

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

RE: VASA, LTD. AAD NO. 92-043/FWE  
NOTICE OF VIOLATION NO. 92-0080V

DECISION AND ORDER

This matter is before the Hearing Officer pursuant to the Freshwater Wetlands Act R.I.G.L. §2-1-18 et seq., as amended (hereinafter "Act"), R.I.G.L. §42-17.1-2 and Chapter 42-17.6; statutes governing the Administrative Adjudication Division R.I.G.L. §42-17.7-1 et seq.; the Administrative Procedures Act R.I.G.L. §42-35-1 et seq., as amended; the duly-promulgated Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act; and the Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters ("DEM AAD Rules").

The Division of Freshwater Wetlands ("Division") of the Department of Environmental Management ("DEM") issued a Notice of Violation and Order ("NOVAO") to VASA, Ltd. ("Respondent") on July 8, 1992.

The NOVAO alleged a violation of §2-1-21 of the General Laws of Rhode Island, 1956, as amended, in that the respondent altered or permitted alteration of freshwater wetlands in two (2) instances without first having obtained the approval of the Director of DEM. Said NOVAO alleged specifically that an inspection of a portion of property owned by Respondent and located approximately 350 feet northwest of Danielson Pike at utility pole #182 and approximately 3600 feet east-northeast

of the intersection of Danielson Pike and Cucumber Hill Road, and identified as Tax Assessor's Plat 10, Lot 26A in the Town of Foster, Rhode Island ("site") of March 5, 1992 revealed that in violation of R.I.G.L. §2-1-21, Respondent did accomplish or permit alterations of freshwater wetlands in two instances; (1) filling (in the form of at least soil, rocks, concrete, and bricks), excavating, clearing and creating soil disturbance in a swamp; and (2) building construction, filling (in the form of at least soil, rocks, concrete, and bricks) and clearing in a perimeter wetland (that area of land within 50 feet of the edge of a swamp).

Said NOVAO ordered the Respondent (1) to cease and desist immediately from any further alteration of the said freshwater wetland(s); (2) to restore all freshwater wetlands in accordance with certain restoration requirements as specified in the NOVAO; (3) to contact the Department prior to the commencement of restoration in order to ensure proper supervision by the Department and to obtain required restoration details by representatives of Division; and (4) to pay an administrative penalty of \$1000.00 for each of the two instances cited, for a total administrative penalty in the sum of Two Thousand Dollars (\$2,000.00). Respondent thereupon requested a hearing of the NOVAO.

The Administrative Adjudication Division conducted a Prehearing Conference ("PHC") and the requisite PHC Record was prepared by the Hearing Officer who conducted said PHC. No requests to intervene were presented.

The adjudicatory hearing was held on January 23 and 24, 1995, Genevieve M. Martin, Esq., represented Division during the hearing. On February 21, 1995 she withdrew and Mary B. Shekarchi, Esq. entered her appearance for Division. Mary B. Shekarchi, Esq. presented Division's Post-Hearing Memorandum. John S. Petrone, Esq., represented Respondent. The Hearing Officer was in receipt of the post-hearing briefs on or about May 12, 1995.

The Division bore the burden of proving by a preponderance of the evidence that the Respondent violated the Act as alleged. Once a violation is established, Respondent bears the burden of proving by a preponderance of the evidence that the Division failed to assess the penalty in accordance with the Rules and Regulations for the Assessment of Administrative Penalties.

The Division offered 12 documents as exhibits. The list of Division's Exhibits is attached as "Appendix A". Division's Exhibits 2 and 9 were marked for identification only as they were not admitted as full exhibits. Division's remaining exhibits were admitted as full exhibits. The list of Respondent's exhibits is attached as "Appendix B". Respondent's exhibits 7a and 7b were admitted as full exhibits. The remainder of Respondent's exhibits were either marked for identification only or were withdrawn by Respondent.

Division, during the course of the hearing, made a motion to dismiss that portion of the NOVAO identified as instance number (2) in its entirety, viz. building construction, filling (in the form of at least soil, rocks, concrete and bricks) and clearing in a perimeter wetland (that area of land within 50 feet of the edge of a swamp), including the \$1,000.00 administrative penalty assessed for instance number (2). This motion was granted by the hearing officer; consequently only instance number (1) remains for consideration, and will be addressed herein.

Peter A. Duhamel was the first witness called by Division. He was employed by the DEM as an environmental scientist and was qualified at the hearing as an expert in wetlands ecology, aerial photograph interpretation, and as a natural resource specialist. This witness testified that he first inspected the site on October 30, 1991 as a result of a telephone complaint to the Department. At this visit he observed (1) that some excavating (approximately one to three feet of soil scraped from the surface) had occurred within the wetlands on the subject property, and (2) that filling (in the form of soil and other material) was being placed within said wetland.

Mr Duhamel next visited the site on November 20, 1991. At this time, he observed two individuals in the process of performing work on the subject property. One person was

operating a bulldozer to move soil and materials within the swamp on the site. Piles of earth had been deposited on the subject property, and those piles were being spread throughout the freshwater wetland on the site. This work was being performed without a permit and therefore constituted an unauthorized alteration of freshwater wetlands under the Act. During this visit, Mr. Duhamel issued an Order to Cease and Desist such activities, which he left at the site after efforts to give it to either of said persons were unsuccessful.

When Mr. Duhamel next visited the site on March 5, 1992, he observed that additional work had taken place since his November visit. Additional grading had taken place and the site was much more leveled and smooth graded. The rough piles that were there previously had been smoothed out and some of the excavated areas were more filled in. Also additional soil filling had taken place since his last visit. It was this witness's opinion that the work he observed on the site on the October 30, 1991, November 20, 1991 and March 5, 1992 visits constituted unauthorized alterations of the freshwater wetlands under the Act because DEM had not issued prior approval for that type of work on the site.

It was Mr. Duhamel's expert opinion that the extent of the freshwater wetland alteration that had taken place occurred sometime between 1988 and the time of his visits. He

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based this determination on his review of aerial photographs that covered the site. After he completed his inspection of the site, he conducted records research at the town hall and determined that VASA, Ltd. was the owner of the subject property. He also conducted records research at the Division of Freshwater Wetlands and determined that no previous permits had been issued for the site.

It was elicited in cross-examination of Mr. Duhamel that he was able to determine that the violation involving filling and grading (to the rear of the building) could not have taken place when the building was constructed (approximately 1974), because the filling and grading was not present in the 1988 aerial photographs. These depict only the presence of the building in the Perimeter Wetland, and no alterations in the Swamp.

Harold K. Ellis was the next witness called by Division. He is employed by Division as enforcement supervisor of the Freshwater Wetlands Section Enforcement Program. He has an extensive educational and employment background and has conducted many research projects concerning natural resources. He was qualified as an expert in wetlands ecology, aerial photograph interpretation, and as a natural resource specialist.

Mr. Ellis testified that he visited the subject site approximately four times. It was his expert opinion that

freshwater wetlands consisting of a swamp and that area of land within fifty (50) feet of a swamp, existed on the subject site as of October 21, 1991; and that said freshwater wetlands existing on the site had been altered. These determinations were made by him based on a review of site conditions and aerial photographs.

The factors considered in determining the penalty to be assessed were reviewed by Mr. Ellis. In accordance with the Rules and Regulations for Assessment of Administrative Penalties, Division considered various factors to determine the penalty to be assessed in this matter. The violation cited in Instance 1 of the NOVAO was categorized as major, based on the extent to which the act was in noncompliance, the areal extent of the violation, whether the violator took reasonable steps to mitigate or prevent the harm, and how much control the violator had over the violation. It was this witnesses opinion that, based on the foregoing, the penalty assessed of \$1,000.00 is appropriate.

It was Mr. Ellis's expert opinion that complete restoration of the subject site is necessary. He opined that Respondent must restore the area previously delineated on Lot 26 A by removing all the fill beyond a line marked on the site, down to the original grade which existed prior to any filling. The resulting embankment should be graded back to eliminate any chance of erosion or sedimentation by creating

a two-to-one slope graded back from the line marked in the field. Also, grasses should be planted throughout the area to stabilize any unstable soil. Prior to any restoration, a line of properly installed haybales or silt fence, must be installed between the fill material placed on site and the unaltered Swamp. The area should be revegetated with trees ten feet on center, four feet tall, species including hemlock, white pine, or eastern arborvitae and shrubs planted five feet on center, three feet tall, consisting of blueberry, sweet pepperbush on the restored embankment and on top of the new slope.

It was elicited in cross-examination that the Violation (for which VASA, Ltd. was cited) extends beyond Respondent's property.

Pasquale Olivo was the only witness called by Respondent. He is the President, Secretary and Treasurer of VASA, Ltd. It was the testimony of this witness that Respondent purchased the subject property in 1986. He described the building and other appurtenances located on the property at the time of the purchase. He acknowledged that he was present on the site when the payloader was performing certain work at his direction, and that he refused to sign the cease and desist order that was presented by Division; however, he stopped all construction work on the property.

It was elicited during cross-examination of Mr. Olivo



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that he was responsible for payment of the leveling work being performed at the site on November 20, 1991.

After the Division had completed the presentation of evidence and rested its case, Respondent made an oral Motion to Dismiss the NOVAO. The Hearing Officer declined to rule on said Motion until the close of all the evidence. This Decision and Order acts as a decision on said Motion.

The issues to be considered herein are (1) whether the Respondent was the owner of the subject property at all pertinent times; (2) whether there was a freshwater wetland present on the subject site which is subject to the jurisdiction of the DEM; (3) whether said freshwater wetland was altered by Respondent, its agents and/or servants, after the enactment of the Act and just prior to the issuance of the NOVAO; and (4) whether permission was granted by the Director of DEM for said alteration.

The parties are in agreement that Respondent purchased the subject property in 1988 and has remained the owner since then. The existence of a jurisdictional freshwater wetland, viz. a Swamp on the site was clearly established by the Division's expert witnesses, Mr. Duhamel and Mr. Ellis. Their testimony in this regard was positive and uncontroverted. This testimony was unchallenged and not discredited either by other positive testimony or by circumstantial evidence extrinsic or intrinsic and is therefore deemed conclusive upon

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this Hearing Officer as the trier of fact. State v. A. Capuano Bros, Inc., 120 R.I. 58 (1978).

A review of the evidence clearly establishes that the Division has proven by a preponderance of the evidence that the freshwater wetland on the subject property was altered by Respondent, its agents and/or servants, after the enactment of the Act. Division's testimony that none of the alterations which they observed during their site visits on October 30, 1991, November 20, 1991 and March 5, 1992, appeared in aerial photographs taken prior to 1988 was not refuted by Respondent. Indeed Mr. Olivo, President, Secretary and Treasurer of Respondent admitted that he hired agents to spread loam, landscape and place piles of fill on the site. It is undisputed that said operations were conducted on the site during the period covered by the site inspections. The testimony of Division's experts clearly establishes that these alterations occurred in and affected the character of the freshwater wetland located on the subject property and that Respondent is responsible for said unauthorized alterations. Although the Respondent questioned the Division's estimates of the extent of said alterations (approximately 23,800 square feet), no positive evidence was presented by Respondent to refute Division's conclusions, and the testimony of Division's experts was credible and uncontroverted.

It is undisputed that no application was filed for the

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alterations to the freshwater wetland on the site and that said alterations were conducted without the approval of the Director of DEM. The Act specifically mandates that no such alterations shall be undertaken without first obtaining the approval of the Director of DEM. R.I.G.L. 2-1-21. Furthermore, the Rhode Island Supreme Court has recognized that the Act intends to preserve the wetlands in this state, as they existed when the Act was passed in 1971, unless permission is granted by the Director of DEM to allow alterations. Wood v. Davis, 488 A.2d 1221 (R.I. 1983).

Respondent argues that the Division failed to demonstrate by a preponderance of the evidence that the Respondent or its agents or servants created or caused a violation on the subject site. It is essentially Respondent's position that Respondent acquired the property in basically the same condition for which Respondent was cited; and that Division failed to prove that alterations took place during the period of time for which the Respondent was cited.

The Respondent questioned the dates of the alleged alterations, the accuracy of Division's estimates of the extent of the alterations to the Swamp on the subject property (approximately 23,800 square feet), and the appropriateness of the restoration sought and the penalty assessed by Division.

Respondent's contention that the alterations (for which

Respondent was cited) existed at the time that Respondent purchased the subject property is not supported by the evidence. Respondent argues that the activity for which Respondent was cited in Instance No. 1 of the NOVAO took place at the same time as the building activity cited in No. 2 of the NOVAO. This argument is not persuasive. The building on the subject property (Instance No. 2) may well have been constructed prior to Respondent's purchase of said real estate. However, the filling, excavating, clearing and soil disturbance in a Swamp and the resulting alteration of approximately 23,800 square feet of wetlands (Instance No. 1) obviously occurred at a much later date. The testimony of Division's witnesses and the admissions by Mr. Olivo clearly establish that the alterations for which Respondent was cited in Instance No. 1 occurred during the period between October of 1991 and March 5, 1992. No evidence was presented by Respondent to refute Mr. Duhamel's testimony that on each of his site visits he observed ongoing alterations and additional fill in the Swamp.

The testimony of Mr. Duhamel that a state jurisdictional Swamp existed on the site just prior to the activities for which Respondent was cited in Instance No. 1 was convincing and unrefuted by Respondent. Also, this determination was reviewed and verified by Ellis, whose testimony was also credible and uncontradicted. The presence of a Swamp on the

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Respondent's property was determined by visual site inspections and aerial photographs. The existence and size of the Swamp (greater than three acres) was determined through interpretation and measurements of aerial photographs. These conclusions were supported by the conditions observed on the site, viz. the types of vegetation, the presence of surface water and the fact that the area was greater than three acres in size.

No credible evidence was offered by Respondent to contradict or impeach the testimony of Division's witnesses or the evidence presented by Division concerning the extent of the unauthorized alterations to the Swamp on Respondent's property or the terms, conditions or requirements of restoration.

Attempts to discredit Division's witnesses by cross-examination proved fruitless and efforts to impugn Division's actions by Respondent's Post Hearing Brief were equally unsuccessful. A review of the evidence demonstrates that Division had reasonable grounds to believe that Respondent was responsible for the violations at the subject site, and therefore the issuance of the NOVAO was certainly warranted.

The testimony of Mr. Ellis conclusively established the extent of the unauthorized alterations on the subject property by Respondent and/or its agents, as well as the appropriateness of the restoration and penalty requested by

Division. This witness reviewed the complaint, the biological inspection reports, the relevant aerial photographs and other pertinent data before formulating his conclusions and rendering his opinions. His testimony as to the need for complete restoration of the site and the manner and time for it to be accomplished was most credible, and no evidence was proffered to dispute his views or conclusions.

The evidence also establishes that the administrative penalty was assessed in accordance with the governing statutes and the Rules and Regulations for Assessment of Administrative Penalties. The alteration to the Swamp was properly determined to be major, and the maximum penalty of One Thousand Dollars (\$1,000.00) is warranted for this violation because of the size of the alteration (approximately 23,800 square feet of wetlands).

No evidence was presented by Respondent that Division failed to assess the penalty in accordance with the Penalty Regulations, and the testimony of Division's expert witness clearly established that the assessment of the penalty in the amount of One Thousand Dollars (\$1,000.00) is appropriate and fully warranted under the circumstances.

The Respondent's final argument that the penalty should not be imposed absent a jury trial lacks merit. This request for a denial of the penalty on this basis was not raised by Respondent until its Post-Hearing Brief; however,

consideration of this issue at this late date compels a result contrary to that suggested by Respondent. The right to a jury trial in environmental-enforcement proceedings was negated by the Rhode Island Supreme Court. National Velour Corp. v. Durfee, 637 A.2d 375 (R.I. 1994).

**FINDINGS OF FACT:**

After reviewing the documentary and testimonial evidence of record, I find as fact the following:

1. Respondent, Vasa, Ltd. owned property located approximately 350 feet northwest of Danielson Pike at utility pole #182 and approximately 3600 feet east-northeast of the intersection of Danielson Pike and Cucumber Hill Road, and identified as Assessor's Plat 10, Lot 26A in the Town of Foster, Rhode Island ("site") at all times relevant to the instant hearing.
2. State jurisdictional freshwater wetlands exist on the subject site, consisting of a swamp and its associated fifty (50) foot perimeter wetlands.
3. The Division of Freshwater Wetlands ("Division") inspected the subject site on October 30, 1991 and observed that filling (in the form of at least soil, rocks, concrete, and bricks), excavating, clearing and creating soil disturbance occurred in the swamp located on the subject site.

4. Division inspected the subject site on November 20, 1991 and verified that additional clearing and filling occurred within the swamp located on said site.
5. Division, during the November 20, 1991 inspection, issued an Order to Cease and Desist all clearing and filling within the swamp and within 50 feet of the swamp on the subject site.
6. Division inspected the subject site again on March 5, 1992, and verified additional filling (in the form of at least soil, rocks, concrete, and bricks) excavating, clearing and creating soil disturbance in the swamp located on the subject site.
7. The freshwater wetlands on Respondent's property were altered by Respondent, his agents or servants, during the period from October 30, 1991 to March 5, 1992 by filling (in the form of at least soil, rocks, concrete, and bricks), excavating and creating soil disturbance in the Swamp on Respondent's property.
8. The freshwater wetlands on the subject property were altered after the enactment of the Freshwater Wetlands Act.
9. Vasa, Ltd. did not file an application with the DEM to alter freshwater wetlands on the site, nor did it receive a permit from the Director of DEM for such alterations.
10. The Division issued a Notice of Violation and Order ("NOVAO") to Respondent on July 8, 1992.
11. The NOVAO was recorded in the Land Evidence Records in the Town of Foster on July 14, 1992 at Book 55, Pages 721-724.
12. Respondent filed a timely request for an adjudicatory hearing on July 20, 1992.
13. DEM has jurisdiction over the freshwater wetlands located on Respondent's subject property.
14. The freshwater wetland(s) on the subject site were altered after the enactment of the Freshwater Wetlands Act ("Act") R.I.G.L. §2-1-21 et seq. and without a DEM wetlands alteration permit and were therefore in violation of the Act.



15. Complete restoration of the freshwater wetland on the site is necessary in order to restore the wetland to its natural unaltered condition.
16. The One Thousand (\$1,000.00) Dollars administrative penalty assessed against Respondent in instance number one (1) of the NOVAO is not excessive and is reasonable and warranted under the circumstances.

**CONCLUSIONS OF LAW:**

Based upon all of the documentary and testimonial evidence of record, I conclude as a matter of law that:

1. The Department of Environmental Management ("DEM") has jurisdiction over the freshwater wetland located on Respondent's property.
2. The freshwater wetland located on Respondent's property was altered without a wetlands alteration permit from DEM.
3. VASA, Ltd. and/or its agents violated the Act.
4. Division proved by a preponderance of the evidence that Respondent VASA, Ltd. is responsible for the freshwater wetlands alterations on the subject property of Respondent.
5. The freshwater wetland on Respondent's property was altered by Respondent in violation of §2-1-21 of the R.I. General Laws and the regulations promulgated pursuant thereto, as alleged in instance number one (1) of the NOVAO dated July 8, 1992.
6. VASA, Ltd. is liable under the Act for the freshwater wetland(s) violations on the site as cited in instance number one (1) of the NOVAO.
7. DEM is entitled to an administrative penalty of One Thousand (\$1,000.00) Dollars as set forth in instance number one (1) of the NOVAO, and also the relief as set forth in the Order portion of the NOVAO as it pertains to Instance number one (1).
8. Instance number one (1) of the NOVAO should be affirmed in its entirety.

9. VASA, Ltd. must comply with the Restoration Order as set forth in the NOVAO as to Instance number one (1) of the NOVAO, and completely restore the swamp located on the subject site in accordance with the requirements of the Department's Division of Freshwater Wetlands no later than forty-five (45) days after the Final Decision and Order is signed by the Director.
10. VASA, Ltd. must pay an administrative penalty of One Thousand (\$1,000.00) Dollars to the Department no later than ten (10) days after the Final Decision and Order is signed by the Director.

Wherefore, it is hereby

**ORDERED**

1. That the Notice of Violation and Order and Penalty issued to the Respondent dated July 8, 1992 be and is hereby sustained as to Instance number one (1).
2. That the Respondent shall restore the freshwater wetlands cited in Instance one (1) of the NOVAO within forty-five (45) days of the date of the Final Order herein in accordance with the following:
  - (a) Prior to any restoration, a line of properly installed haybales or silt fence shall be installed between the fill material placed on site and the unaltered wetland (Swamp).
  - (b) All fill material shall be removed beyond the line marked on the site, down to the original grade which existed prior to any filling.
  - (c) Following the removal of fill in part (b) above, the resulting embankment shall be graded back to eliminate any chance of erosion or sedimentation by creating two-to-one slope graded back from the line marked in the field.
  - (d) Following removal of the fill in part (b) above, the area shall be revegetated with trees ten feet on center, four feet in height, and shrubs five feet on center, three feet in height on top of the new slope. Species must be reviewed and approved by Division prior to planting. All disturbed soils shall be seeded with a wildlife conservation grass seed mixture and mulched with a mat of loose hay.

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(e) The restored areas shall be allowed to revegetate to a wild condition.

3. That the Respondent contact the Division of Freshwater Wetlands of the Department of Environmental Management prior to the commencement of restoration to ensure proper supervision and to obtain the required restoration details from the representatives of said Division.
4. That the Respondent pay an administrative penalty in the sum of One Thousand (\$1,000.00) Dollars for said violation no later than ten (10) days after the date the Final Decision and Order is signed by the Director. Said payment shall be in the form of a certified check payable to the General Treasurer, State of Rhode Island and made directly to:

Rhode Island Department of Environmental Management  
Attention: George Welly  
Office of Business Affairs  
22 Hayes Street  
Providence, Rhode Island 02908

Entered as an Administrative Order this 25<sup>th</sup> day of July, 1995 and hereby recommended to the Director for issuance as Final Order.

*Joseph F. Baffoni*

Joseph F. Baffoni  
Hearing Officer  
Department of Environmental Management  
Administrative Adjudication Division  
One Capitol Hill, Third Floor  
Providence, Rhode Island 02908

Entered as a Final Order this 28<sup>th</sup> day of July, 1995.

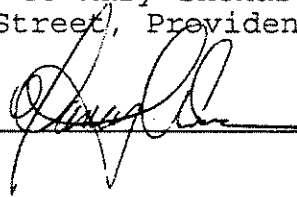
*Timothy R. Keeney*

Timothy R. E. Keeney  
Director  
Department of Environmental Management  
22 Hayes Street  
Providence, Rhode Island 02908

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CERTIFICATION

I hereby certify that I caused a true copy of the within order to be forwarded, via regular mail, postage prepaid to John S. Petrone, Esq, 145 Phenix Ave., Cranston, RI 02920 and via interoffice mail to Mary Shekarchi, Esq., Office of Legal Services, 9 Hayes Street, Providence, RI 02908 on this 31 day of July, 1995.

A handwritten signature in dark ink, appearing to be 'D. Wally', is written over a horizontal line.

cc: George Welly

APPENDIX A

- Div. 1 Full Resume of Harold K. Ellis (3 pp.)
- Div. 2 for Id Resume of Stephen J. Tyrell (2 pp.)
- Div. 3 Full Resume of Peter Duhamel (2 pp.)
- Div. 4 Full Copy of Complaint Inspection Report and diagram by Peter Duhamel, dated March 5, 1992 (3 pp.).
- Div. 5 Full Copy of Biological Inspection Report by Peter Duhamel dated October 30, 1991 (3 pp.).
- Div. 6 Full Copy of Recommendations to Supervisor by Peter Duhamel, dated March 9, 1992 ( 1 p.).
- Div. 7 Full Three (3) photographs of the subject site by (a thru c) Peter Duhamel, dated October 30 ,1991.
- Div. 8 Full Copy of Order to Cease and Desist dated November 20, 1991.
- Div. 9 for Id Copy of full restoration requirements prepared by Stephen J. Tyrell (1 p.).
- Div. 10 Full Copy of Notice of Violation and Order, dated July 8, 1992; and copy of receipt for certified mail.
- Div. 11 Full Copy of correspondence to Department of Environmental Management from VASA, Ltd., (request for adjudicatory hearing) date received July 20, 1992 (4 pp.).
- Div. 12 Full 12(a) Certified copy of deed from Nunzio (a thru c) L. Olivo and Louise N. Olivo to VASA, Ltd., dated March 14, 1986.
- 12(b) Certified copy of Foster Plat Map
- 12(c) Certified copy of Foster Tax Assessor's Record

APPENDIX B

Resp. 1 for Id (withdrawn)	Resume of Scott P. Rabideau
Resp. 2 for Id (withdrawn)	Notice of Claim of Appeal and Request for Adjudication Hearing.
Resp. 3 for Id	Certified copy of Deed on Nunzio Olivo et al., to Colonial Enterprises, Inc. (supplied on 1-23-95).
Resp. 4 for Id	Certified copy of Deed of Colonial Enterprises, Inc. to Nunzio Olivo et al., (supplied on 1-23-95).
Resp. 5 for Id (withdrawn)	Certified copy of Deed Nunzio Olivo, Et al., to VASA, Ltd., should this matter proceed to hearing.
Resp. 6 for Id	Certified copies of building permit (2 pp.). (supplied 1-23-95)
Resp. 7a for Id	Photograph of the premises
7b Full	Photograph of the premises
7c Full	Photograph of the premises