

STATE OF CONNECTICUT

V.

ALL REGIONAL RECYCLERS OF WOOD, LLC

CONSENT ORDER NO. WSWDS 19010

Date Issued: 12/3/2019

A. With the agreement of All Regional Recyclers of Wood, LLC (the "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. Robert M. Rybnick is the Managing Member.
2. Stamford Cove Partners, LLC ("Stamford Cove Partners") is the owner of property located at 104 Wooster Street located in Bethel, Connecticut and more fully described as Assessor's Map 21, Block 40 and Lot 3-02 on the land records of the Town of Bethel, Connecticut (the "Site"). Stamford Cove Partners is a domestic limited liability company registered to do business in Connecticut with the Connecticut Secretary of the State. Robert M. Rybnick is the Managing Member/ Manager.
3. Respondent is the operator of a Tier III Clean Wood processing facility under the General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes, Appendix C (Clean Wood, Leaves, and Grass) which is located at the Site.
4. Respondent is operating under Registration No. 00901215-CGP-C (Tier III Clean Wood facility) of General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes, approved on May 18, 2016 (the "CGP").
5. On December 5, 2018, the Department of Energy and Environmental (the "Department") received a complaint ("Complaint No. 18-199") from the Town of Bethel's Fire Marshall. The complaint included an Abatement Order of Fire/life Safety hazards ("Abatement Order"). The Abatement Order required the correction of four (4) violation related to fire safety/hazards.

6. On January 9, 2019, staff from the Department inspected the Site in response to Complaint No. 18-199 and discovered violations of the CGP and solid waste management regulations.
7. On March 25, 2019, based on the Department's inspection referenced in paragraph A.6. above, the Department issued Notice of Violation No. WSWDS19010 ("NOVWSWDS19010") to Respondent for:
  - a. Failure to store unprocessed Clean Wood within the maximum storage capacity of 3,000 cubic yards in violation of Section 22a-209-4(c) of the Regulations of Connecticut State Agencies ("RCSA") and Appendix C, Part II.B of the CGP.
  - b. Failure to store processed Clean Wood within the maximum storage capacity of 2,500 cubic yards in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part II.B of the CGP.
  - c. Failure to maintain a twenty-five (25) foot wide access lane for emergency vehicles in accordance with Section 22a-209-4(e) of the RCSA and Appendix C Part II.C.1.b.viii of the CGP.
  - d. Failure to ensure that the outside fire protection system is maintained in accordance with the local Fire Marshall in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part I.F.15 and 19. of the CGP.
  - e. Failure to ensure that a prominent sign is posted and maintained at the entrance to the Site in violation of Section 22a-209-10(3) of the RCSA and Appendix C Part I.E.3.b. of the CGP.
  - f. Failed to ensure that all Clean Wood received at the Facility is transferred on a first in/first out basis in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part I.E.8.a. of the CGP.
  - g. Failure to clearly label storage areas where Clean Wood is stored at the Facility in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part I.E.2.a. of the CGP.
  - h. Failure to have the Commercial General Permit at the Site in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part I.E.2.a. of the CGP.
  - i. Failure to have a certified Facility Site Plan on-site in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part I.E.2.b. of the CGP.
  - j. Failure to ensure that the unprocessed Clean Wood pile does not exceed the permitted height restriction of twenty-five (25) feet in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part II.C.1.b.iv. of the CGP.



- k. Failure to ensure that the processed Clean Wood pile does not exceed the permitted height restriction of fifteen (15) feet in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part II.C.1.b.v. of the CGP.
  - l. Failure to conduct semi-annual audits in violation of Section 22a-209-4(e) of the RCSA and Appendix C Part I.E.18.a. of the CGP.
  - m. Failure to have a certified operator at the Facility in violation of Section 22a-209-6 of the RCSA.
8. By virtue of the facts set forth above, Respondent has violated Sections 22a-208a(b) and 22a-208c of the Connecticut General Statutes ("CGS"); Sections 22a-209-4(e), and 22a-209-6 of the RCSA and the CGP.
9. On April 24, 2019, the Department issued a Notice of Violation No Response letter to the Respondent.
10. Based on correspondence submitted to the Department dated August 26, 2019, September 27, 2019 and October 28, 2019, Respondent has reported that they have corrected the violations corresponding to those cited in subparagraphs A.7.a. through m. of this consent order.
11. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to matters addressed herein other than the facts asserted in paragraphs A.1. through A.4. of this consent order.
- B. With the agreement of Respondent, the Commissioner, acting under CGS Sections 22a-6, 22a-208, and 22a-225, orders Respondent as follows:
- 1. Compliance. Respondent shall maintain its compliance with applicable provisions of Connecticut solid waste management regulations and statutes. In particular:
    - a. Respondent shall operate and maintain the Site in compliance with all the requirements of Chapter 446d of the CGS (solid waste management provisions) and the CGP, except as modified by the terms and conditions of this consent order.
    - b. Qualified Professional. Respondents has identified Anchor Engineering Services, Inc. as the qualified consultant, who is acceptable to the Commissioner, to prepare the documents and implement or oversee the actions required by this Consent Order. Respondents shall retain Anchor Engineering Services, Inc. or a qualified environmental consultant acceptable to the Commissioner until this Consent Order is fully complied with. Within ten (10) days after retaining any qualified consultant(s) other than one originally identified and approved under this paragraph, the Respondents shall notify the Commissioner in writing of the identity of and receive written approval of such other qualified consultant(s)

from the Commissioner. In order to seek approval of a qualified consultant, Respondents shall submit to the Commissioner a description of a qualified consultant(s)' education, experience and training which is relevant to the work required by this Consent Order. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.

- c. Comprehensive Plan. On or before **forty-five (45) days** after issuance of this consent order, Respondent's consultant 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 CGP and Connecticut's solid waste management regulations including, but not limited to, those set forth in paragraph A.7. of this consent order. The plan shall address, among other things, recordkeeping and reporting, wood waste management, and emergency planning procedures. Within five (5) days after the Commissioner approves such plan, Respondents shall carry out the plan and maintain it in full effect thereafter.
2. 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.
3. Civil penalty. Respondent shall pay a civil penalty of **thirty-three thousand four hundred and eighty six dollars (\$33,486)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.7. of this consent order. Payment shall be made in twelve (12) equal installments of **two thousand seven hundred and ninety dollars and fifty cents (\$2,790.<sup>50</sup>)** in accordance with the provisions of paragraph B.4., according to the following schedule:
  - a. The first (1) installment of **two thousand seven hundred and ninety dollars and fifty cents (\$2,790.<sup>50</sup>)** shall be due and payable on or before **thirty (30) days** after the date of issuance of this consent order.
  - b. The next eleven (11) installments of **two thousand seven hundred and ninety dollars and fifty cents (\$2,790.<sup>50</sup>)** shall be due and payable **every thirty days (30) days** thereafter until the total amount of thirty-three thousand four hundred and eighty six dollars (\$33,486) has been paid (on or before 360 days).
4. Payment of penalties. Payment of penalties under paragraph B.3. of this consent order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to "Connecticut Department of Energy and Environmental Protection" The check shall state in the memo notation, "Bureau of Materials Management and Compliance Assurance, Waste Engineering



and Enforcement Division civil penalty” and the consent order number identified at the top of page one of this consent order. Copies 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.

5. 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.
6. Definitions. As used in this consent order, “Commissioner” means the Commissioner or a representative of the Commissioner.
7. 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.
8. 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 §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, 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 §53a-157b of the Connecticut General Statutes and any other applicable law.”

9. 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.
10. False statements. Any false statement in any information submitted pursuant to this consent order may be 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 has fully complied with this consent 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 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.
12. 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.
13. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
14. 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.
15. 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.



16. 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.
17. 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.
18. 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.
19. 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:

Denver Dixon  
Department of Energy and Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Waste Engineering and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

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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.

**ALL REGIONAL RECYCLERS OF WOOD, LLC**

BY:

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

Robert Rybnick  
Name (typed)

member  
Title

11/21/19  
Date

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

  
Betsey Wingfield  
Deputy Commissioner

12/3/19  
Date

CONSENT ORDER NO. COWSWDS 19010

Town of Bethel's Land Records