

Colleen Noseworthy
895 Old Fall River Rd.
Dartmouth, MA 02747
508-677-0168

March 28, 2013

Mark Dakers, DEP
Via: Mark.Dakers@state.ma.us

Mr. Dakers:

I am writing this letter in regards to the Public Informational Meeting tonight in Dartmouth regarding the landfill at 452 Old Fall River Road. I would like this letter to be presented at the meeting.

As you are well aware, this landfill has been an issue for quite some time. In 2009 the DEP inspected this site and found it to be in violation of solid waste regulations due to excavation and open burning evidence. In 2011 the DEP issued an Administrative Consent Order with Penalty detailing the required remediation that all solid waste was to be excavated, tested and removed, restoring the site to natural conditions.

So why are we here tonight?

The property owner/violator has continually ignored DEP. They have continued to violate orders as well as put at risk our Town's drinking water supply.

The property owner/violator in engaging Boston Environmental Corp. is allowing them to not only NOT pay for the correction of the violation to both the State of MA and the Town of Dartmouth, it is allowing them to make a PROFIT! The owner/violator is going to make a fee from this hazardous soil and the contractor, Boston Environmental is making money from transporting this hazardous soil.

Residents of Dartmouth should not have to endure Boston Environmental's plan to truck in contaminated waste to cover up this landfill. This is not an option for Dartmouth. Boston Environmental covers up landfills – it doesn't clean them up!

The best option is for the DEP to follow-up on their 2011 Issuance of the Administrative Consent Order and force owner/violator to remove all debris and restore site to natural condition.

Soils and water MUST be tested before ANYTHING happens on site. Do we have the results of any current testing by the DEP? After cleanup they need to continue to monitor for at least 15 years at the expense of the owner/violator. Please let us remember the issues at the Resolve Site in Dartmouth as an example.

I would like to request an explanation from the DEP as to what the reasons would be to allow a violator to profit on breaking the law? The owners/violators should be made to do what is best for Dartmouth at their cost.

Commentary has included change of ownership to prevent a re-occurrence post remediation - can we suggest transfer of ownership be inclusive of entire parcel prior to subdivision by owner? Clearly subdivision efforts were made to salvage property from the problem parcel.

Thank you for your consideration on the above issues.

Sincerely,
Colleen Noseworthy
Dartmouth Town Meeting Member

Donovan, Ellie (DEP)

From: Liz Gosselin [gosselinliz@yahoo.com]
Sent: Friday, March 29, 2013 4:36 PM
To: Toomey@bostonenvcorp.com; Dakers, Mark (DEP)
Subject: Cecil Smith Land Fill

My name is Robert Gosselin , owner of 460 Old Fall River rd. North Dartmouth, MA.

This location is home to my sons family+ also serves as my Landscaping supply Business

I am very concerned with the proposal for the Cecil Smith Land fill. I believe i am the closest abutter, as many trucks will be traveling less than 50' from my certified well and less than 100' from my front door.

Who will compensate us for the quality of life+ the exposure to all the Hazardous waste, for us + the many neighbors?

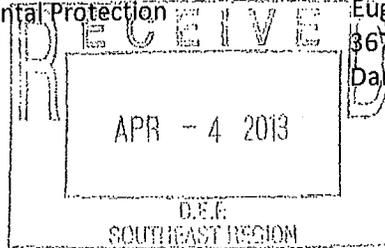
Also, the possible loss of my Business, which is my livelihood. This will be a huge loss for Gosselin+ Son Landscaping Supply.
Property values will be greatly reduced. We intend to retain legal counsel.

HOW WOULD YOU LIKE IT IN YOUR BACK YARD???? Please respond.

Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, Ma 02347

Eugene Plaud
367 Old Fall River Rd
Dartmouth, MA 02747

Att: Mark Dakers ✓
Acting Chief
Solid Waste Management Section



After attending the Public Information meeting in Dartmouth, MA, the evening of March 28 on the subject of the "Conceptual Closure Plan" for the former Cecil Smith Landfill on Old Fall River Road, I will join the many who viewed the meeting as a very disappointing experience.

The meeting was billed as "a one-time event, open to all", which it was not. The hall reserved for the attendees was obviously too small to accommodate the crowd. The key speakers did not have the sense of voice projection, and, although there was a microphone present, it did not perform as if it were wired to anything at all.

Unable to gain admission to the hall, I was in position to view the video screen presentation. The Mass DEP presentation was very well done. We thank you for your interest in our situation. The Boston Environmental presentation, however, was a very different and difficult matter. The speaker's inaudible explanation of his plan left me a victim to his video presentation. Why he had all of his maps presented sideways is beyond me. In my thirty-five years as an engineer I have always presented my plans right side up. All the maps I have studied have their northerly direction pointing up. This fellow's maps had their northerly direction to the west, to the left, so to speak, as in left-field. I sincerely hope any future meetings on this matter will be open to all, and, in a forum that will accommodate all interested parties. In the event that this is not possible may I leave you with two good reasons that accentuate the Boston Environmental plan as a bad plan:

1. A public park is located downwind from the subject area. Activities such as adding or removing contaminated fill will only serve to reduce the air quality with particulates that will eventually contaminate the playground area, a haven and a respite for families, children, and lovers of nature.
2. Some things are better left alone. Nature has a wonderful way of healing herself after a brash interruption in the natural order of things. A wiser plan would be to leave it be. It will heal.

CC: Sen. MARK MONTIGNY
TOWN OF DARTMOUTH, WENDY HENDERSON
ELIZABETH CALLAHAN, MASS DEP

Donovan, Ellie (DEP)

From: deenah pearl [dprl@comcast.net]
Sent: Friday, April 05, 2013 8:07 AM
To: mark.montigny@masenate.gov; christopher.markey@mahouse.gov; Dakers, Mark (DEP); Kimmell, Ken (DEP)
Subject: Cecil Smith Landfill

Good morning,

Below is an email I received this morning. I had received an hysterical email from someone who lives near the landfill...I will spare you that one.

I have lived in Dartmouth for almost 40 years and I remember the bumpersticker, Dartmouth Is Decent.

I have had thoughts of a new one that says, Dartmouth Was Decent.

If this project goes ahead ????. This project must be stopped.

Thank you for helping us,

Deenah Pearl

- We heard plenty of "talk" last week. As residents we can't leave this project up to chance, nor can we rely on the town, DEP or Mary Robinson to pay for any well testing up front. I can't express enough the **importance of having your wells tested now**, before any type of capping begins. Be sure to include VOCs and PCB testing. This testing will provide a baseline for which any future testing (paid by any project) will be compared to. Board of Health can provide bottles and instructions. The cost averages \$300. It may not sound fair to incur the cost, but ultimately it is the health of your family and property that needs safeguarding.
- Given the unusual backwards manner in which DEP is handling this proposal (not doing any testing upfront, but incorporating it into the proposal), I find this **project highly suspicious as a strong politically driven proposal to remove soil from specific Boston projects**. I don't believe the soil location is unknown, but rather undisclosed. **There is no scientific reason to bring in 1M cubic yards of fill, only monetary reasons**. Many elected officials spoke last Thursday. Their words must now be turned into action. Any political clout locals have must be pursued to halt this project. This will only happen if residents campaign for their political and legal assistance.
- This is a town wide issue as we heard the surrounding water supply feeds into town wells that service other residents. However the 65 ft. 24 acre mound would become a daily north Dartmouth nightmare, both in the construction and completion. Some may want to approach this by demanding many stipulations in the project (i.e. money for new roads, time restrictions for buses, truck cover control, land restrictions, etc), however the **best approach is STOPPING the project**. A proposal this size is only seeking revenue, not what is in the best interest for residents. **Other options must be brought to the table and discussed OPENLY**.
- Thankfully it appears that town officials are united in their concern over this project. However the questions remain: **What is the next step? How will officials address this? How will the public be kept in the loop? What legal recourse does our town have?** I've learned that a single letter from various united town boards will be drafted next week and sent to the DEP. Sounds like a good start. However in reading the Select Board's agenda for their next meeting this topic was NOT listed. That is unacceptable. If you agree, then please email each Select Board member below asking them to put aside time EACH meeting for an update on this important

Dartmouth, MA 02748
cleblanc@eastcoastengineering.com

- **Priority Concerns to be Addressed in letters:**
 - First and foremost a comprehensive site assessment (CSA) needs to be done. What are the current contaminants and has the water already been affected? What is the depth / volume of contamination? Also testing needs to include specific contaminants such as PCBs.
 - Baseline ground water testing of residents within 1 mile radius or as deemed appropriate by town hired engineer and post ground water monitoring
 - Discussion on OTHER OPTIONS available regardless of cost; preparation of an “alternative analysis” including mining
 - DEP enforcement of penalties on landowner and pursuing her financial ability to pay for any remediation/cap
 - Justification for proposed 65 ft. height of soil. Full disclosure of soil contents and where obtained.
 - Prevention of any further use of the land. No financial gains be awarded the landowner during or after any remediation project.

- **Additional Concerns (only should this project proceed):**
 - Will the town settle if given a sizable host fee? Such a fee was mentioned last Thurs. Any amount of money received will not be used to offset our substantial decline in home values. How will that money be used for the residents? Will it lure the town into a bad decision?
 - Bus route safety concerns
 - Road use and repair
 - Air control of dust and other air born contaminants to be delivered daily
 - Water usage for dust control (not just payment thru proper metering but effects of extensive use of town water)
 - Redirection of water flow. Prevention of flood situations to neighbors bordering Shingle Island River and Colebrook Creek/Swamp
 - Town involvement in monitoring or controlling the project, especially the soil content, deliveries and water monitoring.
 - Adequate financial assurance for post monitoring. What happens after 30yrs.? Membrane will eventually fail over a length of time. An estimated 50 yrs may not affect me but it certainly will have to be addressed by the next generation.

I ask for your assistance in spreading this information to your neighbors, friends and other interested parties. Also please share any information you learn as this situation requires a town wide effort.

IMPORTANT:

**CONSERVATION COMMISSION HAS CONTINUED THEIR PUBLIC HEARING TO TUESDAY
4/9/13 7PM, MIDDLE SCHOOL AUDITORIUM.**

Gloria

Dakers, Mark (DEP)

From: Nick Bergeron [bergeron150@me.com]
Sent: Saturday, April 06, 2013 8:26 AM
To: Dakers, Mark (DEP)
Subject: Dartmouth fill!!!!!!!!!!

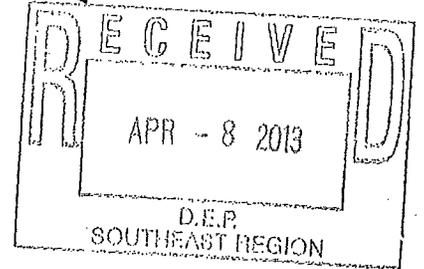
Sent from my iPhone

I found out about this crazy plan of trucking hazardous waste right across the street from my home. I have a well and I'm not rocket scientist but I would say that my well will be contaminated . What about my kids I will have to give them baths in pcb water that is out of hand. This can not happen and needs to get stopped!!!

Manuel & Patti S. DeMello
770 Old Fall River Road
Dartmouth, MA 02747

April 04, 2013

Commissioner Kenneth Kimmell
MA D.E.P.
1 Winter Street
Boston, MA 02108



RE: Cecil Smith Landfill/Plat 72, Lot 6 Old Fall River Road, Dartmouth, MA

Dear Commissioner Kimmell:

We are writing this letter to voice our concerns as residents in the area of the proposed capping of the Cecil Smith Landfill.

The upper and most main concern is groundwater contamination which will indeed affect the wells in the surrounding area. I believe at the meeting held on March 28, 2013, D.E.P. was unaware that the surrounding area is all served by private wells. Why was research not done prior to this meeting to find this out? It would have taken as little as a phone call to the Board of Health or the Water Department to find this information out. Are you also aware that this area is in the aquifer zone. In addition, we believe that a comprehensive site assessment needs to be done to determine the extent of the contaminants there now. Furthermore, a full disclosure of the soil contents of the soils to be trucked in needs to be shown to the public.

As you should be aware, the northern part of Dartmouth has had its share of issues with contamination including the RESOLVE site on North Hixville Road along with trichloroethylene in private wells on Collins Corner Road. In addition further north we also have the Crapo Hill Landfill which right now has D.E.P. approved programs for contaminated soils.

To create another dumping site (D.E.P. calls it capping) onto of a landfill in which residents do not know how much of the soil is contaminated already is absurd. To allow contaminated soils onto this site without knowing the contamination on the site is ludicrous. Along with soil contamination there also could be air born contaminants.

To that end, we are totally against the project. It seems that D.E.P. should do further research perhaps receivership and stop trying to inundate small rural towns with larger cities contaminants in the Commonwealth.

Very truly yours,

Manuel DeMello

Patti S. DeMello

Manuel DeMello
Patti S. DeMello

Cc: Mark Dakers, Acting Chief/D.E.P./Southeast Regional Office/20 Riverside Dr./Lakeville, MA 02347
Select Board/400 Slocum Road, Dartmouth, MA 02747
Senator Mark Montigny/888 Purchase Street, Room 305, New Bedford, MA 02740
Representative Chris Markey/State House/Room 136, Boston, MA 02133

Donovan, Ellie (DEP)

From: babey1438@aol.com
Sent: Wednesday, April 10, 2013 8:49 PM
To: Dakers, Mark (DEP)
Subject: Cecil Smith Landfill: COMMENTS

Hello,

I am writing you as a concerned resident of Dartmouth, MA. I live on Cold Brook Lane which is off of Old Fall River Rd., directly across from where the Cecil Smith Landfill would be located. I have lived in Dartmouth my entire life. I grew up in this town, went to school in this town, and am now a proud home owner in this town.

Living so close to where this Landfill could be put in has gotten me highly CONCERNED and DISGUSTED. After attending the Dartmouth Conservation Meeting on April 9th, I can see that I am not alone in these feelings. My major concern with the Cecil Landfill is the residents and my own families health and safety. While I do believe that the proposed area needs to be cleaned out, I do NOT believe that trucking in loads and loads of dirty soil from another city will solve the problem. If anything this will just add more contaminates that may have disastrous effects for the future. I am very concerned about what will happen if something goes wrong.

Will it affect my well water?

With all of this dirty soil being trucked in I have to think about the effects it will have on my well water now, and in the future. I'm having nightmares just thinking about the possibility that I will be drinking, showering, washing my clothes, washing my dishes, and providing my pets with contaminated, poisonous water. I used to have great thoughts about raising a family in my home. Now I'm not so sure I will continue to live here if this landfill does go through.

What about the roads, who will fix them with loads of trucks coming in and out daily?

What about flooding?

As far as I'm concerned the Cecil Smith Landfill should not be built. NO Landfill should ever be built on, or abutting wetlands. With water resources and homes not more than feet away I think it is ridiculous to think that this is a safe option. What if flooding does occur, wet lands and wells will be contaminated. Also, in the event that residents living close by have to evacuate, who will pay for all the home damages. In my opinion if something has even the smallest possibility of going wrong, it WILL go wrong.

What happens to the value of my home?

If you ask me we need to think about all and any other options. I find it appalling that at the town meeting they could tell us that option 4 (excavating materials out of the property) was just too expensive to even consider. On the other hand they could NOT give us any information what so ever about the cost of the landfill to be put in. It upsets me to know that a few peoples mistakes, will lead to hundreds of residents being put into dangerous and unknown situations.

Trucking in 65ft of soil is just preposterous! It seems to me that our health and safety is at the bottom of anyone's concerns. I feel that this landfill is just a big money making scheme, that will have detrimental effects in the future. I ask you to think about what if this was your neighborhood, backyard, and family.

Thank you for taking the time to read my letter. I would appreciate it if you informed me that you have received and read my letter.

-Concerned Dartmouth Resident

April 11, 2013
585 Hixville Rd.
Dartmouth MA
02747
E-mail: TAB585@aol.com

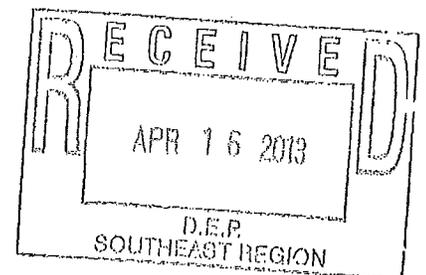
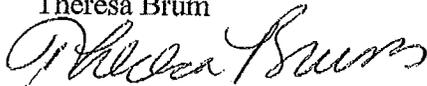
Dear Mr. Dakers,

I have been a resident of Dartmouth Massachusetts for over 30 years. I built a home on Hixville Rd. and raised a family in this beautiful town. I have attended the hearings in town regarding the Cecil Smith landfill. The proposed remedy for this landfill could create more problems than it will solve. The way of life for the residents who have homes in this area will be disrupted for at least 4 years. The traffic issues and road repair and upkeep will cost the town in money and resources. Old Fall River Rd. is steep in several areas near this landfill and the thought of these loaded dump trucks going up and down this is a safety and logistic issue.

This project sounds like a disaster from the get go. The "slightly contaminated" soil over a contaminated landfill is adding insult to injury. There are other options that have not been explored that can be done. This project appears rushed and premature.

Lastly, your agency has failed its' mission in protecting public safety. This situation has festered over 30 years and the DEP has done little to enforce laws already in place to protect the environment and public safety. What inefficiency to allow "records to be lost" over such an important issue. When the public was told this at the March 28th meeting, I was and am still in a state of disbelief. I am begging your agency and your role as a public servant to stop this proposal and look at other alternatives.

Sincerely,
Theresa Brum



Donovan, Ellie (DEP)

From: toab@comcast.net
Sent: Friday, April 12, 2013 6:26 AM
To: Dakers, Mark (DEP)
Subject: Dartmouth Landfill

Dear sir,

I am writing to in disgust of the Boston Enviromental proposal. Their plan is not what is needed to correct the issue at the Landfill. The site needs to be cleaned up, not covered up. We should not have to be punished for one residents mess. We certainly believe that Mary Robinson should financially be responsible for years of neglect that should have been dealt with years ago. I clean up my property, why shouldn't she???? There are other alternatives we should consider before the one proposed at this time. Many factors have not been addressed. Issues such as...residents, property value, health and safety, poisons, road maintenance, bridge maintenance, children, busing, traffic, speed, New Bedford's issues, affect on farming, air quality and many more. Please listen to our town residents and our town officials. The DEP was responsible for taking care of this years ago, don't make us suffer for it!!!!

Linda and Marc Chouinard
Ranger Road
Dartmouth
508-989-6414

Donovan, Ellie (DEP)

From: Jessica Leal [j1leal@icloud.com]
Sent: Monday, April 15, 2013 5:28 PM
To: Kimmell, Ken (DEP); Dakers, Mark (DEP); mark.montigny@masenate.gov;
christopher.markey@mahouse.gov; j1leal@me.com
Subject: Comments -Cecil Smith Landfill

Hi, I am writing to comment on the proposed Cecil Smith Landfill. I am very concerned that this landfill will be going in very close to where I live. I do not believe that this landfill is the appropriate action to be taken to clean up the contaminated waste already in the proposed area. It seems that this landfill will be an intrusion on every family that lives in the area. If this landfill does go in I feel that I will no longer be able to enjoy the beauty of my neighborhood, having to look at this monster of a landfill. I am also concerned about all of the extra costs this could potentially cause me and my family. Will I have to pay to get my well water tested yearly, for the fear that I could be drinking contaminated water due to this landfill. What if there's some sort of flooding, where will my family go? Who will pay to clean and repair my home? I am asking that you reconsider all other options before going through with this landfill, not only for my families sake, but for all of the Dartmouth residents that live nearby.

Thank you,
J. Leal

Donovan, Ellie (DEP)

From: John Costa [jcosta150@yahoo.com]
Sent: Tuesday, April 16, 2013 10:51 AM
To: Kimmell, Ken (DEP); Dakers, Mark (DEP); Mark.Montigny@masenate.gov;
Christopher.Markey@mahouse.gov
Subject: Cecil Smith landfill dartmouth

I cannot fathom the idea of the Cecil Smith Landfill. Although the area needs to be cleaned up, a landfill just is not the way. When thinking of this landfill idea, I have to think about the many impacts it will have on everyone's lives. I cannot believe that a project where loads and loads of hazardous soil from Boston will be driven through and dumped in our neighborhood is even being considered. Does it even make sense to fix the existing problem by essentially multiplying the problem. I also have to think about the hundreds of trucks that will be driven directly through my neighborhood for the next five years. What if there's an accident with one of these trucks? Who will be responsible? What about Dartmouth roadways, who will pay to repair them? What about the nearby rivers, and bridges being driven over?

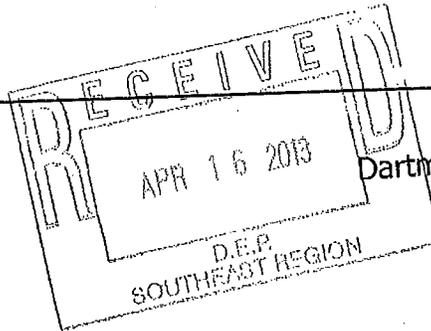
This plan is just wrong. If the landfill does proceed, why does it have to be so large in scale? At the town meeting it was made clear that the only reason the landfill has to be so large is so the companies involved and the owners of the land can make a profit. Is this project just the beginning of dozens of landfills in Dartmouth. It's essentially telling owners of large pieces of land that it's ok to store hazardous materials- because we can try and pull permits for a landfill to be built. Is this just the beginning of making Dartmouth a dump?

Donovan, Ellie (DEP)

From: Gary Soares [soaresg165@gmail.com]
Sent: Tuesday, April 16, 2013 6:11 PM
To: Kimmell, Ken (DEP); Dakers, Mark (DEP); mark.montigny@masenate.gov;
christopher.markey@mahouse.gov
Subject: Landfill Dartmouth ma

To Whom it May Concern,

The Cecil Smith Landfill has to be stopped. This is not the answer to the problem that exists. We need to come up with an option that everyone agrees on and NOT just the individuals with some sort of financial gain. Speaking as a resident of Dartmouth that lives close to where the landfill would be built this will affect all of the residents lives. It will affect their health, safety, quality of life, financial situations, etc. We cannot let this landfill proceed. It is unfair to place this huge burden upon hundreds of Dartmouth residents that never asked for this and have not done anything to deserve it. I do not think it is just or fair if this project does proceed, especially when the majority, if not all of the residents that live in the area are against the landfill. The area where the problem exists is not a place where any landfill should ever even be considered. It seems like the owners of the land and the Boston Environmental are in it for the financial gain. If this plan does proceed it lets me know that I live in a town where no one cares about the residents and what is only fair. Hopefully it doesn't come to that and the process of this landfill is put to a stop by someone who does care.



36 William Street
Dartmouth, MA 02748
April 10, 2013

Mr. Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

I have become alarmed at the rate at which very large commercial entities, in the name of the environment, but not in fact, are entering our town.

The recent proposal to solve the environmental disaster at the Cecil Smith property in North Dartmouth boggles the mind. Having been a "midnight dumping ground" in the past, it is known to contain such things as: Aroclor-1254 and 1242, acetone, benzene, trichloroethane, acenaphthene, acenaphthylene; benzoanthracene, -pyrene, -fluoranthene, -perylene, and -fluoranthene; methylnaphthalene, naphthalene, phenanthrene, pyrene, dieldrin, etc, etc, as well as many metals such as cyanide and mercury. That alone should warn off any company that seeks to put pancake makeup on the corpse by capping this alarming mix.

Mr. Dakers, we are so concerned about our fragile water supplies. Disturbing the land and adding more material and weight will force more of these chemicals into the ground water, and into the closely situated streams and ponds, which will spread the toxicity to a great degree: ultimately to the whole town and beyond.

This landfill proposal has made public the scope of the existing damage. Please help us to properly restore this land as much as it can be, but please do not allow the simplistic filling and capping, that will only add more chemicals to the ones that are there.

Sincerely,

Theresa A. Murnane

Cc: Mr. Kenneth Kimmell, Representative Chris Markey, Senator Mark Montigny



36 William Street
So. Dartmouth, MA 02748
April 10, 2013

Mr. Mark Dakers, Acting chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

As citizens of Dartmouth, my wife and I are very alarmed over the possibility of a massive hazardous waste facility in our lovely seaside town becoming a probability, and ultimately, a fact of life.

The proposed site is currently packed with chemicals, the compositions of which not only defy accurate spelling, but God only knows what they are capable of, whether buried under 60 feet of fill, or not.

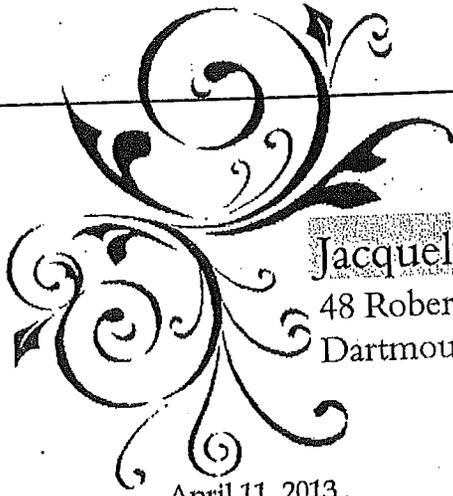
I am asking for your help. We're looking at a serious decline in home values in the neighborhood where this site is proposed, 155 local families dealing with sixty truckloads per day rumbling by their homes with attendant noise and danger to kids and pets. In fact, those rigs will be returning to Boston so we're looking, and listening to, 120 trucks per day. I drove trucks for years, and they most certainly do not stop on a dime, either; a loaded rig will weigh out at approximately 80,000 lbs. A vehicle like that is of concern when empty, but loaded, it's a bomb.

The dark eminence in all this is a woman who for years allowed her land to become a dumping ground for hazardous waste of every type, liquid or solid.

With Best Regards,

A handwritten signature in cursive script, appearing to read "James E. Murnane". The signature is written in dark ink and is positioned above the printed name.

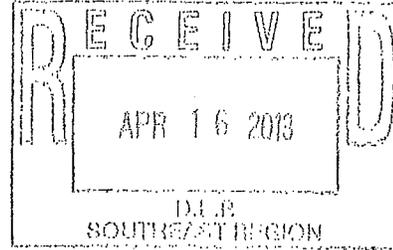
James E. Murnane



Jacquelyn E. McDonald

48 Robert Street
Dartmouth, MA 02747-2628

April 11, 2013



Mr. Mark Dakers, Acting Chief
Mass DEP S.E. Regional Office
20 Riverside Drive
Lakeville, MA 02347

RE: Cecil Smith's Landfill
Dartmouth

Dear Mr. Dakers:

This letter is written to express my very deep concern over the present plan to address the "capping" of the Cecil Smith's landfill which has been a problem in the Town of Dartmouth for years, going back to the early 1960's. Although I am presently serving on the Board of the Conservation Commission, I am writing this letter only as a "private citizen" and not as a member of ConComm.

The present plan of "Alternative #3" as proposed by Sitec Engineering for their client, Boston Environmental (BEC) which is utilizing sufficient amount of "approved materials" to achieve subgrade slopes of a maximum of 3:1 and a minimum of 5% will destroy the entire neighborhood located in the area of the landfill property. This proposal will provide for the 65' high "mountain" of fill. Alternative #3 as proposed by BEC I the only economically feasible option for this company wherein it will take a 65' foot "mountain" to make their huge profit.

It appears after studying the proposal that was submitted that "Alternative #2" is better suited for the Town and its residents. This alternative provides the standard cap to isolate solid waste from the environment, prevent the percolation of precipitation into the landfill, facilitate runoff and control gases. This option attains a reduction in risk to human health and the environment is attained, rendering it more protective. However, it does not provide for the amount of profit for BEC.

Alternative #4 includes the excavation and backfill of all of the existing waste and trucking it to another landfill. This alternative will reduce sediment and runoff through a cover which will provide an effective, reliable long-term solution to the contamination problems that may exist at the site. It has been stated that this alternative will cost \$19,500,000 which I find hard to believe and this alternative does not provide the profit margin to BEC.

Telephone: (508) 994-2236

Fax: (508) 996-0060

E-mail: jemcdonald@northdartmouthproperties.com

Donovan, Ellie (DEP)

From: Theresa Brum [tab585@aol.com]
Sent: Thursday, April 18, 2013 7:37 PM
To: Dakers, Mark (DEP); Philip.Weinberg@atate.ma.us
Subject: Cecil Smith landfill

Dear Mr Weinberg and Mr. Dakers,

I am writing my concerns about the proposal by Boston Environmental to cap the Cecil Smith landfill. I attended the March 28th meeting and the April 9th meeting of the Conservation Board. I also have reviewed these meeting several times on DCTV. The more I view these televised meetings the more upset I am in regards to the welfare of the residents of Dartmouth, especially those who live near this site. Boston Environmental's traffic route proposal is a safety threat to this area, there are many steep areas on the proposed routes. Sixty trucks a day going up and down this site for over three years is preposterous. This is a daily convoy of traffic that will bottleneck the flow of traffic to this area. I cannot imagine this traffic during storms.

The other issue is the 60 foot mountain of contaminated material. This proposal is to benefit the economics of Boston Environmental, not the welfare or safety of the residence who have built houses, obey laws and pay taxes. The DEP has not put the welfare of the residents of Dartmouth first for the past thirty plus years. Your department has failed in its' mission to protect the safety and welfare of the citizens of the Commonwealth and are more concerned with making a deal to benefit the owners of this landfill and Boston Environmental.

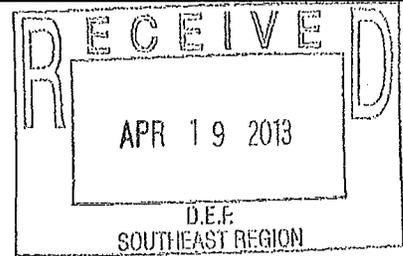
I am organizing with my fellow citizens to oppose this plan and will forward this and other letters to Govenor Deval Patrick and the Attorney General. Shame on your department for even bringing this flawed proposal to a public hearing.

Sincerely,
Theresa Brum
585 Hlxville Rd.
Dartmouth, MA

794 Fisher Road
Dartmouth, MA

April 16, 2013

Mark Dakers
Mass DEP SE Regional Office
20 Riverside Drive
Lakerville, MA 02347



Dear Mr. Dakers,

As residents of the Town of Dartmouth, we are concerned with the Old Fall River Road Landfill. Decisions are being made which will affect everyone in our town today, tomorrow and future generations. They will have to deal with the decisions we make today, in 25, 35 or 50 years. Let's make the right decisions.

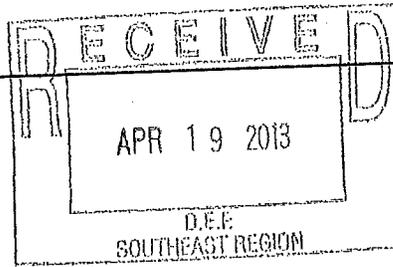
We are asking, pleading and begging the DEP not to allow the Sixty-five foot (65') mountain of hazard waste be allowed in our town. **PLEASE** decline BEC's project and seek other options as well as seeking more information as to what is buried at this site. The landowner(s) has already destroyed town wells and land in another area of town with the dumping of hazard waste materials. Below are some of our concerns and suggestions.

CONCERNS:

1. This has been an illegal landfill for many years. (Why hasn't something been done before now to solve this problem?)
2. The last report of contaminants found on this site (we believe) was in 2004 (nine years ago).
3. Much of this landfill site seems to be in a floodplain area.
4. This landfill is on/near an aquifer area.
5. DEP's list of materials for grading and shaping this project could include allowing other hazard materials (not listed under F of their handout sheet handed out at a Public Hearing on March 28, titled **Department of Environmental Protection**) to be brought to this site.
6. Who will be responsible for over-seeing this project from "cradle to grave"? (It should be an independent company/firm/or individual (with NO connection to this project).
7. The decline of home values in town. (Will Ms. Robinson, the Town or State reimburse the home owner for the value they will lose on their homes?)
8. The possible contamination of the Town's water supply (wells) as well as individual resident's wells.
9. The number of heavy trucks (plus other company vehicles) per day if BEC is allowed to go forward with this project.
10. The destruction of town roads from heavy trucks hauling **CONTAMINATED** fill.
11. If BEC does this project, where will their water trucks get the water to control the dust. (If they use town water this could affect the town's water supply as well as individual wells) Will DEP or BEC reimburse, supply or drill new wells for the town or town residents?
12. Will the town be involved in the monitoring and controlling this project?
13. The safety of children (school pick-up begins approximately at 6:30a.m.-9a.m. and return trips 2p.m.-4:30p.m.).
14. Joggers/ walkers who use Old Fall River Road (this road has no sidewalks).

Ken Kimmell, Commissioner
Mass DEP Headquarters
One Winter Street
Boston, MA 02108

April 15, 2013



Sir

This letter concerns the decades old condition in North Dartmouth, MA, at what is called the Cecil Smith Landfill located on the Old Fall River Road. It has been brought to the attention of the local residents that this parcel of wetlands was once used as a dumping ground for hazardous waste, heavy metals, and poisons over a period of twenty years. This landfill was closed and capped by the DEP in 1982. As late as 2009 the DEP found prohibited activity at this site and an order was issued to the owner for a plan to remedy the newly exposed areas previously capped and to clean up the site of the recent activity. No action was taken to comply with the orders of the Mass DEP. As late as 2011 the Mass DEP issued again an order to clean up this site, to remove all buried solid waste from this site and to restore this site to its natural conditions. Again, no action was taken to comply with the orders of the Mass DEP.

The latest plan for remedial action by the present owner is to cover these materials with yet more soil considered by some to be of "low contamination", in effect, to compress into the wetlands the existing contaminants by virtue of covering them with a sixty-foot high mound of refuse.

This proposal makes no sense at all. With this proposal the contaminants will remain and the poisons in the ground will continue to leach into the water table. It is only a matter of time when the neighboring wells will become contaminated with these poisons. It is important to note this contaminated site sits only one-half mile from the town standpipe on top of High Hill.

When, not if, the municipal water supply for the town of Dartmouth becomes unusable, poisoned and contaminated is only a matter of time.

This contaminated site sits only six miles from the municipal water supply for the city of Fall River. Who can make the decision to wait and see if the poisons in the wetlands of Dartmouth will find their way through underground waterways and into this nearby reservoir?

Donovan, Ellie (DEP)

From: Couto, Jean [jean_couto@brown.edu]
Sent: Saturday, April 20, 2013 7:21 AM
To: Dakers, Mark (DEP); Ken.Kimmel@state.ma.us
Cc: Weinberg, Philip (DEP)
Subject: Cecil Smith Landfill

Dear Mr. Weinberg and Mr. Dakers,

I am writing to you in regards to the capping and final closure to the former Cecil Smith landfill. I have been a resident of North Dartmouth for 23 years and I am an abutter to this proposed project. Twenty-three years ago I came to North Dartmouth for its tranquil surroundings, natural beauty and a safe healthy environment to raise my children. Now...the future of my community is in the hands of an irresponsible landowner and companies that have little or no value for the environment and human life. BEC will make an undisclosed profit to cap and close this landfill. Millions? They will not say. BEC has put a value on this project which will only increase the size of their wallet although they have not put a value on the health and well-being to human life.

As a resident of Massachusetts, I have the right to breathe clean fresh air. The EPA states that by 2020, the 1990 Clean Air Act will have prevented 230,000 premature deaths. How will the 1990 Clean Air Act protect North Dartmouth if 66,000 truckloads (which does not include the number of trucks hauling gravel, stone, or bulldozers at the site) carrying contaminated product smothers the air we breathe? Hydrocarbons will be exhausted from trucks which will poison our lungs with noxious gas. For 3-4 years, our community will be restricted to breathe fresh clear air. It is the elderly, cancer-stricken residents (including a resident living directly across the street from this project), residents with pulmonary and cardiac illnesses and diseases, children from across the region who play at the Dartmouth Regional Park & Trails located across from this proposed project, our children who stand at their bus stops every day and our entire community which will be affected. I will no longer have the privilege to open my window during a beautiful summer day or enjoy the outdoors of my own backyard. Three to four years of breathing contaminated tainted air will deplete our health and our quality of life.

66,000 or more trucks containing contaminated soil will cause havoc to our country roads. One narrow road heads east and west to this proposed project site which is surrounded by wetlands, ponds, sharp curves, a small community of homes near the road, dangerous 4 way stop signs, bridges build perhaps in the 1940's which are not intended to withstand substantial weight, farmers with crops and cattle who supply our region with milk, slow moving farming equipment, 2 steep dangerous hills which are especially dangerous during snow storms, families with children entering and exiting the Dartmouth Parks and Trails Park, children waiting for school buses, postmen delivering our mail, sanitation workers picking up our garbage, a substantial number of elderly and ill driving from all over Massachusetts to attend their doctor's appointments located at the Faunce Corner medical facilities and the list goes on and on. The number of cars using this road is astronomical and now it is proposed to add 60-70 trucks per day for 6 days a week for 3-4 years? If you are not familiar with this road, there is a good possibility that someone will be killed as well as a good possibility that the contamination will enter into a body of water and...if this occurs, then what? Something devastating will happen and it will be too late. What are you thinking?

The community surrounding this project does not have access to a public water supply therefore we must rely on our private wells to supply us with our drinking and bathing water. Why do you want to add more contamination on top of contamination? Why do you want to risk our lives to dispose of someone else's contaminated products in our neighborhood? Overall, we are a community who takes pride in what we have and have worked hard every day of our lives. Our community did not cause this problem! One irresponsible

748 Collins Corner Rd
Dartmouth, MA 02747

April 20, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

I am writing in regards to Boston Environmental Corporation's (BEC) proposal to cap the Cecil Smith Landfill located in my community. Having attended all town meetings related to this proposal I have learned certain details that greatly concern my family and neighbors.

Most troubling to me is the lack of oversight from the DEP over the years. I've learned that the EPA performed their last site visit and testing in 2004. It is my understanding that no further ground water monitoring or testing of any sort was done by the DEP since that time. As the landfill is surrounded by water sources on three sides, there is great concern for the large number of neighboring private wells and six town wells located within a four mile radius of the site, as identified by the EPA in 2004. One could further advocate concern for the continuing path of water ways that ultimately leads to Westport. The EPA's testing may have not met the superfund priority criteria at that time, but their findings were certainly worrisome and warranted continued monitoring by the DEP to ensure the health and safety of our community. To not address the past detection of various VOCs, SVOCs, one pesticide, numerous metals and PCBs over the years is a great failure and injustice on the part of the DEP. See my attached summary of contaminates detected over the years.

The lack of oversight also includes the lack of enforcement imposed on the landowner in the means of imposing the proper fines or penalties, collection of such monies and/or any criminal legal actions for violations of environmental laws, such as the Clean Water Act. Why has this landowner been free of enforcement all these years with such a sorted history of illegal dumping as well as non-compliance with the Administrative Consent Order of 2011?

With no current data available to assess the contamination status of the landfill and its affect to the water supply, I believe it is most inappropriate to discuss any capping proposals. At a minimum the DEP should have maintained the ground water monitoring wells installed in the past and performed annual testing. This would have provided years of data in which to determine the best possible capping solution. Based on the facts presented at meetings, the solution clearly does not lie with BEC's proposal. Further contaminating the property, which is surrounded by sensitive wetlands, with a proposed cap of 1.4 million cubic yards of undisclosed contaminated soils would be dangerously irresponsible. In addition, BEC's admission that the cap size has been determined based on economic feasibility and not based on the health and wellness of the community, reflects a strong conflict of interest and undermines the validity of their proposal. I therefore strongly ask that you reject BEC's proposal in its entirety and finally perform the required due diligence on this property as outlined by the DEP's mission statement to ensure clean air and water, timely cleanup of hazardous waste sites and preservation of wetlands.

Sincerely,

Gloria Bancroft

Gloria Bancroft
(508) 995-0805

Dakers, Mark (DEP)

From: Paul & Gloria Bancroft [pgbanc@comcast.net]
Sent: Monday, April 22, 2013 1:51 PM
To: Dakers, Mark (DEP)
Cc: Kimmell, Ken (DEP); Weinberg, Philip (DEP)
Subject: RE: BEC Proposal
Attachments: Compound Summary Jan 28 2005.xlsx

Mr. Dakers,

Attached is the summary of compounds/elements detected on the site in the past that I forgot to include in my recent email today.

Gloria Bancroft

Compounds/Elements Detected at Cecil Smith Landfill

(This summary was created for informational purposes only and data was obtained from the EPA report dated 1/28/05; no other testing was found.)

(Please note where multiple dates, sample types and testors are listed under a single compound/element, they may not all relate to one another. For example: Calcium was tested on 4 separate dates. The sample type and testor may not have been identical on all 4 dates, but calcium was detected. See EPA report dated 1/28/05 for further clarification.)

Compound/Element	Date	Sample Type	Tested By
PCBs / Aroclor-1254	2/11/1982	Sediment, Leachate	Town of Dartmouth
Aroclor-1242	2/11/1982	Sediment, Leachate	Town of Dartmouth
VOCs:			
2-Hexanone	1/28/2004	Surface Soil	EPA
Acetone	8/15/1990	Surface Soil	EPA (WESTON)
Benzene	1/5/1982	Ground Water	GHR Engineering
Butanone, 2-	8/15/1990	Surface Soil	EPA (WESTON)
Methylene Chloride	8/15/1990	Surface Soil	EPA (WESTON)
Trichloroethane, 1,1,1-	2/19/2004	Ground Water	EPA
SVOCs:			
Acenaphthene	8/1990	Surface Soil	EPA
Acenaphthylene	8/1990	Surface Soil	EPA
Anthracene	8/1990, 1/2004	Surface Soil	EPA
Benzo(a)anthracene	8/1990, 1/2004	Surface Soil	EPA
Benzo(a)pyrene	8/1990, 1/2004	Surface Soil	EPA
Benzo(b)fluoranthene	8/1990, 1/2004	Surface Soil	EPA
Benzo(g,h,i)perylene	8/1990	Surface Soil	EPA
Benzo(k)fluoranthene	8/1990, 1/2004	Surface Soil	EPA
Bis(2-ethylhexyl)phthalate	8/1990, 1/2004, 1/1982	Surface Soil, Ground Water	EPA, GHR Engineering
Caprolactam	2/2004	Ground Water	EPA
Chrysene	8/1990, 1/2004	Surface Soil	EPA
Dibenz(a,h)anthracene	8/1990	Surface Soil	EPA
Fluoranthene	8/1990, 1/2004	Surface Soil	EPA
Fluorene	8/1990	Surface Soil	EPA

Indeno(1,2,3-cd)pyrene	8/1990, 1/2004	Surface Soil	EPA
Methylnaphthalene, 2-	8/1990	Surface Soil	EPA
Naphthalene	8/1990	Surface Soil	EPA
Phenanthrene	8/1990, 1/2004	Surface Soil	EPA
Pyrene	8/1990, 1/2004	Surface Soil	EPA

Pesticide:

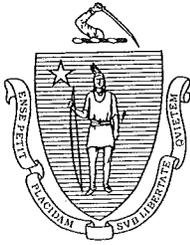
Dieldrin	8/1990	Surface Soil	EPA
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Metals/Inorganics:

Aluminum	2/2004	Ground Water	EPA
Antimony	10/2000	Sediment	EPA
Arsenic	2/1982, 2/2002	Ground Water	GHR, St. Germain
Barium	1/2004, 2/2004	Surface Soil, Ground Water	EPA
Beryllium	10/2000, 2/2002, 2/2004	Sediment, Ground Water	EPA, St. Germain
Cadmium	10/2000	Sediment	EPA
Calcium	2/1982, 8/1990, 1/2004, 2/2004	Surface Soil, Ground Water	GHR Engineering, EPA
Chromium	8/1990, 2/2004	Surface Soil, Ground Water	EPA
Cobalt	2/2004	Ground Water	EPA
Copper	12/1977, 2/1982, 8/1990, 2/2004	Leachate, Surface Water & Soil, Ground Water	GHR Engineering, EPA
Cyanide	1/2004, 2/2004	Surface Soil, Ground Water	EPA
Iron	2/1982, 2/2002, 2/2004	Leachate, Ground Water	GHR, St. Germain, EPA
Lead	2/1982, 8/1990, 2/2002, 1/2004, 2/04	Leachate, Surface Soil, Ground Water	GHR, EPA, St. Germain
Magnesium	2/1982, 1/2004, 2/2004	Ground Water, Surface Soil	GHR Engineering, EPA
Manganese	2/1982, 2/2002, 2/2004	Leachate, Ground Water	GHR, St. Germain, EPA
Mercury	8/1990, 1/2004	Surface Soil	EPA
Nickel	12/1977, 2/1982, 2/2004	Leachate, Ground Water	GHR Engineering, EPA
Potassium	2/1982, 1/2004, 2/2004	Ground Water, Surface Soil	GHR Engineering, EPA
Selenium	1/2004	Surface Soil	EPA
Sodium	2/1982, 2/2004	Leachate, Ground Water	GHR Engineering, EPA
Vanadium	2/2004	Ground Water	EPA
Zinc	12/1977, 2/1982, 8/1990, 2/2004	Leachate, Surface Water & Soil, Ground Water	GHR Engineering, EPA

(after such date)

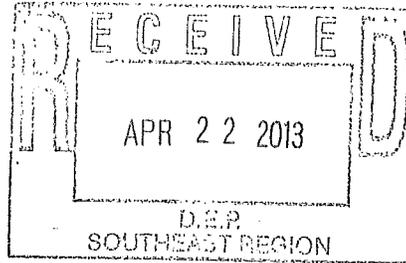
acted on all 4 dates.



The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES
STATE HOUSE, BOSTON 02133-1054

CHRISTOPHER M. MARKEY
STATE REPRESENTATIVE
9TH BRISTOL DISTRICT



Committees on:
Judiciary
Housing
Environment, Natural Resources
and Agriculture
STATE HOUSE, ROOM 155
TEL. (617) 722-2450

April 17, 2013

Phil Weinberg, Director
Southeastern Region,
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, Massachusetts 02347

Dear Mr. Weinberg,

I write to you today to express my great concern with Boston Environmental's plans at what is known as the Cecil Smith landfill, and also to express my disappointment and frustration with the Massachusetts Department of Environmental Protection on what is a clearly-documented history of lax oversight and a lack of adequate enforcement with regard to this property. Like other concerned residents of Dartmouth, I also have questions that I feel must be addressed before any project can commence. To date, those questions have not been satisfactorily answered and, therefore, I will once again ask them on behalf of the citizens of Dartmouth.

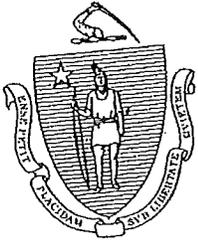
The questions about this project and about the history of this property are almost too numerous to be succinctly posed in one letter. While it is accepted that this landfill must be capped to prevent further contamination of surrounding area, why are the property owners not being forced to pay for this? While the value of the property owner's real estate holdings in the town (in excess of \$2 million) is easily discovered by accessing municipal records, why hasn't the DEP made an effort to force the property owner to recap this landfill themselves? What penalties have been levied against these property owners for the litany of infractions they've perpetrated? Have any significant fines been collected, and why are the property owners now in a position to benefit from once again violating our Commonwealth's environmental statutes? What will the DEP do to protect the hundreds of private wells? In the absence of a true environmental impact study on the site, especially regarding the flow of the underground water, how can we as a community have any faith in this project or the DEP? How can we as a government allow such a project to move forward with such problems?

These questions are not trivial and, as I said, I will not rest in opposing this project until our community receives satisfactory answers for all of them. I ask you, on behalf of the residents of Dartmouth, for real, substantive public involvement. We demand another public hearing, run by the DEP, with real answers to the questions I've posed and to those I hear every day from my constituency. We do not need a diversion away from the facts or a minimization of the DEP's failure for over thirty years. Your Department is designed to protect citizens of the Commonwealth from exactly this kind of abuse. I implore you and expect you to satisfy that mandate.

With every best wish, I remain
Sincerely,

Handwritten signature of Christopher M. Markey

Christopher M. Markey
State Representative, Ninth Bristol District



The Commonwealth of Massachusetts

MASSACHUSETTS SENATE
OFFICE OF THE ASSISTANT MAJORITY WHIP

SENATOR MARK MONTIGNY
ASSISTANT MAJORITY WHIP
Second Bristol and Plymouth District

STATE HOUSE, ROOM 407
BOSTON, MA 02133-1053

TEL. (617) 722-1440
FAX. (617) 722-1068

April 24, 2013

DISTRICT OFFICE
888 PURCHASE STREET, ROOM 305
NEW BEDFORD, MA 02740
TEL: (508) 984-1474

MARK.MONTIGNY@MASENATE.GOV
WWW.MASENATE.GOV

Kenneth L. Kimmell
Commissioner
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

RE: Cecil Smith/Mary Robinson Landfill Final Closure Project-Boston Environmental
Old Fall River Road, North Dartmouth, MA

Dear Commissioner Kimmell:

First, I write to express my opposition, and that of the Town and residents of the Town of Dartmouth, in regards to the above referenced proposed project administered and brokered by your Department.

As I expressed at the DEP/Boston Environmental public hearing in Dartmouth on March 28, 2013, the DEP's administration and stewardship of the contaminated private landfill owned by Cecil Smith/Mary Robinson has been lackluster. The owners of this landfill have thwarted DEP for 40 years and the agency has not effectively taken any action to stop them. Despite numerous violations at the site and the outright removal (and likely sale) of a previously installed cap, DEP has failed to take decisive and effective enforcement action against the owners including the seeking of a receiver for the property. Even more troubling now, is the apparent failure to investigate whether the owner of record has the financial ability to finance the capping of the landfill. For example, I am informed that the owner(s) have a \$2 million value in real estate in the Town of Dartmouth. I am also concerned that the owner(s) will somehow profit, in some way, from the proposed project and do not believe that they should benefit from their own willful and dilatory conduct.

As expressed by many at the public hearing, including myself, the Town does not wish to be the vehicle that cures a lingering problem for DEP (the landfill) while at the same time curing a Comm 97 material disposal problem for Boston Environmental and DEP.

There are a host of other problems with the proposal. The site is bordered and sits in wetlands that run into aquifers. Any disposal of Comm 97 materials in this area is unacceptable especially without any proposal for testing and monitoring for at least 30 years. The amount of truck traffic to and from the site, estimated at 50-60 eighteen wheeler trucks per days, six days a week, for three years, poses quality of life and safety issues for neighbors and severe wear and tear on town roads. As currently proposed, there is no remediation planned for the Town due to this wear. The sheer volume and scope of the project is also objectionable. The proposed landfill and cap will tower above the tree line at 65-80 feet. This will forever change the landscape of the area.

Lastly, I and the Town are troubled by the less than forthcoming information related to the costs and profits of Boston Environmental should this project go forward. Although it has been stated by DEP and Boston Environmental that Boston Environmental will make only \$1.6 million in profit, experts, including the Town's engineer, think Boston Environmental's estimated costs are overstated and the profit margin far higher than reported.

In light of the above and in order to appropriately review the project, I request the following documents and information:

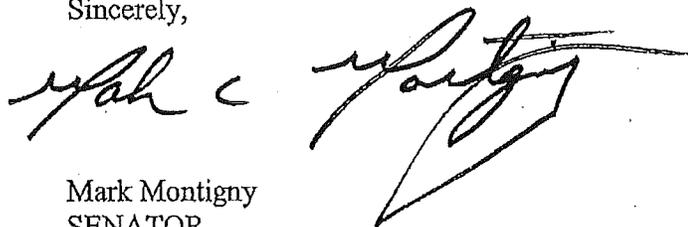
1. Copies of all applications for the project filed by Boston Environmental or the owners of the landfill.
2. Copies of any agreements, licenses, or other memoranda between Boston Environmental and the owner of the landfill property in DEP's possession regarding the proposed project and/or transfers of ownership or operating interest in the landfill property.
3. Copies of any pro forma's filed or submitted by Boston Environmental with DEP regarding the project's costs and profits.
4. Copies of documents regarding any determinations relative to the size and scope of the project and the environmental impact of the project.
5. Copies of all investigations or determinations by DEP or other state agencies into the financial status of the property owners or their ability to pay for a capping of the landfill.
6. The number of other proposals submitted by other parties, if any, for the capping or remediation of the landfill/ property and the identity of the proposer(s).
7. Documents or information regarding alternative plans for the landfill site.
8. All documents regarding planned remediation for and to the Town of Dartmouth for expenses associated with the proposed plan including, but not limited to, wear and tear to roads and testing and monitoring of soil, wetlands, aquifers and waterways.
9. Documents and information as to the nature and source of the materials to be placed in the landfill by Boston Environmental.
10. All documents related to any and all violations, citations or enforcement actions taken by DEP or municipalities against Boston Environmental or its subsidiaries or affiliates including, but not limited to, companies or corporations owned by the owners/shareholders of Boston Environmental such as J. Derenzo Co. and 330 Howard Street, LLC. during the past ten (10) years.

Given the lack of some crucial information and the number of still lingering questions by the Town and neighbors, I ask that DEP not proceed further on the licensing of this project until the

Town and the neighbors' concerns are fully heard, investigated and addressed. I also strongly suggest that additional public hearings be scheduled in Dartmouth in order to give this project a proper vetting.

Finally, in order to more fully express my and the Town's opposition and concerns and to gain information relative to the proposed project, I ask that you and appropriate members of your staff meet with me, and other invited area legislators and/or Town officials, as soon as possible either at the State House or in Dartmouth. My Legal Counsel, Michael Murray, will be contacting your office in the very near future to schedule the meeting.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Montigny', with a large, sweeping flourish extending to the right.

Mark Montigny
SENATOR

MM/m

cc: Board of Selectmen, Town of Dartmouth
Secretary Richard Sullivan, Executive Office of Energy and Environmental Affairs

Donovan, Ellie (DEP)

From: Dakers, Mark (DEP)
Sent: Friday, April 26, 2013 5:50 PM
To: Dakers, Mark (DEP)
Subject: FW: Cecil Smith Landfill....DEP going to allow economics to trump the integrity of the environment!??? and put human health at risk!????

From: Gillian Lake [<mailto:gillianlake19@gmail.com>]
Sent: Wednesday, April 17, 2013 2:53 PM
To: Weinberg, Philip (DEP)
Subject: Cecil Smith Landfill....DEP going to allow economics to trump the integrity of the environment!??? and put human health at risk!????

Dear Mr. Weinberg,

I write to you today to express my grave concern with Boston Environmental's plans at what is known as the Cecil Smith landfill, and also to express my disappointment and frustration with the Massachusetts Department of Environmental Protection on what is a clearly-documented history of lax oversight and a lack of adequate enforcement with regard to this property. Like other concerned residents of Dartmouth, I also have questions that I feel must be addressed before any project can commence. To date, those questions have not been satisfactorily answered and, therefore, I will once again ask them on behalf of the friends and residents of Dartmouth.

I am currently enrolled in the Environmental Public Policy graduate study program at UMASS Dartmouth. I abhor the way this project is being rolled out and the fact that it is even an option on the table. I thought the government agencies were supposed to protect human health first! This land was mismanaged and not dealt with properly. Now the whole town should pay for the negative externalities from a private resident? And if Dilution is not the Solution.....I truly doubt that adding more is going to be the solution, either. And what about the CAA, the noise from the trucks bounding through residential neighborhoods. And what if one of those trucks crash? Is RCRA and CERCLA on board? How will they know what is in the trucks if you are only sampling here and there?

I am also disappointed that the EPA is not considering this significant and is not requiring NEPA! How absurd!

I managed two labs and was responsible for RCRA paperwork! Those chemicals found are not unregulated hazardous materials. What are the concentrations? You should provide every town resident with an MSDS for every chemical! Additionally, people should be informed of the DOT rating. The government agency, the DEP, when acting in this capacity should follow the same standards of a corporation. All residents have the right to know!

You cannot guarantee the integrity of your mountain of toxins.

The questions about this project and about the history of this property are almost too numerous to be succinctly posed in one letter. While it is accepted that this landfill must be capped to prevent further contamination of surrounding area, why are the property owners not being forced to pay for this? While the value of the property owner's real estate holdings in the town (in excess of \$2 million) is easily discovered by accessing municipal records, why hasn't the DEP made an effort to force the property owner to recap this landfill themselves? What penalties have been levied against these property owners for the litany of infractions they've perpetrated? Have any significant fines been collected, and why are the property owners now in a position to benefit from once again violating our Commonwealth's environmental statutes? What will the DEP do to protect the hundreds of private wells? In the absence of a true environmental impact study on the site, especially regarding the flow of the underground water, how can we as a community have any faith in this project or the DEP? How can we as a government allow such a project to move forward with such problems?

These questions are not trivial and, as I said, I will not rest in opposing this project until our community receives

David J. Ferguson, PE
10 Shannon Way, N. Dartmouth, MA 02747
(508)-676-3640, david.ferguson4@comcast.net

May 2, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

RE: Cecil Smith Landfill – Dartmouth, MA

Dear Mr. Dakers,

The purpose of this letter is to provide comment concerning the proposal by Boston Environmental Corporation (BEC) on behalf of Mary Robinson, current owner and responsible party for the unlined landfill located on Old Fall River Road, Dartmouth, MA known as the Cecil Smith Landfill. In review of the BEC proposal that I have obtained via the Town of Dartmouth website it is noted that the history of this landfill dates back to 1954 and that it was an active operation, accepting Construction & Demolition Debris from 1954 through 1974. These timelines should be sounding alarms for all of us. It was during this period when construction debris was laden with PCBs, Asbestos, Arsenic and many other toxic and hazardous materials. There is a high profile example of this condition not far from this location in the City of New Bedford, known at the time as the Parker St. landfill and now as the Keith Middle School. Extensive testing at this site found contaminants in the New Bedford High School and other surrounding buildings and public venues.

The BEC proposal while quite thorough in defining how the landfill will be capped, to what height, the amount of material to be used and the timeline it clearly lacks substantive information as to what is present in the current landfill, the risks associated with leaving the material in place, a clear description of the materials being considered for the site, where they will originate from and how they will be monitored. Before any capping plan can be considered the Department of Environmental Protection, the Town of Dartmouth, its Residents, especially those that abut this property need to understand what is buried on site and what if any risks to public health they pose if left in place. DEP's original Administrative Consent Order calls for all debris to be excavated, recycled where viable and or disposed of in a proper facility. The BEC proposal ignores that consent order, leaves the material in place, creates a profit center for the violator, and puts the residents of the Town of Dartmouth potentially at risk by leaving contaminants in place and introducing new ones.

It is clear that the sole reason for bringing an estimated 1.1 million tons of "contaminated fill" to this location is to fund the operation. Creating the mountain of contaminated soils will profit the owner, making it not only affordable but making the site viable for the installation of a solar PV

6. The original landfill capping order called for material mounded to 10' above finished grade. If it is agreed that the material can be left in place we need to know the financial viability of carrying out the minimal effort.

Only after the steps outlined above are taken should any plan to close, mitigate, cap or completely remove debris at this site be considered. Any costs associated with this assessment and the costs to the Town of Dartmouth to protect the interests of the residents and town assets should be the sole responsibility of the current owner and other responsible parties. This end of Town is already burdened with the Resolve, EPA superfund site, located less than 1-mile northwest of this site. We should not be burdened by yet another contamination site where the responsible parties have ignored their moral and legal obligations.

Thank you for your time and consideration in this important issue.

Sincerely,



David J. Ferguson, PE

Cc: Philip Weinberg, Director - Mass DEP SE Regional Office
Wendy Henderson – Dartmouth Health Agent
Richard K. Sullivan, Jr., Secretary – EOEEA
Mark Montigny – State Senator
Christopher Markey – State Representative
Shawn McDonald – Chair Dartmouth Board of Selectman
Chief Richard Arruda – Dartmouth Fire District 3

DARTMOUTH MASSACHUSETTS



Office of the Select Board

Lara H. Stone, Chairperson

Shawn D. McDonald, Vice-Chairperson

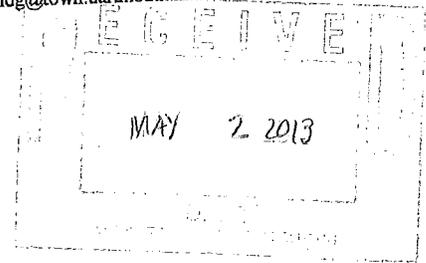
Joseph Michaud

William J. Trimble

Michael P. Watson

P.O. Box 79399
Dartmouth, MA 02747-0985
Telephone: (508) 910-1813
Fax: (508) 910-1839
www.town.dartmouth.ma.us

David G. Cressman
Executive Administrator
Email: cressmandg@town.dartmouth.ma.us



April 22, 2013

Mr. Mark Dakers
Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, MA 02347

Re: Cecil Smith Landfill
Old Fall River Road, Dartmouth, MA

Dear Mr. Dakers:

This letter expresses the concerns and recommendations of the Town of Dartmouth concerning the proposal submitted by Boston Environmental Corporation (BEC) for the capping and closure of the Cecil Smith Landfill on Old Fall River Road in Dartmouth. Upon consultation with various department heads, Town Counsel, and our environmental consultant, Christine LeBlanc, the Town's major concerns focus on the issue of justice for the immediate neighbors and all Town residents with respect to the past history and ongoing violations at the property, the protection of the public health and the environment, and the ultimate development of a reasonable economic remedy once these issues have been favorably resolved. Until such time that the Massachusetts Department of Environmental Protection (DEP) asserts its obligation to require the present owner, Ms. Mary Robinson, to undertake and meet the requirements of the Massachusetts Solid Waste Regulations, policies and guidance relative to owning and formerly operating a solid waste landfill, the Town of Dartmouth will not support nor entertain the proposal set forth by BEC or others.

Justice: This property has a long history of violations. The present owner, Mary Robinson, has been unresponsive to the various enforcement demands and orders by MassDEP to remedy the site. From the Town's perspective, Ms. Robinson is in flagrant violation of various state laws and DEP has not taken full advantage of the tools at its disposal to compel Ms. Robinson to comply with its past orders. Further, BEC's proposal to accept and place over 1 million cubic yards of soil and other COMM-97 material on top of the existing landfill in support of construction of the capping system will result in a direct financial benefit to Ms. Robinson. Although it is reported that Ms. Robinson will in no way financially benefit from the revenue generated under the BEC proposal, Ms. Robinson will financially benefit in that she will not be obligated to (1) conduct an environmental assessment of the property and the surrounding environs; (2) remedy the existing situation by capping the landfill; nor (3) conduct the long-term maintenance and monitoring of a closed landfill. Further, Ms. Robinson may have the potential to receive revenue from future uses of the property in the form of post-closure uses at the site

(i.e., solar). These **financial benefits** to Ms. Robinson and those to BEC will come at the **cost** to the neighbors residing near the landfill, and to the Town of Dartmouth as a whole; all from Ms. Robinson's constant failure to comply with DEP's orders. It is therefore the Town's position that Ms. Robinson should in no way benefit from her own negligence to the detriment of the nearby residents and at the expense and long-term impact to the Town natural resources and infrastructure.

The Town strongly recommends that MassDEP set aside the BEC proposal until such time that all civil and criminal enforcement actions are taken against the property owner, that a comprehensive assessment of site conditions is conducted, and that a full evaluation of all remedial alternatives are considered in determining the most optimal solution for landfill closure. Specifically, the Town suggests that MassDEP require the following:

1. DEP issues day to day enforcement penalties against Ms. Robinson for non-compliance of the solid waste and wetland regulations;
2. A thorough examination and determination of the Ms. Robinson's financial capacity to meet the obligations, in whole or in part, of the solid waste regulations including conducting the required environmental assessments, and implementation of remedial measures for closure of a landfill be completed. In that this property is also listed as a MGL c. 21 E Site, MassDEP can require the property owner to demonstrate "financial inability status" as provided for in 310 CMR 40.0172.
3. If the result of this examination is that Ms. Robinson does not have the financial capability to correct this issue, or will not, then DEP should take court action to have the property placed in receivership and under the control of a Trustee.
4. DEP should force Ms. Robinson to conduct a complete environmental assessment on the property to fully determine the extent of contamination and wetlands violations, and drinking well testing to determine if any residential water supply wells in the area have been compromised and require remediation.
5. Based on the results of a Comprehensive Site Assessment, DEP should require a corrective action alternatives analysis to include: No Action, installation of alternative cap system, use and application of grading and shaping materials in support of a final cap system; excavation and mining and application of final cover, or a combination of these alternatives. This alternatives-based analysis should be premised upon the results of the comprehensive site assessment and determination of potential risks to public health and the environment, and should address not only the source area remediation but remediation of groundwater, surface water and wetlands, if applicable.
6. A final use alternatives analysis be completed as part of the CSA so that the final closure plan can be designed to accommodate the preferred final use alternative.

Protection of Public Health and Environment: Protection of the public health and our environmental resources is the highest priority for the Town of Dartmouth. Therefore, at a minimum, the Town recommends that DEP immediately require the following of the property owner:

1. Hydro geologic and site characterization including type and quantity of waste materials on the site, groundwater, surface water, air quality and wetlands sediment to determine the present level of contaminants and potential risk concerns;
2. Testing of all the private water supply wells within 1/2 mile radius of the former landfill and within 1 mile downgradient of the landfill.
3. Development of and identification of specific funding mechanism(s) for an action plan to remedy any private water supply well determined to be contaminated by the former landfill .

Development of a Reasonable Economic Remedy: The Town of Dartmouth fully supports the development of a reasonable and economically practical solution to remedy the on-site conditions and to protect the public health and the environment. The Town is willing to work with DEP to develop and assess the appropriate, minimally invasive alternatives. Any alternative developed should include the following components:

1. Contribution by Mary Robinson; appropriate action through lien, receivership/trustee, and/or deed restriction to prevent Ms. Robinson from receiving a financial benefit from the cap and closure and from any future use of the property in perpetuity.
2. Contribution to the development of a public water system to the affected properties, if necessary;
3. Development of a remedial alternative or combination of several alternatives which results in cap and closure of the site; yet which minimizes any increased height to the existing landfill. An alternatives analysis submitted to the Conservation Commission as required at 310CMR 10.53 (3) (p) (1) should consider four options. The options are; 1 – no action, 2 – a minimal cap, 3 – a cap and grade option importing large quantities of material (the current proposal) and 4 – landfill mining. A fifth option should be required that falls between options 2 and 3 which would consist of a reduced amount of cap and grade materials;
4. A full disclosure of the detailed financial projections for each remedial alternative. An engineering cost estimate detailing the specific project costs and anticipated revenue, if any, in support of the remedy should be provided and available for review. The project cost estimate should be prepared by a registered professional engineer and be available for review by the Town's consultant. These alternatives should take into account the final use plan for the site.
5. Funding for ongoing monitoring of residential wells with within ½ mile radius of the landfill and within 1 mile downgradient of the landfill.

The Town very much appreciates the opportunity to comment on the subject proposal. The Town acknowledges that this is a very complicated issue and one which require a solutions oriented discussion inclusive of the Dartmouth community and regulators to address the key issues of justice, public health and environment and application of the an appropriate remedial solution for the site.

We look forward to working closely with DEP to develop these solutions.

Sincerely,

Dartmouth Select Board



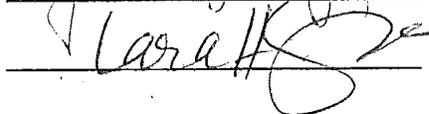
Shawn D. McDonald, Chairman



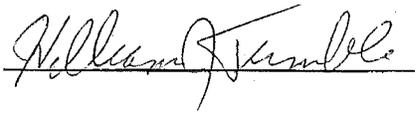
Michael P. Watson, Vice Chairman



John George, Jr.



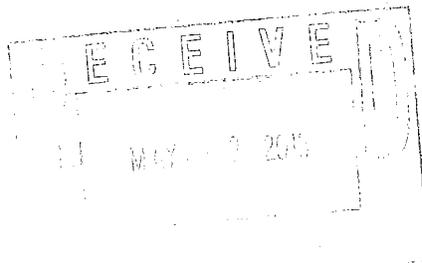
Lara H. Stone



William J. Trimble

- c: Governor Deval Patrick
- Lt. Governor Timothy P. Murray
- Secretary Rickard K. Sullivan Jr., Mass. Office of Energy and Environment
- Commissioner Kenneth L. Kimmell, Mass. Department of Environmental Protection
- Senator Elizabeth Warren
- Senator William Maurice Cowan
- Senator Mark C. Montigny
- Representative Christopher M. Markey

Octavio Goncalves
689 Hixville Rd
Dartmouth, MA 02747



April 29, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

I am writing in regards to Boston Environmental Corporation's (BEC) proposal to cap the Cecil Smith Landfill located in my community. Having attended and/or watched coverage of various town meetings I have learned certain details that greatly concern my family and neighbors. My concerns are as follows:

- No current comprehensive assessment has been performed on the property. We have no details regarding the current level of contamination brought on by years of illegal dumping. We do have a baseline of various frightening elements and compounds detected in the past that have never been addressed by the DEP, such as PCBs, cyanide, arsenic, acetone, benzene, lead and many others.
- No ground water testing has been performed since the EPA's testing in 2004. The landfill is surrounding by water sources on three sides, yet we have no assurances that the ground water which feeds both our private and public wells hasn't been contaminated by this landowner's disregard for the environment. The DEP has failed to safeguard our community for years.
- The current and previous landowners have not faced any enforcement of penalties, fines or legal action resulting from their violations and negligence.
- The proposed cap of 1.4 million cubic yard of undisclosed contaminated soils has no supporting justification, other than economic feasibility for BEC. In other words BEC has calculated the height of this cap in terms of making a profit, not safeguarding the health and well-being of Dartmouth's residents. How is this not an unethical conflict of interest? Such a proposal should not be taken seriously, but rather rejected entirely and consideration given to capping this property using clean gravel or fill at the owner's entire expense.
- 64,000 estimated truckloads over a three year period would be a safety nightmare for the many school buses and residents who bike, run and walk daily on the proposed route. In addition the wear and tear to the roads and bridges would result in additional significant resources needed to repair them.

DEP's lack of oversight and enforcement over the past 30 years has left our community with an environmental nightmare. I urge you to reject BEC's proposal in its entirety, begin the necessary testing that has been ignored for years, and devise a clean-up or capping option that will not contain any further contamination. The health and safety of our water and environment should be DEP's first priority.

Respectfully,

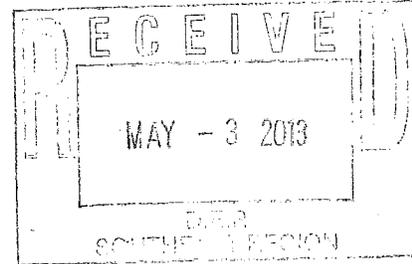


Octavio Goncalves

Paul & Fernanda Gonsalves
2 Gonsalves Court
Dartmouth, MA 02747

April 29, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347



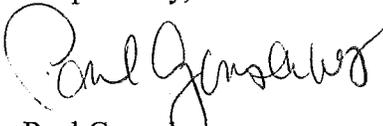
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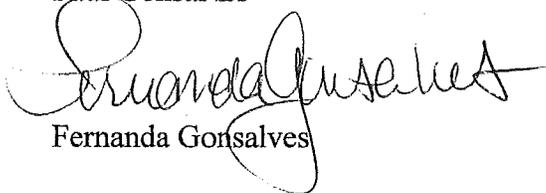
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Respectfully,

A handwritten signature in cursive script that reads "Paul Gonsalves".

Paul Gonsalves

A handwritten signature in cursive script that reads "Fernanda Gonsalves".

Fernanda Gonsalves

rec'd 5/6
by email

May 4, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

I am writing to express my concerns about plans by Boston Environmental to cap the Cecil Smith Landfill leaving the Town of Dartmouth with a 65-foot-high monument to toxic waste. It seems to me that the health and safety of Town residents should be the main and overriding factor in developing a solution for this landfill.

As I'm sure you are aware, this landfill has been the source of environmental contamination going back to 1973 when the Town of Dartmouth obtained a court order stopping all disposal operations after oils and dredging were found on the property. Since then, the operators of this landfill have demonstrated a consistent pattern of illegal activities, a wanton indifference to state landfill regulations and a total disregard for the public health.

In fact, the Boston Environmental proposal acknowledges that groundwater samples at the landfill have revealed the presence of PCBs, cyanide, pesticides, asbestos, benzene, bis (2-ethylhexyl) phthalate, calcium, copper, iron, magnesium, manganese, potassium, sodium, zinc and many other suspect chemicals. Examples of solid waste found at the site include abandoned automobiles, empty fuel tanks, miscellaneous automobile parts and tires, empty drums, and construction and demolition material.

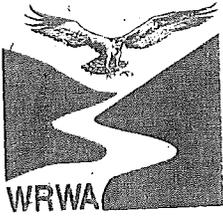
In order to remedy these serious threats to the public health, MassDEP issued a Unilateral Administrative Order on August 7, 2009 requiring the landfill owner to submit a Remedial Action Plan. And on June 22, 2011, MassDEP prepared an Administrative Consent Decree requiring, among other things, that all buried solid waste be excavated, tested, and evaluated for recycling, re-use or re-disposal. In addition, all residual excavated materials are to be transported off-site so that, when completed, the excavated area resembles natural conditions.

This common-sense approach by MassDEP is to be contrasted with Boston Environmental's irresponsible proposal to bury existing contaminants under 1.4 million cubic yards of unknown and partially contaminated soils. This proposal is an affront to MassDEP's requirements under 310 C.M.R. § 19.151 that corrective actions consist "of all measures necessary to address existing and potential impacts of the landfill on public health, safety and the environment".

I urge you to reject the Boston Environmental proposal and to utilize every measure available under Massachusetts law to remediate the serious risks to the public health and safety at this site.

Sincerely,

Joel Avila
Dartmouth Planning Board Member

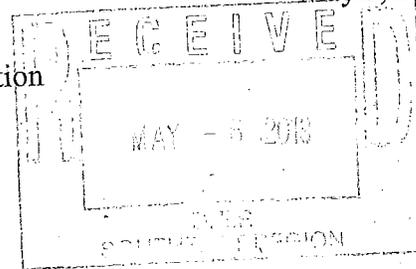


WESTPORT RIVER WATERSHED ALLIANCE

To restore, protect, celebrate and sustain the natural resources of the Westport River and its watershed

Mark Dakers
Solid Waste Section Chief
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA. 02347

May 1, 2013



Dear Mr. Dakers,

The Westport River Watershed Alliance (WRWA) would like to express our concerns regarding Boston Environmental's plan to cap the Cecil Smith landfill on Old Fall River Road in Dartmouth. WRWA is a non-profit, local organization whose mission is to protect and preserve the Westport River. The watershed of the River crosses two states and encompasses parts of six towns, including Dartmouth. The affected property is within the boundaries of the Westport River watershed, and we strongly believe that the proposed plan poses environmental risks to the health of the Westport River. The Town of Westport and WRWA have a strong vested interest in this capping project, as it has the potential to significantly impact the welfare of the River and its watershed.

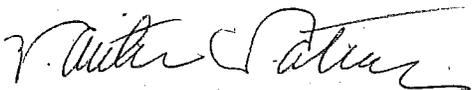
The landfill site is bounded on three sides by wetlands, which include wooded marsh and bogs. It is upgradient to the Shingle Island River, which, along with the Copicut Reservoir, are the northern headwaters of the East Branch of the Westport River. Additionally, the property abuts a Zone III aquifer as well as an Interim Wellhead Protection Area. Due to its history as a landfill, the property is already generating leachate that is potentially toxic to the Westport River ecosystem, which is downgradient to the site. The capping plan to use low level contaminants, as submitted by Boston Environmental, has exceedingly high potential to further add to the pollution entering this environment, harming not only sensitive ecological areas and water bodies, but also polluting well water and the aquifer as well. Additionally, the pressures exerted on both the natural and residential communities by this capping plan, and the damage created by truck traffic, vehicle emissions, land disturbance, and noise, could have detrimental and long-term consequences that would require mitigation and further remediation.

As stated on the MADEP website, "The Department will only approve closure designs that demonstrate through a landfill assessment that the closure will result in an appropriate level of environmental protection. In reviewing the closure design, the Department will consider whether the closure protects public health, safety and the environment and whether the site is being developed for a post-closure use that is safe and appropriate." WRWA believes that the capping

plan presented by Boston Environmental does not comply with the closure design requirements set forth by MADEP. Further, we believe that this current plan threatens the health and safety of the Westport River and the residents of the Westport River watershed.

WRWA would appreciate your consideration of our concerns regarding the current proposal to cap the Cecil Smith Landfill and the effects of this or any other proposal on the Westport River, the Town of Westport, and the Westport River watershed. Thank you.

Sincerely,



Matthew C. Patrick

Executive Director, Westport River Watershed Alliance

Cc: Kenneth Kimmell, Commissioner, MADEP
Senator Michael Rodrigues
Representative Paul Schmid
Westport Board of Selectmen
Westport Conservation Commission
Westport Planning Board
Westport Board of Health
Westport Water Resources Management Committee
Dartmouth Select Board
Dartmouth Conservation Commission
Dartmouth Planning Board
Dartmouth Board of Health

Donovan, Ellie (DEP)

From: Doreen Medeiros [doreenmedeiros@comcast.net]
Sent: Tuesday, May 07, 2013 9:54 PM
To: Dakers, Mark (DEP); Kimmell, Ken (DEP)
Subject: Cecil Smith Landfill

Gentlemen:

We live on Cold Brook Lane in Dartmouth and are writing to ask you to please add our names to the list of community members who are opposed to Boston Environmental Corporation's present proposal to cap the Cecil Smith Landfill. You have heard from our neighbors, and we know you are aware of the many issues that raise concern but, briefly, here are a few:

What is the current level of contamination on the site?

Will the private and public wells be tested to determine if they have already been contaminated? If so, at who's cost and how will the wells be decontaminated?

Can the owner be forced to solicit alternative means to cap the landfill?

Will our health and safety be assured when and if this project proceeds? This is a quiet neighborhood. We walk our dogs and ride our bikes along Old Fall River Road. Many trucks traveling back and forth will certainly create a hazard, not to mention the wear and tear on the road. Who will pay for the repair?

These concerns, and others, have been brought up at the public meetings, but is Boston Environmental going to address them and amend its proposal to everyone's satisfaction? This is doubtful. Please reject Boston Environmental's proposal and find an alternative that will keep our neighborhood a great place to raise a family. Thank you.

Sincerely,

Dana and Doreen Medeiros
7 Cold Brook Lane
Dartmouth, MA 02747

May 8, 2013

Mr. Philip Weinberg, Regional Director
MA Department of Environmental Protection
One Winter Street
Boston, MA 02108

RE: Demand Complaint (Old Fall River Road Landfill Closure Project Dartmouth)

Dear Mr. Weinberg:

I demand that your department immediately STOP the current proposed plan on the Old Fall River Road Landfill and due diligence by looking into alternative solutions. Pertaining to the landfill, the DEP neglected their responsibilities the past three or four decades. It appears your current proposal is a quick fix; and, a easy out getting a monkey off your back!

Boston Environmental has not stated their monetary gain on the landfill project. Also, they have not come forward with a disclosure as to where the fill is coming from or what the fill will contain. Boston Environmental has stated "No information would be available until a contract is signed". Then, it's to late and the town of Dartmouth, MA will have to accept whatever demolition material.

Property values will decrease. Wells in Dartmouth and Westport, MA have the possibility of becoming contaminated. The DEP is well aware of all pertinent issues/concerns that were brought up at previous town meetings.

It appears your proposal is half/fast. The current property owner (Robinson), and Boston Environmental are Pirates. Boston Environmental will make a multitude amount of money on the project and the current landowner also will profit allowing for erection of solar panels on the reclaimed property.

All Robinson property located in the town of Dartmouth must be foreclosed on and monies applied toward clean up. The current proposal is not a asset, it is a liability. The problem will still exist. It must be cleaned up, not covered up.

In closing, I repeat your proposal is a quick fix to get decades of monkeys off you back. It will allow the current landowner and Boston Environmental greasing each hand by profiting on your proposal at the expense on the residents of Dartmouth.

Please feel free to contact me should you require further discussion. I await your response.

Frank Kochan
700 Russells Mills Road
Dartmouth, MA 02748 PH 508-993-5573 E Mail frankkochanjr@hotmail.com

Donovan, Ellie (DEP)

From: Peter Woodhouse [pwoodhouse574@comcast.net]
Sent: Thursday, May 09, 2013 5:13 PM
To: Dakers, Mark (DEP)
Subject: Cecil Smith Landfill

574 High Hill Rd

N. Dartmouth MA, 02747

5/9/2013

Mark Dakers, Acting Chief

Mass DEP SE Regional Office

20 Riverside Drive

Lakeville, MA 02347

Dear Mr. Dakers,

I am writing in regards to Boston Environmental Corporation's (BEC) proposal to cap the Cecil Smith Landfill located in my community. Having attended and/or watched coverage of various town meetings I have learned certain details that greatly concern my family and neighbors. My concerns are as follows:

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- No ground water testing has been performed since the EPA's testing in 2004. The landfill is surrounding by water sources on three sides, yet we have no assurances that the ground water which feeds both our private and public wells hasn't been contaminated by this landowner's disregard for the environment. The DEP has failed to safeguard our community for years.
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COMMONWEALTH OF MASSACHUSETTS
Department of Environmental Protection
Southeast Regional Office
Lakeville, Massachusetts

PROJECT FILE: Dartmouth
- 452 Old Fall River Road
Conceptual closure

NOTE TO FILE

Prepared by: Mark Dakers

Contact: Susan Dias

Organization/Phone:

Date: 5/14/2013

Re: Public Comment on conceptual proposal for former Cecil Smith LF

Received call from Susan Dias who wished to provide public comments on the conceptual proposal for the capping of the Old Fall River Landfill. Ms. Dias stated that she was opposed to the project in general and specifically to the acceptance of additional soils. She still wanted the landfill addressed (Corrective Action) but did not support this proposal. She stated that these comments were on her behalf, John Dias, and Doctor Charles Margis behalf.

Kerrie Parsons
1306 Reed Road
North Dartmouth, MA 02747

rec'd 5/11
email

Jennifer Dennehy
1302 Reed Road
North Dartmouth, MA 02747

May 10, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

When we first learned of the Cecil Smith Landfill in our own community our initial response was no way there must be some mistake. My (Kerrie) husband & I moved to Dartmouth because of its wonderful reputation for raising families. Jen has grown up right here in town. We hike throughout the lovely trails & drink our well water. We are still in disbelief that the landfill is nearly 1 mile from our homes. I (Kerrie) now have 2 young children 5 & 1. Jen's children are 7 & 5 and as you may imagine we are deeply concerned about the impact the Boston Environmental Corporation's (BEC) proposal to cap this landfill will have on their health, and the health of all the children in our community. I do not believe dumping more contaminated fill on top of what's already there is the right answer especially since the landfill is not lined to protect our drinking water. Reopening this landfill will ruin our community's environment, roads & peace. I've listed the most important concerns brought to my attention at the recent town meetings:

- No current comprehensive assessment has been performed on the property. We have no details regarding the current level of contamination brought on by years of illegal dumping. We do have a baseline of various frightening elements and compounds detected in the past that have never been addressed by the DEP, such as PCBs, cyanide, arsenic, acetone, benzene, lead and many others.
- No ground water testing has been performed since the EPA's testing in 2004. The landfill is surrounding by water sources on three sides, yet we have no assurances that the ground water which feeds both our private and public wells hasn't been contaminated by this landowner's disregard for the environment. The DEP has failed to safeguard our community for years.
- The current and previous landowners have not faced any enforcement of penalties, fines or legal action resulting from their violations and negligence.
- The proposed cap of 1.4 million cubic yard of undisclosed contaminated soils has no supporting justification, other than economic feasibility for BEC. In other words BEC has calculated the height of this cap in terms of making a profit, not safeguarding the health and well-being of Dartmouth's residents. How is this not an unethical conflict of interest? Such a proposal should not be taken seriously, but rather rejected entirely and consideration given to capping this property using clean gravel or fill at the owner's entire expense.
- 64,000 estimated truckloads over a three year period would be a safety nightmare for the many school buses and residents who bike, run and walk daily on the proposed route. In addition the

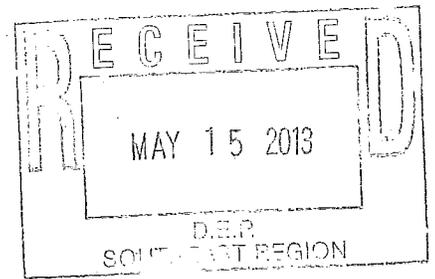
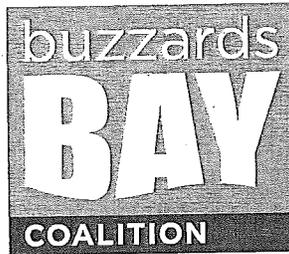
Donovan, Ellie (DEP)

From: vanna correia [vanna1088@yahoo.com]
Sent: Friday, May 10, 2013 1:50 PM
To: Weinberg, Philip (DEP); Dakers, Mark (DEP); Kimmell, Ken (DEP)
Subject: Cecil Smith landfill, N. Dartmouth

This letter is in regard to the proposed capping of the Cecil Smith landfill on Old Fall River Rd., N. Dartmouth. We live at 10 Cold Brook Lane, which is directly across the street from the proposed construction. I've attended the meetings about this project and listened to the DEP representative tell us of the DEP's general principles. How can a proposal that contradicts every one of the DEP's principles in regards to safety and environment protection even be a consideration? The 65 ft proposed landcap is not necessary for any other reason than it being the only "economically feasible" option. Who is this economically feasible for? The landowner, and Boston Environmental, that's who. The landowner, who after capping the landfill, will retain ownership and install a solar farm on top of it all, and Boston Environmental, who will profit by dumping 1.1 million cubic yards of "acceptable" contaminated fill in my neighborhood. Under this disastrous proposal, my neighborhood will be subjected to at least 3 years of heavy construction vehicles on the roadways, noise pollution, air pollution, and a very good chance of water contamination, considering that the entire neighborhood has well water. What happens when residents have undrinkable water? Who will be financially responsible for any problems that can and most definitely will happen? Who will fix the roadways after the weight of the trucks crumbles them? I agree that something should be done to clean up the landfill, but this proposal is NOT the answer! Don't let irresponsible land owners, and money hungry corporations ruin my neighborhood!

Sincerely,

The Jose, Vanessa, Jenna and David Correia



May 10, 2013

Mark Dakers
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

The Buzzards Bay Coalition (Coalition) would like to offer the following comments on the proposed plan to cap the unlined Old Fall River Road Landfill in Dartmouth.

The Buzzards Bay Coalition is a nonprofit, membership organization dedicated to the restoration, protection and sustainable use and enjoyment of Buzzards Bay and its watershed. The Coalition works to improve the health of the Bay ecosystem for all through education, conservation, research and advocacy and is supported by more than 8,400 individuals, families and businesses throughout the region.

The proposed plan envisions consolidating waste from the edges of the site and capping the ~25 acre site using grading and shaping materials approved by the Massachusetts Department of Environmental Protection to a height of 65 feet.

The Coalition's ability to evaluate the proposed plan is seriously inhibited by the lack of a Comprehensive Site Assessment. The proposed plan calls for the Comprehensive Site Assessment to be done concurrently with final closure construction. Thus, decisions and permitting will occur on the site prior to fully evaluating the conditions at the site. The site has been a landfill for half a century and accepted a variety of waste materials. The presence of polychlorinated biphenyls (PCBs) was detected on-site in the early 1980s.

The Comprehensive Site Assessment will evaluate the existing conditions at the site including the hydrogeology and groundwater, surface water, and sediment quality. This is critical information, particularly given uncertainties on water flow around the site. In addition, the Comprehensive Site Assessment will evaluate the risk to potential sensitive environmental receptors. Without a completed Comprehensive Site Assessment, the Coalition is unable to provide comments on any sensitive environmental receptors that may be affected.

The primary concern of the Coalition is the impact of the proposed plan on the wetlands and water around the site. The site is bordered on three sides by a stream that flows to the Shingle Island River and onto Lake Noquochoke, which provides 67% of the freshwater flow to the East Branch of the Westport River. The Westport River contributes approximately 20% of the total freshwater input to Buzzards Bay.

Matthew Parsons
1306 Reed Road
Dartmouth, MA 02747

May 11, 2013

Mark Dakers, Acting Chief
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

Dear Mr. Dakers,

Let me start by stating that I am writing this letter for my young children. I attended the DEP / Boston Environmental public hearing in the town of Dartmouth for the Cecil Smith/Mary Robinson landfill on March 28, 2013. As a result, I have unwillingly transformed from a citizen once proud of the vast expanses of natural preservation in my town, to a parent wondering if the well water we use for cooking and bathing and drinking is slowly poisoning my children.

I find myself disinterested in details related to the number of trucks potentially dumping additional toxins onto the Cecil Smith site, or the revenue BEC will generate, or the height of the proposed landfill, or anything related to the supposed efficacy of the landfill, because this presumes that BEC's proposal is reasonable. And it further presumes that we understand the nature of the problem and all available options for its resolution. It was abundantly clear during the public hearing that neither the DEP, nor the town of Dartmouth, nor perhaps even Mary Robinson fully understand the concentration or variety of toxins present in the Cecil Smith site. This is the fundamental question that must be answered first, before we consider any proposed solutions from BEC or otherwise.

I work for a medical device company. My job requires that I solve healthcare challenges to improve the lives of patients. In essence, it is my responsibility to better serve patients. In every project I tackle for my employer, my first step is to ensure that I thoroughly understand the root of the challenge, and then the full breadth of potential solutions at my disposal. Is it not your responsibility and that of the MA DEP to first understand the types and concentrations and volumes of toxins present at the Cecil Smith site, and then to propose and evaluate multiple potential solutions?

In order to properly serve our environment and our community, you must present a much more rigorous analysis of the exact challenge we face, and every available option for addressing this challenge (as opposed to the one option that is most profitable for BEC). I have lived in Dartmouth for 10 years, and until this issue was brought to my attention by a grassroots effort, I had no idea that just 1.5 miles away from my home and the water my children drink, there is a decades-old contaminated waste site that may be adversely affecting the long-term health of my family and my neighbors. This means the DEP has failed in its responsibility to simply have a full grasp of this problem, and to be transparent about it such that we as citizens can intelligently choose a course of action.

As such, I hope the emotional reaction at the public hearing was thoroughly unsurprising to you. People are frightened of the unknown health risk, and while we understand you did not create this problem, we now know you failed to mitigate the risks and failed to keep us properly informed of those risks for decades. And to make matters worse, you have presented us with a single proposal that clearly adds risks to our health, devalues our properties, and unfairly benefits BEC and the negligent landowner. I am left with no choice but to question whether the DEP serves the taxpaying community or corporate profitability.

Donovan, Ellie (DEP)

From: nasadigna@comcast.net
Sent: Sunday, May 12, 2013 11:40 PM
To: Kimmell, Ken (DEP)
Cc: Dakers, Mark (DEP); Noseworthy, Joe
Subject: Cecil Smith Project Proposal Feedback
Attachments: Cecil Smith Document # 1.doc

Mr. Kimmell

Please find my attached concerns and feedback as a result of the public hearing as hosted by the DEP for the Cecil Smith Project in Dartmouth, Massachusetts. Please confirm receipt of this documentation prior to closure of the public hearing feedback due date of May 13th and reply with any questions and responses to my inquiry.

Thanks

Joe Noseworthy

May 10th, 2013
Kenneth L Kimmell
Commissioner
Massachusetts Department of Environmental Protection
One Winter street
Boston Ma 02108

RE: Cecil Smith/Mary Robinson Landfill 2nd Closure Old Fall River Road, North
Dartmouth, Ma

Dear Commissioner Kimmell,

I am writing to express my concerns as well as discontent with the current actions intended and previous inactions for the Old Fall River Road Project.

To this point in time there has been little in the manner of effective management and consequence to any previous enforcement actions on the said parcel. The only successful actions to date are those initiated by the land owner to illegally penetrate the previously closed landfill and excavate metals for sale of scrap at a profit to the land owner and increased exposure to contaminating the wetlands surrounding this property which feed our town wells. I would like to understand why there have not been any fines or penalties and/or criminal actions initiated against the land owner? I would also like to understand why the DEP has not taken any follow up enforcement action and prosecuted the land owner for this illegal activity?

Is the DEP without power to take legal initiative against the land owner or just too lazy to follow up? Are you lacking in the understanding of illegal activity as has occurred under your watch at this location? How can it be that a house has been constructed on this property and a shanty town filled with gatherings of animals who are imbibing of tainted waters and raised for human consumption?

I would suggest the DEP at this point looks foolish in their reversal of direction and advise this redirection is blatantly financially motivated and completely irresponsible. In my mind there are a host of pre-requisites which should be met before any actions occur with this project and they are as follows:

A.) A comprehensive site assessment including test wells, sonar / radar scanning of the entire parcel to determine locations of barrels of hazardous wastes, identification of PCB laced soils dumped on the site, comprehensive well testing of town wells and all abutters within a one mile radius of the center of this landfill.

B.) Identification of all potential options including financial assessment for remediation including but not limited to excavation and removal of all hazardous materials and wastes as previously required of land owner and financial assessment for the possibility of a minimally graded cap with clean fill at a height of approximately 10-12.

Donovan, Ellie (DEP)

Subject: FW: Cecil Smith Illegal Landfil

From: kellitag@comcast.net [<mailto:kellitag@comcast.net>]
Sent: Monday, May 13, 2013 10:04 AM
To: Dakers, Mark (DEP)
Subject: Cecil Smith Illegal Landfil

757 Hixville Road
Dartmouth, MA 02747

May 13, 2013

Mark Dakers, Acting Chief
MASS DEP SE Regional office
20 Riverside Drive
Lakeville, MA 02347
508.946.2847

Dear Mr. Dakers,

RE: Cecil Smith Landfill, Dartmouth

I am writing to you to voice my concerns regarding the capping of the Cecil Smith Illegal Landfill by BEC. I am a lifelong Dartmouth resident with a small family and I am deeply concerned about my family's health and well being. A 97 acre parcel currently owned by Mary Robinson at 452 Old Fall River Road, of which an estimated 23 acres is known as the Cecil Smith Landfill, has become the center of an environmental nightmare. I do not understand why we as a small community have to fight against such an obvious disaster in waiting. I write to you in hopes that you will stand with our community to fight against this nightmare. I have lived on Hixville Road for the past 40 years, practically my entire life. I used to ride my horse with friends in this same landfill, not having any idea of what kinds of chemicals were being dumped in the ground. As I grew up, married, built a home and had children I had no idea what was lurking, literally, in my backyard. Although this person was a known figure with a bad reputation, we had no idea how detrimental he was being to this beautiful town.

We also have no idea what is actually buried in the ground and we will never know the full depth of contamination he has caused, but we have a right to protect our drinking water, the air we breathe and the land we have built our lives on. This landfill has had illegal dumping for nearly 30 years and it has been known, yet slipped under the rug. The MASS DEP was in charge yet they also have let things slide.

There is a proposal on the table from DEP and BEC to cap this landfill. The capping includes trucking in an estimated 66,000 truckloads of 1.4 million cubic yards of acceptable contaminated soils under DEP policy 97-001 over a 3 year period, *without* first performing a comprehensive site analysis. While I understand this process may be allowed under the MA Unlined Landfill Closure Policy, I have great difficulty discussing a proposal without first studying the current condition of the site and what affects contamination detected in the past have had on the environment. Additionally, BEC made is clear publically that the proposed 65 foot

Donovan, Ellie (DEP)

Subject: FW: Cecil Smith Landfill, Dartmouth, MA

From: Bonnie Johnson [<mailto:bonniej@fairwaymc.com>]
Sent: Monday, May 13, 2013 1:36 PM
To: Weinberg, Philip (DEP); kenneth.kimmell@state.ma.us
Cc: Bonnie Johnson
Subject: Cecil Smith Landfill, Dartmouth, MA

I am writing to object to the proposed capping of the Cecil Smith landfill in Dartmouth, MA in the manner in which Boston Environmental proposes now. I have the unique perspective of being the daughter of a man whom the Commonwealth of MA ordered to cleanup a similar landfill in Middleboro, MA and so have experienced the state having the ability to force a landowner to act responsibly. In that case against William H.H. Johnson and J&G Auto Salvage the landowner forfeited his property in 1981 which the state auctioned off to pay for the cleanup. This is what should happen in this case where there have been orders in effect for decades asking the landowner to cleanup the site and to stop dumping. There were construction demolition debris being dumped on this property as recently as last year despite the orders to stop.

You should also know that the site has debris all over it, not just the area in question. Having been through many of the trails covering the land in question on an ATV there are many smaller areas throughout the site where garbage of all kinds has been dumped, not just where this cleanup is focused.

The land is surrounded by streams, brooks and wetlands where this landowner has dumped with no regard for his neighbors. We are all on private wells and these same water sources that flow through his dump continue on to areas he does not own and it is wrong that he has been allowed to ignore the orders for so many decades and now is about to profit for his criminal behavior. Please stop this and do the proper testing on this site and cleanup prior to considering any capping.

Thank You!

*Bonnie Johnson
783 Hixville Road
North Dartmouth, MA 02747*

*Mortgage Specialist
Fairway Independent Mortgage Corp ID#2289
Ph 508-951-2989*

Donovan, Ellie (DEP)

From: amnm13@comcast.net
Sent: Monday, May 13, 2013 12:15 AM
To: Dakers, Mark (DEP)
Cc: Kimmell, Ken (DEP); Selectboard@town.dartmouth.ma.us; MWatson@town.dartmouth.ma.us; LStone@town.dartmouth.ma.us; SMcDonald@town.dartmouth.ma.us; JGeorge@town.dartmouth.ma.us; WTrimble@town.dartmouth.ma.us; moreilly@town.dartmouth.ma.us; whenderson@town.dartmouth.ma.us; Mark Montigny; Christopher Markey; cleblanc@eastcoastengineering.com; Michael Murray
Subject: Cecil Smith Land Fill

Mercer-Medeiros Alice
Old Fall River Road 584
Dartmouth, MA 02747
amnm13@comcast.net 508-
995-1306

To Mark Dakers and other parties interested in the Cecil Smith Land fill:

As you can see by my address I am a close neighbor to the problem property. If you drive west on Old Fall River Road from their access road next to Gosselins to my driveway is 1/2 mile. However as the crow flies my property is actually less than 1/4 mile away. My husband and I bought our home here almost 12 years ago. One of the most attractive parts of this property was the fact that it had a well and septic system. After owning a house in the city and experiencing water and sewer fees this was a good thing. **We had no idea that private landfills even existed never mind had one 1/4 mile away.**

(assuming the town wells don't become contaminated) to those affected. I think not. I think we will be required at our expense to tie into town water. Why are the neighbors who are innocent of any wrong doing put in this position.

Another concern especially for my household is what effect is covering a 65 foot high, 21 acre piece of land with non permeable material going to do with the flood zones. Especially to those of us at the bottom. At the meeting we had with you in March Mr Dakers, you stated catch basins were going to catch the run off, but then what? Where does the water enter the ground safely? And how much rain fall are these catch basins going to be able to handle. Will they on the years like last year, keep up with the inundating rains we had? You see this isn't just a matter of having a damp basement or soggy yard. If this changes the flood zone maps in any way It may require many of us who do not presently need flood insurance to be required by our mortgage brokers to purchase it. At a cost of 2 to 3 thousand dollars a year that would have a hugely negative impact on our families finances.

Because the land in this part of town hosts the Shingle Island River, the Copicut River, the Copicut reservoir and acres of marsh and swamp land our eco systems are a concern for all our well beings. This is not the place to dispose of Comm 97 materials. Just because Mary Robinson and Cecil Smith behaved badly does not mean we should be punished and forced to accept another communities trash.

If after appropriate extensive testing, the correct action is to cap this land fill there is absolutely no reason other than a financial one to use more than 10 feet of fill. And I sincerely hope Mr. Dakers, that the financial well being of Boston Environmental and Mary Robinson are not on your list of priorities. As far as I and

This is a neighborhood of mostly older modest homes. Many of us live paycheck to paycheck and all of our net worth is tied up in our homes. Some could lose their homes if they have to take on the added expense of flood insurance or bringing in public water.

At our meeting you stated matter of factly this land fill will be capped. I hope that does not mean you have already made up your mind. There are hundreds of people who live closely to this property and this will have a huge negative impact on our way of life for years to come. But this project as proposed could also impact all of Dartmouth's and Westport's water supply. As well as have a detrimental impact New Bedford roads.

Mr. Draker, I implore you to please think of this as if it were your neighborhood, your water, your roads, and your children.

Sincerely,

Alice Mercer-Medeiros

cc Ken Kimmell, Michael Watson, Lara, Stone, S McDonald, Senator Mark Montigny, Rep Christopher Markey, Gloria, Bancroft, John George Jr, William Trimble, Wendy Henderson

Donovan, Ellie (DEP)

From: margaretforbush@comcast.net
Sent: Wednesday, May 15, 2013 1:34 PM
To: Dakers, Mark (DEP)
Subject: Landfill in No. Dartmouth

Dear Mr. Dakers,

As a resident of Dartmouth, I want to urge you to consider carefully the impact that the proposed work by Boston Environmental Corp. will have on the area.

I advocate for testing and analysis before the work starts in order to ensure that any pre-existing toxic conditions are cleaned up before the filling begins. I want to see measures to ensure that the water system in our town, and adjoining Westport is not polluted. Finally, I would want to know exactly what is in the fill being brought to the town (low level toxins?) and be assured that Boston Environmental Corp. will be financially responsible for any pollution and accompanying damages to people and property that might be incurred as a result of the type of fill being used.

Thank you for your consideration.

Sincerely,

Margaret Forbush
15 Clarks Cove Drive,
So. Dartmouth, MA 02748

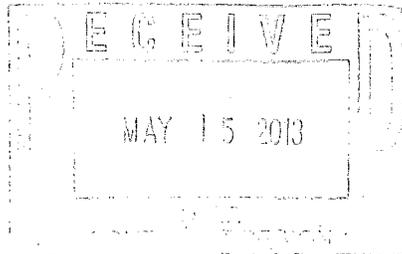


Town of Dartmouth
Board of Health
400 Slocum Road P.O. Box 79399
Dartmouth, MA 02747



Public Health
Prevent. Promote. Protect.

Wendy W. Henderson, R.S. Director
Telephone: 508-910-1804
Fax Telephone: 508-910-1893



Thomas W. Hardman, Chair
Leslie E.J. McKinley
Lynne Brodeur

May 6, 2013

Mark Dakers, Acting Chief
DEP SE Solid Waste Section,
20 Riverside Drive
Lakeville, MA 02347

RE: BEC proposal for Cecil Smith Landfill closure Old Fall River Rd. Dartmouth

Mr. Dakers,

Please allow this correspondence to supplement the letter submitted by the Dartmouth Select Board, which I support in its entirety. This letter is intended to specifically outline my major concerns as Director of Public Health, and my objection to the project commencing as proposed. In my opinion, the Boston Environmental Corporation (BEC) proposal to cap the Cecil Smith Landfill does not provide the documentation necessary to justify the Board of Health (the Board) endorsement. Protection of public health and our environmental resources is the highest priority of this Board. It is with these interests at hand and given the extenuating time this matter has been DEP's regulatory responsibility, that I urge you to immediately require the following of the property owner:

1. Hydrogeologic and site characterization, including type and quantity of waste materials on the site, groundwater, surface water, air quality and wetlands sediment to determine the present level of contaminants and potential risk concerns;
2. Soil and water quality analysis in the area immediately downgradient of the site.
3. Testing of all the private water supply wells within 1/2 mile radius of the former landfill and within 1 mile downgradient of the landfill.
4. Development of an action plan to remedy any private water supply well or wells determined to be contaminated by the former landfill and identification of specific funding mechanism(s) for implementation.

In addition to private wells proximate to the site, the Town's Aquifer is of imminent concern to the Board of Health. The Town of Dartmouth has diligently protected its limited Aquifers, implementing Aquifer Protection in 1981, including Zone 3's. This old landfill is bordered on 3 sides by streams that flow to the Shingle Island River and Lake Noquochoke. The town has installed promising exploratory public water supply wells proximate to Lake Noquochoke. It would be thoughtless to disregard the potential impacts to this critical resource the town has worked conscientiously to protect. Furthermore, this plan, to provide a depository for huge quantities of contaminated fill material that must be disposed of to make way for commercial gain in other regions is an ill thought closure plan.

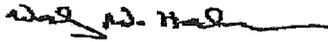
The proposed delivery and handling of over 1 million yards of contaminated soils, by over 60,000 trucks, has the potential to result in nuisance situations, potentially harmful to the neighbors of the

Mark Dakers
May 2, 2013
Page 2

landfill site and to the residents and public health of our community. Dust, odor, traffic, and contaminants associated with a huge volume of imported COMM-97 soil material being deposited in close proximity to neighbors, drinking water wells, a Transient Non-Community Public Water Supply and the Town's aquifer present undisputable concerns. In my opinion the project will clearly be subject to MGL Chapter 111, Section 143 before the BEC closure proposal can commence.

With these concerns in mind, the Board is committed to working with DEP to advance efforts to determine the best solution for the closure of this landfill. This solution must be based on a solid knowledge of the risks it poses. Given the current level of understanding of those risks, the justification of 1,100,000 cubic yards of material to cover an estimated (given poor documentation available) 250,000 cubic yards of solid waste is unjustifiable, except from a short term economic standpoint.

For a Healthy Community,



Wendy W. Henderson, R.S.
Director of Public Health

Cc: Philip Weinberg, Director
Mass DEP SE Regional Office
20 Riverside Drive
Lakeville, MA 02347
Philip.Weinberg@state.ma.us

Kenneth Kimmell
Commissioner,
Department of Environmental Protection
1 Winter St.
Boston, MA 02122
Ken.Kimmell@state.ma.us

Mark Montigny
Mark.Montigny@masenate.gov

Christopher Markey
Christopher.Markey@mahouse.gov

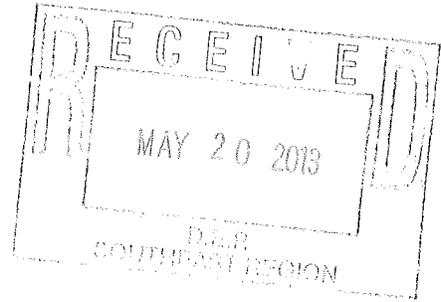
David Cressman
Town of Dartmouth, Town Administrator

Dartmouth Select Board



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR



May 10, 2013

Mark Dakers, Acting Chief
Solid Waste Management Section
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

Re: Cecil Smith Landfill
452 Old Fall River Road
Dartmouth, MA

Dear Mr. Dakers:

The City of New Bedford appreciates this opportunity to provide comment on the proposal to cap the so-called Cecil Smith Landfill referenced above, submitted to MassDEP's Solid Waste Management Section by Boston Environmental on December 17, 2012, on behalf of owner Mary Robinson. The City of New Bedford has several concerns regarding this proposal and contends that it will result in an unacceptable burden on the City relative to personal safety and damage to infrastructure.

Section 4.3 states that shaping and grading materials will not "significantly increase" concentrations, toxicity, or nuisance conditions at the landfill. Although the destination of these materials is not within the limits of New Bedford, the delivery route includes five miles through the City including more than two miles on a rural roadway through residential, wooded, and protected wetland areas. In addition to the vehicular traffic, there are many pedestrians and cyclists making use of the rural roadway throughout the day, as well as several bus stops along the route.

We believe that number of vehicle trips through this residential area has the potential to pose an unacceptable risk of safety and health due to fugitive dust and vehicular hazards. These roadways were neither intended nor constructed to handle the volume of materials proposed to cap this makeshift and non-compliant landfill, and the types of materials proposed are inappropriate for transport through this residential route. Even if materials are deemed on site to be unacceptable for use, these loads will already have passed through the designated route and the rejection will result in a return trip, increasing risk to health and safety. This impact would be further compounded should waste material be identified at the site as having to be removed and disposed at an alternative location.

The City of New Bedford believes that this proposal was developed with a myopic focus on capping an unpermitted and non-compliant solid waste facility with far more attention paid to beneficial reuse on behalf of the owner who is responsible for multiple violations than on undue impacts to the community.

We welcome the opportunity to discuss alternatives to this proposal and potential mitigation measures to address the substantial issues herein.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Mitchell', written over a large, light-colored circular mark.

Jon Mitchell
Mayor

Planning Board
856 Main Road
Westport, MA 02790
www.westport-ma.gov



Tel. (508) 636-1037
Fax (508) 636-1031
Planning@westport-
ma.gov

April 31, 2013

Phillip Weinberg, Director
Southeastern Region,
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, Massachusetts 02347

Dear Mr. Weinberg:

It has come to the attention of the Westport Planning Board that Boston Environmental Corporation (BEC) on behalf of Mary Robinson, the owner of property located at 452 Old Fall River Road is proposing to cap and close the so-called Cecil Smith Landfill. This property is located within the watershed of the Westport River and the Board is very concerned about any activities that will be worked on at this site.

There is a history of violations and problems relating to this landfill, dating back to the summer of 1973. These violations are noted in Section 3.4 Existing Environmental Studies, Reports and Regulatory Agency Actions of the report dated December 17, 2012, and prepared by Boston Environmental Corporation.

Because of the substantial impact that this project could have on Westport's River system, the Board is requesting that the Town be given the opportunity to participate in the review and permitting process. Westport is not only concerned about the contamination from the existing landfill material but is also concerned with the type and amount of capping material that is proposed as well as the storm water runoff from the site.

The Planning Board is requesting that the DEP conduct a public hearing in the Town of Westport to explain the process and the potential impacts to our community.

Sincerely



James Whitin, Chairman
Westport Planning Board

Cc: Senator Michael J. Rodrigues
Representative Paul Schmid, III
Westport Board of Selectmen
Westport Conservation Commission
Westport Board of Health
Dartmouth Board of Selectmen

