

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

In Re: Airport Landfill AAD No. 91-001/AHA
City of Warwick Petition for Declaratory Rulings
and Request for Contested Hearing and
City of Warwick Appeal of Preliminary Determination and
Request for contested Hearing

DECISION AND ORDER ON MOTIONS TO DISMISS

This matter is before the Hearing Officer on Motions To Dismiss and Objections to (1) the City of Warwick's Petition for Declaratory Rulings and Request For Contested Hearing and to (2) The City of Warwick's Appeal of Preliminary Determination and Request for Contested Hearing.

The Petition for Declaratory Ruling by the City of Warwick ("Warwick") was also filed with the Director of the Department of Environmental Management ("DEM"), who determined that the Administrative Adjudication Division ("AAD") is the proper forum for an evidentiary hearing and that the issues raised in Warwick's Petition may be properly heard by the AAD, and that formal consolidation of the within Petition and Contested Hearing Request is not required.

Objections to the Petition and Request for Contested Hearing and Motions to Dismiss were filed on behalf of the Division of Air and Hazardous Materials ("DAHM"), Division of Freshwater Wetlands ("FWWL") and the Department of Transportation ("DOT") and the hearing on said Objections and Motions was held on July 1, 1991.

The facts upon which Warwick bases its "Appeal" and Requests for Contested Hearing and its Petition for Declaratory Rulings are not in dispute. A recitation of same is made for consideration, evaluation, and proper

disposition of the subject Petition and Hearing Requests.

The pertinent events and occurrences in this matter are set forth in the following findings of fact:

1. On October 25, 1977, DOT took title of the previously privately owned Truk Away Landfill ("Landfill") located in Warwick, Rhode Island, and assumed the requirements to close same.
2. DOT did not maintain the Landfill as an operational licensed Solid Waste Management Facility.
3. On December 12, 1988 DEM issued an enforcement action - a Letter of Deficiency (LOD) requiring final plans for closure. There was no request for a hearing filed within 10 days of said LOD and the plan in question was produced pursuant to said LOD.
4. For several years DOT failed to file a proper closure plan with DEM and in 1991 DOT informed Warwick that DOT was contemplating utilizing Demolition Debris from the Providence Housing Authorities ("Demolition Debris") as alternative Landfill cover material at the subject site.
5. On several occasions Warwick objected to the utilization of said Demolition Debris.
6. DOT filed a FWWL determination application with FWWL and a Closure Plan for said Landfill with DAHM in order to close said Landfill.
7. The closure plan identified certain contemplated material sources with a notation that no material shall be placed prior to DEM approval and notification of Warwick.
8. On May 6, 1991, Warwick received notice of DEM's approval of said

Closure Plan with the imposition of certain conditions.

9. Warwick filed objections regarding the closure of the former Truck Away Landfill setting forth alleged discrepancies and inadequacies in the Closure Plan and deficiencies in the Preliminary Determination Request.

10. On May 8, 1991 Warwick filed its "Petition for Declaratory Rulings and Request for Contested Hearing" based on the aforesaid facts, wherein Warwick alleged that the DAHM approval of DOT's Closure Plan is a legal nullity in that it is:

1. In violation of constitutional or statutory provisions;
2. In excess of the statutory authority of the agency;
3. Made upon unlawful procedure;
4. Affected by other error of law;
5. Clearly erroneous in view of the regulatory definitions; and the actual features of the site itself, and that of abutting and/or neighboring property;
6. Arbitrary or capricious or characterized by an abuse of discretion or discriminatory in approving a closure plan which does not conform to regulatory definitions; and/or actual land use occurrences; and/or the land use of abutting and/or neighboring property.

Wherefore Warwick moved for administrative Hearing and a Declaratory Ruling setting forth that:

- A. That the Closure Plan, and the approval thereof is legally insufficient, both in form and substance, in that said Closure Plan and/or approval fails to comply with applicable Federal and State Statutory and Regulatory Requirements.
- B. That the Closure Plan, as submitted by the Rhode Island Department of Transportation required legally sufficient notice to be given to all area landowners, and that said procedure was not followed.

- C. That the Division of Air and Hazardous Materials did abuse its discretion; is in error and/or violation of: Applicable law, and/or rules and regulations, and has acted in degradation of the rights of the Applicant and its residents as established in accordance with the Administrative Procedures Act and other applicable Law and Regulations.
- D. That the Director determine which set of Regulatory Closure Requirements apply to this matter in light of the non-licensed, non-operational status of the site in question over the last decade.
- E. That the Applicant be granted whatever further relief be deemed meet and just within the circumstances of this matter.

11. On June 3, 1991 Warwick received notification that FWWL determined in a document dated May 31, 1991 that the proposed project constituted an insignificant alteration of a freshwater wetlands.

12. On June 10, 1991 Warwick filed its "Appeal of Preliminary Determination and Request for Contested Hearing" based on the same essential facts as stated in its previous Petition, and wherein Warwick alleged that the FWWL determination of insignificant alteration is in error and in violation of applicable law and regulation.

Wherefore Warwick further moved "that the order of May 31, 1991 be vacated and that DOT be directed to submit a plan in conformity with applicable rules and regulations, and that said plan be subject to the full review of the Division of FWWL in accord with the proper public hearing process".

There are two issues requiring consideration in this matter:

- 1. Whether a freshwater wetlands preliminary determination of an insignificant alteration is subject to appeal and/or request for an adjudicatory hearing before the AAD;
- 2. Whether an evidentiary hearing before the AAD should be held and/or a declaratory ruling should be issued as to which set of rules apply to the approval of the Closure Plan by DEN.

Before discussing the merits of these issues, a review of the relevant statutes and rules and regulations of the various Divisions of DEM is in order.

Chapter 42-35 of the R.I.G.L. entitled "Administrative Procedures" governs hearings, adoption of Rules, and Declaratory Rulings by Agencies.

Section 42-35-1 provides definitions, among which are:

- (c) "Contested case" means a proceeding, including but not restricted to rate making, price fixing, and licensing, in which the legal rights, duties, or privileges of a specific party are required by law to be determined by an agency after an opportunity for hearing;
- (d) "License" includes the whole or part of any agency permit, certificate, approval, registration, charter, or similar forum of permission required by law, but it does not include a license required solely for revenue purposes;
- (d) "Licensing" includes the agency process respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license;
- (f) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party;

Section 42-35-8 provides that "Each Agency shall provide by rule for the filing and prompt disposition of petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the agency. Rulings disposing of petitions have the same status as agency orders in contested cases".

Section 42-35-9 (a) provides that "In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice".

Section 42-35-14 (a) provides that "Whenever the grant, denial, or renewal of a license is required to be proceeded by notice and opportunity for

hearing, the provisions of this chapter concerning contested cases shall apply".

Chapter 42-17.1 of the R.I.G.L. establishes the Department of Environmental Management (DEM) and specifies the powers and duties of the Director thereof. § 42-17.1-2 provides that the Director shall have certain enumerated powers and duties, among which are the following:

- (a) "to supervise and control the protection, development, planning, and utilization of the natural resources of the State...";
- (s) "to issue and enforce such rules, regulations, and orders as may be necessary to carry out the duties assigned to the Director and the Department by any provision of law; and to conduct such investigations and hearings and to issue, suspend, and revoke such licenses as may be necessary to enforce those rules, regulations and orders";

Chapter 42-17.6 of the R.I.G.L. provides for Administrative Penalties for Environmental Violations that may be assessed by the Director. § 42-17.6-4 states that "Whenever the director seeks to assess an administrative penalty on any person, the person shall have the right to an adjudicatory hearing...".

Chapter 42-17.7 establishes the Division for Administrative Adjudication (AAD) with the DEM. § 42-17.7-2 provides that "All contested enforcement proceedings, all contested licensing proceedings and all adjudicatory proceedings under Chapter 17.6 of title 42 shall be heard by the AAD...".

Chapter 2-1 of the Rhode Island General Laws establishes the Agricultural Functions of DEM and provides for the preservation and regulation of the use of swamps, marshlands and other fresh water wetlands. § 2-1-21 requires approval of the Director for certain specific alterations of the character of any fresh water wetland as defined therein and sets forth various procedures

and parameters concerning same. § 2-1.22 (a) specifies the procedures to be followed for approval by DEM of proposed projects. This section mandates that application for approval of a project to the director of DEM must be filed and sets forth the procedures to be followed pursuant to said application. This section further provides that "Prior to the application a request may be made for preliminary determination as to whether or nor the wetlands act, this chapter, applies". This section specifically states that "The wetlands act, this chapter, shall be determined to apply if a significant alteration does appear to be contemplated and an application to alter a wetland will be required". This section then makes extensive provisions for the procedures following a determination that a significant alteration does appear to be contemplated; however, no provision is made for procedures following a preliminary determination that a significant alteration does not appear to be contemplated.

Chapter 23-18.9 of the R.I.G. L. entitled "Refuse Disposal" provides that each city and town is required to make provision for the safe and sanitary disposal of all refuse which is generated within its boundaries, except for that refuse that is specifically excluded.

Section 23-18.9-5 prohibits the disposal of more than three cubic yards of solid waste at other than a solid waste management facility licensed by the director, excluding used asphalt, concrete, Portland concrete cement, and tree stumps which are not considered solid waste for purposes of this section.

Section 23-18.9-8 establishes the requirement that a license be obtained from the director of DEM for any solid waste management facility. Sec.

23-18.9-9 establishes the procedures concerning application, approval and fees for said licenses. This section specifies what notice is to be given and the manner of public comment. § 23-18.9-9 (a)(5) states "The applicant and/or any person who provided substantive comment... may appeal the decision of the director..." § 23-18.9-9 (a)(8) of said section states "All appeals shall be heard before administrative adjudication hearing officers..."

Chapter 23-19 of the R.I.G.L., known as the "Solid Waste Management Corporation Act" provides for the implementation of solid waste management facilities and projects either by the state or under state auspices. Said Act created a public corporation, the Solid Waste Management Corporation, and vested said corporation with the powers, authority, rights and privileges as may be necessary to enable it to accomplish the purposes of said Act. Said corporation has a distinct legal existence from the state "not constituting a department of the state government".

Section 23-19-13 requires that any person or municipality disposing of certain solid waste must utilize a system or facility designated by the corporation and establishes the procedures, conditions, and terms for the disposal of solid waste.

The Administrative Rules of Practice and Procedure for the DEM were adopted pursuant to Chapter 42-35, Chapter 42-92 and Chapter 42-17.1. of the Rhode Island General Laws. These rules were established to assist the DEM in carrying out its functions, powers and duties.

Section 6.00 of said Rules provides for the initiation of Formal Adjudicatory Proceedings. § 6.00 (a) states that "any person having a right

to request a hearing shall follow the procedures set forth in R.I.G.L. § 42-17.1-2(u) and other applicable statutory and regulatory requirements".

Section 18.00 of said Rules provides for Petitions for Declaratory Rulings. § 18.00 (a) states "any person affected by any statutory provision administered by the Department or affected by any rule or order of the Department may ... petition the Director for a declaratory ruling as to the applicability of such statute, rule, or order".

The Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters were adopted pursuant to Chapters 42-35, 42-92 and 42-17.7 of the R.I.G.L. These rules were established to assist the AAD in carrying out its functions, powers and duties.

Section 7.00 of said Rules provides for the Commencement of Formal Adjudicatory Proceedings, § 7.00 (a) states "Any person having a right to request a hearing shall follow the procedures set forth in R.I.G.L. § 42-17.1-2 (u) and other applicable statutory and regulatory requirements. Such requests shall be sent directly to the Administrative Adjudication Division for Environmental Matters".

The Rules and Regulations Governing the Enforcement of the Fresh Water Wetlands Act were adopted pursuant to Chapters 42-17.1, 42-35 and Section 2-1-18 et seq. of the R.I.G.L.

Section 4.00 of said Rules provides for Preliminary Determinations. § 4.01 specifies the procedures to be followed in Requests for Preliminary Determinations. § 4.02 captioned "Factors considered in Preliminary

Determination" provides:

The Director shall, upon review of adequate plans and/or proposed work and upon inspection of the subject property, determine,

- a. Whether a fresh water wetland is present on/or adjacent to the subject property in accordance with the standards enumerated in the Act and these rules and regulations, and
- b. If a wetland is present on/or adjacent to the subject property, whether the proposed alteration is a significant alteration of the subject wetland.

§ 4.03 captioned "Insignificant Alterations" provides in part:

- a. Applications for preliminary determination involving fresh water wetlands which, in the opinion of the Director, will result in an insignificant alteration to the subject wetland, will be approved, subject to such conditions as the Director may require to protect the subject wetland against significant alteration.

Section 5.00 of said rules captioned "Formal Applications" establishes the procedures governing formal applications concerning proposals which will result in significant alterations of fresh water wetlands in accordance with § 2-1-22 of the R.I.G.L. This section also establishes the Policy for Denial of Approval by the Director, provides that in cases of denial, the applicant may within 10 days request a public hearing to appeal the decision.

Provisions were adopted after the creation of the AAD qualifying the difference between a public and an adjudicatory hearing involving denials of applications for Permission to Alter Wetlands.

A request for a preliminary determination is an exploratory or anticipatory procedure whereby a prospective applicant can obtain a review of contemplated alterations to ascertain whether the Freshwater Wetlands Act applies and if the formal application process is necessary. In the event

that DEM determines that a significant alteration does appear to be contemplated, the party who submitted said request for a preliminary determination may file a Formal Application concerning the proposed alterations. This formal application then triggers elaborate proceedings for comments, objections, notices and hearing.

Neither the Statutes or Rules provide for any participation by other parties or municipality in the preliminary determination process. No provision is made for a comment period, objections, notices or hearing during the preliminary determination process; and no intervention is possible, because there is no action pending between the parties. The Director has previously considered this question in Moorehead Brothers, Inc., application No. 88-0932 issued on February 21, 1991, and ruled that preliminary determinations are not per se reviewable by a Hearing Officer.

The Rhode Island Supreme Court has previously addressed the issue of a municipality's standing to enforce the Wetlands Act. In the case of Citizens for Preservation of Waterman Lake v. Davis R.I. 420 A.2d 53 (1980) the Supreme Court sustained the Superior Court's refusal to enjoin a local dump operation until the operator had filed an application to alter wetlands in accordance with the Wetlands Act. Our Supreme Court held that neither the Citizens group nor the town of Glocester were entitled to notice and a hearing before the Director (of what is now the Department of Environmental Management) on the question of alleged violations of the Wetlands Act by a local dump operator. The Court stated that "In view of the express statutory scheme of enforcement, we conclude that all enforcement powers are vested in

the Director. Moreover, nothing in the legislation indicates either expressly or implicitly an intent to create a remedy for a private citizen or a town or city to enforce the provisions of the wetlands act. Until the director acts, no other individual is authorized under the wetlands act to initiate any proceedings pursuant to the provisions of the wetlands act".

The intention of the Legislature appears clear that upon a preliminary determination by DEM that a significant alteration does not appear to be contemplated, the Wetlands Act does not apply and therefore no formal application is required; therefore it is not subject to an appeal nor a request for hearing.

The Rules and Regulations for Solid Waste Management Facilities were adopted pursuant to Chapters 23-18.9, 23-19, and 42-17.1 of the R.I.G.L.

Part II of said rules establishes the general requirements and procedures for applications for licensing of solid waste management facilities.

Rule 4.08 (a) requires that applicants shall submit a closure plan with the application for license that contains information as required by this rule, and each applicant is required to submit a closure plan for the particular type of facility.

Rule 6.00 governs Sanitary Landfills and 6.11 (a) requires that pursuant to Rule 4.08, the operator shall submit a closure plan including certain information; and (b) the operator or applicant must submit certain specifications accompanying the plan.

Part III of said rules governs Operating Regulations and establishes the

General Operation Standards for all solid waste management facilities.

Rule 9.15 states that before a solid waste management facility may begin closure procedures, an application for closure must be filed and plans approved by the Department. Also the application shall contain the information required by Rule 4.08 as well as closure plans prescribed by the particular type of facility.

Rule 10.00 establishes Sanitary Landfill Operating Standards and Rule 10.04 sets forth requirements concerning Cover Material and related procedures.

Rule 10.06 (d) (7) governs Waste Handling concerning Asbestos Disposal and requires that specific approval from the Director for the disposal of friable asbestos material.

Part IV of said rules governs Appeal and Hearing Procedure and Rule 16.00 under Opportunity For Hearing sets forth:

16.01 Denials: Any person whose application for a license, license renewal, other approval, or a variance has been denied by the licensing agency, acting through the Division, may appeal to the Director for review of the decision on which the denial is based.

16.02 Violations: Any person who has been issued a notice of violation of any of the provisions of these rules, may request a hearing to show compliance, subject to the provisions of R.I.G.L. 42-17.1-2 (u).

The Statutes and Regulations governing "Demolition Debris", "Friable Asbestos Material" and "Cover Material", and disposal of solid waste either mandate compliance with certain licensing or permitting procedures or provide for the imposition of penalties and other sanctions for violations thereof, but no provision is made apart from the licensing or permitting process for

anyone otherwise objecting thereto, other than those whose conduct or activity is directly involved. No remedies were made available to municipalities or others who object to DEM's interpretation, implementation or lack of enforcement of same. The AAD has no authority to consider Warwick's allegations of errors or abuses of discretion by DEM for matters that are clearly not within the scope of adjudicatory hearings.

The approvals by DAHM of the subject Closure Plan were issued pursuant to the Department's enforcement authority and the only party with standing to appeal or request a hearing concerning same would have been DOT.

Processing requests for approval of "cover material" to be used in closure operations is not part of a permitting or licensing process which requires or affords a right to a hearing and/or appeal by other parties or affords a right to a Declaratory Ruling to such other parties.

Warwick cannot be considered a "Party" pursuant to the definition in § 42-35-1 (f) of the R.I.G.L. merely because it opposes DOT's site plan. Nor can Warwick be considered an "aggrieved person" within the meaning of § 42-35-15(a) solely because the Landfill is located within its borders. Warwick's allegations and arguments fail to demonstrate an injury in fact from the challenged action.

The rulings and orders of DEM which Warwick challenges do not adversely affect in a substantial manner any personal or property rights of Warwick nor impose upon it any burden or obligation. N.E.T. & T. Co. v. Fascio 105 R.I. 711, 254 A.2d 758 (1969).

Warwick's letter of objection to DEM and its opposition does not give

rise to any standing to request a "Contested hearing" or to take an "Appeal"

Warwick alleges that the DAHM's approval of DOT's Closure Plan is arbitrary and capricious and in violation of certain constitutional or statutory provisions and applicable regulations. However, although Hearing Officers may adjudicate matters concerning statutes and regulations under their jurisdiction, it is not within an administrative Hearing Officer's jurisdiction to decide issues of constitutional import. The Director has so held in Bruce T. Cunard/ROW Acquisition, Inc. dba Reliable Shellfish issued June 17, 1991, citing Bowen v. Hackett, 361 F. Supp. 854, (D.C.R.I. 1973).

Warwick claims that it is entitled to an evidentiary hearing and/or a declaratory ruling as to which rules and regulations ("Regs") apply to the Division's review of the Closure Plan submitted in April, 1991. Warwick maintains that the 1982 Regulations, amended in February 1991, should apply, and states that DAHM wrongly applied the 1975 Regulations in its review of said Closure Plan.

In support of its arguments, Warwick cites Greenwich Bay Yacht Basin Assoc. v. Brown, 537 A.2d 988 (R.I. 1988) wherein our Rhode Island Supreme Court held that the evidentiary basis was insufficient to apply the doctrine of equitable estoppel as to whether the Coastal Resources Management Council (CRMC) should have utilized the 1978 or 1983 program regulations. The Court mandated that the developer had an obligation to seek a declaratory ruling from the CRMC as to which regulations should be utilized in adjudicating the developer's application.

A closer scrutiny of the Greenwich Bay case reveals that an evidentiary

hearing was considered necessary concerning the developer's equitable estoppel claim and for the developer to support its allegations of the expenditure of "substantial sums" in reliance on assurances that its application would be judged by the earlier regulations.

The Court stated in its discussion of the doctrine of equitable estoppel "Under this general standard, an examination of the complaint filed by Greenwich could well lead to the conclusion that if all the allegations set forth in the complaint... were supported by competent evidence, there would be an adequate basis for the application of the doctrine of equitable estoppel. Therefore, the application of this doctrine required a factual determination of "the extent to which substantial performance was undertaken in reliance on the permit in good faith".

It is significant to note that the series of procedures fashioned by the Court were clearly in response to a party who had duly filed an application before CRMC in accordance with the established procedures of said agency and other parties to said dispute were intervenors before CRMC and also the Court. The Court went on to say that either party aggrieved by the declaratory order entered by CRMC may appeal such ruling under the provisions of § 42-35-15.

The case at hand differs with Greenwich Bay in that no hearing is necessary in the subject matter as no evidentiary basis is required, and no contested hearing contemplated. Warwick is not an applicant, alleged violator or an intervenor and cannot be considered an aggrieved party under any of its claims.

Warwick cannot be considered an interested person pursuant to the

Statutes and Regulations involved, and Warwick lacks any standing before the AAD. Warwick's allegations and its complaints concerning the procedures followed by DEM indicate that it is seeking equitable relief for which this hearing tribunal lacks authority. The AAD functions as a creature of the Legislature and must operate within the scope of authority granted by Statute.

Warwick questions the applicability of Regulations concerning the Closure Plan and also alleges that DAHM has not complied with the statutes and rules concerning same. Warwick requests a Declaratory Ruling as to which set of Regulatory Closure Requirements apply to this matter. It may well be that DEM may comply with the requirements of both sets of Regulations. Warwick is not a "party" to any action taken or contemplated by DEM concerning said Closure. Warwick lacks the requisite standing to obtain a Declaratory Ruling in this matter.

The filing of motions to dismiss requires that the hearing officer look solely to the sufficiency of the allegations of the Petitioner. City of Warwick vs William R. Appt et al, 497 A.2d 721 (R.I. 1985).

Viewing the allegations in the light most favorable to the petitioner with all doubts resolved in the petitioner's favor, Warwick would not be entitled to any relief under any conceivable set of facts which might be proven in support of its claims. It is clearly apparent that Warwick can prove no set of facts to support its Petition or Request for Contested Hearing. Collins v. Fairways Condominiums Association, 592 A.2d 147 (R.I. 1991).

I find as a conclusion of law that:

1. A preliminary determination by DEM that the proposed alteration

at the site is not significant, is not subject to further regulatory involvement, and is not subject to appeal and/or request for an adjudicatory hearing before the AAD.

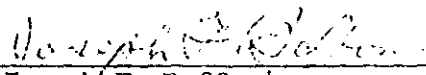
2. Warwick is not an interested person affected by statute, rule or order of the Department in this matter and the Director may legally decline to issue a declaratory ruling in this matter.
3. The determination of what is appropriate cover material for the former Airport Landfill site is within the discretion of the Department.
4. Warwick has failed to allege an injury in fact and is not an aggrieved party. Therefore Warwick lacks standing to request Declaratory Rulings or Request a Contested Hearing in this matter.
5. Warwick has no legal right to the relief requested from DEM.

Based on the foregoing, it is hereby,

ORDERED

1. That the Director declines to issue a Declaratory Ruling;
2. That the City of Warwick's (1) Petition for Declaratory Rulings and Request for Contested Hearing, and (2) Appeal of Preliminary Determination and Request for Contested Hearing, both are denied and dismissed.

The foregoing is hereby submitted to the Director as a Recommended Decision and Order this 11th day of October, 1991.



Joseph F. Baffoni
Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
One Capitol Hill, 4th Floor
Providence, RI 02908
(401) 277-1357

The within Decision and Order is hereby adopted as a Final Agency Decision and Order.

October 15, 1991
Date

Louise Durfee
Louise Durfee
Director
Department of Environmental Management

CERTIFICATION

I hereby certify that I caused a true copy of the within to be forwarded, regular mail, postage prepaid to Frank J. Cenerini, Esq., Assistant City Solicitor, 3275 Post Road, Warwick, Rhode Island 02886; Sidney Clifford, Esq., Rhode Island Department of Transportation, 2 Capitol Hill, Providence, Rhode Island 02908; and via inter-office mail to Louise Durfee, Director, Department of Environmental Management, 9 Hayes Street, Providence, Rhode Island 02908; Catherine Robinson Hall, Esq., Office of Legal Services, 9 Hayes Street, Providence, Rhode Island 02908; and Claude Cote, Esq., 9 Hayes Street, Providence, Rhode Island 02908 on this 15 day of October, 1991.

[Signature]