

CITY OF GLOUCESTER
EASTERN WASTE SERVICES SUBCOMMITTEE
September 9, 2026 – 2:00 PM
City Hall Annex – Conference Room
3 Pond Road, Gloucester, MA, 01930

Present:

Jesse Dole, Board Member

Tom Markert, Board Member

Dominique Hurley, Director of Public Health

Allison Battle, Administrative Assistant to the Board of Health

Call to Order

The Eastern Waste Services Subcommittee meeting was called to order. The Subcommittee was established by the Board of Health to work through matters related to the site suitability decision and its conditions for Eastern Waste Services (EWS).

Public Comment

An opportunity for public comment was provided. No members of the public requested to speak.

Eastern Waste Services – Third-Party Review

The Subcommittee reviewed and discussed the third-party review prepared for the Conservation Commission regarding Eastern Waste Services' Notice of Intent for 2425 Conlon Road.

The purpose of the discussion was to compare the third-party review with the Board of Health's site suitability decision and the memo previously sent to the Conservation Commission. The Board had requested that the Conservation Commission consider the conditions and rationale contained in the site suitability decision, allow a Board representative to present information relevant to the decision, and include those considerations in any third-party review. Conditions 14, 15, 16, 20, 24, 30, 31, and 32 were specifically identified for consideration.

The Subcommittee noted that the third-party review did not address several of the conditions identified by the Board. Jesse Dole noted that Conditions 20, 30, 31, and 32 were not referenced in the review. The Subcommittee discussed whether the omissions were because the information was not required as part of the Conservation Commission's review or whether the reviewer determined that the conditions were not relevant.

Conditions 14, 15 and 16 – Stormwater

The Subcommittee discussed Condition 14, which requires the applicant to submit a Notice of Intent to the Conservation Commission. It was noted that the Notice of Intent had been submitted and that Condition 14 was therefore considered satisfied.

Conditions 15 and 16 remain outstanding. Condition 15 concerns approval from the Department of Public Works for connection to the municipal separate storm sewer system (MS4). The third-party review recommended that the applicant verify whether the existing drainage system beneath Conlon Road is part of the City's MS4 and obtain the required permit. The Subcommittee discussed whether the DPW approval should be obtained before the Conservation Commission proceeds with its permitting process.

The Subcommittee discussed the relationship between the DPW stormwater permitting process and the Conservation Commission's review. Jesse Dole noted that the MS4 permitting process is separate from wetlands permitting and suggested that the Conservation Commission could potentially condition its approval on proof of the required DPW approval.

The Subcommittee agreed that the stormwater connection and the required DPW approval are important considerations and should be identified to the Conservation Commission if the final DPW approval has not been obtained.

Condition 16 requires the applicant to use stormwater best management practices to capture and adequately treat stormwater runoff prior to discharge from the site. The Subcommittee noted that the third-party review addressed the stormwater management plan but did not fully address the concerns that led the Board to include Condition 16. The Subcommittee agreed that the Conservation Commission should be aware of the stormwater concerns and the importance of appropriate stormwater management.

The Subcommittee also discussed an identified gap in the stormwater plan related to runoff and the potential for untreated runoff to reach the wetlands and downstream areas, including Wolf Trap Brook.

Condition 20 – Soil Testing

The Subcommittee discussed Condition 20, which requires the applicant to perform soil testing in accordance with 310 CMR 40 to assess potential contamination and submit the results to the Board of Health prior to applying to MassDEP for authorization to construct the facility.

The Subcommittee noted that the required testing has not yet been received and that the condition was included because of concerns regarding the historical use of the property. The discussion referenced the applicant's past acceptance and disposal of mixed construction and demolition waste directly onto bare ground without a permit between 2017 and 2022 and the subsequent MassDEP administrative consent order.

Jesse Dole stated that it would be useful to determine what testing, monitoring, or remediation MassDEP required as part of its previous enforcement action and what documentation will be required for authorization under 310 CMR 19. The Subcommittee discussed whether MassDEP requirements may already address some of the concerns identified in Condition 20.

The Subcommittee agreed that the omission of Condition 20 from the third-party review should be brought to the attention of the reviewer and the Conservation Commission. Jesse Dole noted that additional information from the reviewer could clarify what is required as part of the Conservation Commission process and what must be addressed through MassDEP or other regulatory processes.

Conditions 30, 31 and 32 – Material Handling, Hazardous Materials and Leachate

The Subcommittee discussed Conditions 30, 31, and 32, which address the handling, sorting, characterization, recycling, and disposal of materials, as well as hazardous materials and leachate management.

Condition 30 requires a preliminary plan for managing, sorting, identifying, characterizing, and disposing of materials. The Subcommittee noted that the condition was developed in response to gaps in the information provided during the site suitability process. The third-party review did not address Condition 30 in detail.

The Subcommittee discussed whether these conditions fall primarily under MassDEP's permitting process and whether the Conservation Commission needs to consider them as part of its review. Jesse Dole noted that some of the required documentation, testing, and procedures may ultimately be required as part of MassDEP's permitting process under 310 CMR 19.

The Subcommittee also discussed the lack of information regarding hazardous material handling, material-sorting protocols, and leachate containment and management. These concerns were considered particularly relevant because of the history of the site and the potential impact of leachate on groundwater and nearby wetlands.

The Subcommittee agreed that these matters should be discussed with the Conservation Commission to determine whether they fall within its jurisdiction at this stage of the review or should be addressed during a later permitting or operational phase.

Additional Stormwater and Environmental Concerns

The Subcommittee reviewed additional gaps identified in the third-party review, including the lack of third-party testing data supporting the claimed 80% total suspended solids (TSS)

separation. The Subcommittee discussed the relationship between this information, the stormwater management plan, and Condition 16.

The Subcommittee noted that the primary concern is ensuring that appropriate stormwater best management practices are in place to protect downstream resources, including shellfish beds and other receiving waters.

Tom Markert also raised a question regarding a potential vernal pool identified in the third-party review. The Subcommittee discussed whether the location and elevation of the potential vernal pool presented a concern in relation to the proposed work. No determination was made, and the matter was left to the appropriate technical review.

Conservation Commission Follow-Up

The Subcommittee was informed that the EWS matter had been placed on the Conservation Commission's October 7 agenda. The Subcommittee agreed that the additional information needed from MassDEP, DPW, and the third-party reviewer should be identified before making recommendations to the Conservation Commission.

The Subcommittee agreed that it would be useful to ask the third-party reviewer to clarify why Condition 20 and other conditions requested by the Board were not addressed and whether those conditions are within the scope of the Conservation Commission's review.

The Subcommittee also discussed the importance of distinguishing between matters within the jurisdiction of the Board of Health, Conservation Commission, DPW, and MassDEP. The goal is to ensure that each department is aware of the concerns relevant to its respective permitting and regulatory responsibilities.

Condition Tracking and Coordination

Dominique Hurley presented a preliminary tracking process for the 37 conditions contained in the Board's decision. The proposed tracking document would identify each condition, the required deliverable, when the condition is due, the applicant's status, the Board of Health's review status, relevant documents, and any follow-up required.

The tracking system is intended to provide a consistent way to monitor outstanding conditions and coordinate with the applicant and City departments. The document remains in draft form and will be further developed in consultation with the City's legal department.

Dominique reported that she had met with Attorney Joel Favazza, counsel for EWS, and discussed establishing a clear process for communicating expectations regarding the conditions. She also reported that she is working with the City's legal department to confirm what information the Board should request under the terms of the site suitability decision.

The Subcommittee discussed inviting Attorney Favazza to a future meeting to review the process and clarify expectations regarding the outstanding conditions.

Next Steps

The Subcommittee will:

- Follow up with MassDEP regarding any testing, monitoring, remediation, or other requirements related to the site's previous enforcement history.
- Follow up with DPW regarding the proposed stormwater connection and MS4 requirements.
- Review the third-party report for additional gaps related to Conditions 20, 30, 31, and 32.
- Clarify with the Conservation Commission and/or third-party reviewer which conditions are within the scope of the Conservation Commission's review.
- Prepare a summary of the Subcommittee's findings and concerns for presentation to the Conservation Commission.
- Continue developing the condition-tracking document in coordination with the City's legal department.
- Consider a meeting with Attorney Favazza to review the condition-tracking process and expectations.

The meeting concluded at 3:33 PM

The Subcommittee anticipated holding another meeting before the October Board of Health meeting to review outstanding information and finalize recommendations. Members indicated that remote meetings would be acceptable for future Subcommittee meetings.