

BOURNE BOARD OF HEALTH

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In the Matter of:)	
TOWN OF BOURNE)	Public Hearing on Application for Major
INTEGRATED SOLID WASTE)	Modification of Site Assignment
MANAGEMENT FACILITY)	Application No. 21-SW38-0001-APP
_____)	

RULING ON TEN CITIZEN GROUP
REQUEST TO INTERVENE

By email dated January 26, 2022 from Lisa L. Gianelly, Esq., Senior Fellow at the Conservation Law Foundation, thirteen individuals filed Party Registration Statements as a Ten Citizen Group. Based upon a review of the Registrations, the MassDEP Site Assignment Regulations at 310 CMR 16.20(9), and input by Counsel for the Applicant, Counsel for the Board, and Lisa L. Gianelly for the Ten Citizen Group, I find and rule as follows:

On the written request for leave to intervene as a Ten Citizen Group, I conditionally grant the request to intervene as follows:

- (1) Although the written request to intervene is not styled as a pleading, it does correct refer to 310 CMR (20)(9)(a)(2) and (b) governing Ten Citizen Group Registrations. The email forwarding thirteen individual statements does not directly reference the “collective” registration as a Party. The Ten Citizen Group should have submitted one registration statement with the information. However, the intent to be a “collective” Ten Citizen Group is evident and the failure to file one registration statement is not fatal.
- (2) The Registration Statement from Sarah Goodwin was not signed. The typed name is not an electronic signature. This can be cured. However, if it is not

signed, the Ten Citizen Group will still have the requisite number of individuals to be a Ten Citizen Group.

- (3) The Registration Statements improperly identify CLF as the Authorized Representative. Pursuant to 310 CMR 16(20)(3), the Authorized Representative must be an “individual.” This defect can be remedied if an individual is designated; for example, Lisa Gianelly, Esq. who filed the Registrations, or a member of the Group first identified. 310 CMR 16.20(9)(b).
- (4) The Ten Citizen Group shall file its written Prefiled Direct Testimony on February 9, 2022. CLF on behalf of the Ten Citizen Group has expressed a concern about submitting its direct case without reviewing the Review Engineer’s Report, which will be filed on February 9, 2022. That concern is misplaced. The Ten Citizen Group will have adequate time to review the Applicant’s Prefiled Direct Testimony to meet the February 9, 2022 submission deadline. The Ten Citizen Group should have adequate time from February 9, 2022 to submit testimony on the Review Engineer’s Report before the February 16, 2022 continued hearing. This same deadline applies to the Applicant.
The Board and parties can discuss at the February 2, 2022 public hearing reasonable alternatives to complete the evidentiary proceeding that will allow the Board sufficient time to deliberate and issue a Decision by March 21, 2022.
- (5) The Ten Citizen Group is reminded that its Prefiled Written Testimony “shall be limited to the issues of impacts to public health, safety and damage to the environment and the elimination or reduction thereof.” Such Testimony shall be

limited to probative evidence using the siting criteria at 310 CMR 16.40 to address those issues.

So Ruled,



John F. Shea, Esquire
Hearing Officer

Dated: February 2, 2022

SERVICE LIST
(Via E-Mail)

Michelle N. O'Brien, Esq., Counsel for the Applicant
Steven Torres, Esq., Counsel to the Board
Terri Guarino, Health Agent (*original by first class mail*)