



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Central Regional Office • 627 Main Street, Worcester MA 01608 • 508-792-7650

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MINOR MODIFICATION OF EXISTING LANDFILL (BWP SW 22)
SOUTHBRIDGE SANITARY LANDFILL
WASTE VOLUME INCREASE

Provisional Permit Issuance Date: December 9, 2011

Name of Permittee: Southbridge Recycling and Disposal Park, Inc. ("SRDP")
Mailing Address: 165 Barefoot Road
Southbridge, Massachusetts 01550

Name of Facility: Southbridge Sanitary Landfill ("Landfill" or "Facility")
Facility Address: Barefoot Road
Southbridge, MA 01550

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

Permit No.: X239694 (Transmittal No.)

Facility No.: 39743

MassDEP Classification: LF

I. FACILITY DESCRIPTION AND OUTSTANDING APPROVAL STATUS

A. Facility

1. Owner: Town of Southbridge
41 Elm Street
Southbridge, Massachusetts 01550
2. Operator: Southbridge Recycling and Disposal Park, Inc.
165 Barefoot Road
Southbridge, Massachusetts 01550

3. Description:

(a) Type(s) of Waste Accepted: Municipal Solid Waste (“MSW”) from residential, commercial and industrial sources without regard to geographic origin, and residuals from Construction & Demolition waste processing facilities (“C&D residuals”).

(b) Method of Management: Landfilling.

(c) Currently Approved Amount of Waste Acceptance: Based on six (6) operating days per week, the Landfill is currently approved to accept an average of five hundred eighty (580) tons per day (tpd) of waste comprised of any combination of C&D residuals and MSW from residential, commercial and industrial sources without regard to geographic origin. To allow for seasonal and other fluctuations in the waste stream, the Landfill is currently approved to accept up to seven hundred twenty five (725) tons of such waste on any one day during an operational week. The Landfill is currently approved to accept no more than one hundred eighty thousand nine hundred sixty (180,960) tons per calendar year of such wastes.

B. Reviews and Approvals Affecting Current or Planned Operation.

1. MEPA

EIR (Environmental Impact Report): Certificate of the Secretary of Environmental Affairs on the Draft EIR for the Southbridge Environmental Industrial Park issued July 31, 1998. The Certificate allows permitting of BWP SW 26 Authorization to Construct, Major Expansion of Landfill, to go forward with issuance of Draft EIR.

SEIR (Supplemental Environmental Impact Report): Certificate of the Secretary of Energy and Environmental Affairs on the Supplemental Environmental Impact Report for the Southbridge Environmental Industrial Park Notice of Project Change issued November 15, 2007. The Certificate states that the Supplemental Environmental Impact Report submitted for the project adequately and properly complies with the Massachusetts Environmental Policy Act and with its implementing regulations, and that no further MEPA review is required.

2. Site Suitability Report: Positive Determination of Suitability issued by MassDEP – CERO on February 8, 1999 (Transmittal # 123919)

3. Site Assignment: Issued by Southbridge Board of Health April 15, 1999 (the “1999 Site Assignment”), and modified June 9, 2008 (the “2008 Site Assignment Modification”)

4. Title/Description(s) of Approved Plan/Permit and Approval Dates:

Permit for BWP SW 26, Permit for a Major Landfill Expansion, Transmittal # 203080 (Permit No.), Authorization for Phase VII Landfill Expansion, Southbridge Sanitary Landfill, Barefoot Road, Southbridge, Massachusetts Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: June 27, 2000

Permit for BWP SW 08, Authorization to Construct New Phase in an Existing Landfill, Transmittal # 51005393 (Permit No.), Authorization for Phase VII – Cells 7.1 & 7.2, Southbridge Sanitary Landfill, Barefoot Road, Southbridge, Massachusetts - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: April 26, 2002

Permit for BWP SW 22, Minor Modification of Existing Landfill, Southbridge Landfill, Waste Ban Compliance Plan, Transmittal No. W076736 (Permit No.), Including Plans, Report and Supplemental documents.
Final Permit issued by MassDEP-CERO: May 20, 2006.

Permit for BWP SW 10, Authorization to Operate a Landfill, Southbridge Sanitary Landfill, Phase VII – Cell 7.2B, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # W148135 (Permit No.) - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: September 28, 2007

Permit for BWP SW 22, Minor Modification of Existing Landfill, Waste Reallocation, Southbridge Sanitary Landfill, Phase VII – Cell 7.2B, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # X006296 (Permit No.) - Including Plans, Report and Supplemental Documents.
Permit Issued by MassDEP-CERO: June 1, 2010

Permit for BWP SW 10, Authorization to Operate a Landfill, Southbridge Sanitary Landfill, Phase VII – Cell 7.1B', 165 Barefoot Road, Southbridge, Massachusetts, Transmittal # X239229 (Permit No.) - Including Plans, Report and Supplemental Documents (the "2011 ATO").
Permit Issued by MassDEP-CERO: September 23, 2011

5. Administrative Orders:

Administrative Consent Order issued to the Town of Southbridge and Wood Recycling, Inc., # ACO-CE-04-9001-246A (the "2004 ACO")
Date Issued by MassDEP-CERO: January 29, 2004

Administrative Consent Order with Penalty issued to Southbridge Recycling and Disposal Park, Inc., # ACOP-CE-09-4010 (the 2009 ACOP)
Date Issued by MassDEP-CERO: November 12, 2009

C. Landfills – Minor Modification (BWP SW 22), Annual Waste Allocation

1. Applicant Name:

Southbridge Recycling and Disposal Park, Inc.
165 Barefoot Road
Southbridge, MA 01550

2. Transmittal No: X239694 (Permit No.)

3. Date of Fee Receipt: October 2, 2011

4. Start Date of Application: October 3, 2011

5. Consulting Registered Professional Engineer:

David Bonnett, P.E.
GeoSyntec Consultants
289 Great Road, Suite 105
Acton, Massachusetts 01720
Tel: (978) 263-9588

6. Title of Plans and Reports Submission:

“BWP SW 22 – Minor Modification (Annual Waste Allocation), Southbridge Sanitary Landfill- Phase VII, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal No. X239694”,

Dated: September 2011

Received by MassDEP-CERO: September 30, 2011

Supplemental Information – “Revised Waste Ban Compliance Plan, Southbridge Sanitary Landfill, 165 Barefoot Road, Southbridge, Massachusetts, Transmittal No. X238160”

Dated: November 9, 2011

Received by MassDEP-CERO: November 16, 2011

7. Project Description:

The Application referenced in section I.C.6. above proposes modifications to the existing Authorization to Operate Permit issued on September 23, 2011 to

Southbridge Recycling and Disposal Park, Inc. for Phase VII – Cell 7.1B' of the Landfill (Transmittal # X239229). The Application seeks authorization to implement certain changes in the Landfill's waste amount acceptance limits that were authorized by the Southbridge Board of Health in a decision issued on June 9, 2008 approving a modification to the Landfill's site assignment. Specifically, the Application seeks authorization to increase the limit on the daily amount of waste accepted at the Landfill to an average of one thousand (1,000) tons per day (tpd) based on six (6) operating days per week. To allow for seasonal and other fluctuations in the waste stream, the Application seeks authorization for the Landfill to accept up to one thousand five hundred (1,500) tons of such waste on any one day during an operational week. The Application also seeks authorization for the Landfill to accept no more than three hundred thousand (300,000) tons per calendar year of such wastes. The Application does not seek to change the type of waste to be accepted at the Landfill, i.e., it does not seek to modify the current authorization allowing the Landfill to accept any combination of C & D residuals and MSW from residential, commercial, and industrial sources without regard to geographic origin.

In its June 9, 2008 site assignment modification decision, the Southbridge Board of Health stated that completion and start of operation of a Gas to Energy Facility was a precondition that SRDP must meet in order to obtain authorization for an increase in the amount of waste that the Landfill may accept on an annual basis to 300,000 tpy. SRDP has satisfied this precondition by completing and starting the operation of a Gas to Energy Facility.

In the same decision, the Southbridge Board of Health imposed a further restriction on the Landfill's 300,000 tpy annual limit by making the amount of waste that may be accepted at the Landfill contingent in part on the amount of waste that is received at the Southbridge Recycling and Disposal Park Processing Facility, a construction and demolition debris processing facility adjacent to the Landfill that is owned and operated by SRDP (the "Processing Facility"). Specifically, in Condition # 12 of its June 9, 2008 site assignment modification decision, the Southbridge Board of Health specified that "if the amount of waste received at the Processing Facility exceeds 192,960 tpy, the 300,000 tpy permitted at the Landfill Facility upon [completion and start of operation of Gas to Energy Facility] shall be decreased correspondingly by the amount of tons received at the Processing Facility in excess of 192,960 tons." In other words, if the Processing Facility receives an amount of waste in excess of 192,960 tpy, the Southbridge Board of Health's decision requires SRDP to reduce the annual amount of waste accepted at the Landfill by an equal amount.

SRDP has not requested, and this Permit does not authorize, any changes regarding construction of any appurtenance or structure at the Landfill.

II. PERMIT APPLICATION REVIEW AND APPROVAL

This application for a Modification of a Large Handling Facility complies with the requirements set forth in 310 CMR 19.030, Application for a Solid Waste Management Facility Permit and the application requirements at 310 CMR 19.039, Applicant's Request to Modify a Permit. MassDEP has reviewed the application in accordance with the criteria set forth in 310 CMR 19.037, Review Procedure for Permit Modifications, Permit Renewals and Other Approvals, and 310 CMR 19.038, Applicability and Review Criteria for a Permit or Permit Modification, and it has determined that Southbridge Recycling Disposal Park, Inc.'s request for a Minor Modification of an Existing Landfill shall be approved based on the information provided in the plans and reports described above.

This document is a Permit, issued pursuant to M.G.L. c. 111, Section 150A, and 310 CMR 19.000 et seq., the "Solid Waste Management Facility Regulations" ("Facility Regulations"), and it is subject to the conditions set forth below.

III. GENERAL PERMIT CONDITIONS

- A. **Amount of Waste** - The Facility shall not accept wastes except as provided in "Section IV - Specific Permit Conditions".
- B. **Compliance with Plans** - Southbridge Recycling and Disposal Park, Inc. shall conduct operations in accordance with approved plans, reports, and other submissions described in Section I, except as may be modified by the conditions set forth in Section IV. No material changes in the design or activities described in the approved documents shall be performed without prior written Department approval.
- C. **Compliance with Other Requirements** - The construction, operation, maintenance and closure of this Facility shall be performed in compliance with all other applicable local, state and federal laws and regulations. SRDP shall fully comply with the conditions imposed by the Southbridge Board of Health described in Section VI. of the 2008 Site Assignment Modification Decision dated June 9, 2008 and permits issued by MassDEP...
- D. **Standard Conditions** - The Owner (and the Operator) shall operate the Facility in accordance with the conditions at 310 CMR 19.007-19.011 and 19.043(5).
- E. **Joint Liability** - This Permit is issued subject to the conditions of joint liability of the Permittee and Owner in accordance with 310 CMR 19.043(3).
- F. **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 or other agreements between the Permittee and MassDEP.

- G. Transfer** - No transfer of this Permit shall be permitted except in accordance with 310 CMR 19.044.
- H. Permit Modification** - The Department 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.
- I. 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, Section 150A or Solid Waste regulations in effect prior to July 1, 1990, 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.
- J. Relationship of Permit to Underlying Site Assignment.** In accordance with subparagraph (3)(e) of 310 CMR 19.030: Application for a Solid Waste Management Facility Permit, Southbridge Recycling and Disposal Park, Inc. has provided sufficient documentation that the Facility will be located within the boundaries of a valid site assignment. Should the Facility's site assignment be rescinded, suspended, or modified subsequent to the issuance of this Permit by a decision of the Southbridge Board of Health or by order of a court of competent jurisdiction, the terms and conditions of such decision or order will supersede the terms and conditions of this Permit, and the Department may rescind, suspend, or modify this Permit in accordance with the provisions of 310 CMR 19.040.

IV. SPECIFIC PERMIT CONDITIONS

- A. Amount of Waste** - Based on six (6) operating days per week, the Facility may accept an average of one thousand (1,000) tons per day (tpd) of waste comprised of any combination of C&D residuals and MSW from residential, commercial and industrial sources without regard to geographic origin. To allow for seasonal and other fluctuations in the waste stream, the Facility may accept up to one thousand five hundred (1,500) tons of such waste on any one day during an operational week. The Facility may accept no more than three hundred thousand (300,000) tons per calendar year of such wastes.

Condition # 12 of Southbridge Board of Health June 9, 2008 site assignment modification decision specifies that “if the amount of waste received at the Processing Facility exceeds 192,960 tpy, the 300,000 tpy permitted at the Landfill Facility upon [completion and start of operation of Gas to Energy Facility] shall be decreased correspondingly by the amount of tons received at the Processing Facility in excess of 192,960 tons.” In other words, if the Processing Facility receives an amount of waste in excess of 192,960 tpy, the Southbridge Board of Health’s decision requires SRDP to reduce the annual amount of waste accepted at the Landfill by an equal amount.

- B. Fill Elevation** – maximum fill elevation of 850 ft above MSL, final elevation of 852 ft above MSL including the final cap.
- C. Types of Acceptable Wastes** - The Facility is authorized to accept MSW and C&D residuals waste without regard to geographic origin. C&D residuals are defined as “C&D material that remains after recyclable materials (asphalt pavement, brick, concrete, metals, wood, clean gypsum wallboard, etc.) have been removed from C&D waste to the greatest extent possible, which may include the C&D fines if not separated out from C&D waste. C&D residuals consist primarily of non-recyclable material”. The Facility shall only accept C&D Residuals from C&D waste processing facilities that have MassDEP approved Gypsum Removal Plans.
- The Facility shall comply with any restrictions on acceptable wastes, including but not limited to the provisions of the waste ban compliance requirements set forth at 310 CMR 19.017, and the terms and conditions of the Revised Waste Ban Compliance Plan, Transmittal No. X238160 submitted as part of the permit application, and also comply with any restrictions on acceptable wastes contained in the local site assignment, site assignment modifications and MEPA certificate.
- D. Compliance with the Solid Waste Master Plan** - The Town of Southbridge and Southbridge Recycling and Disposal Park, Inc. shall meet the appropriate provisions established in the Beyond 2000 Massachusetts Solid Waste Master Plan as updated in the 2006 Plan Revision, and as subsequently updated thereto.
- E. Reserve Capacity** - Notwithstanding the capacity and waste-type restrictions in this Permit, the Facility may accept additional waste (MSW and/or Non-MSW) upon request to, and receipt of prior written approval by MassDEP. MassDEP may grant such approval if it determines that a capacity shortfall may occur and that alternate disposal facilities are not able to adequately handle the shortfall.

- F. Inspections** - The Facility shall be inspected quarterly (every three months) by a registered Professional Engineer, or other qualified professional approved by the MassDEP, and experienced in solid waste management to ensure compliance with the plans, specification and approved permits for this Facility. Copies of the inspection reports shall be submitted to MassDEP-CERO and the Southbridge Board of Health within fourteen (14) days of the date of completion of the quarterly inspection. The MassDEP inspection reports may be submitted electronically to lynne.welsh@state.ma.us.
- G. Annual Report** - Southbridge Recycling and Disposal Park, Inc. shall submit to MassDEP, not later than February 15th of each calendar year, an annual report on the Annual Solid Waste Report form provided by the Department summarizing the Facility's operations for the previous calendar year.
- H. Notification** - MassDEP shall be notified 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 24 hour notification shall be faxed to D. Lynne Welsh, Acting Solid Waste Section Chief at 508-792-7621 in the MassDEP Central Regional Office. During emergency incidents at the Facility, during business hours, 8:45 AM to 5PM, Monday through Friday) immediate notification shall be provided to the Department by telephone to D. Lynne Welsh, Acting Solid Waste Section Chief at 508-849-4007 in the MassDEP Central Regional Office. At any other time the Permittee shall call MassDEP's Emergency Hotline at (888) 304-1133.
- I. Compliance with RCRA/Subtitle D** - Notwithstanding the approval of submissions incorporated herein, 310 CMR 19.014: Prohibition on Open Dumps and Dumping Grounds, and 310 CMR 19.103: Additional Requirements, prohibit the operation or maintenance of a landfill in violation of the Resource Conservation and Recovery Act, Subtitle D [42 USC 4004(a)(b)] and regulations promulgated thereunder by the United States Environmental Protection Agency.
- J. MEPA Section 61 Findings** - In accordance with the requirements of 301 CMR 11.00, MEPA Regulations, section 11.01(4)(c)2, MassDEP has incorporated as part of this Permit the Section 61 findings titled; "Provisional Section 61 Finding, Southbridge Environmental Industrial Park, Southbridge Recycling and Disposal Park, EEA No. 10955" dated December 9, 2011.
- K. Hours of Waste Acceptance** - Except for equipment maintenance vehicles and emergency vehicles, the truck traffic to the Landfill Facility shall be limited to the hours of 7:00AM to 5:00PM, Monday through Friday, and 7:00AM to 12:00PM on Saturday.

- L. Financial Assurance Mechanism** - The Town of Southbridge and Southbridge Recycling and Disposal Park, Inc. shall maintain closure and post-closure financial assurance utilizing an established Financial Assurance Mechanism (FAM) in accordance with the requirements set forth at 310 CMR 19.051, and shall provide that sufficient funds in the established FAM are available to cover any additional costs that may be associated with the operations approved by this Permit.
- M. Stormwater Management and Wetlands Protection** - As required by the 2011 ATO, the 2004 ACO, and the 2008 Site Assignment Modification Decision, the Town of Southbridge and Southbridge Recycling and Disposal Park, Inc. shall implement and maintain Best Management Practices (BMPs) for erosion and sedimentation control to adequately handle stormwater runoff and protect surface water adjacent to the Facility, including but not limited to complying with the MassDEP Storm Water Management Policy, the NPDES Stormwater Multi-Sector Discharge Permit (“MSG Permit”) requirements, the NPDES Storm Water Pollution Prevention Plan (SWPPP) prepared for the site, and any applicable conditions or requirements imposed by the Southbridge Conservation Commission.
- N. Gas Collection and Control** – As required by the 2011 ATO, the 2004 ACO, and the 2008 Site Assignment Modification Decision, the Town of Southbridge and SRDP shall take all measures necessary to mitigate and eliminate nuisance odors at the Facility, control the emissions of landfill gas and control emissions of green house gases, and shall comply with the Commonwealth’s Air Pollution Control regulations at 310 CMR 7.00, including the provisions of 310 CMR 7.00-Appendix C (Operating Permit), and shall comply with the provisions of US-EPA Standards of Performance for Municipal Solid Waste Landfills at 40 CFR 60-Subpart WWW. Southbridge Recycling and Disposal Park, Inc. shall submit a BWP AQ 14 Appendix C Operating Permit Application to the Central Regional Office’s Division of Air Quality Control by March 9, 2012.
- O. Environmental Monitoring** - As required by the 2011 ATO, the 2004 ACO, and the 2008 Site Assignment Modification Decision, including but not limited to Conditions 45, 46, 47, 48, 50, 52, 53, and 54, the Town of Southbridge and Southbridge Recycling and Disposal Park, Inc. shall implement and maintain the existing environmental monitoring program at the Facility consisting of groundwater, surface water, landfill gas monitoring and an ongoing residential water supply monitoring program. In the event that the Southbridge Board of Health requires changes to the existing environmental monitoring program in the future, Southbridge Recycling and Disposal Park, Inc. shall submit to the Department an application for a minor modification to the ATO for approval to implement such changes.

- P. Leak Detection and Secondary Collection System** - The Town of Southbridge and Southbridge Recycling and Disposal Park, Inc. shall continue to monitor the Secondary Leachate Collection System (SLCS) as provided for at 310 CMR 19.110 (9) according to the requirements and notification procedures set forth therein, including but not limited to the established 24 hour leakage rate of 10 gallons per acre per day and the 30-day rolling average maximum Action Leakage Rate (ALR) of 100 gallons per acre per day.
- Q. Reporting Hotline** - Southbridge Recycling and Disposal Park, Inc. shall staff, fund and maintain a reporting hotline for recording and promptly responding to odor, nuisance and operational complaints regarding the Facility. The hotline shall be operated and monitored 24 hours a day, seven days a week.
- R. Third-Party Complaint Monitoring Program** - Southbridge Recycling and Disposal Park, Inc. shall maintain such contracts and procedures necessary for a third-party odor monitoring program, under which an independent odor monitor (i.e. inspector) will respond to all odor complaints associated with the Facility, subject to the following conditions:
1. Southbridge Recycling and Disposal Park, Inc. shall fund and maintain the 24-hour complaint hotline. Any complaints made to the hotline shall be immediately relayed to the following: the third-party odor monitor; appropriate Southbridge Recycling and Disposal Park, Inc. personnel, and appropriate MassDEP personnel (Complaints received directly by MassDEP personnel will be relayed to the 24-hour hotline).
 2. A qualified, third-party odor monitor shall respond to all odor complaints in a timely fashion, as soon as reasonably and practically possible. The odor monitor shall be capable of recognizing and discerning various landfill-related odors (e.g. landfill gas, leachate, and newly-received waste) and shall have received training in odor recognition and the determination of odor intensity by standard methods (e.g. ASTM or other recognized methods). Except in the case of extenuating circumstances, all odor inspections shall be initiated not later than one hour after a complaint is received by the hotline.
 3. During each odor complaint inspection, the third-party odor monitor shall, at a minimum, perform the following actions: upon arrival at the Facility, walk the area of the complaint back and forth at least once, for a minimum time of 10 minutes; monitor the residential drop-off area, closest point of landfill perimeter, and landfill working face for odors; record weather conditions (temperature and wind direction, at a minimum); and, upon leaving the Facility, walk the area of the complaint back and forth at least once, for a minimum time of 10 minutes;

4. The odor monitor shall submit directly to MassDEP, and without prior review by Southbridge Recycling and Disposal Park, Inc. or any outside party, reports detailing the results of each odor complaint inspection (with copies to Southbridge Recycling and Disposal Park, Inc.) within 6 (six) hours of the inspection. Such reports may be submitted via electronic mail, and shall include, without limitation, the following information: the date and time of the complaint and the inspection; the name of the inspector; a statement as to whether odors attributable to the landfill were or were not present during the inspection at any locations outside the landfill property, and specifically at the location of the complainant; and a certification statement, certifying that the odor monitoring inspection and reports was completed in an independent fashion, outside the control of Southbridge Recycling and Disposal Park, Inc. ;
5. Third-party odor monitoring shall be performed at the Facility until such time as the Department may, in writing, approve the discontinuance of such monitoring; and
6. The Department reserves the right to modify, in writing, the requirements for the third-party odor monitoring system, at any time as deemed necessary by the Department.
7. Odor Control Report - Within fifteen (15) days of the final effective date of this permit, SRDP shall submit to the Department, a odor control report summarizing the third party review of the facility operations and procedures used to manage and evaluate odors at and from the landfill as outlined in the “Proposed Scope of Services for Review of Odor Control Procedures” dated August 3, 2011. The Odor Control will highlight compliance with the 2008 Site Assignment Modification.
8. Odor Management Assessment Report (Report) - Within thirty (30) days of the final effective date of this Permit, SRDP shall submit to the Department, an assessment of conditions which lead to the elevated hydrogen sulfide gas odor conditions at the Landfill and the numerous odor complaints during June and July 2011 that necessitated the temporary closing of Cell 7.2B. The Report shall include amount and type of wastes (including Road Base BUD materials, solid waste, bulky waste, diverted waste ban items, Construction and Demolition residuals/fines), use and placement/handling procedures for each type of material deposited in Cell 7.2B. The Report shall also include descriptions of and type of odor survey equipment, daily odor survey results, observations and data from stationary and portable equipment and any other information that related to the resultant odor conditions. The Reports shall also include a summary of the actions taken to address the conditions prior and during the temporary closure of Cell 7.2.

- S. Construction and Demolition Fines** - Construction and Demolition fines shall not be used for daily cover or grading and shaping at the Facility.
- T. Record Keeping** - Southbridge Recycling and Disposal Park, Inc. shall maintain the following operating records for a minimum of three (3) years and make them available for inspection by Department personnel upon request:
1. The tonnage of waste accepted at the Facility each operating day, broken down by type of waste (i.e., C&D Residuals and MSW); and
 2. The total number of vehicles bringing waste to the Facility each operating day.

The most recent twelve (12) months of these required operating records shall be maintained at the Facility.

- U. Reporting** - In addition, Southbridge Recycling and Disposal Park, Inc. shall submit a monthly operations report to MassDEP by no later than the 15th day of the following month. The operations reports shall include the following information:
1. A summary of the quantity (in tons) of all solid waste received during the previous calendar month and the total quantity of solid waste received to date during the current calendar year. The quantities of solid waste accepted shall be itemized as MSW, non-MSW, and special wastes. Where applicable, each type and source of special wastes shall be identified.
 2. A summary of the quantity (in tons) of all daily cover materials, including but not limited to clean soils, alternative daily cover materials, and contaminated soils (divided into categories of materials) received during the previous calendar month and the total quantity received to date during the current calendar year. The report shall detail the source and LSP of record for contaminated soils received and the type and source of all alternative daily cover material received. A letter of acceptability from the LSP of record shall be included for all contaminated soils.
 3. A summary of waste ban activities including all loads failing on the basis of non-conformance with waste bans, recycling criteria, or waste classification (i.e. special wastes or hazardous wastes). The summary shall include the date the load failed, a description of the type of waste encountered, the reason for failure, disposition of the load (e.g. rejected/reloaded, set aside for recycling, separation of recyclable materials, accepted for disposal, etc.) as well as the name of the waste hauler, truck number and driver's identification or name.

4. Results of measurement of leachate head on the liner taken at the Facility and a description of monitoring and maintenance activities during the previous calendar month.
5. Results of landfill gas collection system monitoring (% methane, % oxygen, % carbon dioxide, hydrogen sulfide (ppm)).
6. An estimate of remaining permitted capacity in cubic yards and tons.
7. A landfill gas collection and treatment system status report, which shall include a listing of any events in which the system (i.e. collection system, blowers, flare, hydrogen sulfide pretreatment and gas to energy plant (when operational)) did not operate or operated at reduced capacity, the approximate length of downtime, the reasons for such events, and corrective actions taken or planned.
8. A leachate pretreatment system status report. MassDEP acknowledges that the system is maintained at the site but operation is not currently deemed to be needed. If the system is returned to regular operation in the future, the report shall include a listing of any events in which the system did not operate or operated at reduced capacity, the approximate length of downtime, the reasons for such events, and corrective actions taken or planned.
9. A summary of odor complaints received, including the date/time, potential cause(s) of the complaints, and any corrective actions taken or planned.
10. The status of bird control efforts at the Facility.
11. A listing of the daily quantities of leachate collected at the Facility.
12. A summary of any unusual events or operational problems.

- V. **Other Requirements** - The Town of Southbridge and Southbridge Recycling and Disposal Park, Inc. shall comply with all other applicable local, federal and state permits and/or approvals regarding the Landfill operation as part of this Permit.

V. **RIGHT OF APPEAL**

A. **Review of Decision**

MassDEP has deferred the effective date of this provisional Permit for the purpose of obtaining and reviewing comments prior to a final decision. The effective date is deferred for forty-five (45) days from the date of issuance to

accommodate a public comment period and time for MassDEP to review any comments received. A thirty (30) day comment period shall begin on December 12, 2011 and end on January 11, 2012. At the close of the public comment period, MassDEP will review the comments received and will rescind or modify the provisional Permit in writing, if necessary. If no modification is necessary, then the effective date of the provisional Permit is January 11, 2012, and the Permit shall become a final Permit on that date.

B. Right to Appeal

Any person aggrieved by the issuance or denial of this Permit, except as provided for under 310 CMR 19.037(4)(b), may file an appeal for judicial review of said 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 after receipt of notice of the final Permit. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the Permit by a court of competent jurisdiction, this Permit shall remain effective at the conclusion of the 30 day period.

C. Notice of Appeal

Any aggrieved person intending to appeal the issuance of this Permit to the Superior Court shall first provide notice of intention to commence such action. Said notice of intention shall include the file number (Transmittal No. X239694) and shall identify with particularity the issues and reason why it is believed the 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.

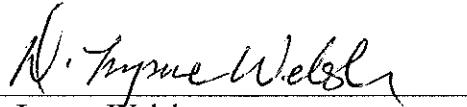
Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

and

Martin Suuberg Regional Director
Department of Environmental Protection
627 Main Street
Worcester, MA 01608

No allegation shall be made in any judicial appeal of this 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.



D. Lynne Welsh
Acting Section Chief
Solid Waste Management Program