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Executive Office of Energy & Environmental Affairs

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March 2019

3/29/19: MassDEP entered into a Consent Order with a $30,000 Penalty involving Nissenbaum's Auto Parts, Inc. for Waste Site Cleanup violations in Somerville. The site is a four-acre junkyard in Somerville and Cambridge. On 5/29/09, MassDEP received a Temporary Solution Statement from Nissenbaum's stating that a Permanent Solution Statement is not feasible. Under state regulations, the responsible party is required to submit a 'periodic review of the temporary solution' every five years and Nissenbaum's failed to submit this five-year periodic review opinion. On 5/10/17, MassDEP issue a Notice of Noncompliance and Nissenbaum's Auto Parts, Inc. for this failure to submit the five-year status report and Nissenbaum's failed to respond or comply with the NON. Nissenbaum's Auto Parts, Inc., has now agreed to pay a civil administrative penalty in the amount of $30,000 with $3,000 paid and $27,000 suspended.

3/29/19: MassDEP issued a Unilateral Order to Lawrence J. Michon for Asbestos violations in North Adams. Michon violated the MassDEP Asbestos regulations by causing conditions which posed a potential threat to human health, safety and welfare or to the environment during unauthorized asbestos abatement activities at a residential rental property at 417-423 West Main Street in North Adams. MassDEP staff investigated a complaint on 2/27/19 at the property and observed significantly damaged

friable asbestos thermal systems insulation and an out-of-service boiler. On 3/20/19, MassDEP was made aware that Michon and/or his agents bulk-loaded bags of dry friable asbestos into the back of an open pickup truck, and then transported the material to a nearby asbestos contractor's facility in North Adams. The asbestos contractor legally disposed of the asbestos-containing waste material.

3/28/19: MassDEP was notified that Suffolk Superior Court Judge J. Ullmann approved a Consent Judgment to resolve the Commonwealth's allegations of Solid Waste, Wetlands, Clean Water, Hazardous Waste and Waste Site Cleanup violations at 107/95R Lafayette Street in Salisbury. The case was against C&G Land Reclamation and Renewable Energy Systems, LLC (William P. Trainor, individually; and Clyde Holland, individually). Pursuant to the judgment, the defendants are required to submit and implement a plan to remove solid waste and hazardous waste from the property and restore the wetlands. Defendants are also required to pay a total of $175,000 as follows: $100,000 paid as a civil penalty; $25,000 paid to the Natural Resource Damages Trust; and $50,000 suspended and waived if the defendants timely pay the penalty and complete all of the injunctive relief agreed to in the Consent Judgment.

3/28/19: MassDEP entered into a Consent Order with an $8,000 Penalty involving H. Wright's Service, Inc. for Underground Storage Tank (UST) violations at 19 Boston Road in Billerica. The location was randomly chosen by the MassDEP's UST program. The facility was initially inspected the facility on 9/18/17 and issued a Notice of Noncompliance. The facility failed to remove its single wall steel tanks (SWSTs) by 5/31/18, after having initially claimed by responding to the NON that the tanks would be removed by that date. Under today's Order, H. Wright's Service, Inc. is required to remove the eight SWSTs and pay a $4,000 Penalty within thirty days. MassDEP has agreed to suspend the

remaining $4,000 penalty (the penalty amount was reduced under MassDEP's small business policy) provided the company removes all the tanks within thirty (30) days.

3/26/19: MassDEP issued a Unilateral Order involving Park Avenue Solar Solutions, LLC, for Wetlands violations in Blandford. MassDEP issued the Order to require Park Avenue Solar to cease-and-desist from discharging sediment to Wetlands Resource Areas from its solar development project in Blandford.

3/22/19: MassDEP issued a Notice of Noncompliance to Louis M. Gerson Co., Inc., for Hazardous Waste Management violations in Middleboro. MassDEP inspected the facility on 2/21/19 at 15 Sumner Ave., Middleboro, and found mismanagement of containers of hazardous waste and universal waste.

3/22/19: MassDEP entered into a Consent Order with a $32,000 Penalty involving J. A. LLC, for Waste Site Cleanup violations at 112 Water Street in Danvers. The LLC is the owner of the property at 112 Water Street, Danvers, a gas station where a release was reported to MassDEP during replacement of the single-walled tank as required by MassDEP's Underground Storage Tank Program. Today's Order now requires the submittal to MassDEP of: a notification of the release, an immediate response action status report or completion report by 6/30/19. Thereafter, the LLC will submit a phase one assessment report and a tier classification (numerical ranking) of remaining contamination here, or the demonstration of a permanent or temporary solution by no later than 9/30/19. Today's Order now requires the payment of $4,500 with $27,500 suspended as well as a stipulated penalty provision for any missed deadlines.

3/21/19: MassDEP entered into a Consent Order with a $33,810 Penalty involving Patriot Recycling Corporation for Solid Waste violations in Raynham. MassDEP determined that Patriot

Recycling Corporation stockpiled asphalt pavement, brick, concrete and asphalt shingles in quantities exceeding the limits and approved land areas established in the facility's recycling permit issued on 8/18/15. Under today's Order, the facility will pay $3,100 with $10,400 to be expended performing a Supplemental Environmental Project (SEP) that includes the purchasing of a recycling container and roof and retractable tarp system for the recycling container to be provided to the town of Raynham. Patriot Recycling is required to submit monthly status reports and reduce the stockpiled materials as necessary to achieve compliance by 12/31/19.

3/21/19: MassDEP entered into a Consent Order with the town of Falmouth for Water Supply violations. The town is required to conduct cross connection surveys of all commercial, industrial, and municipal facilities served by the public water system as required by the Massachusetts Drinking Water Regulations. The town-wide effort must be completed within two (2) years.

3/20/19: MassDEP issued a Declaration of Water Emergency in response to a request from Quabbin Sunrise Cooperative, Inc. in Ware. The request was made following a failure of a well pump at the mobile home park. The Declaration allows for the use of bulk water following the failure of this public water system's well pump.

3/20/19: MassDEP issued a Boil Water notice to The Cranberry Village for Drinking Water violations in Carver. This tier one boil notice is required within 24 hours due to an e coli. detection in one of two sources. This system is a community wholesale system run by the town of Carver that supplies water only to one consecutive system: The Cranberry Village, which is a manufactured housing community with a population of 400. The wholesale system collected repeat raw water samples, and shut down the source. The Cranberry Village management company delivered a 'boil water notice' to these residents. In addition, The

Cranberry Village operator collected a round of routine samples from their distribution system. MassDEP will work on further actions depending on the results of the repeat samples.

3/19/19: MassDEP entered into a Consent Order with the Cheshire Board of Water Commissioners for Drinking Water violations in Cheshire. Under today's Order the Commissioners will address compliance with Massachusetts Drinking Water requirements and Water Management requirements. Today's Order includes required actions to address, sanitary survey requirements, cross-connection protection, capital improvements, a rate study, pump station improvements, procedures regarding use of an emergency source and preparation of an unaccounted water compliance plan.

3/18/19: MassDEP issued a Unilateral Order to Wales Solar LLC, to cease and desist from discharging sediment to a Wetlands resource area from its solar development project in Wales.

3/13/19: MassDEP issued Notices of Noncompliance for Air Quality violations in Brockton, New Bedford, Fall River and Hingham. The parties involved did not conduct the proper and required asbestos surveys prior to renovation or demolition activities.

3/11/19: MassDEP entered into a Consent Order with a $3,500 Penalty involving Bruce Wright Group, LLC, for Hazardous Waste Management violations at 113 Lyman Street in Springfield. As a result of a MassDEP inspection, it was discovered that Bruce Wright Group LLC was not complying with the regulations for the storage and management of fluorescent light bulbs in violation of MassDEP's Hazardous Waste Management and housekeeping standards. As part of the settlement agreement, Bruce Wright Group LLC has agreed to pay a penalty of $1,500 with an additional $2,000 suspended pending compliance with the

agreement.

3/11/19: MassDEP entered into a Consent Order with an $11,500 Penalty involving the city of Northampton for Water Pollution Control violations in Northampton. The city will address the discharge of sewage to the Connecticut River. The discharge followed a power outage and a failure of the emergency generator to start and the failure of the alarm system to call the operator. Today's Consent Order provides for a penalty in the amount of $11,500 which is suspended in its entirety provided the city of Northampton meets the requirements, which include: generator and switchgear improvements, Operation & Maintenance (O&M) updates and other requirements.

3/8/19: MassDEP entered into a Consent Order with a $22,500 Penalty involving Putnam Ave LLC, for Waste Site Cleanup violations at 300 Putnam Avenue in Cambridge. On 11/8/18, MassDEP received a release abatement measure (RAM) from Putnam stating that 141 cubic yards of contaminated soil had been removed from the site, and transported for off-site disposal prior to reporting the release and prior to submitting a RAM plan for the site. Therefore, Putnam failed to notify MassDEP of a 120-day release condition specified prior to conducting response actions at the site in violation. The regulations specifically state that a RAM shall not be conducted prior to the submittal of a complete RAM plan to MassDEP. The respondent has thus failed to submit a RAM plan prior to conducting soil removal activities in violation. Putnam Ave LLC has plans and permits to build 18 residential units on the property. 300 Putnam Ave LLC will pay $12,000 of the Penalty and $10,500 will be suspended pending compliance.

3/6/19: MassDEP issued a Demand for a Stipulated Penalty to Groveland Realty Trust LLC; R and D Site Development LLC; and, Sewell Street Materials LLC for violation of a signed Consent

Order, which set out requirements for reclaiming 6.5 acres of land by filling the quarry located at the end of Sewell Street in Groveland. The Fill Management Plan set out in the Consent Order specifically required monthly inspection of the facility by an independent contractor and the collection of a soil sample at the time of inspection. The quarry received fill material and was inspected in November and December of 2018, but no soil samples were taken as required by the Fill Management Plan. Today's Order contains a stipulated penalty provision of $250 for each failure to comply with the Fill Management Plan. MassDEP issued a Demand in the amount of $500 to Groveland Realty Trust LLC, R and D Site Development LLC and Sewell Street Materials LLC for the violations.

3/4/19: MassDEP entered into an Amendment to an existing Consent Order involving the Reclaimed Soils Project at the MacDonald Property in Bridgewater. The existing Order is associated with the Marilyn's Landing Soil Reclamation project located off Plymouth Street in Bridgewater. Today's Amendment constitutes approval for modifications to Marilyn's Landing Soil Reuse Management Plan (SRMP) associated with the importation of soils including changes to the SRMP's soil acceptance criteria. The approximately 7.65 acre site was historically used for sand and gravel mining to provide daily cover and other uses related to the adjoining closed Halifax Sanitary Landfill. Although the site was site assigned for a sanitary landfill, it never operated as a one.

February 2019

2/27/19: MassDEP entered into a Consent Order with a $4,000 Penalty involving MCK Realty Trust for Waste Site Cleanup violations in Marlborough. Charles K. Monk and Nancy A. Monks are the listed trustees of the MCK Realty Trust. During August 2017, a release to the environment of gasoline was discovered

during removal of underground storage tanks at the 424 Lincoln Street, Marlborough property. MassDEP granted approval to the trustees to excavate and remove contaminated soils under the provision of an Immediate Response Action. MassDEP granted approval to modify the IRA in November 2017 to commence soil excavation within three weeks. The trustees, however, failed to commence excavation until March 2018. However, they have now completed the IRA. For the failure to conduct the IRA in accordance with specific Department approval, the trustees have agreed to pay a civil administrative penalty of $4,000.

2/27/19: MassDEP executed an Amendment to an existing (2017) Consent Order with the city of Fitchburg regarding Water Supply violations in Fitchburg. This is a second amendment to the 2017 Order associated with the city's needs to upgrade its public water system. Today's Amendment authorizes additional time to complete internal audit of cross connection survey records, submit plan and schedule to complete cross connection survey, complete infrastructure repairs, and implement corrective action plan to address effluent violations at the Falulah Water Filtration Facility.

2/27/19: MassDEP issued a Notice of Noncompliance to MAACO Auto Painting for Air Quality compliance in Brockton. MassDEP inspected the facility at 84 Westgate Drive in Brockton on 1/17/19 for violations of the Air Pollution Control and the Hazardous Waste management regulations.

2/26/19: MassDEP entered into a Consent Order with an $8,625 Penalty involving the Pine Brook Country Club for Water Pollution Control violations in Weston. Pine Brook Country Club will design and construct a new wastewater treatment plant, with discharge of effluent to the ground, pursuant a MassDEP groundwater discharge permit. The full Penalty will be fully suspended pending satisfactory completion of the required work.

2/26/19: MassDEP entered into a Consent Order with a $22,500 Penalty involving the Kamco Supply Corporation of Boston for Waste Site Cleanup violations. Kamco failed to meet requirements by not notifying MassDEP of a release of more than 10 gallons of hydraulic fluid within 2 hours of knowledge as required. A Kamco truck released 30 gallons of hydraulic fluid during delivery of sheetrock to a construction project. Kamco had knowledge of the release at 3:00 PM on 10/24/18. The release was reported to MassDEP on 10/25/18, at 9:25 AM, more than 2 hours beyond the time allowed for a violator who had knowledge of the release is required to notify under Massachusetts regulations. Kamco also failed to obtain the necessary approvals to perform Immediate Response Actions as required. Kamco has entered into an agreement requiring training of its personnel and payment $8,000 of the Penalty with $14,500 suspended pending compliance.

2/26/19: MassDEP entered into a Consent Order with a $1,000 Consent Order with Super Petroleum Underground Storage Tank (UST) violations in at the company's156 Crescent Street location in Waltham. Super Petroleum failed to remove its Single Wall Steel Tanks (SWST) by 7/1/18 after having availed to an enforcement discretion option, which thereby extended the original 8/7/17 deadline. Today's Order now requires Super Petroleum to pay a $1,000 administrative penalty within thirty days. New stand-alone, double-walled USTs were fabricated within the interior of the two SWSTs 8/29/18.

2/26/19: MassDEP entered into a Consent Order with a $6,641 Penalty involving the town of Dalton for Water Pollution Control violations in Dalton. A break in a wastewater pipe resulted in the discharge of sewage to the Housatonic River. Today's Order provides for a penalty in the amount of MassDEP has agreed to suspend $4,641 of the Penalty provided Dalton meets the

requirements, which include: staffing at levels established through a staffing analysis conducted after the event and completion of capacity management operations and maintenance assessment.

2/25/19: MassDEP entered into a Consent Order with an $11,450 Penalty regarding Gasco Fuel for Underground Storage Tank (UST) violations. Gasco Fuel's UST violations involve its 23 Cape Road location in Mendon. Gasco Fuel was inspected by MassDEP and determined to be in violation of MassDEP's UST regulations. Today's Order requires Gasco Fuel to correct all violations and remain in compliance with the applicable requirements. In addition, the Order requires $5,000 of the Penalty to be paid, with the remaining $6,450 suspended, provided the company complies with the Order and remains in compliance for one year.

2/25/19: MassDEP issued a Unilateral Order to Granby Housing Authority, Granby for Water Supply violations. The Order includes a Declaration of a State of Water Emergency to Granby Housing Authority regarding the Hillside Heights public water system due to well failure. The Declaration allows use of alternate water, bulk and bottled, to the public water system customers until the repairs can be made and the system returns to normal functions, including sufficient stored water.

2/22/19: MassDEP entered into a Consent Order with an $8,000 Penalty involving Beaver Brook Wastewater Treatment Facility for Groundwater Discharge violations in Littleton. The facility failed to comply with its groundwater discharge permit regarding the treatment and discharge of wastewater associated with a mixed-use commercial project, known as 'the Point' in Littleton. The Groundwater Discharge Permit required the second phase of the WWTF to be constructed before expansion of the commercial property and by a set deadline to meet discharge flow limits.

Today's Order requires the facility to be constructed by a new deadline and prohibits any additional construction or expansion of the commercial property until authorized by MassDEP.

2/22/19: MassDEP entered into a Consent Order with a $2,000 Penalty involving Broadway Street Holdings, Inc. (BSH) for Underground Storage Tank (UST) violations at its 498 Broadway Street location in Lowell. BSH failed to remove its Single Wall Steel Tanks (SWSTs) by 7/1/18, after having availed of an enforcement discretion option, thereby extending the original 8/7/17 deadline. Today's Order requires BSH Inc. to remove the two SWSTs and pay the full Penalty within thirty days of the effective date.

2/21/19: MassDEP entered into a Consent Order with Otis Trailer Village regarding Water Pollution Control compliance in Mashpee. Today's Order with the new owner of Otis Trailer Village requires it to either connect to the planned Mashpee municipal wastewater system or to obtain a permit and construct a groundwater treatment plant if a municipal system is not constructed. An escrow account will be established to pay for the wastewater collection system at the 178-unit Otis Trailer Village site.

2/15/19: MassDEP issued nine (9) Notices of Noncompliance during the month of February as part of its Underground Storage Tank (UST) enforcement measures. The UST facility owner/operators failed to have UST third-party inspections (TPIs) performed, six (6) for not submitting TPI return to compliance reports, and six (6) or not completing compliance certifications by their respective due dates through 1/31/19. MassDEP also issued Reporting Penalty Assessment Notices (RPANs) to four (4) UST facility owner/operators for failing to have UST third-party inspections (TPIs) performed, five for not submitting TPI return to compliance reports, and one (1) for not completing compliance certifications by their respective deadlines through the same date.

MassDEP gave the offenders 45 days to return to compliance. Those failing to do so will be subject to additional enforcement measures, including financial penalties. More information: https://www.mass.gov/guides/massdep-underground-storage-tank-ust-program

2/19/19: MassDEP entered into a Consent Order with a $5,750 Penalty involving Hutchinson Water LLC, for Water Supply violations in Cheshire. Hutchinson Water LLC is the owner and operator of a community public water system in Cheshire. The LLC will design, permit and install approved corrosion control treatment to address elevated copper in drinking water. Today's Order establishes a schedule and for the design, permitting and installation and the required treatment. The LLC will pay $1,000 of the Penalty with $4,750 suspended pending compliance with the provisions of the Order and drinking water regulations

2/19/19: MassDEP entered into a Consent Order with a $5,483 Penalty involving Smith Auto Recycling, L.L.C. for Hazardous Waste Management violations in Clinton. MassDEP inspected the facility, a vehicle salvage yard, on 8/17/18 and observed pools of oil-contaminated water on the ground and an unlabeled waste oil tank inside a vehicle processing building. The company also had not submitted a waste-oil burner notification form. The company will pay $1,370 of the Penalty (with the remainder being suspended under MassDEP's Small Business Policy) and has since corrected the violations. The company will be submitting a report describing its practices to prevent future discharges to the ground.

2/19/19: MassDEP issued a Notice of Noncompliance to E.S. Ritchie and Sons for Hazardous Waste compliance issues in Pembroke. E.S. Ritchie and Sons, located at 243 Oak Street, Pembroke, was out of compliance based on a 1/23/19 multimedia

site inspection where improperly labelled containers of hazardous waste were noted.

2/15/19: MassDEP issued a Notice of Noncompliance to TRN Realty Trust for Waste Site Cleanup compliance issues at the former Specialty Convertors in Walpole. Today's NON was issued to T.R.N. Realty Trust for failing to submit a comprehensive site assessment report covering the cleanup of the property. The NON requires that the specified report be submitted by 6/9/19.

2/12/19: MassDEP issued a Unilateral Order to Santo Anza for Solid Waste violations at 429 Whitney Realty Trust/Santo Anza in Northborough. Today's Order is relative to solid waste violations at the property. The action followed visual evidence of packaged and unpackaged food waste delivered to the property. One photograph showed at least 10 totes containing food waste as well as numerous opened boxes of food waste on the ground. Previous Enforcement Orders have been issued to the address/facility during October of 2018 and January of 2019, both of which are under appeal. MassDEP continues to work with town officials and the Attorney General's Office on this case.

2/7/19: MassDEP issued a Unilateral Order to Normandin Transport Services, Inc., for Waste Site Cleanup violations in West Stockbridge. Normandin is a trucking company based in Hopedale, Massachusetts. On 5/31/18, MassDEP responded to a tractor-trailer accident on the Massachusetts Turnpike in West Stockbridge involving a truck owned and operated by Normandin. Approximately twenty gallons of diesel fuel were released to the roadway. MassDEP worked with state transportation and the towing contractor retained to complete necessary cleanup on that date, and issued a Notice of Responsibility to Normandin. Although Normandin submitted a Release Notification Form, it failed to submit an Immediate Response Action Plan, and/or a Permanent Solution Statement (PSS) as required. Normandin has

failed to respond to a Notice of Noncompliance issued. Normandin must now submit an IRAP or PSS within 30 days.

2/7/19: MassDEP issued a Unilateral Order to Lady C Logistics, Inc., for Waste Site Cleanup violations in Russell. Lady C is a trucking company based in Locust Grove, Georgia. On 7/31/18, MassDEP responded to a tractor-trailer fire involving a truck owned and operated by Lady C on the Massachusetts Turnpike in Russell. MassDEP assisted state transportation officials and towing contractor in performing Immediate Response Actions (IRA) including pumping of fuel from damaged fuel tanks. Approximately 30 gallons of diesel fuel were unaccounted for and believed to have migrated with fire-fighting runoff water to the road shoulder. A Notice of Responsibility was issued to Lady C, requiring additional assessment of the release, and remediation as necessary. Although Lady C submitted a Release Notification Form, it failed to submit an Immediate Response Action Plan (IRAP) or Permanent Solution Statement (PSS) as required. Lady C also failed to respond to a Notice of noncompliance that was issued on 10/23/18 and set a date of 11/2/18 for Lady C to submit the IRAP. Lady C must submit an IRAP or PSS within thirty days of the date of the Order.

2/7/19: MassDEP issued a Unilateral Order to McCormick Trucking, Inc. for Waste Site Cleanup violations in Springfield. McCormick is located in Murfreesboro, Tennessee. On 7/12/18, MassDEP responded to a release of an estimated twelve gallons of diesel fuel at the United States Postal Service bulk mail facility at 1800 Page Boulevard in Springfield. A truck owned and operated by McCormick developed a leak in a saddle tank, and spilled fuel at several locations at the facility. The release was cleaned up by USPS on that date. A Notice of Responsibility was issued to McCormick, noting that there was a need to assess the site and submit a Release Notification Form and an Immediate Response Action Plan or Permanent Solution Statement within

sixty days of the date of the spill. McCormick failed to respond to the NOR and a subsequent Notice of Noncompliance that was issued on 11/8/18, with a date of 11/30/18 for McCormick to submit the required information. Today's Order requires McCormick to submit an RNF within 14 days, and an IRAP or PSS within 30 days.

2/6/19: MassDEP entered into a Consent Order with a $1,000 Penalty involving George Nassif Service Station, Inc. for Underground Storage Tank violations at 118 North Beacon Street in Brighton. Nassif Inc. failed to remove its Single Wall Steel Tank (SWST) by 7/1/18, after having availed of an enforcement discretion option, thereby extending the original 8/7/17 deadline. Today's Order requires Nassif to pay the Penalty within thirty days, while the UST was closed in place on 10/24/18.

2/6/19: MassDEP entered into a Consent Order with a $2,000 Penalty involving Mello Fuel Co. for Underground Storage Tank violations at its 37 Brookley Road location in Jamaica Plain. Mello failed to remove its Single Wall Steel Tanks (SWST) by 7/1//18, after having availed of an enforcement discretion option, thereby extending the original 8/7/17 deadline. Today's Order requires Mello Fuel to pay a $2,000 Penalty within thirty days. The USTs were removed from the ground on 8/30/18.

2/5/19: MassDEP issued a Final Decision resolving the appeal of a Penalty Assessment Notice involving Daniel J. Messier of Easthampton. Today's Decision requires Daniel J. Messier to address solid waste and asbestos issues at 1 Ferry Street in Easthampton and Messier to pay a $3,000 Penalty.

2/4/19: MassDEP entered into a Consent Order with a $3,812 Penalty involving the Qianlong USBoston, LLC, for Water Supply violations in Belchertown. The LLC, made substantial modification

of its public water system through treatment without prior written MassDEP approval and failure to monitor as required for such treatment. Today's Order requires submittal of an appropriate permit prior to use of treatment and monitoring chlorine and disinfection by-products as required. Today's Order requires the payment of $3,000 of the Penalty and the remainder $812 suspended pending compliance with the provisions of today's Order and all Massachusetts Drinking Water regulations.

2/2/19: MassDEP entered into a Consent Order with a $15,000 Penalty involving the Pond Street Realty Trust (a.k.a. Fabricare House) for Waste Site Cleanup violations in Norwell. The owner of this dry-cleaning business failed to conduct semi-annual environmental sampling and reporting as required by Massachusetts Waste Site Cleanup regulations. The site owner has since hired a new consulting company and a Licensed Site Professional (LSP) to conduct response actions going forward. A conceptual scope of work has been submitted and discussed with MassDEP, with $10,000 payable and $5,000 suspended pending submittal of the deliverables established in today's Order.

January 2019

1/29/19: MassDEP issued a Notice of Noncompliance (NON) to Federal Metal Finishing Inc., for Waste Site Cleanup violations in Charlestown. The NON was issued as a notice of audit findings, to the owner of Federal Metal Finishing, in Charlestown for failure to submit a valid periodic review opinion, and failure to continue to submit periodic monitored natural attenuation reports to MassDEP as is required cleanup measures stipulated at this site.

1/29/19: MassDEP Notified Mt. Blue Spring at Wompatuck State Park a Boil Water is to be issued for this Spring in Hingham. MassDEP downloaded a sample result indicating that an E. coli positive result for a sample collected on 12/27/18 from raw water

at the Mt. Blue Spring. Under the Groundwater Rule, a total of five (5) repeat samples should have been collected within 24 hours of the lab notification of the detection of E.coli in the raw water. Further, the rule required that a public notice be posted within 24 hours. Also, because that system does not treat to 4-log inactivation of viruses (or 99.99%), that public notice should further require a boil water notice, or alternatively the system could shut the source down. MassDEP has requested the posting of the public notice, and will work with the system on further actions depending on the results of the five (5) repeat samples being collected on 1/30/19. In addition, the region will be taking enforcement action for violations including the failure to collect the required repeat samples, the failure to notify MassDEP of the detection of the fecal indicator required, and the failure to comply with the public notice requirements.

1/29/19: MassDEP entered into a Consent Order with an $8,000 Penalty involving Pittsfield Cemetery and Cremator Association for Air Quality violations in Pittsfield. MassDEP inspected the Cemetery and determined that Pittsfield Cemetery failed to operate its cremation units in accordance with the terms of its permit. The Pittsfield Cemetery, which initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection, has agreed to pay a $4,000.00 penalty. An additional $4,000 Penalty was suspended pending compliance with the terms of the agreement.

1/29/19: MassDEP entered into a Consent Order with a $15,000 Penalty involving BI-QEM Inc., for Air Quality, Hazardous Waste Management and Water Pollution Control violations in Northampton. BI-QEM Inc. is a manufacturer of plastic thermosetting molding compounds, located in Northampton. As a result of a MassDEP inspection, it was discovered that BI-QEM Inc. was not complying with the terms and conditions of its Air Quality permits, and was discharging wastewater to the ground

waters of the Commonwealth without a currently valid permit and was in violation of MassDEP's hazardous waste management and housekeeping standards. As part of the settlement agreement, BI-QEM has agreed to pay $10,000 of the Penalty with the remaining $5,000 suspended pending compliance with today's Order.

1/25/2019: MassDEP entered into a Consent order with a $19,260 Penalty involving Ashfield Water District for Water Supply violations in Ashfield. The District failed to install and operate treatment and its failure to accurately represent the operation to MassDEP. Under today's agreement, the District will pay $2,500 of the Penalty with the remainder suspended pending compliance with the provisions of today's Order and compliance with Massachusetts Drinking Water Regulations. Today's Order stipulates those provisions including the completion of a permit application, public notice, operator services and installing and operating the treatment as required.

1/25/19: MassDEP issued a Unilateral Order to the Hadley Department of Public Works/Water Division for Water Supply violations in Hadley. Today's Order was issued to address low pressure service to a connection served by Hadley due to a service connection water line break and temporary repair. The Order requires that users of this service connection boil water prior to use until repairs are completed.

1/25/19: MassDEP entered into a Consent Order involving Church LLC, for Waste Site Cleanup violations at 26 East Water Street in Rockland. Previously, MassDEP on 10/11/18 had issued a Notice of Noncompliance to the LLC for failing to conduct comprehensive response actions at this site. On 11/8/18, the LLC contacted MassDEP and requested additional time to respond to the NON. Today's Order now establishes deadlines for the completion of comprehensive response actions at the site.

1/23/19: MassDEP issued a Demand for a previously-suspended Penalty of $6,000 to the American Residential Construction (ARC) LLC, for Wetlands violations in Saugus. The violations involved activity being conducted on property located on Berthold Street in Saugus where ARC has been constructing a residential subdivision that had been governed by local permits (orders of conditions that have now expired). Subsequently, MassDEP and ARC entered into a Consent Order due Wetlands and Water Quality violations that were found during work at this site. Today's Demand is for payment of $6,000 of what had been a suspended penalty due to ARC's failure to submit monitoring report(s) as required. Additionally, a cease and desist Order was issued at the same time to ARC for non-compliance with the approved project and wetland replication and restoration plans; ARC's failure to maintain site stabilization; ARC's working in jurisdiction after the expiration of the Order allowing the work: and, ARC's failure to record a Water Quality Certification deed restriction or to even file the application. Today's Order requires all activity within jurisdiction to stop with the exception of immediate stabilization, and requires submittal of monitoring reports, and no project work to take place in jurisdiction until the filing of a Notice of Intent for the project and receipt of a new Order of Conditions, and recording of the deed restriction or filing of a application and receipt of the requisite Water Quality Certification.

1/18/19: MassDEP entered into a Consent Order with a $30,208 Penalty involving the Administrative Building for the Auburn Public School District for Underground Storage Tank (UST) and Hazardous Waste Management violations. A multimedia inspection by MassDEP on 6/19/18 observed the District using a drum-top fluorescent lamp crusher and conducted an inspection to observe it. The inspectors determined that the District had crushed 5,000 lamps at the high school and administration building that were generated during a lamp replacement project in

the town's schools. The District was not registered as a hazardous waste generator, had not labeled drums of crushed glass and didn't have permits for the crushing activity. The inspectors also observed a shed of lamps from residents that exceeded the one year storage time limit and a fuel oil UST that had not been inspected since 2010. The District has since ceased using the lamp crusher, removed the crushed glass and complied with most of the UST regulations. Under today's Order the penalty is suspended the pending compliance with the remaining action items.

1/18/19: MassDEP entered into an Amendment to a Consent Order involving Cover Technologies for Environmental compliance in Hopedale. Maurice J. Murphy is the listed owner of the property and Cover Technologies, Inc. is the consultant overseeing the activity which is working to properly close the Hopedale Landfill. On 1/18/19, MassDEP executed a third amendment to that consent order extending timelines allowing the acceptance of slightly contaminated soils to be used as grading and shaping materials. The amendment also requires surveys be performed to adequately determine the amount of soils received, the installation of a wheel wash system, and payment of one hundred sixty four thousand sixty two dollars and fifty cents into the Post-Closure Financial Assurance Measure. This amendment - with regard to soil acceptance – expires on 3/31/19.

1/18/19: MassDEP entered into Consent Orders with a $12,500 Penalty involving United Rentals (North America), Inc., for Waste Site Cleanup violations in Canton and Weymouth. United Rentals (North America), Inc. of Denver, Colorado is the responsible party for a release of 40-50 gallons of diesel fuel on 2/6/18 from an excavator at their facility at 15 Whitman Road in Canton, and a release of 40 gallons of hydraulic oil on 3/20/18 from a rented hydraulic man lift being utilized at 50 Patriot Parkway in Weymouth. United Rentals failed to notify BWSC within the

required 2-hours for both releases. United Rentals agreed to a penalty of $12,500 ($6,250 payment and $6,250 suspended) for the first failure to notify and $12,500 ($8,750 payment and $3,750 suspended) for the second failure to notify.

1/16/19: MassDEP entered into a Consent Order with a $4,157 Penalty involving Traffic Markings, Inc., for Hazardous Waste Management violations in Franklin. MassDEP conducted multimedia inspections on 5/17/17 and 4/24/18. MassDEP observed at the company's headquarters that its road-painting operations were acting out of status as a very-small quantity generator by over-generating and over-accumulating waste oil. It also failed to mark and post a waste oil accumulation area, label waste oil containers and make a hazardous waste determination on its waste paints.

1/16/19: MassDEP entered into a Consent Order with a $1,290 Penalty involving Integriscript Inc. for Hazardous Waste Management violations in West Springfield. Integriscript operates an institutional, private pharmacy which distributes prescription medication to fourteen affiliated rehabilitation and senior nursing facilities throughout the region. MassDEP inspected the company's facility where it was determined to be generating acutely hazardous waste in small quantity generator amounts, but was not registered as a generator of hazardous waste. In addition, MassDEP identified a number of violations related to the handling of hazardous waste at the facility. Under today's Order, Integriscript initiated corrective actions and will pay $1,290 in past-due Small Quantity Generator annual compliance fees.

1/16/2019: MassDEP entered into a Consent Order with a $5,750 Penalty involving James Austin Company for Air Quality and Hazardous Waste Management violations in Ludlow. James Austin is a manufacturer and distributor of cleaning solutions/products. As a result of an inspection, MassDEP

inspected the facility and determined that James Austin failed to comply with applicable regulations for not operating air pollution control equipment in accordance with its permit as well as hazardous waste management and housekeeping violations. Under today's Order, James Austin will pay $4,000 of the Penalty, with an additional $1,750 suspended pending the company's compliance with the terms of the agreement.

1/15/19: MassDEP entered into a Consent Order with a $1,000 Penalty with Glendale Gas & Service, Inc. for Underground Storage Tank (UST) violations in Everett. Glendale Gas & Service, Inc. owns UST at its 725 Broadway location in Everett. Glendale Gas & Service, Inc. failed to remove their Single Wall Steel Tank (SWST) by 7/1/18, after having taken advantage of an enforcement discretion option, thereby extending the original 8/7/17 deadline. Today's Order now requires Glendale Gas & Service, Inc. to pay a $1,000 Penalty within thirty days and also requires Glendale Gas & Service, Inc. to pay $245.00 in past annual compliance fees (ACFs) owed to the Commonwealth of Massachusetts. The UST was removed from the ground on 9/21/18.

1/10/19: MassDEP entered into an Amended Consent Order with DSK Realty Trust for Waste Site Cleanup violations at 36 Main Street in Rowley. DSK owns the property at 36 Main Street in Rowley a gasoline station and rental property which has been undergoing cleanup due to a release of oil or hazardous materials. Today's Amended Order requires a phase four report (i.e. the implementation of remedial or cleanup plan), submitted by no later than 6/1/19, and either a remedy operation status report which meets the requirements or a permanent or temporary solution statement which meets the requirements by no later than 6/1/20. Today's Amended Order requires $2,000 of a previously suspended penalty.

1/9/19: MassDEP issued a Declaration of Water Emergency to the Town of Gill in connection with problems with the Gill Elementary School's treatment system following a basement flood at the school. The school is providing bottled water until it can return its disinfection system to operation and obtain clean bacteria sample results.

1/8/19: MassDEP entered into an Amended Consent Order with Trevor Smedley and Jane Parker involving continued Waste Site Cleanup compliance at their property at 25 Post Road in Harvard. As current owners of this site, they had requested extension of the timelines for cleanup of this residential property, where there has been evidence of contamination of chlorinated solvents (PCE) impacting a bedrock aquifer. Smedley and Parker purchased the site in 2013 and took responsibility on 7/31/2014, when they also filed a remedy operation status termination. This termination, in effect would allow two years (or by 7/31/16) before they are required to file a permanent or temporary solution. However, the site was not fully delineated, as indicated by a new release condition identified by the detection of PCE in potable private well located at 28 Lovers Lane on 1/19/2016. The consultant working on the site (the LSP) did not have sufficient time to complete the bedrock assessment activities, and remedy implementation plan as required by 12/26/18. Prior to the expiration of the deadline requested - in writing – an Amendment to the original deadlines, and provided status update of the partially completed assessment activities. Today, MassDEP approved that Amendment that revises the temporary or permanent solution deadline until 12/31/20.

1/8/19: MassDEP issued a Notice of Noncompliance to Earthsource Facility due to excess storage of Type I sludge resulting in odor (nuisance conditions) in Raynham. Residents adjacent to the facility noted the conditions and while the Type I sludge meets MassDEP's requirements for unrestricted reuse,

including on foodstuffs, it can cause odors if not promptly harrowed into soil for reuse. Earthsource is storing several months of sludge production at two properties abutting their facility in anticipation of future markets developing.

1/8/19: MassDEP entered into a Consent Order with Campello Keith Oil (CKO) Company for Waster Site Cleanup violations at 74 Plain Street in Brockton. CKO failed to conduct comprehensive response actions at this site as required. MassDEP had issued CKO a Notice of Noncompliance (NON) on 9/17/18. Subsequent to the issuance of that NON, the company contacted MassDEP on 11/8/18 and requested additional time to respond to the NON. Today's Order now establishes deadlines for the completion of comprehensive response actions at the site.

1/4/19: MassDEP issued a Declaration of Water Emergency to the town of Wales in connection with discolored water at the town's elementary school. The discoloration is believed to be associated with iron and manganese at the school and the Declaration allows bottled water to be provided until the school changes the media in its existing treatment system.

1/1/19: MassDEP issued 14 Notices of Noncompliance (NON) to owner/operators of Underground Storage Tank (UST) during the month of January for failing to have UST third-party inspections (TPIs) performed. In addition, one NON for not submitting TPI return to compliance reports, and eight for not completing compliance certifications by their respective due dates through 12/31/18. MassDEP also issued $500 reporting penalty assessment notices to four UST facility owner/operators for ignoring previous NONs. MassDEP gave each of the offenders 45 days to return to compliance. Those failing to do so will be subject to additional enforcement measures. More information: https://www.mass.gov/guides/massdep-underground-storage-tank-ust-program