



## Department of Environmental Protection

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### June 2018

6/29/18: MassDEP entered into a Consent Order with a \$4,500 Penalty involving North Properties, LLC for Waste Site Cleanup violations at 53-63 Wingate Street in Haverhill, specifically, failure to meet deadlines.

MassDEP previously issued a Notice of Noncompliance on 3/16/17 to the owner, requiring the submittal of a cleanup permit extension by 6/29/18, and thereafter cleanup status reports on 10/29/18, 3/29/19 culminating with a permanent or temporary solution statement for this site, which meets the requirements by 10/30/19. This site is a commercial office building and has been listed with MassDEP since 2010. Today's Order requires the payment of the Penalty with a stipulated penalty provision for any missed deadlines.

6/29/18: MassDEP entered into a Consent Order with a \$12,500 Penalty involving 60 Cross Street Investment, LLC for Waste Site Cleanup violations at 60 Cross Street in Somerville. MassDEP was not notified of contaminated soil on the property within 120 days of knowledge as required by the regulations. Contamination was identified on the property during an assessment of the property in September of 2017. MassDEP was notified on 6/5/17. 60 Cross Street Investment, LLC has agreed to pay \$2,000, with MassDEP agreeing to suspend \$10,500. The large block is being developed into commercial and residential units with plans for 75 housing units at the site.

6/29/18: MassDEP issued 27 Notices of Noncompliance in June to facility owners/operators for Underground Storage Tank violations for failure to have UST third-party inspections (TPIs) performed. Three Notices of Noncompliance for not submitting TPI Return to Compliance Reports, and ten for not completing Compliance Certifications by their respective due dates through 5/31/18. The violators have been given 45 days to return to compliance. Those entities that fail to meet compliance will be subject to

additional enforcement measures, including financial penalties. More information: <https://www.mass.gov/guides/massdep-underground-storage-tank-ust-program>

6/29/18: MassDEP entered into a Consent Order with an \$18,400 Penalty involving a multi-family residence at 36 Ellis Street in Brockton for Asbestos violations. The Order involved Adelino Vicente, who is a licensed real estate broker. The Brockton Fire Department notified MassDEP that an above-ground heating oil storage tank (AST) was removed from the property without a permit and that an oil stain was observed on the basement floor. The BFD also reported that they observed evidence of potential mishandling of asbestos-pipe insulation in the basement. MassDEP inspected the property and observed an abandoned suspect asbestos-insulated boiler and piles of loose pipe insulation and debris located on the floor throughout the northern half of the basement that appeared to have originated from former steam heating pipes. Laboratory analysis of samples confirmed that the insulation contained 40-75% chrysotile asbestos. In addition to the Penalty, a Supplemental Environmental Project (SEP) valued at \$13,800 will be implemented to develop and provide information on asbestos regulations in an easily readable format translated into Spanish and Portuguese. The documents will be distributed to homeowners and realtors in the Brockton area and will be provided to MassDEP to make publicly available on its website.

6/29/18: MassDEP entered into an Amendment to a Consent Order with an \$8,500 Penalty involving Lighthouse Environmental Management, LLC, Randy Jordan and Brian Jordan agreed to revise the terms of the compliance Order that is being used to regulate the import of large quantities of soil and fill materials to level an agricultural field in Rutland. Today's Amendment includes a number of operational and reporting changes that more closely align with the provisions applied in other similar projects in the Commonwealth. The Jordans and Lighthouse agreed to sign an Amendment to the compliance and to conduct a Supplemental Environmental Project, for the benefit of the Town of Rutland, to mitigate the Penalty. The project is approximately 80% complete.

6/28/18: MassDEP entered into a Consent Order with First Parish of Bolton for Waste Supply violations in Bolton. First Parish of Bolton had been operating an unapproved public water system. The space at the church is used for public functions and a preschool that operates Monday through

Friday. Today's Order authorizes the First Parish of Bolton to continue to use an existing on-site well, hire a certified operator, conduct routine water quality monitoring, and fulfill all the other requirements of similar public water systems pursuant to state regulations.

6/27/18: MassDEP entered into a Consent Order with 79 Hammond Street Realty Trust and CLM Development, LLC for environmental violations in West Bridgewater. MassDEP's Solid Waste Program entered into today's Order for a residential construction site located at 144 and 154 Lincoln Street. MassDEP observed loaded trucks leaving a location on Pleasant Street where the materials were being illegally processed and stored, and also observed the trucks depositing the materials at the site on Lincoln Street. The materials are known to contain asbestos, painted and coated asphalt, brick and concrete materials.

6/27/18: MassDEP entered into a Consent Order with a \$13,000 Penalty involving Zeneca, Inc. for Waste Site Cleanup violations in Dighton. Zeneca, Inc. had failed to submit a Release Abatement Measure (RAM) plan prior to conducting response actions. Excavation and stockpiling of soil contaminated with chlorobenzene began on 8/26/1, but the Release Abatement Measure (RAM) plan was submitted after the fact to MassDEP the following month on 9/20/17.

6/25/18: MassDEP entered into a Consent Order with the town of Hanover for the exceedance of its Water Management Act authorized volumes. The Order includes a suspended penalty and stipulated penalties that may be assessed if Hanover fails to comply with the requirements. The Order requirements include implementing and enforcing nonessential water use restrictions; implementing more frequent leak detection; repair, replacement and recalibration of customer and master meters; conducting a water audit and implementing the auditor's recommendations; additional monitoring of Third Herring Brook; and, the development of a Water System Master Plan.

6/22/18: MassDEP entered into a Consent Order with Liberty Utilities Corp. to re-establish Waste Site Cleanup compliance deadlines for the cleanup of a former manufactured gas plant in North Attleboro. The company's submittal of the phase four (remedy implementation plan) and the schedule for site closure were delayed due to access issues and negotiations with

private property owners. Under today's Order, the final site closure is expected on or before 1/1/22.

6/21/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Cumberland Farms, Inc. for Waste Site Cleanup violations at Center Street in Middleboro. The company has been assessing and remediating a release of gasoline that originated from their former facility on Center Street. During the assessment, it was identified that gasoline vapors were impacting neighboring residential properties, resulting in the need for an Immediate Response Action (IRA) to address the critical exposure pathway. In May 2017, Cumberland Farms filed a completion statement that did not properly document that the Critical Exposure Pathway had been eliminated or mitigated to the extent feasible. On June 21, 2018, BWSC entered into an ACOP with Cumberland Farms, Inc., for the violation where Cumberland Farms agreed to a \$10,000 penalty and to re-initiate Immediate Response Actions at the Site.

6/19/18: MassDEP entered into a Consent Order with a \$4,600 Penalty involving the town of Dunstable for Water Supply violations. Dunstable failed to operate and maintain its public water system in a manner that ensures the delivery of safe drinking water. Dunstable serves a population of 660 during the winter months and a population of 227 during the summer months. Today's Order requires Dunstable to replace two outdated hydro-pneumatic storage tanks that are not functioning properly with a new above ground storage tank. The new storage tank and upgrades to its distribution system will ensure adequate supply, proper pressure, and consistent chemical dosing of its corrosion control system. The entire \$4,600 Penalty will be suspended provided compliance with the terms.

6/15/18: MassDEP issued a \$3,921 Penalty Assessment Notice to Daniel Messier for Asbestos violations in Easthampton. Messier was issued the Notice for failing to comply with a Unilateral Order involving a former mill complex at 1 Ferry Street in Easthampton. Specifically, that Order, which was appealed and upheld, requires the removal of onsite solid waste and proper management of asbestos debris.

6/14/18: MassDEP issued a Unilateral Order to Falmouth Laundromat for Wastewater Management violations in Falmouth. MassDEP issued a Cease and Desist Order to the Falmouth Laundromat for a failed infiltration

system that was discharging laundromat waste to the surface and across a parking lot in a mixed commercial/residential area.

6/13/18: MassDEP issued an Amendment to a Consent Order with a \$60,000 Penalty involving Durant Realty Trust, Stead Realty Trust and Leahy Excavating Company, Inc. for Waste Site Cleanup violations in Holden. The Amendment extends the deadline for submitting a Permanent (or Temporary) Solution statement. Initially, during 1996, a release of chlorinated solvents was discovered at the Durant property in Holden. In 2009, the potentially-responsible parties entered into a settlement agreement with the Attorney General's Office, and paid a penalty of \$60,000 but failed to meet the Agreement's deadlines due to inability to gain access to an abutting property to delineate groundwater contamination. At the AG's request, the potentially responsible parties in this case agreed to a Consent Order with MassDEP in 2016 to establish new deadlines for the submittal of a solution statement. MassDEP then issued a Notice of Responsibility to the downgradient abutter following several attempts to negotiate reasonable access. Today's Amendment requires submittal of this temporary (or permanent) solution by June 2019.

6/13/18: MassDEP entered into a Consent Order with a \$1,000 Penalty involving both Beaumont/Whitney Place Northbridge Inc. and McKendall & Associates, Inc. for Asbestos violations that occurred during renovation at a long-term care facility in Northbridge. The property owner, Beaumont/Whitney Place Northbridge Inc., retained McKendall & Associates, Inc., a damage restoration company, to renovate the occupied areas of the facility damaged by a water leak. Neither Beaumont/Whitney Place Northbridge Inc. nor McKendall & Associates, Inc. retained a licensed asbestos inspector to assess the areas to be renovated for asbestos-containing materials prior to commencing renovations as required by MassDEP regulations. MassDEP's subsequent asbestos-survey did not identify any asbestos-containing materials. The violation was discovered during a September 2017 inspection by MassDEP who were following up on a complaint of an improper asbestos removal.

6/12/18: MassDEP entered into an Amendment to an existing Consent Order with the town of Hanover for Drinking Water violations. The terms of the Amendment pertain to the town's efforts to control disinfection byproducts in the town's drinking water supply. The amendment extends the timeline to allow long-term control measures to be implemented. The

town has received permit approvals to construct significant renovations to each of its three water treatment plants.

6/12/18: MassDEP issued a Unilateral Order to Spindle City Homes, Inc. for Asbestos violations at 726 Hicks Street in Fall River along with a separate Order to the demolition contractor (Richard Miranda Construction Company, Inc.) for violations during the demolition of a former school building located in a heavily populated area. Based on sampling and observations made during an inspection on 6/5/18, MassDEP determined that dry asbestos debris was present in demolition debris. Today's Order direct the owner and the contractor to cease and desist from any additional demolition/asbestos removal and/or handling activities and to immediately stabilize the site to prevent a condition of air pollution.

6/8/18: MassDEP was notified by the Office of the Massachusetts Attorney General that a Consent Judgment was found relative to the disposal of solid waste in wetlands on the property of Russell and Karen Mehl by Russell Mehl and Legend Lawn Care, Inc. of Westfield. The materials disposed of at the site included sand and woodchips mixed with aluminum oxide generated by Micro Abrasives Corporation, an abrasives manufacturing company, also of Westfield. The Micro Abrasives material was provided to Mehl by Truck Crane Service, Inc., an excavation and trucking company in Westfield. The defendants will pay a total of up to \$55,000 in Penalties to the state. The Mehls and Legend Lawn Care will restore approximately five acres of wetlands, 3,466 feet of stream bed, and two acres of associated buffer zone to their prior condition. The Mehls will also place the restored areas and additional land, totaling 34 acres, under a conservation restriction, requiring it to remain in its natural state and open to the public in order to offset damage to and permanent loss of the wetlands on the property. Truck Crane Service and Micro Abrasives Corporation will assist with the clean-up and contribute \$25,000 to pay for professional oversight of the clean-up. Micro Abrasives will also pay a \$10,000 penalty, and Truck Crane Service will pay a \$45,000 penalty, reduced to \$25,000 with the successful completion of its role in the clean-up.

6/6/18: MassDEP entered into a Consent Order with a \$12,500 Penalty involving Reading MKM, LLC for Waste Site Cleanup violations. The LLC failed to notify MassDEP of contamination found within the 120 days of knowledge at a property located at 39-41 Lincoln Street and 2-12 Prescott

Street in Reading. Reading MKM LLC assessed the property prior to purchasing it on 6/15/17. MKM notified MassDEP of the release on 2/26/18, more than 120 days after it purchased the property, had knowledge of the release, and was required to notify but failed to do so. Reading MKM LLC has plans to build 80 residential units on the property. Reading MKM LLC has agreed to pay \$4,000 of the Penalty and MassDEP has agreed to suspend the remaining \$8,500 pending compliance.

## **May 2018**

5/29/18: MassDEP entered into a Consent Order with a \$31,000 Penalty involving BMS Realty Trust for Waste Site Cleanup violations at 3380-3390 Washington Street in Jamaica Plain (Boston). The contamination on site was discovered during refinancing as per due diligence required by the bank. The specific violations that pertain to today's Order include failure to meet deadlines established under state regulations that had already been set out in a previously issued notice of noncompliance dated 9/17/14. Today's Order sets forth the agreed conditions with BMS Realty Trust required to submit a tier classification extension (essentially a permit to continue cleanup) by 5/31/18 as well as a phase four report (remedy implementation) by 1/30/19, followed by a permanent solution statement or a temporary solution statement by 5/15/20. Currently the site is occupied by a party goods distributor. There are plans to convert the property for residential use. Under today's Order, BMS has agreed to pay \$4,000 of the Penalty with \$27,000 suspended with a stipulated penalty provision for any missed deadlines.

5/29/18: MassDEP entered into a Consent Order with a \$1,608 Penalty involving the town of Berlin relative to Water Supply violations, specifically the operation of an unapproved public water system associated with its library. Today's Order authorizes the town to utilize an existing on-site well, hire a certified operator, conduct routine water quality monitoring, and fulfill other relevant requirements. In addition, the town is required to conduct a Title 5 (septic system) inspection of its on-site sewage disposal system and evaluate the feasibility of installing bedrock well to replace the existing source. The Penalty will be suspended provided full compliance with today's Order.

5/25/18: MassDEP entered into a Consent Order with a \$14,050 Penalty involving American Environmental Consultants, Inc. for Asbestos violations

in Weymouth. Initially, the Weymouth DPW facility was upgrading a heating system throughout the first floor that included the abatement of asbestos pipe insulation prior to removal of heating pipes. MassDEP's initial site visit was in response to an emergency waiver request from American to decontaminate the Highway Department Stock Room that was impacted by damaged asbestos-containing pipe insulation left on a pipe in a previously abated area that was cleared by American. MassDEP inspected the remainder of the DPW facility and identified residual debris from asbestos-containing pipe insulation in 17 of 22 rooms throughout the first floor. The asbestos abatement work was performed by another asbestos consultant and each work area was cleared by American. During the decontamination of the DPW Facility, there were several instances where MassDEP observed remaining visible asbestos debris in a work area that was cleared by American. The company will pay \$8,700 of the Penalty, and MassDEP has agreed to suspend \$5,350 provided American does not violate the regulations within a year.

5/22/18: MassDEP entered into a Consent Order with a \$17,500 Penalty involving the city of Easthampton Water Department for Water Supply violations, specifically the failure to meet implement cross-connection control program including device testing requirements. The city has agreed to promptly come into compliance with cross connection control program and MassDEP has agreed to suspend \$12,500 of the Penalty.

5/17/18: MassDEP entered into a Consent Order with an \$11,344 Penalty involving Bemis Associates, Inc. for Air Quality violations in Shirley. MassDEP conducted a multimedia inspection on 6/2/17 and observed violations of the Air Quality and Hazardous Waste Management regulations and observed at the company's plastic coating facility that it was exceeding the approved limit on volatile organic compounds (VOCs) content in its resins. In addition, the facility was generating more hazardous waste than for which it had registered. The company also failed to notify of its hazardous waste activity at an adjacent facility, to log hazardous waste accumulation area inspections and to post emergency response information. The company has now corrected the hazardous waste violations and will be applying for a new air permit. The company will pay \$2,836 of the Penalty and will be conducting a Supplemental Environmental Project (SEP) that will consist of purchasing four communication radios for the Shirley Fire Department at a cost of \$10,789 (\$8,508 of which will be creditable toward the total Penalty).



5/16/18: MassDEP issued a Unilateral Order to Performance Building Co., Inc. for Asbestos (Air Quality) violations in Holbrook. During multiple inspections, MassDEP observed dry asbestos debris inside the building and on the surrounding ground including the windows and openings of the contaminated building that were not sealed and resulted in violations of the Air Quality regulations. Today's Order directs Performance to cease and desist from conducting any additional asbestos removal and/or handling activities, except for work practices that have been approved under a Non-Traditional Asbestos Work Plan. Under that plan, the company must seal all openings, secure site access from the public and provide a comprehensive plan to decontaminate the site.

5/17/18: MassDEP issued a Cease-and-Desist Order to Del Monte Fresh Produce for Wetlands violations in Canton. The Order includes a Request for Information under the Clean Waters Act regarding a discharge that occurred from waste organics generated by the facility. The wastewater contains solids and was discharged into the stormwater system which eventually discharges into a wetland area and possibly the Neponset River.

5/17/18: MassDEP issued Water Supply violation Order to the Stoughton Water Department (non-boil) requiring Public Notice. The system serves a population of approximately 26,962 and received notification from their analytical laboratory that a routine raw water sample collected on 5/16/2018 from its Muddy Pond source had tested positive for both total coliform and E.coli. Samples collected on the same day from the Muddy Pond finished water, and from the distribution system were all absent the bacteria. The system chlorinates, but is not state certified for 4-log disinfection (99.99%) at this source. The source was taken off-line. Pursuant to the requirements of the Groundwater Rule, the system issued a Non-Boil Public Notice within 24 hours on 5/18/2018. In addition, the system collected the required 5 repeat samples from the source. On 5/19/2018 the system reported that the 5 repeat samples had all tested absent for E.coli, and that they intended to bring the source back online on Monday 5/21/18. No additional corrective actions are required at this time.

5/25/18: MassDEP entered into a Consent Order with a \$14,050 Penalty involving National Abatement, Inc. for Asbestos (Air Quality) violations in Weymouth. The Weymouth DPW Facility recently upgraded a heating system throughout the first floor that included the abatement of asbestos pipe

insulation prior to removal of the heating pipes. MassDEP's initial site visit was in response to an emergency waiver request from to decontaminate the Highway Department Stock Room that was impacted by damaged asbestos-containing pipe insulation left on a pipe in a previously abated area that was cleared by another company. MassDEP inspected the remainder of the DPW facility and identified residual debris from asbestos-containing pipe insulation in 17 of 22 rooms throughout the first floor. The asbestos abatement work was performed by National and each work area was cleared by an asbestos consultant. During the decontamination of the DPW Facility, there were several instances where MassDEP observed remaining visible asbestos debris in a work area that was decontaminated and cleared by the previous company. MassDEP assessed a \$14,050 penalty for the violations and agreed to suspend \$5,350 provided National does not violate the air pollution regulations within a year. The remaining \$8,700 will be paid in four installments over the course of a year.

5/22/18: MassDEP entered into a Consent Order with a \$30,000 Penalty involving 801 College Highway LLC for Waste Site Cleanup violations in Southwick. The LLC is based in North Easton, Massachusetts and is the operator of a gasoline service station at 801 College Highway in Southwick. On 6/27/17, MassDEP was notified of a release of gasoline at the site that was detected at the time of removal of underground storage tanks. The company undertook response actions to address the release and submitted the initial Immediate Response Action plan. However, the company failed to submit the Immediate Response Action status report that was due on or about 11/24/17, and failed to respond when MassDEP issued a Notice of Noncompliance on 1/23/18. In order to resolve the violation the company has agreed to submit the required Immediate Response Action status report within thirty days and submit a Permanent Solution or Tier Classification (essentially a score ranking the level of contamination in need of cleanup action) and do so by 7/27/18. MassDEP agreed to suspend \$27,000 of the Penalty provided the company fully complies with the terms of today's Order.

5/23/18: MassDEP issued an \$860 Penalty Assessment Notice to Rene Gauthier for Air Quality violations in Southampton. The violation involved open burning of wood and construction and demolition (C&D) material at his property located at 82 Pequot Road in Southampton. This case was referred to MassDEP by the Southampton Fire Department.

5/23/18: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Andrew Tanner and Ahreum Han-Tanner for Waste Site Cleanup violations in Marlborough. The Tanners had failed to notify MassDEP of a release of fuel oil, failure to conduct an Immediate Response Action, and causing an unpermitted surface water discharge by flushing the oil into a floor drain that discharged to a stormwater drainage swale. The discharge was from the basement oil tank of their residence in Marlborough. They have agreed to pay a penalty of \$3,000 and have already completed the cleanup of the oil spill.

5/29/18: MassDEP issued a Unilateral Order and \$3,220 Penalty Assessment Notice to Frank Linhares, Jr., d/b/a Linhares Excavating, for Waste Site Cleanup violations on Interstate 495 in Hopkinton. The violations centered on a diesel fuel release from his commercial vehicle. MassDEP's contractor addressed the spill, but Linhares failed to submit a response to a MassDEP Request for Information and failed to submit a Release Notification Form, an Immediate Response Action plan, and a Tier Classification submittal in violation of the Waste Site Cleanup regulations. MassDEP previously issued a written Notice of Noncompliance and was later unsuccessful in the attempt to settle the matter. The failure to submit required documents has resulted in Linhares being issued today's Order to submit the specified documents and take actions to complete the Waste Site Cleanup process.

5/15/18: MassDEP entered into a Consent Order with the New Bedford Department of Public Works for Underground Storage Tank violations. The DPW is in noncompliance with the Underground Storage Tank regulations that were observed during a compliance inspection. Today's Order requires the removal of the non-compliant single wall steel USTs at the city's DPW yard.

5/16/18: MassDEP entered into a Consent Order with the Cape Point Motel for Title 5 (septic system) violations in Yarmouth. Today's Order allows for the motel to perform temporary repairs to a failing subsurface sewage treatment and disposal system while determining a longer-term solution that may include full compliance with Title 5 as a Large System, obtaining a groundwater discharge permit or connecting to town sewer if it should become available.

5/8/18: MassDEP entered into a Consent Order with a \$38,480 Penalty involving Mitrano Removal Services, LLC for Waste Site Cleanup violations at the Bromfield School in Harvard. The violations involved reporting and response action requirements under the Massachusetts Contingency Plan arising out of a hydraulic oil release from a company truck at a public school. The company has agreed to pay the \$38,480 Penalty and to provide training for its employees regarding reporting and response requirements for oil and hazardous materials releases in Massachusetts.

5/2/18: MassDEP issued a Demand for \$5,190 Penalty to 1470 Main Street LLC, for Wetlands violations in Tewksbury. The Demand for Penalty was for failure to meet the agreed terms in a Consent Order that was reached in November 2017 relative to the company's Wetlands violations in Tewksbury. The Order, in part, required that the site be stabilized and erosion controls be maintained, and, further that compliance with all conditions of the Superseding Order of Conditions be met. In April of 2018, MassDEP staff conducted inspections of the site and observed lack of adequate erosion controls, slope slumping, unstable soil, eroded rock and silt filling a stream and Bordering Vegetated Wetland replication area, and, sedimentation to a stream from a constructed stormwater system.

5/15/18: MassDEP entered into a Consent Order with a \$6,000 Penalty involving the city of Methuen for Underground Storage Tanks violations. The city failed to remove six (6) single wall steel underground storage tanks by the 8/7/17 deadline. The city owns and operates six UST systems containing diesel fuel for back-up power at six different wastewater pumping stations throughout the city. MassDEP reached out to the city prior to the deadline, but the city failed to take the tanks Temporarily out of Service (TOS), which would have allowed them until 7/1/18 to remove the tanks. MassDEP verified on 10/11/17 that the city had neither removed the SWSTs nor taken TOS. Today's Order now requires the city to remove all of the tanks within sixty (60) days of the effective date of today's Order with \$3,000 paid and \$3,000 suspended, provided compliance with all the terms of the Order and the regulations for a period of one year. The city has submitted documentation indicating that all of the tanks were removed by 4/3/18.

5/1/18: MassDEP entered into a Consent Order with the town of Gill to address Water Supply compliance requirements for the treatment of the drinking water at its Public Elementary School. The needed treatment

includes iron and manganese removal and disinfection. Today's Order requires a substantially complete permit application and installation following DEP approval, so this public water system meets minimum drinking water standards.

5/4/18: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Great Barrington Fire District for Water Supply violations in Great Barrington. The District had been operating its public water system with the operator lacking the sufficient grade of license for this system, which was a treatment technique violation. The Fire District agreed to come into compliance with the operator requirements and pay \$500 of the Penalty with \$1,500 suspended pending compliance.

5/3/18: MassDEP entered into a Consent Order with a \$6,325 Penalty involving Anton's Cleaners, Inc. for Industrial Wastewater violations in Marshfield. The company violated its Ground Water Discharge Regulations. A site inspection by MassDEP revealed that they had been discharging industrial wastewater from the wet-washing activities to the on-site septic system and therefore discharging pollutants to ground waters of the Commonwealth without a currently valid permit. In addition to the Penalty, today's Order ensures compliance with the Ground Water Discharge requirements.

5/9/18: MassDEP entered into a Consent Order with a \$42,500 Penalty involving Dean Behrendi for Asbestos violations at 6 Overlook Knoll Road in Mashpee. Behrendi demolished a single family residence despite being aware that the basement contained friable asbestos containing material (ACM) attached to pipes. He did not remove the ACM prior to demolition and disposed of the ACM along with the demolished house. MassDEP responded to a complaint from the Mashpee Fire Department alleging that an above ground oil storage tank had been buried by Behrendi during demolition activities. MassDEP inspected the property and discovered the ACM on top of demolition debris in a roll-off container.

5/9/18: MassDEP entered into a Consent Order with the town of Carver relative to Water Supply compliance at the combined Middle and High School in Carver. Today's Order allows and ensures the town will have additional time to construct a manganese filtration system at the combined Middle and High School. The Amendment requires the Town to complete construction of the treatment system by 8/31/18.

5/9/18: MassDEP issued a Notice of Intent to Issue a Delivery Prohibition (Red Tag) to 55 South Main Street in Cohasset. The Prohibition is to prevent additional delivery of petroleum fuel for dispensing.

5/9/18: MassDEP issued an Order to ensure Low-Sulfur Home Heating Oil. To be consistent with neighboring states and avoid disruption in the regional home heating oil supply chain, MassDEP issued an enforcement discretion directive allowing oil terminals and suppliers an additional six-month “sell through” period for depleting stocks of home heating oil that will not meet a 7/1 deadline for containing no more than 15 parts per million (ppm) of sulfur. MassDEP amended 310 CMR 7.05 to lower the allowable sulfur limit to 500 ppm as of 7/1/14 and 15 ppm this year as part of a multi-state strategy to reduce regional haze. More information:

<https://www.mass.gov/media/1842166>

5/1/18: MassDEP entered into a Consent Order with a \$2,875 Penalty involving Jack Reed for Water Pollution Control violations in Stoughton. Reed had discharged pollutants to the waters of the Commonwealth without a permit. MassDEP responded to a complaint from the town of Stoughton regarding oil in a storm drain system. MassDEP observed an above ground storage tank cut in half and oil on the property owners driveway adjacent to the storm drain system. Reed took responsibility for the oil in the storm drain system and has accepted the penalty amount of \$2,875.00 in addition to conducting response/cleanup actions.

5/1/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Fifth Avenue Realty Trust for Waste Site Cleanup violations at 115 Watertown Street in Watertown. Fifth Avenue Realty Trust is the owner of the property where the specific violations were failure to meet deadlines under the regulations and were stipulated in a Notice of Noncompliance MassDEP issued on 11/21/14, as well as in a Consent Order signed with the responsible party on 10/16/16/. Today’s Order now requires that Respondent shall submit to MassDEP a permanent or temporary Solution for this site, which meets the requirements by 3/14/19. The site is a former gasoline station and is currently an office building. Respondent has sold the site and is currently placing an Activity and Use Limitation on a portion of the property. Respondent and the current owner need time to negotiate the AUL. MassDEP will suspend \$9,000 of that Penalty provided all terms of today’s Order are met. There is also a stipulated penalty provision for any missed deadlines.

## **April 2018**

4/27/18: MassDEP entered into a Consent Order with Nasoya Foods USA for Air Quality violations in Ayer. Under the terms of the Order, Nasoya is permitted to begin construction of a Regenerative Thermal Oxidizer (RTO) to address odor issues at its tofu producing facility in Ayer. Nasoya will submit a Limited Plan Approval for the RTO as well. In addition, Nasoya is required to prepare an Environmental Management System for upgrades to the facility.

4/25/18: MassDEP issued a Consent Order with a \$39,000 Penalty involving Robert Taylor for Wetlands violations in Bolton. Robert Taylor of Greenwich, CT had failed to resolve violations of the Wetlands Protection Act at his property off West Berlin Road in Bolton. MassDEP staff inspected the property in response to a request from the local Conservation Commission and found that Taylor had cleared and altered 780 linear feet of bank, 1.9 acres of Bordering Vegetated Wetlands, consisting primarily of mature woods within Natural Heritage Endangered Species Program (NHESP) priority and estimated habitat. In addition, 18,000 square feet of Riverfront Area were altered without obtaining the necessary Order of Conditions. Taylor has agreed to restore the altered wetland resource areas and to pay \$25,000 of the Penalty with \$14,000 suspended if Taylor complies with the requirements and deadlines established in today's Order.

4/25/18: MassDEP issued a Unilateral Order with Jason LLC for Wetlands violations. Jason LLC was issued the Unilateral Order to cease and desist conducting unpermitted work in areas subject to the Wetland Protection Act at the Grandview Ballroom facility at 106 Uxbridge Road in Mendon. MassDEP staff inspected the property in response to complaints and found that the company had cleared trees and shrubs from approximately one-half acre of land adjacent to Lake Nipmuc, altering approximately 700 linear feet of Bank without filing a Notice of Intent and obtaining the necessary Order of Conditions for this activity. Today's Order also requires the company to retain a wetland specialist to assess the wetland resource area impacts, and submit a plan for returning to compliance by restoring the altered resource areas or, to the extent allowable, obtaining a permit for the alterations.

4/23/18: MassDEP entered into a Consent Order with a \$4,500 Penalty involving Suddekor LLC for Air Quality violations in East Longmeadow. The facility has failed to address the requirement to install the necessary pollution control equipment in a timely manner to remediate a condition of air pollution. Suddekor has agreed to install the required equipment on a short timetable and to pay the full Penalty.

4/20/18: MassDEP issued a Unilateral Order to Esmir Gutic, d/b/a 'Fratelli's Restaurant' for Safe Drinking Water Act violations in Otis. The facility has failed sample the restaurant's water, retain a certified water operator and meet other requirements of the Safe Drinking Water Act. Gutic had reopened a restaurant and is operating a Public Water System but had failed to comply with the requirements for operating a Public Water System.

4/19/18: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Multigrains Realty, LLC for Waste Site Cleanup violations in Lawrence. Multigrains Realty, LLC is conducting cleanup response actions at 13-17 Melrose Street in Lawrence. The company, however, has failed to submit the required immediate response action status reports that are due. Under today's Order, \$5,000 of the Penalty is payable and \$25,000 will be suspended.

4/19/18: MassDEP issued a Boil Water Order to the Trustees of the Reservation for Water Supply violations at Powisset Farm in Dover. The Trustees of Reservations owns and operates a transient non-community public water system at Powisset Farm in Dover. A sample of the well source water collected on April 17 tested positive for E. coli, and total coliform bacteria were detected within the distribution system. The well water is not chlorinated before use, so, in accordance with the Ground Water Rule, MassDEP issued today's Boil Water Order, which required Powisset Farm to issue Public Notice within 24 hours and collect five additional samples of the untreated well water. The Order also required Powisset Farm to inform town officials of the emergency, investigate the incident, collect bacteria samples within their water system, and within 30 days submit an Emergency Response Report. Powisset Farm found and repaired a hole in a weld in the well casing, which may have allowed ponded rainwater to enter the well. The well and water system were then chlorinated, and after 24 hours the lines were flushed.



4/18/18: MassDEP entered into a Consent Order with a \$3,400 Penalty involving Covanta Pittsfield LLC for Solid Waste violations in Pittsfield. Today's Order addresses the tipping/overflow of solid waste outside of the permitted building limits. Covanta has agreed to pay the \$3,400 Penalty and revise its operational practices to ensure future compliance.

4/15/18: MassDEP issued 17 Notices of Noncompliance relative to Underground Storage Tank (UST) Enforcement in April 2018. The UST facility owner/operators were notified for failing to have UST third-party inspections (TPIs), and five were notified for not submitting TPI Return to Compliance Reports, and eight were notified for not completing Compliance Certifications by their respective due dates through 3/31/18. MassDEP has given the offenders 45 days to return to compliance. Those failing to do so will be subject to additional enforcement measures, including financial penalties. More information:

<https://www.mass.gov/guides/massdep-underground-storage-tank-ust-program>

4/13/18: MassDEP entered into a Consent Order with the Trustees of Hampshire College for Water Supply violations regarding the R.W. Kern Center public water system in Amherst. Today's Order addresses the return to active use of the rainwater catchment public water system.

4/11/18: MassDEP entered into a Consent Order with an \$11,000 Penalty involving Inner-Tite Corporation for Hazardous Waste violations in Holden. MassDEP conducted a multimedia inspection on 2/8/17 and observed the violations at the company's manufacturing facility that it was evaporating hazardous industrial wastewater without a license. The company manufactures anti-theft locking devices for utility meters and other devices and was treating wastewater associated with the operations, such as floor wash water, as well as water and coolant mixtures, by evaporating it in a heated tank. The resultant sludge was being shipped off as hazardous waste. The company has corrected the violation and is now limiting the use of the evaporator to only nonhazardous waste water. It has also undertaken water conservation measures. The company will be conducting a Supplemental Environmental Project (SEP). Under this SEP, the purchasing of two water/ice rescue sleds will be undertaken specifically for the Holden fire department at a cost of \$8,245.

4/10/18: MassDEP entered into a Consent Order with a \$29,000 Penalty involving the city of Amesbury for Waste Site Cleanup violations at 16 Water Street in Amesbury. The property is a vacant lot near a park along the river that is used for parking. Specifically, the violations were for failure to submit the numerical ranking relative to the status of the cleanup. A tier classification is due within one year as required by state cleanup regulation and failure to meet deadlines was part of an earlier Notice of Noncompliance MassDEP issued back on 6/29/17. Today's Order now requires \$1,000 of the Penalty to be paid, with \$29,000 suspended, pending compliance. There is also a stipulated penalty provision for any missed deadlines.

4/6/18: MassDEP noted Suffolk Superior Court had allowed the joint motion for entry of final consent judgment as to defendants Veolia Water North America Northeast LLC and Veolia Water North America Operating Services LLC, collectively Veolia Water. This consent judgment requires Veolia Water, the contract operator for the town of Plymouth's wastewater collection system and treatment facility, to pay the Commonwealth \$1.6 million in connection with its alleged failure to properly maintain the system that resulted in discharges of over 10 million gallons of raw, untreated sewage to woodlands, some of which is owned by the state, during the winter of 2015-2016. The complaint also alleged that Veolia Water previously discharged hundreds of thousands of gallons of untreated or improperly treated wastewater into Plymouth Harbor resulting in the temporary closure of shellfish beds, including parts of Kingston Bay and Duxbury Bay, due to high fecal coliform levels. Veolia Water will pay the \$1.35 million civil Penalty and make a \$250,000 payment to the state's Marine Mammals and Fisheries Research and Conservation Trust to fund projects to improve Plymouth's coastal ecosystem. According to the Massachusetts Attorney General's Office, this \$1.6 million settlement is believed to be the largest ever paid for such alleged violations of the Massachusetts Clean Waters Act.

4/3/18: MassDEP issued a Declaration of a Water Emergency to the Massachusetts Department of Conservation and Recreation for the public water system at Dubuque State Forest in Hawley. The Declaration allows for DCR to make bulk water available to persons present at the public water system prior to completing the necessary improvements.

4/3/18: MassDEP entered into a Consent Order with the Somerset Water Department for Water Supply violations in Somerset. The Water Department violated locational running annual averages for total trihalomethanes. (TTHM's). TTHM's are disinfection byproducts resulting from reactions between chlorine and dissolved organic material. Today's Order establishes a schedule requiring a short-term response, engineering analysis, and long-term corrective actions.

4/3/18: MassDEP issued a Unilateral Order and Notice of Intent to assess a \$33,000 Civil Administrative Penalty to Airfreight Express Corp. for Waste Site Cleanup violations in Hopkinton. The violations alleged are in connection with a diesel fuel release from the company's motor vehicle at the northbound onramp to Route 495 in Hopkinton. The Department previously issued a written Notice of Noncompliance and was later unsuccessful in the attempt to settle the matter of the company's failure to submit documents and take actions to address the release. In addition to the Penalty, the company has been ordered to submit documents and take actions to address the release.

### **March 2018**

3/30/18: MassDEP entered into a Consent Order with a \$23,000 Penalty involving Worcester Country Club Acres, LLC, for Wetlands violations in Worcester. The violations were associated with the construction of a condominium complex near Poor Farm Brook in Worcester. The company did not comply with its local Order of Conditions, including failing to maintain erosion and sedimentation controls. As a result, sediment discharges from the project altered approximately 3,000 square feet of bordering vegetated wetland. Sediment discharges also altered the 'bank' of Poor Farm Brook and entered the brook itself, which is a cold water fish resource. The company has submitted a restoration plan, and has agreed to restore the wetland resource areas and pay the full \$23,000 Penalty.

3/29/18: MassDEP entered into a Consent Order with a \$16,750 Penalty involving National Lumber Company for Waste Site Cleanup violations in Mansfield. The company failed to notify a release of oil greater than the reportable quantity, and they failed to undertake investigative and assessment actions of sufficient scope to guide appropriate response actions at the site. On 6/27/17, an estimated 500 gallons of diesel fuel was released after a forklift was left unattended and overfilled. The release

impacted paved surfaces and the site's storm water system. National Lumber Company personnel had knowledge of the release but failed to notify MassDEP within two hours as required by the state regulations. Today's Order requires payment of \$15,750 payable with \$1,000 suspended, provided all terms of the Order are met.

3/29/18: MassDEP entered into a Consent Order with Borges Brothers Inc. for Underground Storage Tank violations in Freetown. Borges Brothers Inc. failed to remove three single walled steel underground fuel storage tanks by 6/1/18, and update the UST Data Management System by the same date. Today's Order extends the deadline previously established.

3/28/18: MassDEP entered into a Consent Order with a \$30,000 Penalty involving CAPS Auto Wrecking Corp. for Waste Site Cleanup violations at 1069 Western Ave (rear) in Lynn. CAPS is the owner of the property where the violations include failure to meet deadlines that MassDEP had previously established in a Notice of Noncompliance dated 3/3/1, and subsequently a Consent Order dated 11/4/13. Today's Order requires that CAPS submit to MassDEP a permanent or temporary solution for the site, which meets the requirements or, if appropriate, a remedy operation status submittal, which meets the requirements by 8/11/19. The site was a junk yard and is currently used for auto repair and parking. Today's Order requires the payment of a \$4,000 and MassDEP agrees to suspend \$26,000 provided all the terms are met, and contains a stipulated penalty provision for any missed deadlines.

3/26/18: MassDEP entered into a Consent Order with a \$1,035 Penalty involving Millennium Power LLC, for Hazardous Waste Management violations in Westfield. Millennium Power is a valve repair and fabrication shop located in Westfield. MassDEP discovered during an inspection that the company failed to comply with the applicable hazardous waste accumulation standards and was generating hazardous wastes and waste oil in excess of its registered status. The company has agreed to pay the full \$1,035 Penalty.

3/23/18: MassDEP was notified that the joint motion filed in Suffolk Superior Court by the Commonwealth through the Attorney General's Office had resulted in an approved consent judgement. The judgement involves E&F Environmental Services, a New Hampshire asbestos abatement contractor licensed in Massachusetts and Frank Balogh is

E&F's co-owner and manager. New England Builders and Contractors (NEB) is a Methuen general contractor. TRC Environmental Corp is formerly Covino Environmental Associates (TRC), and Blackstone Architects, Inc. (Blackstone). The judgment allowed by the Court settles claims by the AG and MassDEP that the four companies violated the state's clean air law and regulations governing the removal, handling storage and disposal of asbestos containing material and asbestos containing waste material while working on renovations at the Salem housing facility, Pioneer Terrace. The consent judgment also resolves claims that Blackstone and NEB violated the state's False Claims Act when they submitted claims for payment to the Salem Housing Authority, certifying that the improper work was completed in compliance with state law. The consent judgment also resolves claims that E&F violated the state's clean air law and regulations governing the handling of asbestos while performing work at a multi-family residence in Medford. The consent judgment requires TRC to pay a civil penalty of \$60,000 and retrain staff through attendance at the Massachusetts Division of Labor Standards (DLS) training class. Blackstone will pay a civil penalty of \$45,000. NEB will pay a civil penalty of \$70,000, with an additional \$15,000 suspended and waived if staff complete the "Foreman's Course" at a DLS training class. E&F and Balogh will pay a civil penalty of \$130,000 with an additional \$20,000 suspended and waived if all employees complete the "Foreman's Course" at a DLS training class. Since both the Pioneer Terrace site and the Medford residence were remediated, no other injunctive relief was sought.

3/22/18: MassDEP entered into a Consent Order with a \$29,904 Penalty involving P.J. Keating Company for Air Quality violations in Lunenburg. The company's permit violations related to excessive dust and odor and missing pressure monitoring equipment. MassDEP also observed an unpermitted discharge of vehicle wash water and dust suppression water to a stream. Observations were made during a stack test in October 2016 and a follow-up visit in November 2016. The company will be required to develop and submit dust and odor minimization plans, install the pressure monitoring equipment on the asphalt particulate cyclone, and to submit a report on its best management practices for controlling industrial wastewater.

3/21/18: MassDEP issued a Unilateral Order to Northern Tree Service, Inc. for Wetlands violations in Springfield. Northern Tree Service of Palmer must cease and desist from discharging sediment to resource areas and to

stabilize its work site. Northern is performing maintenance and repair of the Lower Van Horn Park dam in Springfield.

3/21/18: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Electros witch Switches & Relays for Hazardous Waste violations in Rockland. A multi-media inspection by MassDEP revealed that there was a failure to conduct the necessary annual personnel training on hazardous waste management procedures. In addition, Electros witch failed to maintain a complete personnel training plan available on-site at the time of inspection by MassDEP. Today's Order ensures compliance with the Hazardous Waste requirements.

3/19/18: MassDEP entered into a Consent Order with a \$140,910 Penalty involving NASDI, LLC for Asbestos, Solid Waste and Hazardous Waste Management violations at several sites in Boston, Woburn, Lawrence and Stoughton. NASDI is a DLS licensed Asbestos contractor, and a demolition company that operates out of a facility in Woburn and also has a facility in Stoughton. After responding to a complaint regarding an Asbestos removal project at Drydock Avenue in Boston and observing violations, inspectors conducted a compliance inspection at both the Woburn and Stoughton facilities where they observed more violations related to Asbestos handling and storage, in addition to violations related to the storage, transportation and disposal of waste oil. MassDEP inspectors also received a complaint about an Asbestos waste trailer belonging to NASDI stored improperly at a site in Lawrence. Today's Order requires NASDI to return to compliance at both the Woburn and Stoughton facilities and cease and desist storing waste trailers at unauthorized sites. The noncompliance observed at the Boston site was quickly corrected and remediated. Today's Order also requires NASDI to pay a civil administrative penalty in the amount of \$90,000, with the remaining \$50,910 suspended to ensure continued compliance.

3/16/18: MassDEP issued a \$2,590 Penalty Assessment Notice to John Duquette (d/b/a Dukes Sand and Gravel) for Air Quality violations and Hazardous Waste violations occurring at its sand and gravel quarry located at 101 Grove Street in Adams. The violations included failure to submit a compliance certification for a stationary engine and failure to register as a generator of waste oil. MassDEP also issued a Unilateral Administrative Order to Duquette requiring the facility to correct the violations.

3/16/18: MassDEP entered into a Consent Order with a \$13,740 Penalty involving Roberts Brothers Lumber Co., Inc., for Air Quality violations in Ashfield. Roberts Brothers Lumber has failed to obtain an approval prior to the installation and operation of a generator to provide power to the facility. As part of the settlement, Roberts Brothers Lumber Co., Inc. has agreed to obtain an approval and will pay \$4,740 of the Penalty with an additional \$9,000 suspended pending compliance with the terms of the settlement.

3/16/18: MassDEP issued a \$15,800 Penalty Assessment Notice to Berkshire Construction Company, LLC, for Hazardous Waste violations in North Adams. The violations occurred at Berkshire Construction's facility located at 537 Ashland Street in North Adams. The violations included failure to register as a generator of waste oil, failure to comply with general waste oil management practices and failure to use a licensed hazardous waste hauler to transport waste oil. MassDEP also issued a Unilateral Order requiring Berkshires to correct the violations.

3/14/18: MassDEP entered into a Consent Order with a \$4,550 Penalty involving environmental violations at Marlborough Hospital in Marlborough. MassDEP conducted a multimedia inspection on 6/30/17 and found multiple violations of the Hazardous Waste and Underground Storage Tank Systems regulations. In lieu of paying the total penalty, the company will be conducting a Supplemental Environmental Project consisting of purchasing two gas monitors and two custom incident command boards for the city of Marlborough's Fire Department. The total cost of the SEP is three thousand three hundred sixty-five dollars (\$3,365).

3/14/18: MassDEP entered into a Consent Order with a \$29,506.69 Penalty involving USA Hauling & Recycling, Inc. for Waste Site Cleanup violations in Westfield. USA Hauling is a solid waste recycling and disposal corporation that is based in Enfield, Connecticut. USA Hauling failed to notify MassDEP within two hours of a sudden release of diesel fuel. On 9/6/17, while travelling in the vicinity of North Road in Westfield around 7:00AM, MassDEP observed city of Westfield personnel responding to a heavy oil sheen and diesel fuel odors on and in the vicinity of the road surface of North Road. Near 551 North Road and extending eastward to the North Road and Southampton Road (Route 10) intersection, MassDEP assisted the Westfield Fire Department and Department of Public Works with initial cleanup of the spill, including sanding of the roadway to prevent skidding hazard, as the spill occurred during a steady rain event.

Investigation indicated that Westfield officials had received a call regarding the spill from a citizen at approximately 5:20AM. Through interviews of involved public safety personnel, it was determined that a truck from USA Hauling had damaged a fuel tank and released approximately thirty gallons of diesel fuel onto the public roadway and a private access road. MassDEP then contacted USA Hauling regarding the spill, and USA Hauling subsequently arranged for a private contractor to complete cleanup of the roadway, dirt road shoulder, storm drainage system and impacted private property. USA Hauling will pay the \$16,918.97 Penalty, re-train its employees on responding to releases of oil and hazardous materials, and perform a Supplemental Environmental Project (SEP). USA Hauling, in partnership with MassDEP, will provide a fully-stocked spill response trailer to the Westfield Fire Department. That spill trailer will contain absorbent and containment materials to allow the first responding fire department company to contain and lessen public safety threats and environmental impacts associated with roadway release of petroleum including gasoline and diesel fuel. MassDEP agreed to suspend the additional \$12,587.72 of the penalty provided USA Hauling successfully completes the SEP.

3/7/18: MassDEP Commissioner issued a Final Decision adopting the Office of Dispute Resolution's Recommended Final Decision. That Decision upholds a Penalty Assessment Notice and a Unilateral Order and does the following: dismisses Elpakco's appeals (for failure to prosecute), and affirms the \$33,000 Penalty. In addition it affirms the Order. Previously, back on 9/6/17, MassDEP issued the Order and the \$33,000 Penalty to Elpakco for violations of the state's Waste Site Cleanup violations stemming from Elpakco's prior manufacturing operation in Worcester. In 2006, Elpakco submitted a 'temporary solution' and 'remedy implementation plan' to address historic contamination from chlorinated solvents released at this Worcester site. The company later ceased conducting response actions, failed to respond to two notices of noncompliance MassDEP issued Elpakco, and failed to respond to MassDEP's Notice of Enforcement Conference. Going forward, Elpakco will initiate immediate assessment of a known indoor air exposure pathway, retract the 'temporary solution' Elpakco had submitted and requires them to comply with phase deadlines and implement the selected remedial alternative no later than 6/1/19.

3/7/18: MassDEP entered into a Consent Order with a \$3,750 Penalty involving the Three R's Realty Corporation for Wetlands violations in



Dudley. The company must resolve violations of the Wetlands Protection Act that associated with a soil reclamation project at its property off Oxford Ave in Dudley. That incident was a failure of its erosion and sedimentation controls during a rain event on 10/30/17 resulted in the deposition of sediment in Bordering Vegetated Wetlands, a resource area. The corporation has submitted a restoration plan, and has agreed to restore the wetland resource area and pay the \$3,750 Penalty.

3/6/18: MassDEP entered into a Consent Order with \$10,000 Penalty involving Thomson Brothers Industries, Inc. (TBI) for Solid Waste violations in North Andover. TBI operates a recycling and transfer facility in North Andover. At the facility, TBI accepts construction and demolition (C&D) waste and commercial solid waste (CSW) collected from waste generators in the region. TBI processes and consolidates the C&D and CSW into transfer trailers for shipment to off-site facilities for further processing or disposal. The non-compliance cited includes TBI's failure to submit third-party inspection reports regarding the facility's Operation and Maintenance (O&M) and waste ban compliance as required by the Solid Waste Management Regulations. In addition, the actions were in not in compliance with the facility's revised facility permit and authorization to operate. MassDEP issued a Notice of Noncompliance to the facility earlier in 2016. Today's Order requires TBI to take the necessary actions to achieve and maintain compliance with the regulations and the facility permit. Further, today's action sets forth a schedule for TBI's third-party inspections and reporting through April 2019. TBI will make payment of \$7,500 and the remainder of the Penalty will be suspended pending its compliance with the Order.

3/6/18: MassDEP entered into an Amendment to an existing Consent Order with Quabbin Healthcare, Inc. to ensure compliance with Water Supply regulations in Petersham. The amendment pertains to the company re-activating the public water system at the facility to reflect additional requirements associated with activities in the Zone I and current water quality results requiring treatment.

3/5/18: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Adam Quenneville Roofing & Siding, Inc., for Clean Water Act violations in Easthampton. Adam Quenneville Roofing & Siding, Inc. is a home improvement contractor based in South Hadley. On 9/3/17, at 9:48AM, MassDEP was notified by the Easthampton Fire Department

regarding the discharge of a 'white-ish' material at 52 O'Neill Street in Easthampton. MassDEP responded immediately to the site to inspect and assist the fire department in attempting to contain the liquid. At the time, the liquid was entering the storm drainage system and was discharging to the Manhan River. Information provided indicated that a roofing restoration product had been applied to the flat membrane roof for the commercial property by Quenneville Roofing employees the previous day. The product requires 12-24 hours to cure, and had been applied to the roof by personnel despite well documented rain forecasts for later that evening. The company retrained personnel on roofing product procedures and paid the full \$3,000 penalty for violation of the Massachusetts Clean Water Act.

3/5/18: MassDEP entered into a Consent Order with an \$11,237 Penalty involving Lenze Americas Corporation for multiple environmental violations in Uxbridge. As a result of a multimedia inspection on 3/28/17, multiple violations of the Air Pollution Control, Hazardous Waste, Toxics Use Reduction, and Ground Water Discharge Permit Program regulations were discovered. MassDEP observed that the company's motor control unit manufacturing facility was operating without an air plan approval for emitting more than a ton of volatile organic compounds and was discharging industrial wastewater [washwater from cleaning parts] to the on-site septic system. The company also had an unregistered emergency engine; had hazardous waste handling violations; and had failed to submit toxics use reduction reports for three years for processing more than 100 pounds of lead per year. The company has since corrected the violations. The company also undertook, at MassDEP's request, the sampling of its wastewater and septic system. The results met state standards for non-hazardous waste and were below the ground water and soil contaminant reporting levels.

3/1/18: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Northeast Biodiesel Company, LLC for environmental violations in Greenfield. Northeast Biodiesel Company, LLC, is the operator of a biodiesel manufacturing facility in Greenfield. MassDEP discovered during an inspection that Northeast Biodiesel was not following the monitoring, recordkeeping and reporting provisions of its 3/15/16 air quality plan approval. In addition, Northeast Biodiesel failed to comply with MassDEP's hazardous waste notification and labeling standards and did not register an emergency generator with the MassDEP's Environmental Results Program

(ERP). Northeast Biodiesel will pay \$3,000 of the Penalty with the additional \$1,000.00 suspended pending demonstrated compliance.

3/1/18: MassDEP entered into a Consent Order with a \$25,300 Penalty involving GKS Corporation for Groundwater Discharge violations in Southwick. The company is doing business as the American Inn, a Senior Living Facility, where the violations are relative to the failure to comply with the Groundwater Discharge Permit. Under a prior Consent Order with MassDEP, GKS was required to either construct a sewer connection/extension or secure a groundwater discharge permit for the facility. Under today's Order, GKS will pay \$7,500 of the Penalty with \$17,800 suspended provided all the terms, and schedule for compliance with the wastewater regulations and interim measures established in today's Order are met.

## **February 2018**

2/28/18: MasssDEP was notified that the Massachusetts Attorney General's Office had filed a complaint against Mid State Sewerage, Inc. for violations of the Clean Waters Act, the Hazardous Waste Management Act, Title 5 and the False Claims Act. Mid State operates a septage hauling business out of Millbury. The complaint alleges that Mid State illegally discharged septage into a manhole at a town pump station instead of the designated receiving point at the Upper Blackstone Wastewater Treatment Facility. Mid State also maintained an illegal underground storage tank at its facility to hold septage in order to facilitate its unauthorized discharges. The complaint also alleges that Mid State submitted documents to MassDOT with falsified or missing disposal locations in violation of its contract to collect septage from MassDOT facilities. Mid State sought payment for this work, falsely claiming that the work was performed in compliance with its contract.

2/20/18: MassDEP issued a Demand for \$1,000 Payment to Tri-County Recycling for Solid Waste violations in Ware. The Penalty is in relation to an existing Consent Order and a Stipulated Penalty provision for violations of that Order. Specifically, for storing waste outdoors in violation of their authorization to operate permit.

2/22/18: MassDEP issued a Unilateral Order to BI-QEM Inc., (d/b/a Chemiplastica) for alleged Air Quality violations in Northampton. BI-QEM

Inc. is a facility which produces urea and melamine thermo-set molding compounds and resins. During MassDEP inspections, it was discovered that BI-QEM Inc. was causing a condition of air pollution by allowing particulate matter emissions from the facility. Particulate emissions were apparent from the accumulation of dust around numerous dust collector vents, outside walls of the building, on the ground outside of the building, on the roof of the building, on the facility's parking lot, and on cars parked at a residence adjacent to the facility. In addition, two separate oil and water separators were observed to be discharging industrial wastewater, through a garden hose, to the outside of the building and onto the ground surface. Today's Order requires BI-QEM Inc. to immediately cease the emissions of fugitive particulate matter from the facility or, within seven days, perform an assessment of the fugitive particulate emissions and provide a written plan to control them and to initiate cleanup of any outside portion and/or area of the facility. BI-QEM was also ordered to provide a written plan outlining the steps that will be taken to comply with the provisions of its plan approval and to immediately cease discharge of pollutants to the ground waters of the Commonwealth.

2/22/18: MassDEP issued an Order to Cover Technologies and Maurice J. Murphy to abate a potential threat to human health and the environment posed by the generation of dirt and dust from respondents' operation of the former Hopedale Landfill in violation of an existing Consent Order. Murphy and CTI are closing and capping the landfill under the existing MassDEP soils policy. 11/6 & 11/14/17 and again on 2/12/18, MassDEP received photographs which showed that trucks leaving the landfill deposited dirt on the roadway. On 2/13/18, MassDEP observed that trucks leaving the landfill deposited dirt on the roadway. Dirt left on the roadway has impacted neighboring property owners, leaving dust on vehicles and prompting complaints regarding exposure to dust. Today's Order requires CTI and Murphy to immediately cease causing dirt and dust to leave the property and to submit plans to MassDEP within 30 days for a wheel-wash that will prevent dirt and dust leaving the landfill.

2/27/18: MassDEP issued a Demand Letter to Nasoya Foods USA LLC, for continued odor violations at the tofu manufacturing plant in Ayer. Today's \$11,000 Penalty is the amount that was agreed in an earlier Consent Order executed between MassDEP and Nasoya on 11/8/17 that the company would, among other requirements, operate the facility so as not cause a condition of air pollution through the generation of odors and to implement

a third-party odor complaint hotline and verification system. Residents began calling into the complaint line shortly thereafter and were most troubled with odors over the President's Day weekend. Today's Demand represents 11 days of confirmed odors by the consultant. The company is continuing to investigate the source of the problem and will be submitting as required under the Consent Order, an application for a new Air Quality control device, a thermal oxidizer.

2/23/18: MassDEP issued a Stipulated Penalty Demand for \$8,000 to Excel Recycling LLC for continued noise violations in Freetown. Last year, on 10/16/17, MassDEP and Excel Recycling, LLC entered into a Consent Order that establishes enforceable deadlines to undertake sound mitigation activities to bring Excel into compliance with their Final Air Quality Plan Approval for the operation of Excel's metal shredder. In part, it said '*...no later than February 15, 2018, Respondent shall complete installation of the sound mitigation materials as provided by the approved Mitigation Plan. This deadline may be extended by MassDEP to no later than March 31, 2018 due to weather-related delays or delays in third party production or deliveries that are beyond Excel's control*'. On 2/14/18, at 3:20 pm, MassDEP received an email from Excel which included an attached letter requesting MassDEP extend the date for the installation of sound mitigation materials from 2/15/18 until 3/31/18. In response, MassDEP issued a deadline extension denial letter to Excel because Excel failed to justify a deadline for the extension.

2/20/18: MassDEP entered into a Consent Order with Two State YMCA for Water Pollution Control to address compliance with Septic System requirements in Becket. The camp has constructed a groundwater discharge treatment facility and connected much of the camp to that facility. Today's Order provides for a schedule to connect additional Title 5 Systems to that facility.

2/7/18: MassDEP issued a \$61,750 Penalty to Dennis G. Burns for Asbestos violations in Worcester. The violations occurred during an asbestos-removal conducted at an occupied residential property in Worcester. MassDEP found Burns dismantled an asbestos-insulated boiler and removed asbestos containing pipe insulation without using any containment or HEPA filtration units. No notification was filed with MassDEP for the asbestos removal work. Numerous pieces of dry, friable asbestos containing insulation were observed uncontained on basement

floor at the site. Burns failed to retain a Massachusetts DLS-licensed asbestos contractor to clean and decontaminate all affected areas of the property and failed to finish installation of a new heating system resulting in significant additional expense to the property owner.

2/2/18: MassDEP entered into a Consent Order with town of Plainville's Water Department for violating locational running annual averages for total trihalomethanes (TTHM's) and haloacetic acids (HAA5's). TTHM's and HAA5's are disinfection byproducts resulting from reactions between chlorine and dissolved organic material. Today's Order establishes a schedule requiring a short-term response, engineering analysis, and long-term corrective actions.

2/2/18: MassDEP entered into a Consent Order with a \$12,500 Penalty involving DOT BLOCK LLC for Waste Site Cleanup violations at 1207 Dorchester Avenue in Boston. MassDEP was not notified of contaminated soil on the property within 120 days as required under state regulations. Contamination was identified on the property during an assessment of the property in June of 2015. MassDEP was notified of the contamination on February 17, 2017. DOT BLOCK LLC has agreed to pay a civil administrative penalty of \$12,500 with \$5,000 paid and \$8,500 suspended for the violations. DOT BLOCK LLC is transferring the property and the large block is being developed into commercial and residential units. There are plans for five buildings between four and six stories which will include 362 rental units, about 37,000 square feet of ground floor retail space, and a five story garage to include 450 parking spaces.

2/2/18: MassDEP entered into a Consent Order with a \$31,000 Penalty involving Pezzi Service Station at 571 Washington Avenue in Chelsea. Pezzi Service Station Inc. is a gas station and repair facility that failed to comply with a Notice of Noncompliance (NON) issued by MassDEP on 8/14/17. That Notice required a Release Abatement Measure Status Report or Completion Report and a Permanent Solution Statement or a Phase I Report and a Tier Classification on or before 11/15/17. Pezzi Service Station Inc. submitted the required documentation at the time of the enforcement conference. Pezzi Service Station Inc. will pay \$3,000 of the Penalty with \$28,000 suspended.

**January 2018**

1/26/18: MassDEP entered into a Consent Order with a \$14,220 Penalty involving the town of Warren for Water Pollution Control violations in Warren. Today's Order addresses compliance with staffing, maintenance issues and sanitary sewer overflows (SSOs) within the wastewater system in Warren. MassDEP identified the staffing and maintenance issues during an inspection of the system and recent SSO's are likely related to deferred maintenance. Warren is required to update its operations and maintenance plan, conduct a staffing analysis, submit a staffing plan and make specifically identified repairs and upgrades. MassDEP agreed to suspend the Penalty provided Warren complies with the terms of the Order.

1/24/18: MassDEP entered into a Consent Order with the Island Terrace Nursing Home for Water Pollution Control violations in Lakeville. Today's Order addresses noncompliant effluent exceedances and requires optimization of the onsite innovative/alternative large wastewater septic system and sets caps on total wastewater flow and nutrient loading, as well as sets a lower nitrogen discharge limit.

1/23/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving FRP Holdings LLC for Waste Site Cleanup violations at its property located at 24-40 & 44 Main Street, Westfield. FRP Holdings Westfield, LLC reported a release of chlorobenzene at its Westfield property in January 2012 and submitted a Downgradient Property Status Opinion in May 2017. That Opinion specifically identified an upgradient location as the potential source of this chlorobenzene release. A subsequent Department audit of this Opinion identified several violations including a failure to notify for the detection of petroleum hydrocarbons in groundwater and violations of the performance standards. FRP Holdings retracted the Opinion after learning of these violations identified by the Department's audit. As part of today's Order, FRP has agreed to conduct an assessment of indoor air within a retail store building adjacent to which elevated petroleum hydrocarbons were detected in groundwater. In addition, FRP Holdings agreed to conduct additional response actions to address the chlorobenzene and petroleum hydrocarbon releases detected at its property. FRP Holdings will pay \$5,000 of the Penalty, and MassDEP has agreed to suspend \$5,000 of the Penalty provided all terms of today's Order are met.

1/22/18: MassDEP issued a Boil Water Order to John Hodgdon d/b/a CJ's Restaurant in Palmer. CJ's Restaurant reported detections of E.coli in its

distribution system and source. Today's Order requires investigation, emergency response, public notice and corrective actions.

1/22/18: MassDEP entered into a Consent Order with a \$3,245 Penalty involving SencorpWhite, Inc., for Air Quality and Hazardous Waste violations in Barnstable. MassDEP's inspection revealed the facility was generating Small Quantity Generator amounts of hazardous waste while registered as a Very Small Quantity Generator. It was also generating Large Quantity Generator amounts of waste oil while registered as a Small Quantity Generator. In addition, the company had failed to make a waste determination, providing sufficient aisle-spacing for container storage of hazardous waste, container labeling and failure to maintain all required copies of hazardous waste manifests. In addition, SencorpWhite, Inc. failed to apply for a plan approval for acetone emissions from production activities greater than one ton per year. Today's Order ensures compliance with the Hazardous Waste and Air Pollution Control requirements. Total Penalty includes past-due annual compliance fees.

1/18/18: MassDEP entered into a Consent Order with a \$32,000 Penalty involving the town of Nahant for Waste Site Cleanup violations at Bass Point Road in Nahant. As owner of the property, this site was formerly owned by the Department of Defense and the contamination was discovered when fuel oil tanks were removed from the property by the Department of Defense in 1995. The specific Waste Site Cleanup violations include failure to meet deadlines, and failure to meet deadlines set out in a Notice of Noncompliance MassDEP issued on 9/3/09. In addition, the town failed to meet deadlines established in an earlier Consent Order on 1/4/10. Today's Order now requires the town to submit a Tier Classification (permit) extension by 3/1/18, and a phase two (assessment) report by 9/28/18. Further, the town will then submit a phase three (remedy options/selection) report by 3/29/19, and a permanent solution statement or a temporary solution statement by 12/30/19. The site is an ocean front park with trails. Today's Order requires the payment of \$1,000 with the remaining \$31,000 suspended provided the requirements are met. There is also an additional stipulated penalty provision for any missed deadlines.

1/18/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving the Trustees of Boston College for Waste Site Cleanup violations in Newton, specifically, failure to notify of a release from an Underground Storage Tank with 72 hours of discovery. MassDEP agreed to suspend



\$5,000 of the Penalty pending the Trustee's compliance with cleanup requirements.

1/17/18: MassDEP entered into a Consent Order with a \$20,400 Penalty involving Environmental Response Services (ERS), Inc. for Asbestos violations in Norwood. ERS is a licensed asbestos abatement contractor, for violations of MassDEP's Asbestos regulations associated with the improper removal of asbestos-containing shingles from a commercial structure located at 74 Broadway Street in Norwood. ERS failed to comply with asbestos work practice requirements for the proper removal, handling and disposal of asbestos-containing materials. ERS's improper shingle removal caused a potential release of asbestos fibers to the environment and resulted in asbestos-containing debris impacting a parking area, sidewalks and roadway as well as surrounding residential properties. Immediately following the incident, ERS decontaminated all affected areas. ERS also modified their company policies, work practices and provided asbestos training to all of their employees in a proactive effort to ensure future compliance with regulations. MassDEP agreed to suspend payment of \$11,700 of the Penalty provided ERS does not further violate any of the regulations cited in the Order within a one-year period.

1/16/18: MassDEP entered into a Consent Order with the town of War to address compliance with certified operator coverage while the public water system transitions to its primary operators in 2018 and beyond.

1/12/18: MassDEP entered into a Consent Order with a \$9,158 Penalty involving Seaman Paper Company of Massachusetts, Inc., for Hazardous Waste and Underground Storage Tank violations in Templeton. On 8/16/17, MassDEP conducted an inspection and observed at this company's decorative tissue paper manufacturing facility that it had been accumulating waste oil for more than 90 days. Further, they were not properly labeling drums of waste oil or marking the accumulation area, and had not conducted an integrity test on the two oil tanks sumps. Also, they had not posted required rectifier settings, did not have a properly-worded tank insurance document, and had not registered as a waste oil generator at its landfill gas-to energy plant at the Gardner landfill. In lieu of paying the total penalty to the Commonwealth, the company will be conducting a Supplemental Environmental Project (SEP) consisting of purchasing a vent fan, caution tape, propane meters, SCBA tanks, and fire truck piston intake valves for the local Fire Department.

1/11/18: MassDEP entered into a Consent Order with a \$17,250 Penalty involving Eurofins-Spectrum Analytical, Inc., for Air Quality violations at its Agawam facility. Eurofins provides environmental media testing services. As a result of an inspection of the company's facility, MassDEP determined that Eurofins was in noncompliance with conditions of its air quality permit which included failing to install required pollution control equipment and operation of equipment without demonstrating that the equipment could achieve the required control efficiency. As part of today's Order, Eurofins will correct the violations and pay the entire \$17,250 Penalty.

1/11/18: MassDEP entered into a Consent Order with a \$1,460 Penalty involving Governors America Corp. for Hazardous Waste violations in Agawam. Governors America Corporation will address hazardous waste violations at its facility which is a provider of engine governing and system controls to equipment manufacturers and power providers. As a result of a MassDEP inspection it was discovered that the company failed to comply with hazardous waste labeling and housekeeping protocols and pay the \$1,460 Penalty.

1/11/18: MassDEP was notified of a case in Essex Superior Court: Judge Thomas Drechsler of Essex Superior Court in Salem sentenced Jaime Ford to at least two years in state prison, with an additional four years on probation after serving the initial time. In addition the Judge ordered Ford to pay \$214,000 in restitution to several victims, insurance companies and MassDEP, which expended state monies to clean up asbestos waste that Ford had left outside a Chipman Road property in Beverly. Last year, Ford pleaded guilty to several counts of larceny, fraud and Asbestos violations, among other crimes, that he committed while holding himself out as a home improvement contractor. Ford was not a licensed general contractor and would use money paid to him by clients to buy personal vehicles and go on gambling trips to Florida casinos. What work he did do was shoddy, not to code and not in compliance with MassDEP Asbestos regulations.

1/10/18: MassDEP entered into a Consent Order with a \$73,5750 Penalty involving Safety-Kleen Systems, Inc., for Hazardous Waste violations at 90 Rabbit Road in Salisbury. The facility is a licensed Hazardous Waste (HW) Treatment, Storage and/or Disposal Facility (TSDF). Today's Order resolves violations stemming from inspections on 5/24/17 & 6/13/17 where the violations included improperly labeled hazardous waste containers,

failure to keep UST sumps, manways and spill buckets free and clear of any accumulated liquids, improperly placed leak detection sump sensor for the hazardous waste UST. The facility was also missing weekly inspection criteria, inadequate training, and some of its equipment was not in good operating condition or installed incorrectly. The violations included failure to remove accumulated liquid in the sump and spill bucket of the virgin solvent and leak-detection sump sensors not installed correctly, damaged or incorrectly installed UST equipment, inaccurate certifications, and failure to have certain records available for inspection. Under the terms of the consent order, Safety-Kleen will pay \$60,375 of the penalty and \$13,200 will be suspended provided there are no further violations over the next year.

1/9/18: MassDEP entered into a Consent Order with an \$11,870 Penalty involving the city of Everett, for Underground Storage Tank violations at the city's Public Works facility at 19 Norman Street. The city owns and operates two UST systems: a 10,000-gallon UST for gasoline and a 10,000-gallon UST for diesel fuel. MassDEP found numerous and serious UST violations, including failure to have a functional leak-detection system as required for both the regular gasoline tank and diesel fuel tank. MassDEP found that a leak detection system at the facility had not been functional or even powered for a period of years. In addition, the city failed to annually certify the interstitial monitoring system; failed to remove standing water from the tank-top sumps; failed to remove fuel, water, and solid debris from the dispenser sumps; and, failed to produce the gasoline and diesel fuel tank-top turbine sump and dispenser sump integrity test records. Additional violations included the following failures: to remove fuel and standing water from the following spill buckets; to produce the spill bucket integrity test records for all of the spill buckets; to inspect and test the overfill prevention equipment annually; to replace the missing diesel fuel tank-top sump cover and properly anchor the gasoline dispenser piping; to maintain the required records and/or was unable to make them available to MassDEP upon request; and, to paint UST covers with correct color(s) to identify contents. Today's Order requires the city to correct all violations, pay \$8,902.50 of the Penalty with \$2,967.50 suspended, provided the violations are corrected and the city maintains compliance with the regulations for a period of two years.

1/8/18: MassDEP issued a Unilateral Order to Worcester Country Club Acres, LLC for Wetlands violations at 190 East Mountain Street in

Worcester. During the construction of a condominium complex adjacent to Poor Farm Brook the violation allegedly involved failure to maintain erosion controls as required by its Order of Conditions, and the resulting unauthorized alteration of approximately 3,000 square feet of Bordering Vegetated Wetlands (BVW) and 110 linear feet of Bank. Today's Order requires Worcester Country Club Acres, LLC to cease work other than that required to stabilize the site and to submit a plan to MassDEP for review in which the site would be returned to compliance.