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-2022-06437

:

PASCO RAIMONDO and SUSAN RAIMONDO

:

Defendants :

CONSENT ORDER

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

ORDERED, ADJUDGED AND DECREED

- 1. Defendants own the subject property located at 94 West Warwick Avenue, in the Town of West Warwick, Rhode Island, also identified by the Town of West Warwick as Assessor's Plat 7, Lot 399 (the "Property"). The Property includes a service station and a motor fuel storage and dispensing system (the "Facility"), operated by Defendants d/b/a "Pat's Service."
- 2. On March 30, 2018, the Rhode Island Department of Environmental Management ("DEM") issued a Notice of Violation ("NOV") to the Defendants. The NOV alleged that the Defendants failed to submit required safety testing on regulated underground storage tanks (USTs) and failed to permanently close abandoned USTs on the Property.
- 3. After the time period for requesting an administrative hearing passed without a hearing request, the NOV became a Compliance Order enforceable in Superior Court pursuant to R.I. Gen. Laws §§ 42-17.1-2(21)(vi) and 42-17.6-4(c).
- 4. In order to initiate the process of bringing the Property into compliance, the Defendants agree to the following actions:
 - A. Within 90 days, the Defendants shall submit a completed *Permanent Closure Application* for *Underground Storage Tanks* (the "Closure Application") to the Department of Environmental Management ("DEM"). The Closure Application must include a *Release Characterization Report* for the Failed Pipeline in accordance with Section 1.10(H) and

Section 1.14(G) of the Rules and Regulations for Underground Storage Facilities Used for Regulated Substances and Hazardous Materials, 250-RICR-140-25-1 (the "UST Regulations").

- B. Within six months of approval of the Closure Application by the DEM, the Defendants shall complete the permanent closure of the USTs. The permanent closure shall be completed in full compliance with DEM's UST Regulations, DEM's *Guidelines for Closure of Underground Storage Tank Systems*, February 2022, and the *Oil Pollution Control Regulations* (250-RICR-140-25-2).
- 5. A status conference is scheduled for June 9, 2023, at 9:30 on the Formal and Special Cause calendar as a control date for continued compliance and resolution of the other outstanding issues.

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

By its attorney,

/s/ Jenna Giguere, Esq.
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PASCO RAIMONDO AND SUSAN RAIMONDO

By their attorney,

Biagio L. Longo, Esq. (#0651) 328 Cowesett Avenue, Suite 1 West Warwick, RI 02893 (401) 828-6888 bll@longolaw.necoxmail

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)

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Date of Submission: March 15, 2023

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 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:

Biagio L. Longo, Esq. at bll@longolaw.necoxmail

/s/ Jenna Giguere, Esq.