



STATE OF CONNECTICUT
V.
CITY OF BRIDGEPORT

CONSENT ORDER No. 2012002DEP
Date of Issuance: March 15, 2013

- A. With the agreement of the City of Bridgeport ("Respondent"), the Commissioner of the Department of Energy and Environmental Protection ("the Commissioner") finds:
1. Respondent is a Municipality which owns and operates Sikorsky Memorial Airport ("the site") located at 1000 Great Meadow Road, Stratford, CT.
 2. On August 12, 1998, the Commissioner issued Pretreatment Permit No. SP0002306 ("the Wastewater Discharge Permit") to Respondent for discharges from de-icing activities. Section 1, Paragraph (G) of this permit requires Respondent to pay an annual fee to maintain compliance with section 22a-430-7 of the Regulations of Connecticut State Agencies ("RCSA").
 3. Respondent has accrued a balance of outstanding annual fees associated with the Wastewater Discharge Permit owed to the Department of Energy and Environmental Protection ("the Department"). The balance is shown on Attachment A of this consent order, which provides a summary of outstanding fees due to the Department as of February 28, 2013 for various Departmental programs.
 4. On February 15, 2008, Respondent submitted an application to renew the Wastewater Discharge Permit and paid the associated permit application processing fee. Therefore, the application was deemed sufficient and the Wastewater Discharge Permit is continued in effect until a final disposition on the application is made by the Commissioner. However, Section 22a-430-6(j) of the RCSA prohibits the re-issuance of the Wastewater Discharge Permit until all outstanding permit fees are paid in full.
 5. Under section 22a-454b of the Connecticut General Statutes ("CGS"), the city of Bridgeport is required to pay an annual groundwater monitoring fee for its hazardous waste land disposal unit at the Seaside Park Landfill, located on Barnum Boulevard in Bridgeport. The city has not paid this annual fee for Permit No. CTD000651927G, for 2004, 2005, 2007, 2008, 2009 and 2010, and has accrued late fees, as indicated on Attachment A.
 6. Under section 22a-454c(b) of the CGS, the city of Bridgeport is required to pay an annual fee for its hazardous waste land disposal unit at the Seaside Park Landfill, located on Barnum Boulevard in Bridgeport. The city has not paid this annual fee for Permit No. CTD000651927T, for 2004, 2005, 2007, 2008, 2009 and 2010, and has accrued late fees, as indicated on Attachment A.

7. Stewardship Permit no. DEP/HWM/CS-015-012 was issued to the city of Bridgeport with an effective date of September 30, 2010. The city is required to pay an annual fee for the Stewardship Permit. This annual fee incorporates the annual fee for the city's hazardous waste land disposal unit at the Seaside Park Landfill (as required under section 22a-454c(b) of the CGS) and the annual groundwater monitoring fee for the hazardous waste land disposal unit (as required under section 22a-454b of the CGS.) The annual fee for 2012 was due by August 1, 2012, as indicated on Attachment A.
8. Under section 22a-208a-1 of the RCSA, the city of Bridgeport is required to pay an annual permit fee for its solid waste transfer station, located at 475 Asylum Street in Bridgeport. The city has not paid this annual fee for Permit No. 0160809-PO, for 2009 and 2010, and has accrued late fees, as indicated on Attachment A.
9. On June 17, 1988, the Commissioner issued Subsurface Discharge Permit No. UI0000108 to Respondent for the discharge of treated domestic sewage to groundwaters of the state ("the Subsurface Wastewater Discharge Permit") at Pleasure Beach located on Seaview Avenue in Bridgeport. The Subsurface Wastewater Discharge Permit requires Respondent to pay an annual fee as set forth in section 22a-430-7 of the RCSA. On February 17, 1998, Respondent submitted Application No. 199800950 to renew the Subsurface Wastewater Discharge Permit, and such permit has continued in effect pending a final disposition on such application. However, Section 22a-430-6(j) of the RCSA prohibits the re-issuance of the Subsurface Wastewater Discharge Permit until all outstanding permit fees are paid in full. Also, Application No. 199800950 only reflects one of two existing subsurface disposal systems on site, and Respondent is preparing to seek permit coverage for such discharges under the *General Permit to Discharge from Subsurface Sewage Disposal Systems Serving Existing Facilities* issued by the Commissioner on May 9, 2012.
10. Respondent has accrued a balance of outstanding annual fees associated with the Subsurface Wastewater Discharge Permit owed to the Department, as indicated on Attachment A.
11. Prior to revisions which became effective on October 10, 2009, section 22a-449(e) of the CGS established a nonresidential underground storage tank inspection fee which could be assessed every five (5) years. Municipalities were billed at a rate of fifty (50) dollars per tank. On August 26, 2008, the Storage Tank Enforcement Unit conducted an inspection at Sikorsky Memorial Airport, located at 1000 Great Meadow Road in Stratford. A total of three (3) regulated and billable tanks were determined to be present. Accordingly, the City was billed one hundred and fifty (150) dollars for that inspection. Respondent has not paid this fee, as indicated on Attachment A.
12. As outlined in paragraphs A.3 through A.11 above and summarized in Attachment A of this consent order, Respondent has accrued outstanding fees owed to the Department totaling in excess of \$23,500.
13. By virtue of the above, Respondent has violated Section 1 Paragraph (G) of the Wastewater Discharge Permit, and sections 22a-430-7 and 22a-208a-1 of the RCSA, and sections 22a-449(e), 22a-454b and 22a-454c of the CGS.

- B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6 and 22a-424 of the CGS, orders Respondent as follows:
1. On or before thirty (30) days from the date of issuance of this consent order, Respondent shall submit a completed registration for coverage under the *General Permit for the discharge from Subsurface Sewage Disposal Systems Serving Existing Facilities*, issued by the Commissioner on May 9, 2012, or shall submit an amendment to Application No. 199800950 that accounts for all of Pleasure Beach's on-site subsurface disposal systems.
 2. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
 3. Supplemental Environmental Project(s). As of February 28, 2013, Respondent owes the Department a total of twenty-three thousand five hundred and forty six dollars and thirty two cents (\$23,546.32), in outstanding fees, as described in paragraphs A.3 through A.11 and summarized in Attachment A of this consent order. Respondent has agreed to undertake one or more supplemental environmental project(s) ("SEP(s)") with a total expenditure of at least the total outstanding balance owed the Department at that time. The provisions of this paragraph shall be satisfied by the following:
 - a. On or before thirty (30) days from the date of issuance of this consent order, Respondent shall submit a proposal for one or more SEP(s) and their implementation schedule(s) for the Commissioner's review and written approval. For each SEP proposed, the submittal shall include a detailed narrative description of each project, its associated environmental benefits and an estimation of implementation costs along with supporting documentation such as vendor quotes; and an implementation schedule with expected dates for project completion and for submitting the final report required by Paragraph B.3.e of this consent order.
 - b. Respondent shall perform each such SEP in accordance with the schedule approved by the Commissioner, and shall obtain any federal, state or local permit or approval necessary to carry out such SEP.
 - c. If Respondent fails to fully perform any SEP in accordance with paragraph B.3.b, Respondent shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment equal to: the total estimated cost, as determined by the Commissioner, of all such SEP(s); plus either \$2,500 or 10% of such total estimated cost, whichever is greater. Within fourteen (14) days after the date of the Commissioner's written request, Respondent shall make such payment in accordance with the remittance procedures for unexpended SEP funds in subparagraph B.3.f. of this consent order.
 - d. On or before ninety (90) days after the date of issuance of this consent order, Respondent shall submit written progress reports on a quarterly basis to the Commissioner. Each progress report shall include the following information: Respondent's progress in performing each SEP including tasks performed to date, a complete accounting of actual project costs incurred to date,

planning for the remaining project tasks to be performed, significant activities or findings related to the project, and any other reasonable information requested by the Commissioner for the purpose of evaluating Respondent's progress in performing the SEP(s).

- e. On or before thirty (30) days after completion of each SEP, Respondent shall submit for the Commissioner's review and written approval a comprehensive final report that certifies completion of such SEP. Such final report shall include, at a minimum, a narrative history of the project, detailed explanation of its design and implementation, summary of any data collected, complete final accounting of actual project costs including receipts for out-of-pocket costs, and a discussion of environmental benefits resulting from the SEP. In addition, the Respondent shall hire an independent Certified Public Accountant to calculate the net present after-tax value of the project, certify in writing under oath that such calculation is true and accurate, and submit such calculation and certification to the Commissioner.
 - f. Should the Commissioner determine that the actual cost to the Respondent of any fully completed SEP is less than the estimated cost, as determined by the Commissioner, of such SEP, Respondent shall pay the difference between such actual cost and the estimated cost to the Commissioner as unexpended SEP funds. The Commissioner shall notify the Respondent in writing of the amount of any such unexpended SEP funds that are due. Respondent shall, within fourteen (14) days after the date of such written notice, remit the full amount of the unexpended SEP funds. Payment of unexpended SEP funds shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection" and the check shall state on its face "Statewide SEP Account, Consent Order No. 2012002DEP." Respondent shall mail or personally deliver such payment to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.
 - g. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
 - h. Respondent shall not claim or represent that any SEP payment made pursuant to this consent order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
4. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
 5. Dates. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date

such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a legal Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or legal Connecticut or federal holiday.

6. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law."

7. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
8. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law.
9. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent order, Respondent shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality. The Wastewater Discharge Permit shall be non-transferable until full compliance with this consent order has been achieved.
10. Commissioner's powers. Nothing in this consent order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented


pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

11. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
12. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance.
13. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
14. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
15. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
16. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
17. Submission of documents. Any document required for submission to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Diane D. Foberg, Environmental Analyst
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Water Permitting and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

RESPONDENT

BY: 
Mayor William Finch
2/18/13
Date

Issued as a final order of the Commissioner of the Department of Energy and Environmental Protection

on 3/15/13.


Macky McCleary
Deputy Commissioner

cc Land Records of: Bridgeport and Stratford

City of Bridgeport, CT
Consent Order No. 2012002DEP

ATTACHMENT A

Invoice of outstanding fees as of February 28, 2013

PRO FORMA

Please Remit To:

State of Connecticut
 Dept. of Energy & Environ. Protect.
 Accounts Receivable
 79 Elm Street
 Hartford CT 06106
 United States

Page: 1
 Invoice No: DEP0000003830
 Status/Type: NEW/Regular
 Invoice Date: 02/28/2013
 Customer Number: 95
 Payment Terms: Net 30
 Est. Due Date: 02/28/2013
 PO:

Bill To:

City of Bridgeport
 999 Broad St
 Bridgeport CT 06604
 United States

AMOUNT DUE: 23,546.32 USD



Amount Remitted

For billing questions, please call 860-424-3117

Line	Adj	Identifier	Description	Quantity	UOM	Unit Amt	Net Amount
1		UST INSPECTION FEE	Sikorsky Memorial Airport - Due 2/1/09	1.00	EA	150.00	150.00
2		PERMIT-0160809-PO	Transfer Station if Capacity > 150 Tons/Day 09 Annual Fee - \$1,125.00, due 8/1/09; 10 Annual Fee - \$1250.00, due 8/1/10	1.00	EA	4,575.84	4,575.84
3		PRMT-CTD000651927G	Annual Fee for Groundwater Monitoring at HW Treatment, Storage & Disposal Facility 04, 05, 07, 08 & 09 Annual - \$375.00, due 8/1 of each year, 10 Annual - \$470.00, due 8/1/10	1.00	EA	4,469.45	4,469.45
4		PRMT-CTD000651927T	Annual Fee for HW Treatment, Storage or Disposal 04, 05, 07, 08 & 09 Annual - \$750.00, due 8/1 of each year, 10 Annual - \$875.00, due 8/1/10	1.00	EA	8,853.86	8,853.86
5		PERMIT-SP0002306	Water Pollution Control Permit, Sewer-POTW - Schedule B; 09 Annual - \$262.50, due 8/1/09; 10 Annual - \$330.00, due 8/1/10; 11 Annual - \$330.00, due 8/1/11; 12 Annual - \$330.00, due 8/1/12	1.00	EA	1,803.17	1,803.17
6		PERMIT-UI0000108	12 Annual Due 8/1/12	1.00	EA	640.89	640.89
7		PERMIT-DEP/HWM/CS- 015-012	12 Annual - Due 8/1/12	1.00	EA	1,553.11	1,553.11
8			**Anticipated submittal of UIC Subsurface Permit application	1.00	EA	1,500.00	1,500.00
SUBTOTAL:							<u>23,546.32</u>
TOTAL AMOUNT DUE :							<u>23,546.32</u>