

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

COPY

March 1, 2022

Jason Mello  
G. Mello Disposal Corp.  
95 Tenney Street  
Georgetown, MA 01833

RE: GEORGETOWN—Solid Waste Management  
G. Mello Disposal Corp.  
Solid Waste Handling Facility  
Carleton Drive, Lot 46  
FMF#: 617158

BWP SW01/Site Suitability for a New Site Assignment  
Application Number: 20-SW01-0002-APP

### **POSITIVE DETERMINATION OF SUITABILITY**

### **REPORT ON SITE SUITABILITY for NEW SITE ASSIGNMENT, ATTACHED**

Dear Mr. Mello:

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air and Waste, Solid Waste Management Section (MassDEP), pursuant to its authority under M.G.L. c. 111, Section 150A and the Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00, has completed its technical review of your application, category BWP SW01 *Site Suitability for a New Site Assignment*, Application Number: 20-SW01-0002-APP (the Application), regarding a new site assignment for a proposed solid waste handling facility (the Facility) to be located at Carleton Drive-Lot 46 in Georgetown, Massachusetts (the Site). The Application was prepared and submitted to MassDEP on behalf of G. Mello Disposal Corp. (G. Mello or the Applicant) by Cornerstone Construction Services, LLC of Woburn, Massachusetts (Cornerstone). MassDEP has assigned the proposed Facility a Facility Master File Number (FMF #: 617158). Please reference this FMF number on any future correspondence related to the Facility.

As discussed in the Application, G. Mello seeks to construct a new solid waste management facility for the handling of 500 tons per day (maximum 550 tons per day) and up to 177,500 tons per year of solid waste, including construction and demolition waste (C&D Waste). The proposed Facility will occupy a new structure at the Site (approximately 15,800 square feet). Municipal Solid Waste (MSW) delivered to the Site

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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would be consolidated in larger vehicles and shipped off site for proper disposal at a solid waste disposal facility. C&D Waste delivered to the Site would be consolidated in larger vehicles and shipped off site for processing prior to final disposal.

The Applicant submitted copies of the Application to the Georgetown Board of Health (the Board of Health) and the Town of Rowley Board of Health.<sup>1</sup>

Based on its review of the Application in accordance with the applicable provisions of 310 CMR 16.40, *Site Suitability Criteria*, MassDEP has determined that the Site **is suitable** for the Applicant's proposed solid waste management facility.

As a result of its review of the Application and the submitted information, and pursuant to the provisions of 310 CMR 16.13, MassDEP has prepared the attached "Report on Site Suitability for New Site Assignment" (the Site Suitability Report). The Site Suitability Report includes an explanation of MassDEP's review of the proposed new site assignment as it relates to the Site Suitability Criteria contained at 310 CMR 16.40.

Pursuant to 310 CMR 16.20, *Public Hearing Rules*, the Georgetown Board of Health should now proceed with a public hearing concerning the proposed solid waste site assignment action in accordance with the requirements, procedures and provisions contained therein.

As set forth at 310 CMR 16.20(7), the Board of Health shall commence a public hearing within 30 days of receipt of the Department's Site Suitability Report. At least 21 days prior to commencement of the public hearing the Board of Health shall notify all parties identified at 310 CMR 16.08(2) of the hearing, by certified mail, and cause notice of the public hearing to be published. Such notice shall be published in daily or, if not possible, weekly newspapers of general circulation in the municipality. MassDEP notes that the Applicant published public notice of the Site Suitability Application in the Eagle Tribune and MassDEP recommends publication of the public hearing notice in the same newspaper.

The public hearing notice shall give the date, time and location of the public hearing, a description of the proposed facility including the type of facility, proposed disposal tonnage, proposed hours of operation, the identity and mailing address of the Applicant; the public location within the community and hours where the Application may be inspected; the time period for written comment on the Application to the Board of Health and the address to which comments should be mailed. In addition, the notice shall contain the following statement: "The Department of Environmental Protection has issued a Report in which it determines that the above-described place is a suitable place for the proposed facility. Copies of the Department's Report on Site Suitability and the site suitability criteria (310 CMR 16.00) are available for copying and examination along with the application."

At the conclusion of the public hearing, the Board of Health shall advise MassDEP of the Board's final decision on the site assignment proposed action.

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<sup>1</sup> The Town of Rowley is located within one-half mile of a boundary of the proposed site-assigned area and is considered an "abutting Board of Health" as defined in 310 CMR 16.00, the Site Assignment Regulations for Solid Waste Facilities.




If you have any questions regarding this matter, please contact Richard Spieler at [richard.spieler@mass.gov](mailto:richard.spieler@mass.gov).

Sincerely,



Mark G. Fairbrother  
Section Chief  
Solid Waste Management

  
for Richard Spieler  
Environmental Engineer  
Solid Waste Management

MGF/RJS/rjs

Enclosures: Communication for Non-English-Speaking Parties  
Report on Site Suitability for New Site Assignment

cc: Georgetown Board of Health  
1 Library Street  
Georgetown, MA 01833

Georgetown Peabody Library  
2 Maple Street  
Georgetown, MA 01833

Georgetown Planning Board  
1 Library Street  
Georgetown, MA 01833

Massachusetts Department of Public Health  
Bureau of Environmental Health Services  
250 Washington Street, 7th Floor  
Boston, MA 02108  
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MassDEP-Boston/BAW

Rowley Board of Health  
P.O. Box 783  
Rowley, MA 01969

Merrimack Valley Planning Commission  
160 Main Street  
Haverhill, MA 01830

Alfred A. Taney, P.E.  
Cornerstone Construction Services, LLC  
9F Presidential Way  
Woburn, MA 01801

Ken Lafferty (Cornerstone)  
Email: [klafferty@cornerstone-serv.com](mailto:klafferty@cornerstone-serv.com)

**NEW SITE ASSIGNMENT  
SUITABILITY REPORT  
PROPOSED SOLID WASTE HANDLING FACILITY**

**Application/Report Number: 20-SW01-0002-APP**

For

G. Mello Disposal Corp.  
Solid Waste Handling Facility  
Carleton Drive, Lot 46  
Georgetown, MA 01833

**Prepared By**

Massachusetts Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, Massachusetts 01887

**Date Prepared**

March 1, 2022

**APPLICANT:**

G. Mello Disposal Corp.  
95 Tenney Street  
Georgetown, MA 01833

**SITE LOCATION:**

Carleton Drive, Lot 46  
Georgetown, MA 01833

**SITE OWNER:**

Jason Mello  
G. Mello Disposal Corp.  
95 Tenney Street  
Georgetown, MA 01833

**SITE OPERATOR:**

G. Mello Disposal Corp.  
95 Tenney Street  
Georgetown, MA 01833

**APPLICANT'S ENVIRONMENTAL CONSULTANT:**

Cornerstone Construction Services, LLC  
9F Presidential Way  
Woburn, MA 01801

**PROPOSED SOLID WASTE HANDLING FACILITY OPERATING RATE:**

The proposed Facility would receive up to 500 tons per day (tpd) of solid waste, including C&D Waste, with a daily maximum of 550 tpd and an annual maximum of 177,500 tons per year (tpy). The Facility is proposed to operate 7 days per week, subject to any limitations established by the Town of Georgetown (e.g., the Planning Board or Board of Health).

**I. INTRODUCTION**

The Massachusetts Department of Environmental Protection, Northeast Regional Office, Bureau of Air and Waste, Solid Waste Management Section (MassDEP), pursuant to its authority under M.G.L., Section 150A and the Site Assignment Regulations for Solid Waste Facilities, 310 CMR 16.00, has completed its technical review of the application, category BWP SW01, *Site Suitability of a New Site Assignment*, Application Number: 20-SW01-0002-APP (the Application), regarding a new site assignment for the G. Mello Disposal Corp. proposed solid waste facility (the Facility) to be located at Lot 46 Carleton Drive, in Georgetown, Massachusetts. The Site is approximately 14.57 acres in size. The Application was



prepared and submitted to MassDEP on behalf of G. Mello Disposal Corp. (G. Mello or the Applicant) by Cornerstone Construction Services, LLC (Cornerstone) of Woburn, Massachusetts.

As discussed in the Application, G. Mello seeks to construct a new solid waste management facility for the handling and processing of 500 tons per day of solid waste, including C&D Waste (with a daily maximum of 550 tpd and an annual maximum of 177,500 tons per year). The proposed Facility will occupy a new structure at the Site (approximately 15,800 square feet). As proposed, MSW delivered to the Site would be consolidated in larger vehicles and shipped off site for proper disposal. C&D waste delivered to the Site would be consolidated in larger vehicles and shipped off site for processing prior to final disposal.

An Environmental Notification Form for the proposed project was submitted for review under the Massachusetts Environmental Policy Act (MEPA). On June 12, 2020, the Secretary of Energy and Environmental Affairs issued a certificate that determined the project adequately and properly complies with MEPA and its implementing regulations and the project may proceed to permitting.

Copies of the Application were submitted to the Georgetown Board of Health (the Board of Health) and the Town of Rowley Board of Health. The Town of Rowley is located within one-half mile of a boundary of the proposed site-assigned area and is considered an “abutting Board of Health” as defined in 310 CMR 16.00, the Site Assignment Regulations for Solid Waste Facilities.

The proposed Facility would be a new solid waste management facility. A solid waste management facility is an established site or works, and other appurtenances thereto, which is, has been, or will be used for the storage, transfer, processing, treatment, or disposal of solid waste including all land, structures and improvements which are directly related to solid waste management activities.

On November 23, 2021, MassDEP determined the Application to be Administratively Complete. Pursuant to the provisions M.G.L. c.111, Section 150A and 310 CMR 16.10(4), MassDEP required that Public Notice be given concerning the proposed solid waste site assignment action, in order to initiate and provide a 21-day public comment period for any concerned persons regarding the site assignment proposal. According to the provisions of 310 CMR 16.00, the public comment period commenced on the date by which public notice was given.

On December 23, 2021, MassDEP received documentation from Cornerstone on behalf of the Applicant that Public Notice was published in the Eagle Tribune on December 6, 2021, and in the MEPA Environmental Monitor on December 22, 2021. Additional information was also provided that demonstrates abutters to the Site were individually notified by certified mail on or about December 6, 2021. Accordingly, MassDEP has determined that the Public Comment Period commenced on December 24, 2021 and concluded on January 13, 2022. Seven documents were received during the comment period regarding the Application, including a copy of the Georgetown Planning Board Decision dated September 22, 2021, Denial of the Site Plan Approval.

MassDEP has prepared this “Report on Site Suitability for New Site Assignment” for the above referenced Application pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 150A and 310 CMR 16.00, Site Assignment Regulations for Solid Waste Facilities.

## II. STATEMENT OF FACTS AND FINDINGS

MassDEP has based this review of the suitability of the Site on the criteria established at 310 CMR 16.40(3)(d), *Facility Specific Site Suitability Criteria* applicable to Solid Waste Handling Facilities and at 310 CMR 16.40(4), *General Site Suitability Criteria* applicable to all facilities.

**A. 310 CMR 16.40(3) (d) *Criteria for Solid Waste Handling Facilities*, provides that no site shall be determined to be suitable or be assigned as a solid waste handling facility where:**

- 1. The waste handling area would be within the Zone I of a public water supply [16.40(3)(d)1].**

*The Application documents that the Site is not located within the Zone I of any public water supply.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

- 2. The waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply, or within a proposed drinking water source area [16.40(3)(d)2].**

*The Application documents that the Site is not located within an Interim Wellhead Protection Area or a Zone II of an existing public water supply, or within a proposed drinking water source area.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

- 3. The waste handling area would be within the Zone A of a surface drinking water supply [16.40(3)(d)3].**

*The Application documents that the Site is not located within the Zone A of any surface drinking water supply.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

- 4. The waste handling area would be within 500 feet upgradient, and where not upgradient, within 250 feet, of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application, provided however, the applicant may show a valid option to purchase the restricted area including the well and a guarantee not to use the well as a drinking water source, the exercise of which shall be a condition of any site assignment [16.40(3)(d)4].**

*The Application documents that the Site is not located within 500 feet upgradient, and where not upgradient, within 250 feet of an existing or potential private water supply well existing or established as a Potential Private Water Supply at the time of submittal of the application.*

*Accordingly, MassDEP finds that the Site meets this criterion.*



**5. The waste handling area would be within 500 feet from:**

- i. an occupied residential dwelling; or
- ii. a prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center, excluding equipment storage or maintenance structures [16.40(3)(d)5].

*The Application documents that the proposed waste handling area will not be within 500 feet of a residential dwelling, a health care facility, a prison, a lower educational institution, a children's preschool, a senior center, or a youth center.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

**6. The waste handling area would be within the Riverfront Area as defined at 310 CMR 10.00 [16.40(3)(d)6].**

*The Application documents that the proposed waste handling area is not located within the Riverfront Area.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

**7. The maximum high groundwater table would be within two feet of the ground surface in areas where waste handling is to occur unless it is demonstrated that a two-foot separation can be designed to the satisfaction of the Department [16.40(3)(d)7].**

*The Application documents that the proposed waste handling area will be greater than two feet above the maximum high groundwater table in the area.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

**B. 310 CMR 16.40(4) General Site Suitability Criteria, provides that the following criteria shall apply to all types of solid waste management facilities:**

**1. Agricultural Lands [16.40(4) (a)]: No site shall be determined to be suitable or be assigned as a solid waste management facility where:**

- i. the land is classified as Prime, Unique, or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or
- ii. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and
- iii. a 100-foot buffer would not be present between the facility and those lands classified at 310 CMR 16.40(4)(a) 1. or 2.

*The United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS) mapping shows the presence of soil types associated with Prime, Unique,*



*or of State and Local Importance at the Site. The land is not deemed Land Actively Devoted to Agricultural or Horticultural Uses.*

*The Applicant retained John Turner Consulting (JTC) to provide a geotechnical evaluation of the Site. JTC prepared a Geotechnical Evaluation dated November 15, 2018 that indicates no presence of organic agricultural soil. JTC reports extensive disturbance of the Site from prior construction activities and potential historical agricultural soil removal. The JTC report concludes that test pits at the Site show fill and urban fill which is not typical of prime farmland soils or of Unique, State or Local Importance by the USDA NRCS.*

*JTC also prepared a Surficial Soil Review report dated February 19, 2021 which concluded that the USDA NRCS mapping of "farmland of statewide importance" is no longer appropriate for the property given the apparent alteration to the near surficial soil profile.*

*The Applicant also retained Apex Companies, LLC (Apex) as a certified soil scientist to ascertain the current accuracy of the historic USDA soil mapping information. Apex conducted a survey of the Site and prepared a report dated September 20, 2021. The Apex report concludes that no Agricultural Land of Prime, Unique, or of State or Local Importance exists within the proposed site assigned area including within 100 feet of the proposed Facility. Finally, the proposed Site is in a general area (zoned for industrial use, abutting Interstate Route 95) in which one is not likely to encounter commercial agriculture or horticulture activity described in M.G.L. 61A, section 3 (from which the phrase "land actively devoted to agricultural or horticultural uses" is derived).*

*Accordingly, MassDEP concurs with these findings and finds that the Site meets this criterion.*

2. **Traffic and Access to the Site [16.40(4) (b)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility where traffic impacts from the facility operation would constitute a danger to the public health, safety, or the environment taking into consideration the following factors:

- i. **traffic congestion;**
- ii. **pedestrian and vehicular safety;**
- iii. **road configurations;**
- iv. **alternate routes; and**
- v. **vehicle emissions.**

*The Application contains a report titled Traffic Impact and Access Study (TIAS) for Proposed Solid Waste Handling Facility dated March 19, 2019 (updated April 26, 2019), prepared by Greenman-Pedersen, Inc. (GPI). The GPI report provides an assessment of the impact of the proposed Facility on traffic conditions in the vicinity of the Site. The report concludes that the proposed development can be safely and efficiently accommodated along the existing roadway network. The GPI report also states that no project specific mitigation is warranted based on the incremental impacts of the proposed development.*

*During the Georgetown Planning Board Site Plan review process, the Planning Board retained Graham Associates, Inc. (Graham) to perform a peer review of the TIAS for the project. Graham provided two review letters to the Planning Board dated January 2, 2020, and October 16, 2020. GPI provided responses to the Graham comments in letters dated May 20, 2020, and January 4, 2021.*

*GPI concluded that the remaining two concerns were the potential deterioration of Carleton Drive, and the increase in truck traffic and the potential traffic impact on the existing businesses on Carleton drive by the increase in traffic. GPI recommended that the Applicant and the Town negotiate potential mitigation measures to address these concerns.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

3. **Wildlife and Wildlife Habitat [16.40(4) (c)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would:
- i. have an adverse impact on Endangered, Threatened, or Special Concern species listed by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife in its database;
  - ii. have an adverse impact on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database; or
  - iii. have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

*The Application documents that the Site is not located within any of the areas described above and therefore, will not have an impact on wildlife and wildlife habitat.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

4. **Areas of Critical Environmental Concern (ACEC) [16.40(4) (d)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting:
- i. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or
  - ii. would fail to protect the outstanding resources of an ACEC as identified in the Secretary's designation if the solid waste management facility is to be located outside, but adjacent to the ACEC.

*The Application documents that the Site is not located within an ACEC and does not abut an ACEC.*

*Accordingly, MassDEP finds that the Site meets this criterion.*



5. **Protection of Open Space [16.40(4) (e)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would have an adverse impact on the physical environment of, or on the use and enjoyment of:
- i. state forests;
  - ii. state or municipal parklands or conservation land, or other open space held for natural resource purposes in accordance with Article 97 of the Massachusetts Constitution;
  - iii. MDC reservations;
  - iv. lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs; or
  - v. conservation land owned by private non-profit land conservation organizations and open to the public.

*The Application documents that the Site is not located on or adjacent to any of the lands described above.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

6. **Potential Air Quality Impacts [16.40(4) (f)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the anticipated emissions from the facility would not meet required state and federal air quality standards or criteria or would otherwise constitute a danger to the public health, safety, or the environment, taking into consideration:
- i. the concentration and dispersion of emissions,
  - ii. the number and proximity of sensitive receptors; and
  - iii. the attainment status of the area.

*The Application documents that the anticipated emissions from the proposed facility will not result in a condition of air pollution and will not create nuisance conditions.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

7. **Potential for the Creation of Nuisances [16.40(4) (g)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility where the establishment or operation of the facility would result in nuisance conditions which would constitute a danger to the public health, safety or the environment taking into consideration the following factors:
- i. noise;
  - ii. litter;
  - iii. vermin such as rodents and insects;
  - iv. odors;
  - v. bird hazards to air traffic; and
  - vi. other nuisance problems.

*The Application documents that the proposed operations would not result in nuisance conditions that would constitute a danger to the public health, safety, or the environment.*

*To protect air quality, public health and to minimize nuisance conditions, MassDEP encourages all proposed solid waste management facilities to incorporate Best Management Practices (BMPs). Provided the Board of Health grants a Site Assignment for the project, the design and operation of the proposed Facility will be subject to review and approval by MassDEP during the permitting process pursuant to 310 CMR 19.000.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

8. **Size of Facility [16.40(4) (h)]:** No site shall be determined to be suitable or be assigned as a solid waste management facility if the size of the proposed site is insufficient to properly operate and maintain the proposed facility. The minimum distance between the waste handling area or deposition area and the property boundary shall be 100 feet, provided that a shorter distance may be suitable for that portion of the waste handling or deposition area which borders a separate solid waste management facility.

*The Application documents that the proposed Site affords sufficient space to accommodate the proposed project and that the project waste handling area is compliant with the setback criteria.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

9. **Areas Previously Used for Solid Waste Disposal [16.40(4) (i)]:** Where an area adjacent to the site of a proposed facility has been previously used for solid waste disposal the following factors shall be considered by the Department in determining whether a site is suitable and by the board of health in determining whether to assign a site.

- i. the nature and extent to which the prior solid waste activities on the adjacent site currently adversely impact or threaten to adversely impact the proposed site; and
- ii. the nature and extent to which the proposed site may impact the site previously used for solid waste disposal; and
- iii. the nature and extent to which the combined impacts of the proposed site and the previously used adjacent site adversely impact on the public health, safety and the environment; taking into consideration:
  - a. whether the proposed site is an expansion of or constitutes beneficial integration of the solid waste activities with the adjacent site;
  - b. whether the proposed facility is related to the closure and/or remedial activities at the adjacent site; and
  - c. the extent to which the design and operation of the proposed facility will mitigate existing or potential impacts from the adjacent site.

*Pursuant to the information available to MassDEP, the Site and adjacent properties have not been previously used for solid waste disposal.*

*Accordingly, MassDEP finds that the Site meets this criterion.*



10. **Existing Facilities [16.40(4) (j)]:** In evaluating proposed sites for new solid waste management facilities the Department and the board of health shall give preferential consideration to sites located in municipalities in which no existing landfill or solid waste combustion facilities are located. This preference shall be applied only to new facilities which will not be for the exclusive use of the municipality in which the site is located. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community with an existing disposal facility:

- i. the extent to which the municipality's or region's solid waste needs will be met by the proposed facility; and
- ii. the extent to which the proposed facility incorporates recycling, composting or waste diversion activities.

*The Application documents that the Town does not have an existing active solid waste landfill or combustion facility, and Georgetown does not participate in a Regional Disposal District.*

*The proposed facility will receive, and process solid waste including C&D Waste generated in the regional service area that will generally encompass eastern Massachusetts. As proposed, municipal solid waste delivered to the Site would be consolidated in larger vehicles and shipped off site for proper disposal. C&D waste delivered to the Site would be consolidated in larger vehicles and would be shipped off site for processing prior to final disposal.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

11. **Other Sources of Pollution [16.40(4) (k)]:** The determination of whether a site is suitable and should be assigned as a solid waste management facility shall consider whether the projected impacts of the proposed facility pose a threat to public health, safety or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by the Department, and whether the proposed facility will mitigate or reduce those sources of pollution or contamination.

*The Application documents that the projected impacts of the proposed facility do not pose a threat to public health, safety, or the environment, taking into consideration the impacts of existing sources of pollution or contamination as defined by MassDEP.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

12. **Regional Participation [16.40(4) (l)]:** The Department and the board of health shall give preferential consideration to sites located in municipalities not already participating in a regional disposal facility. The Department and the board of health shall weigh such preference against the following considerations when the proposed site is located in a community participating in a regional disposal facility:

- i. the extent to which the proposed facility meets the municipality's and the region's solid waste management needs; and
- ii. the extent to which the proposed facility incorporates recycling, composting, or waste diversion activities.

*The Application documents that the proposed facility will receive and process solid waste, including C&D Waste generated in the regional service area that will encompass eastern Massachusetts. As proposed, municipal solid waste delivered to the Site would be consolidated in larger vehicles and shipped off site for proper disposal. C&D waste delivered to the Site would be consolidated in larger vehicles and would be shipped off site for processing prior to final disposal.*

*Accordingly, MassDEP finds that the Site meets this criterion.*

### III. DETERMINATION

The Massachusetts Department of Environmental Protection (MassDEP), upon review of the submitted Application regarding the proposed new site assignment for the G. Mello proposed solid waste facility, has determined that the proposed Application complies with the applicable site suitability criteria established at 310 CMR 16.40(3) and (4) concerning the proposed facility.

Pursuant to the authority granted by Massachusetts General Laws, Chapter 111, Section 150A and 310 CMR 16.00, *Site Assignment Regulations for Solid Waste Facilities*, and with due consideration of the regulatory criteria, MassDEP hereby determines that the Site, as referenced in the Application, **is suitable** for the purpose of establishing a solid waste handling facility.

### IV. FUTURE PERMITTING

In addition, and pursuant to the requirements under Massachusetts General Law, Chapter 111, Section 150A & 150A ½ and 310 CMR 19.000, the Solid Waste Management Facility Regulations, and predicated upon the Town of Georgetown's Board of Health granting a Solid Waste Site Assignment for the proposed solid waste facility to be located at the Site, the project would require permitting in accordance with 310 CMR 19.000, the Solid Waste Management regulations, including submittal of an application to MassDEP for a Facility Permit and Authorization to Construct (ATC) in accordance with the requirements of 310 CMR 19.032: *Permit Procedure for a New Facility or Expansion Permit Application*, and 310 CMR 19.038: *Review Criteria for a New or Expanded Facility Permit or Permit Modification*. Prior to operation, the Proponent must seek and obtain an Authorization to Operate (ATO) the facility in accordance with the requirements of 310 CMR 19.029. The application for the ATO must include documentation that the facility has been constructed in accordance with the facility design as approved by the permit and ATC, and that all applicable conditions of the Site Assignment and permit have been complied with.