

Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

March 17, 2022

MacDonald Industries Corporation  
645 Walnut Street  
Bridgewater, MA 02324  
Attn: David MacDonald

RE: Marilyn's Landing/BFI Halifax Landfill  
Soil Fill Activities  
Amendment No. 1  
Enforcement Doc No. 00012500

&

Browning-Ferris Industries  
1235 Westlakes Drive Suite 310  
Berwyn, PA 19312  
Attn: Stacy Kennedy

Dear Mrs. Kennedy and Mr. MacDonald:

In connection with the referenced matter, enclosed is a copy of the fully executed Amendment No. 1, Enforcement Document No. 00012500 to Administrative Consent Order (ACO - Enforcement Document 00009681), between the Massachusetts Department of Environmental Protection (MassDEP), MacDonald Industries Corporation- ("MacDonald") and Browning-Ferris Industries (Respondents). This Amendment No. 1 constitutes MassDEP approval for the reuse of catch basin cleanings (CBC) as fill (soil fill activities or project) in an area extending from Marilyn's Landing in Bridgewater onto the BFI Halifax Landfill in Halifax including the "swale" or the border of the two properties (i.e., Phase III). The catch basin cleanings will provide supplemental fill material for the project which to date has only included the reuse of soil as described in the ACO.

The combined Phase II and Phase III soil fill activities have been proposed to establish the necessary grades to support a future redevelopment project spanning both properties. The ACO includes a site-specific Soil Reuse Management Plan (SRMP) that establishes the criteria for soil acceptance and describes the monitoring conditions recording process during and after soil fill activities consistent with the requirements of MassDEP's Policy # COMM-15-001, Interim Policy on the Re-Use of Soil for Large Reclamation Projects.

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

TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

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The SRMP was revised (i.e., Revision No. 3) in conjunction with this Amendment to include the required procedures for the acceptance and reuse of CBC including, but not limited to, the requirement to meet compliance with the Soil Acceptance Criteria which was also modified to include fecal coliform as an additional parameter to be tested for CBC. Under this Amendment, the Respondents may accept a maximum of 200,000 tons of catch basin cleanings for the project.

The Consent Order was executed on March 17, 2022, with MassDEP's signature. The terms and conditions of the Consent Order now apply and are binding.

Thank you for your cooperation in this matter, and if you have any questions please contact Mark Dakers at [mark.dakers@mass.gov](mailto:mark.dakers@mass.gov)/(508) 946-2847.

Sincerely,



Millie Garcia-Serrano  
Regional Director  
Southeast Regional Office

Enclosure

CERTIFIED MAIL #70210950000104179211

Ec: Michael Dutton – Town Manager  
Town of Bridgewater  
[Town.manager@bridgewaterma.org](mailto:Town.manager@bridgewaterma.org)

Ed Thorne – Interim Town Administrator  
Town of Halifax  
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Eric Badger – Health Agent  
Bridgewater Board of Health  
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Bob Valery – Health Agent  
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Bridgewater Conservation Commission  
[CED@bridgewaterma.org](mailto:CED@bridgewaterma.org)

DEP- Boston  
ATTN: J.Fischer  
Paul Locke  
T.Adamczyk

DEP SERO  
Lara Goodine  
Seth Pickering  
Gerard Martin  
Doug Coppi



**COMMONWEALTH OF MASSACHUSETTS**  
**EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL**  
**AFFAIRS**  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the Matter of:  
MacDonald Industries, Inc.  
and  
Browning-Ferris Industries, Inc.

Enforcement Document Number: 00012500  
Issuing Bureau: BAW  
Issuing Region/Office: SERO  
Issuing Program: SW  
Primary Program Cited: SW  
Subpgrm(s) Cited: BWSC  
FMF/Program ID # 40000 & 39324

**FIRST AMENDMENT TO ADMINISTRATIVE CONSENT ORDER NO. 00009681**

This First Amendment ("Amendment No. 1" - Enforcement Document No. 00012500), to Administrative Consent Order No. 00009681 ("Consent Order") by and between the Massachusetts Department of Environmental Protection (hereinafter "MassDEP" or "the Department"), MacDonald Industries, Inc., and Browning-Ferris Industries, Inc. (hereinafter "Respondents") is made to and incorporated into the referenced Administrative Consent Order No. 00009681 that was entered into by MassDEP and Respondents on December 15, 2020.

NOW THEREFORE, the Respondents hereto agree as follows:

1. The following paragraph No. 22A in Section II is hereby inserted into the Consent Order immediately after Paragraph No. 22:

22A. On June 16, 2021, the Respondents submitted to the Department a third revised Draft Soil Reuse Management Plan ("SRMP"), entitled "SRMP - Revision No. 3" which updates activities and includes a proposal for the acceptance of catch basin cleanings ("CBC") in an area extending from Marilyn's Landing onto the BFI Landfill and including the "swale" or the border of the two properties to reach an elevation of approximately 144 feet. The Respondent states that CBC will provide supplemental fill material for use at the site which to date has included only the reuse of soil.

On February 2, 2022, the Respondents submitted a Final SRMP - Revision No. 3 ("SRMP Revision No. 3") which was approved by the Department and supersedes prior versions and is attached to this Amendment No. 1. This Amendment No. 1 hereby incorporates by reference SRMP Revision No. 3. The Respondents have proposed to accept a maximum of approximately 200,000 tons of CBC and blend with soil at a ratio of 3:1 (i.e., Soil: CBC). The Respondent's consultant provided an Opinion letter stamped by a Professional

Engineer as part of the SRMP which demonstrated that the reuse of CBC as supplemental fill in these proportions will not significantly change the assumptions on slope/structural stability assessment that were included in the Post Closure-Use Application referenced in the Consent Order. The acceptance of CBC as fill is contingent upon meeting the Soil Acceptance Criteria for all parameters listed in Table 1 of the SRMP which was updated to include additional analysis of fecal coliform in CBC.

2. The following paragraph No. 22B in Section II is hereby inserted into the Consent Order after the new Paragraph No. 22A:

22B. The MassDEP received a letter, dated April 21, 2021, from the Town of Bridgewater Town Manager and Health Agent indicating that the Town of Bridgewater did not have any concerns with the proposed modifications to the SRMP to include acceptance of catch basin material, followed up by a duly public noticed meeting of the Bridgewater Town Council unanimously voting to approve the proposal on December 7, 2021. No comments were provided by the Town of Bridgewater or public on the project. The MassDEP received a letter, dated July 12, 2021, from the Town Administrator of the Town of Halifax indicating the Town did not have any concerns with the proposed modifications to the SRMP to accommodate the acceptance of catch basin material, after discussions during a duly noticed Halifax Board of Selectmen meeting on April 27, 2021.

3. The following Paragraph 27.W. of Section III of the Consent Order is hereby deleted:

27. W. Respondents shall not exceed the maximum elevations as shown on the Site Plans and stated in the SRMP Revision No. 2 and Post Closure Use Approval pursuant to Section II.21.QQ and Sections II. 21.BB. and Section II.21.CC.

4. The deleted paragraph 27.W. of Section III of the Consent Order is hereby replaced with the following:

27. W. The terms and conditions that contain the words “soil”, “soils”, “site activities” and “soil filling activities” shall apply to the acceptance and reuse of catch basin cleanings in all respects. All requirements previously set forth in the original Consent Order for soil acceptance and reuse shall apply to CBC. Respondents shall not exceed the maximum elevations as shown on the Site Plans and stated in the SRMP Revision No. 2 and Post Closure Use Approval pursuant to Section II.21.QQ, Sections II. 21.BB, and Section II.21.CC. Respondents shall not accept more than 200,000 tons of catch basin cleanings.

5. The undersigned certifies that they are fully authorized to enter into the terms and conditions of this Consent Order to legally bind the party of whose behalf they are signing this Consent Order.
6. In all other respects, the terms and conditions of the original Consent Order, effective on December 15, 2020, that are not affected by this Amendment No. 1 shall remain and continue in full force and effect. To the extent there may be a conflict between the compliance schedule of the original Consent Order and Amendment No. 1, this Amendment No. 1 shall prevail.
7. There may be one or more original counterparts to this Amendment No. 1 to the Consent Order as signed by all parties hereto, one (1) of which will be kept in the files at MassDEP’s Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347.
8. This Amendment No. 1 to the Consent Order shall be effective on the date that it is executed by MassDEP.

Consented to by:

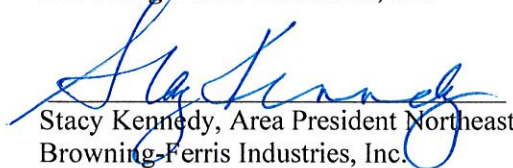
**MacDonald Industries Corporation**



David MacDonald  
MacDonald Industries Corporation  
645 Walnut Street  
Bridgewater, Massachusetts 02324  
Federal Employer Identification No.: 04-2925422

Date: 3-14-22

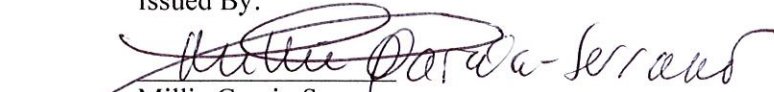
**Browning-Ferris Industries, Inc.**



Stacy Kennedy, Area President Northeast  
Browning-Ferris Industries, Inc.  
1235 Westlake Drive, Suite 310  
Berwyn, PA 19312  
Federal Employer Identification No: 04-1254350

Date: 3-15-22

Issued By:



Millie Garcia-Serrano  
Regional Director  
MassDEP – Southeast Regional Office  
20 Riverside Drive  
Lakeville, Massachusetts 02347

Date: 3-16-22