



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

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This is an electronic facsimile of a document on file with the Massachusetts Department of Environmental Protection.

November 1, 2017

Peter Kendrigan
Wheelabrator Saugus, Inc.
100 Salem Turnpike
Saugus, MA 01906

RE: SAUGUS—Solid Waste Management
Wheelabrator Saugus, Inc. Ash Landfill
100 Salem Turnpike
FMF#: 39704

BWP SW22/Landfills – Minor Modification
Transmittal Number: X274714

**Ash Staging and Transport – Conditional Approval
FINAL DECISION**

Dear Mr. Kendrigan:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air and Waste, Solid Waste Management Section (“MassDEP”) has reviewed your application, category BWP SW22 *Landfills-Minor Modification*, Transmittal Number: X274714 (the “Application”), for the modification to allow ash from the Wheelabrator Saugus Energy-from-Waste Facility (the “EfW Facility”) to be staged at the Saugus Ash Monofill Landfill (the “Landfill”) located at 100 Salem Turnpike in Saugus, Massachusetts prior to shipment to off-site ash management facilities. Brown and Caldwell of Taunton, Massachusetts (“B&C”) prepared and submitted the Application on behalf of Wheelabrator Saugus, Inc. (“Wheelabrator” or the “Applicant”). The Application includes an Engineering Design Report titled:

Ash Staging and Transport
Minor Permit Modification
Saugus Ash Monofill
Prepared for Wheelabrator Saugus
100 Salem Turnpike
Saugus, MA
April 2017
Prepared by Brown and Caldwell

Wheelabrator submitted supplemental information related to the Application dated July 6, 2017.

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

Printed on Recycled Paper

DISCUSSION

As discussed in the Application, Wheelabrator proposes to establish an area within the active limits of the Landfill to stage ash from the EfW Facility prior to shipment for further processing or disposal.

On the active portion of the Landfill, the ash will be staged and allowed to dewater prior to being transported off-site. According to the Application, the ash will be staged for a period of no longer than fifteen days. Water from the ash will recharge into the active Landfill area and will be managed through the Landfill's existing leachate collection system. A Supplemental Ash Staging Operations and Maintenance Plan, dated April 2017, describes the operational practices that will be implemented by Wheelabrator to ensure that the Facility will be operated in accordance with the requirements of 310 CMR 19.130: Operation and Maintenance Requirements.

Wheelabrator states that during some or all of the time that ash is being transported off-site for disposal, on-site disposal of ash may continue, based on the available Landfill capacity. The Application does not propose any changes to the Facility's existing waste handling capacity.

Additional details on the Application and proposed project can be found in the Fact Sheet attached hereto as Attachment 1.

An Environmental Notification Form for the proposed project was submitted for Massachusetts Environmental Policy Act (MEPA) review with the Secretary of Energy and Environmental Affairs. The Secretary's Certificate, issued on August 5, 2016, determined that the project adequately and properly complied with MEPA and its implementing regulations and no further MEPA review was required.

PROVISIONAL DECISION & COMMENT PERIOD

On September 8, 2017, MassDEP issued a decision pursuant to 310 CMR 19.033(4)(a) as a Provisional Decision for the purpose of obtaining comment from the Applicant, other interested parties and the public on the proposed decision. The comment period closed on September 29, 2017 at 5:00 pm. MassDEP received seven comments in total, including the Town of Saugus Board of Selectmen and six individuals (collectively, the Public Comments). In addition, MassDEP also received a letter dated October 10, 2017 from Brown and Caldwell, on behalf of Wheelabrator, providing responses to topics presented in the Public Comments. MassDEP's Response to Comments is attached hereto as Attachment 2. A copy of the Public Comments and the Brown and Caldwell letter (submitted on behalf of Wheelabrator) are also included with the Response to Comments.

FINAL DECISION

MassDEP has determined that the Application, as conditioned by the attached Final Decision and permit, complies with the requirements of 310 CMR 19.000, subject to the Applicant's compliance with the conditions imposed by MassDEP pursuant to 310 CMR 19.043.

This decision is issued pursuant to 310 CMR 19.033 and is an approval for the staging of ash generated at the existing Wheelabrator Saugus EfW Facility prior to shipment for off-site disposal. This decision is issued pursuant to M.G.L. Chapter 111, § 150A and 310 CMR 19.000, subject to the conditions set forth below. In the event this approval conflicts with all or parts of other prior plan approvals issued pursuant to Chapter 111, § 150A, the terms and conditions of this approval shall supersede the conflicting provisions of the prior plan

approvals. This approval does not convey property rights of any sort or any exclusive privilege. This decision does not relieve Wheelabrator, or any other person, of the responsibility to comply with all other applicable federal, state and local statutes, regulations and requirements.

In a separate application for modification of the Landfill, Wheelabrator proposed placement of additional ash fill in two valleys on the Landfill¹ (the “Valley Fill Project”). In issuing this decision, MassDEP is not approving the Valley Fill Project. The Valley Fill Project will be the subject of a separate review and decision. The application process will provide opportunity for public review and comment regarding the proposed Valley Fill Project.

CONDITIONS

1. This decision is effective upon the date stamped on page one of this permit. This permit is only valid for the time period it takes for the Landfill to reach its approved limits or a fixed term of ten (10) years from the effective date of this permit, whichever term expires first.
2. Required submittals:
 - a. Not less than seven (7) days prior to commencing activities pursuant to the Application and this permit, Wheelabrator shall notify MassDEP and the Town of Saugus Board of Health (“BOH”) in writing of the scheduled date of commencement of the ash staging activities. In addition, Wheelabrator shall provide to MassDEP and the BOH the name and contact information for the Engineer of Record and an on-site contact for the ash staging activities.
 - b. In the event that Wheelabrator intends to relocate the Ash Staging area within the active area of the Landfill, Wheelabrator shall notify MassDEP and the BOH in writing not less than fourteen (14) days prior to such relocation. In addition, Wheelabrator shall provide to MassDEP and the BOH a revised site plan, updated to show the relocated Ash Staging area. The site plan shall include, without limitation, sufficient detail regarding storm water management and contact water control, and the plan shall be certified by a Massachusetts registered professional engineer in accordance with the requirements of 310 CMR 19.011
 - c. In the event Wheelabrator seeks to relocate the ash staging activities to capped areas of the Landfill (i.e., areas of the Landfill that have received final cover), Wheelabrator shall, without limitation, submit to MassDEP for review and approval an application, category BWP SW36 *Post-Closure Use—Major*. Additional permitting for facility modification may also be required.
 - d. Wheelabrator shall include with the Landfill Annual Progress Report a summary of the total ash received and transferred from the ash staging area for the year.
3. Wheelabrator shall comply with this permit and the requirements of 310 CMR 19.000, including, but not limited to, the requirements established at 310 CMR 19.043(5), *Standard Conditions*.
4. All terms and conditions of the Landfill’s approved plans, including, but not limited to, the Facility Engineering Plan (the “FEP”), shall remain in full force and effect as may be modified by this decision.

¹ On April 21, 2017, MassDEP received from Wheelabrator Saugus, Inc. an application, category BWP SW11 *Landfills-Major Modification* (Transmittal Number: X271439).

5. Wheelabrator shall instruct all contractors and employees in the requirements of this decision, as applicable to their work. Wheelabrator shall maintain and make available at the Landfill a copy of this decision and all approved plans, appendices, protocols and attachments for use by Wheelabrator's contractors and employees. Wheelabrator shall maintain records at the site that all contractors and employees have been instructed pursuant to this condition. Wheelabrator shall ensure that all work performed at the Landfill complies with 310 CMR 19.000 and the applicable requirements of this permit.
6. Wheelabrator shall implement all measures necessary to prevent, minimize and mitigate the generation and emission of dust wherever and whenever necessary at the Landfill and any other areas related to or under the control of Wheelabrator to prevent fugitive dust emissions and/or the occurrence of nuisance conditions. Water shall not be used for dust control in amounts that produce excessive infiltration, ponding, runoff or erosion.
7. Wheelabrator is responsible to ensure that all necessary precautions are taken to protect the health and safety of workers and the general public during construction.
8. All disturbance of the Landfill shall be limited to the proposed grading and installations as depicted and described in the Application and the approved plans and this decision. Any additional activities or modifications not described in the Application, Transmittal Number: X274714, may require notification of MassDEP, and the preparation and submittal of a separate application for permit modification. No changes, modifications or alterations shall be made to the approved plans, unless otherwise approved, in writing, by the Department in accordance with 310 CMR 19.000.
9. Maintenance of slopes, berm(s), drainage swales, storm water systems, outlet structures, and appurtenances shall be performed to keep these structures in good working order. The area around the site entrance shall be maintained in a condition which shall prevent tracking of sediment onto the public right-of-way. All sediment spilled, dropped, washed or tracked onto the public right-of-way shall be removed without delay.
10. Wheelabrator shall conduct all ash staging area activities in accordance with the Supplemental Ash Staging Operations and Maintenance Plan dated April 2017 and in accordance with the requirements of 310 CMR 19.130: *Operation and Maintenance Requirements*, including, without limitation:
 - a. The staging of ash shall occur in windrows in the active disposal area of the Landfill only and solely for the purpose of reducing the moisture content of the ash prior to transporting the ash off site for disposal. Ash shall not be staged in windrows for longer than fifteen (15) days.
 - b. Wheelabrator may receive ash from the adjacent EfW Facility 24 hours per day, seven days per week at the ash Staging area. Vehicles transporting ash off-site shall depart the Ash Staging area in accordance with the receiving hours for the EfW Facility, currently Monday to Friday 5:00 am to 5:00pm, and Saturday from 5:00 am to 12:00pm.
 - c. Vehicles loaded with ash shall be covered and shall remain within the active portion of the Landfill until such time the vehicles depart the site.
11. Wheelabrator shall include in the annual report for the EfW Facility the amount of ash transferred from the Landfill (in tons) and the name of the facility that accepted the ash for disposal.
12. Wheelabrator shall implement the measures necessary to control and manage storm water at the site including, without limitation, implementation of a Storm Water Pollution Prevention Plan for the

Property that complies with applicable MassDEP regulations and guidelines. In addition, this approval does not relieve Wheelabrator or any other person of the responsibility to comply with the National Pollutant Discharge Elimination System (“NPDES”) requirements.

13. Wheelabrator shall perform routine monitoring of the Ash Staging area in accordance with the requirements of this Section and the approved plans to ensure compliance with this decision and the approved plans. The routine monitoring shall include, without limitation:
 - a. Daily inspection and assessment of the status and condition of the Ash Staging area.² This shall include, but not be limited to, the monitoring of the site for the occurrence of nuisance odors, dust, and noise, and storm water run-off from the site and any necessary corrective actions.
 - b. Maintenance at the site of a Daily Activity Log that includes, but is not limited to:
 - i. A daily summary that describes, without limitation, the principle activities at the area that day such as, ash staging pile development, length of time each ash pile has been in the staging area, storm water system and maintenance;
 - ii. A description of any deviations from the approved plans and this decision;
 - iii. A description of corrective actions, maintenance, or repairs taken, or to be taken, to mitigate or correct problems or potential/actual nuisance conditions;
 - iv. Documentation of all reporting/notifications made to MassDEP, the BOH and other authorities/agencies/emergency responders/facilities, as necessary, in accordance with the notification requirements of Condition 14 of this decision; and
 - v. Documentation of any complaints received by Wheelabrator relative to the activities at the Landfill that includes, but is not limited to the name/identity of the complainant and the complainant’s contact information (if provided to Wheelabrator), the date and time of the complaint, the nature of the complaint, and the response to the complaint including any actions taken by Wheelabrator.
14. Wheelabrator shall comply with the notifications described in this decision and 310 CMR 19.043(5) (i), *Duty to Inform*. These notifications are in addition to, and shall not substitute for, any other notification(s) which are required pursuant to 310 CMR 40.0000, the Massachusetts Contingency Plan (the “MCP”), and 310 CMR 30.000, the Massachusetts Hazardous Waste Regulations or any other applicable state, federal, or local law or regulation.
 - a. Wheelabrator shall notify MassDEP and the BOH within twenty-four (24) hours whenever possible, but in no event greater than within forty-eight (48) hours of becoming aware of:
 - i. The occurrence of any conditions or events at the Landfill that result in off-site nuisance conditions or a threat to the public health, safety, welfare or the environment.
 - ii. The details of any incidents that resulted in the response of emergency personnel (fire, police, MassDEP Emergency Response personnel, the Occupational Health and Safety Administration, etc.) to the Landfill.
 - iii. The receipt by Wheelabrator of any complaint of off-site nuisance conditions attributed to the Landfill.
 - b. This written notification shall be made by FAX to MassDEP’s Solid Waste Management Section, Northeast Regional Office at (978) 694-3499 or by email to mark.fairbrother@state.ma.us. If a FAX or email is not available, the notification may be

² This includes but is not limited to structures, equipment, devices, storm water management controls, environmental control systems, paved surfaces, fencing, gates, wheel wash station and other areas.

made by telephone to (978) 694-3298. Such notification by telephone shall be followed up by a certified letter within seven (7) days.

- c. This notice shall, at a minimum, include a description of the incident and/or complaint, the impact on the activities authorized by this approval, and a description of any corrective actions Wheelabrator has taken or intends to take to minimize the potential for a recurrence.
15. Wheelabrator shall ensure that the Landfill, including the Ash Staging area, is inspected on a bi-monthly (every two months) frequency by a Third-Party Inspector registered with the MassDEP in accordance with 310 CMR 19.018. Pursuant to 310 CMR 19.018(8)(c)1, Wheelabrator shall submit copies of each inspection report to MassDEP and the BOH within thirty (30) days of the date of the inspection. Each report shall include a summary to include, without limitation, the quantities of ash received, currently stockpiled, and transferred from the ash staging area for the reporting period.
 16. The submittals to MassDEP required by this decision shall be submitted by Wheelabrator in accordance with the applicable fee provisions of 310 CMR 4.00 “*Timely Action Schedule and Fee Provisions*”. In the event that the MassDEP provides written comments to Wheelabrator on documents submitted pursuant to this paragraph, Wheelabrator shall provide a response and revised document to the MassDEP in accordance with the provisions of 310 CMR 4.00 that corrects any deficiencies reasonably identified by the MassDEP in the document(s)³ and; makes any changes that the MassDEP reasonably requires.
 17. MassDEP reserves the right to rescind, suspend or modify this approval based upon a determination that the project causes the development of nuisance conditions, is not being operated safely or in accordance with this approval, or results in a threat to the public health, safety or the environment.

NOTICE OF RIGHT TO APPEAL

Appeal. Any person aggrieved by the issuance of this decision, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, s. 150A, and M.G.L. c. 30A, sec. 14, not later than thirty (30) days following the receipt of the final decision. The standing of a person to file an appeal and the procedures for filing such appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the decision by a court of competent jurisdiction, the decision shall remain effective.

Notice of Action. Any aggrieved person intending to appeal this decision to the Superior Court shall first provide notice to the Department of their intention to commence such action. Said notice of intention shall include the Department file number and shall identify with particularity the issues and reasons why it is believed the decision was not proper. Such notice shall be provided to the Office of General Counsel of the Department and the Regional Director for the regional office which processed the application. The appropriate addresses to which to send such notices are:

General Counsel
Department of Environmental Protection
One Winter Street - 3rd Floor
Boston, MA 02108

and

³ Such documents include but are not limited to Notice of Administrative or Technical Deficiency issued pursuant to 310 CMR 4.00.

Eric Worrall
Regional Director
Department of Environmental Protection
205B Lowell Street
Wilmington, MA 01887

No allegation shall be made in any judicial appeal of this decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in those regulations, provided that a matter may be raised upon a showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions in regards to this matter, please contact Richard Spieler at telephone number 978-694-3317.

Sincerely,

This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.

Mark G. Fairbrother
Section Chief
Solid Waste Management

Richard J. Spieler
Environmental Engineer
Solid Waste Management

MGF/RJS/tjs

Attachment 1: Application Review Fact Sheet, Transmittal Number: X274714
Communication for Non-English Speaking Parties

cc: Susan Ruch, Deputy Regional Director, MassDEP-NERO, Bureau of Air and Waste
Email: susan.ruch@state.ma.us

Saugus Board of Health
Town Hall
298 Central Street
Saugus, MA 01906

Saugus Conservation Commission
Town Hall Annex
25 Main Street
Saugus, MA 01906

Scott Crabtree, Town Manager
Town Hall
298 Central Street
Saugus, MA 01906

Saugus Board of Selectmen
Town Hall
298 Central St.
Saugus, MA 01906

Revere Board of Health
City Hall
281 Broadway
Revere, MA 02151

James Connolly
Wheelabrator Technologies, Inc.
Email: jconnoll@wtienergy.com

Alan R. Kirschner, P.E., Brown and Caldwell
Email: AKirschner@brwncald.com

ATTACHMENT 1

**Application Review Fact Sheet
Transmittal Number: X274714**

November 1, 2017

Facility Identification

Facility: Wheelabrator Saugus, Inc./Ash Monofill Landfill
100 Salem Turnpike
Saugus, MA 01906

Facility Number: 39704
Regulated Object Number: 172913
SWM ID Number: AL0262.995
Permit Number: NESW-LF-055

Location¹: 70° 59' 0" W Longitude 42° 29' 19" N Latitude

Current Application

Type: BWP SW22 / Landfill Minor Modification
Ash Staging and Transport
Transmittal Number: X274714

Applicant: Wheelabrator Saugus, Inc.
100 Salem Turnpike
Saugus, MA 01906

MEPA: An Environmental Notification Form for the proposed project was submitted for Massachusetts Environmental Policy Act (MEPA) review with the Secretary of Energy and Environmental Affairs. The Secretary's Certificate, issued on August 5, 2016, determined that the project adequately and properly complied with MEPA and its implementing regulations and no further MEPA review was required.

Submittals relative to this application:

Report and plans: Wheelabrator Saugus, Inc.
Ash Staging and Transport
Minor Permit Modification
Saugus Ash Monofill
April 2017
Prepared by Brown and Caldwell

¹ For reference only. Estimated from MassGIS.

Supplemental Information:

Wheelabrator Saugus, Inc.
Ash Staging and Transport
Supplemental Plans, Dated June 20, 2017
Saugus Ash Monofill
July 6, 2017
Prepared by Brown and Caldwell

Discussion

As discussed in the Application, Wheelabrator proposes to establish an area within the active limits of the Landfill to stage ash from the EfW Facility prior to shipment for further processing or disposal.

On the active portion of the Landfill, the ash will be staged and allowed to dewater prior to being transported off-site. According to the Application, the ash will be staged for a period of no longer than fifteen days. Water from the ash will recharge into the active Landfill area and will be managed through the Landfill's existing leachate collection system. A Supplemental Ash Staging Operations and Maintenance Plan, dated April 2017, describes the operational practices that will be implemented by Wheelabrator to ensure that the Facility will be operated in accordance with the requirements of 310 CMR 19.130: Operation and Maintenance Requirements.

Wheelabrator states that during some or all of the time that ash is being transported off-site for disposal, on-site disposal of ash may continue based on the available Landfill capacity. The Application does not propose any changes to the Facility's existing waste handling capacity.

On July 6, 2017, Wheelabrator submitted supplemental plans dated June 20, 2017 that show the initial location of the Ash Staging area and details of the construction of the area.

On September 8, 2017, MassDEP issued a decision pursuant to 310 CMR 19.033(4)(a) as a Provisional Decision for the purpose of obtaining comment from the Applicant, other interested parties and the public on the proposed decision. The comment period closed on September 29, 2017 at 5:00 pm. MassDEP received seven comments in total, including the Town of Saugus Board of Selectmen and six individuals (collectively, the Public Comments). In addition, MassDEP also received a letter dated October 10, 2017 from Brown and Caldwell, on behalf of Wheelabrator, providing responses to topics presented in the Public Comments. MassDEP's Response to Comments is attached to the Final Decision as Attachment 2. A copy of the Public Comments and the Brown and Caldwell letter (submitted on behalf of Wheelabrator) are also included with the Response to Comments.

ATTACHMENT 2

**Response to Comments
Transmittal Number: X274714**

November 1, 2017

RESPONSE TO COMMENTS – October 2017**Wheelabrator Saugus, Inc. – Ash Landfill
BWP SW22/Landfill – Minor Modification
Transmittal Number: X274714
Ash Staging and Transport**

This Response to Comments (RTC) document concerns comments submitted to the Massachusetts Department of Environmental Protection (MassDEP) about a proposal made by Wheelabrator Saugus, Inc. (WSI) to stage ash from WSI's Energy-from-Waste Facility (the EfW Facility) at WSI's Ash Monofill (the Landfill), prior to transporting the ash to off-site ash management facilities (the Ash Staging and Transport Proposal).

On September 8, 2017, MassDEP issued a Provisional Decision for Public Comment relating to the Ash Staging and Transport Proposal. The Provisional Decision arose out of MassDEP's review of WSI's application, category BWP SW22 *Landfills – Minor Modification*, Transmittal Number X274714 (the Application) concerning the Landfill, which is located at 100 Salem Turnpike in Saugus, Massachusetts.

The Provisional Decision provided that comments on the Provisional Decision could be submitted to the MassDEP either by mail or email and specified that comments must be received by the MassDEP on or before 5:00 p.m. on September 29, 2017. MassDEP received seven (7) comments in total, including the Town of Saugus Board of Selectmen (Board of Selectmen) and six individuals (collectively, the Public Comments). In addition, MassDEP also received a letter dated October 10, 2017 from Brown and Caldwell, on behalf of WSI, providing responses to topics presented in the Public Comments. Specifically, comments were received from:

COMMENT Designation	DATE RECEIVED	COMMENTER
1	09/08/2017	Cathy Dreyer
2	09/08/2017	Unidentified – <i>with request to be removed from Interested Persons List</i>
3	09/11/2017	Peter Manoogian
4	09/11/2017	Shannon Burke
5	09/25/2017	Fae Saulenas
6	09/28/2017	Saugus Board of Selectmen, <i>with authority of Traffic Commissioners for the Town of Saugus</i>
7	09/28/2017	Tanis J. Houseman
B&C	10/10/2017	Response Letter by Brown and Caldwell on behalf of WSI.

A copy of the Public Comments and the Brown and Caldwell letter (submitted on behalf of WSI) are appended hereto as Attachment A to this RTC.

MassDEP reviewed the significant comments received from commenters and in some cases grouped related comments together. In some cases, MassDEP has included original comment language for the reader's convenience. In others, MassDEP has provided brief summaries of comments. Please be assured that MassDEP has carefully read and considered every comment in its entirety. The form of the RTC is designed to structure MassDEP's response and make them more accessible to the general public. No significance should be attached to the form in which MassDEP cited or summarized the original comment in this RTC.

RESPONSE TO COMMENTS

Comment 1:

Several commenters, including the Board of Selectmen, who have the authority of Traffic Commissioners for the town of Saugus (BOS/TC), expressed concern about the potential of ash being transported through residential areas. Some comments suggested that WSI should be required to transport ash off-site utilizing only state roads (e.g., Route 107, Route 93, Route 60, Route 1, I-90, etc.) and prohibit transport through residential areas (e.g., Ballard Street, Lincoln Avenue, Winter Street, Hamilton Street, Central, Main, Walnut and Essex).

Commenters 3, 4, 6 and B&C.

MassDEP Response:

MassDEP notes the concerns of the Town and individuals about truck routes related to the Ash Staging and Transport Proposal. MassDEP's review of the application, however, is limited to the proposed on-site handling and management of ash. MassDEP does not have independent jurisdiction under its solid waste regulations relating to traffic concerns. The Brown and Caldwell letter provided additional information regarding intended traffic routes, stating that WSI "intends to utilize routes available to trucks of the weight class to be used" and also noting that "the routes taken may vary depending upon the ultimate destination and traffic concerns."

While noting the limits of its jurisdiction, MassDEP encourages WSI to take appropriate actions to direct ash transport vehicles to state routes whenever possible and to minimize travel through residential areas. In addition, MassDEP encourages WSI to work with appropriate Saugus Town staff and/or the Board of Selectmen as may be appropriate, on the traffic issue. For instance, WSI could develop an ash transport advisory, to be posted at the exit scale, and handed out to drivers, setting forth preferred state routes to be used except under specified conditions.

Comment 2:

The application fails to detail transport risks and procedures to mitigate in the event of a traffic accident.

Commenter 5 and B&C.

MassDEP Response:

The Application includes a Supplemental Operations and Maintenance Plan for Ash Staging. The Ash Staging O&M Plan (Section 3.2, *Staging Area Facilities and Equipment*) states that ash will be transported off-site in watertight, covered transfer trailers or roll-off containers. As noted in the Brown and Caldwell letter, transportation is regulated by the Department of Transportation and enforced by the State Police. MassDEP does not have independent jurisdiction over transportation, but notes that transportation is regulated by other agencies.

Comment 3:

One comment suggests that WSI should be required to have the ash exit the facility at the west end of the property and further suggests that WSI work with Mass Highway to construct necessary curb/median cuts along Route 107.

Commenter 3.

MassDEP Response:

MassDEP does not have independent jurisdiction under its solid waste regulations relating to traffic concerns or the modification of roadways. The Application states that outgoing ash trucks will utilize existing facility access roads. The site plan included with the Application identifies the locations of the existing paved access road and the facility entrance along Route 107.

Comment 4:

Two comments asked if WSI is considering transporting the ash by rail.

Commenters 3 and 6.

MassDEP Response:

The Application did not propose transportation by rail. The Application proposes the staging of ash at the active landfill area prior to loading into trucks for shipment to off-site ash management facilities.

Comment 5:

The application/decision should identify the potential destination for the ash.

Commenter 3 and B&C.

MassDEP Response:

The Application (Section 2.1, *General Description*) states that ash will be shipped to off-site management facilities such as WSI's ash landfills in Shrewsbury, Massachusetts and Putman, Connecticut. The Brown and Caldwell letter notes that other permitted facilities could be utilized, if available.

Comment 6:

MassDEP should hold a public comment session in Saugus, arranged via the Board of Selectmen.

Commenter 3.

MassDEP Response:

MassDEP's May 5, 2017 memorandum to Interested Persons outlined the public review and comment opportunities for the WSI's pending solid waste applications, including the Ash Staging and Transport Proposal. MassDEP stated that the Minor Permit Modification for Ash Staging and Transport would be issued as a Provisional Decision for the purpose of accepting public comments. MassDEP considered this comment, but upon consideration does not believe that a public comment session for the Ash Staging and Transport proposal would yield different comments than the comments received in writing. MassDEP alerted Interested Persons by email that MassDEP would accept comments by mail or by email, to provide convenient mechanisms to those who may want to comment.

Comment 7:

Some comments expressed serious concerns about family and/or neighborhood health issues, which the comments attribute to WSI.

Commenters 1, 2 and B&C.

MassDEP Response:

The serious concerns of the commenters are noted. As discussed in the B&C letter, the Massachusetts Department of Public Health (DPH) conducted an evaluation of cancer incidence rates in the Town of Saugus in March 2016, which concluded that, “[o]verall, there does not seem to be an unusual pattern of cancer in the Community of Saugus”. The DPH study report is accessible through DPH’s website for its Bureau of Environmental Health, at:

<http://www.mass.gov/eohhs/docs/dph/environmental/investigations/saugus-wheelabrator-0316.pdf>

Comment 8:

One comment noted that ash will be received at the staging area 24 hours a day, and inquired whether lighting would be installed for this two-acre parcel.

Commenter 5 and B&C.

MassDEP Response:

The B&C letter provided additional information regarding lighting for the ash staging area, stating that, “[l]ighting for the staging area will be no different than the lighting currently used at the active face. During night hours vehicles delivering ash to the staging area will rely on the vehicle lights. Loading operations will generally take place during daylight hours.” MassDEP notes that the proposal is identical to the current transport of ash to the Landfill during darkness, with the exception that the ash will be later transported, rather than placed for disposal in the active Landfill cell. Therefore, no lighting is proposed or required.

Comment 9:

One comment states that the Application fails to establish a training requirement for contract employees or a process to certify contract employees.

Commenter 5.

MassDEP Response:

The Ash Staging O&M Plan included with the Application (Section 2.3, *Employee Training*), states that landfill personnel will be provided with on-the-job instruction on the performance of their assigned duties at the Staging Area. The B&C letter provided additional information stating that training requirements are the same for contract employees as it is for regular employees. MassDEP’s Final Decision (Condition 5) requires that WSI instruct all contractors and employees in the requirements of the permit decision, as applicable to their work. Condition 5 also requires that WSI maintain and make available at the Facility a copy of this permit and all approved plans, appendices, protocols and attachments for use by contractors and employees. The Final Decision also requires the maintenance of records at the site that demonstrate that all contractors and employees have been trained pursuant to this condition.

Comment 10:

One comment notes that Section 16.0 of the Ash Staging O&M Plan (*Inspection Plans and Reporting Requirements*) primarily relies on self-reporting and bi-monthly, third party DEP-certified inspections

and comments that adequate perimeter lighting and surveillance cameras should be installed to monitor the ash staging area on a 24/7 basis.

Commenter 5.

MassDEP Response:

MassDEP notes that self-reporting, and bi-monthly third party inspections (TPI inspections) are required for all active landfills.

Therefore, MassDEP's Final Decision on WSI's Ash Staging and Transport Proposal (Condition 15) requires notification to MassDEP and the Board of Health (BOH) of the occurrence of any conditions or events at the Landfill that result in off-site nuisance conditions or a threat to the public health, safety, welfare or the environment, any incidents that resulted in the response of emergency personnel to the Landfill, and the receipt of any complaint of off-site nuisance conditions attributed to the Landfill. WSI is required to make such notification within twenty-four (24) hours whenever possible, but in no event greater than within forty-eight (48) hours of the Engineer of Record, WSI or contractors becoming aware of such incidents or conditions. These notification requirements are in addition to, and do not substitute for, any other notifications required by 310 CMR 30.000, 310 CMR 40.0000 or any other applicable state, federal or local law or regulation.

In addition, MassDEP's Final Decision (Condition 15) requires that the Landfill, including the Ash Staging area, is inspected on a bi-monthly (every two months) frequency by a Third-Party Inspector registered with the MassDEP in accordance with 310 CMR 19.018. Pursuant to 310 CMR 19.018(8)(c)1, WSI shall submit copies of each inspection report to MassDEP and the BOH within thirty (30) days of the date of the inspection. Each report shall include a summary to include, without limitation, the quantities of ash received, currently stockpiled, and transferred from the ash staging area for the reporting period.

MassDEP has considered the recommendation of perimeter lighting and 24-hour surveillance cameras, but has not adopted it, because the Final Decision contains adequate conditions, consistent with how MassDEP has conditioned other landfill operations, for the Ash Staging and Transport Proposal.

Comment 11:

Some comments expressed strong frustration about WSI, asserting that: "Enough is enough." "Everyone gives them what they want because they pay them all off!!! Like I said. This place should have been closed down for good years ago!!!!!" ... "People who buy and lobby their way out of polluting are disgraceful."

Commenters 2 and 7.

MassDEP Response:

The comments are noted. MassDEP has reviewed the current application for the proposed Minor Modification of the Landfill permit pursuant to the applicable regulations that govern such applications. MassDEP has determined that the Proposed Ash Staging and Transport Proposal meets the requirements of the applicable regulations and should be approved, subject to the conditions in the Decision.

CONCLUSION

After careful review of all comments received, MassDEP has made a final decision to issue the Ash Staging and Transport permit. MassDEP has prepared this document, known as the Response to Comments or RTC, which describes and addresses any significant issues raised during the comment period and provides MassDEP's responses. MassDEP's decision-making process has benefitted from the review of the Public Comments and additional information submitted. After careful consideration of the comments, MassDEP has determined that no changes to the Draft Fact Sheet or the Provisional Decision are necessary. Therefore, MassDEP is issuing the Final Decision today, simultaneously with this RTC.

The Final Decision and RTC will be available on MassDEP's website. The current link to the website is at: <http://www.mass.gov/eea/agencies/massdep/about/contacts/wsi.html>. Please note that the link may change in the future, due to a project to upgrade the Commonwealth's statewide web platform. If you encounter any access issues, please contact us for assistance, by using the email or phone number below.

MassDEP is providing access to the Final Decision, Fact Sheet and the RTC to Commenters and the Interested Persons List. Copies of the Final Decision also may be obtained by writing or calling MassDEP between the hours of 8:45 AM and 5:00 PM, Monday through Friday, excluding holidays:

Mark G. Fairbrother, Chief
MassDEP, Northeast Regional Office
205 B Lowell Street
Wilmington, MA 01887
Telephone number: (978) 694-3200
Mark.Fairbrother@state.ma.us

ATTACHMENT A

**Public Comments
Transmittal Number: X274714**

November 1, 2017

101 Industrial Park Road, Suite 205
Taunton, MA 01604

T: 508-923-0879
F: 508-923-0894



October 10, 2017

Transmitted via e-mail

Mr. Mark Fairbrother
Solid Waste Section Chief
Massachusetts Department of Environmental Protection
Northeast Regional Office
205B Lowell Street
Wilmington, Massachusetts 01887

Subject: SAUGUS
Minor Permit Modification, Wheelabrator Saugus Ash Monofill
Transmittal No. X274714

Dear Mr. Fairbrother:

In response to comments received by the MassDEP on the Provisional Decision issued September 8, 2017, we provide the following responses to the general topics presented in the comments. The information herein is transmitted on behalf of Wheelabrator Saugus, Inc.

Responses to Comments

Traffic Routes - Regulation of traffic routes is outside of the scope of DEP regulation or this permit. Wheelabrator intends to utilize routes available to trucks of the weight class to be used and the routes taken may vary depending upon the ultimate destination and traffic conditions.

Transport by Rail - Transportation by rail was not included in this application.

Lighting - Lighting for the staging area will be no different than the lighting currently used at the active face. During the night hours vehicles delivering ash to the staging area will rely on the vehicle lights. Loading operations will generally take place during daylight hours.

Inspection requirements - Inspection requirements are consistent with regulations and with the inspection practices at other solid waste operations in Massachusetts.

Training - Training requirements are the same for regular employees or contract employees.

Transportation Risks - Transportation is regulated by the Department of Transportation and enforced by the State Police.

Mr. Mark Fairbrother
MassDEP, Northeast Regional Office
October 10, 2017
Page 2

Destination Facilities - Section 2.1 of the application provides examples of destination facilities (such as Wheelabrator's ash landfill in Shrewsbury, MA and Putnam, CT) although other permitted facilities could be utilized if available.

Health Issues - An evaluation of cancer incidence rates in the Town of Saugus was performed by the Massachusetts Department of Public Health in March 2016 which concluded that "Overall, there does not seem to be an unusual pattern of cancer in the Community of Saugus". The study is available on the Department of Public Health, Bureau of Environmental Health website.

If you have any questions, please contact the undersigned.

Very truly yours,
Brown and Caldwell



Alan R. Kirschner
Vice President

Cc: Saugus Board of Health
James Connolly, Wheelabrator
Peter Kendrigan, Wheelabrator

Spieler, Richard (DEP)

From: Tanis Houseman <tanishouseman@outlook.com>
Sent: Thursday, September 28, 2017 4:38 PM
To: MassDEP, WheelabratorSaugus (DEP)
Subject: Wheelabrator Saugus Staging & Transport Comments

You do know the local joke about the bird sanctuary, don't you? Goes something like the birds are beautiful, but your people have to go out early in the morning and replace and incinerate all the dead ones due to poisoning from your plant before anyone looks at them during the day. I have given up on you. You have been a bad neighbor to Saugus. People who buy and lobby their way out of polluting are disgraceful. I have lived in the Saugus community too many years to be fooled by your manipulations and lies.

Tanis J. Houseman
182 Woodcrest Drive

Spieler, Richard (DEP)

From: Wendy Reed <wreed@saugus-ma.gov>
Sent: Thursday, September 28, 2017 7:13 AM
To: MassDEP, WheelabratorSaugus (DEP)
Cc: panetta
Subject: Ash Staging & Transport Public Comment
Attachments: DEP-Public Comment.pdf

re: Minor Permit Modification for Ash Staging and Transport proposed by Wheelabrator Saugus, Inc.

Attached please find letter submitted by the Saugus Board of Selectmen regarding the above mentioned proposal.

Wendy L. Reed, Clerk
Saugus Board of Selectmen
Saugus Town Hall
298 Central Street #4
Saugus, MA 01906
(781) 231-4124
wreed@saugus-ma.gov



BOARD OF SELECTMEN
(781) 231-4124
FAX (781) 231-4109
E-mail: wreed@saugus-ma.gov

TOWN OF SAUGUS
Board of Selectmen
298 Central Street, Suite #4
Saugus, MA 01906

Debra Panetta, Chairman
Scott Brazis, Vice Chair
Jeffrey Cicolini
Jennifer D'Eon
Mark Mitchell

MassDEP Solid Waste Section
Northeast Regional Office
205B Lowell Street
Wilmington, MA

wheelabratrorsaugus.massdep@state.ma.us

Re: **Minor Permit Modification for Ash Staging and Transport** proposed by Wheelabrator Saugus, Inc. (WSI)

The Saugus Board of Selectmen, with the authority of Traffic Commissioners for the town of Saugus, question the roads that will be used to transport ash offsite. We believe that the decision should specify that only state highways be used in transit (e.g., Route 107, Route 93, etc.), prohibiting ash from being transported through residential areas. We also question if Wheelabrator will be transporting ash by rail, which is something they said they were considering.

We thank you for your review and consideration.

Sincerely,

Debra Panetta, Chairman
Saugus Board of Selectmen

Spieler, Richard (DEP)

From: Fae Saulenas <tyger1000@msn.com>
Sent: Monday, September 25, 2017 7:35 AM
To: MassDEP, WheelabratorSaugus (DEP); Fae Saulenas
Subject: Ash Staging & Transfer (BWPSW22/Transmittal Number: X274714)

Wheelabrator Saugus, Inc./Ash Monofill Landfill

Ash Staging & Transfer (BWPSW22/Transmittal Number: X274714)

Please consider these as comments:

- (1) Ash will be received at the staging area 24 hours a day. Application fails to state if lighting will be installed for this two acre parcel.
- (2) Personnel Management 2.0 - Employee Training described as "on the job" utilizing existing employees and contract employees. Application fails to establish a training requirement for contract employees and a process to certify.
- (3) Inspection Plans 16.0 primarily relies on self reporting and bi-monthly, third party DEP certified inspections. In addition to adequate perimeter lighting, surveillance cameras should be installed to monitor this process twenty- four- seven.
- (4) Application fails to detail transport risks and procedures to mitigate in the event of a traffic accident.

Thank you for considering these comments and recommendations.

Sincerely yours,

Fae Saulenas
26 Beachview Avenue
Saugus, MA 01906

Cc:

Sent from Mall for Windows 10

Spieler, Richard (DEP)

From: Shannon Burke <shanconburke@aol.com>
Sent: Monday, September 11, 2017 10:14 PM
To: MassDEP, WheelabratorSaugus (DEP)
Subject: Ash staging & transporting

To whom it may concern;

I would like oppose Wheelabrator being granted any provision to stage & haul ash. There is no certainty that Wheelabrator will not be hauling the ash throughout our neighborhoods. I live off a Main street which is a thorough way to route one, it's used often by trucks going to/from Wheelabrator now, and adding toxic ash to the route is not acceptable. The citizens of Saugus need to be guaranteed that our main streets would not be used (Hamilton, Central, Main, Winter, Walnut, Essex & Lincoln) or any small neighboring streets if this is sadly approved.

Thank you for your consideration.

Shannon Burke shanconburke@aol.com

Spieler, Richard (DEP)

From: Peter Manooglan <pm-1963@hotmail.com>
Sent: Monday, September 11, 2017 9:21 PM
To: MassDEP, WheelabratorSaugus (DEP)
Cc: RoseLee Vincent; Rose lee Vincent
Subject: Wheelabrator Saugus Staging & Transport Comments

To Whom It May Concern:

- 1.) The application/decision should identify the potential destinations for the ash.
- 2.) The application/decision should specify that only state highways (Route 107, Route 60, Route 93, Route 1, I-90, etc.) be used and that transport of the ash through residential areas (Ballard Street, Lincoln Avenue, Winter Street, Hamilton Street)- Saugus is prohibited.
- 3.) Wheelabrator should be required to have the ash exit the facility at the West end of the property and that Wheelabrator work with Mass Highway to construct necessary curb/median cuts in 107.
- 4.) Wheelabrator previously stated they would consider transporting the ash by rail. Why isn't this being addressed or considered?
- 5.) DEP should hold a public comment session in Saugus, arranged via the Board of Selectmen.

Thank You,

Peter Manooglan
50 Ballard Street
Saugus, MA 01906

Spieler, Richard (DEP)

From: angelmomxxxx@comcast.net
Sent: Friday, September 08, 2017 6:18 PM
To: MassDEP, WheelabratorSaugus (DEP)
Subject: Wheelabrato rescind

It is very sad that nobody cares about the people of East Saugus. Wheelabrator should have been closed down a very long time ago. There are hundreds of people in east saugus with medical conditions from that ash dump. Including Cancer. Myself included. Family across the street lost their mom to cancer. The man remarried and she got cancer. Another family across the street lost their dad to cancer, 3 on the street next to them have had and lost a family member living their to cancer. That's just the ones I know on our street!!! Then we have Bristow to Ballard where there are many many many cancer patients or people who have lost their battle with cancer. This is only the people I know. It's ridiculous that place gets to continue to stay there. I hope I'm alive to see someone stand up for the people of Saugus and rip it down for good!!!! Enough is enough!!! It's very sad because of money it gets to stay there. I don't want anymore of these stupid emails. Everyone gives them what they want because they pay them all off!!! Like I said. This place should have been closed down for good years ago!!!! It's not right. It's not fair!!!! Put it in the CEO's city.

Spieler, Richard (DEP)

From: cathy dreyer <cathydreyer@hotmail.com>
Sent: Friday, September 08, 2017 4:00 PM
To: MassDEP, WheelabratorSaugus (DEP)
Subject: Re: 09/08/17 MassDEP to Interested Person List – Wheelabrator Saugus – Provisional Decision, Ash Staging & Transport

My daughter has a brain tumor like most kids in Saugus it doesn't matter anymore

Sent from my iPhone

On Sep 8, 2017, at 3:24 PM, MassDEP, WheelabratorSaugus (DEP) <WheelabratorSaugus.MassDEP@MassMail.State.MA.US> wrote:

MassDEP is sending this email to you, because you have previously expressed interest in a **Minor Permit Modification for Ash Staging and Transport** proposed by Wheelabrator Saugus, Inc. (WSI) at its ash landfill in Saugus. MassDEP is simultaneously sending this email to each interested person who has provided an email address.

On September 8, 2017, MassDEP issued for Public Comment a Provisional Decision on the application by WSI for a Minor Permit Modification relating to Ash Staging and Transport. This Minor Permit Modification is a separate and distinct proceeding, independent of permitting for WSI's proposed partial Valley Fill Project. You may review the document at: <http://www.mass.gov/eea/agencies/massdep/about/contacts/wsi.html>. In addition, a hard copy of the document will be provided to the Saugus Public Library and Revere Public Library.

As currently drafted, the Provisional Decision would allow WSI to temporarily stage ash residue within the limits of the ash landfill, for transport to off-site ash management facilities, subject to specific conditions. As noted in the agency's May 5, 2017 memo to Interested Persons, MassDEP will review and consider comments on this Provisional Decision, and plans to issue a Response to Comments that summarizes relevant and significant comments and describes any changes made to the Decision as a result of comments.

→ Comments should be submitted before the close of business on Friday, September 29, 2017, to: wheelabratrorsaugus.massdep@state.ma.us

-or-

MassDEP Solid Waste Section
Northeast Regional Office
205B Lowell Street
Wilmington, MA

MassDEP has established a web page to provide electronic access to information about these two proposed projects, including a **MEMO to Interested Persons regarding Public Review and Comment Opportunities** and e-copies of related documents, including the September 8, 2017 Public Comment Provisional Decision. You may access the web page through the following link: <http://www.mass.gov/eea/agencies/massdep/about/contacts/wsi.html>.

MassDEP has established a **dedicated email box** for inquiries and comments on these two applications. **Please send any requests to be added to or deleted from the Interested Persons List, or any other inquiries or comments to this dedicated email box: WheelabratorSaugus.MassDEP@state.ma.us.** Several staff will have access to this email box, enabling us to review your comments sooner and more efficiently than if you send emails to individual MassDEP staff.