

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

IN RE: Warren Oil Company and
Alwar Equities, Inc.
LUST NOV No. GW 90-17

AAD No. 92-010/GWE

ORDER OF DISMISSAL

This matter is before the hearing officer on the joint request of the parties for an order dismissing the above-entitled matter. After consideration of the joint request, it is hereby

ORDERED

the within matter is hereby DISMISSED subject to the following stipulated terms:

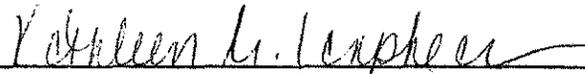
1. Upon review of a groundwater assessment report, dated May 1992, submitted on behalf of the respondents by their consultants, Xcel Environmental, Inc. ("Xcel"), the Department of Environmental Management (the "Department"), Oil Pollution/Leaking Underground Storage Tank Section (the "LUST Section") concurs with Xcel's findings that no further corrective action is required to be undertaken at the respondents' property at 1148 Eddie Dowling Highway, North Smithfield, Rhode Island (the "site") in regard to this matter.
2. The respondents, Warren Oil Company and Alwar Equities, Inc., agree to take reasonable steps to secure and maintain the groundwater monitoring wells installed on the site for future groundwater sampling and analyses.
3. If the Department desires to take groundwater samples from the wells, the Department agrees to give the respondents ten (10) days written notice of the proposed sampling and the respondents agree to give the Department access to the wells for such purpose.
4. The respondents agree to secure and maintain the wells in a fashion that provides reasonable protection from accidental or intentional tampering, injury,

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demolition or destruction and which provides the groundwater with adequate protection from contamination through the well borehole.

5. The respondents shall not be required to replace any well that becomes damaged, whether by physical injury or as a result of the passage of time; however, the respondents shall, at all times, maintain the wells or arrange for their proper closure and/or removal as required herein.
6. In the event that it becomes necessary to close and/or remove a well, whether by choice or as a result of damage or injury, respondents agree to give the LUST Section ten (10) days' written notice to close or remove the well in a manner that will adequately protect the groundwater from future contamination through the well borehole.

The foregoing is transmitted as a recommended Final Decision and Order this 3rd day of July, 1992.


Kathleen M. Lanphear
Chief Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
One Capitol Hill, 4th Floor
Providence, RI 02908

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Entered as a Final Agency Order this 5th day of July,
1992.



Louise Durfee
Director
Department of Environmental Management
9 Hayes Street
Providence, RI 02908

CERTIFICATION

I hereby certify that I caused a true copy of the within^s
Final Agency Order to be forwarded via regular mail, postage
prepaid to Frank E. Eastman, Esq., Alpert & Eastman, 50
Congress Street, Boston, MA 02109 and via interoffice mail to
Brian A. Wagner, Esq., Office of Legal Services, 9 Hayes Street,
Providence, RI 02908 on this 6th day of July, 1992.

