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**POLICY ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS**  
And SEP Examples

Effective 2/21/2007 (Revised 03/12/09)  
ENF-07.001

**I. INTRODUCTION**

This policy supplements the 1997 Enforcement Response Guidance (ERG), and should be read in conjunction with it. All applicable sections of the ERG, including the definitions at section II therein, are expressly incorporated by reference.

Historically, Supplemental Environmental Projects ("SEPs") have played an important role in MassDEP settlements. In appropriate cases, implementation of a SEP furthers MassDEP's compliance and enforcement goals and provides an increased level of environmental protection.

MassDEP staff can suggest that a violator consider a SEP that is consistent with the guidelines set forth below.

**II. DEFINITION AND PURPOSE OF SEPs**

SEPs are environmentally beneficial projects, the implementation of which primarily benefits public health, safety and welfare, and the environment.

In settlement of environmental enforcement cases, MassDEP will require regulated entities to achieve and maintain compliance with the environmental laws and regulations administered by MassDEP and may require them to pay an administrative penalty. Penalties play an important role in environmental protection by deterring violations and ensuring that violators do not obtain an unfair economic advantage over their competitors who made the necessary expenditures to comply in a timely manner.

In addition to the assessment of penalties, the performance of SEPs can also play a role in furthering MassDEP's goals to protect public health, safety and welfare, and the environment. SEPs may be particularly appropriate to further the objectives in the statutes administered by MassDEP, and to achieve other policy goals, including the promotion of pollution prevention and environmental justice. In certain enforcement cases, SEPs may be included as an appropriate condition of settlement and, as such, may be considered as a factor in mitigating a penalty.

This settlement policy is not intended for use by MassDEP, regulated entities or administrative law judges at a hearing or in a trial. It does not apply to settlements of claims for stipulated penalties or to the collection of suspended penalties.

### **III. LEGAL GUIDELINES**

#### **A. AGENCY DISCRETION**

Acceptance of a SEP as part of a settlement is solely within the discretion of MassDEP. MassDEP is under no obligation to approve any SEP.

#### **B. ADMINISTRATIVE CONSENT ORDER**

As an express condition of any SEP approval, the regulated person or entity seeking the SEP will be subject to the terms of an Administrative Consent Order (“ACO”). Provisions of such an ACO will require, inter alia, the timely submission of certain reports required by MassDEP. These may include, for example, SEP designs and SEP implementation plans. ACOs will require timely verification of SEP completion.

#### **C. ‘GEOGRAPHICAL LOCATION’ AND ‘NEXUS’ REQUIREMENTS**

Where feasible, a SEP approved by MassDEP must be located in the geographical area where the violations occurred. In addition, any SEP approved by MassDEP must have a sufficient ‘**nexus**’, meaning that it must be substantially related to the type of violation that is the subject of the administrative enforcement action.

- 1) A nexus relationship can be shown where the proposed SEP:
  - a) advances at least one of the declared objectives of the environmental statutes that form the basis of the underlying enforcement action, although a SEP can neither be inconsistent with, nor reduce the stringency or timeliness of requirements of environmental statutes and regulations; and either
  - b) remediate’s or reduces the actual or probable overall environmental or public health impacts or risks to which the violation at issue contributes; or
  - c) is designed to reduce the likelihood that similar violations will occur in the future.

#### **D. AGENCY’S LIMITED ROLE**

MassDEP’s role relative to the performance of any SEP is limited. In particular:

- 1) MassDEP can have no role in managing or otherwise administering funds that may be set aside or escrowed for performance of a SEP, although MassDEP retains regulatory authority to oversee a project, ensure that it is implemented pursuant to the provisions of a consent order, and establish a basis for legal recourse if the project is not adequately performed;

2) A SEP may not provide MassDEP with additional resources with which to perform any activity for which public funds are specifically appropriated, nor can a SEP appear to be an expansion of an existing program administered by MassDEP.

3) A SEP must be performed either by the regulated entity itself (using its own employees) and/or by its by contractors or consultants. Non-profit organizations, such as universities and public interest groups, may function as contractors or consultants.

#### **IV. SEP GENERAL REQUIREMENTS AND FACTORS**

##### **A. SEP NOT REQUIRED BY REGULATION**

Since the main purpose of this policy is to obtain public health or environmental benefits that may not otherwise have occurred outside the terms of the settlement, proposed projects cannot otherwise be required by regulation.

##### **B. SEP IS ‘POST-VIOLATION’**

Since any proposed project that is considered by MassDEP arises in the context of and as a result of MassDEP enforcement, no project that has been authorized or undertaken by the regulated entity prior to the identification by MassDEP of the underlying violation will be approved.

##### **C. SEP MITIGATION FACTORS**

Consistent with penalty assessment criteria at M.G.L. c. 21A and the implementing regulations at 310 CMR 5.25, MassDEP may consider “good faith” and “public interest” as factors in mitigating a penalty. MassDEP may consider these factors in the context of a SEP when a regulated entity demonstrates that it:

- 1) has the financial ability to correct all noncompliance; and
- 2) either has remediated any harm it caused, is capable of completing future remedial work, or is in current compliance with the requirements of M.G.L. c. 21E and/or other remedial requirements.

If a regulated entity claims that payment of any penalty or the performance of a SEP will impede its ability to comply or perform a remedial measure, then MassDEP will not consider mitigating the penalty through performance of a SEP. (MassDEP may, however mitigate a penalty on the basis of other penalty mitigation policies or factors required to be considered pursuant to M.G.L. c. 21A, sec. 16 and the implementing regulations at 310 CMR 5.25.)

#### **V. ENVIRONMENTAL JUSTICE**

Certain segments of the Commonwealth's population are disproportionately burdened by pollutant exposure. Emphasizing SEPs in communities where environmental justice issues are present helps to ensure that persons who spend significant portions of their time in areas, or depend on food and water sources located near where the violations occur, would be protected. “Environmental Justice” is an overarching MassDEP goal and not a specific technique or process. As such, it does not fall within a SEP Category, but rather is a compelling reason for the approval and implementation of SEPs in communities where environmental justice may be an issue and where there exists the requisite nexus described above in section III .

## **VI. GENERAL SEP CATEGORIES**

### **A. POLLUTION PREVENTION PROJECTS**

#### **1) Pollution Assessment**

A pollution prevention project may entail or include a pollution prevention assessment that is a systematic, internal review of processes and operations that is designed to provide information and opportunities to reduce the use, production, and generation of toxic material and other wastes.

For the purpose of determining the actual SEP cost, and thereby determining the extent to which a penalty may be mitigated, credit may be given only for the direct costs associated with pollution prevention SEP assessment. Because future costs may be too difficult to calculate, credit for costs to be incurred for implementing actions or recommendations identified in the assessment can be given where such costs are clearly identified and earmarked at the time of settlement.

#### **2) Source Reduction**

A pollution prevention project can also be one that reduces the generation of pollution through "source reduction," i.e., any practice that reduces the amount of any hazardous substance, pollutant or contaminant entering any waste stream or otherwise being released into the environment, prior to recycling, treatment or disposal.

Examples include:

- input substitution and product reformulation, such as replacing a toxic substance or raw material with a non-toxic or significantly less toxic substance;
- redesigning or modernizing operations and equipment; or
- improving operation and maintenance controls.

### **B. POLLUTION REDUCTION PROJECTS**

If the pollutant or waste stream already has been or will be generated or released, a pollution reduction approach to capture such pollutant or waste may, after it has been released, be appropriate. Pollution reduction may include the installation of more effective end-of-process control or treatment technology. This also includes "out-of-process recycling," wherein industrial waste collected after the manufacturing process and/or consumer waste materials are used as raw materials for production off-site, reducing the need for treatment, disposal, or consumption of energy or natural resources. Such a project must significantly decrease the release of pollutants to the environment.

### **C. ENVIRONMENTAL ENHANCEMENT PROJECTS**

Environmental enhancement projects include conservation, protection, and restoration projects that go beyond addressing damage caused by the violation. They conserve and protect the condition of the geographic area, ecosystem, or watershed that was adversely affected.

Environmental enhancement projects may be used to protect or restore natural environments, such as ecosystems or watersheds, and to retrofit or reduce the environmental impact of man-made environments,

such as facilities and buildings. Projects in this category may include, but are not limited to installation of, or retrofitting facilities with best management practices (BMPs), water conservation projects, land purchase and donation for conservation and recreational purposes, creation of conservation easements, wetlands restoration and replication projects, and remedial actions conducted pursuant to M.G.L. Chapter 21E.

#### **D. ENVIRONMENTAL EDUCATION AND AWARENESS PROJECTS**

Consistent with the nexus requirement for all SEPs, achieving added environmental benefit in a particular sector can sometimes be achieved with appropriate education and awareness projects that are specifically tailored to advance or enhance environmental protection. MassDEP retains the right to deny approval for any such SEP that, in its view, can not be adequately implemented, is overly broad, or does not otherwise significantly further MassDEP's interest in benefiting public health, safety, welfare, and the environment.

Environmental education and awareness projects can provide training, publications, or technical support to the regulated community or to the public at large for the purpose of achieving compliance with environmental regulations; reducing the generation, release, or disposal of pollutants beyond legal requirements; or educating the public about environmental protection and resource conservation.

Any material proposed for publication pursuant to an environmental education and awareness SEP is subject to MassDEP review and approval. In addition, any such proposed material must include an express statement that the project has been undertaken as part of settling an enforcement action brought by MassDEP.

#### **E. SCIENTIFIC RESEARCH, MONITORING, AND DATA COLLECTION PROJECTS**

A scientific research, monitoring, and/or data collection project can further an understanding of the environmental conditions of a natural resource or the methods that can be employed to restore the resource. Projects in this category may include public health projects that evaluate human health impacts where pollution has been released into the environment.

#### **F. EMERGENCY PREPAREDNESS AND COMPLIANCE PROJECTS**

These projects enable local communities in the geographical area of the violation to plan for and effectively respond to an event that may threaten public health, safety, or the environment. Projects can include public outreach, education or assistance regarding associated environmental risks in the community.

### **VII. SEP EXAMPLES**

MassDEP staff can encourage regulated entities to consider an acceptable SEP and can direct such entities to SEP lists and related databases, like those described below, as well as to other SEP related sources of information that may be maintained by EPA and other government related entities. MassDEP is under no obligation, however, to approve any particular SEP proposed by any particular entity.

#### **A. PREVIOUSLY APPROVED SEPs**

Consistent with the goal of achieving enhanced environmental benefit and protection, MassDEP has approved appropriate SEPs in a variety of negotiated settlements. Some recent examples of such SEPs can be seen in Appendix A at the end of this document.

## **B. INITIATIVES AS A SOURCE OF SEPs**

Aspects of the requisite nexus for an appropriate SEP can sometimes be found by applying the facts of a particular enforcement case against MassDEP's current initiatives, priorities and activities. For example, MassDEP is committed to encouraging energy conservation, including the promotion of green building and the use of renewable energy sources. Information on such agency matters can be found at [mass.gov/DEP](http://mass.gov/DEP) (see various links to Bureaus; Programs; and Enforcement and Compliance.)

## **VIII. INCENTIVES FOR PERFORMING A SEP**

Where a proposed SEP falls within the guidelines and parameters set forth in this policy, MassDEP may exercise its enforcement discretion by providing the following incentives to encourage the performance of SEPs.

When determining a settlement of the penalty amount, MassDEP will consider the costs to be incurred by a regulated entity in performing a SEP, a process involving the following steps:

- 1) MassDEP will calculate the full appropriate penalty, including economic benefit;
- 2) The Respondent will prepare for MassDEP approval a report identifying and explaining the basis for the cost of the SEP.
- 3) After approving the basis for the SEP Cost, MassDEP will compare the SEP Cost to the full appropriate penalty amount to determine what portion of the penalty may be mitigated by the SEP.

Unless MassDEP determines that a particular SEP is subject to special consideration, as described in Section IX below, any proposed SEP must collect at least 25% of the full appropriate penalty amount or collect the economic benefit, whichever is greater, even in cases where the SEP cost may not be fully offset.

MassDEP may collect more than the portion of the full appropriate penalty amount where it must allocate MassDEP resources to monitoring and reviewing implementation of the SEP; or where the SEP is likely to generate a cost savings to the regulated entity (i.e.: pollution prevention project).

## **IX. SPECIAL SEP CONSIDERATIONS**

### **A. GOVERNMENTAL ENTITIES**

Subject to MassDEP's discretion, and on a case-by-case basis, up to 100% mitigation of a penalty may be appropriate in certain enforcement action involving local or state governmental entities. Request for approval of such a SEP shall be made to the Director of the Office of Enforcement and General Counsel, in consultation with the Deputy Commissioner, prior to consideration and approval by the Commissioner.

### **B. SIGNIFICANT ENVIRONMENTAL BENEFIT**

When a Regional Director determines that the cost of implementing a proposed SEP is greater than the assessed penalty amount and will provide environmental benefit that significantly outweighs the benefit to be derived from the deterrent effect of a cash penalty, a SEP may be considered for up to 100% mitigation of the penalty. Request for approval of such a SEP shall be made to the Director of the Office of Enforcement and General Counsel, in consultation with the Deputy Commissioner, prior to consideration and approval by the Commissioner.

**X. FAILURE OF A SEP AND STIPULATED PENALTIES**

MassDEP will, pursuant to the terms of an ACO, require the regulated entity to pay a stipulated penalty for failure to fully or timely complete a SEP in a satisfactory manner. The determinations of whether the SEP has been satisfactorily completed (i.e., pursuant to the terms of the agreement) and whether the regulated entity has made a good faith, timely effort to implement the SEP is at the sole discretion of MassDEP.

## **Appendix A: A Sample of MassDEP Approved SEPs 2006-present**

### **8/17/06: Company to Conduct Public Training Sessions on Proper Treatment of Wastewater**

CLEAN MACHINE POWER WASH, INC.  
West Springfield, WERO

Industrial Wastewater

To resolve wastewater discharge violations from power washing of U.S. Postal Service trucks, Clean Machine Power Wash, Inc. of West Springfield agreed to conduct public training sessions in Hampden and Berkshire County on proper treatment of waste wash water. In return, MassDEP agreed to lower the monetary Penalty for the violations pending compliance with this SEP.

### **9/11/06: Concrete Facility to Construct Protective Vegetation Buffer on Monatiquot River Bank**

A. GRAZIANO, Inc. and M&G REALTY TRUST  
Braintree, SERO

Clean Water Act  
Wetlands Protection

A. Graziano, Inc. agreed to perform a SEP involving constructing a vegetated buffer between the Monatiquot River and its processing facility in Braintree, in addition to agreeing to reconfigure its storm water management system, cease industrial wastewater discharges and no longer accept and process solid waste and properly manage its own hazardous waste. MassDEP has agreed to suspend some of the Penalty from A. Graziano, Inc. if A. Graziano, Inc. provided it complies with the SEP. The company and M & G Realty Trust, the property owner, committed various violations including discharging silt-laden storm water with a high pH to the river and wetlands, and industrial wastewater to the ground, and failing to register and properly manage hazardous waste and illegally storing and processing solid waste.

### **9/11/06: MBTA to Expend \$130,000 to South Boston Asthma Control Program**

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY  
South Boston, NERO

Air Pollution Control - Asbestos

The MBTA entered into an amended judgment for the cleanup of asbestos and contamination at its former power plant in South Boston. In addition to paying a penalty and finishing the cleanup, the MBTA agreed to perform a SEP consisting of expending \$130,000 directly to the South Boston Asthma Control Program.

### **9/14/06: Westport River Watershed Alliance to Receive Funding**

JOEL ALVORD  
Westport, SERO

Wetlands Protection

Joel Alvord of Westport entered into a consent order for various Wetlands violations, including installing piles and other structures for a dock without a valid Order of Conditions or license. In addition to paying a penalty, Alvord agreed to perform a SEP in which he will pay \$3,105 to the Westport River Watershed Alliance.

### **10/26/06: State University to Conduct Asbestos Awareness Trainings and Replace Inefficient Traffic Lights With Energy Saving LED Lights**

UNIVERSITY OF MASSACHUSETTS/AMHERST  
Amherst, WERO

Air Quality  
Hazardous Waste  
Industrial Wastewater

For improperly handling of asbestos at the French Hall Building and allowing six smoke excursions from three coal-fired boilers at its main facility, UMass Amherst entered into a consent order to pay a penalty and to perform various SEPs, including conducting six asbestos awareness trainings throughout western Massachusetts for municipal employees and replacing all traffic lights on Commonwealth Avenue, Massachusetts Avenue and North Pleasant Street in Amherst with energy saving LED lights, as part of a pollution-reduction and energy-conservation plan.

**11/3/06: Company Pays to Educate Public on Waste Oil Handling**

JIFFY LUBE INTERNATIONAL, Inc.  
Multiple Locations, NERO

Hazardous Waste Management

Jiffy Lube International, Inc. entered into a consent order regarding waste oil management violations at multiple locations. As part of the consent order, the corporate parent has agreed to conduct a SEP, which involves the publication of a paid display advertisement in the NESSARA News Brief and the Boston Business Journal designed to educate the public, particularly other handlers of waste oil, about Massachusetts' waste oil handling regulations. In addition, the facilities will assure that all violations are corrected and will amend its existing Environmental Management System to assure compliance with Massachusetts regulations.

**11/8/06: Town to Train Employees on Proper Stream Management and Drainage Channel Maintenance**

TOWN OF AMESBURY  
Amesbury, NERO

Wetlands Protection

For excavating within streams without any permits, the Town of Amesbury entered into a Consent Order. Part of the Consent Order is to perform a SEP, where the town will develop and adopt a training program for its public works employees on proper stream management and drainage channel maintenance. The penalty will be lowered pending compliance by the town with this SEP.

**11/22/06: Company to Purchase Leak Detection Equipment for Massachusetts Rural Water Association**

MONTEREY WATER COMPANY  
Monterey, WERO

Drinking Water

The Monterey Water Company agreed to conduct a SEP following an unauthorized connection of an emergency surface water source to its system. The SEP requires the company to purchase leak detection equipment for the Massachusetts Rural Water Association, which provides technical assistance to small community public water systems.

**1/3/07: Russian-Speaking Auto Recyclers to Receive Translated Hazardous Waste Management Fact Sheets**

BOULEVARD AUTO PARTS AND SALES  
Springfield, WERO

Hazardous Waste Management

For improper handling and storage of hazardous waste at its auto recycling facility, Boulevard Auto Parts and Sales agreed to pay a penalty and implement a SEP. The SEP involves translation of MassDEP's hazardous waste management fact sheets into Russian for distribution to other local auto recyclers whose employees speak Russian.

**1/9/07: Massachusetts Water Resource Authority to Retrofit Diesel Fleet to Reduce Emissions**

MASSACHUSETTS WATER RESOURCE AUTHORITY  
Deer Island Waste Water Treatment Facility, Chelsea, NERO

Air Quality

After the Massachusetts Water Resource Authority failed to meet a key compliance date regarding its Deer Island facility's Air Quality final operating permit, the MWRA agreed to perform an SEP. Under the SEP, the MWRA will retrofit some diesel powered vehicles garaged in Chelsea with diesel oxidization catalysts to reduce diesel emissions. The MassDEP has agreed to suspend part of the Penalty pending compliance with the SEP.

**1/9/07: Oil Company to Replace Customers' Home Oil Lines and Hardware at no Cost**

TOWNSEND OIL COMPANY  
Amesbury, NERO

Waste Site Cleanup

Following a violation involving an oil leak at an Amesbury residence, the responsible oil-delivery company Townsend Oil Company agreed to perform a SEP. Under the SEP, at least 100 customers will have their current copper oil feed lines connecting their oil tanks to their boilers replaced with double-walled feed lines or oil shut-off safety valves at no charge. Both of these modern devices help to prevent oil leaks from damaging basements and the environment. Townsend Oil Company will focus these installations toward Environmental Justice communities and densely populated neighborhoods in and around the state's oldest industrial sites.

**2/15/07: Towns to Receive Funding for Protective Development of Property Under Conservation Restrictions**

P.J. KEATING, Inc.  
Lunenburg and Shirley, CERO

Wetlands Protection

After the discharge of stone dust from P.J. Keating's rock quarrying operation that caused Wetlands violations, the company agreed to fund a SEP. The SEP involves providing funding for the development with the Town of Shirley and the Mass Audubon Society certain baseline data for property currently under conservation restrictions. This SEP will help the Town with protecting and managing its natural resources and wetland resources areas.

**3/9/07: Massachusetts Association of Conservation Commissions to Receive Funding for Horse Management Workshop**

MARK & CYNTHIA LOVE  
Paxton, CERO

Wetlands Protection

Following unauthorized grading and filling of a wetlands buffer zone associated with constructing a horse stable, Mark & Cynthia Love agreed to fund a SEP, which will allow the Massachusetts Association of Conservation Commissions to develop and implement a workshop. The workshop will address common horse management issues in regard to wetland resources.

**3/12/07: Municipal Water Supply Staff to Receive Training on Water Treatment Systems**

CITY OF CAMBRIDGE  
Cambridge, NERO

Drinking Water

The City of Cambridge agreed to implement a SEP involving the preparation and implementation of a training session for municipal water supply staff on laboratory procedures for process control and optimization of the City's water treatment system. This SEP is the result of the City's unauthorized replacement of larger potassium hydroxide feed pumps at the City's Fresh Pond Water Treatment Plant.

**3/15/07: River Coalition to Receive Funding for Stormwater and Low Impact Development Outreach Program**

LEDGECREST, Inc.  
Worcester, CERO

Wetlands Protection

Following Wetlands violations at Arboretum Estates in Worcester where inadequate erosion controls led to silt-laden runoff from soils discharged to a stream and bordering wetlands, Ledgecrest, Inc. agreed to implement a SEP. Under the SEP, the company will provide funding to the Blackstone River Coalition to support a Stormwater and Low Impact Development Outreach Program.

**3/19/07: Emergency Management Agency and Fire Department to Receive Laminated Emergency Planning Maps**

E.B. LUCE CORPORATION  
Worcester, CERO

Waste Site Cleanup

Following the failure to report a release of oil in Worcester and failing to take immediate cleanup actions, E.B. Luce Corporation agreed to conduct a SEP in which laminated emergency planning maps will be produced for the Worcester Emergency Management Agency and the Worcester Fire Department. Pending compliance with the SEP, part of the penalty will be suspended.

**3/19/07: Mass Audubon Society to Receive Funding for Storm Water Runoff Outreach Project**

SCP FAMILY LIMITED PARTNERSHIP  
Auburn, CERO

Wetlands Protection

SCP Family Limited Partnership agreed to conduct a SEP following unlawful land clearing which resulted in silt-laden runoff discharge, damaging gradient streams, the Blackstone River and its associated flood control aqueduct in Worcester and Auburn. The SEP involves giving assistance to the Mass Audubon Society to implement an outreach project to assist homeowners and small farms with managing storm water runoff to reduce or eliminate pollutants in the Blackstone River. This SEP will protect down gradient water bodies and wetlands from sedimentation damage.

**5/1/07: City to Advise Other Municipalities on Waste Site Cleanup Violations Through Published Article and Prepare Plans to Prevent Further Violations**

CITY OF TAUNTON  
Taunton, SERO

Waste Site Cleanup

The City of Taunton agreed to implement a SEP requiring the City prepare and publish an article detailing the non-compliance issues at an Activity and Use Limitation site, and also present steps that other towns and cities could take to avoid similar violations at other AUL sites. In addition, under the SEP the City will prepare health and safety plans and soil management plans to be utilized at other City-owned AUL sites.

**5/8/07: Auto Salvage Business to Develop and Implement Industry Best Management Practices**

STEWART'S AUTO SALVAGE, LLC  
Plainville, SERO

Solid Waste Management  
Hazardous Waste Management

Following Solid Waste and Hazardous Waste Management violations due to improper storage and management of waste oil and gasoline at its facility, Stewart's Auto Salvage, LLC agreed to perform a SEP. The SEP requires Stewart's to develop and implement Best Management Practices for auto recycling and junkyards.

**5/8/07: Company to Conduct Employee Training, Case-Study and Seminar on Hazardous Materials Spills, and Springfield Fire Department to Receive Funding**

FRIENDLYS ICE CREAM CORPORATION  
Springfield, WERO

Hazardous Waste Management

Following a sulfuric acid spill at its wastewater treatment plant in Springfield, Friendlys Ice Cream Corporation agreed to perform a SEP. The SEP requires Friendlys to re-train its employees on reporting oil and hazardous materials spills and also present a case-study of this spill at quarterly meetings of the Springfield and Wilbraham Local Emergency Commissions. In addition, Friendlys will host a free spill reporting seminar, contribute \$4,000 toward upgrading Wilbraham's emergency radio dispatch system, provide a fiber optic spool assembly that will repair the Springfield Fire Department's arson robot, and provide portable hazardous material decontamination equipment to the Springfield Fire Department.

**5/17/07: Company to Switch Over to Clean Efficient Electric Power**

J.P. ROUTHIER & SONS, Inc.  
Ayer, CERO

Air Quality

J.P. Routhier & Sons, Inc. agreed to perform a SEP involving replacing its diesel engine-generated power with electric line power distributed from the street. The SEP stems from the company's Air Quality violations in which it installed and operated internal combustion engine generators for years without MassDEP approval.

**5/22/07: Historical Building to Receive Insulation Overhaul**

HOPEDALE INDUSTRIAL CENTER, LLC  
Hopedale, CERO

Air Pollution Control - Asbestos

Following the improper handling, storage and disposal of asbestos, Hopedale Industrial Center, LLC agreed to complete a SEP, which requires the center to fund the proper removal of asbestos insulation and debris from the Little Red Shop, a historical building owned by the Town of Hopedale.

**5/31/07: Schools and Water Treatment Plant to Receive Water Quality Testing**

TOWN OF BILLERICA  
Billerica, NERO

Drinking Water

The Town of Billerica will conduct lead testing in school drinking water beyond the standard required, mitigate elevated lead levels if they are found, and conduct tests in its water treatment plant and water distribution system to determine whether N-nitrosodimethylamine is formed as a byproduct of chloramine disinfection of the water supply. These two SEPs result from the failures of Billerica to obtain various water discharge permits and failure to adequately monitor and report on its wastewater treatment plant.

**6/25/07: Brush and Wood Chips from Roadway Maintenance Projects and Library Materials to be Collected and Processed**

PINETREE POWER FITCHBURG, LLC  
Westminster, CERO

Air Quality

Pinetree Power Fitchburg, LLC agreed to perform a SEP after violating emission limits for various air pollutants by burning wood chips, landfill gas, and paper cubes. The SEP requires Pinetree Power Fitchburg LLC to collect and process brush and wood chips from various local roadway maintenance projects and also allow for the proper processing of old library books into fuel cubes.

**8/6/07: Taunton River Watershed Alliance to Receive Funding for Water Quality Project**

WAYSIDE FARMS (CAVENDISH PLACE LLP)  
East Bridgewater, SERO

Clean Water Act

Wayside Farms agreed to fund a SEP in which Wayside will assist the Taunton River Watershed Alliance financially with their ongoing Water Quality Project for the Taunton River. This SEP is the result of Wayside's failure to obtain final plan approval for its permit prior to constructing its wastewater treatment facility in East Bridgewater.

**8/21/07: Company to Retrofit Diesel Truck Fleet to Reduce Air Pollution**

NESTLE PREPARED FOODS COMPANY  
Haverhill, NERO

Air Quality

Nestle Prepared Foods Company agreed to retrofit certain diesel trucks associated with its Haverhill business to reduce air pollution. This SEP results from Nestle's acquiring Joseph's Pasta Company's assets, which included a facility containing five volatile compound emitting steam kettles.

**8/22/07: Town to Receive Recreational Space Assistance, and Invasive Vegetation to be Removed**

CURTIS HILL ESTATES, Inc.  
Charlton, CERO

Wetlands Protection

After construction without a permit caused the breach of Lamb's Pond Dam and washing away the downstream bank and exposing land underwater, Curtis Hill Estates, Inc. agreed to conduct a SEP. Under this SEP, they agree to assist the Town of Charlton with its open space and recreation space program, its

development of a Phase II Storm Water Management Plan and conduct a storm water outfall sampling plan. Additionally, they will assist Charlton Heritage Preservation Trust with the removal of invasive Asiatic Bittersweet vegetation, which will restore stream bank and land under water.

**9/4/07: Town to Educate Other Municipalities on Preventing Over Feeds Into Municipal Water System**

TOWN OF SPENCER  
Spencer, CERO

Water Quality

After the Town of Spencer Water Department allowed an over-feed of sodium hydroxide into the municipal water system, the Town agreed to, among upgrades to its municipal water system, implement a SEP. Under this SEP, the Town will develop a report titled Lessons Learned that will be distributed to other municipalities to assist in preventing similar feed events.

**10/16/07: Town to Receive Improved Recycling Capabilities**

R. BATES & SONS, Inc.  
Clinton, CERO

Solid Waste Management

Following improper disposal of solid waste materials, Clinton-based contractor R. Bates & Sons, Inc. agreed to implement a SEP. The SEP requires the contractor to expend \$18,700 to improve recycling practices at the Town of Clinton's Department of Public Works Yard.

**10/30/07: Fuel Oil Company to Educate Customers on Need to Mitigate Oil and Hazardous Material Releases**

INDEPENDENT BURNER SERVICE  
Hull, SERO

Waste Site Cleanup

Following the failure to report a release of fuel oil at a residential property in Hull, Independent Burner Service agreed to conduct a SEP in which the company will provide DEP magnets that inform its customers of the need to call MassDEP in the event of a sudden oil or hazardous material release to the environment.

**1/10/08: Company to Take Precautions and Educate Public Regarding Waste Site Cleanups**

POTTLE'S TRANSPORTATION, Inc.  
Charlton, CERO

Waste Site Cleanup

After Pottle's Transportation, Inc. failed to notify in a timely manner a release of diesel fuel and failed to perform an Immediate Response Action, it agreed to implement a SEP. The SEP, valued at \$8,625, requires the installation of a computer macro in Pottle's trucks to allow immediate notification by its drivers of releases, publication of a news article detailing the company's noncompliance and lessons learned, and the distribution of notification stickers and cards to all drivers.

**2/21/08: City to Implement Energy Efficiency Audit**

CITY OF NORTHAMPTON  
Northampton, WERO

Air Quality

After the City of Northampton operated a flare used for burning gas at its Glendale Road Landfill in violation of its permit causing the release of odorous landfill gas, the City agreed to perform a SEP. Under this SEP, the City will implement an energy efficiency audit at city owned and operated facilities.

**2/25/08: Company to Educate employees and Public on Dangers of Asbestos**

S&L ROLLOFF SERVICE, Inc.  
Mattapoisett, SERO

Air Quality - Asbestos

After improperly transporting asbestos, S&L Rolloff Service, Inc. agreed to implement a SEP requiring the company to place warning labels on waste containers, conduct asbestos training to employees, and give information to its customers.

**2/29/08: Company to Fund Implementation of Alternative Energy Source**

WELLESLEY ROSEWOOD - MAYNARD MILLS, LP  
Maynard, CERO

Air Quality  
Industrial Wastewater

After violating its existing air quality plan approval by burning oil in its boilers and not natural gas, and operating an industrial wastewater pre-treatment system without having a licensed operator, Wellesley Rosewood - Maynard Mills, LP agreed to conduct a SEP. The SEP requires the company to purchase components to help a tenant, a similar company, produce hydrogen. This hydrogen will be used to fuel both a hydrogen generator and power a shuttle bus to transport employees and visitors to the Wellesley Maynard buildings from a local train station.

**2/29/08: City to Receive Funding for Improving Brownfield GIS Project**

CLARK UNIVERSITY  
Worcester, CERO

Waste Site Cleanup

After Clark University Personnel installed a temporary basement ventilation system in a student residence to combat heating oil vapors without prior notification or approval, the University agreed to conduct a SEP. The SEP allows the City of Worcester to use funds provided by Clark University to improve its Brownfields GIS project, a mapping system of sites where releases of oil or hazardous material have occurred.

**3/11/08: Fire Department and Coalition for Buzzards Bay to Receive Complementary Boat Slips**

FAIRHAVEN SHIPYARD & MARINA, RODMAN CANDLE WORKS REALTY LLC  
Fairhaven, SERO

Wetlands Protection Act  
Waterways

Fairhaven Shipyard & Marina agreed to conduct a SEP, which gives five year boat slips to the Fairhaven Fire Department and the Coalition for Buzzards Bay. The SEP results from the existing marina expanding some 6000 square feet beyond the authorized footprint licensed by MassDEP.

**3/14/08: Company to Reduce Heavy-Duty Fleet Emissions and Assist Sterling Fire Department**

PANDOLF PERKINS Co.  
Sterling, CERO

Air Quality  
Hazardous Waste Management  
Toxic Waste Management  
Water Management

Following numerous violations of Massachusetts environmental laws, Pandolf Perkins Co. agreed to conduct a SEP in which it will enhance emergency response for hazardous material events by the Sterling Fire Department and install catalytic oxidation control devices on the company's heavy-duty vehicles.

**4/11/08: Town to Fund Publication of Water Quality Protection Pamphlet**

TOWN OF AUBURN  
Auburn, CERO

Water Quality

As a result of enforcement involving the discharge of untreated sanitary wastewater, the town of Auburn will perform a SEP in which it will pay \$5,000 to the Blackstone River Coalition for printing costs for publication of the Coalition's pamphlet called A Homeowner's Guide to Protection Water Quality in the Blackstone River Watershed.

**4/15/08: Company to Retrofit Diesel Fleet**

T&K ASPHALT SERVICES, Inc.  
Whitman, SERO

Hazardous Waste Management

T&K Asphalt Services, Inc. agreed to retrofit two of its diesel trucks as a SEP after the company committed various hazardous waste violations at its facility in Whitman.

**4/28/08: Town to Collect Regional Household Hazardous Waste and Other Waste**

TOWN OF SOUTH HADLEY  
South Hadley, WERO

Hazardous Waste Management

The Town of South Hadley agreed to provide for the regional collection of household hazardous waste and bulky items generated outside the Town as a SEP. The SEP follows South Hadley's failure to address illegal disposal of street sweepings and catch basin cleanings.

**5/19/08: Cranberry Company to Improve Environmental Performance of Bogs**

DECAS CRANBERRY COMPANY, Inc.  
Carver, SERO

Wetlands Protection Act  
Water Management Act

Decas Cranberry Company, Inc. agreed to perform a SEP to increase the environmental performance of its bogs, including erosion control, renovation and installing a clean electric pump, as well as collaborating with MassDEP on addressing waterways licensing at the state's Great Ponds. The SEP results from various Wetlands and Water Management Act violations.

**6/23/08: Town Solid Waste Transfer Station to Train Employees on Asbestos Handling**

TOWN OF DUXBURY  
Duxbury, SERO

Solid Waste Management

The Town of Duxbury will perform a SEP involving 24-hour asbestos inspector training for employees at its transfer station whose job description involves identifying asbestos. The SEP results from Solid Waste violations regarding asbestos at its transfer station.

**6/24/08: Airport to Retrofit Diesel Equipment**

BARNSTABLE AIRPORT  
Hyannis, SERO

Air Quality  
Hazardous Waste Management  
Groundwater Discharge

Barnstable Airport agreed to implement a SEP under which it will retrofit two large pieces of industrial equipment, including a snow blower and a heavy-duty front-end loader. The Airport discharged or allowed the discharge of fluids from the washing of airplanes into the ground and failed to perform required annual tests on stage II (vapor recovery) controls on its gasoline dispenser, among other violations.

**6/30/08: Airline to Fund Research, Education and Projects Regarding Cape Water Resources**

HYANNIS AIR SERVICES, Inc.  
Hyannis, SERO

Air Quality  
Surface Water Discharge  
Ground Water Discharge

After Hyannis Air Services Inc. failed to register as a generator of hazardous waste and discharged de-icing and aircraft washing fluids without a permit at Barnstable Airport, it agreed to implement a SEP. Under the SEP it will fund the Massachusetts Environmental Trust's research, education and other projects designed to protect, improve or restore water resources on the Cape, while also implementing Best Management Practices at the Airport and preventing future environmental discharges.

**7/8/08: School Safety Traffic Signals to Become Energy-Efficient Through Solar Power**

TOWN OF HOLBROOK  
Holbrook, SERO

Solid Waste Management

The Town of Holbrook will replace two electric powered school safety traffic signals with new solar powered assemblies as a SEP. The SEP results from the illegal disposal of solid waste in violation of its post-closure requirements at a closed landfill.

**7/10/08: Company to Assist Department of Public Works With Household Hazardous Waste Management**

PRIDE PLAZAS, Inc.  
Chicopee, WERO

Solid Waste Management

Following Solid Waste violations at it Chicopee site, Pride Plazas, Inc. agreed to conduct a SEP, involving providing assistance to the Chicopee Department of Public Works for household hazardous waste management.

Document Name:// ERGSEP.doc