



STATE OF CONNECTICUT

V.

JOHN F. CONDON, JR.

*I certify that this document is a true copy of a record
(original or photocopy, whichever is applicable)
on file at the Department of Energy and Environmental Protection.*

[Handwritten Signature]
Signature (Your title), Department of Energy and Environmental Protection

CONSENT ORDER

- A. With the agreement of John F. Condon, Jr., (“Respondent”) the Commissioner of Energy and Environmental Protection (“the Commissioner”) finds:
1. William Lynch formally owned the property located at 1117 North Grand Street in Suffield, Connecticut (“the Site”), more fully described in a deed which is recorded on page 287 of volume 104 of the Town of Suffield land records, also identified as lot 17 on map 20 in the Town of Suffield Tax Assessor’s office.
 2. William Lynch owned and operated an above-ground storage tank system at the site for the purposes of dispensing home heating fuel (petroleum hydrocarbons) from approximately 1963 to 2008.
 3. William Lynch is responsible for the pollution of groundwater that has occurred or can reasonably be expected to occur at the site as a result of the release of petroleum hydrocarbons from the said above-ground storage tank system. The raw influent well water supply serving the site is polluted with extractable total petroleum hydrocarbons (ETPH) and an unacceptable petroleum hydrocarbon odor threshold.
 4. The Commissioner of Public Health has determined that the pollution creates or can reasonably be expected to create an unacceptable risk of injury to the health or safety of persons using such groundwater as a public or private source of water for drinking or other personal or domestic uses.
 5. William Lynch’s homeowner’s insurance carrier paid for the installation of a granular activated carbon (GAC) filter system at 1117 North Grand Street in Suffield on August 30, 2005, for the purpose of removing petroleum hydrocarbons. The Department has determined that the installation, continued monitoring, and maintenance, including but not limited to filter and sediment cartridge replacements of the GAC filter system is an acceptable long-term water supply alternative for 1117 North Grand Street.
 6. On May 4, 2008, William Lynch died.
 7. On July 7, 2008, Cynthia Lynch was appointed executrix of the Estate of William Lynch by the Court of Probate for the District of Suffield.
 8. On or about May 14, 2012, the Estate of William Lynch sold the property at 1117 North Grand Street in Suffield to the Respondent, John F. Condon, Jr.

B. Pursuant to Sections 22a-6, 22a-424 and 22a-471 of the Connecticut General Statutes, the Commissioner orders Respondent as follows:

1. a. Respondent shall continue to provide a long-term potable drinking water supply, by monitoring and maintaining the GAC filter system serving the following property:

<u>Town of Suffield</u>	<u>Last known name of owner or occupant</u>
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1117 North Grand Street	John F. Condon, Jr.
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b. Respondent shall provide long-term potable drinking water to the property required by this consent order in accordance with the following:

- (1) Respondent shall monitor and maintain the approved treatment system in accordance with Attachment A of this consent order and any revision to Attachment A including monitoring and maintenance of the GAC filter system required by paragraphs B.1.b. (2), (3), (4), and (5) and B. 1.c. of this consent order.
- (2) Potable drinking water shall be provided to the property at 1117 North Grand Street for the duration of pollution of the ground waters. Provision of potable drinking water may be terminated, with the prior written approval of the Commissioner, when a minimum of twelve consecutive monthly samples of the raw influent groundwaters indicate that the level of ETPH or petroleum hydrocarbon odor has not been detected in the water supply at a level that the Commissioner of the Department of Public Health has determined represents an unacceptable risk to persons drinking the water.
- (3) The minimum duration for semi-annual monitoring of the raw influent drinking water shall be two years. Semi-annual monitoring of the raw influent drinking water for ETPH and odor threshold relating to petroleum hydrocarbons may be terminated with the prior written approval of the Commissioner when the odor threshold relating to petroleum hydrocarbons and ETPH, as determined by the Commissioner of Public Health, has not been exceeded at any time during the semi-annual sampling periods ending no sooner than two years following commencement of the semi-annual monitoring and, at which time, the monitoring frequency may be reduced to annual for three years.

- (4) Annual testing shall be conducted during a period of the year specified by the Commissioner. If the odor threshold relating to petroleum hydrocarbons and ETPH does not exceed a level for which the Commissioner of Public Health has determined, as of the time of the most recent sampling, creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other personal or domestic uses ("then current action level") during the three-year duration of annual samplings, monitoring for the particular supply may be terminated with the prior written approval of the Commissioner of Energy and Environmental Protection. The Commissioner will not grant such approval unless the Commissioner determines that the level of ETPH or petroleum hydrocarbon odor is below a level that the Commissioner of the Department of Public Health has determined represents an unacceptable risk to persons drinking the water.
 - 5) The monitoring of treated water for odor threshold relating to petroleum hydrocarbons and ETPH, which exceed a level for which the Commissioner of Public Health has determined, as of the time of the most recent sampling, creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other personal or domestic uses ("then current action level"), shall be resampled within five days of Respondent's receipt of the sample results. If exceedance of such level is confirmed, Respondent shall provide short-term potable drinking water supply in accordance with paragraph B.1.c. of this consent order. If the retest does not confirm the exceedance of such level, a third sample shall be taken within five days of Respondent's receipt of the results, and if two of the three tests show that such level is exceeded, Respondent shall provide short-term potable drinking water supply in accordance with paragraph B.1.c. of this consent order.
- c. In the event that the GAC filter system serving the property identified in paragraph B.1.a. of this consent order fails, resulting in non-potable water at the tap, Respondent shall provide a short-term supply of potable drinking to the occupants of the site in accordance with the following:
- (1) Respondent shall provide one (1) gallon per day of bottled water to the person or persons served by the well within 24 hours after notification is received from the Commissioner that a short-term supply of potable water is required or within 24 hours after an exceedance is confirmed pursuant to paragraph B.1.b.(5) of this consent order, whichever is earlier.
 - (2) Bottled water shall be delivered on a regular basis by a company licensed to sell bottled water by the State of Connecticut until the GAC filter system is operating properly pursuant to paragraph B.1.b.(1) of this consent order.

- (3) Semi-annual monitoring and, thereafter, annual monitoring shall be reinstated as described in paragraphs B.1. b. of this consent order unless the then current action level for ETPH and odor threshold relating to petroleum hydrocarbons, are exceeded, as determined by the Department of Public Health in which case the supply shall be monitored and further actions taken in accordance with paragraphs B.1.b.(5) and B.1.c. of this consent order.

3. Test results.

- a. Respondent shall assure that all laboratory reports of results of any well testing required by this consent order are submitted in writing to the occupants, the Commissioner of Energy and Environmental Protection, the Commissioner of Public Health and the North Central Health District Director of Health within **thirty (30) days** after taking a sample or within **five (5) days** of receipt of such results by Respondent, whichever is sooner.
- b. Respondent shall assure that all results of any well testing required by this consent order are submitted in writing to the occupants of the site with a statement identifying which, if any, parameters exceed the then current action level for any unacceptable odor threshold relating to petroleum hydrocarbons and ETPH exceeding a level which the Commissioner of Public Health has determined, as of the time of the most recent sampling, creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other personal or domestic uses ("then current action level"). A copy of the statement submitted to the property owner and occupants shall be sent to the Commissioner within **five (5) days** of the date it is mailed to the property owner and occupants.
4. Progress reports: On or before the last day of April and October or each year after the issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
5. 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.
6. Standard for potable drinking water. All potable drinking water which is provided pursuant to this consent order shall be of a quality which meets all standards specified in the Regulations of Connecticut State Agencies, including Sections 19-13-B101 and 19-13-B102, as amended, and which the Commissioner of Public Health has determined does not create an unacceptable risk of injury to the health or safety of persons using such water as a public or private source of water for drinking or other personal and domestic uses.

7. Sampling and sample analyses. All sampling and 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 semi-annual and annual sampling analyses. Unless approved in writing by the Commissioner, all samples analyses performed under this consent order for ETPH and petroleum hydrocarbon odor shall be performed in accordance with the Connecticut Extractable Total Petroleum Hydrocarbons method, and the Standard Method's test 2150 for odor. All other sampling and sample analyses performed under this consent 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 40 CFR 136. 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 Analytical Detection Limit as defined in Section 22a-133k-1(a)(1) of the Regulations.

8. Approvals.
 - A. 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 **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.

 - B. 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 purpose of this consent order.

9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner of the Department of Energy and Environmental Protection. 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.

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 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 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 Respondent or Respondent's chief executive officer 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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

12. Noncompliance. This order is a consent 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.

13. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under Section 53a-157b or Section 22a- 438 of the Connecticut General Statutes and any other applicable law.

14. Liability of the Respondent and others. The 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.

15. Commissioner's powers. 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 the Respondent pursuant to this consent order have not fully characterized the extent or degree of any pollution, or have not successfully provided potable drinking water to all persons affected, the Commissioner may institute any proceeding to require the Respondent to undertake further investigation or further action to provide potable drinking water.
16. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and, to the extent local law is consistent with this consent order, 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 the Respondent 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 residential address with 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 **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.
21. 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.

22. Submission of documents. Any document required to be submitted to the Commissioner under this order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Ms. MaryAnne Danyluk
Department of Energy and Environmental Protection
Bureau of Water Protection and Land Reuse
Remediation Division
79 Elm Street
Hartford, Connecticut 06106-5127

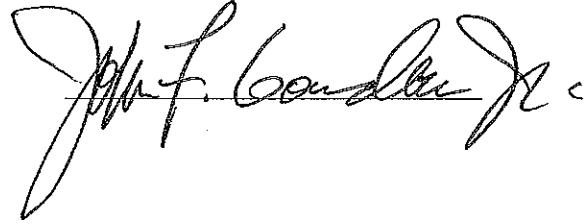
23. Submission of documents to DPH. Any document required to be submitted to the Commissioner of Public Health under this consent order shall, unless otherwise specified in writing by the Commissioner of Public Health, be directed to:

Ms. Lori Mathieu
Department of Public Health
Drinking Water Section
450 Capitol Ave., MS#51WAT
P.O. Box 340308
Hartford, Connecticut 06134-0308

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

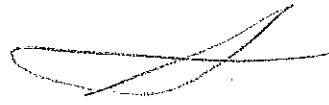
RESPONDENT

5/10/12
Date



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

5/10/12
Date


FOR Daniel C. Esty
Commissioner

CONSENT ORDER NO.- 221
TOWN OF SUFFIELD
DISCHARGE CODE J

ATTACHMENT A

Installation, Monitoring and Maintenance Requirements for GAC Filter Systems

1. Specifications for Installation

Unless otherwise specified or approved by the Commissioner, the GAC Filter System must consist of two (2) granular activated carbon filters (each containing a minimum of 1 cubic foot of carbon) operating in series, and appurtenances to include a prefilter, flow restrictor, flow meter, three (3) sampling taps, a minimum of two (2) pressure gauges and any necessary pretreatment as described below. The GAC Filter System must be installed following one of the two options shown on the last page of this attachment. In addition, a minimum of four (4) replacement sediment filter cartridges and written instructions for replacement must be supplied to the occupant at the time of installation.

GAC Filter Units -	Shall use virgin granular activated carbon such as Calgon Filtrasorb 300, Calgon Filtrasorb 400 or the equivalent.
Prefilter -	Shall be a cartridge type solids/sedimentation filter installed ahead of the filter units. A media type prefilter requiring backwashing is not acceptable. A minimum of four (4) replacement cartridges and written instructions for replacement must be supplied to the occupant.
Flow Restrictor -	Shall be sized in conjunction with the size of the GAC Unit.
Flow Meter -	Capable of measuring flow in gallons per minute (gpm) and totalizing flow (total gallons pumped).
Sampling Taps -	Shall be lead free and installed with a minimum of 10 inches clearance below the spout. A waterproof label must be affixed to each tap identifying the tap location (ie. raw water, after GAC filter #1, after GAC filter #2).

Pressure Gauges-

Shall be installed after each GAC canister and on or in-line after the pressure tank if one is not located on the pressure tank. The gauges must be capable of measuring water pressure in pounds per square inch (psi), ranging from 1 psi to 100 psi.

Pretreatment -

Required when iron exceeds 0.3 ppm or manganese exceeds 0.05 ppm in the raw water. A chemical free iron/manganese removal system must be installed prior to the GAC filter units as pretreatment unless another system is approved in writing by the Commissioner. A sampling tap and pressure gauge must be installed after the pretreatment but prior to the GAC filter units. A waterproof label must be affixed to the tap identifying the tap location.

If backwashing is needed due to the design of the pretreatment system:

- A) Raw (untreated) water may be used for the backwash cycle only if the discharge is to the sanitary sewer.
 - B) If the backwash is to be discharged to the ground (via septic system or dry well) GAC treated water must be used for the backwash cycle. This requires:
 - 1) The GAC filter be installed before the pressure tank in order to provide treated water for backwashing (the GAC filter must be sized according to the level of contamination and the well pumping rate)
- OR
- 2) If the GAC filter is installed after the pressure tank, a second pressure tank must be installed after the GAC filter in order to provide treated water for backwashing.

2. Monitoring

- A) Immediately after filter installation:
 - (1) Sample and analyze raw water for volatile organic compounds (following EPA method 524.2), coliform bacteria, pH, iron and manganese

- (2) Sample water after the Pretreatment Unit (if installed) and analyze for iron and manganese.
 - (3) Sample treated water after each GAC filter and analyze for volatile organic compounds (following EPA method 524.2) and coliform bacteria.
- B) During filter operation until breakthrough:
- (1) The raw water and first treated tap must be sampled and analyzed for volatile organic compounds (following EPA method 524.2) and coliform bacteria according to the following schedule unless the Commissioner specifies or approves an alternative schedule:

Raw water - quarterly
Treated water between GAC filters - monthly
- C) Immediately after filter replacement:
- (1) The taps after both GAC filters must be sampled and analyzed for volatile organic compounds (following EPA method 524.2) and coliform bacteria
 - (2) Within 30 days of filter replacement following the first breakthrough, defined as the detection of any volatile organic compound above the quantification limit in any sample collected after the carbon filters, submit for the Commissioner's review and written approval a plan including a schedule for the routine replacement of carbon filters and for monitoring the effectiveness of the GAC Filter System. Respondent must implement the approved plan in accordance with the approved schedule.

3. Maintenance

Respondent is required to maintain the GAC filter system in good working condition. Maintenance includes but is not limited to:

- A. Replacing the carbon filter- Upon breakthrough after the first carbon filter, the second filter must be moved to the first carbon filter position and a new carbon filter placed into the second filter position.
- B. Disposal of spent carbon in accordance with all applicable federal, state and local laws.
- C. Inspection and service of system components including but not limited to, the flow meter, flow restrictor, sampling taps, valves and pretreatment

systems.

- D. Proper disinfection following any service or maintenance of the filter system.
- E. Providing replacement pre-filters.

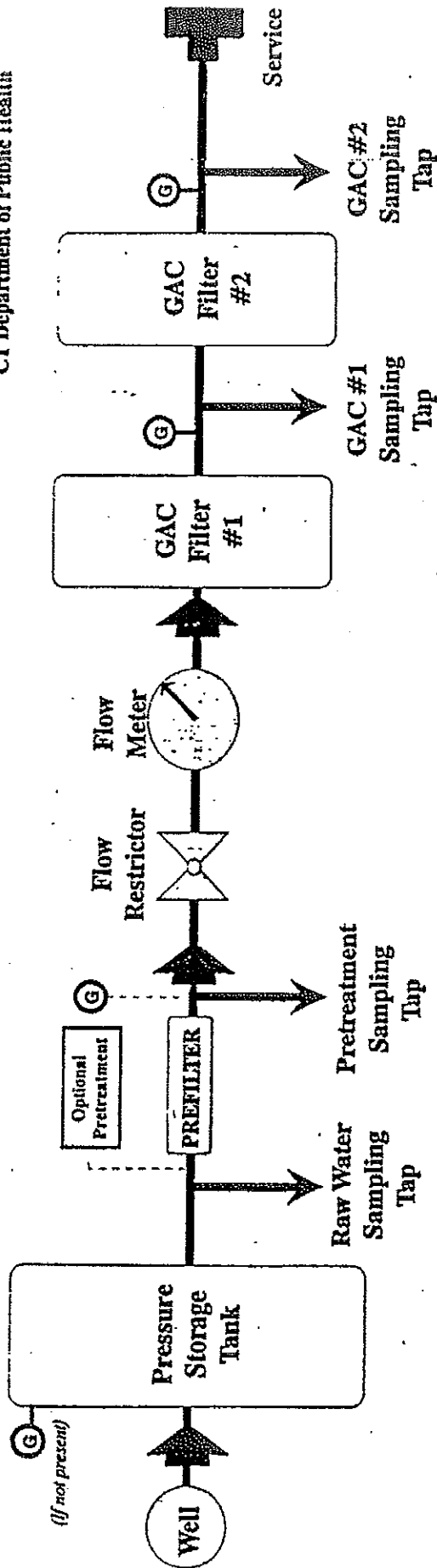
Emergency repair service must be provided within 24 hours of notification that it is needed.

Rev. 3/21/97

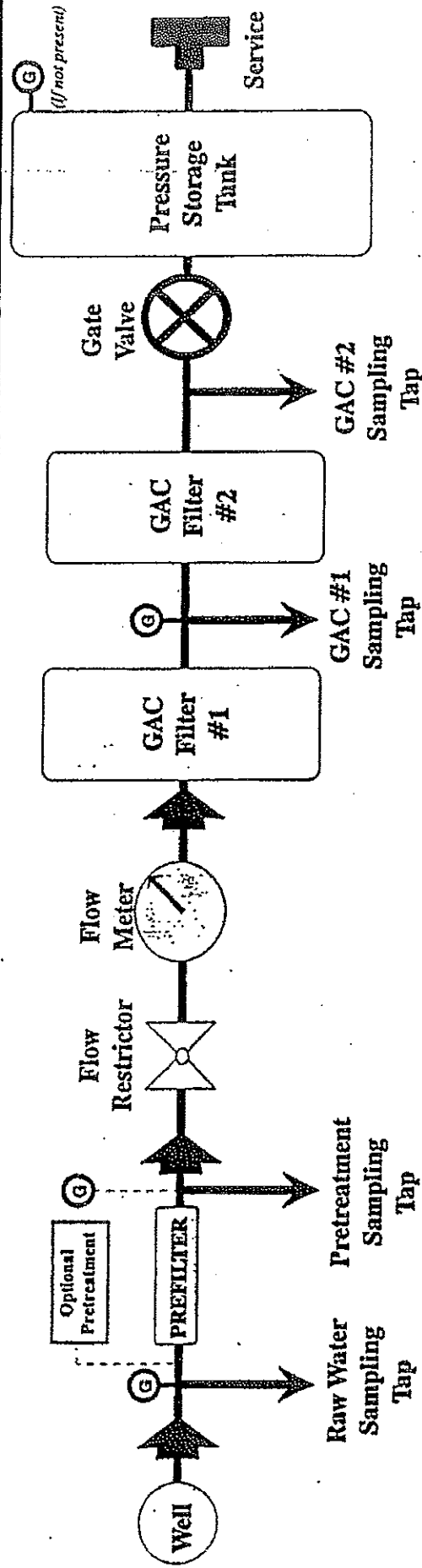
ATTACHMENT I

GRANULAR ACTIVATED CARBON FILTER SYSTEMS

Adapted from:
Water Supply Section
CT Department of Public Health



Option #1 - GAC Filter installed after the pressure storage tank.



Option #2 - GAC filter installed before the pressure tank

NOTE: G = Pressure Gauge