



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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March 22, 2021

Charles Dam
Department of Public Works
Town of Manchester-by-the-Sea
10 Central Street
Manchester, MA 01944

RE: MANCHESTER—Solid Waste Management
Pine Street Landfill
FMF#: 230995

BWP SW36/Post-Closure Use—Major
Application Number: 20-SW36-0007-APP
Authorization Number: SW36-0000031

**North Shore Regional Compost Facility
Conditional Approval**

Dear Mr. Dam:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air and Waste, Solid Waste Management Section (MassDEP) has received your application, category BWP SW36, *Post-Closure Use-Major*, Application Number: 20-SW36-0007-APP (the Application), to construct a compost facility at the closed Pine Street Landfill in Manchester-by-the-Sea, Massachusetts (the Landfill). The Application was prepared and submitted to MassDEP on behalf of the Town of Manchester-by-the-Sea (the Town) by CMA Engineers, Inc. (CMA) of Portsmouth, New Hampshire. The Application includes a plan set, consisting of eleven (11) sheets, titled:

Town of Manchester-by-the-Sea
North Shore Regional Compost Facility
September 2020
Prepared by CMA Engineers, Inc.

The Application also includes an Engineering Report titled:

North Shore Regional Compost Facility
Manchester Landfill (DEP Facility Number: 230996)
201 Pine Street
Post-Closure Use Permit Application
September 2020
Prepared by CMA Engineers, Inc.

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

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DISCUSSION

In 2018, the Town received a MassDEP Sustainable Materials Recovery Grant in support of constructing a Regional Compost Facility (the Facility) at the site of the Town's currently operating transfer station and closed landfill on Pine Street. The Facility is expected to process approximately 30 tons per week of food waste which will be bulked with yard waste including leaves and brush. The food waste will be unloaded in the proposed building. Yard waste materials will be stored outside the building and the yard waste will be mixed with food waste inside the building. Air will be added to the compost piles while in the building to speed up the compost process. After approximately 4 weeks inside the building, the compost will be transferred to the top of the landfill by trucks (or a future conveyor system) and placed in aerated static piles for an additional 4 weeks. The compost material will then be screened and stored in the finished compost area prior to shipment to off-site end users.

In addition, the Facility may also transfer food waste to off-site compost facilities or anaerobic digestion facilities.

The compost building will be designed to collect liquids from the compost process and reused to add moisture to compost inside building. Air within the building will be collected and directed through a bio-filter.

The project site includes a portion of the closed Pine Street Landfill (the Landfill) and the Manchester Transfer Station (the Transfer Station). The Landfill was closed and capped in 1999. At that time, the Town also constructed the Transfer Station. The landfill cap consists of the following from the top to bottom:

- 8-inch vegetative support layer;
- 12-inch sand drainage layer;
- 40-mil high density polyethylene (HDPE) geomembrane layer (flexible membrane layer or FML); and
- 6-inch sand subgrade/gas collection layer.

A gravel access road was incorporated into the landfill cap that leads to an approximate one-half acre gravel pad area on top of the landfill. The Town currently uses the gravel area for storage.

The Transfer Station consists of an area for public drop-off of metals, bulky waste, propane tanks, white goods and universal wastes. The site also includes a municipal solid waste (MSW) compactor and a compactor for single-stream recyclables. A third compactor is onsite as back-up equipment. The Transfer Station currently operates on a Wednesday and Saturday schedule.

The Town proposes to modify the existing Transfer Station and utilize a portion of the closed Landfill to construct the proposed Regional Compost Facility.

The Application describes modifications to the existing Transfer Station and utilize a portion of the closed Landfill to construct the proposed Regional Compost Facility. Modification of the Landfill will include:

- Expansion of the gravel area on top of the Landfill from approximately 0.5 acre to 2 acres by placing gravel over a 12-ounce non-woven geotextile fabric (this area will be utilized for the management and storage of compost, compost screening, equipment and vehicle storage and compost loadout activities);
- Decommissioning 4 of the 8 existing passive landfill gas vents located on top of the Landfill; and

- Preparation of the landfill cap to construct a future conveyor system to transfer compost from the compost building to the top of the landfill for finishing and storage.

Modification of the Transfer Station area will include:

- Consolidation of transfer station activities to the northern portion of the Transfer Station site to provide additional area for the Regional Compost Facility (the back-up waste compactor unit will be removed);
- Construction of a fabric-roofed structure designed with 6-foot high push walls and 8-inch thick concrete slab with in-floor aeration system (approximate building size 150 feet by 65 feet);
- Installation of a liquid collection system within the building;
- Installation of a biofilter and blower to treat emissions and odors from inside building; and
- Construction of a stormwater basins in the southwest area of the site.

The proposed conveyor system from the Compost Building to the top of the landfill included in the proposed design will not be constructed as part of this approval. Under this approval, the required modifications to the landfill cap for the conveyor foundations and concrete slabs will be completed. In Installation of the conveyor system will require submittal of an application, category BWP SW45 *Any Facility-Presumptive Approval*, for MassDEP review and approval prior to construction of the conveyor system.

The operation of the Regional Compost Facility will be the subject of a separate MassDEP review and approval. The Town (and/or selected operator of the Facility) must submit an application, category BWP SW46 *Permit for Recycling, Composting or Conversion (RCC) Operation* for operation of the Facility.

DECISION

MassDEP has determined that the Application is administratively and technically complete and that, subject to the terms and conditions of this decision and permit, the proposed post-closure use complies with the applicable requirements of 310 CMR 19.000, the Massachusetts Solid Waste Regulations (the Solid Waste Regulations). The Application demonstrates pursuant to 310 CMR 19.143(3) that the installation and operation of the Regional Compost Facility as proposed and approved by this decision:

- Will not result in a disturbance of the Landfill cap that could cause an adverse impact to public health, safety or the environment;
- Will not impair the integrity or functioning of the final cover, the components of the containment system, the landfill gas control system, the environmental monitoring systems, or any other component of the landfill closure; and
- Provides for the maintenance of the Landfill cap's storm water drainage facilities, basins, swales, and other erosion/sedimentation controls.

Therefore, in accordance with M.G.L. Chapter 111, § 150A and 310 CMR 19.143, MassDEP approves the Application and issues this Post-Closure Use Permit, subject to the Town's compliance with 310 CMR 19.000 and the following conditions, imposed by MassDEP pursuant to 310 CMR 19.043(1) *Items Subject to Conditions* and 310 CMR 19.142(7) *Additional Measures*. This decision is a Post-Closure Use Permit pursuant to 310 CMR 19.143 *Post-Closure Use of Landfills*.

This decision does not relieve the Town, or any other person, of the responsibility to comply with all other applicable federal, state and local statutes, regulations and requirements.

CONDITIONS

1. The Town shall comply with this permit and the requirements of 310 CMR 19.000, including, but not limited to, the requirements established at 310 CMR 19.043(5) *Standard Conditions*.
2. The Town shall comply with 310 CMR 40.0000, the Massachusetts Contingency Plan, including, but not limited to, section 310 CMR 40.0114 *Solid Waste Management Facilities*.
3. The Town shall ensure persons conducting activities at the Landfill are familiar with the applicable provisions of this permit and the approved plans, and that all work performed at the Landfill complies with 310 CMR 19.000 and the applicable requirements of this permit.
4. All work under this decision shall be completed and conducted under the supervision of an independent Massachusetts Registered Professional Engineer (Engineer of Record) who shall have sufficient qualified staff on-site to provide field supervision and quality assurance/quality control for all construction activities.
5. **Required Submittals:**
 - a. Notification of Construction Schedule: Not less than seven (7) days prior to commencing work pursuant to the Application and this decision, the Town shall notify MassDEP and the Town of Manchester-by-the-Sea Board of Health (BOH) in writing of the scheduled date of the commencement of work at the Landfill. In addition, the Town shall provide to MassDEP and the BOH the following:
 - i. The projected schedule for completion of the major construction milestones;
 - ii. The name and contact information of the Engineer of Record for the project;
 - iii. The name and contact information of an on-site contact for the project;
 - iv. A Health and Safety Plan for the project. (Also refer to Condition 6, below); and
 - v. The National Pollutant Discharge Elimination System (NPDES) Notice of Intent and Stormwater Pollution Prevention Plan (SWPPP) for the project.
 - b. Monitoring During Construction: The Town shall conduct construction monitoring and inspections and submit reports to MassDEP pursuant to Conditions 16 and 17, below.
 - c. Permitting:
 - i. Prior to operation of the Facility, the Town and/or the Town's selected operator of the Facility shall submit to MassDEP an application, category BWP SW46 *Recycling, Composting or Conversion (RCC) Operation*, pursuant to Condition 26, below.
 - ii. In the event the Town seeks to install the compost conveyor system to the top of the Landfill, the Town and/or the Town's selected operator of the Facility shall submit to MassDEP an application pursuant to Condition 27, below.
 - d. Third-Party Inspections—Regional Compost Facility/Landfill Area: The Town shall conduct third-party inspections and submit inspection reports to MassDEP, pursuant to Condition 21, below.
 - e. Construction Certification Report: On or before sixty (60) days after the date of completion of the project, the Town shall submit to MassDEP a construction certification report. The certification report shall include, but is not limited to:

- i. A site-plan showing the constructed Regional Compost Facility including the modified Transfer Station and Landfill areas, prepared by a Massachusetts Registered Professional Engineer;
 - ii. A report, prepared by the Engineer of Record, that provides, in part, the results of the construction, and discusses any modifications made to the approved project; and
 - iii. Certifications by the Town and the Engineer of Record pursuant to 310 CMR 19.011.
 - f. Certification of Transfer Station Operation: On or before sixty (60) days after the date of completion of the project, the Town shall submit to MassDEP a *Certification for the Operation of a Transfer Station*, pursuant to 310 CMR 19.035 (the Transfer Station Certification). The Transfer Station Certification shall be completed on a form supplied by the Department, and shall address, without limitation, compliance with the permit(s) issued for the Transfer Station and the applicable requirements of 310 CMR 19.000. Such certifications shall be certified in accordance with the requirements of 310 CMR 19.011(1).
 - g. Regional Compost Facility Decommissioning Plan: On or before thirty (30) days after the date the Regional Compost Facility ceases operation, the Town shall submit to MassDEP an application pursuant to 310 CMR 4.00 and 310 CMR 19.000 for the decommissioning of the Regional Compost Facility and the restoration of the Landfill cap and appurtenances thereto. The application shall include, but not be limited to, a narrative, plans and schedule for the decommissioning of the Regional Compost Facility and the restoration of the Landfill's cap and appurtenances.
6. The Town shall ensure that all necessary actions are taken to protect the health and safety of workers and the general public during the construction of the proposed Regional Compost Facility. The ambient air above excavations shall be monitored for volatile organic compounds (VOCs) and methane, and the observations of said monitoring shall be documented. A Health and Safety Plan for the project shall be developed and submitted to MassDEP, for the facility file that includes, but is not limited to, protocols for monitoring of landfill gas (methane, hydrogen sulfide, etc.).
 7. Prior to construction of the Regional Compost Facility, any suspect settlement areas on the landfill project area shall be surveyed to determine the lowest spot. The surrounding area should be surveyed to find the "relief point" defined as the lowest surrounding area where ponded water would flow off the landfill cap. The elevation difference is defined as the "pond value." Minor settlement shall be defined as less than 12-inch pond values. Any landfill project area that has undergone minor settlement shall be corrected by the placement of additional vegetative support soil or gravel to promote runoff and the area shall be reseeded.

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

- a. Strip off the final cover soils above the geomembrane layer, inspect and repair the geomembrane layer if/as necessary, place low permeability soil as necessary to promote runoff, replace final cover soils; or
- b. Expose the geomembrane layer in a trench around the perimeter of the settled area. Fill the area with soil to form slopes promoting runoff. Cap the area with a new geomembrane membrane, geosynthetic clay liner (GCL), or low permeability soil layer

that ties into the existing low permeability layer at the identified perimeter. Place new drainage sand and vegetative support material over the new cap area.

Areas of minor settlement may be repaired as routine maintenance, provided the Town reports the settlement to MassDEP and states the intention to perform repairs, and provides to MassDEP the final survey results and a summary letter report as part of the construction certification report pursuant to Condition 5. Any proposal to conduct major settlement repair must be submitted to MassDEP together with an application, category BWP SW25 *Corrective Action Design*, which shall include, without limitation, detailed information of the proposed repair.

8. Four (4) passive landfill gas vents located within the project area shall be decommissioned in accordance with the approved detail included in the Application. The location of each decommissioned vent shall be surveyed in the event the vent need to be reestablished in the future. The surveyed coordinates of each decommissioned vent shall be contained in the Construction Certification Report and shown on the as-built site plan required by this decision (Condition 5.e).
9. Only low ground pressure construction equipment (with ground pressures of less than 7 PSI) may operate on the landfill cap off of the access road, and only in accordance with the conditions of this decision. Prior to use of any specific equipment off the access road on the cap, the Engineer shall document that the equipment, fully loaded, will have a ground pressure of less than 7 PSI.
10. Vehicles operating on the expanded gravel area of the landfill cap shall only be operated and parked on designated access roads, except for low-pressure construction equipment, which may operate off the access roads. All operators of vehicles entering the capped area of the Landfill shall, prior to their arrival, be instructed by the Engineer of Record or his/her designee and/or contractor of the requirements of this decision and permit, to avoid damage to the landfill cap and appurtenances thereto.
11. Material stockpiles located on the landfill cap shall not exceed 15 feet in height, except in the asphalt paved area under the future conveyor where the maximum stockpile height shall be 19 feet.
12. The Town shall implement all measures necessary to control and prevent the generation and emission of dust wherever and whenever necessary at the Landfill and any other areas related to or under the control of the Town to prevent fugitive dust emissions and/or the occurrence of nuisance conditions. Water shall not be used for dust control in amounts that produce excessive infiltration, ponding, runoff or erosion.
13. The Town shall implement all measures necessary to control and manage storm water at the project site. The Town shall periodically evaluate the general site conditions to assess the effectiveness of sediment and erosion control measures and determine whether additional measures are needed to prevent erosion and sedimentation. In addition, this approval does not relieve the Town or any other person of the responsibility to comply with the National Pollutant Discharge Elimination System (NPDES) requirements including, without limitation, the applicable NPDES permit requirements for *Discharges from Construction Activities*, as applicable to the construction activities approved by this permit.
14. Maintenance of slopes, berm(s), drainage swales, storm water systems, outlet structures, and appurtenances shall be performed to keep these structures in good working order. The area

around the site entrance shall be maintained in a condition which shall prevent tracking of sediment onto the public right-of-way. All sediment spilled, dropped, washed or tracked onto the public right-of-way shall be removed without delay.

15. All areas disturbed during construction shall be stabilized as soon as possible upon completion of construction work in this area.
16. The Town shall perform routine monitoring of the Regional Compost Facility/Landfill Area in accordance with the requirements of this decision and the approved plans to ensure compliance with this permit and the approved plans. The routine monitoring shall include, without limitation:
 - a. Daily inspection and assessment of the status and condition of the Landfill¹ and construction activities. This shall include, but not be limited to, the monitoring of the site for the occurrence of nuisance odors, dust, and noise, and storm water run-off from the site and any necessary corrective actions.
 - b. Maintenance at the site of a Daily Construction Activity Log that includes, but is not limited to:
 - i. A daily summary that describes, without limitation, the principle activities at the site that day such as, site grading, excavation, storm water system maintenance, and notable construction milestones;
 - ii. A description of any deviations from the approved plans and this approval;
 - iii. A description of corrective actions, maintenance, or repairs taken, or to be taken, to mitigate or correct problems, damage from natural occurrences such as significant precipitation events, or potential/actual nuisance conditions;
 - iv. Documentation of all reporting/notifications made to MassDEP, the BOH and other authorities/agencies/emergency responders/facilities, as necessary, in accordance with the Notification Requirements of Condition 22 of this decision; and
 - v. Documentation of any complaints received by the Town relative to the activities at the Landfill that includes, but is not limited to the name/identity of the complainant and the complainant's contact information (if provided to the Town), the date and time of the complaint, the nature of the complaint, and the response to the complaint including any actions taken by the Town.
17. The Town shall engage the services of an independent Massachusetts registered professional engineer in good standing, qualified and experienced in the design and construction of solid waste management facilities to oversee all construction activities at the Landfill (the Engineer of Record) pursuant to this decision. The Engineer of Record or his/her qualified direct employee² (the Inspector) shall conduct routine inspections and monitoring of the Landfill, construction activities and project status as set forth below. These inspections are not in lieu of any other inspections, oversight or reporting required or necessary to oversee the construction activities of the Landfill.
 - a. The Inspector shall have adequate training, knowledge and understanding of all applicable regulations, and the requirements of this permit.

¹ This includes but is not limited to structures, equipment, devices, storm water management controls, environmental control systems, paved surfaces, fencing, gates, and other areas.

² For purposes of this decision "qualified direct employee" means an individual, qualified and knowledgeable in the construction of solid waste facilities, employed by and directly responsible to the Engineer of Record and not the Permittee.

- b. The Inspector shall during each inspection thoroughly evaluate the project status and identify actual or potential deviations from the applicable regulations and the requirements of this decision, including, without limitation, all applicable plans and approvals.
- c. The Inspector shall conduct at a minimum, the following inspections of the Landfill and construction activities. These inspections are in addition to those required to direct, monitor, and document the construction activities at the Landfill to prepare the construction certification(s) required by 310 CMR 19.107 and 310 CMR 19.140.
 - i. An initial inspection (the Pre-Construction Inspection) prior to the commencement of construction activities at the Landfill to document the pre-construction conditions of the Landfill;
 - ii. An inspection within seven (7) days of commencement of construction activities and thereafter a minimum of one (1) inspection every other week until the construction of the Landfill post-closure uses and Transfer Station modifications are complete;
 - iii. An inspection within two (2) days after each precipitation event with rainfall greater than 1 inch in a 24-hour period to evaluate the site conditions and status of the erosion and sediment controls. During each such inspection, the Inspector shall assess whether additional measures are needed to prevent erosion and sedimentation, and shall document, without limitation, any impacts to the project area, the final cover system, or the storm water management system. In the event any damage is observed or repairs are necessary regarding the erosion and sediment controls, the final cover or the storm water management system, or if sediment enters the storm water drainage system or adjacent wetland resource areas (if any), the Town shall submit a corrective action plan within seven (7) days for MassDEP review and approval that documents the impacts and outlines any proposed repairs. The action plan shall discuss any proposed improvements to the erosion and sediment control and/or Landfill closure design and include revised design plans as necessary, together with a schedule for implementing such repairs and improvements; and
 - iv. A final inspection within seven (7) days following completion of construction, as approved by this permit and other applicable plans and approvals, to document the post-construction conditions of the Landfill (the Post-Construction Inspection).
- d. The Inspector shall prepare written monthly construction monitoring reports of each inspection, as set forth in this Condition (the Construction Monitoring Reports). The results of inspections conducted following precipitation events greater than 1 inch over a 24-hour period shall be included in the monthly Construction Monitoring Report. Not later than the 15th day of the month the Engineer of Record shall submit printed and electronic copies of the Construction Monitoring Reports for the preceding month directly to MassDEP. Copies shall be provided to the BOH in such manner as may be prescribed by the BOH. A copy of each Construction Monitoring Report shall also be made available at the Landfill to authorized representatives of MassDEP and the BOH, upon request. Each Construction Monitoring Report shall be signed, dated, and certified in accordance with 310 CMR 19.011(1) by the Inspector and the Engineer of Record and shall, without limitation:

- i. Document the conditions and construction activities at the time of the inspection and the project progress since the previous inspection;³
 - ii. Identify any actual or potential deviations from the applicable regulations, the requirements of this permit, and all applicable plans and approvals; and
 - iii. In the event a condition of actual or potential deviation is identified, the Construction Monitoring Report shall:
 1. describe the deviation/issue;
 2. identify the action(s) the Town took or intends to take to correct the deviation/issue and a schedule for taking the action(s); and
 3. include photographs documenting the condition of the Landfill and construction progress.
 - e. The Town shall, within fourteen (14) days of the date of receiving written comments from MassDEP⁴ on a Construction Monitoring Report, provide a written response to MassDEP that includes any information that MassDEP reasonably requires. This provision does not limit MassDEP's right to request information pursuant to 310 CMR 19.000, 310 CMR 40.0000, the Massachusetts Contingency Plan (the "MCP"), and 310 CMR 30.000, the Massachusetts Hazardous Waste Regulations or any other applicable state, federal, or local law or regulation.
18. Where the design specifications provide a standard as "minimum" or "maximum" (or other of similar effect) the closure certification shall document that all material accepted and placed for that use either equals the standard, or the material exceeds or is below the standard, respectively. Where materials are received that do not meet one or more standards the closure completion certification report shall clearly document either that the material was rejected and not used, or was modified or otherwise processed, so as to meet the standard(s) as actually used. Where an area must be reworked, repaired or otherwise removed and replaced, confirmatory testing shall be completed and documented showing that the reworked, repaired and/or replaced materials meet specifications. The thickness of the soil/separation layers shall include documentation by direct tabulated measurement that the layer meets the specifications. Testing results and measurements shall not be averaged to determine compliance with the specifications.
19. The Town shall limit all disturbance of the Landfill and Transfer Station to the proposed improvements as depicted and described in the Application, Application Number: 20-SW36-0007-APP, and this decision. Any additional activities or modifications not described in the Application may require notification of MassDEP, and the preparation and submittal of a separate application for permit modification.
20. Any and all damage to the landfill cap shall be promptly repaired. The landfill cap shall be restored to the conditions as specified within the Application. All work to repair the landfill cap shall be completed and conducted under the supervision of the Engineer of Record who shall have sufficient qualified staff on-site to provide field supervision and quality assurance/quality control for all cap repair activities. Any and all cap repairs shall be shown on the as-built plans and discussed in the construction certification report required by Condition 5 of this decision.

³ As examples, depending on the project phase, the Construction Monitoring Report may document: site preparation activities, installation and maintenance of erosion and sediment controls, excavation; foundation/footing installations, drainage and utility installations, and site stabilization, grading, and associated paving and landscaping activities, etc.

⁴ MassDEP may at its sole discretion upon request of the Permittee extend the fourteen (14) day time period for responding to MassDEP's comments.

21. During the first year after completion of construction of the Regional Compost Facility, the Town shall ensure that inspections of the Landfill final cover system are conducted in the areas of the project and potentially impacted by the project on a quarterly basis (four inspections spread across the twelve months following completion of the project). Pursuant to 310 CMR 19.142(6), inspections shall be conducted by a Third-Party Inspector registered with MassDEP, pursuant to 310 CMR 19.018. Quarterly third-party inspection reports shall be submitted to MassDEP within thirty (30) days of the date of each inspection. Following the first year of operation of the Regional Compost Facility, after the submittal of four quarterly third-party inspection reports, and if no problems have been documented, third-party inspections of the Landfill and the project area shall be performed and reported in accordance with the frequency requirements of the Post-Closure Plan for the Landfill, as approved by MassDEP and the regulations set forth at 310 CMR 19.018.
22. The Town shall comply with the notifications described in this decision and 310 CMR 19.043(5)(i), *Duty to Inform*. These notifications are in addition to, and shall not substitute for, any other notification(s) which are required pursuant to 310 CMR 40.0000, the Massachusetts Contingency Plan (the MCP), and 310 CMR 30.000, the Massachusetts Hazardous Waste Regulations or any other applicable state, federal, or local law or regulation.
 - a. The Town shall notify MassDEP and the BOH within twenty-four (24) hours whenever possible, but in no case greater than within forty-eight (48) hours of the Town, the Engineer of Record or contractor(s), becoming aware of:
 - i. The occurrence of any conditions or events at the Landfill that result in off-site nuisance conditions or a threat to the public health, safety, welfare or the environment;
 - ii. The occurrence of damage to or failure of the landfill final cover system;
 - iii. The details of any incidents that resulted in the response of emergency personnel (fire, police, MassDEP Emergency Response personnel, the Occupational Health and Safety Administration, etc.) to the Landfill; and
 - iv. The receipt by the Town of any complaint of off-site nuisance conditions attributed to the project activities.
 - b. This written notification shall be made by email to the Solid Waste Section Chief at the MassDEP Northeast Regional Office:
Mark Fairbrother, Solid Waste Section Chief
Email: mark.fairbrother@mass.gov
Telephone: (978) 694-3298
 - c. This notice shall, at a minimum, include a description of the incident and/or complaint, the impact on the construction activities authorized by this decision, and a description of any corrective actions the Town has taken or intends to take to minimize the potential for a recurrence.
23. The activities subject to this decision shall be carried out in a sanitary, orderly and dependable manner.
24. MassDEP reserves the right to rescind, suspend or modify this approval based upon a determination that the project causes or contributes to the development of nuisance conditions, is not being operated safely or in accordance with this approval, or results in a threat to the public health, safety or the environment.

25. The Town shall comply with the requirements of 314 CMR 18.00, *Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping Requirements*, as applicable to the Facility. Without limitation, wastewater holding tanks shall be equipped with a level measuring device and an audio and light alarm system located in a staffed location. The alarm system shall be activated when the level of industrial wastewater reaches 75 percent capacity of the holding tank and the alarm signal shall be transmitted to a staffed location.
26. The Town (and/or the Town's selected operator of the Facility) shall submit to MassDEP a completed application for operation of the Facility, category BWP SW46 *Recycling, Composting or Conversion (RCC) Operation*, pursuant to 310 CMR 16.05, together with all applicable fees for such submittal. The application shall comply with the requirements of 310 CMR 16.000, including the application form.
27. In the event the Town seeks to install the compost conveyor system to the top of the Landfill, the Town shall submit to MassDEP a completed application, category BWP SW45 *Any Facility- Presumptive Approval*, pursuant to 310 CMR 19.029, together with all applicable fees for such submittal. The Application for Modification shall comply with the requirements of 310 CMR 19.000, including, without limitation, the following:
 - a. A report that discusses the proposed modification of the Facility.
 - b. Revised site plans to reflect the proposed modification, and to identify all proposed equipment and areas for the handling and processing of waste and materials.
 - c. The seal and certification of an independent Massachusetts registered professional engineer in accordance with 310 CMR 19.011(2) on all papers pertaining to the design, operation, maintenance, or engineering of the Facility.
 - d. Certification by the Town pursuant to 310 CMR 19.011 of all papers pertaining to the Facility including, but not limited to, the statements of fact therein.

NOTICE OF RIGHT TO APPEAL

The Town of Manchester-by-the-Sea (the Town) is hereby notified that it may within twenty-one (21) days file a request that this decision be deemed a provisional decision under 310 CMR 19.033(4)(b), by submitting a written statement of the basis on which the Town believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the Department's receipt of the request. Such a request shall reopen the administrative record, and the Department may rescind, supplement, modify, or reaffirm its decision. Failure by the Town to exercise the right provided in this section shall constitute a waiver of the Town's right to appeal.

Appeal. Any person aggrieved by the issuance of this decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, not later than thirty (30) days following the receipt of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

Notice of Action. Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to the Department of their intention to commence such action. Said notice of intention shall include the Department file number and shall identify with particularity the issues and reasons why

it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the application. The appropriate addresses to which to send such notices are:

General Counsel
Department of Environmental Protection
One Winter Street - 3rd Floor
Boston, MA 02108

and

Eric Worrall, Regional Director
Department of Environmental Protection
205B Lowell Street
Wilmington, MA 01887

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

If you have any questions regarding this matter, please contact Richard Spieler at telephone number 978-694-3317 or by email to Richard.Spieler@mass.gov.

Sincerely,

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Mark G. Fairbrother
Section Chief
Solid Waste Management

Richard J. Spieler
Environmental Engineer
Solid Waste Management

MGF/RJS/tjs

Enclosure: Communication for Non-English Speaking Parties

cc: Town of Manchester-by-the-Sea
Board of Health
10 Central Street
Manchester, MA 01944

Town of Hamilton
Board of Health
577 Bay Road
Hamilton, MA 01936

Adam Sandahl, P.E. (CMA Engineers, Inc.)
Email: ASandahl@cmaengineers.com

Ann McGovern (MassDEP-Boston)