



Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Enforcement Actions - 2017

October 2017

10/31/17: MassDEP issued 6 (six) Notices of Noncompliance to Underground Storage Tank (UST) facility owner/operators for failing to have UST third-party inspections completed by their respective due dates; 3 (three) for failing submit Return to Compliance documentation; as well as 30 (thirty) Compliance Certifications. MassDEP gave these offenders 45 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations more information: [UST-TPI](#)

10/30/17: MassDEP issued a Unilateral Boil Water Order to Andrews Farm Water Company for Water Supply violations in Boxford. Andrews Farm is a community public water system serving 145 Boxford residents. There was a power outage on 10/30/17 that prevented water from being pumped from the storage tank into the water distribution system. The emergency generator requires manual start-up, and the Certified Operator was delayed from reaching the system because of downed trees. As a result, the system lost pressure, which creates a risk of bacterial contamination. Today's Order requires that Andrews Farm to notify its residents to boil the tap water before consumption, inform town officials of the emergency, conduct bacteria monitoring, and submit an Emergency Response report within 30 days. Andrews Farm is conducting follow-up testing/monitoring for coliform bacteria in accordance with today's Order.

10/30/17: MassDEP entered into an Amendment to an existing Consent Order with Cardinal Cushing Centers, Inc., for Wastewater Treatment Facility operations in Hanover. Today's Amendment extends the deadline for the completion of the expansion and modification of its wastewater treatment facility. The modifications are necessary to improve the facility's performance, as the facility had experienced effluent exceedances for total nitrogen, fecal coliform and biodegradable organic material (aka BOD).

10/27/17: MassDEP entered into a Consent Order with a \$26,250 Penalty involving the town of Tyngsboro for Wetland Protection Act violations. The specific violations involve the Final Order of Conditions it had obtained allowing construction of a municipal sewer

project in the area of Flint Road and Flint Pond Road in Tyngsboro. During a site inspection of the ongoing work, MassDEP determined that installed erosion controls were incorrectly located. This resulted in approximately 2,656 square feet of Bordering Vegetated Wetland (BVW) being filled, an alteration that was beyond the allowable limit as in the Final Order of Conditions. Today's Order now requires full restoration of the filled BVW, and long-term monitoring to ensure viability. The town will pay \$5,500 of the Penalty with \$20,750 suspended pending demonstrated compliance and upon issuance of a Return to Compliance letter.

10/25/17: MassDEP entered into Consent Order with the town of Becket for Water Supply violations. The Order pertains specifically to repeated total coliform contamination of a spring public water system. The Order addresses assessments, corrective actions and disinfection.

10/25/17: MassDEP entered into a Consent Order with a \$1,000 Penalty involving Jacob's Pillow Dance Festival, Inc. for Water Supply violations in Becket. The Jacob's Pillow Dance Festival, Inc. exceeded the water withdrawals from its sources and the construction in and around its wells prior to bringing its new source online. Jacob's Pillow Dance Festival, Inc. has previous noncompliance related to its water system.

10/25/17: MassDEP entered into a Consent Order with a \$1,150 Penalty involving Hume Lake Christian Camps, Inc., for Water Supply violations in Monterey. Hume Lake Christian Camps, Inc. exceeded its water withdrawal limits from its sources and in addition conducted unauthorized expansion and modifications of its water system. A new source will be brought online. A penalty of \$1,150 was included with the entire amount suspended pending compliance with the Order.

10/25/17: MassDEP issued a Unilateral Order to Great Horse, LLC, for Water Supply violations in Hampden. The LLC functions in part as a public water system. The violations pertain to a malfunctioning drinking water storage tank that allowed potential pathogens and potential chemicals into its drinking water. The Do Not Use Order prohibited drinking water system use for human consumption, but allowed water use for toilet flushing and fire suppression.

10/25/17: MassDEP entered into a Consent Order with a \$1,150 Penalty involving Zatec LLC, for Air Quality violations in North Dighton. MassDEP conducted a multi-media inspection and found that the facility failed to meet the volatile organic compound (VOC) requirements relative to the processing involving adhesives and sealants. Today's Order will ensure future compliance with the Air Quality requirements.

10/23/17: MassDEP issued a Unilateral Boil Water Order to Kings Grant Water Company for Water Supply violations in North Attleborough. A residential neighborhood in North Attleborough serviced by the Kings Grant Water Company (a public water system) experienced a loss of water pressure resulting in the lack of potable water. The Department of Public Utilities (DPU), Department of Environmental Protection (MassDEP), and Massachusetts Emergency Management Agency (MEMA) immediately

began working with the system upon being notified of the outage by the owner/operator on the morning of 10/23/17. MassDEP had issued a verbal, followed by a written, boil water order. The North Attleborough Water Department provided a hydrant-to-hydrant water interconnection into the Kings Grant distribution system to alleviate the loss of water stemming from a water main break. While a small portion of the customers received water on Monday, the interconnection was turned off in order to fix the water line break on Tuesday. Although not their responsibility, the North Attleborough Water Department provided personnel and materials to assist the Grant Water system. Water Department staff also fixed the broken pipe for the Grant Water system. Water pressure was returned to all customers by early 10/24/17. The precautionary boil order remains in place until two rounds of bacteria sampling return clean results.

10/19/17: MassDEP issued a Unilateral Order to Butternut Basin, Inc., for Water Supply violations in Great Barrington. Butternut Basin violated the regulations due to the detection of E.coli in one of its sources. The Boil Water Order requires specific response actions, monitoring and public notice.

10/16/17: MassDEP entered into a Consent Order with a \$1,000 Penalty involving S&B, Inc. d/b/a Dollar X Store for Mercury Act violations in Springfield. As part of a complaint inspection, MassDEP found that the employees of the store had disposed of mercury containing fluorescent bulbs into a dumpster. As part of the settlement, S&B, Inc. has agreed to pay \$600 of the Penalty with an additional \$400 suspended pending the company's compliance with the terms of the Order.

10/16/17: MassDEP entered into a Consent Order with a \$7,475 Penalty involving Excel Recycling, LLC for violations of the noise policy in Freetown. Excel Recycling LLC was operating in noncompliance with its MassDEP plan approval. MassDEP has documented violations of the Department's Noise Policy during the operation of Excel's scrap-metal shredding and recycling facility. Today's Order requires that Excel implement Best Management Practices and install sound absorbing materials in order to further mitigate sound.

10/13/17: MassDEP entered into a Consent Order with a \$20,000 Penalty involving Cedwar Development LLC, for Waste Site Cleanup violations. Cedwar Development LLC is a potentially responsible party for the property at 13 Warwick Street in Somerville. Cedwar conducted response actions without approval as is required. Under today's Order, Cedwar will pay \$5,000 of the Penalty with \$15,000 suspended pending compliance.

10/13/17: MassDEP entered into a Consent Order with a \$36,855 Penalty involving the Devens Recycling Center, LLC for Solid Waste violations at the South Mound Swale Landfill in Peabody. The Landfill had notified MassDEP that it wanted to use loads of processed construction and demolition (C&D) waste residuals as roadway stabilization material, pursuant to a Beneficial Use Determination (BUD) issued to Devens Recycling. MassDEP had informed the parties that a site-specific approval would be issued. Prior to issuance of the written approval, Devens delivered the C&D material to

the Landfill. In addition, the deliveries did not conform to conditions in the approval that MassDEP issued (e.g., no notification, excess material). Today's Order requires Devens Recycling to comply with the BUD and to update its Operation and Maintenance Plan to include a protocol for ensuring that no BUD material is delivered to any Massachusetts facility unless MassDEP has either been notified 30 days prior to the intended use in accordance with the BUD, or MassDEP has issued a written approval authorizing the receipt of BUD material at the receiving facility. Today's Order also includes payment of \$15,000 of the Penalty with the remainder, (\$21,855) suspended for two years pending Devens Recycling's compliance with today's Order.

10/11/17: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Diane Kim for Wetlands violations in Southborough. The respondent failed to conduct work in accordance with a Final Order of Conditions. In 2014, MassDEP issued a Final Order of Conditions for construction activities at the site associated with a seven-unit residential development within the Riverfront Area which required the use and maintenance of sedimentation and erosion controls and reporting requirements. During construction, the conditions of the Final Order were not followed. This resulted in turbid water discharging into a perennial stream that flows into Foss Reservoir, an emergency water supply. Kim also failed to meet reporting requirements of the Final Order, which included submittal of the monthly water discharge construction General Permit reports. In addition to the Penalty, Kim is required to conduct all further work at the site in accordance with the state's Wetlands Protection Act and the specific requirements contained in the Final Order of Conditions, and to submit the overdue monthly reports.

10/10/17: MassDEP entered into a Consent Order with a \$38,125 Penalty involving One Dalton Owner LLC for Waste Site Cleanup violations. One Dalton Owner LLC is the potentially responsible party for the property located at 1-7 Dalton Street, Boston. Violations were cited for conducting response actions prior to notification in violation for conducting response actions without first filing a Release Abatement Measure Plan. Under the terms of today's Order, the LLC will pay \$20,000 of the Penalty with the remaining \$18,125 suspended pending compliance.

10/10/17: MassDEP entered into a Consent Order with a \$30,000 Penalty involving the city of Haverhill School Department for Waste Site Cleanup violations at 685 Washington Street, Haverhill, a public school. Specifically, the violations were due to failure to submit by the required deadline certain response action reports relative to the cleanup of the property (e.g. an Immediate Response Action Status Report or Completion Report; a Phase I Report; and a Tier Classification). The city of Haverhill School Department had already failed to meet deadlines set out in a Notice of Noncompliance sent by MassDEP on 12/18/13. This was sent out after receiving several extensions. Today's Order requires \$2,000 of the Penalty to be paid with \$28,000 suspended pending compliance along with a stipulated penalty provision for any further missed deadlines.

10/4/17: MassDEP issued a Unilateral Order to Robert F. Brown, Jr. (regarding a former Citgo Station at 121 Bolton Street in Marlborough). Brown is a trustee of Brown Family

Trust that has failed to remove three single-walled steel tanks at 121 Bolton Street gas station in Marlborough by 8/7/17. This represents a violation of the Underground Storage Tank Systems regulations. Today's Order requires Brown to remove the tanks and a fourth single-walled fiberglass reinforced plastic tank within ninety days. Brown is currently subject to a Delivery Prohibition Order that MassDEP issued relative to this facility on 7/7/15 and has a deadline of May 2018 to finalize a permanent solution statement under for a 2012 release at the facility.

10/4/17: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Scoot Realty Trust for Waste Site Cleanup violations on Nantucket. The respondent, which is based in West Bridgewater, did not notify MassDEP within 72 hours of having gained knowledge of a Condition of Substantial Release Migration (SRM). The respondent detected concentrations of gasoline compounds in indoor air in Building #2 at 30 Sparks Avenue in Nantucket exceeded appropriate values indicating that an SRM condition existed at the site. Notification of this condition and the need to conduct an Immediate Response Action was not made to the Department as is required. Scoot Realty Trust will pay the \$10,000 Penalty for this violation.

10/4/17: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Barmor Realty LLC, for Waste Site Cleanup violations at 58 East Grove Street in Middleboro. During the construction of an outdoor deck at the property, excavation activities were not conducted in accordance with the requirements of the previously-agreed upon Activity & Use Limitations that are attached to the deed for this property.

September 2017

9/30/17: MassDEP issued Notices of Noncompliance to six (6) Underground Storage Tank (UST) facility owner/operators for failing to have third-party inspections (TPI) completed by their respective due dates. MassDEP has given the offenders 45 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations more information: [UST-TPI](#)

9/28/17: MassDEP entered into a Consent Order with the city of North Adams for noncompliance with corrosion control treatment operations. Today's Order includes provisions for a corrosion control treatment study, lead and copper sampling and a public notice.

9/26/17: MassDEP entered into a Consent Order with an \$8,000 Penalty involving Dennis K. Burke, Inc. for Waste Site Cleanup violations at 71 Main Street in Medway. MassDEP first learned of the oil spill from the owner of the service station where the delivery was made. MassDEP determined that the company had mistakenly made the delivery causing the oil spill to pavement and nearby soils requiring notification and cleanup. The company also was found to have improperly transported remediation

waste from the oil spill site. The company has agreed to pay the \$8,000 Penalty to re-train company personnel in oil-spill notification requirements and to provide free oil tanker spill response training to 18 municipal fire departments.

9/22/17: MassDEP entered into a Consent Order with Athena Health Care Associates, Inc., for Drinking Water violations in Sandisfield. Athena Health Care Associates, Inc., is the owner and operator of Berkshire Rehabilitation Skilled Care Center in Sandisfield. Today's Order addresses noncompliance with drinking water requirements at this community public water system including adequate sources and/or storage, cross connection protection and treatment upgrades.

9/19/17: MassDEP was notified by the Massachusetts Attorney General's Office of a matter in Bristol Superior Court involving the Attleboro Municipal Wastewater Treatment Facility. The Attorney General's Office represented MassDEP in Bristol Superior Court relative to an abutter to the Attleboro Wastewater Treatment Facility seeking a Preliminary Injunction to stop ongoing construction of the MassDEP-approved construction of phase three of the wastewater treatment sludge, landfill disposal cell. The judge did not grant the Preliminary Injunction being sought, but sought that all parties provide additional briefing information regarding the matters of relevant statute and regulations.

9/19/17: MassDEP entered into an Amendment to a Consent Order with Reliable Electro Plating, Inc. for Waste Site Cleanup violations in Norton. Reliable is located on 304 West Main Street in Norton. Reliable is a site from which there has been a release of hazardous materials associated with historical industrial processes and formerly operated waste lagoons. In October 2016, MassDEP executed today's Order with Reliable after they requested additional time to comply with a Notice of Noncompliance (NON) that addressed a failure to complete Comprehensive Response Actions by the deadlines established. Reliable requested additional time in which to comply with the ACO due to a time and resource-intensive ecological risk assessment. Today's Amendment establishes negotiated timelines for completion of work at the site and contains stipulated penalties should Reliable fail to comply.

9/19/17: MassDEP entered into a Consent Order with a \$7,750 Penalty involving MARMIK, LLC, for Waste Site Cleanup violations in Oak Bluffs. Previously, in June 2015, MassDEP issued a Notice of Noncompliance for failure to submit a Permanent/Temporary Solution or achieve Remedy Operation Status at the site within 5 years of the effective date of tier classification (a/k/a site ranking). Today's Order establishes deadlines for the completion and implementation of a Remedy Implementation Plan (RIP), and the submission of a Permanent or Temporary Solution or Remedy Operation Status for the site. MARMIK had submitted a RIP to MassDEP in December 2015 proposing additional response actions needed to achieve compliance. However, MARMIK failed to conduct the response actions or complete the corrective actions specified. As a result, MassDEP executed today's Order, which establishes negotiated timelines for the completion of the remaining response actions. Today's Order also entails stipulated penalties should MARMIK fail to comply.

9/19/17: MassDEP entered into a Consent Order with a \$25,000 Penalty involving Clean Realty Trust for Waste Site Cleanup violations in Framingham. The Trust is the owner of the property at 1181-1183 Worcester Road in Framingham. The violations involve the need to conduct a Release Abatement Measure (RAM), and the obligations set forth in an Activity and Use Limitation (AUL). The AUL that was in effect at this site was purposely to prevent exposure to petroleum contaminated soil. Today's Order requires that Clean Realty Trust ensure that site activities and uses are consistent with the terms and conditions of the AUL and that the obligations and conditions required to maintain a condition of No Significant Risk are being met, and that access to the site is restricted to prevent exposure to contaminated soil. The Trust will pay \$14,000 and it is agreed that \$11,000 will be suspended pending compliance.

9/14/17: MassDEP issued a Unilateral Order to 1470 Main Street, Tewksbury, LLC for Wetlands and Clean Water violations. The cease-and-desist Order is currently being developed as a 12-lot single family residential subdivision, including a roadway crossing an intermittent stream containing 'Bank' and 'Bordering Vegetated Wetland', while pursuing work under a Superseding Order of Conditions (permit) it had obtained in June 2015 for the work. MassDEP conducted multiple compliance inspections of the property in July, August and September 2017 observing violations that were not being corrected as specifically instructed by MassDEP. The violations include inadequate erosion controls ultimately resulting in significant erosion and sedimentation to the BVW replication area, stream bottom, and Bank in non-compliance with its permit. Today's Order requires that the violator immediately cease and desist from all activities within the jurisdiction of the applicable regulations on the property with the exception of stabilization measures, which shall be performed to prevent erosion and discharge of sediment into wetland resource areas, and including removal of sediment and rock within the stream-bed necessary to maintain stream flow as directed by MassDEP. The document also requires that a wetland scientist conduct a comprehensive analysis of the wetland alteration and submit a written plan to MassDEP that addresses the removal of the silt, sediment and rock from the stream, Bank and BVW replication area and to restore pre-existing elevations while stabilizing all slopes.

9/14/17: MassDEP entered into a Consent Order with a \$15,000 Penalty involving Crown Realty, LLC, for Waste Site Cleanup violations in Lowell. Crown Realty, LLC, is the owner of the property at 35 Manufacturers Street in Lowell. Today's Order was issued for violations of the Activity and Use Limitation (AUL), which was implemented at the site to prevent exposure to lead contaminated soil. Today's Order requires that Crown Realty, LLC ensure that site activities and uses are consistent with the terms and conditions of the AUL, and that the obligations and conditions required to maintain a condition of No Significant Risk are being met, and that access to the site is restricted to prevent exposure to contaminated soil. Today's Order includes \$7,500 of the Penalty to be paid, with the remaining \$7,500 suspended pending compliance with the Order.

9/14/17: MassDEP entered into a Consent Order with New England Equities, LLC, for Water Supply violations in Hampden. New England Equities, LLC is the owner of the public water system serving the retail and office space at the site. Today's Order addresses monitoring, operator, maintenance and use of an existing source.

9/14/17: MassDEP entered into a Consent Order with Hah-Nee Taconic Berkshire Associates, Inc. pertaining to Water Supply Regulations in Hinsdale. Hah-Nee Taconic Berkshire Associates, Inc. operates/owns the public water system that serves Camp Taconic. Today's Order addresses issues related to a newly installed Public Water System well.

9/14/17: MassDEP entered into a Consent Order with the town of New Salem regarding its public water system and compliance at the Swift River School. The town and the town of Wendell, serve as co-owners of the public water system that serves the school. Today's Order addresses the permitting for a new disinfection treatment system for the school.

9/14/17: MassDEP entered into a Consent Order with GR Realty 2, LLC, for Groundwater Discharge violations in Chicopee. GR Realty 2, LLC, is the operator of Blue Bird Acres Mobile Home Park. Today's Order establishes a connection for the construction of a Groundwater Discharge Permit Facility or Sewer Connection to serve the 170 lot mobile home park. A penalty in the amount of \$5,750 will be suspended in its entirety pending compliance.

9/13/17: MassDEP entered into a Consent Order with a \$1,500 Penalty involving VAAS Builders, LLC, for Hazardous Waste Management violations in Greenfield. MassDEP inspection determined that VAAS Builders, a general contracting business located in Springfield, improperly disposed of mercury containing fluorescent bulbs and stored waste fluorescent bulbs in an unsecure manner at a redevelopment project in Greenfield.

9/13/17: MassDEP entered into a Consent Order with a \$7,000 Penalty involving J. Dirats & Co., Inc. d/b/a Dirats Laboratories for Industrial Wastewater, Hazardous Waste and Air Quality violations in Westfield. Dirats Laboratories is a materials testing business. As a result of an inspection, MassDEP determined that the company was discharging industrial wastewater to the ground without a permit, exceeding its maximum hazardous waste accumulation limits and violating the solvent usage regulations. As part of the settlement, the company will pay \$5,000 of the Penalty with an additional \$2,000 suspended pending compliance with the Order.

9/13/17: MassDEP entered into a Consent Order with Saint Anne's Hospital to address Waste Site Cleanup violations in Fall River. MassDEP and Steward Healthcare System, LLC, the owner of the facility, agreed to a timeline extension to complete environmental investigations and determine extent of contamination at the Saint Anne's Hospital campus located at 795 Middle Street in Fall River. The hospital campus includes the hospital, medical office buildings, parking areas and a former school located in an area of the city that is subject to flooding. Specifically, investigations of volatile organic compounds are required in a large block of the hospital campus that is subject to an Activity and Use Limitation (AUL). MassDEP audited several releases that occurred and Steward will take a holistic campus-wide approach to resolve violations. MassDEP has provided compliance assistance to Steward, as well as to the city of Fall River, and will continue to do so with both entities to ensure compliance.

9/12/17: MassDEP entered into a Consent Order with a \$49,150 Penalty involving A.A. Will Corp. for Asbestos violations in Boston. The violations arise from A.A. Will's excavation, storage and disposal of asbestos-contaminated soil, along with lead and polycyclic aromatic hydrocarbons, that was beneath a previously installed marker layer and risk reduction barrier at the I-93 viaduct, Lot 5 at the corner of Albany and Travelers Streets in Boston. A.A. Will has performed the required clean-up of that portion of the site and agreed to provide its staff more training to those who perform work on sites containing hazardous materials, oil and asbestos. The respondent will pay \$25,000 of the Penalty, with an additional \$24,150 suspended for one year pending compliance.

9/11/17: MassDEP entered into a Consent Order with a \$37,370 Penalty involving New England Biolabs for Groundwater Discharge as well as Hazardous Waste Management and Air Quality violations in Ipswich. The wastewater treatment works serving this facility has had persistent violations of their MassDEP Groundwater Discharge permit. Today's Order requires New England Biolabs to conduct an engineering assessment of the wastewater treatment works, proceed with any required upgrades, and return to compliance with MassDEP regulatory requirements. Under today's Order, the company will pay \$20,000 of the Penalty with the remainder suspended pending completion of the remedial work.

9/11/17: MassDEP entered into a Consent Order with a \$1,000 Penalty involving Chafic Khabbaz for Waste Site Cleanup violation at 1049 Main Street in Tewksbury. Khabbaz owns the property where the violations involved failure to meet deadlines as defined in the regulations and more explicitly in a Notice of Noncompliance that MassDEP issued on 11/3/15. Today's Order requires: 1. the submittal to MassDEP of an assessment report by 2/28/18; a remedial alternatives and selection plan by 7/19/18 and a permanent or temporary solution statement for the site, which meets the requirements of state cleanup regulations by 7/19/19. If appropriate, and warranted, a remedy operation status submittal must be submitted by 7/19/19. The site is a gasoline station and auto repair facility and has been listed with MassDEP since 1989. In addition to paying the \$1,000 Penalty there is a stipulated penalty provision for any missed deadlines.

9/6/17: MassDEP issued a Unilateral Order and \$33,000 Penalty Assessment Notice to Armory Street, LLC and Elpakco, Inc. for Waste Site Cleanup violations at 69 Armory Street in Worcester. Specifically, the company has failed to continue assessment of a reported release of chlorinated solvents affecting indoor air, to implement a remedial action plan and submit remedial status reports and to provide necessary documents for a separate release of metals and other chemicals at the site as required. In addition to the Penalty, the company is required to conduct assessment of the release and indoor air exposure potential, retract and revise documents as necessary to address the reported releases at the site

9/6/17: MassDEP executed a Consent Order with a \$17,250 Penalty involving Center Street SAS for Groundwater Discharge violations in Weston. The wastewater treatment works serving the properties at the Center Street location has had persistent violations of their MassDEP Groundwater Discharge permit. Today's Order requires Center Street

to upgrade the wastewater treatment works, and return to compliance with their discharge permit. Under today's Order, Center Street will pay \$10,000 of the Penalty with remainder suspended pending completion of the remedial work.

9/6/17: MassDEP entered into a Consent Order with a \$31,000 Penalty involving Son Nguyen for Waste Site Cleanup violations at 19 Carson Street in Saugus. Son Nguyen is the owner of the site in Saugus. Today's Order was issued to Son Nguyen for failure to comply with a Notice of Noncompliance (NON) MassDEP issued. The NON required an immediate response action status report or completion report and either a permanent solution \statement or an assessment and tier classification (site ranking) report before 2/1/17. Today's Order now requires those reports before 1/30/18. Nguyen has agreed to pay \$1,000 and MassDEP will suspend \$30,000 of the penalty. The suspended penalty will come due if he violates any provision of the Consent Order.

9/5/17: MassDEP entered into a Consent Order with a \$167,500 Penalty involving J.F. White Contracting Company for Wetlands violations in Leicester. Significant violations occurred at the Worcester Regional Airport where J.F. White is working for MassPort on runway and instrument landing improvements. The surrounding wetland resource areas are Outstanding Resource Waters because they are tributary to some of the City of Worcester's drinking water supply reservoirs. J.F. White failed to comply with permits and implement appropriate erosion and sedimentation controls, which resulted in alterations to approximately 8 acres of Bordering Vegetated Wetlands and the discharge of highly turbid water that resulted in the shutdown of one of Worcester's water supplies on several occasions. In addition to the Penalty, J.F. White is required to comply with permits, prevent further discharges and restore impacted wetland resource areas.

August 2017

8/30/17: MassDEP executed a Consent Order involving Artis Senior Living of Lexington, LLC for Wetlands violations in Lexington. Today's Order calls for the restoration, replication, and long-term monitoring of previously altered wetland resource areas and to perform cleanup actions of soil and groundwater contamination on property Artis recently purchased at 430 Concord Avenue in Lexington. The former property owner, John H. Sellars was the defendant in Commonwealth of Massachusetts v. John H. Sellars & another, Suffolk Superior Court civil action. In that case, there is a Final Judgment and Order issued on 2/18/10, requiring Sellars to "restore the property to its original, unaltered condition." In addition, the Judgment required Sellars to pay \$100,000.00 as a civil penalty for the various violations, with \$25,000 paid and the balance suspended so long as Sellars remained in compliance with the Judgment. Sellars failed to comply with the Judgment and the suspended balance of \$75,000 was paid out of Sellars' profits gained from the sale. During his ownership, Sellars filled and altered Bordering Vegetated Wetland, Buffer Zone and Riverfront Area on the property from about 1982 through 2007, and commenced but later abandoned restoration work in 2011. Artis has agreed to restore and replicate the previously altered wetlands as part of its proposed redevelopment of the property for construction of a Senior Living Memory Care Residence. Pursuant to plans approved by MassDEP in 2014, Artis will

restore/replace 35,620 square feet of BVW, including a stream channel within the BVW, 58,956 square feet of Buffer Zone, and 48,878 square feet of Riverfront Area. As successor owner to the property, Artis will also undertake response actions for soil and groundwater contamination pursuant to the relevant laws and regulations of the Commonwealth. Work is scheduled to begin in September 2017.

8/28/17: MassDEP issued a \$67,250 Penalty Assessment Notice to Kane Built, Inc., for Asbestos violations that occurred during an asbestos-removal job conducted at a residential property slated for demolition in Maynard. The violations were discovered during a July 2016 inspection by MassDEP personnel. The inspectors found Kane Built, Inc. removed asbestos-containing pipe insulation without using any containment or adequate air-filtration units. Additionally, Kane Built, Inc. improperly removed asbestos-containing exterior transite-siding shingles from the structure. No notification had been filed with MassDEP for this work. Numerous pieces of dry, broken asbestos-containing siding were observed uncontained on the ground and on a porch at the site. Additionally, dry, asbestos containing pipe insulation was observed on the basement floor and in two torn, unlabeled household trash bags in the yard at the site. MassDEP required Kane Built, Inc. to retain a Massachusetts Department of Labor Standards (DLS) licensed asbestos contractor to clean and decontaminate all affected areas of the property and properly wet, package, label and dispose of all asbestos-containing and asbestos-contaminated waste.

8/25/17: MassDEP entered into a Consent Order with a Consent Order with an \$18,000 Penalty involving Properties Central, Inc. for Asbestos violations in Worcester. The violations occurred during renovation of a residential property they own in Worcester. The company will pay \$5,000 of the Penalty with \$13,000 suspended provided there are no further violations for one year. The violations were discovered during a September 2016 inspection by MassDEP's which was following up on a complaint of an improper asbestos removal. MassDEP found several improperly removed asbestos insulated heating pipes and numerous pieces of dry, asbestos insulation uncontained on the basement floor. MassDEP then required that the company submit an asbestos abatement work plan to be filed with the Department, and approved before any further abatement actions at this point. Further that the eventual clean-up and decontamination of the site would be carried about by a licensed asbestos contractor.

8/23/17: MassDEP issued a \$55,600 Penalty Assessment Notice to Michael J. Cove for Wetlands violations in Sterling. Cove was assessed the Penalty for allegedly altering approximately 800 linear feet of Stream Bank and 38,000 square feet of Bordering Vegetated Wetland without filing with the local conservation commission and MassDEP and obtaining an order of conditions (permit) for work on the site in Sterling.

8/23/17: MassDEP issued a Unilateral Order to Ronald Messenger d/b/a Twin Brook Camping Area for Water Supply violations in Tolland. MassDEP issued the Order due to e coli. bacteria detection in a source tap sample. Today's Order requires the public water system to notify users to boil water before use, to conduct monitoring and investigate the problem.

8/18/17: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Verizon New England for Waste Site Cleanup violation at 143 Walnut Street in Watertown. Verizon New England, Inc. is the owner of the property where a source of chlorinated solvent contaminated soil was identified after a review of a downgradient property status submittal. Specifically, the Waste Site Cleanup violations were for failure to submit a Release Abatement Measure (RAM) plan prior to the installation of a sub-slab depressurization system. Today's Order contains a \$10,000 penalty provision with \$7,500 suspended and \$2,500 paid as well as a stipulated penalty provision for any missed deadlines.

8/17/17: MassDEP issued a Unilateral Boil Water Order to Bartlett's Orchard LLC, due to an e coli bacteria detection in a public water system in Richmond. The detection was found in a source tap sample. Today's Order requires the public water system to notify users to boil water before use and to continue to conduct monitoring and investigation to identify the source of the problem.

8/16/17: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Jain America Holdings, LLC, d/b/a Nucedar Mills, for Air Quality violations in Chicopee. Jain is the parent company of NuCedar Mills, Inc. of 1000 Sheridan Street in Chicopee. NuCedar is a local manufacturer of vinyl products for application to the exterior of buildings. Jain America Holding, Inc. of Columbus, Ohio will pay the \$3,000 penalty to address the company's violations which included a failure to monitor the use of chemicals and failure to submit required emission reports to MassDEP.

8/15/17: MassDEP's Underground Storage Tank (UST) Enforcement Program, during the month of August, issued four (4) Notices of Noncompliance (NON) to UST facility owner/operators for failing to have third-party inspections completed by their respective due dates through 7/31/17. Additionally, 12 NONs were issued this month to owners/operators for not completing their third party inspector return to compliance reports. MassDEP also issued NONs to 43 facilities for failing to have their compliance certifications completed by their respective due dates through 7/31. MassDEP gave the offenders 30 days to return to compliance. Those owner/operators that fail to do so will be subject to additional enforcement measures, including financial penalties. More information: [UST-TPI](#)

8/15/17: MassDEP and the town of Wendell entered into a Consent Agreement relative to the permitting of a disinfection system installed by the town on its water system, cross-connection inspection requirements, spill containment and other matters at the New Salem School, which is owned by the town.

8/9/17: MassDEP entered into a Consent Order with a \$49,191 Penalty involving the MBTA Commuter Rail Stations at Norwood & Brockton for Waste Site Cleanup violations. The violations involved a number of Activity and Use Limitation (AUL) violations. MassDEP negotiated with the MBTA to make necessary repairs. Today's Order includes a Supplemental Environmental Project (SEP) which mitigates the total combined penalty of \$49,191. The goal of the SEP is for the MBTA to better maintain compliance with the regulation in regards to AUL obligations and conditions, as well as

to track groundwater monitoring well maintenance for all of their sites statewide. The MBTA will do this by enhancing their geographic information system 'landtracker' data management system to proactively inspect, and maintain compliance at their sites. The SEP is comprised of six tasks and will take two years to complete and will include reporting back to MassDEP on potential and actual violations as well as recommendations and a proposed schedule to return to compliance.

8/9/17: MassDEP entered into a Consent Order with a \$9,380 Penalty involving Edward LeNormand for Wetlands Protection Act violations in Hull. LeNormand is a homeowner who had exceeded the work beyond the scope of a current valid final Order of Conditions (permit) and altered 400 square feet of bordering vegetated wetlands. Today's Order requires the respondent to prepare a wetland restoration plan and restore the altered areas. Under today's Order, \$4,690 of the total Penalty will be suspended contingent upon the successful completion of the required actions.

8/9/17: MassDEP issued a Unilateral Order and a \$10,650 Penalty Assessment Notice to Henry Procopio, d/b/a Westend Automotive for Hazardous Waste Management violations in Pittsfield. Procopio operates this automotive repair facility. As a result of MassDEP inspections, it was discovered that the facility stored approximately forty (40) waste oil drums outside, some of which were in poor condition and leaking, others left open to the elements. Waste oil was released to the ground through leaks and rainwater overflow. In addition, Procopio failed to clean up the buildup of oil and debris from the containment area under waste oil storage tanks and failed to comply with hazardous waste labeling and housekeeping standards. Today's Order additionally requires Procopio to pay not only the penalty of \$10,650 but to correct the violations and to cleanup any waste oil spills.

8/7/17: MassDEP issued a Unilateral Order to Three Rivers Water District for Water Supply violations in Palmer. This public water system (PWS) is required to address, electrical wiring, alarm dial out, alarm and interlock issues that had been discovered during inspection to not function correctly. Today's Order also requires weekly testing of the alarms once repaired, until a longer period is approved. Some of the alarms, interlocks and safety equipment were installed recently to correct deficiencies identified in prior inspections.

8/3/17: MassDEP issued a Unilateral Boil Water Order to the Department of Conservation and Recreation (DCR) for Water Supply violations in Leominster State Forest in Westminster. On 7/29/17, it was reported to MassDEP that e coli. had been detected in a repeat sample following a positive detect for total coliform. This was found in a routine sample in the distribution system that serves the administrative building. The e coli. detection also triggered the required tier 1 public notice in accordance with the federal groundwater rule. The administrative building is served by a separate source and distribution system than the park areas and is not used by the public. The administrative building was closed over the weekend, but a verbal boil order was issued to the operator on 7/29/17. DCR had already initiated the permitting process with MassDEP for a new source for the administrative building. DCR is required to post public notice advising users not drink the water and provide bottled water and hand

sanitizers to employees until the new source is approved and authorized by MassDEP to go on line.

8/2/17: MassDEP entered into a Consent Order with a \$36,000 Penalty involving Mace Polymers & Additives, Inc. for numerous violations found during a multi-media inspection in Dudley. The violations involved Air Pollution Control, Hazardous Waste Management, Ground Water Discharge Permit Program and Toxics Use Reduction Act (TURA) regulations. MassDEP personnel observed at the Company's polyurethane and food wrapper coatings manufacturing facility that it had installed new reactor vessels without approval and was not keeping sufficient records on volatile and hazardous air pollutants. The inspectors also observed that the company was storing hazardous waste beyond the maximum 90-day time limit, that it had left hazardous waste containers open and unlabeled, did not have an updated plan to address emergencies or a plan for training hazardous waste handlers and had not trained employees on contingency plan implementation and waste management. The company also had not reported and paid TURA fees and was discharging noncontact cooling water into the ground without a permit. The company will be submitting a new air plan application and compliance reports according to schedules in today's Order.

July 2017

7/28/17: MassDEP entered into a Consent Order with a \$27,000 Penalty involving 540 Groton Road LLC and Newport Materials LLC for environmental violations in Westford. Today's Order was issued for failure to comply with terms of a previous Consent Order dated 11/1/16 concerning the filling and reclamation of a sand pit at 540 Groton Road, Westford. The respondents did not meet the requirements for groundwater monitoring and soil management as set out in the 11/1/16 Order. The monitoring wells described in the construction report submitted to MassDEP did not meet the requirements. The 11/1/16 Order specifically required that a Licensed Site Professional (LSP) oversee the activities. The respondent did not meet the requirements for groundwater monitoring. The site groundwater sampling results that were submitted were not consistent with groundwater. The samples did contain disinfection byproducts used in drinking water treatment and appeared to be consistent with levels found in Westford's public water supply. The construction status reports required were submitted late and did not include Independent Third Party observations as required. Today's Order requires the payment of a \$27,000 penalty but \$7,000 will be suspended provided 540 Groton Road LLC and Newport Materials LLC comply with the provisions of the Order including, construction reports, installation of wells, groundwater sampling, and soil management plan.

7/28/17: MassDEP issued 56 Notices of Noncompliance to Underground Storage Tank (UST) facility owner/operators. Another 16 were issued for failing to have a UST third-party inspection completed and the other 40 for not submitting compliance certifications by their respective due dates through 6/30/17. MassDEP gave the offenders 30 days to return to compliance. Those failing to do so will be subject to additional enforcement measures, including financial penalties. More information: [UST-TPI](#)

7/27/17: MassDEP issued a Unilateral Order to Aleksandra Salagornik, Jr., for Asbestos violations in Agawam (Feeding Hills). Salagornik violated the Asbestos regulations by causing conditions which posed a potential threat to human health, safety and welfare or to the environment during demolition and asbestos abatement activities at 49 James Street in Agawam (Feeding Hills). MassDEP observed asbestos pipe insulation comingled with surface soils, and construction & demolition debris at the site which was generated the previous day.

7/25/17: MassDEP issued a Unilateral Order to Gerald and Carrie Ferrindino in Hampden. The Ferrindinos, who earlier this month had been issued a cease-and-desist order by MassDEP (on 7/7/17) today, were issued an order to hire a wetlands consultant to develop a plan for the restoration of altered resource areas at the Ferrindinos residence in Hampden. MassDEP also issued a \$6,000 Penalty Assessment Notice to Gerald and Carrie Ferrindino for Wetlands violations. The Ferrindinos failed to comply with the terms of the 7/7/17 Order. The Ferrindinos had continued to work in resource areas after having been issued the order requiring that they cease and desist from activities in resource areas.

7/14/17: MassDEP was notified by the Massachusetts Attorney General's Office that a joint-motion was filed by the Commonwealth regarding Callahan, Inc., Axiom Partners, and J. Kerrissey, Inc. Callahan, Inc. is a Bridgewater-based general contractor, and Axiom Partners is a Wakefield-based environmental consultant. The motion is to approve a consent judgment that was entered in and allowed by Suffolk Superior Court to settle claims by the AGO and MassDEP. Under the judgment, Callahan and Axiom, during the demolition of the old Quincy YMCA building, violated the state's clean air laws and regulations by causing or allowing J. Kerrissey, a Plymouth-based demolition contractor, to demolish approximately 45,000 square feet of asbestos-containing ceiling plaster without sealing the work area, using proper protective equipment, or using work practices required by law to minimize asbestos exposure. The consent judgment requires Callahan to pay a \$120,000 Civil Penalty, and Axiom to pay \$60,000. The Commonwealth's claims against J. Kerrissey for its role in the violations were not settled through the consent judgment and will proceed in Suffolk Superior Court.

7/13/17: MassDEP issued a Tier One Public Notice to the Dedham-Westwood Water District for Drinking Water violations in Dedham. In accordance with the Ground Water Rule on 6/11/17, DWWD routinely collected samples of the raw (untreated) water from each of the five wells that are treated at the White Lodge Water Treatment Plant from the combined raw water prior to treatment as well as the treated water. All five wells and the treated water tested clean, but the combined raw water sample tested positive for E. coli. Although the water is chlorinated, MassDEP has not certified the White Lodge Plant has sufficient chlorination and contact time to achieve 4-log treatment of viruses (4-log refers to 99.99% treatment). This meant, under the Ground Water Rule, DWWD is required to issue a Public Notice within 24 hours of receiving the sample result, and to collect five additional raw water samples. The District did not know which well among its five wells was originally the source of the e coli, so it collected five additional raw water samples from each of the five wells. This treatment plant was promptly shut down once the e coli was discovered; therefore, MassDEP did not require


the Tier 1 Public Notice to be a Boil Water Order. DWWD increased its use of MWRA water in the interim. Follow-up sampling determined that well #3A was the source of the e coli contamination. The plant was reactivated, but well #3A remains off-line. Within 120 days, DWWD must install 4-log virus treatment or eliminate any significant deficiency at the well that is permitting the entry of e coli. A subsequent review of calculations of the disinfection contact time suggests that the plant could be certified by MassDEP for 4-log treatment of viruses if an analyzer is installed as specified in the regulations pertaining to the Ground Water Rule.

7/11/17: MassDEP entered into a Consent Order with an \$8,625 Penalty involving George Pearson d/b/a All-in-One Carpet Cleaning for Discharge Violations in Mansfield. George Pearson is the owner of the company based in South Easton. A company vehicle was spotted for discharging liquid pollutants onto the ground surface without a permit. Pearson violated the regulations by discharging with a permit when he discharged wastewater from a 60-gallon holding tank onto the road surface. Pearson will pay \$500 of the Penalty with \$8,125 suspended pursuant to the Small Business Policy. The respondent will also make modifications to his van and submit quarterly disposal logs for 2 years.

7/10/17: MassDEP entered into a Consent Order with a \$12,075 Penalty involving Friendly's Manufacturing & Retail LLC for Clean Water Act violations in Springfield. The LLC has agreed to address violations of the Clean Water Act resulting from the failure to properly maintain the industrial wastewater pretreatment system (IWPS) at the Kent Road facility. On two different days, discharges from the IWPS occurred due to failure of the 'dissolved air floatation tank'. This facility will install additional alarms in the short term, but will upgrade the entire IWPS in the near future. The facility will pay \$6,000 of the Penalty, and the balance suspended provided Friendly's remains in compliance with the wastewater regulations.

7/10/17: MassDEP entered into a Consent Order with a \$12,075 Penalty involving Friendly's Manufacturing & Retail LLC for Clean Water Act violations in Springfield. The LLC has agreed to address violations of the Clean Water Act resulting from the failure to properly maintain the industrial wastewater pretreatment system (IWPS) at the Kent Road facility. On two different days, discharges from the IWPS occurred due to failure of the 'dissolved air floatation tank'. This facility will install additional alarms in the short term, but will upgrade the entire IWPS in the near future. The facility will pay \$6,000 of the Penalty, and the balance suspended provided Friendly's remains in compliance with the wastewater regulations. 7/7/17: MassDEP issued a Unilateral Order to Gerald and Carrie Ferrindino for Wetlands violations in Hampden. MassDEP issued the Ferrindinos a cease and desist from all further activities in the resource areas. The Ferrindinos had begun to clear resource areas around a pond at their home in violation of the Wetlands Protection Act.

7/7/17: MassDEP notified owners of the Stage I Vapor Recovery facilities of an enforcement discretion directive for the owner/operators of motor vehicle fuel dispensing facilities. MassDEP will be exercising enforcement discretion to allow the installation of Stage I Enhanced Vapor Recovery (EVR) systems and components as

contained in California Air Resources Board (CARB) Orders issued since 1/2/15. The agency has proposed regulations at 310 CMR 7.34(3) that would revise its list of approved systems and components to reflect California's action, but MassDEP is exercising enforcement discretion so facilities can install enhanced vapor recovery equipment even before the updated rules take effect. More information: [CARB-ERV](#) 

7/7/17: MassDEP entered into a Consent Order with Grandvel Nominee Trust in Westport for Underground Storage Tank violations. A release of petroleum from an underground storage tank impacted soil and groundwater at 536 Old County Road in Westport. An audit of the response action outcome (RAO) that the respondent filed for this site revealed several violations. The site conditions warranted/required additional response actions to correct. On 1/11/17, MassDEP issued a Notice of Audit Findings, Notice of Noncompliance for these violations. Grandvel Nominee Trust requested additional time to comply with the directives. Today's Order establishes negotiated timelines for completion of work at the site and contains stipulated penalties should Grandvel Nominee Trust fail to comply.

7/5/17: MassDEP entered into a Consent Order with a \$17,475 Penalty involving New Bedford Waste Services LLC for Solid Waste violations in New Bedford and Sandwich. At the New Bedford facility, MassDEP documented solid waste outside the designated area and nuisance odors. At the Sandwich facility, the respondent had constructed a temporary transfer station and modified the existing transfer station without MassDEP's permit or approval. The respondent will pay \$14,000 of the Penalty and MassDEP agrees to suspend the remaining amount of the Penalty provided the respondent does not further violate any provisions and regulations within one year of the effective date of today's Order.

7/5/17: MassDEP entered into a Consent Order with Bernard Gawle of Easthampton for Wetlands Protection Act violations. Gawle will address violations that resulted from the alteration of wetlands associated with forestry and farming activities at various parcels owned by Gawle. MassDEP had inspected the sites following a request for assistance from the Easthampton Conservation Commission and observed activities that constituted violations of the Wetlands Protection Act. A Penalty in the amount of \$17,690 was assessed but suspended in its entirety provided that Gawle delineate resource areas on a number of parcels, file appropriate applications/requests, and take other actions required in the Order. In addition, MassDEP may demand payment of the suspended penalty for any violations of the Wetlands Protection Act in the next two years.

7/5/17: MassDEP entered into a Consent Order with a \$3,160 Penalty involving LEAJOE, Inc. for Underground Storage Tank (UST) violations at 431 Newbury Street in Danvers. This facility was randomly chosen by MassDEP's UST program on 11/29/12 and issued a Notice of Noncompliance for underground storage tank and vapor-recovery violations. When the facility was again randomly chosen by MassDEP's UST program for a second time, four years later, on 6/15/16, the inspection showed the station is in continued noncompliance with UST regulations. Today's Order now requires LEAJOE, Inc. to pay \$1,150 of the Penalty (the Penalty was reduced under MassDEP's

small business policy). Today's Order requires LEAJOE, Inc. to correct all violations and remain in compliance with the requirements. MassDEP has agreed to suspend the remaining \$2,010 penalty provided the company remains in compliance.

June 2017

6/30/17: MassDEP issued \$30,000 Stipulated Penalty Demand Letters to Pan Am and Boston & Maine Railroad in Northfield and Buckland for failure to comply with an existing Order. These Demands stemmed from a 6/13/17 fire involving a large rail tie pile in Northfield and, separately, a complaint from the Board of Health in Buckland relative to a large tie pile located close to residences and a trolley museum. In both instances the tie piles were not managed in accordance with the terms of the Order.

6/30/17: MassDEP's Underground Storage Tank (UST) Enforcement program issued Notices of Noncompliance to 18 UST facility owner/operators for failing to have UST third-party inspections performed; an additional 6 NONs for failing to submit UST third-party inspection Return to Compliance Reports; and, 53 other NONs for failing to complete Compliance Completion reports by their respective due dates through 5/31/17. The agency gave the offenders 45 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. More information: [UST-TPI](#)

6/30/17: MassDEP entered into a Consent Order with a \$6,904 Penalty involving Amerco Real Estate Company for Waste Site Cleanup violations in Taunton. The respondent failed to comply with the notification requirements that form the Waste Site Cleanup regulations. On 11/9/15, Amerco Real Estate Company engaged an environmental contractor to remove a 2,000 gallon Underground Storage Tank (UST) of fuel oil. During the removal of the UST, a release condition (that met the definition of a release requiring 72-hour notification) was discovered. Amerco Real Estate Company, however, did not notify MassDEP of the release condition until 1/20/16.

6/29/17: MassDEP issued a Unilateral Order and \$31,000 Penalty Assessment Notice to Richard and Harriet Sasso for Waste Site Cleanup violations at 604 Bedford Street in East Bridgewater. The respondents failed to comply with the requirements for conducting comprehensive response actions. The Sassos own a commercial property in East Bridgewater that was formerly a gas station from which there has been a release of oil. The Sassos did not respond to a Notice of Noncompliance and a Notice of Enforcement Conference. Today's Order requires completion of response actions at the site.

6/28/17: MassDEP entered into a Consent Order with a \$10,312 Penalty involving Amy Woods for Wetlands Protection Act violations at 14 and 16 Lufkin Point Lane in Essex. The violations were discovered through review of monitoring reports submitted to MassDEP pursuant to a previous Order for similar violations on the same property in February of 2016. The violations contained in this Order include non-compliance with provisions of two Superseding Orders of Conditions, and unauthorized alteration of approximately 965 square feet of Riverfront Area. This Order requires replication of the

altered area, in addition to the restoration required under the original Order. Full compliance with the SOC, and monitoring and reporting are also required. The respondent will pay \$5,000 of the Penalty and \$5,312.50 will be suspended once compliance is determined and a return to compliance letter is issued.

6/28/17: MassDEP entered into a Consent Order with Norcross Wildlife Sanctuary in Wales regarding its public water system compliance. They are owners of the public water system serving the visitor's center and a greenhouse at the sanctuary. The ACO addresses monitoring, operator, maintenance and use of an existing source.

6/28/17: MassDEP entered into a Consent Order with a \$9,808 Penalty involving WhiteWater, Inc. for violating the Wastewater Treatment Operation regulations at the Nagog wastewater treatment facility in Acton. WhiteWater, Inc. through a contract with Nagog Treatment Facility LLC oversees operations at the Nagog plant to ensure compliance with the plant's Groundwater Discharge permit. The permit requires 24-hour composite effluent sampling. During a routine inspection, MassDEP found that the WhiteWater Inc. operator was regularly collecting grab samples and the submitting discharge monitoring reports indicating that they were conducting composite sampling. The operator also did not have a composite sampler on site to perform the sampling. WhiteWater Inc. was cited for not providing adequate equipment and supplies and for making false, inaccurate, incomplete or misleading statements in its submittal to MassDEP. In addition to the Penalty, today's Order requires WhiteWater, Inc. to ensure not only that a composite sampler is at this facility, but they will submit a plan to ensure composite samplers are at all facilities in Massachusetts under contract with WhiteWater, Inc.

6/28/17: MassDEP entered into a Consent Order with a \$20,000 Penalty involving Gagliarducci Construction, Inc. for Asbestos violations in Amherst. Gagliarducci Construction, based in Springfield, violated the MassDEP regulations by causing conditions which posed a potential threat to human health, safety and welfare or to the environment during asbestos abatement activities at UMass/Amherst. On 7/20/16, MassDEP staff conducted a pre-permitting visit at the site. Upon arrival, MassDEP observed friable asbestos debris on the surface soils from site work activities performed on 7/19/16 by Gagliarducci Construction at the Life Science Laboratory parking lot expansion project. Gagliarducci Construction agreed to pay the Penalty as part of the settlement agreement.

6/28/17: MassDEP entered into a Consent Order with David Johndrow for Wetlands Protection Act violations in Southampton. The violations stemmed from the alteration of wetlands during the construction of Johndrow's personal residence and yard. In addition to on-site restoration of resource areas, Johndrow will provide off-site mitigation for buffer zone impacts in the form an invasive species removal at a town owned conservation area. A penalty in the amount of \$16,355 was assessed, \$3,000 of which is to be paid and the balance paid suspended provided the mitigation and restoration are completed.

6/28/17: MassDEP entered into a Consent Order with a \$5,750 Penalty involving the Boston Road Mobile Home Park Tenants Association to address violations of the Clean Water Act in Springfield. The violations resulted from the failure to properly maintain the sewer system at the Boston Road Mobile Home Park. A blockage in the collection system at the park resulted in a discharge to the ground from an overflowing manhole. An investigation of the event revealed a lack of maintenance and operational provisions to ensure the proper operation of the sewer system at the park. The Penalty was suspended in its entirety provided that the Tenant's Association develops an Operation & Maintenance Plan.

6/26/17: MassDEP entered into a Consent Order with a \$2,500 Penalty involving the Trustees of the Oxford Sutton Mass Condominium Trust in Oxford for Groundwater Discharge violations. The Trust failed to comply with an Order issued in 2015 for Groundwater Discharge permit violations. The original Order required the Trust to submit an evaluation report of address improvements and upgrades to the wastewater treatment facility by 1/13/16. The Trust exceeded effluent limitations during the spring of 2016 but did not submit the evaluation until 11/4/16. The Order includes a schedule for making improvements to the facility in accordance with the evaluation report, developing a tenant education program to prevent the discharge of contaminants to the sewer system to avoid adverse impacts to the facility and developing an influent sampling plan, as well as revising its operation and maintenance manual.

6/26/17: MassDEP issued a Unilateral Order to Pan Am Southern LLC and a \$1,000 Penalty Assessment Notice to address noncompliance with Massachusetts Drinking Water Regulations for its community public water supply system it owns in Deerfield. The noncompliance included operator coverage, maintenance of an available emergency response plan and completion of an asset management plan and/or a capital improvement plan for the public water system. Today's Order requires corrective actions and includes deadlines.

6/26/17: MassDEP issued a Unilateral Boil Water Order to Dentamaro, Inc. in Holland. The respondent needs to take action to address e coli contamination at restaurant, the Diane's Villa Nova, which operates a public water system. Today's Order requires Dentamaro, Inc. to provide notice to its customers regarding the event, notice to use boiled water, to implement its emergency response plan, to investigate the problem and to correct it.

6/23/17: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Amir Aminpour for Waste Site Cleanup violations at 830-846 Blue Hill Avenue in (Dorchester) Boston. Aminpour is the owner of the property, which is a strip of commercial rental units. Specifically, the Waste Site Cleanup violations were the failure to submit the required numerical ranking of the environmental contamination, or tier classification of this site by the one-year deadline. Aminpour failed to meet deadlines that had been brought to his attention by MassDEP's Notice of Noncompliance. Today's Order requires the respondent to pay \$4,000 with \$26,000 suspended pending compliance. There is a stipulated penalty provision for any missed deadline.

6/22/17: MassDEP entered into a Consent Order with a \$7,610 Penalty involving East Concord Street LP for Waste Site Cleanup violations at 1640 Washington Street in Boston. The property is residential. In April of 2010 MassDEP received a report of trichloroethylene and tetrachloroethylene (solvents) in groundwater above reportable concentrations. Specifically, the waste site cleanup violations were for performing comprehensive response actions (cleanup) without a tier classification. The respondent will pay \$2,000 and \$5,610 of the Penalty will be suspended pending compliance.

6/22/17: MassDEP issued a Unilateral Boil Water Order to the town of Lanesborough to address source water contamination (fecal indicator detection) at the Berkshire Spring, a public water system source it owns. This system serves as the community public water system for Berkshire Village Cooperative. The Order requires the town to provide notice to the user (Berkshire Village Cooperative) to issue the Boil Water notice, to implement its Emergency Response Plan, to investigate the condition of the source, and to complete the additional monitoring and corrective actions.

6/22/17: MassDEP issued a Unilateral Boil Water Order to Addiction Campuses of Massachusetts, LLC, in Cummington for Water Supply violations. The Order issued to the Addiction Campuses of Massachusetts, LLC d/b/a Swift River ("Addiction Campuses") to address e coli source water contamination at the public water system source serving Swift River. The Order required Addiction Campuses to provide notice to its users to Boil Water, to implement its Emergency Response Plan, to investigate the condition of the source, and to complete additional monitoring and corrective actions. MassDEP provided verbal direction regarding the protective measures of this Order on 6/21/17.

6/21/17: MassDEP issued a Unilateral Order to Jessda Ounpaul, for Asbestos violations at 66 Canada Street and 484 Merrimack Street in Lowell. MassDEP also issued a civil administrative penalty assessed to Ounpaul of \$236,050. Ounpaul is an individual who formerly operated a licensed asbestos contracting company, ASP Environmental, Inc. (ASP). The violations in this case concern asbestos and solid waste violations arising from demolition/renovation and asbestos abatement activity at both the Canada Street and Merrimack Street sites. Ounpaul is alleged to have improperly removed asbestos containing material (ACM) from the Merrimack Street site, leaving loose, dry, friable ACM debris inside the remaining structure and strewn outside on the ground at the site. Ounpaul also improperly transported to and stored piles of asbestos contaminated waste material (ACWM) generated at the Merrimack Street site at the Canada Street site. In addition, Ounpaul directed the improper removal, handling, storage and disposal of ACM from buildings at the Canada Street site, again leaving loose, dry, friable ACM debris inside the buildings, strewn outside on the ground and dumped in an open top solid waste dumpster at the site. The owner of the Merrimack Street site hired a licensed asbestos contractor to perform the clean-up of the Merrimack Street site, which has been completed. Ounpaul has continued improper demolition and asbestos abatement activity at the Canada Street site despite continued monitoring of the site by MassDEP. Today's Order requires Ounpaul to cease all activity at the Canada Street site until he has submitted, and if MassDEP approves, a new non-traditional asbestos abatement work practice plan to clean up the Canada

Street site. Under today's Order, Ounpauly has ten days to submit a new plan and ten days after MassDEP approves the plan to implement it. Ounpauly is also required under today's Order to cease all solid waste activities at the Canada Street site that do not comply with the solid waste regulations.

6/21/17: MassDEP issued a Unilateral Order to 66 Canada Street, LLC, for Asbestos and Solid Waste Violations in Lowell. In addition, a Penalty Assessment to 66 Canada Street, LLC for the activities herein described in the amount of \$178,850. Anabelle S. Pholy, is the manager of 66 Canada Street, LLC, and the owner of the property at 66 Canada Street. Today's Order alleges that 66 Canada Street, LLC allowed the improper storage at the Canada Street site by Jessda Ounpauly, her husband, of piles of asbestos containing material (ACM) debris generated at the Merrimack Street site. In addition, 66 Canada Street, LLC allowed Ounpauly to perform improper removal, handling, storage and disposal of ACM from buildings at the Canada Street site, leaving loose, dry, friable ACM debris inside the buildings, strewn outside on the ground and dumped in an open solid waste top dumpster at the site. The owner of the Merrimack Street site hired a licensed asbestos contractor to perform the clean-up of the Merrimack Street site, which has been completed. 66 Canada Street, LLC has allowed Ounpauly to continue improper demolition and asbestos abatement activity at the Canada Street site despite continued monitoring of the site by MassDEP. Today's Order requires 66 Canada Street, LLC to cease all activity at the Canada Street site until it has submitted and MassDEP has approved a new non-traditional asbestos abatement work practice plan to clean up the Canada Street site. Under the Order, 66 Canada Street, LLC has ten days to submit a new plan and ten days after the time when MassDEP approves the plan to implement it. 66 Canada Street, LLC is also required under the Order to cease all solid waste activities at the Canada Street site that do not comply with the solid waste regulations.

6/20/17: MassDEP entered into a Consent Order with a \$5,750 Penalty involving MHC Old Chatham LLC for Groundwater Discharge violations in Dennis. MHC Old Chatham LLC is the owner of the Old Chatham RV Resort in Dennis. The facility was determined to be discharging sewage greater than 10,000 gallons per day, and the unapproved connection of a mobile comfort station to an existing subsurface sewage disposal system. Today's Order requires the respondent to submit an application for Groundwater Discharge permit and to construct a wastewater treatment facility in accordance with regulations and its permit.

6/20/17: MassDEP entered into a Consent Order with a \$5,750 Penalty involving MHC Old Chatham LLC for Groundwater Discharge violations in Dennis. MHC Old Chatham LLC is the owner of the Old Chatham RV Resort in Dennis. The facility was determined to be discharging sewage greater than 10,000 gallons per day, and the unapproved connection of a mobile comfort station to an existing subsurface sewage disposal system. Today's Order requires the respondent to submit an application for Groundwater Discharge permit and to construct a wastewater treatment facility in accordance with regulations and its permit.

6/20/17: MassDEP issued a Demand for \$10,000 in Suspended Penalties to Amesbury Heights LLC for Wetland Protection violations at 36 Haverhill Road in Amesbury and non-compliance with a previous Consent Order executed on 4/3/17. The violations resulted from a substantial release of sediment that entered the stormwater drainage system compromised a detention basin, and flowed down an unnamed intermittent stream channel on the property and into approximately 14,000 square feet of Bordering Vegetated Wetland (BVW) that had already been impacted by two previous releases that were cited in the April 2017 Order. The impacted BVW area was scheduled to be restored pursuant to the April 2017 Order. The release was self-reported. Today's Demand requires payment of a portion of the suspended penalty in the amount of \$10,000.

6/20/17: MassDEP entered into a Consent Order with a \$13,630 Penalty involving MRT Development, LLC, for Wetlands Protection and Clean Water Act violations in Ware. The property is a partially constructed sub-division acquired by MRT. MRT had learned of the non-compliance following acquisition of the sub-division and sought to remedy the violations. Today's Orders suspends the entire Penalty provided the new owner brings a jurisdiction crossing into compliance with the stream crossing standards and completes the construction of two wetland replacement areas within the time frames set forth.

6/16/17: MassDEP entered into a Consent Order through a Final Decision with James P. LaMountain regarding a violation of Air Quality violations. The case began after a complaint was referred to MassDEP by the Holland Police Department regarding an illegal open burning of solid waste by LaMountain at his residence. MassDEP issued LaMountain a Penalty Assessment Notice for \$860, which LaMountain appealed. As a result of the Final Decision today's order resolves the matter with LaMountain paying a penalty of \$250.

6/16/17: MassDEP entered into a Consent Order through a Final Decision with Blodgett Farm at Mashapaug, LLC for Air Quality violations in Holland. As a result of a complaint referral from the Holland Police Department regarding an illegal open burning of solid waste at Blodgett Farm property, MassDEP issued a Penalty Assessment Notice for \$1,720. This Order was appealed by Blodgett Farm. As a result of the settlement of the appeal, Blodgett Farm will pay a \$500 Penalty.

6/16/17: MassDEP issued a Unilateral Order and a \$46,400 Penalty Assessment Notice to B&K Development Corp. for Waste Site Cleanup violations in Charlton. The violations are alleged to have occurred at the former Charlton Woolen Mill, 12 South Sturbridge Road in Charlton. A release of hazardous materials was first identified at the property in 1997. The company purchased the site in 2000. Since 2007, MassDEP has attempted to negotiate with company to address identified releases of hazardous materials at the site. For the identified continuing violations, MassDEP has assessed the Penalty and has required the company to submit required documents to demonstrate compliance with the applicable Waste Site Cleanup regulations.

6/16/17: MassDEP issued (2) Unilateral Boil Water Orders to Berkshire Rehab, and Berkshire Landlord LLC in Sandisfield for Water Supply violations. The LLC is the

operator of Berkshire Rehabilitation Skilled Care Nursing and must address source water contamination. The Boil Order requires the Berkshire Rehab to provide notice to its patients and families of the boil-water order, and further for the LLC to implement its Emergency Response Plan, investigate the condition of the source and complete additional monitoring. A subsequent Declaration of Water Emergency was issued to allow for bulk tankers to be connected to the distribution system and the source taken off-line.

6/15/17: MassDEP entered into a Consent Order with a \$15,833 Penalty involving Massasoit Hills Trailer Park for Groundwater Discharge violations in Wellfleet. Andrew J. Parkington Realty Trust, LLC is the owner of Massasoit Hills Trailer Park, where a failure to adequately maintain the park's wastewater treatment facility was determined by MassDEP. The Park failed to comply with its permit, and made modification of approved plans without approval. Today's Order ensures restoration of the facility in accordance with the approved plans and repairs to various treatment units. The Park will pay \$2,000 of the Penalty and the balance will be suspended contingent upon compliance with the terms of the Order.

6/14/17: MassDEP entered into a Consent Order with a \$12,500 Penalty involving RESI Trust for Waste Site Cleanup violations at 13 Warwick Street in Somerville. MassDEP was not notified of contaminated soil on the property within 120 days as required by the regulations. Contamination was identified on the property during an assessment of the property in April of 2015. MassDEP was notified of the contamination in July of 2016. RESI Trust has agreed to pay \$4,500 of the Penalty with \$8,000 suspended. The site is being developed into commercial and residential units.

6/14/17: MassDEP entered into a Consent Order with Richard Pierro for Waste Site Cleanup violations at 342 Highland Avenue in Salem. Pierro is the owner of the property where the specific violations included failure to meet deadlines established in an earlier Notice of Noncompliance issued by MassDEP on 9/2/16. Today's Order requires, first, the submittal to MassDEP of a release abatement measure status report by 7/31/17, unless a completion of that measure is submitted earlier; and, for every six months thereafter until the submittal of the completion statement the requisite status reports which meets the requirements. Second, by 7/31/18, the submittal of a permanent or temporary solution statement for this site, that meets the requirements; or, a remedy operation status submittal, which meets the requirements. Today's Order contains a stipulated penalty provision for any missed deadlines.

6/9/17: MassDEP entered into a Consent Order with The Workshop for Air Quality Control violations at 43 Race Point Road/Unit A in Provincetown. Today's Order extends the timeline to complete construction and installation of an all-weather sound panel enclosure around the exhaust fans as originally identified in MassDEP's Notice of Noncompliance. The Workshop was found to be in violation of the state's Air Quality regulations and MassDEP's Noise Policy No. 90-001 by causing a nuisance noise condition.

6/8/17: MassDEP issued a Unilateral Order to BLB Trust/Edwin Mroz for Wetlands Protection Act violations in Maynard. The Order was issued to Marilyn Williams, Trustee of BLB Trust and to Edwin Mroz for filling and altering wetland resource areas without an Order of Conditions at a site located at 5 Burns Court in Maynard. BLB Trust owns the property and Mroz who also lives at the property has been conducting the work which has involved operating equipment, placement of unclean fill, and grading activities within a Bordering Vegetated Wetland (BVW) and 100-foot buffer zone. MassDEP issued a superseding order of conditions allowing work at the site in 2009, but that has since expired. Today's Order require the owner BLB Trust and Mroz to cease and desist from further activities within wetland resource areas and 100-foot buffer zone, implement erosion and sedimentation controls, hire a wetlands specialist to identify and delineate wetland resource areas at the site, assess impacts, and prepare a wetlands restoration plan.

6/8/17: MassDEP was notified by US District Court that Judge Mark G. Mastoianni has issued final sentencing in the case involving Berkshire Power Company, LLC in Agawam. The former instrumentation technician for Berkshire Power Plant in Agawam, was sentenced for tampering with environmental monitors in violation of the Clean Air Act. This is the final sentencing in the Berkshire Power criminal case. Scott Paterson, who cooperated as a witness, was sentenced by U.S. District Court Judge Mastroianni to 12 months of probation and ordered to pay a fine of \$1,300.

6/7/17: MassDEP entered into a Consent Order with 24 Basin Road for Waste Site Cleanup violations in Chilmark - Martha's Vineyard. Today's Order was executed with the owner of the Menemsha Cafe, located at 24 Basin Road in Chilmark. The site is the location of a small restaurant. Soil and groundwater at the site have been impacted with petroleum from a leaking above-ground fuel oil storage tank. The owner has failed to submit semi-annual reports in a timely manner, necessitating enforcement action. Today's Order now requires completion of cleanup actions by 7/1/18.

6/6/17: MassDEP issued a \$67,250 Penalty Assessment to Joseph Goodman for Asbestos Violations in Shrewsbury. The violations occurred at an unoccupied residential property that Goodman was renovating in Shrewsbury. The violations were discovered during two July 2015 inspections by MassDEP following up on a complaint from the Shrewsbury Building Department of an improper asbestos removal. MassDEP found numerous pieces of dry, asbestos containing sheet flooring, joint compound and plaster lying uncontained in the residence and in an open-top roll-off container at the property. MassDEP required all affected areas of the property to be cleaned up and decontaminated by a licensed asbestos contractor.

6/6/17: MassDEP entered into a Consent Order with a \$5,495 Penalty involving Simmons College for Hazardous Waste and Air Quality violations at 100 The Fenway in Boston. MassDEP inspected Simmons College in 2016 and found the violations. The violations included acting as a Small Quantity Generator (SQG) of hazardous waste, while not having any hazardous waste registration status. In addition, the respondent failed to file for the required Emergency Engine, failure to use good air pollution control engineering practices (in this instance, having insufficient stack height) on one of its

emergency engines. The respondent has agreed to correct the violations and remains in compliance.

6/6/17: MassDEP entered into a Consent Order with 241 West Water Street Realty Trust (the former Progressive Equipment at 241 West Water Street) for Waste Site Cleanup violations in Rockland. The site is the location of a former machine shop that manufactured parts and tools for the textile industry from the 1950s until 1991. Soil and groundwater at the site have been impacted with petroleum and chlorinated solvents from historic manufacturing operations. The owner has failed to submit semi-annual reports in a timely manner necessitating enforcement action. Today's Order requires site closure by 12/29/17.

6/6/17: MassDEP entered into a Consent Order to RJGC Realty, Inc. for Waste Site Cleanup violations in Seekonk. Today's Order is based on the failure of RJGC Realty, Inc. to conduct required comprehensive response actions at the site. A Notice of Noncompliance had previously been issued to RJGC Realty, Inc. on 9/27/16 that outlined the required comprehensive response actions and established deadlines for completion of the response actions. In response to a request by the consultant for RJGC Realty, Inc., today's Order was negotiated, establishing new deadlines for the completion of required comprehensive response actions.

6/6/17: MassDEP entered into a Consent Order with a \$12,500 Penalty involving Pacific Mills Acquisition LLC for Waste Site Cleanup violations at 300 Canal Street in Lawrence. The respondent is the owner of the property, a former Mill Complex. Pacific Mills Acquisition LLC has developed the property into mixed-use condominiums. MassDEP was not notified of contaminated soil on the property within 120 days as required. The release notification states that Pacific Mills Acquisition LLC had knowledge of the release on 1/7/14 and notified MassDEP on 12/28/16. Pacific Mills Acquisition LLC has sold some buildings/units of the condominium complex to a developer of residential properties.

6/2/17: MassDEP was notified by the Massachusetts Attorney General's Office that a civil complaint had been filed involving Clean Air Environmental and Neal Cass for Asbestos violations at various locations in Quincy, Cambridge, Charlestown, Brighton, West Roxbury, Chestnut Hill and Hyde Park. The complaint was filed in Suffolk Superior Court alleging air quality, hazardous waste and solid waste violations by licensed asbestos contractor Clean Air Environmental and an individual Neal Cass. The complaint alleges that Clean Air Environmental illegally removed asbestos at many locations and stored it improperly.

6/2/17: MassDEP entered into a Consent Order with a \$12,070 Penalty involving King Fisher Corp. for Solid Waste violations in Dartmouth. King Fisher Corp. accepted solid waste at this site without valid site assignment and handled the solid waste, creating a dumping ground. MassDEP issued a Unilateral Order on 1/13/16 which required King Fisher Corp immediately to cease accepting solid waste, implement measures to prevent emissions of offensive odors and/or nuisance conditions and discharges of pollutants to the environment. Under the Order, King Fisher Corp. was required within

30 days to submit a plan to MassDEP detailing proper management of solid waste at the site. King Fisher Corp. complied with the Unilateral Order. Under today's Order, King Fisher Corp. will pay the \$12,070 Penalty within 30 days.

6/2/17: MassDEP entered into a Consent Order with a \$98,350 Penalty involving Peninsula Home Builders for Asbestos violations at Manton Terrace in Brookline. Peninsula Home Builders is a construction company in Andover. The violations involved a vacant residential property at 8 Manton Terrace in Brookline. The Consent Order alleges that Peninsula Home Builders failed to notify MassDEP of asbestos abatement activity, failed to use a licensed asbestos contractor for abatement activity, failed to utilize proper abatement practices and procedures during the removal of asbestos-containing material, and had dry, friable asbestos containing pipe insulation and shingles in piles and strewn about outside on the property. Peninsula Home Builders will pay \$30,000 of the Penalty with the remaining amount suspended for a two-year period.

6/1/17: MassDEP entered into a Consent Order with a \$4,000 Penalty involving Ultimate Abatement for Asbestos violations in Northampton. The company is based in Springfield and is registered as an asbestos abatement company that was retained to remove a residential building's exterior siding that contained asbestos-containing material at 206 Elm Street in Northampton. Upon inspection by MassDEP, workers were observed removing the siding via improper techniques in violation of Massachusetts Asbestos Regulations.

6/1/17: MassDEP entered into a Consent Order with a \$17,500 Penalty involving Allied Waste Services of Massachusetts LLC for Waste Site Cleanup violations in Brockton. The respondent failed to notify MassDEP under the requirements contained within the Waste Site Cleanup regulations. On 2/6/17, a trash truck owned and operated by Allied Waste Services released 25 gallons of diesel onto a roadway and catch basin. Allied Waste did not notify MassDEP of the release within the specified notification period, nor did they perform Immediate Response Actions to assess, eliminate, abate, or mitigate the impacts of the release until months later. Under today's Order, Allied will pay \$12,500 of the Penalty and \$5,000 is suspended if Allied Waste Services does not violate the same regulations for two years.

6/1/17: MassDEP entered into a Consent Order with a \$25,750 Penalty involving Lawrence-Lynch Corp for Randolph for Waste Site Cleanup violations. On 12/2/16 Lawrence-Lynch Corp. released 55 to 100 gallons of asphalt binder onto a roadway and catch basin. Lawrence-Lynch Corp. did not notify MassDEP of the release within the specified notification period. The company will pay \$15,750 and \$10,000 is suspended if Lawrence-Lynch does not violate the same regulations for two years

6/1/17: MassDEP was notified by the Massachusetts Attorney General's Office that a civil complaint had been filed against C&G Renewable Energy Systems for Solid Waste, Hazardous Waste, Waste Site Cleanup and Wetlands violations on Lafayette Road in Salisbury. MassDEP working together with the Mass AG's Office developed a case against C&G Renewable Energy Systems, its president Clyde Holland and its consultant William Trainor (together, the defendants). The complaint was filed in Suffolk

Superior Court, which alleges the violations involved the illegal storing of hazardous materials and solid waste materials on a property in Salisbury. The complaint further alleges that the defendants filled and altered wetland resource areas in multiple locations on the site. The complaint also alleges other defendants conducted work in other areas of the site in buffer zone without authorization; burying trash on site; reburying two 55 gallon drums that they had uncovered while moving material around the site; transporting two other drums with waste oil for disposal with no manifest and failing to notify MassDEP of sample results from soil on the property with reportable contaminants above listed concentrations.

May 2017

5/31/17: MassDEP entered into a Consent Order with a \$1,395 Penalty to Southbridge Sheet Metal Works, Inc. for Air Quality, Hazardous Waste Management and Toxics Use Reduction Act violations in Sturbridge. The violations were observed during inspections of the facility in November 2015 and December 2016. Specifically, the company had not submitted source registration reports, had acted out of its self-registered status (very small quantity generator of waste oil) and had not submitted its required Toxics Use Reduction report for methylene chloride for reporting year 2014. The company has corrected all the violations and agreed to the Penalty, and under today's Order will be directing \$1,046 of that amount towards purchasing a Quattro 4-gas meter for the Sturbridge Fire Department as a Supplemental Environmental Project.

5/30/17: MassDEP issued a Unilateral Order to the town of Ware to address public water supply source contamination. The Order requires the town, and Water Department, to provide notice to its customers to Boil Water, to implement its Emergency Response Plan, investigate the condition of the source, adjust disinfection and complete additional monitoring.

5/30/17: MassDEP issued 211 Notices of Noncompliance in May as part of Underground Storage Tank (UST) regulation enforcement. These UST facility owner/operators failed to have their compliance certification completed by their respective due dates. MassDEP gave the offenders 45 days to return to compliance and those that fail to do so will be subject to additional enforcement, which may include financial penalties. Additionally, MassDEP also issued Reporting Penalty Assessment Notices (RPANs) to another 43 UST facility owner/operators in May for failing to respond to previous NONs. These UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

5/26/17: MassDEP issued a Unilateral Order and Demand Letter to David and Michelle Biddle of Hatfield for a Penalty in the amount of \$7,187.50. MassDEP took the action in connection with a discharge to a wetlands from a tank used to collect wastewater from the home and pump it to the municipal sewer. The Unilateral Order requires that the

repair of the failed pump to ensure that wastewater is discharged to the municipal sewer system.

5/26/17: MassDEP entered into a Consent Order with a \$20,000 Penalty involving American Environmental, Inc. for Asbestos violations at 1883 Main Street in Springfield. American Environmental, Inc. violated the regulations by causing conditions which posed a potential threat to human health, safety and welfare or to the environment during asbestos abatement activities. On 11/15/2016, and 11/17/2016 MassDEP conducted unannounced asbestos field inspections at the site, on both days upon arrival, MassDEP observed friable asbestos debris (spray-on fireproofing) and water run-off on the exterior sidewalks from the asbestos abatement activities occurring inside the structure. American Environmental, Inc. agreed to the Penalty as part of the settlement agreement.

5/17/17: MassDEP entered into a Consent Order with a \$47,500 Penalty involving Peter O. MacLeod and Bridget S. MacLeod for Wetlands violations at 143 Pleasant Valley Street in Methuen. The property is currently undergoing development of one commercial building, with a second to be constructed in the future. This activity is being done under a Superseding Order of Conditions (SOC) that was obtained under the Wetlands Protection Act process. Upon an unannounced inspection by MassDEP, it was discovered that multiple notification, reporting and erosion control conditions contained in the SOC had been violated resulting in sedimentation into the buffer zone and alteration of 700 square feet of Bordering Vegetated Wetland (BVW). Today's Order now requires continued site stabilization, sediment removal, full BVW restoration and monitoring, and continued development in full compliance with the SOC. The respondents will pay \$10,000 with \$37,500 will be suspended pending compliance with all the terms of today's Order.

5/15/17: MassDEP issued a Unilateral Order to Michael James Cove for Underground Storage Tank (UST) violations in Hubbardston. The violations included not arranging for third-party inspections or updating his tank registration information since taking ownership of a UST in 2006. The tank in question is located at a single-family residence with a large garage that once housed a bus company. Cove has not responded to MassDEP's previous Notices of Noncompliance for failing to remove the abandoned tank or have it inspected. Today's Order gives Cove 120 to remove the tank or close it in place, or additional enforcement action, which could include financial penalties.

5/12/17: MassDEP entered into a Consent Order with a \$500 Penalty involving Virginia Golemba for Waste Site Cleanup violations at 708 Main Street in Springfield. Golemba is the owner of commercial real estate at this location where on 7/9/16, MassDEP responded to a release of fuel oil to the parking lot at the site which was caused by an abandoned Underground Storage Tank (UST). Initial response and cleanup actions were conducted by MassDEP utilizing a state-funded contractor. Golemba was subsequently determined to be the owner of the property, and a Notice of Responsibility (NOR) was issued to her on 7/29/16. Although Golemba submitted a Release Notification Form, she failed to submit an Immediate Response Action Plan, which is required here for the removal and assessment of leakage from the abandoned UST.

This requirement was spelled out in the NOR. Golemba also failed to respond to a Notice of Noncompliance that set a deadline of 11/20/16 for her to retain a Licensed Site Professional to submit the Immediate Response Action Plan. Under today's agreement (Consent Order) Golemba agrees to arrange for removal of the UST and submit an Immediate Response Action Plan or Permanent Solution Statement for the site within 30 days of the date of execution.

5/12/17: MassDEP issued a Unilateral Order to Double S Farms, LLC for Solid Waste violations in Dartmouth. The violations are for accepting solid waste materials for disposal including cranberry waste by-products, stumps, and sand with clam shells. Today's Order requires Double S Farms, LLC to cease the acceptance of solid waste for disposal and to submit a plan within 30 days indicating how Double S Farms, LLC intends to comply with the solid waste regulations. MassDEP is working in coordinated fashion with the Massachusetts Department of Agriculture (MDAR) and the Town of Dartmouth. Double S Farms, LLC possessed a registration for 'Agricultural Composting' with Massachusetts Department of Agricultural Resources, but that registration expired on 3/31/17.

5/10/17: MassDEP issued a Unilateral 'Do Not Use' Order to the town of Falmouth for Drinking Water violations. The Order was issued so as to restrict the town's use of the Fresh Pond Well as a Drinking Water Source. On 4/14/17, the town received perchlorate results that exceeded the 2.0 ug/l (micrograms per liter or parts per billion) that exceeded the maximum contaminant level allowed. The town immediately removed the well from service. Today's Order requires Falmouth to provide public notice, investigate the source of the contamination, and submit a corrective action plan. Today's Order prevents the well from being used until MassDEP issues written authorization to do so. Falmouth has other surface and groundwater sources to supply its customers.

5/10/17: MassDEP entered into a Consent Order with Lawrence A. Kilroy and Andrea J. Kilroy regarding the public water system serving the Barn Owl, a restaurant located in Warwick. They are owners of the public water system and, under today's Order, are required to address monitoring, the use of a licensed operator, maintenance and use of an existing source.

5/8/17: MassDEP issued a \$2,580 Penalty Assessment Notice to Pete's Sales and Service, Inc., for Underground Storage Tank (UST) violations at 69 South Main Street in Sheffield. The violations, which have subsequently been resolved, included failure to test leak detection equipment and overfill prevention devices, and failure to have a third party inspection of the USTs.

5/5/17: MassDEP issued a Demand for \$2,500 in Previously-Suspended Penalty to Emerald Pines in Methuen. The violations were on a property under development known as Emerald Pines located off of Howe Street in Methuen. The violations resulted from failure to prevent a discharge of silt laden water from an unfinished foundation drain system on the property into Bordering Vegetated Wetland and Hawkes Brook for approximately four hours on 4/4/15. The violation was "self-reported" and the discharge

immediately stopped upon discovery by the violator's Environmental Monitor. Today's Demand Letter requires payment of a portion of the suspended penalty in the amount of \$2,500 within 30 days.

5/3/17: MassDEP entered into a Consent Order with a \$53,000 Penalty involving Northstar Recovery Services for Asbestos violations in Auburn. Northstar Recovery Services, Inc., is a licensed asbestos contractor in Massachusetts. The violations occurred during an asbestos removal department store in the Auburn Mall while the store was open for business. The violations were discovered during a September 2016 inspection by responding to a complaint from the Auburn Health Department. Inspectors found Northstar personnel had removed asbestos containing floor tiles and mastic without using any containment or air-filtration units. No notification was filed with MassDEP for the asbestos removal work. Dry, broken asbestos containing tiles coated with mastic were observed in the parking lot (un-contained) and in an open top roll off at the site. MassDEP required Northstar to clean and decontaminate all affected areas of the store, parking lot and roll off and properly wet, package, label and dispose of all asbestos containing and asbestos contaminated waste.

5/3/17: MassDEP issued an \$860 Penalty Assessment Notice to Alternative Recycling Systems LLC for Solid Waste violations in Hatfield. The company was penalized for intentionally mixing pre-sorted recyclables with waste during pickup on a commercial route.

5/2/17: MassDEP entered into a Consent Order with Danversport Yacht Club Marina, LLC for Wetlands and Waterways violations in Danvers. The violations stem from Wetland Protection Act process, specifically, the permitting and (Chapter 91) license processing irregularities and documentation beginning in 1984. Today's Order clarifies existing authorizations, contains specifications for continuing authorizations, and provisions for compliance with future licenses and permits issued.

April 2017

4/31/17: MassDEP issued 48 Notices of Noncompliance in April 2017 relative to Underground Storage Tank (UST) Enforcement. These facility owner/operators failed to either have a UST third-party inspection (34 cases) or return to compliance plans (14 cases) completed by their respective due dates. The agency has now given these offenders 30 days to return to compliance. Those that fail to do so will be subject to additional enforcement measures, including financial penalties. In Massachusetts, the UST facility owner/operators are required to hire MassDEP-approved third-party inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

4/27/17: MassDEP entered into a Consent Order with Silver Bell Farm, LLC in connection with Water Supply Regulations in Monson. Silver Bell Farm, LLC operates as a public water system and today's Order addresses requirements related to

continued monitoring, certified operator, the maintenance, as well as new source and use of an existing source.

4/27/17: MassDEP issued a \$30,000 Penalty and Unilateral Order to Second Realty Trust for Waste Site Cleanup violations at 954 North Main Street in Randolph. The Trust failed to comply with the requirements for filing a classification relative to the cleanup of the contamination at this site (known as a Tier Classification). Second Realty Trust owns a gas station at 954 North Main Street at which there had been a release of oil. Second Realty Trust did not respond to a Notice of Noncompliance and a Notice of Enforcement Conference issued by MassDEP. In addition to the Penalty, today's Order requires completion of certain response actions by 7/1/17.

4/27/17: MassDEP entered into an Amendment to an existing Consent Order with the Lopes Companies, LLC in Taunton. The Lopes Companies has agreed to the established stipulated penalties since the company exceeded timelines to come into compliance with violations of the Air Quality Regulations established in the original Order. The Amendment requires the Facility to pay stipulated Penalty of \$2,000.

4/25/17: MassDEP entered into a Consent Order with a \$15,200 Penalty involving GEE Realty Trust for Wetlands violations in Swansea. GEE Realty Trust is the owner of property in Swansea on which approximately 9,000 square feet of bordering vegetated wetlands had been filled. Today's Order requires the respondent to prepare a wetland restoration plan and restore the altered areas. Under today's Order the Trust will pay \$7,600 and MassDEP has agreed to suspend the remaining amount of the Penalty contingent upon the successful completion of the required actions.

4/25/17: MassDEP entered into a Consent Order with an \$11,500 Penalty involving Minast, LLC for Waste Site Cleanup violations at 4 Presidential Way in Woburn. Minast LLC has failed to meet the applicable cleanup requirements for contamination at this property. Minast LLC failed to submit a Release Abatement Measure (RAM) plan prior to managing contaminated soils on the site. The LLC has built a 5,000 square foot office showroom, warehouse/manufacturing facility. The property is for lease. Minast LLC has agreed to pay \$2,500 of the Penalty, and MassDEP has agreed to suspend the remaining \$9,000.

4/25/17: MassDEP entered into a Consent Order with US Petroleum, Inc. for Waste Site Cleanup violations at 70 Galen Street in Watertown. US Petroleum Inc. is the owner and/or operator of the property at 70 Galen Street. The specific Waste Site Cleanup violations were failure to meet deadlines under the regulations and as set out in a Notice of Noncompliance that MassDEP had issued to the company previously. Today's Order notes the owner was required to submit a Release Abatement Measure (RAM) completion report submitted by 4/17/17, and every six months thereafter until the submittal of a RAM completion statement which meets the applicable cleanup requirements. Respondent shall submit the required RAM Status Report by 12/20/18, and submit a permanent or temporary solution statement for the site, which meets the requirements. Or, if appropriate, a Remedy Operation Status (ROS) that meets the

appropriate cleanup requirements. Today's Order contains a stipulated penalty provision for any missed deadlines henceforth.

4/24/17: MassDEP issued a \$1,000 Demand for a Stipulated Penalty to Westfield Electroplating Company in Westfield. On 8/17/16, Westfield Electroplating entered into a Consent Order with MassDEP that required the company to submit a Plan Approval application for the use of acetone in its parts cleaning operation within 60 days of the date of execution of the Order. WEPCO failed to submit the required Plan Approval application and the stipulated penalty provision applies.

4/19/17: MassDEP issued a Demand for a previously-suspended \$2,500 Penalty to Three Rivers Fire District in Palmer. The District failed to meet the agreed-upon requirements of a previous Consent Order with Penalty. Today's demand is due to continued non-compliance with the Order and requires a payment of \$2,500.

4/13/17: MassDEP entered into a Consent Order with \$30,000 Penalty involving Brian Owens for Waste Site Cleanup violations. Owens is the owner of the property at 4 1/2 School Street in Amesbury. The property is a vacant two-family residence. There was a 200-gallon storage tank in the basement and oil was released from the tank in 2007. Specifically, the Waste Site Cleanup violations are: a failure to meet the established deadlines set out in a MassDEP Notice of Noncompliance on 3/28/14. Under today's Order, Owens is will pay \$4,000 of the Penalty with \$26,000 suspended, with a stipulated penalty provision for any missed deadlines.

4/11/17: MassDEP entered into an agreement with Excel Recycling, LLC, to address Air Quality compliance for its facility in Freetown. MassDEP and Excel Recycling, have agreed to enforceable deadlines to undertake noise mitigation activities associated with the operation of a metal shredder by installing sound barriers/noise absorbing equipment and implementing the sound monitoring required under its Final Air Quality Plan Approval issued by MassDEP on 11/29/16. In addition, the Order limits hours of operation for the shredder and requires that steps be taken to mitigate windblown material from leaving the site creating off-site nuisance conditions.

4/10/17: MassDEP entered into an Amendment to an existing Consent Order with Prospect Mountain Campground, Inc. relative to Water Supply Regulations in Granville. Today's Amendment assures corrective actions taken by this public water system are done to maintain compliance.

4/10/17: MassDEP issued an \$800 Penalty Assessment Notice to Saul Casdin relative to Air Quality violations in Cummington. The Penalty was due to open burning of construction and demolition material at his residence. This case was referred to MassDEP by the Cummington Fire Department.

4/7/17: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Lexington Savings Corp, LLC, for Waste Site Cleanup violations in Medford. Under today's Order Lexington Savings Corp, LLC will resolve the violation, specifically the failure to submit a release abatement plan prior to conducting response actions.

4/4/17: MassDEP issued a Unilateral Order and a \$1,000 Penalty Assessment Notice to Vicki Benford for Waste Site Cleanup violations in Russell. Benford owns the property at 173 Westfield Street in Russell. The Penalty was for Benford's failure to conduct the necessary assessment and cleanup of petroleum contamination in soil and groundwater at a commercial site which historically operated as a service station and auto repair facility. A scheduled enforcement conference to discuss resolution of the violations was not attended by Benford. Today's Order sets a schedule for Benford to come into compliance by conducting the necessary assessment and cleanup which would bring the site to closure

4/4/17: MassDEP entered into a Consent Order with a \$67,142 Penalty involving Wyman-Gordon Company for Asbestos, Air Quality, Hazardous Waste and Underground Storage Tank violations in North Grafton. During inspections of the metal forgings company located at 244 Worcester Street in North Grafton in February and April 2016, MassDEP observed numerous violations. All told, 32 violations were discovered, including the mishandling and storing of asbestos-containing materials in an old boiler house. The Company also caused a condition of air pollution with a baghouse, failed to maintain acid scrubber maintenance records, did not have permits for new boiler burners and equipment, was recycling waste oil without a permit, did not mark hazardous waste and waste oil containers and accumulation areas, did not update a storm water pollution prevention plan, was not inspecting UST systems monthly, and did not maintain sumps properly. The Company has corrected or is in the process of correcting all the violations. It has agreed to resolve all the violations and will pay the entire Penalty.

4/3/17: MassDEP has entered into a Consent Order with a \$3,000 Penalty involving Berkshire Asphalt for Underground Storage Tank (UST) violations in Springfield. As a result of multiple MassDEP inspections, it was determined that Berkshire Asphalt was not in compliance with several UST regulations including failure to test the cathodic protection system and failure to conduct a third-party inspection of the UST system. Under today's Order, Berkshire Asphalt will remove the UST and pay \$1,500 with the remaining \$1,500 suspended pending compliance with the consent order.

4/3/17: MassDEP entered into a Consent Order with a \$26,960 Penalty involving Jamie McGuinness and Sons for Asbestos violations at Washington Street in Jamaica Plain (Boston). Jamie McGuinness and Sons is a demolition contractor who violated regulations relative to a release of asbestos containing material (mastic on the concrete foundation) during the development of property at the aforementioned address. McGuinness also started demolition work prior to filing a permit with MassDEP. The survey to identify possible asbestos-containing material that was done prior to demolition had cautioned the parties that the mastic was there and needed further sampling before the demolition of the foundation. In another area of the site, during excavation activities, a pipe was uncovered and broken up, releasing more asbestos-containing material into the environment. Under today's Order, McGuinness will pay \$8,700 in accordance with a payment schedule and the remaining \$18,260 will be suspended until a year after the final payment and waived if McGuinness has no

further violations during that time. After the violations, the material that had been released on the site was abated under a MassDEP-approved non-traditional plan.

4/3/17: MassDEP entered into a Consent Order with a \$26,100 Penalty involving Burnett Realty Co., Inc. for Asbestos violations at Washington Street in Jamaica Plain. The survey to identify possible asbestos-containing material that was done prior to demolition had cautioned the parties that the mastic was there and needed further sampling before the demolition of the foundation. In another area of the site, during excavation activities, a pipe was uncovered and broken up, releasing more asbestos-containing material into the environment. Under today's Order, Burnett will pay \$1,500 and the remaining \$24,600 will be suspended for one year and waived if Burnett has no further violations during that time. After the violations, the material that had been released on the site was abated under a MassDEP-approved non-traditional plan.

4/3/17: MassDEP entered into a Consent Order with a \$120,625 Penalty involving Amesbury Heights, LLC for numerous violations on Haverhill Road in Amesbury. Wetland Protection Act (WPA), Clean Waters Act, Surface Water Discharge Permit Regulations and Water Quality Certification Regulations violations at property on Haverhill Road (known as Amesbury Heights) in Amesbury. The property is being developed as a 240-apartment complex in five buildings with a club house, pool and parking areas governed by a local wetlands by-law Order of Conditions. On October 25, 2016 MassDEP received a complaint about silt discharging into wetlands and an unnamed perennial stream and flowing approximately 1.5 miles downstream into Bailey's Pond. MassDEP contacted the Amesbury Conservation Commission (ACC). The ACC was already investigating and had discovered the discharge resulted from a storm event overnight on 10/21/16 and 10/22/16, 2016, and was addressing the site attempting to stabilize conditions via a contractor. On 10/28/16 MassDEP was contacted by the ACC reporting that there had been erosion control failures on the property and silt was discharging into wetlands on and off the site and into the unnamed perennial stream, through Bailey's Pond and into the Merrimack River as the result of a storm event beginning the previous night. The ACC requested MassDEP assistance and MassDEP inspected the property that day and confirmed all discharges and violations. The ACC issued a cease and desist Enforcement Order limiting all site work to that which was necessary for the comprehensive stabilization of the property. MassDEP provided technical assistance to the ACC for site stabilization requirements which were subsequently revised via three Amended Enforcement Orders that were implemented. MassDEP found silt deposited from the releases at the property resulted in three areas totaling between 2,500-5,000 square feet of Bordering Vegetated Wetland (BVW) had been filled and altered on 10/21/16. Five areas totaling 21,758 square feet of BVW had been filled and altered on 10/28/16. One area totaling 1,001 square feet of Isolated Vegetated Wetland (IVW) was filled and altered on 10/21/16. Some of the BVW areas impacted are also located in bordering land subject to flooding and riverfront area because they are within 200 feet of the unnamed perennial stream and/or within the FEMA mapped 100-year flood zone. The filling and alteration occurred in violation of multiple conditions of the approval, and over the threshold for needing to have filed an application for a Water Quality Certification. Today's Order contains provisions for restoration of the resources areas (the BVW and IVW) with long-term

monitoring in addition to deadlines for BVW and Bank replication authorized by the previous approvals (orders of conditions). Under the terms of today's Order, \$60,000 will be paid, and \$30,000 will be suspended after one year providing continued compliance, and the remaining \$30,625 also suspended upon issuance of a letter signifying return-to-compliance.

March 2017

3/28/17: MassDEP issued a Unilateral Order to Micazajo Enterprises, Inc. for Drinking Water violations in Williamstown. Micazajo Enterprises is a public water system where MassDEP observed multiple violations of Massachusetts Drinking Water regulations during a Sanitary Survey inspection. The public water system serves the 1896 Restaurant in Williamstown. Today's Order requires Micazajo Enterprises, Inc. take corrective actions regarding its source, source-monitoring, treatment system, storage tanks and distribution system and operator oversight

3/23/17: MassDEP entered into a Consent Order with the town of Milford for Waste Site Cleanup violations at Milford High School. Specifically, the town violated a previously-established Activity and Use Limitation (AUL) at the Milford High School, 31 West Fountain Street. MassDEP first identified a failure to properly implement the AUL during an audit inspection in May 2015. MassDEP issued a violation notice to the town on 7/6/16 establishing a deadline for submitting a Licensed Site Professional (LSP) evaluation of current site conditions relative to the AUL requirements. The town failed to submit the requested documents by the established deadline. Today's Order includes a schedule to submit the required documents and bring the site back into compliance.

3/22/17: MassDEP was notified by U.S. District Court in Springfield regarding the sentencing in the Berkshire Power Company (BPC) and Power Plant Management Services (PPMS) case in Agawam. BPC and PPMS were sentenced for tampering with air pollution emissions equipment and PPMS was also sentenced for submitting false information to both environmental and energy regulators relating to the Berkshire Power Plant ("the Plant") in Agawam. BPC was sentenced to pay \$2.75 million in criminal fines for violations of the Clean Air Act and to make a \$750,000 community service payment to the American Lung Association to fund a program for the replacement of polluting wood burning stoves in western Massachusetts. PPMS was sentenced to pay \$500,000 in criminal fines for violations of the Clean Air Act and Federal Power Act and to make a \$250,000 community service payment to the American Lung Association's wood stove change-out program. In addition to the criminal fines outlined above, BPC and PPMS have agreed to pay \$3,042,563 plus interest to the Federal Energy Regulatory Commission in civil penalties and disgorgement for their misrepresentations to ISO-New England regarding the Plant's availability to produce power.

3/22/17: MassDEP entered into a Consent Order with the city of Brockton relative to Monponsett Pond. Today's Order addresses the city's statutorily authorized practice of diverting water from East Monponsett Pond to Silver Lake and its operation of the Stump Brook outlet dam from West Monponsett Pond. The Order requires the preparation of a Resource Management Plan that will include recommended metrics

and procedures for Silver Lake diversions and Stump Brook Dam operations that are intended to improve West Monponsett Pond's water quality and ecosystem while maintaining Brockton's drinking water supply system reliability.

3/16/17: MassDEP issued a Declaration of Water Supply Emergency involving Micazajo Enterprises, Inc. in Williamstown. Micazajo Enterprises, Inc. operates the 1896 Restaurant in Williamstown. The Declaration was due to the loss of water at its public water system. A frozen line from its source to the restaurant is the suspected cause. Today's Declaration allows the restaurant, with conditions, to make and use an emergency interconnection with a neighboring public water system.

3/15/17: MassDEP issued a Unilateral Order to Shah Property Corporation relative to Waste Site Cleanup violations in Westfield. Shah Property Corporation must establish deadlines for the assessment of petroleum contamination in soil and groundwater at an abandoned commercial property owned by Shah located at 41 Jefferson Street in Westfield. Today's Order sets a schedule for Shah Property Corporation to come into compliance by conducting the necessary assessment and cleanup of soil and groundwater which would bring the site to closure.

3/15/17: MassDEP issued a \$30,000 Penalty Assessment Notice to Shah Property Corporation for Waste Site Cleanup violations in Westfield. Today's Penalty was for Shah's failure to conduct the necessary assessment and cleanup of petroleum contamination in soil and groundwater at an abandoned commercial property. A scheduled enforcement conference for compliance assistance was not attended by Shah Property.

3/9/17: The Office of Dispute Resolution announced a Decision in the case involving a \$25,800 Penalty to Douglas Howarth for Waste Site Cleanup violations in Ashby. Howarth is the owner of a disposal site in Ashby where there has been a failure to assess and submit documentation required. MassDEP issued a Penalty Assessment Notice for \$25,800 in 2009, which was upheld on appeal to OADR. The Order now requires the owner to submit either a Tier Classification Submittal or a Permanent Solution Statement to the Department for the disposal site within ninety days.

3/9/17: MassDEP issued a Unilateral Order to Douglas Howarth for Waste Site Cleanup violations in Ashby. Howarth is the owner of a disposal site in Ashby following failure to assess and submit documentation required under the Massachusetts Contingency Plan and Chapter 21E. MassDEP issued a Penalty Assessment Notice for \$25,800 in 2009, which was upheld on appeal to Office of Administrative Dispute Resolution. As a result, today's Order requires the owner to submit either a tier classification submittal (a numerical ranking of the environmental contamination) or submit a permanent solution statement to MassDEP for the disposal site within ninety days.

3/8/17: MassDEP entered into two Amendments to existing Consent Orders with Granby and International EC, LLC, in Granby. The two amendments to existing Consent Orders with International EC, LLC, owner of a public water system known as The MacDuffie School in the town of Granby. The amendments adjust the schedule for

compliance with new source installation(s) to meet the source and storage requirements of the Massachusetts Drinking Water Regulations and to comply with lead and copper drinking water standards.

3/7/17: MassDEP entered into a Consent Order with Fonzo Realty Trust for Wetlands violations at Beverly. In September 1997, MassDEP issued a Superseding Order of Conditions (SOC) to the Fonzo Realty Trust for the construction of a Sam Fonzo Drive as a public roadway including sewer installation, drainage facilities, grading and alteration of approximately 10,000 square feet of Bordering Vegetated Wetlands. The SOC required all authorized work to be completed within three years unless extended. The work was performed in the late 1990s, no extensions were requested or issued, and the SOC expired in 2000. The SOC also required that a request for a certificate of compliance be submitted upon completion of the work. In September 2016, the city submitted a request for the certificate to MassDEP since the city had accepted Sam Fonzo Drive as a public street. MassDEP staff inspected the site and found that the project was completed with the exception of the failure of a wetland replication area required as mitigation for filling at a wetland crossing. Today's Order requires that the project be completed according to the terms and conditions of the SOC and a 2017 revised wetland replication plan. The document also requires monitoring and reporting of the replication area for five years.

3/6/17: MassDEP issued a Unilateral Order to Steaming Tender, Inc., for Water Supply violations in Palmer. The Boil Water Order was issued due to E. coli and total coliform bacteria detections within the distribution system of this, a public water supply. The Order requires an investigation, response actions, including boiling water or use of approved alternate water and follow-up monitoring and reporting to ensure safe water.

3/6/17: MassDEP has entered into a Consent Order with a \$3,800 Penalty involving Sara LLC d/b/a South End Gas Plus, for Underground Storage Tank regulations in Springfield. Sara LLC has failed to address underground storage tank (UST) violations at its Springfield facility. As a result of multiple inspections, MassDEP determined that Sara LLC failed to ensure that UST operators were onsite and failed to conduct monthly inspections of the UST systems. As part of today's Order, Sara LLC will pay \$1,200 of the Penalty and an additional \$2,600 will be suspended pending compliance with the terms of the agreement.

3/6/17: MassDEP entered into a Consent Order with ExxonMobil Corporation in Charlton to provide a public water supply and offer connections to properties in the area of a former ExxonMobil operated gasoline service station in Charlton. ExxonMobil has been sampling private drinking water wells and providing bottled water and/or treatment systems to impacted properties. Today's Order requires ExxonMobil to install approximately seven miles of waterline from the town of Southbridge and to offer free connections to 192 properties in the area, regardless of whether contaminants have been detected, in an effort to reach a Permanent Solution for the service station site. The cost of the waterline is estimated at approximately \$20,000,000. ExxonMobil will also provide an additional \$7,500,000 to the town of Charlton for operating and maintenance costs.

3/6/17: MassDEP entered into a Consent Order with a \$1,000 Penalty involving Shubh Ramesh Joshi for Waste Site Cleanup violations at 447 Water Street in Fitchburg. Shubh Ramesh Joshi is a resident of Somerville who failed to submit required documents one year after reporting a release of oil and hazardous materials at his Fitchburg property. He has agreed to pay the \$1,000 Penalty and submit the required documents within sixty days.

3/2/17: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Joseph Freedman Company for Stormwater violations in Springfield. The violations involved the discharge of cutting fluid to groundwater that occurred at Freedman's facility at 115 Stevens Street in Springfield. On 6/16/16, Freedman self-reported to MassDEP that discharges of machine cutting fluid to the storm drainage system. Cutting fluid is a water-based mixture that contains petroleum hydrocarbons and is utilized in the precision machining industry during fabrication of metal parts. Scrap metal chips are shipped by machine shops to Freedman for recycling. The fluid is regulated by MassDEP as an industrial wastewater. Prior to recycling, the chips are stored at the Freedman facility, and residual cutting fluid seeps from the chips and is collected in a holding tank. The discharge occurred when an employee pumped the contents of the holding tank to an outside storm drain. It is estimated by Freedman that ~2,500 gallons of cutting fluid were discharged to the storm drainage system at the property during the course of several months. The discharge was ceased as of 6/16/16, and Freedman retained an environmental contractor on that date to clean out the impacted storm drainage structures. Storm water from the property ultimately drains to Poor Brook, however, it is apparent that most of the cutting fluid infiltrated to soil underlying the storm drainage structures due to the age, construction and current physical condition of the structures. Prior to meeting with MassDEP to discuss the violation, Freedman re-trained its employees on procedures for collection and disposal of waste cutting fluid. Additionally, Freedman will address the soil and groundwater contamination from the cutting fluid.

3/1/17: MassDEP issued 41 Notices of Noncompliance to Underground Storage Tank facility owners/operators. These owner/operators failed to submit return to compliance plans completed by their respective due dates between 11/1/16 and 1/31/17. The agency gave the offenders 45 days to return to compliance by correcting violations previously identified in Third-Party Inspector (TPI) reports. Entities that fail to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved TPIs to inspect their tank systems every three years. TPIs report their findings to the agency. More information: [UST-TPI](#)

February 2017

2/28/17: MassDEP issued a \$29,960 Penalty Assessment Notice to Wilbraham Land and Development, LLC, for failure to address violations in a Unilateral Order on 12/16/16. WL&D is a Boston-based corporation that owns a mill complex at 176 Cottage Street in Wilbraham. The Order and today's Penalty are due to environmental conditions observed during inspections that were performed on 10/27/16 and 11/4/16, in

response to an anonymous complaint received by MassDEP regarding the presence of friable asbestos containing materials at the property in poor condition. The inspections confirmed violations of asbestos regulations including improperly covered thermal system insulation (TSI); pieces of TSI on the boiler room floor, and storage of removed other asbestos containing material uncovered and un-wetted. A number of transite pipes were also stored in the mill yard. Abandoned containers of unknown liquids, potentially hazardous waste or waste oil, were observed within the buildings at the site. Piles of solid waste debris including numerous scrap automobiles, tires, piles of construction and demolition debris and metal drums were noted at the property. A number of fluorescent bulbs and ballasts had been disposed of with conventional solid waste. Finally, a leaking oil supply line (since repaired by owner) was identified in the boiler room, with significant amounts of absorbent materials had been deployed on the basement floor to collect and contain this oil. The Order set a schedule for WL&D to correct the violations noted, develop a universal waste management plan, and investigate a potential abandoned oil storage tank located below the boiler room floor. WL&D did not respond to that Order, which led to today's Penalty.

2/22/17: MassDEP entered into a Consent Order with a \$30,000 Penalty involving DSK Realty Trust for Waste Site Cleanup violations at 36 Main Street in Rowley. DSK is the owner of the property where a gas station/auto repair shop is located. A truck ran into the pump island and the responsible party undertook to remove soil and replace tanks. Specifically, the violations currently center on the failure to meet deadlines set out in an enforcement document dated 10/28/16. Today's Order contains a payment of \$4,000 with \$26,000 suspended as well as a stipulated penalty provision for any missed deadlines.

2/22/17: MassDEP issued a Demand for a \$12,000 Stipulated Penalty Provision to A-Plus Waste and Recycling Services, LLC, in Middleborough. A-Plus Waste and Recycling Services, LL violated the terms of a previous Consent Order by not submitting three biweekly reports; not removing the approximately 1,000 cubic yard stockpile of compost material by 9/1/16; not screening and removing the estimated 13,680 cubic yards of finished and cured compost from the site by 10/1/16; not screening and removing compost and removing waxed cardboard from the site by 12/31/16; and, by failing to notify MassDEP 24 hours prior to change in site work on two occasions. The Stipulated Penalty Demand Notice requires A-Plus to pay \$12,000 within 30 days. MassDEP had entered into a Consent Order with A-Plus for noncompliance with the applicable Solid Waste Regulations for their compost operation at 88 River Street. A-Plus held a General Permit with MassDEP for Composting (including food material) in Middleborough. A-Plus violated MassDEP solid waste regulations by generating off-site offensive/nuisance odor conditions and not using best management practices at the site. MassDEP revoked the site's General Permit for composting and required A-Plus to follow an updated Operational Plan for Compost Materials Removal and Odor Control Plan ("the Plan") for the management and subsequent removal of the existing compost material on site and minimization of off-site nuisance odors.

2/22/17: MassDEP entered into a Consent Order with the town of Norton Middle School for Groundwater Discharge violations involving the Wastewater Treatment Plant. The

violations were for failure to adequately treat and discharge wastewater from the Middle School WWTP in accordance with their Groundwater Discharge permit. Under today's Order an evaluation of the plant will be completed to determine its ability to operate in compliance with the existing permit. If modifications are needed, today's Order includes timeframes for the submission of deliverables and the completion of the work. Today's Order also includes a \$12,650 Penalty which will be suspended provided the Norton School Department fully complies with the terms of the Order.

2/22/17: MassDEP executed a Consent Order with a \$6,000 Penalty involving Northern Arch Management, LLC, for Waste Site Cleanup violations in Ludlow. Northern Arch Management, LLC, failed to notify MassDEP within two hours of a sudden release of 15 gallons of hydraulic fluid that occurred at the Ludlow Service Plaza on the Massachusetts Turnpike in Ludlow. On 7/15/16, MassDEP was notified by Cumberland Gulf, operator of the service plaza, regarding a spill of an estimated fifteen (15) gallons of hydraulic fluid due to the failure of the hydraulic system on a compactor serving the MacDonald's franchise at the property. The MacDonald's Franchise is operated by Northern Arch Management, LLC. As reported, the hydraulic fluid spill was discovered by Cumberland Gulf while inspecting pavement staining at the site in the vicinity of the compactor. Gulf indicated that they were advised that an employee of Northern Arch was operating the compactor on 7/13/16 at approximately 2:00 PM, and a hydraulic line ruptured, impacting the area. MassDEP staff immediately responded to the site to oversee work performed by an environmental contractor retained by Cumberland Gulf to finish cleaning the spill. In order to resolve the violation, Northern Arch agreed to train its employees on notification requirements and appropriate response to spills of hydraulic oil, and to post signs in its compactor areas regarding these procedures. Northern Arch also agreed to submit the required documentation that would demonstrate the cleanup of the spill had been addressed, and pay a penalty of \$6,000.

2/16/17: MassDEP entered into a Consent Order with a \$17,820 Penalty involving Kwik Lube N Tune Inc. of Swansea. The station was found to be in violation of regulations pertaining to discharge of pollutants to ground waters of the Commonwealth, specifically use of injection well, and the failure to post waste oil accumulation areas along with failure to keep tanks containing hazardous waste closed. The Order, in addition to the Penalty, requires the responsible party to return to compliance before commencing operations.

2/10/17: MassDEP entered into an Amendment to a Consent Order with Falmouth Transfer Station pertaining to Solid Waste Regulations. Falmouth Transfer Station agreed to permit modification and relocation of its household hazardous waste, recycling collection and metal collection area. The amendment also permitted Falmouth Transfer Station to provide removable safety railing and installing closed circuit cameras to assist the town on Falmouth in better monitoring of the Transfer Station.

2/8/17: MassDEP entered into a Consent Order with a \$12,677 Penalty involving the Three Rivers Fire District in Palmer. Three Rivers Fire District must address noncompliance with Drinking Water Regulations identified during sanitary surveys and other on-site inspection. Among the issues to be addressed under today's Order

include: response to elevated copper, cross-connection control, operator staffing, treatment facility requirements and capital/long-term planning. Today's Order includes a penalty of \$12,677 with MassDEP suspending \$7,677 pending compliance with the provisions of the Order.

2/6/17: MassDEP entered into a Consent Order with a \$33,050 Penalty with the town of Maynard for Water Supply violations. The town of Maynard operates a Public Water System and Wastewater Treatment Facility. In January 2016, the town of Maynard exceeded the maximum contaminant level for total trihalomethane (disinfection byproduct) in drinking water and failed to conduct public notification within 30 days of knowledge. MassDEP conducted an inspection at the WWTF and determined that equipment and alarms were not functioning properly. The town of Maynard had also exceeded its discharge permit limits for total residual chlorine and fecal coliform. Today's Order requires the town to implement items identified in their Drinking Water corrective action plan including permitting and installation of treatment modifications. Finally, the town will submit to MassDEP a comprehensive evaluation of their WWTF focused on their chlorination/de-chlorination system and backup power supply. As the town has agreed to fully comply, MassDEP has agreed to suspend the penalty of \$33,055.

2/3/2017: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Rogers Street Partnership LLC for Waste Site Cleanup violations at 75 Rogers Street in Lowell. Rogers Street Partnership is the owner of the property at 75 Rogers Street in Lowell. The property is a former mill building/tannery on the Concord River and is being sold. Specifically, the violations were for failure meet deadlines MassDEP issued in a previous Notice of Noncompliance on 2/5/16. Under today's Order, \$1,000 of the Penalty will be paid, and the remaining \$1,000 will be suspended as well as a stipulated penalty provision for any future missed deadlines.

2/1/17: MassDEP entered into a Consent Order with an \$8,500 Penalty involving Wood Trucking Corp. for Wetlands violations at 27R Farm Avenue in Peabody. The violations concern the alterations of approximately 700 square feet of Bordering Vegetated Wetland (BVW), within a wetland replication area required by a previous Consent Order. This area was altered by up to 6 inches of silt that had been eroded from a large stockpile of fill material during a significant storm event. The BVW alteration was reported to MassDEP by the wetland scientist monitoring the replication area. Immediate steps were taken at the direction of MassDEP to remove the silt, overplant with seed, and implement corrective site stabilization measures. The Order requires monitoring, reporting and compliance with functional BVW performance goals in the replication area. The document also contains payment of the total penalty of \$8,500.

January 2017

1/31/17: MassDEP issued 84 Notices of Noncompliance in January relative to Underground Storage Tank (UST) Enforcement. The UST facility owner/operators failed to have third-party inspections completed by their respective due dates through last

November. MassDEP has given the offenders 45 days to return to compliance, and those that fail to do so will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#).

1/26/17: MassDEP entered into a Consent Order with an \$11,500 Penalty involving Fountain Plating Company, Inc., for Air Quality and Hazardous Waste Management violations in West Springfield. Based on information from a MassDEP inspection and data submitted by the company, MassDEP determined the company had failed to apply for an air quality plan approval for a dip-tank masking operation and had submitted late and inaccurate air quality plan approval reports. The company also failed to comply with hazardous waste labeling standards. As part of the Consent Order, Fountain Plating will pay \$8,500 of the Penalty with the remaining \$3,000 was suspended pending the company's compliance with the terms of the agreement.

1/25/17: MassDEP issued a Unilateral Order to Azon Realty LLC for Waste Site Cleanup violations in Agawam. Azon Realty LLC previously had filed a 'temporary solution' in September 2011 relative to a release of chlorinated solvents from historic dry-cleaning operations. The release of these solvents occurred on the site. The site is currently occupied by a new owner that operates a commercial business at this location. The temporary solution however, relied on the continued operation of a sub-slab depressurization system (SSDS) to maintain indoor air concentrations suitable for occupancy. Semi-annual documentation that the SSDS is operational and indoor air is suitable for occupation of the on-site building has not been provided to MassDEP, as is required under the terms of the temporary solution. Also, the required five-year periodic review was not submitted. The five-year review is to affirm that the conditions that support the temporary solution are being maintained. Azon Realty LLC has not responded to previous MassDEP attempts to correct the violations, and has not responded to MassDEP's issuance of a Notice of Noncompliance. Today's Order now requires Azon Realty LLC to evaluate indoor air conditions, conduct an imminent hazard evaluation, and determine whether the conditions for this temporary solution are being achieved.

1/25/17: MassDEP issued a Unilateral Order to Paracha, Inc. for Waste Site Cleanup violations in Holyoke. Paracha, Inc. filed a 'permanent solution' statement in May 2015 with MassDEP relative to the release of chlorinated solvents from former dry-cleaning operations that previously had operated at this location. A Department audit of the permanent solution statement in March 2016, however, identified several data gaps, including lack of investigation of potential sources of contamination and inadequate evaluation of potential indoor air exposure to chlorinated solvents that resulted in the Department issuing a Notice of Noncompliance. Paracha, Inc. did not provide adequate response to the NON and did not respond to an interim deadline extending the period of time to return the site to compliance. Today's Order directs Paracha, Inc. to collect the

necessary data to achieve (or re-establish) a permanent solution or to conduct other necessary response actions.

1/24/17: MassDEP entered into a Consent Order with a \$29,100 Penalty involving Sherwood Building Company for Asbestos violations at 1515 Riverside Drive in Somerset. The company failed to hire an Asbestos Inspector to conduct an Asbestos Survey prior to demolition and renovation activities, failed to submit notification to MassDEP, as well as failure to comply with asbestos removal and work practice requirements. Sherwood Building Company was renovating a former elementary school building that they owned and planned to lease to a public charter school. The renovations work resulted in the disturbance of asbestos containing wall and ceiling plaster throughout the school as well as asbestos containing thermal system pipe insulation in the basement. Sherwood Building Company has been assessed a civil administrative penalty of \$29,100, and \$8,100 is payable within thirty days. Thereafter, \$18,000 will be paid in four quarterly installments (\$4,500 each) over the next year. The remaining \$3,000 will be suspended for one year provided Sherwood Building Company does not violate any provisions of the Order or does not further violate any of the regulations.

1/20/17: MassDEP entered into a Consent Order with Bernardston Fire and Water District to address violations including: cross-connection inspections, certified operator violations, Water Management Act exceedances, and, an un-registered underground injection control (floor drain) violation. In addition to addressing the noncompliance, the District agreed to a penalty in the amount of \$23,330, of which \$5,000 is to be paid with the balance suspended provided the District complies with the requirements of today's Order.

1/17/17: MassDEP entered into a Consent Order with a \$5,750 Penalty involving the Villages of Brookside Condominium for violations at its wastewater treatment facility in Bourne. Brookside failed to install backup power at the remote pump stations in accordance with the approved plans. Today's Order ensures that installation of a generator at each pump station pursuant to the approved plans. A civil administrative penalty in the amount of \$5,750 will be paid to the Commonwealth within 30 days.

1/17/17: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Genuine Parts Co. (d/b/a Napa Auto Parts, Inc.) for Hazardous Waste Management violations in Southwick and Westfield. Genuine Parts Co. owns and operates multi-state auto parts supply stores. As a result of inspections conducted at the company's Napa Auto Parts stores located in Southwick and Westfield, MassDEP identified that these facilities were transporting waste oil generated by another facility without a valid license to transport hazardous waste. In addition, MassDEP identified a number of violations related to the handling of waste oil at those facilities. As part of the settlement agreement, Genuine Parts Co. will correct the violations, conduct an audit of all of their owned and operated stores in the Commonwealth, and pay \$8,000 of the Penalty with an additional \$2,000 suspended pending the company's compliance with the terms of the Order.

1/12/17: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Camp Greylock relative to Groundwater Discharge violations in Becket. Today's Order requires Camp Greylock to come into compliance through the construction of a Groundwater Treatment Facility due to a wastewater design flow greater than 15,000 gallons per day. A penalty in the amount of \$5,750 is suspended in its entirety, provided Greylock complies with the requirements of today's Order.

1/11/17: MassDEP entered into an Amendment to an existing Consent Order with Foundry Acres, a small public water system in Colrain. Foundry Acres serves a neighborhood of homes, but needs to comply with the requirements for a redundant source or secondary storage. Alternatively, some residents may elect to develop their own private wells, a reduction in the population served by Foundry Acres that would bring the system below the threshold that triggers public water system requirements.

1/6/17: MassDEP issued a Public Notice (non-boil order) to the Stoughton Water Department (population 25,954) will be issuing a Tier I Notice today pursuant to the requirements of the Groundwater Rule. The system received notification from their lab yesterday evening (1/5/17) that a raw water sample collected from groundwater source (Muddy Pond) had tested positive for E. coli. The system chlorinates but is not certified for 4-log (or 99.99% removal/inactivation) for this source. The Muddy Pond source has been taken off line. Distribution system samples collected on the same day have tested absent for both total coliform and E. coli. The Stoughton Water Department will collect the required five (5) repeat raw water samples this morning while pumping the source to waste. The region will work with the system on corrective actions based on the results of the additional sampling, and an inspection of the source. The Stoughton Water Department is interconnected with the MWRA and can take additional water as needed from the MWRA system to make up any water shortage which may result due to this source being taken off-line.

1/4/17: MassDEP entered into an Amendment to an existing Consent Order with the town of Gill for Water Supply violations at the Gill Elementary School in Gill. The School needs to install ultraviolet disinfection to allow the school to complete design changes to incorporate pre-filtration that is necessary to reduce iron and manganese prior to the UV disinfection.

1/4/17: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Northeast Behavioral Health for Waste Site Cleanup violations at 162 Federal Street in Salem. Northeast Behavioral Health is the owner or former owner of the property at 162 Federal Street. The property is a former school building. The violations were for failure meet deadlines set out in a previous Consent Order dated 4/28/14. Today's Order includes payment of a \$5,000 Penalty with \$25,000 suspended as well as a stipulated penalty provision for any missed deadlines.

1/3/17: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Quality Auto Repair for Hazardous Waste and Groundwater Discharge violations in South Hadley. As a result of an inspection of its South Hadley facility, MassDEP identified that the facility was discharging oil-contaminated wastewater directly to the land surface. In

addition, MassDEP identified a number of violations related to the handling of waste oil at the facility. As part of the settlement agreement, Quality Auto Repair will correct the violations and pay \$2,000 of the Penalty with the additional \$2,000 suspended pending compliance with the terms of the Order.