

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
ADMINISTRATIVE ADJUDICATION DIVISION

RE: SULLIVAN, JAMES D.  
NOTICE OF VIOLATION OWTS 13-53

AAD NO. 13-005/IE

DECISION AND ORDER

This matter came on for an Administrative Hearing before Hearing Officer David Kerins on June 22, 2015. The appeal was filed by Respondent, James D. Sullivan (“Respondent”, “Sullivan”) on December 24, 2015 from the Notice of Violation (“NOV”) filed by the Department of Environmental Management, Office of Compliance and Inspection (“RIDEM” or “OC&I”) dated December 3, 2013. The Respondent represented himself Pro Se. OC&I was represented by Susan Forcier, Esquire. OC&I and the Respondent filed their Post Hearing Memorandum on July 23, 2015.

JURISDICTION

The within proceeding was conducted in accordance with the statutes governing the Administrative Adjudication Division for Environmental Matters (R. I. General Laws §42-17.7-1 et. seq.); the *Administrative Procedures Act* (R. I. General Laws §42-35-1 et. seq.); and the *Administrative Rules of Practice and Procedure for the Department of Environmental Management* (“Rules”) and the *Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems* (the OWTS Regulations”) and the *Rules and Regulations for the Assessment of Administrative Penalties* (“Penalty Regulations”).

HEARING SUMMARY

Counsel for OC&I called Robert Fritsche as its first witness. Mr. Fritsche testified that he is employed by the Office of Compliance and Inspection at the Department of Environmental Management ("OC&I" or "RIDEM"). He has been employed as an environmental scientist for almost sixteen (16) years. His job includes inspections of onsite wastewater treatment systems ("OWTS") and he has inspected approximately two thousand (2,000) systems during his career.

Mr. Fritsche testified that on August 1, 2013, as the result of a complaint filed with his department, he was assigned to inspect property at 636 Park Avenue, Portsmouth, Rhode Island ("subject premises"). He was allowed access to the shoreline and observed a tank from which there appeared to be water, probably sewerage, leaking out in one of the abutments there. He could detect a slight odor at the time and decided to take a sample. He took a sample, put it in a cooler with ice and eventually brought it to the Department of Health for analysis.

Counsel for OC&I presented Mr. Fritsche with a document which he identified as a copy of his investigation report with photos. Mr. Fritsche testified in detail regarding photographs marked three through eight. Photo four showed leaks at the bottom of the concrete wall. Photos five and six showed other evidence of leakage. This was the area from which he took the sample. Mr. Fritsche testified that he conducted his inspection and took the photos right after the low tide.

Mr. Fritsche explained the protocol for taking samples and the form used to request an analysis. He said he received a certificate of analysis which indicated a "lot of fecal coliform bacteria in the sample". (TR. pg. 16). Based on his inspection report he believed that there were violations of the OWTS Regulations. He finalized his report and submitted it to Patrick Hogan, his supervisor. Upon the conclusion of his direct testimony Counsel for OC&I moved to have Mr.

Fitsche's inspection report admitted as a full exhibit and without objection the Mr. Fritsche's Report was marked as OC&I Exhibit 1 – Full.

Respondent conducted a cross-examination. He asked if Mr. Fritsche knew that his neighbor's tank was above his. Mr. Fritsche said he only went there to take a sample at that location. He said he did not see any reports filed by Respondent. Respondent concluded his cross-examination.

The Counsel for OC&I called Patrick Hogan as it next witness. Mr. Hogan testified that he worked for RIDEM in OC&I as a principal sanitary engineer. He has been in that capacity for ten (10) or twelve (12) years and had been employed by RIDEM in some related capacity for over twenty-three (23) years. In his current position he supervises the OWTS and water pollution programs. He has been involved in five hundred (500) enforcement matters. He said that he was familiar with the property at 636 Park Avenue, Portsmouth, Rhode Island. He reviewed Mr. Fritsche's report, "looked at various historic plans of the site's prior systems that they've installed, including Mr. Sullivan's property and the property next door." (TR. pg. 24). He drafted the NOV.

Counsel for OC&I showed Mr. Hogan a document which he identified as a Notice of Intent to Enforce ("NOIE") which is issued to a party to let them know what they have to do to come in compliance with the Regulations. He said that there were two (2) violations listed. One of them is prohibited discharge for wastewater to the surface of the ground. It is a violation of Rule 8.8. The other violation was for a failing septic system for which a repair application should be filed. He described the "required action" to be taken (TR. pg. 25). There was no penalty with the NOIE. The NOIE was moved as a full exhibit and, without objection it was marked and entered in to evidence as OC&I Exhibit 2 – Full.

Mr. Hogan testified that Mr. Sullivan contacted him upon receipt of the NOIE. Counsel

for OC&I showed Mr. Hogan a document which had been previously marked as OC&I Exhibit 3 for identification. Mr. Hogan identified the document as a telephone record reflecting a telephone conversation with Mr. Sullivan dated August 13, 2013. The gist of the conversation was Mr. Hogan telling Mr. Sullivan that he needed to fix his system. Reading Mr. Hogan's notes on the document it says "Mr. Sullivan admits that his septic tank is leaking into the waters of the State. Says it's only graywater". Mr. Hogan testified that "gray" water is distinguished from "black" water in that the former is often considered "shower water, sink water, washing machine water" (TR. pg. 28) and the latter is "toilet bowl water". He went on to say that "graywater is still sewerage" (TR. pg. 29) and there is no distinction in the Regulations. Counsel for OC&I moved OC&I Exhibit 3 for identification as a full exhibit and without objection it was marked and entered into evidence as OC&I Exhibit 3 – Full.

Counsel for OC&I presented to Mr. Hogan a document and asked him to identify it. Mr. Hogan said that it was an e-mail from Mr. Sullivan dated August 16, 2013. Mr. Sullivan indicated that he would be having Bob Johnson look into evaluating the system. Counsel for OC&I moved to have the e-mail entered as a full exhibit and, without objection, it was marked and entered into evidence as OC&I Exhibit 3A – Full.

Mr. Hogan said that Mr. Sullivan did not comply with the NOIE so he drafted the NOV. Counsel for OC&I presented Mr. Hogan a document and asked him to identify it. He said that the document was the NOV he prepared and issued on December 3, 2013. He explained how the NOV was prepared and the factors which went into it. He said that two (2) of the violations, D(1)(c) and D(1)(d), listed were incorrect due to a misunderstanding if they were dealing with a septic tank or system. He said that he had assumed that the sea wall was part of a tank but has become aware that it was a wall around a system. He said that the remainder of the violations is

correct.

Mr. Hogan went on to explain how he arrived at the Administrative Penalty. He went through each violation and explained the type and severity of the violation. He went on to list each violation, the amount of the penalty and how he arrived at the amount. It was reiterated that they were waiving the penalty for violations listed at D(1)(c) and D(1)(d). He also explained the meaning of the term "economic benefit", which was the cost of one pump-out of the system or Two hundred dollars (\$200).

Mr. Hogan testified that to date Mr. Sullivan has not complied with the terms of the NOV. Mr. Sullivan has submitted an OWTS application but it was not accepted due to deficiencies. It has not been resubmitted.

Counsel for OC&I presented documents to Mr. Hogan which he identified as the repair application and his engineering company for repair of the system. The documents also included a copy of the deficiency notes. The plan is an accurate representation of the Respondent's property. The plan includes the Notation "Existing leaking graywater septic tank to be pumped and sealed from inside to be watertight". (TR, pg. 48). To Mr. Hogan it means that the person who stamped the plan, the engineer, says that that tank is leaking. Counsel for OC&I moved that OC&I Exhibit 4 and OC&I Exhibit 5 be marked as full exhibits and without objection, they were marked and entered into evidence as OC&I Exhibit 4 - Full and OC&I Exhibit 5 - Full.

Mr. Sullivan conducted a cross-examination. Mr. Hogan acknowledged that he did not physically examine the system but reviewed Mr. Fritsche's report. On redirect examination Mr. Hogan testified that he was satisfied that Mr. Fritsche's inspection was done in accordance with the regulations and followed proper protocol. The OC&I rested.

Mr. Sullivan testified with reference to OC&I Exhibit 1 - Full. The Exhibit's pages were

numbered by the Hearing Officer for clearer reference. Mr. Sullivan said page two (2) shows his neighbor's property at 640 Park Avenue. His house is the one in the back at 636 Park Avenue. Photo number four (4) shows the seawall with the footing with a huge crack. Photos five (5) and six (6) also show the footing and cracked area which he said were on his neighbor's property.

Mr. Sullivan said that he had the septic tank tested "by a licensed guy and its fine" (TR, pg. 58). Counsel objected to the hearsay nature of the testimony and the Hearing Officer said he would allow it and would not give it the same weight as if the expert were there. Mr. Sullivan said that he had the tank pumped and the guy, Bob Johnson, got in and physically inspected it. The remainder of this portion of Mr. Sullivan's testimony was detailed hearsay from two engineers that he consulted. This testimony about what the engineer said is not admissible and will not be considered in this decision.

Mr. Sullivan explained how his system is set up with two tanks and then the effluent is deposited into vegetation. He claimed that the problem stems from the fact that his neighbor has refused to repair their seawall. As a result the sea water is pulling the effluent out. He referenced a photo on page ten (10) of OC&I Exhibit 5 – Full and pointed out his neighbor's tank. He said his system has a leeching field which is contained by the concrete wall. When questioned by the Hearing Officer he said the discharge could be coming from the road. Under cross-examination Mr. Sullivan acknowledged that he is not an engineer. Upon the conclusion of the brief cross-examination Respondent rested.

OC&I recalled Mr. Hogan as a rebuttal witness. Mr. Hogan testified about the differences in his test results and that referred to by Mr. Sullivan. He said the bacterial level would naturally be higher outside the system and blooms once exposed to sun and oxygen. When asked by the Hearing Officer why he is certain that this discharge is from Respondent's property

and not the neighbor's Mr. Hogan said that the neighbor has a "holding tank" and not a leeching field (TR. pg. 75). The holding tank is not designed to let any water go out. This tank is constructed to hold all the water and be pumped out on a regular basis. He said that the Respondent also has a holding tank for blackwater on the other side of his house. The neighbor's tank and his system are two totally different things. He has a system that, in fact, discharges fluid. He said that "there is no reason to think that her holding tank is causing this problem" (TR. pg. 75).

Respondent conducted a cross-examination of Mr. Hogan and Mr. Hogan agreed that it is possible that this discharge is coming from the street or from a restaurant across the street. Mr. Hogan also agreed it was possible that it is coming from the neighbor's. On redirect examination Mr. Hogan said that the two previous alternatives were "extremely unlikely". He went on to explain why this was a fact.

Respondent conducted a brief re-cross examination of Mr. Hogan. He asked if the sea water could draw the graywater out. Mr. Hogan said this is not how water works. He said that a properly functioning system should operate as a cleaning mechanism "so these bugs can thrive and do their job, turn the sewage into clean water". (TR. pg. 80).

The Administrative Hearing was adjourned after the Hearing Officer advised both parties that they would be allowed to file Post Hearing Memoranda summarizing their legal and factual arguments. A list of the Full Exhibits is attached hereto in an Appendix.

#### **BURDEN OF PROOF**

The Department of Environmental Management, Office of Compliance and Inspection ("OC&I") bears the burden of proof in this matter and must prove the allegations in the NOV by a preponderance of the evidence. "The burden of showing something by a preponderance of

the evidence... simply requires the trier to believe that the existence of a fact is more probable than its nonexistence before he may find in favor of the party who has the burden to persuade the judge of the facts existence” Metropolitan Stevedore Co. V. Rambo, 521 U.S. 121.

### ANALYSIS

In order to prevail OC&I must prove, by a preponderance of the evidence that the Respondent committed the violations alleged in the NOV. In the NOV issued on December 3, 2014 OC&I alleged four (4) violations of the OWTS Regulations:

1. Rule 8.8: prohibiting the discharge of wastewater to the surface of the ground;
2. Rule 17.7: requiring the submittal of a repair application for a failed OWTS;
3. Rule 51.2: requiring that all OWTS be maintained in good repair; and
4. Rule 51.2.3 requiring that the OWTS be protected from physical disturbance.

Mr. Hogan, during his testimony, acknowledged that violations listed as three (3) and four (4) above were mistakenly included and said that OC&I was waiving those violations. We must examine the evidence to determine if the Respondent committed violations of Rule 8.8 and Rule 17.7 of the *Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems*. Rule 8.8 states “No person shall discharge any treated or untreated wastewater to the surface of the ground without the approval of the Director”.

In his Post Hearing Memorandum the Respondent raised three issues by way of defense:

1. “This seawall is not located on my property at 636 Park Avenue, but is located on the adjacent property at 640 Park Avenue;
2. “My system is not physically located on my property. I have an easement on the adjacent



neighbor's property to maintain the tank, and;

3. The property adjacent to mine at 640 Park Avenue has a tank that is located up the hill above from mine".

So in short, the Respondent raises as a defense the facts that (1). The seawall is not on his property; (2) his system is not on his property and (3) it might be the neighbor's tank that is leaking.

There are several issues which are not being disputed by the Respondent. There is no dispute that Mr. Fritsche conducted an inspection on August 1, 2013 which revealed multiple leaks from a seawall on or adjacent to Respondent's property. (see OC&I Exhibit 1 – Full). A test of a sample taken from the leak site revealed that it was "graywater". "Graywater" is defined by Rule 7 of the Regulations as "wastewater drained from sinks, tubs, showers, dishwashers, clothes washers, and other non-toilet sources. "Graywater" is to be distinguished from "Blackwater" which Rule 7 of the Regulations defines as "liquid and solid human body waste and the carriage waters generated through toilet usage". Under Rule 7 definitions "Both blackwater and graywater are considered wastewater under these Rules."

The testimony of Mr. Hogan described the disposal systems in operation at 636 and 640 Park Avenue, Portsmouth, Rhode Island. He said that the property at 640 Park Avenue, owned by Respondent's neighbor has one system, a holding tank. He described the difference between a septic system and a holding tank. "There is a big difference there. A septic tank is generally made of concrete, stores water for a short amount of time, just stores it for so many hours and it feeds into the leach field. She has a holding tank. This holding tank is not designed to let any water go ever. She doesn't have a leach field. There will be no bugs to treat it. Her tank is made of, you know, it is constructed to hold all of the water and be pumped on a regular basis. He also has a holding tank for his blackwater in the other side of his house." (TR. pg. 75).

The Respondent does not contest or contradict Mr. Hogan's opinion or observations by offering evidence or testimony of those professionals with whom he has consulted. The evidence is clear and uncontradicted. The Respondent generates and discharges into the ground graywater in the area of the observed leak and his neighbor does not. The Respondent suggests without supporting evidence that the leak could be from his neighbor but if the neighbor's tank was leaking it would be leaking "blackwater" and not "graywater".

The Respondent admitted that his septic system was leaking during a phone call to Mr. Hogan on August 13, 2014. The details of the phone call were documented in a tele com memo entered into evidence as OC&I Exhibit 3 – Full. The notation made by Mr. Hogan is that "Mr. Sullivan admits that his septic tank is leaking into the waters of the State. Says its only graywater."

In his letter dated December 24, 2014 requesting an appeal from the NOV the Respondent makes the following statement: "I have been working with Robert Johnson of Atlantic Solutions in Portsmouth, RI and Thomas Principe of Principe Company in Tiverton, RI on the case and will prepare a plan that will repair existing septic tank for the graywater system."

The Respondent raises as a defense in his Post Hearing Memorandum that "My septic system is not physically on my property, I have an easement on the adjacent neighbor's property to maintain the tank." These statements do not in any way relieve the Respondent of responsibility for a failed system. Under Rule 7 of the Regulations the Respondent is an "Owner" of the system by the following language:

**"Owner"** means any person who holds legal title to any real property; or has possession or control of any real property through any agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of a holder of a legal title. Each such person is bound to comply with the provisions of these Rules. (Emphasis added).

The Respondent acknowledged that he has an easement for the purposes of maintenance of the system.

Violation D(1)(b) of the NOV (OC&I Exhibit 4 – Full) alleges that the Respondent failed to comply with Rule 17.7. Rule 17.7 states “An application for a repair of any OWTS, or component thereof, shall be made when an OWTS or component has failed, as defined by Rule 7.” The parties agree that there is a system failure on or adjacent to Respondent’s septic system. I have concluded that it was Respondent’s system that has failed by leaking “graywater” to the surface of the ground. I have also concluded that the Respondent is responsible for his septic system and had control for the purposes of maintenance. Mr. Hogan testified that the Respondent filed an application for repair of his septic system. He identified three documents as Respondent’s application for septic system repair dated March 19, 2014 and which was marked and entered into evidence as OC&I Exhibit 5 – Full. Mr. Hogan testified that Respondent’s application was rejected as incomplete. He testified that the Respondent has not refiled the application. Respondent as owner of a failed septic system is in violation of Rule 17.7 due to his failure to file an acceptable application.

**ADMINISTRATIVE PENALTY**

Mr. Hogan testified at length about the method and rationale employed in the determination of the Administrative Penalty in this matter. He explained that initially the Administrative Penalty was calculated and assessed at Sixteen Hundred (\$1600.00) Dollars, but after the waiver of violations D(1)(c) and D(1)(d) the penalty should be reduced to Twelve Hundred (\$1200.00) Dollars. OC&I has met its burden of proof that the Administrative Penalties were calculated correctly and in accordance with the *Rules and Regulations for the Assessment of Administrative Penalties* and satisfies the requirements of the *In Re: Richard Fickett, AAD No.*

93-014/ GWE. The Respondent did not present evidence or testimony in contradiction to the method of assessment or correctness of the Administrative Penalty. The penalty of Twelve Hundred (\$1200.00) Dollars should be confirmed.

### CONCLUSION

OC&I has sustained its burden of proof in the presentation of its case. It has proved by a preponderance of the evidence that the Respondent is the owner of a failed septic system which is discharging wastewater to the surface of the ground. It has also proved that the Respondent has not filed an acceptable application for repair. Finally, OC&I has proved that the administrative penalty was properly calculated in accordance with the Penalty Regulations. The NOV issued on December 3, 2013 (OC&I Exhibit 4 – Full) should be sustained, except for the violations listed as D(1)(c) and D(1)(d). Respondent's appeal should be dismissed.

### FINDINGS OF FACT

1. The AAD has jurisdiction of the subject matter and of the parties in the pending appeal;
2. On August 1, 2013 Robert Fritsche of RIDEM conducted an inspection at property located at or adjacent to 636 Park Avenue Portsmouth, Rhode Island ("subject premises");
3. Mr. Fritsche observed what he suspected to be sewerage leaking out of a crack under a seawall;
4. Mr. Fritsche took a sample of the suspected substance as well as photographs;
5. Mr. Fritsche prepared an inspection report which summarized his observations as well as the test results from the sample (OC&I Exhibit 1 – Full);
6. The test result showed that the sample was sewerage;
7. On August 6, 2013 a Notice of Intent to Enforce ("NOIE") was issued to the Respondent (OC&I Exhibit 2 – Full);

8. On August 13, 2013 in a telephone conference with Mr. Patrick Hogan the Respondent admitted that his septic system was leaking but it was only "graywater";
9. "Gray water" comes from dishwashers, sink and showers and is considered as wastewater under the OWTS Regulations;
10. The Respondent sent an email to Mr. Hogan on August 16, 2013 indicating that he was having an engineer evaluate his system (OC&I Exhibit 3A – Full);
11. A Notice of Violation ("NOV") was issued on December 3, 2013 alleging four (4) violations of the OWTS Regulations;
12. Two (2) of the violations, D(1)(c) and D(1)(d) were waived by OC&I as being incorrectly applied;
13. The two (2) remaining violations, D(1)(A) and D(1)(b) were for failing septic system and failure to apply for repair;
14. The Respondent filed his appeal with the AAD on December 24, 2013;
15. The Respondent is the owner of a septic system that has two tanks and a small leeching field;
16. The Respondent's septic system and leeching field is contained in soil behind the seawall from which the leaks were observed;
17. The Respondent also owns a holding tank for his blackwater which is on the other side of his house;
18. The Respondent's neighbor at 640 Park Avenue, Portsmouth, Rhode Island has a holding tank on the property into which is deposited both graywater and blackwater;
19. The Respondent's leeching field is designed and intended to allow liquid to flow into the soil;
20. The Respondent's holding tank and his neighbor's holding tanks are designed and intended not to distribute liquid into the ground and are pumped out periodically;
21. It is more probable than not that the wastewater observed flowing from a leak in the seawall is coming from the Respondent's leeching field;
22. The Respondent's septic system is failing;
23. The Respondent filed an application for repair on his septic system on March 19, 2014;
24. On March 21, 2014 RIDEM returned the application to the Respondent as incomplete;

25. The Respondent has not refiled an application for repair;
26. The Administrative penalty was properly calculated in accordance with the Penalty Regulations in the amount of Twelve Hundred (\$1200.00) Dollars;
27. The Respondent is responsible for the violations listed in the NOV (OC&I Exhibit 4 – Full) except those listed as D(1)(c) and D(1)(d).

**CONCLUSIONS OF LAW**

After due consideration of the documentary and testimonial evidence and based upon the Findings of Fact as set forth herein, I conclude the following as a matter of law:

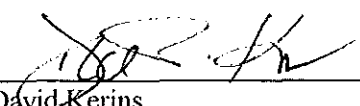
1. The AAD has personal and subject matter jurisdiction over the Respondent and this matter pursuant to the statutes governing the Administrative Adjudication Division for Environmental Matters (R. I. General Laws §42-17.7-1 et. seq.); the *Administrative Procedures Act* (R. I. General Laws §42-35-1 et. seq.); and the *Administrative Rules of Practice and Procedure for the Department of Environmental Management, Administrative Adjudication Division for Environmental Matter* (“AAD Rules”) and the *Rules Establishing Minimum Standards Relating to Location, Design, Construction and Maintenance of Onsite Wastewater Treatment Systems*;
2. The Respondent filed a timely appeal;
3. The Respondent is the owner of a septic system with leeching field under the definitions in Rule 7 of the OWTS Regulations;
4. “Graywater” is the product of sink, shower and dishwasher water and is considered wastewater under Rule 7 of the OWTS Regulations;
5. “Blackwater” means liquid and solid human body waste and the carriage waters generated through toilet usage as defined by Rule 7 of the OWTS Regulations;
6. Allowing the leakage of graywater to the surface of the ground is a violation of Rule 8.8 of the OWTS Regulation;
7. Failure to file a complete application for repair of septic system is a violation of Rule 17.7 of the OWTS Regulations.

It is hereby

**ORDERED**

1. The Notice of Violation (OC&I Exhibit 4 – Full) dated December 3, 2013 is upheld and confirmed except as follows:
  - a. Violations D(1)(c) and D(1)(d) waived.
  - b. The Administrative Penalty is reduced from Sixteen Hundred (\$1600.00) Dollars to Twelve Hundred (\$1200.00) Dollars to reflect the waiver of violations referenced above.
2. The Respondent's Appeal is **Denied** and **Dismissed**.

Entered as an Administrative Order this 31<sup>st</sup> day of July, 2015.

  
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David Kerins  
Chief Hearing Officer  
Administrative Adjudication Division  
One Capitol Hill, 2<sup>nd</sup> Floor  
Providence, RI 02908  
(401) 574-8600

**CERTIFICATION**

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail to James D. Sullivan, 636 Park Avenue, Portsmouth, RI 02871; via interoffice mail to Susan Forcier, Esquire, DEM Office of Legal Services and David Chopy, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 31<sup>st</sup> day of July, 2015.

  
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**NOTICE OF APPELLATE RIGHTS**

This Final Order constitutes a final order of the Department of Environmental Management pursuant to RI General Laws § 42-35-12. Pursuant to R.I. Gen. Laws § 42-35-15, a final order may be appealed to the Superior Court sitting in and for the County of Providence within thirty (30) days of the mailing date of this decision. Such appeal, if taken, must be completed by filing a petition for review in Superior Court. The filing of the complaint does not itself stay enforcement of this order. The agency may grant, or the reviewing court may order, a stay upon the appropriate terms.



APPENDIX

LIST OF EXHIBITS

- OC&I Exhibit 1 – Full OWTS Inspection Report prepared by Robert S. Fritsche on August 1, 2013;
- OC&I Exhibit 2 – Full Copy of Notice of Intent to Enforce dated August 6, 2013;
- OC&I Exhibit 3 – Full Copy of telephone memo dated August 8, 2013;
- OC&I Exhibit 3a – Full Copy of email from Respondent to Mr. Hogan;
- OC&I Exhibit 4 – Full Copy of Notice of Violation against James D. Sullivan dated December 3, 2014;
- OC&I Exhibit 5 -- Full Copy of Application to repair septic system filed on behalf of Respondent on March 19, 2014.