

STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT :  
V. :  
Natural Country Farms, Inc. :

CONSENT ORDER No. WC-5691

Date of Issuance: September 14, 2010

A. With the agreement of Natural Country Farms, Inc. ("Respondent"), the Commissioner of Environmental Protection ("the Commissioner") finds:

1. Respondent is a corporation located at 58 West Road, Ellington, Connecticut ("the site").
2. On September 18, 2008, the Commissioner issued pretreatment Permit No. SP0002418 ("Permit") to the Respondent for the discharge of wastewater generated from food processing activities.
3. On September 24, 2009, staff of the Department of Environmental Protection's ("Department") Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division ("WPED") conducted an inspection of the site ("inspection").
4. Based on the results of the inspection, the Respondent has:
  - i. Exceeded the effluent limitations for pH for discharge serial number DSN 201-1 in Section 4, Table A of the Permit on multiple occasions from October 2008 through December 2009;
  - ii. Discharged a substance with a pH less than 5.0 Standard Units ("S.U.") to the Publicly Owned Treatment Works ("POTW") on three occasions in violation of Section 22a-430-4(t)(2)(B) of the Regulations of Connecticut State Agencies ("RCSA");
  - iii. Failed to notify the Director of exceedances of the pH limits as required by Section 6 (C) of the Permit; and
  - iv. Violated sample collection, preservation, handling, and/or analytical techniques required by Section 4, Table A of the Permit and by RCSA Section 22a-430-3(j)(7) as follows:
    - i. failed to collect samples using required methods for the following parameters: oil & grease (total and hydrocarbon fraction) and total residual chlorine;

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- ii. failed to preserve samples using required holding times for total residual chlorine analysis; and
    - iii. failed to preserve samples using required preservatives for analysis of metals.
  - 5. On November 30, 2009, the Department issued Notice of Violation ("NOV") No. WRIN09061 to the Respondent for the violations described in paragraph A.4.
  - 6. In correspondence received December 31, 2009 and January 22, 2009, the Respondent provided a proposed implementation schedule to install updates to the treatment system in order to ensure compliance with pH effluent limits.
  - 7. A review of the Discharge Monitoring Reports (DMRs) and exceedance notifications submitted by the Respondent indicated exceedances of the maximum daily flow limitation in Section 4, Table A of the Permit on multiple occasions from October 2008 through September 2009, and exceedances of pH limitations on four occasions from June through August 2010.
  - 8. By virtue of the above, the Respondent has created or is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the state.
  - 9. By agreeing to the issuance of this consent order, the Respondent makes 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, A.6 and A.7.
- B. With the agreement of Respondent, the Commissioner, acting under §22a-6, §22a-424, §22a-425, §22a-427, §22a-430, and §22a-438 of the Connecticut General Statutes, orders Respondent as follows:
- 1. Respondent has notified the Commissioner that the Respondent has retained Williams Environmental Services, LLC as their consultant to oversee and/or perform the actions required by paragraphs B.2 and B.3 of this consent order. Respondent shall retain a consultant(s) at least until paragraphs B.2 and B.3 of this consent order are fully complied with, and, within ten days after retaining any consultant other than the one(s) originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained to implement and oversee the actions required by this consent order shall be a qualified professional engineer(s) licensed to practice in Connecticut. The Respondent shall submit to the Commissioner a description of a consultant's education, experience and training that is relevant to the work required by this consent order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
  - 2. On or before **sixty (60)** days after issuance of this consent order, Respondent shall submit to the Department for the Commissioner's review and written approval the

complete plans and specifications ("plans") for modifications to the pH adjustment and discharge control system.

3. On or before **one hundred and twenty (120)** days after the Department has issued the approval for the plans, Respondent shall implement the approved modifications to the treatment system and send a written certification to the Department indicating the installation is complete.
4. 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.
5. Penalty. Respondent agrees to the assessment of a civil penalty of **thirty-seven thousand dollars (\$37,000)** as the total civil penalty to be sought by the Commissioner for past violations described in paragraphs A.4 and A.7 of this consent order to be satisfied by the following:
  - a. On or before **thirty (30)** days after issuance of this consent order, Respondent shall pay a penalty of **twelve thousand dollars (\$12,000)**.
  - b. Supplemental Environmental Project. In addition to the penalty referenced in paragraph B.5.a, Respondent has agreed to fund the following supplemental environmental project ("SEP") or make payment as follows:
    - i. On or before **thirty (30)** days after the date of issuance of this consent order, Respondent shall pay **twenty-five thousand dollars (\$25,000)** to the North Central Conservation District ("NCCD") and shall certify in writing to the Commissioner that such payment was made. The SEP funds shall be used by the NCCD to improve water quality through implementation of recommended management measures as described in the Broad Brook Watershed Based Plan in accordance with the Memorandum of Understanding between the Department and NCCD included as Attachment A to this consent order.
    - ii. If Respondent fails to fund the SEP in accordance with paragraph B.5.a., Respondent shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment for unexpended SEP funds equal to: **twenty-five thousand dollars (\$25,000)**; plus either 10% or \$2,500, whichever is greater. Within fourteen (14) days after the date of the Commissioner's written request, Respondent shall pay such unexpended SEP funds by certified or bank check payable to "Treasurer State of Connecticut" and the check shall state on its face "Statewide SEP Account, Consent Order No. WC-5691." Respondent shall mail or personally deliver such payment to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.
    - iii. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall

include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.

- iv. Respondent 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 Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
  - v. In the event that any SEP funds paid by the Respondent are not fully expended in accordance with the Memorandum of Understanding, the Department may use the unexpended SEP funds for additional SEP(s) consistent with its "Policy On Supplemental Environmental Projects."
6. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of 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 "Treasurer, State of Connecticut." The check shall state on its face, "***Bureau of Materials Management and Compliance Assurance, Water Permitting and Enforcement Division***, civil penalty, Consent Order WC \_\_\_\_\_. A copy of any check used for payment and any transmittal letter for such a payment shall also be sent to the individual identified in paragraph B.21 of this consent order.
  7. 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.
  8. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
  9. 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.

10. 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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."


11. 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 Respondent to an injunction and penalties.
12. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
13. 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 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.
14. 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.

15. Respondent's obligations under law. Nothing in this consent order shall relieve the Respondent of other obligations under applicable federal, state and local law.
16. 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.
17. Access to site. Any representative of the Department of Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
18. 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.
19. 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.
20. 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.
21. 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:

Sarah Ely, Sanitary Engineer 1  
Department of Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division  
79 Elm Street, 2<sup>nd</sup> floor  
Hartford, Connecticut 06106-5127

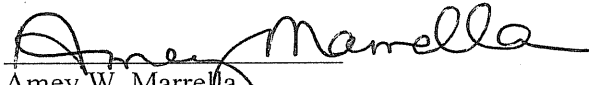
Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order. A corporate resolution granting such authorization is attached hereto as Exhibit A.

Natural Country Farms, Inc.

BY:   
Dennis Timmerman  
Vice President of Operations

9/11/10  
Date

Issued as a final order of the Commissioner of the Department of Environmental Protection.

  
Amey W. Marrella  
Commissioner

9/13/10  
Date

DEP/WPC 048-002  
TOWN OF ELLINGTON LAND RECORDS

## EXHIBIT A



Certificate of Corporate Secretary

I, Jeffrey E. Ginsberg, Secretary of Natural Country Farms, Inc., do hereby certify that on August 25, 2010, the following resolution was duly approved at a meeting of the Board of Directors of Natural Country Farms, Inc.

Resolved:

That Dennis Timmerman, Vice President of Operations, of Natural Country Farms, Inc. is hereby authorized to enter into a certain administrative consent order between the State of Connecticut, Department of Environmental Protection and Natural Country Farms, Inc., on behalf of the Corporation;

[Corporate Seal]

Date: August 30, 2010

Signature: \_\_\_\_\_

Jeffrey E. Ginsberg  
Secretary  
Natural Country Farms, Inc.

Acknowledgement of Corporate Secretary:

State: **Stephanie L. Field**  
**Notary Public, State of New York**  
County: **No. 01FI6203247**  
**Qualified in New York County**  
**Commission Expires March 30, 2013**

SS. \_\_\_\_\_

On this, the 30<sup>th</sup> day of August, 2010, before me, Stephanie L. Field the undersigned officer, personally appeared Jeffrey E. Ginsberg of Natural Country Farms, Inc., who acknowledged him/herself to be the Secretary, Natural Country Farms, Inc., being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by him/herself as Secretary.

In witness whereof I hereunto set my hand.

Signature: \_\_\_\_\_

Notary Public

Date Commission Expires: March 30, 2010

Corporate Resolution

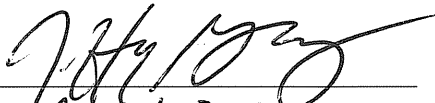
Natural Country Farms, Inc.

I, Jeffrey E. Ginsberg, Secretary of Natural Country Farms, Inc., do hereby certify that on August 25, 2010, Dennis Timmerman was employed by Natural Country Farms, Inc., and that he remains as Vice President of Operations at this time.

I further certify that as such Dennis Timmerman, is duly authorized by Action by Written Consent of the Board of Directors of Natural Country Farms, Inc. to execute, in the name of Natural Country Farms, Inc., any and all contracts and other written obligations, including, but not limited to administrative consent orders with the Connecticut Department of Environmental Protection with respect to environmental matters. In addition, such Dennis Timmerman is duly authorized by Action by Written Consent of the Board of Directors of Natural Country Farms, Inc. to submit documents to the Department of Environmental Protection on behalf of the company.

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

  
August 30, 2010

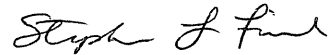
[Seal]

**Stephanie L. Field**  
**Notary Public, State of New York**  
**No. 01F16203247**  
**Qualified in New York County**  
**Commission Expires March 30, 2013**

Subscribed and sworn to before me this 30<sup>th</sup> day of August, 2010.

Notary Public

My Commission Expires: March 30, 2013

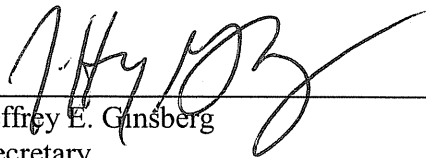


**CERTIFICATE OF CORPORATE SECRETARY**

**NATURAL COUNTRY FARMS, INC.**

I, Jeffrey E. Ginsberg, Secretary of Natural Country Farms, Inc. ("Natural Country"), do hereby certify that on August 25, 2010, the resolutions attached hereto as Exhibit A were duly approved through an Action by Written Consent of the Board of Directors of Natural Country.

Date: August 30, 2010

  
\_\_\_\_\_  
Jeffrey E. Ginsberg  
Secretary  
Natural Country Farms, Inc.

**Acknowledgment of Corporate Secretary**

State of New York

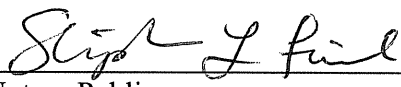
County of New York

ss. \_\_\_\_\_

On this, the 30<sup>th</sup> day of August, 2010, before me, Stephanie L. Field, the undersigned officer, personally appeared JEFFREY E. GINSBERG, who acknowledge himself to be the Secretary of Natural Country Farms, Inc., and who being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of such corporation by himself as Secretary.

In witness whereof I hereunto set my hand.

**Stephanie L. Field**  
**Notary Public, State of New York**  
**No. 01F16203247**  
**Qualified in New York County**  
**Commission Expires March 30, 2013**

  
\_\_\_\_\_  
Notary Public  
Date Commission Expires: March 30, 2010

**ACTION BY WRITTEN CONSENT OF THE BOARD  
OF DIRECTORS OF NATURAL COUNTRY FARMS, INC.**

The undersigned, being all of the members of the Board of Directors of Natural Country Farms, Inc., a Delaware corporation (the "Company"), in accordance with Section 141 of the Delaware General Corporation Law, do by this writing individually and collectively consent to the following actions being taken without the convening of a formal meeting:

WHEREAS, the Company has negotiated a Consent Order (the "Consent Order") with the State of Connecticut Department of Environmental Protection (the "CTDEP"), the entrance into which would resolve certain violations by the Company of effluent limitations, discharge standards, notification requirements and sample collection, preservation, handling and analysis requirements associated with the Company's wastewater system and its pretreatment permit issued by the CTDEP for wastewater discharge;

WHEREAS, the undersigned believe that it is in the best interests of the Company to enter into the Consent Order and to perform all obligations thereunder;

NOW, THEREFORE, BE IT:

RESOLVED, that the form, terms and conditions of the Consent Order, substantially in the form annexed hereto as Exhibit A, with such changes as Thomas A. Kolb, who currently serves as Senior Vice President and Chief Financial Officer of the Company, and Dennis Timmerman, who currently serves as Vice President of Operations of the Company (the "Authorized Officers"), or any one of them, may deem to be in the best interests of the Company, be and they hereby are, authorized and approved in all respects, and all prior acts of the Authorized Officers on behalf of the Company or any one of them in connection with the negotiation and drafting of the Consent Order are hereby ratified and confirmed in all respects as the acts of the Company;

FURTHER RESOLVED, that the Authorized Officers, or any one of them, be, and they hereby are, authorized to execute, deliver and enter into the Consent Order;

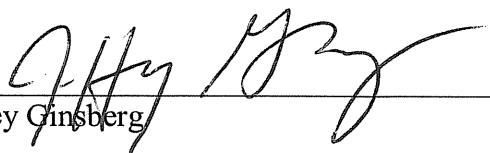
FURTHER RESOLVED, that the Authorized Officers, or any one of them be, and they hereby are, authorized, for and on behalf of the Company, to negotiate, execute, certify, deliver, file and record any and all agreements, certificates, documents, and instruments and do or cause to be done any and all such other acts and things as they, or any of them, may deem necessary or advisable to perform the obligations of the Company under the Consent Order, and to otherwise make effective or to implement the intent and purposes of the foregoing resolutions, and any such document so executed or act or thing done or caused to be done by them, or any of them, shall be conclusive evidence of their or his authority in so doing; and

FURTHER RESOLVED, that any other action of the Authorized Officer or any of the other officers of the Company with regard to the matters described herein that have been taken prior to the date hereof are hereby ratified and approved as acts of the Company.

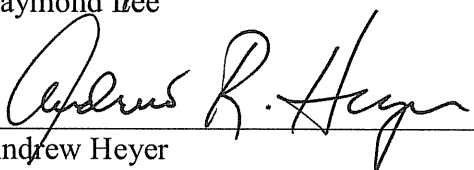
For the convenience of the undersigned, this Action By Written Consent may be executed in counterparts and by facsimile signature, and each such executed counterpart shall be deemed to appear on all such counterparts and each such facsimile signature shall be deemed an original signature.

IN WITNESS WHEREOF, this Action By Written Consent shall be effective as of August 25, 2010.

**DIRECTORS:**

  
\_\_\_\_\_  
Jeffrey Ginsberg

  
\_\_\_\_\_  
Raymond Lee

  
\_\_\_\_\_  
Andrew Heyer

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NOTARY PUBLIC IDENTIFICATION CARD

County **KING** Registration No. **01FI6203247**  
Valid from **03/30/2009** to **03/30/2013**

**FIELD STEPHANIE L**

This is to certify that the bearer is a duly sworn and commissioned  
Notary Public for the term shown as a constitutional officer of the  
State of New York.

**N SUNSHINE**  
County Clerk

**LORRAINE A.**  
**CORTES-VAZQUEZ**  
Secretary of State

Any question may be directed to:

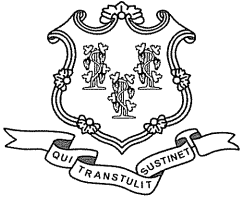
New York State Department of State,  
Division of Licensing Services  
P.O. Box 22001  
Albany, NY 12201-2001  
(518) 474-4429

Change of Address

**New York State Residents:** Please notify the Department  
of State and your county of any change in your home  
address.

**Nonresidents:** Please notify the Department of State and  
your county of any change in your business address in New  
York State.

## ATTACHMENT A



# STATE OF CONNECTICUT

## DEPARTMENT OF ENVIRONMENTAL PROTECTION



### **Memorandum of Understanding Between the Department of Environmental Protection and North Central Conservation District**

This Memorandum of Understanding ("MOU") is made and concluded in Hartford, Connecticut by and between the Connecticut Department of Environmental Protection ("Department"), represented by Amey Marrella, Commissioner ("Commissioner") and North Central Conservation District ("NCCD"), represented by John M. Collins, Chairman, North Central Conservation District. The purpose of this memorandum is to document the understanding between the parties regarding the completion of a supplemental environmental project ("SEP") to be funded by a donation to NCCD by Natural Country Farms, Inc. The SEP consists of planting a riparian buffer along river corridors as identified in the CWA 319 9 Element 2010 Broad Brook Watershed Based Plan ("Watershed Based Plan"), finalized by Natural Resource Conservation Services ("NRCS") in May, 2010 or other prioritized measure as described in the Watershed Based Plan and approved by DEP.

Whereas, Natural Country Farms, Inc. has agreed, pursuant to administrative consent order –WC5691 ("Consent Order") with the Department, to provide payment in the amount of twenty-five thousand dollars (\$25,000) directly to NCCD to fund a supplemental environmental project ("SEP") and;

Whereas, consistent with the Watershed Based Plan, the Department is seeking to improve water quality through implementation of recommended management measures as described in the Watershed Based Plan and;

Whereas, a proposal for performing such SEP has been submitted by NCCD and approved by the Department.

Now, therefore, the Department and NCCD agree as follows:

#### **The Department agrees to:**

1. Provide technical assistance as needed.

#### **NCCD agrees to:**

1. Within three (3) business days from the date of receipt of SEP funds under this MOU, notify the Commissioner in writing of the amount of such funds that were received and deposit such funds in a federally insured, interest bearing account. Such SEP funds, including any interest accruals, shall be kept separate from all other assets or accounts held by NCCD and used solely for the purposes of fulfilling NCCD's obligations under this MOU.
2. Perform the project to its fullest detail as approved. The project shall be fully implemented by no later than eighteen months from the issuance of the Consent Order.
3. Obtain any federal, state or local permits or approvals necessary to carry out the project.
4. Maintain adequate staffing to oversee the work and accounting of the project to its completion.
5. Report to the Department on a biannual basis. Biannual reports shall be submitted to the Department on or before January 15 for the period ending December 31, and July 15 for the period ending June 30 beginning with the execution of this MOU and continuing for the term of this MOU. Each biannual report shall include but not be limited to the following information:



- Status of the project;
  - A complete accounting of actual project costs incurred to date;
  - Planning for the remaining project tasks to be performed and the associated expenses;
  - Any other activities, occurrences, and significant findings related to this project; and
  - Any other information if requested by the Department for the purpose of evaluating the progress of the project.
6. Within thirty (30) days after completion of the project, prepare and submit a comprehensive final report that shall include, but not be limited to:
- Written certification that the project has been completed as approved;
  - A complete accounting of actual project costs and all interest accruals on the SEP funds including an itemized list of expenditures and copies of receipts and invoices;
  - Discussion of the environmental benefits resulting from the project;
  - Level of success and results.
7. Submissions required under this MOU shall be made to MaryAnn Nusom Haverstock, Department of Environmental Protection, Bureau of Water Protection and Land Reuse, 79 Elm Street, Hartford, CT 06106-5127.


**Reimbursement of Unexpended SEP Funds:**

Within seven (7) days after the submission of the final report, or upon the expiration of this MOU or any extension of time of performance authorized by the Commissioner pursuant to this paragraph, whichever is earlier, NCCD shall remit the total amount of any unexpended SEP funds, including any unexpended interest accruals, to the Commissioner. Such payment shall be mailed or personally delivered to the Department of 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". The check shall state on its face, "Reimbursement of Unexpended SEP Funds."

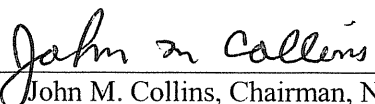
**Time of Performance:**

This MOU shall be in effect until November 30, 2011, or upon completion and acceptance of a final report submitted pursuant to Paragraph # 6 above, whichever is earlier. Following written request by NCCD, the Commissioner may extend the time of performance as necessary to complete the supplemental environmental project.

**CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION**

By:  Date: 9/13/10  
Amey Marrella, Commissioner

**NORTH CENTRAL CONSERVATION DISTRICT**

By:  Date: 8/9/10  
John M. Collins, Chairman, North Central Conservation District