



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Kathleen A. Theoharides
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Martin Suuberg
Commissioner

June 16, 2021

In the Matter of
Keolis Commuter Services/MBTA

OADR Docket No. 2021-006
Rockport, MA

FINAL DECISION

Martin Suuberg, the Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) has designated me as the Final Decision Maker in this appeal.

The Town of Rockport Board of Health (“Petitioner”) appealed a Water Quality Certification (“WQC”) issued by the Massachusetts Department of Environmental Protection (“MassDEP”) to Keolis Commuter Services on behalf of the Massachusetts Bay Transportation Authority (“Applicant”) on February 12, 2021. The WQC authorizes the Applicant to conduct minor fill and excavation projects related to its railway line in the towns of Rockport and Gloucester. The Petitioner challenged the WQC as it pertained to one culvert, MP 35.11, and requested that the Applicant be required to: (1) use clean when replacing this culvert and (2) provide the Petitioner with a 3-business day notice of work on the culvert.

On May 10, 2021, the parties jointly requested that the appeal be stayed because the Applicant had requested an amended WQC from MassDEP that would likely result in the appeal being moot. The requested amendment to the WQC would remove any approval for work on culvert MP 35.11. The appeal was stayed as of May 11, 2021.

On June 11, 2021, the Petitioner, the Applicant and MassDEP jointly filed a stipulation of dismissal and agreed to dismiss the appeal. The parties' stipulation of dismissal of the appeal constitutes a waiver by the parties to any further administrative review before the Department as well as appeal to court of the WQC that was at issue in this appeal. Accordingly, the Department issues this Final Decision dismissing the appeal.

A handwritten signature in black ink, reading "Salvatore M. Giorlandino". The signature is written in a cursive style with a horizontal line underneath.

Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

In The Matter Of:

Keolis Commuter Services/MBTA

Docket No. 2021-006

File No. BRP WW11, Tr. No. X287206
Rockport and Gloucester

Representative

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DEPARTMENT

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DEPARTMENT