

**Summary of Comments from Lexington Committees and Boards on
Draft Request for Proposals for Permitting, Design, Construction, Operation and
Ownership of a Source Separated Organic Waste Facility dated May 2012
September 11, 2013**

Comments from Board of Health Received September 19, 2012 (Comments Received During Executive Session)		
Question/Comment	RFP Section	Response
Concern about allowance for “Demonstration Projects” in MassDEP regulations. When does a facility becomes full-scale? Starting with small amounts of waste and increasing? Clearly lay out expectations and requirements. Board of Health responsible for project even if a Demonstration Project.	Entire Document	Added sentence to Section 1 that specifically states that Town will not accept a “Demonstration Project”
Draft RFP states that Board of Health and Agents have right to perform inspections. Need to state what actions the Board can take to deal with enforcement	Section 5.2.1	Added sentence to end of this section and others that BOH and agents may take enforcement actions
Should the Board of Health be listed as a permitting authority other than with the site assignment?	Section 5.2.1	Add sentence stating that there are other potential regulatory roles of the BOH
Under section on odors, mention that the Board of Health has authority to take enforcement action	Section 5.10	Added sentence at end of Section 5.10
Under other impact sections (dust, noise, vectors), mention that the Board of Health has authority to take enforcement action	Sections 5.11 through 5.14	Added sentence at end of each section that states BOH authority
In the section about environmental control plans, mention that the Board of Health has authority to inspect and take enforcement action		
Regulations for anaerobic digestion facilities are not available at this time	General - primarily in Section 5	MassDEP Regulations are finalized – revisions made throughout RFP
Hartwell Avenue site one of eight demonstration projects identified by MassDEP. RFP written for a full-scale facility and will have unintended and negative consequences	General	In Section 1 added language that project is not Demonstration Project. Uncertain about identification by MassDEP?
Non-technical issues such as the AUL discussion in the RFP fall short of a process that truly engages the Board of Health	General	Board of Health has adequate oversight through site assignment process. AUL is regulated by MassDEP. No change made.
Concern about public participation and engagement of residents	General	Town to implement public participation program. No change made.

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Does RFP mean that amending the site assignment reverts back to the Board of Health irrespective of MassDEP regulation changes?	Section 5.2.1	Yes
For the AUL, as written the text guarantees the Board of Health will agree with assumed language. Not to be assumed (Site Assignment Reference?)	Section 5.2.5	AUL revisions not reviewed by BOH. No change made.
Proposed tonnage (250 tons per day and 50,000 tons per year) is too vague and leaves itself open to multiple interpretations.	General	Limits are proposed maximums. Final specific limits to be proposed by Contractor and approved by regulatory agencies/boards. No change made.
Original specification was for 160 tons per day and is not 250 – what changed?	General	See response above. No change made.
What is rationale for exclusion of non-putrescible wastes?	Section 2.3	Made revisions to section to change definitions. Prior use of “putrescible” mirrored draft MassDEP regulations and was removed from their final version.
Good that residents can participate in the collection	Section 6.4	No change made.
What is rationale for not allowing the Town to participate or have responsibility for landfill gas monitoring activities?	Section 5.2.5	Town would continue with landfill monitoring responsibilities as presented in draft RFP. Added sentence to last paragraph of section to clarify responsibilities.
Many differences between 10 and 250 tons per day. A clear description is necessary	Section 4.2.1	Using too high ton per day design facility as an evaluation criteria will severely limit available engineers. No change made.
For the Construction Member – should be required to have professional engineer stamp in environmental and/or sanitary engineering. Also Board Certification in same. Have appropriate college degree with specialization in Solid Waste Facility design.	Section 4.2.2	Removed requirement for contractor team member being specified.

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There is no such thing as a Massachusetts general license. Work must be done under direct supervision of a qualified design professional.	Section 4.2.2	Changed language to having appropriate license for work being completed.
Definition of “finished materials”?	Uncertain?	No change made.
References to 10 tons per day – what is justification for such a low threshold when the permit is for orders of magnitude greater capacity?	Section 4.2.1	Using too high ton per day design facility will severely limit available engineers. No change made.
In addition to presenting project to Board of Health, the contractor must be responsive to comments from the public and the Board of Health and must correct concerns that are raised.	General	Contractor has to obtain permits – must be responsive. Added sentence to initial section of Section 5 to be responsive to all regulatory agencies
A copy of the O&M Plan should be reviewed by the Board of Health prior to acceptance of a proposal	Section 6.3	Added a paragraph at end of section that Town may ask for comments on O&M and related plans during review of proposals.
Town should be given the right to order correction (s) to be completed within a specified timeframe	General	Incorporate into contract documents. No change made to RFP.
Town should confer with MassDEP prior to issuing any corrective orders.	General	Incorporate into contract documents. No change made to RFP.
Odor control limits should be set (criteria) based on odor thresholds prior to operation	Section 5.10	Section establishes acceptable odor thresholds.
A Professional Engineer’s stamp should be included on all sheets and drawings	Section 5.1	Generally requirement for permits and building approvals. Added sentence to section 5.1
These are new technologies – capacities need to be built up and developed to fully understand any health concerns	General	AD facilities have been successfully implemented for wastewater biosolids in US and for SSO in Europe. Adequate information exists to determine potential impacts. No change made.
Need “right” controls to succeed	General	Multi-step process outlined in RFP where respondents provide detailed plans for environmental controls followed by detailed design and permitting documents will identify appropriate controls. No change made.

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Understand what proposed project is about – MassDEP solid waste goals, appropriate type of facility, material types, demonstration projects, regional facility?	General	Intent is for development of public presentation to present these items to public for comment.
Define types of materials and technologies that are appropriate for Hartwell Avenue site – issue with food waste “contamination” in San Francisco	Sections 2.3 & 5.7	Added requirement for a “toxics plan” as part of proposals submitted. Added section 2.3.1 to acceptable materials section to discuss general requirements.
In CDM Smith’s evaluation report, discussed wet or dry anaerobic digestion facility with “covered aerated static pile” composting with minimal residual wastes. Alternative 1 in RFP does not comply with the original report.	General	Town elected to have two alternatives – one that does not include composting. No change made.
RFP lacking in specifics on the control of source separated organic wastes at generator location – inspection and standards for nature of material at source. Concern about proposed facility becoming a “waste processing facility.”	General	Added language to further specify source controls as well as limit residuals to five percent of incoming materials to avoid receiving too much solid waste.
Concern about appropriateness of Hartwell Avenue site to handle specific waste streams and levels of contamination in the incoming streams. Need very specific guidelines for bidders to know what materials would be acceptable.	Section 2.3 and others	Provided specific language in section 2 about incoming waste streams, contamination issues and long-term viable uses. Bidders will be familiar with potential re-use for products and the appropriate regulatory requirements.
State that the facility must generate marketable products with minimal waste – difference between alternative 1 and 2.	Section 2.3	Added sentence to section requiring materials to be marketable. Also added sentence limiting accumulation of final end products.
New MassDEP regulations need to be finalized prior to issuing final RFP	General	Regulations have been finalized and changes have been made to RFP
Need for local oversight of facility – who in Town is responsible?	General	Each board responsible for their own responsibilities and to enforce their own approvals and regulations. No specific changes made.

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Question/Comment	RFP Section	Response
For any site assignment hearing in front of the Board of Health, the evaluation criteria need to be defined.	Section 5.2.1	The landfill site has an existing site assignment that will have to be modified. Process for modification includes the identification of the specific regulatory criteria that will have to be addressed. No change made.
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Will contractor selected by RFP be required to obtain a new site assignment?	Section 5.2.1	Contractor will be required to obtain a modification to the existing site assignment. No change made.
What will be the sources of waste that are delivered to this facility? What are its characteristics and how will it be monitored?	Section 2.3	Added requirements for monitoring toxics and residuals to be received. Added requirement for submission of a plan to demonstrate procedures to limit issues with incoming materials.
Desire to retain local oversight with ability for enforcement and correction of issues such as odor and noise. Need a specific process for that.	General	Town boards and commissions retain local oversight and enforcement of their regulations and approvals. No change made.
How does the Board of Health avoid nuisance complaints under town by-laws when the facility is operating?	General	Town boards have ability to conduct enforcement on any nuisance issues based on their regulations and any approvals issued.
Need community acceptance of facility.	General	Policy
In the RFP evaluation criteria, need element to measure approach that best minimizes health risks. Establish weighting criteria for different risks?	Section 6	Town will receive a series of plans that document the Contractors' approach to mitigating risks (O&M, nuisance conditions, toxics). Review of these plans will be part of the process of selecting the Contractor and will be part of the weighing of the proposed criteria. No change made.

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**Summary of Comments from Lexington Committees and Boards on
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Comments from Conservation Commission Received July 10, 2012 (Comments Received During Executive Session)		
Question/Comment	RFP Section	Response
RFP needs to clearly define how respondents will address stormwater controls, any liquid waste, spill control, use of liquid fuels and oils, etc...	Sections 5.2.3 and 6.3	Add specific language to O&M plan requirements on stormwater, etc.. Added language that no liquid fuels can be stored at Facility.
Need to establish standards and procedures for noise controls	Section 5.13	Need to add into existing language. Noted with comment.
Lighting of the facility needs to be controlled so as not to impact adjacent wetland resource areas	General	Trucks and Facility will need to comply with MassDEP and federal emission regulations as specified in the RFP. No change made.
Air quality impacts need to be addressed – both from the facility and trucks delivering and removing waste and finished materials	General	Odor related impacts are addressed throughout document. Added sentence to section 5.7 to specifically address this.
Some concern about the split of the AD facility and the composting operations – segmenting the permitting of the project	General	Respondents are required to permit either Alternative One or Two. If Alternative One is selected, the Town will likely continue with the on-site leaf and yard waste composting operation (see section 1). No change made.
Insure that the vendors site layout provides adequate room for the queuing of vehicles for the regional HHW facility	Section 2	RFP makes Respondents aware of coordination with current site uses. Added section 2.2.3 to RFP to outline requirements for Contractor to coordinate.
Will the repaired culvert at the entrance be adequate for the anticipated trucks – would it need to be widened? If so, does this have wetland impacts?	General	Upgraded culvert designed to be adequate for anticipated truck traffic. No change made to RFP.
Would the need to tie into utilities (electricity, water and sewer) require wetland crossings?	General	To be determined by respondent who will be responsible for any permits/approvals. No change made.
Need to clearly define odor standards – quantity and quality with specific standards that have to be achieved	Section 5.10	Section is detailed – review monitoring requirements
Potential to allow for a smaller scale pilot project at start	General	RFP allows for some phasing but want to start with largest financially viable facility.

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Comments from Conservation Commission Received July 10, 2012 (Comments Received During Executive Session)		
Question/Comment	RFP Section	Response
Establish fail-safe mechanisms in case there is a significant problem	General	Lease Agreement that will be developed and incorporated into final RFP will have specific legal controls for the operations. RFP will be revised to coordinate with agreement as needed.
Truck access issues – need to evaluate alternative routes and times for deliveries, etc...	Section 5.6	Will be addressed as part of the re-zoning and Board of Health processes.
What is the value of the project to the Town?	General	Unknown until proposals received
Can Lexington schools provide some of the source separated organic wastes to the facility?	General – Section 6	May be proposed by the respondents as an added benefit
Are animal wastes going to be allowed in the facility?	Section 2.3	Revised definitions to match MassDEP’s new regulations. No animal manure allowed and restriction on other animal sources (subject to town approval).
Provide a list of places where the finished compost can be used	General	Will be determined when facility is operational

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Comments from Planning Board Received June 20, 2012 (Comments Received During Executive Session)		
Question/Comment	RFP Section	Response
Concern about using the CD process or as a specific overlay in the CM process. The overlay process would not allow the development of AD facilities in other CM sites.	Section 5.2.2	Policy
Need to solicit public input about the appropriate zoning process and whether to obtain it prior to issuing the RFP	Section 5.2.2	Policy
Question about whether to complete the re-zoning process before issuing the RFP so that potential respondents have more certainty about these requirements. Would provide better proposals with significantly lower risk. Concern was also stated that without detailed technical information on the proposed facility, it will be difficult to obtain approval of a zoning revision.	Section 5.2.2	Policy – Current plan is to revise zoning prior to issuing RFP?
Need to set priorities for project – financial gain, development of “green” energy project, etc... Priorities need to be established prior to making zoning change proposal to Town Meeting.	General	Policy
CD re-zoning will take approximately 9 months to complete. Would have to start in July 2012 to be ready for 2013 Annual Town Meeting.	Section 5.2.2	Incorporate final requirements into RFP
In any case, need to provide respondents with some level of certainty regarding re-zoning process to insure reasonable proposals.	General	Agreed. No change made.
Is the proposed AD facility the highest and best use of the Hartwell Avenue landfill site?	General	Policy
Request for more investigation of potential uses including development of a master plan that evaluates alternative uses (e.g. why would an AD facility be “better” than a solar photovoltaic array)	General	Policy
Any master planning process needs to include discussion of municipal and other commercial uses	General	Policy

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Comments from Capital Budget Committee – (Comments Received During Executive Session)		
Question/Comment	RFP Section	Response
Noted several grammatical corrections	Throughout document	Revise and review document (need to do final check after changes agreed to)
Concern about minimum qualifications criterion for team members being unable to be met	Section 4.2	CDM Smith reviewed minimum requirements in detail and feel that there are several engineers and contractors that can meet them. If during procurement process, comments are received from vendors, qualification requirements can be changed.
Can individual team members be on multiple teams submitting proposals	Section 4	Policy issue – current RFP does not allow a member to team with multiple teams.
Limit traffic to daytime hours and role of Planning Board in discussions	Section 5.6	RFP requires zoning change that will address traffic issues.
Possibly allow truck deliveries during nighttime – may be preferable due to traffic on Hartwell Avenue	Section 5.6	Preliminary discussions indicate that off-hour deliveries may be desirable to limit impacts on Hartwell Avenue during rush hour.
Order of local approvals – zoning, Board of Health, etc... – to be completed by Town prior to issuance or by selected vendor?	Section 5.2	Policy
How will vendor deal with potential landfill gas hazard in buildings and structures?	Section 5.3	Added language to section 5.3.
How will vendor address current landfill closure under Massachusetts Contingency Plan (MCP) including responsibility for removal of any excavated waste required for construction?	Section 5.2.5	Augmented existing language at end of section 5.2.5 to state how excavated materials will be handled (either off-site disposal or on-site with town's permission) and limits on the receipt of soils during construction.
Impacts of proposed use as AD facility on existing police firing range including expansion of range into a regional facility	Section 5	Provided outline of existing DPW and other town uses and require coordination with them.
Overall site planning for new facility and impact on other public works uses now and into the future (up to 20 year window) – develop a checklist	Section 5.1	Leasing of property will limit available area for other uses. Town will need to modify existing operations to limit material storage, etc.. in future
Review lessons learned from development of these facilities on agricultural sites, particularly related to protections that need to be put in-place.	Section 5 – general	There are a significant number of AD facilities that handle wastewater biosolids. Controls related to them have been incorporated and augmented throughout revised draft.

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Submitting vendors need to provide information on the risks as well as analysis on how they will be addressed. (May be addressed better in contract documents)	Section 6.3	Addressed throughout RFP. Contract document will include additional information.
Potential for issuing a Request for Information (RFI) first to gauge interest and concerns, then the RFP	General	RFI process not allowed under Massachusetts procurement laws
Concern about change in law provisions and responsibility for them (NESWC reference)	General	Incorporate into contract document
Need to insure ability to choose the best technology for the long-term	6.3	Added discussion of technology into evaluation process
Is there an ability to negotiate with the preferred vendor with the highest rank proposal?	General	Procurement regulations allow negotiations. RFP developed to allow for negotiations with highest ranking proposer
What will be presented to Town Meeting for approval? Will it include the draft or final lease document?	General	Presentation to Town Meeting will include draft or final lease?
Is there an adequate market to support this facility? Will it be financially viable? Should the vendor supply signed contracts with suppliers?	General	Unknown until results of RFP process received
What will be the revenues to the Town?	General	Unknown until results of RFP process received
Need to incorporate electricity into the facility – not adequate to have just composting type operations	General	Electricity generation will be part of this project since both Alternatives require the anaerobic digestion facility.
What are the personnel impacts to public works? What level of staffing would remain on-site?	General	Policy
Could the Town compost on another site?	General	Town does not have a location with adequate space for composting
How many respondents are expected?	General	Unknown until results of RFP process received
Are there any supplemental impacts to Town departments (e.g. fire department)?	General	Policy
Need to touch base with Hanscom AFB during process and remain good neighbors	Section 5.2.4	Will contact FAA – Town can contact Hanscom

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Is the landfill road including the newly replaced culvert capable of handling anticipated truck traffic?	General	Culvert has been designed for anticipated truck loadings
How will traffic requirements be enforced?	Section 5.6	Town will be required to enforce traffic requirements
What will the impact of the proposed facility be on other development along Hartwell Avenue?	General	Policy
Need to have strong guarantee that the facility will be dismantled at termination of lease agreement.	General	Incorporate conditions into draft lease agreement
Will the Federal Aviation Administration (FAA) have a control on the overall facility height and what will that be?	Section 5.2.4	Add language on FAA determination to this section and append determination

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