

CAPE COD COMMISSION

3225 MAIN STREET
P.O. BOX 226
BARNSTABLE, MASSACHUSETTS 02630
(508) 362-3828
FAX (508) 362-3136
E-mail: frontdesk@capecodcommission.org

DATE: August 31, 2009

TO: Philip A. Goddard, Environmental Manager
Bourne Integrated Solid Waste Management Facility
24 Perry Avenue, Buzzards Bay, MA 02532

FROM: Cape Cod Commission

RE: Modification of Development of Regional Impact Decision
dated February 17, 2000 and modified August 21, 2001, March 4, 2004,
and April 30, 2007

APPLICANT: Town of Bourne
Department of Integrated Solid Waste Management
24 Perry Avenue
Buzzards Bay, MA 02532

PROJECT #: 97031

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

BOOK/PAGE: Book 1351 Page 456 & 457

MINOR MODIFICATION 2 DECISION OF THE CAPE COD COMMISSION

SUMMARY

The Cape Cod Commission (Commission), through its Regulatory Committee, hereby approves the application of the Town of Bourne, Department of Integrated Solid Waste Management for a Minor Modification #2 to an approved Development of Regional Impact (DRI) Decision in accordance with Section 12 of the Cape Cod Commission Act (Act) and Section 13 (c) (ii) of the *DRI Enabling Regulations* for the sole purpose of amending the project to include the construction and operation of a landfill gas to electricity facility. This decision is rendered pursuant to a unanimous vote of the Commission's Regulatory Committee on August 03, 2009.

PROJECT DESCRIPTION and PROCEDURAL HISTORY

On July 21, 2009, the Commission received a letter from the Department of ISWM requesting a Minor Modification #2 to the 2000 DRI decision for a project change that is limited to beneficial recovery of the energy from the control of landfill gas. Specifically, the Proponent proposes to install internal combustion engine-generator sets, turbines or other energy recovery technology to generate up to 4.3 MW electricity (the



Generating Facility) from the combustion of landfill gas (LFG), as well as the potential for installation of additional heat recovery equipment (together herein the Project Change). The Generating Facility will be installed on the property of the Landfill in Bourne, Massachusetts.

The Town of Bourne already has an existing LFG collection system and flare to collect and control LFG. Bourne will install the Generating Facility as an integral part of the system as an additional control measure. The Generating Facility will consist of a one-story, approximately 6,270 square foot building and will be placed on less than 0.5 acres of land owned by the Town of Bourne (see Exhibit A and Exhibit B attached to this decision and incorporated herein by reference). The Generating Facility Site is bordered to the north by an existing garage and leachate storage tank, west by the Landfill, to the east by the military base, and south by the 25-acre parcel of land that the Applicant is developing. The Generating Facility Site is a cleared, graded, and flat area.

The Town filed a Notice of Project Change (NPC) with MEPA. On January 23, 2009, the Secretary of the Massachusetts Executive Office of Energy and Environmental Affairs, Ian Bowles, subsequently issued a certificate stating that the proposed project does not require the preparation of an Environmental Impact Report (EIR).

JURISDICTION

Under Section 13 (c) (ii) of the *DRI Enabling Regulations*, any proposal which would include "a substantially similar proposal to the original project but involves a minor Change of Use, a minor change to the site plan, or small change to the findings or a condition of the original approval which does not affect the intent or outcome of the finding or condition" is subject to Commission review as a Minor Modification #2. The *Regulations* state that the proposed changes "shall not result in different or increased impacts to the resources protected by the Act and/or the RPP."

MODIFICATION

Finding G2 and condition G5 of the decision as modified are modified as follows. Additionally, findings WRF1, TF1, NRF1, and ERF1 have been added to the decision. All findings and conditions to the original decision and modifications continue to apply except as modified herein. Bold type indicates added text.

Modifications to Finding G2 and Condition G5 in bold:

Finding G2. The site of the proposed project, as defined in this decision, has a site assignment as a landfill from the Bourne Board of Health, which dates to June, 1972. The development is also consistent with the Town of Bourne development bylaws. The site also includes approximately 25 acres of adjacent land shown on Assessor's Map 32.0 - parcel 2, Map 32.0 - parcel 3, Map 32.0 - parcel 4, Map 32.0 - parcel 8, and Map 28.0 - parcel 13. **The site will also include a landfill gas to electricity facility.**

Condition G5. The proposed Integrated Solid Waste Management Facility shall be constructed in accordance with the following conceptual design plan: "Preliminary Site Plan for Cape Cod Commission Final Decision on Development of Regional Impact"

dated 1/27/00 (attached), as amended by the concept plan entitled "Existing Landfill Site Conditions and Future Processing Facility Development" dated May, 2001, as well as the concept plan entitled "Figure 6 – Generating Facility Site Plan" dated May 1, 2008 and prepared by SITEC Environmental (Exhibit A), and the concept plan entitled "Figure 8 – Bourne LFG-to-Energy Facility: Building Elevation," prepared by EPC Power, LLC (Exhibit B). These plans are attached to the decision and are incorporated by reference herein.

Additional Findings

Water Resources

WRF1. Based on information provided by the Applicant, the Commission's Regulatory Committee finds that the proposed construction and operation of a landfill gas to electricity facility does not result in different or increased impacts to the resources protected by the Act and/or the RPP in the issue area of water resources.

Transportation

TF1. Based on information provided by the Applicant, the Commission's Regulatory Committee finds that the proposed construction and operation of a landfill gas to electricity facility does not result in different or increased impacts to the resources protected by the Act and/or the RPP in the issue area of transportation.

Natural Resources

NRF1. Based on information provided by the Applicant, the Commission's Regulatory Committee finds that the proposed construction and operation of a landfill gas to electricity facility does not result in different or increased impacts to the resources protected by the Act and/or the RPP in the issue area of natural resources.

Energy Resources

ERF1. Based on information provided by the Applicant, the Commission's Regulatory Committee finds that the proposed construction and operation of a landfill gas to electricity facility does not result in different or increased impacts to the resources protected by the Act and/or the RPP in the issue area of energy resources.

No other changes are authorized to the findings or conditions of the original DRI decision by this modification decision.

(See next page for signature)

Royden Richardson
Royden Richardson
Chair, Regulatory Committee

August 31, 2009
Date

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss

Aug 31, 2009

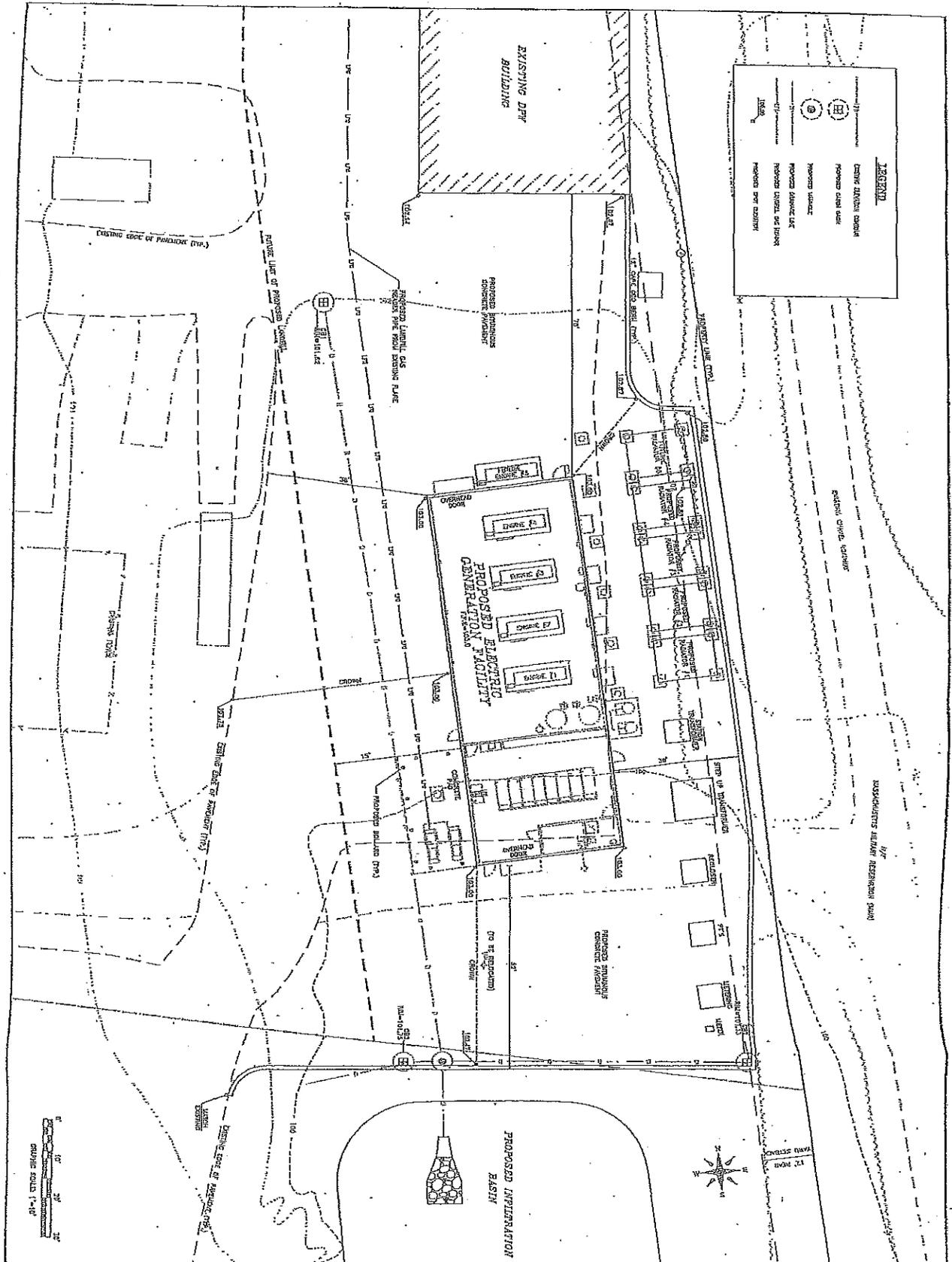
Before me, the undersigned notary public, personally appeared Royden C. Richardson, in his/her capacity as Chairman of the Regulatory Committee of the Cape Cod Commission, whose name is signed on the preceding document, and such person acknowledged to me that he/she signed such document voluntarily for its stated purpose. The identity of such person was proved to me through satisfactory evidence of identification, which was photographic identification with signature issued by a federal or state governmental agency, oath or affirmation of a credible witness, or personal knowledge of the undersigned.

Gail P. Hanley
Notary Public

My Commission Expires:

10.13.11

Exhibit A

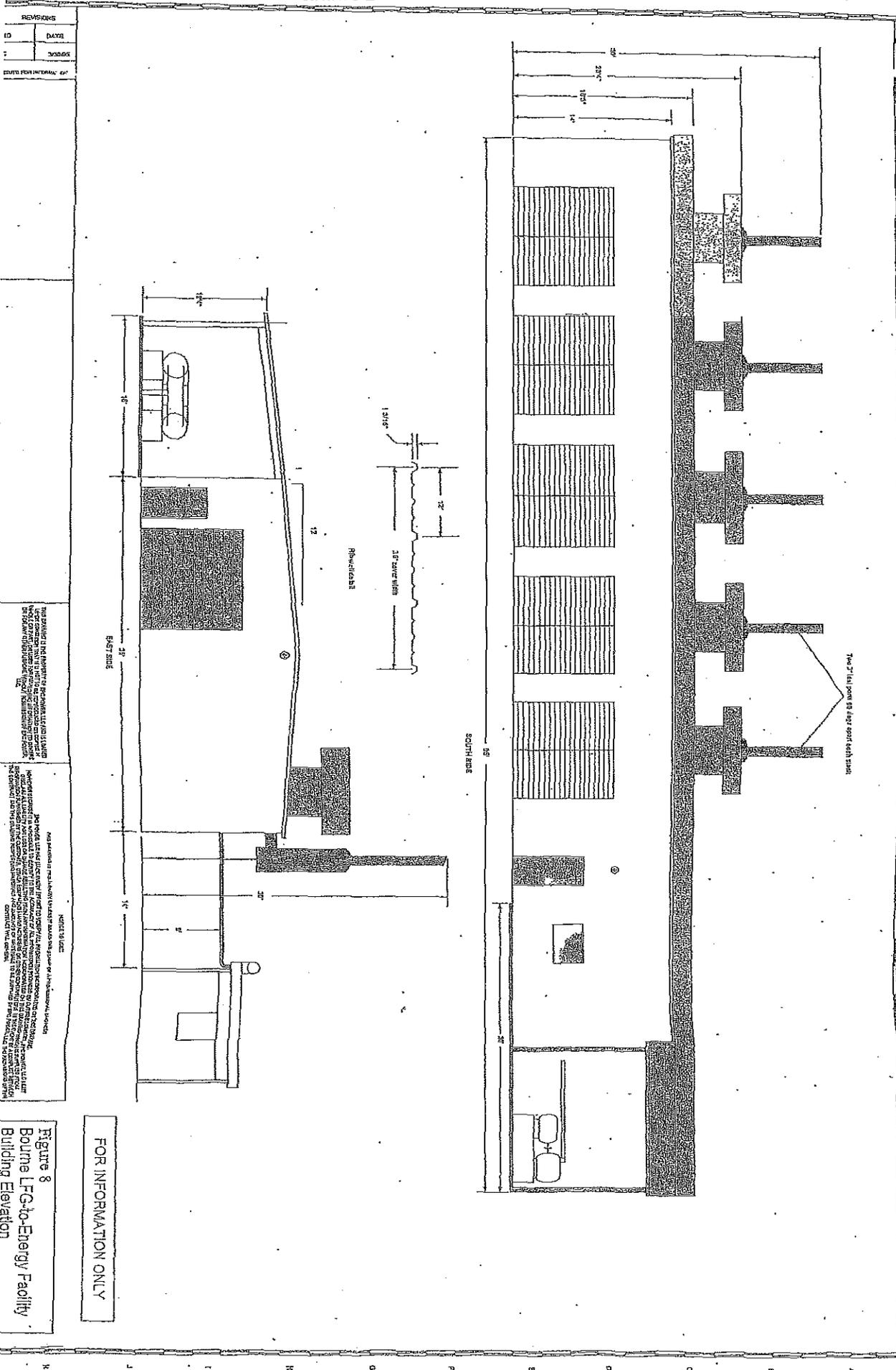


LEGEND

- (Hatched Area) EXISTING STRUCTURE
- (Dashed Line) PROPOSED ACCESS ROAD
- (Circle with 'S') PROPOSED SERVICE LINE
- (Circle with 'L') PROPOSED LOW-VOLTAGE LINE
- (Circle with 'H') PROPOSED HIGH-VOLTAGE LINE
- (Circle with 'E') PROPOSED EASEMENT
- (Circle with 'M') PROPOSED METER
- (Circle with 'T') PROPOSED TRANSFORMER
- (Circle with 'G') PROPOSED GENERATOR
- (Circle with 'B') PROPOSED BASIN
- (Circle with 'P') PROPOSED PUMP
- (Circle with 'V') PROPOSED VALVE
- (Circle with 'C') PROPOSED CONTROL

<p>SITEC ENVIRONMENTAL 210 West End Street New York, NY 10014 Tel: (212) 691-1100</p>	<p>BOURNE LANDFILL FINAL CLOSURE</p>	<p>DATE: MAY 1, 2008</p>	<p>NO.</p>	<p>DATE</p>	<p>BY</p>
	<p>TOWN OF BOURNE DEPARTMENT OF INTEGRATED SOLID WASTE MANAGEMENT</p>	<p>SCALE: 1" = 100'</p>	<p>APP. NO.</p>	<p>REV.</p>	<p>DATE</p>
<p>FIGURE 5- GENERATING FACILITY SITE PLAN</p>		<p>DATE: MAY 1, 2008</p>	<p>APP. NO.</p>	<p>REV.</p>	<p>DATE</p>

Exhibit B



REVISIONS	DATE	BY	APP. BY
1			

THIS DRAWING IS THE PROPERTY OF THE COMPANY. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE COMPANY.

NOTICE TO CLIENT: This project is the property of the company. It is to be used only for the project and site specifically identified hereon. It is not to be reproduced, copied, or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written permission of the company.

FOR INFORMATION ONLY

Figure 8
Bounce LFG-to-Energy Facility
Building Elevation