

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
ONE WINTER STREET, BOSTON, MA 02108 617-292-5500

August 8, 2017

In the Matter of
Millennium Press

Docket No. 2017-004
DEP File Nos.:
MassDEP Facility ID# 312852
RPAN-BO-17-Hm007

FINAL DECISION

In February 2017, the Petitioner Millennium Press filed this appeal challenging a \$500.00 Reporting Penalty Assessment Notice ("RPAN" or "Civil Administrative Penalty") that the Boston Office of the Massachusetts Department of Environmental Protection ("MassDEP" or "the Department") issued to the Petitioner on January 27, 2017 for purported violations of the Department's Printer Compliance Certification Regulations at 310 CMR 71.07(2) and Environmental Results Program Certification Regulations at 310 70.03(1)(f).¹ The RPAN alleged that the Petitioner violated the Regulations by failing to submit to the Department a

¹ The Printer Compliance Certification Regulations at 310 CMR 71.07 have been promulgated pursuant to the Massachusetts Clean Waters Act, ("MCWA") G.L. c. 21, §§ 26-53. The Environmental Results Program Certification Regulations at 310 CMR 70.03(1)(f) have been promulgated pursuant to the MCWA; the Massachusetts Hazardous Waste Management Act, G.L. c. 21A, §§ 2, 13 and 16, and G.L. c. 21C; the Massachusetts Mercury Management Act, G.L. c. 21H, §§ 6A through 6N; the Massachusetts Operation and Removal of Underground Storage Tanks Act, G.L. c. 21O, § 4; the Massachusetts Clean Air Act, G.L. c. 111, §§ 142A through 142M; and the Massachusetts Solid Waste Management Act, G.L. c. 111 § 150A.



completed Printer Compliance Certification to confirm the Petitioners' compliance with the Regulations. RPAN, at p. 1.

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 RPAN. The Settlement Agreement is in the form of an Administrative Consent Order With Penalty And Notice of Non-Compliance ("Consent Order") that has been executed by: (1) the Petitioner's President, James Sullivan and (2) Geri Lambert, Deputy Division Director of the Business Compliance Division of the Department's Bureau of Air and Waste.

After reviewing the Consent Order, I find that it is reasonable and furthers the statutory and regulatory interests of the Department's Printer Compliance Certification Regulations at 310 CMR 71.07(2) and Environmental Results Program Certification Regulations at 310 70.03(1)(f).² Accordingly, I issue this Final Decision approving and incorporating the Consent Order. Pursuant to the Consent Order, I issue the following Orders:

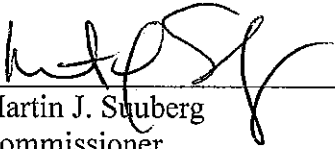
- (1) In accordance with ¶ 29 of the Consent Order, the effective date of the Consent Order is the date of this Final Decision.
- (2) In accordance with ¶ 14 of the Consent Order, the Petitioner shall pay the sum of two hundred and fifty dollars (\$250.00) to the Commonwealth within 30 days of the date of this Final Decision.
- (3) In accordance with ¶ 21 of the Consent Order and in addition to the \$250.00 penalty set forth in the Consent Order, if the Petitioner violates any provision of ¶ 10 of the Consent Order, the Petitioner shall pay stipulated civil administrative penalties to the

² See note 1 above, at p. 1.

Commonwealth in the amount of one thousand dollars (\$1,000.00) per day, or a portion thereof, for as long each violation continues.³

(4) In accordance with ¶ 22 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.

(5) In accordance with ¶ 27 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. Stueberg
Commissioner

³ Paragraph 10 of the Consent Order provides that "[the Petitioner] shall perform the following actions: . . . remain in compliance with the requirements of 310 CMR 71.07(2) and 310 CMR 70.03(1)(f)."

SERVICE LIST

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