

# **NEW BUSINESS**

**2-3-14**

## Appointments to the Tourism Committee:

<b>Leilani Dalpe, <i>Chairman</i></b>	Three-year term
<b>Glenn Montapert</b>	Three-year term
<b>Karen Blair, <i>Vice-Chairman</i></b>	Three-year term
<b>Mary Stone</b>	Two-year term
<b>Winston Stone</b>	Two-year term
<b>Judy Bigelow-Costa, <i>Treasurer</i></b>	One-year term
<b>Sherri Heartlen-Neely</b>	One-year term

CRANBERRY CAPITAL OF THE WORLD



Phone: 508-946-2405 Fax: 508-946-0068

Town of Middleborough Massachusetts

BOARD OF SELECTMEN

APPLICATION FOR LICENSE (PLEASE TYPE OR PRINT CLEARLY)

DATE 1/24/14
NAME OF APPLICANT BASTIEN SERVICE OF N.E. St. William Fuller ma
ADDRESS OF APPLICANT 13 WEST END AVE
ASSESSORS MAP & LOT 478/5595
NAME OF BUSINESS M'BOBO TOWN HALL
OWNER OF PROPERTY TO BE LICENSED TOWN
ADDRESS OF PROPERTY TO BE LICENSED VICKERSON AVE
ASSESSORS MAP & LOT

TYPE OF LICENSE REQUESTED (Check One)

- 2nd Hand Furniture
Class I License
Class III License
Common Victualler
2nd Hand Clothing
Class II License
Liquor License [checked]
Other

Anticipated Start Date for Business FEBRUARY 15, 2014
Hours requested: 1 PM - 12 AM

Has the Applicant previously held a similar license in the Town of Middleborough or elsewhere? If yes, explain:

YES, THIS IS AN ANNUAL EVENT

Signature [Handwritten Signature]

DATE OF HEARING APPROVED/DENIED

Do not write below line: To be Completed by Treasurer/Collector:

Please inform this department, as well as the Board of Selectmen, as to whether or not the above listed property owner/applicant/petitioner owes the Town of Middleborough any outstanding taxes and/or municipal charges that remain unpaid for more than one year.

Does Property Owner/Applicant/Petitioner owe Taxes/Municipal Charges? NO

[Large Handwritten Signature]

December 23, 2013

Mr. Charles J. Cristello  
Town Manager  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

**RE: Owner's Project Management Services  
Middleborough Water Pollution Control Facility Upgrade  
Pilot Testing Invoice #4: October 2013**

Dear Mr. Cristello:

As requested, Environmental Partners Group Inc. has reviewed the invoice submitted by Wright Pierce (WP) for services provided in October 2013.

Environmental Partners has reviewed the invoice and the progress on the tasks during this period. During this period, WP completed the pilot testing of three different filter systems. The performance data and reports were reviewed and a technical memorandum is being prepared to summarize the results.

In our opinion, the invoice is commensurate with progress on the specific tasks shown in the invoice breakdown. Environmental Partners recommends that the invoice be paid in full in the amount of \$19,432.02.

If you have any questions or require additional information, please do not hesitate to contact me at [pcm@envpartners.com](mailto:pcm@envpartners.com) or (617) 657 0276.

**ENVIRONMENTAL PARTNERS GROUP, INC.**



Paul C. Millett, P.E.  
Project Manager

*Attachments:*

WP Invoice October 2013. #91264



Water  
Wastewater  
Infrastructure

Town of Middleborough  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

Invoice #: 91264  
Project: 12760  
Phase: D  
Project Name: Middleborough, MA WPCF Upgrade  
Invoice Date: Nov-07-2013

Attention: Charles Cristello, Town Mgr.

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For Professional Services Rendered for the Period Sep-28-2013 To Oct-25-2013

RELATED TO: Pilot Testing

REFERENCE: Contract dated May 13, 2013.

Total Project Fee Authorized	114,306.00
Percent Complete as of 10/25/2013	<u>79.00</u>
Fee Earned To Date	90,301.74
Less Previous Billings	70,869.72
Amount Due this Invoice	<u><u>19,432.02</u></u>

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**BILLING RECAP**

Previous Billings	70,869.72
Current Billing Amount	19,432.02
Fee Earned To Date	<u>90,301.74</u>
Amount Received	0.00
Balance Due	<u><u>90,301.74</u></u>

Invoices are due upon receipt. If not paid by Dec-07-2013, interest will be computed at the rate stated in the agreement.

CC: Jon W. Hume

December 23, 2013

Mr. Charles J. Cristello  
Town Manager  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

**RE: Owner's Project Management Services  
Middleborough Water Pollution Control Facility Upgrade  
Designer Invoice #4: October 2013**

Dear Mr. Cristello:

As requested, Environmental Partners Group Inc. (EPG) has reviewed the invoice submitted by Wright Pierce (WP) for services provided in October 2013.

Environmental Partners has reviewed the invoice and the progress on the tasks during this period. During this period, WP continued work on the Schematic Design Phase, process equipment selection and layout of the 5-stage Bardenpho treatment process; architectural, structural, and electrical systems preliminary design and code review. The draft Conceptual Design Report (CDR) submitted in late September was discussed at a meeting with the town, EPG and WP on October 2, and WP noted the comments from the town and EPG. WP also worked on providing an estimate of construction costs based on the layout presented in the CDR.

In our opinion, the invoice is commensurate with progress on the specific tasks shown in the invoice breakdown.

Environmental Partners recommends that the invoice be paid in full in the amount of \$42,648.04.

If you have any questions or require additional information, please do not hesitate to contact me at [pcm@envpartners.com](mailto:pcm@envpartners.com) or (617) 657 0276.

**ENVIRONMENTAL PARTNERS GROUP, INC.**



Paul C. Millett, P.E.  
Project Manager

*Attachments:*

WP Invoice October 2013. #91263

November 22, 2013  
W-P Project No. 12760

Mr. Paul C. Millett  
Environmental Partner's Group, Inc.  
Town of Middleborough - Owner's Project Manager  
1900 Crown Colony Drive  
Suite 402  
Quincy, MA 02169

Subject: Middleborough, Ma- Water Pollution Control Facility (WPCF) Upgrade  
Wright-Pierce October 2013 Invoices

Dear Paul:

Please find the attached summary of progress completion and accompanying invoices for engineering services completed through October 2013 related to the Middleborough WPCF Upgrade. A brief summary of the work completed for each of the three phases is summarized below:

**Middleborough WPCF Upgrade – Wright Pierce Project #12760 Phase A**

- Task 1.A.3. – Site Utilities
  - Continued to confirm evaluate/investigate site utilities
- Task 1.A.4 – Prepare Preliminary Layout of 5-Stage Bardenpho
  - Performed process modeling through Biowin.
  - Evaluated mass balances
- Task 1.A.6 – Complete Building Code Review
  - Prepared NFPA-820 memo.
  - Conducted building code research and code evaluation for recommended improvements to existing buildings.
  - Prepared electrical loading list
- Task 1.A.7 – Confirm Preliminary Room Sizes and Architectural them for Buildings
  - Evaluated preliminary room sizes and building modifications to Control Building and Pretreatment Building.
- Task 1.A.8 – Prepare building layouts for 1,500 sq. ft. Building Addition
  - Evaluated preliminary room sizes and building modifications.
- Task 1.A.9. – Complete Selection and Size of all Major Process Equipment
  - Obtained information and additional details for the upgrade to the pretreatment facilities including screenings and grit removal.
  - Obtained information and additional details for the upgrade to the primary clarifiers.
  - Obtained information and additional details for the upgrade to the secondary clarifiers.



- Continued to evaluate the size and locations for the new chemical feed systems (polymer, ferric, sodium hypochlorite, sodium bisulfite).
- Obtained information and additional details for the upgrade to the tertiary treatment systems.
- Continued to evaluate the size and locations for new sludge dewatering equipment including the rotary screw press, rotary drum press and belt filter presses.
- Task 1.A.13 – Determine potable and non-potable water concepts
  - Evaluated water requirements and sources for the mechanical fine screen.
  - Evaluated water requirements and sources for the sludge dewatering equipment.
- Task 1.A.14 – Confirm Building and Facility Structural Requirements
  - Evaluated structural requirements for the existing tanks.
  - Evaluated structural requirements for the new 1,500-sq. ft. addition.
- Task 1.A.17 – Confirm Preliminary Electrical Loads and Voltages and Modify one-line Diagram
  - Prepared NFPA-820 memo.
  - Prepared electrical loading list
- Task 1.A.20. – Prepare an Estimate of Probably Construction Cost
  - During this period we continued to develop an estimate of the probable construction cost based on our Conceptual Design Report.
- Task 1.A.21. – Prepare Schematic Design Report
  - On September 20, 2013 we submitted our Conceptual Design Report (CDR) to the Town/OPM for review. T
  - Continued to develop and prepare the Schematic Design Report

**Middleborough WPCF Pilot Testing – Wright Pierce Project #12760 Phase D**

- Task 3.A. – Pilot Testing
  - Meetings – Conducted meetings with vendors to review the pilot testing results and data.
  - Coordinated payment and other logistics with vendors and testing laboratory.
  - Reviewed pilot testing data and performance reports from vendors.
  - Developed a technical memorandum to summarize the pilot testing data.

We appreciate the opportunity to work with EPG and the Town on this important project. Please feel free to contact me on my direct line if you have any questions at (978) 416-8030.

Very truly yours,

WRIGHT-PIERCE

Jon W. Hume, P.E.  
Project Manager

**Middleborough - Water Pollution Control Facility (WPCF) Upgrade**  
**Wastewater Engineering Services (Wright-Pierce Project # 12760 Phase A)**

**Work Progress by Task**

**Period: September 28 through October 25, 2013**

Task No	Task Description	Total Fee	% Complete This period	Fee Earned This Period	Overall % Complete	Overall Fee Earned	Comments on Work Performed
<b>1.0 SCHEMATIC DESIGN PHASE</b>		<b>409,046</b>	<b>10%</b>	<b>42,648</b>	<b>36.4</b>	<b>149,000</b>	
1.A.1	Meetings		0%	-	50%	-	
1.A.2	Confirm Site Layout and Access Road		0%	-	10%	-	
1.A.3	Confirm Layout of all Site Utilities		15%	-	50%	-	
1.A.4	Prepare Preliminary layout of 5-stage Bardenpho		10%	-	60%	-	
1.A.5	Evaluate Option 2 - Converting Primary Clarifiers		0%	-	100%	-	
1.A.6	Complete Building Code Review		15%	-	25%	-	
1.A.7	Confirm Preliminary Room Sizes and Architectural them for buildings		10%	-	35%	-	
1.A.8	Prepare revised building layouts (hand sketches, sections, elev, equipment layouts) for 1,500 sq. ft building		25%	-	35%	-	
1.A.9	Complete selection and size of all major process equipment (screenings, grit removal, clarifiers, aeration basins, filters, disinfection, sludge handling, odor control, etc.)		15%	-	60%	-	
1.A.10	Prepare Process Control narratives		0%	-	0%	-	
1.A.11	Confirm building ventilation and A.C. requirements		0%	-	0%	-	
1.A.12	Confirm building H.V.A.C. and fire protection/ sprinkler requirements		0%	-	0%	-	
1.A.13	Determine facility potable water, non-potable water concepts		10%	-	10%	-	
1.A.14	Confirm Building and Facility Structural requirements		10%	-	10%	-	
1.A.15	Develop P&ID for each treatment process		0%	-	5%	-	
1.A.16	Prepare a facility SCADA system schematic		0%	-	0%	-	
1.A.17	Confirm Preliminary Electrical Loads and Voltages and modify one-line diagram		15%	-	15%	-	
1.A.18	Prepare a Security Plan		10%	-	10%	-	
1.A.19	Prepare a Conceptual Plan for Radio & Telephone		0%	-	0%	-	
1.A.20	Prepare an Estimate of Probably Construction Cost		25%	-	40%	-	
1.A.21	Prepare a Schematic Design Report (Conceptual Design Report)		10%	-	60%	-	
1.A.22	Attend one two-day value engineering workshop with OPM		0%	-	0%	-	
1.A.23	Attend one day workshop with Client and OPM		0%	-	0%	-	
1.A.24	Revised the Schematic Design Report based on workshop		0%	-	0%	-	
<b>Total:</b>		<b>409,046</b>	<b>10%</b>	<b>42,648</b>	<b>36%</b>	<b>149,000</b>	<i>Wright-Pierce 25-Oct-2013</i>

**WRIGHT-PIERCE**   
Engineering a Better Environment

Water  
Wastewater  
Infrastructure

PLEASE REMIT WITH PAYMENT

Town of Middleborough  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

Invoice # : 91263  
Project : 12760  
Phase : A  
Project Name : Middleborough, MA WPCF Upgrade  
Invoice Date : Nov-07-2013

Attention: Charles Cristello, Town Mgr.

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For Professional Services Rendered for the Period Sep-28-2013 To Oct-26-2013

RELATED TO: Schematic Design

REFERENCE: Contract dated May 13, 2013.

Total Project Fee Authorized	409,046.00
Percent Complete as of 10/25/2013	<u>38.43</u>
Fee Earned To Date	149,000.00
Less Previous Billings	106,351.96
Amount Due this Invoice	<u><u>42,648.04</u></u>

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**BILLING RECAP**

Previous Billings	106,351.96
Current Billing Amount	42,648.04
Fee Earned To Date	<u>149,000.00</u>
Amount Received	0.00
Balance Due	<u><u>149,000.00</u></u>

Invoices are due upon receipt. If not paid by Dec-07-2013, interest will be computed at the rate stated in the agreement.

CC: Jon W. Hume

*Incorporated 1669*  
*344 Years of Progress*



CRANBERRY CAPITAL  
OF THE WORLD



**Town of Middleborough**  
**Massachusetts**

CHARLES J. CRISTELLO  
Town Manager

508-947-0928  
FAX 508-946-2320

January 31, 2014

Ms. Kathleen M. Foye  
30 Plain Street  
Middleborough, MA 02346

Dear Ms. Foye:

I am happy to appoint you to the Historical Commission subject to the approval of the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 8C. This appointment is to fill the unexpired term of one year through June 30, 2015.

By copy of this letter, I am asking the Selectmen to approve your appointment at their meeting Monday, February 3, 2014.

In appointing you, I expect that you will make every effort to attend our Annual Town Meeting in the spring and our Special Town Meeting usually held in early October. Thank you for your willingness to serve the Town of Middleborough.

Very truly yours,

Charles J. Cristello  
Town Manager

cc: Board of Selectmen  
Allison Ferreira, Town Clerk  
Historical Commission

BOARD OF HEALTH  
TOWN OF MIDDLEBOROUGH

APPLICATION FOR  
MAJOR MODIFICATION  
OF EXISTING SITE ASSIGNMENT

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In the Matter of )

Middleborough Sanitary Landfill )  
207 Plympton Street )  
Middleborough, MA )

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**STATEMENT OF FINDINGS AND DECISION**

**I.     INTRODUCTION**

Since approximately 1967, the Town of Middleborough (the "Town") has conducted solid waste disposal operations at the Middleborough Sanitary Landfill (the "Landfill" or the "Facility"). During 2003, the Town issued a Request for Proposal to select a qualified company to manage the long-term administration, development and operation of the Landfill. After detailed meetings and discussions, the Town and Waste Management of Massachusetts, Inc. ("WMMA" or the "Applicant") entered into a 20-year life-of-site Landfill Operations Agreement dated February 16, 2006.

The Landfill is currently in operation with a maximum permitted capacity of 173 tons per day and 39,676 tons per year. WMMA has proposed to increase the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively. In October 2012 at a Special Town Meeting, the Town voted to authorize the Board of Selectman to amend the February 16, 2006 Landfill Operations Agreement to consider the increase in daily and annual waste acceptance rate on such terms and conditions determined by the Board of Selectman. On December 17, 2012, Amendment One to the Landfill Operations Agreement was approved and signed by the Middleborough Board of Selectman and WMMA. Amendment One provided for the increased maximum daily and annual waste acceptance rate described above and extended the landfill operating life under the Landfill Operations Agreement from twenty (20) years to twenty-three (23) years, or from 2028 to 2031.

The proposed modification to the daily and annual waste acceptance rate was presented to the Massachusetts Executive Office of Energy and Environmental Affairs ("EOEEA"), Massachusetts Environmental Policy Act ("MEPA") Unit, in a Notice of Project Change

dated February 28, 2013. The EOEEA Secretary issued a Certificate on the Notice of Project Change on April 5, 2013 (the "Certificate"), determining that no further MEPA review was required. The Certificate noted that "the project was the subject of previous review under MEPA as an Environmental Notification Form in 1990 and a previous Notice of Project Change in 2004, for which EIRs were not required."

The Massachusetts Department of Environmental Protection ("MassDEP") determined that the proposed increase in daily tonnage was considered a solid waste management facility "expansion", and as such the proposed tonnage increase would require that the Landfill's solid waste site assignment be modified. Pursuant to the requirements of 310 CMR 16.22(2), an application for a Major Modification of a Solid Waste Site Assignment (BWPSW38) was required.

The instructions on the BWPSW38 Site Suitability Application for a Major Modification of an Existing Site Assignment indicate that when applying for a Major Modification, the applicant need only complete those sections of the form that concern criteria affected by the major modification as determined in writing by MassDEP. On September 4, 2013, MassDEP provided a Pre-Submittal Application Authorization indicating that in addition to a general narrative explanation of the proposed project, the following section/parts of the BWPSW38 application should be addressed: Part B - "Traffic", Part F2 - "Air Quality Impacts Non-Combustion Facilities" and Part G - "Nuisance Conditions".

On behalf of WMMA and the Town, Civil and Environmental Consulting, Inc. ("CEC") submitted the Site Suitability Application for a Major Modification of an Existing Site Assignment to MassDEP on September 9, 2013 (the "Application"). In response to the Application, MassDEP issued a Report on Site Suitability on November 19, 2013 (the "Site Suitability Report"), in which MassDEP determined that the proposed site assignment modification is suitable for the existing Landfill.

In accordance with the DEP Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00 (the "DEP SWF Regulations"), the Middleborough Board of Health (the "Board") scheduled its public hearing for December 18, 2013, within thirty (30) days of receipt of the Site Suitability Report, and proper notice of the December 18, 2013 hearing was given.

The Board held its public hearing on December 18, 2013. As provided under 310 CMR 16.20(10)(k), the Board is required to render its decision within forty-five (45) days of the December 18, 2013 public hearing, *i.e.*, by February 3, 2014.<sup>1</sup>

This *Statement of Findings and Decision* is issued by the Board on the basis of the evidence presented at the public hearing in this matter (the "Record"). Pursuant to M.G.L. Chapter 111, Sections 150A and 150A½, and the DEP SWF Regulations, the

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<sup>1</sup> The forty-five (45) day period is extended until February 3, 2014 because February 1, 2014 falls on a Saturday. 310 CMR 16.03(1).

Board issues this *Statement of Findings and Decision* on the site assignment modification application submitted by the Applicant to increase the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively.

## II. STANDARD OF DECISION

The standard of decision for the Board is set forth at M.G.L. Chapter 111, Section 150A:

A local board of health shall assign a place requested by an applicant as a site for a new facility or the expansion of an existing facility unless it makes a finding, based on the siting criteria established by said section one hundred and fifty A½, that the siting thereof would constitute a danger to public health or safety or the environment.

MassDEP's regulations governing site assignment amplify this presumption in favor of granting a requested site assignment, and clarify that any adverse finding must be based on evidence in the administrative record:

A board shall determine that a site is suitable for assignment for a new or expanded solid waste facility unless it makes a finding, supported by the record of the hearing, that the siting thereof would constitute a danger to the public health, safety or environment, based on the siting criteria set forth and established under 310 CMR 16.40.

310 CMR 16.20(10)(k)2.

## III. SUMMARY OF PROCEDURAL MATTERS

### A. SELECTION OF A HEARING OFFICER

The DEP SWF Regulations provide that a Board of Health shall select, by majority vote, a Hearing Officer for the site assignment public hearing. 310 CMR 16.20(11). The Board selected John Shea, Esq., of Mackie Shea O'Brien, P.C., as the Hearing Officer for the public hearing on the Application.

### B. PARTIES

In addition to the Applicant and the Board of Health, the DEP SWF Regulations provide that any person who with good cause wishes to intervene in a public hearing on a site assignment shall file a written request (petition) for leave to intervene. Persons whom the Hearing Officer determines are specifically and substantively affected by the hearing shall be allowed to intervene. Any abutter or group of abutters that files a timely Party Registration Statement before the hearing commences is deemed to be specifically and substantially affected, and eligible to register as an intervener to the hearing. Intervention

is limited to the issues of the impacts to public health, safety and damage to the environment and the elimination or reduction thereof. 310 CMR 16.20(9).

No requests for leave to intervene were filed for the public hearing.

C. SPECIFIC CRITERIA FOR REVIEW OF SITE SUITABILITY

The DEP SWF Regulations provide that “[a] major modification [of a prior site assignment] shall require submittal of a new site assignment application that addresses all criteria affected by the modification, as determined by the Department [of Environmental Protection] in writing, and shall be reviewed in accordance with the requirements established at 310 CMR 16.08 through 16.20.” 310 CMR 16.22(2). As noted above, on September 4, 2013, MassDEP provided a Pre-Submittal Application Authorization indicating that the criteria affected by the modification were limited to Traffic, Potential Air Quality Impacts and Nuisance Conditions.

D. PUBLIC HEARING

Peter Richer, Barry VanLaarhoven, Amy Knight, Jay Viamari and Jay Enos (the “Witnesses”) were sworn under oath, testified, and were available for cross-examination. The hearing was recorded by stenographer Alan Brock of Farmer Arsenault Brock LLC.

During the public hearing, a total of twenty-one (21) exhibits (identified as Exhibit # 1 through Exhibit #21) were entered into and accepted as part of the Record. *See* Record of Exhibits (attached).

IV. APPLICABLE SITE SUITABILITY CRITERIA

A. TRAFFIC AND ACCESS TO THE SITE

Under 310 CMR 16.40(4)(b), MassDEP must find that traffic impacts from Facility operations would not constitute a danger to the public health, safety, or the environment, taking into consideration the following factors:

- (a) traffic congestion,
- (b) pedestrian and vehicular safety,
- (c) road configurations,
- (d) alternate routes, and
- (e) vehicle emissions.

The evidence presented in the Record and at the public hearing indicates that the proposed modification will result in an average increase of approximately 14 truck trips per day, from approximately 38 truck trips per day to 52 truck trips per day, and a maximum increase of approximately 24 truck trips per day, from approximately 44 truck trips per day to 68 truck trips per day on peak days. Factoring in additional truck traffic associated with daily cover, up to 74 total truck trips per day may occur on peak days. The proposed increase in the Landfill's maximum daily tonnage will not result in an exceedance of the projected 200 truck trips per day identified in the previously authorized MEPA determination of 1990 regarding the development of the Landfill. Additionally, the projected maximum traffic trips of 74 truck trips per day is significantly less than MEPA's established vehicle emissions threshold criteria of greater than 3000 trips per day.

Upon review of the Application, MassDEP found that the proposed modification would not constitute a danger to public health, safety, or the environment when taking into consideration traffic congestion, pedestrian and vehicular safety, road configurations, alternate routes, and vehicle emissions.

Based on the foregoing, the Board has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(b), and the proposed modification will not result in traffic impacts which would constitute a danger to the public health, safety, or the environment.

#### B. POTENTIAL AIR QUALITY IMPACTS

Under 310 CMR 16.40(4)(f), MassDEP must find that the anticipated air emissions from the Facility would meet required state and federal air quality standards or criteria and would not otherwise constitute a danger to the public health, safety or the environment, taking into consideration:

- (a) the concentration and dispersion of emissions,
- (b) the number and proximity of sensitive receptors, and
- (c) the attainment status of the area.

The evidence presented in the Record and at the public hearing indicates that the proposed increase in daily tonnage will not involve any operations that will violate state or federal air quality standards. The anticipated truck trips will be approximately 52 on average waste acceptance days and 68 on peak waste acceptance days (or up to 74 taking truck traffic associated with daily cover into consideration), which is considerably less than the 200 trips per day identified in the previously authorized MEPA determination of 1990 regarding the development of the Landfill. Additionally, the projected maximum traffic trips of

74 truck trips per day is significantly less than MEPA's established vehicle emissions threshold criteria of greater than 3000 trips per day.

Landfill gas emissions are, and will continue to be, collected via the existing active landfill gas collection system, which will be expanded and improved as necessary as landfill operations progress.

Upon review of the Application, MassDEP found that the proposed modification would not constitute a threat to public health, safety, or the environment, taking into consideration the concentration and dispersion of emissions, the number and proximity of sensitive receptors, and the attainment status of the area.

Based on the foregoing, the Board has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(f) because the Facility will meet required state and federal air quality standards or criteria and will not otherwise constitute a danger to the public health, safety or the environment.

C. POTENTIAL FOR THE CREATION OF NUISANCES

Under 310 CMR 16.40(4)(g), MassDEP must find that the establishment or operation of the Facility would not result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration:

- (a) noise,
- (b) litter,
- (c) vermin,
- (d) odors,
- (e) bird hazards to air traffic, and
- (f) other potential nuisance problems.

The evidence presented in the Record and at the public hearing indicates that the proposed modification will not require additional landfill equipment. Therefore, additional equipment noise will not be generated as a result of the modification. Although the modification will result in some additional trucks accessing the Landfill, the noise impacts from such additional trucks will be minimal.

The potential for litter at the Landfill will continue to be mitigated by minimizing the size of the active working face, applying daily cover material, and using litter fencing in appropriate locations. In addition, WMMA will continue to use litter pickup crews to

perform general housekeeping of the Landfill and surrounding areas, including Plympton Street and abutting properties.

The potential for vermin will continue to be mitigated by diligently covering the active face of the waste disposal area with daily cover material at the end of each operating day and placing cover immediately, as necessary, when refuse loads which contain a high percentage of putrescible waste are delivered.

The potential sources of odors at the Landfill include emissions of landfill gas that are generated in the mass of the Landfill, including potential odors that are part of the as-received waste deposited at the active face of the Landfill. WMMA collects and controls the emissions of landfill gas generated throughout the mass of the Landfill through an active landfill gas collection and control system. The potential for odor impacts will continue to be mitigated by expansion of the existing landfill gas management system, and continued diligence during all stages of Landfill construction and operation. WMMA will continue to use operating measures to mitigate potential odor impacts, including minimizing the working face area for waste placement, scheduling excavation work during weather conditions that minimize generation of odors, using daily cover material, and using odor counteractant agents such as dry lime and other odor neutralizing/masking agents, as needed. WMMA will continue to maintain the 24-hour continuous emergency and hotline phone number to receive complaints related to Landfill operations, including any complaints related to odors.

The potential for bird hazards will be mitigated by WMMA's continued implementation of bird control techniques, which include timely cover placement, habitat control sonic devices, audible distress signals and use of a depredation permit. The techniques for bird control are implemented in accordance with the "Manual for Gull Control at Massachusetts Landfill" developed in part by MassDEP. The nearest airport to the Landfill is located approximately 13 miles away in Berkley, Massachusetts. According to MassDEP criteria, the applicable setback distance for a landfill to an airport is 2.5 miles for propeller-driven aircraft and 5.0 miles for jet-propelled aircraft.

Other potential nuisance impacts, such as dust, will be mitigated by wetting down sources of dust during dry periods, and using a street sweeper on the access road and other paved surfaces at the site to sweep dust and dirt, as necessary. WMMA has improved the roadways and extended the paved surfaces of the vehicle travel areas on the Landfill property. In addition, the residential solid waste and recyclable drop-off area is being improved with a new pavement surface. These ongoing improvements to Facility roadways will further mitigate the potential for dust.

In its Site Suitability Report, MassDEP noted that a review of MassDEP records indicated that litter, vermin and dust have not been an issue from the existing Landfill operations. Upon review of the Application, MassDEP found that the proposed modification would not result in nuisance conditions which would constitute a danger to

public health, safety or the environment, taking into consideration noise, litter, vermin, odors, bird hazards to air traffic, and other potential nuisance problems.

Based on the foregoing, the Board has determined that the Facility complies with the requirements of 310 CMR 16.40(4)(g) because the proposed modification will not result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration noise, litter, vermin, odors, bird hazards to air traffic, and other nuisance problems.

**V. SITE ASSIGNMENT DECISION**

Based on the evidence presented in the Record and at the public hearing, the Board finds that the proposed major modification to the existing site assignment for the Middleborough Sanitary Landfill does not present a threat to the public health, safety or the environment. The Board therefore hereby approves the request to increase the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively, at the Middleborough Sanitary Landfill, 207 Plympton Street, Middleborough, MA., subject to the Applicant's compliance with the following conditions:

1. The Applicant will monitor the streets in the vicinity (within approximately 500-ft from the landfill entrance) of the landfill and adjacent properties during each day of landfill disposal operations for windblown litter and remove litter that has emanated from the landfill or waste hauling vehicles.
2. The Applicant will perform odor patrols in accordance with the Site Specific Odor Survey Plan during operating days and whenever the landfill is notified of a specific odor complaint.
3. The Applicant will maintain a complaint hotline number, staffed 24 hours a day/7 days a week. Complaints to this number will be responded to as soon as feasible (generally within an hour) by a Waste Management employee or consultant with experience in determining types and sources of landfill odors.
4. The Applicant will maintain a log of all complaints and associated response actions for review by the Health Department, which will be submitted to the Health Department on a quarterly basis.
5. The Applicant will provide dust control in accordance with the Facility Operations and Maintenance Plan. In the event improvements to dust control become warranted, the Landfill Operator will work with the Health Department to implement additional dust control measures and update the Facility Operations and Maintenance Plan, accordingly.
6. The Applicant will prohibit truck drivers from stopping, idling, or staging along Plympton Street, or other surrounding side streets, upon exit from the landfill, except

during emergencies or for mechanical difficulties. Signage will be installed adjacent to the weigh scale exit informing drivers of this prohibition.

7. The Applicant will prohibit the queuing of trucks outside of the landfill entrance gate, or along Plympton Street adjacent to the landfill entrance, prior to the landfill opening, entering the landfill or exiting the landfill, except during emergencies or for mechanical difficulties. Signage will be installed adjacent to the weigh scale exit informing drivers of this prohibition.

8. The Applicant will plant and maintain evergreen shrubs (such as but not limited to arborvitaes and rhododendrons), with a minimum height of 5 feet, along the top of the earthen berm adjacent to the landfill entrance. The number of shrubs installed will be sufficient to create a visual barrier from adjacent residential properties. The Applicant will replace any damaged or dead shrubs promptly (season/weather permitting) to ensure that the visual barrier is maintained.

9. The Applicant will review the compost location and operation and maintenance procedures to minimize any potential nuisance impacts to abutters.

10. The Applicant will provide the Health Department with a copy of the Facility Operations and Maintenance Plan, including any future revisions to the Plan as Landfill operations progress.

Pursuant to the provisions of M.G.L. Chapter 111, Section 150A, any person aggrieved by this decision may, within thirty (30) days of the publication of notice thereof, appeal under the provisions of M.G.L. Chapter 30A, Section 14.

Dated this 3rd day of February, 2014.

MIDDLEBOROUGH BOARD OF HEALTH

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

STATEMENT OF FINDINGS AND DECISION  
MIDDLEBOROUGH BOARD OF HEALTH  
FEBRUARY 3, 2014

MODIFICATION OF EXISTING SITE ASSIGNMENTS  
FOR MIDDLEBOROUGH SANITARY LANDFILL  
207 PLYMPTON STREET, MIDDLEBOROUGH MA

**COMMONWEALTH OF MASSACHUSETTS**

\_\_\_\_\_ SS.

\_\_\_\_\_, 2014

Then personally appeared the above-named \_\_\_\_\_  
\_\_\_\_\_ as they constitute the Members of the Middleborough Board of Health  
and acknowledged the foregoing instrument to be their free act, before me,

\_\_\_\_\_  
Notary Public  
My commission expires:

### RECORD OF EXHIBITS

<u>Exhibit #</u>	<u>Document</u>	<u>Date</u>
1	Certificate of the Secretary of Energy and Environmental Affairs on the Notice of Project Change	April 5, 2013
2	Site Assignment Modification and Site Suitability Application, prepared by CEC, Inc., including Five Figures and Five Appendices	August 13, 2013
3	MassDEP Presubmittal Application Authorization	September 4, 2013
4	MassDEP Determination of Administrative Completeness	September 17, 2013
5	Notice of Application in Newspaper and Abutters	September 26, 2013
6	MassDEP Request for Additional Information, including Comments from Jay and Diane Enos and Robert Manning	October 28, 2013
7	Response to Public Comments and Request for Additional Information, prepared by CEC, Inc.	November 7, 2013
8	MassDEP Report on Site Suitability	November 19, 2013
9	Proof of Public Notice of Site Assignment Hearing	Various Dates
10	Hearing Officer Pre-Hearing Memorandum	December 6, 2013
11	Notice of Appearance of Counsel, Martin R. Healy	December 12, 2013
12	Technical Memorandum, Site Assignment Modification Application Review, prepared by Jay Viamari, PE, Tighe & Bond	December 13, 2013
13	Memorandum, Middleborough Conservation Commission, prepared by Patricia Cassidy, Conservation Agent	December 13, 2013
14	Prefiled Direct Testimony of Barry van Laarhoven, PE	December 16, 2013

STATEMENT OF FINDINGS AND DECISION  
MIDDLEBOROUGH BOARD OF HEALTH  
FEBRUARY 3, 2014

MODIFICATION OF EXISTING SITE ASSIGNMENTS  
FOR MIDDLEBOROUGH SANITARY LANDFILL  
207 PLYMPTON STREET, MIDDLEBOROUGH MA

15	Prefiled Direct Testimony of Amy Knight, PE	December 16, 2013
16	Prefiled Direct Testimony of Peter Richer	December 16, 2013
17	Response to Viamari Technical Memorandum, prepared by Peter Richer	December 17, 2013
18	Response to Viamari Technical Memorandum, prepared by A. Knight, PE and B. van Laarhoven, PE	December 17, 2013
19	Existing Conditions Site Plan, prepared by CEC, Inc.	December 2013
20	Increase in Daily and Annual Waste Acceptance Rate Chart, prepared by CEC, Inc.	December 2013
21	Site Suitability Criteria for Site Assignment Modification Chart	December 2013

**TOWN OF MIDDLEBOROUGH  
BOARD OF HEALTH**

**NOTICE OF DECISION  
SITE ASSIGNMENT  
TOWN OF MIDDLEBOROUGH, MASSACHUSETTS**

Public notice is hereby issued pursuant to M.G.L. Chapter 111, Sections 150A and 150A ½, and the Department of Environmental Protection Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00, that the Board of Health of the Town of Middleborough voted on February 3, 2014 to issue a major modification to the existing site assignment for the Middleborough Sanitary Landfill located at 207 Plympton Street, Middleborough, MA. The Middleborough Sanitary Landfill is owned by the Town of Middleborough (10 Nickerson Avenue, Middleborough, MA 02346) and operated by Waste Management of Massachusetts, Inc. (26 Patriot Place, Suite 300, Foxborough, MA 02035).

The proposed site assignment modification requests an increase in the maximum daily waste acceptance rate from 173 tons per day to a maximum of 320 tons per day, or from a maximum annual capacity of 39,676 tons per year to 60,000 tons per year, respectively.

The Department of Environmental Protection has issued a report in which it determined that the proposed site assignment modification is suitable for the existing landfill.

Any person aggrieved by the decision of the Town of Middleborough Board of Health may, within thirty (30) days of publication of this Notice of Decision, appeal under the provisions of M.G.L. Chapter 30A, Section 14.



# Town of Lakeville

Town Office Building

346 Bedford Street

Lakeville, Massachusetts 02347

OFFICE OF  
SELECTMEN

TELEPHONE 508-946-8803

FAX 508-946-0112

January 28, 2014

Stephen McKinnon, Chairman  
Middleborough Board of Selectmen  
Middleborough Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

RE: Agreement for Nursing Services between  
Towns of Middleborough and Lakeville

Dear Chairman McKinnon:

Enclosed please find two (2) original, executed copies of the Agreement between the Towns of Middleborough and Lakeville for the Middleborough Health Department to provide nursing services to the Lakeville Board of Health. Would you please have the agreements executed by your Board, and return one (1) original copy to our office.

We are appreciative of Middleborough's willingness to provide the Town of Lakeville with these services.

Sincerely,

Rita A. Garbitt  
Town Administrator

Enclosures

Agreement made by and between the Town of Middleborough acting by and through its Board of Selectmen (hereafter "Middleborough") and the Town of Lakeville acting by and through its Board of Selectmen (hereafter "Lakeville").

The parties hereto covenant and agree as follows:

1. Middleborough acting through its Health Department shall provide the following services for the Town of Lakeville Board of Health:

### SCOPE OF SERVICES

#### I. General Administration - Procedures

- Receive all reports relative to communicable disease identified as reportable by the Department of Public Health, process all reports notifying the status and follow up investigation with the patient and with physician referrals.
- Make contact with patients and physicians for follow-up.
- Refer patients to resources for treatment and care guidelines.
- Maintain contact with the Lakeville Board of Health relative to trends in illness in the schools and the community.
- Provide monthly reports to the Lakeville Board of Health on Communicable Disease Investigation and Reporting Activities.

#### II. Communicable Diseases

- Investigate and report all diseases dangerous to the public health and reportable to Massachusetts Department of Public Health.
- Investigate outbreak of suspected food poisoning and obtain food intake history and request specimens as needed.
- Restrict employment of food handlers when necessary under the guidelines of Massachusetts Department of Public Health.
- Provide health information and health education to patients and families to prevent further disease spread.

#### III. Tuberculosis Control

- Investigate and report tuberculosis cases to tuberculosis control.
- Investigate and check all contacts and possible sources of disease.
- Ensure prompt diagnostic follow-up of patients and suspects.
- Monitor medications of patients and tuberculin positive contacts.
- Coordinate with state and patient's doctor for follow through.

#### IV. Public and Semi Public Swimming Pools

- Inspect all public and semi public pools in the Town of Lakeville for compliance with the State Department of Public Health regulation **105 CMR 435.000 Minimum Standards for Swimming Pools (State Sanitary Code: Chapter V)**
- Review of pre-opening pool water quality reports.
- Review and verification of Certified Pool Operators credentials.
- Conduct scheduled pre-opening pool inspections for compliance with code which will include: safety inspection, facilities inspection, mechanical/filtration equipment inspection and recordkeeping.
- Conduct plan review for proposed new or remodel public and semi public pools
- Optional with Lakeville Board of Health written request:
  - conduct complaint investigations
  - conduct additional inspections during operational season

2. Middleborough shall perform the services for Lakeville for a term commencing on January 29, 2014 and ending on January 28, 2015.

3. Middleborough's Health Department employees shall provide the services. All administrative support and equipment needed to perform the services shall be the responsibility of Middleborough and its Health Department. The services shall be performed during normal, regular working hours of the Middleborough Health Department (Monday, Tuesday, Wednesday and Friday from 8:30 a.m. to 5:00 p.m., excepting legal holidays and time off). The primary nurse contact is also certified for food inspections.

4. Lakeville shall monitor this agreement through the Board of Health. Lakeville shall pay Middleborough for the services rendered hereunder by Middleborough at the rate of forty dollars (\$40.00) per hour for each hour that a Middleborough Health Department employee is engaged in carrying out services for Lakeville hereunder. Middleborough shall bill Lakeville monthly for services performed. Each monthly bill shall include the cost of services for the month prior to the bill. Lakeville shall pay Middleborough the amount of each bill within thirty days of the date of billing.

5. Middleborough Health Department personnel will meet with the Lakeville Board of Health at a minimum annually for a joint review of services provided under this agreement and to discuss modification or amendment of the agreement on which the parties may agree.

6. Either party may terminate this agreement at any time by written notice to the other party. Any such termination shall take effect sixty (60) days after the date a notice of termination is given. The parties may also by mutual agreement terminate this agreement.

7. This agreement is made pursuant to and shall be subject to the provisions of General Laws Chapter 40, Section 4A.

Witness the hands and seals of the undersigned this 27<sup>th</sup> day of January, 2014.

Town of Middleborough

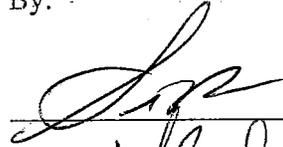
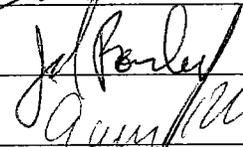
By:

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Board of Selectmen

Town of Lakeville

By:

  
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Board of Selectmen