



TELL ME ABOUT YOUR COMPLAINT...

CONNECTICUT EQUITY AND ENVIRONMENTAL
JUSTICE ADVISORY COUNCIL'S WASTE
SUBCOMMITTEE MEETING

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TOOLS IN THE TOOL BOX



COMPLAINT
PATHWAY



SITE VISIT



PARTNERS: WHOSE
JURISDICTION?



ENFORCEMENT



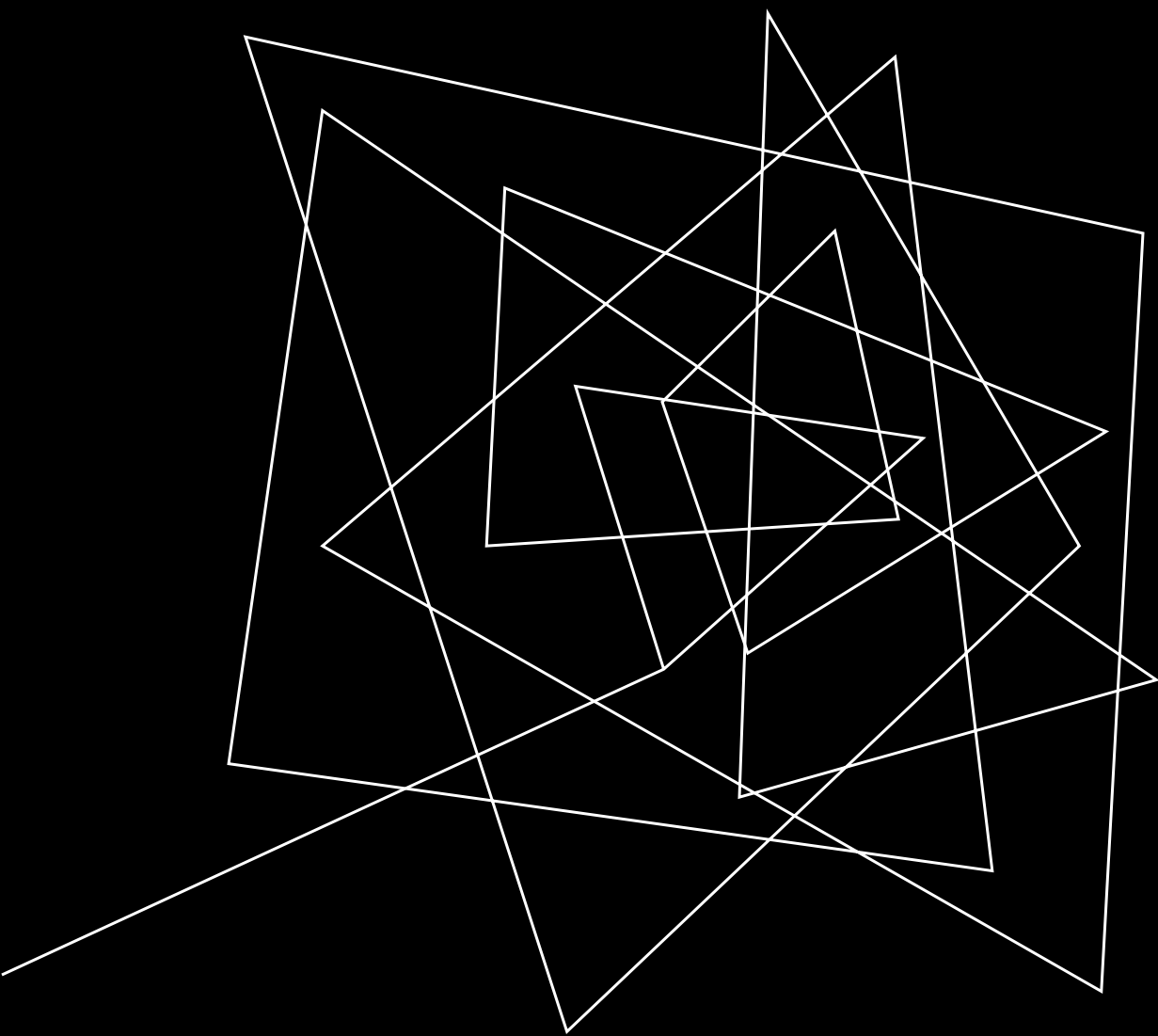


COMPLAINT PATHWAY

COMPLAINT? NO WRONG DOOR

- **See something? Say something!**
 - Phone call, text, email, letter, complaint portal, referral from another department
- **Complaint entered into a database & assigned**





**SITE VISIT: TRUST
BUT VERIFY**

RESEARCH & DOCUMENT - PHYSICAL

Site Visit

- **Site Visit – Trust, but verify (AND CLARIFY)**
 - Document what is happening: operations, activities; speak with site manager, workers, other complaintants
 - Is a frequent occurrence? When does it happen? Is there an odor (what kind?)
- **From a health perspective**
 - Are people potentially exposed? What substances? Is there a health hazard? Is it an acute or chronic exposure?



CASE STUDY: MURPHY ROAD RECYCLING

Operations

Murphy Road Recycling aka All American Waste, Stratford Baling Company:

- Solid Waste Volume Reduction Plant (2017)
 - Construction & Demolition debris
 - Scrap metal; scrap tires
 - Propane tanks with valves
 - Comingled recyclables
 - Unprocessed clean wood
- Permitted through CTDEEP Solid Waste Division through 2027

Complaint

- Dust from pallet shredding operations
- Dust from trucks on site





SITE VISIT – MAY 2023



RESEARCH & DOCUMENT – JURISDICTION

Who has Jurisdiction

- **State**
 - Who issued permit? Which division can investigate? Cite violations? Often depends on the “media” air/soil/water
- **Local**
 - Did it go through local P&Z process? What are the local ordinances that cover the issue (e.g. air pollution, stormwater run-off, noise)
 - What is the Health Director’s specific authorit(ies)?



TOWN OF STRATFORD CODE: CHAPTER 44 – AIR POLLUTION

§ 44-18 Air Pollution Control Officer.

A.

The Mayor shall designate an Air Pollution Control Officer or Officers, who may also be an employee of the Department of Health, to make such instructions and investigations as are necessary to administer and, which notice shall specify the reasonable opportunity to correct such violation, except that in the case of a violation which constitutes a clear and present danger to human health, the Air Pollution Control Officer may act summarily by an order to cease and desist, which order may be served and enforced by a police officer of the Town of Stratford and which order may be accompanied by a warrant for the arrest of the violator.

B.

The Air Pollution Control Officer or Officers may, in the name of the Town, enforce air pollution control regulations by injunction or other appropriate civil remedy, except that no action predicated on a violation of air pollution control regulations shall commence unless the Air Pollution Control Officer shall first serve written notice of violation on the person violating a regulation, which notice shall specify the reasonable opportunity to correct such violation, except that in the case of a violation which constitutes a clear and present danger to human health, the Air Pollution Control Officer may act summarily by an order to cease and desist, which order may be served and enforced by a police officer of the Town of Stratford and which order may be accompanied by a warrant for the arrest of the violator.

CT GENERAL STATUTES: PUBLIC HEALTH CODE Title 9a PUBLIC HEALTH & WELL-BEING

Chapter 368e § 19a-200 – 19a-239 Municipal Health Authorities

§ 19a-206 – Duties of municipal directors of health. Nuisances and sources of filth. Injunctions. Civil penalties. Authority of town director within city or borough. Availability of relocation assistance.

- a. Authority to investigate “all nuisances and source of filth”...
- b. Power to order abatement of said nuisance and filth...
- c. If an “immediate hazards to humans”, can apply for an *ex parte* removal/prohibiting further activity...
- d. Defines geographic jurisdiction...
- e. Cost of removal borne by owner/occupant



PARTNERS – SHARED CODE ENFORCEMENT

Industrial Sites Rarely Handled by One Municipal Department or State Agency Division

- Planning & Zoning
- Conservation
- Building
- Blight
- Health
- Economic Development
- Mayor's Office





ENFORCEMENT

- Notice of Violation (from each code enforcement department if applicable)
- Daily Fines (if do not meet compliance/remedy stipulated)
 - Each code may have different pathways, different fines, etc.
- Cease & Desist
 - Terms for re-opening

CASE STUDY – ALL AMERICAN WASTE (CONT'D)

- **Actions Steps Taken**

- Issued an initial Cease & Desist Letter from Zoning
- Met with owner/operator & new site manager
- Toured site – noted areas where engineering controls be put in place (needed more than hose on a rope!)
- Asked them to reach out specifically to the complainants
- Ultimately put in over \$1.3 million worth of improvements (e.g. install air separator system, more coverage for grinding operations)



ROLE FOR LOCAL HEALTH

Role for Local Public Health

- Shepard for Complaint
- Convene stakeholders – owner/operator/neighbors
- Advocate for communication on all fronts
 - Encourage facility to reach out to neighbors on a regular basis. Ask “How we doin’?”
 - Engage community – info, insight, feedback. Ask “How they doin’?”
 - Connect with other departments/agencies to see if their violations are being addressed

New Facilities/Remedial Activities

- Site plan(s) involvement: provide comments as application comes through P&Z; site conceptual models, erosion control, soil stockpiling, perimeter air monitoring
- Serve as eyes/ears (with community’s help) to ensure operation continues to adhere to permitted activities



QUESTIONS?



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