



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

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

September 23, 2020

Chuck Mabardy
580 River Street, LLC
355 Main Street
Woburn, MA 01801

RE: CERO – SWM – BWP SW 25, Corrective Action Design, Transmittal # X283688, River Street, LLC, Former Mabardy Landfill, Determination of Technical Completeness

Dear Mr. Mabardy:

The Massachusetts Department of Environmental Protection (“MassDEP”) has completed the Technical Review of the application referenced above. Accordingly MassDEP hereby issues the attached final approval.

In accordance with the provisions of 310 CMR19.033(4)(b), an applicant aggrieved by the Department’s decision may request that the decision be deemed a provisional decision by filing a written request within 21 days of the Department’s final decision.

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

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

Printed on Recycled Paper

Ecc: Bruce Haskell, P.E., Langdon Environmental, LLC, 40 Pleasant Street, Suite 302
Post Office Box 511 (Mail) Portsmouth, NH 03802

Robert S. Cummings, Engineering & Management Services, Inc., Box 1352, Murrieta,
CA 92564

Town of Winchendon, Board of Health, 109 Front Street, Dept. 5, Winchendon, MA
01475



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LANDFILL CLOSURE
BWP SW 25 - CORRECTIVE ACTION DESIGN
Former Mabardy Landfill
Winchendon, MA

Permit Issuance Date: September 23, 2020

Name of Permittees: 580 River Street, LLC (the “Permittee” or “the Applicant”)
355 Main Street
Woburn, MA 01801

Name of Facility: Former Mabardy Landfill (the “Facility” or “Landfill”)
580 River Street
Winchendon, MA 01475

Facility ID: FMF 39921

MassDEP Region: Central Regional Office (CERO), Worcester
Solid Waste Management Program

Permit No.: X283688 (Transmittal No.)

I. FACILITY DESCRIPTION AND OUTSTANDING APPROVAL STATUS

A. Facility

1. Landfill Owner: 580 River Street, LLC
355 Main Street
Woburn, MA 01801
2. Operator: 580 River Street, LLC
355 Main Street
Woburn, MA 01801
3. Landfill Description:

Type(s) of Waste Accepted: Historically, construction and demolition waste was disposed of at the Facility. This waste generally included: wood, steel, ceramic, drywall, and masonry material. Metal formed a minor component as it was typically removed at the transfer station prior to disposal.

b) Methods of Management: Landfilling

c) Approved: Operational Plans Approved by MassDEP, July 1, 1986

d) Facility History:

In 1976, the Town of Winchendon issued a site assignment for the establishment of a demolition landfill facility at four parcels of real property located on the west side of River Street in Winchendon, Massachusetts (“collectively, the Site”). These parcels are currently designated by the Winchendon Assessors Office as parcels 4-0-108, 40-61, and 4C4-0-2. An adjoining parcel is 4-0-109. The Site consisted of approximately 102 acres of land, more or less. Following the granting of the site assignment for the Site, C.J. Mabardy, Inc. began accepting construction and demolition waste for landfilling on a portion of the Site (the “Facility”) that expanded from approximately 2 acres to 8 acres over time. MassDEP issued a Landfill Plan Approval for the Facility on November 5, 1984, then issued a second approval for a horizontal expansion of the Facility on July 1, 1986 to allow for the relocation of approximately two acres of demolition waste from areas not approved for waste disposal.

Based upon information from C.J. Mabardy, Inc., the Facility’s former owner/operator, it is estimated that approximately 50,560 tons of construction and demolition waste was disposed of at the Facility. The waste originated at a transfer station also owned by C.J. Mabardy, Inc., located at 45 Mooney Street, Cambridge, Massachusetts. C.J. Mabardy, Inc. estimated that the groundwater interface was approximately six feet below grade when landfilling at the Facility began. Prior to landfilling, and at the behest of MassDEP, approximately two feet of silt was placed on the ground surface at the Facility. Accepted waste was then placed upon the silt. Daily cover was applied at an approximate thickness of at least six inches. C.J. Mabardy, Inc. reported applying two feet of soil as cover at the conclusion of waste landfilling activities at the Facility in 1985.

In or about February 2019, 580 River Street, LLC became the owner of the Facility.

B. Reviews and Approvals

1. MEPA: Not Applicable

2. Site Suitability Report: Not Applicable
3. Site Assignment: November 12, 1976
4. Title/Description(s) of Approvals/Permits:

SW 25 – Comprehensive Site Assessment

Dated: August 1, 2019

Received by MassDEP-CERO: August 2, 2019

Approved by MassDEP-CERO: October 25, 2019

Transmittal Number: X281147

SW 12 – Initial Site Assessment/Comprehensive Site Assessment Scope of Work

Dated: December 15, 2016

Received by MassDEP-CERO: December 20, 2016

Approved by MassDEP-CERO: May 1, 2017

Transmittal Number: X273230

5. Administrative Orders:

Administrative Consent Order and Notice of Noncompliance issued to 580 River Street, LLC. Enforcement Number: 00005313 (the “2019 ACO”)

Date Issued by MassDEP-CERO: October 10, 2019

C. Permit Application Information for BWP SW 25 – Corrective Action Design

1. Applicant Name:

580 River Street, LLC

2. Transmittal Number: X283688 (Permit No.)

3. Consulting Registered Professional Engineer:

Langdon Environmental, LLC

40 Pleasant Street, Suite 302

Post Office Box 511

Portsmouth, NH 03802

Contact: Bruce Haskell, P.E.

4. Title of Plans and Reports Submission:

BWP SW 25, Corrective Action Design Application (the “CAD”)

Former Mabardy Landfill
Winchendon, Massachusetts
Transmittal Number: X283688
Dated: June 2019
Received by MassDEP-CERO: September 16, 2019

Technical Deficiency Response
BWP SW 25, Corrective Action Design Application
Former Mabardy Landfill
Winchendon, Massachusetts
Transmittal Number: X283688
Dated: December 10, 2019
Received by MassDEP-CERO: December 10, 2019

5. Project Description:

The Applicant plans to import up to 415,000 cubic yards of material that meets the specifications set forth in MassDEP's policy # COMM 97-001, "Reuse and Disposal of Contaminated Soil at Massachusetts Landfills" ("COMM 97-001 material"), in order to grade, cap, and close the uncapped Landfill in a manner consistent with solid waste management laws, regulations and guidance documents. Recent test pitting activities have determined the limit of waste for the majority of the Landfill; however, additional test pitting will be needed to determine the limit of waste along the eastern property line of the Landfill during construction. If waste is determined to encroach upon the adjacent property bordering the eastern boundary of the Landfill which property is owned by the United States Army, the Applicant will need to acquire all required approvals in writing from federal, state, and local authorities as appropriate prior to excavating and relocating waste located on the adjacent property to within the limits of the proposed Landfill cap. The final cap system will consist of a traditional cap design in accordance with solid waste management regulations and MassDEP's *Landfill Technical Guidance Manual* dated May 1997.

II. CORRECTIVE ACTION DESIGN APPLICATION REVIEW AND APPROVAL

The Application for Corrective Action Design ("CAD") identified in Section I.C.4. above (the "Application") complies with the requirements set forth in 310 CMR 19.033, "Permit Procedure for an Application for a Permit Modification or Other Approval," and was reviewed in accordance with the criteria set forth in 310 CMR 19.038, "Review Criteria for a New or Expanded Facility Permit or Permit Modification." This Permit meets the criteria set forth in MassDEP's *Landfill Technical Guidance Manual* dated May 1997. The Permittee's request for an approval of a BWP SW 25 CAD application with supporting documentation is approved based on submission and review of the information

noted in Section I.C.4. above and subject to the requirements outlined below in Section III – *General Permit Conditions* and Section IV – *Specific Permit Conditions*.

This document is a Permit, issued pursuant to M.G.L. c. 111, § 150A, and 310 CMR 19.000 *et seq.*, the "Solid Waste Management Regulations", and it is subject to the conditions set forth below. This Permit addresses site- and project-specific conditions only.

III. GENERAL PERMIT CONDITIONS

- A. **Compliance with Plans** - The Applicant shall conduct landfill operations in accordance with approved plans, reports, and other submissions described in paragraph I.C.4. above, except as may be modified by the conditions set forth in Section IV below. The Applicant shall not undertake any material changes in the design or activities described in these approved documents without prior written MassDEP approval.
- B. **Compliance with Other Laws and Regulations** - The Applicant shall perform the construction, operation, maintenance and closure of the Facility in compliance with all other applicable local, state and federal laws, regulations and bylaws or ordinances.
- C. **Standard Conditions** - The Applicant shall operate the Facility in accordance with the conditions at 310 CMR 19.007-19.011 and 19.043(5).
- D. **Joint Liability** - This Permit is issued subject to the conditions of joint liability of the Facility's owner and operator in accordance with 310 CMR 19.043(3).
- E. **Right of Access** - MassDEP and its agents and employees shall have the right to enter upon the Facility site at all reasonable times and without notice, to inspect the Facility and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and copy records, to perform tests and to otherwise monitor compliance with this approval, or any and all permits relative to the operation of the Facility, and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and state laws and regulations, as well as any permits, consent orders, or other agreements between the Applicant and MassDEP.
- F. **Transfer** - No transfer of this permit shall be permitted except in accordance with the requirements of 310 CMR 19.044.
- G. **Permit Modification** - MassDEP reserves the right to rescind, suspend or modify this Permit by the imposition of additional conditions based upon a determination

of actual, or the threat of, adverse impacts from the construction, operation, maintenance or closure of the Facility.

- H. Other MassDEP Permits or Approvals** - In the event this Permit conflicts with all or parts of prior plan approvals or permits issued pursuant to Chapter 111, § 150A, the terms and conditions of this Permit shall supersede the conflicting provisions of the prior permits and/or approvals. This Permit does not convey property rights of any sort or any exclusive privilege.
- I. 2019 ACO** - Activities that the Applicant undertakes pursuant to this Permit shall be consistent with and shall not contradict the requirements set forth in the 2019 ACO. Nothing in this Permit relieves the Applicant of its obligation to fully comply with the requirements set forth in the 2019 ACO.

IV. SPECIFIC PERMIT CONDITIONS

- A. Amount of Grading and Shaping Materials** - The Applicant may accept a maximum of 415,000 cubic yards of grading and shaping materials at the Facility as detailed below and in the Application for the purpose of completing a phased Remedial Landfill Cover System Project at the Former Mabardy Landfill (the "Project").
- B. Acceptable Types of Grading and Shaping Materials** - The Applicant shall only accept grading and shaping materials at the Facility in compliance with the terms and conditions of this Permit and limitations specified in the Application. The Applicant may only accept other materials at the Facility with prior written permission from MassDEP. The Applicant shall count all materials accepted at the Facility pursuant to this Permit towards the project permitted maximum of 415,000 cubic yards of grading and shaping materials and shall ensure that accepted material complies with all applicable local, state, and federal laws, regulations, bylaws and ordinances. This volume is based on a utilization factor of 1.9 tons per cubic yard of soil, resulting in a maximum of 788,500 tons that the Applicant may accept at the Facility for use as grading and shaping materials.
- C. Materials Testing and Monitoring** - The Applicant shall include engineer's tests to verify the required specifications of the construction materials in the Certification Report forwarded to MassDEP's Central Regional Office pursuant to paragraph IV.S. below. The Applicant shall ensure that specific testing and monitoring procedures are followed in assuring appropriate safety factors, stability and strength of materials and integrity of the Project as presented in the Application and in accordance with 310 CMR 19.106. The Applicant shall also ensure that the results of those tests are included in the Certification Report required by paragraph IV.S. below.

- D. Verification of In-Place Material Thickness** - The Applicant shall ensure that tests necessary to verify the elevations, permeability/hydraulic conductivity and required thickness of each layer of the final cover system at the Landfill shall be conducted under the direct supervision of a Massachusetts Registered Professional Engineer. The Applicant shall also ensure that the results of those tests are included in the Certification Report required by paragraph IV.V. below.
- E. Reporting and Recordkeeping** - The Applicant shall comply with the following reporting and recordkeeping requirements, in addition to those set forth in the Application:
1. Monthly reporting. The Applicant shall provide to MassDEP a monthly report by the fifteenth day of every month detailing the following information for the previous calendar month:
 - a. Cubic yards and tonnage of material accepted at the Landfill over the previous month;
 - b. Cumulative total yardage and tonnage of material accepted and placed as part of the Project, beginning with the date of issuance of this permit and the remaining amount of material to be placed at the Landfill based on approved grades; and
 - c. A summary of any operational problems or deficiencies encountered in the Project, including a description of changes or modifications made to address them.
 2. Quarterly Reporting. The Applicant shall provide the following information to MassDEP on a quarterly basis:
 - a. A copy of the Landfill quarterly survey report with surface elevations, cut and fill amounts, and total remaining airspace expressed in cubic yards and tons – including electronic data in a format to be determined by MassDEP; and
 - b. Landfill settlement monitoring data.

The Applicant must provide reports, documents or other information for a particular calendar quarter to MassDEP within 30 days after the end of that calendar quarter.
 3. Recordkeeping. The Applicant shall maintain at its business offices all records, copies of applications, reports and other documents required by this Permit, which shall be readily available to MassDEP personnel for inspection, for a period of three (3) years beyond the issuance of a closure certification for the Landfill.
- F. Final Cover System** - The Applicant shall ensure that the final cover system for the Landfill, as proposed in the Application plans and supporting documents, will

be composed of the following components from bottom to top:

1. A prepared subgrade;
2. A 6-inch sand gas venting layer or sufficient alternative;
3. A low permeability layer consisting of 40-mil textured high density polyethylene (HDPE) geomembrane;
4. A 12-inch sand drainage layer with a hydraulic conductivity of greater than 8×10^{-3} cm/sec; and
5. A cover layer composed of a vegetative support layer consisting of a minimum of eight (8) inches of soil with a minimum organic content of 8 percent and a maximum organic content of 10 percent, capable of sustaining healthy vegetative growth.

- G. Gas Venting Layer** - In accordance with the requirements of 310 CMR 19.000, MassDEP's *Landfill Technical Guidance Manual* dated May 1997, and the Application, The Applicant shall ensure that the Landfill capping system is constructed with a gas venting layer consisting of sand with a hydraulic conductivity of 1×10^{-3} cm/second, or an alternative material that meets an equivalent transmissivity and is suitable for use in contact with the HDPE geomembrane system.
- H. Landfill Sideslope and Crown Requirements** - The Applicant shall ensure that the Landfill capping system is constructed in accordance with the requirements of 310 CMR 19.000 and MassDEP's *Landfill Technical Guidance Manual* dated May 1997. The Applicant shall construct the Landfill sideslopes with a slope no steeper than 3H:1V and shall construct the crown of the Landfill with a minimum slope of 5%.
- I. Landfill Final Elevation** - The Applicant shall ensure that as provided in Drawing C-4 of the CAD Application Technical Deficiency Response dated June 2019 (listed in section I.C.4. above) titled "Final Grading Plan", the maximum elevations of the Landfill including the final capping system shall not exceed 886.75 and 927.10 feet above mean sea level.
- J. Waste Relocation** - Waste relocation may be necessary during the Project. Due to the potential of waste along the eastern property line of the Landfill encroaching upon the adjacent parcel owned by the United States Army, the Applicant shall determine if waste is present in this area of the Landfill. If it is determined that waste is encroaching upon the United States Army's property, the Applicant will need to acquire all necessary approvals in writing prior to excavating and relocating waste as described in the Application. If any waste is to be relocated to the Landfill as part of the Project, the Applicant shall ensure that

any relocated waste will be spread in thin lifts, compacted, and covered with a minimum of 6 inches of daily cover material by the end of each working day. The Applicant shall also ensure that the waste excavation area will also be covered with a minimum of 6 inches of daily cover material by the end of each working day. In an effort to minimize stormwater infiltration into the Landfill, the Applicant shall establish stormwater diversion berms around the excavation areas by the end of each day and maintain the berms until the excavation work is complete. The Applicant shall not commence work in any wetland areas until it receives any and all required approvals for such work, including but not limited to approval from the conservation commission that has jurisdiction over these wetlands. Furthermore, if work will not be conducted in an excavation area and/or waste relocation area for 14 days or more, the Applicant shall establish 12 inches of intermediate cover over such area by no later than the fourteenth day. These cover requirements are consistent with the requirements set forth in 310 CMR 19.130.

- K. Hours of Construction** - Hours of Project construction are Monday through Friday from 7:30 AM to 4:30 PM. The Applicant shall ensure that no work on the Project is conducted outside these timeframes without prior written approval from MassDEP and the Town of Winchendon, based on an agreement between the Applicant and the Town of Winchendon dated June 3, 2020.
- L. Vehicle Trips** - The Applicant shall ensure that delivery of grading and shaping materials to the Landfill does not exceed 64 deliveries on any given day, except as otherwise permitted by the Town of Winchendon, based on an agreement between the Applicant and the Town of Winchendon dated June 3, 2020.
- M. Wheel Wash Station** - The Applicant shall operate a wheel wash station at the Landfill to stop soil and construction materials from being tracked offsite. The Applicant shall ensure that the wheel wash station is operational and utilized by all vehicles leaving the Landfill whenever the outside air temperature is above 32 degrees Fahrenheit. When the outside air temperature goes below 32 degrees Fahrenheit, the Applicant shall implement alternative methods as approved by MassDEP to stop soil and construction materials from being tracked offsite. Furthermore, the Applicant shall ensure that street sweeping occurs at the access road and the roadways adjacent to the Landfill on all days when construction takes place at the Landfill and whenever roadway conditions deem it necessary (including but not limited to stormwater or contact water runoff and wind-blown debris on a roadway).
- N. Operations and Maintenance at the Facility** - The Applicant shall ensure that maintenance of sideslopes, toe berm(s), drainage berms/swales, stormwater systems, outlet structures, and appurtenances at the Landfill is performed to keep

these structures in good working order. Adequate maintenance includes, but is not limited to the following measures:

1. Equipment - The Applicant shall not allow any equipment or vehicles of any type to park or be otherwise stored on any sideslope areas.
2. Access Roads - The Applicant shall ensure that access roads are constructed and maintained at slopes and grades as proposed in the Application and that all traffic on the access roads are operated within the limits of the roadway.
3. Public Right-of-Way - The Applicant shall maintain the area around the entrance to and exit from the Landfill in a condition which will prevent tracking or flowing of sediment onto the public right-of-way. The Applicant shall ensure that all sediment spilled, dropped, washed or tracked onto the public right-of-way is removed immediately.

O. Notification - The Applicant shall notify MassDEP in writing within twenty-four (24) hours of any incidents or disruptions which occur at the Facility that could affect the public health, safety, environment, or operation of the Facility. Written notification shall be emailed to James McQuade, Solid Waste Section Chief in the MassDEP Central Regional Office, at james.mcquade@mass.gov. For emergency incidents at the Facility during MassDEP's business hours (8:45 AM to 5:00 PM, Monday through Friday), the Applicant shall provide immediate notification to the Department by telephone to James McQuade, Solid Waste Section Chief in the MassDEP Central Regional Office, at 508-767-2759. At any other time the Applicant shall call MassDEP's Emergency Hotline at (888) 304-1133.

P. Nuisance Conditions - The Applicant shall prevent vectors, dust, odors, and other nuisance conditions from developing at the Landfill, any other areas related to the general Facility operations, and land adjacent to the Facility from which waste will be relocated to the Landfill in accordance with 310 CMR 19.000.

Q. Financial Assurance Mechanism - The Applicant shall maintain adequate closure and post-closure financial assurance in accordance with the 2019 ACO and the Application, utilizing one or more established Financial Assurance Mechanisms (FAM) approved by MassDEP in accordance with the requirements set forth at 310 CMR 19.051.

R. Limit of Waste Determination - The Applicant shall conduct test pitting activities to determine the limit of waste along the eastern boundary of the Landfill. If waste is determined to be encroaching upon the property adjacent to the eastern boundary that is owned by the United States Army, the Applicant will need to acquire all required federal, state, and local approvals in writing prior to excavating and relocating waste to within the limits of the proposed Landfill cap.

- S. Construction Certification** - The Applicant shall undertake Landfill construction activities as proposed and described in the Application and shall complete such activities in accordance with applicable requirements and the approved plans and specifications listed in section I.C.4. above. The Applicant shall submit to MassDEP a copy of the Engineer's certification report on all construction quality assurance (CQA) activities relating to this Permit within 45 days of the completion of the construction activities authorized by this Permit. The certification report shall be emailed to James McQuade, Solid Waste Section Chief in the MassDEP Central Regional Office, at james.mcquade@mass.gov. The Applicant shall ensure that construction certification requirements are carried out in accordance with the requirements of 310 CMR 19.106, "Quality Assurance and Quality Control Requirements" and 310 CMR 19.107, "Construction Certification."
- T. Completion of Landfill Closure/Capping Activities** - Within ninety (90) days of the completion of Landfill closure/capping activities, the Applicant shall submit a BWP SW43 Landfill Closure Completion application to MassDEP including but not limited to the following:
1. An as-built plan of the closed and capped Landfill suitable for recording at the Worcester District Registry of Deeds, and
 2. A copy of a Record Notice of Landfill Operation, containing the elements required by 310 CMR 19.141, "Record Notice of Landfill Operation," that has been recorded in the Worcester District Registry of Deeds.
- U. Stormwater Management and Wetlands Protection** - The Applicant shall implement and maintain appropriate erosion and sedimentation control measures to adequately handle stormwater runoff and protect surface water and/or wetlands adjacent to the Landfill and comply with all applicable requirements of 310 CMR 10.000 and 310 CMR 19.000. The Applicant shall ensure that an approved stormwater protection plan is in place prior to commencement of Project activities.
- V. Gas Collection and Control** - The Applicant shall take all measures necessary to mitigate and eliminate nuisance odors at the Facility and shall satisfy the requirements for Air Quality Protection Systems set forth at 310 CMR 19.117.
- W. Environmental Monitoring** - As required by the 2019 ACO and the Application, and in accordance with 310 CMR 19.000, the Applicant shall implement and maintain the existing environmental monitoring program at the Facility consisting of groundwater, surface water, and landfill gas monitoring.

- X. Post-Closure Use** - The Applicant shall ensure that no person uses the Facility for any purpose other than that authorized in a permit or plan approval issued for the Landfill after closure without first obtaining the written approval of MassDEP.

V. RIGHT OF APPEAL

- A. Request for Provisional Decision** – An applicant aggrieved by the Department’s permit decision, within twenty-one (21) days of the issuance of the Department’s permit decision to the applicant, may file a written request, with the appropriate regional office of the Department, that the permit decision be deemed a provisional decision, and a written statement of the basis on which the applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the permit decision shall be deemed a provisional decision. Such a request shall reopen the administrative record, and the Department shall issue a final permit decision after the end of the comment period. **Failure by an applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute a waiver of the applicant’s right to appeal.**
- B. Right to Appeal** - Any person aggrieved by the final permit decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said permit decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A not later than thirty (30) days following the receipt 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 final Permit decision by a court of competent jurisdiction, the final Permit decision shall be effective in accordance with 310 CMR 19.033(3).
- C. Notice of Action** - Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notice of intention shall include the Department file number [Transmittal No. X283688] and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office that processed the permit application at least five (5) days prior to the filing of an appeal.

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

And

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

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


James A. McQuade
Section Chief
Solid Waste Management Program