

Ware Board of Health Meeting Minutes

October 7, 2022 / Selectmen's Meeting Room

Present: John Desmond, Katrina Velle, Jennifer McMartin

In Attendance: Judy Metcalf, Betty Barlow

John called the meeting to order at 6:00 PM and announced the meeting is being audio recorded.

DISCUSSION/ACTION

John requested this meeting to give an important update on ReSource Waste Site Modification application. Judy informed the board of the joint meeting of ReSource Waste attorney Valerie Moore, Town Council Jeffrey Blake, John Desmond and herself to go over public hearing notice and explanation to public for participation in hearing. Judy stated that at this meeting Valerie wanted to add bulky waste to the public notice but bulky waste is not in their current permit, previous site assignment, their pending site assignment. Katrina stated that their website now states that they take in bulky waste. Jennifer questioned if the meeting with the attorney's was before or after the Host Agreement as the agreement also talks about bulky waste.

- HOST AGREEMENT – Board members were provided with a copy of the Host Agreement however John was unable to obtain a signed copy. (see attached) John is concerned of how the agreement is written stating that it will take place at current facility only if the expansion is approved. He doesn't understand why the agreement was not set up all along for the 750 tons per day.
- TRANSPORTATION IMPACT STUDY PEER REVIEW – Board members reviewed the peer review study by Howard Stein Hudson (see attached)
- SITE ASSIGNMENT AIR & SOUND PEER REVIEW – John provided board with copies of TECH Environmental's peer review dated 9/29/2022 (see attached)
- SITE VISIT – John suggested the board complete a site visit of the location at 198 East Street Ware in order for everyone to better understand the current process and procedures at the facility. Board members agree on Saturday October 15, 2022 at 11:00am. John will contact ReSource to schedule this visit.

Due to findings of TECH Environmental, ReSource Waste attorney Valerie Moore has requested delaying that start of the public hearing to allow time for ReSource to address all concerns however both Judy and Attorney Jeffrey Blake do not read the regulations as allowing a delay of the opening of the public hearing or the extending of time for the board to make their decision beyond the 45 days from the start of the hearing. They also feel the only solution would be for the applicant to withdraw their application and resubmit when they have had time to address all of the town's comments. Judy stated Valerie is now reaching out to DEP to see if they could delay their decision however per regulations they also have specified timeframes which end next Thursday. At this time we do not know when the hearing will start. Judy will follow up with Atty Blake on Tuesday.

Judy provided board with list of the 18 criteria they need to use to make their final decision. (see attached) Some are very easy either yes or no and yes with conditions however some are more difficult which she has highlighted on the list.

Jennifer motioned to adjourned at 6:53 PM, John seconded all in favor.

Respectfully Submitted,
Betty Barlow

Meeting minutes approved 10/19/2022

HOST COMMUNITY AGREEMENT

This Agreement, dated as of _____, 2022, by and between the Town of Ware, Massachusetts (the "Town") with offices at 126 Main Street, Ware, Massachusetts 01082, and ReSource Waste Services of Ware LLC ("ReSource"), a Delaware limited liability company with offices at 198 East Street, Ware, Massachusetts 01082

WITNESSETH:

WHEREAS, ReSource owns and operates a rail-served solid waste transfer station located at 198 East Street, Ware, Massachusetts (the "Facility") at which ReSource accepts construction and demolition waste ("C&D") pursuant to that certain Site Assignment issued by the Ware Board of Health for the Facility dated June 18, 2004 (as modified to date, the "Existing Site Assignment"); and

WHEREAS, ReSource is seeking to increase the amount of C&D it can accept at the Facility from 750 tons per day to 1,400 tons per day and has applied for a modification to the Existing Site Assignment to allow for this increase (the "Site Assignment Modification", and collectively with the Existing Site Assignment, the "Site Assignment"); and

WHEREAS, the parties desire to outline certain of the host community benefits that ReSource will provide to the Town from the Facility if the Site Assignment Modification is issued; and

WHEREAS, the parties intend this Agreement to be binding on ReSource and any subsequent person or entity that owns or operates the Facility under the Site Assignment (whether directly as a successor or assign of ReSource or by any other means);

NOW, THEREFORE, for good, lawful and valuable consideration, ReSource and the Town agree as follows:

1. Host Community Compensation. ReSource agrees to pay the Town One Dollar (\$1.00) per ton (the "Host Community Compensation") for each ton of solid waste accepted by ReSource at the Facility, excluding any solid waste delivered by or on behalf of the Town or the Town residents as described in Sections 2 through 4 below. As used herein "solid waste" shall include C&D and any other "solid waste" or "waste", as defined in the solid waste regulations 310 CMR 19.006 promulgated by the Massachusetts Department of Environmental Protection in effect at the time (the "DEP Regulations"). ReSource shall make such payment within thirty (30) days after the end of each calendar quarter (i.e., every three months). Commencing on January 1, 2024, and on each January 1 thereafter, the Host Community Compensation shall be increased by an amount equal to 3% of the Host Community Compensation for the preceding calendar year.
2. Acceptance of the Town's C&D. Provided that the Facility is operating, ReSource will accept from the Town for disposal, free of charge, Acceptable C&D generated at the Town's facilities and delivered to the Facility in commercial or Town hauling vehicles in an amount up to 250 tons in each calendar year. "Acceptable C&D" as used in this Agreement shall be limited to such construction and demolition wastes that Resource is permitted to accept under its permits and approvals, as well as all applicable laws, regulations and orders.
3. Bulky Waste Days; Street Sweeping and Catch-basin Residues. Provided that the Facility is operating and ReSource is permitted to accept at the Facility Bulky Waste (as defined in the DEP Regulations) and residues generated from street sweeping and catch-basin cleanings, ReSource agrees to (a) conduct two Bulky Waste disposal days at the Facility each calendar year during which Town residents can deliver to the Facility, free of charge, Bulky Waste which they have generated, and (b) accept at the Facility, free of charge, the residues collected by the Town from time to time from its street sweeping and catch-basin cleaning activities; provided, however, that in the event the aggregate disposal costs for said Bulky Waste and street sweeping and catch-basin cleaning residues exceeds \$20,000 in any year, the excess disposal costs above \$20,000 shall be paid by the Town.
4. Household Hazardous Waste Days. Provided that the Facility is operating, ReSource will coordinate and operate a household hazardous waste ("HHW") disposal event each calendar year for HHW generated by Town residents and fund the HHW disposal event up to \$15,000 in each year. Any overage in expenses above \$15,000 for the HHW disposal event shall be paid by the Town. The Town will cooperate with ReSource in selecting a location for the HHW disposal event and, if requested by ReSource, will provide a site for the HHW disposal event.
5. Support for Community Groups. Provided that the Facility is operating, ReSource will pay \$15,000 in each calendar year during the term of this Agreement to community organizations designated by the Town.
6. Term. Provided that on or before March 31, 2023 the Site Assignment Modification is issued with conditions reasonably acceptable to ReSource and all applicable appeal periods relating thereto have expired without any appeals being filed (collectively, the "Site Assignment Approval"), this Agreement shall commence on January 1, 2023, and shall

remain in effect until December 31, 2042. If the Site Assignment Approval does not occur on or before March 31, 2023, the term of this Agreement shall commence on the first day of the calendar month next succeeding the date the Site Assignment Approval occurs and shall remain in effect until December 31, 2042, with the condition that either party will have the right to terminate this Agreement with no further obligations hereunder in the event the Site Assignment Approval does not occur by December 31, 2023.

7. Records. ReSource shall maintain reasonable books and records relevant to the provisions of Sections 1 through 5 above for a period of seven years, and the Town shall have the right to audit the books and records of ReSource that contain the data or information relevant to the provisions of said Sections. The Town shall also have the right to request appropriate testing to confirm that any scale used by ReSource is accurate if ReSource's scale has not been certified by a qualified independent third-party within the past 12 months.

8. Modifications. This Agreement may be modified only by an agreement in writing and shall be interpreted as an integrated agreement containing all obligations and understandings of the parties.

9. Construction. Each party has participated in the drafting of this Agreement. For purposes of interpreting this Agreement, each provision will be deemed to have been jointly drafted by the parties. The parties intend for this Agreement to be construed and interpreted neutrally, in accordance with the plain meaning of its language, and not presumptively construed against any actual or purported drafter of any specific language contained in it.

10. Invalidity. If any provision of this Agreement or portion of such provision, or the application thereof to any person or circumstance, shall to any extent be held invalid or unenforceable, the remainder of this Agreement or the remainder of such provision and the application thereof to other persons or circumstances (other than those as to which it is held invalid or unenforceable) shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforced to the fullest extent permitted by law.

11. Governing Law; Jurisdiction. This Agreement and the parties' respective rights hereunder shall be governed by the laws of the Commonwealth of Massachusetts and the parties hereto consent to the jurisdiction of the state courts of the Commonwealth of Massachusetts for the purpose of resolving any disputes relating to this Agreement.

12. Indemnification. ReSource agrees to indemnify, and hold the Town harmless from and against any liability, cause of action, or claim for bodily injury, including death, or property damage asserted by any third party against the Town to the extent arising from, relating to, or connected with:

- a. ReSource's operation of the Facility in violation of the Site Assignment conditions, applicable law or regulations;
- b. ReSource's negligent operation or maintenance of the Facility;
- c. any unlawful or unauthorized release to the environment caused by ReSource; or

d. any breach by ReSource of this Agreement excluding that portion of the liability, claim or cause of action attributable to the negligence of the Town.

ReSource shall not have any liability hereunder unless the Town provides ReSource written notice of the claim, liability or cause of action within ninety (90) days of the first assertion of the same against the Town. ReSource shall have the right, but not the obligation, to defend with counsel of its selection, as approved by the Town in its reasonable judgment (except no approval will be required if ReSource's counsel has been selected by ReSource's insurance carrier), and to settle any such claim, liability or cause of action. ReSource's obligation to indemnify the Town shall not in any way act as a waiver of the Town's defenses under the Tort Claims Act and ReSource's obligations hereunder are conditioned upon the Town taking all required steps in response to a claim pursuant to the Tort Claims Act.

13. Insurance. ReSource shall carry comprehensive general liability in the amount of \$1,000,000 per occurrence \$2,000,000 aggregate and automobile liability insurance with combined single limits of liability of at least \$1,000,000, and worker's compensation insurance with statutory limits of liability. ReSource shall annually provide the Town with certificates of such insurance naming the Town as an additional insured on the comprehensive general and automobile liability insurance.

14. Representations. The parties respectively each represent and warrant that:

a. Each is duly organized and existing and in good standing, has the full power, authority and legal right to enter into and perform this Agreement, and the execution, delivery and performance of this Agreement (i) will not violate any judgment, order, law, bylaw, ordinance or regulation, and (ii) do not conflict with, or constitute a default under, any agreement or instrument to which either is a party or by which either party may be bound or affected; and

b. This Agreement has been duly authorized, executed and delivered; this Agreement is supported by adequate consideration; this Agreement constitutes legal, valid and binding obligations of each party, enforceable in accordance with its terms; there is no action, suit or proceeding pending or, to the knowledge of either party, threatened against or affecting either wherein an unfavorable decision, ruling or finding would materially adversely affect the performance of any obligations hereunder.

15. Binding Effect. The terms and conditions of this Agreement shall inure to and be binding upon the parties hereto, and their respective successors and assigns, including, but not limited to, whether by sale of stock, merger, consolidation or sale of assets.

16. Parties. Nothing herein shall be construed as creating a partnership or joint venture between ReSource and the Town. No persons performing any of the work or services described in this Agreement for ReSource shall be considered an officer, agent, servant or employee of the Town, and the Town shall not be considered an operator of the Facility.

17. Compliance with Site Assignment. ReSource acknowledges that it is subject to the conditions of the Site Assignment issued by the Ware Board of Health for violations of which the Ware Board of Health may have remedies provided in M.G.L. c. 111, § 150A and its

implementing regulations, as the same may be amended from time to time.

18. Taxes. This Agreement is not intended to supplant any taxes of any nature owed by ReSource.

19. Transfer. ReSource agrees that this Agreement shall be binding upon and inure to the benefit of successor owners and operators of the Facility under the Site Assignment. ReSource further agrees that it shall not sell, lease, transfer or otherwise dispose of the Facility and its rights under the Site Assignment to any person or entity, without (i) first obtaining the written agreement of any such person or entity to be bound by this Agreement, and (ii) giving written notice to the Town within 30 days after the date of any such sale, lease, transfer or other disposition, which notice shall include the written agreement of such person or entity to be bound by this Agreement.

20. Notices. All notices required or contemplated by this Agreement shall be in writing, and shall be deemed given when received if sent by personal delivery, by certified mail, return receipt requested, or by nationally recognized overnight delivery service that provides evidence of receipt (such as Federal Express or UPS), properly addressed as follows:

a. To the Town: Town of Ware
126 Main Street
Ware, Massachusetts 01082
Attn: Sturt Beckley

b. To ReSource: ReSource Waste of Ware LLC
159 Wolf Road, Suite 301
Albany, New York 12205
Attn: Chief Risk Officer

c. Or to such other address as either party may designate in writing.

21. Entire Agreement. It is understood and agreed that all understandings and agreements heretofore had between and parties thereto are merged in this Agreement, which alone fully and completely expresses their agreement and contains all of the terms agreed upon between the parties with respect to the subject matter of this Agreement, and that this Agreement is entered into after full investigation, neither party relying upon any statement or representation, not embodied in this Agreement, made by the other.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

Town of Ware, Massachusetts

ReSource Waste Services of Ware LLC

BY: _____

Name:

Title:

BY: _____

Name:

Title:

Gregory M. J. [Signature]
COO Resource Waste Servs



TO:	Judy Metcalf, R.S., CHO Ware Board of Health	DATE:	September 15, 2022
FROM:	Keri Pyke, P.E., PTOE Melissa Restrepo	HSH PROJECT NO.:	2022158.00
SUBJECT:	Transportation Impact Study Peer Review 198 East Street, Ware, Massachusetts		

As requested, **Howard Stein Hudson (HSH)** conducted a peer review of the materials prepared for the proposed modifications at the existing ReSource Ware construction and demolition debris (C&D) handling facility at 198 East Street in Ware, Massachusetts. Our evaluation is based on the following documents:

- *Permit Application BWP SW 38, Site Suitability for a Major Modification of an Existing Site Assignment, Resource Ware C&D Handling Facility, Ware MA, Sanborn & Head, dated June 2022; and*
- *Appendix G, Transportation Impact Assessment, ReSource Ware Construction & Demolition Debris Handling Facility Proposed Capacity Increase, 198 East Street (Route 9/32), Ware, MA, Vanasse & Associates Inc, dated April 2022.*

The existing ReSource Ware facility is permitted to handle up to 750 tons per day (TPD) of C&D waste. The Project is seeking a permit modification to be able to process up to 1,400 TPD and increase its Saturday daily tonnage from 500 TPD to 750 TPD. With the permit modification, the facility will receive C&D from other ReSource Waste's facilities, located east of the Site, and will reduce the number of loads it receives from its third-party customers.

The purpose of this review is to ensure that the traffic analysis conforms to industry standards, to confirm that the traffic study methods are appropriate for the setting, and to ensure that the recommendations and proposed mitigation adequately address potential project impacts and are consistent with the Town of Ware's guidelines for transportation improvements. The key findings of our review of these documents are summarized and presented in the following sections. The comments are organized by the same headers provided in our outlined scope of services.

Summary of Review

HSH conducted a comprehensive peer review of the Transportation Impact Study (TIS) for the proposed modifications at the existing ReSource Ware C&D Handling Facility located at 198 East Street in the Town of Ware. This memorandum consists of a review of the methodology and



assumptions used in the TIS, the key findings of the TIS, and the appropriateness of the proposed mitigation.

The review of the methodology and assumptions used in the TIS indicates that, in general, the traffic study conforms to industry standards and best engineering practices. The TIS includes an analysis of Existing, No-build (future conditions without the Project), and Build (future conditions with the Project) conditions. The Applicant identified the potential transportation-related impacts of the Project by estimating the number of trips expected to travel to and from the Project site during the weekday a.m. and p.m. peak hours of traffic operations. Data provided by the existing facility and empirical count data were used, and projected traffic volumes were assigned to the study area to develop the Build conditions.

In summary, the proposed Project is expected to generate approximately 14 new vehicle trips (seven entering, seven exiting) in the weekday a.m. and p.m. peak periods. Based on the analysis provided in the TIS, the increase in traffic volumes will have minimal impact on the surrounding roadways and intersections, and no capacity-related mitigation was proposed at the study area intersections.

Scope of Review

The following issues were reviewed:

- Study Area Boundaries
- Traffic Data Collection
- Selection of Peak Hour
- Off-site Changes
- Non-site Traffic
- Trip Generation
- Parking Demand
- Site Traffic Distribution and Assignment
- Traffic Impact Analysis
- Mitigation Measures
- On-Site Planning and Parking
- Pedestrians/Cyclists
- Construction Period Issues
- Geometric Design Criteria

Existing Conditions

STUDY AREA BOUNDARIES

The Applicant study area was based on the intersections expected to be affected by traffic generated by the project. The intersections included are:

- East Street (Route 9/32)/Site Driveway (unsignalized);
- East Street (Route 9)/Gilbertville Road (Route 32) (unsignalized);



- East Street (Route 9/32)/Knox Avenue (unsignalized);
- East Main Street (Route 9/32)/Church Street/South Street (signalized);
- Main Street (Route 9/32)/North Street (signalized); and
- Main Street (Route 9)/West Street (signalized).

The roadway network defined by the Applicant includes the following streets:

- East Street (Route 9/32);
- Gilbertville Road (Route 32);
- West Main Street (Route 9);
- West Street (Route 32);
- Main Street (Route 9/32); and
- East Main Street (Route 9/32).

HSB agrees with the Applicant's Study area.

TRAFFIC DATA COLLECTION

The Applicant conducted a traffic data collection effort within the study area that consisted of 48-hour continuous automatic traffic recorder (ATR) counts at East Street (Route 9/32), south of the site driveway and turning movement counts (TMCs) at each of the study area intersections during the weekday morning peak period (7:00 – 9:00 a.m.) and weekday afternoon peak period (3:00 – 5:00 p.m.). The ATR counts were conducted between Tuesday, December 7, 2021, and Wednesday, December 8, 2021. Manual TMCs were conducted at the study area intersections on Tuesday, December 7, 2021.

The Applicant adjusted the traffic data collected in accordance with the Massachusetts Department of Transportation (MassDOT) Engineering Directive E-20-005, which provides guidance on how to estimate existing and future traffic counts during the pandemic. The Applicant reviewed three different sets of data collected at three of the nearest MassDOT continuous count stations ID AET05, 3140, and 3331. The 2019 count data at these count stations was expanded to 2021 by applying a background traffic growth rate of 1% per year to allow for a comparison of the data. The adjusted 2021 count data was compared to the 2021 traffic volume data that was collected as part of the TIA and was increased by 16% during the weekday morning peak hour and 9% during the weekday afternoon peak hour.

Additionally, the Applicant reviewed data from MassDOT continuous count station ID 3140 to account for seasonal fluctuations in traffic. Based on this data, the Applicant established that the collected December traffic volumes are approximately 8% below average-month conditions for this



station and therefore, the collected December traffic volumes were increased by an additional 8% to provide a more conservative analysis.

HSH generally agrees with the Applicant's data collection methodology. To reflect the actual pre- and post-COVID-19 traffic changes, the Applicant should have compared the raw (or unadjusted) MassDOT 2019 continuous count stations data to the 2021 count data at the same locations. However, the 1% annual growth rate did not increase the 2019 count data by a substantial amount; therefore, the unadjusted comparison would have been similar. No further action is required.

SELECTION OF PEAK HOUR

The Applicant states that a review of the peak hour traffic counts indicates that the weekday morning peak hour occurs between 7:30 a.m. – 8:30 a.m. and the weekday afternoon peak hour generally occurs between 3:45 p.m. – 4:45 p.m. The peak hour traffic volumes are shown in Figure 3 and Figure 4 of the TIS. According to the TMC data provided in the TIS Appendix, morning peak hours varied considerably, but for the most part occurred between 7:45 a.m. – 8:45 a.m., while the afternoon peak hour generally occurred between 3:45 p.m. – 4:45 p.m.

Although the TMC data provided in the Appendix indicates that the weekday morning peak hour varies, HSH agrees with the Applicant's selection of the weekday morning and afternoon peak hours. No further action is required.

SAFETY ANALYSIS

The Applicant conducted a safety analysis with motor vehicle accident data from the MassDOT Safety Management/Traffic Operations Unit for the most recent five-year period available (2015-2019) within the study area intersections. The three study area locations along the downtown corridor were found to have a motor vehicle crash rate above the MassDOT average for District 2. The Applicant notes that the Ware Main Street Improvement Plan is under construction, which includes roadway and sidewalk reconstruction, corridor travel lane configuration, bicycle lanes, traffic signal optimization, and a new traffic signal installed at the intersection of Main Street (Route 9)/West Street (Route 32). These improvements may decrease the crash rate at these locations in the future.

HSH agrees with the safety analysis methodology and results, but requests the Applicant include motor vehicle crash data along Route 9 in West Brookfield, as it is the primary truck route. MassDOT count location RPA05-323-3154 on West Main Street (Route 9), west of Route 19/67, can be used to run the safety analysis along this segment.



Future Conditions

OFF-SITE CHANGES

The Applicant asserts that under future conditions three roadway improvement projects in the area were identified for inclusion in the TIS, including the Main Street Improvement Project. This project is expected to be completed in the spring/summer of 2022 and will include a new traffic signal at the intersection of Main Street/West Street, traffic signal optimization along the corridor, reconstruction of sidewalks, and travel lane reconfiguration to accommodate bicycle lanes and additional on-street parking spaces.

HSH agrees that the Main Street Improvement Project should be incorporated under the future conditions; however, based on the capacity analysis reports provided in the Appendix, adjustments to the signal timings and travel lane reconfiguration were not made to the intersection of Main Street/West Street or any intersection along the Main Street corridor under the future conditions. HSH requests the Applicant revise the future conditions capacity analysis or provide a justification as to why these improvements were not incorporated. Additionally, HSH requests the Applicant to include the Bridge Replacement on Route 32 (Palmer Road) over the Ware River, and the resurfacing of Route 32, which are both in design. The Applicant should also specify if the truck routes are expected to be impacted by these future roadway improvements. If yes, the Applicant should provide an alternative route until these projects are completed.

NON-SITE TRAFFIC

The Applicant asserts that historic traffic counts in the area and traffic volume data compiled by MassDOT from permanent count stations were reviewed to determine a background growth rate. Based on this review, traffic volumes have been increasing at a rate of approximately 0.8% per year. To provide a conservative analysis scenario, the Applicant applied a 1.0% annual growth rate to account for general background traffic growth.

The Applicant consulted with the Towns of Ware and West Brookfield to determine any specific planned developments in the area that would potentially add traffic to the study area. According to those discussions, two developments were identified, a marijuana dispensary currently in the permitting stage in the Town of Ware, and a cannabis growing facility mill yard, approved by the Ware Planning Board. The Applicant states that the traffic volumes associated with these projects were calculated using the Institute of Transportation Engineers' (ITE's) *Trip Generation Manual* and assigned onto the study area roadway network based on existing traffic patterns.



HSH agrees with the Applicant's methodology in determining a background growth rate and the used of the ITE Trip Generation Manual to determine the trips associated with the two specific planned developments. No further action is required.

TRIP GENERATION

To estimate both the existing and future site-generated traffic for the proposed permit modification, the Applicant obtained and analyzed the existing ReSource Ware C&D daily tonnage data from December 2, 7, and 8, 2021, which shows the number of loads occurring throughout the day. The Applicant assumed that each load in the data represents a truck entering the facility and exiting within 15 minutes. The existing data showed that among the three days, the facility's peak load/trips occurred during different hours of the day. An average of the three days' highest morning and afternoon peak hours was obtained to create the 2021 existing baseline condition. The December counts showed a total of five employees on site during a shift. The Applicant assumed all employee trips occurs outside of the facility's operating hours.

Additionally, the Applicant obtained and analyzed the existing daily tonnage data from January through September 2021. This data shows the daily number of loads, tonnage for each day, and truck origin. The data indicates that the current facility operates at approximately 70% of its full 750 TPD capacity on an average day. For analysis purposes, the Applicant estimated the trips generated by the facility operating at full capacity. The existing tonnage data showed the highest load and tonnage the facility received was on May 7, 2021, where a total of 59 loads (trucks) entered the facility and processed a total of 747 tons of C&D material, resulting in a rate of 12.66 tons/truck entering the facility. The Applicant used this rate and applied it to the full capacity of 750 TPD. To determine the future morning and evening peak hours percentage, the facility daily data from December 2021 was evaluated. The Applicant assumed that approximately 25% of the daily trips will occur during the morning and afternoon peak hours. Under full capacity (750 TPD) the Applicant estimates that the facility will generate approximately 30 truck trips (15 entering and 15 exiting) during both the weekday morning and afternoon peak hours.

HSH agrees with the existing trip generation methodology and calculations, but requests the Applicant provide a brief description of the type of trucks that use this facility.

To estimate the future site trip generation, the Applicant asserts that the facility will receive C&D from ReSource Waste's other facilities located east of the site and will reduce the number of loads it accepts from its third-party customers. The existing highest ton/truck ratio was estimated using the third-party loads originating from the Town of Ware only and loads from ReSource Waste's other facilities. Based on these criteria, the highest number of loads and tonnage took place on May 7, 2021, with 41 loads (trucks) entering the facility. The facility received a total of 644 tons of C&D



from these two sources, resulting in a ratio of 15.70 tons/truck. The Applicant applied this rate to the proposed full capacity of 1,400 TPD and estimated that the facility is expected to generate approximately 44 truck trips (22 entering and 22 exiting) expected during the weekday morning and afternoon peak hours. The net vehicle trip increase, from the existing facility at full capacity of 750 TPD to the proposed max capacity increase of 1,400 TPD, are approximately 14 net new truck trips (seven entering and seven exiting) are expected during the weekday morning and afternoon peak hours.

HSH agrees with the future trip generation methodology and calculations. No further action is required.

SITE TRAFFIC DISTRIBUTION AND ASSIGNMENT

The TIS asserts that the trip distribution was developed based on a review of existing C&D tonnage data. Based on this assessment, 70% of the trips will originate from the other ReSource Waste facilities and 30% of the trips will originate from third-party customers from the Town of Ware.

A mandatory haul route, provided in the Appendix, will continue to be utilized under future conditions for all tractor trailers originating from the other ReSource facilities. This corresponds to 70% of trips. The mandatory haul route indicates that trucks will access the site through the Massachusetts Turnpike (Mass Pike) Exit 78 (Sturbridge) to Route 20 East, to Route 49 North, to Route 9 West to the facility. Based on the count data provided for the driveway from December 2021, the majority of trucks are turning left onto East Street/Route 9 and presumably following the specified route. The remaining 30% of trips are expected to come from local roads with 10% coming from and heading to West Main Street, 10% coming from and heading to West Street, 5% coming from and heading to Knox Avenue, and 5% coming from and heading to Gilbertville Road.

HSH agrees with the site trip distribution methodology. No further action is required.

TRAFFIC IMPACT ANALYSIS

To assess the potential traffic impact of the development on the adjacent traffic network, several steps are involved, as follows:

- Determine existing volumes and analyze existing traffic operating conditions for the study intersections;
- Generate and analyze No-build traffic volumes by applying a background growth factor to the existing traffic volumes and adding approved/pending developments as well as planned transportation improvements, and analyze traffic operations;



- Determine the traffic volumes to be generated by the proposed development; distribute and assign traffic throughout the study area network; and
- Combine the background traffic volumes with the proposed traffic volumes to establish Build traffic volumes, analyze traffic operations, and identify mitigation of potential impacts.

The traffic operations analysis presents detailed measures of effectiveness (MOEs) to assess the operating characteristics of the study intersections. The MOEs reported are average vehicle delay, level of service (LOS), volume-to-capacity (v/c) ratio, and queue lengths. The LOS is a letter grade that is assigned to a range of vehicular delays at the intersection. LOS A represents little delay and is usually associated with low volume movements. LOS F represents higher delays and could indicate issues related to traffic congestion.

The Applicant used Synchro traffic engineering software to analyze all the intersections in the network. Synchro software is an industry standard that allows engineering practitioners to model traffic operations based on various inputs such as traffic volumes and traffic control devices (stop signs, traffic signals, etc.).

As shown in the analysis, between the No-build and the Build Condition there is not a substantial increase in delays from the Project. All the other intersection movements that operate at LOS E or F in the Build Condition also do so under the No-build Condition, signifying that the poor operations will not be a result of the Project.

HSH generally agrees with this assessment; however, as explained under Off-Site Changes, the Main Street Improvement Project was not included as part of the Future Conditions' Synchro analysis. HSH requests the Applicant revise the future conditions capacity analysis or provide a justification as to why these improvements were not incorporated.

MITIGATION MEASURES

The TIS conducted a sight distance evaluation and provided off-site mitigation recommendations, as described in the following sections.

GEOMETRIC DESIGN CRITERIA

The Applicant conducted a sight distance evaluation at the site driveway intersection with East Street (Route 9/32). Based on this evaluation, the recommended values for Stopping Sight Distance (SSD) are exceeded in both directions based on the posted speed limit of 45 miles per hour (mph) and 85th percentile vehicle travel speed of 50 mph. The Applicant asserts that due to the placement of an existing sign, the site driveway did not meet the recommended value for Intersection Sight Distance (ISD) looking south for the 85th percentile vehicle travel speed of 50 mph. However, based on the



American Association of State Highway and Transportation Officials (AASHTO) standards, the site driveway operates in a safe manner since the measured ISD is greater than the recommended SSD value.

HSH agrees with the Applicant's geometric design criteria. No further action is required.

OFF-SITE IMPROVEMENTS

The Applicant recommends that the existing sign for “Janine’s Frosty” be relocated so as not to obstruct the sight line for vehicles exiting the site driveway. Additionally, the Applicant recommends any landscaping or signage along the site frontage or at the site driveway that is proposed or requested by others not be higher than 24 inches or be set back sufficiently from the edge of the roadway as not to obstruct the sightlines.

HSH agrees with the proposed recommendations. No further action is required.

Conclusions

Based on the overall review of the TIS, HSH generally agrees with the methodology used. The Project is expected to generate approximately 14 net new vehicle trips during the weekday morning peak hour and 14 net new vehicle trips during the afternoon peak hour.

HSH requests the Applicant provide a map of school bus routes and identify bus stops, and how they coincide with truck routes. The Applicant should revise the safety analysis to include West Main Street (Route 9) in West Brookfield. HSH requests the Applicant revise the future conditions capacity to reflect the Main Street Improvement Project or provide clarification as to why these improvements were not incorporated. The Applicant should also include the bridge replacement on Route 32 and the resurfacing of Route 32 as part of the future infrastructure improvements and specify if the truck routes are expected to be impacted by these future roadway improvements. HSH requests the Applicant provide a brief description of the type of trucks that use this facility. The Applicant did not provide any details regarding site improvements, on-site parking for employees and visitors, and construction period issues. HSH encourages the Applicant to provide details of any on-site transportation-related improvements, including interior roads or driveways. Additionally, with the increase of employees on-site, HSH requests the Applicant to provide information on parking spaces and locations; preferably provide a proposed site plan showing the parking locations, site access, and circulation. Finally, HSH encourages the Applicant to include an evaluation of short-term construction impacts of the proposed expansion.



TECH environmental

FOCUSED KNOWLEDGE. REAL SOLUTIONS.

September 29, 2022

Mr. John Desmond
Chairman
Ware Board of Health
Town Hall
126 Main Street, Suite D
Ware, MA 01082

Re: *Resource Ware C&D Handling Facility – Site Assignment Air & Sound Peer Review* Ref 4787

Dear Mr. Desmond:

Tech Environmental, Inc. (Tech) is pleased to provide the Ware Board of Health (BoH) with our a peer review of the air quality and sound impact assessments included as part of the *June 30, 2022 ReSource Ware C&D Handling Facility BWP SW38 Permit Application Site Suitability Application for Major Modification of Existing Site Assignment* prepared by Sanborn Head (herein referred to as the Application) for the existing C&D handling facility (Facility) on 198 East Street, Ware, MA. The application has been prepared in support of ReSource Ware's proposed modification to the existing site assignment, where the modification seeks to increase the maximum capacity of the Facility from 750 tons per day (TPD) of construction and demolition (C&D) material to a new maximum capacity of 1,400 TPD.

Tech understands that the BoH has several concerns about the expansion of the Facility's maximum capacity related to potential air quality and sound impacts associated with:

1. Increasing hours of operations.
2. Increasing truck traffic at the site and along truck routes.
3. Doubling the rail car capacity.
4. Understanding the potential building design features to reduce noise impacts.

As part of our peer review, Tech reviewed the Air Quality Analysis (Appendix H) and the Sound Analysis (Appendix I) (here in referred to as the Analyses) to assess the completeness of the air quality and sound impact assessments prepared by Epsilon Associates (Epsilon) to confirm that the Facility will comply with federal, state, and local air quality and noise regulations and address the above stated concerns by the BoH. This review also included a cursory review of the traffic and rail impact assessments to ascertain information that supported the air quality and sound impact assessments.

Presented below our peer review comments on the air quality and sound impact analyses.

AIR QUALITY IMPACT ANALYSIS

The Analysis presents air quality modeling results of the Existing facility, the Future Stage 2 facility without mitigation, and the Future Stage 2 facility with mitigation. The Analysis includes a dispersion modeling analysis for each condition to demonstrate that the proposed project will not cause exceedance of the federal and state ambient air quality standards. A refined-level air quality impact analysis was performed for each condition to predict pollutant concentrations from dust emitted from material handling, and diesel combustion exhaust from on-site heavy equipment, truck traffic both on-site and off-site, and on-site operation of a diesel locomotive. The results of the modeling analysis state that the worst-case air quality impacts from the proposed project are below the applicable ambient air quality standards and Massachusetts air toxics guidelines.

1. Page 3-1, Section 3.1: The proposed mitigation measures include the routing of offsite trucks to minimize air quality impacts, the installation of catalytic converters on four (4) pieces of onsite heavy equipment, and the use of a water misting system within the building and road watering/street sweeping onsite to control dust. However, the Analysis is not clear when the commitment to the mitigation measures will be made, and it is our recommendation that those measures be implemented for the Future Stage 1 facility.
2. Page 3-2, Avoided Impacts: The Project Narrative notes that the asphalt, brick, and concrete (ABC) and wood is tipped outside of the building. The Project Narrative also notes that ABC grinding occurs at the site. The Analysis does not account for ABC or wood tipping, storage and/or grinding occurring outside of the building which could be a significant source of fugitive dust emissions. An explanation as to why this operation was not included in the air quality modeling analyses.
3. Page 3-4, Section 3.3.3: The primary sources of NO₂, formaldehyde and acrolein emissions are trucks traveling and idling on site and on local roadways, and trains idling at the site. The Analysis does not address the Future Stage 1 facility (with increased train traffic to the site), potentially because the Traffic Impact Assessment only assessed the Future Stage 2 facility. The Analysis should include an assessment of the Future Stage 1 facility (with increased train traffic to the site).
4. Page 3-4, Section 3.3.3: The Analysis presents that, "*locomotives are expected to make two daily appearances at the facility, roughly at 10 am and 1 pm,*" but the Project Narrative (page 47, Table 15) states *Stage 1 facility would include drop-off of empty railcars at 9:00 a.m. and 3:00 p.m. and pickup of full rail cars at 12:00 p.m. and 4:30 p.m.* The doubling of locomotive operations (idling and moving locomotives) should be included in a Stage 1 facility analysis.
5. Page 3-4, Section 3.3.3: The Analysis presents that, "*The locomotive is modeled as a line volume source... the line extends the length of the railway on the property, as it's uncertain where on the line the locomotive may sit while coupling and uncoupling railcars.*" This assumption would be appropriate for a moving locomotive, but for a locomotive idling for an hour, it should be modeled as a stationary point source at the single location where the locomotive is anticipated to idle, or justification should be provided for modeling it as a moving volume source.

6. Page 3-4, Section 3.3.3: The Analysis presents that the modeling of idling locomotives represents "expected" operations of two daily appearances at the facility. This assumption is critical to determining compliance with the concerning 24-hour acrolein impacts and may be concerning for a day when locomotive traffic is more than what is expected. Any more than two daily appearances of idling locomotives would increase the 24-hour impacts of acrolein which is presented as near to the limit assuming just two daily appearances.
7. Page 3-5, First Paragraph: The modeling study does not include emissions from traditional stationary sources such as small heaters and/or boilers, which is appropriate given the negligible emissions from those sources compared to trucks and locomotives.
8. Page 3-9, Property Idling Areas: Truck idling is a significant source of NO₂, formaldehyde and acrolein emissions, and the Analysis assumes that each truck trip to the facility idles for five (5) minutes during its stay, which is consistent with Massachusetts Anti-Idling Law (310 CMR 7.11). The truck queuing tables (see Appendix J) indicate that as many as ten (10) trucks may be queued at the future facility (i.e., trucks waiting to use the scale). The Analysis does not provide support to justify the five (5) minutes assumption or any reference to the results of the queuing analysis presented as Appendix J. The consistency of future air quality conditions with the Analysis will be contingent upon trucks complying with that regulation or the Analysis being consistent with expected truck traffic.
9. Page 3-9, Table 3-3: The Analysis presents Table 3-3 as "Existing Condition Modeled Idling Areas" which includes the average peak delay for trucks at each intersection. However, those peak delay times do not seem to match the delay data presented in the Traffic Impact Assessment (see Appendix G). Furthermore, the Analysis does not provide similar inputs for the Future Stage 2 facility with and without mitigation. Clarification as to how the idling times were estimated should be provided in the Analysis.
10. Page 3-11, Locomotives: The Analysis presents those locomotive emissions, "were based on an "idle" throttle setting assumed to be at 10% of full load." The Analysis should provide a reference or further justification for the 10% assumption.
11. Page 3-23, First Paragraph: The Analysis states that "The locomotive is modeled as a line volume source, denoted as LOCOMOTIVE in the air quality analysis. The line extends the length of the railway on the property, as it's uncertain where on the line the locomotive may sit while coupling and uncoupling railcars." As discussed in Comment No. 5, the locomotive should be modeled as a stationary point source. The location of the idling locomotive should be based on the worst-case location and its location(s) should be consistent for both the Air Quality and Sound Analyses.
12. Pages 3-33 through 3-37, Section 3.6.2 Results: The maximum modeled concentrations for the Existing facility, the Future Stage 2 facility without mitigation, and the Future Stage 2 facility with mitigation are compliant with all applicable air quality standards for all pollutants. However, the

future impacts of NO₂, formaldehyde and acrolein for those three (3) cases are concerning from a public health perspective. That is, the impacts presented in the Analysis are near to reaching those allowable limits in some cases. The modeling of nitrogen dioxide (NO₂) for the Existing facility presents a maximum modeled concentration that is 78% of the 1-hour standard, which is increased to 88% of the standard for the Future Stage 2 facility. The modeling of formaldehyde for the Existing facility presents a maximum modeled concentration that is 58% of the annual standard, which is increased to 99% of the standard for the Future Stage 2 facility and is reduced to 78% of the standard with mitigation. The modeling of acrolein for the Existing facility presents a maximum modeled concentration that is 61% of the 24-hr standard, which is increased to 97% of the standard for the Future Stage 2 facility and is reduced to 79% of the standard with mitigation. As discussed above Future Stage 1 facility that will have double the number of idling trains in a 24-hour period should be included in the analysis.

13. Appendix3-1a Existing Air Source Parameters & Calculations - C&D Tipping - Particulate Matter: was based on 8 hours operations, Monday through Friday, when the Facility is open from 7:00 a.m. to 4:00 p.m., which is 9 hours of operation. This should be corrected in the revised air modeling report.
14. The Analysis should include a discussion of construction air quality impacts and recommended mitigation measures to minimize impacts during the construction phase for the Future Stage 2 facility expansion.

SOUND IMPACT ANALYSIS

The Analysis presents baseline ambient and sound source monitoring and modeling results of the Future Stage 2 facility. The Analysis includes a sound modeling analysis to demonstrate that the proposed project will not cause exceedance of the federal and state noise guidelines and regulations. Sound modeling was performed for continuous and intermittent sound sources. A comprehensive sound level modeling assessment was conducted for the Future Stage 2 facility. Results of the comprehensive sound level assessment demonstrate that sound levels from the Future Stage 2 facility with the sound mitigation measures described in this report will meet the requirements set forth in the MassDEP Noise Policy at residential locations, and that the Project will not cause a condition of noise pollution.

1. Page 2-1, Section 2.1: The Analysis states that *"the majority of noise producing activity takes place inside the building,"* and the modeling accounts for sound emitted from open loading bays, backup alarms in front of the building, idling locomotive on the train tracks, and rail car coupling on the train tracks. However, the sound modeling included in the Analysis does not account for:
 - a. Truck traffic on and around the site;
 - b. Idling trucks at loading/unloading areas and truck queuing areas;
 - c. Building mechanical equipment (e.g., ventilation fans);

- d. Mobile construction equipment (e.g., loaders) outside of the building (the air quality analysis mentions one (1) front-end loader outside the building for moving railcars); or
- e. Any potential tipping and/or processing activities that are expected to occur outside of the building.

These sources should be included in the Analysis or justification as to why they were not included in the Analysis should be provided in the revised Analysis.

Furthermore, the Project Narrative notes that the asphalt, brick, and concrete (ABC) and wood is intermittently tipped outside of the building. The Project Narrative also notes that ABC grinding intermittently occurs at the site. The Analysis does not account for ABC or wood tipping and/or grinding occurring outside of the building. These sources should be included in the Analysis or justification as to why this operation was not included in the Analysis should be provided in the revised Analysis.

2. Page 2-5, Section 2.3.3 Local Regulations: The Analysis references the Town of Ware Zoning Bylaw and its quantitative limits of 70 dBA during daytime hours (i.e., 7:00 a.m. to 9:00 p.m.) and 60 dBA during nighttime hours (i.e., 9:00 p.m. to 7:00 a.m.). The Analysis states *"Although the Project site is zoned highway commercial (which has no noise limit), not industrial, the Project will meet the noise limit for industrial facilities."* However, the Analysis does not provide evaluation of meeting these sound limits for the Future Stage 2 facility design. The Analysis should include a statement in the conclusion section if the Future Stage 2 facility will comply with the Bylaw.
3. Page 2-5, Section 2.3.3 Local Regulations: The Analysis does not reference the Town of Ware Zoning Bylaw section that states that *"an intermittent, irregular or infrequent source of sound"* to be a violation if it *"occurs between the hours of 9:00 pm and 7:00 am, except in an emergency situation."* Furthermore, the Bylaw prohibits *"intermittent, irregular or infrequent"* sounds from increasing the broadband sound level by more than 10 dBA above ambient or producing a "pure tone" condition. The Analysis does not evaluate if backup alarms, idling locomotives, rail car coupling, material tipping, material grinding, etc., could be considered *"intermittent, irregular or infrequent,"* and if so, could be a violation of the Town of Ware Zoning Bylaw if they occur before 7:00 a.m. The Analysis should include compliance assessments for all intermittent, irregular, or infrequent sound sources relative to the Town of Ware Zoning Bylaw.
4. Page 2-6, Section 2.4.1 Baseline Sound Environment: The Analysis states that a long-term continuous sound level monitor station was deployed at the Project site for six (6) days, *"to allow for correlation between offsite sounds and onsite activity"*. However, the Analysis does not present the location of where the long-term monitor station was deployed or the results of the long-term monitoring program. The Analysis also does not specify if that data was used to correlate the accuracy of the short-term offsite ambient sound monitoring results. The Analysis should present those results.

5. Page 2-10, Table 2-1: The Analysis presents short-term ambient sound levels measured during early morning hours (i.e., 6:00 am to 7:00 am) and early evening hours (i.e., 4:00 pm to 6:00 pm). Those sound levels range from 31 dBA to 44 dBA (L₉₀) for the early morning hours and from 33 dBA to 50 dBA (L₉₀) for the early evening hours. The Analysis then presents the assumed ambient levels at each location to be 32 dBA to 47 dBA (see Page 2-18, Table 2-8). The ambient sound levels presented in Table 2-8 do not represent the lowest measured sound levels in Table 2-1. Furthermore, the Analysis does not demonstrate that the short-term sound ambient sound level measurements (Table 2-1) were conducted during the quietest early morning and/or early evening period over the six-day period, and if not, how the assumed ambient sound levels (Table 2-8) were derived to account for the quietest time period.
6. Page 2-11, Table 2-2: The Analysis provides a summary of measured operational ambient sound levels during early morning hours (i.e., 6:00 a.m. to 7:00 a.m.) and early evening hours (i.e., 4:00 p.m. to 6:00 p.m.) (see Table 2-2). The Analysis does not present what the operating condition was of the facility at the time of the measurements and what quantity and type of construction equipment was in use inside, and/or outside, the building at the time of the measurements. An explanation of the operations during the ambient sound measurements should be provided.
7. Pages 2-12 and 2-13, Tables 2-3 and 2-4: The modeled input sound power levels for open loading bays with and without backup alarms are each presented as 96 dBA (see Table 2-3 and Table 2-4). The Analysis does not present where the onsite sound measurements were collected to make those determinations, by which ANSI/ASA method was used to determine the sound power of those sources, what the operating condition was of the facility at the time of the measurement(s), what quantity and type of construction equipment was in use inside the building at the time of the measurement(s), and how those types and quantities compare to the heavy equipment expected to operate inside of the future facility (the air quality analysis mentions two (2) excavators, one (1) front-end loader for materials handling, one (1) front-end loader for moving railcars, one (1) skid-steer, and one (1) tow-behind compressor)? If the number of pieces of equipment that were operating were less than the maximum amount of equipment anticipated for the Future phases, the Analysis will likely underestimate the sound impacts during maximum operations.
8. Page 2-14, Table 2-5: The Analysis provides broadband and peak octave band sound levels for backup alarm, idling locomotive, and railcar coupling. References to these sound levels should be provided in the Analysis.
9. Page 2-16, Figure 2-3: The Analysis shows the locations of the coupling and decoupling and idling locomotive. However, the Analysis does provide an explanation as to why the location of the "Idling Locomotive" was selected and if it is representative of the future conditions. An explanation should be provided justifying its location in the revised Analysis.
10. Page 2-18, Table 2-9: The Analysis provides predicted octave band sound levels at each modeling/monitoring location in Table 2-9. However, the Analysis should include the Cadna/A acoustic modeling output to demonstrate that that these octave band sound levels are accurate.

11. Page 2-19, Section 2.10 Maximum Practicable Mitigation: The Analysis states that ReSource Ware has committed to avoid, minimize, and mitigate noise impacts to the maximum extent practicable, which will be "*enclosure of operations within a building*"; however, there be tipping of materials outside and ABC grinding that intermittently occurs at the site. The Analysis should address mitigation measures to minimize impacts from these activities should they be planned in the future.
12. Page 2-19, Section 2.10.1 Feasibility of Mitigation Beyond what was Proposed: The Analysis states that "*Operating the facility with the roll-up doors closed is infeasible due to the frequency of vehicles visiting the facility.*" Tech recommends that as a practice that any roll-up doors not in use will be kept closed as part of the Best Management Practices (BMPs).
13. The Analysis should include a discussion of construction noise impacts and recommended mitigation measures to minimize impacts during the construction phase for the Future Stage 2 facility expansion.

If you have any questions, please contact me at 781-890-2220 x30 or mwallace@techenv.com.

Sincerely,

TECH ENVIRONMENTAL, INC.



Marc C. Wallace, QEP, INCE

Vice President

4787/Contracts/ReSource Peer Review Letter 092922

Criteria for Solid Waste Handling Facilities. No site shall be determined to be suitable or be assigned as a solid waste handling facility where:

1. Is the waste handling area would be within the Zone I of a public water supply;

Yes

No

2. Is the waste handling area would be within the Interim Wellhead Protection Area (IWPA) or a Zone II of an existing public water supply well

Yes

No

3. Is the waste handling area would be within the Zone A of a surface drinking water supply;

Yes

No

4. Is 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

Yes

No

5. Is the waste handling area (more than 50 tons per day) transfer station or any handling facility is 500 feet from: i. an occupied residential dwellinga prison, health care facility, elementary school, middle school or high school, children's preschool, licensed day care center, or senior center or youth center,

Yes

No

6. Is the waste handling area would be within the Riverfront Area as defined at 310 CMR 10.00;

Yes

No

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.

Yes

No

8. Agricultural Lands. No site shall be determined to be suitable or be assigned as a solid waste management facility where: 1. 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 2. the land is deemed Land Actively Devoted to Agricultural or Horticultural Uses, except where the facility is an agricultural composting facility; and 3. a 100 foot buffer would not be present between the facility and those lands classified

Suitable

Unsuitable

Can be made suitable with conditions

9. Traffic and Access to the Site. 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: 1. traffic congestion; 2. pedestrian and vehicular safety; 3. road configurations; 4. alternate routes; and 5. vehicle emissions

Suitable

Unsuitable

Can be made suitable with conditions

10. Wildlife and Wildlife Habitat. No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting would: 1. 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; 2. have an adverse impact on an Ecologically Significant Natural Community as documented by the Natural Heritage and Endangered Species Program in its database; or 3. have an adverse impact on the wildlife habitat of any state Wildlife Management Area.

Suitable

Unsuitable

Can be made suitable with conditions

11. Areas of Critical Environmental Concern. No site shall be determined to be suitable or be assigned as a solid waste management facility where such siting: 1. would be located within an Area of Critical Environmental Concern (ACEC), as designated by the Secretary of the Executive Office of Environmental Affairs; or 2. 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.

Suitable

Unsuitable

Can be made suitable with conditions

12. Protection of Open Space. 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: 1. state forests; 2. 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; 3. MDC reservations; 4. lands with conservation, preservation, agricultural, or watershed protection restrictions approved by the Secretary of the Executive Office of Environmental Affairs; or 5. conservation land owned by private non-profit land conservation organizations and open to the public.

Suitable

Unsuitable

Can be made suitable with conditions

13. Potential Air Quality Impacts. 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: 1. the concentration and dispersion of emissions 2. the number and proximity of sensitive receptors; and 3. the attainment status of the area.

Suitable

Unsuitable

Can be made suitable with conditions

14. Potential for the Creation of Nuisances. 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: 1. noise; 2. litter; 3. vermin such as rodents and insects; 4. odors; 5. bird hazards to air traffic; and 6. other nuisance problems.

Suitable

Unsuitable

Can be made suitable with conditions

15. Size of Facility. 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

Suitable

Unsuitable

Can be made suitable with conditions

16. Existing Facilities. 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.

Suitable

Unsuitable

Can be made suitable with conditions

17. Sources of Contamination or Pollution. 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.

Suitable

Unsuitable

Can be made suitable with conditions

18. Regional Participation. 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: 1. the extent to which the proposed facility meets the municipality's and the region's solid waste management needs; and 2. the extent to which the proposed facility incorporates recycling, composting, or waste diversion activities. (5) Promotion of Integrated Solid Waste Management. (a) In determining whether a site is suitable for a combustion facility or a landfill, the Department shall consider the following factors: 1. The potential yearly and lifetime capacity created by the proposed site use(s) in relation to the reasonably anticipated disposal capacity requirements and reduction/diversion goals of the Commonwealth and the geographic area(s) which the site will serve. 2. The extent to which the proposed site use(s), alone or in conjunction with other sites, provides or affords feasible means to maximize diversion or processing of each component of the anticipated waste stream in order to reduce potential adverse impacts from disposal and utilize reusable materials and only thereafter extract energy from the remaining solid waste prior to final disposal. 3. The extent to which the proposed use(s) of the site, alone or in conjunction with other sites, will contribute to the establishment and maintenance of a statewide integrated solid waste management system which will protect the public health and conserve the natural resources of the Commonwealth (b) In determining whether a site is suitable for a combustion facility or a landfill, the Department and the board of health shall consider the extent to which the proposed use of the site directly incorporates recycling and composting techniques or is otherwise integrated into recycling and composting activities for the geographic area(s) which the site will serve. (c) A site proposed for a combustion facility or a landfill shall be reviewed to determine if the site is also suitable for a recycling or composting facility either in conjunction with or instead of the proposed facility. (d) Site assignment applications which incorporate significant recycling or composting uses, in accordance with the goals of the statewide plan, shall receive preferred consideration

Suitable

Unsuitable

Can be made suitable with conditions