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

IN RE: MICHAEL MARRA AAD No. 93-016/AHE
Notice of Violation No. ERB 93-008

DECISION AND ORDER

This matter was reached for administrative hearing before the Administrative Adjudication Division for Environmental Matters ("AAD") on February 14, 1995. The Division of Site Remediation ("Division") was represented by Claude Cote, Esq., and the Respondent Michael Marra was represented by Joel Landry, Esq. The hearing was held at 1 Capitol Hill Providence, Rhode Island pursuant to a Notice Of Administrative Hearing forwarded to counsel on January 27, 1995. The hearing was held in accordance with the Administrative Procedures Act, R.I.G.L. §42-35-1 et. seq., the Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters ("AAD Rules") and in accordance with R.I.G.L. §42-17.6 et. seq. and R.I.G.L. §42-17.7 et. seq. Briefs were filed by the parties on a briefing schedule established by the hearing officer. The hearing was deemed closed on May 2, 1995 upon filing of the Division's brief.

A Prehearing Conference was held at AAD on November 16, 1994. Counsel agreed to certain stipulations of fact and to the admission of certain documents offered by the Division and

Respondent. A Prehearing Conference Record was issued on November 18, 1994 indicating the agreements of counsel. Counsel concurred on the record at the hearing that the prehearing conference record accurately reflected their agreements on exhibits and stipulations. The Division presented thirty-two (32) exhibits admitted at hearing as full exhibits. The list of Division exhibits is attached as Appendix "A". The Respondent offered nine (9) exhibits, some of which were agreed as full exhibits and others which remain marked only for identification as they were not moved into evidence at the hearing. A list of Respondent's exhibits is attached as Appendix "B".

The Division issued a Notice of Violation and Order and Penalty ("NOVAP") to the Respondent dated April 1, 1993. In the NOVAP the Division alleged that Respondent violated certain sections of the Rhode Island Hazardous Waste Management Act, R.I.G.L. §23-19.1-1 et. seq. and the Rules and Regulations for Hazardous Waste Generation, Transportation, Treatment, Storage and Disposal ("Regulations") adopted pursuant thereto. The specific allegations are set forth in detail in the NOVAP. The Division of Site Remediation bears the burden of proving by a preponderance of the evidence the allegations set forth in the NOVAP. Once the Division establishes a violation, the Rules and Regulations for the Assessment of Administrative Penalties ("Penalty Regulations"), Rule 12.00 provides that the burden of proof shifts to the Respondent to prove that the penalty

calculation is not in accordance with the Penalty Regulations.

The parties agreed to three stipulations of fact which were read into the record. They are as follows:

1. Mr. Michael Marra was the operator of the Rocky Hill Road site in question owned by Victory Enterprises, Inc.

2. Jurisdictional materials were identified on site on September 25, 1991; some of which were later determined to be hazardous waste by sampling analysis.

3. A non-waste determination was granted by the Department on June 16, 1993 for all materials on site except the materials which were determined to be hazardous waste. The non waste materials were subsequently removed from the property by Mr. Marra and the waste materials disposed of by Mr. Marra's contractor.

The Division presented its case first, calling John Leo as its initial witness. Mr. Leo is employed by the Department of Environmental Management and was qualified by agreement of the parties as an expert in the field of hazardous waste rules and regulations and sampling procedures. Mr. Leo testified that he was familiar with the Rocky Hill Road site that is the subject of the NOVAP("site"). Mr. Leo stated that he first visited the site in September 1991 and observed construction equipment, heavy duty trailers and old cars. Intermingled with the equipment were various drums and containers containing chemicals. Mr. Leo testified that the containers were unmarked and had no identifying labels to indicate content. The various containers which were observed by Mr. Leo were stored randomly and not segregated in any fashion. Mr. Leo testified that there were 6-8

heavy duty white plastic drums on site which had no identification on them. Due to the odor of gasoline, Mr. Leo suspected that the drums contained some form of naphtha. Mr Leo proceeded to take a random sample of four of the drums to have the contents analyzed for the presence of hazardous waste. The certificates of analysis (Division 2) were received by the Division on October 8, 1991. They indicate that the only type of analysis requested by the Division was for the flashpoint of the samples. Mr. Leo testified that the results of that analysis indicated that two of the four samples, due to their low flashpoint, constituted flammable hazardous waste. According to Mr. Leo's testimony he then informed Michael Marra of the content of the drums and how they should be stored and segregated. Mr. Leo was unclear as to when he spoke with Mr. Marra but under cross-examination he remained firm that he spoke to Mr. Marra in October or November of 1991 and not as late as December 1991 as opposing counsel suggested. Mr. Leo next visited the site on December 26, 1991 as evidenced by his inspection report (Division 3). The site remained basically the same with no changes to the white plastic drums, some of which were the subject of the laboratory analysis. Mr. Leo's final visit to the site was on February 28, 1992. His inspection report of that date (Division 4) indicates that no chemicals were added or removed since the last inspection. In his testimony Mr. Leo also noted that no action had been taken at the site

referencing specifically that the drums were not labeled, secured or stored in a manner consistent with the hazardous waste regulations. For the type of waste present at the site Mr. Leo declared that the Regulations require containment to prevent spillage, monthly inspection to prevent deterioration, weekly documentation and a spill containment plan. Based on his observations on the site on February 28, 1992, Mr. Leo concluded that the containers were not secured, there were no labels placed on the drums to indicate the presence of hazardous waste, no steps taken to prevent deterioration or spillage, and the drums were in fact placed on the surface of the ground surrounded by brush, posing a potential fire hazard. Mr. Leo stated that pursuant to the hazardous waste regulations the drums can only be stored for a period of ninety (90) days or less without a license from the Department of Environmental Management. On February 28, 1991, the materials were on the site for over ninety days and to Mr. Leo's knowledge no license had been issued to either the Respondent or the owner of the property. After February 28, 1992 Mr. Leo had no further involvement in this matter.

Under cross-examination Mr. Leo indicated that he first went to the property in response to a complaint called into the Division of Air and Hazardous Materials by Russell Trucking Co. Mr. Russell was present during the initial inspection and Mr. Leo testified that Mr. Russell directed him to the area of the property leased by the Respondent. The Respondent was not

present at the September 1991 inspection. Mr. Leo conceded that only two of the four drums sampled were characterized as flammable hazardous waste after analysis but indicated on redirect that there are other means of determining if a material is hazardous but that the test results only measured the flammability of the sample. Mr. Leo indicated that the Division did not ask the laboratory to perform any other type of analysis on the samples. Cross examination elicited the fact that none of the white plastic drums appeared to have leaked or caused contamination to the environment but Mr. Leo remained unyielding in his recollection that the drums were stored directly on the surface of the ground and not on wooden pallets. Mr. Leo stated under cross-examination that he was aware that the property owner and the Respondent were not getting along and that during his February inspection Mr. Russell informed him that eviction proceedings were ongoing against the Respondent.

On redirect Mr. Leo asserted that when the drums were ultimately removed by the Respondent's contractor, the contractor's analysis of the drums (as reflected in the waste manifest, Respondent 2 Full) confirmed that 7 drums contained hazardous waste. The contents of the seven drums reflected either waste-gasoline or EPA Listed Hazardous Wastes D018 and D001. Mr. Leo testified that these results were consistent with the materials he observed on the property commencing in September, 1991.

The Division's only other witness was Jeffrey Crawford. Mr. Crawford is employed by the Department of Environmental Management, Division of Site Remediation as a Principal Environmental Scientist. Mr. Crawford was qualified by agreement of the parties as an expert in the field of hazardous waste rules and regulations and sampling procedures. Mr. Crawford testified that he was present for Mr. Leo's testimony and the events and circumstances described by Mr. Leo. During the period September 1991 through April, 1993, Mr. Crawford served as Mr. Leo's supervisor. Mr. Crawford testified that he was personally familiar with the site and the drums cited in the NOVAP. He stated that the NOVAP was issued under his supervision based on Mr. Leo's inspection reports and the results of the sampling analysis which indicated the presence of hazardous waste on the property. At the time the NOVAP was issued, the hazardous waste had been stored on the site for greater than ninety (90) days without a permit. Specifically, Mr. Crawford asserted that prior to issuance of the NOVAP the drums in question had been on the site for approximately 18-20 months. Mr. Crawford visited the site after issuance of the NOVAP with the Respondent present and stated that his observations regarding the hazardous waste were consistent with Mr. Leo's testimony. Finally, Mr. Crawford testified that he prepared the penalty calculation in accordance with the Rules and Regulations for the Assessment of Administrative Penalties.

On cross examination Mr. Crawford acknowledged that he had been involved with this matter since September, 1991, but his first visit to the property was subsequent to issuance of the NOVAP with the Respondent present and providing assistance in leading Mr. Crawford around the site. Mr. Crawford was candid in his testimony stating that some drums might have been placed on pallets but that the majority were placed directly on the ground. He confirmed Mr. Leo's testimony that there appeared to be no spillage from the drums. Mr. Crawford testified that he was aware that Respondent was having trouble obtaining access to the site and at one point, Mr. Crawford was present on site with Respondent's hazardous waste contractor because Respondent was prohibited from entering the site by the property owner.

There was no redirect examination and the Division rested after Mr. Crawford's testimony. In addition to the testimonial evidence presented by the division, thirty two exhibits were admitted by agreement as full exhibits.

Attorney Landry made a brief opening statement. He asserted that the evidence will show that there was no willful storage of hazardous waste on the site and that the Respondent had no knowledge that the content of the drums was hazardous. Once Respondent became aware that hazardous waste was on the site, he tried to take steps to have another party accept responsibility and when that failed, he hired a licensed contractor to remove the hazardous waste. Mr. Landry stated that the evidence will

further demonstrate that the Respondent never interfered with the Division and, in fact, cooperated with the Division to remove the hazardous waste.

Michael Marra testified in his own behalf. Mr. Marra is an explosives consultant whose work includes drilling and blasting rock, earth moving and transport. Mr. Marra testified that he is not in the business of selling surplus chemicals nor is he a waste dealer. Mr. Marra confirmed that he was leasing the site from Russell Trucking Co. in September, 1991. He conceded that he placed the white plastic drums on the site in late 1990 or early 1991. He testified that he obtained the plastic drums from an entity he identified as Car Wash King. The drums contained a liquid which Mr. Marra stated he believed was "dirty water". Mr. Marra transported the drums to the site and, according to his testimony, placed the drums on pallets on the surface of the ground. He testified that the drums were on pallets continuously from the time that they arrived on the site through the time they were removed by the contractor. Later in his testimony, Mr. Marra indicated that the white plastic drums were also covered by "windows" which he described as old storm windows removed from buildings and used to cover the drums. Mr. Marra said that he never opened the drums or checked the contents of the drums because he was informed that the content was merely "dirty water".

Mr. Marra testified that he had difficulty obtaining access

to the site and at one point was under a restraining order impeding access to the site. A letter from the property owners' counsel dated May 7, 1993, however, clearly establishes that the Respondent was allowed on the site for the purpose of removing the drums which are the subject of this proceeding (Division 9). Mr. Marra testified that he had no difficulty in arranging for disposal through a contractor and undertook steps to remove the drums as soon as he was informed that the drums contained hazardous waste. Mr. Marra asserted that the first time he was made aware that hazardous waste was on the site was when he received the NOVAP. He denied receiving notification in October or November 1991 as testified to by Mr. Leo. Mr. Marra asserted that it was difficult to get in and out of the site for 10-11 months of the year due to the muddy conditions on the site. He stated that the site had been "dug out" resulting in wet muddy conditions which, according to Mr. Marra, affected his ability to get in and out of the site. Mr. Leo, however visited the site in the months of September, December and February and testified that his four wheel drive vehicle had no difficulty negotiating the conditions on site. Moreover, testimony by Mr. Leo and Mr. Crawford on cross-examination concerning whether any spills had occurred indicated that the ground around the drums was dry.

On cross examination Mr. Marra reiterated the fact that he was not informed by Mr. Leo of the analytical results indicating the presence of hazardous waste. He also repeated the fact that

the drums were up on pallets but conceded that rainwater or spills could pass through the openings on the pallets and that there was no secondary containment around the drums. Mr. Marra acknowledged that the NOVAP was issued on April 1, 1993 and that the materials were not removed as required until November 19, 1993, a period of over six months.

By way of brief, Respondent makes the legal argument that no violation of either the statute or the Regulations as alleged in the NOVAP can be found by this hearing officer because the facts are clear that the Respondent did not "knowingly" violate the Regulations or statute. As support for this contention, Respondent cites State ex-rel Iowa Department of Water, Air and Waste Management v. Presto-X C's, 417 NW 2d 199, (Iowa, 1987). Reliance on this case is misplaced. The disputed Iowa statute made it unlawful for any person to **knowingly** transport a hazardous waste. Without question, it is necessary under the Iowa statute to prove the element of knowledge. R.I.G.L. §23-19.1-10(a) does **not** contain a knowledge or willfulness requirement nor is it a criminal statute. Subsequent sections of the Rhode Island Hazardous Waste Management Act require proof of willfulness or knowledge. **See**, R.I.G.L. §23-19.1-17.1, R.I.G.L. §23-19.1-18. It is apparent from a reading of the Rhode Island Hazardous Waste Management Act as a whole, and from the particular sections discussed, that the legislature chose not to require proof of willfulness or knowledge concerning violations

of R.I.G.L. §23-19.1-10(a).

Counsel for the Respondent also argues that the Regulations do not apply to the Respondent as he is not a generator of hazardous waste. Paraphrasing the Regulations, they define a generator, inter alia, as any person whose act first causes a hazardous waste to become subject to regulation. Although the Respondent is not in the business of dealing with hazardous waste on a regular basis or in a business that regularly generates hazardous waste, his acts of disposing of hazardous waste and storage of hazardous waste in excess of ninety days without a permit first caused the wastes to become subject to regulation. Moreover, Respondent's Exhibit 2 establishes that the respondent signed the invoice and waste manifest as the generator of the waste.

FINDINGS OF FACT

After careful review of all the testimonial and documentary evidence of record, and assessing the credibility of witnesses, I find as fact the following:

1. Mr. Michael Marra (hereinafter "Respondent") was the operator of the Rocky Hill Road site in question (hereinafter "site") owned by Victory Enterprises, Inc.

2. Mr. Marra transported white, heavy duty plastic drums to the site.

3. Michael Marra placed the drums on the site in question and the drums remained on the site for a period of time that exceeded 90 days.

4. The Respondent obtained the drums from a car wash and believed that they contained dirty water. The respondent never opened the drums to determine the contents.

5. John Leo visited the site in September 1991 and observed various drums and containers which were unmarked and had no identifying labels.

6. Specifically, six to eight heavy duty white plastic drums were observed by Mr. Leo and from which he detected a gasoline odor.

7. Mr. Leo took a random sample of four of the drums and had the samples analyzed for the presence of hazardous waste.

8. Jurisdictional materials were identified on site on September 25, 1991; some of which were later determined to be hazardous waste by sampling analysis.

9. The certificates of analysis indicated that two of the four samples constituted hazardous waste due to the low flashpoint of the sampled waste.

10. Mr. Leo informed the Respondent of the content of the drums and the manner in which they were to be stored and segregated. Mr. Leo was unsure as to the exact date on which he informed the Respondent but it was prior to December 1991.

11. On December 26, 1991 Mr. Leo visited the site and observed that the site remained basically the same with no changes to the white plastic drums.

12. On February 28, 1992 Mr. Leo observed the white plastic drums placed directly on the surface of the ground surrounded by brush.

13. February 28, 1992 was Mr. Leo's final visit to the site. The white plastic drums were not labeled, secured or stored in a manner that would prevent spillage, spill containment or deterioration.

14. No permit or license was issued by the Department to the Respondent or owner of the property.

15. The Division of Site Remediation issued a Notice of Violation and Order and Penalty to Michael Marra and Victory Enterprises Inc. on April 1, 1993.

16. At the time the Notice of Violation and Order and Penalty was issued, the materials had been on the site for approximately 18-20 months.

17. Michael Marra filed a request for an adjudicatory hearing with the AAD on April 6, 1993.

18. Victory Enterprises filed a request for an adjudicatory hearing with the AAD on April 13, 1993 and executed a consent agreement with the Division dated December 9, 1993 and is not a party to this administrative proceeding.

19. A non-waste determination was granted by the Department on June 16, 1993 for all materials on site except the materials which were determined to be hazardous waste. The non waste materials were subsequently removed from the property by Mr. Marra and the waste materials disposed of by Mr. Marra's contractor.

20. Mr. Crawford visited the site after issuance of the Notice of Violation and Order and Penalty. Some of the drums

were stored on pallets but the majority were stored directly on the ground.

21. No visible release from the drums was observed at the site.

22. The Respondent did not label or mark the drums to indicate waste content or other identifying information.

23. The Respondent did not undertake to determine if any of the barrels contained waste that might meet the definition of hazardous waste under state regulations or federal requirements.

24. The materials determined to be hazardous waste were removed from the property by the Respondent's contractor on November 19, 1995.

25. The waste manifest indicated that seven (7) drums removed by the contractor contained hazardous waste.

26. The hazardous waste contained in the seven drums was identified as either waste gasoline or EPA Listed Hazardous Wastes D018 and D001.

27. The hazardous waste characterization indicated on the contractor's manifest was consistent with the materials Mr. Leo observed on site commencing in September, 1991.

28. The Respondent signed the waste manifest and invoice as the generator of the waste.

29. The relationship between the Respondent and the property owner was strained to the point where eviction proceedings were commenced against Respondent making access to the site difficult.

30. Respondent was granted access to the site by the property owner commencing on May 7, 1993 for the purpose of removing the drums which are the subject of this administrative proceeding.

31. The Respondent did not have the hazardous waste removed from the site until November 19, 1993.

32. The Regulations define generator as any person, by site, who produces hazardous waste or imports hazardous waste from a foreign country or whose act or process produces hazardous waste or whose act first causes hazardous waste to become subject to regulation.

33. The respondent stored hazardous waste at the site without an operating permit or approval from the Director.

34. The Respondent placed hazardous waste on the site without an operating permit or approval of the Director.

35. The Respondent did not label the drums to indicate the generator's name and address, waste components , waste code or date of containerization.

36. The Respondent failed to obtain an EPA ID Number for the hazardous waste.

37. The Respondent failed to determine if any of the materials on the site met the definition of a hazardous waste.

38. The penalty was assessed by the Division following the requirements of the Rules and Regulations for the Assessment of Administrative Penalties.

39. The Division considered that no visible release was observed at the site and determined the violations to be "moderate" as they posed a potential harm to human health and the environment.

CONCLUSIONS OF LAW

1. The Department has jurisdiction over the Respondent and over the subject matter of this proceeding.

2. The Division proved by a preponderance of the evidence that the Respondent violated R.I.G.L. §23-19.1-10(a) by disposing of hazardous waste as defined by Section 3.19 of the Regulations and by §23-19.1-4(3) of the General Laws of Rhode Island, 1989 Reenactment, as amended.

3. For purposes of the Notice of Violation and Order and Penalty, the Respondent is a generator as defined by the Regulations.

4. The Division proved by a preponderance of the evidence that the Respondent violated Rule 5.01 of the Regulations.

5. The Division proved by a preponderance of the evidence that the Respondent violated Rule 5.03 of the Regulations.

6. The Division proved by a preponderance of the evidence that the Respondent violated Rule 5.04 of the Regulations.

7. The Division proved by a preponderance of the evidence that the Respondent violated Rule 5.08 of the Regulations.

8. None of the above-cited statutes or Regulations includes a knowledge requirement.

9. The Respondent failed to demonstrate by a preponderance of the evidence that the penalty was not assessed in accordance with the Penalty Regulations.

Based on the foregoing Findings of Fact and Conclusions of Law it is hereby

ORDERED

1. The Notice of Violation and Order and Penalty issued to Michael Marra, ERB No. 93-008 (AAD No. 93-016/AHE is **SUSTAINED.**

2. Michael Marra shall pay an administrative penalty of $6,990.00 as set forth in the Notice of Violation and Order and Penalty.

3. Payment shall be made within **ten (10)** days of issuance of the Final Agency Order.

4. The administrative penalty shall be in the form of a certified check made payable to the General Treasurer, State of Rhode Island and made directly to:

Rhode Island Department of Environmental Management
Office of Business Affairs
22 Hayes Street
Providence, RI 02908

Entered as a Recommended Decision and Order this 25th day of May, 1995.

Kathleen M. Lanphear
Chief Hearing Officer
Administrative Adjudication Division
Department of Environmental Management
1 Capitol Hill, Third Floor
Providence, RI 02908
(401) 277-1357

Entered as a Final Agency Decision and Order on this ____ day of May, 1995.

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

CERTIFICATION

I hereby certify that I caused a true copy of the within order to be forwarded, via regular mail, postage prepaid to Joel D. Landry, Esq., One State Street, Suite 401, Providence, RI 02908 and via interoffice mail to Claude Cote, Esq., Office of Legal Services, 9 Hayes Street, Providence, RI 02908 on this 2 day of May, 1995.

APPENDIX A

Div. 1 Full	Copy of Complaint Report filed by James Russell against Michael Marra dated September 13, 1991.
Div. 2 Full	Copy of analytical results of samples taken by RIDEM on September 13, 1991 and reported on October 7, 1991.
Div. 3 Full	Copy of field investigation report by RIDEM dated December 26, 1991.
Div. 4 Full	Copy of field investigation report by RIDEM dated February 28, 1992 with pictures.
Div. 5 Full	Copy of Notice of Violation and Order and Penalty issued to Victory Enterprises, Inc., and Michael Marra dated April 1, 1993.
Div. 6 Full	Copy of letter from Michael Marra to DEM/AAD dated April 5, 1993 concerning request for an informal hearing on April 21, 1993.
Div. 7 Full	Copy of letter from Karen Lockaby, Esq., for Victory Enterprises, Inc. to DEM/AAD Clerk B. Stewart, dated April 9, 1993.
Div. 8 Full	Copy of request for Show Cause Hearing and Objection to Notice of Violation and Order and Penalty from George E. Babcock, Esq., attorney for Michael Marra to DEM/AAD dated April 8, 1993 (mailed).
Div. 9 Full	Copy of letter from K. Lockaby, Esq., for Victory Enterprises, Inc., dated April 28, 1993 for informal meeting request with Division representatives on May 12, 1993.
Div. 10 Full	Copy of letter of Authorization from K. Lockaby, Esq., for Victory Enterprises dated May 7, 1993 allowing Michael Marra access to the property to retrieve his materials which were stored on premises.

Div. 11 Full	Copy of letter from DEM to Michael Marra dated June 16, 1993 outlining joint inspection conditions indicated on the Victory Enterprises property on June 15, 1993 with pictures.
Div. 12 Full	Copy of letter from George Babcock, Esq., for Michael Marra to RIDEM dated July 2, 1993 requesting one week's extension to get rid of the hazardous waste identified on June 15, 1993.
Div. 13 Full	Copy of letter from RIDEM to George Babcock, Esq., requesting disposal documentation from Michael Marra dated September 14, 1993.
Div. 14 Full	Copy of field investigation by RIDEM dated October 19, 1993 concerning site observations and lack of compliance by Michael Marra with pictures.
Div. 15 Full	Copy of RIDEM letter to George Babcock, Esq., for Michael Marra dated October 20, 1993 concerning the October 19, 1993 field investigation.
Div. 16 Full	Copy of Consent Agreement copies issued to Victory Enterprises, Inc., and Michael Marra dated November 10, 1993 for review and signature.
Div. 17 Full	Copies of correspondence between George Babcock, Esq., and Mary Beth Eisenmann of Western Oil Co., dated November 29, 1993 concerning the site clean-up status.
Div. 18 Full	Copy of RIDEM letter to George Babcock, Esq., dated November 30, 1993 concerning Michael Marra's failure to comply.
Div. 19 Full	Copy of facsimile from George Babcock, Esq., to RIDEM dated December 6, 1993 documenting disposal of the waste material by Michael Marra.
Div. 20 Full	Copy of cover letter from Karen Lockaby with signed Consent Agreement by her client, James Russell for Victory Enterprises, Inc.

Div. 21 Full	Copy of RIDEM letter to Karen Lockaby, Esq., documenting receipt of the signed Consent Agreement copies.
Div. 22 Full	Copy of letter to RIDEM from George Babcock, Esq., dated January 21, 1994 with manifest copies for disposal.
Div. 23 Full	Copy of letter to George Babcock, Esq., from RIDEM dated March 30, 1994 outlining stipulations of the case.
Div. 24 Full	Copy of George Babcock's Motion to Withdraw filed at DEM/AAD dated June 16, 1994.
Div. 25 Full	Copy of letter from Michael Marra to Kathleen Lanphear (DEM/AAD), Claude Cote (DEM Legal Services) dated June 20, 1994 objecting to George Babcock's, Esq., request to withdraw.
Div. 26 Full	Copy of letter from Michael Marra to Kathleen Lanphear (DEM/AAD) and Claude Cote (DEM Legal Services) dated June 23, 1994 concerning George Babcock's, Esq., Motion to Withdraw.
Div. 27 Full	Copy of Order from DEM/AAD granting George Babcock's request for withdrawal dated June 30, 1994.
Div. 28 Full	Copy of follow-up letter dated June 30, 1994 to Michael Marra from DEM/AAD concerning the Order Granting Attorney Babcock's motion to withdraw.
Div. 29 Full	Copy of letter from Michael Marra to Kathleen Lanphear DEM/AAD received at RIDEM on July 21, 1994.
Div. 30 Full	Resume of John P. Leo, Division of Site Remediation.
Div. 31 Full	Resume of Jeffrey Crawford, Division of Site Remediation.
Div. 32 Full	Resume of Beverly Migliore, Division of Waste Management.

APPENDIX B

Resp. 1 Full (a - u)	Copies of photographs (pp 21).
Resp. 2 Full	Copy of Western Oil, Inc., invoice dated November 19, 1993 with attached Uniform Hazardous Waste Manifest No. MA H372394 sheets 3, 6, 7 and 8 (pp. 5).
Resp. 3 for Id	Copy of letter dated August 10, 1993 from Michael Marra to Car Wash King-Power Wash with copy of U.S. Postal return receipt card (pp. 2).
Resp. 4 for Id	Copy of letter dated August 12, 1993 from Attorney George E. Babcock to Car Wash King (p. 1).
Resp. 5 for Id	Copy of letter dated August 27, 1993 from Attorney George E. Babcock addressed to "To Whom It May Concern" (p. 1).
Resp. 6 Full	Copy of Letter of Engagement from Ralph A. Cataldo of Cataldo Engineering dated September 30, 1993 (p. 1).
Resp. 7 Full	Copy of letter of acknowledgement of receipt of check from Cataldo Engineering to Michael Marra dated October 1, 1993 (p. 1).
Resp. 8 for Id	Copy of letter from Attorney George E. Babcock to Car Wash King dated October 17, 1993 (p. 1).
Resp. 9 for Id	Copy of handwritten note dated October 25, 1993 addressed to Tom Baccala, UST, Engineering (p. 1).