



5. On November 9, 2022, RIDEM filed suit against the Former Owner in the Superior Court to enforce the NOV in case number PC-22-06438, a cause of action under R.I. Gen. Laws § 42-17.1-2(21)(vi).
6. On February 1, 2023, Defendant Jitender Behl acquired the Property.
7. On March 28, 2023, the court granted RIDEM's Motion to Substitute Party, substituting Mr. Behl as the defendant in place of the Former Owner.
8. A settlement amount of the administrative penalty was paid to RIDEM by the Former Owner during the closing when Mr. Behl acquired the Property. Thus, RIDEM is not seeking payment of any additional administrative penalties against Mr. Behl in connection with the NOV so long as he remains compliant with this Consent Order.
9. Mr. Behl shall complete the following actions to comply with the Order sections of the NOV:
  - a. Within 30 days, submit a completed *Permanent Closure Application for Underground Storage Tanks* (the "Closure Application") to RIDEM.
  - b. Within 90 days of approval of the Closure Application by RIDEM, complete the permanent closure of the USTs. The permanent closure shall be completed in full compliance with Section 1.15 of the UST Regulations.
  - c. Within 30 days of the removal of the USTs, submit to the DEM a *Closure Assessment Report* (the "Closure Report") that has been prepared by an environmental consultant in accordance with Section 1.15(D)(10) of the UST Regulations, the *UST Closure Assessment Report Checklist*, and Section 2.13 of the *Oil Pollution Control Regulations*, 250-RICR-140-25-2 (the "OPC Regulations").
  - d. Within 30 days of the removal of the USTs, remove and properly dispose of any contaminated soil encountered during the tank closure and, within 10 days of the soil disposal, submit documentation of disposal to RIDEM, as per Section 2.13 of the OPC Regulations.
  - e. If RIDEM requires, based on review of the Closure Assessment Report, that a site investigation be performed by an environmental consultant and that a *Site Investigation Report* ("SIR") be submitted in accordance with Section 1.14(H) of the UST Regulations, said SIR shall be submitted within 60 days. If RIDEM requires, based on the information in the SIR, the submittal of a *Corrective Action Plan* ("CAP"), said CAP shall be submitted within 30 days and in accordance with Section 1.14(I) of the UST Regulations. The CAP shall be implemented and completed in accordance with an *Order of Approval* issued by RIDEM.
  - f. Mr. Behl shall not resume service of the Facility until approved to do so in writing by RIDEM.
  - g. Any correspondence from RIDEM with regards to the Closure Application, Closure

Report, SIR, CAP or Order of Approval and the deadlines contained therein shall become enforceable as part of this Consent Order.

10. Within 5 days of the receipt of the signed and entered Consent Order, the Defendant shall record said Consent Order in the Land Evidence Records for the City of Pawtucket, Rhode Island, and shall provide a copy of the recorded Order to RIDEM. The recording shall be at the sole expense of the Defendant.
11. Defendant shall provide to RIDEM, its authorized officers, employees, and representatives an irrevocable right of access to the Property at all reasonable times for the purpose of monitoring compliance with this Consent Order. Defendant shall ensure that assignees, successors in interest, lessees, sublessees, tenants in possession, and/or occupants of the Property shall provide the same access and cooperation as long as they control the Property. Defendant shall provide a copy of this Order to any current lessee, sublessee, tenant in possession, and/or occupant of the Property as of the effective date of this Order. Any subsequent leases, subleases, assignments or transfers of the Property or an interest in the Property shall include this right of access provision and shall otherwise be consistent with the terms of this Consent Order.
12. If Defendant fails to abide by any of the terms of this Consent Order, Defendant shall pay the sum of Five Hundred (\$500.00) Dollars per month for each and every month of noncompliance with this Consent Order.
13. Upon Satisfactory completion of all requirements in this Order, RIDEM shall issue a Release of the Notice of Violation and Order to the Defendant. It shall be the sole responsibility of the Defendant to effect recordation of the original Release of Notice of Violation and Order in the land evidence records for the City of Pawtucket. Defendant or any subsequent grantees shall forward a copy of the recorded Release to the DEM within fifteen (15) days of recordation.
14. This Order shall be construed against any future grantees of the Property as successors-in-title to the Defendant.

*Signatures on following pages.*

**JITENDER BEHL:**  
**IN WITNESS WHEREOF, the undersigned consents to this Consent Order**

Jitender Behl

\_\_\_\_\_  
Dated: \_\_\_\_\_

**STATE OF RHODE ISLAND**  
**COUNTY OF \_\_\_\_\_**

In \_\_\_\_\_, in said County and State, on this \_\_\_\_\_ day  
of \_\_\_\_\_ 2023, before me personally appeared Jitender Behl, to me known  
and known by me to be the party executing the foregoing instrument, and he acknowledged said  
instrument and the execution thereof, to be his fee act and deed.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

By its attorney,

\_\_\_\_\_  
Jenna Giguere, Esq. (#8744)  
RIDEM Office of Legal Services  
235 Promenade Street, Fourth Floor  
Providence, RI 02908  
(401) 222-6607 / jenna.giguere@dem.ri.gov

Entered as an Order of this Court this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**ENTERED:**

**PER ORDER:**

\_\_\_\_\_  
**JUSTICE**  
**DATE:**

\_\_\_\_\_  
**CLERK**  
**DATE:**

Submitted by:

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

By its attorney,

/s/Jenna Giguere

Jenna Giguere, Esq. (#8744)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2023, a true copy of the within Consent Order was submitted electronically to the File & Serve electronic case filing system

and sent via electronic mail to [beth@arrudalaw.com](mailto:beth@arrudalaw.com)

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