



79 Elm Street • Hartford, CT 06106-5127

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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT

Vs.

TRADEBE TREATMENT AND RECYCLING  
OF BRIDGEPORT, LLC

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Order No. 2497

### CONSENT ORDER

- A. With the agreement of Tradebe Treatment and Recycling of Bridgeport, LLC. (Respondent), the Commissioner of Energy and Environmental Protection (Commissioner) finds the following:
1. The Respondent owns and operates a waste treatment facility at 50 Cross Street in Bridgeport, CT (premises).
  2. The Respondent owns and operates a non-hazardous solid waste treatment pit on the premises. Waste is stabilized in the treatment pit by mixing sawdust into the waste to absorb any water or oil.
  3. In accordance with Section 22a-174-23(a)(1) of the Regulations of Connecticut Agencies (RCSA) no person shall cause or permit the emission of any substance or combination of substances which creates or contributes to an odor, in the ambient air, that constitutes a nuisance.
  4. In accordance with RCSA Section 22a-174-18(c)(2)(A) no person shall cause or allow the emission of visible particulate matter beyond the legal boundary of the property on which such emission occurs that remains near ground level beyond such property boundary.
  5. During an inspection conducted on October 26, 2015 a Bureau of Air Management field engineer observed evidence of airborne particulate matter crossing the property line. A stockpile of sawdust located on the premises appeared to be the source of sawdust on the adjacent property. As a result, the Commissioner issued NOV #17621 on December 9, 2015 for failure to control airborne particulate matter that crossed the property line near ground level in violation of RCSA Section 22a-174-18(c)(2).
  6. During an inspection conducted on April 25, 2016 a Bureau of Air Management field engineer detected a persistent, mild to moderately strong fishy odor downwind from the premises and observed sawdust becoming airborne and drifting onto an adjacent property as sawdust was being transferred to the non-hazardous solid waste treatment pit. As a result, the Commissioner issued NOV #17680 on June 17, 2016 for the emission of substances which contributed to a nuisance odor in the ambient air in violation of RCSA Section 22a-

174-23(a)(1) and for failure to control airborne particulate matter that crossed the property line near ground level in violation of RCSA Section 22a-174-18(c)(2).

7. During an inspection conducted on May 8, 2016 a Bureau of Air Management field engineer detected a moderately strong, persistent garbage/rotten fish odor in and around the parking area of a property located downwind of the premises. As a result, the Commissioner issued NOV #17829 on May 24, 2017 for the emission of substances which contributed to a nuisance odor in the ambient air in violation of RCSA Section 22a-174-23(a)(1).
  8. During an inspection conducted on November 6, 2017 a Bureau of Air Management field engineer detected a persistent moderately strong sewage/garbage-type odor at a location directly downwind of the premises. As a result, the Commissioner issue NOV# 17868 on November 6, 2017 for the emission of substances which contributed to a nuisance odor in the ambient air in violation of RCSA Section 22a-174-23(a)(1).
  9. By virtue of the facts set forth above, the Respondent has violated RCSA Section 22a-174-18(c)(2) and RCSA Section 22a-174-23(a)(1).
  10. The Respondent has installed a screen mesh around the perimeter of the non-hazardous solid waste treatment pit. The screen mesh appears to be a sufficient control to prevent airborne particulate emissions caused by the addition of sawdust to the non-hazardous solid waste treatment pit from crossing the property line.
- B. With the agreement of Respondent, the Commissioner, acting under §22a-6 and §22a-174 of Connecticut General Statute, orders the Respondent as follows:
1. The Respondent shall fully comply with the requirements of RCSA Section 22a-174-18(c)(2) and RCSA Section 22a-174-23(a)(1)
  2. Within sixty (60) days after issuance of this Consent Order, the Respondent shall submit for the Commissioner's review and written approval a report containing the following:
    - i. Name, title, and affiliation of personnel involved in evaluating and implementing odor abatement actions and a description of the relevant education, experience, and training of each individual;
    - ii. Identification of the source(s), cause(s) and characteristics of the nuisance odors detected beyond the facility's property line and the daily frequency and duration of the activity which causes the generation of such odor;
    - iii. A detailed description of the remedial actions taken to abate such odors;
    - iv. Documentation (e.g. vendor information) to support expected effectiveness of the remedial actions to abate such odors;
    - v. Procedures for monitoring the effectiveness of such remedial actions; and
    - vi. Certification pursuant to Paragraph B.13 that the actions described in the report have been completed and procedures for monitoring the effectiveness of the actions have been implemented.



The Respondent shall address deficiencies within the timeframe specified in any notice of deficiency sent by the Commissioner.

3. If the remedial actions identified in the report do not result in abatement of the odors to the satisfaction of the Commissioner, additional abatement actions and a program for monitoring and reporting on the effectiveness of those actions shall be presented to the Commissioner in a supplemental report. The supplemental report shall:
  - i. Evaluate alternatives for remedial action(s) to abate such odor, including an estimate of cost for each alternative identified, and a schedule for implementing each alternative.
  - ii. Propose a preferred alternative for abating such odor with supporting justification as to why the preferred remedial action is likely to abate the odor.
  - iii. Propose a detailed program and schedule to perform the preferred remedial action and to monitor the effectiveness of such remedial action.

Unless otherwise specified in writing by the Commissioner, the supplemental report and schedule shall be submitted for the Commissioner's review and written approval on or before thirty days (30) after notice from the Commissioner that they are required.

4. Upon receipt of the Commissioner's approval of the supplemental report, the Respondent shall perform the preferred remedial action identified in the supplemental report in accordance with the supplemental report and approved schedule.
5. Until the Respondent's corrective actions result in the prevention and abatement of violation of Section 22a-174-23 of the Regulations to the Commissioner's satisfaction, the Respondent shall submit a written supplemental plan and schedule for the implementation of additional corrective action. The Respondent shall submit the plan and schedule within thirty (30) days of receipt of notice from the Commissioner that additional corrective action is required. The plan and schedule shall be subject to the Commissioner's review and written approval and/or amendment. The Respondent shall complete all additional corrective actions according to the schedule approved by the Commissioner.
6. Progress reports. On or before the last day of March, June, September, and December of each year after issuance of this consent order, and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
7. Civil penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of \$4,500 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.5 through A.9 of this Consent Order.
8. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial and Support Services--Accounts Receivable Office ["F&SS"]. Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Connecticut

Department of Energy and Environmental Protection. The check shall state on its face, "Air Civil Penalty, Consent Order #2497.

9. Full compliance. The 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.
10. Approvals. The Respondent shall use best efforts to submit to the Commissioner all documents required by this Order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall excuse noncompliance or delay.
11. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
12. 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 Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
13. 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 the Respondent or, if the Respondent is not an individual, by the Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-174-2a of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and the Respondent or the 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.”

14. 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 the Respondent to an injunction and penalties.
15. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
16. Notice of transfer; liability of Respondent. Until the Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than 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. The 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.
17. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, 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 Respondents 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 the Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
18. Respondent's obligations under law. Nothing in this Consent Order shall relieve the Respondent of other obligations under applicable federal, state and local law.
19. 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 the Respondent pursuant to this Consent Order will result in compliance.
20. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
21. 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.
22. Notice to Commissioner of changes. Within 15 days of the date the 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, the Respondent shall submit the correct or omitted information to the Commissioner.

23. Notification of noncompliance. In the event that the 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, the 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, the 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 the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the 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.
24. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order, unless otherwise specified in this Consent Order or in writing by the Commissioner, shall be directed to:

Robin Baena  
Department of Energy and Environmental Protection  
Air Engineering & 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 Respondent to the terms and conditions of the Consent Order.

*Tradebe Treatment and Recycling of Bridgeport*


Signature:  \_\_\_\_\_

Type Name: Tita Lagrimas

Type Title: EVP of Regulatory Affairs

Date: November 7, 2018

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



Robert E. Kaliszewski  
Deputy Commissioner  
Department of Energy and Environmental Protection

12/6/18  
Date

MAILED CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED