

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
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Lieutenant Governor

KENNETH L. KIMMELL
Commissioner

December 20, 2012

Richard A. Nylan, Jr., Esq.
10 Post Office Square
Suite 970N
Boston, MA 01209

**RE: Proposed Capping of the Phase B Area of the Attleboro Landfill, Inc. (ALI)
By End Cap Technology, LLC**

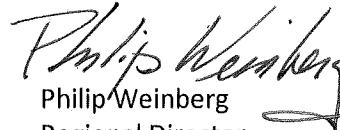
Dear Attorney Nylan,

The Department of Environmental Protection, Southeast Regional Office ("the Department"), is in receipt of your letter dated December 11, 2012, requesting that the Department immediately suspend review of the End Cap Technology, LLC, ("End Cap"), proposal to close Phase B of the Attleboro Landfill owned by Attleboro Landfill, Inc. ("ALI"). As your letter acknowledges, the Department issued a Unilateral Administrative Order and Penalty Assessment Notice to Attleboro Landfill, Inc. and Albert Dumont in 2005 requiring closure of Phase B. Over the last several years, ALI and End Cap have jointly discussed landfill closure proposals with the affected communities and agreed to enter into an Administrative Consent Order with the Department that would govern closure and post closure regulatory requirements.

The Department is hereby discontinuing its review of End Cap's proposal presented to the public at the August 14, 2012, public meeting. This action includes the Department's evaluation of End Cap's response to the extensive public comments received following the public meeting. The Department received written comments from over 90 residents and local officials, citing a variety of public safety and welfare and environmental concerns with the proposal. Please be advised that should Albert Dumont and/or End Cap request future review of the proposal to cap Phase B of the ALI landfill, the Department will consider the request and conduct its review in light of this public input and current conditions at the site, which may require that a revised proposal be submitted. A revised proposal would trigger further involvement by the affected communities. The Department requests that before a request to lift the suspension or a revised proposal is filed, you contact the Department.

Should you have questions concerning this matter, please contact me at 508-946-2712.

Sincerely,


Philip Weinberg
Regional Director

PW/lm

CC: Michelle N. O'Brien, Esq.
Mackie Shea O'Brien, P.C.
420 Boylston Street – Suite 504
Boston, MA 02116