



TOWN OF WESTFORD  
**BOARD OF HEALTH**  
TOWN HALL  
55 MAIN STREET  
WESTFORD, MA 01886  
(978) 692-5509 FAX (978) 399-2558

CERTIFIED MAIL #7004 1160 0005 9443 6233  
U.S. Mail, First Class

Mr. David A. Fink  
Executive Vice President  
Guilford Rail System  
Iron Horse Park  
No. Billerica, MA 01862

**Re: Idling of Diesel Locomotive in Westford, MA 01886.**

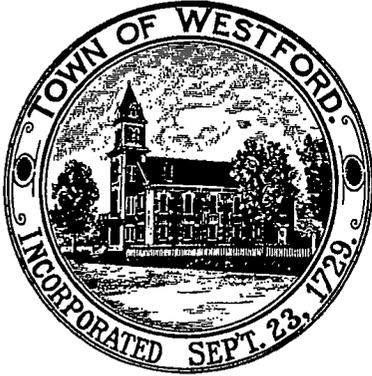
Dear Mr. Fink:

My office has received multiple complaints that diesel locomotives owned and operated by Guilford Rail System ("Guilford") have been idling in excess of thirty minutes in and around the North Main Street, Westford area.

Please be advised that pursuant to regulations promulgated by the Department of Environment Protection of the Commonwealth of Massachusetts, 310 CMR 7.11(2)(b) states that "no person shall cause, suffer, allow, or permit the unnecessary foreseeable idling of a diesel locomotive for a continuous period of time longer than 30 minutes." Furthermore, under said regulations [310 CMR 7.11(2)(a)], "no person owning or operating a diesel locomotive shall cause, suffer, allow or permit said locomotive to be operated in a manner such as to cause or contribute to a condition of air pollution."

Recently, according to said complaints (some documented by Westford Police report), Guilford's locomotives idled in Westford for an excess of thirty minutes on the following dates and times:

December 20, 2004	7:00 p.m. (start)	to	December 21, 2004	9:30+ a.m. (end)
December 21, 2004	12:45 a.m. (start)	to	December 21, 2004	2:45 a.m. (end)
January 10, 2005	9:24 a.m. (start)	to	January 10, 2005	10:39 a.m. (end)
January 16, 2005	5:30 a.m. (start)	to	January 17, 2005	6:45 a.m. (end)
January 28, 2005	2:15 a.m. (start)	to	January 28, 2005	6:45 a.m. (end)
January 30, 2005	8:08 p.m. (start)	to	January 30, 2005	10:00 p.m. (end)
January 30, 2005	10:25 p.m. (start)	to	January 30, 2005	11:25 p.m. (end)



TOWN OF WESTFORD  
**BOARD OF HEALTH**  
TOWN HALL  
55 MAIN STREET  
WESTFORD, MA 01886  
(978) 692-5509 FAX (978) 399-2558

This excessive idling was unnecessary and foreseeable in that the operator of the locomotive knew or should have known that the parking of an idling locomotive would result in a violation of the regulations, and that the parking was for no purpose other than convenience of the owner and/or operator of the locomotive, and therefore constitutes a violation of 310 CMR 7.11.

Pursuant to 310 CMR 7.52 and Section 142B of Chapter 111 of the Massachusetts General Laws, Guilford is hereby **ORDERED TO IMMEDIATELY CEASE AND DESIST** any further unnecessary foreseeable idling of locomotive engines for a continuous period of time in excess of thirty minutes. This order shall not apply to diesel locomotives being serviced provided that idling is essential to the proper repair of said locomotive **and that such idling does not cause or contribute to a condition of air pollution.**

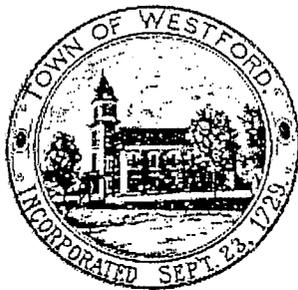
Guilford is hereby given notice that it has the right to request, within ten days, a hearing before the Commissioner of Environmental Protection pursuant to Chapter 30A of the Massachusetts General Laws. If no such hearing request is made within ten days, Guilford will be deemed to have consented to this Order.

Please be advised that violations of 310 CMR 7.11 are punishable in Superior Court by a fine of not more than \$25,000 or by imprisonment for not more than one year, or both. Further, such violations are subject to civil penalties not to exceed \$25,000 for each offense. Each day, or portion thereof, in which a violation occurs shall constitute a separate and succeeding offense, G.L. c. 111, §142B.

Should you have any questions or not understand your obligations outlined in this order, please feel free to contact my office. Thank you.

Sincerely,

Darren R. MacCaughey  
Director of Environmental Services  
Town of Westford Board of Health



DATE: Feb 4, 2005  
 CALLER: Michael Kopko  
 ADDRESS: 53 N. Main St  
(Property in question)  
 TAKEN BY: (1) Mac Caughy  
1116  
(978) 392-

**TOWN OF WESTFORD  
 BOARD OF HEALTH**

TOWN HALL  
 - 55 Main Street  
 WESTFORD, MA 01886  
 Telephone (978) 692-5509 Fax (978) 399-2558

**COMPLAINT FORM**

COMPLAINT: diesel train engines idling for excessive periods of time, contributing to air + noise pollution in violation of MA DEP Air Pollution Control Regs 310 CMR 7.11(2) + 7.10(1)

Upon numerous occasions train engines (3-5 per occurrence) have been idling across from 53 N. Main St. resulting in local air pollution to the point of not being able to go outside without breathing difficulties and watering eyes due to excessive diesel emissions. Indoor air quality has also been effected - a radon mitigation system at 53 N. Main Street relies on outside air being drawn into the house.

(continued on reverse)

ACTION TAKEN: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Inspected by: \_\_\_\_\_  
 Date: \_\_\_\_\_

LT 1704111 on the corner of N. Main + Hillside immediately across ~~the~~ N. Main from the source of these emissions, exposing school children to unhealthy conditions.

Westford Police have logged 2 complaints so far  
(Jan 29 + Jan 30)

Listed below are dates + times of some of the more egregious violations:

Date	Train Arrived time	Train Departure time	Continuous Idle Time
Dec 20, 2004	prior to 7 PM (I arrived home from work)	after 9:30 AM Dec 21 (I left for work)	more than <u>14.5</u> hours
Dec 21, 2004	12:45 AM	2:45 AM	2 hours
Jan 10, 2005	9:29 AM	10:39 AM	1.25 h.
Jan 16, 2005	prior to 5:30 AM (I wake up)	6:45 AM <u>Jan 17</u>	<u>25.25</u> hours
Jan 28, 2005	2:15 AM	6:45 AM	4.5 hours
Jan 29, 2005	11:45 AM	5:00 PM	5.25 hours
Jan 30, 2005	8:08 PM	10:00 PM	~ 2 hours
	10:25 PM	11:25 PM	1 hour

If the Guilford RR chooses to not shut off diesel engines (rather than idle train) because of restarting difficulties, one solution would be for Guilford RR to upgrade their property on Bridge St. in order to install electric engine heaters or other equipment to facilitate engine restart