

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

January 6, 2022

Anthony C. Martignetti
887 Woburn, LLC
887 Woburn Street
Wilmington, MA 01887

RE: WILMINGTON—Solid Waste Management
887 Woburn, LLC
Waste Handling and Processing Facility
887 Woburn Street
FMF#: 624463

BWP SW01/Site Suitability for a New Site Assignment
Application Number: 21-SW01-0001-APP

POSITIVE DETERMINATION OF SUITABILITY

REPORT ON SITE SUITABILITY for NEW SITE ASSIGNMENT, ATTACHED

Dear Mr. Martignetti:

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: 21-SW01-0001-APP (the Application), regarding a new site assignment for the 887 Woburn, LLC proposed construction and demolition waste (C&D Waste) handling and processing facility (the Facility) to be located at 887 Woburn Street¹ in Wilmington, Massachusetts (the Site). The Application was prepared and submitted to MassDEP on behalf of 887 Woburn, LLC (887 Woburn or the Applicant) by Green Seal Environmental, LLC of Sagamore Beach, Massachusetts (GSE). MassDEP has assigned the proposed Facility a Facility Master File Number (FMF #: 624463). Please reference this FMF number on any future correspondence related to the Facility.

¹ The Site consists of combined parcels previously identified as 867, 885 and 889 Woburn Street.

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

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As discussed in the Application, 887 Woburn seeks to construct a new solid waste management facility for the handling and processing of 500 tons per day (182,500 tons per year) of C&D Waste. The proposed Facility will occupy a new structure at the Site (approximately 37,000 square feet). The Facility will be designed to handle and process C&D Waste to meet the MassDEP “Minimum Performance Standard for Construction and Demolition Handling Facilities to Comply with MassDEP’s Waste Ban Regulations and Compliance Plans” updated October 2021. Once processed, the remaining waste residuals will be transported off-site either by rail or transfer trailers for proper disposal at a solid waste disposal facility. The recycled materials may also be transferred off-site either by rail or transfer trailers.

The Application also includes a request for a waiver from the site suitability criteria at 310 CMR 16.40(4)(h) regarding the waste handling area set-back from the property boundary (75 feet on the north, east and west sides, where 100 feet is required by the criteria).

The Applicant submitted copies of the Application to the Wilmington Board of Health (the Board of Health) and the City of Woburn Board of Health.²

Based on its review of the Application in accordance with the applicable provisions of 310 CMR 16.40, *Site Suitability Criteria* together with MassDEP’s decision granting the requested waiver, 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. Copies of the Applicant’s Waiver Request and MassDEP’s Waiver Decision are attached to the Site Suitability Report as Attachments 1 and 2.

Pursuant to 310 CMR 16.20, *Public Hearing Rules*, the Wilmington 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. Where the municipality has a population of greater than 15% of residents that do not speak English as their primary language, the Board of Health shall publish an additional notice in a daily or weekly newspaper(s) circulated in that community written in the primary language(s) of those residents. MassDEP notes that the Applicant published public notice of the Site Suitability Application in the Wilmington Town Crier and in the Woburn Daily Times Chronicle, and MassDEP recommends publication of the public hearing notice in the same newspapers.

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

² The City of Woburn 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.

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.

If you have any questions regarding this matter, please contact Richard Spieler at richard.spieler@mass.gov.

Sincerely,



Mark G. Fairbrother
Section Chief
Solid Waste Management



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, with attachments
Attachment 1: Applicant's Waiver Request
Attachment 2: MassDEP's Waiver Decision

cc: Wilmington Board of Health
121 Glen Road
Wilmington, MA 01887

Wilmington Memorial Library
175 Middlesex Avenue
Wilmington, MA 01887

Department of Public Health
Director of Environmental Health
250 Washington Street, 7th Floor
Boston, MA 02115
Email: steven.hughes@mass.gov

Woburn Health Department
10 Common Street
Woburn, MA 01801

Woburn Public Library
45 Pleasant Street
Woburn, MA 01801

Metropolitan Area Planning Council
60 Temple Place, 6th Floor
Boston, MA 02111

Laura Bugay, P.E. (Green Seal Environmental, Inc.)
Email: l.bugay@gseenv.com

MassDEP-Boston/BAW

**NEW SITE ASSIGNMENT
SUITABILITY REPORT
PROPOSED CONSTRUCTION AND DEMOLITION WASTE HANDLING FACILITY**

Application/Report Number: 21-SW01-0001-APP

For

887 Woburn, LLC
Construction & Demolition Waste Handling Facility
887 Woburn Street
Wilmington, MA 01887

Prepared By

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

Date Prepared

January 6, 2022

APPLICANT:

887 Woburn, LLC
887 Woburn Street
Wilmington, MA 01887

SITE LOCATION:

887 Woburn Street
Wilmington, MA 01887

SITE OWNER:

Anthony C. Martignetti
887 Woburn, LLC
887 Woburn Street
Wilmington, MA 01887

SITE OPERATOR:

887 Woburn, LLC
887 Woburn Street
Wilmington, MA 01887

APPLICANT'S ENVIRONMENTAL CONSULTANT:

Green Seal Environmental, LLC
114 State Road, Building B
Sagamore Beach, MA 02562

**PROPOSED CONSTRUCTION AND DEMOLITION WASTE HANDLING FACILITY
OPERATING RATE:**

The proposed Facility would receive and process up to 500 tons per day (tpd) of C&D Waste, with an annual maximum of 182,500 tons per year (tpy). The Facility is proposed to operate 7 days per week, 24 hours a day, subject to any limitations established by the Town of Wilmington (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: 21-SW01-0001-APP (the Application), regarding a new site assignment for the 887 Woburn, LLC proposed construction and demolition waste facility (the Facility) to be located at 887 Woburn Street, in Wilmington, Massachusetts. The Site consists of combined parcels previously identified as 867, 885 and 889 Woburn Street (a total of 3.37 acres). The Application was prepared and submitted to MassDEP on behalf of 887 Woburn, LLC (887 Woburn or the Applicant) by Green Seal Environmental, LLC (GSE) of Sagamore Beach, Massachusetts.

As discussed in the Application, 887 Woburn seeks to construct a new solid waste management facility for the handling and processing of 500 tons per day (182,500 tons per year) of C&D Waste. The proposed Facility will occupy a new structure at the Site (approximately 37,000 square feet). As proposed, the project would also include renovation of an existing railroad spur at the Site with the intention of transferring certain outbound materials by rail. The Facility will be designed to handle and process C&D Waste to meet the MassDEP “Minimum Performance Standard for Construction and Demolition Handling Facilities to Comply with MassDEP’s Waste Ban Regulations and Waste Ban Compliance Plans” updated October 2021. Once processed, the remaining waste residuals will be transported off-site either by rail or transfer trailers for proper disposal at a solid waste disposal facility. The recycled materials may also be transferred off-site either by rail or transfer trailers.

The Application also includes a request for a waiver from the site suitability criteria at 310 CMR 16.40(4)(h) regarding the waste handling area set back from the property boundary (75 feet on the north, east and west sides, where 100 feet is required by the criteria). Copies of the Applicant’s Waiver Request and MassDEP’s Waiver Decision are attached hereto as Attachments 1 and 2.

An Environmental Notification Form for the proposed project was submitted for review under the Massachusetts Environmental Policy Act (MEPA). On October 9, 2020, the Secretary of Energy and Environmental Affairs issued a certificate that determined the project is subject to a mandatory Environmental Impact Report (EIR) pursuant to Section 11.03(9)(a) because it requires a State Agency Action that will create New Capacity for the processing of 150 or more tons per day of solid waste. On March 1, 2021, the Secretary issued a certificate that determined that the Draft EIR adequately and properly complies with MEPA and its implementing regulations, and 887 Woburn can prepare and submit the Final EIR. On April 30, 2021, The Secretary issued a certificate that the Final EIR adequately and properly complies with MEPA and its implementing regulations and that the project may proceed to permitting.

Copies of the Application were submitted to the Wilmington Board of Health (the Board of Health) and the City of Woburn Board of Health. The City of Woburn 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 September 27, 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 October 12, 2021, MassDEP received documentation from GSE on behalf of the Applicant that Public Notice was published in the Wilmington Town Crier on October 6, 2021, the Woburn Daily Times Chronicle on September 30, 2021 and in the MEPA Environmental Monitor on September 26, 2021. Additional information was also provided that demonstrates abutters to the Site were individually notified by certified mail on or about October 6, 2021. Accordingly, MassDEP has determined that the Public Comment Period commenced on October 13, 2021 and concluded on November 2, 2021. One comment letter was received regarding the Application, dated November 2, 2021. The comment letter was submitted by an abutting property owner (to the south of the proposed site) and comments focused primarily on concerns regarding traffic, historical release of oil and hazardous materials at the site, and potential nuisance conditions associated with the proposed Facility. As proposed, no reduction in the minimum property line set-back is requested for the Facility in the direction of this neighboring property.

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 Application documents that the Site is not located on land that is classified as Prime, Unique or of State and Local Importance by the United States Department of Agriculture, Natural Resources Conservation Service; or is deemed Land Actively Devoted to Agricultural or Horticultural Uses.

Accordingly, MassDEP 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, Proposed Solid Waste Handling Facility dated July 30, 2020, and prepared by Greenman-Pedersen, Inc. The 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 development would not have any appreciable impact on the operations of the signalized study area intersections or roadways and that no mitigation measures are necessary to accommodate the proposed development.

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 waste handling area is located within 100 feet of the property boundary (75 feet on the north, east and west sides of the Site). The Application further documents that the layout of the Site, as proposed, affords sufficient space to accommodate the Facility. As proposed in the Application, the waste handling building would include solid concrete push walls on the north and east sides where a reduced set-back is proposed. To the east, the Site is bordered by Woburn Street. To the west, the Site is bordered by active railroad tracks and the Olin Chemical Corp. Superfund site beyond. The Application also includes a letter of support from the abutting property owner north of the Site, acknowledging the reduced set-back to the property boundary and supporting redevelopment of the Site for the proposed Facility. All overhead doors providing access to the waste handling area would face to the south where the 100-foot property line set-back is maintained.

The regulations provide that an applicant may request that the Commissioner issue a waiver of certain site assignment criteria. The Applicant's waiver request provides its analysis of the regulatory requirements for issuance of a waiver and explains why a waiver should be granted in this case of the general prohibition of siting a solid waste handling area within 100 feet of a property boundary.

Accordingly, MassDEP reviewed the Applicant's Waiver Request for the proposed project and performed an analysis of the project with respect to the waiver criteria at 310 CMR 16.40(6)(a), (b) & (c), and granted the waiver to the property setback criteria found at 310 CMR 16.40(4)(h). Copies of the Applicant's Waiver Request and MassDEP's Waiver Decision are attached hereto as Attachments 1 and 2.

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.**

As stated in the Application, no former solid waste landfill disposal activities were identified on properties directly abutting the Site. The Olin Chemical Superfund Site (and associated capped landfill) is located across the MBTA railroad property to the west. The closed and capped Woburn Landfill is located approximately 800 feet to the southwest, separated from the Site by the MBTA railroad tracks and two other industrial properties.

Pursuant to the information available to MassDEP, the properties adjacent to the Site 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 handling facility for C&D Waste. In addition, the Town does not have any active solid waste landfills, large transfer stations, or combustion facilities, and Wilmington does not participate in a Regional Disposal District.

The proposed facility will receive, and process C&D Waste generated in the regional service area that will generally encompass eastern Massachusetts. The facility will be designed to recover recyclable materials from C&D Waste and meet the MassDEP "Minimum Performance Standard for Construction and Demolition Handling Facilities to Comply with MassDEP's Waste Ban Regulations and Waste Ban Compliance Plans." Recovered recyclable materials will be sent off-site for further processing.

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.

The Site, or portions thereof, are subject to the requirements of the regulations set forth at 310 CMR 40.0000, the Massachusetts Contingency Plan (MCP). Pursuant to the MCP, a Licensed Site Professional (LSP) is overseeing work related to historical releases at the Site (Release Tracking Numbers: 3-1787 and 3-0035035). The last document filed with MassDEP's Bureau of Waste Site Cleanup is a Permanent Solutions Statement with no conditions. The report states "further response actions to reduce hydrocarbons concentrations in groundwater to or below "background" concentrations is determined to be infeasible due to potential costs, complexity and disruption to commercial activities at the Site."

Construction of the proposed facility must comply with the applicable requirements of the MCP. The Application does not identify specific remedial actions proposed for the Site; however, any final remedial actions necessary for redevelopment can be incorporated into the design of the proposed facility. Construction of the proposed facility may require, without limitation, contaminated soil removal, an exposure barrier (or "cap") and/or a sub-slab vapor system for buildings.

Accordingly, MassDEP finds that the Site meets this criterion.

- 12. Regional Participation [16.40(4) (I)]: 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 C&D Waste generated in the regional service area that will encompass eastern Massachusetts. The facility will be designed to recover recyclable materials from C&D Waste and meet the MassDEP "Minimum Performance Standard for Construction and Demolition Handling Facilities to Comply with MassDEP's Waste Ban Regulations and Waste Ban Compliance Plans." Recovered recyclable materials will be sent off-site for further processing.

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 887 Woburn, LLC proposed construction and demolition waste facility, has determined that the proposed Application, together with MassDEP's decision granting the Applicant's requested waiver, 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 and processing 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 Wilmington's Board of Health granting a Solid Waste Site Assignment for the proposed construction and demolition 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*. 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.

ATTACHMENT 1
Applicant's Waiver Request

Section V. Waivers

Waivers

The Facility is requesting a waiver to property line setbacks in accordance with 310 CMR 16.40(6) for the 100-foot setback criteria under 310 CMR 16.40(4) (h).

The Facility is proposing a 75-foot setback to the property line on the north, west, and east sides of the proposed waste handling building, which on these sides are also the proposed limits of the on-site waste handling area(s). On the north and east sides, the handling building is presently proposed with solid concrete push walls therefore potential nuisance sound and dust conditions and visual aesthetics in these directions are eliminated and mitigated by virtue of the building walls. On the west side of the property is the MBTA rail line with the 50-acre Olin Chemical Corporation Superfund Site beyond. No receptors exist in this direction that would be adversely impacted by a reduced setback. All tipping doors face south where a 100-foot setback to property line is maintained.

The ability to house rail internally within the building and adding a C&D processing line are both crucial pieces to a successful C&D acceptance, processing, and handling facility as:

- Processing lines increase recycling to meet the goals and initiatives of the Commonwealth;
- Processing lines significantly aid handling facilities to meet the Minimum Performance Standards (MPS) for process separation rate;
- In house processing lines reduce transportation needs, thus reducing fuel consumption, emissions, and roadway impacts.
- Rail service increases transportation efficiencies and reduces greenhouse gases as an alternative to long-haul trucking (4:1); and
- Rail service provides more disposal options as disposal capacity in Massachusetts continues to rapidly decline.

Continued on next page

Section V. Waivers, Continued

Waivers,
continued

Maintaining 100-foot setbacks to the east, west, and north would reduce the size of the building by almost 11,000 square feet which would:

- Eliminate the required space for the processing line thereby reducing recycling capabilities.
- Prevent or significantly reduce the ability to bring rail into the building for loading operations thereby eliminating transportation efficiencies and the ability to use rail and additional out-of-state disposal options.

In support of this waiver, per 310 CMR 40(6)(c), the Facility:

- Has assessed other available and suitable sites in the municipality and regionally as part of the MEPA process. The alternative sites were determined to either lack rail access or have increased impacts to receptors (e.g., residential abutters) at those locations.
- There are only two C&D processing facilities currently in the northeast region, of which one has been closed due to a fire. Additional processing capacity is needed. Furthermore, this Facility may be the first in the northeast region to have rail access which is a significant benefit for the region's future of solid waste management.
- Is within a preferred municipality as discussed above in the Regional Participation and Need section.
- Environmental benefits are increased with the waiver as it will allow for a larger handling building size to house a state-of-the-art processing line to increase recycling and waste diversion in accordance with the solid waste master plan and goals and objectives of the MassDEP. Environmental benefits include the use of rail to reduce greenhouse gas through transportation efficiencies.
- Will promote integrated solid waste management by providing feasible means to maximize diversion and processing of the anticipated waste stream to reduce potential impacts from disposal.

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Section V. Waivers, Continued

**Waivers,
continued**

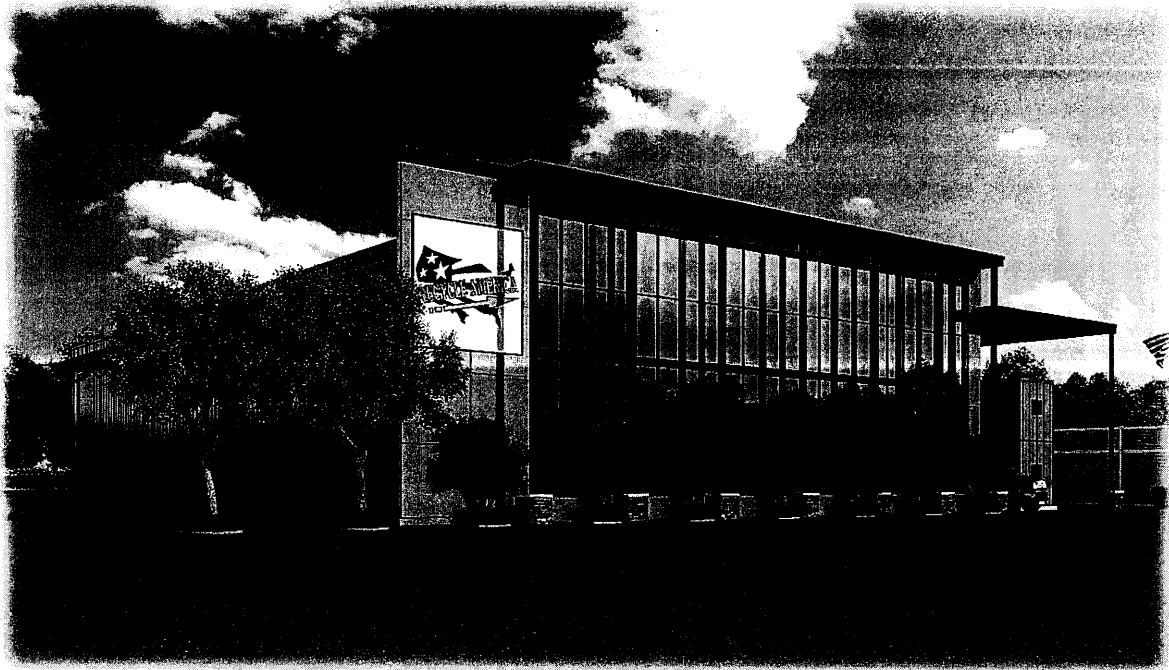
In the absence of a waiver, the Facility could function as a transfer station but would not be able to process the C&D materials on-site.

The requested waiver for setbacks allows the Facility to install a processing line, which will increase recycling capacity in this region and in the Commonwealth.

Additionally, given the Facility's proximity to rail, this mode of transportation will beneficially reduce traffic, increase transportation efficiencies, reduce greenhouse gas emissions, and increase in-state landfill capacity by increased diversion and access to out-of-state disposal outlets.

In conclusion, strict compliance with the setback criteria, in this instance, would result in undue hardship and would not serve to minimize or avoid adverse impacts.

The Facility is not requesting any waivers to the Application Process under 310 CMR 16.18.



887 Woburn

Waiver Supplemental Information I *Alternative Site Considerations*

By 887 Woburn, LLC

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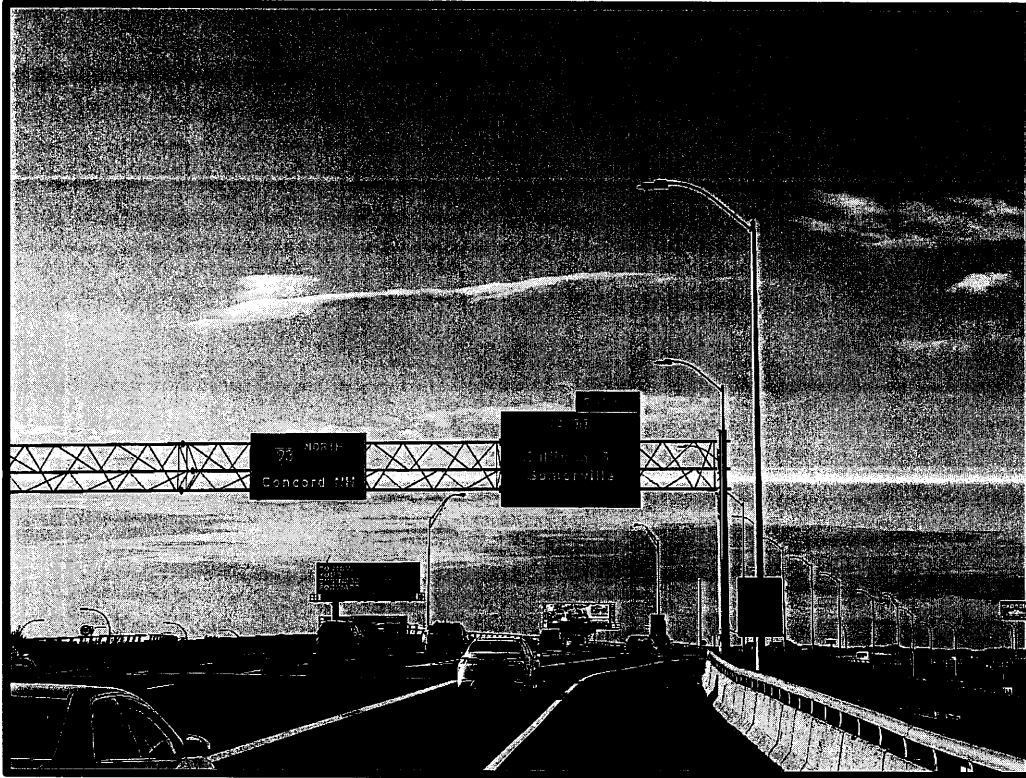
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The applicant 887 Woburn, LLC has been seeking a solid waste transfer and processing facility for construction and demolition debris in the Greater Boston area that meets MassDEP Site Suitability criteria and minimizes its impact on the environment and human health and safety for over 10 years. The goal for the new location; was to find a site along the heavily traveled Interstate 93 corridor between the Leonard P. Zakim Bridge (Boston) and Interstate 495 (Andover). Locations closer to the City of Boston were prioritized. Locations where the trucking route to/from I-93 avoided residential areas were prioritized. Locations with rail access were prioritized. Locations with existing General Industrial Zoning were prioritized.

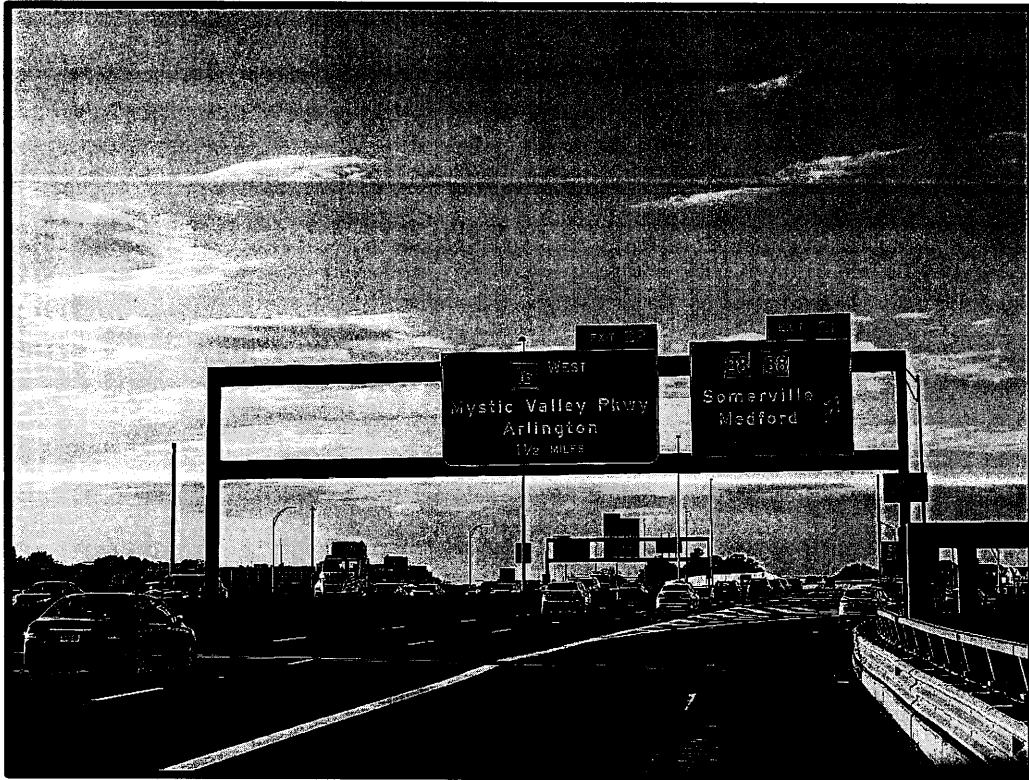
Locations were first analyzed based on existing local town/ city zoning as well as the local and Regional Master Plans for future Development. Areas for review were developed based on traffic routes from the I-93 Exit off-ramps. Many properties that appeared underutilized during the search were discovered to be in the process of being developed for higher end uses (multi-family, retail, lab/ life sciences etc.).

Interstate 93 Northerly Exits from Boston to Proposed Site 887 Woburn, Wilmington, MA:

1. *Exit 20: Sullivan Square*
2. *Exit 21: Somerville/ Medford*
3. *Exit 22: Mystic Valley Parkway*
4. *Exit 23: Medford/ Malden*
5. *Exit 24: Fellsway West/ Winchester*
6. *Exit 25: Stoneham/ Melrose*
7. *Exit 27: Montvale Ave. Stoneham/ Woburn*
8. *Exit 28A: I-95N Peabody*
9. *Exit 28B: I-95S Waltham*
10. *Exit 30: Commerce Way/ Atlantic Ave.*



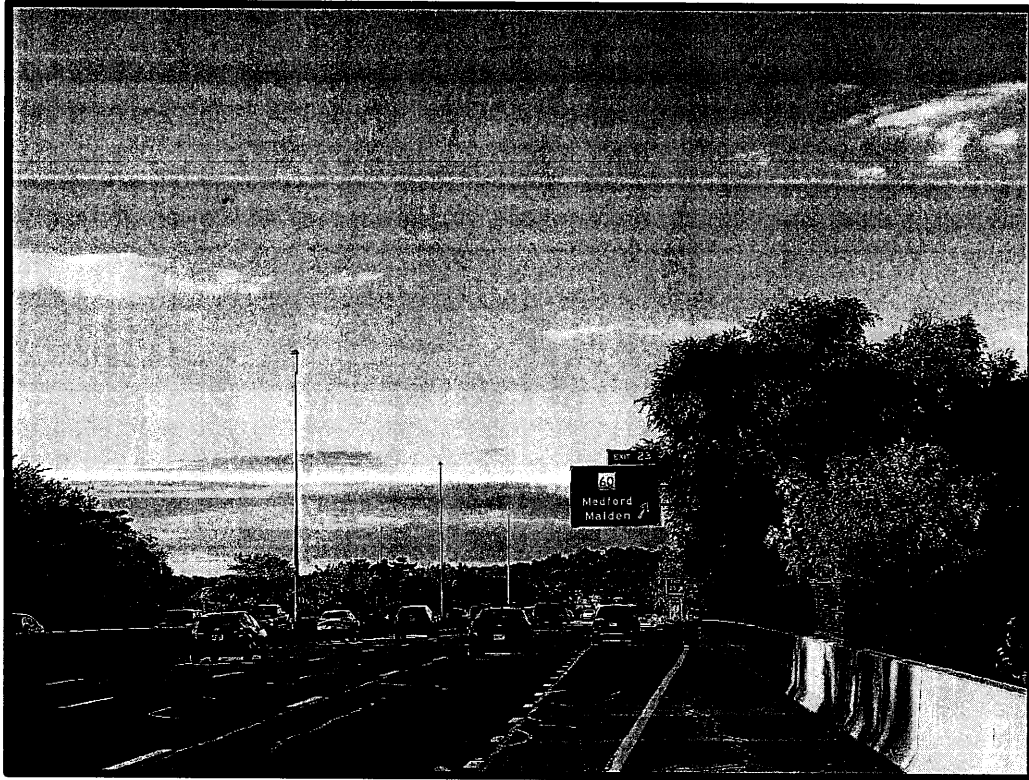
- *Sullivan Square Exit 20*: The City of Boston has a moratorium on new solid waste facilities. Charlestown is not a viable location.
- *Sullivan Square Exit 20*: City of Everett has gone through a lot of significant zoning changes in the last few years surrounding the Encore Boston Harbor Casino. The City of Everett's vision is to shake its industrial history of waste and scrap metal and focus on multifamily and retail/ entertainment infrastructure for the abutting City of Boston. Recently the former *Wood Waste of Boston* property was rezoned to a 650 unit multifamily structure and the land was sold to Greystar Development for \$50 Million.
- The Exxon Mobil tank farm was a potential area of interest, but the City of Everett has made their vision for the site clear to potential developers; they do not want heavy industrial use at this site or in this area. The city intends to rezone the area towards mixed use, biomedical life science and lab space. See <https://www.bostonglobe.com/2021/09/24/business/we-dont-want-be-peoples-dumping-grounds-big-change-could-be-coming-everetts-industrial-riverfront>
- *Sullivan Square Exit 20*: City of Somerville has also gone through many significant zoning changes in the last few years and transfer stations appear a prohibited use under their zoning bylaws.
- *Sullivan Square Exit 20*: **NOT A VIABLE LOCATION**



- *Exit 21 Somerville/ Medford:* Somerville Assembly Row area. Zoning prohibited.
- *Exit 21 Somerville/ Medford:* Moving through Somerville up Route 28 North on Mystic Ave- this corridor is not zoned “Industrial” but “Commercial 2”, after conversations with current and former local officials; this area has been under intense scrutiny to enhance zoning uses from a more business oriented past towards a mixed use zoning. The nature of the small parcels would also lack solid waste handling and queuing areas necessary for a 500 ton per day or larger operation. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 21 Somerville/ Medford:* **NOT A VIABLE LOCATION**



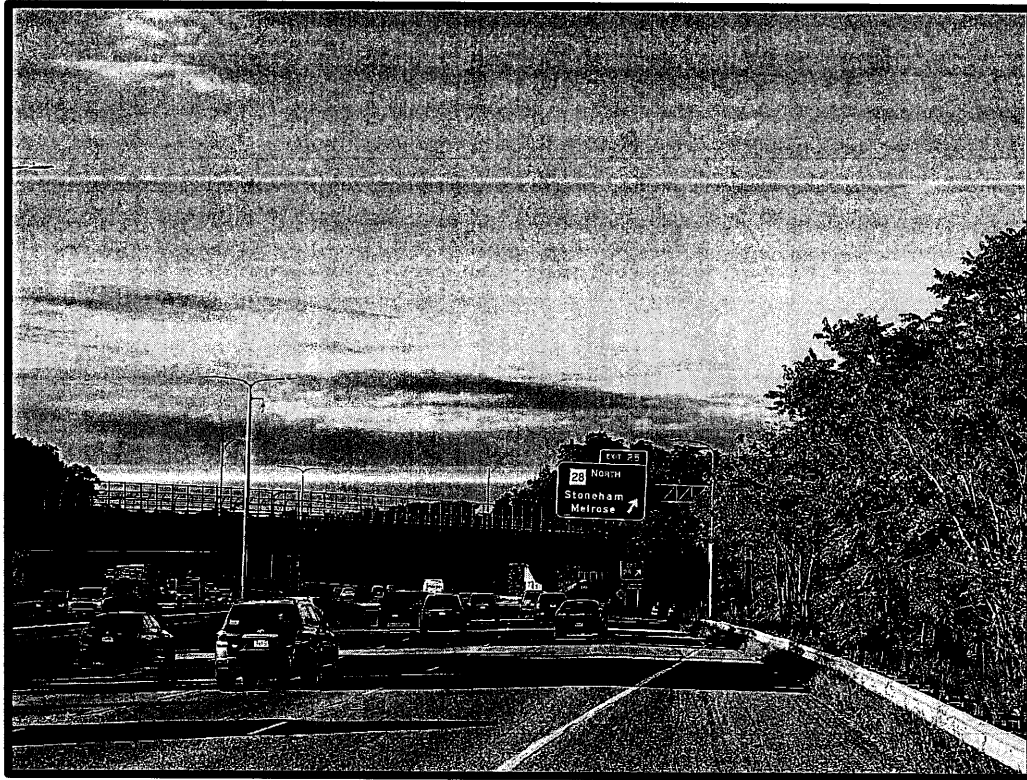
- *Exit 22 Mystic Valley Parkway:* Mystic Valley Parkway has a truck restriction on the Parkway and all truck traffic has to leave the off-ramp to Medford Square. Medford Square is under Master Plan review. Medford Square currently consists of a mix of retail businesses, professional and medical offices, single and multi-residential housing. We do not anticipate the updated Master Plan to include Industrial uses surrounding the exit off-ramp area. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 22 Mystic Valley Parkway:* **NOT A VIABLE LOCATION**



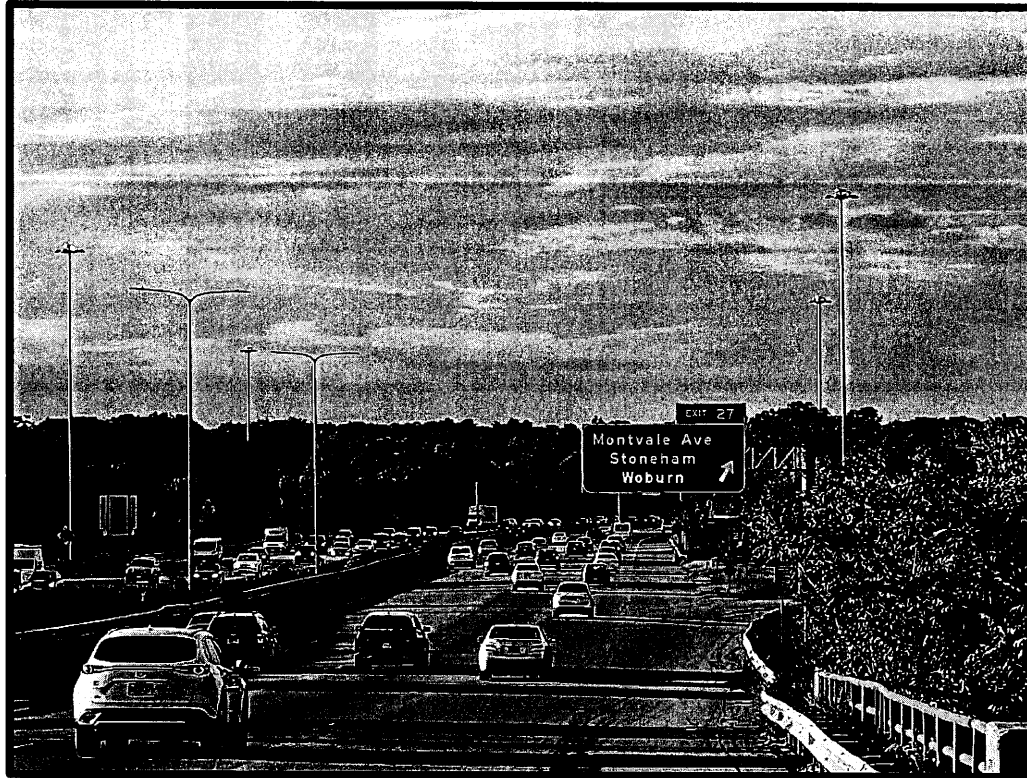
- *Exit 23 Medford/ Malden:* The exit off-ramp sends the driver into a roundabout. Easterly sends a driver through Salem Street Medford, a residential and retail business use area Zoned Apartment-1. Westerly sends a driver into Medford Square. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 23 Medford/ Malden:* **NOT A VIABLE LOCATION**



- *Exit 24 Fellsway West/ Winchester:* This exit off-ramp sends the driver into a roundabout, it is heavily residential at all outlets and many have trucking restrictions. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 24 Fellsway West/ Winchester:* **NOT A VIABLE LOCATION**



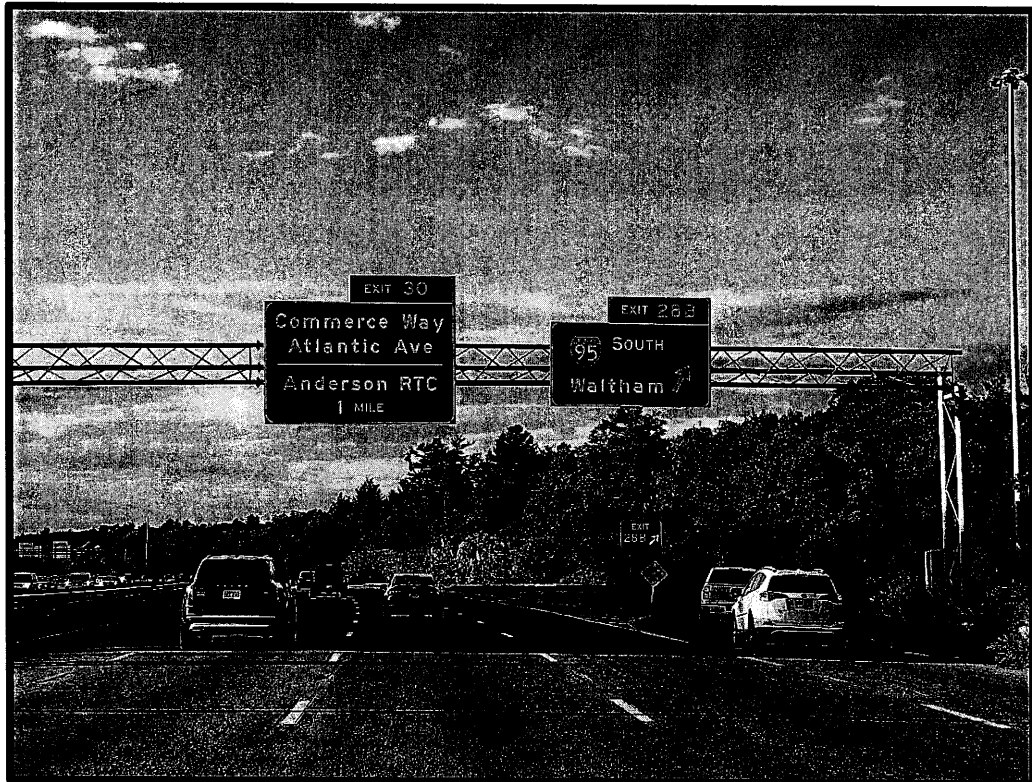
- *Exit 25 Stoneham/ Melrose:* This exit sends a driver onto Route 28. This area of Route 28 is predominantly owned by the DCR and used for public access and allows access to the public for hiking and other recreational activities. The Route 28 Corridor in Stoneham currently consists of a mix of retail businesses, professional and medical offices, single and multi-residential housing.
- *Exit 25 Stoneham/ Melrose:* Right hand turns are restricted for trucks at the Route 28/ South Street/ North Border Road Intersection. A left hand turn at the intersection brings a driver through a residential neighborhood. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 25 Stoneham/ Melrose:* **NOT A VIABLE LOCATION**



- *Exit 27 Montvale Ave Stoneham/ Woburn:* This exit sends a driver onto the Montvale Ave corridor. Easterly to Stoneham consists of a mix of retail businesses, professional and medical offices, single and multi-residential housing. There is no zoning northerly that would favor industrial uses. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 27 Montvale Ave Stoneham/ Woburn:* Westerly towards Woburn consists of a mix of retail businesses, professional and medical offices, single and multi-residential housing. There is no zoning westerly that would favor industrial uses. The proponent cannot identify any nearby locations where all Site Criteria could be met.
- *Exit 27 Montvale Ave Stoneham/ Woburn:* **NOT A VIABLE LOCATION**



- *Exit 28A Peabody: Interstate 95 North*



- *Exit 28B Waltham: Interstate 95 South*



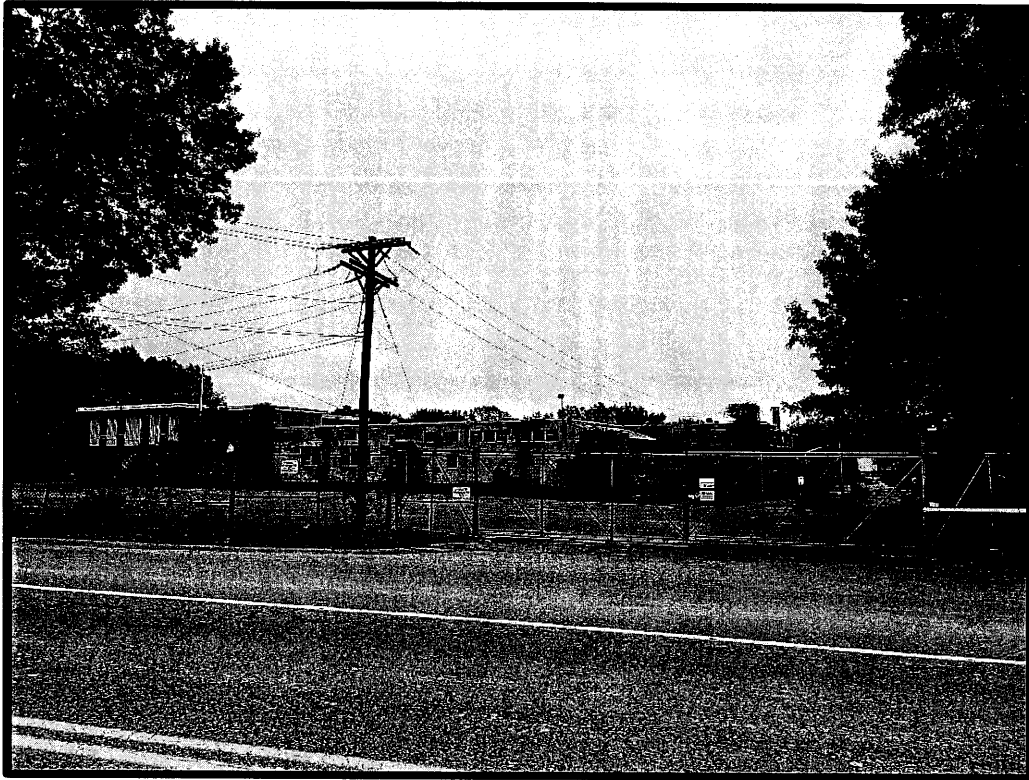
- *Exit 30 Commerce Way/ Atlantic Avenue:* This exit allows for excellent truck access off of Interstate-93. There are multiple large industrial warehousing and distribution operations surrounding this exit. The off-ramp has ample queuing far from the Interstate which would keep an overflow of traffic under normal circumstances from ever backing up to the I-93.
- *Exit 30 Commerce Way/ Atlantic Avenue:* Woburn has many large industrial warehousing operations along Commerce Way with direct access to the Interstate 93 on/ off ramp. Most notably TJX Companies. Woburn's Zoning does not allow for solid waste facilities by-right.
- *Exit 30 Commerce Way/ Atlantic Avenue:* Presidential Way is a wide road built for safe truck travel through the Woburn industrial park and into Wilmington's industrial park.
- *Exit 30 Commerce Way/ Atlantic Avenue:* There are no residential dwellings located along this route from I-93 to the Wilmington Industrial Park area.
- *Exit 30 Commerce Way/ Atlantic Avenue:* To name a few, the Following is a list of industrial warehouse tenants and warehouse distribution centers currently located in the Wilmington industrial park area (neighboring the proposed location) whom use Exit 30 for their truck access:

- **Atlantic Plant Maintenance**
- **Wilmington Cold Storage**
- **Crystal Motor Freight**
- **Fedex**
- **Pepsi**
- **Coca-Cola Brands**
- **Cam's Demolition**
- **Hammer Demolition**
- **M&M Transport**
- **Aaron Disposal**
- **Classic Disposal**
- **WIN Waste Innovations**
- **Fina Stone Works**
- **NER Construction**
- **Dagle Electrical Contractors**
- **ServiceMaster**
- **All Access Equipment**
- **Burns Landscaping**
- **AJ Rose Distribution**
- **Action EMS Ambulance**
- **K&A Express**
- **NAPA Distribution**
- **Alside Supply Center**
- **McCall Trucking**
- **Wilmington Builders Supply**
- **Silversmith Excavating**
- **Bandwagon**
- **Pioneer Sales**
- **Keystone Auto Supply**
- **Crate & Barrel Distribution**
- **SG Torrice**
- **Pacific Packaging**
- **Benevento Companies**
- **McCourt Construction**
- **Back Bay Sign**
- **K-Town Disposal**
- **Hub Delivery**
- **Dawson-MacDonald**
- **Garrick Santos Landscaping**
- **AllCoat**
- **Gerrity Stone**
- **Koch Membrane**
- **Markham Metals**
- **Orkin**
- **ElecComm**
- **Tecomet**

- **Pro-Fence**
- **American Benchcraft**
- **Frazier Sheet Metal**
- **Optima Shipping**
- **Standard Electric**
- **Tremblay Bros. Flooring**
- **MP Car Dealer Services**
- **Capital Carpet & Flooring**
- **North East Roofing Services**
- **E-Top Supply**
- **Baystate & Johnsons**
- **FJ Roberts AASG**

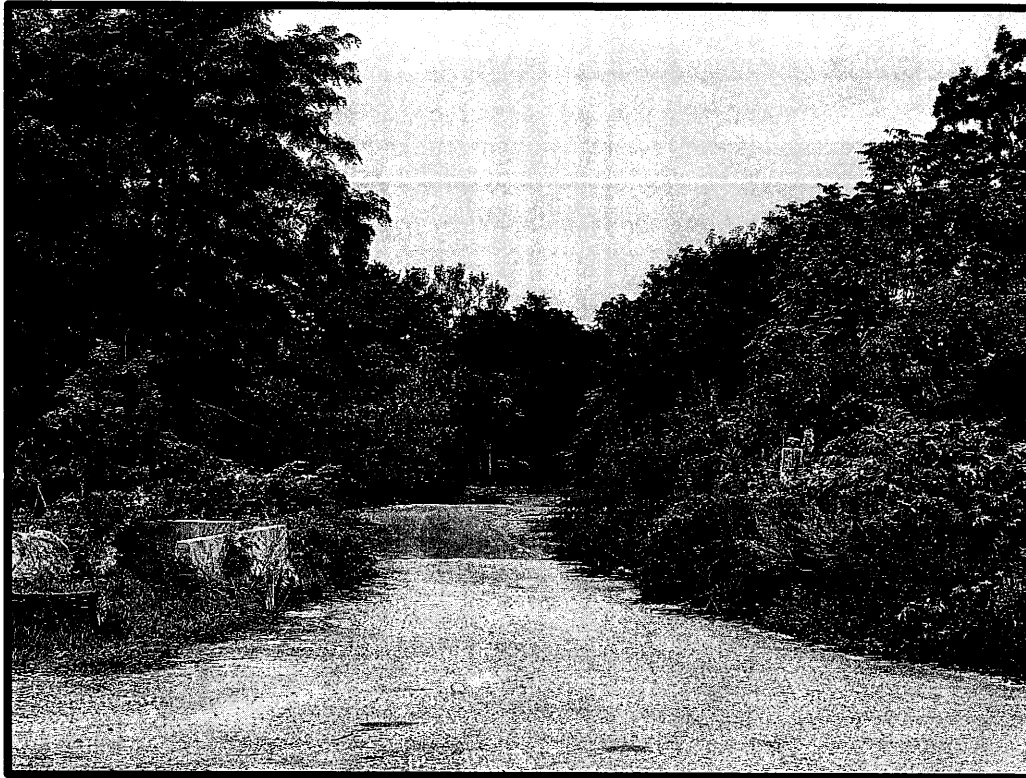
In conclusion *Exit 30 Commerce Way/ Atlantic Ave* in Wilmington presented itself as the best possible access for a solid waste facility North of Boston along the I-93 corridor.

The applicant then reviewed three potential sites in this area; Alternative #1- Eames Street, Alternative #2- Maple Meadow Landfill, The Chosen Site- 887 Woburn and a No-Build Alternative.



Alternative #1- Site Alternative on Eames Street

- A transfer station was proposed in 2003 by a different proponent on what is commonly referred to as Olin Chemical, with an address of 51 Eames Street, Wilmington, MA 01887.
- The proposal was met with fierce opposition by the Town of Wilmington, Town of Woburn, State Representatives, State Senators, neighbors and multiple community and environmental groups.
- Trucks would need to pass residential dwellings either to/from the East along Eames Street or to/from the West along Eames Street. Intersections of both Eames/ Main Street and Eames/ Woburn Street are also both difficult intersections for trucks to maneuver.
- Amongst other insufficient site criteria, the property is located in a Zone II/ Groundwater Protection District (although the wells in the area have been turned off due to contamination of the Olin Superfund Site located on Eames Street).
- The site contains wetlands
- The site is an EPA Superfund and has recently been approved for an approximately \$50 Million cleanup plan by the EPA, which will take years to remediate.
- **For the reasons stated above this location was not viable.**



Alternative #2- Site Alternative at Maple Meadow Landfill

- The Applicant entered into a Purchase and Sale Agreement to purchase the property at 923 Main Street, Wilmington, MA 01887 (Map 25, Parcel 2), a 75 Acre Inactive Landfill. The site was previously contracted with the Town of Wilmington from 1955 until 1975 for Municipal Solid Waste disposal.
- The landfill has an existing solid waste Site Assignment and would need to apply for a major site modification if the applicant were to propose a transfer station on the property.
- The property does not have rail access.
- The property has residential dwellings located both northerly and southerly along Main Street in both Woburn and Wilmington as well as westerly in Wilmington.
- The property is located in a Zone II/ Groundwater Protection District (although the wells in the area have been turned off due to contamination of the Olin Superfund Site located on Eames Street).
- The property's zoning is split between Residential-60 and General Industrial Zoning.
- The site has an unfortunate history associated with their capping project in the early 2000s, which led to multiple lawsuits and enraged environmental and community groups in the area. The landfill remains uncapped.
- The truck traffic access from I-93 would be difficult to manage, it would have to go through multiple difficult intersections for truck traffic (Eames/ Woburn and Eames/ Main). Leaving the site and entering onto Main Street from Old Main Street could also prove difficult for large vehicles with difficult sight lines on Main Street.
- **For the reasons stated above this location was not viable.**

Alternative #3- No Build Alternative

- The No Build Alternative is not considered a viable or sustainable alternative for the region.
- With the solid waste disposal capacity in Massachusetts and the north east region dwindling, this sites' specific location near the highly traveled Interstate 93 and Interstate 95 cloverleaf will be vital in helping relieve the lack of capacity in the region.
- Access to PanAM Railways freight lines will help the Commonwealth achieve multiple goals simultaneously:
 - A decrease in greenhouse gas emissions using the efficiencies of rail.
 - A reduction in traffic congestion using the efficiencies of rail.
 - Governor Baker's Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth (EO 569; the Order) was issued on September 16, 2016. The Order recognizes the serious threat presented by climate change and directs Executive Branch agencies to develop and implement an integrated strategy that leverages state resources to combat climate change and prepare for its impacts. The Order seeks to ensure that Massachusetts will meet GHG emissions reduction limits established under the Global Warming Solution Act and will work to prepare state government and cities and towns for the impacts of climate change. The statute directs all State Agencies to consider reasonably foreseeable climate change impacts, including additional greenhouse gas emissions, and effects, such as predicted sea level rise, when issuing permits, licenses and other administrative approvals and decisions. M.G.L. c. 30, § 61.
 - Exporting waste for disposal helps the Commonwealth and Governor Baker's Executive Order 569- meet that goal. Solid Waste exportation helps preserve Massachusetts' own diminishing landfill waste disposal capacity.
- The site will also create multiple full time jobs of varying skill for people seeking employment and currently underemployed. This development will significantly increase the use of the property and in turn the real estate tax base. The construction of the facility will also create millions of dollars of jobs in the commonwealth.
- It is presently unknown how much C&D waste is generated within the Town of Wilmington. Given the Town's population (approximately 23,000 residents), and the proposed Facility's capacity expected capacity (500tpd); the proposed Facility will provide significant disposal relief for both the public and private sectors in the surrounding region. The proposed rail-served Facility will be the first in the MassDEP north east region to have rail access, giving the facility direct access to disposal outlets throughout the country.

The proposed sites' (887 Woburn, Wilmington, MA 01887) access to PanAM Railways freight for exportation and long history of solid waste and recycling activities additionally makes this specifically chosen location very favorable for this project. **The sites' extensive waste and recycling background has made it the applicants' preferred site.** After discussing the design with neighboring property owners and receiving a signed letter of support from the property which will be most impacted by the setback waiver; we look forward to continuing the permitting process with our neighbors' support. See [Abutter Support Letter](#)

Chosen Site- 887 Woburn

The applicant consulted with legal counsel specializing in the Wilmington Zoning Bylaws as well as an additional legal counsel that specializes in Environmental affairs specifically related to the siting of solid waste facilities in Massachusetts under CMR 310 16.00 and CMR 310 19.00 to review 887 Woburn's potential as a solid waste facility.

See Attachment A: Zoning Opinion

After receiving multiple zoning opinions from highly respected counsels; 887 Woburn's favorable General Industrial Zoning, and preferred trucking routing using *Exit 30 Commerce Way/ Atlantic Ave*, became the preferred chosen location of consideration.

The applicant then reviewed 310 CMR 16.40: Site Suitability Criteria, and reviewed the sites suitability in relation to the regulations' criteria.

887 Woburn then hired Green Seal Environmental a licensed Environmental Engineer to carefully review 887 Woburn's site in relation to 310 CMR 16.40 and create a Site Suitability Report. Green Seal Environmental's Site Suitability Report concluded the site meets all of the criteria for site assignment. 887 Woburn's preferred design, requests a waiver for the setback of the solid waste handling area from 100 feet to 75 feet on the easterly, northerly and westerly sides. Granting the setback waiver will allow the applicant to increase the solid waste handling area, specifically to expand the area needed for the C&D recycling processing equipment and to maximize recovery.

310 CMR 16.40(4)(i)

310 CMR 16.40(4)(j);

“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. 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:

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

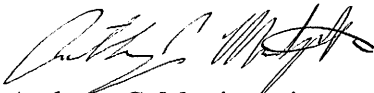
FACTS

- The proposed Facility’s location is in Wilmington, Massachusetts.
- There are no active landfills, combustion facilities or waste handling facilities in Wilmington according to the MassDEP Master List of Solid Waste Facilities January 2020. The MassDEP Master List of Solid Waste Facilities January 2020, includes four inactive or closed landfills in Wilmington.
- The proposed solid waste handling and processing facility is a new facility. The facility will be open to the public and not be for the exclusive use of the Town of Wilmington.
- C&D waste generated in Massachusetts’ North East region is predominantly handled by private transfer and processing operators. The North East region has lost 1,425 tons per day of handling capacity in recent years due to a combination of permanent and temporary closures.
 - The permanent closures of:
 - *Wood Waste of Boston, Everett, MA 500tpd Permitted*
 - *Mich-Lin Transfer Station, Cambridge, MA 300tpd Permitted*
 - The temporary closure of:
 - *TBI Recycling, North Andover, MA 625tpd Permitted*
- The proposed facility will significantly help rebuild C&D waste capacity for both the municipality and the surrounding region’s C&D waste disposal needs.
- The proposed facility’s draft design has encompassed a C&D waste processing line with both mechanical and manual sorting. The facility is being designed to meet and surpass the MassDEP 15% Process Separation Rate and Minimum Performance Standard. The facility’s draft design also demonstrates the separation of all C&D Waste Ban Materials (i.e. ABC, metal, wood, OCC). Other waste ban items; i.e. tires, mattresses, white goods and clean gypsum will be separated after inspection on the tipping floor and not processed through the recycling separation equipment.

Conclusion

After reviewing the proposed location alongside the criteria for site assignment of a solid waste handling facility and 310 CMR 16.00(4)(j), the applicant concluded the proposed site is the best possible location of the alternatives. The proposed site also meets the qualifications of the regulation to receive preferential consideration. The MassDEP and the local Board of Health should give the applicant's proposed site; 887 Woburn Street, Wilmington, MA, preferential consideration when reviewing Site Suitability.

Respectfully Submitted,



Anthony C. Martignetti
Owner/ Manager
887 Woburn, LLC

August 5, 2019

Mr. Al Spaulding
Inspector of Buildings and Zoning Enforcement Officer
Town of Wilmington
Town Hall
121 Glen Road
Wilmington, MA 01887

Re: 885-889 Woburn Street, Wilmington, MA 01887
Map 37, Parcel 4 and Map 37, Parcel 4A

Dear Mr. Spaulding:

I have been retained to provide a zoning opinion relative to the above-referenced parcels of land (hereafter "Property") that are owned by my client, 887 Woburn, LLC (hereafter "Client"), by and through a Deed from Edward C. Whitney, Jr. and Mary F. Whitney, individually and as Co-Trustees of the 887-889 Woburn Street Realty Trust, u/d/t dated June 25, 2008, which Deed is dated May 23, 2017 and recorded at the Middlesex North District Registry of Deeds in Book 31143, at Page 147.

At issue is my Client's desired use for the Property. Specifically, my Client proposes to construct and operate a transfer station thereon, with such station consisting of a completely enclosed building intended to receive materials for sorting and subsequent transfer onto larger trucks or, if applicable, rail cars, for reshipment. After review of the Assessor's records, zoning maps and Zoning By-Laws of the Town of Wilmington (hereafter the "Zoning By-Laws"), it is my opinion that the Property, being located in the General Industrial District and not in a Groundwater Protection District, avails itself to the aforementioned use as a matter of right, under the "warehouse" or "bulk materials storage" use categories of the said Zoning By-Laws.

The Zoning By-Laws define "Warehouse" in section 3.6.1 thereof, as:

Warehouse or other building for the storage or wholesale marketing of materials, merchandise, products or equipment including a rail or freight transfer depot, where the principal use of the warehouse facility is sorting materials, merchandise, products or equipment for reshipment.

The above cited definition is the exact description of my Client's proposed use of his Property. To reiterate above, my Client proposes to construct of a building (in accordance with all required permitting procedures for the same), completely enclosed with access points for ingress and egress, built to receive materials, sort the same and ultimately reship said materials via larger freight trucks or, if applicable, rail cars. To further clarify this use, and the terms used to define "Warehouse" above, we further examine the same. The Zoning By-Laws do not define the word "material", and I thus turn to the Merriam –Webster definition of the same; Merriam-Webster defines "material" as "relating to, derived from, or consisting of matter". My Client is proposing to sort "materials" and reship the same by freight truck, or, if applicable, by rail car, all in accordance with applicable laws, by-laws, codes and/or regulations. As such, it is my opinion that my Client's proposed use of this Property falls expressly within the Warehouse use category of the Zoning By-Laws Table 1 Principal Use Regulations as being allowed by right.

While the "Warehouse" use category seems to most aptly fit my Clients proposed use of the Property, it is also the opinion of this writer that section 3.6.2 of the Zoning By-Laws, "Bulk Material Storage and Sales" also accommodates the proposed use. The Zoning By-Laws define "Bulk Material Storage and Sales" in section 3.6.2 thereof, as:

Contractor's yard, fuel oil/heating service facility, lumber yard, recreational vehicle center or similar establishment for open and enclosed storage, distribution or sale at wholesale and retail of materials, merchandise, products or equipment, provided that all smoke, odor particulate matter, toxic matter, fire or explosive hazard, glare, noise and vibration shall be effectively confined to the premises or disposed of in a manner so as not to pose a present or potential hazard to human health, safety, welfare or the environment.

My Client's proposes to use the Property for the "open and enclosed storage, distribution...of materials" in accordance with all other applicable laws, by-laws, codes and/or regulations. Thus, it is my further opinion that my Client's proposed use of this Property falls expressly within the Bulk Material Storage and Sales" use category of the Zoning By-Laws Table 1 Principal Use Regulations as being allowed by right.

If the Town of Wilmington disagrees with either of my proposed legal opinions above relative to the permitted use categories, I would further assert that my Client's proposed use of the Property is allowed in accordance with Section 9 of the State Zoning Act, as codified by Massachusetts General Laws Chapter 40A, Section 9 (hereafter "The Zoning Act"). The Zoning Act reads, in relevant part, that;

A facility, as defined in section one hundred and fifty A of chapter one hundred and eleven, which has received a site assignment pursuant to said section one hundred and fifty A, shall be permitted to be constructed or expanded on any locus zoned for industrial use unless

specifically prohibited by the ordinances and by-laws of the city or town in which such facility is proposed to be constructed or expanded, in effect as of July first, nineteen hundred and eighty-seven; provided, however, that all permits and licenses required by law have been issued to the proposed operator.

My Client's use will meet the definition of a "Facility" in accordance with M.G.L. c. 111, §150A (hereafter "Section 150A"). In further accordance with Section 150A, my client will be seeking the necessary site assignment and will undertake to procure all necessary approvals, permits and/or licenses required by law. As this property is in the General Industrial District, The Zoning Act specifically allows for such a use as a matter of right, unless otherwise prohibited by The Zoning By-Laws. The only applicable language in the Zoning By-Laws that would disqualify my Client's proposed use would be pertinent if the Property was located in a Ground Water Protection District (See section 6.6.5.10 of the Zoning By-Laws, which specifically prohibit a "transfer station for construction and demolition debris or municipal solid waste" from the Ground Water Protection District). The Groundwater Protection Overlay District covers about two-thirds of Wilmington, but the Property subject to this letter is not located in the said overlay district. Since the Property is not in the Ground Water Protection District, the disqualifying language of Section 6.6.5.10 of the Zoning By-Laws of is inoperable and not applicable to my Client's Property and the proposed use thereof. The Zoning By-Laws make no mention of specifically prohibiting the "transfer stations" in the General Industrial Zone, thus the same are allowed as a matter of right (upon the procurement of a site assignment, as referenced above, and the necessary approvals, permits and/or licenses required by law).

Based on the above stated facts, it is the legal opinion of this writer that the property located at 885-889 Woburn Street, Wilmington, MA 01887, currently owned by 887 Woburn, LLC, and which owner intends to construct and operate a transfer station thereon, with such station consisting of a completely enclosed building intended to receive materials for sorting and subsequent transfer onto larger trucks or, if applicable, rail cars, for reshipment, is an allowed use in accordance with:

1. Section 3.6.1 of the Zoning By-Laws, under the "Warehouse" use category, as being allowed by right; and/or
2. 3.6.2 of the Zoning By-Laws, under the "Bulk Material Storage and Sales" use category, as being allowed by right; and/or
3. Massachusetts General Laws Chapter 40A, Section 9.

I would appreciate it if you would refer this correspondence to Town Counsel so that my conclusions above can be affirmed. Further, if you, or Town Counsel, would like to discuss this matter with me and my client personally, or if you need any additional information concerning this request, please do not hesitate to call me directly.

Very truly yours,

Robert G. Peterson, Sr.

5/17/2018

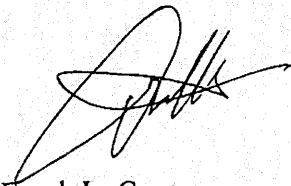
887 Woburn, LLC ("887 WOBURN")
887 Woburn Street
Wilmington, MA 01887

MassDEP Commissioner
Martin Suuberg
One Winter Street, 2nd Floor
Boston, MA 02108

To Whom It May Concern:

This letter may be used for consideration by any reviewing agency including MA DEP. As an abutter to 885 and 889 Woburn Street, Wilmington, Massachusetts, I support permitting a solid waste transfer facility in our industrial neighborhood. I understand that the handling operation planned by 887 Woburn is located within the 100ft setback to my property line. The property at 885 and 889 Woburn Street is currently a blight on area industry and the community. The proposed project would revitalize the property into a useful industrial facility that would blend well with nearby industry.

Yours truly,



Frank LoConte

867 Woburn Street, LLC
867 Woburn Street, Wilmington, MA 01887



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

DAVID A. ROBERTSON
STATE REPRESENTATIVE

19TH MIDDLESEX DISTRICT

STATE HOUSE, ROOM 473F
BOSTON, MA 02133-1054

TEL. (617) 722-2210

FAX. (617) 722-2837

David.Robertson@MAhouse.gov

Secretary Kathleen A. Theoharides
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Joint Committees on:

Telecommunications
Utilities and Energy

Labor and Workplace
Development

Veterans' and Federal Affairs

Environmental Natural
Resource and Agriculture

Secretary Theoharides,

We hope this letter finds you well. As the state delegates for the town of Wilmington and beyond, we write to you to highlight an important application currently on your desk for the development at 887 WOBURN STREET, Wilmington, MA. This project takes a current blighted property, and in the time of economic despair, brings new life to a neighborhood. We know that your departments role covers a wide swath of charges to protect environmental interests in the name of the public, so below we have highlighted the many positives of the project that led us to believe this project is one of value to our town and the Commonwealth.

Currently a run down building the owners purchased from E.C. Whitney Barrel Company, the applicant seeks to reconfigure the site to operate a materials transfer station that far surpasses the present and past uses in terms of efficiency and environmental-friendliness. As many of these specific examples may be found in the application in greater detail, we will not go into specifics, but will take the moment to highlight the great improvements to storm-water mitigation, light and sound pollution controls, and will add a much-needed sorting point to separate recyclables and other valuable material from the waste stream. 887 Woburn St is also a blessing for mitigating both local and regional traffic. Impacts to the municipalities is absolutely minimum, and the congregation of road traffic at the facility for transfer to rail both removes unique trips on our roads while shifting to a more environmentally friendly method of transport.

We are confident that like us, you will see the merits of the applicant's project at 887 Woburn St. It is a strong project that results in the restoration of a blighted property not just into a commercially productive site, but a place that improves the Commonwealth's environment locally and more broadly. We thank you for your consideration,

On behalf of those below,

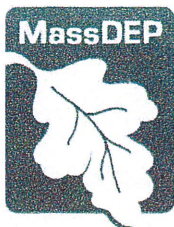
Representative David Robertson

Representative Ken Gordon

Representative Paul Donato

Senator Bruce Tarr

ATTACHMENT 2
MassDEP's Waiver Decision



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

Kathleen A. Theoharides
Secretary

Karyn E. Polito
Lieutenant Governor

Martin Suuberg
Commissioner

January 6, 2022

Anthony C. Martignetti
887 Woburn, LLC
887 Woburn Street
Wilmington, MA 01887

Re: Grant of Waiver for Solid Waste Site Suitability Criteria – 310 CMR 16.40

Dear Mr. Martignetti:

This is in regard to your Waiver Request and related Supplemental Information for site assignment of a solid waste facility for the handling and processing of up to 500 tons per day of Construction and Demolition Waste proposed by 887 Woburn, LLC. The proposed facility will be located at 887 Woburn Street, in Wilmington, Massachusetts. The request is to waive one of the site suitability criteria: waste handling area set-back from the property boundary.

Based on review of the enclosed recommendation from MassDEP's Northeast Regional Office, I hereby grant a waiver from the facility specific site suitability criterion at 310 CMR 16.40(4)(h) for the proposed solid waste facility.

Sincerely,

Martin Suuberg
Commissioner

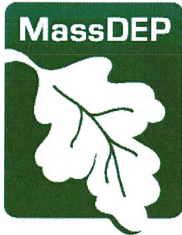
cc: Eric Worrall, Regional Director, MassDEP-NERO
John MacAuley, Deputy Regional Director, MassDEP-NERO/BAW
Mark Fairbrother, Solid Waste Section Chief, MassDEP-NERO/BAW

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

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Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

Memorandum

To: Martin Suuberg, Commissioner

Through: Christine Kirby, Assistant Commissioner, Bureau of Air & Waste

cc: John MacAuley, Deputy Regional Director, NERO/BAW
Mark Fairbrother, Solid Waste Section Chief
Richard Spieler, Solid Waste Engineer

From: Eric Worrall, Regional Director, NERO

Date: November 29, 2021

RE: **Recommendation to Waive Solid Waste Site Suitability Criteria
310 CMR 16.40
887 Woburn, LLC
887 Woburn Street, Wilmington, MA**

RECOMMENDED ACTION

For the reasons below and the reasons set forth in the waiver request submitted by the Proponent (attached), NERO recommends issuance of the waiver by signing the attached letter.

SUMMARY OF REQUEST

887 Woburn, LLC ("the Proponent") seeks to construct and operate a solid waste facility for the handling and processing of up to 500 tons per day of Construction & Demolition (C&D) Waste at 887 Woburn Street in Wilmington, Massachusetts.¹

¹ The Site consists of combined parcels previously identified as 867, 885 and 889 Woburn Street.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

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WILMINGTON—887 Woburn, LLC

Recommendation to Waive Solid Waste Site Suitability Criteria - 310 CMR 16.40

Solid waste facilities are regulated by a number of Massachusetts laws and regulations, including Massachusetts General Law Chapter 111, §§ 150A and 150A½, and Massachusetts regulations, 310 CMR 16.00, *Site Assignment Regulations for Solid Waste Facilities*, and 310 CMR 19.000, *Solid Waste Management Regulations*.

More specifically, a determination of Site Suitability from MassDEP and a Solid Waste Site Assignment for the site from the Wilmington Board of Health are required for the proposed facility, pursuant to 310 CMR 16.00.² The purpose of the site assignment process is to determine if a parcel of land is suitable to use as a site for a solid waste management facility. Site assignment is an integrated state and local review process which provides opportunity for public involvement. Site assignments are ultimately granted by the Board of Health, following MassDEP's determination of site suitability. Subsequently, the Proponent must also obtain appropriate construction and operation permits from MassDEP as required by the Solid Waste Management Regulations at 310 CMR 19.000.

On August 24, 2021, the Proponent filed an application, BWP SW01 *Site Suitability Report for a New Site Assignment*, Application Number: 21-SW01-0001-APP ("Site Assignment Application" or "Application"), with MassDEP's Northeast Regional Office ("NERO"). The Application was prepared and submitted to MassDEP on behalf of the Proponent by Green Seal Environmental, LLC ("GSE") of Sagamore Beach, Massachusetts. On September 27, 2021, MassDEP determined that the application was administratively complete. Because the proposed facility does not meet one of the site suitability criteria specified in 310 CMR 16.40, together with the Application, the Proponent submitted a waiver request with its Application to NERO, Section V. of the Application, *Waivers* (the "Waiver Request" or "Request") prepared by GSE on behalf of the Proponent.

As proposed, the Proponent's on-site waste handling areas do not meet the property line setback of 100 feet. The Proponent has requested a set-back of 75 feet from the northern, eastern, and western property boundaries, where 100 feet is required by the site suitability criteria [310 CMR 16.40(4)(h)].

BACKGROUND

In reviewing this request, MassDEP has reviewed information from the Proponent. An Environmental Notification Form for the proposed project was submitted for review under the Massachusetts Environmental Policy Act ("MEPA"). On October 9, 2020, the Secretary of Energy and Environmental Affairs issued a certificate that determined the project is subject to a mandatory Environmental Impact Report ("EIR") pursuant to Section 11.03(9)(a) because it requires a State Agency Action that will create New Capacity for the processing of 150 or more tons per day of solid waste. On April 30, 2021, The Secretary issued a certificate that that the

² The City of Woburn 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.

WILMINGTON—887 Woburn, LLC

Recommendation to Waive Solid Waste Site Suitability Criteria - 310 CMR 16.40

Final EIR adequately and properly complies with MEPA and its implementing regulations and that the project may proceed to permitting.

As discussed in the Site Suitability Application, the Proponent seeks to construct a new solid waste management facility for the handling and processing of 500 tons per day (182,500 tons per year) of C&D Waste. The proposed Facility will occupy a new structure at the Site (approximately 37,000 square feet). The Facility will be designed to handle and process C&D Waste to meet the MassDEP's "Minimum Performance Standard for Construction and Demolition Handling Facility to Comply with MassDEP's Waste Ban Compliance Plans" dated February 2020. Once processed, the remaining waste residuals will be transported off-site either by rail or transfer trailers for proper disposal at a solid waste disposal facility. The recycled materials may also be transferred off-site either by rail or transfer trailers.

In accordance with 310 CMR 16.11(2), MassDEP accepted written comments on the Site Suitability Application from all interested persons for a period of at least twenty-one (21) days. The public comment period closed on November 10, 2021. One comment letter was received regarding the Application. The comment letter was submitted by an abutting property owner (to the south of the site) and comments focused primarily on concerns regarding traffic, historical release of oil and hazardous materials at the site, and potential nuisance conditions associated with the proposed Facility. As proposed, no reduction in the minimum property line set-back is requested for the facility in the direction of this neighboring property. Set-back distances are discussed further, below.

Site Suitability Criteria Waiver Request

The Site Assignment Regulations establish general and facility specific site suitability criteria that must be met to qualify the site to be assigned by a Board of Health as a site appropriate for the management of solid waste. As outlined below, the proposal does not meet the site suitability criteria.

As stated in 310 CMR 16.40(4)(h), "No site shall be determined to be suitable or be assigned as a solid waste handling 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 waste handling area of the proposed Facility is located less than 100 feet from the property boundary on the northern, western, and eastern sides of the Site.

However, 310 CMR 16.40(6) provides that the Commissioner may waive site suitability criteria under certain conditions.

REVIEW OF WAIVER REQUEST

The regulations provide that an applicant may request that the Commissioner issue a waiver of site suitability criteria. The attached copy of the Proponent's waiver request provides its analysis of the regulatory requirements for issuance of a waiver and explains why a waiver should be granted in this case where the minimum distance between the waste handling area and the property boundary is required to be 100 feet.

Hardship and Minimization or Avoidance of Impact

The regulations allow the Commissioner to waive the facility specific site suitability criteria not specifically required by law "when the Commissioner finds that strict compliance with such criteria would result in undue hardship and would not serve to minimize or avoid adverse impact."

Given the physical limitations of the Site, the proposed solid waste management facility and site does not conform to the waste handling area set-back criterion.

Although the proposed waste handling area is located less than 100 feet from the property boundary, all handling and processing of C&D Waste would occur indoors. As discussed in the Waiver Request:

- All C&D Waste would be received and processed within a fully enclosed building.
- The proposed building size will allow for a modern waste processing line that increases recovery of materials in accordance with the goals of the Massachusetts Solid Waste Master Plan.
- Maintaining the 100-foot setback would reduce the size of the building and would eliminate the required space for the processing line thereby reducing recycling capabilities.
- The efficiencies of rail transportation offer a reduction in greenhouse gas emissions as an alternative to long-haul truck transportation. Rail also improves access to out-of-state disposal locations. Reducing the building size would impact the ability to bring rail access into the building for enclosed loading operations.
- As proposed, the building would include solid concrete push walls on the north and east sides where a reduced set-back is proposed. To the west, the Site is bordered by active railroad tracks and the Olin Chemical Corp. Superfund site beyond. All overhead doors providing access to the waste handling areas would face to the south where the 100-foot property line setback is maintained.
- Assuming that MassDEP issues an affirmative Site Suitability Report, and that the Town issues a Site Assignment, MassDEP would conduct thorough and comprehensive permitting review and set appropriate conditions to ensure that the facility meets all applicable requirements.

WILMINGTON—887 Woburn, LLC

Recommendation to Waive Solid Waste Site Suitability Criteria - 310 CMR 16.40

Community, Regional or State Public Interest

The regulation states that the Commissioner shall not grant a waiver unless he determines that it “is necessary to accommodate an overriding community, regional, or state public interest and the granting of the waiver would not diminish the level of protection to public health and safety and the environment that will exist in the absence of the waiver”.

The need to properly and conveniently manage solid waste is of appreciable public interest. Furthermore, not all solid waste handling facilities can accept and process C&D Waste loads as this proposed facility will do. Currently, only two facilities in the Northeast Region of Massachusetts are processing C&D Waste and meeting MassDEP’s “Minimum Performance Standard for Construction and Demolition Handling Facility to Comply with MassDEP’s Waste Ban Compliance Plans” (dated February 2020).

As discussed in the Waiver Request:

- The Proponent suggests that the project would help relieve the lack of C&D Waste processing capacity in the region, and the proposed movement of waste via the on-site rail access would reduce traffic congestion and be an overall reduction in greenhouse gas emissions.
- The Proponent has obtained a letter of support from the abutting property owner north of the site, acknowledging the reduced set-back to the property boundary and supporting redevelopment of the blighted site as a solid waste transfer facility.

The Proponent has presented the project to the Town of Wilmington prior to submittal of the Application, and the proposed facility appears to enjoy the support of the Town. The Town of Wilmington and the City of Woburn submitted comments during MEPA review of the project. The FEIR Certificate dated April 30, 2021 summarizes the proposed mitigation measures to address comments received for the project for the following categories: Traffic and Transportation, GHG Emissions, Wastewater/Stormwater, Solid Waste Operations, Hazardous Waste and Construction period. Regarding truck traffic, the Proponent committed to a traffic plan that will require all trucks exiting the Site to travel south on Woburn Street, accessing the I-93 interchange through the established commercial areas in Woburn.

Other Considerations

The regulation includes six (6) factors for consideration in reviewing a waiver request:

1. The availability of other suitable sites in the affected community or regional district.

Prior to selecting the site located at 887 Woburn Street in Wilmington, the Proponent conducted a search of properties throughout northeastern Massachusetts. As discussed in the Waiver Request, potential alternative sites were evaluated along the I-93 corridor between Boston and I-495 in Andover. Locations closer to Boston, within Industrial Zones and those with rail access

WILMINGTON—887 Woburn, LLC

Recommendation to Waive Solid Waste Site Suitability Criteria - 310 CMR 16.40

were prioritized. The communities of Somerville, Medford, Melrose, Winchester, Stoneham, Woburn, and Wilmington were evaluated. The search for alternative sites was narrowed based on several factors, including local zoning, transportation access from I-93, neighborhood characteristics (avoiding residential areas), and the Site Suitability criteria set forth in the regulations. The Proponent reports that several underutilized properties were discovered to be in the planning process for other redevelopment projects (mixed-use residential, retail, etc.).

Based on its consideration of available sites, the Proponent determined that the site at 887 Woburn Street best fit the needs of the project. The site is located in the southeastern corner of the Town of Wilmington within the General Industrial Zoning District. The Site is generally bound by Woburn Street to the east, commercial/industrial properties along Woburn Street to the north and south, and active railroad tracks to the west (Pan Am Railways). The Site has nearby access to I-93 at Commerce Way in Woburn (Exit 30). In addition, there are no residential properties or sensitive receptors within any setback criteria of 310 CMR 16.00.

A more detailed discussion of the alternative sites is included in the Proponent's Supplemental Information for Alternative Site Considerations (attached).

2. Whether the site is in a preferred municipality as defined in M.G.L. c.111 §150A½.

M.G.L. c.111 §150A½ established by the Solid Waste Act of 1987, encouraged the establishment of regional solid waste facilities, as well as the siting of new facilities in municipalities that were not already served by another solid waste disposal facility. As set forth in the stated criteria contained in M.G.L. c.111 §150A½ (15) & (16), site assignments for new facilities are preferred in municipalities without existing facilities and/or in municipalities that are not already participating in a regional refuse disposal district.

The Town of Wilmington currently does not have any operating solid waste management facilities for the transfer or processing of waste. In addition, the Town does not have any active solid waste landfills, combustion facilities, or other waste disposal facilities. Wilmington does not participate in a Regional Disposal District. Therefore, the site is in a preferred municipality as defined in M.G.L. c.111 §150A½ (15) & (16).

The proposed facility will receive, and process C&D Waste generated in the regional service area that will encompass northeastern Massachusetts. As discussed above, the facility will be designed to recover recyclable materials from C&D Waste and meet the MassDEP's "Minimum Performance Standard for Construction and Demolition Handling Facility to Comply with MassDEP's Waste Ban Compliance Plans." Once processed, the remaining waste residuals will be transported off-site either by rail or transfer trailers for proper disposal at a solid waste disposal facility. The recycled materials may also be transferred off-site either by rail or transfer trailers.

3. "The minimum facility size required to reasonably meet essential waste handling activities."

The proposed facility will occupy a new structure (approximately 37,000 square feet) that is located within the 3.37-acre Site. As proposed, the site provides adequate area for turning and

WILMINGTON—887 Woburn, LLC

Recommendation to Waive Solid Waste Site Suitability Criteria - 310 CMR 16.40

queuing trucks within the yard area. The building will provide covered and enclosed space for the waste handling, processing, and transfer areas. Material delivered to the facility will be received and stored inside the building. Processing and load-out of materials (to trucks and rail cars) will also take place inside the building. The building is sized to manage the proposed daily capacity of 500 tons per day of C&D Waste and accommodate the indoor loading of rail cars. The size of the building is consistent with other facilities processing a similar quantity of material.

4. "Whether the waiver will result in environmental benefits in excess of those that could be achieved in the absence of the waiver."

The Proponent states that if the waiver is not granted, the Facility will not be constructed, the need for such a facility will remain and the public interests will not be served. As discussed above, only two facilities in the Northeast Region of Massachusetts are currently processing C&D Waste and meeting MassDEP's "Minimum Performance Standard for Construction and Demolition Handling Facility to Comply with MassDEP's Waste Ban Compliance Plans." Additional regional processing capacity does exist in the western and southern parts of the state, as well as southern New Hampshire. Granting the waiver for this site suitability criterion would provide a facility in an area of the state where capacity is needed to support the local and regional C&D Waste handling infrastructure.

5. "The extent to which the proposed facility is part of an integrated solid waste management activity."

The Massachusetts 2030 Solid Waste Master Plan identifies the projected loss of in-state landfill capacity as one of the major waste management challenges currently facing the state. As the state continues to pursue its comprehensive and integrated approach to waste management (reduction, material reuse, increased recycling), waste disposal capacity will continue to be addressed, in part, by the transfer of waste to out-of-state facilities. Thus, an infrastructure of waste transfer facilities for the transfer of waste to out-of-state disposal facilities will be necessary. The proposed facility will provide the service area with the necessary infrastructure to service the C&D Waste transfer and disposal needs. By processing C&D Waste to recover recyclable materials prior to disposal pursuant to the Minimum Performance Standards for C&D Waste Facilities, the proposed facility will divert material from disposal and support the goals of the Solid Waste Master Plan.

6. "Whether the solid waste management objectives of the proposed project could be achieved in the absence of the waiver."

The solid waste objectives of the proposed project could not be achieved in the absence of the waiver because if the waiver is not granted, the Facility will not be constructed. As discussed above, the proposed facility will provide the necessary infrastructure to handle C&D Waste generated in the service area. In addition, processing C&D Waste prior to disposal will recover recyclable materials in support of the Solid Waste Master Plan goals.

RECOMMEDATION REGARDING WAIVER REQUEST

This review of the Proponent's Waiver Request demonstrates support for waiver of the relevant site suitability criteria. In the absence of a waiver, the aforementioned site suitability criteria present a hardship to the project that cannot be overcome; without the requested waiver, the project will not go forward. Furthermore, an overriding community, regional, or state public interest exists. Although C&D Waste processing capacity exists elsewhere in the Commonwealth, only two processing facilities currently operate within the Northeast Region (neither have direct access to rail); this allows for the granting of a waiver from site suitability criteria.

Based on the Northeast Regional Office's review of the proposed project and an analysis of the project with respect to the waiver criteria at 310 CMR 16.40(6)(a), (b) & (c), I recommend granting the waiver to the waste handling area set-back requirements found at 310 CMR 16.40(4)(h).