

Mass Composting Group Inc.
161 Nashua Rd.
Pepperell, MA 01463

October 24, 2019

Mr. Andrew MacLean
Town Administrator
Town of Pepperell Massachusetts
1 Main Street
Pepperell, MA 01463

RE: Mass Composting Group, Inc.; 161 Nashua Road, Pepperell Reclamation Project

Dear Mr. MacLean:

As you are aware, Mass Composting Group Inc. ("MCGI") proposed its Reclamation Project at 161 Nashua Road in Pepperell, Massachusetts (the "Project"). MCGI is seeking an Administrative Consent Order for the Project under the Massachusetts Department of Environmental Protection's ("MassDEP") Interim Policy for the Re-Use of Soil for Large Reclamation Projects, Policy # COMM-15-01.

Earlier this year, the Town of Pepperell's Board of Selectmen sent a letter to MassDEP that provided its comments on the Project. The Town's letter demonstrates that the Town has been able to meaningfully participate in a review of the Project – fulfilling the policy under Policy # COMM-15-01 that a town have meaningful input to a reclamation project within its borders. This letter responds to the issues that the Town raised in its letter, which issues MCGI also has addressed to the Town several times in the past.

By way of background, based on feedback provided by Town officials and residents over time including at an August 2018 public meeting, MCGI revised its proposal for the Project in its updated Soil Management Plan ("SMP") of March 12, 2019. As shown in this revised SMP, MCGI has taken all reasonable and appropriate steps to be a good neighbor to the residents of Pepperell. Below MCGI describes again its planned actions to address and resolve Town-related matters of noise, dust, odor, and traffic from the proposed Project at 161 Nashua Road (the "Property"):

1. Noise:

- Vehicles and equipment
 - All trucks transporting soil to the Property in connection with the Project will meet all requirements with respect to state and federal inspections and licensing, including safety and emissions testing. These vehicles will operate within applicable noise regulations.

- Equipment at the Property will meet safety, registration and inspection requirements including mufflers and exhaust requirements. Equipment used at the Property will be no different from equipment used in excavation and construction operations in the Town, such as Town Department of Public Works equipment.
- The Property is directly adjacent to the Pepperell airport, so the limited noise from the Project will be less than that from airport activities.
- Operations
 - Project operations will not exceed any applicable noise regulations.
 - Restricted hours of operations for bringing soil to the Property will provide “quiet time” for area residents.

2. Dust:

- The Project will utilize best management practices (“BMPs”) to control fugitive dust and sediment associated with transporting, spreading, and compacting soil to reclaim the Property, including BMPs that are proposed in the Stormwater Pollution Prevention Plan (“SWPPP”). These measures are:
 - Reclamation operations shall be suspended when winds speeds exceed 40-mile per hour or when, despite implementation of dust control BMPs, wind may carry dust beyond the Property line.
 - A water truck will be on site at the Property. Water will be applied to control dust, as needed, to prevent visible dust emissions and any offsite dust impacts.
 - Off-loading of soil from trucks and trailers will be conducted in a manner to minimize fugitive dust generation.
 - A wheel washer will be installed to prevent “track-out” where Project vehicles or equipment exit the Property.
 - A gravel tracking pad will be constructed as appropriate at equipment/vehicle exit points to remove soil buildup from wheels and tracks and to assist in minimizing track-out onto public ways.
 - Roads from the Property will be swept as needed to control fugitive dust and tracking of soil/sediment onto the public way.
 - Erosion controls will be installed at the 100-foot wetland buffer. Erosion controls may include hay bales, sandbags, and geotextile fabric/silt sacks. The SWPPP will provide the final documentation on wetland buffer zones and runoff protection.

3. Odor:

- As discussed above, all trucks bringing soil to the Property will comply with applicable emissions standards.
- As the SMP describes, all soil brought to the Property will be pre-approved for reuse prior to delivery to the Project. The soil does not and will not contain contaminants that would generate noxious odors.
- All soil to be brought to the Property will be field screened before leaving the origination site for the Property and will be visually inspected by MCGI's onsite representative before soil is deposited at the Property.
- The screening process outlined in the SMP will also address concerns about potential contaminants in soil brought to the Property and ensure that soil brought to the property fully complies with MassDEP requirements.
- MCGI will reject soil that does not meet DEP's criteria, including any soil with odor.
- In the event that a load of soil generates unacceptable odors, the party that brought the soil to the Property will be required to arrange for removal within a short period of time; until removal, the subject soil will be covered with poly sheeting to minimize odor generation.

As discussed above, MCGI has developed and will implement procedures and policies to minimize the likelihood that soil will generate odor and for removal of soil if it does generate unacceptable odors. The Town's concerns about odor impacts are speculative, particularly given the type of soil that the Project will receive.

4. Trucking:

- As discussed above, trucks will meet applicable noise and emissions standards.
- Also as discussed above, measures will be taken to mitigate dust impacts from truck traffic.
- MCGI has provided proposed trucking routes utilizing Massachusetts and New Hampshire state roads where available. This will minimize traffic impacts in residential areas, which are concentrated along local roads.
- MCGI is willing to discuss a potential road bond with the Town that would ensure that Town roads are restored to pre-Project conditions after the Project is completed.

5. Zoning Bylaw Applicability:

- MCGI is in full compliance with the Town's Zoning Bylaw

- The Project is a restoration of a former quarry. It is not a new use or development.
- These types of reclamations are required in most circumstances, even requiring the posting of bonds to reclaim quarries and gravel pits – as was in fact the case here.
- The Project will prepare the Property for future development and use within the Town.
- As the Town is aware, MCGI has received a determination from the Town of Pepperell Zoning Board of Appeals that the Project is not considered a “Commercial Dumping Ground” under the Town Zoning Ordinance.
- While the Town has challenged its Zoning Board’s decision, that litigation remains pending and the Zoning Board of Appeals’ decision remains in place.

6. Applicability of a Wetlands Permit:

- MCGI has worked with the Pepperell Conservation Commission to verify that reclamation activities will not take place within one hundred feet of any resource areas. Accordingly, no Order of Conditions is required for the Project under either local or state regulations.
- Some portions of the Property contain habitat areas for protected species within the jurisdiction of MassWildlife’s Natural Heritage & Endangered Species Program. However, no reclamation activities are proposed or will be undertaken within those portions of the Property. Accordingly, neither a Conservation Management Permit nor a determination of “No Take” is required.

7. Applicability of Board of Health Permit:

- The Project does not require a permit through the Town Board of Health.
 - The Town Planning Board’s signing of the ANR Plan on October 29, 2018 delayed applicability of any Board of Health regulations for three years.
 - Regulations potentially affecting the Project were enacted well after the Project was brought to the Town’s attention so that the Town could provide meaningful input on the Project.
 - It is unclear whether these regulations were enacted properly through necessary procedures, including prior public notice of proposed regulations.

8. Property Restoration:

- As MCGI has said from the outset, the Project is intended to accomplish two related objectives:

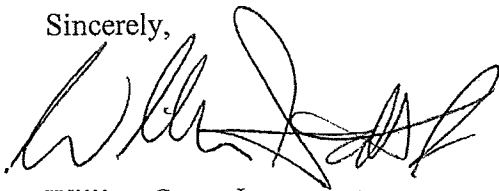
- First, the Project will reclaim the former Shattuck Gravel Pit by placing suitable soils on the Property. That reclamation is desirable – the Commonwealth recognizes that former gravel pits and quarries “are often safety hazards and their reclamation can provide opportunities for beneficial new uses.”¹
 - Second, the Project will prepare the Property for potential future use, which is in the interest of the community. MCGI recently determined that it will pursue placing a solar farm on the Property. This use will be a low impact on the community and will further the Town’s goal of encouraging the use of solar energy systems.
- Reclaiming the Property will fulfill reclamation requirements established in prior permits for the Property’s use as a gravel pit.
 - Based on the Town’s feedback, MCGI reduced the proposed final elevation of the Property from 380 feet to 299.5 feet. This represents a reduction of approximately 1-million cubic yards of soils being deposited upon the Property.

MCGI has meaningfully responded on several occasions to matters that the Town has raised. MCGI will be a good neighbor and will bring the Property back to a useful purpose in Pepperell and will comply with all applicable state and local laws and regulations.

MCGI respectfully asks that the Town cease viewing the Project from an adversarial position and recognize its role under Policy # COMM-15-01 to provide constructive feedback to MCGI.

Please contact me with any comments or questions you might have. Thank you for your time and consideration.

Sincerely,



William Scott, Jr.

cc: David McCay, Douglas Deschenes, Philip Levoff, Robin L. Main

¹ <https://www.mass.gov/service-details/reclamation-soils-policy-and-facilities>