

Memorandum of Decision (11/04/09)

Docket No. CV 06-4026972

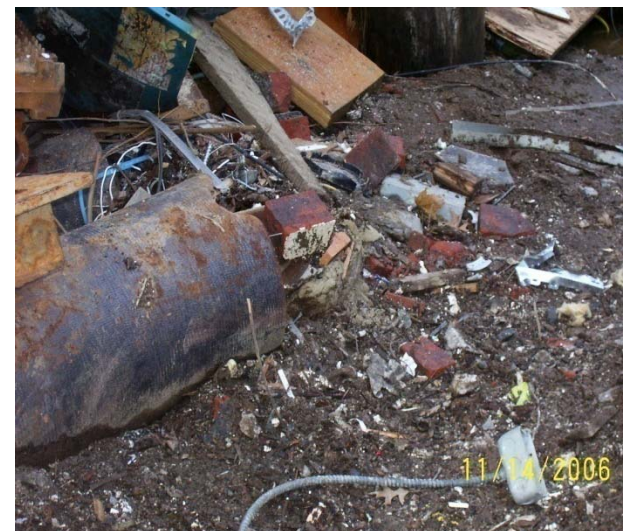
Gina McCarthy, Commissioner DEP

vs.

Joseph Cammarota, Et Al



14 Larkin Street, Stamford



29 Poplar Street, Stamford



History of Case

- Department first brought suit against Joseph Cammarota and Reed Refuse Co. (collectively “Cammarota”) in 1997 for operating unpermitted solid waste transfer stations at two locations in Stamford.
- A partial Judgment was entered in May 1997 prohibiting Cammarota from operating TS’s w/out permits, disposing or handling solid waste at any location w/out a permit and to remove and properly dispose of all unpermitted wastes.
- Cammarota was found in contempt for violating the 1997 judgment on five occasions: 10/20/97, 1/9/98, 2/17/98, 9/29/99 and 5/22/00.

History of Case cont.

- Between March 2005 until October 2006 DEP determined that Cammarota was again operating unpermitted transfer stations at the two sites and the case was again referred to the Attorney General's Office for court action.
- A temporary injunction was granted by the court on 11/30/06 requiring Cammarota to immediately cease operating transfer stations at the two sites, cease bringing solid waste to the two sites, and remove all solid wastes from the two sites within ten (10) days of issuance of order.

Memorandum of Decision dated 11/4/09

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Case Settlement Summary

- Awarded DEP \$276,814 in civil penalties and outstanding fines from previous court actions. 50% of the penalty to be paid to the DEP Statewide SEP Account for enhancement of the state's solid waste and/or Recycling Enforcement Program.

A Permanent Injunction to:

- Immediately cease operation of solid waste transfer stations at the two sites as well as in the public right of way in front of the two sites.
- Immediately cease bringing solid wastes to the two sites.
- Remove all remaining solid wastes from the two sites and dispose of such solid waste at properly permitted solid waste facilities.

Other Interesting Factors from Memorandum of Decision

- The court clarified that the statutory definition of transfer station to encompass 2 distinct types of transfer operation as:
 - (1). solid waste brought to a location in a container and the container is later removed to another location for disposal of the solid wastes and:
 - (2). solid waste brought to a location and then transferred from one container to another container for movement to another location for disposal of the solid wastes.

**990 Naugatuck Ave. Milford
ASSOCIATED CARTING/D.C. WASTE MGT., INC.
Date of Discovery - 2007**



**520 Success Ave. Stratford
ASSOCIATED CARTING/D.C. WASTE
MGT., INC.
SUCCESS, INC.
Date of Discovery - 2007**



**990 NAUGATUCK AVE.
UNPERMITTED SOLID WASTE TRANSFER STATION
CGS 22a-208a; RCSA 22a-209-4**



**60 Roll off containers: MSW;
PUTRESCIBLE WASTE; C&D; RECYCLABLE
WASTE.**

**>3,000 CYDS – MIXED PROCESSED AND
UNPROCESSED WOOD.**



**520 SUCCESS AVE. STRATFORD
ASSOCIATED CARTING/D.C. WASTE MGT.
& SUCCESS INC.**

UNPERMITTED SOLID WASTE TRANSFER STATION



COURT ACTION

CV074031222 S & CV074032519 s

**990 Naugatuck Ave. - Associated Carting and
D.C. Waste Inc. & 520 Success Ave. Stratford**

7/3/07 & 8/29/07 - Court issues Temporary Injunction:

- Cease operating a SW Transfer Station;
- Cease discharge of contaminated soil, sediment to waters of the State;
- Cease transporting and receipt of SW.

FINAL COURT DECISION

PERMANENT INJUNCTION

1/13/10

- **990 Naugatuck Ave., Milford – Associated Carting & D.C. Waste Mgt. :**

Motion for Default granted. Penalties (joint/several liability)

\$296,000 -- operating a transfer station without a permit

52,500 -- discharging to the waters without a permit

\$348,500 total penalty

- **520 Success Ave., Stratford – Associated Carting & D.C. Waste Mgt.:**

\$228,000 -- operating a transfer station without a permit

5,000 -- discharging to the waters without a permit

\$ 233,000 total penalty

\$ 581,500 total combined penalty