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

RE: GREGORY & MARION SULLIVAN AAD NO. 93-005/GWE
NOTICE OF VIOLATION UST 1358

DECISION AND ORDER

This matter was heard before the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters ("AAD") on January 9, 1995 pursuant to the Respondents' request for hearing on the Notice of Violation and Order ("NOV") issued by the Department on September 18, 1992. Liability, that is that Respondents violated Section 8 and Section 15 of the Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials (1992), as amended (the "UST Regulations"), was previously established in the Order Granting Partial Summary Judgment entered on April 26, 1994. That Order is incorporated in this Decision and Order and attached hereto as Appendix A. According to the April 26, 1994 Order, the sole issue remaining to be heard was that of the assessment of an administrative penalty.

At the hearing conducted on January 9, 1995, Respondent Gregory Sullivan, appearing pro se, filed two motions. The first, entitled "Respondents' Motion to Dismiss for Error at Law in Underlying Order Granting Partial Summary Judgment and Order Denying Respondents Motion to Respond Late to Requests for Admissions", has been addressed by the Hearing Officer who issued the initial ruling and the Motion has been denied. The second motion, "Respondents" Motion to Dismiss for Want of

Jurisdiction or in the Alternative to Dismiss Respondents as Parties to the Matter", will be addressed below.

The parties were allowed the opportunity to file post-hearing memoranda, which deadline was later extended to March 10, 1995. The Division filed its Post-Hearing Memorandum & Objection to Respondents' Motion to Dismiss for Want of Jurisdiction or in the Alternative to Dismiss Respondents as Parties to the Matter (although the Division had made an oral objection at the hearing) on March 10. Respondents did not submit a post-hearing memorandum.

The hearing was conducted in accordance with the statutes governing the Administrative Adjudication Division (R.I.G.L. Section 42-17.7-1 et seq), the Administrative Procedures Act (R.I.G.L. §42-35-1 et seq), the Administrative Rules of Practice and Procedure for the Department of Environmental Management, Administrative Adjudication Division for Environmental Matters ("AAD Rules") and the Rules and Regulations for Assessment of Administrative Penalties, May 1992 ("Penalty Regulations").

ADMISSIONS AND PREHEARING CONFERENCE

As liability has already been established, I have reviewed the Admissions and other stipulations made by Respondents in light of the remaining issue of the administrative penalty. All of the Admissions are set forth as findings of fact in the Order Granting Partial Summary

Judgment and establish Respondents' liability for violations of Section 8 and Section 15 of the UST Regulations as had been alleged in the NOV. The only stipulation of the parties is contained in the Prehearing Conference Record: "The parties stipulate that the subject tanks (two 500 gallon) have been removed in accordance with UST Regulations." There were no additional stipulations at the hearing.

Appendix B, attached hereto, lists those documents submitted at the prehearing conference and at hearing and are identified as they were admitted at the hearing.

HEARING SUMMARY

Due to the fact that the violation had been previously established in the Order Granting Partial Summary Judgment, and pursuant to Section 12(c) of the Penalty Regulations, the Respondent bore the burden of proving by a preponderance of the evidence that the Director failed to assess the penalty and/or the economic benefit portion of the penalty in accordance with the Penalty Regulations. The only witness called to testify on behalf of Respondents was Gregory Sullivan. The Division, having previously satisfied their burden of proof that a violation had occurred, did not present any witnesses.

At the hearing, Respondent Gregory Sullivan submitted his Motion to Dismiss for Want of Jurisdiction or in the Alternative to Dismiss Respondents as Parties to the Matter

("Respondents' Motion") and made oral argument on the motion. Division responded in part, but largely delivered its argument in opposition to the motion in its post-hearing brief.

Other than the motions filed by Respondent at the hearing, Respondent's case rested solely on his brief testimony to rebut the presumption that the penalty was properly assessed. He testified that the Division did not properly calculate the administrative penalty as they failed to consider that the Respondents had been foreclosed upon and had "suffered extreme financial hardship." Tr. at 37. Respondent did not provide any evidence of his financial circumstances other than the document marked Resp. 1 Full--a copy of the Foreclosure Deed on the property.

In his argument on the only motion before this Hearing Officer, Respondent represented that the property which is the subject of the NOV was transferred by Foreclosure Deed (Resp. 1 Full) to Citizens Savings Bank on April 20, 1994. He contends that that which remains to be done in the order portion of the NOV, to pay an administrative penalty in the amount of $2,110.00, became the obligation of Citizens Bank as a result of the foreclosure. To support his contention, Respondent cites the provisions of R.I.G.L. Section 42-17.1-2(m) and Section 7(e) of the Penalty Regulations.

Section 42-17.1-2(m) provides in pertinent part:

> ...The director shall forward the order or notice to the city of town wherein the

> subject property is located and the order or notice shall be recorded in the general index by the appropriate municipal official in the land evidence records in the city or town wherein the subject property is located. Any subsequent transferee of that property shall be responsible for complying with the requirements of the order or notice. Upon satisfactory completion of the requirements of the order or notice, the director shall provide written notice of the same, which notice shall be similarly eligible for recordation. The original written notice shall be forwarded to the city or town wherein the subject property is located and the notice of satisfactory completion shall be recorded in the general index by the appropriate municipal official in the land evidence records in the city or town wherein the subject property is located...

Section 7(e)of the Penalty Regulations provides:

> Recordation in Land Evidence Records - in accordance with R.I.G.L. §42-17.1-2(m), or any other source of statutory authority, the Director may record any order or notice issued pursuant to the Director's authority in the land evidence records of the city or town wherein the subject property is located. Any subsequent transferee of such property shall be responsible for complying with the requirement of said order or notice so recorded.

In addition to the above, Respondent offered as an exhibit a document entitled "Release of Violation", signed by Ronald Gagnon, Chief of the Division of Waste Management, on June 16, 1994, which was marked as Resp. 3 Full. That document contains the following language:

> ...that certain "Notice of Violation" issued to Gregory W. Sullivan and Marion

> C. Sullivan and forwarded to the land evidence (sic) of the City/Town of Pawtucket, Rhode Island on or about September 28, 1992 with regard to property located at 23-27 Carver Street, Pawtucket, Rhode Island and otherwise identified as Pawtucket Assessor's Plat 63, Lots 278 and 671 is hereby RELEASED and DISCHARGED. This discharge is issued in recognition of the fact that the environmental violations set for the (sic) in the Notice of Violation and Order have been corrected. This discharge shall not be construed as a dismissal, release or waiver of any pending or future legal action against the person(s) responsible for said violations, nor shall this discharge relieve any person of their responsibility to comply with any state, federal or local statute, rule, regulation or ordinance as such may apply to the above referenced property.

Respondent contends that if the Bank is not deemed responsible for the penalty because it is the subsequent owner of the property, then alternatively, this matter should be dismissed because of the Release of Violation issued by the Division of Waste Management. That this Release should be construed to signify satisfactory completion of all the requirements of the order portion of the NOV rests on his interpretation of R.I.G.L. §42-17.1-2(m), which he asserts only contemplates full satisfaction of the requirements of an order. The Department is not authorized by law or regulation to provide for less than a complete release of the Notice of Violation, according to Mr. Sullivan.

In its Objection to Respondents' Motion to Dismiss for

Want of Jurisdiction or in the Alternative to Dismiss Respondents as Parties to the Matter, the Division presents counter arguments on the issues raised in Respondents' motion. First, the Division addressed the Release of Violation. The Division asserts that the Release does not signify complete and satisfactory compliance with the NOV and the fact that this less-than-full release was recorded should not act to terminate these proceedings against the Respondents.

While Section 42-17.1-2(m) may contemplate full satisfaction of all requirements of the NOV, thus compelling the recording of the release, there is nothing in the statutes or regulations which would prohibit the Department from issuing a partial release of an NOV prior to such "satisfactory completion" on the requirements of the NOV. As Division's counsel stated at the hearing, the tanks had been properly closed, leaving the only remaining issue that of the assessment of an administrative penalty against the person(s) responsible for the violations.. The language of the Release merely reflected the status of the Division's claim against the Respondents: "This discharge shall not be construed as a dismissal, release, or waiver of any pending or future legal action against the person(s) responsible for said violations, nor shall this discharge relieve any person of their responsibility to comply with any state, federal or local statute, rule, regulation or ordinance as such may apply to

the above referenced property." (emphasis added) The intent of the Release was only to discharge that portion of the NOV as it related to the land because the environmental violations on the land had been corrected. There is no legal support for Respondents' contention that the release acted to dismiss the present action against Respondent on the matter of the assessment of an administrative penalty.

In addressing the other issue raised by Respondent in his motion, the Division agreed that, by statute and regulation, once the NOV has been recorded any subsequent transferee would become responsible for the conditions on the property following the transfer of title, Department's Post-Hearing Memorandum, p. 19. That transferee, by having the necessary possession and control over the property, is clearly in position to correct the conditions on site. Although the transferee may be liable for correcting those violations still in existence at the time title is transferred, any penalties assessed in an NOV, however, should be assessed against the person who incurred the violations, not against the subsequent transferee.

The assessment of administrative penalties is specifically controlled by the provisions of Chapter 17.6 of Title 42. Pursuant to R.I.G.L §42-17.6-3, for the assessment of any penalty, a notice of intent to assess an administrative penalty is required to be served upon the person who committed

the alleged act or omission in violation of the Department's regulations. Neither that statute nor any other provision in the Chapter governing the assessment of administrative penalties contemplates that the penalty would become the legal responsibility of the successor owner of the property.

This interpretation is consistent with the function of the recorded NOV. As counsel points out in his Objection, the recording of the NOV serves in the nature of a lis pendens, that is it places potential purchasers on notice that there is an ongoing dispute regarding environmental conditions at the property. Department's Post-hearing Memorandum, p. 18. As such, particularly since there was a request for hearing which would indicate that the NOV was being contested, the mere fact that the document was recorded does not signify that the property owner is automatically bound by the order portion of the NOV. The recorded NOV can best be compared to a complaint filed in court, and the order portion to that of the relief sought by the plaintiff. See Stephen Fuoroli, Decision and Order dated April 20, 1992, at 3; Antonelli Plating, Final Agency Order dated May 20, 1992, at 6-7.

As discussed above, and contrary to Mr. Sullivan's assertions, the recorded NOV is not a lien and does not bear the same legal import of a lien. See Williams v. Durfee, C.A. No. PC92-1216, Decision at 18 (R.I. Super. Ct. 1993), cert. denied February 24, 1994.

Having considered the arguments of the parties, and in light of the pertinent statutes and regulations, I conclude that the Respondents Motion is without merit and must be denied. The only import of the Release is to narrow the issues for hearing by withdrawing the request for relief as it pertained to rectifying environmental conditions on site.

Respondents' Motion having been denied, I now revisit the issue of whether the administrative penalty was properly assessed. The only consideration raised by Respondent was that of the financial condition of the person being assessed the administrative penalty. This is an appropriate factor to be weighed by the Director in determining the amount of the penalty. R.I.G.L. §42-17.6-6(g). Respondents' only evidence was the foreclosure document (Resp. 1 Full) and his statement of "extreme financial hardship." Yet, as the Division's counsel points out in his Post-Hearing Memorandum, the mere fact that the subject property was foreclosed upon is insufficient, in and of itself, to demonstrate financial hardship. at 10. "Financial hardship" may not be the only conclusion to be drawn from a foreclosure. An equally valid explanation, as postulated by counsel, is that the property was purchased and heavily mortgaged at the height of the 1980's real estate boom and had in the subsequent real estate market become of less value than the balance due on the mortgage. Under such circumstances, the foreclosure may not

have been because of financial distress, but rather the result of intentional financial maneuvering. Department's Post-Hearing Memorandum, pp. 10-11.

With the benefit of further information the above postulation may have proven to be without merit; however, based upon the evidence submitted at hearing, the conclusion of financial maneuvering stands on equal footing with that of financial hardship. I, therefore, conclude that the Division properly considered and calculated the assessment of an administrative penalty in this matter.

As liability was established in the Order Granting Partial Summary Judgment, findings of fact numbered 1 through 13 and conclusions of law numbered 1 and 2 are incorporated in this Decision and Order and are set forth below.

FINDINGS OF FACT

1. The respondents, Gregory and Marion Sullivan, are the owners of a certain parcel(s)of real property located at 23-27 Carver Street, Pawtucket, Rhode Island, otherwise known as Pawtucket Assessor's Plat 63, Lots 278 and 671 (the "Facility").

2. The respondents purchased the Facility on April 26, 1986.

3. The Facility is comprised of two adjacent properties containing two apartment buildings, each of which has four or more residential units.

4. At the time that the respondents purchased the Facility, one or more USTs were located thereon, which USTs were previously used for the storage of petroleum products.

5. The USTs located at the Facility were used to store No. 2 heating oil for the purpose of heating the apartment buildings located thereon.

6. Operation of the USTs located at the Facility was discontinued by a prior owner when the buildings' heating systems were converted from oil to natural gas.

7. During a Status Conference conducted in the above-referenced matter before Hearing Officer Patricia Byrnes on April 2, 1993, respondent Gregory Sullivan stated that:

   (a) The Facility contained two, six-unit apartment buildings; and that

   (b) Operation of the USTs had been discontinued approximately two owners prior to the respondents' purchase of the Facility.

8. The respondents have not operated the USTs since their purchase of the Facility.

9. The Facility continues to use natural gas to heat the buildings located thereon.

10. The USTs located at the Facility have never been registered with the Department or closed in accordance with the Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials (the "UST Regulations").

11. The respondents have had actual knowledge of their regulatory obligation to close any abandoned tanks on the Facility since at least October, 1991.

12. On September 18, 1992, the Department issued a Notice of Violation and Order (the "NOV") to the respondents.

13. The NOV was served on the respondents by certified mail, return receipt requested on February 8, 1993.

After considering the testimony and documentary evidence of record, I find as fact the following:

14. An administrative penalty in the amount of Two Thousand One Hundred Ten ($2,110.00) Dollars is not excessive and is reasonable and warranted.

CONCLUSIONS OF LAW

1. There is no dispute as to any material fact and the Division is entitled to judgment as a matter of law concerning liability for violations of Section 8 of the UST Regulations as alleged in the NOVAO.

2. There is no dispute as to any material fact and the Division is entitled to judgment as a matter of law concerning liability for violations of Section 15 of the UST Regulations as alleged in the NOVAO.

Based upon the above and the documentary and testimonial evidence of record, I make the following conclusions of law:

3. Respondents violated Section 8 and Section 15 of the UST Regulations as alleged in the NOV.

4. Respondents have failed to prove by a preponderance of the evidence that the administrative penalty was not assessed in accordance with the Penalty Regulations.

5. The Department is entitled to an administrative penalty in the amount of Two Thousand One Hundred Ten ($2,110.00) Dollars.

Wherefore, it is hereby

ORDERED

1. Respondents' Motion to Dismiss for Want of Jurisdiction or in the Alternative to Dismiss Respondents as Parties to the Matter is DENIED.

2. Respondents shall, within ten (10) days after the Final Agency Order is signed by the Director, pay by certified check an administrative penalty in the amount of Two Thousand One Hundred Ten ($2,110.00) Dollars. Said payment shall be made directly to:

Rhode Island Department of Environmental Management
ATTENTION: Robert Silvia
Office of Business Affairs
22 Hayes Street
Providence, Rhode Island 02908

Entered as an Administrative Order this 1ST day of June, 1995 and herewith recommended to the Director for issuance as a Final Agency Order.

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

Entered as a Final Agency Order this 15TH day of June, 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 Final Agency Order to be forwarded, via regular mail, postage prepaid to Gregory Sullivan, 21 Florence Avenue, Norwood, MA 02062; and to Marion C. Sullivan, 21 Florence Avenue, Norwood, MA 02062 and via interoffice mail to Brian A. Wagner, Esq., Office of Legal Services, 9 Hayes Street, Providence, RI 02908 on this 15TH day of June, 1995.

Jacqueline Ballard

APPENDIX A

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

RE: GREGORY AND MARION SULLIVAN AAD NO. 93-005/GWE
NOTICE OF VIOLATION UST 1358

ORDER GRANTING PARTIAL SUMMARY JUDGMENT

This matter is before the Administrative Adjudication Division for Environmental Matters on the Motion for Summary Judgment filed by the Division of Waste Management, Underground Storage Tank Program (the "Division") on November 16, 1993. No objection to the Motion was filed. Due to the dispositive nature of the motion, this hearing officer set the matter down for hearing sua sponte for December 7, 1993.

By way of conference call, Respondent Gregory Sullivan's father, George Sullivan, Esq, (an attorney licensed to practice in Massachusetts) requested a continuance of the oral argument indicating that Respondents received the notice of oral argument on December 3, 1993 and needed additional time to prepare. Although notice to Respondents was in accord with the requirements of the AAD Rules of Practice, and over the objection of Division counsel, the hearing officer issued an order on December 7, 1993 continuing the matter one week to December 14, 1993. Because of a conflict in the hearing officer's schedule the oral argument was again continued, by conference call with Gregory Sullivan, to December 21, 1993. Still, no objection to the summary judgment motion was filed nor did Respondents file any response to the Request.

Oral argument was held on December 21, 1993. At oral argument, Respondent Gregory Sullivan submitted to the hearing officer and Division counsel the following: (1) Respondent's Memorandum in Opposition to Department's Motion for Summary Judgment; (2) Respondent's Motion to Respond Late to Request for Admissions; and (3) Respondent's Response to Request for Admissions. The Division objected orally at the argument to each submission proffered by Mr. Sullivan. As the transcript indicates, the Division was afforded an opportunity to file written objections to the submissions and subsequently did so.

The Division has moved for summary judgment asserting that there are no genuine issues of material fact and that the Division is entitled to entry of summary judgment as a matter of law concerning the Notice of Violation and Order "NOVAO" issued to Respondents. In support of its Motion, the Division relies upon the admissions of Respondents, Gregory Sullivan and Marion Sullivan and its Memorandum of Law filed on November 16, 1993.

By way of an Order issued on April 22, 1994, Respondent's Motion to Respond late to the Request for Admissions was denied and the admissions were conclusively established in accord with Rule 36 of the Superior Court Rules of Civil Procedure. As the moving party, the Division must demonstrate to this administrative tribunal that it is entitled to judgment as a matter of law and that there exist

no genuine issues of material fact. Palmisciano v. Burrillville Racing Assn., 603 A.2d 317 (R.I. 1992).

Upon deciding this motion for summary judgment, it is incumbent upon me to conduct an examination of the pleadings, affidavits, admissions and other appropriate evidence, if any, in the light most favorable to Respondent. Commercial Union Companies v. Graham, 945 A.2d 243, (R.I. 1985). Thereafter, summary judgment may only be granted if such review determines that no issue of material fact exists and the moving party is entitled to judgment as a matter of law. Blanchard v. Blanchard, 484 A.2d 904 (R.I. 1984).

The primary basis of Respondents' opposition lies in the Respondent's proffered Response to Requests for Admissions filed at the summary judgment argument. As indicated previously, the Respondent's Motion to Respond Late to Request for Admissions was denied by separate order. Accordingly, the only remaining basis for opposition cited in Respondent's Memorandum is the handwritten statement alleging, in total, that "there are facts in dispute." I have considered the written submissions to the extent indicated, considered the pleadings, and considered the arguments of the parties in the light most favorable to the Respondents.

Based on the admissions of Respondents, I find as fact the following:

1. The respondents, Gregory and Marion Sullivan, are the owners of a certain parcel(s) of real property located at 23-27 Carver Street, Pawtucket, Rhode Island, otherwise known as Pawtucket Assessor's Plat 63, Lots 278 and 671 (the "Facility").

2. The respondents purchased the Facility on April 26, 1986.

3. The Facility is comprised of two adjacent properties containing two apartment buildings, each of which has four or more residential units.

4. At the time that the respondents purchased the Facility, one or more USTs were located thereon, which USTs were previously used for the storage of petroleum products.

5. The USTs located at the Facility were used to store No. 2 heating oil for the purpose of heating the apartment buildings located thereon.

6. Operation of the USTs located at the Facility was discontinued by a prior owner when the buildings' heating systems were converted from oil to natural gas.

7. During a Status Conference conducted in the above-referenced matter before Hearing Officer Patricia Byrnes on April 2, 1993, respondent Gregory Sullivan stated that:

   (a) The Facility contained two, six-unit apartment buildings; and that

   (b) Operation of the USTs had been discontinued approximately two owners prior to the respondents purchase of the Facility.

8. The respondents have not operated the USTs since their purchase of the Facility.

9. The Facility continues to use natural gas to heat the buildings located thereon.

10. The USTs located at the Facility have never been registered with the Department or closed in accordance with the Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials (the "UST Regulations").

11. The respondents have had actual knowledge of their regulatory obligation to close any abandoned tanks on the Facility since at least October, 1991.

12. On September 18, 1992, the Department issued a Notice of Violation and Order (the "NOV") to the respondents.

13. The NOV was served on the respondents by certified mail, return receipt requested on February 8, 1993.

Based on the foregoing admissions and arguments of the parties, I conclude the following as a matter of law:

(1) There is no dispute as to any material fact and the Division is entitled to judgment as a matter of law concerning liability for violations of Section 8 of the UST Regulations as alleged in the NOVAO.

(2) There is no dispute as to any material fact and the Division is entitled to judgment as a matter of law concerning libility for violations of Section 15 of the UST Regulations as alleged in the NOVAO.

The Rules and Regulations for the Assessment of Administrative Penalties provides in Section 12 that once the Division establishes a violation, as it has done here, the burden shifts to the Respondents to prove by a preponderance of the evidence that the penalty assessment and/or economic benefit portion of the penalty was not in accordance with the Penalty Regulations. The Respondents asserted in their hearing request, filed on February 16, 1993, that the penalty assessment was excessive and sought a hearing on said assessment citing R.I.G.L. §42-17.6-4. Respondents should be

afforded an opportunity to come forward with evidence supporting their assertions. Accordingly, it is hereby

ORDERED

1. The Division's Motion for Summary Judgment is GRANTED as to the liability of Marion and Gregory Sullivan for violations of Section 8 and Section 15 of the UST Regulations as alleged in the NOVAO.

2. The Division's Motion for Summary Judgment as to the penalty assessment is DENIED.

3. The Clerk shall forthwith schedule this matter for a Prehearing Conference on the sole issue of the penalty assessment. As required by Section 12 of the Penalty Regulations, the Respondents bear the burden of proving by a preponderance of the evidence that the penalty assessment and/or economic benefit portion of the penalty was not assessed in accordance with the Penalty Regulations.

Entered as an Administrative Order this 26th day of April, 1994.

Kathleen M. Lanphear
Chief Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
One Capitol Hill, Third Floor
Providence, Rhode Island 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within order to be forwarded, via certified mail, postage prepaid to Gregory Sullivan, 21 Florence Avenue, Norwood, MA 02062; and certified mail to Marion C. Sullivan, 21 Florence Avenue, Norwood, MA 02062 and via interoffice mail to Brian A. Wagner, Esq., Office Legal Services, 9 Hayes Street, Providence, RI 02908 on this 26th day of April, 1994.

GREGORY AND MARION SULLIVAN
AAD NO. 93-005/GWE
NOTICE OF VIOLATION UST 1358
APPENDIX B

APPENDIX B
LIST OF EXHIBITS

The below-listed documents are marked as they were admitted at the hearing:

Div. 1 for Id	Warranty Deed - dated 4/26/86, deed-in to Gregory W. Sullivan and Marion C. Sullivan (2 pp.).
Div. 2 for Id	Complaint Report dated 11/7/90 (1 p.).
Div. 3 for Id	Correspondence - certified letter, dated 9/24/91, with return receipts (2 pp.).
Div. 4 for Id	Memorandum - dated 9/26/91 (1 p.).
Resp. 1 Full	Copy of Foreclosure Deed (6 pp.).
Resp. 2 for Id	Copy of Tank Closure Certification and copies of checks (1 p.).
Resp. 3 Full	Copy of Release of Violation.
Resp. 4 Full	Copy of Notice of Violation and Order.