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March 1, 2017

Mary Jude Pigsley, Regional Director
MassDEP
Central Regional Office
8 New Bond Street
Worcester, MA 01606

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
MOTION FOR RECONSIDERATION
MOTION TO SUPPLEMENT AND/OR REOPEN RECORD

Dear Ms. Pigsley:

On behalf of Southbridge Recycling and Disposal Park, Inc. ("SRDP"), I attach the following for the Department's consideration in the above-captioned matter:

- Motion for Reconsideration;
- Memorandum in Support of Motion of Reconsideration ("Memorandum in Support");
- Motion to Supplement and/or Reopen Record; and
- A replacement to page 25 (Section III.A) of SRDP's BWP SW 01 application form.

The exhibits referenced in the Memorandum in Support are on the enclosed CD and also have been uploaded to the following link: https://sanbornhead.sharefile.com/app/#/home/shared/fo0b6ee8-c5bd-4133-80a7-364ff620da2b. SRDP will provide hard copies on request.

Thank you for your attention.

Respectfully submitted,

Robert C. Kirsch

RCK:lab
Attachments

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

MOTION FOR RECONSIDERATION OF
SOUTHBRIDGE RECYCLING & DISPOSAL PARK, INC.

Pursuant to 310 CMR 16.14, Southbridge Recycling & Disposal Park, Inc. (the "Applicant" or "SRDP") moves for reconsideration of the Massachusetts Department of Environmental Protection's (the "Department" or "MassDEP") February 15, 2017 Negative Report on Suitability for Site Assignment ("Report") for the application ("Application") submitted in the above-captioned matter.

In the Report, the Department found that the Applicant had satisfied all 16 Facility-Specific Criteria and 10 of 13 General Criteria. The Department stated that the Application provided insufficient information to enable the Department to make a positive determination with respect to three criteria: (1) the criterion at 310 CMR 16.40(4)(a) (Agricultural Lands); (2) the criterion at 310 CMR 16.40(4)(i) (Areas Previously Used for Solid Waste Disposal); and (3) the criterion at 310 CMR 16.40(4)(k) (Consideration of Other Sources of Contamination or Pollution).

As grounds for this motion, SRDP states that the Department has overlooked or misapprehended certain facts that support the issuance of a positive report on suitability for the site that is the subject of the Application (the "Site"). In support of this motion, SRDP submits a memorandum in support of this motion for reconsideration ("Memorandum in Support"), and

supporting attachments which SRDP submits will be helpful to the Department in evaluating SRDP's motion and site suitability request, and ensuring protection of public health, safety and the environment.

With regard to the criterion at 310 CMR 16.40(4)(a), the information in the Application and the Memorandum in Support allows MassDEP to determine that:

1. SRDP does not seek site assignment for any land that meets the requirements for classification as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service;

2. SRDP does not seek site assignment for any land that is deemed Land Actively Devoted to Agricultural or Horticultural Uses; and

3. SRDP does not seek site assignment for any facility within 100 feet of any lands as classified pursuant to 1 or 2 above.

With regard to the criterion at 310 CMR 16.40(4)(i), SRDP has provided sufficient information from which MassDEP may determine the nature and extent to which combined impacts of the existing Landfill and the Site adversely impact public health, safety, or the environment. The information in the Application and the Memorandum in Support allows MassDEP to determine that:

1. an interceptor trench will mitigate groundwater contamination on the Phase 2.10 Parcel (part of the proposed Site) by removing contaminant mass from shallow groundwater;

2. the decommissioning of a former irrigation well on the Phase 2.10 Parcel will prevent the transport of contaminant mass to deeper subsurface zones;

3. waste disposal and construction of an MSE berm will not prevent or impede current or future remedial activities necessary to address existing contamination at the Landfill;

4. additional subsurface investigations and groundwater monitoring are planned for implementation prior to the development of the Phase 2.10 expansion, to confirm groundwater flow direction and contaminant transport and the extent of radial groundwater flow; and

5. the Applicant's proposed activities will improve public health, safety and the environment on the Phase 2.10 Parcel and downgradient of the Phase 2.10 Parcel in both shallow overburden and deep bedrock.

With regard to the criterion at 310 CMR 16.40(4)(k), SRDP has provided sufficient information from which MassDEP may determine that the project impacts of the proposed facility will not pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination, and that the mitigation measures proposed as part of the Phase 2.10 Parcel expansion (decommissioning of the former irrigation well and installation and operation of the interceptor trench and replacement monitoring wells) will mitigate or reduce the existing sources of contamination. Further, SRDP has provided the Department a conceptual water extension design that provides sufficient information to demonstrate mitigation of possible migration of contaminants to residential areas adjacent to the Landfill by eliminating this potential exposure pathway.

For the reasons set forth in this motion and the Memorandum in Support, SRDP respectfully requests that MassDEP: reconsider and change the findings in the Report relating to the criteria at 310 CMR 16.40(4)(a), 310 CMR 16.40(4)(i), and 310 CMR 16.40(4)(k); issue new

findings for those sections concluding that MassDEP has sufficient information to issue a positive report on suitability; and issue a positive report on suitability for the Site.

Respectfully submitted,

SOUTHBRIDGE RECYCLING & DISPOSAL PARK, INC.

By its attorneys,

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March 1, 2017

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

MEMORANDUM OF
SOUTHBRIDGE RECYCLING & DISPOSAL PARK, INC.
IN SUPPORT OF MOTION FOR RECONSIDERATION

Pursuant to 310 CMR 16.14, Southbridge Recycling & Disposal Park, Inc. (the "Applicant" or "SRDP") moves for reconsideration of the Massachusetts Department of Environmental Protection's (the "Department" or "MassDEP") February 15, 2017 Negative Report on Suitability for Site Assignment ("Report") for the application ("Application") submitted in the above-captioned matter.

In the Report, the Department found that the Applicant had satisfied all 16 Facility-Specific Criteria and 10 of 13 General Criteria. The Department stated that the Application provided insufficient information to enable the Department to make a positive determination with respect to three criteria: (1) the criterion at 310 CMR 16.40(4)(a) (Agricultural Lands); (2) the criterion at 310 CMR 16.40(4)(i) (Areas Previously Used for Solid Waste Disposal); and (3) the criterion at 310 CMR 16.40(4)(k) (Consideration of Other Sources of Contamination or Pollution).

As grounds for its motion for reconsideration, SRDP states that the Department has overlooked or misapprehended certain facts that support the issuance of a positive report on suitability for the site that is the subject of the Application (the "Site"). The Application and this Memorandum and supporting attachments provide sufficient facts for the Department to issue a

positive report on suitability for the Site. SRDP is simultaneously asking for leave to supplement the record, in order that the Department may consider further information relevant to points raised in its Report.

INTRODUCTION

1. On January 22, 2016, the Applicant submitted an application for a site suitability report, proposing an expansion of the existing Southbridge Landfill (the "Landfill") onto certain areas of land in Southbridge that have not been site-assigned by the Southbridge Board of Health (the "Project"). Administrative Record ("AR") #1.[1] The Site consists of three "slivers" of land and two parcels of land, each contiguous to the existing site-assigned land: Parcel 1 (the "Phase 2.10 Parcel" or the "Triangle Parcel"); and Parcel 2 (the "Rectangle Parcel"). AR#1 at Exhibit ("Ex.") L.[2]

2. On June 3, 2016, the Department issued an "Administrative Deficiency Notice" seeking additional supporting documents. AR #5. In response, on July 29, 2016, SRDP

[1] AR numbers used in this Memorandum correspond with the numbers listed in Section V of the Report.

[2] The slivers were created in 1993 when the Massachusetts Legislature re-drew the boundary line between the Southbridge and Charlton. 1993 Mass. Acts ch. 210. The re-drawn boundary line did not precisely match the boundaries of Parcel 4, Parcel 5, and Parcel 6, which are in Charlton. Therefore, the boundaries established by the Legislature created slivers in Southbridge that arguably fall outside the area that has been site-assigned by the Southbridge Board of Health. The slivers (which total 0.15 acres) were depicted in AR #6 at Figs. 7A-7C. We refer to the slivers as the "Parcel 4 sliver," "Parcel 5 sliver," and "Parcel 6 sliver."

The Application has not proposed to undertake any waste disposal on the slivers. AR #6 at 2. The slivers were included in the Site now to promote administrative efficiency. Once the Applicant obtains a positive site suitability report, the Southbridge Board of Health will need to hold a hearing. The slivers were included in the Application so that the Southbridge Board of Health will not need to hold a separate hearing just to site-assign the slivers if the Applicant eventually seeks to pursue solid waste management activity on Parcels 4, 5, or 6.

submitted to the Department an "Administrative Deficiency Response Letter," AR #6, and additional correspondence on October 24, 2016. AR #7.

3. The Department considers the January 22, 2016 application (AR#1), the Administrative Deficiency Response Letter (AR #5), and the October 24, 2016 correspondence (AR #7) collectively to be the "Application." Report at 4.

4. The Department sent a notice of completeness for the Application to SRDP on November 14, 2016, and a revised notice of completeness on November 16, 2016. AR # 9, 10.

5. On November 29, 2016, SRDP notified the Department that it had satisfied public notice requirements pursuant to 310 CMR 16.10(4), triggering the public review period for the Application. Exhibit SRDP.

6. On November 30, 2016, the Department notified interested parties that the public notice requirements had been satisfied and that a 21-day public review period on the Application had commenced. Exhibit DEP-1.

7. The Department received public comments on the Application, and on December 22, 2016, the Department issued a letter to SRDP requesting a formal response to the public comments. Report (Cover Letter at 2).

8. On December 30, 2016, the Department issued a Request for Additional Information to SRDP. AR #12.

9. On January 9, 2017, SRDP submitted responses to public comments and the Request for Additional Information. AR #13.

10. On February 15, 2017, the Department issued the Report.

11. In the Report, the Department found that the Applicant had satisfied all 16 Facility-Specific Criteria and 10 of 13 General Criteria. Report at 4-32. The Department stated

that the Application provided insufficient information to enable the Department to make a positive determination with respect to three criteria. Report at 2. Specifically, the Department found:

a. regarding criterion at 310 CMR 16.40(4)(a) – Agricultural Lands:

   i. the Application did not provide sufficient information from which MassDEP could conclude that land within the slivers or within 100 feet of the slivers is not "available for use" as provided in the federal definition of "Prime Farmland."

   ii. the Application did not provide sufficient information from which MassDEP could conclude that the land within the Triangle Parcel and within 100 feet of the Triangle Parcel does not qualify as "Unique Farmland."

b. regarding criterion at 310 CMR 16.40(4)(i) – Areas Previously Used for Solid Waste Disposal:

   i. the Application contained insufficient information from which MassDEP could determine the nature and extent to which combined impacts of the existing Landfill and the Site adversely impact public health, safety, or the environment.

c. regarding criterion at 310 CMR 16.40(4)(k) – Consideration of Other Sources of Contamination or Pollution:

   i. the Application did not contain sufficient information for MassDEP to determine whether the project impacts of the proposed expansion pose a threat to public health, safety or the

environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department.

ii. the Application contained insufficient information for MassDEP to determine whether the expansion will mitigate or reduce the existing sources of contamination at the Landfill.

BASIS FOR RECONSIDERATION

12. Section 16.14 of 310 CMR governs the requirements for motions for reconsideration. It states:

> When the Department's Report contains a finding that the site fails to meet the site suitability criteria, the Department may entertain written motions for reconsideration from the applicant stating the basis on which the reconsideration is requested, if filed within 14 days of issuance of the Report. The motion for reconsideration shall state the fact(s) which it is contended the Department has overlooked or misapprehended and shall contain such argument in support of the motion as the applicant desires to present. Action on any motion for reconsideration is at the discretion of the Department.

13. SRDP respectfully directs the Department to the Administrative Record, as identified in the Report, which contains information supporting the motion to reconsider. In addition, to facilitate the Department's issuance of a positive report on suitability, the Applicant states the following.

310 CMR 16.40(4)(a) – Agricultural Lands

14. The Site meets the criterion at 310 CMR 16.40(4)(a), which states:

> No site shall be determined to be suitable or be assigned as a solid waste management facility where:

> 1. the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service [NRCS]; or
> 2. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and
> 3. a 100 foot buffer would not be present between the facility and those lands as classified at 310 CMR 16.40(4)(a)1. or 2.

15. As stated in the Report, no "Land Actively Devoted to Agricultural or Horticultural Uses" exists within the Site or within 100 feet of the Site. AR #1 at Ex. D, § 6.0; AR #6 at Ex. D, § 6.0.

16. Through the Office of Geographic Information ("MassGIS"), the Commonwealth has created a comprehensive, statewide database of spatial information.[3] One of the datalayers housed by MassGIS – the "Soils" datalayer – has been automated from soil maps published by NRCS.[4] The soils data in MassGIS "was acquired and compiled over various time periods. Since then, development of important farmland soils has occurred in some areas and that land is no longer available for agriculture."

17. The presence of NRCS-mapped soils is not sufficient to classify land as prime or unique farmland based on federal definitions. 7 CFR 657.5.

18. ***Prime Farmland***. As MassDEP stated in the Report, NRCS regulations define prime farmland as "land that has the best combination of physical and chemical characteristics for producing [various crops], and is also available for these uses. . . ." 7 CFR 657.5(a)(1)

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[3] Office of Geographic Information (MassGIS), http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/.
[4] MassGIS Data - NRCS SSURGO-Certified Soils (November 2012), http://www.mass.gov/anf/research-and-tech/it-serv-and-support/application-serv/office-of-geographic-information-massgis/datalayers/soi.html.

(emphasis added). Report at 16. NRCS's National Soil Survey Handbook ("Handbook")[5] states that "soil properties are only one of several criteria that are necessary" for land to be classified as prime farmland; it must also be "available" for producing crops. Handbook at 622.03. The Handbook further states that "Prime farmland . . . cannot be areas of water or urban or built-up land. . . . Map units that are complexes or associations containing components of urban land or other miscellaneous areas as part of the map unit name (i.e., major components) cannot be designated as prime farmland." *Id.*

19. ***Unique Farmland***. The federal definition of unique farmland is "land other than prime farmland that is used for production of specific high-value food and fiber crops." 7 U.S.C. § 4201(c)(1)(B) (emphasis added). Similarly, NRCS regulations set forth three elements of unique farmland:

> Specific characteristics of unique farmland. (i) Is used for a specific high-value food or fiber crop; (ii) Has a moisture supply that is adequate for the specific crop; the supply is from stored moisture, precipitation, or a developed-irrigation system; (iii) Combines favorable factors of soil quality, growing season, temperature, humidity, air drainage, elevation, aspect, or other conditions, such a nearness to market, that favor the growth of a specific food or fiber crop.

7 CFR 657.5(b)(2) (emphasis added)

20. The Report stated, "in determining whether land meets the federal definition of Prime or Unique Farmland in other projects, for the purposes of interpreting MassDEP's regulation, MassDEP has accepted evidence from a soil scientist about the characteristics of the land and other information that would exclude it from the definitions." Report at 16.

[5] U.S. Department of Agriculture, Natural Resources Conservation Service, National Soil Survey Handbook, at 622.03 (Exhibit NSSH), available online at https://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/ref/?cid=nrcs142p2_054226#03.

21. Because the MassGIS Soils datalayer indicated the presence of NRCS-mapped prime and unique soils within portions of the Site and the Site's 100-foot buffer (the "Areas of Concern"), the Applicant retained certified soil scientists ("Apex") to ascertain the accuracy of the data and to collect evidence about the characteristics of the land. Exhibit APX. The Applicant also retained an agronomist from the University of Massachusetts, Dr. Stephen J. Herbert, to assess whether certain prime soils identified by Apex within the Areas of Concern could be considered "available" for producing crops. Exhibit SJH.

22. Apex conducted a detailed survey of the areas with NRCS-mapped soils within the Areas of Concern. Exhibit APX.

23. ***Parcel 4 Sliver***

a. NRCS mapping did not show any soils associated with any farmland of unique or of state and local importance in the Parcel 4 sliver and its 100-foot buffer. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1.

b. NRCS mapping indicated soils in the Parcel 4 sliver and its 100-foot buffer that may be characteristic of prime farmland. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1. However, within the Parcel 4 sliver and its 100-foot buffer, Apex did not encounter any soils that may be indicators of prime farmland. Exhibit APX at 4. Instead, Apex encountered Udorthents, smoothed (651), which is not an indicator of prime farmland. *Id.*

c. The Parcel 4 sliver meets the criterion at 310 CMR 16.40(4)(a).

24. ***Parcel 5 Sliver***

a. NRCS mapping did not show any soils associated with farmland of prime, unique, or of state and local importance within the Parcel 5 sliver. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1.

b. NRCS mapping did not show any soils associated with farmland of unique or of state and local importance within 100 feet of the Parcel 5 sliver. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1.

c. NRCS mapping indicated soils within the 100-foot buffer of the Parcel 5 sliver that may be characteristic of prime farmland. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1. Within a portion of that NRCS-mapped area, Apex encountered Woodbridge fine sandy loam, 3 to 8 percent slopes (310B)—a soil type that may be characteristic of prime farmland. Exhibit APX at 4, Fig. 4. The total area of the 310B soil within the 100-foot buffer of the Parcel 5 sliver was approximately 800 square feet. *Id.* Apex concluded that the 800-square-foot area was too small and inaccessible to be considered "available" for producing crops. *Id.* Dr. Herbert reached the same conclusion. Exhibit SJH at 2 (the 800-square-foot areas "would be insufficiently accessible, and too fragmented and not of sufficient dimensions to economically produce crops in Massachusetts" and "cannot practicably be considered to be available for the purpose of farming"). In addition, as shown in Exhibit SJH at Attachment A, the 800-square-foot area is not available for producing crops because it is within an area of water and built-up land that is integral to stormwater detention on Parcel 5.[6]

d. Because the 800-square-foot area is not available for crop production, it does not meet the federal definition of prime farmland, as set forth in the Handbook and 7 CFR 657.5(a)(1).

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[6] A stormwater detention basin was developed on Parcel 5 pursuant to judicial orders in *Commonwealth of Massachusetts v. Wood Recycling, Inc.*, Civ. Action No. 04-1932 (Mass. Super. Ct. 2004); *Massachusetts v. Southbridge Recycling & Disposal Park*, Civ. Action No. 1484CV03847 (Mass. Super. Ct. 2014), as referenced in AR #13 (Response to Comment CBoH2). *See also* MassDEP Comments on Draft Environmental Impact Report (DEIR), Southbridge Recycling and Disposal Park, Southbridge, EEA # 15356 (September 25, 2015) (attached hereto as Exhibit DEP-2), at 4.

e. Apex did not encounter any other soils associated with prime farmland in the NRCS-mapped area within 100 feet of the Parcel 5 sliver. Instead, Apex encountered Udorthents, smoothed (651), which is not an indicator of prime farmland. Exhibit APX at 4.

f. The Parcel 5 sliver meets the criterion at 310 CMR 16.40(4)(a).

25. ***Parcel 6 Sliver***

a. NRCS mapping did not show any soils associated with farmland of prime, unique, or of state and local importance within the Parcel 6 sliver. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1.

b. NRCS mapping did not show any soils within the 100-foot buffer of the Parcel 6 sliver that may be characteristic of farmland of unique or of state and local importance. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1.

c. NRCS mapping indicated soils within the 100-foot buffer of the Parcel 6 sliver that may be characteristic of prime farmland. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1. However, within that NRCS-mapped area, Apex did not encounter any soils that may be indicators of prime farmland. Exhibit APX at 5. Instead, Apex encountered Paxton fine sandy loam, 15 to 35 percent slopes, extremely stony (307E), which is not an indicator of prime farmland. *Id.*

d. The Parcel 6 sliver meets the criterion at 310 CMR 16.40(4)(a).

26. ***Triangle Parcel***

a. NRCS mapping did not show any soils within the Triangle Parcel or its 100-foot buffer that may be characteristic of farmland of prime or of state and local importance. AR #1 at Figs. 6, 6C; Exhibit APX at Fig. 1.

b. Within a portion of the Triangle Parcel and its 100-foot buffer, NRCS mapping indicated an area of soils that may be characteristic of unique farmland – Swansea muck, 0 to 1 percent slopes ("51A"). Exhibit APX at Fig. 1. During its field survey, Apex encountered that soil type in an approximately 0.25-acre portion of the NRCS-mapped area. Exhibit APX at 5, Fig. 2. However, Apex found no evidence that the NRCS-mapped area within the Triangle Parcel and its 100-buffer is used (or ever has been used)[7] for the production of specific high-value food and fiber crops. Exhibit APX at 5. *See also* AR #13 (Response to SBoH 24) ("The Triangle Parcel (or the Phase 2.10 parcel) is not used for the production of any crops."); AR #1 at Fig. 6C (showing NRCS-mapped areas overlaid on aerial photography of the Triangle Parcel area, which includes no crop production).

c. "Oliver," MassGIS's online mapping tool, enables the MassGIS Soils datalayer, showing NRCS-mapped areas, to be depicted over aerial photography.[8] As shown in Exhibit OLI, Oliver provides further evidence that the NRCS-mapped areas on the Triangle Parcel and within its 100-foot buffer are not used for the production of crops.

[7] The federal definition of unique farmland uses the present tense: "is used." Even if that were interpreted to mean future use (which is incorrect), the only area within the Triangle Parcel or its 100-foot buffer with the requisite soil characteristics to indicate unique farmland (the "51A soil area") cannot be used to produce crops. The 51A soil area falls within wetlands, as shown in Exhibit APX at Fig. 2. Wetlands are subject to protection under the Wetlands Protection Act, M.G.L. c. 131, § 40. While the Wetlands Protection Act provides an agricultural exemption, the 51A soil area would not qualify for that exemption, which expressly applies to "normal maintenance or improvement of land ***in agricultural use***." (Emphasis added.) Therefore, even if the federal definition of unique farmland were broadly construed to include land that may be used in the future for crop production, no portion of the Triangle Parcel or its 100-foot buffer would fall within that definition.

[8] Oliver is available at http://maps.massgis.state.ma.us/map_ol/oliver.php.

d. Because they are not used for crop production, neither the Triangle Parcel nor the area within 100 feet of the Triangle Parcel meet the requirements for classification as unique farmland under the federal definition.

e. In the remainder of the NRCS-mapped area within the Triangle Parcel and its 100-foot buffer, Apex did not encounter any soils that may be indicators of unique farmland. Exhibit APX at 5-6. Instead, Apex encountered four other soil types (651, 36A, 71B, and 312B) – none of which are indicators of farmland of prime, unique, or of state and local importance. *Id.*

f. The Triangle Parcel meets the criterion at 310 CMR 16.40(4)(a).

310 CMR 16.40(4)(i) – Areas Previously Used for Solid Waste Disposal

27. The Site meets the criterion at 310 CMR 16.40(4)(i), which states:

> Areas Previously Used for Solid Waste Disposal. Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site:
>
> 1. the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the proposed site;
> 2. the nature and extent to which the proposed site may impact the site previously used for solid waste disposal; and
> 3. the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment; taking into consideration:
>
> a. whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;
> b. whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and
> c. the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

Nature and Extent of Impacts to the Phase 2.10 Parcel

28. Monitoring data associated with the groundwater monitoring activities conducted under the operating permit for the Landfill have indicated the presence of contaminants in shallow groundwater near the Landfill. Exhibit GA at 2. Sampling of a historical nearby well extending 935 feet beneath the surface has identified contaminants in deeper groundwater. *Id.* at 3. And in 2015, private drinking wells sampled pursuant to the Landfill's permit indicated the presence of contaminants at levels sufficient to require action under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act ("Ch. 21E"). *Id.* at 8. SRDP developed a hydrogeologic Conceptual Site Model ("CSM") (including groundwater flow) for the Landfill and the surrounding area. The remainder of this memorandum addresses the issues posed by the presence of contaminants in monitoring wells and wetlands data collected near the Landfill, and the uncertainty regarding whether contaminants, detected in domestic drinking wells in Charlton may have originated from the Landfill. As explained below in detail, the consistent technical data suggest that the proposed expansion will not impede any future actions that may be identified as necessary to respond to that contamination, and that measures the Applicant will take in connection with this planned expansion will mitigate the contamination described above in both shallow and bedrock depths, as well as in the domestic drinking wells.

29. The CSM for the area surrounding the Landfill is based on comprehensive understanding of the potential release mechanism of contaminants from the existing historical (unlined) portion of the Landfill to groundwater within and downgradient of the Phase 2.10 Parcel. Exhibit GA at 1-2. The Landfill is located on what was mapped as a glacial till (till) drumlin which was partially excavated during various phases of Landfill development. AR #18 at 4; Exhibit EA1 at Attachments C, D.

30. Releases to groundwater from the historical (unlined) portion of the Landfill would first contact the till unit, and travel with groundwater through these overburden till soils and into the uppermost fractures in shallow bedrock. AR #19 at 2-8. Overburden groundwater monitoring wells included in the Landfill's monitoring network are screened in this low-permeability till unit, immediately adjacent to and downgradient of the Landfill. AR #18 at 10-22. Existing shallow bedrock groundwater monitoring wells included in the Landfill's existing monitoring network are screened in the uppermost fractured zone as encountered during drilling. AR #18 at 10-22. Evidence based on the Landfill's construction history and site geology does not suggest that the Landfill is in direct contact with deep bedrock. Exhibit GA at 2.

31. Current and historical groundwater and surface water measurements consistently show that groundwater flows to the west/northwest across the Landfill in both overburden and shallow bedrock. AR #18 at 10-22, Figs. 5A.1-6B.2; AR #19 at 2-1, 2-5 to 2-7, Figs. 2-2 to 2-7; AR #20 at 2-1 to 2-2, Figs. 2-1 to 2-8. Water quality results from shallow monitoring wells downgradient of the historical (unlined) portion of the Landfill show concentrations of 1,4-dioxane in the vicinity of the Phase 2.10 Parcel, ranging up to 11 micrograms per liter (µg/L) within approximately 250 feet of the historical (unlined) portion of the Landfill. AR #18 at 24, Figs. 9A and 9B; AR #19 at 2-9 and 2-10, Table 2-3; AR #20, Table C-3; Exhibit T&B4 at Appendix B.

32. Wetlands to the west and north of the Landfill (Wetland A) are inferred to be the primary discharge zone for shallow groundwater flowing west/northwesterly across the Landfill. AR #18 at 10-22; AR #19 at 2-10 and 2-11. Quarterly surface water quality sampling results

from some locations indicate low levels of 1,4-dioxane in surface water, indicating that shallow groundwater is discharging to Wetland A. AR #18 at 10-22; AR #19 at 2-10 and 2-11, Table 2-4.

33. An out-of-use 935-foot deep open-hole bedrock water supply well (the "Former Irrigation Well") reportedly installed by the Town of Southbridge prior to SRDP taking over operations at the Landfill is located immediately southwest of the historical (unlined) portion of the Landfill within the Phase 2.10 Parcel. Exhibit T&B5 at 6 and 7, Appendix G. The Former Irrigation Well has been characterized using geophysics and water quality testing in isolated fracture intervals. AR #19 at 3-7 to 3-10, Appendix H; Exhibit SH2 at 1-3. The result of this work suggests that between depths of approximately 190 and 915 feet, few (if any) potentially flowing fractures are present and the borehole may have served primarily as storage capacity. AR #19 at 3-7 to 3-10, Appendix H; Exhibit SH2 at Attachment C. These observations of the overall low-yield of this well are consistent with the fact that the well was advanced to a depth of over 900 feet. Exhibit GA at 3.

34. Numerous analyses consistently show that bedrock is dipping west-northwest at an angle of about 30 to 45 degrees. AR #18 at 10-13, Appendix B; AR #19 at 2-5 and 3-7 to 3-10, Appendix H; Exhibit SH2 at Attachment C. Results of water quality testing within the open bedrock borehole of the Former Irrigation Well indicated 1,4-dioxane concentrations decreasing with depth - ranging from 41.6 µg/L at a depth of 60 to 80 feet below the ground surface ("bgs") to 21.5 µg/L at a depth of 915 to 935 feet bgs. AR #19 at 3-7 to 3-10, Table 3-2, Appendix H; Exhibit SH2 at Attachment C. Hydraulic testing within the open borehole of the Former Irrigation Well indicated an overall downward gradient, and a camera survey of the Former Irrigation Well indicated that the well seal is compromised, allowing shallow groundwater to

leak around the bottom of the casing at the point of contact with the open borehole into the well. AR #19 at 3-7 to 3-10; Exhibit SH2 at 1-4, Attachment E. Cumulatively, these multiple lines of evidence suggest this borehole may serve as an artificial conduit for shallow groundwater to migrate to deep bedrock zones. Exhibit GA at 3.

35. Consistent evidence suggests potential contamination from the historical (unlined) portion of the Landfill is limited to shallow groundwater and surficial wetlands. Exhibit GA at 3. The presence of 1,4-dioxane within the Former Irrigation Well is related to the well itself as a conduit to deep bedrock. Exhibit GA at 3.

36. ***Proposed Mitigation Measures***

a. SRDP will mitigate possible transmission of contaminants to bedrock by decommissioning the Former Irrigation Well. Exhibit GA at 4. Decommissioning will restore groundwater flow to natural condition, allowing groundwater in overburden to contact shallow bedrock but eliminating a non-native connection between shallow conditions and deep groundwater. *Id.* Shallow groundwater flowing west/northwesterly across the Landfill will remain in the uppermost groundwater flow regime and will discharge to the wetlands to the west and north of the Landfill (Wetland A). *Id.*

b. To mitigate potential contaminants in the shallow aquifer, SRDP has proposed to install an interceptor trench to collect groundwater at or immediately below the bottom elevation of the historical (unlined) portion of the Landfill. AR #7. The trench will reduce the contaminant load in shallow groundwater moving west/northwestward toward Wetland A. AR #7. In conjunction with decommissioning the Former Irrigation Well, the

interceptor trench will reduce the contaminant mass loading to Wetland A by diverting captured shallow groundwater to a leachate collection system, providing groundwater mitigation associated with the Phase 2.10 Parcel. AR #7.

37. ***Effectiveness Monitoring***

a. The Applicant will monitor the long-term effectiveness of the mitigation measures represented by the decommissioning of the Former Irrigation Well and the performance of the interceptor trench during and following construction of the Phase 2.10 Parcel. Exhibit GA at Attachment A.

b. Deep monitoring locations BR-1 and BR-2 will be completed to depths equivalent to the existing Former Irrigation Well prior to decommissioning. Exhibit GA at Attachment A. Locations BR-1 and BR-2 will be located and constructed to intercept and monitor fracture zones in hydraulic connection with the Former Irrigation Well. *Id.* SRDP will demonstrate the hydraulic connectivity of the new locations to the Former Irrigation Well prior to decommissioning it. *Id.* To help insure that BR-1 and BR-2 replicate the groundwater regime identified in the Former Irrigation Well, the final locations of BR-1 and BR-2 will be selected after reviewing information provided through a surficial geophysical investigation seeking to identify areas of preferential zones of bedrock fracturing. *Id.*

c. The effectiveness of the interceptor trench will be shown through quarterly sampling of discrete sampling locations along the interceptor trench. Exhibit GA at Attachment A. Samples will show the concentrations of 1,4-dioxane in water intercepted by the trench and therefore removed from the environment. *Id.*

d. Ongoing quarterly surface water quality sampling within Wetland A will demonstrate that the interceptor trench is reducing contaminant mass loading to Wetland A. Exhibit GA at Attachment A.

38. ***Contingencies***

a. SRDP will characterize additional shallow groundwater within the Phase 2.10 Parcel area prior to commencing the Landfill expansion including by installing up to four temporary overburden monitoring wells. Exhibit GA at 5. This will demonstrate that 1,4-dioxane concentrations are higher in shallow groundwater adjacent to the historical (unlined) portion of the Landfill as compared with those further downgradient, closer to the shallow groundwater discharge area (Wetland A). Exhibit GA at 5. Natural attenuation of contaminants is expected over relatively short distances in the subsurface, Exhibit GA at 5. The different concentrations observed in the Former Irrigation Well (located within approximately 75 feet of the historical (unlined) portion of the Landfill exhibiting concentrations up to approximately 40 µg/L [AR #19 at Table 3-2; Exhibit SH2 at Table 3]) and those observed in monitoring wells located approximately 250 feet downgradient (exhibiting concentrations up to 11 µg/L [AR #18 at 24, Figs. 9A and 9B; AR #19 at 2-9 and 2-10, Table 2-3; AR #20 at Table C-3; Exhibit T&B4 at Appendix B]) is consistent with the CSM developed by SRDP.

b. In the unlikely event that future 1,4-dioxane detections associated with the Landfill reflect increasing concentrations over time in wells BR-1 and BR-2, additional downgradient monitoring would confirm that the distribution of 1,4-dioxane in deeper bedrock

zones is properly understood. Exhibit GA at 5. BR-1 and/or BR-2 will be constructed so that they could be converted to extraction wells, if necessary.[9]

39. The interceptor trench will remove contaminant mass from shallow groundwater downgradient of the Phase 2.10 Parcel, and decommissioning the Former Irrigation Well will eliminate a potential path of contaminant transport to deeper zones. Exhibit GA at 1.

40. The interceptor trench will be built at the immediate outer limit of (mostly), and under, the MSE berm, and replacement deep bedrock monitoring locations will be installed before decommissioning the Former Irrigation Well. Exhibit GA at 2. Waste disposal and construction of the MSE berm in the Phase 2.10 Parcel will not prevent or impede proposed or future remedial activities necessary to address existing contamination at the Landfill. *Id.* In fact, the proposed mitigation measures allow for future remediation outside and downgradient of the Phase 2.10 Parcel, should they become necessary. *Id.*

41. The steps and mitigation components described above will improve public health, safety and the environment on the Phase 2.10 Parcel and downgradient of the Phase 2.10 Parcel in both shallow overburden and deep bedrock, pursuant to 310 CMR 16.40(i). Proposed monitoring will allow SRDP to demonstrate that mitigation.

Additional Supporting Groundwater Monitoring

42. SRDP also will undertake additional subsurface investigations and groundwater monitoring prior to the Phase 2.10 expansion. Exhibit GA at Attachment A. These additional

[9] As described in Exhibit GA at Attachment A, BR-1 and BR-2 will be constructed as 6-inch diameter boreholes which could be used as extraction wells in the future.

activities will confirm the CSM with regard to shallow groundwater flow direction and contaminant transport.[10] *Id.* at 6.

43. ***Additional Groundwater Monitoring – Southwest of the Landfill***

a. Groundwater and surface water measurements consistently show that groundwater beneath and in the vicinity of the Landfill flows to the west/northwest in both overburden and shallow bedrock. AR #18 at 10-22, Figs. 5A.1 to 5B.2; AR #19 at 2-1, 2-5 to 2-7, Figs. 2-2 to 2-7; AR #20 at 2-1 to 2-2, Figs. 2-1 to 2-8. Monitoring wells installed in January 2016 identified low-levels of 1,4-dioxane in shallow groundwater south of the Landfill (e.g., MW-102BR, MW-103BR, MW-106BR) and suggested that a historical source of 1,4-dioxane may have been located in the vicinity of the current residential drop-off area and truck scale facilities. AR #18 at 24, Figs. 9A and 9B.

b. To expand the existing groundwater monitoring well network to the southwest, downgradient of those detections of 1,4-dioxane, SRDP proposes to install three well couplets and an additional surface water sampling location in Wetland B. Exhibit GA at 6. These well couplets will delineate the downgradient extent of 1,4-dioxane in this area. *Id.* In addition, groundwater and surface water elevation data from these locations will supplement existing water level data and confirm shallow groundwater flows to the west/northwest. *Id.*

c. The new well couplets located southwest of the existing monitoring network and additional surface water sampling location in Wetland B will be included in the

[10] The activities have been broadly classified according to the general direction from the Landfill: Southwest, North, and East.

quarterly water quality monitoring completed in accordance with the Landfill's operating permit. Exhibit GA at 6.

d. ***Contingencies.*** Should the expanded monitoring network detect contaminants associated with the Landfill at increasing concentrations, SRDP will address it with additional downgradient monitoring locations. Exhibit GA at 7.

e. The work SRDP will undertake pursuant to the Supplemental Work Plan will evaluate any radial groundwater flow from the Landfill to the southwest of the existing monitoring network. Exhibit GA at 6.

44. ***Additional Groundwater Monitoring – North of the Landfill***

a. Groundwater and surface water measurements consistently show that groundwater flows to the west/northwest across the Landfill in both overburden and shallow bedrock. AR #18 at 10-22, Figs. 5A.1 to 5B.2; AR #19 at 2-1, 2-5 to 2-7, Figs. 2-2 to 2-7; AR #20 at 2-1 to 2-2, Figs. 2-1 to 2-8. Wells MW-7 and recently installed MW-7BR provide long-term monitoring of groundwater in overburden and shallow bedrock (respectively) downgradient of much of the Landfill. AR #18 at 10-22, Figs. 5A.1 to 5B.2; AR #19 at 2-1, 2-5 to 2-7, Figs. 2-2 to 2-7; AR #20 at 2-1 to 2-2, Figs. 2-1 to 2-8.[11]

b. SRDP will expand the existing groundwater monitoring network to the north. Exhibit GA at 7. It will install another well couplet north/northwest of MW-7/MW-7BR and MW-8SR/MW-8BR adjacent to North Ayers Road. *Id.*

[11] Monitoring locations MW-8SR/MW-8BR are located downgradient of a portion of the Landfill, although these locations are generally side-gradient, rather than downgradient of the historical (unlined) portion of the Landfill. AR #18 at 10-22, Figs. 5A.1 to 5B.2; AR #19 at 2-1, 2-5 to 2-7, Figs. 2-2 to 2-7; AR #20 at 2-1 to 2-2, Figs. 2-1 to 2-8.

c. The new well couplet located north of the existing monitoring network will be included in the quarterly water quality monitoring completed in accordance with the Landfill's operating permit. Exhibit GA at 7.

d. ***Contingencies***. Should the expanded monitoring network detect contaminants associated with the Landfill at increasing concentrations, SRDP will address it with additional downgradient monitoring locations. Exhibit GA at 7.

e. The work SRDP will undertake pursuant to the Supplemental Work Plan will evaluate groundwater flow from the Landfill to the north of the existing monitoring network. Exhibit GA at 7.

45. ***Additional Groundwater Monitoring – East of the Landfill***

a. Groundwater beneath and in the vicinity of the Landfill flows to the west/northwest in both overburden and shallow bedrock. AR #18 at 10-22, Figs. 5A.1 to 5B.2; AR #19 at 2-1, 2-5 to 2-7, Figs. 2-2 to 2-7; AR #20 at 2-1 to 2-2, Figs. 2-1 to 2-8. Data from the east of the Landfill suggest a localized component of flow (limited to the vicinity of groundwater monitoring wells MW-9/MW-9BR and surface water staff gauge location SG-5) may occur toward Wetland I. AR #18 at 14, Figs. 5A.1 to 5B.2; AR #19 at 2-8.

b. To demonstrate the mitigation required, SRDP will install an overburden[12] well east of Wetland I. Exhibit GA at 7. This new monitoring location will supplement water level data in this area and confirm shallow groundwater does not flow east beyond Wetland I. *Id.*

[12] This location will be a shallow bedrock well if sufficient saturated overburden is not encountered during drilling. Exhibit GA at 7.

c. The new well located east of the existing monitoring network will be included in the quarterly water quality monitoring completed in accordance with the Landfill's operating permit. Exhibit GA at 7.

d. ***Contingencies***. Should the expanded monitoring network detect contaminants associated with the Landfill at increasing concentrations, SRDP will address it with additional downgradient monitoring locations. Exhibit GA at 8.

e. The work SRDP will undertake pursuant to the Supplemental Work Plan will evaluate groundwater flow from the Landfill east of Wetland I. Exhibit GA at 7.

310 CMR 16.40(4)(k) – Consideration of Other Sources of Contamination or Pollution

46. The Site meets the criterion at 310 CMR 16.40(4)(k), which states:

> Consideration of Other Sources of Contamination or Pollution. The determination of whether a site is suitable and should be assigned as a solid waste management facility shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

47. SRDP and the Department have disagreed with respect to how to interpret Landfill area hydrogeologic and chemical data indicating the presence of contaminants in some private drinking water wells in Charlton. While SRDP submits that the data cumulatively demonstrate that the Landfill cannot be the source of contaminants identified in the Charlton residential wells, the Department contends SRDP has not provided data sufficient to rule out that possibility. The resulting disagreement has increased the complexity of the application to expand the Landfill.

48. While SRDP and the Department do not reach the same conclusion interpreting data about the source of the Charlton contamination, SRDP has worked cooperatively to address the concerns of some well owners, in light of the condition created by the contamination indicated in their wells. AR #18 at 9; Exhibit GA at 8. Immediate Response Action ("IRA") activities associated with detections in residential wells along H. Foote Road are on-going.[13] Exhibit T&B5 at 1-2.

49. ***Proposed Mitigation Measures***

a. In addition to the mitigation measures noted above, and in conjunction with the Project, SRDP is prepared to contribute to steps to resolve the risks to Charlton residents affected by the IRA. Exhibit GA at Attachment B.

b. SRDP will contribute to the cost of installing a water line extension along H. Foote Road in Charlton, subject to reaching agreement on terms acceptable to it, and the Towns of Southbridge and Charlton and the Department. Exhibit GA at Attachment B. Without regard to the source of that contamination, the waterline will mitigate contaminants in residential areas adjacent to the Landfill by eliminating this potential drinking water exposure pathway. *Id.*

50. This request for reconsideration includes a Supplemental Work Plan (Exhibit GA at Attachment A) and the water system extension conceptual design (Exhibit GA at Attachment B) and contains sufficient information to determine that the mitigation measures proposed herein will, pursuant to 310 CMR 16.40(4)(k), mitigate or reduce the existing sources of contamination

[13] IRA activities are completed under Release Tracking Number (RTN) 2-19678. Exhibit GA at 8.

including by eliminating the possible drinking water pathway in adjacent Charlton residential areas.

CONCLUSION

SRDP respectfully requests that MassDEP: reconsider and change the findings in the Report relating to the criteria at 310 CMR 16.40(4)(a), 310 CMR 16.40(4)(i), and 310 CMR 16.40(4)(k); issue new findings for those sections concluding that MassDEP has sufficient information to issue a positive report on suitability; and issue a positive report on suitability for the Site.

Respectfully submitted,

SOUTHBRIDGE RECYCLING & DISPOSAL PARK, INC.

By its attorneys,

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March 1, 2017

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

MOTION TO SUPPLEMENT AND/OR REOPEN RECORD BY SOUTHBRIDGE RECYCLING & DISPOSAL PARK, INC.

Pursuant to 310 CMR 16.14, Southbridge Recycling & Disposal Park, Inc. (the "Applicant" or "SRDP") moves to reopen and/or supplement the record in the above-captioned matter. As grounds for this motion, SRDP states as follows.

1. On January 22, 2016, SRDP submitted an application for a site suitability report to the Massachusetts Department of Environmental Protection (the "Department" or "MassDEP").

2. On June 3, 2016, the Department issued an "Administrative Deficiency Notice" seeking additional supporting documents. In response, SRDP submitted to the Department an "Administrative Deficiency Response Letter" on July 29, 2016, and additional materials on October 24, 2016. The Department considers the January 22, 2016 application, the Administrative Deficiency Response Letter, and the October 24, 2016 correspondence collectively to be the "Application."

3. The Department sent a notice of completeness for the Application to SRDP on November 14, 2016, and a revised notice of completeness on November 16, 2016.

4. On November 29, 2016, SRDP notified the Department that it had satisfied public notice requirements pursuant to 310 CMR 16.10(4), triggering the public review period for the Application.

5. On November 30, 2016, the Department notified interested parties that the public notice requirements had been satisfied and that a 21-day public review period on the Application had commenced.

6. The Department received public comments on the Application, and on December 22, 2016, the Department issued a letter to SRDP requesting a formal response to the public comments.

7. On December 30, 2016, the Department issued a Request for Additional Information to SRDP.

8. On January 9, 2017, SRDP submitted responses to public comments and the Request for Additional Information.

9. On February 15, 2017, the Department issued a Negative Report on Suitability for Site Assignment ("Report") for the Application.

10. In the Report, the Department found that the Applicant had satisfied all 16 Facility-Specific Criteria and 10 of 13 General Criteria. The Department stated that the Application provided insufficient information to enable the Department to make a positive determination with respect to three criteria: (1) the criterion at 310 CMR 16.40(4)(a) (Agricultural Lands); (2) the criterion at 310 CMR 16.40(4)(i) (Areas Previously Used for Solid Waste Disposal); and (3) the criterion at 310 CMR 16.40(4)(k) (Consideration of Other Sources of Contamination or Pollution).

11. SRDP has now moved that the Department reconsider and modify three of the determinations made in the Report. In support of that motion, SRD directed the Department to materials in the Administrative Record, and provided supplemental information, which SRDP

submits will be helpful to the Department in evaluating SRDP's motion and site suitability request, and ensuring protection of public health, safety and the environment.

Based on the foregoing, SRDP respectfully requests that the Department reopen and permit SRDP to supplement the record to enable the Department to make appropriate findings based on sufficient information for all applicable site suitability criteria. In response to the Department's need for additional information, SRDP is herewith filing a motion for reconsideration of the Report and a memorandum in support of its motion for reconsideration.

Respectfully submitted,

SOUTHBRIDGE RECYCLING & DISPOSAL PARK, INC.

By its attorneys,

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March 1, 2017

Section III. General Criteria {16.40(4)}

All applicants should complete all sections of Part III.

Note: When a response includes a description of a potential adverse impact, the applicant should describe both the qualitative and quantitative aspects of the potential impact.

A. Agricultural Land {16.40(4)(a)}

1. Does the site contain any land classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service?

   ☐ Yes ☒ No

   Identify location of supporting information or comments:
   Exhibit I, Figures 6 and 6A to 6H. For the Rectangle Parcel, see Exhibit D, Siting Criteria Narrative (Section 6.0). For the slivers and Triangle Parcel, see Memorandum of Southbridge Recycling & Disposal Park, Inc. in Support of Motion for Reconsideration (Mar. 1, 2017).
   section and/or page numbers

2. Does the site contain any land deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility?

   ☐ Yes ☒ No

   Identify location of supporting information or comments:
   Exhibit D, Siting Criteria Narrative (Section 6.0); Exhibit I, Figures 6 and 6A to 6H.
   section and/or page numbers

3. Will the facility be less than 100 feet from any land classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service?

   ☐ Yes ☒ No

   Identify location of supporting information or comments:

   Exhibit I, Figures 6 and 6A to 6H. For the Rectangle Parcel, see Exhibit D, Siting Criteria Narrative (Section 6.0). For the slivers and Triangle Parcel, see Memorandum of Southbridge Recycling & Disposal Park, Inc. in Support of Motion for Reconsideration (Mar. 1, 2017).
   section and/or page numbers