



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Enforcement Actions - 2016

December 2016

12/30/16: MassDEP entered into a Consent Order with King's Family Campground for Title 5 (septic system) violations in Sutton. King's Family Campground is the new owner of this 111 seasonal campsite facility where upgrades were required to the Title 5 system. Today's action will replace an Order that had been executed in 2010, and was amended in 2012. The prior/former owner failed to comply with the terms of those earlier Orders. The new owner has agreed to fulfill all the requirements, but under a revised/updated schedule. Upgrades include construction of a new sewer collection system, abandoning old subsurface disposal systems, and restricting the number of campsites to limit the wastewater flows to the Title 5 system.

12/30/16: MassDEP executed a Consent Order with a \$9,475 Penalty involving the Massachusetts Department of Correction for Surface Water Discharge violations at its Norfolk facility. The facility has a surface water discharge permit for its wastewater treatment facility. Effluent limits in 2014 for several months in 2014 for phosphorous were noted in addition to operation and maintenance violations. The facility utilizes membrane filter units as part of its treatment processes which were found in disrepair because the influent often has sharp objects that damage the membrane filters. The facility failed to maintain a reserve supply of the filtration units. The Order requires the facility to improve screenings management to protect membrane filter units (already on order), replace membrane filter units, and conserve water at facility to reduce flows until additional capital improvements can be implemented. Pending compliance with today's Order, the Penalty will be suspended. The Order will result in an improvement in the water quality of the Stop River and the Charles River by reducing phosphorus loading.

12/30/16: MassDEP amended a Unilateral Order to Andrews Farm Water Company in Boxford. The Order was originally issued to the Andrews Farm Water Company in Boxford on 6/30/16. A hydro-pneumatic water storage tank at Andrews Farm's well pump station burst catastrophically, causing structural damage to the pump station and leaving the well unusable. At the water system's petition, MassDEP issued a Declaration of a State of Water Supply Emergency in the form of Unilateral Order. The Emergency Declaration allowed Andrews Farm to purchase water from the Topsfield municipal system via an emergency interconnection. An Emergency Declaration may only last for six months, but may be extended by MassDEP at the water system's request. The Amendment extends the Emergency Declaration for six more months, and requires Andrews Farm to submit by 3/30/17 a written plan and schedule to provide a permanent drinking water source.

12/28/16: MassDEP entered into a Consent Order with Trevor Smedley and Jane Parker for Waste Site Cleanup violations on Depot Road in Harvard. Smedley and Parker are the current

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

owners of the site. MassDEP has been working with these owners to address technical problems with documents submitted to date to address an historic release of chlorinated compounds affecting potable private water supplies in the area. The owners have agreed to make necessary revisions to existing documents, continue assessment and provide for the mitigation of potential exposures in addition to ensuring the eventual cleanup of the release.

12/27/16: MassDEP entered into a Consent Order with a \$16,500 Penalty involving Camp Thoreau, Inc. for Groundwater Discharge violations in Concord. This facility, which is located in a Zone II recharge area, exceeded the effluent permit limit for total nitrogen continuously for two years and nitrate for 17 months in the past two years. The facility also bypassed the denitrification process of the treatment works without prior approval from or notification to MassDEP. MassDEP has required Camp Thoreau to implement a return to compliance plan, to test the effluent on a daily basis for nitrate and total nitrogen, and to submit compliance report to MassDEP by 5/1/17 for the preceding six months. As part of the settlement agreement, Camp Thoreau will pay a penalty of \$12,500, with the remaining \$4,750 suspended pending completion of the remedial work.

12/27/16: MassDEP entered into a Consent Order with an \$11,900 Penalty involving Specialty Minerals Inc. for Air Quality violations in Adams. As a result of reviewing a report submitted by Specialty Minerals, MassDEP found that Specialty had failed to meet the quarterly-data capture requirements for the oxygen continuous emissions monitor for the lime kiln. Specialty was ordered to train facility personnel on monitor maintenance and maintain a better spare-parts inventory for the monitor. As part of the settlement agreement, Specialty Minerals Inc. will pay the \$11,900 Penalty.

12/20/16: MassDEP entered into an Amendment with an existing Consent Order with the town of Clarksburg. Today's Amendment documents the town's operation of its Senior Center below the public water supply threshold. The original Consent Order provided for the registration of the facility as a Public Water System (PWS) with improvements to the system depending upon the operation. The town, however, has documented operations for several years, which establishes that operations are below the PWS thresholds. The town will continue to monitor operations and register as a PWS if it appears to be reaching the required threshold.

12/20/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Christakis Realty Trust for Waste Site Cleanup violations at 1328 Blue Hill Avenue in Mattapan (Boston). There is a dry cleaner within the commercial property and it has been a dry cleaner for more than 20 years. Specifically, the Waste Site Cleanup violations were for failure to meet deadlines set out in an Administrative Consent Order dated 5/12/15. Under today's Order, \$26,000 of the Penalty will be suspended and \$4,000 is to be paid. There is also a stipulated penalty provision for any missed deadlines.

12/19/16: MassDEP entered into a Consent Order with an \$8,000 Penalty involving Bristol Environmental, Inc. for Asbestos violations in Easthampton. Bristol violated the Asbestos regulations by causing a condition that posed a potential threat to human health, safety and welfare or to the environment during an asbestos-abatement job at the Manhan Rail Trail Park Street underpass in Easthampton. On 9/19/15, vandals destructively removed damaged sections of asbestos-containing utility conduit from a utility right-of-way owned and operated by Verizon

New England, Inc. and smashed the sections onto the Manhan Rail Trail below. Following a two-day delay after being notified of the conditions, Verizon initiated clean-up and decontamination of the site. Bristol Environmental, Inc., however, failed to meet asbestos-abatement performance standards on three separate days (9/23/15 - 9/25/15), which caused additional delays to the clean-up. Bristol Environmental, Inc. will pay the entire \$8,000 Penalty.

12/16/16: MassDEP issued a Unilateral Order to Wilbraham Land and Development, LLC, for Asbestos and Hazardous Waste violations in Wilbraham. The LLC is the owner of a mill complex at 176 Cottage Street in Wilbraham. The Order was issued in response to environmental conditions observed during inspections that were performed on 10/27/16 and 11/4/16. MassDEP was responding to an anonymous complaint received by MassDEP regarding the presence of friable asbestos containing materials at the property in poor condition. The inspections confirmed violations of asbestos handling including improperly covered thermal-system insulation (TSI). Also, pieces of TSI were found on the boiler room floor, and dry, asbestos-containing material was found uncovered. A number of transite pipes were also stored in the mill yard. In addition, abandoned containers of unknown liquids, potentially hazardous waste or waste oil, were observed within the buildings at the site. Piles of solid waste debris including numerous scrap automobiles, tires, piles of construction and demolition debris and metal drums were noted at the property. A number of fluorescent bulbs and ballasts had been disposed of with conventional solid waste. Finally, a leaking oil supply line (since repaired by owner) was identified in the boiler room, with significant amounts of absorbent materials had been deployed on the basement floor to collect and contain this oil. Today's Order sets a schedule for Wilbraham Land and Development to correct the violations noted, develop a universal waste management plan, and investigate a potential abandoned oil storage tank located below the boiler room floor.

12/14/16: MassDEP entered into a Consent Order with the town of Dartmouth for Water Supply violations, specifically, the locational running annual average for total trihalomethanes (TTHM's). TTHM's are disinfection byproducts resulting from reactions between chlorine and dissolved organic material. Today's Order establishes a schedule requiring a short-term response, engineering analysis, and long-term corrective actions.

12/12/16: MassDEP issued a \$1,000 Penalty Assessment Notice to McNamara Waste Services in Hampden for willfully comingling pre-sorted recyclables with trash during residential curbside collection in the town of Hampden.

12/9/16: MassDEP entered into a Consent Order with the City of Boston as the owner of the property at 0 Condor Street, East Boston. Today's Order follows a prior Notice of Noncompliance, and under this Order requires the submittal of a Phase Four or remedial selection plan by 4/1/18 and a final closure statement by 4/1/19. The site has been in the system since 2011. The city plans to build a public building on this site.

12/9/16: MassDEP issued a Final Approval to the Fall River Water Department Fall River to activate a disinfection system using liquid sodium hypochlorite replacing a chlorine gas disinfection system. The project was required after the city of Fall River entered into a Consent Agreement and Final Order with the US EPA. That Order was effective 9/30/14. The disinfection conversion project was completed as a Supplemental Environmental Project as part of the Order. The city had stored up to 14,000 pounds of chlorine gas at the water treatment plant, which is

located within the "worst-case release" range of public receptors. Elimination of the chlorine gas has now removed this as a possible threat of a hazardous release.

12/8/16: MassDEP entered into a Consent Order with a \$2,500 Penalty involving Appleton Corporation for Water Pollution Control violations in Easthampton. Appleton Corporation is a property management company based in Holyoke. The company was found to be discharging floor-cleaning waste to a storm drain in Easthampton. On 9/15/16 at 4:00 PM, MassDEP was notified by the Easthampton Fire Department regarding a whitish discharge that was observed on the canal that runs adjacent to the property of the Cottage Square Apartments at 15 Cottage Street in Easthampton. MassDEP immediately responded to investigate the discharge. MassDEP confirmed the presence of the whitish discharge to the canal. The discharge was traced to the property by the Easthampton Fire Department and MassDEP. At the property the whitish liquid was observed present in a storm drain at the property. An interview of an employee of Appleton Corporation, the maintenance contractor for Cottage Square Apartments, indicated that a spill of 1-2 gallons of latex paint had occurred at the apartment building. The employee had utilized a carpet cleaning machine to collect the spilled paint several times throughout the day, and had discharged an estimated 15 gallons of a mixture of latex paint and carpet cleaning wastewater to the storm drain located adjacent to the canal at the property. Additional water was also used to remove paint from the carpet cleaning equipment. MassDEP determined that most of the paint had been discharged directly to the canal via the storm drainage piping. In order to resolve the violation, in addition to paying the Penalty, Appleton Corporation agreed to re-train its employees on the proper management of floor-cleaning wastes, and will mark all storm drains, conspicuously, at the property as discharging to surface water.

12/8/16: MassDEP entered into a Consent Order with a \$9,570 Penalty involving Accolade Environmental Contracting Corp., for Asbestos violations in Hardwick. MassDEP found that Accolade violated the Asbestos violations by utilizing prohibited work practices at 356 Main Street in Hardwick. MassDEP has agreed to suspend \$4,785 with \$4,758 being paid. The violations occurred during the removal of asbestos-containing cementitious shingles at 356 Main Street. On 12/14/2015, MassDEP conducted an unannounced asbestos field inspection. MassDEP inspectors observed Accolade employees destructively removing asbestos-containing cementitious siding in a dry state by means of hand tools (pitch fork and sledge hammer).

12/6/16: MassDEP entered into a Consent Order with Suddekor, LLC, for Air Quality violations in East Longmeadow. As a result of emissions testing that was required by MassDEP, Suddekor, LLC failed to meet the emission limits for formaldehyde contained in its air quality permit. Suddekor, LLC was order to apply for a new permit for the equipment at the facility and evaluate various control technologies. In addition to the Penalty, a control technology that enables the facility to reduce emissions and to return Suddekor to compliance is required to be installed at the facility.

12/5/16: MassDEP entered into a Consent Order with Clark's Retirement Homes Park, Inc. for Title 5, septic system, violations in Pepperell. Today's Order, the facility is allowed additional time to connect the individual mobile home units to the municipal sewer system, and in turn, abandon all existing on-site sewage disposal systems at the facility. The facility is in violation of Title 5 requirements and entered into a Consent Order in 2007 to come back into compliance.

12/1/16: MassDEP entered into a Consent Order with a \$6,300 Penalty involving K&P Service, Inc., for Air Quality violations at 324 Waverly Street in Framingham. The violations pertain to the Underground Storage Tank (UST) and Stage II vapor-recovery violations. K&P Service, Inc. was inspected and determined to be in violation of MassDEP's UST and Stage II vapor-recovery regulations. The ACOP requires K&P Service, Inc. to correct all violations and remain in compliance with the applicable requirements. Under today's Order, \$3,500 will be paid (reduced under MassDEP's small business policy). The remaining \$2,800 is suspended, provided the company complies with the Order and remains in compliance for one year. Today's Order also requires K&P Service, Inc. to pay \$890 in past annual compliance fees that are owed to the Commonwealth of Massachusetts.

12/1/16: MassDEP entered into a Consent Order with a \$91,831.70 Penalty involving Southbridge Recycling & Disposal Park for Solid Waste, Wetlands and Air Quality violations at the Southbridge Landfill in Southbridge. MassDEP observed multiple violations at the Landfill during inspections on 8/13/14, 5/19/15, and 5/16/16. Up to \$67,500 of the Penalty will be used to complete a Supplemental Environmental Project in which the company will help defray the cost to the town of a project that stabilizes bank erosion and washout areas impacting the public rail trail along the Quinebaug River.

November 2016

11/30/16: MassDEP in follow-up to an existing Enforcement Case attended a clear-water test at the Wastewater Treatment Facility (WWTF) involving Pocasset Mobile Home Park, Barlow's Landing Road in Bourne. At the conclusion of this test, MassDEP permitted the park to tie into the WWTF. This connection will successfully complete a 16-year enforcement case. On 8/14/12, Superior Court issued a final judgment that penalized the owner, Charles Austin \$250,000 for violation of the Massachusetts Clean Waters Act and required him to transfer \$2.7 million to the court appointed receiver to construct a wastewater treatment plant at the park. Austin had received a permit to construct a treatment plant in 2007 but refused to fund the construction. The park had had failing septic systems and short term remedial actions had been ordered by the court. Massachusetts Attorney General's Environmental Protection Division has been handling this case, with assistance from MassDEP's Office of General Counsel and MassDEP engineers. The Bourne Board of Health has also provided valuable assistance in investigating the case.

11/22/16: MassDEP issued a Demand for \$68,613 Penalty to D & G Recycling in Northbridge. The Demand was for stipulated penalties of \$68,613 for violations of a 2012 Settlement Agreement. In that Settlement Agreement, D & G Recycling Inc. had previously agreed to comply with applicable Solid Waste, Hazardous Waste, Waste Site Cleanup and Wetlands regulations at their place of business located at 2040 Providence Road in Northbridge and to perform a Supplemental Environmental Project. Under the Agreement, the SEP had a value of \$68,613 and called for the company to have placed a portion of the property under a 'conservation restriction' to provide a canoe launch, at least one trail to the canoe launch and an additional trail in for passive recreation, and a minimum of five parking spots at the property.

11/16/16: MassDEP entered into a Consent Order with the Department of Conservation and Recreation (DCR) in connection with the mitigation for resource area impacts that resulted from

a DCR dam spillway repair project in Hinsdale. Today's Consent Agreement included some on-site mitigation and reflects a process spanning several years to locate an appropriate parcel and clear title to the identified property to allow for construction of a mitigation area. The Agreement provides for the acquisition of a parcel adjacent to an Outstanding Resource Water that had been an historic dumping ground and the removal of solid waste and conversion of more than 40,000 square feet of wetland.

11/16/16: MassDEP issued a \$26,600 Penalty Assessment Notice to Lakay Truck Lines LLC in Greenfield. Lakay is a trucking company based in Harrisburg, Pennsylvania. On 12/29/15, MassDEP responded to a tractor-trailer accident on Interstate 91 in Greenfield involving a truck owned and operated by Lakay. Approximately 50 gallons of diesel fuel had been released to the roadway and breakdown lane. MassDEP retained a state-funded contractor to complete necessary cleanup on that date, and issued a Notice of Responsibility and Notice of Response Action to Lakay. Lakay subsequently failed to submit the Release Notification Form and Immediate Response Action Plan (IRAP) or Permanent Solution Statement (PSS) as required, failed to respond to a Notice of Noncompliance issued, and failed to participate in an enforcement conference scheduled to discuss the violation. The Penalty was issued after Lakay failed to respond to a Unilateral Order issued on 9/28/2016 requiring the submittals of the Release Notification Form within 14 days, and IRAP or PSS within 30 days of the date of the Order.

11/16/16: MassDEP issued a \$26,600 Penalty Assessment Notice to E.P. Expedited Transport, LLC in Clarksburg. E.P. Expedited Transport, LLC is a trucking company based in Laredo, Texas. On 1/13/16, MassDEP responded to a release of petroleum at the hairpin curve on the Mohawk Trail (Route 2) in Clarksburg. The tractor trailer unit went up onto the guardrail on the hairpin curve and one of the saddle tanks was punctured, releasing 25 gallons of diesel fuel to the snow, ice, rip rap, and soil. After initial discussions with the trucking company, MassDEP retained a state-funded contractor on 1/15/16 to clean up the accessible contaminated snow and ice related to the release. E.P. Expedited subsequently paid for the initial response action costs. However, additional response actions are necessary to address the release, including assessment and/or removal of contaminated soil from the hillside. E.P. Expedited failed to submit the Release Notification Form and Immediate Response Action Plan (IRAP) or Permanent Solution Statement (PSS) as required, and failed to respond to a Notice of Noncompliance issued. Although E.P. Expedited participated in an enforcement teleconference held to discuss the violation, E.P. Expedited has not followed up with the submittals and other documentation required by MassDEP. Today's Penalty was issued after EP Expedited failed to respond to a Unilateral Order issued on 10/17/2016, requiring the submittal of the Release Notification Form within 14 days, and IRAP or PSS within 30 days of the date of the Order.

11/15/16: MassDEP issued 108 Notices of Noncompliance to Underground Storage Tank (UST) facility owner/operators during the month of November. These entities failed to have their UST third-party inspection submitted showing return to compliance by their respective due dates. MassDEP has given these offenders 30 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

11/14/16: MassDEP entered into a Consent Order with a \$6,325 Penalty involving Tom Leue d/b/a Homestead Engineering for Water Pollution Control violations in Cummington. The violations are related to a Title 5 (septic system) inspection of a property located at 4 Thayer Corner Road in Cummington. The Order requires Leue to submit all Title 5 Inspections he conducts until three years have passed from the effective date of the Order. Leue will pay \$1,000 of the Penalty with \$5,325 suspended provided Leue complies with the requirements of the Order.

11/14/16: MassDEP entered into a Consent Order with Copperwood I Condominium Association in Stoughton for Water Supply violations. Copperwood I exceeded the action levels for lead and copper in drinking water. The respondent will need to establish a timeline for connection to the Town of Stoughton public water supply.

11/10/16: MassDEP required a Tier One Drinking Water Public Notice to Four Mile Village in Boxford. In accordance with the Ground Water Rule (310 CMR 22.26) this public water system is required to provide public notice to its customers after e coli. was detected in the raw (untreated) water from Four Mile Village's Well #2. The sample was collected on 11/8/16 but bacteria was not detected in the treated well water. Although the well is chlorinated, MassDEP has not certified the well as having sufficient chlorination and contact time to achieve 4-log (99.99%) treatment for viruses, so the Ground Water Rule is triggered. Four Mile Village is therefore required to issue Public Notice within 24 hours of receiving the sample result, and had to collect five additional samples of the raw well water. MassDEP did not require the public notice to be a Boil Water Order, because the well was shut down immediately following notification of the e coli. In addition, the chlorination dose was boosted as a precaution. If e coli. is detected in any of the five additional samples, the town will have to either identify and correct any deficiencies that caused the bacterial contamination, or improve treatment so that it achieves MassDEP certification for 4-log virus inactivation.

11/4/16: MassDEP entered into a Consent Order with a \$21,410 Penalty involving Rutland AD 1, LLC for Air Quality violations in Rutland. The violations included exceeding permitted air emission limits and installing equipment prior to receiving an Air Quality Plan approval. MassDEP observed the plan approval violation during a site visit at the company's facility on 5/27/16. The company has applied for a Plan Approval, and is working on preventing future failures causing excess air emissions.

11/4/16: MassDEP entered into a Consent Order with a \$992 Penalty involving Frito-Lay, Inc. for Hazardous Waste Compliance violations in Boylston. As a result of a routine compliance inspection on 9/3/15, MassDEP found violations during the inspection of its snack distribution facility in Boylston. MassDEP determined the company had accumulated waste oil in quantities greater than its Very Small Quantity Generator status allowed and had done so three times in the past three years. It also had not properly labeled a waste oil accumulation tank. By exceeding its waste oil status, the company was subject to emergency planning requirements, which it did not meet. The company has agreed to pay a penalty of \$992 for the violations. This action will help to ensure future compliance with the regulations.

11/3/16: MassDEP issued a Demand for \$1,000 Payment to New England Wind, LLC (c/o Iberdrola Renewables, LLC) in Florida. This Demand for Payment of Stipulated Penalties to

New England Wind, LLC is to address failure to comply with a 12/19/14 Consent Order with Penalty, which required a response to a complaint received through the established hotline for noise complaints. They were required to do so within two (2) hours of receipt. A complaint was received on 9/6/16 which was not responded to within the specified time. The company was assessed the stipulated penalty which is \$1,000.

11/2/16: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Main Street Automotive for Underground Storage Tank violations at its 492 Main Street location in Stoneham. Main Street Automotive, which has had previous incidents of noncompliance, was inspected and determined to be in violation of MassDEP's UST regulations. Today's Order requires Main Street Automotive to correct all violations and remain in compliance with the applicable requirements. In addition, today's Order requires \$2,000 of the Penalty to be paid. Under MassDEP's small business policy, the remaining \$2,000 is suspended, provided the company complies with the Order and remains in compliance for one year.

11/1/16: MassDEP issued a Unilateral Order to Danny Smith d/b/a John Andrews Restaurant for Water Supply violations in Egremont. The establishment is required to address e.coli bacteria detections in its well. The Order requires additional source sampling for e.coli bacteria, notification to boil the water or use alternate water for human consumption, emergency response and investigation.

October 2016

10/31/16: MassDEP issued a Unilateral Declaration of Water Supply Emergency to the Division on Conservation and Recreation at the Quabbin Administrative Building in Belchertown. Today's Order was delivered to the DCR to address the administrative building's water system use during the time that planned work on the building's water storage tank takes place.

10/31/16: MassDEP executed a Consent Order with a \$28,250 Penalty involving American Residential Construction LLC for Wetlands and Water Quality violations at Berthold Street in Saugus. The violations resulted from non-compliance with multiple conditions of three separate Orders of Conditions issued by the Saugus Conservation Commission. The project involves the construction of a three lot residential subdivision. There is approx. 3,338 square feet of Bordering Vegetated Wetland (BVW) that would be filled or otherwise altered beyond that authorized. Additionally, the project never received water quality authorization as required. The document requires the recording of a MassDEP approved deed restriction, full restoration of the BVW - with long-term monitoring and compliance with all provisions of the local orders - including MassDEP approval of any necessary plan revisions. The Order requires payment of \$9,000 of the Penalty, with \$19,250 suspended upon issuance of a return to compliance letter.

10/27/16: MassDEP executed an Amendment to Consent Order with A-Plus Waste & Recycling Services, LLC, for Solid Waste violations in Middleborough. A-Plus is a compost operation located at 88 River Street in Middleborough. The organic material in 12 of 24 windrows has not completed composting and requires additional time to complete the decomposition process. This Amendment extends the deadlines for A-Plus to finish composting, screening and removing the organic material from 12 of 24 windrows on the 20-acre site. The deadline for A-Plus to complete composting 12 of 24 windrows is revised from 9/1/16 (for five of the windrows) and

10/1/16 (for seven windrows) to 12/1/16. The deadline for A-Plus to screen the compost for 12 of 24 windrows is revised 10/1/16 and 11/1/16 to 12/31/16. The deadline for A-Plus to remove the screened compost in 12 of the 24 windrows is revised from 10/31/16 and 12/1/16 to 1/31/17.

10/26/16: MassDEP issued a Unilateral Declaration of Water Supply Emergency to Greylock Estates Homeowners Association in Lanesborough. The Order was issued to address the loss of water due to a well pump failure. Today's Order allows for the use of alternative sources of water until the repairs are completed.

10/26/16: MassDEP issued a Unilateral Order to, Pine Valley Plantation Cooperative Corporation in Belchertown. MassDEP issued today's Order to address total coliform bacteria detections at various locations and e.coli bacteria detections in well #2 at this small community public water system.

10/24/16: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Verizon New England Inc. for Asbestos violations in Easthampton. Verizon violated the regulations by causing a condition which posed a potential threat to human health, safety and welfare or to the environment during asbestos abatement activities at the Manhan Rail Trail Park Street underpass in Easthampton. On 9/19/15, vandals destructively removed damaged sections of asbestos-containing utility conduit from a utility right-of-way owned and operated by Verizon and smashed the sections onto the Manhan Rail Trail below. Following a two-day delay after being notified of the conditions, Verizon initiated clean-up of the site. Verizon also failed to meet asbestos abatement performance standards on three separate days over the course of the following week, which delayed the cleanup. Verizon agreed to pay the \$9,000 Penalty as part of the settlement agreement.

10/24/16: MassDEP entered into a Consent Order with a \$14,089 Penalty involving the town of Montague Water Pollution Control Facility in Montague. The violations involved the discharge of sewage from its Water Pollution Control Facility and a failure to respond to notifications from its alarm-monitoring company to a dry weather overflow as a combined sewage outfall structure which resulted in a discharge of sewage to the Connecticut River. The Order requires revisions to the facility's operation and maintenance plan, including its alarm-notification process. In addition, \$5,000 of the total Penalty will be paid and the balance will be suspended provided the town complies with all the requirements of today's Order.

10/18/16: MassDEP issued a Unilateral Order to E.P. Expedited Transport, LLC, for Waste Site Cleanup violations in Clarksburg. E.P. Expedited Transport, LLC, is a trucking company based in Laredo, Texas. On 1/13/16 at 2:30 PM, MassDEP Emergency Response responded to a release of petroleum at the hairpin curve on the Mohawk Trail (Route 2) in Clarksburg, Massachusetts. As reported, the tractor trailer unit went up onto the guardrail on the hairpin curve and one of the saddle tanks was punctured. Diesel fuel was released to the snow, ice, rip rap, and soil. MassDEP confirmed that a reportable release of an estimated 25 gallons of diesel fuel to the environment had occurred. After initial discussions with the trucking company, MassDEP retained a state-funded contractor on 1/15/16 to clean up the accessible contaminated snow and ice related to the release. E.P. Expedited subsequently informed MassDEP it would retain MTE as a privately-funded contractor to complete work at the site, and paid for the initial response

action costs. However, additional response actions are necessary to address the release, including assessment and/or removal of contaminated soil from the hillside. MassDEP issued a Notice of Responsibility and Notice of Response Action to E.P. Expedited. E.P. Expedited failed to submit the Release Notification Form and Immediate Response Action Plan (IRAP) or Permanent Solution Statement (PSS) as required, and failed to respond to a Notice of Noncompliance issued. Although E.P. Expedited participated in an enforcement teleconference held to discuss the violation, E.P. Expedited has not followed up with the required submittals and other documentation required by MassDEP to be submitted. This Order requires that E.P. Expedited submit the Release Notification Form within 14 days, and IRAP or PSS within 30 days of the date of today's Order.

10/18/16: MassDEP entered into a Consent Order with Jayabal Shanmugam for Wetlands Protection Act violations in Sudbury. The violations occurred on Bigelow Drive (Lot 56) in Sudbury. MassDEP issued a Superseding Order of Conditions for the construction of a single-family residence on the property in 2009 which expired in February of 2016. In March the Sudbury Conservation Agent notified MassDEP that work was continuing on the property despite the expiration of the SOC and issued a cease and desist Enforcement Order to stop work. MassDEP determined that there was minimal work within WPA jurisdiction, primarily landscaping, needed to complete the project and the site was otherwise in compliance with the provisions of the SOC. Today's Order requires completion of the project by a date certain in accordance with the provisions of the SOC, including the need to request and obtain a Certificate of Compliance at the end.

10/18/16: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Patricia Luttrell as Trustee of Union Street Realty Trust for Waste Site Cleanup violations at Storyville Preschool, 97 Union Street in Watertown. Luttrell, as Trustee of Union Street Realty Trust, which is the owner of the property, was in violation for failure to submit revised phase two and three assessment reports detailing the selection of remedial alternatives that meet established performance standards. In addition, a phase four report on the implantation of the cleanup plan so that a temporary or permanent solution was established. Today's Order requires submittal of indoor air sampling results by 3/1/17, revised phase two and reports by 9/30/17 and a phase four report by 3/30/18 with a permanent or temporary solution statement by 9/30/18. The Trust will pay \$4,000 of the Penalty and the remaining \$4,000 will be suspended pending compliance. In addition, there is a stipulated penalty provision for any missed deadlines.

10/17/16: MassDEP entered into an Amendment to an existing Consent Order with Aggregate Industries Northeast Region, Wrentham and the Department. The amendment requires the facility to make upgrades and modifications to the existing plant to improve control of fugitive dust and to eliminate nuisance dust conditions.

10/17/16: MassDEP entered into a Consent Order with Reliable Electro Plating, Inc. for Waste Site Cleanup violations in Norton. Reliable Electro Plating, Inc. is a site from which there has been a release of hazardous materials associated with historical industrial processes and formerly operated waste lagoons. In November 2015, MassDEP issued a notice of noncompliance for having failed to complete Waste Site Cleanup response actions in a timely manner. Reliable Electro Plating, Inc. requested additional time in which to comply. Today's Order now

establishes negotiated timelines for completion of work at the site and contains stipulated penalties should Reliable Electro Plating, Inc. fail to comply.

10/17/16: MassDEP issued an \$11,500 Penalty Assessment Notice to Frederick V. Fijal for Solid Waste violations in Hardwick. Fijal failed to comply with an order to remove solid waste from his property. Fijal is a solid waste hauler, and operating in that capacity brought significant amounts of waste back to his property creating an open dump.

10/17/16: MassDEP executed a Consent Order with Durant Realty Trust, Stead Realty Trust and Leahy Excavating Company, Inc. for violations of the Waste Site Cleanup regulations at the Trust's properties on Elmwood Avenue in Holden. A release of chlorinated solvents was discovered at the Durant property in 1996. MassDEP had previously issued notices of noncompliance in both February 2001 and later in June 2003 for failure to complete required response actions in a timely manner. This was thereafter referred to the Massachusetts Attorney General's Office. In 2009 the potentially responsible parties (PRP) entered into a Settlement Agreement with the Commonwealth and consented to the entry of a Final Judgment. The PRPs paid a penalty of \$60,000 but failed to meet the deadlines established in the Settlement Agreement. Under today's Order, MassDEP has established new deadlines for the submittal of a revised phase two remedial site scope of work, and status report, and a permanent or temporary solution statement while reserving rights under the final judgment.

10/12/16: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Astro Chemicals, Inc., for Waste Site Cleanup violations in Springfield. Astro Chemicals Inc. is a chemical supplier based in Springfield, for failing to immediately notify MassDEP of a threat of release of di-vinyl-benzene (or DVB) from drums at its facility at 64 Shaws Lane in Springfield. On 7/19/16 at 6:00 AM. Astro Chemicals employees discovered that several drums of DVB had reacted, expanded and/or breached - this was most likely due to elevated temperature in the warehouse. Astro cleaned up a small amount of DVB that was released onto the warehouse floor, and ventilated the building. Astro also took steps as directed by the manufacturer, Dow Chemical, to stabilize the drums, but did not contact Springfield public safety officials or MassDEP regarding this incident. On 7/21/16, MassDEP received an anonymous complaint through USEPA regarding the incident, and responded to the site to investigate. Based upon its review, MassDEP determined that DVB is a reactive hazardous material as described in the Massachusetts cleanup regulations and that notification of the threat of release of DVB should have been provided to MassDEP within two hours of Astro becoming aware of the incident. Prior to meeting with MassDEP to discuss the violation, Astro submitted a Permanent Solution Statement and Release Notification for this threat of release, and has elected not to store DVB in the future. Under today's Order, Astro will re-train staff on response to releases and threats of release of oil and hazardous materials, and has agreed to pay a penalty of \$5,000.

10/12/16: MassDEP issued a \$5,750 Penalty Assessment Notice to Deerfield AD 1, LLC, for installing control equipment at its anaerobic digester without prior approval in Deerfield. Installation of such equipment is required under existing Air Quality regulations (310 CMR 7.00).

10/11/16: MassDEP entered into a Consent Order with a \$3,500 Penalty involving Triple T Trucking Corporation, for Waste Site Cleanup violations in Turners Falls. Triple T is a solid

waste transportation company based in Brattleboro, Vermont. On 5/20/16, at 3:46 a.m., a trash-compacting truck owned and operated by Triple T experienced a hydraulic system failure while traveling on Avenue A between 7th and 11th Streets in the village of Turners Falls in Montague. Triple T employees were immediately aware of the release of hydraulic fluid (which was estimated to be approx. 50 gallons released over 450 feet of roadway) and took steps to contain and cleanup the release. However, MassDEP was not notified of the release of hydraulic fluid within two hours, as required by the Massachusetts cleanup regulations. Prior to meeting with MassDEP to discuss the violation, Triple T submitted a Waste Site Cleanup report, documenting completion of the cleanup. In addition to the Penalty, however, Triple T will re-train its employees on response to releases and threats of release of diesel fuel and hydraulic fluid.

10/11/16: MassDEP entered into a Consent Order with a \$10,750 Penalty involving Specialty Minerals, Inc. for Groundwater Discharge violations in Adams. Specific violations include the discharge of high pH groundwater from an old mine at the site. Today's Order requires that SMI evaluate and remediate any impacts from the discharge and establishes a process of the collection and treatment of the discharge at the facility's plant. This violation had been the subject of a prior Unilateral Order which required collection and disposal of the seepage pending a longer-term approach. In addition, \$5,750 of the Penalty is to be paid immediately and the balance suspended provided that Specialty Minerals complies with the requirements of the Order.

10/6/16: MassDEP in a joint-motion along with the assistance of the Massachusetts Attorney General's Office filed a motion in Suffolk Superior Court involving Mystic Motor Transportation Co., Inc. (Mystic Motor) to approve a consent judgment. Mystic Motor is a general contracting and excavating business based in Billerica. The judgment would call for Mystic to pay \$152,400 to settle claims by the AGO and MassDEP, that Mystic Motor illegally dumped multiple loads of construction and demolition waste at an unpermitted site in Methuen (the Battye Site). The total payment of \$152,400 includes a \$147,400 payment in installments into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site, \$48,000 of which could be waived if Mystic Motor complies fully with the Consent Judgment during a three year period; and a \$5,000 civil penalty, \$2,000 of which could be waived if Mystic Motor fully complies with the Consent Judgment during a three year period. The settlement also prohibits Mystic Motors from unlawfully handling, storing or disposing of construction and demolition waste or other solid waste. This Consent Judgment arises from an enforcement case developed by MassDEP's Solid Waste, Asbestos, Wetlands and attorneys.

10/7/16: MassDEP entered into a Consent Order with Handy & Harmon Electronic Materials for Waste Site Cleanup violations in North Attleboro. In June 2013, MassDEP issued a Notice of Audit Findings/Notice of Noncompliance (NOAF/NON) to the Respondent which identified response actions that had not been performed as required. The NOAF/NON identified actions required to return to compliance and established deadlines for completion of the actions. Respondent could not meet deadlines established in NOAF/NON. In response to a request by the Respondents consultant, today's Order was negotiated, and establishes revised negotiated deadlines for the completion of response actions at the site.

10/7/16: MassDEP issued a Unilateral Order to Westport High School and Westport Elementary School in Westport for failure to collect the required lead and copper samples after submitting a

Monitoring and Reporting Violation Response Schedule for its previous failure to properly monitor. Schools will be required to collect lead and copper samples and notify consumers of failure to collect samples.

10/5/16: MassDEP issued a Unilateral Order to MEZ Realty, Inc. - Lakeside Estates - a mobile-home community park in Mashpee for Water Pollution Control violations. The Order requires the temporary repair of a failed leaching field of a sewage disposal system serving four homes.

10/5/16: MassDEP entered into a Consent Order with a \$7,000 Penalty involving Madison Place Southborough, LLC, for Water Pollution Control violations in Southborough. Robert Moss representing Madison Place Southborough, LLC of Westborough is the owner of the Madison Place residential apartment complex located in Southborough. That complex has a permitted Groundwater Discharge wastewater treatment facility. The owner/permittee of the facility modified the treatment works with the installation of a pre-treatment tank without authorization or approval from MassDEP. This represents a violation of the Groundwater Discharge regulations. The Consent Order requires the permittee/owner to submit a complete permit application for the work with engineering plans, pay two times the permit filing fees, make any necessary modifications, and provide to MassDEP the as-built plans with an updated Operations and Maintenance manual for the facility.

10/3/16: MassDEP issued 160 Notices of Noncompliance regarding Underground Storage Tank (UST) Enforcement. These UST facility owner/operators failed to have UST third-party inspections completed by their respective due dates through 7/31/16. The agency will give the offenders 30 days to return to compliance. Those facility owner/operators who fail to do so will be subject to additional enforcement measures, including financial penalties. The UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. More information: [UST-TPI](#)

September 2016

9/30/16: MassDEP issued a Declaration of State of Water Supply Emergency to the town of Burlington. Due to excessive dry weather, the water level in Burlington's surface water reservoir is low. Three of the town's seven municipal wells are not presently in use due to 1,4-dioxane contamination. To prevent an impending water shortage, Burlington has enacted a full outdoor water ban and requested this Emergency Declaration from MassDEP. Today's Declaration allows Burlington to purchase water from the town of Lexington via an existing emergency interconnection. The current town-wide ban on non-essential outside water use must remain in place for the duration of the Emergency Declaration.

9/29/16: MassDEP issued a Unilateral Order to Lakay Truck Lines LLC, for Waste Site Cleanup violations in Greenfield. Lakay is a trucking company based in Harrisburg, Pennsylvania. On 12/29/15, MassDEP responded to a tractor-trailer accident on Interstate 91 in Greenfield involving a truck that was owned-and-operated by Lakay. Approximately 50 gallons of diesel fuel were released to the roadway and breakdown lane. MassDEP retained a state-funded contractor to complete necessary cleanup on that date, and issued a Notice of Responsibility and Notice of Response Action to Lakay. Lakay failed to submit the Release Notification Form and Immediate Response Action Plan (IRAP) or Permanent Solution Statement (PSS) as required. In

addition. Lakay failed to respond to a Notice of Noncompliance issued, and failed to participate in an enforcement conference scheduled to discuss the violation. Today's Order requires that Lakay submit the Release Notification Form within 14 days, and IRAP or PSS within 30 days of the date of the Order.

9/29/16: MassDEP entered into a Consent Order with Richard Benham for Air Quality (Asbestos) violations in Leominster. Benham, a resident of Fitchburg, violated the regulation at an unoccupied residential property being renovated in Leominster. The violations were discovered during an October 2015 inspection by MassDEP which was following up on a complaint of an improper asbestos removal. MassDEP inspectors found numerous pieces of dry, asbestos containing sheet flooring and floor tiles lying uncontained in the yard at the property. MassDEP required all affected areas of the property to be cleaned up and decontaminated by a licensed asbestos contractor.

9/29/16: MassDEP entered into a Consent Order with a \$60,000 Penalty involving Resource Control, Inc., (RCI) for Solid Waste violations at the (Martone) Landfill, Barre. The company will pay \$15,000 and the remaining \$45,000 will be payable if a Supplemental Environmental Project (SEP) is not completed. RCI will correct the violations that occurred at an active landfill located at 99 Barre Depot Road in Barre. Inspections in April and October 2015 documented several violations of solid waste regulations related to maintenance of erosion controls, storm water drainage control, management of leachate, and management of surface water. RCI agrees to conduct all necessary repairs and to perform a SEP. The SEP will transfer 3.57 acres to the town of Barre, which can be used for an expansion of the community's composting and recycling operations.

9/27/16: MassDEP issued a Unilateral Boil Water Order to the town of Hamilton Water Department for Water Supply violations. On 9/24/16, the Hamilton Public Water Supply had a major main break, which led to the loss of pressure in the distribution system. On 9/25/16, the Town Water Department installed an insertion valve, isolating the main break, and began pressurizing the system. They also notified consumers to boil the water before use and are conducting follow-up monitoring for coliform bacteria in accordance with today's Order.

9/26/16: MassDEP entered into a Consent Order with an \$8,000 Penalty involving Jain (Americas), Inc., located in Chicopee. Jain (Americas) Inc., is the parent company of NuCedar Mills in Chicopee. NuCedar is a manufacturer of products used on the exterior of buildings. As a result of record review, MassDEP determined that NuCedar failed to comply with the terms and conditions of its Air Quality permit which requires the company to monitor the amounts of coatings used on their products. According to MassDEP's records, the company failed to submit the required air emission reports to MassDEP over the course of three consecutive years. As part of the settlement agreement, the company has agreed it will fully comply with future compliance requirements and payment of the entire \$8,000 Penalty.

9/22/16: MassDEP issued a Unilateral Water Supply Emergency to Whately Water District in Whately regarding its inability to maintain an adequate supply to its customers from its approved active wells. MassDEP, through this order allows the District to use its Well Number Three, an unapproved source, for bulk or bottled water to meet system demand, with conditions regarding

its emergency plan, water quality monitoring, water conservation, leak detection and progress reports.

9/21/16: MassDEP entered into a Consent Order with a \$3,795 Penalty involving Quarry Hills Associates, LP for Solid Waste violations in Quincy. MassDEP determined that Quarry Hills Associates, LP had not complied with a MassDEP permit condition by failing to have a Massachusetts Registered Professional Engineer observe excavation work and the subgrade conditions during a construction project to replace damaged driving range netting support poles located on a closed and capped landfill. In addition to the Penalty, MassDEP is requiring Quarry Hills Associates, LP to monitor the stability of the replaced range poles.

9/19/16: MassDEP entered into a Consent Order with Quabbin Healthcare, Inc., for Water Supply violations in Petersham regarding its reactivation of a public water system. The Order includes conditions regarding use of the existing source and treatment (including discharges), activities within the zone one (wellhead protection) operation, monitoring and other upgrades.

9/19/16: MassDEP entered into a Consent Order with Whately Water District for Water Supply violations in Whately. The District has agreed to address needed improvements to its storage, including cleaning the water storage tank, an improved point-of-entry sample location and continued monitoring for manganese.

9/16/16: MassDEP entered into a Consent Order with the Bank of Cape Cod for Wetlands violations at 3 Adams Land in Dover. This action results under the Certificate of Compliance (COC) Initiative undertaken by the MassDEP Wetlands. After issuance of an notice of noncompliance in 2013 to the former property owner (Stephen Fogg) for failure to request a COC in 1997, MassDEP found that 6,060 square feet of bordering vegetated wetland (BVW) replication had not been constructed as required by both a final order and a Water Quality Certificate issued for a driveway to a single family house crossing this BVW and an intermittent stream. The house and driveway crossing were built according to the approved plan. In 2014, the Bank of Cape Cod foreclosed on the property. Today's Order governs the construction of the BVW replication with long-term monitoring requirement.

9/13/16: MassDEP issued a Unilateral Order to Hardwick Vineyards and Winery, Inc., for Water Supply violations in Hardwick. Hardwick Vineyards and Winery, Inc. owns and operates a transient public water system. The Winery has failed to submit the 2015 Annual Statistical Report required of all public water systems and has failed to submit the report after receipt of a previously-issued Notice of Noncompliance.

9/13/16: MassDEP issued a Unilateral Order to Jerry J. Bird d/b/a Spruce Corner Restaurant in Goshen, for Water Supply violations. Spruce Corner Restaurant operates a transient public water system. Bird failed to submit the 2015 Annual Statistical Report required of all public water systems and failed to submit the report after receipt of a Notice of Noncompliance.

9/13/16: MassDEP entered into a Consent Order with the Spencer House, LLC, for Water Supply violations in Becket regarding its operation of a public water system in Becket. Today's Order addresses compliance with ongoing operations, water monitoring and source requirements.

9/13/16: MassDEP entered into a Consent Order with a \$5,750 involving the Trinity Ashmont Two, Limited Partnership (LP) for Waste Site Cleanup violations in Dorchester (Boston). Trinity Ashmont Two, LP, is the owner of the property at 1981 Dorchester Avenue, in Dorchester, where a former car sales and repair facility was located. The LP is now redeveloping the property into mixed use including market value and below market value residences. Specifically, the violations were for failure to submit a Release Abatement Measure Plan prior to removing contaminated soils at the site. Under today's Order, the LP will pay \$2,000 of the Penalty, with \$3,750 suspended with a stipulated penalty provision for any missed deadlines.

9/13/16: MassDEP issued a \$7,590 Penalty Assessment Notice to Tracy Gleason d/b/a Spanky's Tree Service for Waste Site Cleanup violations in Orange. On 12/3/15, MassDEP was notified of diesel fuel to roadways and private commercial property in the vicinity of 25 East Main Street in Orange. At the time of the call, the party who caused the release was unknown. MassDEP staff immediately responded to the site to oversee cleanup of the spill and investigate the potential source. Through investigation, including video footage from the impacted property, it was determined that the release of diesel fuel, estimated to be approximately 20 gallons, spilled from a vehicle operated by Gleason. The video footage also indicated that Gleason was aware of the spill, but failed to notify either the town of Orange public safety officials or MassDEP of the release. MassDEP made numerous attempts to reach a negotiated settlement with Gleason but was unsuccessful, resulting in today's Penalty.

9/8/16: MassDEP entered into a Consent Order with an \$8,625 Penalty involving Commonwealth New Bedford Energy (CNBE) LLC for Air Quality violations in Dartmouth. CNBE was found to be operating a landfill gas to energy facility while exceeding hydrogen sulfide gas limitations, due to the Crapo Hill landfill accepting construction and demolition waste. Today's Order requires CNBE to install and operate a treatment system that removes excess hydrogen sulfide, to monitor the gas on a monthly basis, and to pay the \$8,625 Penalty.

9/2/16: MassDEP issued a Unilateral Order to Northfield Mount Hermon School (NMHS) for Wetlands violations in Northfield. NMHS must work to stabilize a construction site and cease and desist from working until it has obtained a permit. The violation arises out of the construction of an access road on Warwick Road in Northfield without a wetlands permit on a steep slope within the 200-foot riverfront area of Mill Brook - a coldwater fishery. NMHS has subsequently filed a notice of intent with the conservation commission for the work.

9/2/16: MassDEP entered into a Consent Order with a \$4,600 Penalty involving AO Eyewear, Inc. for Ground Water Discharge violations in Southbridge. As a result of a complaint investigation on 11/5/15, MassDEP determined the violations of the Ground Water Discharge Permit Program regulations. During the inspection of its eyeglass-frame processing facility in Southbridge, BAW personnel determined that the company was disposing of wastewater from its frames polishing operation to the ground surface without a permit. The Company has ceased the discharge and agreed to pay the \$4,600 Penalty. This action will help to ensure future compliance with the regulations.

9/1/16: MassDEP entered into a Consent Order with Sarkis Balian for Air Quality (Asbestos) violation in Worcester. The violations occurred at a mixed use commercial/residential property

in Worcester. The violations were discovered during a November 2015 inspection by MassDEP which was following up on a complaint of an improper asbestos removal. MassDEP inspectors found a disconnected asbestos-insulated boiler and pieces of dry asbestos insulation uncontained on the basement floor. MassDEP required the basement to be cleaned up and decontaminated by a licensed asbestos contractor.

August 2016

8/30/16: MassDEP entered into a Consent Order with Colonial Estates Homeowners Association, Inc. for Water Pollution Control violations in Taunton. Colonial Estates is the owner of a mobile home park that is served by multiple sewage disposal systems where total flow at the property is in excess of 15,000 gallons per day. Today's Order establishes timeframes for connection to the municipal sewer or construction of a groundwater discharge facility.

8/29/16: MassDEP entered into a Consent Order with MK Fuel, Inc. for Water Supply violations in Brimfield. Today's Order addresses the facility's failure to meet certified operator requirements and failure to complete required routine total coliform bacteria monitoring. Under the terms of the Order, the facility will address and take corrective actions including public notice and operator coverage.

8/29/16: MassDEP entered into a Consent Order with Berkshire Hills Regional School District to address Water Supply violations in Great Barrington. Today's Order with Berkshire Hills Regional School District is regarding the Monument Mountain Regional School campus and its certified operator practices, emergency response plan, monitoring and treatment system safety control requirements. The Order addresses and requires corrective actions to bring the facility into compliance.

8/24/16: MassDEP entered into a Consent Order with Quabbin Healthcare, Inc. for Water Supply and Water Pollution Control violations in Petersham. The Order addresses the terms for the reactivation of the public water system recently inactivated and additional drinking water and wastewater matters associated with the planned use of this facility. Today's Order includes a detailed list of actions to be taken to bring the facility into compliance prior to opening to the public.

8/23/16: MassDEP entered into a Consent Order with a \$946 Penalty involving the Village Cooperative Corporation for Water Supply violations in Leverett. Village Cooperative Corporation failed to demonstrate adequate certified operator oversight and failed to comply with sanitary survey requirements at Village Coop public water system in Leverett. Under the terms of today's Order, the Corporation is required to submit monthly operator inspection reports to be submitted for each of the coming twelve months and payment of the Penalty.

8/23/16: MassDEP issued a Unilateral Order to, Earthdance Creative Living Project, Inc., in Plainfield. Earthdance Creative Living Project, Inc. had submitted notification of a drinking water emergency due to power loss of the ultraviolet light disinfection system and use of a bypass to have water for non-potable uses. Today's Order requires notice to customers to boil water or use bottled water for human consumption, notice to local officials, implementation of its emergency plan and continued monitoring as required by MassDEP.

8/17/16: MassDEP entered into a Consent Order with Briggsville Water District involving Water Supply violations in Clarksburg. Today's Order is regarding the District's failure to meet sanitary survey and permit requirements, failure to respond properly to emergencies and failure to notify officials of emergencies as required, deficiencies in its chlorine disinfection system and public water system capacity and operations issues. The Order requires certain corrective actions involving the permitting, planning, staffing and operational improvements that are necessary to bring the District into compliance.

8/17/16: MassDEP entered into a Consent Order with a \$5,000 Penalty involving the town of Wales Transfer Station to address violations observed at the site of both their solid waste transfer station and the landfill. Today's Order requires the town to address ash and wood waste disposal issues on site, correct hazardous waste violations (waste oil and fluorescent bulbs), complete required certifications, and perform required inspections. The entire penalty of \$5,000 will be suspended pending compliance with the terms of the Order.

8/17/16: MassDEP entered into a Consent Order with a \$4,935 Penalty involving Westfield State University, Westfield. MassDEP has entered into a Consent Order with Westfield State University to address hazardous waste and air quality violations. As a result of inspections conducted at the University in late 2015, MassDEP identified several violations which were also cited in a Notice of Noncompliance that MassDEP had issued the University in 2011. The repeat violations include: failure to submit ERP certification forms for emergency engines installed at the facility; accumulating universal waste for greater than one year; incomplete/missing labels on hazardous waste containers; and, acting out of status as a large quantity generator of hazardous waste while registered as a very small quantity generator. Additionally, the University failed to submit (Stage II-form C) its annual in-use compliance certification. As part of the settlement agreement, Westfield State University will develop and implement an Environmental Management System. MassDEP has agreed to suspend the entire penalty pending demonstrated compliance with the terms of the agreement.

8/17/16: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Westfield Electroplating Company for Air Quality and Hazardous Waste violations in Westfield. The violations include the failure to operate equipment in accordance with a plan approval and failure to inspect air pollution control equipment and hazardous waste accumulation areas. Under the terms of the Order, the facility will be brought into compliance and, WEPCO will pay the \$4,000 Penalty.

8/17/16: MassDEP entered into a Consent Order with a \$20,000 Penalty involving S&G Associates, LLC, for Waste Site Cleanup violations in Osterville. Today's Order establishes negotiated deadlines for the completion of required comprehensive response actions at the site and assesses a negotiated penalty in the amount of \$20,000. Today's Order once incorporated into a final decision, will settle and release all claims between MassDEP and S&G as raised in their appeal of a 2016 Unilateral Administrative Order and Penalty Assessment Notice, issued by MassDEP in response to S&G's failure to conduct required comprehensive response actions at the site.

8/16/16: MassDEP entered into a Consent Order with a \$15,870 Penalty involving Prime Marina MV Holdings LLC for Chapter 91 Waterways violations in Tisbury. Prime Marina MV Holdings

LLC is the owner of the Vineyard Island Marina, and today's Order is in connection with noncompliance with the Chapter 91 license for the marina. Additional floating docks, a reconstructed bulkhead and two (2) buildings were constructed without prior authorization. Respondent has filed a Waterways application seeking the required authorization and will pay a penalty in the amount of \$15,870.

8/15/16: MassDEP issued 98 Notices of Noncompliance during the month of August for Underground Storage Tank (UST) violations. The NONs were issued to the facility owner/operators for failing to have UST third-party inspections completed by their respective due dates through 6/30/16. MassDEP gave the offenders 30 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to have their tank systems inspected every three years by MassDEP-approved Third-Party Inspectors (TPIs), hired by the UST owners. TPIs report their findings to the agency. While they provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

8/9/16: MassDEP entered into an Amendment to an existing Consent Order with Southport on Cape Cod Condominium Association, Inc. in Mashpee. Today's Amendment allows Southport's request for extension of time to perform certain actions required by the November 2015 Consent Order. The Order requires Southport to retain the services of a contractor to perform all required maintenance on its facility as well to prepare a report describing any facility modifications necessary to maintain permit compliance for the next 5 years. The Order further sets out a schedule for the completion of the required actions.

8/8/16: MassDEP entered into a Consent Order with 229 Food & Farm, LLC (229 Cantina) for Water Supply violations in New Marlborough. 229 Food & Farm, LLC operates a public water system. Today's Order addresses compliance with operator, monitoring and other water system requirements.

8/8/16: MassDEP issued an \$860 Penalty Assessment Notice to James LaMountain for Air Quality violations in Holland. James LaMountain was issued the Penalty for conducting open burning at his residence in Holland. Based on a complaint referral from the Holland Police Department, it was determined that LaMountain conducted open burning of a large pile of trash, plastic, bricks, processed wood, and other building debris on 4/17/16.

8/8/16: MassDEP issued a \$1,720 Penalty Assessment Notice to Blodgett Farm at Mashapaug, LLC in Holland for Air Quality violations. MassDEP determined that the Farm was allowing open burning at its property at 178 Mashapaug Road in Holland. Based on a complaint referral from the Holland Police Department, the property was the site of two distinct illegal burns of trash, plastic, bricks, processed wood, and other building debris on 4/17/16.

8/8/16: MassDEP entered into a Consent Order with a \$10,000 Penalty involving ElecComm Power Realty LLC for Waste Site Cleanup violations at 149 Providence Street in Boston. ElecComm Power Realty LLC is the owner of the property in the Hyde Park section of Boston. The property is a commercial building. Specifically, the Waste Site Cleanup violations were for failure meet deadlines for submittal of a phase one assessment report and a tier classification, establishing site conditions and additional cleanup measures. MassDEP had issued a Notice of

Noncompliance on 12/30/15 relative to this site. Today's Order contains a \$10,000 penalty provision with \$9,400 suspended and \$600 paid as well as a stipulated penalty provision for any missed deadlines.

8/5/16: MassDEP entered into a Consent Order involving Green Acres Reclamation Project to address soils at 175 South Street in Uxbridge. The Order involves the Green Acres Reclamation LLC, Richardson-North Corporation and Elias Richardson III and constitutes MassDEP approval pursuant to Policy #COMM-15-01 - the Interim Policy on the Re-Use of Soil for Large Reclamation Projects. The Order is to allow for acceptance of certain soil at this facility for sand and gravel pit reclamation purposes. Policy COMM-15-01 directs MassDEP to issue site specific approvals, in the form of an Administrative Consent Order, to ensure the reuse of large volumes of soil for the reclamation of sand pits, gravel pits and quarries that pose no significant risk of harm to health, safety, public welfare or the environment and would not create new releases or threats of releases of oil or hazardous materials. The project involves importing up to 2.5 million cubic yards of soil from construction projects to fill and grade approximately 45 acres. The facility management practices and the criteria for the acceptance of soils at the facility are specified in an approved Soil Management Plan.

8/5/16: MassDEP issued a Unilateral Order to Vickamyn, LLC in Charlemont for Water Supply violations. MassDEP issued this Boil Water Order to Vickamyn, LLC as the owner of the Charlemont 4-Family Store. The Boil Water Order was issued in response to detections of e.coli bacteria in the source and system. The Order includes boil water requirements, public notice, additional response actions and investigation into the cause.

8/4/16: MassDEP entered into an Amendment to an existing Consent Order with the town of Gill for Water Supply violations. MassDEP had concluded an Order with the town of Gill regarding the Gill Elementary School public water system. Today's Amendment now addresses a new deadline and conditions for installation of disinfection due to multiple bacteria detects while the public water system also address other water quality issues.

8/4/16: MassDEP issued a Demand for \$1,500 in Stipulated Penalties to A-Plus Waste and Recycling Services, LLC in Middleborough. The Demand was for continued violations of Administrative Consent Order. A-Plus violated existing Order by not submitting biweekly reports within 5 days of the end of the two-week period, not establishing a complaint hotline by 6/30/16 and by submitting four weekly notifications after 3 p.m. the week before the activity. The Stipulated Penalty Demand Notice requires that A-Plus pay the \$1,500 within 30 days. Earlier this year, MassDEP entered into a Consent Order with A-Plus for noncompliance with Solid Waste Regulations for the compost operations at 88 River Street. A-Plus held a General Permit with MassDEP for composting (including food material) in Middleborough. A-Plus violated MassDEP solid waste regulations by generating off-site offensive/nuisance odor conditions and not using best management practices at the site. The Order revoked the site's General Permit for composting and required A-Plus to follow an updated Operational Plan for Compost Materials Removal and Odor Control Plan ("the Plan") for the management and subsequent removal of the existing compost material on the site and minimize off-site nuisance odors.

8/1/16: MassDEP entered into a Consent Order with a \$14,375 Penalty involving Edgewood North Reading Apartments Investors, LLC, for Water Pollution Control violations in North Reading. Edgewood North Reading Apartments Investors, LLC holds a groundwater discharge permit and violated the effluent limit requirements of their permit. Edgewood will pay \$8,000 of the Penalty and \$6,375 will be suspended contingent on satisfactory completion of required compliance measures.

July 2016

7/29/16: MassDEP issued a Penalty Assessment Notice of \$6,000 to James Smith of Montague for Wetlands Protection Act violations. In addition, a Unilateral Order was issued to Smith regarding the placement of fill to expand the lawn at his home. Smith has failed to comply with a local enforcement order, failed to respond to a Notice of Enforcement Conference and other communications from MassDEP. Smith has had prior wetlands violations at his property. Today's Order requires that Smith cease and desist from placing additional fill and to retain a wetlands consultant as well as develop and execute a plan to restore the area where the violation took place.

7/28/16: MassDEP entered into a Consent Order with an \$1,865 Penalty involving Accurate Plastics Inc. for Air Quality and Hazardous Waste Management violations in Falmouth. MassDEP conducted a multi-media inspection that revealed the facility was generating Small Quantity Generator amounts of hazardous waste while registered as a Very Small Quantity Generator. In addition, there were violations for container labeling and marking the accumulation area, and that Accurate Plastics Inc. also had failed to apply for a plan approval for acetone emissions from production activities greater than one ton per year. Today's Order ensures compliance with the Hazardous Waste and Air Pollution Control requirements.

7/27/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Fernwood Holdings, LLC for Wetlands violations at 209 Essex Avenue in Gloucester. The violation consists of filling and altering 320 linear feet of Bank by installing 160 linear feet of pipe to convey an intermittent stream across the property without authorization. MassDEP became involved with the case after the violator received two local Enforcement Orders, and had filed a Notice of Intent to restore only a portion of the stream and was denied by the Conservation Commission, and, then appealed the decision to MassDEP requesting a Superseding Order of Conditions (SOC). MassDEP worked with the violator to revise the proposed plan to restore the stream and provide additional mitigation that resulted in issuance of the SOC but with deadlines for the work. The work was not performed and deadlines were not met in non-compliance with the conditions of the SOC. Today's Order contains provisions for stream restoration and additional mitigation including work deadlines and long term monitoring and reporting. Fernwood will pay \$500 of the Penalty the remaining \$29,500 will be suspended upon full compliance.

7/26/16: MassDEP entered into a Consent Order with a \$2,580 Penalty involving PDFR Trust/Country Junction Plaza or Water Supply violations in Carver. PDFR Trust is the owner of a commercial plaza and is a public water system. The system reported elevated levels of copper and aluminum. Violations included failure to collect water quality parameters, failure to submit an optimal corrosion control treatment recommendation, failure to provide consumer notice to

persons served at the tap, and failure to give public notice of violations. Respondent has hired a new certified operator for its system. Today's Order requires respondent to provide public notice, collect water quality parameters, submit a plan to obtain a permit allowing recommend corrosion control treatment, install corrosion control treatment if and when that is approved, and conduct post-installation sampling. Today's Order also assesses a penalty of \$2,580 with \$2,000 payable and \$580 suspended contingent upon compliance.

7/26/16: MassDEP entered into an Amendment to an existing Consent Order from 2014 with Easton MHC LLC for Water Pollution Control violations in Easton. Easton MHC LLC is the owner of the Easton Mobile Home Park, and today's Amendment extends the deadline for completing the phase two and three(a) and three(b) activities, specifically the inflow/infiltration reduction and upgrades to the wastewater treatment facility that had been outlined in the repair plan.

7/25/16: MassDEP entered into a Consent Order with a \$17,250 Penalty involving 170 Broadway LLC for Waste Site Cleanup violations in Boston. After receiving a report of petroleum and lead in soil above reportable concentrations, the contaminants were identified in January of 2015 and reported in February of 2016. The company, however, has failed to report contamination in soil above reportable concentrations to MassDEP within 120 days of knowledge in violation of regulations. On 3/21/16, MassDEP received a release abatement measure plan describing the stabilization of 350 yards of lead contaminated soil at the site, but documents revealed it was already done, and this was done prior to submitting plan, a violation. The building on the property has been demolished and the site is being redeveloped. The first floor will be a commercial/restaurant establishment, and upper floors will be apartments. On 7/25/16, MassDEP and 170 Broadway LLC entered into an Order containing submittal deadlines and a penalty. Today's Order requires a RAM status report by 7/21/16 and either a permanent solution statement or a phase one report and a tier classification for the site by 2/26/17. Today's Order requires \$7,250 paid and \$10,000 suspended pending compliance, and a stipulated penalty provision for any missed deadlines.

7/22/16: MassDEP issued a Unilateral order to Sidhee Inc. located at Route 102 in West Stockbridge. The Order was accompanied by a declaration of state of water emergency to Sidhee Inc. - d/b/a Pleasant Valley Motel - a public water system. The Declaration was issued at the request of the owner to allow the motel to provide alternate and bulk water due to a failure of the well pump. Alternate water was provided and the well pump repaired, the system disinfected and bacteria samples taken.

7/21/16: MassDEP issued a boil-water order to Aquarius Water Company, Inc. in Belchertown. The company operates the Sportshaven Mobil Home Park. A shortage of water at the park has caused residents to turn the well off to allow the well to recover. The resulting loss of pressures creates the potential for contamination of the system due to on-site septic systems. The boil order was issued as a preventative measure to protect public health.

7/20/16: MassDEP entered into a Consent Order with an \$11,000 Penalty involving Springfield Muffler Co. Inc. for Hazardous Waste Management violations in Springfield/West Springfield. Springfield Muffler Company, Inc. owns and operates automotive repair facilities in Springfield and West Springfield under the name of Spartan Auto Care Centers. As a result of inspections

conducted at the two facilities, MassDEP identified that these facilities were not registered with MassDEP as a generator of waste oil; had not registered the waste oil burning activities; did not have appropriate labels on its waste oil containers and tanks; have not conducted weekly inspections of its waste oil accumulation areas; and, had not been maintaining hazardous waste manifests. In addition, the company operated a waste oil-fired space heater (at both facilities) outside of the approved period. Springfield Muffler Company, Inc., which has cooperated with MassDEP, initiated corrective actions after becoming aware of the violations. The company will pay \$5,000 of the Penalty with the additional \$6,000 suspended pending compliance with the terms of the agreement.

7/14/16: MassDEP issued a Unilateral Order to Christopher Baj - d/b/a Hadley Concrete Service - in Hadley. MassDEP issued a Unilateral Order to Hadley Concrete Service, requiring the removal of waste concrete material that was dumped on the bank of the Connecticut River in Hadley.

7/14/16: MassDEP has entered into a Consent Order with Carver High and Middle Schools for Water supply violations in the town of Carver. These facilities have water supplies that have exceeded the manganese level. Under today's Order, the supplier of water shall take appropriate actions to reduce the level of contaminant concentrations to levels MassDEP deems safe. The town of Carver will hire a professional engineer to evaluate the drinking water system, construct a chemical injection system, evaluate options for reducing the manganese concentration, and provide finished water demonstrating that manganese levels are reliably and consistently below 0.30 mg/l.

7/14/16: MassDEP entered into a Consent Order with Whately Board of Water Commissioners for Water Supply violations in Whately. The Whately Board of Water Commissioners has failed to address staffing and monitoring violations at this community public water system. Today's Order now provides a schedule for the hiring of replacement staff and appropriate staffing of the system. In addition, the system has already reported that it has repaired the broken monitoring equipment.

7/13/16: MassDEP issued a Unilateral Order to Aquarius Water Company, Inc. for Water Supply violations in Belchertown. Aquarius Water Company, Inc. is the owner of the Sportshaven Mobil Home Park. The order requires the owner to provide alternate water due to a shortage of water at the park, to provide notice to customers, to report to MassDEP and the local board of health on a daily basis, and to implement its emergency plan. The owner has not complied with the Order and MassDEP is working with the town and the Massachusetts Attorney General with respect to this facility.

7/11/16: MassDEP issued 107 Notices of Noncompliance in the month of July for Underground Storage Tank (UST) enforcement matters. The UST facility owner/operators failed to have third-party inspections completed by their respective due dates through 3/31/16. MassDEP had given the offenders 30 days to return to compliance. Those owners/operators who failed to do so will be subject to additional enforcement measures, including financial penalties. The UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws

and regulations. MassDEP also issued Reporting Penalty Assessment Notices to another six UST facility owner/operators for failing to respond to their initial NONs. More information: [UST-TPI](#)

7/6/16: MassDEP entered into a Consent Order with a \$7,906 Penalty involving Joseph Freedman Company, Inc. for Waste Site Cleanup violations in Springfield. Joseph Freedman Company, Inc. is a Springfield-based metals recycling company that had failed to immediately notify MassDEP of a threat of release of magnesium that occurred as a result of a magnesium fire that was discovered on 5/9/15. The fire ignited in large containers of magnesium chips and was discovered on 5/9/15 at 12:00 AM. The Springfield Fire Department responded and took action to evacuate houses near the site and prevent the spread of the fire. MassDEP was not notified of the fire and the threat of release of hazardous materials by Freedman on that date, but became aware of the incident through media reports. In order to resolve the violation, Freedman agreed to pay \$600 of the Penalty with the remaining \$7,306 suspended provided Freedman develops comprehensive emergency response procedures (valued at \$6,000) and re-train its various employees/staff regarding these new procedures.

June 2016

6/30/16: MassDEP entered into a Consent Order with a \$4,315 Penalty involving Intensity Spray Foam, Inc. (ISF) for Waste Site Cleanup violations in Brockton. The company failed to notify MassDEP of a release of approximately 40 gallons of diesel fuel that leaked from an ISF work truck at 210 N. Cary Street in Brockton. Early in the morning on 11/2/15, ISF employees discovered that diesel fuel leaked from a saddle tank on a work truck. The release impacted an asphalt parking area and subsurface soils at the facility that they leased. ISF employees applied absorbents to the release but failed to notify MassDEP. MassDEP was later notified of the release by the property owner. The cleanup will be completed and the company will pay the \$4,315 Penalty.

6/30/16: MassDEP entered into a Consent Order with Route 44 Development, LLC regarding the former Sand & Gravel property at 3-4 Park Avenue in Carver. This Order is relative to the use of reclaimed soils at the former Route 44 Sand and Gravel Property in order to reclaim the former sand and gravel pit and prepare it for future development in accordance with MassDEP's Interim Policy on the Re-Use of Soil for Large Reclamation Projects" (COMM-15-01). Approximately 732,000 cubic yards of soil and 61,500 cubic yards of Asphalt, Brick and Concrete (ABC) rubble will be imported in two phases. Today's Order is supported by a fill-management plan protocol that establishes the criteria for soil acceptance and describes the monitoring and conditions recording during and after reclamation activities. This in-active three-acre wood waste landfill will be closed in accordance with Solid Waste regulations, including reuse or removal for recycling and/or disposal.

6/30/16: MassDEP issued a Unilateral Order and Declaration of State of Water Emergency to Nancy Hazen, owner of a transient non-community public water system known as Shelburne Coffee Roasters located in Shelburne. The Declaration was issued at the request of the owner so she could accomplish system repairs and continue providing water during that time.

6/29/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving 402 Grove Street Realty, LLC & Altab, Inc., for Waste Site Cleanup violations in Worcester. The owners of

this site, which is a 21E site under Massachusetts regulations, failed to maintain the previously-entered 'temporary solution' it had achieved at the site. Specifically, today's Order assesses a Penalty of \$30,000 for failing to continue to assess groundwater to ensure source control, monitor indoor air for a potential imminent hazard, and submit status reports to verify continued operation of a sub-slab de-pressurization system. Today's Order requires retraction of the 'temporary solution' and establishes a schedule for response actions to fully assess source control and remedial alternatives.

6/29/16: MassDEP entered into a Consent Order with 1430 Commonwealth, LLC, for Asbestos violations at 49-51 Union Street in Worcester. The violations were discovered during May 2015 by MassDEP inspectors who were following up on a complaint of improper asbestos disposal and found sections of asbestos insulated pipes uncontained on a loading dock at the site. MassDEP required all affected areas of the property to be properly cleaned and decontaminated by a licensed asbestos contractor.

6/28/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Cumberland Farms Inc., for Waste Site Cleanup violations. The company is the owner of the property at 200 Lowell Street in Wakefield. The property is a gas station and convenience store under renovation. Specifically, the violations were for failure to meet phase one (assessment) and tier classification (cleanup permit) deadlines set out in the regulations and specified in a Notice of Noncompliance that MassDEP issued on 1/13/16. MassDEP has agreed to suspend \$25,000 of the Penalty with the remaining \$5,000 paid as well as a stipulated penalty provision for any further missed deadlines.

6/28/16: MassDEP issued a Demand for a \$7,000 Stipulated Penalty to the John Allen Kimball Trust for Wastewater violations as delineated in a previous Consent Order with the Trust and MassDEP in 2015. That Order required that the Trust would not add, install or operate and expand activities at the commercial facility in Westford known as Kimball Farm. The Trust agreed it would not do so without the expressed written consent of MassDEP. The Trust operates a commercial enterprise known as "Kimball Farm" on Littleton Road in Westford. Current operations at Kimball Farm include seasonal, recreational, and commercial activities and uses: an ice cream stand; a driving range; an outdoor restaurant; a 9-hole pitch and putt course; two miniature golf courses; a bumper boat pond; animal exhibits; an arcade; batting cages; a country store; and corporate events and outings. At the time of 2015 Order, the then-current operations did not include a zip line or spin zone attraction. To date, the Trust failed to seek and receive MassDEP approval per the terms of the Order. Since May 28, 2016, the Trust has been operating the zip line and the spin zone attraction. For violation of the Order, MassDEP today issued a Demand for the Stipulated Penalties for one week of operation, amounting to \$7,000.

6/23/16: MassDEP entered into a Consent Order with a \$45,580 Penalty involving New Cingular Wireless PCS - d/b/a AT&T Mobility - for violations of Massachusetts Environmental Results Program Certification regulations. AT&T Mobility voluntarily reported it had failed to disclose and certify as required that it had installed and operated 45 emergency engines from 3/23/06 until 5/5/15. The initial certification of these engines or turbines is required under state regulations to demonstrate the unit is capable of meeting air emission limitations for three years. Thereafter, monthly logs are required to verify the unit is operating and performing in compliance with state air emission standards. After disclosing its failure to submit initial

certifications, AT&T Mobility submitted logs to MassDEP about these engines, but four of the 45 units had no monthly log information and another four units had inaccurate log information. To resolve this enforcement issue and to prevent future non-compliance, AT&T designed and successfully implemented a nationwide system that tracks the regulatory compliance of their emergency generators, which is expected to result in long term improvements of their overall management of this equipment. This action allows AT&T staff to know what is or is not happening with their emergency generators at any given time during the month. In addition to the \$45,580 Penalty, the company has agreed to maintain accurate monthly log information in the future.

6/22/16: MassDEP issued a Unilateral Order to D&G Recycling, Inc., and Daniel Perry and Gerald Caya d/b/a D&G Recycling, Inc. for Wetlands violations at 2040 Providence Road in Northbridge. MassDEP staff, and a member of the Northbridge Conservation Commission, inspected this site and observed that a large volume of material had been brought to the site and placed in Bordering Vegetated Wetlands (BVW), Bordering Land Subject to Flooding (BLSF). In addition, several truckloads of soil arrived and were unloaded at the site during the inspection. Respondents had allowed the placement of at least 6,000 cubic yards of fill and debris at the site within BLSF, BVW, and Buffer Zone to the BVW. The work done on-site resulted in the unauthorized alteration of approximately one acre of BLSF. Today's Order requires Perry and Caya to cease all work in resource areas, prevent further violations, submit a schedule and plan for the removal of piles of fill in the BLSF, BVW, and Riverfront Area at the Site, and a plan for the restoration of those resource areas.

6/21/16: MassDEP issued a Unilateral Order to the town of Uxbridge for Water Supply violations in Uxbridge. MassDEP's Drinking Water Program issued the Order after it was notified that a routine bacteria sample was confirmed positive for total coliform and negative for E. coli. Two of the three repeat samples were positive for total coliform and E. coli. Today's Order requires this Public Water System to provide notification and information to the public, and to the local officials, implement the Emergency Response Plan, provide disinfection, conduct repeat monitoring for total coliform, perform level 2 assessment by a party approved by MassDEP, perform corrective actions found through the assessment, submit an Emergency Response Report to MassDEP, and provide information pertaining to this Order to its customers in the next annual Consumer Confidence Report.

6/20/16: MassDEP issued a Boil Water Order to Andrews Farm Water Company for Water System violations in Boxford. Andrews Farm is a community public water system that serves approximately 145 Boxford residents. On 6/17/16, a hydro-pneumatic pressure tank in the pump station exploded, causing complete loss of water pressure and significant damage to the station. On 6/18, Andrews Farm activated an emergency interconnection with the Topsfield municipal water system and notified its consumers to boil the water before use. Andrews Farm is conducting follow-up monitoring for coliform bacteria in accordance with today's Order.

6/17/16: MassDEP entered into a Consent Order with South Deerfield Water Supply District for Water Supply compliance in Deerfield. Today's Order with the South Deerfield Water Supply District is to address operator staffing to ensure the public water system is adequately staffed with licensed personnel, it can keep up with maintenance and will increase staff hours over time as identified within the Order.

6/17/16: MassDEP entered into a Consent Order with a \$33,100 Penalty involving JFK Environmental, Inc. for Asbestos violations at 865-875 Providence Highway in Dedham. MassDEP responded to a complaint of improper asbestos removal and demolition at this location. The respondent had performed asbestos abatement activity and during an inspection it was observed that the respondent had improperly removed asbestos-containing materials in the buildings at the site. MassDEP observed asbestos-containing debris and incomplete asbestos removal visible in several areas of both buildings (which were scheduled for demolition) at this location. MassDEP then shut down the operations and ensured the situation was properly stabilized and cleaned up. As a result of the violations, the respondent was assessed a \$33,100 will pay \$5,000 and \$28,100 will be suspended for a period of two years. The small business policy was utilized in reaching this settlement.

6/17/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Vincent Zizzo for Waste Site Cleanup violations in Everett at 302-304 Main Street. Zizzo has missed submittal deadlines that had previously been established under a prior Consent Order executed in 2015. Today's Order specifies violations and sets out a new timeline to return the site to compliance. Under today's Order, Zizzo will pay \$2,000 of the Penalty with \$28,000 suspended.

6/15/16: MassDEP entered into an Amendment to an existing Consent Order with Mountainview Campground, Inc. for Water Supply violations in Otis. The facility is required to take corrective actions to remedy the cause of an apparent bacterial contamination of its Well#2 source. Today's Amendment includes provisions for additional actions should multiple bacteria detects occur at this, a public water supply, within the next twelve (12) months.

6/10/16: MassDEP entered into a Consent Order with a \$69,250 Penalty involving Genetti's General Contracting, Inc. for Asbestos violations in Westford. MassDEP personnel responded to a complaint of improper asbestos removal and demolition at 8 Brookside Road in Westford. The respondent had performed demolition activity at the site. MassDEP observed during an inspection of the site that the respondent had improperly impacted asbestos-containing materials in the building footprint of the site. MassDEP observed several thousand feet of severely damaged asbestos-containing transite pipe mixed with soil at the site. MassDEP shut down operations at the site and insured the situation was properly stabilized and cleaned up. Under today's Order, the respondent will pay \$9,500 and \$59,750 will be suspended for a period of one year. The small business policy was utilized in reaching this settlement.

6/9/16: MassDEP issued a Unilateral Order to Micazajo Enterprises, Inc. for Water Supply violations in Williamstown. The company is the owner of the 1896 House restaurant in Williamstown. The violations were due to the finding of results showing that the water did not meet drinking water standards. The 1896 House Restaurant is served by a source that is under the influence of surface water. The owner has disconnected the required surface water treatment, leaving its customer at risk for multiple months before the action was discovered. This public water supplier was ordered to boil its water for all uses, to implement its emergency response plan and to notify its customers.

6/9/16: MassDEP entered into a Consent Order with a \$7,860 Penalty involving A-Plus Waste and Recycling Services, LLC for Solid Waste violations in Middleborough. A Plus is a 20-acre parcel located at 88 River Street, where the noncompliance with Solid Waste Regulations was

found. A-Plus held a general permit with MassDEP for composting (including food material) in Middleborough. A-Plus violated MassDEP solid waste regulations by generating off-site offensive/nuisance odor conditions and not using best management practices at the site. Today's Order revokes the site's general permit for composting and requires it to follow an updated Operational Plan for Compost Materials Removal and Odor Control Plan. The Plan covers the management and subsequent removal of the existing compost material on site and minimization of off-site nuisance odors. In accordance with the Plan, the approximately 30,000 cubic yards of material (finished and unfinished compost) currently on site will be managed in accordance with the schedule until fully composted and cured with a final deadline for curing the newest material of 12/1/16. All finished compost material is required to be removed from the site (the footprint within the 20 acre operational area) by 2/1/17. Today's Order supersedes previous order and addresses the capture of past assessed penalties equating to \$7,860 to be paid in three equal payments within 270 days.

6/8/16: MassDEP entered into a Consent Order with a \$5,500 Penalty involving Hingham Campus LLC, the owner of Linden Ponds retirement community in Hingham. The Order was in connection with the failure to complete required wetland resource area mitigation/replication work in accordance with a superseding order of conditions (permit) that was issued allowing the activity. Today's Order requires the respondent to complete the wetland mitigation/replication work, undertake culvert repairs and drainage improvements monitor the wetland mitigation areas to ensure successful establishment of wetlands, and submit reports documenting the relative success of the work.

6/8/16: MassDEP entered into a Consent Order with a \$3,600 Penalty involving Nathan and Danielle Sikkila for Wetlands violations in Ashby. Nathan and Danielle Sikkila of New Ipswich, NH have agreed to resolve violations of the Wetlands Protection Act at property owned by the Sikkilas in Ashby. Prior to filing, or obtaining the required Order of Conditions, the Sikkilas constructed a driveway, including two wetland crossings, which altered more than 6,000 square feet of Bordering Vegetative Wetland. The Sikkilas will pay the \$3,600 Penalty and will restore or replicate the affected resource areas.

6/8/16: MassDEP entered into a Consent Order with the town of Kingston Water Department. Today's Order requires the Water Department to conduct cross connection surveys of all commercial, industrial, and municipal facilities served by this public water system as required by the Massachusetts Drinking Water regulations. Today's Order also requires the Water Department to come into compliance with other regulatory components of the cross connection program.

6/8/16: MassDEP issued a Unilateral Order to R&H Discount Cleaners, Inc., Norwell along with a Demand for Stipulated Penalties. R&H owns a dry-cleaner at 507 Washington Street, Norwell, where there has been a historic release of chlorinated solvents. The contamination has migrated off property and impacted the indoor air of neighboring commercial properties. On 12/5/14, R&H was found to have failed to conduct response actions at the site, and entered into a Consent Order with MassDEP that established deadlines for the completion of cleanup work at this site. To date, R&H has not complied with the terms of that Order. Therefore, MassDEP has issued a demand for \$60,000 requiring the completion of comprehensive response actions at the site.

6/6/16: MassDEP was notified of a joint motion filed by the Massachusetts Attorney General involving Gigs, LLC for violations at the Battye Site in Methuen. The motion was filed by the Commonwealth, through the Attorney General and MassDEP to approve a consent judgment that was entered in and allowed by Suffolk Superior Court Judge Ames. Gigs, a general contracting and hauling business based in Windham, NH, will pay \$25,000 to settle claims by the Mass A.G.(and MassDEP) that Gigs illegally dumped multiple loads of construction and demolition waste at a site in Methuen (the Battye Site) that was not permitted to receive that material. The total payment of \$25,000 includes a \$20,000 payment in installments into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site, along with a \$5,000 Penalty. The settlement also prohibits Gigs from unlawfully handling, storing or disposing of construction and demolition waste or other solid waste.

6/6/16: MassDEP was informed that a joint motion filed by the Commonwealth, through the Massachusetts Attorney General, of a consent judgment involving NASDI, LLC. The judgment was entered in and allowed by Suffolk Superior Court Judge Lauriat for NASDI, a demolition disposal and abatement business based in Woburn. The company will pay \$275,000 to settle claims that NASDI illegally dumped multiple loads of construction and demolition waste at an un-permitted site in Methuen (the Battye Site). The total payment of \$275,000 includes a \$265,000 payment in installments into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site, along with a \$10,000 Penalty. The settlement also prohibits NASDI from unlawfully handling, storing or disposing of construction and demolition waste or other solid waste.

6/6/16: MassDEP issued a Unilateral Order to J.F. White Contracting Company for Surface Water Discharge violations in Deerfield. J.F. White Contracting Company was found to be responsible for non-authorized discharge of concrete and rebar to the Deerfield River, which was recently discovered at MassDOT's Interstate-91 Bridge Replacement Project at the Deerfield River in Deerfield.

6/1/16: MassDEP entered into a Consent Order with Congregation of Unitarian Universalists Rowe Camp and Conference Center for Water Supply violations in Rowe. The Center agrees to address multiple public water system improvements including permitting and construction of, or the rehabilitation of water supply wells #1 and #2. The wells will be sufficient to provide safe and adequate drinking water storage for the public water system. The need for the system improvements were identified in a sanitary survey.

6/1/16: MassDEP issued a Demand for \$16,789 in Suspended Penalties to AKS Recycling in Fitchburg. AKS Recycling violated four conditions of a prior Consent Order including improper storage of metal materials, meaning the suspended penalty is no longer suspended.

6/1/16: MassDEP entered into a Consent Order with a \$7,906.25 Penalty involving Hubbardston Elderly Housing, Inc. for Water Supply violations in Hubbardston. The company is the owner and operator of a community public water system (PWS) at Hubbardston House Apartments. During a recent inspection, MassDEP determined that the corrosion-control treatment system, which adjusts the PH of the drinking water to reduce the leaching of lead and copper from the plumbing into the drinking water, had not been operated correctly and had the

potential of providing the drinking water with an elevated PH to the residents. This PWS was already providing bottled water to the residents due to elevated concentrations of nitrate. MassDEP has ordered Hubbardston Elderly Housing to cease operation of the corrosion-control treatment system until safety measures are installed to ensure that it will be operated properly and safely. Today's Order also requires submittal of a permit application for any modifications to the treatment system, and that the modifications to the system be completed by 1/1/17. The Order also suspends the Penalty provided compliance measures are met.

May 2016

5/26/16: MassDEP entered into a Consent Order with a \$20,000 Penalty involving Ceryl Mills, Inc for Air Quality violations in Millbury. Ceryl Mills, Inc. violated its air permit when MassDEP personnel observed odors in the neighborhood of the factory on 10/14/15 after several citizen complaints. On 4/5/06 MassDEP inspectors found that the company was running its fabric coating operation without the required use of its wet, packed-bed scrubber and without an interlock device to prevent the fabric line from running without the scrubber operating. The company has agreed to pay \$20,000 and it has taken measures to reduce odors, sealed exit holes and doors, upgraded its maintenance schedule on the fabric screens, and tested odor agents in its resin and machine oil. It will also upgrade its electronic control systems on the coating line and scrubber. These measures will reduce unnecessary emissions to the atmosphere and conditions of air pollution.

5/25/16: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Goodless Brothers Electric Co. of West Springfield for Hazardous Waste Management violations. Goodless Brothers Electric Co., Inc. is an electrical contractor located at 100 Memorial Avenue. The company violated the Mercury Management and Hazardous Waste Regulations. During a MassDEP inspection, it was determined that the company disposed of fluorescent bulbs containing mercury into a solid waste dumpster and failed to manage its fluorescent bulbs properly during storage. Under the terms of today's Order, the company will pay \$4,000 Penalty and will implement a management plan for the spent fluorescent bulbs.

5/25/16: MassDEP entered into a Consent Order with a \$13,800 Penalty involving Irwin Industrial Tool Co. of East Longmeadow for Air Quality and Wastewater violations. Irwin Industrial Tool Co. (d/b/a Lenox Tools) is a manufacturer of industrial saws and cutting tools. As a result of record review and a subsequent inspection, it was revealed that the company failed to obtain a written approval from MassDEP for operation of a rust preventive application, did not maintain monthly emission records, did not register its emergency generator and did not have an adequate Operations and Maintenance manual for its wastewater treatment system. As part of the settlement agreement, the company will pay \$10,000, and the remaining \$3,800 will be suspended pending the company's compliance with the terms of the agreement.

5/23/16: MassDEP issued a Unilateral Order to Joseph Collins d/b/a Collins Apple Barn of Brimfield for Water Supply violations. Collins Apple Barn must address the public water supplier's failure to complete and submit its annual statistical report. This water supplier has failed to submit this annual report in a timely manner in previous years as well. Today's Order requires completion and submittal of the report, which details the operation of the water system.

5/19/16: MassDEP entered into a Consent Order with a \$47,300 Penalty involving Emerald Pines, Toll MA IV, LLC for Wetlands and 401 Water Quality Certification violations. The violations occurred on property located off Howe Street in Methuen. The site is currently being developed as an active adult community known as Emerald Pines. The development is subject to a Superseding Order of Conditions (SOC) and a Water Quality Certification issued by MassDEP. Today's Order follows the issuance of a Unilateral Order by MassDEP in January, 2016 which required immediate corrective and restoration activities for the violations. The violations resulted from a breach in the lower tier of a four-tiered series of temporary sediment ponds which caused 20-30 cubic yards of loam, subsoil, rocks and boulders to be released into bordering vegetated wetlands and 'bank'. This resulted in approximately 644 linear feet of bank and 4,038 square feet of BVW to be altered. Today's Order requires monitoring and reporting of the restored areas for two years and full compliance with the provisions of the SOC and WQC. The document also contains a \$23,500 Penalty with \$23,800 suspended upon completion of restoration monitoring.

5/11/16: MassDEP entered into a Consent Order with a \$5,750 Penalty involving the city of Greenfield in connection with permit violations at the Greenfield Water Pollution Control Facility (WPCF). Those violations were attributed to excessive infiltration and inflow (I/I) in the sewer collection system, including a sanitary sewer overflow (SSO) caused by the excessive I/I. Today's Order requires the city to complete a comprehensive I/I analysis to identify and eliminate excessive I/I in the sewer collection system. The Penalty is suspended in its entirety provided the city complies with the requirements of the Order.

5/9/16: MassDEP entered into a Consent Order with an \$8,630 Penalty involving the town of Granville for Waste Site Cleanup violations. The town's Department of Public Works (DPW) failed to notify MassDEP within two hours of a sudden release of an estimated forty (40) gallons of diesel fuel that occurred at the DPW yard at 69 Old Westfield Road in Granville. On 2/16/16 at 9:00 AM, a DPW employee overfilled the fuel tank for a sanding truck, releasing diesel fuel onto unpaved areas in the vicinity of the pump island. MassDEP was notified of the spill by a third party consultant for the DPW at 4:20 PM on 2/17/16. The consultant inspected the site and determined additional cleanup was necessary. The town subsequently arranged for all necessary cleanup including the excavation of 282 tons of petroleum-contaminated soil. In order to resolve the violation, the town agreed to pay \$1,000 of the Penalty with the remaining balance suspended provided the town develops and trains employees on standard operating procedures for oil spills and other emergencies.

5/9/16: MassDEP entered into a Consent Order with a \$28,752 Penalty involving Housatonic Water Works Company for Surface Water Treatment Rule violations in Great Barrington. The company was found to have violated the regulations regarding SWTR operations, monitoring and reporting. Today's Order requires Housatonic Water Works paying the sum of \$12,500 and the remainder, \$16,250, suspended pending compliance with the Order and the SWTR.

5/3/16: MassDEP executed a Consent Order with a \$6,000 Penalty involving Hill-N-Dale Nominee Trust for Waste Site Cleanup violations in Savoy. Hill-N-Dale Nominee Trust is the owner of the property located at 523 Center Street in Savoy. The Trust retracted the 'permanent solution statement' that had been submitted in August 2007 following discovery of additional oil at the site in October 2013. However, the 'permanent solution statement' retraction required the

Trust to submit either a tier classification, or application for a new 'permanent solution statement'. The Trust failed to meet the deadline established by a prior Notice of Noncompliance issued by MassDEP relative to this issue on 2/24/15. Today's Order requires submittal of either a tier classification or a new 'permanent solution statement' by 5/15/16. The Trust had begun and completed the necessary assessment work prior to today's Order being finalized. MassDEP suspended the entire penalty of \$6,000, but included provisions for stipulated penalties should any of the deadlines be missed.

5/3/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Alireza Nowrouzi as trustee of Pine Street Realty Trust for Waste Site Cleanup violations. Pine Street Realty Trust is the owner of property on 266 Moody Street in Waltham. Specifically, the violations were for failure meet deadlines set out in MassDEP's Notice of Noncompliance and also in an earlier Consent Order. Today's Order now requires a phase two assessment report which meets the requirements by 11/14/16, and a phase three remedial alternatives analysis and implantation or phase four by 12/30/16. A permanent or temporary solution statement which meets the requirements for this site is due by 4/30/18. Today's Order further contains a \$30,000 penalty with \$2,000 payable and \$28,000 suspended and a stipulated penalty provision for any missed deadlines. Closure of the site will lead to cleanup of the contamination - chlorinated solvents - at the site with an evaluation of risk to local residents and commercial spaces.

5/2/16: MassDEP entered into a Consent Order with a \$9,490 Penalty involving the city of Pittsfield for Waste Site Cleanup violations. The city's Department of Public Services, failed to notify MassDEP within two hours of a sudden release of an estimated thirty (30) gallons of hydraulic fluid that occurred on East Street between First Street and Allen Street on 12/16/15. On 12/17/15, at 8:35 AM, MassDEP was notified by an anonymous caller that a large release of hydraulic fluid had occurred due to the failure of the hydraulic system on a city street sweeper. MassDEP immediately responded to the site, and confirmed through the site inspection and conversations with city personnel that a release of up to 30 gallons of hydraulic fluid had occurred. MassDEP also determined that the city had transported hydraulic fluid contaminated sand for temporary storage at the city's wastewater treatment plant without completing the required documentation. Upon being advised of the violations by MassDEP, the city took all necessary actions, performed additional cleanup of the oily roadway, and arranged for proper recycling of sand utilized for cleanup. In order to resolve the violations, the city agreed to pay \$3,000 of \$9,490 Penalty. The balance of the penalty is suspended provided the city develops and trains employees on standard operating procedures for oil spills and other emergencies.

5/2/16: MassDEP issued a Unilateral Order to Specialty Minerals for Groundwater Discharge violations in Adams in response to a groundwater seep at company's facility located on Route 8. The seep exhibited a pH of greater than 12.5 and was migrating offsite. The Order required that the discharge be stopped. Specialty Minerals has substantively complied through the collection of the seepage water and subsequent treatment at its wastewater treatment plant.

April 2016

4/28/16: MassDEP entered into a Consent Order with a \$1,150 Penalty involving Kennametal, Inc., for Air Quality and Hazardous Waste Management violations in Greenfield. Kennametal's facility is located at 34 Sanderson Street. Kennametal is a manufacturer of tools. MassDEP's

inspectors determined that Kennametal had accumulated more hazardous waste onsite than permitted by their registration, and did not conduct weekly inspection of its waste oil accumulation areas and did not keep records of solvent usage. Kennametal will pay the Penalty and bring the facility into compliance.

4/26/16: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Costello Dismantling Company, Inc. of West Wareham, for environmental violations in Chicopee. Costello Dismantling Company, Inc. is a demolition company that was retained to raze two (2) multi-story buildings at the former Uniroyal Complex located at 154 Grove Street in Chicopee. Upon inspection by MassDEP, it was found that significant dust emissions were observed on two separate occasions during demolition operations.

4/21/16: MassDEP entered into a Consent Order with a \$22,534 Penalty involving Meadowbrook Acres Limited Partnership for Water Supply violations in Brimfield. Meadowbrook Acres Limited Partnership must address multiple violations and deficiencies at its Meadowbrook Acres mobile home park public water system. This community public water system failed to fully comply with all requirements of a previous Unilateral Order and sanitary survey. Among the requirements are: installation and use of specific equipment and operational requirements necessary to ensure compliance; staff requirements; operation requirements and reports; emergency response plan updates; demonstrations of public water system response procedures; tank-level equipment installation; and, an assessment of the water system for identification and prioritization of needed repairs. The Order includes the payment of \$7,500 and suspension of the remainder (\$15,034) pending compliance with the Order and the drinking water regulations.

4/20/16: MassDEP entered into a Consent Order with a \$100,350 Penalty involving Canaan David Khoury II and Elena Noor Khoury for Asbestos violations in Boston. MassDEP responded to a complaint of improper asbestos removal at 574 Weld St. in Boston. The respondents are owners of the rental property located at this site. MassDEP observed during an inspection of the site that the respondents had improperly removed and handled asbestos containing materials in the basement of the building. In addition, MassDEP observed cut sections of pipe insulated with Asbestos and unlabeled trash bags of dry Asbestos waste in the driveway of the occupied residence. MassDEP and the city of Boston then shut down the operations at the site and insured the situation was properly stabilized and cleaned up. As a result of the violations observed by MassDEP, the respondent will pay \$30,000 and \$70,350 will be suspended, provided there are no additional violations for a period of two years.

4/20/16: MassDEP was notified that a Civil Complaint has been filed Against Veolia Water North America-Northeast LLC and the town of Plymouth. The Massachusetts Attorney General's Office filed a complaint in Suffolk Superior Court against Veolia Water North America-Northeast LLC and the town of Plymouth alleging that the failure to properly staff, operate and maintain the town of Plymouth wastewater system has caused numerous violations of the Massachusetts Clean Waters Act. The complaint alleges that discharges of untreated or partially treated wastewater lead to closures of shellfish beds in Plymouth Harbor and that the recent force main failures resulted in the release of tens of millions of gallons of raw sewerage to the ground. Veolia is the contract operator for the town of Plymouth's municipal wastewater system.

4/20/16: MassDEP entered into a Consent Order with a \$21,994 Penalty involving Tech Etch Inc. for Hazardous Waste Management, Air Quality and Industrial Wastewater violations in Plymouth. The violations were detected following MassDEP's compliance inspection. The Order requires the facility to achieve full compliance by seeking a permit for its increased air emissions, and revising its Hazardous Waste Management operations. The facility will also improve its Industrial Wastewater pre-treatment system records.

4/19/16: MassDEP executed a Consent Order with a \$6,500 Penalty involving Lobel Tree Service, Inc. for Wetlands violations at 25 Farm Avenue in Peabody. Lobel conducts its wood-cutting and firewood sales distribution business on approximately 1/3rd of an acre of land that is part of a 19 acre piece of property. This is leased from the property owner. While traveling to perform a compliance inspection on a nearby property, MassDEP noted observations that wetlands resource area was being impacted by wood stockpiling, grading of soils, and placement of bituminous material on the site. After a subsequent announced inspection of the site, MassDEP determined that the work was performed without authorization within the wetland's "buffer zone" to the bordering vegetated wetlands, and within BVW. This action resulted in alteration and impairment of approximately 1,200 square feet of BVW. Today's Order requires restoration of the altered BVW with monitoring and compliance with an operations plan that contains setbacks to BVW and re-vegetation of the buffer zone. Today's Order requires payment of \$3,000 with an additional \$3,500 suspended pending full compliance.

4/15/16: MassDEP entered into a Consent Order with an \$11,502 Penalty involving AR Metalizing Ltd, Franklin, for Air Quality violations. The company exceeded permitted air emission limits by installing equipment prior to receiving MassDEP plan approval. MassDEP observed the plan approval violation during a site visit at the company's facility on 12/8/15. The company has applied for a plan approval and is working on preventing future failures causing excess air emissions.

4/15/16: MassDEP issued a Demand for Payment of previously-suspended Penalty of \$25,182 involving Pin Hill, LLC, in Harvard. The suspended portion of this Penalty was assessed to Pin Hill LLC in a 2009 consent order for multiple violations of the Waste Site Cleanup violations that occurred at 25 Depot Road in Harvard. Under the terms of the consent order, MassDEP suspended a portion of the assessed Penalty and in return Pin Hill, LLC agreed not to violate any provision of the consent order. The consent order required Pin Hill LLC to submit the Phase Two, Three and Four reports as well as a (final) response action outcome for the cleanup. Pin Hill LLC, however, violated the consent order by not submitting any of the documents to MassDEP.

4/14/16: MassDEP entered into a Consent Order with a \$9,222.50 Penalty involving the Leicester Water Supply District to provide an enforceable schedule for the installation of the District's surface water treatment plant. In addition, other infrastructure changes are being evaluated with the overall goal of meeting and maintaining water quality standards. The negotiated Penalty will be suspended under MassDEP's municipal penalty mitigation policy.

4/14/16: MassDEP entered into a Consent Order with a \$16,500 Penalty involving Chang & Sons, Inc. for Water Pollution Control violations in Whately. Today's violations are in connection with violations at the Chang Farms Wastewater Treatment Plant (WWTP) and its

water discharge permit (NPDES). The Order requires Chang Farms to evaluate the WWTP and propose a solution and schedule to correct the permit violations. The Order also requires Chang Farms to staff the facilities in accordance with the regulations to update its sampling and analysis program; update its Operation and & Maintenance Manual; and, calibrate all flow meters and laboratory equipment. MassDEP has agreed to suspend \$6,500 of the Penalty provided Chang Farms complies with the requirements of today's Order.

4/14/16: MassDEP issued a Unilateral Order to Northland Investment Corporation in Sunderland for Water Supply violations. Northland Investment Corporation is the owner of the Cliffside Apartments community public water system located in Sunderland. Today's Order was issued to Northland in response to its request for a Declaration of a State of Water Emergency. This Declaration is needed to approve an alternate/emergency source while its tanks were drained and inspected. Under the Declaration, Cliffside Apartments will implement its emergency plan and emergency interconnection with Sunderland Water District.

4/13/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Gator Swansea Partners LLLP for Water Pollution Control violations. This LLLP is the owner of the Swansea Crossing Shopping Center commercial plaza. Gator Swansea Partners LLLP is a subsidiary of Gator Investments, a national real estate investment company headquartered in Florida. Today's Order was issued in connection with Gator Swansea's failure to comply with a 10/24/14 Order that was made final by a January 2015 final decision. That matter required the installation of a new wastewater treatment facility at the Swansea Crossing shopping plaza by 12/31/15. Today's Order establishes a new deadline for the construction of the facility and requires the payment of a \$30,000 Penalty for violating the previous Order.

4/11/16: MassDEP entered into a Consent Order with a \$7,900 Penalty involving Hazen Paper Co. for Hazardous Waste Management and Air Quality violations in Holyoke. Hazen Paper Co. has agreed to address these violations. The company will pay a \$6,000 penalty, with an additional \$1,900 suspended, pending demonstrated compliance with today's Order.

4/11/16: MassDEP issued a Unilateral Order to Aquarius Water Company, Inc., for Ashmere Water Service, which functions as a community public water system in Hinsdale. Today's Order was issued to Aquarius as a result of its violations of Massachusetts Drinking Water Regulations due to excessive water withdrawals, lack of a certified operator, unapproved expansion and unprotected connection to Camp Taconic, a facility near its Ashmere Water Service public water system and failure to report the volume of water sold in its Annual Statistical Report for multiple years.

4/11/16: MassDEP issued a \$9,113.50 Penalty Assessment Notice to Aquarius Water Company, Inc. for Water Supply violations in Hinsdale. Aquarius Water Service, Inc. is the owner of the Ashmere Water Service, which is a community public water system located in Hinsdale. The Penalty was issued to Aquarius as a result of its violations of Massachusetts Drinking Water regulations due to excessive water withdrawals, lack of a certified operator, unapproved substantial modification of the water system through an unprotected connection to Camp Taconic, a facility near its Ashmere Water Service public water system. The system also failed to report the volume of water sold in its Annual Statistical Report for multiple years.

4/8/16: MassDEP entered into a Consent Order with Vickamyn, LLC, for Water Supply violations in Charlemont. Vickamyn, LLC has agreed under today's Order to address repeated instances where the maximum contaminant level for total coliform was exceeded. The LLC functions as the public water system for a Charlemont 4-Family Store. The Order includes response actions, including disinfection, should multiple detections of total coliform occur within the next twelve months.

4/8/16: MassDEP entered into a Consent Order with Wellesley College for Drinking Water violations. MassDEP issued a Boil Water Order to Wellesley College after e coli was detected in one of seven routine samples collected from the College's public water system on 4/5/16 and total coliform bacteria detected in an 4/7/16 repeat sample from the same location. These two detections constituted a violation of the Maximum Contaminant Level. A Boil Water Order was issued for four facilities on a common dead end water main, including the location of the bacteria detections. A length of pipe between the water main and that building had been replaced during the previous month. Today's Order requires that the water system notify its customers at these facilities to boil the tap water before consumption and conduct follow-up bacteria monitoring. Also, the system will implement an emergency response plan, and conduct a level-two assessment of the system. The system also increased the chlorination dose at its wells, flushed the common main and building's internal piping, and eliminated two piping dead ends within the building.

4/7/16: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Manitoak Estates for Wetlands violations in Rehoboth. MassDEP finalized an Order with Thomas Grossi, the developer of residential project in Rehoboth known as Manitoak Estates. A subcontractor had clear-cut vegetation and trees within bordering vegetated wetlands, which also resulted in approximately 5,000 square feet of fill within the BVW. Upon becoming aware of the activity, Grossi self-reported the alteration to the Rehoboth Conservation Commission, who in turn reported it to MassDEP, because Grossi had received a Superseding Order of Conditions from MassDEP for this project. Grossi promptly hired a professional wetland scientist to prepare a wetland restoration plan. Today's Order requires the restoration of all impacted resource areas and the submittal of annual progress reports in the fall of 2016, 2017 and 2018. Grossi will pay the \$10,000 Penalty (to be paid in four equal quarterly installments over one year.)

4/7/16: MassDEP entered into a Consent Order with a \$40,260 Penalty involving Lot G Middle Road Realty Trust for Wetlands violations in Amesbury. Thomas Anderson, as trustee for the Trust, agreed to today's Order which concern the violations at 37 and 41 Middle Road in Amesbury. Previously, a cease and desist Order had been issued in January for work done on a residential subdivision in non-compliance with multiple requirements of the applicable Superseding Order of Conditions that had been approved for work at this site. The violations include conformance with the approved stormwater control system and work that resulted in the unauthorized filling of 1,330 square feet of bordering vegetated wetland. Today's Order requires restoration of BVW with long-term monitoring and compliance with the provisions of the SOC including stormwater management. The Trust will pay \$8,000 with \$32,260 suspended upon issuance of a return to compliance letter if all conditions are met.

4/6/16: MassDEP entered into a Consent Order with Christos Markopoulos for Asbestos violations in Worcester. Markopoulos agreed to the Order which found violations of Asbestos

regulations at this multi-family residence in Worcester. The violations were discovered during a February 2015 inspection which was in response to a complaint from the city of Worcester about improper asbestos removal. MassDEP found pieces of Asbestos insulation uncontained on the basement floor along with an open, unmarked household trash bag containing additional Asbestos insulation. MassDEP required the basement to be cleaned up and decontaminated by a licensed asbestos contractor.

4/4/16: MassDEP issued a Demand for Stipulated Penalties to Jonathan T. White, d/b/a Classic Furniture Services, Inc., in Franklin. Due to noncompliance with the conditions of a previously-suspended Penalty as executed in May 2015. MassDEP has issued a demand for \$5,453 in suspended penalties to White, who operates a furniture restoration company in Franklin. During an inspection in 2014, MassDEP determined that the facility had acted out-of-status, for which it had registered as a Small Quantity Generator of Hazardous Waste. Also, they had not submitted a complete 2013 Air Quality source registration report. Under the consent Order, White was to properly dispose of the hazardous waste, submit a revised source registration, and have the Office of Technical Assistance conduct an audit. White failed to submit the revised source registration form, even after being afforded new deadlines.

4/1/16: MassDEP entered into a Consent Order with a \$30,000 Penalty involving A & FG Co., Inc. for Waste Site Cleanup violations at 12 Summer Street Court in Rockport. A & FG Co., Inc is the owner and/or operator of the property at 12 Summer Street Court where specific violations were for failure to meet deadlines set out in a Notice of Noncompliance and Notice of Audit Findings. Today's Order requires a Phase Two report by 6/30/16 and a Phase Three Remedial Action Plan and a Phase Four Remedy Implementation Plan by 8/31/16, and either a Remedy Operation Status Report (which meets the requirements), or a Permanent Solution Statement (which meets the requirements) by no later than 6/30/17. In addition to the \$30,000 Penalty, there is a stipulated penalty provision for any missed deadlines.

March 2016

3/30/16: MassDEP entered into a Consent Order with Oak Hill Taunton Residents Association, Inc. for Water Pollution Control violations in Taunton. The Association is the owner of a mobile home park that is served by multiple sewage disposal systems where total flow at the property exceeds 15,000 gallons per day. Today's Order establishes timeframes for connection to the municipal sewer system or construction of a groundwater discharge facility.

3/29/16: MassDEP entered into a Consent Order with Villages at Stow Condominium Trust for Water Supply violations in Stow. The Villages at Stow Condominium Trust is the new operator of a public water supply serving the 96-unit condominium complex. Today's Order establishes an enforceable schedule for the Trust to complete necessary upgrades to the system and ensure compliance with Drinking Water Regulations.

3/29/16: MassDEP entered into a Consent Order with NSTAR Gas Company d/b/a Eversource Energy, for Waste Site Cleanup violations in Worcester. Eversource Energy is the responsible party for the cleanup at a former manufactured gas plant at 40 Quinsigamond Avenue in Worcester. The property is undergoing redevelopment as a compressed natural gas facility and is part of a larger effort to invigorate formerly underutilized or abandoned urban areas of the city.

During construction, conditions at the site were found to invalidate the conclusions of the company's previously submitted closure report under the Waste Site Cleanup regulations. The necessity of additional response actions to address environmental contamination prompted MassDEP to enter into negotiations with the company, resulting in today's Order. The company has agreed to established new deadlines for completion of assessment and cleanup in conjunction with the on-going property redevelopment.

3/29/16: MassDEP entered into a Consent Order with a \$12,070 Penalty involving James and Julia Keller for Solid Waste violations in West Boylston. The Kellers were found to have violated solid waste management program at their residential property without a site assignment. Approximately 370 cubic yards of backfill commingled with bricks, broken concrete, drainage pipes, and plastic had been deposited within the back yard to 491 Prospect Street to raise the grade an average of four feet. The Kellers have agreed to remove and properly dispose of or recycle the fill and solid waste. Prior to removal, they will engage a wetland specialist to delineate the wetland and riverfront resource areas on the property and determine if wetland approvals are needed. The Kellers will restore the yard to its original condition. MassDEP assessed a penalty of \$12,070 of which \$9,070 will be suspended under MassDEP's Homeowner penalty mitigation policy.

3/24/16: MassDEP entered into a Consent Order with a \$1,500 Penalty involving Bialas Custom Interiors, Inc. for Air Quality and Hazardous Waste Management violations in Holyoke. Bialas Custom Interiors, Inc. has agreed to address the violations found during a MassDEP inspection on 7/7/15. MassDEP determined that the company failed to store organic compounds in a manner which would minimize evaporation, failed to notify MassDEP of its hazardous waste generation activity, and disposed of hazardous waste in a solid waste dumpster. Bialas Custom Interiors, Inc., a small business, will pay a \$900 penalty, with an additional \$600 suspended pending the company's compliance with the terms of the consent agreement.

3/23/16: MassDEP entered into an Amendment to an existing Consent Order with the city of Woburn for Water Pollution Control violations. The two sides previously entered into an Order on 8/10/09, and today's Amendment require additional actions to address infiltration and inflow into the city of Woburn sewer system, which have contributed to sanitary sewer overflows affecting Horn Pond in Woburn, and Vine Brook in Burlington.

3/21/16: MassDEP entered into a Consent Order with Vacation Village in the Berkshires Owners Association, Inc. for Water Supply violations in Hancock. The Association has agreed to address its failure to conduct required water quality monitoring as required during 2015. The Association, a public water system, failed to monitor for volatile organic compounds and nitrates as scheduled and did not sample residences as required for lead and copper monitoring. Today's Order requires appropriate monitoring in 2016 and public notice.

3/17/16: MassDEP issued a Unilateral Order to S&G Associates and a \$30,000 Penalty Assessment Notice for failing to complete cleanup response actions at 50 Railroad Avenue in Duxbury. S&G is located in Osterville, Massachusetts and owns the property in Duxbury. S&G failed to conduct comprehensive response actions required at the 50 Railroad Avenue, Duxbury. This failure was detailed in a Notice of Noncompliance that MassDEP issued to S&G in April 2015. The NON also established new deadlines for the completion of required comprehensive

response actions. S&G failed to comply with the deadlines established in the NON. S&G also failed to comply with a February 2016 Notice of Enforcement Conference. Therefore, today's Penalty, along with the Order, require the completion of required comprehensive response actions that was issued to S&G.

3/15/16: MassDEP entered into a Consent Order with Beltane Hill LLC for Water Supply violations in Middlefield. Beltane Hill LLC is the owner and operator of Azure Green, a transient non-community public water system in Middlefield. Today's Order is to address required corrective actions that are necessary following confirmation of e.coli bacteria detection in Azure Green's water supply. Under today's Order, the LLC has agreed to a schedule for completing approved corrective actions or installation of 4-log (99.99%) treatment on its source water.

3/14/16: MassDEP entered into a Consent Order with Village Greene Condominium Association for Waste Supply violations in Belchertown. The Village Greene Condominium Association has agreed to address repeated instances of excess total coliform bacteria, and its response to those incidents. Today's Order includes requirements for public notification and installation of a disinfection system on its (Well #7) distribution system.

3/14/16: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Country Garden Apartments for Water Pollution Control violations in Southampton. Country Garden Apartments (CGA) is a 60-unit apartment complex with a septic system (Title 5) design flow of 12,870 gallons per day. The site is located in a Nitrogen Sensitive Area. The Order requires CGA to come into compliance with the regulations by obtaining a Groundwater Discharge Permit and constructing a wastewater treatment facility that will meet all the requirements in its permit. The full Penalty is suspended in its entirety provided CGA complies with the requirements of the Order.

3/14/16: MassDEP issued a Unilateral Order to Aquarius Water Company to address Water Supply violations in Belchertown. Aquarius Water Company is the owner and operator of the public water system at Sportshaven Mobile Home Park in Belchertown. Today's Order addresses multiple violations of Massachusetts Drinking Water Regulations as follows: failure to monitor for total coliform bacteria for three months; failure to monitor for nitrate as required; and, failure to comply with the lead/copper rule requirements including consumer notice of individual tap results. In addition, the failure to complete response actions (monitoring, investigation, corrective actions) following an incident in which the action level for copper was exceeded in 2015.

3/14/16: MassDEP issued a Unilateral Order to Klondike Campground for Water Pollution Control violations in Otis. Klondike Campground has a large subsurface sewage disposal system (Title 5). The design flow for Klondike Campground is 14,040 gallons per day. MassDEP previously issued a Notice of Noncompliance (NON) to the Campground to either submit a Title 5 inspection report or conduct a Title 5 Inspection if an inspection had not been completed. The Campground failed to comply with the NON. Today's Order requires the Campground to conduct a Title 5 Inspection by 6/30/16 and submit the results within 30 days of the date of the inspection. Klondike has also been advised of the penalty exposure for failure to comply with the requirements of the regulations, and today's Order.

3/8/16: MassDEP entered into a Consent Order with James Triglia for Waste Site Cleanup violations in Quincy. Triglia is trustee of Jet Trust, which owns 15 Centre Street in Quincy. MassDEP had issued Jet Trust a failure to comply with a Notice of Noncompliance. Today's Order requires the submittal of phase two and three (remedial plan alternatives and selection) by 8/31/16, and a phase four report (implementation) by 11/30/16. A closure statement is due by 9/29/17. The site has been in the system since late the 1980s and this enforcement action will lead to the cleanup of a release of gasoline at the site.

3/2/16: MassDEP entered into a Consent Order with a \$59,515 Penalty involving Benevento Asphalt Corp for Air Quality violations in Wilmington. Benevento conducted required compliance emissions testing of their asphalt manufacturing plant, located at 900 Salem Street in Wilmington. Test results indicated it had failed to meet its emission limits for nitrogen oxides (NOx) and carbon monoxide (CO). Benevento created a condition of air pollution, specifically a significant dust nuisance condition in the area and neighborhood adjacent to the Benevento Facility. Benevento then compounded its violations by installing, modifying and operating equipment at its asphalt batching plant prior to obtaining an air quality plan approval from MassDEP. Under today's Order, Benevento will pay \$25,500 of the Penalty, with \$34,015 suspended provided compliance with the terms of the Order. Those terms include, Benevento is required to submit a plan application for the unapproved asphalt manufacturing equipment, implement a dust control plan, and conduct a new compliance emissions test prior within sixty days of MassDEP's issuance of the air plan approval. Benevento must also pay two times the permit application fee of \$2,370.

3/2/16: MassDEP entered into an Amendment to a Consent Order with Daryl Holloway, trustee of Blue Hill Avenue II Realty Trust, for Waste Site Cleanup violations at 1366 Blue Hill Avenue in (Mattapan) Boston. The Trust is the owner of the property and today's Amendment requires a phase two (remedial alternatives) report by 6/30/16, a phase three and a four (cleanup) by 9/30/16, and either a Remedy Operation Status report which meets the requirements or a Permanent Solution statement which meets the requirements by 1/30/17. Today's Order also requires payment of \$800 of a previously-suspended Penalty.

3/2/16: MassDEP was notified of a decision in Essex Superior Court involving Commonwealth v. Harder. Judge John T. Lu sentenced David Harder of Lynnfield to sixty (60) days in the House of Correction for violating his probation, which had been imposed as a result of a 2012 case. In 2012, Harder pleaded guilty to 17 criminal indictments including failure to notify of Asbestos removal, improper work procedures, illegal storage of waste, failure to pay into the unemployment fund, and false claims. Specific charges included illegal asbestos removal work performed at multiple sites including schools, a library, and a fire station. The case was investigated by the Environmental Strike Force, and other MassDEP staff. In 2012, Harder was sentenced to 30 days in the House of Correction, with three years of probation upon his release. Under the terms of his probation, Harder was barred from working in the environmental remediation business, including the Asbestos abatement business, whether independently or for any company engaged in environmental remediation. In May 2015, MassDEP discovered that Harder had been working on an asbestos abatement project in Dedham on behalf an Asbestos abatement company. MassDEP informed the Attorney General's Office (AGO) of the 2015 violations and worked with AGO investigators and attorneys. MassDEP testified in Court regarding the 2015 violations, during the probation hearing held by the Court.

3/1/16: MassDEP issued a Unilateral Order to A-Plus Waste and Recycling Services, LLC for Solid Waste violations in Middleborough. In response to an on-going noncompliance matter at the site, MassDEP issued today's Order and revoked the General Permit for Composting and effective immediately requiring that they cease and desist accepting any compostable materials. The Order requires A-Plus to continue to monitor thermal temperature of the windrows to prevent combustion and implement all measures necessary to abate, mitigate or eliminate public nuisances. [On 3/4/16, 3/8/16, and 3/18/16, MassDEP detected odors in the neighborhood located in the vicinity of the compost site. MassDEP finds that A-Plus "...caused an un-permitted discharge of pollutants to air and created a public nuisance."] Over the last two months, MassDEP has received more than 100 complaints from residents in Middleborough and Halifax regarding odors from A-Plus. Previously, on 1/19/16, in a Consent Order with Penalty with A-Plus, the facility was required to reduce the size of existing compost windrows within 30 days and cease the acceptance of additional organic material if the size reduction could not be achieved within this compliance deadline. MassDEP inspected the operation on 2/22 and 2/23 and determined that the windrow sizes had not been reduced to the extent required. On 2/24 a Notice of Violation required the acceptance of organic material at the compost site. MassDEP issued a 2nd Notice of Violation on 2/29 in response to re-inspection that determined that one windrow size had not been reduced to the extent required.

3/1/16: MassDEP during the month of March issued 52 Notices of Noncompliance as part of Underground Storage Tank (UST) Enforcement. These UST facility owner/operators have failed to have UST third-party inspections completed by their respective due dates through 1/31/16. The agency gave the offenders 45 days to return to compliance. MassDEP also issued Reporting Penalty Assessment Notices (RPANs) to another 21 UST facility owner/operators for failing to respond to their initial NONs. Those failing to respond will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

3/1/16: MassDEP entered into an Amendment to a Consent Order with Mountain Grove Association for Water Supply violations in Becket. Mountain Grove Association, based on the results of an investigation of a MCL violation for bacteria at this public water system, is required to submit, or document, in a report and, modify the disinfection requirements.

February 2016

2/29/16: MassDEP issued 73 Notices of Noncompliance during the month of February for Underground Storage Tank violations. These 73 underground storage tank (UST) facility owner/operators failed to have UST third-party inspections completed by their respective due dates. The agency gave the offenders 30 days to return to compliance. Those of these operators that fail to do so, will be subject to additional enforcement measures, including financial penalties. The facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

2/29/16: MassDEP entered into a Consent Order with a \$6,612 Penalty involving the town of Hardwick for Water Pollution Control violations in Hardwick in connection with permit violations at the Wheelwright Water Pollution Control Facility (WPCF). The Order addresses staffing violations at both of the town's facilities (Wheelwright and Gilbertville). The Order requires the town to evaluate the Wheelwright facility and propose a solution and schedule to correct the violations. The Order also requires the town to staff the facilities with two full-time operators and conduct a staffing analysis to determine whether additional staff members are needed and whether staff duties will include the sewer collection system. The Penalty is suspended in its entirety provided the town complies with the requirements of today's Order.

2/29/16: MassDEP entered into a Consent Orders with Penalties pertaining to Rideshare Regulation Enforcement during the first two months of 2016. The parties include: Middlesex Community College (Bedford and Lowell campuses), Northern Essex Community College (Haverhill), St. Elizabeth's Medical Center (Boston) and PricewaterhouseCoopers LLP (Boston). These Orders are entered into to resolve each entity's failure to file Rideshare Regulation (under 310 CMR 7.16), and further had not filed the annual reports for several years. The facilities agreed to pay penalties totaling roughly \$10,000 and to submit, within 30 days, plans outlining their future efforts to comply with Rideshare Regulation annual reporting requirements. More information: [Rideshare](#)

2/29/16: MassDEP issued 20 Notices of Noncompliance during the month of February for Waste Ban Enforcement. The 20 entities include retail stores, restaurants, hospitals and apartment complexes. These entities disposed, or transferred for disposal, various materials subject to the waste disposal bans, including wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations cited in their NONs, including status reports on their efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

2/26/16: MassDEP concluded Amendments to an existing Consent Order with International EC, LLC, owner of the MacDuffie School a community water system in Granby. The two (2) Amendments were to address a new source at the school and a new deadline for its use, as well as, associated lead-and-copper monitoring for the new source and treatment if necessary. In addition these Amendments address compliance with 2 sufficient groundwater sources or two days storage capacity, tank inspections and water meter installations with new deadlines.

2/25/16: MassDEP entered into a Consent Order with a \$15,860 Penalty involving Amy Woods for Wetlands Protection Act violations at 14-16 Lufkin Point Lane in Essex. Woods received two Superseding Orders of Conditions (SOC) in June 2015, allowing for the demolition of existing structures and construction of single-family homes on the two properties. MassDEP received a complaint that construction on projects was taking place in non-compliance with the SOCs. Upon inspection, MassDEP confirmed that the work was in non-compliance with multiple conditions of the SOCs, and that this resulted in unauthorized alteration of resource areas: approximately 40 linear feet of Coastal Bank and 127 square feet of Salt Marsh. Today's Order requires full restoration of both of these wetland resource areas, monitoring and reporting, and compliance with all provisions of the SOCs. Woods will pay \$6,000 of the Penalty within 30

days, and the remainder, \$9,860, will be suspended on 10/31/18 provided the site is in full compliance.

2/24/16: MassDEP issued a Notice of Violation of an existing Consent Order to A-Plus Waste and Recycling Services, LLC for violations in Middleborough. This facility is a compost operation located at 88 River Street in Middleborough. On 1/19/16, MassDEP entered into a Consent Order that required the compost operation to reduce the size of existing compost windrows within 30 days and cease the acceptance of additional organic material if the size reduction could not be achieved within this compliance deadline. Yet, on 2/22 and 2/23, when MassDEP inspected the operation, it was determined that the windrow sizes had not been reduced to the extent required. Today's Notice of Violation requires the cessation of acceptance of organic material at the compost site.

2/22/16: MassDEP entered into an Administrative Consent Order with an \$8,630 Penalty involving Massall, LLC for Waste Site Cleanup violations at 84 Willow Court in Boston (Dorchester). Massall failed to meet the requirements because MassDEP was not notified of contaminated soil on the property within 120 days as required. The release notification states that Massall had knowledge of the release on 6/17/13 and notified MassDEP of lead and polycyclic aromatic hydrocarbons in soil on 3/30/15. Massall LLC will pay \$4,200 of the Penalty and MassDEP has agreed to suspend the remaining \$4,430. Massall LLC plans to construct six residential units on the property.

2/22/16: MassDEP conducted outreach to local Boards of Health on Forthcoming New Drinking Water Regulations on the Revised Total Coliform Rule (RTCR). MassDEP distributed a letter to local Boards of Health with seasonal public water systems (PWSs) in their municipalities informing them of these new revised total coliform rules that takes effect 4/1/16. The letter and supplemental materials provide information about the start-up and certification procedures that seasonal PWSs are required to perform in order to stay in compliance with state regulations. MassDEP wants Boards of Health to be aware of these requirements since they may also regulate the seasonal PWS start-up procedures. RTCR information is available online at: [RTCR](#)

2/18/16: MassDEP issued a Unilateral Order to the town of Russell's Board of Water Commissioners for a Water Emergency in Russell. The Declaration of Water Emergency and Boil Water Order pertains to a frozen main at a bridge crossing resulted in a loss of water to several customers. The Order addresses the emergency and the provision of alternate water supply, as well as boil-water requirements (to the limited services affected in the Woronoco area). The actions are taken as a precautionary measure to cover the water system until such time as they return to normal service.

2/17/16: MassDEP entered into a Consent Order with the Massachusetts Department of Transportation for violations of the Wetlands Protection Act on property in the Route 128 right-of-way adjacent to 12 Neptune Place in Gloucester. MassDEP staff - while travelling to another inspection elsewhere - observed that recently there had been an excavation and removal of vegetation within an intermittent stream channel here, within a Bordering Vegetated Wetland (BVW) at this site. This was done with no observable erosion controls in place and the area had been left unstable. Upon later investigation, it was determined that it was MassDOT that was in the process of performing drainage maintenance work within 175 linear feet of a partially

vegetated channel, and that this resulted in alteration of approximately 50 linear feet of Bank and up to 2,500 square feet of BVW. The work was performed to address a flooding issue on an abutting residential property. Although MassDOT has requested emergency authorization for the work from the Gloucester Conservation Commission a few months prior, the work was conducted without receiving an Emergency Certification. MassDOT initially performed temporary stabilization of the area with verbal direction from MassDEP. Under today's Order MassDOT is required to do the final stabilization and restoration planting of the site with monitoring and reporting. MassDOT will pay \$5,000 of the Penalty, with the remaining \$5,000 suspended upon compliance.

2/12/16: MassDEP Commissioner Martin Suuberg issued a Final Decision in the matter of Empire Recycling LLC in Billerica in which he adopted the Recommended Final Decision issued by the Presiding Officer on 1/28/16. This approves an earlier Consent Order between Empire and MassDEP taken in order to resolve solid waste violations at Empire's recycling facility in Billerica. This dismisses Empire's attempt to appeal a Demand for Suspended Penalties issued to Empire for violating a prior Administrative Consent Order with Penalty. MassDEP had issued a Unilateral Administrative Order to Empire in July 2015 for solid waste violations which Empire appealed. As part of the appeal of that Order, Empire also attempted to appeal a Demand for Suspended Penalties that MassDEP issued to it in July 2015 for violating an earlier Consent Order. The Recommended Final Decision today, found that the parties freely entered into the prior Consent Order which had clear terms that should Empire commit violations, then a suspended portion of the penalty would be due. Empire did not dispute that it had violated the prior Consent Order, only that Empire could not pay the demanded penalty due to changed circumstances. During the proceedings, Empire closed its business and removed the illegal solid waste from the facility. The Consent Order approved by the Commissioner requires Empire to notify MassDEP if Empire should ever reopen a recycling facility.

2/12/16: MassDEP issued a Unilateral Order to Three Rivers Fire District in Palmer to address water supply violations involving corrosion control treatment for copper and the District's failure to complete certain actions in timely manner following this incident. Requirements include removing a source without treatment from use, repair of corrosion control system pump, completing required actions (which PWS had begun) and completing public notice.

2/12/16: MassDEP issued a Unilateral Order to Greg Everson d/b/a Granby Septic for Water Pollution Control violations in Granby. The Order to Greg Everson d/b/a Granby Septic, directs him to remove a tank installed in the ground and used by Granby Septic for the temporary holding of septage at 59 Crescent Street, Granby. This tank is in noncompliance with 310 CMR 15.504(2) of Title 5 regulations.

2/12/16: MassDEP issued a Unilateral Order to Justin and Sabrina Obremski for Water Pollution Control violations in Granby. Justin and Sabrina Obremski are the owners of the property at 59 Crescent Street, Granby where MassDEP has directed for the removal of a tank installed in the ground, and the holding of septage in noncompliance with 310 CMR 15.504(2) of Title 5 regulations.

2/10/16: MassDEP executed a Consent Order with a \$14,380 Penalty involving Windover Elm Street Properties, LLC. for Waste Site Cleanup violations in Manchester by the Sea. Specifically,

the violations pertain to the failure to submit a Release Abatement Measures plan, prior to conducting response actions and failure to notify MassDEP of an earlier release. This release constituted a 2-hour notification that could pose an Imminent Hazard Condition. Windover Elm Street Properties, LLC will pay \$4,500 of the Penalty with the remainder, \$9,880, suspended pending the company's compliance.

2/10/16: MassDEP entered into a Consent Order with Ronald Messenger d/b/a Twin Brook Camping Area for Water Supply violations in Tolland. Twin Brook Camping Area must address compliance with Ground Water Rule, and this requires the completion of corrective actions or installing 4-log treatment of viruses (99.99%) following the detection of e.coli bacteria in one of the public water system sources.

2/9/16: MassDEP issued a Tier 1 Public Notice to Gleason Public Library, 66 Westford St., Carlisle. The Tier 1 public notice was in response to nitrate levels exceeding the maximum contaminant level. Since this may pose an unacceptable risk to consumers, specifically infants under 6 months of age, this facility will be required to post public notice. The respondent has agreed to post signs stating the required information per the EPA guidelines and will disconnect the drinking water fountains. The respondent has also been instructed to identify potential causes of the elevated nitrate as well as look into treatment options.

2/5/16: MassDEP was notified by the Massachusetts Attorney General's Office that a joint motion had been filed in Suffolk Superior Court in the case involving Mattuchio Construction Co. for violations at the Battye Site in Methuen. The motion is to approve a consent judgment that was entered in and allowed by Suffolk Superior Court Judge Ames for Mattuchio, an excavation and construction business based in Malden. They will pay \$72,000 to settle claims by the AGO and MassDEP that Mattuchio illegally dumped multiple loads of construction and demolition waste at an un-permitted site in Methuen (the Battye Site). The total payment of \$72,000 includes a \$67,000 payment in installments into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site, with \$7,000 of that waived if payments are made timely; along with a \$5,000 civil penalty. The settlement also prohibits Mattuchio from unlawfully handling, storing or disposing of construction and demolition waste or other solid waste. This Consent Judgment arises from an enforcement case developed by MassDEP's Solid Waste, Asbestos and Wetlands and Office of General Counsel.

2/5/16: MassDEP issued a Unilateral Order to Granby Junior and Senior High and East Meadow Schools for Water Supply violations in Granby. These Orders are to address a failure of its corrosion-control treatment, failure to submit associated reports, failure to complete required monitoring in 2015 (missing monitoring included lead and copper, bacteria and volatile organic compounds) and the lack of operator coverage for a portion of 2015. Response requirements included follow-up actions due to the incidents of elevated lead, which reached the 'action level'. Further requirements include public notice and public education, monitoring for volatile organic compounds, and routine monitoring for bacteria, monitoring on a weekly basis at selected sites for lead and copper, submittal of weekly reports on treatment operation and obtaining the required operator coverage with approval of MassDEP. The requirements also include the collection of the next rounds of required 20 samples twice in 2016.

2/3/16: MassDEP entered into a Consent Order with Bodwell Street Trust in for Waste Site Cleanup violations in Avon. The violations of the Massachusetts Contingency Plan requires the Trust to correct the violations as has already been identified by a permanent solution statement with conditions filed with the MassDEP on 12/23/2014.

2/3/16: MassDEP entered into a Consent Order with a \$6,610 Penalty involving North Attleborough for Water Pollution Control violations, specifically, the illegal discharge of sewage onto the ground surface at the North Attleborough wastewater treatment plant. Today's Order ensures future compliance with the surface water discharge regulations and the operation and maintenance and pretreatment standards for wastewater treatment works and indirect discharges. The town will pay \$1,653 within 30 days, and the town will also complete a Supplemental Environmental Project (SEP). Under the SEP, the town will purchase a portable containment tank suitable for the temporary storage of wastewater and applicable appurtenances including the equipment necessary to appropriately drain the tank as well as engage the services of a contractor to develop and implement spill prevention and control training. The value of the SEP shall be \$4,957 at a minimum. If the SEP totals less than \$4,957, the remaining balance shall be paid to the Commonwealth.

2/2/16: MassDEP entered into a Consent Order with a \$3,880 Penalty involving Western Mass Demolition Corporation for Air Quality violations at a job site in Holyoke. Western Mass Demolition, of Westfield, was operating under a MassDEP-issued non-traditional Asbestos abatement work practice permit when the violations were observed. Western Mass Demolition Corporation violated the permit by causing a condition which contributed to air pollution during demolition operations at 30 John Street in Holyoke. Western Mass Demolition Corporation initiated corrective actions once informed of the violations that had been observed. Western Mass Demolition Corporation will pay \$1,000 of the Penalty with an additional \$2,880 suspended pending compliance with the terms of the settlement agreement.

2/2/16: MassDEP issued a Notice of Noncompliance to Carver Middle High School Stoughton. The public water system failed to perform follow up actions associated with having triggered 'action level' requirements under the Lead & Copper Rule (LCR). The NON requires immediate notification to customers (students, staff and parents) of the sampling results, delivery of public education materials, public notification, water quality parameter sampling and corrosion control treatment optimization. As a precaution, the school is voluntarily providing bottled water to students and staff and has removed the sample sites with lead from service.

2/2/16: MassDEP issued a Notice of Noncompliance to the Dennett Elementary School in Plympton. The Dennett Elementary School failed to perform follow up actions associated with instances in which the 'action level' had been met under the Lead & Copper Rule (LCR). Today's NON requires delivery of public education materials, water quality parameter sampling and evaluating the installation of corrosion control treatment. Because of prior elevated levels of manganese, the school has already been voluntarily providing bottled water to students and staff and will continue to do so.

2/1/16: MassDEP issued a \$250 Penalty Assessment Notice to Nicholas Southwick-Hall for Air Quality violations in Belchertown. Southwick-Hall was issued the Penalty relative to an illegal

bonfire at his residence. The bonfire required two dispatches from the Belchertown Fire Department and was largely fueled by furniture and demolition wood.

January 2016

1/29/16: MassDEP entered into a Consent Order with a \$9,400 Penalty involving Denis LaFleur for Wetlands Protection Act violations in Granby. LaFleur - d/b/a Happy Days Family Fun Spot - has agreed under today's Order to address the violations which the result of the alteration of approximately 4,200 square feet of bordering vegetated wetlands. The location where this occurred offers a 'driving range' a 'mini-golf' and refreshments/comestibles. LaFleur will pay \$2,400 and \$7,000 is suspended provided LaFleur retains a wetlands consultant and provides the mitigation required by today's Order.

1/29/16: MassDEP entered into a Consent Order with a \$7,000 Penalty involving Vincent Nocito for Waste Site Cleanup violations at 443 Washington Street in Boston (Dorchester). Specifically, Nocito failed to submit a tier classification and the requisite phase one assessment report for the cleanup of this property within the applicable timeframe set forth in the regulations. Under today's Order, Nocito has agreed to submit the phase one, and tier classification, and to perform other response actions in accordance with a schedule. Nocito agreed to pay the Penalty in the amount \$7,000, but the need to conduct additional response actions led MassDEP to suspend the payment in its entirety, provided the respondent does not violate any provision of today's Order.

1/26/16: MassDEP entered into a Consent Order with Adams Fire District for Water Supply violations in Adams. Adams Fire District must address repeated instances in which the maximum contaminant level for total coliform was exceeded within its public water system. Today's Order includes response actions, including disinfection, should multiple detections of total coliform occur within the next twelve months.

1/25/16: MassDEP entered into a Consent Order with a \$17,250 Penalty involving Eastern Avenue Holdings LLC, for Waste Site Cleanup violations. Eastern Avenue Holdings is the owner of the property at 2 Fifth Street in Peabody. Specifically, violations were for removal of remediation waste from Bellingham Street in Chelsea and dumping, stockpiling and spreading of the remediation at 2 Fifth Street in Peabody in violation of existing Waste Site Cleanup regulations. Today's Order requires a permanent solution statement for the clean-up of 2 Fifth Street in Peabody and the investigation of the Bellingham Street in Chelsea site. Today's Order contains a \$17,250 penalty with \$2,500 payable and \$14,750 suspended and a stipulated penalty provision for any missed deadlines.

1/25/16: MassDEP entered into a Consent Order with a \$51,937.50 Penalty involving MLC Worcester LLC for Asbestos violations in Worcester. Violations occurred during renovation of a multi-family residence in Worcester. Under the terms of the settlement, MLC Worcester LLC will pay \$10,000 with the remaining \$41,937.50 suspended provided the company has no further violations for one year. The violations were initially discovered during a January 2014 inspection by MassDEP staff members who were following up on a complaint of an improper removal. MassDEP found pieces of Asbestos-pipe insulation in a pile of demolition/renovation debris in the yard of the property and also lying uncontained on the basement floor. MassDEP required MLC Worcester LLC to retain a DLS licensed asbestos contractor to properly package and

dispose of the pile as asbestos containing waste material and to clean and decontaminate the basement.

1/25/16: MassDEP entered into a Consent Order with a \$5,750 Penalty involving TLB Inc. with Air Quality violations in Williamsburg. TLB, Inc. is a Michigan based company that manufactures and sells outdoor hydronic heater. The violations were identified during a MassDEP inspection of CRD Metalworks, LLC. where MassDEP ascertained that the facility had installed and operated an uncertified outdoor hydronic heater. The uncertified outdoor hydronic heater was sold to CRD Metalworks by TLB, Inc. As part of the settlement agreement, TLB, Inc. will pay a penalty of \$3,000. An additional \$2,750 will be suspended pending the company's compliance with the terms of the agreement.

1/22/16: MassDEP, working with the Massachusetts Attorney General's Office, were successful in obtaining a Consent Judgment with a \$50,000 Penalty involving Sudbury Pines Extended Care for Wastewater Treatment violations in Sudbury. The case involved the Henderson House of Sudbury Realty Trust and Sudbury Pines Extended Care Facility, Inc., and Henderson Houses of America, Inc. - collectively referred to as "Sudbury Pines". The violations were at Sudbury Pines Extended Care facility, a nursing home and children's day care, located in Sudbury. MassDEP and Sudbury Pines entered into a Consent Order back in May 2011 that required Sudbury Pines to construct a new wastewater treatment plant by June 2013. Sudbury Pines has violated that Order by not constructing the wastewater treatment plant. Continued operation of the facility's existing and illegal septic systems has resulted in the discharge of pollutants into the waters of the Commonwealth, leading to MassDEP issuing a Unilateral Order against Sudbury Pines in January 2014. Today's Consent Judgment requires Sudbury Pines to obtain written approval of the final system design plan on or before 3/1/16 and to commence construction of the approved wastewater treatment plant on or before 5/1/16, and to complete construction of the plant by 12/1/16, and the construction of an additional soil absorption system capacity by 12/31/16. Sudbury Pines is also required to pay a \$50,000 penalty.

1/20/16: MassDEP entered into a Consent Order with a \$5,692 Penalty involving L&L Property Services, LLC for Waste Site Cleanup violations in Wilbraham. L&L, a West Springfield-based landscaping company, failed to notify MassDEP of a sudden release of greater than 10 gallons of hydraulic fluid. On 5/25/15 at 2:12 PM, MassDEP was notified of the hydraulic fluid spill by a tenant of a large commercial shopping plaza at 2001 Boston Road in Wilbraham. The spill impacted the paved parking lot, access roadway to the plaza, and state and municipal roadways in the vicinity of the plaza. The party who caused the spill was not known at that time. An emergency response contractor was retained to remediate the spill. MassDEP subsequently determined that an L&L employee had utilized a street sweeper to clean parking lots early that morning, and a hydraulic release from the sweeper had most likely occurred at 5:30 AM. When contacted by MassDEP, L&L was fully cooperative and arranged for submittal of cleanup documentation to close out the spill. L&L also re-trained staff on responding to emergencies and spills of oil prior to meeting with MassDEP at the enforcement conference. Under today's Order, L&L will pay \$500 of the Penalty. MassDEP has agreed to suspend the balance provided L&L fully complies with the terms of the Order and submits written documentation of the employee training program.

1/15/16: MassDEP entered into a Consent Order with a \$13,945 Penalty involving ExxonMobil Oil Corporation for Waste Site Cleanup violations at 735 Washington Street in Boston (Dorchester). ExxonMobil as a potentially responsible party for the property was in violation for the application of remedial additives without MassDEP's approval. The company failed to conduct downgradient monitoring, in violation of the applicable regulations. Today's Order requires payment of \$10,000 and \$3,945 suspended and a stipulated penalty provision for any missed deadlines.

1/15/16: MassDEP issued 14 Notices of Noncompliance to various entities for Waste Ban violations. These entities - including retail stores, restaurants, hospitals, waste haulers and other companies - had been found to violate the waste ban for disposing or transferring for disposal various materials subject to waste disposal bans. Among the items banned from disposal at landfills/incinerators including wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with written descriptions of each action taken to correct the violations. The actions they must take include status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

1/15/16: MassDEP issued 96 Notices of Noncompliance for Underground Storage Tank (UST) violations. The entities are UST-facility owner/operators, who have failed to have UST third-party inspections completed by their respective due dates through 10/31/15. The agency this month gave the offenders 45 days to return to compliance. Those owners/operators who fail to do so will be subject to additional enforcement measures which include financial penalties. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency and provide advice to their clients about compliance issues, but are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

1/13/16: MassDEP issued a Unilateral Order to King Fisher Company for Solid Waste violations in Dartmouth. Today's Cease Order was issued King Fisher Corp. for their accepting solid waste at this site without valid site assignment and handling the solid waste and creating an unacceptable area of solid waste. Today's Order requires that King Fisher immediately cease accepting solid waste, implement measures to prevent emissions of offensive odors and/or nuisance conditions, discharges of pollutants to the environment and within 30 days, submit a plan to MassDEP detailing proper management of solid waste at the site. King Fisher Corp., a private agricultural operation, is located in Dartmouth and holds an Agricultural Composting Registration with the Department of Agricultural Resources for composting operation. The registration will expire on 3/31/16.

1/12/16: MassDEP entered into an Amendment to an existing Consent Order with Hardwick Elementary School for Water Supply violations in Hardwick. The Amendment will address October and November 2015 instances of total coliform rule violations. The investigation of the violations resulted in the discovery of issues related to the system's storage tank, which were addressed by the school. As a result of those actions, existing requirements in the existing Order required today's amendment.

1/6/16: MassDEP issued a Tier 1 Public Notice for Water Supply violations in Hamilton Water Department. MassDEP required the Tier 1 public notice in accordance with the Ground Water Rule. E. coli was detected in the raw (untreated) water from the town of Hamilton's School Street Well in a sample collected on 1/4/16. Correspondent bacteria was not detected - present - in the treated well water. Although the well is chlorinated, MassDEP has not certified the well as having sufficient chlorination and contact time to achieve 4-log treatment (99.99% free) of viruses, so the Ground Water Rule was triggered. The town was required to issue Public Notice within 24 hours of receiving the sample result, and had to collect five additional samples of the raw well water. The well is not used much by the town during the winter. The well was turned on briefly on 1/4/16 to collect samples of the raw and treated water. MassDEP did not require the Tier 1 public notice to be a Boil Water Order, because of the brief use of the well, the shutdown of the well immediately following sample collection, and the provision of chlorination during the use of the well. If E. coli is detected in any of the five additional samples, the town will have to either identify/correct any deficiencies that caused the bacterial contamination, or improve treatment so that it achieves MassDEP certification for 4-log (99.99%) virus inactivation.

1/5/16: MassDEP entered into a Consent Order with a \$6,616 Penalty involving Aggregate Industries Northeast Region for Air Quality and Hazardous Waste Management violations in Wrentham. MassDEP inspected the facility and found during its review that the equipment and management/operational processes were out of compliance and needed to be addressed to improve control of fugitive dust. The company has taken steps to bring the facility back into compliance. The company will also pay the \$6,616 Penalty in full.