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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT : Date of Issuance 7/28/2021

v. :

Ceci Brothers, Inc. : ORDER NO. COWSUST 21-004

CONSENT ORDER

- A. With the agreement of Ceci Brothers, Inc. (“Respondent”), and the Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:
1. Respondent is a company registered to do business in Connecticut with the Connecticut Secretary of State with a business address of 740 North Street, Greenwich, Connecticut 06831.
  2. Respondent has operated two (2) Underground Storage Tank Systems (“USTs”) at 740 North Street, Greenwich, Connecticut 06831 (“the Site”) and has been leasing the property since 1994.
  3. These two (2) USTs were installed in 1997 at the Site to store and dispense petroleum products, subject to §22a-449(d)-101 through 113, inclusive, of the Regulations of Connecticut State Agencies (“RCSA”). The life expectancy of these USTs is 30 years and will reach the end of life expectancy in 2027.
  4. Frog Pond Land, LLC owns property located at 740 North Street, Greenwich, Connecticut 06831. The property is more fully described in a deed which is recorded at Page 104 of Volume 7086 in the Town of Greenwich Land Records. Frog Pond Land, LLC took title to the property on or around June 23, 2016.
  5. On March 10, 2021, the Department of Energy and Environmental Protection (“DEEP”) staff conducted an inspection at the Site. AORTWSUST 21-007 (“the Red Tag”) was issued to Respondent, the UST Operator, as a result of significant non-compliance with applicable UST requirements. Two (2) unregistered USTs were inspected, which were currently operating: 1 – 2000-gallon gasoline UST (Tank A1), and 1 – 2000-gallon diesel UST (Tank B1). Violations identified during the inspection include:

- a. **failure to submit the requisite annual UST facility notifications and the requisite annual UST facility fees pursuant to CGS §22a-449(e).**
          - b. **failure to notify the Commissioner within thirty (30) days of changes in UST notification information pursuant to RCSA §22a-449(d)-102(b)(11).**
          - c. **failure to install an overfill protection device on each of the two (2) installed USTs pursuant to RCSA §22a-449(d)-102(a)(5)(A)(ii).**
          - d. **failure to perform compliant release detection on UST system components pursuant to RCSA §22a-449(d)-104(a)(1)(A).**
  6. By agreeing to the issuance of this Consent Order, Respondent makes no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in Paragraphs A.1., A.2., and A.4.
- B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-430, §22a-431, §22a-432, §22a-433 and §22a-449 of the Connecticut General Statutes, orders Respondent as follows:
1. Permanent Closure. Respondent shall:
    - a. Within fifteen (15) days of the issuance of this Consent Order, Respondent shall notify the Commissioner, in writing, of the schedule for the closure of the two USTs identified as Tank A1 and Tank B1 in Paragraph A.5. above. Except for any corrective action required by RCSA §22a-449(d)-107(c)(2), Respondent shall ensure that any such schedule provides for the completion of all permanent closure activities.
    - b. Respondent shall ensure that the permanent closure of each Tank A1 and Tank B1 fully complies with RCSA §22a-449(d)-107(b), (c), (e) and (f). Except for any corrective action required by RCSA §22a-449(d)-107(c)(2), Respondent shall complete all permanent closure activities in compliance with the schedule submitted pursuant to paragraph B.1.a. of this Consent Order.
    - c. Within thirty (30) days after the completion of permanent closure of each UST, Respondent shall notify the Commissioner, in writing, that the closure has been completed. Such notification of closure shall be so made using EZ-File, a hyperlink to which is provided on DEEP's internet website ([www.ct.gov/deep/ezFile](http://www.ct.gov/deep/ezFile)).
    - d. If contamination is encountered during the permanent closures of Tank A1 or Tank B1, and corrective action is required by RCSA §22a-449(d)-107(c)(2), Respondent shall perform the actions set forth in Paragraph's B.2 through B.14 of this Consent Order as to any contamination related to Tanks A1 and/or B1.
  2. Engage consultant. If corrective action is required by RCSA §22a-449(d)-107(c)(2), Respondent shall retain one or more qualified consultants acceptable to the Commissioner, on or before fifteen (15) days after reporting a release. Such consultants shall prepare the documents and implement or oversee the actions required by this Consent 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 Consent 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. 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 Consent Order within ten (10) days after a request for such description. Nothing in this Paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

3. Scope of Study. On or before thirty (30) days from the issuance of this Consent Order, Respondent shall submit for the Commissioner's review and written approval a scope of study for investigating the potential impact of pollution 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.
4. Investigation. On or before thirty (30) days after the Commissioner's written approval of the scope of study, set forth in Paragraph B.3., Respondent shall perform the investigation and other actions specified in the approved scope of study in accordance with the approved scope of study and 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 (5) business days prior to such installation or sampling.
5. Supplemental Scope of Study. If the investigation carried out under an approved scope of study, set forth in Paragraph B.3., does not fully characterize the extent and degree of soil, sediment, surface water and ground water pollution to the satisfaction of the Commissioner, the Respondent shall perform additional investigation 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 by the Respondent for the Commissioner's review and written approval on or before thirty (30) days after notice from the Commissioner that they are required.
6. Investigation Report, Remedial Alternatives Evaluation, Remedial Action Plan, Monitoring Plan. Except as may be provided in the investigation schedule approved by the Commissioner, on or before thirty (30) days after the approved date for completion of the investigation, set forth in Paragraph B.4., 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 CGS §22a-32, §22a-42a, §22a-342, §22a-361, §22a-368, §22a-430 or §22a-467; proposes a preferred alternative with supporting justification therefore; 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.

7. Contract Plans and Specifications. Unless another deadline is specified in writing by the Commissioner, on or before thirty (30) days after the Commissioner's approval of the report described in the preceding paragraph, the 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.
8. Remediation Completion. Respondent shall implement the approved remedial action(s) in accordance with the plan and schedule as approved in writing by the Commissioner. Within fifteen (15) days after completing such actions, the Respondent shall notify the Commissioner in writing that the actions have been completed as approved.
9. Remediation Report. Except as may be provided in the approved remedial action schedule, on or before thirty (30) days after the completion of the remediation in Paragraph B.8., Respondent shall submit for the Commissioner's review and written approval a comprehensive and thorough report which describes all remedial actions performed. Such report shall also include a soil, sediment, ground water and surface water post-remediation monitoring program to determine the effectiveness of the remedial actions undertaken by the Respondent, and a schedule for performing the post-remediation monitoring program. After approval of the monitoring plan by the Commissioner, the Respondent shall implement the approved monitoring program to determine the effectiveness of the remedial actions in accordance with the approved schedule.
10. Supplemental Remedial Actions. 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 (30) days after notice for the Commissioner that they are required.

11. Monitoring Report. 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.
12. Approvals. 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.
13. Free product. If qualified consultants overseeing the supplemental site investigation determine that free product is present, Respondent shall, as soon as possible after such determination, develop and implement a plan to remove free product to the maximum extent technically practicable. Such supplemental site investigation shall determine:
  - a. the presence and extent of free product resulting from release(s);
  - b. groundwater pollution resulting from the release that may threaten the quality of drinking water wells; and
  - c. if the release has resulted in pollution of soil vapor that poses a significant environmental hazard as identified in CGS §22a-6u(e)(2).
14. Significant environmental hazard. If qualified consultants overseeing the supplemental site investigation determine that groundwater pollution resulting from the release threatens the quality of drinking water wells, Respondent shall, as soon as possible after such determination, sample such drinking water, notify the commissioner of such determination and take all necessary steps to provide potable water, in a manner determined by the Commissioner, to any person impacted by the release, where the pollution exceeds groundwater protection criteria identified in CGS §22a-6u(g)(1). If qualified consultants overseeing the supplemental site investigation determine that the release has resulted in pollution of soil vapor that poses a significant environmental hazard as identified in CGS §§22a-6u(e)(2)(A) through (C), Respondent shall, as soon as possible after such determination, take any measures necessary as determined by the Commissioner to abate the hazards from those release(s).
15. 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.
16. Civil penalty. On or before thirty (30) days, after issuance of this Consent Order, Respondent shall pay a penalty of \$74,000 as the total civil penalty to be sought by the Commissioner for the violations described in Paragraph A.5. of this Consent

Order should Respondent permanently close Tank's A1 and B1 in accordance with RCSA §22a-449(d)-107 and to the satisfaction of the Commissioner. The civil penalty payment schedule shall be as follows:

- a. On or before thirty (30) days, after issuance of this Consent Order, Respondent shall make a payment of \$20,000; and,
- b. If Tank A1 and Tank B1 are permanently closed, in accordance with RCSA §22a-449(d)-107 and to the satisfaction of the Commissioner:
  - i. on or before sixty (60) days, after issuance of this Consent Order, Respondent shall make a payment of \$20,000;
  - ii. on or before ninety (90) days, after issuance of this Consent Order, Respondent shall make a payment of \$20,000;
  - iii. on or before one hundred twenty (120) days, after issuance of this Consent Order, Respondent shall make a payment of \$14,000; or,
- c. If Tank A1 and Tank B1 are not permanently closed in accordance with RCSA §22a-449(d)-107 and to the satisfaction of the Commissioner, or if a payment described in subsections a. or b. is not paid per the schedule, the Respondent shall pay the full penalty of \$167,875 on or before sixty (60) days after issuance of this Consent Order.

17. 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 of bank check payable to the "*Connecticut Department of Energy and Environmental Protection.*" The check shall state on its face, "*Bureau of Materials Management and Compliance Assurance, Emergency Response and Spill Prevention Division, Civil Penalty, Consent Order Number COWSUST 21-004.*"

18. Sampling and sample analyses. All sampling and sample analyses that are required by this 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 Health Services to conduct such sampling and 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 EPA Document SW-846. 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. All samples shall be discrete rather than composite samples.

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. All samples shall be discrete rather than composite samples.

19. 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. Nothing in this Paragraph shall excuse noncompliance or delay.
20. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner of Energy and Environmental Protection or an agent of the Commissioner. 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. "Underground storage tank system" shall be defined as that term is defined in RCSA §22a-449 (d)-101(d)(75). "Petroleum" shall be defined as that term is defined in RCSA §22a-449(d)-101(d)(59)(b) and shall include all of the items included as a "Regulated substance" in RCSA §22a-449(d)-101(d) (59).
21. Dates. 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 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. Notwithstanding the foregoing, 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 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.

22. 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 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 that 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.
23. 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, as those terms are defined in RCSA §22a-430-3(b) 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 and certify that 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, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."***
24. 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 under CGS Chapters 439, and 445 or 446k.
25. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under CGS §22a-438 or §22a-131a, or in accordance with CGS §22a-6, under CGS §53a-157.
26. 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 operations which are the subject of this Consent Order, the site, or the business, 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 other person or municipality. Any future owner of the site may be subject to the issuance of an order from the commissioner.
27. 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 violations of law, including,



but not limited to, violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not fully characterized the extent and degree of 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 pollution.

28. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of the other obligations under applicable federal, state and local law.
29. 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.
30. Access to site. Any representative of the Department of Energy and 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.
31. 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.
32. 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.
33. Submission of documents. Any document or notice to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Moises Torrent  
Department of Energy and Environmental Protection  
Emergency Response and Spill Prevention Division  
Enforcement Unit and Licensing  
79 Elm Street, Hartford  
Connecticut 06106-5127  
[Moises.Torrent@ct.gov](mailto:Moises.Torrent@ct.gov)


Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he is fully authorized to enter into this Consent Order and to legally bind Respondent to the terms and conditions of the Consent Order.

Respondent: Ceci Brothers, Inc.

BY:  3C7B66941EF946E...  
Victor Ceci, Ceci Brothers, Inc.  
President

DATE: 7/28/2021

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

BY:  208C14CB8EC2433...  
Betsey Wingfield  
Deputy Commissioner  
Department of Energy and Environmental Protection

DATE: 7/28/2021

ORDER NO. COWSUST 21-004