



Connecticut Department of

**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

**Bureau of Water Protection and Land Reuse**

October 9, 2015

George and Arla Wiles  
155 Brooklawn Avenue  
Bridgeport, CT 06604

**Re: Consent Order No. LIS-2015-3728-V, 182 Milford Point Road  
City: Milford**

Dear Mr. & Mrs. Wiles:

Please find enclosed a signed administrative Consent Order for your records. The Consent Order requires the payment of a civil penalty of \$2,500 in the form of a Supplement Environmental Project (SEP) to the Long Island Sound SEP Account within 30 days of the date the Commissioner signed the Order.

If you have any further question, please do not hesitate to contact me at (860) 424-3626. Thank you.

Sincerely,

Kevin Zawoy, Environmental Analyst  
Office of Long Island Sound Programs  
Bureau of Water Protection and Land Reuse

KZ/

Enclosure – Consent Order #LIS-2015-3728-V



79 Elm Street • Hartford, CT 06106-5127

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Affirmative Action/Equal Opportunity Employ

STATE OF CONNECTICUT      File #LIS-2015-3728-V      Date of Issuance: October 9, 2015

v.

GEORGE WILES

AND

ARLA WILES

CONSENT ORDER

A. The Commissioner of Energy & Environmental Protection ("the Commissioner") finds:

1. George and Arla Wiles are the owners of 182 Milford Point Road, Milford, CT. The property is located adjacent to the Housatonic River, a tidal, coastal and navigable water of the State.
2. On December 4, 2014, George Wiles was issued coastal permit #201400727-SJ for 182 Milford Point Road to create 300 square feet of tidal wetlands for on-site mitigation, install a temporary and permanent driveway, install a sewer line, and install a portion of an elevated deck associated with the construction of a new residence.
3. On or before August 6, 2015 without authorization, Respondents conducted the following unauthorized activities or failed to comply with required conditions of permit #201400727-SJ along the shoreline of the property waterward of the Coastal Jurisdiction Line ("CJL") and within tidal wetlands as follows: a) failed to establish a minimum of a 5 foot setback from any wetlands or watercourses as required in SPECIAL TERMS AND CONDITIONS paragraph 9. of the permit; b) failed to prevent any equipment or fill material consisting of on-site soil from being deposited, placed or stored in a wetlands and within the established set-back area as required in SPECIAL TERMS AND CONDITIONS paragraph 10. of the permit; and c) failed to comply with requirement

prohibiting work waterward of the coastal jurisdiction line and within tidal wetlands other than the work authorized in permit #201400727-SJ, in accordance with GENERAL TERMS AND CONDITIONS paragraph 3. of the permit.

4. The property and the location of the work described in paragraph A.1., above, shall hereinafter be referred to as "the site."
  5. Respondents did not receive a certificate or permit from the Commissioner under sections 22a-361 and 22a-32 of the Connecticut General Statutes ("CGS") for the work described in paragraph A.3. at the site.
  6. By virtue of the above, Respondents have violated sections 22a-361 and 22a-32 of the CGS.
- B. With the agreement of the Respondents, the Commissioner, acting under CGS sections 22a-6, 22a-361, and 22a-32 orders Respondents as follows:
1. No Additional Work. Respondents shall not conduct any work waterward of the coastal jurisdiction line or in tidal wetlands at the site without prior written authorization of the Commissioner in accordance with CGS sections 22a-361 and 22a-32.
  2. Full compliance. Respondents 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 satisfaction of the Commissioner.
  3. Supplemental Environmental Project.
    - a. The Respondents have agreed to fund a supplemental environmental project ("SEP") or projects as selected by the Department according to its February 15, 1996 "Policy on Supplemental Environmental Projects." Therefore, on or before thirty (30) days after the date of issuance of this Consent Order, the Respondents shall pay \$2,500 to the Long Island Sound SEP Account. The payment shall be mailed or personally delivered to the Department of Energy & 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," with notation thereon "Long Island Sound SEP Account" and "Consent Order No. LIS-2015-3728-V."
    - b. If the Respondents fail to fund the SEP in accordance with paragraph 3.a. above, the Respondents shall immediately pay a civil penalty of \$2,750. Respondents shall pay such civil penalty in accordance with the provisions of paragraph B.4 of this Consent Order.



the word "day" as used in this Order means calendar day. Any document or action which is required by this Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal legal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or Connecticut or federal holiday.

8. Notification of noncompliance. In the event that Respondents become aware that they 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, Respondents shall immediately notify the Commissioner 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. In so notifying the Commissioner, Respondents shall state in writing 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 Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondents shall not excuse noncompliance or delay. The Commissioner's approval of any revised compliance dates shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
9. 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 a duly authorized representative of the Respondents and by the individual or individuals responsible for actually preparing such document, each of whom 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 that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, 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 in accordance with CGS Section 22a-6, under CGS Section 53a-157b and in accordance with any other applicable statute."
10. 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 Respondents to an injunction and penalties under Chapters 439, and 446i of the General Statutes.
11. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense in accordance with CGS section 22a-6, under CGS section 53a-157b.
12. Notice of transfer; liability of Respondents and others. Until Respondents have fully

complied with this Consent Order, Respondents shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the site, structures, obstructions, encroachments, fill, operations or facilities which are the subject of this Consent Order, or obtaining a new mailing or location address. Respondents' obligations under this Consent Order shall not be affected by the passage of title to the site to any other person or municipality. A future owner of the site may be subject to the issuance of an Order from the Commissioner.

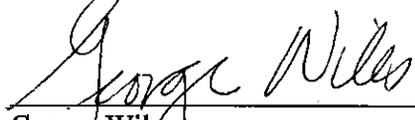
13. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any action to prevent or abate violations of law, prevent or abate pollution, recover costs and damages for adverse impacts to natural resources and to impose penalties for violations of law, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this Consent Order have not successfully corrected all violations, the Commissioner may institute any proceeding to require Respondents to undertake further investigation or further action to correct violations.
14. Respondents' obligations under law. Nothing in this Consent Order shall relieve Respondents of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this Consent Order or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the corrective actions taken by Respondents pursuant to this Order will result in compliance with regard to any statute, regulation, permit, order or other authorization not identified hereunder.
16. Access to site. Any representative of the Department of Energy & Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
17. No effect on rights of other persons. This Consent Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order.
18. Notice to Commissioner of changes. Within fifteen days of the date Respondents become 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, Respondents shall submit the correct or omitted information to the Commissioner.
19. Submission of documents. Any document required to be submitted to the Commissioner

under this Consent Order or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Kevin Zawoy  
Department of Energy & Environmental Protection  
Office of Long Island Sound Programs  
79 Elm Street  
Hartford, CT 06106-5127  
(860) 424-3626  
Fax # (860) 424-4054

20. Joint and Several Liability. The Respondents shall be jointly and severally liable for compliance with this Consent Order.

Respondents consent to the issuance of this Consent Order without further notice.

  
\_\_\_\_\_  
George Wiles  
9/30/2015  
\_\_\_\_\_  
Date

AND

  
\_\_\_\_\_  
Arla Wiles  
9/30/2015  
\_\_\_\_\_  
Date

Issued as a final order of the Commissioner of Energy & Environmental Protection on

October 9, 2015.

  
\_\_\_\_\_  
Michael Sullivan  
Deputy Commissioner

Certification of Mailing

On 10/13, 2015, at 11:20 a.m. p.m., I mailed a certified copy of Consent Order No. LIS-2015-3728-V to the following, by placing it in the U.S. mail/interdepartmental mail:

George Wiles  
155 Brooklawn Avenue  
Bridgeport, CT 06604

Ashlyn Amyulei  
Name of person mailing

Title: Adm asst

Date: 10/13/15