

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
ADMINISTRATIVE ADJUDICATION DIVISION**

**RE: KENLIN PROPERTIES, LLC
NOTICE OF VIOLATION SW 14-15**

AAD No. 14-007/WME

CONSENT ORDER

NOW COME the Office of Compliance and Inspection (OC&I) and the Respondent, Kenlin Properties, LLC (collectively, the “Parties”) and hereby state that the Parties have reached an agreement on some of the issues, which may lead to a more complete settlement of this matter. To that end, the Parties hereby stipulate as follows:

- 1) Respondent agrees immediately to cease accepting any and all solid waste, including construction and demolition debris, at the property at One Dexter Road in East Providence, RI (the “Property”).
- 2) **Except as described in Paragraph 3 below, by 10 December 2015**, Respondent agrees to completely remove all solid waste including all wood piles on the Property.
- 3) **By 1 February 2016**, Respondent agrees to remove all fines on the Property.
 - a. OC&I may, for good cause shown, defer the compliance dates prescribed with regard to the removal of fines. Good cause for deferral of any compliance date shall be forwarded to RIDEM in writing at least 15 days prior to the prescribed deadline.
- 4) If the removal described in Paragraphs 2-3 is not completed by the close of business on any of the dates set out in those paragraphs, OC&I shall notify the Hearing Officer, and the hearing shall commence on a date to be set by the Hearing Officer no later than forty-five (45) days from the date of notification.
- 5) This Consent Order shall have the full force and effect of a final compliance order issued after a full hearing on the merits with regard to the removal of all solid waste materials on the Property as described in Paragraphs 2-3, pursuant to the Administrative Procedures Act, R.I. Gen. Laws Section 42-35-1 et seq. from which no timely appeal was taken, and which is enforceable in Superior Court in accordance with R.I. Gen. Laws Section 42-17.1-2(21)(v). This Consent Order does not constitute a final compliance order with regard to the

penalties as assessed in the Notice of Violation issued August 22, 2014, as described in Paragraph 6, below.

- 6) The Parties continue their negotiations with regard to the penalty, and to that end, request that the Administrative Hearing currently scheduled for Tuesday, November 24, 2015 be continued for forth-five (45) days in order to give the parties the opportunity to continue their negotiations.

Submitted by:

RHODE ISLAND DEPARTMENT
OF ENVIRONMENTAL MANAGEMENT,
Office of Compliance and Inspection,
By its attorney,

RESPONDENT,
Kenlin Properties, LLC,
By its attorney,

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So Ordered: _____
Hearing Officer David Kerins
Administrative Adjudication Division

Date: _____