

**STATE OF CONNECTICUT**  
**DEPARTMENT OF ENVIRONMENTAL AND ENERGY PROTECTION**

**IN THE MATTERS OF:**

**GRILLO SERVICES, LLC**  
**4/1/21 SWGP REGISTRATION**

**APPLICATION # 202104247**

**GRILLO SERVICES, LLC**  
**3/1/21 REGISTRATION OF A LEAF**  
**COMPOSTING FACILITY**

**APPLICATION # 202103580**

**GRILLO SERVICES, LLC**  
**3/2/21 APPLICATION FOR A GENERAL**  
**PERMIT FOR THE ADDITION OF**  
**GRASS CLIPPINGS AT A REGISTERED**  
**LEAF COMPOSTING FACILITY**

**APPLICATION # 202103579**

**MAY 3, 2021**

**VERIFIED PETITION OF RONALD L. BRIDGE FOR DECLARATORY RULING,  
MOTION TO INTERVENE IN PERMIT AND REGISTRATION PROCEEDINGS  
PURSUANT TO CONN. GEN. STAT. § 22a-19, AND COMMENTS ON GRILLO  
CONSTRUCTION STORMWATER GENERAL PERMIT (SWGP) REGISTRATION**

Pursuant to Conn. Gen. Stat. §§ 4-176, 22a-19, 22a-430, 22a-430b(c), and 26-310, and R.C.S.A. § 22a-3a-4, petitioner and proposed intervenor, Ronald L. Bridge (“Bridge”), owner of the real property and improvements thereon located at 252 Nonnewaug Road, Bethlehem, Connecticut (the “Bridge Property”), hereby files this (a) Verified Petition for Declaratory Ruling (“Petition”), (b) Motion to Intervene in Permit & Registration Proceedings Pursuant to Conn. Gen. Stat. § 22a-19 (“Motion”), and (c) comments on Grillo Services, LLC’s (“Grillo”) Registration under DEEP’s General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities, effective December 31, 2020, dated April 1, 2021 (the “Grillo SWGP Registration”).

Bridge’s Petition and Motion pertain to the three above-referenced applications pending before DEEP filed by Grillo Services, LLC (“Grillo”) in connection with its property located at 331 and 351 Main Street South, Bethlehem, Connecticut (the “Grillo Property”). Bridge’s Petition and Motion also pertain to each of the DEEP permits that Grillo intends to file in connection with the Grillo Property as described at pages 2-1 and

2-2 of the Grillo SWGP Registration,<sup>1</sup> including any application for an Individual Permit for an Individual Volume Reduction Plant (“VRP”) Permit associated with the processing of wood, land clearing debris, or Construction & Demolition Waste.

#### **A. Standing, Aggrievement & Intervention Standards**

The Bridge Property directly adjoins the Grillo Property to the east as shown on the Boundary Survey prepared by Roy V. Cheney, LLS, dated September 2020 and revised in February 2021, included in Tighe & Bond’s plans in the Grillo SWGP Registration.<sup>2</sup> Two watercourses passing through the Grillo Property flow onto and through the Bridge Property, and both are tributaries of East Spring Brook, a high-quality trout stream with a total watershed area of 5.85 square miles that passes through the Bridge Property and feeds directly into the Nonnewaug River.<sup>3</sup> One of these tributaries flows west to east across the Grillo Property onto the Bridge Property,<sup>4</sup> with its headwaters centered at a complex of wetlands that Grillo seeks to encircle with industrial and commercial uses. The other tributary<sup>5</sup> is located on the easterly side of the Grillo Property and flows south to north to a point on the Bridge Property where the confluence of these two tributaries then flows northward toward the point where it flows into East Spring Brook. All of the wetlands and watercourses on the Grillo Property drain onto the Bridge Property, and all of the commercial and industrial activities proposed by Grillo would take place in areas immediately up-gradient of the Bridge Property.<sup>6</sup> Of the common boundaries between the Grillo Property and Bridge Property, approximately 70 percent of those boundaries falls within 100 feet of identified wetlands or within 150 feet of identified watercourses.<sup>7</sup>

As provided in Conn. Gen. Stat. § 22a-19(a), “[i]n any administrative, licensing, or other proceeding . . . any person . . . may intervene as a party on the filing of a verified pleading asserting that the proceeding . . . involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying

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<sup>1</sup> Pages 2-1 and 2-2 of the Grillo SWGP Registration are at pages 7 and 8 of the 444-page .pdf filed by Grillo on April 1, 2021.

<sup>2</sup> See Cheney Survey at Grillo SWGP Registration, Appendix C, second page (p. 178 of 444-page .pdf).

<sup>3</sup> See [https://waterdata.usgs.gov/nwis/nwismap/?site\\_no=01203540&agency\\_cd=USGS](https://waterdata.usgs.gov/nwis/nwismap/?site_no=01203540&agency_cd=USGS). The Nonnewaug River is the primary source of recharge to the Hart Farm Wellfield owned and operated by the Watertown Fire District that supplies clean water to over 10,000 residents of Watertown.

<sup>4</sup> This tributary is identified as “Watercourse 1” in LandTech’s letters to the Bethlehem Inland Wetlands and Watercourses Agency (“IWWA”), dated April 9, 2021 and April 19, 2021, attached hereto as Exhibit A (“LandTech Letters”).

<sup>5</sup> This tributary is identified in the LandTech Letters as “Watercourse 2.”

<sup>6</sup> See, e.g., Existing Watershed Map at Grillo SWGP Registration, Appendix D (p. 213 of 444-page .pdf) and Proposed Watershed Map at Grillo SWGP Registration, Appendix D (p. 264 of 444-page .pdf).

<sup>7</sup> The IWWA’s Regulations define these areas as “regulated areas” under IWWA Regulations § 2.1.

the public trust in the air, water or other natural resources of the state.” Connecticut courts have consistently held that individuals may properly intervene to raise environmental issues in proceedings pending before DEEP. See, e.g., Lawrence v. Dep’t of Energy & Env’tl. Prot., 178 Conn. App. 615, 617 (2017); Keeney v. Fairfield Resources, Inc., 41 Conn. App. 120 (1996). As our Supreme Court explained in Branhaven Plaza, L.L.C. v. Inland Wetlands Commission, 251 Conn. 269, 276, n. 9 (1999), “[s]ection 22a-19 (a) allows any person to intervene so that private citizens are provided a voice in ensuring that the natural resources of the state remain protected.”

The Supreme Court held in Red Hill Coalition v. Town Plan Zoning Comm, 212 Conn. 727, 734 (1989) that “[o]nce [a verified] pleading is filed, complying with the statutes, it makes intervention a matter of right . . . whether or not those allegations ultimately prove to be unfounded.” It is sufficient to allege facts indicating that an applicant’s proposed activities have or will likely unreasonably impair the public trust in our state’s natural resources. See, e.g., Mystic Marineline Aquarium v. Gill, 175 Conn. 483, 490 (1978).

## **B. Grillo’s Unpermitted and Unlawful Conduct**

Grillo and its principals operate a long-established composting and earth products business located at 1183 Oronoque Road, Milford, Connecticut, and its operations are described at [www.grilloservices.com](http://www.grilloservices.com). They are aware of municipal IWWA regulations and of DEEP’s regulations of leaf composting facilities, solid waste facilities, transfer stations, construction stormwater discharges, and industrial stormwater discharges. Despite their knowledge of these regulations and in the complete absence of any IWWA or DEEP permits, Grillo’s principals purchased the Grillo Property on or about November 2, 2020, engaged in extensive tree-clearing, stump-removal, grubbing, and topsoil-removal operations in an area exceeding 20 acres, trucked in and compacted unknown quantities of fill from unknown sources, trucked in approximately 11,000 cubic yards of leaves from who-knows-where, created stockpile areas for stumps, logs, and tree debris, and began commercial operations. Grillo did not seek to file a SWGP registration with DEEP until April 1, 2021 – nearly five months after starting operations in December 2020.

Grillo has created the State of Connecticut’s largest leaf composting operation with no DEEP or IWWA permits, and the magnitude of Grillo’s unpermitted, unlawful conduct is massive. The pre-construction forested state of the site is shown on a few aerial photographs within Grillo’s SWGP Registration.<sup>8</sup> The current condition of the Grillo Property is reflected in photographs taken during the IWWA’s site walk on March 18, 2021 found at <https://drive.google.com/drive/u/0/folders/1ZC7mQtyY7Tg3BCI9MXya0dwQHQD8AQfz>. Here are a few samples:

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<sup>8</sup> See Grillo SWGP Registration, Appendix B, pages 1 and 3 (i.e. Site Location Map and cover page of USDA Custom Soil Resource Report) (pp. 132 & 134 of 444-page .pdf).











It should be noted that Grillo has installed unpermitted surface-water handling infrastructure such as the green drainage-pipe culvert seen here:



Grillo has also permitted its ad hoc, unpermitted erosion infrastructure to discharge directly into identified wetland areas as shown here:





Consistent with DEEP's SWGP § 5(b)(1), DEEP's leaf registration standards in R.C.S.A. § 22a-208i(a)-1(c)(2)(H), and DEEP's General Permit for the Addition of Grass Clippings at Registered Leaf Composting Facilities, Grillo has represented to DEEP that its submissions have fully and accurately delineated the boundaries of wetlands on the Grillo Property. Both Grillos' leaf registration and grass clippings registration incorporate Grillo's site plans which are based upon wetland and watercourse mapping performed in the field by Grillo's soil scientist, Matthew Davison of Davison Environmental, and Grillo's surveyor, Roy Cheney.

Grillo's SWGP Registration contains this representation as required under SWGP § 5(b)(1):

## **2.7 Extent of Wetlands**

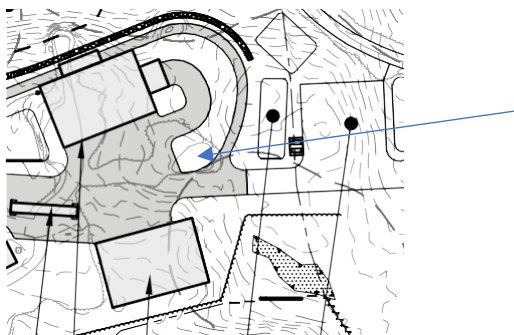
There are wetlands and watercourse located on the site. All of the wetlands have been delineated by Matthew Davison of Davison Environmental and are shown on the property map that was prepared by Roy Cheney Land Surveyor. Refer to soil report for additional information. Proposed work within the upland review area will consist of minimal tree and vegetation trimming and removals, installation of a stormwater infiltration basin, the construction of a small portion of the access drive, and roughly 1200 square feet of the proposed building.

Grillo's representations about the accuracy and completeness of its wetland mapping are false and have been found to be false by the IWWA's consultant, LandTech. Within a few days of taking title to the Grillo Property on November 2, 2020 and prior to Mr. Davison's wetlands inspection of the Property in December 2020, Grillo and/or its contractors filled in, covered, obliterated, or destroyed a nationally-recognized wetland

that had the earmarks of being a vernal pool located easterly of the house and barns located at 351 Main Street South – i.e. a pool believed to have been spring fed and that has been in existence since the 1960s. Here is a historical photograph of the pond:



The existence and recent attempted removal of this wetland on the U.S. Fish and Wildlife Service's National Wetlands Inventory ("NWI") is documented and shown in LandTech's April 19, 2021 letter to IWWA (see Exhibit A). Grillo did this because the vernal pool and/or pond would likely interfere with its development plans for industrial and commercial uses of the Property, and Grillo made sure to obliterate evidence of it before Mr. Davison and Mr. Cheney inspected the Property and mapped its location. Here's an excerpt of Grillo's plans (SWGP Registration, Plans p. C-100) showing the close proximity of the vernal pool and/or pond relative to planned improvements, with the blue arrow pointing to the registered wetland Grillo destroyed:





Indeed, Grillo itself also admits the very wetland it covered or attempted to destroy constitutes an NWI-identified wetland resource located on its Property in its own applications to DEEP for leaf composting and grass clipping operations. See Grillo Leaf Application, Figure 3 “Facility Setbacks” (p. 17 of 37-page .pdf) reflecting the subject wetland as part of “NWI Wetlands.” The same wetland is readily visible on Grillo Leaf Application, p. C-102 (p. 16 of 37-page .pdf), Figure 2 “Orthophotograph” (p. 14 of 37-page .pdf), and Figure 4 “USDA Soil Survey” (p. 18 of 37-page .pdf). See also Figure 2, p. C-102, and Figure 3 in Grillo’s Glass Clippings Registration. The only reason the subject NWI wetland is not located on Mr. Davison’s and Mr. Cheney’s mapping is because of Grillo’s unlawful and intentional misconduct.

With the consent of its author, Bridge further incorporates the letter of Vincent C. McDermott, FASLA, AICP to Christopher Stone, P.E. of DEEP, dated April 30, 2021, a copy of which is attached as Exhibit B and incorporates Mr. McDermott’s letter herein. DEEP should also consider these factors in reviewing Bridge’s Petition and Motion:

- Grillo remains in violation of the Notice of Violation issued by DEEP’s Waste Engineering & Enforcement Division on March 3, 2021.<sup>9</sup>
- The unpermitted and unlawful activities of Grillo to date, combined with the future uses proposed by Grillo, are “reasonably likely” to unreasonably pollute, impair, and destroy critical inland wetlands and watercourses located on the Grillo Property and down-gradient properties, including the Bridge Property, East Spring Brook, and the Nonnewaug River.
- Grillo has destroyed and filled wetland areas, especially while engaged in roadway construction and widening activities on the former farm road that bisects Wetland 1, the most critical wetlands in the headwaters of Watercourse 1 as found by LandTech.
- In evaluating Bridge’s Petition and Motion, DEEP should consider and weigh Grillo’s record of non-compliance with environmental statutes and regulations in operating its composting and earth products business located at 1183 Oronoque Road, Milford, Connecticut.
- Grillo’s plans propose to divert surface water falling up-gradient of Wetlands 1, 2, 4, 5, 6, and 7 and up-gradient of Watercourses 1 and 2 into detention facilities

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<sup>9</sup> DEEP NOV No. WSWDS21004 ordered Grillo to do the following:

1. Immediately cease the transfer, processing, storing and disposal operations of unpermitted solid waste at the Site.
2. Immediately remove all the unpermitted solid waste from the Site and have it properly disposed at a permitted facility.

and then discharge these waters at lower elevations in a manner that will dry out and degrade each of these essential wetlands and watercourses.

- Grillo has proposed to build an industrial transfer station that would handle construction and demolition debris. In view of the fact there is no legal obligation for building debris to be volumetrically tested for lead, arsenic, PCBs, and a range of other toxic substances, DEEP should disapprove any such proposed industrial use in this sensitive area.<sup>10</sup> In addition, many of the toxins commonly found in construction and demolition debris spread through dust and vapor transmission and pose a serious risk of contaminating this site and the watershed it is part of.

### **C. Relief Requested**

In view of the foregoing, Bridge respectfully requests that DEEP consider taking the following actions:

- (1) Grillo's SWGP Registration, its applications for leaf composting and grass clipping operations on the Property, and any other permit applications it may file based on Grillo's current wetlands mapping, should be summarily rejected under DEEP's authority to determine the completeness of SWGP registrations and other permit applications on the basis of inadequate, insufficient, inaccurate, and/or purposefully-misleading site information.
- (2) In view of Grillo's unlawful, unpermitted conduct to date, the mess it has made of this site, and its intentional pre-application destruction of a known NWI-identified wetland, DEEP should exercise its discretion under Conn. Gen. Stat. § 22a-430(d) and/or the Inland Wetlands and Watercourses Act, Conn. Gen. Stat. §§ 22a-37 – 22a-45, to issue orders that Grillo immediately abate all pollution and sources of pollution from this site and restore the NWI wetland it purposefully removed from its Property prior to seeking IWWA and DEEP permits.
- (3) In view of the foregoing and the environmentally sensitive nature of the Grillo Property, DEEP should exercise its discretion under Conn. Gen. Stat. § 22a-430b(c) and other pertinent statutory and regulatory authorities to require Grillo to obtain individual permits with proper conditions for all permits and approvals it may seek from DEEP in connection with the Property, including but not limited to an individual permit pursuant to Conn. Gen. Stat. § 22a-430.

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<sup>10</sup> See, e.g., 40 C.F.R. § 761.61 (no legal obligation to comprehensively sample construction & demolition debris for PCBs).



- (4) DEEP should consolidate all current and future applications and/or registrations relating to the Grillo Property in one proceeding in order to accurately evaluate their merits in an integrated, comprehensive manner.

THE PROPOSED INTERVENOR,  
RONALD L. BRIDGE

By: 

Daniel E. Casagrande, Esq.

Attorney for Petitioner

Cramer & Anderson, LLP

30 Main Street, Suite 204

Danbury, CT 06810

Phone: (203) 744-1234

Fax: (203) 730-2500

[dcasagrande@crameranderson.com](mailto:dcasagrande@crameranderson.com)

### VERIFICATION

The undersigned, Ronald L. Bridge, duly sworn, hereby verifies that the above Petition is true and accurate to the best of his knowledge and belief.



Ronald L. Bridge  
252 Nonnewaug Road  
Bethlehem, Connecticut

Subscribed and sworn before me this 3rd day of May, 2021.



  
Notary Public  
My Commission Expires: 5/31/21

### CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing was sent by first class mail and email to Grillo Services, LLC on this 3rd day of May, 2021 as follows:

Grillo Services, LLC  
1183 Oronoque Road  
Milford, CT 06460

Email: [mulches@aol.com](mailto:mulches@aol.com)

Email: [LJgrillo@gmail.com](mailto:LJgrillo@gmail.com)

Email: [info@grilloservices.com](mailto:info@grilloservices.com)

  
Daniel E. Casagrande, Esq.



April 9, 2021

Mr. Robert A. Smith, Chairman  
Inland Wetlands and Watercourses Agency  
Town of Bethlehem  
36 Main Street South  
Bethlehem, CT 06751

RE: Bethlehem Inland Wetlands Application Review  
Wetland Map Amendment  
Application No. 2020-12-1  
Grillo Services, LLC  
331 & 351 Main Street South

Dear Mr. Smith:

LandTech has conducted a review of delineated inland wetlands and watercourses at 331 & 351 Main Street South. Reviewed application documents include:

- *Existing Conditions Plan* (2 sheets) prepared by Tighe & Bond, dated February 24, 2021.
- *Wetland Assessment Report* prepared by Davison Environmental, dated February 26, 2021.

An initial site evaluation was conducted on March 25, 2021 to evaluate delineated inland wetland and watercourse boundaries. The evaluation was conducted by walking the site and examining soils along delineated wetland boundaries to verify the identification and locations of flagged wetland boundaries. Several areas were identified that we believed required wetland and watercourse boundary modifications or additions.

A subsequent site evaluation was conducted with Matt Davison, the applicant's Soil Scientist, on April 2, 2021 to review recommended wetland and watercourse boundary modifications. All boundary modification recommendations were agreed to by both soil scientists.

A third site evaluation was conducted on April 7 to review delineated wetland boundaries along the recently improved access driveway in the northwest corner of the site. Fill had recently been placed along the former farm lane and portions of the delineated wetland boundary were directly abutted by fill. An excavator was used to remove fill along portions of the wetland boundary to facilitate an evaluation of soils below recently placed fill in order to verify the wetland boundary in these areas.

As a result of the three site evaluations, the following modifications to wetland and watercourse boundary delineations have been recommended. Reference to wetland and watercourse numbers are as shown in Appendix A of the applicant's Wetland Assessment Report (appended).

**Wetland 2** – Replace wetland flag 107 with flag 107R and revise wetland boundary.

**Wetland 3** – Add flag numbers to Intermittent Watercourses downhill of Wetland 3.

**Unidentified Wetland** – Locate newly flagged wetland and intermittent watercourse between Wetlands 4 and 5, including wetland flags R-WL1 through R-WL16 and R-IWC1 through R-IWC4.

**Wetland 5** – Replace wetland flag 401 with 401R and revise wetland boundary.

**Wetland 7** - Locate wetland flag 312 and revise wetland boundary.

**Wetland 8** – Locate wetland flags 505 & 506 to extend wetland boundary to property line.  
Locate additional wetland flags 551-R through 555-R and revise wetland boundary.

The applicant's consultants have been advised of these modifications and we anticipate receipt of revised plans depicting these changes. We will review the revised plans upon receipt and anticipate providing the Agency with a final inland wetland and watercourse delineation review letter.

If you have any questions or require further assistance, please call us.

Yours truly,

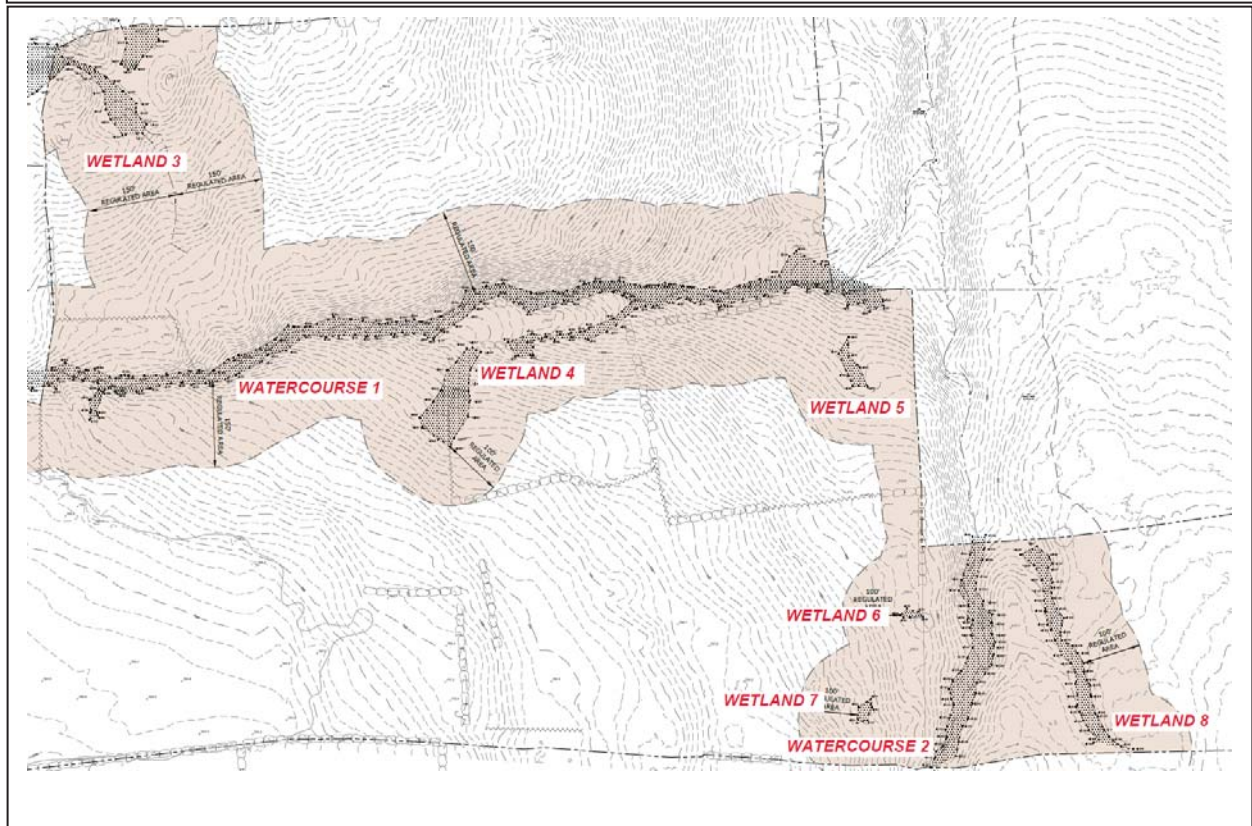
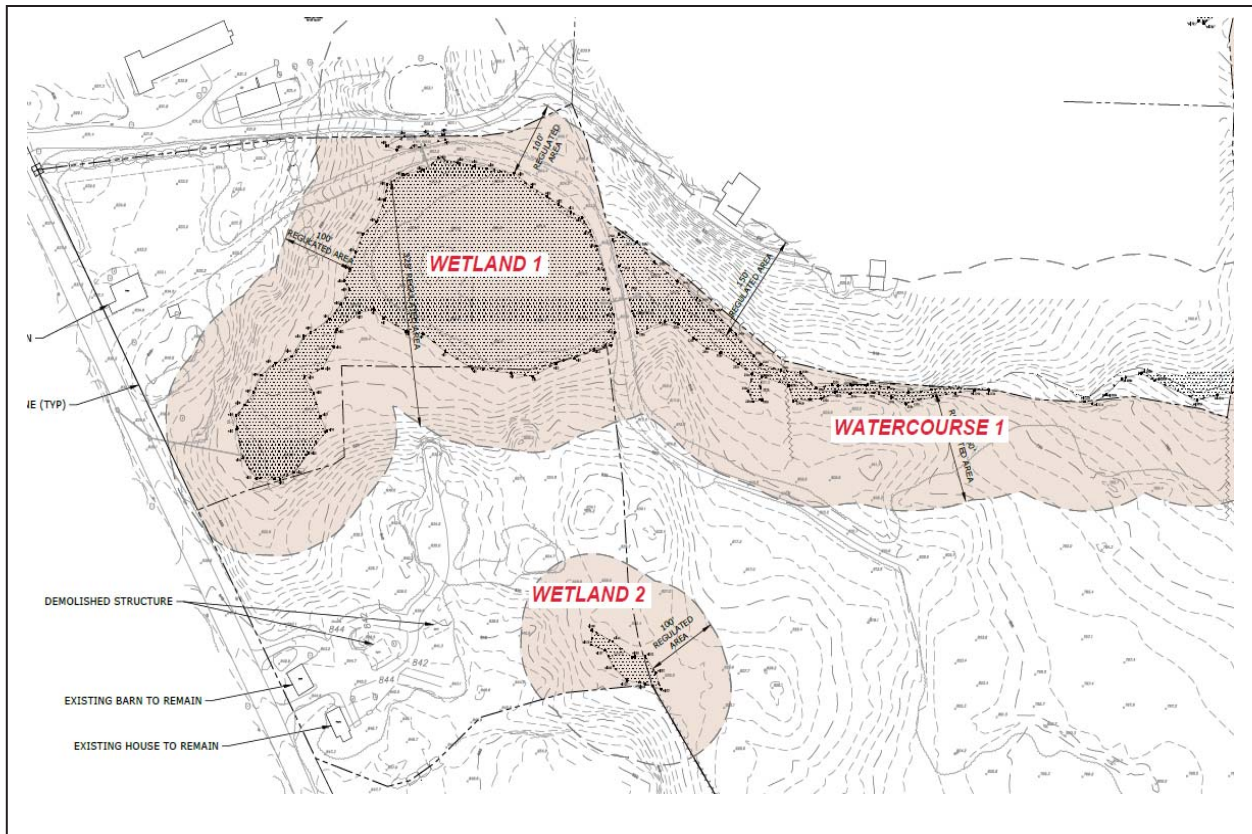
**Land-Tech Consultants**



Christopher P. Allan  
Professional Wetland Scientist  
Certified Soil Scientist



## APPENDIX A - WETLAND IDENTIFICATIONS



April 19, 2021

Mr. Robert A. Smith, Chairman  
Inland Wetlands and Watercourses Agency  
Town of Bethlehem  
36 Main Street South  
Bethlehem, CT 06751

RE: Bethlehem Inland Wetlands Application Review  
Application No. 2020-12-1  
Grillo Services, LLC  
331 & 351 Main Street South

Dear Mr. Smith:

LandTech has conducted a review of application documents pertaining to proposed site improvements at 331 & 351 Main Street South and conducted on-site evaluations of the project area.

Reviewed application documents include:

- Completed Application for Regulated Activity form
- *Proposed Organic Composting and Recycling Facility Plans* (35 sheets) prepared by Tighe & Bond, dated February 24, 2021.
- *Proposed Organic Composting and Recycling Facility Engineering Report*, prepared by Tighe & Bond, dated February 24, 2021.
- *Stormwater Pollution Control Plan*, prepared by Tighe & Bond, not dated.
- *Proposed Organic Composting and Recycling Facility Wetland Assessment Report*, prepared by Davison Environmental, dated February 26, 2021.

We submitted a letter to the Agency on April 9, 2021 regarding our review of the inland wetlands and watercourses delineation. The letter contained recommended modifications and additions to wetland boundaries that we expect will result in changes to the submitted site improvement plans. Therefore the comments and recommendations in this letter are preliminary and we anticipate providing a more detailed review of the revised application documents upon receipt.

Based on our site visits and a review of the above application documents, we offer the following preliminary comments for your consideration.

## Existing Conditions

Much of the site has been recently altered through the clear cutting of vegetation, removal of tree stumps, topsoil stripping, land grading and gravel roadway construction. Existing site activities include the delivery, stockpiling, and processing of organic material including logs, leaf and other organic matter. Composting of organics is taking place in windrows. Large machinery operation and refueling is also taking place on-site.

Much of the clear-cutting, site grading, roadway construction and other activities have taken place within the regulated upland review area (100 foot wetland setback and 150 foot watercourse setback). Some of these activities also appear to have resulted in the loss of some regulated wetlands. It is our understanding that activities within wetlands and the regulated upland review area have not been permitted and are thus a violation of the town's Inland Wetlands and Watercourses Regulations. Sections 4.3 and 4.4 of the wetland regulations states:

*"4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations."*

*"4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required."*

Sections 6.1 and 6.2 further state:

*"6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Agency of the Town of Bethlehem."*

*"6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law."*

It is our professional opinion that the unpermitted activities have resulted in significant wetland impacts and that measures are needed to prevent continuing impacts and to mitigate existing impacts. We recommend that the Agency require that measures be taken by the applicant to mitigate existing and potential future impacts prior to considering the application for additional site improvements.



## Wetland and Watercourse Impacts and Impact Mitigation

1. Based on a review of historic aerial photos, National Wetland Inventory maps and the site survey, it appears that a wetland east of the farmhouse structures and north of Wetland 3 has been eliminated through land grading activities. The former wetland is depicted on Figures 1, 2, 3 and 4 appended to this letter. Based on the topographic survey (Figure 1) and the 2016 and 2019 spring aerial photos (Figures 2 and 3) the former wetland has the characteristics of a vernal pool and likely provided breeding habitat for obligate vernal pool species. It is our opinion that the applicant should propose measures to compensate for the loss of these wetlands and their associated functions.
2. Improvements to the former farm lane north and east of Wetland 1 in the northwest corner of the site includes the placement of fill up to the edge of the wetlands and some spillover of fill into the wetland. New pvc culverts have been installed within the improved accessway, the former accessway elevation has been raised and the roadway has been widened. Additional clear-cutting and land grading has taken place along the western and southern boundaries of Wetland 1.  

Wetland 1 is the largest and most significant wetland on the site, providing significant wetland functions and values. It is our opinion that the recent improvements, including fill and gravel surfacing should be removed. In addition to fill removal, it is our opinion that the area should be restored to a natural condition.

The applicant should evaluate alternative development scenarios that eliminate the gravel roadway north and east of Wetland 1 and the gravel access drive between the wetland and Main Street South, with the goal of restoring a reasonable vegetated buffer around the wetland.
3. Clear-cutting and land grading has taken place north of Wetland 2 within the regulated upland review area.
4. Activities including clear-cutting and land grading south of Watercourse 1 have resulted in the discharge of concentrated stormwater runoff onto the slope above Watercourse 1. The concentrated runoff has resulted in soil erosion and creation of scour channels in several places. This erosion has resulted in sediment deposition within the wetlands and watercourse. We recommend that the applicant address these issues by providing an interim soil erosion and sediment control plan including storm water runoff controls that address existing conditions.
5. The area of disturbance requires registration under the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. The applicant should provide proof of registration. Due to the size of the disturbed area, inspection frequencies are prescribed by the GP. Records of all inspection reports to date should be submitted.
6. The storage of fuel and the on-site refueling of equipment poses a risk to wetlands and water quality from accidental spills and leaks. The tank should be removed and no on-site filling allowed until appropriate containment and protected refueling areas can be installed.

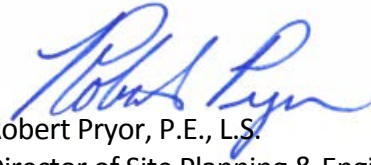
If you have any questions or require further assistance, please call us.

Yours truly,

**Land-Tech Consultants**

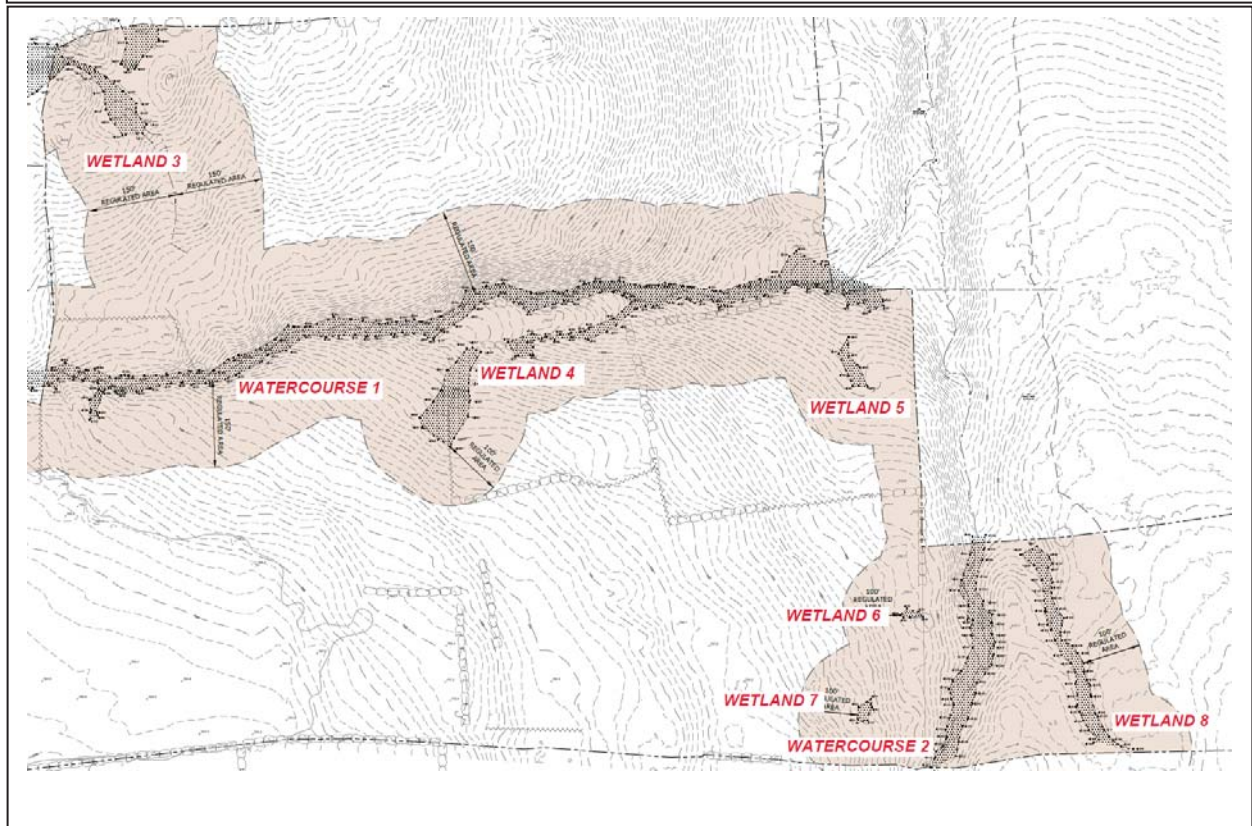
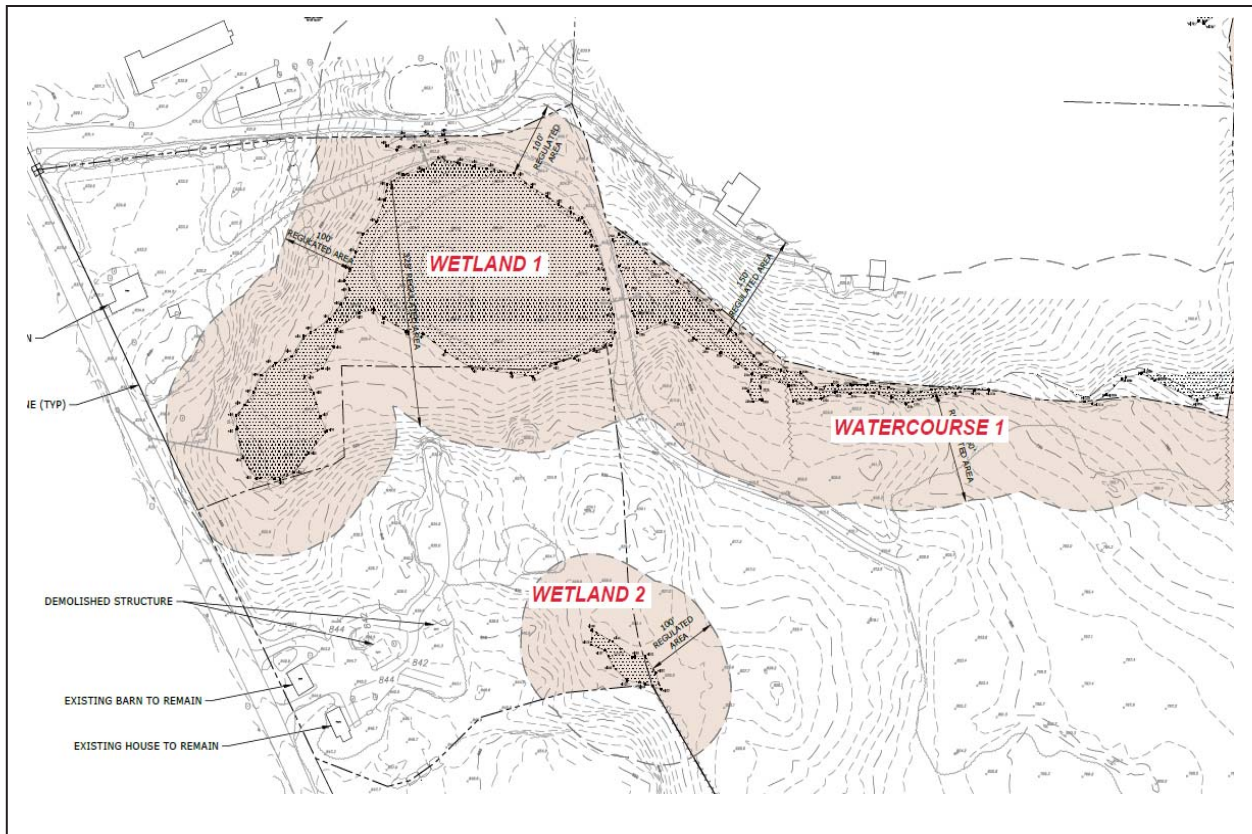


Christopher P. Allan  
Professional Wetland Scientist  
Certified Soil Scientist



Robert Pryor, P.E., L.S.  
Director of Site Planning & Engineering

## APPENDIX A - WETLAND IDENTIFICATIONS











FILLED WETLAND

FIGURE 2.  
2016 SPRING AERIAL PHOTO





FILLED WETLAND

FIGURE 3.  
2019 SPRING AERIAL PHOTO





U.S. Fish and Wildlife Service

# National Wetlands Inventory

351 Main St S

FIGURE 4.  
NWI MAP



April 9, 2021

## Wetlands

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



**Vincent C. McDermott, FASLA, AICP  
6 Tousi Road  
Bethlehem, Connecticut  
06751**

April 30, 2021

Christopher Stone, P.E.  
Water Permitting and Enforcement Division  
Department of Energy and Environmental Protection  
State of Connecticut  
79 Elm Street  
Hartford, CT 06106-5127

Email: [chris.stone@ct.gov](mailto:chris.stone@ct.gov)

**RE: Construction Stormwater General Permit Application 202104247  
Organic Composting and Recycling Facility  
351 Main Street South, Bethlehem, Connecticut**

Dear Mr. Stone:

I am writing this letter to express my concerns about the above-referenced application and why the General Permit should not be approved at this time. I have reviewed the site plans and engineering documents submitted in support of the application. My comments are limited to the site plans since the hydrology and hydraulic aspects of the application are not within the scope of my expertise. Please note the following:

1. As the Water Permitting and Enforcement Division is well aware, an estimated 21 acres of the property has already been disturbed without first receiving any local or state regulatory approvals. This work has been documented by the Town of Bethlehem's wetland consultant, LandTech, and includes tree cutting and removal, installation of drainage improvements, filling of wetlands, regrading, the import of an estimated 11,000 cubic yards of leaves for composting, wood chipping, and other activities. The application encompasses a total of approximately 35 acres, not just the area that has been disturbed.

It is understandable why erosion and sedimentation measures should be installed at this time in order to prevent further degradation of the wetlands and water resources on and adjacent to the property. However, the ex post facto application should be limited only to what is needed to restore what has been disturbed and approval for the proposed operations or further disturbance shown on the plans or described in the Stormwater Pollution Control Plan should not be approved.

2. The plans submitted in support of the application dated February 24, 2021 are incomplete or inaccurate and do not reflect the existing conditions on the ground.
  - The boundary survey has been certified by a licensed surveyor. However, there are no such certifications for the topographic maps on which the proposed improvements have been based. Neither the source of the topography nor the accuracy of the maps has been provided. It appears that the information has generated from a public source and is not site-specific.
  - The existing conditions map does not accurately represent the disturbance to the site that has been conducted without permits since the applicant took title to the property in late 2020.
  - The applicant has submitted a revised wetland boundary map to the Bethlehem Inland Wetlands and Watercourses Agency (IWWA) that shows minor adjustments to the previously identified wetlands. However, there is one notable change showing an intermittent watercourse and wetland located to the northwest of the proposed Infiltration Basin 4 that will clearly impact any contemplated work in this area of the site.
  - As noted in the review of the plans by LandTech, copies of which are attached, it appears that a pond/vernal pool located within the area where composting operations have taken place has been filled recently without any permits. This pond/vernal pool does not show on any of the plans that have been submitted to the IWWA. However, in the applicant's pending application to the CTDEEP's Waste Engineering and Enforcement Division (WEED) for a leaf composting and grass clippings registration, the pond/vernal pool is clearly visible and highlighted on the aerial photo dated February 26, 2021 but does not appear on the site plans dated two days later that have been submitted to you. If this resource is to be restored, as it should be, the precise location should be identified using soil probes and the plans updated accordingly. If the location of the pond/vernal pool falls within the area for proposed development, then the proposed activities in the vicinity of the former pond/vernal pool will need to be eliminated.
3. The plans and data provided in the application do not appear to contain test pits, groundwater monitoring, borings, or other geotechnical information. Without such data, the basis for the design of the proposed retaining walls should be questioned. In addition, without knowing the depth to groundwater or bedrock, or the soil permeability, the effectiveness (or lack thereof) of the proposed infiltration basins cannot be determined.
4. Since the underlying information is insufficient, I have elected not to address at this time other design aspects of this application including the activities on steep slopes, the diversion of water away from the wetlands, the effectiveness of infiltration, and other erosion and sedimentation control measures.

I would urge you to reject the application until accurate existing conditions based on site-specific photogrammetry or ground survey has been provided in order for an accurate assessment of impacts can be undertaken.

Since some of the proposed activities described in the application are subject to other permits, including individual permits for the chipping of wood and the waste reduction, from your Division and other divisions within CTDEEP, I would urge that a comprehensive review of all proposed activities be undertaken simultaneously in order to provide the needed protection for the water resources on and adjacent to the site.

Very truly yours,



Vincent C. McDermott, FASLA, AICP

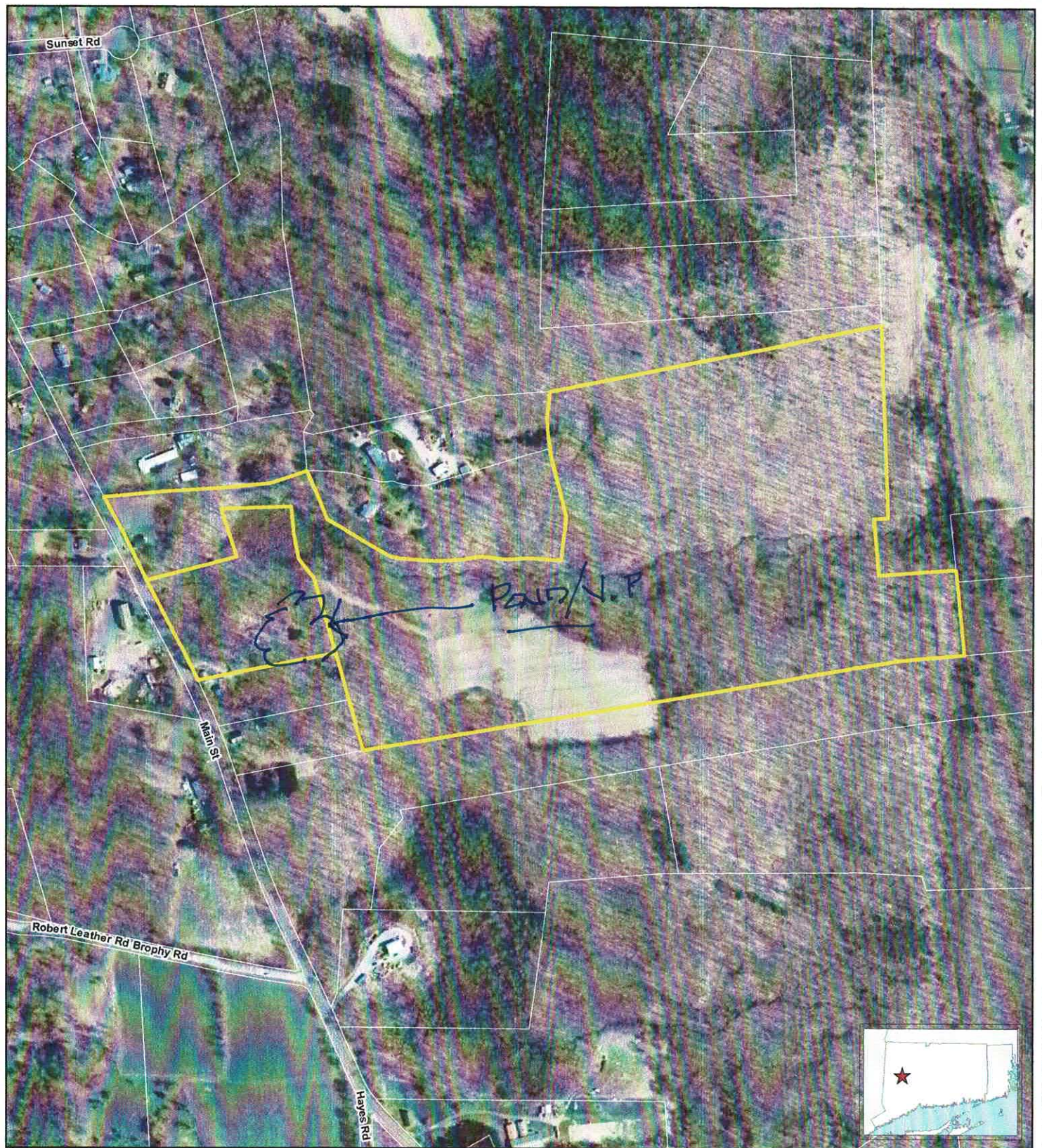
Attachments: Grillo Registration of a Leaf Composting Application, Attachment A  
LandTech Wetland Map Amendment Review, April 9, 2021  
LandTech Bethlehem IWWA Review April 19, 2012  
LandTech Wetland Map Amendment Review, April 28, 2021

Copy: Frank Gagliardo, CTDEEP WEED  
DEEP.stormwaterstaff@ct.gov

## **Attachment A**

Detailed Site Map





## LEGEND

- Approximate Site Parcel
- Approximate Parcel Boundary

**Tighe&Bond**

Based on 2019 Statewide Leaf-Off Orthophotography,  
Courtesy of CTECO.  
Parcels downloaded from CTDEEP and are approximate.

1:6,000  
0 250 500  
Feet



## FIGURE 2

### ORTHOGRAPH

Grillo Services  
331 & 351 Main Street South  
Bethlehem, Connecticut

February 2021



**Tighe & Bond**  
 1000 Bridgeport Avenue  
 Suite 320  
 Shelton, CT 06484  
 (203) 712-1100



Digitally signed by  
 Dana C Huff  
 Date: 2021.03.03  
 13:38:01-05'00'

**Grillo  
 Services, LLC**

**Main Street  
 South**

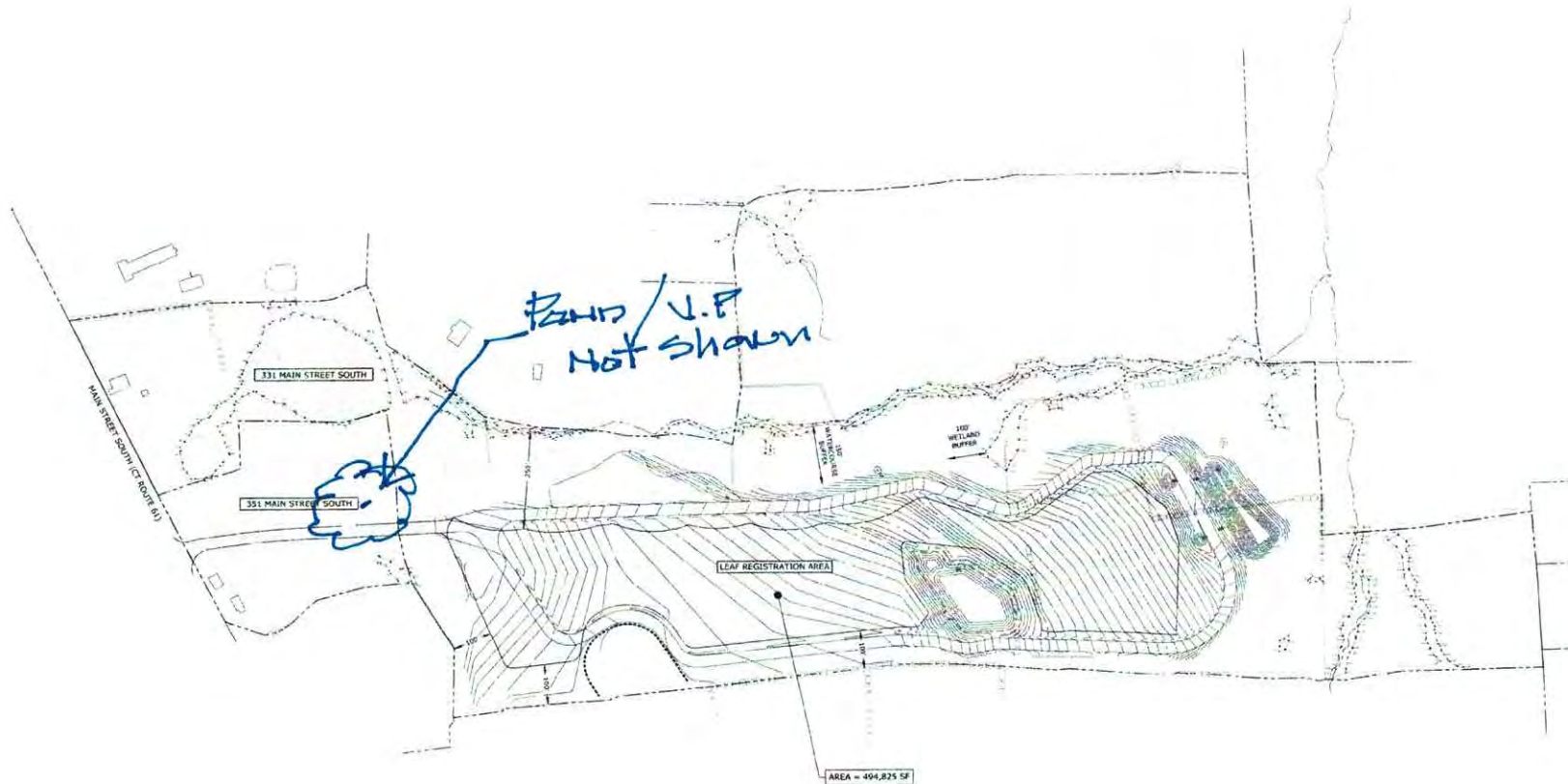
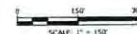
**Bethlehem,  
 Connecticut**


NAME	DATE	DESCRIPTION
PROJECT NO.	0086-110	
DATE	02/26/2021	
FILE	0086-110-C-031-LEAF REG.dwg	
DRAWN BY	JAS	
CHECKED BY	LJM	
APPROVED BY	DCH	

**LEAF REGISTRATION PLAN**

SCALE: 1" = 150'

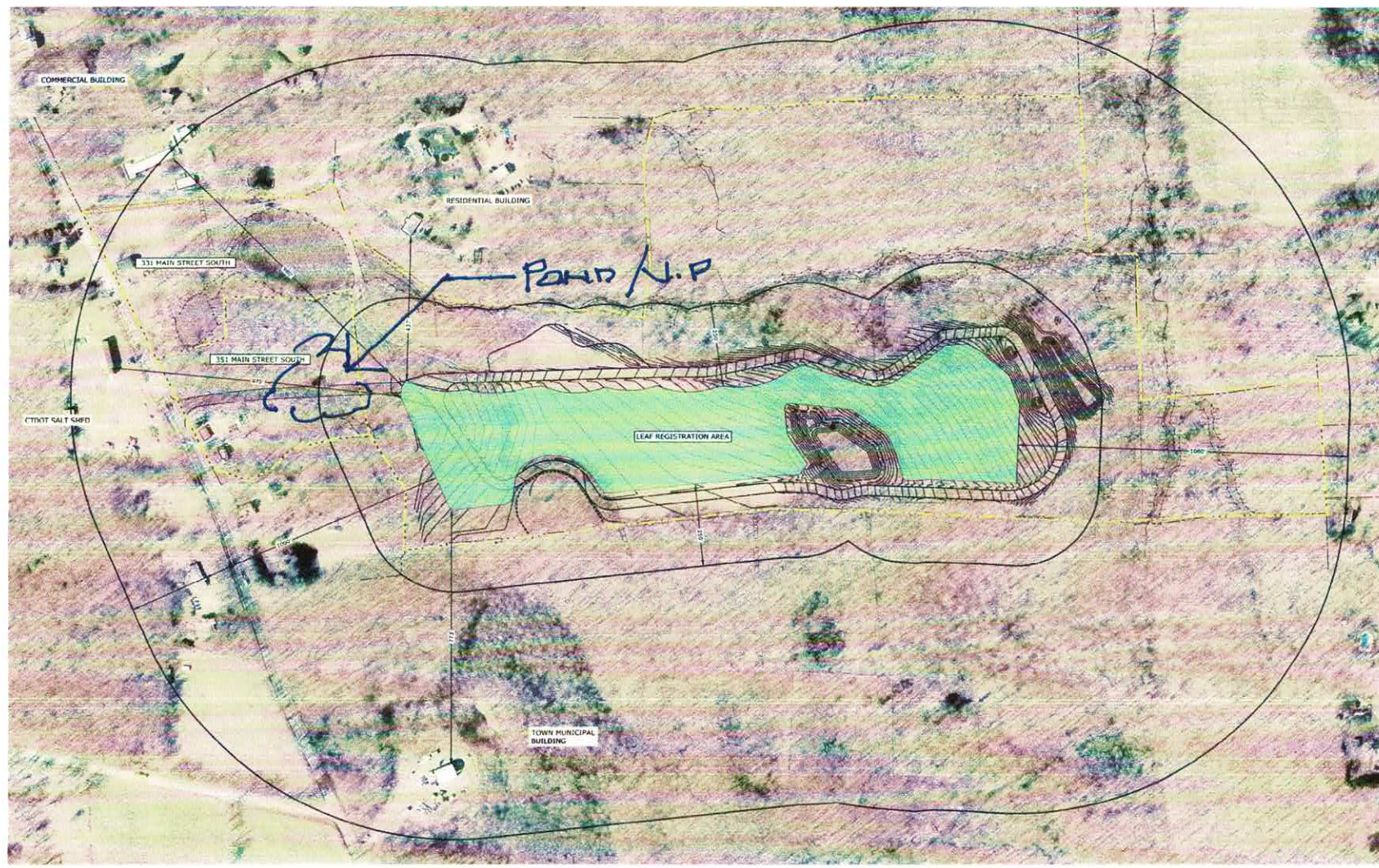
**C-101**



L:\2021\02\26\0221-0086-110-C-031-LEAF REG.dwg  
 Project: 0086-110-C-031-LEAF REG.dwg  
 Date: 02/26/2021  
 User: jason.sullivan  
 Title: Project Engineer



10/15/2021 1:14 PM  
Tighe & Bond  
10/15/2021 1:14 PM  
Tighe & Bond



**Tighe & Bond**  
1000 Bridgeport Avenue  
Suite 320  
Shelton, CT 06484  
(203) 712-1100



Digitally signed by  
Dana C Huff  
Date: 2021.03.03  
13:38:06 -05'00'

**Grillo  
Services, LLC**

**Main Street  
South**

**Bethlehem,  
Connecticut**

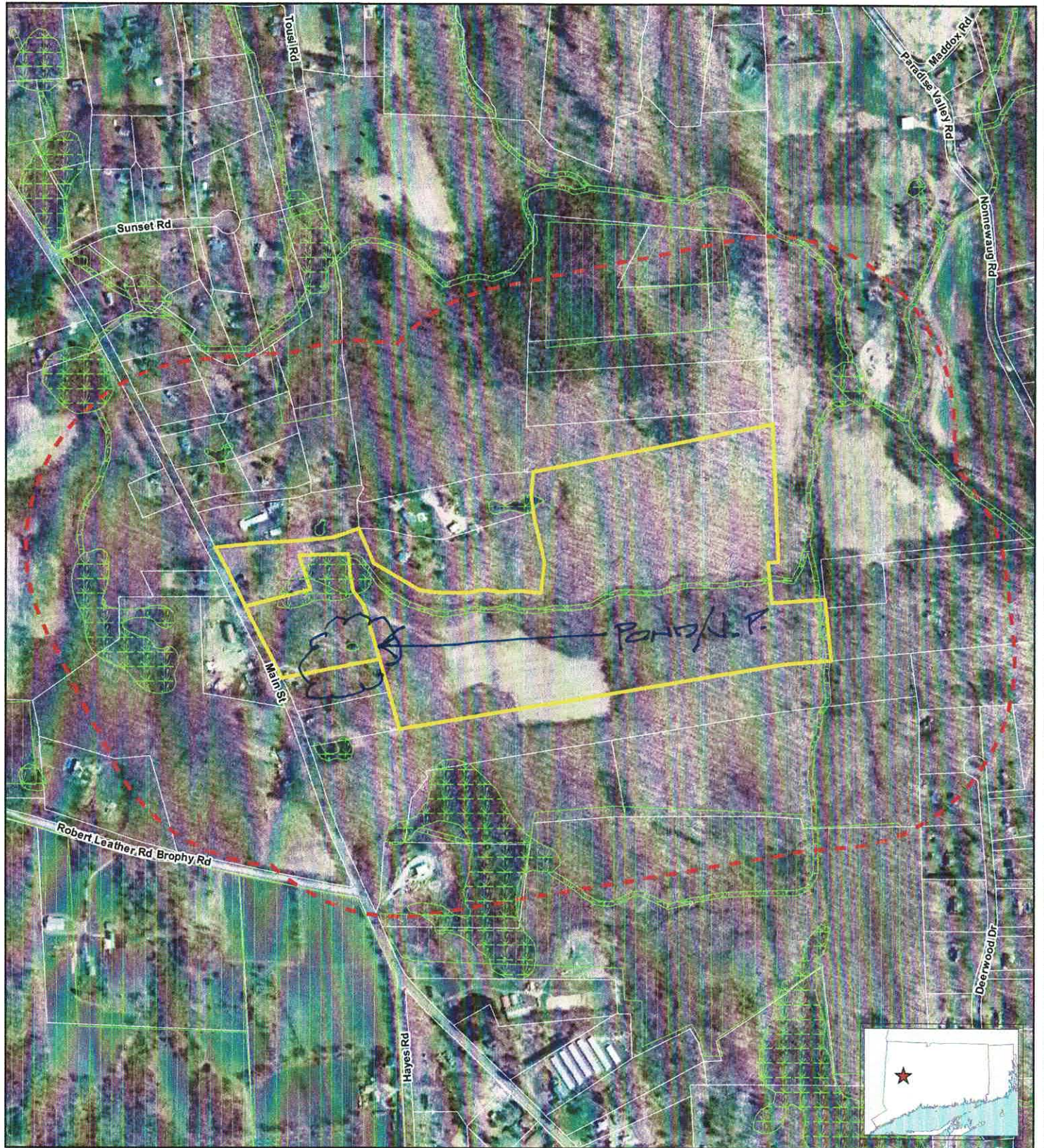

MARK	DATE	DESCRIPTION
PROJECT NO.	60000-010	
DATE	10/29/2021	
TITLE	GRASS-CLIP-TO-LEAF REG. Plan	
DRAWN BY	TAS	
CHECKED BY	ADH	
APPROVED BY	DOH	

**LEAF REGISTRATION  
AERIAL PLAN**






SCALE: 1" = 150'

**C-102**





## LEGEND

- |                                                                                    |                      |                                                                                     |                             |
|------------------------------------------------------------------------------------|----------------------|-------------------------------------------------------------------------------------|-----------------------------|
|  | Protected Open Space |  | Approximate Site Parcel     |
|  | NWI Wetlands         |  | Approximate Parcel Boundary |
|  | 1000-Foot Buffer     |                                                                                     |                             |

**Tighe & Bond**

Based on 2019 Statewide Leaf-Off Orthophotography,  
Courtesy of CTDEP.  
Parcels downloaded from CTDEP and are approximate.  
Resource Data provided by CTDEP.

1:8,400  
0 350 700  
Feet



## FIGURE 3

### FACILITY SETBACKS

Grillo Services  
331 & 351 Main Street South  
Bethlehem, Connecticut

February 2021



April 9, 2021

Mr. Robert A. Smith, Chairman  
Inland Wetlands and Watercourses Agency  
Town of Bethlehem  
36 Main Street South  
Bethlehem, CT 06751

RE: Bethlehem Inland Wetlands Application Review  
Wetland Map Amendment  
Application No. 2020-12-1  
Grillo Services, LLC  
331 & 351 Main Street South

Dear Mr. Smith:

LandTech has conducted a review of delineated inland wetlands and watercourses at 331 & 351 Main Street South. Reviewed application documents include:

- *Existing Conditions Plan* (2 sheets) prepared by Tighe & Bond, dated February 24, 2021.
- *Wetland Assessment Report* prepared by Davison Environmental, dated February 26, 2021.

An initial site evaluation was conducted on March 25, 2021 to evaluate delineated inland wetland and watercourse boundaries. The evaluation was conducted by walking the site and examining soils along delineated wetland boundaries to verify the identification and locations of flagged wetland boundaries. Several areas were identified that we believed required wetland and watercourse boundary modifications or additions.

A subsequent site evaluation was conducted with Matt Davison, the applicant's Soil Scientist, on April 2, 2021 to review recommended wetland and watercourse boundary modifications. All boundary modification recommendations were agreed to by both soil scientists.

A third site evaluation was conducted on April 7 to review delineated wetland boundaries along the recently improved access driveway in the northwest corner of the site. Fill had recently been placed along the former farm lane and portions of the delineated wetland boundary were directly abutted by fill. An excavator was used to remove fill along portions of the wetland boundary to facilitate an evaluation of soils below recently placed fill in order to verify the wetland boundary in these areas.

As a result of the three site evaluations, the following modifications to wetland and watercourse boundary delineations have been recommended. Reference to wetland and watercourse numbers are as shown in Appendix A of the applicant's Wetland Assessment Report (appended).

**Wetland 2** – Replace wetland flag 107 with flag 107R and revise wetland boundary.

**Wetland 3** – Add flag numbers to Intermittent Watercourses downhill of Wetland 3.

**Unidentified Wetland** – Locate newly flagged wetland and intermittent watercourse between Wetlands 4 and 5, including wetland flags R-WL1 through R-WL16 and R-IWC1 through R-IWC4.

**Wetland 5** – Replace wetland flag 401 with 401R and revise wetland boundary.

**Wetland 7** - Locate wetland flag 312 and revise wetland boundary.

**Wetland 8** – Locate wetland flags 505 & 506 to extend wetland boundary to property line.  
Locate additional wetland flags 551-R through 555-R and revise wetland boundary.

The applicant's consultants have been advised of these modifications and we anticipate receipt of revised plans depicting these changes. We will review the revised plans upon receipt and anticipate providing the Agency with a final inland wetland and watercourse delineation review letter.

If you have any questions or require further assistance, please call us.

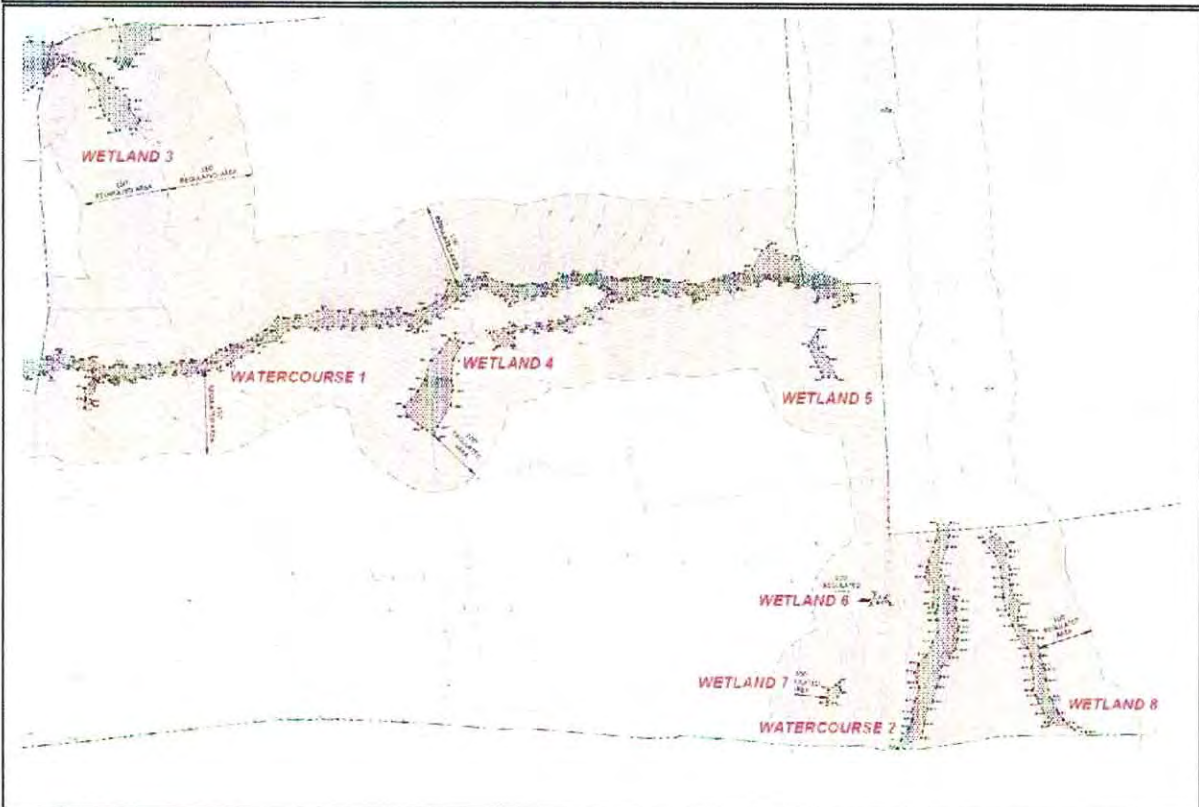
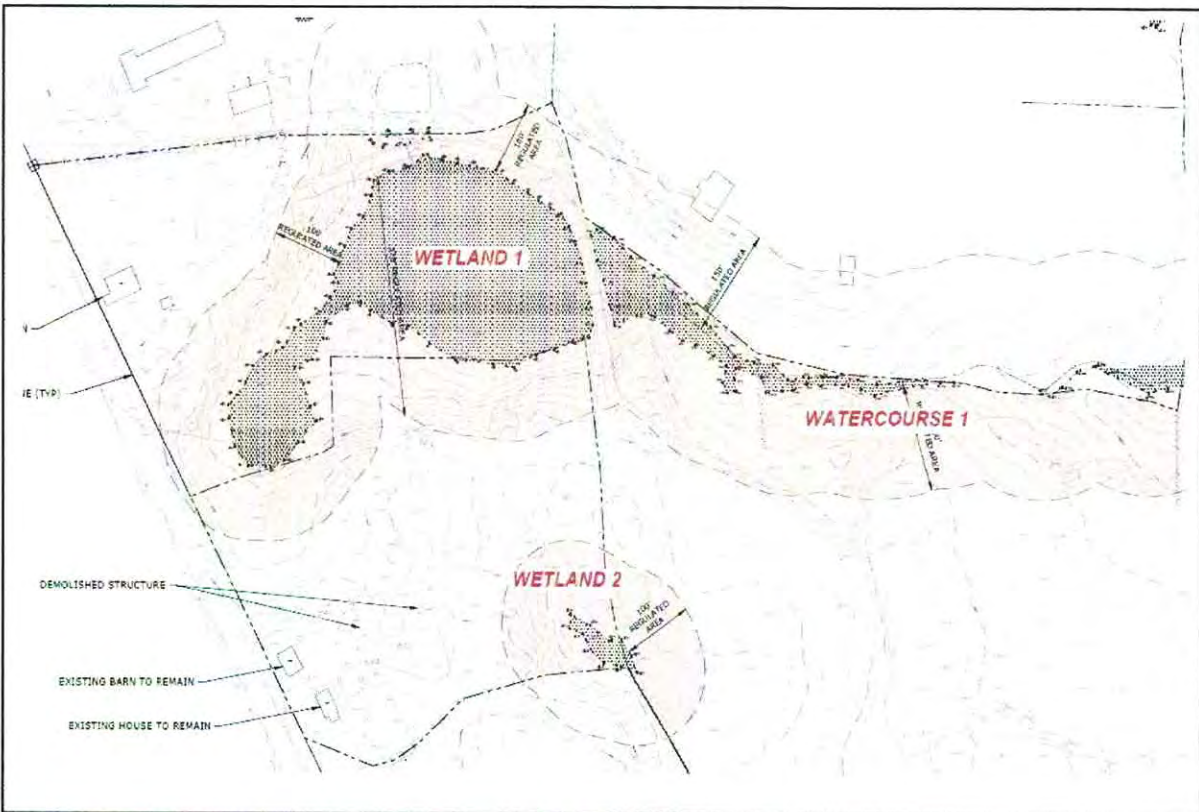
Yours truly,

**Land-Tech Consultants**



Christopher P. Allan  
Professional Wetland Scientist  
Certified Soil Scientist

APPENDIX A - WETLAND IDENTIFICATIONS





April 19, 2021

Mr. Robert A. Smith, Chairman  
Inland Wetlands and Watercourses Agency  
Town of Bethlehem  
36 Main Street South  
Bethlehem, CT 06751

RE: Bethlehem Inland Wetlands Application Review  
Application No. 2020-12-1  
Grillo Services, LLC  
331 & 351 Main Street South

Dear Mr. Smith:

LandTech has conducted a review of application documents pertaining to proposed site improvements at 331 & 351 Main Street South and conducted on-site evaluations of the project area.

Reviewed application documents include:

- Completed Application for Regulated Activity form
- *Proposed Organic Composting and Recycling Facility Plans* (35 sheets) prepared by Tighe & Bond, dated February 24, 2021.
- *Proposed Organic Composting and Recycling Facility Engineering Report*, prepared by Tighe & Bond, dated February 24, 2021.
- *Stormwater Pollution Control Plan*, prepared by Tighe & Bond, not dated.
- *Proposed Organic Composting and Recycling Facility Wetland Assessment Report*, prepared by Davison Environmental, dated February 26, 2021.

We submitted a letter to the Agency on April 9, 2021 regarding our review of the inland wetlands and watercourses delineation. The letter contained recommended modifications and additions to wetland boundaries that we expect will result in changes to the submitted site improvement plans. Therefore the comments and recommendations in this letter are preliminary and we anticipate providing a more detailed review of the revised application documents upon receipt.

Based on our site visits and a review of the above application documents, we offer the following preliminary comments for your consideration.



## Existing Conditions

Much of the site has been recently altered through the clear cutting of vegetation, removal of tree stumps, topsoil stripping, land grading and gravel roadway construction. Existing site activities include the delivery, stockpiling, and processing of organic material including logs, leaf and other organic matter. Composting of organics is taking place in windrows. Large machinery operation and refueling is also taking place on-site.

Much of the clear-cutting, site grading, roadway construction and other activities have taken place within the regulated upland review area (100 foot wetland setback and 150 foot watercourse setback). Some of these activities also appear to have resulted in the loss of some regulated wetlands. It is our understanding that activities within wetlands and the regulated upland review area have not been permitted and are thus a violation of the town's Inland Wetlands and Watercourses Regulations. Sections 4.3 and 4.4 of the wetland regulations states:

*"4.3 All activities in wetlands or watercourses involving filling, excavating, dredging, clear cutting, clearing, or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section and otherwise defined as a regulated activity by these regulations shall require a permit from the Agency in accordance with section 6 of these regulations, or for certain regulated activities located outside of wetlands and watercourses from the duly authorized agent in accordance with section 12 of these regulations."*

*"4.4 To carry out the purposes of this section, any person proposing a permitted operation and use or a non-regulated operation and use shall, prior to commencement of such operation and use, notify the Agency on a form provided by it, and provide the Agency with sufficient information to enable it to properly determine that the proposed operation and use is a permitted or non-regulated use of a wetland or watercourse. The Agency shall rule that the proposed operation and use or portion of it is a permitted or non-regulated operation and use or that the proposed operation and use is a regulated activity and a permit is required."*

Sections 6.1 and 6.2 further state:

*"6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Agency of the Town of Bethlehem."*

*"6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in section 14 of these regulations and any other remedies as provided by law."*

It is our professional opinion that the unpermitted activities have resulted in significant wetland impacts and that measures are needed to prevent continuing impacts and to mitigate existing impacts. We recommend that the Agency require that measures be taken by the applicant to mitigate existing and potential future impacts prior to considering the application for additional site improvements.



## Wetland and Watercourse Impacts and Impact Mitigation

1. Based on a review of historic aerial photos, National Wetland Inventory maps and the site survey, it appears that a wetland east of the farmhouse structures and north of Wetland 3 has been eliminated through land grading activities. The former wetland is depicted on Figures 1, 2, 3 and 4 appended to this letter. Based on the topographic survey (Figure 1) and the 2016 and 2019 spring aerial photos (Figures 2 and 3) the former wetland has the characteristics of a vernal pool and likely provided breeding habitat for obligate vernal pool species. It is our opinion that the applicant should propose measures to compensate for the loss of these wetlands and their associated functions.
2. Improvements to the former farm lane north and east of Wetland 1 in the northwest corner of the site includes the placement of fill up to the edge of the wetlands and some spillover of fill into the wetland. New pvc culverts have been installed within the improved accessway, the former accessway elevation has been raised and the roadway has been widened. Additional clear-cutting and land grading has taken place along the western and southern boundaries of Wetland 1.

Wetland 1 is the largest and most significant wetland on the site, providing significant wetland functions and values. It is our opinion that the recent improvements, including fill and gravel surfacing should be removed. In addition to fill removal, it is our opinion that the area should be restored to a natural condition.

The applicant should evaluate alternative development scenarios that eliminate the gravel roadway north and east of Wetland 1 and the gravel access drive between the wetland and Main Street South, with the goal of restoring a reasonable vegetated buffer around the wetland.

3. Clear-cutting and land grading has taken place north of Wetland 2 within the regulated upland review area.
4. Activities including clear-cutting and land grading south of Watercourse 1 have resulted in the discharge of concentrated stormwater runoff onto the slope above Watercourse 1. The concentrated runoff has resulted in soil erosion and creation of scour channels in several places. This erosion has resulted in sediment deposition within the wetlands and watercourse. We recommend that the applicant address these issues by providing an interim soil erosion and sediment control plan including storm water runoff controls that address existing conditions.
5. The area of disturbance requires registration under the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. The applicant should provide proof of registration. Due to the size of the disturbed area, inspection frequencies are prescribed by the GP. Records of all inspection reports to date should be submitted.
6. The storage of fuel and the on-site refueling of equipment poses a risk to wetlands and water quality from accidental spills and leaks. The tank should be removed and no on-site filling allowed until appropriate containment and protected refueling areas can be installed.

If you have any questions or require further assistance, please call us.

Yours truly,

**Land-Tech Consultants**



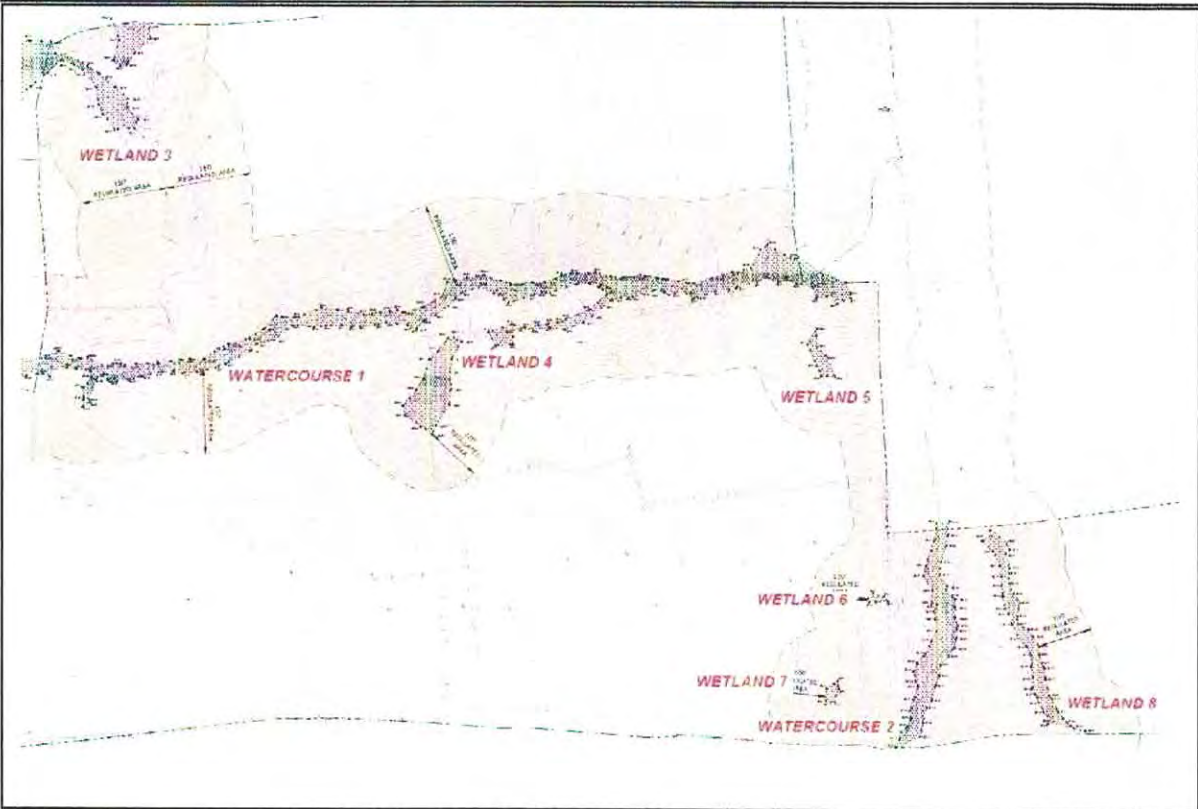
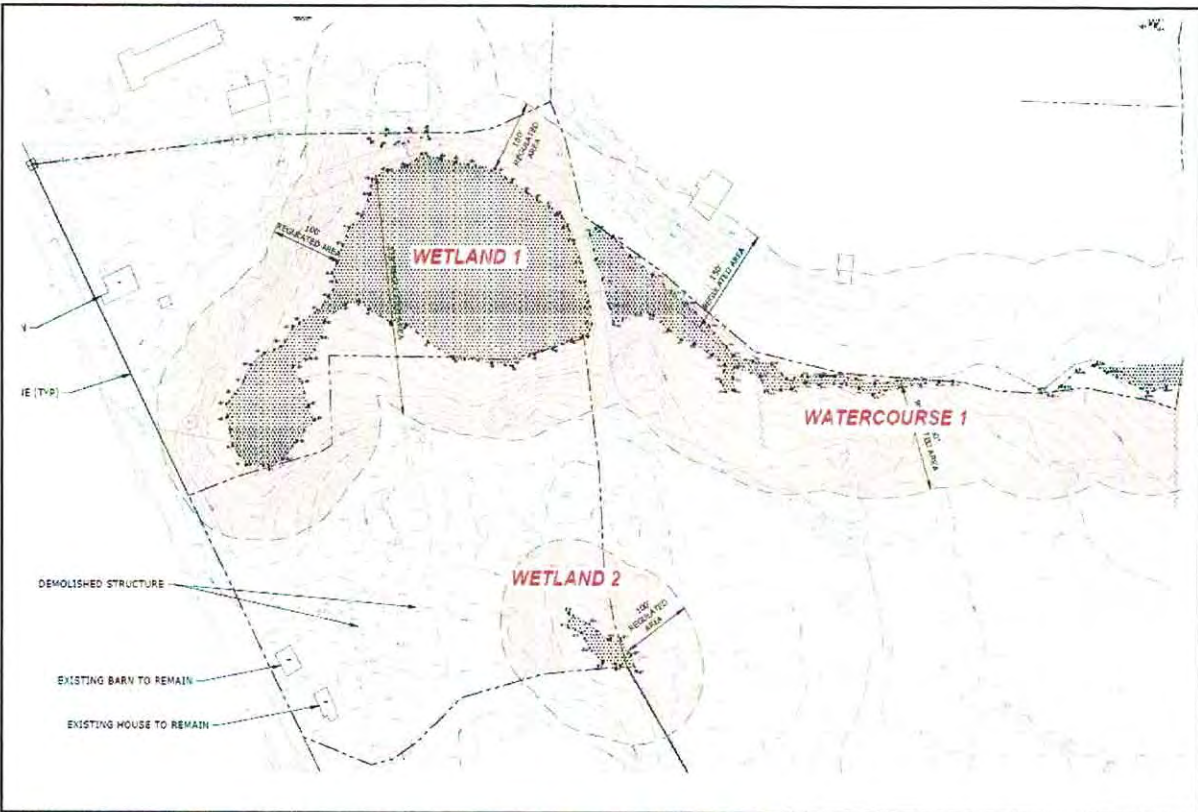
Christopher P. Allan  
Professional Wetland Scientist  
Certified Soil Scientist



Robert Pryor, P.E., L.S.  
Director of Site Planning & Engineering



APPENDIX A - WETLAND IDENTIFICATIONS







An aerial photograph showing a landscape with dense, low-lying vegetation in shades of green, brown, and purple. A red dashed line starts from a white box labeled 'FILLED WETLAND' and points to a red dashed circle. The circle highlights a specific area of the vegetation. In the lower-left corner, there is a small, light-colored rectangular area that appears to be a cleared or developed site.

FILLED WETLAND

FIGURE 2.  
2016 SPRING AERIAL PHOTO



An aerial photograph showing a landscape with a mix of green and brown vegetation. A red dashed line with an arrow points from a text box in the upper left to a specific area in the center-right. In the lower-left corner, there are some structures, including a brick building and a blue tank. The overall terrain appears to be a mix of open land and wooded areas.

FILLED WETLAND

FIGURE 3.  
2019 SPRING AERIAL PHOTO





U.S. Fish and Wildlife Service  
National Wetlands Inventory

351 Main St S

FIGURE 4.  
NWI MAP



April 9, 2021

**Wetlands**

- Estuarine and Marine Deepwater
- Estuarine and Marine Wetland

- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond

- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.



April 28, 2021 (revised)

Mr. Robert A. Smith, Chairman  
Inland Wetlands and Watercourses Agency  
Town of Bethlehem  
36 Main Street South  
Bethlehem, CT 06751

RE: Bethlehem Inland Wetlands Application Review  
Wetland Map Amendment  
Application No. 2020-12-1  
Grillo Services, LLC  
331 & 351 Main Street South

Dear Mr. Smith:

LandTech has reviewed the revised survey map showing delineated inland wetlands and watercourses at 331 & 351 Main Street South. The reviewed survey is identified as:

- 71.619+/- Acres, Property Boundary Survey, Map Prepared for Mike & Jude LLC, 351 Main Street South, Bethlehem, CT, dated September 2020 with latest revision date of April 2021, prepared by Roy V. Cheney, LLS.

Comments regarding recommended modifications to the inland wetlands and watercourses boundaries were contained in our letter to the Agency dated April 9, 2021. Based on our review of the revised survey map, it is our opinion that all recommended modifications have been made and the depicted inland wetlands and watercourse boundaries are accurate as shown.

Please note that the wetland delineation does not identify a previously existing wetland north of Wetland #2 and east of the farmhouse structures that appears to have been recently eliminated through land grading activities. The unpermitted filling of this wetland took place prior to our review of the wetland delineation.

If you have any questions or require further assistance, please call us.

Yours truly,  
**Land-Tech Consultants**



Christopher P. Allan  
Professional Wetland Scientist  
Certified Soil Scientist