



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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

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June 3, 2016

VIA ELECTRONIC MAIL AND REGULAR MAIL

Toni M. King, P.E.
Southbridge Recycling & Disposal Park, Inc.
165 Barefoot Road
Southbridge, MA 01550

Re: CERO – SWM – Southbridge Sanitary Landfill, Southbridge, Massachusetts, Transmittal Number: X269337/ Report Number: 278-007-A, BWP SW 01 – Site Suitability Report for a New Site Assignment – Administrative Deficiency Notice

Dear Ms. King:

I am writing to you with regard to Southbridge Recycling & Disposal Park, Inc.'s ("SRDP" or "Applicant") BWP SW01 permit application for a site suitability report for a proposed expansion to the Southbridge Sanitary Landfill (the "Facility") dated January 22, 2016, prepared by Sanborn, Head & Associates, Inc. The Department of Environmental Protection ("MassDEP") has finished its Administrative Completeness Review of the permit application listed above (the "Application") and has determined that **the Application is incomplete**. MassDEP has assigned the Application Report Number 278-007-A and this Report Number should be used in all future correspondence regarding this permit application.

On May 13, 2016, the Secretary of Energy and Environmental Affairs issued his Certificate on the Supplemental Final Environmental Impact Report ("SFEIR") for the proposed Facility expansion project, EEA No. 15356, finding that the SFEIR adequately and properly complies with the MEPA statute and regulations (G.L. c. 30, §§ 61-62I and 310 CMR 11.00). The Certificate notes that the project may proceed to permitting, but that the Applicant must demonstrate that the project can meet applicable regulatory standards or revise the project accordingly. Issuance of the Certificate allows MassDEP to take Agency Action on the Application.

In accordance with 310 CMR 16.10, MassDEP accepted public comments from interested parties as to the completeness of the Application. MassDEP received seven comment letters, which were considered in the administrative completeness review. To the extent that

comments were relevant to the issue of completeness of the Application, MassDEP has incorporated those comments into this Notice.

As provided for at 310 CMR 16.10(3), a site assignment application “shall not be considered complete unless the Technical Fee has been paid and the application forms are complete and accompanied by the appropriate supporting documentation.” MassDEP has determined that the Application is incomplete and lacks appropriate supporting documentation for the following reasons:

Site Location¹ and Project Description

1. In Section I.A. of the Application form (page 4 of 42), the Application states that the number of years the expanded Facility is expected to operate is 5.4 years. However, the Application specifies that this is the expected time frame for operation of Phase 2.10 and Phase 4.14 only. The Application does not provide the expected number of years of operation for Phase 3.12 (Slivers only)² and the Rectangle Parcel. Please confirm that the expected timeframe includes all of the parcels for which site assignment is sought.

Applicant Identification

2. Section I. B. of the Application form (page 5 of 42) refers to Exhibit D – Section 1 of the Application.
 - a. Page 1 of Exhibit D - Siting Criteria Narrative refers to Figures 1, 1A, 1B and 1C in Exhibit A. However, Figures 1A, 1B and 1C were not included in Exhibit A of the Application. Please provide the missing Figures 1A, 1B and 1C.
 - b. Page 2 of Exhibit D – Section 1 Parcel Identification Table refers to Figures 7, 7A, 7B and 7C in Exhibit L. Missing from these four figures is detailed information about parcels 1, 2, and 3. Please include three new figures, each showing one of these three parcels, that are similar to the figures already provided for parcels 4, 5, and 6. In addition, please revise Figure 7A to show the property setback line for parcel 4.

Fees

3. Section I.C. of the Application form (page 5 of 42) was left blank. Also, Exhibit B does not include proof of payment to the Town of Southbridge of the Technical Fee associated with the Application. Please provide the missing information.

¹ Section 1.0 of Exhibit D to the Application describes the current site assigned area at the Facility. That section raises an issue concerning the status of Barefoot Road in light of the derelict fee statute (G.L. c. 183, § 58), and states that MassDEP concurs with the Applicant’s interpretation of the statute. MassDEP has offered no opinion as to the operation of the statute; rather, MassDEP relies on the Southbridge Board of Health to determine whether the 1979 site assignment included the land under Barefoot Road.

² Although the Application seeks site assignment of the property identified as Phase 2.10, Phase 4.14, Phase 3.12 (Slivers), and the Rectangle parcel, Exhibit D describes the design of and impacts from Phase 3.12 as a whole. MassDEP is not considering site suitability for any part of Phase 3.12 except the so-called Slivers.

MEPA – 310 CMR 16.08(5)(d)

4. Section I. F. of the Application form (page 6 of 42) provides MEPA project information; however, Exhibit C does not include the Certification. Please submit a copy of the Certificate as a supplement to the Application.

Maps

5. Section I.H.#2 of the Application form (page 8 of 42) refers to Exhibit G, Figure 4, which consists of a Locus Plan prepared from a USGS Quadrangle Map that delineates the proposed site boundaries (with labels showing the parcels to be site assigned), but does not clearly show Commercial Drive and other access roads to the proposed site. The Application should be accompanied by the appropriate supporting documents, including a revised USGS topographical map Locus Plan which clearly shows (with labels) all access roads to the proposed site, including but not limited to Commercial Drive.
6. Section I. H.#3 of the Application form (page 8 of 42) refers to Exhibit H- Figures 5A through 5H, which provide Water Resources Site Plans. The Site Plans provided do not depict all wetlands, associated buffer zones and riverfront areas as defined in 310 CMR 10.00, as required in the Application. Please correct the associated Figures so that they depict all required water resources.

310 CMR 16.40(3)(a)12.

7. Section II.A.#12 of the Application form (page 14 of 42) indicates that the maximum high groundwater level under the areas of waste deposition will not be less than four (4) feet below the lower-most level of waste or, if a liner system is employed, four feet below the bottom of the lower-most liner. Exhibit D –Siting Criteria Narrative – Section 5 consists of a single sentence stating that an underdrain system will be required to meet the groundwater separation criteria contained in 310 CMR 16.40(3)(a)12. Information presented during the MEPA review process included groundwater contour maps that show less than four feet of separation between the ground surface and the groundwater for both Phases 2.10 and 4.14. For Phase 4.14, the groundwater mapping shows groundwater at the same elevation as the ground surface. During the MEPA process, the Applicant stated that the detailed hydrogeological investigation of Phase 4.14 will occur in 2018. Without that evaluation, the Application is incomplete.

Similarly, the Application provides no hydrogeological analysis for Phase 2.10. From the single statement in the Application, it appears that the Applicant is proposing an underdrain system to create rather than “maintain” four feet of separation between the liner system and groundwater. Please supplement the Application with hydrogeological information to show that the groundwater separation criteria contained in 310 CMR

16.40(3)(a)12. can be met without physical changes to the site for both Phase 2.10 and Phase 4.14.

310 CMR 16.40(3)(a)16.

8. Section II.A.#16 of the Application form (page 15 of 42) refers to Exhibit D –Siting Criteria Narrative –Section 3.0, which describes the general features and components of the ground water protection system that will prevent the migration of leachate and avoid adverse impact to the ground water. Expand the narrative section in Exhibit D –Siting Criteria Narrative –Section 3.0 and supporting plans/documents to further explain the features and components of the ground water protection system that will prevent the migration of leachate and avoid a threat of adverse impact to ground water through the discharge of leachate, including but not limited to the components of the double composite liner system. Because groundwater contaminants attributable to leachate have been detected in monitoring wells and in a former irrigation well in the Phase 2.10 area, the narrative should also discuss the effect of existing uncontrolled leachate under the proposed liner.

310 CMR 16.40(4)(g)

9. Section III.G. of the Application refers to Exhibit D – Siting Criteria Narrative, which discusses bird hazards to air traffic at the Southbridge Municipal Airport in section 12.0.6. As noted in the Town of Sturbridge Board of Health’s comments regarding the completeness of the Application, the Application does not include documentation that the proposed site assignment is consistent with federal requirements concerning airports, including but not limited to requirements pertaining to the minimization of bird strikes to aircraft. Please submit appropriate supporting documentation from the Federal Aviation Authority regarding this issue.

310 CMR 16.40(4)(k)

10. Section III.K. of the Application form (page 36 of 42) refers to Exhibit D – Siting Criteria Narrative – Section 16 which discusses the potential cumulative impacts of the Project in light of existing leachate migration from the Facility. The Applicant is currently investigating the nature and extent of contamination discharging to groundwater and surface water from the Facility. Because contamination has been detected on the site of Phase 2.10, the Application must include specific hydrogeological information to show that the proposed Project will mitigate or reduce the current source(s) of contamination. During the MEPA process the Applicant stated that the design for Phase 2.10 will include a groundwater interceptor trench to address existing contamination. Please include in Exhibit D – Siting Criteria Narrative – Section 16 of the Application a description of the interceptor trench and other design features and how the design will mitigate the impact of Phase 2.10 on public health, safety, and the environment.

Signatures and Certification – 310 CMR 16.08(5)(e)

11. Section VI.B. of the Application form (page 42 of 42) includes two copies of the signature page, each with a different person signing as the “Landowner.” If the Project involves parcels with different ownership, please indicate parcel-specific information on each signature page. Otherwise, please provide a single signature page correctly identifying the sole Landowner.

Service of Copies

12. Attachment A. provides no information as to whether any copies were provided to persons requesting a copy of the Application pursuant to 310 CMR 16.08(2)(g). Please provide a list of all persons to whom the Applicant provided copies of the Application.

As established in 310 CMR 4.04(2)(b)1.b., the Applicant has 180 days to respond to this administrative deficiency notice by submitting the additional material to remedy the identified deficiencies.

The additional information required to supplement the Application shall be submitted under the Report Number 278-007-A /Transmittal Number X269337 and does not require any additional permit application fee. MassDEP may, at its option, agree to a written request for an extension of the time allowed to submit the supplemental material.

If you have any further questions or comments regarding this matter, please contact me at 508-767-2759.

Sincerely,



James A. McQuade
Section Chief
Solid Waste Management Program

cc: John Farese, Southbridge Recycling and Disposal Park, Inc., 165 Barefoot Road,
Southbridge, MA 01550
Ron San Angelo, Town Manager, Town of Southbridge, 41 Elm Street, Southbridge, MA
01550
Andrew Pelletier, Southbridge Board of Health, 41 Elm Street, Southbridge, MA 01550
Charlton Board of Health, 37 Main Street, Charlton, MA 01507
Sturbridge Board of Health, 308 Main Street, Sturbridge, MA 01566
Charlton Board of Selectman, 37 Main Street, Charlton, MA 01507
Sturbridge Board of Selectman, 308 Main Street, Sturbridge, MA 01566

Ronald St. Michael, P.E., Sanborn, Head & Associates, Inc., 1 Technology Park Drive,
Westford, MA 01886

Dave Ellis, MassDEP/ BAW-BC, One Winter Street, 7th floor, Boston, MA 02108

Margaret Morrissey, Director, Jacob Edwards Library, 236 Main Street, Southbridge,
MA 01550

Cheryl Hansen, Director, Charlton Public Library, 40 Main Street, Charlton, MA 01507

Becky Plimpton, Director, Joshua Hyde Public Library, 306 Main Street, Sturbridge, MA
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Mass DPH, Bureau of Environmental Health Assessment, 250 Washington Street, 7th
Floor, Boston, MA 02108

Central Mass Regional Planning Commission, Union Station, 2nd Floor, 2 Washington
Square, Worcester, MA 01604-4016

Ecc: Honorable Senator Anne Gobi
Honorable Senator Ryan Fattman
Honorable Representative Todd M. Smola
Honorable Representative Peter Durant
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