



STATE OF CONNECTICUT :  
V. :  
WINTERS BROS. TRANSFER :  
STATIONS OF CT, LLC :

**CONSENT ORDER # COWSWDS14006**

**Date Issued:** November 21, 2014

- A. With the agreement of Winters Bros. Transfer Stations of CT, LLC ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds:
1. Cherokee Rose Capitol Ltd is a limited liability company which owns property located at 283-285 White Street Danbury, Connecticut shown on Map No. K13 as lot 128 in the Danbury, Connecticut Tax Assessor's Office which is more fully described in Volume 1543 on page 465 in the Danbury Clerk's Office.
  2. Beaver Brook Group, LLC is a limited liability company which owns property located at 14 Beaver Brook Road, Danbury, Connecticut (also known as 307 White Street, Danbury, Connecticut) shown on Map No. K13 as lot 016 in the Danbury, Connecticut Tax Assessor's Office which is more fully described in Volume 1662 on page 823 in the Danbury Clerk's Office.
  3. Respondent is a Connecticut limited liability company with a business address of 307 White Street, Danbury, CT 06810. 283-285 White Street and 307 White Street, Danbury, Connecticut shall hereafter collectively be referred to as "the Facility". The Facility is depicted on an engineering drawing, Sheet 1 of 2, prepared by Anchor Engineering Services, Inc. dated January 27, 2009, entitled "Site Plan Prepared For Transfer Systems, Inc. White Street Danbury, CT".
  4. On April 21, 2011, the Commissioner issued registration No. 034-329 to the Respondent (the "Permittee") authorizing a single item recycling facility to be established and operated at the Facility under the terms and conditions of the General Permit to Construct and Operate Certain Recycling Facilities.
  5. On April 21, 2011 the Commissioner issued registration No. 034-330 to the Respondent (the "Permittee") authorizing a recyclables transfer facility to be established and operated at the Facility under the terms and conditions of the General Permit to Construct and Operate Certain Recycling Facilities.

6. On April 21, 2011, pursuant to Section 22a-208a of the Connecticut General Statutes (CGS) and Section 22a-209-4 of the Regulations of Connecticut State Agencies (RCSA), the Commissioner transferred Permit to Construct No. 0340173 and Permit to Operate, No. 0340199 to the Respondent (the "Permittee") authorizing a recycling facility to be constructed and operated at Building nos. 2 and 3 at the Facility.
7. On April 21, 2011, pursuant Section 22a-208a of the CGS and Section 22a-209-4 of the RCSA, the Commissioner transferred Permit to Construct nos. 090-2-L and 0340204, as amended, and Permit to Operate No. 0340946 to the Respondent (the "Permittee") authorizing a volume reduction plant, transfer station and a residential drop-off area at the Facility.
8. On October 25, 2011, the Department of Energy and Environmental Protection's, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division ("WEED") conducted an inspection of the Facility which disclosed:
  - (a) With respect to the volume reduction plant, transfer station and residential drop-off area, the Permittee has:
    - (i) Failed to post the appropriate signage concerning the prohibition of covered electronic devices at the facility as required by Section 22a-636 of the CGS and Section 22a-209-4(e) of the RCSA, and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.7. and C.8., issued on July 1, 2010.
    - (ii) Failed to promptly post and maintain signs limiting truck idling time within the facility at specific locations on-site as required by Section 22a-209-4(e) of the RCSA, and Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.7. and C.8., issued on July 1, 2010.
    - (iii) Failed to maintain the facility reasonably clean and free from litter as required by Section 22a-209-4(e) of the RCSA, and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1. and C.4., issued on July 1, 2010.
    - (iv) Failed to unload incoming solid wastes within the approved enclosure of Building No. 5 as required by Section 22a-209-4(e) of the RCSA, and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010.
    - (v) Failed to cease the loading of railcars while the railcar loading enclosure of Building No. 5 is non-functional as required by Section 22a-209-4(e) of the RCSA, and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010.

- (vi) Failed to limit the construction and demolition (C&D) waste storage in Building No. 5 to one thousand two hundred fifty (1,250) cubic yards as required by Section 22a-209-4(e) of the RCSA, and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.2., C.3., and C.4., issued on July 1, 2010.
  - (vii) Altered the design and operation of the approved solid waste facility, specifically by the construction and installation of new scales at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS and Section 22a-209-4 of the RCSA, Permit to Construct No. 090-2-L, paragraph 16), issued on December 3, 1985 and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., 6. and C.1., issued on July 1, 2010.
  - (viii) Failed to conduct periodic unannounced inspections of truck loads delivered to the facility as required by Section 22a-220c(b) of the CGS and Section 22a-209-4 of the RCSA, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1. and C.4., issued on July 1, 2010.
- (b) With respect to the single item recycling facility, the Permittee has:
- (i) Failed to ensure that each collection container kept outside is covered except when recyclable solid waste or scrap tires are added to or taken out of such container as required by Section 5.(a)(2) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
  - (ii) Failed to maintain the facility in such a manner as to prevent the creation of litter or a source of pollution to the waters of the state as required Section 5.(a)(9) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
  - (iii) Failed to limit acceptance to only one category of recyclable solid waste at the facility as required by Section 5.(c)(1)(A) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
  - (iv) Failed to limit the storage at the facility to no more than five hundred (500) cubic yards of processed recyclables as required by Section 5.(c)(1)(K) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (c) With respect to the recyclables transfer facility, the Permittee has:
- (i) Failed to ensure that each collection container kept outside is covered except when recyclable solid waste or scrap tires are added to or taken out of such container as required by Section 5.(a)(2) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
  - (ii) Failed to ensure and limit the acceptance of solid waste intended for disposal or

incineration as required by Section 5.(a)(3) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.

- (iii) Failed to ensure and promptly clean up spills of used oil as required by Section 5.(a)(8) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (iv) Failed to ensure adequate equipment is provided to control fires as required by Section 5.(a)(12) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (v) Failed to mark or label the used oil container with the words "Used Oil" and the spent antifreeze container with the words "Spent Antifreeze" as required by Section 5.(b)(1)(B)(ii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (vi) Failed to ensure that no person other than an employee, or a person under the supervision of such employee, pour used oil or spent antifreeze into a collection container or tank at the facility as required by Section 5.(b)(1)(B)(vi) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (vii) Failed to provide adequate temporary storage area for the residents to drop off containers of used oil as required by Section 5.(b)(1)(B)(vii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (viii) Failed to mark or label each used electronic device or container, package or pallet containing used electronics, with one of the following phrases: "universal waste – used electronics", or "waste used electronics", or "used electronics" as required by Section 5.(b)(1)(E)(v) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (ix) Failed to mark or label each covered electronic device or container, package or pallet containing covered electronic devices, with one of the following phrases: "Residential CEDs" or "Covered Electronic Devices" as required by Section 5.(b)(1)(F)(iv) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (x) Failed to prevent the acceptance of non-recyclable solid waste at the facility as required by Section 5.(c)(3)(B) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (xi) Failed to store all authorized universal wastes, used oil, spent antifreeze in accordance with the requirements in Section 5(b) of the General Permit as required by Section 5.(c)(3)(C) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (xii) Failed to prominently post and maintain signs limiting truck idling time within the Facility as required by Section 5.(c)(3)(G) of the General Permit to Construct and

Operate Certain Recycling Facilities reissued on August 16, 2010.

9. On January 19, 2012, the Department received minor permit amendment application No. 201200218, "Permit Application for Construction and Operation of a Solid Waste Facility" dated January 19, 2012, along with the associated application fee. This application is currently under technical review.
10. On February 16, 2012, WEED issued the Respondent Notice of Violations: No. WSWDS12020 with respect to the Respondent's volume reduction plant, transfer station and residential drop-off area regarding those violations cited in paragraph A.8.(a) of this consent order; No. WSWDS12021 with respect to the Respondent's single item recycling facility regarding those violations cited in paragraph A.8.(b) of this consent order; and, No. WSWDS12022 with respect to the Respondent's recyclables transfer facility regarding those violations cited in paragraph A.8.(c) of this consent order.
11. Based upon documentation received from and/or prepared on behalf of the Respondent, dated March 16, 2012, April 27, 2012 and June 13, 2012, WEED has determined:
  - (a) With respect to the violations cited in Notice of Violation No. WSWDS12020, WEED found that although the Respondent has demonstrated their return to compliance concerning cited violations nos.: A.8.(a)(i); A.8.(a)(ii); A.8.(a)(iii); A.8.(a)(vi); and, A.8.(a)(viii). Cited violation nos. A.8.(a)(iv), A.8.(a)(v), A.8.(a)(vii) remain open and outstanding;
  - (b) With respect to the violations cited in Notice of Violation No. WSWDS12021, WEED found that the Respondent has demonstrated their return to compliance concerning the cited violations; and
  - (c) With respect to the violations cited in Notice of Violation No. WSWDS12022, WEED found that although the Respondent has demonstrated their return to compliance concerning cited violations nos.: A.8.(c)(i); A.8.(c)(ii); A.8.(c)(iii); A.8.(c)(iv); A.8.(c)(v); A.8.(c)(vi); A.8.(c)(vii); A.8.(c)(viii); A.8.(c)(ix); A.8.(c)(x); and, A.8.(c)(xii). Cited violation No. A.8.(c)(xi) remains open and outstanding.
12. On August 15, 2012, WEED sent a cover letter to the Respondent transmitting a July 3, 2012 review report. This letter and review report memorialized, among other things, those violations that have been addressed and those violations that remained open. In addition it sought additional information from the Respondent concerning the outstanding violations. To date, the Respondent has not provided any further information concerning the outstanding violations described in paragraph A.11. of this consent order.
13. On April 23, 2013, WEED conducted an inspection at the Facility which disclosed:
  - (a) With respect to the single item recycling facility, the Permittee has:
    - (i) Failed to ensure that each collection container kept outside is covered except when recyclable solid waste or scrap tires are added to or taken out of such container as required by Section 5.(a)(2) of the General Permit to Construct and Operate Certain

Recycling Facilities reissued on August 16, 2010.

- (ii) Failed to maintain the facility in such a manner as to prevent the creation of litter or a source of pollution to the waters of the state as required by Section 5.(a)(9) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
  - (iii) Failed to ensure that a copy of the General Permit, Operation & Management Plan (O&MP), and the professional engineering certified site plan are available at the facility as required by Section 5.(a)(14) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.
- (b) With respect to the intermediate processing center, the Permittee has:
- (i) Altered the design and operation of the approved solid waste facility, specifically by accepting, approximately eighty to one hundred [80-100] cubic yards, of a non-designated recyclable item (i.e., of "glass residue") at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS, Section 22a-209-4(e) of the RCSA, Permit Transfer document, dated April 21, 2011, paragraph nos. A.3., A.4., and C.2., Permit Transfer Amendment, dated August 15, 2012, paragraph No. C.1. and Permit to Operate No SW-0340199, issued April 26, 1993;
  - (ii) Altered the design and operation of the approved solid waste facility, specifically by accepting and processing other scrap metal solid wastes not authorized to be received, which included but were not necessarily limited to: kitchen sinks, cooking pots/pans, compressed gas cylinders, electrical wire and devices, electric motors, plumbing items at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS, Section 22a-209-4(e) of the RCSA, Permit Transfer document, dated April 21, 2011, paragraph nos. A.3., A.4., and C.2., Permit Transfer Amendment, dated August 15, 2012, paragraph No. C.1. and Permit to Operate No SW-0340199, issued April 26, 1993;
  - (iii) Stored lead-acid batteries in an inappropriate manner and in an un-authorized building as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document, dated April 21, 2011, paragraph nos. A.3., A.4., and C.2., and, Permit Transfer Amendment, dated August 15, 2012, paragraph No. C.1. and Permit to Operate No SW-0340199, issued April 26, 1993;
  - (iv) Altered the design and operation of the approved solid waste facility, specifically by using the new scales at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the

Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS, Section 22a-209-4(e) of the RCSA, Permit Transfer document, dated April 21, 2011, paragraph nos. A.3., A.4., and C.2., and Permit to Operate No SW-0340199, issued April 26, 1993;

- (v) Failed to annually update the facilities financial assurance instrument (performance bond, No. 0158647 with associated standby trust) as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document, dated April 21, 2011, paragraph nos. A.3., A.4., C.2. and C.10., and Permit to Operate No. SW-0340199, issued April 26, 1993;
  - (vi) Failed to describe the actions taken to correct patterns of loads received that contain greater than 2% of MSW, MSW residue, universal waste and solid waste other than designated recyclable items as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document dated April 21, 2011, paragraph nos. A.3., A.4. and C.2., and Permit Transfer Amendment document dated August 15, 2012, paragraph No. C.11.;
  - (vii) Failed to provide a thorough and complete assessment of compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document dated April 21, 2011, paragraph nos. A.3., A.4., C.2., and C.11.;
  - (viii) Failed to immediately correct all violations or if unable submit, within seven (7) days, for the review and written approval of the Commissioner, a detailed plan to correct all violations as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document dated April 21, 2011, paragraph nos. A.3., A.4. and C.2., and Permit Transfer Amendment document dated April 21, 2011, paragraph No. C.11.; and,
  - (ix) Failed to submit required documents using the prescribed certification language as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document dated April 21, 2011, paragraph nos. A.3., A.4., C.2. and C.14.
- (c) With respect to the volume reduction plant, transfer station and residential drop-off area, the Permittee has:
- (i) Failed to maintain the facility reasonably clean and free from litter as required by Section 22a-209-4(e) of the RCSA; Permit Transfer Document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1. and C.4., issued on July 1, 2010;
  - (ii) Failed to unload incoming solid wastes within the approved enclosure of Building No. 5 as required by Section 22a-209-4(e) of the RCSA; Permit Transfer Document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010;
  - (iii) Altered the design and operation of the approved solid waste facility, specifically by processing commercial and residential MSW within Building No. 4 at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the

proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS; Section 22a-209-4(e) of the RCSA; Permit to Construct No. 090-2-L, paragraph 16), issued on December 3, 1985; Permit Transfer Document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010;

- (iv) Altered the design and operation of the approved solid waste facility, specifically by installing and utilizing processing equipment within Building No. 5 at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS; Section 22a-209-4(e) of the RCSA; Permit Transfer Document dated April 21, 2011; Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010; and, Permit to Construct No. 0340556-M/PC, paragraphs 3., and 4., issued on August 29, 2001;
- (v) Altered the design and operation of the approved solid waste facility, specifically by storing recovered scrap metal, processed wood and C&D waste residue outside of Building No. 5 at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS; Section 22a-209-4(e) of the RCSA; Permit Transfer Document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010;
- (vi) Failed to cease the loading of railcars while the railcar loading enclosure of Building 5 is non-functional as required by Section 22a-209-4(e) of the RCSA; Permit Transfer Document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1., C.3. and C.4., issued on July 1, 2010;
- (vii) Altered the design and operation of the approved solid waste facility, specifically by using new scales at the solid waste facility, which holds a permit to construct on or after June 16, 1985, without the proposed plan, design and method of operation of the altered facility having been filed with the Department and approved by the Commissioner by the issuance of a modified permit as required by Section 22a-208a(d) of the CGS; Section 22a-209-4(e) of the RCSA; Permit to Construct No. 090-2-L, paragraph 16), issued on December 3, 1985; Permit Transfer Document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., 6. and C.1., issued on July 1, 2010;
- (viii) Failed to annually update the facilities financial assurance instrument (performance bond, No. 0158646 with associated standby trust) as required by Section 22a-209-4(e) of the RCSA; Permit Transfer document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., 6., C.1. and C.10., issued on July 1, 2010;

- (ix) Failed to conduct periodic unannounced inspections of truck loads delivered to the facility as required by Section 22a-220c(b) of the CGS and Section 22a-209-4(e) of the RCSA; Permit Transfer document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1. and C.4., issued on July 1, 2010;
  - (x) Failed to provide a thorough and complete assessment of compliance with Sections 22a-209-1 through 22a-209-17 of the RCSA as required by Section 22a-209-4(e) of the RCSA; Permit Transfer document dated April 21, 2011; and, Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1. and C.11., issued on July 1, 2010;
  - (xi) Failed to immediately correct all violations or if unable submit, within seven (7) days, for the review and written approval of the Commissioner, a detailed plan to correct all violations as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document dated April 21, 2011, and Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., C.1. and C.11., issued on July 1, 2010; and,
  - (xii) Failed to submit required documents using the prescribed certification language as required by Section 22a-209-4(e) of the RCSA, Permit Transfer document dated April 21, 2011, and Permit to Operate No. 0340946-PO, paragraph nos. 2., 4., 7., and C.1., issued on July 1, 2010.
- (d) With respect to the recycling transfer station, the Permittee has:
- (i) Failed to maintain the facility's operations to only those eligible activities by accepting non recyclable solid wastes (i.e., C&D wastes) as required by Section 22a-209-4(e) of the RCSA and Section 3.(a) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
  - (ii) Failed to ensure that each collection container kept outside is covered except when recyclable solid waste or scrap tires are added to or taken out of such container as required by Section 22a-209-4(e) of the RCSA and Section 5.(a)(2) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
  - (iii) Failed to ensure that a copy of the General Permit, the O&MP, and the professional engineer certified site plan are available at the facility as required by Section 22a-209-4(e) of the RCSA and Section 5.(a)(14) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
  - (iv) Failed to ensure that each collection container used to store used oil or spent antifreeze is closed except when it is being filled or drained as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(1)(B)(ii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
  - (v) Failed to provide, at a minimum, the storage area for above ground tanks with a sufficiently impervious base treated with a sealant that is chemically compatible, with used oil or spent antifreeze, and a spill containment system that is capable of containing one hundred percent (100%) by volume of the contents of the single

largest tank or ten percent (10%) of the volume of all the collection containers located in such area as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(1)(B)(iv) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;

- (vi) Failed to provide an adequate temporary storage area for residents to drop off containers of used oil as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(1)(B)(vii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (vii) Failed to demonstrate, based on the date such waste was received, the length of time universal wastes have been accumulated as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(A)(iii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (viii) Failed to ensure that each employee who handles or has responsibility for managing universal waste is informed of proper handling and emergency procedures appropriate to the type(s) of waste such employee handles or manages as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(A)(iv) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (ix) Failed to ensure that all areas used to store universal waste are inspected, at a minimum on a weekly basis, for the condition of the waste or any container, package, trailer or building used to store such waste, appropriate marking or labeling all waste, or containers, packages, pallets, trailers or buildings used to store the wastes with identifying words as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(A)(x) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (x) Failed to record inspections in a written inspection log that, at a minimum, includes: the date and time of the inspection; the name of the inspector; a notation of the observations made; and the date and nature of any repairs or other remedial actions as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(A)(xi) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xi) Failed to place spent mixed batteries in containers as soon as they are received at the facility as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(B)(ii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xii) Failed to manage used electronics in a way that prevents the release of the used electronics or any component of the used electronics, or constituent of the used electronics to the environment as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(E)(i) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xiii) Failed to clearly mark or label each used electronic device or container, package or pallet containing covered electronic devices, with one of the following phrases:

“universal waste – used electronics” or “waste used electronics” as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(E)(v) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;

- (xiv) Failed to handle and store covered electronic devices in a manner that maintains the ability to reuse or recycle any such covered electronic devices or components thereof and managed in a way that prevents releases from any covered electronic devices or components to the environment as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(F)(iii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xv) Failed to label or clearly mark each covered electronic device or container, package or pallet containing covered electronic devices with the phrase “Residential CEDs” or “Covered Electronic Devices” as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(F)(iv) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xvi) Failed to ensure that each employee who handles or has responsibility for managing covered electronic devices is informed of the proper handling and emergency procedures appropriate to the type(s) of waste such employee handles or manages as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(F)(vi) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xvii) Failed to ensure that covered electronic devices are sent only to a facility that has a valid and effective permit issued by the Commissioner authorizing the facility to store, treat or dispose of such waste, or to a person who handles such wastes in compliance with section 22a-449(c)-113 of the RCSA and has been approved as a Covered Electronics Recycler pursuant to section 22a-638-1 of the RCSA as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(F)(viii) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xviii) Failed to ensure that all areas used to store covered electronic devices are inspected, at a minimum, on a weekly basis, for the condition of the covered electronic devices or any container, package, trailer or building used to store such waste, appropriate marking or labeling of all covered electronic devices, or containers, packages, pallets, trailers or buildings used to store such wastes, with identifying words as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(F)(x) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010;
- (xix) Failed to record inspections in a written inspection log that, at a minimum, includes: the date and time of the inspection; the name of the inspector; a notation of the observations made; and the date and nature of any repairs or other remedial actions as required by Section 22a-209-4(e) of the RCSA and Section 5.(b)(4)(F)(xi) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010; and,
- (xx) Failed to store all authorized universal wastes, used oil, spent antifreeze in

accordance with the requirements in Sections 5(b) of the General Permit as required by Section 22a-209-4(e) of the RCSA and Section 5.(c)(3)(C) of the General Permit to Construct and Operate Certain Recycling Facilities reissued on August 16, 2010.

14. On September 4, 2013, WEED issued Notice of Violations: No. WSWDS13053 with respect to the Respondent's single item recycling facility regarding those violations cited in paragraph A.13.(a) of this consent order; No. WSWDS13054 with respect to the Respondent's intermediate processing center regarding those violations cited in paragraph A.13.(b) of this consent order; No. WSWDS13055 with respect to the Respondent's volume reduction plant, transfer station and residential drop-off area regarding those violations cited in paragraph A.13.(c) of this consent order; and, No. WSWDS13056 with respect to the Respondent's recyclables transfer facility regarding those violations cited in paragraph A.13.(d) of this consent order.
15. Based on the documentation received from and/or prepared on behalf of the Respondent, dated October 11, 2013 WEED has determined:
  - (a) With respect to the violations cited in Notice of Violation No. WSWDS13053 concerning the single item recycling facility operation, the Respondent has demonstrated their return to compliance;
  - (b) With respect to the violations cited in Notice of Violation No. WSWDS13054 concerning the intermediate processing center operation, the Respondent has demonstrated their return to compliance concerning cited violations: A.13.(b)(v); A.13.(b)(vi); A.13.(b)(vii); A.13.(b)(viii); and, A.13.(b)(ix). Cited violation nos. A.13.(b)(i), A.13.(b)(ii), A.13.(b)(iii) and A.13.(b)(iv) continue to remain open and outstanding;
  - (c) With respect to the violations cited in Notice of Violation No. WSWDS13055 concerning the volume reduction plant, transfer station and residential drop-off area operation, the Respondent has demonstrated their return to compliance concerning cited violations: A.13.(c)(i); A.13.(c)(viii); A.13.(c)(ix); A.13.(c)(x); A.13.(c)(xi); and, A.13.(c)(xii). Cited violation nos. A.13.(c)(ii), A.13.(c)(iii), A.13.(c)(iv); A.13.(c)(v); A.13.(c)(vi); and, A.13.(c)(vii) continue to remain open and outstanding; and,
  - (d) With respect to the violations cited in Notice of Violation No. WSWDS13056 concerning the recyclables transfer facility operation, the Respondent has demonstrated their return to compliance
16. On September 12, 2014, the Department received permit modification application No. 201408990, "Permit Application for Construction and Operation of a Solid Waste Facility" dated September 4, 2014, along with the associated application fee. This application is currently under sufficiency review.
17. By virtue of the above, the Commissioner finds that the Respondent has violated Section 22a-208a and Section 22a-208c of the CGS, Section 22a-209-4 and Section 22a-209-10 of the RCSA, Permit To Construct No. 090-2-L issued on December 3, 1985, Permit To Operate No. SW-0340199 issued on April 26, 1993, Permit To Operate No. 0340946-PO, issued on July 1, 2010, General Permit To Construct And Operate Certain Recycling Facilities reissued on August 16, 2010, Permit Transfer documents dated April 21, 2011 and Permit Transfer

Amendment dated August 15, 2012.

18. By agreeing to the issuance of this consent order, 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.7. of this consent order.

B. With the agreement of Respondent, the Commissioner, acting under Section 22a-6, Section 22a-208 et seq. and Section 22a-225 of the CGS, orders Respondent as follows:

1. Prohibited Activities.

- (a) With respect to the recycling facility's operations in Building nos. 2 and 3, described in paragraph A.6. of this consent order, except as provided for in Section B.2.(a) of this consent order, Respondent shall not accept, process and/or store any scrap metal which is not currently authorized by the Commissioner, such as sorting and dismantling of various scrap metal including but not necessarily limited to: kitchen sinks; electric wire; electric devices and motors; cooking pots and pans; and plumbing fixtures that contain more than one type of metal in Building nos. 2 and 3 until such time as these specific processing activities may be approved by the Commissioner through the issuance of a modified permit. Any unauthorized waste inadvertently received shall be appropriately containerized and delivered to a licensed solid waste facility authorized to handle such waste.
- (b) With respect to the volume reduction plant operations conducted in Building No. 5, described in paragraph A.7. of this consent order, Respondent shall:
- (i) not tip construction and demolition debris (C&D) solid waste out-of-doors and on the ground outside of Building No. 5 or the temporary structure identified in paragraph B.3. of this consent order. At no time, shall Respondent tip, process and/or store incoming C&D waste out-of-doors.
- (ii) ensure that all incoming C&D solid waste has been removed from the temporary structure, identified in paragraph B.3. of this consent order, by the close of the operating week (i.e., Saturday 5:01 P.M.) and only stored within Building No. 5. To demonstrate compliance with this provision, a digital photograph of the interior of the temporary structure shall be taken, which includes the date and time stamp, weekly at the close of the business on every Saturday until Respondent commences authorized operations in renovated Building No. 1 pursuant to paragraph B.3.(c) of this consent order. A full page printout copy of this photograph shall be made and maintained in a log which is kept on-site. Such log, if requested, shall be produced and made available for inspection by the Commissioner and/or his designee.
- (iii) only store processed C&D solid waste outside of Building No. 5, which is necessary for that day's anticipated rail car outbound shipment. All excess processed C&D solid waste shall be contained within Building No. 5 or the temporary structure at the end of each operational day. At no time shall processed C&D solid waste be left out-of-doors and on the ground. To demonstrate compliance with this provision, a digital photograph of the area in front of and to the west of Building No. 5 and the temporary structure shall be taken, which includes the date and time stamp, daily at

the close of business on every work day until Respondent commences authorized operations in renovated Building No. 1 pursuant to paragraph B.3.(c) of this consent order. A full page printout copy of this photograph shall be made and maintained in a log which is kept on-site. Such log, if requested, shall be produced and made available for inspection by the Commissioner and/or his designee.

- (iv) Not utilize the processing equipment currently located in Building No. 5 on or after ninety (90) days from the publication of the Commissioner's Notice of Tentative Determination on the permit application, described in paragraph A.9. of this consent order, or permit modification application, described in paragraph A.16. of this consent order, seeking authorization to use the processing equipment in Building No. 5. In the event that a hearing is requested, Respondent may request an extension of time to continue to operate the processing equipment in this manner including under paragraph B.24 of this consent order.
- (c) With respect to the transfer station activity conducted in Building No. 4, described in paragraph A.7. of this consent order, Respondent shall not utilize the processing equipment that has been relocated to Building No. 4 on or after ninety (90) days from the publication of the Commissioner's Notice of Tentative Determination is issued on the permit application, described in paragraph A.9. of this consent order seeking authorization to use the processing equipment in Building No. 4. In the event that a hearing is requested, Respondent may request an extension of time to continue to operate the processing equipment in this manner including under paragraph B.24 of this consent order.
- (d) With respect to the Residential Drop-off Area, described in paragraph A.7. of this consent order, Respondent shall not tip, store, process or handle solid wastes on the ground at the Facility until such time as these specific activities are approved by the Commissioner by the issuance of a modified permit.

2. Interim operations.

- (a) With respect to the recycling facility conducted in Building nos. 2 and 3, described in paragraph A.6. of this consent order,
  - (i) Respondent may store containerized scrap metal which has been processed into various metal types (i.e., copper, brass, aluminum, iron), received from another permitted solid waste facility or facilities that are located either on-site or off-site, provided such storage shall conform to the following conditions:
    - (A) Respondent shall ensure that the total volume of solid wastes stored in Building nos. 2 and 3 does not exceed the storage limits as set forth in the Permit described in paragraph A.6. of this consent order, unless otherwise authorized in writing by the Commissioner;
    - (B) Respondent shall record and report the volume of scrap metal received and transferred using the required quarterly monitoring reports pursuant to paragraph C.8. of the permit described in paragraph A.6. of this consent order.

- (ii) Respondent may store in Building No. 3 spent lead-acid batteries inadvertently received at the Facility provided such storage shall conform to the following conditions:
  - (A) Respondent shall not open, handle, or store spent lead-acid batteries and spent mixed batteries in a manner that may rupture the battery case, cause it to leak, or produce a short circuit;
  - (B) Respondent shall place spent mixed batteries in containers as soon as they are received at the Facility. Such containers shall be structurally sound, adequate to prevent breakage, lack evidence of leakage or damage that may cause leakage, and are compatible with the content of the batteries. Metal containers for spent mixed batteries shall be grounded, and all containers shall be protected from adverse weather, vented, and kept on an elevated platform to prevent contact with freestanding liquids;
  - (C) Respondent shall not store or accumulate spent lead-acid batteries or spent mixed batteries near incompatible materials unless they are protected from the other materials by means of a dike, berm, wall or other device to prevent fires, explosions, gaseous emissions, leaching, or other discharge of hazardous waste or hazardous waste constituents which could result from the mixing of incompatible materials;
  - (D) Respondent shall store or accumulate spent lead-acid batteries on an impervious surface and inspect weekly for leaks and deterioration. Spent lead-acid batteries shall be placed on pallets, shelves, or collection containers by the end of each working day.
  - (E) Respondent shall mark all batteries (or containers holding such batteries) with the words "Universal Waste-Batteries", "Waste Batteries", or "Used Batteries";
  - (F) Respondent shall accumulate at the Facility no more than two hundred (200) spent lead-acid batteries or one thousand (1,000) kilograms whichever is greater of spent mixed batteries, at any one time;
  - (G) Respondent shall remove all spent lead-acid batteries and spent mixed batteries from the Facility within twelve (12) months of receipt;
  - (H) Respondent shall place any spent mixed battery that is cracked or leaking upon receipt into a plastic sealable bag before being placed into the storage container;
  - (I) Respondent shall record and report the volume of spent lead-acid batteries inadvertently received or delivered from other solid waste facilities on-site by the facility in the required quarterly monitoring reports submitted to the Department pursuant to paragraph C.8. of their permit described in paragraph A.6. of this consent order;
  - (J) Respondent shall ensure that batteries shipped off-site are packaged, marked, labeled and placarded in accordance with U.S. Department of Transportation rules for hazardous materials;

- (K) Respondent shall ensure batteries shipped off-site are to another universal waste handler, or to an authorized destination facility for recycling. Prior to shipment, Respondent shall ensure that the receiving facility agrees to receive the shipment. Any shipments that are rejected must be taken back, or directed to another handler or properly authorized destination facility.
- (b) With respect to the volume reduction plant operations conducted in Building No. 5, described in paragraph A.7. of this consent order, the Respondent may continue the loading of C&D waste into rail cars outside of Building No. 5, provided such outdoor railcar loading conforms to the provisions of this consent order and the following conditions:
- (i) The Respondent shall limit the receipt of C&D waste at the Facility to no greater than four hundred (400) tons per day;
  - (ii) Respondent shall ensure that the total volume of solid wastes stored in Building No. 5 and the temporary structure, identified in paragraph B.3. of this consent order, does not exceed the storage limit of one thousand two hundred fifty (1,250) cubic yards as set forth in the Permit described in paragraph A.7. of this consent order, unless otherwise authorized in writing by the Commissioner;
  - (iii) Respondent shall use a portable wind screen fence from the west side of the rail loading area to the property line or incorporate an alternate containment methodology to mitigate solid waste migration resulting from the loading of C&D waste into rail cars. Nothing in this consent order shall be construed to require Respondent to violate the property interests of others. The facility and adjacent areas shall be kept clean and reasonably free of litter as required by RCSA Section 22a-209-10(6);
  - (iv) Respondent shall, within twenty-four (24) hours of becoming aware of any disruption to the rail transfer from the Facility, notify the Commissioner of such disruption event. The Respondent may seek the Commissioner's written approval for additional on-site containerized storage capacity for processed C&D wastes during those rail transfer disruption events. At no time shall there be storage of C&D waste at the Facility for a period greater than forty-eight (48) hours with the exception of legal holiday weekends, unless authorized in writing by the Commissioner.
- (c) With respect to the transfer station, described in paragraph A.7. of this consent order Respondent may manage non-putrescible MSW within Building No. 4, for processing (receiving, sorting, consolidating, storing and transferring) provided:
- (i) The Respondent shall ensure that the total volume of solid wastes stored in Building No. 4 does not exceed the storage limit as set forth in the Permit described in paragraph A.7. of this consent order, unless otherwise authorized in writing by the Commissioner;
  - (ii) Respondent shall designate with appropriate signage putrescible and non-putrescible MSW tipping areas within Building No. 4 and shall utilize a precast block wall or similar structure to physically segregate the areas;

- (iii) Respondent shall determine through observation that incoming loads of non-putrescible MSW, do not contain greater than ten percent (10%) by volume of designated recyclable items. For any loads identified that exceed such limit, Respondent shall document them in the daily log and report them to the Department in the quarterly reports required by the current permit identified in A.7. of this consent order;
  - (iv) On or before fourteen (14) days from the issuance of this consent order, Respondent shall submit to the Commissioner for his review and written approval, an employee training program for the proper management of non-putrescible MSW. Such plan shall describe at a minimum the methods used to ensure that employees are adequately trained in differentiating putrescible and non-putrescible MSW and the operating procedures when these wastes are mixed and/or contaminated;
  - (v) Respondent shall ensure that the processing of non-putrescible MSW that is not source separated loads of recyclable items conducted at the Facility is limited to sorting, consolidating and transfer from the Facility to recycling markets, recyclable items received (including inadvertently received designated recyclable items) in loads of non-putrescible MSW;
  - (vi) Bagged non-putrescible MSW shall be assumed to contain putrescible solid waste and be appropriately managed as such. At no time shall the Respondent open closed bags for manual or mechanical sorting and processing as described in paragraph B.2.(c) above. The Respondent shall ensure that the employee training program, pursuant to paragraph B.2.(c)(iv) of this consent order, includes the prohibition for opening bagged non-putrescible MSW;
  - (vii) Respondent shall ensure that non-putrescible MSW residue shall be consolidated for transportation to a facility authorized to accept such solid waste. Storage of non-putrescible MSW residue shall be limited to no more than forty-eight (48) hours from such non-putrescible MSW waste entered the Facility, with the exception of legal holiday weekends.
- (d) With respect to the volume reduction plant (Building No. 5) and transfer station (Building No. 4), described in paragraph A.7. of this consent order, Respondent shall achieve at least a ten percent (10%) rate of recovery of non-designated recyclable items for the combined facilities; and,
- (i) As part of the quarterly reports required to be submitted by Condition No. C.4.j. of the permit identified in A.7. of this consent order, Respondent shall document the percent recovery rate by weight of non-designated recyclable items and of designated recyclable items achieved during the reporting period. Each year on or before sixty (60) days after the anniversary date of the permit identified in A.7. of this consent order, the Respondent shall submit to the Commissioner on a report providing the percent recovery rate, by weight achieved during the previous year (year-end report). In the event the percent recovery rate of non-designated recyclable items achieved is below that which is required in paragraph B.2.(d) of this consent order, the Respondent shall document in the quarterly report and the year-end report the circumstances which resulted in the Respondent's inability to achieve the specific

recovery rates listed in this condition. The year-end report shall also identify the measures the Respondent shall take and the actions the Respondent shall institute to achieve the specified recovery rate;

- (e) With respect to the residential drop-off area, described in paragraph A.7. of this consent order, the Respondent may receive at the Facility and store in appropriate containers, residentially generated C&D waste, provided such receipt and storage conforms to the following conditions:
  - (i) The volume of residentially generated C&D waste stored at the Facility shall not exceed twenty (20) cubic yards at any time;
  - (ii) Respondent shall remove, within forty-eight (48) hours, full containers of C&D waste from the Facility and deliver such C&D waste to a solid waste facility(s) authorized to receive such solid waste;
  - (iii) Respondent shall maintain daily records and report volumes of C&D waste received at the Facility to the Department in accordance with Section 5 of the General Permit for Certain Recycling Facilities.

3. Temporary Structure Construction.

- (a) On or before sixty (60) days from the date of issuance of this consent order, Respondent shall complete the construction of the temporary structure depicted on a certified engineering drawing entitled, "Temporary Fabric Structure Prepared For Winters Bros. Transfer Stations Of CT, LLC General Site Layout 307 White Street Danbury, CT Sheet No. 1 of 1" prepared by Anchor Engineering Services, Inc. dated June 9, 2014 and revised on September 16, 2014 ("Temporary Structure Plan"). This Temporary Structure Plan was received by WEED on September 17, 2014.
- (b) On or before fifteen (15) days following the completion of the construction of the temporary structure, Respondent shall provide written notification to the Commissioner that such construction has been completed in conformance with the Temporary Structure Plan.
- (c) Upon receipt of the Commissioner's approval authorizing the use of renovated Building No. 1 to conduct the activities currently conducted in Building No. 5 and a Certificate of Occupancy for the renovated Building No. 1 from the City of Danbury, Respondent shall immediately cease all tipping of C&D waste under the temporary structure. On or before fifteen (15) days following the Commissioner's approval, Respondent shall certify to the Commissioner that all C&D waste material has been removed from beneath the temporary structure and acknowledge that no additional material will be tipped, processed or stored under the temporary structure unless specifically authorized by the Commissioner in writing.

4. Proposed Construction Compliance Schedule. Respondent may submit for the Commissioner's review and written approval a compliance schedule for the proposed construction or renovation of a building that may be compatible for future use as a warehouse, solid waste facility or other similar commercial use. The compliance schedule

shall include a site plan depicting existing and proposed site features pertinent to the proposed construction and any affected activity currently licensed by the Commissioner at the site (traffic patterns, storage, etc.). The compliance schedule shall also include a detailed narrative that describes the scope and sequence of the proposed building construction, and a plan to ensure compatibility and compliance with the solid waste activities currently licensed by the Commissioner at the site. Respondent agrees that this paragraph does not create any expectation or right for use of the proposed building as a solid waste facility without first obtaining a permit issued by the Commissioner pursuant to CGS Section 22a-208a.

5. Environmental Consultant. On or before thirty (30) days from the date of issuance of this consent order, Respondents shall retain one or more qualified consultants acceptable to the Commissioner or shall demonstrate to the Commissioner that qualified in-house expertise exists, to prepare the documents and implement or oversee the actions required by this consent order and shall, by that date, notify the Commissioner in writing of the identity of such consultant(s) or in-house expert(s) and if requested by the Commissioner in writing, a description of a consultant's or in-house expert's education, experience and training which is relevant to the work required by this consent order. Respondent shall retain one or more qualified consultants or in-house expert(s) acceptable to the Commissioner until this consent order is fully complied with, and, within ten (10) days after retaining any consultant or in-house expert(s) other than the one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant(s) or expert(s) and shall submit to the Commissioner a description of a consultant's or in-house expert's education, experience and training which is relevant to the work required by this consent order. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant or expert unacceptable.
6. Progress reports: On or before the last day of March, June, September, and December of each year after 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.
7. 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.
8. Civil penalty. Respondent shall pay a penalty of thirty-five thousand five hundred dollars (\$35,500.00) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs nos. A.8., A.13. and A.16. of this consent order. Payment shall be made in accordance with provisions of paragraph B.9 of this consent order. The penalty shall be paid in four (4) separate installments due payable as follows:
  - (a) The first installment of the penalty, in the amount of eight thousand eight hundred seventy-five dollars (\$8,875.00), shall be due and payable on or before fourteen (14) days after the date of issuance of this consent order.

- (b) The second installment of the penalty, in the amount of eight thousand eight hundred seventy-five dollars (\$8,875.00), shall be due and payable on or before one hundred eighty (180) days after the date of issuance of this consent order.
  - (c) The third installment of the penalty, in the amount of eight thousand eight hundred seventy-five dollars (\$8,875.00), shall be due and payable on or before two hundred seventy (270) days after the date of issuance of this consent order.
  - (d) The last installment of the penalty, in the amount of eight thousand eight hundred seventy-five dollars (\$8,875.00), shall be due and payable on or before three hundred sixty (360) days after the date of issuance of this consent order.
9. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Energy and 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 the "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, "Bureau of Materials Management & Compliance Assurance, Waste Engineering and Enforcement Division", and include the consent order number as identified at the top of page one (1) of the consent order. A copy of the check as well as any transmittal letter shall be mailed or delivered to Ms. Julie Dutton, Bureau of Materials Management and Compliance Assurance, Waste Engineering and Enforcement Division at the same address.
10. Supplemental Environmental Project. In addition to the civil penalty referenced in paragraph B.8., Respondent has agreed to fund the following supplemental environmental project ("SEP") or make payment as follows:
- (a) On or before thirty (30) days after the date of issuance of this consent order, Respondent shall pay twenty thousand five hundred dollars (\$20,500.00) to the Pomperaug River Watershed Coalition, Inc. and shall certify in writing to the Commissioner that such payment was made. The SEP funds shall be used by the Pomperaug River Watershed Coalition, Inc. for an environmentally beneficial project consistent with the Department's supplemental environmental policy in accordance with the Memorandum of Understanding between the Department of Energy and Environmental Protection and the Pomperaug River Watershed Coalition, Inc. included as Attachment "A" to this consent order.
  - (b) If Respondent fails to fund the SEP in accordance with paragraph B.10.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 thousand five hundred dollars (\$20,500.00); 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 the "Connecticut Department of Energy and Environmental Protection" and the check shall state on its face "Statewide SEP Account, Consent Order No. [CO NUMBER]." Respondent shall mail or personally deliver such payment to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.

- (c) 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.
  - (d) 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.
  - (e) 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."
11. 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 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.
12. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
13. 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.
14. 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 Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, 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 Section 53a-157b of the Connecticut General Statutes and any other applicable law."

15. 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.
16. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under Section 53a-157b of the Connecticut General Statutes and any other applicable law.
17. 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 fifteen (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.
18. 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.
19. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
20. 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 or prevent or abate pollution.
21. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the sites without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
22. 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.

23. Notice to Commissioner of changes. Within fifteen (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.
24. 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.
25. 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:

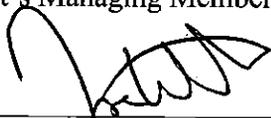
Stan Gormley, Environmental Analyst - III  
Department of Energy and Environmental Protection  
Bureau of Materials Management & Compliance Assurance  
Waste Engineering & Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

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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.

Winters Bros. Transfer Stations of CT, LLC

BY: Winters Bros. Waste Systems of CT, LLC  
It's Managing Member



BY: Joseph Winters,  
Member

11-7-14

Date

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



Macky McCleary,  
Deputy Commissioner

11/20/14  
Date

Enclosure

Cc: Town of Danbury Land Records w/ enclosure

Consent Order No. COWSWDS14006

Attachment A

State of Connecticut

V.

Winters Bros. Transfer Stations of CT, LLC

Memorandum of Understanding

Between

Department of Energy and Environmental Protection

&

Pomperaug River Watershed Coalition, Inc.



**Memorandum of Understanding  
Between the Department of Energy and Environmental Protection and  
Pomperaug River Watershed Coalition, Inc.**

This Memorandum of Understanding ("MOU") is made and concluded in Hartford, Connecticut by and between the Connecticut Department of Energy and Environmental Protection ("Department"), represented by Robert Klee, Commissioner ("Commissioner") and Pomperaug River Watershed Coalition, Inc. ("PRWC"), represented by Lenndert DeJong, Executive Director. The purpose of this memorandum is to document the understanding between the parties regarding the funding of the Cedarland Park Project. Cedarland Park Project on River Trail in Southbury, Connecticut is a community-based restoration project that incorporates, among other things the following: extend and leverage ongoing stream bank stabilization and restoration; remove invasive species with the planting of native vegetation; establish environmentally friendly river access points; and, provide a model "river-friendly landscape" that can be replicated elsewhere in the state:

Whereas, Winters Bros. Transfer Stations of CT, LLC has agreed, pursuant to Administrative Consent Order No. COWSWDS14006 with the Department, to provide payment in the amount of twenty thousand five hundred dollars (\$20,500.00) directly to PRWC to fund a supplemental environmental project ("SEP") and;

Whereas, a proposal in the form of a letter dated September 24, 2014 to Kevin Barrett, Supervising Environmental Analyst for performing such SEP has been submitted by PRWC and approved by the Department as the "project".

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

PRWC 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 PRWC and used solely for the purposes of fulfilling the PRWC's obligations under this MOU.
2. Perform the project to its fullest detail as approved. The project shall be fully performed by no later than November 15, 2015.
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 semi-annual basis. Semi-annual reports shall be submitted to the Department on or before January 15, for the period starting July 1 through and ending December 31, and on or before July 15, for the period starting January 1 through and ending June 30, beginning with the execution of this MOU. Each semi-annual report shall include but not be limited to the following information:
  - Progress of the project;
  - A complete accounting of actual project costs incurred to date;
  - Planning for the remaining project tasks to be performed;
  - Any other activities, occurrences, and significant findings related to this project; and
  - Any other information if reasonably 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:
  - A case history of the project and detailed explanation of its design and implementation including before and after photographs of: 1) two (2) access points created; and 2) two hundred seventy (270) foot section of the river that has been removed of invasive species and replanted with native trees and vegetation;
  - 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; and,
  - Recommendations for improvements.
  
7. Submissions required under this MOU shall be made to Stan Gormley, Environmental Analyst-III, Department of Energy and Environmental Protection, Bureau of Materials Management and Compliance Assurance, 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, PRWC 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 Energy and 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."

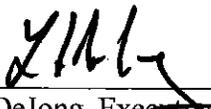
**Time of Performance:**

This MOU shall be in effect until November 15, 2015. Following a written request by PRWC, the Commissioner may extend the time of performance as necessary to complete the supplemental environmental project.

CONNECTICUT DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

By:  Date: 11/21/14  
Robert Klee, Commissioner

Pomperaug River Watershed Coalition, Inc.

By:  Date: 10/15/14  
Leendert DeJong, Executive Director