

SUPERIOR COURT

Defendants

[illegible]

C.A. No. PC-2024-05922

CONSENT ORDER

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

ORDERED, ADJUDGED AND DECREED

1. The subject property (the “Property”) is located at 103 Sayles Street in the City of Providence, Rhode Island.
2. On March 11, 2019, the Rhode Island Department of Environmental Management (RIDEM) issued a Notice of Violation (NOV) to the Defendants alleging violations of the Hazardous Waste Regulations at the Property. The NOV imposed an administrative penalty of \$43,056 in addition to certain compliance terms to address the regulatory violations.
3. On November 1, 2024, RIDEM filed suit against the Defendant in the Superior Court to enforce the NOV, a cause of action under R.I. Gen. Laws § 42-17.1-2(21)(vi).
4. Defendant Erlin Guerrero addressed the compliance terms in the NOV to RIDEM’s satisfaction.
5. The parties agreed to settle the administrative penalty. Defendant Guerrero shall pay to RIDEM \$40,000 in administrative penalties assessed as follows:
 - A. Upon execution of the Consent Order, Defendant shall pay to RIDEM \$10,000.

- B. The remainder of the negotiated penalty, \$30,000, shall be paid to RIDEM in equal and consecutive monthly installments of \$1,250 **to be paid starting on or before May 1, 2025, and continuing to be paid** on the first of each month. The negotiated penalty shall be paid in full on or before May 1, 2027.
- C. Penalties that Defendant agrees to pay in this Consent Order are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.
- D. If Defendant fails to remit to RIDEM a payment on or before its due date, that payment will be considered late, and Respondents will be in default. If the payment is not received within 30 days of its due date, interest shall begin to accrue on the entire unpaid balance at the rate of 12 percent per annum. Interest will accrue at this rate beginning with the day after the due date specified in this Consent Order until such date all past due installment payments and interest owed are remitted. Interest shall be calculated using the following generally established accounting principle: Interest due = (number of days late/365) x (0.12) x (amount of unpaid balance)
- E. Payments shall be by one of two methods:
- i. By certified check, cashier's check, or money order made payable to the *R.I. General Treasurer – Environmental Response Fund* and forwarded to:
Administrator, RIDEM Office of Compliance and Inspection
235 Promenade Street, Suite 220
Providence, RI 02908-5767; or
 - ii. By wire transfer in accordance with instructions to be provided by RIDEM.
6. Within five days of the receipt of the signed and entered Consent Order, Defendant shall record said Consent Order in the Land Evidence Records for the City of Providence, Rhode Island, and shall provide a copy of the recorded Order to RIDEM. The recording shall be at the sole expense of the Defendant.
7. This Order shall be construed against any future grantees of the Property as successors-in-title to Defendant.

ERLIN GUERRERO

By his attorney,

RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

By its attorney,

Jenna Giguere, Esq. (#8744)
RIDEM Office of Legal Services
235 Promenade Street, Fourth Floor
Providence, RI 02908
jenna.giguere@dem.ri.gov

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)
RIDEM Office of Legal Services
235 Promenade Street, Fourth Floor
Providence, RI 02908
jenna.giguere@dem.ri.gov

CERTIFICATE OF SERVICE

I hereby certify that on this _____ day of _____, 2025, a true copy of the within Consent Order was submitted electronically to the File & Serve electronic case filing system; and electronically served upon opposing counsel.