

Managing Environmental Compliance in Connecticut



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Commissioner
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CVS to pay \$268,900 Penalty and Correct Wastewater Discharge Violations

In November 2010, CTDEP entered a consent order with CVS in Connecticut under which this national retail pharmacy chain is paying penalties of \$268,900 for numerous violations of environmental regulations at its stores as well as making major improvements in its environmental practices. The violations involve the improper discharge of wastewaters containing materials used in the processing of photographs and wastewaters containing pharmaceuticals.

Under the consent order, CVS will pay \$223,900 in civil penalties and \$45,000 for a Supplemental Environmental Project (SEP). The SEP funds will be used by the Connecticut Fund for the Environment (CFE) to study the potential for reducing the amount of storm water that enters the sewer systems in New Haven and Bridgeport. The sewer systems in these cities – which collect both storm water and domestic sewage – become overwhelmed during heavy rains, which can release untreated sewage into rivers, streams and Long Island Sound.

In 2009, CTDEP inspected 10 CVS locations and discovered violations that included the discharge of wastewaters from photographic processing and pharmaceuticals and pharmaceutical-laden wastewaters to on-site septic systems or sanitary sewers without a permit.

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CTDEP Co-hosts Summit on Business Sustainability

The *CT Summit on Business Sustainability* was held on December 7, 2010. The summit was co-hosted by the Connecticut Business and Industry Association and CTDEP. In today's challenging economy the private sector and State government are working together to foster strong, sustainable economic growth.

At the summit, Connecticut businesses showcased their sustainability initiatives that save money, increase profits, promote recognition, and offer new business opportunities. Opportunities were provided to network with resource providers and offer input to State leaders. Over 250 people attended the summit, which was held at the Legislative Office Building in Hartford.

Summit Attendees were asked what programs, policies, incentives, or other initiatives should the State of Connecticut pursue to better support the sustainability efforts of Connecticut businesses.

To read the comments received and sustainability highlights of Connecticut business speakers view the [Summit webpage](#).

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CTDEP Launches Remediation Roundtable

On December 14, 2010, the CTDEP launched a **Remediation Roundtable** to provide an open forum for the exchange of ideas and information on the various site cleanup programs in Connecticut and to solicit opinions, advice and information from those outside sources on a routine and established basis. The CTDEP welcomes the participation of individuals representing different points of view and acknowledges the significant contribution made by such individuals. The forum will also serve as a means for the CTDEP to provide information and updates on regulatory matters affecting the cleanup of contaminated sites.

The December roundtable was well received and attended by about 90 people. The topics discussed included the results of the Lean Kaizen events for improving administration of the Potable Water program and the status of ongoing improvements to expedite the preparation and approval of Environmental Land Use Restrictions. Presentations also included review of recent revisions to the Department's Site Characterization Guidance Document and Environmental Condition Assessment Form.

The Remediation Roundtable will be held bi-monthly and the next meeting will be held in February 2011. Topics to be discussed at the February meeting include revisions to guidance on Engineered Controls, Reasonable Confidence Protocols, and Data Quality Assessment and Usability.

Plans for Funding Portion of the Waterbury Naugatuck River Greenway Finalized

In December 2010, CTDEP approved the City of Waterbury's proposal for the use of \$500,000 that was received from the settlement of environmental violations at a local company. The city will use the funds toward creating a park that will serve as the first portion of the Waterbury Naugatuck River Greenway.

This portion of the Waterbury Naugatuck River Greenway, when completed, will consist of a seven-acre nature park along with parking, a trailhead, rest area, boat launch, nature trail and other park amenities. The park will anchor the southernmost section of the Waterbury greenway, which will be the first section to be designed and constructed.

The funds are available as the result of a February 2010 settlement between CTDEP and G&K Services Co. (G & K), which operates an industrial laundry facility in Waterbury. At that time, G&K agreed to pay \$1.8 million in penalties for emitting toxic substances that threatened public health – \$500,000 of which was earmarked for an environmental project that would benefit the residents of Waterbury.

The park will be a showpiece for the entire 7.1 mile greenway that will serve as a linear open space corridor with a paved multi-use recreational and alternative transportation trail extending throughout the City. The greenway will provide residents access to the Naugatuck River and will help redefine Waterbury's historic industrial urban core into a new green infrastructure for the City. In addition, it will become a key piece of a future 44-mile long greenway stretching from Torrington to Derby.

CTDEP Enters Consent Orders for Illegal Use and Sale of Pesticides

In December 2010, CTDEP entered into consent orders with William Bednarz for illegal use of pesticides and with Valley Green, Inc. of Holyoke, Massachusetts, the company that sold him the product.

Bednarz was arrested by CTDEP Environmental Conservation Police last April on charges that he used a pesticide to kill wildlife. He allegedly placed hot dogs laced with Furadan, an agricultural pesticide, in and around his crop fields in an attempt to kill raccoons, which he believed were causing damage to his corn crop. The pesticide-laced hot dogs were allegedly eaten by wildlife and two dogs, killing one. As a result of criminal charges against him, Bednarz made restitution to the owner of the dogs.

Under a settlement of civil charges, Bednarz is paying penalties, performing habitat restoration work at CTDEP's Suffield Wildlife Management Area and supplementing sponsorship of research being conducted by the University of Connecticut's turf science program – all at a cumulative value of \$15,000. Under the settlement, he is also ineligible for Private Applicator certification for a period of two years. Anyone handling and applying restricted-use pesticides is required to have this certification.

In the case of Valley Green, Inc., the company acknowledged that it sold and distributed pesticide products on at least 54 dates to uncertified applicators, including William Bednarz of Bednarz Farm, Windsor. Valley Green, Inc. will pay \$55,000 in penalties. These include:

- Civil penalty of \$13,750;
- Contribution of \$9,000 to sponsor research by the Connecticut Agricultural Experiment Station on resistance of bed bugs to the commonly used type of insecticides known as pyrethroids; and
- A contribution of \$32,250 to support a habitat management and restoration project at Charles Island, Milford.

CTDEP Approves Habitat Restoration Projects for Funding

CTDEP has approved \$4,471,181 in grants for projects that will protect habitats and restore ecosystems across the state, including coastal areas along Long Island Sound. Funding for the projects comes from environmental enforcement settlements with the CTDEP and from the Long Island Sound Fund, which is supported primarily by the sale of *Preserve the Sound* license plates.

Cities, towns and environmental organizations have been approved to implement projects that will restore and protect unique and critical lands, ranging from forest habitats to tidal wetlands. Importantly, the settlement funds will be used in the regions where environmental damage took place, to provide compensation for the natural resources which were lost or damaged in those communities.

The competitive grant proposals were reviewed by a CTDEP technical review team. The Long Island Sound Fund Advisory Committee, comprised of members of the public with an active interest in Long Island Sound issues and expertise, also evaluated Long Island Sound related proposals and recommended projects for funding to the Commissioner.

Towns that received grant funds include Bloomfield, Bristol, Bridgeport, East Berlin, East Granby, East Haddam, Essex, Groton, Lyme, Madison, Manchester, Norwalk, Old Lyme, Old Saybrook, Preston, Southbury, Stafford, Wallingford, West Haven, and Winchester.

CVS to pay \$268,900 Penalty and Correct Wastewater Discharge Violations

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CVS also reported additional violations of permit effluent limits for silver at 31 stores between July and September of 2010.

Working with the U.S. Environmental Protection Agency (EPA), CTDEP obtained additional information from CVS on its practices regarding the handling of wastewaters from photographic processing at other Connecticut stores.

Under the terms of the consent order, CVS ceased discharging silver-bearing photographic processing wastewater at all of its Connecticut stores and will undertake the following corrective actions at all of its Connecticut stores:

- Develop Standard Operating Procedures (SOPs) to ensure proper disposal of unused/expired/waste concentrated photographic processing chemicals, over-the-counter medications, pharmaceuticals or pharmaceutical-laden wastewaters, and wastewaters generated from rinsing photographic processing equipment;
- Post signs near all sinks and drains designed to ensure proper disposal of the items listed above;
- Provide employee training regarding the SOPs and signs.

One year from the issuance of the consent order, CVS must notify CTDEP of those CVS stores where it elects to resume discharging. Permits for other stores will be surrendered. Prior to resuming the discharge of photographic wastewaters at any store, CVS will develop SOPs to ensure all existing and future stores obtain and comply with the required discharge permits for photographic wastewaters and train employees regarding permit requirements and the SOPs.

After implementing the above correction actions, CVS will also conduct audits at all of its Connecticut stores and certify to CTDEP that all of its stores are in compliance with the corrective actions, permit requirements and state and federal laws.

CTDEP Produces Second Training DVD for Municipal Inland Wetlands Agencies

In September 2010, CTDEP released a second Municipal Inland Wetland Commissioners Training Program DVD for municipal inland wetlands agencies. The DVD, titled "An Introduction to Map Reading & Site Plan Review" reinforces what participants learn in CTDEP workshops. The DVD will be distributed to all Connecticut municipal inland wetlands agencies as well as Connecticut's Conservation Districts, Regional Planning Organizations, and other interest groups.

Each municipality in Connecticut has an inland wetlands agency to implement the Connecticut Inland Wetlands and Watercourses Act. The CTDEP provides an annual training program to educate members of the local commissions on how to carry out the municipal regulation of activities affecting wetlands and watercourses.

To supplement the training program, the CTDEP produced an interactive training DVD in 2005 that focuses on the Act and examines critical topics such as the definitions of inland wetlands and watercourses, the commission meeting, and timelines for applications and amendments. This second DVD, "An Introduction to Map Reading & Site Plan Review" complements the workshops and the first DVD. Both DVD's were produced by Middlesex Community College, Middlesex Corporate Media in collaboration with CTDEP and various valuable stakeholders. The New DVD will be available on the [CTDEP website](#) in January 2011.

Millstone Permit Renewal Includes Measures to Protect Aquatic Life

CTDEP has approved the renewal of the water discharge permit for Millstone Power Station with requirements that the plant operator take steps to better protect aquatic life and conduct an assessment of alternatives to the current water cooling system. The [Final Decision](#) was issued on August 30, 2010, and an appeal is pending in Superior Court.

Terms of the permit renewal are based on an agreement reached in September of 2008, between CTDEP, Dominion Nuclear Connecticut, Inc. (Dominion), which operates the two Millstone units in Waterford, and two environmental organizations – Connecticut Fund for the Environment, Inc. (CFE) and Soundkeeper, Inc. Under terms of the agreement, Dominion has been moving to implement permit requirements even before the permit was issued.

Under the permit renewal, Dominion will be allowed to discharge approximately 2.28 billion gallons of water a day into Long Island Sound. The water is discharged after being taken from Niantic Bay to service and cool the nuclear reactors used to generate electricity at the power units.

As a requirement of the permit renewal, Dominion will:

- Conduct a detailed evaluation of all available technologies that can be installed to minimize adverse environmental impacts from Millstone’s cooling water intake structures. Based on a review of the results of the evaluation, all other information required by the proposed permit and any law or regulation in effect at that time, the CTDEP will determine the best technology available that must be installed at Millstone.
- Complete installation of new technology to reduce the intake of cooling water by about 40 percent during the optimal spawning season for winter flounder – which typically runs from early April until mid-May.
- Undertake a detailed feasibility study of the potential benefits of installing fine mesh screens to reduce the mortality rate of winter flounder larvae.
- Conduct a detailed study to determine steps that could be taken to augment the natural reproduction of Niantic River winter flounder including transporting pre-spawn winter flounder from other areas of Long Island Sound or Block Island Sound to the Niantic River.
- Become an active participant in the Nitrogen Work Group established by CTDEP to study the impact of nitrogen loading on aquatic life and natural resources in the Niantic River.

The water discharge permit – a National Pollution Discharge Elimination System (NPDES) permit – is required for the Millstone units under the federal Clean Water Act. The NPDES renewal process is not designed to regulate any radiological emissions or radiological contamination, if any, in the water discharge. Such issues are regulated by the U.S. Nuclear Regulatory Commission.

Proposed Regulation Update

Spill Reporting Regulations

Connecticut law currently requires reporting of any spill or discharge of hazardous materials or hazardous wastes or petroleum or chemical solid, liquid or gaseous products which poses a potential threat to human health or the environment. The current law, however, does not define what constitutes a reportable release and what information needs to be reported in those cases

CTDEP has proposed regulations that define those releases considered to be reportable releases under CGS Section 22a-450 and that establish procedures and requirements for notifying the Department of essential information such as the nature and cause of the release, the proximity of the release to sensitive environmental areas, and actions taken to mitigate and lessen the effects of a release.

In 2007, the Connecticut Business and Industry Association (CBIA) proposed legislation to clarify reporting standards for spills and discharges. This led to discussions with CTDEP and the formation of an external advisory committee comprised of representatives of the regulated community that assisted in the development of the proposed regulations.

CTDEP held an informational session on the proposed regulation in September 2010 and the public hearing was held on October 5, 2010. The proposed final regulations must be approved by the General Assembly's Regulations Review Committee before taking effect.

Licensed Environmental Professional Regulations

CTDEP has proposed various amendments to the regulations regarding the State Board of Examiners of Environmental Professionals (LEP Board) in response to Public Acts 03-6, 06-76, 07-81 and 09-3. In developing these amendments to the regulations CTDEP consulted closely with the LEP Board. The proposed regulations include, but are not limited to, provisions regarding:

(1) Increasing flexibility within the disciplinary process to levy sanctions other than revocation, denial or suspension of a license; (2) Giving the LEP Board the flexibility to consider all undergraduate, graduate and postgraduate course work for the purposes of determining eligibility to take the LEP exam; (3) Allowing the periodic retaking of a course or seminar to count toward continuing education credits; (4) Reducing the number of consecutive hours of instruction required for a course to meet continuing education requirements; (5) Clarifying that anyone participating in developing the LEP exam is ineligible to take the exam for a 2 year period; (6) Establishing procedures that allow applicants to renew a LEP license when an application for renewal is late; (7) Clarifying that an LEP cannot verify property that the licensee or licensee's employer has a financial interest in, other than professional services fees. The regulatory revisions also clarify when a LEP's seal may be used; and (8) Revising fees to reflect legislative increases.

All interested parties were invited to express their views on the proposed regulations at a hearing held on November 18, 2010. The proposed final regulations must be approved by the General Assembly's Regulations Review Committee before taking effect.

Connecticut Department of Environmental Protection

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Office of Enforcement Policy and Coordination

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