



STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

V.

MS. CONSTANCE HOYLE

CONSENT ORDER # CO WR SS 11 003

Date Issued: June 8, 2011

A. With the agreement of Ms. Constance Hoyle ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:

1. "Respondent" is an individual residing at 81 Homestead Drive, Millville, New Jersey, who is the owner of property located at 971 Norwich Road (Route 12), in Plainfield, Connecticut (aka Harrington Mobile Home Park, "the site"), more fully described in a deed which is recorded at page 573 of volume 270 of the Plainfield land records/as Lot 6, Block 14 on map 10 in the Plainfield Tax Assessor's office.
2. The site consists currently of approximately 32 mobile homes situated on lots that are leased by tenants. The site is licensed to lease up to 40 lots for mobile homes. The site also contains a single commercial building that is currently operated as a consignment store. Domestic sewage generated by the mobile homes and the consignment store is disposed on-site by means of a variety of sub-standard subsurface sewage disposal systems, including cesspools and drywells, to the groundwaters in the watershed of Fry Brook.
3. The cumulative flow of domestic discharge to the site from the mobile homes and consignment shop exceeds 5,000 gallons per day. Such discharge requires a permit issued by the Commissioner pursuant to section 22a-430 of Connecticut General Statutes and the regulations adopted thereunder. The Respondent does not have a permit to discharge domestic sewage on this site.
4. By virtue of the above, Respondent is maintaining a discharge to the waters of the State without obtaining a permit as required by section 22a-430 of the Connecticut General Statutes and the Regulations adopted thereunder, and is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the State.

B. With the agreement of Respondent, the Commissioner, acting under sections 22a-6, 22a-424, 22a-425, 22a-427, 22a-430, 22a-432, 22a-433, and 22a-449 of the Connecticut General Statutes, orders Respondent as follows:

1. On or before thirty (30) days after the issuance date of this consent order, Respondent shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this order and shall, by that date, notify the Commissioner in writing of the identity of such consultants. Respondent has retained Lenard Engineering, Inc. ("Lenard") to prepare documents and implement and oversee the actions contemplated or required by this

order. Respondent shall retain Lenard or such other qualified consultant(s) acceptable to the Commissioner until this order is fully complied with, and, within ten (10) days after retaining any consultant other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant(s). The consultant(s) retained to perform the action required in paragraph B.2 below shall be a qualified professional engineer licensed to practice in Connecticut with experience acceptable to the Commissioner. Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

2. On or before ninety (90) days after the issuance of this Consent Order, Respondent shall submit for the Commissioner's review and written approval a plan and schedule for a phased program of installing sewer interconnections to the municipal sewer main to be extended to the site by the Town of Plainfield (the "Sewer Interconnection Plan"). Such Sewer Interconnection Plan shall, at a minimum:
 - (a) prioritize installation of the sewer interconnection phases for those units within the site that pose the most immediate threat to the environment;
 - (b) include current cost estimates to implement the respective interconnection phases;
 - (c) include the Town of Plainfield's schedule for the installation of the municipal sewer main extension to the site; and
 - (d) include a list of all permits and approvals, if any, including but not limited to any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes, including but not limited to a schedule for applying for and obtaining all such permits and approvals required for implementing the Sewer Interconnection Plan.
3. If the Sewer Interconnection Plan does not fully resolve the conditions described in Paragraph A to the satisfaction of the Commissioner, the Commissioner may require revisions to the Sewer Interconnection Plan or additional evaluations to be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before thirty (30) days after notice from the Commissioner that they are required.
4. Respondent shall perform the actions specified in accordance with the Sewer Interconnection Plan approved by the Commissioner pursuant to requirements of paragraph B.2 of this consent order and in any approved supplemental plan(s) in accordance with the approved schedule(s).
5. Unless another deadline is specified in writing by the Commissioner, on or before

ninety (90) days after approval of the Sewer Interconnection Plan described in the preceding paragraph, Respondent shall: (1) submit for the Commissioner's review and written approval contract plans and specifications for the approved Sewer Interconnection Plan, a revised list of all permits and approvals required for such actions, and a revised schedule for applying for and obtaining such permits and approvals, and (2) submit applications for all permits and approvals required under section 22a-430 of the Connecticut General Statutes for such actions. Respondent shall use best efforts to obtain all required permits and approvals.

6. Respondent shall perform all work described in the Sewer Interconnection Plan in accordance with the approved schedule(s), but in no event shall the approved work be completed by later than October 31, 2016. If the schedule for the installation of the municipal sewer main extension to the site is modified by the Town of Plainfield, Respondent shall provide notice to the Commissioner and take appropriate action in accordance with the requirements of paragraph B, 6 of this Consent Order.
7. Within fifteen (15) days after completing such actions, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.
8. Respondent may request that the Commissioner approve, in writing, revisions to any document approved hereunder in order to make such document consistent with law or for any other appropriate reason.
9. **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.
10. **Sampling and sample analyses.** All sampling and sample analyses which are required by this consent order and all reporting of such sample analyses shall be done by a laboratory certified by the U.S. Environmental Protection Agency and/or the Connecticut Department of Public Health and Addiction Services for such analyses. All sampling and sample analyses performed under this order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or if no such procedures have been specified or approved, in accordance with "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", US EPA SW-846, latest edition. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the maximum level of precision and accuracy possible.
11. **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 the 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.

12. Definitions. As used in this consent order, "Commissioner" means the Commissioner or an agent of the Commissioner.
13. Dates. The date of "issuance" of this consent order is the date the order is deposited in the 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 personally delivered or the date three days after it is mailed by the Commissioner, 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 on or before the next day which is not a Saturday, Sunday, or Connecticut or federal holiday.
14. Notification of noncompliance. In the event that Respondent becomes aware that they 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 the Commissioner 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. In so notifying the Commissioner, Respondent shall state in writing 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.
15. 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 RCSA and by the individual or individuals responsible for actually preparing such document, each of whom 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, 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."

16. 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.
17. 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.
18. Notice of transfer; liability of Respondent and others. 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.
19. 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.
20. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
21. 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.
22. 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.
23. No effect on rights of other persons. This consent order shall neither create nor affect any rights of persons who or municipalities which are not parties to this consent order.
24. 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.

25. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Ramona Goode, Sanitary Engineer
Department of Environmental Protection
Bureau of Materials Management & Compliance Assurance
79 Elm Street
Hartford, Connecticut 06106

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.

Ms. Constance Hoyle

NAME (Typed): Constance Hoyle

TITLE (Typed): Turner

DATE: April 8/2011

Issued as a final order of the Commissioner of Environmental Protection on June 7, 2011

Robert E. Kaliszewski
Amey W. Martella Robert E. Kaliszewski
Commissioner Director, P&PD

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DEP/WPC NO. 109-104

Town of Plainfield

Land Records