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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT File #LIS-2018-3959-V Date of Issuance: _____

v.

ANTONIA STROEH

AND

CHRISTIAN STROEH

CONSENT ORDER

- A. The Commissioner of Energy & Environmental Protection (the “Commissioner”) finds:
1. Antonia and Christian Stroeh (“Respondents”) are the owners of 35 Rogers Road, Stamford, CT (the “Property”). The Property is located adjacent to Long Island Sound, a tidal, coastal and navigable water of the State as defined by section 22a-361 of the Connecticut General Statutes (“CGS”).
 2. On May 14, 2012, Certificate of Permission (COP) #201200717-KB was issued to Stroeh Detlef Irrevocable CT Personal Trust to remove two areas of riprap under the existing dock and three 36" diameter concrete supports, and to rebuild a pre-1939 dock located along the shoreline of the Property. The Department received a December 4, 2013, as-built drawing showing the dock generally constructed in accordance with the issued certificate at the Property.
 3. On or before September 6, 2018, without any other authorization, Respondents:

- a. placed a significant amount of additional stone material under the entire foot print of the pre-1939 dock described in paragraph A.2., above;
 - b. relocated approximately 10 to 15 approximately 12" to 24" diameter stones from an area of a stone groin on and adjacent to property at 32 Lighthouse Way, Stamford; and
 - c. placed approximately 80 linear feet of large stones along the shoreline of the property between the stone groin and dock as shown on 6 sheets of site plans, sheets 3 through 8 of 8 entitled "Improvement Location Survey, Depicting Existing & Proposed Conditions," Christian Stroeh/Antonia Stroeh, dated July 5, 2018, prepared by William W. Seymour & Associates, P.C., a copy of which is attached hereto as "Attachment A."
4. The Respondents failed to remove the two areas of riprap from under the dock in violation of SPECIAL TERMS AND CONDITIONS, Paragraph 1. of COP #201200717-KB.
5. On May 7, 2019, the Respondents removed and relocated to an area landward of the Coastal Jurisdiction Line (CJL) the additional rock described in A.3.a., above, and the two areas of riprap described in A.4., above in response to a Notice of Violation issued to the Respondents on May 18, 2018.
6. Since the placement of the stones described in A.3.c., above, the tides and storms have displaced and scattered the stones such they are no longer an organized row and are incorporated back into the natural profile of the beach at the Property.
7. The Property and the location of work described in paragraph A.3., shall hereinafter be referred to as "the site."
8. Respondents did not receive a certificate or permit from the Commissioner under section 22a-361 of the CGS for the work described in paragraph A.3., above.
9. By virtue of the above, Respondents have violated section 22a-361 of the CGS.
10. By agreeing to 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. and A.2., inclusive.
- B. With the agreement of the Respondents, the Commissioner, acting under CGS sections 22a-6 and 22a-361, orders Respondents as follows:

1. Restoration of the Stone Groin. Not later than June 1, 2020, Respondents shall submit for the review and written approval of the Commissioner, a plan to restore the stone groin described in paragraph A.3.b., above, to a stable condition deemed satisfactory by the City of Stamford, Office of Operations – Stormwater Management Department. The restoration plan must: be prepared by a Connecticut licensed Professional Engineer, unless another professional with sufficient coastal experience is approved by the Commissioner; contain site drawings which show existing and proposed conditions; and contain a detailed construction methodology which describes the equipment which will be utilized and the staging location. The plan must include a timetable for accomplishing all such work and any other measures as are appropriate to prevent adverse environmental impacts and ensure compliance with this Consent Order and with all applicable statutes and regulations. It is understood by the Commissioner that the actual work of placing any stone on or near the groin and on or near the City of Stamford's 18" diameter stormwater discharge pipe, which is located within the confines of the stone groin, will be undertaken by the City of Stamford, Office of Operations – Stormwater Management Department. Respondents will provide the material for such work and access to the work site location. Respondents agree to provide 48-hours advance notice to the Commissioner of the date such work will commence. Such notice shall be provided by electronic mail as directed in paragraph B.23 of this Order. Respondents shall submit final certification to the Commissioner upon the completion of the work in the approved plan.
2. Remaining Stone. Any stone originally placed as part of the unauthorized, approximately 80 linear-foot-long row of stone described in paragraph A.3.c. of this Order shall remain on the site as displaced by tides and storms and may not be removed, moved, or placed in any manner without authorization from the Commissioner except as identified in the plan to be submitted to and approved by the Commissioner in accordance with paragraph B.1 of this Order.
3. No Additional Work. Respondents shall not conduct any work waterward of the coastal jurisdiction line or in tidal wetlands at the site without prior written authorization of the Commissioner in accordance with CGS sections 22a-361 and 22a-32.
4. 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 satisfaction of the Commissioner.
5. Penalty for past violations. On or before 30 days after issuance of this Consent Order, the Respondents shall pay a civil penalty of Three Thousand Five Hundred Dollars (\$3,500) for the violations of CGS section 22a-361 described in paragraph A.3., above.

6. Supplemental Environmental Project. Respondents shall fund the following supplemental environmental project and make payment as follows:
 - a. The Respondents have agreed to fund a supplemental environmental project ("SEP") or projects as selected by the Department according to its February 15, 1996 "Policy on Supplemental Environmental Projects." Therefore, on or before thirty (30) days after the date of issuance of this Consent Order, the Respondents shall pay Three Thousand Five Hundred Dollars (\$3,500) to the Statewide SEP Account. The payment shall be mailed or personally delivered to the Department of Energy & 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 the "Treasurer, State of Connecticut," with notation thereon "Statewide SEP Account" and "Consent Order No. LIS-2018-3959-V."
 - b. If the Respondents fails to fund the SEP in accordance with subparagraph 6.a. above, the Respondents shall immediately pay a civil penalty of \$3,750. The Respondents shall pay such civil penalty in accordance with the provisions of paragraph B.7. of this Consent Order.
 - c. The Respondents shall not claim or represent that any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and the Respondents shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
 - d. If and when the Respondents disseminate any publicity, including but not limited to any press releases regarding funding a SEP, the Respondents shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
7. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to the "Connecticut Department of Energy & Environmental Protection," Financial Management Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Connecticut Department of Energy & Environmental Protection. The check shall state on its face, "Land and Water Resources Division, Consent Order No. LIS-2018-3959-V."
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 the 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 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 of Energy & Environmental Protection or an agent of the Commissioner. The date of "issuance" of this Consent Order is the date the Order is deposited in the mail or personally delivered to the Respondents, whichever is earlier.
10. Dates. 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 personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this Consent Order, the word "day" as used in this Order means calendar day. Any document or action which is required by this Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal legal holiday shall be submitted or performed on or before 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 are not individuals, by Respondents' chief executive officers or a duly authorized representatives of such officers, 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:

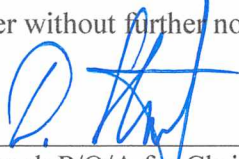
"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate 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."

12. Notification of noncompliance. In the event that Respondents become aware that they 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 the Commissioner 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. In so notifying the Commissioner, Respondents shall state in writing 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. The Commissioner's approval of any revised compliance dates shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
13. 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 Respondents to an injunction and penalties under Chapters 439, and 446i of the General Statutes.
14. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense in accordance with CGS section 22a-6, under CGS section 53a-157b.
15. Notice of transfer; liability of Respondents and others. Until Respondents have fully complied with this Consent Order, Respondents shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the site, structures, obstructions, encroachments, fill, operations or facilities which are the subject of this Consent Order, or obtaining a new mailing or location address. Respondents' obligations under this Consent Order shall not be affected by the passage of title to the site to any other person or municipality. A future owner of the site may be subject to the issuance of an Order from the Commissioner.
16. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any action to prevent or abate violations of law, prevent or abate pollution, recover costs and damages for adverse impacts to natural resources and to impose penalties for violations of law, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this Consent Order have not successfully corrected all violations, the Commissioner may institute any proceeding to require Respondents to undertake further investigation or further action to correct violations.

17. Respondents' obligations under law. Nothing in this Consent Order shall relieve Respondents of other obligations under applicable federal, state and local law.
18. No assurance by Commissioner. No provision of this Consent Order or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the corrective actions taken by Respondents pursuant to this Order will result in compliance with regard to any statute, regulation, permit, order or other authorization not identified hereunder.
19. Access to site. Any representative of the Department of Energy & 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.
20. No effect on rights of other persons. This Consent Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order.
21. Notice to Commissioner of changes. Within fifteen days of the date Respondents become 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.
22. Joint and Several Liability. The Respondents shall be jointly and severally liable for compliance with this Consent Order.
23. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Kevin Zawoy
Department of Energy & Environmental Protection
Land and Water Resources Division
79 Elm Street
Hartford, CT 06106-5127
(860) 424-3626
Fax # (860) 424-4054
Kevin.zawoy@ct.gov


Respondents consent to the issuance of this Consent Order without further notice.



Detlef Stroeh P/O/A for Christian Stroeh
4-15-2020

Date

AND



Detlef Stroeh P/O/A for Antonia Stroeh
4-15-2020

Date

Issued as a final order of the Commissioner of Energy & Environmental Protection on
May 19, 2020.



Betsey C. Wingfield
Deputy Commissioner



Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

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Certification of Mailing

On _____, 2020, at _____ a.m./p.m., I mailed a certified copy of Consent Order No. LIS-2018-3959 to the following, by placing it in the U.S. mail/interdepartmental mail:

Name of person mailing

Title: _____

Date: _____