



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
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June 25, 2021

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Hampden Landfill Solar Project
PROJECT MUNICIPALITY : Hampden
PROJECT WATERSHED : Connecticut River
EEA NUMBER : 16381
PROJECT PROPONENT : Hampden Landfill Solar, LLC
DATE NOTICED IN MONITOR : May 26, 2021

Pursuant to the Massachusetts Environmental Policy Act (MEPA; M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project entails the construction of an approximately 5.46-megawatt (MW) direct current (DC) ground-mounted solar photovoltaic (PV) generating and battery storage facility. The facility will consist of approximately 12,600 solar panel modules, two concrete pads with battery storage, transformer and inverter equipment and three stormwater detention basins. The facility will cover an area of approximately 27.31 acres, including 9.81 acres associated with an existing capped landfill and 17.5 areas currently undeveloped. Trees covering approximately 15.3 acres of the site will be removed for installation of the facility and for shade management; however, at the remote consultation meeting held on June 9, 2021, the Proponent indicated that the stumps of half of the trees cut will be left in place to minimize ground disturbance. The solar panels located on the landfill will be mounted on a racking system that will be held in place by ballast rather than a dug or drilled foundation system to minimize impacts to the landfill cap. Panels installed on portions of the site beyond the landfill cap will be held on racks supported by screw anchor or driven

posts. The facility will be enclosed by chain-link fences; the fence surrounding the facility on the landfill will be held by ballasts and the fence surrounding the remainder of the facility will be held by posts with dug foundations. The facility interconnection to the electrical distribution system will be made at an existing pole at the transfer station. Two gravel access roads will be constructed from existing driveways to the PV arrays.

Project Site

The approximately 44.19-acre site is located in western Hampden. It is bordered by Cross Road to the west, residential properties along Scantic Road and South Monson Road to the south, forested land to the east and undeveloped land and residential properties to the north.

The capped landfill occupies the western portion of the site. A transfer station is located adjacent to the eastern side of the landfill. The elevation of the site rises approximately 100 feet from the southwest corner of the site to the transfer station. The eastern portion of the site is undeveloped with forested uplands and Bordering Vegetated Wetlands (BVW) consisting of forested and scrub/shrub wetlands. Riverfront Area associated with a perennial stream is located along the site's eastern edge.

The project site located within Priority Habitat as mapped by the Division of Fisheries and Wildlife's (DFW) Natural Heritage and Endangered Species Program (NHESP). According to NHESP, the sites provide habitat for the Eastern Box Turtle (*Terrapene carolina*), which is a state-listed species of Special Concern.

Environmental Impacts and Mitigation

Potential environmental impacts of the project include direct alteration of 27.31 acres of land, including 9.81 acres comprising the capped landfill, creation of 0.68 acres of impervious area, and disturbance of 10.3 acres of rare species habitat. The project will remove 15.3 acres of trees that store carbon and have the potential to sequester more carbon over time. Measures to avoid, minimize, and mitigate environmental impacts include: providing mitigation for impacts to rare species habitat in accordance with the requirements of a Conservation and Management Permit (CMP) to be issued by NHESP, including protection of 9.69 acres of on-site and 9.09 acres of off-site rare species habitat; using a ballasted foundation system for the PV array and fence located on the landfill; elevating the bottom of portions of the fence by at least six inches to allow turtle passage; designing the project to avoid direct impacts to BVW; minimizing the area of tree cutting; minimizing release of soil carbon by leaving tree stumps in place; and use of sedimentation and erosion controls during construction.

Jurisdiction and Permitting

This project is undergoing review and requires an ENF pursuant to 301 CMR 11.03(2)(b)(2) because it requires a State Agency Action and will disturb greater than two acres of designated Priority Habitat that results in a Take of a state-listed species. The project requires a CMP from NHESP and Post-Closure Use Permit from the Massachusetts Department of Environmental Protection (MassDEP).

The project requires an Order of Conditions from the Hampden Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions from MassDEP). It requires a National

Pollutant Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA).

Because the Proponent is not seeking Financial Assistance from the Commonwealth for the project, MEPA jurisdiction for any future reviews would extend to those aspects of the project that are within the subject matter of required or potentially required Agency Actions and that may cause Damage to the Environment as defined in the MEPA regulations.

Review of the ENF

The ENF provided a description of existing and proposed conditions, preliminary project plans, and identified measures to avoid, minimize, and mitigate project impacts. Comments from MassDEP and NHESP do not identify information or analysis requiring MEPA review through the submittal of an EIR. The Proponent has submitted a landfill Post-Closure Use permit application to MassDEP and has coordinated with NHESP on mitigation for impacts to rare species habitat.

Alternatives Analysis

According to the ENF, the Town of Hampden's (Town) 2017 Open Space and Recreation Report (OSRR) established solar energy generation as a priority for the Town. The OSRR specifically identified the landfill as a preferred site for a PV array because it would help preserve open space and farmland that might otherwise be developed as a solar energy generating facility.

The ENF reviewed project design changes that have been made to minimize tree clearing and impacts to rare species habitat and to avoid direct impacts to wetland resource areas. The original project design included additional solar panels on the forested eastern part of the site containing rare species habitat; to minimize these impacts, 288 solar panels covering 0.44 acres will be constructed within a grassed island between the transfer station and landfill access roads. In addition, the spacing between rows of solar panels has been reduced compared to previous designs in order to construct a PV system with a generating capacity of 5.46 MW while minimizing impacts to trees and rare species habitat.

The Preferred Alternative will minimize land alteration and impacts to rare species habitat by constructing a portion of the solar array and associated equipment on previously-disturbed land, including the landfill and transfer station. The solar panels and fence to be located on the landfill will be mounted on support structures held in place by ballast to avoid the need for any excavation of the landfill cap. Impacts to rare species habitat will be mitigated by permanently protecting Grasshopper Sparrow habitat at a 2:1 ratio at the nearby southern landfill.

Rare Species

The installation of the solar array, access roads, stormwater management basins, and other project activities will alter 10.3 acres of Priority Habitat for the Eastern Box Turtle. NHESP has determined that the project will result in a Take. Issuance of a CMP requires that a project avoid and minimize impacts to state-listed species in accordance with the following performance standards: 1) assess alternatives that avoid or minimize temporary and permanent impacts to the state-listed species, (2) demonstrate that an insignificant portion of the local population will be impacted or that no viable

alternative exists, and (3) develop and implement a conservation plan that provides a long-term net benefit to the conservation of the local population of the impacted species. The Proponent has proposed to permanently protect approximately 14.87 acres of suitable habitat, including two offsite Town-owned parcels totaling 9.09 acres, through a Conservation Restriction. The Proponent will contribute \$3,248 for off-site land protection, conservation research, habitat management and/or conservation planning to benefit the Eastern Box Turtle. The fence around the portion of the facility that is not on the landfill will be installed with a minimum six-inch gap between the ground and bottom of the fence to allow turtles and other wildlife to move through the area. In addition, an NHESP-approved rare species protection plan will be implemented by the Proponent during construction.

Climate Change

Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and directs Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act of 2008 (GWSA) and will work to prepare state government and cities and towns for the impacts of climate change. I note that the MEPA statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.

According to the Proponent, the proposed facility will generate approximately 7,042 MW-hours (MWh) of electricity per year, or approximately 134,347 MWh of electricity over its 20-year lifespan. Using the Environmental Protection Agency's (EPA) Greenhouse gas Equivalencies Calculator (<https://www.epa.gov/energy/greenhouse-gas-equivalencies-calculator>), the Proponent estimated that the facility will offset 4,991 metric tons (MT) of carbon dioxide (CO₂) per year or 95,209 MT of CO₂ over 20 years.

The *Massachusetts 2050 Decarbonization Roadmap Land Sector Report* (Land Sector Report)¹ estimated that, on average, Massachusetts forests store 133.11 MT CO₂ per acre in biomass and 414.56 MT CO₂ per acre in soil. Using these values, the project's clearing of 15.3 acres would emit 8,379.35 MT of CO₂, assuming that all of the carbon in above- and below ground biomass and soil is released into the atmosphere. In addition, removal of the trees would result in the loss of future carbon sequestration by the trees, which has been estimated by the EPA as an average of 0.24 MT CO₂ per acre per year and 1.5 MT CO₂ per acre per year in a 2019 forest carbon report by Catanzaro and D'Amato.² Using the higher of these estimates, the removal of these trees would result in an additional impact of approximately 23 MT per year of lost sequestration.

The Proponent did not specify the grid emission rate used by the EPA's calculator and the 20-year estimate does not appear to account for the lowering of grid emissions over time. The MEPA GHG Policy requires the use of marginal average emissions as calculated by the Independent System Operator-New England (ISO-NE). The most recent emissions rate calculated for the New England grid

¹ <https://www.mass.gov/doc/land-sector-technical-report/download>

² https://masswoods.org/sites/masswoods.org/files/Forest-Carbon-web_1.pdf

by ISO-NE is 633 pounds per MWh, or 0.287 MT of CO₂ per MWh. Based on the ISO-NE emissions rate, the project would offset approximately 2,021 MT CO₂ per year, which would decrease over time as more electricity is generated by renewable sources. As a rough estimate, the grid emissions savings from energy generated by the project would offset the project's tree carbon impacts in approximately four years and significantly exceed the estimated annual rate of carbon sequestration lost by removal of the trees.

I note the comments from the Berkshire Environmental Action Team questioning the removal of forested land to accommodate this facility. According to the ENF, the project has been sited to minimize tree clearing by constructing a significant portion of the generating facility on the capped landfill. I encourage the Proponent to further minimize tree clearing during final design of the facility.

Construction Period

The Proponent should implement measures to prevent and minimize nuisance conditions such as dust, noise, and odors during construction. The Proponent should also implement measures to reduce emissions of air pollutants from construction equipment, including anti-idling measures in accordance with the Air Quality regulations (310 CMR 7.11) which limit vehicle idling to five minutes. I encourage the Proponent to require that its contractors use construction equipment with engines manufactured to Tier 4 federal emission standards, or to select project contractors that have installed retrofit emissions control devices or vehicles that use alternative fuels to reduce emissions of volatile organic compounds (VOCs), carbon monoxide (CO), and particulate matter (PM) from diesel-powered equipment. Off-road vehicles are required to use ultra-low sulfur diesel fuel (ULSD). All construction activities should be undertaken in compliance with the conditions of all State and local permits. The Proponent should consult MassDEP's comment letter for additional guidance.

Conclusion

Based on a review of the ENF and comments received, and in consultation with State Agencies, I have determined that the ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts can be avoided, minimized and/or mitigated to the extent practicable. NHESP and MassDEP will require additional information for permitting and have adequate regulatory authority to address outstanding issues.



June 25, 2021

Date

Kathleen A. Theoharides

Comments received:

06/08/2021 Natural Heritage and Endangered Species Program (NHESP)
06/09/2021 Ted Zebert
06/09/2021 Berkshire Environmental Action Team (BEAT)
06/15/2021 Massachusetts Department of Environmental Protection (MassDEP) – Western Regional
Office (WERO)

KAT/AJS/ajs



DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
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MASS.GOV/MASSWILDLIFE

June 8, 2021

Kathleen Theoharides, Secretary
Executive Office of Energy and Environmental Affairs
Attention: MEPA Office
Alex Strysky, EEA No. 16381
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Town of Hampden Landfill Solar
Proponent: Hampden Landfill Solar, LLC c/o Ameresco
Location: 18 Cross Road, Hampden
Document Reviewed: Environmental Notification Form
EEA No.: 16381
NHESP No.: 04-16669

Dear Secretary Theoharides:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") has received and reviewed the *Environmental Notification Form* (ENF) and the supplemental information distributed by MEPA for the proposed TOWN OF HAMPDEN LANDFILL SOLAR (the Project) and would like to offer the following comments regarding state-listed species and their habitats.

The Project site is mapped as *Priority Habitat* for the Eastern Box Turtle (*Terrapene carolina*) and Wood Turtle (*Glyptemys insculpta*) according to the *Massachusetts Natural Heritage Atlas* (14th Edition). Both turtle species are state-listed as Special Concern. These species and their 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 these species can be found on our website, www.mass.gov/nhesp.

As proposed, the Project will involve the construction of a 5.46 MW solar array and battery storage facility resulting in 7.7 acres of disturbance to upland forested habitat on a 44 acre site. The site is comprised of upland and riparian forests, a landfill cap, and other developed areas.

The Division has determined (see letter dated May 10, 2021, attached) that the Project will result in a Take of Eastern Box Turtle (321 CMR 10.18) through the loss of suitable habitat and interference with the feeding, sheltering, migrating, overwintering, and breeding behaviors of this species. Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for issuance of a MESA Conservation & Management Permit (CMP; 321 CMR 10.23). The CMP application 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 the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

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Although the exact details of the long-term Net Benefit required under a CMP have not yet been finalized, the Proponent has worked cooperatively with the Division to address impacts to state-listed species. Based on information provided in the ENF, information previously submitted to the Division, and ongoing consultations with the Proponent, it is our understanding that the Proponent intends to meet the performance standards of a CMP by: (a) implementing a Division-approved rare-species protection plan during construction; (b) permanently protecting ± 14.87 acres of the suitable habitat through an Executive Office of Energy and Environmental Affairs-Division of Conservation Services approved Conservation Restriction; and (c) provide \$3,248 for off-site land protection, conservation research, habitat management and/or conservation planning to benefit the Eastern Box Turtle. The Division anticipates that a suitable long-term net benefit can be achieved as detailed above and that the Project should be able to meet the performance standards of a CMP.

The Division will not render a final decision regarding the CMP until the MEPA review process and its associated public comment period is complete, and until all required application materials have been submitted to the Division. As the MESA review process is ongoing, no alteration to the soil, surface, or vegetation associated with the Project shall occur on the property until the Division has made a final decision relative to the CMP, unless otherwise approved in writing by the Division.

If you have any questions about this letter, please contact Rebekah Zimmerer, Endangered Species Review Biologist, at (508) 389-6354 or rebekah.zimmerer@mass.gov. We appreciate the opportunity to comment on this project.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: Town of Hampden Select Board
Town of Hampden Planning Board
Town of Hampden Conservation Commission
Micky Marcus, SWCA
Christin McDonough, SWCA

Encl: Division Determination letter dated May 10, 2021



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opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of rare wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

The MESA is administered by the Division and prohibits the Take of state-listed species. The Take of state-listed species is defined as “in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat” of state-listed species (321 CMR 10.02).

The project, as currently proposed, includes the construction of a 5.46 MW solar array, access road, stormwater basins, shade buffer creation and management, fencing, and related infrastructure on a ±45.5 acre property, as shown on the Project Plans.

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will result in a Take (321 CMR 10.18 (2)(b))** of the Eastern Box Turtle due to the permanent loss and fragmentation of suitable habitats and interference with the breeding, feeding, resting, migratory and over-wintering activities of this species.

Projects resulting in a Take of state-listed species may only be permitted if they meet the performance standards for a Conservation and Management Permit (CMP; 321 CMR 10.23). In order for a project to qualify for a CMP, the applicant 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 the state-listed species, (b) demonstrate that an insignificant portion of the local population will be impacted, and (c) develop and agree to carry out a conservation and management plan that provides a long-term net benefit to the conservation of the state-listed species.

Projects resulting in a Take of two (2) or more acres within Priority Habitat must file an Environmental Notification Form with the Massachusetts Environmental Policy Act (“MEPA”) Office and complete all MEPA actions prior to completing the MESA permitting process, per 301 CMR 11.03 (2)(b).

This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any person aggrieved by this decision shall have the right to an adjudicatory hearing at the Division pursuant to M.G.L. c. 30A, § 11 in accordance with the procedures for informal hearings set forth in 801 CMR 1.02 and 1.03. Any notice of claim for an adjudicatory hearing shall be made in writing, accompanied by a filing fee in the amount of \$500.00 and the information specified in 321 CMR 10.25 (3). The notice of claim shall be sent to the Division’s Director, Mark S. Tisa, by certified mail, hand delivered or postmarked within twenty-one (21) days of the date of the Division’s determination.

No soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing shall be conducted anywhere on the project site until the MESA permitting process is complete.

If you have any questions regarding this letter, please contact Rebekah Zimmerer, Endangered Species Review Biologist, at rebekah.zimmerer@mass.gov or (508) 389-6354.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is fluid and cursive, with the first name "Everose" and last name "Schlüter" clearly legible.

Everose Schlüter, Ph.D.
Assistant Director

cc: Mickey Marcus, SWCA Environmental Consultants
Christin McDonough, SWCA Environmental Consultants
MA DEP Western Region



BERKSHIRE ENVIRONMENTAL ACTION TEAM
20 Chapel St. Pittsfield, MA 01201 • thebeatnews.org
413-464-9402 • team@thebeatnews.org

Protecting the environment for wildlife in support of the natural world that sustains us all.

June 9th, 2021

MEPA

Re: Environmental Notification Form Hampden Landfill Solar Project 18 Cross Road, Hampden, Massachusetts
SWCA File No. 63766

Dear MEPA Office,

Please accept the following comments from the Berkshire Environmental Action Team, Inc. (BEAT). BEAT's mission is to protect the environment for wildlife in support of the natural world that sustains us all.

BEAT is very happy to see the proposed installation of a solar and battery storage facility and we appreciate that the area is embracing green energy and alternatives to peaking power plants.

While we appreciate green energy, we strongly oppose the take of the state listed species and permanent disturbance of upland forest. Massachusetts NHESP deemed "... this project, as currently proposed, will result in a Take (321 CMR 10.18 (2)(b)) of the Eastern Box Turtle due to the permanent loss and fragmentation of suitable habitats and interference with the breeding, feeding, resting, migratory and over-wintering activities of this species". Further, at least 14.7 acres of upland forest will be permanently removed for the installation of solar panels. If the project's aim was to be ecologically sustainable, why did the consultants not propose to build only on the unforested section of the landfill which would leave a large portion of the box turtle habitat and forested area undisturbed?

We recognize that solar energy is considered a priority for the residents of Hampden, but their proposal should at the least consider a project alternative that is restricted to building only on the cleared portion of the landfill.

Thank you for accepting our comments.

Sincerely,

Noah Henkenius
Stewardship Manager

From: [Ted Zebert](#)
To: [Stryisky, Alexander \(EEA\)](#)
Subject: Hampden landfill solar project
Date: Wednesday, June 9, 2021 10:32:07 PM

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Hello Mr Stryisky.

I'm Ted Zebert, a Conservation Commissioner. I listen in on today's Zoom meeting. A question. If I followed correctly, why can Amerisco get by with just a ~\$3k payment and a declaration of two town lots as conservation restriction when these lots are more or less already restricted anyhow, just by the nature of what they are? These are town owned lots that have almost a zero chance of ever being developed even if the town ever even tried to sell them. One is landlocked adjacent to the landfill and the other is riverfront and on the steep side of one of our mountains and surrounded by other conservation lands, thus both are without access, making them both almost undevelopable. I'm only a citizen volunteer but it seems a small price to Amerisco compared to the upset of the amount of land the project will affect, as well as the turtles. I know it's more or less been accepted by all concerned but I feel Amerisco is not giving enough of a mitigation package. To me, declaring these two lots with a Conservation Restriction is only putting a legal stamp on what is, just by default of what the lots are anyhow. Not a lot of cost to Amerisco. Can you explain how this can be?

Thanks for listening,
Ted Zebert
Hampden Conservation Commissioner

Sent from Ted's iPad



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

June 15, 2021

Kathleen A. Theoharides, Secretary
Executive Office of Energy & Environmental Affairs
Massachusetts Environmental Policy Act Office
Alex Strysky, EEA No. 16381
100 Cambridge Street, 9th Floor
Boston, MA 02114-2524

Re: Hampden Landfill Solar Project
Hampden ENF # 16381

Dear Secretary Theoharides,

The Massachusetts Department of Environmental Protection (MassDEP), Western Regional Office (WERO) appreciates the opportunity to comment on the Environmental Notification Form (ENF) submitted for the proposed Hampden Landfill Solar Project in Hampden, MA (EEA #16381).

The applicable MassDEP regulatory and permitting considerations regarding wetlands, air pollution, solid waste, hazardous waste and waste site cleanup are discussed. MassDEP attended a site visit on June 9, 2021.

I. Project Description

The project proponent, Hampden Landfill Solar, LLC, will install an approximately 5.46 megawatt (MW) direct current (DC) solar and battery storage facility on portions of the Town of Hampden's former landfill which is partially capped and extend to a portion of an upland forested area on the east side of the capped landfill. The project site is approximately 44 acres and is within Massachusetts Natural Heritage & Endangered Species Program (NHESP) designated Priority Habitat of Rare Species and Estimated Habitats of Rare Wildlife (eastern box turtle and/or wood turtle habitat.) A Notice of Intent requesting a streamlined joint Massachusetts Endangered Species Act (MESA) and

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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Wetlands Protection Act Filing has been submitted to the Town of Hampden Conservation Commission, MassDEP and NHESP. NHESP has issued a “Take” for this project.

The landfill which was closed in 1994 and capped in 2002, is not lined. Landfill areas consist of a compost area, a cell tower, rip-rap swales and berms, impervious surface areas and the capped landfill.

The two types of foundations to be installed for the solar array are a ballasted design of concrete blocks to be used in the closed landfill portion to prevent damage to the liner and the other, a soil anchoring racking design using screw anchors or driven posts in the unlined sections of the solar array. Access for the project will be by two gravel roads from the existing paved transfer station. Electrical equipment includes inverters, transforms, switches and battery storage all of which will be installed on concrete pads. A chain link fence will encompass the ballasted design and the racking system along with the equipment and battery storage facilities. Project work which is expected to last approximately six months, will not impact Bordering Vegetated Wetlands and will not be conducted within Riverfront Area associated with an unnamed stream on the south side of the project. Stormwater will be directed to detention basins that are not within jurisdictional resources or their buffer zones. A Stormwater Pollution Prevention Plan will be prepared prior to the start of site construction, and sedimentation and erosion control measures will be implemented before site work begins. The proposed start date for the project is October 2021.

Environmental Impacts associated with this project include:

- 44 acres total site acreage -
- 0.68 acres increased impervious area, Total – 2.29 acres (not including 17.50 acres of landfill area previously developed)

II. Required Mass DEP Permits and/or Applicable Regulations

Wetlands

310 CMR 10.000

Air Pollution

310 CMR 7.00

Solid Waste

310 CMR 16.00

Hazardous Waste

310 CMR 30.00

Bureau of Waste Site Cleanup

310 CMR 40.000

III. Permit Discussion

Bureau of Water Resources

Wetlands

The work for this proposed project will occur within Buffer Zone, and the Proponent has filed a Notice of Intent with the Hampden Conservation Commission seeking an Order of Conditions.

Bureau of Air and Waste

Air Quality

Construction and Demolition Activities

The construction and demolition activity must conform to current Air Pollution Control Regulations. The proponent should implement measures to alleviate dust, noise, and odor nuisance conditions that may occur during the construction and demolition activities. Such measures must comply with the MassDEP's Bureau of Air and Waste (BAW) Regulations 310 CMR 7.01, 7.09, and 7.10.

Construction Equipment

All non-road engines shall be operated using only ultra-low sulfur diesel (ULSD) with a sulfur content of no greater than 15 ppm pursuant to 40 CFR 80.510.

Solid Waste

The proponent shall properly manage and dispose of all solid waste generated by this proposed project pursuant to 310 CMR 16.00 and 310 CMR 19.000, including the regulations at 310 CMR 19.017 (waste ban). The project proponent is advised that construction activity at the site must comply with both Solid Waste and Air Quality Control regulations. The appropriate Solid Waste provisions addressing this include M.G.L. Chapter 40, Section 54.

A MassDEP BWP SW 36 Post-Closure Use Permit (Major) has been filed for work in this former landfill and is under review.

Contaminated Soils

Soils near roadways may generate solid waste which may be contaminated with a variety of known and unknown hazards. Due to the potential for unknown soil contamination, excavated material may be managed in accordance with MassDEP policy COMM-97-001 "*Reuse and Disposal of Contaminated Soil at Massachusetts Landfills*" if the generated solid waste material demonstrate characteristics of hazardous waste or the presence of other contaminants.

Hazardous Waste

Any hazardous wastes generated by the construction/demolition activities or universal wastes such as mercury containing lamps or mercury thermostats, lead connector or solder

waste must be properly managed in accordance with 310 CMR 30.0000. If any hazardous waste, including waste oil and soil and debris is generated or discovered anywhere at the site, the proponent must ensure that such generation and disposal is properly registered with the Department and managed in accordance with 310 CMR 30.0000.

Sound

Once the facility's photovoltaic power system is in full operation, the proponent shall ensure that the facility's equipment and components do not cause excessive noise that could impact nearby receptors.

Open Burning

Proponent shall not burn vegetative or any other waste unless it is performed in accordance with 310 CMR 7.00, has received prior written approved from by MassDEP and has been approved by municipal fire department officials.

Bureau of Waste Site Cleanup

Massachusetts Contingency Plan (MCP)

A spills contingency plan addressing prevention and management of potential releases of oil and/or hazardous materials from pre- and post-construction activities should be presented to workers at the site and enforced. The plan should include but not be limited to, refueling of machinery, storage of fuels, and potential releases.

IV. Other Comments/Guidance

MassDEP staff is available for discussions as the project progresses. If you have any questions regarding this comment letter, please do not hesitate to contact Kathleen Fournier at (413) 755-2267.

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.

Michael Gorski
Regional Director

cc: MEPA File