

250 LINGAN ST., HALIFAX (MORSE BROTHERS BOG)
MassDEP Joint Inspection – October 4, 2023

MassDEP personnel:

- Elza Bystrom (BAW / Solid Waste)
- Ashley Harris (BAW / Strike Force)
- Andrew Poyant (BWR / Wetlands)

Town of Halifax personnel:

- Bob Valery (Health Agent)
- Kathy Evans (Conservation Chair)

Morse Brothers Bog:

- Brendan Moquin (Controller of Morse Brothers, Inc.)

SOLID WASTE Notes:

Based on the direction from Bureau of Water Resources (BWR) Deputy Regional Director (DRD), on October 4, 2023, personnel from the Massachusetts Department of Environmental Protection's (MassDEP's) Southeast Regional Office conducted an announced joint inspection at Morse Brothers Bog located at 250 Lingan Street in Halifax. The weather was sunny, 84°F. The inspection was a complaint investigation that initially came in through the Wetlands group. The complaint was received from a nearby resident. The complainant claimed, among other things, that the operator of the bog "*is dumping tons of truckloads of dirt (manure)*" on the area contributing to the drinking wells of the town water supply.

BACKGROUND: Morse Brothers Bog is a family-owned farming company (i.e., cranberry grower), and owned by Morse Brothers, Inc. The bog in Halifax is located at 250 Lingan Street, which encompasses an area of approximately 275 acres (Parcel ID #29-1-0), with parcel owner listed as Morse Brothers, Inc. Sand and gravel mining operations are also being conducted on the property. The company is a legal business entity under the Massachusetts Secretary of State Corporation Database, with its mailing address located at 3203 Cranberry Highway, Building A, East Wareham.

TOPOGRAPHY: The parcel consists of 11 cranberry bogs regulated under the Wetland Regulation as Boarding Vegetated Wetlands (BVW), a natural BVW in the center of the bogs, and four additional BVWs, Monponsett Pond is located to the east and to the north. MassMapper identified two community based public water supply wells to the east of the bog (Source ID: 4118000-03G – Well 3 YMCA and Source ID: 4118000-04G – Well 4 YMCA). Based on the topography, stream flow and elevations of the ponds depicted on the United States Geological Survey topographic map, regional groundwater flow direction is to the south. It is important to note that the bog is located in Zone II Wellhead Protection Area for the water supply wells.

The closest residence is located approximately 0.5 miles south from the location of the sand and gravel operation of the Facility.

INSPECTION: Access to the bog is through a dirt road at the end of Lingan St. MassDEP personnel were met by Bob Valery and Kathy Evans from the Town of Halifax. Mr. Moquin, an employee of Morse Brothers, granted access to the site through earlier communication facilitated by the Town. MassDEP was granted permission to take photographs at the site. Bob Valery, Health Agent of the Town, stated to MassDEP, for the record, that the Town does not have any issues with the activities being conducted at the site.

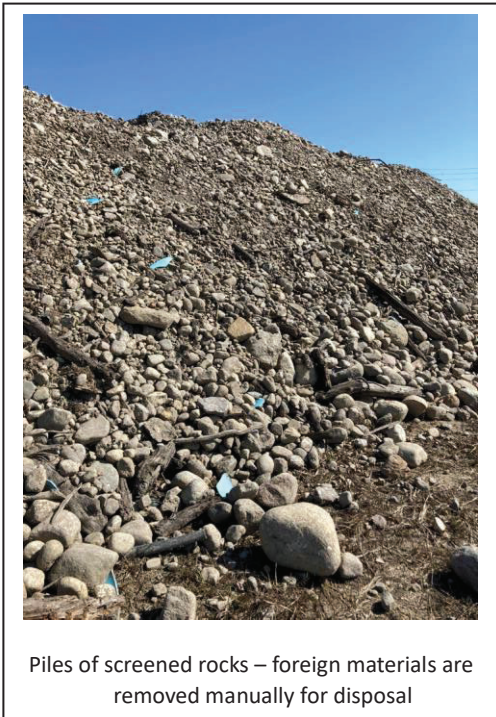
The group drove to the northern portion of the site, where sand and gravel mining operation is located. There are few piles of topsoil, sand and gravel at the location. Mr. Moquin informed DEP that the facility mined the area, and the mined materials are screened and piled based on the size of the rock, sand and gravel. Topsoil is piled separately and darker in color. No odor was detected from the topsoil. The Solid Waste personnel observed a pile of large concrete blocks (larger than 6-inches), which according to Mr. Moquin are materials from a flume that has been removed for replacement. Mr. Moquin indicated that the concrete blocks are crushed and screened to a manageable size and disposed of accordingly. The primary purpose of flume is to control discharge of water from the bog. Due to the cost associated with renting a crusher, the facility normally waits until it has large amounts of materials to be crushed and/or screened.

SOLID WASTE SUMMARY: The bog is not a Solid Waste permitted facility and the onsite operation is not required to be permitted. The onsite operation associated with asphalt pavement, brick and concrete (ABC) rubble processing is exempt from Site Assignment requirements pursuant to Solid Waste regulations under 310 CMR 16.03(2)(b)5.a.ii. as the operation is the site of a demolition and/or construction projects where all the ABC rubble processed was generated at the site. Solid Waste personnel did not observe any violations of Solid Waste regulations.

Under MassDEP Solid Waste guidance for compliance with waste ban regulations, the large concrete blocks are considered waste material and/or recyclable material, and shall be disposed, recycled, and/or otherwise handled in accordance with the Solid Waste Regulations including *310 CMR 19.017: Waste Bans*. Waste Ban regulations prohibit the disposal, transfer for disposal, or contracting for disposal of certain hazardous, recyclable, or compostable items at solid waste facilities in Massachusetts, including, but not limited to, metal, wood, asphalt pavement, brick, concrete, and clean gypsum wallboard. The goals of the waste bans are to: promote reuse, waste reduction, or recycling; reduce the adverse impacts of solid waste management on the environment; conserve capacity at existing solid waste disposal facilities; minimize the need for construction of new solid waste disposal facilities; and support the recycling industry by ensuring that large volumes of material are available on a consistent basis.



Pile of larger than 6-inch concrete rubble



Piles of screened rocks – foreign materials are removed manually for disposal



Pile of topsoil material

WETLANDS SUMMARY: The parcel includes 11 active cranberry bogs and meets the definition of Agriculture (a) Land in Agricultural Use (see in 310 CMR 10.04). Piles of gravel, sand, topsoil, and trees were observed on the opposite side of the bog road from the bogs, with the closest pile being approximately 30 feet from the bog. Riverfront Area is defined in 310 as 100 feet from new agricultural and aquacultural activities (CMR 10.58(2)(a)3.c.). The stockpiles appear to be outside of the 100-foot Riverfront Area, and appear to meet the Agriculture (b) Normal Maintenance of Land in Agricultural Use exemptions in 310 CMR 10.04 that state “the maintenance and repair of ongoing agricultural composting sites, storage areas, and work areas and the storage of fertilizers, pesticides, manures, compost materials, and other soil amendments, provided that such storage occurs only in the Buffer Zone or Bordering Land Subject to Flooding.” The trees observed in the pile were mostly red oak (*Quercus rubra*) and white pine (*Pinus strobus*), both are upland species rated as Facultative Upland Plants (FACU) and not related to wetlands. Manure and compost were not observed on-site. Mr. Moquin confirmed that manure is not used on-site as manure is harmful to cranberry plants. Excavation activities for obtaining sand appear to be outside of the 100-foot Buffer Zone to the cranberry bogs, and approximately 650 feet away from the nearest BVW that is not a cranberry bog. Based on the observation, the Wetlands Program did not observe any violations of Wetland Protection regulations.