



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

RICHARD K. SULLIVAN JR.
Secretary

KENNETH L. KIMMELL
Commissioner

In the Matter of
Magno and Francisco Coelho

July 31, 2013
Docket No. 2013-014
File No. RPAN-BO-13-7S014
Lowell

CORRECTED FINAL DECISION

I have reviewed the attached Administrative Consent Order with Penalty – Acceptance of Settlement signed by Francisco Coelho on June 21, 2013, and by Geri Lambert for the Department on July 12, 2013 (ACOP-BO-13-7S-Z005-SETT).

The petitioner is ordered to pay a civil administrative penalty in the amount of two hundred sixty dollars (\$260.00) in accordance with the schedule and terms of paragraphs 2 and 3 of the Administrative Consent Order with Penalty. Payment is due within thirty days of the date of this Final Decision.

The Department issues this Final Decision incorporating the Administrative Consent Order with Penalty. 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

**Acceptance of Settlement
(Administrative Consent Order with Penalty – ACOP)**

ACOP# BO-13-7S-Z005 (SETT)

Docket # 2013-014

COELHO FUEL AND REPAIR

493 PRINCETON BLVD, LOWELL, MA

Facility Acct # 135945

RPAN # BO-13-7S014

The above listed corporate or business entity (the "Company") hereby accepts the offer of settlement described in the foregoing letter from MassDEP dated 5/22/2013 and attached hereto, in order to resolve this administrative appeal. The terms of that letter are hereby incorporated into this ACOP.

1. The Company agrees to pay **\$260** as a civil administrative penalty in accordance with the terms of the above referenced MassDEP offer with payment due no later than 30 days from the issuance of the final decision approving this ACOP.
2. If this agreement is approved, the Company waives whatever rights they would otherwise have to further administrative review before MassDEP as well as an appeal to court, pursuant to 310 CMR 1.01(8)c.
3. **The civil administrative penalty shall be paid as follows:** a certified check, cashier's check or money order, with a clearly marked Federal Employer Identification Number ("FEIN") and enforcement number (ACOP# BO-13-7S-Z005 (SETT)) on the check, made payable to the Commonwealth of Massachusetts and mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lock Box,
P.O. Box 4062
Boston, Massachusetts 02241-4062

4. **A copy of the penalty payment shall be mailed**, no later than 30 days from the date of issuance of the final decision approving this ACOP, to:

Jeff Gifford
Department of Environmental Protection
Bureau of Waste Prevention
One Winter Street, 7th floor
Boston, Massachusetts 02108

Geri Lambert
9/12/2013

Francisco Coelho

Date

6/21/13

Date

For the Company:
MAGNO & FRANCISCO COELHO
COELHO FUEL AND REPAIR
493 PRINCETON BLVD
LOWELL, MA 01851

For the Department:
Geri Lambert
Acting Deputy Division Director
Business Compliance Division
One Winter Street
Boston, MA 02108

SERVICE LIST

In The Matter Of:

Magno and Francisco Coelho

Docket No. 2013-014

File No. RPAN-BO-13-7S014
Lowell

Representative

Party

Magno & Francisco Coelho
Coelho Fuel & Repair
493 Princeton Blvd.
Lowell, MA 01851
Magno.coelho@ymail.com

PETITIONER

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MassDEP/Office of General Counsel
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Mike.dingle@state.ma.us

DEPARTMENT

Cc:

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DEPARTMENT

Tina Wong
MassDEP/Revenue Department
One Winter Street
Boston, MA 02108
Tina.wong@state.ma.us

DEPARTMENT/Revenue

Date: July 31, 2013