

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Bryant Abbott,

Complainant

against

Docket # FIC 2025-0412

Joseph P. Ganim, Mayor, City of
Bridgeport; and City of Bridgeport,

Respondents

May 13, 2026

The above-captioned matter was heard as a contested case on November 7, 2025, and March 20, 2026, at which times the complainant and the respondents appeared; stipulated to certain facts; and presented testimony, exhibits, and argument on the complaint.

On March 31, 2026, in response to a March 23, 2026, order of the undersigned hearing officer, the respondents filed an affidavit with six attachments. Such affidavit and attachments are marked and admitted as follows: Respondents' Exhibit 3: "March 31, 2026, Affidavit from Respondents' Counsel Miller with Six Attachments (88 pages)."

Per the order of the undersigned hearing officer, the matter was reopened for a hearing on April 1, 2026, for the Commission to consider the imposition of civil penalties against the respondent mayor, at which time the complainant appeared and presented testimony, exhibits, and argument on the complaint, but the respondents failed to appear.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. Based upon Pollution/Situation Reports ("POLREP #1 and #2" or "POLREPs")¹ prepared by the U.S. Environmental Protection Agency ("EPA"), it is found that, at approximately 2:30 p.m. on December 29, 2023, an explosion occurred at Tradebe, an oil and hazardous waste management facility, located at 50 Cross Street in Bridgeport.
3. It is found, based on the EPA's POLREPs, that the explosion described in paragraph 2, above, occurred during offloading activities of a liquid waste oxidizer from a 5,000 gallon tanker truck into a wastewater treatment system. It is further found that such explosion caused a fire that spread to the facility, causing an evacuation to be ordered for the two-block area around the facility.

¹ See Complainant's Exhibit H: "Supplemental Materials from Bridgeport Fire Department, EPA, GovQA messages from Complainant to Respondents, and Affidavits (47 pages)."

4. It is found, based on the EPA's POLREPs, that the explosion and resulting fire and firefighting activities caused oil and hazardous materials to be released through storm drains into the nearby Bruce Brook and Johnson Creek, which both flow into Long Island Sound. It is further found that contaminated runoff had confirmed high pH levels and was assumed by the EPA, as of January 3, 2024, through a review of waste profiles, to contain high levels of chromium.

5. It is found, based on the EPA's POLREPs, that the EPA mobilized to the site of the explosion on December 30, 2023, and worked with the Unified Command ("UC"), which consisted of the Connecticut Department of Energy and Environmental Protection, Connecticut Office of Emergency Management, Connecticut State Police Fire and Explosion Investigation Unit, Bridgeport Fire and Fire Marshall, United States Coast Guard, "other local government entities," and Tradebe. It is found that EPA and the UC together completed the following response actions, among others: air monitoring during the fire and evacuation, communication with the media and the public, transfer of any hazardous waste materials as needed, collection of released waste oil from the pond at the interface of Bruce Brook and Johnson Creek, collection and analysis of sediment and water samples from Bruce Brook and Johnson Creek, and coordination with the U.S. Fish and Wildlife Service regarding dead birds found at Great Meadows Marsh at Steward B. McKinney National Wildlife Refuge.

6. It is found, based on the EPA's POLREPs, that Tradebe was identified as the responsible party and that the UC had ordered Tradebe to cease operations at the Bridgeport facility until it was thoroughly inspected. It is further found that DEEP planned to look into additional enforcement actions that were not part of the emergency response covered under these POLREPs, which covered the short time period between December 29, 2023, through January 3, 2024.

7. It is found that, via the online GovQA portal² on April 25, 2025, the complainant requested from the respondents copies of "any and all records, communication, documentation, and/or reports relating to, or stemming from, the explosion which occurred at the Tradebe Treatment Facility on December 29, 2023, 50 Cross Street, Bridgeport, Ct. [sic]" (hereinafter, "April 25, 2025, request").

8. It is found that, via the GovQA portal on April 25, 2025, the respondents partially acknowledged the complainant's request, quoting the request sent by the complainant as described in paragraph 7, above.

9. It is found that, via the GovQA portal on May 13, 2025, the respondents provided the complainant with records that they purported were responsive to the request described in paragraph 7, above. It is found that such records consisted of copies of two undated public notices of Tradebe's application to the Connecticut Department of Environmental Protection

² GovQA is a web-based public records management system used by the respondents.

(“DEP”)³ for a renewal permit to continue operating a commercial hazardous waste and used oil facility.⁴

10. It is found that the records described in paragraph 9, above, were not responsive to the complainant’s April 25, 2025 request.

11. It is found that, by GovQA portal messaging later in the day on May 13, 2025, the complainant acknowledged receipt of the records described in paragraph 9, above. It is found that the complaint also informed the respondents in such message that he believed additional responsive materials may exist in the respondent mayor’s office.⁵ It is further found that, in such message, the complainant expanded his request to include copies of the following records:

- (a) written or electronic correspondence;
- (b) reports, findings, or summaries of incident investigations;
- (c) photos, video, audio, or 911 call recording related to the event;
- (d) public health or environmental assessments;
- (e) communications with Tradebe or any of its legal or insurance representatives;
- (f) notices of violation, cease and desist orders, or enforcement actions;
- (g) any analyses, drafts, or discussion concerning Tradebe’s permit renewal in light of the explosion; and

³ The Commission, *sua sponte*, takes administrative notice of Public Act 11-80, in which the Connecticut General Assembly consolidated DEP with the Department of Public Utility Control to form the Department of Energy and Environmental Protection (“DEEP”), effective July 1, 2011. See PA 11-80, An Act Concerning the Establishment of the Department of Energy and Environmental Protection and Planning for Connecticut’s Energy Future. Accordingly, the Commission notes that the documents that the respondents initially provided the complainant, described in paragraph 9, above, likely predated July 1, 2011, and therefore were created over twelve years before the December 29, 2023, Tradebe explosion.

⁴ See Complainant’s Exhibit A: “Records Disclosed from Respondents to Complainant re: ‘Notice of Permit Application’ (2 pgs.).”

⁵ The Commission notes that, in such GovQA message, the complainant also requested that the respondent city expand its search to other departments outside the respondent mayor’s office. However, given that those offices are outside of the scope of this matter, the Commission will not address the complainant’s request with respect thereto, herein.

(h) any communications discussing whether DEEP or NOAA [National Oceanic and Atmospheric Administration] were notified of the incident during the permit review process

(hereinafter, “May 13, 2025, request”).

12. It is found that, by email on May 20, 2025, the complainant sent the respondent mayor a final request to produce records responsive to his April 25 and May 13, 2025, requests. It is further found that, in such email, the complainant informed the respondent mayor that he would file a complaint with the Commission if he did not receive either a full production of responsive records, or a written denial citing applicable exemptions to disclosure, by May 24, 2025.

13. By email, received on May 26, 2025, and filed on May 27, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to provide records responsive to his April 25 and May 13, 2025, requests.

14. Section 1-200(5), G.S., provides the following:

“[p]ublic records or files” means any recorded data or information relating to the conduct of the public’s business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, videotaped, printed, photostated, photographed or recorded by any other method.

15. Section 1-210(a), G.S., provides the following in relevant part:

[e]xcept as otherwise provided by any federal law or state statute, all records maintained or kept on file by any public agency, whether or not such records are required by any law or by any rule or regulation, shall be public records and every person shall have the right to ... (3) receive a copy of such records in accordance with section 1-212.

16. Section 1-212(a), G.S., provides in relevant part that “[a]ny person applying in writing shall receive, promptly upon request, a plain, facsimile, electronic or certified copy of any public record.”

17. It is concluded that the requested records, to the extent that they exist and are maintained by the respondents, are public records within the meaning of §§1-200(5) and 1-210(a), G.S.

18. It is found that, by email on October 8, 2025, the respondents’ counsel provided the complainant with electronic copies of the following records:

(a) a December 30, 2023, media advisory issued by the respondent mayor regarding a press conference planned for the following day about the Tradebe explosion;⁶ and

(b) a September 10, 2024, media advisory issued by the respondent mayor regarding a press conference planned for the following day to announce a partnership with Tradebe Environmental Services to give care packages to senior citizens and Bridgeport residents.⁷

19. It is found that the record described in paragraph 18(b), above, is not responsive to the complainant's April 25 and May 13, 2025, requests.

November 7, 2025, and March 20, 2026, Contested Case Hearings

20. At the contested case hearings on this matter, the complainant contended that the respondents' production of records in response to his requests, as described in paragraphs 9 and 18, above, was nonresponsive and incomplete. The complainant represented that he believed that the respondent mayor maintained other responsive records. The complainant based his belief upon various federal reports he had read on the explosion, such as a report from the U.S. Chemical Safety Hazard and Investigation Board, and upon the municipal notice requirements for environmental hazards pursuant to §§22a-6u and 22a-6w, G.S.

21. Section 22a-6u, G.S., subsections (d), (e), (f), (g), and (h), require any owner of a building or lot of land that is found by an environmental professional to have released pollution (i.e., oil, chemical liquids, liquid products, hazardous wastes, or polluted vapors, among other matter) to notify the DEEP commissioner in writing when such pollution has contaminated a public or private drinking water well, soil within two feet of the ground surface, groundwater, structures, or utility conduits.

22. Section 22a-6u(d)(1), G.S., specifically requires written notice to the DEEP commissioner when an environmental professional has determined that soil has been polluted within two feet of the ground surface by chromium from a building or lot of land, and such chromium is at a level at or above fifteen times the industrial/commercial direct exposure criterion.

23. It is found that the EPA reported in POLREP #1 and #2 that the contaminated runoff generated by the Tradebe explosion, described in paragraphs 2 through 4, above, was "assumed, through review of waste profiles, to have high levels of [c]hromium."

⁶ See Complainant's Exhibit B: "Records Disclosed from Respondents to Complainant re: 12/30/23 Press Release (1 pg.)."

⁷ See Complainant's Exhibit C: "Records Disclosed from Respondents to Complainant re: 9/10/24 Press Release (1 pg.)."

24. Section 22a-6u, G.S., further provides the following, in relevant part:

(m) Not later than ten days after receipt of any written notice [from a building or lot owner] received under this section, the [DEEP] commissioner shall forward a copy of such notice to the chief elected official of the municipality in which the subject pollution was discovered [...]. Any forwarding of such notice, as required by this subsection, may be performed by electronic means. The commissioner shall maintain a list of all notices received under this section that pertain to conditions that have not been mitigated or permanently abated at the time of notification. Such list shall be on the department's Internet web site and shall be amended to remove notices after the condition is mitigated or permanently abated.

(Emphasis added.)

25. Section 22a-6w, G.S. provides as follows:

Prior to, or concurrent with, taking any enforcement action under this title or any action to recover any civil penalty under this title, the Commissioner of Energy and Environmental Protection shall give notice of such action to the chief elected official of the municipality in which the regulated activity which gave rise to such action is located. Such information shall be held confidential by such official and shall not be considered a public record or public information for purposes of chapter 3.⁸

(Emphasis added.)

26. It is found that the respondents' witness at the November 7, 2025, and March 20, 2026, hearings in this matter, Attorney Edward Adams, serves as the FOI liaison for the respondent mayor's office.

27. Regarding the complainant's April 25, 2025, request, described in paragraph 7, above, it is found that Attorney Adams received such request and assumed the responsibility of overseeing the respondents' search for, and provision of, any responsive records. It is further found that Attorney Adams told the respondent mayor's staff about such request approximately one or two weeks later at one of the regular weekly or biweekly staff meetings.

28. Attorney Adams further testified, and it is found, that in addition to searching the records that he himself maintained, he also instructed the following staff members to search for records responsive to the complainant's April 25, 2025, request:

⁸ The Commission notes that Chapter 3 of the Connecticut General Statutes, entitled "Public Records: General Provisions," does not encompass the FOI Act, which is codified in Chapter 14.

- (a) the respondent mayor's administrative assistant;
- (b) the respondent mayor's chief of staff;
- (c) the respondent mayor's receptionist;
- (d) the respondent mayor's community liaison;
- (e) the director and assistant director of communications for the respondent city;
- (f) the assistant to the respondent mayor's administrative assistant;
- (g) the respondent mayor's liaison to the city council; and
- (h) the respondent mayor's project manager.

29. It is found that Attorney Adams searched his own computer and file cabinet for responsive records, and that the respondent mayor's administrative assistant searched both her own and the mayor's hard copies and electronic records. Attorney Adams did not testify, however, regarding the locations searched by the remaining individuals identified in paragraph 28 (b) through 28 (h), above, other than to state that each staff member searched his or her own records.

30. It is found that, in response to the complainant's April 25, 2025, request, the respondent city's communications director located the record described in paragraph 9, above, and provided it to Attorney Adams. It is further found that Attorney Adams uploaded such record to the GovQA portal to provide to the complainant on May 13, 2025, as described in paragraph 9, above.

31. It is found that, at some point after the respondents became aware of the complainant's May 26, 2025, complaint filed with the Commission, described in paragraph 13, above, respondents' counsel sent an email to the respondents asking whether any additional responsive records were maintained by the mayor's office.

32. It is found that, on October 7, 2025, the respondent mayor's project manager began an additional search for responsive records by asking the respondent city's information technology ("IT") department to run a "history check of communication" from the city's prior communications director, using the search terms "Tradebe," "Cross Street," and "Cross St." It is

further found that the IT department's search yielded the records described in paragraph 18, above, which were subsequently provided to the complainant.⁹

33. It is found that the respondents offered no evidence or explanation as to whether their IT department conducted similar searches of any other computer systems in the respondent office, including the respondent mayor's computer systems.

34. Regarding the complainant's May 13, 2025, request, it is found that the respondents failed to prove that any of the respondents' above-described efforts included a search for records responsive to that request.

Respondents' Compliance with March 23, 2026, Orders

35. After the November 7, 2025, and March 20, 2026, hearings in this matter, the undersigned hearing officer, on March 23, 2026, issued two orders to the respondents.

First Order

36. One of such March 23, 2026, orders, described in paragraph 35, above, instructed the respondents to do the following:

(a) conduct a new search for records responsive to the complainant's April 25, 2025 request at issue, specifically including, but not limited to, any notice received by the respondents of any enforcement action or any action to recover any civil penalty imposed under Title 22a of the Connecticut General Statutes by the Connecticut Commissioner of Energy and Environmental Protection against Tradebe Treatment Facility relating to the explosion which occurred on December 29, 2023, at 50 Cross Street, Bridgeport, CT; and

(b) appear at a reopened hearing, scheduled for April 1, 2026, with any competent witness or witnesses to testify as to the nature of the above-ordered search; any responsive records located from such search, any exemptions to disclosure the respondents may wish to claim for such records; and evidence concerning the imposition of a civil penalty.

37. It is found that, in lieu of appearing at the April 1, 2026, reopened hearing in this matter as ordered by the undersigned hearing officer, the respondents attempted to comply with

⁹ See Respondents' Exhibit 2: "March 20, 2026, Affidavit from Anthony Paoletto (2 pages, plus 2 pages of attachments)." The complainant waived his right to cross-examine the affiant at the March 20, 2026, hearing in this matter.

the order described in paragraph 36(a) and (b), above, through the submission of an affidavit from their counsel of record¹⁰ in this matter on March 31, 2026 (“March 31, 2026, affidavit”).

38. It is found that, in the March 31, 2026, affidavit, the respondents’ counsel of record averred that she conducted her own search in response to the hearing officer’s order for a new search for records responsive to the complainant’s April 25, 2025 request. It is found that such search did not include a search of any responsive records maintained by the respondents; rather, respondent counsel’s search consisted of the following: making her own FOI request to DEEP, searching DEEP’s “Document Search Portal” and the agency’s website, and searching the respondent city’s land records.

39. Therefore, it is concluded that the respondents failed to comply with the orders described in paragraphs 36(a) and 36(b), above.

40. It is further found that, attached to the March 31, 2026, affidavit from respondents’ counsel was an item marked “Exhibit 5.” Such attachment contained DEEP’s response to counsel’s FOI request, described in paragraph 38, above. It is found that such attachment contained an electronic message sent on December 29, 2023, at 1:14 p.m., from DEEP to the address Mayor@bridgeportct.gov. It is found that DEEP provided respondents’ counsel a copy of such message, which respondents’ counsel attached to her affidavit.¹¹

41. It is found that the message from DEEP to the respondent mayor, described in paragraph 40, above, consisted of an incident notification described as “[p]ossible AST fire on Cross street, possibly from Santa Fuel tank farm or Tradebe property” at the location “Cross Street at Willow Street, Bridgeport, CT.”

42. It is concluded that the respondents failed to prove that they searched for the email from DEEP to the respondent mayor, described in paragraphs 40 and 41, above, among the records maintained by the respondents.

Second Order

43. The second of such March 23, 2026, orders, described in paragraph 35, above, was conditional, instructing the respondents to submit to the Commission for in camera inspection responsive records, if any, located as a result of the new search ordered, described in paragraph 36(a), above, for which the respondents were claiming partial or complete exemption from disclosure. Such order instructed the respondents to hand-deliver such records to the Commission on April 1, 2026, at 10:00 a.m., prior to the commencement of the April 1, 2026, reopened hearing in this matter.

¹⁰ Attorney Karen L. Miller, contract attorney for the Bridgeport Office of the City Attorney.

¹¹ See Respondents’ Exhibit 3, pages 62-65.

44. It is found that the respondents did not submit to the Commission any in camera records responsive to the second March 23, 2026, order described in paragraph 43, above.

45. Accordingly, it is concluded that the respondents technically did not violate the conditional portion of the March 23, 2026, order described in paragraph 43, above, assuming that they did not find any responsive records for which they claimed an exemption to disclosure. However, as described in paragraph 39, above, the respondents did not complete the search for responsive records per the first portion of the undersigned hearing officer's order; therefore, the respondents failed to prove full compliance with such order described in paragraph 43, above.

Conclusions

46. Based upon the findings described in paragraphs 27-34 and 37-42, above, it is found that the respondents failed to prove that they conducted a thorough and diligent search for records responsive to the complainant's April 25 and May 13, 2025, requests. Accordingly, it is found that the respondents failed to prove that they provided the complainant with a copy of all records responsive to such requests.

47. Therefore, it is concluded that the respondents violated the disclosure provisions of §§1-210(a), and 1-212(a), G.S.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. The respondents shall, within forty-five (45) days of the date of the Notice of Final Decision in this matter, perform a diligent and thorough search for records responsive to the complainant's request, as described in paragraphs 7 and 11 of the findings, above.

2. The respondent mayor, not his counsel, within forty-five (45) days of the Notice of Final Decision in this matter, shall provide an affidavit to the complainant and the Commission informing them of the results of the respondents' search for the records described in paragraph 1 of this order, above. The respondents shall provide to the complainant copies of any additional responsive records that were located, free of charge.

3. In the event that the complainant is not satisfied with the respondents' compliance with paragraphs of 1 or 2 of the instant order, he may file a noncompliance complaint with the Commission, which may be afforded expedited treatment upon request.

4. Henceforth, the respondents shall strictly comply with the disclosure provisions of §§1-210(a) and 1-212(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of May 13, 2026.

/S/ Molly Steffes
Molly Steffes
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

BRYANT ABBOTT, 34 Chatham Drive, Trumbull, CT 06611

JOSEPH P. GANIM, MAYOR, CITY OF BRIDGEPORT; AND CITY OF BRIDGEPORT, c/o Attorney Karen L. Miller, City of Bridgeport, Office of the City Attorney, 999 Broad Street, Bridgeport, CT 06604

/S/ Molly Steffes

Molly Steffes

Acting Clerk of the Commission