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CAPE COD  
COMMISSION

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Date: April 7, 2016

Property Owner/  
Applicant: Town of Bourne  
c/o Daniel T. Barrett, General Manager  
Department of Integrated Solid Waste  
Management

24 Perry Avenue  
Buzzards Bay, MA 02532

Re: Modification of Development of Regional Impact Decision  
MINOR MODIFICATION TYPE #1

Project: Bourne Integrated Solid Waste Management Facility (ISWMF)  
201 MacArthur Boulevard, Bourne, MA  
(CCC #97031)

Assessors ID: Map 28 Parcel 13.  
Map 32 Parcel 9

Title Reference: Deed Book 1351 Page 456  
Deed Book 13637 Page 54  
Plan Book 562 Page 14  
Plan Book 565 Page 63

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### Introduction

Pursuant to Section 13 of the Cape Cod Commission Enabling Regulations (Revised Nov. 2014), the Development of Regional Impact (DRI) decision dated February 17, 2000 (as previously modified by decisions dated August 21, 2001, March 4, 2004, April 30, 2007 and August 31, 2009) (collectively, "DRI Decision") for the Bourne ISWMF is hereby further amended by this Minor Modification Type #1 decision. This modification is granted to authorize Phase 5 of the project, as described below, the changes associated with which the Executive Director has determined are *de minimis*, and do not increase impacts to resources protected under the Regional Policy Plan.

### Background

DRI review was originally required (and DRI approval was subsequently granted) in 2000 for two new lined cells (Phase 3 and Phase 4), Phase 1D reclamation project, and the Materials Recovery Facility (MRF) at the ISWMF, as the development also required the

preparation of an EIR under MEPA (EEA #11333). (ISWMF Phases 1 and 2 did not require DRI review). The full Phase 1 reclamation plan (Phase 5) was not included in DRI review and thus was not granted DRI approval because, though contemplated, it was only conceptual at that time. The Secretary's Final Certificate on the EIR required that Phase 5 be the subject of a future Notice of Project Change (NPC) when the town was prepared to proceed with it.

The town has now filed an NPC under MEPA (dated December 2015) and received the Secretary's Certificate thereon (dated February 5, 2016) for Phase 5. As the DRI decision and approval for the ISWMF thereunder did not include Phase 5, the town, by letter request dated February 10, 2016, has applied to further modify the DRI decision to incorporate and authorize Phase 5.

### Discussion

Phase 5 proposes to expand landfill operations vertically onto the 'airspace' or surface of a previously capped portion of approximately 3.5 acres of the Project Site to allow for continuous and uninterrupted service prior to and as capacity is reached on other portions of the Site. This entire area is on site-assigned land approved by the Bourne Board of Health in 1972. The project will be located on disturbed land currently developed for landfill operations, and will maximize site utilization by using existing developed area rather than disturbing undeveloped areas. Existing roads will provide access to and around the site, including Phase 5.

Phase 5 will provide an estimated capacity of approximately 200,000 cubic yards of volume for an estimated period of approximately eight to twelve months, in response to anticipated regional demand in the near future, based on current operations. Phase 5 work will result in merging the site contours of all project phases (Phase 2A/3A and Phase 1 ABC) and will improve surface water control, but will leave the underlying (unlined) Phase 1 ABC landfill in place.

The final design of Phase 5 will be submitted to the Southeast Regional Office MA DEP for approval and will comply with all design standards and regulations for a modern lined landfill including leachate collection and landfill gas management. The Town has previously conducted extensive hydrogeological investigations and modeling, including particle tracking, for areas downgradient of the parcel pursuant to MA DEP and CCC permit requirements, which also required expanded groundwater monitoring for several years post-approval. Additionally, all private well owners in the path of the particle tracking were provided connections to the Bourne Water District, and the Bourne Board of Health has prohibited the installation of any private wells or public water supply wells in the downgradient area.

The proposed plan will not significantly change the way waste is currently managed at the facility. The project is consistent with current operations approved by MA DEP. In 2003 the Town filed an NPC to accept MSW in addition to non-MSW, which it has been doing since 2005. Beginning in January 2015, the Town switched its incoming waste mix to predominantly ash under a long-term contract with the Covanta SEMASS municipal waste combustor located in Rochester, MA. Per the agreement, approximately 189,000 tons per year of the permitted 219,000 tons annual capacity will be reserved exclusively for ash, which will represent 86% of the permitted capacity. The remaining capacity will be for MSW disposal including waste from Bourne residents and MSW from the Town of Falmouth, MA under a ten-year contract. The remaining capacity will either be held in

reserve or be utilized for soils or other difficult-to manage wastestreams. This mix of wastestreams is consistent with the state's goal that landfill airspace be utilized for the irreducible minimum or residuals.

The project site involves previously disturbed land that does not contain a habitat of rare species, vernal pools, priority sites of rare species or exemplary natural communities, and therefore, no alteration of designated significant habitat or taking of an endangered or threatened species will occur.

The project will not alter or impact any historical or archaeological resource. The Landfill does not include any structure, site or district listed in the State Register of Historic Places or inventory of historic and archaeological assets of the Commonwealth.

The project will not alter any wetlands, waterways or tidelands, and the work performed to construct the project will not be within a 100-foot buffer zone of bordering vegetative wetlands.

Stormwater will be managed on-site in infiltration basins approved by MA DEP.

The project will not result in a change in traffic patterns. In fact, traffic has been reduced at the landfill since January 2015 once ash became the primary wastestream accepted for disposal. Ash is delivered in large trailers with a larger capacity than a MSW packer truck. Further, the only MSW accepted at the facility is from the Town of Bourne packer trucks and from trucks bringing waste from the Town of Falmouth under contract.

### Conclusion

All findings and conditions attached to the original DRI decision and subsequent modifications continue to apply except as modified herein. To the extent there is conflict or ambiguity between this modification and the Decision, this modification shall control.

The modification is hereby issued to authorize Phase 5 at the Bourne ISWMF, which shall be undertaken consistent with discussion and information about Phase 5 in the NPC submitted by the town, dated 12/29/15, to Deirdre Buckley, MEPA Office, and in particular the plans submitted under attachments 2 and 3 thereto, which shall substitute or supplement for plans and other information previously reviewed and approved in the Decision as the context requires.

### Condition(s)

As a condition of this modification the town shall conduct a single round of down-gradient (off-site) water-quality monitoring at three wells (MW-21D, MW-22D, and MW-25D) at the time it next conducts its routine on-site monitoring for the MA DEP, and provide these results to Commission staff for review. Samples collected from monitoring wells will be analyzed by a state-qualified laboratory for the following analytes:

- Total nitrogen
- TKN
- Nitrate-N
- Ammonia-N
- VOCs- USEPA Method 8260

- Alkalinity
- Iron
- Manganese
- Arsenic, cadmium and chromium

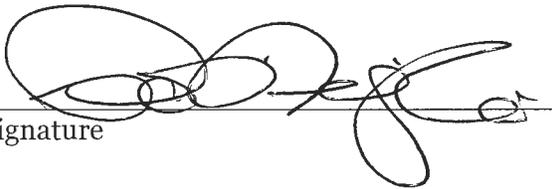
During sample collection, groundwater quality will be measured for the following parameters:

- Dissolved oxygen
- Specific Conductivity
- PH
- Temperature

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**ISSUANCE OF DRI MINOR MODIFICATION TYPE #1 DECISION  
Bourne ISWMF- Phase 5**

Executed this 7<sup>th</sup> day of April 2016.

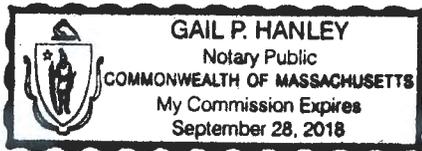
  
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Signature

Paul Niedzwiecki, Executive Director  
\_\_\_\_\_  
Print Name and Title

COMMONWEALTH OF MASSACHUSETTS

Barnstable, ss April 7, 2016

Before me, the undersigned notary public, personally appeared Paul Niedzwiecki, in his/her capacity as Executive Director 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  
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Notary Public  
My Commission Expires: 9-28-18

SEAL