STATE OF RHODE ISLAND KENT, SC.

SUPERIOR COURT

TERRENCE GRAY, :

in his capacity as Director, : RHODE ISLAND DEPARTMENT OF : ENVIRONMENTAL MANAGEMENT :

:

Plaintiff,

:

vs. : C.A. No. KC 2024-0408

:

TOWN OF COVENTRY¹

:

Defendant :

CONSENT ORDER

By agreement of the Parties and permission of the court it is hereby

It is hereby Ordered, Adjudged and Decreed:

- 1. The Immediate Compliance Order issued by Rhode Island Department of Environmental Management on April 3, 2024 and the Extension issued on May 17, 2024 shall continue to be enforceable against the Town of Coventry as the current owner of the Flat River Reservoir Dam:
- 2. The Town of Coventry submitted a completed Interim Spillway Repair application for the Flat River Reservoir Dam ("Interim Spillway Repair") to the Rhode Island Department of Environmental Management ("RIDEM"), pursuant to the terms of the Immediate Compliance Order initially issued by RIDEM on April 3, 2024 and the extensions thereof, on August 16, 2024;
- 3. RIDEM approved the Interim Spillway Repair on August 16, 2024. Exhibit A;
- 4. The Town of Coventry shall finalize its contract with its selected contractor to perform the Interim Spillway Repair consistent with RIDEM's approval no later than September 30, 2024;

¹ Per the Consent Order entered on July 15, 2024 the Town of Coventry was substituted for the initially named Defendant, Soscia Holdings, LLC.

- 5. The Town of Coventry shall provide an anticipated date for completion of the Interim Spillway Repair no later than September 30, 2024;
- 6. The Town of Coventry will work towards complying with the Order section of the June 10, 2024 Notice of Violation ("NOV") issued to Soscia Holdings, LLC and recorded in the Land Evidence Records for the Town of Coventry for violations related to the Flat River Reservoir Dam, State Identification Number 167, ("Flat River Dam") wherein the RIDEM determined the Flat River Dam to be unsafe;
- 7. The Town of Coventry has retained Reagan Marine Construction and MAS Building & Bridge Inc.to perform a dive inspection of the low-level outlet pipes of the Flat River Dam in accordance with NOV
- 8. The dive inspection shall be completed by September 30, 2024 and a copy of the dive inspection report shall be forwarded to RIDEM within 30 days of the inspection;
- 9. The Town of Coventry shall continue to work towards compliance with the remaining orders of the Immediate Compliance Order and the Interim Spillway Repair including, but not limited to, the performance of a detailed investigation of the spillway, and the submittal of a report to RIDEM including any necessary repair applications and schedules to address any deficiencies noted in the report;
- 10. The Parties shall continue to work cooperatively to address the terms of the Immediate Compliance Order and its Extension and the Interim Spillway Repair.

Ordered	Entered:
Date:	

For Plaintiff,
TERRENCE GRAY, in his capacity as
Director, RHODE ISLAND
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT

By his attorneys,

/s/Tricia Quest

Tricia Quest, Esq. (#7362) RIDEM Office of Legal Services 235 Promenade Street, Fourth Floor Providence, RI 02908 (401) 222-6607 (401) 222-3378 (facsimile) Tricia.quest@dem.ri.gov

and

Dated: August 30, 2024

PETER F. NERONHA ATTORNEY GENERAL

/s/ Nicholas M. Vaz

Nicholas M. Vaz, #9501 Special Assistant Attorney General 150 South Main Street Providence, Rhode Island 02903 (401) 274-4400 ext. 2297 nvaz@riag.ri.gov

For Defendant, TOWN OF COVENTRY, By its attorneys,

/s/ Stephen J. Angell

Stephen J. Angell, Esq. #6132 Angell Law, LLC 1062 Reservoir Avenue Cranston, Rhode Island 02910 (401)258-3440 stephen@angell.law

and

/s/Michael T. Eskey

Michael T. Eskey, Esq. (#3035) **Moses Ryan Ltd.** 40 Westminster Street, 9th Floor Providence, Rhode Island 02903 Tel: (401) 453-3600 (401) 433-7834 (direct line) **teskey@marlawri.com**

CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2024, a copy of the forgoing to was submitted electronically to the File & Serve electronic case filing system and is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/Tricia Quest