



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

Maura T. Healey
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Kimberley Driscoll
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Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

November 10, 2023

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

RE: **FINAL PERMIT APPROVAL WITH CONDITIONS**
Application for: BWP SW 05
Application for New or Expanded Solid Waste Management Facility:
Authorization to Construct - Large Handling Facilities
Application No. 21-SW05-0001-APP
Authorization No. SW05-0000004

AT: TLA-Holbrook LLC Municipal Solid Waste Transfer Station
3 Phillips Road and 6 Phillips Road
Holbrook, Massachusetts 02343
Facility No. 558259

Dear Mr. Barletta:

The Massachusetts Department of Environmental Protection (“MassDEP”) has completed its Technical Review of the permit application (“Application”) listed above and determined that the Application is technically complete. Accordingly, MassDEP hereby issues this approval of the TLA-Holbrook LLC Application to construct a large solid waste transfer facility (“Facility” or “Transfer Station”) at 3 & 6 Phillips Road in Holbrook, Massachusetts, subject to the conditions herein. The Transfer Station is to be located on approximately 14.85-acres of land that has been site-assigned for solid waste management activities by the Holbrook Board of Health (the “Site”).

I. SUBMITTALS:

TLA-Holbrook LLC is proposing to construct a large solid waste transfer facility (“Facility” or “Transfer Station”) at 3 & 6 Phillips Road in Holbrook, Massachusetts. The proposed Facility will handle up to 1,000 ton per day of municipal solid waste (“MSW”).

The Application was submitted on behalf of TLA-Holbrook, LLC (“TLA-Holbrook” or the “Applicant”) by Green Seal Environmental, LLC of Sagamore Beach, Massachusetts on August 13, 2021. The Application consisted of the following:

- A. Authorization to Construct Application (BWP SW 05), received by MassDEP consisting of the permit application form, a project narrative, prior project related correspondence and approvals, a Waste Ban Compliance Plan, an Operations and Maintenance Plan, a Closure Plan and Financial Assurance Mechanism Cost Estimate, an updated Traffic Impact Study, and twenty-four (24) site plan sets including forty-three (43) drawings regarding construction of the Facility and the associated rail spur.
- B. Supplemental information prepared by Green Seal, consisting of a response to MassDEP’s Notice of Technical Deficiencies and Request for Information issued April 4, 2022, received by MassDEP on May 27, 2022. The supplemental information included an updated plan set.
- C. Supplemental information submitted via email by Green Seal received by MassDEP on July 11, 2022 and July 15, 2022.

The Application was submitted electronically via the Massachusetts Executive Office of Energy and Environmental Affairs ePlace Portal at <https://permitting.state.ma.us/CitizenAccess/> on August 13, 2021 and payment was completed on August 24, 2021. The full application was uploaded on October 19, 2021.

The Application, Draft permit, public comments, and the Final permit may be reviewed online at: <https://eeaonline.eea.state.ma.us/EEA/PublicApp/> using the “Site Name” TLA Holbrook Transfer Station and the “Search” tab. Under “Record Type”, select the “Application” file with the August 13, 2021 “Application Date”.

II. APPLICATION REVIEW, DECISION PROCESS, and DRAFT PERMIT:

The Application was submitted and reviewed pursuant to the provisions of 310 CMR 19.029(1): *Applicable Permit Procedures* and 310 CMR 19.032: *Permit Procedure for a New Facility or Expansion Permit Application*. According to these review procedures, MassDEP shall prepare a DRAFT Decision and cause Public Notice to be given. Accordingly, a Draft Decision was issued on August 5, 2022, which required the Applicant to provide Public Notice establishing a 30-day public comment period. Notice of the Draft Permit was published in English, Vietnamese, Haitian Creole, and Mandarin in the Patriot Ledger on August 23, 2022. Additionally, the notice was published in Spanish in El Planeta on August 19, 2022, and in Portuguese in the Portuguese Times on August 17, 2022. All abutters to the proposed Facility and the Holbrook Board of Health and the boards of health of all municipalities within ½ mile were notified by the Applicant by certified mail, with proof provided to MassDEP on August 24, 2022. Accordingly, the thirty (30) day public comment period began on August 25, 2022, and closed on October 26, 2022, after MassDEP extended the public comment period an additional 30 days in response to a request to extend the

public comment period from the Town of Holbrook Board of Health and a resident. MassDEP received public comments via U.S. Mail, email, and the EEA ePLACE Public Access Portal from interested parties including state officials, local officials and private citizens. MassDEP considered the comments prior to issuing a final decision. This paragraph has been added to this Final Permit to provide an appropriate update to the permitting process.

MassDEP reviewed the Application pursuant to 310 CMR 19.000: Solid Waste Regulations, 310 CMR 19.038; *Review Criteria for a New or Expanded Facility Permit or permit Modification*, and MassDEP's Landfill Technical Guidance Manual, May 1997 (the "Manual").

III. PROJECT BACKGROUND:

MEPA

On January 25, 2013, the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) issued a Certificate on the Environmental Notification Form that was Noticed in the Environmental Monitor on November 21, 2012, regarding the proposed TLA-Holbrook Transfer Station. The Secretary determined that preparation of an Environmental Impact Report and further MEPA review was not required. On April 14, 2017, and September 6, 2018, EEA issued correspondence regarding a Request for Advisory Opinion stating that additional MEPA review was not warranted for minor modifications to the facility design.

Site Assignment

On September 10, 2015, MassDEP issued a Negative Decision on Site Suitability based on its review of Site Suitability Application BWP SW 01, Transmittal No. #X254488 citing insufficient information regarding six (6) criteria related to traffic and status of a nearby sensitive receptor.

On January 29, 2016, MassDEP issued a "Final Report on Suitability for Site Assignment after Reconsideration" based on its review on supplemental information provided as part of a motion for reconsideration filed by the Applicant and determined the site was not suitable for the proposed transfer station due to the existence of a nearby sensitive receptor.

On April 25, 2017, TLA-Holbrook submitted Site Suitability Application BWP SW 01, Transmittal No. # X273727 with a revised facility design. On August 11, 2017, MassDEP issued a Site Suitability Report to the Holbrook Board of Health with a positive determination based on its review of the Site Suitability Application BWP SW 01, Transmittal No. #X273727.

On November 8, 2017, the Holbrook Board of Health granted Site Assignment for 14.85 acres of land upon which the proposed Transfer Station is to be constructed and on January 2, 2019, the Board of Health issued a Minor Modification to the Site Assignment for changes to the facility design. Both the Site Assignment and the Minor Modification were appealed, and the appeals were dismissed by Norfolk County Superior Court in 2020.

IV. PROJECT DESCRIPTION:

TLA-Holbrook is proposing to construct a 1,000 ton per day solid waste Transfer Station that will handle Municipal Solid Waste (“MSW”) located at 3 Phillips Road and 6 Phillips Road in Holbrook Massachusetts on two site-assigned parcels totaling 14.85 acres. Employee parking will be located on a third parcel located at 1 Phillips Road. The proposed Facility is located in an industrial park in the Holbrook Industrial District. The proposed Facility is abutted to the north by industrial properties; to the south by the Baird & McGuire Superfund Site; to the east by the Cochato River and industrial properties; and to the west by the MBTA commuter rail line and commercial and residential properties.

The proposed Facility will include a 22,300 square foot (“s.f.”) Transfer Station building, weigh scales, a residential drop-off area, a scale house and office building, a railroad yard, and access roads and parking areas.

Facility and Building Design

TLA-Holbrook proposes to construct a 22,300 s.f. Transfer Station building located on the 3 Phillips Road parcel. The proposed Transfer Station building will be 194 feet by 115 feet and is a metal framed building with reinforced concrete foundations and a concrete floor. The 22,300 s.f. waste handling building has a peak height of 40 feet and consists of a 18,575.5 s.f. tipping floor and a 3,734.5 s.f. rail car loading bay. The rail car loading bay is situated on the westerly side of the building approximately 4-feet below the elevation of the tipping floor to help facilitate the loading of waste into rail cars by mobile equipment. There is a 500 s.f. addition to the waste handling building that will be used as a utility room to house the utilities and fire suppression system controls.

The building will include 16-foot-high push walls on the east side and south side to facilitate the handling and storage of MSW and an 8-foot-high push wall on the west side to facilitate the loading of waste onto rail cars. The building walls include translucent wall panels on all sides to allow ambient light into the building. Interior and exterior lights will be provided to facilitate safe operations at all times. The building will be equipped with an atomized water misting system and rooftop ventilation fans with air filters to control fugitive dust from the Transfer Station building.

The proposed Transfer Station building is designed with three (3) 22-foot wide by 28-foot-high fast closing roll-up doors located on the north side for use by waste hauling vehicles and one (1) 19-foot wide by 22.5-foot-high fast closing roll-up door at the northwest corner of the building for rail cars or outbound live floor tractor trailers. The tipping floor is designed to slope from an elevation of 136.4 feet at the south end of the building to 136.0 feet at the entrance doors at the north end. The finished floor level of the rail car loading is approximately four feet lower at an elevation of 132.0 feet.

Trench drains will be constructed at the four (4) roll-up doors to capture any liquids draining from the waste materials. Liquids will be collected in the trench drain system and will flow by gravity through piping to a sump and then pumped into an above-ground holding tank located west of the Transfer Station building. The lowest point of the trench drain system is the bottom of the sump with an elevation of 129.8 feet. There are fifteen groundwater monitoring wells located on the Site and the Applicant used recent and historic monitoring well data to determine the site-specific

groundwater elevation at each monitoring well. The Applicant used the Frimpter Method to convert the site-specific groundwater elevations to maximum high groundwater and develop groundwater contours. The Applicant estimated the maximum high groundwater in the area where the sump is located to be at elevation 127.8 feet, which meets the requirement for a 2-foot separation between the waste handling area and the maximum high groundwater level. The groundwater elevation under the proposed residential drop-off area is approximately 127.4 feet compared to a proposed surface elevation of approximately 131.5 feet in the area of the MSW compactor, which meets the requirement for a 2-foot separation between the waste handling area and the maximum high groundwater level.

The above-ground holding tank will be a 2,000 gallon, double-wall, aboveground wastewater storage tank. The tank will be equipped with a visual and audible automatic high-level alarm set at 75 percent of maximum capacity and an auto-shutoff alarm that will trigger the sump pump to shut down at 90 percent of maximum capacity. The tank will be pumped out as necessary and disposed of at an appropriate wastewater treatment facility. As a condition of this permit the storage tank must meet the requirements of 314 CMR 18.00: Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping requirements (refer to Condition No. 3).

The Facility will utilize the existing entrance at Phillips Road with one entrance and exit separated by an island controlling the flow and direction of traffic. All working areas of the Facility will be paved, and a circular roadway will provide access to all areas of the Facility. The circular access road includes four inbound lanes and a fire lane for emergency personnel. There are two gravel access roads on either side of the transfer station for emergency vehicles.

Three weigh scales are included in the design: an inbound scale, an outbound scale, and a rail scale located in the rail loading bay within the Transfer Station building.

The Facility will include a residential drop-off area that will provide recycling containers and an MSW compactor for Town of Holbrook residents. The residential drop-off area is centrally located within the circular access road. There will be resident parking in the drop-off area that is isolated from general truck traffic at the Facility. The design includes a noise barrier wall installed next to the MSW compactor in the residential drop-off area to mitigate noise from the operation of the compactor. The noise barrier wall will be at least 10 feet in height and will be at least as long and as wide as the compactor unit.

The design includes a vegetated earthen berm that will be constructed on the western side of the Site between the new rail spurs and the western property boundary. The berm is intended to provide a physical and visual barrier for noise mitigation. The berm is approximately 9-feet in height and 205-feet long and is designed to extend an existing natural berm for a total barrier length of 350 feet. The berm will be constructed of common fill and will be vegetated for soil stabilization and landscaped with additional trees.

Utilities

There are existing aboveground electrical, sewer, and water utilities along Phillips Road that the Facility will connect to. Utility improvements will include installation of an 8-inch water main

from the Site entrance to the transfer station utility to service fire suppression and dust/odor control misting systems within the building. Fire hydrants will be installed in the area of the Transfer Station building and near the residential drop-off area. New water service will be installed to the office building and scale house. A new sewer connection will be installed from an existing manhole at Phillips Road to new manholes located on-site to service the on-site bathrooms within the office building and scale house. The sewer line will extend to the Transfer Station building where it will be stubbed and capped at the finished floor. New underground electrical service will be installed on-site from an existing utility pole at Phillips Road. Applicable permits will be obtained from the Town or the utility service prior to construction.

Rail Design

A rail spur with five (5) tracks will be constructed from the existing railroad line to service the Facility. Rail service will be provided by CSX, which operates freight service on the existing main railroad line owned by the MBTA to the west of the Site. One (1) track will access the Transfer Station building through the rail car access door at the northwest corner of the building. This track will be constructed at an elevation 4 feet below the tipping floor to facilitate loading rail cars with mobile equipment (e.g., front end loader and excavator). The Facility is designed to fully enclose two (2) 90-foot rail cars within the building. Four (4) tracks will be constructed along the western property line to store full cars waiting for rail service and empty cars waiting to be filled.

Stormwater

The Site has minimal existing stormwater infrastructure. Stormwater run-off from the proposed Facility will be collected, conveyed, and treated in a series of deep sump catch basins, trench drains, manholes and deep sump manholes, grass-lined swales, a lined detention basin, oil and grit separators, a hydrodynamic separator (Contech Jellyfish Filter Separator), a sand filter, underground stormwater detention galleries and ultimately flow to an on-site culvert that discharges overland in the northeast corner of the Site approximately 30 feet west of the Cochato River. The Applicant states that stormwater controls proposed for the Site were designed in accordance with the Massachusetts Stormwater Handbook. The Applicant submitted an Order of Resource Area Delineation and an Order of Conditions (“OOC”) issued by the Holbrook Conservation Commission on February 12, 2019, and June 15, 2020, respectively. On October 16, 2023, the Applicant submitted a Notice of Intent (“NOI”) with the Holbrook Conservation Commission and MassDEP (refer to Condition No. 4.d). MassDEP file number SE 182-0557 was issued on October 25, 2023.

There is a recorded Notice of Activity and Use Limitation (“NAUL”) for 3 Phillips Road due to the presence of the Baird & McGuire Superfund Site. TLA-Holbrook is responsible to ensure that the proposed stormwater system complies with all requirements of the NAUL (refer to Condition No. 7).

Facility Operation

The proposed Facility is intended to accept MSW delivered by truck for sorting and transfer onto rail cars and/or 100-yard truck trailers for transport to various locations throughout the country for disposal and/or recycling. With the exception of the proposed solid waste and recyclable materials

drop-off area for Holbrook residents, all handling of solid waste will occur within the interior of the 22,300 s.f. Transfer Station building.

The Applicant is proposing to accept MSW at a maximum waste acceptance of 1,000 tons per day (“tpd”) and an annual capacity of 312,000 tons per year. TLA-Holbrook proposes to operate the Facility to accept waste on Monday through Friday from 6:00 AM to 5:30 PM and Saturdays from 6:00 AM to 1:00 PM and conduct clean-up operations until 9:00 PM Monday through Friday and until 4:00 PM on Saturdays.

MSW will typically enter the Facility within “packer” trucks and “live-floor” trailer trucks that have collected MSW from commercial and residential sources. All trucks delivering MSW will proceed counterclockwise around the circular access road to the inbound scale located on the west side of the Site. The scale house attendant will record incoming loaded vehicle weights and empty vehicle weights and monitor inbound and outbound vehicles to ensure inbound loads are adequately covered and outbound vehicles are clean and free of litter. When there is an available tipping bay, facility personnel will direct trucks back into one of the three bays for the tipping of waste within the Transfer Station building. If the bays are occupied, the scale house attendant will direct trucks to queuing areas to wait. Trucks inside the building will tip their waste, depart the building, and proceed counterclockwise around the circular access road to the outbound scale located on the east side of the Site.

MSW will be tipped, spread, inspected for waste ban materials and for other unacceptable materials in accordance with the Facility Waste Ban Compliance Plan and the Facility Operations and Maintenance Plan. After proper removal of banned and other unacceptable materials, MSW will be loaded into water-tight containers on rail cars for transfer for offsite disposal. The Transfer Station building’s footprint allows for the simultaneous loading of two rail cars within the rail car loading bay at one time and the building is designed in order that trucks can be loaded from either the dedicated rail car loading bay or from the tipping floor.

All tipping, handling, and loading onto rail cars will be done within the fully enclosed building. The Facility will be equipped with fast-closing doors and will operate with doors closed except when trucks or rail cars are moving in and out of the building. The building interior will be equipped with a fine atomized misting system mounted on the roof and around the truck access doors and operated in conjunction with an odor counteractant to control odor and dust in the building. All MSW will be loaded into rail cars on the day the waste is received to minimize the generation of odor within the building. The Holbrook Board of Health Site Assignment decision specifies requires that the tipping floor be cleared of MSW every day and no more than 25 tons of MSW remains on the floor overnight with notification to the Holbrook Board of Health if more than 10 tons remain on the floor overnight.

Waste material will typically be transported from the Facility by rail, however, the Applicant states that trucks may be used for the removal of wastes, when necessary, based on economics, logistical, or other reasons. Recyclable materials kick-sorted from waste loads may be transported off-site by trucks.

TLA–Holbrook expects to maintain approximately 14 rail cars at the Facility for normal operations. CSX has informed TLA–Holbrook that it will service the Site after the MBTA service is complete in the late evening or early morning hours Monday through Friday.

Residents utilizing the residential drop-off area will enter the Site and turn left into the centrally located residential drop-off area. Following use of the residential drop-off area, residents will exit the drop-off area and depart from the Site with the flow of traffic. The residential drop-off area is restricted to only Holbrook residents, will not permit trailers or commercial waste, and is only open during non-peak hours of 9:00 am to 5:00 pm Monday through Friday and 6:00 am to 1:00 pm on Saturdays.

Pursuant to Condition 10 of the Board of Health Site Assignment, the Facility shall utilize an electric train mover (and not one powered by a diesel engine) to reduce on-site emissions and sound generation as part of its Facility operations.

Pursuant to Condition 22 of the Board of Health Site Assignment, the Facility shall install odor scrubbers and air filters in the ceiling ventilation.

Additional construction and operating restrictions imposed by the Holbrook Board of Health are detailed in the November 8, 2017, Site Assignment and January 2, 2019, modified Site Assignment and in the Application narrative.

In issuing this permit, MassDEP is not issuing an authorization to operate the Facility. Written approval of the Authorization to Operate (ATO) Application pursuant to 310 CMR 19.042, *Authorization to Operate* is required from MassDEP prior to any operation of the Facility. The ATO will be the subject of a separate application and approval as provided in Condition No. 11.

V. APPROVAL WITH CONDITIONS:

As a result of its review, MassDEP has determined that the Application is satisfactory and in accordance with the authority granted pursuant to M.G.L., C. 111, §150A hereby approves the construction of the proposed Facility as submitted in the Application subject to the following conditions:

1. **Notification: Not less than seven (7) days prior to commencing work** pursuant to the Application and this decision, the Applicant shall notify MassDEP, the Holbrook Board of Health, and the Randolph Board of Health in writing of the scheduled date of the commencement of work. In addition, the Applicant shall provide to MassDEP, the Holbrook Board of Health, and the Randolph Board of Health the following:
 - The projected schedule for completion of the major construction milestones (e.g., installation of utilities, installation of building foundation, installation of trench drains, construction of residential drop-off, etc.);
 - The name and contact information of the Engineer of Record for the project;
 - The name and contact information of an on-site representative for the project; and
 - The National Pollutant Discharge Elimination System (NPDES) Notice of Intent and

Stormwater Pollution Prevention Plan (SWPPP) for the project, if applicable.

2. Construction: Construction shall proceed in compliance with MassDEP regulations, requirements and as required by this permit. There shall be **no** deviation from the approved plan without prior written approval from MassDEP.
3. Liquid Storage Tank: The storage tank proposed for collection of the Facility solid waste contact water runoff shall meet all applicable requirements of 314 CMR 18.00: *Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping Requirements*.
4. Pre-Construction Submittals:
 - a) Thirty (30) days prior to construction of the Transfer Station building, the Applicant shall submit to MassDEP for its review and approval: final building framing plans, prepared, signed and stamped by a Massachusetts Registered Professional Engineer.
 - b) Prior to excavation within the NAUL area, the Applicant shall submit to MassDEP for its records: the NAUL excavation approval.
 - c) Thirty (30) days prior to construction of the residential drop-off area, the Applicant shall submit to MassDEP for its review and approval: a site plan that depicts the design of the residential drop-off area in detail.
 - d) The Applicant shall not commence construction for any work approved herein, that is subject to the Massachusetts Wetlands Protection Act and regulations set forth at 310 CMR 10.00, and as described in its Notice of Intent, MassDEP file number SE 182-0557, until a valid Order of Conditions approving such work is received.
5. Nuisance Conditions: During the construction process, odors, dust, erosion, noise or other nuisance conditions shall be kept to a minimum and shall be prevented from creating a threat to human health and safety and the environment. During construction, the Applicant shall not cause or contribute to a condition of air pollution, including, without limitation, odors, fugitive dust and noise. The Applicant shall comply with 310 CMR 7.00 and 19.000 and shall implement measures to effectively prevent nuisance conditions and conditions of air pollution during construction. In the event a nuisance condition develops, abatement measures shall be implemented immediately. Pursuant to 310 CMR 7.00 and 19.000, MassDEP reserves the right to require additional equipment and/or measures to prevent or control nuisance conditions and/or conditions of air pollution.
6. Stormwater Management during Construction: The Applicant shall comply with the requirements, terms and conditions set forth in the Storm Water Pollution Prevention Plan for the site. The Applicant shall implement all measures necessary to control and manage stormwater at the project site during construction, including, but not limited to:

- The Applicant 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.
- 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.

Please note, this approval does not relieve the Applicant 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.

7. Local, State, and Federal Requirements: The Applicant shall fully comply with all applicable local, state and federal laws, regulations and policies, by-laws, ordinances and agreements. Applicable regulations or requirements include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace, 310 CMR 7.00: Air Pollution Control, and any restrictions included in the Notice of Activity and Use Limitation (NAUL) issued by the EPA.
8. Right to Inspect: MassDEP shall have the authority to, without prior notice, periodically enter and inspect the Facility, the Transfer Station construction, and any relevant records to determine compliance with applicable regulations and the terms and conditions of this permit.
9. Reservation of Rights: MassDEP reserves the right to modify this ATC permit in order to protect the public health, safety, welfare or the environment.
10. Permit Limitations: This issuance of this ATC permit is limited to the construction of a large solid waste handling facility (“Transfer Station”) at 3 & 6 Phillips Road in Holbrook, Massachusetts and does not relieve the Applicant from complying with all other applicable regulations and requirements Federal, State or local that may be required concerning the proposal. In issuing this permit, MassDEP is not issuing an authorization to operate the Facility. Written approval of the ATO Application pursuant to 310 CMR 19.042, *Authorization to Operate* is required from MassDEP prior to any operation of the Facility. The ATO will be the subject of a separate application and approval as provided in Condition No. 11 below.
11. Authorization to Operate (ATO): Upon completion of the construction of the Transfer Station, the Applicant shall submit a BWP SW 06 ATO permit application to MassDEP for review and approval. The ATO Application shall comply with the requirements of 310 CMR 19.000, including the information required by 310 CMR 19.030. The ATO permit application shall include certified “as-built” construction drawings, quality assurance/quality control data, and written certification from the supervising engineer attesting that the Transfer Station was constructed in accordance with all applicable regulations, requirements, and the

approved design and is ready for operation. The ATO permit application shall include proposed truck routes for all trucks delivering solid waste materials to the Facility and/or shipping material from the Facility and information on how the Facility intends to enforce the truck routes. The ATO permit application and all associated plans shall be stamped by a Massachusetts Professional Engineer. The Applicant shall not operate the Transfer Station without written approval of the ATO Application by MassDEP.

12. Financial Assurance Mechanism: The Applicant provided a financial assurance estimate for closure of the Transfer Station. The ATO application must include proof that a MassDEP approved Financial Assurance Mechanism has been provided to MassDEP's Boston office.
13. Deed Notice: Pursuant to 310 CMR 19.041(6) and in accordance with M.G.L. c. 111, § 150A, the Applicant shall record a notice of the authorization to construct permit in the registry of deeds or, if the site is registered land, in the registry section of the land court for the district wherein the land lies. The notice shall be captioned "Notice of Authorization to Construct a Solid Waste Facility" and shall contain a title reference citing the source of title of the land on which the facility is to be constructed (i.e., the deed with book and page number if recorded land; probate number if acquired through a probate proceeding; and certificate of title number if registered land).

The ATO application must include a copy of the Notice of Authorization to Construct a Solid Waste Facility as recorded with the Registry of Deeds, or if the land is Registered Land, with the registry section of the land court for the district in which it lies, complying with M.G.L. Chapter 111, § 150A and 310 CMR 19.041. The Notice shall include the Facility Number 558259 as part of identification of the MassDEP file for the Facility.

VI. RIGHT OF APPEAL:

Right to Appeal

This decision has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.032. Pursuant to 310 CMR 19.032(6)(d)(1), any person aggrieved by the final permit decision may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A not later than thirty days following the date of issuance of the final permit decision to the Applicant. The standing of a person to file an appeal and the procedures for filing such 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 or become effective in accordance with 310 CMR 19.032(6)(b), i.e. the date of issuance.

Notice of Appeal

Any aggrieved person intending to appeal the final permit decision to the Superior Court shall provide notice of intention to commence such action. Said notice of intention shall include the Authorization Number SW05-0000004 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the

Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit. The appropriate addresses to send such notices are:

Office of General Counsel
Department of Environmental Protection
100 Cambridge Street Suite 900
Boston, MA 02114

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

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

Should there be any questions, please contact MassDEP at the letterhead address or telephone me at (857) 207-0754 or Alison Cochrane at (617) 694-3441. Refer to Authorization Number SW05-0000004 in any correspondence to this office regarding this project.

Very truly yours,

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

Mark Dakers, Chief
Solid Waste Management Section

D/AC

Attachment

ec: Town of Holbrook
Board of Health - BJayne@holbrookmassachusetts.us
Town Administrator - pmorin@holbrookmassachusetts.us
knynam@holbrookmassachusetts.us
Board of Selectmen, Chair - kgoldrick@holbrookmassachusetts.us

Town of Randolph
Town Manager - bhoward@randolph-ma.gov
Board of Health - gcody@randolph-ma.gov

Town of Avon
Board of Selectmen, Chairperson - ebeckerman@avon-ma.gov
Town Administrator - jbeder@avon-ma.gov
Board of Health - kwaldron@avon-ma.gov

Green Seal Environmental, l.bugay@gseenv.com

U.S. Environmental Protection Agency, White.Kimberly@epa.gov

DEP-Boston
ATTN: G. Cooper
J. Fischer
D. Allen

DEP-SERO
ATTN: S. Pickering
M. Dakers

Attachment B

Solid Waste Transfer Station: Summary of Permitting Process

Anyone proposing to build a new solid waste handling facility (“transfer station”) must complete the following permitting milestones:

1. Site Suitability (BWP SW 01)
2. Local Board of Health Site Assignment
3. Authorization to Construct (BWP SW 05)
4. Authorization to Operate (BWP SW 06)

Site Suitability / Site Assignment: The site assignment process is meant to determine if a parcel of land is a suitable location for use as a solid waste management facility. Site assignments are approved or denied by the local board of health following MassDEP review of the site suitability application. This review determines if the site (i.e., the location or parcel) meets all the criteria established in the Site Assignment Regulations at 310 CMR 16.40. Suitability criteria are intended to protect public health, safety and the environment by requiring that minimum distances be maintained from drinking water supplies, residences, hospitals, schools and other sensitive receptors. Suitability criteria are also intended to address concerns over traffic, noise, rare and endangered species, protection of open space, air quality, agricultural lands, Areas of Critical Environmental Concern and potential nuisances. The review also includes an evaluation of whether the site is sufficiently sized to properly operate and maintain the proposed facility.

Site assignment is a two-step process:

1. **MassDEP** - MassDEP reviews a Site Suitability application to determine whether a parcel of land meets specific criteria for use as a solid waste management facility. If MassDEP determines that a site meets all siting criteria, MassDEP will issue a Site Suitability Report to the local Board of Health with a positive determination. If MassDEP determines that a site does not meet all siting criteria, MassDEP will issue a Site Suitability Report to the local Board of Health with a negative determination. MassDEP forwards its findings to the local Board of Health. The process only proceeds to step 2 if MassDEP issues a report with a positive determination. If MassDEP issues a report with a negative determination, the Board of Health does not proceed with the site assignment process.
2. **The Board of Health** - Upon receiving MassDEP’s report with a positive determination, the local Board of Health must provide public notice in the newspaper, conduct its own Technical Review, and hold a Public Hearing. Following the public hearing, the local Board of Health votes whether to Site Assign or not Site Assign the property.

If a local Board of Health grants a site assignment for a solid waste facility (e.g., transfer station, landfill), a specific area of land is designated for that use subject to conditions with respect to the extent, character and nature of the facility. Generally, a site assignment establishes the facility type

(e.g., transfer station, landfill), waste type (e.g., Municipal Solid Waste, Construction & Demolition, medical waste), and waste handling capacity (e.g., 1,000 tons per day) and imposes conditions on the potential future construction and operation of the facility. After completing site assignment, a proposed project may proceed with next step in solid waste permitting.

Authorization to Construct: An applicant must apply for a MassDEP Authorization to Construct (“ATC”) permit before proceeding with construction. ATC permits are intended to protect public health, safety, and the environment by regulating the design and construction of solid waste management facilities. Solid waste management facilities must be designed and constructed to prevent pollution of land, air, and water and to prevent nuisance conditions. MassDEP’s review of an ATC permit application consists of a comprehensive review of the engineering design for construction of a new solid waste facility to ensure the facility will be constructed in accordance with MassDEP’s Solid Waste Management Regulations, at 310 CMR 19.000. An ATC permit application may include building plans, structural plans, grading and drainage plans, interior layout plans, fire suppression system plans, building ventilation and misting system plans, utility plans, various design detail plans, a stormwater analysis, equipment specifications, and additional information that MassDEP deems necessary for the design and construction of a solid waste facility. MassDEP’s permit approval includes conditions for construction to ensure that the new solid waste facility is designed and built in a way that will not cause air, land and water pollution, or nuisance conditions.

An ATC permit application must also demonstrate that the proposed facility complies with the site assignment. MassDEP also considers facility operations to ensure the facility will be constructed in a manner that can comply with MassDEP’s operational requirements. For example: is the building large enough to ensure waste can be properly tipped, inspected, and sorted; is the building configured in a manner to minimize nuisances to nearby sensitive receptors; should the building be constructed with fast closing doors; etc.). An ATC permit application must also identify and discuss all other local, state, or federal permits that are required prior to construction.

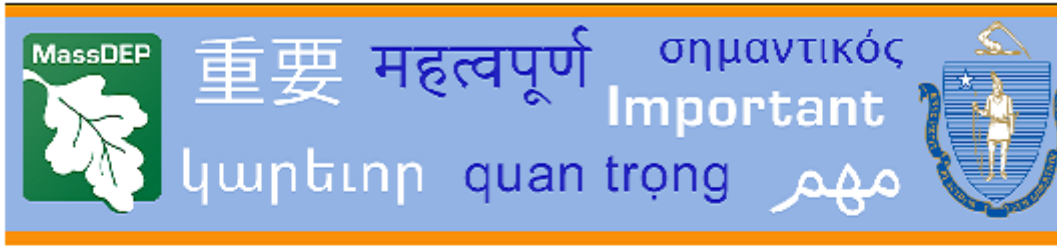
Authorization to Operate: An Authorization to Operate (“ATO”) permit is required prior to the start of facility operations, but after construction is completed. An ATO permit is intended to protect the public health, safety and the environment by ensuring the following:

- the construction of a solid waste management facility has been completed in accordance with the site assignment and the approved ATC permit; and
- the proposed operation will not result in pollution of land, air and water or nuisance conditions.

An ATO permit application must document that all required local, state and federal permits have been issued and include a construction completion certification and as-built site plans. The application must also include all necessary information to demonstrate the facility will be operated in accordance with MassDEP’s Solid Waste Management Regulations, at 310 CMR 19.000, and in a manner that complies with the facility’s site assignment. An ATO permit application may include: detailed interior layout plans and exterior site plans that depicting all waste handling locations (e.g., stockpiles, containers, etc.); an operation and maintenance plan; detailed plans and

procedures that the facility will incorporate to prevent nuisance conditions; a waste ban compliance plan; detailed information specifying how waste will be handled; inspection protocols; staffing requirements; Best Management Practices (“BMPs”), housekeeping protocols; record-keeping and reporting information; a list of disposal outlets; and additional information that MassDEP deems necessary for the operation of a solid waste facility. MassDEP’s ATO permit contains conditions for operation of the facility to ensure that it is built and will operate in a way that will not cause air, land and water pollution, or nuisance conditions. For example, MassDEP may include conditions that limit the amount of material in the building, specify third-party inspection requirements; or specify what measures a facility must implement if nuisance conditions occur.

In summary, the site suitability/site assignment process evaluates an area of land (i.e., the location) for a proposed solid waste facility; the ATC process involves a review of the engineering design and construction of a facility; and the ATO process involves a review of the facility operation including specific operating plans, procedures, and practices.



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (MassDEP's Director of Environmental Justice) en el número de teléfono que figura más abajo.

Português Portuguese

Este documento é importante e deve ser traduzido imediatamente. Se você precisar traduzir este documento, entre em contato com o Diretor de Justiça Ambiental do MassDEP no número de telefone listado abaixo.

繁體中文 Chinese Traditional

本文檔很重要，需要即刻進行翻譯。
如需對本文檔進行翻譯，請透過如下列示電話號碼與 MassDEP 的環境司法總監聯絡。

简体中文 Chinese Simplified

这份文件非常重要，需要立即翻译。
如果您需要翻译这份文件，请通过下方电话与 MassDEP 环境司法主任联系。

Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmanal MassDEP a nan nimewo telefòn ki endike anba a.

Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់ ហើយគួរត្រូវបានបកប្រែឆាប់ៗ។ ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ សូមទាក់ទងនាយកវេជ្ជកម្មតំណាងរបស់ MassDEP តាមរយៈលេខទូរស័ព្ទដែលបានរាយនាមដូចខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu imediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telefoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738
Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114
TTY# MassRelay Service 1-800-439-2370 • <https://www.mass.gov/environmental-justice>
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

العربية Arabic

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، يرجى الاتصال بمدير العدالة البيئية في MassDEP على رقم الهاتف المذكور أدناه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다. 본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերեն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն:

Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice) ստորև նշված հեռախոսահամարով

فارسی Farsi Persian

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود. اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

Français French

Ce document est important et doit être traduit immédiatement. Si vous avez besoin d'une traduction de ce document, veuillez contacter le directeur de la justice environnementale du MassDEP au numéro de téléphone indiqué ci-dessous.

Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice (*Direktor für Umweltgerechtigkeit in Massachusetts*) unter der unten angegebenen Telefonnummer.

Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

Italiano Italian

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Język Polski Polish

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हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए। यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

Contact Deneen Simpson 857-406-0738

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