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January 12, 2018

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
EXPANDED NOTICE OF PROJECT CHANGE

PROJECT NAME	: Bourne Integrated Solid Waste Management Facility
PROJECT MUNICIPALITY	: Bourne
PROJECT WATERSHED	: Cape Cod
EOEA NUMBER	: 11333
PROJECT PROPONENT	: Town of Bourne
DATE NOTICED IN MONITOR	: December 6, 2017

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.10 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **requires** the preparation of a Supplemental Environmental Impact Report (EIR). The Proponent submitted an Expanded Notice of Project Change (NPC) with a request that I allow a Single Supplemental EIR to be prepared in lieu of a Draft and Final Supplemental EIR. Based on review of the NPC, the Proponent may submit a Single EIR in accordance with the limited Scope included in this Certificate.

Project Change Description

The Certificate on the Final Environmental Impact Report (FEIR), issued November 29, 1999, acknowledged that certain aspects of the landfill project, including Phase 6, were conceptual and required that the Town submit NPCs to the MEPA Office to address development of subsequent phases. The Expanded NPC provides an updated site development plan for the landfill and describes the development of Phase 6 of the landfill expansion.

Phase 6 consists of a lined landfill cell that will incorporate leachate collection and landfill gas management infrastructure. It is proposed on previously disturbed land and existing roads will provide access to and around the site. The 6.69-acre expansion will provide 920,000 cubic yards (cy) of capacity. Phase 6 is designed to support Phase 7 and Phase 8 which could yield another 3,830,000 cy of capacity

and extend the life of the landfill to 2034. The Expanded NPC also describes the plan for the Proponent's (Town of Bourne) access to lands protected by Article 97 and as required by in the FEIR Certificate.

Procedural History

Review of the Bourne Integrated Solid Waste Management Facility (ISWMF) project was initiated via submittal of an Environmental Notification Form (ENF) in 1997. As described in the 1997 ENF, the ISWMF project entailed the development of a regional waste management facility within the existing Bourne Landfill located off MacArthur's Boulevard (Route 28) in Bourne. The project was intended to meet a regional need for the processing and disposal of construction and demolition (C&D) material, and Difficult-To-Manage (DTM) wastes on Cape Cod. The project included the capping and/or mining of previously landfilled areas, as well as the development of a number of new lined landfill phases for regional non-municipal solid waste. The average disposal rate was identified as 300 to 500 tons per day (tpd). The project was designed to accept a maximum of 825 tpd of waste materials at full build-out. As described in the ENF, approximately 400 tpd would be disposed of on-site, 250 tpd of C&D waste would be processed; 100 tpd would be recycled; 50 tpd would be composted; and 25 tpd would consist of diverted waste.

The ENF was followed by a Draft and a Final EIR in 1998 and 1999 (respectively), both of which were determined to be adequate. A Notice of Project Change (NPC-1) submitted in April 2003 expanded the waste stream to include Municipal Solid Waste (MSW) and Municipal Combustor Ash (MCA), increased the quantity of MCA it received, and allowed it to be co-mingled with MSW for landfilling with the Facility. NPC-1 did not increase the maximum permitted capacity (825 tpd) accepted for disposal, reuse, composting, and recycling. The Town committed to cease accepting unprocessed C&D material by January 1, 2004 in accordance with the its Authorization to Operate (ATO) permit. The August 7, 2003 Certificate on NPC-1 determined that the potential impacts associated with the proposed project change did not warrant the preparation of an EIR.

On April 2, 2007, the MEPA Office determined that the Bourne ISWMF's temporary increase in capacity of 500 additional tpd of MSW (1,325 tpd total) qualified as an Emergency Action pursuant to the MEPA regulations. The additional MSW would be diverted from the SEMASS waste-to-energy facility in Rochester, MA which was damaged by a fire on March 31, 2007. A second NPC (NPC-2) was filed on April 17, 2007 under the Emergency Action provisions of the MEPA Regulations to address these actions and the Certificate issued on May 25, 2007 determined that the emergency action did not warrant the preparation of an EIR.

In December 2008, the Town submitted a third NPC (NPC-3) which included the phased construction of five landfill gas (LFG) reciprocating engine/electric generator sets with equipment to recover and convert LFG from the facility to electricity. The proposed energy facility was designed to generate up to 4.3 megawatts (MW) of electricity. The Certificate issued on January 23, 2009 determined that the potential impacts associated with NPC-3 did not warrant the preparation of an EIR.

In January 2016, the Town submitted a fourth NPC (NPC-4) which included an update on the Phase 1D landfill reclamation project and a final development plan for Phase 5 of the landfill. The NPC proposed a hybrid version of two scenarios that were considered in prior MEPA review. The February 5,

2016 Certificate on NPC-4 determined that the potential impacts associated with the proposed project change did not warrant the preparation of an EIR.

Project Site

The Bourne ISWMF, located at 201 MacArthur Boulevard (Route 28), is comprised of a 74-acre site-assigned parcel which contains the landfill operations and facilities. In 2001, a 25-acre parcel immediately abutting the landfill to the south was purchased and has been used for recycling and transfer operations. The landfill contains lined and unlined waste disposal areas. Phases 1A, 1B, 1C, and 1D are unlined cells that comprise the oldest portion of the landfill. Phases 1A, 1B, and 1C are closed and capped. Phase 1D was part of a pilot landfill reclamation project with the Massachusetts Department of Environmental Protection (MassDEP) that removed the solid waste in this area in order to create additional landfill space. Phases 2 and Phase 3 are both lined and are closed and capped with leachate collection systems. Phase 4, an active landfill cell, is located in the area previously occupied by Phase 1D. Phase 5 addressed a vertical expansion proposed over Phases 1A, 1B, and 1C. MassDEP issued an Authorization to Construct (ATC) and ATO Permit in 2017.

Permits and Jurisdiction

The development of Phase 6 is undergoing MEPA review and requires a NPC because it consists of a material change to the project prior to the taking of all Agency Actions. The project change exceeds the mandatory EIR threshold at 301 CMR 11.03 (1)(a)(2) because it will create more than 10 acres of new impervious area. The project also exceeds the ENF threshold at 301 CMR 11.03(1)(b)(3) because it includes conversion of land held for natural resources purposes in accordance with Article 97 to any purpose not in accordance with Article 97. The project requires an ATC and an ATO from MassDEP. Because it requires an EIR, the project is subject to review in accordance with the MEPA Greenhouse Gas (GHG) Emissions Policy and Protocol ("GHG Policy"). Phase 6 requires an ATC and ATO from MassDEP.

The project construction activities may disturb one or more acres of land and therefore, may require a National Pollution Discharge Elimination System NPDES Stormwater Permit for Construction Activities from the U.S. Environmental Protection Agency (EPA). The project will also require a Development of Regional Impact (DRI) modification from the Cape Cod Commission (CCC).

Because the Town is not seeking Financial Assistance, MEPA jurisdiction is limited to the subject matter of required or potentially required state Permits that have the potential to cause Damage to the Environment, as defined in the MEPA regulations. MEPA jurisdiction extends to land alteration, solid waste, Article 97 land and GHG emissions.

Single EIR Request

The Expanded NPC includes a request to file a Single Supplemental EIR and was subject to an extended comment period. Consistent with the criteria for granting a Single EIR, the NPC provides a detailed project description, a baseline for evaluating environmental impacts and a comprehensive alternatives analysis. The Expanded NPC identifies how the project is designed to achieve consistency with regulatory standards and measures to avoid, minimize and mitigate project impacts.

Review of Expanded NPC

According to the Expanded NPC, Phase 6 will not result in increased environmental impacts compared to the project reviewed in the 1999 FEIR, nor will it require modification of any previously issued Section 61 Findings. The daily tonnage and waste composition will remain consistent. Phase 6 is proposed on site-assigned land approved by the Bourne Board of Health.

Phase 6 consists of a double composite lined landfill cell which includes constructing a new primary composite liner and leachate collection system and a secondary composite liner with leak detection and includes, from bottom to top:

- A subgrade layer of compacted soil;
- A low-permeability soil barrier layer comprised of twelve inches of compacted low permeability soil (natural soils);
- A secondary geocomposite clay liner barrier layer;
- A secondary geomembrane barrier layer consisting of a high density polyethylene (HDPE) flexible membrane liner (FML);
- A secondary geocomposite leak detection layer consisting of a hi-planar HDPE bonded on both sides with a non-woven geotextile geocomposite drainage layer; and,
- A leachate collection layer consisting of a minimum of 18-inches of sand.

The Proponent intends to commence construction of the landfill liner in the spring or summer of 2018 which will allow adequate time for construction and review by MassDEP prior to making a determination regarding an Authorization to Operate (ATO) in early 2019.

The Expanded NPC identifies the Town's analysis of an on-site leachate system. Currently, leachate is conveyed to a large on-site storage tank and is removed from the site via trucks. The Town is reviewing alternatives for the possible construction of a leachate pre-treatment system on-site. Any on-site treatment will require discharge of clean, treated effluent. The Joint Base Cape Cod (JBCC), which is adjacent to the landfill site, includes a clean effluent pipeline used for the discharge from the wastewater treatment plant at JBCC. The pipeline is located within the boundary of the Upper Cape Water Supply Reserve (the Reserve), which is state conservation land protected in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth (Article 97). The construction of a connection requires an easement over 2,500 sf of Article 97 land.

Alternative Analysis

The Expanded NPC presents two scenarios for the development Phase 6 of the landfill, described as Preferred Phase 6 (Preferred Alternative) and No Further Build Phase 6 (No Build Alternative). It includes a series of plans for each scenario, including cross-section views.

The Preferred Alternative consists of an approximate 6.69-acre expansion that will yield 920,000 cy of disposal capacity through the early 2020s. The Preferred Alternative is designed to accommodate further site development into a potential Phase 7 and Phase 8 which could yield another 3,830,000 cy of disposal capacity through 2034. The No Build Alternative analyzes a 9.82-acre landfill area with an

estimated capacity of 1,670,000 cubic yards that could extend the landfill life of the site through 2024. The No Build Alternative would be the final phase of the landfill.

The Preferred Alternative is designed to provide flexibility for additional expansion of the landfill (Phase 7 and 8). Phase 7 and 8 would be contiguous phases constructed in progression southward from Phase 6. Phase 7 would be constructed over the southern slope of Phase 6 and Phase 8 would be constructed over the southern slope of Phase 7. Both phases would be constructed using the state-of-the-art double composite lined landfill design with leak detection designed to meet regulatory requirements for liner construction. The Expanded NPC indicates that the location of Phase 7 and Phase 8 will be located in areas that are currently used for site-assigned solid waste handling activities. The Town will be required to modify its Site Assignment with the Board of Health at the appropriate time prior to developing either Phase 7 or Phase 8. In 2016, the Town acquired approximately twelve acres abutting the residential recycling center at the southern boundary of the site. If Phase 7 and 8 are pursued, the Town may relocate offices and handling facilities to the 12-acre parcel.

Under the No Build Alternative, the liner would extend over the roadway which would decrease the feasibility, and increase the cost, of reclaiming area under the road to create capacity (approximately 750,000 cy). The No Build Alternative is presented as a contingency plan in the event that the Preferred Alternative cannot be permitted or constructed.

The Expanded NPC includes a traffic assessment which indicates that the Phase 6 will not increase traffic generation. Traffic generation has been reduced since 2015 when the ash, delivered in large trailers, became the primary waste stream. The only MSW accepted at the facility is authorized through long-term contracts with the Town of Bourne and Town of Falmouth.

Article 97

The Expanded NPC identified the Article 97 land impacted by the project and indicated that the conversion was authorized by a two-thirds vote of the legislature and codified by the General Court in Chapter 223 of the acts of 2016 which was signed by Governor Baker on August 10, 2016. The legislation authorizes the Massachusetts Department of Fish and Game (DFG) to transfer an approximately 2,500 square foot (sf) easement on Canal View Road at JBCC within the Upper Cape Regional Water Supply Reserve. The authorizing legislation is limited to installation and maintenance of a pipe to connect to the JBCC Wastewater Treatment Plant.

The transfer of land held for Article 97 purposes must be carefully considered to protect these lands from development pressures and to preserve the Commonwealth's legacy of open space conservation and protection. Land protected by Article 97 may not be disposed of without authorization from the legislature. The Article 97 Policy indicates that EEA and its agencies shall not sell, transfer, lease, relinquish, release, alienate, or change the control or use of any right or interest of the Commonwealth in and to Article 97 land. The goal of the Policy is to ensure no net loss of Article 97 lands under the ownership and control of the Commonwealth and its political subdivisions.

The Expanded NPC addresses consistency with the EEA Article 97 Land Disposition Policy which guides the circumstances under which an EEA Agency may transfer Article 97 land or support a transfer of Article 97 land. These include, but are not limited to, description of the land proposed for

disposition (size, location, presence of resource areas, etc.), an alternatives analysis and identification of compensatory open space. The Town consulted with staff from the Executive Office of Energy and Environmental Affairs (EEA) regarding the potential easement prior to submitting the Expanded NPC to address the project's compliance with the Article 97 Policy. The Town of Bourne will record a permanent conservation restriction (CR) over 77 acres of municipal land managed by the Bourne Conservation Commission and the CR will be held by DFG.

Greenhouse Gas Emissions (GHG)

The project is subject to the GHG Policy because it exceeds thresholds for a mandatory EIR. The Policy requires Proponents to quantify carbon dioxide (CO₂) emissions and identify measures to avoid, minimize or mitigate such emissions. The analysis should quantify the direct and indirect CO₂ emissions of the project's energy use. Direct emissions include on-site stationary sources, which typically emit GHGs by burning fossil fuel for heat, hot water, steam and other processes. Indirect emissions result from the consumption of energy, such as electricity, that is generated off-site by burning of fossil fuels, and from emissions from vehicles used by employees, vendors, customers and others. The Policy directs proponents to use applicable building codes to establish a project emissions baseline that is "code-compliant." However, there is no building energy code equivalent that applies specifically to landfills or energy use models (such as eQUEST) designed to estimate the projected energy use of the landfill energy loads. Therefore, the Town consulted with the MEPA Office and the Department of Energy Resources (DOER) in development of the GHG analysis.

The Expanded NPC identifies current MSW/MCA contract scenarios, the decrease in LFG associated with each, actual LFG collection system efficiency compared to industry standards, and flare efficiency. It also quantifies GHG emissions from direct (flaring and fugitive emissions) and indirect (flare and LFG collection motors) sources.

The Expanded NPC identifies the Town's efforts to reduce GHG emissions of the facility. The Town is permitted to accept up to 219,000 tons of solid waste per year and, prior to 2015, mainly accepted residential and commercial solid waste. In 2014 the Town entered a 10-year contract with Covanta SEMASS a municipal waste combustor located in Rochester, MA that requires SEMASS to deliver and the Town to accept for disposal, up to 189,000 tons per year (tpy) of non-biodegradable ash residue which began in 2015. During this ten-year contract term, the remaining 30,000 tpy of the 219,000 tons of permitted solid waste disposal capacity is reserved for residential waste from Bourne and Falmouth, soils and other difficult to manage wastes. The Town intends to extend the contract; however, if the contract is not extended, the Town can return to accepting up to 219,000 tpy of biodegradable residential and commercial waste. The latter scenario is accounted for in The Scenario 2-Baseline. Both scenarios reflect the reductions associated with aggressive measures to capture, collect and destroy landfill gas.

The Expanded NPC evaluates projects as requested by the Department of Energy Resources (DOER) including LFG conversion to pipeline natural gas; microturbines fueled by LFG; LFG-to-energy facility; and, anaerobic digestion of organic materials and biogas-to-energy. In addition, the Town is developing and/or analyzing the feasibility of:

- Recovering thermal energy;

- LFG Blower Powers with 40 horsepower motors;
- Photovoltaic (PV) Solar - potential 12.6 MW solar installation over 30-acres of landfill and on the roof of an existing facility;
- Operation of an animal crematory that would use the LFG as a fuel.
- Additional thermal recovery of LFG from combustion to heat the maintenance building;
- Vertical axis wind turbines;
- Use of compressed natural gas for trucks; and,
- Regional composting.

Conclusion

Based on review of the Expanded NPC, consultation with State Agencies and review of comment letters, I have determined that the Proponent may submit a Single Supplemental EIR. The Single EIR should be prepared in accordance with the following Scope.

SCOPE

General

The Single EIR should follow Section 11.07 of the MEPA regulations for outline and content, as modified by this Scope.

Project Description and Permitting

The Single EIR should include a detailed description of the proposed project and describe any changes to the project since the filing of the Expanded NPC-5. The project description should identify individual components of the project and identify impacts associated with each component. The Single EIR should include updated plans as necessary to reflect modifications to infrastructure design, access roadways, and mitigation. It should provide a revised description and analysis of applicable statutory and regulatory standards and requirements, and a description of how the project will meet those standards. The Single EIR should include a list of required State permits or other State approvals and provide any relevant updates. The Single EIR should include an update on the CCC review process, including coordination efforts and anticipated compliance with regulatory and permitting standards and mitigation requirements.

The Single EIR should present plans for the leachate collection, leachate pre-treatment system and landfill gas management.

The Expanded NPC indicates that since the FEIR Certificate was granted in 1999, the Town has conducted extensive hydrogeological investigations and modeling, including particle tracking, for all areas downgradient of the site in cooperation with the CCC which required expanded groundwater monitoring for several years as part of the CCC DRI approval process. As requested by the CCC, the Single EIR should include data, if available, on groundwater testing downgradient of the JBCC wastewater treatment facility. The Single EIR should indicate if any connections to the Bourne Water

District will be provided to additional private well owners based on monitoring results.

Greenhouse Gas Emissions (GHG)

For those measures that will continue to be evaluated (i.e. solar PV, others), the Single EIR should quantify the potential GHG reduction associated with the measures based upon system assumptions (e.g., solar panel efficiency, available area, etc.), and include site plans/describing where it will be located on ISWMF facility. It should update baseline and mitigated scenarios accordingly.

To ensure that all GHG emissions reduction measures adopted by the Proponent in the Preferred Alternative are actually constructed or performed by the Town, I require Proponents to provide a self-certification to the MEPA Office indicating that all of the required mitigation measures, or their equivalent, have been completed. The self-certification should be included in the draft Section 61 Findings.

Future Submissions

The Expanded NPC indicates that the Town will submit a NPC to address development of Phase 7 and 8. The Single EIR should provide an updated conceptual development plan for Phase 7, Phase 8 and for the residential recycling center and relocated offices. The NPC should provide a cumulative assessment of potential impacts and avoidance, minimization, and mitigation measures for Phase 7 and Phase 8. I note that subsequent phases may result in a Take of the Eastern Box Turtle (Terrapene Carolina) and require a Conservation and Management Permit from the Natural Heritage and Endangered Species Program (NHESP). The Town should consult with the MEPA Office prior to filing a NPC.

Construction

Construction period impacts and mitigation measures should be described in the Single EIR, including impacts associated with noise, dust and traffic. Measures that will be taken to minimize and mitigate construction period impacts should be detailed.

The project must comply with MassDEP Solid Waste and Air Pollution Control regulations, pursuant to M.G.L. c.40, s.54 during construction. All construction should be undertaken in compliance with the conditions of all State and local permits. The Single EIR should provide a copy of the Stormwater Pollution Prevention Plan (SWPPP) that the Town will be required to prepare in accordance with the NPDES permit which will describe the proposed work and implementation of stormwater best management practices (BMPs) to control erosion and sedimentation, spill prevention and response measures, and inspection practices during the construction period.

Responses to Comments/Circulation

The Single EIR should contain a copy of this Certificate and a copy of each comment letter received. In order to ensure that the issues raised by commenters are addressed, the Single EIR should include direct responses to comments to the extent that they are within MEPA jurisdiction. This directive

is not intended, and shall not be construed, to enlarge the scope of the Single EIR beyond what has been expressly identified in this certificate.

The Proponent should circulate the Supplemental EIR to those parties who commented on the Expanded NPC, to any State Agencies from which the Proponent will seek permits or approvals, and to any parties specified in section 11.16 of the MEPA regulations. A copy of the Supplemental EIR should be made available for review at the Bourne public library.

January 12, 2018

Date



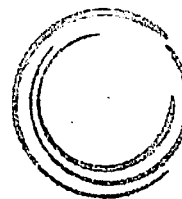
Matthew A. Beaton

Comments received:

12/29/2018	Massachusetts Division of Marine Fisheries (DMF)
01/03/2018	Cape Cod Commission (CCC)
01/05/2018	Natural Heritage and Endangered Species Program (NHESP)
01/05/2018	Massachusetts Department of Environmental Protection (MassDEP) – Southeast Regional Office (SERO)

MAB/ACC/acc

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CAPE COD
COMMISSION

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By Electronic Mail

January 3, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office, Anne Canaday, Analyst
100 Cambridge Street, Suite 900
Boston, MA 02114

**Re: *Expanded Notice of Project Change (ENPC)/
Expanded Environmental Notification Form (EENF) – EEA No. 11333
Town of Bourne Integrated Solid Waste Management Facility
201 MacArthur Boulevard, Bourne, MA 02532***

Dear Secretary Beaton:

The Cape Cod Commission (Commission) supports the Town of Bourne's request to allow further MEPA review of the Bourne ISWMF Phase 6 by way of an SEIR.

The Commission recognizes that the Town of Bourne has been actively and continuously engaged in both long- and short-term solid waste master planning and plan implementation for more than twenty years, and proposed Phase 6 is a natural outgrowth of such efforts. To this end, the town has previously acquired and had site assigned additional land for the proposed landfill expansion. The town's solid waste planning and implementation play a significant role in regional and state solid waste management approaches, especially given the shrinking availability of landfill space in the Commonwealth.

The existing Facility has been reviewed and is subject to several permitting decisions by the Commission. Phase 6 is similarly subject to further review and permitting by the Commission, after MEPA review is completed. The document describes, in concept, potential future Phases 7 and 8, which will require further MEPA and Commission review and approval if pursued by the town.

In its review and permitting for Phase 6, there are several water quality issues that will be of interest to the Commission including:

- The Cape Cod Regional Policy Plan supports the proposal to treat leachate, and treatment at the JBCC wastewater treatment facility appears to be a good solution. The

Commission will be interested in further details about this proposal, and it may also require additional monitoring and reporting of groundwater down-gradient of the Facility;

- Stormwater management and recharge for Phase 6, and other stormwater management improvements for the Facility as feasible, should be provided on-site according to applicable MA Department of Environmental Protection and Cape Cod Commission standards. The Commission encourages low impact-type stormwater management facilities that treat for nutrients, where feasible as appropriate to the nature of the project.

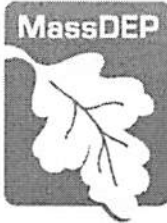
Thank you for the opportunity to provide comments on the above referenced matter. Cape Cod Commission staff are available and happy to answer any questions about these comments.

Sincerely,



Patty Daley
Deputy Director

CC: Project File
Daniel Barrett, Town of Bourne (via email)
Town of Bourne Cape Cod Commission representative (via email)
Cape Cod Commission Committee on Planning and Regulation Chair (via email)
Cape Cod Commission Chair (via email)



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

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Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

January 5, 2018

Mathew A. Beaton,
Secretary of Environment and Energy
Executive Office of Environmental Affairs
ATTN: MEPA Office
100 Cambridge Street, Suite 900
Boston, MA 02114

RE: NPC Review. EOEEA # 111333.
BOURNE. Town of Bourne Integrated Solid
Waste Management Facility at 201
MacArthur Boulevard

Dear Secretary Beaton,

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Notice of Project Change (NPC) for the Town of Bourne Integrated Solid Waste Management Facility Project to be located at 201 MacArthur Boulevard, Bourne, Massachusetts (EOEEA # 11333). The Project Proponent provides the following information for the Project:

Since the writing of the original EIR, the Town has purchased two parcels that have facilitated maximum development of the landfill phases as discussed. In 2001, a 25-acre parcel immediately abutting the landfill to the south was purchased. This site has been site-assigned by the Bourne Board of Health and has allowed for the development of solid waste handling facilities and most recently, relocation of temporary offices. It was also the subject of an Advisory Opinion by the Secretary that indicated that an EIR was not needed in order to develop this parcel. Additionally, the Town purchased approximately twelve acres to the south of the 25-acre parcel in 2016. Subject to permitting, this area will allow for potential relocation of solid waste handling operations and construction of permanent offices so that Phase 7 and Phase 8 can be developed, which will be discussed later. However, this land is not needed in order to complete the construction of either Phase 6 development scenario. Temporary stockpiles of sand created by the preparation of Phase 6 base liner elevations will be stored on the 25-acre parcel, or if approved, the twelve-acre parcel, until they are needed for the liner construction or for subsequent capping projects such as for Phase 4, Stage 2 and Phase 5.

The overall impact of these acquisitions is that the areas utilized for landfilling can be maximized while at the same time providing area for other solid waste handling facilities such as a C&D transfer station, single-stream recyclables transfer station, a residential recycling center and ISWM Department offices. The development of Phase 7 and Phase 8, which would be located on the 25-acre parcel, requires several steps including a separate, new EIR with MEPA, a Development of Regional Impact (DRI) approval from the CCC and a major modification to the site assignment by the Bourne Board of Health.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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Bureau of Water Resources Comments:

Wetlands and Waterways Program Comments. The Wetlands Program has reviewed the Notice of Project Change (NPC) for the Bourne Integrated Solid Waste Management Facility and has determined to not be any wetlands jurisdiction, wetland resource area or buffer zone.

Industrial Stormwater Multi-Sector General Permit. The Proponent is reminded that the facility is subject to the U.S. EPA NPDES Industrial Stormwater Multi-Sector General Permit. The Fact Sheet for Sector L:Landfills can be found here: https://www.epa.gov/sites/production/files/2015-10/documents/sector_l_landfills.pdf

Bureau of Waste Site Cleanup Comments:

The Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at or might impact the proposed Project area. A disposal site is a location where there has been a release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

There are no listed MCP disposal sites located at or in the vicinity of the site that would appear to impact the proposed Project. Note that one closed MCP disposal site is located at the facility (Release Tracking Number 4-14181). The site was closed under a Permanent Solution on December 16, 1999, and no further reporting or response actions are required under the MCP.

Interested parties may view a map showing the location of BWSC disposal sites using the MassGIS data viewer (Oliver) at: http://maps.massgis.state.ma.us/map_ol/oliver.php Under “Available Data Layers” select “Regulated Areas”, and then “DEP Tier Classified 21E Sites”. The compliance status and report submittals for specific MCP disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at: <http://public.dep.state.ma.us/SearchableSites2/Search.aspx>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this Project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Bureau of Air and Waste:

Air Quality. Construction and operation activities shall not cause or contribute to a condition of air pollution due to dust, odor or noise. To determine the appropriate requirements please refer to: 310 CMR 7.09 Dust, Odor, Construction, and Demolition
310 CMR 7.10 Noise

Construction-Related Measures. MassDEP requests that the Proponent use construction equipment with engines manufactured to Tier 4 federal emission standards, which are the most stringent emission standards currently available for off-road engines. If a piece of equipment is not available in the Tier 4 configuration, then the Proponent should use construction equipment that has been retrofitted with the best available after-engine emission control technology, such as oxidation catalysts or diesel particulate filters, to reduce exhaust emissions. The Proponent should

provide a list of the engines, their emission tiers, and, if applicable, the best available control technology installed on each piece in the subsequent environmental filing.

Massachusetts Idling Regulation. MassDEP requests that the Proponent state specifically in the subsequent environmental filing how it plans to prohibit the excessive idling during the construction period. Typical methods of reducing idling include driver training, periodic inspections by site supervisors, and posting signage. In addition, to ensure compliance with this regulation once the Project is occupied, MassDEP requests that the Proponent establish permanent signage limiting idling to five minutes or less at the completed Project

Hazardous Waste Management. If any occupant of the Project generates hazardous waste and/or waste oil, that entity must notify the MassDEP of such activity and obtain an EPA Identification number, as applicable, in accordance with 310 CMR 30.000. Further information can be located on the Department's website at: <http://www.mass.gov/eea/agencies/massdep/recycle/hazardous/>

Solid Waste Comments: As a result of its review of the Notice of Project Change for the Bourne integrated Solid Waste Management Facility, EEA No. 11333 ("Project" or "Site"), the Massachusetts Department of Environmental Protection (MassDEP) Solid Waste Management Section (Solid Waste) provides the following comments regarding the proposed Bourne landfill expansion.

The Solid Waste Management Permitting Requirements [310 CMR 19.000] require the following permits from MassDEP's Solid Waste Management Section: Authorization to Construct a Large Landfill Expansion, (BMP SW 26) and Authorization to Operate, (BWP SW 10).

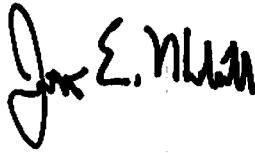
Please contact Doug Coppi at (508) 946-2833 with any questions pertaining to solid waste management requirements.

Proposed s.61 Findings

The "Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change" may indicate that this Project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the Project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed Project. If you have any questions regarding these comments, please contact George Zoto at (508) 946-2820.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jon E. Hobill". The signature is stylized with a large, looped initial "J" and a cursive "Hobill".

Jonathan E. Hobill,
Regional Engineer,
Bureau of Water Resources

JH/GZ

Cc: DEP/SERO

ATTN: Millie Garcia-Serrano, Regional Director
David Johnston, Deputy Regional Director, BWR
Maria Pinaud, Deputy Regional Director, BAW
Gerard Martin, Deputy Regional Director, BWSC
Jennifer Viveiros, Deputy Regional Director, ADMIN
Jim Mahala, Chief, Wetlands and Waterways, BWR
Gary Makuch, Wetlands and Waterways, BWR
Mark Dakers, Chief, Solid Waste, BAW
Doug Coppi, Solid Waste, BAW
Allen Hemberger, Site Management, BWSC

From: Logan, John (FWE)
To: Canaday, Anne (EEA)
Cc: Potti, Poola (FWE)
Subject: Town of Bourne Integrated Solid Waste Management Facility, ENPC, EEA# 11333
Date: Friday, December 29, 2017 12:42:17 PM

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Anne Canaday, EEA No. 11333
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Beaton:

The Division of Marine Fisheries (MA DMF) has reviewed the Expanded Notice of Project Change (ENPC) for the Town of Bourne's Integrated Solid Waste Management Facility. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

Based on the information provided, MA DMF has no recommendation for sequencing, timing, or methods that would avoid or minimize impact at this time.

Questions regarding this review may be directed to John Logan in our New Bedford office at (508) 990-2860 ext. 141.

John Logan, Ph.D.
MA Division of Marine Fisheries
1213 Purchase Street
New Bedford, MA 02740
(508) 990-2860 x141
<http://www.mass.gov/eea/agencies/dfg/dmf/>
https://www.researchgate.net/profile/John_Logan



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DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

Jack Buckley, Director

January 5, 2018

Matthew A. Beaton, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Anne Canaday, EEA No. 11333
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Bourne Integrated Solid Waste Management Facility
Proponent: Town of Bourne, Department of Integrated Solid Waste Management (ISWM)
Location: 201 MacArthur Boulevard, Bourne, MA
Project Description: Phase 6 Landfill Expansion, Site Development Plan, Easement on Article 97 Land
Document Reviewed: Expanded Notice of Project Change
EEA File Number: 11333
NHESP Tracking No.: 17-36534

Dear Secretary Beaton:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the Division) has reviewed the *Expanded Notice of Project Change* (ENPC) for the Town of Bourne Integrated Solid Waste Management Facility's proposed Phase 6 Landfill Expansion Project and would like to offer the following comments regarding state-listed species and their habitats.

According to the information provided in the ENPC, portions of the proposed project site are mapped as *Priority Habitat* for the Eastern Box Turtle (*Terrapene carolina*), a species state-listed as Special Concern according to the *Massachusetts Natural Heritage Atlas* (14th Edition). This species and its habitats are protected pursuant to the Massachusetts Endangered Species Act (MGL c.131A) and its implementing regulations (MESA; 321 CMR 10.00). A Fact Sheet for this species can be found on our website, www.mass.gov/nhesp.

All projects or activities proposed within *Priority Habitat*, which are not otherwise exempt pursuant to 321 CMR 10.14, require review through a direct filing with the Division for compliance with the MESA (321 CMR 10.18). Based on information submitted in the NPC, it appears that the Phase 6 Landfill Expansion Project would involve no land alteration outside of existing developed areas associated with on-going facility operations. Re-use of existing developed areas typically enables projects to qualify for one or more MESA exemptions pursuant to 321 CMR 10.14.

However, the Division notes that future development of the proposed Future Handling Area (11.7 acres) and proposed effluent connection projects would require a direct filing with the Division for compliance with the MESA. The Proponent has initiated pre-filing consultations with the Division to discuss conceptual development plans associated with the Future Handling Area. Although a formal MESA filing

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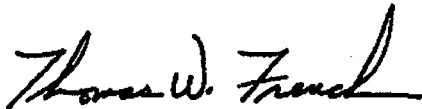
has not yet been submitted, the Division anticipates – based on previously submitted information and ongoing consultations with the Proponent – that future development of the Future Handling Area, as proposed, will likely result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle.

The Division notes that it may be possible to redesign proposed development plans for the Future Handling Area to avoid a Take. If redesign is not possible, please note that projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards of a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to be considered for a CMP, a project proponent must demonstrate that the project has avoided, minimized and mitigated impacts to state-listed species consistent with the following performance standards: (a) adequately assess alternatives to both temporary and permanent impacts to state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and implement a conservation and management plan that provides a long-term net benefit to the conservation of the impacted species. The Division recommends that the Proponent continue to consult with the Division on a pre-filing basis to avoid, minimize and mitigate impacts to state-listed species and their habitats. We look forward to continued, collaborative permitting discussions with the Proponent as it proceeds through the MESA review process.

The Division will not render a final decision until the MEPA review process and associated public and agency comment period is complete, and until all required MESA filing materials are submitted to the Division. No alteration to the soil, surface, or vegetation and no work associated with the proposed Future Handling Area (11.7 acres) or proposed effluent connection projects shall occur on the property until the Division has made a final determination.

If you have any questions about this letter, please contact Jesse Leddick, Endangered Species Review Biologist, at (508) 389-6386 or jesse.lednick@state.ma.us. We appreciate the opportunity to comment on this project.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: Daniel T. Barrett, Town of Bourne ISWM Department
Phil Goddard, Town of Bourne ISWM Department
Town of Bourne Board of Selectmen
Town of Bourne Conservation Commission
Town of Bourne Planning Department
DEP Southeast Regional Office
Amy Ball, Horsley Witten Group, Inc.

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