

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

IN RE: Truk-Away of R.I., INC.  
Division of Air and Hazardous Materials

FINAL AGENCY DECISION AND ORDER

After reviewing the evidence of record, I agree with the conclusion of law reached by the Hearing Officer that the Division did not sustain its burden of proof (conclusion of law, No. 14). I believe careful scrutiny of the facts reveals that although the Division had reasonable grounds upon which to issue a Notice of Violation ("NOV") it failed to prove by a preponderance of the evidence that Truk-Away transported hazardous waste as alleged in the Notice of Violation.

FINDINGS OF FACT

I hereby adopt the findings of fact numbered 1 through 30, and 33 reached by the Hearing Officer. (1-30,33)

CONCLUSIONS OF LAW

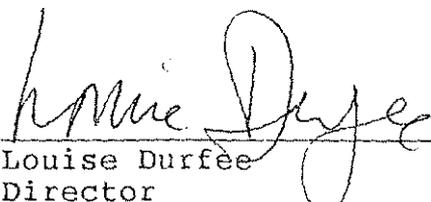
Based upon the above findings of fact I hereby adopt the recommended conclusions of law numbered 1 through 6, 8, 9, 14, 15 and 16.

It is therefore

ORDERED

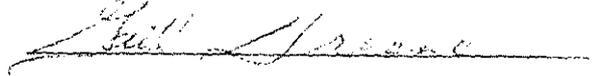
that the Notice of Violation be dismissed.

4/28/92  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Louise Durfee  
Director  
Department of Environmental  
Management

CERTIFICATION

I hereby certify that I caused a true copy of the within Final Agency Decision and Order to be hand-delivered to Attorney Mark W. Siegars, Department of Environmental Management, Office of Legal Services, 9 Hayes Street, Providence, RI 02908 and to Attorney Richard Galli, Adler, Pollock & Sheehan, 2300 Hospital Trust Tower, Providence, RI 02903 on this 28th day of April, 1992.



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