



## RECORD OF MODIFICATION TO SOLID WASTE MANAGEMENT FACILITY PERMIT

Issued by the NH Department of Environmental Services, Waste Management Division (NHDES) pursuant to RSA 149-M and Part Env-Sw 315 of the New Hampshire Solid Waste Rules (Rules)

I. **PERMIT/FACILITY IDENTIFICATION:**

**Permit No.:** DES-SW-TP-94-030

**Permittee:** L.L. & S., Inc.

**Facility Name:** L.L. & S., Inc. Construction and Demolition Debris Landfill

**Facility Location:** 87 Lowell Road, Salem, New Hampshire

**Facility Type:** Unlined Landfill

**Permit Modification Type:** I-B

II. **FILE REFERENCE/RECORD OF APPLICATION:**

**Date(s) Received:** November 12, 2015

**WMD Document Log #(s):** 2015-1000.01

III. **MODIFICATION:** Post-closure use of the landfill for installation and operation of a solar-panel array is approved as proposed in the documents referenced above in Section II, subject to the terms and conditions provided in Section IV below.

IV. **TERMS AND CONDITIONS:** 12 conditions are attached on pages 2-3.

V. **EFFECTIVE DATE:** Date of signature below.

VI. **AUTHORIZING SIGNATURE:** The permit identified in Section I above is hereby modified as specified in Section III above. This authorization is based on information provided to the NHDES by the permittee in documents referenced in Section II above. If the information is false, misleading or incomplete, the modification may be revoked or suspended in accordance with Part Env-Sw 306 of the New Hampshire Solid Waste Rules.

**BY EXERCISING ANY RIGHTS UNDER THIS PERMIT, THE PERMITTEE HAS AGREED TO ALL TERMS AND CONDITIONS OF THE PERMIT.** Failure to comply with the terms and conditions of the permit could result in administrative, civil or criminal enforcement action and penalties, and suspension or revocation of the permit. No liability is incurred by the State of New Hampshire by reason of any approval of this solid waste facility. No warranty/guarantee is intended or implied by reason of any advice given by NHDES or its staff.

This permit shall not eliminate the permittee's obligation to obtain all requisite federal, state or local permits, licenses or approvals, or to comply with all other applicable federal, state, district and local permits, ordinances, laws, approvals or conditions relating to the facility.

  
Michael J. Wimsatt, P.G., Director  
Waste Management Division

January 26, 2016  
Date



## Section IV: Terms and Conditions

(continued from page 1)

### Pre-Construction Requirements:

- (1) Prior to commencing construction, the permittee shall update the facility's approved post-closure monitoring and maintenance plan (Post-Closure Plan) to reflect all of the requirements specified in condition (12) on page 3 of this approval. The permittee shall place a copy of the updated Post-Closure Plan in the operating record of the facility and shall also submit an electronic copy to the NHDES in .pdf format with a signed statement certifying that the content of the document is complete and accurate with respect to the requirements listed in condition (12).
- (2) Prior to commencing construction, all gas vents, landfill gas monitoring wells, groundwater monitoring wells, and other above-ground structures and appurtenances within and in the vicinity of the solar array footprint and construction area shall be flagged and protected from possible damage by construction equipment and activities.
- (3) Prior to commencing construction, all equipment to be used on the landfill cap shall be reviewed to ensure added wheel-load or track pressures 12-inches above the geomembrane will be less than 4.5 pounds per square inch (psi).
- (4) Prior to commencing construction, the permittee shall file a Notice of Intent to Construct per Env-Sw 1104.02 and receive written confirmation of its receipt by the NHDES.

### Construction Requirements:

- (5) The permittee shall comply with the construction requirements in Env-Sw 1104, including the reporting requirements in Env-Sw 1104.07.
- (6) Pursuant to Env-Sw 1104.06, a qualified professional engineer knowledgeable in landfill design and construction (the "Engineer") shall supervise the overall construction of the solar array. The Engineer shall be present at the site during the placement of crushed stone and ballast block; rack/panel construction; and when construction equipment (including small off-road vehicles) is operating on the landfill.
- (7) The permittee shall assure that the load limits provided in condition (3) above are not exceeded.
- (8) Any damage to the cap or wear of the vegetative layer that occurs during construction shall be promptly repaired.
- (9) The permittee shall take precautions as may be necessary to protect the health and safety of workers and the general public during construction the solar array, specifically including but not limited to monitoring landfill gas as needed and modifying work practices if landfill gas is detected at levels deemed unsuitable for worker exposure.



**Post Construction Requirements:**

(10) Nothing in this approval shall change the permittee's obligation to provide proper post-closure monitoring and maintenance of the facility in accordance with RSA 149-M, the NH Solid Waste Rules (Env-Sw 100 – Env-Sw 2000) and the facility's approved closure plan of record. If installation or operation of the solar array prevents the permittee from meeting any of those obligations, this approval for post-closure use of the landfill for solar array placement and operation shall be deemed terminated and the permittee shall ensure that all solar array equipment and ballast blocks (including crushed stone) are removed and that the landfill capping system and other closure systems are restored to their original condition.

(11) At the end of the contract between the permittee and the solar array project developer, the permittee shall ensure that all equipment and ballast blocks (including crushed stone) are removed and that the landfill capping system and other closure systems are restored to their original condition.

(12) The permittee shall provide post-closure monitoring and maintenance of the facility in accordance with:

(a) RSA 149-M;

(b) Env-Sw 807;

(c) The Post-Closure Requirements provided in the L.L. & S. Inc. Construction and Demolition Debris Landfill Post-Closure Plan approved July 11, 1994 (WMD Document Log #s168-94 and 618-94), as modified by subsequent NHDES letter approvals;

(d) The additional provisions for maintenance and decommissioning of the solar array as specified in the November 12, 2015 application document referenced in Section II on page 1 of this approval; and

(e) The permittee shall no less than annually make a visual survey of the surface of the landfill capping system to assess whether placement of the solar array has resulted in differential settlement or other problems related to maintaining integrity of the capping system, and shall report such finding to the NHDES in the annual facility post-closure report.