

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

IN RE: Pasco and Susan Raimondo d/b/a Pat's Service Station
and Hendel Petroleum and Myron Hendel d/b/a Hendel's,
Inc. AAD No. 92-004/GWE
Notice of Violation No. UST 92-02081

ORDER GRANTING SUMMARY JUDGMENT

This matter is before the hearing officer on the Motion for Summary Judgment filed by the Oil Pollution and Underground Tank Program ("Division") on December 10, 1992 regarding the above-entitled matter. As grounds therefore, the Division asserts that no genuine issue of material fact remains in dispute and the Division is entitled to judgment as a matter of law.

Rule 8.00 of the AAD Rules of Practice and Procedure provides that a party opposing a motion shall file a written objection to the allowance of the motion within seven (7) days. Rule 8.00 further provides that failure to file a written objection within the prescribed time period will be deemed a waiver of the objection. The time for objection having passed and no objection or response of any kind having been filed, it is hereby

ORDERED

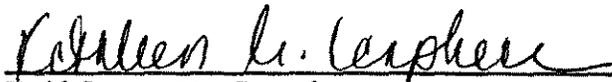
that the Division's Motion for Summary Judgment is GRANTED and the administrative penalty assessed against Respondents in the Notice of Violation and Penalty issued on February 7, 1992 is sustained.

Pasco and Susan Raimondo d/b/a Pat's Service Station and Hendel
Petroleum and Myron Hendel d/b/a Hendel's, Inc.

AAD No. 92-004/GWE

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Entered as a Recommended Order this 5th day of
January, 1993.



Kathleen M. Lanphear
Chief Hearing Officer
Department of Environmental Management
Administrative Adjudication Division
One Capitol Hill, Third Floor
Providence, RI 02908

I hereby adopt the foregoing Order Granting Summary
Judgment as a Final Agency Order this 11th day of January,
1993.



Louise Durfee
Director
Department of Environmental Management
9 Hayes Street
Providence, RI 02908

Pasco and Susan Raimondo d/b/a Pat's Service Station and Hendel
Petroleum and Myron Hendel d/b/a Hendel's, Inc.

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CERTIFICATION

I hereby certify that I caused a true copy of the within
Order Granting Summary Judgment to be forwarded via regular
mail, postage prepaid to Philip A. Weinstein, Esq., Licht &
Semonoff, One Park Row, Providence, RI 02903; Renee S. Menard,
Esq., Bevilacqua, DeSimone & Gosz, 380 Broadway, Providence, RI
02903 and via interoffice mail to Brian A. Wagner, Esq., Office
of Legal Services, 9 Hayes Street, Providence, RI 02908 on this
11th day of January, 1993.

