

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

**RE: GRESSAK, STEPHEN C.  
NOTICE OF VIOLATION OC&I/C103-131**

**AAD No. 05-005/IE**

**FINAL ORDER OF DEFAULT**

This matter came before Hearing Officer Mary F. McMahon on August 10, 2006 for Prehearing Conference. Respondent failed to appear or otherwise apprise the Hearing Officer of his inability to appear at the Prehearing Conference.

On September 14, 2006 a Conditional Order of Default was entered against Respondent. The Conditional Order provided that, pursuant to paragraph number 9 on page 3 of the Prehearing Order, a seven (7) day conditional order was issued wherein Respondent had until September 21, 2006 to show good cause why a Final Order of Default should not enter and the Notice of Violation that was issued on July 27, 2005 become a compliance order. Respondent has not responded to the Conditional Order of Default.

**FINDINGS OF FACT**

1. The Prehearing Order issued to the parties on September 8, 2005 provided that: "Upon failure of a party to appear at the Prehearing Conference, the Hearing Officer shall sua sponte issue a seven (7) day Conditional Order of Dismissal/Default, with prejudice, which shall automatically become final unless the absent party demonstrates good cause for the failure to appear."

2. The Prehearing Conference, originally scheduled for December 8, 2005, was continued several times by order. In the Order Granting Withdrawal and Rescheduling Prehearing Conference that was entered on July 14, 2006, the Prehearing Conference was scheduled for August 10, 2006. All other aspects of the Prehearing Order remained in full force and effect.
3. Respondent failed to appear at the Prehearing Conference on August 10, 2006.
4. A Conditional Order of Default was issued against Respondent on September 14, 2006.
5. Pursuant to the Conditional Order, Respondent had until September 21, 2006 to show good cause why a Final Order of Default should not be entered for Respondent's failure to appear at the Prehearing Conference and the Notice of Violation issued on July 27, 2005 become a compliance order.
6. As of this date, Respondent has not responded to the Conditional Order of Default.

CONCLUSION OF LAW

Respondent has failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on July 27, 2005 become a compliance order.

Wherefore, it is hereby

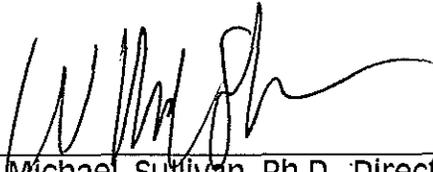
**ORDERED**

1. Respondent is deemed to have waived his right to an adjudicatory hearing.
2. The Notice of Violation shall become a compliance order immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 20<sup>th</sup> day of October, 2006 and herewith recommended to the Director for issuance as a Final Agency Order.

  
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Mary F. McMahon  
Hearing Officer  
Administration Adjudication Division  
235 Promenade Street, Third Floor  
Providence, RI 02908  
(401) 222-1357

Entered as a Final Agency Order this 26<sup>th</sup> day of October 2006.

  
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W. Michael Sullivan, Ph.D., Director  
Department of Environmental Management  
235 Promenade Street, 4<sup>th</sup> Floor  
Providence, Rhode Island 02908

**CERTIFICATION**

I hereby certify that I caused a true copy of the within Order to be forwarded by first-class mail, postage prepaid, to Steven Gressak, 21 Pleasant Street, Whitinsville, MA 01588; via interoffice mail to Gregory Schultz, Esquire, DEM Office of Legal Services and Dean H. Albro, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 26<sup>th</sup> day of October, 2006.

  
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Bruce L. Stewart