

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

August 16, 2017

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**In the Matter of  
D & G Recycling, Inc.**

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**Docket No. 2016-033**  
DEP File No.:  
ACOP-CE-12-246-Z001-SETT-SEP-STP

**FINAL DECISION**

In December 2016, the Petitioner D & G Recycling, Inc. filed this appeal challenging a Demand for Payment of \$68,613.00 in Stipulated Penalties (“Stipulated Penalties Demand”) that the Central Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to the Petitioner on November 22, 2016 for purportedly violating the provisions of an Administrative Consent Order With Penalty (“ACOP”) that the Petitioner signed with the Department on November 16, 2012 (“the 1<sup>st</sup> Settlement Consent Order” or “the 1<sup>st</sup> Settlement Agreement”) to address the Petitioner’s purported violations of the Solid Waste Management Act, G.L. c. 111, § 150A; the Solid Waste Management Regulations at 310 CMR 19.00; the Site Assignment Regulations for Solid Waste Facilities at 310 CMR 16.00; the Hazardous Waste Act, G.L. c. 21C; the Hazardous Waste Regulations at 310 CMR 30.000; the Wetlands Protection Act, G.L. c. 131, § 40; and the Wetlands Regulations at 310 CMR 10.00. See In the Matter of Northbridge Auto Wrecking, Inc. and D & G Recycling, Inc., OADR Docket Nos. 2003-113, 2004-138, and 2004-154,

Recommended Final Decision (May 30, 2013), adopted as Final Decision (June 7, 2013).

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 Stipulated Penalties Demand as set forth above. The Settlement Agreement is in the form of a Settlement Agreement By Administrative Consent Order With Penalty And Notice of Non-Compliance ("Consent Order") that has been executed by: (1) the Petitioner's President, Daniel Perry; (2) the Petitioner's Treasurer, Gerard Caya; and (3) Mary Jude Pigsley, Regional Director of the Department's Central Regional Office. Under the Consent Order, the Petitioner has agreed to pay the entire \$68,613.00 in Stipulated Penalties that the Department demanded in the Stipulated Penalties Demand. Consent Order, ¶¶ 7, 10.


After reviewing the Consent Order, I find that it is reasonable and furthers the statutory and regulatory interests of the Solid Waste Management Act, G.L. c. 111, § 150A; the Solid Waste Management Regulations at 310 CMR 19.00; the Site Assignment Regulations for Solid Waste Facilities at 310 CMR 16.00; the Hazardous Waste Act, G.L. c. 21C; the Hazardous Waste Regulations at 310 CMR 30.000; the Wetlands Protection Act, G.L. c. 131, § 40; and the Wetlands Regulations at 310 CMR 10.00. 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 ¶ 22 of the Consent Order, the effective date of the Consent Order is the date of this Final Decision.

(2) In accordance with ¶¶ 7 and 10 of the Consent Order, the Petitioner shall pay \$68,613.00 to the Commonwealth upon the date of the issuance of this Final Decision. If payment is not made then, the Department may initiate its procedure to collect the \$68,613.00.

(3) In accordance with ¶¶ 6 and 12 of the Consent Order and for purposes of G.L. c. 21A, § 16 and 310 CMR 5.00, the Consent Order shall also serve as a Notice of Non-Compliance for the Petitioner's non-compliance with the requirements of the 1<sup>st</sup> Settlement Agreement.

(4) In accordance with ¶ 3 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.

  
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Martin J. Suuberg  
Commissioner

## **SERVICE LIST**

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