



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

May 24, 2021

In the Matter of
Town of Falmouth

OADR Docket Nos. 2021-004 & 2021-005
Groundwater Discharge Permit No. 168-6
Falmouth, 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 these consolidated appeals.

The Town of Falmouth (“Falmouth”), Petitioner in Docket No. 2021-004, and the Buzzards Bay Coalition, Inc. and 12 Individual Citizens (collectively, “BBC”), Petitioners in Docket No. 2021-005, challenged a Groundwater Discharge Permit (“GWD Permit”) that the Southeast Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to the Town of Falmouth on January 5, 2021. The GWDP Permit authorizes Falmouth to discharge into the ground a treated effluent from the wastewater treatment facility located at 154 Blacksmith Shop Road in Falmouth. MassDEP issued the Permit pursuant to the authority of M.G.L. c. 21, Sections 26-63, 314 CMR 2.00 and 314 CMR 5.00.

Falmouth's appeal challenged certain changes from its 2015 GWD Permit that it claimed lacked justification, were unreasonably burdensome and created uncertainty. BBC's appeal claimed that in issuing the GWD Permit, MassDEP failed to consider BBC's comments, failed to follow or account for MassDEP's precedent in comparable circumstances, and failed to follow its own regulations and state law.

On May 20, 2021, the parties jointly filed a stipulation of dismissal and agreed to dismiss the appeals with prejudice. The parties agree that the GWD Permit, as issued by MassDEP, shall become final. The parties' stipulation of dismissal of the appeals constitutes a waiver by the parties to any further administrative review before the Department as well as appeal to court of the GWD Permit that was at issue in these appeals. Accordingly, the Department issues this Final Decision dismissing these appeals.



Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

In The Matter Of:

Town of Falmouth

Docket Nos. 2021-004 & 2021-005

Permit No. 168-6
Falmouth, MA

Representative

Party

Jessica A. Wall, Esq.
Colin G. Van Dyke, Esq.
Anderson & Kreiger, LLP
50 Milk Street, 21st Floor
Boston MA 02109
jwall@andersonkreiger.com
cvandyke@andersonkreiger.com

APPLICANT/PETITIONER (2021-004)

Frank K. Duffy, Jr., Esq., Town Counsel
Irie E. Mullin, Esq., Associate Town Counsel
Town of Falmouth
157 Locust Street
Falmouth, MA 02540
towncounsel@falmouthma.gov

APPLICANT/PETITIONER (2021-004)

Korrin N. Petersen, Esq.
Buzzards Bay Coalition Inc.
114 Front Street
New Bedford, MA 02740
petersen@savebuzzardsbay.org

PETITIONER (2021-005)
Buzzards Bay Coalition, Inc. &
12 Individual Citizens.

MacDara Fallon, Senior Counsel
Office of General Counsel
MassDEP - Boston
One Winter Street
Boston, MA 02108
macdara.fallon@mass.gov

DEPARTMENT

Cc:
Shaun Walsh, Chief Regional Counsel
MassDEP/Southeast Regional Office
20 Riverside Drive
Lakeville, MA 0234
Shaun.walsh@mass.gov

DEPARTMENT

Brian Dudley, Section Chief
Bureau of Water Resources
MassDEP/Southeast Regional Office
20 Riverside Drive
Lakeville, MA 0234
Brian.Dudley@mass.gov

DEPARTMENT

Andrew Osei, Environmental Engineer
MassDEP/Southeast Regional Office
20 Riverside Drive
Lakeville, MA 0234
andrew.osei@mass.gov

DEPARTMENT

Leslie DeFilippis, Paralegal
MassDEP/Office of General Counsel
One Winter Street
Boston, MA 02108
Leslie.defilippis@mass.gov

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