

DOCKET NO:

RETURN DATE: JULY 23, 2019

KATHERINE S. DYKES, : SUPERIOR COURT  
COMMISSIONER OF ENERGY AND  
ENVIRONMENTAL PROTECTION,  
*Plaintiff,*  
  
v. : JUDICIAL DISTRICT OF HARTFORD  
  
RRR & MAINTENANCE, INC. and  
FRANCIS HODGES,  
*Defendants.* : JUNE 24, 2019

**COMPLAINT**

**FIRST COUNT (against RRR & Maintenance, Inc.)**

1. The plaintiff is the Commissioner of Energy and Environmental Protection of the State of Connecticut (“the Commissioner”) and, as such, is charged with the supervision and enforcement of the statutes of the State of Connecticut respecting the environment, including Chapter 446d, governing solid waste management, and is generally empowered by virtue of Conn. Gen. Stat. § 22a-6(a)(3) to institute all legal proceedings necessary to enforce statutes, regulations or orders administered, adopted or issued by her.

2. The defendant RRR & Maintenance, Inc. ("RRR") is a Connecticut corporation with a business address at 237 Roxbury Road, Washington, CT 06793 ("the Site"), as listed with the Connecticut Secretary of State.

3. Since at least June 18, 2019, RRR has operated a solid waste facility within the meaning of Conn. Gen. Stat. § 22a-207(4), consisting of a transfer station within the meaning of Conn. Gen. Stat. § 22a-207(11), at the Site.

4. RRR has not obtained a permit pursuant to Conn. Gen. Stat. § 22a-208a for the solid waste facility described in ¶ 3, above.

5. By virtue of the conduct alleged in paragraphs 1 through 4 of this Count, RRR has violated Conn. Gen. Stat. § 22a-208a(b).

6. The violation alleged in this Count is continuing.

**SECOND COUNT** (against Francis Hodges)

1. The plaintiff is the Commissioner of Energy and Environmental Protection of the State of Connecticut (“the Commissioner”) and, as such, is charged with the supervision and enforcement of the statutes of the State of Connecticut respecting the environment, including Chapter 446d, governing solid waste management, and is generally empowered by virtue of Conn. Gen. Stat. § 22a-6(a)(3) to institute all legal proceedings necessary to enforce statutes, regulations or orders administered, adopted or issued by her.

2. The defendant Francis Hodges owns 237 Roxbury Road, Washington, CT 06793 (“the Site”).

3. Since at least January 2007, Francis Hodges has been the president of defendant RRR & Maintenance, Inc.

4. Since at least June 18, 2019, Francis Hodges has operated a solid waste facility within the meaning of Conn. Gen. Stat. § 22a-207(4), consisting of a transfer station within the meaning of Conn. Gen. Stat. § 22a-207(11), at the Site.

5. Francis Hodges has not obtained a permit pursuant to Conn. Gen. Stat. § 22a-208a for the solid waste facility described in ¶ 4, above.

6. By virtue of the conduct alleged in paragraphs 1 through 5 of this Count, Francis Hodges has violated Conn. Gen. Stat. § 22a-208a(b).

7. The violation alleged in this Count is continuing.

**THIRD COUNT** (against Francis Hodges)

1. The plaintiff is the Commissioner of Energy and Environmental Protection of the State of Connecticut (“the Commissioner”) and, as such, is charged with the supervision and enforcement of the statutes of the State of Connecticut respecting the environment, including Chapter 446d, governing solid waste management, and is generally empowered by virtue of Conn. Gen. Stat. § 22a-6(a)(3) to institute all legal proceedings necessary to enforce statutes, regulations or orders administered, adopted or issued by her.

2. The defendant Francis Hodges owns 237 Roxbury Road, Washington, CT 06793 (“the Site”).

3. Since at least January 2007, Francis Hodges has been the president of defendant RRR & Maintenance, Inc. (“RRR”)

4. Since at least June 18, 2019, RRR and/or Francis Hodges has operated a solid waste facility within the meaning of Conn. Gen. Stat. § 22a-207(4), consisting of a transfer station within the meaning of Conn. Gen. Stat. § 22a-207(11), at the Site.

5. The Commissioner has not issued a permit pursuant to Conn. Gen. Stat. § 22a-208a for the solid waste facility described in ¶4, above.

6. Since at least June 18, 2019, Francis Hodges has received solid waste at the solid waste facility described in ¶ 4 in violation of Conn. Gen. Stat. § 22a-208c.

7. The violation alleged in this Count is continuing.

WHEREFORE, in accordance with §§ 22a-6 and 22a-226 of the Connecticut General Statutes, the plaintiff respectfully requests:

1. Pursuant to Conn. Gen. Stat. §§ 22a-6 and 22a-226, that the Court issue a temporary and permanent injunction prohibiting the defendants RRR & Maintenance, Inc. and Francis Hodges, and each of them, from violating any provision of the statutes or regulations of the State of Connecticut concerning protection of the environment;

2. Pursuant to Conn. Gen. Stat. §§ 22a-6 and 22a-226, that the Court issue a temporary and permanent injunction against the defendants RRR & Maintenance, Inc. and Francis Hodges, and each of them, prohibiting them from operating an unpermitted solid waste facility;

3. Pursuant to Conn. Gen. Stat. §§ 22a-6 and 22a-226, that the Court issue a temporary and permanent injunction against the defendant Francis Hodges prohibiting him from receiving solid waste at an unpermitted solid waste facility;

4. Pursuant to Conn. Gen. Stat. §§ 22a-6 and 22a-226, that the Court issue a temporary and permanent injunction against the defendants RRR & Maintenance, Inc. and Francis Hodges, and each of them, requiring them to remove all solid waste from 237 Roxbury Road, Washington, CT and properly dispose of it at a permitted solid waste facility;

5. Pursuant to Conn. Gen. Stat. §§ 22a-6 and 22a-226, that the Court issue a temporary and permanent injunction requiring the defendants RRR & Maintenance, Inc. and Francis Hodges, and each of them, to take whatever action is necessary to remediate the environmental violations pleaded in this Complaint;

6. Pursuant to Conn. Gen. Stat. § 22a-226, that the Court issue an order requiring the defendants RRR & Maintenance, Inc. and Francis Hodges, jointly and severally, to pay to the

State of Connecticut a civil penalty not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per day to be fixed by the Court for each violation of Chapter 446d pleaded in this Complaint; and

7. That the Court grant such further and other relief as is just and equitable to effectuate the purposes of this action.

This action is brought by the Commissioner of Energy and Environmental Protection in her official capacity. Therefore, she is not liable for any costs in this action.

Dated at Hartford, Connecticut, this 24<sup>th</sup> day of June, 2019.

**PLAINTIFF**

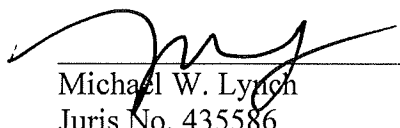
**KATHERINE S. DYKES  
COMMISSIONER OF ENERGY AND  
ENVIRONMENTAL PROTECTION**

**WILLIAM TONG  
ATTORNEY GENERAL**

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Please enter the appearance of  
WILLIAM TONG  
ATTORNEY GENERAL  
by Michael W. Lynch  
Assistant Attorney General

  
Michael W. Lynch  
Juris No. 435586

**VERIFICATION**

STATE OF CONNECTICUT)

) : ss.

Hartford, CT


June 24, 2019

COUNTY OF HARTFORD )

Personally appeared before me, Eugene MacGillis, of the Connecticut Department of Energy and Environmental Protection, the subscriber, and made oath to the truth of the matters contained in the aforesaid Complaint.

  
Eugene MacGillis

Subscribed and sworn to before me this 24<sup>th</sup> day of June, 2019.

  
Michael W. Lynch  
Commissioner of the Superior Court