



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

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

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Matthew A. Beaton  
Secretary

Martin Suuberg  
Commissioner

February 12, 2016

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In the Matter of  
Empire Recycling, LLC

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Docket No. 2015-017  
Billerica

### **FINAL DECISION**

I have reviewed the Motion for Approval of Settlement Agreement and Administrative Consent Order and Notice of Noncompliance (“ACO and NON”) signed on January 5, 2016 by Eric Worrall, Regional Director for the Department (ACO-NE-15-4-Z001-SETT), and signed by Joseph Motzkin, Manager of Empire Recycling, LLC (“Empire”), on December 29, 2015. The ACO and NON include the parties’ proposed resolution of Empire’s appeal of the Unilateral Administrative Order (“UAO”) (UAO-NE-15-4001).

The Department issues this Final Decision adopting and incorporating the ACO and NON. The petitioner is ordered to comply with all terms of the ACO and NON, particularly paragraph 11 of the Order. Under the terms of 310 CMR 1.01(8)(c), the appeal of the UAO 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.

I have also reviewed and adopted the Recommended Final Decision (“RFD”) of the Presiding Officer. The RFD recommends dismissal of Empire’s appeal of the Department’s Demand for Suspended Penalties arising out of an Administrative Consent Order With Penalty

and Notice of Noncompliance (ACOP-NE-14-4002) that the parties previously entered on November 24, 2014. The parties are notified of their right to file a motion for reconsideration of this decision adopting the RFD pursuant to 310 CMR 1.01(14)(d). The motion must be filed with the Case Administrator and served on all parties within seven business days of the postmark date of this decision. A person who has the right to seek judicial review may appeal this decision adopting the RFD to the Superior Court pursuant to M.G.L. c. 30A, §14(1). The complaint must be filed in the Court within thirty days of receipt of this decision.

  
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Martin Suuberg  
Commissioner

**SERVICE LIST**

In The Matter Of:

Empire Recycling, LLC

Docket No. 2015-017

File No. UAO-NE-15-4001  
Billerica

Representative

Party

Lauren A. Liss  
Rubin and Rudman LLP  
50 Rowes Wharf  
Boston, MA 02110  
[lliss@rubinrudman.com](mailto:lliss@rubinrudman.com)

APPLICANT/PETITIONER  
Empire Recycling, LLC

Colleen McConnell  
Mass DEP – Northeast Regional  
Office  
205B Lowell Street  
Wilmington, MA 01887  
[Colleen.McConnell@state.ma.us](mailto:Colleen.McConnell@state.ma.us)

DEPARTMENT

Mark Fairbrother  
Mass DEP – Northeast Regional  
Office  
205B Lowell Street  
Wilmington, MA 01887  
[Mark.Fairbrother@state.ma.us](mailto:Mark.Fairbrother@state.ma.us)

ANALYST

Date: February 12, 2016