in the Application (Record #1) in Attachment 6, Appendix B.



13. **Ron Muller & Associates** –October 9, 2013, Follow-Up Traffic Count Analysis. Submitted in the Application (Record #1) as Attachment 6, Appendix C.
14. **Ron Muller & Associates** – November 12, 2013, Additional Waste Transfer Station Counts. Submitted in the Application (Record #1) as Attachment 6, Appendix D.
15. **Beveridge & Diamond<sub>PC</sub>** – August 7, 2015, Response to Public Comments regarding public comments and MassDEP comments on a prior Site Suitability Application for the Site. Submitted in the Application (Record #1) as Attachment 6, Appendix E.
16. **Beveridge & Diamond<sub>PC</sub>** – August 10, 2015 Supplemental Response to August 7, 2015 response to comments on the original 2014 application. Submitted in the Application (Record #1) as Attachment 6, Appendix F.
17. **Beveridge & Diamond<sub>PC</sub>** – August 19, 2015, Back-Up data for August 7 and August 10, 2015, responses to public comments, Tab 3 only. Submitted in the Application (Record #1) as Attachment 6, Appendix G.
18. **Beveridge & Diamond<sub>PC</sub>** –September 24, 2015, Motion for Reconsideration and Reopen the Record. Submitted in the Application (Record #1) as Attachment 6, Appendix H. Tabs 28 and 29 only
19. **Beveridge & Diamond<sub>PC</sub>** –December 7, 2015, Response to Comments on Motions for Reconsideration and Reopen the Record. Submitted in the Application (Record #1) as Attachment 6, Appendix I.
20. **Ron Muller & Associates** – January 10, 2017, Correspondence regarding January 5, 2017 revised site plan. Submitted in the Application (Record #1) as Attachment 6, Appendix J.
21. **Commonwealth of Massachusetts, Division of Fisheries and Wildlife** - March 2, 2017, correspondence regarding Rare Species Priority or Estimated Habitat and state-listed species records. Submitted in the Application (Record #1) as Attachment 7.
22. **Tech Environmental** – January 2017, Air Quality Study for the TLA Holbrook, LLC Transfer Station. Submitted in the Application (Record #1) as Attachment 8.
23. **Tech Environmental** – January 2017, Sound Study for the TLA Holbrook, LLC Transfer Station. Submitted in the Application (Record #1) as Attachment 9.
24. **MassDEP, Southeast Region, Regional Director** – June 10, 2014, Approval of Conceptual Zone II Delineation for Randolph-Holbrook Joint Water Board’s South Street Well #1, South Street Well #2, and South Street Well #3. Submitted in the Application (Record #1) as Attachment 10 and in Insert 10.

25. **Green Seal Environmental** - Soils Assessment Report Narrative. Submitted in the Application (Record #1) in Attachment 11.
26. **Apex Companies, LLC** – May 7, 2015 - Detailed Soil Survey, Agricultural Lands Suitability Criteria, 3 Phillips Road, Holbrook, MA. Submitted in the Application (Record #1) in Attachment 11.
27. **Al Averill, NCRS, Amherst, MA.** – October 21, 2014, E-mail regarding MassGIS Prime Forest Area. Submitted in the Application (Record #1) in Attachment 11.
28. **Green Seal Environmental** – February 10, 2017, USGS Topological Site Locus Map. Submitted in the Application (Record #1) as Insert 1.
29. **Green Seal Environmental** – March 13, 2017, Water Resources Plan. Submitted in the Application (Record #1) as Insert 2.
30. **Green Seal Environmental** – March 13, 2017, Land Use Plan. Submitted in the Application (Record #1) as Insert 3.
31. **Green Seal Environmental** – March 13, 2017, Property Identification & Zoning Map. Submitted in the Application (Record #1) as Insert 4.
32. **Green Seal Environmental** – February 10, 2017, Zone I and Conceptual Zone II Delineation Map. Submitted in the Application (Record #1) in Insert 5.
33. **Green Seal Environmental** – March 13, 2017. Existing Conditions Plan. Submitted in the Application (Record #1) as Insert 6.
34. **Green Seal Environmental** – March 13, 2017, proposed Conditions Plan - Exterior. Submitted in the Application (Record #1) as Insert 7.
35. **Green Seal Environmental** – March 13, 2017, proposed Conditions Plan - Interior. Submitted in the Application (Record #1) as Insert 8.
36. **Green Seal Environmental** – March 13, 2017, Traffic Movement and Turning Radius Plan. Submitted in the Application (Record #1) as Insert 9.
37. **MassDEP** - "Determination of Administrative Completeness" Notice for the proposed project issued to Applicant, dated May 18, 2017.
38. **Beveridge & DiamondPC** – May 26, 2017, Notice of Filing of Site Suitability Application with the Holbrook Board of Health, including Site Assignment Public Notice Advertisement.

39. **Beveridge & Diamond<sub>PC</sub>** – June 8, 2017, letter regarding Notice of Completion of Public Notice, including a newspaper clipping, a copy of the June 7, 2017, MEPA Monitor, a certified list of abutters, and “green card” proof of mailings, and a copy of the Public Notice.
40. **MassDEP** – June 21, 2017, Request for Additional Information.
41. **Beveridge & Diamond<sub>PC</sub>** – June 29, 2017, letter regarding a supplement to Notice of Completion of Public Notice, and three unclaimed certified mailings.
42. **Public Comments** - received during Public Comment Period that commenced on June 12, 2017 and ended on July 3, 2017. All public comments received by MassDEP during the Public Comment period were scanned and sent via e-mail to the Applicant and to the Holbrook Board of Health.
43. **MassDEP** – July 11, 2015, Request for Additional Information, requesting a response to public comments.
44. **Beveridge & Diamond<sub>PC</sub>** – July 14, 2017, Response to MassDEP June 21, 2017, Request for Additional Information).
45. **Green Seal Environmental** – July 14, 2017 Memorandum and Groundwater Contour Plan (Revised 7-11-2017). Submitted in Record #44.
46. **Tech Environmental** – July 14, 2017, Response to Peer Review Questions, in response to MassDEP’s June 21, 2017 request for Additional information (Record # 43).
47. **Apex** – Field Notes – submitted as a reference within the Beverage & Diamond July 21 Response. (Record #44.) Located at [http://www.holbrookma.gov/Pages/HolbrookMA\\_BComm/Planning/Link%20to%20TLA](http://www.holbrookma.gov/Pages/HolbrookMA_BComm/Planning/Link%20to%20TLA) as 2017-7-11 “Apex Companies Field Notes”
48. **Public Comments** – received after the Public Comment Period that ended on July 3, 2017.
49. **Beveridge & Diamond<sub>PC</sub>** – July 24, 2017, Response to Public Comments
50. **MassDEP** – October 20, 2015 through November 17, 2015, e-mail transfer of TLA Holbrook traffic study related documents to the Massachusetts Department of Transportation
51. **MassDOT** – January 4, 2015, correspondence regarding MassDOT review of TLA Holbrook, LLC. Traffic Study.
52. **US EPA** – National Ambient Air Quality Standards (NAAQS) [www.epa.gov/air/criteria.html](http://www.epa.gov/air/criteria.html)

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53. **US EPA** – Current Nonattainment Counties for All Criteria Pollutants.  
<https://www3.epa.gov/airquality/greenbook/ancl.html>
  54. **MassDEP**- 4/2003 Noise Guideline Document.
  55. **US EPA** - Health Assessment Document for Diesel Exhaust Page 2-113.  
<http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29060#Download>
  56. **US EPA** - August 12, 2015, discussion of development of 3 Phillips Road property.
  57. **Beveridge & Diamond<sub>PC</sub>** – August 4, 2017, Supplemental Response to Public Comments submitting Ron Muller & Associates August 3, 2017, “Randolph Accident Investigation”.
  58. **Ron Muller & Associates** – August 3, 2017, Randolph Accident Investigation.