

City of Fall River Massachusetts

Office of the City Clerk

ALISON M. BOUCHARD
CITY CLERK

INÊS LEITE
ASSISTANT CITY CLERK

AUGUST 10, 2012
MEETINGS SCHEDULED FOR NEXT WEEK
TUESDAY, AUGUST 14, 2012

6:00 P.M. COMMITTEE ON FINANCE

1. Transfers and appropriations (see #1 below)
2. Discussion and update on hiring of new City Treasurer

AGENDA

7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL

PRIORITY MATTERS

1. *Transfers and appropriations (see #1 Finance)
2. *Mayor req. consideration of waiving residency requirement for re-appointment of Lisa Pitta to the Commission of Disability

PRIORITY COMMUNICATIONS

3. *Planning Board re Industrial District to Neighborhood Shopping District

COMMITTEE REPORTS

Committee on Ordinances and Legislation recommending:

First Reading:

4. *Zoning – Laurel Lake School from Two Family Residence District to Mixed Business District

Committee on Regulations recommending:

Adoption:

5. Auto Body Shop license – Antonio Almeida d/b/a State Road Auto, Inc. at 2238 So. Main Street

ORDINANCES

Second Reading and Enrollment:

6. *Traffic, misc.
7. *Engineering Division - Reorganization

RESOLUTIONS

8. *Administration be invited to discuss the acceptance and implementation of M.G.L. Ch. 59, Sec. 57 Affidavit of Address
9. *Com. on Ordinances and Legislation meet with Corporation Counsel to discuss proposed ord. for moorings
10. *Administration consider the creation of three or four small beaches in the City of Fall River
11. *Baseball Field at Maplewood Park be named the Gilbert "Gilly" Amaral Memorial Field

CITATIONS – None

ORDERS – HEARINGS FOR TONIGHT

Second Hand Article Store:

12. New Life Worship Center, Inc. d/b/a New City Goods & Apparel at 1084 Davol Street

ORDERS – HEARINGS TO BE SCHEDULED

13. Revocation of permits for the storage of inflammables for:
 - Antone D. Vargas located at 681 Brayton Avenue – Lic. No. 59
 - Fall River Sales & Supply, Inc. located at 829 Robeson Street – Lic. No. 348
 - Five Kings Associates LLC located at 386 Kilburn Street – Lic. No. 763

ORDERS – NO HEARING REQUIRED – None

ORDERS – MISCELLANEOUS

14. Police Chief's report on licenses
15. Auto Repair Shop license renewal
16. Transfer auto repair license no. 111 from Gilbert Lourenco to David B. Heroux d/b/a Oak Grove Garage located at 193 Oak Grove Avenue
17. Transfer auto repair license no. 229 from Agostinho Oliveira to Charles A. Souza, Jr. and Verissimo Medeiros d/b/a Freddy's Auto Sales located at 1033 Pleasant Street
18. Light order – Corner of Middle & So. Beacon Streets
19. Revoke license no. 188 for the storage of inflammables at 1929 Highland Avenue & Robeson Street at the request of the owner

COMMUNICATIONS – INVITATIONS – PETITIONS

20. *Claims
21. Planning Board Minutes – May 9, 2012
22. Zoning Board of Appeals Minutes – May 17, 2012
23. Zoning Board of Appeals Minutes – June 21, 2012
24. Application for structure over a public way – Thomas Gosselin – 58 Arch Street – Handicapped Ramp

BULLETINS – NEWSLETTERS – NOTICES

25. *Mass. DEP re Fall River – BFI Landfill – Partial Conditional Approval
26. *Mass. DEP re Fall River – BFI Landfill – Final Conditional Approval


Assistant City Clerk



City of Fall River
Massachusetts
Office of the Mayor

WILLIAM A. FLANAGAN
Mayor

August 9, 2012

The Honorable City Council
City of Fall River
One Government Center
Fall River, MA 02722

Dear Honorable Council Members:

In accordance with the provisions of Chapter 44, Section 32 of the Massachusetts General Laws, I recommend the following appropriations to your Honorable Body.

1. \$51,000

That the sum of \$51,000 be, and the same is, hereby transferred and appropriated from **STABILIZATION**, to be credited to **SALE OF REAL ESTATE – REVOLVING ACCOUNT**.

If you have any questions or concerns regarding this, please feel free to contact me.

Sincerely,

William A. Flanagan
Mayor

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2012 AUG - 9 4:30
CITY CLERK
FALL RIVER, MA

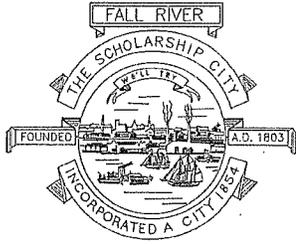
IN CITY COUNCIL

August 14, 2012

1

ORDERED:

That the sum of \$51,000 be, and the same is, hereby transferred and appropriated from **STABILIZATION**, to be credited to **SALE OF REAL ESTATE – REVOLVING ACCOUNT**.



**City of Fall River
Massachusetts
Office of the Mayor**

WILLIAM A. FLANAGAN
Mayor

SHAWN E. CADIME
City Administrator

MEMO

TO: William A. Flanagan, Mayor

FROM: Shawn E. Cadime, City Administrator

RE: Financial Transfers

DATE: August 9, 2012

FINANCIAL TRANSFERS AND APPROPRIATIONS

1. The appropriation and transfer request of \$51,000 to SALE OF REAL ESTATE (Revolving Fund) is to pay the costs associated with the appraisals and Phase I Site Assessments for the vacant school buildings.

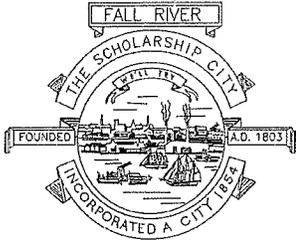
FY 13 Appropriation/Transfer Analysis

Line	Original/Revised	Appropriation	Amount Transferred	New Appropriation
Gen Fund Stabilization Fund	\$	820,452	\$ (51,000)	\$ 769,452
Real Estate Sale (RFA) Fund 4059	\$	9,475	\$ 51,000	\$ 60,475

I certify that there are sufficient funds available for these transfers.



 Krishan Gupta, City Auditor
 8/9/2012



City of Fall River
Massachusetts
Office of the Mayor

2
RECEIVED

2012 JUL 13 P 12:48

CITY CLERK _____
FALL RIVER, MA _____

WILLIAM A. FLANAGAN
Mayor

June 20, 2012

Honorable Members of the City Council
City of Fall River
One Government Center
Fall River, MA 02722

Madam President and Members of the Honorable City Council:

I respectfully submit to the Honorable Council the name of Lisa Pitta, 52 Hall Street, New Bedford, MA for reappointment to the Commission on Disability and a waiver of the residency requirement for reappointment to the Commission.

Ms. Pitta is currently the Executive Director for the Southeast Center for Independent Living, Inc based in Fall River, MA where she oversees community activities for the center and is affiliated with community agencies where she sits on their boards to represent the 700 individuals with disabilities receiving services from the Southeast Center for Independent Living.

This recommendation for reappointment has been forwarded to my office from William A. Fontaine, Chairman, of the Commission on Disability. I truly believe that Ms. Pitta will continue to be a vital member of the commission and would appreciate your support of her reappointment. Her new term would expire on August 1, 2015.

Thank you in advance for your time and attention with this request.

Sincerely;

William A. Flanagan
Mayor

WF/amos



**City of Fall River
Massachusetts**

Commission on Disability

WILLIAM A. FLANAGAN
Mayor

WILLIAM FONTAINE
Chairman

DENNIS POLSELLI
Vice Chairman

Mayor William Flanagan
City of Fall River
One Government Center
Fall River, MA 02722

Dear Mayor Flanagan

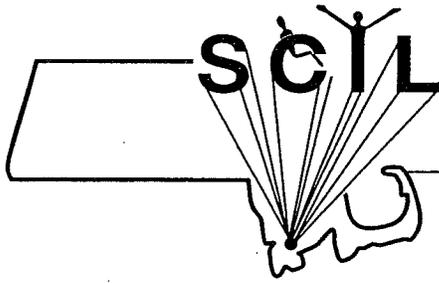
The Fall River Commission on Disability respectfully submits, for your consideration; the following persons to fill two vacant positions on the Commission on Disability.

Mr. Michael W. Hull
691 Charles St.
Fall River, MA. 02724

Ms. Lisa M. Pitta
52 Hall St
New Bedford, MA 02740

Respectfully Submitted-June 13,2012
William Fontaine – Chairman
Fall River Commission on Disability

2



Southeast Center For Independent Living, Inc.

Lisa M. Pitta
Executive Director

Merrill Building
66 Troy Street, First Floor
Fall River, MA 02720
Telephone: (508) 679-9210 Voice/TTY
Fax: (508) 677-2377
E-Mail: scil@secil.org
www.secil.org

COPY

Mayor William Flanagan
1 Government Center
Fall River, MA 02721

February 22, 2012

Dear Mayor Flanagan,

I have been a founding member of the Fall River Commission on Disabilities since its inception approximately six years ago. My term has expired and I am requesting a waiver to the residency rule for membership on a city commission so that I may be re-appointed for another term.

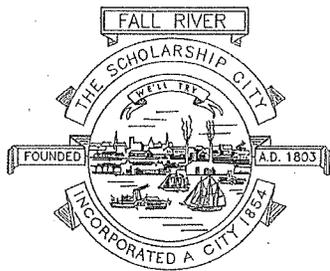
In explanation of this request I submit the following:

Currently I am the Executive Director for Southeast Center for Independent Living, Inc. based in Fall River. In this role I direct daily operations in an office staffed by 20 individuals, most of which have a disability. We provide skills training, advocacy, peer counseling, and information & referral to 700 individuals who reside in the greater Fall River area. In my capacity as the Executive Director I oversee community activities for the center and am affiliated with community agencies in many instances by sitting on their boards to further represent the 700 individuals with disabilities receiving services from our center.

It would be an honor to continue to represent the disabled disenfranchised population of this city who are looking for opportunities to better their lives. As a member of the Commission on Disabilities I have continued to maintain support for projects which benefit all residents of the city with disabilities to access the services available to the public by offering resolution to accessibility issues.

Thank you,

Lisa M. Pitta
Executive Director



**City of Fall River
Massachusetts**

Department of Community Services

PLANNING • HEALTH & HUMAN SERVICES
LIBRARY • INSPECTIONAL SERVICES • ELECTIONS

Planning Division

RECEIVED

2012 JUL 18 P 2:55

CITY CLERK _____
FALL RIVER, MA

WILLIAM A. FLANAGAN
Mayor

HENRY R. VAILLANCOURT MD, MPH
Director
Department of Community Services

ELIZABETH R. DENNEHY, MPA
Planning Director

July 17, 2012

Honorable City Council
One Government Center
Fall River, MA 02722

RE: Zoning Change from Industrial District to Neighborhood Shopping District

Dear Council Members:

The Fall River Planning Board held a public hearing on July 17, 2012, on the proposed Zoning Change from Industrial District to Neighborhood Shopping District and took the following action:

A motion was made by Mr. Lucciola and seconded by Mr. Edwards to recommend to City Council adoption of the proposed zoning change from Industrial District to Neighborhood Shopping District.

In a vote of 5-0 the Board voted to recommend to City Council adoption of the proposed zoning change from Industrial District to Neighborhood Shopping District. Mr. Lucciola, Mr. Edwards, Mr. Nadeau, Ms. Medeiros, and Mr. Silvia voted in favor of the motion and the proposed zoning change from Industrial District to Neighborhood Shopping District received a unanimous favorable recommendation.

Sincerely,

Byron R. Holmes, P.E.
City Engineer

CITY OF FALL RIVER

To the City Council

Councillors:

The Committee on

Ordinances and Legislation, at a meeting held on July 31, 2012,
voted unanimously to recommend that the accompanying proposed ordinance be
passed through first reading.

Colleen A. Taylor
Clerk of Committees

4

City of Fall River, *In City Council*

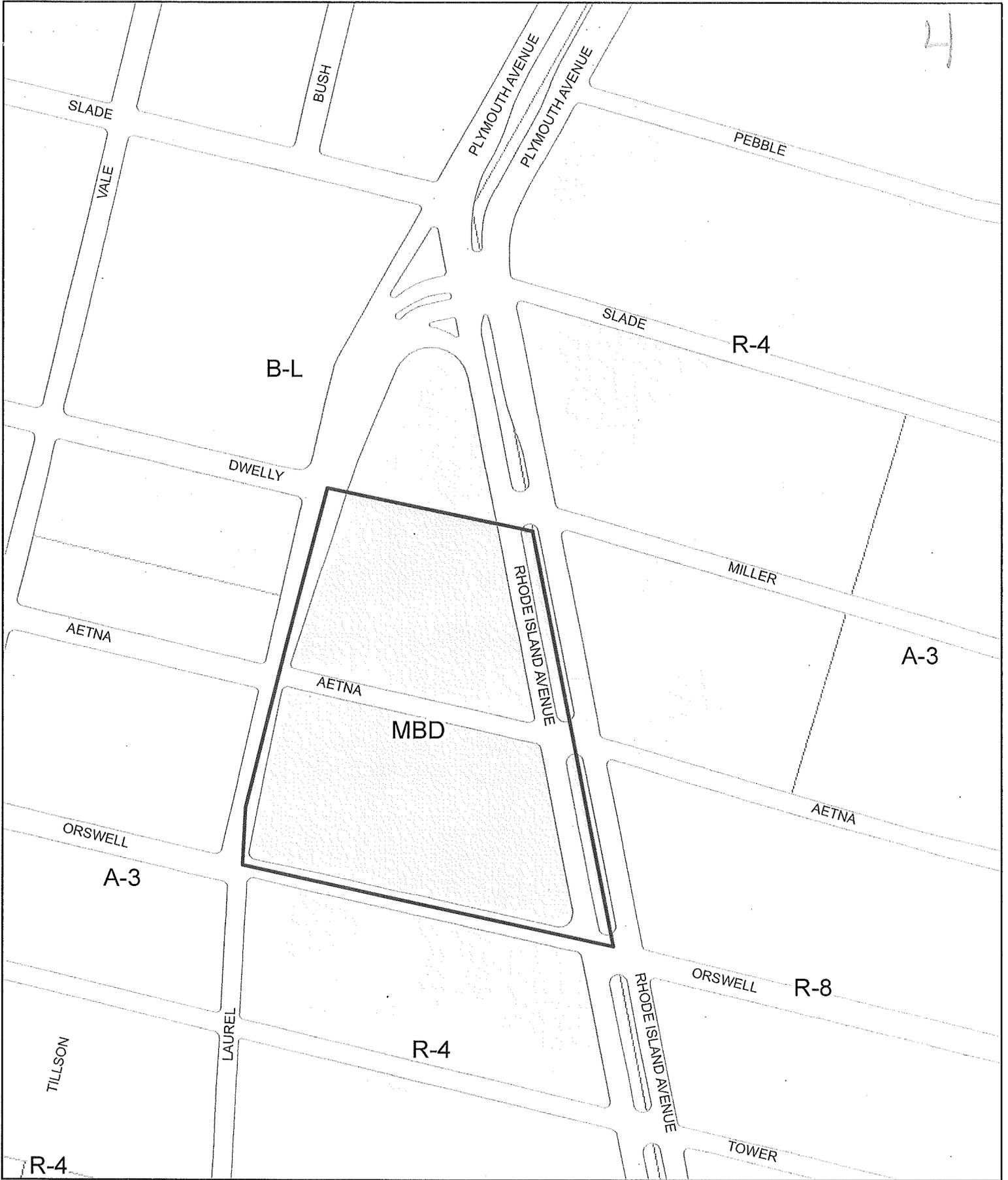
BE IT ORDAINED, by the City Council of the City of Fall River, Massachusetts, that the Revised Ordinances of the City of Fall River (1999), are hereby amended as follows:

That the Planning Director be, and she is hereby authorized and directed to amend the map entitled "Zoning Map of the City of Fall River" which by Chapter 86, Section 121 of the Revised Ordinances of the City of Fall River, Mass., 1999, is made a part of said Chapter, by drawing on it, in addition to the presently existing districts shown thereon the following:

As a Mixed Use Business District MBD, that area now in a Two Family Residence District R-4, bounded and described as follows:

Beginning at a point at the centerline intersection of Laurel Street and Orswell Street; thence running easterly by the centerline of Orswell Street to the centerline of Rhode Island Avenue; thence running northerly by the centerline of Rhode Island Avenue to the existing Local Business District; thence running westerly along the southerly line of the existing Local Business District to the centerline of Laurel Street; thence running southerly by the centerline of Laurel Street to the centerline intersection of Laurel Street and Orswell Street and the point of beginning. Being the same area as shown the map entitled Laurel Lake School Zoning Change: R-4 to MBD; dated April 18, 2012.

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**LAUREL LAKE SCHOOL
 ZONING CHANGE: R-4 TO MBD
 APRIL 18, 2012**



City of Fall River, *In City Council*

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

By striking out in Section 70-387, which section relates to handicapped parking the following:

- Blackstone Street, east side, starting at a point 44 feet south of Dover Street,
for a distance of 20 feet southerly
- Brayton Avenue, north side, starting at a point 65 feet east of Nelson Street,
for a distance of 25 feet easterly
- Huard Street, west side, starting at a point 232 feet south of Brayton Avenue,
for a distance of 20 feet southerly
- Maple Street, south side, starting at a point 157 feet east of Linden Street,
for a distance of 20 feet easterly

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 17 2012

Passed through first reading.

City of Fall River, *In City Council*

7

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 2 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to Administration, Article III, Office of the Mayor, be amended as follows:

Section 1.

By inserting in Section 2-208, which section relates to the Department of Community Maintenance, the following:

Engineering Division

Section 2.

By striking out in Section 2-641, which section relates to Established, the following:

Engineering Division

Section 3.

By striking out in Section 2-651, which section relates to Duties Generally, the following:

- (a) "Planning Director"
- (b) "City Planner"

and by inserting in place thereof, the following:

- (a) "Director of Community Maintenance"
- (b) "Director of Community Maintenance"

This ordinance shall take effect upon passage to be ordained.

CITY OF FALL RIVER
IN CITY COUNCIL

JUL 17 2012

*Passed through
first reading*

City of Fall River, *In City Council*

(Council President Linda M. Pereira)
(Councilor David J. Dennis)
(Councilor Bradford L. Kilby)
(Councilor Michael L. Miozza)
(Councilor Raymond A. Mitchell)
(Councilor Daniel M. Rego)

WHEREAS, questions have been raised in regards to the acceptance and implementation of M.G.L. Chapter 59, Section 57 Affidavit of Address, now therefore

BE IT RESOLVED, that the City Council invite representatives from the Administration to discuss this initiative in detail.

City of Fall River, *In City Council*

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(Councilor Michael L. Miozza)
(Councilor Pat Casey)
(Councilor Raymond A. Mitchell)
(President Linda M. Pereira)
(Councilor Daniel M. Rego)

WHEREAS, there is currently no ordinance that covers the placement of moorings, and

WHEREAS, this would provide the Harbormaster a system for regulating moorings, now therefore

BE IT RESOLVED, that the Committee on Ordinances and Legislation along with Corporation Counsel review a draft ordinance prepared by the Harbormaster that will provide for an orderly system for uses of the waterway to moor boats.

City of Fall River, *In City Council*

10

(Councilor Patricia A. Casey)
(Councilor Linda M. Pereira)
(Councilor Michael L. Miozza)
(Councilor Raymond A. Mitchell)

WHEREAS, the City is working diligently to improve our waterfront, and

WHEREAS, our waterfront is a prime location for the creation of possibly three or four small beaches, and

WHEREAS, the quality of water and natural resources of the Taunton River and the Mount Hope Bay have improved dramatically over the years, and

WHEREAS, these beaches would increase access and enjoyment of our beautiful waterfront, thereby increasing tourism in our City, now therefore

BE IT RESOLVED, that the City Council request that the Administration consider the possibility of creating beaches in our City.

City of Fall River, *In City Council*

11

(Councilor Raymond A. Mitchell)
(Council President Linda M. Pereira)
(Councilor Patricia A. Casey)
(Councilor David J. Dennis)
(Councilor Michael L. Miozza)

WHEREAS, Commissioner Gilbert Amaral was appointed to the Board of Park Commissioners in 1958 and served until his passing in 2009, and

WHEREAS, Commissioner Amaral's service to the Board and the City of Fall River was marked with honor, respect, and admiration by all his colleagues and fellow residents, and

WHEREAS, Commissioner Amaral was an active participant of the Maplewood Little League, now therefore

BE IT RESOLVED, that the baseball field located at Maplewood Park be named the Gilbert "Gilly" Amaral Memorial Field.



Travelers of Massachusetts
P O Box 1450
Middleboro, MA 02344
(800)422-3340

20

RECEIVED

07/18/2012

2012 JUL 20 A 11: 07

City of Fall River
Office Clerk
One Government Center
Rm 227
Fall River, MA 02722

CITY CLERK Claim #12-40
FALL RIVER, MA

Insured: Nancy S Karam
Issuing Company: The Premier Insurance Company of Massachusetts
Claim/File #: 452 AD HLW6294 A
Date of Loss: 07/13/2012
Location: Plymouth Avenue
Fall River MA

To Whom It May Concern:

On the above date of loss, a defect in a public way resulted in an accident with our insured at the above location. This claim is being brought in accordance with Massachusetts General Laws Chapter 84.

Our supporting papers are attached for your review.

Sincerely,
Stephanie A Bolduc
CI Rep
(508)946-6491
Fax: (877)786-5584
Email: SBOLDUC@travelers.com

*Orig + 2 copies to Law
1 copy to DPW
1 copy to City Council
1 copy to City Clerk*

CLAIM FORM
City of Fall River, Massachusetts

RECEIVED

Name: ALda GRiFFIN

2012 AUG -9 P 1:16

Address: 72 Bryant's way
SWANSEA, MA 02777

CITY CLERK 12-41
FALL RIVER, MA

Phone #: 508 675-9057

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 8/9/12

Time of Incident: 12:00 NOON

Location of Incident: plymouth Ave ACROSS FROM FLAT IRON Building

Provide a detailed description of your claim (attach additional sheets if necessary):

I was Driving behind the City Sweeper on plymouth Ave
at 12:00 noon when a peice of metal
shot up and broke the glass on my
passenger side mirror.

any 4 2 copies Law

1 DPW

1 CS

1 City Clerk

* You should consult with your own attorney in preparing this Claim Form to understand your legal rights.

RECEIVED

CLAIM FORM
City of Fall River, Massachusetts

2012 AUG -9 P 4:43

Name: RONALD A. GAGNE (OWNER) SINGLE 1986.

Address: 119 BARRE ST
FALL RIVER, MASS. 02723

CITY CLERK 12-42
FALL RIVER, MA

Phone #: 508-672-7845

Type of Claim: M.G.L. Chapter 84 M.G.L. Chapter 258 Other

Date of Incident: 8/6/2012

Time of Incident:

Location of Incident: CORNERS OF BARRE COUNTY & GAGNON & COUNTY

Provide a detailed description of your claim (attach additional sheets if necessary):

D & L CONSTRUCTION PURCHASED PROPERTY OF
765 COUNTY ST. & GAGNON ST. & DEMOLISHED
THE HOUSE " " " " SEWER PIPE ^{WAS} SEVERED
WHICH ~~THE~~ ALSO SEVERED SEWER PIPE OF ^{HOUSE} 119 BARRE ST
(SEWER PIPE OF 119 BARRE ST. EMPTIES TO GAGNON ST
SEWER)

SEWER OF 119 BARRE ST. BACKED UP
INTO THE CELLAR OF BASEMENT ^(CELLAR) PREVENTING
FLUSHING OF TOILET & ~~IT~~ BLOCKING WASHING
MACHINE EMPTYING FROM PROPERTY TO SEWER!

D.J. BASS, INC. ^{WAS} INSTRUMENTAL IN
CLEAN-UP & IMPROVING THE SEWER FUNCTIONING
OF 119 BARRE ST. TO THE PRICE OF \$3,098.70.

*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

orig + 2 copies LAW
1 copy Sewer
1 copy City Council
1 copy City Clerk

25



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

FAX COVER SHEET

FAX # (508) 947-6557

*Colleen Taylor
Council*

DATE: 7-25-12 FROM: Roslyn Reimao
Telephone (508) 946-2863

PLEASE DELIVER TO: Fall River Mayor Flanagan
" City Council

TELECOPIER NUMBER: (508) 324-2626

CITY CLERK
FALL RIVER, MA

2012 JUL 27 P 12:46

RECEIVED

TOTAL NUMBER OF PAGES: 3 1/2 1-sided/2-sided (INCLUDING THIS COVER PAGE)

PLEASE CALL IF YOU DO NOT RECEIVE A COMPLETE FAX.

REMARKS: *Fall River BFI Landfill
Partial Conditional Approval
Dan Cormier*



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-948-2700

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

COPY

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

July 20, 2012

Mr. Christopher October, Environmental Manager
Browning-Ferris Industries, Inc.
1080 Airport Road
Fall River, Massachusetts 02720

RE: PARTIAL CONDITIONAL APPROVAL
Application for: BWP SW 26
Landfill – Major Expansion
Area 3 Expansion
Infrastructure Construction

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278
Regulated Object No. 172513

Transmittal Number: X250785

Dear Mr. October:

The Massachusetts Department of Environmental Protection (“MassDEP”) has completed its administrative review, and its technical review of the Landfill – Major Expansion permit application (“Application”) for the Area 3 Expansion Project at the Browning-Ferris Industries, Inc., (MA) (“BFI”) Fall River Landfill (“Landfill”), determined the Application is administratively and technically complete, and issued a Draft Permit for Public Comment on June 6, 2012.

On, July 20, 2012, Sitec Environmental (“SITEC”) contacted MassDEP via e-mail on your behalf requesting consideration of an initial limited approval that would allow for commencement of site infrastructure improvement construction activities at this time during the public comment and comment review period.

The work for which current approval was requested is limited to non-landfill liner system related items as follows:

- relocation of the North Watuppa Diversion Ditch in the vicinity of the proposed Area 3 expansion,
- the relocation of the associated sanitary sewer in the vicinity of the relocated ditch, and
- gas system modifications on the landfill slope in the area of the proposed Area 3 expansion.

BFI acknowledged that any approved work would proceed at their own risk. MassDEP may require revisions to the proposed Area 3 design based on Public Comments, should such comments include information demonstrating that revisions are necessary.

APPROVAL AND CONDITIONS

MassDEP has considered its review of the complete Area 3 application, the Draft Permit, the capacity of the existing BFI active landfill areas, the time elements related to the Area 3 construction, and the preferred construction season for landfills

MassDEP has determined that the proposed request is reasonable and appropriate, and that all appropriate permitting criteria are met, and in accordance with the authority granted by Massachusetts General Laws, Chapter 111, Section 150A hereby approves the construction of the BFI Fall River Area 3 infrastructure, as described herein, subject to the following conditions:

1. Notification. BFI shall notify MassDEP in writing when construction begins in order that periodic inspections can be scheduled and performed during the construction period.
2. Regulatory Compliance. BFI shall proceed with the Area 3 infrastructure construction in compliance with MassDEP regulations, requirements, the Department's Landfill Technical Guidance Manual, or as specified by this permit. MassDEP shall be consulted prior to any deviations from the approved design. MassDEP may require a permit modification application for significant design modifications. BFI shall not construct any elements of Area 3 not specifically approved herein.
3. Design Modification- Reservation of Rights. BFI shall proceed with construction of the Area 3 infrastructure at its own risk. BFI shall implement any modifications to the infrastructure design required by MassDEP based on additional review of previously submitted application documents, Public Comments, and/or BFI's responses to Public Comments.
4. Standard Conditions. BFI shall comply with 310 CMR 19.130 *Operation and Maintenance Requirements* and 310 CMR 19.043 *Standard Conditions*, during the construction so as not to impact facility operations.
5. Nuisance Conditions. BFI shall keep odors, dust, erosion, noise and other nuisance conditions to a minimum during the construction process. In the event that a nuisance condition develops, abatement measures shall be implemented immediately.
6. Stormwater Controls. BFI shall install perimeter silt-fence barriers and other stormwater erosion control devices, including the containment berms and swales, at the Landfill prior to initiating construction.

- 25
7. Construction Certification. BFI shall submit a Construction Certification Report to MassDEP in accordance with 310 CMR 19.106, upon completion of construction of Area 3. All infrastructure constructed pursuant to this approval shall be included in the Area 3 Construction Certification Report. Should Area 3 not be approved for construction, BFI shall submit a Construction Certification Report to MassDEP in for the completed infrastructure work within 90 days of completion of construction
 8. Permit Limitations. The issuance of this conditional approval is limited to the construction of Area 3 infrastructure as described herein and does not relieve BFI from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health or the environment.

RIGHT TO APPEAL

Right to Appeal: This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.032: Procedure for Review of Applications for New Facilities or Expansions, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.036(4), any person aggrieved by the issuance of this determination may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. c. 111, § 150A and M.G.L. c. 30A not later than 30 days following the receipt of the final permit. 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 permit by a court of competent jurisdiction, the permit decision shall remain effective or become effective at the conclusion of the 30 day period.

Notice of Appeal: Any aggrieved person intending to appeal the granting of this decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP file number X250785 and shall identify with particularity the issues and reason why it is believed the permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office, which processed the permit application at least five days prior to the filing of an appeal.

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Martin Suuberg, Acting Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, 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.

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If you have any questions or comments regarding this approval letter, please contact me at (508) 946-2847 or Dan Connick at (508) 946-2884 or at the letterhead address. Please refer to Transmittal No. X250785 in any correspondence regarding this permit approval.

Very truly yours,



Mark Dakers, Acting Chief
Solid Waste Management Section

E/DC/

\\E-F\FALLRIV\BFIlandfill\Area 3 2012\ATC\infrastructure approval.doc

fc:	William A. Flanagan, Mayor City of Fall River, City Hall One Government Center Fall River, MA 02772 Fax No. (508) 324-2626	Fall River City Council City Hall One Government Center Fall River, MA 02722 Fax No. (508) 324-2626
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ec: Representative David Sullivan
David.Sullivan@mahouse.gov

Fall River Board of Health
britz@fallriverma.org

Mike Quatromoni, SITEC Environmental, Inc.
mquatromoni@sitec-engineering.com

DEP-Boston
ATTN: J. Doucett

DEP-SERO
D. Connick
L. Black
D. Gilmore

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Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

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FAX COVER SHEET

FAX # (508) 947-6557

DATE: 7-26-12 FROM: Roslyn Reimao
Telephone (508) 946-2863

PLEASE DELIVER TO: Mayor Fall River
City Council

TELECOPIER NUMBER: (508) 324-2626

TOTAL NUMBER OF PAGES: 9 2/7 1-sided/2-sided (INCLUDING THIS COVER PAGE)

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REMARKS: BFI - F.R. Landfill
Final Conditional Approval
Dan Connick

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COPY

July 23, 2012

Mr. Christopher October
Environmental Manager
Browning-Ferris Industries, Inc., (MA)
1080 Airport Road
Fall River, Massachusetts 02720

RE: FINAL CONDITIONAL APPROVAL
Application for: BWP SW 26
Landfill – Major Expansion
Area 3 Expansion

AT: BFI Fall River Landfill
1080 Airport Road
Fall River, MA 02720
Facility Number: 132278
Regulated Object No. 172513

Transmittal Number: X250785

Dear Mr. October:

The Massachusetts Department of Environmental Protection (“MassDEP”) has completed its administrative review, and its technical review of the Landfill – Major Expansion permit application (“Application”) for the Area 3 Expansion Project at the Browning-Ferris Industries, Inc., (MA) (“BFI”) Fall River Landfill (“Landfill”) and determined the application is administratively and technically complete. MassDEP hereby approves the Application, subject to the conditions herein.

SUBMITTALS

The following submittals represent the complete Application reviewed by MassDEP under 310 CMR 19.000 *Solid Waste Management Regulations* and MassDEP's *Landfill Technical Guidance Manual*, May 1997 (“Manual”).

A An original application package was received by MassDEP on April 23, 2012, comprised of the following documents:

- (i) A SITEC Environmental (“SITEC”) cover letter dated April 23, 2012;

- (ii) A transmittal form assigned Transmittal Number X250785;
- (iii) A BWP SW 26 application form for a Landfill -- Major Expansion;
- (iv) One bound report entitled: "BFI Fall River Landfill, Fall River, MA, Application for Authorization to Construct, BWP SW 26, Major Expansion Area 3 Landfill Expansion" Volume 1, prepared by SITEC;

and

- (v) One bound report entitled: "BFI Fall River Landfill, Fall River, MA, Application for Authorization to Construct, BWP SW 26, Major Expansion Area 3 Landfill Expansion" Volume 2, Part G Drawings, prepared by SITEC, containing a set of 15 design drawings including:

Sheet 1 – Cover Sheet and List of Drawings

S-1 Overall Existing Conditions Plan

S-2 Existing Conditions Plan

S-3 Gas Collection System Relocation Plan

S-4 Primary Liner Design and Grading Plan

S-5 Sanitary Sewer Direct Discharge Site Plan

S-6 N. Watuppa Diversion Ditch & Sanitary Sewer Relocation Plan & Profile

S-7 Compacted Earthen Berm Site Plan and Typical Cross Section

S-8 Conceptual Final Grading Plan

X-1 Cross Section A-A'

D-1 Detail Sheet 1 – Liner System Details and Leachate Collection System Details

D-2 Detail Sheet 2 – Liner System Details and Leachate Collection System Details

D-3 Detail Sheet 3 - Gas Collection System Relocation Details

D-4 Detail Sheet 4 – Final Cover System and Drainage Control Details

D-5 Detail Sheet 5 – Site Details

B A supplemental submittal prepared by SITEC and received by MassDEP on May 17 2012, comprised of the following documents:

- (i) A SITEC cover letter dated May 16, 2012;
- (ii) A supplemental transmittal form;
- (iv) An untitled bound report containing narrative response to MassDEP comments, an Order of Conditions, and a set of nine 24" x 36" revised drawings prepared by SITEC including:

D-1 Detail Sheet 1 – Liner System Details and Leachate Collection System Details

D-2 Detail Sheet 2 – Liner System Details and Leachate Collection System Details

D-3 Detail Sheet 3 - Gas Collection System Relocation Details

D-4 Detail Sheet 4 – Final Cover System and Drainage Control Details

D-5 Detail Sheet 5 – Site Details

S-5 Sanitary Sewer Direct Discharge Site Plan

S-6 N. Watuppa Diversion Ditch & Sanitary Sewer Relocation Plan & Profile

S-7 Compacted Earthen Berm Site Plan and Typical Cross Section

X-1 Cross Section A-A'

and a set of two new 24" x 36" drawings including:

S-9 Conceptual Gas Collection Plan
D-6 Detail Sheet 6 Site Details

- C Supplemental submittals prepared by SITEC and received by MassDEP on May 22 and 23 2012, comprised of an e-mailed response to comments and revised drawings D-2, D-3, D-5, S-4 and S-5.

PERMIT CLASSIFICATION

The total usable airspace of the proposed Area 3 Expansion is approximately 550,000 cubic yards, excluding base liner and final cover materials. This airspace converts to approximately 341 acre-feet classifies the proposal as a "Large Expansion" subject to a BWP SW 26 application. Pursuant to the 310 CMR 4.00 Timely Action Schedule and Fee Provisions regulations, large landfill expansions are Individual Rule Projects subject to 310 CMR 4.05. Accordingly, an Individual Rule Project (IRP) Alternative Fee and Schedule Agreement was entered into between MassDEP and BFI on May 4, 2012, and the project was assigned code TF-59.

DRAFT PERMIT/PUBLIC COMMENTS

On May 6, 2012, a Draft Conditional Approval was issued by the Department pursuant to 310 CMR 19.032, which required Public Notice pursuant to 310 CMR 19.033. Pursuant to 310 CMR 19.034, Comment Period, MassDEP accepted public comments until thirty (30) days after publication of Public Notice. Public Notice of the Draft Conditional Permit was published in the Fall River Herald News on June, 12, 2012. Accordingly, the Comment Period ended on July 13, 2012. On July 11, 2012, SITEC submitted a copy of the published Public Notice and proof of abutter notification. During the Comment Period, no comments were received.

This section of the permit narrative "Draft Permit/Public Comments" was added to the narrative of the Draft Conditional Approval for issuance of the Final Conditional Approval.

PROJECT LIFE

The Landfill is permitted to accept an average of 1,500 tons per day of solid waste. Assuming that BFI accepts solid waste at an average rate of 1,500 tons per day operating 312 days per year (468,000 tons per year), and normal compaction rates (1,500 pounds per cubic yard in-place density) are achieved, the life expectancy of the Area 3 Expansion is approximately 9 months. Based on historic waste intake rates, the life expectancy of the Area 3 expansion is approximately 12 to 18 months.

PROJECT BACKGROUND

The BFI Fall River Landfill is located at 1080 Airport Road, Fall River, Massachusetts on a 204-acre parcel of land that was site assigned by the City of Fall River Health Department on February 24, 1982. The Landfill is currently owned and operated by BFI. Prior owners/operators include the City of Fall River, which operated the Landfill between the 1930s

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and 1981 and Fall River Landfill Inc., which operated the Landfill between 1981 and 1986. BFI has operated the Landfill since 1986.

During construction and operations, the Landfill was divided into 3 phases: Phase I, Phase II, and Phase III. The Landfill currently operates in the Area 2 Expansion area of Phases I and II, permitted for operation on March 14, 2011 (BWP SW 10, Transmittal No. X236312). The remaining disposal capacity in this area is expected to be consumed before the end of 2012.

As designed, the proposed Area 3 Expansion will overlay portions of the Phase II Landfill area that were developed and landfilled from 1990 through and 1992, as follows:

- Phase II, Section II, constructed in 1990 with a single composite liner system,
- Phase II Section III, constructed in 1992 with a single composite liner system,

Landfilling operations within the area now proposed for the Area 3 Expansion were completed and a final cover system, consisting of a 40 mil high density polyethylene (HDPE) geomembrane overlain by a 9 inch layer of drainage sand, overlain by a 12 inch layer of vegetative support material, was constructed.

SITE ASSIGNMENT

The City of Fall River Board of Health issued a Site Assignment for the Phase I and Phase II landfill areas on November 30, 1982.

MEPA STATUS

A Notice of Project Change for the Area 3 Expansion was submitted to the Executive Office of Energy and Environmental Affairs (EOEAA), MEPA Office on or about February 22, 2012. The Secretary of the EOEAA issued a Certificate on March 23, 2012, and determined that the project does not require the preparation of a Supplemental Environmental Impact Report.

PROJECT DESCRIPTION

The proposed vertical expansion is located along the easterly side of the Phase II Landfill area. The Landfill liner systems proposed for the vertical expansion have been designed taking into consideration all existing liner systems that lie beneath the expansion area. The footprint of the existing Landfill will be expanded by approximately 1.6 acres. This project also includes the relocation of a segment of the North Watuppa Diversion Ditch (an intermittent stream) and construction of a 20 foot high earthen berm along the base of the expansion area to increase disposal capacity. BFI provided a discussion of alternatives regarding construction of the berm and relocation of the stream. MassDEP has determined that the proposed design is the preferred alternative to provide cost-effective regional disposal capacity.

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Ditch Diversion, Sewer Diversion, Berm Construction

The proposed expansion project includes the relocation of approximately 800 linear feet of the North Watuppa Diversion Ditch ("ditch") and a 12 inch City of Fall River sanitary sewer line that runs along the side of the ditch. The ditch is a manmade drainage structure that was constructed to redirect stormwater runoff from the Fall River Industrial Park away from North Watuppa Pond, located south of the Landfill, to Mothers Brook which flows to the north. The City of Fall River performs periodic maintenance of the ditch. The segment of the ditch to be relocated is currently cleared of sediment and devoid of vegetation. BFI proposes to cover the embankments of the relocated ditch with crushed stone riprap for the purpose of slope stabilization and to minimize ongoing maintenance and ensure positive flow.

On January 3, 2012, a Notice of Intent ("NOI") was submitted to the Fall River Conservation Commission for review of the proposed work. Subsequently, on February 7, 2012, an Order of Conditions was issued by the Fall River Conservation Commission.

On March 15, 2012, an inspection of the area was held between BFI, SITEC, MassDEP's Division of Wetlands and Waterways, and the Fall River Redevelopment Authority. BFI's proposed scope of work was reviewed. No changes to BFI's scope of work or to the Order of Conditions were deemed necessary at that time.

The proposed expansion project also includes the relocation of approximately 800 linear feet of the City of Fall River Sanitary sewer line that runs adjacent to the existing ditch and the location of the proposed berm. Three existing sewer manholes will be abandoned in place by removing the top 4 feet and filling the remaining space of each manhole and the interconnecting pipes with flowable grout or compacted structural fill. One existing sewer manhole will be modified for new piping. Twelve new manholes with interconnecting 12 inch diameter pipe will be constructed. The sewer relocation design was reviewed by the Fall River Sewer Commission. Condition 3 of this approval requires BFI to comply with the requirements of the Fall River Sewer Commission.

The proposed berm will be constructed with compacted structural fill to an elevation of approximately 182 feet. The outer slope will be approximately 20 feet high, sloped at grade of 2.5 vertical to 1 horizontal, and covered with riprap. The inner slope will consist of a double composite liner system, sloped at a grade of 2.5 vertical to 1 horizontal, extending to the leachate collection area at the base of the Landfill.

Liner System

The Area 3 Expansion will cover approximately 12.6 acres. An overlay liner system will be constructed over approximately 11 acres of Phase II. The existing footprint of Phase II landfill will also be expanded by approximately 1.6 acres. The base of the expansion area will be constructed approximately 17 feet above groundwater level. The baseliner for the expansion is proposed to extend from the top of the slope at approximate elevation 360 feet down to the interior edge of the Area 3 Expansion leachate collection trough (approximate elevation 180 feet).

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The slope of the Landfill liner in the overlay area is variable and has been designed to conform to the general shape of the existing sideslope. The vegetative support material of the existing final cover system will be removed. The existing geomembrane cover and sand drainage layer will remain, although the geomembrane will be cut in some areas to facilitate the reconstruction of the landfill existing gas collection system where it lies beneath the proposed new liner system.

A hydraulic separation layer will be constructed in the overlay area, designed in accordance with the standard presumptive design requirements of 310 CMR 19.110(5)(c)(2) to include the following components, from bottom to top:

- o A subgrade layer consisting of the existing, or supplemented, 9 inch thick sand drainage layer material as needed to achieve liner system grades; overlain by
- o A synthetic barrier layer consisting of a minimum 60 mil, textured, HDPE geomembrane liner; overlain by
- o A leachate collection layer with a minimum 18 inch sand layer with a minimum permeability of 1×10^{-2} cm/sec., combined with 6 inch diameter, perforated, HDPE collection pipes.

The sand leachate collection layer will be added periodically as landfilling progresses to minimize the potential for sand washout prior to landfilling with solid waste. Each placement of sand will be overseen by a Massachusetts Registered Professional Engineer and the work will be certified as being completed in accordance with requirements and the approved design. (refer to Condition 7)

Most of the hydraulic separation layer will be constructed at a slope greater than four horizontal to one vertical (4:1). The area located at the top of the sideslope abutting Area 2 will lie at a grade of less than 4:1. Pursuant to the considerations listed at 310 CMR 19.110(5)(c)(3)(b), MassDEP has determined that this is the last area to be filled with waste in the Area 3 Expansion and that a final cover system will be installed above the waste within months of filling. Accordingly, MassDEP has determined that a hydraulic separation layer above the existing single composite liner system is adequate and appropriate.

The portion of the proposed expansion that constitutes the new footprint does not overly any existing liner system and covers approximately 1.6 acres, ranging from approximate elevations 180 to 167 feet. In accordance with the requirements of 310 CMR 19.110(4)(a), a double composite liner with leak detection will be constructed on the base, and 5 feet vertically up the slope from the 4:1 transition point and cover approximately 1.75 acres. This liner will include the following components, from bottom to top:

- o A subgrade layer of compacted soil or existing sand drainage layer material as needed to achieve liner system grades; overlain by
- o A 12 inch thick low permeability soil layer placed and compacted in two 6 inch lifts with a maximum permeability of 1×10^{-7} cm/sec; overlain by
- o A secondary geosynthetic clay liner ("GCL") with a maximum permeability of 5×10^{-9} cm/sec.; overlain by

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- o A secondary synthetic barrier layer consisting of a 60 mil, textured, high density polyethylene ("HDPE") geomembrane liner; overlain by
- o A geocomposite drainage layer consisting of a minimum 8 ounce geotextile fabric heat-bonded to both sides of a HDPE bi-planar geonet with a minimum transmissivity of 5×10^{-4} m²/sec.; overlain by
- o A primary geosynthetic clay liner with a maximum permeability of 5×10^{-9} cm/sec.; overlain by
- o A primary synthetic barrier layer consisting of a 60 mil, textured, HDPE geomembrane liner; overlain by
- o A leachate collection layer with a minimum of 18 inches of sand with a minimum permeability of 1×10^{-2} cm/sec., combined with one 10 inch diameter, perforated HDPE primary collection pipe, and a series of 6 inch diameter, perforated HDPE primary collection pipes installed on the side slope.

The primary geomembrane liner for the 11 acre area will be heat welded to the primary geomembrane of the 1.75 acre area to form a leak tight connection.

A secondary leachate collection trough will be constructed along the entire length of the 1.6 acre expansion area. A 4 inch diameter perforated HDPE pipe will be placed in the secondary trough and surrounded by ¾ inch to 1-1/2 inch washed stone placed above the secondary leachate geocomposite drainage material. A 4 inch diameter HDPE pipe will penetrate the perimeter berm and lead to a new 60 inch diameter HDPE secondary leachate collection manhole. Secondary liner leakage rate monitoring will be conducted within this manhole.

A 10 inch diameter perforated HDPE, primary leachate collection pipe, will be placed above the primary geomembrane in the low area constructed along and above the entire length of the secondary trough. A layer of 1-1/2 inch diameter washed stone, 18 inches deep by 20 feet wide, will be placed around the primary leachate collection pipe and be surrounded by 16 ounce non-woven geotextile filter fabric. A 10 inch diameter HDPE pipe will penetrate the perimeter berm and lead to a new 60 inch diameter HDPE primary leachate collection manhole. Secondary leachate and primary leachate will be combined in this manhole. Combined leachate will flow through one additional 60 inch diameter HDPE manhole and five 48 inch diameter precast concrete leachate manholes with cast iron frames and covers, interconnected by 8 inch diameter SDR-17 HDPE pipes, and then flow to the existing leachate conveyance system, which discharges to the City of Fall River municipal sanitary sewer system.

Gas Collection and Control System Design

The Phase I and II landfill gas collection system currently consists of approximately 88 vertical gas extraction wells, eight horizontal gas collection trenches, and seven connections to leachate collection system cleanouts. The landfill gas header system in Phases I and II consists of a main 16-inch diameter pipe perimeter loop installed on the lower half of the slope around the entire landfill mound. Four 8-inch diameter pipe headers provide connections across the central and upper areas of the landfill mound. Gas collectors are connected to the main header pipes via 4 inch and 6 inch diameter pipe laterals. Condensate produced from the Phase I and II landfill gas collection system is collected at sumps installed at the low points in the gas collection piping and is pumped by automated pneumatic pumps and a force main system into an 8,000-gallon, above

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grade storage tank. Additional gas collection system components are currently being constructed during the phased closure of Area 2.

The existing landfill gas control system is located at the south side of Phase I and includes a power plant facility and two enclosed flare systems. The power plant facility consists of two 975 kW Waukesha 7042 GLD engine/generator packages and one 5,000 kW Taurus 60 Solar turbine and is utilized as the primary landfill gas control device. The flare system includes two Callidus enclosed flares, two Lansom blowers, two control racks, and associated landfill gas control piping and electric control equipment and is used as the backup control device when the power plant facility is offline or operating at reduced capacity.

Modifications to Existing Gas Collection System

The landfill area proposed for the Area 3 Expansion is currently serviced by an active landfill gas collection system that requires modification. In addition, some landfill gas system components associated with Area 2 are located in the proposed Area 3 Expansion footprint and will be modified. Currently there are 10 gas extraction well risers and wellhead assemblies that lie in the Area 3 Expansion footprint. Construction of the proposed expansion project requires the realignment of existing piping and modification of existing extraction wells as follows:

- Relocation of 10 existing gas extraction wellheads;
- Installation of new lateral piping;
- Installation of new header piping beyond the limits of the Area 3 Expansion;
- The relocation of an existing gas condensate sump;
- The termination of existing air lines and condensate force main piping to the existing condensate sump, and
- Installation of horizontal collection trenches consisting of 6 inch diameter perforated HDPE pipe placed within a 24 inch deep by 30 inch wide trench, backfilled with ¾ inch to 1-1/2 inch washed stone.

During landfill gas collection system modifications construction, use of odor control methods, including but not necessarily limited to: lime application to exposed waste, immediate disposal and covering of excavated waste, covering of all excavated areas at the end of each working day, and temporary cessation of excavation operations if excessive odors occur, will be implemented to prevent offsite nuisance odor conditions from occurring.

Proposed Area 3 Expansion Final Cover System and Gas Control System

Within the Application, SITEC provided a narrative description and conceptual design drawings for the Area 3 final cover system and landfill gas collection system. Final design plans and details will be submitted for MassDEP review and approval upon completion of landfilling in this area.

The proposed conceptual final cover system consists of a 6-inch sand gas venting layer, a 40 mil textured HDPE geomembrane, a 9-inch sand drainage layer, and a 12-inch vegetative support layer. A series of grass lined stormwater control berms and one stone lined downchute will provide stormwater control.

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The conceptual gas collection system incorporates 16 vertical gas extraction wells, four horizontal collectors, and eight connections of the leachate collection system piping to the existing active landfill gas collection system header lines.

The vertical gas extraction wells will be installed in Landfill areas where sufficient depth of waste is planned to facilitate installation and proper operation of a vertical wells.

In addition, gas piping will be installed and connections made to 8 leachate collection system cleanout riser pipes so that landfill gas can be drawn from the underlying perforated piping.

Vertical wells, horizontal collectors and leachate collection system piping connections can be made as landfilling progresses up the slope should the need arise to control fugitive landfill gas emissions.

Stormwater Control

During active landfilling operations, all stormwater that contacts solid waste will be collected as leachate. As landfilling progresses, intermediate cover materials will be placed on side slopes and stormwater runoff that has not contacted solid waste will be collected and conveyed to the existing stormwater control system. Upon completion of landfilling and construction of the final cover system, all stormwater runoff will be directed to the existing stormwater control system.

During active operations, stormwater from the lined slope above the active area will be collected and discharged as clean stormwater. This will be accomplished by constructing a series of stormwater collection berms and pipes on the lined slope which will convey stormwater runoff to capped landfill areas outside the limits of the new liner. As landfilling progresses, these berms and pipes will be modified to collect and divert leachate to the leachate collection trough at the base of the Landfill. Each time the berms and pipes are modified, the work will be overseen by a Massachusetts Registered Professional Engineer and the work will be certified as being completed in accordance with requirements and the approved designed.

Seismic and Static Stability

A seismic and static stability analysis was performed for the Area 3 Expansion design by GZA GeoEnvironmental, Inc. ("GZA"). The analysis was performed to evaluate the conformance of the design with the criteria of MassDEP regulations 310. CMR 19.038(2)d(2) through 19.038(2)d(4). GZA concluded that the proposed design would conditionally meet the regulatory requirements provided GZA's recommendations regarding materials quality, testing and placement were followed. The project design documents include requirements for the contractor to demonstrate that the materials and methods proposed for the project meet GZA's minimum recommendations.

Groundwater Monitoring Modifications

The proposed project includes the decommissioning of existing groundwater monitoring wells MW-15 and MW-16 and the relocation of existing groundwater monitoring wells MW-19 and MW-20 to locations approximately 75 feet east of the current location to allow for construction of the proposed perimeter containment berm. Additionally, MassDEP is requiring the installation of a new groundwater monitoring well downgradient of the Landfill in the vicinity of former temporary wells BGW-9 through BGW-14. The purpose of this monitoring well is to ensure that concentrations of contaminants downgradient of MW-11B are not acting as a potential source of vapors of oil or hazardous materials with the potential of impacting indoor air. (refer to Condition 12)

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Financial Assurance Mechanism

BFI currently maintains a Financial Assurance Mechanism for the Landfill in the amount of \$5,479,574 to cover the costs of closure of open areas of the Landfill and monitoring and maintenance of the entire Landfill over the 30 year post closure period. BFI submitted documentation regarding future closure and monitoring and maintenance costs and concluded that, provided 6 acres of Area 2 are closed and capped, the existing FAM will remain adequate. The status of the Area 2 closure will be further evaluated when the Area 3 Expansion is constructed and a permit application for operation is submitted, and the FAM will be evaluated and adjusted if necessary at that time.

APPROVAL AND CONDITIONS

MassDEP has determined the permit Application is administratively and technically complete and, in accordance with the authority granted pursuant to Massachusetts General Laws, Chapter 111, Section 150A, hereby approves the proposed Landfill Area 3 Expansion, as detailed within the April 23, 2012 Application, and supplemented on May 17, 2012, subject to the following Conditions:

1. Notification: BFI shall notify MassDEP in writing when construction begins in order that periodic inspections can be scheduled and performed during the construction period.
2. Regulatory Compliance: BFI shall proceed with the Area 3 Expansion construction in compliance with MassDEP regulations, requirements, the Manual, or as specified by this permit. All work shall be completed as shown on the SITEC Drawings submitted on April 23, 2012, if/as amended on May 17 and 22, 2012, unless otherwise required or approved by MassDEP. MassDEP shall be consulted prior to any deviations from the approved design. MassDEP may require a permit modification application for significant design modifications.
3. Fall River Sewer Commission: BFI shall comply with all requirements of the City of Fall River Sewer Commission regarding the relocation of the existing sanitary sewer and tie in of components of the Landfill leachate collection system.
4. Standard Conditions: BFI shall comply with 310 CMR 19.130 *Operation and Maintenance Requirements* and 310 CMR 19.043 *Standard Conditions*, during the construction so as not to impact facility operations.
5. Nuisance Conditions: BFI shall keep odors, dust, erosion, noise and other nuisance conditions to a minimum during the construction process. In the event that a nuisance condition develops, abatement measures shall be implemented immediately. Appropriate measures to avoid offsite nuisance odor conditions must be implemented, which may include but are not limited to: minimizing the area of open excavation at any time, liming excavation areas to reduce odor emissions, closing all excavations by the end of the working day, and immediate transport, and disposal of excavated waste materials. Construction activity shall temporarily cease until nuisance conditions are mitigated, should control efforts prove to be ineffective in preventing odors or other nuisance conditions under the existing working and atmospheric conditions.

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6. Stormwater Controls: BFI shall install perimeter silt-fence barriers and other stormwater erosion control devices, including the containment berms and swales, at the Landfill prior to initiating construction as necessary to prevent migration of silt into adjacent wetlands. BFI shall maintain all erosion control devices.
7. Construction Certification: BFI shall submit a Construction Certification Report (Report) to MassDEP in accordance with 310 CMR 19.106, upon completion of construction activities. The Report shall include as-built drawings, quality assurance/quality control (QA/QC) report, and written certification from the supervising engineer demonstrating that construction of the cell was performed in accordance with MassDEP regulations, requirements, the Manual, and the approved design. BFI should review the Manual, Table 2-2, "Elements of Construction Documentation Report" and Chapter 2 Section IV, C regarding FML. During landfill operations, BFI shall submit interim certification reports prepared by a Massachusetts Registered Professional Engineer, each time a new area of drainage sand is placed stating that placement of sand, and modification of the leachate collection system/stormwater collection system, if any, were completed in accordance with the approved design.
8. Authorization to Operate: BFI shall submit an ATO permit application to MassDEP for review and receive written approval in accordance with 310 CMR 19.042 prior to beginning operations in any part of the Area 3 Expansion. At a minimum, the ATO permit application must include the Certification Report, proof that appropriate financial assurance has been secured in accordance with 310 CMR 19.051, and proof of receipt of all applicable state, local and federal permits for the facility.
9. Permit Limitations: The issuance of this conditional approval is limited to the construction of the Area 3 Expansion and does not relieve BFI from the responsibility to comply with all other regulatory or permitting requirements. MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health or the environment.
10. Air Pollution Control Regulations: BFI shall comply with all applicable state (310 CMR 7.00 Air Pollution Control Regulations) and federal air pollution control regulations. During operations, BFI shall construct and operate all landfill gas collection system components in accordance with the design details and schedule submitted within the Application.
11. Monitoring Well Abandonment and Relocation: Monitoring wells shall be decommissioned in accordance with MassDEP's guidance document titled "Standard References for Monitoring Wells, WSC-91-3101", April 1991, as amended. As built drawings for replacement wells MW-19 and MW-20 shall be submitted to MassDEP within thirty (30) days of completion.
12. New Monitoring Well: Within thirty (30) days of the date of this Approval, BFI shall submit a schedule for installation of a monitoring well, similar in construction as the replacement wells above, in the vicinity of former temporary wells BGW-9 through BGW-14, located on Commerce Park property. The off-site installation of the monitoring well will require an access agreement signed by an authorized representative of Commerce Park.

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RIGHT OF APPEAL

Right to Appeal - This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.032: Procedure for Review of Applications for New Facilities or Expansions, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.036(4), any person aggrieved by the issuance of this determination may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A not later than thirty days following receipt.

Notice of Appeal - Any aggrieved person intending to appeal the decision to the superior court shall provide notice to the Department of the intention to commence such action. Said notice of intention shall include the Department File Number X250785 and shall identify with particularity the issues and reason(s) why it is believed the approval 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 that made the decision. The appropriate addresses to send such notices are;

Office of General Counsel
Department of Environmental Protection
One Winter Street
Boston, MA 02108

Martin Suuberg, Acting Regional Director
Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

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 matter may be raised upon 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 public health or environmental impact of the permitted activity.

If you have any questions or comments regarding this approval letter, feel free to contact me at (508) 946-2847, or Dan Connick at (508) 946-2884, or at the letterhead address.

Very truly yours,



Mark Dakers, Acting Chief
Solid Waste Management Section

E/DC/tr

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fc: William A. Flanagan, Mayor
City of Fall River, City Hall
One Government Center
Fall River, MA 02772
Fax No. (508) 324-2626

Fall River City Council
City Hall
One Government Center
Fall River, MA 02722
Fax No. (508) 324-2626

cc: Representative David Sullivan
David.Sullivan@mahouse.gov

Fall River Board of Health
britz@fallriverma.org

Mike Quatromoni, SITEC Environmental, Inc.
mquatromoni@sitec-engineering.com

DEP-Boston
ATTN: J. Doucett

DEP-SERO
D. Connick
L. Black
D. Gilmore

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Fact Sheet
BFI Fall River Landfill
Authorization to Construct
Area 3 Expansion

The Massachusetts Department of Environmental Protection has prepared a **DRAFT Permit** for "Authorization to Construct" the Area 3 Expansion by Browning-Ferris Industries, Inc. (MA) at the BFI Fall River Landfill, 1080 Airport Road, Fall River, Massachusetts.

The permit Application details the design and construction of the Area 3 Expansion liner and leachate collection system, landfill gas control system, and stormwater controls. The Area 3 Expansion layout is comprised of approximately 12.6 acres and is situated on the east side slope of the Landfill. The proposed expansion will provide approximately 550,000 cubic yards of gross air space capacity. At the permitted maximum average disposal rate of 1,500 tons per day, the life expectancy of the Area 3 Expansion is about 9 months and at historic waste intake rates the life expectancy is between 12 and 18 months.

When the Area 3 Expansion is constructed and approved for operation, BFI may dispose of municipal solid waste, construction and demolition material residuals, combustion ash, and residual solids from the City of Fall River Waste Water Treatment Plant. The proposed days and hours of operation are six days per week, 52 weeks per year, Monday through Friday 6:30 AM to 4:00 PM and Saturday from 7:00 AM to 11:30 AM.

The Area 3 Expansion includes a double composite liner system with leak detection capabilities over a new 1.6 acre new footprint area and a hydraulic separation layer consisting of a single geomembrane liner system an 11 acre area overlying landfill areas with an existing single composite liner system. Landfill gas controls will be implemented to collect landfill gas for conveyance to an existing on-site gas-to-energy facility.

The following numbered paragraphs explain the reasoning for the conditions, as numbered in the permit for Authorization to Construct:

1. Notification. Standard Department language requiring notification of commencement of construction so that MassDEP can schedule inspections.
2. Regulatory Compliance. Standard Department language requiring compliance with all permits and approvals.
3. Regulatory Compliance. Site specific requirement to comply with all requirements of the City of Fall River Sewer Commission.
4. Standard Conditions. Standard Department language requiring compliance with the Standard Conditions specified in MassDEP's 310 CMR 19.000 regulations.
5. Nuisance Conditions. Standard Department language requiring BFI to address odors, dust, erosion, noise or other nuisance conditions that may occur during the construction

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process.

6. Stormwater Controls. Standard Department language requiring BFI to install stormwater erosion control devices at the Landfill prior to initiating construction of the composite liner system.
7. Construction Certification. Standard Department language requiring a construction certification report upon completion of construction.
8. Authorization to Operate. Standard Department language requiring BFI to submit an Authorization to Operate (ATO) permit application to MassDEP for review and approval prior to beginning operations in the expansion area.
9. Permit Limitations. Standard Department language notifying BFI of the limitations of the permit notifying BFI of the responsibility to comply with all other regulatory or permitting requirements. This condition also notifies BFI that MassDEP reserves the right to require additional assessment or action, as deemed necessary to protect and maintain the environment free from objectionable nuisance conditions, dangers or threats to public health or the environment.
10. Air Pollution Control Regulations: Standard Department language requiring notifying BFI to comply with all applicable state (310 CMR 7.00 Air Pollution Control Regulations) and federal air pollution control regulations and to construct and operate all landfill gas collection system components in accordance with the design details and schedule submitted within the Application.
11. Monitoring Well Abandonment and Relocation: Requirement for BFI to decommission existing monitoring wells in accordance with MassDEP's guidance document and submit as-built drawings for new wells.
12. New Monitoring Well: Requirement for BFI to submit a schedule for installation of a monitoring well. The purpose of this monitoring well is to ensure that concentrations of contaminants are not a potential source of vapors of oil or hazardous materials to indoor air on Commerce Park property.