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THE CAPE COD COMMISSION

CAPE COD PLANNING AND ECONOMIC DEVELOPMENT COMMISSION

1ST DISTRICT COURT HOUSE, BARNSTABLE, MASSACHUSETTS 02630

TELEPHONE: 508-362-2511

CCC #TR90017

DATE: June 21, 1990
TO: Board of Selectmen, Town of Truro
FROM: Cape Cod Commission
RE: Hardship Exemption Request,
Cape Cod Commission Act, Section 23
APPLICANT: Town of Truro
PROJECT: Truro Transfer Station

DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (the Commission) hereby approves the application of the Town of Truro for a hardship exemption under Section 23 of the Cape Cod Commission Act (the Act), c. 716 of the Acts of 1989, as amended, for the proposed Truro Transfer Station. The decision is rendered pursuant to the vote of the Commission on May 24, 1990.

PROJECT DESCRIPTION

This application is for a proposed municipal solid waste transfer station. The transfer station would be a permanent facility operating off Route 6 on Town Dump Road on the existing Truro landfill site. It will serve the municipal and private trash pick ups from the Town of Truro and the Cape Cod National Seashore. The transfer station facility is designed to collect up to 36.8 tons per day of solid waste on a peak month, and will

provide the Town of Truro with the means to consolidate waste material for transport to the SEMASS Resource Recovery Facility in Rochester, MA. The site will include a permanent recycling drop-off center.

Review of the proposed development by other agencies occurred as follows: (1) The Secretary of Environmental Affairs certified on October 11, 1989 that no Environmental Impact Report was required under the Massachusetts Environmental Policy Act, M.G.L. c. 30, Sections 61-62H. (2) Site assignment was granted by the Truro Board of Health on April 13, 1988. (3) The Massachusetts Department of Environmental Protection approved the proposed transfer station pursuant to M.G.L. c. 111, Section 150A on October 11, 1989. (4) A building permit was issued by the Inspector of Buildings for the Town of Truro on May 4, 1990.

PROCEDURAL HISTORY

This application for a Hardship Exemption under Section 23 of the Act was filed with the Commission on April 17, 1990. A duly noticed public hearing on the application was conducted by the Commission pursuant to Section 5 of the Act on May 24, 1990, at 3:45 p.m. in Rooms 11-12 in the Barnstable County Superior Court House, Route 6A, Barnstable, MA.

Materials submitted for the record include: Plans entitled "Solid Waste Transfer Station for the Town of Truro by East Cape Engineering, Civil Engineers, Route 28, Orleans, MA." Site Plan Design Details dated July 14, 1989 consisting of two (2) sheets: U.S. Department of the Interior, National Park Service, Purchase Order for the disposal of solid wastes by the Seashore in the proposed Truro Transfer Station and a letter dated May 16, 1990 advocating the granting of a Hardship Exemption as an abutter to the proposed facility; Secretary of Environmental Affairs Certificate of Compliance; Department of Environmental Protection Site Assignment Order; Truro Board of Health Site Assignment Order; Truro Building Inspector Building Permit; Locus Map; and a letter from the Truro Board of Selectmen advocating the granting of a Hardship Exemption.

JURISDICTION

The proposed Truro Solid Waste Transfer Station qualifies as a Development of Regional Impact under Section 12(c)(8) of the Act. Section 12(c)(8) requires review of "any development the proposed construction or expansion of which will provide facilities for transportation to or from Barnstable County." The application was referred to the Commission by the Board of Selectmen and by the Inspector of Buildings of the Town of Truro. The application and notice of public hearing relative

thereto, the Commission staff's notes and exhibits and all written submissions received in the course of our proceedings are incorporated into the record by reference.

FINDINGS

The Commission has considered the hardship exemption application of the Town of Truro for the proposed Truro Transfer Station, and based on consideration of such application and upon the information presented at the public hearing, makes the following findings pursuant to Section 23 of the Act:

1. Truro is approaching the end of the useful life of its landfill which is located within the boundaries of the Cape Cod National Seashore (Seashore).

2. Any delay in starting operation of the transfer station will result in permanent loss of remaining reserve space in the landfill. At the current rate of operation the landfill may have to be closed within one year unless permission to expand the landfill is obtained from State and Federal authorities. In addition, the Town of Truro has recently signed an agreement with the Seashore to take the Seashore's waste generated in Truro and Provincetown, creating an increased demand for timely completion of the transfer station.

3. Under current and proposed state regulations, it will become increasingly more difficult to expand existing landfills and to site new landfills.

4. The design and the construction stage of the transfer station was initiated before the passage of the Cape Cod Commission Act. The Town of Truro has obtained all necessary permits from state and federal agencies for completion of the transfer station.

5. Performance by Truro under a valid contract between SEMASS and the Town of Truro is pending completion of construction of the facility.

6. The Cape Cod Sole Source Aquifer, because of its hydrogeologic conditions, is particularly sensitive to landfill uses. Because of the Cape's Sole Source Aquifer designation, transfer to an off-Cape waste-to-energy facility is preferable to disposal of solid waste in landfills.

7. Recent assessment by the Cape Cod Commission Water Resources Office has identified a discrete plume of leachate that flows to the north of the landfill and discharges into the upper Pamet River. The establishment of a trash transfer

facility will serve to mitigate possible detrimental effects of the landfill. Sheltering collected trash from precipitation will prevent the generation of leachate.

8. The only increase in site traffic from the existing landfill use will be trucks hauling waste to and from SEMASS. This increase is approximately one truck per day.

CONCLUSION

Based upon the findings above, the Cape Cod Commission hereby concludes:

1. that a literal enforcement of the terms and provisions of this Act with respect to the Truro Regional Transfer Station would involve substantial hardship, financial or otherwise, to the Town of Truro. This hardship is supported by evidence that Truro is approaching the end of the useful life of its landfill and delays in starting operation of the transfer station will result in permanent loss of remaining reserve space in landfill; and Truro initiated design and construction of the facility prior to enactment of the Cape Cod Commission Act and has obtained all necessary state and local permits required for completion of the transfer station.
2. that desirable relief may be granted without substantial detriment to the public good. This conclusion is supported by evidence that the Cape Cod Sole Source Aquifer, because of its hydrogeologic conditions, is particularly sensitive to landfill uses. The Water Resources Office of the Cape Cod Commission has identified a discrete plume of leachate that flows to the north of the landfill and discharges into the upper Pamet River. Transfer of solid waste to an off-Cape waste-to-energy facility will promote the public interest by mitigating groundwater contamination from the Truro landfill.
3. that desirable relief may be granted without nullifying or substantially derogating from the intent or purpose of the Act. This conclusion is supported by evidence that the proposed transfer station facility will provide for adequate capital facilities including solid waste disposal facilities; that the proposed facility will mitigate potential groundwater contamination resulting from landfilling; and that traffic impacts from the proposed facility will be minimal.

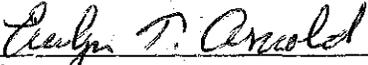
The Commission hereby grants the Truro Transfer Station a hardship exemption from the terms and provisions of the Act, pursuant to Section 23 of the Act.



Richard S. Armstrong, Chairman

7/10/90

Date



Notary My Commission Expires: 9/7/90

July 10, 1990

Date

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