

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Martin Suuberg
Commissioner

**In the Matter of
Garelick Farms, LLC**

January 7, 2020

Docket No. 2019-002
DEP Enforcement Document
No. 00006851

FINAL DECISION

On January 2, 2019, the Petitioner Garelick Farms, LLC filed this appeal challenging a Unilateral Administrative Order (“UAO”) that the Central Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to the Petitioner on December 17, 2018 for purported violations of: (1) the Massachusetts Clean Water Act (“MCWA”), G.L. c. 21, §§ 26-53; (2) the Department’s Surface Water Discharge Permit Program Regulations at 314 CMR 3.00; and (3) the Department’s Operation, Maintenance, and Pre-treatment Standards for Wastewater Treatment Works and Indirect Dischargers Regulations at 314 CMR 12.00. The Department issued the UAO to the Petitioner in connection with the Petitioner’s activities at the real property located at 1199 West Central Street in Franklin, Massachusetts (“the Facility”). The Petitioner denied the UAO’s allegations and requested that

the UAO be vacated.

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 UAO as set forth above and additional claims arising from the Petitioner's purported violations of: the G.L. c. 111, §§ 142A-142O and the Department's Air Pollution Regulations at 310 CMR 7.00; G.L. c. 21C and the Department's Hazardous Waste Regulations at 310 CMR 30.000; and G.L. c. 21O and the Department's Underground Storage Tank ("UST") Systems Regulations at 310 CMR 80.00. The Settlement Agreement is in the form of an Administrative Consent Order With Penalty and Notice of Non-Compliance ("Consent Order") that was executed by: (1) Mark Longmier, the Petitioner's Vice-President for Environmental Health and Safety, on April 30, 2019 and (2) Mary Jude Pigsley, Regional Director of the Department's Central Regional Office, on May 1, 2019.

After reviewing the Consent Order, I find that it is reasonable and furthers the statutory and regulatory interests of: (1) the MCWA, G.L. c. 21, §§ 26-53; (2) the Department's Surface Water Discharge Permit Program Regulations at 314 CMR 3.00; (3) the Department's Operation, Maintenance, and Pre-treatment Standards for Wastewater Treatment Works and Indirect Dischargers Regulations at 314 CMR 12.00; (4) G.L. c. 111, §§ 142A-142O and the Department's Air Pollution Regulations at 310 CMR 7.00; (5) G.L. c. 21C and the Department's Hazardous Waste Regulations at 310 CMR 30.000; and (6) G.L. c. 21O and the Department's UST Systems Regulations at 310 CMR 80.00. 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 ¶ 30 of the Consent Order, the effective date of the Consent Order is the date of this Final Decision.

(2) The Petitioner shall perform all of the actions set forth in ¶¶ 12A-12G of the Consent Order within the deadlines established by those provisions of the Consent Order.

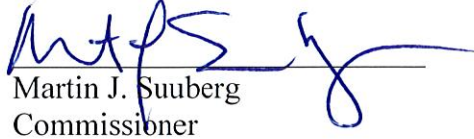
(3) In accordance with ¶¶ 17 and 25 of the Consent Order, the Petitioner shall pay the sum of Ten Thousand Eight Hundred Eighty-Two dollars (\$10,882.00) to the Commonwealth as a civil administrative penalty for the violations set forth in ¶¶ 3 through 8 of the Consent Order within 30 days after the effective date of this Final Decision.

(4) In accordance with ¶¶ 24 and 25 of the Consent Order, if the Petitioner violates any provision of the Consent Order, the Petitioner shall pay to the Commonwealth, in addition to the \$10,882.00 civil administrative penalty set forth in ¶ 17 of the Consent Order and discussed above in ¶ 3, stipulated civil administrative penalties to the Commonwealth in the amount of One Thousand dollars (\$1,000.00) per day for each day, or a portion thereof, each such violation continues.

(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 ¶¶ 9, 10, and 18 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

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