

STATE OF CONNECTICUT

V.

CITY OF BRIDGEPORT

**COWSPCB 016-004**

CONSENT ORDER

A. The Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. Respondent City of Bridgeport is a City in Fairfield County, CT at the mouth of the Pequonnock River onto Long Island Sound, which is the owner of property located at 1225 Connecticut Avenue, Bridgeport, Connecticut ("the site"), more fully described in a deed which is recorded in Map 44, Block 720, lot 6 of the Bridgeport land records.

2. In information developed between August 3, 2005 and March 27, 2006, analysis of a sample of oil and water pumped from a catch basin at the site indicated the presence of PCBs at 63ppm. Analyses of subsequent samples taken from various locations around the site also indicated the presence of PCBs, including two catch basins with 370ppm in solids from one and 500ppb and 31ppb in liquid from each; soil with 320ppm, 378ppm, and 50ppm; and a basement sump with oily water at 6ppb.

3. On October 1, 2007, the Connecticut Department of Environmental Protection received a report prepared by Weston Solutions Inc. on behalf of the United States Environmental Protection Agency documenting the presence of PCBs at the site in the east and west rooms of the basement, in the freight elevator and the parking lot.

4. Additional laboratory analysis of samples collected in October 2011 also indicated PCBs in soil at up to 61 ppm and 350 ppm in solids collected from catch basins located on site.

5. The previous operator had begun, but not completed investigation of pollution at the site prior to his death on November 27, 2013.

6. The Respondent, who acquired this property via deed in lieu of foreclosure and did not create or cause the condition existing at the property, does not have a permit from the Commissioner authorizing it to dispose of PCBs into catch basins, soils, sediments, groundwater or sumps at the site or into the environment.

7. By virtue of its acquisition of the property via deed in lieu of foreclosure, as described in paragraphs A.2 through A.6 the Respondent is automatically deemed to be maintaining a condition which can reasonably be expected to create sources of pollution of the waters of the state, even though it did not cause or create the situation on the property, and is the owner of

land from which a potential source of pollution emanates in violation of Connecticut General Statute §22a-430; including PCBs or PCB-containing items, products or materials in violation of Conn. Gen. Stat. §22a-467.

B. The Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-428, §22a-430, §22a-431, §22a-449 and §22a-467 of the Connecticut General Statutes, orders Respondent as follows:

1. Compliance assurance. Respondent shall correct all outstanding violations set forth in paragraphs A.2 through A.6 of this order, and shall maintain compliance with all applicable provisions of Title 22a of the Connecticut General Statutes (CGS), including but not limited to those applicable to discharges, sources of pollution, and to disposal of PCBs as specified in CGS Chapter 446k, in accordance with the following schedule:

a. On or before 45 days from the issuance of this 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 shall retain one or more qualified consultants acceptable to the Commissioner until this order is fully complied with, and, within ten 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. The consultants retained to perform PCB investigation, remediation, disposal, and confirmatory sampling must be familiar with the PCB requirements of both the applicable state and federal regulations, including but not limited to those found at 40 CFR 761.61. 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.

b. On or before sixty days from the issuance of this order, Respondent shall submit for the Commissioner's review and written approval a scope of study for an investigation of the activities and conditions described above in paragraphs A.2 through A.5 of this consent order, and the potential impact of such activities and conditions on human health and the environment both on-site and off-site, including but not limited to the existing and potential extent and degree of soil, sediments, ground water and surface water pollution. Such scope of study shall include at least the proposed location and depths of ground water monitoring wells and soil, sediment and surface water sampling, a proposed sampling and analytical program including at least the parameters to be tested, proposed sampling and analytical methods, and quality assurance and quality control procedures, and a schedule for conducting the investigation.

c. If the investigation carried out under an approved scope of study does not fully characterize the extent and degree of soil, sediment, surface water and ground water pollution to the satisfaction of the Commissioner, additional investigation shall 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 days after notice from the Commissioner that they are required.

d. Respondent shall perform the investigation and other actions specified in the approved scope of study and in any approved supplemental plans in accordance with the approved schedule. Respondent shall notify the Commissioner of the date and time of installation of monitoring wells and of each soil, sediment and water sampling event at least five full business days prior to such installation or sampling.

e. Except as may be provided in the investigation schedule approved by the Commissioner, on or before thirty days after the approved date for completion of the investigation, Respondent shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes in detail the investigation performed; identifies the type, quantity and location of all wastes on site; defines the existing and potential extent and degree of soil, sediment, surface water and ground water pollution which is on, is emanating from or has emanated from the site; and evaluates the alternatives for remedial actions to abate such pollution, including but not limited to any alternative specified by the Commissioner; states in detail the most expeditious schedule for performing each alternative, and lists all permits and approvals required for each alternative, including but not limited to any permits required under sections 22a-32, 22a-42a, 22a-342, 22a-361, 22a-368, 22a-430 or 22a-467 of the Connecticut General Statutes; proposes a preferred alternative with supporting justification therefor; and proposes a detailed program and schedule to perform the preferred remedial actions, including but not limited to a schedule for applying for and obtaining all permits and approvals required for such remedial actions. Such report shall also include but not be limited to a soil, sediment, surface water and ground water monitoring program to determine the degree to which the approved remedial actions have been effective, and a schedule for performing the approved monitoring program.

f. Unless another deadline is specified in writing by the Commissioner, on or before thirty days after approval of the report described in the preceding paragraph, Respondent shall submit for the Commissioner's review and written approval contract plans and specifications for the approved remedial actions, 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. Respondent shall use best efforts to obtain all required permits and approvals.

g. Respondent shall perform the approved remedial actions in accordance with the approved schedule. Within fifteen days after completing such actions, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.

h. Respondent shall perform the approved monitoring program to determine the effectiveness of the remedial actions in accordance with the approved schedule. If the approved remedial actions do not result in the prevention and abatement of soil, sediment, surface water and ground water pollution to the satisfaction of the

Commissioner, additional remedial actions and measures for monitoring and reporting on the effectiveness of those actions shall 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 days after notice for the Commissioner that they are required.

i. On a schedule established by the Commissioner or, if no such schedule is established, on a quarterly basis beginning no later than ninety days after initiation of the approved remedial actions or, as applicable, supplemental remedial actions, Respondent shall submit for the Commissioner's review and written approval a report describing the results to date of the monitoring program to determine the effectiveness of the remedial actions.

j. 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.

2. Progress reports. On or before the last day of each month following issuance of this order and continuing until all actions required by this 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 have taken to date to comply with this order.

3. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this order have been completed as approved and to the Commissioner's satisfaction.

4. Sampling All sampling 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 most recent final version of the U. S. Environmental Protection Agency publication SW-846, entitled "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," the most recent final version of the Department's "Site Characterization Guidance Document," and relevant policies and guidelines issued by the Commissioner.

5. Sample analyses. All sample analyses which are required by this order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health and approved to conduct such analyses.

The Reasonable Confidence Protocols shall be used when there is a method published by Department. In all cases where the Reasonable Confidence Protocol method is used, a properly completed laboratory QA/QC certification form, certified by the laboratory shall be provided to the Commissioner with the analytical data.

In cases where a Reasonable Confidence Protocol method has not been published, the analytical data shall be generated using a method approved by the Commissioner, such method shall

include and report a level of quality control and documentation equivalent to the Reasonable Confidence Protocols.

The reporting limit shall be established consistent with the Reasonable Confidence Protocols and standard industrial and laboratory practices. The Reporting Limit shall not be set at levels greater than those used in such standard practices, as determined by the Commissioner, in consultation with the Commissioner of Public Health and in no case shall be greater than the Applicable Criteria or Background Concentration established in 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies. The Reporting Limit for a given sample shall be corrected for specific sample weight or volume, and dilutions, and, for soil and sediment samples moisture content (reported as dry weight).

6. Approvals. 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 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 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this 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 order. Nothing in this paragraph shall excuse noncompliance or delay.

7. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.

8. Dates. The date of "issuance" of this order is the date the 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 order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this 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 order, the word "day" as used in this order means calendar day. Any document or action which is required by this 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.

9. 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 a 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 individuals 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 §53a-157b of the Connecticut General Statutes and any other applicable law.”

10. False statements. Any false statement in any information submitted pursuant to this order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

11. Notice of transfer; liability of Respondent. Until Respondent have fully complied with this 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 order or after obtaining a new mailing or location address. Respondent' obligations under this order shall not be affected by the passage of title to any property to any other person or municipality.

12. Commissioner's powers. Nothing in this 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, including but not limited to those described in this order. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this 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.

13. Respondent's obligations under law. Nothing in this order shall relieve Respondent of other obligations under applicable federal, state and local law.

14. No assurance by Commissioner. No provision of this 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 order will result in compliance or prevent or abate pollution.

15. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility or the Site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this order.

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 to Respondent to an injunction and penalties.

17. No effect on rights of other persons. This order neither creates nor affects any rights of persons or municipalities that are not parties to this order.

18. Notice to Commissioner of changes. Within 15 days of the date Respondent become aware of a change in any information submitted to the Commissioner under this 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.

19. 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 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.

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

Gary Trombly Jr.  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Storage Tank and PCB Enforcement Program  
79 Elm Street  
Hartford, Connecticut 06106-5127

Respondent consent to the issuance of this consent order without further notice. The undersigned certify that they are fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.


**CITY OF BRIDGEPORT**

BY: \_\_\_\_\_

Joseph P. Ganim  
Mayor  
City of Bridgeport

11/23/16  
Date

Issued as an order of the Commissioner of the Department of Energy and Environmental Protection.



Michael Sullivan  
Deputy Commissioner

12/19/2016

Date

Order # COWSPCB 16-001  
Certified Mail RRR  
City of Bridgeport Land Records



City of Bridgeport  
Consent Order # COWSPCB 16-004

[NOTE: This certification is not part of the order, but is attached to the original order, which is retained by DEEP in a separate file. A copy of the order must be mailed by certified mail, return receipt requested, to the Respondent's representative who signed the order. Additional copies of the order may also be mailed to Respondent's other representatives (e.g., technical contact or corporate counsel) when such notification is appropriate.]

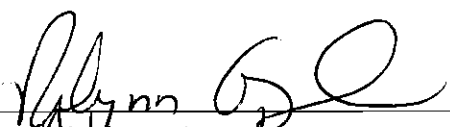
**CERTIFICATION OF MAILING**

I hereby certify that on 12/20, 2016, at 10:00 (Circle One) A.M./P.M., a certified copy of the above referenced consent order was sent to the following by placing it in interdepartmental/U.S. mail:

Joseph P. Ganim  
Mayor  
Office of the Mayor  
City of Bridgeport  
Margaret E. Morton Government Center  
999 Broad Street  
Bridgeport, CT 06604

Certified Mail No. 9214 8901 5859 2200 0417 01

**NOTE: THIS COPY OF THE ORDER MUST BE SENT BY CERTIFIED MAIL**

Signature:   
Name: Rosalynn Grzywinski  
Title: Administrative Assistant  
Date: 12/20/16