

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

February 16, 2018

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**In the Matter of  
Bold Look Design LLC**

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**Docket No. 2017-030**  
DEP Enforcement Document  
No. 00003513  
Issuing Bureau: BAW  
Issuing Region: CERO  
Issuing Program: Asbestos  
Primary Program: Asbestos

**FINAL DECISION**

On August 22, 2017, the Petitioner Bold Look Design LLC filed this appeal challenging a \$40,454.00 Penalty Assessment Notice ("PAN" or "Civil Administrative Penalty") that the Central Regional Office of the Massachusetts Department of Environmental Protection ("MassDEP" or "the Department") issued to the Petitioner on August 3, 2017 for purported violations of the Department's Asbestos Regulations at 310 CMR 7.15 in connection with the Petitioner's removal of asbestos containing materials at the real property located at 17 Shore Road in Gardner, Massachusetts ("the Site"). In its Appeal Notice, the Petitioner denied the PAN's allegations and requested that the PAN be vacated. The Petitioner also claimed it lacked the financial ability to pay the PAN.

Currently pending before me for review pursuant to 310 CMR 1.01(8)(c), is a proposed Settlement Agreement that the Petitioner and the Department have executed to settle the Petitioner's appeal of the PAN as set forth above. The Settlement Agreement is in the form of an Administrative Consent Order With Penalty and Notice of Non-Compliance ("Consent Order")

that has been executed by: (1) the Petitioner and (2) Mary Jude Pigsley, Regional Director of the Department's Central Regional Office.

After reviewing the Consent Order, I find that it is reasonable and furthers the statutory and regulatory interests of G.L. c. 111, §§ 142A-142O and the of the Department's Asbestos Regulations at 310 CMR 7.15. Accordingly, I issue this Final Decision approving and incorporating the Consent Order. Pursuant to the Consent Order, I issue the following Orders:

(1) In accordance with ¶ 29 of the Consent Order, the effective date of the Consent Order is the date of this Final Decision.

(2) Effective immediately, the Petitioner shall perform all of the actions set forth in ¶¶ 13A-13I of the Consent Order.

(3) In accordance with ¶¶ 18A-18F and 25 of the Consent Order, the Petitioner shall pay fifteen thousand dollars (\$15,000.00) to the Commonwealth of the original \$40,454.00 penalty amount in six equal installments of two thousand five hundred dollars (\$2,500.00) according to the following schedule:

- (i) Within thirty (30) days of the effective date of the Consent Order, the Petitioner shall pay to the Commonwealth two thousand five hundred dollars (\$2,500.00); and
- (ii) Within seventy-five (75) days of the effective date of this Consent Order, the Petitioner shall pay to the Commonwealth two thousand five hundred dollars (\$2,500.00); and
- (iii) Within one hundred twenty (120) days of the effective date of this Consent Order, the Petitioner shall pay to the Commonwealth two thousand five hundred dollars (\$2,500.00); and
- (iv) Within one hundred sixty-five (165) days of the effective date of this Consent Order, the Petitioner shall pay to the Commonwealth two thousand five hundred dollars (\$2,500.00); and
- (v) Within two hundred ten (210) days of the effective date of this Consent

Order, the Petitioner shall pay to the Commonwealth two thousand five hundred dollars (\$2,500.00); and

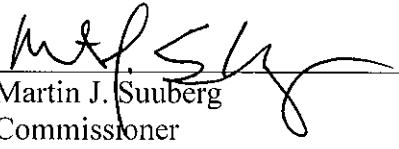
- (vi) Within two hundred fifty-five (255) days of the effective date of this Consent Order, the Petitioner shall pay to the Commonwealth two thousand five hundred dollars (\$2,500.00).

(4) In accordance with ¶¶ 18G and 25 of the Consent Order, the Department has agreed to suspend the Petitioner's payment to the Commonwealth of the sum of twenty-five thousand four hundred fifty-dollars (\$25,454.00) representing the remaining amount of the original \$40,454.00 penalty provided that if the Petitioner violates any provision of the Consent Order or further violates any of the regulations cited in Part II of the Consent Order (¶¶ 5-10 of the Consent Order) within one year of the effective date of the Consent Order, the Petitioner shall pay the remaining amount of \$25,454.00 to the Commonwealth within thirty (30) days after the Department issues the Petitioner a written demand for payment of that remaining amount. In accordance with ¶ 18G of the Consent Order, that paragraph shall not be construed to operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of the Department to assess the Petitioner additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of the Consent Order or any law or regulation.

(5) In accordance with ¶ 25 of the Consent Order and G.L. c. 21A, § 16, if the Petitioner fails to pay in full any civil administrative penalty as required by the Consent Order as set forth above, the Petitioner will be liable to the Commonwealth for up to three (3) times the amount of the civil administrative penalty, together with costs, plus interest on the balance due from the time such penalty became due and attorney's fees, including all costs and attorney's

fees incurred in the collection thereof. The rate of interest will be the rate set forth in G.L. c. 231, § 6C.

(6) In accordance with ¶ 19 of the Consent Order, G.L. c. 30A, and 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.

  
Martin J. Suuberg  
Commissioner

## **SERVICE LIST**

**Petitioner:** Bold Look Design LLC  
c/o Brian Bisson, Owner/Operator  
18 Old Fiske Hill Road, Unit 2  
Sturbridge, MA 01566  
**e-mail:** boldlookdesign@gmail.com;

**Legal representative:** None listed in Appeal Notice;

**The Department:** Mary Jude Pigsley, Regional Director  
MassDEP/Central Regional Office  
8 New Bond Street  
Worcester, MA 01606  
**e-mail:** MaryJude.Pigsley@state.ma.us;

John Beling, Deputy Regional Director  
MassDEP/Central Regional Office  
Bureau of Air and Waste  
8 New Bond Street  
Worcester, MA 01606  
**e-mail:** John.Beling@state.ma.us;

Gregory Levins, Section Chief, Asbestos Program  
MassDEP/Central Regional Office  
Bureau of Air and Waste  
8 New Bond Street  
Worcester, MA 01606  
**e-mail:** Gregory.Levins@state.ma.us;

**Legal representative:** Dana Muldoon, Senior Counsel  
MassDEP/Office of General Counsel  
One Winter Street  
Boston, MA 02108  
**e-mail:** Dana.Muldoon@state.ma.us;

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**cc:** Anne Berlin Blackman,  
Chief Regional Counsel  
MassDEP/CERO  
8 New Bond Street  
Worcester, MA 01606  
**e-mail:** Anne.Blackman@state.ma.us;

Leslie DeFilippis, Paralegal  
MassDEP/Office of General Counsel  
One Winter Street  
Boston, MA 02108.