



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN JR.
Secretary

TIMOTHY P. MURRAY
Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

September 21, 2012

Dean J. Mazzearella, Mayor
City of Leominster
City Hall
25 West Street
Leominster, MA 01543

Dear Mayor Mazzearella:

The Department of Environmental Protection's records indicate that your municipality received a grant between July 1, 1990 and June 30, 1998 that covered some costs associated with capping and closing your municipal landfill. The statute that established this program and the Department's implementing regulation required grant recipients to record a restriction on the deed for the property on which the landfill is located to limit future use of the property to active or passive recreation before the grant was awarded [Chapter 723, section 9H of the Acts of 1983, amended by Chapter 233, section 9V of the Acts of 1984; 310 CMR 37.08(b)].

I am writing to inform you that, in support of the Patrick Administration's efforts to promote the development of renewable energy facilities at closed landfills and other appropriate sites, the Legislature has amended the statute that established the landfill capping grant program to allow the development of renewable energy generation facilities as a post-closure use at landfills which received a landfill capping grant. The amendment was included in Section 34 of the Energy Bill (Senate Bill No. 2395, An Act Relative to Competitively Priced Electricity in the Commonwealth) that Governor Patrick signed into law on August 3, 2012.

If your municipality is planning to develop a renewable energy facility at the closed landfill for which a capping grant was provided, the deed restriction for this property must be revised to allow this new use. This can be accomplished by adding a sentence that states: "Notwithstanding the foregoing, all or a portion of said Premises may also be dedicated to the generation of renewable energy".

As part of our Clean Energy Results Program (which MassDEP is sponsoring jointly with the Massachusetts Department of Energy Resources), we have established a goal to develop at least 50 MW of generation capacity at closed landfills. We are well on our way to achieving this: renewable energy

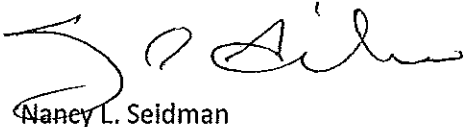
This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868
MassDEP Website: www.mass.gov/dep

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facilities are already producing a total of almost 10 MW of clean power at closed landfills in Hull, Kingston, Easthampton, Greenfield and Canton, and MassDEP has issued Post-Closure Use Permits that will allow construction of another 40 MW of solar or wind power at 22 additional closed landfills.

Please consider joining your colleagues in Hull, Easthampton, Greenfield, Kingston, and Canton in putting your closed landfill back into productive use for clean and renewable power, which will benefit your town and our environment. For information about developing these projects, please see MassDEP's web site: <http://www.mass.gov/dep/energy/landfill.htm>. If you have any questions about developing renewable energy at your town's closed landfill, please contact Sarah Weinstein in MassDEP's Bureau of Waste Prevention (email: sarah.weinstein@state.ma.us, telephone: 617/574-6862).

Sincerely,



Nancy L. Seidman
Assistant Commissioner
MassDEP Bureau of Waste Prevention

CC: Jim McQuade, MassDEP Solid Waste Section Chief, Central Regional Office
Kelly Brown, DOER Green Communities Coordinator, Central Regional Office
Catherine Finneran, MassDEP Clean Energy Results Program