



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

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## Department of Environmental Protection

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

June 7, 2013

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**In the Matter of  
Northbridge Auto Wrecking, Inc., and  
D & G Recycling, Inc.**

**OADR Docket No. 2003-113**  
DALA Docket No. DEP-04-1210  
File No. UAO-CE-03-4003  
Northbridge, MA

**OADR Docket No. 2004-138**  
DALA Docket No. DEP-04-1208  
File No. UAO-CE-04-9003-26  
Northbridge, MA

**OADR Docket No. 2004-154**  
DALA Docket No. DEP-05-025  
File No. PAN-CE-04-9002-26  
Northbridge, MA

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### **FINAL DECISION**

I adopt the Recommended Final Decision of the Presiding Officer, and issue this Final Decision approving and incorporating the parties' Settlement Agreement in the form of an Administrative Consent Order With Penalty ("ACOP") that has been executed by Paul Klocek, as an officer and agent of the Petitioner Northbridge Auto Wrecking, Inc. ("NAWI"); Daniel R. Perry, as an officer and agent of D & G Recycling, Inc. ("D & G"); and Lee Dillard Adams, Regional Director of the Department's Central Regional Office. Per the ACOP, the effective

date of the ACOP is the date of this Final Decision.

In accordance with the ACOP:

- (1) D & G is ordered to perform the actions set forth in paragraphs 38A-38G of the ACOP within the time periods set forth in those paragraphs;
- (2) D & G shall pay stipulated civil administrative penalties to the Commonwealth in accordance with paragraph 50 of the ACOP if D & G fails to perform any of the actions set forth in paragraphs 38A-38G of the ACOP;
- (3) D & G is ordered to perform the actions set forth in paragraphs 43A-44G of the ACOP (“¶¶ 43A-44G”) and Attachment A to the ACOP (“Attachment A”) within the time periods set forth in ¶¶ 43A-44G and Attachment A, including paying a stipulated civil administrative penalty to the Commonwealth in the amount of \$68,613.00 if D & G fails to perform and complete the Supplemental Environmental Project (“SEP”) in accordance with ¶¶ 43A-44G and Attachment A; and
- (4) In the event that the cost of performing and completing the SEP in accordance with ¶¶ 43A-44G and Attachment A is less than \$68,613.00, D & G is ordered to pay to the Commonwealth, within the time period of paragraph 43F of the ACOP, a civil administrative penalty that is the difference between \$68,613.00 and the amount expended for the SEP.

In accordance with 310 CMR 1.01(8)(c), this appeal 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.

  
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Kenneth Kimmell  
Commissioner

**SERVICE LIST**

**In the Matter of  
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**Representative**

**Party**

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Dept. of Environmental Protection