

RETURN DATE: AUGUST 14, 2012

DANIEL ESTY
COMMISSIONER OF
DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION

v.

CARISMA CAR WASH, LLC and
STEVE TSIALAS

SUPERIOR COURT

JUDICIAL DISTRICT
OF HARTFORD AT HARTFORD

JULY 6, 2012

COMPLAINT

COUNT ONE (Carisma Car Wash, LLC – Conn. Gen. Stat. §22a-430)

1. The plaintiff is the Commissioner of the Department of Energy and Environmental Protection of the State of Connecticut (“Commissioner” and/or “Department”) and, as such, is charged with the supervision and enforcement of the laws of the state of Connecticut respecting the environment, including Conn. Gen. Stat. Chapter 446k governing water pollution, and is generally empowered by virtue of Conn. Gen. Stat. § 22a-6(a)(3) to institute all legal proceedings necessary to enforce statutes, regulations, permits or orders that are administered, adopted or issued by the Commissioner.
2. The defendant Carisma Car Wash, LLC (“defendant Carisma”) is a Connecticut limited liability company registered to do business with the State of Connecticut Secretary of State.
3. The defendant Carisma has its principal place of business at 277 Boston Post Road, Old Saybrook, Connecticut.

4. The sole owner and managing member of defendant Carisma is defendant Steve Tsialas (“defendant Tsialas”) whose last known residence is 1008 Moose Hill Road, Guilford, CT.
5. The defendant Carisma is also the owner of the property at 277 Boston Post Road, Old Saybrook, CT (“the site”).
6. At all times relevant to the allegations of this complaint, the defendant Carisma operated a car wash business at the site, which included the use of water, soaps and cleaning solvents to wash cars.
7. The defendant Carisma generates significant amounts of wastewater from its car wash operation at the site.
8. The site has two wastewater holding tanks that are situated below grade.
9. Between 2006 and 2009 inspectors from the Department conducted inspections of the site and determined that the defendant Carisma was not properly managing wastewater generated from the operation of the car wash.
10. On or about November 12, 2010, a Certificate of Registration was issued by the Commissioner to the defendant Carisma for the General Permit for the Discharge of Vehicle Maintenance Wastewater (“General Permit” and/or “Permit No. GVM001466”) pursuant to Conn. Gen. Stat. §§22a-430b and 22a-545(e).
11. Section 3(a) of the General Permit authorized the discharge of vehicle maintenance wastewater to either a sanitary sewer or to a holding tank from which the wastewater is transported to a Publicly Owned Treatment Works authority (“POTW”) only.

12. On or about October 25, 2011, the Department conducted an inspection and learned that defendant Carisma was discharging wastewater at least three times a week to the ground surface behind the car wash.
13. On or about January 24, 2012, the Department inspected the site and learned that the defendant Carisma was maintaining a discharge directly to subsurface ground environment.
14. On or about June 26, 2012, the Department conducted another inspection of the site and determined that one of the wastewater holding tanks serving the car wash operation at the site had a pipe that discharged wastewater directly to the subsurface/ground environment.
15. The Department determined that the holding tank has a hole with an attached pipe and this pipe discharges into the ground at the rear of the site.
16. By virtue of this release of wastewater to the surface and subsurface ground environment, defendant Carisma initiated, created, originated and/or maintained a discharge to the waters of the state without a permit from the Commissioner in violation of Conn. Gen. Stat. §22a-430 and Regulations of Connecticut State Agencies governing water pollution control.

COUNT TWO (Carisma Car Wash, LLC – General Permit, Conn. Gen. Stat. §22a-430b, 22a-430-3)

- 1-15. Paragraphs 1 through 15 of COUNT ONE are hereby incorporated by reference as paragraphs 1 through 15 of this COUNT TWO.
16. By virtue of this release of wastewater to the surface and subsurface ground environment, defendant Carisma initiated, created, originated and/or maintained a discharge to the

waters of the state in violation of the General Permit, Conn. Gen. Stat. §22a-430b and Regulation of Connecticut State Agencies (“RCSA”) §22a-430-3(e).

COUNT THREE (Steve Tsialas – Conn. Gen. Stat. §22a-430)

- 1-16. Paragraphs 1 through 16 of COUNT ONE are hereby incorporated by reference as paragraphs 1 through 16 of this COUNT THREE.
17. Upon information and belief, at all times relevant to this Complaint, defendant Steve Tsialas (i) has had general and active supervision of the affairs of defendant Carisma, (ii) has actively participated in running defendant Carisma, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of defendant Carisma, (iv) has had control over the day-to-day operations of defendant Carisma, and (v) has had the authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT THREE.
18. Defendant Steve Tsialas’s actions or inactions facilitated the violations alleged in this COUNT THREE.
19. By engaging in all the conduct pleaded in this Count, the defendant Steve Tsialas is personally liable for the violations pleaded against defendant Carisma, including violations of Conn. Gen. Stat. §22a-430 and Regulations of Connecticut State Agencies governing water pollution control.

COUNT FOUR (Steve Tsialas – General Permit, Conn. Gen. Stat. §22a-430b, 22a-430-3)

- 1-15. Paragraphs 1 through 15 of COUNT ONE are hereby incorporated by reference as paragraphs 1 through 15 of this COUNT FOUR.

16. Paragraph 16 of COUNT TWO is hereby incorporated by reference as paragraph 16 of this COUNT FOUR.
17. Upon information and belief, at all times relevant to this Complaint, defendant Steve Tsialas (i) has had general and active supervision of the affairs of defendant Carisma, (ii) has actively participated in running defendant Carisma, (iii) has been in a position of responsibility which allows him to influence the corporate policies or practices and the day-to-day operations of defendant Carisma, (iv) has had control over the day-to-day operations of defendant Carisma, and (v) has had the authority to influence, and did so influence, corporate activities which constitute the allegations of this COUNT FOUR.
18. Defendant Steve Tsialas's actions or inactions facilitated the violations alleged in this COUNT FOUR.
19. By engaging in all the conduct pleaded in this Count, the defendant Steve Tsialas is personally liable for the violations pleaded against defendant Carisma, including violations of the General Permit, Conn. Gen. Stat. §22a-430b and RCSA §22a-430-3(e).

WHEREFORE, in accordance with Sections 22a-6, 22a-6a, 22a-430, 22a-430b and 22a-438 of the Connecticut General Statutes, the Plaintiff respectfully requests:

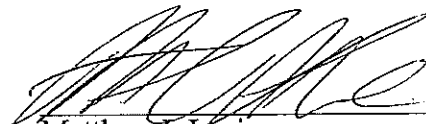
1. That the court issue a temporary and permanent injunction prohibiting the defendants, and each of them, from violating any provision of Conn. Gen. Stat. Chapter 446k concerning the protection of the environment.
2. That the court issue a temporary and permanent injunction requiring the defendants, and each of them, to comply with the General Permit for the Discharge of Vehicle Maintenance Wastewater, specifically Permit No. GVM001466;
3. That the court issue a temporary and permanent injunction requiring the defendants, and each of them, to cease the maintenance of the discharge to the waters of the state without a permit from the Commissioner;
4. That the court issue an order requiring the defendants 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 day of each violation pleaded in this Complaint.
5. That the court issue an order holding the defendants jointly and severally liable for any penalty assessed by this court.
6. That the court issue an order holding the defendants, and each of them, liable to the State of Connecticut for the State of Connecticut's reasonable costs and expenses in detecting, investigating, controlling and abating the violations that are the subject of this action.
7. That the court order such other relief as is just and equitable to effectuate the purposes of this action.

Dated at Hartford, Connecticut, this 6th day of July, 2012.

DANIEL C. ESTY
COMMISSIONER OF ENERGY AND
ENVIRONMENTAL PROTECTION

GEORGE JEPSEN
ATTORNEY GENERAL

BY:

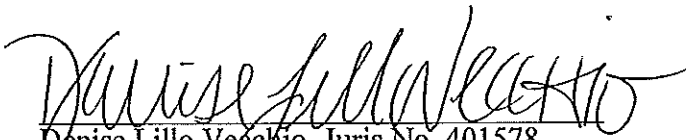


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