

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

THE OFFICE OF APPEALS AND DISPUTE RESOLUTION

April 3, 2020

In the Matter of
Wheelabrator Saugus, Inc.

OADR Docket No. 2019-025
DEP File No.: TBA
Saugus, 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 Wheelabrator Saugus, Inc. filed this appeal (“the Petitioner”) challenging, what it believed to be a Noise Pollution Abatement Order that the Town of Saugus’s Board of Health (“the Town” or “the Appellee”) issued to the Petitioner in the form of a letter on July 22, 2019 pursuant to G.L. c. 111, § 142B and the Noise Pollution Regulations of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) at 310 CMR 7.10. The Town forwarded the July 22, 2019 letter to the Petitioner in connection with the Petitioner’s operation of a “waste-to-energy” facility at 100 Salem Turnpike Road in Saugus, Massachusetts (“the Facility”), which the Town contended had been “emit[ing] extremely high rates of noise

from [the Facility's] boilers and stacks" since June 16, 2019. Town's July 22, 2019 Letter to Petitioner, at p. 1.

Recently, on March 20, 2020, the Petitioner provided written notice to the Office of Appeals and Dispute Resolution ("OADR") that it was withdrawing this appeal as moot because in recent discussions it had with the Town about this matter, the Town acknowledged to the Petitioner "that [the Town's] July 22, 2019 letter [to the Petitioner] . . . is not an order and does not contain findings" Electronic Mail ("E-mail") message of Petitioner's counsel to OADR Case Administrator (March 20, 2020).

The Petitioner's written notice of March 20, 2020 to OADR constitutes the Petitioner's voluntary withdrawal of this appeal and its waiver of any further administrative review before the Department as well as appeal to court of the Town's July 22, 2019 letter to the Petitioner that was at issue in this appeal. Accordingly, the Department issues this Final Decision which allows the Petitioner's withdrawal of the appeal and dismisses this appeal.



Date: April 3, 2020

Salvatore M. Giorlandino
Chief Presiding Officer

SERVICE LIST

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