Commonwealth of Massachusetts
Department of Environmental Protection

Central Regional Office
Address: 8 New Bond St, Worcester, MA 01606
Phone: 508-792-7650

Maura T. Healey	Kim Driscoll	Rebecca Tepper	Bonnie Heiple
Governor	**Lieutenant Governor**	**Secretary**	**Commissioner**

October 29, 2025

Rick Taylor
6 Elm Street
Medfield, MA 02052
rickautobody@gmail.com

RE: #2 Fuel Oil Release
6 Elm Street
Medfield
RTN: 2-0052508

Attn: Rick Taylor, Owner

NOTICE OF RESPONSIBILITY
M.G.L. c. 21E, 310 CMR 40.0000
URGENT LEGAL MATTER: PROMPT ACTION NECESSARY

Dear Mr. Taylor:

On September 27, 2025 at 3:39 p.m., Captain Neil Kingsbury of the Medfield Fire Department notified the Department of Environmental Protection (MassDEP or the Department) of a sudden, continuous or intermittent release to the environment of oil equal or greater than the applicable Reportable Quantity specified at 310 CMR 40.0351 or 40.1600 that likely occurred within a period of 24 consecutive hours or less at the property specified above (Site). Specifically, 100 to 150 gallons of heating oil was released from an Aboveground Storage Tank (AST) to the garage and basement floor of the residence. Such condition requires oral notification to MassDEP as soon as possible but not more than two

(2) hours after obtaining knowledge of a reportable condition and performance of an Immediate Response Action (IRA). In light of the notification and other information available, MassDEP wishes to ensure you are aware of your rights and responsibilities under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, M.G.L. c. 21E, and the Massachusetts Contingency Plan (MCP), 310 CMR 40.0000.

MassDEP has identified the property, or portions thereof, as a disposal site requiring the performance of cleanup or other response actions. The cleanup of disposal sites is governed by Chapter 21E and the MCP. MassDEP has assigned Release Tracking Number (RTN) **2-0052508** to this disposal site for the release notification received.

MassDEP also has reason to believe that you (as used in this Notice, "you" refers to Rick Taylor) are a party with potential liability for response action costs and damages under Chapter 21E, § 5. The attached summary is intended to provide you with information about liability under Chapter 21E to assist you in deciding what actions to take in response to this Notice.

IMMEDIATE RESPONSE ACTIONS

On September 27, 2025 at 5:15 pm, “you” stated that you intended to conduct the required IRA deemed necessary by the MassDEP but that you were unable to make arrangements to hire a contractor in a timely manner. Due to public safety concerns and need to prevent further impacts to the environment, the MassDEP authorized its contractor, Republic Services (Republic) of Norfolk, Massachusetts, to conduct the following necessary response actions:

- Apply absorbent materials to the area of the spill and containerize the resulting waste material for proper disposal/recycling off-site at a licensed facility;
- Pump out the remaining #2 fuel oil in the AST into closed top drums;
- Remove and dispose of any oil impacted materials such as baseboards and sheetrock; and
- Dispose of all remedial waste and oil impacted items from the location in accordance with 310 CMR 40.0030.

These actions have been conducted under the direct oversight of the MassDEP. Although these actions have likely mitigated the most urgent environmental impacts, additional assessment work is now necessary and further response actions may be needed to achieve compliance with the MCP. MassDEP has incurred the cost of conducting the required immediate response action (IRA) to address the released oil. Please be advised that MassDEP considers you responsible for the costs incurred by MassDEP thus far and for conducting the necessary follow-up response actions detailed in this letter and required under the MCP.

MassDEP determined that additional actions are now necessary under the IRA to adequately address this release pursuant to 310 CMR 40.0410. The necessary actions include the following conditions:

- You must employ or engage a Licensed Site Professional (LSP) to manage, supervise or perform all response actions that you intend to undertake at this disposal site;

- Remove any residual oil, fuel or sludge from tanks, drum(s), and other containers inside and outside the garage, and containerize the waste for proper disposal off-site at a licensed facility;

- Investigate soil and groundwater conditions outside and beneath the garage, beneath and along the driveway and roadway including storm drains, and assess surface water impacts, to determine the extent of contamination and propose an IRA modification to remediate contaminated soil, groundwater and/or surface water;

- Dispose of all remedial waste from the location in accordance with 310 CMR 40.0030; and

- Continually assess for conditions of substantial release migration (SRM) and critical exposure pathways (CEPs).

Pursuant to 310 CMR 40.0420(3), **You must notify MassDEP within 72 hours of receiving this NOR of your intent to conduct the IRA. If you do not notify the Department or fail to undertake the necessary response actions in accordance with Department approval and the MCP, MassDEP may perform the response actions and take appropriate administrative and legal action against you.**

Commonwealth of Massachusetts
Department of Environmental Protection

Central Regional Office
Address: 8 New Bond St, Worcester, MA 01606
Phone: 508-792-7650

You must dispose of any Remediation Waste as defined by the MCP, including, without limitation, contaminated soil and/or debris, generated at the location in accordance with 310 CMR 40.0030. Any Bill of Lading accompanying such waste **must bear the seal and signature of a Licensed Site Professional (LSP)**.

NECESSARY RESPONSE ACTIONS AND APPLICABLE DEADLINES

Please be advised that September 27, 2025, is considered to be the date of release/threat of release notification. This date will be the baseline for calculating compliance with deadlines contained within the MCP.

The MCP requires responsible parties and any other person undertaking response actions at a disposal site to perform Immediate Response Actions in response to releases/threats of release, Imminent Hazards and Conditions of Substantial Release Migration. Such persons must continue to evaluate the need for Immediate Response Actions and notify MassDEP immediately if such a need exists.

As an integral part of the response action(s) for this release/threat of release, you must also submit a completed *Release Notification & Retraction Form* in accordance with 310 CMR 40.0300 by **November 26, 2025**, (within **sixty (60) days** of the date of the release/threat of release notification) and either an IRA Plan (310 CMR 40.0424), or an IRA Completion Report (310 CMR 40.0427), or a Permanent Solution Statement (310 CMR 40.1000) whichever is applicable to MassDEP by **November 26, 2025**, (within **sixty (60) days** of the date of the release/threat of release notification). IRA Status Reports are required to be submitted within 120 days of the date of initiation of the IRA and every six months thereafter, unless an IRA Completion Report and/or a Permanent or Temporary Solution Statement has been filed prior to the IRA submittal due dates. The MCP requires that a fee of **$1470.00** be submitted to the Department when a permanent or temporary solution statement is filed greater than **120 days** from the date of initial notification.

Unless otherwise provided by MassDEP, responsible parties have one year from the initial date notice of a release/threat of release is provided to MassDEP pursuant to 310 CMR 40.0300 or from the date MassDEP issues a Notice of Responsibility, whichever occurs earlier, to file with MassDEP one of the following submittals: (1) a completed Tier Classification Submittal; or (2) a Permanent Solution Statement. The deadline for these submittals for this disposal site is **September 27, 2026.**

Commonwealth of Massachusetts
Department of Environmental Protection

Central Regional Office
Address: 8 New Bond St, Worcester, MA 01606
Phone: 508-792-7650

PROCEDURES TO FOLLOW TO UNDERTAKE RESPONSE ACTIONS

You must continue to employ or engage a Licensed Site Professional (LSP) to manage, supervise or perform all response actions that you intend to undertake at this disposal site. You may obtain a list of the names and addresses of LSPs by contacting the Board of Registration of Hazardous Waste Site Cleanup Professionals by telephone at (617) 556-1091, by visiting http://www.mass.gov/eea/agencies/lsp, or in person or by mail at 100 Cambridge Street, 9th Floor, Boston, Massachusetts 02114.

If you have any further questions, please contact John Bourcier of this office at 413-278-3212 or via e-mail at john.bourcier@mass.gov. All future correspondence and communications regarding this disposal site should reference **RTN 2-0052508.**

Sincerely,

John Bourcier

John S. Bourcier
Branch Chief
Emergency Response & Risk Reduction
Bureau of Waste Site Cleanup

JSB/**bts**
Enclosures: Summary of Liability under Chapter 21E; DEP Compliance and Assurance Fees

ecc: Medfield Fire Department [wcarrico@medfield.net]
Medfield Board of Health [nbennotti@medfield.town.net]

cc: Database Entry [NOR/ISSUED]

Commonwealth of Massachusetts
Department of Environmental Protection

Central Regional Office
Address: 8 New Bond St, Worcester, MA 01606
Phone: 508-792-7650

SUMMARY OF LIABILITY UNDER CHAPTER 21E

As stated in the Notice of Responsibility accompanying this Summary, the MassDEP has reason to believe that you are a Potentially Responsible Party ("PRP") with potential liability under M.G.L. c. 21E, Section 5, for response action costs and damages to natural resources caused by the release and/or threat of release. The MassDEP has identified you as a PRP because it believes you fall within one or more of the following categories of persons made potentially liable by Subsection 5(a):

- any current owner or operator of a site from or at which there is or has been a release or threat of release of oil and/or hazardous material;

- any person who owned or operated a site at the time hazardous material was stored or disposed of;

- any person who arranged for the transport, disposal, storage or treatment of hazardous material to or at a site;

- any person who transported hazardous material to a transport, disposal, storage or treatment site from which there is or has been a release or threat of release of such material; and

- any person who otherwise caused or is legally responsible for a release or threat of release of oil or hazardous material at a site.

For purposes of the MCP, you are considered a Responsible Party ("RP") with actual liability under Chapter 21E if you fall within one of these categories unless you (1) are entitled to a defense under Section 5 or other applicable law, and (2) have reasonably incurred cleanup costs in an amount equal to or greater than any applicable cap on liability under Subsection 5(d).

This liability is "strict," meaning it is not based on fault, but solely on your status as an owner, operator, generator, transporter or disposer. It is also joint and several, meaning that each person who falls within one of these categories may be held liable for all response action costs incurred at the site, regardless of the existence of any other liable parties.

Section 5 provides a few narrowly drawn defenses to liability, including a defense for releases and damages caused by an act of God, an act of war or an act by a third party other

than an employee, agent or person with whom the party has a contractual relationship (*see* Subsection 5(c)); a defense for certain owners of residential property at which the owner maintains a permanent residence (*see* Subsection 5(h)); and a defense for certain public utilities and agencies of the Commonwealth which own a right-of-way that is a site (*see* Subsection 5(j)).

You may voluntarily undertake response actions under the MCP without having your liability under Chapter 21E formally adjudicated by the MassDEP. If you do not take the necessary response actions, or fail to perform them in an appropriate and timely manner, the MassDEP is authorized by Chapter 21E to perform the necessary work.

By taking the necessary response actions, you can avoid liability for response action costs incurred by the MassDEP in performing these actions. If you are a RP and you fail to perform necessary response actions at the site, you may be held liable for up to three (3) times all response action costs incurred by the MassDEP and sanctions may be imposed on you for failure to perform response actions required by the MCP.

Response action costs include, without limitation, the cost of direct hours spent by MassDEP employees arranging for response actions or overseeing work performed by persons other than the MassDEP or its contractors, expenses incurred by the MassDEP in support of those direct hours, and payments to the MassDEP's contractors (for more detail on cost liability, *see* 310 CMR 40.1200: Cost Recovery). The MassDEP may also assess interest on costs incurred at the rate of twelve percent (12%), compounded annually.

Any liability to the Commonwealth under Chapter 21E constitutes a debt to the Commonwealth. To secure payment of this debt, the MassDEP may place liens on all of your property in the Commonwealth under M.G.L. c. 21E, Section 13. To recover this debt, the Commonwealth may foreclose on these liens or the Attorney General may bring legal action against you.

In addition to your potential liability for response action costs and damages to natural resources caused by the release, civil and criminal liability may also be imposed by a court of competent jurisdiction under M.G.L. c. 21E, Section 11, and civil administrative penalties may be assessed by the MassDEP under M.G.L. c. 21A, Section 16, for each violation of Chapter 21E, the MCP or any order, permit or approval issued there under.

If you are an RP and you have reason to believe that your performance of the necessary response actions is beyond your technical, financial or legal ability, you should

promptly notify the MassDEP in writing of your inability in accordance with Chapter 21E, Subsection 5(e), and 310 CMR 40.0172. If you assert and demonstrate in compliance therewith that performing or paying for such response action is beyond your ability, Subsection 5(e) provides you with a limited defense to an action by the Commonwealth for recovery of two to three times the MassDEP's response action costs and 310 CMR 40.0172 provides you with a limited defense to the MassDEP's assessment of civil administrative penalties.

THIRD PARTY LIABILITY

You should be aware that you might have claims against third parties for damages, including claims for contribution or reimbursement for the costs of cleanup. Such claims do not exist indefinitely but are governed by laws that establish the time allowed for bringing litigation. The MassDEP encourages you to take any action necessary to protect any such claims you may have against third parties.

In addition, per M.G.L. c.21E (6) and 40.0101, MassDEP requires that you investigate the cause of this incident and **take necessary actions where possible to prevent a recurrence and/or mitigate the extent of future releases.** Such requirements may include, without limitation, but without duplication of requirements prescribed in other programs of the Department, the preparation of contingency plans, the acquisition, construction, maintenance and operation of equipment, facilities and resources for the monitoring, prevention and control of releases, and the staffing and training of personnel regarding the prevention and control of releases of oil or hazardous material.

No disposal site will be deemed to have had all the necessary and required response actions taken for it unless and until all substantial hazards presented by the release/threat of release have been eliminated and a level of no significant risk exists or has been achieved in compliance with M.G.L. c. 21E and the MCP.

FINANCIAL INABILITY TO PERFORM RESPONSE ACTIONS

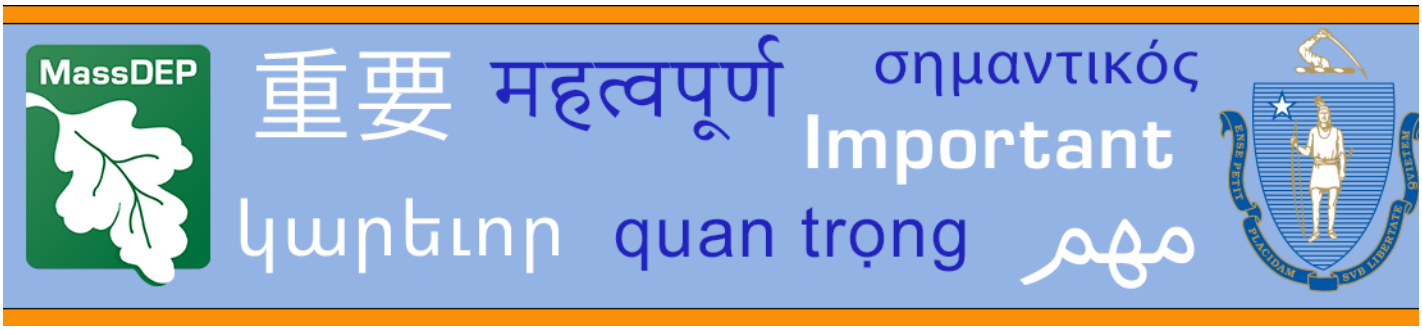
If you are unable to perform the Response Action(s) because you have reason to believe that performing the Response Actions are beyond your financial ability, you should so inform the Department in writing, in accordance with the requirements of 310 CMR 40.0172 (1), (3) and (4). The Department has Guidance available for assisting you in applying for a Department Determination of Financial Inability to Perform Response Actions. Please call (617) 874-6325 to obtain the necessary information.

Please be advised that, should the Department determine the Response Actions are beyond your financial ability, such determination does not constitute an express or implied release from liability under c. 21E, nor does it extinguish any obligation you may have to take or arrange for the Response Actions necessary to achieve a permanent solution at the above referenced site.

MASSDEP FEES AND DEADLINES

A fee of $1,470.00 is assessed if a Permanent Solution is filed 120 days after release notification, but before Tier Classification. Therefore, if all remediation work has been completed, you are encouraged to have the **Permanent Solution** submitted promptly to avoid the fee.

The MassDEP encourages parties having liability under M.G.L. c. 21E to take prompt action in response to releases and threats of release of oil and hazardous materials. By taking prompt action, liable parties may significantly lower cleanup costs and avoid the imposition of, or reduce the amount of, certain annual compliance assurance fees payable under 310 CMR 4.00 (e.g., no annual compliance assurance fee is due for Permanent Solution Statements submitted to the MassDEP within 120 days of the initial date of release notification).



Communication for Non-English-Speaking Parties

This document is important and should be translated immediately.

If you need this document translated, please contact MassDEP's Director of Environmental Justice at the telephone number listed below.

Español Spanish

Este documento es importante y debe ser traducido inmediatamente. Si necesita traducir este documento, póngase en contacto con el Director de Justicia Ambiental de MassDEP (*MassDEP's Director of Environmental Justice*) en el número de teléfono que figura más abajo.

Português Portuguese

Este documento é importante e deve ser traduzido imediatamente. Se você precisar traduzir este documento, entre em contato com o Diretor de Justiça Ambiental do MassDEP no número de telefone listado abaixo.

繁體中文 Chinese Traditional

本文檔很重要，需要即刻進行翻譯。
如需對本文檔進行翻譯，請透過如下列示電話號碼與 MassDEP 的環境司法總監聯絡。

简体中文 Chinese Simplified

这份文件非常重要，需要立即翻译。
如果您需要翻译这份文件，请通过下方电话与 MassDEP 环境司法主任联系。

Ayisyen Kreyòl Haitian Creole

Dokiman sa a enpòtan epi yo ta dwe tradui l imedyatman. Si w bezwen tradui dokiman sa a, tanpri kontakte Direktè. Jistis Anviwònmantal MassDEP a nan nimewo telefòn ki endike anba a.

Việt Vietnamese

Tài liệu này và quan trọng và phải được dịch ngay. Nếu quý vị cần bản dịch của tài liệu này, vui lòng liên hệ với Giám Đốc Phòng Công Lý Môi Trường của MassDEP theo số điện thoại được liệt kê bên dưới.

ប្រទេសកម្ពុជា Khmer/Cambodian

ឯកសារនេះមានសារៈសំខាន់
ហើយគប្បីគួរត្រូវបានបកប្រែភ្លាមៗ។
ប្រសិនបើអ្នកត្រូវការអោយឯកសារនេះបកប្រែ
សូមទាក់ទងនាយកផ្នែកយុត្តិធម៌បរិស្ថានរបស់
MassDEPតាមរយៈលេខទូរស័ព្ទដែលបានរាយដូចខាងក្រោម។

Kriolu Kabuverdianu Cape Verdean

Es dokumentu sta important i tenki ser tradusidu immediatamenti. Se nho ta presisa ke es dokumentu sta tradisidu, por favor kontata O Diretor di Justisia di Environman di DEP ku es numero di telifoni menxionadu di baixo.

Contact Deneen Simpson 857-406-0738
Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114
TTY# MassRelay Service 1-800-439-2370 • https://www.mass.gov/environmental-justice
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

Русский Russian

Это чрезвычайно важный документ, и он должен быть немедленно переведен. Если вам нужен перевод этого документа, обратитесь к директору Департамента экологического правосудия MassDEP (MassDEP's Director of Environmental Justice) по телефону, указанному ниже.

العربية Arabic

هذه الوثيقة مهمة وتجب ترجمتها على الفور.

إذا كنت بحاجة إلى ترجمة هذه الوثيقة، فيرجى الاتصال بمدير العدالة البيئية في MassDEP على رقم الهاتف المذكور أدناه.

한국어 Korean

이 문서는 중대하므로 즉시 번역되어야 합니다.
본 문서 번역이 필요하신 경우, 매사추세츠 환경보호부의 "환경정의" 담당자 분께 문의하십시오. 전화번호는 아래와 같습니다.

հայերեն Armenian

Այս փաստաթուղթը կարևոր է, և պետք է անհապաղ թարգմանել այն:
Եթե Ձեզ անհրաժեշտ է թարգմանել այս փաստաթուղթը, դիմեք Մասաչուսեթսի շրջակա միջավայրի պահպանության նախարարության (MassDEP) Բնապահպանական հարցերով արդարադատության ղեկավարին (Director of Environmental Justice)՝ ստորև նշված հեռախոսահամարով

فارسی Farsi Persian

این نوشتار بسیار مهمی است و باید فوراً ترجمه شود.
اگر نیاز به ترجمه این نوشتار دارید لطفاً با مدیر عدالت محیط زیستی MassDEP در شماره تلفن ذکر شده زیر تماس بگیرید.

Français French

Ce document est important et doit être traduit immédiatement. Si vous avez besoin d'une traduction de ce document, veuillez contacter le directeur de la justice environnementale du MassDEP au numéro de téléphone indiqué ci-dessous.

Deutsch German

Dieses Dokument ist wichtig und muss sofort übersetzt werden. Wenn Sie eine Übersetzung dieses Dokuments benötigen, wenden Sie sich bitte an MassDEP's Director of Environmental Justice *(Direktor für Umweltgerechtigkeit in Massachusetts)* unter der unten angegebenen Telefonnummer.

Ελληνική Greek

Το έγγραφο αυτό είναι πολύ σημαντικό και πρέπει να μεταφραστεί αμέσως. Αν χρειάζεστε μετάφραση του εγγράφου αυτού, παρακαλώ επικοινωνήστε με τον Διευθυντή του Τμήματος Περιβαλλοντικής Δικαιοσύνης της Μασαχουσέτης στον αριθμό τηλεφώνου που αναγράφεται παρακάτω

Italiano Italian

Questo documento è importante e deve essere tradotto immediatamente. Se hai bisogno di tradurre questo documento, contatta il Direttore della Giustizia Ambientale di MassDEP al numero di telefono sotto indicato.

Język Polski Polish

Ten dokument jest ważny i powinien zostać niezwłocznie przetłumaczony. Jeśli potrzebne jest tłumaczenie tego dokumentu, należy skontaktować się z dyrektorem ds. sprawiedliwości środowiskowej MassDEP pod numerem telefonu podanym poniżej.

हिन्दी Hindi

यह दस्तावेज महत्वपूर्ण है और इसका अनुवाद तुरंत किया जाना चाहिए। यदि आपको इस दस्तावेज का अनुवाद कराने की जरूरत है, तो कृपया नीचे दिए गए टेलीफोन नंबर पर MassDEP के पर्यावरणीय न्याय निदेशक से संपर्क करें।

Contact Deneen Simpson 857-406-0738
Massachusetts Department of Environmental Protection
100 Cambridge Street 9th Floor Boston, MA 02114
TTY# MassRelay Service 1-800-439-2370 • https://www.mass.gov/environmental-justice
(Version revised 8.2.2023) 310 CMR 1.03(5)(a)

Please Be Aware of MassDEP Fees

Unless response actions at this site are completed within one year of the release notification date, you will be billed an Annual Compliance Assurance Fee by MassDEP for each year thereafter up to and including the year in which a Permanent Solution is achieved and filed for this disposal site. Annual Compliance Assurance Fees cover a portion of MassDEP's costs for ensuring compliance of response actions with the Massachusetts Contingency Plan. Annual Compliance Assurance Fees are issued pursuant to M.G.L. chapter 21E Section 3B and 310 CMR 4.00, the *Timely Action Schedule and Fee Provisions*. Fee categories and rates are summarized on the reverse side. Fees invoiced by MassDEP are considered a debt to the Commonwealth. Unpaid fee invoices are typically referred for collection action. Contact your Licensed Site Professional to discuss what is necessary to *complete the response actions required for this site as quickly as possible*. For more information on the Annual Compliance Assurance Fees that apply in your case, see http://www.mass.gov/eea/agencies/massdep/cleanup/grants/waste-site-cleanup-fees.html or contact your Licensed Site Professional or the MassDEP Fee inquiry line at (617) 292-5545.

A thorough & timely cleanup will result in fewer MassDEP Fees.

OVER →

SUMMARY OF MassDEP ANNUAL COMPLIANCE ASSURANCE FEES

Type	Fee Category	Timing of Submittal (for One-Time fees)			Fee Rate	
		Within 120 days of initial notification	After 120 days and prior to Tier Classification	After Tier Classification	Non-Homeowner	Homeowner[3]
One-Time Fees[1]	Permanent Solution	---	Permanent Solution Fee	See Note[4]	$1,470	$735
	RAM Plan	RAM Fee	RAM Fee	---	$980	$490
	DPS	DPS Fee	DPS Fee	---	$1,965	$1,965
	Notice of AUL	AUL Fee	AUL Fee	AUL Fee[5]	$2,000	$1,000
Regular Annual Fees[2]	Tier ID				$4,915	$2,455
	Tier I				$4,320	$1,225
	Tier II				$2,455	$1,225
	Temporary Solution				$980	$490
	Phase V				$980	$490

Notes: 1. One-Time Fees must be paid when submittal is made.

BWSC 12-5-2018

2. Regular Annual Fees are billed by MassDEP after Tier Classification; Fee Category is based on Status of site on each Annual Status Date.
3: Completed Homeowner Certification Form BWSC120 is required to qualify for lower Homeowner fee rates.
4: One-Time Permanent Solution Fee also applies if site is Tier ID and submittal is made within first 90 days after initial Status Date.
5: One-Time AUL Fee is applicable for a Notice of AUL filed prior to or concurrent with a Permanent Solution.