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January 9, 2009

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
3rd NOTICE OF PROJECT CHANGE

PROJECT NAME : Carver-Marion-Wareham Landfill Facility
PROJECT MUNICIPALITY : Carver
PROJECT WATERSHED : South Coastal
EOEA NUMBER : 4047
PROJECT PROPONENT : Carver-Marion-Wareham Regional Refuse Disposal
District
DATE NOTICED IN MONITOR : December 10, 2008

Pursuant to the Massachusetts Environmental Policy Act (M.G.L. c.30, ss.61-62I) 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

Originally proposed in an Environmental Notification Form (ENF) filed with the MEPA Office in March 1981, the project involved the phased development of a regional municipal solid waste landfill (CMW Landfill) to serve the Towns of Carver, Marion and Wareham (the Carver-Marion-Wareham Regional Refuse Disposal District), the Proponent, on a 100-acre site located between the Wankinco River and Federal Road in Carver. In 1982, the Proponent entered into an agreement with the SEMASS Resource Recovery Facility (SEMASS) in Rochester Massachusetts to receive and dispose of the municipal waste combustor ash and bypass municipal solid waste generated by the SEMASS facility.

A Notice of Project Change was submitted to the MEPA Office in 1987 pertaining to modifications to the SEMASS Facility's power generating capacity and further assessment of the capacity of the CMW Landfill. The CMW Landfill project included the closure and capping of the previous land-filled area (approximately 20.9 acres) located in the northern portion of the site (Landfill North) and the phased development (Phases I-V) of a new 36.3-acre lined landfill cell located in the southern portion of the site (Landfill South) to be utilized as a combustion ash landfill to serve the SEMASS Facility. In 1992, the Proponent submitted a second Notice of Project Change (2nd NPC) to the MEPA Office proposing to develop approximately 5.2 acres of additional landfill capacity in new lined landfill cells (Phases VI & VII) located between Landfills North and South and referred to as the valley area. Upon completion, development of the valley area provided approximately 2.95 million cubic yards of additional disposal capacity to serve the SEMASS Facility and extended the life of the CMW landfill facility through 2013. This 3rd NPC submittal also identifies other submittals filed with the MEPA Office during the period from 1996 to 2000 including a second NPC involving an increase to the permitted waste receipt limit for the SEMASS waste combustion facility. The Secretary Certificate on the second NPC (April 28, 2000) determined that no further MEPA review was required.

Third Notice of Project Change

As described in this third NPC submittal (3rd NPC), the Proponent is proposing to create additional landfill capacity within the existing site assigned 100-acre landfill footprint through the development of a new 15.8-acre landfill cell (Phase VIII). Construction of the new Phase VIII double-lined landfill cell will involve the redevelopment of a 12.8-acre portion of the previously closed and capped Landfill North area and 3 acres of new landfill development. Upon completion, the Phase VIII project will provide between 700,000 and 1,000,000 cubic yards of additional disposal volume and approximately 3 to 4 years of additional disposal capacity that will serve the SEMASS facility until 2016-2017. The Phase VIII project will also incorporate a secondary leak detection capability.

Permits and Jurisdiction

The Phase VIII project requires the preparation of a Notice of Project Change pursuant to Sections 11.10 and 11.03 (9)(b)(1) of the MEPA Regulations because it constitutes a material change in the project and it involves the expansion in capacity of an existing solid waste processing facility by 50 or more tons per day (tpd) for the storage and processing of solid waste. The Phase VIII project will require a number of permits and authorizations from MassDEP including a Permit to Construct a Large Landfill Expansion (BWP SW 26), Authorization to Construct in an Existing Landfill (BWP SW 08) and Authorization to Operate the new land fill cell. The project may require a variance from MassDEP's Solid Waste Management Facility regulations pertaining to property boundary setbacks (310 CMR 19.00).

The Phase VIII expansion project may also require an Order of Conditions from the Carver Conservation Commission (and a Superseding Order of Conditions in the event the local Order is appealed).

Land Alteration

Construction of Phase VIII will involve approximately 3 acres of new alteration and will result in an increase of total impervious surface area within the landfill site from 63.8 acres to 66.8 acres.

As described in the 3rd NPC, the Proponent has entered into an agreement with an abutting property owner located adjacent to the northern boundary of the landfill site to lease approximately five acres of privately-owned upland area to serve as a buffer area for the CMW Landfill. According to the information provided in the 3rd NPC, the proposed buffer area will enable the Proponent to extend the limit of the Phase VIII landfill cell to the outermost limit of the landfill site in compliance with MassDEP's setback requirements for landfills (310 CMR 9.038). This buffer area will also be used to locate a proposed Phase VIII access road and a stormwater detention basin identified in the project site plan provided in the NPC submittal as 'B/C'.

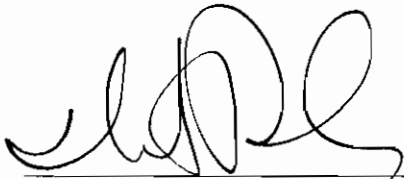
Drainage

The 3rd NPC contains information pertaining to the groundwater protection plan and stormwater management plan for the CMW Landfill that describes the Proponent's use of landfill liners to prevent direct groundwater recharge from the landfill. As described in the 3rd NPC, landfill leachate from the existing landfill operation (Phases I – VII) is collected in two 20,000 gallon holding tanks and is transported by truck to the SEMASS Rochester facility.

The leachate from the Phase VIII landfill cell will be collected through a proposed extension of the CMW Landfill's existing on-site leachate collection system. Similar to the stormwater management system for the existing landfill site, stormwater runoff from the active portion of the proposed Phase VIII landfill cell will be collected and directed off-site via an engineered system to a groundwater recharge location adjacent to the landfill site.

Based on a review of the 3rd NPC submittal and supplemental information provided by the Proponent, and after consultation with MassDEP, I find that the potential impacts of this project do not warrant the preparation of an EIR and can be adequately 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.

January 9, 2009
Date



Ian A. Bowles, Secretary

Comments received:

12/30/08 Department of Environmental Protection (MassDEP) – SERO

EEA #4047 3rd NPC
IAB/NCZ/ncz