

## CORRESPONDENCE

5-5-14

1	Barbara Holton	Request BOH hearing
2	Mass DOT	Bridge Inspections Reports
3	SRPEDD	Annual Meeting 5/22/14
4	Verizon	Form 200 & 400 Annual Filing
5	DEP	Rockland Industries, Inc.
6	Comcast	Financial Balance Sheet
		Statement of Revenue & Expenses
		Parts A & B
		Statement of Ownership



**Town of Middleborough**  
*Board of Selectmen*

1

Barbara A. Holton  
68 Purchase St.  
Middleboro, MA 02346

Jacqueline M. Shanley  
*Executive Assistant*

Town Hall  
10 Nickerson Avenue  
Middleborough, MA 02346

Tel: 508-946-2405  
Fax: 508-946-0058  
Email: [jshanley@middleborough.com](mailto:jshanley@middleborough.com)

Town of Middleboro  
Board of Selectman  
10 Nickerson Ave.  
Middleboro, MA 02346

4/27/2014

Received  
4.29.14 JS.

Dear Board of Selectman,

On 2/20 2014 a complaint (see copy of complaint attached) was brought to the health department at town hall. On 3/24/2014 there was a Board of Selectman (hereafter BOS) meeting and a hearing on that date for a variance request made by the Kampgrounds of America (hereafter KOA). The variance request was subsequently withdrawn when it became evident it would not be granted. The complaint was never addressed. The protocol for family type campground permits in this Town of Middleborough since 2003 and before has been to deny these licenses until such time as they are in compliance with the Health Department (see copy of letter dated June 10, 2003). It is clear that there has been precedence and bylaws in place by this board and other boards that over many years have not been enforced on the KOA but have been strictly enforced on Tispaquin Family Camp Area (hereafter TFCA). Even though the health department has been aware of violations at the KOA since at least the routine inspection of July 12, 2001 (see attachment routine inspection) nothing has been done by this department or any department to require the KOA to follow the same rules with the same consequences as the TFCA. There are more than 30 units on the property owned and operated by the KOA that do not have zoning or health office approval (see attached zoning notes for the KOA) while the KOA did in 2012 finally apply to the zoning board for permission to be allowed 285 campsites 80 more than the 205 approved in 1973. The protocol for this was also not followed and they did receive a special permit to use these sites without removing them first as they required the TFCA to do. I agree that the KOA now has a special permit to operate campsites and have made improvements after the Department of Environmental Protection (hereafter DEP) stepped in. This does not allow the installation of cabins and mobile homes without special permits. Another campground Brockton YMCA (hereafter YMCA) located at 375 Wareham St. repaired and installed a new cabin in 2013 and before they did the work were required and did apply to the zoning for a special permit. It is my belief that the KOA is also required to obtain a special permit for each and every cabin that they install as they started in the 80's and applied and received a special permit to have 2 cabins. The bylaw adopted by the town October 6, 1977 (see attached Family Type Campground Regulations) supports my concerns and beliefs. The building inspector (see attached letter dated October 11, 1984 from the building inspector) was well aware of the zoning conditions for all campgrounds and should have enforced the laws equally. The KOA does not have and should not get approval for any units that were placed on their property until they are removed and then placed there with the proper approval as has been done in the

past with the other campgrounds in town. I hereby formally request a hearing so the 2/20/14 complaint to the Board of Health may properly be addressed.

Respectfully,

A handwritten signature in cursive script that reads "Barbara A. Holton". The signature is written in dark ink and is positioned to the right of the typed name.

Barbara A. Holton

HEALTH DEPARTMENT COMPLAINTS

Complaint From: Barbara Holtton Tel. No: 508-947-2444  
Address: 438 Plymouth St Date: 2/20/2014

Complain:

Investigation:

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

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

Resolution/Recommendation: \_\_\_\_\_

Campers staying during  
Jan. + Feb. >

Signature: Barbara Holtton Date: 2/20/14

Ymca Camp - Yomechas  
also open Feb vac  
week

over →

are the structures  
at the KOA Campground  
Cabins or Campers  
and where are the  
registrations or  
building permits there  
are over 37

CRANBERRY CAPITAL  
OF THE WORLD



Phone: 508-946-2405

Fax: 508-946-0058

Town of Middleborough  
Massachusetts

BOARD OF SELECTMEN

Wayne C. Perkins  
Marsha L. Brunelle  
Frederick E. Eayrs, Jr.  
Patrick E. Rogers  
James W. Wiksten

June 10, 2003

Ralph & Barbara Horton  
Tispaquin Family Campground  
68 Purchase Street  
Middleboro, MA 02346

RE: Request for Family Type Campground Permit

Dear Mr. & Mrs. Holton,

At their meeting held on Monday, June 9, 2003 the Board of Selectmen voted to deny your request for a Family Type Campground Permit until such time you provide information that you are in compliance with the Health Department. The Health Officer has been instructed to provide you with a list of the specific outstanding issues.

Please contact this office if you need any further information.

Sincerely,

Diane Henault, Secretary  
BOARD OF SELECTMEN

cc: Board of Selectmen  
Health Officer  
✓ Attorney John Gushue

EXH. 5

Attachment

B

Routing Inspection today (12 July 01)

- 1. found 171 sites occupied this date.  
(31 Tents + 125 CAMPERS TR. + 15 CABINS)
- 2. Rest Room / Showers Buildings - very clean and in good order.

3. Sew Pool - ✓ Life guard on duty

4. Main Laundry / store -

5. ~~Had to discuss w/ owner~~ - (Bill N.)  
I did

a - Lic for 276 sites - Bill includes Site fields

b - ZBA Approval for 205 sites

c - He thought this is 1986 and the Lic. number is same and he did not apply for any changes / increases.

He showed me his In House Computer System - tracking site occupancy.

Example:

Sat - 29	JULY	(F)	216
30	"	(SA)	243
1st	July	(Sun)	221
2	"	(M)	217
3	"	(TU)	232
→	4th	" (W)	230 ←
	5	(TH)	235
	6	(F)	244

Memorial Day 267

W. DeBrito

ZONING BOARD OF APPEALS  
HEARING DATE

HEARING DATE	SUBJECT	STATUS	& REMARKS
NOV. 20, 1969	REQUEST VARIANCE TO CONSTRUCT & OPERATE K.O.A. CAMPGROUND - MAXIMUM 75 UNITS FOR SUMMER SEASON	VARIANCE GRANTED DEC. 1, 1969	75 UNITS MAX. FOR K.O.A. ONLY & ALL CAMPERS EXCLUDED FROM LOCUS NOV. 1 THROUGH APRIL 30, = SIX MONTHS
<i>NOV 4, 1971</i>	<i>Request Variance to construct 140 Campers</i> APPLIED FOR VARIANCE FOR 200 UNITS YEAR ROUND ON MR. WOOD'S ADJOINING LOT ON JAN. 12, 1971	<i>?</i>	<i>total 140 Campers units 5/1 - 10/31</i>
<i>?</i>	APPLIED FOR VARIANCE TO OPERATE 25 UNITS YEAR ROUND (CLAIMS THESE 25 UNITS ARE A PART OF THE 100 UNITS PREVIOUSLY APPROVED FOR USE-- ---)	<i>?</i>	
JAN. 6, 1972	REQUEST VARIANCE TO EXTEND SEASON FROM MARCH 1 THROUGH NOVEMBER 20 = EIGHT MONTHS & 20 DAYS	VARIANCE <del>DENIED</del> <i>GRANTED</i>	
FEB. 10, 1972	APPLIED FOR VARIANCE TO ERECT TWO SIGNS ON JANUARY 9, 1972	TABLED UNTIL MARCH 23, 1972 ✓	
SEPT. 21, 1972	REQUEST TO EXTEND SEASON THROUGHOUT THE YEAR BUT TO PROHIBIT SENDING CHILDREN TO SCHOOL	DENIED ✓	
NOV. 3, 1972	REQUEST TO EXTEND SEASON TO INCLUDE MARCH, APRIL, AND NOVEMBER BUT NO ONE ALLOWED TO STAY LONGER THAN ONE WEEK DURING THIS TIME	GRANTED ✓	TOTAL = 6 + 3 = 9 MONTHS TO INCLUDE MAXIMUM OF ONE WEEK STAY FOR MARCH, APRIL & NOVEMBER
<i>?</i>	REQUESTED VARIANCE TO REMOVE THE PRESENT ONE-WEEK MAXIMUM STAY DURING MARCH, APRIL AND NOVEMBER	<i>?</i>	

ZONING BOARD OF APPEALS  
HEARING DATE

SUBJECT

STATUS

&

REMARKS

OCT. 30, 1975	REQUESTED VARIANCE TO EXTEND SEASON TO YEAR-ROUND WITH NO ONE TO STAY LONGER THAN ONE WEEK DURING DECEMBER, JANUARY & FEBRUARY AND NO CHILDREN TO ATTEND SCHOOL	VARIANCE GRANTED	✓	AS REQUESTED TOTAL = ALL YEAR RESTRICTED TO ONE WEEK'S STAY DURING DECEMBER, JANUARY & FEBRUARY ALSO - NO CHILDREN TO ATTEND SCHOOL
FEB. 12, 1976	REQUEST VARIANCE TO BUY AND SELL UNITS	DENIED	✓	
JAN. 6, 1977	REQUESTED SPECIAL PERMIT TO USE ADDITIONAL SITE ON WEEKEND OF APRIL 29 TO MAY 1	GRANTED		300 SITES MAXIMUM FOR THIS WEEKEND ONLY
MARCH 10, 1977	REQUESTED SPECIAL PERMIT FOR 500 CAMPING UNITS FOR SEPTEMBER 16-18, 1977 AND SEPTEMBER 15-17 IN 1978	GRANTED FOR 1977 ONLY		
OCTOBER 20, 1977	REQUEST TO USE CERTAIN AREAS FOR LONGER TIME	DENIED	✓	
JAN. 12, 1978	REQUESTED SPECIAL PERMIT FOR 500 CAMPING UNITS SEPTEMBER 15-17, 1978	GRANTED	✓	
MARCH 5, 1981	PART I, REQUESTED SPECIAL PERMIT FOR 375 CAMPING UNITS SEPTEMBER 18-20, 1981 PART II, REQUESTED SPECIAL PERMIT TO ALLOW STAYS WITHOUT TIME RESTRICTIONS DURING MARCH, APRIL, NOVEMBER AND DECEMBER	GRANTED  DENIED	✓  *	<i>Stated present Capacity is 264 Campsites.</i>
<i>May 6, 1982</i>	TOWN OF MIDDLEBOROUGH The Middleborough Zoning Board of Appeals will hold a public hearing on April 8, 1982, at 7:30 P.M. in the Selectmen's Room, Town Hall, to hear the petition of Paul N. Whiteberry, 438 Plymouth Street, Middleborough, Mass., relative to his request to allow the Plymouth Rock KOA Kampground, 438 Plymouth St., to have camping units on campsites during March, April, November and December, without the present time restrictions.	<i>Granted</i>		

*10/20/83*

Attachment  
C

Bill

ZONING BOARD OF APPEALS REG  
BY REV. PAUL WHITTEBERRY F  
K.O.A. KAMPGROUND

276 Sites  
lic. w/H.O.  
for the past  
3 yrs. Per  
JS

- Feb. 4, 1970 No record of decision on
- Jan. 12, 1971 No record of decision on
- Feb. 26, 1971 No record of decision on
- Aug. 10, 1971 No record of decision on
- Sept. 13, 1971 Voted May 1st to Oct. 31st
- Oct. 4, 1971 Denied 30 day stay from 6/29/01
- Nov. 23, 1971 Denied March 1st to Nov. 20th extension. Present operation May 1st to Oct. 31st.
- Jan. 9, 1972 Sign request
- Feb. 10, 1972 Sign request
- Aug. 23, 1972 Denied to operate from Nov. 1st to April 30th
- Sept. 21 or 29, 1972 Denied to operate from Nov. 1st to April 30th
- Oct. 5, 1972 Voted to operate November, March, and April. No one to stay longer than one week.
- March 21, 1973 No record of decision on file with Town Clerk
- April 26, 1973 Voted 40 ft. greenbelt; no future campsites within 200 ft. of Precinct & Plymouth Streets. Open March 1st to Nov. 30th only. March, April, November-one week only.
- October 12, 1973 No record of decision on file with Town Clerk
- Sept. 19, 1975 Voted to operate from Dec. 1st to Feb. 28th of each year no more than one week stay. No children to be allowed to be sent to school.
- Jan. 12, 1976 Denied to allow the sale of camping units
- Nov. 24, 1976 Voted 300 campsites for week end of April 29-May 1, 1977
- Feb. 1, 1977 Voted special 500 units Sept. 16-18, 1977
- Sept. 13, 1977 Denied to operate longer time period
- Nov. 28, 1977 Voted special 500 units Sept. 15-17, 1978

Bill Nicholson owns

NOTE

6/29/01

~~276~~ 276 Sites Lic w/ Health Dept  
for past 3 years per J. Spalding.

Incorporated 1664  
311 Years of Progress



CRANBERRY CAPITAL  
OF THE WORLD



Town of Middleborough  
Massachusetts

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DEPARTMENT  
OF THE  
BOARD OF HEALTH

FAMILY TYPE CAMPGROUND REGULATIONS

The Board of Health adopted under provisions of General Laws, Chapter 111, Section 31 and Regulation 2.1 of Article I of the State Sanitary Code the following regulations supplement to Article VIII of the State Sanitary Code, effective on October 6, 1977.

Mobile Camping Units as defined in Regulation I of Article VIII of the State Sanitary Code, occupying any camp site in a Family Type Campground, licensed by the Board of Health, shall be registered and legally equipped to travel over the highways of the Commonwealth of Massachusetts.

\*

The camping season shall be designated as the period March 1 through December 31 of any year. Mobile Camping Units shall be removed from all camp sites on or before December 31 of any year and shall not be replaced before March 1 of any year.

For the purpose of the regulation a Family Type Campground shall mean a tract or parcel of land, either privately or publicly owned, (a) which is used wholly or in part for recreational camping or group activity purposes, or for accommodation for overnight or longer periods, and (b) which accommodates for profit or under philanthropic or charitable auspices three or more families or camping groups. Without limiting the generality of the foregoing, the family type camp ground may accommodate tents, motor homes, expandable camping units, and such other devices as may be developed and marketed for the camping trade. The term family type camp ground does not include a children's day camp, recreational camp for children, mobile home park or picnic area. (defined in Section 14.01 of 310 CMR 14.00 - Minimum Standards for Developed Family Type Camp Grounds.)



Town of Middleborough  
Massachusetts

14

William J. Gedraitis  
Inspector of Buildings  
947-6339

October 11, 1984

Zoning Board of Appeals  
Town of Middleborough  
Town Hall, Nickerson Avenue  
Middleborough, Ma 02346

SUBJECT: Tispaquin Family Camp Association  
Purchase Street, Middleborough, Ma 02346

Honorable Board:

In response to your request of recommended conditions for the Tispaquin Family Camping Association Campground Special Permit application, I offer the following remarks:

1. I see similarities between this campground and the K.O.A. Campground on Plymouth Street. Although the Tispaquin Family Campground may have more rights in that it is a pre-existing non-conforming use. I feel that too many restrictions are not advisable or necessary in this case. They tend to become difficult if not impossible to police. However, the four conditions\* which were granted and part of a Special Permit for K.O. A, dated April 22, 1982 are sound and may be appropriate for this petitioner. (see attached copy)
2. The "Family type campground regulations" adopted by the Board of Health, October 6, 1977, are substantially in alignment with the above four conditions and tend to reinforce them. (See attached copy)

In closing, I wish to refer to my previous letter to you dated September 25, 1984\* in which I stated myself to be in favor of supporting the petition.

Yours truly,

William J. Gedraitis  
Inspector of Buildings

\*(See Attached)

(6)

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15

APRIL 22, 1982

The members of the Board voted thereon as follows:

Chairman Mather made a motion to grant the petition of Rev. Paul N. Whitteberry, Plymouth Rock KOA Kampground, 438 Plymouth Street, Middleborough, Mass., to remove the present one-week camping limitation restriction; but there shall be no camping and all camping trailers or units shall be removed from the sites from December 15th to March 1st of each year, subject to the following conditions:

- 1. Under no circumstances may a child on the campground be enrolled in or attend any Middleborough Public School, unless such child is eligible to attend such school other than because of his presence on the campground.
- 2. All camping trailers must be registered to travel over the roads of the Commonwealth of Massachusetts.
- 3. No one is permitted to use the campground as a residence ~~or as a place of business or for any other purpose.~~  
~~or as a place of business or for any other purpose.~~  
 or domicile. Every camper must have a domicile away from this campground, and use it as his residential address.
- 4. No permanent structures may be attached to any camping unit.

\*

After a second by Mr. Bradley, the Board voted 4-1 in favor of the motion (Bradley, Braun, Jeffery, Mather in favor; Diegoli against).

A Special Permit is granted.

Respectfully submitted:

\_\_\_\_\_



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



2

April 25, 2014

Town of Middleborough  
Board of Selectmen  
10 Nickerson Avenue  
Middleborough, MA 02346

Attn: Andrew Bagas, Director

SUBJECT: NATIONAL BRIDGE INSPECTION STANDARDS (NBIS)  
BRIDGE INSPECTION REPORTS

L-01-012 = M-18-058 (44E) BRIDGE ST / NEMASKET RIVER

Dated: 03/27/14

Dear Mr. Bagas:

As part of the Massachusetts Bridge Inspection Program, MassDOT - Highway Division performs the inspection of municipally owned bridges that have a clear span of 20 feet or greater. These bridges are scheduled to be inspected every two years or less.

For your records is a copy of recent bridge inspection field report for the referenced municipally owned bridge. Repair, rehabilitation or reconstruction of any bridges to address the deficiencies reported is the owner/custodian's responsibility. Chapter 90 funds may be used for these purposes.

Questions regarding the content of the report may be directed to the District Bridge Inspection Engineer, Daniel A. Palmer, P.E., at (508) 884-4236.

Sincerely,

Mary-Joe Perry  
District Highway Director

DAP/sw  
cc: DHD, A. Bardow  
Enclosure

XC: DPW Director

STRUCTURES INSPECTION FIELD REPORT

BR. DEPT. NO.

L-01-012=M-18-058

2-DIST <b>05</b>	B.I.N. <b>44E</b>
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**ROUTINE INSPECTION**

CITY/TOWN <b>LAKEVILLE=MIDDLEBOROUGH</b>	8-STRUCTURE NO. <b>L01012-44E-MUN-NBI</b>	11-Kilo. POINT <b>000.016</b>	41-STATUS <b>A:OPEN</b>	90-ROUTINE INSP. DATE <b>MAR 27, 2014</b>
07-FACILITY CARRIED <b>HWY BRIDGE ST</b>	MEMORIAL NAME/LOCAL NAME	27-YR BUILT <b>1968</b>	106-YR REBUILT <b>0000</b>	YR REHAB'D (NON 106) <b>0000</b>
06-FEATURES INTERSECTED <b>WATER NEMASKET RIVER</b>	26-FUNCTIONAL CLASS <b>Urban Collector</b>	DIST. BRIDGE INSPECTION ENGINEER, <b>D. A. Palmer</b> <i>Daniel Palmer</i>		
43-STRUCTURE TYPE <b>201 : Concrete continuous Slab</b>	22-OWNER <b>Town Agency</b>	21-MAINTAINER <b>Town Agency</b>	TEAM LEADER <b>G. Simpson</b> <i>G. Simpson</i>	
107-DECK TYPE <b>1 : Concrete Cast-in-Place</b>	WEATHER <b>Sunny</b>	TEMP. (air) <b>4°C</b>	TEAM MEMBERS <b>P. DUFRESNE</b> <i>P. Dufresne</i>	

**ITEM 58** **6**

**DECK** DEF

1.Wearing surface	6	M-P
2.Deck Condition	6	-
3.Stay in place forms	N	-
4.Curbs	7	-
5.Median	N	-
6.Sidewalks	7	-
7.Parapets	N	-
8.Railing	5	S-P
9.Anti Missile Fence	N	-
10.Drainage System	6	-
11.Lighting Standards	N	-
12.Utilities	7	-
13.Deck Joints	N	-
14.	N	-
15.	N	-
16.	N	-

CURB REVEAL (In millimeters) N S  
248 254

**ITEM 59** **6**

**SUPERSTRUCTURE** DEF

1.Stringers	N	-
2.Floorbeams	N	-
3.Floor System Bracing	N	-
4.Sidewalk Beam	7	-
5.Trusses - General	N	-
a. Upper Chords	N	-
b. Lower Chords	N	-
c. Web Members	N	-
d. Lateral Bracing	N	-
e. Sway Bracings	N	-
f. Portals	N	-
g. End Posts	N	-
6.Pin & Hangers	N	-
7.Conn Plt's, Gussets & Angles	N	-
8.Cover Plates	N	-
9.Bearing Devices	N	-
10.Diaphragms/Cross Frames	N	-
11.Rivets & Bolts	N	-
12.Welds	N	-
13.Member Alignment	N	-
14.Paint/Coating	N	-
15.Slab	6	-

Year Painted N

COLLISION DAMAGE: *Please explain*  
None (X) Minor ( ) Moderate ( ) Severe ( )

LOAD DEFLECTION: *Please explain*  
None (X) Minor ( ) Moderate ( ) Severe ( )

LOAD VIBRATION: *Please explain*  
None (X) Minor ( ) Moderate ( ) Severe ( )

Any Fracture Critical Member: (Y/N) N

Any Cracks: (Y/N) N

**ITEM 60** **6**

**SUBSTRUCTURE** DEF

1. Abutments	Dive	Cur	7	DEF
a. Pedestals	N	N		-
b. Bridge Seats	N	N		-
c. Backwalls	N	N		-
d. Breastwalls	N	7		-
e. Wingwalls	N	7		-
f. Slope Paving/Rip-Rap	N	6		M-P
g. Pointing	N	N		-
h. Footings	N	N		-
i. Piles	N	H		-
j. Scour	N	N		-
k. Settlement	N	7		-
l.	N	N		-
m.	N	N		-
2. Piers or Bents			N	DEF
a. Pedestals	N	N		-
b. Caps	N	N		-
c. Columns	N	N		-
d. Stems/Webs/Pierwalls	N	N		-
e. Pointing	N	N		-
f. Footing	N	N		-
g. Piles	N	N		-
h. Scour	N	N		-
i. Settlement	N	N		-
j.	N	N		-
k.	N	N		-
3. Pile Bents			6	DEF
a. Pile Caps	N	7		-
b. Piles	6	6		M-P
c. Diagonal Bracing	6	6		-
d. Horizontal Bracing	N	N		-
e. Fasteners	4	5		M-P

UNDERMINING (Y/N) If YES please explain N

COLLISION DAMAGE:  
None (X) Minor ( ) Moderate ( ) Severe ( )

SCOUR: *Please explain*  
None (X) Minor ( ) Moderate ( ) Severe ( )

I-60 (Dive Report): 6 I-60 (This Report): 6

93B-U/W (DIVE) Insp 08/05/2013

X=UNKNOWN

N=NOT APPLICABLE H=HIDDEN/INACCESSIBLE

R=REMOVED

CITY/TOWN <b>LAKEVILLE=MIDDLEBOROUG</b>	B.I.N. <b>44E</b>	BR. DEPT. NO. <b>L-01-012=M-18-058</b>	8-STRUCTURE NO. <b>L01012-44E-MUN-NBI</b>	INSPECTION DATE <b>MAR 27, 2014</b>
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<b>ITEM 61</b>				<b>7</b>
<b>CHANNEL &amp; CHANNEL PROTECTION</b>				
	Dive	Cur	DEF	
1.Channel Scour	7	H	-	
2.Embankment Erosion	7	7	-	
3.Debris	7	6	M-P	
4.Vegetation	7	7	-	
5.Utilities	X	X	-	
6.Rip-Rap/Slope Protection	7	7	-	
7.Aggradation	8	H	-	
8.Fender System	N	N	-	

**STREAM FLOW VELOCITY:**  
Tidal ( ) High ( ) Moderate ( ) Low (X) None ( )

ITEM 61 (Dive Report): **7**    ITEM 61 (This Report) **7**

93b-U/W INSP. DATE: **08/05/2013**

<b>ITEM 36 TRAFFIC SAFETY</b>			
	36	COND	DEF
A. Bridge Railing	0	5	S-P
B. Transitions	0	5	S-P
C. Approach Guardrail	1	7	-
D. Approach Guardrail Ends	N	N	-

**WEIGHT POSTING**      *Not Applicable*  X

H	3	3S2	Single
N	N	N	N

Actual Posting

N	N	N	N
---	---	---	---

Recommended Posting

N	N	N	N
---	---	---	---

Waived Date: **03/22/2011**    EJDMT Date: **00/00/00**

**CLEARANCE POSTING**

N	S
ft	in
0	0
0	0

Actual Field Measurement

Posted Clearance

N	S
ft	in
0	0
0	0

Signs In Place (Y=Yes, N=No, NR=Not Required)

N	S	N	S
---	---	---	---

Legibility/Visibility

<b>ACCESSIBILITY (Y/N/P)</b>		
	Needed	Used
Lift Bucket	N	N
Ladder	N	N
Boat	P	Y
Waders	P	N
Inspector 50	N	N
Rigging	N	N
Staging	N	N
Traffic Control	N	N
RR Flagger	N	N
Police	N	N
Other:	N	N

**TOTAL HOURS**      **8**

**PLANS (Y/N):**      **Y**

**(V.C.R.) (Y/N):**      **N**

**TAPE#:** \_\_\_\_\_

*List of field tests performed:*

**RATING**

Rating Report (Y/N): **Y**

Date: **02/01/2011**

Inspection data at time of existing rating  
158: 6    159: 6    160: 6    Date: 03/25/2010

**(To be filled out by DBIE)**

Request for Rating or Rerating (Y/N): **N**

if YES please give priority:  
HIGH ( ) MEDIUM ( ) LOW ( )

**REASON:** \_\_\_\_\_

**CONDITION RATING GUIDE**      (For Items 58, 59, 60 and 61)

CODE	CONDITION	DEFECTS
N	NOT APPLICABLE	
G 9	EXCELLENT	Excellent condition.
G 8	VERY GOOD	No problem noted.
G 7	GOOD	Some minor problems.
F 6	SATISFACTORY	Structural elements show some minor deterioration.
F 5	FAIR	All primary structural elements are sound but may have minor section loss, cracking, spalling or scour.
P 4	POOR	Advance section loss, deterioration, spalling or scour.
P 3	SERIOUS	Loss of section, deterioration, spalling or scour have seriously affected primary structural components. Local failures are possible. Fatigue cracks in steel or shear cracks in concrete may be present.
C 2	CRITICAL	Advance deterioration of primary structural elements. Fatigue cracks in steel or shear cracks in concrete may be present or scour may have removed substructure support. Unless closely monitored it may be necessary to close the bridge until corrective action is taken.
C 1	"IMMINENT" FAILURE	Major deterioration or section loss present in critical structural components or obvious vertical or horizontal movement affecting structure stability. Bridge is closed to traffic but corrective action may put it back in light service.
0	FAILED	Out of service - beyond corrective action.

**DEFICIENCY REPORTING GUIDE**

**DEFICIENCY:** A defect in a structure that requires corrective action.

**CATEGORIES OF DEFICIENCIES:**  
**M= Minor Deficiency** - Deficiencies which are minor in nature, generally do not impact the structural integrity of the bridge and could easily be repaired. Examples include but are not limited to: Spalled concrete, Minor pot holes, Minor corrosion of steel, Minor scouring, Clogged drainage, etc.  
**S= Severe/Major Deficiency** - Deficiencies which are more extensive in nature and need more planning and effort to repair. Examples include but are not limited to: Moderate to major deterioration in concrete, Exposed and corroded rebars, Considerable settlement, Considerable scouring or undermining, Moderate to extensive corrosion to structural steel with measurable loss of section, etc.  
**C-S= Critical Structural Deficiency** - A deficiency in a structural element of a bridge that poses an extreme unsafe condition due to the failure or imminent failure of the element which will affect the structural integrity of the bridge.  
**C-H= Critical Hazard Deficiency** - A deficiency in a component or element of a bridge that poses an extreme hazard or unsafe condition to the public, but does not impair the structural integrity of the bridge. Examples include but are not limited to: Loose concrete hanging down over traffic or pedestrians, A hole in a sidewalk that may cause injuries to pedestrians, Missing section of bridge railing, etc.

**URGENCY OF REPAIR:**  
**I = Immediate-** (Inspector(s) immediately contact District Bridge Inspection Engineer (DBIE) to report the Deficiency and to receive further instruction from him/her).  
**A = ASAP-** (Action/Repair should be initiated by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) upon receipt of the Inspection Report).  
**P = Prioritize-** (Shall be prioritized by District Maintenance Engineer or the Responsible Party (if not a State owned bridge) and repairs made when funds and/or manpower is available).

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

## REMARKS

### BRIDGE ORIENTATION

Bridge Street (west-east), a town line bridge over Nemasket River (flows south to north) has 4 spans and 3 bents numbered from the west. Piles are labeled A through J from upstream (south) to downstream (north) as shown on sketch 1 and in the Diver's Underwater Inspection.

See sketches 1 & 2.

### ITEM 58 - DECK

#### Item 58.1 - Wearing surface

New overlay since last inspection on all but easterly end, with minor rutting and random cracking under 1"W, most with sealant and one filled pothole at northeast. Road debris accumulating along both curbs. See photo 1.

#### Item 58.2 - Deck Condition

See Item 59.15 Slab

#### Item 58.8 - Railing

S-P Deficiency -

AL-3 bridge rail has middle rails removed and chain link fence between top and bottom rail instead.

#### Item 58.10 - Drainage System

The deck drains are rusty, and three of six are broken off flush with the soffit, but aren't causing any problems. See photo 2.

### APPROACHES

#### Approaches a - Appr. pavement condition

West approach has new overlay since last inspection, photo 1.

East approach has random cracking throughout, most with sealant. Settlement in right wheelpath in westbound lane with cracks opening and two filled potholes photo 3.

#### Approaches b - Appr. Roadway Settlement

Settlement in right wheelpath in westbound lane with cracks opening and filled pothole, see previous item.

#### Approaches c - Appr. Sidewalk Settlement

The sidewalk does not extend beyond the approaches.

### ITEM 59 - SUPERSTRUCTURE

#### Item 59.15 - Slab

The slab has fine hairline map cracking and minor cracks with light efflorescence in all four spans. A few cracks in Spans 1 and 4 have moisture. The side of the slab in the utility bay has cracks with moderate efflorescence. Span 1 has a minor delamination. See photos 4 to 7.

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

## REMARKS

### ITEM 60 - SUBSTRUCTURE

#### Item 60.1 - Abutments

##### Item 60.1.f - Slope Paving/Rip-Rap

Both abutment large riprap set stones have older settlement up to 1' at places with no stub abutment piles exposed at this inspection, photo 8. There are trees growing in slopes in front of all wingwalls, sample photo 9.

#### Item 60.3 - Pile Bents

##### Item 60.3.b - Piles

Most piles are generally good and may exhibit minor bleaching or algae growth with minor checking. See the Routine Underwater Inspection Report dated 8/5/13 for the underwater portions. Several piles have notable deficiencies shown in Chart 1. Also, see photos 10 to 14.

##### Item 60.3.c - Diagonal Bracing

Bracing has minor to moderate bleaching and missing nuts at several locations, see Item 60.3e.

Bent 2 south end diagonal is checked/split adjacent to the nut and bolt assembly, pile B.

Bent 3 cross bracing check/split at piles B. Bottom cross bracing was previously reported to be disconnected at pile G; the water level and drift accumulation blocked access.

See pile photos.

##### Item 60.3.e - Fasteners

There is light to moderate rust on all visible fasteners. The following piles have either one or two nuts missing from the threaded rods: Bent 1: B, C; Bent 2: B, H, I; Bent 3: A, C, E, F, H

### ITEM 61 - CHANNEL AND CHANNEL PROTECTION

#### Item 61.3 - Debris

Drift accumulation at south ends of all bents with worst at bent 2, photo 10 and 11.

### TRAFFIC SAFETY

#### Item 36a - Bridge Railing

S-P Deficiency-

AL-3 bridge rail has middle rails removed and chain link fence between top and bottom rail, nonstandard.

#### Item 36b - Transitions

S/P Deficiency-

Type W guardrail attached to the end posts with loose fasteners, single panels and improper post spacing - nonstandard.

The SW connection is missing one of three bolts. The first post is not connected with spacer missing and panel is loose.

The second NW post is not connected and loose; the panel splice has only one loose bolt at 2nd post.

See photo 15 for example.

#### Item 36c - Approach Guardrail

Standard type W guardrail.

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

### REMARKS

#### Item 36d - Approach Guardrail Ends

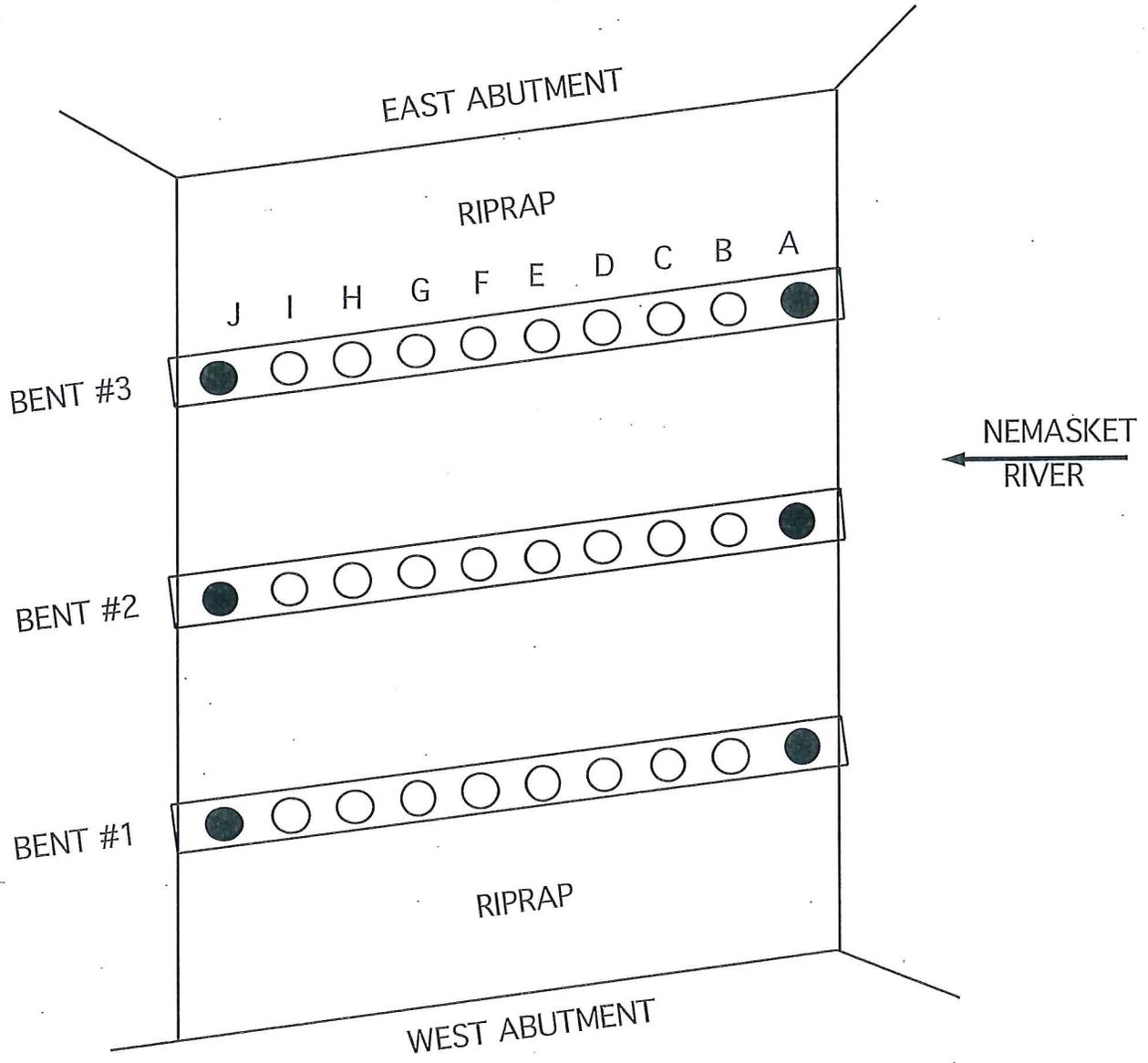
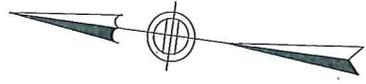
Beyond bridge limits.

#### Sketch / Chart / Photo Log

- Sketch 1 : Plan View (not to scale)
- Sketch 2 : Google satellite overviews
- Chart 1 : Supplemental observation of pile conditions, for blank entries: piles exhibit condition described in Item 60.3b
- Photo 1 : General top side conditions, looking northwest.
- Photo 2 : Condition of span 2 deck drains.
- Photo 3 : Condition of east approach pavement and east end of wearing surface, looking north.
- Photo 4 : General underside conditions, span 1 looking north.
- Photo 5 : General underside conditions, span 4, looking north.
- Photo 6 : General underside conditions, span 2, looking north.
- Photo 7 : General underside conditions, span 3, looking south.
- Photo 8 : Minor slope settlement at east breastwall.
- Photo 9 : Trees growing in slope at southeast, other slopes similar.
- Photo 10 : View west of piles and channel conditions, from span 4.
- Photo 11 : Overview of conditions, bent 2, looking northwest, other bents similar.
- Photo 12 : Bent 2, west side conditions, piles C to A and bracing.
- Photo 13 : Bent 2, condition of east side of pile H, see chart 1.
- Photo 14 : Conditions at southeast end of bent 3, bracing and piles B and A.
- Photo 15 : Northeast endpost and guardrail conditions.

CITY/TOWN LAKEVILLE=MIDDLEBOROUGH	B.I.N. 44E	BR. DEPT. NO. L-01-012=M-18-058	8.-STRUCTURE NO. L01012-44E-MUN-NBI	INSPECTION DATE MAR 27, 2014
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**SKETCHES**

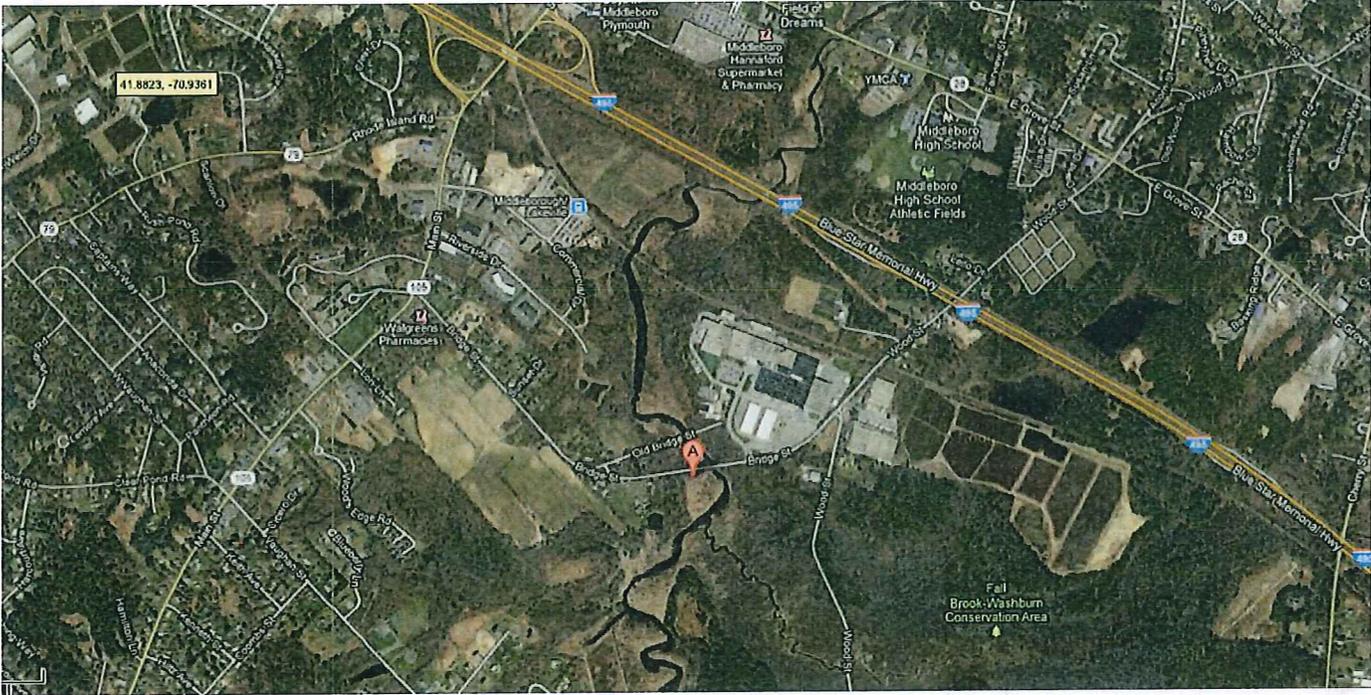


● BATTER PILE

Sketch 1: Plan View (not to scale)

CITY/TOWN <b>LAKEVILLE=MIDDLEBOROUG</b>	B.I.N. <b>44E</b>	BR. DEPT. NO. <b>L-01-012=M-18-058</b>	8-STRUCTURE NO. <b>L01012-44E-MUN-NBI</b>	INSPECTION DATE <b>MAR 27, 2014</b>
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**SKETCHES**



**Sketch 2: Google satellite overviews**

**CHARTS**

	PILE A	PILE B	PILE C	PILE D	PILE E	PILE F	PILE G	PILE H	PILE I	PILE J
BENT 1	Punky w/ checks/splits 6+"D starting 4' below cap.									Hollow sounding starting 4' below cap.
BENT 2								Hollow sound w/ checks/splits 6+"D starting 4' below cap.	Rot near water w/ checks, chunk missing to 6"D, east side.	
BENT 3	Punky w/ checks/splits 6+"D starting 3.5' below cap.	SW hollow w/ checks to 4"D starting 3.5' below cap.	Checking to 3"D		Similar to pile A, starting 4' below cap.		Checks to 2"D, chunk missing @ west side 6"x1.75"			

Chart 1: Supplemental observation of pile conditions, for blank entries: piles exhibit condition described in Item 60.3b

CITY/TOWN LAKEVILLE=MIDDLEBOROUGH	B.I.N. 44E	BR. DEPT. NO. L-01-012=M-18-058	8-STRUCTURE NO. L01012-44E-MUN-NBI	INSPECTION DATE MAR 27, 2014
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**PHOTOS**



**Photo 1: General top side conditions, looking northwest.**



**Photo 2: Condition of span 2 deck drains.**

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8.-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUG	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

**PHOTOS**

**Photo 3:** Condition of east approach pavement and east end of wearing surface, looking north.



**Photo 4:** General underside conditions, span 1 looking north.

CITY/TOWN LAKEVILLE=MIDDLEBOROUGH	B.I.N. 44E	BR. DEPT. NO. L-01-012=M-18-058	8-STRUCTURE NO. L01012-44E-MUN-NBI	INSPECTION DATE MAR 27, 2014
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**PHOTOS**

**Photo 5: General underside conditions, span 4, looking north.**



**Photo 6: General underside conditions, span 2, looking north.**

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUG	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

**PHOTOS**



Photo 7: General underside conditions, span 3, looking south.



Photo 8: Minor slope settlement at east breastwall.

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

**PHOTOS**

Photo 9: Trees growing in slope at southeast, other slopes similar.



Photo 10: View west of piles and channel conditions, from span 4.

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

**PHOTOS**

**Photo 11: Overview of conditions, bent 2, looking northwest, other bents similar.**



**Photo 12: Bent 2, west side conditions, piles C to A and bracing.**

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

**PHOTOS**

Photo 13: Bent 2, condition of east side of pile H, see chart 1.



Photo 14: Conditions at southeast end of bent 3, bracing and piles B and A.

CITY/TOWN	B.I.N.	BR. DEPT. NO.	8.-STRUCTURE NO.	INSPECTION DATE
LAKEVILLE=MIDDLEBOROUGH	44E	L-01-012=M-18-058	L01012-44E-MUN-NBI	MAR 27, 2014

**PHOTOS**

**Photo 15: Northeast endpost and guardrail conditions.**



# 2014 Annual Meeting

Southeastern Regional Planning and Economic Development District

PLEASE JOIN US AT SRPEDD'S 58<sup>TH</sup> ANNUAL MEETING

**Wednesday, May 28, 2014**

**The Chateau**

**48 Bay Road, Norton, MA 02766**

**6:00 PM**

**(5:30 Commissioner Business Meeting)**

Guest Speaker: **Dr. Michael Goodman**, Chair of the UMass Dartmouth  
Department of Public Policy

.....  
PLEASE RSVP BY MAY 22, 2014

Call SRPEDD at 508.824.1367; or register online at [www.srpedd.org](http://www.srpedd.org); or mail form to  
SRPEDD, 88 Broadway, Taunton, MA 02780

Attendees: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Cost is \$40/person; \$320 for a table of 8  
(SRPEDD Commissioners may bring one guest for \$20.00)  
Check for \$ \_\_\_\_\_ is Enclosed



# 2014 Annual Meeting

Southeastern Regional Planning and Economic Development District

## PROGRAM

- 5:30 - Registration/Commissioner Business Meeting
- 6:00 - Social Hour (Cash Bar)
- 7:00 - Buffet Dinner
- 7:45 - Program
- 8:20 - Guest Speaker, Dr. Michael Goodman
- 8:45 - Adjourn

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## BUFFET MENU

Hors d'Oeuvres, Garden Salad, Penne & Broccoli, Chicken Cutlet Parmigiana, Broiled Marinated Sirloin Tips, Tuscan-Style Oven Roasted Potatoes, Cannoli

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## ABOUT OUR GUEST SPEAKER

Michael Goodman is associate professor and chair of the Department of Public Policy at the University of Massachusetts Dartmouth where he directs the face-to-face and fully online Master of Public Policy program.

An economic sociologist, Professor Goodman is a three time past president of the New England Economic Partnership, a nonprofit organization made up of leading regional analysts that produces semi-annual economic forecasts of the economic outlook for each of the six New England states. He currently serves as Co-Editor of MassBenchmarks, the journal of the Massachusetts Economy published by the UMass Donahue Institute in cooperation with the Federal Reserve Bank of Boston. Dr. Goodman earned his MA and Ph.D. at Boston University.

**Jacqueline Shanley**

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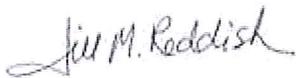
**From:** Reddish, Jill M <jill.m.reddish@verizon.com>  
**Sent:** Tuesday, April 29, 2014 12:47 PM  
**To:** Reddish, Jill M  
**Subject:** RE: Form 200 and 400 Annual Filing  
**Attachments:** Form 200 filing 4-30-14.doc; Form 400 filing - 4-30-14.doc; 2013 Verizon New England Consolidated Financial Statements.pdf

Dear Municipal Manager,

Pursuant to M.G.L. c. 166A, § 8, Verizon New England Inc. ("Verizon New England") is required to file with the Department of Telecommunications and Cable Television and Issuing Authorities CTV Form 200 and CTV Form 400.

Also included is a copy of Verizon New England's Consolidated Financial Statements for 2012, including a Statement of Operations and Balance Sheets for 2013.

Sincerely,



Jill Reddish  
FiOS TV- Sr. Staff Consultant  
Franchise Management  
617 342 0558

**Verizon New England Inc.**

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Condensed Consolidated Financial Statements (Unaudited)  
As of December 31, 2013  
and for the year then ended  
With Financial Statements Certification

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**Verizon New England Inc.**

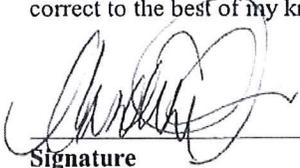
**Index to Condensed Consolidated Financial Statements**

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Condensed Financial Statements Certification .....	2
Condensed Consolidated Statement of Income and Comprehensive Income For the year ended December 31, 2013 .....	3
Condensed Consolidated Balance Sheet At December 31, 2013.....	4

**Verizon New England Inc.**

**CERTIFICATION**

I hereby certify that I have examined this report and that all statements of fact contained therein are true, complete, and correct to the best of my knowledge, and that nothing material has occurred that would require further explanation.

  
\_\_\_\_\_  
**Signature**

Assistant Controller – Verizon New England Inc.  
**Title**

Caroline Armour  
**Printed Name of Signer**

March 27, 2014  
**Date Signed**

Verizon New England Inc.

CONDENSED CONSOLIDATED STATEMENT OF INCOME AND COMPREHENSIVE INCOME  
(Unaudited)

<b>Year Ended December 31,</b>	(dollars in millions)
	<b>2013</b>
<b>Operating Revenues</b>	<b>\$ 2,393</b>
<b>Operating Expenses</b>	
Cost of services and sales (exclusive of items shown below)	819
Selling, general and administrative expense	362
Depreciation and amortization expense	474
<b>Total Operating Expenses</b>	<b>1,655</b>
<b>Operating Income</b>	<b>738</b>
Interest expense	(47)
<b>Income Before Provision for Income Taxes</b>	<b>691</b>
Provision for income taxes	(269)
<b>Net Income and Comprehensive Income</b>	<b>\$ 422</b>

Verizon New England Inc.

CONDENSED CONSOLIDATED BALANCE SHEET  
(Unaudited)

<b>At December 31,</b>	(dollars in millions)
	<b>2013</b>
<b>Assets</b>	
Current assets	
Accounts receivable:	
Trade and other, net of allowances for uncollectibles of \$4	\$ 331
Affiliates	373
Prepaid expenses	11
Deferred charges and other	38
Total current assets	<u>753</u>
Plant, property and equipment	12,089
Less accumulated depreciation	<u>7,938</u>
	<u>4,151</u>
Intangible assets, net	17
Other assets	172
Total assets	<u>\$ 5,093</u>
<b>Liabilities and Shareowner's Investment (Deficit)</b>	
Current liabilities	
Debt maturing within one year:	
Notes payable to affiliate	\$ 1,666
Other	1
Accounts payable and accrued liabilities:	
Affiliates	555
Other	152
Other current liabilities	76
Total current liabilities	<u>2,450</u>
Long-term debt	349
Employee benefit obligations	2,656
Deferred credits and other liabilities:	
Deferred income taxes	249
Unamortized investment tax credits	5
Other	55
	<u>309</u>
Shareowner's investment (deficit)	
Common stock (one share, without par value)	1
Contributed capital	474
Accumulated deficit	<u>(1,146)</u>
Total shareowner's investment (deficit)	<u>(671)</u>
Total liabilities and shareowner's investment (deficit)	<u>\$ 5,093</u>



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

DAVID W. CASH  
Commissioner

\_\_\_\_\_  
In the Matter of: )  
 )  
Rockland Industries, Inc. )  
405 Washington Street )  
Braintree, Massachusetts 02184 )

RE: **MIDDLEBOROUGH**  
Release Tracking Number: 4-0000111  
255 Plymouth Street  
**PENALTY ASSESSMENT NOTICE**  
**PAN-SE-14-3T-001**

Date of PAN Issuance: April 22, 2014  
PAN #: PAN-SE-14-3T-001  
Amount: \$ 26,660.00  
Program ID #: 4-0000111

**THIS NOTICE IS IMPORTANT.**  
**FAILURE TO RESPOND COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

The Massachusetts Department of Environmental Protection ("MassDEP") hereby notifies you of its intent to assess a Civil Administrative Penalty in the amount of **twenty-six thousand, six hundred and sixty dollars (\$26,660)** under the authority of the Civil Administrative Penalties Act, M.G.L. c. 21A, §16, and its regulations at 310 CMR 5.00. The penalty is a result of Rockland Industries, Inc ("Rockland Industries") failure to comply with the Massachusetts Contingency Plan (or "MCP") 310 CMR 40.0000.

### STATEMENT OF FACTS

The following facts have lead to MassDEP issuance of this Civil Administrative Penalty:

1. For purposes of this Order, the "Site" includes an area on and around 255 Plymouth Street, Middleborough, Massachusetts and all other areas where oil and/or hazardous materials emanating from property have come to be located to which MassDEP has assigned Release Tracking Number (RTN) 4-0000111.
2. On August 30, 2001, Rockland Industries initiated an Immediate Response Action ("IRA") at the Site. The IRA was required to address a Condition of Substantial Release Migration ("SRM") as a result of chlorinated volatile organic compounds discharging from the groundwater into the surface water body at the Site.
3. On July 31, 2013, Rockland Industries submitted an IRA Completion Statement to MassDEP. The IRA Completion Statement relied on an environmental risk characterization to document that "the chemical concentrations in the localized, intermittent surface water do not represent an ecological risk."

4. MassDEP reviewed the IRA Completion Statement and found that the conclusions of the environmental risk characterization did not conform to the Department's Risk Characterization Guidance and were not adequately supported. MassDEP communicated its findings to Rockland Industries in an IRA Completion Report Partial Denial letter on February 6, 2013. That letter outlined steps required to address the deficiencies in the risk assessment and instructed that a new IRA Plan be submitted to MassDEP. Rockland Industries did not respond to the IRA Completion Report Partial Denial letter.
  - a. 310 CMR 40.0427(1)(a) provides in part an Immediate Response Action shall be considered completed when the release, threat of release and/or site conditions which give rise to the need for that Immediate Response Action, as described in 310 CMR 40.0412, have been assessed and, where necessary, remediated in a manner and to a degree that will ensure, at a minimum: (a) the accomplishment of any necessary stabilization of site conditions.
  - b. 310 CMR 40.0995 provides in part that the characterization of risk of harm to the environment shall be conducted for all current and reasonably foreseeable Site Activities and Uses identified in 310 CMR 40.0923. Characterization of the risk of harm to the environment shall include an assessment of chemical data, potential contaminant migration pathways, and an evaluation of biota and habitats at and in the vicinity of the disposal site, as described in 310 CMR 40.0995(2), as well as through the application of Upper Concentration Limits, as described in 310 CMR 40.0995(5).
5. On September 6, 2013, MassDEP issued to Rockland Industries a Notice of Noncompliance ("NON") (NON-SE-13-3T-074). The NON outlined violations of the MCP as stated above. The NON established a deadline of November 8, 2013, for Rockland Industries to submit to MassDEP a revised Immediate Response Action Plan to address the violations cited above.
6. To date, Rockland Industries has not complied with MassDEP's September 6, 2013, NON.
7. On March 12, 2014, MassDEP issued to Rockland Industries a Notice of Enforcement Conference ("NOEC"), requesting that Rockland Industries attend a conference with MassDEP on March 26, 2014 to discuss the Notice of Noncompliance. In the NOEC, MassDEP established an enforceable interim deadline pursuant to 310 CMR 40.0167 for reaching a negotiated settlement of penalties associated with the noncompliance, as well as a commitment from Rockland Industries to undertake the response actions necessary to return to compliance. Despite proof of receipt, Rockland Industries did not respond to the NOEC or communicate with the Department in any way, and they did not attend the conference.

#### DISPOSITION

Pursuant to the authority and reasons stated herein, MassDEP hereby assesses a civil administrative penalty on Rockland Industries in the amount **Twenty-Six Thousand, Six Hundred and Sixty Dollars (\$26,660)**.

Pursuant to 310 CMR 5.32(3), the amount assessed for the violation, described above is as follows:

1. **310 CMR 40.0427(4)** (Immediate Response Action Completion Reports), Twenty Five Thousand, Eight Hundred Dollars (\$25,800). This calculation is based on an underlying penalty amount of Eight Hundred Sixty Dollars (\$860) at thirty (30) days of continuing violation.
2. **310 CMR 40.0995** (Method 3 Environmental Risk Characterization), Eight Hundred Sixty Dollars (\$860). As required by M.G.L. c. 21A, §16 and 310 CMR 5.25, MassDEP considered the following factors in determining the amount of the penalty:
3. The actual and potential impact on public health, safety, and welfare, and the environment, of the non-compliance;

4. The actual and potential damages suffered, and actual or potential costs incurred, by the Commonwealth, or by any other person, as a result of the non-compliance;
5. Whether Rockland Industries took steps to prevent the non-compliance;
6. Whether Rockland Industries took steps to promptly come into compliance after the occurrence of the non-compliance;
7. Whether Rockland Industries took steps to remedy and mitigate whatever harm might have been done as a result of the non-compliance;
8. Whether Rockland Industries has previously failed to comply with any regulation, order, license, or approval issued or adopted by MassDEP, or any law which MassDEP has the authority or responsibility to enforce;
9. Making compliance less costly than non-compliance;
10. Deterring future noncompliance by Rockland Industries;
11. Deterring future noncompliance by persons other than Rockland Industries;
12. Rockland Industries financial condition;
13. The public interest; and
14. Any other factor(s) that reasonably may be considered in determining the amount of a Penalty.

**Full payment of the \$26,660.00 penalty must be received by MassDEP no later than twenty-one (21) days from the date of this Penalty Assessment Notice ("PAN").** Payment must be made by cashier's check, certified check or money order made payable to the Commonwealth of Massachusetts and must be sent to: Commonwealth of Massachusetts, Department of Environmental Protection, Commonwealth Master Lockbox, P.O. Box 3982, Boston, MA 02241-3982. In order to insure your payment is correctly applied, please include on your check the PAN number PAN-SE-14-3T-001.

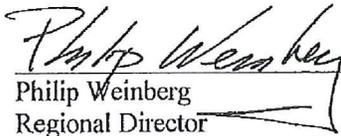
You have a right to appeal this PAN, as described in the instructions included with this Notice. If you fail to pay the penalty or to file a timely appeal (see attached appeal instructions for details), the penalty will become final and the MassDEP will proceed to collect the debt. The debt may be referred either to a collection agency, to the Massachusetts Attorney General's Office for collection or to the State Comptroller's Office for collection and interception of other money due to you from the state. In the event of nonpayment of a final penalty, the MassDEP is entitled to assess and collect up to **three times** the amount of the final penalty, plus interest and costs from the time the penalty became final, plus attorney's fees, including fees directly incurred from penalty collection, pursuant to M.G.L. c. 21A, §16.

**Payment of this penalty does not constitute compliance with the MCP.** If you do not make the required submittals immediately, you remain subject to continued enforcement action by MassDEP. The issuance of this penalty does not preclude further action, including assessment of additional administrative, civil or criminal penalties deemed necessary by MassDEP to obtain compliance.

If you have any questions about this penalty, please contact John Handrahan at (508) 946-2883.

SO ORDERED:

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY:   
Philip Weinberg  
Regional Director

DATE: 4/22/14

**Bureau Contact:** Gerard M. R. Martin, Chief  
Brownfields, C&E and Risk Reduction Section  
Bureau of Waste Site Cleanup

GM/JH/lg

W:\BWSC\Document Archive\4-0000111.Middleboro.PAN.04-22-2014

Attachments: Copy of Notice of Noncompliance  
Copy of Procedures for Appeal

CERTIFIED MAIL # 7012 1640 0001 4831 3027  
RETURN RECEIPT REQUESTED

ec: Board of Health

Board of Selectmen

DEP-SERO

Attn: Millie Garcia-Serrano, Deputy Regional Director

Attn: Gerard Martin, Enforcement Coordinator

Attn: John Handrahan, BWSC

Attn: Dawn Stolfi Stalenhoef, Chief Regional Counsel

Attn: Lisa Ramos, Regional Enforcement Office

Attn: Lara Goodine, BWSC – Data

Attn: Lee MacEachern

cc: DEP-SERO

Attn: Regional Enforcement Office

## PROCEDURES FOR APPEALING THIS PENALTY

### Requesting a Hearing

You have a right to appeal this penalty by requesting an adjudicatory hearing. To do so, your written request for a hearing must be **received** by the Department at the lockbox identified below within twenty-one (21) calendar days from the date the Penalty Assessment Notice ("PAN") was issued (i.e. the date the PAN was postmarked). All hearing requests must contain a denial of the violations alleged in the penalty assessment notice, an assertion that the amount of the penalty is excessive, or both.

### Adjudicatory Hearings

A formal adjudicatory hearing is one that meets all the procedural requirements of M.G.L. c. 30A, §11. In a formal hearing, the parties may conduct discovery, submit written motions and briefs, submit live or written testimony, cross-examine witnesses and present other documentary evidence to an administrative law judge. Under Departmental policy, all formal adjudicatory hearings are completed within one year of receipt of the request for the hearing. Final written decisions resolving formal hearings are issued by the Commissioner within 3½ months after the close of the hearing record. **A form for requesting a formal adjudicatory hearing is attached.**

### Required Filing Fees and Mailing Address

Unless you are exempt or request a fee waiver as described below, your request for a hearing must include payment of the applicable filing fee pursuant to 310 CMR 4.06: **\$100** for formal adjudicatory hearings. Your hearing request will be dismissed if a required filing fee is not paid.

Send your request for a hearing and the filing fee to: **Commonwealth of Massachusetts, Department of Environmental Protection, Commonwealth Master Lockbox, P.O. Box 4062, Boston, MA 02211-4062.**

### Exemptions and Waivers from the Filing Fee

Petitioners are exempt from the filing fee requirement if they are cities, towns, counties, districts of the Commonwealth, municipal housing authorities or other municipal authorities, and federally recognized Indian tribal housing authorities. The Department may waive the filing fee for any person who demonstrates that paying the fee will create an undue financial hardship. To seek a waiver, your request for a hearing must include a statement of the facts supporting your claim of financial hardship.



**Massachusetts Department of Environmental Protection  
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

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



**B. Applicant (if applicable)**

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

**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



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

DAVID W. CASH  
Commissioner

April 22, 2014

Mr. Stephen Striar, President  
Rockland Industries, Inc.  
405 Washington Street  
Braintree, Massachusetts 02184

RE: **MIDDLEBOROUGH**  
Release Tracking Number: 4-0000111  
Rockland Industries  
255 Plymouth Street  
**UNILATERAL ADMINISTRATIVE  
ORDER**  
UAO-SE-14-3T-001

Dear Mr. Striar:

Enclosed is a Unilateral Administrative Order requiring you to conduct activities at the site referenced above. This document is being issued due to your failure to conduct activities as required in the Department of Environmental Protection's Notice of Noncompliance, dated September 6, 2013.

Please contact John Handrahan by calling (508) 946-2883 if you have any questions.

Sincerely,

  
Philip Weinberg  
Regional Director

M/JTH/lg

Enclosures: Original Copy of Unilateral Administrative Order UAO-SE-14-3T-001

CERTIFIED MAIL # 7013 1090 0000 9295 4260  
RETURN RECEIPT REQUESTED

W:\BWSC\Document Archive\4-0000111.Middleboro.UAO.04-22-2014

cc: Board of Health  
Board of Selectmen

DEP-SERO

Attn: Millie Garcia-Serrano, Deputy Regional Director

Attn: Gerard Martin, Enforcement Coordinator

Attn: John Handrahan, BWSC

Attn: Dawn Stolfi Stalenhoef, Chief Regional Council

Attn: Lisa Ramos, Regional Enforcement Office

Attn: Lara Goodline, BWSC – Data

Attn: Lee MacEachern

cc: DEP-SERO

Attn: Regional Enforcement Office

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

\_\_\_\_\_  
In the Matter of: )  
 )  
Rockland Industries, Inc. )  
405 Washington Street )  
Braintree, Massachusetts 02184 )  
 )  
 )  
 )  
 )  
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 )  
\_\_\_\_\_ )

RE: **MIDDLEBOROUGH**  
Release Tracking Number: 4-0000111  
255 Plymouth Street  
**UNILATERAL ADMINISTRATIVE**  
**ORDER**  
UAO-SE-14-3T-001

**THIS ORDER IS IMPORTANT.**  
**FAILURE TO RESPOND COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

**I. THE PARTIES**

- 1) The Department of Environmental Protection ("MassDEP" or the "Department") is a duly constituted agency of the Commonwealth of Massachusetts (the "Commonwealth"). MassDEP maintains a primary office at One Winter Street, Boston, Massachusetts 02108, and a regional office at 20 Riverside Drive, Lakeville, Massachusetts 02347.
- 2) Rockland Industries, Inc. ("Rockland Industries" or "Respondent") is a tenant of the property located at 255 Plymouth Street, Middleborough. The property has historically been used for chemical manufacturing.

**II. STATEMENT OF PURPOSE**

- 3) This Unilateral Administrative Order (the "Order") is issued to Rockland Industries, Inc. because it is in the public interest to proceed promptly with the response actions called for herein.

**III. STATEMENT OF LAW**

- 4) MassDEP is charged with the implementation and enforcement of the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, as amended, ("M.G.L. c. 21E") and the regulations promulgated thereunder as the Massachusetts Contingency Plan (the "MCP") at 310 C.M.R. 40.0000 *et seq.* .
- 5) Unless otherwise indicated, the terms used herein shall have the meaning given to them by M.G. L. c. 21E and/or the MCP. In addition, the term "Site" or "Sites" shall also mean the real property located at 255 Plymouth Street, Middleborough, Massachusetts ("Property") and any other place or area where oil and/or hazardous material has come to be located, to which MassDEP has assigned Release Tracking Number (RTN) 4-0000111. Rockland Industries as operator is a Responsible Party ("RP") or Potentially Responsible Party ("PRP") for the Site and has been conducting the Response Actions.
- 6) Pursuant to M.G.L. c. 21E, § 9, whenever it has reason to believe that oil or hazardous material has been released or that there is a threat of release of oil or hazardous material, MassDEP may issue to any person described in M.G.L. c. 21E, § 5 an order requiring such person to conduct an assessment of such release or threat of release. Whenever there is a violation of M.G.L. c. 21E, MassDEP may

also issue to a person causing or contributing to the violation an order requiring the production or analysis of samples and the production of records, or imposing such restraints of or requiring such actions by said persons.

- 7) Issuance of an order by MassDEP pursuant to M.G.L. c. 21E, § 9 shall not preclude, and shall not be deemed an election to forego, any action authorized by M.G.L. c. 21E, § 4 or any action to recover damages, costs, or to seek civil penalties, criminal fines and sanctions, or injunctive relief.
- 8) An order issued pursuant to M.G.L. c. 21E, § 10(a) shall be subject to an adjudicatory proceeding and shall be subject to all provisions of M.G.L. c. 30A governing adjudicatory proceedings.
- 9) Any person aggrieved by the issuance of an order pursuant to M.G.L. c. 21E, § 9 may request an adjudicatory hearing before MassDEP, pursuant to M.G.L. c. 21E, § 10(a).
- 10) MassDEP is authorized to assess civil administrative penalties pursuant to M.G.L. c. 21A, § 16 and the regulations promulgated thereunder at 310 C.M.R. 5.00 et. seq..
- 11) Pursuant to M.G.L. c. 21E, § 11, any violation of M.G.L. c. 21E, or any order issued thereunder, shall be presumed to constitute irreparable harm to the public health, safety, welfare or the environment. Such presumption may be rebutted by a preponderance of the evidence.
- 12) Pursuant to M.G.L. c. 21E, § 11, in addition to costs incurred by the Commonwealth for the investigation, assessment, containment and removal of a release or threat of release of oil or hazardous material, any person who violates any provision of M.G.L. c. 21E, or any order or regulation issued or adopted thereunder: (a) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each such violation; or (b) shall be punished by 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.
- 13) Pertinent provision(s) of the Massachusetts Contingency Plan are as follows:

310 CMR 40.0010

Effect of Orders and Appeals

The issuance of an order under M.G.L. c. 21E, §§ 9 or 10, or any appeal of an order issued under M.G.L. c. 21E, § 9, shall not prevent MassDEP from issuing any future order(s) or from taking any other action authorized by law, including, but not limited to, taking or arranging for one or more response actions at the disposal site which is the subject of the order or appeal.

310 CMR 40.0427

Immediate Response Action Completion Reports

1) An Immediate Response Action shall be considered complete when the release, threat of release and/or site conditions which give rise to the need for that Immediate Response Action, as described in 310 CMR 40.0412, have been assessed and, where necessary, remediated in a manner and to a degree that will ensure, at a minimum:  
(a) the accomplishment of any necessary stabilization of site conditions.

310 CMR 40.0995

Method 3 Environmental Risk Characterization

The characterization of risk of harm to the environment shall be conducted for all current and reasonably foreseeable Site Activities and Uses identified in 310 CMR 40.0923. Characterization of the risk of harm to the environment shall include an assessment of chemical data, potential contaminant migration pathways, and an evaluation of biota and habitats at and in the vicinity of the disposal site, as described in 310 CMR 40.0995(2), as well as through the application of Upper Concentration Limits, as described in 310 CMR 40.0995(5).

310 CMR 40.0706(1)

Additional Application Submittal Requirements for Tier I Permit Extensions

(a) A Tier I Permit Extension Application shall be submitted to the Department at least 45 days before the date of expiration of the Tier I Permit.

310 CMR 40.0550(2)

Response Action Deadlines and Requirements for Tier I Disposal Sites

Except as expressly provided by 310 CMR 40.0530(6), 310 CMR 40.0550(3), or 310 CMR 40.0000, or as otherwise ordered or agreed to in writing by the Department, any person undertaking response actions at a Tier I disposal site pursuant to a Tier I Permit shall submit the following documents to the Department by the following deadlines:[...] (d) a Response Action Outcome Statement pursuant to 310 CMR 40.1000 within five years of the effective date of such permit.

- 14) All terms contained in this Order that are defined in M.G.L. c. 21E and/or the MCP shall have the meaning given to them in M.G.L. c. 21E and/or the MCP.

**IV. STATEMENT OF FACTS**

- 15) On August 30, 2001, Rockland Industries initiated an Immediate Response Action (“IRA”) at the Site. The IRA was required to address a Condition of Substantial Release Migration (“SRM”) as a result of chlorinated volatile organic compounds discharging from the groundwater into the surface water body at the Site.
- 16) On July 31, 2013, Rockland Industries submitted an IRA Completion Statement to MassDEP. The IRA Completion Statement relied on an environmental risk characterization to document that “the chemical concentrations in the localized, intermittent surface water do not represent an ecological risk.
- 17) MassDEP review the IRA Completion Statement and found that the conclusions of the environmental risk characterization did not conform to the Department’s Risk Characterization Guidance and were not adequately supported. MassDEP communicated its findings to Rockland

Industries in an IRA Completion Report Partial Denial letter on February 6, 2013. That letter outlined steps required to address the deficiencies in the risk assessment and instructed that a new IRA Plan be submitted to MassDEP. Rockland Industries did not respond to the IRA Completion Report Partial Denial letter.

- 18) 310 CMR 40.0427(1)(a) provides in part an Immediate Response Action shall be considered completed when the release, threat of release and/or site conditions which give rise to the need for that Immediate Response Action, as described in 310 CMR 40.0412, have been assessed and, where necessary, remediated in a manner and to a degree that will ensure, at a minimum: (a) the accomplishment of any necessary stabilization of site conditions.
- 19) 310 CMR 40/0995 provides in part that the characterization of risk of harm to the environment shall be conducted for all current and reasonably foreseeable Site Activities and Uses identified in 310 CMR 40.0923. Characterization of the risk of harm to the environment shall include an assessment of chemical data, potential contaminant migration pathways, and an evaluation of biota and habitats at and in the vicinity of the disposal site, as described in 310 CMR 40.0995(2), as well as through the application of Upper Concentration Limits, as described in 310 CMR 40.0995(5).
- 20) On September 6, 2013, MassDEP issued to Rockland Industries a Notice of Noncompliance ("NON") (NON-SE-13-3T-074). The NON outlined violations of the MCP as stated above. The NON established a deadline of November 8, 2013, for Rockland Industries to submit to MassDEP a revised Immediate Response Action Plan to address the violations cited above.
- 21) To date, Rockland Industries has not complied with MassDEP's September 6, 2013 NON.
- 22) Pursuant to 310 CMR 40.0706, a Tier I Permit Extension Application shall be submitted to the Department at least 45 days before the date of expiration of the Tier I Permit. The Tier I Permit for the site expired on July 15, 2012. Rockland Industries has yet to file a Tier I Permit Extension with the Department.
- 23) Pursuant to 310 CMR 40.0550, a Response Action Outcome Statement is due to be submitted to the Department, within five years of the effective date of the Tier I Permit. The effective date of the Tier I Permit for this site is March 27, 1995. A Response Action Outcome Statement was due to be submitted to the Department by March 27, 2000. As of the date of this Order, Rockland Industries has not yet submitted a Response Action Outcome Statement to the Department.

#### V. DISPOSITION

- 24) This Order is issued by MassDEP pursuant to its authorities under M.G.L. c. 21E §§ 9 and 10.
- 25) For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part IV above.
- 26) Nothing in this Order shall be construed as or operate as, barring, diminishing, adjudicating, or in any way affecting the legal or equitable right of MassDEP to issue any future Order with respect to the subject matter covered by this Order, or in any way affecting any other claim, action, suit, cause of action, or demand which MassDEP may initiate, including, but not limited to, the: (i) recovery of costs incurred by the Commonwealth in oversight, administration and enforcement of this Order, (ii) recovery of any other past or future costs incurred by the Commonwealth in connection with response activities conducted at the Site or related areas arising out of the release or threat of release of oil and/or hazardous material, (iii) recovery of damages to natural resources pursuant to M.G.L. c. 21E § 5 or 42 U.S.C. § 9601, et. seq., (iv) recovery of damages to the Commonwealth's real or personal property pursuant to M.G.L. c. 21E, Section 5, (v) enforcement of the terms of this Order,

- (vi) enforcement of past or future noncompliance with any statute or regulation, and/or (vii) the right to seek administrative penalties or take other enforcement action for the violations set forth herein.
- 27) Nothing in this Order shall prevent MassDEP from requiring that Rockland Industries take additional actions or pay additional fees beyond those required in this Order in order to comply with all applicable statutes and regulations including, without limitation, the MCP and M.G.L. c. 21E.
- 28) MassDEP hereby determines that the deadlines set forth in this Order constitute reasonable times to perform the acts in this Order and that the activities required pursuant to this Order otherwise meet the requirements of M.G.L. c. 21E and the MCP.
- 29) The activities required pursuant to this Order are subject to approval by MassDEP and shall comply with all other applicable federal, state and local laws.
- 30) This Order shall apply to and be binding upon Rockland Industries, its agents, heirs, successors, and assigns. No change in property ownership will alter in any way the responsibility of Rockland Industries under this Order. Rockland Industries shall provide a signed copy of this Order to any subsequent owner, heirs, successors and assigns before rights are transferred.
- 31) Rockland Industries shall provide a copy of this Order to each, LSP, contractor or consulting firm retained to conduct any portion of the work pursuant to this Order.
- 32) Notwithstanding the terms of any contract, Rockland Industries shall not violate this Order and shall not allow their contractors, subcontractors, consultants, LSP, successors, heirs, assigns or agents to violate this Order.

#### VI. ORDER

- 33) For the reasons and under the authority set forth in Sections II, III, IV and V of this Order, MassDEP hereby issues this Order to Rockland Industries:
- 34) On the date this Order becomes effective, Rockland Industries shall comply with the following schedule:
- a) By **May 1, 2014**, Rockland Industries shall submit to MassDEP a Tier I Permit Extension Submittal, prepared in accordance with 310 CMR 40.0700.
  - b) By **May 1, 2014**, Rockland Industries shall submit to MassDEP an IRA Plan designed to address the violations that have been identified in the previously submitted IRA Completion Statement. Specifically, the Plan should include a proposal for additional soil / sediment sampling in the re-graded swale area, to a depth of 24 inches at a minimum, additional surface water and groundwater sampling in the re-graded swale, and a scope of work for a revised Stage II Environmental Risk Characterization, prepared in full accordance with the provision of 310 CMR 40.0995.
  - c) By **September 1, 2014**, the Respondent shall submit to MassDEP a Phase IV Remedy Implementation Plan (RIP) prepared in full accordance with the provisions of 310 CMR 40.0870.
  - d) By **September 1, 2015**, Respondent shall submit a Permanent Solution Statement or Temporary Solution Statement to MassDEP, prepared in full accordance with 310 CMR 40.1000. This deadline to achieve a Permanent or Temporary Solution shall not apply if

Respondent achieves Remedy Operation Status pursuant to 310 CMR 40.0893 on or before September 1, 2015.

If, at any time after the completion of the Stage II Environmental Risk Characterization identified in item a) above, the Respondent can demonstrate and submit documentation to MassDEP sufficient to support the conclusion that a Permanent Solution or Temporary Solution has been achieved at the Site in full accordance with the provisions of 310 CMR 40.1000, the Respondent need not to continue with Comprehensive Response Actions at the Site, pursuant to 310 CMR 40.0550(3).

**VII. NOTICE OF RIGHT TO REQUEST ADJUDICATORY HEARING**

- 35) Rockland Industries is hereby notified of its right to an adjudicatory hearing on this Unilateral Administrative Order under the provisions of M.G.L. c. 30A and in accordance with 310 CMR 1.00 and 310 CMR 40.0050 within twenty-one (21) days of the date of issuance of this Unilateral Administrative Order.
- 36) Any request by the Respondent for a hearing on this Unilateral Administrative Order must be sent with the enclosed form and the \$100.00 fee to:

Docket Clerk  
Department of Environmental Protection  
Box 4062  
Boston, Massachusetts 02211

by certified mail or hand-delivery within twenty-one (21) days of the date of issuance of this Unilateral Administrative Order. A copy of the request shall be sent by certified mail or hand-delivered simultaneously to:

Bureau of Waste Site Cleanup  
Department of Environmental Protection  
Southeast Regional Office  
Bureau of Waste Site Cleanup  
20 Riverside Drive  
Lakeville, Massachusetts, 02347

and the Chief Municipal Officer for the municipality where the disposal site is located.

- 37) Any request by Rockland Industries for a hearing on this Unilateral Administrative Order, submitted pursuant to 310 CMR 40.0050, shall state clearly and concisely the facts which are grounds for the proceeding, in what manner the person, in whose name the request is made, is aggrieved and the remedy that is being sought. The appropriate filing fee required under 310 CMR 4.00 shall be sent to MassDEP in the manner required herein.
- 38) Pursuant to 310 CMR 40.0050(7), the filing of an appeal of this Unilateral Administrative Order shall not prevent MassDEP from issuing any future orders or taking any other action MassDEP reasonably deems necessary to respond to a release or threat of release of oil or hazardous material, including, but not limited to, taking or arranging one or more response actions at the Site.

**VIII. ADDITIONAL PROVISIONS**

- 39) Pursuant to M.G.L. c. 21E § 10(a), if Rockland Industries fails to timely file an appeal of this Order, this Order shall be deemed assented to and becomes effective twenty-one (21) days after the date of issuance of this Order. If Rockland Industries appeals the Order, the effective date will be established pursuant to the terms and provisions of M.G.L. c. 30A and 310 CMR 1.00.
- 40) MassDEP represents that the Regional Director has the authority to issue this Order on behalf of MassDEP.
- 41) MassDEP may, on its own initiative or upon reasonable documented request from Rockland Industries, extend any deadline established in Section VI of this Order, by a written amendment hereto. If Rockland Industries has reason to know that any event has occurred or may occur which could cause delay of performance hereunder, Rockland Industries shall immediately notify MassDEP in writing, specifying the cause for the delay.
- 42) Failure of MassDEP to complain of action or non-action on the part of Rockland Industries shall not constitute a waiver by MassDEP of any of its rights hereunder. Furthermore, no waiver by MassDEP of any provision herein shall be construed as a waiver of any other provision herein.
- 43) If any term or provision of this Order, or the application thereof, to any person or circumstance, shall, to any extent, be invalid or unenforceable, the remainder of this Order, and the application thereof, shall not be affected thereby, and each remaining term and provision shall be valid and enforceable to the extent permitted by law.
- 44) Each document submission required from Rockland Industries by this Order shall be submitted to:
- Bureau of Waste Site Cleanup  
Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347
- 45) The submission(s) required by this Order shall be accompanied by any applicable fee(s).

SO ORDERED:

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

BY: Philip Weinberg  
Mr. Philip Weinberg  
Regional Director  
MassDEP – Southeast Regional Office  
20 Riverside Drive  
Lakeville, Massachusetts 02347

DATE: 4/22/14



Massachusetts Department of Environmental Protection

# 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

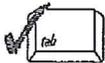
Zip Code

DEP File or ID Number

\$

Amount of filing fee attached

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



## B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City

State

Zip Code

## 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

**APRIL 24, 2013**

**ENCLOSED:**

- CTV FORM 200            FINANCIAL BALANCE SHEET**
- CTV FORM 300            STATEMENT OF REVENUE & EXPENSES  
PARTS A & B**
- CTV FORM 400            STATEMENT OF OWNERSHIP**

**FOR THE COMBINED MASSACHUSETTS CABLE TELEVISION  
OPERATIONS OF COMCAST CABLE COMMUNICATIONS, LLC  
FOR THE FISCAL YEAR ENDED  
DECEMBER 31, 2013.**

*cc: Cable Committee*

**CTV FORM 200  
FINANCIAL BALANCE SHEET**

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.  
Franchises Served: See Attachment A  
Year Ending: December 31, 2013

	Current Year 2013	Prior Year 2012
<b>ASSETS</b>		
<u>Current Assets</u>		
200 Cash and Equivalents	\$ 11,202	\$ 34,466
210 Accounts Receivable, Less Allowances	\$ 43,948,551	\$ 64,410,753
220 Inventory	\$ 11,097,036	\$ 7,691,401
230 Prepaid Expenses	\$ 3,207,032	\$ 3,728,001
240 Other Current Assets	\$ 64,236	\$ 241,533
<b>250 Total Current Assets</b>	<b>\$ 58,328,057</b>	<b>\$ 76,106,155</b>
<u>Fixed Operating Assets</u>		
260 Land	\$ 10,370,988	\$ 10,794,419
270 Buildings	\$ 58,318,027	\$ 58,589,980
280 Headend Equipment	\$ 304,146,623	\$ 259,606,735
290 Trunk and Distribution Equipment	\$ 1,921,085,555	\$ 1,856,293,664
300 Subscriber Devices	\$ 678,789,599	\$ 638,705,862
310 Other Fixed Operating Assets	\$ 127,929,054	\$ 103,332,515
320 Construction Work in Progress	\$ -	\$ -
<b>330 Total Fixed Operating Assets</b>	<b>\$ 3,100,639,846</b>	<b>\$ 2,927,323,175</b>
340 Accumulated Depreciation	\$ (2,031,773,451)	\$ (1,687,632,917)
<b>Net Fixed Operating Assets</b>	<b>\$ 1,068,866,395</b>	<b>\$ 1,239,690,258</b>
<u>Other Operating Assets</u>		
350 Franchise Acquisition Costs	\$ 4,144,990,151	\$ 4,132,003,707
360 Excess Fair Value	\$ -	\$ -
370 Goodwill	\$ 27,597,247	\$ 27,597,247
380 Other Intangible Assets	\$ 113,780,840	\$ 100,783,471
<b>390 Total Other Assets</b>	<b>\$ 4,286,368,238</b>	<b>\$ 4,260,384,425</b>
400 Accumulated Amortization	\$ (108,839,519)	\$ (286,861,405)
<b>Net Other Assets</b>	<b>\$ 4,177,528,719</b>	<b>\$ 3,973,523,021</b>
Non-Operating Assets	\$ -	\$ -
<b>410 Total Net Assets</b>	<b>\$ 5,304,723,171</b>	<b>\$ 5,289,319,434</b>

**CTV FORM 200  
FINANCIAL BALANCE SHEET**

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.  
Franchises Served: See Attachment A  
Year Ending: December 31, 2013

	Current Year 2013	Prior Year 2012
<b>LIABILITIES AND OWNER'S EQUITY</b>		
<b><u>Current Liabilities</u></b>		
420 Accounts Payable	\$ 3,771,522	\$ 9,721,563
430 Subscriber Advance Payments and Deposits	\$ 14,051,002	\$ 13,983,273
440 Debt Due within One Year	\$ 252,946	\$ 219,870
450 Current Taxes Payable	\$ 1,412,333	\$ 2,273,128
460 Other Current Liabilities	\$ 43,998,629	\$ 58,935,651
<b>470 Total Current Liabilities</b>	<b>\$ 63,486,432</b>	<b>\$ 85,133,486</b>
<b><u>Non Current Liabilities</u></b>		
480 Long-Term Debt	\$ -	\$ 89,612
490 Notes Payable	\$ -	\$ -
500 Bonds Payable	\$ -	\$ -
510 Obligation on Capitalized Leases	\$ 1,168,426	\$ 1,504,480
520 Deferred Taxes	\$ -	\$ -
530 Other Non Current Liabilities	\$ 6,856,787	\$ 6,056,247
<b>540 Total Non Current Liabilities</b>	<b>\$ 8,025,213</b>	<b>\$ 7,650,338</b>
<b><u>Owner's Equity</u></b>		
550 Net Assets due from/to Parent Company	\$ (656,724,551)	\$ (394,812,132)
560 Capital Stock	\$ 6,523,231,203	\$ 6,523,231,203
570 Retained Earnings - Gross	\$ 131,704,874	\$ (166,883,462)
580 Accumulated Dividends	\$ (765,000,000)	\$ (765,000,000)
590 Other	\$ -	\$ -
<b>600 Total Owner's Equity</b>	<b>\$ 5,233,211,526</b>	<b>\$ 5,196,535,610</b>
<b>610 Total Liabilities and Equity</b>	<b>\$ 5,304,723,171</b>	<b>\$ 5,289,319,434</b>

## ATTACHMENT A

### COMBINED MASSACHUSETTS OPERATIONS OF COMCAST CABLE COMMUNICATIONS HOLDINGS, INC.

#### SCHEDULE OF FRANCHISES SERVED IN COMMONWEALTH OF MASSACHUSETTS AS OF DECEMBER 31, 2013

1 Abington	41 Chatham	81 Groveland	121 Mattapoisett	161 Plainville	201 Tewksbury
2 Acton	42 Chelmsford	82 Halifax	122 Maynard	162 Plymouth	202 Tisbury
3 Acushnet	43 Chelsea	83 Hamilton	123 Medfield	163 Plympton	203 Topsfield
4 Agawam	44 Chester	84 Hanover	124 Medford	164 Provincetown	204 Townsend
5 Amesbury	45 Chilmark	85 Hanson	125 Medway	165 Quincy	205 Truro
6 Amherst	46 Clinton	86 Hardwick	126 Melrose	166 Randolph	206 Tyngsborough
7 Andover	47 Cohasset	87 Harwich	127 Mendon	167 Raynham	207 Upton
8 Aquinnah	48 Concord	88 Hatfield	128 Merrimac	168 Reading	208 Wakefield
9 Arlington	49 Conway	89 Haverhill	129 Methuen	169 Rehoboth	209 Walpole
10 Ashburnham	50 Danvers	90 Hingham	130 Middleborough	170 Revere	210 Waltham
11 Ashby	51 Dartmouth	91 Holbrook	131 Middleton	171 Rochester	211 Ware
12 Ashland	52 Dedham	92 Holliston	132 Milford	172 Rockland	212 Wareham
13 Attleboro	53 Deerfield	93 Holyoke	133 Millis	173 Rockport	213 Warren
14 Avon	54 Dennis	94 Hopedale	134 Milton	174 Rowley	214 Watertown
15 Ayer	55 Dighton	95 Hopkinton	135 Monson	175 Salem	215 Wayland
16 Barnstable	56 Dover	96 Hudson	136 Montague	176 Salisbury	216 Wellesley
17 Bedford	57 Dracut	97 Hull	137 Nahant	177 Sandwich	217 Wellfleet
18 Bellingham	58 Duxbury	98 Huntington	138 Nantucket	178 Saugus	218 Wenham
19 Belmont	59 East Bridgewater	99 Ipswich	139 Natick	179 Scituate	219 West Bridgewater
20 Berkley	60 Eastham	100 Kingston	140 Needham	180 Seekonk	220 West Newbury
21 Bernardston	61 Easton	101 Lakeville	141 New Bedford	181 Sharon	221 West Springfield
22 Beverly	62 Edgartown	102 Lancaster	142 Newbury	182 Shelburne	222 West Tisbury
23 Billerica	63 Erving	103 Lawrence	143 Newburyport	183 Sherborn	223 Westfield
24 Blackstone	64 Essex	104 Leominster	144 Newton	184 Shirley	224 Westford
25 Bolton	65 Everett	105 Lexington	145 Norfolk	185 Somerset	225 Westhampton
26 Boston	66 Fairhaven	106 Lincoln	146 North Andover	186 Somerville	226 Westminster
27 Bourne	67 Fall River	107 Littleton	147 North Attleborough	187 South Hadley	227 Weston
28 Boxborough	68 Falmouth	108 Longmeadow	148 North Reading	188 Southborough	228 Westwood
29 Boxford	69 Fitchburg	109 Lowell	149 Northampton	189 Southwick	229 Weymouth
30 Braintree	70 Foxboro	110 Lunenburg	150 Northfield	190 Springfield	230 Whately
31 Brewster	71 Framingham	111 Lynn	151 Norton	191 Sterling	231 Whitman
32 Bridgewater	72 Franklin	112 Lynnfield	152 Norwell	192 Stoneham (2)	232 Williamsburg
33 Brockton	73 Freetown	113 Malden	153 Norwood	193 Stoughton	233 Wilmington
34 Brookline	74 Gardner	114 Manchester by the Sea	154 Oak Bluffs	194 Stow	234 Winchendon
35 Buckland	75 Georgetown	115 Mansfield	155 Orleans	195 Sudbury	235 Winchester
36 Burlington	76 Gill	116 Marblehead	156 Palmer	196 Sunderland	236 Winthrop
37 Cambridge	77 Gloucester	117 Marion	157 Peabody	197 Swampscott	237 Woburn
38 Canton	78 Granby	118 Marlborough	158 Pelham	198 Swansea	238 Wrentham
39 Carlisle	79 Granville	119 Marshfield	159 Pembroke	199 Taunton	239 Yarmouth
40 Carver	80 Greenfield	120 Mashpee	160 Phillipstton		

CTV FORM 300  
STATEMENT OF REVENUE & EXPENSES  
PART A  
INCOME STATEMENT

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.  
Franchises Served: See Attachment A  
Year Ending: December 31, 2013

	Current Year 2013	Prior Year 2012
<b>OPERATING INCOME</b>		
<u>Subscriber Revenues</u>		
620 Installation Income	\$ 15,841,860	\$ 12,920,255
630 Equipment Revenue	\$ 74,607,777	\$ 67,251,145
640 Basic/Other Tier Subscriber Revenue	\$ 804,511,918	\$ 805,625,647
650 Premium Channel Revenue	\$ 439,109,919	\$ 416,960,962
660 Pay Per View Revenue	\$ 63,914,169	\$ 66,681,593
670 Other Subscriber Revenues	\$ 149,588,372	\$ 136,666,443
<b>680 Total Subscriber Revenues</b>	<b>\$ 1,547,574,015</b>	<b>\$ 1,506,106,046</b>
<u>Non-Subscriber Revenues</u>		
690 Advertising Income	\$ 112,485,070	\$ 116,466,556
700 Other Income	\$ 8,676,817	\$ 10,484,822
<b>710 Total Non-Subscriber Revenues</b>	<b>\$ 121,161,887</b>	<b>\$ 126,951,378</b>
<b>720 Total Operating Income</b>	<b>\$ 1,668,735,902</b>	<b>\$ 1,633,057,424</b>
<b>OPERATING EXPENSES</b>		
<u>Direct Operating Expenses</u>		
730 Programming Expenses	\$ 611,685,802	\$ 552,507,950
740 Net Bad Debt and Collection Expenses	\$ 14,739,893	\$ 18,320,462
750 Salaries and Benefits	\$ 194,062,977	\$ 173,049,545
760 Repairs & Maintenance	\$ 22,530,374	\$ 33,653,801
770 Light, Heat, Power	\$ 11,096,027	\$ 20,396,414
780 Pole & Duct Rental	\$ 9,976,595	\$ 9,147,716
790 Administration - Office and Billing	\$ 50,416,636	\$ 106,502,182
800 Marketing	\$ 30,259,725	\$ 30,241,233
810 Local Origination	\$ 1,144,487	\$ 1,267,368
820 Other	\$ 202,170,570	\$ 218,920,017
<b>830 Total Operating Expenses</b>	<b>\$ 1,148,083,086</b>	<b>\$ 1,164,006,688</b>
<u>Depreciation and Amortization</u>		
840 Depreciation	\$ 212,798,542	\$ 228,693,550
850 Amortization	\$ 6,772,781	\$ 6,627,837
<b>860 Total Depreciation and Amortization</b>	<b>\$ 219,571,323</b>	<b>\$ 235,321,387</b>
<b>870 Total Expenses</b>	<b>\$ 1,367,654,409</b>	<b>\$ 1,399,328,076</b>
<u>Other Income and Expenses</u>		
880 Other Income	\$ (18,274)	\$ (26,481)
890 Interest Expenses	\$ 1,173,324	\$ 926,952
900 Other	\$ -	\$ -
<b>910 Total Other (Income) and Expenses</b>	<b>\$ 1,155,050</b>	<b>\$ 900,471</b>

CTV FORM 300  
STATEMENT OF REVENUE & EXPENSES  
PART A  
INCOME STATEMENT

Reporting Entity: Combined Massachusetts Operations of Comcast Cable Communications Holdings, Inc.  
Franchises Served: See Attachment A  
Year Ending: December 31, 2013

	Current Year 2013	Prior Year 2012
<b><u>Provision for Income Tax</u></b>		
920 Currently Payable		
930 Deferred		
<b>940 Total Provision for Income Tax</b>	<b>\$ -</b>	<b>\$ -</b>
<b><u>Extraordinary Items</u></b>		
950 (Gain)/Loss on Sale of Fixed Assets	\$ 1,338,107	\$ 234,303
960 Other Extraordinary Items	\$ 0	
<b>970 Total Extraordinary Items</b>	<b>\$ 1,338,107</b>	<b>\$ 234,303</b>
<b>980 Net Income (Loss)</b>	<b>\$ 298,588,336</b>	<b>\$ 232,594,575</b>

Note: Late Fee revenue has been reclassified from 740 - Net Bad Debt and Collection expense to 670 - Other subscriber revenue in the amount of \$4.9M in 2013 and \$4.6M in 2012 to be consistent with the annual gross receipts reporting requirement.

**CTV FORM 300  
STATEMENT OF REVENUE & EXPENSES  
PART B  
STATEMENT OF GROSS ANNUAL RECEIPTS**

**Description of Gross Annual Receipts**

The amount to be reported as gross annual receipts is the total of all revenues earned (reduced by anticipated bad debts) from cable television activity in the Commonwealth. These revenues should include all income from the basic service tier, cable programming service tiers, premium and pay-per-view channels, the rental of converters and remote controls, installations, advertising, local origination, leased access, rentals and management fees.

The amount reported should reflect the total operating income amount reported in the company's general ledger account. These accounts are included in the operating income accounts set forth in the Cable Division's *Uniform Reporting System - Rules for Completing Financial Reporting Forms*. (Total Gross Annual Receipts should equal the total provided on Line 720 of Form 300 for all forms filed by the cable operator.)

Operator: Comcast Cable Communications, LLC

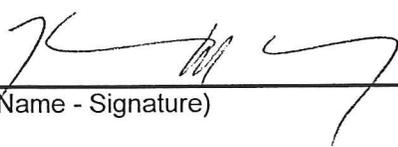
Address: 676 Island Pond Road  
Manchester, NH 03109

I hereby certify that the amount shown below is the gross annual receipts for this company for the calendar year as defined below.

Year: December 31, 2013 Gross annual receipts

Gross Receipts	\$	1,668,735,902
Less Bad Debt	\$	(11,749,096)
<b>Total Gross Receipts</b>	<b>\$</b>	<b>1,656,986,806</b>

Kevin M. Casey  
(Name - Print)

  
(Name - Signature)

Division President - Northeast Division  
(Title)

April 24, 2014  
(Date)

(603) 695-1452  
(Telephone)



## ATTACHMENT A

### COMBINED MASSACHUSETTS OPERATIONS OF COMCAST CABLE COMMUNICATIONS HOLDINGS, INC.

#### SCHEDULE OF FRANCHISES SERVED IN COMMONWEALTH OF MASSACHUSETTS AS OF DECEMBER 31, 2013

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35 Buckland	75 Georgetown	115 Mansfield	155 Orleans	195 Sudbury	235 Winchester
36 Burlington	76 Gill	116 Marblehead	156 Palmer	196 Sunderland	236 Winthrop
37 Cambridge	77 Gloucester	117 Marion	157 Peabody	197 Swampscott	237 Woburn
38 Canton	78 Granby	118 Marlborough	158 Pelham	198 Swansea	238 Wrentham
39 Carlisle	79 Granville	119 Marshfield	159 Pembroke	199 Taunton	239 Yarmouth
40 Carver	80 Greenfield	120 Mashpee	160 Phillipstton	200 Templeton	

# CTV FORM 400 STATEMENT OF OWNERSHIP

Please provide the following information for each Issuing Authority. Note that communities served by the same legal entity may be aggregated.

- (1) (a) The full legal name of the cable operator's legal entity (corporation or partnership) holding the cable television license.

Name: See Attachment A

- (b) If applicable, the d/b/a or generally used name of the legal entity within the Issuing Authority's community.

Name: \_\_\_\_\_

- (2) The full legal name of the ultimate parent entity/ies which own(s) the corporation or partnership holding the cable license.

Name: Comcast Corporation FEDERAL ID 27-0000798

- (3) The regional office(s) managing the cable licenses in Massachusetts:

Name: Comcast Cable Communications, LLC

Street Address: 676 Island Pond Road

Municipality, State & Zip Code: Manchester, NH 03109

Contact Person: Edward Zimmermann

Contact Person's Title: Division Sr. Vice President, Finance

Contact Person's Telephone Number: (603) 695 - 1452

- (4) The corporate office of the ultimate parent entity:

Name: Comcast Corporation

Street Address: 1701 John F Kennedy Boulevard

Municipality, State & Zip Code: Philadelphia, PA 19103

Contact Person: Edward Zimmermann

Contact Person's Title: Division Sr. Vice President, Finance

Contact Person's Telephone Number: (603) 695 - 1452



**CTV FORM 400  
ATTACHMENT A  
12/31/2013**

Name: Comcast Cable Communications, LLC

(1) (a) The full legal name of the cable operator's legal entity (corporation or partnership) holding the cable television license.

**Legal Entity**

Comcast MO of Delaware, LLC

Comcast of Boston, Inc.

Comcast of Massachusetts III, Inc.

Comcast of California/Massachusetts/Michigan/Utah, Inc.

Comcast of Connecticut/Georgia/Massachusetts/New Hampshire/New York/North Carolina/Virginia/Vermont, LLC