

City of Fall River, In City Council

(Council President Joseph D. Camara)

WHEREAS, there has been discussion regarding possible increases in water rates due to pending legislation regarding EPA limits on nitrogen levels, and

WHEREAS, stormwater fees have not been increased in six years and sewer rates have been held to minimal increases, now therefore

BE IT RESOLVED, that the City Council Committee on Finance invite the Administration and the Administrator of Public Utilities to discuss these anticipated deficits and possible rate increases for the Fiscal Year 2016 Budget, and

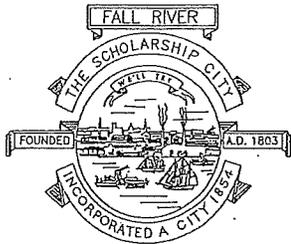
BE IT FURTHER RESOLVED, that the Administration present a proposed rate schedule for any increases in water and sewer rates and stormwater fees.

In City Council, September 23, 2014  
Adopted

Approved, October 1, 2014  
William A. Flanagan, Mayor

A true copy. Attest:

  
City Clerk



City of Fall River  
Massachusetts  
Office of the Mayor

RECEIVED

2014 OCT -9 P 4:42

CITY CLERK  
FALL RIVER, MA

WILLIAM A. FLANAGAN  
Mayor

October 9, 2014

Honorable Members Fall River City Council  
One Government Center  
Fall River, Massachusetts 02722

RE: Community Aggregation of Electricity

Mr. President and Members of the Honorable Council:

The City of Fall River has been working with neighboring communities to consider the benefits of Electricity Aggregation for our residents and businesses. The Massachusetts Legislature passed Chapter 164 of the Acts of 1997 to create a competitive marketplace within the electric utility industry. The dramatic increases in electricity rates recently announced by National Grid warrant our efforts to explore every possibility to provide electricity rate relief to our residents and businesses.

Southeastern Regional Planning and Economic Development District (SRPEDD) has worked with the City and other regional communities to select a consultant to assist with the Aggregation process. I respectfully request that this letter and the attached Motion be referred to the City Council's Health & Environmental Affairs Committee to allow for a public presentation by SRPEDD and the consultants Good Energy.

Respectfully,



William A. Flanagan, Mayor

## City Council Motion for Community Aggregation of Electricity

That it be ordered that the Fall River City Council authorize the appropriate municipal department to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses of Fall River and for other related services, independently, or in joint action with other municipalities, and authorize the Mayor to execute all documents necessary to accomplish the same.

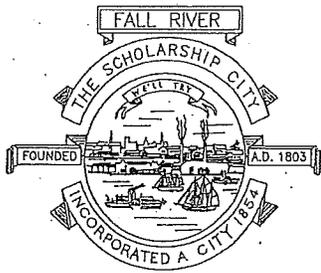
### Comment:

The Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry. The residents and businesses of Fall River have substantial economic, environmental, and social interests at stake and are interested in reducing their electricity rates. If an aggregation of electricity load is implemented in our City, individual residents and businesses would retain the right to opt-out of the aggregation with no penalty and to choose any other competitive supplier or stay with the default utility.

CITY CLERK  
FALL RIVER, MA

2014 OCT - 9 P 4: 42

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City of Fall River  
Massachusetts  
Department of Community Utilities  
WATER • SEWER

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2014 OCT -1 A 11: 12

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

WILLIAM A. FLANAGAN  
Mayor

TERRANCE SULLIVAN  
Administrator

October 1, 2014

The Honorable City Council  
One Government Center  
Fall River, MA 02722

Dear Councilors:

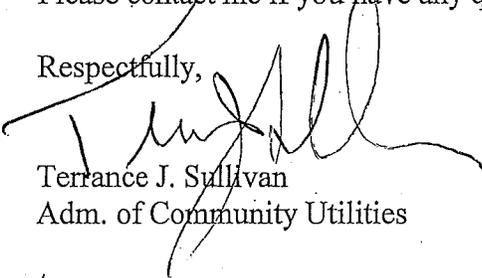
As requested, please find attached the Final Consent Agreement and Final Order pertaining to the violations related to Risk Management Plan compliance at the Water Treatment Facility. The order includes a \$5,000 fine and a SEP (Supplemental Environmental Project).

The proposed SEP shall result in the elimination of the gaseous chlorine system and replacement with a liquid sodium hypochlorite system for disinfection. The SEP is being undertaken in connection with the settlement of this enforcement action taken by the U.S. Environmental Protection Agency for violations of the Clean Air Act.

Pursuant to the proposed schedule for the SEP, your approval shall be requested for funding of the Phase 15 Water System Improvements prior to June 30, 2015.

Please contact me if you have any questions.

Respectfully,

  
Terrance J. Sullivan  
Adm. of Community Utilities

/omc  
Attachments

Cc: Watuppa Water Board



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED.**

September 30, 2014

Attorney Christy DiOrio  
Assistant Corporation Counsel  
City of Fall River  
One Government Center  
Fall River, Massachusetts 02722

RE: In the Matter of City of Fall River, Massachusetts  
Executed Consent Agreement and Final Order  
Docket Number

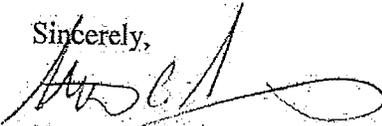
Dear Attorney DiOrio:

Enclosed please find the executed Consent Agreement and Final Order concerning the RMP issues at the Fall River water-treatment plant.

Your consideration and cooperation in bringing this to a swift and amicable conclusion is greatly appreciated. I look forward to working with Fall River as we move forward.

Please do not hesitate to call or contact me should you have any questions or concerns. Please note that it is standard Agency practice to issue press releases upon case initiation and conclusion. I will call you the day the press release is issued.

Sincerely,

  
Steven C. Schlang

cc: Jim Gaffey

In the Matter of: The City of Fall River, Massachusetts  
Docket No. CAA-01-2014-0021

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Consent Agreement and Final Order to be sent to the following person(s), in the manner stated, on the date below:

Original and one copy,  
By Hand Delivery:

Wanda I. Santiago  
Regional Hearing Clerk  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: ORA18-1  
Boston, MA 02109-3912

One copy, By Certified Mail,  
Return Receipt Requested:

Christy DiOrio  
Assistant Corporation Counsel  
City of Fall River  
One Government Center  
Fall River, MA 02722

Dated: 9/30/14

  
Steven Schlang  
Senior Enforcement Counsel  
U.S. EPA, Region 1  
5 Post Office Square - Suite 100  
Mail Code: OES04-4  
Boston, MA 02109-3912



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

**BY HAND**

September 30, 2014

Wanda I. Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency-Region 1  
5 Post Office Square, Suite 100  
Mail Code ORA18-1  
Boston, MA 02109-3912

Re: In the Matter of The City of Fall River, Massachusetts  
Docket No. CAA-01-2014-0021

Dear Ms. Santiago:

Enclosed are the original and one copy of a Consent Agreement and Final Order for filing in the above-referenced matter.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Steven Schlang".

Steven Schlang  
Enforcement Counsel

Enclosures

cc: Christy DiOrio



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 1  
5 POST OFFICE SQUARE, SUITE 100  
BOSTON, MASSACHUSETTS 02109-3912

**MEMORANDUM**

**DATE:** September 29, 2014

**FROM:** Steven Schlang, Senior Enforcement Counsel  
Jim Gaffey, Chemical Engineer, RCRA, EPCRA, and Federal Programs Unit, OES

**TO:** LeAnn Jensen, Regional Judicial Officer

**RE:** Proposed Administrative Consent Agreement and Final Order  
for *In the Matter of City of Fall River, Massachusetts*

Docket No. CAA-01-2014-0021

Enclosed is a proposed Consent Agreement and Final Order ("CAFO") that has been signed by both parties and is now being submitted for your approval in accordance with 40 C.F.R. § 22.18(b).

Please note that, consistent with 40 C.F.R. §§ 22.13(b) and 22.18(b), this CAFO both commences and concludes the matter referenced above and, if signed by you, will initiate and resolve the civil administrative penalty liability of Respondent City of Fall River ("Respondent") for violations of Section 112(r)(7) of the Clean Air Act ("CAA"), 42 U.S.C. § 7412(r)(7), and its implementing regulations found at 40 C.F.R. Part 68 ("Risk Management Plan Rule").

The enclosed CAFO requires Respondent to pay a total civil penalty of \$5,000 to resolve liability for the CAA violations alleged by EPA. In addition, Respondent will perform a Supplemental Environmental Project ("SEP"), costing approximately \$449,000, which will eliminate the use of toxic chlorine gas at its drinking water treatment facility. Please note that EPA Region 1 sought and received a waiver from EPA Headquarters, allowing Fall River to pay less than the 25% gravity amount recommended in EPA's SEP Policy. On July 24, 2014, EPA Headquarters agreed to this reduced penalty because, among other reasons, the SEP is a pollution prevention project that will improve public safety; the SEP honors the call of environmental justice advocates and the Chemical Safety Board to use safer chemicals at facilities such as this; the SEP costs more than EPA's original penalty offer; and the City has limited financial resources to both pay a large penalty and complete an important SEP such as this.

The stipulated penalty provisions for failing to perform the SEP also differ from the Region's traditional approach. Use of daily stipulated penalties is fairer to Respondent in this context, where the SEP costs more than EPA's original penalty offer. Moreover, daily stipulated penalties are consistent with guidance that Headquarters currently is developing on stipulated penalties.

Once the Final Order has been signed, EPA will file the fully executed CAFO with the Regional Hearing Clerk, thereby resolving this matter. This settlement does not have any public notice requirements.

cc: Christy DiOrto

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

In the Matter of: )

City of Fall River, Massachusetts, )

Respondent )

CONSENT AGREEMENT  
AND FINAL ORDER

Docket No. CAA-01-2014-0021

Proceeding under Section 113(a) of the  
Clean Air Act, 42 U.S.C. § 7413(a). )

Complainant, the United States Environmental Protection Agency, Region I ("EPA"), alleges that Respondent City of Fall River, Massachusetts ("Respondent" or "Fall River"), has violated Section 112(r)(7), 42 U.S.C. § 7412(r)(7), and its implementing regulations found at 40 C.F.R. Part 68.

EPA and Respondent agree that settlement of this matter is in the public interest and that entry of this Consent Agreement and Final Order ("CAFO") without further litigation is the most appropriate means of resolving this matter. Pursuant to 40 C.F.R. § 22.13(b) of EPA's "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits" ("Consolidated Rules" or "Part 22"), EPA and Respondent agree to simultaneously commence and settle this action by the issuance of this CAFO.

Therefore, before any hearing, without adjudication of any issue of fact or law, upon the record, and upon consent and agreement of EPA and Respondent, it is hereby ordered and adjudged as follows:

## I. STATUTORY AND REGULATORY AUTHORITY

1. Section 112(r) of the Act, 42 U.S.C. § 7412(r), authorizes EPA to promulgate regulations and programs to prevent and minimize the consequences of accidental releases of certain regulated substances. In particular, Section 112(r)(3), 42 U.S.C. § 7412(r)(3), requires EPA to promulgate a list of substances that are known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health or the environment if accidentally released. Section 112(r)(5), 42 U.S.C. § 7412(r)(5), requires EPA to establish for each such substance a threshold quantity over which an accidental release is known to cause or may reasonably be anticipated to cause death, injury, or serious adverse effects to human health. Section 112(r)(7) of the Act, 42 U.S.C. § 7412(r)(7), requires EPA to promulgate requirements for the prevention, detection, and correction of accidental releases of certain regulated substances, including a requirement that an owner or operator of certain stationary sources prepare and implement a risk management plan ("RMP").
2. Pursuant to Section 112(r) of the Act, 42 U.S.C. § 7412(r), EPA promulgated 40 C.F.R. §§ 68.1-68.220 ("Part 68").
3. Forty C.F.R. § 68.130 lists the substances, and their associated threshold quantities, regulated under Part 68.
4. Under 40 C.F.R. §§ 68.10 and 68.12, an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process must comply with the requirements of Part 68 by June 21, 1999. In particular, each process in which a regulated substance is present in more than a threshold quantity ("covered process") is subject to one of three programs. Under 40 C.F.R. § 68.12(b), a covered process is subject to Program 1 if, among other things, the distance to a toxic or flammable endpoint for a worst-case release assessment is less than the distance to any public receptor. Under 40 C.F.R. § 68.12(d), a covered process is

subject to Program 3 if the process does not meet the eligibility requirements for Program 1 and is either in certain NAICS codes or subject to the OSHA process safety management standard at 29 C.F.R. § 1910.119. Under 40 C.F.R. § 68.10(e), a covered process meeting neither Program 1 nor Program 3 eligibility requirements is subject to Program 2.

5. Under Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), it is unlawful for any person to operate any stationary source subject to regulations promulgated pursuant to Section 112(r) in violation of such regulation or requirement.

6. Sections 113(a) and (d) of the Act, 42 U.S.C. §§ 7413(a) and (d), provide for the assessment of civil administrative penalties for violations of the Act, including violations of Section 112(r) of the Act, 42 U.S.C. § 7412(r). EPA has obtained from the United States Department of Justice a waiver of the twelve-month limitation on EPA's authority to initiate administrative cases.

## II. GENERAL ALLEGATIONS

7. Respondent is the current owner and operator of the Fall River Water Filtration Plant located at 1831 Bedford Street in Fall River, Massachusetts 02723 (the "Facility").

8. Fall River was incorporated as a city in Massachusetts in 1854.

9. As a municipal corporation, Fall River is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

10. At the Facility, Fall River processes, handles, and stores chlorine, which is an extremely hazardous toxic substance listed under 40 C.F.R. § 68.130.

11. Chlorine is a toxic substance that is normally shipped and stored as a liquefied compressed gas. Chlorine is a heavier-than-air gas, is non-flammable, and is a strong oxidizer. Chlorine causes respiratory distress and may burn skin, eyes, and lungs. Effects of inhalation range from headaches, nausea, and lung irritation to severe eye, nose, and respiratory distress.

Inhaling high concentrations of chlorine gas can be lethal. The substance is highly reactive and will readily mix with other substances causing further hazards. In the presence of moisture, chlorine becomes highly corrosive.

12. Pursuant to 40 C.F.R. § 68.130, any facility storing more than 2,500 pounds of chlorine is subject to the RMP regulations of 40 C.F.R. Part 68.
13. The Facility is a "stationary source," as that term is defined in 40 C.F.R. § 68.3.
14. Respondent is the "owner or operator," as that term is defined by Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), of a stationary source.
15. The Facility, which began operations in the mid-1970s, is a rapid sand filtration plant designed to produce potable drinking water for municipal distribution for use by the citizens of Fall River and three surrounding communities. Chlorine gas is used in the treatment process to ensure that no levels of bacteria are present that may pose problems to the public health, safety and welfare.
16. On June 18, 1999, Respondent submitted an initial Program 2 RMP for its use, storage, and handling of chlorine at the Facility (the "1999 RMP").
17. On June 18, 2004, Respondent submitted a required five-year updated RMP for its use, storage, and handling of chlorine at the Facility (the "2004 RMP").
18. According to the 1999 RMP and the 2004 RMP, the Facility used, stored, or handled up to 14,000 pounds of chlorine at those times, well over the 2,500 pound threshold cited in 40 C.F.R. § 68.130, Table 1.
19. EPA conducted a previously-announced inspection of the Facility on February 19, 2013 (the "Inspection"). Authorized EPA inspectors, the Fall River Fire Department Right-to-Know Officer, and Mr. Ted Kaegel, Fall River's Director of Water Treatment and Resources were present during the Inspection. The Inspection was conducted to determine the Facility's

compliance with Sections 302-312 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"), 42 U.S.C. §§ 11002-11022, and Sections 112(r)(7) and 112(r)(1) of the CAA, 42 U.S.C. §§ 7412(r)(7) and 7412(r)(1), the RMP accident prevention program and the General Duty Clause, respectively.

20. At the time of the Inspection, the Facility had seven (7) two-ton cylinders of chlorine (weighing approximately 14,000 pounds), in a storage room (the "Chlorine Storage Room"). Chlorine is pumped from the chlorine storage room into the Chlorinator Room, where the chlorine is injected into the water treatment process. The EPA Inspection confirmed that the Facility continued to use, store, and handle approximately 14,000 pounds of chlorine on a routine basis.

21. During the Inspection, EPA inspectors observed that a single, floor-level inlet ventilation port, which was the only source of fresh air supplied to the Chlorine Storage Room, was blocked with a fitted plywood cover, effectively blocking any fresh air from flowing into the room.

22. EPA Inspectors also noted the following issues, among others:

(a) Mr. Kaegel, who had managed the Facility since February 2, 2005, stated that he was not aware of any obligations under the RMP Program and consequently had not updated the RMP Program during his tenure as director.

(b) At the time of the Inspection, there was no information available about a mechanical integrity/maintenance program for the chain hoist used to move chlorine cylinders. Additionally, information about the safety and functionality of chlorine detectors and analyzers was unavailable.

23. The endpoint for a worse case release of chlorine at the Facility is greater than the distance to a public receptor.

24. As the owner and operator of a stationary source that has more than the threshold amount of a regulated substance in a covered process, Respondent is subject to the RMP provisions of Part 68.

25. In particular, Respondent's storage and handling of chlorine is subject to the requirements of Program 2, in accordance with the requirements found in 40 C.F.R. § 68.10(c).

26. Pursuant to 40 C.F.R. § 68.190(b)(1), Respondent was required to review, update, and resubmit the Facility's RMP no later than June 18, 2009.

27. Respondent failed to review, update, and resubmit its RMP in 2009. Respondent updated and resubmitted an RMP on October 28, 2013, after EPA's Inspection and issuance of an administrative compliance order ("AO"). After receipt of the AO, Respondent also made many modifications to its RMP program and submitted documentation of compliance with the regulations cited in the counts below.

### **III. CAA VIOLATIONS**

#### **COUNT 1: FAILURE TO DEVELOP A MANAGEMENT SYSTEM**

28. The allegations in paragraphs 1 through 27 are incorporated by reference as if fully set forth herein.

29. Pursuant to 40 C.F.R. § 68.15, an owner or operator of a stationary source subject to Part 68 must comply with the requirements of 40 C.F.R. Part 68 by developing and/or maintaining a management system ("Management System") to oversee the implementation of the risk management program elements at the Facility.

30. As part of the Management System, Respondent was required to, pursuant to 40 C.F.R. §§ 68.10(a), 68.12, and 68.150, submit and/or update a Risk Management Plan every five years. Pursuant to 40 C.F.R. § 68.190(b)(1), Respondent was required to review, update, and

resubmit the Facility's RMP no later than June 18, 2009.

31. At the time of the Inspection, Respondent had failed to develop a management system, as required by 40 C.F.R. § 68.15, regarding its risk program at the Facility.

32. During the Inspection, Respondent was unable to produce documentation assigning a qualified person or position that had the overall responsibility for the development, implementation, and integration of the risk management program elements. Additionally, Respondent failed to document other persons responsible for implementing individual requirements of the risk management program and define the lines of authority through an organization chart or similar document.

33. During the Inspection, Respondent was also unable to produce documentation demonstrating that it had reviewed and/or updated its Risk Management Plan ("RMP") within five years, as required by 40 C.F.R. §§ 68.190(a) and (b)(1). The five-year resubmittal was due in June 2009. The update was not made until October 2013.

34. During the Inspection, Mr. Kaegael, told the EPA inspectors that he was not aware of any obligations under the RMP Program and consequently had not updated the Facility's RMP during his tenure as director. The 2004 submittal identified Linda Correia as the person responsible for implementing the facility's RMP. Mr. Kaegael replaced Ms. Correia as the Director of Treatment and Resources in 2005. The 2013 submittal identified Ted Kaegael as the person responsible for implementing the facility's RMP.

35. Respondent failed to develop or maintain review, update, and resubmit its RMP in 2009 or at any subsequent time until October 28, 2013.

36. Respondent failed to develop a Management System to oversee the implementation of the risk management program elements at the Facility.

37. By failing to develop a Management System from at least June 18, 2009 to

October 28, 2013, Respondent violated Section 112(r)(7)(E) of the Act, 42 U.S.C. § 7412(r)(7)(E), and 40 C.F.R. § 68.15.

**COUNT II: FAILURE TO CONDUCT A HAZARD REVIEW**

38. The allegations in paragraphs 1 through 37 are incorporated by reference as if fully set forth herein.

39. Pursuant to the Program 2 Prevention Program requirements in 40 C.F.R. Part 68, Subpart C, one of Respondent's obligations was to conduct a review of the hazards ("hazard review") associated with the regulated substances, processes, and procedures. See 40 C.F.R. §§ 68.12 and 68.50. The review must identify the hazards associated with the process and regulated substances, opportunities for equipment malfunctions, and human errors that could cause an accidental release; the safeguards used or needed to control the hazards or prevent equipment malfunctions or human error; and any steps used or needed to detect or monitor releases. The hazard review must determine whether the process is designed, fabricated, and operating in accordance with industry standards. Respondent must document the hazard review, ensure that any problems identified are resolved in a timely manner, and update the hazard review at least once every five years. Respondent must also conduct a new review whenever a major change in the process occurs. Pursuant to 40 C.F.R. § 68.200, Respondent must keep records of this review for five years.

40. Respondent's 2004 updated RMP report referred to a hazard review having been conducted. During the Inspection, however, Respondent failed to produce documentation of the 2004 hazard review or any subsequent, updated hazard reviews.

41. During the Inspection, Mr. Kaegel also told EPA inspectors that the Facility's chlorinator system was upgraded in or around 2005. The Respondent, however, failed to produce an update of its hazard review despite this major change until after EPA's Inspection

and issuance of the AO. Accordingly, Respondent failed to conduct and/or update a hazard review for its chlorine process from at least 2005 to October 28, 2013.

42. Also, although 40 C.F.R. §§ 68.50(b) and (c) require the hazard review to determine that the processes are designed, fabricated, and operated in accordance with industry standards and, if not, to fix such problems, Respondent failed to do so until after the Inspection, as revealed by the following two problems: (1) the facility failed to provide adequate ventilation to the chlorine storage room and chlorinator room. During the inspection, EPA inspectors observed that a single, floor-level inlet ventilation port, which was the only source of fresh air supplied to both the chlorine storage room and chlorinator room, was blocked with a fitted plywood cover, effectively blocking any fresh air from flowing into the rooms. The accepted industry standards for ventilation can be found in The Chlorine Institute's Pamphlet # 155 *Water and Wastewater Operators Chlorine Handbook* Section 7.3; and (2) the facility did not have the chlorine piping and valve systems properly labeled and/or tagged. The Chlorine Institute's Pamphlet 6, Section 10 recommends that chlorine lines should be readily identifiable. A common way of identifying piping that contains hazardous materials is set forth in American Society of Mechanical Engineers, Publication A13.1-2007, *Scheme for the Identification of Piping Systems*. Among other things, that publication recommends labeling the piping with information on the content and direction of flow.

43. By failing to conduct and/or update its hazard review and keep documentation of such from, at least, 2004 to after the Inspection, Respondent violated Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E), and 40 C.F.R. §§ 68.12, 68.50 and 68.200.

**COUNT III: FAILURE TO IMPLEMENT MAINTENANCE PROGRAM**

44. The allegations in paragraphs 1 through 43 are incorporated by reference as if fully set forth herein.

45. Pursuant to 40 C.F.R. § 68.56, Respondent is required to, among other things, prepare and implement procedures to maintain the ongoing mechanical integrity of process equipment. Respondent must also perform inspections and tests on process equipment, following recognized and generally accepted good engineering practices. Records documenting compliance with this requirement shall be maintained pursuant to 40 C.F.R. § 68.200.

46. At the time of the Inspection, Respondent was unable to produce documents pertaining to maintenance and testing programs for its chain hoist.

47. Respondent was also unable to document the calibration and maintenance of the Facility's chlorine detectors. Further documentation pertaining to the safety and functionality of the chlorine detectors and analyzers was also unavailable.

48. Respondent was unable to demonstrate that it had a program in place to insure that all components of the chlorine process were tested or replaced on a preventive maintenance basis. At the time of the Inspection, there was no record of periodic preventative inspections, maintenance, or testing conducted by Facility personnel.

49. Accordingly, Respondent failed to prepare and implement procedures to maintain the ongoing mechanical equipment used in Respondent's chlorine process. After the Inspection, Respondent revised its maintenance program.

50. By failing to prepare and implement procedures to maintain the ongoing mechanical integrity of process equipment Respondent violated Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E) and 40 C.F.R. § 68.56.

#### **COUNT IV: FAILURE TO CONDUCT COMPLIANCE AUDITS**

51. The allegations in paragraphs 1 through 50 are incorporated by reference as if fully set forth herein.

52. Pursuant to 40 C.F.R. § 68.58, Respondent was required to conduct compliance audits at least every three years to verify that its procedures and practices were adequate and being followed and keep documentation of such. Although Respondent's 2004 updated RMP report indicated that a compliance audit had been performed, Respondent was unable to produce the documents at the Inspection. Further, Respondent was unable to demonstrate that compliance audits were performed subsequent to 2004.

53. Since, at least, 2007, Respondent failed to conduct compliance audits every three years to ensure that its procedures and practices pertaining to its chlorine process were adequate and being followed.

54. By failing to prepare and implement at least two compliance audits pertaining to its chlorine process, Respondent violated Section 112(r)(7)(E) of the CAA, 42 U.S.C. § 7412(r)(7)(E) and 40 C.F.R. § 68.58.

#### **IV. TERMS OF SETTLEMENT**

55. Respondent certifies that it has corrected the alleged violations cited in this CAFO and will operate the Facility in compliance with Section 112(r) of the CAA and the regulations promulgated thereunder at 40 C.F.R. Part 68.

56. Respondent agrees that EPA has jurisdiction over the subject matter alleged in this CAFO and hereby waives any defenses it might have as to jurisdiction and venue.

57. Respondent acknowledges that it has been informed of its right to request a hearing in this proceeding and hereby waives its right to contest the allegations, its right to a

judicial or administrative hearing on any issue of law or fact set forth in this CAFO; and its right to appeal the Final Order.

58. Without admitting or denying the facts and violations alleged in this CAFO, Respondent consents to the terms and issuance of this CAFO and agrees to the payment of the civil penalty set forth herein.

#### Supplemental Environmental Project

59. As a Supplemental Environmental Project ("SEP"), Respondent shall eliminate the use of chlorine gas at Respondent's Facility ("Chlorine Elimination SEP") and use liquid sodium hypochlorite, a less dangerous chemical, as a substitute for the chlorine gas. The SEP is further described in Appendix A and B, which appendices are herein incorporated by reference and are enforceable under this CAFO. The parties agree that this Chlorine Elimination SEP is intended to secure significant public health benefits by protecting workers, emergency responders, and the community from the risk of chlorine gas releases.

60. **Satisfactory Completion of SEP:** Respondent shall satisfactorily complete the SEP according to the requirements set forth in Appendix A and the schedule set forth in Appendix B. The SEP is projected to cost approximately \$449,000 and will also involve additional ongoing operational costs. Some of the key elements required for satisfactory completion of the Chlorine Elimination SEP include the following:

- a. As further described in Appendix A, conformance to standards and guidelines for construction and operation of public water systems to, among other things, ensure proper construction of the new sodium hypochlorite disinfectant system and minimize the amount of perchlorate contained in the sodium hypochlorite;
- b. Review and approval of project documents by the Massachusetts Department of Environmental Protection before construction;

- c. Demolition and removal of chlorine-related equipment;
- d. Installation of new sodium hypochlorite tanks, pumps, piping, instrumentation and controls;
- e. Modifications of facility necessary to support the installation of the new equipment (e.g., HVAC system, support structures);
- f. Construction and operation of a temporary sodium hypochlorite feed system during construction;
- g. Operational safeguards to minimize sodium hypochlorite decomposition;
- h. Submission of semi-annual progress reports on July 1 and January 31 until SEP is completed, as set out in paragraph 61;
- i. Completion of the SEP, including interim deadlines, in accordance with the deadlines set out in Appendix B. The projected date for the SEP system becoming operational is December 31, 2016. The projected date for construction completion and SEP project closeout is February 28, 2017.

61. **Semi-annual progress reports:** The semi-annual progress reports referenced in paragraph 60(h) above shall be submitted by electronic mail to Jim Gaffey, [gaffey.jim@epa.gov](mailto:gaffey.jim@epa.gov), and Steven Schlang, [schlang.steven@epa.gov](mailto:schlang.steven@epa.gov). They shall provide a brief description of the work completed to date on the SEP. If Respondent anticipates any difficulties meeting future deadlines, the semi-annual progress reports shall state the reasons for such difficulties and describe steps that Respondents has taken to minimize delays.

**SEP Completion Report**

62. After completion of the Chlorine Elimination SEP, Respondent shall send an electronic mail message to Jim Gaffey, [gaffey.jim@epa.gov](mailto:gaffey.jim@epa.gov), and Steven Schlang, [schlang.steven@epa.gov](mailto:schlang.steven@epa.gov), to confirm that chlorine gas has been eliminated from the Facility and

that liquid sodium hypochlorite is being used in all former chlorine-based operations.

Respondent shall also submit a written SEP Completion Report **within 30 days** of completing the SEP. The SEP Completion Report shall contain the following information:

- a. A detailed description of the SEP as implemented;
- b. A description of any implementation problems encountered and the solutions thereto;
- c. Itemized costs, documented by copies of invoices, purchase orders, receipts, canceled checks, or wire transfer records that specifically identify and itemize the individual costs associated with the SEP. Where the SEP Completion Report includes costs not eligible for SEP credit, those costs must be clearly identified as such;
- d. Certification that the SEP has been fully completed;
- e. A description of the environmental and public health benefits resulting from the implementation of the SEP (with quantification of the benefits and pollutant reductions, if feasible);
- f. A statement that no tax returns filed or to be filed by Respondent will contain deductions or depreciations for any expense associated with the SEP; and
- g. The following statement, signed by Respondent's officer, under penalty of law, attesting that the information contained in the SEP Completion Report is true, accurate, and not misleading:

63. *I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for*

may object in writing to the notice of deficiency given pursuant to this paragraph within ten (10) business days of receipt of such notice, except that this right to object shall not be available if EPA found that the project was not completed satisfactorily because Respondent failed to implement or abandoned the project. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of Respondent's objection to reach agreement on changes necessary to the SEP or SEP Completion Report. If agreement cannot be reached on any such issue within this thirty (30) day period as may be extended by the written agreement of both EPA and Respondent, EPA shall provide a written statement of its decision on adequacy of the completion of the SEP to Respondent, which decision shall be final and binding on Respondent. Respondent agrees to comply with any requirements imposed by EPA that are not inconsistent with this CAFO as a result of any failure to comply with the terms of this CAFO. In the event that the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent in accordance with paragraph 68 herein.

**Stipulated Penalties for SEP Obligations**

68. In the event that Respondent fails to comply with any of the terms or provisions of this CAFO relating to the performance of the SEP, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

- a. For failure to meet interim deadlines in Appendix B, submit required semi-annual progress reports, and/or provide a SEP Completion Report, Respondent shall pay \$500 per day for the first thirty (30) days of violation; \$750 per day for the next sixty days of violation; and \$1,000 per day for each day of violation thereafter until the deadline is achieved or the report is submitted;
- b. For failure to satisfactorily complete the SEP as described in the CAFO and Appendix A (including, for example, abandoning the SEP), Respondent shall

pay \$1,000 per day for the first thirty (30) days of violation; \$1,500 per day for the next sixty days of violation; and \$2,000 per day for each day of violation thereafter, but the total stipulated penalty in this subsection shall not exceed \$200,000.

69. The determination of whether the SEP has been satisfactorily completed shall be in the sole discretion of EPA.

70. Stipulated penalties as set forth in paragraph 68 above shall begin to accrue on the day after performance is due and shall continue to accrue through the final day of the completion of the activity.

71. Respondent shall pay stipulated penalties not more than fifteen (15) days after receipt of written demand by EPA for such penalties. The method of payment shall be in accordance with the provisions of paragraph 77(b) and (c). Interest and late charges shall be paid as stated in paragraph 73.

72. Payment of stipulated penalties shall be in addition to any other relief available under federal law. EPA may, in its sole discretion, decide not to seek stipulated penalties or to waive any portion of the stipulated penalties that accrue pursuant to this CAFO.

73. **Collection of Unpaid Stipulated Penalties for SEP:** Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. In the event that a stipulated penalty relating to the performance of SEPs pursuant to paragraphs 68-71, above, is not paid when due, the penalty shall be payable, plus accrued interest, without demand. Interest shall be payable at the rate of the United States Treasury tax and loan rate in accordance with 31 C.F.R. § 901.9(b)(2) and shall accrue from the original date on which the penalty was due to the date of payment. In addition, a penalty charge of six percent per year will be assessed on any

portion of the debt which remains delinquent more than ninety (90) days after payment is due. Should assessment of the penalty charge on the debt be required, it will be assessed as of the first day payment is due under 31 C.F.R. § 901.9(d). In any such collection action, the validity, amount, and appropriateness of the penalty shall not be subject to review.

74. Respondent hereby certifies the truth and accuracy of each of the following:

a. As of the date of executing this CAFO, Respondent is not required to perform or develop the Chlorine Elimination SEP by any federal, state, or local law or regulation. Nor is Respondent required to perform or develop the SEP under any grant or agreement with any governmental or private entity, as injunctive relief in this or any other case, or in compliance with state or local requirements.

b. Respondent is not party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the Chlorine Elimination SEP. To the best of Respondent's knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date of this settlement (unless the project was barred from funding as statutorily ineligible). For the purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not yet expired.

c. The SEP is not a project that Respondent was planning or intending to

construct, perform, or implement other than in settlement of the claims resolved in this CAFO;

d. Respondent has not received and will not receive credit for the SEP in any other enforcement action; and

e. Respondent has not received and will not receive any reimbursement for any portion of the SEP from any other person.

75. Respondent agrees that any public statement, oral or written, in print, film, or other media, made by Respondent making reference to the SEP shall state that this project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of the Clean Air Act.

#### Civil Penalty Payment

76. Pursuant to Sections 113(d)(2)(B) and (e) of the CAA, 42 U.S.C. §§ 7413(d)(2)(B) and (e), and taking into account the relevant statutory penalty criteria, the SEP, Respondent's finances, the facts alleged in the Complaint, and any such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty of \$5,000 for the violations alleged in this matter.

77. Respondent agrees to pay a civil penalty in the amount of \$5,000 in the manner described below:

a. Payment shall be in a single payment of \$5,000, due no later than 45 calendar days from the date of the Final Order. If the due date for the payment falls on a weekend or federal holiday, then the due date is the next business day. The date the payment is made is considered to be the date postmarked or remitted by wire transfer. Payment must be received by 3:00 p.m. Eastern Standard Time to be considered as received that day.

b. The payment shall be made by remitting a check or making an electronic payment, as described below. The check or other payment shall designate the name and docket number of this case, be in the amount stated in part "a," above, and be payable to "Treasurer, United States of America." The payment shall be remitted as follows:

**If remitted by regular U.S. mail:**

U.S. Environmental Protection Agency / Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

**If remitted by any overnight commercial carrier:**

U.S. Bank  
1005 Convention Plaza  
Mail Station SL-MO-C2GL  
St. Louis, Missouri 63101

**If remitted by wire transfer:** Any wire transfer must be sent directly to the Federal Reserve Bank in New York City using the following information:

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency".

c. At the time of payment, a copy of the check (or notification of other type of payment), with the name and docket number of this case, shall also be sent to:

Wanda Santiago, Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
Mail Code ORA18-1  
5 Post Office Square, Suite 100

Boston, MA 02109-3912

and to:

Steven Schlang, Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region 1  
Mail Code OES04-4  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

78. **Collection of Unpaid Civil Penalty:** Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Pursuant to Section 113(d)(5) of the CAA, 42 U.S.C. § 7413(d)(5), if Respondent fails to pay any of the CAA penalty amount described in Paragraph 76, plus interest thereon, it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. Interest will be assessed on the penalty if it is not paid by the due dates established herein. In that event, interest will accrue from the effective date of the CAFO, at the "underpayment rate" established pursuant to 26 U.S.C § 6621(a)(2). In the event that the penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys' fees and collection costs. A quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

79. The provisions of this CAFO shall be binding upon Respondent and Respondent's officers, directors, agents, servants, employees, and successors or assigns.

80. Respondent shall bear its own costs and attorneys' fees in this proceeding and specifically waives any right to recover such costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

81. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113 of the CAA for the violations specifically alleged in this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA, and it is the responsibility of Respondent to comply with such laws and regulations. This CAFO in no way relieves Respondent or its employees of any criminal liability. Nothing in this CAFO shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public.

82. Nothing in this CAFO shall be construed as prohibiting, altering, or in any way limiting the ability of EPA to seek any other remedies or sanctions if Respondent is in violation of this CAFO or continues to be in violation of the statutes and regulations upon which the allegations in this CAFO are based, or for Respondent's violation of any other applicable provision of federal, state or local law.

83. The terms, conditions, and requirements of this CAFO may not be modified without the written agreement of both parties and approval of the Regional Judicial Officer, except that the Regional Judicial Officer need not approve written agreements between the parties modifying the SEP schedules described in paragraph 60(i) and Appendix B.

84. The undersigned representative of Respondent certifies that he or she is fully authorized by Respondent to enter into the terms and conditions of this CAFO and to execute and legally bind Respondent to it.

85. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this CAFO is filed with the Regional Hearing Clerk.

86. Notice of filing shall be provided to the Respondent at the addresses listed below:

Mayor William A. Flanagan  
City of Fall River

One Government Center  
Fall River, Massachusetts 02722

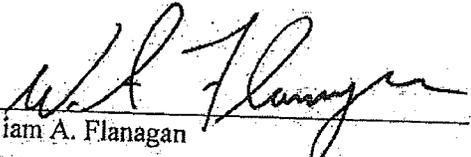
With a copy to:

Terrance J. Sullivan  
Director of Community Utilities  
City of Fall River  
One Government Center  
Fall River, Massachusetts 02722

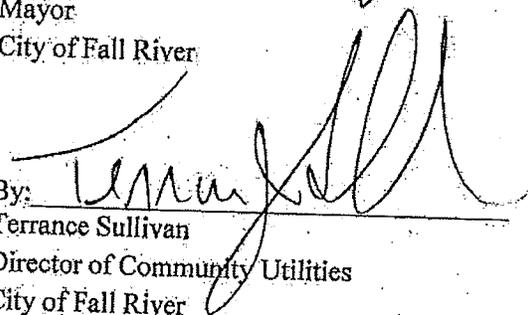
And to:

Elizabeth Sousa, Esq.  
Office of the Corporation Counsel  
City of Fall River  
One Government Center  
Fall River, Massachusetts 02722

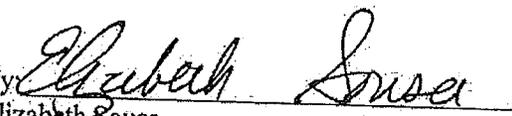
FOR RESPONDENT, CITY OF FALL RIVER

By:   
William A. Flanagan  
Mayor  
City of Fall River

Date: 9-26-14

By:   
Terrance Sullivan  
Director of Community Utilities  
City of Fall River

Date: 9/26/14

By:   
Elizabeth Sousa  
Corporation Counsel  
City of Fall River

Date: 9/26/14

FOR COMPLAINANT, United States Environmental Protection Agency:

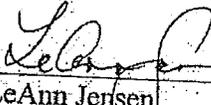
By: Susan Studlien  
Susan Studlien  
Director  
Office of Environmental Stewardship  
EPA, Region 1

Date: 09/29/14

V. FINAL ORDER

The foregoing Consent Agreement is hereby ratified and incorporated by reference into this Final Order. Respondent is hereby ordered to comply with the terms of the above Consent Agreement, which will be effective on the date it is filed with the Regional Hearing Clerk.

Date: September 29, 2014

  
LeAnn Jensen  
Acting Regional Judicial Officer  
U.S. EPA, Region 1



City of Fall River  
Massachusetts  
Department of Community Utilities  
WATER • SEWER

APPENDIX A

WILLIAM A. FLANAGAN  
Mayor

TERRANCE SULLIVAN  
Administrator

September 8, 2014

Via email only [schlang.steven@epa.gov](mailto:schlang.steven@epa.gov)

Steven Schlang, Esq.  
Senior Enforcement Counsel, OES04-3  
U.S. EPA, Region 1  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: *In the Matter of the City of Fall River, MA*  
*Docket No. CAA-01-2014-0021*  
*Supplemental Environmental Project*  
*Scope of Work - Fall River Water Treatment Facility*

Dear Attorney Schlang:

The City of Fall River (City) assisted by its engineering consultant Fay, Spofford and Thorndike (FST) has prepared this letter to document the proposed Scope of Work (SOW) for the Supplemental Environmental Project (SEP) currently being negotiated as part of the Consent Agreement and Final Order (CAFO) in response to the above referenced complaint. The above-referenced complaint was issued pursuant to Section 112(r)(7) of the Clean Air Act (CAA), specifically the Risk Management Plan elements in Title 40 Code of Federal Regulations (CFR) Part 68. The City is subject to the RMP elements because it uses and stores up to 14,000 pounds of chlorine at its water treatment facility (WTF) for the disinfection of drinking water. The threshold limit for chlorine is 2,500 pounds.

As part of the proposed settlement and CAFO, the City is proposing to convert the disinfection process at the WTF from the storage and use of chlorine gas to the storage and use of sodium hypochlorite. This conversion will result in the elimination of chlorine gas at the facility. The use of sodium hypochlorite for the disinfection of drinking water is common in the drinking water industry. Many public water suppliers have made the switch from chlorine gas to sodium hypochlorite.

The SOW, as proposed, has been developed to meet the requirements of a SEP as outlined in the *EPA Supplemental Environmental Projects Policy*, dated May 1, 1998 and the design standards outlined in the Massachusetts Department of Environmental Protection's (MADEP) *Guidelines*

for *Public Water Systems, dated April 2014 (Guidelines)*. If this SOW is approved as a SEP, the City will design the proposed modifications and prepare project documents for review and approval by MADEP and then issue them for public bidding under Massachusetts General Law Chapter 146. It should be noted that the proposed conversion to sodium hypochlorite at the City's WTF will reduce the overall risk to operator safety and public health and the environment by eliminating the storage of the toxic regulated substance.

The proposed SOW includes the demolition and removal of the existing chlorine gas feed system, chain hoist and cylinder storage cradles, the installation of new sodium hypochlorite bulk storage tanks, day tanks, chemical transfer pumps, chemical metering pumps and the associated discharge piping, and instrumentation and controls. Modifications to the facility including HVAC and building/architectural modifications to support the installation of the new tanks, equipment and appurtenances are also proposed. The preliminary design of the proposed modifications are based on past WTF chlorine usage data, FST experience in design of similar sodium hypochlorite feed systems at other water treatment facilities, and the requirements of the MADEP Guidelines. A preliminary demolition plan, equipment layout, and chemical feed schematic for the proposed sodium hypochlorite feed system are attached to this letter. Major components of the proposed system include:

- (3) - 3,000 gallon vertical high density polyethylene bulk storage tanks to provide 30 days storage at the anticipated average daily chemical usage rate per MADEP Guidelines.
- (2) - 325 gallon chemical high density polyethylene day tank to provide 30 to 60 hours storage at the anticipated average daily chemical usage rate per MADEP Guidelines.
- (2) - Chemical Transfer Pumps with manual control and automatic high level shut-off, and incorporated into the WTF SCADA system.
- (3) - Chemical Metering Pumps to be incorporated into the Plant SCADA system for automatic flow pacing meeting all the requirements of the MADEP Chapter 6 Guidelines.
- Chemical piping to the existing points of chemical addition.
- Construction of chemical containment structure.
- Construction and operation of a temporary sodium hypochlorite feed system during construction.

All sodium hypochlorite solutions contain perchlorate as a result of the manufacturing process and chemical degradation of the hypochlorite ion. To minimize perchlorate in the hypochlorite purchased and stored at the WTP, the City will only purchase products that meet the requirements of AWWA Standard B-300 and NSF Standard 60 for drinking water additives. To further minimize hypochlorite decomposition our proposed SOW includes the minimum bulk storage quantities to meet the MADEP guidelines (30 days), storage tanks to minimize UV impacts, and ventilation improvements to keep the storage area cool.

Steven Schlang, Esq.  
September 8, 2014  
Page 3 of 3

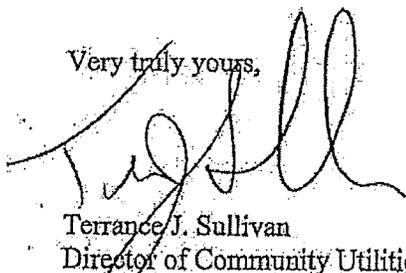
The following table presents the Opinion of Probable cost for the conversion from chlorine gas to sodium hypochlorite at the WTF.

*City of Fall River*  
*SEP Estimated Project Costs*

Temporary Chemical Feed System	\$ 20,000
Equipment Demolition	\$ 40,000
Process Tanks and Pumps	\$ 90,000
Chemical Piping, Valves and Appurtenances	\$ 50,000
Electrical and Instrumentation	\$ 47,500
Facility Modifications	\$ 37,500
<b>Sub-Total</b>	<b>\$ 285,000</b>
Contractor Bonds, Insurance, O&P	\$ 64,000
Engineering and Contingencies	\$ 100,000
<b>Total Project Cost</b>	<b>\$ 449,000</b>

The City of Fall River appreciates the opportunity to present this proposed Scope of Work for a SEP at the City's water treatment facility and looks forward to your favorable review. If you have any questions or require any additional information, please do not hesitate to contact me at 508-324-2321.

Very truly yours,

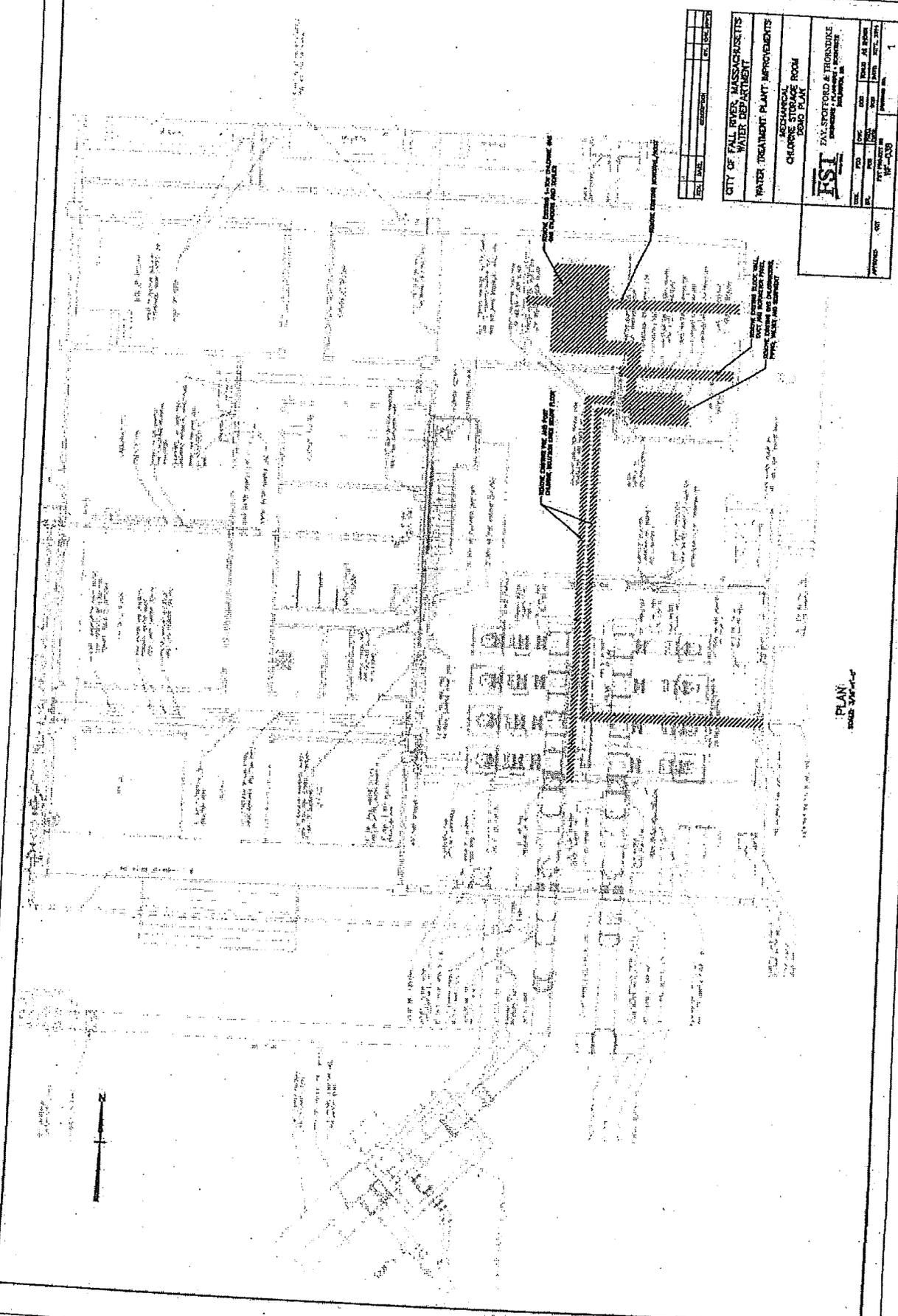


Terrance J. Sullivan  
Director of Community Utilities

Attachments (3)

cc: Christy DiOrio, Esq.  
Jim Gaffey, EPA  
Karen McGuire, EPA  
(all via email w/ attachments)





REV.	DATE	BY	CHK

CITY OF FALL RIVER, MASSACHUSETTS  
 WATER DEPARTMENT  
 WATER TREATMENT PLANT IMPROVEMENTS  
 CHEMICAL STORAGE ROOM  
 DEBAG PLAN



ESI  
 FAY, SPOTFORD & THORNDIKE  
 ENGINEERS ARCHITECTS  
 FALL RIVER, MA

DATE	REV.	BY	CHK

SHEET 1 OF 3

PLAN  
 SCALE 3/8" = 1'-0"



## APPENDIX B

EPA SEP

Fall River Water Division

Sodium Hypochlorite Disinfection Conversion

Schedule of Deliverables

- June 30, 2015 Loan Order Authorization.
- December 15, 2015 50% Construction Documents.
- February 1, 2016 100% Construction Documents.
- March 15, 2016 Construction Bids received.
- April 1, 2016 Construction Contract Executed.
- December 31, 2016 Substantial Completion of Construction; System Operational.
- February 28, 2017 Construction completion; Project closeout; Retainage Release.
- March 28, 2017 SEP report submittal to EPA.

3



# City of Fall River Massachusetts

Department of Administrative Services  
HUMAN RESOURCES • INFORMATION SYSTEMS • LAW • PURCHASING

*Purchasing Division*

**WILLIAM A. FLANAGAN**  
*Mayor*

**TIMOTHY MCCOY**  
PURCHASING AGENT

October 7, 2014

Members of the City Council  
One Government Center  
Fall River MA 02722

RECEIVED  
2014 OCT -7 A 11:40  
CITY CLERK  
FALL RIVER, MA

Dear Councilors,

In accordance with the City Ordinance Division 2, Purchasing Department Sec. 2-972 of the revised ordinances of the City of Fall River, this reads in part as follows:

**Surplus property determined by the purchasing Agent to be no longer useful for any municipal purpose shall be sold or disposed of under such terms and conditions as the City Council shall by order determine.**

I am submitting to you, as per attached, some additional items recently forwarded to my attention describing equipment that is no longer of value to the City of Fall River.

I would like to recommend at this time, that consideration be given to the auction process, and that the equipment list be amended to include the additional items attached hereto.

Pending approval of the City Council the auction will be held Saturday, November 1, 2014, at 9:00 a.m. at the Public Works Complex, 10 Lewiston Street, Fall river, MA.

Respectfully submitted,

Timothy McCoy  
Purchasing Agent

TO: Purchasing Department  
Fr: MIS  
RE: Additional Surplus Items

Please be advised that we have six (6) televisions with VCR's currently stored in the basement of City Hall.

The sets are approximately 17 years old and are no longer of use to the department. We would like to submit the items to auction. The estimated value is \$25 each.

RECEIVED

2014 OCT -7 A 11:40

CITY CLERK  
FALL RIVER, MA

Water Dept surplus vehicles 10/6/2014

Vehicle Make	Model	Water Veh ID #	Year	VIN No.	Vehicle Type	Purchase Date	Acquisition Cost	Plate	Current Department	Current Condition
CHEV	C3500	2	2000	1GBGC34R8YF434261	PICKUP	11/13/1999	\$25,000	M67-152	WATER	Body poor Mechanical poor
CHEV	C3500	18	2000	1GBGC34R6YF435473	PICKUP	11/13/1999	\$18,000	M67-153	WATER	Body poor Mechanical poor

CITY CLERK  
FALL RIVER, MA

2014 OCT -7 A 11:40

RECEIVED

Where Garaged?	Fuel Type	Lettered, per Section 2-971 Yes/No	Miles, 9/30/2014
1620 Bedford	GAS	YES	128842
1620 Bedford	GAS	YES	106647

CITY CLERK  
FALL RIVER, MA

2014 OCT -7 A 11:40

RECEIVED



4

# FALL RIVER SCHOOL COMMITTEE

RECEIVED

Honorable Mayor William A. Flanagan  
Chairman

2014 OCT -7 A 11: 24

Gabriel Andrade  
Paul Hart

Mark Costa  
Vice-Chairman

CITY CLERK  
FALL RIVER, MA  
Joseph Martins  
Robert Waynard  
Melissa Panchley

Meg Mayo-Brown  
Superintendent of Schools

Rebecca L. Caron  
Administrative Assistant

September 26, 2014

Mr. Joseph Camara, City Council President  
One Government Center  
Fall River, MA 02722

Dear City Council President Camara:

At a meeting of the Fall River School Committee held on Monday, September 8, 2014, a discussion was held regarding the dedication/renaming of the former Brownell Street in honor of Mr. Al D'Ambrosio and the dedication of the main office suite at the Viveiros School in honor of Mr. William H. Gaw.

Following that discussion, and on a motion made and seconded, it was unanimously voted to approve both dedications.

It is now being requested that the renaming of the former Brownell Street be added to the City Council's October agenda for the Council's recognition of the street, now a private way, being renamed *Al D'Ambrosio Way*.

Attached is a copy of the motion along with the discussion that took place. Please feel free to contact me with any questions or concerns.

Sincerely,

Rebecca Caron  
Administrative Assistant for School Committee Services

Attachment: 1

- c. Meg Mayo-Brown , Superintendent of Schools
- Tom Coogan, Chief Operating Officer

**MOTION: Mr. Maynard - Mr. Costa: To approve the dedications for Mr. D'Ambrosio and Mr. Gaw.**

Discussion

Mayor Flanagan asked Mr. Coogan to explain the dedication requests.

Mr. Coogan said that the first dedication that was suggested was in honor of Mr. D'Ambrosio who worked for the school department from 1976 to 2008. They received a request to name a part of the facility at Morton after Mr. D'Ambrosio. Mr. Coogan explained that Rock Street used to continue and circle down behind the old facility and end up on the end of Brownell Street as they crossed North Main. That street was a public way. As part of the Morton construction project, that road was decommissioned and the Carroll School and the Morton campuses were merged. The road way from President Avenue to North Main Street is now private and part of the school facility. Naming that road in honor of Mr. D'Ambrosio would be a way of commemorating his service and work with all the facilities and construction projects that have taken place along with the school department over the last 12-13 years. He believed that 10 of the current 16 schools that are in operation were a direct result of Mr. D'Ambrosio's oversight and work on those projects. He added that Mr. D'Ambrosio has been retired for some time and he thought it would be a nice way to honor him if the Committee so desires.

Mayor Flanagan asked about Mr. Gaw.

Mr. Coogan said Mr. Gaw is a fascinating story. He was a principal in the system for 21 years. In addition, he had some remarkable accomplishments; he was a WWII veteran; a war hero, his ship was sunk in the D-Day action; he rescued a ship mate; he served as part of the committee to bring the Battleship to Fall River; he was the President of the Fall River Purple Heart Veterans; he received a medal for heroism. Mr. Coogan said he is a terrific story and a Fall River native. He added that he grew up across the street from and attended the Slade School. The letter that he forwarded to the Committee was written by a family member that wished to see him honored in some way. He continued by explaining that with the recent schools that they have built, they took the schools that were absorbed into those campuses and had parts of the new buildings named after them. At the Viveiros School, the main office suite would be available for naming if the Committee felt that was an appropriate motion to recognize Mr. Gaw's contribution to the City and the School Department.

All were in favor

None were opposed

Motion passed

**MOTION: Mr. Maynard - Mr. Costa: To approve the dedications for Mr. D'Ambrosio and Mr. Gaw.**

RECEIVED

Discussion

Mayor Flanagan asked Mr. Coogan to explain the dedication requests.

2014 OCT -7 A 11: 24

Mr. Coogan said that the first dedication that was suggested was in honor of Mr. D'Ambrosio who worked for the school department from 1976 to 2008. They received a request to name a part of the Oak Park at Morton after Mr. D'Ambrosio. Mr. Coogan explained that Rock Street used to continue and circle down behind the Oak Park and end up on the end of Brownell Street as they crossed North Main. That street was a public way. As part of the Morton construction project, that road was decommissioned and the Carroll School and the Morton campuses were merged. The road way from President Avenue to North Main Street is now private and part of the school facility. Naming that road in honor of Mr. D'Ambrosio would be a way of commemorating his service and work with all the facilities and construction projects that have taken place along with the school department over the last 12-13 years. He believed that 10 of the current 16 schools that are in operation were a direct result of Mr. D'Ambrosio's oversight and work on those projects. He added that Mr. D'Ambrosio has been retired for some time and he thought it would be a nice way to honor him if the Committee so desires.

Mayor Flanagan asked about Mr. Gaw.

Mr. Coogan said Mr. Gaw is a fascinating story. He was a principal in the system for 21 years. In addition, he had some remarkable accomplishments; he was a WWII veteran; a war hero, his ship was sunk in the D-Day action; he rescued a ship mate; he served as part of the committee to bring the Battleship to Fall River; he was the President of the Fall River Purple Heart Veterans; he received a medal for heroism. Mr. Coogan said he is a terrific story and a Fall River native. He added that he grew up across the street from and attended the Slade School. The letter that he forwarded to the Committee was written by a family member that wished to see him honored in some way. He continued by explaining that with the recent schools that they have built, they took the schools that were absorbed into those campuses and had parts of the new buildings named after them. At the Viveiros School, the main office suite would be available for naming if the Committee felt that was an appropriate motion to recognize Mr. Gaw's contribution to the City and the School Department.

All were in favor

None were opposed

Motion passed

# City of Fall River, *In City Council*

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 54, Section 54-131 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which section relates to hours, be amended by striking out "11:00 p.m." and inserting in place thereof "9:00 p.m."

CITY OF FALL RIVER  
IN CITY COUNCIL

**SEP 23 2014**

*Passed through first reading*

*(Pres. Cambara opposed)*

# City of Fall River, In City Council

BE IT ORDAINED, by the City Council of the City of Fall River, as follows:

That Chapter 66 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to streets, sidewalks and other public places, be amended as follows:

By inserting the following new section to read as follows:

Sec. 66-328 Wintertime Utility Line Extensions

No utility line extensions in city streets or subdivisions shall be allowed during the period running from December 15 through March 15 unless permission is granted by a majority vote of the City Council. For the purpose of this section, a utility line extension shall be defined as any addition or modification that results in an expansion of the existing utility line. This section shall not apply to connection of a new or existing home or building to an existing utility main or to repairs to fix a break in an existing main line or service connection.

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 23 2014

*Passed through first reading*

# City of Fall River, In City Council

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

Section 1.

By inserting in Section 70-241, which section relates to stop intersections designated, in proper alphabetical order the following:

North Varley Street, northbound drivers on North Varley Street at Locust

Section 2.

By inserting in section 70-281, which section relates to one-way streets designated, in proper alphabetical order the following:

North Varley Street, from Pine Street to Locust Street in a northerly direction

Section 3.

By striking out in Section 70-387, which section relates to handicapped parking the following:

- Baird Street, west side, 20 feet in front of the premises numbered 228 Baird Street
- Columbia Street, south side, starting at a point 53 feet west of Washington Street, for a distance of 25 feet westerly
- Dwelly Street, north side, starting at a point 20 feet west of Tuttle Street, for a distance of 20 feet westerly
- Elizabeth Street, north side, starting at a point 65 feet west of Marsh Street, for a distance of 20 feet westerly
- Hamlet Street, north side, starting at a point 62 feet east of Ridge Street, for a distance of 20 feet easterly
- Harvard Street, south side, starting at a point 184 feet west of Stowe Street, for a distance of 25 feet westerly
- Hood Street, north side, starting at a point 26 feet west of North Belmont Street, for a distance of 20 feet westerly
- Hope Street, north side, starting at a point 58 feet east of Mulberry Street, for a distance of 20 feet easterly
- Oliver Street, south side, starting at a point 190 feet east of South Beacon Street, for a distance of 20 feet easterly
- Plain Street, east side, starting at a point 20 feet north of Pine Street, for a distance of 20 feet northerly
- Ridge Street, west side, starting at a point 76 feet north of Cottage Street, for a distance of 25 feet northerly
- Ridge Street, west side, starting at a point 200 feet north of Hamlet Street, for a distance of 20 feet northerly

CITY OF FALL RIVER  
IN CITY COUNCIL

SEP 23 2014

*Passed through first reading*

*City of Fall River, In City Council*

(Councilor Leo O. Pelletier)

BE IT RESOLVED, that the City Council Committee on Ordinances and Legislation convene to discuss Section 46-7 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which section relates to Noise.

*City of Fall River, In City Council*

(Councilor Raymond A. Mitchell)  
(Councilor Michael L. Miozza)

BE IT RESOLVED, that a complete forensic audit of the City of Fall River be conducted by the State Auditor's office, and

BE IT FURTHER RESOLVED, that an investigation take place regarding the twenty two windows that were installed on the sixth floor of the Government Center and the City Council receive a copy of the police report when the investigation is complete.

11  
City of Fall River, *In City Council*

(Councilor Leo O. Pelletier)

WHEREAS, there has been an increase in prostitution, drug crimes and violence in the Flint area of the city, now therefore

BE IT RESOLVED, that the City Council Committee on Public Safety meet with the Fall River Police Department and concerned residents of this neighborhood to discuss these public safety concerns.

City of Fall River, *In City Council*

12

(Councilor Raymond A. Mitchell)

WHEREAS, the restrooms located on the first floor of the Government Center have been under construction for an extended period of time, now therefore

BE IT RESOLVED, that the City Council receive an update on the expected completion date of these restrooms.

25



RECEIVED

2014 SEP 26 A 10: 24

City of Fall River  
Notice of Claim

CITY CLERK 14-269  
FALL RIVER, MA

1. Claimant's name: Milena Moniz
2. Claimant's complete address: 4980 North Main Street, Apt 817, Fall River, MA 02720
3. Telephone number: Home: 774-955-9255 Work: 508-973-1308
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Tire popped/ripped due to sharp edge of pot hole.
5. Date and time of accident: 9-14-2014 Amount of damages claimed: \$ 2,200  
6:00pm
6. Exact location of the incident: (include as much detail as possible):  
Corner of Jefferson Street and Baird Street
7. Circumstances of the incident: (attach additional pages if necessary):  
When driving towards Glasgow Street, saw many patched areas on Jefferson street. I didn't see that the patched spot had a sharp corner to it. So I ran it over and it ripped my tire.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company:  Yes  No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

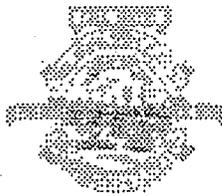
Date: 9-16-14 Claimant's signature: Milena Moniz

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:	
Copies forwarded to: <input type="checkbox"/> City Clerk <input type="checkbox"/> Law <input type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input type="checkbox"/> <u>DPW</u>	Date: <u>9/26/14</u>



RECEIVED

2014 SEP 26 A 10: 25

City of Fall River  
Notice of Claim

CITY CLERK 14-270  
FALL RIVER, MA

1. Claimant's name: Afni Subrogation Also Donald J Hauke Jr Attn: Rick
2. Claimant's complete address: PO Box 3068 Bloomington, IL 61702
3. Telephone number: Home: 508-677-1871 Work: 888-767-2361 x 3152
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto Accident
5. Date and time of accident: 11/5/2012 8AM Amount of damages claimed: \$ 593.30
6. Exact location of the incident: (include as much detail as possible):  
Rendy St Fall River, MA
7. Circumstances of the incident: (attach additional pages if necessary):  
City sanitation vehicle struck Liberty Mutual's insured parked vehicle

8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company:  Yes  No  
Liberty Mutual 114 Turnpike Rd Westborough, MA 01581

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 9/19/2014

Claimant's signature: Jackie Hauke Afni Subrogation

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

**Return this from to: City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:

Copies forwarded to:  City Clerk  Law  City Council  City Administrator  OPW Date: 9/26/14



City of Fall River  
Notice of Claim

RECEIVED

2014 SEP 29 A 10:57

CITY CLERK 14-271  
FALL RIVER, MA

1. Claimant's name: Daniel Botelho
2. Claimant's complete address: 72 Summerfield St
3. Telephone number: Home: 774 991 1545 Work: \_\_\_\_\_
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
Auto Damage
5. Date and time of accident: 7-8-14 Amount of damages claimed: \$ 788.50
6. Exact location of the incident: (include as much detail as possible):  
Outside 72 Summerfield St my Auto was parked.
7. Circumstances of the incident: (attach additional pages if necessary):  
Auto #1 F.R. TRASH TRUCK DRIVER KENNETH TRAVIS, TRAVIS STATED WHILE HE WAS PICKING UP TRASH, A TRASH CAN SLIPPED OFF THE LIFT AND STRUCK MY AUTO, CAUSING DAMAGE TO MY HOOD.
8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company:  Yes  No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 9-23-14

Claimant's signature: [Signature]

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to: City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:		
Copies forwarded to:	<input type="checkbox"/> City Clerk <input type="checkbox"/> Law <input type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> DPW	Date: <u>9/29/14</u>



RECEIVED

City of Fall River  
Notice of Claim

2014 OCT -1 P 3:15

- 1. Claimant's name: CHERYL FARIAS CITY CLERK 14-272  
FALL RIVER, MA
- 2. Claimant's complete address: 703 FISH RD
- 3. Telephone number: Home: 401-248-8888 Work: \_\_\_\_\_
- 4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage):  
DAMAGE TO VEHICLE
- 5. Date and time of accident: 5-21-14 Amount of damages claimed: \$ 3846.30
- 6. Exact location of the incident: (include as much detail as possible):  
STAFFORD RD (Lawton + Anthony Ave)
- 7. Circumstances of the incident: (attach additional pages if necessary):  
DOT HIR

8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company:  Yes  No Geico

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 10-1-14 Claimant's signature: Cheryl Farias

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS:

**Return this from to : City Clerk, 2<sup>nd</sup> Fl., One Government Center, Fall River, MA 02722**

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:	
Copies forwarded to: <input type="checkbox"/> City Clerk <input type="checkbox"/> Law <input type="checkbox"/> City Council <input type="checkbox"/> City Administrator <input checked="" type="checkbox"/> <u>DPW</u>	Date: <u>10/1/14</u>



RECEIVED

City of Fall River
Notice of Claim

2014 OCT -7 P 2:04

CITY CLERK #14-223
FALL RIVER, MA

- 1. Claimant's name: DONALD A. BERUBE
2. Claimant's complete address: 1273 Robeson ST, FALL RIVER
3. Telephone number: Home: 508.566.7833 Work: 508.324.2300
4. Nature of claim: (e.g., auto accident, slip and fall on public way or property damage): POT HOLE AND ROCK IN THE ROAD CAUSING DAMAGE TO MY CAR.
5. Date and time of accident: 9.30.2014 @ 2:18 PM Amount of damages claimed: \$ 674.76
6. Exact location of the incident: (include as much detail as possible): 843 AIRPORT RD. FALL RIVER
7. Circumstances of the incident: (attach additional pages if necessary):

I WAS TRAVELING IN A SOUTHEASTERLY DIRECTION ON AIRPORT ROAD IN THE AFTERNOON OF SEPTEMBER 30. I STRUCK A POTHOLE AND BOULDER IN THE AREA OF 843 AIRPORT

WHICH CAUSED DAMAGE TO THE RIM AND TIRE OF THE FRONT DRIVER'S SIDE OF MY VEHICLE. WHILE IN THE SCOPE OF MY EMPLOYMENT.

- 8. Have you submitted a claim to any insurance company for damages arising from this incident? If so, name and address of insurance company: [ ] Yes [X] No

Be sure to attach the original of any bills issued or any written estimates of repair or replacement costs. (Any documents that you provide will become the property of the City of Fall River; therefore, please retain copies of any such documents for your files.) Attach any other information you believe will be helpful in the processing of your claim (for example, names and addresses of any witnesses, written medical records if personal injury was sustained).

I swear that the facts stated above are true to the best of my knowledge.

Date: 9.30.14

Claimant's signature: [Signature]

WHEN TO FILE: If your claim is based on a defect in a public way, you must file within 30 days of the incident. If your claim is based on the negligence or wrongful act or omission of the City or its employees, you must file within two years of the incident. PLEASE KEEP A COPY OF THIS FORM FOR YOUR RECORDS.

Return this from to : City Clerk, 2nd Fl., One Government Center, Fall River, MA 02722

You should consult with your own attorney in preparing this claim form to understand your legal rights. The Office of the Corporation Counsel is unable to provide legal assistance to private citizens.

For official use only:
Copies forwarded to: [X] City Clerk [X] Law [X] City Council [X] City Administrator [X] DPW Date: 10/7/14

28

# Letter of Transmittal



Date: 9-19-14 File No. 73768

Attention: City Council

10 PARK PLAZA, BOSTON, MA 02116

CONSTRUCTION DIVISION

To:

Fall River City Council  
One Government Center, Room 22  
Fall River, MA 02722-7700

Re: RT 79/I-195 Project

Chapter 91 Waterways License Modification

License #13431

We are sending you:

Attached  Under separate

cover via the following items

- Reports  Prints  Plans  Samples  Specifications
- Copy of letter  Change Order  Chapter 91 Amendment Notification

Copies	Date	No	Description
<u>1</u>	<u>9/18/14</u>		<u>Fall River Rt 79/I-195, Chapter 91 Waterways License Modification</u>

These are transmitted as checked below:

- For approval  Approval as submitted  Resubmit \_\_\_\_\_ copies for approval
- For your use  Resolve comments  Submit \_\_\_\_\_ copies for distribution
- As requested  Returned for corrections  Return \_\_\_\_\_ corrected copies
- For review & comment  Other \_\_\_\_\_

Remarks:

Per Special Condition #1 of the Chapter 91 Waterways License issued on March 29, 2013, MassDOT is  
submitting a copy of our recent Minor Modification Notice.

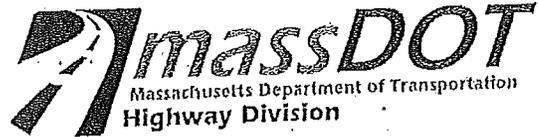
Copy to: MADOT Contacts, File

Signed: Paul Imquosimo

RECEIVED  
2014 SEP 24 A 11: 21  
CITY CLERK  
FALL RIVER, MA



Deval L. Patrick, Governor  
 Richard A. Davey, Secretary & CEO  
 Frank DePaola, Administrator



September 19, 2014

Mr. Benjamin Lynch  
 Program Chief  
 Massachusetts Department of Environmental Protection  
 Waterways Regulation Program  
 One Winter Street  
 Boston, Massachusetts 02108

Re: FALL RIVER- INTERCHANGE IMPROVEMENTS AT  
 ROUTE I-195/ROUTE 79/ROUTE 138 INCLUDING BRAGA BRIDGE PHASE 2  
 CLEANING/PAINTING AND STRUCTURAL REPAIRS  
 License Application No. w12-3623N, License No. 13431  
 Contract# 73768

CITY CLERK  
 FALL RIVER, MA

2014 SEP 24 A 11:21

RECEIVED

Dear Mr. Lynch,

The Massachusetts Department of Transportation-Highway Division (MassDOT) respectfully presents to your office notification of our intention of additional construction that was not included in the original Chapter 91 License Application. This additional work includes replacement of approximately 177' linear feet of structurally deficient granite subgrade culvert that carries the Quequechan River beneath an existing industrial building and parking lot.

The above referenced work once completed does not change the use or alter the existing conditions of the Quequechan River, but rather restores river flow, providing a net benefit to this public resource, MassDOT has determined that this work does not require a license or permit per 310 CMR 9.05 (3) c;

310 CMR 9.05 (3) c- Activities Not requiring a License or Permit  
 "Continuation of any existing, unauthorized public service project, provided that no unauthorized structural alteration or change in use has occurred subsequent to January 1, 1984, unless the Department determines, upon notice and opportunity for public comment, that licensing is essential to prevent significant harm to an overriding water-related public interest;"

**Existing Conditions**

Within the Route 79/I-195 Project Area, there are twin granite culverts conveying the tidal Quequechan River, from the mouth of the culverts upstream to a point where the culverts go under an existing building. The granite block culverts have deteriorated and an inspection by MassDOT divers has determined a portion of each of the culverts has collapsed. This condition causes flood conditions of the Quequechan River during heavy rains and storm events and also reduces flow downstream. Given the failure of the existing culverts, replacement is warranted to reduce the upstream flooding, return normal flow to the Quequechan River and ensure the existing rail tracks and rail service will be safely supported. The replacement of the collapsed sections of culvert will also eliminate sources of sediment that is currently carried to the outlet.

Ten Park Plaza, Suite 4160, Boston, MA 02116  
 Tel: 857-368-4636, TTY: 857-368-0655  
 www.mass.gov/massdot

MassDOT has decided to replace the culverts now as part of the ongoing construction rather than re-disturb the area in the future when the South Coastal Rail (SCR) project is constructed. MassDOT has decided to replace the culverts now as part of the ongoing construction rather than re-disturb the area in the future when the South Coastal Rail (SCR) project is constructed.

#### **Proposed Conditions**

The existing culverts will be replaced with a single 9 foot wide by 5 foot high precast concrete box culvert. A precast concrete chamber will be installed at the upstream end of the project to provide a smooth transition between the two existing culverts and the single proposed culvert. The proposed culvert will be installed downstream to the outlet and a new concrete headwall and wing walls will also be installed at the outlet to replace the failed granite block headwalls. The new culvert will be extended approximately eight feet to allow the future addition of a second rail track adjacent to the proposed headwall. The new culvert will be installed in the same location as the existing twin culverts, so there will be no change in the outlet location.

Constructing the replacement culvert will include establishing a temporary bypass channel to convey river flows around the work area. Steel sheeting will be installed around the existing culverts to contain the work area, including across the end of the culverts at the open channel of the River. The steel sheeting along the west side of the existing culverts will also serve as the east side of the temporary bypass channel and will be installed prior to removal of the existing river bank. The west side of the temporary bypass channel will be a sloped excavation protected from erosion by riprap. The upstream culvert connection chamber will be installed to function as a diversion of the river flows to the bypass channel. Much of this work will be conducted in a paved parking lot.

During installation of the connection chamber, flow in the Quequechan River will be temporarily stopped by the City of Fall River at the outlet of South Watuppa Pond, the source of the Quequechan River. Use of the temporary bypass channel will allow the work to occur outside the river flows. Once the new culvert is completed, the temporary impacts to the river bank will be restored and flows will be directed through the culverts, the bypass channel will be filled in and the parking lot and rail ROW will be restored. This work is tentatively scheduled to commence in mid to late fall of 2014 and will be completed within seven months from the start date.

#### **Resource Area Impacts**

The proposed work will temporarily and permanently impact coastal wetland resources including Waters of the U.S. The project area subject to jurisdiction is highly altered with riprap and granite blocks on the river bank. Work will include excavation, filling, grading, placing riprap, installing sheeting, removal of existing granite block river bank and culverts, installation of precast concrete culverts, installation of a head wall and wing walls, and paving. Although the proposed work will alter existing conditions temporarily, the existing conditions will largely be restored in the end.

Temporary impacts to land below Ordinary High Water (OHW) will be 522 square feet and include: excavation of a portion of the existing river bank to create the outlet for the bypass channel and the area to be altered for the new headwall and wing walls. The excavation and placed riprap for the bypass channel will be filled in and the pre-existing ground and river bank conditions restored upon completion of the culvert replacement. Permanent impacts to land

below OHW will be 210 square feet to include: filling for the culvert extension, placement of the headwall and wing walls, and placement of bedding and riprap on the river bed for scour protection.

Mr. Paul Cinquegrano, Environmental Compliance Section (ECS), Highway Division Construction is overseeing the permitting and regulatory compliance aspects for this project. Please contact Mr. Cinquegrano directly with any questions and comments, or should you require additional information. Paul may be reached directly at (857)368-9587 or at paul.cinquegrano@state.ma.us.

Figures:

Figure 1-Locus Map

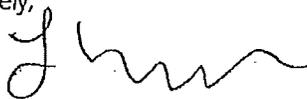
Attachments:

Attachment A-Original Chapter 91 License (March 29, 2013)

Attachment B- Resource Area Impact Plan

Attachment C-Quequechan River Culvert Replacement Plans (12 Sheets)

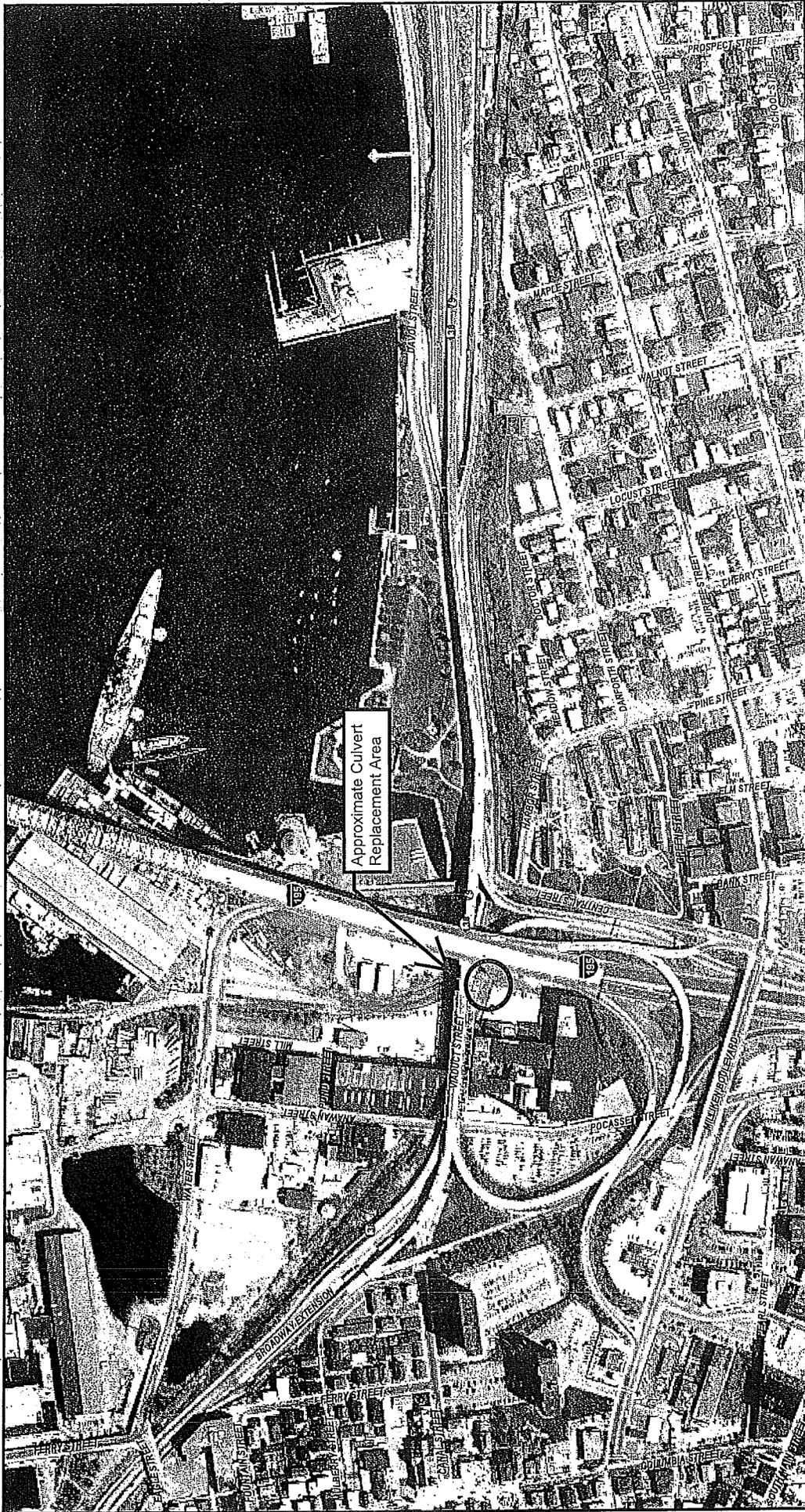
Sincerely,



Jessica Kenny  
Manager, Environmental Compliance Section (ECS)  
Highway Division Construction

Cc: Mr. Chris Ross-MassDOT Liaison MADEP SERO  
Mass Department of Conservation & Recreation  
Mass Coastal Zone Management South Coast Regional Office  
Fall River Office of the Mayor  
Fall River City Council

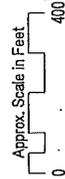
Figure-1  
Locus Map



Approximate Culvert Replacement Area

**LOCUS MAP**  
**Route 79 and 195**  
**Fall River, MA**

Figure 1



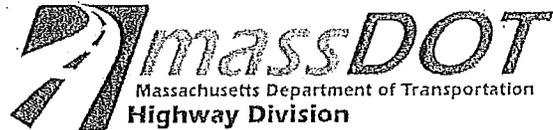
MASSACHUSETTS  
 BAY  
 TRANSPORTATION  
 AUTHORITY



Attachment A-  
Original Chapter 91 License (March 29, 2013)



Deval L. Patrick, Governor  
Timothy P. Murray, Lt. Governor  
Richard A. Davey, Secretary & CEO  
Frank DePaola, Administrator



April 11, 2012

Massachusetts Office of Coastal Zone Management  
251 Causeway Street, Suite 900  
Boston, MA 02114  
Attn: Project Review Coordinator

**Subject: Federal Consistency Review  
Route 79/I-195 Interchange Reconstruction Project  
Fall River, Massachusetts**

Dear Project Review Coordinator:

MassDOT Highway Division requests that your office review the proposed Route 79/I-195 Interchange Reconstruction Project for consistency with the Massachusetts Coastal Zone Management Program. A combined Environmental Assessment/Environmental Notification Form (EA/ENF) has been prepared and will be submitted to MEPA.

### **Project Summary**

Project Name: Route 79/I-195 Interchange Reconstruction Project  
EEA File No: To be issued with Environmental Monitor Notice  
Project Location: City of Fall River, Massachusetts  
Project Proponent: Massachusetts Department of Transportation, Highway Division (MassDOT)  
MassDOT Project No.: 605223

### **Project Description**

The programmatic directive of the Commonwealth's Accelerated Bridge Program (ABP) is to address structurally deficient bridges. The state legislature allocated funds specifically towards this end. MassDOT is funding the project with bonds from the Accelerated Bridge Program. These bonds will be repaid in part with funds from the Federal Highway Administration (FHWA). The Interchange Reconstruction Project is included in SRPEDD's long-range Regional Transportation Plan (RTP) and the State Transportation Improvement Plan (STIP). The \$170 million Design-Build Route 79/I-195 Interchange Reconstruction Project is expected to be in construction from January 2013 through September 2016.

### **Project Overview**

MassDOT proposes to reconstruct the Route 79/I-195 Interchange in Fall River (Figures 1 and 2). The project will remove the Route 79 viaduct (both northbound and southbound levels) and combine Route 79 with Davol Street/Route 138 within the project limits. A plan view of the project is provided in Figure 3. North of the project limits, Route 79 will remain as it is today, a grade-separated roadway on an embankment between the northbound and southbound barrels of Davol Street. South of the project limits, Route 138/Broadway Extension will remain as it is today.

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Tel: 617-973-7000, TDD: 617-973-7306  
[www.mass.gov/massdot](http://www.mass.gov/massdot)

The project consists of the reconstruction of the Route 79/I-195 interchange including the viaduct section of Route 79 and all the ramps. The existing bridge structures which carry the two-level Route 79 viaduct will be removed and replaced with an at-grade roadway. Other existing bridge structures along the ramps that connect Route 79 to I-195 will be replaced with new bridges. The existing section of Davol Street which is on a bridge structure over the railroad between Anawan Street and Central Street will be replaced. The combined Route 79/Davol Street roadway will now intersect with Central Street. The proposed new Water Street Connector will improve local connectivity with the interstate highway and between the waterfront and the Central Business District (CBD).

Three signalized intersections are proposed along the new combined Route 79/Davol Street/Route 138 roadway as located on Figure 3:

Intersection #1.	Water Street Connector/Milliken Connector,
Intersection #2.	Anawan Street/Pocasset Street,
Intersection #3.	Central Street.

Other proposed signalized intersections located on Figure 3 include:

Intersection #4.	Milliken Connector at Ramp C
Intersection #5.	Milliken Connector at Milliken Boulevard

The project provides a new shared use path and improved sidewalks. All signals within the project area will have pedestrian phases to allow for improved pedestrian access.

Three local streets will be modified to work with the new Route 79 configuration. Canal Street will no longer intersect with Broadway Extension but will be continued onto Spring Street. Harbor Terrace will be made one-way northbound from Central Street. Anawan Street will become one-way eastbound.

Three bridges that carry local streets are included in the project. The Anawan Street Bridge over the railroad tracks will be replaced. The cracks in the stone arch for the Central Street Bridge over the Quequechan River will be repaired. The Central Street Bridge over the railroad tracks will have a 9 foot-tall protective mesh screen installed along both sides of the bridge deck to prevent objects from being thrown from the bridge onto the railroad tracks.

As a part of the project, signal improvements are proposed for two city-owned and maintained intersections: the Broadway Extension intersection with Columbia Street, south of the interchange, and the Milliken Boulevard intersection with Central Street, east of the interchange.

## ***Project Details***

### **Route 79/Davol Street**

The existing two-level Route 79 viaduct above Davol Street will be completely removed and Route 79 will be combined with existing Davol Street. The new reconstructed roadway will extend south from where existing Broadway Extension meets existing Davol Street, and north for approximately 4,300 feet as shown in Figure 3. A new four-lane roadway (two lanes in each direction) will be constructed that will connect with local roads at three new signalized at-grade

intersections (Intersection #1, #2, #3 on Figure 3). This roadway will be designated Route 79/Route 138/Davol Street (Route 79/Davol Street) and will be owned and maintained by MassDOT.

#### **Water Street Connector**

A new two-way roadway will be constructed between Water Street and the new Route 79/Davol Street at Intersection #1. This road will improve local connectivity with the interstate highway and between the waterfront and the CBD.

#### **Milliken Boulevard/Milliken Connector**

The existing Ramp Y will be reconstructed as the Milliken Connector eastbound and westbound. The Milliken Connector westbound will provide direct access from Milliken Boulevard to I-195 eastbound (via Ramp E) and to I-195 westbound (via Ramp C). The Milliken Connector eastbound will provide direct access from Route 79 to Milliken Boulevard by way of Ramp C.

The proposed Milliken Connector will have traffic signals at the Milliken Boulevard intersection (Intersection #5) and at the Ramp C intersection (Intersection #4). It will be owned and maintained by MassDOT. Ramp A from I-195 EB will have free flow conditions (at Intersection #4) from I-195 EB to Route 79/Davol Street/Broadway Extension/Water Street Connector (Intersection #1).

#### **Anawan Street/Pocasset Street**

Pocasset Street will remain two-way. The project proposes to make Anawan Street one-way eastbound. Both streets will continue to be city streets. Drivers currently traveling west on Anawan Street to access Water Street will be able to make that movement through Intersections #2 and #1 to the nearby Water Street Connector. The state-owned Anawan Street Bridge over the railroad will be reconstructed so that Anawan Street can meet the new Route 79/Davol Street roadway. The reconstruction will also increase the clearance over the railroad tracks and benefit existing rail operations and future operations of the proposed South Coast Rail project.

#### **Central Street Bridges**

##### *Central Street Bridge over the Quequechan River*

The stone arch for the Central Street Bridge over the Quequechan River will be repaired. To tie in with the intersection of Central Street with Route 79/Davol Street immediately east of the Central Street Bridge over the Quequechan River, the grade of the roadway on the bridge needs to be raised which will also increase the height of a segment of each of the stone parapets on the bridge along the raised portion of the roadway. Crash-tested at-curb barriers along the interior elevations of the stone parapets will also be installed.

##### *Central Street Bridge over the Railroad Tracks*

Proposed work on the Central Street Bridge over the railroad tracks will repair damaged areas of the bridge's north parapet wall and the adjacent granite block retaining wall along Davol Street above the railroad cut. The project proposes to reset all misaligned granite blocks of the north parapet and the Davol Street retaining wall into their original positions. The existing roadway surface and cement concrete sidewalks on the bridge will be removed. New concrete moment slabs will be constructed along both sides of the bridge deck to accommodate crash-tested at-curb BR2 railings to protect the stone parapets from vehicular collisions. The existing

sidewalk along the southerly side of the bridge deck will be eliminated and a new wider sidewalk with a minimum width of 6 feet will be constructed along the northerly side of the bridge deck. The bridge roadway deck then will be resurfaced and will be striped for three lanes: a dedicated right turn lane, a dedicated center through lane, and a dedicated left turn lane. A 9 foot-tall protective mesh screen along both sides of the bridge deck will be installed to prevent objects from being thrown from the bridge onto the railroad tracks.

### **Canal Street**

Canal Street is a local street between Columbia Street and Broadway Extension. Canal Street will no longer intersect with Broadway Extension but will be continued onto Spring Street. The proposal will return the street to a local neighborhood street, will serve to discourage through traffic from using Canal Street, and will act as a traffic calming measure to preserve the character of Canal Street as a neighborhood street.

### **Harbor Terrace**

Harbor Terrace is proposed to become one-way northbound from the intersection with Central Street and will remain a city street. This modification is necessary to eliminate a future potentially unsafe traffic maneuver southbound on Harbor Terrace to make a left turn at the intersection of Central Street with Route 79/Davol Street (Intersection #3). Traffic now using Harbor Terrace will primarily be re-directed to Green Street and Durfee Street via Pine Street. Sidewalks and other enhancements will be evaluated for Harbor Terrace as the design advances.

### **Ramp L**

Ramp L will be eliminated. The movement that Ramp L currently provides will be provided via the Milliken Connector off Milliken Boulevard. This change is proposed because the geometrics are substandard. Ramp L has a reverse curve alignment and merges with Ramp C just before the Braga Bridge. The Ramp L alignment does not meet national AASHTO highway design standards. The Milliken Connector will allow traffic to access both I-195 eastbound and I-195 westbound. Currently, Ramp L only serves traffic headed for I-195 westbound.

## **Project Purpose and Need**

The purpose of the project is to:

- address the structurally deficient bridges that are part of the Route 79/I-195 Interchange,
- reduce lifecycle maintenance costs of the interchange structures.

In accomplishing the overriding project purpose of addressing the structurally deficient elements of the interchange and reducing lifecycle costs, the following needs in the project area can be met:

- Correct substandard roadway geometry
- Improve connections from I-195 and Route 79 to the City of Fall River, other roadway networks, and cultural attractions
- Meet the Accelerated Bridge Program's requirements for expenditure of funds
- Improve project area aesthetics

## **Existing Conditions**

The City of Fall River is located in southeastern Massachusetts in Bristol County. The city was built on a series of terraces down to the Taunton River. The project area includes residential, commercial and industrial properties and has a long history of industrial and transportation land use. Within the project area, the regional roadway network includes Interstate 195 which crosses the Taunton River on the Braga Bridge in the east-west direction and state Routes 79 and 138 which run parallel to the Taunton River in the north-south direction. The primary wetland resources in the project area are associated with the Quequechan River, Crab Pond, and the Taunton River. The Quequechan River runs through most of the project site underground, below the mill buildings, in a series of arch culverts that follow the old riverbed to Battleship Cove where the Quequechan River joins the Taunton River.

The Route 79 viaduct and ramps were built in 1965 as part of the construction of the Interstate 195 interchange with Route 79. The viaduct and ramps are in need of extensive repairs. In 1999, design for a major rehabilitation of the structure was initiated. At that time, repairs were planned to address the elements of the structure that were evaluated and rated to be in serious or critical condition. However, the extent of needed structural steel repairs was determined to be substantially greater than previously identified.

To address deteriorating conditions, a \$10 million emergency repair contract was advertised and awarded in the summer of 2010. Repairs are underway and will maintain the viaduct and ramps for safe travel until the project is constructed.

## **Project Alternatives**

The No Build and three Build alternatives were evaluated in detail:

- No Build
- At-Grade Interchange (Preferred Alternative)
- Two-Way Single-Level Viaduct Interchange (Replacement Alternative)
- Rehabilitation of the Existing Two-level Viaduct Interchange (Repair Alternative)

The extensive year-long process of developing alternatives to evaluate consisted of the following four steps:

- Step 1: Review previous studies.
- Step 2: Form a Project Task Force.
- Step 3: Develop goals to screen the initial conceptual alternatives.
- Step 4: Develop conceptual alternatives.

At the conclusion of the Task Force process, an at-grade alternative concept was favored as the recommended alternative by the Task Force. Two alternative at-grade designs that were most favored were evaluated and discussed with the Task Force to see if the best features of both could be combined into one at-grade alternative that would be carried forward. Ultimately, the alternative that was selected by MassDOT and FHWA as the At-Grade (Preferred) alternative was considered to best address the Purpose and Need for the project

It is anticipated that the project will require the permits and approvals listed in Table 1.

<b>Table 1 Project Permits and Reviews</b>		
<b>Review/Permit</b>	<b>Issuing/Reviewing Agency</b>	<b>Status</b>
NEPA/MEPA Review	FHWA EEOEA	To be submitted
National Historic Preservation Act, Section 106 Clearance. No Adverse Effect finding (August 23, 2011) Notice of Project Change (March 20, 2012)	FHWA /State Historic Preservation Officer	Completed
Section 404 Category 2 General Permit	U.S. Army Corps of Engineers	Application to be submitted
CZM Federal Consistency Certification	MA Office of Coastal Zone Management	To be submitted
National Pollutant Discharge Elimination System General Permit for Construction (NPDES)	U.S. Environmental Protection Agency	Application by contractor prior to construction
Section 401 Water Quality Certification for temporary work in Quequechan River and alteration of a portion of the Bypass Channel	MassDEP	Application to be submitted
Massachusetts General Laws Chapter 91 License	MassDEP Waterways Regulation Program	Application to be submitted
Order of Conditions pursuant to MA Wetlands Protection Act for alteration of Buffer Zone and temporary work in Land Under Water in the Quequechan River	City of Fall River Conservation Commission	Notice of Intent to be submitted
Phase I Environmental Site Assessment (Phase I ESA) in Compliance with the Massachusetts Contingency Plan (MCP)	MassDEP	To be completed as part of the 25% design process

## **Project Impacts**

### **Construction Phase Traffic Operations**

The project will use staged construction in order to maintain traffic through the interchange. Alternative routes to the regional roadway system will be identified to minimize traffic through the interchange. The construction sequence of various elements of the project, as well as some temporary ramp connections, will allow traffic to be shifted so that the viaduct can be removed. A public information program will be implemented to inform drivers and others of the construction phase traffic plans.

### **Fall River Heritage State Park**

No permanent impacts to the Fall River Heritage State Park (Heritage Park) will result from the proposed project. Two temporary easements will be required within Heritage Park for a total of approximately 52,500 SF. A temporary easement of approximately 16,600 SF within Heritage Park is necessary to construct a retaining wall near Central Street and to have access to repair the Central Street Bridge over the Quequechan River. The retaining wall will be constructed on existing MassDOT right-of-way but access through Heritage Park is necessary during construction. Also within Heritage Park, the layout of the existing parking lot near the community boating center and boat launch facility will be modified and will require a temporary easement of approximately 35,900 SF. The number of parking spaces will remain the same and the parking lot will be resurfaced and re-stripped. Use of Heritage Park and the community boating program by the public will continue during the construction period. Boats for the community boating program are currently stored under the viaduct structure. However, with the construction of the proposed project and removal of the viaduct, this storage area will no longer be available. Because the project will only have temporary impacts to Heritage Park, it is exempt from Section 4(f). Coordination has been carried out with DCR, the agency with jurisdiction over Heritage Park.

### **Water Quality / Stormwater Management System**

The proposed drainage system will be in compliance with the MassDEP Stormwater Regulations. Requirements for a redevelopment project will apply to the portions of the project where there are currently existing roadways. Redevelopment projects need to meet the Stormwater Standards to the maximum extent feasible and improve existing conditions.

Requirements for new development will apply to the proposed Water Street Connector. Deep sump catch basins and a stormwater bio-swale infiltration basin are proposed for the Water Street Connector. The infiltration basin has been designed to contain all storms up to the 100-year storm. The overflow discharge control structure will have a rip-rap apron for erosion control.

Existing outfalls will be used, with the addition of one new outlet for the Water Street Connector, which will have pre-treatment prior to discharge. No new untreated outlets are proposed. The project is located in an area that is highly constrained in terms of space for stormwater BMPs that require large areas. At a minimum, deep sump catch basins are proposed to improve existing conditions at the existing outfalls. The existing rip-rap aprons at the existing outfalls will be repaired and re-fitted to improve velocity dissipation and erosion control. Removal of Ramp D and realignment of Ramps A and C allows a stormwater detention/infiltration basin as shown on stormwater management project plans at the end of the document.

The project will result in improvements to water quality in the wetlands and waterways. Design of all stormwater management drainage systems will be compatible with the city's planned CSO sewer separation program improvements. The complete Stormwater Report will be provided with the permit applications.

### **Wetlands**

The At-Grade (Preferred) alternative will not permanently alter wetland resources protected by the Wetlands Protection Act but will alter wetlands regulated by the Clean Water Act. The Quequechan River Bypass Channel is a jurisdictional wetland resource under Sections 401 and

404 of the Clean Water Act, but not under the Massachusetts Wetlands Protection Act per the Order of Resource Area Delineation issued by the Fall River Conservation Commission on April 12, 2011. Since the ACOE has determined that the area of the Quequechan River Bypass Channel is jurisdictional under Section 404, DEP also considers the area jurisdictional for Section 401 review. A portion of the Bypass Channel will be filled and reconstructed as a culvert to accommodate roadway piers which will impact approximately 7,400 SF (210 LF) of the Quequechan River Bypass Channel.

Work to repair the stone arch Central Street Bridge over the Quequechan River will require temporary work platforms in the river, temporarily impacting Land Under Water. Turbidity controls will minimize impacts to water quality during the construction period.

Work will take place within the state regulated 100-foot Buffer Zone adjacent to Crab Pond, the Quequechan River, and the Taunton River. Approximately 7,200 SF of the Buffer Zone adjacent to Crab Pond (separated from the pond by a sheet pile wall) that is now a grassy area will be altered for the proposed Water Street Connector.

Approximately 76,000 SF of Buffer Zone adjacent to the Quequechan and Taunton Rivers will be temporarily impacted during construction. The work will consist of repairs to existing structures, removal of structures, relocation of pier footings and reconstruction of the parking lot in Heritage Park for the community boating program and boat launch. These areas currently consist of previously disturbed land and the characteristic of the area will not change from its existing condition.

Erosion controls and other Best Management Practices (BMPs) will be implemented during construction to protect adjacent wetland resources. Turbidity controls and erosion and sedimentation controls will be installed and maintained to protect Crab Pond, the Quequechan River and the Taunton River.

### **Right of Way Takings**

Most of the project will be within the limits of the existing roadway right-of-way. At this time, it is not anticipated that the project will require any business or residential relocations. Minor amounts of private property right-of-way takings and/or easements will be required throughout the project limits for corner rounding and to build certain structures such as retaining walls. A portion of the Southern Union Company property at the rear of Anawan Street will be taken for the Water Street Connector. Two complete takings will be required, but these are small vacant or undeveloped parcels.

The construction of the Water Street Connector will require a permanent taking of approximately 23,694 SF of the city-owned parcel on Water Street. The Gates of the City Monument is located on this parcel but is not on the portion of the parcel required for the Water Street Connector. The Monument itself will not be altered and the associated paved area is not expected to be altered and to remain accessible during construction. However, during construction, approximately 26,810 SF adjacent to the Monument, including the rear driveway loop at the back of the parcel, will be required for a temporary construction easement. It may be possible for some of the construction work to be scheduled or suspended temporarily to accommodate

specific major annual events planned for the Monument area. This will be coordinated with City staff and others.

The city-owned parcel that is the location of the Claudio War Monument (located on Figure 4-19) will not be taken by the project but grading adjacent to the parcel will be required. Consultation will be carried out with the city and stakeholders to determine where the Claudio War Monument should be temporarily stored for the construction period and whether it should be relocated to a different location after construction.

Two temporary easements will be required within Heritage Park for a total of approximately 52,500 SF. A temporary easement of approximately 16,600 SF within Heritage Park is necessary to construct a retaining wall near Central Street and to have access to repair the Central Street Bridge over the Quequechan River. The retaining wall will be constructed on existing MassDOT right-of-way but access through Heritage Park is necessary during construction. Also within Heritage Park, the layout of the existing parking lot near the community boating center and boat launch facility will be modified and will require a temporary easement of approximately 35,900 SF. The number of parking spaces will remain the same and the parking lot will be resurfaced and re-stripped. Use of Heritage Park and the community boating program by the public will continue during the construction period. Boats for the community boating program are currently stored under the viaduct structure. However, with the construction of the proposed project and removal of the viaduct, this storage area will no longer be available.

### **Hazardous Materials**

There is the potential of encountering contaminated soil and/or groundwater. The design phase boring program for these alternatives has included soil and groundwater sampling to better identify areas where hazardous material may be encountered and test any groundwater that would need to be dewatered during excavation.

As required by MassDOT and applicable laws, the selected Design-Build contractor will be required to implement measures to protect the health and safety of its employees, the public, and the environment during construction. During construction, any contaminated material that is encountered will be handled in accordance with all applicable provisions of the Massachusetts Contingency Plan (MCP). The material will be temporarily stored in areas isolated from the public, secured and stockpiled on an impervious surface, and covered to prevent dispersion and runoff to the environment. Once classified for reuse, recycling, treatment or disposal, the material will be removed from the storage areas.

### **Air Quality**

The Route 79/I-195 Interchange Reconstruction Project has been included in the 2012 Regional Transportation Plan and Transportation Improvement Program for Federal Fiscal Year (FY) 2012-2015. The project thereby conforms to the requirements of the Clean Air Act to attain or maintain compliance with the National Ambient Air Quality Standards.

There will be a potential for short-term temporary impacts on ambient air quality during construction from the operation of construction equipment, demolition, and overall construction activities. The selected Design-Build contractor will be required to develop a plan that includes Best Management Practices for controlling dust generated during the project construction

period. The plan will include details as to how dust emissions will be controlled and/or minimized for demolition activities, earthwork activities, stockpiling of material, and construction. Control measures include, but are not limited to, dust suppression agents, wind screens, wind barriers, plastic tarp protection, and truck cargo covers during transport. Additionally, vehicles leaving the construction site shall have no mud and dirt on the vehicles body or wheels and the contractor will be responsible for clean-up of public roadways and walkways impacted by construction.

### **Noise**

None of the noise receptors evaluated for the project would exceed the Noise Abatement Criteria (NAC) established for its respective land use category per MassDOT and FHWA policies and regulations. Therefore, no evaluation of noise abatement is required for the At-Grade (Preferred) alternative. However, temporary noise impacts during construction are unavoidable with construction activities. Due to the need to provide continued vehicular traffic throughout construction and meet the construction schedule, weekend and nighttime construction will be necessary.

Weekday work hours are expected to take place between 7:00 am and 6:00 pm, evening hours are between 6:00 pm and 10:00 pm, and overnight hours are between 10:00 pm and 7:00 am. MassDOT is committed to public outreach throughout the duration of construction and will provide necessary overnight construction related notifications to local officials and the public.

Construction activities with noise impacts will be performed in a manner to limit nuisance conditions such as noise which exhibits a specific readily-audible frequency or tone (i.e., backup alarms) or impact noise (i.e., jackhammers). The Design-Build contractor will be required to employ methods and equipment that will reduce noise and minimize interference with the city's residents. Methods include, but are not limited to, noise monitoring equipment, noise reduction materials and equipment, and temporary noise barriers. Additionally, the construction specifications will include construction mitigation measures, such as equipment muffler requirements, elimination of tailgate banging, and ambient-sensitive backup alarms.

## **Discussion of Consistency with Applicable MCZM Program Policies and Principles**

*Water Quality Policy #1 - Ensure that point-source discharges in or affecting the coastal zone are consistent with federally approved state effluent limitations and water quality standards.*

The proposed drainage system will be in compliance with the DEP Stormwater Regulations. Requirements for a redevelopment project will apply to the portions of the project where there are currently existing roadways. Redevelopment projects need to meet the Stormwater Standards to the maximum extent feasible and improve existing conditions.

Requirements for new development will apply to the proposed Water Street Connector. Deep sump catch basins and a stormwater bio-swale infiltration basin are proposed for the Water Street Connector. The infiltration basin has been designed to contain all storms up to the 100 year storm. The overflow discharge control structure will have a rip-rap apron for erosion control.

Existing outfalls will be used, with the addition of one new outlet for the Water Street Connector. No new untreated outlets are proposed. The project is located in an area that is highly constrained in terms of space for stormwater BMPs that require large areas. At a minimum, deep sump catch basins are proposed to improve existing conditions at the existing outfalls. The existing rip-rap aprons at the existing outfalls will be repaired and re-fitted to improve velocity dissipation and erosion control. Removal of Ramp D and realignment of Ramps A and C allows a stormwater detention/infiltration basin.

The project will result in improvements to water quality in the wetlands and waterways. Design of all stormwater management drainage systems will be compatible with the city's planned CSO sewer separation program improvements.

*Water Quality Policy #2 - Ensure that nonpoint source (NPS) pollution controls promote the attainment of state surface water quality standards in the coastal zone.*

During construction, erosion controls and other good housekeeping BMPs will be implemented to protect wetlands and waterways. During operation, MassDOT will follow its statewide operations and maintenance plan for snow and ice control on project-area roadways.

*Protected Areas Policy #3 - Ensure that proposed developments in or near designated or registered historic districts or sites respect the preservation intent of the designation and that potential adverse effects are minimized.*

MassDOT prepared documentation supporting the No Adverse Effect (NAE) finding, which FHWA transmitted to the Massachusetts State Historic Preservation Officer (SHPO) on September 30, 2011. Subsequent to the initial NAE, additional work on the two National Register-eligible, single-span stone arch bridges on Central Street within the Route 79/I-195 Interchange Improvements project area was included in the project. MassDOT prepared documentation to support the Notice of Project Change (NPC), which FHWA transmitted to the Massachusetts State Historic Preservation Officer (SHPO) on March 26, 2012. The SHPO concurred with the NAE and NPC findings.

*Ports Policy #3 - Preserve and enhance the capacity of Designated Port Areas (DPAs) to accommodate water-dependent industrial uses, and prevent the exclusion of such uses from tidelands and any other DPA lands over which a state agency exerts control by virtue of ownership, regulatory authority, or other legal jurisdiction.*

The proposed project is partially within the draft Mount Hope Bay DPA. The project will preserve the capacity of the DPA and the enhanced roadway infrastructure to the area will improve access.

*Public Access Policy #1 - Ensure that the adverse impacts of developments proposed near existing public recreation sites are minimized.*

The proposed project would reconstruct the existing interchange near the Fall River Heritage State Park and would not adversely impact nearby public recreation sites as discussed below. In fact, completion of the project and removal of the various overhead structures will result in a substantially improved visual environment for the recreation areas surrounding the interchange.

*Public Access Management Principle #1 - Improve public access to coastal recreation facilities and alleviate auto traffic and parking problems through improvements in public transportation. Link existing coastal recreation sites to each other or to nearby coastal inland facilities via trails for bicyclists, hikers, and equestrians, and via rivers for boaters.*

The proposed project improves access to the waterfront and also improves the visual characteristics within the American Printing Company-Metacomet Mill Historic District and the Fall River Heritage State Park. The Route 79 viaduct has been considered by residents, business interests, and others to be a negative influence on the waterfront area, creating a physical and visual barrier to accessing Battleship Cove and waterfront attractions in the park. Removing the viaduct would further the City's plan to revitalize the waterfront at Battleship Cove, improve pedestrian and bicycle connections to the existing shared use Heritage Park Boardwalk north of Central Street, and improve pedestrian and vehicular access to the area west between Route 79 and Water Street. The project provides a new shared use path and improved sidewalks. All signals within the project area will have pedestrian phases to allow for improved pedestrian access.

*Growth Management Principle #1 - Encourage, through technical assistance and review of publicly funded development, compatibility of proposed development with local community character.*

*Growth Management Principle #2 - Ensure that state and federally funded infrastructure projects primarily serve existing developed areas, assigning highest priority to projects that meet the needs of urban and community development centers.*

*Growth Management Principle #3 - Encourage the revitalization and enhancement of existing development centers in the coastal zone through technical assistance and federal and state financial support for residential, commercial and industrial development.*

The proposed project is compatible with and supports all the Growth Management Principles. The project is consistent with the City of Fall River's land use and open space goals and would not preclude any other planned transportation projects in the area. Removal of the viaduct structure would improve waterfront vistas and the visual environment around the American Printing Company-Metacomet Mill District. Roadway and pedestrian connections to the waterfront area will be improved with new or improved roadways, signalized intersections, new or improved sidewalks, and a new shared use path. Additionally, the Interchange Reconstruction Project would provide improved vehicular and pedestrian waterfront access which will be compatible with and serve to enhance community development potential.

## **Consistency Certification**

MassDOT believes the proposed activity is consistent with the CZM policies evaluated above and those that are not presented have been determined to not apply to the project. If you should have any questions, please do not hesitate to contact Erin Burnham at (617) 973-7727 or [Erin.Burnham@state.ma.us](mailto:Erin.Burnham@state.ma.us).

Sincerely,

*Susan McArthur*

Susan McArthur, Wetlands Permitting Supervisor  
Environmental Section

cc: Daniel Vasconcelos, US Army Corps  
Michael O'Dowd, MassDOT, Accelerated Bridge Program Project Manager  
Diane Madden, MassDOT, Environmental Services  
Mary Hynes, MassDOT, Environmental Services

Attachments:

Figure 1 USGS Locus

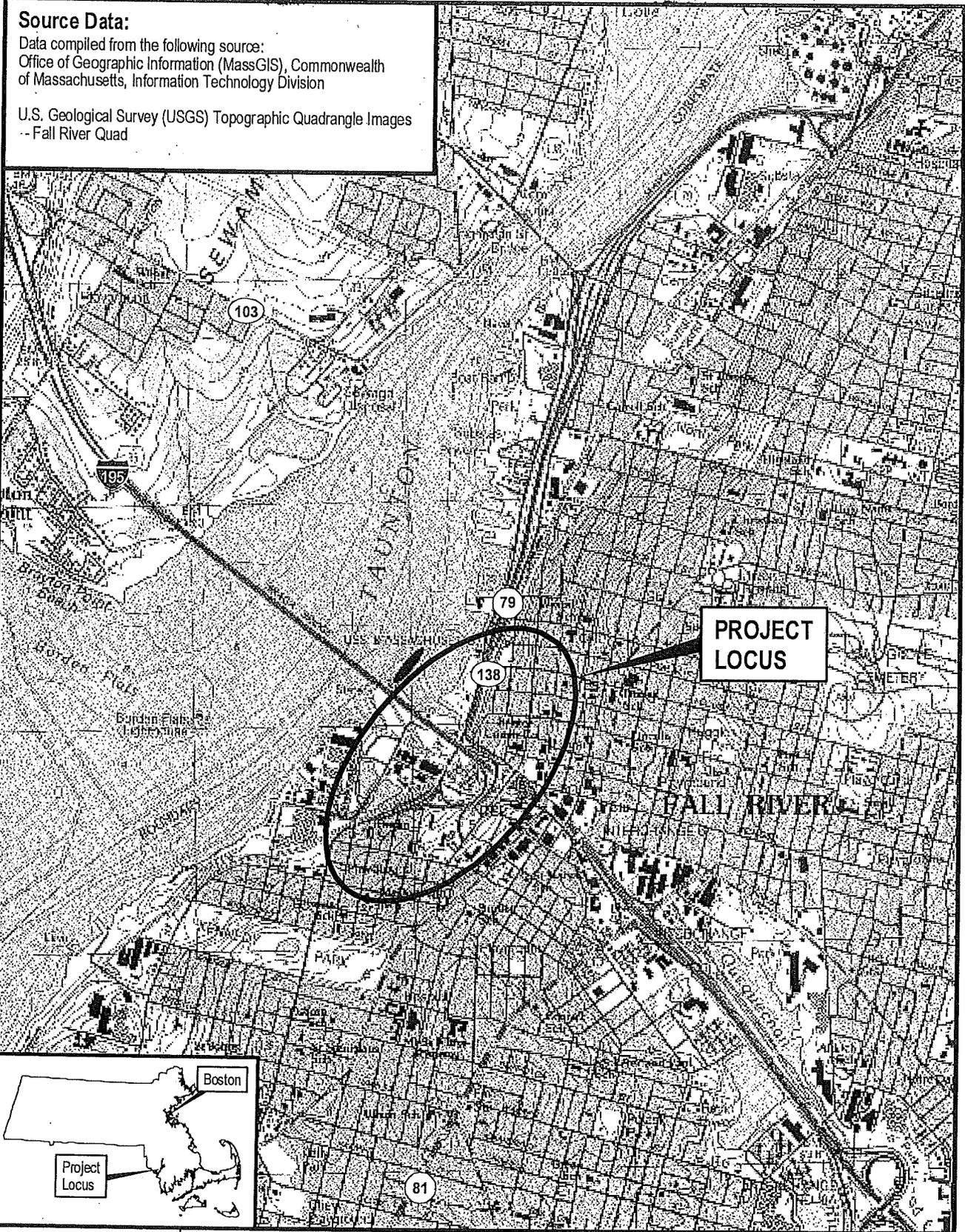
Figure 2 Orthophoto Locus

Figure 3 Project Plan View

**Source Data:**

Data compiled from the following source:  
Office of Geographic Information (MassGIS), Commonwealth  
of Massachusetts, Information Technology Division

U.S. Geological Survey (USGS) Topographic Quadrangle Images  
-- Fall River Quad



PA\HD\2009\EX\45204600\Disc01\img\_files\607 GIS\Chapter 91\_Figure 1\_USGS Locus.mxd



Approx. Scale: 1" = 2,000'

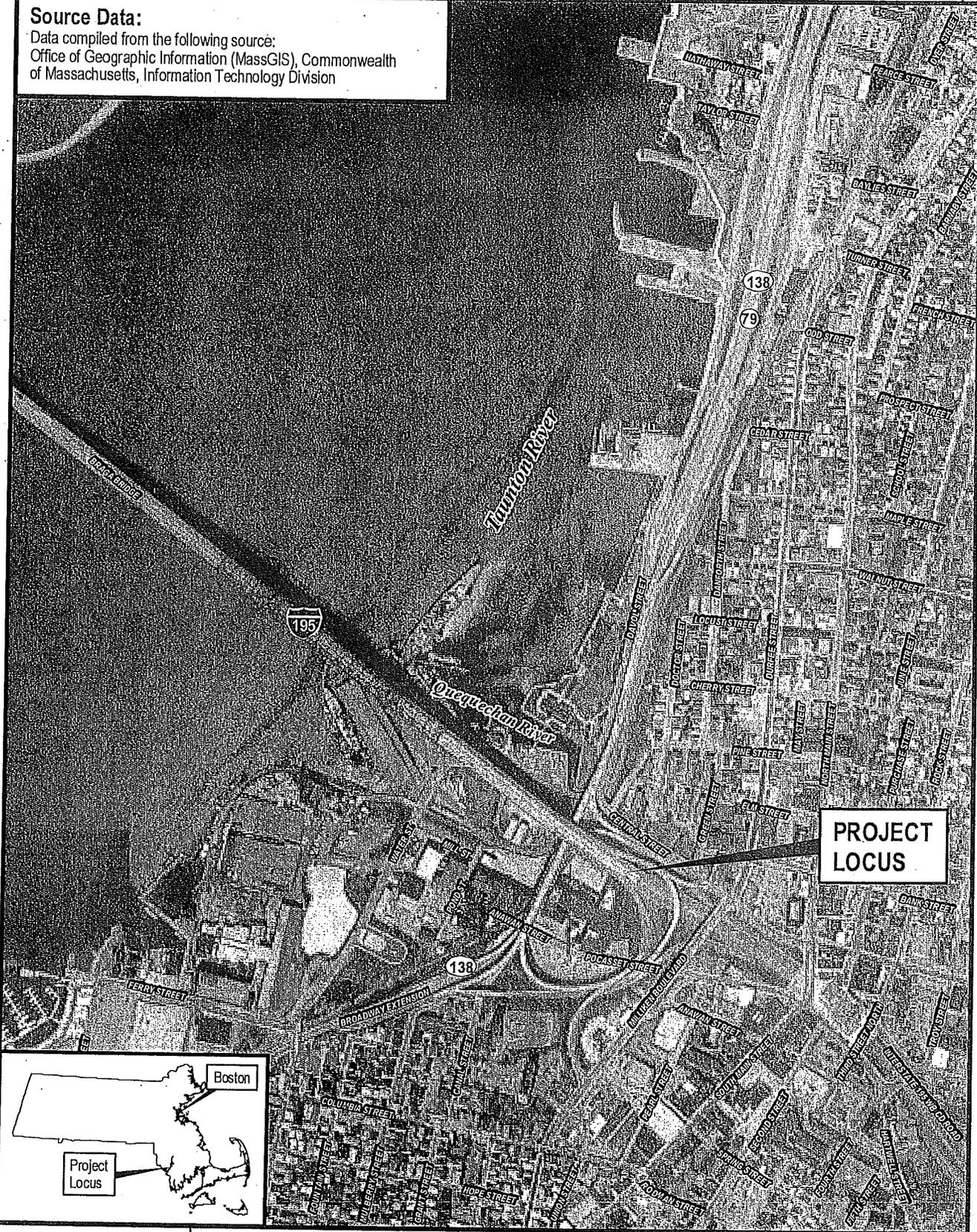
**USGS Project Locus**  
Route 79 / I-195  
Interchange Reconstruction Project  
Fall River, MA

Figure 1

**Source Data:**

Data compiled from the following source:  
Office of Geographic Information (MassGIS), Commonwealth  
of Massachusetts, Information Technology Division

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Approx. Scale: 1" = 750'

**Orthophoto Project Locus**  
Route 79 / I-195  
Interchange Reconstruction Project  
Fall River, MA

Figure 2

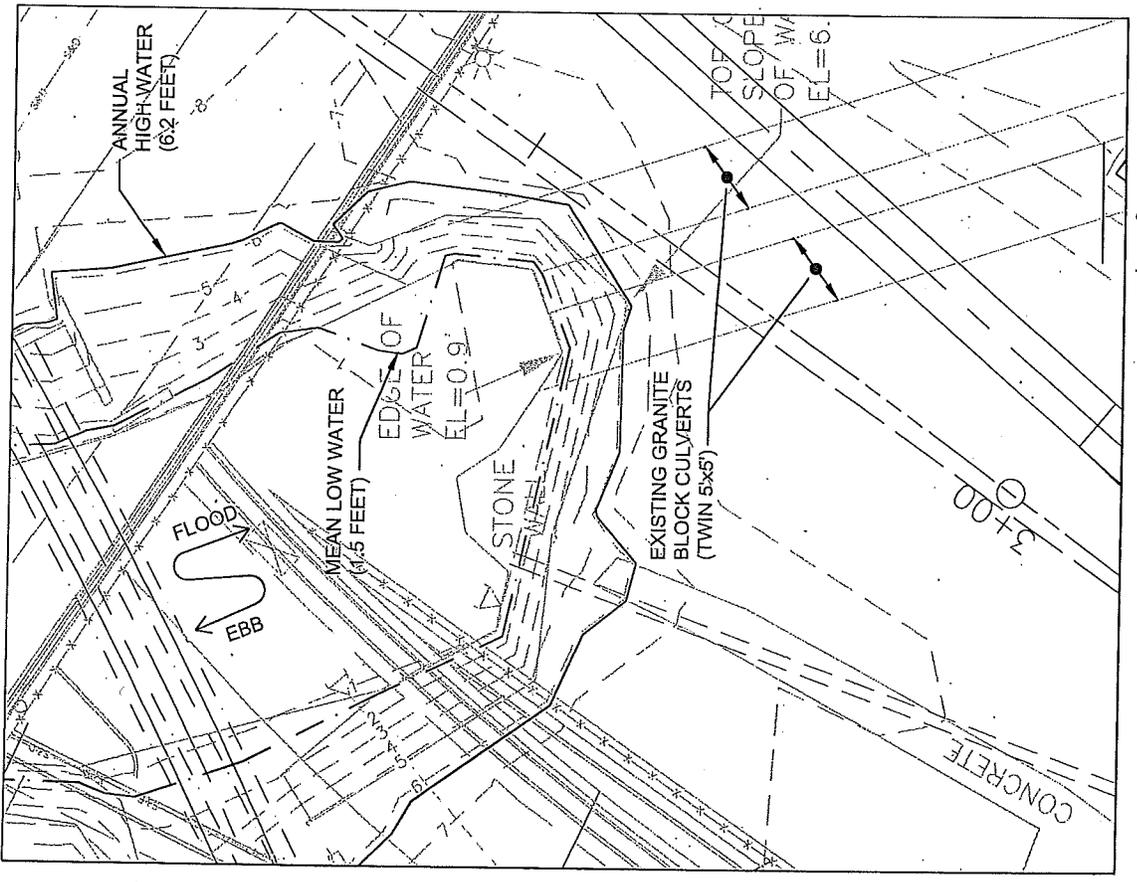
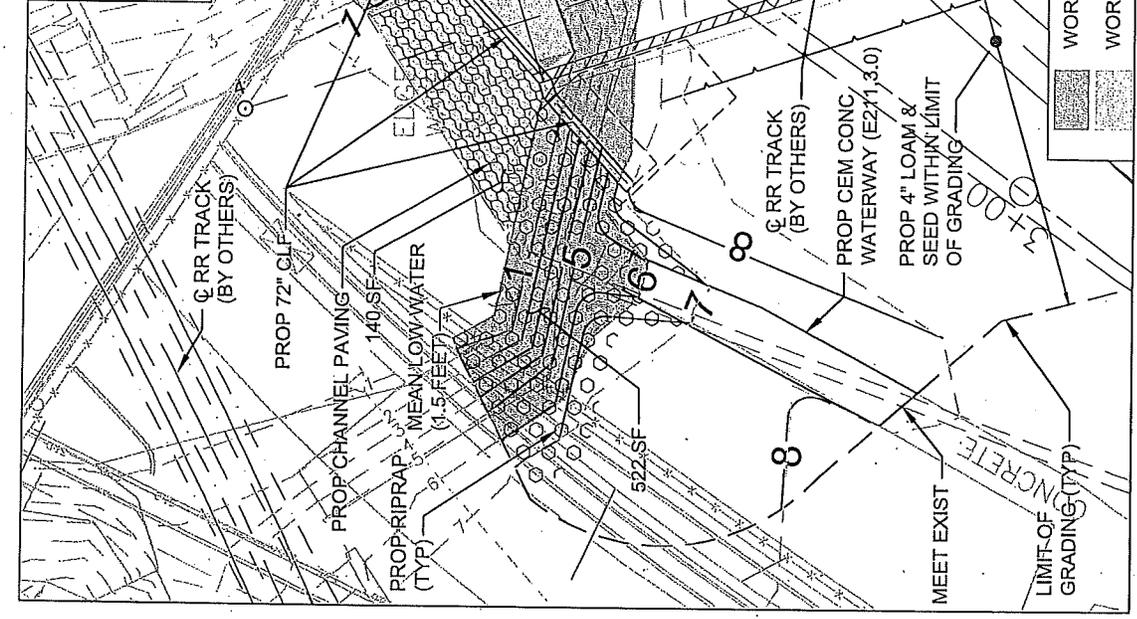


Attachment B-  
Resource Area Impact Plan

FALL RIVER  
 QUEQUECHAN RIVER CULVERT

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MA		1	1
PROJECT FILE NO. 605223			

RESOURCE IMPACT PLAN



SCALE: 1" = 10'

EXISTING CONDITIONS

PROPOSED CONDITIONS

WORK BELOW ANNUAL HIGH WATER  
 WORK BELOW MEAN LOW WATER

Attachment C-  
Quequechan River Culvert Replacement Plans (12 Sheets)



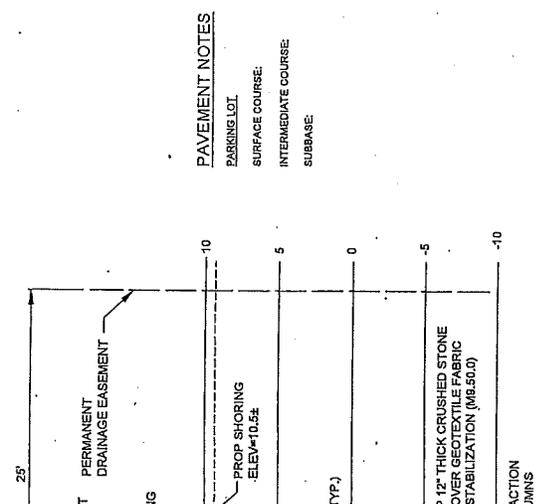




FALL RIVER  
QUEQUECHAN RIVER CULVERT

DATE	BY	CHKD
10/04/22	JJA	JJA
PROJECT FILE NO.	80222A	

TYPICAL SECTIONS

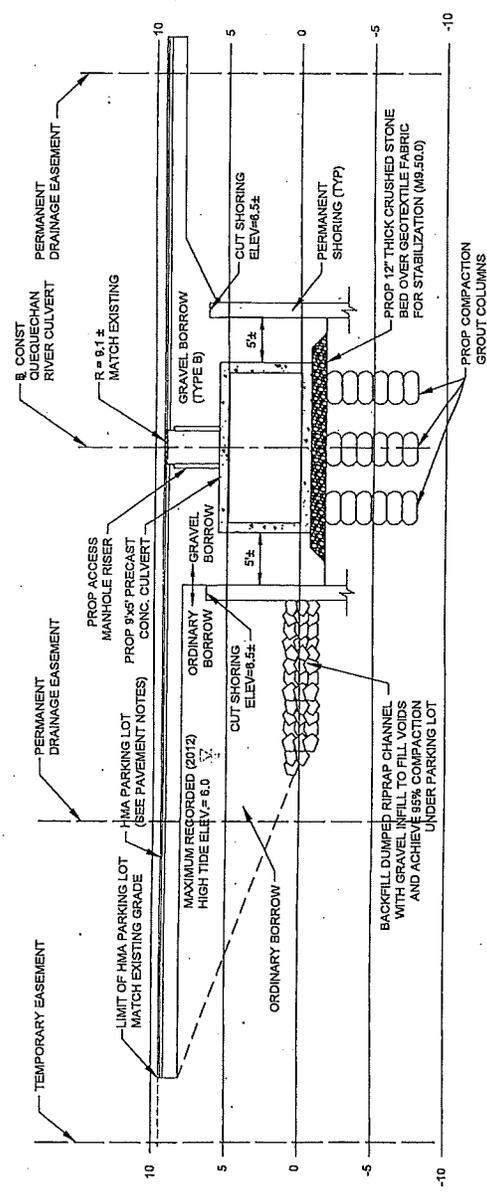


TYPICAL SECTION - QUEQUECHAN CULVERT (PHASE 1)  
SCALE: N.T.S.

**PAVEMENT NOTES**

PARKING LOT  
SURFACE COURSE  
INTERMEDIATE COURSE  
SUBBASE

- 1" SUPERPAVE SURFACE COURSE 9.5 (SSC-9.5) OVER
- 2" SUPERPAVE INTERMEDIATE COURSE 100 (SIC-100) OVER
- 12" GRAVEL BORROW TYPE B



TYPICAL SECTION - QUEQUECHAN CULVERT (FINAL)  
SCALE: N.T.S.

**QUEQUEHAN RIVER CULVERT**

PROJECT NO.	60223
DATE	11/15/11
PROJECT FILE NO.	60223

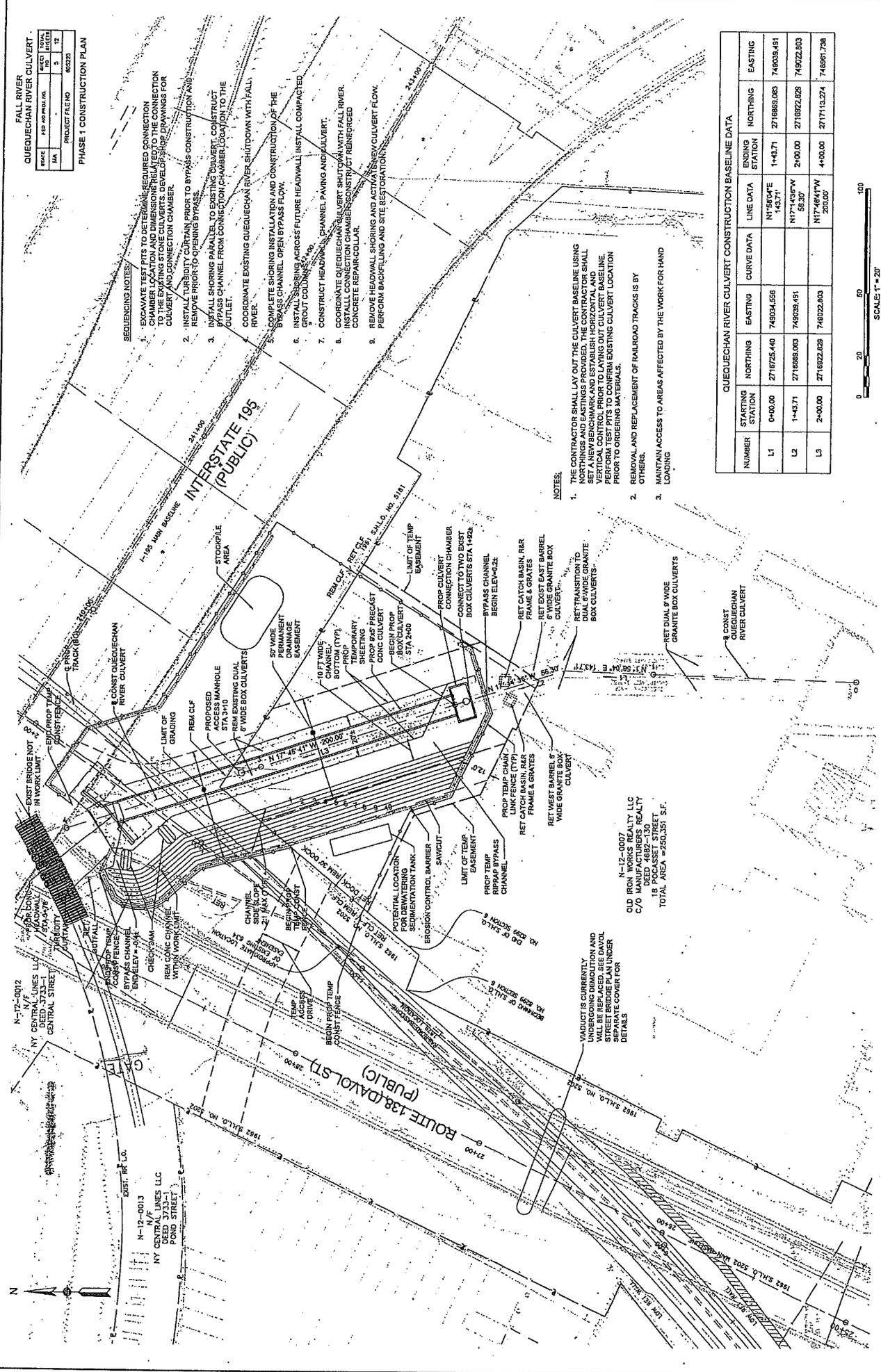
**PHASE 1 CONSTRUCTION PLAN**

- SEQUENCING NOTES:**
1. FIELD TEST PITS TO DETERMINE REQUIRED CONNECTION CHAMBER TO BE INSTALLED PRIOR TO THE CONNECTION TO THE EXISTING STONE CULVERTS. DEVELOP PROPOSALS FOR CULVERT AND CONNECTION CHAMBER.
  2. INSTALL CULVERT CONNECTION PRIOR TO BYPASS CONSTRUCTION AND REMOVE PRIOR TO OPENING BYPASS.
  3. INSTALL SHORING PARALLEL TO EXISTING CULVERT. CONSTRUCT BYPASS CHANNEL FROM CONNECTION CHAMBER LOCATION TO THE OUTLET.
  4. COORDINATE EXISTING QUEQUEHAN RIVER SHUTDOWN WITH FALL RIVER.
  5. COMPLETE SHORING ACROSS FUTURE HEADWALL INSTALL COMPACTED GROUT COLUMNS.
  6. CONSTRUCT HEADWALL CHANNEL PAVING AND CULVERT.
  7. COORDINATE QUEQUEHAN CULVERT SHUTDOWN WITH FALL RIVER. CONSTRUCT REPAIR-COLLAR.
  8. REMOVE HEADWALL SHORING AND ACTIVATE CULVERT FLOOR. PERFORM BACKFILLING AND SITE RESTORATION.

- NOTES:**
1. THE CONTRACTOR SHALL LAY OUT THE CULVERT BASELINE USING NORTHINGS AND EASTINGS PROVIDED. THE CONTRACTOR SHALL SET A NEW BENCHMARK AND ESTABLISH HORIZONTAL AND VERTICAL CONTROL PRIOR TO LAYING OUT CULVERT BASELINE. FIELD TEST PITS TO CONFIRM EXISTING CULVERT LOCATION PRIOR TO ORDERING MATERIALS.
  2. REMOVAL AND REPLACEMENT OF RAILROAD TRACKS IS BY OTHERS.
  3. MAINTAIN ACCESS TO AREAS AFFECTED BY THE WORK FOR HAND LOADING.

**QUEQUEHAN RIVER CULVERT CONSTRUCTION BASELINE DATA**

NUMBER	STARTING STATION	NORTHING	EASTING	CURVE DATA	LINE DATA	ENDING STATION	NORTHING	EASTING
L1	0+00.00	2716725.440	749024.556	N156°04'E 143.71'	N156°04'E 143.71'	1+43.71	2716889.063	749038.481
L2	1+43.71	2716889.063	749029.491	N17°43'00"W 58.30'	N17°43'00"W 58.30'	2+00.00	2716922.929	749032.003
L3	2+00.00	2716922.929	746022.903	N17°46'01"W 200.00'	N17°46'01"W 200.00'	4+00.00	2717113.274	748967.738



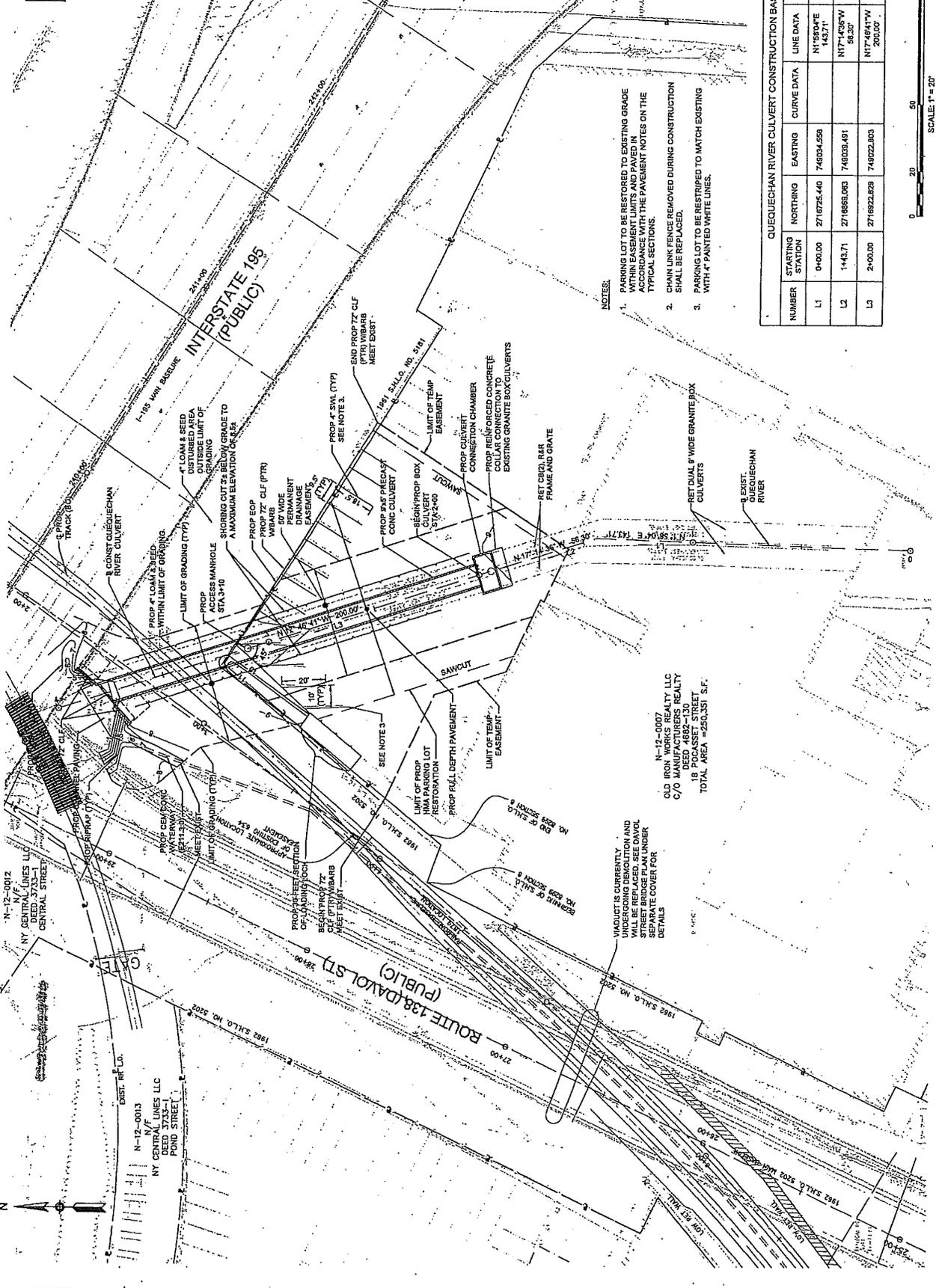
N-12-0007  
 OLD BRIDGE  
 C/O MANUFACTURERS REALTY  
 DEED 4882-130  
 18 POCASSET STREET  
 TOTAL AREA = 250,351 S.F.

VADIOL IS CURRENTLY  
 UNDERGOING DEMOLITION AND  
 WILL BE REPLACED. SEE DAVOL  
 STREET REPAIR PLAN UNDER  
 SEPARATE COVER FOR  
 DETAILS

**FALL RIVER  
QUEQUECHAN RIVER CULVERT**

DATE	REVISED
1/14	0
1/14	1
1/14	2
1/14	3
1/14	4
1/14	5
1/14	6
1/14	7
1/14	8
1/14	9
1/14	10
1/14	11
1/14	12

PROJECT FILE NO. 002373  
FINAL CONSTRUCTION PLAN



- NOTES:**
1. PARKING LOT TO BE RESTORED TO EXISTING GRADE WITHIN EASEMENT LIMITS AND PAVED IN ACCORDANCE WITH THE PAVEMENT NOTES ON THE TYPICAL SECTIONS.
  2. CHAIN LINK FENCE REMOVED DURING CONSTRUCTION SHALL BE REPLACED.
  3. PARKING LOT TO BE RESTRIPTED TO MATCH EXISTING WITH 4" PAINTED WHITE LINES.

**QUEQUECHAN RIVER CULVERT CONSTRUCTION BASELINE DATA**

NUMBER	STARTING STATION	NORTHING	EASTING	CURVE DATA	LINE DATA	ENDING STATION	NORTHING	EASTING
L1	0+00.00	2716725.440	748024.556		N175604E 145.71'	1+43.71	2716889.063	748039.491
L2	1+43.71	2716889.063	748039.491		N1771439W 58.30'	2+00.00	2716922.628	748022.803
L3	2+00.00	2716922.628	748022.803		N1774841W 200.00'	4+00.00	2717113.274	748051.738



N-12-0007  
OLD IRON WORKS REALTY LLC  
C/O MANUFACTURERS REALTY  
18 DEED 4692-130  
18 DEED 4692-130  
TOTAL AREA = 2540.351 S.F.

VIADUCT IS CURRENTLY UNDERGOING DEMOLITION AND WITH THE BRIDGE PLAN UNDER SEPARATE COVER FOR DETAILS

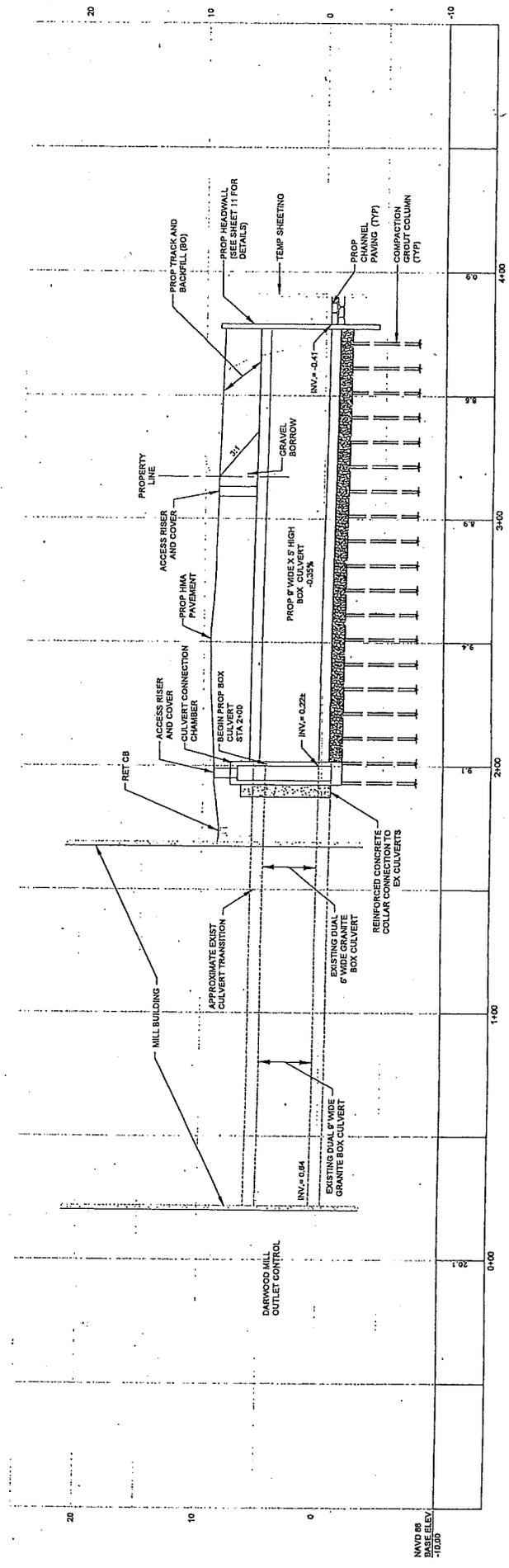
N-12-0012  
NY CENTRAL LINES LLC  
DEED 3733-1  
CENTRAL STREET

N-12-0013  
NY CENTRAL LINES LLC  
DEED 3733-1  
POND STREET

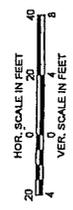
**FALL RIVER  
QUEQUECHAN RIVER CULVERT**

DATE	REVISED	TOTAL
FEB 08 2010	7	12
PROJECT FILE NO.	65222	

**PROFILE**



**QUEQUECHAN RIVER CULVERT PROFILE**



NAVD 88  
BASE ELEV.  
-10.00

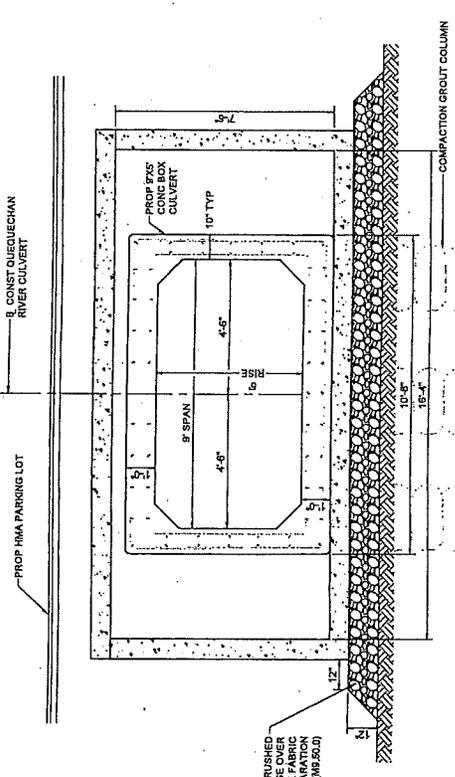
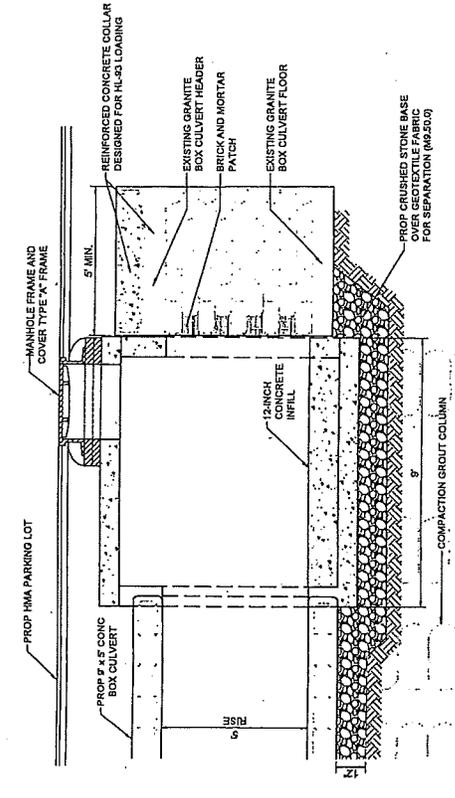
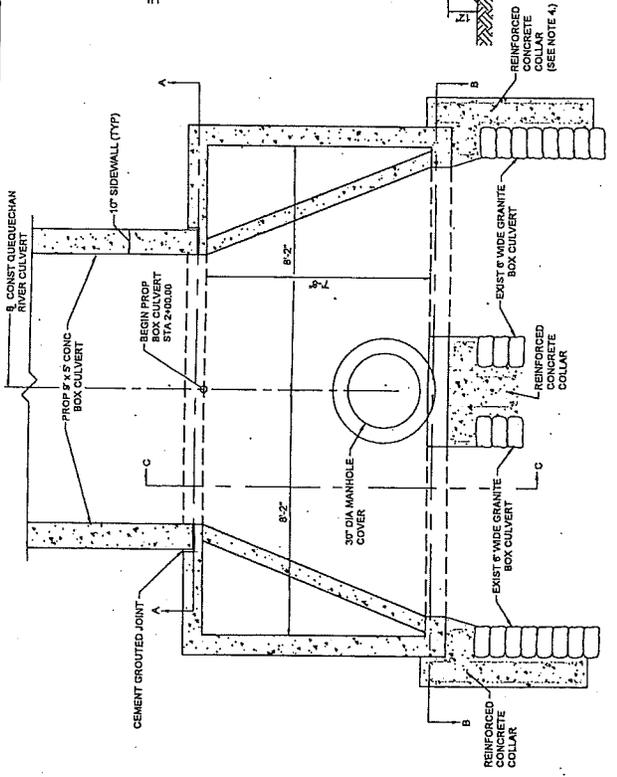
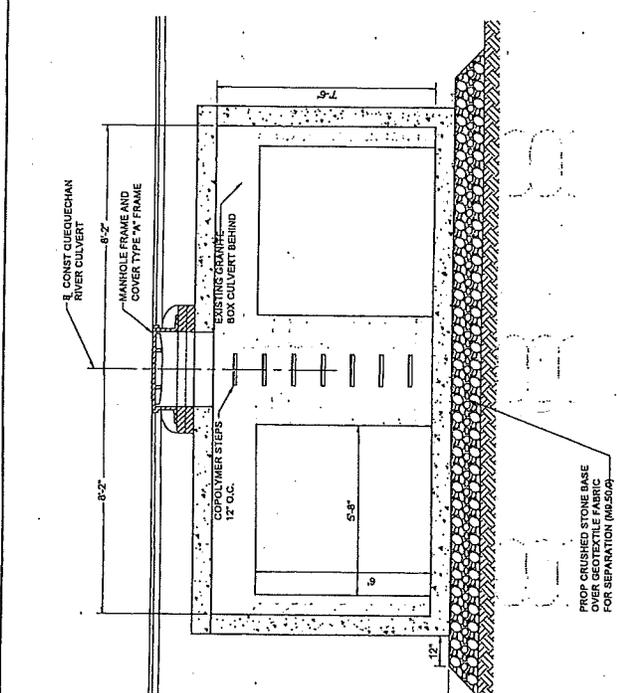
FALL RIVER  
QUEQUECHAN RIVER CULVERT

DATE	REVISED BY	DESCRIPTION
10/11/01	MM	B
10/11/01	MM	12

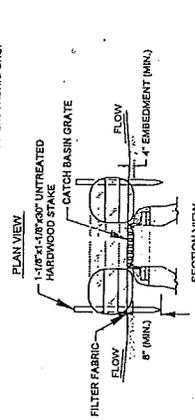
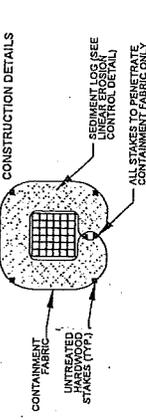
PROJECT FILE NO: 002222

CONSTRUCTION DETAILS

- NOTES:
1. MAXIMUM BEARING PRESSURE = 5.0 KSF.
  2. TRANSVERSE REINFORCING SHALL BE PLACED NORMAL TO THE CENTERLINE OF THE CULVERT.
  3. STRUCTURE SHALL BE DESIGNED TO PROVIDE HL-93 LOADING. THE DESIGN SHALL BE BASED ON THE FIELD MEASUREMENTS OF EXISTING BRICK CULVERT AND STRUCTURAL DESIGN PREPARED BY PRECAST CONCRETE SUPPLIER.
  4. CONCRETE COLLAR SHALL BE DESIGNED BASED ON HL-93 LOADING AND FIELD MEASUREMENTS OF EXISTING GRANITE CULVERT. THIS SHALL REFLECT THE EXISTING CONDITIONS.
  5. CONTRACTOR'S SHOP DRAWINGS FOR THE CULVERT CONNECTION CHAMBER AND CONCRETE COLLAR SHALL BE DESIGNED AND STAMPED BY A STRUCTURAL ENGINEER.



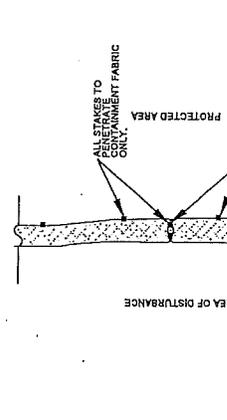
FALL RIVER QUEQUECHAN RIVER CULVERT	
DATE	BY
REV. 01	REV. 01
REV. 02	REV. 02
REV. 03	REV. 03
REV. 04	REV. 04
REV. 05	REV. 05
REV. 06	REV. 06
REV. 07	REV. 07
REV. 08	REV. 08
REV. 09	REV. 09
REV. 10	REV. 10
REV. 11	REV. 11
REV. 12	REV. 12



**CONSTRUCTION NOTES:**

1. THE STRUCTURE SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE WEIR SHALL BE A WEIR CATCH BASIN CONSTRUCTION. MAINTAIN UNTIL PAVING AND FINISH COURSE IS COMPLETE OR A PERMANENT STAND OF GRASS HAS BEEN ESTABLISHED.
2. THREE BUNDLES OF 2x4 TYPICAL CURBS THEN TUBES IS TO BE PLACED AROUND THE LOGS.
3. GRATE TO BE PLACED OVER FILTER FABRIC.
4. LOGS SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS AND REPAIR OR REPLACEMENT SHALL BE PERFORMED PROMPTLY AS NEEDED.

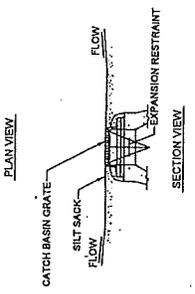
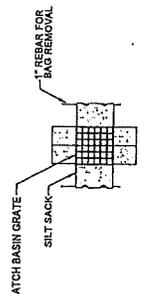
**EROSION CONTROL BARRIER AT CATCH BASIN**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. TO OBTAIN A MINIMUM LOG DIAMETER OF 12 INCHES FOR SLOPES UP TO 2:1, THE SLOPE OF THE SILL MAY REQUIRE A LARGER LOG DIAMETER. LONGER SLOPES OF SILL MAY REQUIRE EVEN LARGER LOG DIAMETER.
2. ALL LOGS SHALL BE UNTREATED AND SHALL BE PLACED WITH THE FILTER FABRIC. REFER TO MANUFACTURER'S RECOMMENDATIONS FOR LOGS.
3. ALL LOGS ALONG CONTOURS AND PERPENDICULAR TO SHEET SHALL BE PLACED PERPENDICULAR TO SHEET.
4. DO NOT INSTALL IN PERMANENT, EPHEMERAL OR INTERMITTENT STREAMS.
5. CONFIGURE LOGS AROUND EXISTING SITE FEATURES TO MINIMIZE SITE DISTURBANCE AND MAXIMIZE CAPTURE AREA OF SEDIMENT.
6. A DOUBLE ROW OF SEDIMENT LOGS SHALL BE INSTALLED WITHIN 10 FEET OF THE PERMANENT OR INTERMITTENT STREAM.
7. CONTOUR LOGS SHALL BE INSTALLED WITHIN 10 FEET OF THE PERMANENT OR INTERMITTENT STREAM.
8. UNFILTERED FLOW BETWEEN THEM.

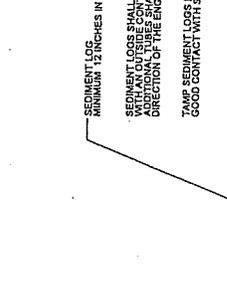
**EROSION CONTROL BARRIER**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. INSTALL SILT SACK IN ALL PROPOSED CATCH BASINS AND IN ALL CHANNELS. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
2. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
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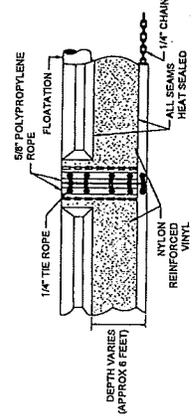
**SILT SACK SEDIMENT TRAP**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
2. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE SILT SACK SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
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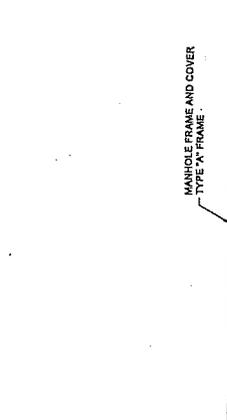
**EROSION CONTROL BARRIER**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. THE TURBIDITY CURTAIN SHALL BE INSTALLED ALONG THE MOUTH OF THE CHANNEL. THE CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
2. THE TURBIDITY CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE TURBIDITY CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
3. THE TURBIDITY CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE TURBIDITY CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
4. THE TURBIDITY CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE TURBIDITY CURTAIN SHALL BE CONSTRUCTED WITH UNTREATED LOGS.

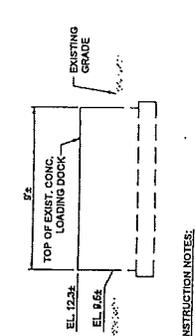
**TURBIDITY CURTAIN**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. ALL SECTIONS DESIGNED FOR H-20 LOADING. ALL SECTIONS DESIGNED FOR H-20 LOADING. ALL SECTIONS DESIGNED FOR H-20 LOADING.
2. ALL SECTIONS DESIGNED FOR H-20 LOADING. ALL SECTIONS DESIGNED FOR H-20 LOADING. ALL SECTIONS DESIGNED FOR H-20 LOADING.
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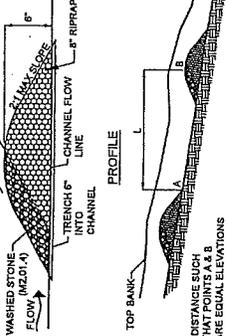
**QUEQUECHAN BOX CULVERT ACCESS MANHOLE**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
2. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
3. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS.
4. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS. THE CHECK DAM SHALL BE CONSTRUCTED WITH UNTREATED LOGS.

**CHECK DAM**  
SCALE: N.T.S.



**CONSTRUCTION NOTES:**

1. REMOVE SEGMENT WHEN 25% THE HEIGHT OF THE WEIR.

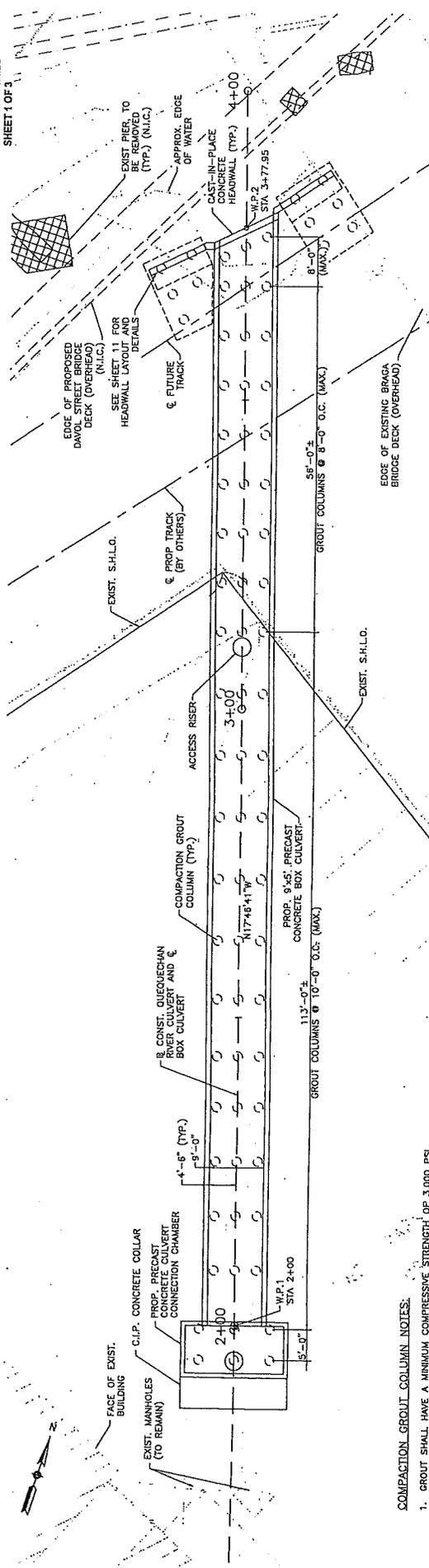
**TYPICAL SECTION - LOADING DOCK TO BE REMOVED AND REPLACED IN KIND**  
SCALE: N.T.S.

**FALL RIVER QUEQUECHAN RIVER CULVERT**

DATE	REVISED	TOTAL
10/14/14	10	14
10/14/14	11	15

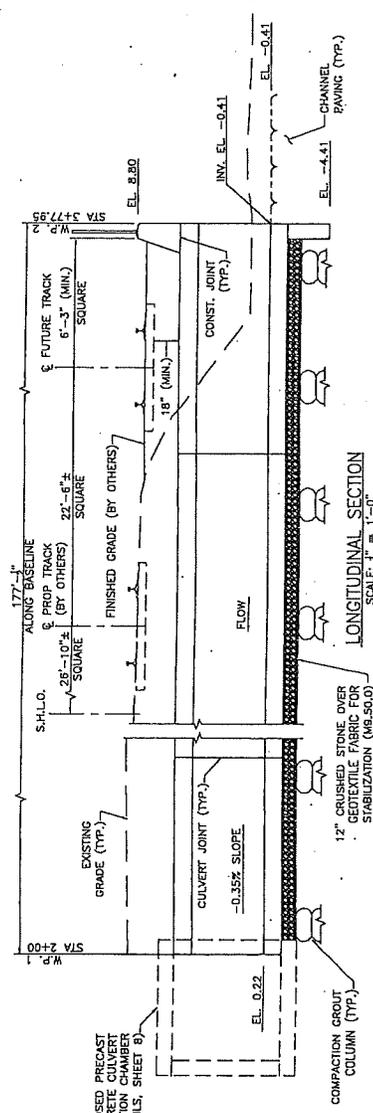
PROJECT FILE NO. 000293

**STRUCTURAL DETAILS SHEET 1 OF 3**



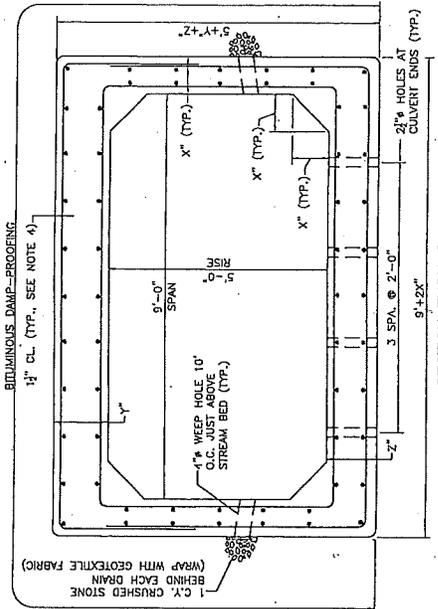
**CULVERT GENERAL PLAN**  
SCALE: 1/8" = 1'-0"

- COMPACTION GROUT COLUMN NOTES:**
1. GROUT SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI.
  2. GROUT COLUMNS WILL HAVE A MINIMUM DIAMETER OF 18" AND BE DRILLED A MINIMUM OF 12" INTO COMPETENT BEDROCK.
  3. ALLOWABLE BEARING PRESSURE WITH COMPACTION GROUT COLUMN GROUND IMPROVEMENT SHALL BE 5.0 KSF.
  4. REFERENCE SPECIAL PROVISION 945.7 PREPARED BY VAB AND RESUBMIT DESIGN MEMORANDUM PREPARED BY JACOBS ENGINEERING GROUP FOR COMPACTION GROUT COLUMN MATERIAL AND CONSTRUCTION REQUIREMENTS.



**LONGITUDINAL SECTION**  
SCALE: 1/8" = 1'-0"

- NOTE:**
1. MAXIMUM ALLOWABLE BEARING PRESSURE = 5.0 KSF.
  2. TRANSVERSE REINFORCING SHALL BE PLACED NORMAL TO THE Q. OF THE CULVERT.
  3. DIMENSIONS X, Y, AND Z (SIDEWALL, TOP SLAB, AND BOTTOM SLAB THICKNESS) TO BE DETERMINED BY CULVERT DESIGNER.
  4. PROVIDE 2" (MIN.) CL AT FACE OF CULVERT AT OUTFALL.
  5. SEE SPECIAL PROVISION ITEM 945.012 PRECAST BOX CULVERT FOR ADDITIONAL REQUIREMENTS.



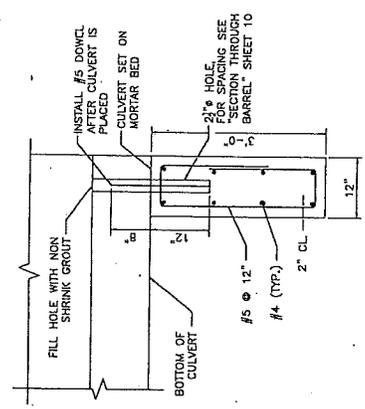
**SECTION THRU BARREL**  
SCALE: 1/8" = 1'-0"

- NOTES:**
1. MAXIMUM ALLOWABLE BEARING PRESSURE = 5.0 KSF.
  2. TRANSVERSE REINFORCING SHALL BE PLACED NORMAL TO THE Q. OF THE CULVERT.
  3. DIMENSIONS X, Y, AND Z (SIDEWALL, TOP SLAB, AND BOTTOM SLAB THICKNESS) TO BE DETERMINED BY CULVERT DESIGNER.
  4. PROVIDE 2" (MIN.) CL AT FACE OF CULVERT AT OUTFALL.
  5. SEE SPECIAL PROVISION ITEM 945.012 PRECAST BOX CULVERT FOR ADDITIONAL REQUIREMENTS.

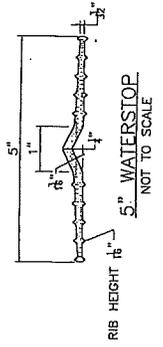
**FALL RIVER  
QUEQUECHAN RIVER CULVERT**

NO.	REV.	DESCRIPTION	DATE
1	1	ISSUED	11/11
2	1	REVISED	12/11

PROJECT FILE NO. 60422A  
SHEET 2 OF 3

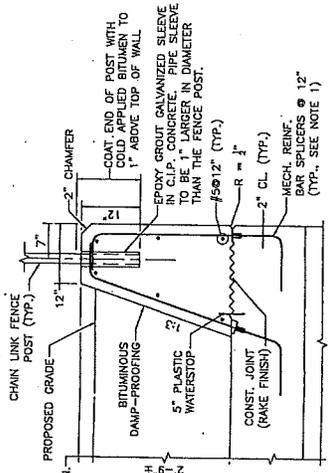


**TYPICAL SECTION - CURTAIN WALL**  
1/2" = 1'-0"



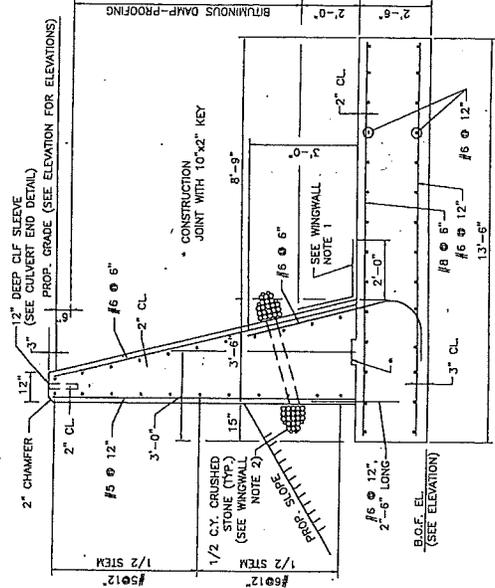
**WINCHALL NOTES:**

- MEMBRANE WATERPROOFING AND 8"x16"x2", 4000 PSI, 3/4 IN. 610 CEMENT CONCRETE AND MORTAR OR OTHER WATERPROOFING PROTECTIVE COURSE, MIN. 2" THICK AS SPECIFIED IN MASSDOT STANDARD SPECIFICATIONS.
- 4" WEEP HOLES (1 PER WALL, CENTERED, JUST ABOVE PROTECTIVE COURSE) PROVIDE 1/2 CUBIC YARD OF CRUSHED STONE AT EACH END OF WEEP HOLE.
- ALL CAST-IN-PLACE CONCRETE SHALL BE 4000 PSI, 3/4 IN. 565 CEMENT CONCRETE.
- MAXIMUM BEARING PRESSURE = 4.44 KSF AS PER AREMA MANUAL FOR RAILWAY ENGINEERING SERVICE LOAD COMBINATION I.
- ALLOWABLE BEARING PRESSURE = 5.0 KSF.
- BELOW WINGWALL FOOTINGS AND ABOVE TOP OF COMPACTION GROUT COLUMNS, PLACE 12" (MIN.) COLUMNS 5'-0" FOR BRIDGE FOUNDATIONS OVER GEOTEXTILE FABRIC FOR STABILIZATION (A6.5.0.0).

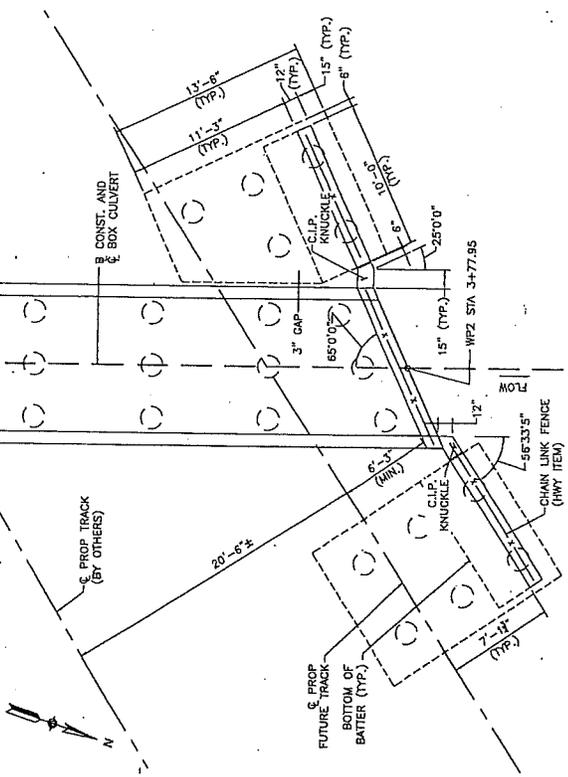


- NOTES:**
- THE CONTRACTOR MAY SUBSTITUTE DOWELS FOR MECHANICAL REINFORCING BAR SPLICERS AND TREADED REBARS.
  - CULVERT REINFORCEMENT IS NOT SHOWN FOR CLARITY.

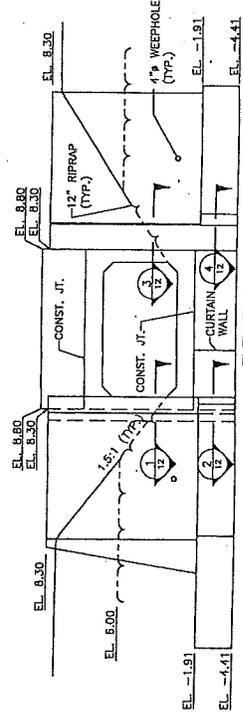
**CULVERT END DETAIL**  
SCALE: 1" = 1'-0"



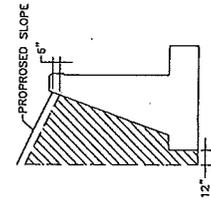
**TYPICAL SECTION - WINGWALL**  
1/2" = 1'-0"



**CULVERT HEADWALL PLAN**  
1/4" = 1'-0"



**ELEVATION**  
SCALE: 1" = 1'-0"



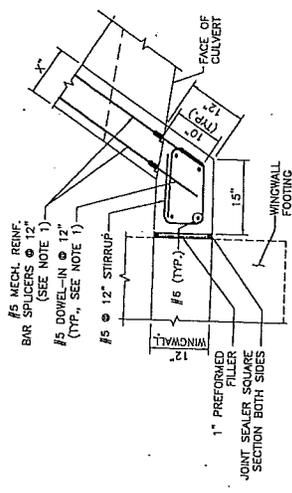
**NOTE:**  
HATCHED AREA INDICATES LIMITS OF GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES. LIMITS OF GRAVEL BORROW FOR BACKFILLING STRUCTURES AND PIPES

SCALE: N.T.S.

FALL RIVER  
 QUEBECHEGAN RIVER CULVERT

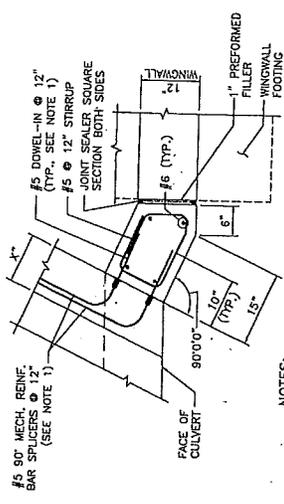
DATE	REVISED	BY
12	12	12
12	12	12

PROJECT FILE NO. 603223  
 STRUCTURAL DETAILS  
 SHEET 3 OF 3



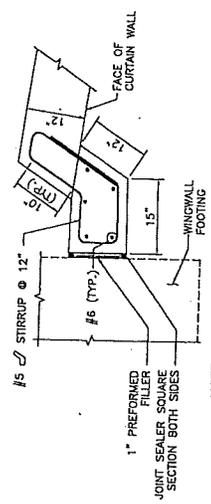
NOTES:  
 1. THE CONTRACTOR MAY SUBSTITUTE #5 DOWELS, 3'-0" LONG, FOR MECHANICAL REINFORCING BAR SPlicERS AND THREADED REBARS.  
 2. CULVERT REINFORCEMENT IS NOT SHOWN FOR CLARITY.

SECTION 1  
 SCALE: 1" = 1'-0"



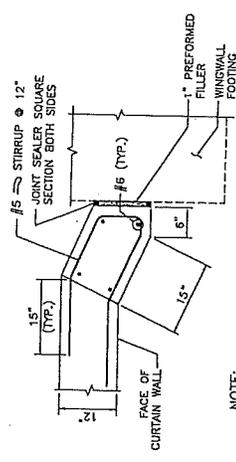
NOTES:  
 1. THE CONTRACTOR MAY SUBSTITUTE #5 DOWELS, 3'-0" LONG, FOR MECHANICAL REINFORCING BAR SPlicERS AND THREADED REBARS.  
 2. CULVERT REINFORCEMENT IS NOT SHOWN FOR CLARITY.

SECTION 3  
 SCALE: 1" = 1'-0"



NOTE:  
 CULVERT REINFORCEMENT IS NOT SHOWN FOR CLARITY.

SECTION 2  
 SCALE: 1" = 1'-0"

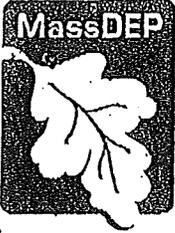


NOTE:  
 CULVERT REINFORCEMENT IS NOT SHOWN FOR CLARITY.

SECTION 4  
 SCALE: 1" = 1'-0"

CAST-IN-PLACE KNUCKLE DETAILS

CS 29



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 L. PATRICK  
Governor

MAEVE VALLELY BARTLETT  
Secretary

DAVID W. CASH  
Commissioner

# COPY

October 1, 2014

Mr. Christopher October  
Environmental Manager  
Browning-Ferris Industries, Inc. (MA)  
1080 Airport Road  
Fall River, Massachusetts 02720

RE: APPROVAL WITH CONDITIONS  
Application for: BWP SW 06  
AUTHORIZATION TO OPERATE  
A LARGE HANDLING FACILITY  
(previously approved on September 8, 2014)

AT: BFI Fall River Transfer Station  
At the Former BFI Fall River Landfill  
1080 Airport Road  
Fall River, MA 02720  
Facility Number: 132278  
Landfill Regulated Object No. 172513  
Handling Facility Regulated Object No. 547901

RECEIVED  
2014 OCT -6 P. 3:41  
CITY CLERK  
FALL RIVER, MA

Transmittal Number: X262449

Dear Mr. October:

The Massachusetts Department of Environmental Protection ("MassDEP") has completed its Technical Review of the permit application ("Application") listed above and determined that the Application is technically complete. Accordingly, MassDEP hereby issues this approval of the Browning Ferris Industries, Inc. ("BFI") Application to Operate a large solid waste transfer facility ("Facility" or "Transfer Station") at the Former BFI Fall River Landfill, 1080 Airport Road, Fall River, Massachusetts (the "Site"), subject to the conditions listed below. MassDEP approval of the Application was previously issued on September 8, 2014. In response to BFI's request, MassDEP is reissuing this permit to modify the approved operating hours to be 6:30 AM to 4:00 PM, Monday through Friday and from 7:00 AM to 1:00 PM on Saturday. (refer to Condition B8. MassDEP also modified Condition B.4.B to clarify required asbestos inspector training.

## **I. Submittals**

The Application was received by MassDEP on August 1, 2014, and is comprised of a document entitled: "Application for Authorization to Operate a Large Handling Facility, BWP SW 06, Transmittal X262449, Browning-Ferris Industries, Inc. (MA), Fall River Transfer Station, 1080 Fall River Road, Fall River", prepared by SITEC Environmental, Inc. ("SITEC"). This document contains applications forms, a project narrative, copies of previous approvals Site assignment and Authorization to Construct permit), an Operations and Maintenance Plan, and a Waste Ban Compliance Plan.

Supplemental Application information was submitted on August 7, 2014, consisting of a SITEC cover letter dated August 6, 2014, Part C, and Attachment III of the Application consisting of a project narrative, an As-Built Site Plan, an As-Built Utility Plan, construction photographs, and a Certification Statement by A. Raymond Quinn, Massachusetts Registered Professional Engineer #32861, stating that the Facility has been constructed in general accordance with all MassDEP permits and approvals.

## **II. Project Background**

### **Massachusetts Environmental Policy Act ("MEPA")**

On December 12, 2007, the Secretary of Environmental Affairs issued a Certificate for a Notice of Project Change that was filed on October 27, 2007, regarding the proposed solid waste Transfer Station. The Secretary determined that preparation of an Environmental Impact Report was not required.

On March 25, 2013, the Secretary issued an Advisory Opinion, which stated that no further MEPA review would be required for the project, reviewed most recently as a Notice of Project Change in 2007 that described the construction of a solid waste recycling and Transfer Station at the Fall River Landfill.

### **Site Assignment**

The City of Fall River Board of Health issued a Site Assignment on November 30, 1982 for the parcel of land upon which the proposed Transfer Station is to be constructed (Assessor's Map Z-3, Lot 33) as a site for a sanitary landfill.

The permitting of this Transfer Station is being conducted in accordance with the provisions of Site Assignment Regulation 310 CMR 16.21, Alternative Use of Assigned Site, Part 3(b): Handling Facility at a Closed or Inactive Landfill or Combustion Facility. Under this provision of the Site Assignment Regulations, a site which has been used as a landfill or combustion facility, which has been closed or is in the process of imminently closing, shall not require a new or modified site assignment to obtain approval for the storage, transfer or processing of solid waste when:

1. the facility does not receive solid waste in excess of the tonnage limits stated in the site assignment for landfilling, or combustion or processing;

2. the outstanding site assignment does not contain a condition which directly or indirectly prohibits the handling activity or establishes a date for the termination of all solid waste activities at the site which is shorter than the anticipated useful life of the handling facility; and
3. the site meets the suitability criteria at 310 CMR 16.40(3)(d), unless a waiver of one or more criteria has been granted pursuant to 310.16.40(6).

The BFI Fall River Landfill is permitted at a maximum daily waste intake rate of 1950 tons per day and an annual average of 1500 tons per day. The proposed Transfer Station will operate at a daily maximum rate of 1000 tons per day. The site assignment does not contain any special conditions. The site meets the suitability criteria at 310 CMR 16.40(3)(d).

### **Variance Request**

The site design does not meet the requirement established at 310 CMR 19.038(2)(b)(2)(a) that the waste handling area not be within 100 feet of the nearest edge of the property boundary. On September 16, 2013, SITEC submitted a detailed Request for a Variance pursuant to the provisions of 310 CMR 19.080; Variances, requesting that the waste handling area be allowed to be within 40 feet of the property boundary citing, among other factors, that BFI owns the abutting property, which is used for solid waste collection vehicle parking and maintenance. A revised request was submitted on November 4, 2013, providing additional details. On December 20, 2013, MassDEP's Southeast Regional Office Regional Director granted the Variance Request.

### **Authorization to Construct Permit**

An Authorization to Construct Application was submitted to MassDEP on August 23, 2013, comprised of a document entitled: "Application For a Large Handling Facility BWP SW 05, Transmittal X255837, Browning-Ferris Industries, Inc. (MA), Fall River Transfer Station, 1080 Fall River Road, Fall River, MA 02720, August 2013", prepared by SITEC Environmental, Inc. ("SITEC"). Supplemental Application information was submitted on October 23, 2013, and on November 7, 2013. A Final Permit Approval with Conditions was issued on January 27, 2014.

### **III. Project Description**

BFI constructed and will operate a 1,000 ton per day solid waste Transfer Station that will handle Municipal Solid Waste ("MSW") and bulky waste. The major improvements made at the site include the construction of the 20,900 square foot Transfer Station building and a 1,250 square foot detached office building, site grading, paving, a storm water collection and management system, and underground utility improvements.

The Transfer Station will be open to accept incoming loads of waste on Monday through Saturday from 6:30 AM to 4:00 PM, Monday through Friday and from 7:00 AM to 1:00 PM on Saturday. Transfer Station start-up and clean-up operations will be conducted prior to and following this operational period.

the tipping floor area and the transfer trailer bay, capable of dispensing a water mist for dust control within the building along with odor neutralizing agents.

An area at the easterly side of the Transfer Station building has been designated for the placement of roll-off containers used for the temporary placement of waste ban items should they be detected and removed from waste loads. An area is designated on the northerly side of the building for the potential overnight layover of empty and full transfer trailers.

### **Storm Water Management**

The storm water management system was designed in accordance with the MassDEP's Stormwater Management Regulations. Stormwater runoff from the newly paved areas will be collected by a series of deep sump catch and conveyed to a detention basin to be constructed on the easterly side of the Site. The detention basin includes a sediment forebay at its inlet and an outlet control structure at the discharge end of the basin.

### **Landfill Gas Considerations**

The Transfer Station was constructed adjacent to a closed and capped area of the Landfill. There are currently four existing landfill soil gas probes located to the west of the proposed Transfer Station. To ensure that any subsurface soil gas migration directly from the Landfill towards the Transfer Station is detected, one additional landfill gas probe was installed between the Landfill and the Transfer Station building and will be monitored as part of the Landfill's soil gas probe monitoring program.

### **Waste Ban Compliance Plan**

A Waste Ban Compliance Plan and related supplemental submittals were included in the Application. Within the Waste Ban Compliance Plan, BFI indicated that BFI will remove waste materials banned from disposal to the greatest degree possible. All BFI employees will be trained in identification of Waste Ban Materials and waste loads will be subject to inspection at several points. At any of these stages, banned materials may be rejected, reloaded or removed from waste loads. All loads deposited onto the tipping floor will be inspected by the waste load inspector with the assistance of the front end loader. Containers for segregation of waste ban materials will be placed at the east side of the building, as well as inside the building. For Waste Ban Materials that BFI does not have containers for segregation, loads will be rejected. (refer to Attachment A for Waste Ban Approval and Conditions).

### **IV. Department Determinations**

This application was reviewed in accordance with Massachusetts General Laws Chapter 111, Section 150A, and the Massachusetts Solid Waste Regulations at 310 CMR 16.00 and 19.000, including 310 CMR 19.033, Permit Procedure for an Application for a Permit Modification or Other Approval. The plans and reports described above establish that the facility complies with the criteria at 310 CMR 19.038(2)(a) and (b), except where variances have been approved by MassDEP.

MassDEP, as a result of its review of the Application, has determined that the permit application substantially complies with the requirements of 310 CMR 19.042 Authorization to Operate. Accordingly, MassDEP, with the authority granted pursuant to 310 CMR 19.042, hereby approves the Authorization to Operate subject to the conditions herein.

This document is a permit issued pursuant to M.G.L. c. 111, s. 150A and 310 CMR 19.000, subject to the conditions set forth below and the standard conditions at 310 CMR 19.043(5) and any amendments thereto. This Permit does not convey property rights of any sort or any exclusive privilege.

#### **V. Permit Conditions**

This Permit is issued subject to the following conditions:

##### **A. General Permit Conditions**

1. **Compliance with Plans** - BFI shall operate the Facility in accordance with approved plans, reports, and other submissions described in this Permit except as may be modified by the conditions set forth herein. No material changes in the design or activities set forth in the approved documents shall be performed without prior written MassDEP approval.
2. **Standard Conditions** - BFI shall operate the Facility in accordance with the conditions stated in 310 CMR 19.007-19.011, 19.043(5), and Part III of 310 CMR 19.000, entitled *Transfer Station Design and Operations Standards*, as currently written or as may be modified at a future date.
3. **Joint Liability** - This Permit is issued subject to the conditions of joint liability of the permittee and owner (if different) in accordance with 310 CMR 19.043(3).
4. **Transfer** - No transfer of this Permit shall be permitted except in accordance with 310 CMR 19.044.
5. **Permit Modification** - MassDEP reserves the right to require design and/or operational modifications to the approved plans, and to rescind, suspend, or modify this Permit by the imposition of additional conditions based upon evaluation of the Facility's performance.
6. **Demonstration Projects** - This permit application does not include any provisions for demonstration projects.
7. **Variances** - On December 20, 2013, MassDEP's Southeast Regional Office Regional Director granted a variance to 310 CMR 19.038(2)(b)2.a., which requires that the waste handling area be at least 100 feet from the nearest edge of the property boundary. This Permit reaffirms approval of the variance.
8. **Right of Entry** - MassDEP and its agents and employees shall have the right to enter upon the site at all reasonable times and without notice, to inspect the transfer station and

any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and photocopy records, to perform tests and to otherwise monitor compliance with this Permit and all environmental laws and regulations. This right of entry and inspection shall be in addition to MassDEP's access authorities and rights under applicable federal and states laws and regulations, as well as any permits or other agreements between the Permittee and MassDEP.

9. **Other Laws and Regulations** - The operation, maintenance, and closure shall be performed in compliance with other applicable local, state, and federal laws, regulations, and policies, by-laws, ordinances and agreements. Applicable federal regulations include, but are not limited to, 29 CFR Part 1910, OSHA standards governing employee health and safety in the workplace.
10. **Submissions** - Compliance with submission deadlines pursuant to this approval shall be determined by the date of receipt by MassDEP or by the postmarked date, whichever is earlier. Unless otherwise directed herein, all submissions required pursuant to this Permit shall be sent to:

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

11. **Authorization to Construct an Expansion** - Before commencing construction that would result in an expansion of the Facility, BFI shall obtain an Authorization to Construct in accordance with 310 CMR 19.041.
12. **Facility Modification** - BFI shall follow the permitting procedures specified at 310 CMR 19.029 prior to any modifications of the Facility or its operation.
13. **Annual Compliance Fees** - BFI shall, pursuant to 310 CMR 4.03, pay an annual compliance fee.

#### **B. Specific Permit Conditions**

1. **Amount of Waste and Recyclables:** The Facility shall not accept more than 1000 tons per day unless otherwise approved by MassDEP in writing. The combined waste and recyclables acceptance at the Facility and the BFI Fall River Landfill shall also not exceed 1950 tons per day and an annual average of 1500 tons per day.
2. **Types of Acceptable Wastes:** The Facility may accept municipal solid waste, bulky waste, and recyclable materials, subject to the following restrictions:
  - A. BFI shall comply with any restrictions on acceptable wastes contained in the local site assignment and any MEPA restrictions;

- B. BFI shall comply with its Waste Ban Compliance Plan, the Waste Ban Compliance Plan Approval contained in Attachment A of this Permit, and the Waste Ban Regulations at 310 CMR 19.017. The Waste Ban Compliance Plan Approval shall be considered to be an integral part of this Permit for compliance and enforcement purposes.
- C. In accordance with the requirements of 310 CMR 19.061, no Special Wastes (including asbestos waste, medical or biological waste, and sludges) shall be accepted at the Facility, unless BFI applies for and receives an approval from MassDEP to manage Special Wastes. Any asbestos waste inadvertently accepted shall be managed in accordance with Specific Permit Condition 4 below.
- D. The Facility shall not knowingly accept liquid wastes. The Facility shall not knowingly accept hazardous wastes unless BFI first obtains all necessary permits or registrations to accept generate or handle hazardous waste pursuant to 310 CMR 30.0000. If the Facility inadvertently accepts unauthorized hazardous waste (e.g. mixed with authorized solid waste), when discovered the waste shall be separated and managed in accordance with all applicable regulations, including but not limited to 310 CMR 30.0000. Waste oil, automotive antifreeze, paints, and other liquid wastes shall be stored in closed, covered containers with secondary containment and shall be managed in accordance with 310 CMR 30.0000 and any other applicable regulations.

BFI installed a radiation detector at the inbound scale. Should any radioactive waste be detected, BFI shall notify the Massachusetts Department of Public Health, Bureau of Environmental Health, Radiation Control Program and follow all instructions and protocols provided. BFI shall notify MassDEP via e-mail within 24 hours of the detection providing details of the detection and the actions being taken.

BFI may generate hazardous waste on-site during equipment maintenance and similar activities only if such generation, accumulation, and disposal complies with 310 CMR 30.0000 and any other applicable regulations, and BFI obtains all necessary permits or registrations to do so.

- E. The Facility may accept and handle Universal Wastes only in compliance with 310 CMR 30.1000, Standards for Universal Waste Management, and any other regulations applicable to such wastes.
3. Waste and recyclables shall be received, handled, and stored only within the enclosed building or in containers located in approved outside storage areas. BFI shall not store full containers of waste materials within 100 feet of the property line setback distance established at 310 CMR 19.038(2)(b)2.a.
4. Asbestos: BFI shall comply with the asbestos-related procedures contained in the Operation & Maintenance Plan and the following requirements:

- A. Any asbestos-containing material brought to the site shall be managed in accordance with all applicable local, state, and federal regulations, including but not limited to 310 CMR 19.000, 310 CMR 7.00, and requirements of the Massachusetts Department of Labor Standards ("MDLS").
  - B. The Facility shall employ a sufficient number of inspectors certified by the MDLS Asbestos Program for landfill/ transfer station type operations so that all incoming loads can be inspected whenever the Facility is operating.
  - C. Any work involving asbestos, including but not limited to handling, sampling, segregating, and containerizing, shall be performed only by individuals who possess the proper level of certification to perform that work. BFI shall hire a qualified and properly certified asbestos contractor to do any and all work beyond the qualifications and certifications of Facility employees.
5. BFI shall comply with the following requirements if it accepts presorted dedicated loads of recyclable lead acid batteries, cathode ray tubes, chlorofluorocarbon ("CFC") - containing white goods, glass containers, metal containers, single-polymer plastics, recyclable paper, and leaves, wood, and yard waste:
- A. This condition only covers recycling activities that are eligible for a General Permit pursuant to 310 CMR 16.04. Presorted loads containing more than de minimus quantities of nonrecyclable or incompatible materials shall be subject to the Waste Ban Compliance Plan Approval contained in Appendix A of this Permit.
  - B. Accepting these materials shall not interfere in any way with the proper handling of MSW waste as approved in this Permit.
  - C. These materials shall be accepted only on a designated part of the tipping floor that is segregated from areas where MSW are received. They shall not be mixed with or contaminated by MSW waste in any manner.
  - D. These materials shall be transferred only for recycling, reuse, or composting, as appropriate for that particular material, and shall not be transferred for disposal, except for any residual materials within the presorted loads that are not suitable for recycling, reuse, or composting.
  - E. The handling of these materials shall comply with the General Permit requirements at 310 CMR 16.04. However, BFI shall apply for any necessary permits pursuant to 310 CMR 16.05 if the quantities of recyclable or compostable materials exceed the thresholds set forth at 310 CMR 16.04(1).
6. Financial Assurance Mechanism ("FAM"):
- A. BFI shall, pursuant to 310 CMR 19.051, continuously maintain, and keep on file with MassDEP, a Financial Assurance Mechanism ("FAM") in the amount of \$67,700.00

for the Facility. This financial assurance obligation shall be met by using any of the approved methods authorized in 310 CMR 19.051.

- B. In accordance with 310 CMR 19.051(6), BFI shall revise the estimate of the cost of closure every year and shall submit a revised estimate every two years. The estimate shall be submitted in written form on or before June 1 of the year to which the revised estimate relates. The estimate shall be accompanied by a detailed explanation of its method of calculation.
  - C. MassDEP may, at any time, require the FAM to be amended in any manner based on changes in MassDEP regulations or policies, future estimates of closure or post-closure costs, or as needed to assure adequate protection of public health, safety or the environment.
  - D. BFI shall, pursuant to 310 CMR 19.051(7), increase the amount of the FAM as necessary to cover cost increases.
7. The Facility shall not generate windblown litter, odors, dust, or noise to constitute a nuisance or a condition of air pollution, nor shall it attract birds, rodents, insects, or other vectors. BFI shall take all necessary measures to prevent, and if necessary mitigate, such occurrences.
8. The Facility may accept solid waste only between 6:00 AM to 4:00 PM on Monday through Friday and from 7:00 AM to 1:00 PM on Saturday (except on major Massachusetts holidays: New Years Day, Thanksgiving Day, and Christmas Day). Normal maintenance activities necessary to maintain compliance with all applicable regulations may be performed at other times.

All MSW materials received at the Facility must be loaded into containers at the end of each day's operation except under infrequent, occasional circumstances beyond BFI's control. Such occasions may include equipment breakdown, extreme weather events that impact travel safety and waste delivery times, and/or disproportionately high, end-of-day, waste deliveries (not to exceed permitted daily tonnage), and/or, unavailable transfer trailers in spite of best reasonable efforts to secure such trailers.

9. All vehicles, roll-offs, dumpsters, or other containers for solid wastes and which are full, or partially full, shall be covered at all times, except when they are within the enclosed handling building, in order to minimize the potential for nuisances such as dust, windblown litter, odors, and attraction of birds and/or other vectors.
10. No waste shall be stored at the Facility in excess of the amounts approved as part of the Financial Assurance Mechanism (1000 tons MSW, 20 tons bulky waste, 20 tons recyclable materials). In the event that the Facility causes or contributes to a nuisance condition, MassDEP reserves the right, in its' sole discretion and immediately upon written notice, to require that all waste materials at the Facility be stored in covered and enclosed containers (i.e. tarped trailers) at the end of each working day.

11. BFI shall submit an Annual Report by February 15th of each year in accordance with 310 CMR 19.207(22)(d). Where MassDEP provides a form for annual reporting, the report shall be made on that form. Otherwise the report shall describe and summarize all the information specified at 310 CMR 19.207(22)(d), including a summarization of materials diverted from disposal, and be submitted by a responsible official, as defined at 310 CMR 19.006, and include the following statement:

*"I [name of responsible official] attest under the pains and penalties of perjury that:*

- (a) I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;*
- (b) based on my inquiry of those individuals immediately responsible for obtaining the information, the information contained in this submittal is, to the best of my knowledge, true, accurate and complete;*
- (c) I am fully authorized to bind the entity required to submit these documents and to make this attestation on behalf of such entity; and*
- (d) I am aware that there are significant penalties, including but not limited to possible administrative and civil penalties for submitting false, inaccurate, or incomplete information and possible fines and imprisonment for knowingly submitting false inaccurate, or incomplete information.*

12. BFI shall cause the Facility to be inspected in accordance with 310 CMR 19.018. Pursuant to 310 CMR 18.018(6)(b), third party inspections shall be performed at least twice every calendar year, with at least two months between consecutive inspections. The third party inspector shall prepare inspection reports in accordance with 310 CMR 19.018(8)(a) and (b), and BFI shall submit inspection reports in accordance with 310 CMR 19.018(8)(c).

13. BFI shall amend the existing Stormwater Pollution Prevention Plan filed with the USEPA to include the stormwater management systems and activities associated with the Transfer Station prior to startup of operations.

### **C. Permit Expiration and Renewal**

1. This Permit shall be valid only for a fixed term of 10 years, provided that MassDEP may amend the term as follows:
  - A. In accordance with an approved modification pursuant to either 19.033, 19.034 or 19.036; or
  - B. In order to coincide with the termination or renewal date of other MassDEP permits issued for the solid waste processing, treatment, or pollution control equipment located at the Facility.

2. BFI shall apply for a renewal of this Permit at least 180 days prior to the date of expiration, in accordance with 310 CMR 19.042(5)(a).

## VI. REVIEW OF DECISION

Pursuant to 310 CMR 19.033(4)(b), if the Applicant is aggrieved by MassDEP's decision to issue this decision, including the Waste Ban Compliance Plan approval in Attachment A, it may, within twenty-one days of the date of issuance, file a written request that the decision be deemed provisional, and a written statement of the basis on which the Applicant believes it is aggrieved, together with any supporting materials. Upon timely filing of such a request, the decision shall be deemed a provisional decision with an effective date twenty-one days after MassDEP's receipt of the request. Such a request shall reopen the administrative record, and MassDEP may rescind, supplement, modify, or reaffirm its decision. If MassDEP reaffirms its decision, the decision shall become final decision on the effective date. Failure by the Applicant to exercise the right provided in 310 CMR 19.033(4)(b) shall constitute waiver of the Applicant's right to appeal.

## VII. RIGHT TO APPEAL

Right to Appeal: This approval has been issued pursuant to M.G.L. Chapter 111, Section 150A, and 310 CMR 19.033: Permit Procedure for an Application for a Permit Modification or Other Approval, of the "Solid Waste Management Regulations". Pursuant to 310 CMR 19.033(5), any person aggrieved by the final permit decision, including the Waste Ban Compliance Plan approval in Attachment A, except as provided for under 310 CMR 19.033(4)(b), may file an appeal for judicial review of said decision in accordance with the provisions of M.G.L. Chapter 111, Section 150A and M.G.L. Chapter 30A no later than thirty days of issuance of the final permit decision to the applicant. The standing of a person to file an appeal and the procedures for filing such an appeal shall be governed by the provisions of M.G.L. c. 30A. Unless the person requesting an appeal requests and is granted a stay of the terms and conditions of the permit by a court of competent jurisdiction, the permit decision shall be effective in accordance with the terms of 310 CMR 19.033(3).

Notice of Appeal: Any aggrieved person intending to appeal a final permit decision to the Superior Court shall first provide notice of intention to commence such action. Said notices of intention shall include MassDEP Transmittal No. X262449 and shall identify with particularity the issues and reason why it is believed the final permit decision was not proper. Such notice shall be provided to the Office of General Counsel of MassDEP and the Regional Director for the regional office which processed the permit application, if applicable at least five days prior to filing of an appeal. The appropriate addresses to send such notices are:

Office of General Counsel  
Department of Environmental Protection  
One Winter Street  
Boston, MA 02108

Philip Weinberg, Regional Director  
Department of Environmental Protection  
20 Riverside Drive  
Lakeville, MA 02347

No allegation shall be made in any judicial appeal of a final permit decision unless the matter complained of was raised at the appropriate point in the administrative review procedures established in 310 CMR 19.000, provided that a matter may be raised upon showing that it is material and that it was not reasonably possible with due diligence to have been raised during such procedures or that matter sought to be raised is of critical importance to the environmental impact of the permitted activity.

If you have any questions, please contact me at (508) 946-2847 or Daniel Connick at (508) 946-2884, or at the letterhead address. In any correspondence regarding this permit, refer to Transmittal Number X262449.

Very truly yours,



Mark Dakers, Chief  
Solid Waste Management Section

D/DC/rr

P:\E-F\FALLRIVER\BFI TRANSFER STATION\DEP letters\TS ATO 9-2014.doc

Attachment

fc: William A. Flanagan, Mayor  
City of Fall River, City Hall  
One Government Center  
Fall River, MA 02772  
Fax. No. (508) 324-2626

Fall River City Council  
City Hall  
One Government Center, 2<sup>nd</sup> Floor  
Fall River, MA 02722  
Fax. No. (508) 324-2211

ec: Representative Fiola  
[Carole.Fiola@mahouse.gov](mailto:Carole.Fiola@mahouse.gov)

Fall River Board of Health  
[hvaillancourt@fallriverma.org](mailto:hvaillancourt@fallriverma.org)

Fall River Sewer Division  
[tsullivan@fallriverma.org](mailto:tsullivan@fallriverma.org)

DEP-Boston  
ATTN: P. Emond  
E. Fahle

DEP-SERO  
ATTN: M. Pinaud  
L. Black

Director of Inspectional Services  
[jbiszko@fallriverma.org](mailto:jbiszko@fallriverma.org)

Mike Quatromoni, SITEC Environmental, Inc.  
[mquatromoni@sitec-engineering.com](mailto:mquatromoni@sitec-engineering.com)  
[rquinn@sitec-engineerig.com](mailto:rquinn@sitec-engineerig.com)

**BFI FALL RIVER TRANSFER STATION  
AUTHORIZATION TO OPERATE A LARGE HANDLING FACILITY**

**ATTACHMENT A: WASTE BAN COMPLIANCE PLAN APPROVAL WITH CONDITIONS**

Pursuant to the amendments to Massachusetts Department of Environmental Protection ("MassDEP" or "the Department") solid waste regulations issued on February 14, 2014, all solid waste facilities were required to submit a new or revised Waste Ban Compliance Plan for MassDEP review and approval. This plan is required to include all the banned materials and describe the actions to be taken to comply with the restrictions imposed at 310 CMR 19.017(3), which on February 14, 2014 added Commercial Organic Material as material banned from disposal.

The subject Waste Ban Compliance Plan (WBCP) was prepared and submitted by Browning Ferris Industries, Inc. (MA) ("BFI") within the BWP SW 06 Authorization to Operate a Large Handling Facility Application (Transmittal No. X262449) for BFI Fall River Transfer Station ("Facility").

MassDEP has reviewed the following WBCP documents submitted by BFI:

- BFI's WBCP submitted on August 1, 2014; and
- BFI's response to MassDEP's August 12, 2014, e-mail Request for Additional Information, prepared by Sitec Environmental and submitted on August 28, 2014.

MassDEP has reviewed the WBCP documents submitted for the Facility and, pursuant to its authority under 310 CMR 19.017, approves the BFI Fall River Transfer Station WBCP, subject to all the terms, descriptions, and conditions detailed below.

This document is a permit issued pursuant to Massachusetts General Laws Chapter 111, Section 150A and the regulations promulgated thereunder at 310 CMR 19.000. In the event this permit conflicts with all or parts of prior plan approvals or permits issued pursuant to MGL Chapter 111 Section 150A, the terms and conditions of this permit shall supersede the conflicting provisions of such prior permits or approvals. This permit does not convey property rights of any sort or any exclusive privilege. The conditions upon which this permit is contingent are presented below. This permit is also subject to the standard conditions found at 310 CMR 19.043(5).

**A. Facility Background**

The Facility is located at 1080 Airport Road, Fall River, Massachusetts adjacent to the BFI Fall River Landfill.

**B. Definitions**

For the purposes of this WBCP permit the terms herein shall have the following meaning:

**Action Level:** Levels or amounts of waste ban materials that when met or exceeded in a waste load for disposal, or transfer for disposal, constitute a Failed Load. The Action Levels are defined as follows:

- For any load with more than 0% by volume of the following zero tolerance waste ban materials: cathode ray tubes (CRTs), white goods, lead batteries, and tires (tires may be disposed at solid waste combustion facilities and quartered or shredded tires may be disposed at landfills);
- For any load with 10% or more by volume of leaves and yard waste;
- For any load with 10% or more by volume of recyclable paper including corrugated cardboard;
- For any load with 10% or more by volume of single polymer plastic, metal and glass containers;
- For any load with 10% or more by volume of commercial organic material;
- For any load with 20% or more by volume of other Waste Ban Materials including asphalt pavement, brick, concrete, metal, wood and clean gypsum wallboard; and
- For any load with 30% or more of cumulative banned materials.

**Bulky Waste:** Waste items resulting from commercial or residential activities with low potential for recovering recyclable materials. In general, these materials are generated during commercial and residential building cleanouts and include items not generally accepted during pickup of the typical daily waste stream generated by commercial and residential activities. Examples of bulky waste include but are not limited to, furniture such as tables, chairs, desks, carpets, and temporary partitions such as cubicle walls and toys.

**Construction & Demolition Waste (C&D Waste):** Building materials and rubble resulting from the construction, remodeling, repair or demolition of buildings, pavements, roads or other structures. Construction and Demolition waste includes, but is not limited to: metal, concrete, bricks, lumber, masonry, road paving materials, rebar, gypsum wallboard and plaster.

**Failed Load:** A waste load which, when delivered to and inspected at a handling or disposal facility is determined to contain a quantity of materials banned from disposal, or transfer for disposal, above an Action Level defined herein.

**Kicksorting:** Partial separation of municipal solid waste material which may include, but is not limited to, the removal of metal, large pieces of wood, bulky waste, Zero Tolerance waste ban materials (i.e. cathode ray tubes (CRTs), white goods, lead batteries, and tires).

**Municipal Solid Waste:** Any residential or commercial solid waste.

**Rejected Load:** A waste load which has been determined by the waste handling or disposal facility operator to be a Failed Load, and which the operator elects to refuse acceptance for handling or disposal, and which the operator must reload in the hauler's original delivery vehicle or container and return to the hauler.

**Waste Ban Materials:** Materials expressly prohibited from disposal, or transfer for disposal, listed in 310 CMR 19.017. (see definitions in Attachment 1)

**Zero Tolerance Waste Ban Materials:** Materials expressly prohibited from disposal, or transfer for disposal, listed in 310 CMR 19.017 where the MassDEP has set the Action Level at zero. This includes cathode ray tubes (CRTs), white goods, lead batteries, and tires (tires may be disposed at solid waste combustion facilities and shredded tires may be disposed at landfills).

**C. Duty to Comply**

BFI shall, at all times, fully comply with its WBCP, as well as all the terms, descriptions, and conditions detailed herein.

**D. Waste Materials and Acceptance Limits**

In accordance with the MassDEP issued Authorization to Operate permit, the Facility may accept an average of 1,000 tons per day of solid waste. The Facility is subject to additional restrictions specified in the Authorization to operate permit.

1. The Facility may accept and handle only the following types of waste materials:
  - a. MSW;
  - b. Bulky Waste; and
  - c. special wastes that have received prior written approval from MassDEP.
2. The Facility may not accept, consolidate, or transfer dedicated loads of construction and demolition ("C&D") material or loads of mixed C&D waste and bulky waste, and should redirect such loads to an appropriately permitted C&D waste recycling/processing facility.

**E. Materials Handling and Operating Procedures**

BFI shall:

1. Post on-site signage clearly listing all Waste Ban Materials;
2. Store banned materials in a neat, orderly and organized manner;
3. Maintain containers at the active working area for storing removed banned materials;
4. Conduct load inspections in a manner that does not endanger the safety of facility or hauler personnel performed by a dedicated waste ban inspector;
5. Inspect all waste loads for banned materials:
  - a. prior to tipping;
  - b. as load is tipped; and
  - c. after tipping.
6. Spread all accepted waste loads out in a manner that allows for the inspection and identification of all Waste Ban Materials and, following the preferred hierarchy below:
  - a. remove to the **greatest extent possible** all Waste Ban Materials from each waste load accepted at the Facility prior to disposal;
  - b. reject the waste load, including reloading into the hauler's vehicle, if it is safe to do so;
  - c. transfer to a facility that has an approved WBCP that includes separation and recycling of the banned materials or will transfer to such a facility; or

- d. dispose the load because recycling or reloading the waste would endanger workers or substantially disrupt facility operations.
7. Record any waste load that contains an amount of Waste Ban Materials in excess of any Action Level as defined herein as a Failed Load;
8. Maintain records of all Failed Loads including documentation of justification for disposal of banned items; and
9. Perform Failed Load communication as follows:
  - a. notify drivers of the type and amount of banned material found in the load;
  - b. notify haulers by letter within 45 days of the type and amount of banned material found in the load and encourage haulers to work with its customers to separate banned materials to prevent recurrences of Failed Loads;
    - i. when the waste load is delivered in a vehicle with a capacity of 5 cubic yards or less BFI only needs to notify the driver in accordance with a. above; and
  - c. notify generators by letter within 45 days of type and amounts of banned material found in waste loads from their communities and encourage those communities to contact MassDEP for technical assistance.

#### **F. Waste Ban Compliance Procedures**

Pursuant to the procedures, sample record forms and notification letters provided in the WBCP, BFI shall implement and maintain the following.

1. Inspections
  - a. In accordance with ATO permit Specific Permit Condition 12, and 310 CMR 18.018(6)(b), third party inspections shall be performed at least twice every calendar year, with at least two months between consecutive inspections.
  - b. BFI shall conduct inspections of all incoming materials in accordance with the procedures contained in the WBCP, including the completion of the daily record form with Failed Load information.
  - c. In addition, BFI shall conduct a minimum of twenty random comprehensive load inspections per month using the procedures described in the WBCP, and shall complete the Comprehensive Load Inspection Reporting Sheet. Comprehensive load inspections shall only be conducted on vehicles with a capacity of 5 cubic yards or more.
2. Recordkeeping
  - a. BFI shall create and maintain records of all loads delivered to the Facility including all accepted loads, Failed Loads and Rejected Loads.
  - b. BFI shall identify and record the waste generator information for each Failed and Rejected Load whenever possible.
  - c. BFI shall maintain copies all Failed Load letters sent to waste haulers, and municipalities if applicable, whenever BFI identifies a Failed Load.
  - d. BFI shall provide MassDEP access to, and copies of, all records upon request.

### 3. Reporting

- a. In accordance with its ATO permit, BFI shall submit inspection reports prepared by a registered professional engineer, or other qualified environmental professional as determined by MassDEP. The third party inspector shall prepare inspection reports in accordance with 310 CMR 19.018(8)(a) and (b), and BFI shall submit inspection reports in accordance with 310 CMR 19.018(8)(c).
- b. BFI shall submit an Annual Report by February 15th of each year in accordance with 310 CMR 19.207(22)(d) and ATO Specific Permit Condition 11.

### G. General

1. All activities at the Facility conducted to comply with the waste ban requirements at 310 CMR 19.017 shall be in strict accordance with BFI's submitted WBCP and this permit. In the event there is a conflict with the provisions between BFI's submitted WBCP and this permit, this permit shall supersede BFI's WBCP.
2. This permit supersedes and replaces in its entirety any previous waste ban compliance plan permits/approvals issued to BFI.
3. BFI shall fully comply with its site assignment and all applicable local, state and federal laws, regulations and policies, bylaws, ordinances and agreements.
4. Failure to comply with the waste ban requirements at 310 CMR 19.017 or the conditions of this WBCP approval may result in enforcement action, or suspension, modification or revocation of this permit as deemed necessary.
5. BFI shall remove and divert from disposal all waste ban materials from every waste load accepted by BFI for disposal, or transfer for disposal, to the greatest extent possible, unless waste ban materials cannot be recycled because doing so would endanger workers or substantially disrupt facility operations. MassDEP intends to take enforcement action against facilities that fail to remove waste ban materials to the greatest extent possible.
6. MassDEP and its agents and employees shall have the right to enter upon the Facility site at all reasonable times and without notice, to inspect the Facility and any equipment, structure or land located thereon, take samples, recover materials or discharges, have access to and copy records, to perform tests and to otherwise monitor compliance with this approval, or any and all permits relative to the operation of the Facility, and all environmental laws and regulations. The right of entry and inspection shall be in addition to the MassDEP's access authorities and rights under applicable federal and state laws and regulations, as well as any permits or other agreements between BFI and MassDEP.
7. Prior written approval from MassDEP is required before any changes or modifications can be made to the Facility's WBCP requirements.
8. MassDEP reserves the right to modify, suspend or revoke this WBCP upon written notification to the Facility.

9. This approval is valid until the expiration date of the Facility's Authorization to Operate (ATO) permit. Any request for a renewal of the ATO shall include the request to renew the Facility's waste ban compliance plan. MassDEP reserves the right to require modification of the WBCP at that time.
10. MassDEP may post on its website a list of solid waste transfer stations that have approved waste ban compliance plans which state the transfer station does not receive waste in containers and vehicles with a capacity of greater than 5 cubic yards. In the event MassDEP posts such a list, waste loads originating from transfer stations on the list will not be subject to MassDEP waste ban enforcement for asphalt pavement, brick, concrete, clean gypsum wallboard, metal and wood.
11. BFI is advised that MassDEP is evaluating banning the disposal, and transfer for disposal, of additional components of construction and demolition materials and municipal solid waste. If and when these regulations are promulgated, BFI shall adhere to new regulations as promulgated, and to any associated guidance.

**WASTE BAN COMPLIANCE PLAN APPROVAL WITH CONDITIONS  
ATTACHMENT I**

**DEFINITIONS OF MATERIALS BANNED BY 310 CMR 19.017**

**Asphalt Pavement, Brick, and Concrete:** asphalt pavement, brick and concrete from construction activities and demolition of buildings, roads and bridges and similar sources.

**Cathode Ray Tubes:** any intact, broken, or processed glass tube used to provide the visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes.

**Glass Containers:** glass bottles and jars (soda-lime glass) but excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics.

**Clean Gypsum Wallboard:** gypsum wallboard that is not contaminated with paint, wallpaper, joint compound, adhesives, nails, or other substances after manufacture. Gypsum wallboard means a panel (also known as drywall) with a gypsum core and faced with a heavy paper or other material on both sides. Pieces of clean gypsum wallboard 2 square feet or less in size are exempt.

**Commercial Organic Material:** means food material and vegetative material from any entity that generates more than one ton of those materials for solid waste disposal per week, but excludes material from a residence.

**Food Material:** material produced from human or animal food production, preparation and consumption activities and which consists of, but is not limited to, fruits, vegetables, grains, and fish and animal products and byproducts.

**Lead Batteries:** lead-acid batteries used in motor vehicles or stationary applications.

**Leaves:** deciduous and coniferous leaf deposition.

**Metal:** ferrous and non-ferrous metals derived from used appliances, building materials, industrial equipment, transportation vehicles, and manufacturing processes.

**Metal Containers:** aluminum, steel or bi-metal beverage and food containers.

**Recyclable Paper:** all paper, corrugated cardboard, and paperboard products, except tissue paper, toweling, paper plates and cups, wax-coated corrugated cardboard, and other low-grade paper products.

**Single Polymer Plastics:** all narrow-neck plastic containers where the diameter of the mouth of the container is less than the diameter of the body of the container. This includes single polymer plastic containers labeled 1 - 6.

**Tires:** a continuous solid or pneumatic rubber covering intended for use on a motor vehicle.<sup>1</sup>

**White Goods:** appliances employing electricity, oil, natural gas or liquefied petroleum gas to preserve or cook food; wash or dry clothing, cooking or kitchen utensils or related items; or to

cool or to heat air or water. For purposes of the waste bans, white goods include, but are not limited to, refrigerators, freezers, air conditioners, water coolers, dishwashers, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters. White goods do not include microwave ovens.

**Wood:** treated and untreated wood, including wood waste.<sup>2,3</sup>

**Yard Waste:** deciduous and coniferous seasonal depositions (e.g., leaves), grass clippings, weeds, hedge clippings, garden materials, and brush 1 (one) inch or less in diameter (excluding diseased plants).

<sup>1</sup> Shredded tires, defined as tires that have been cut, sliced or ground into four or more pieces such that the circular form of the tire has been eliminated, are not tires subject to the waste bans.

<sup>2</sup> "Wood waste" is defined in the solid waste regulations as follows: Wood waste means discarded material consisting of trees, stumps, and brush, including but not limited to sawdust, chips, shavings and bark. Wood waste does not include new or used lumber or wood from construction and demolition waste and does not include wood pieces or particles containing or likely to contain asbestos, chemical preservatives such as creosote or pentachlorophenol, or paints, stains or other coatings.

<sup>3</sup> "Clean Wood" is defined in the solid waste regulations as follows: discarded material consisting of trees, stumps and brush, including but not limited to sawdust, chips, shavings, bark, and new or used lumber. Clean Wood does not include:

- (1) wood from commingled construction and demolition waste;
- (2) engineered wood products;
- (3) wood containing or likely to contain:
  - (a) asbestos;
  - (b) chemical preservatives such as, but not limited to, chromated copper arsenate (CCA), creosote or pentachlorophenol; or
  - (c) paints, stains or other coatings, or adhesives.

The Facility may accept and handle municipal solid waste ("MSW"), Bulky Waste, and special wastes that have received prior written approval from MassDEP. The Facility may not accept, consolidate, or transfer dedicated loads of construction and demolition ("C&D") material or loads of mixed C&D waste and bulky waste, and should redirect such loads to an appropriately permitted C&D waste recycling/processing facility.

Various types of solid waste collection vehicles will haul waste to the Transfer Station. An inbound scale, outbound scale, scale house structure and all appurtenances used as part of Landfill operations will remain in use during Transfer Station operations.

As the waste materials are dumped on the tipping floor, BFI personnel will inspect the waste material. All waste material will be visually screened by trained personnel for the presence of hazardous waste, special waste, and MassDEP waste ban items. If unacceptable waste materials are detected during this or other operational sequences at the Transfer Station, the unacceptable waste material will be segregated and properly handled in accordance with the Transfer Station Waste Ban Compliance Plan or Hazardous Waste Contingency Plan. A radiation detector is installed at the inbound scale in order to screen each load for potentially radioactive material.

The tipped waste materials will initially be managed by the front end loader. The waste material will then be pushed along the floor by the front end loader to the rear of the Transfer Station building where it will be consolidated against the concrete push-wall constructed along its full length. Waste material will progressively be moved to the westerly side of the tipping floor towards the load-out bay and then consolidated within 100 to 140 cubic yard transfer trailers using a front end loader and an excavator. Waste materials will then be transferred from the site for proper disposal or incineration.

Some waste material may remain on the tipping floor overnight. Partially filled transfer trailers with waste material may remain within the building during off hours. Full transfer trailers may remain in a designated area outside the Transfer Station overnight.

### **Transfer Station Building**

The waste handling operations will be conducted within a fully enclosed steel frame, 20,900 square foot building, constructed with eight bays with roll-up doors along the southerly side of the building sized to accommodate waste collection vehicles and one transfer trailer bay located on the westerly side of the tipping floor area.

All waste material transfer operations will occur within the building and the unloading of waste materials outside the building will not be allowed. The transfer trailer bay was constructed with a collection system for leachate or incidental drippage from collection or transfer vehicles and for tipping floor wash water. These liquids will be collected in floor drains and flow to a Particle/Gas Separator for the removal of solids, sediments and oil. The piping will then continue to a manhole connection on the existing City of Fall River sanitary sewer system located on-site.

A fire suppression sprinkler system was installed within the building and fire extinguishers will be mounted throughout the building. A dust and odor control misting system was installed over

Please be advised I have sent a copy of this to the Bishop. I hope it can help. 30

RECEIVED

Sept. 27, 2014  
2014 SEP 29 A 11:41

Most Reverend Bishop DeCunha,

CITY CLERK  
FALL RIVER, MA

Welcome to the Diocese of Fall River. We are proud to have you. I am a concerned citizen and catholic living in Fall River since 1980. I have recently retired and so have time to become involved in local issues. This City is in turmoil right now because of the recall of the mayor and an investigation of the mayor to determine whether he intimidated a city councillor with a gun. Please pray for us and help restore this city to peace.

However, I wish to discuss another issue as well. Recently, the Diocese had offered to sell some of its land back to the City at a lower rate. I believe there are 10 parcels of land near Maplewood Park available. The City Council had tried to bond for 6 parcels & then I believe just 4 parcels to expand Maplewood Park. Unfortunately, because the City has financial problems, the City Council had to reject the offer. Please consider as a "Goodwill Gesture" to donate some of these parcels back to the City so all citizens and religions can enjoy an expanded park.

Thank you for your time, your prayers, and your good will towards the citizens of Fall River.

Most Respectfully,  
Darnelle Medeiros  
274 Prospect St  
Fall River, Ma 02720  
508 674 5290