



## Department of Environmental Protection

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### Enforcement Actions - 2013

#### December 2013

12/31/13: MassDEP entered into a Consent Order with a \$3,000 Penalty involving David M. Audette for Wetlands violations in Webster. The violations occurred at the right of way on Webster Lake located between 4 and 6 Fairfield Street in Webster. Following a request for assistance from the Webster Conservation Commission, MassDEP inspected the area and observed that filling of wetland resource areas. The violations were noted along the shoreline of the lake, and that ongoing erosion of a steep slope in the buffer zone was also occurring. Audette had not applied for the appropriate permits from the Webster Conservation Commission. The Commission had issued an Enforcement Order specifically requiring Audette to cease all work in areas under the jurisdiction of the Wetlands Protection Act. Audette ignored the Enforcement Order and had applied for and received a Waterways License for construction of a private residential, seasonal dock on Webster Lake at the site of the violations. However, under today's Order, Audette must prevent any further violation of the Wetlands Protection Act, file for and obtain the appropriate permits from the Webster Conservation Commission, submit a plan for wetlands restoration, as well as a plan for soil stabilization. The plans will be submitted to MassDEP for review and approval. Further, Audette must implement the approved plans to remediate and restore the site by 5/14/14 and pay a \$3,000 Penalty. Under today's Order, the actions when completed will result in the restoration of 2,500 square feet of land under water body and 20 linear feet of bank on the lake.

12/30/13: MassDEP entered into a Consent Order with a \$1,720 Penalty involving the Olde Farm Golf Club, LLC, for Water Supply violations at Southwick. Specifically, the violations included multiple violations of public notification, sanitary survey and monitoring requirements for its public water system at The Ranch Golf Club in Southwick. The Club will pay \$1,000 of the Penalty with \$720 suspended pending compliance with the provisions of the Order.

12/29/13: MassDEP issued 11 Notices of Noncompliance under the Vehicle Recycler Mercury Management Enforcement Initiative. The vehicle recycling facility owner/operators failed to certify by the deadline of 3/1/13 that they had removed all the mercury-added components from vehicles that they accepted in 2012 before crushing or shredding those vehicles. The agency gave the offenders 15 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. More information: [Vehicle Recycling](#)  and [Mercury Management](#)

12/24/13: MassDEP concluded a Consent Order with a \$1,812.50 Penalty involving NSTAR Electric & Gas Corporation regarding Wastewater and Industrial Wastewater violations at 273

Summer Street in Plymouth. NSTAR self-disclosed to MassDEP that an industrial wastewater discharge to the groundwater of the Commonwealth occurred by means of a septic system at the company's Summer Street facility in Plymouth. The company noted the discharge had ceased prior to the self-disclosure. Under today's Order, NSTAR will pay a \$1,812.50 Penalty and conduct a \$5,437.50 Supplemental Environmental Project (SEP). Under the terms of the SEP, the company will make a payment of \$5,437.50 to the town of Plymouth to support the Town Brook Dam Removal restoration project. The Town Brook Dam Removal restoration project, when completed, will re-establish river herring access to 269 acres of spawning habitat.

12/23/13: MassDEP entered into a Consent Order with the town of Orange Water Commissioners for Water Supply violations in Orange. MassDEP concluded today's Order with the Water Commissioners concerning multiple incidents in which the maximum contaminant level for total coliform bacteria occurred within this, a community public water system. Today's Order addresses response actions should multiple detections occur within the next twelve months.

12/23/13: MassDEP entered into a Consent Order with a \$2,000 Penalty involving James J. Duffy Inc. for Waste Site Cleanup violations at 500 Main Street in Charlestown. Duffy Inc. is the owner of the property where the specific violations included failure to meet deadlines as established earlier in a Notice of Noncompliance issued back on 7/16/13. Today's Order requires a tier two extension by 9/22/14 and a final response action outcome statement by 8/3/15. Today's Order, in addition to the \$2,000 Penalty, includes a stipulated penalty provision for any missed deadlines.

12/19/13: MassDEP entered into an Amended Consent Order with Donnybrook, Inc., of Lanesborough relative to Water Supply compliance issues. MassDEP entered into the Amended Order with Donnybrook, Inc. regarding the activation date of a disinfection system to correct/address detections of total coliform bacteria.

12/19/13: MassDEP entered into a Consent Order with South Royalston Improvement Corporation regarding Water Supply violations in Royalston. MassDEP concluded this Order with the respondent concerning multiple incidents in which the maximum contaminant level for total coliform bacteria was exceeded within this, a community public water system. The required improvements to respondent's equipment, its long-term planning, its management and finances are all addressed and delineated in today's Order.

12/19/13: MassDEP entered into a Consent Order with the Massachusetts Department of Transportation (DOT) to address Wetlands violation in Ashfield. MassDOT's District 1 Maintenance Division altered the bordering vegetated wetlands area by either depositing street sweeping materials and/or through the operation of equipment in the wetland and associated stream area. In addition to agreeing to the removal and future disposal of the street sweepings, properly, MassDOT will also restore the impacted resource areas.

12/19/13: MassDEP entered into a Consent Order with a \$4,730 Penalty involving Chang Farms for Wastewater Treatment violations in Whately. MassDEP entered into a Consent Order with Chang Farms to address noncompliance at its Wastewater Treatment Facility which MassDEP discovered during an inspection of the facility. Deficiencies included: an operation and

maintenance manual that was not in compliance with the regulations; a failure to submit a staffing plan; a lack of an assistant chief operator; and the failure to submit alarm reports as well as other deficiencies. In addition to addressing these deficiencies, Chang Farms agreed to pay \$3,000 of the Penalty with the remaining \$1,730 suspended provided the facility comply with the terms of the Order.

12/16/13: MassDEP issued 42 Notices of Noncompliance to owners of Underground Storage Tank (UST) facility owner/operators. These owner/operators failed to have UST inspections completed by their respective due dates in June and July, or upon installation of new tanks. MassDEP gave these offenders 45 days to return to compliance. For those failing to do so, the matter will be subject to additional enforcement measures, including financial penalties. The UST facility owner/operators are required to have their tank systems checked every three years by MassDEP-approved third-party inspectors which the respondents are responsible to hire. The inspectors are required to report their findings to the agency. While they provide advice to their clients about compliance issues, inspectors are not authorized to enforce laws and regulations. More information: [UST Inspection Program](#)

12/13/13: MassDEP executed a Consent Order with a \$7,960 Penalty involving Muzi Motors, Inc. for environmental violations in Needham. Specifically, Muzi Motors, Inc. was found to have Air Quality violations as well as underground storage tank violations at its 557 Highland Avenue location in Needham. MassDEP initially inspected the facility on 6/1/11 to determine compliance with UST regulations. As a result of the inspection, it was determined that Muzi had installed a new underground storage tank in December 2000 but failed to equip its fuel dispenser with a vapor recovery system. Muzi has now agreed to install a stage one enhanced vapor recovery system and pay a total penalty of \$7,960, of which \$2,210 is for annual compliance assurance fees the facility avoided by not installing the system.

12/12/13: MassDEP issued a Unilateral Order to Woodland Park, Inc., for failure to distribute the required Consumer Confidence Report (for 2012) to the Charlton consumers served by this public water supplier. Woodland Park also failed to obtain a certified operator in addition to failing to distribute its 2012 Consumer Confidence Report. Today's Order requires completion of the missing report, and further that it document that it has retained the services of a properly-certified operator to service the Woodland Park community public water system.

12/12/13: MassDEP issued two Unilateral Orders to Aquarius Water Company, Inc. for Water Supply violations in Belchertown. Specifically, the first Order to Aquarius regarded its failure to complete and submit a 2012 Annual Statistical Report (ASR) to MassDEP for the Sportshaven Mobile Home Park, a community public water system. This Order requires completion and submission of the ASR. MassDEP also issued a second Unilateral Order to Aquarius Water Company, Inc. regarding its failure to distribute its 2012 Consumer Confidence Report to its consumers and submit the CCR documentation to MassDEP for the Sportshaven Mobile Home Park, a community public water system. This Order requires completion of the CCR and submission of the proper documentation to MassDEP.

12/12/13: MassDEP issued a Unilateral Order to Lester Twarowski for Water Supply violations at Brimfield. MassDEP issued the Order to Lester Twarowski regarding his failure to complete and submit a 2012 Annual Statistical Report (ASR) to MassDEP for Village Green

Campground. The Order requires completion and submission of the ASR for the Village Green Campground, a transient non-community public water system.

12/12/13: MassDEP issued a Unilateral Order to the town of Gill regarding its failure to complete and submit a 2012 Annual Statistical Report (ASR) to MassDEP for Gill Elementary School. The Order requires completion and submission of the ASR for the Gill Elementary School, a non-transient non-community public water system.

12/12/13: MassDEP issued a Unilateral Order to Joseph Collins for Water Supply violations in Brimfield regarding his failure to complete and submit a 2012 Annual Statistical Report (ASR) to MassDEP for Collins Apple Barn. The Order requires completion and submission of the ASR for the Collins Apple Barn, a transient non-community public water system.

12/12/13: MassDEP issued a Unilateral Order to the Aquarius Water Company, Inc. for Water Supply violations in Hinsdale regarding its failure to complete and submit a 2012 Annual Statistical Report (ASR) to MassDEP for its Ashmere Water Service, a community public water system. The Order requires completion and submission of the ASR.

12/12/13: MassDEP was notified that a consent judgment was announced involving Dynamic Waste Systems, Inc. of Essex for Solid Waste violations in Methuen. A complaint along with the consent judgment was filed in Suffolk Superior Court regarding Dynamic Waste Systems, Inc. for violating the state's solid waste disposal laws by dumping more than 115 loads of construction and demolition waste, including concrete, brick, and stone, at the Methuen site over a period of 70 days. Dynamic Waste is a waste hauling company that illegally dumped multiple loads of construction and demolition waste at an unpermitted site in Methuen (the Battye Site). The complaint filed by the Massachusetts Attorney General. The consent judgment requires that Dynamic Waste pay a total of \$90,000 into a special fund established by the Commonwealth to help with the cost of site evaluation and subsequent cleanup work at the Battye site. Under the judgment, Dynamic will also pay a \$3,750 Penalty.

12/9/13: MassDEP entered into a Consent Order with Laurel Ridge Camping Area, Inc. for Water Supply violations in Otis. The Order concerned multiple instances in which the maximum contaminant level for total coliform bacteria occurred at its Laurel Ridge Camping Area public water system in Otis. This Order addresses response actions should another violation occur within the next twelve months.

12/9/13: MassDEP issued 71 Notices of Noncompliance to facilities under the Dental Amalgam Mercury Recycling Enforcement Initiative. The 71 dental clinics and practices across Massachusetts failed to re-certify that they have installed and are maintaining state-approved amalgam separators to keep mercury out of their wastewater discharges. Certifications are due once every five years, and these facilities missed their 6/15/13 deadline for submitting them. MassDEP is giving these offenders 30 days to comply with state requirements if they submit their certification forms and pay their overdue fees. If they fail to do this, they could face additional enforcement measures, including financial penalties. More information: [Dental Amalgam Recycle](#)

12/4/13: MassDEP entered into a Consent Order with an \$8,000 Penalty involving Cooley Dickinson Hospital in Northampton to address noncompliance with the Commonwealth's hazardous waste management regulations. MassDEP conducted an inspection at the hospital and revealed that the hospital did not determine the hazards of its hazardous wastes (pharmaceutical/medical wastes), and offered these hazardous pharmaceutical wastes to a transporter that was not licensed by MassDEP to transport hazardous wastes. The inspection also revealed hazardous waste labeling violations. The hospital, which cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection. As part of a consent order, the hospital has agreed to pay a \$6,000 Penalty. The remaining \$2,000 is suspended pending the company's compliance with the terms of the agreement.

12/4/13: MassDEP entered into a Consent Order with \$27,379 Penalty involving Alan Bernhardt and Sallie Swartz for Asbestos violations in Williamsburg. Following a complaint, MassDEP determined that Mr. Bernhardt and Ms. Swartz, had hired an individual to remove a section of asbestos pipe insulation from a residential rental property they owned, without filing an asbestos notification, and without instituting the proper asbestos handling and disposal procedures. Bernhardt and Swartz cooperated with MassDEP and retained a Massachusetts-licensed asbestos contractor to clean up this property. Bernhardt and Swartz agreed to pay \$9,000 of the Penalty and MassDEP agreed that the remaining \$18,379 is suspended provided that Bernhardt and Swartz comply with the terms of the Order, and remain in compliance with the state asbestos handling regulations for a one-year period.

12/3/13: MassDEP entered into a Consent Order with a \$7,187 Penalty involving the TJX Companies, Inc. for Waste Site Cleanup violations at the company's 162 Everett Avenue facility in Chelsea. Specifically, TJX failed to report a 7/12/13 release of an estimated fifteen gallons of hydraulic oil to the environment as soon as possible, and within two hours after obtaining knowledge of the release, a violation. Today's Order requires TJX to prepare and submit an Oil and Hazardous Material Release Reporting and Response plan to be followed by its employees in the event of future release incidents. The company will pay \$3,000 within 30 days, with the remainder suspended contingent upon the company's compliance with the terms of today's Order. The Order also imposes stipulated penalties of \$1,000 per day for any future violations.

12/2/13: MassDEP entered into a Consent Order with Martidis Pizza, Inc. for Water Supply violations in Granby. Specifically, the violations concerned multiple instances of the maximum contaminant level for total coliform bacteria occurring at its public water system in Granby. This Order addresses response actions should another violation occur within the next twelve months. The public water system has chosen to install ultraviolet light disinfection to prevent future problems.

12/3/13: MassDEP entered into a Consent Order with a \$3,250 Penalty involving Thomas Roberts for Wetlands violations in Bondsville (Palmer). MassDEP determined that Thomas Roberts cleared 3,050 square feet of riverfront area and 3,025 square feet of bordering vegetated wetlands at his farm. In addition to the restoration of the impacted areas, Roberts agreed to pay the \$1,000 of the Penalty and \$2,250 is suspended provided Roberts completes the restoration and has no future violations of the Wetlands Protection Act.

## November 2013

11/27/13: MassDEP entered into a Consent Order with Unitarian-Universalists Rowe Camp and Conference Center for Water Supply violations in Rowe. Specifically, the Center exceeded on multiple occasions the Maximum Contaminant Level for total coliform bacteria at its public water system in Rowe. Today's Order addresses response actions should another violation occur within the next twelve months.

11/27/13: MassDEP entered into a Consent Order with a \$23,285 Penalty involving Borges Construction, Inc. for Waste Site Cleanup violations in Greenfield. Borges Construction, Inc, of Ludlow, was working at a road improvement project on Conway Street in Greenfield, and failed to notify MassDEP of a 20-gallon hydraulic fluid spill that occurred on 5/24/13 at 1:15 PM. The spill occurred when a hydraulic fluid hose ruptured on an excavator. Borges' personnel utilized soil to clean up the oil that spilled on the roadway, and placed the contaminated soil as sub-base for sidewalks that were being constructed. MassDEP was eventually notified of the spill by the Greenfield Fire Department at 4:55 PM. MassDEP responded to the location to supervise cleanup. Borges completed cleanup of the spill, and filed a final Response Action Outcome statement. To resolve the violation, Borges agreed to re-train its employees on notification requirements, and proper response to any future releases of oil and/or hazardous materials. MassDEP has agreed to suspend \$6,285 of the penalty pending successful completion of the training.

11/20/13: MassDEP entered into Consent Order with Christodora's Manice Education Center for Water Supply violations in Florida. Specifically, the Center exceeded on multiple occasions the Maximum Contaminant Level for total coliform bacteria and had some monitoring violations for its public water system at the Center. Today's Order includes the installation and permitting of a chlorine disinfection treatment system.

11/20/13: MassDEP entered into a Consent Order with Manice Education Center for Water Supply violations in Florida. Specifically, the Manice Education Center exceeded the Maximum Contaminant Level for bacteria on repeated occasions in its Public Water System. Pursuant to today's Order, Manice will apply for and obtain a permit to install a permanent disinfection system.

11/19/13: MassDEP issued a Unilateral Order to George D. Harlow Field (Marshfield Airport) for Wetlands violations at 93 Old Colony Lane. MassDEP's Wetlands program issued a Unilateral (Enforcement) Order and Notice of Noncompliance to the town of Marshfield Airport Commission for violations of the variance Order of Conditions that was properly issued on 6/1/12. A number of conditions contained in the variance Order of Conditions have either not been complied with, or were not complied within the timeframe established in the variance. The violations include failure to submit required plans and reports, as well as implementing changes to the approved plans without prior MassDEP approval. Today's Order directs the Airport Commission to read and comply with the terms and conditions contained in the variance Order of Conditions and to submit the required material within 30 days.

11/18/13: MassDEP issued Air Source Registration Non-Filer Enforcement to 62 facilities across the Commonwealth of Massachusetts. Notices of Noncompliance (NONs) were issued to 62

facilities across the state for failing to submit their 2012 Source Registrations, as required under 310 CMR 7.12(2). These annual filings are required of facilities that meet certain potential emissions, maximum heat input capacity or categorical criteria specified in the regulations. MassDEP gave the non-filing facilities 30 days to file their overdue Source Registrations or be subject to further enforcement. More information: [Source Registration](#)

11/15/13: MassDEP entered into a Consent Order with a \$23,800 Penalty involving Gulf Resources, Inc., for Waste Site Cleanup violations in Dover. On 12/21/12, MassDEP issued a Notice of Audit Finding and Notice of Noncompliance ("NOAF/NON") to the respondent. The NOAF/NON determined that at this site, the soil exposure point concentration for hydrocarbon fractions exceeded the Method 1 cleanup standards and therefore did not support a condition of 'No Significant Risk' and the concomitant final Response Action Outcome. This represents a violation. MassDEP's NOAF/NON of this violation required the respondent to take actions to be completed within 120 days. These actions were not met. As a result of the violations, the respondent was assessed a \$23,800 Penalty. MassDEP has agreed to suspend \$21,800 to be paid over one year. The Order also requires Gulf Resources, Inc. to conduct additional investigations to adequately define the extent of soil contamination and to submit a revised final Response Action Outcome, and proper risk characterization.

11/14/13: MassDEP entered into a Consent Order with a \$6,610 Penalty involving Ocean Crest Seafood, Inc. for Industrial Wastewater Discharge violations at 88 Commercial Street in Gloucester. MassDEP found during an unannounced inspection at this fresh fish processing facility the violations, which consisted of not having received a National Pollutant Discharge Elimination System (NPDES) permit to discharge process wastewater to the waters of the Commonwealth. Such discharge of industrial wastewater to surface waters of the Commonwealth requires an NPDES permit to be in place. In addition, Ocean Crest Seafood, Inc. uses an industrial wastewater holding tank when a sewer system is available, also a violation. Ocean Crest Seafood, Inc. will pay a \$3,305 of the Penalty within thirty days. MassDEP agreed to suspend the remaining \$3,305. Additionally, Ocean Crest Seafood, Inc. will apply for a city of Gloucester publicly-owned treatment work sewer connection permit, and the use of the industrial wastewater holding tank and discharge of industrial wastewater to the ocean will cease. The facility is required to obtain a sewer connection permit within sixty (60) days, and if the facility requires pre-treatment, MassDEP shall be provided with that information.

11/14/13: MassDEP entered into a Consent Order with a \$14,000 Penalty Richard F. Lodico and Susan W. Lodico for Wetlands violations at 499 Woburn Street in Wilmington. In response to complaints from neighbors, MassDEP inspected the site and found that approximately 100 linear feet of intermittent stream bed had been excavated, filled with stone, and re-graded resulting in the alteration of approximately 200 linear feet of 'bank'. Re-grading activity had also taken place in the buffer zone and this activity had taken place without any of the proper approvals or authorization. Today's Order requires full restoration of the 200 linear feet of 'bank', and particularly restoration and hand maintenance of the intermittent stream for flood control. The document also requires \$500 of the Penalty, with \$13,500, suspended.

11/14/13: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Daniel & Laurie Darosa for Wetlands violations in Mattapoisett. The property owners, Daniel & Laurie Darosa, failed to comply or exceeded the specific terms of the Superseding Order of Conditions

they obtained to begin the work. Also there were violations in connection with the alteration of coastal beach during the construction of a house on Mattapoissett Harbor. Today's Order requires restoration of the altered beach and payment of the \$7,500 Penalty.

11/13/13: MassDEP entered into a Consent Order with a \$12,945 Penalty involving Taunton Municipal Lighting Plant for violations along a utility easement on Brook Street in Taunton. The Plant failed to notify MassDEP within 120 days of a release to groundwater above the reportable concentrations at a utility easement. Under today's Order, the Plant will pay \$7,767 of the Penalty with the remainder of the Penalty (\$5,178) suspended pending compliance.

11/13/13: MassDEP entered into a Consent Order with an \$18,000 Penalty involving Clayton D. Davenport, Inc. for Wetlands and Hazardous Waste Management violations in Charlemont & Williamsburg. Under today's Order, Davenport will address violations of the applicable water quality certifications at two bridge projects that resulted in impacts to the Mill River in Williamsburg and the East Oxbow Brook in Charlemont. In addition, MassDEP conducted an inspection of Davenport's business site and determined that Davenport had waste oil handling violations as well. Davenport has agreed to pay \$18,000 of the Penalty in settlement of these violations.

11/13/13: MassDEP entered into a Consent Order with a \$14,374 Penalty involving the Greater Lawrence Sanitary District (GLSD) for Water Pollution Control violations at the North Andover treatment plant. Today's Order requires GLSD to assess and upgrade the facility's anaerobic digestion units, in order to address foam discharge and other operational issues. Today's Order requires GLSD to pay \$7,187 of the Penalty, with the remainder, \$7,187, suspended pending satisfactory completion of the work.

11/12/13: MassDEP entered into a Consent Order with Camp Watitoh, Inc., for Water Supply violations in Becket. Specifically, the Camp exceeded the Maximum Contaminant Level for total coliform bacteria at its public water system at its Camp Watitoh in Becket. Today's Order addresses response actions should another violation occur within the next twelve months.

11/12/13: MassDEP entered into a Consent Order with a \$24,430 Penalty involving E&A/I&G Campus Plaza Limited Partnership for Waste Site Cleanup violations at 454 Russell Street in Hadley. The property is a commercial shopping center that includes a grocery store and other retail businesses and is the location of a former dry cleaner from which a release of tetrachloroethene (PCE) occurred. Current response actions include application of a remedial additive to treat remaining chlorinated solvents present in soil and groundwater. MassDEP conducted an audit of the cleanup actions at the site and identified that the application of remedial additive exacerbated indoor air quality and that contaminated groundwater was discharging through the property's storm water system to an adjacent Wetlands area. Despite knowledge of this groundwater discharge, E&A/I&G failed to report this condition. Today's Order requires completion of changes to the storm water system to prevent further contaminated groundwater migration, changes to the remedial additive program including full time operation of the existing sub slab vapor system, and further assessment of the extent of contamination. Further, today's Order requires E&A/I&G to pay \$15,000 of the Penalty with the additional \$9,430 suspended pending compliance.

11/12/13: MassDEP issued a Declaration of Water Emergency to the Granby Housing Authority in Granby. The Declaration was issued due to a mechanical failure at the source for its Hillside Heights community public water system. The Declaration allows the delivery of bulk water or bottled water to meet the community public water system needs while the repair is completed.

11/12/13: MassDEP entered into a Consent Order with \$49,550 Penalty involving Core Contracting Services, Inc. for Asbestos violations in Burlington. Core Contracting Services, Inc. is a Massachusetts licensed asbestos abatement contractor. MassDEP received a complaint from the Burlington Board of Health regarding improper asbestos removal at 7 LedgeWood Drive in Burlington. During the inspection of this property, MassDEP observed that this company had performed improper asbestos removal at the site and had not properly notified prior to the work. MassDEP and the local board proceeded thereafter to 5 Boulder Drive in Burlington to conduct another inspection of the company's other work area. During the visit it was determined that the respondent had not been contracted for work at the second location and had filed inaccurate information with MassDEP. On 8/5/13, MassDEP received a complaint of improper asbestos removal at 33 Grove St in Lexington. During inspections of the site MassDEP observed that respondent had not removed the asbestos containing siding in compliance with the regulations and had not filed a notification for the work as required. As a result of the violations observed by MassDEP, the company will pay \$2,500 and \$47,050 will be suspended for a period of approximately two years. In addition the respondent will perform a Supplemental Environmental Project with a value of \$10,000 in which the company will properly abate asbestos containing materials in the Town of Lexington's School Administration Building.

11/11/13: MassDEP entered into a Consent Order with an \$11,500 Penalty involving Mark Hall for Wetlands violations in Westfield. MassDEP received a request for assistance from the Westfield Conservation Commission regarding Wetlands violations at Hall's property. MassDEP found that Hall altered less than 2,500 square feet of bordering vegetated wetlands (BVW) while cutting vegetation and filling the BVW in an attempt to farm the property and shelter pigs, cows and chickens for his family's use. Today's Order requires restoration of the property. Hall will pay \$100 of the Penalty and the remainder, \$11,400, is suspended pending compliance with the restoration requirements.

11/8/13: MassDEP entered into a Consent Order with Montague Retreat Center, Inc. for Water Supply violations in Montague. Specifically, the Montague Retreat Center, Inc. exceeded the Maximum Contaminant Level for total coliform bacteria on multiple occasions for its public water system at the Center in Montague. Today's Order includes response actions including disinfection should another violation occur within the next twelve months.

11/7/13: MassDEP entered into a Consent Order with a \$13,500 Penalty involving Robert John Koslowsky for Wetlands violations at 20 Brace Cove in Gloucester. As the result of a complaint from the Gloucester Conservation Commission, MassDEP conducted a site inspection of the property and observed that an excavator had altered between ~ 2,500 square feet of coastal dune, ~ 2,500 square feet of coastal beach and ~ 2,500 square feet of bordering vegetated wetland. The violations occurred during the improvement of Brace Cove Road, and, the installation of two catch basins and two drainage pipes. One catch basin was installed in the vicinity of the property driveway, with the second catch basin being installed in coastal dune. The drainage pipes were installed in the BVW and across coastal dune and coastal beach. None of this activity was

authorized by any Wetland's order of conditions. Today's Order requires full restoration of the resource areas, returning the roadway to original condition and long-term monitoring and reporting. The respondent will also pay \$4,000 of the Penalty with the remaining \$9,500 suspended pending compliance with the terms of today's Order.

11/6/13: MassDEP entered into a Consent Order with an \$8,000 Penalty involving ApMar USA, Inc. for Air Quality, Industrial Wastewater and Hazardous Waste Management violations in Springfield. During a routine inspection of Apmar's facility, MassDEP observed violations of the applicable regulations. The violations included failure to conduct efficiency testing of its boilers, not submitting an Air Quality source registration, storing hazardous waste in excess of allowable time, not conducting hazardous waste training for its employees, not having a complete emergency contingency plan and not complying with conditions of its sewer discharge permit. In addition to agreeing to payment of \$6,000 of the Penalty for the violations, the company agreed to implement an Environmental Management System, correct the violations and take steps to prevent any re-occurrence of the violations in the future. As part of the agreement, MassDEP, has agreed to suspend \$2,000 of the Penalty pending the company's compliance with today's Order.

11/6/13: MassDEP entered into a Consent Order with Weir Creek Realty Co., LLC for \$1,437.50 Surface Water Discharge violations at the Sandbar Restaurant in West Dennis. MassDEP found surface water discharge permit violations specifically for an illegal discharge emanating from the Sandbar Restaurant and discharging to Weir Creek. The discharge was immediately ceased. Under the terms of the Order, Weir Creek Realty Co. will pay a penalty of \$1,437.50. This Penalty amount was reduced under MassDEP's small business policy.

11/6/13: MassDEP entered into a Consent Order with B & G Golf Associates, LLC, for Water Supply violations in Gill. Specifically, MassDEP found that Oak Ridge Golf Club, LLC in Gill, exceeded the Maximum Contaminant Level for total coliform bacteria on multiple occasions for its public water system at the Oak Ridge Golf Club in Gill. Today's Order addresses response actions should another violation occur within the next twelve months 11/6/13: MassDEP entered into a Consent Order with B & G Golf Associates, LLC, for Water Supply violations in Gill. Specifically, MassDEP found that Oak Ridge Golf Club, LLC in Gill, exceeded the Maximum Contaminant Level for total coliform bacteria on multiple occasions for its public water system at the Oak Ridge Golf Club in Gill. Today's Order addresses response actions should another violation occur within the next twelve months 11/5/13: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Auburn Water District for Water Supply violations. MassDEP and the Auburn Water District entered into today's Order to correct violations involving elevated levels of arsenic in two of the twelve sources that serve the town of Auburn. Today's Order establishes an enforceable schedule to design and construct a treatment facility for the removal of arsenic, iron and manganese from the West Street Wells #11 and #12 within the drinking water supply. The District removed the wells from service on 5/15/13 and will maintain them offline until MassDEP grants activation approval of the treatment facility. The District also agreed to obtain written approval from MassDEP, and provide timely public notice to residents of arsenic violations in the event the wells must be used prior to construction completion. Through this Order, the town will continue to provide water that is safe and fit to drink to a population served of 11,527 people.

11/4/13: MassDEP entered into a Consent Order with a \$24,400 Penalty involving MJ Environmental for Asbestos violations in Pittsfield. The violations were discovered during MassDEP's inspection of asbestos abatement work that had been conducted on a vacant building located in Pittsfield. During the inspection, MassDEP found that MJ had removed asbestos transite siding from the building without instituting the proper asbestos handling procedures. Under the terms of today's Order, the respondent, MJ, will pay \$10,000 with the remaining \$14,400 suspended provided that the company complies with the terms of the Order and remains in compliance with the state asbestos handling regulations for two years.

11/4/13: MassDEP entered into a Consent Order with UAHC Eisner Camp Institute for Water Supply violations in Great Barrington. The Camp exceeded on multiple occasions the Maximum Contaminant Level for total coliform bacteria for its public water system at the Eisner Camp in Great Barrington. Today's Order addresses response actions should another violation occur within the next twelve months and before the Camp connects to the Great Barrington Fire District system.

11/4/13: MassDEP entered into a Consent Order with a \$30,000 Penalty involving CAPS Auto Wrecking Corp for Waste Site Cleanup violations at 1069 Western Avenue in Lynn. The company is the owner of the property where specific violations were the failure to meet deadlines established in a previous Consent Order as executed on 6/2/11. Today's Order now requires a tier two extension (cleanup permit) submitted by 10/30/13 and a final response action outcome statement by no later than 3/10/15. Today's Order requires payment of \$2,000 with the remaining \$28,000 suspended with stipulated penalty provision for any missed deadlines.

11/1/13: MassDEP entered into a Consent Order with a \$30,100 Penalty involving Vadim Tulchinsky for Asbestos violations at 39 Oakland Avenue in Everett. MassDEP responded to a complaint of illegal asbestos removal at the site, where the respondent is the owner of the residential property. MassDEP observed during the inspection of the site that asbestos containing pipe insulation had been improperly removed from pipes in the basement, and mixed with soils in the rear of the property. As a result of the MassDEP inspection, the respondent hired an asbestos consultant and a licensed asbestos abatement contractor to remove contaminated soils from the site. Due to the respondent's demonstrated inability to pay, MassDEP has agreed to suspend the entire \$30,100 Penalty for a period of three years - pending demonstrated compliance.

### **October 2013**

10/31/13: MassDEP entered into a Consent Order with Oronoque Condominium Association for Water Supply violations in Stockbridge. MassDEP issued a Boil Water Order to Oronoque Condominium Association due to the detection of e coli (fecal) bacteria in the source water for its public water system in Stockbridge. Today's Order requires additional samples, investigation and reporting as well as public notice to consumers. The boil water requirement was lifted on 11/4/13 upon acceptable water quality sample results.

10/30/13: MassDEP entered into a Consent Order with the Berkshire Theatre Festival, Inc., for Water Supply violations in Stockbridge. The violations concerned multiple incidents in which elevated levels above the maximum contaminant level for total coliform bacteria at this, a public

water system at the Lavan Center in Stockbridge. Today's Order includes response actions including disinfection in the event that another incident of elevated bacteria occurs within the next 12 months.

10/30/13: MassDEP entered into a Consent Order with a \$6,900 Penalty involving Saint-Gobain Performance Plastics Corporation for Hazardous Waste Management violations in Worcester. The company accumulated hazardous waste longer than the 90-day limit for this type (large quantity generator) of registered facility. Today's Order requires compliance with applicable regulations and that the company pays \$1,730 of the Penalty with the remainder (\$5,170) suspended pending completion of a Supplemental Environmental Project. Under the SEP the respondent will provide for the purchase of four iPads and associated hardware and software that will be given to the Worcester Fire Department. The iPads will allow first responders to access the CAMEO Chemical Database website while in the field providing them with detailed datasheets within seconds. Today's Order will also help ensure compliance with applicable Hazardous Waste Management regulations.

10/29/13: MassDEP entered into a Consent Order with a \$5,000 Penalty involving MEG Realty, LLC, for Waste Site Cleanup violations in Chicopee. Specifically, the company failed to comply with a Notice of Noncompliance requiring the remediation of oil contamination. A release of heating oil was discovered at an off-site location. The source of the release was determined to be a former underground storage tank located at the site. The company was issued a notice of responsibility for remediation of the release but failed to respond to that notice or the subsequent notice of noncompliance that required certain response actions to address the oil contamination. Today's Order requires MEG Realty, LLC pay a penalty of \$5,000 and complete response actions to remediate the oil contamination.

10/28/13: MassDEP issued 23 Penalty Assessment Notices to dental clinics and practices under the Environmental Results Program's dental amalgam mercury recycling enforcement initiative. These Massachusetts facilities failed to submit certifications that they have installed and are maintaining state-approved amalgam separators to keep mercury out of their wastewater discharges. The dental facilities were among a group of 90 that MassDEP cited over the summer for failing to certify, and gave 30 days to return to compliance and pay overdue fees. Sixty-seven facilities did so, but these 23 did not. The offenders have 21 days to submit their overdue certifications, pay \$500 penalties, and submit \$460 registration fees (payable every five years) to MassDEP if they haven't done so already.

10/28/13: MassDEP issued 42 Notices of Noncompliance to facility owner/operators of underground storage tanks (UST) for failing to have third-party UST inspections completed by their respective due dates between 3/1/13 and 5/31/13, or upon installation of a new tank. The agency gave the offenders 45 days to return to compliance. Failing to do so will subject these entities to additional enforcement measures, including financial penalties. UST facility owner/operators are required to have their tank systems checked every three years by MassDEP-approved third-party inspectors (TPIs) they hire. TPIs report their findings to the agency. While they provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations.

10/28/13: MassDEP entered into a Consent Order with Dentamaro Incorporated for Water Supply violations in Holland. Specifically the violations regarded the elevated level of nitrate that exceeded the maximum contaminant level at Diane's Villa Nova, a public water system located in Holland. Today's Order addresses the required actions that need to be taken relative to monitoring and corrective steps.

10/28/13: MassDEP entered into a Consent Order with Clover Hill Country Store, Inc. for Water Supply violations in Hardwick. The violations concerned elevated levels of total coliform bacteria that exceeded the maximum contaminant level for this a public water system at the Clover Hill Country Store in Hardwick. Today's Order includes response actions including disinfection should another violation occur within the next twelve months.

10/28/13: MassDEP entered into a Consent Order with the American Institute for Economic Research (AIER) or Water Supply violations in Great Barrington. Specifically, the violations concerned elevated levels of total coliform bacteria that exceeded the maximum contaminant level for total coliform bacteria for its public water system at the AIER facility in Great Barrington. Today's Order includes response actions including disinfection should another violation occur within the next twelve months.

10/28/13: MassDEP entered into a Consent Order with Camp Overflow, LLC, for Water Supply violations in Otis. Specifically, the violations concerned elevated levels of total coliform bacteria, and the detection of e coli bacteria within its public water system at Camp Overflow, LLC in Otis. Today's Order includes certain required response actions by the respondent that must be addressed prior to the start of the 2014 season including chlorine disinfection.

10/28/13: MassDEP entered into a Consent Order with Wahnee Taconic Berkshire Associates, Inc. for Water Supply violations in Hinsdale. Specifically, the violations concerned the repeated elevated levels of total coliform bacteria within its public water system at Camp Taconic in Hinsdale. Today's Order includes response actions including disinfection should another violation occur within the next twelve months.

10/28/13: MassDEP entered into a Consent Order with Bonny Rigg Camp Club, Incorporated for Water Supply violations in Becket. Specifically, the violations concerned the repeated elevated levels of total coliform bacteria that exceeded the maximum contaminant level within its public water system at Bonny Rigg Camping Club in Becket. Today's Order includes response actions including disinfection should another violation occur within the next twelve months.

10/28/13: MassDEP entered into a Consent Order with a \$25,000 Penalty involving Holyoke Medical Center for Solid Waste violations in Holyoke. Specifically, regulated medical waste from HMC was identified in solid waste at the Granby Landfill. Regulated medical waste requires additional permitting and handling safeguards which were not provided in this instance. As part of the settlement, HMC will pay \$15,000 of the Penalty with the remaining \$10,000 suspended provided that HMC remains in compliance for two years.

10/28/13: MassDEP entered into a Consent Order with a \$20,000 Penalty involving South Hadley Landfill, LLC for violations in South Hadley. Specifically, SHL failed to notify, as required under its operating permit. SHL operated the landfill and allowed contact stormwater to

leave the limits of the landfill. As part of the settlement, SHL will pay a civil administrative penalty of \$20,000, and has agreed to notify and operate the landfill in compliance and make appropriate stormwater improvements.

10/28/13: MassDEP entered into a Consent Order with a \$4,335 Penalty involving First Tee, LLC, for Wetlands violations in Southwick. First Tee, LLC has agreed to address violations at the Tekoa Country Club golf course. First Tee had removed sediment from a stream and stockpiled it in a bordering vegetated wetlands resulting in impacts to less than 2,500 square feet of BVW. Today's Order provides for the restoration of the BVW and payment of \$1,000 in Penalty with an additional \$3,335 Penalty suspended, pending compliance with the restoration requirements.

10/25/13: MassDEP entered into a Consent Order with a \$55,800 Penalty regarding Fatherland Farms subdivision for Wetlands violations off of Central Street in Newbury. Specifically, the subdivision (represented by Warren E. Manter) is responsible for not responding to numerous MassDEP attempts to solicit a request for a certificate of compliance from Manter for a project (built under MassDEP file #50-393). MassDEP issued a notice of noncompliance on 8/30/12 requiring that a certificate request with all supporting documentation to be submitted within 60 days. When the submittal was made, some required information was not included. However, the information submitted did document significant violations, including undersized bordering vegetated wetland replication areas, bordering land subject to flooding compensatory storage areas, and, stormwater control features. Subsequent information supplied to MassDEP and an inspection of the property revealed additional non conformance with the approved plans. As a result, today's Order requires detailed reports on the existing replication areas documenting success, including replacement of wildlife habitat, and plan(s) to provide the necessary remaining compensatory storage, stormwater control and appropriate replication with long-term monitoring. The document also includes a paid penalty of \$15,000 plus \$40,800 suspended upon full compliance, by 10/31/19.

10/24/13: MassDEP executed a Consent Order with a \$31,000 Penalty involving Beacon Bel Realty Trust for Waste Site Cleanup violations at 282(R) the Lynnway in Lynn. Specifically, violations were for failure meet deadlines spelled out earlier in MassDEP's notice of noncompliance issued on June 13, 2012. Today's Order requires a tier two (cleanup permit) extension to be submitted by 12/31/13 and a phase two assessment report and remedy alternatives report by 6/4/14. Also, a phase four, or remedy implementation report, is due by 9/25/14 and a final response action outcome statement by 1/15/15. Today's Order contains a \$31,000 penalty with \$27,900 suspended pending compliance with a stipulated penalty provision for any missed deadlines

10/24/13: MassDEP entered into an Amendment to an existing Consent Order with a \$28,000 Penalty involving JMN Realty Trust for Waste Site Cleanup violations at 52 Wexford Street in Needham. John Negoshian represented the Trust, the owner and/or operator of the property at 52 Wexford Street, Needham, Massachusetts. Specifically, violations there involved failure to meet deadlines set out in an earlier Consent Order from 6/1/12. Today's Order, Amends that previous Order but now requires the respondent to submit a tier two (cleanup permit) extension by 10/30/13 and a final response action outcome statement by 8/2/14. The Trust will pay \$1,500 of

the Penalty with the remaining \$26,500 of the Penalty suspended pending compliance with a stipulated penalty provision for any missed deadlines.

10/23/13: MassDEP entered into a Consent Order with three Cranberry Growers for Water Management Act violations. Specifically, the violators were: Hamlin Realty LLC, of Carver; Mr. Patrick Kelleher, of Kingston; and, Mr. David A. Lawson, of Carver. The three cranberry growers each neglected to file annual reports as required by their registrations under the Water Management Act. Each grower had already received a prior notice of noncompliance for the same violation within the past five years. The Penalty was required due to the failure to the required 2012 annual report while having a prior notice of noncompliance. Calculated penalties ranged from \$812 to \$928. Each grower paid \$290, with the balance of the penalty being suspended dependent on future compliance with reporting requirements. This is the first time cranberry growers have been penalized for failing to file reports, and MassDEP hopes these enforcement actions will lead to improved compliance with reporting deadlines in the future.

10/22/13: MassDEP entered into a Consent Order with a \$2,500 Penalty involving Littleton Lyne, LLC, for Water Pollution Control violations in Ayer. The company is required to resolve violations of the Groundwater Discharge Permit regulations that occurred at its property, Littleton Lyne Apartments located on Littleton Road in Ayer. MassDEP determined the existing large (Title 5) sewage discharge system at the apartment complex is located within the interim wellhead protection area of a public water supply source. Today's Order establishes an enforceable schedule to correct the violations by connecting the apartment complex into the Ayer municipal sewer system and the Ayer Public Water System. The entire \$2,000 Penalty will be suspended pending compliance with the terms of the Order. Through this action 13,200 gallons of wastewater per day will be properly treated and the 150 residents of the complex will continue to receive a potable water supply. 10/18/13: MassDEP entered into a Consent Order with Two-State Young Men's Christian Association, Inc. for Water Supply violations in Becket. The violations concerned multiple incidents of elevated levels of the maximum contaminant level for total coliform bacteria for its public water system at Chimney Corners Camp (well system). Today's Order includes response actions such as disinfection should another elevated incident of bacteria occur within the next twelve months

10/17/13: MassDEP entered into a Consent Order with a \$17,250 Penalty involving Daniel Fonzie for Wetlands violations at 15 Kelly Road in Wilmington. Following the issuance of a superseding order of conditions ("SOC") being issued in July of 2001 for the construction of a single family house in the buffer zone, Fonzie acquired this property in 2002 and began construction and other activities on the property, which have been found to be in violation of the SOC. After multiple Enforcement Orders, other notices of violations and cease and desist orders issued by the Wilmington Conservation Commission, MassDEP received a request for a certificate of compliance on 11/16/12 that did not contain the required as-built plans. Upon receiving an as-built plan, MassDEP conducted a site inspection in April 2013 and observed that in fact, approximately 1,872 square feet of bordering vegetated wetland had been converted to lawn (a violation). Today's Order requires a plan to restore areas and provide a one to a one-point-five ratio of restoration as agreed to by Fonzie. Further, there is a long-term monitoring requirement and Fonzie has agreed to pay \$8,000 of the Penalty with the remainder \$9,250 suspended pending compliance after three years.

10/16/13: MassDEP entered into a Consent Order with a \$500 Penalty involving Arthur King for Wetlands violations in Wales. King allowed for unpermitted construction of a retaining wall at his property on Lake George, a Great Pond. In addition to the Penalty, today's Order will result in the removal of the unpermitted structure, restoration of the bank, removal of associated fill in the flood plain and re-vegetation of the site with native vegetation.

10/16/13: MassDEP entered into a Consent Order with a \$9,775 Penalty involving Chestnut Mart for Water Supply violations in Granby. Chestnut Mart is a gas station convenience store, which operates a transient non-community public water system for modification of its public water system without prior MassDEP approval. The violation occurred when a required ultra-violet treatment system was bypassed at the facility. The violation was discovered as the result of a positive e coli (fecal ) bacteria sample result from routine drinking water samples. In addition to the modification of the system to remove the bypass, Chestnut Mart has agreed to pay \$1,000 of the Penalty with the remainder \$8,775 of the Penalty suspended pending compliance.

10/16/13: MassDEP entered into a Consent Order with a \$17,050 Penalty involving Urs Gauchat for Asbestos violations at 16 Tremont Street in Boston. Gauchat owned the residential property at 16 Tremont Street in Boston. MassDEP responded to a complaint from the city of Boston regarding improper asbestos removal at the site. MassDEP observed during the inspection that the respondent had improperly removed asbestos containing pipe insulation from the boiler room which was adjacent to the kitchen of the occupied residential property at the site. MassDEP observed dry asbestos containing waste materials on the piping and the floor at the site. MassDEP required the respondent employ a Massachusetts licensed asbestos removal contractor to decontaminate the site. As a result of the violations, the respondent has now agreed to pay \$9,000 of the Penalty with the remainder, \$8,050, suspended for a period of approximately two years pending compliance over that timeframe.

10/15/13: MassDEP entered into a Consent Order with a \$13,490 Penalty involving Northeast Hospital Corporation for Air Quality and Hazardous Waste Management violations at 85 Herrick Street in Beverly. MassDEP inspected Northeast Hospital Corporation on 1/9/13 and 1/11/13 and found the violations. Some of the violations included storing hazardous waste over 180 days, improperly labeled hazardous waste containers, missing weekly inspections, lack of hazardous waste training, and failure to post proper emergency information. Northeast Hospital Corporation agreed to pay \$6,745 of the Penalty with the remainder (\$6,745) suspended for one year if the company remains in compliance over that timeframe.

10/10/13: MassDEP entered into a Consent Order with a \$600 Penalty involving Atech Turbine Components, Inc. for Hazardous Waste Management violations in Auburn. The company accumulated hazardous waste in excess of its registered status. Under today's Order the company is required to return the facility to compliance with applicable regulations and payment of a \$600 Penalty. Today's Order will help ensure compliance with applicable Hazardous Waste Regulations.

10/10/13: MassDEP entered into a Consent Order with a \$26,140 Penalty involving G.V.W. Incorporated, for Asbestos violations in Amherst. MassDEP executed today's Order with this general contractor for violating the state asbestos regulations. The violations were discovered during MassDEP's complaint investigation of alleged improper removal of asbestos-containing

materials at the University of Massachusetts in Amherst. MassDEP conducted a site inspection and determined that GVW had removed asbestos-containing building materials without filing an asbestos notification, and without instituting the proper asbestos handling procedures. GVW cooperated with MassDEP and arranged to have a Massachusetts-licensed asbestos contractor clean up the site. Under today's Order, GVW will pay \$6,000 of the penalty, and the remainder of the Penalty (\$20,140) will be suspended for one year provided that the company remains in compliance with the state asbestos regulations during that timeframe.

10/10/13: MassDEP entered into a Consent Order with a \$17,875 Penalty involving Safe Environment of America, Inc., for Asbestos violations in Amherst. MassDEP found this asbestos abatement contractor was responsible for violating the state Asbestos regulations. The violations were discovered during MassDEP's complaint investigation of alleged improper removal of asbestos-containing materials at the University of Massachusetts in Amherst. MassDEP conducted a site inspection and determined that SEA was performing asbestos removal activities without properly employing asbestos handling procedures. SEA agreed to pay \$7,000 of the Penalty, with the remaining \$10,875 Penalty suspended for two years provided the company remains in compliance with the state asbestos regulations over that timeframe.

10/9/13: MassDEP entered into a Consent Order with a \$10,070 Penalty involving Wood's Hole, Martha's Vineyard and the Nantucket Steamship Authority for Waste Site Cleanup violations at 12-14 Main Street in Fairhaven. The violations involve the vessel maintenance facility located at 12-14 Main Street, located in Fairhaven for failure to adhere to the terms and conditions of the Activity and Use Limitation placed on the site that required them to maintain a Condition of No Significant Risk. The AUL requires that the protective cover in the restricted area be maintained and inspected semi-annually. The AUL also requires that a soil management plan (SMP) and a health and safety plan (HSP) prepared by a licensed site professional will be implemented prior to the commencement of any activity that will result in the disturbance or exposure of soil beneath said protective cover. Inspection of the site on 9/25/12 by MassDEP confirmed that semi-annual inspections of the protective cover were not being performed in accordance with the terms and conditions of the AUL, and an electrical line was installed beneath the protective cover in the area specifically restricted by the AUL. This had been done without an SMP and HSP, a violation. Other violations, such as failure to provide documentation demonstrating signatory authority, failure to provide a registry copy of the survey plan bearing the plan book/number, and failure to provide documentation were also identified. As a result, MassDEP negotiated today's Order, which establishes a deadline of 12/13/13 to correct the administrative violations and submit the corresponding documentation. In addition, today's Order requires payment of \$4,315 of the Penalty with the remainder of the penalty (\$5,755) suspended, pending compliance.

10/9/13: MassDEP entered into a Consent Order with a \$3,200 Penalty involving Saint- Gobain Abrasives, Incorporated for Air Quality violations in Worcester. The company manufactures abrasive grinding wheels at its One New Bond Street Worcester facility. The company self-reported that it violated its air quality approval for several months in 2011 when it emitted more volatile organic compounds above the permitted limit. It was determined that the cause of the exceedance was a raw material substitution in the abrasive wheel mix and the facility has promptly returned to the original mix. The facility will pay its \$3,200 Penalty, conduct extensive emission testing at the wheel mixing, molding and curing areas, and will also apply to MassDEP

for a new air quality approval that will more accurately reflect its emissions. Additionally, enhanced raw material tracking and record keeping will be required for the facility.

10/8/13: MassDEP entered into a Consent Order with the town of Becket - Becket Arts Center for Water Supply violations involving multiple instances of elevated levels of total coliform bacteria that exceeded the maximum contaminant level within its public water system. The seasonal facility will install a disinfection system and provide two clean rounds of bacteria samples prior to re-opening in the spring of 2104.

10/7/13: MassDEP entered into a Consent Order with the Boys and Girls Club of Pittsfield for Water Supply violations in Richmond. The Boys and Girls Club of Pittsfield, which serves as a public water supply, had multiple occurrences involving elevated levels of total coliform bacteria that exceeded the maximum contaminant level within its public water system at Camp Russell located in Richmond. The exceedance in late August 2013, at or just after the end of the season, included high counts of total coliform and one count of e coli bacteria. The Order included response actions including disinfection prior to the 2014 season or activation of a new source and public notice requirements.

10/7/13: MassDEP entered into a Consent Order with a \$21,130 Penalty involving Boston Gas Company, d/b/a National Grid in Malden, for Waste Site Cleanup violations in Malden. An Activity and Use Limitation (AUL) field inspection conducted on 6/4/13, discovered that construction activities had occurred within the AUL area without the required precautions. MassDEP's subsequent review of the case indicated that none of the work was done under a response action plan such as a release abatement measure a soil management plan (SMP) prepared by an licensed site professional was not done as required. Also, soil was not properly managed and was transported from the property without preparing a proper bill of lading. At the time of the violations, the respondent was installing a new natural gas line under planned utility work to replace an existing line. As a result of the violations National Grid will pay \$15,000 of the Penalty and the remaining \$6,130 will be suspended pending compliance. Today's Order also requires National Grid to submit a Standard Operating Procedure (SOP) for future projects on Oil and Hazardous Material Release Sites to ensure compliance, and those sites that have within them an AUL if applicable. A copy of the completed SOP shall be provided to MassDEP within 45 days.

10/4/13: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Massachusetts Municipal Wholesale Electric Company for Hazardous Waste Management and Industrial Wastewater violations in Ludlow. During a routine inspection of MMWEC's facility, MassDEP observed violations, which included exceeding the allowable hazardous waste storage time, failure to document weekly hazardous waste storage inspections and discharging industrial wastewater to the sewer system without obtaining a permit. In addition to agreeing to the \$2,000 Penalty, MMWEC will obtain a sewer user permit, correct the violations and take steps to prevent a recurrence of the violations in the future

10/3/13: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Michaela M. Krafve for Wetlands violations on Joslin Road in Winchendon. The violations occurred during construction activities on Krafve's property located at Lot B, Joslin Road in Winchendon. MassDEP inspectors observed that bordering vegetated wetlands (BVW) and

stream bank on the property had been altered during land-grading activities and construction of two culvert crossings. Krafve did not file the required notice of intent with the local Conservation Commission prior to the work within a wetland resource area. MassDEP issued a Unilateral Order in May of 2012 requiring Krafve to obtain the appropriate local permits, put erosion controls in place, and submit a restoration plan. The requirements of today's Order have been completed at this time. Today's Order requires the owner to implement the approved restoration plan, monitor the restored area and submit reports as outlined in today's Order that will document re-vegetation of the area. Through this action, 1,000 square feet of BVW and 100 linear feet of stream bank will be restored. The full \$9,000 Penalty is suspended pending compliance with terms of the Order.

10/3/13: MassDEP entered into a Consent Order with a \$14,375 Penalty involving the Dow Company, of Dracut for Water Pollution Control violations at the Massachusetts Department of Transportation (MA DOT) salt storage facility on River Road in Andover. The Dow Company is constructing the new salt storage facility at the southbound I-93 ramp at Exit 45 - River Road in Andover. MA DOT is relocating the salt storage facility, which is currently located in the cloverleaf of the I-93/I-495 interchange. Because this facility is state-owned, MassDEP is the approving authority. The Dow Company was hired to install the septic system and began the installation of some system components, however this was done prior to receiving a disposal system construction permit. The Dow Company has agreed to pay \$9,000 of the Penalty and \$5,375 is suspended pending compliance with terms of the Order.

10/3/13: MassDEP entered into a Consent Order with Christopher and Kristi Spheekas for Wetlands violations at 25 Amy Lynne Lane in Haverhill, a single family residential property. The property is one lot on a 23-lot subdivision that received a superseding order of conditions (permit) approval in 1995. That SOC has not received a certificate of compliance, which is obtained once the work is completed and done in accordance with the SOC. During a recent sale of the property to respondents, MassDEP received a request for a Certificate for but only for this particular lot. Upon inspection, MassDEP found that, although the house and yard were permitted by the SOC to be in the Buffer Zone to a Bordering Vegetated Wetland (BVW), there had been approximately 1,089 square feet of BVW altered by the extension of the grassed backyard and landscaping. Today's Order requires restoration of the damage along with monitoring and reporting demonstrating that restoration.

10/2/13: MassDEP entered into a Consent Order with a \$10,995 Penalty involving Vitasoy USA Inc. for Air Quality and Industrial Wastewater violations in Ayer. The company has been the source of numerous odor complaints over the last few years and discharged elevated levels (above its permit) of pollutants via its industrial wastewater discharge to the Ayer publicly owned treatment works. Today's Order requires compliance with applicable regulations and payment of the Penalty. To comply with applicable regulations, the company has hired a consultant and agreed to install a sophisticated wastewater pre-treatment system that will address odors and excess discharges.

10/2/13: MassDEP issued a Demand for a \$158,000 in Stipulated Penalties to Stonebridge Commons Condominium Trust in Hanson. The Demand was issued due to noncompliance with a previously signed Consent Order with Penalty that was executed with Stonebridge Commons Condominium Trust on 2/2/13 for violations of the ground water discharge permit effluent limits.

A required engineering report has not been submitted in accordance with the deadline established. Numerous attempts to gain compliance have been unsuccessful. The ACOP provides for stipulated penalties at \$1000 per day. Today's Demand has been issued for the amount of \$158,000.

10/1/13: MassDEP entered into a Consent Order with a \$30,100 Penalty involving Steven Lissaint for Asbestos violations at 30 Swan Street in Everett. MassDEP responded to a complaint of illegal asbestos removal at 30 Swan Street in Everett, where the respondent is the owner of the residential property. MassDEP observed during the inspection of the site that asbestos containing pipe insulation had been improperly removed from pipes in the basement. As a result of the inspection, the respondent hired an asbestos consultant and a licensed asbestos abatement contractor to decontaminate the basement of the site. In addition, as a result Lissaint will pay \$1,000 and \$29,100 will be suspended for a period of one year under MassDEP's Homeowner Policy.

### **September 2013**

9/30/13: MassDEP executed a Consent Order with an \$11,212 Penalty involving Brayton Point Energy, LLC for Air Quality violations in Somerset. Specifically, the plant violated the terms of its operating permit regarding excess emissions of opacity (smoke). Brayton Point Energy is an electric generating utility located in Somerset; self reported multiple incidents in which they exceeded their permitted opacity emission limits. The causes of these multiple incidents are reflective of deficiencies/issues with existing standard operational procedures. Today's Order requires BPE to review and revise - as necessary - its Standard Operating Procedures in order to minimize the likelihood of future excursions. BPE has agreed to pay the \$11,212 Penalty.

9/26/13: MassDEP executed an Amendment to an existing Consent Order with JKB Inc., for Waste Site Cleanup violations at 105 Hollis Street in Framingham. The Amendment with JKB Inc, which is the owner and/or operator of the property at 105 Hollis Street, specifically pertains to violations for failure meet deadlines set out in existing Consent Order with Penalty dated 10/7/09. The Amendment requires a phase four remedy implementation report by 10/2/13. In addition, an Immediate Response Action Status or Completion Statement will be submitted by 11/13/13 and a Response Action Outcome statement by 8/24/14. The Amendment also requires the payment of \$ 2,000 of what had been the suspended Penalty.

9/26/13: MassDEP issued a Unilateral Order to Hubbardston Elderly Housing Inc. for Water Supply violations. This is a Do-Not-Drink Unilateral Order to the owner and operator of a Community Public Water System (PWS) at Hubbardston House Apartments located at 3 Old Princeton Road in Hubbardston. Samples collected from the supplier have shown a violation of the maximum contaminant level (MCL) for nitrate. Nitrate at concentrations in the drinking water greater than the 10 mg/L may pose an acute risk to infants under six months old. Today's Order requires the supplier to provide public notice (tier 1) to all consumers outlining the danger to infants. Today's Order also requires the supplier to implement their emergency response plan, evaluate potential causes of the contamination and take corrective actions, submit a corrective action plan, conduct additional monitoring, and submit an emergency response report. Through this action the owners will continue to provide water that is safe and fit to drink to a population of 40 and anyone else visiting the facility.

9/26/13: MassDEP entered into a Consent Order with the town of Ludlow for Water Supply violations at the Westover Municipal Golf Course in Ludlow. Specifically, the violations concerned multiple occurrences of elevated levels of total coliform bacteria. The Maximum Contaminant Level for total coliform bacteria was exceeded within its public water system at Westover Municipal Golf Course. Today's Order includes response action requirements including disinfection should another incident occur within the next twelve months.

9/26/13: MassDEP entered into a Consent Order with a \$25,575 Penalty involving JDC Demolition Company Inc. for Asbestos violations at 20 Somerset Street in Boston. MassDEP performed a routine inspection at 20 Somerset Street in Boston and observed during the inspection that the respondent was not in compliance with the approved alternative work plan for the site. In addition, MassDEP observed that asbestos-containing material had not been removed by the respondent prior to demolition activity which impacted said material. MassDEP also observed dry asbestos-containing-waste materials, asbestos-containing waste in unsealed containers, and unlabeled containers in two locations at the site. MassDEP requested that the respondent stop all demolition and asbestos removal at the site. As a result of the violations observed by MassDEP, the respondent was assessed a \$25,575 Penalty. The respondent will pay \$5,000 and \$20,575 will be suspended for a period of one year. In addition, the respondent submitted a revised the alternative work plan for review and approval prior to restart of activity at the site. Today's Order requires specific actions on the part of the respondent in order to bring the site back into compliance.

9/25/13: MassDEP executed a Consent Order with a \$10,000 Penalty involving Francesco Demolition, Inc. for Asbestos violations in Pittsfield. The violations were discovered during MassDEP's inspection of asbestos abatement work that had been conducted on a vacant building located in Pittsfield. During the inspection, MassDEP found that Francesco's subcontractor had removed asbestos-transite siding from the building without instituting the proper handling procedures. Francesco agreed to pay \$2,500 of the Penalty with the remaining \$7,500 suspended provided that the company complies with the terms of the Order and remains in compliance with the state asbestos-handling regulations for two years.

9/25/13: MassDEP entered into a Consent Order with a \$4,315 Penalty involving 73-81 Ashland Avenue Realty Trust for Waste Site Cleanup violations in Southbridge. Specifically, the Realty Trust violated the conditions of the property's Activity and Use Limitation (AUL) at 73-81 Ashland Avenue in Southbridge. An AUL was recorded for this site in March 1997, which prohibits the excavation of soil at the site without an OSHA-trained operator. During a site inspection, MassDEP observed evidence of recent excavation of a utility trench that had occurred without an OSHA-trained equipment operator, however; no exposure to impacted soil occurred as a result of this work. The AUL is not incorporated into the deed of the current owner, and obligations and conditions of the AUL are inconsistent. A sketch of the AUL area was not included in the 1997 AUL. 73-81 Ashland Avenue Realty Trust has now agreed to a suspended \$4,315 Penalty, provided that there are no additional violations for a one-year period. Today's Order requires that a confirmatory-AUL will be recorded, which includes language to clarify obligations and conditions of the AUL at this property. The Order also requires that all future deeds, mortgages, leases, and instruments of conveyance and transfer must include a reference to the AUL.

9/24/13: MassDEP entered into a Consent Order with a \$1,725 Penalty involving Primo Water Corporation for Water Supply violations in North Adams. MassDEP found that Primo Water Corporation was in violation in its operation of a public water system vending machine at the Wal-Mart in North Adams without prior approval as a new public water system. In addition to requiring the facility to come into compliance, today's Order includes a payment of \$1,150 of the Penalty with the remaining \$575 suspended pending compliance with all provisions of the Order.

9/24/13: MassDEP entered into a Consent Order with George Adams d/b/a Cedarwood Apartments for Water Supply violations in Belchertown. MassDEP concluded today's Consent Order with Cedarwood Apartments concerning violations of the Maximum Contaminant Level for total coliform bacteria within its public water system. Today's Order includes response action requirements including disinfection should another violation occur within the next twelve months.

9/24/13: MassDEP entered into a Consent Order with Larkum Lake Real Estate Company, LLC, for Water Supply violations in Otis. The violations concerned multiple violations of the Maximum Contaminant Level for total coliform bacteria within its public water system at Berkshire Sports Academy. Today's Order includes response action requirements including disinfection should another violation occur within the next 12 months.

9/23/13: MassDEP entered into a Consent Order with Scott Williams d/b/a Wagon Wheel Camping Area, for Water Supply violations in Warwick. MassDEP determined that Wagon Wheel Camping Area failed to collect follow up samples after e coli bacteria was detected in its public water system source and failed to provide public notification associated with that detection. Today's Order includes the requirement to complete public notification to users of the system.

9/23/13: MassDEP executed a Consent Order with the town of Longmeadow for Water Supply violations in Longmeadow. MassDEP concluded that Longmeadow violated Water Supply Maximum Contaminant Level for total tri-halo-methane (or TTHM) within the town's public water system. TTHM are disinfection byproducts. Today's Order includes a period of time to work cooperatively with its wholesale public water system (Springfield Water and Sewer Commission) to lower TTHMs. If that is not successful, Longmeadow must submit a report of options and a corrective action schedule. MassDEP approved corrective actions and the schedule would be incorporated into an amended Order.

9/23/13: MassDEP entered into a Consent Order with Gateway Regional School District for Water Supply violations in Huntington. Gateway Regional School District was found to have deficiencies at its Gateway Regional School in Huntington. Today's Order includes a schedule to submit a permit application and complete construction work.

9/23/13: MassDEP issued a Unilateral Order to Wales Village, LLC for Water Supply violations in Wales. The company failed to address the water loss and pressure loss due to a water main break within its community public water system at Brookside Village in Wales. Today's Order includes the Declaration of Water Emergency and Boil Water Order requirements.

9/20/13: MassDEP entered into a Consent Order with a \$15,000 Penalty involving Don Lia, for Waste Site Cleanup violations in Northampton. Lia was found to have violated the Waste Site Cleanup regulations at 171-187 King Street in Northampton. A temporary solution was achieved and filed for the site back in March 2012. The temporary solution, however, requires certain conditions be maintained to prevent exposure to remaining site contaminants. MassDEP audited this site and determined that Lia failed to demonstrate and maintain those conditions. The so-called 'temporary solution' failed to evaluate potential risk to exposure to contaminated soil by utility workers. MassDEP's inspection of the site also indicated that existing pavement necessary to prevent exposure to underlying soil contamination was not being maintained. MassDEP issued a Notice of Noncompliance to Lia that outlined the above violations and provided a schedule to return the site to compliance. However, Lia failed to respond to MassDEP's Notice. Today's Consent Order requires Lia to pay \$10,000, with the additional \$5,000 Penalty suspended and require Lia to evaluate potential risks to utility workers and repair pavement.

9/20/13: MassDEP issued 20 Notices of Noncompliance to owners of Underground Storage Tanks (UST) for enforcement. MassDEP issued 20 NONs to facilities for failing to conduct second third-party inspections of their underground storage tank (UST) systems within three years of their first inspections in 2010. Facilities with USTs that hold petroleum products or hazardous materials are required by MassDEP to have the condition and operation of their systems' tanks and piping evaluated by hired, state-approved contractors once every three years. These independent inspectors complete reports on the facilities, and check for compliance with UST regulations and highlight any deficiencies that require attention. MassDEP gave the 20 violators 30 days to have these required third-party inspections conducted and 45 days to submit the reports provided by inspectors.

9/20/13: MassDEP was notified by the Massachusetts Attorney General's Office of a Settlement Agreement with Clean Harbors Environmental Services, Inc. and Murphy's Waste Oil Service in the amount of \$112,500. The investigation began in cooperation with the Attorney General's office, and MassDEP. The Complaint and Settlement Agreement were filed in Superior Court concerning Clean Harbors Environmental Services, Inc.'s and its affiliate, Murphy's Waste Oil Service's in which there was alleged transportation of hazardous waste (primarily waste oil), from unregistered generators. In addition, the Complaint alleges that the respondents submitted inaccurate electronic monthly reports ("EMORs") regarding their transportation of hazardous waste. Under the terms of the Settlement Agreement, the respondents will pay a civil penalty of \$112,500. The respondents will pay \$75,000 within 15 days of the final settlement and \$37,500 will be suspended pending their compliance with the requirements of the Settlement. Respondents are also required to take steps to ensure that they only accept waste from registered facilities. The steps include providing the respondents drivers with a list of registered facilities, training to all current and future employees, and monetary penalties for drivers who unlawfully accept hazardous waste from unregistered facilities.

9/18/13: MassDEP entered into a Consent Order with the town of Agawam for Water Supply compliance in Agawam. MassDEP concluded today's Order with Agawam concerning the elevated levels of the Maximum Contaminant Level for Halo acetic Acids (HAA5s) within the town's public water system. The Order includes a period of time to work cooperatively with its wholesale PWS (Springfield Water and Sewer Commission) to lower HAA5s. If that is not

successful, Agawam must submit a report of options and a corrective action schedule. MassDEP approved corrective actions and the schedule would be incorporated into an amended Order.

9/18/13: MassDEP entered into a Consent Order with the town of Buckland for Water Supply violations in Buckland. MassDEP concluded the Order with Buckland specifically for violations concerning excessive water use at its Buckland Recreational Facility public water system. Today's Order includes a required report on the causes, corrective actions and, if necessary submittal of a permit for and completion of a replacement source to meet the facility's needs.

9/17/13: MassDEP executed a Consent Order with a \$5,750 Penalty involving Homeland Builders Inc. for Air Quality violations in Fall River. MassDEP's Compliance and Enforcement inspection revealed the company exceeded specific emission limitations for both hazardous air pollutants and volatile organic compounds as listed in the company's 2001 Comprehensive Plan Approval. Today's action and requirements will ensure compliance with the applicable regulations.

9/17/13: MassDEP issued a Unilateral Order to South Shore Tri-town Development Corporation (Rockland) for Wetlands-Waterways violations. Several complaints were received in MassDEP's Southeast Regional Office in Lakeville concerning the removal of an old weir structure from a stream which apparently served to decrease the peak rates of storm water discharge. MassDEP's Order requires the respondent submit a Notice of Intent for a project proposal to mitigate the increase in storm water runoff and peak discharge rates at the outfall stream channel. The Notice of Intent, which would be subject to review, must be submitted by 11/30/13.

9/16/13: MassDEP issued six Reporting Penalty Assessment Notices (RPAN) to facilities that were in violation for Dental Amalgam Mercury Recycling requirements. MassDEP issued RPANs to six dental facilities across Massachusetts for failing to respond to previous notices of noncompliance (NONs). Today's RPANs were issued following a previous MassDEP action in which 57 dental practices were notified in April and March 2013 for having failed to file their five-year certifications that they install and maintained state-approved amalgam separators to keep mercury out of their wastewater discharges or paying their associated \$400 compliance fees by 6/15/12. The NONs gave these facilities 30 days to come back into compliance, but as of today, (9/16/13) six still had not submitted their certification forms or paid their overdue fees. MassDEP issued \$500 penalties to each of these facilities, giving them 21 days to pay these fines, and required them to return to compliance and pay their compliance fees (which increased in August) immediately.

9/13/13: MassDEP issued a \$1,032 Penalty Assessment Notice to J. Tinnerello Waste for Solid Waste violations in South Hadley. MassDEP found that J. Tinnerello Waste was delivering wastes to the South Hadley Landfill for disposal that had unacceptable levels of waste-ban materials. J. Tinnerello had received a prior Notice of Noncompliance from MassDEP also relative to this same waste-ban violation issue. Also, the company had been identified in the landfill's own self-reporting having delivered 'failed' loads, on multiple occasions.

9/13/13: MassDEP issued a \$1,032 Penalty Assessment Notice to McNamara Waste Services, LLC, for Solid Waste violations in Hampden. MassDEP found that McNamara Waste Services

LLC was mixing pre-sorted recyclables with waste on a curbside residential route in Hampden. McNamara had received a prior Notice of Noncompliance from MassDEP for delivery of banned materials to the South Hadley Landfill for disposal, and had also been identified in the landfill's own self-reporting as having delivered 'failed' loads on multiple occasions.

9/13/13: MassDEP entered into a Consent Order with VFW Post 4524, for Wetlands violations at 10 Garafola Street in Revere. The violations at 10 Garafola Street in Revere were found during an unannounced inspection of the site. MassDEP observed that approximately 7,500 square feet of salt marsh near the rear of the VFW parking lot had been disturbed by heavy equipment, and that soils and debris had been scraped into the salt marsh. Today's Order requires the respondent to submit a site restoration plan, approved by MassDEP, to restore the entire impacted salt marsh.

9/13/13: MassDEP executed a Consent Order with a \$30,860 Penalty involving Brett Marley as trustee of WGM Realty Trust for Waste Site Cleanup violations at 25 Massachusetts Avenue in Arlington. WGM Realty Trust is the owner and/or operator of the property at 25 Massachusetts Avenue in Arlington. Specifically, violations at that site involved the failure to meet deadlines set out in a previously issued notice of noncompliance dated 4/18/12. As a result of this failure, WGM is now required to submit a tier two waste site cleanup permit extension by 10/11/13, and an Immediate Response Action status report by 11/26/13 and a remedy operation status or final response action outcome. In addition, the company will pay \$3,000 of the Penalty with the remaining \$27,860 suspended. There is a stipulated penalty provision for any missed deadlines.

9/12/13: MassDEP issued a Unilateral Order to the Massachusetts Department of Transportation (DOT) for Water Pollution Control violations in Andover. The Order was issued to the DOT relative to installation of septic system components at the new salt-storage facility being constructed at the southbound I-93 ramp at Exit 45 - River Road in Andover. DOT is relocating the salt storage facility currently located in the cloverleaf of the I-93/I-495 interchange. The installation of the system components commenced prior to the installer's receiving a disposal system construction permit. Today's Order requires all installation activities to cease until a permit is issued and DOT certifies that it will follow the terms and conditions of MassDEP's system approval by DOT as well as its contractors and agents.

9/11/13: MassDEP entered into a Consent Order with a \$5,750 involving the town of Westport for Water Supply violations in Westport. The town serves as a public water system, and was found to have exceeded the Maximum Contaminant Level for disinfection byproducts (total trihalo-methane) at their consecutive public water supply system. The entire penalty of \$5,750 will be fully suspended pending compliance.

9/10/13: MassDEP issued a Boil Water Order to Fiske Property for Water Supply violations in Sherborn. The Fiske Property is a transient non-community public water system serving a commercial building. A positive test for e coli bacteria was detected in a sample of the untreated well water collected on 9/9/13. The well does not have treatment that meets the standards of the Ground Water Rule, prompting the issuance of the Boil Water Order. [The Order was terminated on September 17, 2013, after the well was chlorinated and three rounds of clean samples were

collected.] The Fiske Property must still identify and correct any significant deficiency that led to the bacterial contamination, in accordance with the Ground Water Rule.

9/10/13: MassDEP entered into a Consent Order with Mill Valley, LLC, for Water Supply violations in Belchertown. The respondent violated the regulations concerning multiple violations of the Maximum Contaminant Level for total coliform bacteria within its public water system at Mill Valley Golf Links in Belchertown. The respondent additionally failed to provide public notification as required. Today's Order includes response action requirements including disinfection (should another violation occur within the next 12 months) and adequate public notification distribution, posting and certification.

9/10/13: MassDEP entered into a Consent Order with a \$14,000 Penalty involving CMS Realty Trust for Wetlands violations in Chicopee. Under the terms of today's Order, CMS Realty Trust is required to address/correct the unpermitted alteration of 11,560 square feet of River Front area, and a total of 6,941 square feet of Bordering Land Subject to Flooding at its property. In addition to this restoration of the site, the Order includes a payment of \$2,500 of the Penalty. The remaining \$12,500 is suspended contingent upon compliance with the restoration requirements of today's Order.

9/10/13: MassDEP entered into a Consent Order with a \$5,750 Penalty involving the town of Wilbraham for Water Supply violations in Wilbraham. Violations by the town, a public water system, concerned the operation status of two pump stations the town uses that lacked back-up power. Also, the Water Department's failure to respond and report a drinking water emergency as required and failure to provide notice of changes among its certified operators. Today's Order includes the required updates to the Water Department's emergency plan and related training and installation of backup power generation at two pump stations. The entire penalty of \$ 5,750 will be suspended pending compliance with the Order.

9/6/13: MassDEP issued a Unilateral Order to the town of Weston for Water Pollution Control violations, relative to the installation of septic system components at the Field School on Alphabet Lane in Weston. The town of Weston is expanding the Field School and needed to relocate some septic system components. This specific septic system is part of a large septic system for which MassDEP is the approving authority. The installation of the system components commenced prior to the installer's receiving a disposal system construction permit. Today's Order requires all installation activities to cease until a permit is issued and the town to certify that the terms and conditions of MassDEP's system approval are followed by the town as well as its contractors and agents.

9/5/13: MassDEP entered into a Consent Order with a \$40,000 Penalty and an additional \$5,200 Settlement for Waste Site Cleanup violations in Burlington with Richard J. Kelly (d/b/a R.J. Kelly Company. Today's Final Decision was issued by MassDEP Commissioner Kenneth Kimmel, approving the Settlement Agreement and Administrative Consent Order with Penalty. Richard J. Kelly, individually and d/b/a R.J. Kelly Company, was established due to respondent's failure to conduct response actions at the 116 Cambridge Street in Burlington disposal site in accordance with deadlines established. New deadlines are set for submittal of a tier two extension (clean-up permit) and a revised assessment and remedial selection and implementation reports up to and including a final response action outcome (closure) statement. Today's Order

requires payment of a \$5,200 Settlement amount and a \$40,000 Penalty, of which \$20,000 is suspended, provided Kelly does not violate the Order or any Waste Site Cleanup requirements.

9/3/13: MassDEP entered into a Consent Order with the Prospect Mountain Campground, Inc. for Water Supply violations in Granville. Prospect Mountain Campground, Inc., a public water system, was found to have exceeded the Maximum Contaminant Level for total coliform bacteria. Today's Order includes response action requirements including disinfection should another violation occur within the next 12 months.

9/3/13: MassDEP entered into a Consent Order with Cold River, Inc., for Water Supply violations in Charlemont. Cold River, Inc is a public water system. Today's Order requires Cold River to address activities at adjoining properties such that noncompliance with drinking water regulations arose. Today's Order will result in a compliant transient public water system will be constructed which replaces some previous activities and a private well which had served fewer than thirteen bedrooms.

9/3/13: MassDEP entered into a Consent Order with Primo Water Corporation for Water Supply violations in Ware and Chicopee. The violations concerned the company's compliance with drinking water requirements for chlorine residual monitoring and operator notification. Primo Water Corporation owns and operates a water vending machine at the Wal-Mart in Ware and the Wal-Mart in Chicopee.

9/3/13: MassDEP entered into a Consent Order with a \$14,000 Penalty involving the Ted Ondrick Company, LLC, for Wetlands violations in Chicopee. The company has agreed to resolve a violation of the Wetlands Protection Act resulting from the placement of soils, reclaimed asphalt and other materials stored for the business in 59,379 square feet of Bordering Land Subject to Flooding without an Order of Conditions. In addition to the Penalty, Ondrick shall remove the materials to restore the lost flood compensation storage, stabilize and survey the site.

### **August 2013**

8/30/13: MassDEP issued a Boil Water Order to the town of Otis to address the presence of total coliform and e coli bacteria in its transient non-community public water system serving the Otis Recreation Center, the Otis Library and a nearby Church.

8/29/13: MassDEP issued a Boil Water Order to the town of Hancock to address very high counts of total coliform bacteria in its non-transient non-community public water system serving the Hancock Elementary School. The maximum contaminant level for total coliform was exceeded at the School and despite efforts to investigate and disinfect, the corrective actions were not successful. The public water system plans to install disinfection.

8/29/13: MassDEP entered into a Consent Order with an \$8,630 Penalty involving Castricone and Son Mechanical Services for Waste Site Cleanup violations at 60-62 Claremont Street in Malden. Specifically, Castricone failed to report a sudden release of approximately 25 gallons of #2 fuel oil to pavement that occurred during the replacement of a residential fuel tank. This is a violation of the Massachusetts Contingency Plan, state regulations. Today's Order requires Castricone to submit the required Release Notification Form and Immediate Response Action

Plan within 30 days. In addition, the \$8,630 Penalty is fully suspended pursuant to the small business policy contingent on Castricone's compliance with these terms, and demonstrated compliance for one calendar year with all applicable regulations.

8/28/13: MassDEP issued a Consent Order with a \$19,400 Penalty involving Ting Lu for Asbestos violations in Taunton. Ting Lu, of Next Step, LLC, was in noncompliance with Asbestos regulations for not properly containerizing and labeling the asbestos material. Also, the company did not notify MassDEP of the removal of asbestos prior to the work as required and for removing or contracting for disposal of asbestos containing waste at a facility that is not permitted to take that type of waste (asbestos). Under today's Order, \$14,400 of the Penalty is suspended under the small business policy pending compliance with the terms of the Order.

8/26/13: MassDEP entered into a Consent Order with the town of Petersham for Water Supply violations. Today's Order concerns the elevated counts that exceeded the Maximum Contaminant Level (MCL) for total coliform bacteria within its public water system at the Town Hall. Today's Order includes response action requirements including disinfection should a similar MCL violation occur within the next 12 months.

8/26/13: MassDEP executed a Consent Order with a \$4,320 Penalty involving Atlas Box and Crating, Co., Inc., for Air Quality violations in Sutton. The company installed equipment that caused a condition of air pollution (noise). Today's Order requires the company to ensure compliance with all applicable regulations and pay the Penalty. This action will help ensure compliance with applicable noise regulations/requirements.

8/22/13: MassDEP issued a Do-Not-Drink Order to Daniel McNiff, as trustee of J&A Realty Trust, for Water Supply violations in Shirley. The Trust is the owner of this public water system (PWS) at 272-280 Great Road and serves Mohawk Village Apartments and a small office building with a population of approximately 54 persons. Review of manganese levels in the PWS by MassDEP's Office of Research and Standards has determined that reported concentrations pose an unacceptable health risk to residents. Manganese levels have ranged up to 2.4 (milligrams per liter) in the source water and the PWS does not have treatment. Today's Order will require the PWS to provide a tier one public notice (do not drink) regarding the water and provide an alternative source of drinking water to all users while the Order is in effect. Today's Order also requires the PWS to notify local officials, submit an emergency response report, conduct additional monitoring, and take corrective actions. The Order will remain in effect until lifted by MassDEP.

8/21/13: MassDEP entered into the Consent Order with Mark One Demolition, Inc, for Wetlands Protection Act and Solid Waste Management violations at their property located at 109 Industrial Ave East, in Lowell. MassDEP observed that recyclable materials were not sufficiently enclosed and covered to prevent a public nuisance, and metal roll-offs that stored these recyclable materials were in the wetlands buffer zone. Also, that sediment from the roll-offs/industrial equipment and snow plowing operations were entering the Bordered Vegetated Wetland and stream, a violation. The document requires the respondent to comply with the solid waste regulations, provide a plan to remove the fill near the resource area, and properly maintain an adequate erosion/siltation controls through a Restoration Plan and an Operation and Maintenance Plan approved by MassDEP.

8/20/13: MassDEP issued a \$100 Penalty Assessment Notice to LCB Senior Living, LLC, for Groundwater Discharge violations at its Traditions of Wayland facility located at 10 Green Way in Wayland. The facility's groundwater discharge permit requires that it submit an annual financial report for its Capital Reserve Account and its Immediate Repair and Replacement Account. The facility received Notices of Noncompliance for failing to submit annual reports in 2010 and 2011, and failed to return to compliance. The facility failed again to provide reports in 2012 and 2013.

8/19/13: MassDEP issued Notices of Noncompliance to sixteen (16) entities that participate in the Dental Amalgam Mercury Recycling Program. MassDEP issued these NONs to the dental facilities across the state for not submitting certifications demonstrating the installation and ongoing maintenance of a state-approved amalgam separator. Such a separator is necessary to keep mercury out of their wastewater discharges. Under MassDEP regulations, these entities were required to certify by either 6/23/06 if they were operating as of then or within 60 days of starting operations after that date. MassDEP sent 180 reminder letters and placed telephone calls to all of these facilities before issuing NONs. The offenders have 30 days to comply with state requirements by submitting their certification forms and paying their overdue fees. If they fail to do this, they could face additional enforcement measures, including financial penalties.

8/16/13: MassDEP entered into a Consent Order with Care One, LLC, for Water Supply violations in Williamstown. The company is the owner of Sweet Brook and Sweet Wood of Williamstown. The Order was issued due to detections of total coliform and e coli bacteria within the drinking water system serving 554 staff and patients and residents at this small community public water system. The Order requires emergency response actions, notice to boil water before consumption and allows the use of alternate water at the public water system.

8/15/13: MassDEP penalized two dental facilities in Lynnfield and the building owner for violations involving the discharge of dental amalgam wastewater to a septic system. State regulations specify that an Industrial Wastewater Holding Tank (IWHT) is necessary to prevent dental amalgam, a composite which may contain mercury, from being discharged to a septic system. The specific violations involved the discharge from amalgam separators, which are used in dental offices to capture and recycle the mercury contained within amalgam. In April of 2012, inspectors visited the office of Jeffrey D. Corbett, DDS, LLC, and, Brian F. Dalton, P.C., both of whom have practices located at 1 Post Office Square in Lynnfield. Inspectors determined this building is owned by Lynnfield Medical Building, LLC, located at 79 Walnut Street in Peabody. Following the investigation and a conference with the responsible parties, the two dental practices and the building owner have agreed to cease the illegal discharge, obtain a temporary IWHT and to install a permanent IWHT in a very short turn-around time. Each party has also agreed to pay a \$2,000 Penalty. There are also suspended penalties that would become due should any of the parties fail to make the required upgrades or corrections within the established timeframe. The violations involving Dr. Corbett's practice included: the discharge of amalgam-containing industrial waste water from the dental activities, including the discharge from amalgam separators to the on-site septic system; improper storage, handling and disposal of amalgam waste, resulting in the disposal of amalgam waste into a medical waste container; failure to keep records of amalgam waste handling and recycling; and submittal of inaccurate information as part of MassDEP's Environmental Results Program (ERP) dental certification.

The ERP is a self-certification process that allows certain facilities to certify that the facility is operating in compliance. Dr. Corbett's practice was penalized \$12,000, with \$2,000 payable and \$10,000 suspended pending compliance. The violations involving Dr. Dalton's practice included: the discharge of amalgam-containing industrial wastewater from the dental activities, including the discharge from amalgam separators to a wastewater disposal system; submittal of inaccurate information as part of the ERP dental certification; and failure to register as a very small quantity generator of hazardous waste. Dr. Dalton's practice was penalized \$12,000, with \$2,000 payable and \$10,000 suspended pending compliance.

8/15/13: MassDEP entered into a Consent Order with Paul-Mi Realty Trust (Former Brockton Cycles) for Waste Site Cleanup violations in Brockton. MassDEP issued a Notice of Noncompliance to the respondent for failure to submit phase reports through a final statement (either a response action outcome or remedial operating status), as is required in accordance with the deadlines prescribed in state regulations. The respondent contacted MassDEP prior to the deadline to request additional time for the required submittals. Accordingly, MassDEP and the respondent entered into today's Order, which includes deadlines for the submittal of a completed phase two (or Comprehensive Site Assessment) as well as other reports that move the site towards closure.

8/15/13: MassDEP entered into a Consent Order with a \$15,000 Penalty involving the Massachusetts Institute of Technology for Air Quality violations at the campus of the Cambridge-based facility. MIT operates several combustion-related emission units (EUs) at its campus. The larger of these EUs are equipped with continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS). Several EUs operate as emergency engine generators sets, (EEGs). Among the violations: over four quarterly periods three CEMS and COMS serving three EUs either recorded excess opacity and carbon monoxide (CO) emissions, or had excessive CO CEMS. MIT has agreed under today's Order to establish and implement a CEMS and COMS operator-training program administered by a qualified, independent third-party contractor. In addition, MIT was required to either increase the exhaust stack heights serving several of the EEGs, or equip certain EEGs with active diesel particulate matter filters. This will be done in order to mitigate the potential for creating a condition of air pollution in the areas proximate to the EEGs. MIT has also agreed to pay a \$15,000 Penalty for the violations.

8/14/13: MassDEP entered into a Consent Order with a \$2,784 Penalty involving the Triumvirate Environmental Inc. for Hazardous Waste Management violations. MassDEP determined that the company failed to include in its 2008 Electronic Monthly Operating Reports (EMORs) the data from a total of 931 pages of hazardous waste manifests. MassDEP previously cited the company for similar omissions in a 2011 Notice of Noncompliance (NON). This represents a repeat violation of state hazardous waste management regulations. Triumvirate - which has offices in Somerville and operates a hazardous waste treatment, storage and disposal facility in Lowell - has agreed to pay the \$2,784 Penalty and submit the missing information as well as audit its records for any other missing manifest data through 2013.

8/13/13: MassDEP entered into a Consent Order with Bernardston Fire & Water District for Water Supply violations in Bernardston. Today's Oder pertains to the District having reported a violation regarding the total coliform (bacteria) rule twice within a twelve-month period.

8/9/13: MassDEP entered into a Consent Order with Simon's Rock of Bard College Water Supply violations in Great Barrington. The Order pertains to Simon's Rock of Bard College reporting the presence of e coli - which is a violation of the Ground Water Regulations. Simons Rock of Bard College will install a mechanical disinfection system that will provide four-log inactivation of viruses (99.99%).

8/8/13: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Beacon Lofts, LLC for Waste Site Cleanup violations in Somerville. The company failed to meet cleanup response action deadlines, and failed to submit a Release Abatement Measure (RAM) plan to MassDEP prior to removing 2,200 gallons of contaminated groundwater. This is a violation of Waste Site Cleanup regulations. Beacon Lofts LLC has agreed to pay a civil administrative penalty of \$3,000 Penalty and to submit the required RAM status report on or before 11/14/13 and a tier classification, (site ranking) or a final Response Action Outcome statement (closure) on or before 1/10/14.

8/5/13: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Hillside Development Corp. for Wetlands violations in Southwick. Hillside has agreed to address the unpermitted alteration of 6,102 square feet of Bordering Vegetated Wetland at 691 Hillside Avenue. Hillside self-disclosed the violation in the filing of a Notice of Intent for the development of the property and admitted that the owner had cleared some vegetation prior to retaining the wetlands consultant. In addition to restoration of the site, the Consent Agreement includes a penalty in the amount of \$7,500.00 which is to be paid in its entirety.

8/5/13: MassDEP entered into a Consent Order with a \$645 Penalty involving Paul Davis Systems for Air Quality violations in Egremont. This renovation company failed to address the illegal burning of materials at a residence located adjacent to a brook used as the drinking water source for the town of Egremont. On 5/6/13, MassDEP received a call from a representative of the town regarding material observed floating on Karner Brook, and originating at a residence located at 175 Mt. Washington Road. MassDEP inspected the site and observed two areas where open burning had occurred, one in the driveway area and another in the back of the property. Materials observed in the burnt areas included insulation, sheet-rock, roofing shingles, plywood, small metal cans, magazines, and various construction and demolition waste. The resulting investigation revealed that employees of the company had conducted the burning. As part of the agreement, the company will pay the \$645 Penalty.

8/5/13: MassDEP issued a \$4,435 Penalty Assessment Notice to New-Tech Co., Inc. for Asbestos violations at 84 Concord Street in North Reading. MassDEP personnel responded to a complaint of demolition activity at 84 Concord Street in North Reading. MassDEP observed during an inspection that prior to demolition there was failure to properly remove asbestos containing materials. The respondent, New-Tech, was crushing concrete on site. The respondent failed to properly notify MassDEP of the demolition and the crushing activities at the site. In addition, the respondent failed to remove and properly containerize asbestos containing material prior to demolition. As a result of the violations observed, the respondent was assessed \$4,435 Penalty.

8/5/13: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Servpro of mid- and outer-Cape Cod in Massachusetts for Asbestos violations. MassDEP violated the regulations

by removing asbestos-containing materials at the South Coast Condominiums, Canterbury Building 2100 Phillips Road New Bedford. Servpro was hired to clean-up damaged interior walls, ceilings and floors after a storm caused a significant roof leak which impacted all three floors of the building. Ceiling material, which was handled, packaged and placed in an open-top, and outdoor waste container, was tested by a state certified Asbestos laboratory. That lab confirmed the material contained friable asbestos ceiling paint/ plaster containing asbestos. The improper handling resulted in several Asbestos and Air Quality violations, including failure to remove the Asbestos containing material prior to demolition/ renovation activity, failure to seal the asbestos work area. They also failed to use the proper-filtered exhaust ventilation system and failed to ensure asbestos containing material remained wet until and after sealed into a container for disposal to prevent visible or particulate emissions to the ambient air space. Servpro has been assessed a civil administrative penalty of \$5,750 of which, \$2,875 has been suspended provided Servpro does not violate any provisions of today's Order.

8/2/13: MassDEP entered into a Consent Order with a \$31,190 Penalty involving the Barton Center for Diabetes Education, Inc. of Charlton for violating Asbestos, Air Quality (open burning) and Solid Waste violations. The Charlton Fire Department observed the open burning of construction and demolition material from a partially demolished building done by Barton Center employee. MassDEP was subsequently called in and determined that some of the demolition materials contained Asbestos. This activity violated numerous Asbestos requirements as well as open burning and Solid Waste regulations. Today's Order requires compliance with applicable regulations and the Center will pay \$16,230 with the remaining \$14,960 of the Penalty being utilized to fund a Supplemental Environmental Program (SEP) that will provide much needed fire-training equipment to the Charlton Fire Department. In addition, the Center will conduct surveys of all buildings it owns to determine the presence of Asbestos. Today's Order helps to ensure compliance with applicable regulations and ensure that the Center is aware of all potential asbestos issues.

8/1/13: MassDEP entered into a Consent Order with a \$29,500 Penalty involving the town of Groveland for Wetland Protection Act violations at J. B. Little Road, in Groveland. A complaint to the Environmental Strike Force Hotline resulted in an investigation and observed that trees within a bordering vegetative wetland (BVW) were cut, chipped brush was deposited in the BVW, potholes were filled within the buffer zone, and the priority habitat area for the Blandings Turtle (a 'threatened' species) and the Blue-spotted Salamander (a species of 'special concern') were altered. Approximately 500 square feet of BVW were altered. Today's Order requires submittal of a plan for full restoration of BVW including the loss of tree canopy for approval. Officials with the Massachusetts Division of Fisheries and Wildlife's Natural Heritage Program and its Northeast District office assisted in the enforcement conference. The town will pay \$4,500 with the remaining \$25,000 suspended.

8/1/13: MassDEP entered into a Consent Order with a \$17,250 Penalty involving the town of Northborough for Solid Waste violations at the Department of Public Works. The town improperly stored accumulated street sweeping for many years at its DPW yard. In addition, the town stockpiled street sweepings at three local farms which used the street sweepings for various farm-related purposes. Today's Order requires compliance with applicable regulations and payment of a \$17,250, all of which is suspended pending proper disposal of the street sweepings. The town will also promote/share with other DPWs their newly installed winter

sanding/salting procedures that will drastically reduce the need for sand and consequently the accumulation of street sweepings. The town has worked to properly dispose of the street sweepings generated/accumulated. This action will ensure proper management future street sweepings.

## **July 2013**

7/31/13: MassDEP issued a Unilateral Order to Joanne M. Cristoforo for Wetlands violations at 13 Mount Pleasant Drive in Peabody. The violations were brought to light after a complaint resulted in an investigation that included the use of aerial photography and observations from neighboring properties. MassDEP identified that - during a period before 2005 to the present - Cristoforo filled and graded within the backyard of her home. These actions resulted in the destruction of approximately 4,390 square feet of bordering vegetated wetland, in addition to approximately 8,000 square feet of buffer zone to a wetlands resource area without any authorization. Today's Order requires submittal of a plan for full restoration of BVW and stabilization of the buffer zone, which will be subject to approval. Additionally, along with long-term monitoring and reporting, the plan must include a fill characterization component to guarantee proper fill removal and disposal.

7/30/13: MassDEP entered into a Consent Order with an \$8,630 Penalty involving 26 New Street Group LP for Waste Site Cleanup violations in Cambridge. MassDEP found the New Street Group failed to meet requirements for notification. MassDEP was not notified after contaminated soil was detected on the property within 120 days as required. The New Street Group LP has agreed to pay a civil administrative penalty of \$1,000 with \$7,630 suspended for the violation. The release notification stated that 26 New Street Group LP had knowledge of the release on 2/2/12 and subsequently notified MassDEP of lead, arsenic and polycyclic aromatic hydrocarbons in soil until 12/21/12.

7/30/13: MassDEP entered into a Consent Order with a \$14,000 Penalty involving CMS Realty Trust for Wetlands violations in Chicopee. CMS Realty Trust failed to address the unpermitted alteration of 11,560 square feet of resource area (riverfront area) and 6,941 square feet of bordering land subject to flooding at the trust's Chicopee property. In addition to restoration of the site, the Order requires the trust to pay \$1,500 with the remaining \$12,500 suspended contingent upon compliance with the restoration requirements.

7/29/13: MassDEP entered into a Consent Order with a \$9,366 Penalty involving ADV Whitinsville Associates, LLC for Waste Site Cleanup violations. ADV Whitinsville failed to submit - as required - the Release Abatement Measure (RAM) plan for removal of hydraulic lifts and drywells during site redevelopment work, and did not properly implement the Activity and Use Limitation (AUL). Under today's Order, ADV Whitinsville agreed to pay the \$9,366 Penalty and correct violations associated with the AUL.

7/25/13: MassDEP entered into a Consent Order with the town of Hudson to address Drinking Water regulations. The Order allows the town to maintain compliance with the regulations while the town upgrades its public water system to reduce elevated levels of iron and manganese levels in portions of the system. Today's Order establishes an enforceable schedule to permit and construct modifications to the Chestnut Street filtration plant and transmission mains for the

Kane and cranberry bog wells to connect to the treatment facility. Through today's Order, the town will remain in compliance with the Drinking Water regulations and continue to provide water that is safe and fit to drink to a population of 18,790.

7/24/13: MassDEP entered into a Consent Order with an \$18,100 Penalty involving Swansea Crossing Shopping Center in Swansea. Gator Swansea Partners LLP was found to be discharging untreated wastewater in excess of 15,000 gallons per day without a Groundwater Discharge permit. This was a violation of the Massachusetts Clean Water Act and the Groundwater Discharge Permit program. The respondent was ordered to inspect all of the on-site septic systems and hire an engineer to begin the design for a new wastewater treatment facility. MassDEP assessed a Penalty in the amount of \$18,100 for the violations identified.

7/23/13: MassDEP entered into a Consent Order with a \$12,000 Penalty involving Woloshchuk Enterprises, Inc. for Wetlands violations in Monson. Woloshchuk Enterprises, Inc. was found to have made un-permitted alteration of 15,500 square feet of resource area (riverfront area) at property owned by Michael Woloshchuk. In addition to restoration of the site, today's Order requires the payment of \$400 and the remaining \$11,600 suspended contingent upon compliance with the restoration requirements. MassDEP's small-business policy was applied to this case.

7/22/13: MassDEP entered into a Consent Order with Wheelabrator/Milbury, Inc. to address Solid Waste regulations in Milbury. Under today's Order, Wheelabrator/Milbury is allowed to accept ash at the Shrewsbury ash landfill in a newly-constructed cell during MassDEP's review of the facility's permit application of an authorization to operate.

7/19/13: MassDEP issued a Declaration of Water Emergency to Whately Water District to address the need to maintain pressure in the water system following the cleaning of its tank. The public water system requested the declaration as it continued to take corrective actions due to a Boil Water Order issued earlier in the week. The Declaration allowed Whately Water District to make use of approved bulk water and its interconnection with Whately Water Department to rapidly fill its water storage tank.

7/19/13: MassDEP entered into a Consent Order with William Arnold for Drinking Water violations at Ashby Market in Ashby. Today's Order contains an enforceable schedule to provide an approved Transient Non-Community public water system to serve the Ashby Market. Today's Order requires the owner to operate the on-site well that supplies water in accordance with the requirements for a water system, which include: hiring a certified operator, developing a coliform sampling plan, carrying out monitoring requirements, metering water usage, completing cross-connection requirements, submitting technical specifications on the system and developing an Emergency Response Plan. Today's Order also requires that future expansion or modification of the public water system must be approved by MassDEP. This action will ensure that anyone served by this system will receive water that is safe and fit to drink.

7/18/13: MassDEP issued a Unilateral Order to Pioneer Brewing Company, LLC with a \$12,650 Penalty Assessment Notice for Industrial Wastewater violations. During an inspection in 2011, spurred by complaints received and made by the Sturbridge Board of Health, MassDEP found the company was discharging brewery wastewater to the ground and to surface water without Groundwater Discharge permit (issued by MassDEP) or alternately, a National Pollutant

Discharge Elimination System (NPDES) permit issued jointly by MassDEP and the federal EPA. The groundwater discharge was a repeat violation that was the subject of a MassDEP Order in 2009. MassDEP issued today's Order after repeated attempts to reach agreement on a Consent Order have failed.

7/17/13: MassDEP entered into a Consent Order with an \$8,630 Penalty involving the former Foxborough State Hospital for Waste Site Cleanup violations at its Chestnut Street property in Foxborough. MassDEP's audit of the Waste Site Cleanup actions conducted found the facility had failed to respond to a Notice of Noncompliance and failed to meet the terms and conditions of an Activity and Use Limitation. The facility will pay \$2,158 of the total Penalty and the remaining \$6,472 will be suspended pending compliance.

7/17/13: MassDEP issued an Order in the form of an Emergency Declaration relative to the water supply at the Foxborough Water. The Order will help ensure Foxborough has adequate supply during the summer months as they construct a new water treatment facility to address problems with iron and manganese in the municipal drinking water supply. While this plant is being constructed, four water supply sources are off-line resulting in a significant reduction in available supply. Additionally, the system's (2) Witch Pond Wells are limited by operational thresholds established under an Interbasin Transfer Act decision and by the town's permit. These operational thresholds were established to protect the Atlantic White Cedar forest and associated surface waters and wetlands at Witch Pond. There is the likelihood that these thresholds will force Foxborough to shut down the Witch Pond Wells this summer, further reducing available supply during the high demand summer season. The emergency declaration today defines the steps Foxborough must take in order to continue to operate the Witch Pond Wells if the operational thresholds are met this summer and there is inadequate supply available from Foxborough's other sources. The emergency declaration will expire on 1/17/14 unless MassDEP determines that an extension is required to protect public health and safety.

7/17/13: MassDEP entered into a Consent Order with Madison Place Southborough, LLC to address Groundwater Discharge regulations Southborough. Today's Order will allow the company to remain in compliance with the regulations during construction of their apartment complex located at 1200 Madison Place in Southborough. Today's Order establishes an enforceable schedule allowing the temporary use of a tight tank to serve a completed portion of the complex while construction of the groundwater discharge wastewater treatment facility (WWTF) is completed. The company has agreed to complete construction of the WWTF by 9/30/13. This action will result in the proper treatment of approximately 10,000 gallons per day of wastewater.

7/16/13: MassDEP issued a Boil Water Order to Getty Realty Corp. for Water Supply violations in Granby. The Order was issued to address the presence of total coliform and e coli bacteria in this transient non-community public water system at Chestnut Martin Granby. The public water system's ultraviolet treatment system was not in operation at the time. The public water system conducted required monitoring, disinfected the system and will remove a bypass of its treatment system under today's Order.

7/16/13: MassDEP issued a Unilateral Order to the Greater Lawrence Sanitary District (GLSD) relative to a response to a discharge of digested sludge at the site of their wastewater treatment

plant. The sludge had discharged beyond the bounds of the containment structures. Today's Order requires GLSD to modify the containment structure, and cleanup locations on site where the discharge reached grassy drainage swales on the site.

7/15/13: MassDEP issued a Boil Water Order to Whately Water District for Water Supply violations in Whately. Whately Water District is required to address the presence of total coliform and e coli bacteria in this small community public water system. Whately Water District has installed temporary chlorine disinfection with the assistance of MassDEP while it investigates the problem.

7/15/13: MassDEP issued a Boil Water Order to Bachelor Knolls, Inc., for Water Supply violations in Granby. Bachelor Knolls is a public water system that under today's Order is required to address the presence of total coliform and e coli bacteria in this small community public water system. Bachelor Knolls has installed temporary chlorine disinfection with the assistance of MassDEP while it investigates the problem.

7/15/13: MassDEP entered into a Consent Order with Edward T. Corbett, Jr., for Asbestos violations in Northampton. Edward T. Corbett, Jr. is a home improvement contractor. MassDEP found violations of the MassDEP's Asbestos regulations during the removal of asbestos-transite siding from a house. Corbett had provided MassDEP with documentation demonstrating a financial inability to pay the Penalty. Under today's Order, Corbett agreed to pay stipulated penalties if there is any future noncompliance or violations of the Asbestos regulations.

7/15/13: MassDEP entered into a Consent Order with an \$8,765 Penalty involving Polycarbon Industries, Inc. to resolve its violations of Air Quality, Hazardous Waste Management and Industrial Wastewater regulations. The company failed to keep specified and accurate air quality records, failed to notify MassDEP of its Hazardous Waste activities; failed to submit the required biennial Hazardous Waste reports, failed to have a complete contingency plan; and, operated its industrial wastewater pre-treatment system without a licensed operator. Today's Order requires compliance with applicable regulations and payment of the \$8,756 Penalty.

7/15/13: MassDEP issued a Unilateral Boil Water Order to Finecamp KOA of Webster for Drinking Water violations. Finecamp KOA, Inc. is the owner and operator of a transient non-community water system, located within the Webster Family Campground at 106 Douglas Road in Webster. The water system notified MassDEP that four of five repeat bacteria samples confirmed positive for total coliform (bacteria). Additionally two of the routine samples and the source water sample were also confirmed positive for e coli (fecal bacteria). The water system is in noncompliance with the monthly maximum contaminant level for total coliform and the acute level for total coliform, which may pose a risk to public health from short-term exposure. Through today's Order the water system is required to provide public notice to boil water until further notice and disinfect the water supply system. Today's Order also requires additional sampling, evaluation as to the cause of the violation, and corrective action activities to be carried out under the direction of MassDEP staff. This action will result in protection of the approximately 50 customers served by this system.

7/12/13: MassDEP issued a Boil Water Order to Briggsville Water District for Water Supply violations in Clarksburg. The District is required to address the presence of total coliform and e

coli bacteria in this small community public water system. The original sample with e coli and total coliform was collected on 6/20/13. Briggsville Water District has installed temporary chlorine disinfection while it investigates the problem.

7/10/13: MassDEP entered into Consent Order with Ashmere Water Service for Drinking Water violations in Hinsdale. MassDEP concluded an ACO with Ashmere Water Service to address its failure to conduct required perchlorate monitoring of its water system and failure to provide associated public notice to its customers. Today's Order requires both water quality monitoring and issuance of public notice.

7/10/13: MassDEP entered into a Consent Order with the former Plymouth Rubber Property at 104 Revere Street in Canton for Waste Site Cleanup violations. There had been a release of oil and hazardous materials at this location and in June 2012, MassDEP issued Canton Holdings, LLC a Notice of Noncompliance for having failed to complete the response actions in a timely manner. The respondent requested additional time in which to comply. Today's Order establishes the negotiated timelines for completing the work at the site and contains stipulated penalties should the respondent fail to comply.

7/9/13: MassDEP entered into a Consent Order with Thirteen Mooney Street LLC, for Waste Site Cleanup violations in Cambridge. Thirteen Mooney Street LLC, the owner and/or operator of the property at 13 Mooney Street in Cambridge where there is a failure to meet deadlines set out in the regulations, and specified in a Notice of Noncompliance issued to the LLC on 8/17/12. Today's Order requires a phase four remedy implementation report by 10/7/13, and a final response action outcome statement by 10/7/14. Today's Order also contains a stipulated penalty provision for any missed deadlines.

7/8/13: MassDEP entered into a Consent Order with a \$7,500 Penalty involving the town of South Hadley relative to the town's operation of its leaf/yard waste composting area. The agreement provides additional buffer to residential abutters, public outreach and management protocols, as well as the assessment of a \$7,500 Penalty.

7/7/13: MassDEP issued a Boil Water Order to the Copperwood II Condominium in Stoughton. The Boil Water Order for the facility will continue to be in place as one of six distribution system samples taken on 7/7/13, from the Well #1 sub-system, was positive for total coliform and e-coli bacteria.

7/7/13: MassDEP entered into a Consent Order with an \$8,625 Penalty involving Signature Breads Inc. for Air Quality Plan Approval violations in Chelsea. The violations occurred at this commercial bread baking facility located on Justin Drive in Chelsea. Signature commenced the installation of a new tunnel oven, which has the potential to emit ten or more (= 10) tons of volatile organic compounds (VOCs) per year prior to receipt of the requisite written MassDEP approval. Signature had submitted the required Air Quality plan application and MassDEP engineers had commenced its review; a routine site visit to the commercial bakery as part of the plan review process resulted in the discovery of this violation.

7/5/13: MassDEP issued a Boil Water Order to the city of Westfield to address Water Supply violations. The Order was issued to the city of Westfield Water Resources to address the

detection of fecal indicator at well number five - under groundwater rule regulations. The Boil Water requirement covered a portion of the water system served by the well. Westfield currently has its reservoir off-line for construction of a replacement transmission line. It is relying on its well sources. The follow-up samples for the fecal indicator were negative. [The boil water requirement was subsequently removed on 7/6/13. Westfield has since installed chlorine disinfection at that source.]

7/3/13: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Saloomey Construction, Inc for Asbestos violations in West Springfield. The violations were discovered during MassDEP's inspection of renovation work that was being conducted at a store in West Springfield. During the inspection, MassDEP found Saloomey's subcontractor removing asbestos-containing floor tile and mastic. The subcontractor was conducting this work without having filed an asbestos notification form, and without instituting the proper asbestos handling procedures. Under today's Order, Saloomey agreed to provide training to its current employees on Asbestos awareness, and implement Best Management Practices to prevent future noncompliance with the Asbestos regulations. Saloomey also agreed to pay \$4,500 of the Penalty with the remaining \$4,500 suspended provided that the company complies with the terms of today's Order and remains in compliance with the state asbestos handling regulations for one year.

7/3/13: MassDEP entered into a Consent Order with a \$6,610 Penalty involving Progressive Casualty Insurance Company for Waste Site Cleanup violations at 62 Everett Street in Westwood. Progressive hired Conestoga Rovers to perform construction and oversee environmental activities at the site. This site has a final response action outcome statement attached to it. Progressive demolished the on-site buildings and commenced footing excavation prior to submitting a tier two extension, or a Release Abatement Measure (RAM) plan. Respondent excavated the contaminated soils prior to submitting a RAM plan, a violation. Respondent performed these response actions at the site without approval by MassDEP or a valid permit. The company needed to have a valid permit to conduct a RAM at this site. Under the terms of today's Order, Progressive must evaluate the exposure pathways for the planned use of the site and either submit a revised response action outcome statement or show that the current statement is valid. Progressive will pay \$3,000 of the Penalty and the remaining \$3,610 suspended. There is also a stipulated penalty provision for any missed deadlines.

7/3/13: MassDEP entered into a Consent Order with a Peter Breen for Waste Site Cleanup violations at 770 Boxford Street, in North Andover. Peter Breen is the owner and/or operator of the property at 770 Boxford Street in North Andover where the specific violations were the failure to meet deadlines set out in the regulations and noted in MassDEP's issuance of a Notice of Noncompliance from 11/14/12. This Order requires a phase two assessment report by 3/30/14, a phase three remedy alternatives by 3/31/14, and a phase three remedy selection 4/30/14. Also, a phase four remedy implementation report by 6/30/14 and a final response action outcome statement by 7/6/15. Today's Order contains a stipulated penalty provision for any missed ACO deadlines.

7/2/13: MassDEP entered into a Consent Order with a \$30,000 Penalty involving F.P. McNamara Rubbish Removal, Inc., a subsidiary of Allied Waste Systems, Inc., to address solid waste violations at its solid waste transfer station located in Springfield. MassDEP inspections

conducted at the facility documented that regulated medical waste, co-mingled with solid waste, was received, handled and transferred at the facility on four separate occasions in 2011. The facility is not permitted to accept, handle or transfer any regulated medical wastes. As part of today's Order, F.P. McNamara Rubbish Removal, Inc., has initiated corrective actions for the violations and agreed to cease the shredding of solid waste from medical facilities. In addition the facility will properly manage all incoming solid waste at the facility in accordance with applicable MassDEP and the Public Health regulations.

7/1/13: MassDEP issued a Boil Water Order to the Copperwood II Condominium in Stoughton due to the detection of bacteria in the water supply. The condominium population is approximately 75. The system received notification late in the day on 6/30/13 that contamination was detected in a raw water sample collected from a groundwater well and in the distribution system had tested positive for e coli. Repeat samples confirmed the positive results for coliform. The sources will be chlorinated. The region will work with the system on corrective actions based on the results of the additional sampling.

### **June 2013**

6/28/13: MassDEP executed a Consent Order with a \$30,000 Penalty involving Equal Development LLC for Wetlands violations at 1482 Grand Army Highway in Swansea. The respondent cut and filled 22,000 square feet of bordering vegetated wetland and filled 200 linear feet of stream bank without an order of conditions (permit). The area of wetlands fill is identified by Mass Geographic Information Systems, as a wetland change feature. The respondent is required to restore the half-acre of wetlands and to restore and daylight the stream. Half of the penalty is to be paid (\$15,000) which is subject to payment terms, and the other half is suspended, contingent upon the successful restoration of the wetlands and stream bank. Today's Order establishes a schedule by which the wetland restoration work will be established and conducted.

6/28/13: MassDEP issued a Boil Water Order to Northwestern Connecticut Young Men's Christian Association, Inc. for Water Supply violations at Camp Wa Wa Segowea in New Marlborough. The Northwestern Connecticut Young Men's Christian Association, Inc., operates a transient non-community public water system at Camp Wa Wa Segowea located in New Marlborough. Water quality monitoring results showed high counts of total coliform bacteria in both sources and detections within the distribution system. Today's Boil Order was issued as a precautionary measure.

6/28/13: MassDEP entered into a Consent Order with a \$32,000 Penalty involving the LaRoma Realty Trust for Waste Site Cleanup violations on Bridge Street in Dedham. Michael Hegarty is the trustee of LaRoma Realty Trust. The violations stem from an overdue tier classification (site ranking) extension and a phase two and three report and plan (assessment and remedial alternatives). In addition, a phase four (remedy implementation plan) final response action outcome are also past due. The site has been in the system since 2005. LaRoma Realty Trust will pay \$500, with the remaining \$31,500 suspended. The \$31,500 suspended penalty will come due if LaRoma Realty Trust violates any provision of today's Consent Order. This enforcement action will lead to the cleanup of oil discovered in a monitoring well on Bridge Street in Dedham.

6/28/13: MassDEP entered into a Consent Order with an \$8,630 Penalty involving Top Donut Inc. for Waste Site Cleanup violations at 700 Aiken Street in Lowell. Top Donut is the owner of the property at 700 Aiken Street, Lowell where it failed to notify MassDEP of the presence of naphthalene in soil and petroleum in groundwater above reportable concentrations within 120 days as required. On 3/1/13, MassDEP received a release notification form indicating that Top Donut had knowledge of the release on 10/13/10. Under today's Order, Top Donut will pay a penalty for failing to notify and will henceforth be required to submit phase one assessment and tier classification (ranking) by the deadline. Top Donut will pay \$1,630 with the remainder of the penalty suspended. Today's Order includes a stipulated penalty provision for any missed deadlines.

6/27/13: MassDEP executed a Consent Order with an \$8,335 Penalty involving Easton Public Schools in Easton. The Easton Public School District was found to have violated permit effluent limits at their on-site wastewater treatment facility. This is violation of MGL 21 sec. 43 of the Massachusetts Clean Water Act and additional groundwater permit violations. Easton Public Schools was ordered to hire an engineer to evaluate the existing wastewater treatment facility and recommend operational changes or modifications to the treatment facility in order to meet their groundwater discharge permit. MassDEP has agreed to suspend the entire penalty amount pending compliance.

6/27/13: MassDEP executed a Consent Order with Salamon Flooring, Inc. for Asbestos violations in West Springfield. The violations were discovered during MassDEP's inspection of renovation work that was conducted at a pet supply store in West Springfield. During the inspection, MassDEP discovered that Salamon had removed asbestos-containing floor tile and mastic without filing an asbestos notification, and without instituting the proper (and required) asbestos-handling protocols and procedures. Salamon demonstrated an inability to pay. Salamon agreed to implement Best Management Practices to prevent future noncompliance with the Asbestos regulations and will pay stipulated penalties for any future noncompliance with those regulations during a one-year period.

6/27/13: MassDEP entered into a Consent Order with a \$7,250 Penalty involving New England Laborers Training Association for Waste Site Cleanup violations in Hopkinton. The respondent failed to file timely notifications and take an Immediate Response Action after an estimated 1,000 gallons of heating oil was released from a failed fuel delivery system that serviced the emergency power generator at this facility. A \$7,250 Penalty was paid that included a \$3,500 Supplemental Environmental Project to purchase emergency equipment for the Hopkinton Fire Department.

6/26/13: MassDEP entered into a Consent Order with the former Bargaineer Property for Waste Site Cleanup violations at 70 East Battles Street in Brockton. JLTS VI, LLC is the owner of the former Bargaineer property, located at 70 East Battles Street in Brockton. At that facility, there had been a release of oil and hazardous materials. In April 2012, MassDEP issued JLTS a notice of noncompliance for having failed to complete timely response actions that are required under state regulations. The respondent requested additional time in which to comply. Today's Order establishes negotiated timelines for completion of work at the site and contains stipulated penalties should the respondent fail to comply.

6/26/13: MassDEP entered into a Consent Order with Hamilton Rod and Gun Club, Inc. for Water Supply violations in Sturbridge. The Hamilton Rod and Gun Club has agreed to an enforceable schedule to provide for a path to compliance for an approved transient non-community public water system (PWS) to serve its clubhouse bar and pavilion located at 24 Hamilton Road in Sturbridge. Today's Order requires the owner to operate the on-site well that supplies water in accordance with the requirements for a public water supplier, including: hiring a certified operator; developing a coliform sampling plan; carrying out monitoring requirements; metering water usage; completing cross-connection requirements; submitting technical specifications on the system; and developing an emergency response plan. Today's Order also requires that future expansion or modification of the system must be approved by MassDEP. This action will ensure that anyone served by this system will receive water that is safe and fit to drink.

6/26/13: MassDEP has executed a Consent Order with a \$4,600 Penalty involving Harvard Ridge Condominium Association for Groundwater Discharge violations in Boxborough. The violations occurred at its property on Swanson Road in Boxborough. The wastewater treatment facility reports showed continued effluent limit exceedances. Today's Order requires the owners to complete construction of upgrades to the facility in accordance with the approved permit modifications. The Penalty is suspended pending compliance with the terms of today's Order. This action will result in the proper treatment of 24,000 gallons of wastewater per day.

6/26/13: MassDEP entered into a Consent Order with a \$6,000 Penalty involving 63-65 South Street Hopkinton, LLC for Wetlands violations at the same address. The respondent has agreed to mitigate damage caused by work it conducted in violation of the Wetlands Protection Act at its property. An inspection by MassDEP in November 2012, resulted in the issuance of a Unilateral Order that required the owner to do the following: stop work within the wetland areas, implement erosion control measures, hire a wetlands specialist to delineate the wetland boundaries on the property, evaluate the extent of impact to wetland resource areas, and submit a plan for review that would restore the wetlands. The owners have complied with the requirement of that Order. Today's Order requires the owners to implement the approved plans to remediate and restore the site. This action will result in restoration of 1,850 square feet of bordering vegetated wetlands on the site.

6/25/13: MassDEP entered into a Consent Order with F&B Rubberized, Inc., for Industrial Wastewater violations in New Bedford. F&B Rubberized, Inc. is a tire shredding/recycling facility. On 8/22/12 a discharge of industrial wastewater (IWW) to a stormdrain/holding tank occurred that contributed to a release of oil/ water to the road, ultimately to a nearby stormdrain/catch basin and the outfall to the Acushnet River. Immediate response action activities were completed relative to this release. MassDEP conducted an inspection of the facility on 8/23/12 and observed minor violations of the hazardous waste regulations regarding storage of waste oil and record keeping, and a violation of the industrial waste water holding tank regulations. Facilities may not use a holding tank to accumulate or store industrial wastewater if it is feasible to discharge the wastewater to a sewer system. The company will correct the hazardous waste violations, cease discharge of the industrial wastewater to the holding tank and submit an application to the city of New Bedford by 6/30/13 to connect the industrial wastewater discharge to the sewer.

6/25/13: MassDEP entered into a Consent Order with Pine Valley Plantation Cooperative Corporation for Water Supply violations in Belchertown. The respondent is a community public water supplier whose violations included exceedances of the water withdrawal allowances from its drinking water sources.

6/25/13: MassDEP entered into a Consent Order with Camp Winadu Operating Co. LLC for Water Supply violations in Pittsfield. The respondent is a transient non-community public water supplier regarding repeated exceedances of the maximum contaminant level for total coliform bacteria. Today's Order addresses installation and use of a mechanical disinfection system, permit submittal and response to future exceedances.

6/25/13: MassDEP entered into a Consent Order with View Drive Water Association in Richmond. The respondent is a community public water supplier regarding repeated exceedances of the maximum contaminant level for total coliform bacteria and failure to adequately address sanitary Survey report deficiencies. The ACO addresses response to future MCL exceedances, including disinfection, the replacement of the PWS' emergency generator and completion of a required leak detection and water conservation study.

6/24/13: MassDEP issued a Boil Water Order to Simon's Rock of Bard College for Water Supply violations at the Administration Building in Great Barrington. The water system reported confirmed e coli detection in the distribution system which only pertains to the Administration Building at the College. The remainder of the campus is served by the Great Barrington Water District and is not covered by today's Boil Water Order.

6/24/13: MassDEP entered into a Consent Order with a \$6,845 Penalty involving Electroswitch for Air Pollution Control and Hazardous Waste Management violations in Rockland. A multi-media inspection by MassDEP revealed that they had been generating sufficient hazardous waste to be categorized as a large quantity generator. The facility, however, is registered as a small quantity generator. Additionally, they were not in full compliance with the air permit limits and had other hazardous waste management violations. Those included, not removing a hazardous waste container to the accumulation area within three days of becoming full, incomplete label on a container of waste oil, failure to perform weekly inspections of the accumulation area, and failure to maintain copies of their hazardous waste manifests on-site. The company also did not determine if wastes generated were hazardous wastes or to provide adequate hazardous waste training. Today's Order ensures compliance with the applicable regulations and requirements.

6/21/13: MassDEP issued a Unilateral Order to Arboretum Village, LLC, for Wetlands violations in Worcester. The company is required under today's Order to stop alteration of bordering vegetative wetlands at Arboretum Village Estates located off Sarah Drive in Worcester. MassDEP inspected the area and observed silt-laden runoff from unstable, eroded, suspended solids entering adjacent the resource areas (i.e., BVW and land under waterbody). Today's Order requires Arboretum Village LLC to cease these activities causing soil destabilization and install erosion control measures to stabilize soils at the site. It must also hire a wetlands specialist to develop an erosion control plan, evaluate the extent of wetlands alterations and submit a plan for restoration to MassDEP for review and approval. This action will stop further wetland resource area damage and result in restoration of the wetland resources on site. Additional enforcement with penalty assessment is anticipated.

6/20/13: MassDEP executed a Consent Order with Scot's Way Realty Trust for Wetlands Protection Act violations at their property located at 7 Scot's Way in Essex. MassDEP observed that less than 100 square feet of wood waste and wood debris (stumps) had encroached on bordering vegetated wetlands. Today's agreement requires plans to delineate resource area boundaries and demonstrate compliance with regulatory standards be submitted for approval, and then to implement the plan as approved.

6/20/13: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Sonoco Products Company for Hazardous Waste Management and Industrial Wastewater violations in Holyoke. Sonoco Products Company is located at 111 Mosher Street and 200 South Water Street. A MassDEP inspection indicated: (1) that the South Water Street facility was not complying with the storage requirements for hazardous waste (waste oil), did not notify MassDEP regarding its small quantity generator status of hazardous waste and its large quantity generator status of waste oil, did not have MassDEP issued permit for its industrial wastewater discharges to the Holyoke publicly-owned treatment works. In addition it was not meeting the minimum staffing requirements for its industrial wastewater pretreatment system. Also, at the Mosher Street facility, Sonoco was not complying with the storage requirements for hazardous and universal waste. Sonoco Products Company has already initiated corrective actions soon after the inspection, agreed to correct any pending violations and to pay \$8,000 of the Penalty and to pay past due annual compliance assurance fees. An additional \$1,000 will be suspended pending the company's compliance with the Order.

6/20/13: MassDEP entered into a Consent Order with Wayland Water Division due to Drinking Water violations. The public water supplier reported an e coli detect in the raw (prior to treatment) water from the Town of Wayland's Happy Hollow Well #1 in a sample collected on 6/18/13. The well was taken off line upon learning of the e coli detection. Although the well is chlorinated, MassDEP has not certified the well as having sufficient chlorination to achieve 4-log removal of viruses, so the Ground Water Rule was triggered. An evaluation of the well's chlorination system by MassDEP and Wayland's consultants (in writing) determined that although it was uncertified, it was providing disinfection equivalent to 4-log removal of viruses. The town was required to issue Public Notice within 24 hours of receiving the sample result, and had to collect 5 additional samples of the raw well water. E coli was detected in two of the repeat source water samples. Therefore, the well will remain offline until the town receives approval from MassDEP to turn it back on.

6/19/13: MassDEP entered into a Consent Order with a \$52,610.50 Penalty involving Recovery Express, Inc. for Asbestos and Solid Waste violations in Worcester. The company contracted to transport and properly dispose of asbestos containing waste material from licensed asbestos contractors but does not have transport vehicles, containers or employ its own drivers. Investigation revealed that the company sold its customers preprinted Asbestos Notification Forms for submittal to MassDEP that included false and misleading information. Additionally, asbestos program personnel discovered a tractor trailer body filled with asbestos containing waste material had been left at a retail shopping center in Worcester for more than a month before being towed to another yard. The company was cited for storage of asbestos waste at two unapproved locations and in a manner that could have resulted in release of asbestos emissions to the environment. Under the terms of the settlement, the company must recall all waste shipment records containing false and misleading information from its customers and provide to them at

no cost accurate disposal records. Today's Penalty will be suspended after the existence of financial hardship conditions was demonstrated but provided that the company complies with all conditions of the Order and there are no further violations for one year.

6/19/13: MassDEP executed a Consent Order with a \$29,000 Penalty involving Sha-Rac Realty Trust for Wetlands violations at 21 Plymouth Street in Halifax. MassDEP determined the respondent cut one acre of bordering vegetated wetland and cut and filled a second acre of BVW without an order of conditions (permit). The area of wetland fill is identified by MassGIS as a wetland change feature. The respondent is required to restore the two acres of BVW. In accordance with MassDEP's small business policy, \$29,000 of the assessed penalty is suspended, contingent upon the successful restoration of two acres of BVW. Today's Order establishes a schedule by which the wetland restoration work shall be completed.

6/19/13: MassDEP issued a \$500 Penalty Assessment Notice to eight facilities for Hazardous Waste Recycling violations. The eight have hazardous waste recycling permits but also had repeated failure to submit the Hazardous Waste Recycling Annual Report by March 1. These permitted facilities are required to file the annual report to inform MassDEP of the type and amount of material they have recycled on-site and off-site, as well as the destination facilities and transporters used. The facilities cited not only missed the most recent certification deadline, but had one or more prior notices. MassDEP gave these repeat offenders 21 days to pay a \$500 penalty and 30 days to submit the Annual Report for 2012.

6/18/13: MassDEP entered into a Consent Order a \$14,370 Penalty involving Wheelabrator Millbury, Inc. for Solid Waste violations in Shrewsbury. The company operates the Shrewsbury Ash Landfill where it began construction of a scale house. However, the work was started prior to receiving a 'major post-closure use' permit, a requirement for this activity. Today's Order requires compliance with applicable regulations and payment of a \$14,370 of which all of it will be used to help fund an energy-related Supplemental Environmental Project. The SEP monies will help fund the replacement of 1966 vintage windows at the town of Shrewsbury Town Hall with new energy-efficient windows that will help lower heating and cooling costs. Today's Order will help ensure compliance with applicable regulations and will help promote energy efficiency.

6/18/13: MassDEP entered into a Consent Order with a \$34,405 Penalty involving Mr. Home, Inc. for Asbestos violations in Ludlow. The violations were discovered during MassDEP's inspection of renovation work that was conducted at a residential home in Ludlow. During the inspection, MassDEP discovered that Mr. Home had removed asbestos-containing floor tile and mastic without filing the required asbestos-notification, and without instituting the proper asbestos handling and disposal procedures. Mr. Home was retained as a Massachusetts-licensed asbestos contractor to clean up the site. In the Consent Order with MassDEP, Mr. Home agreed to pay \$12,000 of the Penalty, with the balance, \$24,405, will be suspended provided that Mr. Home complies with the terms of the Order and remains in compliance with the state asbestos handling regulations for five years.6/18/13: MassDEP issued a Boil Water Order to Becket Arts Center in Becket. The Order was issued to this campground following confirmed e coli (bacteria) detection. The Order affects two municipal buildings.

6/17/13: MassDEP executed a Consent Order with a \$5,750 Penalty involving the North Adams Department of Public Works. The town's DPW is responsible for a discharge of diesel fuel from the DPW's Ashland Street facility on 10/15/12. On that date, a DPW employee failed to attend a hose while fueling a backhoe, resulting in a spill of approximately 22 gallons of diesel fuel to pavement at the yard. The employee failed to notify DPW supervisory staff of the spill, and shoveled and washed the diesel fuel into a storm drain that conveyed the diesel fuel to the Hoosic River. The North Adams Fire Department received a citizen call regarding diesel fuel sheen and odor on the river, and contacted MassDEP on that date. Investigation performed by the Fire Department and MassDEP personnel, including interviews of DPW personnel and review of video footage from cameras at the yard, confirmed the discharge and actions of the employee. DPW officials fully cooperated with the investigation and the city has completed assessment of the release and filed a final response action outcome statement (as required under the state's waste site cleanup regulations). To resolve the violation, the city has proposed to implement an Environmental Management System (EMS) for the DPW operations. MassDEP has agreed to suspend the \$5,750 Penalty in its entirety pending the city's successful implementation of the EMS.

6/17/13: MassDEP issued a Boil Water Order to Camp Overflow in Otis. The Order was issued to this campground following confirmed e coli (bacteria) detection in the distribution system for one of its public water system wells. The Order, however, is limited to those sites served by this well and associated with this distribution system.

6/17/13: MassDEP issued a Boil Water Order to White Birch Garden Apartments in Hampden. The Order was issued to this 20-unit apartment complex due to confirmed e coli (bacteria) detection. The affected source was taken out of service and disinfection introduced into the system through a second source.

6/14/13: MassDEP entered into a Consent Order with Ghanshyam Realty Trust, and Groton Convenience, Inc. in Groton for Water Supply violations. The violations occurred during operation of the public drinking water system at Groton Convenience, Inc, on Route 119 in Groton. Today's Order requires the owners to hire a certified operator, monitor the water supply for potential contaminants, as required in their sampling and analysis plan, and comply with requirements to submit Annual Statistical Reports. Through today's Order, the owners have also agreed to address operational deficiencies at the water supply that were identified in the recently conducted Sanitary Survey.

6/14/13: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Ghanshyam Realty Trust and Groton Convenience, Inc. for Water Supply violations in Groton. The respondents have agreed to resolve violations of the Drinking Water Regulations that occurred during operation of the public drinking water system located at Groton Convenience, Inc. on Route 119 in Groton. Today's Order requires the owners to hire a certified operator, monitor the water system of potential contaminants, as required in their sampling and analysis plan, and comply with requirements to submit Annual Statistical Reports. Through today's Order, the owners have also agreed to address operational deficiencies at the water system that were identified in the recently conducted a sanitary survey. Under today's Order, \$1,000 of the Penalty is suspended provided there are no additional violations for one year.

6/13/13: MassDEP was notified of District Court in Southern Berkshire County concerning the case of Mark Fahey and Northeast Timberland Investments. Mr. Fahey and Northeast Timberland in Southern Berkshire District Court is currently in continuation without a finding for one year. It includes, 100 hours of community service, mandatory hazardous waste training and payment of \$300 in court costs for Mr. Fahey, and a continuation without a finding for one year, a required employee spill prevention training, and \$2,000 in court costs for Northeast Timberland Investments. Mr. Fahey, an employee of Northeast Timberland, failed to report the release of up to 40 gallons of diesel fuel at a Turnpike Travel Plaza in Lee in April, 2012. This case was handled by the Attorney General's office on behalf of MassDEP.

6/13/13: MassDEP issued seven Notices of a Penalty Assessment Notices for their repeated failure to submit Environmental Results Program (ERP) compliance certifications to the agency by 9/15/12, as required. Dry cleaners need to file these annual certifications with MassDEP that they are complying with state air pollution control, hazardous waste management and industrial wastewater requirements. The facilities cited not only missed the most recent certification deadline, but had one or more prior notices. MassDEP gave these repeat offenders 21 days to pay \$1,000 Penalties and required them to file their overdue certifications immediately.

6/12/13: MassDEP issued 27 Notices of Noncompliance to various printer facilities that failed to submit their Environmental Results Program (ERP) compliance certifications to the agency by 9/15/12, as required. Printers need to certify every year that they are in compliance with state air pollution control, hazardous waste management and industrial wastewater requirements. MassDEP sent reminder postcards in July and August 2012, to all the facilities in the state of their obligations. These 27 have failed to respond and/or failed to file their certifications within 30 days.

6/12/13: MassDEP received penalty and interest payments involving the case of MassInnovation, LLC and Wood Mill, LLC, Lawrence. The penalty and interest payments totaled \$102,674.44 by wire transfer to fully resolve enforcement by MassDEP for the improper handling and removal of asbestos by MassInnovation and Wood Mill during a Lawrence mill building renovation project. This resolution follows the following litigation pathway: In 2010, MassInnovation and Wood Mill (the plaintiffs) filed adjudicatory appeals of penalty assessment notices (PAN) issued by MassDEP. The Commissioner then issued a final decision on 7/3/12. The plaintiffs appealed the final decision in Superior Court under Chapter 30A. Despite the statutory requirement, the plaintiffs did not file an appeal bond and did not seek a waiver from the escrow requirement. The Commonwealth filed a motion to dismiss for lack of subject matter jurisdiction, which the Superior Court (Feeley, J.) granted on 12/21/12. Subsequently, the plaintiffs appealed the Superior Court dismissal to the Appeals Court. This week, the plaintiffs and MassDEP filed an agreement for voluntary dismissal of the plaintiffs' 30A Appeal in the Appeals Court with the condition that the plaintiffs pay the administrative penalty amounts, with interest, in lieu of going forward with their appeal. MassInnovation paid a total of \$57,673.88, and Wood Mill paid a total of \$45,000.56

6/11/13: MassDEP issued a Unilateral Order to Sarkis Gas & Service Station relative to a \$45,000 Payment. On 6/22/12, the respondent entered into a Consent Order with Penalty establishing deadlines for the cleanup of a release at 563 South Washington Street in North Attleborough. That Order required the completion of comprehensive response actions pursuant to

the Waste Site Cleanup regulations. Sarkis failed to conduct response actions required. The Demand Notice was issued and the Order further establishes a schedule for the completion of comprehensive response actions at the site.

6/10/13: MassDEP entered into a Consent Order with Royal Plating & Polishing, Inc. for Hazardous Waste Management violations in Pittsfield. Under today's Order, Royal Plating & Polishing, Inc. is required to address the company's exceedance of its hazardous waste storage time limit. The Order further establishes timelines for the company to return to compliance

6/7/13: MassDEP executed a Consent Order with Aquarius Water Company, Inc. for Water Supply violations in Hinsdale. The company had repeated failure to monitor for perchlorate at its Ashmere Water Service community public water system well #2 and failure to provide public notification for the water quality monitoring violations.

6/7/13: MassDEP executed a Consent Order with a \$290 Penalty involving Glacier Water Services, Inc. for Water Supply violations in Northampton. The company failed to report chlorine residual results for several months at its vending machine public water system located in Northampton. Today's Order includes a penalty of \$290, of which one half was suspended pending compliance with the requirements of today's Order.

6/7/13: MassDEP entered into a Consent Order with TransGas Inc. for Wetlands violations at 87 Industrial Avenue East in Lowell. MassDEP observed that sediment was entering a stream and bordering vegetated wetlands from the snowplowing operations on the unpaved roads and parking areas on the site. Heavy equipment and tractor trailer trucks in the buffer zone degraded the area and contributed to storm water runoff during rain events. Under today's Order, the company is required to submit plans to delineate resource area boundaries and demonstrate compliance with regulatory standards be submitted for approval, and then implementing the plan as approved.

6/7/13: MassDEP entered into a Consent Order with a \$2,000 Penalty involving SND Realty Corp. for Waste Site Cleanup violation at 50 Brighton Street in Belmont. Specifically, the violations were failure to meet deadlines established in a previous Amended Consent Order of 2/29/12. Today's Order now requires a tier two (or site ranking) classification extension by 6/14/13; a release abatement measure status, or completion, report by 9/1/13. Additionally, thereafter a final response action outcome statement is due by 7/30/14. In addition to the \$2,000 Penalty there is a stipulated penalty provision for any missed deadlines.

6/7/13: MassDEP entered into a Consent Order with a \$31,000 Penalty involving New Arch LLC for Waste Site Cleanup violations in Roxbury (Boston). Specifically, the respondent owns property at 110-118 Terrace Street where it has failed to meet deadlines established in a previous Order that was executed 2/29/12. Today's Order requires a tier two (site classification) extension to be filed on 6/13/13; a phase two assessment by 1/30/14; a phase three remedial alternatives by 1/30/14 and a phase four remedy implementation on 5/1/14 and final response action outcome by 8/1/14. Under the terms of today's Order \$28,500 of the Penalty will be suspended pending compliance and there is a stipulated penalty provision for any missed deadlines.

6/6/13: MassDEP entered into a Consent Order with an \$8,580 Penalty involving Cobham Defense Systems, Inc for Hazardous Waste Management violations at its facility in Lowell. The company was found during an inspection by MassDEP for a number of violations of the hazardous waste regulations. The Order establishes timelines for the facility to come into compliance with all regulations found to be in non-compliance including universal waste violations as well as posting of the emergency contact telephone list, container labeling, and training of facility personnel in hazardous waste management practices.

6/6/13: MassDEP entered into an Amendment to an existing Consent Order with the town of Stoughton, T.W. Conroy and Stoughton Recycling Technologies. The Amendment is regarding the town of Stoughton's landfill located off of Page Street in Stoughton. The Amendment extends the closure date for the landfill from December 2013 to July 2014 and allows for an additional 70,000 cubic yards of soils to be delivered for grading and shaping of the landfill. Today's Amendment further requires that the landfill operator grade the landfill plateau area to facilitate the construction of a photovoltaic array "post-closure use" that at a minimum will be 100 kW. In addition the Amendment requires the town of Stoughton to solicit bids to determine the feasibility of the installation of a photovoltaic array with a capacity greater than 100 kW.

6/5/13: MassDEP executed a Consent Order with Butternut Basin for Water Supply violations in Great Barrington. Butternut Basin is a public water system that is required to address a repeated maximum contaminant level violation of the total coliform (bacteria) at this groundwater system. Butternut will install a disinfection system to serve its public water system.

6/4/13: MassDEP entered into a Consent Order with a \$7,187.50 Penalty involving Leach Street LLC for Waste Site Cleanup violations at 12 Woodbury Court in Salem. Leach Street LLC is the owner of the property where portions of the property were part of a coal gasification facility in the mid to late 1800s. Coal tar and other contaminants were identified at the property by the former owner in 2002, triggering MassDEP notification. In 2011, EPA excavated three feet of contaminated soil and installed a clean soil cap across the entire property. The property was purchased by Leach Street LLC in August 2012. In September 2012, Leach Street LLC began to excavate through the clean soil cap into the contaminated soil beneath, in preparation for constructing a two-family residence, this was done without submitting a release abatement measure plan to MassDEP. The plan was later submitted to MassDEP, along with a request to reestablish response action deadlines as an eligible person. Today's Order establishes new deadlines for phase two, three and four of the cleanup response plan, and the final response action outcome. MassDEP has agreed to suspend \$1,187.50 of the Penalty provided Leach Street LLC does not violate any of the conditions in today's Order. The Order also contains a stipulated penalty provision for any missed deadlines.

6/4/13: MassDEP entered into a Consent Order with a \$54,150 Penalty involving PJ Keating Company for violations of the Clean Waters Act, the Wetlands Protection Act, and the Water Quality Standard in Dracut. Specifically, the company was allowing the unauthorized discharge of sediment into a pond at the headwaters of Peppermint Brook. Activities contributing to the erosion, siltation and discharge of pollutants to the pond included failure to place and maintain erosion and sedimentation controls, improper management of stormwater containing sediments from trucking, stockpiles, and site operations, the improper operation of a catch basin structure and flow divider system, and the improper management of process water. This also resulted in

adverse impacts to the hydrology of the pond, siltation and impairment of land under water, and erosion and impairment of a portion of the bank of the pond. Today's Order requires: maintenance and diligent inspections of erosion controls to prevent sediment from entering the pond and bank; the submission, review and approval of a new, comprehensive stormwater management plan including provisions eliminating untreated stormwater from entering the pond; the installation of berms around the pond to intercept runoff; the maintenance of a minimum water level in the pond; implementation of a stockpile management plan; disabling of the flow divider system; establishment of a no work buffer area around the Pond; establishment of a long-term operation and maintenance plan; and, implementation of a wetlands restoration plan. Today's Order also includes provisions for implementation of a Supplemental Environmental Project (SEP). Under this SEP, the company will provide for the redirection of street drainage to settling lagoons that are not wetlands resource areas. Under today's Order, the \$54,150 all but \$16,500 of the Penalty is suspended pending full compliance with the terms of the Order.

6/4/13: MassDEP received Payment of an Administrative Penalty of \$10,787 involving 22 Pleasant Street in Natick. James Knott was listed as the potentially responsible party for the release (RTN # 3-14006) that occurred in 2009. Knott has now paid an Administrative Penalty to the Commonwealth of Massachusetts for late notification of a release to the environment. Oral argument was to have taken place on 6/4/13 in Superior Court for the appeal of the final decision. Knott had appealed the penalty that was assessed, but the violation and penalty was upheld by MassDEP Commissioner Kenneth Kimmell. Knott was issued a \$10,787.00 penalty for failing to report levels of TCE (a solvent) in groundwater at his property. Knott paid his penalty rather than appeal his case to the Superior Court.

6/3/13: MassDEP issued a Unilateral Order to Greenfield Silver, Inc., formerly Lunt Silversmith, Inc. Lunt had failed to respond to MassDEP's interim deadline and failed to retain a Licensed Site Professional to oversee the cleanup and failed to have the assessment activities conducted following receipt of a notice of responsibility for the discovery of TCE (a solvent) in groundwater at the property. Greenfield Silver has filed for bankruptcy. The TCE in soil and groundwater was detected as part of a phase two environmental assessment that was performed on behalf of the town of Greenfield. Further work performed by the Town indicated the presence of TCE in indoor air at downgradient residences. Today's Order requires Greenfield Silver to retain a licensed site professional, perform indoor air sampling at several downgradient residences within two weeks, and install soil borings and monitoring wells to further delineate the horizontal and vertical extent of contamination.

## **May 2013**

5/31/13: MassDEP entered into a Consent Order with a \$7,816 Penalty for Air Quality, Industrial Wastewater and Hazardous Waste Management violations involving Mace Polymers & Additives, Inc. in Dudley. Today's Order requires compliance with applicable regulations, installation of a water-chiller system that will allow the company to reuse its water and alleviate the need for any discharge, and full payment of the Penalty. The company will also fund two Supplemental Environmental Projects (SEP) valued at \$8,500. Under the SEP the company will give \$5,000 to the Dudley Fire Department to fund a Household Hazardous Products Collection

Event, and an additional \$3,500 will be used for energy saving improvements made to the town's animal shelter.

5/31/13: MassDEP executed a Consent Order with an \$11,000 Penalty for Waste Site Cleanup violations involving Parks Cramer Lofts, LLC, for Waste Site Cleanup violations at its facility in Fitchburg. The company failed to notify MassDEP of a release of chromium to the soil at 68 Airport Road in Fitchburg at levels that could pose an imminent hazard. The company also failed to continually evaluate site conditions to determine if an Immediate Response Action was required; it also failed to notify the abutting property owner of the results of sampling on the abutting property; and, also for conducting a Release Abatement Measure without first submitting a plan. In addition to the Penalty, today's Order establishes a deadline for submitting a RAM completion report or response action outcome statement.

5/30/13: MassDEP executed a Consent Order with a \$20,775 Penalty for Asbestos violations involving Edward Frateschi of Auburn. Frateschi is trustee of the Arraho Realty Trust. The violations were discovered in February 2011 during an inspection of renovation work being conducted in Auburn. MassDEP inspectors determined that asbestos-containing exterior siding was improperly removed, handled and disposed of at the property. Under the terms of the Order, the Trust will comply with applicable regulations in the future, and will pay \$6,500 of the Penalty. The additional \$14,225 will be suspended provided that there are no further violations for one year.

5/29/13: MassDEP executed a Consent Order with Coleman Manufacturing Company, Inc. that occurred at the former Railroad Right-of-Way in Everett. This former railroad right-of-way is owned by MBTA, for failure to submit a final (response action outcome or RAO) statement within the deadline established by MassDEP in a notice of noncompliance issued on 4/11/13. New deadlines have now been established in today's Order to return the site to compliance include the submittal of a tier two classification extension by 11/7/13, and submitting an RAO, or alternatively, a remedy operation status, by no later than 5/22/14.

5/28/13: MassDEP executed a Consent Order with an \$11,500 Penalty involving the Town of Manchester Water Department due to an exceedance of the lead action level and failing to receive written approval prior to a substantial modification to its system. The Town has agreed to submit a report of a Lead Service Line Replacement Program, collect two additional rounds of sampling, and perform public notice. The Town will pay \$5,000 of the Penalty with the remaining \$6,500 suspended pending compliance with the Order.

5/24/13: MassDEP issued a Boil Water Order to Shady Pines Campground in Savoy. The Order was issued to this campground as a result of positive e.coli (fecal) coliform detected in the distribution system of this public water system and outlined the required corrective steps. [The Order was subsequently lifted on 5/31 following 3 rounds of clean bacteria sampling.]

5/24/13: MassDEP issued a Unilateral Order to Staffordshire Properties, Inc. to cease discharge of pollutants to surface water in Leicester. The company is owner and operator of Staffordshire Country Estates located at 500-510 Stafford Street in Leicester (Cherry Valley). Today's Order requires the owners to immediately cease and desist from further discharges of pollutants to local surface waters. During a May 2013 inspection at the apartment complex, MassDEP staff

observed evidence of breakout of sewage onto the ground surface from the existing septic system leach field. Today's Order directs the owners to pump out the on-site septic tanks at a frequency that eliminates further breakout, to fence the area of breakout, to keep residents and pets out of the affected area, and to complete installation, and begin operation of its approved groundwater discharge facility within 180 days. This action will result in the proper treatment of approximately 18,000 gallons per day of sanitary wastewater.

5/24/13: MassDEP entered into a Consent Order with a \$17,050 Penalty involving Elmer E. Pineda for Asbestos violations at 132 Bellingham Street in Chelsea. MassDEP personnel observed during an inspection of the site that asbestos containing materials had been removed from the site and placed in a 30 yard dumpster at a location Quincy. Pineda, a certified asbestos supervisor, failed to properly notify MassDEP of the asbestos removal at the site. As a result of the violations observed by MassDEP, the Respondent will pay \$2,000 and \$15,050 will be suspended for a period of one year provided Pineda complies with the Order during that period. Financial inability to pay the penalty was a consideration in reaching this agreement.

5/23/13: MassDEP entered into a Consent Order with a \$32,100 Penalty involving Columbia Construction Company for Asbestos violations at 32 Tozer Road in Beverly. MassDEP observed during an inspection of the site that asbestos containing materials had been removed from the lab area of the site and placed in a 30-yard dumpster at the location. The respondent and/or its responsible designee failed to properly notify MassDEP of demolition/renovation activities at the site. In addition, the respondent and/or its responsible designee failed to notify MassDEP of the asbestos removal at the site. Under today's Order, the respondent agrees to pay \$9,700 of the Penalty with the remaining \$22,400 suspended for a period of one year.

5/23/13: MassDEP executed a Consent Order with the town of Hadley's Department of Public Works to address a repeat failure to submit timely analysis of repeat drinking water samples for analysis for enterococcus (bacteria) following a positive result for total coliform (bacteria) at this groundwater system. The system collected the samples within the required time period; however, the system failed to have them properly analyzed due to incorrect labeling in the chain of custody.

5/23/13: MassDEP executed a Consent Order with the town of Greenfield's Department of Public Works to address the operation of an historic Caisson Well operated by the town of Greenfield. The well had been previously repurposed as a surge tank for a surface water supply, however, it was recently determined that groundwater infiltrates the well and can be pumped as a groundwater source when the surface water feed is shut down. Today's Order provides requirements for interim use while the system completes permitting for the well as a source.

5/21/13: MassDEP entered into a Consent Order with a \$21,000 Penalty involving Tower View LLC, for Waste Site Cleanup violations in Monson. Tower View LLC is the owner of the property at 288 Main Street, Monson, where a textile mill had operated until 1941, then as a manufacturing facility of metal containers and cabinets until 2007. Mercury and petroleum hydrocarbons were discovered in soil by the metal manufacturer. The site was purchased by Tower View LLC in 2007. Tower View LLC failed to meet deadlines established in a notice of noncompliance issued on 1/26/12, for submitting a phase two comprehensive site assessment and remedial (cleanup) action plan. Today's Order requires submittal of the completed site

assessment and selected remedy to achieve standards by 8/1/13. A plan to implement the selected remedy is due by 8/1/14 and a final report detailing site cleanup is due by 8/1/16. The \$21,000 Penalty will be suspended if Tower View does comply with terms of the Order. There is also a stipulated penalty provision for any missed deadlines.

5/21/13: MassDEP entered into a Consent Order with the owners of 681 North Street, Pittsfield, a former gasoline station, for Waste Site Cleanup violations. In April 2009, the site owners notified MassDEP of a release of lead and petroleum hydrocarbons to soil and groundwater. The owners, however, thereafter failed to submit the required phase two (comprehensive site assessment) and remedial (cleanup) action plan, which were due on 10/30/12. Today's Order establishes deadlines to submit the missing phase reports and to achieve a permanent or temporary solution. The Order also contains a stipulated penalty provision if any of the deadlines established are missed.

5/21/13: MassDEP executed a Consent Order with Stockbridge Sportsmen's Club in Stockbridge. The Order was issued to address repeat violations of the total coliform (bacteria) rule by the Club, which operates as a public water system. The system intends to seek a permit and install a mechanical disinfection system to ensure future compliance with the total coliform rule.

5/17/13: MassDEP was informed that in Worcester Superior Court, Henry Papuga, the former manager of the Milford Water Company, was convicted on six counts of tampering with water samples and two counts of submitting false information to MassDEP. A four-day jury waived trial in Worcester Superior Court. The judge found that the scientific evidence was "overwhelming" that Papuga added chlorine to the water samples in an effort to get a boil-water order lifted in August 2009. Papuga was sentenced to one year in the House of Correction, which was suspended during a five-year probationary term, and must also perform 250 hours of community service and not work in the water supply industry.

5/16/13: MassDEP executed a Consent Order with a \$22,500 Penalty involving Sustainable Farm Realty Trust for Wetlands violations at Morra Brook Farm in Rehoboth. The respondent shall submit a Stream Restoration Plan which will include a proposed schedule for approval by MassDEP for restoring the stream to pre-culverted conditions. Sustainable Farm Realty Trust will pay \$11,250 of the Penalty with \$11,250 suspended pending compliance.

5/14/13: MassDEP executed a Consent Order with a \$3,750 Penalty involving Leonard E. Belcher, Inc. for Waste Site Cleanup violations in Westfield. Belcher is the owner and operator of a number of self-service gasoline stations and convenience store locations in the Springfield area. Belcher failed to notify MassDEP within two hours of a sudden release of diesel fuel that occurred at its Westfield facility on 11/16/12. The spill, estimated as eight gallons, was originally reported by Belcher to MassDEP at 3:25 PM on that date. The spill had occurred at 9:00 AM that morning while a customer was fueling a truck. MassDEP personnel responded to the location to oversee completion of the spill cleanup. At the time of inspection, MassDEP, believed this spill was greater than eight gallons and most likely exceeded the Massachusetts reporting requirement for spills of ten gallons or greater of diesel fuel within two hours as required by Massachusetts regulations. MassDEP personnel subsequently reviewed video footage of the spill, verified the pumping rate for the diesel fuel dispensing equipment involved

in the spill, and determined that the spill volume was fifteen gallons. In order to resolve the violation, Belcher has agreed to pay the Penalty, re-train its employees on responding to releases of oil and hazardous materials, and perform a Supplemental Environmental Project (SEP). Under this SEP, Belcher will prepare a spill response training video that will be utilized to for initial and recurrent training of employees. The video will be available for use by other similar companies on the Belcher website and through various social media outlets. MassDEP agreed to suspend \$2,750 of the penalty provided Belcher successfully completes the SEP.

5/14/13: MassDEP executed a Consent Order with a \$2,875 Penalty involving Squeaky Clean Car Wash for Groundwater Discharge violations in East Bridgewater. Specifically the violations involved exceedance of the facility's ground water discharge permit effluent limits. Today's Order establishes timelines for the wastewater treatment facility to come into compliance with the permit, either by improving the operations to the current facility or by constructing upgrades to the facility.

5/13/13: MassDEP entered into a Consent Order with Siasconset Golf Course for Waste Site Cleanup violations at 260 Milestone Road in Nantucket. The Order specifically involves the Estate of Henry Coffin, Jr. for the property located at 260 Milestone Road in Nantucket. A penalty of \$26,599 was assessed to the Estate for failure to meet the terms and conditions of the Activity and Use Limitation attached to the property deed at this location. The violations were found as a result of MassDEP's audit inspection.

5/10/13: MassDEP in a cooperative effort including the Environmental Strike Force, the Bellingham Police Department during the first two weeks of May investigated and arrested an individual engaged in the act of illegal dumping of solid waste on an electric company easement located off of Route 140 in Bellingham. The individual was arraigned in Milford District Court and released, and was required to report to Court. The case is currently pending in Worcester Superior Court.

5/2/13: MassDEP entered into an Amendment to an existing Consent Order with Home Market Foods, Inc in Norwood. Today's Amendment - Number 2 – with Home Market Foods is a result of the facility's request to install a Regenerative Thermal Oxidizer (RTO) as the air pollution control technology rather than the previously selected control technology specified in the Consent Order. The amendment sets deadlines for installation of the final air pollution control equipment by 9/30/13. Home Market previously paid a penalty of \$43,000 dollars and the Department suspended \$256,000 pending completion of the installation of the control equipment

5/1/13: MassDEP entered into a Consent Order with an \$11,647.50 Penalty involving 123 Central Avenue Realty Corporation for Waste Site Cleanup violations in Ayer. The corporation failed to notify MassDEP of a release of metals to the groundwater at a former metal plating facility located at 123 Central Avenue in Ayer. The company obtained knowledge of a release in 2001, but did not notify MassDEP of the release until 2011. The company also made false or misleading statements regarding the date of knowledge in its Release Notification Form. Under the terms of today's Order, the company will pay \$5,800 of the Penalty. The remaining balance will be suspended pending compliance with the deadlines established in today's Order for a one year period.

5/1/13: MassDEP entered into a Consent Order with a \$2,000 Penalty involving 160 Fremont Associates, LLC, for Waste Site Cleanup violations in Worcester. 160 Fremont Street Associates, LLC failed to meet Waste Site Cleanup response action deadlines, and failed to conduct an immediate response action. MassDEP was notified by 160 Fremont Street Associates of indoor air impacts in a condominium complex that was built from a renovated industrial facility. The LLC submitted a cleanup plan, after it was prompted to do so by a Notice of Noncompliance that MassDEP issued, but did not implement the cleanup plan. 160 Fremont Street, LLC has now agreed to pay the \$2,000 Penalty for these violations while response actions are being done by the current owner.

5/1/13: MassDEP entered into a Consent Order with a \$5,692.50 Penalty involving Lincoln Crossing LLC for Waste Site Cleanup violations on May Street in Worcester. Specifically, the violations involved an Activity and Use Limitation that was attached to the property. An AUL was recorded this site in April 1995, and it prohibits the excavation of residual oil and solvent-impacted soil at the site without a Health and Safety Plan (HASP) and Soil Management Plan (SMP). During a site inspection, MassDEP observed the site tenant had used heavy equipment to move soil without a HASP or SMP, a violation. In addition, the tenant's lease did not include a reference to the AUL. Under the terms of today's Order, Lincoln Crossing, LLC has agreed to pay \$4,000 of the Penalty, with an additional \$1,692.50 suspended. Today's Order requires that a confirmatory AUL be assessed and recorded, which includes language to clarify obligations and conditions of the AUL. The Order also requires that all future deeds, mortgages, leases, and instruments of conveyance and transfer must include a reference to the AUL.

5/1/13: MassDEP entered into a Consent Order with a \$1,083 Penalty involving United-County Industries Corporation for Hazardous Waste Management and Toxics Use Reduction violations in Millbury. The company generated hazardous waste in excess of its registered generator status and failed to properly label and mark hazardous waste container. The company also failed to submit accurate data in its TURA report, and failed to complete a TURA plan update. Today's Order requires compliance with applicable regulations, and payment of a \$1,083 civil administrative penalty. The company will also expend an additional \$3,247 toward a Supplemental Environmental Project (SEP). The SEP will promote environmental education and awareness, and has the company hiring a contractor to contact other area Hazardous Waste generators and provide training to them on the applicable regulations and how to stay in compliance with applicable regulations. This will work to help ensure future compliance with all applicable regulations here and at other area facilities as well.

### **April 2013**

4/30/13: MassDEP executed a Consent Order with a \$32,100 Penalty with U.S.A. Demolition Inc. for Asbestos violations at 32 Tozer Road in Beverly. MassDEP responded to a request for an emergency waiver and observed during an inspection of the respondents work site and found asbestos-containing materials had been removed from the lab area of the site and placed in a 30 yard dumpster at the location. The respondent failed to properly notify MassDEP of demolition/renovation activities at the Site. In addition, the respondent failed to notify MassDEP prior to the asbestos removal at the site. As a result of the violations observed, USA Demolition Inc. will \$8,700 and \$23,400 will be suspended for a period of one year. The small business policy was utilized in reaching this agreement.

4/30/13: MassDEP issued a Boil Water Order (as a precaution) to the Berkshire Hills Motel involving its Water Supply in Williamstown. The Boil Water Order issued to Jill Ryder, owner of the Berkshire Hills Motel, was due to routine monitoring of the Motel's public water system. Results showed high counts of total coliform bacteria. No e.coli bacteria was detected. The Order includes a requirement to disinfect and investigate the source of the problem.

4/29/13: MassDEP executed a Consent Order with a \$2,860 Penalty involving VHS Acquisition Subsidiary Number 7, Inc. for Hazardous Waste and Air Quality violations in Worcester. MassDEP finalized the Order with VHS Acquisition Subsidiary Number 7, Inc. (d/b/a Saint Vincent Hospital) after the facility generated hazardous waste in excess of its registered status, and failed to ensure all required information on hazardous waste manifests was correct. Also, the facility failed to submit its required annual air quality source registration information. Today's Order requires compliance with applicable regulations and payment of the \$2,860 Penalty.

4/25/13: MassDEP executed a Consent Order with Two-State Young Men's Christian Association, Inc. for Water Supply violations in Becket. The facility is required under today's Order to address repeated exceedances of the maximum contaminant limit for total coliform at its Chimney Corners Camp public water system located in Becket. Today's Order addresses response actions and disinfection should another exceedance occur prior to 12/1/13.

4/25/13: MassDEP entered into a Consent Order with a \$6,512 Penalty involving Mill River Watertakers Association, Inc., for Water Supply violations in New Marlborough. The company agrees to address its failure to comply with all the conditions specified in a previously-issued Unilateral Order: to improve disinfection practices, to complete its meter installation; and, to improve management practices (asset management, capital planning). This failure has led to today's Order that now includes a \$6,512 Penalty, with all but \$1,000 suspended pending compliance, and certain required actions such as the development a Capital Improvement and Asset Management Plan.

4/25/13: MassDEP entered into a Consent Order with a \$3,000 Penalty involving David Mayo for Wetlands violations in Brimfield. MassDEP found that Mayo was responsible for the alteration of 2,649 square feet of bordering vegetated wetlands in the construction of a gravel path associated with his home. Today's Order provides for the restoration of the impacted area. The Penalty will be fully suspended under the homeowner's policy provided that the restoration is completed.

4/19/13: MassDEP executed a Consent Order with T&T Realty Trust for Water Supply violations at 138 Main Street in Sturbridge. Today's Order provides an enforceable schedule for construction and installation of a water line to connect Paoletti's Fruit Store to the Sturbridge municipal water supply. Until the tie-in is completed, the owners will operate a Transient Non-Community (TNC) public water system at this property. By making the connection to the Sturbridge Water Department, this property will no longer be considered a Public Water Supply. This action will ensure that the public served by this business will receive water that is safe and fit to drink.

4/17/13: MassDEP executed a Consent Order with a \$5,750 Penalty involving GMFC Corporation for Waste Site Cleanup violations at 585 North Shore Road in Revere. GMFC is the

owner and operator of the property, where specific violations were the application of an additive meant to remediate or cleanup the site but was within 50 feet of a surface water body, and was done without prior approval and the failure to submit an immediate response action plan prior to implementing this plan. Under today's Order, the company will pay \$1,750 with the remaining \$4,000 suspended, with a stipulated penalty provision for any missed deadlines.

4/17/13: MassDEP was informed that Julian Pagacz, Easthampton has pled guilty at his arraignment at Northampton District Court to two counts of Clean Air Act violations resulting from his involvement in the removal of asbestos pipe insulation from an apartment building he owns in Easthampton. Pagacz was ordered to pay a \$10,000 fine and serve two years probation. This case was handled by the Attorney General's office on behalf of MassDEP.

4/17/13: MassDEP executed a Consent Order with a \$5,000 Penalty involving Architectural Heritage Foundation, Inc. for Waste Site Cleanup violations in Lawrence. Architectural Heritage Foundation, Inc. is the owner and/or operator of sites at 73-75 Methuen Street and 5-9 Mill Street in Lawrence. These sites are a former mill property in downtown Lawrence. Architectural Heritage Foundation, Inc. purchased the Site in 2007 for potential development. The specific Waste Site Cleanup violations were failure to meet deadlines as established in the state regulations, and further as specified in a notice of noncompliance issued previously. Today's Order requires a phase two (assessment) report by 8/30/14, a phase three (remedy alternatives) plan by 9/30/14, and a phase four (remedy selection/implementation) report by 10/30/14. There is also a final Response Action Outcome statement due by 12/31/14. Today's Order contains a \$5,000 penalty and a stipulated penalty provision for any missed deadlines.

4/16/13: MassDEP issued a Unilateral Order to Merrimack Street Redevelopment Authority LLC for Asbestos violations at 7-19 South Canal Street in Lawrence. MassDEP conducted multiple inspections at 7-19 South Canal Street in Lawrence. MassDEP personnel observed during the inspections of the site that the respondent was continuing to perform salvage work at the site which was impacting asbestos containing materials in violation of a prior Consent Order. In addition, MassDEP observed that the respondent had failed to seal the boiler room, failed to cover contaminated stockpiles, filled areas of the site with solid waste, and failed to adhere to the 'interim deadlines' that were established in a 'conditional approval' as specified in the previously-agreed upon Consent Order. As a result of these violations, the respondent is under today's Order required to cease and desist from any demolition/salvage activity which was impacting asbestos. Thereafter, they are to submit a site security plan, seal areas of the buildings which are contaminated with asbestos, submit a plan for review and approval to abate and properly dispose of damaged/impacted asbestos containing materials, perform inventories of asbestos and other hazardous materials, structurally evaluate the buildings, stop the filling and file a plan (for approval) that demonstrates how the respondent would properly remove and dispose of solid waste from the site in a way that is in compliance with Massachusetts Contingency Plan regulations.

4/16/13: MassDEP issued a Demand for a \$26,600 Suspended Penalty to Merrimack Street Redevelopment Authority LLC. MassDEP had originally conducted inspections at 7-19 South Canal Street in Lawrence where it was observed that the respondent was continuing to perform salvage work at the site. This action was impacting asbestos-containing materials and in violation of a prior Consent Order. In addition, MassDEP observed that the respondent had failed

to seal the boiler room, failed to cover contaminated stockpiles, and failed to adhere to interim deadlines established in the conditional approval required under the Consent Order. Further, the investigation found that the respondent had failed to pay the agreed upon penalty amount. As a result of the violations observed by MassDEP and the demonstrated noncompliance with the prior Order, MassDEP today issued a demand for \$26,600.

4/16/13: MassDEP entered into a Consent Order with a \$14,380 Penalty involving Enterprise Rent-A-Car Company of Boston for Waste Site Cleanup violations in Chelsea. MassDEP conducted a field inspection of the site relative to a previously-submitted Activity and Use Limitation (AUL). The field inspection was conducted on 7/25/2012 to confirm the AUL was in compliance with reported conditions. The primary focus of the field inspection was to gather information regarding the installation of a new oil water separator within the AUL Area and to see if the work was done in conformance with the AUL requirements. During this AUL field inspection, it was discovered that construction activities had occurred within the AUL area. MassDEP's subsequent review of the case indicated that none of the work was done under a Response Action plan such as a Release Abatement Measure ("RAM"). This represents a violation. In addition, the AUL requires that a licensed site professional prepare the soil management plan. The subsequent investigation concluded that AUL requirement was in fact not met. At the time of the violations the respondent was the operator of the property. As a result of the violations, Enterprise will pay \$4,000 while the remaining \$10,380 will be suspended. The Order also requires Enterprise to submit a RAM Plan and completion statement within 60 days.

4/16/13: MassDEP entered into a Consent Order with a \$14,380 Penalty involving Enpro Services, Inc. for Waste Site Cleanup violations. A field inspection was conducted by MassDEP on 7/25/12 to confirm compliance. The primary focus of the field inspection was to gather information regarding the installation of a new oil water separator within the area of this site where an 'Activity and Use Limitation' or AUL was attached to the deed. The inspection was to determine if the work was done in conformance with the AUL requirements. During the field inspection, it was discovered that construction activities had occurred within the AUL area, a violation. MassDEP's subsequent review of the case indicated that none of the work was done under a response action plan, such as a Release Abatement Measure (RAM). In addition, the AUL requires that in such situation, a Licensed Site Professional should have been hired to prepare any soil management plan. MassDEP concluded that AUL requirements were not met. At the time of the violations the respondent was contracted by the operator of the property to install the oil/water separator system at the subject site. As a result of the violations Enpro will pay a \$7,000 of the Penalty will be paid within 30 days and, \$7,380 will be suspended. The Order also requires Enpro to develop a standard operating procedure for projects that occur on oil and hazardous material release sites to ensure compliance with the Waste Site Cleanup regulations, and Activity and Use Limitations, if applicable to the disposal site. A copy of the new procedures shall be provided to MassDEP within 45 days.

4/12/13: MassDEP entered into a Consent Order with the South Deerfield Water Supply District for Water Supply violations in South Deerfield. South Deerfield Water Supply District has agreed to establish a schedule for the redevelopment, testing and reactivation of the District's wellfield, which has been out of service since 1984 following detections of ethylene dibromide, a chemical contaminant. If the wellfield is not able to demonstrate that it can be properly brought back on line, today's Order provides for abandonment of the source.

4/12/13: MassDEP has entered into a Consent Order with a \$6,000 Penalty involving Adhesive Applications, Inc. for Air Quality and Hazardous Waste Management violations in Holyoke. A MassDEP inspection conducted at the facility revealed that the company was not complying with the storage requirements for hazardous and universal wastes and on numerous occasions during the period from 2010 - 2012, and also failed to meet the minimum operating temperature of its thermal oxidizer as required by its approved plan. As part of today's Order, the company has agreed to correct the violations. The company is working with MassDEP to address the compliance issues.

4/12/13: MassDEP entered into a Consent Order with a \$4,000 Penalty involving the town of Granville for Wetlands violations in Granville. The violations occurred during the course of improvements to Route 89, including impacts on 1,908 square feet of bordering vegetated wetlands, and 39 linear feet of 'bank'. In addition, there was non-compliance with the stream crossing standards. Today's Order provides for submittal and implementation of a restoration plan that includes removal of fill. The Penalty will be fully suspended in its entirety provided that the town completes that restoration plan.

4/12/13: MassDEP issued \$400 Penalty Assessment Notices to 57 Dental Facilities. MassDEP issued penalties to these facilities over a two-week period, after they failed to submit their Environmental Results Program (ERP) compliance certifications to MassDEP as required by 6/15/12. Dental facilities are required to certify every five years that they have installed and are operating approved amalgam separator systems to eliminate mercury from their waste water discharges. MassDEP has previously sent letters to these facilities (on 5/7/12 to 201 dental facilities from the 2007 group of filers, reminding them that their certifications and \$400 compliance fees were due by 6/15/12). Fifty-seven of those facilities have not responded and MassDEP has now given them 30 days to come into compliance.

4/12/13: MassDEP issued a Demand for a \$24,300 Suspended Penalty to Clean Air Environmental Inc. MassDEP responded to a general complaint of improper asbestos removal by the Respondent conducted an inspection at 16 Hermon Street in Winthrop. MassDEP observed during the inspection of the respondents work area at the site that the respondent was performing dry removal and handling of asbestos containing pipe insulation. Further investigation of the Respondent revealed that respondent had failed to pay the agreed upon Penalty amount in a previously-agreed upon Order. As a result of the Asbestos violations, and the additional failure of making the agreed upon payment, MassDEP issued a demand for \$24,300.

4/12/13: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Northern Sealcoating & Paving Inc. for Waste Site Cleanup violations in Dennis. The violations stem from the connection with a release of approximately 50 gallons of diesel fuel from an asphalt recycling machine. Northern has failed to notify MassDEP of the release within two hours - as required - and failed to conduct an Immediate Response Action. Northern will pay the \$9,000 Penalty.

4/11/13: MassDEP issued a \$500 Penalty Assessment Notice to 38 Dry Cleaners. MassDEP issued penalties to these dry cleaners due to their repeated failure to submit their Environmental Results Program (ERP) compliance certifications to the agency by 9/15/12, as required. Dry

cleaners need to file annual certifications with MassDEP to demonstrate that they are complying with state air pollution control, hazardous waste management and industrial wastewater requirements. The facilities cited not only missed the most recent certification deadline, but had one or more prior notices regarding this noncompliance. MassDEP gave these repeat offenders 21 days to pay \$500 penalties and 30 days to file their overdue certifications.

4/11/13: MassDEP was informed that Glenn Robert of North Adams was indicted by a Berkshire County Grand Jury as a result of a diesel fuel release at the North Adams DPW yard which was not immediately reported to MassDEP. The spill subsequently entered the Hoosac River in North Adams. Robert is an employee of the North Adams DPW. This case is being prosecuted in Superior Court by the Berkshire District Attorney on behalf of MassDEP.

4/11/13: MassDEP issued a Declaration of Water Emergency to Oronoque Condominium Association in Stockbridge. The Order was issued to Oronoque Condominium Association due to the lack of water at the community public water system. The Order provides for the provision of alternate water and directs the water system to investigate and correct the cause of the emergency. The system has been providing regular reports to MassDEP of the investigation and repairs and planned return to service.

4/11/13: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Northern Sealcoating & Paving Inc. for Waste Site Cleanup violations in Dennis. The violations occurred in connection with a release of approximately 50 gallons of diesel fuel from an asphalt recycling machine. Northern failed to notify MassDEP, as is required, of this release within two hours and failed to conduct an immediate response action.

4/9/13: MassDEP entered into a Consent Order with a \$3,612.50 Penalty involving Pembroke Concrete Products, Inc. for numerous environmental violations at 793 Washington Street in Pembroke. In 2007, inspectors identified both waste prevention and resource protection compliance issues. The company, on its own initiative, ceased the discharge of wash water to the ground; installed a recycling system to reuse wash water in the concrete manufacturing process; and installed filtration controls in its storm water catch basins. Under today's Order, the company will henceforth ensure all the proper labeling and segregation of hazardous wastes is maintained; that the company will use accurate generator identification on manifests; and, the company will ensure the development of a plan to redesign outdoor manufacturing, and waste storage areas, to prevent the contamination of soil, stormwater or groundwater. Additionally, the facility will cease sending contaminated fines to an off-site concrete crusher and to keep records of where contaminated fines are properly disposed; they will demonstrate why the facility is exempt from Air Permitting programs, or apply for an Air Plan Approval; they will complete Underground Injection Control closure requirements for this facility's former wash water underground injection well; and, finally will comply with EPA's Stormwater Multi-Sector General Permit for the current stormwater discharge to federal Wetlands. Pursuant to the small business policy, the parties agreed to a penalty of \$3,612.50.

4/9/13: MassDEP executed an Amendment to an existing Consent Order with Gary M. Cole as trustee of Plus One Realty Trust for Waste Site Cleanup violations at 3 Mason Street in Peabody. Specifically, the Trust failed to submit the required phase four (remedy implementation) plan within the negotiated deadline as specified in the original 6/7/11 Order. The respondent has

requested additional time to complete the necessary work and submit the required report. Today's Order does extend the phase four deadline for an additional four months, but requires a payment of \$2,000 from what was a suspended penalty (of \$21,000) in the original Order.

4/8/13: MassDEP executed a Consent Order with Ginpaul, LLC for Waste Site Cleanup violations in West Boylston, failure to meet deadlines. Under today's Order the company has agreed to meet response action deadlines for submitting phase two (assessment) phase three (remedy alternatives and selection) and phase four (remedy implementation) along with final response action outcome reports. The site was originally listed in 2008 after soil and groundwater were found to be contaminated with diesel and gasoline by a release from underground storage tanks.

4/5/13: MassDEP has entered into a Consent Order with Hilltown Community Development Corp for Water Supply violations in Chesterfield. MassDEP found that Hilltown CDC, which serves as a public water system has failed to address a maximum contaminant level exceedance for 'nitrates' in the facilities water. The facility had been on quarterly monitoring and providing bottled water as a result of prior detections. Today's Order continues the Do-Not-Use Order, on a limited basis which was issued at the time of the MCL violation, but requires the investigation of potential causes and development and execution of a plan to address the nitrate exceedance.

4/5/13: MassDEP entered into a Consent Order with a \$34,500 Penalty involving ABC&D Recycling, Inc. for Solid Waste violations in Ware. The violations concern the facility's permit violations at the ABC&D Recycling, Inc. facility in Ware. The violations included storage of demolition wastes in quantities exceeding the company's permit limits as well as failure to submit required reports, and failure to perform asbestos inspections. The Consent Order requires payment of a \$5,000 Penalty while suspending the remaining \$29,500 contingent upon the company remaining in compliance with today's Order and the regulations cited therein for a period of one year.

4/4/13: MassDEP entered into a Consent Order with a \$14,050 Penalty involving George Piperidis (d/b/a Olde Towne Construction) for Asbestos violations at 66 Johnson Street in Lynn. MassDEP responded to a complaint and determined during an investigation of the respondent's worksite that they had hired an unlicensed contractor to remove asbestos-containing materials from the site. The respondent failed to submit prior notification to MassDEP of these demolition/renovation activities at the site. In addition, the respondent and the unlicensed contractor failed to notify MassDEP of the Asbestos removal at the site. The \$14,050 Penalty will be suspended for a period of two years. MassDEP's small business policy and inability to pay policies were considered in this case.

4/4/13: MassDEP entered into a Consent Order with a \$460 Penalty involving Victor Innovative Textiles LLC for Hazardous Waste Management and Air Quality violations at 81 Commerce Drive in Fall River. Victor Innovative Textiles LLC is registered with MassDEP as a (minor) Air Quality source; and, a 'very small quantity' generator of both hazardous waste and waste oil. MassDEP determined that the facility was acting out of this status, and is, in fact, operating in the next bracket, a 'small quantity' generator of waste oil. By exceeding its accumulation amounts, on 10/24/12, the respondent accumulated in excess of 1000 kilograms of waste oil,

acting out of status. The facility also failed to maintain a record of hours of operation, gallons of fuel used and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months for the equipment in this facility. This is a violation, and a multi-media inspection of the facility was conducted on 2/5/13.

4/2/13: MassDEP entered into a Consent Order with a \$25,000 Penalty involving HHLP Bulfinch Associates, LLC for Waste Site Cleanup violations at 107 Merrimac Street in Boston. HHLP Bulfinch Associates, LLC, which is based in Philadelphia, failed to report - as soon as possible but within two hours - a release of 260 gallons of diesel on 9/21/12. The company must prepare and submit to MassDEP a revised Oil and Hazardous Material Release Reporting and Response Plan to be followed by its employees in the event of future release incidents. The company will pay \$20,000 within 30 days, with the remainder suspended contingent upon the company's compliance with the terms, and imposes stipulated penalties of \$1,000.00 per day for any future violations.

4/2/13: MassDEP issued a \$16,137.50 Penalty Assessment Notice to Safe Environment of America, Inc. for Asbestos violations in Boylston. Safe Environment of America, Inc., which is based in Ludlow, violated the Asbestos regulations during the removal of asbestos-containing transite panels from the exterior of a former gasoline station located on Shrewsbury Street in Boylston. During an inspection, MassDEP found dry, uncontained asbestos-containing transite panels shattered and strewn about on the ground at the site.

4/1/13: MassDEP has entered into a Consent Order with a \$1,500 Penalty involving Pro Automotive Repair, Inc. for Hazardous Waste, and Industrial Wastewater Management violations in Westfield. A MassDEP inspection conducted at the facility revealed that the company was not complying with the storage requirements for hazardous waste, had failed to notify MassDEP regarding its change of status from very small quantity generator to small quantity generator of waste oil, had failed to notify MassDEP regarding its waste oil space heaters, and had failed to submit a one-time certification for its industrial wastewater holding tank. The company has agreed to address hazardous waste management and industrial wastewater violations at its Westfield facility. As part of a consent agreement, Pro Automotive Repair, Inc. has agreed to pay a \$750 of the Penalty with the other \$750 suspended pending compliance with the Order.

### **March 2013**

3/31/13: MassDEP issued notices of noncompliance (NONs) to a total of 21 commercial printing facilities that failed to submit their environmental results program (ERP) compliance certifications to the agency by 9/15/12, as required. These 21 were among the 100 medium and large printers whose annual certifications were due on that date, but did not file in spite of MassDEP mailing them two reminder post cards. The agency gave these businesses 30 days to return to compliance. Roughly half of these have responded so far. The purpose of an ERP certification is to demonstrate that a printing company has evaluated its environmental practices and put systems in place to maintain compliance with state air pollution control and hazardous waste management regulations.

3/29/13: MassDEP issued a Unilateral Order to Watermill Group, LLC, of New Bedford for Air Quality (Asbestos) violations. The company was found to be creating a condition of air pollution in violation of regulations. Today's Order requires that Watermill Group cease demolition activity that is contributing to a condition of air pollution and submit a plan to MassDEP that will bring the site back into compliance.

3/28/13: MassDEP entered into a Consent Order with a \$4,000 Penalty involving the town of Montague in connection with an August 2012 dredge project undertaken by the town of Montague. The work extended beyond the area approved in the order of conditions (permit) and included the placement of fill on a bank and access to the river at a location other than the approved location. The entire penalty of \$4,000 will be suspended provided the required restoration is completed. The town's contractor, Renaissance Excavating, Inc. has also entered into an Order with MassDEP in connection with this matter.

3/26/13: MassDEP entered into a Consent Order with a \$30,860 Penalty involving Utility Park Condominium Trust for Waste Site Cleanup violations at 103-105 Elliot Street in Beverly. Cynthia Modugno is trustee of Utility Park Condominium Trust, and the Trustee of the Condominium Trust property located at 103-105 Elliot Street in Beverly. Specifically, violations were for failure meet deadlines set out in a Notice of Noncompliance issued 11/15/11. Today's Order requires an immediate response action status report or, an IRA completion statement by 6/15/13 and sampling to demonstrate the risk of harm from the site has been evaluated. Today's Order requires the payment of a \$4,000 of the Penalty with the remaining \$26,860 suspended. In addition there is a stipulated penalty provision for any missed deadlines.

3/25/13: MassDEP issued a Boil Water Order to Uncle Larry's Tavern as a result of receipt of sampling results, indicating e.coli (fecal bacteria) in the system's raw water. While no e coli or coliform bacteria was found in the finished water, and this system does disinfect with chlorine, nevertheless, since, this system does not have 4-log virus removal, a boil water order must be issued pursuant to the Groundwater Rule.

3/25/13: MassDEP issued a Boil Water Order to Chateau Harmony as a result of receipt of sampling results indicating e.coli in the system's raw water. Although the system disinfects with ultraviolet, it does not have 4-log virus removal, therefore a boil water order was issued pursuant to the Groundwater Rule.

3/25/13: MassDEP issued a Boil Water Order to the North Egremont Store as a result of receipt of sampling results indicating e.coli in the system's raw water. Although the system disinfects with ultraviolet, it does not have 4-log virus removal, therefore a boil water order was issued pursuant to the Groundwater Rule.

3/25/13: MassDEP and the Cherry Valley and Rochdale Water District entered into a Consent Order (ACO) to achieve and maintain compliance with the requirements of the Drinking Water regulations. Today's Order supersedes a previous document executed on 5/4/12, and provides an up-dated enforceable schedule for the development of a long-term plan to provide a permanent solution for the system to assure compliance with the surface water treatment rule, disinfection by-product rule, arsenic and secondary contaminant levels, and treatment technique

requirements. This action will ensure that the approximately 3,765 residents served by this Public Water Supply will have a reliable source of water that is safe and fit to drink.

3/25/13: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Absolute Environmental Contractors, Inc. for Asbestos violations in Fitchburg. Absolute Environmental Contractors, Inc. of Haverhill is a licensed asbestos contractor that was found during an inspection of work that the company was conducting improper asbestos removal at a former power plant site on Sawyers Passway in Fitchburg in August 2012. Under the terms of today's Order, the company agreed to the Penalty and will comply with all applicable regulations in the future.

3/25/13: MassDEP executed a Consent Order with an \$11,500 Penalty involving BP Reservoir Place, LLC, for Waste Site Cleanup violations at 1601 Trapelo Road in Waltham. Specifically, BP Reservoir Place failed to report a 7/28/12 release of an estimated 100 gallons of diesel fuel to the environment as soon as possible, and within two hours after obtaining knowledge of the release. Today's Order requires BP Reservoir Place, LLC to prepare and submit a MassDEP Oil and Hazardous Material Release Reporting and Response Plan to be followed by its employees in the event of future release incidents. The company has agreed to pay \$5,000 of the Penalty with the remaining \$6,500 suspended contingent upon the company's compliance with the terms of the Order. Today's Order also imposes stipulated penalties of \$1,000.00 per day for any future violations.

3/25/13: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Envirogreen, LLC for Asbestos violations in Worcester. Envirogreen, LLC of Jamaica Plain, is a licensed asbestos contractor that was found MassDEP during a routine compliance inspection of work that the company was conducting at a multi-family residential property in Worcester in September 2012. Under the terms of today's Order, the company will pay the Penalty and comply with all applicable regulations in the future.

3/22/13: MassDEP entered into a Consent Order with a \$30,100 Penalty involving East Coast Comfort, LLC, for Asbestos violations observed at 155 Maple Street in Framingham. MassDEP responded to a complaint from the Framingham Board of Health and Mass. Division of Occupational Safety regarding improper asbestos removal at 155 Maple St in Framingham, where they had improperly removed and handled asbestos containing materials in the basement of the building. As a result of the violation, the company will pay \$1,000 and \$29,100 will be suspended for a period of two years. In addition, the company has agreed to attend an "Asbestos Associated Project Workers" course with 60 days. The small business policy was utilized to reach this agreement.

3/22/13: MassDEP issued a Do Not Drink Unilateral Order to Mark C. Duffy as owner of public water system in Millville. Duffy who owns and operates a public water system at 187-189 Main Street in Millville, which serves his business, Pot Belly Pub, and a tenant's business, Mill Tavern Pizza. Samples collected from the system had shown an exceedance of the maximum contaminant level (MCL) for nitrate. Nitrate at concentrations in the drinking water greater than the MCL - which is set at 10 mg/L - may pose an acute risk to infants under six months old. Today's Order requires the water system to provide tier one public notice outlining the danger to infants. Today's Order also requires this system to notify local officials, conduct

additional monitoring, submit an emergency response report, evaluate potential causes of the contamination, and take corrective actions. This action will assure the safety of the water supplied to customers at these locations.

3/21/13: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Jayson M. LaBouef for Wetlands violations in Worcester. Jayson M. LaBouef has agreed to correct the violations of the Wetlands Protection Act that occurred during construction activities on and adjacent to his property located on Sears Island Drive in Worcester. MassDEP observed that dredged spoils from Indian Lake were re-deposited on the Banks of the Lake and also partially within adjacent bordering vegetated wetlands (BVW). LaBouef did not file with (as required) with the local conservation commission prior to working within a wetland resource area. Two permanent docks within Indian Lake had also been constructed without a valid permit. A prior Unilateral Order had initially been issued in November of 2011 requiring corrective action and submission of a restoration plan. All requirements under that prior Order have now been completed. Today's Order requires the owner to implement the approved restoration plan. IN addition the owner will apply for, and comply with any specific requirements if and when a Chapter 91 license for the docks constructed in Indian Lake is obtained. Also, the owner will monitor the restored wetlands area for a period of two years; and, submit reports on this re-vegetated area as outlined. By completing this action 1,000 square feet of bordering vegetated wetlands 80 linear feet of bank will be restored.

3/21/13: MassDEP executed a Consent Order with a \$27,520 Penalty involving Eastern Duraseal Inc for Waste Site Cleanup violations in Wakefield. William Souther is the owner of Eastern Duraseal, Inc. in Reading, and this company was overdue on filing the following submittals: Release Notification Form, Immediate Response Action Plan, Immediate Response Action Status Report, Phase I and Tier Classification. This location has been a waste site, and has been in the system since 2009. Eastern Duraseal Inc. has agreed to bring the site into compliance and pay \$2,000 of the Penalty with the remaining \$25,520 suspended. The \$25,520 suspended penalty will come due if Eastern Duraseal Inc. violates any provision of the Order. This enforcement action will lead to the cleanup of a release of diesel fuel resulting from a truck fire on Lowell Street in Wakefield.

3/20/13: MassDEP entered into a Consent Order with a \$150,000 Penalty involving Pinetree Power, LLC, for Air Quality violations in Westminster. The company owns and operates a wood and natural gas-fired boiler in Westminster. The facility is also capable of burning shredded, pre-processed paper cubes, as well as landfill gas. The facility has a rated energy input capacity of 260 million BTUs per hour, and is considered a major source of air pollution in the Commonwealth. Today's Order resolves a series of longstanding violations of the MassDEP's regulations. These include violations of emission limits for particulate matter, ammonia, carbon monoxide, and opacity/visible emissions, as well as violations of monitoring and reporting requirements. Today's Order requires Pinetree to come into compliance with all regulations by making substantial upgrades to its existing monitoring and air pollution control equipment. As an integral part of these upgrades, the company is required to install current state-of-the-art air pollution control for oxides of nitrogen (NOx); and to meet a NOx emission limit that is substantially more stringent than would otherwise be required by MassDEP. Pinetree will be one of the first wood-fired electricity generators in the country to install and operate Selective Catalytic Reduction (SCR) technology for the control of NOx, at a capital cost of approximately

\$5 million. The SCR technology will reduce the facility's potential NOx emissions by 125 tons per year. The installation of the state of the art SCR technology and the resulting stringent NOx emission rate will allow Pinetree to remain environmentally compliant, and economically viable to operate in Massachusetts. Under the terms of today's Order, Pinetree agrees to pay the \$150,000 Penalty to the Commonwealth. Today's Order also contains stipulated penalty provision should there be violations in the future.

3/19/13: MassDEP entered into a Consent Order with a \$4,025 Penalty involving the Cove at Yarmouth Resort Hotel Owners Association, Inc. in for Groundwater Discharge violations in Yarmouth. The facility violated its ground water discharge permit effluent limits. Today's Order establishes timelines for the wastewater treatment facility to come into compliance with the permit either by improving the operations to the current facility or by constructing upgrades.

3/19/13: MassDEP entered into a Consent Order with a \$4,500 Penalty involving the Borden Light Marina, Inc., for Wetlands violations in Fall River. Today's Order involves violations that occurred at One Ferry Street in Fall River. The Marina had excavated a coastal bank and constructed a concrete block retaining wall along an approximately 630 foot length of the Marina property. The excavation work in question was conducted after the final Order of Conditions, (the permit) which had been issued, expired. In addition to the Penalty, today's Order to BLM requires them to remove the top levels of the concrete blocks, fill and grade the area to a stable slope in accordance with a plan being reviewed.

3/18/13: MassDEP entered into a Consent Order with Jacob's Pillow Dance Festival, Inc. for Water Supply violations in Becket. The facility had repeated exceedances of the Maximum Contaminant Level for total coliform and failure to collect the required repeat monitoring and source monitoring at its public water system in Becket. Today's Order includes public notification requirements and response actions, including disinfection during the twelve months from March 2013.

3/18/13: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Renaissance Excavating Inc. for Wetlands violations in Montague. MassDEP found the violations involving Renaissance in connection with an August 2012 dredge project undertaken on behalf of and under the direction of the town of Montague. The work extended beyond the area approved in the Order of Conditions and included the placement of fill on a bank and access to the river at a location other than the approved location. MassDEP has agreed to fully suspend the Penalty while Renaissance has agreed to host and participate in a presentation on contractor compliance and invite others in the field to attend the training.

3/18/13: MassDEP has entered into a Consent Order with a \$3,000 Penalty involving Cummins Northeast, LLC [d/b/a CNE Acquisition] of Springfield for Hazardous Waste Management violations. An inspection, conducted on 4/9/12, of the company's facility revealed that Cummins transported waste oil to its facility from service and repairs of emergency generators and engines located off-site without prior written approval from MassDEP. During the inspection, hazardous waste housekeeping and labeling violations were also discovered. Cummins, which cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection. As part of today's Order, the company has

agreed to pay \$1,500 of the Penalty. An additional \$1,500 will be suspended pending the company's compliance with the terms of today's Order.

3/18/13: MassDEP entered into a Consent Order with a \$30,100 Penalty involving Joseph Braz [d/b/a Demolition Joe] for Asbestos violations at 21 Montvale Avenue in Stoneham and 505 Main Street in Medford. MassDEP responded to a complaint of improper asbestos removal at 21 Montvale Ave. in Stoneham and observed improper removal and handling of asbestos-containing shingles from the exterior of the building. MassDEP also responded to a complaint of improper asbestos removal and handling at 505 Main Street in Medford, where additional improper removal and handling of a small amount of asbestos-containing shingles from the exterior of the building had occurred. MassDEP has agreed to fully suspend the Penalty for a period of one year. The small business policy was utilized to reach this agreement.

3/18/13: MassDEP entered into a Consent Order with a \$49,746.50 Penalty involving Pan Am Railways and Boston & Maine Corporation relative to the management and disposal of rail ties in Massachusetts. The settlement supersedes a previously issued Order and Penalty relative to rail tie disposal in the towns of Deerfield, Charlemont, West Boylston, and Sterling. Today's Order amends the company's Emergency Management System as it relates to rail-tie management and requires compliance with this revised EMS. In addition, the company agrees to the civil administrative penalty in the amount of \$49,746.50.

3/14/13: MassDEP issued a Unilateral Order to Patrick Page for Wetlands violations in Barnstable. At the request of the town of Barnstable Conservation Commission, MassDEP visited the site, 1780 Main Street in West Barnstable. The local officials had called to report that Page was cutting, clearing, burning and operating a small backhoe in a bordering vegetated wetland on his property. MassDEP visited the site and confirmed that the activity was occurring. Today's Order requires Page to cease and desist from further activity affecting the buffer zone and/or wetland resource areas on the property. Page had received a superseding determination of applicability in February 2006. That determination confirmed the boundaries of the BVW. Page's activity was within that delineated BVW.

3/13/13: MassDEP entered into a Consent Order with a \$30,100 Penalty involving Woods Concreteworks, LLC for Asbestos violations at 36 Brister Hill Road in Concord. MassDEP responded to a complaint of improper asbestos removal at 36 Brister Hill Road in Concord. The violations were observed during an inspection of the respondents work area at the site, specifically, the improper removal and handling of asbestos-containing materials in the basement of the building. MassDEP has agreed to fully suspend the Penalty for a period of two years. The small business policy was utilized to reach this agreement.

3/13/13: MassDEP executed a Consent order with Topeka Street LLC for Waste Site Cleanup violations on Topeka Street in Boston. The specific locations were: 25, 47 and 71 Topeka Street. As owner and/or operator of the property, the company failed to meet deadlines for cleanup as outlined in a Notice of Noncompliance issued by MassDEP. Under today's Order, the company is required to submit a final response action outcome statement by 5/1/15. Today's Order contains a stipulated penalty provision for any missed deadlines.

3/12/13: MassDEP entered into a Consent Order with the town of South Hadley Fire District #1 in South Hadley. Today's Order concerns repeated exceedances of the maximum contaminant level for total coliform at this, a public water system. Today's Order includes response actions, including disinfection during the twelve months from November 2012 through October 2013.

3/12/13: MassDEP entered into a Consent Order with a \$29,100 Penalty involving Junior Valentin for Asbestos violations at 853 Blue Hill Avenue in Boston. MassDEP responded to a complaint of improper asbestos removal with Massachusetts Division of Labor and Safety personnel at 853 Blue Hill Ave in Boston. During an inspection of the work area, it was noted that the respondent had improperly removed and handled asbestos containing materials in the basement of the building. As a result of the violations, Valentine will pay \$500 and \$28,600 will be suspended for a period of two years. The small business policy was utilized to reach this agreement.

3/12/13: MassDEP entered into a Consent Order with Circle Finishing, Inc., for Waste Site Cleanup violations at a traffic circle on Route One in Newburyport. Circle Finishing, Inc. is the owner of property located at this location for waste site cleanup violations. Specifically, the company failed to comply with the deadlines in a previous Order entered into with MassDEP on 5/7/04. New deadlines were set in today's Order to return to compliance with the submittal of a revised phase four (i.e. remedy implementation plan) by 8/28/13 and a final response action outcome statement by 2/27/15.

3/11/13: MassDEP entered into a Consent Order with a \$23,000 Penalty involving the town of West Springfield. The violations concerned a reporting of water emergencies and the implementation of the town's emergency response plan. The town will update its emergency response plan and provide training to multiple staff. The entire penalty amount of \$23,000 will be suspended pending compliance with provisions of the order. West Springfield representatives have met with MassDEP on reporting, the plan and the training.

3/8/13: MassDEP issued a Unilateral Order to Dentamaro, Inc., a public water supplier, for Water Supply violations in Holland. The company is the owner of Diane's Villa Nova in Holland where there was a reported exceedance of the maximum contaminant level for nitrate. Today's Order includes required actions: public notice, investigation into the source of contamination, corrective actions and follow-up monitoring. Nitrate is an acute contaminant for a sensitive subpopulation of infants aged 0- 6 months.

3/7/13: MassDEP entered into a Consent Order with Westhampton Senior Housing, Inc. and Affordable Senior Housing regarding Water Supply compliance in Westhampton. Westhampton Senior Housing, Inc. and Affordable Senior Housing of Westhampton, Inc. has agreed to address potential public water system status of its housing development located in Westhampton. Today's Order addresses occupancy restrictions incorporated into the property's deed and a limit on expansion.

3/7/13: MassDEP issued a Unilateral Order and a \$24,688 Penalty to Aziz Ahmed for Waste Site Cleanup violations in Springfield. Ahmed is the responsible party for the alleged violations at 41 Crystal Avenue. The property, which is currently a vacant residential dwelling, was where there had been a release of heating oil in January 2009. Ahmed has failed to conduct response actions

and to submit documents detailing the required and necessary response actions. After previous issuance of a Notice of Noncompliance by MassDEP, Ahmed has failed to submit an Immediate Response Action status report or completion report by MassDEP within the established deadline. In addition, Ahmed has failed to submit a tier classification or final response action outcome statement detailing site closure by the specified deadline. Today's Order now requires Ahmed to conduct the necessary cleanup along with paying the Penalty.

3/6/13: MassDEP entered into a Consent Order with a \$13,596 Penalty involving Cisco Brewers, Inc. for Wastewater violations at 5 Bartlett Farm Road in Nantucket. Today's Order was signed this week for Cisco Brewers for violations of Title 5 (septic system) regulations and the wastewater reuse regulations. Today's Order requires Cisco to remove a greenhouse constructed over the facility's soil absorption system (SAS) and to upgrade the on-site sewage treatment and disposal system if Cisco wants to continue to grow food crops over the SAS. Under today's Order, half of the Penalty or \$6,798 is suspended in accordance with the small business policy.

3/6/13: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Cyn Oil Corporation for Hazardous Waste Transporter violations in Stoughton. MassDEP conducted a single-media inspection and review of manifests retained on-site, compared to electronic manifest reports submitted to MassDEP. This would reveal that Cyn Oil Corporation, a licensed hazardous waste transporter failed to provide accurate and complete electronic manifest reports. Today's Order ensures compliance with the Hazardous Waste Regulation requirements.

3/6/13: MassDEP entered into a Consent Order with a \$40,000 Penalty involving South/Win, Limited, for Waste Site Cleanup violations in Leominster. The company, which is based in Reidsville, North Carolina, will resolve violations resulting from a 12,000 gallon methanol release at its Leominster facility on 3/7/11. In addition, MassDEP found during subsequent inspections conducted in April and June 2011, other violations. This incident has since been closed out with a final Response Action Outcome statement. Immediately following the release, Environmental Crimes Strike Force staff from the Attorney General's Office investigated the case. Two subsequent inspections were also conducted, revealing numerous Hazardous Waste Management and Air Pollution Control violations, including: acting as an unregistered hazardous waste generator; acting as a storage facility for hazardous wastes and certain 'off-specification' product; failing to engage in adequate employee training; and, failure to comply with the Company's existing Air Quality Plan Approval. MassDEP has worked cooperatively with the company to settle the case. Under the terms of today's Order, the company will comply with all applicable environmental regulations in the future, and pay the full Penalty. South/Win Ltd. has since worked with MassDEP to revise its spill management plan, material handling practices, and waste handling practices. Further, the company has committed to fully characterize and dispose of several thousand gallons of off-specification product if it cannot be reused in products manufactured on site.

3/1/13: MassDEP entered into a Consent Order with Friendly Fred's for Water Supply violations in Windsor. Today's Order concerns repeated exceedances of the maximum contaminant level for total coliform at this a public water system in Windsor. Today's Order includes specific response actions, including disinfection in the event of an additional MCL violation during the next twelve months.

3/1/13: MassDEP entered into a Consent Order with Gedney Farm for Water Supply violations in New Marlborough. Today's Order followed the repeated exceedances of the maximum contaminant level for total coliform at this a public water system in New Marlborough. Today's Order also includes specific response actions, including disinfection in the event of an additional MCL violation during the next twelve months.

3/1/13: MassDEP entered into a Consent Order with V's Dog House for Water Supply violations in Lanesborough. MassDEP concluded today's Order for repeated exceedances of the maximum contaminant level for total coliform at this, a public water system in Lanesborough. Today's Order also includes specific response actions, including disinfection in the event of an additional MCL violation during the next twelve months.

### **February 2013**

2/28/13: MassDEP executed a Consent Order with an \$8,970 Penalty involving Island Terrace Nursing Home (d/b/a Island Terrace, Inc.), for Groundwater Discharge violations in Lakeville. MassDEP found the operator of Island Terrace was discharging untreated wastewater without a permit as required. This facility was permitted and constructed prior to 1995 (approx. 1960). When the original septic system failed after 1995, the original design flow for this 77 bed Nursing Home was 7,700 gallons per day (gpd) based upon a nursing home bed design flow of 100 gpd per bed. The discharge is located in the protective zone of a public water supply well and a protective zone around a surface water supply. Island Terrace, Inc will inspect all of the on-site septic systems and hire an engineer to begin the design of a new innovative alternative wastewater treatment facility. MassDEP has agreed to suspend the entire penalty amount pending compliance.

2/28/13: MassDEP entered into a Consent Order with a \$15,050 Penalty involving Economic Enviro Techs, Inc., for Asbestos violations at 27 Lake Ave. in Woburn. MassDEP responded to a complaint of improper asbestos removal and observed during an inspection of the work area that the respondents had improperly removed and handled asbestos containing materials on the building. As a result of the violations observed by MassDEP, the company will pay \$4,000 and the remaining \$11,050 will be suspended for a period of two years. The small business policy was utilized to reach this agreement.

2/27/13: MassDEP entered into a Consent Order with Eagleton School for Water Supply violations in Great Barrington. Today's Order with Eagleton School concerns repeated exceedances of the maximum contaminant level for total coliform at this a public water system in Great Barrington. Today's Order includes certain response actions, including disinfection in the event of an additional MCL violation during the next twelve months.

2/27/13: MassDEP entered into a Consent Order with an \$8,500 Penalty involving Bed Bath and Beyond Inc. d/b/a Christmas Tree Shops for Air Quality violations in Middleboro. During a MassDEP inspection of the company's Underground Storage Tank, the Christmas Tree Shops facility were found to be in violation relative to the installation and operation of an emergency generator. This emergency generator has a fuel firing rate greater than 10 million BTUs per hour without prior approval. This facility has now agreed to pay an the \$8,050 for the violation, conducted an air dispersion modeling analysis documenting no exceedances of the applicable

Ambient Air Quality Standards, agreed to restrict the unit's hours of operation below current Tier II engine emission standards and submit a one-time certification for the engine.

2/27/13: MassDEP entered into a Consent Order with a \$3,365 Penalty involving International Church of the Foursquare Bible for Water Supply violations in Uxbridge. Today's Order contains an enforceable schedule to provide an approved non-transient non-community public water system to serve its property located at 647 Douglas Street in Uxbridge. During an inspection of the property, MassDEP determined that the Church and associated daycare facility was operating an un-approved water system. Through today's Order, the owners have agreed to operate the system as a water supply by providing the required water quality monitoring and system oversight. Today's Order also requires that future expansion or modification of this public water system must be approved by MassDEP. This action will ensure that anyone served by this PWS will receive water that is safe and fit to drink.

2/27/13: MassDEP issued a Unilateral Order to 63-65 South Street Hopkinton, LLC for Wetlands violations in Hopkinton. Today's Order follows a request for assistance from the Hopkinton Conservation Commission. MassDEP inspected the area and observed that activities there resulted in the filling of bordering vegetated wetlands on the property. No permits have been issued by the Hopkinton Conservation Commission for this work. The commission had issued an Enforcement Order requiring the owners to cease and desist work in areas under the jurisdiction of the Wetlands Protection Act. Today's Order further requires that they stop work within the wetland areas and implement erosion control measures to stabilize soils at the site. They must also hire a wetlands specialist to delineate the wetland boundaries on the property, evaluate the extent of impact to wetland resource areas, and submit a wetlands restoration plan to MassDEP for review and approval. This action will stop further wetland resource area damage, and result in restoration of the wetland resources on site. Additional enforcement with a penalty assessment is anticipated.

2/27/13: MassDEP executed a Consent Order with a \$12,945 Penalty involving Acton Street Assets, LLC for Waste Site Cleanup violations at 74 Acton Street in Watertown. Specifically, violations were for failure to comply with the terms of an Activity and Use Limitation on the site including the requirement to have a soil management plan prior to excavation more than three feet. The owner has built a rock climbing gym on a former oil storage facility. Today's Order requires (1) a release abatement measure status report and completion statement by 3/26/13. Thereafter, any subsequent status reports must be submitted to MassDEP every six months until an completion report is submitted - (2) Either a revised response action outcome (closure) statement for this site, or documentation to show the exposure pathways for the planned use of the site has been evaluated or a licensed site professional statement that the current response action outcome (closure) statement is still valid by 5/30/13. MassDEP will suspend \$6,945 of the Penalty provided there are no missed deadlines.

2/26/13: MassDEP entered into a Consent Order with LGA, LLC for Waste Site Cleanup violations on Crawford Street in Fitchburg. LGA had failed to meet Waste Site Cleanup deadlines while continuing to assess and remediate a site located on Crawford Street in Fitchburg. LGA had requested extensions prior to deadline expirations, and agreed to enter into today's Order and commit to specific compliance deadlines. Today's Order contains stipulated

penalty provisions should the establish timelines not be met.

2/26/13 & 2/28/13: MassDEP conducted waste-ban training to third-party independent professionals on the waste disposal ban compliance. These training sessions were for staff at the South Hadley Landfill and third-party waste ban compliance professionals at the Covanta Haverhill municipal waste combustion facility, respectively. Third-party professionals are hired by facility operators to perform the additional waste load monitoring to meet the regulatory requirements for earning Class II Renewable Energy Credits (RECs).

2/25/13: MassDEP issued a Demand for \$2,000 in a Stipulated Penalty involving Jain Americas, Inc., for Air Quality violations in Chicopee. The company, Jai Americas, Inc. of Columbus Ohio, violated a previous Consent Order from 12/12/12 for violations observed during review of a 2011 annual air quality report at Nucedar Mills, Inc, which is located in Chicopee, and is one of the company's subsidiary facilities. The terms of the Consent Order required the company to complete certain actions within 30 days of the effective date of the Order. The Order provided for Stipulated Penalties in the amount of \$2,000 per day if the Company fails to comply with its terms. On February 25, 2012, MassDEP issued a Demand for Payment of Stipulated Penalty in the amount of \$2,000 to the company for its failure to comply with the terms of the Order.

2/25/13: MassDEP executed a Consent Order with a \$13,440 Penalty involving Robert W, Burkhart for Asbestos violations in Great Barrington. MassDEP found during an inspection of a residential structure that Burkhart violated the state asbestos regulation. MassDEP discovered that Burkhart, the owner of the property, had asbestos transite siding removed without filing an asbestos notification, and without instituting the proper asbestos handling and disposal procedures. Burkhart cooperated with MassDEP and retained a Massachusetts-licensed asbestos contractor to clean up the site. Burkhart has agreed to pay \$3,000 of the Penalty, with the balance of \$11,440 suspended provided Burkhart remains in compliance with the terms of the Order, and asbestos handling regulations for a one-year period.

2/25/13: MassDEP issued a \$3,450 Penalty Assessment Notice to South Hadley Landfill, LLC for Solid Waste violations in South Hadley. MassDEP found the South Hadley Landfill, LLC was in violation for a daily cover violation which was observed during an inspection on 2/22/13.

2/25/13: MassDEP entered into a Consent Order with Little Neck Condominium Trust for Wastewater compliance requirements in Ipswich. The Little Neck Condominium Trust is required to properly operate and maintain a wastewater collection system on Little Neck in Ipswich, including the three on-site disposal systems on Little Neck. Today's Order also requires the Trust to connect to the Town of Ipswich's sewer system when a connection to the system is available.

2/21/13: MassDEP entered into a Consent Order with a \$6,325 Penalty involving Stonebridge Commons Condominium Trust for Groundwater Discharge violations in Hanson. Stonebridge violated the ground water discharge permit effluent limits. Today's Order establishes timelines for the company's system to come into compliance with the permit either by improving the operations to the current wastewater treatment facility or by constructing upgrades.

2/21/13: MassDEP entered into a Consent Order with a \$1,100 Penalty involving EIC Laboratories, Inc. for Hazardous Waste Management violations in Norwood. EIC Laboratories, Inc., which is located at 111 Downey Street, is a research and development laboratory that was registered with MassDEP as a very small quantity generator (VSQG) of hazardous waste. However, MassDEP determined that the facility was acting out of status, generating more hazardous waste exceeding its registered amounts. Additionally, the facility generated acutely hazardous waste. A multi-media site inspection was conducted on 11/28/12. Additional violations were noted as a result of the site inspection

2/21/13: MassDEP issued a Unilateral Order to Woolman Hill, Inc., for Public Water System violations at its facility in Deerfield. Woolman Hill, Inc. is the operator of the Woolman Conference Center. MassDEP determined the operator addressed a bypass of its ultraviolet light treatment. A representative for this water system notified MassDEP, and further reported that the valve had since been closed and bacteria results were clean. A valve had been opened allowing both untreated and treated water to enter the distribution system. Today's Order requires disabling and severing of the bypass and public notice to users of the system.

2/20/13: MassDEP entered into a Consent Order with Inter-All Corporation, Granby for Water Supply violations in Granby. The company has agreed to address repeated exceedances of the maximum contaminant level for total coliform at its facility in Granby. Today's Order includes future response and investigation requirements. Inter-All has since been approved for inactive status with MassDEP and Board of Health approval. Should the facility be reactivated as a public water system during the next twelve months, the provisions of the Order will still be in effect.

2/19/13: MassDEP entered into a Consent Order with the Polish American Citizens Club, Inc. for Water Supply violations in Millville. Today's Order contains an enforceable schedule to establish an approved transient non-community public water system (PWS) to serve the club, which is located at 37 Ironstone Street in Millville. Today's Order requires the owner to operate the on-site well that supplies water to the club in accordance with the requirements for a PWS. Among the new requirements: hiring a certified operator; developing a coliform sampling plan; carrying out monitoring requirements; metering water usage; carrying out upgrades as identified; completing cross-connection requirements; submitting technical specifications on the system; developing an emergency response plan; and recording the PWS in the Registry of Deeds. Today's Order also requires that any future expansion, or modification, of this new PWS must first be approved by MassDEP. This action will ensure that anyone served by this PWS will receive water that is safe and fit to drink.

2/19/13: MassDEP entered into a Consent Order with an \$18,050 Penalty involving M Holland And Sons Construction, Inc. for Asbestos violations at 407-409 Commonwealth Avenue in Boston. MassDEP responded to a complaint and found during an inspection of the work area that the respondents had improperly removed/handled/demolished asbestos containing materials on multiple floors of the building. As a result of the violations, the company will pay \$10,000 and \$8,050 will be suspended if the company complies with the Order over the next year.

2/19/13: MassDEP entered into a Consent Order with a \$32,000 Penalty involving Blue Hill Auto Supply, Inc. for Waste Site Cleanup violations in Milton. Stephen F. Wells is the owner of

Blue Hill Auto Supply, Inc. in Milton. The company was overdue for filing a phase two comprehensive site assessment report, a phase three action plan and a phase four plan. This site has been in the system since 2006. The company will pay \$1,000 with \$31,000 of the Penalty suspended. The \$31,000 suspended penalty will come due if Blue Hill Auto Supply violates any provision of today's Order. This enforcement action will lead to the cleanup of gasoline contaminated soil emanating from the removal of an underground tank.

2/19/13: MassDEP entered into a Consent Order with Heritage Park Homeowners for Wastewater Treatment violations in Salisbury. Respondent is a homeowners' cooperative founded by the residents of the Heritage Mobile Home Park located at 194 Lafayette Road in Salisbury. Today's Order requires the corporation to properly operate and maintain their onsite wastewater treatment and disposal system, and to connect to the municipal sewer on or before 9/1/14.

2/19/13: MassDEP executed a Consent Order with a \$23,800 Penalty involving Ramon Frometa as trustee of 116 Marlboro Street Realty Trust for Waste Site Cleanup violations in Chelsea. Respondent is the owner of the property where the violation set out in today's Order was failure meet a tier classification (site ranking) deadline set out in a notice of noncompliance on 7/24/12. Today's Order requires a phase one report and a tier classification submittal which meet the requirements by 6/1/13. Under today's Order, Frometa as trustee will pay \$5,000 of the Penalty with the remaining \$23,800 suspended pending compliance and a stipulated penalty provision for any missed deadlines. The site has been out of compliance since 2009.

2/15/13: MassDEP executed a Consent Order with a \$1,500 Penalty involving ABC Disposal, Inc. for Solid Waste violations at 1245 Shawmut Avenue in New Bedford. MassDEP determined the company violated the regulations banning certain recyclable materials from disposal at landfills. ABC Disposal delivered construction and demolition waste containing banned materials to the Fall River landfill for disposal. ABC Disposal will develop a plan to ensure that all future waste deliveries are made to the appropriate solid waste facilities for recycling, processing, or disposal.

2/15/13: MassDEP entered into a Consent Order with a \$19,400 Penalty involving John Brodsky and Jim Kelly for Asbestos violations in Seekonk John Brodsky and James Kelly had caused a condition of air pollution by not properly containerizing and labeling the asbestos material and failed to notify MassDEP of a renovation operation that involved asbestos. The full amount of the Penalty was suspended because of financial inability.

2/14/13: MassDEP executed a Consent Order with an \$18,110 Penalty involving Eugene W. and Sarah L. Damom along with Hyland Orchard LLC for various environmental violations in Sturbridge. MassDEP found the respondents violated Surface Water Discharge and Groundwater Discharge violations. The property owners also allowed Industrial Wastewater Discharges to occur on the property from a small commercial beer brewing company and a small commercial bakery. Today's Order with this small business requires compliance with all applicable environmental regulations, and payment of a \$4,527 of the Penalty. An additional \$13,583 penalty will be suspended under the Small Business Policy provided that there are no additional violations for a period of one year. This outcome was greatly facilitated by coordination with the

Sturbridge Board of Health which is negotiating with the property owners to correct the septic system violations on the site. This action will help ensure compliance with applicable regulations, and proper management of industrial wastewaters generated on the property.

2/13/13: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Dana E. Johnston for Wetlands violations in Swansea. The violations occurred on a parcel of land located at Map 65, Lot 28, Highland Road in Swansea where a bordering vegetated wetland (BVW) are had been filled by the former owner, Thomas Garrity. This filling took place in violation of a Superseding Order of Conditions. The former owner died and Johnston acquired the property. Johnston has agreed in today's Order to restore the filled BVW and to comply with the requirements. MassDEP had obtained a Superior Court Order and a \$5,000 Judgment against Garrity for the violations of the Wetlands Protection Act. In addition to restoring the altered BVW, Johnston will pay the judgment to remove the lien from the property.

2/13/13: MassDEP entered into a Consent Order with a \$4,300 Penalty involving Clemente Fane Concrete for Industrial Wastewater violations in Dalton. Clemente Fane Concrete is a subsidiary of Dolomite Products Company, Inc. The company will resolve violations of the Commonwealth's surface water discharge and Toxic Use Reduction regulations. The violations became evident when MassDEP conducted an inspection of the company's facility located in Dalton. MassDEP found the company discharging untreated industrial wastewater to Barton Brook. In addition, the company did not file its Toxic Use Reduction report in a timely manner. As part of today's Order, the company, which has fully cooperated with MassDEP following the discovery, will pay \$2,850, with the remaining \$1,450 suspended provided the company complies with the terms and conditions of the Order.

2/13/13: MassDEP entered into a Consent Order with a \$900 Penalty involving Double R Variety, Inc., to address Vapor Recovery System violations at its gasoline dispensing facility in Northampton. Double R Variety, Inc. d/b/a Jim's Variety & Package Store will resolve the violation of the Commonwealth's Stage II, Vapor Recovery System regulations. MassDEP found that the company had not filed its annual in-use compliance certification form. As part of today's Order, the company will pay the \$900 Penalty and pay \$400 representing the avoided annual compliance fees that would have been payable the last two years.

2/13/13: MassDEP executed a Consent Order with a \$2,500 Penalty involving Wampanoag Realty for Hazardous Waste Management violations in Fall River. MassDEP found the violations pertaining to generator registration and the improper storage/management of hazardous waste/waste oil observed during an inspection of the former mill building in April of 2012. The property/former mill is in the process of being sold for redevelopment and it has been noted this building will be vacant after February 28, 2013. The company will characterize and dispose of the drums/containers of oil/hazardous waste by the end of March 2013. Wampanoag Realty has agreed to the \$2,500 Penalty.

2/12/13: MassDEP issued a Unilateral to Gerard E. Roy for Wetlands violations in Charlton. Roy is required to stop tree removal and land clearing activities on Smith Road in Charlton. Following a request for assistance from the Charlton Conservation Commission, MassDEP inspected the area and observed that the activities had resulted in filling of bordering vegetated

wetlands on the property, a violation given that no permits had been issued for this work. The Charlton Conservation Commission had already issued an enforcement order requiring Roy to stop work in areas under the jurisdiction of the Wetlands Protection Act. Today's Order by MassDEP requires that Roy immediately stop work within the wetland areas and implement erosion control measures to stabilize soils at the site. Roy must also hire a wetlands specialist to delineate the wetland boundaries on the property, evaluate the extent of impact to wetland resource areas, and submit a wetlands restoration plan to MassDEP for review and approval. This action will stop further wetland resource area damage, and result in restoration of the wetland resources on site. Additional enforcement with penalty assessment is anticipated.

2/11/13: MassDEP entered into a Consent Order with an \$8,625 Penalty involving Winchester Hospital for Industrial Wastewater violations. MassDEP found that Hospital had discharged into the Aberjona River on 8/25/12 due to a failure of a boiler room pressure relief valve. Emergency response personnel from MassDEP noted the flow of condensate water entering the catch basin on the street next to the hospital in addition to a pipe inside the catch basin discharging water at approximately 130 degrees. The hospital repaired the pressure relief valve and cut the pipe discharging into the catch basin. All industrial wastewater discharges have been re-directed to the MWRA sewer system. This unpermitted discharge to the surface water was a violation of the surface water discharge permit regulations.

2/7/13: MassDEP issued a Unilateral Order to Care-One, LLC., for an Emergency Declaration for this public water system in Williamstown. MassDEP issued the Order to address a Drinking Water Emergency at Sweet Brook of Williamstown an elderly community and nursing home. The emergency was caused by a transmission line break and loss of a primary drinking water source. Under this Emergency Declaration, the PWS is permitted to use another source beyond its approved withdrawal rate during the emergency.

2/5/13: MassDEP entered a Consent Order with a \$3,735 Penalty involving Mark C. Duffy for Water Supply violations in Millville. Today's Order contains an enforceable schedule to provide an approved transient non-community public water system (PWS) to serve the businesses located on this property at 187-189 Main Street in Millville. The Order requires the owner to operate the on-site well that serves the Pot Belly Pub and a pizza restaurant in accordance with the requirements for a PWS. Among the requirements are: hiring a certified operator, developing a coliform sampling plan, carrying out monitoring requirements, metering water usage, carrying out upgrades as identified, completing cross-connection requirements, submitting requested information about the system, developing an emergency response plan, submitting an application to the board of health for the upgrade of the on-site wastewater disposal system, and recording the public water supply in the Registry of Deeds. Today's Order also requires that future expansion or modification of the PWS must first be approved by MassDEP. The Penalty will be fully suspended provided that there are no additional violations for a one-year period. This action will ensure that anyone served by this PWS will receive water that is safe and fit to drink.

2/5/13: MassDEP entered into a Consent Order with a \$6,900 Penalty involving Pilot Travel Centers LLC, for Water Supply violations in Sturbridge. The company, which is based in Knoxville, Tennessee, has agreed to resolve violations, which occurred at their registered public water system (PWS) at the Pilot Travel Center at 400 Haynes Street, (Route 15) in Sturbridge. In

response to a chemical overfeed incident at the PWS, MassDEP conducted an inspection of the facility and identified several operational and maintenance deficiencies. Today's Order contains an enforceable schedule to correct the violations. The requirements of the Order include upgrades to the chemical addition process and the distribution system infrastructure. This action will ensure that the 250 persons served by this PWS will receive water that is safe and fit to drink.

2/4/13: MassDEP entered into a Consent Order with North Egremont Country Store, Inc. for Water Supply violations in Egremont. North Egremont Country Store, Inc. had an e coli detection (bacteria) in its source water. Today's Order requires the owner of the transient non-community public water system to provide notice to users that they must boil their water, or use an alternate sources of water for human consumption. This would include water used for cooking, ice-making, dishwashing, and maintaining oral hygiene. This water system was directed to investigate the source of contamination, monitor its system, and take other emergency actions.

2/4/13: MassDEP executed a Consent Order with Ruben Oliveira and Stephanie Amaral for Waste Site Cleanup violations at 65 Tower Street site located in Fall River. The respondents failed to comply with the deadlines established in a notice of noncompliance. MassDEP determined that the assessment activities performed at the site are not adequate to support the risk characterization requirements. Those include developing exposure point concentrations, or meet the final response action outcome standards. A 60-day deadline had been established for the submission of a revised RAO which addresses the violations described above, or to retract the existing RAO, and submit a classification extension. However, prior to the expiration of that deadline which had been established, MassDEP received a request from Oliveira and Amaral for additional time to address these violations. Today's Order therefore establishes a new deadline to correct the violations, and submit a revised RAO or classification submittal.

2/4/13: MassDEP entered into a Consent Order with a \$2,880 Penalty for Hazardous Waste Management violations involving Harbor Fuel Oil Corporation, in Nantucket. MassDEP conducted a multi-media inspection and found that they had failed to register with MassDEP as a contractor performing an activity which resulted in the generation of waste oil, a failure to keep all waste-oil containers closed during storage, a failure to properly label its containers and tank of used oil fuel and failure to post a sign in the waste oil accumulation area at its 10R Airport Road facility. Inspections of their New Whale Street and 42 Bunker Road facilities revealed that they were shipping hazardous waste using an incorrect EPA identification number, had not maintained copies of their hazardous waste manifests on-site. Also, they did not submit an exception report for a hazardous waste manifest after the required designated facility to generator copy of the manifest was not received, did not determine if a waste generated was hazardous waste and failed to properly and completely fill out a hazardous waste manifest. Today's Order ensures the company will return to compliance with all Hazardous Waste requirements.

2/1/13: MassDEP issued a \$500 Penalty Assessment Notice to the offices of 25 dentist facilities. MassDEP issued a reporting and penalty assessment notices (RPANs) for \$500 to each of these dental practices across the state for failing, after repeated reminders and warnings, to certify for calendar year 2011. These facilities had installed and were operating approved amalgam separator systems to eliminate mercury from their wastewater discharges. A group of 309 dental

facilities were supposed to have submitted their certifications and paid \$400 compliance fees by 7/1/11. Sixty-six are still not doing so as of October 2012. MassDEP issued these facilities notices of noncompliance (NONs), giving them 30 days to come into compliance and pay their overdue fees. Forty-one to date have done so. This leaves today's list of 25 facilities that have not and are each being issued a \$500 Penalty.

2/1/13: MassDEP executed a Consent Order with a \$1,437 Penalty involving the town of Weymouth for Wastewater Discharge violations as a result of the discharge of an estimated 100,000 gallons of untreated sewage to the Back River between 4/17/12 to 4/18/12 due to a break in the forced sewer main at the Wharf Street pump station. The town implemented measures to stop the overflow and repaired the forced sewer main by 4/18/12. MassDEP responded to the scene with Massachusetts Division of Marine Fisheries and observed approximately 250 dead herring upstream of the pump station to the fish ladder. This unpermitted discharge to the surface water was a violation of the surface water discharge permit regulations. The town has updated and will maintain their Standard Operating Procedures (SOPs) for emergency response to sanitary sewer overflow events in those areas where there is a potential high impact to sensitive resource areas (residential dwellings, fish habitat, rivers, wetlands, etc.). The town will pay the Penalty and implement a Supplemental Environmental Project (SEP) valued at \$4,313. Under this SEP, the town will pay the cost of and conduct the removal/replacement of two catchbasins in the drainage system that discharges to the Back River anadromous fish run. This SEP will improve sediment removal and thereby water quality of the discharge to the Back River.

### **January 2013**

1/31/13: MassDEP executed an Administrative Consent Order with the Trustees of the Chocksett Crossing Condominium Trust to correct violations of its Ground Water Discharge permit occurring in Sterling. Today's Order requires the permit holder to submit a written report prepared by an independent wastewater treatment specialist describing the steps needed to correct operational issues at the facility, and a proposed schedule for physical upgrades to the plant to bring the discharge into compliance. Once approved, this schedule shall be incorporated into the enforceable terms of today's Order. The permit holder must also submit, for approval, a service contract with a licensed treatment plant operator for future operation and maintenance of the facility. This action will result in the safe and proper treatment of 9,900 gallons per day of wastewater.

1/29/13: MassDEP issued a Demand for \$1,000 Suspended Penalty to Pine Tree Realty Trust in Fitchburg. Pine Tree Realty Trust failed to fully comply with the terms of a previous Consent Order and Penalty which it signed in March of 2012. Specifically, the Trust failed by not submitting its Phase II and Phase III Reports, which were due on or before 11/6/12, regarding a specific release that occurred in Fitchburg. Additional enforcement is currently under consideration.

1/25/13: MassDEP entered into a Consent Order with Berkshire Cooperative Association, Inc. for Water Supply violations. Berkshire Cooperative Association is the owner of the market and a water vending machine in Great Barrington. Today's Order addresses the registration of this as a public water system (vending machine) at the market. The vending machine had been offline.

The requirements going forward include operator oversight, monitoring and cross connection and this public water system will submit the required permit application for this system.

1/25/13: MassDEP entered into a Consent Order with the town of Russell for Water Supply violations in Russell. Under today's Order the town will address required actions to upgrade the system as identified during a sanitary survey. Required actions include storage tank cleaning and repair, pump house and filter plant building housekeeping and repairs and an updated staffing plan.

1/25/13: MassDEP entered in a Consent Order with a \$14,750 Penalty involving James Oleksak, Jr. for Wetlands violations in Russell. Oleksak has agreed to address the unauthorized culvert construction along Old Halbourg Road in Russell. MassDEP found clearing of vegetation and placement of fill and culverts within a three mapped streams in violation of the Massachusetts Wetlands Protection Act. This work directly impacted the capacity of Sodom Brook to provide for stream continuity and passage of fish and wildlife, filled up to 50 feet of banks of the three streams, and 900 square feet of riverfront area. Today's Order requires that the Sodom Brook river crossing be fully reconstructed compliant with Massachusetts River and Stream Crossing Standards. The other two stream crossings will also be restored. Oleksak has proposed construction of a fully compliant aluminum arch bottomless culvert at the Sodom Brook crossing. Today's Order will suspend the entire amount of the Penalty contingent upon full compliance with today's Order.

1/25/13: MassDEP was notified that the Mass. Office of the Attorney General received an appeal regarding the Boisvere Appeal. The Office of the Attorney General received an appeal of the 1/8/13 Findings of Fact, Conclusions of Law and Memorandum of the Superior Court. Prior to this, the Court had upheld MassDEP's position on the use of "new construction" in this Westfield Title 5 (wastewater discharge) case. Prior to that, the Appeals Court had remanded the matter to Superior Court for Findings of Fact. The Superior Court took this, and, following two days of hearings, a tight tank permit was denied for "new construction" where the property owner attempted to convert a recently constructed storage building on a lake front lot with no sanitary facilities and which could not support a conventional septic system to a residence.

1/25/13: MassDEP executed a Consent Order with John F. Noons, Inc. for Hazardous Waste Management violations in Truro. MassDEP identified the violations during an inspection in April 2012. The site is approximately 60 acres and is a sand and gravel operation and contractor yard. In April 2013, MassDEP inspected the facility and identified minor hazardous waste violations regarding waste oil, and a violation of the solid waste regulations regarding occasional lay-over of solid waste prior to transportation to an off-site facility for disposal. The company has corrected the hazardous waste violations and ceased the temporary storage/lay-over of solid waste at its site, unless meeting the conditions specified in the regulations.

1/24/13: MassDEP executed a Consent Order with a \$47,180 Penalty involving J. D. Raymond Transport, Inc. for Wetlands and Clean Water violations as well as Water Quality Certification regulations, Solid Waste regulations at 51 Farm Avenue in Peabody. The property is owned by Telcom Park Trust, leased and being used for a wood chipping, storage and distribution business. MassDEP found that the business operations were unregistered pursuant to Solid Waste

regulations and had resulted in the filling of approximately 8,000 square feet of bordering vegetated wetland and approximately 1,455 square feet of buffer zone without proper authorization. The document requires full characterization of the fill material; wetland resource delineation; full restoration/mitigation for all altered wetlands resource areas (bordering vegetated and buffer zone); operations setbacks and implementation of Best Management Practices; and, a long-term compliance monitoring schedule. Today's Order also contains a penalty of \$10,000 paid plus \$37,180 suspended by 10/31/18 if in compliance. Prior to today, there were two recently issued unilateral orders and penalty assessment notice, relative to these violations, which as a result of today's Order and Penalty, are rescinded.

1/24/13: MassDEP entered into a Consent Order with a \$17,250 Penalty involving Triumvirate Environmental (Merrimack), Inc. for Hazardous Waste Management violations at 263 Howard Street in Lowell. Triumvirate Environmental (Merrimack), Inc., a licensed hazardous waste treatment, storage, disposal facility. MassDEP inspected Triumvirate Environmental (Merrimack), Inc. on 9/21/11 and observed several hazardous waste management violations. The violations included improperly labeled hazardous waste containers, hazardous waste containers not stored in a safe manner, incompatible hazardous waste stored in close proximity without physical separation, and failure to stack hazardous waste containers in accordance with license requirements. Triumvirate Environmental (Merrimack), Inc. will pay \$15,000 and pending compliance the remaining \$2,250 will be suspended after one year.

1/23/13: MassDEP entered into an Amendment to an existing Consent Order with Decas Cranberry Products for Water Supply Compliance issues at 4 Forge Road in Carver. MassDEP's drinking water program entered into the Amendment to allow the facility to pursue connection to the town of Carver. The facility is working in conjunction with the town of Carver and various stakeholders to expand the existing town infrastructure via grants and other available funding. This would allow the Decas facility and several other existing, non-conforming water supplies the opportunity to connect to the town's water supply which currently serves portions of South Carver.

1/23/13: MassDEP entered into a Consent Order with a \$2,900 Penalty involving Lewicki & Sons, Excavating Inc. for Solid Waste violations regarding the property located at 0 Green Street in Wrentham, MA. On October 11, 2012, MassDEP, in response to a notification of a fire by the Wrentham Fire Department, inspected the property and observed that wood waste material had been stored at the site and that it was smoldering with wood smoke being emitted into the air. MassDEP's records indicate that the property was not registered with MassDEP as a yard waste composting operation or as a wood chipping and shredding operation, or permitted as a wood waste landfill.

1/22/13: MassDEP entered into a Consent Order with James Benson, for Water Supply violations in Lanesborough. Benson is the owner of the property at 660 Cheshire Road, Lanesborough, where Arizona Pizza is located and also operates as a public water system. Today's Order addresses repeat violations of the maximum contaminant level for total coliform bacteria and includes future response actions.

1/22/13: MassDEP executed a Consent Order with a \$66,000 Penalty involving Merrimack

Valley Radio, LLC, for Wetlands violations at 280 Totman Road in Lowell. MassDEP inspected the site in early 2009 in response to a complaint and found that the site had contained four AM radio towers with small sheds of electronics and fencing located on isolated lands (islands) completely surrounded by a large area of bordering vegetated wetlands (BVW) which became significantly flooded by beaver activity. In 2008, as new owner of the site and radio station WCAP, the company constructed configurations of access drives to the towers to perform long neglected maintenance and with an eye towards future maintenance. This activity filled and altered approximately 20,211 square feet of BVW with another 65 linear feet of 'bank' and 48 square feet of 'land under a waterway'. This work took place within a 'buffer zone' all without authorizations. The unauthorized work was also located in mapped rare species wildlife habitat. The document requires respondent to restore all wetland resource areas, replicate all wetland resource areas or, in the alternative, provide mitigation through implementation of a MassDEP approved purple loosestrife eradication plan (a plant categorized as invasive species) with a long-term monitoring. Also, due to the significant physical site limitations and the location of a shallow "ground grid" of copper wires surrounding each tower - as documented by an alternatives analysis - it is MassDEP's understanding that respondent will provide the mitigation. The documented Penalty is fully suspended upon full compliance.

1/18/13: MassDEP entered into a Consent Order with a \$3,070 Penalty involving S3E, Inc. for Water Supply violations in New Ashford. S3E, Inc. is the owner of the Springs Inn and Resort in New Ashford. Today's Order addresses S3E, Inc.'s failure to comply with regulations and a notice of noncompliance previously issued by MassDEP. The NON required S3E, Inc. to provide public notice and complete corrective actions following two months of disinfection practices in violation of Drinking Water requirements. The company will pay \$1,000 of the Penalty with the remaining \$2,070 suspended pending compliance.

1/18/13: MassDEP entered into a Consent Order with a \$3,390 Penalty involving the town of Buckland for Wastewater Treatment Plant (WWTP) violations. The town of Buckland is the operator of the Shelburne Falls WWTP. Today's Order addresses failure to submit discharge monitoring reports, staffing reports, pump station reports, annual sewer connection reports and alarm certification reports. Also, a staffing deficiency was present, resulting from the Chief Operator's failure to renew his license in a timely manner. All deficiencies were addressed prior to execution of today's Order, and the full penalty is suspended.

1/18/13: MassDEP was notified that a final Consent Judgment was entered in Superior Court involving Cyn Oil Corporation, Inc. relative to Hazardous Waste Management Act compliance. The Mass. Attorney General and MassDEP had alleged that Cyn transported, and improperly stored at the Allston rail yard, structurally unsound intermodal roll-off containers that contained petroleum soaked solids which resulted in waste oil leaking out of those containers into the environment. As part of the Settlement with the Commonwealth, Cyn has agreed to pay \$80,000 in a civil penalty, of which \$30,000 will be waived provided Cyn completes an audit of all of its intermodal containers to ensure they are leak-tight and structurally-sound.

1/18/13: MassDEP issued a Unilateral Do Not Drink Order to Richard and Susan Tataronis & Berlin Commercial Realty, LLC for Water Supply violations in Berlin. Together they own/operate The Flat Penny Restaurant in Berlin, where an exceedance of the maximum

contaminant level for nitrate in drinking water samples collected from the public water system well was found on 1/15/13 and 1/17/13. Nitrate at concentrations in the drinking water greater than 10 mg/L may pose an acute risk to infants below the age of six months. The Flat Penny Restaurant is a transient non-community public water system with a single well serving the private residence of the Tataronises and patrons/staff at the restaurant. Today's Order requires the public water supplier to provide tier 1 public notice within 24 hours, and further to notify local officials and implement an emergency response plan as well as conduct additional monitoring, submit an emergency response report, evaluate potential causes of the contamination, and take corrective actions. The local board of health agent has been notified and will address food service operations so long as the Do Not Drink Order is in effect, and will also review septic (Title 5) system compliance at this location. This action will assure the safety of the water supplied to a population of approximately 60 persons.

1/17/13: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Alfred and Cynthia Cole for Wetlands violations at 121 Emily Road in Tewksbury. The violations were found on their residential property at 121 Emily Road. MassDEP became involved in the case at the request of the local conservation commission. Upon inspection of the property, MassDEP found that approximately 1,000 square feet of bordering vegetated wetland had been altered from the operation of earth moving vehicle(s). Further, that excavation and filling of approximately 1,000 square feet of riverfront area associated with the Shawsheen River. Most of the altered riverfront area is also within bordering land subject to flooding. The work was performed without authorization on private property in an attempt to correct erosion of portions of the riverfront area from a badly functioning roadway stormwater collection system that was not being maintained by the town. The document requires full restoration and long term monitoring of all the aforementioned resource areas, and the penalty will be fully suspended pending compliance.

1/16/13: MassDEP issued a Unilateral Order to Hampden, F & G Recycling, LLC for Wetlands violations in Hampden. MassDEP issued a Unilateral Order to the F & G, in connection with violations of the Wetlands Protection Act and Clean Water Act. Today's Order requires that F & G cease unpermitted activities in wetlands resource areas and to stop the discharge of sediment to those resource areas. A prior Order was incorrectly issued to F & G as the "owner" and included requirements as "owner". That UAO is rescinded and the requirements set forth in today's Order. Additional actions are expected with respect to the Site.

1/16/13: MassDEP issued a Unilateral Order to the Hampden Country Club LLC (HCC) as owner of Hampden Country Club, in connection with violations of the Wetlands Protection Act and Clean Water Act. Today's Order requires that HCC cease unpermitted activities in Resource Areas and to stop the discharge of sediment to those resource areas. HCC has already hired a wetlands consultant and submitted written reports on all activities at the site its acquisition by HCC in response to a UAO issued to its contractor.

1/15/13: MassDEP issued a \$33,717.50 Penalty Assessment to Pioneer Valley Refrigerated Warehouse, Inc., for Waste Site Cleanup violations in Chicopee. As owner and operator of a refrigerated warehouse and distribution company in Chicopee, Pioneer Valley Refrigerated Warehouse was found during a review of records at the facility conducted by MassDEP

personnel that the company had failed to notify MassDEP of a reportable release of 10 pounds of anhydrous ammonia that had occurred back on 8/5/08. On 10/23/12, MassDEP issued a request for information to PVRW requesting that PVRW submit information regarding the 2008 release by an interim deadline of 11/19/12. PVRW failed to submit the information requested in the RFI, and failed to respond to a subsequent notice of noncompliance issued by MassDEP on 12/7/12.

1/15/13: MassDEP executed an Administrative Consent Order with the Town of Wayland and the Wayland Wastewater Management District Commission (WWMDC). The intent of today's Order is to ensure that the town's wastewater treatment facility remains in compliance with the terms and conditions of its discharge permit. The provisions of the Order require the town and WWMDC to design and construct a permitted groundwater discharge facility if and when the treatment facility approaches the flow limit that is currently imposed by its surface water discharge permit.

1/14/13: MassDEP entered into a Consent Order with a \$53,937.50 Penalty involving Landworks Industries, Inc. for Asbestos violations at 10 Denmark Street in Milton. MassDEP responded to a complaint of improper asbestos removal and disposal and observed during an inspection of the work area at the site that the respondents had improperly removed/handled/disposed of asbestos containing materials in the rear of the building. As a result of the violations observed by MassDEP, Landworks has been penalized \$53,937.50 and will pay \$9,000 with the remaining \$44,937.50 suspended for a period of two years. The small business policy was utilized in reaching this agreement.

1/9/13: MassDEP executed a Consent Order with a \$2,750 Penalty involving Piedmont Operating Partnership, LP for Groundwater Discharge violations in Boxborough. Piedmont Operating Partnership, LP (located out of Johns Creek, Georgia) must resolve violations of its permit for groundwater discharge that occurred at its property located at 90 Central Street in Boxborough. Review of monitoring reports for this discharge revealed continuing violations of the effluent limits for total nitrogen, and a notice of noncompliance had previously been issued by MassDEP to this entity in 2011. The permittee's efforts to bring its discharge into compliance were only partially successful. After negotiation, the parties agreed to enter into today's Order to establish an enforceable schedule to implement major capital improvements to the treatment facility. This action will result in the proper treatment of 24,000 gallons of wastewater per day.

1/9/13: MassDEP entered into a Consent Order with Conifer Green Manufactured Home Park for Wastewater - Title 5 - violations in Kingston. In response to noncompliance with Title 5 requirements, MassDEP's investigation determined that the facility had not been inspected as required for large Title 5 systems and that the system(s) were located within a Zone II for a public water supply. Today's Order requires the on-site Title 5 wastewater collection and treatment systems at Conifer Green to take proper steps to come into compliance with Title 5 regulations.

1/2/13: MassDEP entered into a Consent Order with an \$860 Penalty involving Hoffman Transport, Inc. for Waste Site Cleanup violations in Ludlow. Hoffman Transport, Inc., located out of Greencastle, Pennsylvania, was in violation for failing to submit the proper cleanup documentation for a diesel fuel spill that occurred on 6/4/12. A tractor-trailer operated by a

Hoffman employee jack-knifed while entering the eastbound travel plaza on the Massachusetts Turnpike in Ludlow. The diesel fuel that was released impacted paved surfaces and the storm drainage system at the plaza. Hoffman retained a cleanup contractor on that date to initiate immediate response actions to address the release. However, Hoffman failed to submit the IRA plan within 60 days of the date of the release, and failed to submit the IRA plan within the deadline set forth in a subsequent notice of noncompliance issued on 8/15/12. A final response action outcome statement was submitted by Hoffman. Under today's Order, Hoffman will pay the \$860 Penalty and resolve the violations.

1/2/13: MassDEP issued a Demand for a \$900 in Stipulated Penalties to, Bayview Loan Servicing, LLC. in Charlemont. Bayview failed to install a water meter, a raw water sample tap and a chemical injection port as were all required and detailed in a previously-signed Consent Agreement with MassDEP. That failure prompted the exercising of today's stipulated penalty provision.

1/2/13: MassDEP issued a Demand for \$1,265 for a Suspended Penalty to Camp Anderson Foundation in Shutesbury. Camp Anderson failed to submit copies of its monthly water-system-inspection logs for July, August and September 2012 as it had been required to submit as specified in a recently-signed Consent Order.

1/2/13: MassDEP entered into a Consent Order with a \$4,260 Penalty with LEWA, Inc. for Hazardous Waste Management and Title 5 (septic system) violations in Holliston. The company failed to post a sign in the waste oil accumulation area, failed to properly mark and label satellite hazardous waste and waste-oil containers, failed to clearly delineate the waste-oil accumulation area, generated in excess of its hazardous waste status, and discharged small amounts of very low strength industrial wastewater to an on-site septic system. Today's Order requires compliance with applicable regulations and payment of the full Penalty. Today's Order will help ensure compliance with applicable regulations.

1/2/13: MassDEP entered into a Consent Order with Paul Lyons, the owner of the property at 49 & 50 Sonning Road, Beverly for Waste Site Cleanup violations at that location. Specifically, Lyons failed to meet deadlines set out in a notice of noncompliance issued by MassDEP on 6/13/12. Today's Order requires a phase two assessment report by 6/5/13, a phase three remedial alternatives report by 9/30/13, and a phase four remedy implementation report by 12/31/13, with a final response action outcome by 12/31/14. Today's Order further contains a stipulated penalty provision for any missed deadlines.