

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

In the Matter of:)
)
)

James J. Decoulos,
Respondent)
)
_____)

Docket No.: LSP-10AP-01

**AFFIDAVIT OF JAMES J. DECOULOS IN SUPPORT
OF RESPONDENT'S MOTION FOR ORDER COMPELLING DISCOVERY**

My name is James J. Decoulos and the following facts are true to the best of my knowledge, information and belief.

1. On July 28, 2010, I emailed a Request for Production of Documents to the Petitioner, the Board of Registration of Hazardous Waste Site Cleanup Professionals (the "Board"). *See* attached Exhibit A.
2. On August 4, 2010, the Board responded to the Request for Production of Documents. *See* attached Exhibit B.
3. The August 4th response from the Board was only partially honored. The Board failed to provide any document "in the possession, custody or control of MassDEP or any MassDEP employee" because they are "a separate agency from MassDEP." The Board also failed to provide any Notices of Noncompliance issued to LSPs because they were "not categorized in a manner that would allow the Board to locate them within a reasonable time, and therefore it would be unduly burdensome to produce them, and they are public records in the possession of MassDEP."

4. On September 1, 2010, I made a public records request to the Board pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.*, for access to, inspection and examination of the Board's minutes and communications regarding the approval of Board certified continuing education courses. *See* attached Exhibit C.

5. The September 1st response from the Board was only partially honored. The only response I received were Board minutes from the meetings which approved the continuing education courses. There were no letters, emails, comments, personal communications or agreements regarding the approval of the courses for continuing education credit, which I would expect are necessary before the Board could discuss and vote to authorize the courses for credit.

6. On September 1, 2010, I made a public records request to MassDEP employee John Fitzgerald pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.*, for "All notes and internal DEP communication you have generated or received related in any way to the work of the LNAPL Workgroup." *See* attached Exhibit D.

7. I have not received any response from either Mr. Fitzgerald or any representative of MassDEP to the request in Paragraph 6.

8. On September 1, 2010, I made a public records request to Irene Lavoie, the MassDEP employee who is the Keeper of the Records for the Southeast Regional office, pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.*, for "All communication between DEP representatives Cynthia Baran or Jonathan Hobill and myself regarding the Eagle Gas Site; All communication between DEP representatives Cynthia Baran and Jonathan Hobill regarding the Eagle Gas Site;

and, All communication between DEP representative Cynthia Baran and Licensed Site Professional David C. Bennett regarding the Eagle Gas Site.” *See* attached Exhibit E.

9. Ms. Lavoie and I have been communicating by email and I have subsequently refined my request. *See* attached Exhibit F.

10. To date, I have still not received any response from either Ms. Lavoie or Ms. Baran on the requests described in Paragraphs 8 or 9.

Signed under the pains and penalties of perjury this 1st day of October, 2010.

A handwritten signature in black ink, appearing to read "James J. Decoulos", written in a cursive style.

James J. Decoulos

EXHIBIT A

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

)	
In the Matter of:)	
)	
James J. Decoulos,)	
Respondent)	Docket No.: LSP-10AP-01
)	

**RESPONDENT JAMES J. DECOULOS' REQUEST FOR PRODUCTION OF
DOCUMENTS ON PETITIONER BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS**

Pursuant to the Second Post Conference Report & Order dated July 22, 2010,
Respondent James J. Decoulos requests that the Petitioner Board of Registration of
Hazardous Waste Site Cleanup Professionals, within 30 days, produce for inspection and
copying all documents specified below.

DEFINITIONS

For the purposes of these requests for discovery the following definitions are
employed. Please refer to the uniform definitions in Rules 26 through 37 of the
Massachusetts Rules of Civil Procedure and the Adjudicatory Rules at 801 CMR 1.00 *et*
seq.

1. "LSP Board", "the Board", "you", "your" and "Petitioner" as used herein shall
mean the Board of Registration of Hazardous Waste Site Cleanup Professionals,
its officers, directors, agents, boards, members of boards, attorneys, experts,
representatives and anyone else acting on its behalf.

2. "MassDEP" as used herein shall mean the Massachusetts Department of Environmental Protection, its officers, directors, agents, boards, members of boards, attorneys, experts, representatives and anyone else acting on its behalf.
3. "State" as used herein, shall mean the Commonwealth of Massachusetts, its officers, secretaries, directors, agents, departments, offices, attorneys, experts, representatives and anyone else acting on its behalf.
4. "Person" or "persons" means any natural person, group of natural persons, corporation, partnership, government agency or board, association, proprietorship, organization, or any other legal entity.
5. "Relate" and "Relating" are defined as referring to, concerning in any way, being evidence of, or memorializing all or any portion of the specified facts, contentions, or matter referenced in the interrogatory.
6. "And", "or", and "and/or" shall be construed as broadly as possible so that information otherwise within the scope of the request is not excluded.
7. "Eagle Gas Site" as used herein shall mean real property identified as the Eagle Gas station located at 131 Main Street in Carver, Massachusetts and any work related to MassDEP Release Tracking Numbers (RTNs) 4-13333, 4-17582 or 4-17852.
8. "Speedy Lube Site" as used herein shall mean real property identified as the Speedy Lube gas station at 633 North Main Street in Randolph, Massachusetts, and any work related to MassDEP RTNs 3-15188 and 3-15653.
9. "Communications" shall mean all oral or written exchanges or words, thoughts or ideas to another person(s), whether person-to-person, in a group, by telephone, by

letter, by email, by telex or any other process, electric, electronic or otherwise. All such communications in writing shall include, without limitation, printed, typed, handwritten or other readable documents, correspondence, memos, reports, contracts, drafts, both initial and subsequent, diaries, logbooks, minutes, notes, studies, surveys and forecasts.

- 10.** “Documents” as used herein are defined as documents, records, minutes, notices, books, papers, contracts, memoranda, invoices, correspondence, notes, calendars, photographs, drawings, charts, graphs other writings, recording tapes, recording discs, mechanical or electronic information storage or recording elements (including any information stored on a computer), written and recorded telephone messages, and any other “documents” as defined in the Massachusetts Rules of Civil Procedure 26 *et seq.* If a document has been prepared in several copies, or additional copies have been made that are not identical (or are no longer identical by reason of subsequent notation or other modification of any kind whatever, including without limitation notations on the backs of pages thereof) each nonidentical copy is a separate document.

CLAIMS OF PRIVILEGE

If an objection to a request is based upon a claim of privilege or attorney work product, identify each document so withheld. With regard to all documents or portions of documents withheld on this basis, identify its creator, provide a brief description of the document, and state with particularity the basis of the claim of privilege, work product, or other ground of nondisclosure.

LOST OR DESTROYED DOCUMENTS

If any document requested has been lost, discarded, or destroyed, identify such document. State the type of document, its date, the approximate date it was lost, discarded, or destroyed, the reason it was lost, discarded or destroyed, a summary of its substance, and the identity of each person having knowledge of the contents thereof.

CONTINUING OBLIGATION

This demand is deemed to be continuing in nature, and responses must be supplemented in accordance with Massachusetts Rule of Civil Procedure 26(e) and the Adjudicatory Rules at 801 CMR 1.00 *et seq.*. In the event you become aware of or acquire in your possession, custody, or control additional responsive documents, you are requested promptly to produce such additional documents for inspection and copying.

REQUEST FOR PRODUCTION OF DOCUMENTS

REQUEST NO. 1

All photographs taken by MassDEP representatives at the Eagle Gas Site during MassDEP's March 11, 2004 site visit;

REQUEST NO. 2

All communication between Cynthia Baran or Jonathan Hobill and James J. Decoulos between January, 2003 and July, 2005 regarding the Eagle Gas Site;

REQUEST NO. 3

All communication between Cynthia Baran and Jonathan Hobill regarding the Eagle Gas Site;

REQUEST NO. 4

All communication between Cynthia Baran and David C. Bennett regarding the Eagle Gas Site;

REQUEST NO. 5

All Notices of Noncompliance issued to LSPs by MassDEP in the Southeast Region between 2002 and 2010;

REQUEST NO. 6

All LSP Board communications and actions against Theodore Kaegael, as it relates to the license issued by the Board to Mr. Kaegael and the actions he took or failed to take in regards to the Eagle Gas site;

REQUEST NO. 7

LSP Board minutes and all communication between LSP Board members relating to the approval of the LSP continuing education course entitled "Assessment of LNAPL Mobility and Recoverability", LSP Association Continuing Education Course, which was presented on April 23, 2007;

REQUEST NO. 8

LSP Board minutes and all communication between LSP Board members relating to the approval of the LSP continuing education course entitled "Environmental Chemistry and the Emergence of Forensic Geochemistry", LSP Association Continuing Education Course, which was presented on July 17 and 18, 2002;

REQUEST NO. 9

LSP Board minutes and all communication between LSP Board members relating to the approval of the LSP continuing education course entitled "MCP Method 2 Risk Characterizations", MassDEP and LSP Association Continuing Education Course, which was presented on October 26, 2005;

REQUEST NO. 10

All notes and internal MassDEP communication generated by John Fitzgerald related in any way to the work of the MassDEP LNAPL Workgroup. See <http://www.mass.gov/dep/cleanup/lnaplwg.htm> ;

REQUEST NO. 11

All MassDEP communication related to post-RAO work conducted at the Speedy Lube Site between June 14, 2002 and June 18, 2004; and

REQUEST NO. 12

All Notices of Noncompliance issued to LSPs by MassDEP in the Northeast Region between 2002 and 2010.

Dated: July 28, 2010

Respectfully submitted,



James J. Decoulos *pro se*
Decoulos & Company, LLC
185 Alewife Brook Parkway
Cambridge, MA 02138
jamesj@decoulos.com
(617) 489-7795

STATEMENT OF SERVICE

I, James J. Decoulos, do hereby certify that I caused a copy of the foregoing to be served on the Petitioner by electronic mail.

Signed under the penalties of perjury this 28th day of July, 2010.



James J. Decoulos

EXHIBIT B

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS
BOARD OF REGISTRATION OF
HAZARDOUS WASTE SITE CLEANUP PROFESSIONALS

In the Matter of:)
)
)

James J. Decoulos,
Respondent)
)
_____)

Docket No.: LSP-10AP-01

Response to James J. Decoulos's Request for Production of Documents

The Prosecuting Attorney for the Board of Registration of Hazardous Waste Site Cleanup Professionals ("Board") responds as follows to the Respondent James J. Decoulos's Request for Production of Documents.

General Objection A: The Board objects to any Document Request that requests that the LSP Board produce documents in MassDEP's possession, custody or control or in the possession, custody or control of any designated MassDEP employee. The LSP Board is a separate agency from MassDEP and has no control over any documents in the possession, custody or control of MassDEP or any MassDEP employee.

REQUEST NO. 1

All photographs taken by MassDEP representatives at the Eagle Gas site during MassDEP's March 11, 2004 site visit.

Response to Request No. 1

See General Objection A. Subject to the foregoing objection, the Board will produce all responsive documents in its possession, custody or control. In order to limit copying expenses, the Board will produce these documents in electronic PDF format, on a DVD.

REQUEST NO. 2

All communication between Cynthia Baran or Jonathan Hobill and James J. Decoulos between January, 2003 and July, 2005 regarding the Eagle Gas site.

Response to Request No. 2

See General Objection A. Subject to the foregoing objection, the Board states that it already produced all responsive documents in its possession, custody, or control to Mr. Decoulos on or around May 18, 2010, and the Board will now produce only additional non-protected responsive documents that the Board acquired after that date. In order to limit copying expenses, the Board will produce these documents in electronic PDF format, on a DVD.

REQUEST NO. 3

All communications between Cynthia Baran and Jonathan Hobill regarding the Eagle Gas site.

Response to Request No. 3

See General Objection A. Subject to the foregoing objection, the Board states that it already produced responsive documents in the LSP Board's possession, custody, or control to Mr. Decoulos on or around May 18, 2010, and the Board will now produce only additional non-protected responsive documents that the Board acquired after that date. In order to limit copying expenses, the Board will produce these documents in electronic PDF format, on a DVD.

REQUEST NO. 4

All communications between Cynthia Baran and David C. Bennett regarding the Eagle Gas site.

Response to Request No. 4

See General Objection A. Subject to the foregoing objection, the Board states that it already produced all responsive documents in the Board's possession, custody, or control to Mr. Decoulos on or around May 18, 2010, and the Board has no additional responsive documents within its possession, custody or control.

REQUEST NO. 5

All Notices of Noncompliance issued to LSPs by MassDEP in the Southeast Region between 2002 and 2010.

Response to Request No. 5

See General Objection A. The Board also objects to Request No. 5 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. Subject to the foregoing objections, the Board states that to the extent it may have such documents, they are not categorized in a manner that would allow the Board to locate them within a reasonable time, and therefore it would be unduly burdensome to produce them, and they are public records in the possession of MassDEP.

REQUEST NO. 6

All LSP Board communications and actions against Theodore Kaegael, as it relates to the license issued by the Board to Mr. Kaegael and the actions he took or failed to take in regards to the Eagle Gas site.

Response to Request No. 6

The Board objects to Request No. 6 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. The Board also objects to Request No. 6 to the extent it seeks documents protected from discovery by the attorney-client privilege or work product doctrine. Subject to the foregoing objections, the Board states that Mr. Kaegael's work at the Eagle Gas site was not one of the grounds for disciplinary

action by the Board, and thus the Board has no responsive documents within its possession, custody or control.

REQUEST NO. 7

LSP Board minutes and all communication between LSP Board members relating to the approval of the LSP continuing education course entitled "Assessment of LNAPL Mobility and Recoverability", LSP Association Continuing Education Course, which was presented on April 23, 2007.

Response to Request No. 7

The Board objects to Request No. 7 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. Subject to the foregoing objection, the Board will produce all non-protected responsive documents. In order to limit copying expenses, the Board will produce these documents in electronic PDF format, on a DVD.

REQUEST NO. 8

LSP Board minutes and all communication between LSP Board members relating to the approval of the LSP continuing education course entitled "Environmental Chemistry and the Emergence of Forensic Geochemistry", LSP Association Continuing Education Course, which was presented on July 17 and 18, 2002.

Response to Request No. 8

The Board objects to Request No. 8 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. Subject to the foregoing objection, the Board will produce all non-protected responsive documents. In order to limit copying expenses, the Board will produce these documents in electronic PDF format, on a DVD.

REQUEST NO. 9

LSP Board minutes and all communication between LSP Board members relating to the approval of the LSP continuing education course entitled "MCP Method 2 Risk Characterizations", MassDEP and LSP Association Continuing Education Course, which was presented on October 26, 2005.

Response to Request No. 9

The Board objects to Request No. 9 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. Subject to the foregoing objection, the Board will produce all non-protected responsive documents. In order to limit copying expenses, the Board will produce these documents in electronic PDF format, on a DVD.

REQUEST NO. 10

All notes and internal MassDEP communication generated by John Fitzgerald related in any way to the work of the MassDEP LNAPL Workgroup. See <http://www.mass.gov/dep/cleanup/lnaplwg.htm>.

Response to Request No. 10

See General Objection A. The Board further objects to Request No. 10 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. Subject to the foregoing objections, the Board states that it has no responsive documents within its possession, custody or control.

REQUEST NO. 11

All MassDEP communication related to post-RAO work conducted at the Speedy Lube Site between June 14, 2002 and June 18, 2004.

Response to Request No. 11

See General Objection A. Subject to the foregoing objection, the Board states that it already produced all responsive documents in its possession, custody, or control to Mr. Decoulos on or around May 18, 2010, and the Board has no additional responsive documents within its possession, custody or control.

REQUEST NO. 12

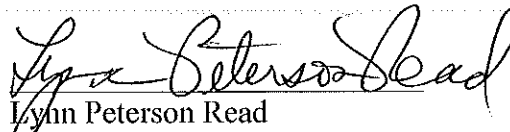
All Notices of Noncompliance issued to LSPs by MassDEP in the Northeast Region between 2002 and 2010.

Response to Request No. 12

See General Objection A. The Board also objects to Request No. 12 on the ground that the requested documents are not relevant to the issues in this adjudicatory hearing. Subject to the foregoing objections, the Board states that to the extent it may have such documents, they are not categorized or filed in a manner that would allow the Board to locate them within a reasonable time, and therefore it would be unduly burdensome to produce them, and they are public records in the possession of MassDEP.

August 4, 2010

Respectfully submitted,



Lynn Peterson Read
BBO No. 551671
Prosecuting Attorney
Board of Registration of Hazardous
Waste Site Cleanup Professionals
One Winter Street, 3rd Floor
Boston, MA 02108
Phone: 617-348-4032
E-mail: lynn.read@state.ma.us

CERTIFICATE OF SERVICE

I hereby certify that on this date a true copy of the above Response to James J. Decoulos's Request for Production of Documents was served upon the attorney of record for each party herein by electronic mail.

August 4, 2010
Date

Lynn Peterson Read
Lynn Peterson Read

EXHIBIT C

DECOULOS & COMPANY

ENVIRONMENTAL ENGINEERING & LAND PLANNING

VIA EMAIL AND FACSIMILE

Wednesday, September 1, 2010

Lynn Peterson Read, Assistant General Counsel
Board of Registration of Hazardous Waste Site Cleanup Professionals
One Winter Street, 3rd floor
Boston, MA 02108

RE: Public Records Request

Dear Ms. Read:

This is a formal request to the Massachusetts Board of Registration of Hazardous Waste Site Cleanup Professionals (the "Board") pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.*, for access to, inspection and examination of the Board's minutes and communications regarding the approval of Board certified continuing education courses.

I respectfully request to access, inspect and examine the following public documents:

1. All Board minutes and communication between Board members relating to the approval of the continuing education course entitled "Assessment of LNAPL Mobility and Recoverability", LSP Association Continuing Education Course, which was presented on April 23, 2007;
2. All Board minutes and communication between Board members relating to the approval of the continuing education course entitled "Environmental Chemistry and the Emergence of Forensic Geochemistry", LSP Association Continuing Education Course, which was presented on July 17 and 18, 2002; and
3. All Board minutes and communication between Board members relating to the approval of the continuing education course entitled "MCP Method 2 Risk Characterizations", MassDEP and LSP Association Continuing Education Course, which was presented on October 26, 2005.

Without limitation, the above information includes documents, including all drafts, (written, printed, typed or graphic matter of any kind or nature); mechanical and electronic sound recordings or transcripts of such recordings; letters; agreements; correspondence; communications; memoranda; written comments; notes; affidavits; telegrams; summaries or recordings of telephone conversations; electronic mail; personal communications; conversations, meetings, and interviews; pamphlets; publications; diaries; photographs; reports; charts; work sheets; data sheets; data processing sheets; plans; summaries or records of investigations; opinions or reports of consultants; circulars; press

Page 2 of 2

Lynn Peterson Read, Assistant General Counsel

Board of Registration of Hazardous Waste Site Cleanup Professionals

Wednesday, September 1, 2010

releases; drafts; studies; calculations; analyses; models; computer models; marginalia; and any other writings.

Should you maintain that any of the requested materials are exempt from disclosure under the Public Records Statute, please describe those materials in detail. However, if exceptions are claimed for certain materials, I expect to be allowed prompt access to the rest of the requested materials while the claimed exceptions are being evaluated.

I await your reply within ten (10) days, as the statute provides.

Thank you in advance for your anticipated cooperation in this matter. I will call you tomorrow to discuss this request and to arrange for the inspection and copying. Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "James J. Decoulos". The signature is fluid and cursive, with a large initial "J" and "D".

James J. Decoulos, PE, LSP

jamesj@decoulos.com

EXHIBIT D

DECOULOS & COMPANY

ENVIRONMENTAL ENGINEERING & LAND PLANNING

VIA EMAIL AND FACSIMILE

Wednesday, September 1, 2010

John J. Fitzgerald
Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

RE: Public Records Request

Dear Mr. Fitzgerald:

This is a formal request to the Massachusetts Department of Environmental Protection ("DEP") pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.*, for access to, inspection and examination of your involvement with the DEP Light Non-Aqueous Phase Liquid Workgroup (the "LNAPL Workgroup"). Information on the LNAPL Workgroup has been posted at <http://www.mass.gov/dep/cleanup/lnaplwg.htm>

I respectfully request to access, inspect and examine the following public documents:

1. All notes and internal DEP communication you have generated or received related in any way to the work of the LNAPL Workgroup.

Without limitation, the above information includes documents, including all drafts, (written, printed, typed or graphic matter of any kind or nature); mechanical and electronic sound recordings or transcripts of such recordings; letters; agreements; correspondence; communications; memoranda; written comments; notes; affidavits; telegrams; summaries or recordings of telephone conversations; electronic mail; personal communications; conversations, meetings, and interviews; pamphlets; publications; diaries; photographs; reports; charts; work sheets; data sheets; data processing sheets; plans; summaries or records of investigations; opinions or reports of consultants; circulars; press releases; drafts; studies; calculations; analyses; models; computer models; marginalia; and any other writings.

Should you maintain that any of the requested materials are exempt from disclosure under the Public Records Statute, please describe those materials in detail. However, if exceptions are claimed for certain materials, I expect to be allowed prompt access to the rest of the requested materials while the claimed exceptions are being evaluated.

I await your reply within ten (10) days, as the statute provides.

Page 2 of 2
John J. Fitzgerald
Massachusetts Department of Environmental Protection
Wednesday, September 1, 2010

Thank you in advance for your anticipated cooperation in this matter. I will call you tomorrow to discuss this request and to arrange for the inspection and copying. Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "James J. Decoulos". The signature is fluid and cursive, with the first name "James" and last name "Decoulos" clearly distinguishable.

James J. Decoulos, PE, LSP
jamesj@decoulos.com

EXHIBIT E

DECOULOS & COMPANY

ENVIRONMENTAL ENGINEERING & LAND PLANNING

VIA EMAIL AND FACSIMILE

Wednesday, September 1, 2010

Irene Lavoie, Keeper of the Records
Massachusetts Department of Environmental Protection
20 Riverside Drive
Lakeville, MA 02347

RE: Public Records Request

Dear Ms. Lavoie:

This is a formal request to the Massachusetts Department of Environmental Protection ("DEP") pursuant to the Massachusetts Public Records Law, G. L. c. 66, § 10, and the Public Records Access Regulations, 950 CMR 32.00, *et seq.*, for access to, inspection and examination of DEP's oversight of a hazardous waste site identified as the Eagle Gas Station, located at 131 Main Street in Carver, Massachusetts (the "Eagle Gas Site"). "Eagle Gas Site" as used herein shall mean the real property at or near 131 Main Street in Carver, Massachusetts and any work related to DEP Release Tracking Numbers (RTNs) 4-13333, 4-17582 or 4-17852.

I respectfully request to access, inspect and examine the following public documents:

1. All communication between DEP representatives Cynthia Baran or Jonathan Hobill and myself regarding the Eagle Gas Site;
2. All communication between DEP representatives Cynthia Baran and Jonathan Hobill regarding the Eagle Gas Site; and
3. All communication between DEP representative Cynthia Baran and Licensed Site Professional David C. Bennett regarding the Eagle Gas Site.

Without limitation, the above information includes documents, including all drafts, (written, printed, typed or graphic matter of any kind or nature); mechanical and electronic sound recordings or transcripts of such recordings; letters; agreements; correspondence; communications; memoranda; written comments; notes; affidavits; telegrams; summaries or recordings of telephone conversations; electronic mail; personal communications; conversations, meetings, and interviews; pamphlets; publications; diaries; photographs; reports; charts; work sheets; data sheets; data processing sheets; plans; summaries or records of investigations; opinions or reports of consultants; circulars; press releases; drafts; studies; calculations; analyses; models; computer models; marginalia; and any other writings.

Page 2 of 2
Irene Lavoie, Keeper of the Records
Massachusetts Department of Environmental Protection
Wednesday, September 1, 2010

Should you maintain that any of the requested materials are exempt from disclosure under the Public Records Statute, please describe those materials in detail. However, if exceptions are claimed for certain materials, I expect to be allowed prompt access to the rest of the requested materials while the claimed exceptions are being evaluated.

I await your reply within ten (10) days, as the statute provides.

Thank you in advance for your anticipated cooperation in this matter. I will call you tomorrow to discuss this request and to arrange for the inspection and copying. Please feel free to contact me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "James J. Decoulos". The signature is fluid and cursive, with the first name "James" and last name "Decoulos" clearly distinguishable.

James J. Decoulos, PE, LSP
jamesj@decoulos.com

cc: Cynthia Baran *via email*

EXHIBIT F



James Decoulos <decoulos@gmail.com>

DEP File Review

2 messages

Lavoie, Irene (DEP)

Mon, Sep 27, 2010 at 11:16

<Irene.Lavoie@state.ma.us>

AM

To: "jamesj@decoulos.com" <jamesj@decoulos.com>

Hi James,

I spoke to you the beginning of the week of September 13, 2010 regarding your file review request for the Eagle Gas site located in Carver, MA. In our conversation you stated that you were going to narrow the scope of your request and submit an new file review request. As of today I have not received a new request to replace your previous request as we agreed. If you still want to review this file please submit your revised request, or if you no longer need to review this file please let me know as soon as possible.

Thank you

Irene Lavoie

Irene J. Lavoie

DEP-Southeast Regional Office

Office: (508) 946-2718 / Fax: (508) 946-2865

E-Mail: Irene.Lavoie@state.ma.us

"For Use in Intra-Agency Policy Deliberations"

James J. Decoulos
<jamesj@decoulos.com>

Mon, Sep 27, 2010 at 12:19 PM

To: "Lavoie, Irene (DEP)" <Irene.Lavoie@state.ma.us>

Irene,

Thank you for the follow up to our telephone discussion on September 14th.
I was unable to respond before you left for vacation on September 17th.

My Public Records Request of September 1st is refined as follows:

I request all email communications, telephone notes or meeting notes by or between DEP representatives Cynthia Baran and Jonathan Hobill regarding the Eagle Gas Site at 131 Main Street in Carver.

Please feel free to contact me if you have any further questions.

Thank you.

James J. Decoulos, PE, LSP
Decoulos & Company, LLC
185 Alewife Brook Parkway
Cambridge, MA 02138

email: jamesj@decoulos.com
web: www.decoulos.com
tel: 617.489.7795
fax: 877.842.9629

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