



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

Bethany A. Card
Secretary

Martin Suuberg
Commissioner

**THE ATTACHED DOCUMENT IS IMPORTANT. FAILURE TO TAKE ADEQUATE
ACTION IN RESPONSE TO IT COULD RESULT IN SERIOUS LEGAL
CONSEQUENCES.**

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED
AND BY EMAIL

William Page, Jr.
Massachusetts Natural Fertilizer Company, Inc.
65 Bean Porridge Hill Road
Westminster, MA 01473
email: mnatural49@yahoo.com

Re: BAW – Westminster
Violations of M.G.L. c. 111, §§150A &
150A1/2 and 310 CMR 16.00
FMF #137739
Enforcement Document Number 00013278

UNILATERAL ADMINISTRATIVE ORDER

Dear Mr. Page:

Attached is a UNILATERAL ADMINISTRATIVE ORDER the Massachusetts Department of Environmental Protection ("MassDEP") is now issuing to you.

The ORDER contains a written description of (1) activities observed by MassDEP; (2) the statutory and regulatory requirements violated; (3) the actions MassDEP now wants you to take to correct the violations; and (4) the deadline for taking such actions.

Please note that an appeal of Administrative Order Enforcement Document # 00013278 must be sent by United States mail or hand delivered to MassDEP within twenty-one (21) days after issuance of the Order. Complete instructions relative to the appeal of this Order may be found in Section IV of this document.

If you fail to take any action MassDEP now wants you to take by the prescribed deadline, or if you otherwise fail to comply in the future with the requirements applicable to you, you could be subject to legal action. Such action could include criminal prosecution, court-imposed

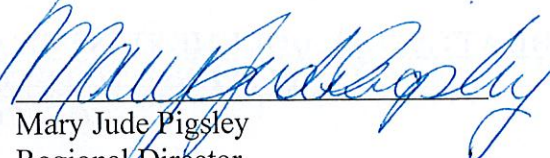
civil penalties, or civil administrative penalty, which may be assessed for every day from now on that you are in noncompliance with the requirements referred to above.

If you have any questions, please contact Douglas Fine, Deputy Regional Director at 508-767-2757, or you may have your attorney contact Anne Berlin Blackman, Chief Regional Counsel at (508) 767-2766.

Very truly yours,

Date

5/17/22


Mary Jude Pigsley
Regional Director

Enc.: Unilateral Administrative Order

cc: William Page, Jr., Massachusetts Natural Fertilizer Company, Inc., P.O. Box 363,
Westminster, MA 01473
Ann Loree, Health Agent, Town of Westminster, Town Hall, 11 South Street,
Westminster, MA 01473, (aloree@westminster-ma.gov)

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

_____)
In the Matter of:)
)
Massachusetts Natural)
Fertilizer Company, Inc.)
_____)

**UNILATERAL
ADMINISTRATIVE
ORDER**

Enforcement Document # 00013278

I. THE PARTIES

1. The Massachusetts Department of Environmental Protection ("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. Massachusetts Natural Fertilizer Company, Inc. ("Respondent") is a Massachusetts corporation with its principal office at 65 Bean Porridge Hill Road, Westminister, Massachusetts. For the purposes of this Order, Respondent's mailing address is 65 Bean Porridge Hill Road, Westminister, MA 01473.

II. STATEMENT OF FACTS AND LAW

3. MassDEP is responsible for the implementation and enforcement of M.G.L. c. 111, § 150A and M.G.L. c. 111, § 150A1/2 and the Site Assignment Regulations for Solid Waste Facilities at 310 CMR 16.00. MassDEP has authority under M.G.L. c. 111, § 2C to issue Orders to any person in violation of any law or regulation MassDEP is authorized to enforce. MassDEP has authority under M.G.L. c. 111, § 150A to enforce the provisions of that statute.
4. On October 6, 2000, MassDEP issued a "Final Approval Recycling, Composting or Conversion (RCC) Operation BWP SW46," Authorization Number SW46B/47B-0000053 (the "RCC Permit"), to Respondent for its operations at 65 Bean Porridge Hill Road in Westminister, MA (the "Site"). The RCC Permit became effective on October 27, 2020 and expires on October 27, 2025.
5. The RCC Permit authorizes Respondent to accept and utilize source-separated organics and other compostable materials to produce marketable compost materials.
6. The private drinking water well at the Site and more than 25 private drinking water wells near the Site are contaminated with high levels of certain per- and poly-fluoroalkyl substances (collectively, "PFAS") regulated by MassDEP under M.G.L. c. 21E and 310 CMR 40.0000 (the "MCP"). PFAS levels in the private wells exceed Imminent Hazard Levels as described in 310

CMR 40.0321(2)(a). MassDEP has identified Respondent and the owner of the Site as Potentially Responsible Parties for the private well contamination under the MCP. Respondent is providing bottled water and/or water treatment systems to private well owners with contaminated wells and continues to investigate the full extent of private well contamination from the Site as part of an Immediate Response Action Plan ("IRA Plan") under 310 CMR 40.0414.

7. Respondent submits weekly updates to MassDEP, the Westminster Board of Health, and residents near the Site summarizing activities under the IRA Plan. In its weekly report dated April 29, 2022, Respondent stated that samples were taken from the raw materials stockpile and the finished product stockpile at the Site and that "all results were well below" the MCP standards. However, the next weekly report, dated May 5, 2022, noted that the table of results in the previous week's report had "an error" and that a corrected table was attached. Although not acknowledged in the report, concentrations of PFAS in both stockpiles exceeded Reportable Concentrations under the MCP. The most recent weekly report, dated May 12, 2022, states that the material sampled from the finished product stockpile was sold as topsoil, and, therefore, under the MCP should not be used in areas classified as GW-1.

8. Paragraph VI.B.4 of the RCC Permit requires Respondent to "ensure that the Operation, at all times, does not accumulate or store or handle materials of a nature or in quantities so as to cause or pose a threat to the public health, safety, welfare or the environment."

9. Based on PFAS concentrations exceeding Imminent Hazard value in drinking water at the Site and in private wells off-site, and PFAS contamination in stockpiled materials at the Site, MassDEP has determined that Respondent's operation of the Site poses a threat to public health and the environment in violation of 310 CMR 16.01(8)(a)8, which requires Respondent to comply with the RCC Permit issued pursuant to 310 CMR 16.00.

III. DISPOSITION AND ORDER

10. For the reasons stated above, and pursuant to the authority granted to MassDEP under the laws and regulations set forth above in Paragraph 3, MassDEP hereby orders Respondent to take the following actions:

- A. Effective immediately, cease and desist from selling or otherwise distributing any materials that would exceed Reportable Concentrations of PFAS if used in an area designated as "Groundwater Category GW-1" under 310 CMR 40.0932(4); and
- B. Within ten days of the date of this Order, submit to MassDEP a plan for sampling the products offered for sale or distribution at the Site described as "Screened Topshelf Loam," "screened compost," "Farm Mix (unscreened compost)," "Pick-up Truck of Soil," and "BYO 5 gallon bucket" on Respondent's website. The plan shall propose representative grab samples sufficient to characterize these materials using appropriate sampling devices and shall include analysis of sampling device field rinsates. Sampling

analyses shall be completed using EPA Method 1633 or an analogous method approved by MassDEP.

11. Notwithstanding this Order, MassDEP reserves the right to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including but not limited to referral to the Attorney General's Office for criminal prosecution or civil action including court-imposed civil penalties, or administrative penalties assessed by MassDEP.

12. Respondent is advised that M.G.L. c. 111, § 150A provides that "[a]ny person, including any political subdivision of the commonwealth who violates this section, or any order issued pursuant thereto, or any rule or regulation promulgated hereunder (1) shall be subject to a fine of not more than twenty-five thousand dollars, or by imprisonment for not more than two years in a house of correction, or both, for each such violation; or (2) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation."

13. Respondent is further advised that M.G.L. c. 21A, § 16 provides for civil administrative penalties of up to twenty-five thousand dollars (\$25,000.00) for each day after the issuance of this Order during which each violation covered by this Order continues or is repeated.

IV. APPEAL RIGHTS

14. This Order is an action of MassDEP. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and must be received by MassDEP, as provided in 310 CMR 1.01, within twenty-one (21) days from the date of this Order.

15. Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts that are the grounds for the request, and the relief sought. Additionally, the request must state why the Order is not consistent with applicable laws and regulations.

16. The original hearing request must be mailed to:

Case Administrator
Office of Appeals and Dispute Resolution
Massachusetts Department of Environmental Protection
One Winter Street
Boston, Massachusetts 02108

A valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100.00) for the filing fee must be mailed separately along with a completed Adjudicatory Hearing Fee Transmittal Form to:

Massachusetts Department of Environmental Protection
P.O. Box 4062
Boston, Massachusetts 02211

A copy of the transmittal form is attached for your convenience. A copy of the transmittal form and check should be sent to the Case Administrator at the address above.


A copy of the hearing request should be sent to:

Douglas Fine, Deputy Regional Director
Bureau of Air & Waste
Massachusetts Department of Environmental Protection
8 New Bond Street
Worcester, Massachusetts 01606

Failure to pay the filing fee as required is grounds for dismissal of the request for hearing. Upon a showing of undue financial hardship, MassDEP may waive the adjudicatory hearing filing fee. A person who believes that payment of the \$100.00 filing fee would be an undue financial hardship must file, together with the request for adjudicatory hearing as provided above, an affidavit setting forth the facts the appellant believes constitute the undue financial hardship.

17. Respondent may also be subject to administrative or civil penalties for the past violations described in this Order. Questions regarding the contents of this Order should be directed to Douglas Fine, Deputy Regional Director, MassDEP, 8 New Bond Street, Worcester, Massachusetts 01606, or douglas.fine@mass.gov.

MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Date: 5/17/22



Adjudicatory Hearing Fee Transmittal Form

IMPORTANT! This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

A. Person/Party Making Request

1. Name and address of person or party making request:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

2. Project Information:

Street Address

City

State

Zip Code

DEP File or ID Number

\$

Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

Email Address

C. Instructions

1. Send this form and check or money order of \$100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:

Department of Environmental Protection
P.O. Box 4062
Boston, MA 02211

2. Send a **copy** of this form and a **copy** of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:

Case Administrator
Office of Appeals and Dispute Resolution
One Winter Street
Boston, MA 02108

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





Massachusetts Department of Environmental Protection
One Winter Street, Boston MA 02108 • Phone: 857 262-0606
Communication for Non-English-Speaking Parties - 310 CMR 1.03(5)(a)



1 English:

This document is important and should be translated immediately. If you need this document translated, please contact MassDEP's Diversity Director at the telephone numbers listed below.



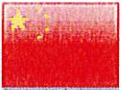
2 Español (Spanish):

Este documento es importante y debe ser traducido inmediatamente. Si necesita este documento traducido, comuníquese con el Director de Diversidad de MassDEP a los números de teléfono que aparecen más abajo.



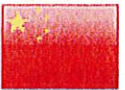
3 Português (Portuguese):

Este documento é importante e deve ser traduzido imediatamente. Se você precisa deste documento traduzido, entre em contato com Diretor de Diversidade da MassDEP para os números de telefone listados abaixo.



4(a) 中國（傳統） (Chinese (Traditional)):

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與 MassDEP 的多元化總監聯繫。



4(b) 中国（简体中文） (Chinese (Simplified)):

本文件非常重要，應立即翻譯。如果您需要翻譯這份文件，請用下面列出的電話號碼與 MassDEP 的多元化總監聯繫。



5 Ayisyen (franse kreyòl) (Haitian) (French Creole):

Dokiman sa-a se yon bagay enpòtan epi yo ta dwe tradui imedyatman. Si ou bezwen dokiman sa a tradui, tanpri kontakte Divèsite Direktè MassDEP a nan nimewo telefòn ki nan lis pi ba a.



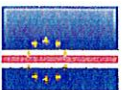
6 Việt (Vietnamese):

Tài liệu này rất quan trọng và cần được dịch ngay lập tức. Nếu bạn cần dịch tài liệu này, xin vui lòng liên hệ với Giám đốc Đa dạng của MassDEP theo các số điện thoại được liệt kê dưới đây.



7 ប្រទេសកម្ពុជា (Kmer (Cambodian)):

ឯកសារនេះគឺមានសារៈសំខាន់និងគួរត្រូវបានបកប្រែភ្លាមៗ។ ប្រសិនបើអ្នកត្រូវបានបកប្រែឯកសារនេះសូមទំនាក់ទំនងឆ្លើតជាមួយក MassDEP នៅលេខទូរស័ព្ទដែលបានរាយខាងក្រោម។



8 Kriolu Kabuverdianu (Cape Verdean):

Es documento é importante e deve ser traduzido imidiatamente. Se bo precisa des documento traduzido, por favor contacta Director de Diversidade na MassDEP's pa es numero indicode li d'boche.



9 Русский язык (Russian):

Это важный документ и он должен быть безотлагательно переведен. Если вам нужен перевод данного документа, пожалуйста, свяжитесь с директором по разнообразию компании MassDEP по телефону указанному ниже



10 العربية (Arabic):

هذه الوثيقة مهمة ويجب ترجمتها على الفور. إذا كنت بحاجة إلى هذه الوثيقة المترجمة، يرجى الاتصال بمدير التنوع في PMassDE على أرقام الهواتف المدرجة أدناه.



11 한국어 (Korean):

이 문서는 중요하고 즉시 번역해야 합니다. 이 문서의 번역이 필요하시다면, 아래의 전화 번호로 MassDEP 의 다양성 감독에 문의하시기 바랍니다.



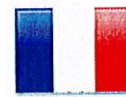
12 հայերեն (Armenian):

Այս փաստաթուղթը շատ կարևոր է եւ պետք է թարգմանել անմիջապես. Եթե Ձեզ անհրաժեշտ է այս փաստաթուղթը թարգմանվել դիմել MassDEP բազմազանությունը տնօրեն է հեռախոսահամարների թվարկված են ստորել.



13 فارسی (Farsi [Persian]):

این سند مهم است و باید فوراً ترجمه شده است. اگر شما نیاز به این سند ترجمه شده، لطفاً با ما تماس تنوع مدیر PMassDE در شماره تلفن های ذکر شده در زیر.



14 Français (French):

Ce document est important et devrait être traduit immédiatement. Si vous avez besoin de ce document traduit, s'il vous plaît communiquer avec le directeur de la diversité MassDEP aux numéros de téléphone indiqués ci-dessous.



15 Deutsch (German):

Dieses Dokument ist wichtig und sollte sofort übersetzt werden. Sofern Sie die Übersetzung von diesem Dokument benötigen, wenden Sie sich bitte an den Diversity Director MassDEP unter der unten aufgeführten Telefonnummer.



16 Ελληνική (Greek):

Το παρόν έγγραφο είναι σημαντικό και θα πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του παρόντος εγγράφου, παρακαλούμε επικοινωνήστε με τον Διευθυντή Διαφορετικότητας του MassDEP στους αριθμούς τηλεφώνου που αναγράφονται παρακάτω.



17 Italiano (Italian):

Questo documento è importante e dovrebbe essere tradotto immediatamente. Se avete bisogno di questo documento tradotto, si prega di contattare il Direttore di Diversità di MassDEP ai numeri di telefono elencati di seguito.



18 Język Polski (Polish):

Dokument ten jest ważny i powinien zostać natychmiast przetłumaczony. Jeśli potrzebujesz przetłumaczonej wersji dokumentu, prosimy o kontakt z dyrektorem ds. różnorodności MassDEP pod jednym z numerów telefonu wymienionych poniżej.



19 हिन्दी (Hindi):

यह दस्तावेज़ महत्वपूर्ण है और तुरंत अनुवाद किया जाना चाहिए. यदि आपको इस दस्तावेज़ का अनुवाद करने की आवश्यकता है, तो कृपया नीचे सूचीबद्ध टेलीफोन नंबरों पर मासडेप्स डाइवर्सिटी के निदेशक से संपर्क करें।.

