



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

June 14, 2023

In the Matter of
Leisure Woods Estates, Inc.

Docket Nos. 2021-034 & 035
File Nos. 00012289 and 00010443
Orange, MA

FINAL DECISION

In accordance with the Adjudicatory Proceeding Rules at 310 CMR 1.01(14)(b), Bonnie Heiple, Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”), has designated me the Final Decision-Maker in this administrative appeal.¹

I have reviewed the attached Settlement Agreement by Administrative Consent Order with Penalty and Notice of Noncompliance, (Enforcement Document Nos. 00012289 and 00010443, hereinafter referred as “the Consent Order”), signed by Glen N. Gidley the Petitioner, and by Brian Harrington, Deputy Regional Director for the Department on May 19, 2022.

The Department issues this Final Decision incorporating the Consent Order. In

¹ 310 CMR 1.01(14)(b) provides in relevant part that “[e]very final decision” in an administrative appeal “shall be in writing and shall be signed by the [Department’s] Commissioner or a designee of the Commissioner.”

accordance with ¶ 27 of the Consent Order, the Consent Order is effective as of date of this Final Decision.

In accordance with ¶¶ 10.A.-10.F. and 11 of the Consent Order, the Petitioner shall perform the actions set forth in those paragraphs.

In accordance with ¶¶ 14 and 22 of the Consent Order, the Petitioner is ordered to pay to the Commonwealth a civil administrative penalty of eight hundred sixty dollars (\$860.00).

However, the payment of the \$860.00 is suspended provided that the Petitioner does not violate any provision of the Consent Order and does not further violate any of the Regulations cited in Part II of the Consent Order (¶¶ 3-4, 5.A.-5T.) within one year of the date of this Final Decision.

If the Petitioner commits any of these violations within the one year period, the Petitioner shall pay to the Commonwealth the full amount of the eight Hundred and Sixty dollars (\$860.00) within thirty (30) days of the date MassDEP issues the Petitioner a written demand for payment. The provisions of ¶ 14 of the Consent Order shall not be construed or operate to bar, diminish, adjudicate, or in any way affect, any legal or equitable right of MassDEP to assess the Petitioner additional civil administrative penalties, or to seek any other relief, with respect to any future violation of any provision of this Consent Order or any law or regulation.

In accordance with ¶¶ 21 and 22 of the Consent Order, the Petitioner shall pay to the Commonwealth, in addition to the \$860.00 civil administrative penalty set forth in ¶ 14 of the Consent Order and discussed above, stipulated civil administrative penalties in accordance with the schedule set forth in ¶ 21 of the Consent Order if the Petitioner violates any provision of the Consent Order.

In accordance with ¶¶ 7, 8, and 15 of the Consent Order, under the terms of 310 CMR 1.01(8)(c), these appeals (OADR Docket Nos. 2021-034 and 2021-035) are dismissed with the

parties waiving whatever rights they may have to further administrative review before the Department as well as any appeal to court.

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

Salvatore Giorlandino
Chief Presiding Officer

SERVICE LIST

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Representative

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