

DARTMOUTH MASSACHUSETTS



Office of the Select Board

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David G. Cressman

Town Administrator

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October 24, 2013

Philip Weinberg, Regional Director
Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Mark Dakers, Acting Chief
Solid Waste Management Section
Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Re: Capping and Closure of Cecil Smith Landfill

Dear Mr. Weinberg and Mr. Dakers:

The Dartmouth Select Board wishes to, and has been asked to, provide the Department of Environmental Protection with The Board's proposed conditions precedent to the approval of any capping plan for the Cecil Smith Landfill. The following attached document is in response to this request and addresses the Select Board's concerns:

Town of Dartmouth Select Board
Considerations Regarding the Capping and Closure of
the Cecil Smith Landfill.

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Thank you for your consideration of our concerns and we look forward to discussing these issues with you at your earliest convenience.

Sincerely yours,

David G. Cressman

Town Administrator

cc: Select Board
Sen. Montigy
Rep. Markey
Town Counsel
Mike O'Reilly
Wendy Henderson
Deborah Wender
Christine LeBlanc



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

Email: cressmandg@town.dartmouth.ma.us

Town of Dartmouth Select Board
Considerations Regarding the Capping and Closure of
the Cecil Smith Landfill ("Landfill")

1. There should be no approval, capping, or closure in any form, until a Comprehensive Site Assessment (CSA) of the Landfill is completed.
2. Potential options for funding a CSA could be:
 - a) fine or fines assessed against, and paid by, Mary Robinson, or
 - b) payment by Applicant.
3. Any design for the capping and closure of the Landfill should be based on the results of the CSA, the Corrective Action Alternatives Analysis (CAAA), and the projected post closure use of the site.
4. If the results of the CSA find that there is little impact to the environment, and minimal risk to public health, welfare and the environment, the need for a "standard" cap may not be justified and an alternative cap system should be thoroughly examined.
5. Only if the results of the CSA support, and the alternatives analysis determines, that a 'standard' cap and closure option is required, the Landfill configuration shall be maximum height of 35 feet from existing grade (which will allow for the post-closure use set forth in Paragraph 6). The scope of the project shall be limited to 730,00 cubic yards of incoming material, These numbers are supported by previous calculations provided to DEP by the Town.
6. The July 2000 "Guidelines for Determining Closure Activities" requires a beneficial post-closure use of the site. The use shall be for ball fields and parking areas on a plateau of approximately ten (10) acres. The work shall include all finished grading and drainage for such ball fields and parking facilities.

7. Upon conclusion of the construction of any cap, Mary Robinson should execute a thirty (30) year lease to the Town, for one dollar (\$1.00). Pursuant to this lease, the Town could utilize Landfill for ball fields and parking facilities. At the conclusion of the Lease, the town may, at its option, may purchase ownership for one dollar (\$1.00).
8. During any capping and/or closure of the Landfill, the party conducting the said capping and/or closure shall provide the Town with sufficient funds to monitor the closing and capping work. This is in addition to the DEP required Post-Closure Fund as defined in the Massachusetts Solid Waste Regulations and Guidance ("Post-Closure Fund").
9. In lieu of additional fines assessed against, or by agreement with, Mary Robinson, she shall deed the following developable land to the Town: Assessor's Map 72 Lot 6 excluding the landfill and Assessor's Map 67 Lot 8 as shown on the attached map. The Town may use, lease or sell the land as it deems necessary, with the first priority being to use the proceeds to offset the costs of extending a water line along Old Fall River Road and/or Hixville Road. The transfer of said property to the Town shall occur prior to the commencement of any capping and/or closure activity and must be contingent upon the receipt of a favorable environmental assessment (21E evaluation) paid for by Mary Robinson and performed by a consultant to be chosen by to the Town.
10. A mitigation plan shall be prepared prior to the approval of any capping and/or closure proposal to address any potential containment issues from the Landfill, including those relating residential wells within a one mile radius of the Landfill. In addition to the Post-Closure Fund, a surety bond shall be established to cover any and all mitigation costs, including any related to residential well contamination. If there is any contamination, including but not limited to that of residential wells, from or relating to the Landfill, the mitigation shall be paid from this surety bond.
11. The Town, or its assignees, shall conduct the post-closure maintenance and environmental monitoring at the Landfill using the Post-Closure Funds. The Town will not be responsible for work not addressed in the Post-Closure Plan, or not financially provided for in the Post-Closure Fund.

Landfill Acquisition Parcels

-  Robinson Parcels - 50 Foot Landfill Work Area Buffer
-  Landfill Approximate Limit of Work
-  DEP Wetlands Dartmouth
-  Streets

Parcel 1 (Landfill Cap Area)
Total Area Approx. 95 Acres
Total Acquisition Area Approx. 70 Acres
Upland Approx. 55 Acres

Parcel 2 (Undeveloped)
Total Area Approx. 92 Acres
Upland Approx. 69 Acres