

# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



### STATE OF CONNECTICUT

V.

Classic Carriage Auto Wash, Inc.

CONSENT ORDER No. CO WR IN 11 002

Date of Issuance: May 13, 2011

A. With the agreement of Classic Carriage Auto Wash, Inc. ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:

1. Respondent operates a vehicle washing facility located at 351 Boston Post Road, Old Saybrook, Connecticut ("the site").
2. Under the authority of Section 22a-430b of the Connecticut General Statutes (CGS), the Commissioner issued a General Permit for the Discharge of Vehicle Maintenance Wastewater ("the General Permit"), on January 23, 2001 and reissued it on January 23, 2011.
3. On March 19, 2008 staff of the Department's Bureau of Materials Management & Compliance Assurance conducted an inspection at the site.
4. Respondent was observed discharging wastewater associated with vehicle washing operations to the ground through a sub-surface disposal system without a permit, in violation of Section 22a-430 and 22a-430b of the Connecticut General Statutes.
5. The Department issued Notice of Violation ("NOV") No. WR IN 08 027 to Classic Carriage Auto Wash, Inc. on June 24, 2008 for discharging wastewater without a permit in violation of Section 22a-430 and 22a-430b of the Connecticut General Statutes.
6. Respondent failed to comply with NOV No. WR IN 08 027.

By virtue of the above, the Respondent has created or is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the state and has maintained a discharge to the waters of the state without a permit as required by Sections 22a-430 and 22a-430b of the Connecticut General Statutes.

B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-424,

§22a-427, §22a-430, §22a-430b, and §22a-438 of the Connecticut General Statutes, orders Respondent as follows:

1. Respondent shall immediately cease and permanently eliminate all unpermitted discharges and submit a completed copy of Appendix A (attached) certifying that all unpermitted discharges have been eliminated; or, if the discharges are not permanently eliminated, Respondent shall:
  - a. On or before sixty (60) days after the date of issuance of this consent order, submit a report, certified by a qualified professional engineer licensed to practice in Connecticut, affirming that the proposed actions will meet the requirements of the General Permit.

The report, at a minimum, should:

- i. describe in detail how compliance with all terms and conditions of the General Permit will be achieved;
  - ii. contain engineering plans specifications for the collection and/or treatment facilities to be installed;
  - iii. include a schedule for the installation of collection and/or treatment facilities; and
  - iv. include a schedule for obtaining all required permits and approvals as soon as possible, but in no event later than ninety (90) days after the issuance of this consent order.
- b. Before November 30, 2011, but no later than fourteen (14) days after the completion of the installation of treatment system and the wastewater collection facilities in accordance with the schedule submitted pursuant to paragraph B.1.a. above, Respondent shall submit a complete registration package ("the registration") for the General Permit. Respondent shall also submit a copy of such registration to the individual identified in paragraph B.19 of this consent order.
- c. Respondent shall obtain all necessary permits for wastewater discharges prior to commencing operations at any new or other location.

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 satisfaction of the Commissioner.
3. Civil Penalty. On or before fourteen (14) days after the issuance of this Consent Order, Respondent shall pay a civil penalty of \$2,000 for the past violations specified in section A.5. of this Consent Order.

4. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127, and shall be by certified or bank check payable to "Treasurer, State of Connecticut." The check shall state on its face, "Materials Management and Compliance Assurance Bureau civil penalty – Water Permitting, & Enforcement, Consent Order No. CO WR IN 11 002."
5. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and 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 thirty (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.
6. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
7. 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.
8. 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 §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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

9. 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.
10. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under Section 53a-157b of the Connecticut General Statutes and any other applicable law.
11. 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. Any future owner of the site may be subject to the issuance of an order from the Commissioner.
12. 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 Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent and degree of any pollution or have not 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.
13. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.

14. 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 or prevent or abate pollution.
15. Access to site. Any representative of the Department of 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.
16. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities which are not parties to this consent order.
17. 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.
18. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did 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.
19. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Marshall Hoover, Environmental Analyst II  
Department of Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Exhibit A

to Consent Order between  
the State of Connecticut Department of Environmental Protection and  
Classic Carriage Auto Wash, Inc.

At a meeting of the Board of Directors of Classic Carriage Auto Wash, Inc., on April 26  
2011, the following resolution was adopted unanimously:

**BE IT RESOLVED:** That Richard J. Pytlik, President of Classic Carriage Auto Wash, Inc. (hereinafter "the Corporation"), is fully authorized and empowered in the name of, and on behalf of, the Corporation, to legally bind Classic Carriage Auto Wash, Inc. to the terms and conditions of a certain consent order between the State of Connecticut Department of Environmental Protection and the Corporation, having been transmitted via letter, dated April 11, 2011, by Kim E. Hudak, P.E., Assistant Director, Bureau of Materials Management and Compliance Assurance Permitting and Enforcement Division.

I hereby certify that the above is a true and correct copy of the resolution, as adopted.

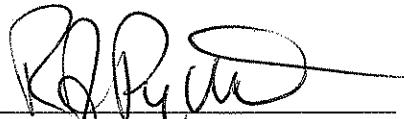


Patricia Pytlik  
Secretary

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." A corporate resolution granting such authorization is attached hereto as Exhibit A.

Respondent

BY:



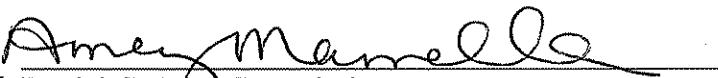
Richard J. Pytlak, President

4/26/11

Date

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

for



Daniel C. Esty, Commissioner

5/12/11

Date

Order No. CO WR IN 11 002

DEP/WPC No.

Town of Old Saybrook Land Records