

Oral Argument Requested; Time Requested: 15 min.

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

No. SJC-10852

THE TOWN OF STURBRIDGE BOARD OF HEALTH AND TWENTY-
EIGHT 10-CITIZEN GROUPS FORMERLY REPRESENTED BY
KIRSTIE L. PECCI, ANN FENWICK-BEINEMA, LARRY BEINEMA,
WIL GALIEN, JAMES SOTTILE, LYNNE SIMONDS, AND JOHN
PULAWSKI,

Plaintiffs-Appellants,

v.

THE TOWN OF SOUTHBRIDGE BOARD OF HEALTH AND
SOUTHBRIDGE RECYCLING AND DISPOSAL PARK, INC.,

Defendants-Appellees.

(On appeal from Commonwealth of Massachusetts Superior
Court Decision and Order,
and transfer from Appeals Court)

**BRIEF OF AMICUS CURIAE
TOXICS ACTION CENTER**

Christopher D. Ahlers
Environmental and Natural
Resources Law Center
Vermont Law School
164 Chelsea Street
P.O. Box 96
South Royalton, VT 05068
(802) 831 - 1624
chrisahlers@vermontlaw.edu

TABLE OF CONTENTS

Table of Contents i

Table of Authorities iii

Introduction 1

Statement of the Issue 3

Statement of the Case 3

Statement of Facts 6

Argument 8

POINT I: PLAINTIFFS HAVE STANDING TO COMMENCE THIS JUDICIAL ACTION. 8

 1. The Superior Court Afforded Judicial Deference to the Factual Findings Made by an Administrative Hearing Officer, as Required By Law. 9

 2. The Factual Findings Made by the Administrative Hearing Officer in Support of Her Decision to Grant the Plaintiffs Status as Intervening Parties Are Sufficient to Establish Judicial Standing as Well. 14

POINT II: THE COURT SHOULD REJECT THE ARGUMENTS OF SRDP, THE COMMONWEALTH, AND THE NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION. 20

 1. The Court should reject the arguments of the SRDP. 20

 2. The Court should reject the arguments of the Commonwealth. 22

 3. The Court should reject the arguments of the National Solid Wastes Management Association. 27

POINT III: SHOULD THE COURT DETERMINE THAT JUDICIAL DEFERENCE DOES NOT APPLY, THE COURT SHOULD REMAND THE ACTION TO THE SUPERIOR COURT TO CONDUCT A HEARING ON STANDING. 32

Conclusion 32
Certification Pursuant to Section 16(k) of the Rules
of Appellate Procedure 34
Certificate of Service 35

Exhibits

Exhibit 1 - Registration of 10-Citizen Group & Notice
of Appearance, "Statement of How Registrants are
Substantially & Specifically Affected," filed March 27,
2008.

Exhibit 2 - Mass. Const., pt. 1, art. XI.

Exhibit 3 - Mass. Gen. Laws ch. 30A, § 1 (2011).

Exhibit 4 - Mass. Gen. Laws ch. 30A, § 14 (2011).

Exhibit 5 - Mass. Gen. Laws ch. 111, § 150A (2011).

Exhibit 6 - 310 Mass. Code Regs. § 16.20 (2011).

TABLE OF AUTHORITIES

Cases

Circle Lounge & Grille v. Board of Appeal of Boston,
324 Mass. 427 (1949). 22

City of Newton v. Dep't of Pub. Utils., 359 Mass. 535
(1959). 26

Duato v. Comm'r of Public Welfare, 359 Mass. 635
(1971). 22

Enos v. Sec'y of Env'tl. Affairs, 432 Mass. 132 (2000).
. 30

Ginther v. Comm'r of Ins., 427 Mass. 319 (1998). 22,
23, 24, 25

Goldberg v. Board of Health of Granby, 444 Mass. 627
(2005). 11, 19,
25, 30

Green v. Board of Appeals of Provincetown, 404 Mass.
571 (1989). 26

Group Ins. Comm'n v. Labor Relations Comm'n, 321 Mass.
199 (1980). 17, 18,
26

Iodice v. Architectural Access Board, 424 Mass 370
(1997). 12

KES Brockton, Inc. v. Dep't of Pub. Utils., 416 Mass.
158 (1993). 26

Pyramid Co. of Hadley v. Architectural Barriers Board,
403 Mass. 126 (1988). 2, 10, 11,
13

RicMer Props. v. Board of Health of Revere, 59
Mass.App.Ct. 173 (2003). 11

Save the Bay, Inc. v. Dep't of Pub. Utils., 366 Mass.
667 (1975). 20, 21

Constitution

Mass. Const., pt. 1, art. XI. 8

Statutes

Mass. Gen. Laws ch. 30A, § 1 (2011). 10

Mass. Gen. Laws ch. 30A, § 14 (2011). *passim*.

Mass. Gen. Laws ch. 111, § 150A (2011). 2, 9, 10,
11, 26, 27

Mass. Gen. Laws ch. 175, § 206B (2011). 24

Regulations

310 Mass. Code Regs. § 16.20 (2011). 15, 16,
23, 24, 28, 29

INTRODUCTION

The Court solicited *amicus curiae* briefs on the issue of "whether interveners who fully participated in an administrative proceeding have standing to commence an action for judicial review pursuant to G.L. c. 30A, § 14." See Docket No. 5, Feb. 4, 2011. Toxics Action Center ("TAC") submits this brief in response to the Court's request.

TAC works with community groups for the protection of human health and the environment. Affidavit in Support of Motion to File *Amicus Curiae* Brief, Christopher D. Ahlers, dated September 14, 2011 ("Ahlers Affidavit"), para. 4. Since 1987, TAC has worked with communities throughout New England to clean up hazardous waste sites, reduce industrial pollution, curb pesticide use, ensure healthy land use, and to oppose dangerous waste, energy, and industrial facilities. *Id.* TAC's work includes political and legal strategies for assisting community groups in achieving these goals. *Id.*

A ruling from the Court on this issue of standing would likely have an effect on TAC's activities, because it would affect its ability to pursue

litigation as a means to achieve its environmental goals. *Id.* at 7. A ruling from the Court on this issue may also have implications beyond the scope of Mass. Gen. Laws ch. 111, § 150A. *Id.* at 10.

TAC submits respectfully that the Court should find that the Twenty-Eight 10-Citizen Groups Formerly Represented by Kirstie L. Pecci, Ann Fenwick-Beinema, Larry Beinema, Wil Galien, James Sottile, Lynne Simonds, and John Pulawski, Plaintiffs-Appellants ("Plaintiffs") have standing to commence this action. Under the "substantial evidence" test, Massachusetts courts are required to defer to the factual findings of administrative agencies made in the course of adjudication. *Pyramid Co. of Hadley v. Architectural Barriers Board*, 403 Mass. 126 (1988). The Hearing Officer of the Town of Southbridge Board of Health ("Board of Health") found that Plaintiffs were "specifically and substantively affected by the hearing." Joint Appendix ("J.A.") at 0027. The Court should afford judicial deference to the Hearing Officer's factual finding. Therefore, there is sufficient evidence for the Court to justify finding that Plaintiffs have standing to commence this action.

STATEMENT OF THE ISSUE

"Whether interveners who fully participated in an administrative proceeding have standing to commence an action for judicial review pursuant to G. L. c. 30A, § 14." Docket No. 5, Feb. 4, 2011

STATEMENT OF THE CASE

Plaintiffs include groups of residents who intervened in the public review process of an application for a modification to a site assignment for a solid waste disposal facility. Defendants are The Town of Southbridge Board of Health and Southbridge Recycling and Disposal Park, Inc. ("SRDP"). SRDP operates the Southbridge Sanitary Landfill in Southbridge, Massachusetts. J.A. at 0035 (decision denying SRDP's motion to dismiss). SRDP also owns and operates a construction and demolition processing facility adjacent to the landfill. *Id.*

On February 27, 2008, SRDP submitted a Request for Minor Site Assignment Modification ("application") to the Massachusetts Department of Environmental Protection. *Id.* The application requested modifications to the existing site assignment to accept (1) a larger volume of waste at the landfill

facility by reallocating waste from the processing facility, and (2) waste from the processing facility regardless of geographic origin. *Id.*

The Board of Health held eleven adjudicatory hearings between March 27, 2008 and May 20, 2008. *Id.* at 0027. On March 27, 2008, the Hearing Officer admitted the twenty-eight Ten-Citizen groups as intervenors. *Id.* at 0027, 0035-0036, 0414-417 (transcript of hearing at 25, lines 5-7, Mar. 27, 2008). On June 10, 2008, the Board of Health issued a decision granting the application for a minor site assignment modification. *Id.* at 0541.

To appeal from the Board of Health's decision granting the application, Plaintiffs commenced this action in Superior Court by filing a complaint for judicial review on July 8, 2008. *Id.* at 0020. SRDP moved to dismiss the action for lack of standing and the Superior Court denied SRDP's motion. *Id.* at 0026. The Superior Court found that Plaintiffs were permitted to participate fully in the administrative proceeding. *Id.* at 0030. The Superior Court held that because Plaintiffs were aggrieved by the adverse

decision, Plaintiffs were entitled to seek judicial review of the decision. *Id.* at 0030-31.

The Superior Court again rejected SRDP's argument that Plaintiffs lack standing when it denied Plaintiffs' motion for judgment on the pleadings. *Id.* at 0040 ("the court ... declines to dismiss the plaintiffs' motion for lack of standing"). The Superior Court relied on the fact that Plaintiffs had been granted full party status in the adjudicatory proceeding, had been allowed to intervene by the Board of Health, and had engaged extensively in the hearings which led to the Chapter 30A appeal. *Id.* at 0039-40.

In January 2010, Plaintiffs appealed the denial of their motion for judgment on the pleadings, to the Appeals Court. *Id.* at 0051-0053. The Appeals Court did not hear this appeal. Rather, the case was transferred from the Appeals Court to the Supreme Judicial Court on November 29, 2010. Docket No. 1, Nov. 29, 2010. In briefs submitted during the course of the appeal, SRDP and several *amicus* parties have continued to argue that Plaintiffs lack standing.

TAC submits the present brief in support of the position that Plaintiffs have standing.

STATEMENT OF FACTS

On March 27, 2008, the day of the scheduled hearing on SRDP's request for a modification of a site assignment, Plaintiffs submitted twenty-five registration forms, containing affidavits titled "Statement of How Registrants are Substantially & Specifically Affected," to the Town of Southbridge. Exhibit 1.¹ In the affidavits, Plaintiffs state that "[w]e make this statement under the pains and penalty of perjury." See Exhibit 1. The affidavits state that Plaintiffs were affected by the proposed expansion of the landfill and its conversion from construction and demolition to municipal solid waste, because the effects would include (1) noxious and foul smelling gases affecting residents' areas, (2) increased truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing

¹Defendant attached these documents and commented on them in the brief that it submitted to the Appeals Court, in Plaintiff's appeal from the Superior Court's decision. See Brief of Defendants-Appellees, at 25-26, referencing Exhibit A. The National Solid Wastes Management Association ("NSWMA") also cited these documents in its brief. See Brief for National Solid Wastes Management Association at 13-14, as Amicus Curiae Supporting Defendants-Appellees, dated April 28, 2011.

a danger to public health and safety, (3) inevitable drinking water contamination, and (4) devaluation of area homes. See *id.*

Following the filing of the affidavits, a hearing commenced at 6:30 PM on March 27, 2008. During that hearing, Nancy Kaplan, the Hearing Officer for the Board of Health admitted the twenty-eight Ten-Citizen Groups as intervenors. J.A. at 0027, 0414-417 (hearing transcript at 25, lines 5-7). In response to the Hearing Officer's question whether there were objections to the intervention forms, counsel for SRDP objected to a Mr. John Gatti "participating as an intervenor, but not as a 10-Citizen Group representative." J.A. at 0416 (transcript at 23, line 20, to 24, line 6). Mr. Gatti was then admitted as a party as a representative of a 10-citizen group. *Id.* (transcript at 24, lines 7-10).

The Board of Health held eleven adjudicatory hearings between March 27, 2008 and May 21, 2008. *Id.* at 0035. The Ten-Citizen Groups presented witnesses, cross-examined the Board of Health's witnesses, submitted and responded to motions, presented opening statements and submitted closing arguments, and

submitted a proposed decision. *Id.* at 0036.. On June 9, 2008, the Board issued a decision granting the application for a minor site assignment modification, subject to fifty-eight detailed and specific conditions. *Id.* at 0541.

**ARGUMENT
POINT I**

**PLAINTIFFS HAVE STANDING TO COMMENCE THIS JUDICIAL
ACTION.**

The Massachusetts Constitution uses strong language to ensure that judicial review is available for citizens of the Commonwealth:

Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

Mass. Const., pt. 1, art. XI (copy attached as Exhibit 2) (emphasis added).

To implement this provision, Chapter 30A of the State Administrative Procedure Act (APA) guarantees that "any person ... aggrieved by a final decision of any agency in an adjudicatory proceeding ... shall be entitled to a judicial review thereof." Mass. Gen.

Laws ch. 30A, § 14 (copy attached as Exhibit 4). Similarly, Chapter 150A, the solid waste disposal facilities site assignment statute, guarantees an aggrieved party the right to appeal from a Board of Health decision. Mass. Gen. Laws ch. 111, § 150A (2011) (copy attached as Exhibit 5).

The issue of whether Plaintiffs have suffered "injuries or wrongs" within the meaning of the Massachusetts Constitution and whether they are "aggrieved parties" under Commonwealth statutes must be decided based on the factual circumstances. In this matter, Plaintiffs presented compelling evidence that demonstrates that they have suffered "injuries or wrongs" and that they are "aggrieved parties," and the Administrative Hearing Officer's factual findings based on Plaintiffs' evidence are entitled to judicial deference.

1. The Superior Court Afforded Judicial Deference to the Factual Findings Made by the Administrative Hearing Officer, as Required By Law.

Like all factual findings made by agency officials in administrative adjudications, the Hearing Officer's factual determinations, regarding the nature and sufficiency of the Plaintiffs' substantive

interests in the Board of Health proceeding, are entitled to judicial deference. See Mass. Gen. Laws ch. 30A, § 14(7) (2011) (Copy attached as Exhibit 4) ("The court shall give due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it.").

The proceeding before the Board of Health was an adjudicatory proceeding. Mass. Gen. Laws ch. 111, § 150A (for purposes of an appeal of a site assignment decision of a Board of Health, the decision "shall be deemed to be a final decision in an adjudicatory proceeding") (copy attached as Exhibit 5). Judicial review of an agency's final decision in an adjudicatory proceeding is governed by the "substantial evidence" test. *Pyramid Co.*, 403 Mass. at 130 (applying the test to uphold board's determination). The Administrative Procedure Act provides that "'substantial evidence' means such evidence as a reasonable mind might accept as adequate to support a conclusion." Mass. Gen. Laws ch. 30A, § 1(6) (2011) (copy attached as Exhibit 3). Under the "substantial evidence" test, "a reviewing court is not

empowered to make a *de novo* determination from the facts, to make different credibility choices, or to draw different inferences from the facts found by the [agency]." See *Pyramid Co.*, 403 Mass. at 130. See also *RicMer Props. v. Board of Health of Revere*, 59 Mass.App.Ct. 173, 179-180 (2003) (holding that board's denial of application seeking site assignment of a waste disposal facility was supported by substantial evidence).

But the standard is even more deferential than this. According to the Court, the only basis for overruling the factual finding of the Hearing Officer would be if a contrary conclusion is a necessary inference:

Again, longstanding principles limit our review Our review does not turn on whether, faced with the same set of facts, we would have drawn the same conclusion as an agency or local board, but **only "whether a contrary conclusion is not merely a possible but a necessary inference."**

Goldberg v. Board of Health of Granby, 444 Mass. 627, 637-38 (2005) (emphasis added). Applying the *Goldberg* standard, the Court deferred to a determination of the Board of Health in a solid waste facility site assignment action under Chapter 150A. See *id.* The

Court could not find that the Board of Health acted erroneously in rejecting the plaintiffs' proposal to add a 1,000-foot residential setback to criteria applied to the review of a proposed vertical addition at a facility. *Id.* In the present action, the Court should also apply this same deferential standard when reviewing the Administrative Hearing Officer's factual findings relating to Plaintiffs' stake in this dispute.

It is important to note that in setting forth the standard of review in the lower court decision, the Superior Court cited cases from the Supreme Judicial Court for the proposition that judicial deference was appropriate:

In reviewing a board's decision, we are required to 'give due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it.

See J.A. at 0036 (citing *Iodice v. Architectural Access Board*, 424 Mass. 370, 375-76 (1997) (quoting Mass. Gen. Laws ch. 30A, § 14(7))). In the section of the *Iodice* decision cited by the Superior Court, the Court deferred to a board's interpretation of its own regulations, and upheld the board's factual finding

that an entrance was a primary entrance. *Iodice*, 424 Mass. at 375-76.

The Superior Court also cited *Pyramid Co. of Hadley v. Architectural Barriers Board*, 403 Mass. 126, for the proposition that it is "not empowered to make a de novo determination of the facts, to make different credibility choices, or to draw different inferences from the facts found by the [board]." J.A. at 0036-37.

Moreover, the Superior Court stated that each of Plaintiffs' challenges to the Board's decision would be considered in turn, "in accordance with the foregoing standard of review." *Id.* at 0038. The Superior Court directly went on to address standing. *Id.* Therefore, the Superior Court expressly applied the doctrine of judicial deference when it considered the issue of Plaintiffs' standing.

In addressing standing, the Superior Court cited the substantial evidence test as the standard for review. *Id.* at 0037 ("The board's decision must be upheld if it is supported by substantial evidence"). In reaching its holding that the Plaintiffs had

standing under this standard, the Superior Court deferred to the Board of Health:

In the underlying administrative matter, the plaintiffs were granted full party status, allowed to intervene by the Board, and extensively engaged in the hearings which give rise to this chapter 30A appeal. The analysis and logic of this court's earlier order is in accordance with the law of this Commonwealth and the court therefore declines to dismiss the plaintiffs' motion for lack of standing.²

Id. at 0039-40 (emphasis added).

Consequently, in considering the standing of Plaintiffs, judicial deference is required, and this was recognized by the Superior Court in reaching the holding that Plaintiffs have standing.

2. The Factual Findings Made by the Administrative Hearing Officer in Support of Her Decision to Grant the Plaintiffs Status as Intervening Parties Are Sufficient to Establish Judicial Standing as Well.

² The deference afforded by the Superior Court on Plaintiffs' motion for judgment on the pleadings was similar to the deference the Superior Court afforded to the Board of Health on the Defendant's previous motion to dismiss. See J.A. at 0030-31 ("once a person is permitted to fully participate in the administrative proceeding as an intervener, he is aggrieved by an adverse decision and entitled to seek judicial review of the decision").

Plaintiffs obtained party status as "intervenors" by establishing that they were "specifically and substantively affected by the hearing." J.A. at 0027. The public hearing rules of the Massachusetts Department of Environmental Protection grant the Hearing Officer of a Town Board of Health the power to regulate the participation of parties and other persons in a hearing. 310 Mass. Code Regs. § 16.20(11)(d)(2011) (Copy attached as Exhibit 6). There are two types of persons who may become involved in an administrative adjudication: intervenors and participants. § 16.20(9)(c), (d). Here, Plaintiffs were determined to be intervenors, rather than mere participants, because they presented factual evidence demonstrating to the Hearing Officer that they had "good cause" to intervene because they were "specifically and substantively affected by the hearing." J.A. at 0027. See § 16.20(9)(a).³ Any person who satisfies this demanding standard is granted all the rights of a party. § 16.20(9)(c).

³ The regulations specifically recognize that a group of ten or more persons may qualify for intervention under this standard. § 16.20(9)(a)(2). The regulations define "party" to specifically include a "group of ten citizens or other intervenor duly registered pursuant to 310 CMR § 16.20(9)(b)." § 16.20(3). See also § 16.20(9)(2).

By contrast, in order to become "participants," it is not necessary for individuals to show that they are "substantively affected by the hearing." See § 16.20(9)(d). Rather, they need only show that they are "specifically affected by a proceeding." *Id.* Therefore, the regulatory definition of "intervenor" contemplates a person who has a substantive stake in a proceeding.

Moreover, for "participants," the regulations provide that permission to participate "shall not be deemed to constitute an expression that the person allowed to participate is a party in interest who may be aggrieved by any final decision." § 16.20(9)(d)(1). By explicitly stating that participant status does not confer "aggrieved party" status for purposes of judicial review, the regulations reinforce the idea that intervenor status will only be granted to parties in interest who have provided sufficient factual evidence to establish that they will be aggrieved by any final decision. See § 16.20(9)(c).

As noted above, in granting Plaintiffs status as intervenors, the Hearing Officer was required to make a factual finding that they were "specifically and

substantively affected by the hearing." See § 16.20(9). In order for a person to establish that he or she has been "substantively affected," the regulations require that the substantive rights of the individuals be at stake in the hearing.

The statements in the affidavits set forth in precise detail how the Plaintiffs would be specifically and substantively affected by the expansion of the landfill and its conversion from construction and demolition to municipal solid waste. See Exhibit 1. Among the list of effects are (1) noxious and foul smelling gases affecting residents' areas, (2) increased truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health and safety, (3) inevitable drinking water contamination, and (4) devaluation of area homes. See Exhibit 1. Therefore, Plaintiffs have sufficiently alleged harm to qualify for standing, in two ways: (1) they have alleged economic harm in the form of diminution of value of area homes and, (2) they have alleged imminent harm from the environmental effects of the proposed expansion of the landfill, for which

they have a right of action for a nuisance under tort law. See *Group Ins. Comm'n v. Labor Relations Comm'n*, 381 Mass. 199, 207 (1980) (requiring a "legally cognizable injury, either direct or indirect, to its rights or pecuniary interests," for standing). Plaintiffs suffered a legally cognizable injury to their rights. Contained in sworn affidavits, the statements were in proper evidentiary form for consideration by the Board of Health. Indeed, such "standing affidavits" are offered routinely by plaintiffs in environmental cases to establish the right to commence litigation.

The Hearing Officer reviewed these materials and concluded that the Plaintiffs had established a sufficiently specific and substantive interest in the matter at hand to be granted intervenor status. The Hearing Officer's determination constituted a factual finding that the Plaintiffs have a substantive stake in the dispute. When a party has demonstrated that it has a specific and substantive interest in a proceeding, it necessarily follows that an adverse decision in that proceeding constitutes an "injury or wrong" to that party and that the party is "aggrieved"

by the decision. Thus, the Hearing Officer's factual determinations supporting its decision to confer intervenor status on Plaintiffs in this matter are sufficient to confer judicial standing as well.

Since SRDP has not established that "a contrary conclusion is ... a necessary inference," under *Goldberg*, the Court should defer to this factual finding by the Hearing Officer. SRDP merely belittles the twenty-five "registration forms" that Plaintiffs submitted to the Board of Health, stating that "those signing the registration forms did so to become parties to the underlying administrative hearing." See Brief of Defendants-Appellees at 25-26, Exhibit A. But those documents were not merely forms, they were affidavits signed under penalty of perjury. See *id.*, at Exhibit A.

Re-litigation of these issues is neither necessary nor appropriate. The Board of Health properly found that Plaintiffs were "specifically and substantively affected by the hearing," and the Court should afford judicial deference to that factual determination, under *Goldberg*. Since the Plaintiffs demonstrated a specific and substantive interest in

the subject matter of the adjudication, and since they received a decision from the Hearing Officer that was adverse to those interests, the Plaintiffs are aggrieved parties under both the APA and solid waste disposal facility site assignment statute. Accordingly, the Plaintiffs have standing to pursue this judicial action.

POINT II

THE COURT SHOULD REJECT THE ARGUMENTS OF SRDP, THE COMMONWEALTH, AND THE NATIONAL SOLID WASTES MANAGEMENT ASSOCIATION.

1. The Court should reject the arguments of SRDP.

The Court should reject SRDP's suggestion that the creation of intervention rights in Mass. Gen. Laws ch. 30A, § 14(2) supports the finding that Plaintiffs lack standing. See Brief of Defendants-Appellees at 19-21, September 7, 2010. The fact that Plaintiffs may be entitled to intervene in an action in Superior Court commenced by another co-party to a prior administrative proceeding does not mean that they lack standing to commence their own action in Superior Court. By ensuring access to the courts, the existence of such intervention rights can actually support the notion that Plaintiffs have standing.

The Court should also reject SRDP's argument that the Superior Court's decision on standing is incorrect due to a misapplication of *Save the Bay, Inc. v. Department of Public Utilities*, 366 Mass. 667, 673 (1975).⁴ See Brief of Defendants-Appellees at 21-23, n.5. SRDP misinterprets the Superior Court as inferring that a party to an adjudicatory hearing "automatically" has standing to commence an action under chapter 30A. See *id.* at 22. The use of the word "automatically" was by SRDP, not the Superior Court. TAC submits that this case need not be decided based on whether standing is automatic or not. Rather, the Court need only conclude that the factual findings made by the Hearing Officer are entitled to judicial deference under the "substantial evidence test," and that this weighs heavily enough to support a conclusion that the factual findings are sufficient to meet the standard for judicial standing. TAC submits that the Superior Court reached its decision by applying judicial deference, and the Court should do the same.

⁴ *Save the Bay* was not cited in the decision from which Plaintiffs appealed. However, it was cited in the decision denying SRDP's motion to dismiss. See J.A. at 0030, 0034-50.

Finally, the Court should reject SRDP's arguments based on other precedents from the Court. See Brief of Defendants-Appellees at 23-27 (Point II(B)). Only two of the Court's four decisions cited in Point II(B) found a lack of standing, and these cases are distinguishable. See *Circle Lounge & Grille v. Board of Appeal of Boston*, 324 Mass. 427, 429-33 (1949) (plaintiff, a nearby competitor of a zoning variance applicant, was not a person aggrieved, based on an expectation of increased competition from a new restaurant); *Duato v. Comm'r of Public Welfare*, 359 Mass. 635, 640 (1971) (in appeal stemming from a public welfare department decision, individual welfare recipient did not prove that her "substantial rights have been prejudiced."). Neither case deals with pollution or exposure to the effects of solid waste facilities. In the present case, the issue is the standing of plaintiffs who were found to be "specifically and substantively affected" by an adjudicatory proceeding.

2. The Court should reject the arguments of the Commonwealth.

The Court should reject the arguments of the Commonwealth because the Commonwealth relies on cases

that are immaterial to the present issue of standing. In support of its position that Plaintiffs lack standing, the Commonwealth relies largely on a decision in an insurance dispute, *Ginther v. Commissioner of Insurance*, 427 Mass. 319, 324 (1998). *Ginther*, however, does not support SRDP's argument that Plaintiffs lack standing. In *Ginther*, the Court stated that "mere participation in the administrative process does not confer standing to raise a claim in Superior Court." See Brief of Amicus Curiae Commonwealth of Massachusetts, dated April 25, 2011, pp. iii (citing *Ginther passim*), 9-10, 13, 16, 18-19. *Ginther* did not reach the issue of whether an "intervenor" in an administrative proceeding has standing in a subsequent judicial action in Superior Court. See *Ginther*, 427 Mass. 319-25.

The present case involves more than "mere participation." See 310 Mass. Code Regs. § 16.20(9)(d). Plaintiffs were not mere "participants," Plaintiffs were intervenors who held the rights of parties to the administrative proceeding. See § 16.20(9)(c) ("Any person permitted to intervene shall have all rights of ... a Party").

Unlike Plaintiffs in this matter, Mr. Ginther did not have the status of an intervenor. See generally *Ginther*, 427 Mass. at 319-25 (no references to "intervention" or "intervenors"). Indeed, the statutory provisions applicable to the public hearing in *Ginther* allowed for the participation of Mr. Ginther in a public hearing, but those provisions did not contemplate intervention. *Id.* See Mass. Gen. Laws ch. 175, § 206B(d)(2) (2011) (no references to "intervention" or "intervenors").

In addition, *Ginther* is not applicable because it involved an entirely different statutory scheme. It was an insurance dispute that had nothing to do with the solid waste management site assignment statute. See generally *Ginther*, 427 Mass. at 319-25. By contrast, the present case involves a unique statutory and regulatory scheme for the solid waste management site assignment process, which creates meaningful distinctions between "participants" and "intervenors," and which ultimately merits a different analysis. The subsequent standing of plaintiffs who have intervened in an administrative proceeding under 310 Mass. Code Regs. § 16.20(9)(a) is *sui generis*.

Ginther stands for the general proposition that an aggrieved party must meet the legal requirements to establish standing, and TAC does not dispute this proposition. See *Ginther*, 427 Mass. at 325, n.7. TAC recognizes that the Court has ultimate judicial authority for determining standing in the courts of the Commonwealth. Nevertheless, under the Court's standard set forth in *Goldberg*, the Court must afford judicial deference to the Hearing Officer's factual finding that the Plaintiffs' interests were "specifically and substantively" affected by the solid waste proceeding. Since the Hearing Officer's decision granting the modification request was adverse to Plaintiffs' interests, Plaintiffs were aggrieved parties with standing to commence this judicial action.

Furthermore, the specific and substantive effects on Plaintiffs are not "mere generalizations," as characterized by the Commonwealth. See Brief for Commonwealth of Massachusetts at 11. The statements in the affidavits set forth how the Plaintiffs would be specifically and substantively affected by the expansion of the landfill. See Exhibit 1.

Although the Commonwealth cites fourteen cases in its discussion of the effect of intervention on standing, only nine of these cases actually involved intervenors, as opposed to mere participants in the administrative proceeding. See Brief for Commonwealth of Massachusetts at 12-18 (Point II(A)). Only four of those nine cases actually found there was no standing, and they are distinguishable. See *Group Ins. Comm'n*, 381 Mass. at 201-205 (as a "limited purpose" intervenor GIC's injury was considered "remote and speculative at best"); *KES Brockton, Inc. v. Dep't of Pub. Utils.*, 416 Mass. 158, 164 (1993) (petitioner was not a party because the department never allowed him to be an intervenor in the administrative proceedings); *City of Newton v. Dep't Pub. Utils.*, 339 Mass 535 (1959) (court was not able to determine whether the city was properly a party or an intervenor due to lack of recordkeeping); *Green v. Board of Appeals of Provincetown*, 404 Mass. 571 (1989) (while plaintiff did not have standing, the court did not address the standing of an intervenor). None of those decisions are applicable because they involved an entirely different regulatory scheme. They did not involve Mass.

Gen. Laws ch. 111, § 150A, the statute in the present case.

Finally, the Court should reject any argument of SRDP based on the federal Constitution and federal court cases, as they do not govern standing in the courts of the Commonwealth. See Brief of Commonwealth at 21-22.

3. The Court should reject the arguments of the National Solid Wastes Management Association.

The National Solid Wastes Management Association ("NSWMA") incorrectly frames the issue as follows:

Whether the Superior Court possessed jurisdiction to adjudicate an appeal of a board of health site assignment decision by ten citizen groups that were afforded intervenor 'party' status in the site assignment public hearing but that are not aggrieved persons.

See Brief for National Solid Wastes Management Association at 2, as Amicus Curiae Supporting Defendants-Appellees, dated April 28, 2011 (emphasis added). Essentially, NSWMA argues that there is no jurisdiction (i.e., Plaintiffs are not aggrieved persons) because they are not aggrieved persons. The framing of the question assumes its own conclusion (i.e., that Plaintiffs are not aggrieved persons). In

this case, jurisdiction is based on whether Plaintiffs are aggrieved. See Mass. Gen. Laws ch. 30A, § 14, Mass. Gen. Laws ch. 111, § 150A. Because the question is incorrectly framed, the ensuing argument also fails. The correct question is whether Plaintiffs are aggrieved persons, and the Court should apply a deferential "substantial evidence" standard to the factual finding of the Hearing Officer. For the reasons discussed above, TAC respectfully submits that Plaintiffs are aggrieved persons, and as such they have standing to pursue this action.

Additionally, in its brief, NSWMA makes an inaccurate statement regarding the regulations allowing for the intervention of ten-citizen groups, which underscores a fatal weakness in NSWMA's argument:

As noted, in 1988 the Mass DEP adopted public hearing regulations that allowed ten citizen groups such as plaintiffs-appellants to intervene in site assignment hearings **even though they and all of their members may not be "specifically and substantively affected" by the site assignment hearing.** 310 CMR 16.41(9)(c) (1988). **That same rule is now codified at 310 CMR § 16.20(9)(a)(2).**

See Brief for NSWMA at 13 (emphasis added). Contrary to the NSWMA brief, the regulations do not allow ten citizen groups to intervene "even though they and all

of their members may not be "specifically and substantively affected" by the site assignment hearing." Rather, the regulations allow ten-citizen groups to intervene only if they are "specifically and substantively affected" by the site assignment hearing. See 310 Mass. Code Regs. § 16.20(11)(9)(a). The Hearing Officer allowed Plaintiffs to intervene in the administrative proceeding precisely because they met this standard. The Court should defer to the Hearing Officer's factual determination.

Having summarized the regulations erroneously, NSWMA proceeds to argue that Plaintiffs were permitted to intervene "without any showing of aggrievement or specific and substantive affect." See Brief for NSWMA at 13-14. NSWMA's statement is simply incorrect. Like SRDP, NSWMA ignores the twenty-five affidavits submitted by Plaintiffs regarding the effects of the proposed landfill expansion, which were in proper evidentiary form for consideration by the Board of Health. Through their affidavits, Plaintiffs did, in fact, make a showing that they were "specifically and substantively affected" by the hearing, and this

served as the basis for the Hearing Officer granting Plaintiffs intervenor status.

NSWMA's misunderstanding of the regulations apparently reflects a desire to re-litigate this inconvenient factual finding. Re-litigation of this factual finding would circumvent the doctrine of judicial deference and the "substantial evidence" standard. SRDP has the burden of proving that "a contrary conclusion is not merely a possible but a necessary inference." See *Goldberg*, 444 Mass. at 638. SRDP has not shown that the necessary inference is that Plaintiffs lack standing. On the contrary, the twenty-five affidavits strongly support the finding that Plaintiffs have standing.

NSWMA claims that Plaintiffs should not have standing, based on the decision in *Enos v. Secretary of Environmental Affairs*, 432 Mass 132, 138-39 (2000) which stated that the "general concept of environmental protection" is too broad to confer standing.⁵ See Brief of Amicus Curiae NSWMA at 14.

⁵ *Enos* merely held that property owners did not have standing to commence a declaratory judgment action against the Secretary of Environmental Affairs, to contest its certification that a supplemental environmental impact report was in compliance with the

However, Plaintiffs' injury in the present case is not based on a "general concept of environmental protection." Rather, it is based on the specific environmental effects of a proposed landfill expansion, as set forth in the affidavits submitted. See Exhibit 1. These affidavits demonstrate Plaintiffs had particularized and specific injuries.

Finally, the Court should reject the argument that Plaintiffs are attempting to "expand the jurisdictional limits of the Superior Court to their petition for judicial review." See *id.* at 15. That is simply not the case. The holding that Plaintiffs have standing is compelled by the application of existing law - the doctrine of judicial deference.

Massachusetts Environmental Policy Act. See *id.* at 138. In reaching this holding, the Court stated that "we do not agree that [the general concept of environmental protection] permits the plaintiffs, whose injuries flow from the ultimate construction of the project by the town rather than from the Secretary's certification, to challenge the Secretary's action." *Id.* at 139. By contrast, in the present case, Plaintiffs' injuries flowed from an action of the town and a corporation, rather than from a state-level agency. *Enos* does not apply.

POINT III

SHOULD THE COURT DETERMINE THAT JUDICIAL DEFERENCE DOES NOT APPLY, THE COURT SHOULD REMAND THE ACTION TO THE SUPERIOR COURT TO CONDUCT A HEARING ON STANDING.

The Court has the statutory authority to remand this action to the Superior Court. Mass. Gen. Laws ch. 30A, § 14(7). If the Court finds that judicial deference is not appropriate, it should remand the case to the Superior Court for review of the sufficiency of the administrative record on the issue of standing.

Conclusion

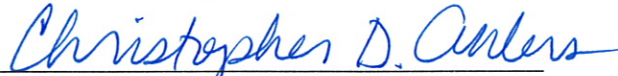
The Hearing Officer of the Board of Health made a factual finding that Plaintiffs were "specifically and substantively affected" by its adjudicatory proceeding concerning the siting of a solid waste facility. The Hearing Officer's determination constituted a factual finding that Plaintiffs had a stake in the dispute. The Court should afford judicial deference to the Hearing Officer's factual finding.

Moreover, this factual finding provides a sufficient basis to establish that Plaintiffs have standing to pursue this judicial action. None of the

arguments raised by SRDP, the NSWMA, or the Commonwealth are persuasive.

In the alternative, the Court should remand the case to the Superior Court to review the sufficiency of the administrative record on the issue of standing if it does not afford judicial deference.

Respectfully submitted,



Christopher D. Ahlers
Christopher D. Ahlers
(Admitted in New York only)
New York Bar Reg. No. 2626844
Environmental and Natural
Resources Law Clinic
Vermont Law School
164 Chelsea Street, P.O. Box 96
South Royalton, VT 05068
(802) 831 - 1624

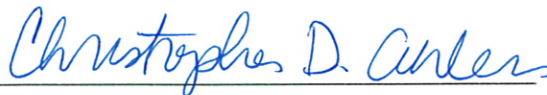
**Certification Pursuant to Section 16(k) of the Rules
of Appellate Procedure**

I, Christopher D. Ahlers, hereby certify that the foregoing brief complies with all the rules of court that are applicable to the filing of this brief, including, but not limited to, the requirements imposed by Rule 16 and 20 of the Massachusetts Rules of Appellate Procedures.

CERTIFICATE OF SERVICE

I, Christopher D. Ahlers, hereby certify that on this 15th day of September, 2011, I have caused to be served two copies of this *Amicus Curiae* Brief, by Federal Express (Overnight), prepaid, to:

For Twenty-eight 10 Citizen Groups Kirstie Pecci, Bar No. 633926 138 McGilpin Road Sturbridge, MA 01566 508-347-5507	For Board of Health Southbridge Michael E. Scott Nutter, McClennen & Fish, LLP 155 Seaport Boulevard Boston, MA 02110-2699 617-439-2811
For Southbridge Recycling & Disposal Robert C. Kirsch Wilmer, Cutler, Pickering, Hale and Dorr LLP 60 State Street Boston, MA 02109 617-526-6000 x6352	For the Commonwealth Sookyoung Shin, Office of the Attorney General Government Bureau One Ashburton Place, Room 2019 Boston, MA 02108 617-963-2052 x2052
For National Solid Waste Management Thomas A. Mackie Mackie Shea O'Brien, PC 420 Boylston Street Boston, MA 02116 617-266-5700	



Christopher D. Ahlers

EXHIBIT 1

Registration of 10-Citizen Group & Notice of Appearance,
"Statement of How Registrants are Substantially &
Specifically Affected," filed March 27, 2008

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirste L. Pecci
Kirste L. Pecci, Esq.

PHONE #:

(508) 347-5507 DATE: 3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residents' areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Jusan Ohlund</i>	Jusan Ohlund	51 Fiske Hill Rd
2. <i>Denny Donat Santora</i>	Denny Santora	119 Murray St
3. <i>Mary B. Hawking</i>	Mary B. Hawking	9 Wedgewood Rd
4. <i>Thomas A. Dowling</i>	THOMAS A. DOWLING	9 Wedgewood Rd
5. <i>Robert Ohlund</i>	ROBERT OHLUND	51 Fiske Hill Rd
6.		
7.		
8.		
9.		
10.		

TOWN OF SOUTHBRIDGE BOARD OF HEALTH

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirstie L. Pecci, Esq.

PHONE #:

(508) 347-5507

DATE: _____

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <u>Kara St Germaine</u>	Kara St Germaine	21 Burdington Rd Charlton
2. <u>[Signature]</u>	Daniel Collins	217 Burdington Rd.
3. <u>[Signature]</u>	William B Murphy	69 Freeman Rd.
4. <u>[Signature]</u>	Suphanie Murphy	49 Fenner Rd. Charlton
5. <u>[Signature]</u>	Travis N Erickson	19 Elmore Ln Charlton
6. <u>[Signature]</u>	Anne Heath	90 Hill Rd Sturbridge
7.		
8.		
9.		
10.		

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

RECEIVED
TOWN CLERK'S OFFICE

IN THE MATTER OF _____)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

2008 MAR 27 PM 1:31
SITE ASSIGNMENT HEARING
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirstie Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME: Kirstie L. Pecci, Esq.
Kirstie L. Pecci, Esq.
PHONE #: (508) 347-5507 DATE: 3/07/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. Sue Mellor	Sue Mellor	32 Randolph St.
2. Jose Collazio	Jose Collazio	24 Liberty St.
3. William Lavoie	William Lavoie	78 McGilpin Rd
4. Jeff Ardis	Jeff Ardis	68 Fiske Hill Rd.
5. MAURA ARDIS	MAURA ARDIS	68 Fiske Hill.
6. Kimberly Jenkins	Kimberly Jenkins	71 Fiske Hill Rd
7. ANU PATRIAR	ANU PATRIAR	77 Fiske Hill Road.
8. Amariet Gill	Amariet Gill	77 Fiske Hill
9. Robert Barnes	Robert Barnes	42 Fiske Hill Rd
10. Maribeth Gentile	Maribeth Gentile	15 Apple Hill Rd 01566

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Eugenia DiDietro

ADDRESS:

775 Worcester StSouthbridge MA 01550

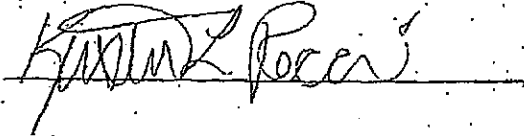
TELEPHONE:

508-368-6605

STATUS:

(Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group):

If abutter:

Description of property, its boundaries, current use and statement
that registrant is owner of the parcel.**IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):**

Signed and certified under the pains of perjury.

Eugenia DiDietro
Signature3-12-08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

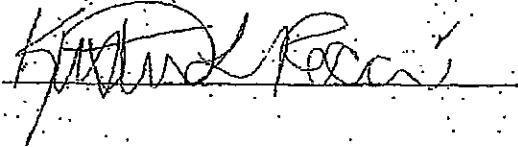
PARTY REGISTRATION STATEMENT
(Please print)

NAME: William J. Feliciano
ADDRESS: 336 Southbridge Rd.
CHARITON, MA - 01502
TELEPHONE: 1-508-769-7828

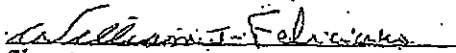
STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):



Signed and certified under the pains of perjury.


Signature

3/15/08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

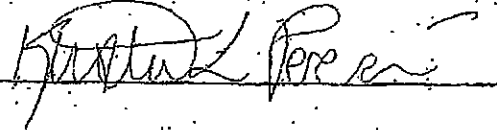
(Please print)

NAME: Rosa M. Feliciano
 ADDRESS: 336 Southbridge Rd.
Charlton MASS 01507
 TELEPHONE: 1-508-764-7828

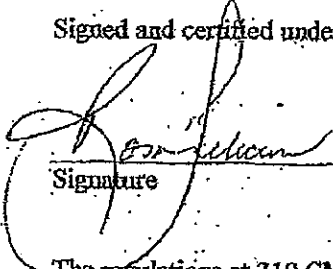
STATUS: (Applicant, abutting board of health, abutter, group of abutters
 or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement
 that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):



Signed and certified under the pains of perjury,


 Signature

3/15/08
 Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: José Gonzalez

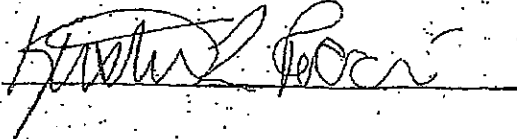
ADDRESS: 36 Hill Top Dr.
Southbridge MA 01550

TELEPHONE: (508) 764-4380

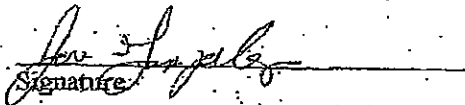
STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):



Signed and certified under the pains of perjury,


Signature

3/16/08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Karen Gonzalez

ADDRESS:

36 Hilltop Dr
Southbridge MA 01550

TELEPHONE:

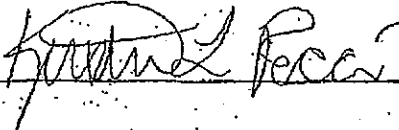
508 764 4380

STATUS:

(Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):



Signed and certified under the pains of perjury,


Signature

3/15/08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Gloria Maramilla

ADDRESS:

791 Worcester St.Southbridge MA 01550

TELEPHONE:

508 (764-0684)

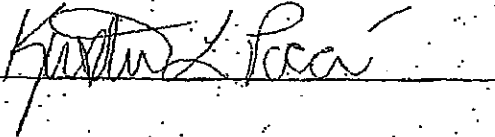
STATUS:

(Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group):

If abutter:

Description of property, its boundaries, current use and statement
that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):



Signed and certified under the pains of perjury,

Gloria Maramilla
Signature3-13-08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Raul Maramilla

ADDRESS:

791 Worcester St.Southbridge, MA 01550

TELEPHONE:

(508) 764-0684

STATUS:

(Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group):

If abutter:

Description of property, its boundaries, current use and statement
that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):

Raul Maramilla

Signed and certified under the pains of perjury,

Signature

Raul Maramilla

Date

3-13-08

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

3/26/08

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Helen I. LENTI

ADDRESS:

801 Worcester Street

Southbridge, Ma 01550

TELEPHONE:

508 765 9216

STATUS:

(Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter:

Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):

[Handwritten Signature]

Signed and certified under the pains of perjury,

Helen I. Lenti
Signature

March 13, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

UMBERTO A. LENTI

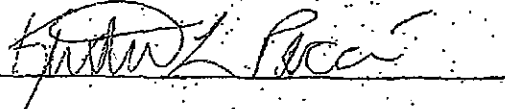
ADDRESS:

801 Worcester StreetSouthbridge, MA 01550

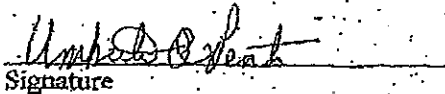
TELEPHONE:

508-765-9216

STATUS:

(Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group):If abutter: Description of property, its boundaries, current use and statement
that registrant is owner of the parcel.**IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):**

Signed and certified under the pains of perjury.


SignatureMarch 13, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and my "Notice of Appearance" for Authorized Representative Kirstie Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirstie L. Pecci, Esq.
Kirstie L. Pecci, Esq.

PHONE #:

(508) 347-5507

DATE:

3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>C. DeRose</i>	Chris DeRose	117. Mc Gilpin Rd
2. <i>Carol Goodwin</i>	Carol Goodwin	19 Orchard Rd
3. <i>Edward T. Goodwin</i>	Edward T. Goodwin	19 Orchard Rd
4. <i>Lindsay Goodwin</i>	Lindsay Goodwin	58 Mc Gilpin Rd.
5. <i>Edward P. Goodwin</i>	Edward P. Goodwin	58 Mc Gilpin Rd.
6.		
7.		
8.		
9.		
10.		

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirsta Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN-NAME:

Kirsta L. Pecci, Esq.

PHONE #:

(508) 347-5507

DATE:

3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Dorothea Andet</i>	Dorothea Andet	10 Apple Hill Rd. Sturbridge
2. <i>Mary K. Adable</i>	Mary K. Adable	14 Apple Hill Rd. Sturbridge
3. <i>Fernando Adable</i>	FERNANDO ADABLE	10 APPLE HILL RD STURBRIDGE
4. <i>Monika Agnello</i>	MONIKA AGNELLO	51 NORTH STREET
5. <i>John Polakowski</i>	John POLAKOWSKI	55 ORFAY LN. South
6. <i>Anne Tombeno</i>	Anne Tombeno	20 Jamieson Rd.
7. <i>Paul Beaupre</i>	Paul Beaupre	20 Jamieson Rd.
8. <i>Maura Tombeno</i>	Maura Tombeno	14 McCoilpin Rd.
9. <i>James Tombeno</i>	James Tombeno	14 McCoilpin Rd.
10. <i>Sylvia Broude</i>	Sylvia Broude	9 Hall St, #2, 02133 - Jamieson

TOWN OF SOUTHBRIDGE BOARD OF HEALTH

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirstie Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirstie L. Pecci

Kirstie L. Pecci, Esq.

PHONE #:

(508) 347-5607 DATE: 3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul-smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>John E. Tolpey</i>	JOHN E. TOLPEY	10 FOP RD STURBRIDGE
2. <i>James Corbin</i>	JAMES CORBIN	110 CLEMENCE HILL RD SA
3. <i>Donna Glalant</i>	Donna Glalant	81 FISKE Hill Sturbridge
4. <i>Sara DeLaRocca</i>	SARA DELAROCO	640 Dennison Drive Stge
5. <i>[Redacted]</i>	[Redacted]	640 Dennison Drive Stge
6. <i>[Redacted]</i>	[Redacted]	[Redacted]
7. <i>[Redacted]</i>	[Redacted]	[Redacted]
8. <i>Verry McCormack</i>	Verry McCormack	12 Apple Hill Rd, Stur
9. <i>Mary R. McCormack</i>	MARY R. MCCORMACK	67 Old Farm Rd Sturbr
10. <i>Edward J. McCormack</i>	EDWARD J. MCCORMACK	57 Old Farm Rd Sturbridge

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this Citizen Group, we have full power and authority to sign

SIGN NAME:

Kirste Pecci
Kirste L. Pecci, Esq.

PHONE #:

(508) 347-5507

DATE:

3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Judith L. Lytle</i>	Judith Lytle	78 H. Foote Rd. (Char)
2. <i>Donald A. Daoust</i>	Donald A. Daoust	85 H. Foote Rd.
3. <i>David E. Carlson Sr.</i>	David E. Carlson Sr.	77 H. Foote Rd.
4. <i>Ken Bergstrom</i>	Ken Bergstrom	75 H. Foote Rd.
5. <i>Jean Metras</i>	Jean Metras	73 H. Foote Rd.
6. <i>Scott Metras</i>	Scott Metras	73 H. Foote Rd.
7. <i>Stephen Metras</i>	Stephen Metras	73 H. Foote Rd.
8. <i>Senta Metras</i>	Senta Metras	73 H. Foote Rd.
9. <i>Cheryl Meshkus</i>	Cheryl Meshkus	72 H. Foote Rd.
10. <i>William M. Rose</i>	William M. Rose	70 H. Foote Rd.

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirste Pecci
Kirste L. Pecci, Esq.

PHONE #:

(508) 347-5507

DATE:

3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residents areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Lanona Mancini</i>	Lanona Mancini	116 Eleanor Ln, Charlton
2. <i>George A. Mancini</i>	George A. Mancini	11 Eleanor Ln, Charlton
3. <i>Lise C. Williams</i>	Lise C. Williams	13 Eleanor Ln, Charlton
4. <i>Kelly Murphy</i>	Kelly Murphy	14 ELEANOR LN Charlton
5. <i>Alice Murphy</i>	Alice Murphy	14 ELEANOR LN Charlton
6. <i>John Rapoza</i>	John Rapoza	17 ELEANOR LN Charlton
7. <i>Jennifer Rapoza</i>	Jennifer Rapoza	17 Eleanor Ln Charlton
8. <i>Joe Marashio</i>	JOE. MARASHIO	19 Eleanor Ln Charlton
9. <i>Carla Marashio</i>	Carla Marashio	19 Eleanor Ln Charlton
10. <i>Liz Comming</i>	Liz Comming	21 Eleanor Ln Charlton

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME: Kirste L. Pecci
Kirste L. Pecci, Esq.
PHONE #: (508) 347-5507 DATE: 3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <u>Maurice R. Poirier</u>	Maurice R. Poirier	53 Fiske Hill Rd. Stur
2. <u>Mary E. Silverberg</u>	Mary E. Silverberg	100 Fiske Hill Rd. Stur
3. <u>Angela Silvers</u>	Angela Silvers	100 Fiske Hill Rd. Stur
4. <u>Harold R. Gidloth</u>	Harold R. Gidloth	81 McMillin Road Sturbridge
5. <u>Michael Monaco</u>	Michael Monaco	60 McGowan Rd. Sturbridge
6. <u>Mark Johnson</u>	Mark Johnson	125 McMillin Rd. Sturbridge
7. <u>Rita Roymanis</u>	Rita Roymanis	87 Cricket Dr. Sturbridge
8. <u>Emil Roymanis</u>	Emil Roymanis	87 Cricket Dr. Sturbridge
9. <u>Patsy Easterly</u>	Patsy Easterly	3 Newton Place Sturbridge
10. <u>Harry Easterly</u>	Harry Easterly	3 Newton Place Sturbridge

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2); and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirstie Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirstie L. Pecci
Kirstie L. Pecci, Esq.

PHONE #:

(508) 347-5607 DATE: *3/26/08*

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
<i>Kevin J. Smith</i>	KEVIN J. SMITH	148 Fiske Hill Rd Stur
<i>Lucille Guenther-Smith</i>	Lucille Guenther-Smith	148 Fiske Hill Rd Stur.
<i>Bob Aude</i>	Bob Aude	10 Apple Hill Rd Stur
<i>Paul Tetreault</i>	Paul Tetreault	140 Providence St S.Bridge
<i>Tom Tetreault</i>	Tom Tetreault	145 Lebanon Hill Pt Southbridge
<i>JAMES SOTILE</i>	JAMES SOTILE	83 PINE DALE ST. SB
<i>John Mahan</i>	JOHN MAHAN	54 H. Foote Rd Charlton
<i>William Poppo</i>	William Poppo	70 Fiske Hill Rd, Sturbridge
<i>Beth Clark</i>	Beth Clark	59 Fiske Hill Rd
<i>Lucine Lixas</i>	Lucine Lixas	172 Fiske Hill Rd, Stur

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirste L. Pecci
Kirste L. Pecci, Esq.

PHONE #:

(508) 347-5507

DATE: *3/26/08*

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
<i>[Signature]</i>	Sherril Hostage	111 McGillpin Rd. Sturbridge
<i>[Signature]</i>	Tom Hostage	" same "
<i>[Signature]</i>	Lisa Cave	99 McGillpin Rd. Sturbridge
<i>[Signature]</i>	Polcy Currier	13 " " "
<i>[Signature]</i>	Edw. J. Currier	" " " "
<i>[Signature]</i>	Cynthia A. Laford	106 McGillpin Rd.
<i>[Signature]</i>	Amy Galonek	112 McGillpin Rd.
<i>[Signature]</i>	Todd Cave	99 McGillpin Rd.
<i>[Signature]</i>	Brian Galonek	112 McGillpin Rd.
<i>[Signature]</i>	M. J. Laford	106 McGillpin Rd.

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME: Kirste L. Pecci
Kirste L. Pecci, Esq.
PHONE #: (508) 347-5507 DATE: 3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <u>L. Anne Tombera</u>	Anne Tombera	20 Jamieson Rd Sturbridge
2. <u>Paul Beaujeu</u>	Paul Beaujeu	20 Jamieson Rd Sturbridge
3. <u>Kristine Young</u>	KRISTINE YOUNG	78 BREAKNECK ROAD
4. <u>Michael Nugent</u>	Michael Nugent	24 Old Hamilton Rd, Sturbridge
5. <u>Marion Young</u>	Marion Young	78 Breakneck Road, Sturbridge
6. <u>Michael Young</u>	Michael Young	78 Breakneck Rd, Sturbridge
7. <u>Amanda Young</u>	AMANDA YOUNG	79 Westport Dr, Sturbridge
8. <u>Kathleen McNeil</u>	Kathleen McNeil	104 Weller Ave Rd Sturbridge, MA
9. <u>Jaclyn C. Fredette</u>	Jaclyn C. Fredette	120 Sayles St, Southbridge
10. <u>Brian Ungerer</u>	Brian Ungerer	51 Old Village Rd, Sturbridge

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Michael V. Switchenko

ADDRESS:

41 Fiske Hill RoadSturbridge MA 01566

TELEPHONE:

508 347-2223

STATUS:

(Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group): 10-citizen group

If abutter:

Description of property, its boundaries, current use and statement
that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):

Kristen L. Pecey Esq.

Signed and certified under the pains of perjury,

Signature

Michael V. Switchenko

Date

3/13/2008

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT
(Please print)

NAME: Mary Kate Switkowski
ADDRESS: 41 Fiske Hill Rd
Sturbridge
TELEPHONE: 1-774-230-2702

STATUS: (Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group): 10-citizen group

If abutter: Description of property, its boundaries, current use and statement
that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):

Kristin L. Pece, Esq.

Signed and certified under the pains of perjury,

Mary Kate Switkowski
Signature

March 13, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT RECEIVED

(Please print)

TOWN CLERK'S OFFICE

NAME:

JAMES SOTTILE 2008 MAR 27 PM 2:12

ADDRESS:

83 PINE DALE STREET TOWN OF SOUTHBRIDGE MASSACHUSETTS

SOUTHBRIDGE, MA 01550-2341

TELEPHONE:

508-765-5064

STATUS:

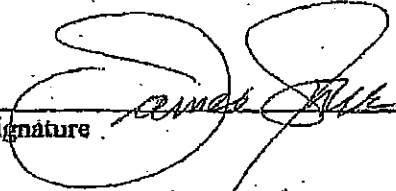
(Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter:

Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):

Signed and certified under the pains of perjury,

Signature 

Date 3/27/08

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

- See Over -

SIGN NAME	PRINT NAME	ADDRESS
1. Elizabeth Goulin	Elizabeth Goulin	4 Old Sturbridge, Sturbridge
2. Patrice A Cannata	Patrice Cannata	93 H. Fete Rd. Charlton, Ma.
3. Elizabeth Kistner	Elizabeth Kistner	116 N. Sturbridge Rd. Charlton
4. C. Scott Koene	C. Scott Koene	P.O. Box 583, Southbridge
5. Susan Koene	Susan Koene	PO Box 583 Southbridge
6. Sarah Giroux	Sarah Giroux	27 Cliff St. Stge. MA 015
7. Aguelo Aguelon	Aguelo Aguelon	70 Old Farm Road
8. Renata Kazmarczyk	RENATA KAZMARCZYK	156 Jennison Lane, Southbridge
9. Jennifer Monteleone	Jennifer Monteleone	204 Parmidge Hill Rd. Charlton
10. Bonnie A. Baird	Bonnie A. Baird	26 Hillside Rd.

PARTY REGISTRATION STATEMENT
(Please print)

NAME: JOHN PULAWSKI
ADDRESS: 3 JONNISON ST.
SOUTHBRIDGE MA 01550
TELEPHONE: 508-265-5543

STATUS: (Applicant, abutting board of health, abutter, group of abutters
or 10-citizen group):


If abutter: Description of property, its boundaries, current use and statement
that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

JOHN PULAWSKI

JOHN@P JOHN@SOUTHBRIDGE.ORG

Signed and certified under the pains of perjury,


Signature

March 27, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

- See Over -

NAME	PRINT NAME	ADDRESS
W. Barn	END. T. Baird	26 Hillside Rd
J. Richard	Charlene Richard	449 Hamilton St
J. Lanbery	C. SWANBERG	590 Newgadgetock Rd.
Santiago	C. Santiago	33 Chestnut St.
ilene Fiskett	PAULINE Fiskett	240 Everett St
Benvent	TAYLOR BENVENTI	12 MAPLE ST-SB DEP
Grace M. Kirk	Grace M. Kirk	108 Chapin St, Sbdge.
Susan Godfrey	Susan Godfrey	22 10 Schoolhouse Rd Charlton
Nancy Landis	Nancy Landis	60 Charlton St. Southbridge, MA
DR Robert D. KIRK	DR Robert D. KIRK	108 Chapin St Southbridge MA

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Kirste Pecci

PHONE #:

508 434 0304

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Kara St. Germaine</i>	Kara St. Germaine	211 Burlingame Rd. Charlton
2. <i>[Signature]</i>	Daniel Collins	217 Burlingame Rd.
3. <i>[Signature]</i>	William B. Murpho	69 Freeman Rd.
4. <i>Stephanie Murphy</i>	Stephanie Murphy	109 Freeman Rd. Charlton
5. <i>[Signature]</i>	Travis N. Erickson	14 Eleanor Ln. Charlton
6. <i>Anne Heath</i>	Anne Heath	90 Hill Rd. Sturbridge
7.		
8.		
9.		
10.		

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Wil Gallien
 ADDRESS: 74 H. Foote Rd
CHARITON Ma 01507
 TELEPHONE: 508 434 0304

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

Wil Gallien

Signed and certified under the pains of perjury,

Wil Gallien
Signature

3.22.08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Mary Ellen Sewance
 ADDRESS: 91 HOFORTE ROAD
CHARLTON MA 01507
 TELEPHONE: 508-248-9957

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

Wilfred Gatti

Signed and certified under the pains of perjury,

Mary Ellen Sewance
Signature

2/17/08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Wendy Ellen Gattien
 ADDRESS: 24 W. Foote Rd
Charlton, Ma 01507
 TELEPHONE: 508 434 0304

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group)

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable)



Signed and certified under the pains of perjury

Wendy Gattien
Signature

3-22-08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Raymond Beaudry
 ADDRESS: 19 Potter Village Rd
Charlton, MA 01507
 TELEPHONE: (508) 248-3134

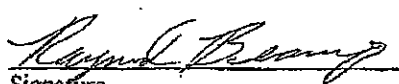
STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):



Signed and certified under the pains of perjury,


Signature

3/24/08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Kelly Beaudry
 ADDRESS: 19 Pottery Village Rd
Charlton, MA 01507
 TELEPHONE: 508-248-3134

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

John Gatti Jr

Signed and certified under the pains of perjury,

Kelly Beaudry
Signature

3-24-08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: John Jordan

ADDRESS: 68 H. Foste Rd
Charlton, MA 01507

TELEPHONE: 508-248-3637

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter. Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

[Handwritten Signature]

Signed and certified under the pains of perjury,

[Handwritten Signature]
Signature

March 22, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Sharon Jordan

ADDRESS:

684 Foote Rd

Charlton, MA 01507

TELEPHONE:

508-248-3637

STATUS:

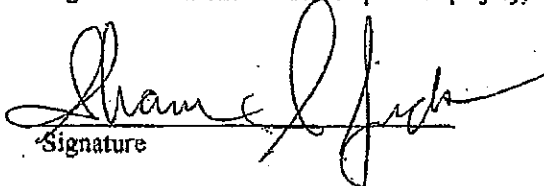
(Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):



Signed and certified under the pains of perjury,


Signature

March 22, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Jen Goulas
 ADDRESS: 24 Fitzgerald Rd
Charlton, Ma 01507
 TELEPHONE: 508 248 5909

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group)

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel.

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable)

John Gatti

Signed and certified under the pains of perjury,

Jen Goulas
 Signature

3-24-08
 Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: Tracy Merchant
 ADDRESS: 18 Blood Rd.
Charlton, MA 01507
 TELEPHONE: 508-248-0836

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

William Gatti

Signed and certified under the pains of perjury,

Tracy Merchant
Signature

3.24.08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time-frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: CYNTHIA A. CAMMUSO

ADDRESS: 66 H. FORTS RD
CHARLTON, MA

TELEPHONE: 508-248-9958

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (if applicable):

John Gatti Jr

Signed and certified under the pains of perjury,

John Gatti Jr
Signature

3-27-08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

PARTY REGISTRATION STATEMENT

(Please print)

NAME: KEVIN M. WELDON

ADDRESS: 66 H. FORTS RD
CHARLTON, MA

TELEPHONE: 808-248-9958

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

[Handwritten Signature]

Signed and certified under the pains of perjury,

Kevin M. Weldon
Signature

3-27-08
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

RECEIVED
TOWN CLERK'S OFFICE
2:00 PM MAR 27 PM '06
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Legione Lumbos *Jan Seelye an environmental Justice attorney to represent us.*
Kirste Pecci

PHONE #:

774-437-2134

DATE:

3/27/06

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
<i>Harry M. Vozny</i>	HARRY VOZNY	535 WORWETTER ST.
<i>Michael Thibault</i>	MICHAEL THIBAUT	806 CHARLTON ST.
<i>C. Maraglia</i>	CLIFFORD MARAGLIA	18 Park ST
<i>Paul Bailey</i>	PAUL BAILEY	91 Pine St.
<i>Joseph Rodriguez</i>	Joseph Rodriguez	331 South St.
<i>Arday Rodriguez</i>	Arday Rodriguez	331 South St.
<i>Elaine Escobar</i>	Elaine ESCOBAR	331 South St
<i>Sara Rodriguez</i>	Sara Rodriguez	87 South St
<i>Kizzy Rodriguez</i>	Kizzy Rodriguez	91 pine St
<i>Shawn Vello</i>	Shawn Vello	212 Hamilton St

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)
)
)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

RECEIVED
 TOWN OF SOUTHBRIDGE
 2008 MAR 10
 TOWN CLERK

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lyone Simonds *Don Siskin on ENVIRONMENTAL*
 LYONE SIMONDS *Justice Attorney for us.*

PHONE #:

774-437-2134 DATE: 3/27/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
<i>Anthony Pino</i>	Anthony Pino	147 Pleasant
<i>Shana Gosselin</i>	Shana Gosselin	147 Pleasant St.
<i>Kim Gerard-Rip</i>	Kim Gerard-Rip	112 Chapin St, D.burg
<i>Francisca Gonzalez</i>	FRANCISCA GONZALEZ	40 Willow Ln, S.bridge
<i>Luisa Ugarte</i>	LUISA UGARTE	114 Pleasant St, Stge
<i>Eileen Rivera</i>	Eileen Rivera	226 Ham /ton St.
<i>Cesar Rivera</i>	Cesar Rivera	228 Hamilton St
<i>Joshua Rivera</i>	Joshua Rivera	228 Hamilton St.
<i>Manuel Carter</i>	Manuel Carter	80 High st
<i>Larkin Laubert</i>	Larkin Laubert	90 N. Main Lane

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

TOWN OF SOUTHBRIDGE
 2008 MAR 27
 TOWN CLERK'S OFFICE

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME: Lynne Simmonds Consulting environmental
 LYNNE SIMMONDS Justice Attorney's representation
 PHONE #: 774-437-2134 DATE: 3/27/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
<u>Amarilis Ramos</u>	AMARILIS RAMOS	<u>62 Green Ave.</u>
<u>Angel L. Escobar</u>	ANGEL L. ESCOBAR	<u>62 Green Ave.</u>
<u>Olivia Escobar</u>	OLIVIA ESCOBAR	<u>MILL ST.</u>
<u>Madalena Escobar</u>	MADALENA ESCOBAR	<u>WINDSOR CT</u>
<u>Elka Rosario</u>	ELKA ROSARIO	<u>15 WINDSOR CT</u>
<u>Danny Marrero</u>	DANNY MARRERO	<u>15 WINDSOR CT</u>
<u>Jasmin Torres</u>	JASMIN TORRES	<u>32 Chapin St.</u>
<u>Sheri Gawn</u>	SHERI GAWIN	<u>19 Five Bridge Rd.</u>
<u>Jackie Currier</u>	JACKIE CURRIER	<u>34 Pimpton St</u>
<u>Haven Currier</u>	HAVEN CURRIER	<u>Thompson Ct</u>

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

RECEIVED
TOWN CLERK'S OFFICE
2008 MAR 27 PM 3:49
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lyndee Simmons
Lyndee Simmons
Consulting an Environmental Justice Attorney to represent us

PHONE #:

774-437-2134

DATE:

3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Chanton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Brenda Demers</i>	BRENDA DEMERS	29 Village Drive, Southbridge, MA
2. <i>Edward Demers</i>	EDWARD DEMERS	Village Drive, Southbridge, MA
3. <i>Brad Demers</i>	BRAD DEMERS	Main Street, Southbridge, MA
4. <i>Michelle Wood</i>	Michelle Wood	Clark Street, Southbridge, MA
5. <i>Crystal Hart</i>	Crystal Hart	Village Drive, Southbridge, MA
6. <i>Barbara Sator</i>	BARBARA SATOR	Pleasant St. Southbridge
7. <i>Roye Allen</i>	ROYE ALLEN	Hamilton St. Southbridge, MA
8. <i>Andrew Allen</i>	ANDREW ALLEN	Hamilton St. Southbridge, MA
9. <i>Christine Murphy</i>	CHRISTINE MURPHY	Village Drive, Southbridge, MA
10. <i>Jackie Murphy</i>	JACKIE MURPHY	Village Drive, Southbridge, MA

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)
)
)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lyndee Simonas
Lyndee Simonas

Lawrence Simonas
Lawrence Simonas
Attorney & Representative

PHONE #:

774-437-2134

DATE:

3/26/08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Jalea Adorno</i>	Jalea Adorno	658 Main St.
2. <i>Evelyn Hernandez</i>	Evelyn Hernandez	658 Main St.
3. <i>Juanexa Rivera</i>	Juan Viruet	179 Eastford Rd.
4. <i>Manuel Lopez</i>	Manuel Lopez	236 Main St. Southbridge, MA 01550
5. <i>MAJAMUNDAR AMIT</i>	MAJAMUNDAR AMIT	236 Main St. Southbridge, MA 01550
6. <i>Jimmy Sal's</i>	Jimmy Sal's	41 Chapin St.
7. <i>Jashua Palato</i>	Jashua Palato	388 Morris St.
8. <i>Juan C. Hernandez</i>	Juan C. Hernandez	1 Hill St. Southbridge, MA 01550
9. <i>Leslie Torres</i>	Leslie Torres	187 Fiske Street
10. <i>Carmen N. Rivera</i>	Carmen N. Rivera	90 Mason Rd. Dudley, MA

RECEIVED
 TOWN CLERK
 2008 MAR 27
 TOWN OF SOUTHBRIDGE, MASS.

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lynne Simmons *Joan Seely* *an environmental*
LYNNE SIMMONS *Tasha attorney to represent us*

PHONE #:

774-437-2134

DATE:

3/27/08

RECEIVED
TOWN CLERK
2008 MAR 27 10:50 AM '08

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
<i>David Demers</i>	David Demers	Deans St.
<i>Stena LaFrance</i>	Stena LaFrance	Sty MA 01500
<i>BESIAM SHAGIRI</i>	BESIAM SHAGIRI	15 VILLAGE DR 01550
<i>Anita Shagiri</i>	Anita Shagiri	15 Village Drive 01550
<i>YVETTE MARTIN</i>	YVETTE MARTIN	161 South St Southbr
<i>SOPHAPHONE VONGKAY</i>	SOPHAPHONE VONGKAY	168 Mian webtretr
<i>Diane Martinez</i>	Diane Martinez	16 Deans St Southbridge
<i>Francisco Martinez</i>	Francisco Martinez	16 Deans St Southbridge
<i>Richard Torres</i>	Richard Torres	585 main st. Southbridge
<i>Nicole Lykus</i>	Nicole Lykus	700 M St Southbr

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME: Lynne Simonds *Lynne Simonds* *Justice Attorney to represent us.*
LYNNE SIMONDS

PHONE #: 774-437-2134 DATE: 3/22/01

TOWN OF SOUTHBRIDGE
MEDICAL OFFICE
MAY 3 5 50

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>Valentin Sanchez</i>	Valentin Sanchez	27 Thomas St.
2. <i>Charlie Bailey</i>	Charlie Bailey	50 Pine St.
3. <i>Erika Gonzalez</i>	Erika Gonzalez	50 Pine St.
4. <i>Felix Fernandez</i>	Felix Fernandez	111 Pleasant St.
5. <i>Cathleen Connolly</i>	CATHLEEN CONNOLLY	135 MECHANIC ST
6. <i>Kelly Levier</i>	Kelly Levier	50 Cohasse ST.
7. <i>Samira Haney</i>	SAMIRA HANEY	389 Lebanon Hill
8. <i>Pauline Bourdelais</i>	PAULINE BOURDELAIS	389 Lebanon Hill
9. <i>John L. Ellis</i>	John L. ELLS	105 NORTH ST. South
10. <i>William J McGrath</i>	WILLIAM J H ^C GRATH	6 A A YOUNG RD CHARLTON

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF

Southbridge Landfill
165 Barefoot Road
Southbridge, Massachusetts 01550

SITE ASSIGNMENT HEARING

TOWN RECEIVED OFFICE
TOWN OF SOUTHBRIDGE
MAR 27 PM 3:00
MASSACHUSETTS

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lynne Simonds *Don Seltman and Edward Ventral*
LYNNE SIMONDS *Justice attorney to represent us*

PHONE #: 774-437-2134

DATE: 3/25/06

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. See attached	GLORIA MARAVILLA	791 Worcester St, Southbridge
2. See attached	PAUL MARAVILLA	791 Worcester St, Southbridge
3. See attached	JOSE GONZALEZ	36 Hill Top Dr., Southbridge
4. See attached	KAREN GONZALEZ	36 Hill Top Dr. Southbridge
5. See attached	ROSA H. FELICIANO	336 Southbridge Rd, Charlton
6. See attached	WILLIAM FELICIANO	336 Southbridge Rd, Charlton
7. Ramon Ramos	Ramona Ramos	46 Green Ave.
8. Guillen Ramos	Guillermo Ramos	46 Green Ave.
9. Maribel Ramos	Maribel Ramos	62 Green Ave.
10. Miryam Ramos	Miryam Ramos	46 Green Ave.

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

IN THE MATTER OF)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lynne S. Simonas

Lynn S. Simonas on behalf of the 10-Citizen Group

Authorized Representative

PHONE #: 774-437-2134

DATE: _____

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Chariton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>[Signature]</i>	Liberta Rodriquez	17 Franklin Ave Southbridge, MA 01550
2. <i>[Signature]</i>	William Menden	P.O. Box 638 Southbridge, MA 01550
3. <i>[Signature]</i>	Isandria Diaz	68 Fairbank Ave Southbridge
4. <i>[Signature]</i>	Albert D Vecchial	76 Sayles St SSB
5. <i>[Signature]</i>	Prince Browne	255 Elm St.
6. See attached	Nel Cooper	
7. See attached	Richard Casarotta	
8. See attached	Diana Prodera	
9. See attached	Liliana Lily	
10. See attached	NORMA SANTIAGO	

**TOWN OF SOUTHBRIDGE
BOARD OF HEALTH**

RECEIVED
TOWN CLERK'S OFFICE
2008 MAR 27 PM 4:13
SITE ASSIGNMENT HEARING
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

IN THE MATTER OF)

Southbridge Landfill)
165 Barefoot Road)
Southbridge, Massachusetts 01550)

SITE ASSIGNMENT HEARING

REGISTRATION OF 10-CITIZEN GROUP

REGISTRATION OF 10-CITIZEN GROUP & NOTICE OF APPEARANCE

This letter shall constitute the Registration of the 10-Citizen Group described below for the Site Assignment Hearing pursuant to Massachusetts General Laws Chapter 111, §150A, and 310 CMR 16.20(9)(a)(2), and any other applicable legal authority, and the "Notice of Appearance" for Authorized Representative Kirste Pecci. We certify that we have read this document, know the contents thereof, that all statements below are true, that it is not interposed for delay, and that, as the Authorized Representatives for this 10-Citizen Group, we have full power and authority to sign.

SIGN NAME:

Lynne Simonis
LYNNE SIMONIS

I am seeking representation from environmental justice attorney to represent us.

PHONE #: 774-437-2134

DATE: 3/27/08

Co-representor *Savior Melendez*

STATEMENT OF HOW REGISTRANTS ARE SUBSTANTIALLY & SPECIFICALLY AFFECTED:

We, the undersigned residents of Southbridge, Sturbridge, and Charlton, with good cause hereby register to be a Party and petition to be a Ten Citizen Group Intervener in the above-described proceeding and to be represented by the Authorized Representative named above. We live in the vicinity of the Southbridge Landfill and are substantially and specifically affected by the expansion of the landfill and its conversion from construction and demolition (C&D) to municipal solid waste (MSW) because it will: (a) cause an increase of noxious and foul smelling gases affecting residential areas for miles (b) increase truck traffic on highways and side streets that emit strong odors, contaminated water and windblown litter causing a danger to public health & safety; (c) cause inevitable drinking water contamination (d) devalue area homes. We make this statement under the pains and penalty of perjury.

SIGN NAME	PRINT NAME	ADDRESS
1. <i>See Attached</i>	<i>Ashley J. Corsey</i>	<i>Southbridge</i>
2. <i>See Attached</i>	<i>Rickey Fuder</i>	<i>Southbridge</i>
3. <i>See Attached</i>	<i>Rylie Gates</i>	<i>Southbridge</i>
4. <i>See Attached</i>	<i>Corey Leroy</i>	<i>Charlton</i>
5. <i>See Attached</i>	<i>THANAD MARCUCI</i>	<i>Southbridge</i>
6. <i>See Attached</i>	<i>Megan Malone</i>	<i>Southbridge</i>
7. <i>See Attached</i>	<i>LAYNE CRESTA</i>	<i>Charlton</i>
8. <i>See Attached</i>	<i>Torrey Langesse</i>	<i>Charlton</i>
9. <i>See Attached</i>	<i>Chelsea King</i>	<i>Southbridge</i>
10. <i>See Attached</i>	<i>Melissa ZAYAC</i>	<i>Southbridge</i>

Missing 2nd page

PARTY REGISTRATION STATEMENT

(Please print)

NAME:

Larry M. Beinema

ADDRESS:

79 Dennison Hill Road

Southbridge, MA 01550

TELEPHONE:

(508) 764-7518

STATUS:

(Applicant, abutting board of health, abutter, group of abutters or 10-citizen group):

If abutter... Description of property, its boundaries, current use and statement that registrant is owner of the parcel:

IDENTIFICATION OF AUTHORIZED REPRESENTATIVE (If applicable):

Signed and certified under the pains of perjury,

Larry M. Beinema
Signature

March 10, 2008
Date

The regulations at 310 CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

- | <u>Print NAME</u> | <u>Signature</u> |
|----------------------|---------------------------|
| 1 Norma E Austin | <u>Norma E. Austin</u> |
| 2 Kathleen Robinson | <u>Kathleen Robinson</u> |
| 3 PATRICIA JACQUART | <u>Patricia Jacquart</u> |
| 4 YVETTE MARTIN | <u>Yvette Martin</u> |
| 5 JAMES E CAMPBELL | <u>James Campbell</u> |
| 6 Louise P Campbell | <u>Louise P Campbell</u> |
| 6 Constance L'Ecuier | <u>Constance L'Ecuier</u> |

- | <u>Print NAME</u> | <u>Signature</u> |
|----------------------|---------------------------|
| 1 Norma E Austin | <u>Norma E. Austin</u> |
| 2 Kathleen Robinson | <u>Kathleen Robinson</u> |
| 3 PATRICIA JACQUART | <u>Patricia Jacquart</u> |
| 4 YVETTE MARTIN | <u>Yvette Martin</u> |
| 5 JAMES E CAMPBELL | <u>James Campbell</u> |
| 6 Louise P Campbell | <u>Louise P Campbell</u> |
| 6 Constance L'Ecuier | <u>Constance L'Ecuier</u> |

RECEIVED
TOWN CLERK'S OFFICE
2008 MAR 07 PM 3:45
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

Missing copy page

PARTY REGISTRATION STATEMENT
(Please Print)

Name: ANN FENWICK-BEINEMA
Address: 79 DENNISON HILL ROAD
SOUTHBRIDGE MA
Telephone: 508-764-7518

RECEIVED
TOWN CLERK'S OFFICE
2008 MAR 27 PM 3:46
TOWN OF SOUTHBRIDGE
MASSACHUSETTS

STATUS: (Applicant, abutting board of health, abutter, group of abutters or 10 citizen group)
If abutter: Description of property, its boundaries, current use and statement that registrant is owner of the parcel.

Identification of Authorized Representative (If Applicable)

Signed and certified under the pains of perjury. a-fenwick-b@hotmail.com

Ann Fenwick-Beinema 03-24-08
Signature Date

The regulations at 310CMR 16.20 (10)(k) require the Board of Health to render its decision within 45 days of the initial date of the public hearing. By signing this Statement you are hereby notified that it is unlikely the Board will be able to conduct the proceedings and render a decision within that time frame. The Board will endeavor to render a decision as soon as practicable after the close of the hearing.

Sign Name	Print Name	Address
1 <u>Patricia A Mahan</u>	<u>Patricia A Mahan</u>	<u>29 Charlton St</u>
2 <u>Haydee Ramirez</u>	<u>Haydee Ramirez</u>	<u>119 Mill St</u>
3 <u>Jose Rodriguez</u>	<u>Jose Rodriguez</u>	<u>119 Mill St</u>

EXHIBIT 2

Mass. Const., pt. 1, art. XI.

Remedy by Recourse to the Laws;
Obtaining of Right and Justice Freely, Completely and
Promptly

M.G.L.A. Const. Pt. 1, Art. 11

Massachusetts General Laws Annotated Currentness

Constitution or Form of Government for the Commonwealth of Massachusetts [Annotated]

Part the First a Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts

→Art. XI. Remedy by recourse to the laws; obtaining of right and justice freely, completely and promptly

ART. XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

EXHIBIT 3

Mass. Gen. Laws ch. 30A, § 1 (2011).

Definitions



M.G.L.A. 30A § 1

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

*Title III. Laws Relating to State Officers (Ch. 29-30B)*Chapter 30A. State Administrative Procedure (Refs & Annos)***§ 1. Definitions**

For the purposes of this chapter--

(1) "Adjudicatory proceeding" means a proceeding before an agency in which the legal rights, duties or privileges of specifically named persons are required by constitutional right or by any provision of the General Laws to be determined after opportunity for an agency hearing. Without enlarging the scope of this definition, adjudicatory proceeding does not include (a) proceedings solely to determine whether the agency shall institute or recommend institution of proceedings in a court; or (b) proceedings for the arbitration of labor disputes voluntarily submitted by the parties to such disputes; or (c) proceedings for the disposition of grievances of employees of the commonwealth; or (d) proceedings to classify or reclassify, or to allocate or reallocate, appointive offices and positions in the government of the commonwealth; or (e) proceedings to determine the equalized valuations of the several cities and towns; or (f) proceedings for the determination of wages under section twenty-six T of chapter one hundred and twenty-one.

(2) "Agency", any department, board, commission, division or authority of the state government or subdivision of any of the foregoing, or official of the state government, authorized by law to make regulations or to conduct adjudicatory proceedings, but does not include the following: the legislative and judicial departments; the governor and council; military or naval boards, commissions or officials; the department of correction; the department of youth services; the parole board; the division of dispute resolution of the division of industrial accidents; the personnel administrator; the civil service commission; and the appellate tax board.

(3) "Party" to an adjudicatory proceeding means:-- (a) the specifically named persons whose legal rights, duties or privileges are being determined in the proceeding; and (b) any other person who as a matter of constitutional right or by any provision of the General Laws is entitled to participate fully in the proceeding, and who upon notice as required in paragraph (1) of section eleven makes an appearance; and (c) any other person allowed by the agency to intervene as a party. Agencies may by regulation not inconsistent with this section further define the classes of persons who may become parties.

(4) "Person" includes all political subdivisions of the commonwealth.

<[Paragraph (4A) applicable to regulations proposed after August 1, 2010. See 2010, 240, Secs. 194 and 206.]>

(4A) "Proposed regulation", a proposal by an agency to adopt, amend or repeal an existing regulation.

(5) "Regulation" includes the whole or any part of every rule, regulation, standard or other requirement of general application and future effect, including the amendment or repeal thereof, adopted by an agency to implement or interpret the law enforced or administered by it, but does not include (a) advisory rulings issued under section eight; or (b) regulations concerning only the internal management or discipline of the adopting agency or any other agency, and not substantially affecting the rights of or the procedures available to the public or that portion of the public affected by the agency's activities; or (d) regulations relating to the use of the public works, including streets and highways, when the substance of such regulations is indicated to the public by means of signs or signals; or (e) decisions issued in adjudicatory proceedings.

<[Paragraph (5A) applicable to regulations proposed after August 1, 2010. See 2010, 240, Secs. 194 and 206.]>

(5A) "Small business", a business entity or agriculture operation, including its affiliates, that: (i) is independently owned and operated; (ii) has a principal place of business in the commonwealth; and (iii) would be defined as a "small business" under applicable federal law, as established in the United States Code and promulgated from time to time by the United States Small Business Administration.

(6) "Substantial evidence" means such evidence as a reasonable mind might accept as adequate to support a conclusion.

CREDIT(S)

Added by St.1954, c. 681, § 1. Amended by St.1959, c. 511, § 1; St.1965, c. 725; St.1966, c. 14, § 42; St.1966, c. 497; St.1968, c. 120, § 1; St.1969, c. 808, § 2; St.1969, c. 838, § 8; St.1970, c. 712, § 2; St.1974, c. 361, § 1; St.1974, c. 835, § 50; St.1975, c. 817, § 1; St.1978, c. 552, § 13; St.1979, c. 795, § 3; St.1985, c. 572, § 5; St.1998, c. 161, § 232; St.2010, c. 240, §§ 65, 66, eff. Aug. 1, 2010.

EXHIBIT 4

Mass. Gen. Laws ch. 30A, § 14 (2011).

Judicial Review



M.G.L.A. 30A § 14

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

*Title III. Laws Relating to State Officers (Ch. 29-30B)*Chapter 30A. State Administrative Procedure (Refs & Annos)***§ 14. Judicial review**

Except so far as any provision of law expressly precludes judicial review, any person or appointing authority aggrieved by a final decision of any agency in an adjudicatory proceeding, whether such decision is affirmative or negative in form, shall be entitled to a judicial review thereof, as follows:--

Where a statutory form of judicial review or appeal is provided such statutory form shall govern in all respects, except as to standards for review. The standards for review shall be those set forth in paragraph (7) of this section, except so far as statutes provide for review by trial de novo. Insofar as the statutory form of judicial review or appeal is silent as to procedures provided in this section, the provisions of this section shall govern such procedures.

Where no statutory form of judicial review or appeal is provided, judicial review shall be obtained by means of a civil action, as follows:

- (1) Proceedings for judicial review of an agency decision shall be instituted in the superior court for the county (a) where the plaintiffs or any of them reside or have their principal place of business within the commonwealth, or (b) where the agency has its principal office, or (c) of Suffolk. The court may grant a change of venue upon good cause shown. The action shall, except as otherwise provided by law, be commenced in the court within thirty days after receipt of notice of the final decision of the agency or if a petition for rehearing has been timely filed with the agency, within thirty days after receipt of notice of agency denial of such petition for rehearing. Upon application made within the thirty-day period or any extension thereof, the court may for good cause shown extend the time.
- (2) Service shall be made upon the agency and each party to the agency proceeding in accordance with the Massachusetts Rules of Civil Procedure governing service of process. For the purpose of such service the agency upon request shall certify to the plaintiff the names and addresses of all such parties as disclosed by its records, and service upon parties so certified shall be sufficient. All parties to the proceeding before the agency shall have the right to intervene in the proceeding for review. The court may in its discretion permit other interested persons to intervene.
- (3) The commencement of an action shall not operate as a stay of enforcement of the agency decision, but the agency may stay enforcement, and the reviewing court may order a stay upon such terms as it considers proper.
- (4) The agency shall, by way of answer, file in the court the original or a certified copy of the record of the proceeding under review. The record shall consist of (a) the entire proceedings, or (b) such portions thereof as the agency and the parties may stipulate, or (c) a statement of the case agreed to by the agency and the parties. The expense of preparing the record may be assessed as part of the costs in the case, and the court may, regardless of the outcome of the case, assess any one unreasonably refusing to stipulate to limit the record, for the additional expenses of preparation caused by such refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable.
- (5) The review shall be conducted by the court without a jury and shall be confined to the record, except that in cases of alleged irregularities in procedure before the agency, not shown in the record, testimony thereon may be taken in the court.
- (6) If application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material to the issues in the case, and that there was good reason for failure to present it in the proceeding before the agency, the court may

order that the additional evidence be taken before the agency upon such conditions as the court deems proper. The agency may modify its findings and decision by reason of such additional evidence and shall file with the reviewing court, to become part of the record, the additional evidence, together with any modified or new findings or decision.

(7) The court may affirm the decision of the agency, or remand the matter for further proceedings before the agency; or the court may set aside or modify the decision, or compel any action unlawfully withheld or unreasonably delayed, if it determines that the substantial rights of any party may have been prejudiced because the agency decision is--

(a) In violation of constitutional provisions; or

(b) In excess of the statutory authority or jurisdiction of the agency; or

(c) Based upon an error of law; or

(d) Made upon unlawful procedure; or

(e) Unsupported by substantial evidence; or

(f) Unwarranted by facts found by the court on the record as submitted or as amplified under paragraph (6) of this section, in those instances where the court is constitutionally required to make independent findings of fact; or

(g) Arbitrary or capricious, an abuse of discretion, or otherwise not in accordance with law.

The court shall make the foregoing determinations upon consideration of the entire record, or such portions of the record as may be cited by the parties. The court shall give due weight to the experience, technical competence, and specialized knowledge of the agency, as well as to the discretionary authority conferred upon it.

If the court finds that the action of the appointing authority in discharging, removing, suspending, laying off, lowering in rank or compensation or abolishing his position, or the action of the commission confirming the action taken by the appointing authority, was not justified, the employee shall be reinstated in his office or position without loss of compensation and the court shall assess reasonable costs against the employer.

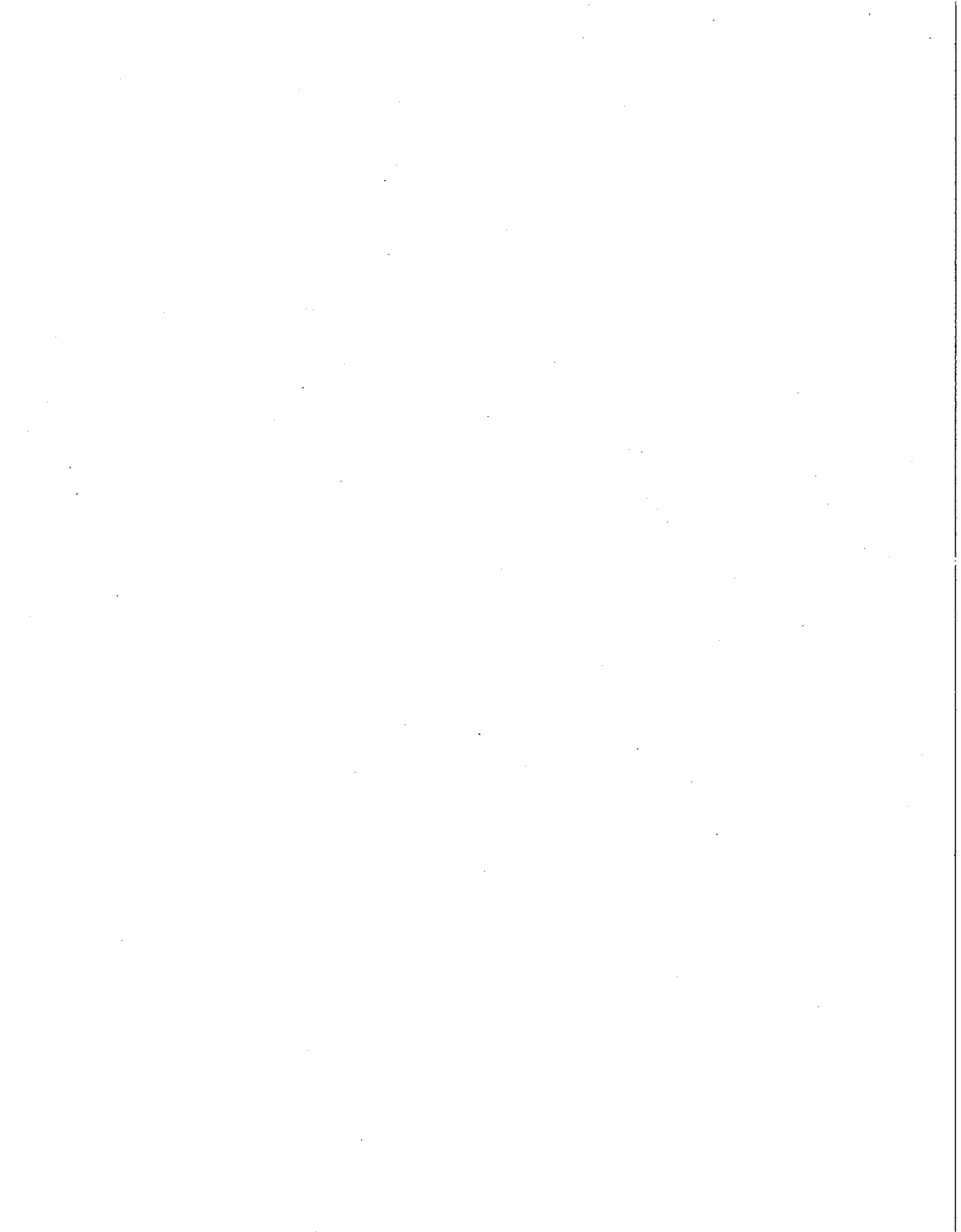
CREDIT(S)

Added by St.1954, c. 681, § 1. Amended by St.1957, c. 193, § 1; St.1968, c. 637, § 1; St.1973, c. 1114, § 3; St.1976, c. 411, §§ 1, 2; St.1998, c. 463, § 33.

EXHIBIT 5

Mass. Gen. Laws ch. 111, § 150A (2011).

Solid Waste Disposal Facilities;
Maintenance and Operation;
Applications for Site Assignment



M.G.L.A. 111 § 150A

Massachusetts General Laws Annotated Currentness

Part I. Administration of the Government (Ch. 1-182)

*Title XVI. Public Health (Ch. 111-114)*Chapter 111. Public Health (Refs & Annos)**→§ 150A. Solid waste disposal facilities; maintenance and operation; applications for site assignment**

As used in this section and in section one hundred and fifty A 1/2 the following words shall, unless the context otherwise requires, have the following meanings:--

"Department", the department of environmental protection.

"Facility", a sanitary landfill, a refuse transfer station, a refuse incinerator rated by the department at more than one ton of refuse per hour, a resource recovery facility, a refuse composting plant, a dumping ground for refuse or any other works for treating, storing, or disposing of refuse.

"Refuse", all solid or liquid waste materials, including garbage and rubbish, and sludge, but not including sewage, and those materials defined as hazardous wastes in section two of chapter twenty-one C and those materials defined as source, special nuclear or by-product material under the provisions of the Atomic Energy Act of 1954.

"Maintain", to establish, keep or sustain the presence of a facility on a site, whether or not such facility is in operation and whether or not such facility has been closed.

No place in any city or town shall be maintained or operated by any person, including any political subdivision of the commonwealth, as a site for a facility, or as an expansion of an existing facility, unless, after a public hearing, such place has been assigned by the board of health of such city or town in accordance with the provisions of this section, or, in the case of a facility owned or operated by an agency of the commonwealth, such place has been assigned by the department after a public hearing and unless public notice of such assignment has been given by the board of health or the department, whichever is applicable.

The determination by the board of health, or the department in the case of a state agency, of whether to assign a place as a site for a facility, or for the expansion of an existing facility, shall be based upon the site suitability criteria established by the department in cooperation with the department of public health pursuant to section one hundred and fifty A 1/2, and any site assignment shall be subject to such limitations with respect to the extent, character and nature of the facility or expansion thereof as may be necessary to ensure that the facility or expansion thereof will not present a threat to the public health, safety or the environment.

Any person desiring to maintain or operate a site for a new facility or the expansion of an existing facility shall submit an application for a site assignment to the local board of health and simultaneously provide copies to the department and the department of public health. A copy of the application for site assignment shall be filed with the board of health of any municipality within one-half mile of the proposed site. Any municipality within such one-half mile shall be afforded all the procedural rights of an abutter for the purpose of administrative review by the department or public hearing by the board of health where the proposed site is located. The department shall, upon request by the board of health, provide advice, guidance and technical assistance to said board during its review of a site assignment application. The department and a board of health may enter into such other cooperative agreements in addition to those herein specified for the purpose of achieving an effective and expeditious review of the application. The board of health may charge a reasonable application fee to cover the costs of conducting a hearing and reviewing technical data submitted to the board. The application fee may also include a portion of the reasonable costs of other technical assistance. The application fee shall be established in accordance with rules and regulations promulgated by the department.

<[Paragraph inserted following fourth paragraph by 2011, 68, Sec. 83 effective July 1, 2011. See 2011, 68, Sec. 221.]>

Within 60 days of receipt of the application, the department shall issue a report stating whether the proposed site meets the criteria established under section 150A 1/2 for the protection of the public health and safety and the environment. Any such reports shall be made available to the public in a timely manner prior to any public hearing concerning the site application.

Within sixty days of receipt of said application, the department of public health shall review said application and comment thereon as to any potential impact of a site on the public health and safety. The department of public health may, in addition to its comment, make or cause to be made a public report, in writing, as it relates to an expansion of an existing facility or the assignment of a place as a site for a facility and provide said report with its written comments to the board of health. The department of public health shall coordinate and cooperate with a board of health on any matter relating to said public health report.

<[Sixth paragraph effective until July 1, 2011. For text effective July 1, 2011, see below.]>

Within 60 days of receipt of said application, the board of health shall hold a public hearing satisfying the requirements of chapter thirty A. Within forty-five days of the initial date of such hearing, the board of health shall render its decision on whether to assign a site for a facility, in writing, accompanied by a statement of reasons therefor and publish notice of said decision including determinations of each issue of fact or law necessary to the decision.

<[Sixth paragraph as amended by 2011, 68, Sec. 84 effective July 1, 2011. See 2011, 68, Sec. 221. For text effective until July 1, 2011, see above.]>

Within 30 days of the receipt of the department's report, the board of health shall hold a public hearing satisfying the requirements of chapter thirty A. Within forty-five days of the initial date of such hearing, the board of health shall render its decision on whether to assign a site for a facility, in writing, accompanied by a statement of reasons therefor and publish notice of said decision including determinations of each issue of fact or law necessary to the decision.

<[Seventh paragraph effective until July 1, 2011. For text effective July 1, 2011, see below.]>

No assignment shall be granted by the local board of health unless the local board of health affirms that the siting criteria of said section one hundred and fifty A 1/2 have been met by the proposed site. The board of health shall consider the concerns, if any, relative to the public health and safety cited by the department of public health. A local board of health shall assign a place requested by an applicant as a site for a new facility or the expansion of an existing facility unless it makes a finding, based on the siting criteria established by said section one hundred and fifty A 1/2, that the siting thereof would constitute a danger to the public health or safety or the environment.

<[Seventh paragraph as amended by 2011, 68, Sec. 85 effective July 1, 2011. See 2011, 68, Sec. 221. For text effective until July 1, 2011, see above.]>

No assignment shall be granted by the local board of health unless the department's report affirms that the siting criteria of said section one hundred and fifty A 1/2 have been met by the proposed site. The board of health shall consider the concerns, if any, relative to the public health and safety cited by the department of public health. A local board of health shall assign a place requested by an applicant as a site for a new facility or the expansion of an existing facility unless it makes a finding, based on the siting criteria established by said section one hundred and fifty A 1/2, that the siting thereof would constitute a danger to the public health or safety or the environment.

Any person aggrieved by a decision of a board of health in assigning or refusing to assign a place as a site for a new facility, or expanding or refusing to expand an existing facility, except a resource

recovery facility in operation or under construction prior to July first, nineteen hundred and eighty-seven, may, within thirty days of the publication of notice of such decision, appeal under the provisions of section fourteen of chapter thirty A. For the limited purposes of such an appeal, a local board of health shall be deemed to be a state agency under the provisions of said chapter thirty A and its proceedings and decision shall be deemed to be a final decision in an adjudicatory proceeding.

<[Ninth and tenth paragraphs effective until July 1, 2011. For text effective July 1, 2011, see below.]>

No facility, except a refuse transfer station that handles not greater than 50 tons of refuse per day and is designed, constructed and operated in accordance with performance standards issued by the department, shall be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the department and the department has granted a permit for the facility and notice of such permit is recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry district of the land court for the district wherein the land lies. A refuse transfer station that handles not greater than 50 tons of refuse per day and is designed, constructed and operated in accordance with performance standards issued by the department shall not be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation, unless detailed operating plans, specifications, a public health report, if any, and necessary environmental reports have been submitted to the board of health in the city or town in which the facility is located and such board of health has granted a permit for the facility and notice of such permit is recorded in the registry of deeds or, if the land affected thereby is registered land, in the registry district of the land court for the district wherein the land lies. Within 120 days after the department or board of health, as appropriate, has determined that the operating plans, specifications and reports are complete, the department or board of health shall make a decision granting or refusing to grant a permit. The permit, whether issued by the department or board of health, may limit or prohibit the disposal of particular types of solid waste at a facility in order to protect the public health, promote reuse, waste reduction and recycling, extend the useful life of the facility or reduce its environmental impact.

A decision by the department or a board of health, as appropriate, granting or refusing to grant a permit shall be in writing and shall contain findings with regard to criteria established by the department. A person aggrieved by the action of the department in granting or refusing to grant such permit may appeal that decision pursuant to section 14 of chapter 30A. For the limited purposes of that appeal, the department action shall be deemed to be a final decision in an adjudicatory proceeding. A person aggrieved by the decision of a local board of health in granting or refusing to grant a permit for a refuse transfer station may, within 30 days after the publication of notice of such decision, appeal under said section 14 of said chapter 30A. For the limited purposes of that appeal, the board of health shall be deemed to be a state agency under said chapter 30A and its proceedings and decision shall be deemed to be a final decision in an adjudicatory proceeding.

<[Ninth and tenth paragraphs as amended by 2011, 68, Sec. 86 effective July 1, 2011. See 2011, 68, Sec. 221. For text effective until July 1, 2011, see above.]>

No facility shall be established, constructed, expanded, maintained, operated or devoted to any past closure as defined by regulation unless detailed operating plans, specifications, any public health reports and necessary environmental reports have been submitted to the department, the department has granted a permit for the facility and notice of the permit is recorded in the registry of deeds, or if the land affected thereby is registered land in the registry section of the land court for the district wherein the land lies. Within 120 days after the department is satisfied that the operating plans, specifications and reports are complete, the department shall make a decision granting or refusing to grant a permit. The permit may limit or prohibit the disposal of particular types of solid waste at a facility in order to protect the public health, promote reuse, waste reduction and recycling, extend the useful life of the facility, or reduce its environmental impact.

Every decision by the department granting or refusing to grant a permit shall be in writing and shall contain findings with regard to criteria established by the department. Any person aggrieved by the

action of the department in granting or refusing to grant a permit may appeal that decision under section 14 of chapter 30A. For the limited purposes of any such appeal, the department action shall be deemed to be a final decision in an adjudicatory proceeding.

Every person maintaining or operating a facility, including every political subdivision of the commonwealth, shall maintain and operate the same in such manner as will protect the public health and safety and the environment. Upon determination that the operation or maintenance of a facility results in a threat to the public health and safety or the environment, such site assignment decision by a board of health may be rescinded or suspended or may be modified through the imposition or amendment of conditions, at any time after due notice and public hearing satisfying the requirements of section eleven of chapter thirty A by the board of health of the city or town where such facility is located or by the department. Any person aggrieved by the decision of the board of health or the department in rescinding, suspending or modifying a site assignment may appeal said decision within thirty days of the publication of notice thereof pursuant to the provisions of section fourteen of chapter thirty A. For the limited purposes of such an appeal a local board of health shall be deemed a state agency under the provisions of said chapter thirty A and said decision shall be deemed to be a final decision in an adjudicatory proceeding and the decision of the department shall be deemed to be a final decision in an adjudicatory proceeding. The department may rescind, suspend or modify the permit upon a determination that the operation or maintenance of the facility results in a threat to the public health and safety or to the environment. Any person aggrieved by such decision of the department may, within thirty days of the publication of notice thereof, appeal said decision pursuant to the provisions of chapter thirty A.

If a facility is a landfill owned or operated by any person other than a town or agency of the commonwealth, such person shall pay to the town where the facility is located an amount in accordance with the provisions of section twenty-four A of chapter sixteen for each ton of solid waste which is disposed of in such landfill. On or before the twentieth day of each month every such person shall file a return subscribed under the penalties of perjury with the board of health of the town in which such facility is located, on such form as the commissioner of environmental protection shall require for determination of the fee imposed by this paragraph. Said fee shall be due and payable on or before the due date of the return. Notwithstanding the foregoing, however, no fee shall be required or collected from an owner of a privately owned facility used by the owner thereof for the sole disposal of refuse generated from his own premises, and no such return need be filed.

No person shall dispose or contract for the disposal of solid waste at any place which has not been approved by the department pursuant to the provisions of this section or other applicable law.

The department shall allow any unlined landfill, owned or operated by a municipality or a solid waste district, to continue accepting refuse in compliance with existing approvals after January first, nineteen hundred and ninety-four; provided, that said municipality or district files a statement of intent with the department on or before August fifteenth, nineteen hundred and ninety-three, as to its intent to continue in operation after January first, nineteen hundred and ninety-four; provided further, that any landfill for which a statement of intent has been submitted shall operate in accordance with applicable federal and state statutes, regulations, existing approvals, and provisions included herein. For purposes of this paragraph, the term "existing approval" shall include any permit, site assignment, plan approval, condition of operation, or any other applicable order or rule governing the operations of a landfill issued or granted by a municipality, the department, or any other agency of the commonwealth, or for which an application was pending as of May first, nineteen hundred and ninety-three, when granted in accordance with applicable regulations; provided, that no such application shall be denied arbitrarily and capriciously. Any municipality or district which does not file such a statement of intent shall cease accepting refuse no later than January first, nineteen hundred and ninety-four, and shall commence closure of the landfill under its control subject to the approval of the department in accordance with regulations promulgated by the department. On or before October first, nineteen hundred and ninety-three, the department shall compile and publish a list of all landfills for which a statement of intent has been filed and classify separately, as supported by scientific data, those landfills which pose a significant threat to the public health, safety, or the environment, those landfills which pose a potential threat, and those landfills for which current scientific data demonstrate little or no present discernible threat or for which current data is inconclusive. In classifying landfills,

the department shall utilize all available scientific data, including, without limitation, any scientific data submitted by the municipality or the district and any additional scientific data generated by the department relative to an assessment of the actual or potential migration of leachate or other contaminants off the site of the landfill. The department shall publish the list and accept public comment on said list. The department shall, if requested by November first, nineteen hundred and ninety-three, by the chief executive officer of a municipality or a district with a landfill on the list, participate in a public meeting in the municipality or district to be scheduled at mutual convenience within sixty days of such request. By February first, nineteen hundred and ninety-four, the department shall issue a final revised list taking into account any additional information generated or received through the comment and meeting process. The department shall work in conjunction with a municipality or a district to establish a schedule for the municipality or district to commence and complete closure of the landfill, considering the risks posed by the landfill and the fiscal capacity of the municipality or district to be incorporated in a consent order. If an agreement is not reached, the department may order any landfill which is classified as a significant threat to public health, safety or the environment to cease operations and commence closure, or take such other action as the department deems necessary; provided, that the municipality or district may request an adjudicatory hearing on such order pursuant to chapter thirty A. A municipality or district operating a landfill classified by the department as a potential threat shall no later than July first, nineteen hundred and ninety-four, install a groundwater monitoring system approved by the department, and shall report the results of such monitoring to the department no more than quarterly thereafter. A municipality or district operating a landfill for which the department has determined little or no present discernible threat exists or for which current data is inconclusive shall no later than January first, nineteen hundred and ninety-five, install a groundwater monitoring system approved by the department, and shall report the results of such monitoring to the department no more than quarterly thereafter. It shall be a violation of this section to falsify or falsely report any monitoring results. If the results of such groundwater monitoring or other site specific assessment indicate that a landfill does pose a threat to public health, safety or environment, the department shall work in conjunction with a municipality or a district to establish a schedule for the municipality or district to commence and complete closure of the landfill, considering the risks posed by the landfill and the fiscal capacity of the municipality or district to be incorporated in a consent order. If an agreement is not reached, the department may order the municipality or district to cease operations and commence closure, or to take such other action as the department deems necessary; provided, that the municipality or district may request an adjudicatory hearing on such order pursuant to chapter thirty A. Nothing in this paragraph shall preclude the department from acting to address violations of this section, chapter twenty-one E or the regulations promulgated thereunder.

No site on which a facility was operated shall be conveyed or leased by the owner thereof, or be devoted to any use other than the operation of a facility, until notice that such facility was operated on the site is recorded in the registry of deeds, or if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies. No site on which a facility was operated shall be used for any other purpose without the prior written approval of the department.

The department shall adopt and may from time to time amend rules and regulations, and the commissioner may issue orders, to enforce the provisions of this section. Any person, including any political subdivision of the commonwealth who violates this section, or any order issued pursuant thereto, or any rule or regulation promulgated hereunder (1) shall be subject to a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than two years in a house of correction, or both, for each such violation; or (2) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation. Each day each such violation occurs or continues shall be deemed a separate offense. These penalties shall be in addition to any other penalties that may be prescribed by law.

The superior court shall have jurisdiction in equity to enforce the provisions of this section upon petition of the department or any aggrieved person.

Ash produced from the combustion of coal, including but not limited to fly ash and bottom ash, shall not be construed as refuse, rubbish, garbage, or waste material under this section when used as a

raw material for concrete block manufacture, aggregate, fill, base for road construction, or other commercial or industrial purpose, or stored for such use. A location where such use or storage takes place may be constructed, established, maintained, and operated without being construed as a facility or site for a facility under this section, and no assignment or approval from the board of health or the department shall be required for such construction, establishment, maintenance, or operation; provided, however, the department shall have jurisdiction to determine, after notice and hearing, that the establishment or operation of such a location has created a nuisance condition by reason of odor, dust, fires, smoke, the breeding or harboring of rodents, flies or vermin, or other causes, and to prevent or order abatement thereof; and provided, further, that no final disposal of ash produced by the combustion of coal may be accomplished by burial of such ash in the ground, other than as base for road construction or fill, unless the place where such disposal takes place has been assigned for such disposal by the board of health and plans for such disposal have been approved by the department pursuant to this section. The department may waive the requirements of the preceding paragraphs of this section and the application of any regulations, or portions thereof, promulgated under the preceding paragraphs of this section as they may apply to the disposal by burial of ash produced by the burning of coal, and shall review and may approve the plans, site and method of storage upon a determination that no nuisance is created and damage to the environment is minimal. Use of ash produced from the combustion of coal as intermediate cover material over rubbish at sanitary landfill facilities may be permitted by assignment of the board of health with approval of the department under this section.

CREDIT(S)

Added by St.1955, c. 310, § 1. Amended by St.1969, c. 429; St.1969, c. 515, § 1; St.1970, c. 839; St.1973, c. 1217, § 6; St.1975, c. 500, § 4; St.1975, c. 706, §§ 181, 182; St.1976, c. 118; St.1978, c. 197, § 4; St.1982, c. 232, § 2; St.1987, c. 174, § 12; St.1987, c. 584, § 16; St.1990, c. 150, § 287; St.1990, c. 177, §§ 178, 179; St.1990, c. 509, §§ 1, 2; St.1992, c. 153, § 23; St.1993, c. 110, § 147; St.1997, c. 19, § 20; St.2010, c. 131, § 63 to 66, eff. July 1, 2010; St.2011, c. 68, §§ 83 to 86, eff. July 1, 2011.

EXHIBIT 6

310 Mass. Code Regs. § 16.20 (2011).

Public Hearing Rules

310 CMR 16.20

Code of Massachusetts Regulations Currentness

Title 310: Department of Environmental Protection

Chapter 16.00: Site Assignment Regulations for Solid Waste Facilities (Refs & Annos)➔**16.20: Public Hearing Rules**

(1) Preamble. "Public Hearings" pursuant to M.G.L. c. 30A are not "Adjudicatory Proceedings" within the meaning of M.G.L. c. 30A, § 1. See M.G.L. c. 30A, § 2. Pursuant to M.G.L. c. 111, § 150A, however, "for the limited purpose of appeal from such public hearings, a local board of health shall be deemed to be a state agency under the provisions of said chapter thirty A and its proceedings and decision shall be deemed to be a final decision in an adjudicatory proceeding". The public hearing process is designed to permit the flexibility and informality appropriate to the board of health proceeding, while providing the board of health with procedural direction and the authority to create a record and render a decision within a limited time period which is amenable to the procedures and the standards of judicial review applicable under M.G.L. c. 30A, § 14.

(2) Applicability. 310 CMR 16.20, governs the conduct of public hearings by a board of health on a Site Assignment Application following the issuance of a Report by the Department finding that a proposed site is a suitable for a specified type(s) of solid waste facility(ies), as required by M.G.L. c. 111, § 150A.

(3) Public Hearing Definitions. The following words when used in 310 CMR 16.20, shall, except as otherwise required by context, have the following meaning:

Abutting Board of Health means a board of health of a municipality located within 1/2 mile of a boundary of the proposed site.

Applicant means person named in the application as the owner of a property interest in the site and the operator of the proposed facility where the owner has entered into an agreement with an operator at the time the application is filed.

Authorized Representative means individual authorized by a party to represent him in these matters.

Board of Health or (Board) means legally designated health authority of the city, town or other legally constituted governmental unit within the Commonwealth having the usual powers and duties of the board of health of a city or town, or its authorized agent or representative; provided that in any case in which a solid waste management facility extends into the geographic areas of two or more boards of health, said boards may coordinate activities in effecting compliance with 310 CMR 16.00 for the management of solid waste. Unless otherwise explicitly stated, "the board of health" means the board of health of the municipality in which the proposed site is located.

Decision means final decision rendered by the board of health.

Hearing Officer means an individual(s) duly designated by the board of health to conduct the public hearing.

Papers means all written communications filed in the public hearing, including motions and other documents.

Party means the applicant, any abutting board(s) of health and any abutter(s), group of ten citizens or other intervenor duly registered pursuant to 310 CMR 16.20(9)(b).

Person(s) means a private person, firm, or corporation, or any federal, state, or local governmental or other entity which is not an agency.

Subpoena means a document which commands a witness to appear at a given time and give

testimony before a court or an administrative proceeding such as a hearing; and may require the witness to produce before the hearing tribunal any documents, papers, or records in his possession or control.

(4) Representation

(a) Appearance. An individual may appear on his own behalf. A duly authorized officer or employee may represent a corporation; an authorized member may represent a partnership or joint venture; and an authorized trustee may represent a trust. Any Party in the public hearing shall have the right to be accompanied, represented and advised by an authorized representative.

(b) Notice of Appearance. An appearance shall be made in the public hearing by filing a written notice with the board of health or Hearing Officer. Such notice shall contain the names, address and telephone number of the authorized representative.

(5) Time

(a) Timely Filing. Papers required or permitted to be filed under 310 CMR 16.20, or any provision of the applicable law must be filed at the board of health office or such other place as the board shall designate within the time limits for such filing as are set by 310 CMR 16.20 or the Hearing Officer. Papers filed in the following manner shall be deemed to be filed as set forth herein:

1. Hand-Delivery during business hours shall be deemed filed on the day delivered.
2. Hand-Delivery during times other than during regular business hours shall be deemed filed on the next regular business day.
3. Mailing in U.S. Mail shall be deemed filed on the date so postmarked.

All papers shall show the date received by the board and the board shall cooperate in giving date receipts to Persons filing papers by hand-delivery.

(b) Notice of Board of Health Actions. Communications concerning public hearings pursuant to 310 CMR 16.00 from the board or the Hearing Officer shall be presumably deemed received upon the day of hand-delivery or if mailed three days after deposit in the U.S. mail.

(c) Computation of Time. Unless otherwise specifically provided by law or 310 CMR 16.20, computation of any time period referred to in 310 CMR 16.20 shall begin with the first day following the act which initiates the running of the time period. The last day of the time period so computed is to be included unless it is a Saturday, Sunday, or legal holiday or any other day on which the office of the board is closed, in which event the period shall run until the end of the next following business day. When the time period is less than six days, intervening days when the board is closed shall be excluded in the computation.

(d) Extension of Time. It shall be within the discretion of the board or Hearing Officer, for good cause shown, to extend any time limit contained in 310 CMR 16.20. All requests for extension of time shall be made by motion before the expiration of the original or previously extended time period. This discretion shall not apply to any limitation of the time prescribed by the Massachusetts General Laws.

(6) Filings Generally

(a) Title. Papers filed with a board shall state the report number, the title of the proceeding, the name of the Person in whose behalf the filing is made and the name of the applicant.

(b) Signatures. Papers filed with a board shall be signed and dated by the Party on whose behalf the filing is made or by the Party's Authorized Representative. This signature constitutes a certification by the signer that he has read the document, knows the content thereof, and that

such statements are true, that it is not interposed for delay and that if the document has been signed by an Authorized Representative that he has full power and authority to do so.

(c) Form. Size and printing requirements. All Papers, except those submittals and documents which are kept in a larger format during the ordinary course of a Party's business, shall be hand-printed or typewritten on paper 8 to 8 1/2 inches wide, by 11 inches long. Mimeographed, multigraphed, photoduplicated Papers will be accepted as hand-printed or typewritten. All papers shall be clear and legible.

(d) Copies. The original of all Papers shall be filed together with two copies.

(e) Service. Simultaneously with all filings of any and all Papers with the board, the Party filing such Papers shall send a copy thereof to all other Parties to the proceedings, by delivery in hand, or by United States mail, postage prepaid, properly addressed. All papers filed with the board shall be accompanied by a statement signed under the pains and penalty of perjury that copies have been sent, specifying the mode of service date, the Party to whom sent, the Party's address, and address of service. Failure to comply with this rule shall be grounds for refusal by the board to accept Papers for filing.

Any Party may request a waiver of the requirement of 310 CMR 16.20(6)(e). The Hearing Officer may grant the request if significant expense or waste of resources would be avoided and if adequate arrangements can be made for access to the Papers by all persons who would otherwise be entitled to service of a copy.

(7) Initiation of Hearings.

(a) Commencement. The board shall commence a public hearing pursuant to 310 CMR 16.40 within 30 days of receipt of the Department's Report On Suitability (Report).

(b) Public Notice. At least 21 days prior to commencement of the public hearing the board 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.

(c) Form and Content. The 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 where the application may be inspected; the time period for written comment on the application to the board 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 Suitability and the site suitability criteria (310 CMR 16.00) are available for copying and examination along with the application."

(8) Examination of Record Below; Discovery

(a) Availability of the Record. The Report, the application, and all comments received by the Department on the application are public records and shall be made available by the board for inspection and copying by any person during reasonable business hours. The board may charge reasonable copying fees for any of the documents comprising the record below. There shall be no additional discovery.

(b) Prefiled Direct Testimony. The Hearing Officer may, on his/her own motion, order all Parties to file within a reasonable time in advance of the public hearing full written text of the testimony of

their witnesses on direct examination on issues pertinent to site assignment, including all exhibits to be offered into evidence, or on issues specified by the Hearing Officer. Such testimony shall be filed by or before a time specified by the Hearing Officer and shall be available to examination and copying as provided in 310 CMR 16.20(8)(a). The Hearing Officer may also require the filing of written rebuttal testimony within a reasonable time after the filing of the direct testimony described in the preceding sentence. All testimony filed pursuant to this rule shall be subject to the penalties of perjury. All witnesses whose testimony is filed pursuant to this rule shall appear at the hearing on the merits and be available for further examination or cross-examination at the discretion of the Hearing Officer. If a witness is not available for further examination or cross-examination at the hearing on the merits, the written testimony of the witness shall be excluded from the record unless the Parties agree otherwise.

(9) Intervention and Participation.

(a) Intervention. Any Person who with good cause wishes to intervene in a public hearing shall file a written request (petition) for leave to intervene. Persons whom the Hearing Officer determines are specifically and substantively affected by the hearing shall be allowed to intervene. For the purpose of the Public Hearing the following persons shall be considered to be specifically and substantively affected by the hearing and shall be eligible to register as a Party to the hearing:

1. Abutters. Any abutter or group of abutters to the proposed facility shall be a Party to the hearing by timely submission of a Party Registration Statement in accordance with 310 CMR 16.20(9)(b).
2. Ten Citizens Groups. Any group of ten or more persons may Register collectively as a Party to the public hearing in which damage to the environment, as defined in M.G.L. c. 214, § 7A, or public health and safety are or might be at issue; provided, however, that such intervention shall be limited to the issues of impacts to public health, safety and damage to the environment and the elimination or reduction thereof in order that any decision in the public hearing shall include the disposition of such issue.

(b) Registration. The registration of an abutter, group of abutters or ten citizen groups as a Party or the petition of a person to be an intervenor to the public hearing shall be valid only if submitted prior to the commencement of the hearing. The registration statement shall be signed under pains and penalty of perjury and contain the following information:

1. name and address of the registrant(s);
2. proposed party status (abutter, group of abutters, ten citizen group or intervenor);
3. identity of the Authorized Representative, if any;
4. for individuals wishing to register as an abutter a description of the abutting property including its boundaries and current use and a statement that the registrant is the owner of the parcel; and
5. for individuals or groups of individuals petitioning to be an intervenor a statement indicating how they will be substantially and specifically affected by the proposed facility.

If no Authorized Representative is identified in the Registration Statement the first person mentioned in the Statement as a member of the group shall be deemed the Authorized Representative of the group. Said Authorized Representative shall have the sole authority to sign submissions by the group. A group that registers as a Party shall be collectively deemed a Party and shall have the rights of participation of a Party as set forth in 310 CMR 16.20, except as limited by 310 CMR 16.20(9).

(c) Rights of Intervenors. Any person permitted to intervene shall have all rights of, and be subject to, all limitations imposed upon a Party, however, the Hearing Officer may exclude

repetitive or irrelevant material. Every Petition to intervene shall be treated as a petition in the alternative to participate.

(d) Rights of Participants

1. Any person specifically affected by a proceeding shall be permitted to participate. Permission to participate shall be limited to the right to present testimony, to argue orally at the close of the public hearing and to file a brief. Permission to participate, unless otherwise stated, shall not be deemed to constitute an expression that the person allowed to participate is a party in interest who may be aggrieved by any final decision.

2. Participants shall not be required to submit to cross examination except upon the determination of the Hearing Officer that cross examination is necessary in the interest of a full and fair hearing and an adequate record. Such cross examination of participants shall be conducted through the Hearing Officer. Failure of a Participant to submit to cross examination allowed by the Hearing Officer shall be grounds to strike the Participant's statements.

(10) Conduct of Public Hearing.

(a) Public Hearings, Where Held. Hearings shall be held at a public meeting hall, appropriately sized to accommodate all Parties and the number of persons reasonably anticipated to attend in the city or town where the site is located. The public hearing shall continue until it is closed by the Hearing Officer. Arrangements by the board to provide a place for such public meeting shall anticipate that the public hearing may extend for several days.

(b) General. Hearings shall be as informal as may be reasonable and appropriate under the circumstances. The applicant shall be the party to first proceed to introduce evidence and testimony except as ordered by the Hearing Officer.

(c) Decorum. All Parties, Authorized Representatives, witnesses and other persons present at the public hearing shall conduct themselves in a manner so as not to obstruct or delay the orderly presentation of evidence and issues. Where such decorum is not observed, the Hearing Officer may take appropriate action.

(d) Hearing Officer. The Hearing Officer shall define issues, receive and consider relevant and reliable evidence and exclude irrelevant evidence, ensure an orderly presentation of the evidence and issues, and aid the board in reaching a decision based on the evidence presented at the hearing and in accordance with the standards set forth in M.G.L. c. 111, § 150A.

(e) Rights of Parties. All Parties shall have the right to present evidence, cross-examine, make objections and make oral arguments. Cross-examination shall occur immediately after any witness' testimony has been received. Whenever appropriate, the Hearing Officer may permit redirect and recross.

(f) Evidence and Testimony

1. A witness' testimony shall be under oath or affirmation.

2. All evidence and testimony, materials and legal rules on which a decision is to be based must be entered into the Record of the public hearing, unless excluded pursuant to 310 CMR 16.20(8)(b), or (10)(f)3.

3. Witnesses giving testimony shall be available for such further examination or cross examination as is determined to be appropriate by the Hearing Officer. Failure of a witness to be so available may be grounds to strike any other testimony given by such witness from the record at the sole discretion of the Hearing Officer. The Hearing Officer may limit or exclude unduly repetitious or irrelevant evidence. The Report and the Department Record shall not constitute testimony for the purposes of 310 CMR 16.20

4. All documents and other evidence offered in evidence shall be open to examination by the Parties.

5. All evidence including any records, investigative reports, documents and stipulations which are to be relied upon in making a decision must be offered and made a part of the Record. Documentary evidence may be in the form of copies or excerpts, or by incorporation by reference.

(g) Administrative Notice. The Hearing Officer or the board of health may take notice of any fact which may be judicially noticed by the courts, and in addition may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed. The board may utilize their experience, technical competence and specialized knowledge in the evaluation of the evidence presented to them.

(h) Subpoenas. No subpoenas may be issued or enforced requiring the attendance and testimony of a witness or the production of documents at the public hearing.

(i) Transcript of Proceedings. Testimony and argument at the hearing shall be either recorded electronically or stenographically. Transcripts of the proceedings shall be supplied to any Party, upon request, at his own expense. Any Party, upon motion, may order a stenographer to transcribe the proceedings, at his own expense. In such event, a stenographic record shall be provided to the board or Hearing Officer at no expense to the board, and upon such other terms as the board or Hearing Officer shall order.

(j) Contents of Record. The record of the proceedings shall include the Department's Report On Suitability and accompanying Record, the Department of Public Health report, if any, and shall in addition, consist of the following items appropriate to the hearing: pleadings, prehearing conference memoranda, magnetic tapes, orders, briefs, and memoranda, transcripts, exhibits and other papers or documents which the Hearing Officer has specifically designated be made part of the record.

(k) Decision.

1. Time of Decision. The board shall render its decision within 45 days of the initial date of the public hearing.

2. Standard of Decision. A board shall determine that a site is suitable for assignment as a site for a new or expanded solid waste facility unless it makes a finding, supported by the record of the hearing, that the siting thereof would constitute a danger to the public health, safety or environment, based on the siting criteria set forth and established under 310 CMR 16.40.

3. Tentative Decisions. Tentative decisions shall not be issued as a matter of routine, but shall be issued only if a Party requests a tentative decision either in writing or orally on the record, prior to the close of the hearing on the merits; or if the board determines that a tentative decision should be issued in the interest of justice. Every tentative decision shall be in writing and shall be signed by a majority of those officials of the board who rendered the decision. Every tentative decision shall contain a statement of the reasons therefor, including a determination of fact pertaining to each of the site suitability criteria listed in 310 CMR 16.40 or law necessary to the decision. If the majority of the board who must sign the final decision have personally heard or read the evidence, the board shall not be required to comply with a request to issue a tentative decision.

4. Final Decision. Every final decision shall be in writing and shall be signed by a majority of those officials of the board who rendered the decision. Every final decision shall contain a statement of the reasons therefore, including a determination of fact pertaining to each of the site suitability criteria listed in 310 CMR 16.40 or law necessary to the decision, provided that if

a final decision was preceded by a tentative decision, the final decisions may incorporate by reference those determinations set forth in the tentative decision, subject to such modifications and discussion as the Hearing Officer or board may deem appropriate to respond to timely filed opposing and concurring views with the tentative decision.

(11) Selection and Qualification of Hearing Officer

(a) The Hearing Officer shall be selected by majority vote of the board of health.

(b) The person selected to be the Hearing Officer shall be impartial and have the requisite qualifications to properly perform the duties and responsibilities of a Hearing Officer. Except as agreed to by the parties and a majority of the board of health, no person shall be a Hearing Officer who:

1. is related to any board member, abutting board of health member, party, abutter, or applicant;
2. is a current or former employee or agent of the applicant or of the municipality where the proposed site is located or a municipality of an abutting board of health prior to selection as Hearing Officer. Notwithstanding the aforesaid, a person who has previously served as a Hearing Officer is not excluded from subsequent service as a Hearing Officer;
3. has a personal financial interest or at the time of selection or at any time during the proceedings be employed by any person having a financial interest in the board's decision on site suitability; or
4. does not have experience by training or practice in conducting administrative or judicial proceeding's.

(c) Duties. The Hearing Officer's duties shall include:

1. opening and closing the hearing;
2. establishing the order of the proceedings;
3. ensuring that only reliable and relevant testimony is introduced;
4. assisting all those giving testimony to make a full and free statement of the facts in order to bring all information necessary to determine whether a site is suitable or not suitable;
5. ensuring that all Parties have an opportunity to present their claims orally or in writing and to present witnesses and evidence relevant to the suitability or non-suitability of the site;
6. ensuring that participants have an opportunity to present evidence, whether orally or in writing, relevant to the suitability or non-suitability of a site;
7. introducing into the record any regulations, statutes, memoranda or other materials he believes relevant to the issues at the proceeding;
8. receiving, ruling on, limiting or excluding evidence pursuant to 310 CMR 16.20(10)(f); and
9. establishing a date and time following the close of hearing until which time written evidence will be received, considered and made part of the record.

Where procedural issues arise regarding the conduct of the hearing which are not governed by 310 CMR 16.20 the Hearing Officer may rely on 801 CMR 1.00: *Standard Adjudicatory Rules of Practice and Procedure*, to resolve such issues.

(d) Powers. The Hearing Officer's powers shall include the authority to:

1. request a statement of the issue or issues and define the relevant issues;
2. regulate the presentation of the evidence and the participation of the Parties or their representatives, or the participation of other Persons, for the purpose of ensuring an adequate and comprehensible record of the proceedings. To this end the Hearing Officer may conduct his own examination of witnesses, may require that all examination or cross examination of witnesses be directed through the Hearing Officer, through some other person, or by any other means or method of examination or cross examination of witnesses as he determines is appropriate to ensure full examination of the issues; and
3. regulate the presentation of the evidence and the participation of the Parties or their representative or the participation of other Persons for the purpose of ensuring that the public hearing is concluded in a timely manner to allow the board to render a written decision within 45 days of the commencement date of the public hearing. To this end the Hearing Officer shall impose such time restrictions and limitations on oral presentations as he deems appropriate.

(12) Imposition of Conditions The board may include in any decision to grant a site assignment such limitations with respect to the extent, character and nature of the facility or expansion thereof, as may be necessary to ensure that the facility or expansion thereof will not present a threat to the public health, safety or the environment.

(13) Notice of Decision.

(a) Incorporation into the Record. Upon its issuance, the decision shall be incorporated into the Record and made available for inspection and copying as set forth in 310 CMR 16.20(8)(a).

(b) Time of Notice. Within seven days of issuance of its decision the board shall publish notice of its decision in the same manner as set forth in 310 CMR 16.20(7)(b).

(c) Content of Notice. The nature of decision shall identify the applicant, briefly describe the proposed facility, including its location, and set forth the board determination. The notice shall include the following provision: "Any person aggrieved by the decision of the board of health may, within 30 days of publication of this Notice of Decision appeal under the provisions of M.G.L. c. 30A, § 14."

Mass. Regs. Code tit. 310, § 16.20, 310 MA ADC 16.20

Current through August 19, 2011, Register #1189
END OF DOCUMENT