

**STATE OF RHODE ISLAND  
PROVIDENCE, SC.**

**SUPERIOR COURT**

<b>TERRENCE GRAY,</b>	:
<b>in his capacity as Director,</b>	:
<b>RHODE ISLAND DEPARTMENT OF</b>	:
<b>ENVIRONMENTAL MANAGEMENT</b>	:
	:
Plaintiff,	:
	:
vs.	:
	:
<b>GORDON REALTY, INC. and</b>	:
<b>RICHMOND AIRPORT, INC.</b>	:
	:
	:
Defendants	:

**C.A. No. PC-2022-06441**

**CONSENT ORDER**

By agreement of the parties and permission of this Court it is hereby;

**ORDERED, ADJUDGED AND DECREED**

1. The subject property (the “Property”) is located at 23 Heaton Orchard Road in the Town of Richmond, Rhode Island, and is also identified by the Town of Richmond as Assessor’s Plat 7E, Lot 26. The Property includes an airport and a motor fuel storage and dispensing system (the “Facility”).
2. An underground storage tank (“UST” or “tank”) is located on the Property, which tank is used for storage of petroleum product, and which is subject to the jurisdiction of the Department of Environmental Management (“RIDEM”) under its *Rules and Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials*, 250-RICR-140-25-1 (the “UST Regulations”).
3. Defendant Gordon Realty, Inc. owns the Property (“Gordon”).
4. Defendant Richmond Airport, Inc. holds Underground Storage Tank Facility Certificate of Registration No. 02123 for Tank No. 002, containing aviation gasoline, with a capacity of 10,000 gallons.
5. On January 9, 2020, RIDEM issued a Notice of Violation (“NOV”) to the Defendants alleging violations of the UST Regulations for the failure to submit proof of tightness testing in accordance with the UST Regulations, specifically citing Section

1.10(G)(2)(b) of the UST Regulations. Pursuant to § 42-17.1-2(31), on January 30, 2020, the NOV was recorded in the Land Evidence Records of the Town of Richmond within Book 334 at Page 86.

6. The Defendants did not request an administrative hearing to contest the NOV.
7. On November 10, 2022, RIDEM filed suit against the Defendants in the Superior Court to enforce the NOV in case number PC-2022-06441, a cause of action under R.I. Gen. Laws § 42-17.1-2(21)(vi).
8. The Defendants shall complete the following actions to comply with the Order sections of the NOV:
  - a. Within one year of the date of this Consent Order, procure the services of a qualified contractor and complete the modification of the product pipeline and tank top sump for UST No. 002 as necessary to allow for interstitial space tightness testing or replaced with a new double-walled pipeline and new containment sumps in full compliance with the Section 1.11 and/or Section 1.12 of the UST Regulations. Any modification to the existing pipeline or installation of new product piping and sumps shall only be completed with prior written notification to and approval by the RIDEM's Office of Land Revitalization and Sustainable Materials Management ("OLR&SMM"), as per Section 1.11 and Section 1.12 of the UST Regulations.
9. Penalty – Within five days of this Order, the Defendants shall pay to RIDEM a total of \$3,194.00 in administrative penalties. Said payment shall be in the form of a certified check, cashier's check, or money order, payable to the R.I. General Treasurer – Water and Air Protection Account and forwarded to the Administrator of the RIDEM's Office of Compliance and Inspection at 235 Promenade Street, Suite 220 in the City of Providence, Rhode Island 02908.
10. Within five days of the receipt of the signed and entered Consent Order, the Defendants shall record said Consent Order in the Land Evidence Records for the Town of Richmond, Rhode Island, and shall provide a copy of the recorded Order to RIDEM. The recording shall be at the sole expense of the Defendants.
11. Defendants 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. Defendants 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. Defendants 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 Defendants fail to abide by any of the terms of this Consent Order, Defendants shall pay the sum of Five Hundred (\$500.00) Dollars per month for each and every month of non-compliance with this Consent Order.
13. Upon satisfactory completion of all requirements in this Order, RIDEM shall issue a Release of the NOV to the Defendants. It shall be the sole responsibility of the Defendants to effect recordation of the original Release of Notice of Violation and Order in the land evidence records for the Town of Richmond. Defendants 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 Defendant Gordon.

**GORDON REALTY, INC.**

\_\_\_\_\_  
Clyde B. Gordon, Jr., President

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

In my capacity as President of Gordon Realty, Inc., I hereby aver that I am authorized to sign this Consent Order and thereby bind Gordon Realty, Inc. to satisfy any obligation imposed upon it pursuant to said Consent Order.

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

In \_\_\_\_\_, in said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Clyde B. Gordon, the President of Gordon Realty, Inc., to me known and known by me to be the party executing the foregoing instrument on behalf of Gordon Realty, Inc. and he/she/they acknowledged said instrument by him/her/them executed, to be his/her/their free act and deed in said capacity and the free act and deed of Gordon Realty, Inc.

Notary Public  
My Commission Expires:

**RICHMOND AIRPORT, INC.**

\_\_\_\_\_  
Clyde B. Gordon, Jr., President

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

In my capacity as President of Gordon Realty, Inc., I hereby aver that I am authorized to sign this Consent Order and thereby bind Gordon Realty, Inc. to satisfy any obligation imposed upon it pursuant to said Consent Order.

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

In \_\_\_\_\_, in said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Clyde B. Gordon, the President of Richmond Airport, Inc., to me known and known by me to be the party executing the foregoing instrument on behalf of Richmond Airport, Inc. and he/she/they acknowledged said instrument by him/her/them executed, to be his/her/their free act and deed in said capacity and the free act and deed of Richmond Airport, Inc..

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](mailto:jenna.giguere@dem.ri.gov)

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

ENTER:

ORDER:

\_\_\_\_\_  
Associate Justice

\_\_\_\_\_  
Clerk, Superior Court

Submitted by:

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

By its attorney,

/s/Jenna Giguere

Jenna Giguere, Esq. (#8744)  
RIDEM Office of Legal Services  
235 Promenade Street, Fourth Floor  
Providence, RI 02908  
(401) 222-6607  
(401) 222-3378 (facsimile)  
[jenna.giguere@dem.ri.gov](mailto:jenna.giguere@dem.ri.gov)

**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:

and sent by regular mail to:

\_\_\_\_\_



**STATE OF RHODE ISLAND  
PROVIDENCE, SC.**

**SUPERIOR COURT**

**TERRENCE GRAY,** :  
**in his capacity as Director,** :  
**RHODE ISLAND DEPARTMENT OF** :  
**ENVIRONMENTAL MANAGEMENT** :

Plaintiff, :

vs. : **C.A. No. PC-2022-06441**

**GORDON REALTY, INC. and** :  
**RICHMOND AIRPORT, INC.** :

Defendants :

**CONSENT ORDER**

By agreement of the parties and permission of this Court it is hereby;

1. On June 14, 2023, a Consent Order was entered which required payment of an administrative penalty in the amount of \$3,194.00 within five days of the date the Order was entered.
2. The Parties hereby agree to replace the aforementioned deadline with a payment schedule with the following terms:
  - a. The Defendant shall pay a sum of \$1,194.00 within five days of the date of this Order.
  - b. The Defendant shall pay a sum of \$2,000 no later than September 14, 2023.
  - c. Payment instructions are detailed in Paragraph 9 of the June 14 Consent Order.

**ORDERED, ADJUDGED AND DECREED**

**GORDON REALTY, INC.**

\_\_\_\_\_  
Clyde B. Gordon, Jr., President

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

In my capacity as President of Gordon Realty, Inc., I hereby aver that I am authorized to sign this Consent Order and thereby bind Gordon Realty, Inc. to satisfy any obligation imposed upon it pursuant to said Consent Order.

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

In \_\_\_\_\_, in said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Clyde B. Gordon, the President of Gordon Realty, Inc., to me known and known by me to be the party executing the foregoing instrument on behalf of Gordon Realty, Inc. and he/she/they acknowledged said instrument by him/her/them executed, to be his/her/their free act and deed in said capacity and the free act and deed of Gordon Realty, Inc.

Notary Public  
My Commission Expires:

**RICHMOND AIRPORT, INC.**

\_\_\_\_\_  
Clyde B. Gordon, Jr., President

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

In my capacity as President of Gordon Realty, Inc., I hereby aver that I am authorized to sign this Consent Order and thereby bind Gordon Realty, Inc. to satisfy any obligation imposed upon it pursuant to said Consent Order.

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

In \_\_\_\_\_, in said County and State, on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me personally appeared Clyde B. Gordon, the President of Richmond Airport, Inc., to me known and known by me to be the party executing the foregoing instrument on behalf of Richmond Airport, Inc. and he/she/they acknowledged said instrument by him/her/them executed, to be his/her/their free act and deed in said capacity and the free act and deed of Richmond Airport, Inc..

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](mailto:jenna.giguere@dem.ri.gov)

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

ENTER:

ORDER:

\_\_\_\_\_  
Associate Justice

\_\_\_\_\_  
Clerk, Superior Court

Submitted by:

**RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

By its attorney,

/s/Jenna Giguere

Jenna Giguere, Esq. (#8744)  
RIDEM Office of Legal Services  
235 Promenade Street, Fourth Floor  
Providence, RI 02908  
(401) 222-6607  
(401) 222-3378 (facsimile)  
[jenna.giguere@dem.ri.gov](mailto:jenna.giguere@dem.ri.gov)

**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: [jackri04@aol.com](mailto:jackri04@aol.com); [julieharney@gmail.com](mailto:julieharney@gmail.com) and sent by regular mail to:  
Clyde B. Gordon  
23 Heaton Orchard Road  
Richmond, RI 02892

