



STATE OF CONNECTICUT
V.
ENVIRO EXPRESS, INC.

CONSENT ORDER No. CO WR SW20001

Date of Issuance: June 29, 2021

- A. With the agreement of Enviro Express, Inc. (“Respondent”), the Commissioner of Energy and Environmental Protection (“Commissioner”) finds:
1. Respondent is a corporation which is or has been engaged in Waste Management Operations at: the Fairfield Transfer Station located 95 One Rod Highway (“FTS”); the Westport Transfer Station located at 300 Sherwood Island Connector (“WTS”); the Trumbull Transfer Station located at 101 Spring Hill Road (“TTS”), and; the Bridgeport Main Plant located at 555 Wordin Avenue (“BMP”). Collectively, these are known as (“the sites”).
 2. Since at least October 1, 2011, Respondent discharged stormwater associated with industrial activity at the sites pursuant the General Permit for the Discharge of Stormwater Associated with Industrial Activity (“General Permit”) issued on August 12, 2010, and reissued on October 4, 2019, pursuant to Section 22a-430b of the Connecticut General Statutes. FTS, WTS, TTS, and BMP were all issued permits on October 1, 2011.
 3. Respondent is required to monitor its stormwater discharges semi-annually between October 1st and March 31st; and between April 1st and September 30th in accordance with Subsection 5(e) of the General Permit. Respondent is also required to visually monitor its stormwater quarterly between October 1st and December 31st; between January 1st and March 31st; between April 1st and June 30th and, between July 1st and September 30th.
 4. Based on inspections conducted by the Department of Energy and Environmental Protection Water Permitting and Enforcement Division, Bureau of Materials Management and Compliance Assurance (“WPED”), on March 29, 2016 and April 7, 2016 at WTS; April 7, 2016 at FTS and; April 21, 2016 at BMP and TTS, WPED issued Notice of Violation WR SW 16 004 (“NOV”) on May 10, 2016 to Respondent for the following alleged violations at the sites:
 - a. Failure to address the monitoring exceedances in the Stormwater Pollution Prevention Plan (“SWPPP”) in accordance with Section 5(e)(B)(iv) of the General Permit;

- b. Failure to monitor stormwater in accordance with section 5(e) of the General Permit;
 - c. Failure to maintain good housekeeping procedures in accordance with Section 5(b)(1) of the General Permit;
 - d. Failure to conduct stormwater inspections in accordance with Section 5(d) of the General Permit;
 - e. Failure to provide annual stormwater training in accordance with Section 5(b)(10) of the General Permit;
 - f. Failure to provide dumpsters with covers and drain plugs intact or stored in roofed areas in accordance with Section 5(b)(9)(B) of the General Permit at WTS, TTS and FTS;
 - g. Failure to provide roof coverage and secondary containment for containers of liquid chemicals less than 100 gallons in size in accordance with Section 5(b)(9)(A) of the General Permit at TTS, BMP and FTS; and
 - h. Discharged oily wastewater to the ground without permit in violation of Section 22a-430 of the Connecticut General Statutes at FTS.
5. Respondent submitted a response to the NOV on June 13, 2016. WPED subsequently notified Respondent, in correspondence dated July 28, 2016, that the response was inadequate to address the violations described in the NOV. Respondent submitted a follow-up response dated August 16, 2016 indicating all violations had been addressed and corresponding records would be at the sites.
6. Pursuant to Respondent's August 16, 2016 response, on December 15, 2016, WPED staff re-inspected the sites. During the inspections, WPED staff again observed the following alleged violations at the sites:
 - a. Failure to address the monitoring exceedances in the Stormwater Pollution Prevention Plan ("SWPPP") in accordance with Section 5(e)(B)(iv) of the General Permit;
 - b. Failure to conduct weekly stormwater inspections in accordance with Section 5(d) of the General Permit;
 - c. Failure to monitor stormwater in accordance with Section 5(e) of the General Permit; and
 - d. Failure to maintain good housekeeping procedures and implement its stormwater pollution prevention plan in accordance with Section 5(b)(1) of the General Permit.
7. On April 12, 2018, WPED staff re-inspected the sites due to Respondent's failure to submit stormwater monitoring results for the April 1, 2017 through September 30, 2017 sampling period. During the inspections, WPED staff also observed alleged violations of the General Permit and the alleged discharge of wastewater and solid waste leachate to the ground and surface waters without permit at FTS and TTS.

8. On May 22, 2018, WPED staff issued NOV WR SW 18 002 ("NOV2") to Respondent for the following alleged violations at the sites:
 - a. Failure to address the monitoring exceedances in the Stormwater Pollution Prevention Plan ("SWPPP") in accordance with Section 5(e)(B)(iv) of the General Permit;
 - b. Failure to monitor stormwater in accordance with section 5(e) of the General Permit;
 - c. Failure to maintain good housekeeping procedures in accordance with Section 5(b)(1) of the General Permit;
 - d. Failure to conduct stormwater inspections in accordance with Section 5(d) of the General Permit;
 - e. Failure to provide annual stormwater training in accordance with Section 5(b)(10) of the General Permit;
 - f. Failure to provide dumpsters with covers and drain plugs intact or stored in roofed areas in accordance with Section 5(b)(9)(B) of the General Permit at WTS;
 - g. Failure to provide roof coverage and secondary containment for containers of liquid chemicals less than 100 gallons in size in accordance with Section 5(b)(9)(A) of the General Permit at BMP and FTS; and
 - h. Discharged oily wastewater to the ground without permit in violation of Section 22a-430 of the Connecticut General Statutes at FTS and TTS.

9. By virtue of the above, Respondent has violated a permit issued under §22a-430b and discharged without a permit in violation of Section 22a-430 of the Connecticut General Statutes.

B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-427, §22a-428, §22a-430, §22a-430b, and §22a-438, of the Connecticut General Statutes, hereby orders Respondent as follows:

1. Respondent shall immediately cease all unauthorized discharges to the waters of the state at the sites.
2. On or before thirty (30) days after the date of issuance 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 consultant(s). Respondent shall retain a consultant other than the engineer responsible for preparing the SWPPP referenced in paragraph A.8 of this consent order. Within ten (10) days after retaining any consultant other than the one(s) originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained to implement and oversee the actions required by the general permit and this consent order shall be a qualified professional engineer(s) licensed to practice in Connecticut or a Certified Hazardous Materials Manager with qualifications acceptable to the Commissioner. The consultant must have a minimum of five (5)

years experience in preparing SWPPPs, non-stormwater certifications, completing stormwater registration forms and identifying stormwater outfall locations. Respondent shall submit for the Commissioner's written approval a description of such consultant's education, experience, and training, which is relevant to the work required by this order within ten (10) days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

3. On or before one-hundred and twenty (120) days after the date of issuance of this consent order, Respondent's consultant, retained pursuant paragraph B.2., shall review the SWPPP and perform a Semi-annual Comprehensive Site Compliance Evaluation in accordance with Section 5 of the General Permit for FTS, WTS, and BMP. Respondent shall use the form included in Attachment A to this consent order ("form") in performing such review and evaluation. Semi-annual Comprehensive Site Compliance Evaluations shall continue for two (2) years from the date of issuance of the consent order.
4. Within thirty (30) days after the date Respondent performs the review and evaluation required under paragraph B.3. of this consent order, Respondent shall submit in writing, for the Commissioner's review, the completed form, a summary of findings from Respondent's review and evaluation, and a discussion of corrective actions required and taken, including any updates or amendments to the SWPPP necessary to make such plan complete or to otherwise comply with the general permit.
5. 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.
6. Civil Penalty. On or before 14 days after issuance of this consent order, Respondent shall pay a penalty of \$92,000 as the total civil penalty to be sought by the Commissioner for those and only those violations described in paragraphs A.4.-A.8. of this consent order.
7. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 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, Water Permitting and Enforcement Civil Penalty, Consent Order No. CO WR SW20001."
8. Sampling and sample analyses. All sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct 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 40 CFR 136. 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.

9. Progress reports: On or before the last day of each month following 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.
10. 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.
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. Notwithstanding the forgoing, due to the COVID-19 pandemic, the following shall apply. The date of "issuance" of this Consent Order is the date the Consent Order is sent to the Respondent via electronic mail. In addition, for documents to be submitted to the Commissioner, until such time as the Commissioner notifies the Respondent that documents must be submitted via U.S. mail or by personal delivery, the Respondent may submit documents to the Commissioner electronically and the date of submission of any such document shall

be the date such document is received by electronic mail. Nothing in the foregoing is intended to preclude the Commissioner from requiring that a document submitted electronically also be submitted via U.S. mail or by personal delivery within the timeframe specified by the Commissioner. With respect to notices from the Commissioner under this Consent Order, until such time as the Commissioner notifies the Respondent that notices will be provided via U.S. mail or by personal delivery, such notices may be sent electronically and 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 sent via electronic mail.

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 Respondent or, if Respondent is not an 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.”

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 Respondent to an injunction and penalties.
15. False statements. Any false statement in any information submitted pursuant to this consent order is 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 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.
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 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.


18. Respondent's obligations under law. Nothing in this consent order shall relieve 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 Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
20. Access to site. Any representative of the Department of Energy and Environmental Protection may enter Respondent's site or 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 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.
23. 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.

24. 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:

Karen Abbott, Environmental Analyst 2
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.

ENVIRO EXPRESS, INC.

BY: (Signature): 
(Print Name): Anthony Coste
(Print Title): Sec.
6/4/21
Date

Issued as a final order of the Commissioner

**Betsey
Wingfield**

Digitally signed by
Betsey Wingfield
Date: 2021.06.29
12:50:32 -04'00'

Betsey Wingfield
Deputy Commissioner
Department of Energy and Environmental Protection

June 29, 2021
Date

Order No. CO WR SW20001

Town of Fairfield
Land Records

Town of Westport
Land Records

City of Bridgeport
Land Records