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SUFFOLK, SS.

SUPERIOR COURT
CIVIL ACTION
NO. 34333

DEPARTMENT OF ENVIRONMENTAL
QUALITY ENGINEERING and the
ATTORNEY GENERAL of the
Commonwealth of Massachusetts,

PLAINTIFF

V.

RECLAMATION SYSTEMS, INC.

and

BROWNING-FERRIS INDUSTRIES, INC.,

DEFENDANT

AGREEMENT FOR
JUDGMENT

MAR 27 1979

RECEIVED
CLERK OF COURT

The parties to this action agree that the following judgment shall enter. This agreement is based upon the following facts:

1. Reclamation Systems, Inc. ("RSI") operated a refuse transfer station (the "facility") located at 29 East Street in Cambridge, Massachusetts (the "site").

2. A large amount of refuse was allowed by RSI to accumulate on the site.

3. This action was filed on March 23, 1979 by the Commonwealth of Massachusetts to enjoin RSI's continued violation of the Solid Waste Disposal Act, G.L. c. 111, §150A, and the Massachusetts Clean Air Act, G.L. c. 111, §§142A-142I, and to abate the public nuisance being caused by RSI.

4. Pursuant to the Commonwealth's motion for a preliminary injunction, RSI and the Commonwealth filed a stipulation with this court (a) prohibiting further operation of the facility without the prior written approval of the Department of Environmental Quality Engineering (the "Department") and (b) requiring RSI to provide full-time fire protection at the site.

5. Browning-Ferris Industries, Inc., a Massachusetts corporation ("BFI"), has made arrangements with RSI which would enable BFI to resume operation of the facility.

6. BFI has made substantial efforts to abate the conditions at the site which violate the Solid Waste Disposal Act, the Massachusetts Clean Air Act and which constitute a public nuisance.

The parties therefore agree that:

1. This court has jurisdiction over the subject matter of and the parties to this action. The plaintiffs state a cause of action upon which relief may be granted pursuant to the provisions of the Massachusetts Solid Waste Disposal Act and the Massachusetts Clean Air Act.

2. The provisions of this judgment shall apply and be binding upon the defendants, their employees, agents, or independent contractors.

3. BFI and RSI shall bring the facility into compliance with the Solid Waste Disposal Act and the Massachusetts Clean Air Act by taking the following actions:

a. Upon entry of this judgment, BFI may resume operation of the facility but shall accept only 150 tons of refuse at the facility until the Department determines that the site has been cleaned of all refuse currently stockpiled there.

b. RSI and BFI shall ensure that the site is cleaned of all refuse currently stockpiled there.

c. Upon receipt of written verification by the Department that the site has been cleaned of all refuse currently stockpiled there, BFI may accept up to 600 tons of refuse per day at the facility.

d. If the Department determines that BFI's operation of the facility at a capacity of approximately 600 tons of refuse per day has been satisfactory, the Department may permit BFI to accept up to 1,200 tons of refuse per day at the facility. In granting such permission, the Department may impose such conditions upon the operation of the facility as it deems necessary to protect the public health and welfare.

e. BFI may temporarily store refuse at the site, subject to its strict compliance with all of the following conditions:

(1) All refuse so stored shall not exceed 150 tons.

(2) All refuse so stored shall be stored only in an area enclosed in a manner satisfactory to the Department.

(3) All refuse so stored shall be removed from the site by the end of the next working day. In no event shall refuse so stored remain on the site for more than 48 hours.

(4) BFI shall provide a rodent control program satisfactory to the Department.

(5) BFI shall provide fire protection satisfactory to the Department.

f. BFI shall dispose of refuse removed from the site only at locations approved by the Department.

g. BFI shall submit to the Department monthly reports on the operation of the facility. These reports shall indicate for each day of operation the amounts of refuse received at the facility, the amounts of refuse removed from the facility, and the final disposal location(s) of this refuse.

h. The Department may modify any of these conditions if in its discretion it determines that such a modification would not adversely effect the public health or welfare. Such modification shall only be effective if made in writing by the Department.

4. Representatives of the Commonwealth shall have the right to enter the site at reasonable times to inspect the facility.

5. The defendants shall in all respects comply with any regulations applicable to the facility as they exist or may be amended.

6. If for any reason it relinquishes physical possession of the facility and vacates the site, BFI shall be relieved of all responsibilities and obligations under this judgment which arise after the date on which it finally vacates the site, but shall remain liable for all responsibilities and obligations under this judgment which arise prior to that date.

7. Upon a determination by the Department or the Attorney General that either or both of the defendants is not in compliance with any of the provisions of this judgment, the Department or the Attorney General shall notify the noncomplying defendant or defendants in writing of this determination, specifying the grounds upon which it was made.

8. Seven days or more after the mailing of the written notification of non-compliance pursuant to paragraph 7 of this judgment by the Department or the Attorney General, the Attorney General may demand that the noncomplying defendant or defendants pay to the General Fund of the Commonwealth of Massachusetts damages in the amount of \$1,000 for each day of non-compliance with any of the provisions of the judgment. A defendant shall make payment as demanded within 14 days of its receipt of the demand from the Attorney General. If a defendant fails to make payment as demanded within 14 days, the Commonwealth shall not be bound by the measure of damages as contained in this paragraph.

9. If either or both of the defendants operate the facility or maintain the site in a manner that causes or contributes to immediate and irreparable harm to the Department or the citizens of the Commonwealth, or to substantial danger to the public health or welfare, the plaintiffs may seek relief as they deem appropriate.

By the Court (, J.)

Attest: _____

Date: _____

DEPARTMENT OF ENVIRONMENTAL
QUALITY ENGINEERING and the
ATTORNEY GENERAL of the
Commonwealth of Massachusetts

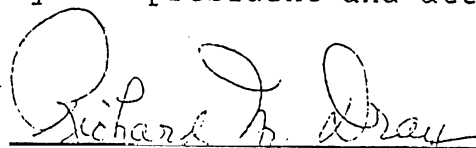
By: _____

STEPHEN M. LEONARD, CHIEF
Environmental Protection Division

FRANK A. GAYNOR, III
Assistant Attorney General
Environmental Protection Division
Public Protection Bureau
One Ashburton Place, 19th Floor
Boston, Massachusetts 02108
(617) 727-2265

RECLAMATION SYSTEMS, INC.

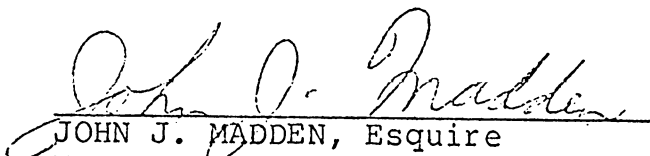
By its president and attorney,

A handwritten signature in cursive script, appearing to read "Richard M. Dray", written over a horizontal line.

RICHARD M. DRAY, Esquire
One Court Street
Boston, Massachusetts 02108
(617) 742-8000

BROWNING-FERRIS INDUSTRIES, INC.

By its attorney,

A handwritten signature in cursive script, appearing to read "John J. Madden", written over a horizontal line.

JOHN J. MADDEN, Esquire
Hemenway & Barnes
60 State Street
Boston, Massachusetts 02109
(617) 227-7940



CITY OF CAMBRIDGE

CAMBRIDGE, MASSACHUSETTS 02139
Tel. 498-9011

EXECUTIVE DEPARTMENT
JAMES L. SULLIVAN
City Manager

May 21, 1979

To the Honorable, the City Council:

With reference to Awaiting Report Item No. 20,
City Council Order No. 6, of April 30, 1979, I
transmit herewith copy of Agreement for Judgment
signed by the Assistant Attorney General, in
connection with the rubbish compacting station in
the B&M Yards in East Cambridge.

Very truly yours,

James L. Sullivan
City Manager

JLS/b

S-302

Compliance documents from the Mass. Attorney
General's Office re: complaints in connection
with the refuse disposal area in East Cambridge
as requested by Awaiting Report No. 20.

In City Council,

May 21, 1979

5/21/79

Placed on File.