

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Martin Suuberg
Commissioner

September 18, 2019

**In the Matter of
Brian D. Stonkus, Trustee of
Stonkus Family Nominee Trust**

Docket No. 2018-019
DEP Enforcement Document
No. 000005721
UAO-CE-18-6W002

FINAL DECISION

On September 6, 2018, the Petitioner Brian D. Stonkus, Trustee of Stonkus Family Nominee Trust (“the Petitioner”) filed this appeal challenging a Unilateral Administrative Order (“UAO”) that the Central Regional Office of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”) issued to the Petitioner on August 16, 2018 for purported violations of the Massachusetts Wetlands Protection Act (“MWPA”), G.L. c. 131, § 40, and the Department’s Wetlands Regulations at 310 CMR 10.00. The Department issued the UAO in connection with certain activities that occurred at the Petitioner’s real property at 19 Balm of Life Spring Road in Uxbridge, Massachusetts (“the Site”).

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 UAO. The Settlement Agreement is in the form of a Settlement

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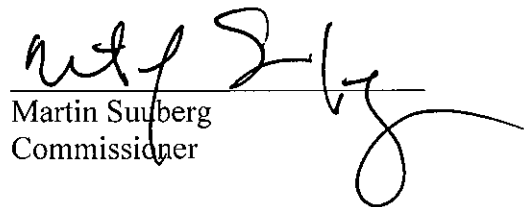
Agreement By Administrative Consent Order and Notice of Non-Compliance ("Consent Order") that was executed by: (1) the Petitioner on March 11, 2019 and (2) Mary Jude Pigsley, Regional Director of the Department's Central Regional Office, on April 3, 2019.

After reviewing the Consent Order, I find that it is reasonable and furthers the statutory and regulatory interests of the MWPA and the Wetlands Regulations. 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 the second paragraph numbered 22, at p. 6 of the Consent Order,¹ the effective date of the Consent Order is the date of this Final Decision.

(2) The Petitioner shall perform all of the actions set forth in ¶¶ 8A-8D of the Consent Order within the deadlines established by those provisions of the Consent Order.

(3) In accordance with ¶¶ 6 and 12 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 Suuberg
Commissioner

¹ The first paragraph numbered 22 is on p. 5 of the Consent Order.

SERVICE LIST

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