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May 25, 2007

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
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 : April 25, 2007

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62H) and Section 11.17 of the MEPA regulations (301 CMR 11.00), I have reviewed the Notice of Project Change (NPC) submitted on this project and hereby determine that it **does not require** the preparation of an Environmental Impact Report (EIR).

Project History

As described in the original Environmental Notification Form (ENF) filed with the MEPA Office in September 1997, the project involved the phased development of a regional integrated waste management facility (ISWMF) within the existing 78-acre Bourne Landfill, located off MacArthur's Boulevard (Route 28) in Bourne. 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 (Phases 4, 5, and 6) to be utilized as a regional non-municipal solid waste disposal facility having an average disposal rate of 300 – 500 tons per day (tpd). At full build-out, the landfill is expected to manage up to 825 tpd of waste materials.

Approximately 400 tpd would be disposed on site, 250 tpd of construction and demolition (C&D) waste would be processed; 100 tpd to be recycled; 50 tpd to be composted; and 25 tpd would consist of diverted waste. At these rates, the landfill facility was estimated to have a life of 14 to 25 years. The project was designed to meet a regional need for the processing and disposal of C&D material, and Difficult To Manage (DTM) wastes on Cape Cod.

Notice of Project Change

In April 2003, the Town submitted a Notice of Project Change (NPC-1) to the MEPA Office to expand the list of acceptable materials that may be landfilled within the Town of Bourne's ISWMF to include Municipal Solid Waste (MSW) and Municipal Combustor Ash (MCA) to the list of materials accepted at the facility, to increase the quantity of MCA it currently receives and to co-mingle MCA with MSW for landfilling within the Bourne Facility.

The proponent committed to cease accepting unprocessed C&D material by January 1, 2004 in accordance with the Bourne ISWMF's Authorization to Operate (ATO) permit. The Bourne Facility's ability to broaden the acceptable waste stream to MSW and MCA would enable the ISWMF to provide a local option for MSW and MCA management for the Town of Bourne and other Cape Cod communities. The proposed project change did not result in an increase in the total 825 tpd of waste permitted by MassDEP to be accepted at the ISWMF for disposal, reuse, composting and recycling. The Secretary's August 7, 2003 Certificate on the NPC-1 determined that the potential impacts associated with the proposed project change did not warrant the preparation of an EIR.

2nd Notice of Project Change (NPC-2)

On April 2, 2007, the MEPA Office received a request for determination from the MassDEP's Central Office as to whether the Bourne ISWMF's acceptance of a temporary increase of 500 additional tons per day (tpd) of MSW, diverted from the SEMASS's Rochester, MA waste-to-energy facility which was recently damaged by fire on March 31, 2007, would qualify as an Emergency Action pursuant to the MEPA regulations at 310 CMR 11.13. On April 2, 2007, the MEPA Office issued a finding that the proposed Emergency Action Plan could commence, and allowing MassDEP to grant the Town of Bourne Reserve Capacity Allocations, in the absence of due compliance with MEPA because it is essential to avoid or eliminate an imminent threat to environmental resources and quality, as well as public safety. Mass DEP issued the Town of Bourne an Emergency Waste Acceptance Allocation Modification Permit on April 4, 2007 to temporarily increase the ISWMF's current average daily maximum rate of 825 tpd (700 tpd landfill disposal, 125 tpd recycling/composting) to 1,325 tpd (1,200 tpd landfill disposal, 125 tpd recycling/composting) for a three month period with the possibility of future extensions if warranted.

The Bourne ISWMF also received approval for the emergency work order from the Bourne Board of Health and the Cape Cod Commission. MassDEP's Emergency Waste Acceptance Allocation Modification Permit contains provisions for extending the three month permit period to accommodate the need, if any, to accept additional diversions of MSW to the Bourne ISWMF during the completion of SEAMASS' repair and rebuilding process. The Town of Bourne has provided additional information to the MEPA Office indicating that the fire-related damage to the three SEAMASS boilers has been repaired, and the emergency conditions at SEAMASS have been resolved. Completion of the repair and rebuilding process however, may result in additional disruptions to SEAMASS operations, and may require additional diversions of MSW to the Bourne ISWMF extending beyond MassDEP's 3-month Emergency Waste Acceptance Allocation Modification Permit period. The proponent should notify the MEPA Office of any extensions to the Emergency Waste Acceptance Allocation Modification Permit granted by MassDEP.

Based on a review of the information provided by the proponent and after consultation with relevant public agencies, I find that the potential impacts of this project do not warrant the preparation of an EIR and have been properly addressed in the permitting process. The proponent must continue to work with MassDEP to demonstrate that the project meets the performance standards of MassDEP's permit conditions and enforceable program policies. No further MEPA review is required at this time.

May 25, 2007
Date



Ian A. Bowles, Secretary

Comments received:

- 05/11/07 Town of Bourne
- 05/15/07 COVANTA Energy Corporation - SEMASS
- 05/15/07 Department of Environmental Protection (DEP) – SERO

EOEEA #11333 NPC-2
IAB/NCZ/ncz