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Office

MassDEP  
Central Regional Office  
8 New Bond Street  
Worcester, MA 01606

James and Cressa Zanjac, Trustees  
146 S.E. Crosspoint Drive  
Port St. Lucie, FL 34983



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Central Regional Office • 8 New Bond Street, Worcester MA 01606 • 508-792-7650

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

November 5, 2020

James and Cressa Zajac, Trustees  
146 S.E. Crosspoint Drive  
Port St. Lucie, FL 34983

RE: Gravel Pit Reclamation  
Off Fish Road  
Dudley, MA  
RTN 2-0020703  
Enforcement Doc. #00009621

### ADMINISTRATIVE CONSENT ORDER

Dear Mr. and Mrs. Zajac:

Enclosed, please find the Administrative Consent Order (ACO), Enforcement Document #00009621 executed with the Massachusetts Department of Environmental Protection (MassDEP). If you have any questions regarding this matter, please contact Paul Vigeant at (508) 767-2810.

Sincerely,

Mark E. Baldi  
Deputy Regional Director  
Bureau of Waste Site Cleanup

MB/pdv  
Enclosure

cc: Database Entry [ C&E/ACO ]  
CERO Regional Enforcement Coordinator

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

In the matter of:

Cressa L. Zajac and James E. Zajac, as  
Trustees of an unnamed trust,

Enforcement Doc. No: 00009621

Issuing Bureau: BWSC

Issuing Region/Office: CERO

Issuing Program: BWSC

Primary Program Cited: BWSC

FMF/Program ID #2-0020703

**ADMINISTRATIVE CONSENT ORDER**

**I. THE PARTIES**

1. The Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at One Winter Street, Boston, Massachusetts 02108, and its Central Regional Office at 8 New Bond Street, Worcester, Massachusetts 01606.
2. James E. Zajac is a Trustee of an unnamed trust established for the benefit of Meredith A. Zajac, Heather S. Zajac, Jaime L. Zajac, and Emily V. Zajac pursuant to a Declaration of Trust dated March 20, 1990 which declaration is recorded with Worcester District Registry of Deeds in Book 12811 Page 132. James E. Zajac's mailing address for the purposes of this Consent Order is 146 S.E. Crosspoint Drive, Port St. Lucie, FL 34983.
3. Cressa L. Zajac is a Trustee of an unnamed trust established for the benefit of Meredith A. Zajac, Heather S. Zajac, Jaime L. Zajac, and Emily V. Zajac pursuant to a Declaration of Trust dated March 20, 1990 which declaration is recorded with Worcester District Registry of Deeds in Book 12811 Page 132. Cressa L. Zajac's mailing address for the purposes of this Consent Order is 146 S.E. Crosspoint Drive, Port St. Lucie, FL 34983.
4. The above-referenced unnamed trust, for which James E. Zajac and Cressa L. Zajac currently serve as Trustees, is hereafter referred to as "Respondent".

**II. STATEMENT OF FACTS AND LAW**

5. MassDEP is responsible for the implementation and enforcement of: M.G.L. c. 111, §§ 142A-142O, and the Air Pollution Control Regulations at 310 CMR 6.00, 310 CMR 7.00, and 310 CMR 8.00; M.G.L. c. 111, §§ 150A and 150A1/2, the Solid Waste Management Regulations at 310 CMR 19.000, and the Site Assignment Regulations for Solid Waste Facilities at 310 CMR 16.00; M.G.L. c. 131, § 40 and the Wetlands Regulations at 310 CMR 10.00; M.G.L. c. 21E and the

Massachusetts Contingency Plan ("MCP") at 310 CMR 40.0000; and Section 277 of Chapter 165 of the Acts of 2014. MassDEP has authority under M.G.L. c. 21E § 6 to specify reasonable requirements to regulate activities which may cause, contribute to, or exacerbate a release of oil or hazardous materials, to prevent and control and to counter the effects of such releases. MassDEP also has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.

6. The placement, dumping, disposing or reuse of soil containing oil and hazardous material ("OHM") into the environment is a release as that term is defined in M.G.L. c. 21E § 2. Depending on the site-specific conditions and the nature of the OHM present in the soil, such releases may have significant adverse human health and environmental effects.
7. MassDEP has authority under Section 277 of Chapter 165 of the Acts of 2014 to establish regulations, guidelines, standards or procedures for determining the suitability of soil used as fill material for the reclamation of quarries, sand pits and gravel pits. The regulations, standards or procedures shall ensure the reuse of soil poses no significant risk of harm to health, safety, public welfare or the environment considering the transport, filling operations and the foreseeable future use of the filled land.
8. MassDEP has authority under M.G.L. c. 21E, § 6 to specify reasonable requirements to regulate activities which may cause, contribute to, or exacerbate a release of oil or hazardous materials, to prevent and control and to counter the effects of such releases to the environment.
9. MassDEP has authority under M.G.L. c. 21E, § 9 to order potentially responsible parties ("PRPs") to conduct assessment, containment and removal actions, or to require the production or analysis of samples or records, consistent with the requirements of the MCP and as MassDEP reasonably deems necessary. Issuance of an order pursuant to § 9 does not preclude MassDEP from recovering damages, costs, civil penalties, criminal fines and sanctions, injunctive relief, or any action authorized by M.G.L. c. 21E, § 4.
10. M.G.L. c. 21E, § 5 sets out liability for the release or any threat of release of oil or hazardous material. This liability includes the owner or operator of a site from or at which there is a release or threat of release as well as any person who at the time of storage or disposal of any hazardous material owned or operated the site at or on which such hazardous material is stored or disposed of and from which there is a threat of release and any person who contracts to arrange for the transport, disposal, storage or treatment of hazardous material to or in a site from or at which there is a threat of a release.
11. Pursuant to M.G.L. c. 21E, § 3, MassDEP promulgated the regulations found at 310 CMR 40.0000, commonly known as the Massachusetts Contingency Plan ("MCP").
12. 310 CMR 40.0032(3), known as the "similar soils" section of the MCP, states:

Soils containing oil or waste oil at concentrations less than an otherwise applicable Reportable Concentration and that are not otherwise a hazardous



waste, and soils that contain one or more hazardous materials at concentrations less than an otherwise applicable Reportable Concentration and that are not a hazardous waste, may be transported from a disposal site without notice to or approval from the Department under the provisions of...[the MCP], provided that such soils:

(a) are not disposed or reused at locations where the concentrations of oil or hazardous materials in the soil would be in excess of a release notification threshold applicable at the receiving site, as delineated in 310 CMR 40.0300 and 40.1600; and

(b) are not disposed or reused at locations where existing concentrations of oil and/or hazardous material at the receiving site are significantly lower than the levels of those oil and/or hazardous materials present in the soil being disposed or reused.

13. 310 CMR 40.0006 contains the following useful definitions:

Contaminated soil means soil containing oil and/or hazardous material at concentrations equal to or greater than a release notification threshold established by 310 CMR 40.0300 and 40.1600.

Hazardous Material means material, including, but not limited to, any material in whatever form which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. ... The term shall also include, but is not limited to, material regulated as hazardous waste or recyclable material under 310 CMR 30.000.

No Significant Risk means a level of control of each identified substance of concern at a site or in the surrounding environment such that no such substance of concern shall present a significant risk of harm to health, safety, public welfare or the environment during any foreseeable period of time.

Oil means insoluble or partially soluble oils of any kind or origin or in any form, including, without limitation, crude or fuel oils, lube oil or sludge, asphalt, insoluble or partially insoluble derivatives of mineral, animal or vegetable oils and white oil. The term shall not include waste oil, and shall not include those substances which are included in 42 U.S.C. §9601(14).

Reportable Concentration and RC each means the concentration of oil or hazardous material in soil or groundwater which requires notification to the Department under M.G.L. c. 21E, § 7 and/or 310 CMR 40.0360 through 310 CMR 40.0362.

14. On October 2, 2013, MassDEP issued the "Similar Soils Provision Guidance" (WSC#-13-500 or "Similar Soils Policy"). The Similar Soils Policy addresses the specific requirements of 310 CMR 40.0032(3) and the criteria by which a Licensed Site Professional ("LSP") may determine that soil may be moved without prior notice to or approval from the Department. The Similar Soils Policy is not applicable to the excavation and movement of soil from locations other than Disposal Sites as defined in M.G.L. c. 21E § 2, nor to the management of soils considered Remediation Wastes as defined in the MCP at 310 CMR 40.0006. Moreover, nothing in the Similar Soils Policy eliminates, supersedes or otherwise modifies any local, state or federal requirements that may also apply to the movement or management of soil, for this Project or other similar projects, including any local, state or federal permit or approvals that must be obtained before placing soil at a receiving location.
15. On September 4, 2014, MassDEP issued a revision to the Similar Soils Policy.
16. On August 28, 2015, MassDEP issued the "Interim Policy on the Re-Use of Soil for Large Reclamation Projects" (COMM-15-01 or "Reclamation Soil Policy") pursuant to Section 277 of Chapter 165 of the Acts of 2014. The Reclamation Soil Policy describes MassDEP's intent to issue site-specific approvals, in the form of an Administrative Consent Order, to ensure the reuse of large volumes of soil for the reclamation of sand pits, gravel pits and quarries poses no significant risk of harm to health, safety, public welfare or the environment and would not create new releases or threats of releases of oil or hazardous materials.
17. The following facts and allegations have led MassDEP to issue this Consent Order:
  - A. James E. Zajac and Cressa L. Zajac, as Trustees of an unnamed trust established for the benefit of Meredith A. Zajac, Heather S. Zajac, Jaime L. Zajac, and Emily V. Zajac, are the current owners of property off Fish Road in Dudley, Massachusetts by virtue of deed recorded at the Worcester Registry of Deeds on May 31, 1990 in Book 12811, Page 136 ("Property").
  - B. Respondent has proposed to conduct quarry and gravel pit reclamation activities on a six (6) acre portion of the Property ("Project").
  - C. The person who arranges for the transport, disposal, storage or treatment of soil and fill materials for the Project is the Operator of the Project ("Operator").
  - D. Rampco French Joint Venture, LLC ("Rampco French JV") is a Massachusetts limited liability corporation with its principal offices located at 14 Sterling Road, North Billerica, Massachusetts 01862. Rampco French JV is the proposed Operator of the Project.
  - E. The Project is intended to provide soil to level and raise the existing grade of the gravel pit located on the Property. Reclamation of the gravel pit is proposed by importing fill

material and grading the area. An estimated 326,000 cubic yards of fill material are proposed for the reclamation project. It is anticipated that the Project will take approximately five (5) years to complete based upon the size of the area to be filled, projections of volumes of fill material likely available, and anticipated daily operations at the Property.

- F. The Property consists of an irregular shaped parcel of land with a total plan area of approximately 184 acres. The Property is identified by the Town of Dudley Tax Assessor as Map 229/Parcel 158. The southern portion of the Property, including the Project, is in an area zoned for residential use. The Property is accessible from Fish Road through a deeded right of way on the abutting parcel identified by the Town of Dudley Tax Assessor as Map 220/Parcel 13. The access way to the Project crosses, at grade, a former railroad bed now or formerly owned by others.
- G. On October 9, 2018, Rampco French JV submitted to MassDEP an "Interim Fill Management Plan, Fish Road Reclamation Project, Off Fish Road, Dudley, Massachusetts" dated October 5, 2018 and prepared by W. L French Excavating Corp. (the "Interim FMP"). The Interim FMP established the criteria for the acceptance of soil and other fill materials at the Property.
- H. On October 9, 2018, Rampco French JV submitted to MassDEP a letter "RE: Proposed Gravel Pit Reclamation - Off Fish Road, Dudley, MA" dated October 5, 2018 and prepared by W. L. French Excavating Corp. This letter notified MassDEP of Rampco French JV's intent to reclaim a gravel pit at the Property by importing soil for fill. The letter included a summary of assessment activities and sampling results used by Rampco French JV to establish a background concentration of naturally occurring arsenic at the Property. Based on this assessment, proposed an Acceptance Criterion of 105 milligrams per kilogram (mg/kg) for the maximum allowable concentration of arsenic in soil to be imported as fill at the Property.
- I. Rampco French JV began accepting soil for use as fill material at the Property, in accordance with the Interim FMP, on November 21, 2018. Rampco French JV has voluntarily submitted Construction Status Reports and monthly Independent Third Party Inspection Reports to MassDEP under Release Tracking Number 2-0020703.
- J. Rampco French JV installed four groundwater monitoring wells at the Property in November 2018. Wells MW-1 and MW-2 are screened at the water table. Wells MW-3 and MW-4 are a couplet with one shallow well screened at the water table and one deep well screened in bedrock.

- K. On October 8, 2020, Rampco French JV submitted to MassDEP a "Fill Management Plan, Fish Road Reclamation Project, Off Fish Road, Assessor Map 229, Lot 158, Dudley, Massachusetts, Phase I Area Reclamation, Revised: September 22, 2020" ("FMP"). The FMP is attached to this Consent Order as Attachment A and is incorporated herein by reference. The FMP established the criteria for the acceptance of soil and other fill materials at the Property for the Project.
- L. The FMP includes a plan titled "Figure 2, Proposed Grading Plan, Phase I, Fish Road, Dudley, MA" prepared by W. L. French Excavating Corp. ("Grading Plan") and dated August 26, 2020.
- M. As set forth in the FMP, the Project "has been discussed with ... various municipal officials from the Town of Dudley including the Board of Selectmen, Board of Health and Conservation Commission." The Town Manager has issued a letter dated October 15, 2018 to indicate that the Board had discussed the Project and did not object. The Board of Health issued a similar letter dated October 16, 2018. Copies of these letters are attached to this Consent Order as Attachment B.

### III. DISPOSITION AND ORDER

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

18. The parties have agreed to enter into this Consent Order because they agree that it is in their own interests, and in the public interest, to proceed promptly with the actions called for herein rather than to expend additional time and resources litigating the matters set forth above. Respondent enters into this Consent Order without admitting or denying the facts or allegations set forth herein. However, Respondent agrees not to contest such facts and allegations for purposes of the issuance or enforcement of this Consent Order.

19. MassDEP's authority to issue this Consent Order is conferred by the statutes and regulations cited in Part II of this Consent Order.

20. Unless submitted via eDEP or except as otherwise provided herein, all notices, submittals and other communications required by this Consent Order shall be directed to:

Mark Baldi, Deputy Regional Director  
Bureau of Waste Site Cleanup  
MassDEP  
8 New Bond Street  
Worcester, MA 01606



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

21. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.

22. Respondent agrees that it is liable for performing the following actions in accordance with, and/or in addition to, any and all requirements of this Consent Order and/or the FMP, as well as for any penalties assessed pursuant to this Consent Order:

- A. Upon the effective date of this Consent Order, Respondent shall perform any and all activities related to the Project in compliance with M.G.L. c.21E, the MCP, the Similar Soils Policy, and all other applicable local, state and federal laws and regulations.
- B. Respondent shall contract with only one Operator for the Project at any time. Respondent shall ensure that the Operator has entered into an Administrative Consent Order with MassDEP for the specific purpose of operating the Project. Respondent shall notify MassDEP, in writing, a minimum of thirty (30) days before making any changes to the Operator of the Project. Respondent shall not allow any operator, including Respondent, to operate the Project without the consent of MassDEP in the form of an Administrative Consent Order.
- C. Unless conducted by the Operator, Respondent shall implement a Groundwater Monitoring Program ("GMP") at the Property to monitor the groundwater quality and assess potential changes to environmental conditions at the Property during and after the Project. The GMP shall provide for the following actions, at a minimum:
  - i. Rampco French JV performed initial baseline groundwater sampling from the four existing monitoring wells on November 23, 2018.
  - ii. Unless conducted by the Operator, Respondent shall conduct subsequent groundwater sampling from all the wells, annually, within 15 days of the date of the initial baseline sampling event, throughout the duration of the project and for two years after the completion or termination of the project. In the event that a well or wells are dry or produce insufficient water to complete the necessary analyses, a minimum of three subsequent visits will be made following the next significant precipitation events to attempt to obtain water from the well.
  - iii. The groundwater samples collected from each of the monitoring wells shall be analyzed by a Massachusetts certified laboratory for volatile organic compounds, semi-volatile organic compounds, dissolved MCP-14 metals (antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, nickel, selenium, silver,

thallium, vanadium and zinc), polychlorinated biphenyls, herbicides, pesticides, extractable petroleum hydrocarbons, amenable cyanide and pH. The reporting limits for all groundwater analytes must be below the applicable reportable concentrations for Reporting Category RCGW-1 listed in the Massachusetts Oil and Hazardous Materials List at 310 CMR 40.1600.

- iv. A summary table showing the groundwater sampling results compared to the RCGW-1 reportable concentrations, and copies of the laboratory reports for the samples shall be included in the next quarterly status report submitted to the Department.
  - v. Unless conducted by the Operator, Respondent shall increase the groundwater sampling frequency to tri-annual (three times per year) for two years when fifty percent (50%) or more of the loads quarantined by the Independent Third Party Inspector in any twelve-month period fail to meet any acceptance criteria and are rejected.
  - vi. Unless conducted by the Operator, Respondent shall repair or replace any wells that are damaged or destroyed, prior to the next annual groundwater sampling event.
- D. Upon the effective date of this Consent Order, Respondent shall perform any and all activities related to the Project in compliance with the FMP, as amended from time to time with the written consent of all parties. Respondent's failure to adhere to the FMP, except the terms of the FMP that are modified by this Consent Order, shall be a violation of this Consent Order.
- E. Respondent shall ensure that Project activities do not result in a Condition of Air Pollution with respect to dust, noise and odors pursuant to 310 CMR 7.01. Upon notification by MassDEP through the issuance of a Notice of Noncompliance that the Project activities create a Condition of Air Pollution, Respondent shall immediately cease all Project activities until nuisance conditions are resolved to the satisfaction of MassDEP.
- F. The Project shall be conducted under the overall supervision of a Licensed Site Professional ("LSP") or Qualified Environmental Professional (QEP") to provide oversight of the work described in the FMP. LSP means a hazardous waste site cleanup professional, as defined in M.G.L. 21A, § 19, holding a valid license issued by the Board of Registration of Hazardous Waste Site Cleanup Professionals pursuant to M.G.L. 21A, §§ 19 through 19J. QEP means an individual who: is knowledgeable about the procedures and methods for characterizing wastes and contaminated media; is familiar with Massachusetts and Federal regulations applicable to the management of such materials; performs or oversees the management of Contaminated Soils as an integral part of his or her professional duties; and is professionally licensed or certified in a discipline related to environmental assessment (i.e., engineering, geology, soil science or

environmental science) by a state or recognized professional organization. The QEP/LSP shall, at a minimum:

- i. Continuously observe the work for compliance with the FMP and provide recommendations for corrective actions to Respondent;
  - ii. Review all Soil Profile Packages, as that term is used in the FMP, including review of the site history to evaluate for the potential presence of oil and hazardous materials, such as cyanide, asbestos and PFAS, that are not included in the typical soil profile, and provide written recommendations for acceptance or denial to Respondent;
  - iii. Conduct the on-site quality control procedures pursuant to the FMP; and
  - iv. Perform the periodic collection and analysis of groundwater samples pursuant to the FMP.
  - v. Any contractual relationship between Respondent and the Project LSP for work required hereunder shall require the Project LSP, as a condition of the contract, to implement work consistent with the provisions of this Consent Order.
- G. Respondent shall ensure that the Operator obtains all applicable local, state and federal permits or approvals that may be required by the Project.
- H. Unless conducted by the Operator, Respondent shall submit a Post Closure Report containing the results of each annual post-closure groundwater sampling event in the thirteenth (13) and twenty fifth (25) month following the month in which the Project is completed or terminated.
- I. Respondent shall ensure that the Operator maintains all slopes to be no steeper than 3:1 horizontal to vertical during construction and post-construction.
- J. Respondent ensure that the Operator not exceed the maximum elevations shown in the Grading Plan.
- K. Respondent shall notify MassDEP, in writing, if Respondent intends to terminate the Project before achieving the maximum finish grading shown in the Grading Plan. The Operator's failure to perform Project-related filling activities for any contiguous six-month period shall be deemed by MassDEP to be Respondent's termination of the Project.
- L. Unless performed by the Operator, Respondent shall perform the following closure activities upon achieving the proposed fill subgrade elevations, or upon Respondent's termination of the Project before achieving the proposed fill subgrade elevations:

- i. Within 60 days of achieving the proposed fill subgrade elevations or terminating the Project, Respondent shall address all outstanding recommendations made by the Project LSP and/or Independent Third Party;
- ii. Within 90 days of achieving the approved fill subgrade elevations or terminating the Project, Respondent shall stabilize all filled areas, including slopes, by applying a final cover consisting of a minimum of six (6) inches of topsoil over two feet of granular fill (fine sandy loam or coarser) and establishing a vegetative cover or apply other stabilization materials where specified in the Grading Plan.
- iii. Within 180 days of achieving the approved fill subgrade elevations or terminating the Project, Respondent shall submit to MassDEP an As-Built Plan prepared and stamped by a Massachusetts Registered Land Surveyor or Professional Engineer. The As-Built Plan shall show the final elevations at the Property and any permanent stormwater management features; and
- iv. Respondent shall continue monitoring the groundwater in accordance with the FMP.

23. Force Majeure

- A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent's employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent's employees, agents, consultants, and contractors.
- B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.
- C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than 5 days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.

- D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise comply with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.
- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.
24. MassDEP reserves the right to require Respondent to take any and all actions necessary to ensure that the activities conducted at the Property do not cause any regulatory violations and/or nuisance conditions including, but not limited to, dust, noise, odor, or wetlands impacts.
25. MassDEP reserves the right to require Respondent to take any and all corrective actions recommended by the Project LSP/QEP and/or the Independent Third Party within a reasonable time. Respondent's failure to complete such corrective actions shall be considered a violation of this Consent Order.
26. Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to the property for purposes of conducting any activity related to its oversight of this Consent Order, including the collection of groundwater and/or soil samples for analysis. Notwithstanding any provision of this Consent Order, MassDEP retains all of its access authorities and rights under applicable state and federal law.
27. MassDEP reserves the right to terminate this Consent Order if Respondent should submit false, inaccurate, or misleading statements or information to MassDEP for any of the requirements of this Consent Order.
28. If MassDEP determines that Respondent has made and/or caused a person to make a false, inaccurate, incomplete, or misleading statement(s) in a document submitted or required to be kept by MassDEP for any of the requirements of this Consent Order, Respondent shall pay the stipulated civil administrative penalty of \$5,000.00 to the Commonwealth upon demand for each such false statement, notwithstanding the schedule of stipulated civil administrative penalties set forth in Paragraph 40 of this Consent Order.

29. For the purposes of this Consent Order, the Project will commence upon the execution of this Consent Order by MassDEP. Soil and fill materials placed, dumped, or reused at the Property prior to execution of this Consent Order are not included in the Project.
30. Actions required by this Consent Order shall be taken in accordance with all applicable federal, state, and local laws, regulations and approvals. This Consent Order shall not be construed as, nor operate as, relieving Respondent or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals.
31. Respondent understands, and hereby waive, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.
32. This Consent Order may be modified only by written agreement of the parties hereto.
33. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.
34. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.
35. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to: (a) enforce this Consent Order in an administrative or judicial proceeding; (b) recover costs incurred by MassDEP in connection with response actions conducted at the Site; and (c) recover damages for injury to and for destruction or loss of natural resources pursuant to M.G.L. c. 21E, § 5 or 42 U.S.C. 9601, et seq.
36. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting MassDEP's authority to: (a) perform response actions at the Site or (b) require Respondent to conduct response actions at the Site or take other actions beyond those required by this Consent Order in order to comply with all applicable laws and regulations including, without limitation, M.G.L. c. 21E and the MCP.
37. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting MassDEP's authority to: (a) perform response actions at the



Site or (b) require Respondent to conduct response actions at the Site or take other actions beyond those required by this Consent Order in order to comply with all applicable laws and regulations including, without limitation, M.G.L. c. 21E and the MCP.

38. This Consent Order shall not be construed or operate as barring, diminishing, adjudicating, or in any way affecting, any legal or equitable right of MassDEP or Respondent with respect to any subject matter not covered by this Consent Order.

39. This Consent Order shall be binding upon Respondent and upon Respondent's heirs, successors and assigns. Respondent shall not violate this Consent Order and shall not allow or suffer Respondent's trustees, beneficiaries, employees, agents, contractors or consultants to violate this Consent Order. Until Respondent has fully complied with this Consent Order, Respondent shall provide a copy of this Consent Order to each successor or assignee at such time that any succession or assignment occurs.

40. If Respondent violates any provision of this Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in accordance with the following schedule if Respondent violates any provision of this Consent Order:

For each day, or portion thereof, of each violation, Respondent shall pay stipulated civil administrative penalties in the following amounts:

<u>Period of Violation</u>	<u>Penalty per day</u>
1 <sup>st</sup> through 15 <sup>th</sup> days	\$250.00 per day
16 <sup>th</sup> through 30 <sup>th</sup> days	\$500.00 per day
31 <sup>st</sup> day and thereafter	\$1,000.00 per day

Stipulated civil administrative penalties shall begin to accrue on the day a violation occurs and shall continue to accrue until the day Respondent corrects the violation or completes performance, whichever is applicable. Stipulated civil administrative penalties shall accrue regardless of whether MassDEP has notified Respondent of a violation or act of noncompliance. All stipulated civil administrative penalties accruing under this Consent Order shall be paid within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. If simultaneous violations occur, separate penalties shall accrue for separate violations of this Consent Order. The payment of stipulated civil administrative penalties shall not alter in any way Respondent's obligation to complete performance as required by this Consent Order. MassDEP reserves its right to elect to pursue alternative remedies and alternative civil and criminal penalties which may be available by reason of Respondent's failure to comply with the requirements of this Consent Order. In the event MassDEP collects alternative civil administrative penalties, Respondent shall not be required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such

rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

41. Failure on the part of MassDEP to complain of any action or inaction on the part of Respondent shall not constitute a waiver by MassDEP of any of its rights under this Consent Order. Further, no waiver by MassDEP of any provision of this Consent Order shall be construed as a waiver of any other provision of this Consent Order.

42. The undersigned certify that it is full authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf it is signing this Consent Order.

43. This Consent Order shall become effective on the date that it is executed by MassDEP.

### **SPECIAL INSTRUCTIONS:**

Your **two signed copies** of the Administrative Consent Order (ACO) must be delivered, for execution (signature) by MassDEP, to the following address:

Mark E. Baldi, Deputy Regional Director  
Bureau of Waste Site Cleanup  
MassDEP Central Regional Office  
8 New Bond Street  
Worcester, Massachusetts 01606

MassDEP will return **one signed copy** of the ACO to you after MassDEP has signed, provided you have followed the above instructions.

Please call Paul Vigeant at 508-767-2810 if you have questions regarding payment and/or instructions.

**Consented To:**

Date:

**CRESSA L. ZAJAC, TRUSTEE OF AN UNNAMED TRUST**

By: Cressa Zajac  
[Print Name]: CRESSA ZAJAC  
[Title]: Trustee  
[Address]: 146 SE Crumpoint Dr. P.S.L. FL 34983

Date: 11.2.20

**JAMES E. ZAJAC, TRUSTEE OF AN UNNAMED TRUST**

By: James Zajac  
[Print Name]: JAMES ZAJAC  
[Title]: Trustee  
[Address]: 146 SE Crumpoint Dr. P.S.L. FL 34983

Date: 11.2.20

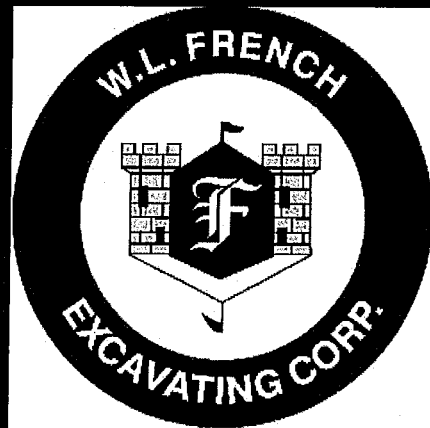
**Issued By:**

**MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By: Mary Jude Pigsley  
Mary Jude Pigsley, Regional Director  
MassDEP Central Regional Office  
8 New Bond Street  
Worcester, Massachusetts 01606

Date: 11/5/2020

**ATTACHMENT A**  
**FILL MANAGEMENT PLAN**





SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

## Fill Management Plan

### Fish Road Reclamation Project

Off Fish Road, Assessor Map 229, Lot 158

Dudley, Massachusetts

Revision date: September 22, 2020

### Introduction

This Fill Management Plan was prepared by W.L. French Excavating Corp. (W.L. French) in support of the Fish Road Reclamation Project located off Fish Road in Dudley, Massachusetts. The site locus is shown on **Figure 1**. Several areas of the property have previously been mined and quarrying operations are still active. Areas of the property that have been mined will be reclaimed and restored in several phases. The Phase 1 Area of the reclamation and subject of this Fill Management Plan (FMP) is shown on the Proposed Grading Plan included as **Figure 2**. Phase 1 of the reclamation project will involve the import of up to approximately 555,000 tons of soil under an Administrative Consent Order (ACO) for COMM-15-001; *Interim Policy on the Reuse of Soil for Large Reclamation Projects*. Refer to **Figure 3** for the Existing Topographic Plan.

Anticipated sources of fill material include large volumes of excess soil from excavation and construction projects in Massachusetts with elevated levels of naturally occurring arsenic. The intended fill materials include native and reworked sand, gravel, rock and clay. It is anticipated that Phase 1 of the reclamation project will take approximately 5 years to complete based on available sources of fill materials.

Soil intended for reuse in the filling operation must meet Acceptance Criteria established for this location. Testing of soil prior to acceptance and/or additional documentation of the soil source(s) with background information is required and is described herein.

This plan has been discussed with Massachusetts Department of Environmental Protection (MassDEP) personnel and various municipal officials from the Town of Dudley including the Board of Selectmen, Board of Health, and Conservation Commission. These discussions provided relevant information regarding the filling operations associated with the reclamation project described within this plan. Therefore, these officials have general awareness of this project and ongoing site activities.





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## **Parties Involved**

Several parties will be involved with the placement of fill material associated with the Fish Road Reclamation Project.

### **Project Location:**

Fish Road Reclamation Project  
Off Fish Road  
Assessor Map 229, Lot 158  
Dudley, Massachusetts 01571

### **Project Proponents**

Rampco French Joint Venture, LLC (FID 001221252)  
14 Sterling Road  
North Billerica, Massachusetts 01862

### **Soil Acceptance, Approvals, and Management/Oversight of Filling Operations:**

W.L. French Excavation Corporation  
14 Sterling Road  
North Billerica, Massachusetts 01862  
Phone: 978-663-2623  
William L. French Jr., President  
Jarrett Everton, Director of Environmental Services  
Email: jeverton@wlfrench.com

### **Property Owner:**

James E. Zajac and Cressa L. Zajac, Trustees  
146 SE Crosspoint Drive  
Port St. Lucie, Florida 34983

### **Project Daily Filling Operations Manager:**

Rampco Construction Co., Inc.  
120 Schofield Avenue  
Dudley, Massachusetts 01571

### **Independent LSP Review and Approval of Submittal Packages:**

Benson R. Gould, LSP, LEP  
CMG Environmental, Inc.  
67 Hall Road, Sturbridge, Massachusetts 01566  
Phone: 774-241-0906



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**Third Party QAQC Inspector:**

Jeff Larson, LSP, LEP  
EnviroTrac Ltd.  
169 Daniel Webster Highway  
Nashua, NH  
508-517-2124

**Emergency Contact:**

Rampco Construction Co., Inc.  
120 Schofield Avenue  
Jonathan Androlewicz  
508-400-3317

**Site Description**

The fill operations associated with the Fish Road Reclamation Project will occur at the Fish Road Gravel Pit located off Fish Road in Dudley, Massachusetts. The Phase 1 Area includes 6 acres that is located in the Southern portion of the 176-Acre property. The property is located in the southwestern portion of Dudley near the border with Southbridge, Massachusetts and Woodstock, Connecticut.

The Fish Road Reclamation Project site is readily accessed from Fish Road via West Dudley Road. Route 131 (Southbridge Road) is located approximately 0.9 miles south of the entrance to the Fish Road Reclamation Project site. Access to Interstate 395 is located approximately 8.5 miles east of the project site via Route 131 and Route 197. Access to Interstate 84 is located approximately 8 miles to the west of the project site via Route 131.

Wooded areas are located on the northern, western and eastern portions of the property. An agricultural hay field is located in the southern portion of the site abutting the Quinebaug River. The Grand Trunk Rail Trail traverses the southern portion of the site, just north of the Phase 1 Area.

The Dudley Assessor's Office records identify the Fish Road Reclamation Project by parcel Map 229, Lot 158. The Assessor's Office indicates that the parcel is owned by a trust operated by James E. Zajac and Cressa L. Zajac. The Fish Road Reclamation Project site consists of an irregular-shaped parcel of land with a total plan area of approximately 176 acres zoned for industrial use (IND-130) and Adult Entertainment to the north of the Grand Trunk Rail Trail and residential use (RES-87) to the south.



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A high yield aquifer is located on the property and abuts the Phase 1 Area to the north as shown on the MassDEP BWSC Phase 1 Site Assessment Map included as **Figure 4**. It should be noted that the aquifer is not located in a groundwater protection area according to the Town of Dudley Zoning Map. Other resource areas were not identified within the Phase 1 Area of filling and grading. A FEMA 100-year Floodplain is located in the southern portion of the property along the bank of the Quinebaug River. No MassDEP Disposal Sites were identified at the site or within approximately 0.25 miles.

The nearest public water supply wells are two non-community groundwater wells (2080004-02G & 2080005-01G) located approximately 3,000 feet to the northeast. There are no other public water supply wells in proximity to the property according to the MassDEP GIS map. Private wells are also in operation in Dudley. Specifically, the nearest private wells are located approximately 500 feet to the south of the Phase 1 area across the Quinebaug River along Southbridge Road.

The Phase I Project area is located in an area without municipal water supply, which means DEP categorizes it as a 'Potential Drinking Water Source Area' per the Massachusetts Contingency Plan (MCP) definition at 310 CMR 40.0006(12). This means that the applicable groundwater reporting category is RCGW-1 and soil reporting category RCS-1.

Wetlands at the property were delineated and flagged in the field by Three Oaks Environmental. An Abbreviated Notice of Resource Area Delineation (ANRAD) was filed with MassDEP on May 1, 2019 for construction activities associated with the Phase I Area. An Order of Resource Area Delineation (ORAD) was subsequently issued by the Dudley Conservation Commission. Phase I construction and reclamation activities will not occur within 50' of wetlands located at the property. Erosion control measures have been installed at the site to protect wetland resources.

A second Request for Determination was filed with the Dudley Conservation Commission on November 10, 2019 regarding resource areas in the Phase II Area, which is located north of the Phase I area across the rail trail. All wetland resources and intermittent streams in the Phase II Area were determined to be non-jurisdictional due to historic mining operations and a Negative Determination was subsequently issued by the Dudley Conservation Commission. Reclamation activities in the Phase II Area are not included in this Fill Management Plan and will be approved at a later date.

A review of the Massachusetts Natural Heritage & Endangered Species Program (NHESP) online database was conducted. The Phase 1 Area is not located within a mapped Priority Habitat for Rare Species or an Estimated Habitat for Rare Species. There are several potential vernal pools mapped at this property, although none are located within the Phase 1 Area.



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A total of four groundwater wells were installed in conjunction with the Fish Road Reclamation project to establish background levels in groundwater at the project site. The approximate locations of the proposed wells are shown on the attached **Figure 2**. Three of the wells, MW-1, MW-2 and MW-3 were installed as overburden monitoring wells within the Phase 1 Area. Monitoring well MW-4 was installed in the high yield aquifer as a bedrock monitoring well. Groundwater flow appears to be to the south-southeast towards the Quinebaug River.

The groundwater monitoring wells were sampled in November 2018 and will be sampled on an annual basis through the duration of the Fish Road Reclamation Project. A final sampling event will be performed two years after completion of the Fish Road Reclamation Project.

Groundwater analytical results from the November 2018 sampling event indicate that arsenic was detected in bedrock monitoring well MW-4 at 14 µg/L, which exceeds the RCGW-1 standard of 10 µg/L. Soluble arsenic identified in the sample collected from bedrock monitoring well MW-4 is consistent with the known condition of naturally-occurring elevated arsenic in site soil (and bedrock) and is thus exempt from DEP reporting per 310 CMR 40.0317(22).

Additionally, *bis*(2-ethylhexyl)phthalate (a/k/a diethyl hexyl phthalate, or DEHP) was detected in monitoring well MW-3 and MW-4 during the initial November 2018 sampling event. Subsequent sampling of MW-3 and MW-4 in December 2018 and January 2019 did not identify any detection of DEHP in the samples collected. It is believed that the DEHP detection was a result of the new well construction rather than contamination in the groundwater. DEHP is a common plasticizer used in many plastics including PVC, which was used to construct the monitoring wells.

### Soil Acceptance Criteria

Soil Acceptance Criteria have been established for various constituents in soil intended for use as fill material at the Fish Road Reclamation Project in compliance with the Similar Soils Provision. The Acceptance Criteria were established to be protective of surrounding natural resource areas including nearby private wells (<500'), wetland areas and the nearby Quinebaug River, construction workers at the site, visitors, and surrounding residents.

Arsenic testing has been conducted in the Phase 1 area of the property to establish background concentrations because the property is known to be located in the "arsenic belt" of Worcester County. Laboratory results confirmed arsenic is present in the Phase 1 area at concentrations ranging from 21.6 mg/kg to 105 mg/kg. As such, the maximum background concentration of arsenic has been established at 105 mg/kg. The acceptance criteria of less than 100 mg/kg for arsenic is applicable only to soil containing naturally occurring arsenic



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that meets the notification exemption at 310 CMR 40.0317(22), which applies to arsenic in Boston Blue Clay or arsenic in an area documented by the U.S. Geological Survey or in other scientific literature as an area of elevated arsenic measured in soil or groundwater that (a) is consistently present in the environment at and in the vicinity of the sampling location; (b) is solely attributable to natural geologic or ecologic conditions; and (c) has not been mobilized or transferred to another environmental medium or increased in concentration in an environmental medium as a result of anthropogenic activities.

Ash and/or Solid Waste must only be present in de minimus quantities not to exceed 5% by volume. Any soil with arsenic detected equal to or greater than 20 mg/kg and is not "exempt from reporting" to MassDEP, will be treated as "remediation waste" and not accepted at the site. All soil originating from out of state shall have a maximum arsenic concentration less than 20 mg/kg to be considered for acceptance. No exemptions apply for out of state soils.

The southern portion of the Phase 1 Area of the site is located within 500 feet of residential property and therefore RCS-1 standards apply. Accordingly, in consideration of the Similar Soils Policy, the less than RCS-1 Acceptance Criteria have been established and are presented in "Table 1 – Phase I Acceptance Criteria". It is likely that subsequent phases of the reclamation project will meet less than RCS-2 criteria, which will be approved under a separate ACO at a later date.

## **Soil Chemical Testing Requirements**

### Required Test Parameters

Test parameters required on soil to be considered for acceptance include:

- Volatile Organic Compounds (EPA 8260) Low-Level;
- Semi-volatile Organic Compounds (EPA 8270 full list);
- Metals: MCP 14 metals;
- PCBs (<0.1 reporting limit);
- Total Petroleum Hydrocarbons (summation of EPH Fractions may be substituted);
- Hexavalent Chromium if Total Chromium > 100 mg/kg;
- pH/Corrosivity;
- Specific Conductance (conductivity) (may be excluded or limited based on site history);
- Field Screening for Total Organic Vapors (PID following MassDEP Jar Headspace Screening Procedure based upon an isobutylene response factor);



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- Herbicides (may be excluded or limited based on site history);
- Pesticides (may be excluded or limited based on site history);
- Ignitibility/Flash point (may be excluded or limited based on site history);
- Reactive Cyanide (may be excluded or limited based on site history);
- Reactive Sulfide (may be excluded or limited based on site history);
- TCLP for any analyte exceeding EPA TCLP Trigger Values (20 times rule);

Additional testing may be required as deemed prudent based on soil source site history. Other potential constituents based on location-specific history include asbestos, amenable cyanide, dioxins, per- and polyfluoroalkyl substances (PFAS). Perchlorate testing for blasted or excavated ledge/bedrock is required unless technical justification is provided by the LSP/QEP for the Generator. The LSP/QEP should be familiar with the "Interim Guidance on Sampling and Analysis for PFAS at Disposal Sites Regulated under the Massachusetts Contingency Plan dated June 19, 2018 and updated December 27, 2019" and can be found here: <https://www.mass.gov/doc/interim-guidance-on-sampling-and-analysis-for-pfas-at-disposal-sites-regulated-under-the/download>

Soil and slurry mixtures containing bentonite and/or Portland cement will not be accepted. Soil and slurry mixtures containing polymer based additives at <1% by volume will be considered on a case by case basis after evaluation of the additives Safety Data Sheet (SDS).

Samples must be analyzed in accordance with MassDEP Compendium of Analytical Methods. Reporting limits (RLs) for analyses must be appropriate for comparison to Acceptance Criteria. The use of routine VOCs and SVOC analysis with typical RLs consistent with CAM Methods and 310 CMR 40.0000 is sufficient as long as the QEP/LSP-of-Record provides technical justification that the soil being tested is not likely to contain the less common VOC and SVOC compounds (such as 1,4-dioxane and various chlorinated VOCs/SVOCs) and based on a review of other relevant site specific information. All RLs or Method Detection Limits (MDL's) must be equal to or less than the applicable RCS-1 standards except for the less common VOCs and SVOCs discussed above.





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### Required Chemical Testing and Frequency

Testing is required at the minimum frequencies below for reuse at the Fish Road Reclamation Project site:

	<b>General Source/Origin Description</b>	<b>Minimum Test Profile Frequency</b>
<b>1</b>	Naturally Deposited Soil containing no fill materials. Excludes soil from sources meeting Categories 2, 3, 4, 5 or 6 criteria below.	1 test profile per 1,000 cubic yards (1,500-1,700 tons) for initial review.
<b>2</b>	Naturally Deposited Soil from areas of known or suspected naturally occurring high background levels of constituents and containing no fill materials. Excludes soil from sources meeting Categories 3, 4, 5 or 6 criteria below.	1 test profile per 1,000 cubic yards (1,500-1,700 tons) for initial review.
<b>3</b>	Naturally Deposited Marine Soils and Boston Blue Clay containing no fill materials. Excludes soil from sources meeting Categories 5 or 6 criteria below.	1 test profile per 1,000 cubic yards (1,500-1,700 tons) for initial review.
<b>4</b>	Fill Materials: Soil, sediments, rock and/or stone obtained off site that was used to fill holes or depressions, create mounds, or otherwise artificially change the grade or elevation of real property. This category includes, but is not limited to urban and non-urban fill, and any natural soil/fill mixture.	1 test profile per 500 cubic yards (750-850 tons) for initial review. Additional test parameters such as cyanide and asbestos may be required.
<b>5</b>	Soil from Industrial, Commercial or Manufacturing site with history of any of the following: tannery, textiles, chemical/paint production, circuit board manufacturing, plating/metal finishing, foundry operations, coal gasification, dry cleaning, salvage yards, pesticide/herbicide use, storage or distribution. A LSP, LSRP or LEP must provide a report detailing why such soils conform to the Fish Road Reclamation Project.	1 test profile per 500 cubic yards (750-850 tons) for initial review. Additional test parameters based on site history may be required.
<b>6</b>	Soil from sources not otherwise described above where historic test data indicate potential exceedance of any acceptance criteria or where past use or storage of OHM at more than household quantities.	1 test profile per 500 cubic yards (750-850 tons) for initial review. Additional test parameters based on historic test data may be required.



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7	Rock: Blasted or excavated ledge or bedrock.	One test for perchlorate per 500 cy, unless Generator demonstrates that no perchlorate blasting agents were used. One geochemical characterization profile per 500 cy including Acid Base Accounting and Net Acid Generation Potential unless Generator demonstrates that the rock is not known or suspected to contain sulfide minerals.
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For acceptance purposes, soil density will be considered 1.5 tons per cubic yard for soil sampled from a stockpile, and no greater than 1.7 ton per cubic yard for soil sampled in-situ via borings or test pits. Further technical justification will be required for acceptance of soil with assumed density greater than 1.7 ton per cubic yard.

Test Data Quality and Usability

Test data provided for review and acceptance must be considered current. If aged data (greater than 1 year old) is to be utilized for acceptance, a statement from the qualified environmental professional making the submittal must be provided indicating site conditions have not changed since collection of data and that no documented releases that may impact site conditions have occurred since data was collected.

Prior to submittal, the environmental professional making the submittal must perform a QA/QC evaluation of the data to document that data is representative and usable for its intended purpose.

Field Screening Requirement

Soil must be field screened for Total Organic Vapors following the MADEP Jar Headspace Screening Procedure (MADEP Policy #WSC-94-400 Attachment 2, modified to be based upon an isobutylene response factor rather a Benzene standard). Soil must be field screened at the time of excavation, stockpiling or load out to the Fish Road Reclamation Project at a frequency of 1 field screening test per approximately 50 cubic yards of soil. Soil must contain total organic vapors (TOV) less than 5 parts per million volume (ppmv) by the jar headspace screening procedure to meet Acceptance Criteria. Natural organic soils which exhibit TOV screening levels greater than 5 ppmv above ambient background may be considered for acceptance on a case-by-case basis provided the following: results of analytical testing, particularly VOC analysis, identifies no exceedances of acceptance criteria; source of elevated TOV screening



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levels can be attributed to a source other than oil or hazardous material (such as hydrogen sulfide interference on PID). All soil proposed for reuse shall not have an unpleasant odor.

#### Visual Requirement

Soil will exhibit no indication of staining or other discoloration indicative of a release or impact of oil or hazardous material or other nuisance conditions. Soil and fill materials approved for use at the property shall contain no more than 5% Asphalt, Brick and Concrete ("ABC") material. Any such ABC material must measure less than 6 inches in any dimension and acceptance of such soil will be considered on a case-by-case basis. Soil and fill materials approved for use at the property may contain de-minimus quantities, not to exceed 5%, of ash and/or Solid Waste (e.g. Municipal Solid Waste and/or Construction and Demolition Waste) as defined in 310 CMR 16.00 and 310 CMR 19.000. The acceptance of Remediation Waste, as defined at 310 CMR 40.0006, is prohibited.

#### QA/QC Requirement

Each month the Independent Third Party Inspector will randomly select a load arriving to the Fish Road Reclamation Project for a QA/QC Inspection and instruct them to dump in the designated QA/QC area. The Third Party Inspector will inspect the load visually, screen the soil with a PID and collect a soil sample. Loads arriving with material not meeting acceptance criteria or determined to contain contaminants at levels at or exceeding acceptance criteria based on QA/QC sampling will be rejected and removed from the site at the expense of the Generator of that material. Loads not meeting acceptance criteria at the time of delivery to the project site due to debris, odors, or other nonconformance with Acceptance Criteria will be rejected prior to off-loading or reloaded immediately by W.L. French. Such loads will be removed from the project site immediately in the truck they were delivered in. Should QA/QC testing indicate soil as delivered is not below Acceptance Criteria, then the Generator of that soil and the party contracting with W.L. French for placement of soil at the site will promptly remove such soil from the project site. Should the Generator and/or contracting party not promptly remove unacceptable soil, W.L. French will promptly act to remove that soil from the project site. W.L. French will pursue cost recovery from the Generator and/or the contracting party for all costs associated with removal from the site if soil is not below all Acceptance Criteria. Additional soil will not be accepted from a source where soil failed a monthly QA/QC test or soil was rejected from the site upon arrival until an appropriate resolution is reached.



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### **Soil Submittal and Approval Process**

A Soil Submittal Package must be provided by representatives of each soil source/origin for review and approval by representatives of the Fish Road Reclamation Project.

A complete package is to be provided to:

W.L. French Excavating Corporation  
14 Sterling Road  
Billerica, MA 01862  
Attention: Jarrett Everton 978-663-2623  
Email: jevertont@wlfrench.com

W.L. French will perform a preliminary review to establish whether the submittal is complete and soil is appropriate for reuse as fill material at the Fish Road Reclamation Project site. The submittal will then be forwarded to the independent LSP contracted by W.L. French to perform the final review and approval.

Upon completion of the initial review, supplemental information, clarification, or additional delineation/frequency testing can be requested prior to acceptance. The source making the submittal must provide the information, clarification, or additional test data as requested for the approval process to proceed.

The review process will typically take from 2 to 4 business days depending on the number of submittals in the queue for review, the amount of soil requested for approval, and available capacity.

### **Site Access**

The Fish Road Reclamation Project site is readily accessed from Fish Road via West Dudley Road. Route 131 (Southbridge Road) is located approximately 0.9 miles south of the entrance to the Fish Road Reclamation Project. Access to Interstate 395 is located approximately 8.5 miles east of the project site via Route 131 and Route 197. Access to Interstate 84 is located approximately 8 miles to the west of the project site via Route 131.

Truck drivers that fail to follow the approved routes will be given one warning. Drivers that repeat use of an unauthorized trucking route will be directed not to return to the Fish Road Reclamation Project site with any additional loads.



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Normal operating hours are approximately 7:00 AM to 4:00 PM Monday through Friday. Some allowance can be made until 5 pm for late loads with advanced notice. Saturdays are available for an additional fee with advanced notice.

### **Dust and Sediment Control Plan**

The Fish Road Reclamation Project will use the following measures to mitigate dust and sediment at the project site:

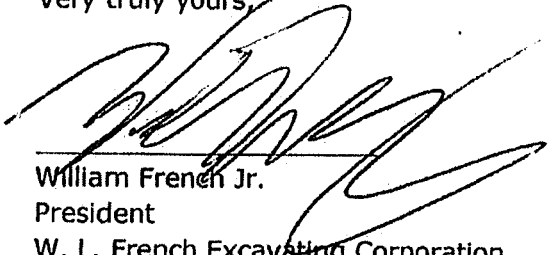
- A water truck will be utilized as needed to control dust;
- Gravel tracking pad has been installed at the entrance to the site and will be replaced as needed to control sediment tracking on town roadways;
- Roads will be swept as needed to control dust and soil from tracking on to public roadways;
- Filling operations will be suspended when winds exceed 40 miles per hour;
- Erosion controls including silt fence and hay bales have been installed at a minimum of 50' from bordering vegetated wetlands. These erosion controls will be inspected monthly during the Third Party QAQC inspections and as required per the SWPPP.

### **Revisions to Fill Management Plan**

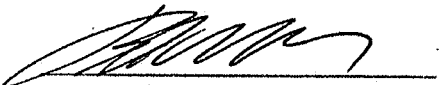
This FMP has been drafted for Phase 1 Area Reclamation activities only and will be modified as needed to meet changing project objectives, environmental regulations, or other requirements. Updates to this plan will be noted on the cover page.

Soil Acceptance Criteria may be modified as the project proceeds to meet changing regulatory criteria such as Reportable Concentrations, cleanup standards, background levels, or other guidelines published by MassDEP.

Very truly yours,



William French Jr.  
President  
W. L. French Excavating Corporation



Benson R. Gould  
Licensed Site Professional  
CMG Environmental, Inc.



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## Table 1

### Soil Acceptance Criteria



**Fish Road Reclamation Project**  
**Dudley, MA**  
**Phase I Acceptance Criteria**  
**Table 1**

Test	Parameter	Fish Road <RCS-1 Acceptance Criteria	MassDEP RCS-1 Reportable Concentration
PID (ppmv)	Total Organic Vapors	5	NE
VOCs (mg/kg)	Acetone (2-propanone)	0.6	6
	Acrylonitrile	10	100
	Benzene	0.2	2
	Bromobenzene	10	100
	Bromochloromethane	—	NE
	Bromodichloromethane	0.01	0.1
	Bromoform	0.01	0.1
	Bromomethane	0.05	0.5
	2-Butanone (MEK)	0.4	4
	<i>n</i> -Butylbenzene	—	NE
	<i>sec</i> -Butylbenzene	—	NE
	<i>tert</i> -Butylbenzene	—	NE
	Carbon Disulfide	10	100
	Carbon Tetrachloride	10	100
	Chlorobenzene	0.5	5
	Chloroethane	0.1	1
	Chloroform	10	100
	Chloromethane	0.02	0.2
	2-Chlorotoluene ( <i>ortho</i> )	10	100
	4-Chlorotoluene	10	100
	1,2-Dibromo-3-chloropropane	1	10
	Dibromochloromethane	1	10
	1,2-Dibromoethane (EDB)	0.0005	0.005
	Dibromomethane	0.01	0.1
	1,2-Dichlorobenzene ( <i>o</i> -DCB)	50	500
	1,3-Dichlorobenzene ( <i>m</i> -DCB)	0.9	9
	1,4-Dichlorobenzene ( <i>p</i> -DCB)	0.3	3
	<i>trans</i> -1,4-Dichloro-2-butene	0.07	0.7
	Dichlorodifluoromethane	1	10
	1,1-Dichloroethane	100	1,000
	1,2-Dichloroethane	0.04	0.4
	1,1,1-Trichloroethane	0.01	0.1
	<i>cis</i> -1,2-Dichloroethane	0.3	3
	<i>trans</i> -1,2-Dichloroethane	0.01	0.1
	1,2-Dichloropropane	0.1	1
	1,3-Dichloropropane	0.01	0.1
	2,2-Dichloropropane	50	500
	1,1-Dichloropropene	0.01	0.1
	<i>cis</i> -1,3-Dichloropropene	0.001	0.01
	<i>trans</i> -1,3-Dichloropropene	0.001	0.01
	Ethyl ether	0.001	0.01
	Ethylbenzene	10	100
	Hexachlorobutadiene	4	40
	2-Hexanone (MBK)	3	30
	Isopropylbenzene	10	100
	2-Isopropyltoluene ( <i>ortho</i> )	100	1,000
	4-Isopropyltoluene ( <i>para</i> )	—	NE
	Methyl Tertiary Butyl Ether (MTBE)	10	100
	4-Methyl-2-pentanone (MIBK)	0.01	0.1
	Methylene Chloride (DCM)	0.04	0.4
	Naphthalene	0.01	0.1
	<i>n</i> -Propylbenzene	0.4	4
	Styrene	10	100
	Tertiary butyl ether	0.3	3
	1,1,1,2-Tetrachloroethane	10	100
	1,1,2,2-Tetrachloroethane	0.01	0.1
	Tetrachloroethene (PCE)	0.0005	0.005
	Tetrahydrofuran	0.1	1
	Toluene	50	500
	1,2,3-Trichlorobenzene	3	30
	1,2,4-Trichlorobenzene	—	NE
	1,1,1-Trichloroethane (TCA)	0.2	2
	1,1,2-Trichloroethane	3	30
	Trichloroethene (TCE)	0.01	0.1
	Trichlorofluoroethane	0.03	0.3
	Trichlorofluoromethane	—	NE
	1,2,3-Trichloropropane	100	1,000
	1,2,4-Trimethylbenzene	10	100
	1,3,5-Trimethylbenzene	100	1,000
	Vinyl chloride	1	10
	<i>m, p</i> -Xylenes <i>o</i> -Xylenes Xylenes (total)	0.07	0.7
		10	100
		10	100
		10	100
	1,4-Dioxane	0.02	0.2
	Diethyl ether	10	100
	Diisopropyl ether	10	100
	Ethyl tert butyl ether	—	NE
	Tert-amyl methyl ether	—	NE
TPH (mg/kg)	Total Petroleum Hydrocarbons Petroleum Identification (qualitative)	500	1,000

Notes  
NE = No Established standard  
All acceptance criteria are less than the concentration listed unless otherwise noted

**Fish Road Reclamation Project  
Dudley, MA  
Phase 1 Acceptance Criteria  
Table 1**

Test	Parameter	Fish Road <RCS-1 Acceptance Criteria	MassDEP RCS-1 Reportable Concentration
SVOCs (mg/kg)	Acenaphthene	4	4
	Acenaphthylene	1	1
	Acetophenone	100	1,000
	Aniline	100	1,000
	Anthracene	10	1,000
	Benzo(a)anthracene	7	7
	Benzo(b)anthracene	1	10
	Benzo(a)pyrene	2	2
	Benzo(b)fluoranthene	7	7
	Benzo(g,h,i)perylene	10	1,000
	Benzo(k)fluoranthene	10	70
	Benzoic acid	100	1,000
	Benzyl butyl phthalate	10	100
	bis (2-chloroethoxy)methane	50	500
	bis (2-chloroethyl)ether	0.07	0.7
	bis (2-chloroisopropyl)ether	0.07	0.7
	bis (2-ethylhexyl)phthalate	9	90
	4-Bromophenyl phenyl ether	10	100
	Carbazole	—	NE
	4-Chloroaniline (para )	0.1	1
	2-Chloronaphthalene	100	1,000
	4-Chloro-3-methylphenol	100	1,000
	2-Chlorophenol	0.07	0.7
	4-Chlorophenyl phenyl ether	100	1,000
	Chrysene	20	70
	Dibenzo(a,h)anthracene	0.7	0.7
	Dibenzofuran	10	100
	3,3'-Dichlorobenzidine	0.3	3
	1,2-Dichlorobenzene (o -DCB)	0.9	9
	1,3-Dichlorobenzene (m -DCB)	0.3	3
	1,4-Dichlorobenzene (p -DCB)	0.07	0.7
	2,4-Dichlorophenol	0.07	0.7
	Diethyl Phthalate	1	10
	2,4-Dimethylphenol	0.07	0.7
	Dimethyl Phthalate	0.07	0.7
	Di-n -Butyl Phthalate	5	50
	4,6-Dinitro-2-methylphenol	5	50
	2,4-Dinitrophenol	0.3	3
	2,4-Dinitrotoluene	0.07	0.7
	2,6-Dinitrotoluene	10	100
	Di-n -Octyl Phthalate	100	1,000
	1,2-Diphenylhydrazine	5	50
	Fluoranthene	40	1,000
	Fluorene	10	1,000
	Hexachlorobenzene	0.07	0.7
	Hexachlorobutadiene	3	30
	Hexachlorocyclopentadiene	5	50
	Hexachloroethane	0.07	0.7
	Indeno(1,2,3-cd)pyrene	7	7
	Isophorone	10	100
	2-Methylnaphthalene	0.7	0.7
	2-Methylphenol (o-cresol)	50	500
	3,8,4-Methylphenol (m&p-cresol)	50	500
	Naphthalene	4	4
	2-Nitroaniline (ortho )	—	NE
	3-Nitroaniline (meta )	—	NE
	4-Nitroaniline (para )	100	1,000
	Nitrobenzene	50	500
	N-Nitrosodimethylamine	5	50
	N-Nitrosodi-n -propylamine	5	50
	N-Nitrosodiphenylamine	10	100
	2-Nitrophenol (ortho )	10	100
	4-Nitrophenol (para )	10	100
	Pentachloronitrobenzene	10	100
	Pentachlorophenol	0.3	3
	Phenanthrene	10	10
	Phenol	0.1	1
	Pvrene	40	1,000
	Pyridine	50	500
	1,2,4,5-Tetrachlorobenzene	100	1,000
	1,2,4-Trichlorobenzene	0.2	2
	2,4,5-Trichlorophenol	0.4	4
	2,4,6-Trichlorophenol	0.07	0.7
PCBs	No Aroclor identification	0.1	1

**Notes**

NT = Not Tested (for that parameter)

Total SVOCs must be less than 100

All acceptance criteria are less than the concentration listed unless otherwise noted

**Fish Road Reclamation Project  
Dudley, MA  
Phase 1 Acceptance Criteria  
Table 1**

Test	Parameter	Fish Road <RCS-1 Acceptance Criteria	MassDEP RCS-1 Reportable Concentration
Total Metals (mg/kg)	Antimony	10	20
	Arsenic	20	20
	*Arsenic (naturally occurring)	*<100	NE
	Barium	375	1,000
	Beryllium	4	90
	Cadmium	20	70
	Chromium (total)	100	100
	Lead	200	200
	Mercury	3	20
	Nickel	150	600
	Selenium	5	400
	Silver	6	100
	Thallium	6	8
	Vanadium	225	400
	Zinc	500	1,000
Chlorinated Pesticides & Herbicides (mg/kg)	Alachlor	10	100
	Aldrin	0.008	0.08
	α-BHC	5	50
	β-BHC	1	10
	γ-BHC (Lindane, γ-HCH)	0.0003	0.003
	δ-BHC	1	10
	Chlordane	0.07	0.7
	4,4-DDD (p,p')	0.8	8
	4,4-DDE (p,p')	0.6	6
	4,4-DDT (p,p')	0.6	6
	Dieldrin	0.008	0.08
	α-Endosulfan (I)	0.05	0.5
	γ-Endosulfan (II)	0.05	0.5
	Endosulfan Sulfate	"See listed constituents"	
	Endrin	1	10
	Endrin Aldehyde	1	10
	Endrin ketone	NE	NE
	Heptachlor	0.03	0.3
	Heptachlor Epoxide	0.01	0.1
	Hexachlorobenzene	0.07	0.7
	Methoxychlor	20	200
	Toxaphene	1	10
	2,4-D	10	100
	2,4-DB	10	100
	Dalapon	100	1,000
	Dicamba	50	500
	Dichlorodrop	NE	NE
	Dinoseb	50	500
	MCPA	10	100
	MCPP	NE	NE
	2,4,5-T	10	100
	2,4,5-TP (Silvex)	10	100
Other	Percent Solids	No Free Liquids	—
	pH (Standard Units)	5.0-9.0 S.U.	>2.0 or <12.6 S.U.
	Corrosivity (positive/negative)	Negative	Negative
	Specific Conductance (umhos/cm)	2,000	—
	Flashpoint (°F)	Non-ignitable	Non-ignitable
	Ignitability (°F)	>140 °F	>140 °F
	Cyanide Reactivity	<250	Non-Reactive
	Sulfide Reactivity	<500	Non-Reactive
	Reactivity (positive/negative)	None	Negative
	Amenable Cyanide <sup>(1)</sup>	3	30
	Asbestos <sup>(1)</sup>	ND	NE
	Dioxins <sup>(1)</sup>	0.0000002	0.000002
	Perchlorate Compounds <sup>(1)</sup>	0.01	0.1
	Per- and Polyfluoroalkyl Substances (PFAS) <sup>(1)</sup>	See individual constituents listed below	See individual constituents listed below
Units (mg/kg)	Perfluorodecanoic Acid (PFDA) <sup>(1)(2)</sup>	0.00003	0.0003
	Perfluoroheptanoic Acid (PFHpA) <sup>(1)(2)</sup>	0.00005	0.0005
	Perfluorohexanesulfonic Acid (PFHxS) <sup>(1)(2)</sup>	0.00003	0.0003
	Perfluorononanoic Acid (PFNA) <sup>(1)(2)</sup>	0.000032	0.00032
	Perfluorooctanesulfonic Acid (PFOS) <sup>(1)(2)</sup>	0.0002	0.002
	Perfluorooctanoic Acid (PFOA) <sup>(1)(2)</sup>	0.000072	0.00072

**Notes**

NE = No Established standard

\*The acceptance criteria of less than 100 mg/kg for arsenic is applicable only to soil containing naturally occurring arsenic that meets the notification exemption at 310 CMR 40.0017(22), which applies to arsenic in Boston Blue Clay or arsenic in an area documented by the U.S. Geological Survey or in other scientific literature as an area of elevated arsenic measured in soil or groundwater that (a) is consistently present in the environment at and in the vicinity of the sampling location; (b) is solely attributable to natural geologic or ecologic conditions; and (c) has not been mobilized or transferred to another environmental medium or increased in concentration in an environmental medium as a result of anthropogenic activities.

Herbicides or pesticides <10% of RCS-1 (and no known or potential source)

(1) Must analyze if considered to be a chemical of concern at generating site

(2) The LSP/QEP should be familiar with the "Interim Guidance on Sampling and Analysis for PFAS as Disposal Sites Regulated under the Massachusetts Contingency Plan dated June 19, 2018 and updated December 27, 2019" and can be found here: <https://www.mass.gov/doc/interim-guidance-on-sampling-and-analysis-for-pfas-at-disposal-sites-regulated-under-the/download>

All acceptance criteria are less than the concentration listed unless otherwise noted



SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

## Soil Submittal Checklist and Profile Form

## SOIL PROFILE FORM

FISH ROAD RECLAMATION PROJECT  
DUDLEY, MASSACHUSETTS



PROFILE NUMBER \_\_\_\_\_  
(Assigned by W.L. French Excavating Corp.)

<b>A. SITE INFORMATION:</b>	
Name:	Contact:
Address:	Phone:
City:	State, Zip:
Release Tracking No. or Site ID No. (if applicable):	

<b>B. GENERATOR INFORMATION:</b>	
Name:	Contact:
Address:	Phone:
City:	State, Zip:

<b>C. CONSULTANT INFORMATION:</b>	
Company:	Contact:
Address:	Phone:
City:	State, Zip:

<b>D. ESTIMATED SOIL QUANTITY:</b>	
Tons:	Cubic yards:

<b>E. LABORATORY ANALYSIS</b>	
Check the following laboratory analyses performed on the material to be reused (check all that apply):	
<input type="checkbox"/> VOCs, SVOCs, TPH, PCBs	<input type="checkbox"/> pH
<input type="checkbox"/> MCP14 Metals	<input type="checkbox"/> Reactivity
<input type="checkbox"/> TCLP (if required by total levels)	<input type="checkbox"/> Herbicides
<input type="checkbox"/> Conductivity	<input type="checkbox"/> Pesticides
<input type="checkbox"/> Ignitability/Flash Point	<input type="checkbox"/> Other laboratory analysis performed:
<input type="checkbox"/> Field screening performed (describe below)	
<input type="checkbox"/> Attach data summary tables for all soil from source and laboratory reports for only applicable samples	

<b>F. SITE HISTORY:</b>	
<input type="checkbox"/> Check if extra sheet attached	
Current Use(s):	
Past Use(s):	
Check additional site history/uses below. Provide additional description as needed:	
Tannery <input type="checkbox"/> YES <input type="checkbox"/> NO	Salvage/Junk Yard <input type="checkbox"/> YES <input type="checkbox"/> NO
Textiles <input type="checkbox"/> YES <input type="checkbox"/> NO	Petroleum Storage <input type="checkbox"/> YES <input type="checkbox"/> NO
Foundry <input type="checkbox"/> YES <input type="checkbox"/> NO	Plating/Metal Finishing <input type="checkbox"/> YES <input type="checkbox"/> NO
Dry Cleaning <input type="checkbox"/> YES <input type="checkbox"/> NO	Chemical Production <input type="checkbox"/> YES <input type="checkbox"/> NO
Coal Gasification <input type="checkbox"/> YES <input type="checkbox"/> NO	Circuit Board Manufacturer <input type="checkbox"/> YES <input type="checkbox"/> NO
Machine Shop <input type="checkbox"/> YES <input type="checkbox"/> NO	Herbicide/Pesticide Use, Storage or Disposal <input type="checkbox"/> YES <input type="checkbox"/> NO
Historic Urban Fill Soil present <input type="checkbox"/> YES <input type="checkbox"/> NO	Boston Blue Clay present <input type="checkbox"/> YES <input type="checkbox"/> NO
Naturally Occurring Arsenic >20 mg/kg <input type="checkbox"/> YES <input type="checkbox"/> NO	

**G. PHYSICAL SOIL DESCRIPTION**

Physical Description (sand, gravel, silt, peat, fill, clay etc.): \_\_\_\_\_

**CHECK IF THE FOLLOWING MATERIALS ARE PRESENT**Clay ☐ YES ☐ NOCoal ☐ YES ☐ NOAsh ☐ YES ☐ NOConstruction Debris ☐ YES ☐ NOVegetative Matter ☐ YES ☐ NOOther Material ☐ YES ☐ NO**H. SOIL SAMPLING METHODOLOGY**

Sampling Methods (check all that apply)

☐ Grab☐ Headspace Screened☐ Composite (based on grab samples)☐ Visually Contaminated☐ Olfactory contaminated☐ Other (describe in LSP Letter)**I. SOIL CHARACTERIZATION METHODOLOGY**

Soil Characterization (check all that apply)

☐ Stockpile☐ In-situ

Other \_\_\_\_\_

Number of full suite samples collected \_\_\_\_\_

Hot Spots Identified ☐ YES ☐ NO (if yes, discuss in LSP Letter how hotspots were segregated)**J. GENERATOR CERTIFICATION:**

I, the generator, having used due diligence and determined that the soil described within this Soil Submittal Package and intended for reuse at the Fish Road Reclamation Project meets the acceptance criteria, screening procedures, and due diligence described within the Fill Management Plan. There is no reason to suspect or believe soil intended for reuse at Fish Road Reclamation Project has been impacted by any releases of oil or hazardous materials or contains any other contaminants than those at levels described herein. I agree to promptly remove any soil delivered to Fish Road Reclamation Project that is determined by W. L. French Excavating Corp. to not meet acceptance criteria. Should W. L. French Excavating Corp. take action and remove such soil from the Fish Road Reclamation Project and manage that material elsewhere, W. L. French Excavating Corp. will seek payment from the Generator for all costs including damages.

SIGNATURE OF GENERATOR \_\_\_\_\_ DATE \_\_\_\_\_

GENERATOR - PRINTED NAME \_\_\_\_\_

### K. SITE DIAGRAM

A site diagram is required indicating any major structures, roads, excavation areas, soil origin, sample locations, and stockpile locations. All sampling locations must be noted:

☐ Check if diagram is attached

## SOIL SUBMITTAL CHECKLIST

**Facility Name:** Fish Road Reclamation Project  
**Project Address:** off Fish Road, Assessor Map 229, Lot 158, Dudley, MA  
**Operator:** W. L. French Excavating Corporation - 14 Sterling Road, Billerica, MA  
**Contact:** Jarrett Everton 978-663-2623 email: jeverton@wlfrench.com



	CIRCLE ONE	
1. Laboratory Testing performed?	YES	NO
2. Proximity to urban fill or MCP Disposal Site stated?	YES	NO
3. Supplemental delineation testing performed?	YES	NO
4. All appropriate laboratory analyses performed?	YES	NO
5. Based on a review of site history and available data are amenable cyanide, asbestos, dioxins, perchlorate compounds, or Per- and Polyfluoroalkyl (PFAS) substances considered to be a contaminate of concern at the site?	YES	NO
6. LSP opinion letter states that soil meets acceptance criteria?	YES	NO
7. Description of site and contaminants provided? (Describe in LSP Opinion Letter)	YES	NO
8. Description of current and former site usage/history is provided? (Describe in LSP Opinion Letter)	YES	NO
9. Is soil considered "remediation waste" under the MCP?	YES	NO
10. Is soil considered "exempt from reporting" to a regulatory authority? (if yes Describe in LSP Opinion Letter)	YES	NO
11. Soil analytical data for specific samples attached and of sufficient frequency with QA/QC and Chain of Custody attached?	YES	NO
12. Field screening data used to support chemical composition provided?	YES	NO
13. Physical description/soil classification is provided?	YES	NO
14. Site figure showing soil origin, soil stockpiles, and location of all soil samples is provided?	YES	NO
15. Data table comparing all applicable results to Fish Road Reclamation Project Acceptance Criteria provided?	YES	NO
16. Signed & Stamped MSR is provided (BOLs not accepted)?	YES	NO
17. Fish Road Reclamation Project Reuse Submittal Form completed, signed, and attached?	YES	NO
18. Volume of soil requested for approval in LSP letter, Soil Reuse Submittal Form and MSR are the same?	YES	NO

Failure to provide the above information may result in the submittal being denied.

\_\_\_\_\_  
SIGNATURE (LSP)

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME (LSP)



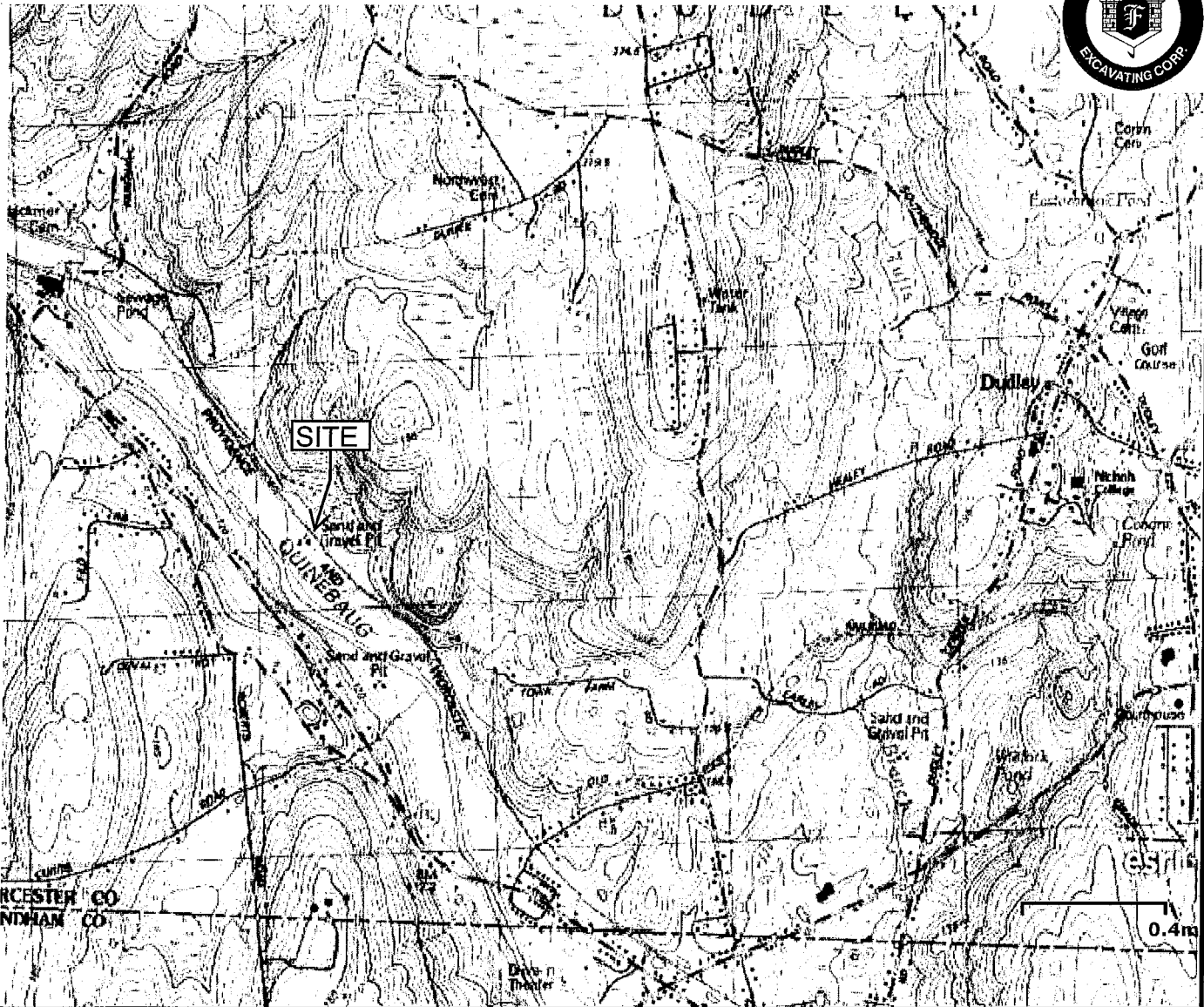


SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

## Figures

# FISH ROAD RECLAMATION - DUDLEY, MA

Trangle Maps



GIS, UConn/CTDEEP, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, METI/NASA, EPA, USDA | USGS, MassGIS

FIGURE 1

SITE LOCUS MAP

FISH ROAD

DUDLEY, MA



MA. DEPT. OF TRANSPORTATION  
3 SURVEY CIRCLE  
BILDERICK, MA

Drawn by	
Checked by	
Project No.	17-42
Sheet No.	000000
Date	
Scale	
Notes	



PROPOSED  
GRADING  
PLAN  
PHASE I

Figure 2



LEGEND

- APPROX. RR EASEMENT
- WETLAND FLAGGING (PINK FLAGS)
- WETLAND FLAGGING (BLUE FLAGS)
- NON-JURISDICTIONAL WETLAND
- RAILROAD TIES
- TREE / BRUSH LINE
- 25' EXISTING CONTOUR LINE
- 5' EXISTING CONTOUR LINE
- PROPOSED GRADING



NOTES:  
TOPOGRAPHY WAS PRODUCED BY A BIRDIE FLIGHT  
COMPLETED ON APRIL 21, 2000.  
THIS PLAN IS FOR PERMITTING ONLY. THE PROPERTY LINE SHOWN  
ON THIS PLAN IS GRAPHICAL AND APPROXIMATE. A BOUNDARY SURVEY WAS  
CONDUCTED BY THE SURVEYOR TO DETERMINE THE PROPERTY LINE FOR THE PARCEL.  
A BOUNDARY SURVEY SHOULD BE PERFORMED PRIOR TO ANY EXCAVATIONS  
OR DISTURBANCES ON THE SITE.



# MassDEP - Bureau of Waste Site Cleanup

## Phase 1 Site Assessment Map: 500 feet & 0.5 Mile Radius

### Site Information:

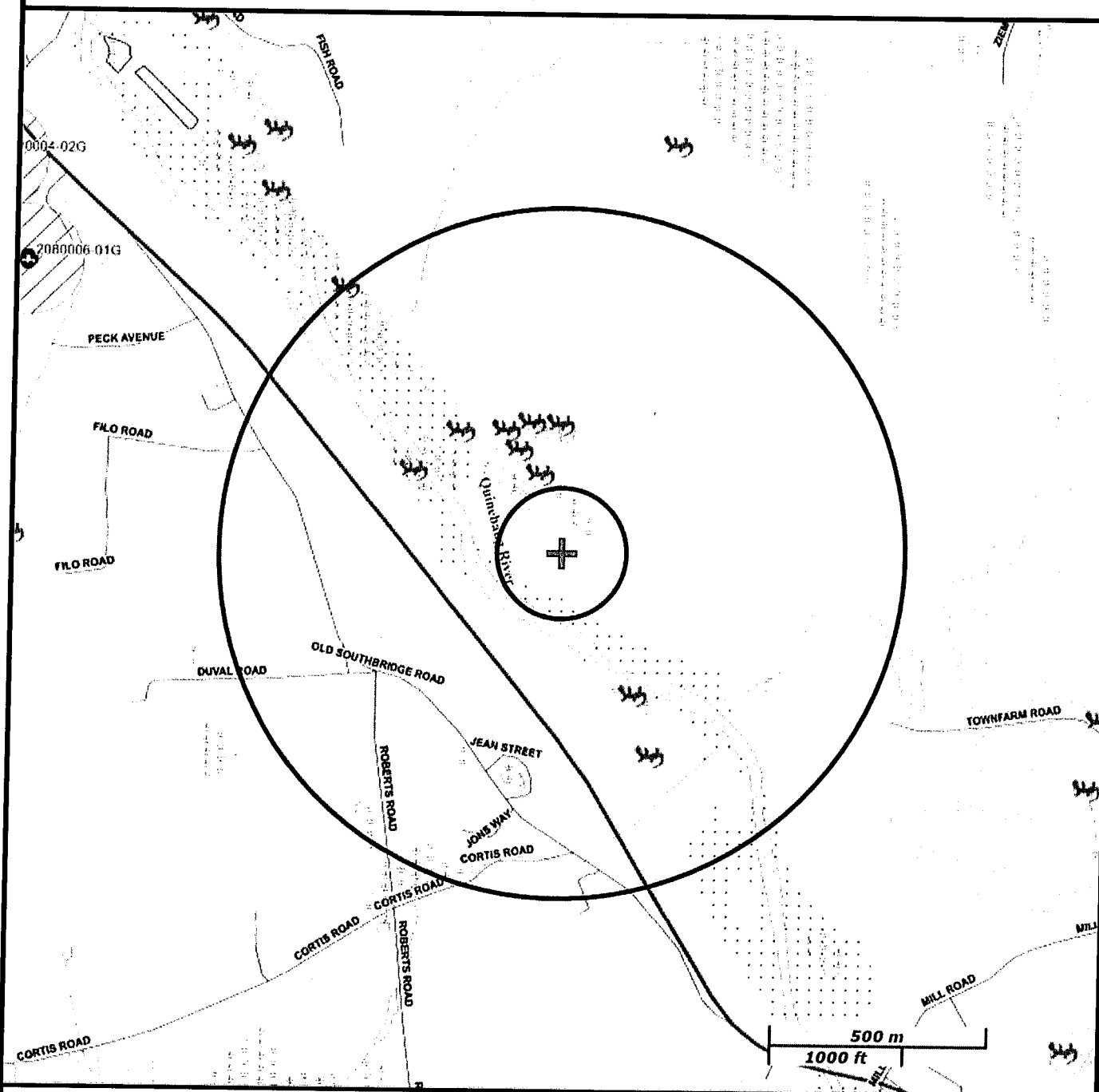
FISH ROAD RECLAMATION PROJECT  
OFF FISH ROAD DUDLEY, MA  
2-000020703  
NAD83 UTM Meters:  
4658328mN, 254377mE (Zone: 19)  
July 1, 2019

The information shown is the best available at the date of printing. However, it may be incomplete. The responsible party and LSP are ultimately responsible for ascertaining the true conditions surrounding the site. Metadata for data layers shown on this map can be found at:  
<http://www.mass.gov/mgis/>



# MassDEP

Commonwealth of Massachusetts  
Department of Environmental Protection



Roads: Limited Access, Divided, Other Hwy, Major Road, Minor Road, Track, Trail

Boundaries: Town, County, DEP Region; Train; Powerline; Pipeline; Aqueduct

Basins: Major, PWS; Streams: Perennial, Intermittent, Man Made Shore, Dam

Aquifers: Medium Yield, High Yield, EPA Sole Source

Non Potential Drinking Water Source Area: Medium, High (Yield)

PWS Protection Areas: Zone II, IWPA, Zone A

Hydrography: Open Water, PWS Reservoir, Tidal Flat

Wetlands: Freshwater, Saltwater, Cranberry Bog

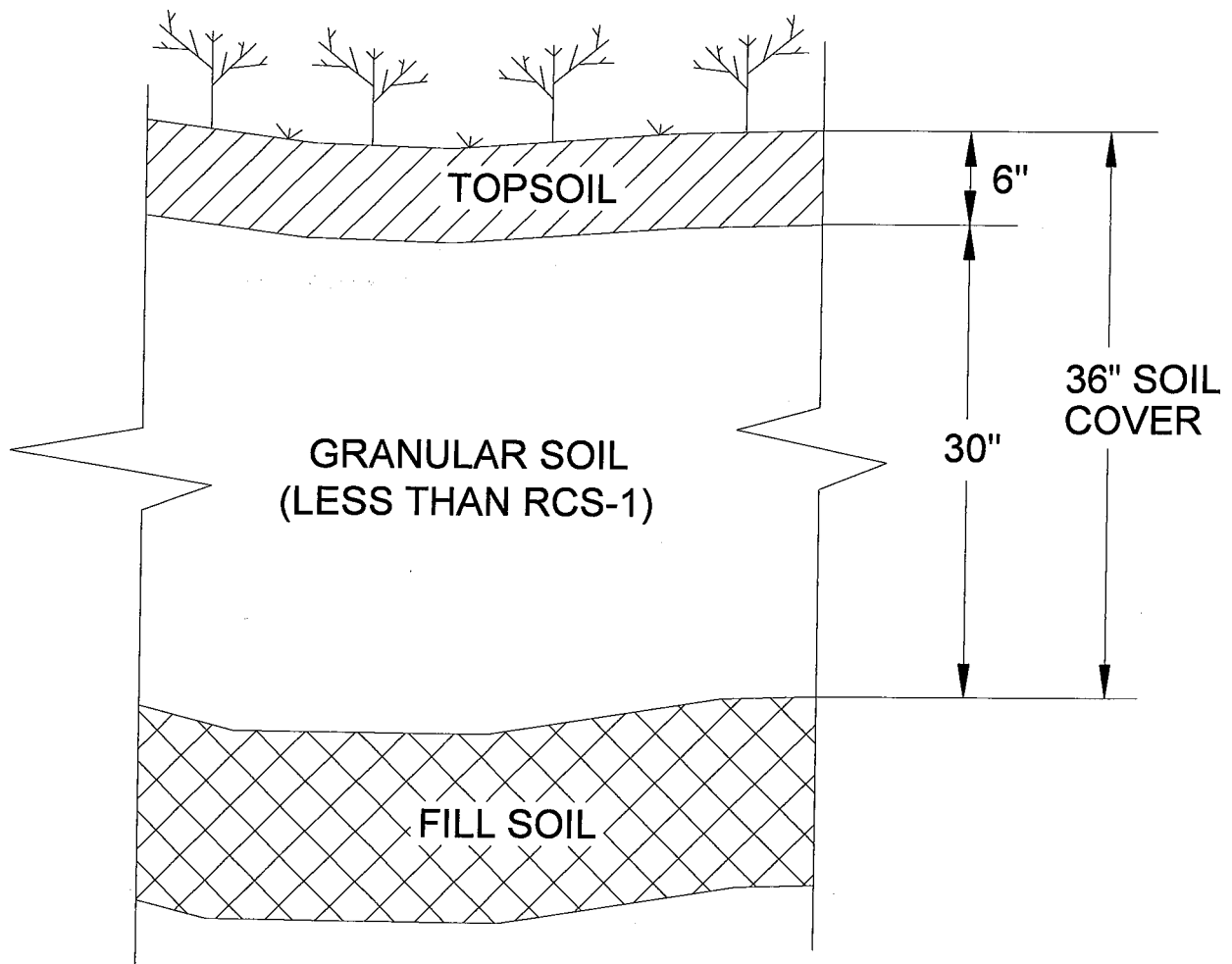
FEMA 100yr Floodplain; Protected Open Space; ACEC

Est. Rare Wetland Wildlife Hab; Vernal Pool: Cert., Potential

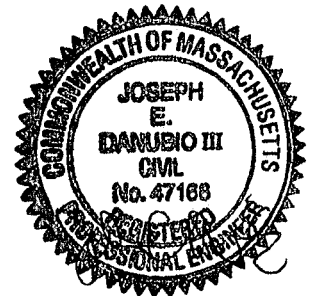
Solid Waste Landfill; PWS: Com. GW, SW, Emerg., Non-Com.



## FIGURE 4



TYPICAL CAP SECTION



**FIGURE 5** TYPICAL SECTION OF CAP

**RECLAMATION PROJECT**

FISH ROAD  
DUDLEY, MA

DATE: 9/24/2019

PROJECT NUMBER: R18-023

SCALE: 1"= 1'



SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

## Supporting Documentation



SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

Abbreviated Notice of Resource Area Delineation  
(ANRAD)  
June 1, 2019



TOWN C.C.



Massachusetts Department of Environmental Protection

## **eDEP Transaction Copy**

---

Here is the file you requested for your records.

To retain a copy of this file you must save and/or print.

Username: 3OAKS

Transaction ID: 1103387

Document: WPA Form 4A - ANRAD

Size of File: 216.88K

Status of Transaction: In Process

Date and Time Created: 5/1/2019:8:45:52 PM

**Note:** This file only includes forms that were part of your transaction as of the date and time indicated above. If you need a more current copy of your transaction, return to eDEP and select to "Download a Copy" from the Current Submittals page.

**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 4A**

**Abbreviated Notice of Resource Area Delineation**

Massachusetts Wetlands Protection Act M.G.L. c 131, § 40

Provided by MassDEP:

MassDEP File #:

eDEP Transaction #:1103387

City/Town:DUDLEY

**A. General Information**

**1. Project Location:**

a. Street Address 30 FISH RD  
b. City/Town DUDLEY  
c. Zip Code 01571  
d. Latitude 42.03916 N  
e. Longitude 71.96829 W  
(e.g. 41.01981) (e.g. 71.3241)  
f. Map/Plat # 229  
g. Parcel/Lot # 158

**2. Applicant:**

☐ Individual ☒ Organization

a. First Name JONATHAN b. Last Name ANDROLEWICZ  
c. Organization RAMPCO CONSTRUCTION CO.  
d. Mailing Address 120 SCHOFIELD AVE  
e. City/Town DUDLEY f. State MA  
g. Zip Code 01571  
h. Phone Number 5084003317 i. Fax  
j. Email jonathan@rampcoconstruction.com

**3. Property Owner:**

☐ More than one owner

a. First Name JAMES b. Last Name ZAJAC  
c. Organization  
d. Mailing Address 146 SE CROSSPOINT DR.  
e. City/Town PORT ST. LUCIA f. State FL  
g. Zip Code 34983  
h. Phone Number 9789285874 i. Fax  
j. Email MADip219@gmail.com

**4. Representative:**

a. First Name MARYANN b. Last Name DIPINTO  
c. Organization THREE OAKS ENVIRONMENTAL  
d. Mailing Address PO BOX 404  
e. City/Town HUBBARDSTON<sup>f</sup> MA  
g. Zip Code 01452  
h. Phone Number 9788553180 i. Fax  
j. Email threeoaksenvironmental@gmail.com

**5. Total WPA Fee Paid (Automatically inserted from ANRAD Wetland Fee Transmittal Form):**

a. Total Fee Paid \$ 2000.00 b. State Fee Paid \$ 987.50 c. City/Town Fee Paid \$ 1012.50

**B. Area(s) Delineated**

**1. Bordering Vegetated Wetland (BVW) 3500**

Linear Feet of Boundary Delineated

**2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) bound2. Check all methods used to delineate the Bordering Vegetated Wetland (BVW) boundary:**

- a. ☐ MassDEP BVW Field Data Form (attached)  
b. ☒ Other Methods for Determining the BVW boundary (attach documentation):

**Massachusetts Department of Environmental  
Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 4A**

**Abbreviated Notice of Resource Area Delineation**

Massachusetts Wetlands Protection Act M.G.L. c 131. § 40

1. ☒ 50% or more wetland indicator plants
2. ☒ Saturated/inundated conditions exist
3. ☐ Groundwater indicators
4. ☒ Direct observation
5. ☒ Hydric soil indicators
6. ☐ Credible evidence of conditions prior to disturbance

**3. Indicate any other resource area boundaries are delineated:**

a. Resource Area

b. Linear Feet Delineated

c. Resource Area

d. Linear Feet Delineated

**C. Additional Information**

Application must include the following plans with this Abbreviated Notice of Resource Area Delineation. See instructions for details.

1. ☒ ANRAD (Delineation Plans only)
2. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filters may omit this item.)
3. ☒ Plans identifying the boundaries of the Bordering Vegetated Wetlands (BVW)(and/or other resource areas, if applicable).
4. ☒ List the titles and final revision dates for all plans and other materials submitted with this Abbreviated Notice of Resource Area Delineation.

a. Plan Title:

b. Plan Prepared By:

c. Plan Signed/Stamped By:

c. Revised Final Date: e. Scale:

FISH RD. EXISTING  
TOPOGRAPHIC PLAN

JOSEPH DANUBIO III

4/16/19

1"=100'

**Massachusetts Department of Environmental  
Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 4A**

**Abbreviated Notice of Resource Area Delineation**

Massachusetts Wetlands Protection Act M.G.L. c 131. § 40

**D. Signatures and Submittal Requirements**

Provided by MassDEP:

MassDEP File #:

eDEP Transaction #:1103387

City/Town:DUDLEY

I certify under the penalties of perjury that the foregoing Abbreviated Notice of Resource Area Delineation and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

I hereby grant permission, to the Agent or member of the Conservation Commission and the Department of Environmental Protection, to enter and inspect the area subject to this Notice at reasonable hours to evaluate the wetland resource boundaries subject to this Notice, and to require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

I acknowledge that failure to comply with these certification requirements is grounds for the Conservation Commission or the Department to take enforcement action.

Jonathan Androlewicz

1. Signature of Applicant

5/1/2019

2. Date

James Zajac

3. Signature of Property Owner(if different)

5/1/2019

4. Date

MaryAnn DiPinto

5. Signature of Representative (if any)

5/1/2019

6. Date

**For Conservation Commission:**

Two copies of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; two copies of the ANRAD Wetland Fee Transmittal Form; and the city/town fee payment must be sent to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

One copy of the completed Abbreviated Notice of Resource Area Delineation (Form 4A), including supporting plans and documents; one copy of the ANRAD Wetland Fee Transmittal Form; and a copy of the state fee payment must be sent to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery. (E-filers may submit these electronically.)

**Other:**

If the applicant has checked a box in any part of Section C, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Abbreviated Notice of Resource Area Delineation.

**Massachusetts Department of Environmental  
Protection**

Bureau of Resource Protection - Wetlands

**WPA Form 4A**

**ANRAD Wetland Fee Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c 131. § 40

Provided by MassDEP:

MassDEP File #:

eDEP Transaction #:1103387

City/Town:DUDLEY

The fees for work proposed under each Abbreviated Notice of Resource Area Delineation must be calculated and submitted to the Conservation Commission and the Department (see instructions and Wetland Fee Transmittal Form)

☐ 1. **Fee Exempt:** No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

**Fees**

The fee is calculated as follows for each resource area delineation included in the ANRAD (check applicable project type):

Bordering Vegetated Wetland:

1. ☐ Single family house project

a. linear feet	x \$2.00 =	b. Total fee to exceed \$200
3500	2.00	7000.00

2. ☒ All other projects

a. linear feet	x \$2.00 =	b. Total fee to exceed \$200
----------------	------------	------------------------------

Other resource area (e.g. Bank, Riverfront area, etc.):

3. ☐ Single family house project

\$

\$

a. linear feet	x \$2.00 =	b. Total fee to exceed \$200
----------------	------------	------------------------------

4 ☐ All other projects

\$

\$

a. linear feet	x \$2.00 =	b. Total fee to exceed \$200
----------------	------------	------------------------------

Total Project Fee (not to exceed \$200 for projects on single-family house lots and not to exceed \$2,000 for all other projects): \$2000.00

5. Total fee

State share of filing fee (\*): \$987.50

6. 1/2 of total fee less  
\$12.50

City/Town share of filing fee: \$1012.50

7. 1/2 of total fee plus  
\$12.50

(\*) = You may not pay by credit card if the State share of the Fee is \$1000 or greater, however you will be able to pay by ACH and Check.

My DEP | Home | DEP Forms | DEP Filings | DEP Payments | DEP Transmittals

**Transaction Overview** Trans# 1103387 ID# WPA Form 4A - ANRAD (Fee Transmittal)

[Forms](#)

[Attach Files](#)

[Signature](#)

[Payment](#)  
▲

[Submit](#)

**Payment**

print

Exit

**Payment Confirmation**

Thank you. Your payment has been received and payment receipt has been emailed.

DEP TRANS # 1103387

Payment Amount: \$987.50

Payment Date: 5/1/2019 8:29:30 PM

DEP Payment Confirmation ID: 5a4a318c-4c50-4037-b3ca-b99d30857d43

Note: Payment received after 3:30pm will not be posted until the next business day.

Next



SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

Order of Resource Area Delineation  
(ORAD)  
June 5, 2019



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

146-0731

MassDEP File Number

eDEP Transaction Number

Dudley

City/Town

**A. General Information**

**Important:** When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**Note:**  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

From: Dudley

1. Conservation Commission

2. This Issuance is for (check one):

a. ☒ Order of Resource Area Delineation

b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

Jonathan

a. First Name

Androlewicz

b. Last Name

Rampco Construction Company

c. Organization

120 Schofield Avenue

d. Mailing Address

Dudley

e. City/Town

MA

f. State

01571

g. Zip Code

4. Property Owner (if different from applicant):

James

a. First Name

Zajac

b. Last Name

c. Organization

146 SE Crosspoint Drive

d. Mailing Address

Port St. Lucia

e. City/Town

FL

f. State

34983

g. Zip Code

5. Project Location:

30 Fish Road

a. Street Address

Dudley

b. City/Town

01571

c. Zip Code

229

d. Assessors Map/Plat Number

158

e. Parcel/Lot Number

Latitude and Longitude

(in degrees, minutes, seconds):

42d039m16Ns

f. Latitude

71d96m829Ws

g. Longitude

6. Dates: May 7, 2019

a. Date ANRAD filed

June 5, 2019

b. Date Public Hearing Closed

June 5, 2019

c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Fish Rd, Existing Topographic Plan

a. Title

May 31, 2019

b. Date

c. Title

d. Date





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Order of Delineation**

Provided by MassDEP:

146-0731

MassDEP File Number

eDEP Transaction Number

Dudley

City/Town

1. The Conservation Commission has determined the following (check whichever is applicable):

- a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a. \_\_\_\_\_

- b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a. \_\_\_\_\_

- c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

3. ☐ The boundaries were determined to be inaccurate because:



**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

146-0731

MassDEP File Number

eDEP Transaction Number

Dudley

City/Town

**C. Findings**

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

**D. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order of Resource Area Delineation will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 4B – Order of Resource Area  
Delineation**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

146-0731

MassDEP File Number

eDEP Transaction Number

Dudley

City/Town

**E. Signatures**

June 5, 2019

Date of Issuance

Please indicate the number of members who will sign this form

1. Number of Signers

Richard J. Androlewicz, Chairman

Francis Mikolajczak, Commissioner

Samantha S. Costello, Commissioner

Frank Gardecki, Commissioner

George Slingo, Vice Chairman

Nancy J. Vajcovec, Commissioner

James Koebke, Commissioner

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on

3. ☐ By certified mail, return receipt requested on

a. Date

a. Date



SITE DEVELOPMENT • ENVIRONMENTAL REMEDIATION • SOIL MANAGEMENT

Negative Determination  
(Phase II Area)  
October 23, 2019



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

## WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### A. General Information

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



From:

Dudley  
Conservation Commission

To: Applicant

Jonathan Androlewicz

Name

120 Schofield Avenue

Mailing Address

Dudley

City/Town

MA

State

01571

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Existing Topographic Plan

Title

8/29/19

Date

Title

Date

Title

Date

2. Date Request Filed:

10/23/19

### B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Gravel pit area north of the rail trail.

Project Location:

30 Fish Road

Street Address

229

Assessors Map/Plat Number

Dudley

City/Town

158

Parcel/Lot Number



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- ☐ Alternatives limited to the lot on which the project is located.
- ☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- ☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- ☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☒ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☐ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 2 – Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

## B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

### Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

- ☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.
- ☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- ☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- ☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.
- ☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).
- ☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

\_\_\_\_\_  
Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on ☐ by certified mail, return receipt requested on

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>) and the property owner (if different from the applicant).

Signatures:

Richard J. Androlewicz, Chairman

Francis Mikolajczak, Commissioner

Samanth S. Costello, Commissioner

Frank Gardecki, Commissioner

George Slingo, Vice Chairman

Nancy J. Vardover, Commissioner

James Koebe, Commissioner

Date



**ATTACHMENT B**  
**MUNICIPAL LETTERS**

**TOWN OF DUDLEY  
MASSACHUSETTS**



**OFFICE OF THE TOWN ADMINISTRATOR**

Greg Balukonis  
*Town Administrator*

Phone: (508) 949-8030  
Fax: (508) 949-8013

71 West Main Street  
Dudley, MA 01571

October 15, 2018

Rampco Construction  
Attn: Richard Androlewicz  
120 Schofield Ave.  
Dudley, MA 01571

Dear Mr. Androlewicz,

On October 15, 2018 the Board of Selectmen approved the amendment to the existing gravel removal permit issued on December 18, 2012 to include the Rampco Construction Company, Inc. on the permit.

Additionally, the Town of Dudley does not object to your delivery of earth materials to the excavation site per MADEP regulations located on property located off of Fish Road, Dudley, MA owned by James E. Zajac and Cressa L. Zajac based on a 24 hour daily schedule, Monday-Saturday.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "Greg Balukonis", is written over a horizontal line.

Greg Balukonis  
Town Administrator

**TOWN OF DUDLEY**  
**MASSACHUSETTS**  
**OFFICE OF THE BOARD OF HEALTH**  
71 West Main Street; Dudley, MA 01571  
Telephone: 508-949-8017 Fax: 508-949-8031

Jennifer Cournoyer, Chairman  
Theodore Zajkowski, Member  
Roberta Johnson, Member



Thomas Purcell, Health Agent  
Theresa Woodford, Clerk

October 16, 2018

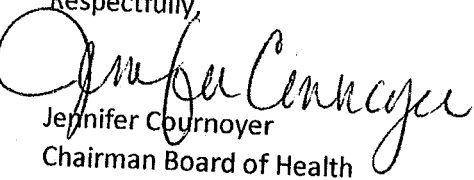
Rampco Construction  
120 Schofield Ave  
Dudley MA 01571

RE: Earth Removal Permit for Zajac Property located on Fish Road, Dudley MA.

Dear Mr. Androlewicz,

A Board of Health meeting was held on October 16<sup>th</sup>, 2018 and at that meeting it was discussed the amendment made to the existing earth removal permit for the Zajac property located on Fish Road Dudley MA. The Board of Health is also aware that the importation of soils and reclamation of the site will be in accordance with all MADEP rules and regulations. The Board voted unanimously to allow this permit and the amendment.

Respectfully,

  
Jennifer Cournoyer  
Chairman Board of Health

cc: Selectman  
Town Administrator