

CITY OF NORTH ADAMS  
City Clerk's Office  
September 19, 2013

I hereby notify you that at twelve noon today the following items of business have been filed with this office and will be acted upon at the meeting in the City Council Chambers at City Hall, Tuesday evening September 24, 2013 at seven-thirty o'clock according to Section 8, Rules and Orders of the City Council.  
Marilyn Gomeau  
City Clerk

REGULAR MEETING OF THE CITY COUNCIL  
September 23, 2013

Roll Call

Moment of silent prayer

The Pledge

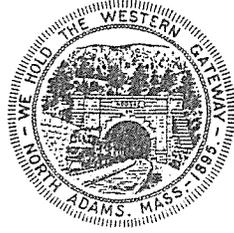
Hearing of Visitors

Approval of the minutes of regular meeting held on September 10<sup>th</sup>.

- 11,320            Communication submitted by Councilor Bond regarding traffic on North Street, which was referred to the Traffic Commission and postponed at the meeting of July 9<sup>th</sup>.
- 11,338            Mayor's communication #36 recommending Ordinance changes.
- 11,338            An Ordinance amending Chapter 2, Section 2-10 of the Revised Ordinances entitled Office Hours.
- 11,338-1        An Ordinance amending Chapter 2, Section 2-11 of the Revised Ordinances entitled Hours of Employment.
- 11,339            Communication submitted by Councilor Breen regarding Senior Citizen Property Tax Work-off Abatement.
- 11,334-1        Communication submitted by Councilor Breen regarding the Transfer Station.

**CORRESPONDENCE  
LICENSES**

**COUNCILLOR'S & MAYOR'S CONCERNS  
OPEN FORUM**



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

September 24, 2013  
#36

To: North Adams City Council  
Re: Ordinances – Office Hours, Hours of Employment

Dear Honorable Members:

For years the City of North Adams has operated with summer hours of Fridays till 1:00 p.m. and then reverted back to the normal hours of operation of 8:00 a.m. to 4:30 p.m. daily. This year we are proposing that the hours of operation become Monday through Thursday, 8:00 a.m. to 4:30 p.m., with a half hour lunch and Fridays hours become 8:00 a.m. to 1:30 p.m. without a lunch.

This schedule will allow us to maintain standard hours year round for our constituents and allow employees the advantage of beginning their weekends earlier. This also maintains the thirty seven and a half hour work week for all employees throughout the year.

I ask that the council adopt the attached Ordinances.

Sincerely,

Richard J. Alcombright  
Mayor

RJA:ll



# City of North Adams

In City Council

September 24, 2013

BE IT ORDAINED by the City Council of the City of North Adams as follows:

That Chapter 2 of the Revised Ordinances of the City of North Adams be and is hereby amended by deleting the following:

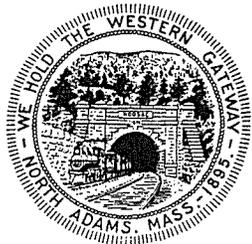
Sec. 2-10 Office Hours

- (a) All departments, except public library, 8:00 a.m. to 4:30 p. m. daily, except Saturday, Sundays, and legal holidays set forth and enumerated in Chapter 4, Section 7 of the General Laws.

**AND INSERT IN ITS PLACE**

Sec. 2-10 Office Hours

- (a) All departments, except public library, 8:00 a.m. to 4:30 p. m. Monday through Thursday and 8:00 a.m. to 1:30 p.m. Fridays, except legal holidays set forth and enumerated in Chapter 4, Section 7 of the General Laws.



# City of North Adams

In City Council

September 24, 2013

BE IT ORDAINED by the City Council of the City of North Adams as follows:

That Chapter 2 of the Revised Ordinances of the City of North Adams be and is hereby amended by deleting the following:

## Sec. 2-11 Hours of Employment

- (a) Offices. The regular hours of employment for department heads and all office and clerical employees, except library personnel, shall be from 8:00 a.m. to 4:30 p.m., daily except Saturdays, Sundays, and legal holidays. All employees covered by this section shall be entitled to a one-hour lunch period. The regular hours of employment of library personnel shall be such as may be established by the mayor and library trustees.

## AND INSERT IN ITS PLACE

## Sec. 2-11 Hours of Employment

- (a) Offices. The regular hours of employment for department heads and all office and clerical employees, except library personnel, shall be from 8:00 a.m. to 4:30 p. m. Monday through Thursday and 8:00 a.m. to 1:30 p.m. Fridays, except legal holidays. All employees covered by this section shall be entitled to a half-hour lunch period on Mondays through Thursdays. The regular hours of employment of library personnel shall be such as may be established by the mayor and library trustees.



# Office of the City Council

## City of North Adams

10 Main Street Room 109  
North Adams, Massachusetts 01247  
(413) 662-3015

September 16, 2013

To: North Adams City Council  
Re: Senior Citizen Property Tax Work-Off Abatement

Dear Honorable Councilors:

In response to several senior constituents reporting that they cannot meet their property tax burden, I am taking the following action and requesting the support of my fellow Councilors in assisting these constituents, and others, in a Senior Citizen Property Tax Work-Off Abatement Program, which is codified as MGL Chapter 59 Sec 5K.

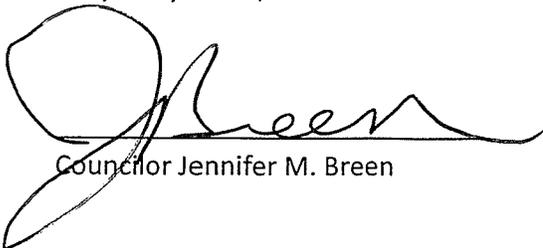
I suggest that this proposal and paper be referred to the Finance Committee, so that they can review the Department of Revenue Guidelines (IGR No.02-210), to see if this program "fits" in next year's budget. I trust that it will, as I have spoken with the Administration and they are supportive of the discussion, and will assist the Finance Committee in determining many particulars: income limit, number of abatements the city would allow, amount of abatement (could be as much as \$1,000) what types of jobs those that qualify might fill, etc.

The Senior Citizen Property Tax Work-Off Abatement is currently in existence in Adams and Clarksburg as well as many other communities.

I hereby request that this proposal and supporting documentation be referred to FINCOM for discussion between FINCOM and the Administration sometime in November. This program can be vetted and established, and could take effect in FY2015.

I do believe that this program will assist our citizenry, particularly senior citizens, in relief from property tax burdens that they can no longer meet in traditional ways.

Very Truly Yours,



Councilor Jennifer M. Breen

Property Tax Bureau  
Informational Guideline Release (IGR) No. 02-210  
September 2002

(Supersedes IGR 00-201)

SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT

Chapter 184 §52 of the Acts of 2002  
(Amending G.L. Ch. 59 §5K)

This Informational Guideline Release (IGR) informs local officials about an amendment increasing the maximum abatement that senior citizens may earn under the local option statute that allows cities and towns to establish a property tax work-off program.

Topical Index Key:

Abatements and Appeals  
Tax Bills

Distribution:

Assessors  
Collectors  
Treasurers  
Accountants and Auditors  
Selectmen/Mayors  
City/Town Managers/Exec. Secys.  
Finance Directors  
City/Town Councils  
City Solicitors/Town Counsels



**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE IX** TAXATION

**CHAPTER 59** ASSESSMENT OF LOCAL TAXES

**Section 5K** Property tax liability reduced in exchange for volunteer services; persons over age 60

Section 5K. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$1,000 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

A city or town, by vote of its legislative body, subject to its charter, may adjust the exemption in this clause by: (1) allowing an approved representative, for persons physically unable, to provide such services to the city or town; or (2) allowing the maximum reduction of the real property tax bill to be based on 125 volunteer service hours in a given tax year, rather than \$1,000.

(Supersedes IGR 00-201)

SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT

Chapter 184 §52 of the Acts of 2002  
(Amending G.L. Ch. 59 §5K)

SUMMARY:

The board of selectmen, town council or mayor with the approval of the city council in a community that has accepted G.L. Ch. 59 §5K may establish a property tax work-off program for taxpayers over 60 years old. Under the program, participating taxpayers volunteer their services to the municipality in exchange for a reduction in their tax bills. A recent amendment to the local acceptance statute increases the maximum abatement a senior may earn each fiscal year under these programs to \$750. The previous limit was \$500 per year.

The amendment is now in effect. A community that has accepted the statute may now grant abatements up to \$750, but any local by-laws, ordinances or rules adopted for the program that expressly limit the abatement to \$500 must first be amended before taxpayers can earn a higher abatement.

These guidelines supersede the guidelines issued when G.L. Ch. 59 §5K was enacted. See Property Tax Bureau Informational Guideline Release No. 00-201, *Senior Citizen Property Tax Work-off Abatement* (January 2000). They reflect the recent amendment and address eligibility and other issues that have arisen since that time.

GUIDELINES:

A. LOCAL ACCEPTANCE OF STATUTE

1. Acceptance

Acceptance of the statute is by a vote of the town meeting, town council, or city council with the mayor's approval where required by law.

(Supersedes IGR 00-201)

SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT

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GUIDELINES:

A. LOCAL ACCEPTANCE OF STATUTE

1. Acceptance

Acceptance of the statute is by a vote of the town meeting, town council, or city council with the mayor's approval where required by law.

4. **Personal Exemptions and Deferrals**

Taxpayers may earn abatements under the work-off program in addition to any property tax exemptions they may be eligible for under other statutes, such as personal exemptions under G.L. Ch. 59 §5 or residential exemptions under G.L. Ch. 59 §5C. They may also defer the balance of their taxes under G.L. Ch. 59 §5(41A) if they are eligible to do so.

C. **ADOPTION OF LOCAL PROGRAM RULES**

After acceptance of the statute, the selectmen, town council or mayor with approval of the city council may establish a senior work-off program consistent with any local rules and procedures the municipality may adopt by by-law or ordinance. Those officials should coordinate the assignment of program participants to the various municipal departments where they will perform their volunteer services.

A municipality accepting the new law should adopt rules to determine:

- The hourly rate at which the tax reduction is to be computed;
- An eligibility date;
- Any income asset limitations on eligibility;
- Any limitation of eligibility to a tax reduction on a volunteer's domicile;
- Any limitations on the number of volunteers or the types of work they may do;
- Any other restrictions or regulations consistent with the intent of the law.

D. **CERTIFICATION OF SERVICE**

The board, officer or department supervising the taxpayer's volunteer services must certify to the assessors the hours of services performed by the taxpayer before the actual tax for the fiscal year is committed. The certification must state the amount actually earned as of that time. Services performed after that date are credited toward the next fiscal year's actual tax bill to the extent consistent with the program rules established by the municipality.

A copy of the certification must also be given to the taxpayer before the actual tax bill is issued. (See attached model that may be adapted to suit local needs).

E. TREATMENT OF "EARNED" AMOUNT

The amount of the property tax reduction earned by the taxpayer under this program is not considered income or wages for purposes of state income tax withholding, unemployment compensation or workmen's compensation.

The United States Internal Revenue Service (IRS) has ruled that under current federal law the abatement amount is included in the taxpayer's gross income for both federal income tax and Federal Insurance Contribution Act (FICA) tax purposes, however. In addition, if the community pays the taxpayer's share of FICA taxes, that amount is also income subject to federal income tax. Communities should verify with the IRS that their procedures comply with all applicable federal laws regarding income, Social Security and Medicare tax withholding on abatements earned under this program.

F. ACCOUNTING FOR ABATEMENTS

Earned reductions must be applied to the actual tax bills for the fiscal year. The assessors must commit the full tax for the year and process the gross amount earned as certified by the board, officer or department supervising the taxpayer's volunteer services as an abatement to be charged against the overlay account. See Section D above. **The taxpayer's actual tax bill, however, should only show a credit for the amount earned net of any federal withholdings.** The municipal share of federal Social Security and Medicare taxes may also be charged to the overlay unless the community has otherwise provided.

G. STATUS OF VOLUNTEERS

Taxpayers performing services in return for property tax reductions are employees for purposes of municipal tort liability. Municipalities will therefore be liable for damages for injuries to third parties and for indemnification of the volunteers to the same extent as they are in the case of injuries caused by regular municipal employees.

(MODEL)

(Copy must be given to the taxpayer before the actual tax bill is mailed)

City/Town of \_\_\_\_\_  
Certificate of Completion of Volunteer Services

(G.L. Ch.59 §5K)

To: Board of Assessors

\_\_\_\_\_ the owner of a parcel at \_\_\_\_\_ has completed  
(Taxpayer's name) (Property address)  
\_\_\_\_\_ hours of volunteer work to be credited toward the fiscal year \_\_\_\_\_ tax  
assessed on the parcel at the address listed above at the rate of \$ \_\_\_\_\_ per hour.

\_\_\_\_\_  
(Signature of Person Certifying Work)

\_\_\_\_\_  
(Board or Department)

(Date)



**TOWN OF ADAMS**

**SENIOR CITIZEN PROPERTY TAX WORK OFF PROGRAM**

NAME \_\_\_\_\_ TELEPHONE \_\_\_\_\_

HOME ADDRESS \_\_\_\_\_

**Eligibility:**

- 60 years of age or older
- Domiciled in Adams, MA
- Record owner of property
- Only one exemption per household
- Agree to a CORI check
- Pass a Fit for Duty Exam by the Town's Occupational Medical Service

**Income limitations:**  
\$27,000 per household (please attached proof of income)

The maximum tax credit given will be \$500 per year, which would be 62 ½ hours of work performed.

**Work Placement:**

Do you have any medical restrictions which might affect the type of work you do?

\_\_\_\_\_

Please list past work and volunteer experiences as well as types of skills which would qualify you for a particular volunteer opening:

\_\_\_\_\_

\_\_\_\_\_



## TOWN OF GRAFTON

30 Providence Rd., Grafton, MA 01519  
PH: 508-839-5335  
FAX: 508-839-4602

### PROPERTY TAX WORK-OFF ABATEMENT PROGRAM

#### PROPERTY TAX WORK-OFF PROGRAM ELIGIBILITY REQUIREMENTS

The Board of Selectman has established senior citizen property tax work-off abatement program, in which participating taxpayers volunteer their services to the Town of Grafton in exchange for a reduction in their tax bills (\$1,000 max. reduction in a tax year). Seniors may earn a maximum reduction of \$1000, paid at a rate of \$8.00 per hour, up to a maximum of 125 hours .

The Grafton Property Tax Work-Off Abatement Program is available to:

- 1) Residents who have reached the age of 60 or greater; and
- 2) Residents whose household income is not greater than \$35,000\* and show proof of same; and
- 3) Residents who own (or whose spouse owns the property) and have occupied that property as their principal residence for a minimum of 5 years; and
- 4) Residents who produce a copy of the assessor's record listing applicant and owner; and
- 5) Residents who possess applicable skills; and
- 6) Residents who sign an application and complete a W-4.

Payments will be made in the form of an abatement to the current tax bill, split between the third and fourth quarters.

**References:**

\_\_\_\_\_  
\_\_\_\_\_

**Availability:**

Month(s): \_\_\_\_\_

Day of Week: \_\_\_\_\_

Morning: \_\_\_\_\_ Afternoon: \_\_\_\_\_

**Emergency Contact: Include name/Phone Number/ Relationship**

\_\_\_\_\_

**TIME FRAME:**

Effective July 1, 2013-June 30, 2014 for Fiscal Year 2014 Tax bills

If I am accepted for the Tax Credit Program, I understand that I may work for a maximum credit of \$500 per year at a rate of \$8.00 per hour, and that this tax credit can only be applied toward my Town of Adams real-estate bill.

Signature \_\_\_\_\_ Date \_\_\_\_\_

\*The Town of Adams reserves the right to discontinue a volunteer's participation in the program if the Town deems the volunteer's participation not to be beneficial to the volunteer, the program or the Town.

**FOR ADDITIONAL INFORMATION**

Contact Assessor Donna MacDonald at 743-8350  
Contact Erica Samson, Council on Aging Director at 743-8333

# MassResources.ORG

## FEDERAL AND STATE TAX CREDITS FOR MASSACHUSETTS RESIDENTS

Information on this web site is provided by Community Resources Information, Inc., an independent non-profit organization not affiliated with any government agency or program.

### Real Estate Tax Exemptions and Abatements

- [What are real estate tax exemptions and abatements?](#)
- [Am I eligible?](#)
- [What are the income limits?](#)
- [What are the asset limits?](#)
- [What benefits will I get?](#)
- [How do I apply?](#)
- [What is the Senior Property Tax Work-Off Program?](#)
- [Useful links](#)

NOTE: Glossary words are highlighted. Click on any glossary word to see its definition.

#### What are real estate tax exemptions and abatements?

Real estate tax exemptions and abatements are deductions from the amount of property taxes homeowners must pay to the city or town where they live. Exemptions and abatements may cover all or part of the total real estate taxes due.

Massachusetts law allows cities and towns to give real estate tax exemptions to seniors, the blind, surviving spouses and minor children, homeowners facing hardships, and certain disabled veterans who meet financial, residency, and other eligibility requirements.

Cities and towns with property tax work-off programs can give abatements to senior volunteers who meet eligibility requirements.

#### Am I eligible?

To qualify for real estate tax exemptions, you must be a homeowner in one of these categories:

- an elderly person with financial need, age 70 or older (65 in some communities)
- a person who is legally blind (with proof of blindness)
- a widow/widower, or a minor child with one parent deceased
- a veteran with a wartime disability (or surviving spouse)
- a homeowner of any age who is facing a severe financial hardship

In addition:

- you must own your home, as a sole owner, joint owner, or as a tenant in common
- you must live in your home as your main residence as of July 1 of the tax year
- people applying for elderly exemptions based on need must meet income requirements
- people applying for elderly and surviving spouse/minor child exemptions must meet asset requirements
- most elderly applicants and veterans have to meet residency requirements. These requirements may vary by community. For most elderly exemptions, seniors must have lived in Massachusetts for at least 10 years and owned property in Massachusetts for at least 5 years.

For tax abatement eligibility requirements for senior volunteers, see [Senior Property Tax Work-Off Program](#).

#### What are the income limits?

- Seniors applying for exemptions based on financial need must meet specific income limits. These income limits vary by community. In many communities, the gross income limit for elderly residents is about \$20,000 if single, and \$30,000 if married.
- Hardship exemptions are reviewed on a case-by-case basis.

# MassResources.org

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- Hardship exemptions are reviewed on a case-by-case basis.

For detailed information about some of the local tax work-off programs, see [Comparison of Local Towns Property Tax Workoff Program](#) from the Massachusetts Association of Councils on Aging.

To apply for a tax work-off program, contact your local Senior Center or Council on Aging, or call 1-800-AGE-INFO for contact information. For local Council on Aging (COA) telephone numbers and addresses, see [Directory of COA Sites in Massachusetts](#) on the Office of Elder Affairs web site.

Most cities and towns limit the number of seniors who can take part in the Tax Work-Off Program each year.

## Useful links

These links are external links to web sites that are not part of MassResources.org. When you click on these links, you will leave our site. Click "Back" on your browser to return.

1. [Massachusetts Municipal Finance Law Bureau](#)

General information about property taxes in Massachusetts, including [brochures](#) about property tax exemptions:

- [For Blind Persons](#)
- [For Qualifying Senior Citizens](#)
- [For Qualifying Surviving Spouses, Minor Children and Elderly Persons](#)
- [For Qualifying Veterans](#)

2. [Department of Revenue - Guides to Real Estate Tax Exemptions](#)

Brochures that describe the property tax exemptions set forth in the Massachusetts General Laws. (scroll to the bottom of the page)

3. [M.G.L. Chapter 54 Section 5K: Property tax liability reduced in exchange for volunteer services; persons over age 60](#)

Massachusetts law authorizing the Senior Citizen Property Tax Work-Off Abatement Program.

4. [Senior Citizen Property Tax Work-Off Abatement](#)

State guidelines for the Senior Property Tax Work-Off Program, including maximum abatement, eligibility, tax liability, local options, and certification of service.

5. [Commonwealth Conversations: Seniors who volunteer can work off some of their property tax bills](#)

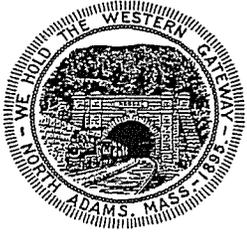
Information about the Senior Citizen Property Tax Work-Off Program, including eligibility, benefits, administration, and other rules.

**Comparison of Local Towns Property Tax Workoff Program**

Town/City	# Participants	# Hrs Wrkd	Abatement Amt	Asset Test Req. Yes or No svngs, chknng, cars, vac home, IRA, Stck, Bnds, Mtl Fnd	Income Based Rqmnts wages, SS, Pens, Int., Div., Net Prof. Prop. Rntls	If None What Other Rqmnts
Andover	240	93.3	\$675.00	No	No	Primary Residence 60+
Bedford	9		\$800.00	No	\$46,300/52,950	Participants get a check
Billerica	100	93.75	\$750.00	Yes	\$40,000/\$55,000	
Burlington	30	93.3	\$800.00	No	\$45,000/\$55,000	
Chelmsford	150	63	\$500.00	No	No	First come first served
Duxbury - ok	20	125	\$1,000.00	No		
Groton	40	62.5	\$500.00	No	federal tax returns reviewed	
Groveland	10	62.5	\$500.00	Yes	\$40K Single \$55K Married	Residence 10 years
Hingham	20 now FY12 40	68 now July 1 100	\$500. Now \$1000.00 July 1	No	July 1 guidelines for circuit breaker	
Lexington	28/no max	110-140 hrs	\$935/s or \$1190	Yes	50,000/single; 52950/couple IRS tax return	
Lowell	30	100	\$750.00	Yes	No	
Marblehead	30	93.75	\$750.00	No	Income based: \$46,300/\$52,900	
Methuen	12	62.5	\$500.00	No	Income based: \$26,500/30,300	

**Comparison of Local Towns Property Tax Workoff Program**

Town/City	# Participants	# Hrs Wrkd	Abatement Amt	Asset Test Req. Yes or No svngs, chknng, cars, vac home, IRA, Stck, Bnds, Mtl Fnd	Income Based Rqmnts wages, SS, Pens, Int., Div., Net Prof. Prop. Rntls	If None What Other Rqmnts
Milford	27	94	\$750.00	No	guidelines for circuit breaker	
Newburyport	20	100	\$1,000.00	No	Max Income \$66,839.00	60+ Homeowner or current spouse
Newton				No	Gross income	
Rockport OK		91	\$750.00	No	Must submit federal income taxes	
Salisbury						
Sharon	97 positions	up to 125	725, 825, 925, 1000	No	Yes: 3 income categories Submit IRS return	"sliding" scale as of FY 12
Westford	25	100	\$786.00	No	No	
Wilmington	24	80		No	priority goes to those who need it	
Woburn OK	30	103	749.98*		\$45,000/\$55,000	check issued; *\$823.70 before deduct



# Office of the City Council City of North Adams

10 Main Street Room 109  
North Adams, Massachusetts 01247  
(413) 662-3015

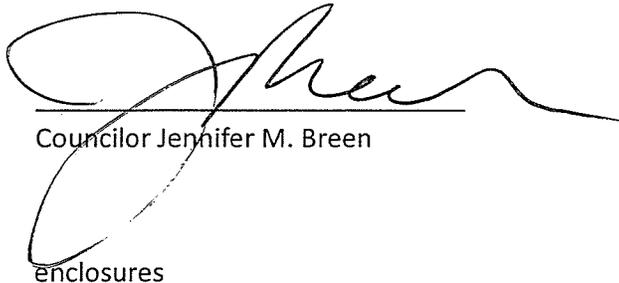
September 16, 2013

To: North Adams City Council  
Re: Transfer Station Documentation from City Hall/ Review of Issue

Dear Honorable Councilors:

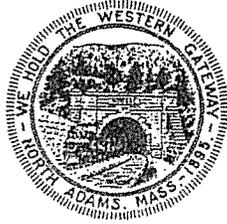
In response to the discussion at the August Council meeting, Mayor Alcombright supplied us with follow-up documentation regarding the transfer station. I would like to make this documentation available to the public and discuss this documentation with the Mayor at the next Council meeting.

Very Truly Yours,



Councilor Jennifer M. Breen

enclosures



CITY OF NORTH ADAMS, MASSACHUSETTS

Office of the Mayor  
Richard J. Alcombright

September 3, 2013

To: North Adams City Council  
Re: Transfer Station

Dear Honorable Councilors:

In response to the discussion at the past Council meeting, attached please find certain documentation regarding the Transfer Station that will support my assertion that we need to move forward with a new plan. Along with this, I will attempt to clarify some of the issues surrounding this debate.

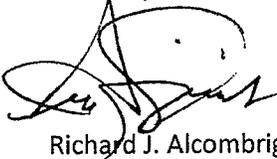
1. The documentation will clearly indicate that there have been "notices of non-compliance" and "notices of deficiency" dating back to at least 2/16/2000 with notices following in June, 2000, 2001, 2004, 2005, 2006, 2008 and 2013. My administration through study and design, is taking action on the most recent notice and have been doing so since having conversations with DEP in 2012.
2. We have engaged Tighe & Bond to provide engineering for a new facility and while that plan provides for a full transfer station operation similar to what we currently have, we are also studying several alternatives namely: recycling only or a transfer station solely for residential use.
3. Councilor Barrett referred to a study/design that was done by Tighe & Bond sometime within the past 10 years. Please see attachment labeled "Tighe & Bond summary dated 8/30/13" which refers to a study done in 1998, 15 years ago and only 4 years after the facility opened. The summary clearly states that the facility was not being used as intended and was never fully permitted. Additionally, Tighe & Bond states in the summary that "we concluded our services with conceptual layouts for the two scenarios (solid waste and recycling) with projected costs for each concept. The City never acted on either of the concepts until the current administration moved forward with the current design, which did take the original concepts into consideration".

4. I have spoken with Dan Hall at DEP and he has confirmed that there are two permits necessary for a Transfer Station. The first being the permit to build which the City obviously obtained many years ago. The other is the "Authorization to Operate" (ATO) which the City has never obtained. This confirms my statement made to Council this past meeting that "we are not operating a permitted" facility" and quite apparently, never have been.
5. Mr. Hall further clarified that we are able to use the Maxymillion building for commercial recycling but could not use it for commercial waste. You will note in the attachments, Mr. Lescarbeau's email to DEP notifying them of our intention to use that facility....until we can come to a final solution.
6. In my discussion with Mr. Hall, he stated that the patience of the DEP over the years was due to both assurances that remediation would take place coupled with the fiscal constraints of the City. While I feel that the DEP remains sympathetic to issues within the City, I also know that there is a strong sense that "enough is enough"

As I stated at the meeting...this is the Department of ENVIRONMENTAL Protection. Having an out of compliance, non-permitted transfer station for more years than we can remember is troubling...and illegal. While fiscally painful, it is incumbent upon me, this administration and this City to get this resolved.

As I assured the Councils' Public Services Committee, I, along with Mr. Canales and Mr. Lescarbeau will bring forward options for solutions in the near future. These options will include financial modeling and alternative methods by which this community will deal with waste and recycling now and well into the future. All of these models will have the ability to be fully permitted and will be compliant with DEP regulations.

Sincerely,



Richard J. Alcombright  
Mayor

# Site Reports From DEP

To: File 10-209-005  
Through: Daniel Hall *M*  
From: Charles Clines  
Date: November 15, 2010  
Subject: North Adams Transfer Station-Visit

On Thursday, November 9, 2010 at approximately 11 AM, Charles Clines visited the North Adams Transfer Station Located at the end of EE Street in North Adams.

The site is paved and congested. Top the rear are recycling shed and oil recycling tank that are not being used. To the east is a raised pad for recycling paper and cardboard and for containers. These materials are dumped on the pavement and eventually loaded into a trailer at a lower level. The operation is messy and results in windblown materials. Also, the raised area did not appear to have any devices to prevent falls of driving off except for the sides of the trailer.

Materials are weight by an onsite scale. Users included residential and trucks as large at 10 wheel front loaders. Waste is removed in trailers by Casella.

The waste materjals are dumped in a two bay building. While I was there waste was being dumped outside of the building and then pushed in with a bucket loader. The waste is pushed into one of two trailers located at a lower area of the building.

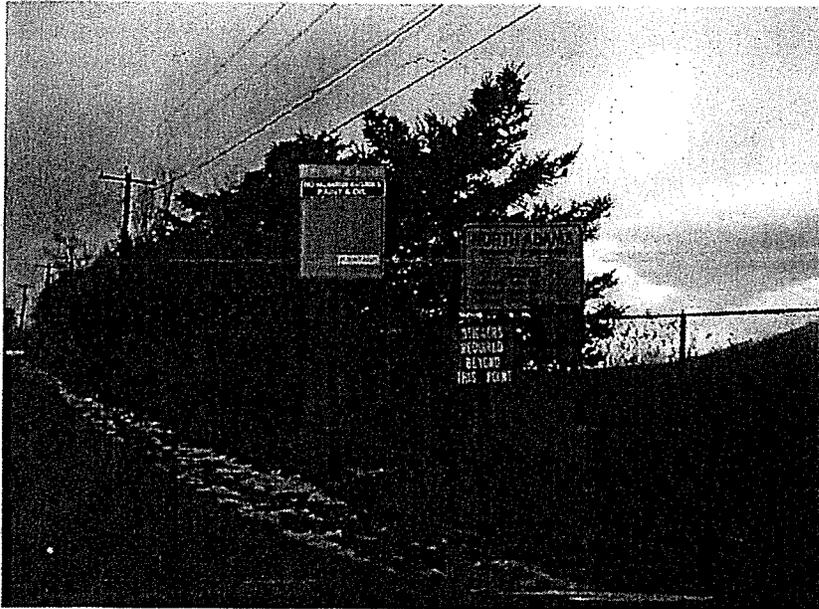
Waste ban sign and hours were posted at the entrance. Littler, mostly recyclable were along the east fence at the landfill. Were the fence had an opening to the landfill road, litter was blowing through and onto the landfill. The yard waste pile was large and appeared to be poorly managed. The operator was aware of these issues.

#### Recommended Actions:

1. Work with City for an ATO.

2095insp110910

Entrance



Waste dumping



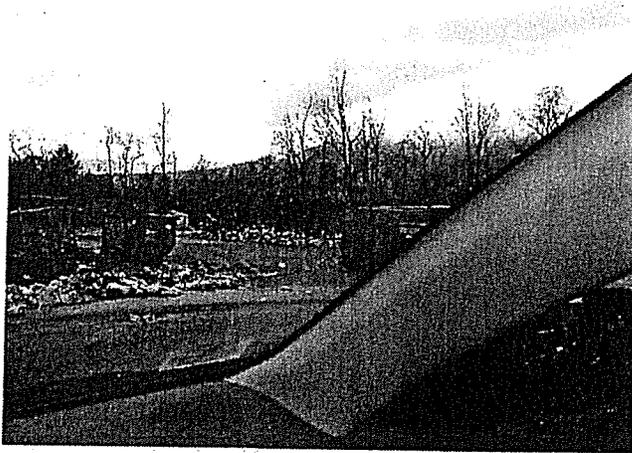
Litter swept along east fence



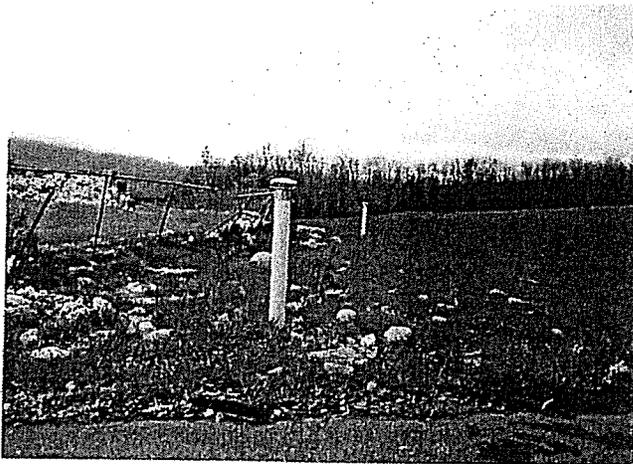
Litter along east fence



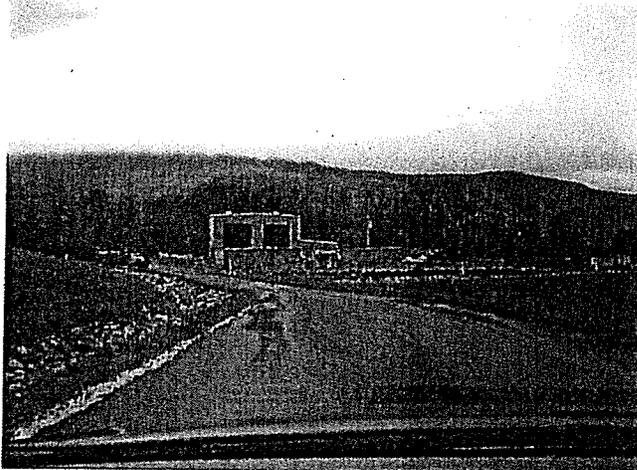
Yard waste and waste oil tank to southwest



Litter along fence to east



View from east



## Tighe & Bond Summary – Received from Dana Huff 8/30/13

In 1998, Tighe & Bond was retained to conduct an evaluation for expansion of the Transfer Station at the E Street Landfill site. The City completed a Recycling Transfer Station in 1994 through a grant received from the Department of Environmental Protection (DEP). The existing Transfer Station has always been used for municipal solid waste (MSW). It is our understanding that facility has never been used for recyclables, which is the use that was intended. Our 1998 scope of services were only for evaluating two different layout scenarios to expand the Transfer Station to add a building to serve the City and regions MSW. We concluded our services with conceptual layouts for the two scenarios with projected costs for each concept. The City never acted on either of the concepts until the current administration moved forward with the current design, which did take the original concepts into consideration.

The existing Transfer Station was built in 1994 under an Authorization to Construct, known in the industry as an ATC. The City never filed for the follow on permit, which is the Authorization to Operate, known as the ATO. Attached is an excerpt from the most recent ATC for the new Transfer Station that clearly states the City has never had the proper permits to operate the Transfer Station, which again should have been for a recycling facility not an MSW facility.

An Authorization to Construct ("initial ATC") the existing Transfer Station was approved by MassDEP as a "Draft" on January 10, 1994 and became "Final" on February 10, 1994. Although the initial ATC required the City to obtain an Authorization to Operate ("ATO") prior to commencing operations, the City did not apply for an ATO. Therefore, this Permit will also address existing operations at the site.

In addition, the City received a notice of violation (NOV) in May for various issues at the Transfer Station. A copy of the violation is attached. Over the years DEP has conducted inspection and threatened NOV's but has been reluctant to issue NOV's knowing that the this transfer station is moving forward. If the City doesn't move the Transfer Station project forward they will be in a position for NOV and more likely an Administrative Consent Order (ACO) that will be a binding enforcement document oftentimes with penalty requiring the City to complete the Transfer Station.



**NOTICE OF NONCOMPLIANCE**

**THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.**

Based on the Department of Environmental Protection's ("MassDEP") investigations on October 1, 2012 and April 23, 2013, noncompliance occurred or was observed at North Adams Landfill and Transfer Station, in violation of one or more laws, regulations, orders, licenses, permits or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated, (2) the date and place on which MassDEP asserts the requirement was violated, (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance, and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of receipt of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP.

**NAME OF ENTITY(S) IN NONCOMPLIANCE:**

City of North Adams  
City Hall  
10 Main Street  
North Adams, MA 01247  
(hereinafter referred to as the "Operator")

**LOCATION(S) WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:**

North Adams Landfill and Transfer Station  
E Street  
North Adams, Massachusetts

**DATES WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:**

October 1, 2012 and April 23, 2013

DESCRIPTION OF NONCOMPLIANCE:

MassDEP's investigation shows that the following conditions existed and that the Operator had the following violations:

**A. Environmental Monitoring**

MassDEP has not received the Landfill's environmental monitoring for calendar year 2012. MassDEP understands that the 2012 sampling was delayed by contract delays and weather. This is a violation of the Permit issued by MassDEP to the City of North Adams on December 30, 2011, condition A.3., which requires:

*"Groundwater monitoring wells, surface water and gas monitoring locations shall be sampled and analyzed once per year. The monitoring shall be completed prior to October 1<sup>st</sup> of each year."*

This is also a violation of 310 CMR 19.015 Compliance, which states:

*"No person shall construct, modify, operate or maintain a facility except in compliance with a site assignment, permit or plan approved by the board of health or the Department, as applicable, and any authorizations issued by the Department and all conditions included in a permit, approval or authorization for said facility."*

**B. Litter**

During the April 23<sup>rd</sup> inspection, MassDEP staff witnessed the scattering of refuse and recyclables and windblown litter.

This is a violation of 310 CMR 19.207 Handling Facility Operation and Maintenance Requirements, section 16, Control of Wind-blown Litter parts a. and b. which state:

*"(a) The operator shall take measures to prevent the scattering of refuse and wind-blown litter, including incorporating litter fencing, natural barriers or other devices to prevent the scattering of solid waste beyond the facility.*

*(b) The operator shall provide for routine maintenance and general cleanliness of the entire handling facility area. Such provisions are to be detailed on the engineering plans or written operating procedures."*

**C. Unloading Refuse**

During the April 23<sup>rd</sup> inspection, MassDEP staff witnessed the unloading (dumping) of refuse outside of the building and in proximity to a catch basin. Operation's personnel were not visible and were not supervising the unloading.

This is a violation of 310 CMR 19.207 Handling Facility Operation and Maintenance Requirements, section 6, Unloading Refuse which states:

*"The operator shall provide for continuous supervised unloading of refuse from incoming vehicles and shall post appropriate signs or other means to indicate clearly where incoming vehicles are to unload the refuse by direction of the attendant or equipment operator on duty."*

**D. Commercial Recycling**

Commercial recycling is performed outside of the building and recycling practices have further increased the litter in the surrounding areas and results in some of the recyclable materials needing to be disposed of as waste.

This is a violation of 310 CMR 19.207 Handling Facility Operation and Maintenance Requirements, section 21, Recycling Operations parts a. and b. which state:

- (a) The operator may make provisions for the recycling of materials provided that a definite plan of procedure is implemented and followed to enable said operation to be carried out in an organized, sanitary, orderly and dependable manner with minimal interference to the routine handling facility operations.*
- (b) Any container, or specially designed enclosed area, used for the storage of recyclable materials (such as glass, cans, paper, etc.) shall be clearly identified and maintained in a clean and sanitary condition and the surrounding areas shall be kept in a similar condition.*

**E. Access and Security**

Trespassing and the operation of all terrain vehicles have resulted in damage to the landfill cap and vandalism.

This is a violation of 310 CMR 19.207 Handling Facility Operation and Maintenance Requirements, section 3, Access to Facilities part b. which states:

*"(b) The operator shall limit access to the facility to such periods of time as an attendant is on duty and to those persons authorized to use the facility for the disposal of refuse."*

This is also a violation of 310 CMR 19.207 Handling Facility Operation and Maintenance Requirements, section 4, Security parts a. and b. which state:

(a) The operator shall provide sufficient fences or other barriers to prevent access to the facility except at designated points of entry or exit.

(b) A gate shall be provided at all access points and shall be locked at all times when the operator or his agent is not on site or during hours when the facility is not operating.

ACTION(S) TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION(S):

The following action(s) to be taken have individual deadlines associated with them. The Operator shall take the necessary steps to correct the violations within the specified deadlines as noted and shall return to compliance with the requirements described below. MassDEP's regulations at 310 CMR 5.09 presume that you receive this Notice of Noncompliance, if delivered by regular mail, three business days after it was issued (i.e., the date of the cover letter).

1. Not later than seven days from the receipt of this Notice, the Operator shall modify operations and instruct operations staff on improved handling of refuse and recyclables.
2. Not later than 60 days from the receipt of this Notice, the Operator shall repair existing and install additional fences, gates and/or other barriers to reduce windblown litter and to reduce trespassing.

Furthermore, within 30 calendar days from the date of receipt of this Notice, the Operator shall submit to MassDEP a written description of each of the actions taken to correct the violations noted above as well as a status report of any corrective actions planned or being taken to achieve or maintain compliance. Any and all supporting documentation shall be included with the response to MassDEP.

Please address your reply to this Notice of Noncompliance to Daniel Hall at this office.

This final document copy is being provided to you electronically by the Department of Environmental Protection. A signed copy of this document is on file at the DEP office listed on the letterhead.

Date: May 22, 2013

Daniel Hall  
Section Chief,  
Solid Waste Management

DH/CAC/cac  
2094non.0513

## Timothy Lescarbeau

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**From:** Clines, Charles (DEP) <charles.clines@state.ma.us>  
**Sent:** Wednesday, April 24, 2013 10:52 AM  
**To:** Timothy Lescarbeau  
**Cc:** Hall, Daniel (DEP)  
**Subject:** North Adams recycling  
**Attachments:** 20130424102738235.pdf

Attached is a Form that may be used for filing Notification of the City's intent to use the old soil building for receiving presorted recyclables.

Section III check 1. NEW

Section IV complete part 1.

Complete Section V

Complete Section IX

Submit to us with copy to Board of Health and wait 30 days until startup.

This Form will also be required to be submitted annually as an Annual Report.

310CMR 16.00 can be found at:

<http://www.mass.gov/dep/service/regulations/310cmr16.pdf>

310 CMR 16.04 allows for the following

*16.04: General Permit for Recycling, Composting or Aerobic and Anaerobic Digestion Operations*  
*(1) Applicability. The following operations are eligible for a general permit and do not require a site assignment, a facility permit pursuant to 310 CMR 19.000: Solid Waste Management, or a recycling, composting, or conversion permit pursuant to 310 CMR 16.05, provided the operation meets the requirements of 310 CMR 16.04:*

*(a) a recycling operation that receives no more than 250 tons per day of recyclable materials, not including paper;*

*(2) General Permit Requirements for a Recycling Operation. The owner and operator of an operation that handles recyclable materials shall:*

*(a) ensure the operation and its products do not result in an unpermitted discharge of pollutants to air, water, land or other natural resources of the Commonwealth, create a public nuisance, or present a significant threat to public health, safety or the environment;*

*(b) ensure that the recyclable materials and products are not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment;*

*(c) ensure that the type and quality of recyclable materials is sufficient for the operation and that the quality of the operation's products is sufficient for the products to be marketable;*

*(d) ensure that the operation handles recyclable materials and residuals only within a*

*handling area, containers or trucks that are sufficiently enclosed and covered to prevent a public nuisance;*

*(e) ensure that the amount of residuals generated at a single-stream recycling operation does not average more than 15%, or at any other type of recycling operation 10%, by weight of the materials received during any quarter;*

*(f) ensure that the material, in its as-received, in-process or processed condition, shall not exceed the amount of recyclable or organic material that can be received in one year. This time limit may be exceeded in the case of storage of a processed material pending accumulation of one full container load;*

*(g) ensure that all solid and liquid materials produced as a result of the operation are managed in accordance with all other applicable regulations and approvals, including but not limited to, a beneficial use determination;*

*(h) maintain accurate records for at least three years to demonstrate compliance with 310 CMR 16.04 and submit a report to the Department annually by February 15<sup>th</sup> on a form provided by the Department that shall include, but not be limited to, the amounts and types of recyclable materials received, transferred and recycled and the amount of residuals managed during the previous calendar year; and*

*(i) submit a compliance certification in accordance with 310 CMR 16.06(1).*

Charles Clines  
(413) 755-2120

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Visit our website: [mass.gov/dep](http://mass.gov/dep)

Copy

## Certification Form & Annual Report Form

### General Permits for Recycling, Composting or Aerobic & Anaerobic Digestion Operations pursuant to 310 CMR 16.04

This certification form shall be used to satisfy the certification requirements for a General Permit for Recycling, Composting or Aerobic & Anaerobic Digestion Operations pursuant to 310 CMR 16.04. These operations do not require a site assignment, a facility permit pursuant to 310 CMR 19.000, or a recycling, composting or conversion permit pursuant to 310 CMR 16.05, provided the owner/operator submits a completed and valid certification and continuously comply with the regulatory requirements for the subject activity. These operations include: Recycling Operations, Composting or Aerobic or Anaerobic Digestion Operations. The operator must file this certification with the MassDEP Boston Office and with the local Board of Health at least thirty days prior commencing operations. Pursuant to 310 CMR 16.06(1)(a)(3), this form shall be submitted annually by February 15<sup>th</sup> of each calendar year. For the complete text of the regulation, see: <http://www.mass.gov/dep/service/regulations/310cmr16.pdf>

MassDEP  
Bureau of Waste Prevention  
Attn: Solid Waste Program – 16.04 General Permit Certification Forms  
One Winter Street  
Boston, MA 02108  
Main Phone: 617-292-5500

Important: When completing this form on a computer, use only the tab key to move your cursor - not the return key.



#### Instructions:

Section I through VI and section IX and X shall be completed by all applicants.

Section V, VI, VII, and VIII shall be filled out as applicable to the activity requiring notification pursuant to 310 CMR 16.04.

#### SECTION I Owner, Operator & Site Information

<b>Property Owner Name:</b>	<b>Property Owner Address:</b>
City of North Adams	10 Main Street
	North Adams, MA 01247
<b>Telephone Number:</b>	413-662-3000 X 3235
<b>Email Address:</b>	tim.lescarbeau@northadams-ma.gov

<b>Operator Name:</b>	<b>Operator Address:</b>
City of North Adams	E Street
	North Adams, MA 01247
<b>Telephone Number:</b>	413-662-3147
<b>Email Address:</b>	

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868

MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper

Location of Activity/Address(if different from above):	GPS Coordinates for Activity Location

**SECTION II - Property Ownership Information**

1. Ownership of Property:

- Private Ownership: If property is privately owned:
  - Corporate;  Partnership;  Sole Proprietorship;  Trust
- Public Ownership
  - Municipal;  State;  Federal;  Tribal;  Other, Explain: \_\_\_\_\_

**Section III - Type of Certification**

1.  New or Newly Acquired Operation (16.06(1)(a))
  - Was a copy of this certification provided to the Board of Health at least thirty days prior to commencing operations?  Yes  No; Date of Notice: 4/25/13
  - Method of Notice to Board of Health (i.e., mail, e-mail, etc.): Hand delivered
  - Former Owner (If newly acquired): \_\_\_\_\_
2.  Existing Operation (16.06(1)(b))
  - Was this activity previously regulated with a Solid Waste Permit or a Determination of Need?  Yes  No; If yes, what was the most recent transmittal #: \_\_\_\_\_
3.  Annual Certification (16.06(1)(c))
4.  Relocation of Activity: Use Section I for the new address  
Old Address: \_\_\_\_\_
5.  Discontinuation of Activity

**Section IV - Type of General Permit Requiring Certification:** Please check the appropriate box below for the type of operation. If more than one type of operation utilizing a general permit pursuant to 310 CMR 16.04 occurs at the same location, please check all boxes that apply. If more than one location is being used, please file a separate certification form for each address.

1.  Recycling Operation that:

- receives no more than 250 tons per day of recyclable materials, not including paper. Recyclable Material is defined as a material that has the potential to be recycled and which is pre-sorted. Recyclable material includes biodegradable paper, but does not include: organic materials that will be composted or converted; or construction and demolition waste unless it has been separated and kept separate into at least the following categories: asphalt, brick and concrete; ceiling tiles; wood; metals; plaster and wallboard; roofing materials; and carpet.
- The operation shall demonstrate compliance with tonnage limits by either:
  - use of an on-site weigh scale; or
  - estimate weights using standard conversion factors.
- See 310 CMR 16.04(1)(a) for regulatory reference and complete Section V below.
- Please list the general types of recyclable materials ( i.e., bottles & cans, paper, etc.) which will be collected at this operation:

Types of Recyclable Material: Bottles & Cans, Paper

2.  Composting Operation that:

- receives no more than 105 tons per week and no more than 30 tons per day of Group 2 organic materials, listed at 310 CMR 16.04(3)(b): Table 1. Examples of Organic Materials, or other organic materials with a carbon to nitrogen ratio of 30:1 or less;
- contains less than 5,000 cubic yards of organic materials per acre; and
- has less than 50,000 cubic yards of organic materials on site at any one time.
- Organic Material is defined as any of the following source-separated materials: vegetative material; food material; agricultural material; biodegradable products; biodegradable paper; clean wood; or yard waste. It does not include sanitary wastewater treatment facility residuals.
- See 310 CMR 16.04(1)(b) for regulatory reference and complete Sections VI & VII below;
- Please check the types organic material that will be composted at this operation:

- Vegetative material
- Food material
- Agricultural material
- Biodegradable products
- Biodegradable paper
- Clean wood
- Yard waste

3.  Aerobic or Anaerobic Digestion Operations that:

- receives no more than 100 tons per day of organic material from on-site or off-site, based on a 30-day rolling average.
- See 310 CMR 16.04(1)(c) for regulatory reference and complete Sections VI & VII below.
- Please check the types organic material that will be aerobically or anaerobically digested at this operation:

- Vegetative material
- Food material
- Agricultural material
- Biodegradable products
- Biodegradable paper
- Clean wood
- Yard waste

**IMPORTANT:** If the Owner or Operator cannot agree to and cannot comply with the applicable requirements listed in sections V through VIII below, the operation shall not be eligible for a general permit pursuant to 310 CMR 16.04 and may be subject to the site assignment and permitting requirements of 310 CMR 16.00 and 310 CMR 19.000. The Owner and Operator should review the requirements for 310 CMR 16.04 to determine whether the activities may be altered to comply. Alternatively the Owner and Operator may file a permit application pursuant to 310 CMR 16.05 if appropriate.

**SECTION V – General Compliance Requirements for Recycling Operations. (310 CMR 16.04(2))**

The owner and operator of an operation that handles recyclable materials shall operate in a manner which provides that:

- | YES                                 | NO                                  |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | the operation and its products do not result in an unpermitted discharge of pollutants to air, water, land or other natural resources of the Commonwealth, create a public nuisance, or present a significant threat to public health, safety or the environment;  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | the recyclable materials and products are not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | the type and quality of recyclable materials is sufficient for the operation and the quality of the operation's products is sufficient for the products to be marketable;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | the operation handles recyclable materials and residuals only within a handling area, containers or trucks that are sufficiently enclosed and covered to prevent a public nuisance;  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | the amount of residuals generated at a single-stream recycling operation does not average more than 15% by weight of the materials received during any quarter or more than 10% by weight at any other type of recycling operation;  |
| <input type="checkbox"/>            | <input checked="" type="checkbox"/> | the material, in its as-received, in-process or processed condition, shall not exceed the amount of recyclable or organic material that can be received in one year. This time limit may be exceeded in the case of storage of a processed material pending accumulation of one full container load;   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | all solid and liquid materials produced as a result of the operation are managed in accordance with all other applicable regulations and approvals, including but not limited to, a beneficial use determination; and  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | accurate records are maintained for at least three years to demonstrate compliance with 310 CMR 16.04 and the facility will submit a report with the annual certification to the Department annually by February 15th that shall include, but not be limited to, the amounts and types of recyclable materials received, transferred and recycled and the amount of residuals managed during the previous calendar year. |

**SECTION VI – General Compliance Requirements for Composting or Aerobically or Anaerobically Digesting Organic Materials. (310 CMR 16.04(3)(a))**

The owner and operator of an operation that composts or aerobically or anaerobically digests organic materials shall:

- |    | YES                      | NO                       |   |
|----|--------------------------|--------------------------|---|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | not allow the operation and its products to result in an unpermitted discharge of pollutants to air, water or other natural resources of the Commonwealth, create a public nuisance, or present a significant threat to public health, safety or the environment; |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | incorporate best management practices, including but not limited to:  |
| a. | <input type="checkbox"/> | <input type="checkbox"/> | producing stabilized organic materials;   |
| b. | <input type="checkbox"/> | <input type="checkbox"/> | maintaining proper thermal regulation and monitoring to prevent spontaneous combustion and destroy pathogens;   |
| c. | <input type="checkbox"/> | <input type="checkbox"/> | managing stormwater and leachate to prevent ponding and water pollution;  |
| d. | <input type="checkbox"/> | <input type="checkbox"/> | providing access to an adequate water supply with adequate pressure for fire control;   |

- e.   employing the appropriate number of properly trained personnel for the size and type of the operation;
- f.   using equipment that is appropriate for the size and type of the operation;
- g.   having a completed odor control plan that is implementable at the time of this certification (30 days prior to operation) that is appropriate for the size and type of the operation that will minimize the production and migration of odorous compounds. The plan shall identify specific actions that will be taken to address complaints if unacceptable odors occur beyond the property line of the operation;
- h.   having a completed vector control plan that is implementable at the time of this certification (30 days prior to operation) that is appropriate for the size and type of the operation that will minimize the presence of vectors. The plan shall identify specific actions that will be taken to address complaints if unacceptable vectors occur beyond the property line of the operation;
- i.   having a completed contingency plan that is implementable at the time of this certification (30 days prior to operation) that describes corrective actions to be taken for management of the organic materials and products in the event of equipment breakdowns, delivery of unacceptable material, spills, fires, extreme weather conditions or other events, including but not limited to the failure of the odor- or vector-control plan; and
- j.   the odor control plan, vector control plan, and contingency plan shall be implemented at the start of operation;
- 3.   maintain a distance of at least 250 feet from any existing water supply well in use at the time the operation commences;
- 4.   accept and compost the type and quality of organic materials is sufficient for the operation and that the quality of the operation's products is sufficient for the products to be marketable;
- 5.   accept and produce organic material and products that are not contaminated by toxic substances at levels which may pose a significant threat to public health, safety or the environment, including but not limited to implementing a toxics control plan that:
  - a.   minimizes entry of toxic materials into the operation;
  - b.   is appropriate for the organic materials to be managed at the operation; and
  - c.   produce final products that do not pose a significant threat to public health, safety or the environment. Should toxics be detected in the final products at levels that pose a significant threat to public health, safety or the environment for any likely use of the product, the plan shall also include a contingency plan that identifies steps to be taken to reduce toxics in incoming organic materials, describes corrective actions to be taken for management of the organic materials and products, and identifies how any contaminated products are to be used or disposed;
- 6.   limits the amount of residuals generated such that the average is less than 5% by weight of the materials received during any quarter;
- 7.   manage all solid and liquid materials produced as a result of the operation in accordance with all other applicable regulations and approvals, including but not limited to, a beneficial use determination;
- 8.   not allow materials, in their as-received, in-process or processed condition, to be stored for more than one year from the date of their receipt at the operation. This time limit may be exceeded in the case of storage of a processed material pending accumulation of one full container load; and
- 9.   maintain accurate records for at least three years to demonstrate compliance with 310 CMR 16.04 and submit a report with the annual certification to the Department annually by February 15th that shall include, but not be limited to, the amounts and types of organic materials received and composted and the amount of residuals managed during the previous calendar year.

**SECTION VII – Additional Compliance Requirements for a Composting Operation. (310 CMR 16.04(3)(b))**

Additional Requirements for a Composting Operation. The owner and operator of a composting operation shall:

YES NO

1.   not allow more than 25%, by volume, of the total compost mixture to be a Group 2 Organic Material listed at 310 CMR 16.04(3)(b):Table 1. Example of Organic Materials or other organic materials with a carbon to nitrogen ratio of 30:1 or less;
2.   provide and use adequate and appropriate bulking material (consisting of Group 1 organic materials listed at 310 CMR 16.04(3)(b):Table 1. Example of Organic Materials or other organic materials with a carbon to nitrogen ratio of greater than 30:1) and ensure that such material is readily available on-site to mix with incoming Group 2 organic materials or other organic materials with a carbon to nitrogen ratio of 30:1 or less;
3.   mix all Group 2 organic material or other organic materials with a carbon to nitrogen ratio of 30:1 or less into the compost windrows or piles to such an extent that it is unrecognizable as a separate material as soon as possible but no later than the close of business each day, or transfer such materials off-site by the close of business on the same day that they are received at the operation; and
4.   aerate the compost on a timely and regular basis to ensure proper aerobic, temperature, moisture and porosity conditions.

**SECTION VIII – Additional Compliance Requirements for an Aerobic or Anaerobic Digestion Operation. (310 CMR 16.04(3)(c))**

Additional Requirements for an Aerobic or Anaerobic Digestion Operation. The owner and operator of an aerobic or anaerobic digestion operation shall:

- |    | YES                      | NO                       |  |
|----|--------------------------|--------------------------|--|
| 5. | <input type="checkbox"/> | <input type="checkbox"/> | Not accept for delivery any Group 2 organic material listed at 310 CMR 16.04(3)(b):Table 1. Example of Organic Materials, or other organic materials with a carbon-to-nitrogen ratio of less than 30:1 generated off-site, unless it is transported via sealed tank or vessel and transferred using a direct connection (e.g. hose) technology; however, this requirement does not apply to an operation that accepts less than 15 tons per day of Group 2 organic materials listed at 310 CMR 16.04(3)(b):Table 1. Example of Organic Materials or other organic materials with a carbon to nitrogen ratio of less than 30:1; |
| 6. | <input type="checkbox"/> | <input type="checkbox"/> | allow handling of organic material only if it occurs in sealed tanks or vessels, with odor controls; and   |
| 7. | <input type="checkbox"/> | <input type="checkbox"/> | add all organic material to the active digestion system or store it in sealed tanks or vessels, with odor controls, by the close of business on the same day that it is received at the operation.   |

**SECTION IX – Certification**

"I, attest under the pains and penalties of perjury:

- that I have personally examined and am familiar with the information contained in this submittal, including any and all documents accompanying this certification statement;
- that, based on my inquiry of those individuals responsible for obtaining the information, the information contained in this submittal is to the best of my knowledge, true, accurate, and complete;
- that systems to maintain compliance are in place at the operation and will be maintained even if processes or operating procedures are changed;
- that I am fully authorized to make this attestation on behalf of this operation; and
- that I am aware that there are significant penalties, including, but not limited, to possible fines and imprisonment, for submitting false, inaccurate, or incomplete information."



Signature

Timothy H Lescarbeau  
Print Full Name

Commissioner of Public Services  
Title

5/1/13  
Date of Certification (MM/DD/YYYY)

Source of Signatory Authority

If a corporation:

- President
- Vice President (in charge of a principal business function who has been duly authorized to bind the corporation pursuant to a corporate vote)
- Secretary
- Treasurer
- Representative of the corporation (if authorized to bind the corporation pursuant to a corporate vote provided the representative is responsible for overall operation of the operation)

If a limited liability company:

- A person authorized pursuant to M.G.L. c. 156C, §24 and the limited liability company's operating agreement to bind the company and all the members

If a trust:

- A trustee or any other natural person authorized to:
  1. Enter into contracts regarding the trust property;
  2. Bind the trust; or
  3. Encumber or dispose of the trust property.

If a Partnership:

- General Partner who has been duly authorized to bind the partnership

If a Sole Proprietorship:

- Proprietor

If a municipality, state, federal, or other public agency including any legislatively created authority, board, commission, district, etc.:

A principal executive officer or a ranking elected official who is empowered to enter into contracts on behalf of the municipality or public agency.

# Site Reports From DEP

To: File 10-209-005  
Through: Daniel Hall *DM*  
From: Charles Clines  
Date: November 15, 2010  
Subject: North Adams Transfer Station-Visit

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On Thursday, November 9, 2010 at approximately 11 AM, Charles Clines visited the North Adams Transfer Station Located at the end of EE Street in North Adams.

The site is paved and congested. Top the rear are recycling shed and oil recycling tank that are not being used. To the east is a raised pad for recycling paper and cardboard and for containers. These materials are dumped on the pavement and eventually loaded into a trailer at a lower level. The operation is messy and results in windblown materials. Also, the raised area did not appear to have any devices to prevent falls of driving off except for the sides of the trailer.

Materials are weight by an onsite scale. Users included residential and trucks as large at 10 wheel front loaders. Waste is removed in trailers by Casella.

The waste materials are dumped in a two bay building. While I was there waste was being dumped outside of the building and then pushed in with a bucket loader. The waste is pushed into one of two trailers located at a lower area of the building.

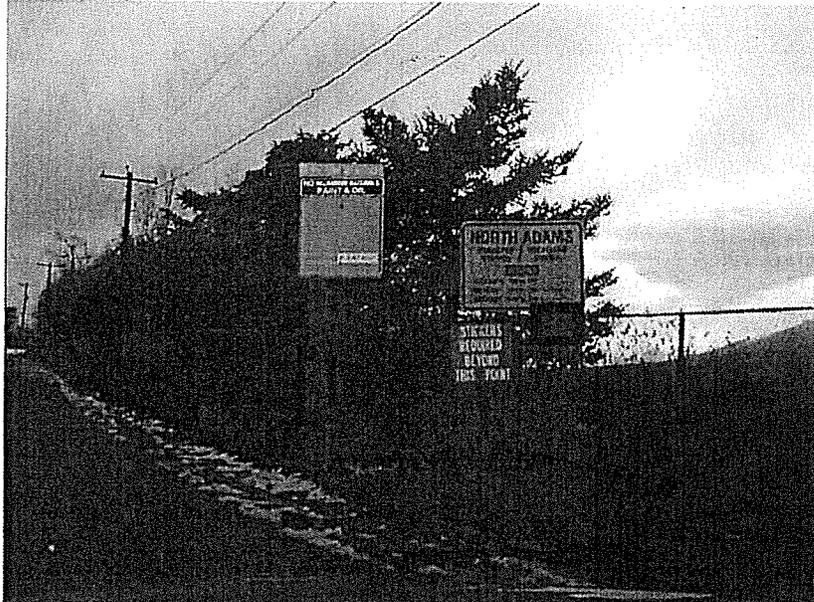
Waste ban sign and hours were posted at the entrance. Litter, mostly recyclable were along the east fence at the landfill. Were the fence had an opening to the landfill road, litter was blowing through and onto the landfill. The yard waste pile was large and appeared to be poorly managed. The operator was aware of these issues.

## Recommended Actions:

1. Work with City for an ATO.

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## Entrance



Waste dumping



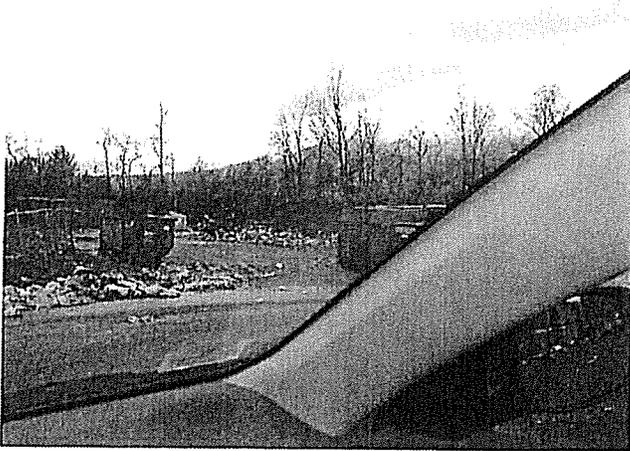
Litter swept along east fence



Litter along east fence



Yard waste and waste oil tank to southwest



Litter along fence to east



View from east

