



Department of Environmental Protection

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Enforcement Actions - 2018

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

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

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

addition, FRP Holdings agreed to conduct additional response actions to address the chlorobenzene and petroleum hydrocarbon releases detected at its property. FRP Holdings will pay \$5,000 of the Penalty, and MassDEP has agreed to suspend \$5,000 of the Penalty provided all terms of today's Order are met.

1/22/18: MassDEP issued a Boil Water Order to John Hodgdon d/b/a CJ's Restaurant in Palmer. CJ's Restaurant reported detections of E.coli in its distribution system and source. Today's Order requires investigation, emergency response, public notice and corrective actions.

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

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

park with trails. Today's Order requires the payment of \$1,000 with the remaining \$31,000 suspended provided the requirements are met. There is also an additional stipulated penalty provision for any missed deadlines.

1/18/18: MassDEP entered into a Consent Order with a \$10,000 Penalty involving the Trustees of Boston College for Waste Site Cleanup violations in Newton, specifically, failure to notify of a release from an Underground Storage Tank with 72 hours of discovery. MassDEP agreed to suspend \$5,000 of the Penalty pending the Trustee's compliance with cleanup requirements.

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

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

1/12/18: MassDEP entered into a Consent Order with a \$9,158 Penalty involving Seaman Paper Company of Massachusetts, Inc., for Hazardous Waste and Underground Storage Tank violations in Templeton. On 8/16/17, MassDEP conducted an inspection and observed at this company's decorative tissue paper manufacturing facility that it had been accumulating waste oil for more than 90 days. Further, they were not properly labeling drums of waste oil or marking the accumulation area, and

had not conducted an integrity test on the two oil tanks sumps. Also, they had not posted required rectifier settings, did not have a properly-worded tank insurance document, and had not registered as a waste oil generator at its landfill gas-to energy plant at the Gardner landfill. In lieu of paying the total penalty to the Commonwealth, the company will be conducting a Supplemental Environmental Project (SEP) consisting of purchasing a vent fan, caution tape, propane meters, SCBA tanks, and fire truck piston intake valves for the local Fire Department.

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

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

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

go on gambling trips to Florida casinos. What work he did do was shoddy, not to code and not in compliance with MassDEP Asbestos regulations.

1/10/18: MassDEP entered into a Consent Order with a \$73,5750 Penalty involving Safety-Kleen Systems, Inc., for Hazardous Waste violations at 90 Rabbit Road in Salisbury. The facility is a licensed Hazardous Waste (HW) Treatment, Storage and/or Disposal Facility (TSDF). Today's Order resolves violations stemming from inspections on 5/24/17 & 6/13/17 where the violations included improperly labeled hazardous waste containers, failure to keep UST sumps, manways and spill buckets free and clear of any accumulated liquids, improperly placed leak detection sump sensor for the hazardous waste UST. The facility was also missing weekly inspection criteria, inadequate training, and some of its equipment was not in good operating condition or installed incorrectly. The violations included failure to remove accumulated liquid in the sump and spill bucket of the virgin solvent and leak-detection sump sensors not installed correctly, damaged or incorrectly installed UST equipment, inaccurate certifications, and failure to have certain records available for inspection. Under the terms of the consent order, Safety-Kleen will pay \$60,375 of the penalty and \$13,200 will be suspended provided there are no further violations over the next year.

1/9/18: MassDEP entered into a Consent Order with an \$11,870 Penalty involving the city of Everett, for Underground Storage Tank violations at the city's Public Works facility at 19 Norman Street. The city owns and operates two UST systems: a 10,000-gallon UST for gasoline and a 10,000-gallon UST for diesel fuel. MassDEP found numerous and serious UST violations, including failure to have a functional leak-detection system as required for both the regular gasoline tank and diesel fuel tank. MassDEP found that a leak detection system at the facility had not been functional or even powered for a period of years. In addition, the city failed to annually certify the interstitial monitoring system; failed to remove standing water from the tank-top sumps; failed to remove fuel, water, and solid debris from the dispenser sumps; and, failed to produce the gasoline and diesel fuel tank-top turbine sump and dispenser sump integrity test records. Additional violations included the following failures: to remove fuel and standing water from the following spill buckets; to produce the spill bucket integrity test records for all of the spill buckets; to inspect and test the overfill prevention equipment annually; to replace the missing diesel fuel tank-top sump cover and properly anchor the gasoline dispenser

pipings; to maintain the required records and/or was unable to make them available to MassDEP upon request; and, to paint UST covers with correct color(s) to identify contents. Today's Order requires the city to correct all violations, pay \$8,902.50 of the Penalty with \$2,967.50 suspended, provided the violations are corrected and the city maintains compliance with the regulations for a period of two years.

1/8/18: MassDEP issued a Unilateral Order to Worcester Country Club Acres, LLC for Wetlands violations at 190 East Mountain Street in Worcester. During the construction of a condominium complex adjacent to Poor Farm Brook the violation allegedly involved failure to maintain erosion controls as required by its Order of Conditions, and the resulting unauthorized alteration of approximately 3,000 square feet of Bordering Vegetated Wetlands (BVW) and 110 linear feet of Bank. Today's Order requires Worcester Country Club Acres, LLC to cease work other than that required to stabilize the site and to submit a plan to MassDEP for review in which the site would be returned to compliance.