



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

In the Matter of
J. F. White Contracting Company

January 11, 2017
OADR Docket No. 2016-018
Deerfield

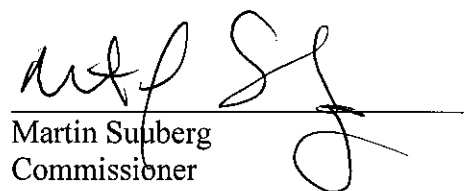
FINAL DECISION

I have reviewed the Motion to Approve Settlement Agreement and the Settlement Agreement by Administrative Consent Order (“ACO”), which was signed on November 14, 2016, by Michael Gorski, Regional Director for the Department’s Western Regional Office, and signed by Albert Perez Baucells, Executive Vice President of J.F. White Contracting Company (“White”), on November 17, 2016. The ACO is the parties’ proposed resolution of White’s appeal of the Unilateral Administrative Order (“UAO”) (UAO-WE-16-6W002).

The Department issues this Final Decision adopting and incorporating the ACO. An important and material term in this particular settlement is the Department’s reservation of rights to bring a separate enforcement action for a Civil Administrative Penalty (“penalty”) pursuant to G.L. c. 21A, § 16, and the Administrative Penalty Regulations at 310 CMR 5.00, if further investigation and the circumstances warrant a penalty. ACO, ¶ 17.

White is ordered to comply with all terms of the ACO. 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 with respect to the UAO.



Martin Suberg
Commissioner

SERVICE LIST

In The Matter Of: J. F. White Contracting Company

Docket No. 2016-018 File No. UAO-WE-16-6W002
Deerfield

Representative

Robin L. Main
Hinckley, Allen & Snyder LLP
28 State Street
Boston, MA 02109
rmain@hinckleyallen.com

Party

APPLICANT/PETITIONER
J. F. White Contracting Company

MacDara Fallon
Mass DEP Office of General
Counsel
One Winter Street
Boston, MA 02108
MacDara.Fallon@state.ma.us

DEPARTMENT

Brian Harrington
MassDEP – Western Regional
Office
436 Dwight Street
Springfield, MA 01103
Brian.Harrington@state.ma.us

ANALYST

Date: January 11, 2017