



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

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**March 27, 2023**

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In the Matters of  
Wheelabrator Saugus, Inc.,  
Wheelabrator North Andover, Inc.,  
Wheelabrator Millbury, Inc.  
\_\_\_\_\_

Docket Nos. 2020-011, 2020-012  
and 2020-013  
Saugus, MA  
North Andover, MA  
Millbury, MA

## **FINAL DECISION**

The Undersecretary for Environment at the Massachusetts Executive Office of Energy and Environmental Affairs (“EEA”) has appointed me as the Final Decision-Maker in these three (3) consolidated appeals.

I have reviewed the attached Settlement Agreement signed on November 2, 2022 by the petitioner Michael O’Friel, Senior Vice President of Wheelabrator Saugus Inc., Wheelabrator North Andover Inc., and Wheelabrator Millbury, Inc., and by Eric Worrall, Regional Director for the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) to resolve these three (3) consolidated appeals. I have also reviewed the Presiding Officer’s Recommended Final Decision (“RFD”) recommending that that the Settlement Agreement be approved and incorporated in the Final Decision in these three (3) consolidated appeals in accordance with the requirements of the Adjudicatory Proceeding Rules at 310 CMR 1.01(8)(c). Based on my review, I issue this Final Decision: (1) adopting the RFD as part of this Final

Decision; and (2) incorporating the Settlement Agreement and Final Emissions Control Plan Modified Approvals, which I have also reviewed.

As required by 310 CMR 1.01(8)(c), when Parties resolve an administrative appeal through settlement, the Parties agree to waive their rights for further appeal. The Settlement Agreement under my review here provides that, “[t]he parties agree that the foregoing waiver does not apply to the new ammonia slip limits to be established by MassDEP for each of the Wheelabrator Facilities.” I agree with the Presiding Officer that this language does not limit the required waiver of 310 CMR 1.01(8)(c), which applies to the Modified ECPs incorporated into the Settlement Agreement. The Parties’ “reservation” applies only to a potential future appeal of an ammonia slip emission limit, not yet determined, if it differs from that proposed by the Wheelabrator Facilities, which would be issued in a Final ECP, subject to public comment at that time. Subject to this “reservation,” these three (3) consolidated appeals are dismissed pursuant to 310 CMR 1.01(8)(c) with the Parties waiving whatever rights they may have to further administrative review before the Department as well as appeal to court.



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Salvatore Giorlandino  
Chief Presiding Officer

## **SERVICE LIST**

**In The Matter Of:**

**Wheelabrator Saugus, Inc., Wheelabrator  
Millbury, Inc., Wheelabrator North  
Andover, Inc.**

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