

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

**RE: ANTHONY GIARRUSSO AAD NO. 93-079/GWE
NOTICE OF VIOLATION NO. UST 93-01740**

DECISION AND ORDER

This matter came before the Administrative Adjudication Division ("AAD"), of the Department of Environmental Management ("Department" or "DEM") pursuant to a request for hearing on the Notice of Violation and Order ("NOV") issued on December 6, 1993 by the Division of Waste Management ("Division") to Anthony Giarrusso ("Respondent"). Brian A. Wagner, Esq., represented Division and Arnold N. Montaquila, Esq., represented Respondent.

This matter is properly before the Hearing Officer pursuant to R.I.G.L. Chapter 12 of Title 46 entitled "Water Pollution", specifically Section 46-12-9, R.I.G.L. Section 42-17.1-2 and Chapter 42-17.6, statutes governing the AAD, (R.I.G.L. Sec. 42-17.7-1 et seq.), the Administrative Procedures Act (R.I.G.L. Sec. 42-35-1 et seq.), the Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials ("UST Regulations"), the Rules and Regulations for Assessment of Administrative Penalties ("Penalty Regulations"), and the Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for the Department of Environmental Matters ("AAD Rules"). The proceedings were conducted in accordance with the above-noted statutes and regulations.

The NOV alleges that the Respondent, as owner of certain property located at 3729 Tower Hill Road, South Kingstown, Rhode Island ("facility"), and as owner of several USTs located at the facility, had violated certain provisions of the UST Regulations (1993), as amended, viz. that the Respondent had failed to precision test and/or submit to the Department written precision test results for UST #002 for the year 1989 and UST #003 for the years 1986, 1987, 1988 and 1989 (which tanks had been used for the storage of petroleum products or hazardous materials) in violation of Sections 10.06(A) and (B) and 10.06(B) (9); and that the tanks located at the facility had been abandoned in violation of Section 15.02.

The Prehearing Conference was held on July 12, 1994 and the Prehearing Conference Record was entered on July 15, 1994. The hearing was conducted on October 23 and 24, 1995. Post-Hearing Memoranda were submitted on December 18, 1995 (by Division) and February 21, 1996, (by Respondent). Subsequently, the parties were heard on April 11, 1996 concerning the possible effect of certain rulings in DTP, Inc. NOV 726 dated March 8, 1996 on the instant matter. After hearing arguments of counsel, the parties were given until May 15, 1996 to file Supplemental Memoranda or Addenda. Respondent filed a Supplemental Memorandum on May 15, 1996. No Addendum or

Supplemental Memorandum has been filed by Division.

At the Prehearing Conference, counsel agreed to the following stipulations of fact:

1. The respondent, Anthony Giarrusso, is the owner and/or operator of a certain parcel(s) of real property located at 3729 Tower Hill Road, Wakefield, Rhode Island, otherwise known as South Kingstown Assessor's Plat 34-2, Lot 11 (the "Facility").
2. The respondent has owned the Facility since June 13, 1988.
3. The Facility is comprised of a retail gasoline service station which has at least three (3) underground storage tanks ("UST") systems located thereon.
4. The Facility is registered with the Department and is identified as UST Facility ID No. 1740.
5. The following information regarding the UST systems at the Facility has been registered with the Department:

UST ID#	DATE UST INSTALLED	CAPACITY (gal.)	CONTENT	SPILL CONTAIN.	LEAK DETECT.
001	1982	2,500	Gasoline	Yes	n/a
002	1976	2,500	Gasoline	Yes	n/a
003	unknown	250	Waste Oil	Yes	n/a

At the Prehearing Conference, Counsel agreed that the issues to be considered at the hearing are the following:

1. Whether the respondent failed to precision test certain UST

systems at the Facility in accordance with the UST Regulations.

2. Whether the respondent failed to submit the results of precision tests to the Department for the subject UST systems at the Facility in accordance with the UST Regulations.
3. Whether the respondent failed to properly and timely close certain out-of-service and/or abandoned USTs at the facility in accordance with the UST Regulations.

The following documents were introduced into evidence by

Division and admitted as full exhibits:

- Div. 1. Full Copy of Application for Underground Storage Facilities - dated 4/10/86 (6 pp.).
- Div. 2. Full Copy of Deed to Subject Property - dated 6/13/88 (1 p.).
- Div. 3. Full Copy of Certified Correspondence to Anthony Giarrusso - dated 12/6/93 (2 pp.).
- Div. 4. Full Resume of Susan Cabeceiras.
- Div. 5. Full Copy of Inter-Office Memo dated 5/8/95 (6 pp.).
- Div. 6. Full Copy of NOV dated 12/6/93 (& Administrative Penalty Assessment Worksheet Summary) (6 pp.).

No exhibits were introduced by Respondent.

Susan W. Cabeceiras, a Senior Environmental Scientist with the Department, was the only witness called by Division. She testified that she runs the enforcement program for USTs; that she became familiar with the subject facility through her review of the UST files and the enforcement file; that she drafted the NOV in the instant matter; that

the UST Regulations contain a schedule for the requisite testing of tanks which is based on the age of the tanks; and that she reviewed the Department's records and files for the subject facility and determined that no test results had been filed for the facility's tanks for the years in question. She therefore concluded that there were testing violations for the tanks and years as cited in the NOV.

Ms. Cabeceiras also testified concerning Division Exhibit Number 5 Full. This Exhibit is an interoffice memo from the Underground Storage Tank Section, Division of Waste Management, to the Leaking Underground Storage Tank Section, Division of Site Remediation, with the attached document entitled "Permanent Closure Application for Underground Storage Facilities" dated April 26, 1995. This Application was submitted by Respondent to obtain permission to close the subject underground tanks located at the facility; and according to said closure application, the date the USTs were last used was listed as 1991.

It was explained by this witness that she calculated the administrative penalties assessed in the NOV; that pursuant to the Penalty Regulations, the failure to conduct precision tests is considered a Type II/Moderate violation and the penalty with regard to the abandonment of tanks is considered a Type I/Minor Violation,

and that the economic advantage calculation portion of the administrative penalty is based on the average price of the costs to conduct precision tests. The Division considered the actual and potential impact a failure to conduct precision testing violation would have on public health, safety, welfare, and the environment. Precision testing is a preventative measure; and if a precision test is not conducted, there is a potential of an undetected leak which could contaminate the soil and groundwater resulting in contamination of wells and involving cleaning costs. The potential for an undetected leak is much greater when a tank has not been tested. This is something that was considered when the penalty was assessed in the NOV, and that it is something that is taken into account with every NOV issued concerning precision testing violations.

The Division also considered the actual or potential impact to the public, health, welfare, safety, and the environment with regard to the abandonment of tanks, which is the same as that for failure to precision test.

The Division considered whether Respondent had taken any steps to prevent the violations alleged in the NOV or to come into compliance with said violations. The fact that there were successive years of similar violations indicated to Division that there is a history

of noncompliance and that Respondent had not taken any action to mitigate said violations. The Division also considers the issue of making compliance less costly than non-compliance, as well as the issue of deterring future noncompliance, by assessing the administrative penalties. The Division did not consider the financial condition of the Respondent when issuing the NOV because Division did not have this information when the NOV was issued.

Anthony Giarrusso was the only witness to testify on Respondent's behalf. He stated that he purchased the subject property jointly with his former wife in 1984; that he became the sole owner in 1986; and that from 1984 to 1986 he conducted a so-called filling station at the site from which he sold gasoline.

Mr. Giarrusso testified that there were underground storage tanks at the site; that at some time during 1986 there were allegations of contamination emanating from the site; that at DEM's insistence, he had five test wells installed at the site at a cost to him of approximately \$25,000.00; and that the tanks have now been removed from the premises. He stated that he has already expended approximately \$35,000.00 to \$40,000.00 for the removal of tanks and soil from the site; but lacks the \$5,000.00 needed to complete the removal of the remaining soil from the site.

The Respondent acknowledged that he last sold gasoline from the station in 1990 or 1991 and that the last recorded testing took place in 1986. He admitted that he has not filed precision test results for the subject facility from 1987 to the present time. It was this witness's testimony that from 1991 to the present time there has been no gasoline in the subject tanks; that he took certain measures to secure said tanks as well as the pumps (capping them with locks); and that the tanks and pumps remained that way until removed.

It is Respondent's contention that Division ignored its own Rules and Regulations by failing to investigate if the tanks had been abandoned; and also that Division violated and ignored the directives of R.I.G.L. 42-17.6 which requires specific factual inquiries, and that the penalties be assessed by the Director or his or her duly authorized agent. Respondent maintains that the tanks were not abandoned according to the definition of abandonment in the Division's Rules and Regulations.

Respondent does not deny that he failed to conduct the requisite precision testing, but he asserts that the proposed penalties are excessive. He argues that failure to pressure test constitutes a technical violation only for which a minimum penalty should be imposed.

It is Division's contention that the Respondent's violations of the precision testing requirements of the UST Regulations have been established by uncontradicted evidence (as well as by Respondent's admissions); that Division has met its burden of proving by a preponderance of the evidence that the USTs at the subject facility were illegally abandoned and out-of-service in violation of the UST Regulations; and that the penalties imposed in the NOV were properly calculated in accordance with the Penalty Regulations.

Division maintains that the failure to address and correct the abandonment violations promptly after issuance of the NOV should be considered a continuing violation subject to additional penalties; and that based upon Respondent's continuing noncompliance, the penalty proposed for Respondent's abandonment violation should remain the same as specified in the NOV.

The Division has the burden of proving the alleged violations by a preponderance of the evidence. Once a violation is established and the Division has discharged its initial duty of establishing in evidence the penalty amount and its calculation, the Respondent then bears the burden of proving by a preponderance of the evidence that the Division failed to assess the penalty and/or the economic benefit portion of the penalty in accordance with the Penalty Regulations.

Pursuant to the Prehearing Conference Record, the issues to be considered at this hearing were limited by the parties to the three specific issues specified therein. After the Post-Hearing Memoranda were submitted, a Final Agency Decision was issued in a separate matter concerning the applicability of the 1992 Penalty Regulations to pre-1992 violations. Conclusion of Law No. 18 in DTP, Inc. NOV 726, dated March 8, 1996, provided "That any violation that occurred prior to the effective date of the 1992 Penalty Regulations must be reviewed in accordance with the rules and regulations in existence at the time the violations occurred." In light of said ruling, a conference was scheduled to consider the possible effect of same on the instant matter.

The NOV in the instant matter alleged violations of precision testing requirements for the subject USTs for 1986, 1987, 1988 and 1989. It stated that the proposed administrative penalty is calculated pursuant to the Rules and Regulations for Assessment of Administrative Penalties (1992) as amended,..". The issue that the 1992 Penalty Regulations were being applied to pre-1992 violations was not raised specifically at the hearing; but since the ruling in DTP, Inc. was made subsequent to the submission of Post-Hearing Memoranda, this issue was raised by the Hearing Officer and is addressed in this

decision. This issue is purely a question of law and no additional evidence is required.

The effect of DTP, Inc. on pre-1992 precision testing violations was addressed specifically in several Final Agency Decisions issued after DTP, Inc.. These recent cases dealt with situations analogous to the instant matter and uniformly held that the 1992 Penalty Regulations are applicable to the calculation of penalties for pre-1992 violations if (unlike DTP, Inc.) the enforcement action was commenced subsequent to the effective date of the 1992 Penalty Regulations. Francis P. Paine/Francis P. Paine, Jr./Paine's Texaco Service Station, AAD No. 93-048/GWE, Supplemental Recommended Decision and Order dated April 3, 1997; Ronald Gobin/Alliance Motor Sales & Service, Inc., AAD No. 93-035/GWE, Final Decision and Order dated April 3, 1997; James H. Dobson & Sandra J. Dobson/Wickford Service, Inc., AAD No. 93-052/GWE, Final Agency Division and Order dated February 14, 1997. Section 4(b) of the 1992 Penalty Regulations provides that they are to be applied to all persons subject to enforcement action by the Department. Section 14 of the Penalty Regulations provides that they shall not be construed to govern any enforcement action which is commenced prior to the formal adoption thereof, or any administrative appeal taken therefrom. Since the instant

enforcement action was commenced subsequent to the effective date of the 1992 Penalty Regulations, the 1992 Penalty Regulations are applicable to the calculation of penalties for the subject violations.

The evidence introduced by Division (as well as the admissions by Respondent) clearly demonstrates that the Respondent failed to conduct the requisite precision tests and to submit the results of precision tests to the Department for the subject UST systems during the years alleged in the NOV. The UST Regulations provide that the subject USTs were required to be precision tested during the years as alleged in the NOV and that precision testing results be submitted to the Department no later than fifteen (15) days following the date of the test. The uncontradicted testimony of Division's witness, Susan W. Cabeceiras, establishes that the three subject USTs were not precision tested and that no results were submitted to the Department as required by the UST Regulations for the years as alleged in the NOV. The Respondent admitted during direct examination at the hearing that no precision tests were conducted at the facility after 1986, and in his Post-Hearing Memorandum affirmed that the requisite precision testing was not performed. Based on the foregoing, the Division has met the burden of proving the precision testing violations by a preponderance of the evidence.

The evidence also demonstrates that the subject tanks were abandoned according to the definition of abandonment in the Division's Rules and Regulations. Section 15.00 of the UST Regulations prohibits the abandonment of USTs and requires that USTs that are out-of-service for more than 180 days must either have received the Director's prior written permission for an extended temporary closure, or must be permanently closed. "Abandonment" and "Closure" are defined in the UST Regulations:

SECTION 7.00 DEFINITIONS

7.01 **ABANDONMENT** means the relinquishment or termination of possession, ownership or control of underground storage tanks, by vacating or by disposition, without meeting the closure requirements listed in Section 15.00 of these regulations; or the action of taking a UST or UST system out of operation for a period of greater than 180 consecutive days without the prior permission of the Director pursuant to Section 15.00.

7.05 **CLOSURE** means the removal from service of any underground storage tank consistent with the provisions of Section 15.00.

The Closure Application signed by Respondent and filed with the Department on or about April 26, 1995 (Division's Exhibit 5 Full) states that the USTs proposed to be removed at the facility were last used in 1991. This information was confirmed at the hearing by Respondent when he testified that the last time that he sold gasoline at the facility was in 1990 or 1991, and that from 1991 through the

date of removal of said tanks (the end of May of 1995), no gasoline had been stored in said tanks. Respondent also admitted in testimony that he had never submitted a written request to the Department to extend the temporary closure of said tanks beyond 180 days. The Closure Application and the Respondent's testimony establish that the USTs at the facility were taken out of operation by Respondent for more than 180 consecutive days without the written permission of the Department, and that they remained out of operation for at least three (3) years before they were permanently closed in accordance with the UST Regulations. Based on the foregoing, the Division has met its burden of proving by a preponderance of the evidence that the USTs at the subject facility were illegally abandoned and out of service in violation of the UST Regulations.

Division also met its burden of establishing in evidence the penalty amounts proposed in the NOV and the manner in which those penalties were calculated. No evidence was introduced by Respondent to demonstrate that the administrative penalty and/or the economic benefit portion of said penalty were not properly assessed in accordance with the Penalty Regulations.

A review of the evidence demonstrates that the Division complied with its Rules and Regulations and the pertinent statutes

concerning the requisite investigative procedures and the requisite factual inquiries for the assessment of penalties. Clearly, the Division as duly authorized agent of the Director possesses the requisite authority to assess penalties in accordance with R.I.G.L. §42-17.6.

Respondent's argument that he should not have been cited for two precision testing violations (i.e. failure to test and failure to file results) lacks merit. The UST Regulations contain two separate provisions governing same, viz. Sections 10.06(A) and (B) relating to precision testing and Section 10.06(B)(9) requiring the submission of written precision test results within 15 days of the date of test completion. The Respondent was cited for violating both requirements; however a penalty was assessed solely for the failure to precision test violation.

Although the penalty that was assessed in the NOV was based on the three year period prior to the NOV, Paragraph F(3) of the NOV provides that pursuant to R.I.G.L. §42-17.1-2(u), Respondent's failure to address and correct the abandonment violations promptly after the issuance of the NOV is considered a continuing violation which subjects Respondent to additional penalties for said period.

The subject USTs were illegally closed and abandoned from May 25, 1992 (the date that the legal temporary closure period of 180 days

expired) to May 25, 1995 (the date that Respondent's tank removal operation began at the facility), for a total period of three (3) years. Although the evidence does not establish the same date for the commencement of the Respondent's abandonment of the USTs based on the Respondent's continuing non-compliance, the net duration of the abandonment is the same as proposed in the NOV. Consequently, the penalty for Respondent's abandonment violations should remain the same as specified in the NOV.

The Respondent testified as to his lack of funds; however, no financial records were submitted nor was there any specific testimony offered regarding Respondent's assets, income, debts, or liabilities. The Division obviously would not have this information, and Respondent failed to produce same. The evidence introduced by Division concerning the penalty assessment was uncontradicted and clearly established that the penalties for failure to precision test were properly calculated as Type II Moderate violations and the penalties for abandonment were properly calculated as Type I Minor violations. These violations cannot be treated as mere technical violations since the failure to comply with these regulations certainly poses a potential for harm to the public health, safety, welfare and environment. Untested and/or abandoned USTs pose a serious threat

because of the potential for undetected leaks which could result in significant contamination and resulting harm and expense.

FINDINGS OF FACT

After considering the stipulations of the parties and the documentary and testimonial evidence of record, I find as a fact the following:

1. The Respondent, Anthony Giarrusso, is the owner and operator of that certain parcel of real property located at 3729 Tower Hill Road, Wakefield, Rhode Island, otherwise known as South Kingstown Assessor's Plat 34-2, Lot 11 (the "Facility").
2. The Respondent has owned the facility since June 13, 1988.
3. The Respondent at all pertinent times was the owner and operator of three (3) underground storage tank ("UST") systems located at the Facility, which USTs were used to store petroleum products, viz. gasoline and waste oil.
4. The facility is registered with the Department and is identified as UST Facility ID No. 1740.
5. The following information regarding the UST systems at the Facility has been registered with the Department:

UST ID#	DATE UST INSTALLED	CAPACITY (gal.)	CONTENT	SPILL CONTAIN.	LEAK DETECT.
001	1982	2,500	Gasoline	Yes	n/a
002	1976	2,500	Gasoline	Yes	n/a
003	unknown	250	Waste Oil	Yes	n/a

6. The UST systems located at the facility were not precision tested during the following years:
 - a. UST #002: 1989.
 - b. UST #003: 1986, 1987, 1988 and 1989.
7. The Respondent did not submit to the Department any precision test results for the tanks and years identified in Finding of Fact No. 6 herein.
8. Testimony by Division established that each of the Respondent's five failures to precision test constituted a Type II Moderate Violation.
9. Each of the five (5) failure to precision test violations was properly assessed a penalty of \$1,000.00, which is the lowest penalty amount referenced in the penalty matrix for Water Pollution Control.
10. The amount of economic benefit accruing to Respondent for each of the five failures to precision test was properly determined by Division to be \$350.00.
11. Gasoline was last sold at the facility during 1990 or 1991.
12. The USTs located at the facility were out of service and/or abandoned from 1991 through the date of the removal of the USTs.
13. The UST systems located at the facility were removed between May 25, 1995 and June 1, 1995.
14. The USTs located at the Facility were out of operation for a period of greater than one hundred eighty (180) consecutive days.

15. The Respondent neither requested nor received permission from the Director to extend the temporary closure of the subject USTs beyond one hundred eighty (180) days.
16. The Respondent did not take any action to permanently close the USTs located at the Facility until April 26, 1995, the date of the submission of the Closure Application.
17. The three subject USTs were abandoned in that they were out of operation for at least three (3) years prior to their permanent closure in accordance with the UST Regulations.
18. Testimony by Division established that the abandonment of each of the three USTs at the facility constituted a Type I Minor Violation.
19. The abandonment of each of the three (3) subject USTs for three (3) years was properly assessed a penalty of \$2000.00 per UST per year of abandonment.
20. The enforcement action was commenced subsequent to the effective date of the 1992 Penalty Regulations.

CONCLUSIONS OF LAW

After due consideration of the documentary and testimonial evidence of record and based upon the findings of fact as set forth herein, I conclude the following as a matter of law:

1. The Respondent, as the owner and/or operator of the subject facility and the owner and/or operator of the UST systems located thereon is legally liable for regulatory compliance with the UST REGULATIONS at the facility.
2. The UST systems located at the facility were required to be precision tested in accordance with the UST Regulations during the following years:

UST #001: 1987, 1990, 1993, 1995...and annually thereafter;

UST #002: 1987, 1989...and annually thereafter;
UST #003: 1986...and annually thereafter.

3. The Division proved by a preponderance of the evidence that the Respondent violated the UST Regulations relating to precision testing requirements in that Respondent failed to precision test tank #002 for the year 1989 and tank #003 for the years 1986, 1987, 1988 and 1989.¹
4. The Division proved by a preponderance of the evidence that Respondent violated the UST Regulations requiring the submission of written verification of compliance with the precision testing requirements in that Respondent failed to submit results of precision tests for the tanks and years referenced in Conclusion of Law No. 3.²
5. Pursuant to UST Regulation §7.01 "Abandonment" is defined to include the action of taking a UST or UST system out of operation for a period of greater than 180 consecutive days.
6. The Division proved by a preponderance of the evidence that Respondent violated the UST Regulations prohibiting the abandonment of any UST or UST system in that Respondent failed to close the USTs located at the Facility within 180 days of being taken out of service.³

¹The Respondent's failure to precision test was a violation of:

- a. 1985 UST Regulations §9(c)(ii) and §9(d);
- b. 1992 UST Regulations §§10.05(B)(1) and (2); and
- c. 1993 UST Regulations (August & December) §§10.06(B)(1) and (2).

²The Respondent's failure to submit precision test results was a violation of:

- a. 1985 UST Regulations §9(e);
- b. 1992 UST Regulations §10.08(H); and
- c. 1993 UST Regulations (August & December) §10.06(B)(9).

³The Respondent's failure to close the USTs located at the facility within 180 days of being taken out of service was a violation of:

- a. 1985 UST Regulations §15;
- b. 1992 UST Regulations §15.02; and
- c. 1993 UST Regulations (August & December) §15.02.

7. The 1992 Penalty Regulations are applicable to the calculation of administrative Penalties in this matter.
8. The Division has met its burden of establishing in evidence the penalty amount and the calculation thereof.
9. The precision testing violations are properly classified as Type II Moderate.
10. The abandonment of tanks violation is properly classified as Type I Minor.
11. The assessment of the administrative penalty and the economic benefit portion of the penalty for the violations were properly calculated in accordance with the 1992 PENALTY REGULATIONS and totals \$24,750.00.
12. The Respondent has failed to prove by a preponderance of the evidence that the penalties and economic benefit assessed as a result of the subject violations were not assessed in accordance with the PENALTY REGULATIONS or that the penalty is excessive.
13. The penalty assessment is reasonable and warranted.

Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby

ORDERED

1. That the Notice of Violation and Order is SUSTAINED.
2. Pursuant to R.I. Gen. Laws Ch. 42-17.6, the following penalty is hereby assessed against Respondent:

\$24,750.00

3. The Respondents shall pay to the Department the total sum of Twenty-Four Thousand, Seven Hundred and Fifty Dollars

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(\$24,750.00) in administrative and economic benefit penalties as set forth herein. Said Penalty shall be paid within ten (10) days of the date of the Final Decision and Order, and shall be in the form of a certified check made payable to the "General Treasurer, State of RI, for deposit in the Air and Water Protection Fund", and shall be forwarded to:

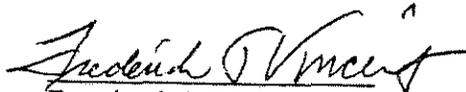
Office of Management Services
RI. Department of Environmental Management
235 Promenade Street, Third Floor
Providence, Rhode Island 02908
Attention: Glenn Miller

Entered as a Recommended Decision and Order this 16th day of MAY, 1997.



Joseph F. Baffoni
Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
235 Promenade Street
Providence, RI 02908

Entered as a Final Agency Order this 15 day of July, 1997.



Frederick Vincent
Acting Director
Department of Environmental Management
235 Promenade Street
Providence, RI 02908

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CERTIFICATION

I hereby certify that I caused a true copy of the within order to be forwarded, via regular mail, postage prepaid to Arnold Montaquila, Esq., Calart Tower, Suite 3A, 400 Reservoir Ave., Providence, RI 02907 and via interoffice mail to Brian A. Wagner, Esq., Office of Legal Services, 235 Promenade Street, Providence, Rhode Island 02908 on this 16th day of ~~May~~ July, 1997.

July

Brian K. Stewart