

HEARINGS, MEETINGS, LICENSES

11-3-08

(TOWN SEAL)

A hearing will be held by the Board of Selectmen on Monday, October 27, 2008 at 7:05 PM in the Selectmen's Meeting Room at the Town Hall, located at 10 Nickerson Avenue, Middleborough, MA for the purpose of discussing application made by Gola Gola, Inc. d/b/a "Jamie's Fine Wines & Spirits, II, for the Transfer of an All Alcoholic Beverages Package Goods Store Liquor license from C.V.L., Inc., d.b.a. Middleborough Liquors, to property located at 10 Merchant's Way, Middleboro, MA, Assessors Map 58, Lot 5347, Middleborough, MA. Anyone desiring to be heard on this matter should appear at the time and place designated.

Adam M. Bond
Patrick E. Rogers
Steven P. Spataro
Muriel C. Duphily
Marsha L. Brunelle

Publish: October 9, 2008

THE COMMONWEALTH OF MASSACHUSETTS
ALCOHOLIC BEVERAGES CONTROL COMMISSION

FORM 43

License Number _____

Middleborough
City/Town

8-5-08
Date

Type of Transaction (Please check all relevant transactions)

- | | | |
|---------------------------------------------------------|--------------------------------------------------------|--------------------------------------------|
| <input type="checkbox"/> New License | <input type="checkbox"/> New Officer/Director | <input type="checkbox"/> Pledge of License |
| <input checked="" type="checkbox"/> Transfer of License | <input checked="" type="checkbox"/> Change of Location | <input type="checkbox"/> Pledge of Stock |
| <input type="checkbox"/> Change of Manager | <input type="checkbox"/> Alter Premises | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Transfer of Stock | | |

Gola Gola, Inc.
Name of licensee

FID of Licensee

Jamie's Fine Wines + Spirits II
D/B/A

Gina M. Pangione
Manager

10
Address: Number

Merchant's Way
Street

02346
Zip Code

annual
Annual or Seasonal

all alcohol
Category: All Alcohol, Wine & Malt

Package Store
Type: Restaurant, Club, Package Store
Hotel, General on Premise, Etc.

Premises:

Description of Licensed Property: Middleborough Liquors @ rotary transferring to Middleborough Crossing (Hampford Plaza) to Jamie's Fine Wine + Spirits II

Application was filed: 10/16/08 11am
Date & time

Advertised: 10.9.08 Middleborough Gazette
Date & Publication

Abutters Notified Yes No

Person to Contact regarding this transaction: Gina M. Pangione

Carver, MA 02330

The Local Licensing Authorities
By: _____

Alcoholic Beverages Control Commission
Ellen Moriarty
Executive Director

Remarks: _____

(Town Seal)

A hearing will be held in the Selectmen's Meeting Room at the Town Hall, 10 Nickerson Avenue, Middleborough, MA on Monday, August 25, 2008 at 7:05 PM, for the purpose of discussing an application filed by Green Seal Environmental, Inc. on behalf of Costello Dismantling Co., Inc., for an Earth Removal Permit for property located at 699 Wareham Street, Middleborough, MA, Assessors Map 17, Lot 52. The reason for this request is for removal of remaining 25,000 cubic yards from the site in order to fully develop the property. Anyone desiring to be heard on this matter should appear at the time and place designated.

Adam M. Bond, Chairman
Patrick Rogers
Steven P. Spataro
Muriel Duphily
Marsha L. Brunelle
BOARD OF SELECTMEN

Publish: August 14, 2008

MR. CHAIRMAN:

(History - original hearing was 8.25.08
continued to: 10/6
" " 10/27
" " 11/3

Applicant requesting hrg. be continued
for 6 months as demolition permit is being
applied for and Historical Commission will
need some more time.

Please continue to Mon. 5.4.09 @ 7:30pm.

J.



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

MEMO

TO: Board of Selectmen

FROM: Jeanne Spalding, Health Officer

DATE: October 27, 2008

RE: Waste Hauler Application for A Plus Waste Removal

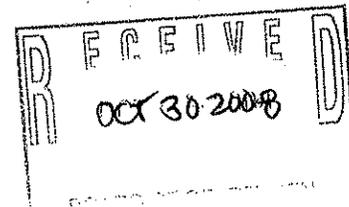
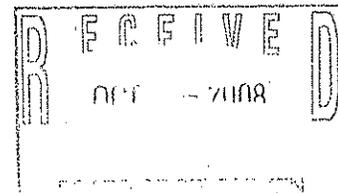
This application has been forwarded to the Board for determination of issuance. In addition, the attorney for A Plus has requested a hearing due to the Board of Health order to cease and desist solid waste operations due to violations.

This operation has been the source of numerous complaints to the Health Dept. by the neighbors. Attached are documents from the file.

I will be at training for the remainder of the week but will be available by cell phone. 508-922-6809. Please contact me if you have any questions regarding the information provided.



Town of Middleborough
CONSERVATION COMMISSION



MEMORANDUM

TO: Board of Selectmen
Charles Cristello, Town Manager
Jeanne Spalding, Health Officer
Robert Whalen, Building Commissioner
Planning Department

FROM: Patricia J. Cassady, Conservation Agent 

DATE: October 28, 2008

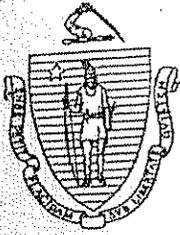
RE: 88 River Street, Former K-F Brick Company Site (Map 02, Lot 5463)

This memo is to let the Board know that the Conservation Commission will be receiving a Notice of Intent filing in the near future for the remediation work that is proposed for the site. Golder Associates the Licensed Site Professional (L.S.P.) that was hired to conduct the remediation work will be submitting the Notice of Intent. In discussions with Golder Associates, they have informed the Conservation Department that the proposed remediation will be to remove bricks within the 100-foot buffer zone of a wetland.

No work should take place within the 100-foot buffer zone to the wetland, within the wetland or within the 200-foot riverfront area of the Taunton River, till the applicant has come before the Conservation Commission with a Notice of Intent. The site does contain some extensive wetland areas and these need to be protected.

Also keep in mind that around 2000 it was discussed that a portion of this site would be utilized for the replication of wetlands that would be altered along Route 44 when the Middleborough portion of Route 44 is reconstructed.

pjc



The Commonwealth of Massachusetts
 Department of Industrial Accidents
 Office of Investigations
 600 Washington Street
 Boston, MA 02111
 www.mass.gov/dia

PD 10/10/08
 \$ 200-
 R# 4835 01

Workers' Compensation Insurance Affidavit: General Businesses

Applicant Information

Please Print Legibly

Business/Organization Name: MRT INDUSTRIAL ENTERPRISES, LLC dba A PLUS Waste Removal

Address: PO BOX 6421

City/State/Zip: Plymouth, MA 02362 Phone #: 508-747-2582

Are you an employer? Check the appropriate box:

- 1. I am an employer with _____ employees (full and/or part-time).*
- 2. I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required]
- 3. We are a corporation and its officers have exercised their right of exemption per c. 152, §1(4), and we have no employees. [No workers' comp. insurance required]**
- 4. We are a non-profit organization, staffed by volunteers, with no employees. [No workers' comp. insurance req.]

Business Type (required):

- 5. Retail
- 6. Restaurant/Bar/Eating Establishment
- 7. Office and/or Sales (incl. real estate, auto, etc.)
- 8. Non-profit
- 9. Entertainment
- 10. Manufacturing
- 11. Health Care
- 12. Other waste hauling

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.

**If the corporate officers have exempted themselves, but the corporation has other employees, a workers' compensation policy is required and such an organization should check box #1.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy information.

Insurance Company Name: MET INSURANCE

Insurer's Address: 77 Accord Park Drive Unit B-1

City/State/Zip: Norwell, MA, 02061

Policy # or Self-ins. Lic. # MA007023207012008 Expiration Date: 09/20/09

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date).

Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to \$1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to \$250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify, under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [Handwritten Signature] Date: 10/10/2008

Phone #: 508-747-2582

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ Permit/License # _____

Issuing Authority (circle one):
 1. Board of Health 2. Building Department 3. City/Town Clerk 4. Licensing Board 5. Selectmen's Office
 6. Other _____

Contact Person: _____ Phone #: _____

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID MK
A PLUS WA

DATE (MM/DD/YYYY)
09/26/08

PRODUCER
MP&T, Inc. Construction Div.
Construction Division
77 Accord Park Drive Unit B-1
Norwell MA 02061
Phone: 781-261-2000

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE	NAIC #
INSURER A: A. I. M.	
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	

INSURED

A Plus Waste dba
Ron High
P.O. Box 6421
Plymouth MA 02362

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRC	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
		GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				EACH OCCURRENCE	\$
						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$
						MED EXP (Any one person)	\$
						PERSONAL & ADV INJURY	\$
						GENERAL AGGREGATE	\$
						PRODUCTS - COMP/OP AGG	\$
		AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
						BODILY INJURY (Per person)	\$
						BODILY INJURY (Per accident)	\$
						PROPERTY DAMAGE (Per accident)	\$
		GARAGE LIABILITY <input type="checkbox"/> ANY AUTO				AUTO ONLY - EA ACCIDENT	\$
						OTHER THAN AUTO ONLY: EA ACC	\$
						AGG	\$
		EXCESS/UMBRELLA LIABILITY <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION \$				EACH OCCURRENCE	\$
						AGGREGATE	\$
							\$
							\$
A		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below OTHER	TO BE DETERMINED	09/20/08	09/20/09	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER	
						E.L. EACH ACCIDENT	\$ 100000
						E.L. DISEASE - EA EMPLOYEE	\$ 100000
						E.L. DISEASE - POLICY LIMIT	\$ 500000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

CANCELLATION

FORINFO

For Information Purposes

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL _____ DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE
Ronald M. Chace

HEALTH DEPARTMENT COMPLAINTS

Complaint From: Mr. Caswell
Address: 89 River St.

Tel. No: 508-607-7588
Date: 8/12/08

Actual Complaint: 88 River St. appears to have garbage, solid waste, concrete block, asbestos and hazardous materials. Concerns regarding operations without permits and creating contaminated runoff into the pond and wetlands.

Investigation:

Date: _____ **Time:** _____

Date: _____ **Time:** _____

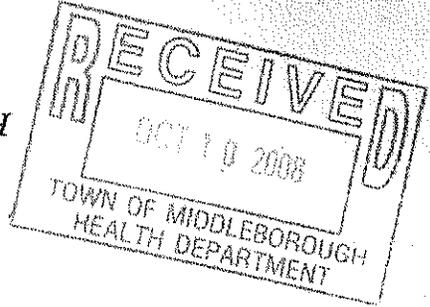
Resolution/Recommendation: _____

Signature: _____ **Date:** _____

Fee: \$200.00

FD 10/10/08

PH 483501



TOWN OF MIDDLEBOROUGH
BOARD OF HEALTH

To the Board of Health of the Town of Middleborough:

Application is hereby made for a permit to: COLLECT/TRANSPORT RUBBISH

MW Indian Enterprises, LLC DBA A Plus Waste Removal
Name of Applicant

Garage
Type of Facility

88 River St. Middleboro 02346
No. Street Town Zip Code

Telephone Number: 508-747-2582

If applicant is a partnership, full name and residence of all partners:

If applicant is a corporation, full name and address of:

President: Margalissa D High 107 Peter Rd. Plymouth, MA
02360

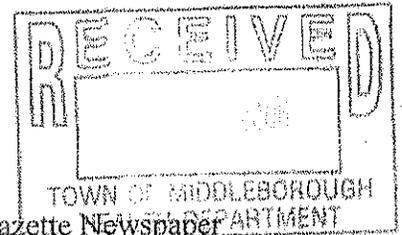
Treasurer: _____

Clerk: _____

[Signature]
Signature

10/10/08
Date

Dear Town Officials,



I have read in the Thursday, October 9th, 2008 Middleboro Gazette Newspaper that the former K-F Brickyard was in violation of State and Local Health Violations with a cease and desist order ordered by Health Officer Jeanne Spalding and Town Manager Charles Cristello.

Just to inform the officials the trucks have not stopped coming and going since I read this on October 9th, 2008.

Today is Sunday October 12th, 2008; I have just called the Middleboro Police Department and asked why I was awoken at 7:27a.m. by a bulldozer and trucks dumping over at the former brickyard? They came down and checked out the operation and called me back to explain the town officials have given him a Sunday permit for decomposition?

Yeah, that's the way to reward someone with a cease and desist order and after jeopardizing our homes on River Street on Sunday night. The quote from Captain Wiksten was "If the fire had broken out in the middle of the night the truck and possibly the building would have been engulfed in flames posing a threat to the residential neighborhood."

They have made their own hours since May and I have had it. There are dumpsters being dropped at 5:50a.m. And I have heard them being dropped at 8:00p.m. I was told when I called the Town Hall in May as to what was going on over there and they said it was a Monday through Friday 8:00 to 5:00 operation, with no weekends.

Ronald High the owner of the former K-F Brickyard, who does business as A plus Waste Removal should be ashamed of himself. He has made my tree-lined view from my 83 River Street home into looking at a landfill. The mounds of composting dirt are an eye sore. He had told my husband and I he was going to plant trees and put up a fence, which would act as a sound barrier and block the view which has never been done. Now my country home is gone and I now live in the middle of a construction zone. We were contemplating moving but who now would buy my home?

When dumpsters are "dropped" over there my windows literally shake. The noise level of the loaders, trucks in and out and dumpsters dropping I can not even enjoy going out into my yard anymore. Because of the open space everything echo's. All summer we had to keep are windows closed, the prior summer they were open all the time.

I am constantly seeing gentleman urinating outside because they do not have a men's room apparently?

In the just five houses that are across the street from the former K-F Brickyard there are eleven children, and the amount of trucks racing up and down the street pose as a hazard.

I have once again phoned the police because it is now 6:20p.m. and they are still running the loader and working over at the former brickyard.

I have been going in and out of the Dana Farber Cancer Institute recently with my own problems and I need my rest, I try to take naps and can not do so because of the noise. I am still working full time and am totally exhausted. Even exhausted I can not get the proper rest because of the engines and banging it wakes me up. I am scheduled for surgery on November 19th, 2008 and will be bed-ridden for three weeks. Please do something so I am not tortured by this noise.

How is this building OSHA approved anyway? It is falling down and a hazard, how can anyone allow this gentleman to have an operation out of this building?

Is the town in such need of money that the town officials allow this type of work ethic and practice? If so, I would rather have the casino for revenue and shut this guy down for good.

What is happening to our once beautiful town of Middleboro?

10/14/08 - Was awoken @ 6:18 AM to dumpsters dropping. I called the Middleboro Police once again. Please call me.

Please help us.

Linda Theriault
83 River Street
Middleboro, MA 02346
(508) 279-8006
Concerned Middleboro Resident

Narrative:

10/06/2008 00:19:56 FIREFIGHTER

2053 91 E4 FF 1 RESPONDING TO THE OLD BRICKYARD ON RIVER ST FOR THE REPORTED VEHICLE FIRE.
2100 E4 ON SCENE REPORTING 90YRD TRAILER FILLED WITH TRASH ON FIRE , NO EXPOSURES AT THIS TIME.

2101 91 REQUESTS E6 TO THE SCENE AND TO COVER THE STATION.

2127 91 REPORTS THEY WILL BE WETTING DOWN FOR A WHILE , E4 AND FF1 OOS , E6 AVAILABLE FROM SCENE IF NEEDED.

2140 91 REQUESTS CAPT WIKSTEN TO THE SCENE AND NOTIFY THE DEP.

2203 MR WHITESIDE FROM THE DEP CALLED LOOKING FOR A REPORT, HE WAS GIVEN CAPT MOTAS CELL # AND WILL SPEAK WITH HIM DIRECT.

2209 CAPT WIKSTEN ON SCENE

RECEIVED CALL ON THE POLICE TIE LINE, FOR A REPORTED CAR FIRE IN THE AREA OF 84 RIVER STREET, UPON ARRIVAL WE ENCOUNTERED JAROD TRACY OF 84 RIVER STREET WHO STATED THAT A 90 YARD TRASH TRUCK WAS ON FIRE INSIDE ONE OF

THE BUILDINGS. AT THE OLD BRICK YARD PROPERTY AT 88 RIVER STREET.

AFTER FURTHER INVESTIGATION WE FOUND A 90 YARD TRACTOR TRAILER INSIDE THE BUILDING APROXITMATLY 150 YARDS FROM THE ENTRANCE, AND THAT THE ENTRANCE WAS BLOCKED BY FRONT END LOADER.

WHEN ASKED MR TRACY SAID HE COULD NOT FIND KEYS FOR THE LOADER OR THE TRACTOR, THE FIRE WAS GROWING IN INTESTITY, AND WE NEEDED TO GAINE IMIDIATE ACCESS OR RISK LOSING THE TRACTOR AND TRAILER.

AFTER EXHAUSTING ALL OTHER POSSIBILITIES, WE DROVE FF-1 TROUGH A GARARGE DOOR THAT WAS JAMMED AND WOULD NOT OPEN, SHORTLY AFTER WE GAINED ACCESS MR TRACY FOUND KEYS TO THE TRACKER AND IT WAS REMOVED FORM THE

TRAILER. MR. TRACY SAID HE CALLED RON HIGH OF A PLUS DISPOSAL AND THAT HE SHOULD BE ARRIVING SHORTLY.

THE FIRE WAS EXTINGUISHED WITH APROXIMITLY 1600 GALLONS OF WATER AND 30 GALLONS OF FOAM. THE ONLY DAMMAGE WAS A 16 INCH HOLE ON THE TRAILER AND THE OVERHEAD DOOR. FIRE INVESTIGATOR CAPTAIN WIKSTEN WAS CALLED TO INVISTIGATE THE FIRE, D.E.P WAS CALLED FOR ENVIROMENTAL COCERNS AND THE BOARD OF HEALTH WAS CALLED BY CAPTAIN WIKSTEN FOR HEALTH CONCERNS. TRAILER MASS REG. 82287. MF&T INS AGENT ACCORD INS. CO.

10/08/2008 16:23:58 Wiksten

I was called to scene by Capt Mota to investigate a trash fire of Municapal waste. I interviewed the owner Ron High,he indicated that the trailer had been stored there since 9/1/08 and that there were workers there on Saturday until noon and there was no sign of smoke from the trailer. The trailer made of Alluminm had a hole melted in it the front about 3ft up from bottom about 16 inches in diameter . This appears to be where the fire had started. The building was open at the time of the fire . It was decided that the best way to be sure the fire was completely out was to off load the trailer and wet it down. Trailer was moved to parking lot and off loaded. At this time it was clear that the fire started in the middle of the load closest to the front .

Michael Whiteside from DEP arrived on scene we walked through building and found a 30yd roll off container with what appeared to be a mix of trash bags of shredded paper office furniture and another load of the same dumped on ground next to it. Mr High was asked what they were doing in there stated that sometimes they do that to fill containers that are not full. Outside there was 10, 30 yd dumpster's loaded with all all types of demolition .Mr High stated that he rented that area to Mitchell Indutries another waste hauler. Mr High was told that all rubbish that was off loaded was to be picked up in the morning and area was to be swept cleaned.



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

MEMO

TO: File

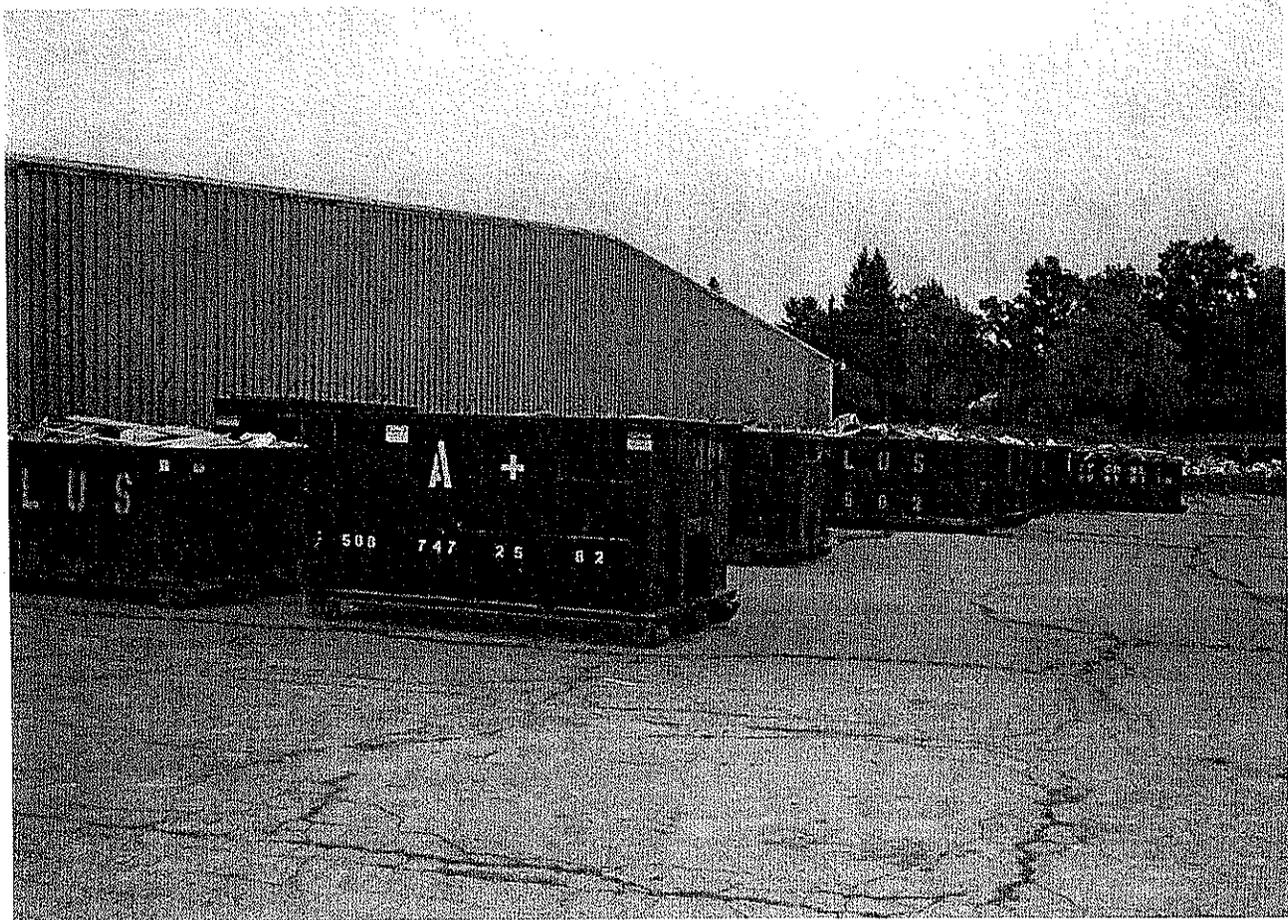
FROM: Jeanne Spalding

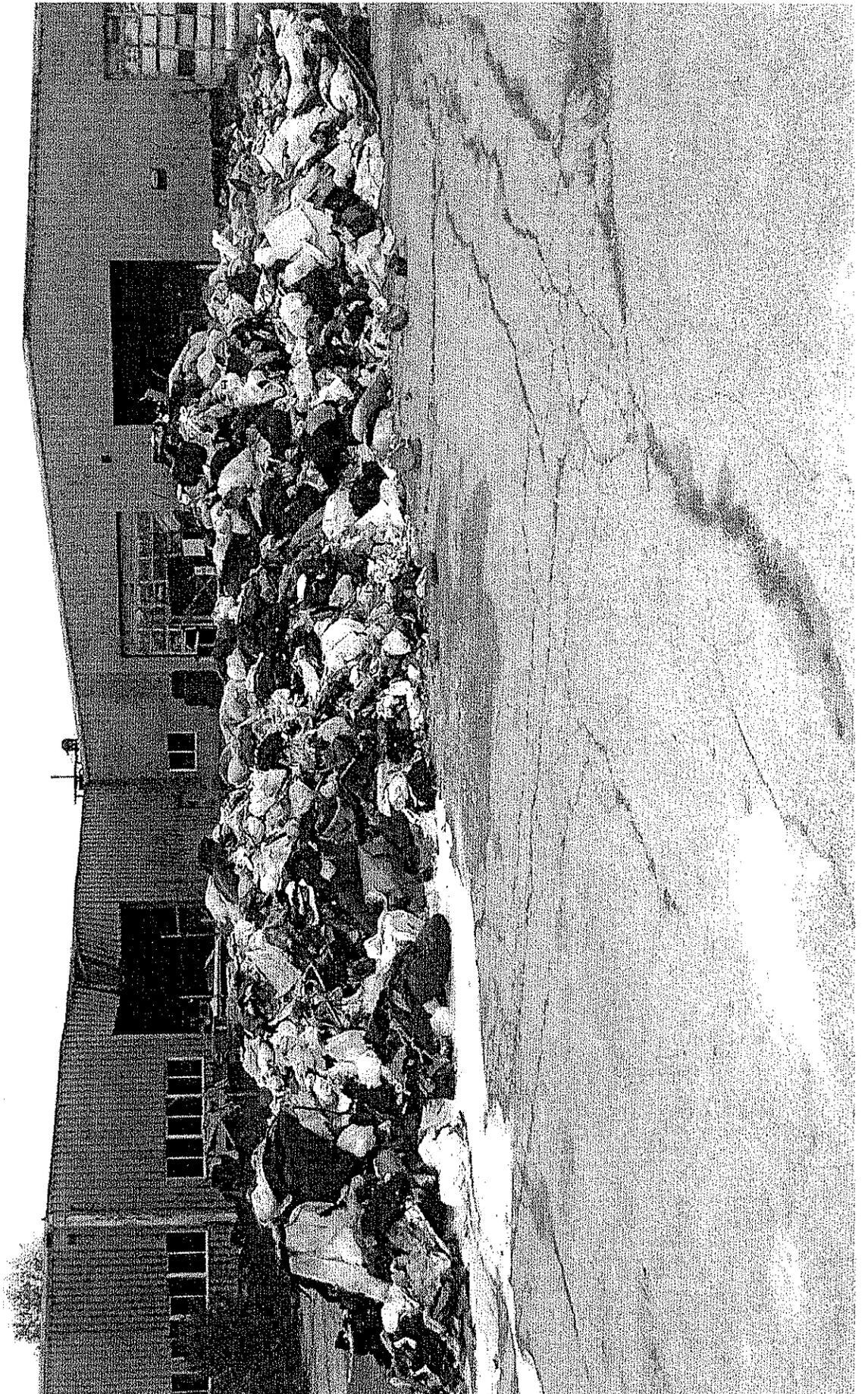
DATE: August 18, 2008

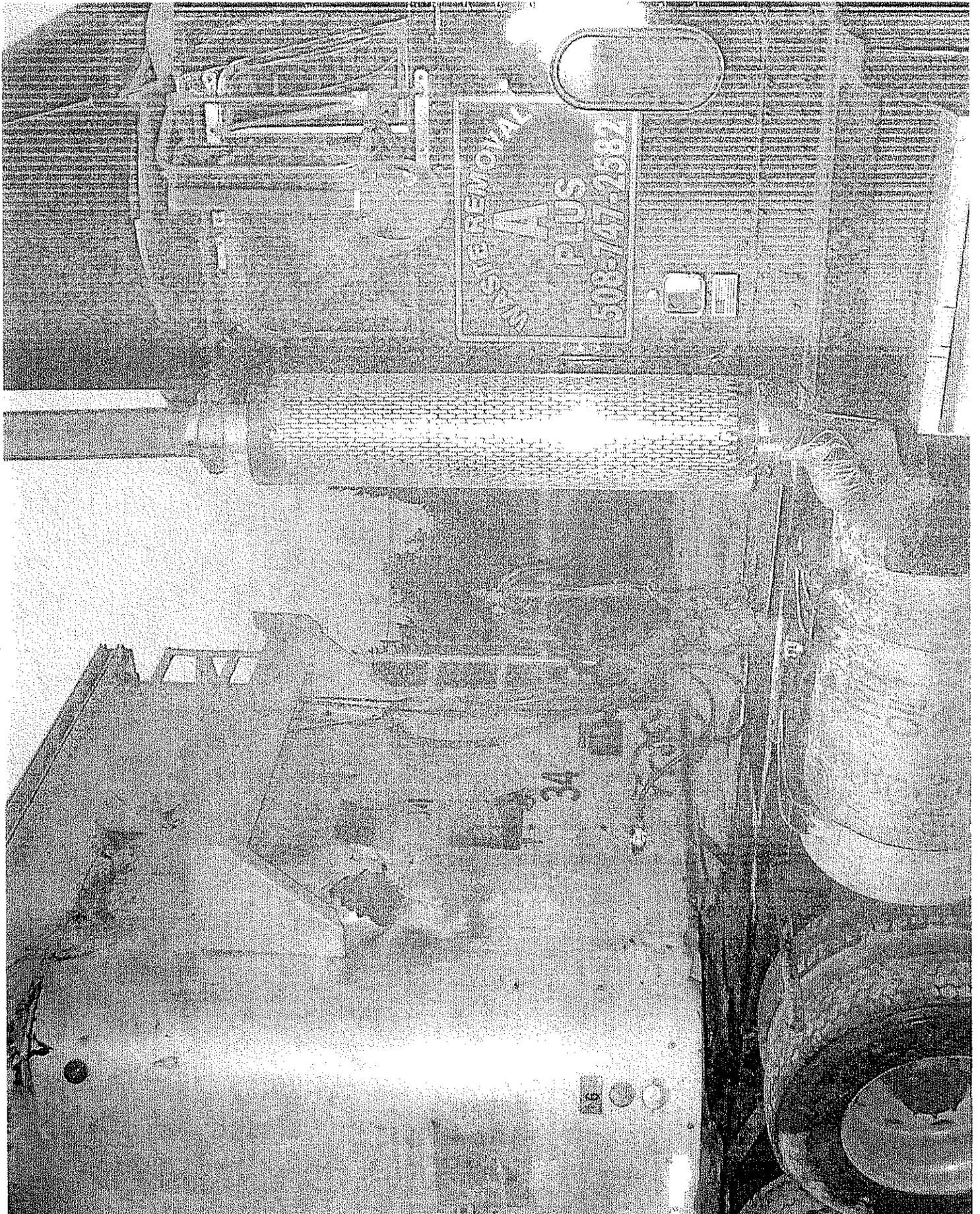
RE: 88 River St.

Spoke with Mr. Terrio today who lives across the street from above location. He received photos in mailbox and is greatly concerned. I informed him that I had notified DEP and sent file of complaint and pics to DEP on Aug.13th.

Followed up with phone call to DEP Andrew Cooney, Asbestos. He indicated it had been passed off to Ed Burke, whom I called and is out. Richard Gioiosa emailed me indicating he was covering today and I indicated that neighborhood concern is escalating and residents are looking for answers. He estimated that an order will be going out tomorrow. I offered to meet them on site and said Patricia Cassady, agent for the Con Com would also like to be included.







INTERNATIONAL
SUPERS
5085747 2682

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26



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

September 22, 2008

LaFarge North America
Attn: Maureen Miller or responsible party
7880 Kelle Street
Concord, Ontario L4K4G7

RE: 88 River Street, Middleborough, MA

Attn: Maureen Miller or responsible party

Due to solid waste and air quality complaints filed with this department by abutters to the above referenced location, a site inspection was conducted on August 20th, 2008 jointly by agents from the Health Dept. and the Conservation Commission.

The following conditions were observed at the time of the site visit:

- large stockpiles of block and concrete debris inside a building and outside in back of the building.
- strong residual odors, wastewater trail and residual debris from garbage and rubbish loads that had recently been removed.
- Multiple,(6) or more, 55 gallon drums with fluids including antifreeze, Nuosept 495 Preservative, and transmission fluid.
- Mitchell Industries dumpster units stored on site.
- Agricultural Composting operation.

Cont. 88 River St.

On two separate occasions this past year, representatives from "*A Plus Waste Removal*" came into the Health Dept. requesting information relative solid waste recycling operations for this site that they wanted to conduct. These representatives were advised that necessary permits and approvals would need to be obtained from the Department of Environmental Protection (DEP) and the local Health Dept. *A Plus Waste Removal* also indicated that this site would temporarily be used for truck **storage** not vehicle service and repair.

DEP Solid Waste Division has verified that approval had been given for the agricultural composting on this site for Mr. Murley.

The accumulation and storage of the multiple products in 55 gal. drums on site may need approval and permit by the Middleborough Fire Dept. which can be contacted at 508-946-2461.

Please be advised that *A Plus Waste Removal* is not a licensed hauler of solid waste or rubbish within the Town of Middleborough and that 88 River Street does not have a site assignment or any permits to operate a solid waste recycling facility from the DEP as of this date. Operation as such is in violation of : ***State Codes 310 CMR 16.00 Site Assignment Regulations for Solid Waste Facilities and 310 CMR 19.00 Disposal of Solid Waste.*** Any further operations with regard to unpermitted solid waste activities will result in filing a legal court complaint against the owner of the property and the operator(s) involved.

Nuisance complaints associated with excessive dust blowing off site and dirt tracked onto the streets from trucking traffic have also been received by the Health Dept. Mitigation of these nuisances shall be implemented or an abatement of nuisance will be issued by this department.

The Middleborough Conservation Commission is waiting for a Notice of Intent to be filed that details the proposed remediation that was discussed between Golder Associates, the Licensed Site Professional and the Conservation Agent in August. The Conservation Commission looks forward to receiving this permit application so that the long standing contamination issues can be resolved.

As had been previously stated to representatives of *A Plus Waste Removal*, utilization of this site for a business operation requires review and documentation of the existing facilities and a proposal of what the intended use will entail. Although storage of vehicles and refuse container units may be acceptable onsite at this time, we were assured the condition of the equipment would be clean of refuse and without odor creating nuisance. Any expansion of operations beyond a storage facility may result in additional requirements and permits.

If you have any questions regarding these issues or if we can assist you in compliance with any of the above, please contact this office at 508-946-2408.

Yours truly,

Jeanne Spalding, Health Officer
Middleborough Health Dept.

Cc: Fire Dept.

Town Manager

Conservation Commission

Building Dept.

Richard Gioiosa, DEP, Regional Enforcement Office 20 Riverside Drive, Lakeville, MA 02347
A Plus Waste Removal, P.O. Box 6421, Plymouth, MA 02362



TOWN OF MIDDLEBOROUGH HEALTH DEPARTMENT

Jeanne Spalding, RS, CHO
Health Officer
Hours: 9am-5pm

PH: 508-946-2408
FX: 508-946-2321

October 6, 2008

A Plus Waste Removal
P.O.Box 6421,
Plymouth, MA 02362

RE: 88 River Street, Middleborough, MA

Attn: Ron High or responsible party

A fire incident was reported to this department by an abutter and verification was received from the Middleborough Fire Department regarding a solid waste fire incident on October 5th, Sunday evening 10:30 PM at the above referenced location that involved a large quantity of rubbish and garbage on a solid waste hauling vehicle.

Upon your receipt of the violation letter dated 9-22-08 that was cc'ed to you as operator, you called and confirmed that you are also owner of the above referenced property as of May this year. You acknowledged and confirmed that you had loads of rubbish and garbage on site as "an experiment" and you were "recycling" construction debris. You were again advised that this was a violation of the state codes as you are unlicensed for any of these activities at this site.

Cont. 88 River St.

Please be advised that *A Plus Waste Removal* is not a licensed hauler of solid waste or rubbish within the Town of Middleborough and that 88 River Street does not have a site assignment or any permits to operate a solid waste hauling, processing or recycling facility from the DEP as of this date. Operation as such is in violation of: ***State Codes 310 CMR 16.00 Site Assignment Regulations for Solid Waste Facilities and 310 CMR 19.00 Disposal of Solid Waste.***

You are hereby ORDERED by the Middleborough Health Department to remove all solid waste brought onto this site by your operation and to cease and desist transporting any additional solid waste to this site or conducting any further solid waste activities within the Town of Middleborough.

Should you be aggrieved by this order, you have the right to request a hearing before the Board of Health. A request for said hearing must be received in writing in the office of the Board of Health within seven (7) days of receipt of this order. At said hearing you will be given an opportunity to be heard and to present witness and documentary evidence as to why this order should be modified or withdrawn.

You may be represented by an attorney. Please be informed that you have the right to inspect and obtain copies of all relevant inspection or investigation reports, notices and other documentary information in the possession of this Board and that any adverse party has the right to be present at the hearing.

If you have any questions, please contact Jeanne C. Spalding, Health Officer at the Middleborough Health Department.

Very truly yours,

Jeanne Spalding,
Health Officer

Charles Cristello
Health Agent,
For the Board of Health

Cc: Fire Dept.
Town Manager
Conservation Commission
Building Dept.
Richard Gioiosa, DEP
Daniel Connick, DEP

JOHN H. WYMAN

ATTORNEY AT LAW

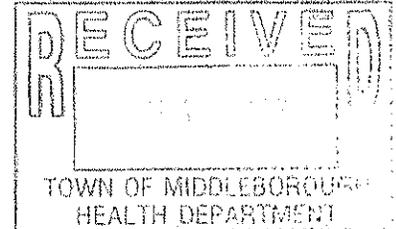
SOUTH PARK PLACE
97 COURT STREET
PLYMOUTH, MASSACHUSETTS 02360

TELEPHONE 508-746-0251
FAX 508-747-5535

October 14, 2008

VIA IN HAND DELIVERY

Jeanne Spalding, Heath Officer
Charles Cristello, Health Agent
Board of Health
Town of Middleborough
Town Office Building
20 Centre Street
Middleborough, MA 02346



RE: 88 River Street
A Plus Waste & Recycling Services, LLC
Enforcement Order dated October 6, 2008

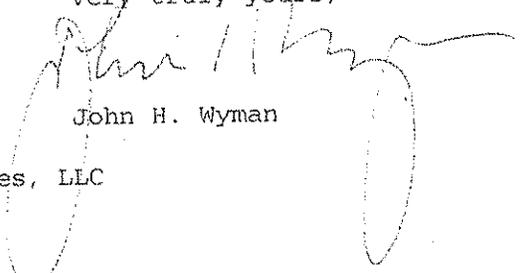
Dear Board Members:

Reference is made to a letter of enforcement under date of October 6, 2008, addressed to A Plus Waste Removal which has been referred on to me for response. I represent A Plus Waste Removal as well as A Plus Waste & Recycling Services, LLC. A Plus Waste & Recycling Services, LLC is the owner of the premises located at 88 River Street and the location of the truck fire described in the order as above referenced. A Plus Waste Removal is the owner of the truck that caught on fire.

Please treat this correspondence as a request for hearing before the Board of Health to review the propriety of the enforcement order which we would like scheduled as soon as possible. Further, I am requesting copies of all investigative and inspection reports upon which the order is based which can be forwarded to my office as soon as they can be made available.

My client and I look forward to meeting with the Board to discuss the activities at the location as well as to review the enforcement action.

Very truly yours,


John H. Wyman

JHW/pdc

cc: A Plus Waste & Recycling Services, LLC
A Plus Waste Removal



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

COPY

DEVAL L. PATRICK
 Governor

IAN A. BOWLES
 Secretary

TIMOTHY P. MURRAY
 Lieutenant Governor

LAURIE BURT
 Commissioner

URGENT LEGAL MATTER: PROMPT ACTION NECESSARY

October 22, 2008

A Plus Waste Removal
 P. O. Box 5421
 176 Court Street
 Plymouth, Massachusetts 02362

RE: MIDDLEBOROUGH - BWSC
 Route 28 & Elm Street
 RTN# 4-21590

NOTICE OF RESPONSIBILITY
M.G.L. c. 21E, 310 CMR 40.0000

ATTENTION: Ron High

On October 20, 2008 at 10:49 am the Department of Environmental Protection ("MassDEP") received oral notification of a release and/or threat of release of oil and/or hazardous material at the above referenced property which requires one or more response actions. It was reported that 20-30 gallons of hydraulic oil was released from an A Plus Waste Removal truck. The hydraulic oil released onto the roadway and adjacent parking lot when a 2 inch hose disconnected from the hydraulic tank.

The Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c.21E, and the Massachusetts Contingency Plan (the "MCP"), 310 CMR 40.0000, require the performance of response actions to prevent harm to health, safety, public welfare and the environment which may result from this release and/or threat of release and govern the conduct of such actions. The purpose of this notice is to inform you of your legal responsibilities under State law for assessing and/or remediating the release at this property. For purposes of this Notice of Responsibility, the terms and phrases used herein shall have the meaning ascribed to such terms and phrases by the MCP unless the context clearly indicates otherwise.

MassDEP has reason to believe that the release and/or threat of release which has been reported is or may be a disposal site as defined by the M.C.P. MassDEP also has reason to believe that you (as used in this letter, "you" refers to A Plus Waste Removal) are a Potentially Responsible Party (a "PRP") with liability under M.G.L. c.21E §5, for response action costs. This liability is "strict", meaning that it is not based on fault, but solely on your status as owner, operator, generator, transporter, disposer or other person specified in M.G.L. c.21E §5. This liability is also "joint and several", meaning that you may be liable for all response action costs incurred at a disposal site regardless of the existence of any other liable parties.

MassDEP encourages parties with liabilities under M.G.L. c.21E to take prompt and appropriate actions in response to releases and threats of release of oil and/or hazardous materials. By taking prompt

This information is available in alternate format. Call Donald M. Gomes, ADA Coordinator at 617-556-1057. TDD# 856-539-7622 or 617-574-5863.

DEP on the World Wide Web: <http://www.mass.gov/dep>

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action, you may significantly lower your assessment and cleanup costs and/or avoid liability for costs incurred by MassDEP in taking such actions. You may also avoid the imposition of, the amount of or reduce certain permit and/or annual compliance assurance fees payable under 310 CMR 4.00. Please refer to M.G.L. c.21E for a complete description of potential liability. For your convenience, a summary of liability under M.G.L. c.21E is attached to this notice.

You should be aware that you may have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws which establish the time allowed for bringing litigation. MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

At the time of oral notification to MassDEP, you retained Clean Harbors Environmental Services to conduct the following response actions were approved as an Immediate Response Action (IRA):

- Deployment of absorbent/containment materials.
- Collection and disposal of contaminated absorbent materials.
- All Remediation Waste must be properly stored/handled and disposed of within 120 days from the date of generation per 310 CMR 40.0030.

ACTIONS REQUIRED

Additional submittals are necessary with regard to this notification including, but not limited to, the filing of a written IRA Plan, IRA Completion Statement and/or a Response Action Outcome (RAO) statement. **The MCP requires that a fee of \$1,200 be submitted to MassDEP when an RAO statement is filed greater than 120 days from the date of initial notification.** Specific approval is required from MassDEP for the implementation of all IRAs pursuant to 310 CMR 40.0420 and 310 CMR 40.0443, respectively. Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

In addition to oral notification, 310 CMR 40.0333 requires that a completed Release Notification Form (BWSC-103, attached) be submitted to MassDEP within sixty (60) calendar days of **October 20, 2008**.

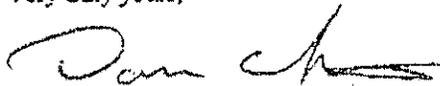
You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at this site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>.

Unless otherwise provided by MassDEP, potentially responsible parties ("PRP's") have one year from the initial date of notification to MassDEP of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) an RAO Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this disposal site is **October 20, 2009**. If required by the MCP, a completed Tier I Permit Application must also accompany a Tier Classification Submittal.

This site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the MCP.

If you have any questions relative to this Notice, please contact Michael Whiteside at the letterhead address or at (508) 946-2704. All future communications regarding this release must reference the following Release Tracking Number: 4-21590.

Very truly yours,



Daniel Crafton, Acting Chief
Emergency Response / Release
Notification Section

C/MCW/re
4-21590aplus-middleboro

Attachments: Release Notification Form; BWSC-103 and Instructions
Summary of Liability under M.G.L. c.21E
MassDEP's guide to hiring a Licensed Site Professional.

to: Board of Health
Board of Selectmen
Fire Dept

Description of land use



88 River St.
Middleborough, MA

Presented by

A Plus Waste Removal
P.O. Box 6421
Plymouth, MA 02362
508-747-2582

October 30, 2007

Table of contents

1. Introduction	Page 3
2. Description of business	Page 4
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Introduction

Since 1999, A Plus Waste Removal has been a family owned and operated company from Plymouth, MA. In the last seven years, Monalissa and Ron High have developed this company from a startup to one of the largest independent waste hauling companies in southeastern Massachusetts. As a young family business with deep roots in Massachusetts, we have prided ourselves on providing fellow residents and businesses with environmental and economical solutions for their waste disposal and recycling needs.

The purpose of this document is to outline a top level summary of our intended use of the above mentioned property. We look forward to partnering with the Town of Middleborough in the near future to provide these needed services for the residents of Middleborough and the surrounding area.

Sincerely,

Monalissa High
President

Ron High
Manager

Description of Business

A Plus Waste Removal is a full service provider of waste management and hauling services. Our business segments are categorized as follows:

1. Collection (Waste and Recycling goods)
 - a. Commercial
 - b. Residential
 - c. Roll off

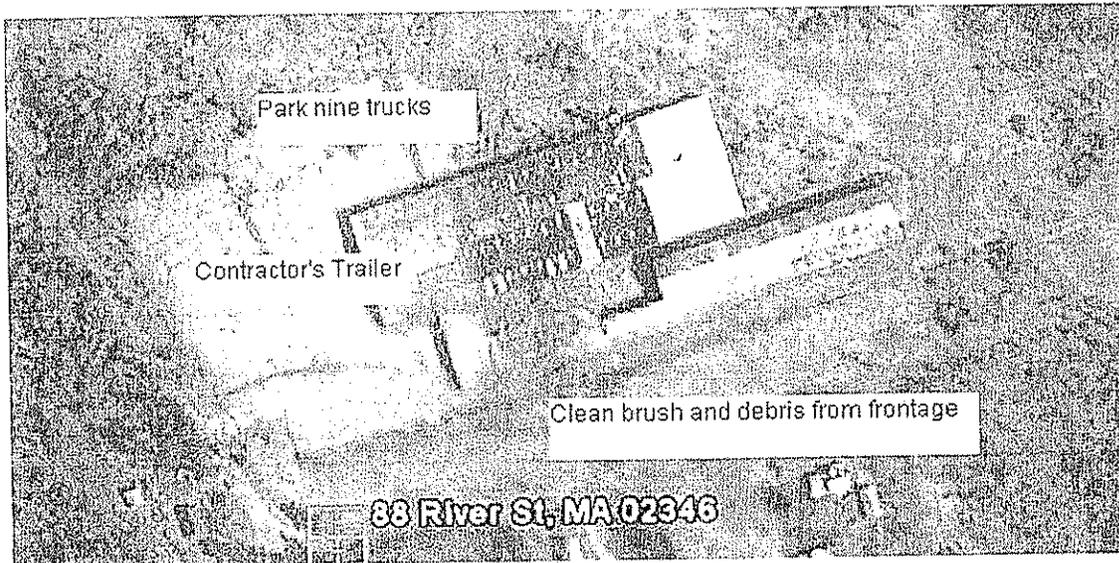
2. Truck Maintenance
 - a. Full service heavy equipment repairs

3. Metal Fabrication
 - a. Containers
 - b. Equipment repairs

Property Improvements

The property at 88 River St. has been vacant for approximately 20 years and is in much distress. Working with the current owners our immediate goal is to remediate the facility to a class "A" green industrial site. Simultaneously, we will clean the front and surrounding areas of the building. This includes, but is not limited to, clearing overgrown brush, replacing doors and windows, and removal of discarded debris. We would like to place a contractor's trailer on site and operate out of the west side of the building as soon as the town gives us approval.

The following diagram shows our intentions.



Intended use of land

Our immediate use of the property would be to operate our existing hauling business from the west side of the building. Standard operating hours are Monday through Saturday 6:30am to 6:00pm. In addition, we would be performing routine maintenance and metal fabrication in this section of the building.

Approximately first quarter of 2008 we would start processing recycled goods (glass, plastics, cardboard, and paper goods) in this building. This material would be delivered to the facility by route trucks. After that, we would transfer product into 100yd trailers and haul to processing plants.

During 2008 and the first quarter of 2009 we would look to upgrade and expand operations into the main structure at 88 River Street.

Conclusion

In summation, our intentions with this property are as follows:

- 0-90 days Work with the existing owners to provide immediate remediation of existing environmental conditions.
- 0-90 days Provide equipment and services to clean up the remaining property area.
- 60-180 days Begin to operate our current hauling business and recycling services.
- 6-18 months Look to upgrade the main infrastructure of the building and expanding operations into that location.

Lastly, we would be interested in working with the town of Middleborough to provide waste and recycling collection services for their residents.

Our intention is to close on this property before the end of 2007. Please feel free to contact either one of us with any additional questions or comments that you might have.

We look forward to partnering with the town of Middleborough and to becoming an integral part of the business community.

JOHN H WYMAN

ATTORNEY AT LAW

SOUTH PARK PLACE
97 COURT STREET
PLYMOUTH, MASSACHUSETTS 02360

TELEPHONE 508-746-0251
FAX 508-747-5535

October 30, 2008

VIA FACSIMILE (508) 946-2321 and REGULAR MAIL

Jean C. Spalding, Health Officer
Board of Health
Town of Middleborough
Town Office Building
20 Centre Street
Middleborough, MA 02346

RE: 88 River Street
A Plus Waste & Recycling Services, LLC
A Plus Waste

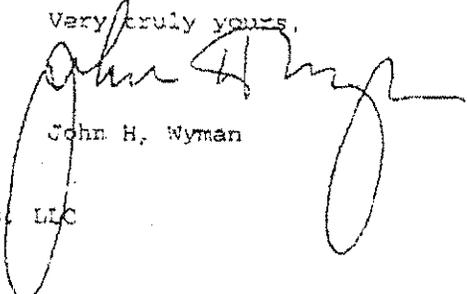
Dear Ms Spalding:

It was good to talk with you this afternoon and I look forward to meeting with you and the Board of Health next Monday. I enclose a copy of the pertinent provision of the Code of Massachusetts Regulations, 310 CMR 16.05(5)(c), exempting from the obligation for site assignment for those facilities owned or leased by a solid waste hauler for storage or repair of its motor vehicles that have temporary or occasional storage of solid waste, so long as the solid waste is contained within the truck and that no transfer or other handling of the solid waste is done at the premises.

I also enclose a copy of the Massachusetts General Laws pertaining to the licensing of solid waste haulers by municipalities (G.L. c. 111, Section 31A). The second paragraph of the statute does not require a licensed hauler to obtain a permit for waste transported within the confines of a municipality if the waste is not collected in the municipality so long as the hauler "registers" with the municipality. Would you please advise the process established by the Board relative to this "registration" since A Plus does not collect solid waste in Middleborough.

I would appreciate your prompt response.

Very truly yours,


John H. Wyman

JHW/pdc
Encl.

cc: A Plus Waste & Recycling Services, LLC

310 CMR: DEPARTMENT OF ENVIRONMENTAL PROTECTION

16.05: continued

(c) Agricultural Waste Composting. A composting operation for agricultural wastes, when located on a farm engaged in "agriculture" or "farming" as defined in M.G.L. c. 128, § 1A. Such composting operation may, in addition to agricultural wastes, utilize the following compostable materials generated off-site, provided the operation is registered and complies with policies of the Department of Food and Agriculture:

1. leaf and yard waste;
2. wood waste;
3. clean newspaper or cardboard;
4. clean compostable (i.e. thin) shells, and clean bones;
5. non-agricultural sources of manures and animal bedding materials;
6. less than 20 cubic yards or less than ten tons per day of vegetative material; and
7. less than ten cubic yards or less than five tons per day of food material.

(d) Composting on Industrial, Commercial or Institutional Sites or Zoos. A composting operation located at an industrial, commercial or institutional site or zoo which composts less than four cubic yards or less than two tons per week of vegetative materials, food materials or animal manures that are generated on-site, and where, at least 30 days prior to commencement of operations, the operator notifies the Department and the board of health, using a form as may be supplied by the Department.

(5) Other Conditionally Exempted Operations. The following operations do not require a site assignment or a Solid Waste Management Facility Permit pursuant to 310 CMR 19.000, provided the operation incorporates good management practice, is carried out in a manner that prevents an unpermitted discharge of pollutants to air, water or other natural resources of the Commonwealth and results in no public nuisance:

(a) Temporary Storage by Public Works Departments. Dumpsters, roll-offs, or other temporary storage containers or temporary storage areas at a location controlled by a public works department such as a municipal department of public works, the Massachusetts Highway Department, Massachusetts Turnpike Authority, Metropolitan District Commission or similar government agency, when used exclusively for solid waste generated and collected by the public works department and when storage is appropriate for the type of waste (e.g., materials such as trash from roadside trash barrels are stored in dumpsters or roll-offs while materials such as street sweepings may be stored without containers);

(b) Hospital and Laboratory Infectious Waste Storage Areas. Hospitals, medical laboratories and biotechnology companies which accept for storage, pending off-site treatment or disposal, infectious waste generated on-site by the hospital, medical laboratory or biotechnology company, or infectious waste generated off-site, provided:

1. the hospital, biotechnology company or laboratory has sufficient properly designed and operated infectious waste storage areas and manages all infectious waste in compliance with the Regulations for Storage and Disposal of Infectious or Physically Dangerous Medical or Biological Waste, State Sanitary Code Chapter VIII, 105 CMR 480.000; and
2. the hospital, biotechnology company or medical laboratory accepts and stores off-site generated infectious waste with on-site generated infectious waste only as follows:
 - a. Hospitals. Collects and stores infectious waste generated off-site from hospitals or clinics which the hospital owns, or from hospitals, clinics or physicians with whom the hospital has a professional affiliation for the provision of medical services.
 - b. Medical Laboratories. Collects and stores infectious waste generated off-site from laboratories it operates, or generated off-site by customers to whom the laboratory provides laboratory services and only to the extent that the infectious waste collected from such customers and stored does not, on a daily basis, exceed the amount of infectious waste generated on-site from the laboratory's own laboratory activities.
 - c. Biotechnology Companies. Collects and stores infectious waste generated off-site from the company's biotechnology operations conducted at buildings owned or leased by the company.
3. the infectious waste storage area would not otherwise require a site assignment or solid waste management facility permit pursuant to 310 CMR 15.00 and 310 CMR 19.000, respectively.

16.05: continued

(c) Occasional Solid Waste Vehicle Layover. Sites owned or leased by a solid waste transporter for purposes of truck storage or repair where enclosed trucks, trailers and other solid waste handling and transfer equipment containing loads of solid waste are occasionally stored for overnight or weekend layover prior to transportation to a solid waste management facility, provided:

1. there is no unloading or transfer of the solid waste from the container or vehicle to the ground or to another container or vehicle; and
2. the zoning of the truck storage or repair site would not disallow such an activity or use.

(d) Residential Disposal of Wood Wastes. Disposal of wood wastes at an existing single family residence or farm where the wood wastes are generated and disposed within the boundaries of such residence or farm by the occupant or resident of that residence or farm, (i.e., wood wastes generated by a developer while clearing land prior to constructing the residence are not covered by this exemption.)

(e) Wood Chipping and Shredding Operations. Wood chipping and wood shredding operations when:

1. only brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash and other clean wood, which are not mixed with other solid wastes, are processed;
2. no wood containing or likely to contain asbestos, glues, or chemical preservatives such as creosote, pentachlorophenol, paints, stains or other coatings is processed;
3. there is no speculative accumulation of wood or wood chips prior to or after processing. For purposes of 310 CMR 16.05(5)(e), the accumulation time period that determines if speculative accumulation is occurring shall be 90 days; and
4. at least 30 days prior to commencement of operations, the operator notifies the Department and the board of health, using a form as may supplied by the Department.

(f) Occasional Non-commodity CRT Vehicle Layover². Sites owned or leased by transporters of Non-commodity CRTs to hold Non-commodity CRTs prior to transportation to a CRT operation, a CRT recycling facility, or a permitted hazardous waste treatment, storage or disposal facility, provided that Non-commodity CRTs are held in a vehicle at the site for no longer than ten days.

(g) Tire Chipping, Shredding or Other Tire Processing Operations. The chipping, shredding or other tire processing operations when:

1. only tires or tires with wheel rims attached, that are not mixed with other solid waste, are processed;
2. the quantity of whole tires on site does not exceed the number of tires that can be processed in a 24 hour period or 1000 tires, whichever is greater;
3. the total quantity of processed tires (tire chips, shreds or other tire derived products) at the site does not exceed five times the weight of tires that can be processed in a 24 hour period or the equivalent of 5000 tires, whichever is greater;
4. whole tires and processed tires are stored in buildings, covered containers or covered to prevent the infiltration of water;
5. whole tires and processed tires are stored in accordance with 310 CMR 7.00 and local fire department requirements for storing combustible material;
6. there is no speculative accumulation of tires and/or processed tires prior to or after processing. For purposes of 310 CMR 16.05(5)(g) the time period for evaluating if speculative accumulation is occurring shall be 30 days;
7. processed tires are:
 - a. used to make new synthetic polymers ("rubber");
 - b. used in accordance with a Beneficial Use Determination (310 CMR 19.060) or other approval required by the Department;
 - c. combusted in a facility that is not a solid waste facility in accordance with a specific air quality approval issued under 310 CMR 7.00 that approves the combustion of tires or processed tires as an alternative fuel; or
 - d. handled in a solid waste facility; and

² This provision creates a conditional exemption for locations where transporters handle CRTs.

The General Laws of Massachusetts

[Search the Laws](#)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XVI. PUBLIC HEALTH

Go To: Next Section Previous Section Chapter Table of Contents MSL Search Page General Court Home Mass.gov

CHAPTER 111. PUBLIC HEALTH

CITY AND TOWN BOARDS OF HEALTH

Chapter 111: Section 31A. Permit for removal or transportation of garbage; application; exemptions

Section 31A. No person shall remove or transport garbage, offal or other offensive substances through the streets of any city or town without first obtaining a permit from the board of health of such city or town; provided, however, that no rules or regulations shall restrict the hours of the day when garbage, offal or other offensive substances may be collected in areas zoned for business, commercial or industrial use. An application for such permit shall be in such form and contain such information, on oath, as such board shall require. All such permits shall expire at the end of the calendar year in which they are issued, but may be renewed annually on application as herein provided. No permit shall be transferred except with the approval of the said board.

Notwithstanding the foregoing provisions, any person may, without such a permit, transport garbage, offal or other offensive substances through the streets of a city or town in which said substances were not collected; provided, that he registers with the board of health of such city or town; and, provided further, that he transports said substances in accordance with such reasonable rules and regulations as may be established by such board of health. Motor vehicles owned by the commonwealth or any of its political subdivisions and motor vehicles engaged under contract with the commonwealth in the transportation of garbage or refuse shall be exempt from the provisions of this section; provided, however, that a city or town may recommend to the department of highways, in writing, an alternative route of travel for such motor vehicles whereby the noise or nuisance incident to such travel shall be minimized or abated and said department shall consider such alterations or changes in the travel routes of such motor vehicles as will result in the minimization of such noise or nuisance.



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

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

LAURIE BURT
Commissioner

FAX COVER SHEET

FAX # (508) 946-2865

TELEPHONE # (508) 946-2851

DATE: 10/27/08

FROM: Roberta Edwards

PLEASE DELIVER TO: Middleborough Board of Health 508 946 2321
Board of Selectmen 508 946 0058
Fire Dept. 508 946 2464

TOTAL NUMBER OF PAGES: 4 (INCLUDING COVER PAGE)

PLEASE CALL IF YOU DO NOT RECEIVE COMPLETE FAX.

Notice of Responsibility, A Plus Waste Removal



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

COPY

DEVAL L. PATRICK
 Governor

TIMOTHY P. MURRAY
 Lieutenant Governor

IAN A. BOWLES
 Secretary

LAURIE BURT
 Commissioner

URGENT LEGAL MATTER: PROMPT ACTION NECESSARY

October 22, 2008

A Plus Waste Removal
 P. O. Box 6421
 176 Court Street
 Plymouth, Massachusetts 02362

RE: MIDDLEBOROUGH - BWSC
 Route 28 & Elm Street
 RTN# 4-21590

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DEP on the World Wide Web: <http://www.mass.gov/dep>

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ACTIONS REQUIRED

Additional submittals are necessary with regard to this notification including, but not limited to, the filing of a written IRA Plan, IRA Completion Statement and/or a Response Action Outcome (RAO) statement. **The MCP requires that a fee of \$1,200 be submitted to MassDEP when an RAO statement is filed greater than 120 days from the date of initial notification.** Specific approval is required from MassDEP for the implementation of all IRAs pursuant to 310 CMR 40.0420 and 310 CMR 40.0443, respectively. Assessment activities, the construction of a fence and/or the posting of signs are actions that are exempt from this approval requirement.

In addition to oral notification, 310 CMR 40.0333 requires that a completed Release Notification Form (BWSC-103, attached) be submitted to MassDEP within sixty (60) calendar days of **October 20, 2008**.

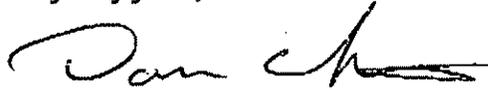
You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or actually perform the necessary response actions at this site. You may obtain a list of the names and addresses of these licensed professionals from the Board of Registration of Hazardous Waste Site Cleanup Professionals by calling (617) 556-1091 or visiting <http://www.state.ma.us/lsp>.

Unless otherwise provided by MassDEP, potentially responsible parties ("PRP's") have one year from the initial date of notification to MassDEP of a release or threat of a release, pursuant to 310 CMR 40.0300, or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; (2) an RAO Statement or, if applicable, (3) a Downgradient Property Status. The deadline for either of the first two submittals for this disposal site is **October 20, 2009**. If required by the MCP, a completed Tier I Permit Application must also accompany a Tier Classification Submittal.

This site shall not be deemed to have had all the necessary and required response actions taken unless and until all substantial hazards presented by the release and/or threat of release have been eliminated and a level of No Significant Risk exists or has been achieved in compliance with M.G.L. c.21E and the MCP.

If you have any questions relative to this Notice, please contact Michael Whiteside at the letterhead address or at (508) 946-2704. All future communications regarding this release must reference the following Release Tracking Number: 4-21590.

Very truly yours,



Daniel Crafton, Acting Chief
Emergency Response / Release
Notification Section

C/MCW/re
4-21590aplus-middleboro

Attachments: Release Notification Form; BWSC-103 and Instructions
Summary of Liability under M.G.L. c.21E
MassDEP's guide to hiring a Licensed Site Professional.

fc: Board of Health
Board of Selectmen
Fire Dept