



CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MA 02630
(508) 362-3828
FAX (508) 362-3136

E-mail: frontdesk@capecodcommission.org

DATE: April 30, 2007

TO: Brent Goins, General Manager
Integrated Solid Waste Management Facility

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact decision dated February 17, 2000 and modifications August 1, 2001 and March 4, 2004

APPLICANT: Town of Bourne
Department of Integrated Solid Waste Management
24 Perry Avenue
Buzzards Bay, MA 02432

PROPERTY OWNER: Town of Bourne

PROJECT: Bourne Integrated Solid Waste Management Facility
201 MacArthur Boulevard, Bourne, MA

PROJECT #: DRI #97031

BOOK/PAGE: Book 1351/Page 456 and 457

DATE: April 30, 2007 (Modification Type #2)

MODIFICATION TO DEVELOPMENT OF REGIONAL IMPACT DECISION

The Cape Cod Commission approved a Development of Regional Impact (DRI) decision dated February 17, 2000 that was modified on August 1, 2001, March 4, 2004 and April 24, 2007 for the Bourne Integrated Solid Waste Management Facility (ISWMF) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, and Section 9(n) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12 for the addition of municipal solid waste to the permitted waste stream at the ISWMF. All conditions attached to the original decision dated February 17, 2000 and subsequent modifications made on August 1, 2001, March 4, 2004 and April 24, 2007 continue to apply except as modified herein. This decision is hereby amended by a vote of the Regulatory Committee dated April 30, 2007.

Findings

SW13 On April 5, 2007 the Commission's Executive Committee reviewed an emergency work determination to allow the Bourne ISWM facility to accept an additional 500 tons per day of MSW pursuant to Section 10 of the Commission's Enabling Regulations and approved the following motion:



- to extend the emergency work order until the ISWM staff filed a Notice of Project Change with MEPA;
- the ISWM facility staff was required to apply to the Regulatory Committee for a modification to the March 4, 2004 decision regarding the emergency work order and the temporary MSW acceptance rate increase;
- pursuant to Section 10c of the Enabling Regulations, the emergency work determination could not extend 30 days past the March 31, 2007 fire at SEMASS; and
- if a further extension beyond this 30-day period is required, the ISWM facility staff was required to re-apply to the Executive Committee for an extension to the emergency work determination.

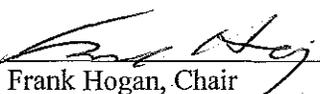
SW14 As a requirement of the April 4, 2007 DEP Emergency Allocation Modification, the ISWM staff filed a NPC with MEPA on April 17, 2007 and requested MEPA approve the tonnage increase without specific time limits so that any future extensions could be managed in concert with the DEP in such a manner as to negate the need to file another NPC for a possible extension should conditions at the SEMASS facility ever change and thus necessitate the ISWM facility to have to accept MSW from SEMASS.

Conditions

SW5 Restrict the request for the 500 tons per day tonnage increase to the same time period as the DEP Emergency Allocation Modification. Thus, the Bourne ISWM facility Minor Modification #2 request will expire no later than July 4, 2007. After that time period, the ISWM facility staff will be required to return to the Regulatory Committee to request an extension of this minor modification, should such an extension be necessary.

SUMMARY

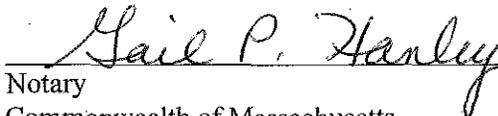
The Cape Cod Commission (Commission) hereby approves with conditions the application of the Bourne Integrated Solid Waste Management Facility as a Minor Modification #2 to the approved Development of Regional Impact decision for the Bourne Integrated Solid Waste Management Facility (ISWMF) pursuant to Sections 12 and 13 of the Cape Cod Commission Act (Act), c. 716 of the Acts of 1989, as amended, and Section 9(n) of the DRI Enabling Regulations, Barnstable County Ordinance 90-12 for addition of municipal solid waste to the permitted waste stream at the ISWMF. This decision modifies the Commission's February 17, 2000 DRI decision that was modified on August 1, 2001, March 4, 2004 and April 30, 2007.


 Frank Hogan, Chair

06/14/07
 Date

Commonwealth of Massachusetts
 County of Barnstable

On this 6/14/07, before me personally appeared Frank Hogan to me known ^(personal knowledge) to be the person described in and who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.


 Notary
 Commonwealth of Massachusetts

My Commission Expires: 10/13/11