



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

Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

November 30, 2023

Town of Weymouth
Office of the Mayor
ATTN: Honorable Robert L. Hedlund
75 Middle Street
Weymouth, MA 02189

RE: **WEYMOUTH-BWR/WPC**
Department of Public Works
Great Pond Water Treatment Plant
239 Pond Street
Program ID # MAG640031
**ADMINISTRATIVE CONSENT
ORDER WITH PENALTY and
NOTICE OF NONCOMPLIANCE**
Enforcement Document
No:00007359

Dear Honorable Robert Hedlund:

In connection with the referenced matter, enclosed is your copy of the fully executed Administrative Consent Order with Penalty. Please note that this Administrative Consent Order contains a schedule of actions and deadlines which, if not adhered to, could render you liable for stipulated and/or suspended penalties, if applicable, as described therein.

If you have any questions regarding this matter, please contact Jonathan Hobill at the letterhead address or by calling (857) 262-5328. MassDEP appreciates your cooperation in this matter.

Sincerely,


Gerard M. R. Martin
FOR: Millie Garcia-Serrano
Regional Director

MGS/LAS

ENC: Enforcement Document # 00007359

ec: Town of Weymouth
Kenan Connell, DPW Director, KConnell@weymouth.ma.us
Braydon Marot, DPW Facilities Engineer, BMarot@weymouth.ma.us
Richard McLeod, Town Solicitor, RMcleod@weymouth.ma.us
Daniel McCormack, Director of Public Health, dmccormack@weymouth.ma.us

DEP-SERO:

Gerard Martin, Deputy Regional Director, Bureau of Water Resources

Jonathan Hobill, Regional Engineer, Bureau of Water Resources

Shaun Walsh, Chief Regional Counsel, Office of General Counsel

Lara Goodine, Regional Enforcement Coordinator

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

In the matter of:

Town of Weymouth
Department of Public Works
Great Pond Water Treatment Plant
239 Pond Street
Weymouth, Massachusetts 02188

Enforcement Document Number:
00007359

Issuing Bureau: BWR
Issuing Region/Office: SERO
Issuing Program: WPC
Primary Program Cited: SW
Subpgm(s) Cited: NPDES
FMF/Program ID #MAG640031

**ADMINISTRATIVE CONSENT ORDER WITH PENALTY
AND
NOTICE OF NONCOMPLIANCE**

I. THE PARTIES

1. The Department of Environmental Protection ("Department" or "MassDEP") is a duly constituted agency of the Commonwealth of Massachusetts established pursuant to M.G.L. c. 21A, § 7. MassDEP maintains its principal office at 100 Cambridge Street, Boston, Massachusetts 02114, and its Southeast Regional Office at 20 Riverside Drive, Lakeville, Massachusetts 02347.
2. Town of Weymouth ("Respondent") is a municipality having its principal offices at 75 Middle Street, Weymouth, MA 02189. Respondent maintains a Department of Public Works with its principal offices located at 120 Winter Street, Weymouth, Massachusetts 02188. Respondent's mailing address for purposes of this Consent Order is 75 Middle Street, Weymouth, Massachusetts 02189.

II. STATEMENT OF FACTS AND LAW

3. MassDEP is responsible for the implementation and enforcement of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53; the Surface Water Discharge Permit Regulations at 314 CMR 3.00; the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40; the Wetlands Regulations at 310 CMR 10.00; and the Massachusetts Surface Water Quality Standards 314 CMR 4.00. MassDEP also has authority under M.G.L. c. 21A, § 16 and the Administrative Penalty Regulations at 310 CMR 5.00 to assess civil administrative penalties to persons in noncompliance with the laws and regulations set forth above.

4. Respondent is the operator of the Great Pond Water Treatment Plant owned by the Town of Weymouth and located at 239 Pond Street in Weymouth, Massachusetts for which a National Pollutant Discharge Elimination System Potable Water Treatment Facility General Permit MAG640031 (the "NPDES Permit" or the "Permit") has been issued. The Permit established effluent limits that the Respondent shall comply with to operate and maintain an outlet for the discharge of treated effluent from the Great Pond Water Treatment Plant to the lower lobe of Great Pond, considered to be waters of the Commonwealth.

5. The following facts and allegations have led MassDEP to issue this Consent Order:

- A. Discharge Monitoring Reports submitted by the Respondent for the Great Pond Water Treatment Plant showed the exceedance of Total Suspended Solid (TSS) limits established in the NPDES Permit as follows:

Total Suspended Solids (*Daily Maximum* Permit Discharge Limit 50 milligrams per liter [mg/L])

Date	Total Suspended Solids (mg/L)
January 2018	160
February 2018	120
March 2018	68
June 2018	57
December 2018	85
January 2019	244
July 2019	72.8
August 2019	78.4
December 2019	69.4
February 2020	126
March 2020	129
January 2021	119
December 2021	220

Total Suspended Solids (*Monthly Average* Permit Discharge Limit 30 mg/L)
were as follows:

Month	Total Suspended Solids (mg/L)
January 2018	45
February 2018	37
January 2019	96.15
August 2019	35
December 2019	31.145
February 2020	52.786
January 2021	51.63
December 2021	64.06

- B. On March 30, 2018, representatives from the MassDEP Division of Watershed Management (DWM) observed a layer of material existing over approximately 75 percent of the bottom of the lower lobe of Great Pond, the receiving waters for the discharge from the Great Pond Water Treatment Plant, during the collection of bathymetry data. The material, the source of which was drinking water treatment residuals, consisted of up to a six-inch-thick layer of orange gelatinous material and up to three feet of black material below the orange gel layer. MassDEP determined that approximately five acres of land under water in Great Pond may have been impacted by the drinking water treatment residuals. The Town of Weymouth Water and Sewer Department was made aware of the existence of the drinking water treatment residuals in the pond and attributed the material to the presence of *Acidithiobacillus ferrooxidans*, which is an iron-oxidizing bacterium. The Division of Watershed Management conveyed their findings to the MassDEP Southeast Regional Office (SERO) on April 4, 2018.
- C. On April 12, 2018, representatives from MassDEP SERO and Boston conducted an inspection of the Great Pond Water Treatment Plant, including the lagoons, the facility outfall (the designated NPDES permit discharge sampling location) and the lower lobe of Great Pond. MassDEP also collected samples from the dissolved air flotation (DAF) units, the lagoons, the outfall, and several locations along the edge of the lower lobe of Great Pond for visual inspection. A review of the documentation summarizing Respondent's chemical usage at the Great Pond Water Treatment Plant was also performed and revealed an inconsistent use in plate settler polymer application. An increase of more than double the amount of plate settler polymer used in the plate settlers was found to occur between January and August 2017 compared to that used in 2016 and September 2017 through March 2018. Pictometry images, historical aerials and Google Earth Pro images available to MassDEP were also viewed.
- D. On April 26, 2018, MassDEP SERO collected samples from various locations throughout the Great Pond Water Treatment Plant and the lower lobe of the pond for analysis of turbidity, percent solids and select total metals. Turbidity was

present in the raw water (0.85 nephelometric turbidity units [NTU]), the plate settler supernatant (0.85 NTU) and in the water of the lower lobe of the pond (1.1 NTU). Solids (Total Solids, Total Fixed Solids and Total Volatile Solids) were quantified in the DAF sludge (2%, 46%, and 54% respectively) and the drinking water treatment residuals observed in the lower pond lobe, the orange gelatinous material (3.2%, 47%, and 53%), and the black material underlying the orange gel (1.8%, 44% and 56%). Total aluminum, iron and manganese were also detected in the plate settler sludge (150,000 milligrams per kilogram [mg/kg], 4,400 mg/kg, and 6,200 mg/kg respectively) and the drinking water treatment residuals observed in the lower pond lobe, the orange gelatinous material (170,000 mg/kg, 11,000 mg/kg, and 1,800 mg/kg), and the black material underlying the orange gel (150,000 mg/kg, 12,000 mg/kg, and 1,400 mg/kg). Manganese (Total) was also present in the raw water (0.041 mg/L), the plate settler supernatant (0.028 mg/L), the effluent from the NPDES permitted discharge outfall (1.8 mg/L), the lagoon effluent (4.9 mg/L), and the water in the lower lobe of the pond (0.97 mg/L). Aluminum (Total) was detected in the plate settler supernatant (0.92 mg/L) and the effluent from the NPDES permitted discharge outfall (1.1 mg/L), while iron (Total) was present in the raw water (0.14 mg/L) and the effluent from the permitted discharge outfall (0.12 mg/L).

- E. In April 2018, Respondent retained the services of an environmental consultant to investigate the cause of a portion of the drinking water treatment residuals, the layer of gelatinous material observed in the lower lobe of Great Pond. As a result, the Respondent's consultant reviewed and assessed plant equipment and operations. Samples of backwash effluent were also collected at key stages in the residual process for laboratory analysis.
- F. In May 2018, MassDEP conducted a plankton tow of various portions of Great Pond which revealed that the pond's capacity to support an abundant and biologically diverse algae community varied in proximity to the NPDES discharge. A biologically diverse community dominated by diatoms was observed in the main body of the pond, whereas the lower lobe of the pond was sparsely populated by phytoplankton. Oligotrophic taxa (*Dinobryon* and *Phacotus lenticularis*) which exist in water bodies impacted by aluminum laden discharges were also observed in the lower lobe of the pond.
- G. On July 11, 2018, Respondent's consultant provided to MassDEP a memorandum summarizing their findings regarding the potential cause of the gelatinous material in the lower lobe of Great Pond. Upon completion of their investigation, Respondent's consultant determined that the most likely primary reason the gelatinous material exists on the pond floor is due to operation of the plate settler inconsistent with the manufacturer's recommendation and an oversized chemical feed pump. The consultant recommended that the plate settlers be operated in a continuous mode, the existing valve in the plate settlers be replaced/upgraded with an actuated control valve, and the polymer feed pump be replaced with a smaller hose pump allowing for more accurate polymer dosing.

- H. On June 19, 2019, MassDEP inspected the Great Pond Water Treatment Plant to view the emergency repairs performed on the filters. At the time of the inspection, MassDEP viewed the discharge from the NPDES-permitted outfall and observed the conveyance of clear water from the outfall entering the lower lobe of the pond. MassDEP also confirmed that the mode of operation for the plate settlers was modified, and the dosage of polymer applied to the settlers was adjusted based on jar testing results.
- I. Respondent failed to properly operate the Great Pond Water Treatment Plant, resulting in the discharge of pollutants to waters of the Commonwealth in violation of its Permit and 314 CMR 3.19(1), (2) and (4) and 314 CMR 4.05(5)(a) and (b), resulting in the alteration of Land Under a Waterbody, specifically the deposition of drinking water treatment residuals comprised of a gelatinous material underlain by a layer of black material across approximately 5 acres of land underneath the pond, in violation of 310 CMR 10.02(2)(a).

314 CMR 3.19(1), (2) and (4) state, respectively and in part, that "No discharge authorized in the permit shall result in a violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) ... or any amendments thereto," "The Permittee shall comply at all times with the terms and conditions of the permit," and "The Permittee shall at all times properly operate and maintain all facilities and equipment installed or used to achieve compliance with the terms and conditions of the permit..."

314 CMR 4.05(5)(a) and (b) state, respectively and in part, that "All surface waters shall be free from pollutants in concentrations or combinations that settle to form objectionable deposits ... [or] produce turbidity," and that "All surface waters shall be free from pollutants in concentrations or combinations or from alterations that adversely affect the physical or chemical nature of the bottom, interfere with the propagation of fish..., or adversely affect populations of non-mobile or sessile benthic organisms."

310 CMR 10.02(2)(a) states that "Any activity proposed or undertaken within an area specified in 310 CMR 10.02(1), which will remove, fill, dredge or alter that area, is subject to Regulation under M.G.L. c. 131, § 40 and requires the filing of a Notice of Intent except: 1. minor activities within the riverfront area meeting the requirement of 310 CMR 10.02(2)(b)1. and 2.; and 2. activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility. A project proponent claiming that work to remove, fill, dredge or alter an area specified in 310 CMR 10.02(1) does not require the filing of a Notice of

Intent has the burden of establishing that the work is not subject to Regulation under M.G.L. c. 131, § 40.”

III. DISPOSITION AND ORDER

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

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

7. MassDEP's authority to issue this Consent Order is conferred by the Statutes and Regulations cited in Part II of this Consent Order.

8. Respondent shall perform the following actions:

- A. **Within ninety (90) days** of the effective date of this Consent Order, Respondent shall submit a Remedy Plan to MassDEP that describes the actions to be taken to meet the Total Suspended Solids limit set in the NPDES General Permit, MAG640031 for the Great Pond Water Treatment Plant and an implementation schedule. The Remedy Plan shall identify any permits necessary should facility modifications be required.
- B. **Within one hundred and eighty (180) days** of the effective date of this Consent Order, Respondent shall submit to MassDEP for review and approval, a Great Pond Lower Lobe Cleanup and Restoration Plan consistent with the requirements of the Wetlands Protection Act, including an implementation schedule.
- C. **Within ninety (90) days** of MassDEP's approval of the Great Pond Lower Lobe Cleanup and Restoration Plan, Respondent shall submit to MassDEP the first quarterly progress report describing the actions completed over the previous 90-day period. Subsequent progress updates shall be due to MassDEP thirty days after the end of each calendar year quarter and continue to be submitted until such time as all work is completed.
- D. **Within one hundred and eighty (180) days** of MassDEP approval of the Remedy Plan identified in Paragraph 8.A. above, Respondent shall apply for all permits necessary for Remedy Plan implementation in accordance with MassDEP's approval.
- E. **Within one hundred and eighty (180) days** of MassDEP approval of the Great Pond Lower Lobe Cleanup and Restoration Plan identified in Paragraph 8.B. above, Respondent shall apply for all necessary permits except for applicable final disposal

permits necessary for implementation of the Department-approved Great Pond Lower Lobe Cleanup and Restoration Plan.

- F. **Within ninety (90) days** of completion of removal of all the drinking water treatment residuals from the pond, Respondent shall apply for all permits associated with the disposal of the residuals.
- G. Respondent shall complete all the actions stated in the Department-approved Remedy Plan and the Department-approved Great Pond Lobe Cleanup and Restoration Plan in accordance with said approvals and schedule.

9. All engineering work performed pursuant to this Consent Order shall be under the general direction and supervision of a qualified professional engineer registered in Massachusetts experienced in the design and operation of drinking water treatment plants. Any contractual relationship between Respondent and the engineer for work required hereunder shall require the engineer, as a condition of the contract, to implement work consistent with the provisions of this Consent Order.

10. Except as otherwise provided, all notices, submittals and other communications required by this Consent Order shall be directed to:

Jonathan Hobill
Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

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

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

12. For purposes of M.G.L. c. 21A, § 16 and 310 CMR 5.00, this Consent Order shall also serve as a Notice of Noncompliance for Respondent's noncompliance with the requirements cited in Part II above. MassDEP hereby determines, and Respondent hereby agrees, that any deadlines set forth in this Consent Order constitute reasonable periods of time for Respondent to take the actions described.

13. The Commonwealth assesses a civil administrative penalty in the amount of **forty-three thousand two hundred and fifty dollars (\$43,250)** for the violations identified in Part II above, according to the following schedule:

A. MassDEP hereby agrees to suspend payment of the sum of **forty-three thousand two hundred and fifty dollars (\$43,250)** contingent upon Respondent's timely compliance with the requirements of this Consent Order. However, should Respondent fail to comply with the following Consent Order compliance deadlines, suspended penalties shall become due and owing as follows:

1. If Respondent fails to comply with Paragraph 8.A. of this Consent Order, Respondent shall pay to the Commonwealth the sum of **fourteen thousand four hundred and sixteen dollars and sixty-seven cents (\$14,416.67)** within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation;
2. If Respondent fails to comply with Paragraph 8.B. of this Consent Order, Respondent shall pay to the Commonwealth the sum of **fourteen thousand four hundred and sixteen dollars and sixty-seven cents (\$14,416.67)** within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation, and;
3. If Respondent fails to comply with Paragraph 8.G. of this Consent Order, Respondent shall pay to the Commonwealth the sum of **fourteen thousand four hundred and sixteen dollars and sixty-six cents (\$14,416.66)** within thirty (30) days of the date MassDEP issues Respondent a written demand for payment. This paragraph shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess Respondent additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.

14. Respondent understands, and hereby waives, its right to an adjudicatory hearing before MassDEP on, and judicial review of, the issuance and terms of this Consent Order and to notice of any such rights of review. This waiver does not extend to any other order issued by the MassDEP.

15. This Consent Order may be modified only by written agreement of the parties hereto.

16. The provisions of this Consent Order are severable, and if any provision of this Consent Order or the application thereof is held invalid, such invalidity shall not affect the validity of other provisions of this Consent Order, or the application of such other provisions, which can be given

effect without the invalid provision or application, provided however, that MassDEP shall have the discretion to void this Consent Order in the event of any such invalidity.

17. Nothing in this Consent Order shall be construed or operate as barring, diminishing, adjudicating or in any way affecting (i) any legal or equitable right of MassDEP to issue any additional order or to seek any other relief with respect to the subject matter covered by this Consent Order, or (ii) any legal or equitable right of MassDEP to pursue any other claim, action, suit, cause of action, or demand which MassDEP may have with respect to the subject matter covered by this Consent Order, including, without limitation, any action to enforce this Consent Order in an administrative or judicial proceeding.

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

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

20. In addition to the penalty set forth in this Consent Order (including any suspended penalty), Respondent shall pay stipulated civil administrative penalties to the Commonwealth in accordance with the following schedule if Respondent violates any provision of this Consent Order:

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

<u>Period of Violation</u>	<u>Penalty per day</u>
1 st through 15 th days	\$250 per day
16 th through 30 th days	\$500 per day
31 st day and thereafter	\$1,000 per day

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

required to pay stipulated civil administrative penalties pursuant to this Consent Order for the same violations.

Respondent reserves whatever rights it may have to contest MassDEP's determination that Respondent failed to comply with the Consent Order and/or to contest the accuracy of MassDEP's calculation of the amount of the stipulated civil administrative penalty. Upon exhaustion of such rights, if any, Respondent agrees to assent to the entry of a court judgment if such court judgment is necessary to execute a claim for stipulated penalties under this Consent Order.

21. Respondent shall pay all civil administrative penalties due under this Consent Order, including suspended and stipulated penalties, by certified check or cashier's check order made payable to the Commonwealth of Massachusetts, or by electronic funds transfer. If payment is made by certified check or cashier's check, Respondent shall clearly print on the face of its payment Respondent's full name, the enforcement document number appearing on the first page of this Consent Order, and the Respondent's Federal Employer Identification Number, and shall mail it to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 3982
Boston, Massachusetts 02241-3982

In the event Respondent fails to pay in full any civil administrative penalty as required by this Consent Order, then pursuant to M.G.L. c. 21A, § 16, Respondent shall be liable to the Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorneys' fees, including all costs and attorneys' fees incurred in the collection thereof. The rate of interest shall be the rate set forth in M.G.L. c. 231, § 6C.

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

23. To the extent authorized by the current owner, Respondent agrees to provide MassDEP, and MassDEP's employees, representatives and contractors, access at all reasonable times to the Great Pond Water Treatment Plant located at 239 Pond Street in Weymouth, Massachusetts for purposes of conducting any activity related to its oversight of this Consent Order. Notwithstanding any provision of this Consent Order, MassDEP retains all its access authorities and rights under applicable state and federal law.

24. Force Majeure

A. MassDEP agrees to extend the time for performance of any requirement of this Consent Order if MassDEP determines that such failure to perform is caused by a Force Majeure

event. The failure to perform a requirement of this Consent Order shall be considered to have been caused by a Force Majeure event if the following criteria are met: (1) an event delays performance of a requirement of this Consent Order beyond the deadline established herein; (2) such event is beyond the control and without the fault of Respondent and Respondent's employees, agents, consultants, and contractors; and (3) such delay could not have been prevented, avoided or minimized by the exercise of due care by Respondent or Respondent's employees, agents, consultants, and contractors.

- B. Financial inability and unanticipated or increased costs and expenses associated with the performance of any requirement of this Consent Order shall not be considered a Force Majeure Event.
- C. If any event occurs that delays or may delay the performance of any requirement of this Consent Order, Respondent shall immediately, but in no event later than 5 days after obtaining knowledge of such event, notify MassDEP in writing of such event. The notice shall describe in detail: (i) the reason for and the anticipated length of the delay or potential delay; (ii) the measures taken and to be taken to prevent, avoid, or minimize the delay or potential delay; and (iii) the timetable for taking such measures. If Respondent intends to attribute such delay or potential delay to a Force Majeure event, such notice shall also include the rationale for attributing such delay or potential delay to a Force Majeure event and shall include all available documentation supporting a claim of Force Majeure for the event. Failure to comply with the notice requirements set forth herein shall constitute a waiver of Respondent's right to request an extension based on the event.
- D. If MassDEP determines that Respondent's failure to perform a requirement of this Consent Order is caused by a Force Majeure event, and Respondent otherwise complies with the notice provisions set forth in paragraph C above, MassDEP agrees to extend in writing the time for performance of such requirement. The duration of this extension shall be equal to the period of time the failure to perform is caused by the Force Majeure event. No extension shall be provided for any period of time that Respondent's failure to perform could have been prevented, avoided or minimized by the exercise of due care. No penalties shall become due for Respondent's failure to perform a requirement of this Consent Order during the extension of the time for performance resulting from a Force Majeure event.
- E. A delay in the performance of a requirement of this Consent Order caused by a Force Majeure event shall not, of itself, extend the time for performance of any other requirement of this Consent Order.

25. This Consent Order may be executed in one or more counterpart originals, all of which when executed shall constitute a single Consent Order.

26. The undersigned certify that they are fully authorized to enter into the terms and conditions of this Consent Order and to legally bind the party on whose behalf they are signing this Consent Order.

27. Respondent's obligations under this Consent Order shall cease upon Respondent's completion of all actions and payments required by this Consent Order.
28. This Consent Order shall become effective on the date that it is executed by MassDEP.

IMPORTANT INSTRUCTIONS

You are responsible for sending your penalty payment and two signed copies of the Consent Order to different locations.

- Your PAYMENT must be sent to the Commonwealth of Massachusetts Master Lockbox at the following address:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 3982
Boston, Massachusetts 02241-3982

DO NOT INCLUDE THE TWO SIGNED CONSENT ORDERS WITH YOUR PAYMENT.

- Your two signed copies of the Consent Order must be delivered for execution by MassDEP to the following address:

Millie Garcia-Serrano, Regional Director
Massachusetts Department of Environmental Protection
Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347

MassDEP will return one copy of the Consent Order to you after execution, provided you have followed these instructions.

Please call Laura Stanley at (508) 946-2880 if you have questions regarding payment instructions.

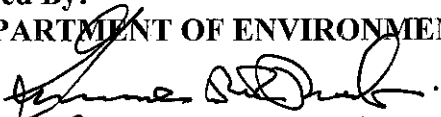
Consented To:
TOWN OF WEYMOUTH

By: 

Date: 11/27/23

Robert L. Hedlund, Mayor
Weymouth Town Hall 75 Middle Street
Weymouth, Massachusetts 02189
Federal Employer Identification No.: 046-001363

Issued By:
DEPARTMENT OF ENVIRONMENTAL PROTECTION

By: 
Gerard M.R. Martin

Date: 11/30/23

MDR Millie Garcia-Serrano, MPH
Regional Director
MassDEP-Southeast Regional Office
20 Riverside Drive
Lakeville, Massachusetts 02347