



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Northeast Regional Office • 150 Presidential Way Woburn, MA 01801 • 978-694-3200

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May 27, 2025

City of Haverhill
Department of Public Works
40 South Porter Street
Haverhill, MA 01835
Attention: Robert Ward, Director

Holcim-NER, Inc.
35 Village Road #703
Middleton, MA 01949
Attention: Jarrett Temple, Regional Manager, Land & Environment

RE: HAVERHILL – Solid Waste Management
Old Groveland Road Landfill
FMF #: 39347

BWP SW25 / Corrective Action Design and Post-Closure Use
Application Number: 24-SW25-0007-APP
Authorization Number: SW25-0000025

**Closure of the Northern Mound and Lot 26 Ash Area
Conditional Approval**

Dear Sirs:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air & Waste, Solid Waste Section (MassDEP) has reviewed your application, category BWP SW25 *Corrective Action Design* (CAD), Application Number: 24-SW25-0007-APP (the Application), for approval of the design plans for the closure and post-closure use of the Northern Mound Area (Northern Mound) of the Old Groveland Road Landfill (the Landfill) located off Old Groveland Road in Haverhill, Massachusetts and the adjacent Lot 26 Ash Area located off Yemma Road in Groveland, Massachusetts. The CAD was prepared on behalf of the City of Haverhill (City) and Holcim-NER, Inc. (Holcim) by Langdon Environmental, LLC of Portsmouth, New Hampshire (Langdon). The City and Holcim are hereafter collectively referred

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to as the Permittee. The Application includes plans, consisting of 33 sheets (including title sheet), titled:

Haverhill Landfill-Northern Mound and Lot 26 Ash Area
Corrective Action Design and Post-Closure Use
CWSRF #16799
Old Groveland Road
Haverhill, MA
October 2024

Supplemental information was submitted to support the Application on April 8, 2025. The Landfill is currently inactive. As discussed in the Application, the Landfill is a National Priorities List (NPL) site under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

DISCUSSION

The final corrective actions over the Southern Mound have been completed and were approved in a Landfill Closure Completion decision issued by MassDEP on April 15, 2015 (Transmittal Number: X26248).

On November 15, 2021, the Secretary of the Executive Office of Energy and Environmental Affairs (EEA) issued a Certificate (EEA Number: 12626) that the Northern Mound/Lot 26 project had adequately and properly complied with the Massachusetts Environmental Policy Act (MEPA, 301 CMR 11.00) Regulations. In August 2024, a Notice of Project Change (NPC) presenting the design revisions for the proposed recreational post-closure use was submitted to the MEPA Office. On October 11, 2024, the Secretary issued a Certificate that no further MEPA review was required for this Project.

In April 2022, Langdon submitted an “Interim Deliverable – Human Health and Ecological Risk Assessment” prepared by Woodard & Curran to MassDEP and the United States Environmental Protection Agency (USEPA). This Interim Deliverable provided the initial data and assessment for the human health and ecological risk assessments for the Landfill. In September 2022, MassDEP provided comments from the Office of Research and Standards (ORS) on the Interim Deliverable, and additional comments from USEPA on the human health assessment for the site. A response to the comments was submitted to MassDEP in November 2022. MassDEP provided no further comments on the Interim Deliverable.

On April 3, 2023, MassDEP issued a Conditional Approval regarding the Corrective Actions Alternatives Analysis (CAAA) for the analysis of corrective actions for the closure of the Northern Mound of the Landfill and Lot 26 Ash Area in accordance with the Solid Waste Regulations and RCRA Subtitle D requirements (Authorization Number: SW24-0000004). In addition, the Human Health and Ecological Risk Assessments for the Landfill site are ongoing (discussed further below).

In May 2023, Langdon submitted a “Method 3 Risk Characterization” prepared by Woodward & Curran to MassDEP and the USEPA. The Method 3 Risk Characterization included a Human Health Risk Assessment (HHRA) and Stage I Screening Level Ecological Risk Assessment (SLERA) for the Landfill as well as the scope of work for a Stage II Ecological Risk Assessment. MassDEP ORS provided comments on the Method 3 Risk Characterization report in an email dated August 3, 2023. Langdon provided a response to the MassDEP ORS comments in a letter from Woodard & Curran dated October 12, 2023.

In February 2025, Langdon submitted a “Stage II Ecological Risk Assessment” prepared by Woodard & Curran to MassDEP and the USEPA. The Stage II Ecological Risk Assessment included the results of supplemental field investigations as well as the Stage II Ecological Risk Assessment completed for the Landfill. The Stage II Ecological Risk Assessment is under review by MassDEP.

Langdon also prepared and submitted to MassDEP and USEPA a 30 Percent Corrective Action Design for the Northern Mound (the 30% Design), dated September 2022. The 30% Design provided additional design detail on the corrective action alternative for the Northern Mound, a standard landfill cap pursuant to 310 CMR 19.112 and the Resource Conservation and Recovery ACT (RCRA) Subtitle D standards, recommended by Langdon in the CAAA and to solicit a “Comfort Letter” from USEPA.

In October 2022, an application for Corrective Action Design (BWP SW25, Application Number: 22-SW25-0008-APP) was submitted to MassDEP for the closure of the Northern Mound and Lot 26 Ash Area. Due to a need for additional greenspace and recreational areas within the City, the 2022 CAD application was withdrawn and the Permittee modified the proposed design to add recreational fields and a public park on the Northern Mound cap, and a parking lot on the Lot 26 Ash area cap as post-closure uses of the Landfill (Current Application).

Current Application

Capping and Closure of Northern Mound and Lot 26 Ash Area

The Application proposes the following corrective actions for the Northern Mound of the Landfill and the Lot 26 Ash Area:

1. Cap the Northern Mound pursuant to the standards established at 310 CMR 19.112 et al and USEPA Subtitle D requirements, including installation of a flexible membrane liner as the low permeability layer over waste. Modifications to the final cover system design are incorporated to facilitate active recreational post-closure use and to meet the habitat restoration requirements. Landfilled waste on the National Grid property that abuts the Northern Mound to the west and south will be excavated and consolidated into the portion of the Northern Mound to be capped.
2. Cap landfilled waste along the banks of the Merrimack River and Johnson Creek. The final cover system will include the relocation of landfilled solid waste to appropriate slopes for the installation of the cap, installation of a flexible membrane liner as the low permeability layer over waste, installation of appropriately-sized rip rap to the elevation of the 10-year floodplain (elevation 14 feet above mean sea level (MSL)) mapped for the

Merrimack River in the vicinity of the Landfill, and a vegetative layer from the elevation of the 10-year floodplain to one (1) foot above the elevation of the 100-year floodplain (elevation 22 feet above MSL).

3. Manage stormwater from the Northern Mound to the existing basin located to the northeast of the Southern Mound on the Lot 26 Ash Area. The existing basin collects and treats stormwater from a portion of both the Northern and Southern Mounds. This basin will be reconstructed to accommodate the final cap on the Lot 26 Area and expanded in size to manage stormwater from both the Southern and Northern Mounds.
4. Install a passive system for venting landfill gas from the landfilled waste that includes deep vents installed into the underlying landfilled waste with passive solar vent flares. The deep vents are connected to a manifold system installed under the capping layer. The Permittee will evaluate the vents and may request approval to remove the solar vent flares if there is insufficient methane to sustain combustion.
5. Install a standard final cover system pursuant to the standards established at 310 CMR 19.112 et al. and US EPA Subtitle D requirements on the Lot 26 Ash Area to the delineated limits previously approved by MassDEP. The standard cap will be modified to include the existing storm water basin, and to construct a parking area and access road through the Lot 26 Ash Area.
6. As part of the closure of the Northern Mound and Lot 26 Ash Area, a Notice of Landfill Operations in accordance with 310 CMR 19.141 will be recorded in the registry of deeds (or in the registry section of the land court, as appropriate) for both areas after completion of the final cover system and submittal of an application for Landfill Closure Completion, category BWP SW43. Upon MassDEP's decision on the BWP SW43 application for the Northern Mound and Lot 26 Ash Area, the Permittee will implement an updated post-closure environmental monitoring and maintenance plan for the entire Landfill site.

As designed and discussed in the Application, the proposed final cover system (cap) to close both the Northern Mound and Lot 26 Ash areas will include the following layers (from top to bottom):

- 18-inch vegetative support layer;
- Drainage geocomposite layer;
- 40-mil textured high-density polyethylene (HDPE) flexible membrane liner (FML), low permeability capping layer; and
- Gas venting geocomposite layer.

The closure also includes a single stormwater basin, passive landfill gas venting system (Northern Mound only) and other related improvements related to the proposed corrective actions as discussed in the Application.

The Final EIR provided planned truck routes for all trucks delivering soils and other materials to the Landfill as follows:

- I-495 Route: I-495 to Route 125 South Main Street to Salem Street to Old Groveland Road to the Landfill.

- I-95 Route: I-95 to Route 133 to Route 97 (in Georgetown/Groveland), to Salem Street, to Washington Street, to Main Street in Groveland to the Landfill. A secondary route is shown from Route 133 to Route 97, to Main Street/Gardner Street to the Landfill. A portion of Main Street only allows one-way traffic, travelling west from the intersection at Elm Park.
- Trucks originating in Haverhill or Groveland will take the most direct route to the Landfill from their starting location.
- Trucks exiting the Landfill will use the same route to leave the site.

The Application also includes the acceptance of up to but not more than 10,000 cubic yards of Grading and Shaping Materials and cover materials to be placed below the cap. Grading and Shaping Materials and cover materials will be accepted and placed in accordance with the requirements included in the Application.

The Northern Mound, Lot 26 Ash Area, and other nearby areas provide habitat for Wood Turtle, Bald Eagle and Shortnose Sturgeon. The Permittee has received a Conservation and Management Permit (CMP) issued by the Massachusetts Division of Fisheries & Wildlife on May 6, 2025, pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.23).¹ A nesting area for Wood Turtles will be constructed on the Permittee's property to the south of the Lot 26 Ash Area and a turtle exclusion barrier (fence) will be installed along the eastern side of Lot 26 and adjacent to the off-cap access road to the parking lot and playing fields. A roosting post for Bald Eagles will be installed west of the Northern Mound capped areas. Additional consultation with the Division of Fisheries & Wildlife is required if construction activities extend below the elevation of the Mean Annual High-Water Level in the Merrimack River or Johnson Creek.

The Permittee has filed a Notice of Intent (NOI) with the City of Haverhill Conservation Commission in accordance with the MassDEP Wetlands Protection Act (310 CMR 10.00) and the City of Haverhill Wetlands Protection Ordinance for the proposed corrective actions. An NOI was also filed with the Town of Groveland Conservation Commission under the MassDEP Wetlands Protection Act Regulations and the Groveland Wetlands Protection Bylaw and Regulations. The Permittee will obtain an Order of Conditions (OOC) from the Haverhill and Groveland Conservation Commissions prior to the start of construction.

Post-Closure Use

The Application proposes to add post-closure uses of the Landfill that consist of recreational fields and a public park on capped areas of the Northern Mound, and a parking lot on a portion of the Lot 26 Ash Area.

Limitations of the Current Application

The Application does not:

1. Evaluate the remedial options for the arsenic-contaminated groundwater east of the

¹ CMP-93795.

Landfill, between the South Mound and Johnson Creek. The Permittee will perform additional assessment of impacted groundwater east of the Landfill, including ongoing efforts to access the property east of Johnson Creek to install additional groundwater monitoring wells.

2. Assess the extent of sediment excavation and consolidation for the wetland sediments located outside the limit of the final cap on the Northern Mound and Lot 26 Ash Area. The Application states that an evaluation of the possible extent of sediment removal will be conducted separately from the completion of the proposed Northern Mound/Lot 26 Ash Area capping project. As discussed above, the Human Health and Ecological Risk Assessments for the Landfill site are ongoing.

FINAL DECISION

MassDEP has determined that the Application, as conditioned by this Final Decision and permit, complies with the requirements of 310 CMR 19.000. Therefore, in accordance with M.G.L. Chapter 111, § 150A and 310 CMR 19.000 MassDEP approves the Corrective Action Design and Post-Closure Use of the Northern Mound of the Haverhill Landfill and the Lot 26 Ash Area subject to compliance with the conditions contained in this decision.

This decision is issued pursuant to 310 CMR 19.033 and is an approval of the Corrective Action Design and Post-Closure Use of the Northern Mound of the Haverhill Landfill and the Lot 26 Ash Area issued pursuant to M.G.L. Chapter 111, § 150A and 310 CMR 19.000, subject to the conditions set forth below. In the event this approval conflicts with all or parts of other prior plans or approvals issued pursuant to Chapter 111, § 150A, the terms and conditions of this approval shall supersede the conflicting provisions of the prior approvals. This approval does not convey property rights of any sort or any exclusive privilege. This decision does not relieve the Permittee, or any other person, of the responsibility to comply with all other applicable federal, state and local statutes, regulations and requirements.

In addition, the Application demonstrates pursuant to 310 CMR 19.143(3) that the post-closure uses of the Landfill as proposed and approved by this decision:

- Will not result in a disturbance of the Landfill cap that could cause an adverse impact to public health, safety or the environment;
- Will not impair the integrity or functioning of the final cover, the components of the containment system, the landfill gas control system, the environmental monitoring systems, or any other component of the landfill closure; and
- Provides for the maintenance of the Landfill cap's stormwater drainage facilities, basins, swales, and other erosion/sedimentation controls.

CONDITIONS

1. This decision is effective upon the date stamped on page one of this decision.
2. The Permittee shall comply with this permit and the requirements of 310 CMR 19.000, including, but not limited to, the requirements established at 310 CMR 19.043(5), *Standard Conditions*.
3. The Permittee shall comply with 310 CMR 40.0000, the Massachusetts Contingency Plan including, but not limited to, section 310 CMR 40.0114: *Solid Waste Management Facilities*.
4. All work under this decision shall be completed and conducted under the supervision of an independent Massachusetts Registered Professional Engineer (Engineer of Record) who shall have sufficient qualified staff on-site to provide field supervision and quality assurance/quality control for all construction activities.
5. The following Grading and Shaping Materials are approved for use in this project: clean soils; soils meeting the guidelines established in MassDEP's policy COMM-97-001: "*Reuse and Disposal of Contaminated Soils at Massachusetts Landfills*"² for unlined landfills; street sweepings; catch basin cleanings from stormwater systems from the City of Haverhill; and dewatered dredge materials for unlined landfills per MassDEP Policy COMM-94-007.³ The receipt of all Grading and Shaping Materials at the Landfill shall be in accordance with the requirements included in the Application.
6. The transportation of all Grading and Shaping Materials to the Landfill shall be conducted in accordance with the Material Shipping Record (MSR) procedures described in either the COMM-97-001 or COMM-94-007 policies; or the Bill of Lading (BOL) provisions of 310 CMR 40.0030, as applicable.
7. **Confirmatory Sampling:** In addition to the laboratory testing to be performed by the source sites prior to delivery of Grading and Shaping Materials to the Landfill, if a load(s) enters the Landfill that is either visually different than other loads from the same source site, exhibits a strong odor or free liquids, or has a significant amount of solid waste, the Permittee shall segregate that load (and any subsequent loads with similar issues from the same source site) from the stockpile operations and collect a sample for laboratory analysis. This procedure shall apply to all Grading and Shaping Materials that are accepted at the Landfill.

² For contaminants for which acceptance criteria are not identified in the COMM-97-001 or COMM-94-007 policies, the Permittee may use the RCS-2 notification criteria as established in 310 CMR 40.0000 as the acceptance criteria.

³ The Permittee may seek approval from MassDEP to utilize additional materials or previously approved BUD materials for shaping and grading of the Landfill. BUD materials are materials approved pursuant to 310 CMR 19.060, "*Beneficial Use of Solid Waste*," for reuse as grading and shaping materials in construction of a subgrade for a landfill cap.

8. Required Submittals:

- a. Notification of Construction: Not less than seven (7) days prior to commencing work pursuant to the Application and this decision, the Permittee shall notify MassDEP, US EPA and the Haverhill Board of Health (the Board of Health) in writing of the scheduled date that landfill closure construction will begin. In addition, the Permittee shall provide to MassDEP, US EPA and the Board of Health the following:
 - i. The name and contact information of the Engineer of Record for the project;
 - ii. The name and contact information of an on-site contact for the project; and
 - iii. A Health and Safety Plan for the project. (Also refer to Condition 9, below.)
- b. Asbestos Survey and Demolition Notice: Pursuant to 310 CMR 7.09, notification shall be provided prior to demolition of existing buildings. A building survey for asbestos is required and, if asbestos-containing material (ACM) is found in the survey, the Permittee shall ensure that ACM is removed prior to demolition. **An “Asbestos Notification Form ANF001” (BWP AQ04) must be filed at least ten (10) working days prior to commencing asbestos abatement.** If necessary, an application for a Non-Traditional Asbestos Work Plan (NTWP) shall be submitted to MassDEP. **A “Notification Prior to Construction or Demolition” (BWP AQ06) shall be submitted at least ten (10) working days prior to commencing any demolition activity.**
- c. Construction Monitoring Reports: Refer to Condition 18 of this decision regarding the requirements for routine construction monitoring and the submittal of construction monitoring reports.
- d. Construction Certification Report: **On or before ninety (90) days after the date of completion of construction**, the Permittee shall submit for review and approval by MassDEP a construction certification report, as an application category BWP SW43 *Landfill Closure Completion*, as set forth below. The certification report shall include, but is not limited to:
 - i. As-built plans for the final as-constructed improvements, prepared by a Massachusetts Registered Professional Engineer, amended to incorporate all modifications and alterations, if any, made during construction;
 - ii. A report, prepared by the Massachusetts Registered Professional Engineer of Record, providing all applicable quality control/ quality assurance data and certifying that the closure was completed in conformance with the approved plans and 310 CMR 19.000;
 - iii. A copy of the Notice of Landfill Operation, pursuant to 310 CMR 19.141, as recorded in the registry of deeds or in the registry section of the land court for the district wherein the Landfill lies in accordance with M.G.L. c. 111, sec 150A;
 - iv. A Post-Closure Monitoring and Maintenance Plan for the Landfill (refer to Condition 8.e, below); and
 - v. Certifications by the Permittee and the Engineer of Record pursuant to 310 CMR 19.011.
- e. Post-Closure Monitoring and Maintenance Plan: Together with the Closure Certification Report required above, the Permittee shall submit a Post-Closure Monitoring and

Maintenance Plan for the Landfill (the Post-Closure Plan). The Post-Closure Plan shall be prepared in accordance with 310 CMR 19.000. Without limitation, the Post-Closure Plan shall include:

- i. Schedules and a description of the inspection and maintenance tasks and other activities related to the final cover system, access roads, and the environmental monitoring of the Landfill as outlined in 310 CMR 19.132, 19.133, and 19.142;
 - ii. A site plan drawing showing the ground water, surface water, and landfill gas sampling locations, the property boundaries, and other significant site features; and
 - iii. Boring and well construction logs for each new monitoring well installed, and all available boring and well construction logs for monitoring wells to remain in the monitoring network.
9. The Permittee shall ensure that all necessary actions are taken to protect the health and safety of workers and the general public during the project. A Health and Safety Plan for the project has been submitted to MassDEP, for the facility file that includes, but is not limited to:
 - a. protocols for monitoring for landfill gas (methane, hydrogen sulfide, etc.), as needed;
 - b. protocols for modifying work practices if landfill gas is detected at levels of concern (action levels);
 - c. instruction and training of all personnel working on the site regarding the potential health and safety hazards at the Landfill including, but not limited to, those associated with landfill gas; and
 - d. instruction and training of all personnel in compliance with the conditions of this permit and how to perform authorized activities in a manner that is not hazardous to public health, safety, and the environment.
10. The Permittee shall instruct all contractors and employees in the requirements of this permit, as applicable to their work. The Permittee shall maintain and make available at the Landfill a copy of this decision and all approved plans, appendices, protocols and attachments for use by the Permittee's contractors and employees. The Permittee shall maintain records at the site to document that all contractors and employees have been instructed pursuant to this condition. The Permittee shall ensure that all work performed at the Landfill complies with 310 CMR 19.000 and the applicable requirements of this permit.
11. All disturbance of the Landfill shall be limited to the proposed excavations and installations as depicted and described in the Application and the approved plans and this permit. Any additional activities or modifications not described in the Application Number: 24-SW25-0007-APP may require notification of MassDEP, and the preparation and submittal of a separate application for permit modification. No changes, modifications or alterations shall be made to the approved plans, unless otherwise approved, in writing, by the Department in accordance with 310 CMR 19.000.
12. At the conclusion of each day, all exposed landfilled solid waste materials (if any) shall be covered with a minimum of six (6) inches of soil daily cover or a tarp. All areas disturbed during construction shall be stabilized as soon as possible upon completion of construction work in each work area.

13. Maintenance of slopes, berm(s), drainage swales, storm water systems, outlet structures, and appurtenances shall be performed to keep these structures in good working order. The area around the site entrance shall be maintained in a condition which shall prevent tracking of sediment onto adjacent public roads or existing onsite pavement. All sediment spilled, dropped, washed or tracked onto adjacent public roads or existing onsite pavement shall be removed without delay.
14. The Permittee shall implement all measures necessary to prevent, minimize and mitigate the generation and emission of dust wherever and whenever necessary at the Landfill and any other areas related to or under the control of the Permittee to prevent fugitive dust emissions and/or the occurrence of nuisance conditions. Water shall not be used for dust control in amounts that produce excessive infiltration, ponding, runoff or erosion.
15. The Permittee shall implement the measures necessary to control and manage stormwater at the site including, without limitation, implementation of a Storm Water Pollution Prevention Plan for the Property that complies with applicable MassDEP regulations and guidelines. The Permittee shall periodically evaluate the general site conditions to assess the effectiveness of sediment and erosion control measures and determine whether additional measures are needed to prevent erosion and sedimentation. In addition, this approval does not relieve the Permittee or any other person of the responsibility to comply with the National Pollutant Discharge Elimination System (NPDES) requirements including, without limitation, the applicable NPDES permit requirements for *Discharges from Construction Activities*, as applicable to the construction activities approved by this permit.
16. The Permittee shall perform routine construction monitoring of the Landfill in accordance with the requirements of this Section and the approved plans to ensure compliance with this permit and the approved plans. The routine monitoring shall include, without limitation:
 - a. Daily inspection and assessment of the status and condition of the Landfill⁴ and construction activities. This shall include, but not be limited to, the monitoring of the site for the occurrence of nuisance odors, dust, and noise, and storm water run-off from the site and any necessary corrective actions.
 - b. Maintenance at the site of a Daily Log that includes, but is not limited to:
 - i. A daily summary that describes, without limitation, the principal activities at the Landfill that day such as, site grading, excavation, stormwater system maintenance, and notable construction milestones;
 - ii. A description of any deviations from the approved plans, and this decision;
 - iii. A description of corrective actions, maintenance, or repairs taken, or to be taken, to mitigate or correct problems, damage from natural occurrences such as significant precipitation events, or potential/actual nuisance conditions;

⁴ This includes but is not limited to structures, equipment, devices, stormwater management controls, environmental control systems, paved surfaces, fencing, gates, and other areas.

- iv. Documentation of all reporting/notifications made to MassDEP, the Haverhill Board of Health, and other authorities/agencies/emergency responders/facilities, as necessary, in accordance with the Notification Requirements of Condition 20 of this decision; and
 - v. Documentation of any complaints received by the Permittee relative to the activities at the Landfill that includes but is not limited to the name/identity of the complainant and the complainant's contact information (if provided to the Permittee), the date and time of the complaint, the nature of the complaint, and the response to the complaint including any actions taken by the Permittee.
17. The Permittee shall have a qualified employee conduct weekly inspections of the Landfill, including but not limited to the receipt and placement of Grading and Shaping Materials, construction activities, and project status as described in the approved permit documents. The Permittee shall prepare written weekly reports of each inspection, as set forth in this Condition (the Weekly Reports). The Permittee shall submit copies of the Weekly Report to MassDEP no later than 5:00 PM on Monday of the following week. Each report shall be submitted electronically to MassDEP-NERO (email: mark.fairbrother@mass.gov and richard.spieler@mass.gov) and MassDEP-Boston/BWSC (email: janet.waldron@mass.gov). The Weekly Reports are in addition to, and shall not substitute for, any other notification(s) which are required by Condition 20 of this decision or any other applicable state, federal, or local law or regulation. Copies of each report shall also be provided to and to the Haverhill Board of Health and USEPA in such manner as may be prescribed by the Board of Health and USEPA. A copy of each report shall also be made available at the Landfill for review by authorized representatives of MassDEP, USEPA and the City of Haverhill, upon request. Each shall be signed, dated, and certified in accordance with 310 CMR 19.011(1) by the Permittee, and shall, without limitation, a summary of:
- a. the status and condition of the Landfill and construction activities. This shall include, but not be limited to, monitoring for the occurrence of nuisance odors, dust, and noise, and storm water run-off from the site and any necessary corrective actions;
 - b. the principal activities at the Landfill during the week and notable construction milestones;
 - c. any deviations from the approved plans, and this decision;
 - d. any corrective actions, maintenance, or repairs taken, or to be taken, to mitigate or correct problems, damage from natural occurrences such as significant precipitation events, or potential/actual nuisance conditions;
 - e. any complaints received by the Permittee relative to the activities at the Landfill, and the response to the complaint including any actions taken by the Permittee.
18. The Permittee shall engage the services of an independent Massachusetts registered professional engineer in good standing, qualified and experienced in the design and construction of solid waste management facilities (the Engineer of Record) to oversee all construction activities at the Landfill pursuant to this decision. The Engineer of Record or

his/her qualified direct employee⁵ (the Inspector) shall conduct routine inspections of the Landfill, construction activities and project status as set forth below. These inspections are not in lieu of any other inspections, oversight or reporting required or necessary to oversee construction activities at the Landfill.

- a. The Inspector shall have adequate training, knowledge and understanding of all applicable regulations, and the requirements of this decision.
- b. The Inspector shall during each inspection thoroughly evaluate the project status and identify actual or potential deviations from the applicable regulations and the requirements of this decision, including, without limitation, all applicable plans and approvals.
- c. The Inspector shall conduct at a minimum, the following inspections of the Landfill and construction activities. These inspections are in addition to those required to direct, monitor, and document the construction activities at the Landfill to prepare the construction certification(s).
 - i. An inspection within seven (7) days of commencement of construction activities and thereafter a minimum of one (1) inspection monthly until the construction of the Landfill modifications are complete; and
 - ii. A final inspection within seven (7) days following completion of construction, as approved by this permit and other applicable plans and approvals, to document the post-construction conditions of the Landfill (the Post-Construction Inspection).
- d. The Inspector shall prepare written monthly construction monitoring reports of each inspection, as set forth in this Condition (the Construction Monitoring Reports). The results of inspections conducted by the Permittee following precipitation events greater than 1 inch over a 24-hour period shall be included in the monthly Construction Monitoring Report. The Engineer of Record shall submit electronic copies of the monthly Construction Monitoring Report to MassDEP no later than the 15th day of the following month. Each inspection report shall be submitted electronically to the MassDEP Compliance Reporting System via the upload portal (<https://eeaonline.eea.state.ma.us/EEA/ComplianceReport/>). The Construction Monitoring Reports are in addition to, and shall not substitute for, any other notification(s) which are required by Condition 20 of this decision or any other applicable state, federal, or local law or regulation. Copies of each Construction Monitoring Report shall be provided to MassDEP-Boston/BWSC (email: janet.waldron@mass.gov), and to the Haverhill Board of Health and USEPA in such manner as may be prescribed by the Board of Health and USEPA. A copy of each Construction Monitoring Report shall also be made available at the Landfill for review by authorized representatives of MassDEP, USEPA and the City of Haverhill, upon request. Each Construction Monitoring Report shall be signed, dated, and certified in accordance with 310 CMR 19.011(1) by the Inspector, the Engineer of Record and the Permittee, and shall, without limitation:

⁵ For purposes of this decision “qualified direct employee” means an individual, qualified and knowledgeable in the construction of solid waste facilities, employed by and directly responsible to the Engineer of Record and not the Permittee.

- i. Document the conditions and construction activities at the time of the inspection and the project progress since the previous inspection;⁶
 - ii. Provide a summary of any complaints received regarding the Landfill including, but not limited to, the nature of the complaint, the action taken, the complainant (if known), and any recommendations for further action;
 - iii. Include a tabular summary by source of the types and quantities of Grading and Shaping Materials received at the Landfill, since the last inspection, that also includes any loads of grading and shaping materials rejected at the Landfill;
 - iv. Include analytical results of any sample(s) collected during the inspection in a tabular format with the laboratory analytical reports and chain-of-custody documents as attachments, provided that the analytical results are submitted to MassDEP separately no later than forty-five (45) days after the date of the inspection, if not available for submittal with the inspection report;
 - v. Identify any actual or potential deviations from the applicable regulations, the requirements of this permit, and all applicable plans and approvals; and
 - vi. In the event a condition of actual or potential deviation is identified, the Permittee shall:
 - describe the deviation/issue;
 - identify the action(s) the Permittee took or intends to take to correct the deviation/issue and a schedule for taking the action(s); and
 - include photographs documenting the condition of the Landfill and construction progress.
19. The Permittee shall, within fourteen (14) days of the date of receiving written comments from MassDEP⁷ on a Construction Monitoring Report, provide a written response to MassDEP that includes any information that MassDEP reasonably requires. This provision does not limit MassDEP's right to request information pursuant to 310 CMR 19.000, 310 CMR 40.0000, the Massachusetts Contingency Plan (the MCP), and 310 CMR 30.000, the Massachusetts Hazardous Waste Regulations or any other applicable state, federal, or local law or regulation.
20. The Permittee shall comply with the notifications described in this permit and 310 CMR 19.043(5)(i), *Duty to Inform*. These notifications are in addition to, and shall not substitute for, any other notification(s) which are required pursuant to 310 CMR 40.0000, the Massachusetts Contingency Plan (the MCP), and 310 CMR 30.000, the Massachusetts

⁶ As examples, depending on the project phase, the Construction Monitoring Report may document site preparation activities, installation and maintenance of erosion and sediment controls, excavation, foundation/footing installations, drainage and utility installations, and site stabilization, grading, and associated paving and landscaping activities, etc.

⁷ MassDEP may at its sole discretion upon request of the Permittee extend the 14-day time period for responding to MassDEP's comments.

Hazardous Waste Regulations or any other applicable state, federal, or local law or regulation.

- a. The Permittee shall notify MassDEP, USEPA and the Haverhill Board of Health within twenty-four (24) hours whenever possible, but in no event later than forty-eight (48) hours of the Permittee, Engineer of Record or contractor(s), becoming aware of:
 - i. The occurrence of any conditions or events at the Landfill that result in off-site nuisance conditions or a threat to the public health, safety, welfare or the environment;
 - ii. The details of any incidents that resulted in the response of emergency personnel (fire, police, MassDEP Emergency Response personnel, the Occupational Health and Safety Administration, etc.) to the Landfill; and
 - iii. The receipt by the Permittee of any complaint of off-site nuisance conditions attributed to the Landfill.
 - iv. Any damage to the existing final cover system in the Southern Mound Area.
- b. This written notification shall be made by email to the MassDEP Northeast Regional Office:

Mark Fairbrother, Solid Waste Section Chief
Email: Mark.Fairbrother@mass.gov
Telephone: (617) 780-2356
- c. This notice shall, at a minimum, include a description of the incident and/or complaint, the impact on the construction activities authorized by this approval, and a description of any corrective actions the Permittee has taken or intends to take to minimize the potential for recurrence.

21. Where the design specifications provide a standard as "minimum" or "maximum" (or other of similar effect) the closure certification shall document that all material accepted and placed for that use either equals the standard, or the material exceeds or is below the standard, respectively. Where materials are received that do not meet one or more standards the closure completion certification report shall clearly document either that the material was rejected and not used, or was modified or otherwise processed, so as to meet the standard(s) as actually used. Where an area must be reworked, repaired or otherwise removed and replaced, confirmatory testing shall be completed and documented showing that the reworked, repaired and/or replaced materials meet specifications. The thickness of the soil/separation layers shall include documentation by direct tabulated measurement that the layer meets the specifications. Testing results and measurements shall not be averaged to determine compliance with the specifications.
22. The submittals to MassDEP required by this decision shall be submitted by the Permittee in accordance with the applicable provisions of 310 CMR 4.00, *Timely Action Schedule and Fee Provisions*. In the event that MassDEP provides written comments to the Permittee on documents submitted pursuant to this paragraph, the Permittee shall provide a response and revised document to MassDEP within twenty-one (21) days of the date of MassDEP's written

comments that corrects any deficiencies reasonably identified by MassDEP in the document(s)⁸ and, makes any changes that MassDEP reasonably requires.

23. MassDEP reserves the right to rescind, suspend or modify this approval based upon a determination that the project causes the development of nuisance conditions, is not being operated safely or in accordance with this approval, or results in a threat to the public health, safety or the environment.
24. Pursuant to 310 CMR 19.041(4), *Sunset*, this approval shall expire if the activities approved by this permit are not completed on or before three years from the effective date. The Permittee may apply for and MassDEP may, at its sole discretion, grant an extension of this approval.

NOTICE OF RIGHT TO APPEAL

The City of Haverhill and Holcim-NER, Inc. (hereinafter collectively referred to as the Permittee) are hereby notified that they may within twenty-one (21) days of the date of issuance file a request that this decision and permit be deemed a provisional decision under 310 CMR 19.033(4)(b), by submitting a written statement of the basis on which the Permittee believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one (21) days after the MassDEP's receipt of the request. Such a request shall reopen the administrative record, and the MassDEP may rescind, supplement, modify, or reaffirm its decision. Failure by the Permittee to exercise the right provided in this section shall constitute a waiver of the Permittee's right to appeal.

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

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

General Counsel
Department of Environmental Protection
100 Cambridge Street – 9th Floor
Boston, MA 02114

and

⁸ Such documents include but are not limited to Notice of Administrative or Technical Deficiency issued pursuant to 310 CMR 4.00.

Eric Worrall
Regional Director
Department of Environmental Protection
150 Presidential Way, Suite 300
Woburn, MA 01801

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

If you have any questions regarding this matter, please contact Richard Spieler by email to: richard.spieler@mass.gov.

Sincerely,

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

Mark G. Fairbrother
Section Chief
Solid Waste Management
MGF/RJS/rjs

Richard Spieler
Environmental Engineer
Solid Waste Management

Enclosure: Communication for Non-English-Speaking Parties

cc: Haverhill Board of Health
4 Summer Street
Haverhill, MA 01830

Bruce Haskell, P.E. (Langdon Environmental, LLC)
Email: bhaskell@langdonenv.com

Janet Waldron (MassDEP-Boston/BWSC)

Derrick Golden (U.S. EPA-Region 1)
Email: golden.derrick@epa.gov