

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



**STATE OF CONNECTICUT
V.
TOWN OF HADDAM**

CONSENT ORDER # COWSWDS 10013

Date Issued: August 11, 2010

A. With the agreement of the Town of Haddam ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:

1. Respondent is a municipality that operates a solid waste transfer station at property located off Saybrook Road a.k.a. Route 154, Haddam, Connecticut. A portion of the transfer station is located on property owned by the State of Connecticut otherwise known as Haddam Meadows State Park, on property owned by the State of Connecticut otherwise known as the Valley Railroad State Park, and also on property owned by the Town of Haddam formerly known as the "Baumgartner property", as shown on Sheet 1 of 3 of the "Boundary Survey, prepared for the Town of Haddam, Haddam Transfer Station" and dated February 7, 2008. The "Site" includes collectively the transfer station, and the solid waste disposal areas identified in paragraphs A.3. and A.4. below.
2. Respondent has been and continues to be engaged in the transfer of solid waste from the Site. In the course of transfer operations, residents of the Town of Haddam deposit solid waste generated elsewhere, including but not necessarily limited to: municipal solid waste, bulky waste, tires, scrap metal, used oil, spent antifreeze, construction and demolition debris, and recyclables into containers for removal to another location. Respondent has transferred more than ten (10) cubic yards of solid waste from the Site to another location.
3. From approximately 1950-1970, Respondent operated a solid waste disposal area ("SWDA") that is located on a portion of the property owned by the State of Connecticut otherwise known as Haddam Meadows State Park. The property known as Haddam Meadows State Park is shown on Map No. 26, Lot 12 in the Haddam Tax Assessor's office.
4. From approximately 1970-1980, Respondent then operated a SWDA that is located on the town-owned property formerly known as the Baumgartner property ("Baumgartner SWDA") and shown on Map No. 26 Lot 5A in the Haddam Tax Assessor's office.

5. Respondent has been and continues to encroach on the state property known as the Haddam Meadows State Park and the Valley Railroad State Park for the purpose of operating a solid waste transfer station for the residents of the Town of Haddam. Encroachment means to conduct an activity that causes damage or alteration to the land or vegetation or other features thereon, including, but not limited to, erecting buildings or other structures, constructing roads, driveways or trails, destroying or moving stone walls, cutting trees or other vegetation, removing boundary markers, installing lawns or utilities, or using, storing, or depositing vehicles, materials or debris. Pursuant to CGS Section 52-560a damages for encroachment on state land or open space are subject to civil action with enforcement by the Connecticut Attorney General. Under this statute, open space land includes, but is not limited to, any park, forest, wildlife management area, refuge, preserve, sanctuary, green or wildlife area owned by the state, a political subdivision of the state or a nonprofit land conservation organization.
 6. Respondent certified to investigate and remediate the Baumgartner SWDA in a Property Transfer Form III submitted to the Department on December 29, 2004.
 7. Respondent has not obtained a permit from the Commissioner under Connecticut General Statutes (CGS) §22a-208a for the continued operation of a solid waste transfer station at the Site. Respondent has not closed the solid waste disposal areas identified in paragraphs A.3 and A.4. above in accordance with the Regulations of Connecticut State Agencies (RCSA) §22a-209-13.
 8. On April 30, 2009, the Department entered into a consent order (No. COWSWDS09012) with Respondent to address violations cited in paragraphs A.2., A.5., and A.7. above. During December 2009 and May 2010, through a series of meetings and correspondence, Respondent has requested relief from paragraphs B.2., B.4., and B.15. of consent order no. COWSWDS09012.
 9. By virtue of the above, Respondent has not complied with CGS §22a-208a, §22a-208c, and §52-560a and the RCSA §22a-209-4, §22a-209-9, and §22a-209-13.
- B. With the agreement of Respondent, the Commissioner, acting under CGS §22a-6, §22a-208, §22a-225, §22a-424, §22a-428, and §22a-432 orders Respondent as follows:
1. Respondent shall continue to retain Anchor Engineering Services, Inc. and Environmental Compliance Services, Inc., to prepare the documents and implement or oversee the actions required by this consent order. Respondent shall retain one or more qualified consultants or in-house expert(s) acceptable to the Commissioner until this consent order is fully complied with, and, within ten (10) days after retaining any consultant or in-house expert other than ones originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant or expert. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant or expert unacceptable. The consultant(s) retained to perform all investigation and remediation activities in response to this consent order including at least the actions required under paragraphs B.7. through B.11. shall be a qualified Environmental Professional ("LEP") licensed pursuant to CGS §22a-133v.

2. Respondent shall stop accepting waste at the existing transfer station no later than July 1, 2012. However, if the town has not secured an alternative site for a transfer station by December 31, 2010, the town shall cease accepting waste at the existing transfer station by April 1, 2011 and shall by April 1, 2011 implement a curbside collection program for the residents of Haddam.
3. Within ninety (90) days from the date of issuance of this consent order Respondent shall complete and submit for the Commissioner's review and written approval a feasibility study with implementation options and a schedule for reviewing options with local officials and a citizen's committee for implementation of a unit based pricing system for solid waste management under either a town operated transfer station, or a curbside subscription/contractor service.
4. Respondent shall make good faith efforts to complete all tasks required by this consent order, including implementation of the schedule in Attachment A of this consent order. The schedule in Attachment A consists of a 3 page narrative schedule with colored bar chart entitled, "Town of Haddam – Proposed Schedule for Transfer Station Development/Landfill Closure".
5. Any Request for Qualifications (RFQ)/Request For Information (RFI) for collection and proper management of all solid waste for the residents of Haddam, or alternate arrangement to comply with paragraph B.2. of this consent order, shall be in compliance with the requirements of CGS Sections 22a-213 and 22a-220, and shall consider the findings of the feasibility study required under paragraph B.3. above, if available, for implementation of a unit based pricing system. Issuance of the RFQ/RFI shall not affect the Respondent's obligation for the removal of all solid wastes, structures, and other site improvements pursuant to paragraph B.4. of this consent order.
6. Respondent's access to the Site. Respondent has access rights to the Site as shown on a map entitled "RIGHT OF WAY AND TRACK MAP THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO. OPERATED BY THE NEW YORK NEW HAVEN AND HARTFORD R.R. CO. FROM FENWICK TO HARTFORD STATION 994+20 TO STATION 1050+00 TOWN OF HADDAM STATE OF CONN. SCALE: 1" = 100 FT. DATE JUNE 30, 1915 OFFICE OF VALUATION ENGINEER V55⁶¹/20 and in a deed recorded in Volume 35 at Page 491 of the Town of Haddam land records. Said access consists of rights to an at grade crossing across property of the State of Connecticut known as the Valley Railroad State Park for the purposes of ingress and egress to the Site from Route 154.
7. Investigation and Investigation Report. Respondent shall conduct an investigation in accordance with prevailing standards and guidelines, to determine the nature, extent and degree of soil, groundwater and surface water pollution, resulting from Respondent's activities described in paragraphs A.2., A.3., A.4., and A.5. of this consent order, on and emanating off the Site, in order to determine the potential impact of such activities on human health and the environment and make recommendations for closure and the need for additional investigation and future monitoring. Such investigation shall be coordinated with the investigation underway for the Baumgartner SWDA pursuant to the Form III submitted by Respondent as referenced in paragraph A.6. of this consent order. Respondent shall complete the Phase II Environmental Site Assessment (ESA) investigation and submit a report with an A-2 survey of the Site and the Baumgartner SWDA for the Commissioner's review and written approval no later than one

hundred twenty (120) days from the completion of removal of all solid wastes and structures associated with the transfer station operations from the Site. Based on the findings and results of the Phase II ESA, and in accordance with prevailing standards and guidelines, Respondent shall plan and complete a Phase III ESA to define the extent and degree of contaminants identified in the Phase II report. Respondent shall complete the Phase III ESA investigation and submit the report no later than one hundred eighty (180) days from DEP approval of the Phase II ESA investigation report.

8. Closure Plan. Within one hundred twenty (120) days from the approval of the Phase III ESA investigation report required by paragraph B.7. of this consent order, Respondent shall submit for Commissioner's review and written approval a closure plan ("the plan") for the SWDA at the Site and the Baumgartner SWDA. The plan shall include, but not necessarily be limited to:
- (i) Evaluating existing conditions of the SWDA at the Site and the Baumgartner SWDA sufficient to determine the closure and post-closure care requirements;
 - (ii) a description of the final topography of the SWDA at the Site and the Baumgartner SWDA including elevation and contours;
 - (iii) SWDA regrading;
 - (iv) the installation and maintenance of final cover;
 - (v) establishment of vegetative cover;
 - (vi) detailed information concerning the use of the Site and the Baumgartner SWDA following closure in accordance with RCSA§22a-209-13(d);
 - (vii) a proposed maintenance and water quality monitoring program for the SWDA at the Site and the Baumgartner SWDA. The monitoring program shall include, at a minimum, the locations of monitoring wells (i.e., two upgradient and three downgradient), list of monitoring parameters (e.g. leachate indicator parameters, volatile organics, semi-volatile organics, heavy metals, etc.) and a proposed sampling and reporting frequency (e.g., quarterly, at a minimum semi-annual);
 - (viii) financial assurance to ensure completion of up to thirty (30) years of maintenance and monitoring as discussed in paragraph B.8.(vii); and
 - (ix) a schedule for implementation and closure completion in accordance with paragraph B.8. of this consent order.
9. Implementation of closure plan. Respondent shall begin implementing the closure plan approved under paragraph B.8. of this consent order no later than thirty (30) days after the Commissioner's written approval of the plan. Respondent shall complete implementation of the closure plan within two (2) years from the date of closure plan approval.
10. Closure Report. Respondent shall submit a report for the Commissioner's review and written approval, which describes in detail the actions taken to remediate the Site and close the SWDA at the Site and the Baumgartner SWDA in accordance with paragraph B.9. of this consent order. The report shall also include a verification rendered by the LEP approved under paragraph B.1. of this consent order, that all investigation and remediation of pollution at or emanating from the Site and closure of the SWDA at the Site and the Baumgartner SWDA, has been performed in accordance with the requirements of this consent order and all applicable law.

11. Implementation of post-closure responsibilities. Respondent shall implement the maintenance and monitoring program identified in the closure plan approved pursuant to paragraph B.8. The Commissioner assigns the maintenance and monitoring responsibilities to Respondent in accordance with Section 22a-209-13(h).
12. Progress reports. On or before the last day of March, June, September, and December of each year until 2014 after issuance of this consent order, and continuing until all actions required by this consent order have been completed as approved and to the satisfaction of the Commissioner, Respondent shall submit a quarterly progress report to the Commissioner describing the actions which Respondent has taken to comply with this consent order to date. After 2014, the progress report may be submitted on an annual basis.
13. 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.
14. Status of Consent Order No. COWSWDS09012. This consent order supersedes and revokes consent order No. COWSWDS09012 issued April 30, 2009.
15. Annual Fees. Within thirty (30) days from the date of issuance of this consent order, Respondent shall pay the annual fee of \$300.00 for fiscal year 2010-2011 for operation of the existing transfer station. On or before July 1, 2011, Respondent shall pay the annual fee for fiscal year 2011-12. Each fee shall be mailed or personally delivered to 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, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division, Annual Fees for the appropriate fiscal year(s), i.e., 2010-11 and 2011-2012, Consent Order No. WSWDS10013". A copy of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance at the same address.
16. Supplemental Environmental Project (SEP). Respondent has agreed to undertake one or more SEPs to implement a home composting bin distribution and education program, or other solid waste management or recycling SEP acceptable to the Commissioner, requiring an expenditure of at least fifteen thousand dollars (**\$15,000.00**), which is the total estimated cost as determined by the Commissioner for all SEPs required under this paragraph, or make payment(s) as follows:
 - a. If Respondent fails to fully perform any SEP in accordance with paragraph B.16., Respondent shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment equal to: the total estimated cost, as determined by the Commissioner, of all such SEP(s); plus either \$2,500 or 10% of such total estimated cost, whichever is greater. Within fourteen (14) days after the date of the Commissioner's written request, Respondent shall make such payment in accordance with the remittance procedures for unexpended SEP funds in subparagraph B.16.d. of this consent order.

- b. On or before ninety (90) days after the date of issuance of this consent order, Respondent shall submit written progress reports to the Commissioner as required under paragraph B.12. Each progress report shall include the following information: Respondent's progress in performing each SEP including tasks performed to date, a complete accounting of actual project costs incurred to date, planning for the remaining project tasks to be performed, significant activities or findings related to the project, and any other reasonable information requested by the Commissioner for the purpose of evaluating Respondent's progress in performing the SEP(s).
 - c. On or before thirty (30) days after completion of each SEP, Respondent shall submit for the Commissioner's review and written approval a comprehensive final report that certifies completion of such SEP. Such final report shall include, at a minimum, a narrative history of the project, detailed explanation of its design and implementation, summary of any data collected, complete final accounting of actual project costs including receipts for out-of-pocket costs, and a discussion of environmental benefits resulting from the SEP.
 - d. Should the Commissioner determine that the actual cost to the Respondent of any fully completed SEP is less than the estimated cost, as determined by the Commissioner, of such SEP, Respondent shall pay the difference between such actual cost and the estimated cost to the Commissioner as unexpended SEP funds. The Commissioner shall notify the Respondent in writing of the amount of any such unexpended SEP funds that are due. Respondent shall, within fourteen (14) days after the date of such written notice, remit the full amount of the unexpended SEP funds. Payment of unexpended SEP funds shall be by certified or bank check payable to "Treasurer, State of Connecticut" and the check shall state on its face "Statewide SEP Account, Consent Order No. WSWDS10013 ." Respondent shall mail or personally deliver such payment to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127. A copy of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance at the same address.
 - e. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
17. Encroachment Assessment Fee. The Assessment for Encroachment on State Property known as the Haddam Meadows State Park and the Valley Railroad State Park will be based upon the rental value of the land assuming use for storage of equipment and the market rental rate for this type of use.. The Assessment for encroaching on the State Park Land to be paid beginning on January 1, 2011 will be per month, including for any part of a month and at a rate set at the sole determination of the Commissioner based on assessment of fair market value.
18. Payment of Encroachment Assessment Fee. Payment shall be made by a certified check or bank check payable to "Treasurer, State of Connecticut". The check shall state on its face "Stewardship Acct.-RNHT, Consent Order No. WSWDS10013 ." The check shall be mailed or personally delivered to Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-

5127. A copy of the check and any transmittal letter shall also be sent to Ms. Elizabeth Brothers in the Office of Constituent Affairs and Land Management at the same address.

19. Future Stipulated Fee. If the Respondent fails to comply with paragraphs B.2., B.15., B.16., B.17., or B.21. of this consent order, Respondent will make a payment of twelve thousand five hundred dollars (\$12,500.00) in accordance with paragraph B.20 of this consent order. If the Respondent fails to comply by more than sixty days with July 1, 2012 deadline in paragraph B.2. of this consent order, Respondent will make an additional payment of twelve thousand five hundred dollars (\$12,500.00) in accordance with paragraph B.20 of this consent order.
20. Payment of Future Stipulated Fee. Payment shall be made by a certified check or bank check payable to "Treasurer, State of Connecticut". The check shall state on its face "Statewide SEP Account, Consent Order No. WSWDS10013." The check shall be mailed or personally delivered to Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127. A copy of the check and any transmittal letter shall also be sent to Ms. Julie Dutton in the Bureau of Materials Management and Compliance Assurance at the same address.
21. Hold Harmless. Respondent or its agents (employees, contractors and subcontractors) shall hold the State of Connecticut and the Valley Railroad Company¹ harmless from any liability that may arise in connection with any activity and use including but not limited to that which is associated with the work required under this consent order. Respondent and its agents hereby agree to defend the State as though it were not sovereign with respect to any claim. Nothing herein shall be construed to be a waiver of any immunity that the State may possess. Respondent or its agent shall secure and maintain indemnity and public liability insurance against any suit or claim in the amount of at least one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) aggregate, insurance against property damage in the amount of at least two hundred fifty thousand dollars (\$250,000.00), and workers' compensation insurance in the amount required by law. The State of Connecticut, Department of Environmental Protection and the Valley Railroad Company shall be named as additional insureds. Proof of said insurance shall be submitted to the Division of Land Acquisition and Management, 79 Elm Street, Hartford, Connecticut 06106-5127, no later than seventy-two (72) hours prior to the start of any work located on the land owned by the State of Connecticut. Such insurance shall be maintained until the consent order is fully complied with, or unless the Commissioner otherwise approves in writing.

¹ The Valley Railroad Company leases from the State of Connecticut a portion of the subject property commonly known as the Valley Railroad State Park. That section of the State Park railroad corridor situated within the Town of Haddam is further identified on a certain set of maps known as Valuation Sections 55.60-61, Sheets 15 to 23, entitled: Right of Way and Track Map The New York New Haven and Hartford R.R. Company Operated by the New York New Haven and Hartford R.R. Co. from Fenwick to Hartford Station 152 + 40 to Station 1314 + 00 Towns of Old Saybrook, Essex, Deep River, Chester, Haddam, Middletown, State of Connecticut. Scale: 1" = 100 ft. Date June 30, 1915 Office of Valuation Engineer Boston, Mass., copies of which are recorded with the Town Clerks of Old Saybrook, Essex, Deep River, Chester, Haddam and Middletown. Said lease to the Valley Railroad Company is for the purpose of operating passenger and freight trains and conducting other activities normally associated with a railroad business. The Town's legal access to the site subject to this Consent Order is by way of an existing at grade crossing over the railroad right of way further identified on Sheet 20 of the above referenced maps.

22. 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 conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such sampling and analyses. All sampling and sample analyses performed under this consent 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 Analytical Detection Limit, as defined in Section 22a-133k-1 of the Regulations of Connecticut State Agencies. All samples shall be discrete rather than composite samples.
23. 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 Respondents 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 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 she deems necessary to carry out the purpose to this consent order. Nothing in this paragraph shall excuse noncompliance or delay.
24. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a duly authorized representative of the Commissioner.
25. 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.
26. 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 RCSA §22a-430-3(b)(2), 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 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. I understand that any false statement made in the submitted information may be punishable as a criminal offense under CGS §53a-157b and any other applicable law.

27. Compliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is non-appealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
28. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under CGS §53a-157b and any other applicable law.
29. 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.
30. 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 and 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.
31. 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
32. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
33. 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.

34. No effect on rights of other persons. This consent order shall neither create nor affect any rights of persons or municipalities that are not parties to this consent order.
35. 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.
36. 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.
37. 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:

Mr. Eugene MacGillis, Environmental Analyst
Department of Environmental Protection
Bureau of Materials Management & Compliance Assurance
Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

Respondent has provided the following addresses for correspondence related to this consent order:

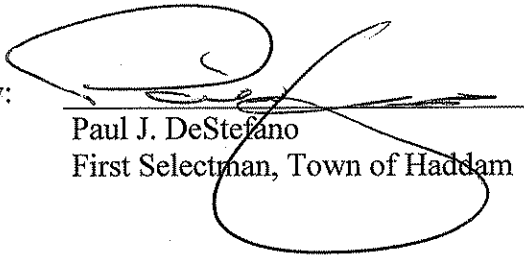
Paul J. DeStefano, First Selectman
Town of Haddam
30 Field Park Road
Haddam, CT 06438

Bruno R. Morasutti, Town Attorney
Luby Olson, P.C.
405 Broad Street
P.O. Box 2695
Meriden, CT 06450

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 the Respondent to the terms and conditions of the consent order.

Town of Haddam

By:

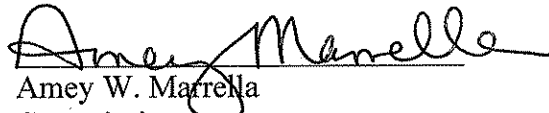

Paul J. DeStefano
First Selectman, Town of Haddam

8/4/10

Date

Issued as a final order of the Commissioner of the Department of Environmental Protection on

August 10, 2010.


Amey W. Marrella
Commissioner

Consent Order No. WSWDS10013
Town of Haddam Land Records

Attachment A

Town of Haddam – Proposed Schedule for Transfer Station Development/Landfill Closure

	through-9/2010	10/2010-12/2010	1/2011-3/2011	4/2011-6/2011	7/2011-9/2011	10/2011-12/2011	1/2012-3/2012	4/2012-6/2012	7/2012-9/2012	10/2012-12/2012	1/2013-3/2013	4/2013-6/2013	7/2013-9/2013	10/2013-12/2013	1/2014-3/2014	4/2014-6/2014	7/2014-9/2014	10/2014-12/2014
Local Meetings, Identify Site	Shaded	Shaded																
Purchase Agreement, Due Diligence		Shaded	Shaded															
Mapping and Design			Shaded															
Local Permits, IWC, PZC				Shaded	Shaded													
Construction Drawings, Finance					Shaded	Shaded												
DEP General Permit						Shaded												
Construction, Bid and Construct							Shaded											
Operations Begin								July 1, '12										
If no T.S. Site Town RFI		Shaded																
Curbside Proposals			Shaded															
Curbside pick-up Starts				Shaded														
Phase I ESA Landfill				Shaded				Shaded										
Phase II ESA Landfill					Shaded				Shaded									
DEP Review Phase II ESA						Shaded				Shaded								
Phase III ESA Landfill							Shaded	Shaded			Shaded	Shaded						
Closure Plan Review									Shaded	Shaded			Shaded	Shaded				

- If no Transfer Station Site is Determined, after former transfer station material is removed, SWDA Consultant completes Phase II ESA investigations in this area to determine presence of any contaminants. SWDA Consultant incorporates prior Phase II work from Baumgartner SWDA, and initiates preparation of the Phase II ESA Investigation Report.

October to December 2011:

- CTDEP acknowledges/approves state General Permit registrations.
- TS Consultant completes final design plans, technical specifications and bid forms for construction of new TS, which reflect any regulatory requirements.
- Town advertises new TS project for competitive bidding and/or construction.
- If no Transfer Station Site is determined, Town submits the Phase II ESA Investigation Report to CTDEP.
- If no Transfer Station Site is determined, CTDEP reviews and approves Phase II ESA Investigation Report.

January 2012 to June 2012

- Town opens bids for transfer station construction.
- Town and Contractor negotiate and sign TS construction contract, construction begins.
- Town/Contractor purchase new transfer station facility equipment.
- Contractor continues to construct new TS.
- Town tests, equips and opens new TS to the public.
- Town closes the former TS.
- If no Transfer Station Site is determined, SWDA Consultant plans and conducts Phase III ESA Investigations to define the extent and degree of any contaminants identified in the Phase II Report.
- If no Transfer Station Site is determined, Town submits the Phase III ESA Investigation Report to CTDEP.
- If no Transfer Station Site is determined, CTDEP reviews and approves Phase III ESA Investigation Report.

June 2012 to December 2012

- If no Transfer Station Site is determined, SWDA Consultant prepares Closure Plan.
- If no Transfer Station Site is determined, Town submits Closure Plan to CTDEP.
- If no Transfer Station Site is determined, CTDEP reviews and approves the Closure Plan.

January 2013 to June 2013

- If no Transfer Station Site is determined, Town begins implementation of the Closure Plan.

July to August 2013

- If no Transfer Station Site is determined, Town continues Closure Implementation (site construction).

September 2013 to December 2013

- If no Transfer Station Site is determined, Town completes Closure implementation,
- If no Transfer Station Site is determined, Town prepares and submits Closure Report and Verification to CTDEP.