

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

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

November 4, 2022

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

&

Browning-Ferris Industries
1235 Westlakes Drive Suite 310
Berwyn, PA 19312
Attn: Michael Cross

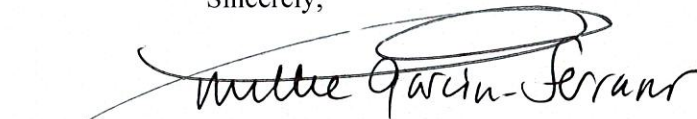
**RE: BRIDGEWATER & HALIFAX
BAW/SW**
Plymouth Street/Laurel Street
Program ID's: 40000/39324
AMENDMENT NO. 2
Enforcement Document No. 00013971

Dear Mr. Cross and Mr. MacDonald:

Enclosed is a copy of the fully executed Amendment No. 2, Enforcement Document No. 00013971 to Administrative Consent Order, Enforcement Document 00009681, dated December 15, 2020 ("Consent Order"). The terms and conditions of this Amendment No. 2 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/(508) 946-2847.

Sincerely,



Millie Garcia-Serrano
Regional Director
Southeast Regional Office

Enclosure

CERTIFIED MAIL # 70221670000306863263

Ec: Michael Dutton – Town Manager
Town of Bridgewater
Town.manager@bridgewaterma.org

Town Administrator
Town of Halifax
townadministrator@halifax-ma.org

Eric Badger – Health Agent
Bridgewater Board of Health
ebadger@bridgewaterma.org

Bob Valery – Health Agent
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bob.valery@halifax-ma.org

DEP-SERO

S. Pickering, Deputy Regional Director, BAW
M. Dakers, Chief, Solid Waste Section, BAW
C. Baran, Enforcement Coordinator, BAW
D. d'Hedouville, Regional Counsel
D. Coppi, Environmental Analyst
G. Martin, Deputy Regional Director, BWR
Lara Goodine, Regional Enforcement Office

**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.)
)
_____)

RE: ***Bridgewater/Halifax***
Plymouth Street, Bridgewater
&
Laurel Street, Halifax
Enf. Doc. No.: 00013971
Issuing Bureau: BAW
Issuing Region/Office: SERO
Issuing Program: SW
Primary Program Cited: SW
Subpgm(s) Cited: BWSC
FMF/Program ID No.: 40000/39324

SECOND AMENDMENT TO ADMINISTRATIVE CONSENT ORDER NO. 00009681

On December 15, 2020, the Commonwealth of Massachusetts Department of Environmental Protection (“MassDEP”) issued an Administrative Consent Order (ACO) Enforcement Document No. 00009681 (the “Consent Order”) to MacDonald Industries, Inc. & Browning-Ferris Industries, Inc. (“Respondents”). The Consent Order became effective on December 15, 2020.

On March 16, 2022, MassDEP issued, and Respondent agreed to, a First Amendment to the Consent Order (Enforcement Document No. 00012500), which became effective on March 16, 2022.

This Second Amendment (Amendment No. 2 – Enforcement Document No. 00013971) to the 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. 0009681 that was entered into by MassDEP and Respondents on December 15, 2020.

MassDEP hereby orders, and the Respondent agrees to, this Second Amendment of the Consent Order as follows:

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

22B. On July 15, 2022, the Respondents submitted to the Department a fourth (4) revision to the Soil Reuse Management Plan, entitled "SRMP - Revision No. 4". The purpose of this revision is to provide for the acceptance and reuse of soil that is considered

remediation waste. Except for selected soil that meets the definition of remediation waste at RCS-1 sites (concentrations of oil and hazardous materials greater than RCS-1 but less than RCS-2), the Owner is not proposing to accept any other remediation waste for reuse at the Site. This soil is hereinafter referred to as “remediation waste”.

On October 13, 2022, the Respondents submitted a Final SRMP - Revision No. 4 (“SRMP Revision No. 4”) which was approved by the Department and supersedes prior versions and is attached to this Amendment No. 2. This Amendment No. 2 hereby incorporates by reference SRMP Revision No. 4.

2. Paragraph 10 of Section II of the Consent Order is hereby deleted and replaced with the following:

310 CMR 40.0006 contains the following useful definitions:

Contaminated soil means soil containing oil and/or hazardous material at concentrations equal to or greater than a release notification threshold established by 310 CMR 40.0300 and 40.1600.

Hazardous material means material, including, but not limited to, any material in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed.....The term shall also include, but is not limited to, material regulated as hazardous waste or recyclable material under 310 CMR 30.000.

No Significant Risk means a level of control of each identified substance of concern at a site or in the surrounding environment such that no such substance of concern shall present a significant risk of harm to health, safety, public welfare or the environment during any foreseeable period of time.

Oil means insoluble or partially soluble oils of any kind or origin or in any form, including, without limitation, crude or fuel oils, lube oil or sludge, asphalt, insoluble or partially insoluble derivatives of mineral, animal or vegetable oils and white oil. The term shall not include waste oil, and shall not include those substances which are included in 42 U.S.C. § 9601(14).

Reportable Concentration and RC each means the concentration of oil or hazardous material in soil or groundwater which requires notification to the Department under MGL c. 21E, § 7 and/or 310 CMR 40.0360 through 310 CMR 40.0362.

Remediation waste as defined in the Massachusetts Contingency Plan at 310 CMR 40.0000 (“MCP”) means any un-containerized waste, contaminated media, and/or contaminated debris that is managed pursuant to 310 CMR 40.0030. Remediation waste does not include containerized waste.

3. The following paragraph No. 22C is hereby inserted into Section II of the Consent Order after Paragraph No. 22.B:

22.C. The MassDEP received a letter, dated July 13, 2022 from the Town of Bridgewater Town Manager indicating that a duly public noticed meeting of the Bridgewater Town Council unanimously voted to approve the proposal for acceptance of remedial soil at Marilyn’s Landing on July 12, 2022. No comments were provided by the Town of Bridgewater or public on the project. The MassDEP received a letter, dated April 28, 2022, from the Chair of the Board of Selectmen 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 remedial soil, after discussions during a duly noticed Halifax Board of Selectmen meeting on April 26, 2022.


4. The following Paragraph 27.X is hereby inserted into Section III of the Consent Order after Paragraph 27.W:

27.X. The terms and conditions that contain the words “soil”, “soils”, “site activities” and “soil filling activities” shall apply to the acceptance and reuse of remediation waste in all respects.

5. This Amendment No.2 shall be incorporated into the Consent Order and is effective and enforceable pursuant to the terms of the Consent Order.
6. Except as explicitly revised by this Amendment, the terms and conditions of the Consent Order, including any previous amendments thereto, shall remain and continue in full force and effect.
7. This Amendment No. 2 may be executed in multiple counterparts, each of which, when executed and delivered to the Department, shall be an original. All counterparts shall constitute one and the same instrument.
8. This Amendment No.2 shall be deemed effective as of the date on which MassDEP signs this Amendment.
9. The undersigned represent that she/he has the authority to sign this Amendment No.2 and to legally bind the party on whose behalf such representative is signing.

Consented to by:

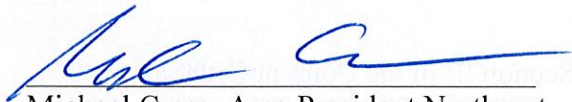
MacDonald Industries Corporation



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

Date: 10-24-22

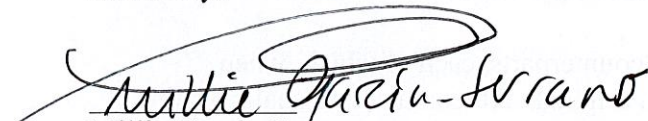
Browning-Ferris Industries, Inc.



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

Date: 10-26-22

Issued By:



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

Date: 11-4-22