



December 17, 2012

Mark Dakers, Acting Chief  
Solid Waste Management Section  
Massachusetts Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02347

**RE: Landfill Closure**  
**452 Old Fall River Road**  
**Dartmouth, Massachusetts**

Dear Mr. Dakers:

On behalf of Mary Robinson, the owner of property located at 452 Old Fall River Road, Dartmouth, Massachusetts (the "Site"), Boston Environmental Corporation (BEC) is pleased to submit the enclosed Proposal to cap and close the so-called Cecil Smith Landfill located on the Site (the "Landfill"). As we have discussed, BEC has had several meetings with the Dartmouth Town Officials including the Conservation Agent, Health Agent, Town Administrator and department heads. At this juncture, BEC is proposing to move forward with closure activities at the Landfill, on behalf of Ms. Robinson, in accordance with MassDEP's *Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites*. We anticipate that the MassDEP will want the involved parties to enter into an Administrative Consent Order (ACO) that fully defines the requirements for this closure project and establishes timelines for its successful completion. To that end, we have included along with our Proposal a Draft ACO for your consideration.

We would be pleased to meet with you, at your convenience, to discuss this Proposal and any other requirements necessary to move forward with this project. If you have any other questions please feel free to call me at 508-897-8062. Thank you again for your assistance with this project.

Sincerely,

T. Michael Toomey  
Executive Vice President

cc: Town of Dartmouth

**Proposal**  
**Cecil Smith Landfill - Final Closure Project**

**Project Proponents:**

Mary Robinson (Owner)  
383 Hixville Road  
Dartmouth, Massachusetts 02747

Boston Environmental Corporation  
338 Howard Street  
Brockton, MA 02302

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# **PROPOSAL CECIL SMITH LANDFILL FINAL CLOSURE PROJECT**

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## **1.0 Executive Summary**

### **Existing Conditions:**

- **Entire site acreage:** 94-acres
- **Existing landfill acreage:** 60-acres have been Site Assigned.  
The landfill footprint in need of capping is estimated to be 23 acres.
- **Existing Elevation of landfill area:** Existing elevations range from approximately elevation 72 to approximately elevation 82, mean sea level
- **Existing Environmental Monitoring of Landfill:**  
There is no known environmental monitoring program currently in-place. Existing groundwater monitoring wells, installed by others, will be evaluated for suitability as part of an Initial Site Assessment/Comprehensive Site Assessment-Scope of Work to be completed as part of this project. Additional monitoring wells and other monitoring locations will be established as required to evaluate groundwater, surface water, sediment quality and soil gas during the Comprehensive Site Assessment phase.

### **Proposed Actions:**

- **Proposed Post Closure Use**  
Mary Robinson, the owner of the Site, has an agreement with Nexamp to install a solar array to generate electricity on the Site once the Landfill is properly capped and closed. This intended post closure use will be subject to receiving necessary approvals through the Town of Dartmouth Departments, Boards and Commissions and MassDEP.
- **Proposed landfill area to be closed/capped:** 23 acres.
- **Proposed final elevation landfill:** Elevation 130 MSL (Approximate)
- **Type(s) of proposed grading/shaping materials:**  
Grading and Shaping Material to be accepted will be in accordance with MassDEP *Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites*. These materials may include low level contaminated soils as defined by MassDEP policy COMM 97-001 (*Reuse and Disposal of Contaminated Soil at Massachusetts Landfills*), coal ash, street sweepings, dewatered catch basin cleanings, dewatered dredge spoils in accordance with MassDEP Policy 94-007 and C&D fines and residuals produced by C&D processing facilities which are to be blended with soils).
- **Volumes of proposed grading/shaping materials required to achieve final capping grades/elevations:** 1,100,000 cubic yards  
Soil will be used as primary grading and shaping material
- **C&D "fines" & "residuals": Proposed volumetric mixing ratio of C&D fines and residuals:**  
1-part C&D fines to 2-parts soil with residuals at a possible higher ratio (Consistent with the

MassDEP approval issued to Stoughton Recycling Technologies for the closure of the Stoughton landfill)

- ***Proposed timeframe to bring in and place grading/shaping material:***  
36 months timeframe in order to better manage the truck impacts on the Town of Dartmouth and to optimize final grading for the construction of solar array panels.
- ***Proposed Operating Hours/Schedule:***  
7:00 am to 5:00 pm, Monday through Saturday
- ***Proposed timeframe to install/complete cap and close landfill area (three construction phases):***  
A phased final closure is proposed for this landfill. We intend to cap portions of the landfill area while continuing to place grading and shaping materials within other areas to achieve final grade and elevation. Filling will be conducted so as to maximize capping sections for each construction season.
- ***Proposed daily tonnage rate:***  
1,850 tons/day average based on a three (3) year project duration.
- ***Proposed number of trucks/day:***  
An average of 55 - 60 trucks/day based on the three (3) year project duration, excluding final cover soils.
- ***Maximum legal vehicle weight limit:***  
Per DOT Regulations 32-tons/load (soil)
- ***Transfer trailer capacity:***  
30 cy (loose)
- ***Average load per trailer:***  
Approximately 32-tons/load
- ***Proposed truck traffic routes:***  
See Attached route map for inbound and outgoing vehicles. Preliminary discussions have been held with the Town of Dartmouth concerning truck routing.
- ***Compacted soil density***  
1.4-tons/cy (2,800 pounds/ yds<sup>3</sup>)
- ***Un-compacted soil density in truck:***  
less than or equal to 1 tons/yds<sup>3</sup>
- ***Maximum load per vehicle:***  
32-tons/load (30yd<sup>3</sup>/load)
- ***If utilizing C&D "fines" & "residuals", un-compacted C&D fines and residuals density:***  
500 to 600 pounds / yds<sup>3</sup>
- ***If utilizing C&D "fines" & "residuals", compacted C&D fines and residuals density:***  
Approximately 700 pounds/ yds<sup>3</sup>

#### **Proposed Environmental Assessment:**

At the outset of closure activities for the Landfill an Initial Site Assessment and a Comprehensive Site Assessment Scope of Work (ISA/CSA-SOW) will be prepared in accordance with MassDEP Guidance and will be submitted to MassDEP for approval. Components of the ISA will include a detailed review of historical site assessment information to determine the general environmental characteristics of the site, relative to contamination. This review will develop an inventory of groundwater monitoring wells that have been reported to have been installed and monitored. A field investigation will be conducted to locate and assess the condition of the inventoried monitoring wells. The well assessment will include a

determination if the located wells appear to have been damaged or vandalized and may be developed to determine their ability to provide representative samples of groundwater.

Using the historical information that has been compiled and assessed during the ISA, the CSA-SOW will be developed. From the general environmental characteristics and the inventory of existing and competent groundwater monitoring wells, a sampling plan for groundwater and surface water will be developed for the CSA. If there are identified gaps in the existing groundwater monitoring well network, additional monitoring wells will be recommended to be installed. Other recommendations that will be developed in the CSA-SOW will be the groundwater and surface water sampling plan along with a recommended soil gas sampling plan which will include the installation of a soil gas monitoring network. Also a recommended CSA Report outline will be developed. The ISA/CSA-SOW Report will be prepared and submitted to MassDEP for review.

Following MassDEP's approval of the ISA/CSA-SOW Report, the site assessment work will be conducted. Groundwater and surface water will be sampled for four quarters, by techniques consistent with the approved ISA/CSA-SOW and MassDEP's *Standard References for Monitoring Wells*. Samples will be field screened for pH, temperature, dissolved oxygen and conductivity. In accordance with the Solid Waste Management Regulations at 310 CMR 19.132(1)(h)1-3, samples will be sent to a laboratory certified by the Commonwealth of Massachusetts for the analysis of the parameters required by the regulations. Soil gas monitoring wells will be field screened in accordance with the approved CSA-SOW.

Initial results from two sampling events of the CSA will be presented in a Draft CSA Report. Comments received from MassDEP and results of the final two rounds of sampling will be incorporated into the Final CSA Report. The Final CSA Report will include a risk characterization of the site and recommendations for the need of any further assessment; the need to conduct a Corrective Actions Alternative Analysis (CAAA); and a recommended scope for post-closure monitoring.

## **2.0 Project Overview and Objective**

BEC, on behalf of Mary Robinson, proposes to move forward with the capping and closure of the Landfill. BEC anticipates that MassDEP will enter into an ACO with Ms. Robinson and BEC pursuant to which BEC will conduct the design, environmental assessment and closure construction activities. Mary Robinson has entered into an agreement with BEC pursuant to which BEC will provide shaping and grading materials necessary for the closure activities and provide the financial support for the closure activities including establishing a Financial Assurance Mechanism (FAM) that is acceptable to the MassDEP.

Boston Environmental has retained SITEC Environmental ("SITEC") as the Engineer of Record for the project. Included with this package of materials are drawings of the Site prepared by SITEC which includes the conceptual landfill grading plan, wetland delineation plan and the test pit plan which were prepared in order to define the extent of waste at the Landfill. SITEC will prepare the required design plans for the Site and will be responsible for the preparation of the Corrective Action Design (CAD) Report for the Landfill. SITEC will also provide Construction Quality Assurance (CQA) services during final cap construction and will prepare necessary certifications upon completion. SITEC was selected based upon its extensive landfill closure design and contract administration experience in Massachusetts, including the Southeast region.

It is the primary objective of this project to complete the final closure of this inactive unlined landfill site for the protection of public health, safety and the environment. This closure project is to be conducted in accordance with construction standards prescribed in MassDEP Solid Waste Management Regulation 310 CMR 19.000 along with the DEP's 1997 Landfill Technical Guidance Manual. It is also the objective of this project to remediate those areas where waste has been buried beyond the limits of the main Landfill or within adjacent wetlands, and to prepare the Site for approved post-closure uses for the Site owner and neighborhood. These future uses could include pasture land or renewable energy generation facilities.

### **3.0 Landfill Description and History**

#### **3.1 Site Description and Abutting Properties**

The Cecil Smith landfill is located at 452 Old Fall River Road in Dartmouth, Massachusetts. The Cecil Smith Landfill was an active landfill from 1954 to 1974. The landfill was a private landfill which was used primarily for the disposal of construction debris waste during this period. The materials that were placed in the landfill generally consisted of demolition debris, brick, concrete and granite, along with scrap steel and tires. A single family home with a well and septic system is located on the Site. The single family home is located in the center of the Landfill area. This home is scheduled to be relocated to an area off the Landfill and the well and septic system will be closed in accordance with Massachusetts regulations as part of the closure activities. The Site currently is used as farmland for animals and temporary lodging. A wooden pallet re-furbisher also conducts activities on the Site. The Landfill closure plan includes the relocation of current tenants.

The site is bisected by an active Algonquin Gas transmission line and a New England Electric electrical transmission line. The area of the property approved for landfill operations according to the Site Assignment issued by the Town of Dartmouth is 60 acres. BEC has recently advanced 63 test pits at the Site which determined that the extent of the buried waste from the historic landfilling operation is approximately 23 acres in size. Should additional test pits be required during the development of the CAD, BEC and SITEC will install them at that time. It is anticipated that the actual limits of the waste have been determined by the extensive test pit program that was performed recently by BEC as well as the earlier programs that were performed by the EPA and previous consultants. It is believed that any new test pits that may be installed during the CSA activities would not be significantly different from what has been assumed in this proposal so the cost and physical projections of this proposal will not significantly change.

The area which was used for landfilling is surrounded by the Algonquin Gas line on one side and wetlands on the other three sides. The Landfill is listed as an inactive, uncapped landfill according to the Massachusetts Department of Environmental Protection Facility Master File listing. The land surrounding the Landfill is predominately wooded and undeveloped. Some residential homes and one commercial property, Gosselin & Sons Landscape Materials, are located to the north of the Site. Residential properties and undeveloped land abuts the Site to the south and undeveloped land along Old Fall River Road abuts the Site to the east. The Site is bordered to the west by residential properties, wetlands and woodland and the Cole Brook Swamp. The Site is bordered by Old Fall River Road to the north and Hixville Road to the south.

The topography of the area surrounding the Site gently slopes from east to west. Stormwater runoff from the Site ultimately drains into the Cole Brook Swamp located to the north and west of the former Landfill and then to Cole Brook located to the west of the landfill Site.



### **3.2 Current Regulatory Status**

On August 7, 2009, the MassDEP issued a Unilateral Administrative Order (“#UAO-SE-09-4001”) which required the respondent (Mary Robinson) to prepare and submit to MassDEP a Remedial Action Plan. The respondent failed to submit the Remedial Action Plan and consequently, the MassDEP issued a Notice of Enforcement Conference. Based upon the enforcement conference conducted on June 22, 2011, MassDEP prepared an Administrative Consent Decree that set forth the terms and conditions for achieving compliance. The Administrative Consent Order was not executed by the respondent and MassDEP.

The methodologies for achieving compliance considered within the Administrative Consent Order, as drafted, are not economically feasible at this time. The ACO contemplates all of the buried waste in the Landfill to be excavated, and separated, processed (screened), sampled, tested, and ultimately transported and disposed off site.

BEC, on behalf of Mary Robinson, proposes to install a cap over the Landfill using shaping and grading materials identified above and conventional final capping system materials, including the use of a geosynthetic membrane. The cost of the closure and assessment of the Landfill and the long term maintenance and monitoring of the Site will be offset by income generated by the acceptance of approved grading and shaping materials. Included with this Proposal, as Attachment 2, is a Draft Administrative Consent Order which incorporates the capping and closure methodology and project schedule.

### **3.3 Historical Waste Disposal Operations**

In 1954, a sand and gravel excavation operation began on Site and portions of the Site were used for the disposal of solid waste, primarily demolition debris. The areas excavated by the sand and gravel operation are assumed to have subsequently been used as primary areas for waste disposal.

In the 1960s the Site was used for disposal of demolition debris, which generally consisted of brick, wood, steel granite, and general demolition debris from buildings. During this period the Site was also used to store salvageable materials, principally scrap metals. The actual volume of materials that were disposed on the site is unknown. These practices continued until 1974 - 1975 when the operations ceased due to a dispute with the Town of Dartmouth. Although a landfill site assignment was granted to the Site, the sanitary landfill contemplated in the site assignment was never built.

In July 2009, MassDEP performed a Site inspection in response to a complaint of alleged illegal activity occurring on Site. During the inspection, MassDEP observed that areas of the Landfill had been disrupted (excavated) to retrieve recyclable materials, primarily metals. The reclaimed recyclable materials were observed to have been culled and stockpiled adjacent to the excavation areas.

### **3.4 Existing Environmental Studies, Reports and Regulatory Agency Actions:**

Below is a summary of the historic environmental studies that have been performed on the Site. This summary is based on EPA's Final Site Inspection Prioritization Report which was completed in 2004. Many of the reports mentioned in this summary are not available for review at the MassDEP file room.

#### ***1973:***

In the Summer of 1973, due to a complaint regarding the disposal practices at the Site, the Town of Dartmouth obtained a court order against the owner of the landfill to cease all disposal operations. In 1974 Massachusetts Department of Public Health inspected the site and found that oils and dredging were disposed of on the property.

#### ***1975:***

In March of 1975 Massachusetts Department of Environmental Quality Engineering ("MA DEQE") conducted an inspection of the site and reported violations of the Massachusetts Solid Waste Disposal regulations.

In March of 1975 the Town of Dartmouth procured another court order against the owner and operator of the landfill requiring the entire landfill to be covered with 1 foot of cover materials and prohibited future disposal operations.

On October of 1975 the Town of Dartmouth voted to assign a Sanitary Landfill area to the landfill. The assignment permitted Mr. Smith to operate a sanitary landfill on a 60 acres parcel on the Site.

#### ***1976:***

In April 1976 the Town of Dartmouth, Board of Health, granted a modification to the original site assignments to Clean Communities Corporation. The modified assignment permitted Clean Communities to operate a sanitary landfill on the 60 acre parcel.

#### ***1977:***

In October of 1977 GHR Engineering on behalf of Clean Communities conducted 43 test pits and installed 5 monitoring wells on the landfill as part of the preparation for the landfill operations.

#### ***1979:***

In October 1979, GHR submitted modified plans and a report to MA DEQE for operation of a 15-acre sanitary landfill within the assigned 60-acre portion of the Cole Brook property. These modified plans and report were essentially the same as those submitted on 3 May 1978 with the exception that no alterations of the site would occur within 100 feet of the wetland.

#### ***1980:***

In March 1980, MA DEQE approved the modified plans for operation of a sanitary landfill on 15 acres of the assigned 60-acre portion of the Cole Brook property. On 28 March 1980, on behalf of Clean Communities and in accordance with the Massachusetts Environmental Policy Act (MEPA), GHR completed an "Environmental Notification Form for Clean Communities

Corporation." The Environmental Notification Form (ENF), along with the revised plans, was subsequently submitted to the Massachusetts Executive Office of Environmental Affairs. The ENF was submitted so that the maximum landfill volume and rate could be increased over those specified in the plans approved by MA DEQE on 4 March 1980. The ENF provided a review of existing conditions at the Cole Brook property and provided plans to construct a new sanitary landfill on top of the existing solid waste landfill. The ENF stated that the proposal for the upgrading (reconstruction) of the existing solid waste landfill would include a gravel blanket-clay liner system to prevent any leachate generation and an extensive groundwater and surface water monitoring system to detect leachate. The ENF stated that the new landfill was proposed to operate at a rate of 600 to 700 tons per day with an ultimate volume of 500 acre-feet (807,000 cubic yards).

In May 1980, the Secretary of the Massachusetts Executive Office of Environmental Affairs approved the increase in tonnage from 100 tons per day to 700 tons per day, provided that a leachate collection system was installed prior to operation of the landfill.

**1981:**

In January 1981, MA DEQE approved revised plans for the increase in tonnage from 100 tons per day to 700 tons per day, provided that a leachate collection system was installed prior to operation of the landfill.

In July 1981, the Town of Dartmouth Conservation Commission issued a cease and desist order (regarding construction of the proposed sanitary landfill) to Shingle Island, Inc. (then Owner of the landfill). This order cited the property owner for violations of the Wetlands Protection Act and local wetlands bylaws.

In December 1981, GHR submitted a letter to MA DEQE certifying that the property had been improved such that the proposed sanitary landfill area had been graded and covered with a relatively impermeable clay liner material, and a protective cover of sandy soil had been placed over the clay liner. In addition, a leachate collection system was installed, which included a collection trench fitted with perforated polyvinyl chloride (PVC) piping and an underground collection tank. The letter further stated that all required monitoring wells and a fire protection well were installed on the property. Available file information did not specify whether these monitoring wells were those monitoring wells installed in October 1977 or whether these monitoring wells were subsequently installed on the property.

**1982:**

In January 1982, GHR collected five groundwater samples from "observation wells" B-1, B-2, B-5, B-6, and B-7 on the property. Analysis of the samples revealed the presence of one volatile organic compound (VOC) (benzene), one semi volatile organic compound (SVOC) [bis (2-ethylhexyl) phthalate], and eight metals (calcium, copper, iron, magnesium, manganese, potassium, sodium, and zinc).

In February 1982, the Town of Dartmouth Conservation Commission collected one leachate sample and one sediment sample from the property. Available file information did not specify the locations at which the samples were collected. Laboratory analysis of the samples indicated the presence of polychlorinated biphenyls (PCBs) (identified as Aroclor-1254) in both samples.

In addition, Aroclor-1242 was detected in both samples, but was not specifically quantified.

**1983:**

In March 1983, as part of a Preliminary Assessment (PA) conducted on behalf of EPA, NUS Corporation/Field Investigation Team (NUS/FIT) personnel conducted a perimeter survey of the Cole Brook property. NUS/FIT reported that the majority of waste disposed of on the property included "...demolition materials from construction." Also reported to be disposed of on the property was "...a variety of municipal waste..." and waste oil. NUS/FIT completed the PA in May 1983.

**1983:**

In December 1983, a court order placed a permanent injunction against conducting sanitary landfilling operations on the Cole Brook property on behalf of the Town of Dartmouth.

**1987:**

In April 1987, the Town of Dartmouth Building Department reportedly issued to Mr. Smith a permit to build a residence on a foundation located within the former solid waste landfill. In addition, a private drinking water supply well and a septic system were installed in conjunction with the construction of the house.

**1988:**

In October 1988, a "Revised Order and Judgment after Remand" ruled that the landfilling of demolition materials was permissible on the former solid waste landfill portion of the Cole Brook property because it was determined to be a prior non-conforming use. The revised judgment defined the scope of the non-conforming use permitted at the property, which included the following; landfilling operations were not to exceed 4,000 tons of demolition debris per year, and the elevation of the landfill was not to exceed 10 feet above the existing ground elevations.

**1990:**

In August, 1990, as part of a Screening Site Inspection (SSI) conducted on behalf of EPA, WESTON Alternative Remedial Contracts Strategy (ARCS) personnel conducted an on-site reconnaissance of the Cole Brook property. ARCS reported that the former solid waste landfill area is generally divided by the Algonquin natural gas pipeline easement. ARCS personnel observed that the portion of the former solid waste landfill located north of the AG pipeline easement was covered by vegetation, with the exception of the access road and areas in the vicinity of the residence and a barn. In the vicinity of the residence and barn, ARCS personnel observed an "intact roof structure" and several abandoned automobiles. Reportedly, the landfill was only slightly elevated above the access road; however, adjacent to wetland areas, the change in elevation was approximately 10 to 15 feet. Miscellaneous demolition materials and other solid wastes were observed to be exposed on the top and on the sides of the landfill. The landfill cover appeared to be a salty-sand material with numerous holes and voids. In addition, sea shells were scattered on the top of the landfill.

ARCS personnel reported that the portion of the former solid waste landfill located south of the AG pipeline easement was predominantly covered by short grass with miscellaneous solid waste piles scattered on the surface; this area did not appear to contain subsurface solid waste. However, immediately to the southwest of the AG pipeline easement, ARCS reported that solid

waste did appear to be landfilled. This area was covered by weeds and brush with solid wastes, including several abandoned automobiles, empty fuel tanks, concrete blocks, wooden pallets, and miscellaneous automobile parts and tires, scattered on the surface. In addition, an underground concrete tank was observed on the southwestern edge of the former solid waste landfill area, adjacent to wetlands. The dimensions of the tank were approximately 5 feet wide by 10 feet long. ARCS personnel could not verify the exact function of the tank; however, START presumes that the tank was part of the proposed leachate collection system. In addition, an uncapped 2-inch-diameter PVC monitoring well was located in the vicinity of this tank.

ARCS personnel reported observing oil-stained soil south of the AG pipeline easement "...near the miscellaneous automobile parts and fuel tanks and near a tire pile." Oil-stained soil was also observed adjacent to and north of the AG pipeline easement near an abandoned diesel engine.

In August 1990, ARCS personnel collected five surface soil samples (SS-411, SS-421, SS-421D, SS-431, and SS-441), including a duplicate, from the property. Four soil samples were collected at 6 inches below grade (SS-421, SS-421D, SS-431, and SS-441); one soil sample was collected at 12 inches below grade (SS-411). Sample SS-441 was collected east of the former solid waste landfill area (presumably up gradient of potential sources) to document reference conditions. The soil samples were analyzed through the EPA Contract Laboratory Program (CLP) for VOCs, SVOCs, pesticides, PCBs, metals, and cyanide.

For each sample location, a compound or element is defined as being above reference criteria if it is detected at a concentration greater than or equal to three times the higher of its respective matrix reference sample. However, if the compound or element is not detected in the reference samples, the reference sample's sample quantitation limit (SQL) (for organic analyses) or sample detection limit (SDL) (for inorganic analyses) is used as the reference value.

Three VOCs; 18 SVOCs; one pesticide; and six metals were detected in the samples at concentrations above reference criteria.

#### **1996:**

In April 1996, MassDEP (formerly MA DEQE) personnel secured a court order/search warrant to enter the Cole Brook property in response to anonymous complaints of the illegal disposal of solid waste, possibly including hazardous wastes, on the property and into adjacent wetlands. MassDEP's inspection revealed the presence of approximately 500 wooden pallets in a wetland buffer zone located along the main access road. Additional piles of wooden pallets (totaling approximately 4,000 to 5,000 pallets) were observed in wetlands and/or wetland buffer zones. MassDEP observed approximately 100 to 200 automobile tires, miscellaneous wood wastes, construction and demolition (C&D) debris, several abandoned vehicles (including a 40-foot box trailer containing approximately 500 automobile tires), what appeared to be a boiler and associated suspected asbestos-containing material (ACM), empty "barrels" (likely drums), areas of ash (signifying open burning), and suspected petroleum spills on the property. MassDEP personnel noted the locations and conditions of the groundwater monitoring wells on the property. The monitoring wells were locked; however, the locks were entirely rusted.

MassDEP reported that pieces of perforated PVC pipe were scattered on the ground. MassDEP concluded that this PVC pipe was the remains of the proposed sanitary landfill's base clay liner

and leachate collection system. MassDEP reported that the proposed sanitary landfill appeared not to have operated, but that the leachate collection system (inclusive of the clay liner) was scraped off and removed.

In June 1996, based on their inspection conducted in April 1996, MassDEP issued a Notice of Noncompliance (NON) letter to Mr. Smith. In December 1996, based on additional inspections of the property conducted in April 1996 and October 1996, MassDEP issued Release Tracking Number (RTN) 4-12656 and a Notice of Responsibility (NOR) letter to Mr. Smith. The NOR required Mr. Smith to employ a Licensed Site Professional (LSP) and complete an Immediate Response Action (IRA) pursuant to Massachusetts General Law (MGL), Chapter 21E.

**1997:**

In 1997, the Cole Brook property was reportedly under investigation by MassDEP's Regional Enforcement and Compliance Team (REACT) Strike Force. Reportedly, there had been illegal dumping of wastes, including hazardous wastes, in the former solid waste landfill area and the adjacent wetlands. Some of the waste disposed of in these areas included lead paint, asbestos, demolition debris, miscellaneous automobile parts, and waste oil. According to MassDEP's Regional Enforcement Department, the former solid waste landfill had been capped and was to be "piggy backed" by another landfill, with the cap on the solid waste landfill acting as a liner for the new landfill. However, after not receiving the proper permits to operate the new landfill, Mr. Smith allegedly removed the cap materials and sold them.

**2000:**

In February 2000, START personnel, on behalf of the EPA, conducted an on-site reconnaissance of the Cole Brook property from the AG pipeline easement, which was entered via the main access road to the Cole Brook property. The reconnaissance was conducted via the Algonquin gas pipeline easement since on-site access for the property was not granted by Mr. Smith. Along the access road, START personnel observed the roof of a barn and several dilapidated buildings. The yard area surrounding the on-site residence contained the remains of an abandoned canteen truck and mobile home; a corrugated metal cylinder; fiberglass; wood; boat wreckage debris; and several rusted, empty 55-gallon drums. START personnel also observed 5-gallon plastic buckets, pieces of scrap metal, and five large metal spheres (suspected to be buoys). Two piles of automobile tires (approximately 300) and a pile of automobile gasoline tanks (approximately 50) were observed north of the access road along the AG pipeline easement, on an island in Colebrook Swamp. It is unknown if stained soil existed on the property as snow cover prevented observation of the ground surface by START personnel.

In July 2000, START personnel conducted an off-site, perimeter reconnaissance to determine the accessibility of possible off-site surface water pathway sampling locations. START personnel interviewed neighbors and determined that the Cole Brook property was inactive, except for its use as a residence by one person, reportedly Mr. Smith's ex-wife. START further noted that Goslin & Sons Landscape Materials uses the portion of the Cole Brook property near the main access road as a storage area for supplies, both in piles and inside tractor trailers.

In October 2000, START personnel collected five sediment samples (SD-01, SD-02, and SD-05 through SD-07) from Cole Brook and two sediment samples (SD-03 and SD-04) from an unnamed tributary of Cole Brook located north of the Cole Brook property, to determine if there

has been a release of hazardous substances (associated with the Cole Brook property) to surface water. All the samples were collected off site because START was not granted access to the Cole Brook property. The samples were analyzed through a Delivery of Analytical Services (DAS) laboratory for VOCs, SVOCs, pesticides, PCBs, metals, and cyanide, with the exception of SD-04 and SD-06, which were analyzed for metals only.

Three metals were detected in the sediment samples at concentrations greater than three times the appropriate reference concentration or greater than or equal to the appropriate reference sample's SDL.

**2001:**

In February 2001, Ms. Robinson purchased the Cole Brook property from Shingle Island, Inc. In February 2002, St. Germaine & Associates, Inc. (St. Germain) of Scarborough, Maine, on behalf of New England Waste Services (NEWS) of Auburn, Massachusetts (a division of Casella Waste Systems, Inc. of Rutland, Vermont), initiated an Environmental Investigation of the landfill portion of the Cole Brook property. The Environmental Investigation was conducted as part of a proposal to cap and close the existing landfill on the property.

**2002:**

In February 2002, as part of the Environmental Investigation, St. Germain personnel collected five surface water samples (SW-01 through SW-05) and five sediment samples (SED-01 through SED-05) from five unreported locations along Cole Brook and an unnamed tributary leading into Cole Brook. Six SVOCs and one metal were detected in the sediment samples.

In February 2002, as part of the Environmental Investigation, Frank Corporation Environmental Services of New Bedford, Massachusetts excavated 42 test pits (TP-1 through TP-42) throughout the property. Twenty-three test pits were located south of the AG pipeline easement, and 19 test pits were located north of the AG easement. St. Germain personnel monitored and logged the test pit excavations. One soil sample was collected from each test pit, as well as from four pre-existing test pits (TP-A through TP-D) located north of the AG easement. No additional information regarding the locations of the test pits is available.

In February 2002, as part of the environmental investigation, Guild Drilling Company, Inc. (Guild) of East Providence, Rhode Island advanced nine soil borings at the Cole Brook property for the purpose of installing groundwater monitoring wells to assess the groundwater quality above the bedrock aquifer. Guild installed nine groundwater monitoring wells (MW-1S, MW-1D, MW-2, MW-3, MW-4, MW-5S, MW-5D, MW-6S, and MW-6D) in the soil borings. Subsequently, St. Germain personnel collected groundwater samples from each groundwater monitoring well and a drinking water sample from the drinking water supply well that serves the on-site residence.

In March 2002, St. Germain completed an Environmental Investigation Summary Report of the landfill portion of the Cole Brook property in DEP's file. The Environmental Investigation Summary Report was not available.

In December 2002, NEWS and Ms. Robinson submitted a "Proposal for Final Closure, Cold Brook Pines Landfill" (Closure Plan Proposal) to the Town of Dartmouth. The Closure Plan Proposal detailed the site history, the environmental site assessment completed by St. Germain, the closure plan, and benefit analyses of the proposed landfill closure.

**2003:**

DEP Bureau of Waste Site Cleanup, identified the following three potential key issues to be resolved before the initiation of the closure of the former landfill: clarification of property ownership, the presence of existing environmental contamination, and legal ramifications of the Superior Court Order issued on 3 October 1988.

In March 2003, Brown and Caldwell was retained by the Town to review the Final Closure Plan Proposal of NEWS and Ms. Robinson. In the memorandum, Brown and Caldwell stated that the basic plan to consolidate, shape, and cover the old waste in the former landfill was sound, but the proposal provided little detail regarding the following six aspects of the Closure Plan Proposal: current site characterization; previous on-site investigations; the anticipated regulatory structure within MA DEP guidelines; proposed shaping and grading of the landfill (anticipated traffic, materials, and material quantity); anticipated landfill engineering and site design; and anticipated economic benefits, operations, and post-closure plans. Specifically, Brown and Caldwell noted that the Closure Plan Proposal described some isolated environmental sampling results, but lacked any conclusions that would aid in determining the level of existing contamination on site.

In March 2003, the Town of Dartmouth BOH submitted a letter to NEWS in response to the Closure Plan Proposal. In the letter, the BOH required the following information prior to any additional landfill closure activities at the Cole Brook property: clarification of property ownership; a Town Counsel determination regarding the siting of the amount of waste required to accommodate the proposed grading; a determination from EPA and MassDEP that the site may be safely closed as a landfill without first conducting hazardous waste cleanup activities; and additional site information, including test pit logs and soil and water quality sampling results

In June 2003, as part of the ESI, START and MassDEP personnel conducted an on-site reconnaissance of the Cole Brook property. Based on observations made during the on-site reconnaissance, START assumes that operations in the landfill Closure Plan Proposal were never conducted at the property.

**2004:**

In January, February and April 2004, as part of the ESI, START personnel oversaw the installation of seven overburden groundwater monitoring wells (MW-01 through MW-07); collected nine surface soil/source samples (S0-01 through S0-09) from potential source areas on the Cole Brook property; collected 15 groundwater samples (GW-01 through GW-15) from groundwater monitoring wells MW-01 through MW-07 and from seven groundwater monitoring wells (SGA-01S, SGA-01D, SGA-02, SGA-03, SGA-04, SGA-05S, and SGA-05D) previously installed by Guild and St. Germain to determine if there has been a release of hazardous substances, associated with sources on the Cole Brook property, to groundwater; collected two drinking water samples (DW-01 and DW-02) from the on-site drinking water supply well to determine if there has been a release of hazardous substances, associated with



sources on the Cole Brook property, to drinking water; and collected 17 sediment samples (SD-01 through SD-17) from an unnamed tributary, Cole Brook, Shingle Island River, and on-site wetlands to determine if there has been a release of hazardous substances, associated with sources on the Cole Brook property, to surface water.

***July 2009***

The MassDEP response to a complaint of alleged illegal activity on the Site. During the inspection MassDEP observed area of the Landfill had been excavated to retrieve recyclable materials. These reclaimed materials were observed to have been culled and stockpiled adjacent to the excavation area. MassDEP observed evidence of ash and partially burned waste materials that had been excavated from the Site

***August 2009***

The MassDEP issued a Unilateral Administrative Order (UAO-SE-09-4001) to the respondent relative to the Post Closure requirements at the landfill and Disruption of landfill areas, as well as Open Burning.

The MassDEP required the respondent to cease activities, implement a Health and Safety Plan and submit a Remedial Action Plan. The respondent failed to do the prescribed actions and was granted an additional 30 days from the MassDEP to comply however the Remedial Action Plan was never submitted.

***March 2011***

MassDEP sent a Notice of Enforcement Conference to the Respondent

***June 2011***

MassDEP and respondent conducted the Enforcement Conference and the ACOP that was issued in August 2011 was the result of this conference. To date this ACOP has not been signed by the Respondent.

### **3.5 Recent Investigations and Closure Activities**

BEC and its sub-consultant SITEC, recently completed the delineation of wetlands throughout the entire property. All of the wetland areas have been surveyed and the delineation lines are indicated on the drawings. BEC, on behalf of Mary Robinson, filed a Request for Determination of Applicability (RDA) with the Dartmouth Conservation Commission requesting approval to conduct the limit of waste test pit excavations and to obtain concurrence from the Commission on the accuracy of the wetland delineation. The Dartmouth Environmental Affairs Officer, Michael O'Reilly, visited the site on two occasions to view the wetlands flagging. The Commission issued a Negative Determination on October 25, 2012 that allowed for the test pit investigations to be conducted without filing a Notice of Intent and also approved the delineated limits of on-site wetlands and associated resource areas.

BEC has completed an extensive topographic survey of the property and the area of the existing landfill. BEC was able to locate and review several historical drawings which reportedly showed the extent of the Landfill. These plans were prepared by the EPA as well as several consultants that worked on the Landfill property. To further define the Landfill and its boundaries, BEC conducted an extensive test pitting program. BEC excavated sixty-three (63) test pits around the Site to determine the limit of buried waste at the site. SITEC provided a field engineer who was on site at all times during this investigation, in order to verify each test pit location and log the depth and materials identified in each test pit. This test pit program and field survey provided a defined edge of the landfill and has been used to prepare the Conceptual Landfill Grading Plan which is attached. This conceptual plan will be the basis for the Corrective Action Design (Closure Plan) submittal to the MassDEP. BEC and SITEC believe that an accurate boundary of the Landfill has now been determined. Should there be areas that require additional test pit investigations during the development of the CAD or during the capping of the Landfill, BEC is prepared to perform these investigations in order to resolve any unanswered questions or concerns.

## **4.0 Landfill Closure Procedures and Schedule**

### **4.1 General**

The purpose of this proposal is to cap an inactive unlined landfill. There are many benefits that will be derived from this closure project. These benefits include:

- The risks that are currently posed by the uncapped Landfill, as it exists today, will be greatly reduced for the residences in the area.
- The potential impacts to groundwater quality will also be reduced.
- The single family residence that is located in the middle of the Landfill, that currently utilizes an on-site drinking water well, will be relocated to a residential lot that will be established off of the Landfill.
- The risks to the community and individual tenants of the property associated with the current farming and other activities on the Landfill property will be eliminated.
- The solid waste that is spread beyond the footprint of the landfill to other areas of the property will be consolidated.
- The conceptual post closure use will provide a sustainable and renewable energy and revenue source to pay for the post closure monitoring commitments.

### **4.2 Waste Consolidation and Site Preparation**

The current tenants on the property will be relocated as part of the site preparation. The single family residence will be relocated to a single family lot to be created beyond the footprint of the Landfill. BEC will block access points to the Site that may be present in order to limit access to the Landfill. Erosion controls will be installed and access road improvements will be constructed. BEC will establish interim storm water controls during the project to eliminate storm water run from the project going directly into Cole Brook swamp. The interim basins will be replaced with permanent basins when the project is completed. BEC was able to establish these temporary basins on our most recent landfill closure project which were very effective in controlling the storm water during the 5 year closure project. These temporary basins will be installed on both landfill mounds to control the stormwater in both areas. BEC will install a scale and scalehouse.

BEC will install a scale and scale house.

Based on the test pit program that BEC has already performed on the property, we anticipate that a limited amount of buried waste located along the edge or within identified wetlands will be removed and relocated back onto the Landfill. Other surficial waste on the property that was observed during BEC's investigations will be consolidated and placed back on to the Landfill during the course of the capping activities. A majority of this surficial waste was observed to be to the south of the existing Algonquin Gas Pipeline Easement that runs through the property. This material will be consolidated in the portion of the Landfill that is located south of the Algonquin Gas line. By consolidating the solid waste that is south of the gas line into that area of the Landfill, vehicular traffic across the active gas line will be reduced, mitigating potential risk associated with the utility. The Conceptual Landfill Grading Plan shows the two separate

landfill closure areas. The detailed procedures for this relocation will be further detailed in the Corrective Action Design. A copy of Algonquin Gas's Landlord access agreement is included in this proposal. This access agreement detailed the activities that can and cannot be performed this area of the gasoline.

#### **4.3 Shaping and Grading Materials**

The MassDEP has determined that a variety of materials can safely be used to bring sites to proper grade for closure, to provide an adequate foundation layer for final cover materials and to help defray the cost of closure. The criteria established for the types of materials that may be used for these closure activities are presented below:

**Use of materials during closure shall not significantly add to the actual or potential risk to public health, safety or environmental concerns of the unlined inactive landfill site.**

**Materials used during closure shall:**

- a) be non-putrescible and not contain contaminants that are likely to leach in the landfill environment;
- b) not significantly increase the concentration of contaminants in leachate or quantities of leachate released at the site;
- c) not significantly increase the toxicity or quantities of landfill gas released; and,
- d) not significantly increase nuisance conditions, such as noise, dust or odor, at the site.

**Closure materials shall have, but not be limited to, the following characteristics:**

- a) be granular and composed predominately of inorganic (mineral) materials to minimize settlement due to decomposition, gas generation, etc.;
- b) be easy to spread, compact to high density and not readily decompose over time;
- c) be well graded; and,
- d) a maximum size where no more than 10% of the material, by weight, exceeds 6" (nominal) in size with a maximum size of 12" in any dimension. However, the Department may require smaller size materials in its approval based on the processor's ability to achieve smaller size.

The DEP further states in the Final Guidance that they will consider the following specific material types for unlined landfill closure projects:

**The types of materials the Department will consider for grading and shaping materials include, but are not limited to the following:**

- a) clean soil;
- b) street sweepings;
- c) contaminated soil as defined by DEP Policy COMM-97-001;
- d) approved grading and shaping materials (C&D fines, coal ash, etc. and others as may be approved);
- e) catch basin cleanings (de-watered) from separate storm sewers (not from combined sanitary and storm sewers);

- f) dredge spoils (de-watered) (see DEP Policy COMM-94-007); and,
- g) residuals from C&D processing facilities; BEC will blend all C/D materials with soils at a ratio which is consistent with other similar projects (Marion and Stoughton) or as otherwise approved by MassDEP.
- h) residuals from Materials Recycling Facilities (recycling facilities, composting facilities, etc.) depending upon MassDEP approval of the physical or chemical nature of material.

The type and/or source of all materials used as grading and shaping materials shall be approved by the Department prior to use at the Landfill. Testing of materials (chemical, physical, etc.) may be required to determine whether it is suitable for use as grading and shaping material. Use of grading and shaping materials will be authorized under an Administrative Consent Order and the closure plan (CAD) approval, or other appropriate approval issued by the Department.

Unprocessed MSW, C&D or any other unprocessed wastes are **not suitable** for use as grading and shaping material in the closure of inactive unlined landfills.

Though it is anticipated that a **majority of the material to be used will be comprised of soils**, it is proposed that each of the above material types be determined suitable for grading and shaping on this closure project.

A detailed Material Acceptance Plan will be prepared and submitted to the Department within the application for Corrective Action Design (CAD) prior to start-up. This Plan will fully describe the procedures to be followed for screening incoming loads for unacceptable material, the contingency measures to be implemented should they be detected and the recording mechanisms for tracking the providers of materials to this facility. The Material Acceptance Plan will also include provisions for the review of analytical data by a Licensed Site Professional (LSP) to determine if the material is suitable for acceptance and use as grading and shaping material on this project. This data may also be subject to independent review by an LSP to be retained by the Town of Dartmouth.

MassDEP has identified that the use of C&D residuals and fines as grading and shaping material can, if not properly conducted, result in the generation of nuisance odors. In order to utilize these materials in the support of unlined landfill closure projects, the Department encouraged the conduct of evaluations of the factors that effect the generation of hydrogen sulfide, from soil and C&D fines and residuals mixtures. SITEC conducted these evaluations, in conjunction with MassDEP, at the Marion and Stoughton landfills. The conclusion of these studies is that the use of C&D fines that have a wide range of sulfate and organic concentrations, that are well mixed with soil at a ratio of at least two parts soil to one part C&D fines and good site management practices are followed, nuisance odors will not created. MassDEP accepts a more conservative ratio for C&D residual materials, since the same level of assessment has not been conducted for these materials. BEC will conduct all grading and shaping work that includes C&D fines and residuals in accordance with MassDEP guidance and approvals.

As can be noted on the attached drawing the existing home on the Landfill will be located more than 1,000 feet from the Landfill. The nearest residence is located within 550 feet of the edge of the Landfill. All proposed blending operations of C&D fines or residuals will be conducted in

areas of the Landfill that are outside of a 1,000 foot buffer area from these residences. The area outside the buffer would give BEC ample area to place the blended C&D fines without encroaching on this buffer area

#### **4.4 Proposed Primary Traffic Routes**

Attached is an aerial map of proposed truck route which shows the entrance and exit for trucks entering the Site. BEC has also provided an alternative trucking route. The primary truck route has been altered based on a meeting the BEC and SITEC had with the Town Administrator and Department heads in order to minimize nuisance conditions to residents situated en-route to the site.

##### **Primary Trucking Route: Route 140:**

The majority of the materials for this project will come from inside route 128 and the main truck route would be down route 24 to route 140. From route 140 the trucks would take exit 4 off of Route 140 on to Mt. Pleasant Street towards Airport Road for 1.9 miles. They would continue onto New Plainville Road which becomes Old Fall River Road. The site would be on the left hand side of the road in 1.3 miles.

##### **Secondary Trucking Route: Route 24**

Based on the discussions with the Town personnel they would prefer that this route be used as a secondary route, because the bridge at Faunce Corner Road over route 195 is scheduled for be repaired in the next year. From the route 128 area, the trucks would take route 24 to exit 4 to Route 195 east. From route 195 east they would take exit 12 on to Faunce Corner Road. They would take a left on Faunce Corner Road 1.9 miles and then a left on to Old Fall River Road. The Site will be on the left hand side of the road in 1.1 miles.

#### **4.5 Proposed Project Schedule**

BEC anticipates that the material acceptance required for the project will be completed in three (3) years and that phased final closure construction will occur concurrently, to the extent possible. A final phase of closure construction is anticipated to occur within the early part of fourth year of the project. This project duration is based on the volume of materials required to close this Landfill in a manner that will optimize the intended post-closure use for a solar array and at the same time not overburdening the vicinity with excessive truck traffic. BEC has proposed the schedule based on discussions with the Town of Dartmouth in order to reduce the number of trucks per day on local roads. Based on this schedule the Town of Dartmouth did not anticipate an issue with truck traffic.

A Notice of Intent (NOI) will be filed with the Town of Dartmouth Conservation Commission in order to obtain an Order of Conditions for the work to be conducted within wetlands resource areas and buffer zones associated with this final closure project. It is anticipated that this NOI will be submitted in January 2013.

A Notice of Intent will be submitted to the U.S. EPA for coverage under the Construction General Permit (CGP) of the NPDES Stormwater Program. A site specific Stormwater Pollution Prevention Plan (SWPPP) will be prepared and filed with the EPA for the disturbance of the land associated with this closure project. It is anticipated that this submission will be made in January 2013.

A Corrective Action Design (CAD) will be submitted to the MassDEP for this closure project prior to the commencement of closure activities. The CAD will provide detailed descriptions of the capping materials and construction methods for the phased final closure of the landfill. The CAD will include the use of Best Management Practices (BMPs) in the design of the Site wide stormwater management system for each of the phases of closure as well as the BMPs that will be used during the project to reduce the current uncontrolled runoff as well as the potential runoff from the capping related activities. The CAD will include final design site plans of the phased progression of closure, details, technical specifications and a Construction Quality Assurance (CQA) Plan that will describe the requirements for materials and construction techniques as well as for final certification upon completion. The use of low emission diesel engines on the heavy equipment will be used on this project as one of the BMPs to reduce emissions on this project. It is anticipated that the CAD will be submitted to the MassDEP in January 2013.

BEC will conduct an environmental assessment of the Landfill site in accordance with MassDEP regulations and Guidance Documents. This assessment will be done simultaneous to the placement of grading and shaping materials and final cover system construction activities. The assessment will include the completion of an Initial Site Assessment/Comprehensive Site Assessment-Scope of Work (ISA/CSA-SOW). The Comprehensive Site Assessment will commence upon MassDEP's approval of the proposed CSA-SOW. BEC will implement other remedial activities at the site should unanticipated issues be identified during the CSA process.

Due to the current need to unlined landfill space in Massachusetts, BEC would like to begin accepting materials as early as January 2013, following the required public informational meeting and the execution of an ACO with the MassDEP. BEC will provide the Department with the required Financial Assurance Mechanism (FAM) for the project to assure that there is adequate financial means to complete the project. The FAM amount will be based on engineering cost estimates to complete the assessment and closure of the Landfill site. BEC would provide the FAM for the project and would like to start stockpiling soils prior to approval of the final CAD, this would allow us to have a ready stockpile of soils for initial grading and a stockpile of soils for blending C&D fines.

BEC will prepare an Interim Material Stockpile Plan presenting suitable locations for these stockpiles and interim stormwater runoff control to be implemented. The stormwater controls include the construction of temporary basins at the perimeter of the landfill site as well as non-structural controls such as the use of haybales, silt fence and silt socks to prevent siltation from occurring within adjacent wetlands.

BEC anticipates this project duration to be three (3) years, however due to the recent uptick in the economy this duration may be shortened due to the increased need for unlined landfill space

for the placement of these materials and the closure of several unlined landfill facilities that had previously been available for use.

**\*\*\* END\*\*\***



## **ATTACHMENT 1**

**Power of Attorney, Authorizing  
BEC to Meet with MassDEP**

Ms. Mary Robinson  
383 Hixville Road  
Dartmouth, MA 02747



Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

Re: 452 Old Fall River Road, Dartmouth, MA (the "Property")  
Inactive/Unpermitted Landfill  
#ACOP-SE-11-4007

To Whom It May Concern:

This Letter will authorize Mr. T. Michael Toomey, Executive Vice President of Boston Environmental Corp., and/or other engineers and individuals working with him, to act for me in my name, place and stead in dealing with appropriate DEP officials regarding any and all matters involving my above-referenced Property and the Administrative Consent Order with Penalty dated August 23, 2011 relating thereto.

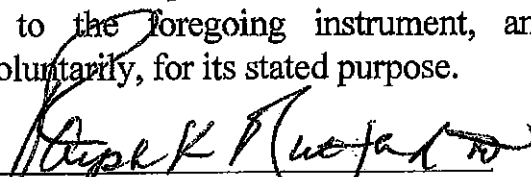
In Witness Whereof, I have hereunto set my hand and seal this 28th day of June, 2012.

  
Mary Robinson

Commonwealth of Massachusetts  
Bristol, ss:

On this 28th day of June, 2012 before me, the undersigned notary public, personally appeared the above-named Mary Robinson, proved to me through satisfactory evidence of identification, ie: personal knowledge, to be the person whose name is signed to the foregoing instrument, and acknowledged to me that she signed it voluntarily, for its stated purpose.



  
Ralph K. Mulford, III  
Notary Public  
My Commission expires: 12/12/2014

## **ATTACHMENT 2**

**Existing ACOP SE-11-4007**



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL PATRICK  
Governor

TIMOTHY M. MAY  
Lieutenant Governor

RICHARD M. SULLIVAN, JR.  
Secretary

KENNETH L. FLYMELL  
Comptroller

August 23, 2011

Ms. Mary Robinson  
383 Hixville Road  
Dartmouth, Massachusetts 02747

RE: **DARTMOUTH--BWP/SW**  
452 Old Fall River Road  
Inactive/Unpermitted Landfill  
FMF #39200  
Unpermitted Post-Closure Use  
Unpermitted Landfill Disruption  
**ADMINISTRATIVE CONSENT ORDER**  
**WITH PENALTY**  
**#ACOP-SE-11-4007**

**THIS IS AN IMPORTANT NOTICE.**  
**FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE**  
**COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Dear Ms. Robinson:

On June 22, 2011, the Massachusetts Department of Environmental Protection ("MassDEP") conducted an enforcement conference with you and your representatives concerning the referenced enforcement matter. During the conference the issues of regulatory noncompliance and a compliance schedule were discussed. During the enforcement conference it was agreed that you and your representatives would prepare and submit a proposed compliance plan and schedule as a means to achieve compliance. Also as agreed during the conference, MassDEP would, upon review of the proposed compliance plan, consider the proposed corrective actions and would, if deemed acceptable, prepare an Administrative Consent Order with Penalty (the "Consent Order") for your signature.

On or about August 10, 2011, MassDEP received a proposed compliance plan and schedule from your legal counsel.

MassDEP has considered the proposed compliance plan, and as discussed during the conference, has incorporated the terms, conditions and schedule for achieving compliance into the attached Consent Order.

Accordingly, please find attached two (2) copies of the final enforcement document, which upon signature and execution will serve as the mechanism for achieving compliance and the settlement of this enforcement matter.

Please review the attached document(s), and if acceptable, please sign both copies and return them to the Department within fourteen (14) days of their receipt for final execution. Upon receipt of both signed copies, MassDEP will sign both copies and will thereby execute the Consent Order. Once signed by both parties, MassDEP will return an executed copy to you for your records and will retain the other copy for its records.

However, if the compliance terms are not acceptable, please contact MassDEP as soon as possible but no later than the fourteen (14) day timeframe, for failure to do so could result in MassDEP withdrawing this settlement offer and could result in MassDEP pursuing other measures to achieve compliance.

Should there be any questions, please contact MassDEP at the letterhead address or telephone me at (508) 946-2833, Daniel d'Hedouville at (508) 946-2876, or Robert Johnson at (508) 946-2832.

Sincerely,

David B. Ellis, Chief  
Solid Waste Management Section

E/RHJ/rf

Dartmouth/Cecil/final ACOP send 4 sig.doc

Dartmouth/Cecil/final ACOP rev3.doc

CERTIFIED MAIL #7010 1060 0001 7067 1944

Attachment

cc: DEP/SERO  
ATTN: Regional Enforcement Office (2 copies)  
Dan d'Hedouville, OGC  
Laurel Carlson, DRD-BWP

may 22 12 09:21a 1 ayson Smith HOBDOCK 0117-275-0020 p.4

1

**COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

In the matter of: )  
)  
Cecil Smith Landfill )  
452 Old Fall River Road )  
North Dartmouth, Massachusetts )

File No.: ACOP- SE-11-4007

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY  
AND  
NOTICE OF NONCOMPLIANCE**

**I. THE PARTIES**

1. The Massachusetts Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Southeast Regional Office at 20 Riverside Drive, Lakeville, Massachusetts, 02347.
2. Mary Robinson ("Respondent") is an Individual who resides at 383 Hixville Road, North Dartmouth, Massachusetts. Respondent is the owner of land located at 452 Old Fall River Road, Dartmouth, Massachusetts (the "Site").

**II. STATEMENT OF FACTS AND LAW**

3. MassDEP is responsible for the implementation and enforcement of M.G.L. c. 111, §§ 150A and 150A1/2, the Solid Waste Management Regulations at 310 CMR 19.000, and the Site Assignment Regulations for Solid Waste Facilities at 310 CMR 16.00. MassDEP has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.

4. Respondent is the owner of the Site. The Site consists of approximately sixty (60) acres of land. Located on the Site is an area approximately fifteen (15) acres in size that contains evidence of historic disposal of solid waste (the "Landfill"), predominantly in the form of construction and demolition debris. According to MassDEP records, the Landfill disposed of solid waste between 1954 until 1974, when it ceased operations. In and around 1982, and subsequent to its ceasing solid waste disposal operations, the Landfill was closed/capped according to plans approved by the Department.
5. The following facts and allegations have led MassDEP to issue this Consent Order:
  - A. On July 17, 2009, MassDEP, acting in response to a complaint that alleged illegal activity occurring at the Site, conducted a site inspection. During the inspection, MassDEP observed that areas of the Landfill had been excavated to retrieve recyclable materials. These reclaimed recyclable materials were observed to have been culled and stockpiled adjacent to the excavation areas. MassDEP also observed evidence of ash and partially burned solid waste materials that had been excavated from the landfill.
  - B. On August, 7, 2009, MassDEP issued a Unilateral Administrative Order ("#UAO-SE-09-4001") to the Respondent relative to the following issues of noncompliance:
    - 310 CMR 19.142(5)(a), "Post-Closure Requirements", for conducting post-closure use activities at the Landfill/Site without benefit of prior written approval;
    - 310 CMR 19.130(32)(a), "Disruption of Landfilled Areas", for causing and/or allowing the excavation, disruption and/or removal of previously buried solid waste material without prior written approval, and thereby compromising the integrity of landfill and its cap; and

- 310 CMR 7.07(5), "Open Burning", for causing and/or allowing open burning to be conducted at a refuse disposal facility (e.g. landfill).

C. The August 7, 2009, UAO required the Respondent to:

- Immediately cease excavation activities into/at the Landfill - the Respondent shall stop any digging at the site and cover any exposed materials with six (6) inches of clean soil. Reclaimed landfill material (i.e. soil) is not suitable for cover material.
- Immediately implement a Site Safety Plan - the Respondent shall take all necessary action/precautions to ensure public health and safety on the Landfill, this includes, but is not limited to, notifying workers of the hazards associated with the solid waste and landfill gas.
- Within thirty (30) days of the issuance of the UAO, submit to MassDEP a Remedial Action Plan - the Respondent shall engage the services of a qualified professional engineer, who is registered in Commonwealth of Massachusetts experienced in solid waste management and design, in order to assess the current conditions at the Landfill and submit for MassDEP review and approval a plan and schedule to clean up, recap and otherwise remediate the exposed areas of the landfill.

D. On August 28, 2009, MassDEP granted the Respondent an additional thirty (30) days to submit the Remedial Action Plan.

E. The Respondent however failed to submit the Remedial Action Plan by September 28, 2009.



- F. On March 20, 2011, MassDEP issued to the Respondent a Notice of Enforcement Conference in order to discuss the issues of noncompliance with the regulations at the Site.
- G. On June 22, 2011, MassDEP conducted an enforcement conference with the Respondent regarding the described matter of noncompliance. During the conference, the terms and conditions for achieving compliance were discussed. This Administrative Consent Order embodies the issues of past noncompliance and sets forth the terms and conditions for achieving compliance.

### III. DISPOSITION AND ORDER

For the reasons set forth above, MassDEP hereby issues, and Respondent hereby consents to, this Order:

- 6. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.
- 7. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.
- 8. Respondent shall perform the following compliance activities:
  - A. **Within sixty (60) days of the Effective Date of this Consent Order**, the Respondent shall submit a BWPSW25 - Corrective Action Design ("CAD") plan application in accordance with the requirements contained at 310 CMR 19.150(6), the "Manual", and

the provisions of 310 CMR 4.00. The CAD shall fully describe the manner and means by which the Site will be remediated. In specific, all buried solid waste at the Site will be excavated, whereby the excavated materials will be tested and evaluated (both chemically and physically) for recycling, re-use, and/or re-disposal. All residual excavated materials (i.e. waste and soil) that is not deemed suitable for recycling, reclamation or re-use, shall be transported to an off-site permitted solid waste disposal facility. When completed, the excavation area will be restored to a condition that resembles natural conditions and does not pose an environmental detriment (e.g. hole). In specific, the CAD plan application shall, at a minimum, include the following components:

- i. Landfill Closure Plans - Detailed site plans delineating and describing the solid waste disposal area(s) involved in the excavation/closure activity, the depth of the excavation, all equipment that will be involved in the excavation activity, all storage areas for the excavated waste materials, all processing equipment (i.e. screening) for the excavated waste materials, all storage areas for the processed waste material, all end-point destinations (i.e. recycling or disposal) for the excavated/processed waste materials. All such "end-point destinations" must be permitted solid waste management facilities.
- ii. Confirmatory Sampling & Analysis Plan - A sampling & analysis plan, including a detailed description of the procedures and manner by which all excavated soils and basal soils will be tested, both physically and chemically, in order to demonstrate that all waste has been excavated and that the excavated area is free from residual contamination. The sampling & analysis plan shall also include a description as to the criteria by which excavated soils and materials will be either re-used at the site (as part of the site restoration after the completion of the remedial actions) or transported off-site to some other permitted location for disposal.

- iii. Health & Safety Plan - A comprehensive health and safety plan ("HASP"), including a detailed description of the manner by which any excavated hazardous or dangerous materials will be handled, remediated, transported, and disposed.
  - iv. Nuisance Prevention Plan - Detailed procedures describing the measures that will be implemented during the landfill excavation activity in order to control dust, noise, odors, litter, fires.
  - v. Environmental Monitoring Plan - An environmental monitoring plan describing the sampling procedures and schedule regarding the testing of the landfill's existing ground water monitoring network. At a minimum, these wells shall be sampled bi-annually (i.e. 2x/yr) pursuant to the criteria contained at 310 CMR 19.132.
  - vi. Site Restoration Plan - A final site grading/restoration plan.
- B. Within forth-five (45) days of MassDEP's issuance of a written approval of the BWPSW25 - CAD, the Respondent shall implement the CAD in accordance with any specific requirements and/or compliance schedule as contained therein.**
- C. Within two (2) years of initiating the approved CAD activities, the Respondent shall complete all waste excavation/evaluation/reclamation/restoration activities.**
- D. Within sixty (60) days of completing the approved CAD activities, the Respondent shall submit a set of certified "as-built" plans demonstrating that the CAD was implemented and completed as approved, and that the Site has been restored.**

#### ENGINEERING WORK

All environmental engineering work prepared and performed pursuant to this Consent Order shall be under the general direction and supervision of a qualified professional engineer registered in Massachusetts experienced in solid waste management and design. Any contractual relationship between Respondent and the engineer for work required hereunder shall require the engineer, as a condition of the contract, to implement work consistent with the provisions of this Consent Order.

#### PERMIT APPLICATION FEES

Pursuant to the provisions of 310 CMR 4.00, Respondent shall pay such permit application fee(s) in accordance with the instructions set forth in the permit application(s), and shall simultaneously deliver a copy of proof of the permit application payment to:

David B. Ellis  
MassDEP  
20 Riverside Drive  
Lakeville, Massachusetts 02347

9. Except as otherwise provided, all notices, all submittals and communications required by this Consent Order shall be directed to:

David B. Ellis  
MassDEP  
20 Riverside Drive  
Lakeville, Massachusetts 02347

Such notices, submittals and other communications shall be considered delivered by Respondent upon receipt by MassDEP.

10. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.
11. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that the deadlines set forth above constitute reasonable periods of time for Respondent to take the actions described.
12. Respondent shall pay to the Commonwealth the sum of twelve-thousand-six-hundred-fifty dollars (\$12,650.00) within thirty (30) days of the Effective Date of this Consent Order as a civil administrative penalty for the past violations identified in Part II above.
13. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.
14. This Consent Order may be modified only by written agreement of the parties hereto.
15. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

16. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.
17. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.
18. This Consent Order shall be binding upon Respondent and upon Respondent's heirs, successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.
19. If Respondent violates "any provision" of the Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of one-thousand dollars (\$1,000.00) per day for each day, or portion thereof, each such violation continues.

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for

separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

20. Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended and stipulated penalties, by certified check, cashier's check, or money order made payable to the Commonwealth of Massachusetts. Respondent shall clearly print on the face of its payment Respondent's full name, the file number appearing on the first page of this Consent Order, and the Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 3982  
Boston, Massachusetts 02241-3982

In the Matter of: Mary Robinson  
ACOP-SE-11-4007

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In the event Respondent fails to pay in full any civil administrative penalty as required by this Consent Order, then pursuant to M.G.L. c. 21A, § 16, Respondent shall be liable to the Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorneys' fees, including all costs and attorneys' fees incurred in the collection thereof. The rate of interest shall be the rate set forth in M.G.L. c. 231, § 6C.

21. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.
22. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to 452 Old Fall River Road in Dartmouth (the "Site") for purposes of conducting any activity related to its oversight and implementation of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.
23. FORCE MAJEURE
  - A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent's employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent's employees, agents, consultants, and contractors.



- B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.
- C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than five (5) days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.
- D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise complies with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.
- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.

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24. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.
25. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.
26. This Consent Order shall become effective on the date that it is executed by MassDEP.

**Consented To:**

Mary Robinson

By: \_\_\_\_\_

Mary Robinson, Owner

Federal Tax Payer Identification No.: \_\_\_\_\_

Date: \_\_\_\_\_

**Issued By:**

**MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By: \_\_\_\_\_

David Johnston, Acting Regional Director

Southeast Regional Office

Massachusetts Department of Environmental Protection

20 Riverside Drive

Lakeville, MA 02347

Date: \_\_\_\_\_

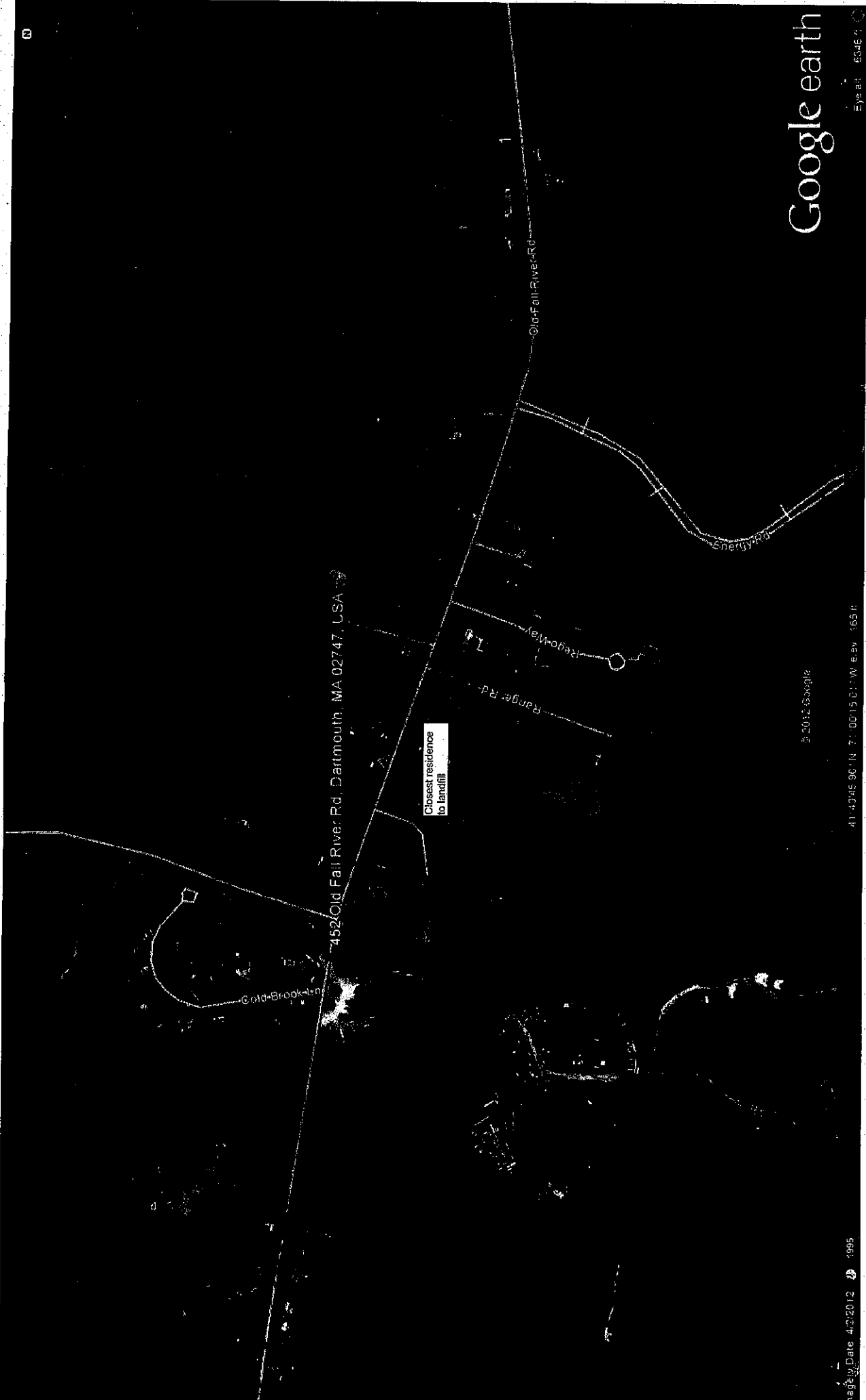
## **ATTACHMENT 3**

### **Assessor's Map**



## **ATTACHMENT 4**

### **Closest Residence Map**



Google earth

Eye alt 6546 ft

© 2012 Google

41° 42' 45.90" N 71° 00' 15.01" W Elev 165 ft

Image Date 4/2/2012 10:19:55

## **ATTACHMENT 5**

**Primary Truck Route**

Map data © 2013 Google

41°40'45.07"N 73°55'34.52"W Alt: 175 ft

Google earth

Eye alt: 36790 ft

7452 Old Fall River Rd. Dartmouth, MA 02747, USA

High Hill Rd

New Plummer Rd

Alfred M. Bessette Memorial Hwy

Church St

High Hill Rd

Stamford Ave

McPadden St

Chase St

Ellis Ave

Ellis Ave

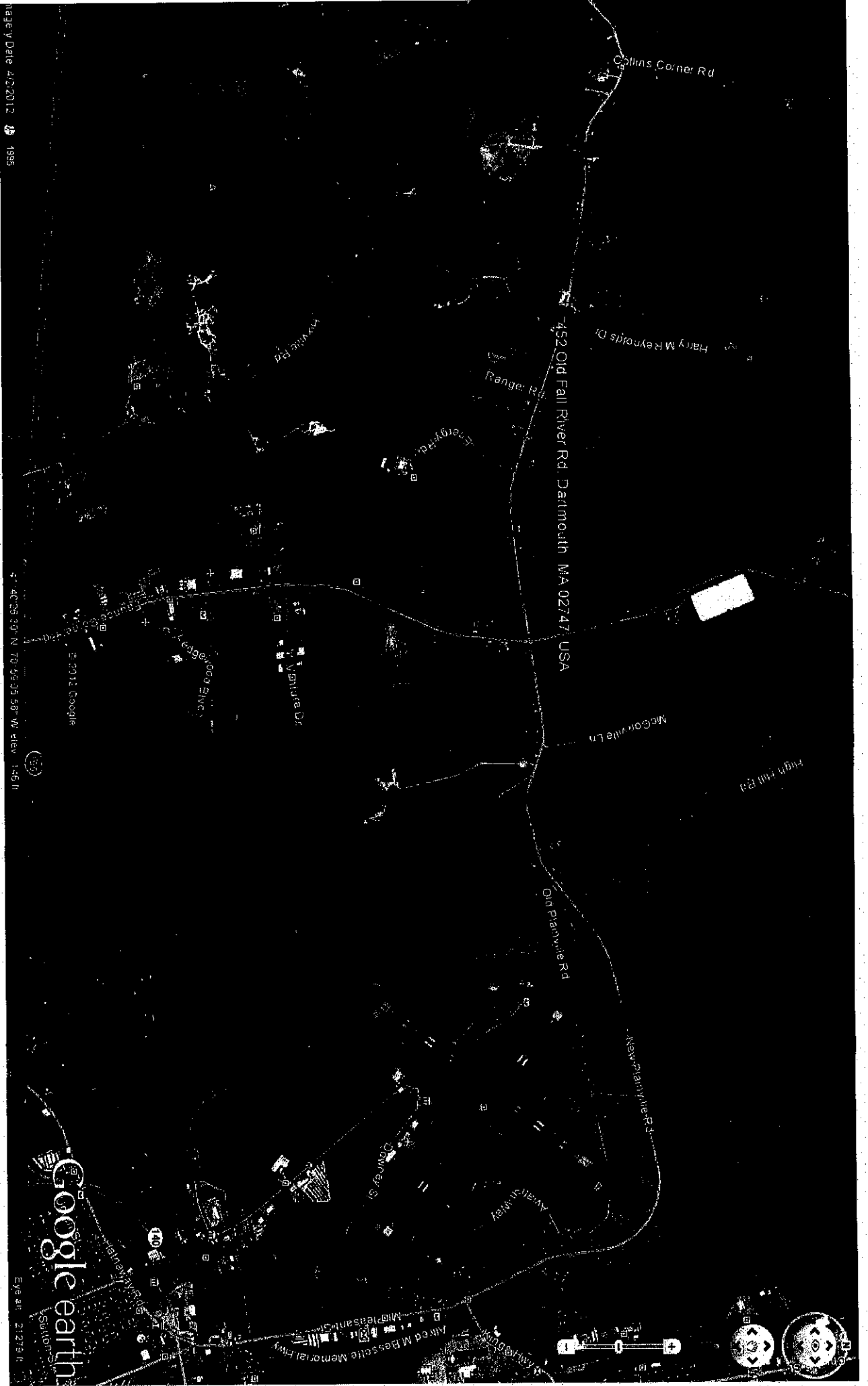




## **ATTACHMENT 6**

### **Alternate Truck Route**

Image Date: 4/2/2012 15:19:55



© 2012 Google

42° 40' 25.33" N 70° 55' 05.58" W Elev: 146 ft

Google earth

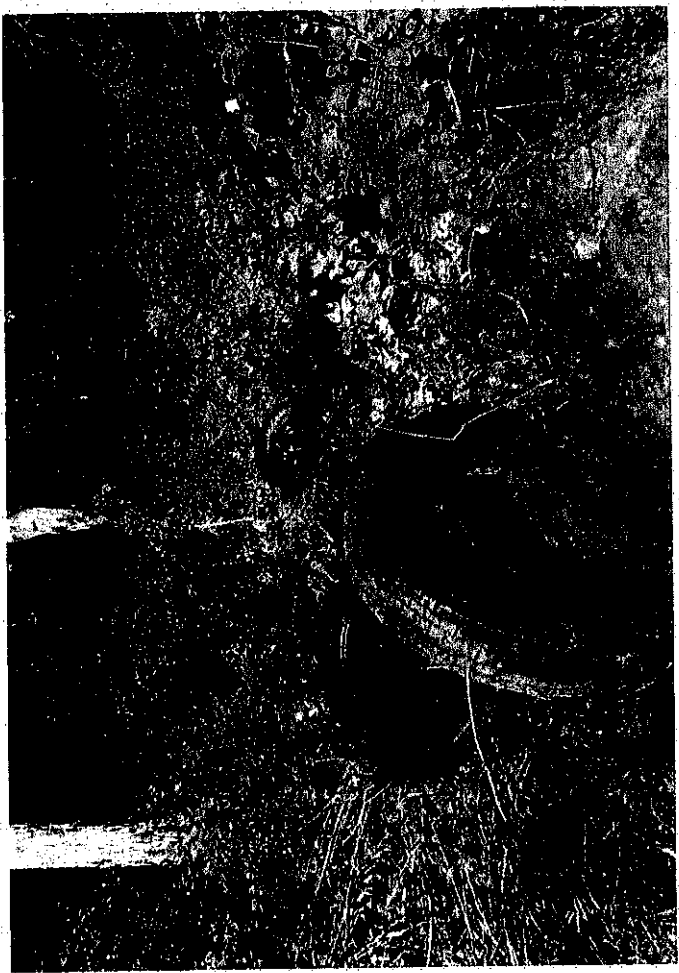
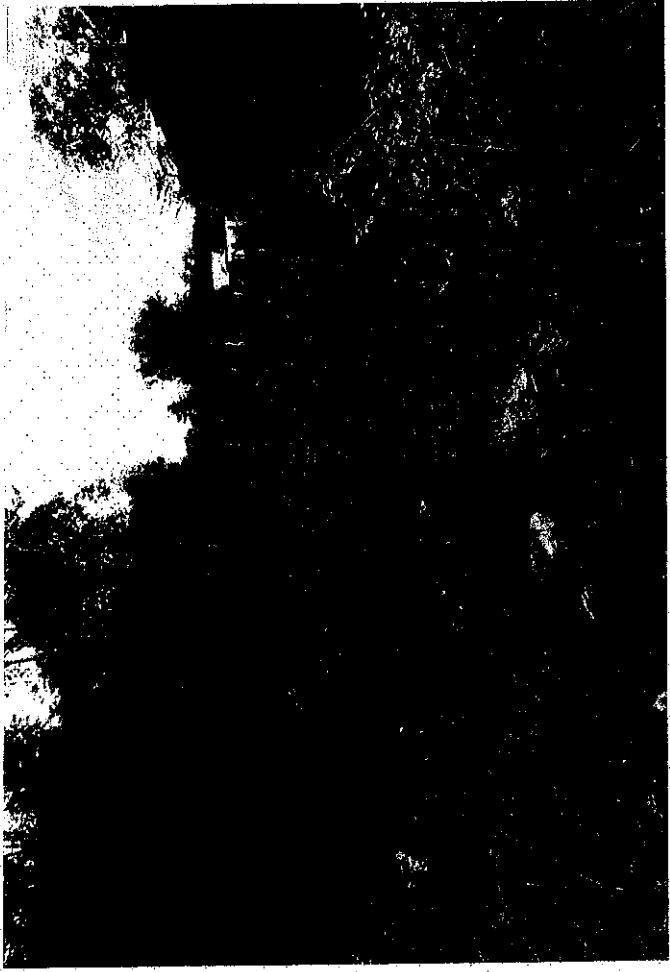
Eye alt: 21279 ft

## **ATTACHMENT 7**

**Test Pit Photos, BEC and EPA**













Traine



Map Key

Click on dots with black center to view picture of teach test hole per zone.

- Test hole with picture attached (black center)
- Test Hole (solid color)
- Rented Lot (textured)



|        |             |
|--------|-------------|
| Zone 1 | Test Hole 9 |
|--------|-------------|



Zone 1

Test Hole 3



|        |             |
|--------|-------------|
| Zone 1 | Test Hole 8 |
|--------|-------------|



**Zone 1**

**Test Hole 12**



Zone 1

Test Hole 15



Zone 2

Test Hole 1



|        |             |
|--------|-------------|
| Zone 2 | Test Hole 5 |
|--------|-------------|





Zone 2

Test Hole 10



Zone 2

Test Hole 22



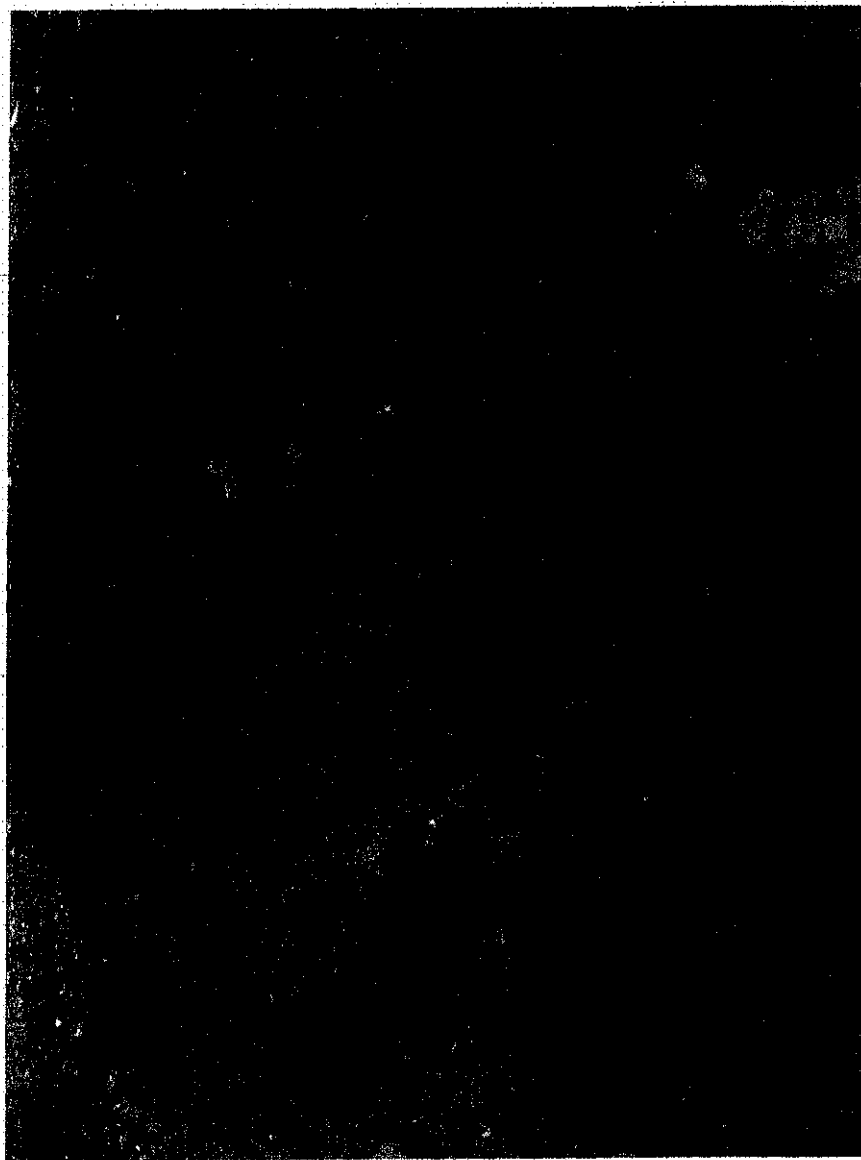
Zone 2

Test Hole 25



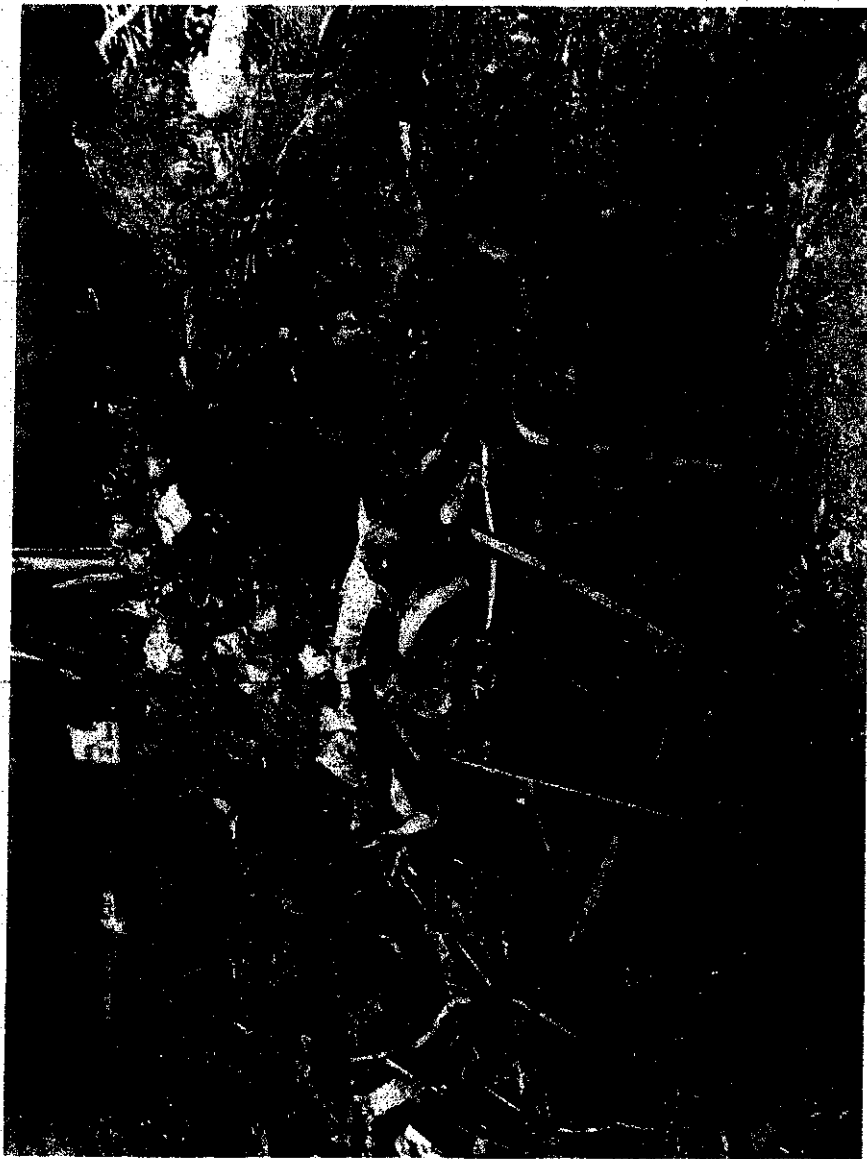
Zone 3

Test Hole 1



**Zone 3**

**Test Hole 4**



Zone 3

Test Hole 7



Zone 3

Test Hole 9



**Zone 4**

**Test Hole 1**





Zone 4

Test Hole 5



**Zone 4**

**Test Hole 9**



Zone 4

Test Hole 15



Zone 4

Test Hole 20



Zone 6

Test Hole 1



Zone 6

Test Hole 5



Zone 6

Test Hole 8



**Zone 6**

**Test Hole 11**





Zone 6

Test Hole 15

## **DRAWINGS**

EC-1, Existing Conditions Plan,  
Wetland Delineation and Limit of  
Buried Waste

CP-1, Conceptual Landfill Grading Plan

# NOTES

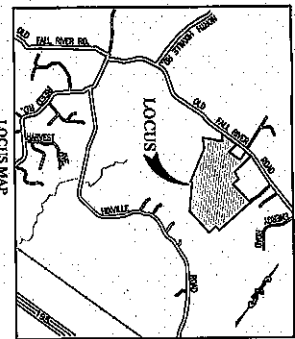
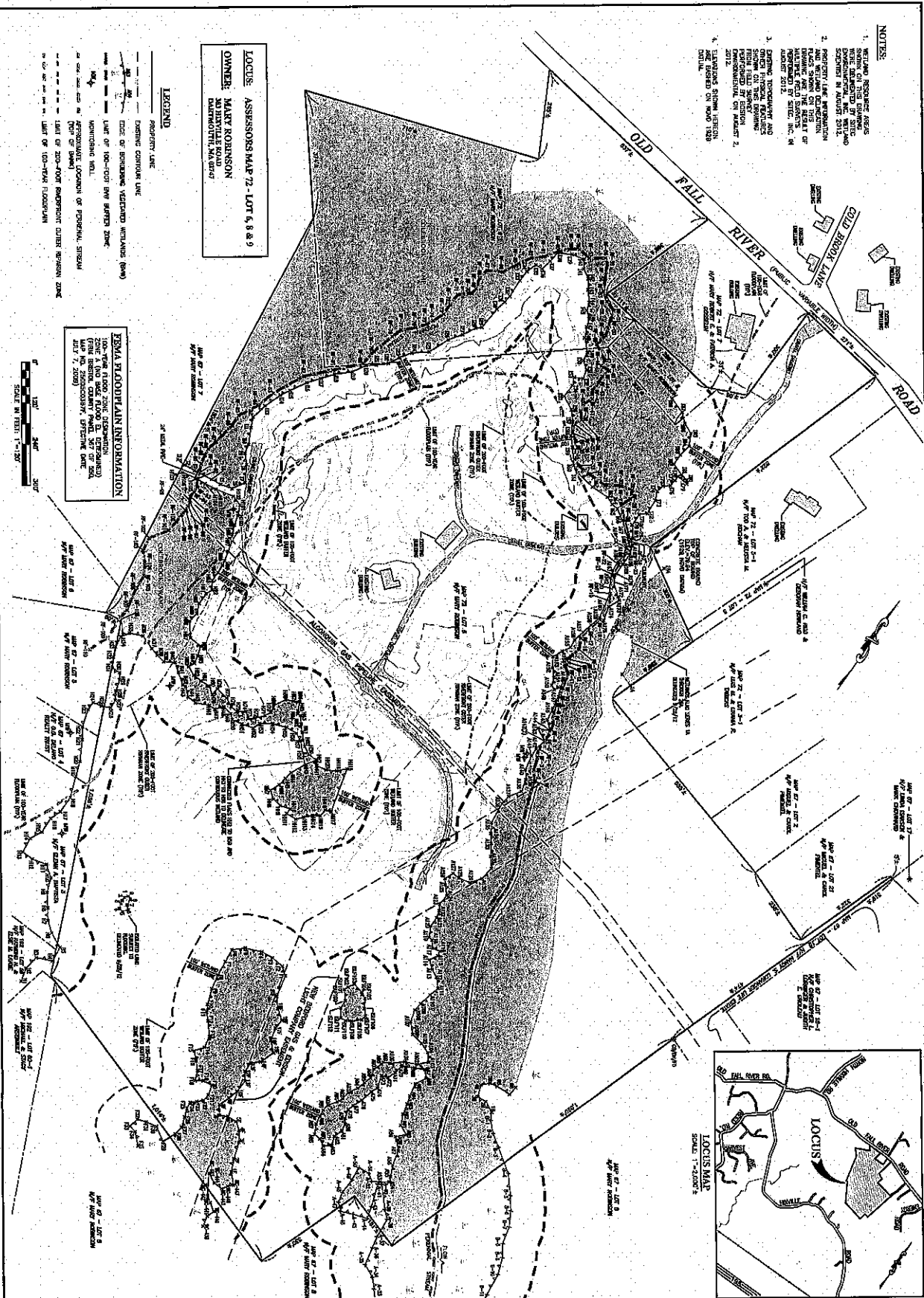
1. WETLAND RESPONSE AREAS WERE DETERMINED BY SITEC CONSULTANTS, INC. USING AERIAL PHOTOGRAPHY, FIELD SURVEY, AND INTERVIEW WITH LOCAL RESIDENTS.
2. PROPERTY LINE INFORMATION WAS OBTAINED FROM DEEDS ON FILE AT THE DARTMOUTH COUNTY RECORDS DEPARTMENT, DARTMOUTH, MA 01928.
3. DRAINAGE TOWNSHIP AND DRAINAGE DISTRICT INFORMATION WAS OBTAINED FROM THE DARTMOUTH COUNTY RECORDS DEPARTMENT, DARTMOUTH, MA 01928.
4. LITVINGSTON TOWNSHIP DRAINAGE DISTRICT MAP, 1990.

LOCUS: ASSESSORS MAP 72 - LOT 6 & 9  
OWNER: MARY ROBINSON  
DARTMOUTH, MA 01928

## LEGEND

- PROPERTY LINE
- EXISTING CORROSION LINE
- EDGE OF REMAINING VEGEATED WETLANDS (H2O)
- EDGE OF 100'-FOOT BAY BUFFER ZONE
- WETLANDS
- APPROXIMATE LOCATION OF FRESHWATER STREAM (NOT TO SCALE)
- EDGE OF 200'-FOOT PROTECTION BUFFER BETWEEN ZONE
- EDGE OF 100'-FOOT FLOODPLAIN

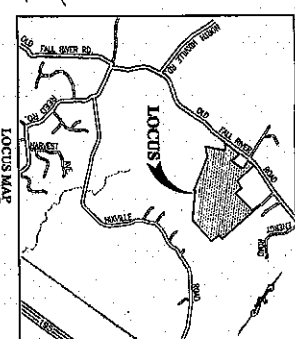
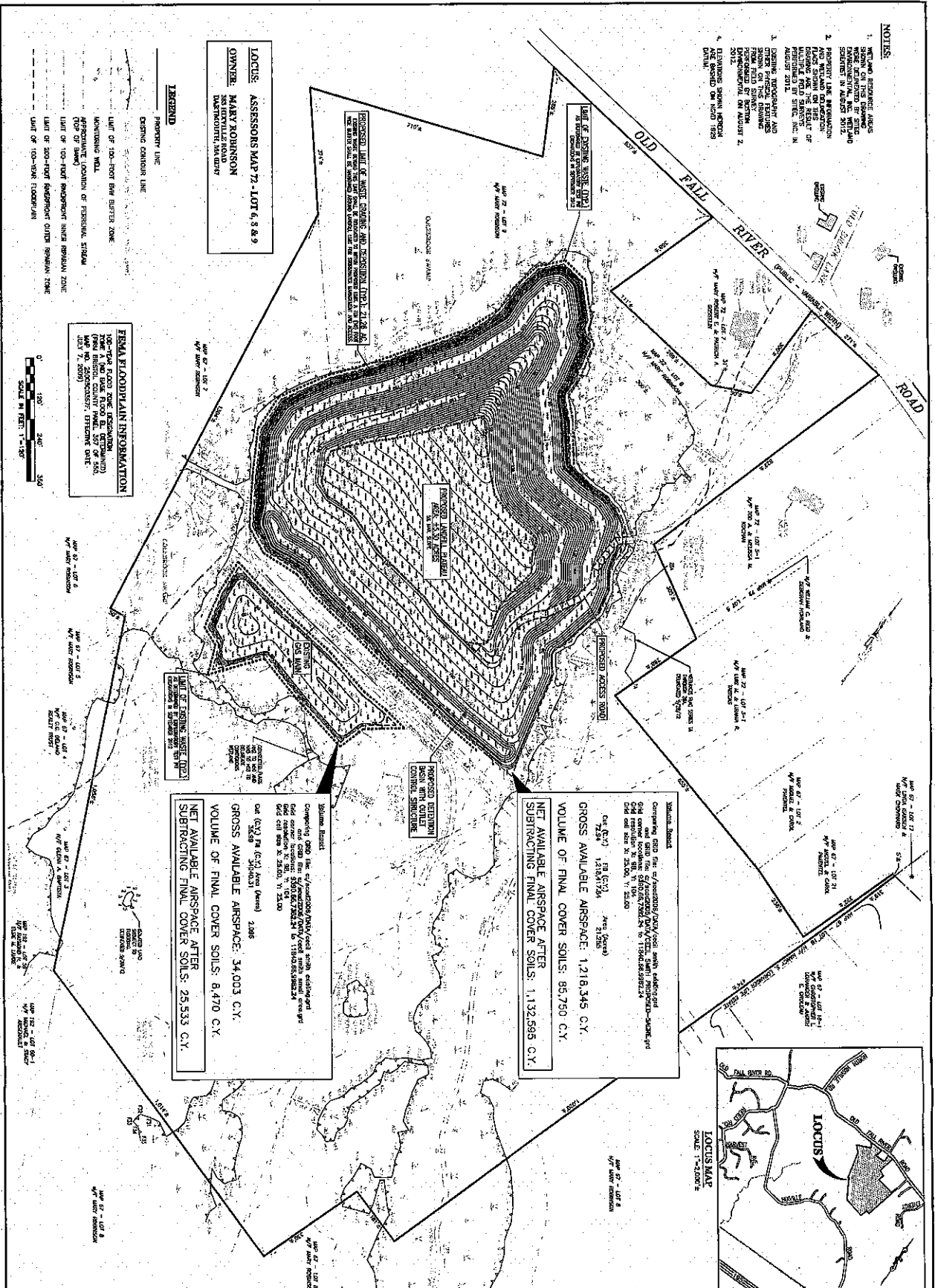
DETAILED PROPERTY INFORMATION  
100'-FOOT BAY BUFFER ZONE DISCONTINUED  
(FRESHWATER STREAM FLOW)  
JAN 10, 2008 (DARTMOUTH COUNTY RECORDS DEPARTMENT, DARTMOUTH, MA 01928)



| <b>SITEC ENVIRONMENTAL</b><br>Civil and Environmental Engineering<br>Land Use Planning and Remediation<br>Massachusetts and Rhode Island Consultants<br>700 Park Street, Suite 200<br>Dartmouth, MA 01928<br>Phone: (508) 336-0200<br>Fax: (508) 336-0742 |         | <b>CECIL SMITH LANDFILL—FINAL CLOSURE PROJECT</b><br>452 OLD FALL RIVER ROAD<br>DARTMOUTH, MASSACHUSETTS<br><br><b>BOSTON ENVIRONMENTAL CORPORATION</b><br>200 BOWDOIN STREET<br>BROOKLINE, MASSACHUSETTS<br><br><b>EXISTING CONDITIONS PLAN</b> |  | scale: 1"=120'<br>date: AUG. 28, 2012<br>drawn: JAC<br>checked: MQ<br>approved: ARQ<br>drawing number: EC-1 | <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Revision Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/6/12</td> <td>Added Wetland Series 1A through 25A Along Northeast Corner (6/28/12)</td> </tr> <tr> <td>2</td> <td>10/6/12</td> <td>Connected Flaps 1942 with H50 and 1915 with H50 South of Site Element To Join Wetland Area</td> </tr> <tr> <td>3</td> <td>10/6/12</td> <td>Added GUP Detention Flaps 1 through 6 South West Site (5/28/12)</td> </tr> </tbody> </table> | No. | Date | Revision Description | 1 | 10/6/12 | Added Wetland Series 1A through 25A Along Northeast Corner (6/28/12) | 2 | 10/6/12 | Connected Flaps 1942 with H50 and 1915 with H50 South of Site Element To Join Wetland Area | 3 | 10/6/12 | Added GUP Detention Flaps 1 through 6 South West Site (5/28/12) |
|---|---------|--|--|---|---|-----|------|----------------------|---|---------|--|---|---------|--|---|---------|---|
| No.   | Date    | Revision Description   |  |   |   |     |      |                      |   |         |  |   |         |  |   |         |   |
| 1   | 10/6/12 | Added Wetland Series 1A through 25A Along Northeast Corner (6/28/12)   |  |   |   |     |      |                      |   |         |  |   |         |  |   |         |   |
| 2   | 10/6/12 | Connected Flaps 1942 with H50 and 1915 with H50 South of Site Element To Join Wetland Area   |  |   |   |     |      |                      |   |         |  |   |         |  |   |         |   |
| 3   | 10/6/12 | Added GUP Detention Flaps 1 through 6 South West Site (5/28/12)  |  |   |   |     |      |                      |   |         |  |   |         |  |   |         |   |

# NOTES:

1. WITH LAND REDEVELOPMENT AREAS, THE LAND REDEVELOPMENT AREAS WILL BE EXTENDED BY SITEC TO THE ADJACENT AREAS.
2. PROPERTY LINE INFORMATION AND LOT AREA INFORMATION HAS BEEN OBTAINED FROM THE RECORD MAP OF THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981, AND THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981, AND THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981.
3. DRAINAGE INFORMATION AND ELEVATION INFORMATION HAS BEEN OBTAINED FROM THE RECORD MAP OF THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981, AND THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981, AND THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981.
4. THE RECORD MAP OF THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981, AND THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981, AND THE CITY OF BROOKLINE, MASSACHUSETTS, DATED 1981.



| SITEC ENVIRONMENTAL   |  | CECIL SMITH LANDFILL-FINAL CLOSURE PROJECT          |  | 1" = 120'          |  | No. |  | Revision Description |  | DATE |  |
|---|--|---|--|--------------------|--|-----|--|----------------------|--|------|--|
| 300 Main Street, 3rd C<br>Brookline, MA 02140<br>TEL: (617) 734-1000<br>FAX: (617) 734-1001 |  | 452 OLD FALL RIVER ROAD<br>DARTMOUTH, MASSACHUSETTS |  | DATE: OCT. 5, 2012 |  |     |  |                      |  |      |  |
| BOSTON ENVIRONMENTAL CORPORATION  |  | 335 HOWARD STREET<br>BROOKLINE, MASSACHUSETTS       |  | DRAWN: JAC         |  |     |  |                      |  |      |  |
| CONCEPTUAL LANDFILL GRADING PLAN  |  | 6-ACRE PLATEAU                                      |  | CHECKED: HQ        |  |     |  |                      |  |      |  |
|   |  |   |  | APPROVED: ARQ      |  |     |  |                      |  |      |  |
|   |  |   |  | DRAWING NUMBER:    |  |     |  |                      |  |      |  |
|   |  |   |  | CP-1               |  |     |  |                      |  |      |  |

## **ATTACHMENT 9**

### **Algonquin Gas Access Agreement**

SPECTRA ENERGY TRANSMISSION, LLC  
1612 Somerset Avenue  
Dighton, MA 02715  
(508) 669-5471

Mailing Address:  
P.O. Box 668  
Dighton, MA 02715



## **INFORMATION FOR LANDOWNERS WHO HAVE AN ALGONQUIN RIGHT OF WAY ON THEIR PROPERTY**

The following information is for landowners who have an Algonquin right of way on their property. The items mentioned in this informational letter are a general listing of restrictions for the use of the right of way. They do not cover all contingencies. If you have any questions pertaining to your specific use of the right of way, do not hesitate to call our Area Supervisor whose business card is at the end of this letter.

Landowners may utilize the right of way provided that they not interfere with the rights previously granted to Algonquin. We have established restrictions to assure that we can maintain and operate our pipeline in a safe manner. It is imperative that our access to maintain the pipeline is not blocked or impaired by objects that are placed on our right of way. The following list covers most common situations that landowners propose for the right of way.

**Work on Right Of Way**- Any work on our right of way should be discussed with our Area Supervisor. We require that a company representative be present whenever any approved work is done on our right of way. This policy is for your safety and the protection of our pipeliners. Call our Area Supervisor 48 hours in advance to obtain standby personnel.

**Structures**- No structures can be located on our right of way. Structures impair our access to the pipelines. We consider structures to include houses, mobile homes, decks, signboards, tool sheds, garages, poles, guy wires, catch basins, swimming pools, trailers, leaching fields, septic tanks and any objects not easily moveable.

**Grade Changes**- Any proposed grade changes must be reviewed by our Area Supervisor. The pipeline must maintain specific cover to ensure a safe operating condition.

**Driveways Roads & Parking Lots**- Driveways, roads, and parking lots may be permitted subject to an engineering review and approval of our Area Supervisor. Two sets of detailed plans must be submitted to our Area Supervisor, showing location, grades and cross sections, with sufficient time for our review.

Test holes must be dug at the point of crossing to determine the depth of cover and the suitability of the soil surrounding our pipelines. You will be responsible for performing the test holes. This work must be coordinated with our Area Supervisor.

**Construction Equipment**- Equipment and trucks are not permitted to operate on or cross over our right of way unless provisions have been made with our Area Supervisor. Call our Area office to obtain approval for crossings.

**Underground Utilities**- Underground utilities are allowed to cross our right of way provided that they are designed to adequately clear our pipelines. Please contact our Area Supervisor for more specific information concerning clearance details.

We consider underground utilities to include sewers, drain lines, water pipes, gas pipes, electric or telephone cables with conduits, etc.

**Fences**- Certain types of fences may be placed on our right of way provided that you obtain approval of our Area Supervisor and that there is a gate or gates which would allow our maintenance crews access to the right of way and to pass along the right of way.

**Trees**- Trees cannot be planted within the limits of our right of way. We consider trees to be plants that grow more than four feet in height. Trees inhibit access to our right of way and the roots can damage the coating on pipelines.

**Shrubs / Bushes**- Shrubs and bushes can be planted on the right of way provided that they are less than four feet in height at maturity and that they are not located within ten feet of our pipelines. This pertains to all species.

Algonquin will locate the pipelines and limits of the right of way. If you would like the pipeline or right of way limits staked out, call our Area Supervisor.

This list is only a general listing. If you have questions, do not hesitate to contact our Area Supervisor in Dighton, MA. His contact information is shown below. Your safety is our first consideration. We appreciate your cooperation.

**William Diaz**

Spectra Energy  
Area Supervisor

(508) 669-5471 Work  
WPDiaz@spectraenergy.com

1612 Somerset Avenue  
PO Box 668  
Dighton MA 02715