

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

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In the Matter of  
Excel Recycling, LLC

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December 1, 2016  
OADR Docket No. 2016-014  
DEP Transmittal No. X267930  
Application No.: SE-15-028  
Freetown, MA

**FINAL DECISION**

In April 2016, 10 residents of the Town of Freetown, Massachusetts (collectively “the Petitioners”)<sup>1</sup> filed this appeal challenging an Air Quality Plan Approval (“the Air Permit”) that the Southeast Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to Excel Recycling, LLC (“the Applicant”) on April 1, 2016 pursuant to the Department’s Air Pollution Control Regulations at 310 CMR 7.00. The Air Permit authorized the Applicant’s proposed construction and operation of a Wendt Model 6090 Shredder (“the Shredder”) with separation equipment and ancillary processes at the Applicant’s Scrap Metal Recycling facility (“the Facility”) at 17 Ridge Hill Road in Freetown, Massachusetts.

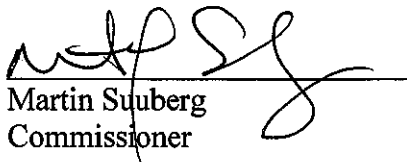
The Petitioners’ appeal was scheduled for an evidentiary Adjudicatory Hearing (“Hearing”) on September 28, 2016. Per the parties’ request, the Hearing was postponed indefinitely, because they had reached a settlement of the appeal in principle and planned to finalize settlement documents that would include a Revised Air Permit that would replace the

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<sup>1</sup> The names of the Petitioners are listed in the Service List, at pp. 3-4 below.

original Air Permit that the Petitioners had challenged in this appeal. As a result of extended settlement negotiations, on November 30, 2016, the parties filed for my review and approval: (1) a proposed Settlement Agreement and (2) Revised Air Permit entitled "Proposed Final Air Quality Plan Approval." The Settlement Agreement has been signed by all ten Petitioners; John F. Shea, the Petitioners' counsel; Jonathan Costa, the Applicant's Vice-President; and Millie Garcia-Serrano, Regional Director of the Department's Southeast Regional Office.

I have reviewed the Settlement Agreement and Proposed Final Air Quality Plan Approval, and approve them because they authorize the Applicant's operations at the Facility in accordance with the Department's Air Pollution Control Regulations at 310 CMR 7.00. Accordingly, I issue this Final Decision incorporating the Settlement Agreement and the Proposed Final Air Quality Plan Approval. Pursuant to 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 appeal to court.

  
Martin Suuberg  
Commissioner

## SERVICE LIST

**Petitioners:** 10 residents of the Town of Freetown, Massachusetts as set forth in the Petitioners' Appeal Notice:

- (1) Edward Carreiro  
3 Alexandra Drive  
Freetown (Assonet), MA 02702;
- (2) Nancy C. Carreiro  
3 Alexandra Drive  
Freetown (Assonet), MA 02702;
- (3) John C. Nordeste  
1 Alexandra Drive  
Freetown (Assonet), MA 02702;
- (4) Tina L. Nordeste  
1 Alexandra Drive  
Freetown (Assonet), MA 02702;
- (5) Diane Kuriscak  
8 Alexandra Drive  
Freetown (Assonet), MA 02702;
- (6) Michael Kuriscak  
8 Alexandra Drive  
Freetown (Assonet), MA 02702;
- (7) William Matos  
34 High Street  
Freetown (Assonet), MA 02702;
- (8) Kathryn E. Matos  
34 High Street  
Freetown (Assonet), MA 02702;
- (9) Manuel Amarantes  
36 High Street  
Freetown (Assonet), MA 02702;

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(10) Donna Amarantes  
36 High Street  
Freetown (Assonet), MA 02702;

**Legal representatives:** Thomas P. Killoran, Esq.  
Killoran & Killoran  
350 North Main Street  
Fall River, Massachusetts 02720  
(508) 675-9100  
(508) 678-1550 (f)  
**e-mail:** tkilloran@killoranlaw.com;

John F. Shea, Esq.  
Peter F. Durning, Esq.  
Mackie Shea, PC  
20 Park Plaza, Suite 1118  
Boston, Massachusetts 02116  
(617) 266-5700  
(617) 266-5237 (f)  
**e-mail:** jfs@lawmso.com  
pdf@lawmso.com;

**Applicant:** Excel Recycling, LLC

**Legal representatives:** Ralph A. Child, Esq.  
Marilyn Newman, Esq.  
Kevin C. Mortimer, Esq.  
Mintz Levin Cohn Ferris Glovsky &  
Popeo, P.C.  
One Financial Center  
Boston, MA 02111  
**e-mail:** rchild@mintz.com;  
mnewman@mintz.com;  
kcmortimer@mintz.com;

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**The Department:** Thomas Cushing, Section Chief  
MassDEP/Southeast Regional Office  
Bureau of Air and Waste  
20 Riverside Drive  
Lakeville, Massachusetts 02347  
**e-mail:** Thomas.Cushing@state.ma.us;

**Legal Representatives:** MacDara Fallon, Senior Counsel  
MassDEP/Office of General Counsel  
One Winter Street  
Boston, MA 02108  
**e-mail:** MacDara.Fallon@state.ma.us; and

Marilyn Levenson, Senior Counsel  
MassDEP/Office of General Counsel  
One Winter Street  
Boston, MA 02108  
**e-mail:** Marilyn.Levenso@state.ma.us;

cc: Dawn Stolfi Stalenhoef, Chief Regional Counsel  
MassDEP/Southeast Regional Office  
Office of General Counsel  
20 Riverside Drive  
Lakeville, MA 02347  
**e-mail:** Dawn.Stolfi.Stalenhoef@state.ma.us;

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