

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

In the matter of:

Groveland Realty Trust LLC;
R and D Site Development LLC; and
Sewell St Materials LLC

Enforcement Document Number

00005458

Issuing Bureau: BWSC

Issuing Region/Office: NERO

Program: BWSC

Primary Program Cited: BWSC,

Subpgm(s) Cited: BAW

FIRST AMENDMENT TO ADMINISTRATIVE CONSENT ORDER 00005458

On September 4, 2018, the Commonwealth of Massachusetts Department of Environmental Protection ("MassDEP") issued Administrative Consent Order, File No. 00005458 (the "Consent Order") to Groveland Realty Trust LLC, R and D Site Development LLC, and Sewell St Materials LLC ("Respondent"). It became effective on September 4, 2018.

MassDEP hereby orders, and the Respondent agrees to, this FIRST amendment of the Consent Order as follows:

1. Paragraph 7 of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

In 2018, Groveland Realty Trust LLC was the owner of approximately 28.9-acres of undeveloped real property in Groveland Massachusetts at the end of Sewell Street, bounded to the north by Salem Street, to the east by Uptack Avenue and undeveloped land, and to the south and west by undeveloped land, as recorded at the Essex South Registry of Deeds in Book 36048, Page 264 (the "Original Property"). On September 4, 2018, MassDEP issued an Administrative Consent Order ("ACO") allowing the importation of approximately 225,000 cubic yards of fill materials to reclaim the quarry and facilitate future development of the Original Property. Subsequent to the issuance of this ACO, Groveland Realty Trust LLC acquired 10.5 additional acres of undeveloped property contiguous to and easterly of the Original Property, as recorded at the Essex South Registry of Deeds in Book 37373, Page 490. The Respondents now wish to import approximately 200,000 additional cubic yards of fill material to the now 39.4-acre site (the "Property").

2. Paragraph 8 of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

A portion of the Original Property proximate to the former quarry is a

designated Priority Habitat of a state-listed Threatened species (Blanding's Turtles). On April 27, 2018, Secretary of Energy and Environmental Affairs Matthew Beaton issued a determination that the Project does not require an Environmental Impact Report but will require a Conservation and Management Permit ("CMP") from the Massachusetts Division of Fisheries and Wildlife's ("DFW") Natural Heritage and Endangered Species Program ("NHESP"). This Permit was issued on August 1, 2018; Conservation Permit No. 018-326 DFW, NHESP File No. 12-31388. In response to a Notice of Project Change, on February 21, 2020, Secretary of Energy and Environmental Affairs Kathleen A. Theoharides issued a determination that proposed changes to the project, including the importation of additional fill materials, does not require an Environmental Impact Report.

3. Paragraph 9.A. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

Approximately 6.5 acres of the Property was previously used as a quarry. The Respondents have now proposed to import approximately 425,000 cubic yards of fill materials to reclaim the quarry and facilitate future development of the Property (the "Project").

4. Paragraph 9.F. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

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 of oil or hazardous material 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 was stored or disposed of and from which there is or has been a Release or 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 Release or Threat of a Release.

5. Paragraph 9.L. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

On December 3, 2020, Respondents submitted an amended Fill Management Plan ("FMP") to MassDEP, for MassDEP's review and approval. The FMP establishes the criteria for the acceptance of soil and other fill materials at the Property. The FMP also describes the protocols for monitoring and recording environmental conditions before, during and after Site activities and construction impact mitigation for the Project.

6. Paragraph 9.M. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

The Project is intended to provide fill materials to raise the existing grade of the former quarry that is located on the Property. Reclamation of the quarry is proposed by importing fill material and grading the area. An estimated 425,000 cubic yards of fill are proposed for the Project. It is anticipated that the Project will take approximately 1.5 to 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.

7. Paragraph 12.W. of the Consent Order is hereby amended by replacing said paragraph, in its entirety, with the following language:

The FMP shall be approved in writing by MassDEP and shall become effective upon the date this First Amendment to the Consent Order is executed by MassDEP.

8. This amendment shall be incorporated into the Consent Order and is effective and enforceable pursuant to the terms of the Consent Order.
9. Except as explicitly revised by this Amendment, the terms and conditions of the Consent Order, including any previous amendment thereto, shall remain and continue in full force and effect.
10. This Amendment may be executed in multiple counterparts, each of which, when executed and delivered to the Department, shall be an original. All counterparts shall constitute one and the same instrument.
11. This Amendment shall be deemed effective as of the date on which MassDEP signs the Amendment.
12. The undersigned represent that she/he has the authority to sign this Amendment and to legally bind the party on whose behalf such representative is signing.

Consented To:

Groveland Realty Trust LLC,

By: 

William Daley, Manager
7 Hemlock Lane
Groveland, MA 01834

Federal Employer Identification No.: 001281083

Date: 12 / 14/2020

AND

R and D Site Development LLC,

By: 

Stephen Reppucci or William M. Daley, Managers
7 Hemlock Lane
Groveland, MA 01834

Federal Employer Identification No.: 830437895

AND

Sewell St. Materials LLC,

By: 

William Daley, Registered Agent and SOC signatory
7 Hemlock Lane
Groveland, MA 01834

Federal Employer Identification No.: 001339564

Issued By:

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: _____

Eric S. Worrall
Regional Director
Northeast Regional Office
205 B Lowell Street
Wilmington, MA 01887

Date:

12/18/20