

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 SEEK ORAL TESTIMONY  
FROM MILLIE GARCIA-SURETTE (aka MILLIE GARCIA-SERRANO)**

Now comes the Respondent James J. Decoulos who hereby moves the Presiding Officer, in accordance with the provisions of G.L. c. 30A, § 12 and 801 CMR 1.01(10)(g), to issue a subpoena to Millie Garcia-Surette (aka Millie Garcia-Serrano), who Respondent deems necessary and relevant to testify on the facts and allegations presented in this forum to adequately present his defense.

Respondent has prepared an affidavit to support the allegations in this motion (the “Decoulos Aff. No. 10”). As grounds for this motion, Respondent relies on the affidavit and makes the following detailed showing.

NECESSITY AND RELEVANCE OF TESTIMONY OF MILLIE GARCIA-SURETTE

(aka MILLIE GARCIA-SERRANO)

As Deputy Regional Director of the MassDEP Bureau of Waste Site Cleanup for the Southeast Regional Office, Millie Garcia-Surette (aka Millie Garcia-Serrano) [“Ms. Garcia”] has broad latitude on the conduct of MassDEP employees and how they can best fulfill the statutory obligations of General Law Chapter 21E and the Massachusetts Contingency Plan.

As set forth in the Decoulos Aff. No. 10, it is clear that Ms. Garcia was being briefed by MassDEP employee Cynthia A. Baran on c. 21E response actions at the Eagle Gas site. Given that Ms. Baran's education and expertise was in epidemiology (Exhibit B-2), it is not clear whether Ms. Garcia was receiving accurate or professional advice on conditions that may have caused the outfall contamination at South Meadow Brook in Carver, Massachusetts.

Respondent would like to question Ms. Garcia on her understanding of the history of releases at the Eagle Gas Site, the historic storage and handling of oil and hazardous materials, and any observations she may have had regarding the migration of contaminants into South Meadow Brook along surface pathways.

Ms. Garcia's business address is MassDEP Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347; her telephone is: 508-946-2727; and her email address is:

[Millie.Garcia-Serrano@state.ma.us](mailto:Millie.Garcia-Serrano@state.ma.us)

For the foregoing reasons, Respondent James J. Decoulos moves that this forum issue a subpoena to Millie Garcia-Surette (aka Millie Garcia-Serrano) and require her appearance at the Adjudicatory Hearing on January 26, 2011, and possibly January 27, 2011, to testify on her knowledge of the disputed facts at the Eagle Gas site in this proceeding.

Dated: January 14, 2011

Respectfully submitted,



James J. Decoulos *pro se*  
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## STATEMENT OF SERVICE

I, James J. Decoulos, do hereby certify that I caused a copy of the MOTION TO SEEK ORAL TESTIMONY FROM MILLIE GARCIA-SURETTE (AKA MILLIE GARCIA-SERRANO) with the supporting AFFIDAVIT OF JAMES J. DECOULOS AND EXHIBIT A dated January 14, 2011 to be served on the following parties by electronic mail:

Anne Hartley, Case Administrator                      OADR  
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Signed under the penalties of perjury this 14<sup>th</sup> day of January, 2011.



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