

Department of Environmental Management

Administrative Adjudication Division

State of Rhode Island

RE: RICHIE REALTY CORPORATION

AAD No. 98-003/FWE

Notice of Violation No. C97-0235

June 7, 1999

DECISION AND ORDER

This matter came before the Administrative Adjudication Division (“AAD”) of the Department of Environmental Management (“Department” or “DEM”) on a Notice of Violation and Order No. C 97-0235 (“NOV”) issued to Richie Realty Corporation (“Respondent”)¹ by the Office of Compliance and Inspection (“OCI”) dated May 8, 1998. The Respondent filed a request for hearing at the AAD on May 15, 1998.

This matter is properly before the Hearing Officer pursuant to the Freshwater Wetlands Act (R.I.G.L. Section 2-1-18 et seq.), the statutes governing the AAD (R.I.G.L. § 42-17.7-1 et seq.), the Administrative Procedures Act (R.I.G.L. § 42-35-1 et seq.), the duly promulgated Rules and Regulations Governing the Enforcement of the Freshwater Wetlands Act (“Wetlands Regulations”), the Administrative Rules of Practice and Procedure for the AAD, and the Rules and Regulations for Assessment of Administrative Penalties (“Penalty Regulations”). The hearing was conducted in accordance with the above noted statutes and regulations.

The NOV alleged that Respondent violated R.I.G.L. § 2-1-21 and Rule 7.01 of the Wetlands Regulations, in that the Respondent did accomplish or permit alterations of freshwater wetlands in four (4) instances without having first obtained the approval of the Director of DEM. Said NOV alleged specifically that an inspection of the property owned by Respondent and located approximately 250 feet west of Carolina Nooseneck Road, approximately 200 feet south of the intersection of Carolina Nooseneck Road and Buttonwoods Road, and identified as the Town of Richmond, R.I. Assessor’s Plat 4C, Lot 19 (the “Property”) on April 21, 1997 and August 20, 1997 revealed that the Respondent did accomplish or permit unauthorized alterations of freshwater wetlands in four instances, specifically: (1) Filling, grading, and creating soil disturbance into a stream; (2) Filling (in the form of stumps, bricks, demolition and other debris), clearing, grading, grubbing and creating soil disturbance into a Riverbank Wetland; (3) Filling (in the form of stumps, bricks, demolition and other debris), clearing, grading, and creating soil disturbance into a Riverbank Wetland; and (4) Clearing, grading, grubbing and creating soil disturbance into a Forested Wetland.

Said **NOV** 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 NOV; (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 DEM; and (4) to pay an administrative

penalty of Three Thousand Two Hundred Dollars (\$3,200.00).

The Prehearing Conference ("PHC") was held on August 7, 1998 and the requisite PHC Record was entered on August 13, 1998. The adjudicatory hearing was conducted on September 30, 1998, October 23 and 29, 1998. Post - hearing Memoranda (or Briefs) were filed by OCI and Respondent on January 19, 1999 and January 20, 1999, respectively. OCI filed a Reply Memorandum on February 12, 1999. Paula J. Younes, Esq. represented the OCI and Raymond R. Pezza, Esq. represented Respondent.

The following stipulations of fact were agreed to at the Prehearing conference:

1. The NOVAO was received by Raymond Pezza, Registered Agent for Richie Realty Corporation on May 13, 1998.
2. The Respondent filed a request for an adjudicatory hearing on May 15, 1998.

The Office of Compliance and Inspection bore the burden of proving by a preponderance of the evidence that the Respondent violated R.I.G.L. §2-1-21 and Rule 7.01 of the Wetlands Regulations as alleged in the four (4) instances in the NOV, and that the Department is entitled to the relief requested in the Restoration Order and Penalty Assessment as set forth in the NOV.

At the hearing, it was stipulated that Richie Realty Corporation, the Respondent has been a legal owner of a parcel of property identified in the Land Evidence Records for the Town of Richmond, Rhode Island, Assessor's Plat 4C, Lot No. 19, going back to 1989, and on the date of the alleged violations and at all pertinent times thereto and in reference to the hearing. The following stipulations were also agreed to by the parties concerning the penalty assessment in the NOV:

(1) If the Hearing Officer determines that the Respondent violated the Freshwater Wetland Act, Rhode Island General Laws, Title Two, Chapter One, Section 21, et seq., in instance one of the Notice of Violation C97-0235, the parties stipulate that the penalty of \$1,000, as assessed and delineated in the penalty matrix is appropriate and shall be affirmed.

(2) If the Hearing Officer determines that the Respondent violated the Freshwater Wetland Act, Rhode Island General Laws, Title Two, Chapter One, Section 21, et seq., in instance two of the Notice of Violation C97-0235, the parties stipulate that the penalty of \$900, as assessed and delineated in the penalty matrix is appropriate and shall be affirmed.

(3) If the Hearing Officer determines that the Respondent violated the Freshwater Wetland Act, Rhode Island General Laws, Title Two, Chapter One, Section 21, et seq., in instance three of the Notice of Violation C97-0235, the parties stipulate that the penalty of \$900, as assessed and delineated in the penalty matrix is appropriate and shall be affirmed.

(4) If the Hearing Officer determines that the Respondent violated the Freshwater Wetland Act, Rhode Island General Laws, Title Two, Chapter One, Section 21, et seq. in instance four of the Notice of Violation C97-0235, the parties stipulate that the penalty of \$400, as assessed and delineated in the penalty matrix, is appropriate and shall be affirmed.

The documents introduced into evidence by OCI and admitted as full Exhibits are contained in Appendix A.

No documents were introduced into evidence by Respondent.

Tracey D'Amadio was called as a witness for OCI. She is presently employed by DEM as a Senior Environmental Scientist with the OCI. Her previous position with DEM was a Senior Natural Resource Specialist with the Freshwater Wetland Section. It was stipulated at the hearing that Ms. D'Amadio was qualified as an expert in the field of Wetlands Ecology, Aerial Photograph Interpretation, and as a Natural Resource Specialist.

It was Ms. D'Amadio's testimony that an inspection of the Property on April 21, 1997 revealed that a stream channel, two 100-foot riverbank wetlands and a forested wetland on the Property were being altered, specifically by filling, grading, clearing and creating soil disturbance. At that time, a Cease and Desist Order was issued to Mr. Richard Romanoff, who was conducting the activity that was occurring on-site. She conducted a records search of the Department's files and determined that a permit had not been issued by the Department for said activities. Ms. D'Amadio testified, within a reasonable degree of scientific certainty, that freshwater wetlands, are located on the Property. Specifically, Ms. D'Amadio opined, based on her site inspection, her review of Department files, and her interpretation of relevant aerial photographs, that a stream, its associated riverbank wetlands, and a forested wetland, exist upon the Property.

Ms. D'Amadio returned to investigate the site on August 20, 1997, and determined that work had continued into one of the riverbank wetlands. During her two site inspections, she observed alterations of the stream channel, the two 100-foot riverbank wetlands and the forested wetland by filling, grading, clearing, and creating soil disturbance. Also, that Mr. Richard Romanoff (the recipient of the Cease and Desist Order) was present and working on the site on both dates. It was this witness's expert opinion, within a reasonable degree of scientific certainty, that the freshwater wetlands on the Property were altered by Respondent, its agents and/or servants.

Scott P. Rabideau was called as a witness for Respondent. OCI stipulated that he is qualified as an expert in wetlands ecology. Mr. Rabideau testified that he conducted an inspection on the subject property; and that he reviewed the DEM violation file for the Property, DEM application file No. 85-189D, and the relevant aerial photographs supplied by the Department.

It was Mr. Rabideau's testimony that there was an original violation concerning the Property that dated back to February of 1985. As part of the settlement of this violation, the alleged violator applied for and obtained an insignificant alteration permit (No. 85-189D). This permit was issued in 1985; and, as with all permits issued at that time, it did not have an expiration date. Pursuant to regulations adopted by the Department in April of 1994, all permits not having an expiration date expired in April of 1998. Permit No. 85-189D classified the wetlands as an area subject to storm flowage and an area subject to flooding. Mr. Rabideau postulated that if the Department had chosen to issue a notice of violation instead of a noncompliance order with the existing permit, the NOV should have reflected the appropriate classifications. However, Mr. Rabideau did acknowledge that even if the original permit remained valid, any work outside the scope of the permit was required to be reviewed by the Department.

The issues to be considered herein are (1) whether there are freshwater wetlands present on the Property which are subject to the jurisdiction of the DEM, consisting of a stream, its associated riverbank wetlands, and a forested wetland; (2) whether said wetlands were altered by the Respondent, its agents and/or servants; (3) whether these alterations changed, added to or took from or otherwise altered the character of freshwater wetlands located on the Property; (4) whether the alterations of the freshwater wetlands on the Property were performed absent a permit from the Director of the Department and are therefore violations as alleged in the NOV;

and (5) whether the OCI's issuance of the NOV was proper and should be affirmed.

The parties are in agreement that the Respondent has been the owner of the Property since 1989. The existence of jurisdictional freshwater wetlands on the Property, viz. a stream, its associated riverbank wetlands, and a forested wetland, was clearly established by OCI's expert witness, Ms. D'Amadio. Her testimony in this regard was positive and uncontroverted. Said evidence was unchallenged and not discredited by other positive testimony or by circumstantial evidence extrinsic or intrinsic and is therefore deemed conclusive upon this hearing Officer as the trier of fact. State v. A. Capuano Bros., Inc., 120 R.I. 58 (1978).

A review of the transcript of the hearing discloses that the Respondent's Post-hearing Brief misquotes the testimony of OCI's expert. The allegations will be discussed in the order presented in Respondent's Brief. Contrary to Respondent's allegation, it was Ms. D'Amadio's testimony that the definition of a forested wetland, while not found expressly in the Freshwater Wetlands Act, is contained in the Wetlands Regulations; and that the area involved in instance 4 of the NOV was a forested wetland. Also, Ms. D'Amadio clearly did not testify that the area involved in Instance 3 of the NOV is not riverbank wetland as defined by R.I.G.L. 2-1-20. Her response in the negative when asked if she observed a flowing body of water having a width of 10 feet or more does not indicate (as suggested by Respondent) that the area in question was not a riverbank wetland. R.I.G.L. 2-1-20 (g) provides that the term "River Bank" shall be that area of land within two hundred feet (200') of the edge of any flowing body of water having a width of ten feet (10') or more and that area of land within one hundred feet (100') of the edge of any flowing body of water having a width of less than ten feet (10') during normal flow. Respondent apparently overlooks the fact that Ms. D'Amadio was not questioned in cross-examination as to whether she observed a flowing body of water having a width of less than 10 feet (to which she replied in the affirmative in her direct testimony).

Respondent's argument that the area identified by Ms. D'Amadio as a stream could not be such lacks merit. Although there is no definition of a stream in the Freshwater Wetlands Act, the term "stream" is defined in the Wetlands Regulations as "any flowing body or watercourse other than a river which flows during sufficient periods of the year to develop and maintain defined channels". Ms. D'Amadio testified that she observed the subject stream in April and August of 1997, and that the normal flow is April to November. Ms. D'Amadio's testimony clearly establishes that the classifications of wetlands then existing on the subject property were properly identified in the NOV. In addition thereto, Respondent's expert, Mr. Rabideau, confirmed that a stream, two Riverbank Wetlands and a Forested Wetland exist on the subject property under the present regulations. Since the area in question is a freshwater wetland, the Department has jurisdiction in this matter.

The evidence clearly established that the Respondent, its agent(s) or servant(s) altered or permitted the alterations of the wetlands on the Property as detailed in the NOV, and that these alterations changed, added to or took from or otherwise altered the character of said freshwater wetlands located on the Property. No evidence was offered by Respondent to contradict OCI's evidence in this regard.

It is undisputed that the named Respondent never applied for a permit to conduct the activities for which it was cited in the NOV. Said activities clearly are alterations which are prohibited by the Wetlands Act and the Wetlands Regulations. R.I.G.L. 2-1-21 (a) provides that no one may excavate, fill, change, add to or take from or otherwise alter the character of any fresh water wetland

without first obtaining the approval of the director. Section 7.01 of the Freshwater Wetlands Regulations provides that a proposed project or activity which may alter freshwater wetlands requires a permit from the Director. This requisite has been affirmed by our Rhode Island Supreme Court in Wood v. Davis, 488 A. 2d 1221 (R.I. 1985) which held that as a matter of law, prior approval of the director always is required before a person can lawfully alter a wetland.

Respondent's attempt to seek cover under the 1985 permit fails. Permit No. 85-189D was issued to a previous owner in 1985. The evidence does not substantiate Respondent's claim that the OCI acted improperly in the issuance of the NOV, nor does it justify a dismissal of this action. The permit was not transferable unless the new owner complied with the requirements for a transfer. Section 9.08 of the Freshwater Wetlands Regulations provides that any permit issued by the Department to an applicant is not transferable to another person unless the new owner completes and submits an Application for Permit Transfer. No evidence was presented, nor did the Respondent ever assert, that a transfer of the permit was accomplished. Although a valid transferee of the permit could stand in the shoes of the original permittee and assert all rights and defenses under the permit, Respondent in this case can not.

Moreover, the scope of the violations alleged in the NOV go well beyond the activities sanctioned in the 1985 permit. The Respondent does not contend, nor was any evidence introduced, which would indicate that the alleged illegal activities which Respondent was conducting were included in the 1985 permit or authorized thereunder. The activities being conducted by Respondent were not in conformance with the permit; and despite the validity of the permit issued to a prior owner, any additional work is required to be reviewed by the Department.

The prior designation of the classifications of the freshwater wetlands on the subject property pursuant to the freshwater alteration permit (85-189D) issued to a prior owner of said property in 1985 reflected the then current Wetlands Regulations. However, the alterations for which the Respondent was cited in the NOV occurred in 1997, and the OCI appropriately classified the freshwater wetlands in accordance with the Freshwater Wetlands Regulations in effect at that time. Said alterations were performed absent a permit from the Director and are therefore violations as alleged in the NOV.

R.I.G.L. 42-17.1-2(u) provides that the Department has the power and duty to issue a notice of an alleged violation to the person responsible therefore whenever the Director determines that there are reasonable grounds to believe that there is a violation of any law or regulation. Certainly OCI had reasonable grounds to believe that there the Respondent was responsible for the violations for which it was cited. Consequently, OCI's issuance of the NOV was proper and should be affirmed.

R.I.G.L. 2-1-23 provides that in the event of a violation of § 2-1-21, the Director has the power to order complete restoration of the fresh water wetland area involved by the person or agent responsible for the violation. R.I.G.L. 2-1-24(a) provides that whenever anyone shall commence any activity set forth in 2-1-21 without first having obtained the approval of the Director, or violates any rule or regulation of the Director, the Director has the power to order the violator to cease and desist immediately and/or restore the wetlands to their original state insofar as possible. OCI has proven by a preponderance of the evidence that the Respondent is responsible for alterations of the freshwater wetlands located upon the subject property and that Respondent failed to obtain a permit to perform these alterations prior to effectuating the same. Consequently OCI is entitled to the restoration order it seeks in the NOV. State v. Distante, 455 A. 2d 305 (R.I.

1983), Williams v. Durfee, C.A. No. PC 1216, July 6, 1993, Parrillo v. Durfee, C.A. No. 92-5722, May 24, 1993.

R.I.G.L. 42-17.1-2 provides that the Director shall have the power and duty to impose administrative penalties in accordance with the provisions of Chapter 17.6 of this title. § 42-17.6-2 grants the authority to the Director to assess an administrative penalty for failure to comply with any provisions of any rule, regulation, order, permit, license, or approval issued or adopted by the Director, or of any law which the Director has the authority or responsibility to enforce.

The parties stipulated at the commencement of the hearing that in each of the four instances of the alleged violations as outlined in the NOV, if the Hearing Officer determined that the Respondent violated the Freshwater Wetland Act, R.I.G.L. 2-1-21, et seq., the penalty as assessed and delineated in the penalty matrix is appropriate and shall be affirmed. The Hearing Officer finds that the OCI has satisfied its' burden of proving by a preponderance of the evidence that the Respondent violated the Freshwater Wetlands Act in each of the four instances of the NOV. Therefore, the penalty as assessed and delineated in the penalty matrix is appropriate and is affirmed.

FINDINGS OF FACT

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

1. Richie Realty Corporation ("Respondent") was the legal owner of that parcel of property located approximately 250 feet west of Carolina Nooseneck Road, approximately 200 feet south of the intersection of Carolina Nooseneck Road and Buttonwoods Road, and identified in the Land Evidence Records for the Town of Richmond, Rhode Island as Tax Assessor's Plat 4C, Lot No. 19 ("Property") on the date of the alleged violations and at all pertinent times relative to this hearing.
2. State jurisdictional Freshwater Wetlands, specifically, a Stream, its two associated Riverbank Wetlands, and a Forested Wetland exist upon the Property.
3. The Office of Compliance and Inspection ("OCI") conducted an inspection of the property on April 21, 1997 which revealed that the Respondent did accomplish or permit filling, grading, and creating soil disturbance into the stream on the Property.
4. The filling, grading, and creating soil disturbance into a stream on the Property altered the character of freshwater wetlands on the Property.
5. At the time when the Respondent did accomplish or permit filling, grading, and creating soil disturbance into a stream on the Property, the Respondent did not have a permit issued by the Director of the Rhode Island Department of Environmental Management to do so.
6. The inspection by OCI on April 21, 1997 also revealed that the Respondent did accomplish or permit filling (in the from of stumps, bricks, demolition and other debris), clearing, grading, grubbing and creating soil disturbance into the two Riverbank Wetlands on the Property.
7. The filling (in the form of stumps, bricks, demolition and other debris), clearing, grading, grubbing and creating soil disturbance into the two Riverbank Wetlands on the Property altered the character of freshwater wetlands on the Property.
8. At the time when the Respondent did accomplish or permit filling (in the form of stumps, bricks,

demolition and other debris), clearing, grading, grubbing, and creating soil disturbances into the two Riverbank Wetlands on the Property, the Respondent did not have a permit issued by the Director of the Rhode Island Department of Environmental Management to do so.

9. The inspection by OCI on April 21, 1997 also revealed that the Respondent did accomplish or permit clearing, grading, grubbing and creating soil disturbance into a Forested Wetland on the Property.

10. The clearing, grading, grubbing, and creating soil disturbance into Forested Wetland on the Property altered the character of freshwater wetlands on the Property.

11. At the time when the Respondent did accomplish or permit clearing, grading, grubbing, and creating soil disturbance into a Forested Wetland on the Property, the Respondent did not have a permit issued by the Director of the Rhode Island Department of Environmental Management to do so.

12. On April 21, 1997, the Department issued a Cease and Desist Order to Richard Romanoff to stop ongoing wetland alterations.

13. On August 20, 1997, the Department re-inspected the Property and observed that work had continued into one of the riverbank wetlands; and that the alterations of the other riverbank wetland, the forested wetland, and the stream remained unchanged from the Department's inspection of April 21, 1997.

14. A notice of Violation and Order No. C97-0235 (the "NOV") was issued by OCI to Richie Realty Corporation and to Richard Romanoff on May 8, 1998.

15. The NOV was received by Raymond Pezza, Registered Agent for Richie Realty Corporation on May 13, 1998.

16. The NOV was recorded in the Land Evidence Records for the Town of Richmond, Rhode Island at Book 117, Page 804-814.

17. Respondent, Richie Realty Corporation, filed a request for an adjudicatory hearing on May 15, 1998.

18. Restoration of the freshwater wetlands on the Property is necessary in order to restore the wetlands to their natural unaltered condition.

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 has jurisdiction over the freshwater wetlands located on the Respondent's property.

2. Respondent made a timely request for hearing in accordance with R. I. Gen. Laws Section 42-17.1-2.

3. The Department proved by a preponderance of the evidence that freshwater wetlands were altered in violation of R.I. General Laws Section 2-1-21 and Rule 7.0 of the Wetland Regulations in

the four instances as alleged in the Notice of Violation dated May 8, 1998.

4. The Department proved by a preponderance of the evidence that the Respondent is responsible for the wetlands alterations on the Property.

5. The Department is entitled to restoration of the altered freshwater wetlands on the Property as set forth in the NOV.

6. The administrative penalty of Three Thousand Two Hundred Dollars assessed against the Respondent is not excessive and is appropriate.

7. OCI was warranted in issuing the NOV to the Respondent and said NOV should be affirmed in its entirety.

Wherefore, it is hereby

ORDERED

1. That the Notice of Violation and Order and Penalty issued to the Respondent dated May 8, 1998 be and is hereby SUSTAINED.

2. That the Respondent shall restore the freshwater wetlands as described in Fact three (3), Instances one (1) through four (4) of the NOV in accordance with the following:

(a) Immediately prior to the commencement of restoration install a continuous uninterrupted line of staked hay bales or silt fence between the undisturbed wetland and the filled area. Immediately after the removal of all fill in accordance with requirement (b) below, install a line of hay bales or silt fence along both sides of the affected Stream channel.

(b) Remove all fill within both Riverbank Wetlands and the Stream. All fill material which is removed must be deposited outside any and all wetlands.

(c) Re-establish the stream channel to its pre-altered condition and stabilize the stream bottom to prevent erosion. All slopes resulting from fill removal must be regraded to a 2:1 or shallower slope. Finished slopes must be stabilized by seeding with a wildlife conservation grass seed mixture and by mulching all disturbed areas with a mat of loose hay.

(d) Following fill removal as required in (2)(b) above, plant all unauthorized cleared areas within both Riverbank Wetlands with trees and shrubs. Balled and burlapped or transplanted tree species must be planted in an interspersed fashion, ten (10) feet on center, four (4) feet tall after planting throughout the area defined above. Tree species must include an equal distribution of at least three (3) of the following selections:

Hemlock, Tsuga canadensis;

White pine, Pinus strobus;

Red maple, Acer rubrum;

Oaks, Quercus spp;

Spruce, Picea spp;

Red cedar, Juniperus virginiana;

Gray Birch, Betula populifolia;

Balled and burlapped or transplanted shrub species must be planted in an interspersed fashion, eight (8) feet on center, three (3) feet tall after planting throughout the area defined above. Shrub species must include an equal distribution of at least two (2) of the following selections:

Mountain laurel, Kalmia latifolia;

Red osier dogwood, Cornus stolonifera;

Arrowwood, Viburnum dentatum;

Wild raisin, Viburnum cassinoides;

Winterberry, Ilex verticillata;

Inkberry, Ilex glabra;

Highbush blueberry, Vaccinium corymbosum;

(e) If any or all of the required plantings fail to survive at least one full growing season from the time they have been planted, you shall be responsible for replanting and maintaining the same plant species until such time that survival is maintained over one full growing season.

(f) All restored/disturbed areas must be allowed to revegetate to a natural 'wild' state.

(g) Except for the stream bottom, all disturbed soil shall be loamed if necessary, seeded with a wildlife conservation grass seed mixture and mulched with a mat of loose hay.

(h) Upon stabilization of all disturbed areas all erosion and sedimentation controls must be removed from the freshwater wetland. Prior to the removal of the controls accumulated sediment must be removed to a suitable upland area.

(i) The above restoration work must be completed within thirty (30) days of the date of the Final Order herein.

3. That the Respondent contact the Office of Compliance and Inspection 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. No work shall commence until such time that you have met in the field with a representative of OCI.

4. That the Respondent pay an administrative penalty in the sum of Three Thousand Two Hundred Dollars (\$3,200.00) for said violation no later than twenty (20) 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 or money order payable to the "General Treasury - Water & Air Protection Program Account" and shall be forwarded to:

Rhode Island Department of Environmental Management

Office of Management Services

235 Promenade Street

Providence, Rhode Island 02908

Entered as an Administrative Order this 14th day of May, 1999 and herewith recommended to the Director for issuance as a Final Agency Order.

Joseph F. Baffoni
Hearing Officer

Entered as a Final Agency Order this 7th day of June 1999.

Jan H. Reitsma
Director

APPENDIX A
OCI'S EXHIBITS:

OCI 1 FULL

Copy of resume of Harold K. Ellis (3 pp.)

OCI 2 FULL

Copy of resume of Tracey D'Amadio (2 pp.)

OCI 3 FULL

Copy of resume of Stephen Tyrrell (2 pp.)

OCI 4 FULL

Copy of Triage Complaint of March 18, 1997 (1 p.)

OCI 5 FULL

Copy of Complaint Inspection Report dated April 21, 1997 (3 pp.)

OCI 6 FULL

Copy of Records Research dated April 21, 1997 (1 p.)

OCI 7 FULL

Copy of Site Inspection Report and Photographs dated August 20, 1997 (5 pp.)

OCI 8 FULL

Copy of Methodology Matrix dated August 20, 1997 (4 pp.)

OCI 9 FULL

Copy of Enforcement Summary Sheet dated August 20, 1997 (1 p.)

OCI 10 FULL

Copy of Notice of Violation and Order No. C97-0235 to Richie Realty Corporation dated May 8, 1998 and receipts for certified mail (14 pp.)

OCI 11 FULL

Copy of Request for Adjudicatory Hearing dated May 15, 1998 (1 p.)

OCI 12 FULL

(Withdrawn)

Footnotes

- 1 The NOV was issued to Richie Realty Corporation and Richard Romanoff; however, the record does not indicate that Mr. Romanoff filed a request for a hearing.