



Department of Environmental Protection

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Commissioner

NOTICE OF FINAL LICENSE DETERMINATION

In Re: Issuance of Final Hazardous Waste Facility License # 5B/12

Issued To: Clean Harbors of Braintree, Inc.
1 Hill Avenue
Braintree, MA 02184
EPA ID Number MAD053452637

On January 13, 1999, the Massachusetts Department of Environmental Protection (MassDEP) issued a five-year license to Clean Harbors of Braintree MA, Inc. (CHBI). In December 2003, CHBI submitted a license renewal application to allow the company to continue hazardous waste facility operations at its site in Braintree, MA.

Following technical review of the application, MassDEP prepared a draft license. Public Notice of the draft license was given in The Patriot Ledger on May 23, 2012.

Copies of the draft license were available for public review at the Town of Braintree Department of Municipal Licenses and Inspections, Health Division, the Thayer Public Library, MassDEP's Southeast Regional Office in Lakeville, MassDEP's Boston Office, and the USEPA New England - Regional Office in Boston.

The public comment period was from May 23, 2012 through July 9, 2012. During the 45-day comment period, MassDEP received written comments specific to the terms and conditions of the draft license. MassDEP's responses to comments are summarized in the document titled "Summary Response to Comments and Minor Corrections to the Clean Harbors of Braintree, Inc. Draft License" attached to this notice. This document also describes the revisions made to the draft license as a result of the comments received and lists some minor corrections made to the draft license.

MassDEP grants Clean Harbors of Braintree, Inc. Braintree, MA a final hazardous waste facility license.

Any person aggrieved by this decision may request an adjudicatory hearing before the MassDEP; please refer to the "Appeal Rights and Time Limits" procedures attached to this notice.

The final license shall become effective either (a) twenty-one (21) days after the date of the notice of final decision pursuant to 310 CMR 30.838(1) unless the final determination is appealed during the 21 day period, or (b) at the conclusion of the Adjudicatory Hearing Process, pursuant to M.G.L. c. 21C and c. 30A, and 310 CMR 1.00.

Steven A. DeGabriele, Director
Business Compliance Division
Bureau of Waste Prevention

Date: _____

Appeal Rights and Time Limits

Pursuant to Massachusetts General Law (MGL) Chapter 21C, Section 11, any person aggrieved by a determination by the Department to issue or deny a license and has legal standing to do so, may request an adjudicatory hearing before the Department. For the purposes of 310 CMR 30.000, an “aggrieved person” shall be deemed to be any person who is or may become a “party” or “intervener” pursuant to 310 CMR 1.00.

A person aggrieved by a final decision in any adjudicatory proceeding may obtain judicial review thereof pursuant to the provisions of M.G.L. c. 30A. This license is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing and postmarked within twenty-one (21) days of the Notice of Final License Decision.

CONTENTS OF HEARING REQUEST

Under 310 CMR 1.01(6) (b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the permit is not consistent with applicable laws and regulations.

FILING FEE AND ADDRESS

The hearing request along with a valid check payable to the Commonwealth of Massachusetts in the amount of \$100 must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA. 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXCEPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing-filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.