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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT

V.

SONO INVESTMENTS, LLC

CONSENT ORDER # COWSWDS18006

Date Issued: October 16, 2018

A. With the agreement of Sono Investments, LLC ("Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:

1. Respondent is a Domestic Limited Liability Company registered to do business in Connecticut with the Connecticut Secretary of the State.
2. Respondent's registered business address listed with the Connecticut Secretary of the State is 140 Watson Boulevard, Stratford, Connecticut 06615. The property is more fully described as Assessor's Map 20, Lot 5, Block 6 and Parcel 6. The property will hereinafter be referred to as the "Site".
3. On August 22, 2012, an Approval of Registration for the General Permit for the Storage and Processing of Asphalt Roofing Shingle Waste for Beneficial Use and Recycling ("General Permit") Registration No. 13801092-ARSGP, was issued by the Department of Energy and Environmental Protection ("Department"). This authorized Respondent to store and process Asphalt Roofing Shingle Waste ("ARSW") at the Site in accordance with the conditions listed in the General Permit issued by the Department on June 2, 2011.
4. On June 15, 2017, an inspection was conducted by the Department at the Site and found violations of the General Permit and the Regulations of Connecticut State Agencies ("RCSA").
5. On September 13, 2017, based on the Department's inspection referenced in paragraph A.4. above, the Department issued Notice of Violation No. WSWDS17061 ("NOV") to the Respondent for:
 - a. Failing to have a certified operator present at the facility during operating hours at all times in violation of Section 22a-209-6 of the RCSA.
 - b. Failing to immediately notify the Department that the Facility has no certified operator, and for failure to apply for certification and training with the Department in violation of Section 22a-209-6(c) of the RCSA.
 - c. Failing to submit to the local fire department, police department, and hospital a copy of the facility's Emergency and Preparedness Plan within thirty (30) days of the registration approval date or prior to commencement of operation, whichever is sooner in violation of Section

4.(d)(3) and 5.(a)(1)(E)(3)(A) of the General Permit.

- d. Failing to maintain at all times, at the facility, a Site Plan, Facility Description, Operation and Management Plan, an Emergency and Preparedness Plan, and a Final Closure Plan and Cost Estimate in violation of Section 5.(a)(1) of the General Permit.
- e. Failing to include personnel training records and a safety training program and materials handling training program for all employees managing and handling ARSW in violation of Section 5.(a)(1)(C)(v) of the General Permit.
- f. Failing to post the financial assurance mechanism in the amount sufficient to cover the cost of third party closure in violation of Section 22a-6(a)(7) of the Connecticut General Statutes and Section 5.(a)(1)(E) of the General Permit. Specifically, a Department letter dated August 22, 2012 required, no later than one hundred and twenty (120) days after the effective date of authorization of the General Permit, a financial assurance mechanism in the amount of three hundred eighty-eight thousand one hundred twenty-five dollars (\$388,125) to be posted.
- g. Accepting any other solid waste not specifically authorized under this General Permit in violation of Section 5.(a)(1)(E)(4) of the General Permit. Specifically, approximately fifteen (15) cubic yards of bulky waste such as insulation, scrap metal, cardboard, wood pallets, plastic wrapping, and plywood was located on the ground outside.
- h. Failing to visually inspect each load of ARSW upon its receipt at the Site for the presence of prohibited waste, incidental waste, mandatory recyclable items and for any suspect ARSW that may contain asbestos in violation of Section 5.(a)(1)(E)(5)(I) of the General Permit.
- i. Failing to maintain records of any rejected loads in violation of Section 5.(a)(1)(E)(5)(K) of the General Permit.
- j. Storing quantities greater than the authorized storage volume of fifteen thousand (15,000) cubic yards of ARSW and recycled asphalt shingles ("RAS") in unauthorized locations at the Site in violation of Sections 4(c)(1)(A), 5. (b)(1)(B)(i), and 5.(b)(1)(C) of the General Permit.
- k. Maintaining storage piles quantities of ARSW or RAS greater than two thousand five-hundred (2,500) cubic yards and having heights greater than twenty (20) feet in violation of Section 5.(b)(1)(B)(ii) of the General Permit.
- l. Maintaining storage piles of ARSW and RAS less than twenty-five (25) feet from any property line in violation of Section 5.(b)(1)(B)(iii) of the General Permit.
- m. Failing to post and maintain a sign that identifies each container, storage pile, or area on Site in violation of Section 5.(b)(1)(B)(vi) of the General Permit.
- n. Failing to maintain a container labeled "Bulky Waste" in violation of Section 5.(b)(1)(D) of the General Permit.
- o. Failing to maintain a container labeled "Scrap Metal" in violation of Section 5.(b)(1)(E) of the General Permit.
- p. Failing to correct and report violations of this General Permit in violation of Section 5.(d) of the General Permit.

6. On October 27, 2017, the Respondent submitted a signed Compliance Statement to the Department for the violations alleged in the NOV. Based on information provided, Respondent reports compliance with paragraphs A.5. a, b, h, i, m, n, and o of this consent order. On January 18, 2018, the Respondent provided information certifying compliance with paragraphs A.5. c, d, e, and f.
 7. On July 30, 2018, the Town of Stratford entered into a Stipulated Judgment with the Respondent and Stratford Executive Park, Inc. (owner of 140 and 180 Watson Boulevard in Stratford, Connecticut) specific to operations on 140 and 180 Watson Boulevard in Stratford.
 8. In August of 2018, staff from the Waste Engineering and Enforcement Division ("WEED") of the Department performed a file review and found that the Respondent built, established, and/or operated a solid waste facility where more than ten cubic yards of solid waste is managed after July 1, 1971, without a plan, design and method of operation of such solid waste facility having been filed with the Department and approved by the Commissioner by the issuance of a permit to construct and operate a solid waste facility as required by Sections 22a-208a(b) and 22a-208c of the Connecticut General Statutes ("CGS") and Sections 22a-209-2, 22a-209-4, 22a-209-7, and 22a-209-8 of the RCSA. Specifically, the Respondent was found processing and storing ARSW and RAS at 180 Watson Boulevard in Stratford, Connecticut without a permit from the Commissioner.
 9. The property located at 180 Watson Boulevard is more fully described as Assessor's Map 20, Lot 5, Block 6 and Parcel 8.
 10. By virtue of the above, Respondent has violated Sections 22a-6(a)(7), 22a-208a(b), 22a-208c of the CGS; Sections 22a-209-2, 22a-209-4, 22a-209-4(e), 22a-209-6 and 22a-209-6(c), 22a-209-7, 22a-209-8 of the RCSA; and conditions of the General Permit.
- B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-6, 22a-208, and 22a-225 of the CGS, orders Respondent as follows:
1. Compliance. Respondent shall maintain its compliance with all applicable provisions of Connecticut's solid waste management regulations and the General Permit. In particular:

Upon issuance of this consent order, Respondent shall receive no more than one (1) cubic yard of ARSW for every two (2) cubic yards of processed asphalt roofing shingle material that is removed from the Site until full compliance with the General Permit is achieved. Upon compliance with General Permit requirements, Respondent may accept one cubic yard of ARSW for every yard processed and removed.

 - a. With respect to the violations described in paragraph A.5. of this consent order, Respondent shall:
 - 1) On or before **December 31, 2019**, comply with the General Permit conditions by: storing quantities less than or equal to the authorized storage volume of fifteen thousand (15,000) cubic yards of ARSW and RAS; maintaining storage pile quantities of ARSW or RAS less than or equal to twenty five hundred (2,500) cubic yards and having heights less than or equal to twenty (20) feet, and maintaining storage piles of ARSW and RAS greater than twenty-five (25) feet from any property line.
 - b. On or before **ninety (90) days** after issuance of this consent order, Respondent shall submit for the Commissioner's review and written approval a comprehensive plan which details the

actions and/or operational changes it has undertaken or will undertake to ensure future compliance with the Connecticut solid waste management regulations including, but not limited to, those set forth in paragraph A.5 of this consent order. The plan shall address, among other things, inspection procedures, recordkeeping and reporting, training, and emergency planning procedures. Within five (5) days after the Commissioner approves such plan, Respondent shall carry out the plan and maintain it in full effect thereafter.

- c. On or before **December 31, 2020**, Respondent shall cease utilizing the property located at 180 Watson Boulevard for the purpose of processing and/or storing of recycled asphalt shingle material.
2. Progress Reports. On or before the last day of March, June, September, and December of each year after 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 Respondents have taken to date to comply with this consent order.
3. 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.
4. Civil penalty. Respondent is assessed a civil penalty of **twenty-six thousand and two hundred dollars (\$26,200)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.5 of this consent order. Payment shall be made in accordance with the provisions of paragraph B.5, and the following:
 - a. If Respondent complies in a timely manner with the provisions of this consent order, the payment required pursuant to paragraph B.4 shall be suspended.
 - b. If Respondent does not comply in a timely manner with any of the provisions of this consent order, then Respondent shall pay the total civil penalty of **twenty-six thousand and two hundred dollars (\$26,200)**.
5. 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, Connecticut 06106-5127, and shall be by certified or bank check payable to "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, "Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division civil penalty" and the consent order number identified on the first page of the consent order. 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, Waste Engineering and Enforcement Division, at the same address.
6. 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 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.

7. Definitions. As used in this consent order, "Commissioner" means the Commissioner of Energy and Environmental Protection or a representative of the Commissioner.
8. 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.
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 Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in section 22a-430-3(b)(2) of the RCSA, and by the individual(s) responsible for actually preparing such document, 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 section 53a-157b of the CGS and any other applicable law."
10. Noncompliance. 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.
11. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under section 53a-157b of the CGS and any other applicable law.
12. 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.
13. 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.

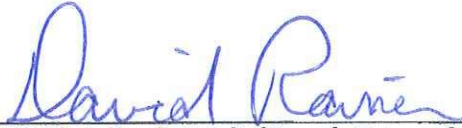
14. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance.
16. 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.
17. 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.
18. 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.
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 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.
21. 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:

Laurene Buckowski, Sanitary Engineer 2
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Waste Engineering and Enforcement Division
79 Elm Street, 4th Floor
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.

SONO INVESTMENTS, LLC

BY:



(Signature of the individual with authority to bind Respondent to terms of consent order)

DAVID RAINER

Name (typed)

MANAGING MEMBER

Title

10/3/18

Date

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



Robert E. Kaliszewski
Deputy Commissioner

10/16/18

Date

CONSENT ORDER # COWSWDS 18006

City of Stratford Land Records

