

MASSACHUSETTS

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



The Massachusetts Department of Environmental Protection (DEP) enforces the state's environmental laws.



385 Enforcement actions were issued to retailers

The types of retail stores facing enforcement.



Automotive Store 70



Grocery Stores 1



Dry Cleaners 14



Motor Vehicle Dealers 19



Gas Station 264



\$48,820

Total fines issued to retailers

86% ↑

Enforcement action increase in 2017

HIGHLIGHTS

Between January 1, 2017 and June 30, 2017, 385 enforcement actions filed by the Massachusetts Department of Environmental Protection (DEP) were issued to retail establishments. This is a sharp increase from the 207 enforcement actions issued from July 1, 2016 to December 31, 2016. Retailers that received an enforcement action consisted of automotive stores, dry cleaners, gas stations, grocery stores, and motor vehicle dealers.

Retailers received enforcement actions for a variety of regulation noncompliance, including drinking water, hazardous waste, air permitting, and underground storage tank violations.

Fines ranged from \$500 to \$17,820. Fines ranged from \$500 to \$17,820 from January 1 2017 to June 30, 2017, while fines between January 1, 2016 and June 30, 2016 ranged from \$500 to \$1000.

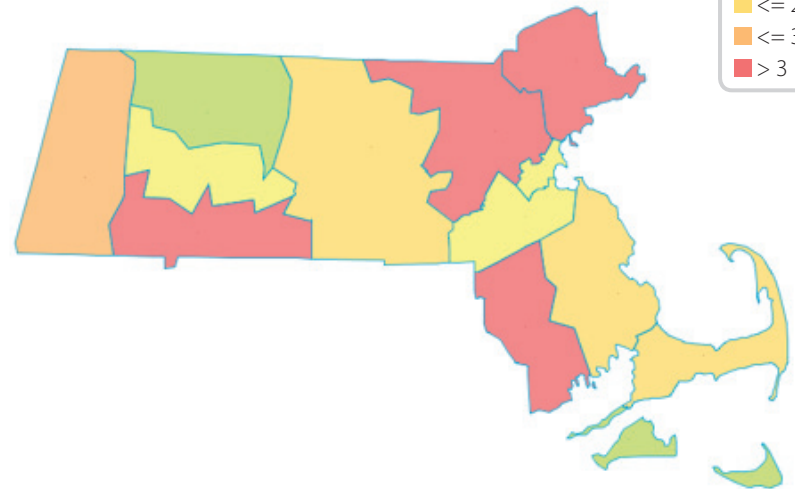
Massachusetts does not make inspection reports publicly available.

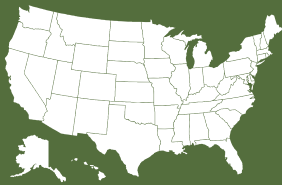
Enforcement by county

[Click here](#) for interactive map.

Violations

- ≤ 0
- ≤ 1
- ≤ 2
- ≤ 3
- > 3





MASSACHUSETTS

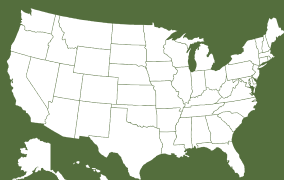
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January 1, 2017 - June 30, 2017



ENFORCEMENT DETAIL

Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Air. Violations covered automotive stores, dry cleaners, gas stations, and motor vehicle dealers. Violations included failure to: maintain required records, submit a Stage I Form C, Annual In-Use Compliance Certification, and submit a Stage II decommissioning Notification.						
Air	Automotive stores ²	Notices of noncompliance (NONs)	Failure to: <ul style="list-style-type: none"> • Maintain required records • Have a compliant exhaust stack for the paint spray booth • Submit a Stage I Form C, Annual In-Use Compliance Certification • Submit a Stage II decommissioning Notification • Use two or more layers of dry fiber mat filter 	Berkshire Bristol Essex Hampden Hampshire Middlesex Norfolk Plymouth Suffolk Worcester	1 2 1 2 1 8 4 1 3 3	Retailers were required to: <ul style="list-style-type: none"> • Maintain required records • Provide an exhaust stack for the paint spray booth that is 35 feet tall • Submit a completed Stage I Form C Annual In-Use Compliance Certification • Submit a completed Stage II Decommissioning Notification • Utilize two or more layers of dry fiber filter mat
	Dry cleaners ²	Notice of Enforcement Conference Notice of Response Actions NONs RPANs	Failure to: <ul style="list-style-type: none"> • Keep a current written log of when dry cleaning equipment was checked for leaks • Perform leak detection each week on equipment components • Prevent release of chlorinated volatile organic compounds (VOCs) • Submit a Dry Cleaner Compliance Certification 	Barnstable Bristol Essex Hampden Middlesex Norfolk Plymouth Suffolk Worcester	1 1 1 2 3 3 1 1 1	\$500 fine. \$1,000 fine to three retailers. In addition, retailers were required to: <ul style="list-style-type: none"> • Attend an enforcement conference at the DEP regional office • Collect indoor air samples from the basement • Complete inspections weekly for perceptible leaks while the dry cleaning system is in operation • Evaluate the sampling date to determine whether mitigation is required • Inspect for the purpose of installing sub-slab soil gas probes • Install sub-slab gas probes below the floor of the basement. • Keep a written log showing when the leak detection was conducted



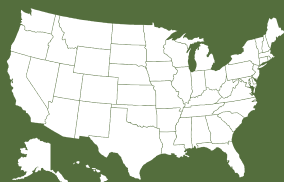
MASSACHUSETTS

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
Air	Gas stations ²	NONs RPANs	Failure to: <ul style="list-style-type: none"> • Submit a Stage I Form C, Annual In-Use Compliance Certification • Submit a Stage II decommissioning Notification 	Barnstable Berkshire Bristol Essex Franklin Hampden Hampshire Middlesex Norfolk Plymouth Suffolk Worcester	9 2 11 10 1 9 1 9 8 12 7 5	\$500 fine for four retailers. \$1,000 fine for two retailers. In addition, retailers were required to: Submit a completed Stage I Form C Annual In-Use Compliance Certification. • Submit a completed Stage II Decommissioning Notification.
	Motor vehicle dealers	NONs	Failure to: <ul style="list-style-type: none"> • Submit a Stage I Form C, Annual In-Use Compliance Certification 	Bristol Hampden Worcester	1 1 2	\$500 fine. In addition, retailers were required to: • Submit a completed Stage I Form C Annual In-Use Compliance Certification
Drinking water. Violations covered a gas station. The retailer failed to maintain the delivery of pure and safe water to all consumers.						
Drinking water	Gas station	NON	Failure to: <ul style="list-style-type: none"> • Maintain the delivery of pure and safe water to all consumers 	Franklin	1	The retailer was required to: <ul style="list-style-type: none"> • Retain the services of a certified water operator or submit an application requesting Emergency Certification



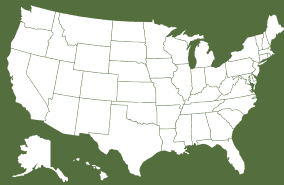
MASSACHUSETTS

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
<p>Hazardous waste. Violations covered automotive stores and motor vehicle dealers. Violations included failure to: clearly mark waste accumulation areas, maintain and post emergency information, and properly maintain waste oil accumulation.</p>						
Hazardous waste	Automotive stores ²	Administrative consent orders with penalty and NON NONs	Failure to: <ul style="list-style-type: none"> • Clean up spill • Clearly mark waste accumulation areas • Close containers of accumulated hazardous waste • Conduct or document weekly inspections of accumulation areas • Demonstrate accumulation time • Provide an impervious surface underneath containers • Maintain and post emergency information • Maintain documentation demonstrating no speculative accumulation of regulated recyclable material occurred • Maintain documentation of waste oil deliveries • Maintain sufficient aisle space • Notify the DEP while performing Class A recycling activities • Post a "waste oil" sign at the accumulation area • Post a "hazardous waste" sign at the accumulation area • Properly label waste containers • Properly maintain waste oil accumulation • Provide an outdoor containment system • Provide appropriate security for waste accumulation area • Register as a waste oil generatorSubmit required documentation • Train employees in waste oil handling practices and emergency procedures • Transport oil generated by another facility with a valid license to transport hazardous waste 	Berkshire Hampden Hampshire Norfolk	1 2 2 1	\$10,000 fine. \$4,000 fine. In addition, retailers were required to: <ul style="list-style-type: none"> • Mark all waste accumulation areas • Close containers of hazardous waste • Conduct and document weekly inspections of accumulation areas • Ensure adequate aisle space • Maintain and post a list of emergency information • Maintain documents demonstrating that speculative waste oil accumulation is not occurring • Maintain waste oil delivery documentation • Post required signage • Properly label all waste containers • Provide appropriate security measures for waste accumulation area • Refrain from discharging to an internal building drain • Refrain from transporting waste oil • Relocate the waste accumulation area • Store all mercury-containing lamps in proper containers • Submit a recycling notification form before recommencing Class A recycling activities • Submit required reports and notifications • Train all employees in waste oil handling practices and emergency procedures • Transfer waste oil/used fuel offsite to an authorized facility



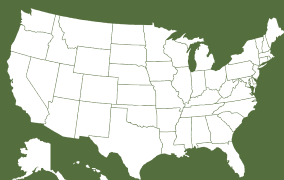
MASSACHUSETTS

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



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Hazardous waste	Motor vehicle dealers	NON	Failure to: <ul style="list-style-type: none"> • Properly label waste oil containers and tanks • Provide secondary containment for an AST 	Hampden	1	The retailer was required to: <ul style="list-style-type: none"> • Properly label waste oil containers and tanks • Provide secondary containment for an AST
Underground storage tank (UST). Violations covered automotive stores, gas stations, a grocery store, and motor vehicle dealers. Violations included failure to: notify the DEP of a fuel release, submit a Third-Party Inspection Report, and submit a 5-year Periodic Review Opinion or a Permanent Solution Statement.						
UST	Automotive stores ²	Administrative consent order with penalty NONs Notice of responsibility RPANs	Failure to: <ul style="list-style-type: none"> • Notify the DEP of a fuel release • Prevent discharge of pollutants to ground waters without a current valid permit • Prevent injection of fluid into or through an injection well • Submit a 5-year Periodic Review Opinion or a Permanent Solution Statement • Submit a Compliance Certification • Submit a Third-Party Inspection Report Return to Compliance Completion Report 	Berkshire Bristol Essex Hampden Hampshire Middlesex Norfolk Plymouth Suffolk Worcester	1 2 1 2 1 11 8 4 2 6	\$500 fine for six retailers. \$17,820 fine for one retailer. In addition, retailers were required to: <ul style="list-style-type: none"> • Perform all response actions • Submit a 5-year Periodic Review Statement • Submit a copy of the completed Third-Party Inspection Report • Submit a spill contingency plan and training plan for employees and address proper responses to releases of petroleum products



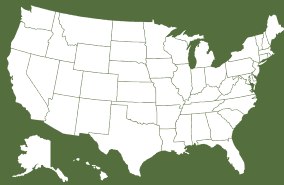
MASSACHUSETTS

Retail Environmental Enforcement Summary

January 1, 2017 - June 30, 2017



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UST	Gas stations ²		Failure to: <ul style="list-style-type: none"> Clearly label the outside alarm Conduct monthly visual inspections Conduct required tests Demonstrate that at least one Class A, B, or C operator is certified Document a response to each alarm in a report or log Prevent release Keep a complete monthly inspection report Maintain records in hard copy or electronically Paint the fill covers for product identification Post a sign or develop a written procedure for a UST system emergency Properly maintain all applicable equipment Properly place sump sensors Provide records of tightness test results Respond to every UST system alarm Submit a Permanent Solution Statement, Tier Classification Submittal or Downgradient Property Status Submittal Submit a Third-Party Inspection Report Return to Compliance Completion Report Submit an Immediate Response Action Status Report every six months 	Barnstable Berkshire Bristol Essex Franklin Hampden Hampshire Middlesex Norfolk Plymouth Suffolk Worcester	7 5 24 26 1 16 4 35 15 18 13 15	\$500 fines to twelve retailers. In addition, retailers were required to: <ul style="list-style-type: none"> Add enough fuel to the tanks to allow for valid tests Arrange for tank tightness tests Conduct and document monthly visual inspections Develop a written procedure and post a sign for a UST system emergency Document all responses to alarms Properly maintain all applicable equipment Properly label the outside high alarm Paint the fill covers for each tank the correct color Properly place sump sensors Remove all debris from the spill buckets Submit a completed Third-Party Inspection Report Submit a Permanent Solution Statement, a Downgradient Property Status, or a Tier Classification Submit a Release Notification Form and an Immediate Response Action Plan Submit an Immediate Response Action Status Report Submit copies of current A/B and C operator certifications and training records Submit test results of spill bucket tightness Submit the test results on the overfill prevention equipment Submit the Third-Party Inspection Report Return to Compliance Completion Report



MASSACHUSETTS

Retail Environmental Enforcement Summary

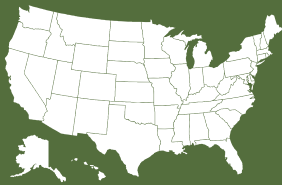
January 1, 2017 - June 30, 2017



Enforcement Area	Store type	Enforcement Type	Violation	County	Number of Stores	Fine (\$) and actions to comply
UST	Grocery store	NON	Failure to: <ul style="list-style-type: none"> • Submit an Immediate Response Action Status Report 	Norfolk	1	The retailer was required to: <ul style="list-style-type: none"> • Submit an Immediate Response Action Status Report
	Motor vehicle dealers	NONs Notice of Enforcement Conference	Failure to: <ul style="list-style-type: none"> • Prevent release of 55 gallons of gasoline • Submit a Compliance Certification • Submit the Third-Party Inspection Report 	Barnstable Berkshire Essex Hampden Hampshire Middlesex Norfolk Plymouth Worcester	1 1 1 1 4 3 1 1	Retailers were required to: <ul style="list-style-type: none"> • Submit a copy of the completed Third-Party Inspection Report • Attend an enforcement conference at the DEP regional office

¹ See Glossary for details

² These retailers received more than one enforcement action across one or more enforcement areas.



MASSACHUSETTS

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GLOSSARY

Administrative consent order with penalty — an administrative order that is agreed to in writing by the regulated entity against whom noncompliance is alleged or who may be obligated to comply with a statute or a regulation.

Notice of Enforcement Conference — an invitation to a meeting, arranged by the DEP, where a party who has been determined to be in noncompliance is provided an opportunity to discuss the alleged violations and to reach a negotiated settlement with the agency to return to compliance.

Notice of Noncompliance (NON) — a document that describes the entity's violations, the regulations the entity failed to comply with, and specifies requirements for the entity to come into compliance.

Notice of Response Actions — a document that informs a Potentially Responsible Party (PRP) in writing that the DEP intends to undertake one or more actions to assess, contain, or remove a release or threat of release of oil or hazardous materials by a certain date.

Notice of Responsibility — a written notice informing a regulated entity that it is potentially liable for a release or threat of release.

Reporting Penalty Assessment Notice (RPAN) — a document that includes the entity's alleged violation(s), the law or regulation that the entity failed to comply with, requirements to come into compliance, and a penalty fine amount assessed by the DEP for the alleged violation(s).

Retail — stores that sell goods or services to customers, typically in small quantities, for consumption or use. Retail stores can include: automotive parts and new/used tire sales, convenience stores, gas stations, distribution centers, dry cleaners, pharmacies, rental stores, sports/hunting goods stores, and variety stores.

Documents concerning state enforcement actions on retail entities are obtained by contacting the state's environmental regulatory agency directly by email and by phone, submitting Freedom of Information Act (FOIA) requests, or using online document databases. The search is refined using retail-specific criteria, such as titles and address locations of the entities, Standard Industrial Classification (SIC), or North American Industry Classification System (NAICS) codes and descriptions. Enforcement actions involving non-retailers are excluded from the data analysis and summaries.

Retail-specific state enforcement documents and data are analyzed to determine trends including: the most frequent violations, what the most common media types violations are (such as air, petroleum contamination, waste, or water), and where the retailers who were issued enforcement actions are located. Data is collected and trends are analyzed on a biannual basis.

Note that some retailers received more than one enforcement action across one or more enforcement areas.