



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

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

August 18, 2021

\_\_\_\_\_  
In the Matter of  
Saul R. Payne, DMD  
\_\_\_\_\_

Docket No. 2021-020  
RPAN No. 00011713  
Easton, 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 Petitioner Saul R. Payne, DMD 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 July 26, 2021 for purported violations of 310 CMR 73.00: Amalgam Wastewater and Recycling Regulations for Dental Facilities; 310 CMR 70.00: Environmental Results Program Certification requirements; and 310 CMR 4.11(11)(b): Permits for Dental Mercury Amalgam Recycling. The RPAN alleges that on January 10, 2020, the Department issued a Notice of Non-Compliance (“NON”) to the Petitioner due to the latter’s purported failure to: (1) submit to the Department a completed Environmental Results Program

Compliance Certification pursuant to 310 CMR 73.00 and 310 CMR 70.00 with respect to the Petitioner's dental facility at 85 Constitution Lane, Suite 1A in Danvers, Massachusetts; and (2) pay the \$200.00 fee in violation of 310 CMR 4.11(11)(b). RPAN, at p. 1.

The Department has withdrawn the issuance of the Notice of Noncompliance ("NON") and the Penalty Assessment Notice ("PAN"). Therefore, under the terms of 310 CMR 1.01(8)(c), this proceeding 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, and accordingly, the appeal is dismissed as moot.

A handwritten signature in cursive script, reading "Salvatore M. Giorlandino".

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Salvatore M. Giorlandino  
Chief Presiding Officer

## SERVICE LIST

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### Representative

### Party

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