

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
100 CAMBRIDGE STREET, BOSTON, MA 02114 617-292-5500

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

June 15, 2026

**In the Matter of
Marchetti Commercial Fuel Inc.**

**OADR Docket No. 2026-018
DEP File No. RPAN-00022437**

RECOMMENDED FINAL DECISION

Sarah Marchetti, on behalf of Marchetti Commercial Fuels Inc. (“Petitioner”), on April 13, 2026, filed this appeal with the Office of Appeals and Dispute Resolution (“OADR”) requesting a simplified hearing and challenging the Reporting Penalty Assessment Notice (“RPAN”) issued by Massachusetts Department of Environmental Protection’s Bureau of Air and Waste (“Department”) dated March 27, 2026. The RPAN was issued to the Petitioner pursuant to the Civil Administrative Penalties Act, M.G.L. c. 21A, §16, and its regulations at 310 CMR 5.00, based on the Department’s claim that the Petitioner failed to submit its Q4 2025 CO2 emissions data report in violation of 310 CMR 7.71(5)(b)4.b.

On May 15, 2026, I issued an Order for More Definite Statement, pursuant to 310 CMR 1.01(11)(b), because the Petitioner’s Notice of Claim failed to provide clear and concise statements of the alleged errors in the RPAN, the applicable regulatory and statutory provisions violated, and a statement tying the citations to the errors alleged. On May 15, 2026, the Petitioner sent an email in response, which stated, “I was late with the reporting

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and was just hoping to get a onetime forgiveness on the fee or a reduced amount. If you need more of a decision as to why, I was just a [bit] short staffed that week and am a new Mom... The fee is just very high and with the cost of doing business so high I was just hoping to get a little lenience.”

The regulations at 310 CMR 1.01(5)(a)15.d. and 310 CMR 1.01(6)(d) authorize the Presiding Officer to issue an Order to Show Cause why an appeal should not be dismissed. On June 1, 2026, I issued the Petitioner an Order to Show Cause which stated, “This response [to the Order for More Definite Statement] remains insufficient because it fails to provide clear and concise statements of the alleged errors in the RPAN, the applicable regulatory and statutory provisions violated, and a statement tying the citations to the errors alleged. Pursuant to 310 CMR 1.01(5) and 310 CMR 1.01(6)(d), I am ordering the Petitioner to show cause why this appeal should not be dismissed.” The Petitioner was ordered to file a response to the Order to Show Cause no later than June 8, 2026. No further filing was received from the Petitioner.

310 CMR 1.01(5)(a)15.f.vi. authorizes the Presiding Officer to dismiss appeals for failure to comply with an order. Pursuant to 310 CMR 1.01(10):

When a party fails to file documents as required, respond to notices, correspondence or motions, comply with orders issued and schedules established in orders or otherwise fails to prosecute the adjudicatory appeal; demonstrates an intention not to proceed; demonstrates an intention to delay the proceeding or resolution of the proceedings; or fails to comply with any of the requirements set forth in 310 CMR 1.01; the Presiding Officer may impose appropriate sanctions on that party.

Among the sanctions authorized by this regulation is the sanction of dismissal. See 310 CMR 1.01(10)(e). Because the Petitioner failed to respond to the Order to Show Cause,

she has demonstrated an intention not to pursue her appeal and a sanction of dismissal is appropriate. I recommend that MassDEP's Commissioner issue a Final Decision dismissing the appeal and affirming the RPAN.



Date: June 15, 2026

Ian Leson, Presiding Officer

NOTICE OF RECOMMENDED FINAL DECISION

This decision is a Recommended Final Decision of the Presiding Officer. It has been transmitted to the Commissioner for her Final Decision in this matter. This decision is therefore not a Final Decision subject to reconsideration under 310 CMR 1.01(14)(d) and may not be appealed to Superior Court pursuant to M.G.L. c. 30A. The Commissioner's Final Decision is subject to rights of reconsideration and court appeal and will contain a notice to that effect.

Because this matter has now been transmitted to the Commissioner, no party may file a motion to renew or reargue this Recommended Final Decision or any part of it, and no party may communicate with the Commissioner's office regarding this decision unless the Commissioner, in her sole discretion, directs otherwise.

SERVICE LIST

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