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Affirmative Action/Equal Opportunity Employer

November 17, 2022

ADS Properties, LLC  
P.O. Box 520  
Northford, CT 06472-0520

New Haven Waste Recovery Systems, LLC  
P.O. Box 520  
Northford, CT 06472-0520

Attn: Messieurs Dennis Bozzuto, Andrew Bozzuto, and Steven Bozzuto (Members)

**Re: Final Consent Order  
ADS Properties, LLC and New Haven Waste Recovery Systems, LLC**

Dear Messieurs Bozzuto:

Enclosed is a certified copy of the Consent Order negotiated between ADS Properties, LLC, New Haven Waste Recovery Systems, LLC and the Department of Energy and Environmental Protection to address violations of the solid waste management regulations.

If you have any comments or questions on the substantive requirements and/or scheduling deadlines presented in the consent order, contact Stan Gormley of my staff at (860) 424-3307 or via email at [Stanley.Gormley@ct.gov](mailto:Stanley.Gormley@ct.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Gabrielle Frigon".

GABRIELLE FRIGON, DIRECTOR  
Waste Engineering and Enforcement Division  
Bureau of Materials Management and Compliance Assurance

Encl: Final Consent Order

Sent via electronic certified mail

c: Julie Dutton, DEEP/WEED  
Atty. Ann Catino, via email at [CATINO@halloransage.com](mailto:CATINO@halloransage.com) (Halloran Sage) w/ encl.

**STATE OF CONNECTICUT**

**V.**

**ASD PROPERTIES, LLC, AND**

**NEW HAVEN WASTE RECOVERY SYSTEMS, LLC**

**CONSENT ORDER No. WSWDS22-002**

**Date Issued:** November 17, 2022

A. The Commissioner of Energy and Environmental Protection (the “Commissioner”) finds:

1. ASD Properties, LLC (“Respondent ASD Properties”) is a domestic limited liability company registered to do business in Connecticut with the Connecticut Secretary of the State, which owns property located at 1002 Middletown Avenue, North Branford, Connecticut. The property is depicted on Map 56/A/17 in the North Branford Tax Assessor’s Office and is more fully described in Volume 421 on Page 684 in the North Branford Town Clerk’s Office (the “Site”).
2. New Haven Waste Recovery Systems, LLC (“Respondent New Haven Waste Recovery Systems”) is a domestic limited liability company registered to do business in Connecticut with the Connecticut Secretary of the State having a business address of 1002 Middletown Avenue, North Branford, Connecticut. Collectively, Respondent ASD Properties and Respondent New Haven Waste Recovery Systems will be referred to as the “Respondents”.
3. On June 9, 2016, Respondent New Haven Waste Recovery Systems was issued an Approval of Registration, No. 09901225-CGP-CDF (Approval of Registration), under the terms and conditions of the General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes (issued February 2, 2016) (Commercial GP) for the solid waste categories: Clean Wood Tier II (Appendix C); Construction and Demolition Waste Tier III (Appendix D); and, Recyclables (Appendix F) at the Site. Registration No. 09901225-CGP-CDF expired on February 2, 2021.
4. On August 2, 2021, the Commissioner published Notice of Reissuance of the General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes (Notice of Reissuance), dated July 26, 2021. The Notice of Reissuance required, among other things, that re-registrations for previously authorized facilities shall be submitted within 60 days of the publication date (i.e., October 1, 2021).
5. On December 16, 2021, the Commissioner received Respondent New Haven Waste Recovery Systems’ Applications nos. 202112566, 202112567 and 202112568, collectively referred to as the

Applications, seeking a re-registration to operate a previously authorized facility at the Site under the terms and conditions of the General Permit to Construct and Operate a Commercial Facility for the Management of Recyclable Materials and Certain Solid Wastes (issued July 26, 2021) for the solid waste categories: Clean Wood Tier II (Appendix C); Construction and Demolition Waste Tier III (Appendix D); and, Recyclables (Appendix F) at the Site. Although being an untimely submittal, these applications are currently under technical review by Department staff.

6. On May 3, 2022, the Department issued Notices of Violation nos. NOVWSWDS22012 through NOVWSWDS22016, collectively referred to as the Notices, to Respondent New Haven Waste Recovery Systems alleging that the respondent had violated numerous terms and conditions of the Approval of Registration, specifically:
  - a. failed to, within sixty (60) days after the issuance of the Approval of Registration, establish and post for the Commissioner's benefit an acceptable financial assurance instrument as required by Section 4.(d)(3)(A) of the Commercial GP;
  - b. failed to, within sixty (60) days of the anniversary date of the financial assurance's posting, annually adjust the penal sum for inflation (years 2017, 2018, 2019, 2020) as required by Section 4.(d)(3)(B)(v) of the Commercial GP;
  - c. failed to submit quarterly reports based on information including, but not necessarily limited to, the types, capacities, quantities received and destination locations for clean wood, leaves, grass clippings, C&D wastes, Recyclables and other solid wastes, as required by Appendices C, D, and F Part I.E.10. of the Commercial GP;
  - d. failed to submit a detailed description of the consultant's credentials which are relevant to the work required by Appendices C and D Part I.E.18 of the Commercial GP;
  - e. failed to submit semi-annual compliance audits consisting of a thorough and complete assessment of the facility's compliance with the applicable Sections of 22a-209-1 through 22a-209-17 of the Regulations of Connecticut State Agencies (RCSA) and with the terms and conditions of the Commercial GP as required by Appendices C and F Part I. E. 18 of the Commercial GP;
  - f. failed to submit annually the "year-end report" (years 2017, 2018, 2019, 2020) on or before July 31 of each year documenting the percent recovery rate by weight or volume of non-designated recyclable items achieved during the previous year as required by Appendix D Part I.E.10 of the Commercial GP;
  - g. failed to submit quarterly compliance audits consisting of a thorough and complete assessment of the facility's compliance with the applicable Sections of 22a-209-1 through 22a-209-17 of the Regulations of Connecticut State Agencies (RCSA) and with the terms and conditions of the Commercial GP as required by Appendices D Part I. E. 18 of the Commercial GP; and,
  - h. failed to cease all solid waste operations authorized pursuant to the Approval of Registration upon its expiration and continued to operate a solid waste facility without the required permit

until July 1, 2022 in accordance with Section 22a-208a of the CGS in violation of Sections 22a-208a and 22a-208c of the CGS.

7. By virtue of the facts set forth in paragraphs A.1. through A.6. of this Consent Order, the Commissioner finds that Respondents have violated: Sections 4.(d)(3)(A) and 4.(d)(3)(B)(v); Appendix C Parts I.E.10., I.E.18.; Appendix D Parts I.E.10. and I.E.18; and, Appendix F Parts I.E.10. and I.E.18. of the Commercial GP, Sections 22a-208a(b) and 22a-208c of the CGS and Section 22a-209-4 of the RCSA.
  8. On July 20, 2022, Respondent New Haven Waste Recovery reported that it had retained the environmental consulting services of David S. Brown, P.E., with Project Management Associates to assist in preparing the documents and to oversee the actions required by this Consent Order. The Commissioner finds David S. Brown, P.E. as an acceptable environmental consultant in accordance with paragraph B.2.a. of this Consent Order.
  9. By agreeing to the issuance of this consent order, Respondents make no admission of fact or law with respect to the matters addressed herein other than the facts asserted in paragraphs A.1 through A.3 and A.8 of this consent order
- B. With the agreement of Respondents, the Commissioner, acting under Sections 22a-6, 22a-208, 22a-225 and 22a-226, orders Respondents as follows:
1. Except as authorized in paragraph B.2, Respondent New Haven Waste Recovery Systems shall not conduct regulated solid waste activities previously authorized by the Approval of Registration until such time as those activities are approved by the Commissioner. Respondents shall maintain compliance with Sections 22a-208a and 22a-208c of the CGS and all applicable provisions of the RCSA Sections 22a-209-1 through 22a-209-17.
  2. Correct Violations. On or before **thirty (30) days** after issuance of this Consent Order, Respondents shall obtain the permits or authorizations necessary to lawfully operate or remove and properly dispose of all accumulated solid wastes, including but not necessarily limited to, unprocessed land clearing debris, processed and unprocessed construction and demolition waste (C&D) and all recyclable solid waste from the Site to a lawfully operating solid waste facility or facilities under the following schedule:
    - a. Consultant. Respondents have identified David S. Brown, P.E., with Project Management Associates, as the qualified consultant(s), who is acceptable to the Commissioner, to prepare the documents and implement or oversee the actions required by this Consent Order. Respondents shall retain David S. Brown, P.E., with Project Management Associates, 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 (professional services in accordance with the Solid Waste Management

Regulations) 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.

- b. On or before **seven (7) days** after the issuance of this Consent Order, Respondents shall provide written notice to the Commissioner identifying the proposed location(s) of the permitted solid waste facility or facilities through which the Respondents intend to properly manage and lawfully dispose of all accumulated solid wastes on Site.
  - c. On or before **thirty (30) days** after the issuance of this Consent Order, Respondents shall begin to remove and properly dispose of the accumulated solid wastes from the Site to a lawfully operating solid waste facility or facilities.
  - d. On or before **sixty(60) days** after the issuance of this Consent Order, if the permits or authorizations necessary to lawfully operate or remove and properly dispose of all accumulated solid wastes has not been obtained, Respondents shall complete the removal and proper disposal of all the accumulated solid wastes from the Site to a lawfully operating solid waste facility or facilities.
  - e. On or before **ninety (90) days** after issuance of this Consent Order, Respondents shall cause the retained consultant to prepare and submit to the Commissioner, for review and written approval, a final report documenting the removal and proper disposal of all solid wastes from the Site. The report shall include, at a minimum the following: information concerning the identity of the solid waste disposal and/or recycling location(s) utilized for the proper management and disposal of the accumulated solid wastes on Site; transportation documentation (e.g., bills of lading, manifests, invoices, receipts, etc.) demonstrating that the solid wastes from the Site was received by the disposal and/or recycling facility or facilities; photographic documentation depicting the physical appearance of the Site before beginning the removal process and upon the completion of the removal activities required by this Consent Order; and, a narrative discussion detailing the specific actions taken to comply with the terms and conditions of this Consent Order.
3. Full compliance. Respondents 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. Status of Notices. This Consent Order supersedes Notices of Violation nos. NOVSWDS22012, NOVSWDS22013, NOVSWDS22014, NOVSWDS22015 and NOVSWDS22016.
  5. Civil penalty. Respondent shall pay a penalty of **thirty-nine thousand dollars (\$39,000)** as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.6. of this consent order. Payment shall be made in six (6) equal installments of **six thousand, five hundred dollars (\$6,500)** in accordance with the provisions of paragraph B.6., in according with the following schedule:

- a. The first installment of **six thousand, five hundred dollars (\$6,500)** shall be due and payable on or before **three (3)** days after the date of issuance of this consent order.
  - b. The second installment of **six thousand, five hundred dollars (\$6,500)** shall be due and payable on or before **thirty (30)** days after the date of issuance of this consent order.
  - c. The third installment of **six thousand, five hundred dollars (\$6,500)** shall be due and payable on or before **sixty (60)** days after the date of issuance of this consent order.
  - d. The fourth installment **six thousand, five hundred dollars (\$6,500)** shall be due and payable on or before **ninety (90)** days after the date of issuance of this consent order.
  - e. The fifth installment **six thousand, five hundred dollars (\$6,500)** shall be due and payable on or before **one hundred twenty (120)** days after the date of issuance of this consent order.
  - f. The sixth installment **six thousand, five hundred dollars (\$6,500)** shall be due and payable on or before **one hundred fifty (150)** days after the date of issuance of this consent order.
6. 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 or 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, Waste Engineering and Enforcement Division, Civil Penalty" and the Consent Order number identified on the first page of this Consent Order. A copy of the check as well as any transmittal letter shall be mailed or delivered to Julie Dutton, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division at the same address.
7. 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 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.
8. Approvals. Respondents 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 Respondents 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 (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.

9. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
10. 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.
11. 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 Respondents or, if Respondents is not an individual, by Respondents' 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 hereto, 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."*
12. 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 Respondents to an injunction and penalties.
13. 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.
14. Notice of transfer; liability of Respondents. Until Respondents has fully complied with this Consent Order, Respondents 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. Respondents' obligations under this Consent Order shall not be affected by the passage of title to any property to any other person or municipality.

15. 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 Respondents 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 Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
16. Respondents' obligations under law. Nothing in this Consent Order shall relieve Respondents of other obligations under applicable federal, state and local law.
17. 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 Respondents pursuant to this Consent Order will result in compliance or prevent or abate pollution.
18. 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.
19. 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.
20. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondents 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, Respondents shall submit the correct or omitted information to the Commissioner.
21. Notification of noncompliance. In the event that Respondents 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, Respondents 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, Respondents 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 Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondents 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.



22. 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:

Stan Gormley, Environmental Analyst III  
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

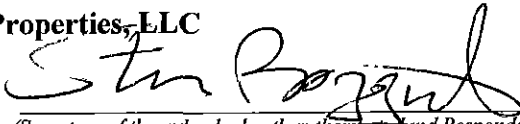
23. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this consent order.

[remainder of page intentionally left blank; signature page follow]

Respondents 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 Respondents to the terms and conditions of the Consent Order.

**ASD Properties, LLC**

BY:



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

STEVEN BOZZUTO

Name (typed)

MEMBER

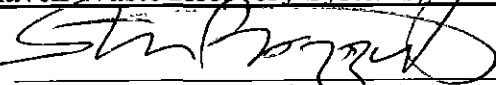
Title

11-8-2022

Date

**New Haven Waste Recovery Systems, LLC**

BY:



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

STEVEN BOZZUTO

Name (typed)

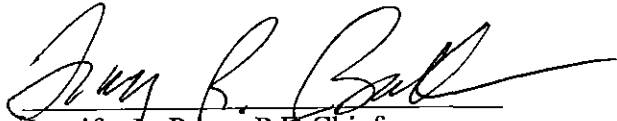
MEMBER

Title


11-8-2022

Date

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



Jennifer L. Perry, P.E. Chief  
Bureau of Materials Management and  
Compliance Assurance

 Tracy R. Babbidge  
Acting Deputy Commissioner

CONSENT ORDER No. COWSWDS: 22002

November 17, 2022

Date