

STATE OF RHODE ISLAND  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN RE: Tennessee Gas Pipeline Company      AAD No. 92-044 FWE  
Notice of Suspension of Permit  
and Order

I hereby accept all of the recommended findings of fact and the hearing officer's assessment of witness credibility, and only the recommended conclusions of law numbered one (1) and two (2). Based upon findings of fact numbers 29 and 35 it is clear that the information provided by Tennessee Gas Pipeline Company in support of its wetlands permit failed to accurately depict the freshwater wetlands as they existed. I, therefore, cannot conclude as a matter of law that the evidence presented by the Division was insufficient to prove the allegations set forth in the Notice of Suspension of Permit by a preponderance of the evidence.

However, Tennessee Gas Pipeline Company has demonstrated good cause why the Notice of Suspension of the Permit and Order should not stand in that the construction of the pipeline has been completed under the permit and the requested remedies would serve no useful purpose. I therefore, conclude as a matter of law that:

3. The Division is not entitled to the relief requested in the Notice of Suspension of Permit and Order.

THUS, I agree with the Order as issued by the Hearing Officer.

STATE OF RHODE ISLAND

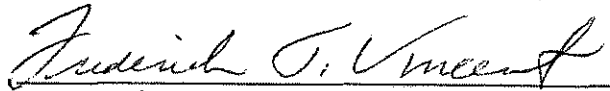
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

WHEREFORE, it is hereby

O R D E R E D

1. That the Notice of Suspension of Permit and Order (of Application No. 90-0184F) issued by the Division to the Respondent on July 15, 1992 is denied and dismissed.

Entered as a Final Order on this 11th day of August, 1993.



Frederick J. Vincent  
Delegated Director  
Department of Environmental  
Management  
83 Park Street  
Providence, Rhode Island 02908  
(401) 277-2776

CERTIFICATION

I hereby certify that I caused a true copy of the within to Attorney Peter V. Lacouture, Tillinghast, Collins & Graham, One Old Stone Square, Providence, RI 02903; Morton Simons, Esquire, and Barbara Simons, Esq., Simons & Simons, 5025 Linnean Avenue N.W. Washington, DC 20008; Robert S. Bruzzi, Esquire, 18 Imperial Place, Providence, RI 02903; Clara J. Lawrence and Walter Lawrence, 745 Natick Avenue, Cranston, RI 02921 by regular mail, postage prepaid and by interoffice mail to Mary B. Shekarchi, Esquire, and Catherine Robinson Hall, Esq., Office of Legal Service, Department of Environmental Management, 9 Hayes Street, Providence, Rhode Island 02908 on this 11th day of August, 1993.

