

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
	)	

**MOTION TO ADD EXHIBITS**

Now comes the Respondent, James J. Decoulos, who hereby moves pursuant to the Ruling and Order Regarding Motion for Order Compelling Discovery and Motion for Oral Testimony dated October 12, 2010 to add exhibits to this proceeding to be used solely for the purpose of seeking to impeach the witnesses against him.

In support of this motion, Respondent has prepared an affidavit this date to support the motion (the “Decoulos Aff. #5”), with the proposed exhibits. The exhibits contain the prefix “PRR” to signify “Proposed Respondent Rebuttal”. If this forum approves the addition of the exhibits, the “P” shall be dropped and the exhibit numbering will commence after the current last Respondent Rebuttal Exhibit, which is now RR-47. See current pleadings and exhibits at <http://decoulos.com/LSPBoard10AP01.htm>

The exhibits sought to be introduced were obtained by Respondent on October 7, 2010 and October 19, 2010.

The exhibits obtained on October 7<sup>th</sup> were received from the Board of Registration of Hazardous Waste Site Cleanup Professionals (the “Board”) through an email. See ¶¶ 21 – 31 of Decoulos Aff. #5. The documents contain a photograph of the Eagle Gas site sometime around 1997 or 1998; information which demonstrate that the Eagle Gas property formerly operated as

an automotive junkyard; that the contamination at the property was so extensive that it received significant press coverage; and, that the former owner who sold the property understood that there was substantial surface contamination.

Based upon surface topography, the significant surface contamination at the Eagle Gas Site was destined to flow to the downgradient catch basin in the Main Street right-of-way. *See* ¶ 27 of Decoulos Aff. #5. Respondent seeks to examine the Board's witnesses and question why the evidence collected by Respondent, together with these new proposed exhibits, do not support the conclusion that the stormwater collection system which discharged into South Meadow Brook was contaminated by surface spills, dumping and stormwater flows beginning at the downgradient catch basin.

The exhibits obtained through a public records review at the Southeast Regional Office of MassDEP on October 19, 2010 serve to achieve the same purpose. In these documents, numbered PRR-48 to PRR-56, internal MassDEP communications demonstrate that additional communications sought by Respondent have still not been produced; that the stormwater outfall was on private property and required permission for access to avoid trespassing; that Respondent made numerous filings outside the MCP framework that MassDEP officials approved; that Eagle Gas was sharing responsibility and liability jointly with former owner Richard Nantais; and that ongoing surface spills continued to pose a threat to contaminating the stormwater collection system – from the surface. *See* ¶¶ 10 – 20 of Decoulos Aff. #5.

For the foregoing reasons, Respondent moves that photograph 163 and Exhibits PRR-48 through PRR-62 be introduced into the record to allow Respondent an opportunity to impeach the Board's witnesses.

Dated: October 21, 2010

Respectfully submitted,



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

### STATEMENT OF SERVICE

I, James J. Decoulos, do hereby certify that I caused a copy of the MOTION TO ADD EXHIBITS with the supporting AFFIDAVIT OF JAMES J. DECOULOS, which includes EXHIBIT A and EXHIBITS PRR-48 to PRR-62, dated October 21, 2010 to be served on the following parties by electronic mail:

Anne Hartley, Case Administrator                      OADR  
Office of Appeals and Dispute Resolution  
[Anne.hartley@state.ma.us](mailto:Anne.hartley@state.ma.us) and  
[Caseadmin.oadr@state.ma.us](mailto:Caseadmin.oadr@state.ma.us)

Robert Traynor    OADR  
Office of Appeals and Dispute Resolution  
[Robert.Traynor@state.ma.us](mailto:Robert.Traynor@state.ma.us)

Lynn Peterson Read, Esq.                              BOARD  
Board of Registration of  
Hazardous Waste Site Cleanup Professionals  
[Lynn.read@state.ma.us](mailto:Lynn.read@state.ma.us)

Signed under the penalties of perjury this 21<sup>st</sup> day of October, 2010.



James J. Decoulos  
Decoulos & Company, LLC  
185 Alewife Brook Parkway  
Cambridge, MA 02138  
[jamesj@decoulos.com](mailto:jamesj@decoulos.com)  
(617) 489-7795