

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

**RE: PLANTATIONS HEAT TREATING CORP.
NOTICE OF VIOLATION/RCRA 03-036**

AAD NO. 04-002/WME

FINAL ORDER OF DEFAULT

This matter came before Hearing Officer Joseph F. Baffoni on February 19, 2004 for the purpose of a status conference. Respondent failed to appear or otherwise apprise the Hearing Officer of their inability to appear at said status conference. Pursuant to the Status Conference Order entered on January 15, 2004, a Conditional Order of Default was issued against the Respondent affording Respondent until and including February 27, 2004 to show good cause in writing why a Final Default Judgment should not enter and the Notice of Violation and Order and Penalty, which was issued on January 6, 2004, become a compliance order. As of the date of this order, the Respondent has not responded to the Conditional Order of Default.

FINDINGS OF FACT

1. The Status Conference Order issued to the parties on January 15, 2004 provided that: "If either party fails to appear at the status conference, the Hearing Officer, sua sponte, will issue a Seven (7) Day Conditional Order of Dismissal/Default against the non-attending party."
2. The status conference was held on February 19, 2004.
3. Respondent failed to appear at the status conference or otherwise apprise the Hearing Officer of their inability to appear.
4. A Conditional Order of Default was issued against Respondent on February 19, 2004.
5. Pursuant to the Conditional Order, Respondent had until February 27, 2004 to show good cause why a final default judgment should not enter and the Notice of Violation issued on January 6, 2004 become a compliance order.
6. The Respondent has not responded to the Conditional Order of Default.

CONCLUSIONS OF LAW

1. Respondent has failed to show cause that relief from the Conditional Order of Default should be granted.

2. Respondent has failed to show good cause why a Final Order of Default should not enter and the Notice of Violation issued on January 6, 2004 become a compliance order.

Wherefore, it is hereby

ORDERED

1. Respondent is deemed to have waived its right to an adjudicatory hearing.
2. The Notice of Violation issued on January 6, 2004 shall be final and become a compliance order immediately upon the entry of the Final Agency Order herein.

Entered as an Administrative Order this 8th day of March, 2004 and herewith recommended to the Director for issuance as a Final Agency Order.

Joseph F. Baffoni
Hearing Officer
Administrative Adjudication Division
235 Promenade Street, Third Floor
Providence, RI 02908
(401) 222-1357

Entered as a Final Agency Order this 16th day of March, 2004.

Frederick Vincent, Acting Director
Department of Environmental Management
235 Promenade Street, 4th Floor
Providence, RI 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 Austin Gilbride, President, Plantations Heat Treating Corp., 184 Woonasquatucket Avenue, North Providence, RI 02911; via interoffice mail to John Langlois, Esquire, Office of Legal Services and Dean H. Albro, Chief, Office of Compliance and Inspection, 235 Promenade Street, Providence, RI 02908 on this 16th day of March, 2004.
