



October 18, 2018

NOTICE OF VIOLATION

Old South Wharf Realty, LLC
c/o: Attorney Adam Brodsky
Drohan Tocchio & Morgan, P.C.
175 Derby Street, Suite 30
Hingham, MA, 02043

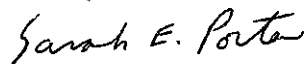
Re: 23 Popes Island
New Bedford, MA 02740
Map 60, Lot 20

This Notice of Violation (NOV) is to follow up on the October 5th NOV issued to Frank Corp. for the work described below. The 10/5/2018 NOV to Frank Corp has been retracted and this NOV is issued to the responsible party: Old South Wharf Realty, LLC.

On October 3, 2018, I inspected the above-reference property and observed the excavation of a large hole adjacent to the Coastal Bank (310 CMR 10.30) of the Acushnet River. The excavated soils from the hole were stockpiled further south and away from the Resource Areas. I have since learned that this hole was dug to remove an underground storage tank. Coordination with the MA DEP has occurred under the MA Contingency Plan and the site was classified as a Limited Removal Action due to the limited amount of contamination found. Currently you are waiting for final soil tests to be returned before the hole can be backfilled and paved over. It is also my understanding that the stockpiled material is clean.

The excavated hole is within the Buffer Zone to the Coastal Bank of the Acushnet River and a Request for Determination of Applicability (RDA) should have been filed for this work. Please file an after-the-fact RDA for this activity by October 18th at 12:00 noon. Please include all correspondence with MA DEP in your filing. In the mean time, the Conservation Commission would like the site backfilled as soon as possible to stabilize the work site. If you have any questions regarding this letter or the filing requirements, please contact me at 508-979-1497.

Sincerely,



Sarah E. Porter
Conservation Agent

cc: Conservation Commissioners