

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

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Governor

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Secretary

Martin Suuberg  
Commissioner

### VIA EMAIL

November 16, 2021

The Honorable Jeffrey Turco  
Massachusetts House of Representatives  
State House  
Boston, MA 02133

Dear Representative Turco:

Thank you for taking the time to discuss the WinWaste Solutions (formerly Wheelabrator) ash landfill in Saugus. I appreciate hearing directly from you and your constituents about your concerns related to the landfill. As requested, the following represents MassDEP's position on any potential future expansion of the ash landfill, as that term is defined in the Solid Waste Management Regulations (310 CMR 16.00 and 310 CMR 19.00 or Regulations).

On April 9, 2018, MassDEP issued a solid waste major modification permit to WinWaste allowing a reduction in the final gradient of the landfill to allow additional disposal capacity while keeping the peak elevation of the landfill at 50 feet above mean sea level established in previous enforceable documents. At that time, during conversations with the operators and community members, MassDEP was clear that additional vertical expansion was beyond the limits of the site assignment. Any future proposals for expansion would require a modification to the facility's site assignment and approval from MassDEP and the Saugus Board of Health. As the landfill is located within an Area of Critical Environmental Concern (ACEC), an expansion of the landfill (including vertical expansion) would need to meet the site suitability criteria in the Regulations with respect to the site assignment.

While an applicant is free to propose a site assignment modification, and MassDEP will review information submitted, based upon the information presently before MassDEP, the facility fails to meet the necessary site suitability criteria to allow for expansion within the ACEC and therefore would not receive a positive site suitability determination. Without a positive site suitability determination from MassDEP, a proposal to amend the facility's site assignment to allow for vertical expansion would not advance to the Saugus Board of Health for consideration.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

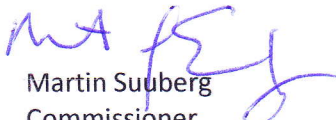
TTY# MassRelay Service 1-800-439-2370

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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I hope this information is responsive to your questions and concerns. If you have any additional questions or would like to discuss this matter further please let me know.

Sincerely,

  
Martin Suuberg  
Commissioner

Cc: Eric Worrall, MassDEP  
James Connolly, WinWaste  
John Fralick, Saugus Board of Health