



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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Maura T. Healey
Governor

Kimberley Driscoll
Lieutenant Governor

Rebecca L. Tepper
Secretary

Bonnie Heiple
Commissioner

August 31, 2023

**In the Matter of
Lois V. Eck and Brian D. Eck, as
Trustees of Foundary Shores Realty Trust**

**Docket No. 2022-010
Enforcement No. 00012736
Kingston, MA**

FINAL DECISION

In accordance with her authority under the Adjudicatory Proceeding Rules at 310 CMR 1.01(14)(b), Bonnie Heiple, Commissioner of the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”), has designated me the Final Decision-Maker in this administrative appeal.¹

I have reviewed the attached Administrative Consent Order with Penalty and Notice of Noncompliance (“ACOP #00014727” or “ACOP”) signed on June 6, 2023 by the Petitioners Lois V. Eck and Brian D. Eck, Trustees of Foundary Shores Realty Trust, and on June 15, 2023 by Millie Garcia-Serrano, Regional Director for the Massachusetts Department of Environmental Protection (“MassDEP” or “the Department”). The Department issues this Final Decision incorporating the ACOP. Pursuant to the ACOP, I issue the following Orders:

- (1) In accordance with ¶ 34 of the ACOP, the effective date of the ACOP is the date

¹ 310 CMR 1.01(14)(b) provides in relevant part that “[e]very final decision” in an administrative appeal “shall be in writing and shall be signed by the [Department’s] Commissioner or a designee of the Commissioner.”

of this Final Decision.

(2) The Petitioner shall perform all actions that the ACOP requires the Petitioner to perform, including but not limited to those actions set forth in ¶¶ 8.a. through 8.c. of the ACOP, in accordance with the provisions of the ACOP.

(3) In accordance with ¶¶ 12.A. through 12.C and ¶ 23 of the ACOP the Petitioner is ordered to pay a civil administrative penalty of six thousand dollars (\$6,000.00) to the Commonwealth as follows:

- (a) Within 60 days after the date of this Final Decision, the Petitioner shall pay to the Commonwealth one thousand five hundred dollars (\$1,500.00);
- (b) Within 120 days after the date of this Final Decision, the Petitioner shall pay to the Commonwealth one thousand five hundred dollars (\$1,500.00);
and
- (c) The Petitioner's payment of the remaining civil administrative penalty amount of three thousand dollars (\$3,000.00) is suspended contingent upon the Petitioner's compliance with the terms of the ACOP.

(4) In accordance with ¶¶ 21 and 23 of the ACOP if the Petitioner violates any provision of the ACOP, the Petitioner shall pay to the Commonwealth, in addition to the civil administrative penalty (including any suspended penalty), stipulated civil administrative penalties to the Commonwealth in the amount of one thousand dollars (\$1,000.00) per day for each day, or a portion thereof, each such violation continues.

(5) In accordance with ¶¶ 6, 7, and 32 of the ACOP and 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.

A handwritten signature in black ink, reading "Salvatore M. Giorlandino". The signature is written in a cursive, flowing style.

Salvatore M. Giorlandino
Chief Presiding Officer
MassDEP Office of Appeals and
Dispute Resolution

SERVICE LIST

In the Matter of:

**Lois V. Eck and Brian Eck, as Trustees of
Foundary Shores Realty Trust**

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Representative

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