

## Memorandum

**To: Secretary Matthew A. Beaton, Executive Office of Energy and Environmental Affairs**

**From: Kirstie Pecci, Staff Attorney, MASSPIRG**

**Date: September 25, 2015**

**Regarding: EEA No. 15356 Southbridge Recycling & Disposal Park, Draft Environmental Impact Report**

### I. Introduction

Southbridge Recycling and Disposal Park (“Casella”) is the operator of the Southbridge Landfill, located at 165 Barefoot Road, Southbridge, Massachusetts (the “Landfill”). On August 17, 2015, Casella submitted a Draft Environmental Impact Report to the Executive Office of Energy and Environmental Affairs MEPA Office (“DEIR”). Casella proposes to expand the Landfill’s disposal capacity by 4,461,600 tons and build over 32.78 acres of new landfill cells.

The proposed expansion has been divided into four phases. Phase I would allow Casella to move many of the existing landfill appurtenances south of Barefoot Road, and to build earthen berms around the existing landfill. Casella would then take advantage of the new capacity created by the berms and stack 7.39 acres of new landfill cells on top of the existing closed cells some of which are unlined. Phase II would allow Casella to build new cells with a berm on 3.25 acres adjacent to the existing cells.

Phase III would allow Casella to extend the landfill onto 10.45 acres north of the existing landfill into Charlton and land in Southbridge that has not been site assigned. Phase IV would allow Casella to build a new landfill across Commercial Drive, south of the landfill on 19.08 acres. All four phases require berms because they are building new cells on top of existing cells (Phase I) or they propose building cells where there is not adequate space to safely build traditional landfill cells.

MASSPIRG's comments focus on two topics not adequately addressed by Casella's DEIR:

(1) Procedural Failures – Despite their exclusion of this requirement in the DEIR, as per 310 CMR 16.00, both Phase I and Phase III of the proposed expansion require a Determination of Site Suitability from the Massachusetts Department of Environmental Protection and a Major Modification to Site Assignment from the Boards of Health of the Towns of Southbridge and Charlton; and,

(2) Need for Investigation and Remediation -- This expansion, if allowed, will increase the danger to public health due to the increased contamination of the air and water of the Towns of Charlton, Southbridge and Sturbridge, yet the DEIR does not even address investigation or remediation of ongoing releases into the environment.

Throughout the DEIR, Casella mischaracterizes the nature of a site assignment. Similar to an easement, a site assignment is a document that imposes specific conditions on a particular parcel of land. The use, footprint and conditions in a site assignment are in effect unless the board holds a new site assignment hearing to modify the old site assignment. Neither the applicant nor a board of health can dismiss or ignore the terms of a site assignment, or guess what a previous board would have decided. The only remedy for addressing new concerns (including new technologies) is a new site assignment.

Secondly, the DEIR largely ignores the certain increase in contamination to the air and water (ground and surface) that this project would result in. Casella argues that because the yearly tonnage will not change, the additional almost *four and a half million tons* of municipal solid waste to be dumped over the

next 11 years does not constitute a danger to public health and the environment. To clarify, Casella is like a smoker who has been smoking a pack a day for many years, and when told they should quit, argues that continuing to smoke a pack a day for eleven more years won't further harm their lungs. This is especially ridiculous because the DEIR does not address investigating and remediating existing conditions. Well testing indicates that the landfill is already leaking leachate, and the release of landfill gas has been such a persistent problem that Casella shut down the landfill repeatedly over the summer to minimize odors.

## **II. Procedural Deficits – Phases I and III also require a Determination of Site Suitability from the MassDEP and a Major Modification to Site Assignment from the Town of Southbridge and Town of Charlton Boards of Health**

### A. MSE Berms contradict the terms of the existing site assignment and must therefore be reviewed in a Site Assignment Hearing.

310 CMR 16.08-16.11 require that an applicant must apply for a Determination of Site Suitability from the MassDEP and a Major Modification to Site Assignment from the applicable Board of Health to Expand a Site. "Expand a Site" is defined in 310 CMR 16.00 as "to move or expand a solid waste facility's operation to a previously unassigned site that is contiguous to the original site or to modify a solid waste facility's operations causing it to exceed any capacity or total volume limit stated in its current site assignment." Phase I and Phase III both Expand the Site to a previously unassigned site. See the discussion below.

The proposed berms also cause the landfill to exceed previous capacity. Without the berms, the landfill would be full in 2017. The berms, which are needed for all four phases, would allow the landfill to operate for 11 more years.

The 2008 Site Assignment does not discuss the Mechanically Stabilized Earthen Berms, or MSE Berms, or any berms, at any time. In fact, Condition 32 of the 2008 Site Assignment describes the slope of the landfill as "a maximum of 3:1 and a minimum of 20:1." In contrast, if allowed, the MSE berms will be

constructed at a slope of 1 horizontal: 2.7 vertical. Allowing the Berms to be built will greatly expand the capacity of the landfill in ways that were never imagined, and in fact contradict the existing site assignment. There are also no other regulations that set out requirements for berms, “The Massachusetts Solid Waste Regulations 310 CMR 19.000 contain no requirements relating specifically to the design, construction, operation, and post-closure monitoring of MSE berms.” Page 2-12 DEIR. The berms would allow Casella to increase the slope of the landfill far beyond what is normally deemed safe. It is also unclear what additional danger building new cells on top of existing cells, **twelve acres of which are unlined**, would pose.

For these reasons, not only Phases II and IV, but Phase I and Phase III, all of which require MSE berms, require a Determination of Site Suitability and Major Modification to Site Assignment prior to permitting.

B. There have only been two site assignments that increased the footprint of the Southbridge Landfill – the 1979 and 1999 Site Assignments.

Only 52.8 acres of land has been site assigned at the Southbridge Recycling & Disposal Park. Those 52.8 acres were site assigned for disposal only, and all 52.8 acres are located in the Town of Southbridge.

In other words:

- 1) Barefoot Road was never site assigned (Phase I);
- 2) No acreage south of Barefoot Road was ever site assigned (Phase I);
- 3) No acreage north of the 52.8 acres of the existing landfill cells was ever site assigned (Phase III); and
- 3) No acreage has been site assigned in the Town of Charlton, and any and all of the landfill appurtenances in Charlton require a site assignment from the Town of Charlton Board of Health (Phase I). See Exhibit P.

There have been three site assignments pertaining to the Southbridge Landfill, at Barefoot Road, Southbridge, Massachusetts.

1. The one page **1979 Site Assignment** did not specify how many acres were site assigned, but the owner of the site, the operators of the site and the MassDEP, the EOEEA and the Town of Southbridge

confirmed that the site assigned area was **20.6 acres** in numerous certificates and filings (see more below). The only use site assigned in 1979 was landfilling.

2. In the **1999 Site Assignment**, only **32.2 acres** were added to the north of the already site assigned area. The only use site assigned at that time was landfilling.

3. The **2008 Site Assignment** did not specify how many total acres had been site assigned in the past, but did state categorically that the 2008 site assignment **did not expand the acreage** under site assignment. The 2008 site assignment did not site assign any use, but increased the yearly tonnage for regional landfilling.

4. Only traditional landfilling was reviewed during the three site assignments. The use of berms and the operation of a Processing Facility were never reviewed in a site assignment hearing before the Town of Southbridge Board of Health.

5. The **1979 Site Assignment** and the **1999 Site Assignment** assigned a total of **52.8 acres**.

### C. The 1979 Site Assignment

*1. 1979 Site Assignment – The only use site assigned was landfilling.*

The law in effect today and in 1979, Chapter 111, Section 150A, requires that any sanitary landfill be site assigned by the board of health of such city or town as a site for a facility after a public hearing. Exhibit D (Unofficial transcript of M.G.L. circa 1979 for convenience). In accordance with this law, on July 2, 1979 the Town of Southbridge Board of Health granted an assignment on the tract of land then owned by George Corriveau on Barefoot Road, Southbridge, Massachusetts. The one page assignment specifically granted “an assignment of area to the proposed site for a sanitary landfill.” See Exhibit E. The Board of Health did not grant a site assignment for any other use at that time – in fact the Board specifically stated that “The Board, along with the Town Council’s Subcommittee for the Department of Public Works, investigated in great detail alternate methods of solid waste disposal, such as incineration and recycling.

It came to the conclusion that such methods were not feasible or practical for our situation because of cost, efficiencies of operation, site location and other reasons.” Id.

*2. Newly discovered evidence proves beyond a reasonable doubt that only 20.6 Acres were site assigned.*

The 1979 Site Assignment is unclear as to how many acres were site assigned. See Exhibit E. However, the acreage by definition had to be limited -- in 1979, Chapter 111, Section 150A mandated that “The assignment of a place as a site for a facility shall be subject to such limitation with respect to the extent, character and nature of operation thereof as may be necessary to protect the public health, comfort and convenience.” See Exhibit D.

MASSPIRG recently found a MEPA file at the MEPA office that had been excluded from the record of the 2008 Site Assignment. *After* the 1979 Site Assignment, MEPA conducted a complete review of the landfill in response to concerns expressed by the Town of Charlton and residents of both Charlton and Southbridge. See Exhibit F. Because this review process was immediately after the 1979 Site Assignment, it accurately reflects the acreage that was site assigned at that hearing. As stated by now Commissioner Suuberg; “The most reliable way to interpret the site assignment is in light of the decision itself and documents issued by the Board shortly after the time of its vote, which followed the hearing.” *Letter to Kirstie Pecci, Esq. from Martin Suuberg, Regional Director, the Commonwealth of Massachusetts, Department of Environmental Protection, dated May 12, 2008.* During that MEPA review, the area site assigned was repeatedly described by the Town of Southbridge, the EEA, the MassDEP, the Town of Charlton, local citizens and the press as **20.6 acres**, and the **entire parcel reviewed was described as approximately 23 acres.**<sup>1</sup>

Some specific references to acreage site assigned in EEA # 3729 (see portions of documents attached

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<sup>1</sup> Please find the complete file, EEA # 3729, at:

<https://www.dropbox.com/s/135y9bg510qpq2g/Southbridge%20Landfill%2C%201980%20MEPA%20File%2C%20EEA%20%233729.TIF?dl=0>

hereto):

- See Exhibit G. Proposed Landfill Site Barefoot Road, Southbridge, MA, page 2 of EEA# 3729. Please note that entire site is north of Barefoot Road and south of what was then the Southbridge/Charlton town line.<sup>2</sup> *Therefore the site could only be about 20 acres, and did not include the area where Casella hopes to move various landfill appurtenances, the Processing Facility, or "blue building" is now.*
- See Exhibit H. The owner of the site, the Town of Southbridge, retained E.J. Flynn Engineers, Inc. to prepare a "Report for the Operation of the Proposed Barefoot Farm Road Sanitary Landfill for the Town of Southbridge," dated Nov. 1980, beginning on page 99 of EEA# 3729. See page 102, "The Barefoot Farm Road site is a portion of a large town owned parcel consisting of approximately 150 acres located in the towns of Southbridge and Charlton. *The site to be landfilled contains approximately 23 acres and is located between the Southbridge/Charlton town line and Barefoot Farm Road on the Northerly and Southerly sides, respectively, and between two wetland areas on the Easterly and Westerly sides.*"
- See Exhibit I. The owner/applicant (the Town of Southbridge) filed a Draft Environmental Impact Report with the EEA, prepared by E.J. Flynn Engineers, Inc., dated December 24, 1980, beginning on page 143 of EEA# 3729. The Environmental Notification Form, prepared by the Town of Southbridge, was included as a preface. See page 146 of EEA# 3729, "General Boundaries: *Excavation and use of a drumlin bounded on the north by the Charlton-Southbridge town lines, east, west and south by Barefoot Farm Road.*" Also see page 149 of EEA#3729, "Project Description. . .B. *State Total Area of the Project – 20.6 Acres.*"
- Also see Exhibit I, same document, page 176 of EEA# 3729, under 1.4 Present Zoning Ordinances, "The 23-acre proposed landfill site, including buffer zones, is presently in the residential-single family zone in accordance with the Town of Southbridge Zoning Map dated 1975."
- Also see Exhibit I, same document, page 179 of EEA#3729, under 2.2 Site Layout, "The total area of the site to be landfilled contains approximately 23 acres and is located between the Southbridge/Charlton town line and Barefoot Farm Road on the northerly and southerly sides, respectively, and between two wetland areas on the easterly and westerly sides."
- Also see Exhibit I, same page 179 of EEA#3729, Boundaries of the Landfilled Area, "The total 23 acres of the site to be landfilled is divided into six separate phases with each phase being approximately four acres in size."
- See Exhibit J. Map of the Plan of Land Southbridge-Charlton, Mass. Prepared by E.J.Flynn Engineers, Inc. dated Nov. 28, 1980, and Stamped for Approval by Department of Environmental Quality Engineering (DEQE) on August 18, 1981. Begin on page 207, EEA # 3729, copy is unclear. Obtained later, stamped clear copy from the MassDEP, which is attached.
- See Exhibit K. The Conservation Commission of the Town of Charlton submitted comments to the EEA dated February 8, 1981. See pages 376, 377 and 379 of EEA# 3729 which indicate Charlton's opposition to the project, and in which the engineer retained by the Town of Charlton explains that one of the their objections is the project is that is only about "23 acres."
- See Exhibit L. The Southbridge News, Articles dated January 13, 1981, January 28(sic?), 1981, and

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<sup>2</sup> The Southbridge/Charlton town line was moved to accommodate the expansion of the Southbridge Landfill in 1993. Because the Town of Southbridge Board of Health could not site assign land in another town, it was impossible for them to assign more than 20. 6 acres north of Barefoot Road in 1979. See Exhibit J 20.6 and Exhibit L for Town line after 1993.

February 4, 1981, all of which describe the total landfill site as *23 acres*, at pages 391, 393 and 394 of EEA# 3729.

EEA# 3729 includes the DEIR, FEIR and corresponding EEA comments and certificates. At no time in EEA file # 3729 was the site assigned area described as larger than 23 acres, or as more than 23 acres of the whole parcel purchased from George Corriveau, or even the portion of the Corriveau parcel that was in the Town of Southbridge at that time. **The record is clear and unequivocal --the total parcel was 23 acres, and the actual area site assigned for landfilling was 20.6 acres. The 23 acre parcel was located north of Barefoot Road and south of the then existing Charlton/Southbridge town line.**

#### D. The 1999 Site Assignment

##### *1. The 1999 Site Assignment only site assigns landfilling.*

The first sentence of the 1999 Decision of the Town of Southbridge reads “The Town of Southbridge...has filed an application for a site assignment for an expansion of the existing landfill facility on Barefoot Road...” See Exhibit M , page 1.

*The 1999 Site Assignment does not site assign any property for any purpose other than landfilling.*

##### *2. The 1999 Site Assignment only site assigns 32.2 acres.*

The acreage site assigned in the 1999 Site Assignment is also very clear. The lateral expansion is “into the non-site assigned portion of the site, located adjacent to and north of the existing active site; this expansion will cover a total o[f] approximately 32.2 acres north of the permitted phases of the landfill.” See Exhibit M. At no point does the 1999 Site Assignment assign any additional acreage.

*Therefore, the 1999 Site Assignment site assigned 32.2 acres, for landfilling, also north of Barefoot Road.<sup>3</sup>*

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<sup>3</sup> Casella’s attorneys have made the argument in the past that because 1999 Site Assignment adopted two conditions from the MassDEP’s Determination of Site Suitability, the Board of Health adopted all the terms of the determination, which allowed for an 82 acre expansion. The 1999 Site Assignment’s



***The only two site assignments that changed the acreage granted by the Southbridge Board of Health total 52.8 acres, solely for landfilling, both north of Barefoot Road.***

E. If the record is so clear, what is the origin of this confusion?

*1. EEA # 3729 was just located in 2015. It was not introduced in any prior site assignment or court proceedings.*

While the MEPA review associated with the 1979 Site Assignment was occasionally referenced, copies of the actual file were no longer at the MassDEP Office and were not admitted presented as evidence during the 2008 Site Assignment. Furthermore, usually MEPA documents are generated before the site assignment, not after it, so they would be of limited assistance in determining the acreage of the site assignment. However, in this case, the MEPA review took place after the site assignment, so they are very clear and conclusive evidence that only 20.6 acres was site assigned in 1979.

*2. The boundaries of the land site assigned and the site assigned uses were not part of the Board of Health's deliberations.*

Opponents of the 2008 tonnage expansion raised the inconsistencies in the site assigned area and use to the Hearing Officer during the hearing. Regarding those inconsistencies, she decided, "Based on the Record of this Hearing, it appears that there exists potentially contradictory evidence on 1) the lateral extent of the site assigned land; and 2) whether the area of land on which the Processing Facility is currently located and operating has a valid Site Assignment. While these are legitimate issues of concern, I do not believe that this is the correct forum for their resolution." Denial of Motion to Dismiss, Nancy Kaplan, Esq., Hearing Officer, April 17, 2008. Therefore, there was no testimony before the Board explaining the actual site assignment acreage or the allowed uses. Neither the Board of Health's decision, the appeal of the Board of Health's decision to the Superior Court, nor the appeal to the Supreme Judicial Court were made with the benefit of EEA # 3729 or any of the other additional documentation that

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specificity (use of the word "total") renders this argument impossible.

clarifies the site assignment.

*3. Casella has purposefully obscured, confused and enlarged the site assignment area in each filing.*

- Casella originally stated that “Initially, a 20.6 acre area was site assigned for waste disposal. In 1999, an additional approximately 32 acres were site assigned for disposal.” Page 11, Supplemental Environmental Impact Report on the Reallocation of Solid Waste Volumes at the Southbridge Environmental Industrial Park, EOE #10955, October 1, 2007, (the “SEIR”). In October of 2007, Casella knew that 52.8 acres had been site assigned for landfilling.
- Less than three months later, in their Request for Modification to Existing Site Assignment dated December 27, 2007, Casella confirmed their assertion regarding the 1979 Site Assignment, stating “In 1979, the Board of Health granted a site assignment for the initial development of the landfill, on approximately 20.6 acres.” However, they also stated “The 1999 Site Assignment permitted a lateral expansion of the Landfill of approximately 82 acres, 32.2 of which are used for disposal.” Page 3.
- Then, six months later, in their closing brief before the Town of Southbridge Board of Health, Casella increased the area site assigned once again. “On July 2, 1979 the Board granted a site assignment on approximately 64.25 acres of land along Barefoot Road in Southbridge for a sanitary landfill. . . On April 15, 1999, the Board granted a site assignment to expand the Landfill onto approximately 82.2 acres adjacent to the original site assigned property. . . In total, approximately 144.4 acres are site assigned;” Section 2, Summary Memorandum of Southbridge Recycling and Disposal Park, Inc., in Support of Request to Approve Minor Site Assignment Modification and to Issue Proposed Finding of Fact, Rulings of Law and Special Conditions dated May 23, 2008.
- Casella continues to magically add acreage to the site assigned area. The DEIR describes the

facility as “a solid waste management facility that includes approximately 150 acres of site-assigned land.” Page 1-1, DEIR.

F. Barefoot Road was not site assigned.

*1. A public road cannot be site assigned by a board of health.*

Casella now claims that the land south of the original Barefoot Road was site assigned in 1979. As shown above, the Board of Health only site assigned the land north of Barefoot Road. However, even if the record indicated that the Board had attempted to site assign the road, the Board of Health does not now, nor did it then, have the power to site assign a public road.

In 1883, the Town of Southbridge accepted Barefoot Road as a public road. See Exhibit N. The original Barefoot Road, as described in that Barefoot Acceptance, and shown on the plot plan referenced above, was therefore a public road in 1979. As such, the Town of Southbridge made a covenant with its citizens and visitors, promising to keep Barefoot Road open to the public, clear and in good repair. To be clear, neither the Board of Health nor any other board or private party has the right to grant rights over a public road or prevent its use in any way that would interfere with the public’s access over the road. The Board of Health of the Town of Southbridge did not have the power to nullify that covenant via site assignment, i.e., the Board of Health does not have the power to site assign a public road. Considering that Barefoot Road was also the only means of accessing H Foot Road and the landfill at that time, I would also argue that it was not the Board’s intent to site assign Barefoot Road.

Therefore, the original Barefoot Road was never site assigned, and is still not site assigned to this day.

That swath of land is part of Phase I. It crosses across the Southern MSE Berm and the proposed Construction Material Staging Area and the proposed Scale/Scale House/Resident drop-off area, and therefore requires a site assignment.

*2. The relocation of Barefoot Road is irrelevant to the site assigned area.*

In the 1990s a portion of Barefoot Road was relocated in connection with an airport project. The new portion of Barefoot Road was never accepted by the Town and remains private. The easterly portion of Barefoot Road remains in its original bed, and remains public. See Exhibit O. That is why Barefoot Road appears on the Private Ways and the Street List – part of it is a public road and part of it is a private road. However this relocation does not affect what portion of the land has been site assigned. The site assignment does not shift with the road, but can only be changed by the Board of Health, as per 310 CMR 16.00 after a site assignment hearing. Therefore, the acreage that was the original Barefoot Road is still not site assigned.

*3. Casella confirmed that part of Barefoot Road/Phase I is not site assigned in their ENF.*

The easterly portion of Barefoot Road, which is still public and has not been relocated, is adjacent to a parcel identified as Parcel 5 on Casella's Site Assignment Figure 6 of their initial ENF. Casella stated in the notes that Parcel 5 extends into the middle of Barefoot Road and is not site assigned. As stated above, the proposed Phase I, Southern MSE Berm covers the easterly, public portion of Barefoot Road. Therefore, according to Casella, part of the proposed Phase I is not site assigned, and requires a Determination of Site Suitability from the MassDEP and a Major Modification to Site Assignment from the Town of Southbridge Board of Health.

**As a result, Phase I, the berms of which extend over the original and present bed of Barefoot Road requires a Determination of Site Suitability as well as a Site Assignment before it can be permitted.**

### **III. Danger to the Environment**

Increasing the tonnage to be buried at the Southbridge Landfill would increase the potential for danger to the environment in a variety of ways, all of which should be evaluated carefully by the MEPA Office and the MassDEP.

A. Identify and remediate where the landfill is leaking now.

Citizens are troubled by the increased danger to surface and groundwater that will inevitably follow increasing the volume of toxic waste buried at the site. Citizens have also reported that Casella should not be allowed to expand the landfill unless the leachate leaking from the landfill now can be identified and remediated. Casella has been testing about 40 residential wells every three years. On Tuesday, September 15, 2015 a representative from Casella appeared before the Town of Charlton Board of Health and told the Board that Casella had discovered 1,4-dioxane contamination in a Charlton resident's well. Casella stated that they would make a plan for learning more about the source of the 1,4-dioxane, and were going to drill a deeper well for the residents. Casella also indicated that 1,4-dioxane levels exceeded allowable limits in at least one other residential well.

There was no discussion of this very serious development in the DEIR. Casella should submit all of its residential well testing to MEPA as part of the DEIR. MEPA should also require Casella to develop and implement (with the approval of the Town of Charlton Board of Health) a plan to identify and remediate the source of this landfill leak. Currently there is not enough data to establish what part of the landfill the contamination is from, or the best way to clean it up. Two or three years of dedicated testing would be necessary to resolve what action should follow. Until more is known, Casella should not be allowed to expand this already dangerous facility.

B. Implement a plan to decrease escaping landfill gas and better explain measures being used now.

When describing landfill gas emissions, Casella said "As stated earlier, the existing landfill operation includes every mitigation measure available." Page 4-6 DEIR. While Casella plans on increasing the number of LFGTE generators if they are allowed to expand the landfill, they have no plan for capturing more the landfill gas that is currently escaping into the air. MEPA should be made aware of the seriousness and pervasive nature of the escaping landfill gas and its horrible odor. Please require Casella

to submit all of the odor complaints generating in all three communities surrounding the landfill. Casella received so many odor complaints that they shut the landfill down on certain days over the summer. Casella should report this problem to MEPA. Finally, Casella uses odor suppression chemicals to mitigate odors. While odors are unpleasant and herald that you are also breathing landfill gas, Casella should share how many gallons of this chemical they are spraying each year, what it is composed of, and how often they are using it.

Again, unless Casella can protect citizens from present landfill gas emissions, they should not be allowed to expand the facility.

#### **IV. The Town of Charlton – Miscellaneous Process Issues**

##### A. Zoning

Until the zoning in the Town of Charlton is changed at a Town Meeting, Casella may not expand the landfill into the Town. Casella did not file the relatively simple zoning change needed with the Town so it can not be decided at the October 20, 2015 Special Town Meeting. As a result, Casella plans on waiting until the spring. However, this is cause for concern. Will Casella require the Town of Charlton to preside over a site assignment, when it may not be appropriate? This places undue expense and work on the Charlton Board of Health. Casella should be required to clear zoning hurdles before the initiation of the site assignment.

##### B. The Town of Charlton must preside over a site assignment for Phase I and Phase III of the landfill.

Only Phase III of the landfill extends into the Town of Charlton. However, basins that support the functioning of Phase I are also in Charlton. Furthermore, the other appurtenant structures, such as the LFGTE generators, leachate tanks, etc. are being moved as part of Phase I. In order for the Town of Charlton to adequately evaluate the efficacy and safety of the landfill systems, the Charlton Board of Health should preside over the entire site assignment, but must at the very least evaluate Phases I and III

during a site assignment hearing.

C. The Conservation Commissions of the Towns of Charlton and Sturbridge must review the proposal and its impact on their wetlands.

As is clear in Exhibit A, the landfill would not only straddle the borders of Charlton and Southbridge, but it would also directly impact wetlands that extend into all three towns. As such, the Conservation Commissions from the Towns of Sturbridge, Charlton and Southbridge must be allowed to impose orders of conditions on any construction that is within 100 feet of vegetative wetlands that then extend into their communities.

Thank you for your careful consideration of this submission. Please contact me if you have any questions or concerns.