

DOCKET NO. HHD-CV- 11-6020685-S

DANIEL C. ESTY,
COMMISSIONER OF
ENVIRONMENTAL PROTECTION

v.

GOV CAR WASH, LLC and
GOV REAL ESTATE, LLC

: SUPERIOR COURT
:
:
: JUDICIAL DISTRICT
:
: OF HARTFORD
:
: at Hartford
:
:
: AUGUST 24, 2011

STIPULATION FOR JUDGMENT

The Plaintiff, Daniel C. Esty, Commissioner of Energy and Environmental Protection, formerly the Commissioner of Environmental Protection,¹ and the Defendants, GOV Car Wash, LLC and GOV Real Estate, LLC, the parties to this action, stipulate and agree that judgment may be entered by the Court, at any time following the filing and granting of a Motion for Judgment, and without further notice to any party or any proceeding, as follows:

WHEREAS, the Plaintiff is the Commissioner of Energy and Environmental Protection (hereinafter "the Commissioner") of the State of Connecticut, and as such, is charged with the supervision and the enforcement of the statutes of the State of Connecticut respecting the environment, including Conn. Gen. Stat. Chapter 446k governing water pollution control, and is generally empowered by virtue of Conn. Gen. Stat. § 22a-6(a)(3) to institute all legal

¹ Effective July 1, 2011, Public Act 11-80 established the Department of Energy and Environmental Protection ("DEEP") as the successor agency to the Department of Environmental Protection.

proceedings necessary to enforce statutes, regulations, permits or orders administered, adopted or issued by the Commissioner of Environmental Protection.

WHEREAS, the Defendant, GOV Car Wash, LLC, is a limited liability company organized and existing under the laws of the State of Connecticut with a registered business address of 50 Wagon Wheel Road, Redding, Connecticut.

WHEREAS, the Defendant, GOV Real Estate, LLC, is a limited liability company organized and existing under the laws of the State of Connecticut with a registered business address of 50 Wagon Wheel Road, Redding, Connecticut.

WHEREAS, at all times relevant to the allegations in the Complaint brought in this action, the defendants, GOV Real Estate, LLC and GOV Car Wash, LLC, operated a car wash business located at 1 Simm Lane, Newtown, Connecticut under the registered trade name of "Newtown Car Wash" (referred to hereinafter as the "car wash facility"), according to a trade name certificate filed with the Newtown Town Clerk on or about August 18, 2003.

WHEREAS, the Defendant, GOV Real Estate, LLC, is also the record owner of the property on Simm Lane, Newtown, Connecticut, commonly known as 1 Simm Lane, by virtue of a deed dated on or about August 15, 2003 and recorded in Book 780 at Page 316 of the Town of Newtown Land Records.

WHEREAS, the Commissioner brought the immediate action against the Defendants, GOV Real Estate, LLC and GOV Car Wash, LLC, alleging their failure to comply with: Conn. Gen. Stat. § 22a-427 by causing pollution to the waters of the State or maintaining a discharge(s) of treated or untreated wastes; and Conn. Gen. Stat. § 22a-430 for initiating, creating,

originating or maintaining a discharge(s) of water, substance or material into the waters of the State without a permit for such discharge(s) issued by the Commissioner.

WHEREAS, the instant action against GOV Real Estate, LLC and GOV Car Wash, LLC seeks injunctive relief and a civil penalty;

WHEREAS, based on the foregoing, the parties wish to resolve this action without the need for further litigation.

NOW THEREFORE, before the taking of any testimony and without any party making any admission of law or fact, the parties hereby agree that judgment shall enter, without the need for further notice to any party, as follows:

I. Injunction

1. A permanent injunction is issued requiring the Defendants GOV Real Estate, LLC and GOV Car Wash, LLC to fully comply with any approved water pollution control registrations and/or permits issued for their 1 Simm Lane, Newtown, Connecticut car wash facility, including approved Registration No. GVM001421 issued by the Commissioner on or about June 9, 2010.

2. A permanent injunction is issued requiring GOV Car Wash, LLC and GOV Real Estate, LLC to cease all unauthorized discharges and to comply with the provisions of the laws of the State governing water pollution control, including but not limited to Conn. Gen Stat. §§ 22a-427 and 22a-430 at the 1 Simm Lane, Newtown, Connecticut car wash facility.

II. Civil Penalty.

1. A civil penalty in the amount of \$35,000.00 (Thirty-Five Thousand Dollars) is imposed on GOV Car Wash, LLC and GOV Real Estate, LLC jointly and severally. Payment of

this penalty shall be made upon the entry of Judgment by the Court and shall be made by certified or bank check made payable to the Treasurer, State of Connecticut and forwarded to the undersigned counsel for the plaintiff at the Office of the Attorney General, 55 Elm Street, Hartford, CT 06106.

2. Nothing in this Section II (Civil Penalty), or in any other part of this Judgment, relieves the Defendants, GOV Car Wash, LLC and GOV Real Estate, LLC, or each of them, from their continuing obligations to comply with the injunctive provisions of this Judgment. The Defendants have a continuing obligation to comply with all injunctive provisions regardless of payment or non-payment of the civil penalties required by this Section II.

III. General Provisions

1. Nothing in this Judgment shall relieve the Defendants, GOV Car Wash, LLC and GOV Real Estate, LLC, of any obligations under applicable federal, state and local law.

2. No provision of this Judgment and no action or inaction by the Commissioner shall be construed to constitute any assurance by the Commissioner that the actions taken by the Defendants, GOV Car Wash, LLC and GOV Real Estate, LLC pursuant to this Judgment will prevent or abate pollution or will result in compliance including, but not limited to, compliance with any approved water pollution control registrations and/or permits.

3. Except as provided in Section III. Paragraph 6. hereto, nothing in this Judgment shall affect the Commissioner's authority to institute any proceeding to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of any order or

permit issued by the Commissioner or violations of any statute or regulation over which the Commissioner has enforcement authority.

4. The Defendants, GOV Car Wash, LLC and GOV Real Estate, LLC, shall hereby grant access to the Commissioner, as authorized by Conn. Gen. Stat. §22a-6(5), to enter their 1 Simm Lane, Newtown, Connecticut car wash facility cited in this Judgment, without liability, for the purpose of inspection, investigation or monitoring compliance with the terms of this Judgment, or any environmental statutes, regulations, permits or any order administered or issued by the Commissioner.

5. Any documents required to be submitted to the Commissioner under this Judgment shall, unless otherwise specified in writing by the Commissioner, be directed to:

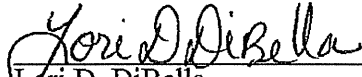
Christopher Gerke
Department of Environmental Protection
Permitting and Enforcement Division
Bureau of Materials Management and Compliance Assurance
79 Elm Street
Hartford, Connecticut 06106

6. This Judgment fully resolves all matters pleaded and all known claims related to this action that could have been made in the complaint dated March 11, 2011.

PLAINTIFF,
DANIEL C. ESTY,
COMMISSIONER OF ENERGY AND
ENVIRONMENTAL PROTECTION

GEORGE JEPSEN
ATTORNEY GENERAL


BY:


Lori D. DiBella

Assistant Attorney General
Juris No. 421262
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
Tel. (860) 808-5250
lori.dibella@ct.gov
Date: 8/25/2011


DEFENDANT
GOV CAR WASH, LLC

BY:


Morgan P. Rueckert
Shipman & Goodwin LLP
Juris No. 57385
One Constitution Plaza
Hartford, CT 06103
Its Attorneys
Date: 8/24/11

DEFENDANT
GOV REAL ESTATE, LLC

BY:


Morgan P. Rueckert
Shipman & Goodwin LLP
Juris No. 57385
One Constitution Plaza
Hartford, CT 06103
Its Attorneys
Date: 8/24/11

COPY

STATE OF CONNECTICUT
ATTORNEY GENERAL'S OFFICE

Please return to: 55 Elm Street, Hartford, CT 06106
 110 Sherman Street, Hartford, CT 06105

COLLECTED FOR: (Name of Agency)		COLLECTED FROM: (Name and Address)	
OAG Business Office 55 Elm Street Hartford, CT 06106		GOV Car Wash, LLC (via Attorney Morgan Rueckert) 50 Wagon Wheel Road Redding, CT	
Receipt of the amount herein described is acknowledged		AMOUNT \$35,000.00	CHECK NO. 3004580
DATE REC'D 8/25/11	NAME Lori D. DiBella	SIGNATURE <i>Lori D. DiBella</i>	TITLE AAG
REASON FOR COLLECTION (If case, give title, case number, identification number)			

DEP v. GOV Car Wash, LLC and GOV Real Estate, LLC
Docket No. HHD-CV-11-6020685-S
Civil Penalty

TO BE PUT IN ESCROW ACCOUNT - AGO

TRANSMITTAL OF FUNDS

(Check and complete one of the following.) The payment described above was:

A.	<input type="checkbox"/> Transmitted to above-named agency for deposit. (Applies to all collections for client agencies)	Date of Transmittal
B.	<input checked="" type="checkbox"/> Transmitted to AG Business Office for deposit. (Applies to all collections for Attorney General's Office)	Date of Transmittal 8/25/11

DEPOSITING AGENCY ACTION

Within ten (10) days, complete the following lines and return Copies #4 and #5 to the attorney stated above. Keep Copy #3 for your file

We have deposited the above payment	DATE:	Deposit slip # or Batch #	DEPOSITED IN: <input type="checkbox"/> General Fund <input type="checkbox"/> Other Fund (Specify):
NAME	SIGNATURE		TITLE

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NEWTOWN SAVINGS BANK
The Bank You Keep For Life®

Cashiers Check

51-7229
2211

3004580

Member FDIC

DATE 8/23/11

PAY EXACTLY **35,000 AND 00/100 DOLLARS \$35,000.00

TO THE ORDER OF

TREASURER STATE OF CONNECTICUT

MEMO

GOV CARWASH, LLC

Details on Back
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Docket Number: HHD-CV-11-6020685-S
Case Name: COMMISSIONER OF ENVI v. GOV CAR WASH, LLC
Type of Transaction: Pleading/Motion/Other
Date Filed: Aug-25-2011
Motion/Pleading by: LORI DOWLING DIBELLA Juris# 421262
Document Filed: MOTION FOR JUDGMENT

Date and Time of Transaction: Thursday, August 25, 2011 2:35:28 PM

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Type of Transaction: Pleading/Motion/Other
Date Filed: Aug-25-2011
Motion/Pleading by: LORI DOWLING DIBELLA Juris# 421262
Document Filed: STIPULATION

Date and Time of Transaction: Thursday, August 25, 2011 2:37:25 PM

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DOCKET NO. HHD-CV- 11-6020685-S

DANIEL C. ESTY,
COMMISSIONER OF
ENVIRONMENTAL PROTECTION

v.

GOV CAR WASH, LLC and
GOV REAL ESTATE, LLC

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: JUDICIAL DISTRICT
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: at Hartford
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: AUGUST 25, 2011

MOTION FOR JUDGMENT

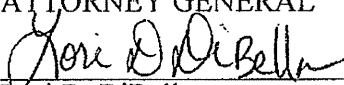
The Plaintiff, Daniel C. Esty, Commissioner of Energy and Environmental Protection, formerly the Commissioner of Environmental Protection,¹ hereby moves that the Court enter judgment in the above-captioned matter in accordance with the Stipulation for Judgment executed by the parties and filed herewith.

¹ Effective July 1, 2011, Public Act 11-80 established the Department of Energy and Environmental Protection ("DEEP") as the successor agency to the Department of Environmental Protection.

**ORAL ARGUMENT NOT REQUESTED
TESTIMONY IS NOT REQUIRED**

PLAINTIFF,
DANIEL C. ESTY,
COMMISSIONER OF ENERGY
AND ENVIRONMENTAL
PROTECTION

GEORGE JEPSEN
ATTORNEY GENERAL

BY: 
Lori D. DiBella
Assistant Attorney General
Juris No. 421262
55 Elm Street
P.O. Box 120
Hartford, CT 06141-0120
Tel. (860) 808-5250
lori.dibella@ct.gov

ORDER

The foregoing Motion for Judgment having come before this Court is hereby
ORDERED:

GRANTED / DENIED

BY THE COURT

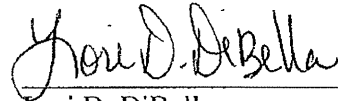
Date

Judge

CERTIFICATION

I hereby certify that a copy of the foregoing Motion for Judgment was mailed via regular U.S. mail first-class postage prepaid, this 25th day of August, 2011 to:

Attorney Morgan P. Rueckert
Shipman & Goodwin LLP
One Constitution Plaza
Hartford, CT 06103



Lori D. DiBella
Assistant Attorney General