

Managing Environmental Compliance in Connecticut



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Gina McCarthy
Commissioner

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Connecticut Department of Environmental Protection
Office of Enforcement Policy and Coordination

Issue 9

Hartford MDC Fined \$850K for Illegal Sewage Discharges

A major settlement with the Hartford-based Metropolitan District ("MDC") will significantly reduce illegal discharges of raw sewage into the environment from the MDC's wastewater collection system. Reducing discharges of untreated sewage to local rivers and streams will enhance fishing and recreation opportunities in the Connecticut River.

The agreement is between the U.S. Environmental Protection Agency, the U.S. Department of Justice, the Connecticut Department of Environmental Protection, the Connecticut Attorney General's Office, and Hartford's Metropolitan District. The MDC is a non-profit municipal corporation responsible for providing water supply, water treatment and water pollution control to eight communities including Bloomfield, East Hartford, Hartford, Newington, Rocky Hill, West Hartford, Wethersfield, and Windsor.

Under terms of the settlement, the MDC will significantly reduce illegal raw sewage overflows from the sanitary portions of their wastewater collection system, which previously have been discharged to area waterways including the Connecticut River, in violation of the federal Clean Water Act. The MDC will also pay a fine of \$850,000. The fine will be split equally between the United States and the State of Connecticut.

Specifically, the MDC will implement a comprehensive, system-wide plan to ensure that all Sanitary Sewer Overflows ("SSOs") that are associated with insufficient capacity of the MDC's separate wastewater collection system are eliminated within 7 to 12 years.

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Home Depot Agrees to Pay Penalty and Make Improvements

The Department entered a consent order with Home Depot in May 2006 under which this major national retail chain is paying penalties of \$425,000 for numerous violations of environmental regulations at its stores in the state as well as making major improvements in its environmental practices. The violations found at 13 Home Depot stores in Connecticut involved the improper display, handling and disposal of products such as pesticides and fertilizers that contain hazardous materials. Home Depot was cited for failing to comply with the state's hazardous waste, pesticide and storm water management requirements.

The consent order requires Home Depot to pay a civil penalty of \$99,000, pay \$326,000 to an agency fund for supplemental environmental projects, continue to implement and improve a comprehensive Environmental Management System to ensure that operations at all current and future stores meet with Connecticut's environmental requirements and hire a third party to audit ongoing compliance with environmental regulations at Home Depot stores in the state.

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Newly Passed Environmental Legislation

The Department proposed or supported a number of bills during the 2006 legislative session. Below is a summary of a number of bills passed that will have an impact on public health and the environment. For more information, please contact Tom Tyler, Legislative Liaison, at (860) 424-3099.

Public Act-06-53-To study the costs and benefits of using ethanol as a gasoline additive in this state as a means of meeting the requirements of the federal Clean Air Act. Such study shall examine (1) the public health implications of exposure to unsafe levels of ethanol and other toxics unique to ethanol-blended gasoline, (2) how using ethanol as a gasoline additive affects motor vehicle emissions and impacts on the state's implementation plan under the federal Clean Air Act, and (3) health risks associated with chronic exposure to ethanol or ethanol-blended gasoline.

Public Act-06-76-(Department of Environmental Protection Omnibus Bill)-To streamline the filing process of environmental compliance orders on land records; to eliminate the need to obtain a permit to construct, repair or alter state-owned dams; to repeal provisions relating to the Connecticut Hazardous Waste Management Service and the creation of a low-level radioactive waste account and low-level radioactive waste management fund; to exempt facilities that solely generate universal waste and residential common interest communities, under certain conditions, from the Transfer Act; to allow a certifying party under the Property Transfer Act to verify that a portion of an establishment is remediated; to revise provisions regarding the renewal of a Licensed Environmental Professional license and the qualifications to be a Licensed Environmental Professional; to require a permit for the construction, establishment or operation of a solid waste facility and to require a person who owns a unpermitted facility to submit a closure plan for it; to apply criminal and civil penalties to the Mercury Reduction Act; and to remove the prohibition to issue general permits to regulate certain process wastewater discharges to municipal pollution abatement facilities.

Public Act-06-82-To allow the Commissioner of Environmental Protection to expand the Nitrogen Credit Exchange program to include the private sector by providing economic incentives.

Public Act-06-143-To reduce sulfur emissions in the state of Connecticut by reducing the sulfur content of home heating oil and off-road diesel fuel.

Public Act-06-161-To direct DEP and DMV to develop an educational program to include a sticker on new motor vehicles indicating relative green house gas emissions. The program is to be funded by a \$5 motor vehicle registration fee.

Public Act -06-181 - To strengthen and clarify the mercury reduction provisions including prohibitions on the sale or distribution of certain mercury-added products and a ban on the sale or distribution of button cell batteries containing mercury.

Public Act -06-187-To establish new building construction standards for State buildings that are consistent with or exceed the Leadership in Energy and Environmental Design silver building rating. The new standards will apply to new construction of a state facility (not including salt sheds, parking garages, maintenance facilities or schools) that has a projected cost of \$5 million or more that is approved or funded after January 1, 2007.

Agency Reorganized to Enhance Efficiency and Effectiveness

Commissioner McCarthy has realigned the Department to provide a sound foundation for environmental quality efforts moving forward. The following changes to the organization of the Department became effective on April 17, 2006:

- The Bureau of Water Management has been reshaped into the **Bureau of Water Protection and Land Reuse**. This new bureau encompasses many of the programs and activities that help guide land use development decisions in ways that preserve the state's water resources, including water planning, wetlands and aquifer protection. Additionally, the remediation division, formerly in the Waste Bureau, has also been transferred into the new Bureau. Betsey Wingfield is the Chief of the Bureau of Water Protection and Land Reuse.
- The Bureau of Waste Management has been reshaped into the **Bureau of Materials Management and Compliance Assurance**. This bureau will continue to house many of the same programs as the former waste bureau, including spill response and solid and hazardous waste management. Additionally, in an effort to continue to shift to multi-media permitting, enforcement and compliance, the new bureau will combine the waste and water permitting and enforcement activities of the former waste and water bureaus. Yvonne Bolton is the Chief of the Bureau of Materials Management and Compliance Assurance.
- The planning unit in the former Bureau of Waste Management has been centralized in the Office of Planning and Program Development.
- Amey Marrella has joined the Department as the Deputy Commissioner for Environmental Quality. She replaces Jane K. Stahl who has retired.
- David Leff has retired from the position of Deputy Commissioner for Environmental Conservation. This position has not yet been filled.
- Melinda Decker has joined the Department as Agency Legal Counsel.
- Brian Thompson has joined the Department as Director of the Office of Long Island Sound Programs. He replaces Charlie Evans who has retired.

Department Issues General Permit for Asphalt Roofing Shingle Waste

On May 31, 2006, the Department Issued the General Permit for Storage and Processing of Asphalt Roofing Shingle Waste (ARSW) and/or for the Storage and Distribution of Ground Asphalt Aggregate (GAA) for Beneficial Use. This general permit authorizes 1) storage of asphalt roofing shingle waste only; 2) processing of asphalt roofing shingle waste including storage and distribution of ground asphalt aggregate for beneficial use; or 3) only storage and distribution of ground asphalt aggregate for beneficial use.

The general permit requires the permittee to prepare a Facility Site Plan; a Facility Description; an Operation and Management Plan, which shall include an Emergency and Preparedness Plan; a Final Closure Plan and Cost Estimate, as applicable, and a Financial Assurance Mechanism, as applicable. The general permit authorizes receipt of ARSW from residential and/or former residential sources only.

This general permit was issued under the authority of, and administered by the Department's Bureau of Materials Management and Compliance Assurance. DEP uses both individual and general permits to regulate activities. Individual permits are issued directly to an applicant, whereas general permits are issued to authorize similar activities by one or more applicants throughout a prescribed geographic area.

Hartford Metropolitan District Fined \$850K for Illegal Sewage Discharges *(continued from page 1)*

The MDC is concurrently working with the Department to reduce the levels of overflows from the "combined" portions of their wastewater collection system.

Properly designed, operated and maintained sanitary sewer systems are meant to collect and transport all of the sewage that flows into them to a publicly owned treatment works. However, discharges of raw sewage from municipal sanitary sewers can occur. These types of discharges, called SSOs, have a variety of causes, including but not limited to severe weather, improper system operation and maintenance, and vandalism. The untreated sewage from these overflows can contaminate our waters, causing serious water quality problems. Raw sewage discharges can carry bacteria, viruses, and other organisms that can cause life threatening ailments such as cholera, dysentery, infections, hepatitis, and severe gastroenteritis.

Investigations documented that the MDC had discharged over 120 million gallons of untreated sewage in the past five years from eight unpermitted structural SSO locations in wastewater collection systems in the towns of Hartford, Newington, Rocky Hill, West Hartford and Wethersfield. The discharges occurred primarily during wet-weather when the capacity of the separate collection systems was exceeded by groundwater and rain water that were discharged to these separate systems by individual residences through the connection of sump pumps, roof leaders, foundation, yard and area drains. Blockages in the collection systems have also resulted in dry-weather raw sewage overflows in all of the MDC's member communities.

The MDC provides wastewater collection and treatment services to approximately 375,000 people, and owns or operates four wastewater treatment facilities, the largest of which is the Hartford Water Pollution Control Facility which discharges to the Connecticut River. The discharge permits for these wastewater treatment facilities do not authorize any SSOs.

Connecticut's half of the penalty (\$425,000) will be paid into a fund to be used to pay for supplemental environmental projects in the greater Hartford area such as water quality planning, assessment and restoration, and greenway enhancements.

Connecticut Diesel Plan Team Receives Merit Award

In May, the Connecticut Diesel Plan Team received a Merit Award from the U.S. Environmental Protection Agency for its success in assembling a comprehensive plan for reducing diesel emissions in Connecticut. The plan, designed to reduce the health risks from diesel air pollution, was developed in just six months and included input from businesses, environmentalists, educational and government participants, and local community groups.

Mobile sources, including transit and school buses, trucks, and construction equipment are often thought of as main sources of diesel emissions in Connecticut. The Clean Diesel Plan looks at mobile sources as well as other key sources of particulate matter, like heating oil and wood burning, in a comprehensive way. It includes an inventory of diesel emission reduction opportunities and a menu of cost-effective strategies. The stakeholder group also identified creative strategies for overcoming funding barriers by employing tax incentives, contract specifications, Department of Energy State Energy Program funds and other funding available for vehicle retrofits.

Implementation of the plan will reduce emissions in several communities in the state which suffer disproportionately from the impacts of air pollution thereby addressing environmental justice concerns and will serve as a blueprint for the state to move forward with a multi-faceted diesel reduction strategy. A copy of the plan and all of the materials compiled as part of the stakeholder process can be obtained on the Department's website at: www.dep.state.ct.us/air2/diesel/index.htm.

Home Depot Agrees to Pay Penalty and Make Improvements *(continued from page 1)*

The consent order cited violations at Home Depot stores in: North Haven, Berlin, Norwalk, Fairfield, Southington, Danbury, West Hartford, Enfield, New Hartford, Lisbon, Derby, Middletown and Waterbury.

As a result of the settlement, Home Depot is putting Environmental Management Systems in place in all its stores that include:

- Improved outdoor display and storage of various chemicals and products, such as pesticides, fertilizers, swimming pool additives, bags of concrete, deicing materials and pressure treated wood. These steps are designed to prevent spills and breakage that result in hazardous materials being caught up in storm water runoff.
- Improved indoor displays to prevent shopping carts and hand trucks from breaking open packages of products that contain hazardous materials
- Increased training for staff on proper handling and disposal of products containing hazardous materials
- New procedures – such as patches for broken bags – to prevent the unnecessary disposal of products
- Retrofitting existing stores and improved design of future stores to accommodate the environmentally safe management of products and hazardous materials

The supplemental environmental projects funded by Home Depot's payment will include:

- Increased outreach and education on environmental regulations and "best" management practices for retailers who sell lawn care, swimming pool and other products containing hazardous materials.
- Enhanced training for members of local planning, zoning inland wetland and other municipal officials on managing growth and development to best protect wetlands, waterways and other valuable natural resources. Training will address issues such as storm water management and site plan reviews.
- New outreach materials on organic land care for municipalities to reduce the use of pesticides and herbicides on parks, playing fields and other properties owned by cities and towns.

Home Depot has also worked with major manufacturers on improved bags and containers for pesticides and fertilizers. This will reduce breakage and the volume of hazardous materials that need to be managed and disposed. Products packaged in this new manner are being sold at Home Depot stores in Connecticut and nationwide.

Connecticut Department of Environmental Protection

Gina McCarthy
Commissioner

Amey Marrella
Deputy Commissioner

Office of Enforcement Policy and Coordination

Nicole Morgenthaler Lugli, Director
Michael Hart
Susan Zampaglione

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