

## **APPENDIX H**

### **Post-Cap, 24/7 Landfill Monitoring Protocol**

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### POST-CAP, 24/7 LANDFILL MONITORING PROTOCOL

This post-cap, twenty-four hour a day, seven day a week Landfill monitoring plan ("Post-Cap, 24/7 Landfill Monitoring Protocol") is attached as Appendix H and incorporated by reference into the settlement agreement between the Commonwealth of Massachusetts and New Ventures Associates, LLC ("New Ventures") executed on April 30, 2009 ("Settlement Agreement") and filed in conjunction with the final judgment in *Commonwealth of Massachusetts v. New Ventures Associates, LLC*, Suffolk Superior Court, Civil Action No. 06-0790 C ("Final Judgment"). This Post-Cap, 24/7 Landfill Monitoring Protocol specifies the inspection, monitoring, and reporting requirements to be initiated and maintained beginning thirty (30) days after the final FML cap and gas control system have been installed for the entire Landfill if New Ventures meets all requirements in paragraph 16 of the Settlement Agreement.

Upon meeting all requirements and conditions of paragraph 16 of the Settlement Agreement, the twenty-four (24) hour a day, seven (7) day a week Landfill staffing required by paragraph 12(j) of the Settlement Agreement shall no longer be required, provided, however, that an Inspector trained and certified by the Engineer of Record in accordance with the requirements of paragraph 12(j) of the Settlement Agreement and Appendix I, Landfill Inspection and Record Keeping Protocol, shall visit the Landfill Site once per day, seven days a week, to perform all daily and other monitoring, inspection, and reporting required by the Settlement Agreement, and all applicable Appendices thereto, except that, the flow rate and inlet/outlet H<sub>2</sub>S concentration monitoring of the pre-treatment vessels required by Section E.3.g of Appendix I and the Perimeter Ambient Air Survey monitoring required by Section F.3 of Appendix I shall be performed and taken a twice day, with a minimum of eight (8) hours between the two rounds of sampling or monitoring.

In addition, the auto-dialing system connected to the enclosed flare shall be programmed and maintained to automatically telephone (a) New Ventures, (b) the Department, and (c) the City Newburyport Department of Health upon any shut-down or malfunction of the enclosed flare system.