



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

# Department of Environmental Protection

100 Cambridge Street Suite 900 Boston, MA 02114 • 617-292-5500

Maura T. Healey  
Governor

Kimberley Driscoll  
Lieutenant Governor

Rebecca L. Tepper  
Secretary

Bonnie Heiple  
Commissioner

**March 27, 2023**

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In the Matter of  
Edgar R. Muntz, Jr., Trustee  
393 Oak Street Realty Trust

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OADR Docket No. 2017-024  
DEP File No. RTN 2-0020025  
Shrewsbury, MA

## **FINAL DECISION**

I am the Final Decision-Maker in this appeal by designation. I have reviewed relevant portions of the administrative record and the Motion to Dismiss filed by MassDEP on March 6, 2023. The Motion to Dismiss asserts that the appeal should be dismissed because the Notice of Intent to Perfect Liens and Priority Lien (“the Lien Notice”) issued by the Massachusetts Department of Environmental Protection’s Division of Technical and Financial Support, Bureau of Waste Site Cleanup (“MassDEP” or “the Department”) on June 30, 2017, which was the basis of this appeal by the Petitioner Edgar R. Muntz, Jr., has been withdrawn by MassDEP, rendering the appeal moot pursuant to 310 CMR 1.01(5)(a)2.

The Lien Notice was issued pursuant to the Massachusetts Oil and Hazardous Material Release Prevention and Response Action, M.G.L. c. 21E, § 13 (“21E”) and section 310 CMR 40.1250 of the Massachusetts Contingency Plan (“MCP”), the regulations implementing 21E to secure costs incurred by MassDEP pursuant to 21E in performing and/or arranging for the

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performance of response actions at property owned by the Petitioner at 393 Oak Street in Shrewsbury, Massachusetts (“the Property”) after a fire and explosion.<sup>1</sup> After this administrative appeal was filed, the Massachusetts Attorney General’s Office (“MassAGO”) filed a lawsuit against the Petitioner seeking civil penalties, damages and an injunction requiring the Petitioner to comply with state law and to conduct further necessary cleanup actions at the property. The AGO also alleged that the state had the right to recover costs that MassDEP incurred assessing, containing, and removing the hazardous material at the site after the explosion and fire.<sup>2</sup>

In its Motion to Dismiss, MassDEP asserts that the Petitioner, MassDEP and the Massachusetts Attorney General’s Office (“MassAGO”) reached an agreement outside the scope of this administrative appeal.<sup>3</sup> By certified mail dated January 26, 2023 MassDEP notified the Petitioner that MassDEP had withdrawn the Lien Notice. The Petitioner did not oppose the Motion to Dismiss. Because the appeal has been rendered moot by the withdrawal of the Lien Notice, I am issuing this Final Decision granting MassDEP’s Motion to Dismiss and dismissing the appeal as moot.

**Date:** 3/27/2023



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Salvatore M. Giorlandino  
Chief Presiding Officer

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1 “Response Action” means assess, assessment, contain, containment, remove or removal. 310 CMR 40.0006.

2 <https://www.mass.gov/news/shrewsbury-man-sued-for-demolishing-shed-containing-dynamite-causing-hazardous-chemical-explosion-and-fire>

3 <https://www.mass.gov/news/property-owner-to-pay-for-cleanup-costs-following-hazardous-chemical-explosion-in-shrewsbury-backyard>

## **SERVICE LIST**

**In the Matter of**  
**Edgar R. Muntz, Jr., Trustee**

**Docket No. 2017-024**  
**Notice of Intent to Perfect Liens**

**Petitioner:** Edgar R. Muntz, Jr. Trustee, 393 Oak Street Realty Trust

**Legal Representative:** Robert D. Cox, Jr., Esq.  
Jennifer L. Garner, Esq.  
Bowditch & Dewey, LLP  
311 Main Street, P.O. Box 15156  
Worcester, MA 01615-0156  
[rcox@bowditch.com](mailto:rcox@bowditch.com)  
[jgarner@bowditch.com](mailto:jgarner@bowditch.com)

**The Department:** George Gardner, Director, Division of Technical and  
Financial Support, MassDEP/BWSC  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
[george.gardner@mass.gov](mailto:george.gardner@mass.gov)

**Legal Representative:** Lucas Rogers, Esq.  
MassDEP Office of General Counsel  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
[lucas.rogers@mass.gov](mailto:lucas.rogers@mass.gov)

cc: Anne Blackman, Chief Regional Counsel  
MassDEP/Central Regional Office  
8 New Bond Street  
Worcester, MA 01606  
[anne.blackman@mass.gov](mailto:anne.blackman@mass.gov)

Mark Baldi, Deputy Regional Director  
MassDEP/Central Regional Office  
8 New Bond Street  
Worcester, MA 01606  
[mark.baldi@mass.gov](mailto:mark.baldi@mass.gov)

Jakarta Childers, Paralegal  
MassDEP/Office of General Counsel  
100 Cambridge Street, 9<sup>th</sup> Floor  
Boston, MA 02114  
[Jakarta.childers@mass.gov](mailto:Jakarta.childers@mass.gov)