



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
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POLICY ON SUPPLEMENTAL ENVIRONMENTAL PROJECTS
And SEP Examples (updated 10/16/2020)

Effective 2/21/2007 (Revised 06/15/2018)
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. AGENCYS’ LIMITED ROLE

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

- 1) MassDEP or any other state agency 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 or any other state agency 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 or any other state agency.

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 (see various links to Bureaus; Programs; and Enforcement and Compliance.)

MassDEP is also committed to assisting municipalities that are covered under a Municipal Separate Storm Sewer System (MS4) permit issued by the United States Environmental Protection Agency. Compliance with these permits may require infrastructure upgrades to improve municipalities' abilities to address the environmental effects of climate change. SEPs that enhance infrastructure upgrades, and go beyond what is otherwise required by MS4 can further municipal and Department goals to address climate change.

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.

**Examples of MassDEP Approved Supplemental Environmental Projects (SEPs)
(all SEPS are reviewed for consistency with the Department's SEP Policy)
updated 10/16/2020**

**Local Emergency Rescue Efforts Supported by Company
SEABOARD FOLDING BOX CORP.**

Hazardous Waste

Company that Department found in violation of multiple hazardous waste management laws proposed to purchase protective equipment for Fitchburg Fire Department's Hazmat & Technical Response Team, a FD unit that conducts time sensitive emergency hazmat related rescues.

**Donation to Trust Will Benefit Public Waterfront Access
DWF 313 CONGRESS, LLC**

Waterways

Where building lacked required facilities of public accommodation in filled public tideland site on the Boston Waterfront, Respondents agreed, among other things, to contribute funds to the Children's Museum Wharf Expendable Trust, the purpose of which is to enhance, maintain and activate the public's water related rights in the Fort Point Channel area.

**Company Purchases Response Equipment for Local Fire Departments
SUTTLES TRUCK LEASING, LLC**

Hazardous Waste

Industrial Wastewater

UST

To address multiple violations of hazardous material, industrial wastewater, and UST laws at its facility, Respondent agreed, among other things, to provide funding for three local Fire Departments in to enhance their coordinated and overall emergency response capability, and to fund the delivery of training regarding Hazardous Materials Cargo Truck incidents.

**Army National Guard Proactively Addresses Asbestos Abatement
MASS. ARMY NATIONAL GUARD**

Asbestos

Improper asbestos removal at residential barracks resulted in settlement that included the scheduling and implementation of proper asbestos abatement at several buildings on site that had not been initially targeted for renovation or asbestos removal.

**Household Hazardous Waste Collection Supported by Local Company
OPTOMETRICS CORP.**

Hazardous Waste

Case concerning multiple violations of hazardous waste management laws included as part of settlement Respondent's purchase of equipment for the Town

of Ayer to assist Town in running the Devens Regional Household Hazardous Products Collection Center.

Planting and Monitoring of New Salt Marsh Will Support Marine Life, Mitigate Flooding, and Improve Water Quality

PAMELA AVEDISIAN, et al.

Wetlands

Waterways

Clean Water Act

Where the demolition of a commercial building in Saugus adversely impacted adjacent wetlands and waterways, Respondent agreed to settlement that included creation of a salt marsh at the site, and committed to monitoring marsh function for five (5) years.

Railroad to Provide Asbestos Training

PAN AM RAILWAYS, et al.

Asbestos

After MassDEP's discovery of improperly removed and disposed asbestos containing tiles at site in Ayer, Respondent agreed to settlement that included comprehensive asbestos training for company employees, as well as for municipal workers employed by the Town of Ayer.

Company to Fund Rain Gardens along Malden River

MASSACHUSETTS ELECTRIC CO.

Clean Water Act

In the wake of unpermitted discharge of drilling fluids into a freshwater tidal portion of the Malden River, company agreed to include in settlement a commitment to fund the design and construction of a series of rain gardens along that river. Such gardens absorb and filter discharge and have a mitigating effect on surface water pollution.

Acquisition of Environmentally Valuable Parcel in Eel River Watershed Will Help Preserve Rare and Endangered Species

WHIPS FARM TRUST, et al.

Wetlands

Following the cutting of approx. 1.75 acres of bordering vegetated wetlands at the Whig Farm Trust property, Respondent resolved case by including in settlement a donation to support the Nature Conservancy's acquisition of a 36 acre parcel, which is valuable habitat for endangered and rare species, in the watershed where the cutting occurred.

Installation of Series of Controls at Resource Area will Improve Water Quality of Nashua River

LEOMINSTER PROPERTIES, LLC

Wetlands

In order to resolve allegations of violations concerning wetlands at its property in Leominster, and in addition to required restoration activities, Respondent agreed to pay for the design and installation of a set of rain gardens, infiltration trenches, and erosion controls that will mitigate discharge into the Old Frog Stream in Leominster, and that will ultimately enhance water quality in the receiving waters of the Nashua River.

Buzzard's Bay Water Quality to Be Monitored

F/V MAYFLOWER/F.A.T. FISHING CORP.

Hazardous Materials

Clean Water Act

After unreported release of dyed fuel oil was discharged from a commercial fishing vessel to surface waters of New Bedford Harbor, Respondents agreed as part of the settlement to provide funding for an established water quality monitoring program administered by the Buzzard's Bay Coalition, which samples surface water in New Bedford Harbor and Buzzard's Bay.

Company to Improve Fire Department's Ability to Track and Respond to Industrial Wastewater Discharges

BOUTWELL, OWENS & Co., Inc.

Hazardous Waste

Industrial Wastewater

Where Department brought case to address generation of excessive amounts of waste oil, and discharge of low pH wastewater into a local system, company agreed to purchase computer equipment for use by Fitchburg Fire Department, which will improve the FD's ability to handle industrial wastewater discharge incidents.

Hazardous Waste Case Resolution Includes Emergency Response Equipment for Shirley Fire Department

THERMO-FAB CORP.

Hazardous Waste

Company agreed to purchase portable radios and gas detection meters for local Fire Department as part of settlement of case involving allegations of multiple violations involving hazardous waste management and paint spraying.

Fire and Police Departments to Receive Response Training and Equipment

DANA TRANSPORTATION/SUTTLES TRUCK LEASING

Hazardous Waste

UST

As part of settlement of an action related to the release of nitric acid that triggered a widespread emergency response, including the evacuation of an elementary school, and after discovering mismanagement of USTs, and in an effort to assist in the provision of prompt emergency response services from local police and fire departments, Respondent agreed to fund a "reverse 911" system for the Grafton

Police; provide a thermal imaging unit for the Grafton Fire Dept; and fund emergency responder 'haz-mat' cargo tank training for several local police departments in the Grafton area.

Enhanced Street Sweeping Services to Benefit Town

GLOWACKI CONSTRUCTION & SONS, INC., et. al.

Hazardous Waste

Solid Waste

Multi-media inspection of construction, salvage, and landscaping operation revealed problems with several matters including solid waste management. Respondent, apart from committing to comply with applicable laws, provided thousands of dollars worth of street sweeping services to Town of Nantucket.

Rain Garden will Help Control and Purify Storm Water Run-off

MASS. WATER RESOURCES AUTHORITY

Clean Water Act

Hazardous Materials

Where MWRA failed to respond to three alarm signals emitted from a CSO facility in Cambridge that resulted in an unreported discharge of oil and pollutants to waters of the Commonwealth, settlement included funding for the construction of a rain garden that will infiltrate stormwater run-off from an impervious lot adjacent to an elementary school.

Police Get Help to Address Emergency Situations

SAINT GOBAIN CONTAINERS, Inc.

Hazardous Waste

TURA

Wastewater

After failing to apply for and obtain a sewer connection permit, and after MassDEP discovered multiple hazardous waste violations, the company included in its settlement a commitment to provide equipment for local police to better respond to sewer overflows, hazardous waste or materials discharge, and other such large scale emergencies.

Town to Install Protective Catch Basins

TOWN OF CANTON

Solid Waste

After correcting violations associated with its leaf and yard waste at its closed landfill, the Town agreed to install protective catch basins at critical points on its site in order to better manage solid and yard waste that threaten the waters of the Commonwealth.

Company to Support Public Service Announcement Regarding Timely Report of Spills

NEDT (New England Disposal Technologies)

Hazardous Materials

In a case involving G.L. ch. 21E violations concerning failure to notify of a truck spill, NEDT agreed to purchase local radio air time for public service announcements (“PSAs”) on the requirements and importance of timely reporting regarding the release of oil or other hazardous material to MassDEP. The PSAs will run during the time period within which long distance truck hauls typically occur.

Company to Assist Local Fire Department NEW ENGLAND PRECISION GRINDING

Hazardous Waste

In a case involving multiple G.L. ch.21C violations, including alleged failure to file an emergency response plan with municipal and state officials, New England Precision Grinding agreed to a settlement that included purchasing emergency response related equipment for the Holliston Fire Department.

Fire Department Receives Hazardous Materials Clean up Equipment WeCare TRANSPORTATION, LLC

Hazardous Materials

An unreported spill involving the company’s delivery truck was settled with an agreement that included the provision of absorbent pad materials and other hazardous materials response equipment to the Pittsfield Fire Department.

Asbestos Training Made Available to Employees EDWARD’S Corp., LLC

Asbestos

In a case concerning multiple violations of asbestos regulations, the Edwards Corp. agreed to provide specialized asbestos training to employees of ABC Disposal Co., in order to increase the awareness of workers engaged in the disposal business, and to ensure that they properly respond to situations where they may discover illegally disposed asbestos.

Town Staff Trained on Environmental Compliance TOWN OF WESTPORT

Wetlands

Where Town engaged in the alteration of a barrier beach, settlement included written protocols developed by a third party consultant, implementation of which will assist Town employees to comply with coastal wetlands and other environmental regulations.

Upgraded Equipment Protects Environment and Saves Money DECAS CRANBERRY PRODUCTS, Inc.

Water Pollution

TURA

Hazardous Waste, et al.

After a multi-media inspection found multiple violations associated with wastewater discharge, company agreed to install improved treatment system and install better functioning pumps to reduce electricity use.

Phragmites Eradicated at Local Beach

CITY OF BEVERLY

Wetlands

After City engaged in unpermitted work in wetlands, City agreed to a settlement that include phragmites removal and native species beach planting at local Beach.

Wastewater Treatment and Turbine Retrofitting Reduce Discharge and Emissions

CRANE & COMPANY

Hazardous Materials

Wastewater

MassDEP was not timely notified of a significant waste water release caused by a failed metering pump failure and that resulted in a fish kill. Settlement included installation of on-line waste water treatment monitor that will provide early warning, and a retrofit of facility steam turbine that will, among other things, reduce emissions of mercury, a neuro-toxin that collects in fish tissue.

Company to Take Precautions and Educate Public Regarding Waste Site Cleanups

POTTLE'S TRANSPORTATION, Inc.

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 install a truck computer macro that will provide immediate release notification to drivers, publish a news article detailing the importance of timely reporting, and distribute 'release notification' stickers and cards to all drivers.

Company to Educate Employees and Public on Dangers of Asbestos

S&L ROLLOFF SERVICE, Inc.

Asbestos

After improperly transporting asbestos, S&L Rolloff Service, Inc. agreed to place additional warning labels on waste containers, conduct asbestos training for employees, and provide educational information to its customers.

Company to Fund Implementation of Alternative Energy Source

WELLESLEY ROSEWOOD - MAYNARD MILLS, LP

Air Quality

Industrial Wastewater

After violating its existing air quality plan approval by burning oil in its boilers as opposed to natural gas, and operating an industrial wastewater pre-treatment

system without having a licensed operator, Wellesley Rosewood - Maynard Mills, LP agreed to purchase components to assist a commercial occupant of its mill building to produce hydrogen for use in its operations. This hydrogen will be used to fuel a hydrogen generator and will also power a shuttle bus for employees and visitors travelling to and from the local commuter station to the mill building itself.

City to Receive Funding for Improving Brownfield GIS Project

CLARK UNIVERSITY

Hazardous Materials

Clark University personnel, while attempting to combat heating oil vapors in a student residence, engaged in certain hazardous materials related activities without required notification or approval. As part of a settlement, the University agreed to improve Worcester's Brownfields GIS project, which is a mapping system showing sites where releases of oil or hazardous material have occurred.

Fire Department and Coalition for Buzzards Bay to Receive Boat Slips

FAIRHAVEN SHIPYARD & MARINA, RODMAN CANDLE WORKS REALTY LLC

Wetlands Protection Act

Waterways

After Fairhaven Shipyard & Marina expanding approx. 6000 square feet beyond the authorized footprint licensed by MassDEP, respondent agreed to provide, for five years, boat slips to the Fairhaven Fire Department and the Coalition for Buzzards Bay.

Company to Reduce Heavy-Duty Fleet Emissions and Assist Sterling Fire Department

PANDOLF PERKINS Co.

Air Quality

Hazardous Waste Management

Water Management

Following numerous violations of Massachusetts environmental laws, Pandolf Perkins Co. agreed to support the local Fire Department in its overall response to hazardous material events by installing catalytic oxidation control devices on the company's heavy-duty vehicles.

Town to Fund Publication of Water Quality Protection Pamphlet

TOWN OF AUBURN

Water Quality

As a result of enforcement involving the discharge of untreated sanitary wastewater, the town of Auburn provided funds to the Blackstone River Coalition to publish and distribute a Coalition pamphlet called 'A Homeowner's Guide to Protection Water Quality in the Blackstone River Watershed.'

Town to Further Regionalize Collection of Certain Wastes

TOWN OF SOUTH HADLEY

Solid Waste

Hazardous Waste

After South Hadley failed to address illegal disposal of street sweepings and catch basin cleanings, the Town agreed to increase its capacity to collect of household hazardous waste and bulky items generated in locales adjacent to the Town.

Town Solid Waste Transfer Station to Train Employees on Asbestos Handling

TOWN OF DUXBURY

Solid Waste

In response to Solid Waste violations regarding asbestos at its transfer station, the Town of Duxbury agreed to fund asbestos inspector training at its transfer station. Such training will educate and enable employees to properly identify and manage asbestos containing materials.

Airport to Retrofit Diesel Equipment

BARNSTABLE AIRPORT

Air Quality

Hazardous Waste

Groundwater Discharge

After the Airport failed to perform required annual tests on stage II (vapor recovery) controls on its gasoline dispenser, and engaged in other unpermitted activities related to the washing of airplanes, it agreed to retrofit large pieces of industrial equipment for more efficient use and to limit air emissions.

Airline to Fund Research, Education and Projects Regarding Cape Water Resources

HYANNIS AIR SERVICES, Inc.

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 fund, through the Massachusetts Environmental Trust, 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.

Company to Assist Department of Public Works with Household Hazardous Waste Management

PRIDE PLAZAS, Inc.

Solid Waste

Following Solid Waste violations at its Chicopee site, Pride Plazas, Inc. agreed to provide financial assistance to the Chicopee Department of Public Works for household hazardous waste management and collection activities.

Russian-Speaking Auto Recyclers to Receive Translated Hazardous Waste Management Fact Sheets

BOULEVARD AUTO PARTS AND SALES

Hazardous Waste

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

Massachusetts Water Resource Authority to Retrofit Diesel Fleet to Reduce Emissions

MASSACHUSETTS WATER RESOURCE AUTHORITY

Deer Island Waste Water Treatment Facility

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 retrofit some diesel powered vehicles with diesel oxidization catalysts to reduce diesel emissions.

Oil Company to Replace Customers' Home Oil Lines and Hardware

TOWNSEND OIL COMPANY

Waste Site Cleanup

Following a violation involving an oil leak at an Amesbury residence, the responsible oil-delivery company Townsend Oil Company agreed to the following: approx. 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. Such installations are targeted in EJ and densely populated neighborhoods in and around former industrial sites.

Town to Receive Funding for Better Tracking of Local Conservation Restrictions

P.J. KEATING, Inc.

Wetlands Protection

After the discharge of stone dust from P.J. Keating's rock quarrying operation that caused wetlands violations, the company agreed to provide funding for the development, in concert with the Town of Shirley and the Mass Audubon Society, of certain baseline data for properties currently under conservation restrictions. This will help the Town to better protect and manage its natural resources and wetland resources areas.

Massachusetts Association of Conservation Commissions to Receive Funding for Horse Management Workshop

M. and C. LOVE

Wetlands Protection

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

Municipal Water Supply Staff to Receive Training on Water Treatment Systems

CITY OF CAMBRIDGE

Drinking Water

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

River Coalition to Receive Funding for Stormwater and Low Impact Development Outreach Program

LEDGECREST, Inc.

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 provide funding to the Blackstone River Coalition to support a Stormwater and Low Impact Development Outreach Program.

Emergency Management Agency and Fire Department to Receive Laminated Emergency Planning Maps

E.B. LUCE CORPORATION

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 fund production of laminated emergency planning maps for the Worcester Emergency Management Agency and the Worcester Fire Department.

Mass Audubon Society to Receive Funding for Storm Water Runoff Outreach Project

SCP FAMILY LIMITED PARTNERSHIP

Wetlands Protection

SCP Family Limited Partnership engaged in unpermitted land clearing, which resulted in silt-laden runoff discharge, and damage to gradient streams, the Blackstone River and flood control aqueducts in Worcester and Auburn. To settle the case, SCP agreed to assist the Mass Audubon Society to develop and implement an outreach project for homeowners and small farmers that will allow them to properly manage storm water runoff, thereby mitigating the discharge of pollutants in the Blackstone River.

City to Advise Other Municipalities on Importance of Compliance with Waste Site Cleanup Regulations

CITY OF TAUNTON

Waste Site Cleanup

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

Auto Salvage Business to Develop and Implement Industry Best Management Practices

STEWART'S AUTO SALVAGE, LLC

Solid Waste

Hazardous Waste

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 develop and implement Best Management Practices for auto recycling and junkyards.

Company to Conduct Employee Training, Case-Study, and Seminar on Hazardous Materials Spills, and Springfield Fire Department to Receive Funding

FRIENDLYS ICE CREAM CORPORATION

Hazardous Waste

Following a sulfuric acid spill at its wastewater treatment plant in Springfield, Friendlys Ice Cream Corporation agreed to re-train its employees on reporting oil and hazardous materials spills, and also to 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 towards 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.

Company to Switch Over to Clean Power

J.P. ROUTHIER & SONS, Inc.

Air Quality

J.P. Routhier & Sons, Inc. agreed to replace its diesel engine-generated power with electric line power distributed from the street. This is in settlement of a case involving the air quality violations in which the company installed and operated internal combustion engine generators for years without required approval.

Historical Building to Receive Insulation Overhaul

HOPEDALE INDUSTRIAL CENTER, LLC

Asbestos

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

Schools and Water Treatment Plant to Receive Water Quality Testing

TOWN OF BILLERICA

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 commitments are part of a case involving Billerica failure to obtain various water discharge permits and failure to adequately monitor and report on its wastewater treatment plant.

Brush and Wood Chips from Roadway Maintenance Projects and Library Materials to be Collected and Processed

PINETREE POWER FITCHBURG, LLC

Air Quality

After violating emission limits for various air pollutants by burning wood chips, landfill gas, and paper cubes, Pinetree Power Fitchburg, LLC agreed to perform collect and process brush and wood chips from various local roadway maintenance projects.

Taunton River Watershed Alliance to Receive Funding for Water Quality Project

WAYSIDE FARMS (CAVENDISH PLACE LLP)

Clean Water Act

Wayside Farms agreed to assist the Taunton River Watershed Alliance financially with their ongoing Water Quality Project for the Taunton River. This is part of the settlement of case involving Wayside's failure to obtain final plan approval for its permit prior to constructing its wastewater treatment facility in East Bridgewater.

Company to Retrofit Diesel Truck Fleet to Reduce Air Pollution

NESTLE PREPARED FOODS COMPANY

Air Quality

Nestle Prepared Foods Company agreed to retrofit certain diesel trucks associated with its Haverhill business to reduce air pollution. This is part of a larger settlement related to Nestle's acquisition of Joseph's Pasta Company's assets, which included a facility containing five volatile compound emitting steam kettles.

Invasive Vegetation to be Removed

CURTIS HILL ESTATES, Inc.

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, among other things, develop of a Phase II Storm Water Management Plan and also to conduct a storm water outfall sampling plan. Additionally, they will assist Charlton Heritage Preservation Trust with the removal of invasive wetlands species called Asiatic Bittersweet.

Town to Educate Other Municipalities on Preventing Over Feeds Into Municipal Water System

TOWN OF SPENCER

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 develop a report titled Lessons Learned that will be distributed to other municipalities to assist in preventing similar feed events.

Town to Receive Improved Recycling Capabilities

R. BATES & SONS, Inc.

Solid Waste

Following improper disposal of solid waste materials, Clinton-based contractor R. Bates & Sons, Inc. agreed to pay for a development and implementation of a plan to improve recycling practices at the Town of Clinton's Department of Public Works Yard.

Company to Conduct Public Training Sessions on Proper Treatment of Wastewater

CLEAN MACHINE POWER WASH, INC.

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 develop and conduct public training sessions in Hampden and Berkshire County on proper treatment of waste wash water.

Concrete Facility to Construct Protective Vegetation Buffer on Monatiquot River Bank

GRAZIANO, Inc. and M&G REALTY TRUST

Clean Water Act

Wetlands Protection

Solid Waste

Graziano, Inc. agreed to construct 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.

MBTA to Provide Funding to South Boston Asthma Control Program

MASSACHUSETTS BAY TRANSPORTATION AUTHORITY

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 direct monies to the South Boston Asthma Control Program.

Westport River Watershed Alliance to Receive Funding

JOEL ALVORD

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 provide funding to the Westport River Watershed Alliance to assist their work in wetlands and waterways.

State University to Conduct Asbestos Awareness Trainings and Replace Inefficient Traffic Lights With Energy Saving LED Lights

UNIVERSITY OF MASSACHUSETTS/AMHERST

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.

Company Pays to Educate Public on Waste Oil Handling

JIFFY LUBE INTERNATIONAL, Inc.

Hazardous Waste

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 pay for an 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.

Town to Train Employees on Proper Stream Management and Drainage Channel Maintenance

TOWN OF AMESBURY

Wetlands Protection

For excavating within streams without any permits, the Town of Amesbury entered into a Consent Order that includes development and adoption of a training program for its public works employees on proper stream management and drainage channel maintenance.

Company to Purchase Leak Detection Equipment for Massachusetts Rural Water Association

MONTEREY WATER COMPANY

Drinking Water

After it was discovered that the Monterey Water Company had an unauthorized connection of an emergency surface water source to its system, the company agreed to purchase leak detection equipment for the Massachusetts Rural Water Association, which provides technical assistance to small community public water systems.

Cranberry Company to Improve Environmental Performance of Bogs

DECAS CRANBERRY COMPANY, Inc.

Wetlands Protection

Water Management

In settlement of various wetlands and water management act violations, Decas Cranberry Company, Inc. agreed to increase the environmental performance of its bogs, including erosion control, renovation and installing a 'clean electricity' pump as part of its standard operation.