

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

October 28, 2013

In the Matter of
Boston DPW Fleet Maintenance

Docket No. 2013-025
DEP File No. RPAN-BO-13-2001

FINAL DECISION

In July 2013, the City of Boston's DPW Fleet Maintenance Office ("the Petitioner") filed this appeal with the Office of Appeals and Dispute Resolution ("OADR") challenging a \$750.00 Reporting Penalty Assessment Notice ("RPAN" or "Civil Administrative Penalty") that the Boston Office of the Massachusetts Department of Environmental Protection ("MassDEP" or "the Department") issued to the Petitioner for purportedly violating the Hazardous Waste Regulations at 310 CMR 30.205(12). The Department contended in the RPAN that the Petitioner violated 310 CMR 30.205(12) by purportedly failing to submit to the Department a completed calendar year 2012 annual report for hazardous waste recycling activities that the Petitioner has been conducting at its facility at 400 Frontage Road, Boston, Massachusetts ("the Facility").

Since the appeal's filing, the Petitioner and the Department have engaged in settlement discussions to resolve the appeal by written agreement of the parties. Their settlement discussions have been fruitful in that they have filed for my review and approval a proposed Settlement Agreement in the form of an Administrative Consent Order With Penalty, ACOP-

BO-13-2-Z012-SETT (“the ACOP”). The ACOP incorporates a September 10, 2013 letter by Geri Lambert, Acting Deputy Director of the Department’s Business Compliance Division (“Ms. Lambert”), to Lawrence Pennucci of the City of Boston’s DPW Fleet Maintenance Office (“Mr. Pennucci”). The September 10th letter sets forth the terms of the settlement.

I have reviewed the ACOP which was signed by Mr. Pennucci on behalf of the Petitioner on September 17, 2013, and by Ms. Lambert on behalf of the Department on September 24, 2013. I approve the ACOP and issue this Final Decision incorporating the ACOP.

In accordance with the ACOP, the Petitioner is ordered to perform the following actions:

- (1) In accordance with ¶ 1 of the ACOP, the Petitioner shall, no later than 15 days from the date of the issuance of this Final Decision, provide Mr. Joel Hartley of the Department, with a letter on City of Boston letterhead stating the date in 2012 (month and day) when the water based parts washer was put into use by the Petitioner.
- (2) In accordance with ¶ 2 of the ACOP, the Petitioner shall, no later than 20 days from the date of the issuance of this Final Decision, mail to Ms. Martha Boils of the Department’s Northeast Regional Office, a letter requesting that Permit # X227717 be cancelled. The Petitioner’s letter to Ms. Boils shall include a copy of the Petitioner’s letter to Mr. Hartley as described above.
- (3) In accordance with ¶¶ 4-6 of the ACOP, the Petitioner is ordered to pay a civil administrative penalty in the amount of five hundred and fifty dollars (\$550.00). Payment is due within thirty days of the date of this Final Decision.

Under the terms of 310 CMR 1.01(8)(c), this proceeding is dismissed with the parties waiving whatever rights they may have to further administrative review before the Department as well as any appeal to court.



Kenneth Kimmell
Commissioner

SERVICE LIST

Petitioner: Boston DPW Fleet Maintenance
c/o of Lawrence Pennucci
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Legal Representative: None listed in Appeal Notice

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