



## STATE OF CONNECTICUT

### V.

#### ENVIRO EXPRESS, INC.

### CONSENT ORDER # COWSWDS21004

Date Issued: June 29, 2021

- A. With the agreement of Enviro Express, Inc. ("Respondent"), the Commissioner of Energy and Environmental Protection ("the Commissioner") finds:
1. Respondent is a corporation 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 555 Wordin Avenue, Bridgeport, Connecticut 06605. The property is more fully described as Assessor's Map 20, Block 318 and Lot 2/B. The property will hereinafter be referred to as the "Site".
  3. On November 21, 2016, solid waste facility Permit to Construct and Operate No. 01501247-PCO ("Permit"), was issued to Respondent by the Department of Energy and Environmental Protection ("Department") for the Site.
  4. On January 7, 2020, the Department conducted an inspection at the Site.
  5. On March 6, 2020, based on the Department's inspection referenced in paragraph A.4. above, the Department issued Notice of Violation No. WSWDS20009 ("NOV") to the Respondent for the following alleged violations:
    - a. Failing to post financial assurance instruments for closure as required by the Regulations of Connecticut State Agencies ("RCSA") Section 22a-209-4(i) and paragraphs C.14 a. through e. of the Permit.
    - b. Failing to conduct air sampling for asbestos and lead as required under RCSA Section 22a-209-4(e) and paragraph C.6.a. of the Permit.
  6. In May 2020, based on findings of a file review performed by the Department, the Department alleges that Respondent failed to seek approval from the Commissioner of a compliance auditor to perform quarterly compliance audits pursuant to paragraph C.15.b. of the Permit. On May 8, 2020, an approval from the Commissioner was issued for an acceptable compliance auditor.
  7. By virtue of the above, Respondent has violated Connecticut General Statute ("CGS") Section 22a-6(a)(7), RCSA Sections 22a-209-4(e) and 22a-209-4(i) and conditions of the Permit.

- B. With the agreement of Respondent, the Commissioner, acting under CGS Sections 22a-6, 22a-208, 22a-225, and 22a-226, orders Respondent as follows:
1. Compliance. Respondent shall maintain its compliance with all applicable provisions of Connecticut's solid waste management regulations and the permit referenced in paragraph A.3. above. In particular:
    - a. On or before **sixty (60) days** after issuance of this consent order, post the financial assurance mechanism in the amount sufficient to cover the cost of third party closure; and
    - b. On or before **seventy five (75) 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 those sections of the Connecticut solid waste management regulations set forth in paragraph A.5 of this consent order. 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 **seventy five (75) days** after issuance of this consent order, Respondent shall conduct a comprehensive recycling review of the facility to evaluate compliance with Connecticut's recycling laws as set forth in Section 22a-241b(d) of the CGS, and shall submit for the Commissioner's review and written approval a Business Recycling Profile documenting the management of recyclable materials at the Site. Refer to the enclosed Business Recycling Profile. Within ten (10) days after the Commissioner approves such plan, Respondent 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 penalty of eight thousand dollars (\$8,000.00) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.5 and A.6 of this consent order. The penalty payment shall be paid in full on or before fourteen (14) days after the date of issuance of this consent order. All payments shall be made in accordance with the protocol described in paragraph B.4. below.
  4. 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.
  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 of Energy and Environmental Protection 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. Notwithstanding the forgoing, 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 to 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.
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 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."
9. 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.
10. 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.

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 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.
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.
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.


20. 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, 4<sup>th</sup> 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.

ENVIRO EXPRESS, INC.

BY:

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

Anthony Costa  
Name (typed)

Sec.  
Title

6/10/21  
Date

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

**Betsey**

**Wingfield**

Digitally signed by  
Betsey Wingfield  
Date: 2021.06.29  
12:53:18 -04'00'

June 29, 2021

Betsey Wingfield  
Deputy Commissioner

Date

CONSENT ORDER # COWSWDS21004

City of Bridgeport Land Records